



# USE ON REVIEW REPORT

▶ **FILE #:** 1-E-22-UR **AGENDA ITEM #:** 30  
**AGENDA DATE:** 1/13/2022

▶ **APPLICANT:** S. DERICK JONES, PE / STERLING ENGINEERING, INC.  
**OWNER(S):** Burton Family Irrevocable Trust

**TAX ID NUMBER:** 141 050 (PART OF) [View map on KGIS](#)

**JURISDICTION:** County Commission District 6

**STREET ADDRESS:** 0 Yarnell Rd.

▶ **LOCATION:** Southwest side of Everett Road, southeast of Yarnell Road

▶ **APPX. SIZE OF TRACT:** 15.668 acres

**SECTOR PLAN:** Northwest County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Everett Rd., a major collector street with 20-ft pavement width inside a 50-ft right-of-way.

**UTILITIES:** Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

**WATERSHED:** Hickory Creek

▶ **ZONING:** PR (Planned Residential) with up to 5 du/ac

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Multi-family development

**HISTORY OF ZONING:** Rezoned with a larger group of land from A (Agricultural) and F (Floodway) to PR (Planned Residential) with up to 5 du/ac and F (Floodway) in 2013 (Case # 12-E-13-RZ)

**SURROUNDING LAND USE AND ZONING:** North: Single family residences - PR (Planned Residential) with up to 5 du/ac

South: I-40/I-75 Right-of-Way

East: Single family residences and vacant land - PR (Planned Residential) with up to 5 du/ac

West: Single family residences - A (Agricultural)

**NEIGHBORHOOD CONTEXT:** This site is near the Watt Road exit off of I-40 and the commercial and industrial node at that interchange. The surrounding area otherwise consists of single family residential subdivisions and large lots yet to be undeveloped.

## STAFF RECOMMENDATION:

▶ **Approve the development plan for a multifamily development with up to 224 dwelling units, subject to 7 conditions.**

1) Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.

- 2) Implementation of the recommendations of the Vintage Knoxville West Traffic Impact Study (CDM Smith, revised 12/20/2021) as revised and approved by the Knox County Department of Engineering and Public Works and Planning Commission staff.
- 3) Installation of all sidewalks as shown on the revised development plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knox County Department of Engineering and Public Works. A bond shall be provided to the Knox County Department of Engineering and Public Works by the developer in an amount sufficient to guarantee the installation of the sidewalks.
- 4) Installation of all landscaping as shown on the landscape plans within six months of issuance of the first occupancy permit for the project, or 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 the driveway entrances.
- 5) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 6) Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 7) Installation of pedestrian facilities along the frontage of the property adjacent to Everett Road as required by County Commission Ordinance, Chapter 54, Article IV, Section 54-81. These pedestrian improvements can be phased provided a sufficient bond has been posted to guarantee their completion.

With the conditions noted, this plan meets the requirements for approval in the PR (Planned Residential) zoning district and the other criteria for approval of a Use on Review.

#### **COMMENTS:**

The applicant is proposing to construct a multifamily development at this location. The multifamily use was approved as a use on review for this property in 2016 (Cases 3-SB-16-C / 3-A-16-UR). That approval was for a mix of residential uses that included the single family detached residential subdivision to the northeast, an assisted living facility, and this multifamily development. That request only included the plans for the single family detached residential subdivision, however, so the applicant is seeking approval for the development plans of the apartment complex at this time. The 2016 approval was for 224 multifamily units, which is what the applicant is proposing.

The property is zoned PR (Planned Residential) with up to 5 du/ac. The subject parcel is bifurcated, with the portion containing the proposed apartment complex to the south, and a separate, vacant, portion located to the north on the other side of the single family residential subdivision. The subject portion comprises 15.69 acres, which yields a density of 14.27 du/ac for this phase of the development. However, since the development was approved as a larger, mixed residential development, the density was approved at that time as a whole for the range of uses over the whole property. According to the staff report for the previously approved cases, the density of the overall development will be 4.4 du/ac, and as stated previously, 224 dwellings were approved for this location.

Access for the proposed development will be off of Everette Road. There are two full-access entries proposed. The main entry is located at the clubhouse and has a boulevard design.

The proposal will add 72 one-bedroom units, 126 two-bedroom units and 26 three-bedroom units within 8 three- and four-story buildings. The buildings will meet the required 35-ft peripheral setback of the PR zoning district. The proposed parking for the new units includes 430 spaces, including 402 surface parking areas and 28 spaces within garages located on the bottom level of some of the buildings. This is well above the 280 minimum number of parking spaces required by the County's zoning ordinance. However, the ordinance does not have a maximum number of spaces permitted and the number of spaces proposed is allowed by the zoning ordinance.

The proposed amenity areas include a clubhouse and pool. Sidewalks are proposed throughout the development.

A revised Traffic Impact Study prepared by CDM Smith was submitted for review by the Knox County Department of Engineering and Public Works and Planning Commission staff. Recommended improvements included: minimizing landscaping and using low-height signage at the westernmost access point to protect sight distance, providing a minimum 300-foot spacing between the proposed western access and Yarnell Road, developing the site access points with a minimum 300-foot corner sight-distance, and posting stop signs for the proposed site access approaches to Everett Road.

The landscaping along Yarnell is to have trees planted at intervals, but the trees are located far enough from the right-of-way so as not impede sight distance. The 300-ft distance from intersections is in the subdivision

regulations as a recommended separation from roads. In this case, the spacing from the intersection is to the apartment entrance and not a road. The Knox County Department of Engineering and Public Works has approved the western access point as proposed, which is located 260 feet from the intersection of Everette and Yarnell Roads, measured center to center. Signage, sight distance, and stop signs will be evaluated at the time of permitting.

The proposed apartments are across Everette Road from the single family residential neighborhood that was built as part of the overall mixed residential use development. The apartments will abut the interstate to the south and east of the property, and are adjacent to one single family home to the west. While the Knox County Zoning Ordinance does not require landscape screening between multifamily and single family residential uses, Planning has recommended for the first 250 feet of the western property line to be planted with the "Type A – Dense" landscape screening (Knox County Ordinance, Section 4.10.11.B.1) to buffer the adjacent residence to the west. The house is located approximately 100 ft from the proposed pool area, which is likely to generate noise during warmer months. This buffer has been included in the landscaping plans.

#### DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

##### 1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The Northwest County Sector Plan designates this property as LDR (Low Density Residential), which allows up to 5 du/ac. The proposed apartment development, when calculated using the mixed residential development as a whole, including the single family detached residential development, yields a density of 4.4 du/ac.

B. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan map.

##### 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program.

B. The LDR (Low Density Residential) land use class allows PR zoning, which permits multifamily dwellings by right, though development plans require approval by the Planning Commission through the use on review process.

##### 3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The proposed apartments are designed to be compatible with single family homes. They have pitched roofs and dormer windows, with materials that are frequently used on single family homes. As such, the apartments are not expected to detract from the area visually.

B. The buildings are proposed at three and four stories in height, though the bottom level is built into a hill for those buildings with a fourth story, so that the facades with three stories face Everett Road. The three stories that are visible from Everette Road are compatible with surrounding development.

##### 4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed apartments are not expected to significantly injure the value of adjacent property.

B. The area adjacent to the single family residence to the west is loosely aligned with where the clubhouse is located, so there is the potential for conflicts resulting from noise associated with the pool and amenity areas. The screen trees planted along the front 250' of the western property line should help to mitigate potential noise or visual impacts.

##### 5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. Everette Road and Yarnell Road are both major collectors, which are classified to handle larger traffic capacities than local roads. No traffic through residential subdivisions or side streets is required to access this property.

B. The TIS maintains that the road capacity and levels of surface would be acceptable for the projected traffic conditions.

##### 6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT

FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed apartments.

ESTIMATED TRAFFIC IMPACT: 1970 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 13 (public school children, grades K-12)

Schools affected by this proposal: Hardin Valley Elementary, Hardin Valley Middle, and Hardin Valley Academy.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

The Planning Commission'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 a Planning Commission decision in the County.