



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

▶ **FILE #:** 3-A-08-UR

AGENDA ITEM #: 65

AGENDA DATE: 3/13/2008

▶ **APPLICANT:** KING PROPERTIES & DEVELOPMENT, LLC.

OWNER(S): KING PROPERTIES & DEVELOPMENT, LLC.

TAX ID NUMBER: 93 H C 025

JURISDICTION: City Council District 3

▶ **LOCATION:** Northeast side of Dewine Rd., northeast side of Fleetwood Dr.

▶ **APPX. SIZE OF TRACT:** 4.41 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Dewine Rd., a minor collector street with a 20' pavement width within a 50' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **ZONING:** RP-1 (Planned Residential)

▶ **EXISTING LAND USE:** Vacant

▶ **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

7.25 du/ac

HISTORY OF ZONING: Rezoned to RP-1 in 2006 (5-U-06-RZ).

SURROUNDING LAND USE AND ZONING: North: Residences / R-1 (Low Density Residential)

South: Residences / R-1 (Low Density Residential)

East: Apartments / RP-1 (Planned Residential)

West: Residences / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: Detached residences and apartments located adjacent to this site are zoned R-1 and RP-1.

STAFF RECOMMENDATION:

▶ **APPROVE** the revised development plan, subject to the following 4 conditions:

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 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 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.

ESTIMATED TRAFFIC IMPACT: 343 (average daily vehicle trips)

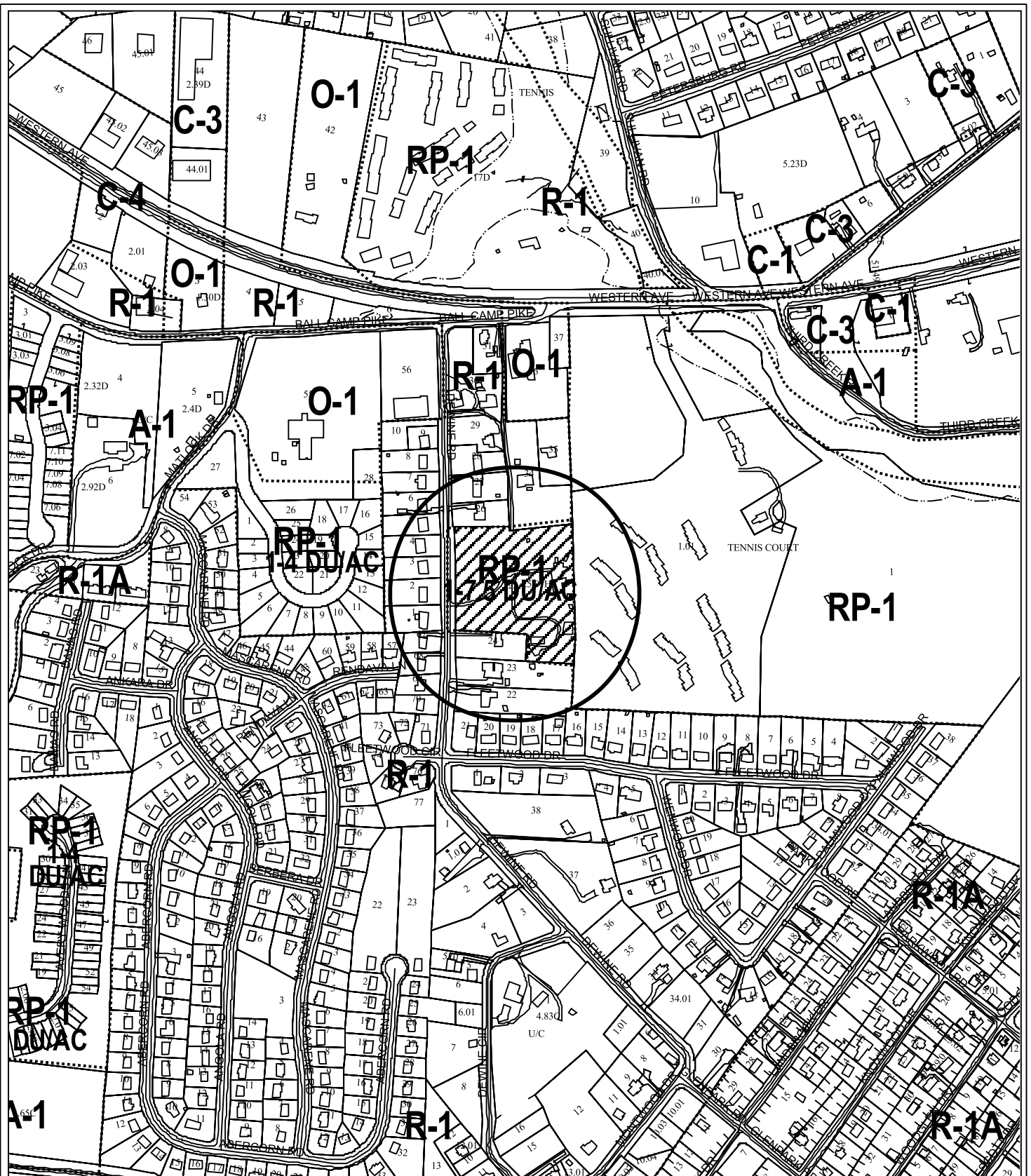
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 3 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Pleasant Ridge Elementary, Northwest Middle, and West High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

