

# 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:** 9-B-13-UR                      **Related File Number:**  
**Application Filed:** 7/24/2013              **Date of Revision:**  
**Applicant:** HUBER PROPERTIES / CLEAR WATER PARTNERS, LLC

## PROPERTY INFORMATION

**General Location:** Northeast and southwest sides of Emory Church Rd. and I-140, north of Henderson Ln.  
**Other Parcel Info.:**  
**Tax ID Number:** 144 018 & 020                      **Jurisdiction:** County  
**Size of Tract:** 111.86 acres  
**Accessibility:** Access is via Emory Church Rd., a minor collector street with a 21' pavement width within a 50' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Multi-dwelling development and marina                      **Density:** 4.72 du/ac  
**Sector Plan:** Southwest County              **Sector Plan Designation:** LDR & SLPA/HP  
**Growth Policy Plan:** Planned Growth Area & Urban Growth Area  
**Neighborhood Context:** This area has developed with rural and low density residential uses under A (Agricultural), PR (Planned Residential) and RA (Low Density Residential) zoning.

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

**Street:** 909 Emory Church Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential) pending, A (Agricultural) & F (Floodway)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Rezoning of the majority of the property to PR (Planned Residential) at a density of up to 5 du/ac is presently before the Planning Commission (9-A-13-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.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the development plan for a marina with up to 75 dock slips and 233 dry storage stalls, three detached residential lots and a multi-dwelling development with up to 312 apartment units, subject to 20 conditions.

- Staff Recomm. (Full):
1. Obtaining approval from Knox County Commission for the rezoning of the property to PR (Planned Residential) at a density of up to 5 du/ac. Any changes to the density or possible conditions of approval of the rezoning request will require a re-evaluation by Planning Commission staff of the use on review approval to determine if any changes to the development plan will be required.
  2. Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
  3. Provision of street names which are consistent with the Uniform Street Naming and Addressing system Ordinance (Ord. 91-1-102).
  4. The 500' sight distance easement through the curve of Emory Church Rd., as identified on sheet C3.2 for the North Boat Yard, shall be maintained and kept clear of any obstructions to the line of sight through the curve.
  5. Installing all landscaping, as shown on the landscape plan, within six months of issuance of occupancy permits for the project, and 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 street and driveway intersections.
  6. Obtaining the variances for the reduction in the parking stall size and allowing the use of gravel for the required parking for the dry storage stalls from the Knox County Board of Zoning Appeals.
  7. Contributing 50% of the cost for the design, right-of-way acquisition and construction of the additional storage needed for the southbound right turn lane on Emory Church Road as identified in the Traffic Impact Study for Westland Cove prepared by Ajax Engineering. This work will be done as part of the initial phase of the Westland Cove project.
  8. Providing a 5 year bond (or other form of approved surety) for 50% of the design, right-of-way acquisition and construction of a traffic signal at the intersection of Westland Drive and Emory Church Road. The Knox County Department of Engineering and Public Works will provide the follow up studies to confirm the need for a traffic signal once the Tennessee Department of Transportation's (TDOT) construction of the improvements at the Westland Drive/Pellissippi Parkway interchange are completed.
  9. Providing a 5 year bond (or other form of approved surety) for 100% the design, right-of-way acquisition and construction of the additional storage needed for the eastbound left turn from Westland Drive as identified in the Traffic Impact Study for Westland Cove prepared by Ajax Engineering. The Knox County Department of Engineering and Public Works will provide the follow up studies to confirm the need for the amount of the additional storage once TDOT's construction of the improvements at the Westland Drive/Pellissippi Parkway interchange are completed.
  10. Installation of pedestrian activated flashers (4 in all) at the two proposed crosswalks on Emory Church Road. Appropriate Manual on Uniform Traffic Control Devices (MUTCD) signage will be required as part of the design plan.
  11. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  12. Meeting all applicable requirements of the Knox County Fire Marshal.
  13. Meeting all requirements and obtaining all required permits from the Tennessee Valley Authority and other Federal or State agencies for the marina development.
  14. Fuel dispensing is not approved for this marina site.
  15. Prior to any clearing or grading for the west apartments, a tree survey shall be completed for the southern boundary of the property for a depth of 35', starting at the southwest corner and extending 520' to the east. The survey shall identify all trees with an 8" or larger diameter at breast height, also identifying the extent of the tree canopy for those trees. The survey shall be submitted to Planning

