

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 6-D-21-UR                      **Related File Number:**  
**Application Filed:** 4/26/2021              **Date of Revision:**  
**Applicant:** CRESCENT AT EBENEZER, LLC

## PROPERTY INFORMATION

**General Location:** South side of Westland Drive, east of Ebenezer Road  
**Other Parcel Info.:**  
**Tax ID Number:** 132 09901                      **Jurisdiction:** County  
**Size of Tract:** 28.381 acres  
**Accessibility:** Access is via Ebenezer Road and Westland Drive. Ebenezer Road is a minor arterial street with a five-lane section within a 100-ft right-of-way. Westland Drive is a minor arterial street with a two- to four-lane section within an 88-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Apartment complex (under construction)  
**Surrounding Land Use:**  
**Proposed Use:** Multi-family development                      **Density:**  
**Sector Plan:** Southwest County              **Sector Plan Designation:** MDR (Medium Density Residential)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The site is located near a node at Ebenezer Road and Westland Drive that includes a mix of residential, institutional and mixed business uses.

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

**Street:** 1040 Ebenezer Rd.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential), PR (Planned Residential) / F (Floodway), and PC (Planned Commercial)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** None noted for this property

## 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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Michelle Portier

Staff Recomm. (Abbr.):

APPROVE the development plan for 2 additional apartment buildings adding 78 new dwelling units to the existing apartment complex, subject to the following conditions.

Staff Recomm. (Full):

- 1) Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
- 2) Implementation of the street and intersection improvements and driveway recommendations outlined in the Traffic Impact Study prepared by Fulghum MacIndoe Associates. Inc., as last revised on March 29, 2021, and approved by the Knox County Department of Engineering and Public Works and Planning Commission staff.
- 3) Installation of the traffic improvements as required during Phase 1, the right turn lane on Ebenezer Road and the left turn lane on Westland Drive at the development entrances, in compliance with the requirements of the Knox County Department of Engineering and Public Works, prior to the first occupancy permit being issued for the apartments.
- 4) Installation of all sidewalks as shown on the revised development plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act ( ADA) and the Knox County Department of Engineering and Public Works. A bond shall be provided to the Knox County Department of Engineering and Public Works by the developer in an amount sufficient to guarantee the installation of the sidewalks.
- 5) Installation of all landscaping as shown on the landscape plan within six months of issuance of the first occupancy permit for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation. Landscaping shall not interfere with sight visibility requirements at the driveway entrances.
- 6) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 7) Obtaining approval of the proposed security gates from the Knox County Fire Marshal.
- 8) Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PR (Planned Residential) zoning district and the other criteria for approval of a Use on Review.

Comments:

The applicant is proposing to add 2 new apartment buildings for Phase 2 of the apartment complex currently under construction near the intersection of Ebenezer Road and Westland Drive. Phase 1 approval was for an apartment complex consisting of 249 unit on a 20.8 acre portion of the site. However, during the design phase with Knox County, Phase 1 Building 7 was revised to remove 3 units, so Phase 1 contains a total of 246 dwellings. The remaining acreage was originally planned as an assisted living/independent living facility. However, the applicant had revised his plans to include additional apartment dwellings instead, which requires another use on review approval.

The two new buildings propose an additional 78 dwelling units, totaling 324 dwellings after construction of Phase 2. The new site plan encompasses property zoned PR and PR/F and is in the MDR (Medium Density Residential) land use classification, which allows a density of up to 12 du/ac. The PR and PR/F portions of this parcel comprise 27.773 acres. 324 dwelling units on the PR and PR/F property yields a density of up to 11.67 du/ac.

Access for the proposed development will be from both Ebenezer Road and Westland Drive. Both phases of the development are to be gated. (This paragraph was revised to strike a reference to the TIS, which recommended a right-in, right-out turn lane at the driveway entrance on Ebenezer. The comment in the TIS was referring to the commercial development on Ebenezer, not to the apartment complex entry. 6/7/2021)

The proposal will add 42 one bedroom units, 24 two-bedroom units and 12 three-bedroom units within

2 new three-story buildings. The buildings will meet the required 35' peripheral setback of the PR zoning district. The proposed parking for the new units includes 191 spaces in surface parking areas and 12 spaces located within rows of attached garages. The proposed amenity area will be constructed during Phase 1 and includes a clubhouse, pool and volleyball courts. Sidewalks are being provided throughout the development that will also connect to the existing and extended sidewalks located along Ebenezer Road and Westland Drive. A sidewalk from the Phase 2 parking area will connect to the sidewalk at Crescent Lake Way to provide pedestrian connectivity to the Phase 1 development. A walking path is proposed around the southern end of the retention pond.

A revised Traffic Impact Study prepared by Fulghum MacIndoe Associates, Inc., was submitted for review by the Knox County Department of Engineering and Public Works and Planning Commission staff. No new traffic improvements were required beyond the original recommendations from Phase 1. Phase 1 improvements included a right-in/right-out driveway connection into the apartment entry off of Ebenezer Road, extending the right turn lane of Ebenezer Road at Westland Drive to accommodate the Weigel's, and a left turn lane on Westland Drive at the apartment entrance. Staff has recommended the proposed right turn lane on Ebenezer Road and left turn lane on Westland Drive at the development entrances be installed prior to the first building permit being issued for the apartments.

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 as MDR (Medium Density Residential), which allows up to 12 du/ac. The proposed apartment development at a density of 11.67 du/ac is consistent with the MDR land use classification.

B. The site is located within the Planned Growth Area of 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.

B. The MDR (Medium Density Residential) land use class allows PR zoning, which permits multifamily dwellings by right, though development plans require approval by the Planning Commission through the use on review process.

C. The F (Floodway) zone is established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.

i. No construction or grading is proposed inside the property with F zoning, nor will it occur in the floodway or floodplains.

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. This proposed additional apartment buildings are consistent with the existing apartment complex development.

B. The proposed facility is compatible with the scale of the surrounding development at the node located at the intersection of Westland Drive and Ebenezer Road.

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

A. The TIS maintains that the impact of the apartment complex on traffic and on existing delays at certain peak times along Ebenezer Road and Westland Drive will be minimal.

B. The retention pond remains adequate to service Phase 1 of the apartments. Phase 2 will utilize permeable pavers to comply with stormwater regulations. This can be finalized during the plans review and permitting process.

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

A. Westland Drive and Ebenezer Road are both minor arterials, which are classified to handle large traffic capacities. No traffic through residential subdivisions or side streets is required to access this property.

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 the proposed church.

**Action:** Approved with Conditions **Meeting Date:** 6/10/2021

**Details of Action:**

**Summary of Action:** APPROVE the development plan for 2 additional apartment buildings adding 78 new dwelling units to the existing apartment complex, subject to the following conditions.

**Date of Approval:** 6/10/2021 **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:**