

# 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: 9-K-17-UR

Related File Number:

Application Filed: 8/7/2017

Date of Revision:

Applicant: C. HUNTER NELSON

## PROPERTY INFORMATION

General Location: NE side E. Martin Mill Pike, north side Lippencott St.

Other Parcel Info.:

Tax ID Number: 109 A K 002.02

Jurisdiction: City

Size of Tract: 5.9 acres

Accessibility: Access is via E. Martin Mill Pike, a minor collector street with 22' of pavement width within 35-50' of right-of-way, or Lippencott St., a minor collector street with 20' of pavement width within 60' of right-of-way.

## GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land

Surrounding Land Use:

Proposed Use: Multi family residential development

Density: 29.2 du/ac

Sector Plan: South City

Sector Plan Designation: HDR (High Density Residential)

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

Neighborhood Context: This property is located between commercial business to the west along Chapman Hwy., zoned C-4, and multi-family residential development to the south and east, zoned R-2.

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

Street: 2712 E Martin Mill Pike

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

## ZONING INFORMATION (where applicable)

Current Zoning: RP-2 (Planned Residential)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: Property rezoned from C-4 to RP-2 <30 du/ac in July 2017 (4-D-17-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: Mike Reynolds

Staff Recomm. (Abbr.): APPROVE the Development Plan for a multi-dwelling development with up to 172 dwelling units, subject to 7 conditions.

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Department.
2. Installation of all sidewalks and pedestrian crossings identified on the approved development plan shall be in compliance with the requirements of the Knoxville Department of Engineering and meeting all applicable requirements of the Americans with Disabilities Act (ADA) and the Knoxville Department of Engineering.
3. Meeting the requirements of the Knoxville Tree Protection Ordinance and all applicable requirements of the Knoxville Urban Forester.
4. Meeting all applicable requirements of the Knoxville Department of Engineering.
5. Installation of landscaping as shown on the landscape plan within six months of the issuance of the first occupancy permit for the project.
6. Installation of a concrete pad for a bus stop shelter in coordination and compliance with the requirements of Knoxville Area Transit.
7. Meeting all applicable requirements of the Knoxville Zoning Ordinance, including but not limited to Article 8 (Signs, billboards, and other advertising structures).

With the conditions noted above, this request meets all criteria for a use-on-review in the RP-2 zoning district.

Comments: This proposal is for a 172 unit apartment complex (29.1 du/ac) that includes three buildings, two of which are along the E. Martin Mill Pike and Lippencott Street frontages, and one towards the rear of the property. There is one vehicular access provided on Lippencott St. and the parking lot is located between the two street fronting buildings (Buildings 1 & 2) and the rear building (Building 3). There are 30 covered bicycle parking spaces located at the mail building, east of building 3, which includes 20 vertical (hanging) spaces within the building and 10 horizontal spaces on the covered patio (see Sheet A-13).

The development received approvals by the Board of Zoning Appeals (August 17, 2017) to reduce the peripheral setback along the two street frontages from 29' to 15', and the minimum required parking spaces from 236 to 186. The peripheral setback for the side and rear lot lines will remain 27' and the developer is proposing up to 21 on-street parking spaces on E. Martin Mill Pike, which will be in addition to the required 186 on-site parking spaces. The on-street parking spaces will be reviewed and approved in a separate process by the City of Knoxville Engineering department and is not part of this development plan approval.

When the subject property was rezoned from C-4 to RP-2 (up to 30 du/ac) in June 2017, one of the concerns MPC staff had was how much of the steep, vegetated slopes will be disturbed because the rear of the property is within the Hillside Protection area. To address this concern the applicant submitted a conceptual site plan (Exhibit A) and staff proposed a non-disturbance area based on this plan (Exhibit B). Staff recommended a condition that prohibits disturbance within the area shown as non-disturbance on this map, which both MPC and City Council approved without concern from the applicant.

The UOR development plan proposes to grade a small area of the non-disturbance area that was shown on the previous plan. The issue that has arisen is the conceptual site plan used to create the non-disturbance area (Exhibit B) was not to scale and the dimensions written on the plan to delineate the length along the property line does not match the drawn non-disturbance area. Because of the discrepancy between the drawn and dimensioned non-disturbance area, it is not practical to use either

to determine the actual limit of grading and disturbance. The applicant provided documentation that the proposed development will disturb approximately 8,000 square feet less land area than the larger of the two possible non-disturbance areas (Exhibit C). The area shown in blue is grading within the non-disturbance area and the area shown in green is area that could be disturbed but is not. Disturbance of the Hillside Protection area is essentially the same between that allowed by the zoning condition and the proposed plan (approx. 1.5 acres). In staff's opinion, the proposed development plan meets the intent of the zoning condition by grading no more of the Hillside Protection area than what is allowed by the condition.

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

1. The proposed residential development will have minimal impact on local services since utilities are available to serve this site.
2. The proposed development is compatible with surrounding development and should have a minimal impact on adjacent properties.

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

1. With the recommended conditions, the proposal meets all requirements of the RP-2 zoning as well as the general criteria for approval of a use on review.
2. The proposed development disturbs approximately the same amount of the Hillside Protection area as that allowed by the condition of zoning adopted by City Council.
3. The proposed housing development with the recommended conditions 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 off minor collector streets. No surrounding land uses will pose a hazard or create and unsuitable environment for the proposed use.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The One Year Plan and South City Sector Plan identify this site for high density residential uses (greater than 24 du/ac). The proposed residential development at 29.1 du/ac complies with the One Year Plan and Sector Plan, and the current zoning of the site.
2. The site is located within the city limits on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved **Meeting Date:** 10/12/2017

- Details of Action:**
1. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Department.
  2. Installation of all sidewalks and pedestrian crossings identified on the approved development plan shall be in compliance with the requirements of the Knoxville Department of Engineering and meeting all applicable requirements of the Americans with Disabilities Act (ADA) and the Knoxville Department of Engineering.
  3. Meeting the requirements of the Knoxville Tree Protection Ordinance and all applicable requirements of the Knoxville Urban Forester.
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  5. Installation of landscaping as shown on the landscape plan within six months of the issuance of the first occupancy permit for the project.
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With the conditions noted above, this request meets all criteria for a use-on-review in the RP-2 zoning district.

**Summary of Action:** APPROVE the Development Plan for a multi-dwelling development with up to 172 dwelling units, subject to 7 conditions.

**Date of Approval:** 10/12/2017 **Date of Denial:** **Postponements:** 9/14/2017

**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:**

**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Other Ordinance Number References:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**