- Commission staff for their approval of the final grading limits along that property line.
16. Meeting the height restrictions of the Scenic Highway Act.
  17. Placing the areas within the west and east apartment sites that are identified as undisturbed areas (approximately 17.4 acres) into conservation easements. The easement documents shall be presented to Planning Commission staff for approval as to form and content prior to recording with the Knox County Register of Deeds. The easement documents shall be recorded prior to any occupancy permit being issued for the apartments. (Recommended condition of the PR rezoning application, 9-A-13-RZ.)
  18. Prior to the issuance of any building permit, providing a survey for the entire property that identifies the land area (with an acreage calculation) that is above the 820 contour. This survey will verify the land area that is available for density calculation. The survey shall also identify the area referenced in condition 17 above that will be included in the conservation easement.
  19. Working with the Knox County Parks and Recreation Department on providing a greenway easement for public access across the tract on the west of Pellissippi Parkway on the south side of the cove. (Recommended condition of the PR rezoning application, 9-A-13-RZ.) This tract (approximately 16.3 acres) shall remain undisturbed until such time as a use on review approval is granted for a specific use under available density.
  20. 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), A (Agricultural) & F (Floodway) zones and the other criteria for approval of a Use on Review.

**Comments:**

REVISIONS SINCE THE SEPTEMBER 12, 2013 MEETING:

Following the Planning Commission's September 12, 2013 meeting, the applicant has held two large neighborhood meetings in order to present details of the proposed Westland Cove development and receive comments from the neighborhood. They have also held additional meetings with individuals and smaller groups.

On October 31, 2013 the applicant submitted revised plans primarily for the east and west apartment developments. A two page summary of the changes from the applicant is included in the packet following the revised development plans. An additional traffic analysis from the applicants traffic engineer for Fox Road, George Williams Road and Canton Hollow Road is also included. Staff's comments have been updated to reflect the proposed revisions. Staff has modified recommended conditions #1, 8 and 9, and added two new conditions (#s 16 and 18).

UPDATED COMMENTS:

The applicant is requesting approval from the Planning Commission for a marina and a residential development on approximately 100 acres that is located on both sides of Emory Church Road north of Westland Dr.

MARINA DEVELOPMENT:

The proposed marina development is located on the west and east side of Emory Church Road on the north side of a cove of Fort Loudon Lake.

West Side: The western portion of the marina site is zoned A (Agricultural) which allows consideration of marinas through the use on review procedures. The access drive for the west side is located just north of the Tennessee Valley Authority's (TVA) 820 contour flowage easement. This location will provide 500' of sight distance to the north along Emory Church Road.

This side will provide the access to the lake with six boat ramps with three boarding docks. There will be 75 covered dock slips located on the north and south side of the cove. A pedestrian bridge is proposed to provide access to the southern slips. The site will also include 141 dry storage stalls with 91 of the stalls being covered. The marina office and restrooms will be located near the entrance.

The applicant is requesting variances for a reduction in the parking stall size and allowing the use of gravel for the required parking for the dry storage stalls from the Knox County Board of Zoning Appeals.

East Side: The eastern portion of the marina site is a part of the tract that is under consideration for the rezoning to PR (Planned Residential). The PR district allows consideration of a marina (commercial use). One acre of commercial use is allowed for each 100 residential units proposed for the development. The 2.96 acres utilized for the marina use cannot be used for residential density calculations. The access drive for the east side is located at the northwest corner of the site at a location that provides maximum sight distance in both directions along Emory Church Road. A total of 92 dry storage stalls with 74 of the stalls being covered are proposed for the eastern site.

APARTMENT DEVELOPMENT:

The proposed apartment development is located on both the west and east sides of Emory Church Road and on the south side of a cove of Fort Loudon Lake.

West Side: The western apartment development includes a total of 72 apartment units located in four buildings. There will be 18 one bedroom apartments, 36 two bedroom apartments, and 18 three bedroom apartments. Two of the buildings will be two stories and two buildings will be two stories on one side and three stories on the down-hill side. The apartments are being located on the site to reduce the impact on the areas with the steeper slopes. Approximately 5.9 acres will remain undisturbed on the west side and are recommended to be included within conservation easements. Sidewalks will connect the western units to the amenity area on the eastern side. A greenway trail is also being provided.

East Side: The eastern apartment development includes a total of 240 apartment units located in nine buildings. There will be 40 one bedroom apartments, 134 two bedroom apartments and 66 three bedroom units. Six of the buildings will be three stories on one side and four stories on the down-hill side and three of the buildings will be three stories. The apartments are being located on the site to reduce the impact on the areas with the steeper slopes and to increase the setbacks from the adjacent residential property. Approximately 11.5 acres will remain undisturbed on the east side and is recommended to be included within a conservation easement. Sidewalks are being provided throughout the development with a greenway trail down to the lake. A clubhouse and pool area will be located near the entrance. The east side apartments will be gated.

#### PROPERTY WEST OF PELLISSIPPI PARKWAY:

The applicants proposal for the property located west of Pellissippi Parkway includes two detached residential lots with frontage on Emory Church Road. The property on the south side of the cove has access only by water and will remain undisturbed under this application (Approximately 16.3 acres.) Staff has made a recommendation that the applicant work with the Knox County Parks and Recreation Department on providing a greenway easement for public access across the tract to allow for a connection between the proposed Concord Park Greenway and the proposed Pellissippi/I-140 Greenway as identified in the "Knoxville-Knox County Park, Recreation and Greenways Plan". The southern tract shall remain undisturbed until such time as a use on review approval is granted for a specific use under available density.

#### TRAFFIC IMPACT STUDY:

A Traffic Impact Study (TIS) for Westland Cove was prepared by Ajax Engineering, LLC and a September 2013 revised study has been reviewed by Planning Commission and Knox County Department of Engineering and Public Works Staff. The TIS evaluated the development intersections on Emory Church Rd and the intersections of Emory Church Road and Fox Road, and Emory Church Road and Westland Drive. A copy of the Study's Conclusions and Recommendations is attached. Staff has identified the applicant's share of needed traffic improvements in recommended conditions 7 - 10 above. The Tennessee Department of Transportation has scheduled improvements at the Westland Drive/Pellissippi Parkway interchange which includes additional turn lanes and traffic signals at the ramp intersections. Improvements should begin in Spring, 2014.

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

1. Public water is available to serve the site. Sanitary sewer is available in the area, but may need to be extended to serve the development.
2. While by appearance an apartment complex is high density, the clustering of the residential development on the site allows for the protection of the steeper portions of the site. The overall density for the development falls within low density category.
3. The clustering of the residential density on the site allows for preservation of approximately 17.4 acres within the apartment development that accounts for 26.1% of the proposed PR property above the 820 contour. When you add in the 16.3 acres west of Pellissippi Parkway, 50.5% of the PR property will be undisturbed.
4. While the PR district has a 35' peripheral setback, the closest building to adjoining residential lots is setback 150' further reducing the impact on adjoining development. The proposed development plan proposes significant areas of land adjacent to other residences to be left undisturbed, which will provide sufficient buffering from neighboring uses.

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

1. With the recommended conditions, the proposed marina and apartment development is consistent with all relevant requirements of the PR and A zoning districts, 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 in is harmony with the general purpose and intent of the Zoning Ordinance. The use will not significantly injure the value of adjacent property.

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

- 1. The Southwest County Sector Plan proposes low density residential development with slope protection 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:** 11/14/2013

**Details of Action:** Approved staff with elimination of east dry storage area.

**Summary of Action:** APPROVE the development plan for a marina with up to 75 dock slips and 141 dry storage stalls, three detached residential lots and a multi-dwelling development with up to 312 apartment units, subject to 20 conditions.

**Date of Approval:** 11/14/2013 **Date of Denial:** **Postponements:** 9/12/13

**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:**