

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: 6-F-15-RZ **Related File Number:**
Application Filed: 4/28/2015 **Date of Revision:**
Applicant: HUBER PROPERTIES

PROPERTY INFORMATION

General Location: Northeast side Harvey Rd., north of Mallard Bay Dr.
Other Parcel Info.:
Tax ID Number: 162 04701,04706,04707 & 04708 **OTHER:** AREA ZONE **Jurisdiction:** County
Size of Tract: 9.8 acres
Accessibility: Access is via Harvey Rd., a major collector street with 21' of pavement width within 50' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Residential development **Density:** 4 du/ac
Sector Plan: Southwest County **Sector Plan Designation:** LDR and STPA
Growth Policy Plan: Planned Growth Area
Neighborhood Context: With the exception of the small commercial node to the west of the subject property, developed under PR zoning, the surrounding area is developed entirely with agricultural and rural to low density residential development under A, PR and RA zoning in Knox County and various residential zones applicable in the Town of Farragut to the north.

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: PR (Planned Residential)
Previous Requests: None noted
Extension of Zone: Yes, adjacent to PR to the south and west
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 3.5 du/ac. (Applicant requested 4 du/ac).

Staff Recomm. (Full): Condition: Prior to Knox County Commission's consideration of this matter on July 27, 2015, the applicant must provide adequate documentation from First Knox Utility District (FUD) to provide a minimum 40 foot wide easement through their property to the applicant to access the proposed development, as shown on the concept/use on review plan (7-SC-15-C/7-H-15-UR). MPC and Knox County Engineering staff will have to determine whether this condition is met prior to the Knox County Commission meeting. If it is determined that it is adequately addressed, then this condition may be removed by Knox County Commission before final approval of the rezoning request. If the condition is not met, the request should be either postponed or denied.

PR is an appropriate zone for residential development of this site and is consistent with the sector plan proposal for the property. Staff is recommending a lower density than requested for better compatibility with the surrounding development pattern and zoning. The recommended density, although slighter higher than prevailing zoning densities in the area, is appropriate because the site is somewhat isolated from surrounding residential subdivisions by the lake to the south and east, railroad tracks to the north and the commercial development to the west. The recommended and proposed density is still below the maximum density of 5 du/ac that can be considered under the LDR (Low Density Residential) sector plan designation.

Comments: Staff is recommending the condition because, currently, the applicant does not have the ability to provide legal access for the proposed development. Staff is of the opinion that the property should not be rezoned unless it is certain that sufficient legal access to the site can be provided. The applicant has been involved in negotiations with FUD, and has stated that a verbal agreement has been reached for FUD to provide the additional land needed (see attached email from John Huber), but the FUD Board must officially approve the land transfer before it is official. This process should be completed prior to the Knox County Commission hearing on July 27, but is not likely to be accomplished before the MPC meeting on June 11.

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 that can be considered for this site. The proposed density is compatible with the surrounding development and zoning pattern.
2. The requested PR zoning and density is consistent with the sector plan proposal for the site and the site is designated as Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. PR zoning will require MPC approval of a development plan as a use on review prior to construction on the site.

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 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 reasonable use of the property for residential development, while maintaining compatibility with surrounding development and zoning.
2. The applicant has submitted the attached concept/use on review development plan (7-SC-15-C/7-H-15-UR) for MPC's consideration at the July 9 meeting. This plan shows 34 single family detached lots on a total of 16.36 acres. However, only acreage above the 820 contour may be counted toward density because of the development constraints on land below it. The development plan indicates that 10.17 acres are above the 820 contour, which results in a proposed density of 3.34 du/ac.
3. The following approximations are based on the concept plan's reported acreage of 10.17 acres above the 820 contour, which is the land that may be counted toward density. At the recommended density up to 3.5 du/ac, up to 35 dwelling units could be proposed for the site. That number of detached units would add approximately 395 vehicle trips per day to the street system and would add approximately 22 children under the age of 18 to the school system. The requested density of up to 4 du/ac would allow for a maximum of 40 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 25 children under the age of 18 to the school system.
4. PR zoning at the recommended density is compatible with surrounding development and should have a minimal impact on adjacent properties.
5. Harvey Rd. is classified as a major collector street and has adequate pavement width of more than 20 feet to accommodate the proposed residential development. Access to the development is proposed to Harvey Rd., south of the commercial development, partly within an FUD-owned property containing a pump station. A close-up of the development plan is also attached showing the proposed access drive. The applicant's engineer has also provided the attached letter verifying that adequate sight distance on Harvey Rd. is available from the proposed entrance to the development. Harvey Rd. has a posted speed limit of 30 mph, meaning that 300 feet of clear sight distance is required. The engineer attests that more than 400 feet of clear sight distance in both directions.
5. Public water and sanitary sewer utilities are available in the area, but may need to be extended to serve the site.
6. Staff has concerns about the proposed proximity of residential structures to a heavily-used rail line (30 plus trains per day). In the unlikely event that a derailment, chemical spill or other catastrophe occurred in the area, these units and the persons living in them would be especially susceptible to harm. Care should be taken to locate the units as far from the rail line as possible. The stretch of railroad right-of-way adjacent to the subject property also has two parallel rail lines within it, where trains stop to allow trains heading in the opposite direction to pass before proceeding. Therefore, trains will frequently stop and idle in this area, causing longer periods of time with noise impact generated by adjacent train operations.

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 Southwest County Sector Plan designates this site for low density residential uses, consistent with PR zoning at up to 5 du/ac.
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.

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: 6/11/2015

Details of Action:

Summary of Action: RECOMMEND the Knox County Commission APPROVE PR (Planned Residential) zoning at a density up to 3.5 dwelling units per acre subject to 1 condition.

Date of Approval: 6/11/2015

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: 7/27/2015

Ordinance Number:

Disposition of Case: Postponed

If "Other":

Amendments:

Postponed 10/26 to March 2016

Date of Legislative Appeal:

Date of Legislative Action, Second Reading: 3/28/2016

Other Ordinance Number References:

Disposition of Case, Second Reading: Denied
(Withdrawn)

If "Other":

Amendments:

Effective Date of Ordinance: