

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: 3-A-08-UR **Related File Number:**
Application Filed: 1/18/2008 **Date of Revision:**
Applicant: KING PROPERTIES & DEVELOPMENT, LLC.

PROPERTY INFORMATION

General Location: Northeast side of Dewine Rd., northeast side of Fleetwood Dr.
Other Parcel Info.:
Tax ID Number: 93 H C 025 **Jurisdiction:** City
Size of Tract: 4.41 acres
Accessibility: Access is via Dewine Rd., a minor collector street with a 20' pavement width within a 50' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Reduce the required peripheral setback along the southern and eastern property lines from 25' to 15' to enclose porches on previously approved plan **Density:** 7.25 du/ac
Sector Plan: Northwest City **Sector Plan Designation:** MDR
Growth Policy Plan: Urban Growth Area
Neighborhood Context: Detached residences and apartments located adjacent to this site are zoned R-1 and RP-1.

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

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

ZONING INFORMATION (where applicable)

Current Zoning: RP-1 (Planned Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Rezoned to RP-1 in 2006 (5-U-06-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.:

MPC ACTION AND DISPOSITION

Planner In Charge: Kelley Schlitz

Staff Recomm. (Abbr.): APPROVE the revised development plan, subject to the following 4 conditions:

Staff Recomm. (Full):

1. Obtaining a variance from the Knoxville Board of Zoning Appeals to reduce the required peripheral setback along the southern and eastern property lines from 25' to 15'.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knoxville Engineering Department.
4. Meeting all applicable requirements of the previously approved use-on-review (7-A-06-UR).

With the conditions noted above, this request meets all criteria for a use on review in the RP-1 zoning district.

Comments: The applicant is requesting a reduction in the required peripheral boundary from 25' to 15' along the southern and eastern property lines on a previously approved condominium development off Dewine Rd. (7-A-06-UR). The previous plan proposed uncovered porches/decks off all of the units. Since that time, the applicant has decided to enclose those porches. Uncovered porches are allowed to encroach into the required periphery setback boundary for up to ten feet; however, enclosed porches are considered to be part of the primary structure and are therefore required to meet the 25' peripheral boundary setback. Since they are encroaching into the required peripheral setback, the applicant will be required to obtain a variance from the Knoxville Board of Zoning Appeal. MPC is recommending approval of the revised plan subject to receiving this variance. Staff believes that this request would not negatively impact surrounding property owners.

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

1. The proposed setback reduction will have no impact on schools and streets.
2. The proposed setback reduction will have no impact on local utilities services.
3. Staff does not believe that enclosing the previously approved unclosed porches will negatively affect the character of the neighborhood and will not set a precedent for future development. If anything, the enclosed porches would provide future residences privacy from adjoining property owners.

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

1. The proposed setback reduction 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 is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw any additional traffic through residential areas.
2. The proposal meets all requirements of the RP-1 zoning district and a use on review with the approval of the waiver to reduce the peripheral boundary setback.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest City Sector Plan identifies this property as low density residential.

MPC Action: Approved

MPC Meeting Date: 3/13/2008

Details of MPC action:

1. Obtaining a variance from the Knoxville Board of Zoning Appeals to reduce the required peripheral setback along the southern and eastern property lines from 25' to 15'.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knoxville Engineering Department.

4. Meeting all applicable requirements of the previously approved use-on-review (7-A-06-UR).

With the conditions noted above, this request meets all criteria for a use on review in the RP-1 zoning district.

Summary of MPC action: APPROVE the revised development plan, subject to the following 4 conditions:

Date of MPC Approval: 3/13/2008

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: