

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: 12-A-11-UR **Related File Number:**
Application Filed: 10/24/2011 **Date of Revision:**
Applicant: THE ENCLAVE PHASE 2

PROPERTY INFORMATION

General Location: Northeast side of Greenland Way, south of Hardin Valley Rd.
Other Parcel Info.:
Tax ID Number: 103 M A 007 **Jurisdiction:** County
Size of Tract: 7.3 acres
Accessibility: Access is via Greenland Way, a private, local street with 36' of pavement width within 40' of right-of-way. Greenland Way connects to Hardin Valley Rd., a major arterial street with 4 lanes and center median within 110' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Apartments **Density:** 13.15 du/ac
Sector Plan: Northwest County **Sector Plan Designation:** C/MDR/MU-SD
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The sites surrounding this parcel have been partially developed with apartment, commercial and office uses.

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

Street: Greenland Way
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: OB (Office, Medical, and Related Services) / TO (Technology Overlay)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Property rezoned to OB (Office, Medical, and Related Services) / TO (Technology Overlay) by Knox County Commission on October 24, 2011.

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.:

MPC ACTION AND DISPOSITION

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the development plan for up to 96 residential units for the second phase of an apartment complex subject to the following 8 conditions:

Staff Recomm. (Full):

1. Obtaining approval from the Tennessee Technology Corridor Development Authority (TTCDA) for the proposed development.
2. Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
3. Provision of street names which are consistent with the Uniform Street Naming and Addressing system Ordinance (Ord. 91-1-102).
4. Installing all landscaping, as shown on the landscape plan, within six months of issuance of occupancy permits for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation.
5. The proposed new gate location is subject to final design approval by the Knox County Fire Marshal and the Knox County Department of Engineering and Public Works
6. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
7. Prior to obtaining any occupancy permits for the fourth building in this second phase of the development, recording a final plat that combines Lots 7 and 8 and a portion of the Joint Permanent Easement (JPE) (Greenland Way) of The Village at Hardin Valley subdivision into a single lot that brings the overall density to less than 12 du/ac.
8. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted above, this request meets all requirements of the OB/TO zoning districts, as well as other criteria for approval of a use on review.

Comments: The applicant is requesting approval of a 96 unit apartment development that will be the second phase of The Enclave apartments. The development will access Greenland Way, a private local street which connects to Hardin Valley Rd. The first phase of the apartment development, with 140 units, was approved as a permitted use under the OB zoning at a density of 11.89 du/ac. The OB zoning district allows multi-dwelling developments at less than 12 du/ac as a permitted use. Developments of 12 du/ac or more require use on review approval.

The applicant has already received approvals to build three buildings with a total of 72 units on this site at a density of 9.86 du/ac. To add the proposed fourth building with 24 units, increases the density to 13.15 du/ac which requires the use on review approval. The Northwest County Sector Plan identifies this site for medium density residential (MDR), mixed uses (which includes MDR) and commercial uses. Medium density residential has a density range of 5 du/ac to less than 12 du/ac. While the zoning ordinance allows consideration of densities of 12 du/ac and above, the Sector Plan does not support that density. Staff is recommending approval of the fourth building with the condition that occupancy permits not be issued for the building until a final plat is approved and recorded that combines Lots 7 and 8 and a portion of the Joint Permanent Easement (JPE) (Greenland Way) of The Village at Hardin Valley subdivision into a single lot. This resubdivision would bring the density for the entire development down to a density of approximately 11.86 du/ac. The applicant has not combined the property due to financing issues.

The traffic impact study that was prepared in 2006 was re-evaluated with the proposed change in use. It has been determined that no additional street improvements are required.

The site is located within the TO (Technology Overlay) zoning district and is subject to review and approval by the Tennessee Technology Corridor Development Authority (TTCDA). The TTCDA will consider this request on December 5, 2011.

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

1. The proposed apartment development will have minimal impact on local services since all utilities are available to serve this site.
2. The proposed development is an extension of the existing apartments located to the south and is compatible with surrounding land uses.
3. Any school age children living in this development will be zoned to Hardin Valley Elementary School, Karns Middle School and Hardin Valley Academy.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions, the proposed apartment development is consistent with all relevant requirements of the OB zoning, 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 in is 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 additional traffic through residential areas since the development has access to a major arterial.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest County Sector Plan proposes medium density residential (MDR), mixed uses (which includes MDR) and commercial uses for this site. The proposed development will be in conformity with the plan when the parcels, including the JPE, are combined as a single lot.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved as Modified **Meeting Date:** 12/8/2011

- Details of Action:**
1. Obtaining approval from the Tennessee Technology Corridor Development Authority (TTCCA) for the proposed development.
 2. Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
 3. Provision of street names which are consistent with the Uniform Street Naming and Addressing system Ordinance (Ord. 91-1-102).
 4. Installing all landscaping, as shown on the landscape plan, within six months of issuance of occupancy permits for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation.
 5. The proposed new gate location is subject to final design approval by the Knox County Fire Marshal and the Knox County Department of Engineering and Public Works
 6. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- (Original condition #7 was deleted by MPC. While the site specific parcel did not comply with the Sector Plan's medium density limitation, the MPC action to delete this condition was based on the fact that the overall apartment development did comply with the medium density limitation.)
7. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted above, this request meets all requirements of the OB/TO zoning districts, as well as other criteria for approval of a use on review.

Summary of Action: APPROVE the development plan for up to 96 residential units for the second phase of an apartment complex subject to the following 7 conditions:

Date of Approval: 12/8/2011 **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:

Date of Legislative Appeal:

Amendments:

Effective Date of Ordinance: