

SUBDIVISION REPORT - CONCEPT/USE ON REVIEW

► **FILE #:** 4-SD-21-C **AGENDA ITEM #:** 28
4-D-21-UR **AGENDA DATE:** 4/8/2021

► **SUBDIVISION:** EMORY GREEN
► **APPLICANT/DEVELOPER:** FULGHUM MACINDOE & ACCOCIATES, INC.
OWNER(S): Ball Homes, LLC

TAX IDENTIFICATION: 77 083 (PART OF) [View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 0 W. Emory Rd.

► **LOCATION:** South and west sides of W. Emory Road, east of Old Cobbs Ferry Road

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

WATERSHED: Beaver Creek

► **APPROXIMATE ACREAGE:** 28.06 acres

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

► **EXISTING LAND USE:** Agricultural & Vacant land

► **PROPOSED USE:** Detached and attached residential subdivision

SURROUNDING LAND USE AND ZONING: North: Rural residential - RA (Low Density Residential)
South: Single family & multi family residential - PR (Planned Residential)
East: Single family residential - A (Agricultural) & RA (Low Density Residential)
West: Single family residential, Agricultural, Vacant land - A (Agricultural)

► **NUMBER OF LOTS:** 120

SURVEYOR/ENGINEER: Fulghum MacIndoe & Associates, Inc.

ACCESSIBILITY: Access is via W. Emory Road, a minor collector street with 21 feet of pavement width within 50 - 64 feet of right-of-way.

► **SUBDIVISION VARIANCES REQUIRED:** None

STAFF RECOMMENDATION:

► **APPROVE the Concept Plan subject to 11 conditions.**

1. Connection to sanitary sewer and meeting any other relevant requirements of the utility provider.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
3. Implementing the recommendations of the Hatmaker (Emory Green) Subdivision Transportation Impact Study (Fulghum MacIndoe, 10/26/2020), as revised and approved by Planning Commission staff and Knox County Engineering and Public Works (see Exhibit A).

4. Providing a 25' common area strip between the W. Emory Road and lots 35-37, in accordance with section 3.02.A.4 (Double Frontage Lots) of the Knoxville-Knox County Subdivision Regulations, and as shown on the Concept Plan.
5. Providing a minimum 10' landscape buffer between the private driveway and parking spaces and W. Emory Road for the condominiums along the eastern boundary of the site.
6. Certifying that the required sight distance is available at all access points with documentation provided to Knox County Engineering and Public Works for review and approval during the design plan phase.
7. Reforesting the disturbed areas as proposed on sheet C2.
8. Meeting all applicable requirements of Knox County Engineering and Public Works.
9. Meeting all applicable requirements of the Knox County Zoning Ordinance.
10. Submitting to Planning staff prior to final plat review by the Planning Commission or Planning staff, the certification of design plan approval form as required by the Knoxville-Knox County Subdivision Regulations.
11. Prior to certification of the final plat for the subdivision, establishing a property owners association that will be responsible for the maintenance of the common areas, drainage system, and any recreational amenities.

► **APPROVE the development plan for up to 62 detached residential lots and 58 attached residential condominiums, and a reduction of the peripheral setback from 35 feet to 20 feet for Old Cobb Ferry Road frontage, 15 feet for the W. Emory Road frontage west of the Road 'A' intersection, and 25 feet for lots 35-37, as shown, subject to 1 condition.**

- 1) Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PR district and the criteria for approval of a use on review.

COMMENTS:

In December 2020, the Planning Commission approved a subdivision on this property for a total of 113 dwelling units, which included 55 detached lots and 58 attached condominium units (12-SD-20-C / 12-F-20-UR). This proposal is to increase the number of detached residential lots to 60 for a total of 120 dwelling units in the development at a density of 4.28 du/ac. The 58 attached condominium units, road system, common open spaces, and amenities that were previously approved are not being changed. There are approximately 11.3 acres of common area which includes the area where the condominiums are located but exclude the buildings and pavement. The amenity field proposed on the western portion of the property is located in the TVA powerline easement and is shown as a graded area that can be used for various activities.

The Hatmaker (Emory Green) Subdivision Transportation Impact Study (Fulghum MacIndoe, 10/26/2020) was prepared to address the impact of the proposed development on W. Emory Road (see Exhibit A). There are no recommended improvements to the external street system.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The Northwest County Sector Plan recommends LDR (Low Density Residential) uses for this site with a maximum of 5 du/ac. The property was rezoned to PR up to 5 du/ac and the proposed subdivision has a density of 4.28 du/ac.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

B. The PR (Planned Residential) zoning for this site allows up to 5 du/ac and the proposed subdivision has a density of 4.28 du/ac.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The proposed single-family detached subdivision has a similar character as other residential subdivisions in this area.

B. The proposed low density residential development is compatible with the scale and intensity of recent development that has occurred in this area.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed residential development is compatible with the surrounding residential uses and will not significantly impact the value of adjacent properties.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The development will have direct access to W. Emory Road which is a minor collector street.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. The property has a blueline stream through it and the required buffers are being provided.

B. There are no other known uses in the area that could be a potential hazard or create an undesirable environment for the proposed residential use.

ESTIMATED TRAFFIC IMPACT: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

ESTIMATED STUDENT YIELD: 30 (public school children, grades K-12)

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

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and 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.

Knoxville-Knox County Planning Commission'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.

Knoxville-Knox County Planning Commission'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.