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.



3-A-08-UR
 USE ON REVIEW



Reduce the required peripheral setback along the southern and eastern property lines from 25' to 15' to enclose porches on previously approved plan. in RP-1 (Planned Residential)

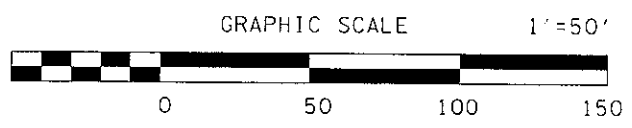
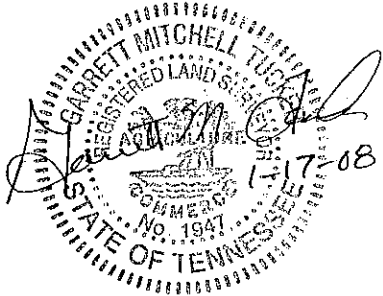
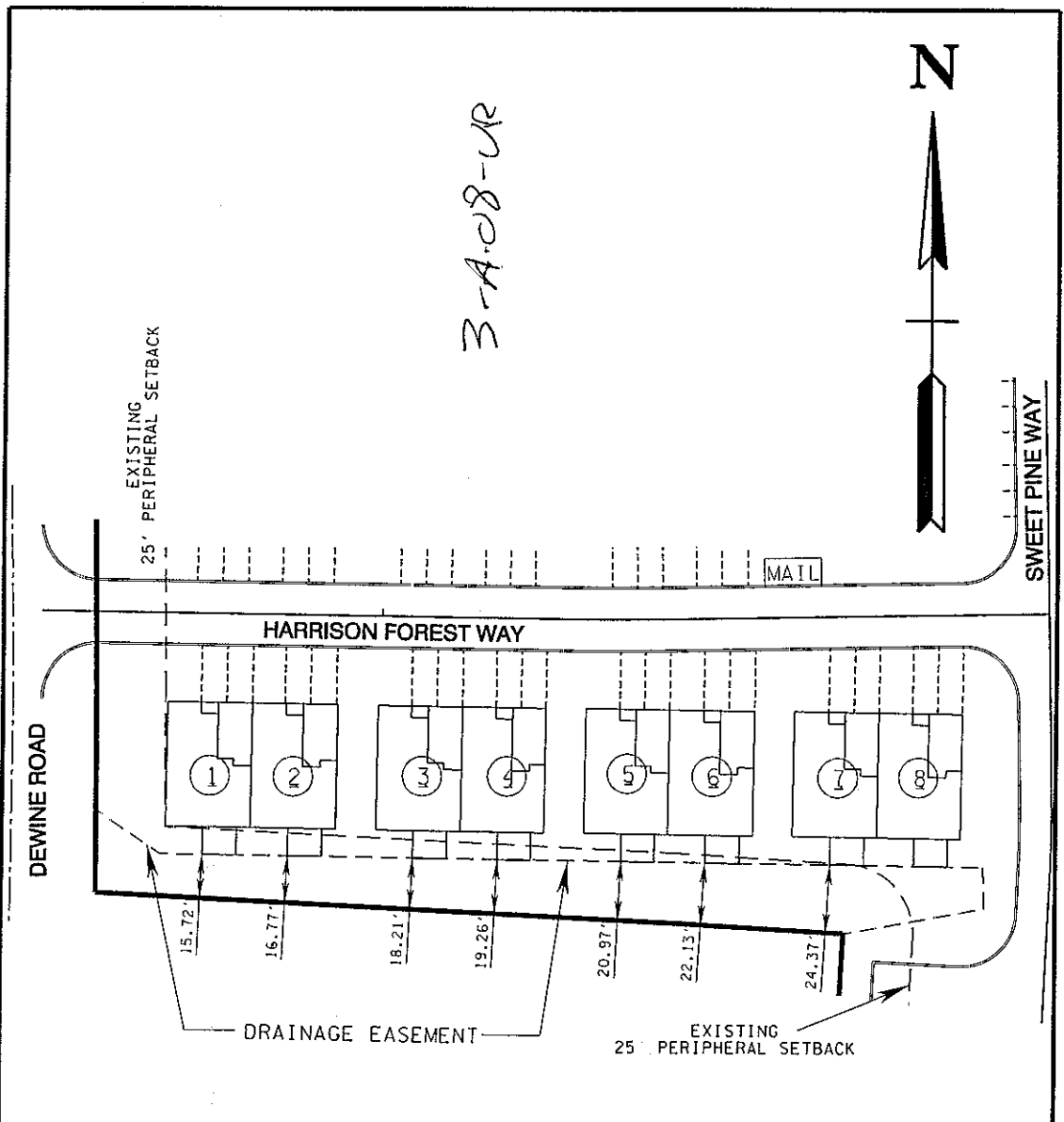
Original Print Date: 02/26/08 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: King Properties & Development, LLC.

Map No: 93

Jurisdiction: City

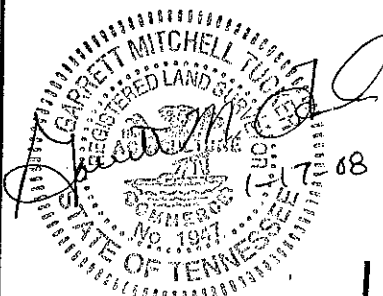
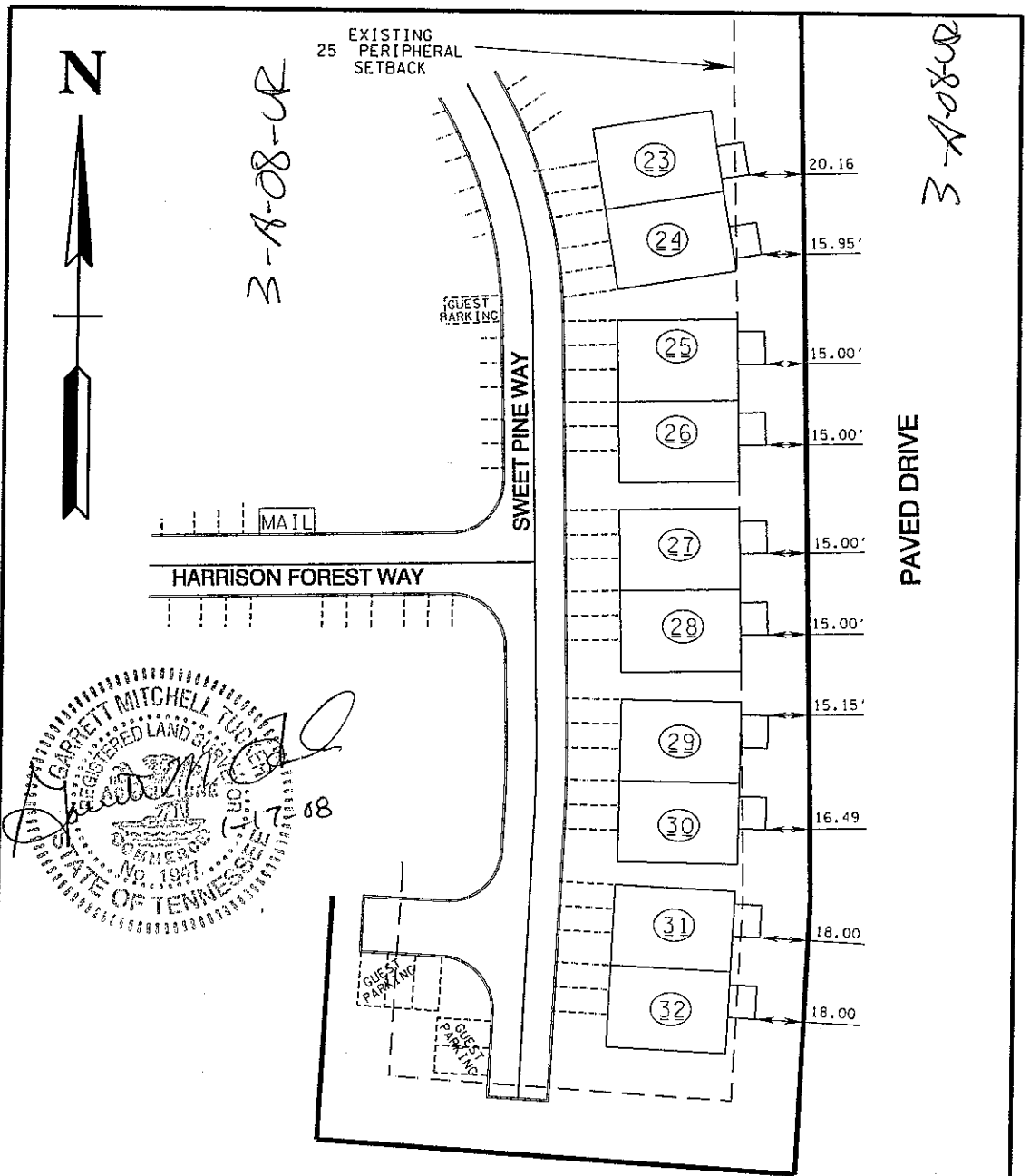




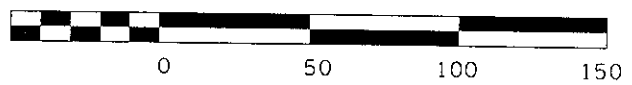
CLT MAP: 093 H GROUP C
 PARCEL: 025
 DEED INSTR: 200707100003109
 PLAT INSTR: 200707190005760
 CITY WARD: 43
 CITY BLOCK: 43200

THE SURVEY WAS DONE UNDER THE
 AUTHORITY OF TCA 61-18-126 AND
 IS NOT A GENERAL PROPERTY SURVEY
 AS DEFINED UNDER RULE 0820-3-07

EXHIBIT OF HARRISON FOREST CONDOMINIUMS UNITS 1-7	
PROPERTY OF KING PROPERTIES & DEVELOPMENT LLC	
DIST. NO. FIVE KNOX CO., TN	SCALE: 1"=50'
SURVEYED BY ROBERT G. CAMPBELL & ASSOC., LP	
DATE 01-14-08	PROJ. NO. 06032




GRAPHIC SCALE 1"=50'



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EXHIBIT OF HARRISON FOREST CONDOMINIUMS UNITS 23-32	
PROPERTY OF KING PROPERTIES & DEVELOPMENT LLC	
DIST. NO., FIVE KNOX CO., TN	SCALE: 1"=50'
SURVEYED BY  ROBERT G. CAMPBELL & ASSOC., LP	
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