

# 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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Knoxville, Tennessee 37902  
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w w w • k n o x m p c • o r g

**File Number:** 4-E-10-UR

**Related File Number:** 4-SC-10-C

**Application Filed:** 2/25/2010

**Date of Revision:**

**Applicant:** M & T, LLC

## PROPERTY INFORMATION

**General Location:** South side of Fennel Rd., south of Elyria Dr.

**Other Parcel Info.:**

**Tax ID Number:** 69 I A 027.01

**Jurisdiction:** City

**Size of Tract:** 4.81 acres

**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:**

**Surrounding Land Use:**

**Proposed Use:** Attached residential development

**Density:** 11.44 du/ac

**Sector Plan:** North City

**Sector Plan Designation:** MDR (Medium Density Residential) pending

**Growth Policy Plan:** Urban Growth Area (Inside City Limits)

**Neighborhood Context:**

## 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) pending

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:**

## 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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for up to 44 attached dwellings as shown on the development plan subject to 12 conditions

Staff Recomm. (Full):  
1. Meeting all applicable requirements of the Knoxville Zoning Ordinance  
2. Provision of the 25' required peripheral boundary setback unless varied by the Knoxville Board of Zoning Appeals  
3. Establishing the property line between lots 1 and 2 at least 20' from the existing building on proposed lot 2  
4. Meeting all applicable requirements of the Knoxville Dept. of Engineering  
5. Constructing an AASHTO approved turn around at the end of the Fennel Rd. public right-of-way  
6. The access to proposed lots 1 and 2 meeting the requirements of Section 64-24 of the Subdivision Regulations  
7. Widening Fennel Rd. from Elyria Dr. to the site to a minimum width of 24' as shown on the plan. All construction within an existing public right-of-way must be approved by and under the supervision of the Knoxville Dept. Engineering  
8. Meeting all applicable requirements of the Knoxville City Arborist  
9. Connection to sanitary sewer and meeting any other applicable requirements of the Knox County Health Dept.  
10. Installation of landscaping as shown on the development plan within one year of the issuance of occupancy permits for this project  
11. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (Ord. O-280-90)  
12. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to issuance of any building permits

With the conditions noted, this plan meets the requirements of the RP-1 (Planned Residential) District and the other requirements for use on review approval.

Comments:

The applicant initially intended to develop this project through the subdivision process whereby each proposed dwelling would be placed on a lot. The proposed subdivision plan had a number of deficiencies with regard to lot size, building setbacks and access that made the development of this project as a subdivision very difficult. As a result, the applicant has proposed to develop the site as a true condominium project. By developing condominiums the concerns that were present under the subdivision process can be addressed in a manner that will allow this project to move forward. Since the concept subdivision is no longer required, the applicant has requested that it be withdrawn. MPC will only have to deal the approval of the development plan through the use on review process.

The site contains approximately 3.4 acres that were zoned RP-1 (Planned Residential) at up to 16 dwellings per acre earlier this year. The proposed project will contain up to 44 dwellings with a development density of 12.95 du/ac.

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

- 1. The proposed project will have a minimal impact on local services since water and sewer utilities are in place to serve this site.
- 2. The proposed attached residential development is consistent in use and density with the recent rezoning and with the existing residences in the area.
- 3. The recommended street improvements to Fennel Rd. will improve the access to the site.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX VILLE ZONING ORDINANCE**

1. The proposed attached residential development meets the standards for development within an RP-1 Zone and all other requirements of the Zoning Ordinance.
2. The proposed development 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 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 additional non residential traffic through residential areas outside of the proposed development.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The proposed development is consistent with the amended North City Sector Plan and Knoxville One Year Plan proposal of medium density residential uses for this property. The RP-1 zoning approved for this site will allow a density up to 16 du/ac. At a proposed density of 12.95 du/ac, the proposed development is consistent with the approved zoning density.

Upon final approval of this request, the developer must prepare a design plan prior to the development of the property. During the design plan phase, grading, drainage, street design and construction, and connection to public utilities must satisfy technical engineering requirements before any development can proceed.

**Action:** Approved **Meeting Date:** 4/8/2010

**Details of Action:**

**Summary of Action:** APPROVE the request for up to 44 attached dwellings as shown on the development plan subject to 12 conditions

**Date of Approval:** 4/8/2010 **Date of Denial:** **Postponements:**

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

**LEGISLATIVE ACTION AND DISPOSITION**

<b>Legislative Body:</b>	Knoxville City Council	<b>Date of Legislative Action, Second Reading:</b>	
<b>Date of Legislative Action:</b>		<b>Other Ordinance Number References:</b>	
<b>Ordinance Number:</b>		<b>Disposition of Case, Second Reading:</b>	
<b>Disposition of Case:</b>		<b>If "Other":</b>	
<b>If "Other":</b>		<b>Amendments:</b>	
<b>Amendments:</b>		<b>Effective Date of Ordinance:</b>	
<b>Date of Legislative Appeal:</b>			