

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

▶ **FILE #:** 8-H-17-UR

AGENDA ITEM #: 55

AGENDA DATE: 8/10/2017

▶ **APPLICANT:** PRIME SENIOR LIVING

OWNER(S): Prime Senior Living

TAX ID NUMBER: 154 C E 009 & 154 09902

[View map on KGIS](#)

JURISDICTION: County Commission District 4

STREET ADDRESS: 1920 Falling Waters Rd

▶ **LOCATION:** Northeast side of Falling Waters Rd., south of Twin Branch Dr.

▶ **APPX. SIZE OF TRACT:** 7.49 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Falling Waters Rd., a local street with a 26' pavement width within a 50' right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

▶ **ZONING:** PC (Planned Commercial) and RA (Low Density Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Assisted Living Facility

HISTORY OF ZONING: The rezoning to PC (Planned Commercial) was approved by the Knox County Commission on September 25, 1995.

SURROUNDING LAND USE AND ZONING: North: Residences - RA (Low Density Residential)

South: Office building - PC (Planned Commercial)

East: Residences - RA (Low Density Residential)

West: Residences - RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: The existing office building to the south was developed around the time of the Falling Waters Subdivision which adjoins this site on the north. Mixed commercial uses are located to the south of the site. Pellissippi Parkway and Northshore Town Center are located west of this site.

STAFF RECOMMENDATION:

▶ **DENY the request for the assisted living center for the reasons stated below.**

1. The entire property is located within 1000 feet of I-140 which is a designated Scenic Highway under Tennessee Code Annotated (TCA), Section 54-17-0114(Q). (Copy attached)
2. This property is subject to a maximum building height restriction of 35 feet above the ground line on property located above the level of the highway (TCA 54-17-115(a)).
3. As proposed, the four story building has a maximum height of approximately 50 feet and would be in violation of the maximum building height restriction of 35 feet under State law.

COMMENTS:

The applicant is proposing to develop this 7.49 acre site as an assisted living facility as defined in the Knox County zoning ordinance. The facility as proposed includes four stories with a total building area of 156,988 square feet (39,247 square feet per floor). There will be a total of 175 beds in one and two bedroom units.

The site is located on the northeast side of Falling Waters Rd., south of Twin Branch Dr. The facility will be served by a single driveway off of Falling Waters Rd. A total of 143 parking spaces will be provided for the facility.

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

1. All utilities are in place to serve the existing site.
2. The proposed assisted living facility, if reduced in height to meet the height restrictions of the Scenic Highway System Act of 1971, would serve as a transition use between the detached residential subdivisions to the north and east and the nonresidential development to the south.
3. Assisted living facilities do not have a significant traffic impact as compared to other residential and nonresidential uses.

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

1. The proposed assisted living facility is 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 use will not draw additional traffic through residential areas since the site has direct access to a street that serves nonresidential development.
2. The proposal meets all requirements of the PC zoning district and all other applicable requirements of the Knox County Zoning Ordinance.

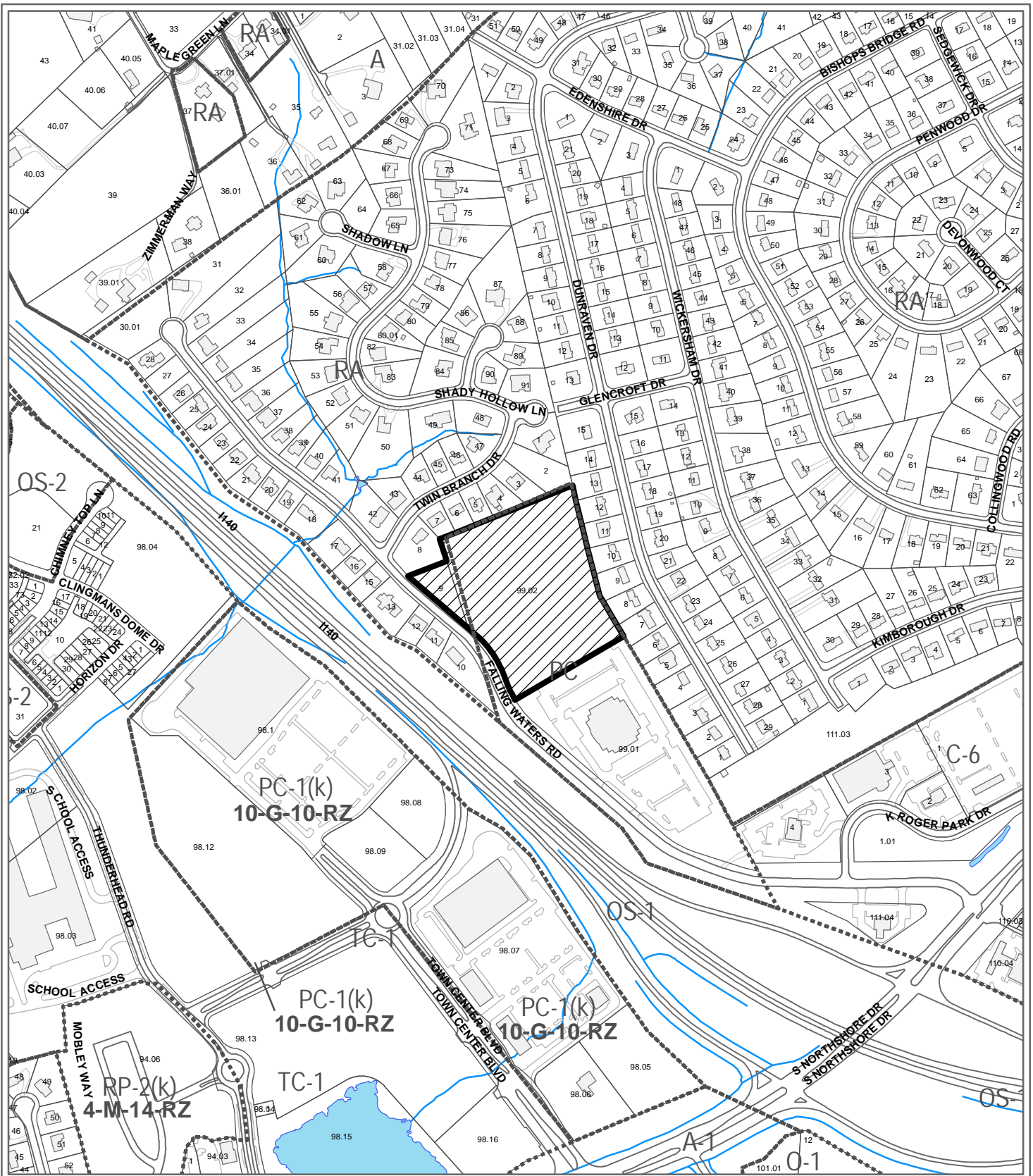
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Southwest County Sector Plan designates this site for office uses. The primary office zoning districts allow consideration of assisted living facilities through the use on review process.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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.



**8-H-17-UR
USE ON REVIEW**



Assisted Living Facility in PC (Planned Commercial) and RA (Low Density Residential)

Original Print Date: 7/18/2017
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

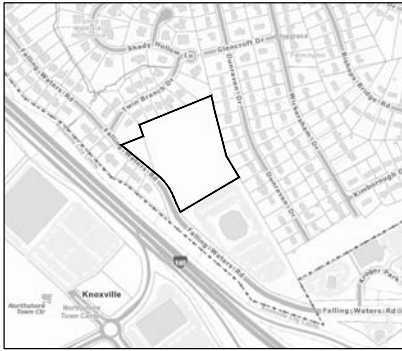
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Prime Senior Living

Map No: 154

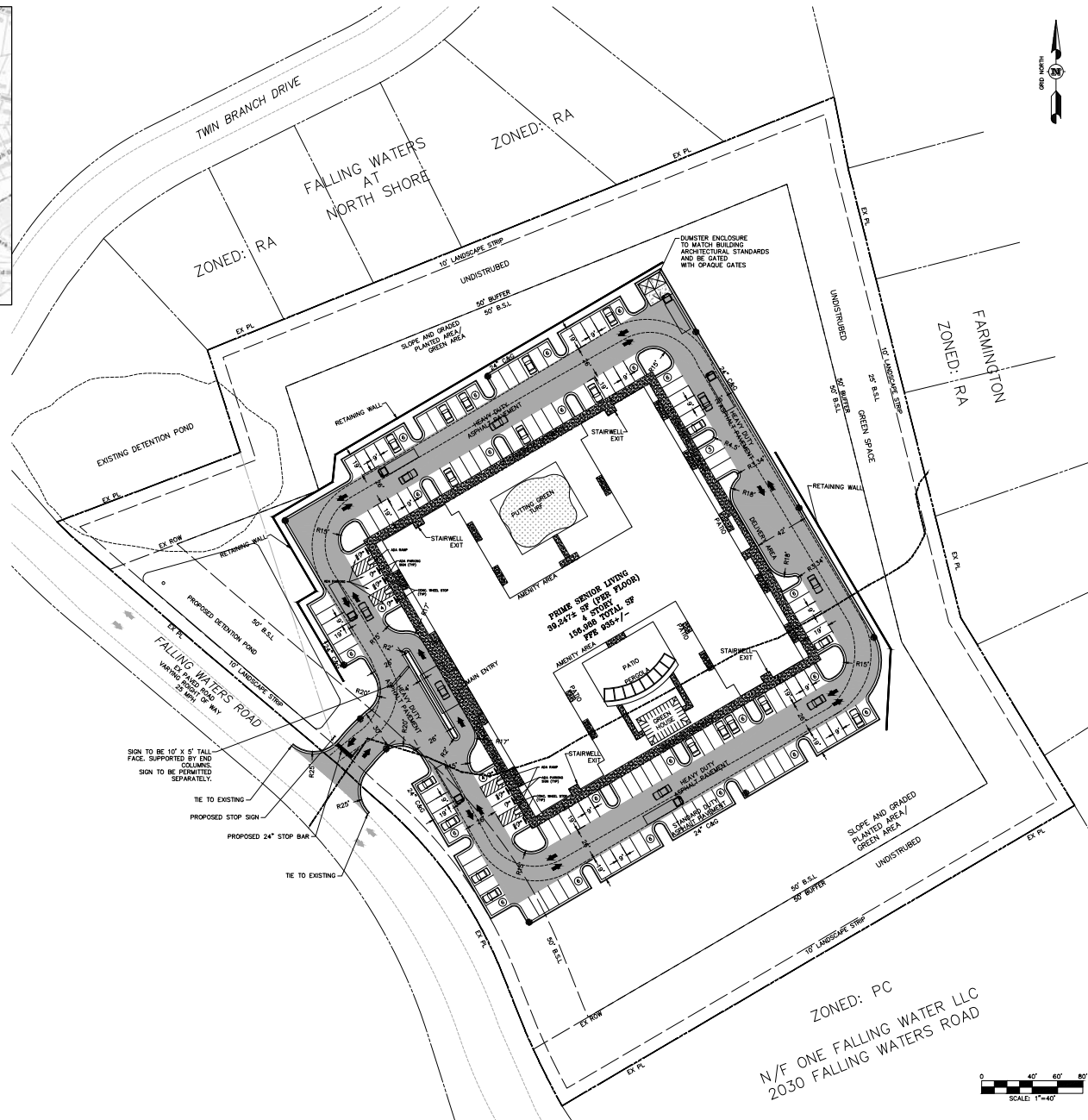
Jurisdiction: County





VICINITY MAP
NTS

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 47093C0380F DATED MAY 2, 2007.
SITE PLAN DEVELOPED FROM AVAILABLE DATA MAPS AND/OR DRAWINGS. THIS SITE PLAN WAS NOT CREATED FROM A FIELD RUN SURVEY. CZE RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE.



PROPOSED USE: ASSISTED CARE FACILITY
0 & 1920 FALLING WATERS ROAD
PARCEL NUMBER'S: 154-09902 & 154CE009

SITE AREA:
134 DMS: 7.02 AC
154CE009: 0.47 AC
TOTAL SITE AREA: 7.49# AC

TOTAL BUILDING AREA: 39,247.5 SF (PER FLOOR)
150,888 TOTAL SF

JURISDICTION:
KNOX COUNTY PLANNING & DEVELOPMENT
205 WEST BAXTER AVENUE
KNOXVILLE, TN 37917
PHONE: (865) 215-5800

CURRENT ZONING:
134 DMS: PD-PLANNED COMMERCIAL ZONE
154CE009: RA-LOW DENSITY RESIDENTIAL ZONE

PROPOSED HEIGHT 4 STORY

IMPERVIOUS AREA: 2.85 ACRES 37.5%

PARKING REQUIREMENTS:
ASSISTED LIVING FACILITY 1 SPACE PER 4 BEDS
PLUS 1 SPACE FOR EACH EMPLOYEE DURING LARGEST SHIFT

175 BEDS/A = 44
20 EMPLOYEES PER LARGEST SHIFT = 20 REQUIRED

TOTAL PARKING REQUIRED: 64
TOTAL SPACES PROVIDED: 143 8/8 ADA SPACES

THERE ARE NO LAKES OR STREAMS LOCATED ON THE PROPOSED PROPERTY.

LIGHTING ON-SITE TO BE HOODED / SHIELDED AND FACING AWAY FROM ADJACENT RESIDENTIAL PROPERTIES.

- NOTE:**
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND LOCAL CODES.
 - REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
 - ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BUILDINGS ARE TO OUTSIDE FACE OF BUILDING.
 - ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
 - ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION.
 - ALL STRIPED OR CURBED RADII SHALL BE 5' UNLESS OTHERWISE NOTED.
 - THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, CURBS OR CURB SIDE SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
 - CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
 - SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
 - ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
 - ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.
 - ALL CONCRETE SHALL BE 4,000 PSI 28 DAY COMPRESSIVE STRENGTH MINIMUM.
 - PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
 - ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.
 - PARKING LOT STRIPING SHALL BE INCLUDED IN PAVING CONTRACTOR'S SCOPE FOR WORK. STRIPING WILL BE ACCORDING TO OWNER'S SPECIFICATIONS. ALL STRIPING IS TO HAVE TWO (2) COATS OF PAINT (MIR).

OWNER
LECONTE HOLDINGS LLC
7011 LAWFORD
KNOXVILLE, TN 37919

PRIMARY PERMITTEE
PRIME SENIOR LIVING GROUP, LLC,
11622 EL CAMINO REAL STE 1042
SAN DIEGO, CA 92130

REVISIONS: 07/25/17 ADDRESSED COUNTY COMMENTS	
PROJECT: PRIME SENIOR LIVING	
PROJECT ADDRESS: 0 & 1920 FALLING WATERS ROAD	
PROJECT ADDRESS: KNOXVILLE, TN 37922	
CLIENT: PRIME SENIOR LIVING	
CLIENT ADDRESS: 11622 EL CAMINO REAL	
CLIENT ADDRESS: SAN DIEGO, CA 92130	
DATE: 06/22/17	DWG: CSPI

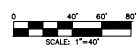
Civil Consulting Engineers, Inc.

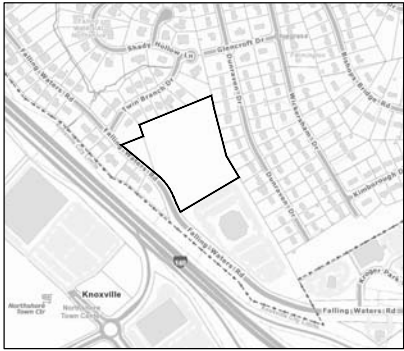
122 CEDAR WOODS TRAIL
CANTON, GA 30114
678-462-4072
CIVILCONSULTINGENGINEERS.NET

USE ON REVIEW CONCEPT PLAN C01

8-H-17-UR
Revised: 7/25/2017

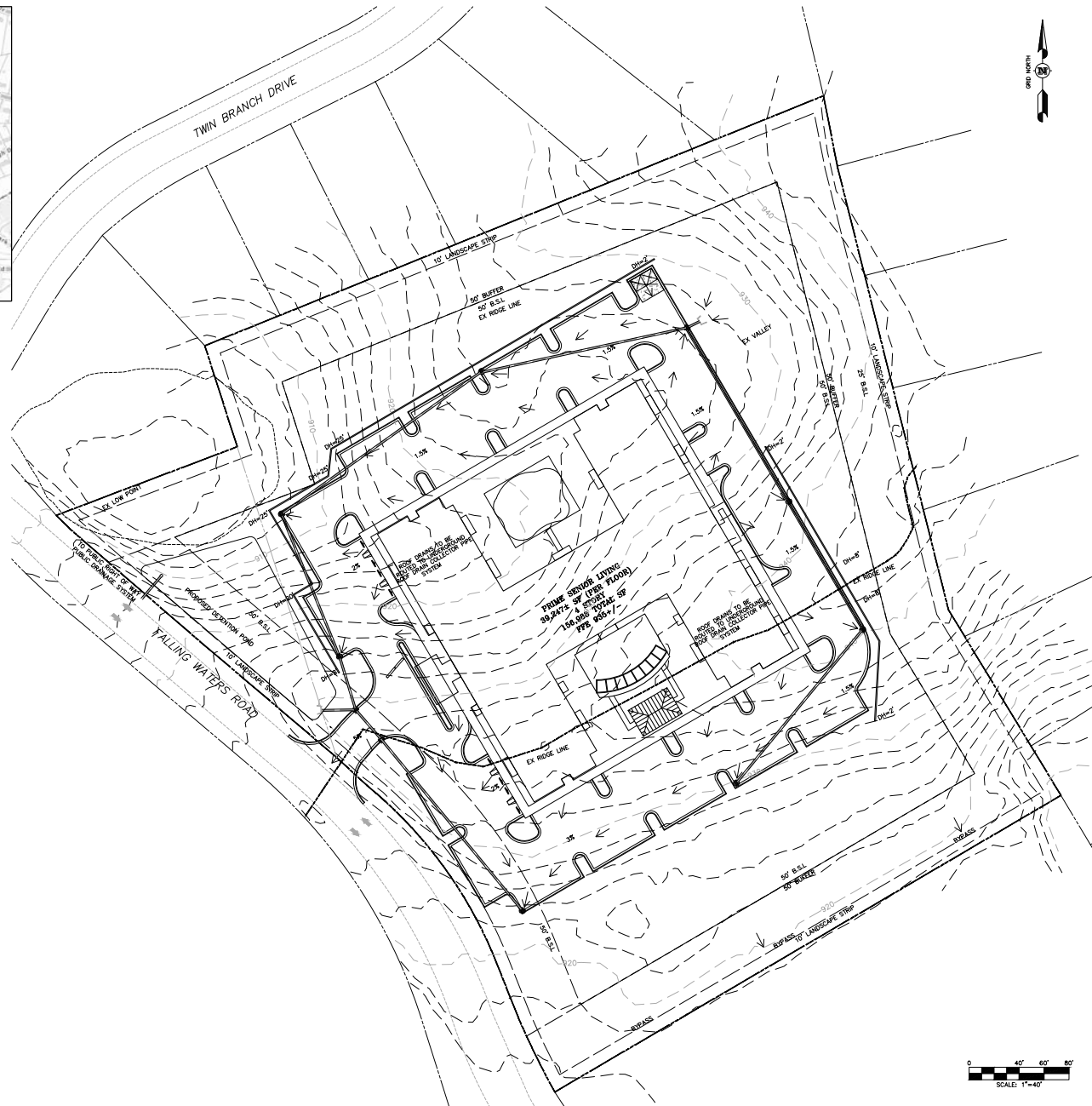
ZONED: PC
N/F ONE FALLING WATER LLC
2030 FALLING WATERS ROAD





VICINITY MAP
NTS

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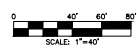
8-H-17-UR
Revised: 7/25/2017

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Civil Consulting Engineers, Inc.



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CONCEPTUAL GRADING PLAN C02



FRONT ELEVATION
SCALE: 1/16"=1'-0"



LEFT SIDE ELEVATION
SCALE: 1/16"=1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/16"=1'-0"



REAR ELEVATION
SCALE: 1/16"=1'-0"

8-H-17-UR
Revised: 7-26-2017

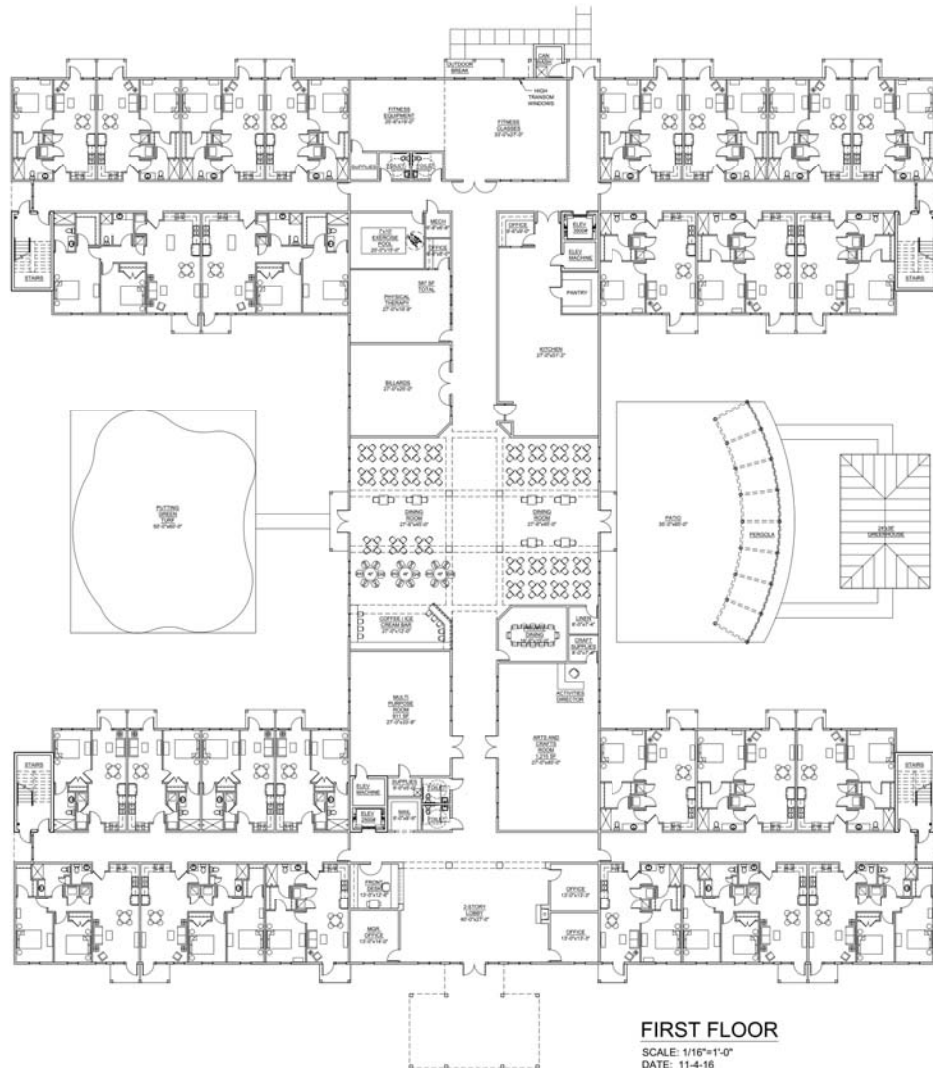
OWNER/DEVELOPER/PRIMARY PERMITTEE
PRIME SENIOR LIVING GROUP, LLC,
11622 EL CAMINO REAL STE 1042
SAN DIEGO, CA 92130

