

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: 3-C-15-RZ **Related File Number:**
Application Filed: 1/27/2015 **Date of Revision:**
Applicant: EJM PROPERTIES

PROPERTY INFORMATION

General Location: West side Dogwood Rd., south of Solway Rd.
Other Parcel Info.:
Tax ID Number: 89 146 **Jurisdiction:** County
Size of Tract: 9.77 acres
Accessibility: Access is via Dogwood Rd., a local street with 22' of pavement width within the large right-of-way of Pellissippi Parkway.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Residential subdivision **Density:** 3.9 du/ac
Sector Plan: Northwest County **Sector Plan Designation:** LDR & SLPA
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The area to the north at the intersection of Solway Rd. and Pellissippi Parkway is developed with commercial uses under CA zoning. Beyond the commercial node south on Solway Rd. and Dogwood Rd. is developed with rural to low density residential uses under A and RA zoning. The subject property is zoned PR at a density of 1-3 du/ac, but has yet to be developed.

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

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

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) @ 1-3 du/ac
Former Zoning:
Requested Zoning: PR (Planned Residential) @ up to 3.9 du/ac
Previous Requests: 10-R-05-RZ (A to PR)
Extension of Zone: No
History of Zoning: Property was rezoned from A to PR at current density in 2005 (10-R-05-RZ). A concept plan/use on review was approved for 29 lots in 2006 (7-SC-06-C/7-D-06-UR).

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 3.2 du/ac. (Applicant requested 3.9 du/ac.)

Staff Recomm. (Full): PR is an appropriate zone for residential development of this site and is consistent with the sector plan recommendation for the property, which is within the Planned Growth Area on the Growth Policy Plan. The recommended density of up to 3.2 du/ac is consistent with the slope protection recommendations of the Hillside and Ridgetop Protection Plan (HRPP) for residential densities and development. At the requested density of 3.9 du/ac, the proposal exceeds (by 7 units) the maximum 32 units recommended in the HRPP. Staff is of the opinion that the applicant has reasonable use of the property at the current density. Except for the CA zoning to the north, all adjacent zoning is Agricultural, which requires a minimum lot size of 1 acre.

Comments: REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. PR is the most appropriate residential zone for the development of this site, because of its flexibility in lot sizes, and the ability to cluster development in the more suitable areas of the site. The site has already been cleared, presumably in preparation for development of the 29 lots approved by MPC in 2006 (7-SD-06-C/7-D-06-UR). This concept plan has now expired and is no longer valid. Whenever a new plan is submitted, the developer should make every attempt to keep development off of the steepest slopes.
2. The property is already zoned PR at a density of 1-3 du/ac. The applicant is proposing to increase the PR density to allow up to 3.9 du/ac, which would allow consideration of 38 or 39 units, depending on the actual acreage of the site, once it is surveyed. However, because of the slope constraints of the site, staff is recommending a lesser density, which would allow consideration of about 32 units. For the purposes of this report, staff used a site area of 10.04 acres, which was calculated by MPC's mapping department for the slope analysis. The KGIS system shows a recorded acreage of 9.77 acres, based on deeds. There is no recorded survey plat on record for the property.
3. The applicant submitted a conceptual plan (attached) showing an area of the site to be placed into a conservation/greenway easement to be available for public use. This was submitted in order to seek a density bonus as provided by the recommendations of the HRPP (attached). However, staff is of the opinion that the area shown does not benefit the public at-large because it is only accessible through the proposed subdivision. Regarding the conservation easement, the density bonus provision states that it must be placed on an "undisturbed, steep hillside or ridgetop portion of a parcel." This site has been cleared of the trees that once existed on the site. The attached aerial photo from 2003 shows that the site was covered with trees at that time. An aerial photo from 2014 is also attached, which shows that the site has been cleared since then, including the area proposed by the applicant for a conservation easement. The density bonus provision allows a 10% bonus for creation of the conservation easement and another 10% bonus for providing public access within that easement. Staff is of the opinion that the subject property does not have appropriate characteristics for application of the density bonus provision, so is therefore recommending a density consistent with the residential density and land disturbance guidelines included on the attached slope calculations.
4. 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 PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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 elements 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 PR is the most appropriate zone for proposed development of this site.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. PR zoning at the recommended density will allow the property to be developed, but will require use on review development plan approval by MPC prior to construction.
2. Based on the 10.04-acre calculated area of the property, the proposed PR zoning at a density of up to 3.9 du/ac would allow for a maximum of 39 dwelling units to be proposed for the site. That number of detached units would add approximately 436 vehicle trips per day to the street system and would add approximately 21 children under the age of 18 to the school system. The recommended density of up to 3.2 du/ac would allow for a maximum of 32 dwelling units to be proposed for the site. That number of detached units would add approximately 363 vehicle trips per day to the street system and would add approximately 17 children under the age of 18 to the school system.
3. PR zoning at the recommended density is compatible with the scale and intensity of the surrounding development and zoning pattern, and also considers the slope constraints of the property. The proposed density of 3.9 du/ac would not conform with the slope protection policies of the HRPP.
4. The Knox to Oak Ridge Greenway Plan draft shows the preferred route for the proposed greenway along the stretch of Dogwood Rd. adjacent to this property. Because of steep slopes in the Pellissippi Parkway right-of-way east of Dogwood Rd. in this area, and because of that area being proposed for the location of a new ramp for TDOT's upcoming SR-62 (Oak Ridge Hwy.) and SR-162 (Pellissippi Parkway) interchange improvements (see attached), it's likely that the best greenway route will be along the west side of Dogwood Rd., a portion of which is within the subject parcel. Therefore, the development plan should include a greenway easement of at least 30 feet along Dogwood Rd. Optimal easement width will be based on slopes and other site factors. This comment is provided now to put the developer on notice that the provision of this easement may be included as a recommended condition of approval at the time of MPC's development plan review.
5. Public water and sanitary sewer utilities are available in the area, but will need to be extended to serve the site.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest County Sector Plan designates this site for low density residential uses and slope protection area, consistent with both the recommended and proposed PR zoning and densities. Staff ran a slope analysis and calculations (attached) on the site which revealed that about 1.35 acres of the site consists of slopes greater than 25%. The recommended lesser density is consistent with the residential density recommendations of the HRPP.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may lead to future requests for PR zoning in the future on other A-zoned properties in the area, consistent with the sector plan proposal for the 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.

Action: Approved **Meeting Date:** 3/12/2015

Details of Action: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3.9 du/ac.

Summary of Action: RECOMMEND the Knox County Commission approve PR (Planned Residential) zoning at a density up to 3.9 dwelling units per acre

Date of Approval: 3/12/2015 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 4/27/2015

Ordinance Number:

Disposition of Case: Approved

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: