

Re: 12-B-20-UR, John Huber, Emory Church Road, December 10, 2020

In this request John Huber seeks a use on review in a PR zone for 96 apartment units on the west side of Emory Church Road. The PR zoning of Huber's property on both sides of Emory Church Road does not allow more than 72 additional units.

In 2013 Huber requested PR zoning at 1-5 units per acre for approximately 101.266 acres on the east and west sides of Emory Church Road. MPC approved a density of 5 units per acre. 240 apartment units have been constructed on the east side of Emory Church Road.

Of the 101.266 acres, 31.2 acres are below the high water mark for Fort Loudoun Lake, the 820' contour, and are not developable. As part of the original PR zoning, MPC staff subtracted the 31.2 acres to calculate available units leaving approximately 70 developable acres in the original property above the 820' contour. Huber relies on 70 acres to calculate the number of available units in this use on review.

Huber cannot use the 70 acres to determine the number of units for this use on review because after the PR rezoning was approved, he sold 7.516 acres above the 820 contour from the PR zone. Subtracting the 7.516 acres from the original 70 acres leaves Huber with 62.484 acres of developable property in the PR zone. At 5 units per acre, he may add no more than 72 additional dwelling units to the existing 240 apartment units.

In 2016, Huber sold two undeveloped parcels from the approved PR zone. The first parcel, consisting of 6.206 acres above the 820 contour mark, is located on the east side of Emory Church Road and north of Fort Loudon Lake with an address of 944 Emory Church Road. It was sold to John and Susan Hancock on October 24, 2016. The second parcel consisting of 1.310 acres above the 820 contour mark, is located on the west side of Emory Church Road, adjacent to the Pellissippi Parkway and north of Fort Loudon Lake. The 1.310 acres, described as tax map 144, parcels 20.18 and 20.19, was sold to Frank and Belinda Gambuzza on November 4, 2016. Both sold parcels are numbered and outlined in blue on the attached map. The calculated acreage above the 820 contour is drawn from the attached plat of the transaction involving the sale to Mr. Hancock.

Huber does not have sufficient property for the requested 96 additional dwelling units, and Knox Planning should deny this use on review.