

CASE SUMMARY

APPLICATION TYPE: **TTCCA**

BUILDING PERMIT



File Number: 6-C-24-TOB

Related File Number:

Application Filed: 5/2/2024

Date of Revision:

Applicant: ARCIP HOROBET

PROPERTY INFORMATION

General Location: South side of Bob Gray Rd, west side of Pellissippi Pkwy

Other Parcel Info.:

Tax ID Number: 118 071

Jurisdiction: County

Size of Tract: 9.87 acres

Accessibility: Access is via Bob Gray Rd, a major collector street with 20 ft of pavement width within 48 ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/forestry/vacant land

Surrounding Land Use:

Proposed Use: Attached residential subdivision

Density:

Planning Sector: Northwest County

Plan Designation: SMR (Suburban Mixed Residential)/HP (Hillside Protection)

Growth Policy Plan:

Neighborhood Context:

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

Street: 0 Pellissippi Pkwy

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (k) (Planned Residential) up to 10 du/ac, 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

- Variances Requested:**
1. Increase the Ground Area Coverage (GAC) from 25% to 48.3% (Guideline 1.3.1).
 2. Increase the Floor Area Ratio (FAR) from 30% to 98.6% (Guideline 1.3.2).
 3. Increase the Impervious Area Ratio (IAR) from 70% to 71.9% (Guideline 1.3.3).
 4. Reduce the 100-ft building setback to 35 ft (Guideline 1.4.1).
 5. Increase the land disturbance within the Hillside Protection Area from 1.2 acres to 1.67 acres (Guideline 1.12.1.C).
 6. Increase the land disturbance on slopes 15-24.99% from 50% to 64% (Guideline 1.12.4.B).
 7. Increase the number of buildings within the Hillside Protection area from 1 to 7 (Guideline 1.12.1.A).

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

TTEDA ACTION AND DISPOSITION

Planner In Charge: Whitney Warner

Staff Recomm. (Abbr.):

Staff Recomm. (Full):

Staff recommends the following actions on the required waivers from the Design Guidelines:

- 1) Increase the Ground Area Coverage (GAC) from 25% to 48.3% (Guideline 1.3.1) because townhomes on individual lots distort the GAC of the entire property, which follows the guidelines at 18.7%.
- 2) Increase the Floor Area Ratio (FAR) from 30% to 98.6% (Guideline 1.3.2) because townhomes on individual lots distort the FAR of the entire property, which is only 35%, slightly over the 30% maximum. The buildings have a maximum height of 35 ft.
- 3) Increase the Impervious Area Ratio (IAR) from 70% to 71.9% (Guideline 1.3.3) because townhomes on individual lots distort the IAR of the entire property, which follows the guidelines at 41.54%.
- 4) Reduce the 100-ft building setback to 35 ft (Guideline 1.4.1) because these townhomes are on a similar scale as single family homes, and a 35 ft peripheral setback with landscape screening has been provided.
- 5) Increase the land disturbance within the Hillside Protection Area from 1.2 acres to 1.67 acres (Guideline 1.12.1.C) to accommodate road access.
- 6) Increase the land disturbance on slopes 15-24.99% from 50% to 64% (Guideline 1.12.4.B) to accommodate road access.
- 7) Increase the number of buildings within the Hillside Protection area from 1 to 7 (Guideline 1.12.4.B) because the GAC, FAR, and IAR within the Hillside Protection area have met the guidelines.

Staff recommends approval of this request for a Certificate of Appropriateness for a building permit, subject to 11 conditions:

1. Connection to sanitary sewer and meeting other relevant utility provider requirements.
2. Provision of street names consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
3. Before certification of the final plat for the subdivision, establish a property owners association or other legal entity responsible for maintaining common facilities, such as common areas, amenities, private roads, and/or stormwater drainage systems.
4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. Providing the right-of-way stub-out at the southern terminus of Road A to the end of the property line, which aligns with the right-of-way of the adjoining subdivision Parkway Heights.
6. Implementing the recommendations of the Transportation Impact Study for The Bob Gray Road Subdivision by Ajax Engineering, April 2024. A Memorandum of Understanding with Knox County Engineering and Public Works for completing off-site road improvements may be required per Chapter 54, Article V of the Knox County Code (Ord. O-23-4-102).
7. 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 an 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.
8. Certifying that the required sight distance is available along Bob Gray Rd in both directions at the Road F intersection during the design plan phase.
9. Meeting all applicable requirements of the Knox County Zoning Ordinance, including the conditions of the rezoning 12-F-23-RZ.
10. The maximum height will be 35 ft for attached houses.
11. Obtaining Planning Commission approval of the development plans (Case 6-SB-24-C/6-E-24-DP).

