

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
4 0 0 M a i n S t r e e t
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
F A X • 2 1 5 • 2 0 6 8
w w w • k n o x m p c • o r g

File Number: 9-SA-16-C **Related File Number:** 9-D-16-UR
Application Filed: 7/25/2016 **Date of Revision:**
Applicant: HM PROPERTIES

PROPERTY INFORMATION

General Location: Northeast side of Harvey Rd., southeast of Boyd Station Rd., and north of Mallard Bay Dr.
Other Parcel Info.:
Tax ID Number: 162 04701, 04702, 04706 & OTHER: 04707, 04708 & 029 **Jurisdiction:** County
Size of Tract: 15.28 acres
Accessibility: Access is via Harvey Rd., a collector street with a pavement width of 19' within a 40' wide right-of-way

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use: This site is bounded by the main line of the Norfolk-Southern Railway on the north, Ft. Loudon Lake and Mallard Bay Subdivision on the south, detached dwellings on the east and a convenience store on the west. Zoning in the area is A (Agricultural), PR (Planned Residential) and F (Floodway).
Proposed Use: Detached Residential Subdivision **Density:** 1.15 du/ac
Sector Plan: Southwest County **Sector Plan Designation:**
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 12710 Raby Way
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) & F (Floodway) 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: HM Properties on Harvey Road
No. of Lots Proposed: 10 **No. of Lots Approved:** 0
Variances Requested: 1. Horizontal curve radius variance at STA 1+00, from 250' to 200'.
2. Horizontal curve radius variance at STA 4+50, from 250' to 100'.
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 & 2 because the site's topography restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.
Staff Recomm. (Full): APPROVE the Concept Plan subject to 13 conditions:
1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Provision of a street name which is consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102)
3. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
4. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Environment and Conservation (Tennessee Valley Authority, U.S. Army Corps of Engineers).
5. Certification on the final plat by the applicant's surveyor that there is sight distance at the intersection of the proposed JPE with Harvey Rd. meets or exceeds the minimum required by the Subdivision Regulations
6. Place a note on the final plat that all lots in this subdivision and the Robertson property will have access only to the JPE that is being constructed as part of this project
7. In order to prevent vehicular use place a physical barrier at either end of the cut-off section of the Robertson driveway that intersects with Harvey Rd. and the proposed JPE and is adjacent to parcel 162-02943
8. Prior to final plat approval, the Board of First Utility District granting the applicant an access easement for the purpose of constructing the joint permanent easement as shown on this concept plan
9. Prior to final plat certification, record the required access easement across the First Utility District property (162-02941)
10. Prior to certification of the final plat for the subdivision, establishing a property owners association that will be responsible for maintenance of the joint permanent easements, common area and drainage system
11. Construction of the joint permanent eaement with a pavement widthof 22' as required by the Subdivision Regulations
12. Prior to final plat approval, the Knox County Commission approving the rezoning of this site (8-B-16-RZ) to PR (Planned Residential) Zone at a density high enough to meet or exceed the development density proposed by this concept plan/use on review
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 proposing to divide this piece of property into 10 lots and permit the construction of one detached dwelling on each lot. The gross acreage of the site is 15.28 acres. The area above 820' contour which is the limit of the Ft. Loudon Lake TVA flowage easement is 8.76 acres. The calculation of the permitted development density is based on the area above the flowage easement. The proposed development density for this project 1.15 du/ac. On August 11, 2016, MPC approved the rezoning of this site with a maximum density of 2 du/ac. The Knox County Commission will act on the rezoning request at it's September 26, 2016 meeting.

A proposal to rezone and subdivide this property came before MPC in July of 2015. At that time the applicant was asking for approval of PR (Planned Residential) zoning at a density great enough to support a subdivision containing 30 lots (3.43 du/ac). In order to provide access to the development, the applicant approached First Utility District about allowing a joint permanent easement to be built

across their property. The board of directors of the Utility district were encouraged by the area residents to deny the applicant's request for an easement. At the same time, the rezoning request met with significant public opposition. Area residents were opposed to the request because they felt it was too dense and out of character with the surrounding development. Subsequently, the utility board denied the request for an easement and the rezoning request was withdrawn.

The current applicant is going through the same processes as the previous would-be developer attempted to do. Rezoning of the property and obtaining an access easement from the utility district are needed in order for this project to move forward. After working with the citizens in the area, the applicant filed a rezoning request to change to PR (Planned Residential) at 2 du/ac. At the MPC hearing on August 11, 2016 no one voiced opposition to the request. Additionally, the staff of the utility has told MPC staff that they will recommend their board approve this applicants' request for an access easement across the utility district's property. Just like the 2015 request, this proposed development will need approval of the rezoning and the access easement in order for this project to move forward as planned.

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

1. All utilities are available to serve this site.
2. The proposed low density residential development at a density of 1.15 du/ac is compatible with other development that has occurred 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 major arterial street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan designates this property for low density residential use. The PR zoning recommended for approved will allow consideration of a development density of up to 2.0 du/ac. The actual proposed development of 1.15 du/ac is consistent with the Sector Plan and the 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:** 9/8/2016

- Details of Action:**
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Summary of Action:

APPROVE variances 1 & 2 because the site's topography 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:

9/8/2016

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: