

# 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:** 4-F-17-UR  
**Application Filed:** 2/27/2017  
**Applicant:** FRANK GAMBUZZA

**Related File Number:**  
**Date of Revision:**

## PROPERTY INFORMATION

**General Location:** South side of Emory Church Rd., west side of Pellissippi Parkway.  
**Other Parcel Info.:**  
**Tax ID Number:** 144 02001 **Jurisdiction:** County  
**Size of Tract:** 5.56 acres  
**Accessibility:** Access is via Emory Church Rd., a minor collector street with a 19' pavement width with a 50' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Detached residences **Density:** 1.64 du/ac  
**Sector Plan:** Southwest County **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The site is located in an area of low density residential development.

## 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:**

## 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:

Tom Brechko

Staff Recomm. (Abbr.):

APPROVE the development plan for 3 detached residential units on individual lots, and the requested reduction of the peripheral setback to the distances identified on the development plan, subject to 7 conditions.

Staff Recomm. (Full):

1. This Use on Review approval modifies the density distribution of the previous approval for this site (9-B-13-UR) by increasing the total number of units for this property from 2 units to 3 units.
2. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
3. Providing certification from a registered land surveyor that the required sight distance, as determined by the Knox County Department of Engineering and Public Works, is available in both directions along Emory Church Road at the proposed driveways for the three lots. If sight distance cannot be achieved within the public right-of-way, a sight distance easement will be required across adjoining property. The sight distance certification and any required easements shall also be included on the final plat.
4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. The final plat shall identify any required right-of-way dedication in compliance with Major Road Plan for Emory Church Rd.(60' right-of-way required).
6. Placing a note on the final plat that all lots shall be provided with an on-site driveway turnaround area.
7. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PR zone and the other criteria for approval of a Use on Review.

Comments:

The applicant is proposing to subdivide this 5.56 acre tract (1.832 acres are above the 813' contour which is the summer pool level for the lake) into three (3) detached residential lots. This property which is zoned PR (Planned Residential) (k) & F (Floodway) is located on the south side of Emory Church Rd., and on the west side of I-140. This site is part of the Westland Cove development that was approved by the Planning Commission on November 14, 2013 (9-B-13-UR). The previous approval identified this tract for two residential lots. The applicant is requesting approval under this application for three residential lots. A letter has been provided from Clear Water Partners, LLC (the developer of Westland Cove) approving the transfer of the one additional unit to this site from the remaining portion of Westland Cove.

Staff has included a condition requiring certification from a registered land surveyor that the required sight distance is available in both directions along Emory Church Road at the proposed driveways for the three lots. The required sight distance shall be based on a speed study conducted for this section of Emory Church Rd. and approved by Knox County Department of Engineering and Public Works. At the present time, landscape screening located on the property to the west restricts sight distance. If sight distance cannot be achieved within the public right-of-way, a sight distance easement will be required across adjoining property.

The applicant has requested a reduction of the 35' peripheral setback down to 15' on the east side (I-140) and 25' on the west side (applicant's residence).

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

1. Public utilities are available to serve the site.
2. The proposed development is consistent other low density development in the area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING

ORDINANCE

- 1. With the recommended conditions, the proposed development is consistent with all relevant requirements of the PR zoning district and the use on review criteria.
- 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 additional traffic through residential areas since the development has access to a collector street.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

- 1. The Southwest County Sector Plan proposes low density residential development for this site. The proposed development with the recommended conditions will be in conformity with the Sector Plan.
- 2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved **Meeting Date:** 4/13/2017

- Details of Action:**
- 1. This Use on Review approval modifies the density distribution of the previous approval for this site (9-B-13-UR) by increasing the total number of units for this property from 2 units to 3 units.
  - 2. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
  - 3. Providing certification from a registered land surveyor that the required sight distance, as determined by the Knox County Department of Engineering and Public Works, is available in both directions along Emory Church Road at the proposed driveways for the three lots. If sight distance cannot be achieved within the public right-of-way, a sight distance easement will be required across adjoining property. The sight distance certification and any required easements shall also be included on the final plat.
  - 4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  - 5. The final plat shall identify any required right-of-way dedication in compliance with Major Road Plan for Emory Church Rd.(60' right-of-way required).
  - 6. Placing a note on the final plat that all lots shall be provided with an on-site driveway turnaround area.
  - 7. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PR zone and the other criteria for approval of a Use on Review.

**Summary of Action:** APPROVE the development plan for 3 detached residential units on individual lots, and the requested reduction of the peripheral setback to the distances identified on the development plan, subject to 7 conditions.

**Date of Approval:** 4/13/2017 **Date of Denial:** **Postponements:**

**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:**