

# 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

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
www.knoxmpc.org

**File Number:** 12-B-08-RZ                      **Related File Number:**  
**Application Filed:** 10/29/2008              **Date of Revision:**  
**Applicant:** TIM WALLER - WALLER CONSTRUCTION

### PROPERTY INFORMATION

**General Location:** North and south sides Mynatt Rd., west of Bowling Ln.  
**Other Parcel Info.:**  
**Tax ID Number:** 48 045 & 046                      **Jurisdiction:** County  
**Size of Tract:** 67 acres  
**Accessibility:** Access is via Mynatt Rd., a major collector street with 20' of pavement width within 50' of right of way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Manufactured houses and condominiums                      **Density:** 5 du/ac  
**Sector Plan:** North County                      **Sector Plan Designation:** LDR & SLPA  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area is developed with residential uses under A, RA, RB and PR zoning.

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

**Street:** 3117 Mynatt Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** PR (Planned Residential)  
**Previous Requests:** None noted  
**Extension of Zone:** No  
**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) zoning at a density of up to 3 du/ac. (Applicant requested 5 du/ac).

Staff Recomm. (Full):

PR zoning is the most appropriate zoning for development of this property, which has slope constraints. The reduced density is recommended because development will be very limited on about 31% of the site, which has slopes of 25% or greater. The PR zone will allow flexibility in regard to lot sizes, as well as the type of units that can be proposed.

Comments:

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

1. 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.
2. The site has some slope constraints that may limit development. As shown on the attached slope analysis, about 31% of the site has slopes of 25% or greater, mainly on the northern portion of the site, which is part of a ridgeline. In discussion with the applicant and as shown on the attached plan, the developer does not intend to develop on the ridgeline. PR zoning will allow development to be clustered on the less constrained portions of the site, but this may lead to the appearance of a density greater than 3 du/ac. Staff will expect that the development plan submitted will keep development off of the severe slopes. There will also be an expectation that no land disturbance or removal of vegetation will occur until after the approval of a development plan by MPC.
3. The surrounding area is developed with residential uses of various densities and zones. This proposal, at the requested or the recommended density, is compatible with the scale and intensity of surrounding development and zoning pattern.

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.
2. Additionally, the zoning states that each development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the Planning Commission by review of development plans. Staff maintains that, if development is clustered in areas away from severe slopes, that PR is the most appropriate zone for this proposed development.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. At the applicant's proposed density of 5 du/ac, up to 335 dwelling units could be proposed for the site. If developed with residential units, this would add approximately 2,829 trips to the street system and about 156 children to the school system. At the staff's recommended density of 3 du/ac, up to 201 dwelling units could be proposed, adding 1,787 trips and 94 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. PR zoning at up to 3 du/ac will allow consideration of more flexible development alternatives with an overall density that respects the slope constraints of the site, but allows a reasonable number of dwelling units to be clustered on the less constrained portions of the site. The recommendation gives the applicant the opportunity to submit a plan for up to 201 dwelling units, which could be clustered in any portion of the site. A rezoning application for greater density would be required for consideration of more dwelling units in the future.

4. The entire site, on both sides of Mynatt Rd., is considered as one district for the purpose of density calculations. So, the entire acreage on both sides is used to determine the number of units that may be proposed on a development plan. Based on the 67 acres reported and using the staff recommended density of 3 du/ac, the total number of units allowed will be 201. This is the aggregate total relating to both sides of Mynatt Rd. If 201 units are developed on the north side of Mynatt Rd., then the south side could not be proposed for any additional units without some change in zoning density.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan proposed low density residential uses and slope protection for the site, consistent with the requested zoning and density. The recommended lesser density accounts for the slope protection recommended for the site.
2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future rezoning requests for low density residential development in the immediate area, especially on A zoned properties. These potential requests would consistent with the sector plan, which proposes low to medium density residential uses in most of the surrounding area.

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:** 1/8/2009  
**Details of MPC action:**  
**Summary of MPC action:** Withdraw at applicant's request  
**Date of MPC Approval:** **Date of Denial:** **Postponements:** 12/11/08  
**Date of Withdrawal:** 1/5/2009 **Withdrawn prior to publication?:**  **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission  
**Date of Legislative Action:** 2/23/2009 **Date of Legislative Action, Second Reading:**  
**Ordinance Number:** **Other Ordinance Number References:**  
**Disposition of Case:** **Disposition of Case, Second Reading:**  
**If "Other":** **If "Other":**  
**Amendments:** **Amendments:**  
**Date of Legislative Appeal:** **Effective Date of Ordinance:**