

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 8-G-20-UR
Application Filed: 6/29/2020
Applicant: JASON BAKER

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: South side of E. Emory Rd., east side of Birdie Ln.
Other Parcel Info.:
Tax ID Number: 38 037 **Jurisdiction:** County
Size of Tract: 1 acres
Accessibility: Access is via Birdie Lane, a local street with a pavement width of 26.7 feet within a right-of-way width of 50 feet.

GENERAL LAND USE INFORMATION

Existing Land Use: Multi-Family Residential
Surrounding Land Use:
Proposed Use: Town Homes **Density:** 5 du/ac
Sector Plan: North County **Sector Plan Designation:** LDR (Low Density Residential) & SP (Stream Prote
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The area is comprised of single family residential, rural residential and large agricultural lots.

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

Street: 2901 Sunny Creek Way
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: Property was rezoned from PR with up to 4 du/ac to PR with up to 5 du/ac in 2019 (# 10-R-19-RZ).

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: Mike Reynolds

Staff Recomm. (Abbr.): APPROVE the request for up to 9 additional attached residential condominiums (47 total) on this site as shown on the development plan, subject to 8 conditions.

Staff Recomm. (Full):
1. Connection to sanitary sewer and meeting any other relevant requirements of the utility provider.
2. Providing a sidewalk connection from the western terminus of Ripple Creek Way to the sidewalk in front of unit 22 or between units 20 and 21, if it is determined during permit review that this connection can meet ADA standards, to be reviewed and approved by Planning Commission staff and Knox County Department of Engineering and Public Works.
3. Providing a Type 'C' landscape screen along the Birdie Lane frontage from the Sunny Creek Way intersection to the terminus of Ripple Creek Way, consistent with the original Use on Review approval (see Exhibit A). The landscaping plan must include a minimum of two different tree species and must be reviewed and approved by Planning Commission staff before building permits are issued for the new structures.
4. Installation of all landscaping within six months of the issuance of an occupancy permit, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
5. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
6. Meeting all applicable requirements of the Knox County Fire Prevention Bureau.
7. Providing the guest parking as shown on the development plan.
8. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval of attached houses in the PR district and the other criteria for approval of a use on review.

Comments: This request is to add 9 attached residential condominium units to the existing development that has 39 units. The development was originally zoned PR up to 4 du/ac and the Planning Commission approved Use on Review development plan in 2002 (9-F-02-UR). In 2019, the property was rezoned to PR up to 5 du/ac (10-R-19-RZ) which allows them to request the additional dwelling units. The area of the site that is constrained by the E. Emory Road improvements and the FEMA floodway cannot be used toward the allowed density for the site which is why the request is for 9 dwelling units instead of 10 dwellings which would have been permitted if there was not constrained land.

The new units will have the same design as the existing units with the exception of not having a garage. The vehicles will parking in the driveway. The access to the units will be from Ripple Creek Way which was designed to function as a two-way alley and is acceptable as access to the units. The applicant will install a turnaround at the end of the private roadway to accommodate fire truck access. There will be 8 guest parking stalls located at the northeast portion of Ripple Creek Way.

In the original approval for the development, there was a loop walking trail proposed that extended to the south of these units into the Beaver Creek floodzone. A walking path in the floodzone will have maintenance issues over time so staff is recommending that a sidewalk be installed to the west (left) of unit 22 to connect the existing sidewalk to the terminus of Ripple Creek Way if it can meet ADA requirements. This will provide a similar pedestrian circulation as the original approval.

The original approval also proposed landscaping along the Birdie Lane frontage which was not installed as required (see Exhibit A). Staff is recommending that this landscaping be installed as part of this requested expansion.

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

1. The dwelling units will have the same design as the existing development, with exception of not having garages.

2. The development will extend further into the Beaver Creek 100-year floodplain, however, they are allowed to fill into the outer half of the 100-year floodplain. See the attached map that shows the No Fill Line. This area does flood during heavy storms and the units must have a minimum floor elevation of 1016'.
3. The installation of landscaping along the Birdie Lane frontage, as recommended by staff, will partially screen the development as the original approval intended.

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

1. The proposed condominium units meet the standards for development within the PR (Planned Residential) Zone and all other requirements of the Zoning Ordinance.
2. The proposed condominium units are consistent with the general standards for uses permitted on review: The proposed development 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 is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The proposed development will not draw significant traffic through residential neighborhoods.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan designates this property for low density residential (LDR) uses which allows consideration of up to 5 du/ac. This development is proposed at 5 du/ac.
2. The site is located within the Planned Growth area on the Knoxville-Knox County-Farragut Growth Policy Plan.

Action: Approved **Meeting Date:** 8/13/2020

Details of Action:

Summary of Action: APPROVE the request for up to 9 additional attached residential condominiums (47 total) on this site as shown on the development plan, subject to 8 conditions.

Date of Approval: 8/13/2020 **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:**