

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 1-K-07-UR **Related File Number:**
Application Filed: 12/4/2006 **Date of Revision:**
Applicant: FOUNTAIN DEVELOPMENT, LLC.
Owner:

PROPERTY INFORMATION

General Location: Northwest side of Parkside Dr., northwest of Mabry Hood Rd.
Other Parcel Info.:
Tax ID Number: 131 E A 003.01 **Jurisdiction:** City
Size of Tract: 2.12 acres
Accessibility: Access is via Parkside Dr., a major arterial street with 20' of pavement within a 70' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: 5 residences on top floor of proposed 14-story office tower (Art. 4 Sec. 9 D.1). **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** GC
Growth Policy Plan: Urban Growth Area
Neighborhood Context: This site is within the commercial development corridor found along Parkside Dr. within CA, CB, C-3, C-4, and C-6 zones.

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

Street: 10049 Parkside Dr.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-3 (General Commercial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge:

Kelley Schlitz

Staff Recomm. (Abbr.):

APPROVE the request for 5 residences on top floor of proposed 14-story office tower in the C-3 zoning district (Art. 4 Sec. 9 D.1), subject to the following 6 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. All residential condominium units will have access to a private parking garage and service elevator.
5. Establishment of a property owners association for the purpose of assessing fees for the maintenance of all commonly held assets.
6. Certification on the final plat by the applicant's surveyor that there is the required site distance in both directions along Parkside Dr. at the property's entrance.

With the conditions noted above, this request meets all criteria for a use on review in the C-3 zoning district.

Comments:

The applicant is proposing to construct a 14 story office complex that will accommodate 5 residential condominiums on the top floor of the complex. According to the Knoxville Zoning Ordinance (Art. 4 Sec. 9 D. 1), all residential uses, except special exceptions permissible by the Planning Commission, are prohibited uses under the C-3 zoning district. However, dwelling units for occupancy only by owners or employees of the principal uses are permitted by right. The applicant is requesting that the owners of the condominium units are not obligated to also be owners of the office spaces. Since the residential units are incidental to the primary uses, which are office, it is in staff's opinion that this request can be considered a special exception.

The proposed 14-story office tower, will have 5 levels of parking (2 above grade and 3 below grade), with a total of 755 parking spaces. The applicant is proposing to provide 20 parking spaces for the 5 condominium units. Those spaces will be located on a private parking level (above grade) and have a service elevator directly to the residential units.

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

1. The proposed condominium development will place minimal additional demand on schools and streets.
2. The proposed development will have minimal impact on local services since all utilities are in place to serve this site.
3. The proposed office complex is consistent with other development in the area. Approval of this request will introduce residential uses to an area that has been developed as a commercial corridor. It is in staff's opinion that since there are only 5 residential units being proposed and the fact that they will have a private garage and service elevator, it will not be a use that will be detrimental to other tenants of the office complex or surrounding properties.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed residential condominium units are consistent with all relevant requirements of the C-3 zoning district, as well as other criteria for approval of a use on review.
2. The development is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use will not significantly injure the value of adjacent property. The use will not draw a substantial amount of

additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Southwest County Sector Plan identifies this property as general commercial.

MPC Action:

Approved

MPC Meeting Date: 1/11/2007

Details of MPC action:

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
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With the conditions noted above, this request meets all criteria for a use on review in the C-3 zoning district.

Summary of MPC action:

APPROVE the request for 5 residences on top floor of proposed 14-story office tower in the C-3 zoning district (Art. 4 Sec. 9 D.1), subject to the following 6 conditions:

Date of MPC Approval:

1/11/2007

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Knoxville City Council

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: