

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

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

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Knoxville, Tennessee 37902  
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**File Number:** 10-F-03-UR                      **Related File Number:**  
**Application Filed:** 9/8/2003                      **Date of Revision:**  
**Applicant:** MICHAEL BRADY, INC.  
**Owner:**

## PROPERTY INFORMATION

**General Location:** Southwest side of Maloney Rd., northwest of Ginn Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 135 H A 007                      **Jurisdiction:** City  
**Size of Tract:** 11.2 acres  
**Accessibility:** Access is via Maloney Rd., a collector street with a pavement width of 20' within a 40' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Attached residential condominium project and marina (120 boat slips)    **Density:** 7.51 du/ac  
**Sector Plan:** South County                      **Sector Plan Designation:**  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** Property in the area is zoned A and A-1 agricultural and F-1 floodway. Development in the area consists of single family dwellings, a U.T. farm and Fort Loudon Lake.

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

**Street:**  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** RP-1 (Planned Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Property zoned PR (Planned Residential) @ 1-8 du/ac in 2002

## PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

## **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

Surveyor:

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

Variances Requested:

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 request for up to 40 attached residential condominiums and a marina with up to a maximum of 40 boat slips, based on the development plan, subject to 14 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Dept. of Engineering.
3. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Dept.
4. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville Ord. O-280-90.
5. Installation of landscaping shown on the development plan within 6 months of the issuance of occupancy permits within this project.
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation (TDEC), Tenn. Valley Authority (TVA) and the U.S. Army Corp of Engineers.
7. Prior to issuance of any building permits for any dwellings in this development, KUB must certify that adequate capacity exists in the sanitary sewer system to accommodate this development without contributing to the existing sewage overflow problem in this area.
8. The number of boat slips is not to exceed the number of dwelling units under construction in this project (not to exceed 40 boat slips).
9. All boat slip owners must be members of the homeowners association.
10. The use of the club house and boat slips is limited to the private use of the members of the homeowners association of this development.
11. No fuel dispensing or any other commercial activity will be permitted associated with the marina.
12. Dedication of the greenway easement as shown on the development plan prior to obtaining any building permits for this project.
13. A revised plan reflecting the conditions of approval must be submitted to MPC staff prior to the issuance of any grading permits (beyond dredging) or building permits.
14. No more than six boat slips may be sold to non condo owners in this development until certificates of occupancy are issued marking the completion of all 40 condo dwelling units.

Comments:                      The applicant is proposing a 40 unit residential condominium development and a 120 slip marina for this location. The site contains a total of 11.2 acres. However, only 5.33 acres of the site may be used in calculating the permitted development density for the project. The remainder of the land is under water or in the flowage easement of Fort Loudon Lake. The site was zoned RP-1 with a permissible density of up to 8 units per developable acre in 2002. The residential development as proposed is under the permitted maximum development density for this site.

The proposed residential development will be attached condominium units. Each dwelling will have a two car garage. The development plan notes that the units will range in size from 3000 to 4200 square feet. The developer is proposing a number of amenities for the residents which include a swimming pool, a boardwalk along the lake and a club house is proposed to be constructed. Additionally, the plan submitted for review in October, 2003 provided for one boat slip per dwelling. In discussions with the applicant and his architect, staff was told the boat slips were being provided as an amenity to the project and that only property owners in the project would have access to the boat slips.

Since the October 2003 submission, the applicant has made revisions by adding an additional 80 boat slips. With this addition, the developer is proposing a total of 120 boat slips be permitted. As a result of this change in plan, staff revised the public notice for the project to state that part of the requested approval was for a marina. A marina is not specifically listed as a use permitted on review in the RP-1 (Planned Residential) district. The regulations do permit recreational uses such as a community center,

golf course, swimming pool, parks, playgrounds, and other public recreational uses. Staff believes that by recommending the number of boat slips be tied to the number of residences that the marina will be similar in character to other recreational uses permitted in the zoning district. Due to the intense residential development of the site, the staff is recommending the marina operate as a recreational amenity to the residential development. The applicant is requesting the marina be allowed to operate separately from the residential development.

The site was the location of the Maxey Boat Dock. On October 14, 1999, MPC approved a plan for a 130 slip marina, fuel dock, picnic area, 2000 square feet of retail space and a restaurant at this location. That decision was affirmed by City Council on November 16, 1999 after the matter was appealed by an area resident. The present plan proposes 120 boat slips. The developer has stated that the owner of each residential unit will be required to buy at least one boat slip. Based on the applicant's present plan, this would leave up to 80 boat slips available for the general public. The developer has told staff that he is trying to find additional property in the area for residential development. If the residential development is expanded, he will decrease the number of boat slips available to the general public. Since it has been portrayed to staff that the residential development is the primary emphasis to this project, staff will recommend the construction of the boat slips be limited to one boat slip per dwelling until all 40 residential units are constructed. It is our belief that attaching the development of the marina to the residential development is necessary. This is a small site with the two proposed uses in very close proximity to each other. The applicant has practically maximized the permitted development density for the property. Staff believes the operation of a public marina and medium density residential development on this small site would be incompatible. From a management standpoint, it will be necessary that the goals and objectives of the homeowners be the same as the boat slip owners. If this applicant is able to obtain additional property in the area and receive the necessary approvals for additional residential development, staff would probably entertain a request for expansion of the marina beyond the 40 boats slips we are recommending at this time.

The developer has stated that the marina operation will be limited to providing boat slips and auxiliary power to the docks. He is seeking approval for a fuel dock as part of the permits he will have to obtain from TVA and the Army Corp of Engineers. However, he has told staff that he has no intention of having any fuel sales at this location. The plans do not contain a boat launching ramp. No retail sales of any kind are proposed to be a part of this marina.

The permitted harbor limits for the Maxey Boat Dock, the development approved in October, 1999 and the present proposal are the same. The Knoxville Zoning Ordinance requires that when a Marina is situated on a cove that is less than 300' in width, the applicant must own or control the opposite shoreline for a minimum depth of 100'. The Metropolitan Planning Commission may waive this requirement if the property on the opposite shoreline will not be adversely impacted. Since this project will be located within the previously approved harbor limits and will be replacing a deteriorated facility, staff believes the impact on the surrounding property will be lessened.

The applicant will be dredging the cove to create a 5' deep channel for year around access to the slips. The Corp of Engineers, TVA, TDEC and the City of Knoxville have granted the applicant the necessary permits to begin the dredging. TVA and the Corp of Engineers are still reviewing the other permits requests for the marina. These permits are expected to be granted by the end of January.

Sanitary sewer service to this portion of South Knox County is being extended into the area by Knoxville Utilities Board (KUB). It was brought to the attention of staff during the review process for another development in the area that KUB's sanitary sewer system in this area experiences significant overflows during rainy periods. KUB is aware of the problems with their system and has addressed the situation by upgrading a pump station and doing some line repairs. KUB has stated that with the upgrades in place, they now have adequate capacity to serve this development.

Access to the development will be via Maloney Rd. The 300' of required sight distance at the entrance will have to be certified by the applicant's surveyor prior to the issuance of any building permits for this project. Staff believes the sight distance can be attained with the grading down of a small hump on the site. Parking and setbacks for the marina can be provided as required by the Knoxville Zoning Ordinance. By limiting the number of boat slips to be equal to the number of dwellings in this development, traffic to the marina will be minimized.

The Cities of Knoxville, Alcoa and Maryville, Knox and Blount Counties, and the University of Tennessee have proposed a greenway that will connect these entities. The proposed path of the greenway would pass through or around this site. In order to accommodate the greenway, the applicant has shown a 15' wide easement along the Maloney Rd. frontage of project on his plans.

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

1. The condominium and marina development will have minimal impact on local services. All utilities are in place, or can be extended, to serve this site.
2. The use is consistent with the residential, park and agricultural uses found in the area.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE**

1. The proposed condominium and marina development 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,
2. The plan meets all requirements of the Zoning Ordinance.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The request conforms with the South County Sector Plan which proposes medium density residential uses for this area.

**MPC Action:**

Approved

**MPC Meeting Date:** 2/12/2004

**Details of MPC action:**

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2. Meeting all applicable requirements of the Knoxville Dept. of Engineering.
3. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Dept.
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**Summary of MPC action:**

APPROVE the request for up to 40 attached residential condominiums and a marina with up to a maximum of 40 boat slips, based on the development plan, subject to 14 conditions

**Date of MPC Approval:**

2/12/2004

**Date of Denial:**

**Postponements:** 10/9/2003-1/8/2003

**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:**