REVISIONS:	
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ARCHITECTURAL ELEVATION A03



FIRST FLOOR

SCALE: 1/16"=1'-0"
DATE: 11-4-16

A/C AREA, INCLUDING VENTILATED STAIR
TOWERS AND ELEV. HOISTWAYS = 39,247 SF ±
4 FLOORS = 156,988 SF (DOES NOT INCLUDE
BALCONIES, PORTE COCHERE OR PLAZA
AREAS)

8-H-17-UR
Revised: 7-26-2017

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ARCHITECTURAL FLOOR PLAN A04

Tennessee Code Annotated

8-H-17-UR

Title 54: Highways, Bridges and Ferries

Chapter 17: Scenic Roadways

Part 1: Scenic Highway System Act of 1971

54-17-0101: Short title.

54-17-0102: Scenic highway system established.

54-17-0103: Chapter definitions.

54-17-0104: Purposes, standards and objectives.

54-17-0105: Eligibility for scenic highway designation -- Requirements of designation -- Comprehensive plan.

54-17-0106: [Repealed.]

54-17-0107: Management -- Promotion -- Speed limit.

54-17-0108: Advertising or junkyards prohibited on scenic highways -- Authority of commissioner to acquire.

54-17-0109: Advertising permitted on scenic highways.

54-17-0110: Removal or abatement of advertising structures and junkyards.

54-17-0111: Trash dumping prohibited -- Penalties.

54-17-0112: Criminal sanctions.

54-17-0113: Statutory conflict.

* 54-17-0114: Designated scenic highways -- Designated urban roads not to be impaired.

54-17-0115: Building restrictions near scenic highways.

54-17-0116: Effect of designation -- Existing building permits -- Construction of part.

Tennessee Code Annotated

Title 54: Highways, Bridges and Ferries

Chapter 17: Scenic Roadways

Part 1: Scenic Highway System Act of 1971

* **TCA 54-17-114: Designated scenic highways -- Designated urban roads not to be impaired.**

(a) For the purposes of this part, the following are initially designated scenic highways:

(1) Class I -- Urban Roads. (A) That portion of Kingston Pike bearing the designation of State Highway 1 and United States Highway 11-70 in Knox County from its intersection with Concord Street and Neyland Drive in the City of Knoxville westward to the intersection of Kingston Pike with Lyons View Drive;

(B) That portion of Lyons View Drive from its intersection with Kingston Pike, westward to its intersection with Northshore Drive;

(C) That portion of United States Highway 70 South (West End Avenue) in Nashville from one hundred feet (100') west of Elmington Avenue westward to its intersection with Ensworth Avenue;

(D) All of Cherokee Boulevard located in the city of Knoxville;

(E) Two Rivers Parkway in Davidson County;

(F) Those portions of State Highway 100 in Davidson County from its intersection with Cheekwood Terrace south to its intersection with the Harpeth River and from its intersection with McCrory Lane south to its intersection with the South Harpeth River, and all of State Highway 251 in Davidson County, and that portion of State Highway 254 (Old Hickory Boulevard) from its intersection with State Highway 100 east to its intersection with Granny White Pike;

(G) South Knoxville Boulevard between the relocated Sevier Avenue and Chapman Highway in Knoxville;

(H) That segment of United States Highway 41 (Cummings Highway) in Hamilton County, beginning at the underpass at the current entrance to the Chattem property in St. Elmo, where that route is also designated as South Broad Street, running westward around the foot of Lookout Mountain to the railroad overpass on the east side of the Tiftonia business district;

(I) On or after April 16, 2015, that segment of State Route 169 (Middlebrook Road, which is commonly referred to as Middlebrook Pike) in Knox County from that route's intersection with Weisgarber Road in the City of Knoxville westward to its terminus at that route's intersection with Hardin Valley Road, but excluding any part of that segment of State Route 169 that has property fronting on the route that was zoned on April 16, 1996, with the commercial designation of CA, CB,

or C3, or the industrial designation of I or I-3 under the Knox County or City of Knoxville zoning ordinances; provided, further, that the height restrictions on buildings imposed by, and any other restrictions as to property use contained in this part shall not apply to Parcel ID Numbers 106KC017, 106KC016, and 106DA008 in the City of Knoxville, Knox County, consisting of property on the south side of State Route 169 (Middlebrook Pike) and on the southwest side of Old Weisgarber Road;

(J) That segment of State Route 385 (Nonconnah Parkway) in Shelby County from its intersection with United States Highway 72 to Interstate 240, but excluding any part of the segment of Route 385 that has property fronting on the route that is zoned on June 13, 1997, with the commercial designation of CL, CH or CP or the industrial designation of IL or IH under the Shelby County or city of Memphis zoning ordinances; and

(K) All of State Route 475, Knoxville Parkway, a proposed project connecting I-40 / I-75 southwest of Knoxville to I-75 north of Knoxville, in Knox, Anderson and Loudon counties.

(2) Class II -- Rural Roads. (A) The portion of United States Highway 41 from its intersection with Interstate Highway 24 in Hamilton County westward through the Tennessee River Gorge, Jasper and on to the junction of that highway with State Highway 27 at Kimball (Marion County) and south along State Highway 27 to Interstate 24;

(B) That portion of State Highway 66 from the French Broad River to Interstate 40, in Sevier County, except for the first two thousand one hundred fifty feet (2,150') north of state bridge number 78-66-4.95 toward Interstate 40 in the north-bound lane only;

(C) That portion of the Pellissippi Parkway (State Highway 162) in Knox County from its intersection with Interstate 40, to Melton Hill Lake;

(D) The John Sevier Highway, in Knox County, from the Alcoa Highway (United States Highway 129) to the Chapman Highway (United States Highway 411/441);

(E) That portion of Northshore Drive in Knox County from its intersection with Lyons View Drive and Westland Drive west to Loudon County; provided, that the height restrictions on buildings imposed by § 54-17-115 shall not apply to that property along Northshore Drive within Knox County that is now or, subsequent to April 22, 2005, zoned "TC-1 (Town Center)", or zoned C-6 from the east right-of-way line of Keller Bend Road at Northshore to the east right-of-way line of Pellissippi Parkway, or any similar zoning category, under the zoning ordinances of the city of Knoxville;

(F) That portion of United States Highway 70 North beginning east of Cookeville at the Falling Water Bridge and extending approximately five (5) miles toward Monterey through the Dry Valley Community and ending at the Sand Springs Community;

(G) That portion of State Highway 73 from the city of Maryville to the city of Townsend;

(H) That portion of Westland Drive in Knoxville from its intersection with Northshore Drive to its intersection with Northshore Drive at the western end;

(I) All of United States Highway 411 in Blount County and that portion of United States Highway 411 in Sevier County from the Blount County boundary to the intersection of United States Highway 411 with the Chapman Highway (United States Highway 441);

(J) That portion of new State Highway 95 in Loudon and Blount counties from the Fort Loudon Dam to its intersection with United States Highway 129 at Morganton Road;

(K) That portion of United States Highway 129 in Blount County, known as the 129 Bypass, from its intersection with State Highway 73 and Hall Road in the city of Alcoa to its intersection with United States Highway 411 in the city of Maryville;

(L) All of Lyons Bend Road in Knox County;

(M) That portion of Pittman Center Road from the intersection of Pittman Center Road with State Highway 73 East to the intersection of Pittman Center Road with United States Highway 411, east of Sevierville, but excluding those portions of Pittman Center Road that are within the boundaries, as of January 1, 1982, of incorporated municipalities;

(N) That portion of United States Highway 321 from the intersection of United States Highway 321 with Interstate 40 in Loudon County through Blount and Sevier counties to the intersection of United States Highway 321 with Interstate 40 in Cocke County, but excluding those portions of United States Highway 321 that are within the boundaries, as of January 1, 1982, of incorporated municipalities;

(O) Hardin Valley Road in Knox County;

(P) That portion of State Highway 58 in Hamilton County from the city limits of Chattanooga, as of July 1, 1987, to the Hamilton County boundary;



(Q) That portion of Pellissippi Parkway (State Highway 162) that has been or will be constructed in Blount and Knox Counties after January 1, 1987; provided, that the height restrictions on buildings imposed by § 54-17-115 and sign restrictions referred to in § 54-17-109 that are applicable to § 54-17-109(1) and (10) shall not apply to that property along the Pellissippi Parkway within Knox County that is located between Kingston Pike and Interstate 75/40, all of which shall be regulated by the zoning ordinances and regulations of the appropriate county or municipal government; and provided, further, that the height restrictions on buildings imposed by § 54-17-115 shall not apply to that property along the Pellissippi Parkway within Knox County that is now or, subsequent to April 22, 2005, zoned "TC-1 (Town Center)", or any similar zoning category, under the zoning ordinances of the city of Knoxville; and provided, further, that the height restrictions on buildings imposed by § 54-17-115 shall not apply to that property along Pellissippi Parkway within the corporate limits of the city of Alcoa, that is now or hereafter zoned for planned commercial zones or any similar zoning category under the zoning ordinances of the city of Alcoa;

(R) All of the Natchez Trace Parkway, except for those portions within the boundaries of incorporated municipalities;

(S) All of the Foothills Parkway, except for those portions within the boundaries of incorporated municipalities;

(T) That portion of Alcoa Highway from the intersection of Alcoa Highway and Kingston Pike in Knox County to the intersection of Alcoa Highway and Singleton Station Road in Blount County; provided, that the height restrictions on buildings imposed by § 54-17-115 shall not apply to that property along Alcoa Highway being situated in District 9 in Knox County and Ward 24 of the City of

Knoxville and being more particularly bounded and described as Tract 1, the University of Tennessee Medical Center, at the intersection of Alcoa Highway and Cherokee Trail, and regulated by the zoning ordinances and regulations of the City of Knoxville;

(U) The 9.141 mile segment of the Charles H. Coolidge Medal of Honor Highway beginning with its intersection with Signal Mountain Road to State Route 153;

(V) The 9.33 mile segment of the Bill Carter Causeway beginning with its intersection with State Route 153 to north of Soddy Lake in Soddy-Daisy;

(W) That portion of Highway 70 South from Murfreesboro to Woodbury;

(X) All of United States Highway 27/State Route 29 in Rhea County;

(Y) That portion of United States Highway 411 in Sevier County from the city limits of Sevierville to the Jefferson County boundary;

(Z) That portion of United States Highway 411 in Sevier County from its intersection with United States Highway 441 at Newell Station west to the Blount County boundary;

(AA) That segment of state route 416 in Sevier County from its intersection with United States Highway 411 to its intersection with United States Highway 321;

(BB) That portion of State Highway 70 in Hawkins and Hancock counties from the intersection of State Highway 94 at Alumwell to the intersection of State Highway 33 at Kyles Ford, eleven and three tenths (11.3) miles;

(CC) All of the highway known as The Trace located in Land Between the Lakes National Recreational Area in Stewart County;

(DD) That portion of United States Highway 441 (Newfound Gap Road) in Sevier County from the city limits of the city of Gatlinburg to the Tennessee-North Carolina state line; and

(EE) Powell Drive (State Route 131) in Knox County from the intersection with Clinton Highway (State Route 9) to the intersection with Emory Road.

(b) No state or local governmental entity, agency or department shall take any action that undermines the scenic and historical qualities of roads designated as scenic highways under subdivision (a)(1).

History: Acts 1971, ch. 431, § 15; 1973, ch. 9, § 2; 1975, ch. 19, § 1; 1975, ch. 151, § 1; 1977, ch. 7, § 1; 1978, ch. 586, §§ 1, 2; 1979, ch. 40, § 1; 1979, ch. 98, § 1; modified; T.C.A., § 54-2514; Acts 1980, ch. 477, §§ 1, 2; 1980, ch. 679, § 1; 1980, ch. 700, § 1; 1980, ch. 902, §§ 1, 2; 1981, ch. 193, §§ 1-5; 1981, ch. 331, § 1; 1982, ch. 625, § 1; 1982, ch. 734, §§ 1-3; 1984, ch. 826, § 1; 1987, ch. 9, § 1; 1987, ch. 83, § 1; 1988, ch. 694, § 1; 1988, ch. 771, § 1; 1989, ch. 267, § 1; 1991, ch. 208, § 1; 1991, ch. 301, § 2; 1991, ch. 381, § 1; 1992, ch. 583, § 1; 1992, ch. 610, § 1; 1993, ch. 92, § 1; 1993, ch. 226, § 1; 1994, ch. 829, § 1; 1994, ch. 921, § 1; 1995, ch. 24, § 1; 1996, ch. 701, § 1; 1996, ch. 752, § 1; 1997, ch. 428, § 2; 2000, ch. 555, § 1; 2005, ch. 97, §§ 1, 2; 2006, ch. 524, § 1; 2007, ch. 431, § 1; 2008, ch. 654, § 1; 2008, ch. 671, § 1; 2009, ch. 58, § 1; 2013, ch. 196, § 1; 2015, ch. 15, § 1; 2015, ch. 168, § 1.

Tennessee Code Annotated

Title 54: Highways, Bridges and Ferries

Chapter 17: Scenic Roadways

Part 1: Scenic Highway System Act of 1971

* **TCA 54-17-115: Building restrictions near scenic highways.**

(a) (1) The exposed portion of buildings constructed or erected on property located within one thousand feet (1,000 ϕ) of a scenic highway shall not exceed a height of thirty-five feet (35 ϕ) above the level of the highway on property located below the level of the highway, or a height of thirty-five feet (35 ϕ) above the ground line on property located above the level of the highway.

(2) The restriction on buildings shall apply to the scenic highway, notwithstanding the route being located inside or outside a municipality and notwithstanding any law or ordinance to the contrary.

(b) It is the legislative intent of this section, in part, that possession of a building permit at the time a road or highway is designated a scenic highway shall not allow any future construction based on that permit.

(c) (1) This section shall not apply to any building in existence at the time a road or highway is designated a part of the system.

(2) Silos and buildings designed for agricultural use are exempted from the application of this section.

(3) Any geographic area designated by state law and managed by a development authority authorized to promote and regulate technology-based economic development is exempt from the application of this section.

(4) Section 54-17-113 shall not apply to this section.

History: [Acts 1972, ch. 685, § 1; 1973, ch. 9, § 4; 1976, ch. 819, § 10; modified; T.C.A., § 54-2515; Acts 1987, ch. 30, § 1; 1990, ch. 660, § 1.]

Use on Review Development Plan

Name of Applicant: Prime Senior Living

Date Filed: 6/26/17 Meeting Date: August 10

Application Accepted by: Bussam

Fee Amount: File Number: Development Plan

Fee Amount: \$1500 File Number: Use on Review 8-H-17-UR



PROPERTY INFORMATION Address: General Location: NE side Falling Waters Rd, NW of S. Northshore Dr Tract Size: 8cc No. of Units: Zoning District: PC RA Existing Land Use: Vacant land Planning Sector: Southwest County Sector Plan Proposed Land Use Classification: O + LDR Growth Policy Plan Designation: Urban Growth Census Tract: 57.11 Traffic Zone: 232 Parcel ID Number(s): 154-0992, 154CE009 Jurisdiction: [X] County Commission 4th District

PROPERTY OWNER/OPTION HOLDER PLEASE PRINT Name: Prime Senior Living Company: Address: 11622 El Camino Real, Suite 1042 City: San Diego State: CA Zip: 92130 Telephone: (917) 365-4872 E-mail: jlocker@primeseniorlivinggroup.com

APPLICATION CORRESPONDENCE All correspondence relating to this application should be sent to: PLEASE PRINT Name: Taylor D. Forrester Company: Long, Ragsdale & Waters, P.C. Address: 1111 N. Northshore Drive, S-700 City: Knoxville State: TN Zip: 37919 Telephone: (865) 584-4040 Fax: (865) 584-6084 E-mail: tforrester@lrwlaw.com

APPROVAL REQUESTED [X] Development Plan: Residential [X] Non-Residential [] Home Occupation (Specify Occupation) [] Other (Be Specific)

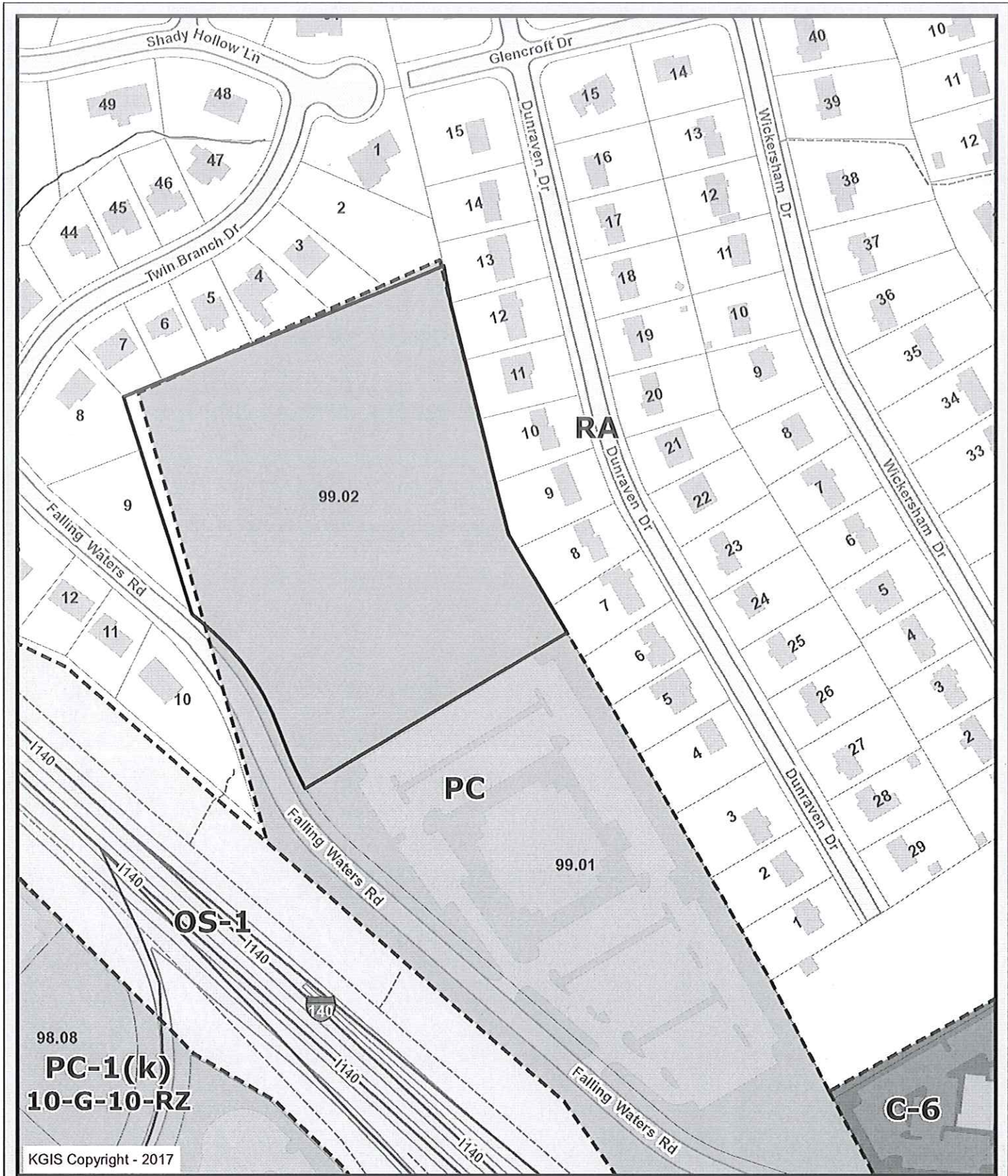
APPLICATION AUTHORIZATION I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form. Signature: [Signature] Name: Company: SAME Above Address: City: State: Zip: Telephone: E-mail:

SIGNATURES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

Please Sign in Black Ink:

(If more space is required attach additional sheet.)

Name	Address	•	City	•	State	•	Zip	Owner	Option
LeConte Holdings, LLC								<input checked="" type="checkbox"/>	
Pome Swar Living									<input checked="" type="checkbox"/>

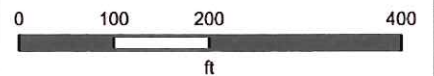


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STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

Environmental Division
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TN 37243-0349
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

15 June 2017

Joel Locker
Prime Senior Living
11622 El Camino Real, Suite 1042
San Diego, California 92310

Mr. Locker:

This letter is in reference to a vacant lot near 1920 Falling Waters Road, Knoxville, TN 37922. Tennessee Code Annotated § 54-17-115 restricts building height at 35' for new commercial construction. After locating the lot using the TDOT's GIS software, it appears that building height requirements will not apply for the site as it is located along an exempted area of I-140. Tennessee Code Annotated § 54-17-114 (E) states:

"(E) That portion of Northshore Drive in Knox County from its intersection with Lyons View Drive and Westland Drive west to Loudon County ; provided that the height restrictions on buildings imposed by § 54-17-115 shall not apply to that property along Northshore Drive within Knox County that is now or, subsequent to April 22, 2005, zoned "TC-1 (Town Center)", or zoned C-6 from the east right-of-way line of Keller Bend Road at Northshore to the east right-of-way line of Pellissippi Parkway, or any similar zoning category, under the zoning ordinances of the city of Knoxville;"

If you have any further questions, please feel free to let me know. I may be reached via phone at (615) 741-0803 or via email at Michael.McClanahan@tn.gov.

Genuinely,

Mike McClanahan
Transportation Manager
Highway Beautification Office

Civil Consulting Engineers, Inc.

June 19, 2017

Taylor Forrester
Long, Ragsdale & Waters, P.C. | Attorneys at Law
1111 Northshore Drive, Suite S-700
Knoxville, TN 37919

865.584.4040

RE: Prime Senior Living
Proposed assisted care facility

Mr. Forrester,

On behalf of Mr. Joel Locker of Prime Senior Development, please find attached 10 copies of the following:

Architectural Renderings
Architectural Elevations
Architectural Footprint (First Floor Only)
Use on Review Site Plan
Conceptual Drainage Plan
Conceptual Landscape Plan

The Use on Review Site Plan, Drainage Plan and Landscape plan include the following required elements:

- Proposed use
- Topographic information
- Off-street parking and loading plan
- Circulation diagram to indicate ingress/egress and the movement of vehicles, goods, and people
- Species specific landscape plan
- Conformance to required building setbacks
- Preliminary drainage plan as required by City and/or County Engineering Departments
- Amenities plan
- Garbage dumpster location

Sincerely,



Civil Consulting Engineers, Inc.,
Terry Boomer PE



REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. When applicable, MPC staff will provide a sign to post on the property at the time of application.

The sign must be posted in a location that is clearly visible from the nearest adjacent street. If the property has more than one street frontage, then the sign should be placed along the higher classified street. MPC staff may recommend a preferred location for the sign to be posted at the time of application.

The sign must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC/BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) are lost or stolen and need to be replaced, then the applicant will be responsible for picking up a new sign from the MPC offices. The applicant will be charged a replacement fee for the second sign consistent with the agency's cost of purchasing each sign.

I hereby agree to post the sign provided on the subject property on or before July 27, 2017 consistent with the guidelines provided above:

Signature: 

Printed name: Alex Brest

MPC/BZA File #: 8-H-17-UR

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
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FAX • 215 • 2068
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