

CASE SUMMARY

APPLICATION TYPE: REZONING

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: 11-F-08-RZ **Related File Number:**
Application Filed: 10/2/2008 **Date of Revision:** 10/30/2008
Applicant: CONTINENTAL 253 FUND, LLC

PROPERTY INFORMATION

General Location: East side Iron Gate Blvd., east of Schaeffer Rd., south of Hardin Valley Rd.
Other Parcel Info.:
Tax ID Number: 104 093 **Jurisdiction:** County
Size of Tract: 28.9 acres
Accessibility: Access is to Hardin Valley Rd., a minor arterial street with 4 travel lanes and a center median within 180-200' of right of way by way of Iron Gate Blvd., a local street with 70' of right of way.

GENERAL LAND USE INFORMATION

Existing Land Use: Residence
Surrounding Land Use:
Proposed Use: Attached multi-dwelling residential (270-346 units) **Density:** 12 du/ac
Sector Plan: Northwest County **Sector Plan Designation:** TP & SLPA
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The sites fronting on Hardin Valley Rd. are developing with commercial uses, with residential uses to the south and east.

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PC (Planned Commercial) / TO (Technology Overlay) & BP (Business and Technology) / TO (Technology Overlay)
Former Zoning:
Requested Zoning: PR (Planned Residential) / TO (Technology Overlay)
Previous Requests: 7-J-97-RZ
Extension of Zone: Yes, extension of PR from the south.
History of Zoning: None noted

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: Michael Brusseau

Staff Recomm. (Abbr.): RECOMMEND that County Commission APPROVE PR (Planned Residential) / TO (Technology Overlay) zoning at a density of up to 6 du/ac (applicant requested 12 du/ac), consistent with the sector plan, as amended, and subject to 1 condition:

Staff Recomm. (Full): 1. No clearing/grading of the site shall occur prior to use on review/concept plan approval by MPC.

PR zoning, with the recommended condition, is the most appropriate zoning for development of this property, which has slope constraints and access issues. The reduced density is recommended because development will be very limited on about 20% of the site, which has slopes of 25% or greater. The PR zone will require plan approval by MPC prior to any development of the site.

Comments:

GENERAL COMMENTS:

This application was originally filed for consideration at the November, 2008 MPC meeting. At the time of submittal, the sector plan proposed Technology Park and Low Density Residential uses for the site, so an application for a sector plan amendment to Medium Density Residential application (11-B-08-SP) accompanied this rezoning request. The requests have been postponed each month to this February 12, 2009 meeting. On January 26, 2009, County Commission approved the Tennessee Technology Corridor Development Authority (TTCDA) Comprehensive Development Plan, which amended the Northwest County Sector Plan and redesignated this site for medium density residential or office uses, which is consistent with the requested PR zoning at 12 du/ac. The sector plan amendment was withdrawn, at the request of the applicant, after being advised by staff, on January 28, 2009.

Also, in January, the applicant submitted a revised preliminary plan (attached), which reduced the number of proposed units down to 270 from the original 346 units, for a proposed density of 9.34 du/ac. The revised plan also reflected an attempt by the applicant to stay out of the steeper sloped areas that staff had recommended as "Non-Disturbance Areas". A map, depicting the staff's proposed "Non-Disturbance Areas" is attached. While the effort to reduce the number of units and stay off the slopes brings the proposed development closer to the staff's recommendation, it is still over the recommended density by more than 3 du/ac. The recommendation is based on applying the general plan policies for density on sloped areas, using the attached slope analysis completed by staff. Staff continues to have some concerns about the proposed development plan, especially in regard to possible buffering adjacent to the low density residential subdivision to the south, and how much of the slope sensitive area will be disturbed.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The area surrounding the Hardin Valley Rd./Pellissippi Pkwy. interchange has been recently developed with commercial, office and medium density residential development, making it more appropriate to consider this site for medium density residential uses.
2. Staff has recommended a reduced density of 6 du/ac. This is based on applying the General Plan policies for densities on slope protection areas. Applying these principles to this site, using the attached slope analysis, produced a recommended 173 units for the site, or a density of 6 du/ac. The maximum MDR density of 12 du/ac was used for the calculation of units in the areas with less than 15% slopes.
3. The PR zone requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, lot layout, recreational amenities, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting. The PR zone is the most appropriate zone for any type of large scale residential development in the County.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment. The PR zone is the most appropriate zone for any type of large scale residential development in the County.
2. The PR zone requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, landscape buffering, lighting, access, layout and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.
3. In addition to the conditions noted above, staff will expect some substantial vegetative buffering between this apartment development and the adjacent low density residential subdivision to the south.

THE EFFECTS OF THIS PROPOSAL:

1. Public water and sewer are available to serve the site.
2. At the applicant's proposed density of 12 du/ac, up to 346 dwelling units could be proposed for the site. If developed with attached multidwelling apartments, this would add approximately 2,913 trips to the street system and about 80 children to the school system. At the staff's recommended density of up to 6 du/ac, up to 173 units could be proposed, adding 1,562 trips and 40 school aged children. Since either development density has the potential to generate more than 750 trips, at least a Level I and possibly a Level II traffic study will be required to be submitted and reviewed along with the development plan.
3. This slope constrained site has several different areas where slopes exceed 25%, based on slope protection guidelines, these areas should be preserved. The attached map labeled proposed non-disturbance areas shows the recommended areas to be preserved, and staff would expect these areas to be maintained. In total, it includes approximately 7.36 acres. Development at up to 6 dwellings per acre outside of these areas will appear much more dense than if the units were spread equally throughout the site.
4. PR zoning at up to 6 du/ac will permit reasonable use of the site, up to 173 dwelling units, while preserving the steep slope areas. A rezoning application for greater density would be required for consideration of more dwelling units in the future.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS:

1. The Northwest County Sector Plan, as now amended by the Tennessee Technology Corridor Development Authority (TTCDA) Comprehensive Development Plan proposes MDR (Medium Density Residential) and O (Office) uses for this site, consistent with both the requested and recommended density. The MDR designation allows consideration of density in the range of 5 to 12 du/ac.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests may lead to future sector plan and rezoning requests for medium density residential zoning in the immediate area.
4. Because the site is located within the Technology Overlay, a Certificate of Appropriateness from TTCDA will also be required for this rezoning request. This request is scheduled to be considered by the TTCDA Board at their February 9, 2009 meeting.

Upon final approval of the rezoning, the developer will be required to submit a concept plan/use on review development plan prior to the property's development. The plan will show the property's proposed lot pattern and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

MPC Action: Denied (Withdrawn) **MPC Meeting Date:** 3/12/2009

Details of MPC action:

Summary of MPC action: Withdraw at applicant's request

Date of MPC Approval: **Date of Denial:** **Postponements:** 11/13/08-2/12/09

Date of Withdrawal: 3/12/2009 **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: