

# 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:** 2-H-08-UR                      **Related File Number:**  
**Application Filed:** 1/7/2008              **Date of Revision:**  
**Applicant:** THE VILLAGE AT CHILHOWEE HILLS

## PROPERTY INFORMATION

**General Location:** North side of Asheville Hwy., East end of Eastburn Dr.,  
**Other Parcel Info.:**  
**Tax ID Number:** 71 I C 00801 & 028 OTHER: 071 IB 019                      **Jurisdiction:** City  
**Size of Tract:** 43.63 acres  
**Accessibility:** Access is via Asheville Hwy., a four lane arterial street. Additional access will be from Eastburn Dr., a local street with a pavement width of 18' - 19' within a 40' wide right-of-way

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Church, assisted living facility and vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Attached and detached residential development                      **Density:** 4.45 du/ac  
**Sector Plan:** East City                      **Sector Plan Designation:** MDR (Medium Density Residential) & LDR (Low Density Residential)  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** The site contains approximately 43.6 acres. The proposed project will occupy a portion of the property owned by Chilhowee Hills Baptist Church. Residential development is in place on the east and west sides of the site. Asheville Hwy. will provide the primary access to the property. Numerous commercial uses are in place along that roadway.

## 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:** The property was zoned RP-1 (Planned Residential) in the mid 1980's. A development plan for apartments was denied by MPC in 2002. A development plan for an assisted living facility was approved in 2005.

**PLAN INFORMATION (where applicable)**

Current Plan Category:

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

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 194 attached and detached dwellings as shown on the development plan subject to 10 conditions

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
  2. Meeting all applicable requirements of the Knoxville City Engineer.
  3. Meeting all applicable requirements of the Knoxville City Arborist.
  4. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Dept.
  5. Installation of landscaping, including the tree buffer, as shown on the development plan within six months of the issuance of the first occupancy permit for this project.
  6. Obtaining a street connection permit from the Tenn. Dept. of Transportation.
  7. Upgrade the existing church driveway from Asheville Hwy. to the site so that it will meet the standards of a public street with regard to horizontal and vertical alignment. Improve the grade at the Asheville Hwy. entrance to be no more than 3%. Establish this driveway as a joint permanent easement.
  8. Constructing and dedication of a cul de sac on the end of Eastburn Dr. that meets the current City standards. Constructing a gated entrance out of the cul de sac. This gate is to remain closed at all times and access being limited to the residents of the senior housing project
  9. Prior to commencing any grading on this project, review and approval of a subdivision plat by MPC separating the 43.6 acre senior housing site from the remainder of the church campus. This plat will also establish a 40' wide joint permanent easement across the church property and note that all access will be via Asheville Hwy and the proposed easement.
  10. A revised site plan must be submitted to MPC staff prior to issuance of any building or grading permits.

With the conditions noted, this plan meets the requirements for approval in the RP-1 District and the other criteria for approval of a use on review.

**Comments:**                      Staff met with the representatives of the Chilhowee Hills Baptist Church in late 2001 to discuss plans for the future development of the Church's campus. At that time various uses were proposed for portions of the campus. Assisted living facilities, "senior" housing, recreational facilities, an elementary school and church expansion were all proposed on the master plan. The assisted living facility and the school are in place. A private developer, with the church providing the land, is now ready to develop the senior living facility. The project will consist of 194 independent living units. The majority of the units will be constructed in duplex or fourplex buildings. Sixty of the units will be located in three midrise buildings.

The development plan proposes a new joint permanent easement which will function as a roadway and will serve as access to this facility, the church and the assisted living facility as well as any future development on the Church campus. When staff met with the church representatives in 2001, we strongly discouraged access to Eastburn Dr. because we did not want to introduce cut through traffic into this stable residential area. Now that the campus is beginning to develop, we believe that the connection to Eastburn Dr. via a gated entrance will provide a second access that will facilitate emergency response and provide an alternative access to the residents of the senior housing development. Staff will require that the easement meet the design standards for a public road which include a pavement width of 26' with curbs. Since it will be a joint permanent easement a right-of-way width of 40' will be permitted. The entrance at Asheville Hwy. will have to be reworked to meet the

minimum standards of the Tenn. Dept. of Transportation and the City of Knoxville for intersecting streets.

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

1. Public water and sewer utilities are in place to serve the site.
2. The proposal will have a minimal impact on the street and school systems.
3. The proposed senior living facility is compatible with the scale and intensity of the surrounding development and zoning pattern.

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

1. The proposal meets all requirements of the RP-1 zoning district.
2. The proposed senior living facility is consistent with the general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the One Year Plan, 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 substantial additional traffic through residential areas. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

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

1. Both the City of Knoxville One Year Plan and the East City Sector Plan propose medium density uses for the site.

#### **MPC Action:**

Approved as Modified

**MPC Meeting Date:** 2/14/2008

#### **Details of MPC action:**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
  2. Meeting all applicable requirements of the Knoxville City Engineer.
  3. Meeting all applicable requirements of the Knoxville City Arborist.
  4. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Dept.
  5. Installation of landscaping, including the tree buffer, as shown on the development plan within six months of the issuance of the first occupancy permit for this project.
  6. Obtaining a street connection permit from the Tenn. Dept. of Transportation.
  7. Upgrade the existing church driveway from Asheville Hwy. to the site so that it will meet the standards of a public street with regard to horizontal and vertical alignment. Improve the grade at the Asheville Hwy. entrance to be no more than 3%. Establish this driveway as a joint permanent easement.
  8. Constructing and dedication of a cul de sac on the end of Eastburn Dr. that meets the current City standards. Constructing a gated entrance out of the cul de sac. This gate is to remain closed at all times and ingress and egress is limited to the residents of the senior housing project (staff, sales persons and potential buyers accompanied by staff or sales persons).
  9. Prior to commencing any grading on this project, review and approval of a subdivision plat by MPC separating the 43.6 acre senior housing site from the remainder of the church campus. This plat will also establish a 40' wide joint permanent easement across the church property and note that all access will be via Asheville Hwy and the proposed easement.
  10. A revised site plan must be submitted to MPC staff prior to issuance of any building or grading permits.
- Two further conditions added by Planning Commission 2/14/2008:
11. The third access shall be installed prior to sale of the 101st unit.
  12. Gates will remain closed at all times on all access points except the Asheville Highway entrance.
  - \*13. Whenever the applicant sells the 101st unit, or three years from the date of the sale of the first dwelling unit, whichever occurs first, Eastburn Drive shall be open to only: 1) emergency traffic (fire, police, ambulance, etc.) and 2) applicants, sales personnel, outside agents, potential customers and staff accompanied by staff or sales persons.
  - \*14. The original plan called for three 5-story mid-rise buildings. The mid-rise buildings shall be eliminated. The plan shall be amended to show that the units shall consist only of one to two story multi-family dwellings.

With the conditions noted, this plan meets the requirements for approval in the RP-1 District and the other criteria for approval of a use on review.

#### **Summary of MPC action:**

APPROVE the request for up to 194 attached and detached dwellings as shown on the development plan subject to 12 conditions

Date of MPC Approval: 2/14/2008

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?:  Action Appealed?: 2/28/2008

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 3/25/2008

**Date of Legislative Action, Second Reading:** 4/22/2008

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Postponed

**Disposition of Case, Second Reading:** Appeal denied,  
approve amended

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

\*See Details of MPC Action for amended conditions

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**