

CASE SUMMARY

APPLICATION TYPE: TTCD

BUILDING PERMIT



File Number: 10-A-24-TOG

Related File Number:

Application Filed: 8/7/2024

Date of Revision:

Applicant: DIANAS VIEW

PROPERTY INFORMATION

General Location: East side of Lovell Rd, south of Yarnell Rd and Bob Gray Rd

Other Parcel Info.:

Tax ID Number: 118 H C 005 OTHER: 118HC004

Jurisdiction: County

Size of Tract: 2.32 acres

Accessibility: Access is via Lovell Rd, a five-lane minor arterial street with a pavement width of 68 ft within a right-of-way of 85 ft.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land

Surrounding Land Use:

Proposed Use: Grading plan for a 21-unit apartment building and a temporary stockpile on abutting property.

Density:

Planning Sector: Northwest County Plan Designation: CMU (Corridor Mixed-use), HP (Hillside Protection)

Growth Policy Plan:

Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 1316 Lovell Rd

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RB (General Residential), PC (Planned Commercial), TO (Technology Overlay)

Former Zoning:

Requested Zoning: N/A

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

WAIVERS AND VARIANCES REQUESTED

Variations Requested: N/A

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

TTCDA ACTION AND DISPOSITION

Planner In Charge: Whitney Warner

Staff Recomm. (Abbr.):

Staff Recomm. (Full): Staff recommends approval of this request for a Certificate of Appropriateness for a grading permit, subject to four conditions:

- 1) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 2) Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 3) If during design plan approval or construction of the development, it is discovered that unforeseen off-site improvements within the right-of-way are necessary, the developer will either enter into a memorandum of understanding (MOU) with the County for these improvements or reimburse the County for their direct expenses (if completed by County crews) to make corrections deemed necessary.
- 4) Removal of the storage of topsoil and other material on parcel 118HC004 within 90 days of construction completion on parcel 118HC005.

Comments:

This is a request for a grading plan for two parcels comprising 2.32 acres on Lovell Rd. The northernmost parcel included in this request (118HC005) is to be developed, and the topsoil will be removed and stored on the abutting southern property (parcel 118HC004) in a stockpile. As depicted the stockpile comprises approximately 5,788 sq ft. The site plans state that the stockpile area will store topsoil and "other material". The other material will be other dirt.

The RB-zoned parcel will have a 25 ft entrance road for the apartment building. This PC-zoned property has a 20 ft construction access easement from Lovell Road that will also be used for driveway access after construction is complete. No permanent use has been proposed for the PC-zoned parcel at this time. The applicant has stated that the stockpile will be removed within 90 days.

PURSUANT TO ARTICLE V, SECTION 2 OF THE TTCDA ADMINISTRATIVE RULES AND PROCEDURES, THE DECISION OF THE TTCDA TO APPROVE REQUESTS FOR GRADING PERMIT CERTIFICATES OF APPROPRIATENESS MUST BE BASED ON THE FOLLOWING CRITERIA:

A. CONFORMITY OF THE PROPOSAL WITH THE TENNESSEE TECHNOLOGY CORRIDOR DESIGN GUIDELINES.

1. The grading plan shows a moderate change to the topography that grades the land so that the stormwater would run in the same general direction. This is aligned with Section 1.2.1 which calls for grading to complement natural land forms.
2. The TTCDA Design Guidelines do not have a lot of criteria for grading of lots when the HP area does not apply. Other than complementing natural land forms, the only other stipulations are for grading to be prohibited in the TO zones until the TTCDA has approved the plans (and issued a Certificate of Appropriateness), and that grading be kept to a minimum during the development process. No grading has occurred at this time.
3. There is a sediment basin proposed along the Lovell Road frontage. Since the access to the site is in the narrow space between the sediment basin and the northern property line, any future development will occur to the rear of the sediment basin farther from Lovell Road.
4. Both parcels are in the Hillside Protection Overlay but have been previously disturbed. Because each lot has been previously disturbed, they are exempt from review under the Hillside and Ridgetop Development Guidelines (Section 1.12). The rear of the property will remain undisturbed. The plan marks the limits of disturbance, which include an approximately 0.6-acre area with trees.
5. The plan shows building setbacks for the RB zone. The TTCDA guidelines have more significant setbacks. The applicant will need to request waivers for setback reductions when the site plans come through the TTCDA. The site plan and building plans will be reviewed at that time.

B. CONFORMITY OF THE PROPOSAL WITH THE KNOXVILLE-KNOX COUNTY MINIMUM SUBDIVISION REGULATIONS AND EITHER THE KNOXVILLE ZONING ORDINANCE, OR THE KNOX COUNTY ZONING ORDINANCE, AS APPROPRIATE.

1. This property is zoned RB (General Residential), PC (Planned Commercial), and TO (Technology

Overlay). The PC zone requires the approval of the development plan by the Planning Commission (case 12-G-24-DP). No use has been determined for the PC portion. The applicant has stated that the stockpile on the property will be removed in 90 days.

2. The TO zone requires a grading plan and building plan to be reviewed before any permits are issued. A building plan will have to be returned to this body for review.

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

1. Silt fencing will be provided around the stockpile and the middle of the RB-zoned section at the low point, and the applicant must comply with the Knox County stormwater management plan requirements. This grading plan should not adversely affect any surrounding properties.

D. CONSISTENCY OF THE PROPOSAL WITH THE REQUIREMENTS OF KNOX COUNTY DEPARTMENTS, AS APPROPRIATE.

1. Knox County has no comments.

Action: Approved **Meeting Date:** 12/9/2024

Details of Action: Approval of this request for a Certificate of Appropriateness for a grading permit, subject to four conditions:
1) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
2) Meeting all applicable requirements of the Knox County Zoning Ordinance.
3) If during design plan approval or construction of the development, it is discovered that unforeseen off-site improvements within the right-of-way are necessary, the developer will either enter into a memorandum of understanding (MOU) with the County for these improvements or reimburse the County for their direct expenses (if completed by County crews) to make corrections deemed necessary.
4) Removal of the storage of topsoil and other material on parcel 118HC004 within 90 days of construction completion on parcel 118HC005.

Summary of Action:

Date of Approval: 12/9/2024 **Date of Denial:** **Postponements:** 11/12/2024

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: