

# 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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**File Number:** 10-L-06-UR                      **Related File Number:**  
**Application Filed:** 9/5/2006                      **Date of Revision:**  
**Applicant:** KEAR INVESTMENT PROPERTIES, LLC.  
**Owner:**

## PROPERTY INFORMATION

**General Location:** Southwest side of Fairview Rd., south of E. Emory Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 21 043-045                      **Jurisdiction:** County  
**Size of Tract:** 6.7 acres  
**Accessibility:** Access is via Fairview Rd., a minor arterial street with a 19' pavement width in a 60' right of way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Condominiums                      **Density:**  
**Sector Plan:** Northeast County                      **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The character of the property in this area is low density residential under the A (Agricultural and RA (Low Density Residential) zoning designations.

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

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

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Rezoned to PR (7-F-06-RZ)

## 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: Kelley Schlitz

Staff Recomm. (Abbr.): APPROVE the development plan for up to 30 residential condominium units in the PR (Planned Residential) zoning district, subject to the following 14 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. Installation of the proposed chain link fence around the perimeter of the cemetery along with landscaping prior to issuance of building permits.
5. Provision of street names which are consistent with the Uniform Street Naming and Addressing system Ordinance (Ord. 91-1-102).
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. Establishment of a homeowners association for the purpose of assessing fees for the maintenance of drainage structures and all other commonly held assets.
9. Certification on the final plat by the applicant's surveyor that there is the required site 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 need to be increased to Knox County Engineering standards.
12. The 100 yr. and 500 yr. flood lines need to be identified on the site plan
13. Approval of a one-lot subdivision will be required in order to combine lots 43 and 44.
14. A revised development plan reflecting the conditions of approval must be submitted to MPC prior to building permit issuance.

With the conditions noted above, this request meets all criteria for a use on review in the PR zoning district.

Comments:

The applicant is requesting approval of a 30 unit condominium development. The development will access Fairview Road and have a private interior roadway. 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 has requested a reduction of the 35' peripheral boundary setback to 15' along the perimeter of the existing cemetery (lot 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.

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

1. The proposed condominium 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 stream protection designation for the subject property, the developer will be required to remain 100' off the western property line and established 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 condominium 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.

**MPC Action:**

Approved

**MPC Meeting Date:** 11/9/2006

**Details of MPC action:**

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**Summary of MPC action:**

APPROVE the development plan for up to 30 residential condominium units in the PR (Planned Residential) zoning district, subject to the following 14 conditions:

**Date of MPC Approval:**

**Date of Denial:**

**Postponements:** 11/9/2006

**Date of Withdrawal:**

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

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

Knox County Board of Zoning Appeals

**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:**

