

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 11-D-21-UR **Related File Number:**
Application Filed: 9/27/2021 **Date of Revision:**
Applicant: DOMINION GROUP

PROPERTY INFORMATION

General Location: North side of Maloney Road, east of Dresser Road
Other Parcel Info.:
Tax ID Number: 135 G A 005, 00501 & 006 **Jurisdiction:** County
Size of Tract: 4.7 acres
Accessibility: Access is via Maloney Road, a local road with 20-ft of pavement width within 44-ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: AgForVac (Agriculture/Forestry/Vacant Land) & SFR (Single Family Residential) & RR (Rural Residential)
Surrounding Land Use:
Proposed Use: Multi-family **Density:** 17.8 du/ac (County portion only)
Sector Plan: South County **Sector Plan Designation:** LDR (Low Density Residential) (MDR/O pending)
Growth Policy Plan: Urban Growth Area
Neighborhood Context: The area is adjacent to major improvements along Alcoa Highway and a recent City Council approval for MDR/O plan designation and RN-5 zoning. A mix of office and commercial uses are adjacent to the corridor, as well as a large church. The surrounding area to the east consists of single-family residential neighborhoods and some large rural residential lots. A mix of office and commercial uses are adjacent to the corridor, as well as a large church. The surrounding area to the east consists of single-family residential neighborhoods and some large rural residential lots.

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

Street: 3113 and 3117 Maloney Road, and 0 Jonathan Way
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RA (Low Density Residential) (PR pending)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property is currently pending rezoning from RA to PR < 21 du/ac (10-G-21-RZ)

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): Approve the multi-family development plan for up to 84 dwelling units in the County portion of the development (240 dwelling units total), subject to 10 conditions.

- Staff Recomm. (Full):
- 1) Connection to sanitary sewer and meeting any other relevant requirements of the utility provider.
 - 2) Implementing the recommendations of the Maloney Road Multi Family Development Traffic Impact Study (Cannon and Cannon, 10/25/2021), as revised and approved by Planning staff, Knox County Engineering and Public Works, City of Knoxville Department of Engineering, and TDOT (see Exhibit A).
 - 3) Obtaining all necessary approvals from the Tennessee Department of Transportation (TDOT).
 - 4) Meeting all applicable requirements of the Knox County Zoning Ordinance and the City of Knoxville Zoning Ordinance because the development is located in both jurisdictions. It is anticipated that the City of Knoxville will permit the entire project.
 - 5) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works and the City of Knoxville Department of Engineering.
 - 6) Providing the 35-ft peripheral setback around the boundary of the PR (Planned Residential) zoned portion of the property, excluding the zoning line that cuts through the property.
 - 7) Providing a sidewalk connection, including crosswalks, from the development's driveway to the Dresser Road sidewalk on the southwest side of the Maloney Road and Dresser Road roundabout, or as otherwise required by the City of Knoxville Department of Engineering, Knox County Engineering and Public Works, and/or TDOT.
 - 8) Obtaining approval from Knox County Commission for the requested PR (Planned Residential) zoning on the property at a density that is sufficient to accommodate the 84 dwelling units proposed in the County portion of the property. If the PR zoning is approved at a lesser density, the number of dwelling units on the County portion of the property must be reduced to be compliant with the approved zoning.
 - 9) Providing landscape screening along the southeast property line, from the Maloney Road frontage to the existing trees/wooded area that is being maintained, as shown on plan sheet L100 (Overall Planting Plan). This screening shall be consistent with the Class B Buffer in Article 12.8 (Buffer Yards) of the City of Knoxville Zoning Ordinance. All other portions of the development shall meet the requirements of Article 12 (Landscape) of the City of Knoxville Zoning Ordinance because it is anticipated that this City of Knoxville will permit the entire project.
 - 10) Providing parking that meets the requirements of Article 11 (Off-Street Parking) of the City of Knoxville Zoning Ordinance.

With the conditions noted above, this request meets all requirements for approval in the PR (Planned Residential) zoning district, and the criteria for approval of a use on review.

Comments: This Use on Review application is only for the County portion of the development zoned PR (Planned Residential). Because the development is both in the City and County, and access is being provided through the City portion of the development, the entire development plan is shown to ensure the development can feasibly meet the City zoning and site development standards. See Exhibit B for a visual representation of the City and County portions of the development.

SUMMARY

This proposal is for a 240-unit multi-family apartment complex on 11.49 acres at a density of 20.89 du/ac. The development will include eight 3-story buildings, two 1-story garage structures, and a 1-story amenity building with a pool. Access to the site is via Maloney Road, approximately 400-ft to the east of the Maloney Road and Dresser Road intersection (roundabout). The development is located in

both the City of Knoxville and Knox County, with 156 units on 6.79 acres in the City (22.97 du/ac) and 84 units on 4.7 acres (17.87 du/ac) in the County. The City and County permitting departments have agreed that the City will review and issue permits for the entire development and it must meet the City zoning and site development standards.

ZONING

The City portion of the property was rezoned from O (Office) and RN-1 (Single-Family Residential Neighborhood) to RN-5 (General Residential Neighborhood) in August 2021 (7-H-21-RZ). The RN-5 zone allows multi-family development at a density of approximately 30 du/ac. The County portion is currently pending rezoning from RA (Low Density Residential) to PR (Planned Residential) at up to 21 du/ac (10-G-21-RZ). The Planning Commission recommended approval of the rezoning at the October 14th meeting and County Commission will hear it on November 15th. If the rezoning is not approved as requested, the number of dwelling units in the County portion of the property may need to be reduced or eliminated.

DEVELOPMENT STANDARDS

The development will be reviewed for permitting by the City of Knoxville and the development must conform to the City zoning and development standards in both the City and County portions of the property. However, because the County portion of the property is pending rezoning to PR (Planned Residential) and all developments in the PR zone require use on review approval by the Planning Commission, the County portion must also meet the minimum standards of both the PR (County) and RN-5 (City) zoning districts. The only standard in the PR zone that is more restrictive than the City RN-5 standards is the 35-ft peripheral setback which applies to the south, east and north property lines. The 35-ft peripheral setback does not apply to the City portion of the development.

TRAFFIC IMPACT STUDY

A traffic impact study was performed to evaluate the proposed site access intersection (driveway) on Maloney Road and the existing intersections of Maloney Road at Alcoa Highway Southbound Ramps and Maloney Road at Dresser Road / Alcoa Highway Northbound Ramps (roundabouts). The primary conclusion of this study is that the traffic generated from the proposed development will not have a significant impact at the two existing study intersections (roundabouts) or Maloney Road at the site access intersection (driveway). The only recommendation of the study is to maintain intersection corner sight distance at the site access.

SIDEWALK

The development plan shows sidewalks within the development and along Maloney Road, west of the site access, and crosswalk at the roundabout. This will provide a pedestrian connection to the existing sidewalk on Dresser Road which connects to the Knox-Blount Greenway that will eventually connect Knox and Blount Counties to the Great Smoky Mountains. A small portion of this greenway system is on the west side of Alcoa Highway that currently provides access to Maloney Road Park to the west and will provide access to IC King Park to the south.

LANDSCAPING AND BUFFERS

The existing trees in the northeast portion of the development are proposed to be maintained and protected during construction. These will provide a buffer to the residences to the north and northeast. The applicant is showing landscape screening around the detention pond in the southwest corner of the development. Staff is recommending a condition that this landscape screening meet the Class B Buffer standards in the City zoning ordinance. The proposed plan is consistent with those standards but this is not detailed on the plan.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

- A. The South County Sector Plan designates this property as LDR (Low Density Residential) but is pending amendment to MDR/O (Medium Density Residential/Office). The proposed density within the County portion of the development is 17.87 du/ac, which is allowable under the MDR/O designation.
- B. Transit service is not currently available in this area. However, if transit is extended to this area, the sidewalk to be installed by the developer will provide access to potential transit stop locations.
- C. The proposed sidewalk system will allow residents of the apartment complex to access the Knox-Blount Greenway which is planned to connect to downtown Knoxville and the Great Smoky Mountains through Blount County.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

- A. The PR (Planned Residential) zone is intended to provide optional methods of land development

which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

B. If the PR zoning is approved by County Commission at the requested density of 21 du/ac, or greater than 17.87 du/ac, the proposal is consistent with the zoning. If the approved density is less than 17.87 du/ac then the plan must be revised during permitting to remove dwelling units from the County portion of the development so the density is compliant with the approved zoning.

C. The development will include a clubhouse, pool and yard area in the center of the complex.

3) 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.

A. The structures are larger than the surrounding residential houses, however, the buildings will be closer than 90-ft from a residentially zoned property. The maximum height allowed in the RN-5 zone is 35-ft which is consistent with the surrounding RA (Low Density Residential) zoning.

B. Landscape screening will be provided around the north and east boundaries, which will include a mix of existing trees/wooded area and new trees and shrubs.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. If the conditions are approved as recommended, the multi-family apartment complex will not significantly injure the value of adjacent properties.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The property has direct access to Maloney Road, which is a major collector street, and being adjacent to the Alcoa Highway access ramp, the development will not draw additional traffic through residential areas.

6) 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.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed apartment complex.

Action: Approved **Meeting Date:** 11/10/2021

Details of Action:

Summary of Action: Approve the multi-family development plan for up to 84 dwelling units in the County portion of the development (240 dwelling units total), subject to 10 conditions.

Date of Approval: 11/10/2021 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Board of Zoning Appeals

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:**