



December 9, 2020

Knoxville-Knox County MPC

Mr. Mike Reynolds

400 Main Street #403

Knoxville, TN 37902

RE: Density Discussion for Agenda Item #21 – File # 12-B-20-UR

Mr. Reynolds,

I watched the pre-agenda meeting on Tuesday 12-8-20 and wanted to provide some additional information regarding density and the lots associated with this file that have already been sold. The following is a discussion of the history of the legal creation of the lots on PR zoned lands through the Use on Review process.

In 2013, we created three (3) single-family residential lots on a portion of our PR zoned land via the Use on Review process, and allocated the remaining density to a 312-unit apartment complex and/or any other future uses we desire on the remaining PR zoned lands that we owned, understanding that any additional development or uses would require a separate Use on Review.

“Gambuzza Tract”: This parcel is 5.559 acres. Of the total acreage, 1.310 acres is above the 820-contour and 4.249 acres is below the 820-contour. This parcel was approved for two (2) Single Family Residential lots in the 2013 Use on Review (9-B-13-UR). The Case Summary for this Use on Review is attached (attachment 1). These 2 lots were identified in the UOR site plan (attachment 2). All remaining density was retained by Clear Water Partners (Huber and Silvus) for use in the apartments and/or other future development on the remaining PR zoned lands.

On November 4th, 2016, we sold this parcel to Mr. Gambuzza. After Mr. Gambuzza acquired the parcel, he desired to add a 3rd lot, so he filed for another Use on Review (4-F-17-UR); the Agenda Package for that Use on Review is attached (attachment 3). In the review of that application, MPC required that Mr. Gambuzza obtain a letter from Clear Water Partners *“approving the transfer of one additional unit to this site from the remaining portion of Westland Cove”* as all but 2 units of density for this property had been previously harvested by Clear Water Partners in 2013. Clear Water Partners issued the letter granting Mr. Gambuzza the additional dwelling. The letter is part of the Agenda Package for Mr. Gambuzza's Use on Review (attachment 3). Later, when the 3-lot proposal was abandoned, that 3rd dwelling unit reverted back to Clear Water Partners.



“Hancock Tract”: This parcel is 11.186 acres. Of the total acreage, 6.206 acres is above the 820-contour and the 4.98 acres is below the 820-contour. In the September 2013 UOR Site Plan (attachment 2), this parcel was originally slated to be a boat storage facility associated with a Marina that was to be located on the Agricultural-zoned property to the west. This was an allowable use in the PR zone with an approval of our Use on Review. PR zone allows an applicant to request 1 acre of commercial zoning for every 100 dwelling units that are approved. Since we were requesting over 300 units of density, we could request up to 3 + acres of commercial use in our Use on Review.

In response to community concerns, the September 12th, 2013 MPC meeting was postponed for 60 days to November 14, 2013. During that 60-day period, we hosted two large public meetings at Shoreline Church abutting the property. In the meetings we asked the community for written feedback on the development. At the November 14, 2013 MPC meeting, based on concerns expressed in that feedback about boat trailer traffic crossing Emory Church Road, as well as general concerns about any commercial at that location, we amended our Use on Review by eliminating the boat storage facility from the Development Plan and instead designating the parcel as a single-family residential lot.

The revised use of this parcel as a single-family residential lot is illustrated in a figure we displayed as a slide at the November 2013 MPC meeting. The figure is attached (attachment 4). This slide is also contained in the CD that we submitted to become part of the record at that meeting.

On October 21, 2016, we sold this single-family lot to John and Susan Hancock with the understanding that it is and will remain one single-family lot and that they would have no remaining density on the parcel. Since that time, the Hancocks have built their personal residence (one house) on the lot. Mr. John Hancock has signed a letter stating that, in part, “I understood it to be a single-family residential lot...I do not have any claim to the density from the underlying planned residential zoning.” A copy of his letter is attached (attachment 6).

Density Calculation

The original 2013 UOR Staff Recommendation included 20 conditions of approval. The Case Summary for 9-B-13-UR is attached (attachment 1). Condition #18 reads: "*Prior to the issuance of any building permit, providing a survey for the entire property that identifies the land area (with an acreage calculation) that is above the 820 contour. This survey will verify the land area that is available for density calculation. The survey shall also identify the area referenced in condition 17 above that will be included in the conservation easement.*"



We hired David Poe to create the Density Survey in response to condition #18 (attachment 5). The survey illustrates PR-zoned land areas above the 820-contour totaling 72.416 acres, resulting in a total density of 362.1 dwellings available. We do not disagree with the accuracy of this survey, which is the same document uploaded by an individual opposed to the current application. The Density Survey was recorded in 2016.

It should be noted that prior to creation of the Density Survey, MPC staff could only estimate the land area for density calculation, presumably from tax maps and/or other available mapping at the time. One early, inaccurate estimate was 66.67 acres, which would have resulted in 333 allowable dwellings. This inaccurately estimated area and density is referenced in Judge Ailor's Decision which was also uploaded by an individual opposed to the current application. With Judge Ailor's affirmation of the actions of the Planning Commission and Board of Zoning Appeals, he also affirmed Condition #18 of file # 9-B-13-UR stating that a "survey will verify the land area that is available for density calculation", which is 72.416 Acres or 362 dwelling units.

Thank you again for your time and consideration of this application.

John Huber