



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

▶ **FILE #:** 1-N-07-UR **AGENDA ITEM #:** 74  
POSTPONEMENT(S): 1/11/2007,2/8/2007 **AGENDA DATE:** 3/8/2007

▶ **APPLICANT:** DENNIS & JANA WEAVER  
OWNER(S): DJ WEAVER DEVELOPMENT, LLC.

TAX ID NUMBER: 135 H A 007 135-007  
JURISDICTION: City Council District 1

▶ **LOCATION:** Southwest side of Maloney Rd., northwest of Ginn Dr.  
▶ **APPX. SIZE OF TRACT:** 12.35 acres  
SECTOR PLAN: South County  
GROWTH POLICY PLAN: Urban Growth Area  
ACCESSIBILITY: Access is via Maloney Rd., a collector street with a pavement width of 20' within a 40' right-of-way.  
UTILITIES: Water Source: Knoxville Utilities Board  
Sewer Source: Knoxville Utilities Board

▶ **ZONING:** RP-1 (Planned Residential) & A-1 (General Agricultural)  
▶ **EXISTING LAND USE:**  
▶ **PROPOSED USE:** Condominiums  
DENSITY PROPOSED: 7.51 du/ac  
HISTORY OF ZONING: Property zoned PR (Planned Residential) @ 1-8 du/ac in 2002  
SURROUNDING LAND USE AND ZONING: North: Detached dwellings / A agricultural  
South: Knox County Park / A-1 agricultural  
East: Detached dwellings / A agricultural  
West: Ft. Loudon Lake / F-1 floodway  
NEIGHBORHOOD CONTEXT: Property in the area is zoned A and A-1 agricultural and F-1 floodway. Development in the area consists of single family dwellings, a U.T. farm and Fort Loudon Lake.

**STAFF RECOMMENDATION:**

▶ **WITHDRAW** as requested by the applicant

**COMMENTS:**

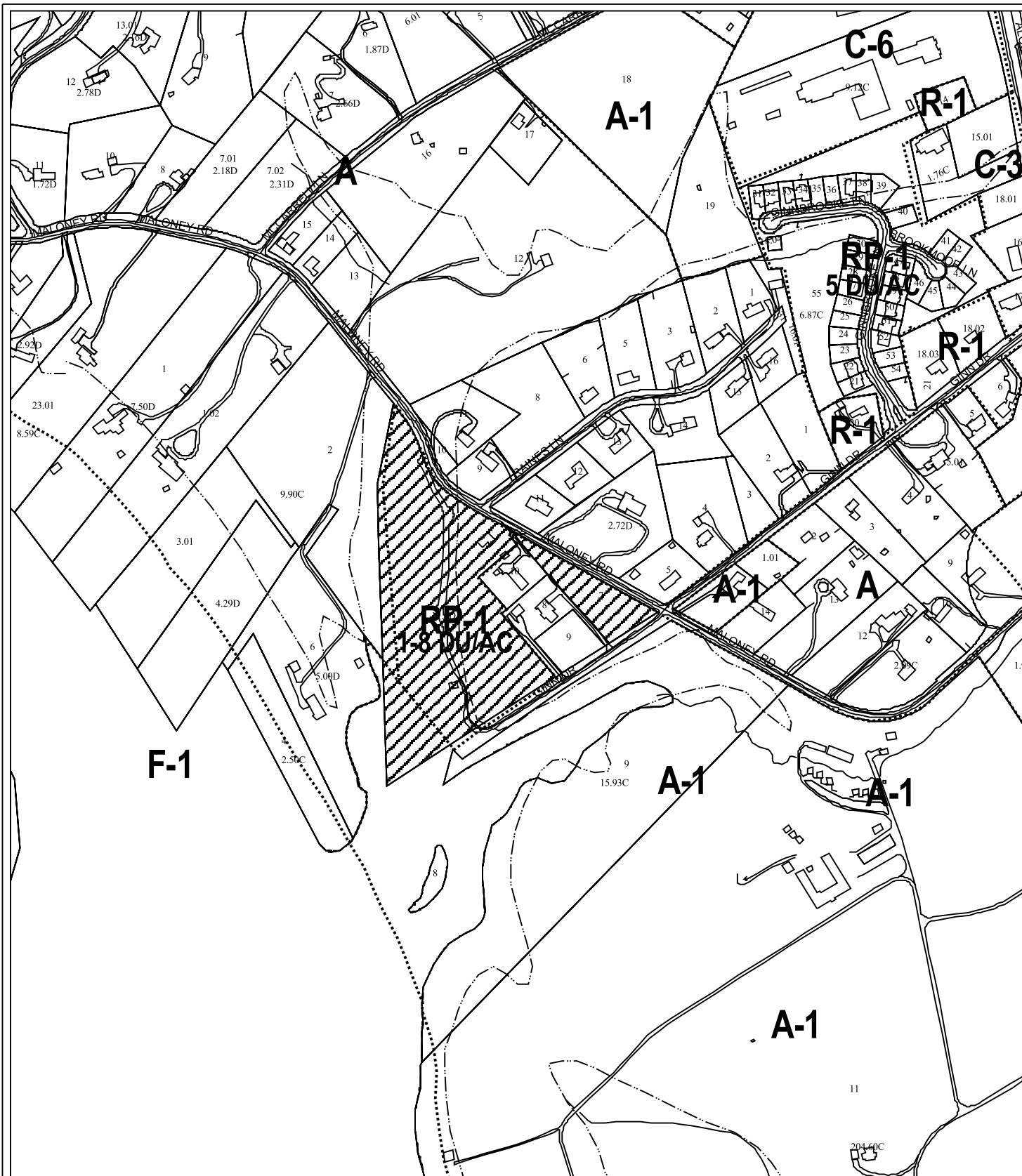
The applicant is proposing a revised development plan for the previously approved 40 unit residential condominium project that also included a 40 slip marina. The revised plan proposes the same number of dwelling units but in a totally different arrangement. The original plan proposed townhouse type units along the lake frontage. The new plan shows the units located in three buildings. Two of the buildings will three stories in height and contain 31 units. The third building will contain 5 units and it is proposed to be two stories in height. The site contains a total of 11.2 acres. However, only 5.33 acres of the site may be used in calculating the permitted development density for the project. The remainder of the land is under water or in the flowage

easement of Fort Loudon Lake. The site was zoned RP-1 with a permissible density of up to 8 units per developable acre in 2002. The residential development as proposed is under the permitted maximum development density for this site.

These applicant's had a request to rezone some adjoining property on MPC's January 11, 2007 agenda. The request was to change a 1.4 acre site from A-1 (General Agricultural) to RP-1 (Planned Residential at 5.9 du/ac. The rezoning request was denied by MPC. Mr. Weaver has appealed MPC's decision to deny their rezoning request. The matter will be on City Council's February 27, 2007 meeting agenda.

With the appeal on the rezoning pending, Mr. Weaver stated that he is not prepared to move forward at this time with the revised development plan. He has requested this matter be postponed until the March 8, 2007 MPC meeting.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



1-N-07-UR  
USE ON REVIEW



Condominiums in RP-1 (Planned Residential) & A-1 (General Agricultural)

Original Print Date: 12/29/06 Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Dennis & Jana Weaver

Map No: 135

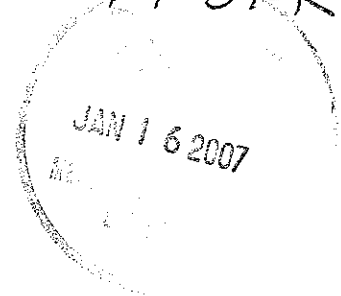
Jurisdiction: City



**EMMET VAUGHN LUMBER COMPANY**

POST OFFICE BOX 1747  
KNOXVILLE, TENNESSEE 37901-1747  
PHONE (865) 577-7577 FAX (865) 573-9319

1-N-07-UR  
+  
1-T-07-RZ



January 12, 2007

Mr. Ken Pruitt  
MPC  
City County Building  
400 Main Street  
Knoxville, TN 37902

Dear Ken:

Thanks so much for your courtesy. We knew better how to handle things and MPC seemed to agree with us.

I want you to put it in the records the three things we really need and won't to avoid regardless of who buys or owns that property.

1. The height not being over three (3) floors and we ask that you look in to see if the plans that are approved now are two or three floors. We think two is plenty but three we will live with if that is the case. Anything higher would be unacceptable in that area.
2. We feel the little triangle out front that was to be rezoned to feed it should be keep as a parking facility regardless of who buys it and what happens. Getting buildings that close to the new greenway would be very poor looking ascetically.
3. We feel the density is as dense as it needs to be. It appears MPC agrees with us on all accounts but wanted to turn this in so that you can keep it in your files for any future situations that arise.

Please keep me posted and inform me if you need anything else from us let us know and John King or I will get it to you.

Many thanks Ken, hope to see you at church.

*Buck*

Buck Vaughn  
CEO Emmet Vaughn Lumber Co.

EPV/paw



MPC March 8, 2007



Agenda Item No. 4

DENNIS WEAVER  
 122 MARYVILLE PIKE  
 SMOKEY MOUNTAIN  
 LAND SURVEYING  
 CO., INC.  
 DENNIS WEAVER  
 122 MARYVILLE PIKE  
 SMOKEY MOUNTAIN  
 LAND SURVEYING  
 CO., INC.



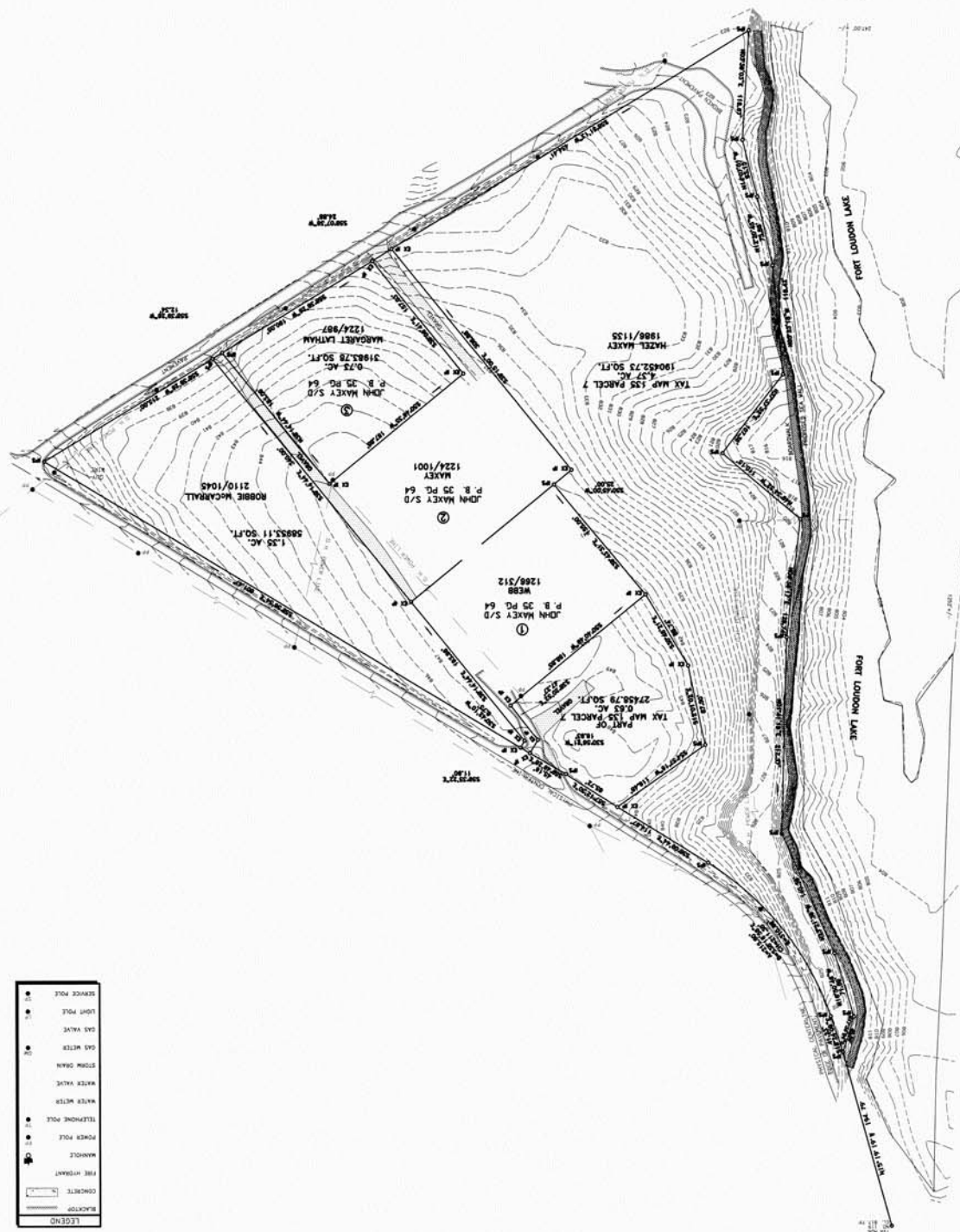
THIS IS TO CERTIFY THAT THIS IS A CORRECT  
 AND TRUE COPY OF THE ORIGINAL RECORD AS  
 KEPT IN THE OFFICE OF THE REGISTER OF  
 DEEDS AND TAXES IN THE COUNTY OF  
 HAMILTON, TENNESSEE.



THIS MAP WAS MADE BY  
 DENNIS WEAVER  
 REGISTERED LAND SURVEYOR  
 LICENSE NO. 1226  
 ON APRIL 15, 1983

THE INFORMATION SHOWN ON THIS MAP WAS OBTAINED FROM  
 THE RECORDS OF THE REGISTER OF DEEDS AND TAXES IN THE  
 COUNTY OF HAMILTON, TENNESSEE. THE INFORMATION IS  
 SHOWN AS ACCURATE AS POSSIBLE, BUT THE SURVEYOR  
 DOES NOT WARRANT THAT THE INFORMATION IS CORRECT  
 OR COMPLETE. THE SURVEYOR IS NOT RESPONSIBLE FOR  
 ANY ERRORS OR OMISSIONS. THE SURVEYOR IS NOT  
 RESPONSIBLE FOR ANY DAMAGES OR INJURIES THAT MAY  
 BE CAUSED BY THE USE OF THIS MAP. THE SURVEYOR  
 IS NOT RESPONSIBLE FOR ANY DAMAGES OR INJURIES THAT  
 MAY BE CAUSED BY THE USE OF THIS MAP.

U.O.R.  
 DATE



LEGEND

●	SERVICE POLE
○	LIGHT POLE
○	DAK VALVE
○	DAK WATER
○	STONE CROWN
○	WATER VALVE
○	WATER WATER
○	TELEPHONE POLE
○	POWER POLE
○	MANHOLE
○	FIRE HYDRANT
○	CONCRETE
○	BACKSTOP

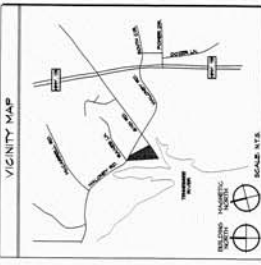
A NEW PROPOSED CONCEPT FOR  
**THE GAZBO**  
**AT WATERFORD COVE**  
 MALONEY ROAD & GINN ROAD  
 KNOXVILLE, TENNESSEE

NOT FOR CONSTRUCTION

DESIGNER: MICHAEL BRADY INC.  
 ARCHITECTURE INTERIORS SURVEYING CIVIL STRUCTURAL MECHANICAL ELECTRICAL  
 299 N. WALKER RD.  
 KNOXVILLE, TN 37918  
 (615) 584-0999  
 www.mbrady.com

DATE: 12/04/06  
 DESIGNED BY:  
 DRAWN BY:  
 CHECKED BY:  
 COMM. NO. 0600232  
 REVISIONS:

SHEET: Sheet No. C1 of



**PROJECT INFORMATION**

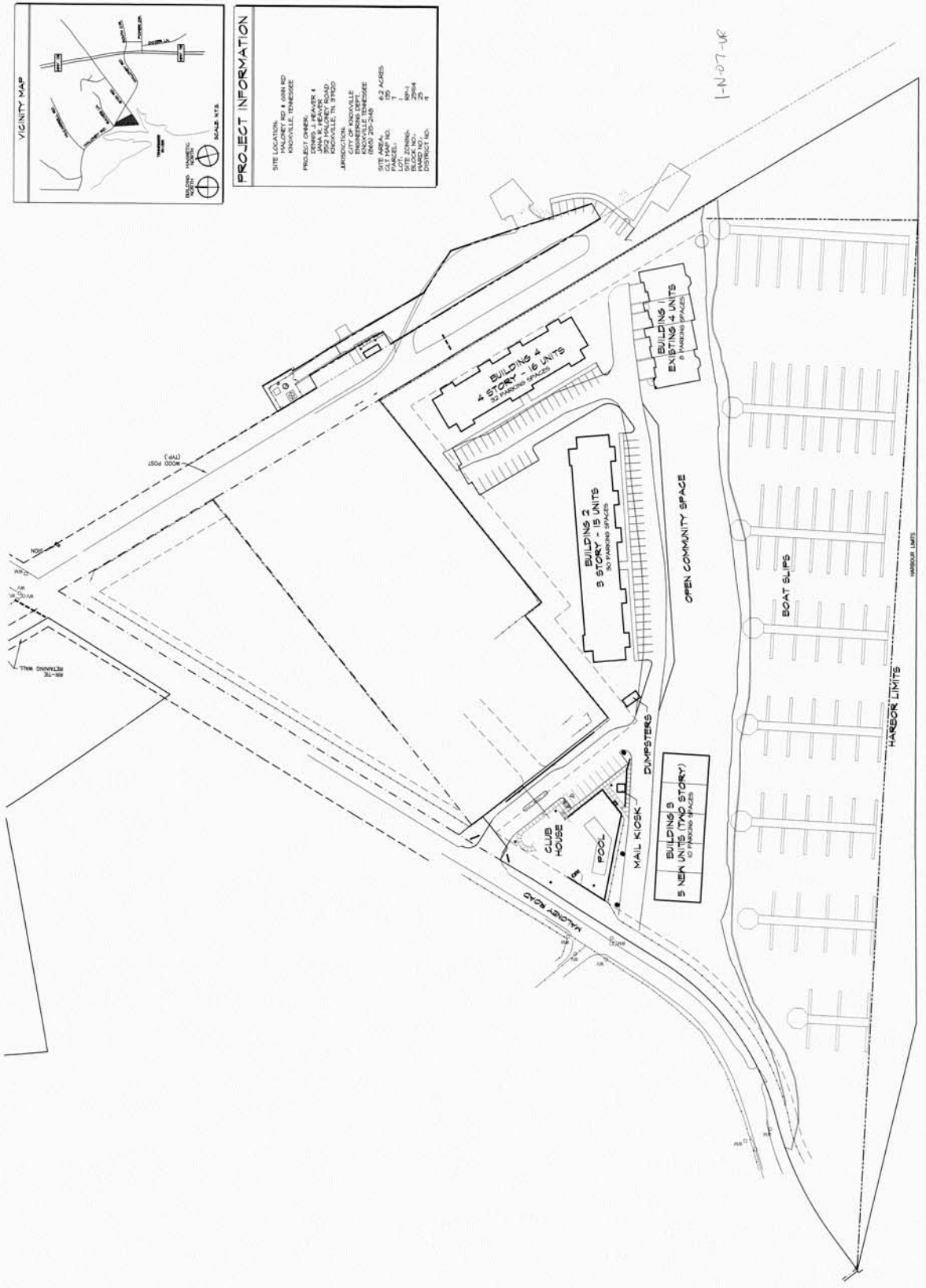
SITE LOCATION: 1.00 ACRES ±  
 KNOXVILLE, TENNESSEE

PROJECT OWNER:  
 DEWIS & KEAVER 4  
 2902 MALONEY ROAD  
 KNOXVILLE, TN 37903

JURISDICTION:  
 CITY OF KNOXVILLE  
 KNOXVILLE, TENNESSEE

SITE AREA: 107,245 SQ. FT.  
 2.43 ACRES

GULF MAP NO.: 104  
 LOT NUMBER: 2904  
 BLOCK NO.: 2904  
 DISTRICT NO.: 4



Michael Brady Inc.  
 Architecture Interior Civil Structural Mechanical Electrical  
 Surveying Instrumentation Systems  
 Knoxville, TN 37918  
 Phone: (603) 584-0999  
 Fax: (603) 584-5212  
 mib@brady.com

NOT FOR CONSTRUCTION

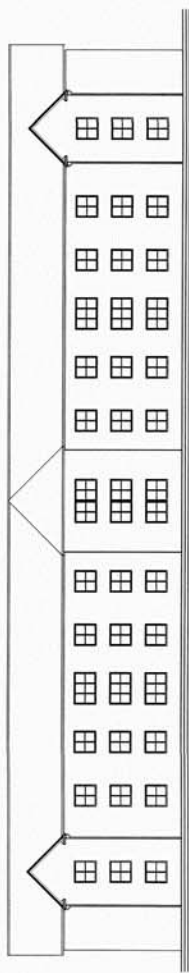
A NEW PROPOSED CONCEPT FOR  
**THE GAZERBO**  
 AT WATERFORD COVE  
 MALONEY ROAD & GINN ROAD  
 KNOXVILLE, TENNESSEE

DATE: 12/24/06  
 Designed By:  
 Drawn By:  
 Inspected By:  
 Comm. No. 0600312  
 EXHIBITORS:

FOR REVIEW ONLY  
 NOT TO BE USED FOR  
 CONTRACT DOCUMENTS  
 CONTRACTOR COMMENTS

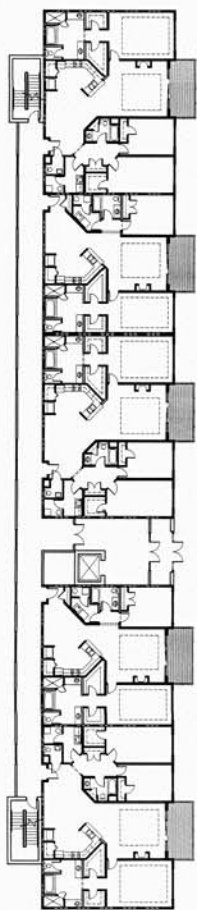
DATE: 12/24/06  
 Designed By:  
 Drawn By:  
 Inspected By:  
 Comm. No. 0600312  
 EXHIBITORS:

Sheet No. 02  
 of



1

REAR ELEVATION CONCEPT  
 SCALE: 1/8" = 1'-0"



2

FLOOR PLAN CONCEPT  
 SCALE: 1/8" = 1'-0"



3

FRONT ELEVATION CONCEPT  
 SCALE: 1/8" = 1'-0"

**Michael Brady Inc.**  
 299 N. K. Ketterer Rd.  
 Knoxville, TN 37918  
 615.583.3333  
 www.mbrady.com

Architectural Services: Planning, Design, Construction Administration  
 Landscape Architecture: Site Planning, Design, Construction Administration

**THE GAZERBO**  
 A NEW CLUSTER FOR  
**AT WATERFORD COVE**  
 MALONEY ROAD & GINN ROAD  
 KNOXVILLE, TENNESSEE

DATE: 05/27/04  
 DESIGNED BY:  
 DRAWN BY:  
 CHECKED BY:  
 CONT. NO. 05005

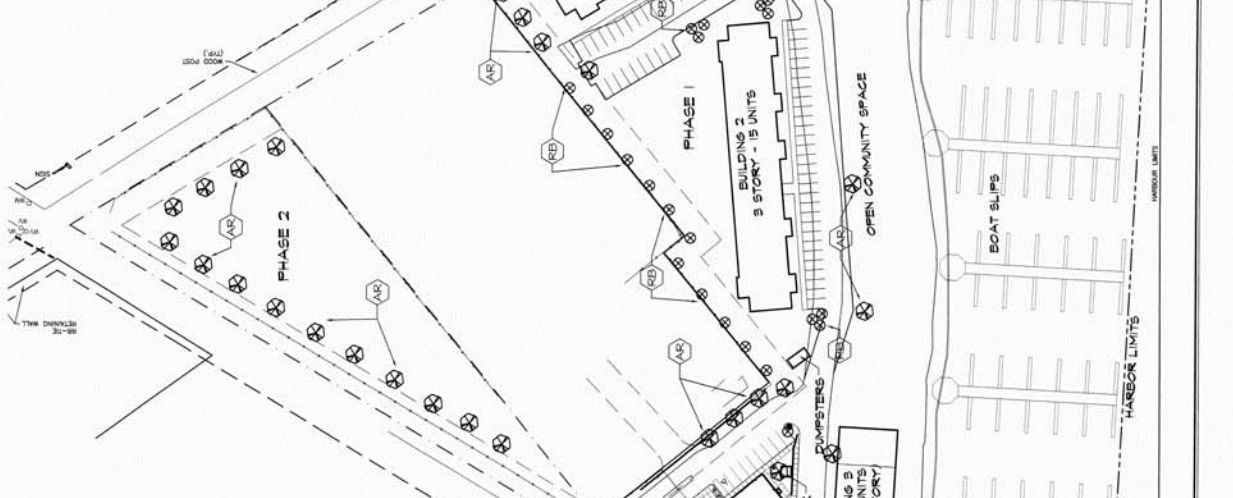
LANDSCAPE PLAN

Sheet 1 of 1 LPT

**ZONING INFORMATION**

PROJECT INFO:  
 PHASE 1: 0.2 ACRES LAND AREA - 48.6 TREES  
 PHASE 2: 7.5 ACRES LAND AREA - 14 TREES  
 7.85 ACRES TOTAL LAND AREA - 63.6 TREES REQUIRED TOTAL

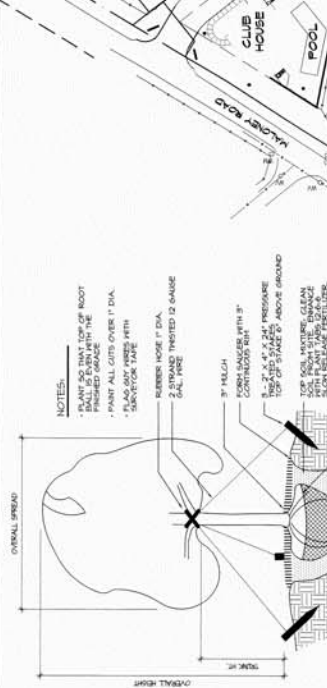
**NOTE:**  
 FINAL TREE LOCATIONS MAY DIFFER  
 OWNER/CONTRACTOR ARE TO MAINTAIN  
 8' TREE PER ACRE MINIMUM REQUIREMENT.



**PLANT MATERIAL SCHEDULE**

TREES	QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	DESCRIPTION	REMARKS
(AR)	45	⊗	ACER RUBRUM RED SUNSET	RED MAPLE	12'-14" HGT. 2 1/2" CAL.	
(RB)	23	⊗	BETULA NIGRA "DURA HEAT"	RIVER BIRCH	10'-12" HGT. 2" CAL. MULTI-TRUNK	

- LANDSCAPES NOTES**
- CARE IS TO BE TAKEN TO PROTECT ALL UNDERGROUND UTILITIES, SEPTIC TANKS, ETC. THE LOCATION OF ALL EXISTING UTILITIES, SEWER, GAS, ELECTRIC, ETC. SHALL BE OBTAINED FROM THE LANDSCAPE ARCHITECT PRIOR TO ANY CONSTRUCTION. ALL UTILITIES SHALL BE CLEAN AND FREE FROM ANY AND ALL OBSTRUCTIONS PRIOR TO ANY CONSTRUCTION.
  - USE 1/2" DIA. 10' LONG REBAR WITH 1/2" DIA. 10' LONG REBAR FOR ALL PLANTING HOLES. FERTILIZER OF EQUAL SHALL BE USED IN ALL PLANTING HOLES.
  - USE 1/2" DIA. 10' LONG REBAR WITH 1/2" DIA. 10' LONG REBAR FOR ALL PLANTING HOLES.
  - USE 1/2" DIA. 10' LONG REBAR WITH 1/2" DIA. 10' LONG REBAR FOR ALL PLANTING HOLES.
  - USE 1/2" DIA. 10' LONG REBAR WITH 1/2" DIA. 10' LONG REBAR FOR ALL PLANTING HOLES.
  - USE 1/2" DIA. 10' LONG REBAR WITH 1/2" DIA. 10' LONG REBAR FOR ALL PLANTING HOLES.
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  - USE 1/2" DIA. 10' LONG REBAR WITH 1/2" DIA. 10' LONG REBAR FOR ALL PLANTING HOLES.
  - USE 1/2" DIA. 10' LONG REBAR WITH 1/2" DIA. 10' LONG REBAR FOR ALL PLANTING HOLES.



**LANDSCAPE PLAN**  
 SCALE: 1" = 8'-0"



Joyce G. Whedbee

FN-07-UR

#74

2/15/07

FEB 26 2007

Mr. Pruitt,

I oppose the rezoning request for change on Maloney Rd. at Seim Rd. (135H A007). We do not need more condos or Apts. on this narrow road. We have had 5 neighbors billed on or around Maloney Rd. since I have lived here (40 yrs). The condo builders have not stuck to the original plan as approved.

Joyce G. Whedbee  
3588 Seim Rd  
H. I. 37920

H. I. 37920

**Knoxville/Knox County Metropolitan Planning Commission Use on Review Proposal**  
**Second Meeting: Thursday, March 8, 2007, 1:30PM**, Main Assembly Room of the City-County Building  
on Main Street in downtown Knoxville  
**PLEASE ATTEND! NEIGHBORHOOD REPRESENTATION IS IMPORTANT!**  
Agenda Item #Unknown at this time (Contact MPC Offices Friday before the meeting for Agenda Item Number)

**Lakemoor Hills, Timberlake, and Maloney Road West of Alcoa Highway Residents Opposition to the Uses on Review Proposal.**

We, as citizens of Knox County and this neighborhood, oppose the changes to the use of this tract of:

Tax ID Number: 135 H A 007  
Jurisdiction: City Council District 1  
Location: Southwest side Maloney Rd., northwest of Ginn Dr.  
Applicant: Dennis & Jana Weaver  
Use on review: Change from 40 townhouse style single-unit condominiums to two 3 & 4 story multi-unit buildings with 31 apartment style condos and only 9 townhouse style single-unit condominiums.

1. Oppose the change in use in order to prevent modifications to the original Gazebo Point at Waterford Cove site-plan where they are proposing to have two 3-4 story multi-unit buildings with 31 apartment style condos and only 9 townhouse style single-unit condos instead of the 40 primarily 2 story (some 3 story) townhouse style single-unit condos. There are no 3-4 story multi-unit type buildings within 5 miles of this location. The proposed changes to the condo development are not compatible with the surrounding area. This area is quite rural, barely suburban.
2. Oppose any additional units over the 40 original units for this condo development. As is, this development would push the limits of the access roads. The development is located between two relatively dangerous curves on Maloney Road. More cars make the curves more dangerous. An alternate route of exit is Ginn Drive, which is a skinny, hilly, barely two lane rural road, not built for heavy, high-speed traffic.
3. Four years ago a lot of time was spent by the developer and residents of the neighborhood to work on an agreeable condo development. There has been no opportunity provided by the developer to discuss this massive change to the original site plan. The original design of this condo development on this finger of land annexed into the City of Knoxville with RP-1 zoning barely meets the aesthetics of the neighborhood. The proposed change of use does not fit with the surrounding area in any way; a public park on one side, residences with acre or more lots on another side, a very small lake cove with a single residence on five acres on a third side.
4. Oppose the Growth Policy Plan classification, Urban Growth Area, of the finger of land called Gazebo Point at Waterford Cove. This is not an urban area. The entire area surrounding this tract of land is zoned Agricultural with residences or a park. Save the character of this neighborhood so future generations may enjoy this wonderful area.

**Before the March 8<sup>th</sup> MPC meeting, please write Ken Pruitt, Dan Kelly, and/or any MPC Commissioners at the Metropolitan Planning Commission regarding this topic and register your opposition, including any or all of the information provided here. Ensure your opposition is registered and recognized for the meeting on Thursday, March 8<sup>th</sup>, 2007.**

MPC Address: ATTN: Ken Pruitt or Dan Kelly, Knoxville/Knox County Metropolitan Planning Commission, Suite 403, City/County Building, 400 Main Street, Knoxville, Tennessee 37902

MPC Phone: 215-2500

MPC Fax: 215-2068

MPC Email: [ken.pruitt@knoxmpc.org](mailto:ken.pruitt@knoxmpc.org), [dan.kelly@knoxmpc.org](mailto:dan.kelly@knoxmpc.org)

Keep copies of letters and e-mails for proof of correspondence.

1-N-07-UR

**From:** <Drveda@aol.com>  
**To:** <ken.pruitt@knoxmpc.org>, <joseph49@bellsouth>, <dan.kelly@knoxmpc.org>  
**Date:** 2/15/2007 3:01:10 PM  
**Subject:** Meetings: February 27 @ 7:00PM and March 8, 2007 @ 1:30PM= RE zoning change

The purpose of this memo is to list my reasons for opposing the Change in Use requested by Dennis Weaver the developer who has failed to comply with his private "handshake" deals.

Reasons for opposition are as follows:

1. The addition of 3 & 4 story apartment buildings will cause an overflow of the sewer pump station Weaver has placed in the middle of the adjacent County Park for his City condos.
2. Parking for tenants & guests will not be adequate for the 40 condos previously approved. During football season when fans are using condo boat docks, I hope they will not use the County Park for overflow parking. This must be prevented.
3. This is not an urban area; to my knowledge that finger of land was annexed solely for the developer. We would like to keep Lakemoor Hills single unit dwellings and traffic safe.

When I attend the meetings, I trust that votes will come from participants who have actually visited the property on which decisions are made.

Veda Bateman, PhD  
3608 Blow Drive  
the developer

**CC:** <LHHA-TN@yahogroups.com>

**From:** <wwpterry@comcast.net>  
**To:** <dan.kelly@knoxmpc.org>  
**Date:** 2/16/2007 10:59:42 AM

1-N-07-UR

Mr. Dan Kelly

Mr. Kelly I am writing you regarding the "Gazebo at Waterford Cove" development. I am a concerned neighbor that has seen this project slowly move forward and turn into an eyesore.

Unfortunately the Developer has not had a clear plan going into this project from the beginning. There have been many changes from the original concept plan, including relocating a SEWAGE LIFT STATION to our neighborhood park. You should check with the park commission and see how the Developer misled Doug Batielle on this issue.

The property went into Fore closure in December and the Developer filed Bankruptcy so the bank could not take possession. After speaking with the attorney representing the Bank, the Developer and the Bank have agreed on some terms in which the Developer may or may not be able to complete.

In closing I ask you to please not let this Developer make anymore changes especially more density and 4-5 story buildings on this property. I don't want to see this already failing development grow any larger than it has already become.

Thank You, Bill Terry  
4112 Maloney Road

**From:** Roger Bowlby <tig6884@yahoo.com>  
**To:** <dan.kelly@knoxmpc.org>  
**Date:** 2/19/2007 2:51:28 PM  
**Subject:** Use on Review at Maloney Road and Ginn Drive

1-N-07-UR

Dear Commissioner Kelly:

I have lived in Knoxville for 42 years, and on Tall Pine Lane in Lakemoor for 33. I am writing to urge you to oppose modification of the site plan for Gazebo Point at Waterford Cove. I consider the proposed changes as radical, amounting to a new site plan. They are not compatible with the surrounding rural area.

During my 33 year stay in Lakemoor my quality of life has deteriorated as more and more people and automobiles have moved into an area with roads that were only marginally adequate in 1974. If you have a magic wand I'd ask you to undo much of the development that has taken place. Since you don't I would hope that you can do your best to stabilize the situation and stall future deterioration.

Respectfully submitted by Roger L. Bowlby, 2520 Tall Pine Lane, Knoxville 37920.

My phone number is 577-0335.

-----  
Need a quick answer? Get one in minutes from people who know. Ask your question on Yahoo! Answers.

I-N-07-UR

**From:** <MaggieTraLa@cs.com>  
**To:** <joseph49@bellsouth.net>, <ken.pruitt@knoxmpc.org>, <dan.kelly@knoxmpc.org>  
**Date:** 2/19/2007 2:06:42 PM  
**Subject:** Rezoning and Gazebo Point

Dear Sirs:

I am writing to voice my opposition to the rezoning of the 1.4 acres at Maloney Road and Ginn Drive. I am also opposed to the modifications proposed for Gazebo Point to permit 3-4 story buildings and any additional units! This area has always been rural in nature, and we would like to keep it that way! These changes are not compatible with the character of the neighborhood, and these changes are an attempt to nullify the compromises that were worked out four years ago. In addition, Maloney Road, especially at that point, is a narrow two-lane road with very several VERY dangerous curves. Increased traffic at the level that this proposed development would create would be extremely congested and dangerous. Please do not permit these changes to be approved!

Margaret Goodman  
3824 Maloney Road