

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 2-M-04-UR **Related File Number:**
Application Filed: 1/12/2004 **Date of Revision:**
Applicant: B & J ENTERPRISES
Owner:

PROPERTY INFORMATION

General Location: North side Hardin Valley Rd., west of Ball Camp Byington Rd.
Other Parcel Info.:
Tax ID Number: 104 C B 049 **Jurisdiction:** County
Size of Tract: 3.86 acres
Accessibility: Access is via Hardin Valley Rd., a 4 lane median divided arterial street,

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Condominium development **Density:** 4.68 du/ac
Sector Plan: Northwest County **Sector Plan Designation:**
Growth Policy Plan: Planned Growth Area
Neighborhood Context: Property in the area is zoned PR residential, PC commercial and A agricultural. Development consists of attached and detached single family dwellings and vacant commercially zoned property. A tributary to Beaver Creek separates this site from Highgate Subdivision.

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

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

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) and F (Floodway)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was zoned PR (Planned Residential) in 1978. The Concept Plan for Highgate was approved in 1992.

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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for up to 16 attached residential condominiums as shown on the revised development plan for lot #122 of Highgate Subdivision subject to 8 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
3. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
4. Provision of a street name that is consistent with the Uniform Street Naming and Addressing System within Knox County (Ord. 91-1-102).
5. Installing all landscaping, as shown on the development plan, within six months of the issuance of occupancy permits for this project, or posting a bond with the Knox County Dept. of Engineering and Public works to guarantee such installation.
6. Establishing the southern boundary of the 100 year floodway as it crosses this site as the limit of grading or other land disturbance related to this project. All existing vegetation north of this line is to remain undisturbed.
7. Constructing all dwellings per the minimum floor elevations as established by the Knox County Dept. of Engineering and Public Works.
8. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept of Environment and Conservation.

With conditions noted, this plan meets the requirements for approval in the PR (Planned Residential) zone and the other criteria for approval of a use on review.

Comments: The majority of the site in question along with the adjoining Highgate Subdivision was zoned PR (Planned Residential at 5 to 12 dwellings per acre in 1978 (6-Q-78). A small portion of this site was rezoned from CA (General Business) to PR (Planned Residential) at 6-12 dwellings per acre in 1992 (7-M-92-RZ). Subsequent to the last rezoning, a concept subdivision plan was submitted for Highgate Subdivision. The concept plan and the accompanying use on review were approved for up to 150 dwellings on individual lots and the approval noted that lot # 152 was reserved for future development. The approved plan required that another use on review be approved prior to development of lot # 152. Lot # 152 on the concept plan was subsequently approved as lot # 122 on the final plat of Unit 2 of the subdivision.

Staff has been in discussions with representatives of the Highgate Homeowners Association and the developer of this site. The homeowners contend that lot # 122 was to be designated as common area and deeded to the Association. Additionally, they contend that as a recorded lot in the subdivision that the restrictions would limit development to not more than one single family dwelling. The developer's representative has stated that lot # 122 was specifically exempted from the restrictions and covenants of the subdivision at the time the restrictions were recorded for Unit 2 of the development. While the issue is confusing, and needs to be resolved, staff believes these issues are private matters and need to be dealt with through private means.

The approval of the concept plan and use on review by MPC in 1992 anticipated the future development of this site. The subdivision as developed contains 122 lots on 59.04 acres or 2.07 dwellings per acre. Lot # 122 contains 3.86 acres. Staff has calculated that approximately .44 acres of the site is zoned F (Floodway), and the remaining 3.42 acres of the site are zoned PR (Planned Residential). The development density of this project is 4.68 du/ac. The additional 16 units proposed for lot # 122 by this request will bring the development density up to 2.32 dwellings per acre for the total Highgate

development. At the development density proposed, this plan is within the standards for low density residential development as called for in the Northwest County Sector Plan and is well within the PR zoning density of the site of 5 to 12 dwellings per acre.

Access to this site will be via Hardin Valley Rd. which is a four lane, median divided arterial street. The adjoining property is zoned PC (Planned Commercial). Staff believes the use of this site for a more intense residential development is appropriate due to the access to an arterial street and the zoning of the adjoining property. The traffic generated by this development will not have to go through the single family area.

The proposed condominiums will be located on the south side of Plum Creek. The detached single family dwellings in Highgate Subdivision are located on the north side of the creek. As shown on the development plan, the condos will be 200' to 360' from the single family dwellings. The site is heavily vegetated at this time. To insure this vegetation is not disturbed, the staff will require that all of the existing vegetation from the south side of the floodway northward not be disturbed. This will create a large vegetative buffer between the condos and the existing homes.

Drainage has been a major concern of the staff in the review of this project. The applicant's engineer in conjunction with the Knox County Dept. of Engineering and Public Works have refined the plans based on the proposed grading of the site and the defined floodway of the creek. Development as proposed will require the applicant to maintain a "no fill area" outside of the 100 year floodway. Since a floodway and floodway fringe area are located on this site, minimum floor elevations will be required for these dwellings.

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

1. Public water and sewer utilities are in place to serve this development.
2. A grading plan has been reviewed by the Knox County Dept. of Engineering addressing the relationship of the development on the existing defined floodways and flood fringe areas.
3. There will be minimal impact on the schools as a result of this development. Attached residential condominiums typically do not generate school aged children at the rate that would be expected for detached single family development.

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

1. The proposal is consistent with all requirements of the PR zoning district, as well as other criteria for approval of a use on review.
2. The proposed use is consistent with the general standards for uses permitted on review: The proposed development 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 plans include appropriate landscaping and setbacks to minimize the impact to surrounding properties. The use should not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.
3. The proposed density of this multi-family development is consistent with the PR zoning and associated density of 5 to 12 du/ac.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The request conforms with the Northwest County Sector Plan proposes low density residential uses for this property. The proposed development at a density of 4.68 du/ac and an overall development density of 2.32 dwellings per acre for the existing subdivision development and the revised condominium plan for lot # 122 are well within the range of the permitted density of 1-5 dwellings per acre.
2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan.

MPC Action: Denied

MPC Meeting Date: 3/11/2004

Details of MPC action:

Summary of MPC action:

Date of MPC Approval:

Date of Denial: 3/11/2004

Postponements: 2/12/2004

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Ordinance Number:

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: