

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

► **FILE #:** 10-I-18-UR

**AGENDA ITEM #:** 59

**AGENDA DATE:** 10/11/2018

► **APPLICANT:** ECG ACQUISITIONS, LLC

OWNER(S): ECG Acquisitions, LLC

TAX ID NUMBER: 107 F G 041.01, 041.03

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 817 Hollywood Rd

► **LOCATION:** West side of Hollywood Rd, south of I-40/I-75

► **APPX. SIZE OF TRACT:** 5.11 acres

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Hollywood Dr., a major collector street with 25'-28' of pavement width within 75-85' of 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 land

► **PROPOSED USE:** 102 unit multi-dwelling development

20 du/ac

HISTORY OF ZONING: Property was rezoned from C-4 to RP-1(k) < 24 du/ac

SURROUNDING LAND North: I-40 right-of-way / R-1 (Low Density Residential)

USE AND ZONING: South: Residential subdivision / R-1 (Low Density Residential)

East: Hollywood Dr., residences and vacant land / R-2 (General Residential)

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

NEIGHBORHOOD CONTEXT: This area is developed immediately surrounded with detached residential uses under R-1 and R-2 zoning, and multi-dwelling developments under the R-2 and R-3 zones. Pond Gap Elementary School is located 500'-600' away on the opposite side of the interstate and Sutherland Avenue is approximately 1,000 feet away.

### STAFF RECOMMENDATION:

► **APPROVE the Development Plan for a multi-dwelling development with up to 102 dwelling units and a 15' peripheral setback along the east (Hollywood Road) lot line, subject to 12 conditions.**

1. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Department.

2. Meeting all applicable requirements of the Knoxville Department of Engineering.

3. Meeting the condition of zoning that states, "The rear, westernmost portion of the site must remain

undisturbed, consistent with the hatched area depicted on the attached map labeled 'No Disturbance Area'. This boundary is defined by the 980' elevation on the topography map." See Exhibit A for the referenced 'No Disturbance Area'.

4. Installation of all sidewalks and pedestrian crosswalks as identified on the development plan. Sidewalks and crosswalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knoxville Department of Engineering.

5. Installation of the mid-block pedestrian crosswalk as proposed, or as otherwise approved by the Knoxville Department of Engineering, to provide an accessible pedestrian route to the KAT transit route along Sutherland Avenue in order to qualify to the requested 20% parking reduction since the development is within one-fourth (.25) a mile of a transit route. If the Knoxville Department of Engineering determines that the mid-block pedestrian crossing is not feasible at this location, the applicant may submit an alternative means of providing access to the transit route either by motorized transportation or an alternative accessible pedestrian route, to be reviewed and approved by staff of the Planning Commission and the Knoxville Department of Engineering and Department of Plans Review and Inspections.

6. Meeting the requirements of the Knoxville Tree Protection Ordinance and all applicable requirements of the Knoxville Urban Forester.

7. Installation of landscaping between the front lot line (street lot line) and Building #1, as required by Article 12 (Landscaping) of the proposed City of Knoxville Zoning Code, PUBLIC DRAFT v.2.0, July 2018 (see Exhibit B). The required trees must be installed outside of the public right-of-way unless approved by the Knoxville Department of Engineering and Knoxville's Urban Forester. A revised landscaping plan shall be submitted for review and approval by MPC staff before issuance of building permits.

8. Installation of landscaping as shown on the landscape plan and as required in condition #7 above, including all other applicable landscaping required by the Knoxville Zoning Ordinance or Code of Ordinances, within six months of the issuance of the first occupancy permit for the project.

9. Access to the existing billboard on the north end of the site shall meet all applicable requirements of the Knoxville Department of Engineering.

10. Implementing the required recommendations of the Hollywood Apartment Traffic Impact Study, as prepared by CDM Smith Inc., revised on September 26, 2018, and as approved by the Knoxville Department of Engineering.

11. All free standing site and parking lot lighting must use a cut off luminaire with a cut off angle of 75 degrees or less, located a minimum of 15' from any residential district lot line, and have a maximum total height of 20'.

12. 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-1 zoning district.

#### **COMMENTS:**

----- UPDATE AFTER AGENDA REVIEW MEETING, 10/9/2018 -----

At the agenda review meeting on 10/9/2018, staff was asked to recommend a condition for the installation of landscaping between Hollywood Rd. and Building #1. Staff has added condition #7 which references the landscaping standard for multi-family developments in the proposed City of Knoxville Zoning Code v.2.0 that was released for public review in July 2018 (see Exhibit B). Section 12.7 (Site Landscaping) requires 1 shrub for every 3 feet of linear façade area and either 1 shade tree every 50' or 1 ornamental tree every 25' of linear façade (or some combination of the tree types). The planting area is required to be 60 percent of the linear façade area to allow for entry and other building functional operations. Building #1 has a linear façade of approximately 330'. Only the sections in Article 12 (Landscaping) that are applicable to site landscaping apply to this condition. Other sections, such as those dealing with parking lot landscaping, do not apply to this condition.

----- ADDITIONAL COMMENTS -----

This proposal is for a 102 unit apartment complex (20 du/ac) that includes two buildings, one along the Hollywood Road frontage and one towards the rear of the property. There is one vehicular access provided from Hollywood Road at the crest of the hill on the north side of the development. The parking lot is located between the two structures, with the exception of seven parking spaces to the north of Building 1 that are near the leasing office. There are 26 covered bicycle parking spaces located north of Building 2, and next to the proposed playground. On-street parking, as a traffic calming measure and as supplemental parking to the development, was considered in reviewing this project. Staff recommended against it because of safety concerns related to the traffic volume and available sight distance along Hollywood Road.

The development plan proposes a 15' peripheral setback along the Hollywood Road frontage, reduced from 29'. The peripheral setback for the side and rear lot lines will remain 29' as otherwise required. The RP-1 zone allows the Planning Commission to consider a reduced peripheral setback if a property is within the Hillside Protection Area (HPA). Staff is recommending approval of the 15' peripheral setback along the east (Hollywood Road) lot line because the rear of the property is within the HPA and by moving the buildings closer to Hollywood Road, there will be less impact on the steep slopes to the rear of the property. While the buildings will have a smaller setback than the houses on the same side of the street to the south, the actual setback of the building will be further from the edge of the road because the subject property previously dedicated 44' of right-of-way when it was platted in 2000, and the houses to the south only have 25' of right-of-way dedicated (these measurements are to the centerline of the road). The apartment building closest to the road will be approximately 47' from the edge of the road and the houses to the south are approximately 35'-40' from the edge of the road.

When the subject property was rezoned from C-4 to RP-1 (up to 24 du/ac) in August 2018, one of the concerns MPC staff and the community had was how much of the steep, vegetated slopes within the HPA to the rear of the property could be disturbed. To address this concern staff recommended a non-disturbance area as a zoning condition that starts at the 980' elevation (see Exhibit A), and this was approved as a condition of zoning by City Council. The development plan has retaining walls that go up to the non-disturbance area on the south side of Building 2, and the north side of Building 2 and the driveway that comes up to the main parking lot from Hollywood Road.

The public improvements to be constructed as part of this development include a sidewalk and curbing along the Hollywood Road frontage and a mid-block crosswalk near the vehicular entrance to the development. The Traffic Impact Study (TIS) that was submitted concluded that turn lanes on Hollywood Road are not warranted and that the required sight distance at the proposed access can be achieved with grading of the site and clearing of vegetation on the site adjacent to Hollywood Road. Regarding the turn lanes, the TIS took into consideration a speed study conducted by City Engineering that documented the average speed on Hollywood Road was 39 mph which is higher than the posted 30 mph. The traffic engineers used the 40 mph speed in the TIS and concluded that even with this higher speed, turn lanes were not warranted.

#### 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-1 zoning as well as the general criteria for approval of a use on review.
2. The proposed development meets the non-disturbance condition of zoning adopted by City Council, according to the submitted preliminary grading plan.
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 a major collector street.

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

1. The One Year Plan and West City Sector Plan identify this site for medium density residential uses (up to 24 du/ac). The proposed residential development at 20 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.

ESTIMATED TRAFFIC IMPACT: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

ESTIMATED STUDENT YIELD: 2 (public school children, ages 5-18 years)

Schools affected by this proposal: Pond Gap Elementary, Bearden Middle, and West High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- 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.

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.