



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 10-L-06-UR **AGENDA ITEM #:** 92
POSTPONEMENT(S): 30 **AGENDA DATE:** 11/9/2006

▶ **APPLICANT:** KEAR INVESTMENT PROPERTIES, LLC.
OWNER(S): LILLARD & DONNA BEELER

TAX ID NUMBER: 21 043-045
JURISDICTION: County Commission District 8

▶ **LOCATION:** Southwest side of Fairview Rd., south of E. Emory Rd.

▶ **APPX. SIZE OF TRACT:** 6.7 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Fairview Rd., a minor arterial street with a 19' pavement width in a 60' right of way.

UTILITIES: Water Source: Northeast Knox Utility District
Sewer Source: Knoxville Utilities Board

▶ **ZONING:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Condominiums

HISTORY OF ZONING: Rezoned to PR (7-F-06-RZ)

SURROUNDING LAND USE AND ZONING: North: Residential / A (Agriculture)

South: Residential / A (Agriculture)

East: Residential / A (Agriculture) & RA (Low Density Residential)

West: Residential / RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: The character of the property in this area is low density residential under the A (Agricultural and RA (Low Density Residential) zoning designations.

STAFF RECOMMENDATION:

▶ **APPROVE the development plan for up to 30 residential condominium units in the PR (Planned Residential) zoning district, subject to the following 14 conditions:**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. Installation of the proposed chain link fence around the perimeter of the cemetery along with landscaping prior to issuance of building permits.
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. Reduction of the peripheral setback from 35' to 15' restricted to the property located around the existing cemetery (021-045).

8. Establishment of a homeowners association for the purpose of assessing fees for the maintenance of drainage structures and all other commonly held assets.
9. Certification on the final plat by the applicant's surveyor that there is the required site distance in both directions along Fairview Road at the development's entrance.
10. Place a note on the final plat that all units will have access only to the internal street system.
11. Minimum floor elevations for lots 8 & 9 need to be increased to Knox County Engineering standards.
12. The 100 yr. and 500 yr. flood lines need to be identified on the site plan
13. Approval of a one-lot subdivision will be required in order to combine lots 43 and 44.
14. A revised development plan reflecting the conditions of approval must be submitted to MPC prior to building permit issuance.

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

COMMENTS:

The applicant is requesting approval of a 30 unit condominium development. The development will access Fairview Road and have a private interior roadway. The western portion of this property is located within the Beaver Creek Floodway. The Knox County Department of Engineering has raised concern regarding the 'no-fill area' located along this rear property line. Lots 8, 9, 10, & 11 are close enough to the no-fill area that minimum floor elevations will need to be established.

The applicant has requested a reduction of the 35' peripheral boundary setback to 15' along the perimeter of the existing cemetery (lot 021-045). When a site zoned PR (Planned Residential) adjoins another PR zoned site, MPC has the authority to reduce the required peripheral setback down to 15'. The reduction of this setback should not have a negative impact on adjoining residences or existing gravesites since the applicant has agreed to install additional landscaping and a chain link fence within this 15' setback.

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

1. The proposed condominium development will place minimal additional demand on schools and streets.
2. The proposed development will have minimal impact on local services since all utilities are in place to serve this site.
3. The proposed development is consistent with the use and density of recent zoning changes and subdivision development in the area.
4. Due to stream protection designation for the subject property, the developer will be required to remain 100' off the western property line and established minimum floor elevations for the lots closest to the no-fill line. These restrictions will lessen the impact on water quality in the area.

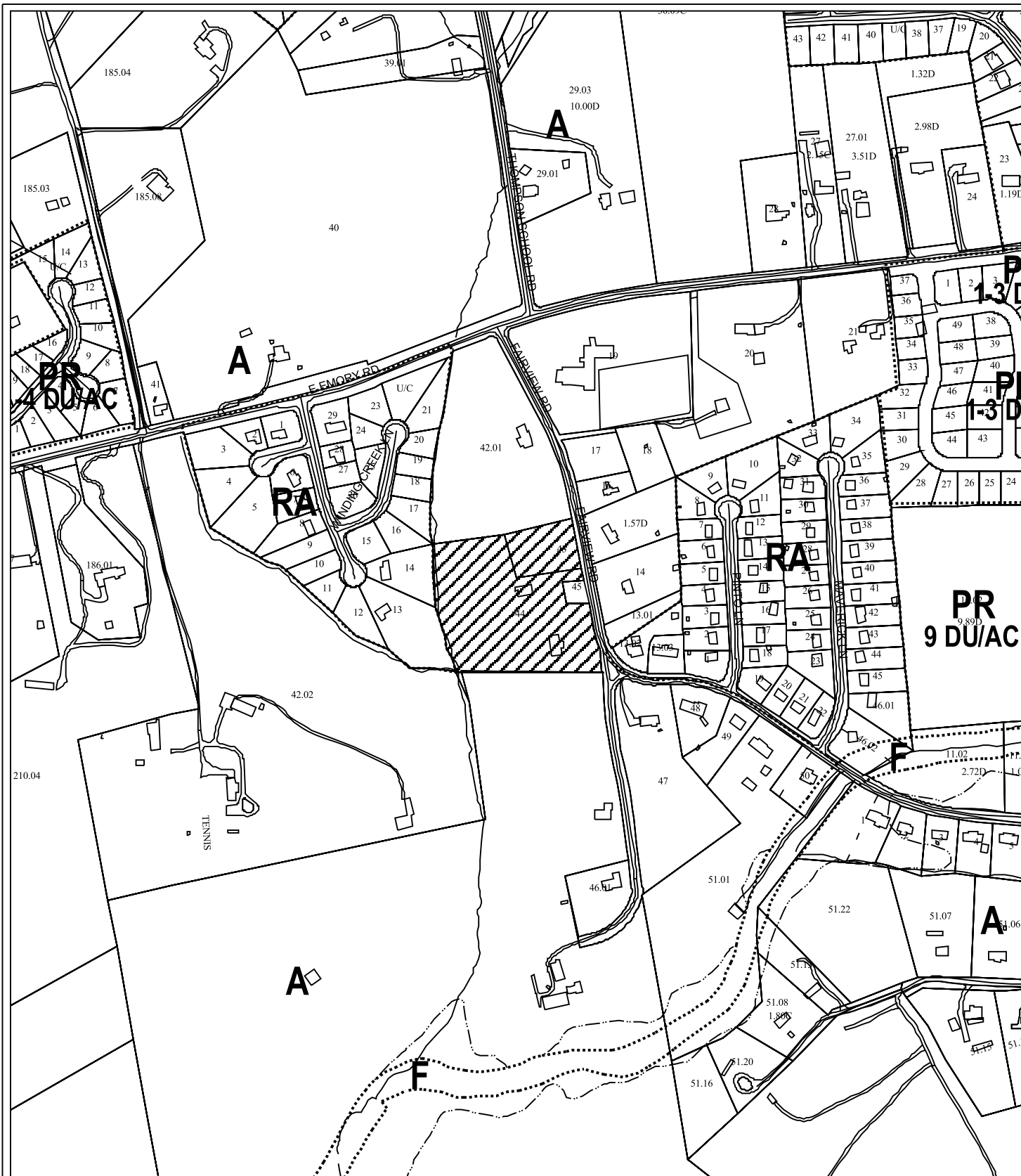
CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

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 Northeast County Sector Plan identifies this property as low density residential and stream protection. The PR zoning approved for this site allows a density up to 5 du/ac. This density is consistent with the Sector Plan and the other development found in the area.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



10-L-06-UR
USE ON REVIEW

 Condominiums in PR (Planned Residential)

Original Print Date: 09/27/06 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Kear Investment
 Properties, LLC.

Map No: 21

Jurisdiction: County





- NOTES:
1. SITE INFORMATION BASED ON AEG.
 2. PROPERTY INFORMATION ZONED PER CITY MAP 021. PARCELS 040 AND 041. SITE AREA 6.7 ACRES.
 3. UTILITY AND DRAINAGE EASEMENTS OF EXISTING LOT LINES AND ROADWAY'S INTERIOR LOT LINES.
 4. PERMANENT SETBACK: 5'. REAR SETBACK: 15'. PERIPHERAL SETBACK: 30'. 10' SETBACK FROM GLENN COUNTY AVENUES.
 5. ALL LOTS TO HAVE PERMANENT ACCESS ONLY.
 6. ALL INTERSECTION CORNERS APPROVED BY GLENN COUNTY ENGINEERING.

