

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

## NORTHWEST COUNTY SECTOR PLAN AMENDMENT

**File Number:** 4-D-11-RZ                      **Related File Number:** 4-C-11-SP  
**Application Filed:** 2/22/2011              **Date of Revision:**  
**Applicant:** TLD CONSTRUCTION, MARSHA SNEED

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

### PROPERTY INFORMATION

**General Location:** West side Rehberg Ln., north of Lovell Rd., southwest of Middlebrook Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 104 182                      **Jurisdiction:** County  
**Size of Tract:** 11.653 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land. Agricultural  
**Surrounding Land Use:**  
**Proposed Use:** Multi-dwelling residential                      **Density:** 12 du/ac  
**Sector Plan:** Northwest County              **Sector Plan Designation:** LDR and SLPA  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

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

**Street:** 2015 Rehberg Ln  
**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:** 2-G-05-RZ/2-C-05-SP  
**Extension of Zone:**  
**History of Zoning:**

### PLAN INFORMATION (where applicable)

**Current Plan Category:** LDR (Low Density Residential) & SLPA (Slope Protection Area)  
**Requested Plan Category:** MDR (Medium Density Residential) & SLPA (Slope Protection Area)

## **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 1 du/ac, subject to 1 condition. (Applicant requested 12 du/ac.)

Staff Recomm. (Full):

1. No additional clearing or grading of the site prior to use on review plan approval by MPC.

Comments:

REZONING REQUIREMENTS:

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, slope protection, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.
2. The surrounding area, that is oriented to Lovell Rd., is developed with low density residential uses. PR zoning, at the recommended density, is more compatible with the scale and intensity of the surrounding residential development and zoning pattern than the requested density of 12 du/ac. There is a site to the southwest that is zoned PR at 1-12 du/ac. However, it has been developed at a very low density, and, since that site has similar topographic constraints as the subject property, it would be inappropriate for it to be developed further. Most importantly, the reduced density recommendation addresses the significant topographic constraints of the site. There is a ridgeline that runs along the rear of most of these nearby properties. The site to the northwest (Cove Ridge condominiums), on the opposite side of the ridge from the subject property, was developed with attached residential uses that extended into the ridgeline, after significant clearing and grading into the area. On February 28, 2011, during heavy rainfall, a mudslide/slope failure caused significant damage to one of the residential units located at the rear of the development. The article and photo, related to that incident, from Knoxnews.com is attached. This is included to provide an example of why this type of development should be discouraged. According to comments received by Knox County Engineering staff, this downstream slope area should be considered unstable. Any change in stormwater runoff from the upstream area may create a high risk for personal and property losses in the Cove Ridge development downstream. The Cove Ridge condominium area has experienced slope failure on the east side of the property adjacent to and immediately downstream of the proposed zoning area.
3. Based on the attached slope analysis for the site, over 73% of the site has slopes of greater than 25%, which should be protected. Using the attached slope analysis, staff applied development policy 7.6 of the Knoxville-Knox County General Plan 2032, which addresses housing densities on sloped areas. Application of these policies yielded a maximum of 13 dwelling units as being appropriate for this particular site, which is slightly more than the density recommendation. If the recommended density of 1 du/ac is approved, staff would expect that the 11 allowable units would be proposed within the southern portion of the site, which is less topographically constrained. The recommended condition is included to further protect the steeper areas of the site from disturbance prior to a development plan review. About an acre of the site has already been disturbed and appeared, upon a site visit, to be producing significant sediment runoff into the street and stream adjacent to the site.

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 PR is the most appropriate zone for this development.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. At the recommended density of up to 1 du/ac on the 11.653 acres reported, up to 11 dwelling units could be proposed for the site. Developed with detached residential units, this would add approximately 159 trips to the street system and about 6 children to the school system. At the requested density of up to 12 du/ac, up to 139 dwelling units could be proposed for the site. Developed with multi-dwelling residential units, this would add approximately 1283 trips to the street system and about 32 children to the school system.
3. PR zoning at the recommended density is compatible with surrounding development and should have a minimal impact on adjacent properties.
4. The approval of these requests will allow the applicant to submit a development plan for MPC's consideration.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. Staff recommends maintaining the Northwest County Sector Plan proposal for low density residential uses and slope protection for this property, consistent with the recommended PR zoning at up to 1 du/ac. The sector plan would have to be amended to medium density residential in order to approve a density of between 5 and 12 du/ac, as proposed.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for medium density residential plan designations and PR zoning at densities between 5 and 12 du/ac in this area, which would not be consistent with the sector plan proposals for this area.

Upon final approval of the rezoning, the developer will be required to submit for MPC's consideration of a concept plan/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.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

**Action:** Denied (Withdrawn) **Meeting Date:** 6/9/2011

**Details of Action:**

**Summary of Action:** Withdraw at the applicants request

**Date of Approval:** **Date of Denial:** **Postponements:** 4/14/11

**Date of Withdrawal:** 6/9/2011 **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

<b>Legislative Body:</b>	
<b>Date of Legislative Action:</b>	<b>Date of Legislative Action, Second Reading:</b>
<b>Ordinance Number:</b>	<b>Other Ordinance Number References:</b>
<b>Disposition of Case:</b>	<b>Disposition of Case, Second Reading:</b>
<b>If "Other":</b>	<b>If "Other":</b>
<b>Amendments:</b>	<b>Amendments:</b>
<b>Date of Legislative Appeal:</b>	<b>Effective Date of Ordinance:</b>