



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 1-K-07-UR

AGENDA ITEM #: 97

AGENDA DATE: 1/11/2007

▶ **APPLICANT:** **FOUNTAIN DEVELOPMENT, LLC.**

OWNER(S): DUWARD COLEMAN

TAX ID NUMBER: 131 E A 003.01

JURISDICTION: City Council District 2

▶ **LOCATION:** **Northwest side of Parkside Dr., northwest of Mabry Hood Rd.**

▶ **APPX. SIZE OF TRACT:** **2.12 acres**

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Parkside Dr., a major arterial street with 20' of pavement within a 70' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

▶ **ZONING:** **C-3 (General Commercial)**

▶ **EXISTING LAND USE:** **Vacant**

▶ **PROPOSED USE:** **5 residences on top floor of proposed 14-story office tower (Art. 4 Sec. 9 D.1).**

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Pellissippi Parkway (1-140) & 1-40 / C-3 (General Commercial)

South: Used Car Lot / CB (Business & Manufacturing)

East: Carpet Store & Car Dealership / C-4 (Highway & Arterial Commercial) & CA (General Business)

West: Pellissippi Parkway (1-140) / PC-2 (Retail & Distribution Park)

NEIGHBORHOOD CONTEXT: This site is within the commercial development corridor found along Parkside Dr. within CA, CB, C-3, C-4, and C-6 zones.

STAFF RECOMMENDATION:

▶ **APPROVE the request for 5 residences on top floor of proposed 14-story office tower in the C-3 zoning district (Art. 4 Sec. 9 D.1), subject to the following 6 conditions:**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. All residential condominium units will have access to a private parking garage and service elevator.
5. Establishment of a property owners association for the purpose of assessing fees for the maintenance of all commonly held assets.
6. Certification on the final plat by the applicant's surveyor that there is the required site distance in both directions along Parkside Dr. at the property's entrance.

With the conditions noted above, this request meets all criteria for a use on review in the C-3 zoning district.

COMMENTS:

The applicant is proposing to construct a 14 story office complex that will accommodate 5 residential condominiums on the top floor of the complex. According to the Knoxville Zoning Ordinance (Art. 4 Sec. 9 D. 1), all residential uses, except special exceptions permissible by the Planning Commission, are prohibited uses under the C-3 zoning district. However, dwelling units for occupancy only by owners or employees of the principal uses are permitted by right. The applicant is requesting that the owners of the condominium units are not obligated to also be owners of the office spaces. Since the residential units are incidental to the primary uses, which are office, it is in staff's opinion that this request can be considered a special exception.

The proposed 14-story office tower, will have 5 levels of parking (2 above grade and 3 below grade), with a total of 755 parking spaces. The applicant is proposing to provide 20 parking spaces for the 5 condominium units. Those spaces will be located on a private parking level (above grade) and have a service elevator directly to the residential units.

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

1. The proposed condominium development will place minimal additional demand on schools and streets.
2. The proposed development will have minimal impact on local services since all utilities are in place to serve this site.
3. The proposed office complex is consistent with other development in the area. Approval of this request will introduce residential uses to an area that has been developed as a commercial corridor. It is in staff's opinion that since there are only 5 residential units being proposed and the fact that they will have a private garage and service elevator, it will not be a use that will be detrimental to other tenants of the office complex or surrounding properties.

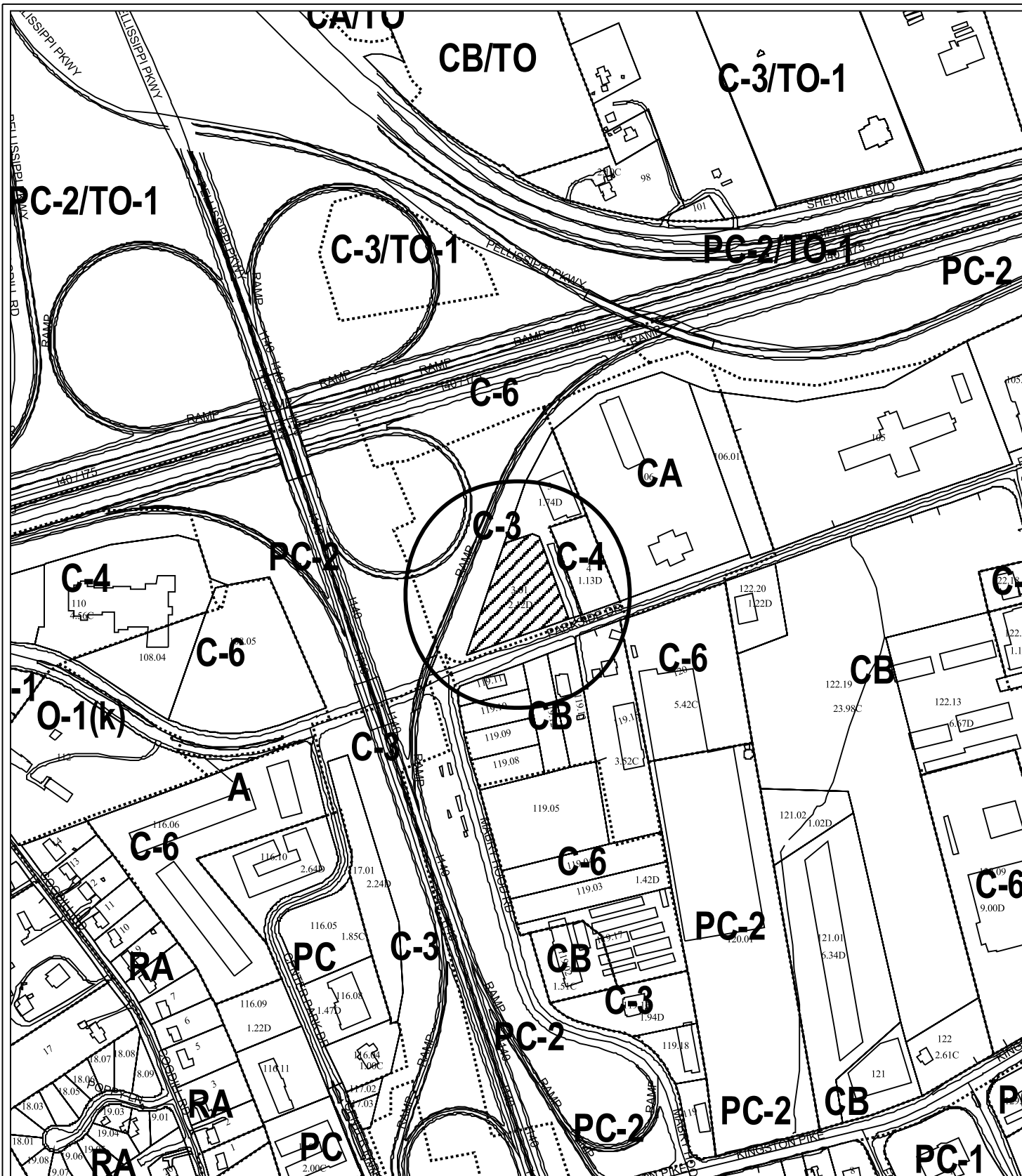
CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed residential condominium units are consistent with all relevant requirements of the C-3 zoning district, as well as other criteria for approval of a use on review.
2. The 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 in is harmony with the general purpose and intent of the Zoning Ordinance. The use will not significantly injure the value of adjacent property. The use will not draw a substantial amount of additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Southwest County Sector Plan identifies this property as general commercial.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



1-K-07-UR
 USE ON REVIEW



5 residences on top floor of proposed 14-story office tower in the C-3 zoning district (Art. 4 Sec. 9 D.1), in C-3 (General Commercial)

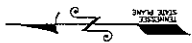
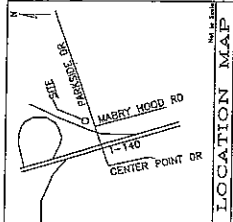
Original Print Date: 12/29/06 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Fountain Development, LLC.

Map No: 131

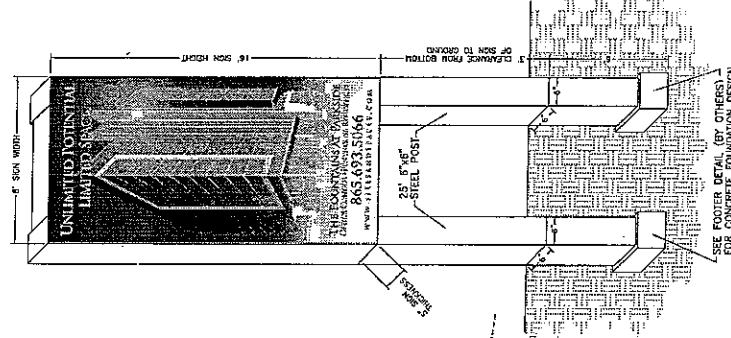
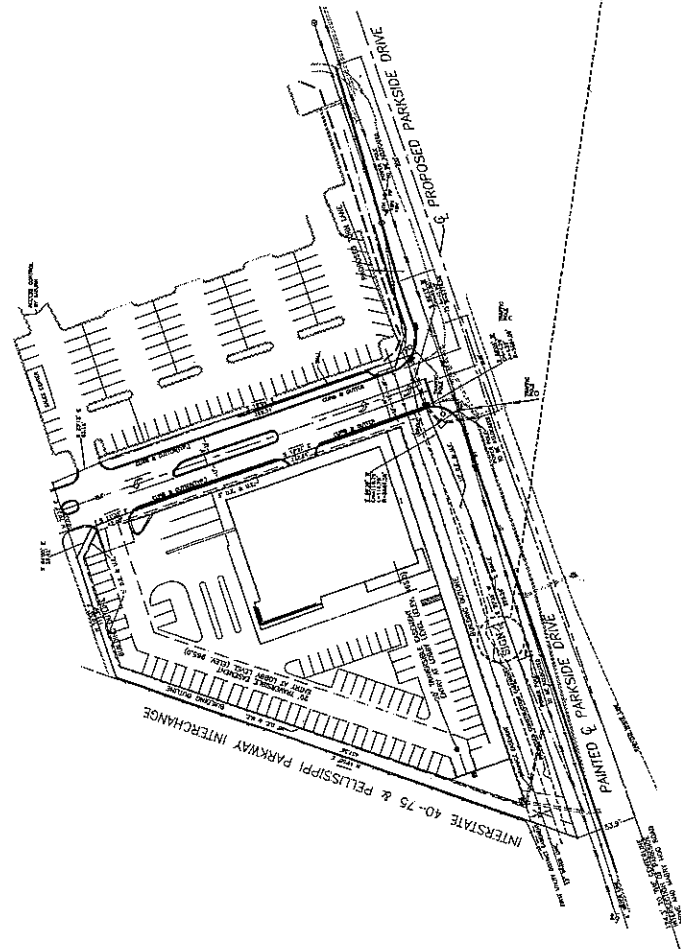
Jurisdiction: City





NOTE:
 1. DO NOT PLACE PAPER TO ANY SURFACES
 OR CONSTRUCTION CONTRACTOR MUST
 CONTACT:
 TENNESSEE ONE-CALL
 1-800-251-1111
 RECORD AND SAVE YOUR
 CONFIRMATION NUMBER.

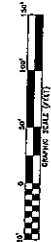
- REVISIONS:
1. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 2. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 3. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 4. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 5. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 6. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 7. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 8. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 9. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.
 10. THE PROJECT OWNER HAS REQUESTED TO CHANGE THE SIGNAGE.



1-K-07-WR

**SIGN
 DETAIL**
 NOT TO SCALE

DEVELOPER:
 FOUNTAINS DEVELOPMENT, LLC
 4775 WARD, CITY OF KNOWLEDGE, TENNESSEE 37122
 PHONE: (615) 973-8866



SCALE: 1" = 20'

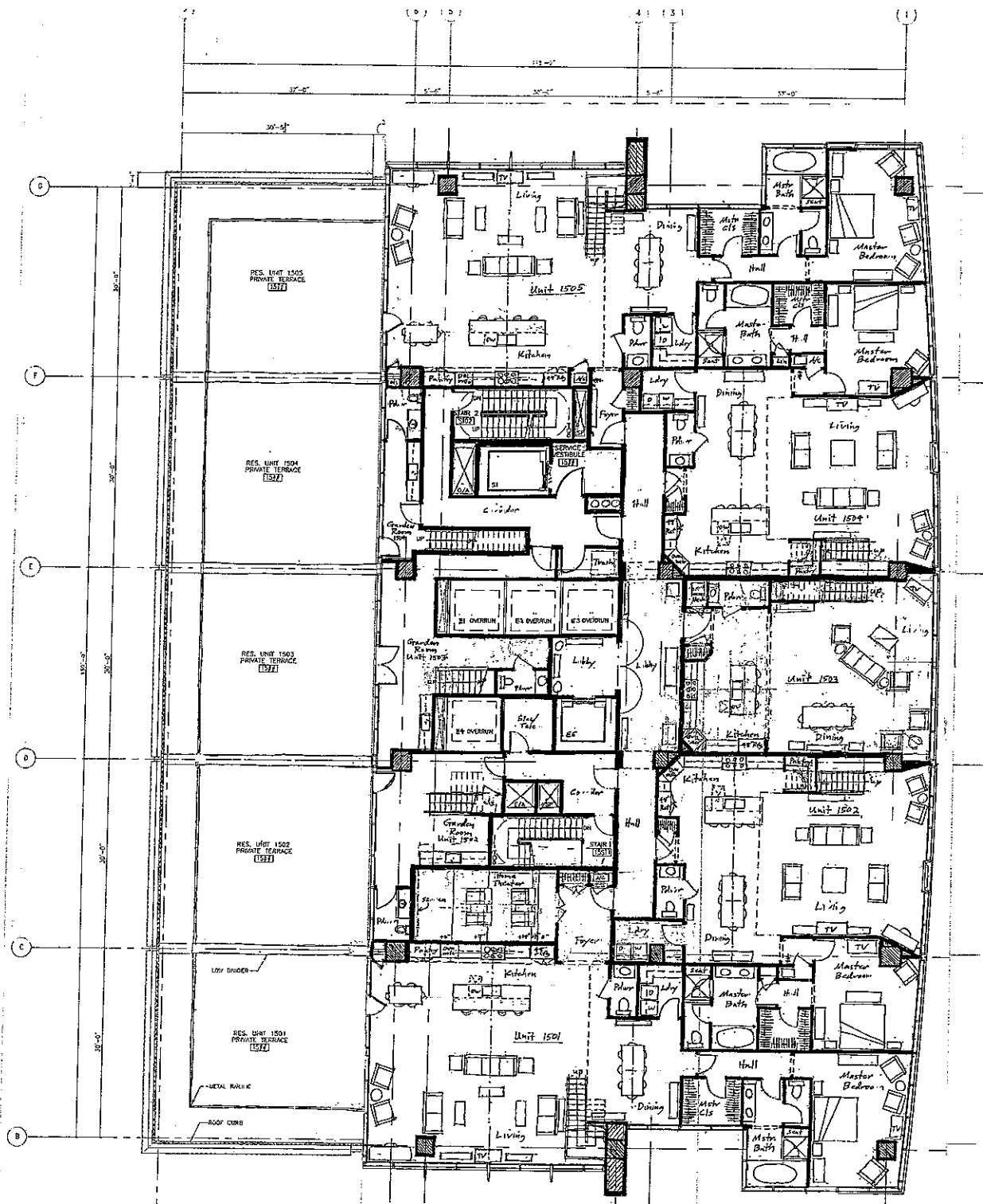
DATE: 11/29/06

24121-SIGN
 SHEET 01 OF 1 SHEET(S)
 CASH/11/29/06

SIGN PLAN FOR
THE FOUNTAINS AT PARKSIDE DRIVE
 CMT MAP 131, PARCEL 00001
 DISTRICT 18, MOORE COUNTY, TENNESSEE
 47TH WARD, CITY BLOCK 46108, CITY OF KNOWLEDGE

DESIGNED	JAC/04/06	DATE	
DRAWN	LUT/04/06	DATE	
CHECKED	SEC/06/06	DATE	
DESIGNED	JAC/04/06	DATE	
DRAWN	LUT/04/06	DATE	
CHECKED	SEC/06/06	DATE	
DESIGNED	JAC/04/06	DATE	
DRAWN	LUT/04/06	DATE	
CHECKED	SEC/06/06	DATE	

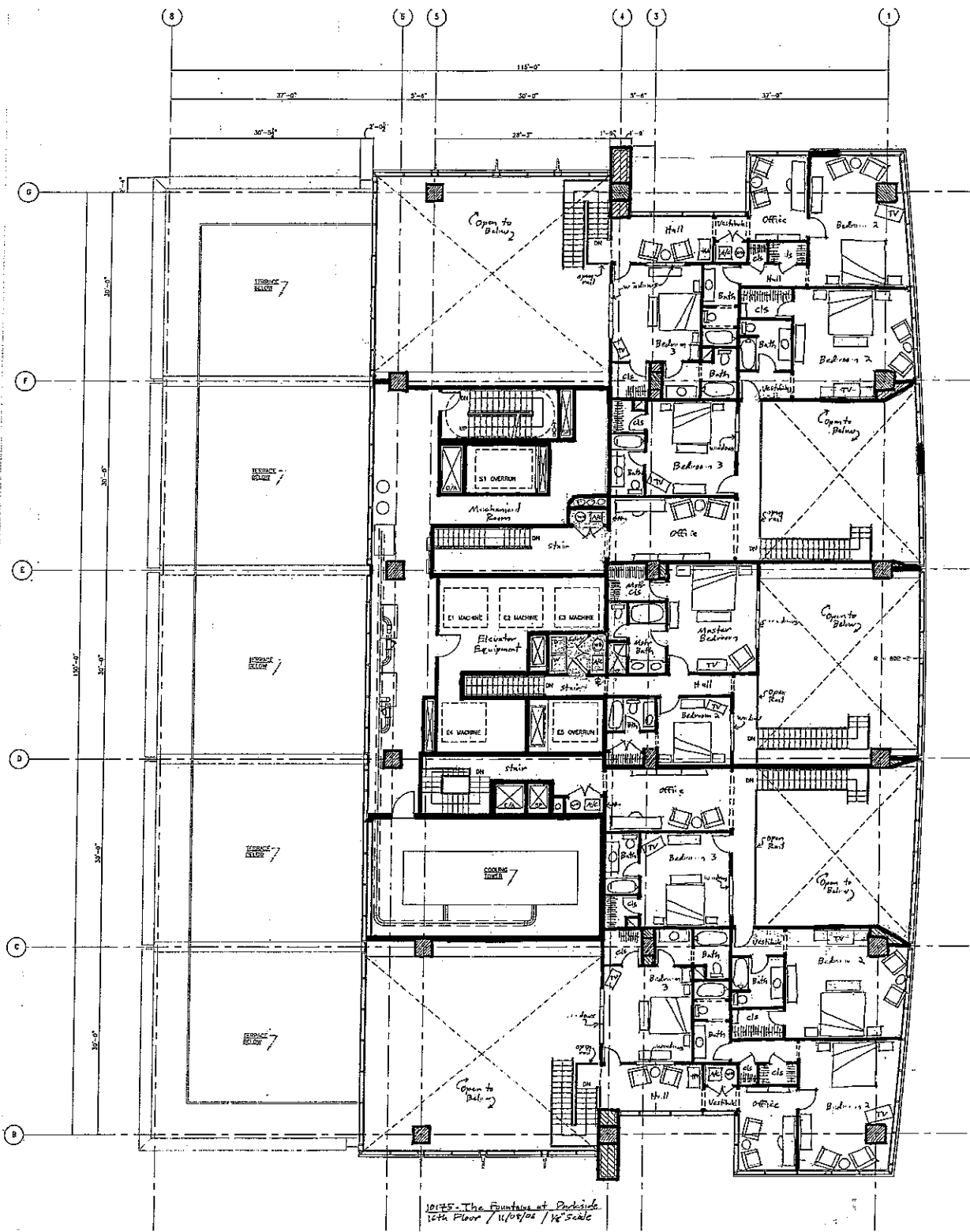
BATSON, HILMES, NORVELL & POE
 4215 SPYGLASS DRIVE, SUITE 200
 MEMPHIS, TN 38117
 PHONE: (901) 252-4129
 FAX: (901) 252-4129
 WWW.BHPA.COM



10175 - The Fountains at Parkside
15th Floor / 11/07/06 / 1/8" scale

MAIN LEVEL

I-K-07-WR



UPPER LEVEL OF
UNITS BELOW

1-K-07-WR
Agenda Item # 97