

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: 6-F-09-UR **Related File Number:**
Application Filed: 4/24/2009 **Date of Revision:**
Applicant: DUNCAN CONSTRUCTION / SENTINEL BUILDERS & THE JOSHUA'S LANDING

PROPERTY INFORMATION

General Location: Southeast side of Tazewell Pk., southwest of Anderson Rd.
Other Parcel Info.:
Tax ID Number: 49 028 **Jurisdiction:** City
Size of Tract: 18.5 acres
Accessibility: Access is via Tazewell Pk., a minor arterial street with a pavement width of 20' within a 50' wide right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: Attached residential development **Density:** 3.95 du/ac
Sector Plan: North City **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: Zoning in the area consists of R-1, R-1 / NC-1, R-2, RB and PR residential. The older development in the area consists primarily of detached dwellings. Developments containing attached dwellings have been constructed in recent years.

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: The RP-1 zoning classification was placed on this site in 2008 (2-D-08-RZ) shortly after annexation into the City of Knoxville

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 71 attached dwellings as shown on the development plan subject to 9 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Meeting all applicable requirements of the Knoxville Dept. of Engineering
3. Meeting all applicable requirements of the Knoxville City Arborist
4. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
5. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permits for each individual dwelling unit
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation
7. Construction of the sidewalks as shown on the development plan. The sidewalks are to be a minimum of 5' wide with a 2' wide planting strip behind the curb. Sidewalk construction is to be completed as each unit is constructed or precede the construction of the dwellings
8. Establishment of a homeowners association for the purpose of maintaining all drainage structures / improvements and all other commonly held assets
9. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining any building permits

Comments: The applicant is requesting approval of a development plan for 71 attached dwellings on this 18.5 acre site. This request is different from the requests that normally come before MPC because the site is already developed with the roads, utilities and drainage improvements in place. Additionally, twenty-nine of the dwelling units have been constructed. Development of this site began in 2005 under the requirements of the RB (General Residential) Zone while the site was located in Knox county outside of the city of Knoxville. The development was annexed by the City in 2008. At that time the applicant had building permits, obtained from the Knox County Codes Administration Department, for all of the proposed units in the project. At the time of annexation the City agreed to allow the construction of the remaining dwellings based on the County building permits. Due to the weakening of the economy sales of the dwellings slowed significantly. In response to the slower sales, the applicant halted construction on the remaining units. With no building activity ongoing the building permits lapsed and could not be reissued by the County because the site was now in the City. Since the property had been annexed, to proceed with the project building permits will now have to be obtained from the City.

At the time the property was annexed into the City, RP-1 (Planned Residential) zoning was approved for the site. The RP-1 zone requires that a development plan be approved by MPC prior to the issuance of site development and building permits. The applicants are not requesting site development permits since all of that work has been completed. They need approval of the development plan in order to obtain building permits to finish out the project.

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

1. Public water and sewer utilities are available to serve the site.
2. With an estimated 11 school age children, there will be minimal impact on the public school system.

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

1. With the recommended conditions, the proposal meets all requirements of the RP-1 zoning as well

as the general criteria for approval of a use-on-review.

2. The proposed housing 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 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 substantial additional traffic through residential areas since the development is located on an arterial street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The North City Sector Plan designates this site for medium density residential use. The proposed development density of 3.95 du/ac is within the low density residential range.
2. The site is located within the City of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan.

Action: Approved as Modified

Meeting Date: 6/11/2009

Details of Action:

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Meeting all applicable requirements of the Knoxville Dept. of Engineering
3. Meeting all applicable requirements of the Knoxville City Arborist
4. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
5. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permits for each individual dwelling unit
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation
7. Pedestrian walking facilities are to be constructed consistent with the requirements of the parental responsibility zone and shall be approved by MPC staff . (as modified by Commission June 11, 2009).
8. Establishment of a homeowners association for the purpose of maintaining all drainage structures / improvements and all other commonly held assets
9. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining any building permits

Summary of Action:

APPROVE the request for up to 71 attached dwellings as shown on the development plan subject to 9 conditions

Date of Approval: 6/11/2009

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:** 6/25/2009

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 7/28/2009

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Other

Disposition of Case, Second Reading:

If "Other": Motion to uphold appeal failed No Action Approval stands

If "Other":

Amendments:

Amendments:

Motion to uphold appeal failed-No Action. Approval stands

Date of Legislative Appeal:

Effective Date of Ordinance: