

# 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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Knoxville, Tennessee 37902  
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**File Number:** 7-B-07-UR                      **Related File Number:**  
**Application Filed:** 5/31/2007              **Date of Revision:**  
**Applicant:** PAUL WALDSCHLAGER

## PROPERTY INFORMATION

**General Location:** Northeast side of Heiskell Rd., northwest of E. Copeland Dr.  
**Other Parcel Info.:**  
**Tax ID Number:** 46 069 & 069.01                      **Jurisdiction:** County  
**Size of Tract:** 7.3 acres  
**Accessibility:** Access is via Heiskell Rd., a minor arterial street with 18' to 20' of pavement within a 50' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residences  
**Surrounding Land Use:**  
**Proposed Use:** Residential condominiums                      **Density:** 3.97  
**Sector Plan:** North County                      **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** This area has developed with low density residential uses under the A and RA zoning districts.

## 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:** This property was rezoned to PR in February of 2007 (2-K-07-RZ/2-B-07-SP).

## 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: Kelley Schlitz

Staff Recomm. (Abbr.): APPROVE the development plan for up to 29 residential condominium units in the PR (Planned Residential) zoning district, subject to the following 12 conditions:

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  2. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
  3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
  4. Conducting a geotechnical study or moving lot 29 out of the required 50' sinkhole buffer, prior to the issuance of a grading permit
  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. Establishment of a homeowners association for the purpose of assessing fees for the maintenance of drainage structures and all other commonly held assets.
  8. As part of the grading plan, certification by the applicant's surveyor that there is the required 400' of sight distance in both directions along Heiskell Rd. at the development's entrance. The bank along Heiskell Rd. may need to be graded in order to achieve adequate sight distance and field verified by Knox County Engineering and Public Works.
  9. Place a note on the development plan that all units will have access only to the internal street system.
  10. The proposed driveways for lots 10 & 11 and 17 & 18 need to be separated with a green space.
  11. Obtaining a variance to reduce the required right-of-way on Heiskell Rd. from 44' to 35' from centerline as part of the final plat.
  12. Approval of an administrative subdivision will be required in order to combine parcels 69 and 69.01.

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

**Comments:**

The applicant is requesting approval of a 29 unit condominium development. The development will access Heiskell Road and have a private interior roadway. There is a significant on-site depression located in the southeast corner of the property. The applicant will not be allowed to build within 50' of the last closed contour of that depression unless the Tenn. Dept. of Environment and Conservation (TDEC) conducts a geotechnical study and determines that it is not a sinkhole.

Upon field review, sight distance appeared to be an issue. The applicant may be required to grade the bank along Heiskell Rd., near the proposed entrance in order to obtain adequate sight distance. This grading will have to be field verified by the Knox County Department of Engineering and Public Works prior to the issuance of a building permit..

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

1. Public water and sewer utilities are in place to serve the site.
2. The proposal is more dense compared to the scale and intensity of adjacent development and zoning patterns. However, in terms traffic, the impact will be minimal due to the fact that this development is approximately 800' from the intersection of Heiskell Rd. and Copeland Dr., both of which have sufficient capacity to handle the traffic which will be generated by this development.
3. The proposed condominium development will place minimal additional demand on schools.

**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 North County Sector Plan proposes low density residential uses for the site, which is consistent with the proposed 3.97 du/ac.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**MPC Action:** Approved **MPC Meeting Date:** 7/12/2007

- Details of MPC action:**
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  2. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
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**Summary of MPC action:** APPROVE the development plan for up to 29 residential condominium units in the PR (Planned Residential) zoning district, subject to the following 12 conditions:

**Date of MPC Approval:** 7/12/2007 **Date of Denial:** **Postponements:**  
**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

<b>Legislative Body:</b> Knox County Board of Zoning Appeals	
<b>Date of Legislative Action:</b>	<b>Date of Legislative Action, Second Reading:</b>
<b>Ordinance Number:</b>	<b>Other Ordinance Number References:</b>
<b>Disposition of Case:</b>	<b>Disposition of Case, Second Reading:</b>
<b>If "Other":</b>	<b>If "Other":</b>
<b>Amendments:</b>	<b>Amendments:</b>
<b>Date of Legislative Appeal:</b>	<b>Effective Date of Ordinance:</b>