U.O.R.
DATE 10/24/06
REVISED
10-L-06-U.R

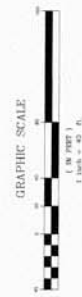
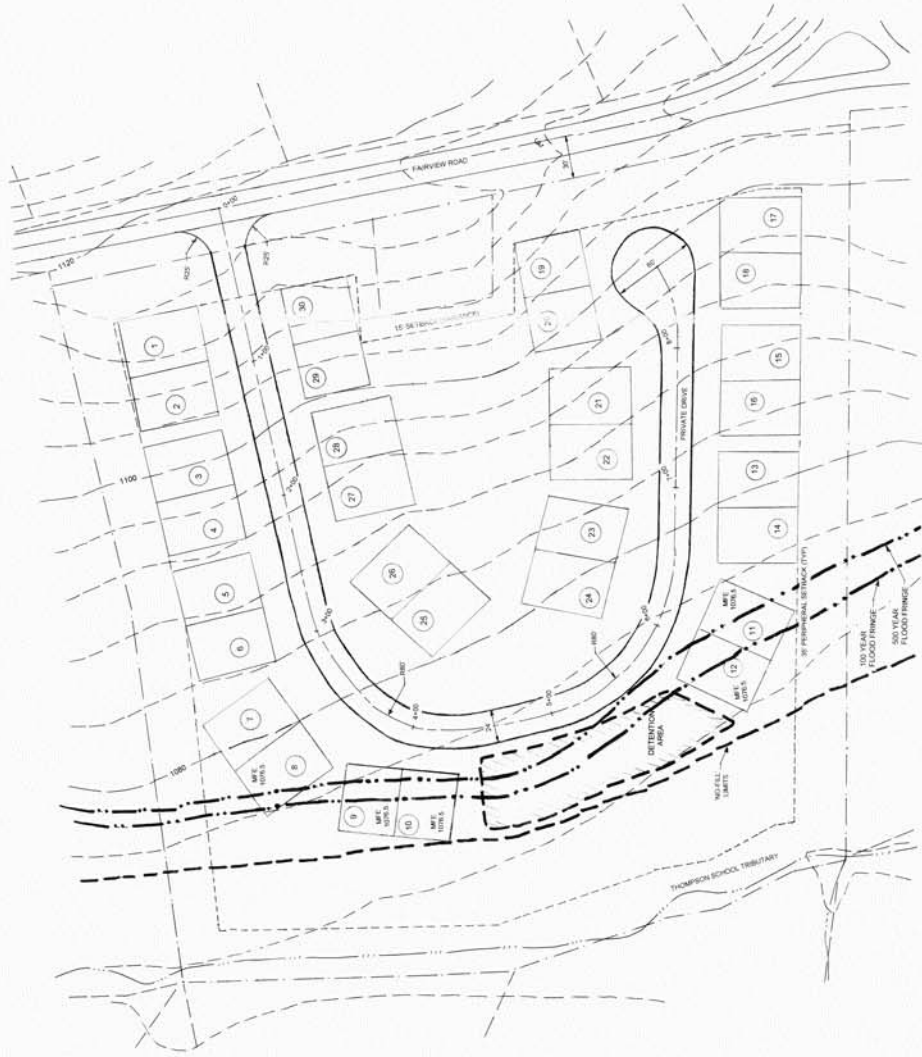
USE ON REVIEW
SITE PLAN - SHEET C1
MARIA'S MEADOW
Knox County, Tennessee

Prepared For:
Kear Investment Properties LLC
4826 Fort Sumner Road
Knoxville, TN 37938
(865) 661-1504

LandWater Engineering
4921 Homburg Drive, Suite D1
Knoxville, Tennessee 37919
(865) 766-0333



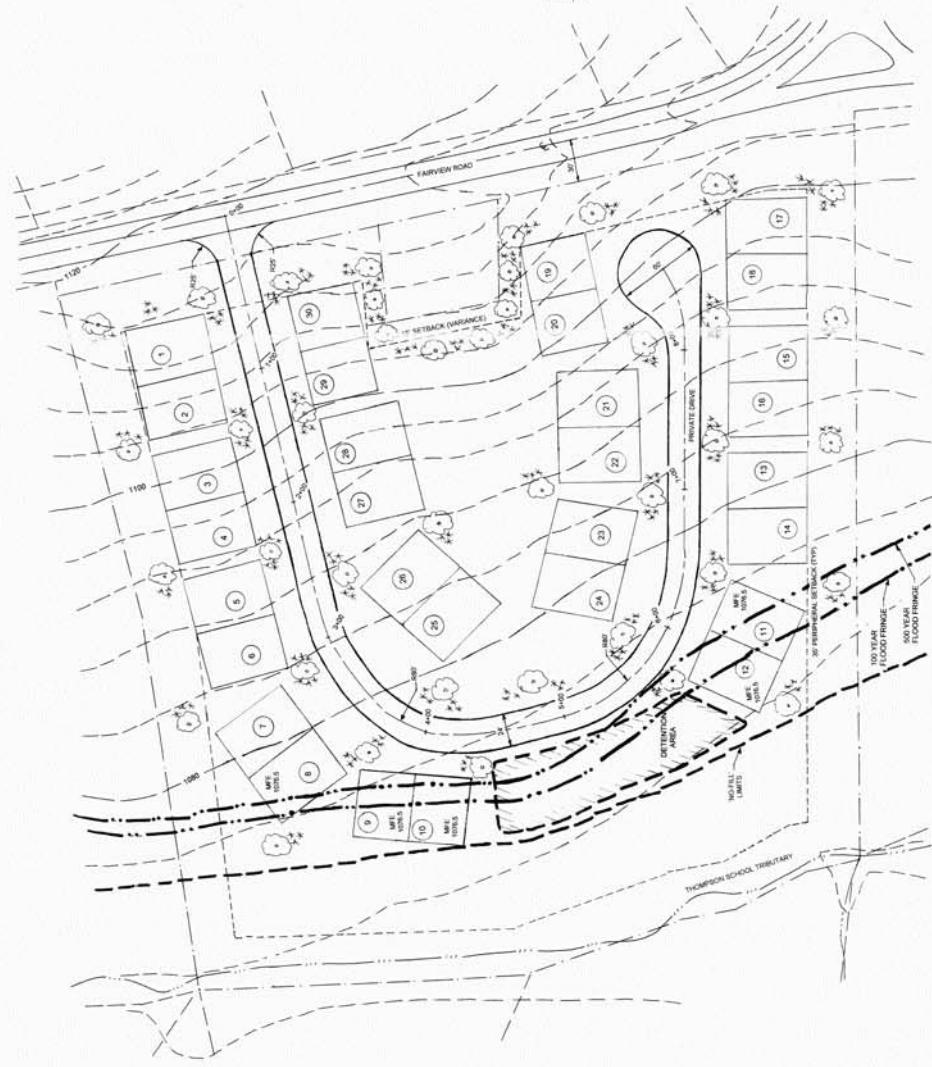
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- NOTES
1. ALL DIMENSIONS ARE IN FEET.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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 5. SEE TABLE FOR TREE PLANTING SUMMARY.

TRUNK HEIGHT	TYPE	MATURE HEIGHT
10'	RED BUCKEYE	35'
15'	FLORIDA YEW	35'
15'	EASTERN REDWOOD	40'
15'	DOGWOOD	40'
15'	SOUTHERN RED OAK	50'
15'	SOUTHERN RED OAK	50'



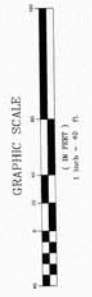
STOP
NO MOTOR VEHICLES
NO TRUCKS
NO TRAILERS
NO LOADS

USE ON REVIEW
LANDSCAPING PLAN - SHEET C2
MARIA'S MEADOW
Knox County, Tennessee

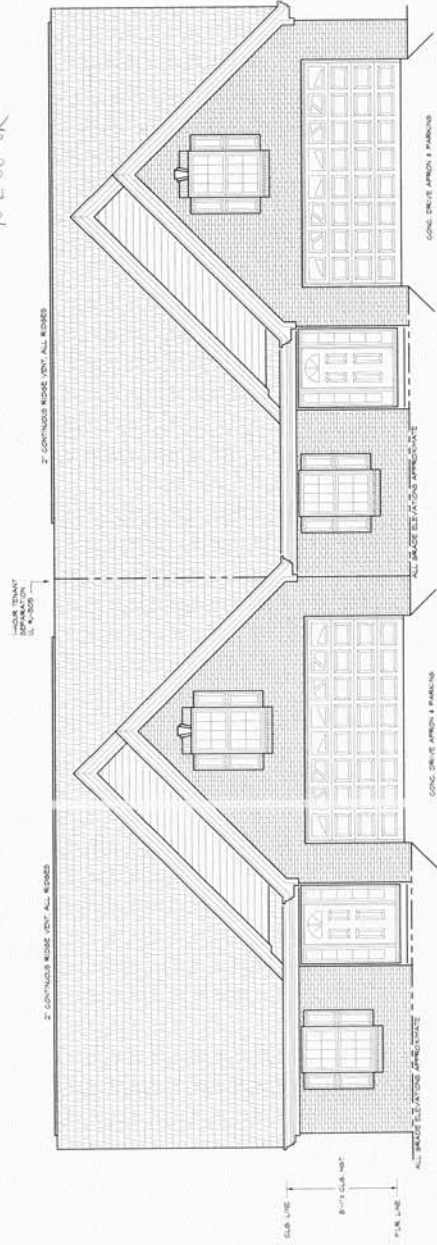
Prepared For:
Kear Investment Properties LLC
4826 Fort Sumter Road
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LANDWATER ENGINEERING, INC.
LandWater Engineering
4921 Homberg Drive, Suite D1
Knoxville, Tennessee 37919
(865) 766-0333

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10-L-06-01R



FRONT ELEVATION - UNIT 'A'
SCALE 1/4" = 1'-0"

FRONT ELEVATION - UNIT 'B'
SCALE 1/4" = 1'-0"