

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION CONCEPT PLAN

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 5-SC-10-C **Related File Number:** 5-H-10-UR
Application Filed: 3/29/2010 **Date of Revision:**
Applicant: DEWAYNE WHITT

PROPERTY INFORMATION

General Location: West side of Fairview Rd., south of E. Emory Rd.
Other Parcel Info.:
Tax ID Number: 21 044 **Jurisdiction:** County
Size of Tract: 6.34 acres
Accessibility: Access is via Fairview Rd., a minor arterial street with a pavement width of 19' within a 60' wide right-of-way

GENERAL LAND USE INFORMATION

Existing Land Use: Residential development, partially built out
Surrounding Land Use: Property in the area is zoned A agricultural and RA residential. Development in the area consists primarily of residences developed at a density consistent with the low density classification
Proposed Use: Attached residential development **Density:** 4.58 du/ac
Sector Plan: Northeast County **Sector Plan Designation:**
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name: Marias Meadow

No. of Lots Proposed: 24 **No. of Lots Approved:** 0

Variances Requested:

1. Reduce the right-of-way width requirement for a cul-de-sac from 100' to 90'
2. Reduce the require pavement width for a cul-de-sac from 80' to 60'
3. Broken back curve variance from 150' to 80' at sta. 4+50 of Bethesda Springs Wy.

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Dan Kelly

Staff Recomm. (Abbr.): APPROVE variances 1 - 3 because the existing site conditions restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 13 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Engineering Department.
2. Installing a drainage swale along the rear of lots 10 - 17 as required by the Knox County Dept. of Engineering and Public Works
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. Installing a 4' high fence (chain link may be used) around the perimeter of the cemetery along with landscaping prior to issuance of building permits.
5. Provision of an 8' wide walking trail rather than the 5' wide trail as shown on the plan and establish a greenway easement per the requirements of the Knox County Greenways Coordinator.
6. Installation of proposed landscaping within six months of the issuance of occupancy permits for each unit, or posting a bond with Knox County Engineering guaranteeing such installation.
7. Reduction of the peripheral setback from 35' to 15' restricted to the property located around the existing cemetery (021-045).
8. Any documents required for amending the horizontal property regime and master deed, and any new documents created for the Joint Permanent Easement, homeowners association or maintenance agreements for the streets, storm water management facilities and all other commonly held assets shall be recorded prior to or with the final plat, with the recording information for the documents being referenced on the plat.
9. Certification on the final plat by the applicant's surveyor that there is the required sight distance in both directions along Fairview Road at the development's entrance.
10. Place a note on the final plat that all units will have access only to the internal street system.
11. Minimum floor elevations for lots 8 & 9 must meet or exceed the elevation as established by the Knox County Dept. of Engineering and Public Works.
12. Perform core drilling of the proposed joint permanent easement as required by the Knox County Dept. of Engineering and Public Works.
13. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff.

Comments: The applicant is requesting approval of a 30 unit residential development. The development of the site is complete. Six residential units have been built and have been sold or are being offered for sale as condominiums. The remaining 24 units will be built as attached zero lot line units with the exception of the dwelling proposed for lot 9. That unit is proposed to a detached dwelling. As a detached dwelling a 20' front yard setback will be required for that unit. The applicant may wish to seek a variance that would bring that setback for that unit in line with the other proposed dwellings. The western portion of this property is located within the Beaver Creek Floodway. The Knox County Department of Engineering has raised concern regarding the 'no-fill area' located along this rear property line. Lots 8, 9, 10, & 11 are close enough to the no-fill area that minimum floor elevations will need to be established.

The applicant is responsible for preparing and recording any amendments to the horizontal property regime and master deed, and any new documents created for the Joint Permanent Easement, homeowners association or maintenance agreements for the streets, storm water management facilities and all other commonly held assets. These documents shall be recorded prior to or with the final plat for the subdivision, with the recording information for the documents being referenced on the plat. The recorded documents and plat shall be signed off by all parties that have an ownership interest in the

property being subdivided.

The applicant has requested a reduction of the 35' peripheral boundary setback to 15' along the perimeter of the existing cemetery (parcel 021-045). When a site zoned PR (Planned Residential) adjoins another PR zoned site, MPC has the authority to reduce the required peripheral setback down to 15'. The reduction of this setback should not have a negative impact on adjoining residences or existing gravesites since the applicant has agreed to install additional landscaping and a chain link fence within this 15' setback.

At the request of the Knox County Recreation Dept., the applicant is showing a walking trail within the area close to Beaver Creek on this site. It is the intent that this segment of the trail will be incorporated as part of the planned Beaver Creek Greenway.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed residential development will place minimal additional demand on schools and streets.
2. The proposed development will have minimal impact on local services since all utilities are in place to serve this site.
3. The proposed development is consistent with the use and density of recent zoning changes and subdivision development in the area.
4. Due to flood hazard designation for the subject property, the developer will be required to establish a stream buffer and construct units with a minimum floor elevations for the lots closest to the no-fill line. These restrictions will lessen the impact on water quality in the area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed residential development is consistent with all relevant requirements of the PR zoning, as well as other criteria for approval of a use on review.
2. The development is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use will not significantly injure the value of adjacent property. The use will not draw a substantial amount of additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northeast County Sector Plan identifies this property as low density residential and stream protection. The PR zoning approved for this site allows a density up to 5 du/ac. This density is consistent with the Sector Plan and the other development found in the area.

Action: Approved as Modified **Meeting Date:** 5/13/2010

- Details of Action:**
1. Meeting all applicable requirements of the Knox County Engineering Department.
 2. Installing a drainage swale along the rear of lots 10 - 17 as required by the Knox County Dept. of Engineering and Public Works
 3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
 4. Installing a 4' high fence (chain link may be used) around the perimeter of the cemetery along with landscaping prior to issuance of building permits.
 5. Provision of an 8' wide walking trail rather than the 5' wide trail as shown on the plan and establish a greenway easement per the requirements of the Knox County Greenways Coordinator. (Added 5-13-10) Provide a 5-year bond on the walking trail.
 6. Installation of proposed landscaping within six months of the issuance of occupancy permits for each unit, or posting a bond with Knox County Engineering guaranteeing such installation.
 7. Reduction of the peripheral setback from 35' to 15' restricted to the property located around the existing cemetery (021-045).
 8. Any documents required for amending the horizontal property regime and master deed, and any new documents created for the Joint Permanent Easement, homeowners association or maintenance agreements for the streets, storm water management facilities and all other commonly held assets shall be recorded prior to or with the final plat, with the recording information for the documents being referenced on the plat.
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 11. Minimum floor elevations for lots 8 & 9 must meet or exceed the elevation as established by the Knox County Dept. of Engineering and Public Works.
 12. Perform core drilling of the proposed joint permanent easement as required by the Knox County

Dept. of Engineering and Public Works.

13. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff.

Summary of Action:

APPROVE variances 1 - 3 because the existing site conditions restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 13 conditions

Date of Approval:

5/13/2010

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Knox County Chancery Court

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: