

Agenda Item # 10, File # 9-A-25-SU, March 5, 2026, Mainland MCA Knoxville LLC

March 3, 2026

I am writing on behalf of the West Hills Community Association and our West Hills neighbors, and request that the Special Use Request for 32 townhouses at the property located at 962 N. Gallaher View Rd., be denied at the March 5, 2026, meeting.

History of this property:

A large single family house was built on this 4 acre property in 1920, by Thomas Walker before the area was known as Walker Springs, and some 35 years before West Hills started getting developed. That house is still on the property, but has not been occupied since 2003. This property was zoned as single family residential, R-1E at least as early as 1996. Attempts to rezone the property in 1996, 2004, and 2013 were not successful. In 2016, the property was rezoned to Planned Residential, RP-1, with the proposed density of up to 1 du/ac, for the purpose of selling the property to be used as a memory care center with 64 beds.

The West Hills neighborhood, after much debate and discussion with the developer, did not object to the rezoning which was approved on consent in January 2016. The Planning Staff Rezoning Report stated: **"The proposed density of 1 dwelling unit per acre will not limit the number of rooms that can be proposed in such a facility. However, if the zoning is approved and the memory center facility is not constructed, the proposed density will limit the development potential for residential dwellings to that of the adjacent properties."** Due to financial issues for the developer, the memory care center was not built. Mainland MCA Knoxville, LLC purchased the property on December 1, 2017.

In 2020, the Recode Rezoning was to RN-1. In 2024, the property was rezoned to RN-4, in a 5-4 vote by City Council after a long and contentious debate. The sector plan was amended to Medium Density Residential, also in a 5-4 vote.

To analyze this Special Use Request, one must look at the zoning map for the area surrounding the subject property. It is surrounded by single-family homes.

As stated on Page 1 of the Special Use Report, the "Surrounding Land Use and Zoning section" describes, and the zoning map shows, the properties just to the North, East and South of the property are zoned RN-1. To the east are many hundreds of single family houses in the West Hills neighborhood. Robinson Road runs along the east side of the subject property, but does not have frontage or access to the property. Two of the houses most affected by the subject property are located at 1552 and 1556 Robinson Road. The third house, adjacent to the north side of the subject property has an 8322 Middlebrook Pike address, and driveway to Middlebrook, but is also adjacent to Robinson Road on the east side. Also on this short stretch of Robinson Road, closest to Middlebrook Pike is the Apostles Anglican Church at 1540 Robinson Road. A church has been on this RN-1 property for over 70 years. Across from the church is the Middlebrook Play School at 1526 Robinson Road. It also is zoned RN-1, and been in business for 50 years. Even across Middlebrook Pike, the single-family houses on Robinson Road are RN-1. Just to the south of the subject property are the houses on Mars Hill Road, also zoned RN-1. The west side of Gallaher View Road is in the County and has multi-family housing. Further south

of Mars Hill Road there is multi-family housing. It is clearly demonstrated by the zoning map that the subject property is surrounded by single-family homes and zoned RN-1.

Special Use Review:

The City of Knoxville significantly revised its zoning ordinance effective January 1, 2020. Article 16.2, titled Special Use Review, had much attention during the drafting process. Uses of property are either permitted by right or by special use review and approval in certain circumstances which are detailed in the zoning ordinance.

In analyzing this Special Use Request, one must first recognize why there is a special use application for this property. The relevant section of the Zoning Ordinance is **Article 4.2 Uses. Section 4.2.B** states: **“In the RN-4 District, townhouse and multi-family dwellings may be permitted or may require a special use approval based upon the development form and number of dwelling units:”** Section 4.2.B.2. states: **“Special uses, which require review by the Knoxville-Knox County Planning Commission:**

- a. **“Nine or more dwelling units in one or more townhouse buildings on a lot.”**

In this instance, the requested special use is for 32 dwelling units in one or more townhouse buildings on a lot. For this property, there is only one lot. So, the number of 32 dwelling units on a 4 acre lot, which has a long circular driveway and a very large retention pond, is very relevant to the analysis of the compatibility of the proposed use with the existing properties. The proposed 32 unit development requires a very close proximity of many of the units to the three existing single-family, RN-1 zoned properties. Fewer units would allow the units to be located further away from the existing properties. This proximity cannot be ignored when looking at the required standards, all of which must be met in order to approve a special use. The Special Use Report’s analysis of the required standards seems not to consider the number of proposed townhouse units compared to the number of existing houses, nor the proximity of the existing houses to the proposed dwelling units.

One might wonder why this special use requirement is included in the zoning ordinance for RN-4, along with a similar requirement for multi-family development in RN-4. There are probably many reasons, but the most important reason is there needs to be an analysis and scrutiny to examine if the proposed number of townhouses on a lot and the development plan will be compatible with the surrounding properties. There is no question that the zoning ordinance requirements in Article 16.2 must be met, and that is very specifically true for the requirement that **All** of the standards must be met. The analysis of the standards and the conclusions reached in the Special Use Report does not support a finding that all of the Standards have been met. Therefore, the special use request must be denied.

The language in **Article 16.2** is very clear.

Section A. Purpose states: **“This Code is based upon the division of the City into districts. Within each district, the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, are potentially incompatible with existing development or because the effects of such uses cannot be foreseen.”**

Section D. Procedure states **“2. The Knoxville-Knox County Planning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.”**

Section F. 1, Standards states:

1. **“The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The proposed special use must meet all of the following criteria which Knoxville-Knox County Planning will support with documented findings.”**
Please note: The special use must meet all of the criteria.

2. **“The Knoxville-Knox County Planning Commission, in the exercise of its administrative judgment, will be guided by adopted plans and policies, including the General Plan and the One-Year Plan, and by the following general standards:**

- a. **“The use is consistent with adopted plans and policies, including the General Plan and the One-Year Plan.”**
Please note: Development Policies, Section 8, of the General Plan, **“Encourage Growth in the Existing Urban Area. 8.3. Focus of design quality and neighborhood compatibility in reviewing development proposals”** and section 9.3 **“Ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.”**

Please note: An intense development of 32 two story townhomes, built in very close proximity to three one story single-family dwellings is not compatible with the existing neighborhood. The special use report cites section 9.3 to support this standard by stating: “The two-story townhouse with pitched roofs will be similar in scale and height to the residential development in the area.” No matter what the roofs might actually look like, the proposed 32 units of two-story townhomes are not compatible with three one-story single-family houses. What is proposed for the subject property is 8 buildings, each with 3 to 6 attached dwellings. That is very different from single-family detached houses. This required standard for a special use has not been met.

- b. **“The use is in harmony with the general purpose and intent of this Zoning Code.”**

Please note: Article 1.2-Purpose in the Zoning Code states: **“The intent of this Code is to establish land use regulations to serve the City of Knoxville. The purpose of this Code is to: B. Promote orderly development of the City and implement the adopted Knoxville-Knox County General Plan, which incorporates more specialized adopted plans including adopted one-year plan, sector plans, corridor plans, and small area plans adopted by City Council.”**

Please note: Allowing 32 townhomes in close proximity to single-family houses in RN-1 is not orderly development of the City. The Special Use Report does not cite anything in Article 1.2 that deals with the general purpose and intent of this Zoning Code. Instead, it quotes the purpose statement in Article 4.1.D for RN-4; the dimensional standards for RN-4 in Article 4.3 which was not met without a large variance which may be appealed to Chancery Court; Article 9.3.i which deals with facades for townhouses; and hillside protection which it says is irrelevant due to the site was previously legally disturbed.

C. Divide the City into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code and adopted policies.”

Please note: Allowing 32 townhomes in close proximity to single-family houses is an

intensity of the use of the lot that is not in harmony with the general purpose and intent of this Zoning Code.

D. Maintain and stabilize the value of structures, communities, and neighborhoods within the City of Knoxville.”

Please note: Allowing 8 buildings and 32 townhouses in close proximity to three single-family houses in RN-1 will clearly lower the value of structures in the neighborhood. This required standard for a special use has not been met.

c. “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.”

Please note: 32 two-story townhouses in 8 buildings are not compatible with the three, one-story, single-family houses built in 1956, 1964 and 2008. The Special Use Report refers to a fuel station with a convenience store (Weigels) across a 5 lane highway to support this standard regarding compatibility with the character of the neighborhood. This eight building development, with a very large retention pond in the middle and very little grass are not compatible with the character of the neighborhood. This required standard for a special use approval has not been met.

d. “The use will not significantly injure the value of adjacent property or by noise, light, fumes, odors, vibration, traffic, congestion, or other impacts detract from the immediate environment.”

Please note: The very close proximity of 32 units to the adjacent 3 properties, alone will significantly injure the value of adjacent property. However, this proximity to patios will add considerable noise from people and add odors from grilling food. Depending on the lighting used, that could also injure the value of adjacent property. There will also be noise from cars and trucks from 32 units. The Special Use Report merely concludes that townhouses are a compatible use with the surrounding residential uses, ignoring the number of units and the proximity of the units to the adjacent properties. It cites the recommended increased setbacks and screening to conclude the use will not injure the value of any nearby properties. Adding a few feet to the required setbacks is not enough to reduce the injury caused by the close proximity and the 32 units. This required Special Use Standard has not been met.

e. “The use is not of a nature or so located to draw substantial additional traffic through residential streets.” If the access is only from Gallaher View Road, we would agree that it is not a residential street. However, we note that the intersection with Gallaher View Road will present a dangerous situation for access to and from the property, and will add to an already very heavy flow of traffic at peak times.

f. “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.” We would agree.

For all the reasons stated above, the City of Knoxville's Zoning Ordinance **Article 16.2 Special Use Review** must be followed. The Purpose for special use review is clearly stated. Special Use approval for 9 or more townhouses on a lot in RN-4 is mandated specifically to analyze compatibility with existing properties. The proposed 8 buildings with 32 attached dwellings are clearly not the same as single-family detached houses. The proximity of the townhouses is so close to these houses that there is a necessity for screening, fencing, retention of existing trees, and planting of additional trees. The intensity of 32 units is just not compatible with the existing properties. The required standards in **Article 16.2.F** have not all been met.

Therefore, on behalf of the West Hills Community Association and our West Hills neighbors, we urge you to **deny** the special use request for 32 townhouse units.

Thank you for your consideration.

Sincerely,

Larry Silverstein