

▶ **FILE #:** 5-SC-10-C **AGENDA ITEM #** 15  
 5-H-10-UR **AGENDA DATE:** 5/13/2010

▶ **SUBDIVISION:** MARIAS MEADOW  
 ▶ **APPLICANT/DEVELOPER:** DEWAYNE WHITT  
 OWNER(S): Dewayne Whitt

TAX IDENTIFICATION: 21 044  
 JURISDICTION: County Commission District 8

▶ **LOCATION:** West side of Fairview Rd., south of E. Emory Rd.

SECTOR PLAN: Northeast County  
 GROWTH POLICY PLAN: Planned Growth Area  
 WATERSHED: Beaver Creek

▶ **APPROXIMATE ACREAGE:** 6.34 acres

▶ **ZONING:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Residential development, partially built out

▶ **PROPOSED USE:** Attached residential development

SURROUNDING LAND USE AND ZONING: 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

▶ **NUMBER OF LOTS:** 24

SURVEYOR/ENGINEER: Batson, Himes, Norvell & Poe

ACCESSIBILITY: Access is via Fairview Rd., a minor arterial street with a pavement width of 19' within a 60' wide right-of-way

▶ **SUBDIVISION VARIANCES REQUIRED:**

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.

**STAFF RECOMMENDATION:**

▶ **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**

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.

► **APPROVE the development plan for up to 30 dwellings as shown on the development plan subject to the following 2 conditions:**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance
2. Establishing the minimum front setback for the unit proposed for lot 9 at 20' or obtaining a variance from the Knox County Board of Zoning Appeals to permit the 15' front yard setback as proposed.

With the conditions noted, the plan meets the requirements for approval in the PR zone and the other criteria for approval of a use on review,

**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.

## ESTIMATED TRAFFIC IMPACT 314 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

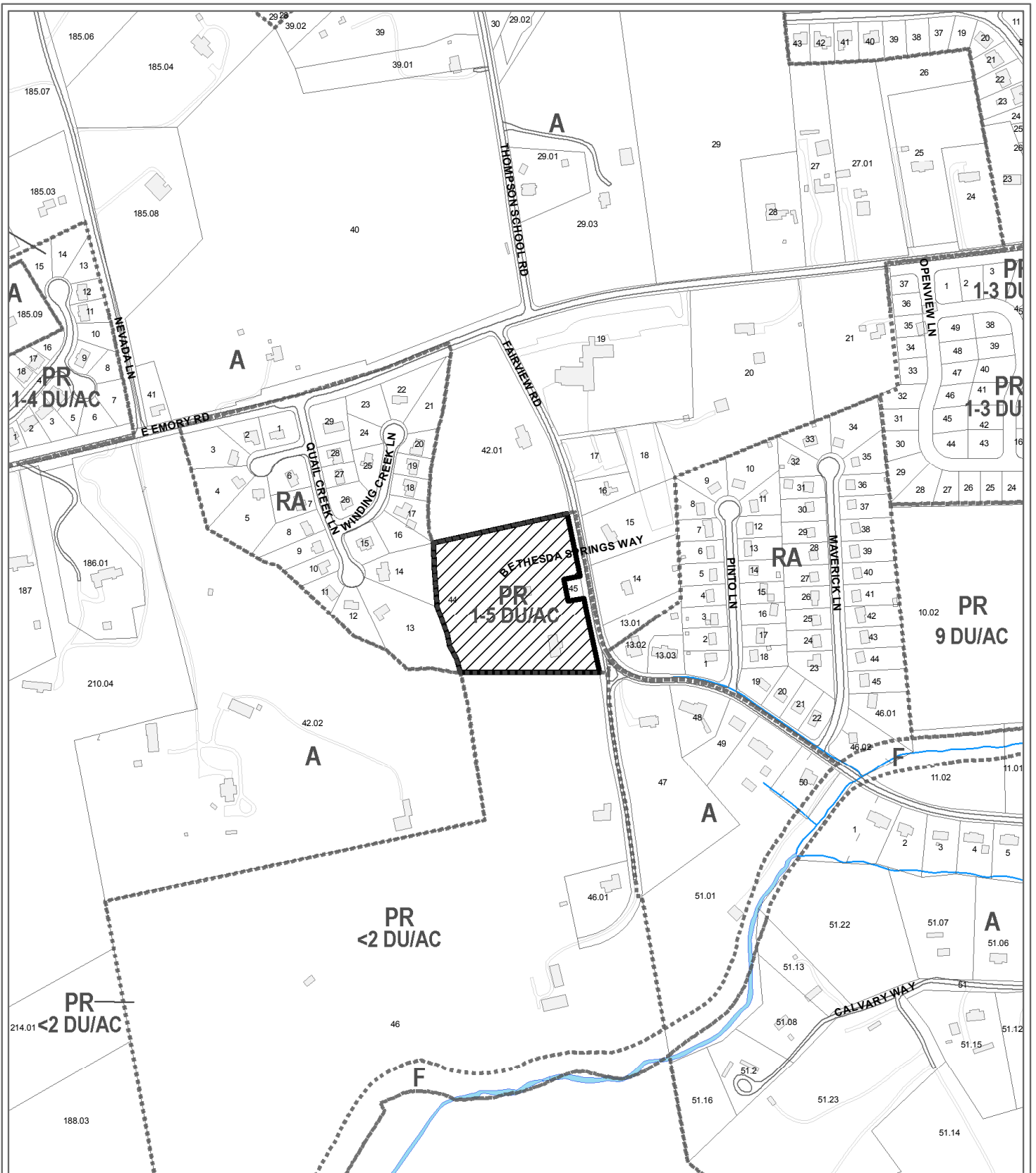
## ESTIMATED STUDENT YIELD: 13 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Gibbs Elementary, Holston Middle, and Gibbs High.

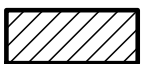
- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

MPC's approval or denial of this concept plan request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court hearing will depend on when the appeal application is filed.

MPC's approval or denial of this use on review request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed.



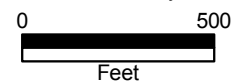
**5-SC-10-C / 5-H-10-UR  
CONCEPT PLAN/USE ON REVIEW**



Attached residential development in PR (Planned Residential)

Petitioner: Whitt, Dewayne  
Marias Meadow

Map No: 21  
Jurisdiction: County



Original Print Date: 4/15/2010      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

