

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 12-B-20-UR **Related File Number:**
Application Filed: 10/26/2020 **Date of Revision:**
Applicant: HUBER PROPERTIES, LLC - CLEAR WATER PARTNERS, LLC

PROPERTY INFORMATION

General Location: Southwest of Emory Church Rd., East side of I-140, North of Westland Dr.
Other Parcel Info.:
Tax ID Number: 144 02016 & 02009 **Jurisdiction:** County
Size of Tract: 24.29 acres
Accessibility: Access is via Emory Church Rd., a minor collector street with a 21' pavement width within a 50' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Multi-dwelling development **Density:** 4.68 du/ac
Sector Plan: Southwest County **Sector Plan Designation:** LDR (Low Density Residential) / HP (Hillside Prote
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area has developed with a mix of low and rural density residential uses under the PR & A zones, and an assisted living facility and church in the RN-6 and RN-1 zones.

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

Street: 0 Emory Church Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) (k) / F (Floodway)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned from A to PR < 5 du/ac with 3 conditions.

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

should be noted that the results ... for the apartments are shown with additional units as currently planned. This would allow for an additional apartment 28-unit building being planned and developed without having to update this report.” The total number of dwelling units existing (243) and proposed (96) is 339 units, which is less than the 356 units in the TIS, excluding the assumed traffic for the marina that was not developed. Since the total number of requested units (339) will remain less than the total in the 2013 study (356), a new TIS was not required. The road improvements that were required as part of the 2013 UOR approval have already been completed, including improvements to the Emory Church Road and Westland Drive intersection which involved the acquisition of right-of-way and the installation of turn lanes and a traffic signal.

Open Space

The proposed apartment complex will have an amenity area that includes a clubhouse and outdoor space. The existing apartment complex on the east side of Emory Church Road has its own amenity area. There are 5.403 acres of platted conservation area on the subject site and 14.846 acres of platted conservation area on the east side of Emory Church Road. These conservation areas were part of the consideration to allow up to 5 dwelling units per acre since it is within the Hillside Protection area on the sector plan. These conservation areas were platted in 2016.

Peripheral Setback

The applicant is requesting a peripheral setback reduction from 35' to 20' along the southwestern boundary, which is along the Pellissippi Parkway frontage of the lot. This reduction is to allow the small structure for the dumpster to be located as proposed. The peripheral setback adjacent to the apartment buildings will remain 35' setback along this frontage. The request for a 30' peripheral setback is along a lot line that is shared with an assisted living facility. The proposed grading on the subject site will not extend to the edge of the property line, which is the highest point on the property, and will allow for some mature vegetation to remain between the two properties.

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 Southwest County Sector Plan designates this property for low density residential uses with a maximum density of 5 du/ac. At a density of 4.68 du/ac for the overall development, the proposal is consistent with the sector plan.

B. The property is located in the Hillside Protection area on the sector plan. With the proposed conservation areas and other undisturbed areas, the development in conformance with the general recommendations of the Hillside and Ridgetop Protection Plan.

C. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

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 proposed multi-family structures within this phase (phase 2) of the Westland Cove development do not have the same design characteristics as those that are constructed on the east side of Emory Church Road (phase 1). For instance, the proposed structures have a low slope, shed style roof and the existing structures in phase 1 have roofs with higher slopes and gables of varying size. A consistent architectural design is less important in this case though because the buildings in the two phases are not adjacent and not easily viewed together because of the change in topography and mature trees that are within conservation easements.

C. The PR (Planned Residential) zoning for this site allows up to 5 dwelling units per acre (du/ac). The proposed development will have a density of 5.2 du/ac on the 18.455 buildable acres on this site, however, the density for the entire area zoned PR is 4.68 du/ac so the overall development is still in compliance with the zoning.

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 multi-family development is compatible with the surrounding uses, which include an assisted

living facility and church to the south, and phase 1 of this development and large lot single family houses to the east.

B. The parkway is designated a scenic highway by the State Scenic Highway System Act of 1971, which limits the heights of buildings to 35 feet within 1000 feet of the scenic highway. The proposed buildings have a low profile shed roof and are less than 35 feet tall.

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

A. The adjacent property to the south contains an assisted living facility and is at the base of a hillside which they graded to construct their facility.

B. The two uses will be separated by the top of the ridgeline between them.

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

A. This development has access to Emory Church 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. There are no known uses in the area that could be a potential hazard or create an undesirable environment for to the proposed residential uses.

Action: Withdrawn **Meeting Date:** 3/11/2021

Details of Action:

Summary of Action: WITHDRAW the application as requested by the applicant.

Date of Approval: **Date of Denial:** **Postponements:** 2/11/2021

Date of Withdrawal: 3/11/2021 **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:**