

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-L-05-RZ **Related File Number:** 12-H-05-SP
Application Filed: 10/10/2005 **Date of Revision:**
Applicant: COBIA PROPERTIES
Owner:

PROPERTY INFORMATION

General Location: Southeast side Rutledge Pike, northeast of Ellistown Rd.
Other Parcel Info.:
Tax ID Number: 51 111,11101,11102,114 **Jurisdiction:** County
Size of Tract: 53.9 acres
Accessibility: Access is via Rutledge Pike, a major arterial street with four lanes and a center median within 280' of right of way, or Ellistown Rd., a local street with 16-18' of pavement width within 40' of right of way. There is a center median cut on Rutledge Pike at Ellistown Rd.

GENERAL LAND USE INFORMATION

Existing Land Use: Residence and vacant land
Surrounding Land Use:
Proposed Use: Single family detached residential **Density:** 5 du/ac
Sector Plan: Northeast County **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Urban Growth Area
Neighborhood Context: This area has been developed primarily with rural residential uses under A zoning. There is significant RB and I zoning in the area. There is a business to the northwest, zoned CB.

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

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

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: RB (General Residential)
Previous Requests: MPC approved RAE zoning for this site on 8/11/05 (8-R-05-RZ). County Commission denied the request.
Extension of Zone: No
History of Zoning: MPC approved PR zoning at 1-4 du/ac on 11/10/04 (10-E-04-RZ), RA zoning on 3/10/05 (3-G-05-RZ) and RAE zoning on 8/11/05 (8-R-05-RZ). Knox County Commission overturned all 3 of those decisions on appeals by opposition.

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

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.): APPROVE PR (Planned Residential) zoning. (Applicant requested RB.)
APPROVE a density of 1 to 4 du/ac.

Staff Recomm. (Full): PR zoning at the recommended density is compatible with surrounding development and is consistent with the sector plan, General Plan and Growth Policy Plan. RB zoning would allow development at a higher density than would be permitted under the current low density residential designation on the sector plan, which would be inappropriate for the area. The property is located within the Urban Growth Area of Knoxville on the Growth Policy Plan map, which anticipates a more intense level of development than may now exist in the area.

Comments: The rezoning application was postponed at the request of the applicant on November 10 so that the accompanying sector plan amendment application could be filed for the December meeting. The requested RB zoning allows development at greater densities than are permitted under the low density residential designation, however, the application indicates the proposed use is for single family detached residential development at 5 du/ac or less.

The subject property was previously approved by MPC for PR zoning at 1 to 4 du/ac on 11/10/04 (10-E-04-RZ), RA zoning on 3/10/05 (3-G-05-RZ) and RAE zoning on 8/11/05 (8-R-05-RZ). Three times, on appeals by the opposition, the Knox County Commission voted to overturn the MPC's decision and deny the rezoning. Parcel 111 was added to the request prior to the RAE application, bringing the acreage to 53.9 acres. The requested RB zoning is another zone which will allow the proposed single family detached residential development.

As part of the consideration of the last two attempts to rezone the subject property, the opposition stated that each application was accepted in error by the MPC staff, which did not follow its own "one year" rule. Regarding this rule, MPC's Administrative Rules and Procedures states the following: "Upon a denial of any application for Rezoning, Use-on-Review or for One Year Plan Amendment by the Planning Commission, City Council, County Commission or County Board of Zoning Appeals, a new application for the same proposal shall not be accepted for a period of one (1) year from the date of the denial. For purposes of this paragraph, "same proposal" shall be defined as the same zone for Rezoning." In this case, the request is for RB zoning, which is a zone that had not been denied within the last year, so the application was made in accordance with the Administrative Rules and Procedures.

The current request is for RB (General Residential), which is one of 26 different zoning districts allowed and described by the Knox County Zoning Ordinance. Although there are similarities between the four residential zoning districts, the zoning ordinance treats each zone as a separate classification, with distinct differences in permitted uses, area regulations and procedures for approval. The language of the Administrative Rules and Procedures is clear. Each of the four applications to rezone the subject property since October of 2004 has requested a different residential zone.

Staff, however, does not support the application for RB zoning, but instead supports PR zoning at 1-4 du/ac. The request for RB zoning would also require approval of the requested sector plan amendment to Medium Density Residential, which would be out of character with the area in which the subject property is located. RB allows greater density than the maximum 5 du/ac that may be considered under the current low density residential designation. The application stated a proposed density of 5 du/ac for single family detached residential development.

The opposition to the previous Cobia rezoning requests has maintained that the subject property and surrounding area should be protected and preserved for continued farm use. The General Plan includes a plan principle that prime agricultural land should be protected for continued farm use. Staff field inspections of the property have found no evidence of any current farming operation, such as farm animals or crops, on the site, which strongly suggests that there is no agricultural use to preserve or continue as far as this property is concerned. None of the relevant plans that provide oversight on how this property should be used, the General Plan, the sector plan or the Growth Policy Plan, specifically identify agricultural uses for this site or the surrounding area. The site to the southwest, along McMillan Station Rd., zoned RB and A, was a former landfill and a mobile home park, and is currently an active demolition landfill. There is also a significant amount of I (Industrial) zoned property to the north, south and west of the site.

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. PR zoning at the recommended is compatible with surrounding development and is consistent with the sector plan proposal for low density residential uses in the area.
2. The property is surrounded by residential development, under Agricultural, RB and I zoning, and is located within the Urban Growth Area of Knoxville on the Growth Policy Plan map.
3. PR zoning at 1-4 du/ac will allow the 53.9-acre property to be subdivided into no more than 215 lots.
4. The recommended density is about the same as what would be allowed under the previously approved PR, RA or RAE zoning.

THE EFFECTS OF THE PROPOSAL

1. Public water utilities are available to serve the site. Sewer utilities are not available at the site. The applicant has stated that sewer will be extended to the site and has provided a letter from KUB.
2. Under the recommended PR zoning, up to 215 dwelling units could be proposed on the subject property. The development of single family detached dwellings would add approximately 2,150 vehicle trips per day to the street system and about 125 children under the age of 18 to the school system. The requested RB zoning allows multi-family development up to 12 du/ac as a permitted use and above 12 du/ac as a use on review, so the number of units, trips and school children would be substantially greater.
3. If more than 75 lots are proposed, a traffic impact study will be required as part of the concept plan/use on review process. It is staff's understanding that access to the development will be proposed from Rutledge Pike only. However, if more than 150 lots are proposed, staff may recommend having more than one access point to the development. Ellistown Rd. would be the other option. This section of Ellistown Rd. has a marginal pavement width as narrow as 16 feet in some sections, so some road widening improvements may be required as part of the development plan review process. The site appears to have adequate sight distance along Ellistown Rd., but it will have to be certified from the proposed access point on the development plans. Rutledge Pike is a four-lane median divided facility. Along the subject property's frontage, there is no center median cut on Rutledge Pike, which may be problematic. The developer will be expected to work with TDOT, Knox County Engineering and MPC staff in making any required improvements.
4. The Legg-England House is located on parcel 111. This house is listed in the Knox County inventory of historical/cultural resources. It is noted as eligible for a local historic zoning overlay and the National Register of Historic Places (noted in "The Future of Our Past," Revised Edition, adopted 1996). The house is also referenced in the Northeast County Sector Plan. The applicant is expected to work with MPC staff during development plan review to preserve this historically significant structure.
5. The recommendation is compatible with the surrounding residential development.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northeast County Sector Plan proposes low density residential uses for the site, consistent with staff's recommendation. There are multiple sections within the sector plan that refer to Rutledge Pike as a "development corridor."
2. The site is located within the Urban Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan map, which was adopted by the City of Knoxville, Knox County and the Town of Farragut. Section 5.1 of the Growth Policy Plan states that one of the purposes of the Urban Growth Boundary is to offer a wide range of housing choices. The rezoning request will allow the development of single-family detached housing in an area where other housing types and options are already available. Section 5.2 further states that rezonings within the Urban Growth Boundaries shall be consistent with the applicable sector plan adopted by the Metropolitan Planning Commission. The staff's recommendation for PR zoning at 1-4 dwellings per acre is consistent with the property's low density residential designation, as defined by the Northeast County Sector Plan. This sector plan was prepared and adopted with the help and assistance of interested citizens from this part of Knox County.
3. The General Plan repeats the policy of the sector plan and proposes low density residential uses for the property. Neither the General Plan, nor the sector plan includes any special protection for this particular site. The General Plan also encourages allowing development within the Urban Growth Area, consistent with the sector plan.
4. This request could generate similar requests for PR or other residential zoning in this area,

consistent with the sector plan proposal for low density residential uses.

Upon final approval of PR zoning, 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: Approved **MPC Meeting Date:** 12/8/2005

Details of MPC action:

Summary of MPC action: APPROVE PR (Planned Residential) at a density of 1 to 4 dwelling units per acre

Date of MPC Approval: 12/8/2005 **Date of Denial:** **Postponements:** 11/10/2005

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 1/23/2006

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: