

CASE SUMMARY

APPLICATION TYPE: REZONING

SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

File Number: 6-C-13-RZ **Related File Number:** 6-A-13-SP
Application Filed: 4/26/2013 **Date of Revision:**
Applicant: CHOTO PARTNERS

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
4 0 0 M a i n S t r e e t
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
F A X • 2 1 5 • 2 0 6 8
w w w • k n o x m p c • o r g

PROPERTY INFORMATION

General Location: Northwest side Plum Creek Dr., southeast of Parkside Dr.
Other Parcel Info.:
Tax ID Number: 131 J A 017 & 018 **OTHER:** PORTIONS ZONED RA **Jurisdiction:** County
Size of Tract: 2.5 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: House and vacant land
Surrounding Land Use:
Proposed Use: Multi-dwelling residential **Density:** 35 du/ac
Sector Plan: Southwest County **Sector Plan Designation:** LDR & STPA
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context:

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

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

ZONING INFORMATION (where applicable)

Current Zoning: RA (Low Density Residential)
Former Zoning:
Requested Zoning: PR (Planned Residential)
Previous Requests: MPC denied O plan designation and OB zoning on 5/10/12 (4-H-12-RZ/4-D-12-SP).
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential) & STPA (Stream Protection Area)
Requested Plan Category: HDR (High Density Residential) & STPA (Stream 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.): DENY PR (Planned Residential) zoning.

Staff Recomm. (Full): The current RA zoning allows uses that are compatible with surrounding development and zoning. PR at the requested density would be out of character with the remainder of the Boxwood Hills subdivision.

Comments: This site is located near the entrance to the Boxwood Hills subdivision and the two parcels are platted as part of that subdivision. Parcel 18, the larger of the two parcels is vacant, and has been cleared and graded level for potential development. Parcel 17 still has a house on it. Knox County issued permits for the clearing and grading work, but the work went outside of the permit's boundaries and scope into the creek buffer area. Vegetation with the creek buffer, which offered some visual screening from the Parkside Dr. businesses, was entirely removed. Removal of this vegetation also may have decreased the stability of the creek banks. The County's required stream bank buffer requirement at the time was 15 feet. It has now been increased to a minimum of 25 feet. No Notice of Violation was issued by the County. The City of Knoxville, in which part of the creek and Parkside Dr. are located, in response to neighborhood complaints, did issue a Notice of Violation to Choto Partners on 4/14/11 (attached). The Notice indicated that the violation was for cutting/clearing vegetation in the stream bank buffer zone.

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. No significant changes have occurred in the area that warrant the requested change in zoning. The majority of the site (parcel 18) is designated on the Boxwood Hills subdivision plat as 'Boxwood Pool'. This plat (attached) was recorded in 1967, and the site has always been intended for recreational uses. The KGIS system information, based on property assessor information, is attached, and also indicates that parcel 18 is designated for swimming pool and recreation.
2. The property has access only from local neighborhood streets, despite being in close proximity to Parkside Dr. The property has no frontage on Parkside Dr., and there is a creek that runs along the northwest property line of the subject property that is an appropriate dividing line between low density residential and other uses.
3. Staff recognizes that there are non-residential uses to the southwest, accessed from Deerbrook Dr. But, this is an area that is part of the commercial node at Lovell Rd. and Parkside Dr. Deerbrook Dr. is a local street developed with all commercial or office uses between Glade Dr. and its connection to Lovell Rd. The properties along Deerbrook Dr. are not part of a platted residential subdivision. The subject property is accessed only from local, neighborhood-serving streets within a platted residential subdivision.

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 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 it would not be possible to develop a high density residential development at this location that would be compatible with surrounding development and zoning. In order to accommodate the 87 units that would be possible, the height of the structure would have to be significantly higher than all surrounding development, including non-residential uses.

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. The current RA zoning allows reasonable use of the property for residential development, while maintaining compatibility with surrounding development and zoning. The requested 35 du/ac is considerably more intense than the prevailing densities in the area.
2. The requested PR zoning at a density of 35 du/ac would allow for a maximum of 87 dwelling units to be proposed for the site. That number of multi-dwelling residential units, as proposed, would add approximately 842 vehicle trips per day to the street system and would add approximately 13 children under the age of 18 to the school system.
3. PR zoning at the recommended density is clearly not compatible with the other properties within the Boxwood Hills subdivision.
4. Public water and sanitary sewer utilities are available 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. If a plan amendment to HDR is approved, the requested PR zoning and density of up to 35 du/ac may be considered. However, the requested sector plan change is a spot amendment. The General Plan does not recognize high density residential uses as being appropriate for locations in the County. Rather, high density residential zoning is more appropriate for more intensely developed areas within the City, where compatibility with surrounding uses can be maintained and public services, such as bus transit, are available.
2. The site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may lead to future requests for HDR plan designations and PR zoning on other properties in 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.

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. The law now 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 **Meeting Date:** 10/10/2013

Details of Action:

Summary of Action: DENY PR (Planned Residential) zoning.

Date of Approval: **Date of Denial:** 10/10/2013 **Postponements:** 6/13/13, 7/11/13

Date of Withdrawal: **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:	Disposition of Case, Second Reading:
If "Other":	If "Other":
Amendments:	Amendments:
Date of Legislative Appeal:	Effective Date of Ordinance: