

# 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

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
w w w • k n o x m p c • o r g

**File Number:** 7-SB-10-C                      **Related File Number:** 8-H-10-UR  
**Application Filed:** 5/24/2010              **Date of Revision:**  
**Applicant:** DOYLE JOHNSON

### PROPERTY INFORMATION

**General Location:** Southwest side of Murphy Rd., just south of Tazewell Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 49 C E 001                      **Jurisdiction:** County  
**Size of Tract:** 10.58 acres  
**Accessibility:** Access is via Murphy Rd., a major collector street with a 24' pavement width within a 80' right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Condominium development and vacant land  
**Surrounding Land Use:** North: Residences / RB (General Residential) & A (Agricultural)  
South: Vacant land / PR (Planned Residential)  
East: Residences / PR (Planned Residential) & A (Agricultural)  
West: Residences / RB (General Residential)  
**Proposed Use:** Attached and Detached Residential Subdivision                      **Density:** 6.52 du/ac  
**Sector Plan:** North City                      **Sector Plan Designation:**  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:**

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

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

### ZONING INFORMATION (where applicable)

**Current Zoning:** RB (General Residential) & A (Agricultural) - PR (Planned Residential) Pending  
**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:** Pebblestone Condos

**No. of Lots Proposed:** 39                      **No. of Lots Approved:** 39

- Variations Requested:**
1. Reduction of tangent length between reverse curves (C1 & C2) on Pebble Run Way, from 50' to 7.39'.
  2. Reduction of tangent length between reverse curves (C18 & C19) on Rocky Branch Way, from 50' to 0'.
  3. Reduction of the exterior boundary utility and drainage easement from 10 feet to 0 feet in the area of the detention pond easement. The side yard utility and drainage easement is reduced from 5 feet to 0 feet for all attached units. The street frontage utility and drainage easement is reduced from 10 feet to the distances shown on the concept plan for the buildings on Lots 1, 2, 3, 15, 21, 31, 32, 35, 36 & 39.
  4. Vertical curve variance on Pebble Run Way at STA 14+15, from 175' to 150'.
  5. Vertical curve variance on Ivy Rock Way at STA 20+45, from 105' to 90'.
  6. Vertical curve variance on Sandy Knoll Way at STA 50+50, from 142.5' to 100'.
  7. Vertical curve variance on Sandy Knoll Way at STA 51+35, from 175' to 70'.
  8. Vertical curve variance on Boulder Way at STA 31+50, from 137.5' to 70'.
  9. Vertical curve variance on Boulder Way at STA 30+50, from 162.5' to 100'.
  10. Vertical curve variance on Ivy Rock Way at STA 23+75, from 168.75' to 110'.
  11. Vertical curve variance on Rocky Branch Way at STA 42+50, from 287.5' to 250'.
  12. Street grade variance on Sandy Knoll Way, STA 50+50 to STA 51+35, from 12% to 12.5%.

**S/D Name Change:**

**OTHER INFORMATION (where applicable)**

**Other Bus./Ord. Amend.:**

**MPC ACTION AND DISPOSITION**

**Planner In Charge:** Tom Brechko

**Staff Recomm. (Abbr.):** APPROVE variances 1- 12 because the existing site conditions and approved design restrict compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 5 conditions

- Staff Recomm. (Full):**
1. Connection to sanitary sewer and meeting all other relevant requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  3. 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.
  4. The final plat shall allow for the signature of all parties that have an ownership interest in the property being subdivided or make reference to signature/authorization document(s) that will be recoded with the final plat.
  5. Placing a note on the final plat that all units will have access only to the internal street system.

**Comments:** Due to changes in mortgage lending practices for residential condominium developments, the developer is requesting approval of a concept plan for the subdivision into attached and detached residential lots, for that portion of the existing development that has not been sold. The condominium development was originally approved under RB (General Residential) zoning by Knox County Department of Engineering and Public Works and Codes Administration and Inspections. Approval was not required by the Planning Commission.

Of the 69 approved dwelling units, 32 have been developed as condominium units. These units are located on Lots 1 and 2 of the proposed concept plan. The remaining 37 units are identified as Lots 3 through 39. They include a mix of duplex and detached residential units. Since the proposed subdivision will not work under the RB zoning without several zoning variances, the applicant submitted a rezoning request to PR (Planned Residential) and Sector Plan amendment to medium density residential for consideration at the Planning Commission's August 12, 2010 meeting (8-H-10-RZ/8-D-10-SP). The Planning Commission recommended approval of the sector plan amendment and rezoning to PR at a density of up to 7 du/ac. The Knox County Commission will consider the requests

at their September 27, 2010 meeting. The development as approved has a density of 6.52 du/ac.

The subdivision will be served by private streets (Joint Permanent Easements). Since the proposed streets were originally designed as driveways within a condominium development, the streets do not comply with public street standards and will require several variances from the Subdivision Regulations.

Variances are required from the Knox County Board of Zoning Appeals for a reduction of the peripheral setback along the northern boundary from 35' to 25' and the front yard setback from the JPE to 10' for most units and an additional setback for the units on Lots 1, 2, 3, 15, 21, 31, 32,35, 36 and 39. The Planning Commission can approve the requested reduction in the peripheral setback to 25' along the southern property boundary since it adjoins a PR zoning district.

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.

**Action:** Approved **Meeting Date:** 9/9/2010

- Details of Action:**
1. Connection to sanitary sewer and meeting all other relevant requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  3. 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.
  4. The final plat shall allow for the signature of all parties that have an ownership interest in the property being subdivided or make reference to signature/authorization document(s) that will be recoded with the final plat.
  5. Placing a note on the final plat that all units will have access only to the internal street system.

**Summary of Action:** APPROVE variances 1- 12 because the existing site conditions and approved design restrict compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the Concept Plan subject to 5 conditions

**Date of Approval:** 9/9/2010 **Date of Denial:** **Postponements:** 7/8/2010-8/12/2010

**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:**