

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

**NORTH COUNTY SECTOR PLAN AMENDMENT**

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:** 7-D-15-RZ                      **Related File Number:** 7-B-15-SP  
**Application Filed:** 5/26/2015                      **Date of Revision:**  
**Applicant:** BELLE INVESTMENT COMPANY, INC.

## PROPERTY INFORMATION

**General Location:** Northwest side E. Emory Rd., northeast of Morris Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 37 230,23001, 23002 & 23003                      **Jurisdiction:** County  
**Size of Tract:** 17.06 acres  
**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residences and vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Apartments                      **Density:** 12 du/ac  
**Sector Plan:** North County                      **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

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

**Street:** 2131 E Emory Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural) and RA (Low Density Residential)  
**Former Zoning:**  
**Requested Zoning:** PR (Planned Residential) at 12 du/ac  
**Previous Requests:** None noted  
**Extension of Zone:**  
**History of Zoning:**

## PLAN INFORMATION (where applicable)

**Current Plan Category:** LDR (Low Density Residential)  
**Requested Plan Category:** MDR (Medium Density Residential)

## **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:

Mike Reynolds

Staff Recomm. (Abbr.):

RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density up to 5 du/ac. (Applicant requested PR at 12 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 5 du/ac is consistent with the surrounding residential densities and appropriate for this location because of the access to Emory Road.

Comments:

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

General Comments:

There are two adjacent residential developments to the west with access to Morris Road are zoned PR at 4 du/ac and 3 du/ac; however, both developments were constructed at approximately 2.5 du/ac. The larger residential development to the east (Emory Estates) is zoned RA and has varying lot sizes, with the smallest being .5 acre and an approximate overall density of 1.2 du/ac.

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, because of it offers flexibility in lot sizes, and the ability to cluster development in the most suitable areas on the site.
2. PR zoning is a logical extension of zoning from the west and the recommended density is consistent with the sector plan proposal for the property.
3. 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 such as buffering the development from neighboring uses. 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 17.06-acre reported size of the property, the proposed PR at up to 12 du/ac zoning could allow as many as maximum of 204 dwelling units to be proposed for the site. If developed as attached multi-dwelling units, approximately 1811 vehicle trips per day would be added to the street system and approximately 54 children under the age of 18 would be added to the school system. The recommended density of up to 5 du/ac would allow for a maximum of 85 dwelling units to be proposed for the site. That number of attached multi-dwelling units would add approximately 825 vehicle trips per day to the street system and would add approximately 23 children under the age of 18 to the

school system. If detached housing is proposed, these numbers would be slightly higher, as those uses generate more trips and school-aged children.

3. Emory Road is a 5 –lane major arterial street with sufficient capacity to support low density residential development of this site. If more than 75 units are proposed, a traffic impact study will be required to be submitted as part of the development plan review. If higher densities are allowed and more than 150 units are proposed, a secondary access point may be recommended.

4. PR zoning at the recommended density is compatible with the scale and intensity of the surrounding development and zoning pattern.

5. Public water and sanitary sewer utilities are available in the area.

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 North County Sector Plan designates this site for low density residential uses with some hillside protection, consistent with the proposed PR zoning and density. Approximately 2.5 acres of the site is designated HP (Hillside/Ridgetop Protection Area), however, the majority of this area has a moderate slope between 15 and 25 percent, and the remainder does not go above 40 percent slope.

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 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.

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:** Approved

**Meeting Date:** 7/9/2015

**Details of Action:**

**Summary of Action:** RECOMMEND the Knox County Commission approve PR (Planned Residential) zoning at a density up to 5 dwelling units per acre.

**Date of Approval:** 7/9/2015

**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:** 8/24/2015

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Denied (Withdrawn)

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

Withdrawn by the applicant.

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**