

# CASE SUMMARY

APPLICATION TYPE: SUBDIVISION  
CONCEPT PLAN



**File Number:** 6-SD-24-C                      **Related File Number:** 6-H-24-DP  
**Application Filed:** 4/29/2024              **Date of Revision:**  
**Applicant:** SCOTT SMITH, S&E PROPERTIES, LLC

## PROPERTY INFORMATION

**General Location:** East side of Ebenezer Rd, north of Rosemont Blvd  
**Other Parcel Info.:**  
**Tax ID Number:** 132 037 (PART OF)                      **Jurisdiction:** County  
**Size of Tract:** 33.14 acres  
**Accessibility:** Access is via Ebenezer Road, a minor collector street with a 22-ft pavement width within a 50-ft right-of-way

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:** North: Agriculture/forestry/vacant land, rural residential - RAE (Exclusive Residential), OB (Office, Medical, and Related Services), PC (Planned Commercial)  
South: Single family residential - PR (Planned Residential)  
East: Single family residential, multifamily residential - RAE (Exclusive Residential), PR (Planned Residential)  
West: Agriculture/forestry/vacant land, office - OB (Office, Medical, and Related Services), OA (Office Park)  
**Proposed Use:** Detached residential subdivision                      **Density:** 3.4 du/ac  
**Planning Sector:** Southwest County              **Plan Designation:**  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:**

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

**Street:** 0 EBENEZER RD  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR(k) (Planned Residential) up to 4 du/ac  
**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: Ebenezer Subdivision

No. of Lots Proposed: 113      No. of Lots Approved: 0

Variances Requested: VARIANCES  
1. None

ALTERNATIVE DESIGN STANDARDS REQUIRING KNOXVILLE-KNOX COUNTY PLANNING COMMISSION APPROVAL

- 1. Increase the maximum road grade from 12 percent to 13.8 percent for Road B.
- 2. Increase the maximum road grade from 12 percent to 15 percent for Road C.

ALTERNATIVE DESIGN STANDARDS REQUIRING KNOX COUNTY ENGINEERING AND PUBLIC WORKS APPROVAL (PLANNING COMMISSION APPROVAL NOT REQUIRED)

- 1. Increase the maximum grade from 1 percent to 2 percent at the intersection of Road B at Road A.
- 2. Increase the maximum grade from 1 percent to 2 percent at the intersection of Road C at Road A.

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): Postpone the concept plan to the July 11, 2024, Planning Commission meeting because the application does not address all conditions of the zoning approval.

Staff Recomm. (Full): Zoning Condition #6 (see below)

Comments: Staff is recommending postponement to the July 11th Planning Commission meeting to allow additional time for the applicant to provide a landscape plan as required by condition #6 of the rezoning (1-D-24-RZ).

\*\*\*\*\*

This proposal is for a 113-lot detached residential subdivision on 33.14 acres at a density of 3.4 du/ac. The property was rezoned from A (Agricultural) to PR(k) (Planned Residential) up to 4 du/ac, subject to the 6 conditions listed below.

Two right-of-way stub-outs are provided to the properties to the north of the Road A and Road B termini. Temporary cul-de-sac turnarounds are required at these stub-outs because of the length of these roads and the unknown timeline for when and if these roads will be extended. If these roads are extended, the curbing and pavement cul-de-sac radii can be removed if a standard 26-ft wide road cross section is installed and adjoining residential driveways are extended. The cost of these modifications and road extensions is the responsibility of the person(s) extending the road.

ZONING CONDITIONS

- (1) Will not reduce the 35-ft peripheral setback adjacent to Briarglen or Suburban Hills,
- (2) No stub-outs (connections) to Briarglen or Suburban Hills (Subdivisions),
- (3) 6-ft Green Giants to be (a) as close to 3 ft off the property line as allowed by site conditions (along the shared property line with the Briarglen Subdivision), (b) neighbors can pay the difference between 6 ft and 8 ft, and (c) 12-ft off-center,
- (4) Traffic study at the expense of the developer,
- (5) The entrance will be from Ebenezer Road, and
- (6) Include a landscape plan.

ALTERNATIVE DESIGN STANDARDS

The Planning Commission has the authority to approve an increase of the maximum road grade from 12 percent to 15 percent as an alternative design standard. The applicant is requesting an increase on Road B to 13.8 percent and on Road C to 15 percent. The proposed road grade will allow for less grading and comply with access standards for emergency services. The requested intersection grades

can be approved by Knox County Engineering and Public Works. The 2 percent intersection grade complies with the ADA cross slope standards for crosswalks if a sidewalk is extended along Road A in the future.

#### TRANSPORTATION IMPACT STUDY (TIS)

The TIS studied the impact of the proposed subdivision, as well as a separate multi-family (apartment) development on an adjacent property that was part of the same rezoning application (1-D-24-RZ). They are being considered a common development from a traffic impact standpoint. The TIS concludes that turn lanes are not warranted for the Ebenezer Road Subdivision; however, lengthening the northbound Ebenezer Road right turn lane at the Kingston Pike intersection is warranted, and a southbound left turn lane on Ebenezer Road at the apartment driveway is warranted (Exhibit B). The applicant and the developer of the apartment complex are responsible for funding the improvements at the intersection of Ebenezer Road and Kingston Pike. The developer of the apartment complex is responsible for the turn lane on Ebenezer Road at their driveway.

**Action:** Approved with Conditions **Meeting Date:** 6/13/2024

#### Details of Action:

- 1) Approve the requested variance to increase the maximum slope through the cul-de-sac of Road A from 10 percent to 11.75 percent, based on the following evidence of hardship presented by the applicant.
  - A. The increase in road slope is due to the topography of the existing property. The proposed increase in slope will also allow the road to better accommodate a future connection to the property north of the project.
  - B. The unique topography of the property and future road extension is the basis for the request (reference description in item "a" above).
  - C. The purpose of the variance is not based exclusively upon a desire for financial gain, but is a result of the physical attributes of the property.
  - D. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.
- 2) Approve the requested variance to increase the maximum slope through the cul-de-sac on Road B from 10 percent to 13.80 percent, based on the following evidence of hardship presented by the applicant.
  - E. The increase in road slope is due to the topography of the existing property. The proposed increase in slope will also allow the road to better accommodate a future connection to the property north of the project.
  - F. The unique topography of the property and future road extension is the basis for the request (reference description in item "a" above).
  - G. The purpose of the variance is not based exclusively upon a desire for financial gain, but is a result of the physical attributes of the property.
  - H. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.
- 3) Approve the alternative design standards based on the justification provided by the applicant and recommendations of the Knox County Department of Engineering and Public Works.
- 4) Approve the Concept Plan subject to 14 conditions.
  - 1) Connection to sanitary sewer and meeting other relevant utility provider requirements.
  - 2) Provision of street names consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
  - 3) Meeting the conditions of the PR (Planned Residential) zoning district for the subject property (file # 1-D-24-RZ). The conditions are listed in the comments below.
  - 4) The required landscape screening must be installed before building permits for home construction are issued or a bond provided per the requirements of Knox County Engineering and Public Works to ensure installation. If the development is phased, this requirement is for each phase independently. This does not preclude the issuance of a single bond for all required landscaping if required by Knox County Engineering and Public Works or otherwise agreed upon during the design plan phase.
  - 5) Extend the public right-of-way of Rosemont Boulevard and Heathwood Bend for the existing curbing and pavement that extend onto the subject property. The right-of-way at the end of Heathwood Bend must be large enough to accommodate a larger turnaround to be constructed by Knox County.
  - 6) Implementing the recommendations of the Ebenezer Road Subdivision Transportation Impact Study (TIS) by Ardurra, 5/28/2024, as revised and approved by Planning, Knox County Engineering and Public Works, City of Knoxville Department of Engineering, and Tennessee Department of Transportation (TDOT) staff (see Exhibit B). A Memorandum of Understanding with Knox County Engineering and Public Works for completing these road improvements is required per Chapter 54, Article V of the Knox County Code (Ord. O-23-4-102). All offsite improvements are to be paid for by the developments outlined in the TIS (Ebenezer Subdivision and apartment complex). The percentage of cost the applicant (Ebenezer Subdivision) is responsible for will be determined during the design plan phase. During permitting, Knox County Engineering and Public Works will determine how many dwellings may be permitted prior to the road improvements being implemented. Additional improvements may be required if additional traffic is generated than was accounted for by the TIS.
  - 7) Certifying that the required sight distance is available along Ebenezer Road in both directions at the Road 'A' intersection during the design plan phase.

- 8) Submitting a geotechnical report of the closed contour on the site to be reviewed and approved by Knox County Engineering and Public Works during the design plan phase. If it is not a sinkhole, the certification to be provided by Knox County Engineering and Public Works must be placed on the final plat. If it is a sinkhole, the area shown as a closed contour must be shown on the final plat with a 50-ft buffer as required by Section 3.06.B. of the Subdivision Regulations. If any building construction is proposed within the 50-ft buffer area around the designated sinkholes/depressions (including the depressions), a geotechnical report must be prepared by a registered engineer to determine soil stability and that report must be submitted to the Knox County Department of Engineering and Public Works for consideration. Any construction in these areas is subject to approval by the County following review of the report. Engineered footings must be designed for these areas. For those lots that do not have a building site outside of the 50-ft buffer, approval by Knox County will be required prior to final plat approval. The sinkholes/depressions and 50-ft buffer shall be designated on the final plat even if they are approved to be filled.
- 9) Providing the right-of-way stub-outs at the northern termini of Road A and Road B, as shown on the concept plan, and notification of future connection per section 3.04.C.2 of the Subdivision Regulations.
- 10) Providing temporary cul-de-sacs at the northern termini of Road A and Road B. The public right-of-way may remain 50 ft wide through the cul-de-sacs, with any portion of the paved surface outside of the right-of-way being in an easement per the requirements of Knox County Engineering and Public Works during the design plan phase. When the road is extended into the adjacent property, the curbed radii and pavement of the cul-de-sacs can be removed if the standard 26 ft wide paved and curbed road cross section is installed and the adjacent residential driveways are extended to the new curb line. The cost of these modifications and extensions is the sole responsibility of the person(s) extending the road.
- 11) The retention ponds along Ebenezer Road must be located so as not to impede the future widening of Ebenezer Road. The location of the ponds is to be determined by Knox County Engineering and Public Works during the design plan phase.
- 12) Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to, the intersection spacing requirements of Article 3, Section 3.51.02.C. of the Knox County Zoning Ordinance.
- 13) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, the City of Knoxville Department of Engineering, and TDOT.
- 14) Before certification of the final plat for the subdivision, establish a property owners association or other legal entity responsible for maintaining common facilities, such as common areas, amenities, private roads, and/or stormwater drainage systems

**Summary of Action:**

Approve the requested variance to increase the maximum slope through the cul-de-sac of road a from 10 percent to 11.75 percent, based on the evidence of hardship presented by the applicant.  
 Approve the requested variance to increase the maximum slope through the cul-de-sac on road b from 10 percent to 13.80 percent, based on the evidence of hardship presented by the applicant.  
 Approve the alternative design standards based on the justification provided by the applicant and recommendations of the Knox County Department of Engineering and Public Works.  
 Approve the Concept Plan subject to 14 conditions.

**Date of Approval:**

6/13/2024

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

**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:**