Comments:

The applicant is proposing to subdivide this 9.87-acre tract into 85 lots with attached houses at Bob Gray west of Pellissippi Pkwy. The development will yield a density of 8.6 du/ac.

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

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

1. This is a request for an 85-lot subdivision that will be accessed off of Bob Gray Rd, Pellissippi Parkway borders to the east. The proposed subdivision would have public and private streets. The main spine, which is comprised of Road F and part of Road A (as shown on the plan) will be public roads. Road A will end at the shared property line with Parkway Heights, the townhouse subdivision abutting the proposed development to the south. Parkway Heights shows the Blinken Street right-of-way terminating at the shared property line, but the street is not built out the full length of the right-of-way. A temporary turnaround is being proposed until such time as the development is completed, at which point the connection between Road A and Blinken Street will be created.

The right-of-way stub out is a condition of the rezoning (12-F-23-RZ) in recognition of the fact that the Parkway Heights community's only access point is off of Pellissippi Parkway. The Tennessee Department of Transportation (TDOT) has stated they would be in favor of closing the street connection to Pellissippi Parkway upon development of the subject property once a stub-out connection to the adjacent subdivision to the south has been provided as it will improve safety for the residents of Parkway Heights and allow them to access Pellissippi Parkway via the Lovell Road or Dutchtown Road interchanges.

2. The attached houses are on individual lots. The applicant is requesting waivers for Ground Area Coverage (GAC) (Guideline 1.3.1), Floor Area Ratio (FAR) (Guideline 1.3.2), and Impervious Area Ratio (IAR) (Guideline 1.3.3). These guidelines were created for office/business parks. When medium density residential developments were added to the guidelines in 2011, townhome developments on individual lots were not considered. The PR zone allows clustering on the property to concentrate development in less environmentally sensitive areas of a property. When looking at the property as a whole, the GAC is 18.70%, FAR 35%, and IAR is 41.54%. In this case, only the FAR is out of compliance with the guidelines, at 35%, up from 30%. The guidelines were written to require a low FAR to keep large industrial, commercial, multifamily buildings from blocking ridge views and include more open space. In this case, the townhomes have a maximum height of 35 ft, which is similar to the residential zoning in the area. Staff will support waivers to GAC from 25% to 48.3%, FAR from 30% to 98.6%, and IAR from 70% to 71.9%.

3. The townhomes are 2-stories, 1,770 sq ft of floor area. The exterior is mostly brick with some board and batten siding on the 2nd story. The units are 2 and 3 bedrooms with covered front porches and concrete back patios. The buildings are to be subdued in color.

4. The applicant is also requesting a waiver for the 100 ft setback adjacent to residential (Guideline 1.4.1). This setback was created prior to medium residential development inclusion in the TTCDA guidelines and is appropriate when commercial or industrial development is adjacent to residential. Since these townhomes are on a similar scale as single family homes, staff will support this waiver. Additionally, there is a 35 ft peripheral setback, and landscape screening has been provided, which are appropriate setbacks with residential properties with a single family residential scale adjacent to residential zones.

5. Conditions of the zoning 12-F-23-RZ require Type C landscape screen (see excerpt on grading plan sheet) along the western and southern property lines. This is a landscape buffer with a minimum width of 8 ft. This is not a fully screening landscape buffer. Staff is requiring a Type B landscape buffer with a minimum width of 12 ft, along the western property line. Type B screen is a typical recommendation between different housing types. The parking lot will be required to have 2 canopy trees and shrubbery per the landscape guidelines. The preservation of mature trees on the northern end of the property and entrance landscaping satisfies the rest of the landscaping guidelines. The landscape guidelines for buildings do not require waivers and will not be applied to the townhomes because they are on individual lots where the residents can create their own landscape plan.

