

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
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www.knoxmpc.org

File Number: 8-SC-16-C **Related File Number:** 8-H-16-UR
Application Filed: 7/5/2016 **Date of Revision:**
Applicant: ERIC MOSELEY

PROPERTY INFORMATION

General Location: Southeast side of Millstone Ln., southeast of George Williams Rd.
Other Parcel Info.:
Tax ID Number: 132 04909, 04917 & 04918 **Jurisdiction:** County
Size of Tract: 40.34 acres
Accessibility: Access is via Millstone Ln., a local street with a pavement width of 12' to 14' within a 40' wide right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: 2 detached dwellings and vacant land
Surrounding Land Use: Adjacent development consists of large lots with single-family residences, and attached and detached residences and apartments to the north. West Valley Middle School is immediately to the east and S. Peters Rd. is less than a mile away.
Proposed Use: Detached residential subdivision **Density:** 1.39du/ac
Sector Plan: Southwest 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: Millstone
No. of Lots Proposed: 56 No. of Lots Approved: 0
Variances Requested: None
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 the concept plan subject to 13 conditions
Staff Recomm. (Full):
1. With all costs to be the responsibility of the applicant improve Millstone Ln, to provide a minimum pavement width of 20' as shown on the plan subject to any additional requirements by the Knox County Dept. of Engineering and Public Works
2. With all cost to be the responsibility of the applicant construct a 5' wide sidewalk with a 2' wide planting strip along the south side of the improved portion of Millstone Ln.. All sidewalk construction must meet the requirements of the Americans With Disabilities Act. and the Knox County Dept. of Engineering and Public Works
3. Prior to commencing any grading associated with the improvements to Millstone Ln., stake the property boundaries of all of the adjoining property owners to insure the road construction will not encroach onto private property
4. Prior to final plat approval for any of this subdivision all road construction associated with improving Millstone Ln. and the associated sidewalk must be completed
5. Identify on the plan all property owners and option holders with their address and telephone number
6. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
7. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (Ord 91-1-102).
8. Installation of the internal sidewalks as identified on the concept plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knox County Department of Engineering and Public Works. Prior to the issuance of any building permits a bond shall be provided to the Knox County Department of Engineering and Public Works by the developer in an amount sufficient to guarantee the installation of the sidewalks.
9. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
10. Placing a note on the final plat that all lots except lots 54 and 55 will have access only to the internal street system.
11. Redesigning or eliminating lots 6, 7, & 8 if the request to reduce the periphery setback is denied or provide detailed drawings that would show the lots would have a building site that would not require any variances
12. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Environment and Conservation if required
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: On January 23, 2017 the Knox County Commission approved the rezoning of this site from A (Agricultural) to PR (Planned Residential) at a density of up 3 dwellings per acre. Based on the stated acreage on the original concept plan, 121 dwellings will be the maximum number of units that may be proposed for this site at the approved 3 dwellings per acre. The applicant submitted a revised concept plan on March 23, 2017 which addresses the entire tract with the development to be concentrated on 17.7 acres of the 40 acre site at this time. The other twenty-three acres of this site is designated as lot #56. The applicant notes that future development of that lot can be submitted for review at a future date..

When the rezoning of this this property was being considered, MPC staff recommended conditions be adopted dealing with the size of lots that would adjoin the large parcels north of this site and a requirement that Millstone Ln. be improved. At the November 10, 2016 meeting, the Metropolitan Planning Commission approved the rezoning as recommended by staff and forwarded their findings to the Knox County Commission. At the January 23, 2017 County Commission meeting the rezoning to

PR (Planned Residential) at 3 du/ac was approved. As part of their action the County Commission eliminated the conditions dealing with lots size and substituted a requirement for a 30 foot wide buffer along a portion of the common property boundary. In addition to the 30 foot wide buffer they required the 35 foot wide peripheral boundary setback which effectively created a 65 foot wide setback for a portion of the site. Additionally, they conditioned the rezoning of the site on the applicant making the improvements to Millstone Ln. as stated in the MPC zoning recommendation.

This concept plan does provide the 30 foot wide buffer that was required by the Knox County Commission. The 35 wide peripheral boundary setback is called out all the way around the proposed subdivision except along the northern boundary of lots 1 and 53 and along the rear boundary of lots 6, 7, and 8. Due to the size of the proposed lots, provision of the required setback along the northern boundary of lots 1 and 53 will be required and should not be an issue. Given the discussion that occurred at the County Commission meeting dealing with the 30 foot wide buffer and the peripheral boundary setback, staff believes the County Commission's intent was to create a minimum of 65 foot wide building setback with the outer 30 feet being landscaped to provide a buffer between this project and the adjoining property. Based on our understanding of the Commission action, staff will recommend denial of the requested reduction of the peripheral boundary setback for lots 6-8. If staff's recommendation is adopted, due to the size and shape of those proposed lots, it is doubtful that a house could be built on those lots. Staff would recommend that lots 6-8 be eliminated or combined in some way that will result in buildable lots that will not require variances. Additionally, since lots 10, 11, 18-20 are not impacted by the 35 foot peripheral boundary setback, the applicant will need to designate a rear building setback for those lots of not less than 15 feet in width. Building on those lots may be problematic if the 35 foot rear setback as stated on the plan remains in place.

Since this matter was postponed at last months meeting the applicant has supplied the County Department of Engineering and Public Works with plans for the widening of Millstone Lane and a detailed drainage plan. They have reviewed those plans and are comfortable with the concept plan going forward at this time. Adjoining property owners continue to dispute if there is sufficient public right-of-way available to accommodate the Millstone Ln. widening as required by the zoning. The staff of the Knox County Dept. of Engineering and Public Works has reviewed all of the surveys that have been submitted that address boundary dispute. It is their belief that between the existing right-of-way and right-of-way that will be dedicated by the applicant, the roadway improvement can be completed as shown on the included plans.

The road widening project will improve Millstone Ln. to a 20 foot wide road with a 5 foot wide sidewalk and 2 foot wide planting strip. The improvement will begin approximately 200' east of Freels Ln. and continue to the proposed entrance to this subdivision. Since the subdivision is located within the "parent responsibility zone" for West Valley Middle School, the staff will recommend that sidewalks be constructed internal to the development. In addition to the road and sidewalk plans, the applicant has submitted a drainage plan for the project as requested by the County engineering staff. The plan has been reviewed by County's stormwater engineer and it is his belief that it complies with the Knox County Stormwater Control Ordinance.

The concept plan as submitted is within the density limits established by the rezoning of the property. At present the proposed density is 1.39 dwellings per acre. If lot #56 is further divided in the future the density of the development will increase. The portion of the site that is being developed at this time has no physical constraints that will impact this project. In order to implement this plan, the amount of grading that will be required will be extensive. The Southwest County Sector Plan shows a portion of lot #56 is located in a hillside protection area. Future development and grading of that lot will have to meet the requirements of the Hillside and Ridge Top Protection Plan.

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

1. All utilities are available or will be extended to serve this site.
2. The buffer and the building setbacks established by the rezoning of the site are recommended by staff or provided on the plan as required
3. The proposed low density residential development at a density of 1.39 du/ac is compatible with the mixed residential uses found in this area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the stated conditions, the proposed detached residential subdivision meets the standards for development within a PR (Planned Residential) Zone and all other requirements of the Zoning Ordinance.
2. The proposed subdivision is consistent with the general standards for uses permitted on review:

The proposed development 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 is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas since the subdivision has direct access to a minor arterial street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The proposed Southwest County Sector Plan designates this property for low density residential use. The PR zoning recommended for approved for the property would allow consideration of up to 3.0 du/ac . The proposed development with a density of 1.39 du/ac is consistent with the proposed Sector Plan amendment and recommended zoning designation.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 4/13/2017

- Details of Action:**
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Summary of Action: APPROVE the concept plan subject to 13 conditions

Date of Approval: 4/13/2017 **Date of Denial:** **Postponements:** 8/11/2016-3/9/2017

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: