

# CASE SUMMARY

## APPLICATION TYPE: REZONING

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:** 6-L-07-RZ                      **Related File Number:**  
**Application Filed:** 5/4/2007              **Date of Revision:**  
**Applicant:** ALEX PULSIPHER

### PROPERTY INFORMATION

**General Location:** East side Bales Rd., south of Curtis Rd., north of Kodak Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 99 031.10, 031.11, 031.12 OTHER: 031.13 & 031.14              **Jurisdiction:** County  
**Size of Tract:** 70 acres  
**Accessibility:** Access is via Bales Rd., a local street with 17-18' of pavement width within 50-60' of right of way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Detached residential    **Density:** 1 du/ac  
**Sector Plan:** East County                      **Sector Plan Designation:** Agricultural/Rural Residential and Slope Protection  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** Agricultural and rural residential uses are located in this area, under Agricultural zoning.

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

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

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** PR (Planned Residential)  
**Previous Requests:** None noted  
**Extension of Zone:** No  
**History of Zoning:** None noted

### PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

## **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

## **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

## **MPC ACTION AND DISPOSITION**

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): APPROVE PR (Planned Residential) zoning.  
APPROVE a density of up to 1 du/ac.  
SUBJECT TO THE FOLLOWING 5 CONDITIONS:

Staff Recomm. (Full):

1. Steep slopes (over 25%) shall be left as open space or developed with residential densities not to exceed 1 dwelling unit per 2 acres.
2. A minimum of 100 feet of undisturbed open space (in view of the steep slopes) shall be set aside along Tuckahoe Creek (a State Scenic River/Stream). A path may be provided within that open space.
3. A letter of approval shall be provided for the proposed on-site waste water treatment facility by the Knox County Health Department, TDEC and/or KUB prior to MPC acceptance of a final plat.
4. A provision for the conservation of the forested, stream corridor and other open space assets of the site shall be provided with the development plan, including the amount of permitted clearing on the lots and a provision for third party control of the conservation easements that are to be set aside.
5. No common/open space areas are to be penetrated by paved driveways (this provision does not pertain to the road access provided by JPE's, which may or may not be paved).

Comments: The applicant is proposing what MPC would deem to be a conservation subdivision. The conditions on this rezoning are recommended to serve in place of conservation subdivision standards, which are being prepared, but have yet to be approved. The conditions are intended to serve as intermediate requirements. There are some unique issues on this case that the applicant needs to prepared to address.

### NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The site has some slope constraints and stream protections areas, so the rural residential density of 1 du/ac proposed is appropriate for the site, to allow clustering of dwelling units in more developable areas of the site.
2. The recommended zoning and density of 1 du/ac is consistent with the current sector plan and meets Growth Policy Plan requirements for development in the Rural Area.
3. PR zoning requires use on review development approval from MPC, which is preferable to the current A zoning, which requires no such approval.

### THE EFFECTS OF THE PROPOSAL

1. No water or sewer utilities are currently available on this currently vacant site. KUB provides water to adjacent residences in the area and would be the closest sewer provider to connect to. However, this applicant is seeking approval of alternative private utility systems, which will require approval from TDEC and/or the Knox County Health Department.
2. The requested density of 3 du/ac would allow for a maximum of 70 dwelling units to be proposed for the site. That number of single family detached units, would add approximately 700 vehicle trips per day to the street system and would add approximately 27 new school age children to the school system.
3. Adequate sight distance appears to be available on Bales Rd. but will need to be certified on the development plans. Bales Rd., at 17-18' of pavement width, may require improvements, including widening, depending on the number of units proposed and subject to Knox County Engineering requirements.
4. Staff may be willing to consider the keeping of horses or equestrian facilities in the PR zone on the site as part of the development plan consideration. However, the horses or facilities are not to be for any commercial purpose and should be for use by the residents of the development only. The number of horses to be kept be no greater than the carrying capacity of that site for grazing (as documented by an agricultural resource professional). If other farm animals are proposed to be kept on site, the applicant will need to seek rezoning back to Agricultural for those specified areas.
5. The recommendation is compatible with the surrounding zoning, and the impact on adjacent properties will be minimized during the use on review/concept plan process.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The East County Sector Plan proposes agricultural and rural residential uses, stream and slope protection for the site, consistent with the recommended density of 1 du/ac.
- 2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map. The request meets all Growth Policy Plan requirements for approval in the Rural Area.
- 3. This request may lead to future requests for PR zoning at up to 1 du/ac in the future on large lot, agricultural properties in the area, consistent with the Ag/RR proposal on other properties in the area.

Upon final approval of the rezoning, the developer will be required to submit a concept plan/use on review development plan prior to the property's development. The plan will show the property's proposed lot pattern and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

**MPC Action:** Approved **MPC Meeting Date:** 6/14/2007

- Details of MPC action:**
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  - 3. A letter of approval shall be provided for the proposed on-site waste water treatment facility by the Knox County Health Department, TDEC and/or KUB prior to MPC acceptance of a final plat.
  - 4. A provision for the conservation of the forested, stream corridor and other open space assets of the site shall be provided with the development plan, including the amount of permitted clearing on the lots and a provision for third party control of the conservation easements that are to be set aside.
  - 5. No common/open space areas are to be penetrated by paved driveways (this provision does not pertain to the road access provided by JPE's, which may or may not be paved).

**Summary of MPC action:** APPROVE PR(k) (Planned Residential) at a density of up to 1 dwelling unit per acre subject to 5 conditions

**Date of MPC Approval:** 6/14/2007 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 7/23/2007 **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** Approved **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**