6. Additional and more stringent standards are applied to Hillside Protection (HP) area within the Technology Overlay. The slope analysis determines how much land can be disturbed within the HP area and is used as a guideline during development plan review but has not been enforced as part of the zoning ordinance in the County. The application of HP disturbance limits is considered exempt when the site has been previously disturbed. For this property, the slope analysis recommends disturbing 1.2 acres of the 2.56 acres. There are 7 townhomes as well as the entrance road within the HP area. In the case of the TTCDA guidelines, the applicant is requesting a waiver to go over the land disturbance budget of 1.2 acres to 1.67 acres (Guideline 1.12.1.C). Staff supports the waiver because the entrance is off of Bob Gray, which will be relandscaped. Most of the slopes over 25% were previously created when a driveway was cut from Bob Gray Road rendering them "previously disturbed".

The applicant is requesting a waiver to the Hillside and Ridgetop Development guidelines on slopes 15-24.99% to go above the 50% maximum land disturbance to 64% land disturbance (Guideline 1.12.4.B).

The plan will disturb 1.2 acres or 65% of the Hillside Protection area on slopes 15-25%. Staff supports the waiver request because most of the land disturbance is to accommodate road access from Bob Gray Rd.

The last waiver request is to allow more than one building within the HP area (1.12.1.A). Medium residential density shall not exceed 5,000 sq ft per building per two acres in the HP area. For 2.56 acres, the applicant can have one building and a building footprint of 6,400 sq ft. Seven townhomes are located within the HP area with a footprint of 6,222 sq ft.

Limiting the number of buildings makes the most sense when the development has larger but fewer multi-story structures. When looking at the site as a whole, only 7 buildings out of 85 buildings or 8.2% of structures are within the HP area. The HP area also has stringent development intensity standards for GAC (5.7%), FAR (11.6%), and IAR (50%). Since the development meets these standards, staff will support the waiver to allow 7 buildings within the HP area.

7. Lighting is only applicable to the parking lot and not the individual home or roads. No signage or lighting has been proposed at this time. Any future signage or lighting will have to be approved by the TTCDA Board.

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. The property is zoned PR (k) (Planned Residential) with a density of up to 10 du/ac, subject to 4 conditions. 1) Providing a Type C landscape buffer, 2) providing a 35 ft peripheral boundary along the western and southern property lines, 3) completing a traffic study, and 4) providing a right-of-way stub-out to the Parkway Heights subdivision for a future connection to Blinken Street. This property is within the TO (Technology Overlay) zone and must meet the (Tennessee Technology Corridor Development Authority) TTCDA Guidelines for a development plan approval. Case 6-C-24-TOB is scheduled to be heard September 9, 2024.

2. The applicant is proposing to subdivide this 9.87-acre tract into 85 lots with attached houses. The development will yield a density of 8.6 du/ac. The PR zone allows attached houses as a permitted use. The administrative procedures for the PR zone require the Planning Commission to approve the development plan before permits can be issued (Knox County Zoning Ordinance Article 5, Section 5.13.15).

3. The Planning Commission has the authority to reduce the 35-ft peripheral setback to 15 ft. The applicant is requesting a 25 ft peripheral boundary along the eastern boundary line along Pellissippi Parkway.

4. The height of attached houses shall be determined by the Planning Commission. The elevations provided show the units are 2 stories. The maximum height of all buildings will be 35 ft, which is consistent with the zoning requirements for residences in the area.

5. The applicant has requested a variance for a road to dead end without a cul-de-sac turnaround. Since this road may connect with Blinken St in the future, a cul-de-sac turnaround is not required. A second variance is requested noting entrance topography issues to reduce the vertical curve length from 300 ft to 240 ft (k value 25 to 20). There are 6 Alternative Design Standards, 2 of which require Planning Commission Approval.

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

1. The property's land use classification is SMR (Suburban Mixed Residential) in the Knox County Comprehensive Plan. Attached houses are considered primary uses in the SMR place type. Attached residential such as duplexes, multiplexes, and townhomes should have the scale of a single family home. The attached houses are 2-stories 1,765 sq ft floor area, which meets this criteria.

2. Landscape screening has been added adjacent to the surrounding, lower density residential subdivisions. This is consistent with Implementation Policy 2.1 to create buffer or transition standards between different land uses.

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

1. Engineering supports both variance requests and the 8 alternative design standards.

Action: Approved with Conditions **Meeting Date:** 9/9/2024

Details of Action:

Actions on the required waivers from the Design Guidelines:

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Summary of Action:

Date of Approval: 9/9/2024 **Date of Denial:** **Postponements:** 6/10/2024,
7/8/2024, 8/5/2024

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: