

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
FAX • 215 • 2068
www.knoxmpc.org

File Number: 7-D-16-RZ **Related File Number:**
Application Filed: 5/23/2016 **Date of Revision:**
Applicant: S & E PROPERTIES

PROPERTY INFORMATION

General Location: Southeast side Millstone Ln., west side Freels Ln.
Other Parcel Info.:
Tax ID Number: 132 04909, 04917 & 04918 **Jurisdiction:** County
Size of Tract: 40.34 acres
Accessibility: Access is via Millstone Ln., a local street with 13-35' of pavement width within 40-45' of right-of-way, and Freels Ln., a local street with 14' of pavement within 40-50' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Residence and vacant land
Surrounding Land Use:
Proposed Use: Residential development **Density:** 5 du/ac
Sector Plan: Southwest County **Sector Plan Designation:** LDR & SLPA w/ HP
Growth Policy Plan: Planned Growth Area
Neighborhood Context: Adjacent development consists of large lot single-family residences, and attached and detached residences and apartments to the north. West Valley Middle School is immediately to the east and S. Peters Rd. is less than a mile away.

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

Street: 825 Freels 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: None noted
Extension of Zone: No
History of Zoning: The PR zoning to the northeast was approved in the 70's and 80's and are developed with densities approximately 7-11 du/ac.

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:

Mike Reynolds

Staff Recomm. (Abbr.):

RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3 du/ac, subject to 3 condition. (Applicant requested 5 du/ac)

Staff Recomm. (Full):

- 1) Lots that abut parcels 132-049.01 and 132-049.12 must have an average lot size of 1 acre, with no lot being less than .75 acres in size.
- 2) Lots that abut parcels 132-050 and 132-050.02 must have an average lot size of .5 acres, with no lot being less than .4 acres in size.
- 3) Prior to approval of a Final Plat or issuance of any building permits for a development proposed at a density of greater than 1 dwelling unit per acre, Millstone Lane must be improved to a minimum of 20 feet in width from the entrance of the development to the improved portion to the east, and a 5-foot wide sidewalk must be installed on the south side of Millstone Lane from the development entrance to the existing sidewalk to the east.

Comments:

Millstone Lane is a local road that is improved with a sidewalk on the east end near the entrance to West Valley Middle School. The western portion of Millstone Ln. has a pavement width of approximately 14' with no sidewalk. If the PR zoning is approved as recommended, road improvements to a portion of Millstone Ln. and Freels Ln. will be needed, including a sidewalk connection to the existing sidewalk along Millstone Ln. A traffic study is typically required for residential developments that generate 750 trips per day or more, which if the site is developed at approximately 2 dwelling units per acre or more, a traffic study will be required.

In order to determine if road improvements could be accommodated within the existing right-of-way (ROW), the applicant and the surrounding neighbors submitted surveys to staff showing what they believe the ROW to be. These surveys had conflicting information so Knox County requested one of their contracted surveyors complete their own survey. The County and neighborhood surveys had similar findings and determined the ROW (property line to property line) is 36' wide at its narrowest point, which is at the Millstone Ln. and Freels Ln. intersection. Staff requested the applicant submit a roadway widening plan, including sidewalk extension, to determine if they could be accommodated in the ROW. This plan is attached and shows that the improvements can be accommodated and shows that Millstone Ln. will need to be widened up to 10 feet, which is at the Freels Ln. intersection. This plan is preliminary and additional design details will be provided during Concept Plan review.

The attorney for the surrounding neighbors disputes the claim that what is shown as ROW on the surveys (property line to property line) is controlled by Knox County. According to the attorney, there is no record that the land between the road surface and the adjacent property lines was ever deeded to and accepted, nor condemned, by Knox County for the purposes of ROW. This land may still be privately owned and therefore cannot be improved without purchasing the property. Knox County has determined that they only maintain the Millstone Ln. pavement, nothing on the edges of the road such as ditch line.

The subject property is currently zoned Agricultural (A), which allows houses on 1 acre lots, the same as the properties in the immediate vicinity. There are lots approximately 1 acre in size at the end of Freels Ln. The properties along Millstone Ln., west of Freels Ln., are also zoned Agricultural, however, the lots are 2 acres in size or greater, which is consistent with the Estate (E) zone district which requires a minimum lot size of 2 acres. The properties along Millstone Ln., east of Freels Ln., are zoned Planned Residential (PR) and have lot sizes of approximately 5,000 square feet. This subdivision was developed at approximately 6 dwelling units per acre.

If the PR zoning is approved at 3 du/acre, the average lot size would be approximately 10,000 - 12,000 square feet, however, the lot sizes could be smaller if portions of the site are left undeveloped or if the lot sizes vary in size. Staff has recommended average minimum lot sizes for lots that abut the adjacent

properties that front along Millstone Ln. The two eastern most lots will be the most impacted by the new subdivision and in order for the new subdivision to be more compatible with the surrounding development, staff is recommending that any new lots abutting these two lots be an average of 1 acre in size with no lot being less than .75 acre. For the two western most lots that front on Millstone Ln., staff is recommending that any new lots abutting these two lots be an average of .5 acre in size with no lot being less than .4 acre.

This property is within the parental responsibility zone (PRZ) of West Valley Middle School, where school bus service is not provided. Because of this, sidewalks will be expected within the subdivision and as an improvement installed by the developer along Millstone Ln. and/or Freels Ln. from the neighborhood entrance to the existing sidewalk along Millstone Ln. In addition, the development should maintain the required 35' peripheral boundary when submitting a development plan for use-on-review approval and should include an amenity area for the development. The northwestern portion of the subject property has frontage along an unimproved portion of the Millstone Ln. ROW. There should not be full access to this portion of Millstone Ln. from the subdivision. Access to the western end of Millstone Ln. should be restricted to lots that have a size consistent with other lots along this portion of Millstone Lane.

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. This site is accessed from Millstone Ln. and Freely Ln., narrow local streets, and is adjacent to large lot residential developed under the A zoning and is in the vicinity of other small lot residential developed under the PR zoning.
2. The property is located in the Planned Growth Area on the Growth Policy Plan and is proposed for low density residential uses on the sector plan, consistent with the proposal.
3. PR zoning at 3 du/ac or greater is not compatible with the scale and intensity of the immediate adjacent properties if developed with consistent lot sizes, but is compatible with the scale and intensity of the other nearby development and zoning. If the zoning is approved, the size and width of lots that are on the exterior boundary of the development should be more consistent with the surrounding properties. Landscape screening within the peripheral setback will also need to be considered.
4. The site is within close proximity to a public middle school.
5. 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 road improvements, 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 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 has recommended conditions to the zoning that would require lots abutting the existing lots along Millstone Ln. be larger and more compatible with the surrounding development. Staff maintains that PR is an appropriate zone for the property.

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. At the requested density of up to 5 du/ac on the 40.34 acres, up to 201 dwelling units could be proposed for the site. At 3 du/ac, up to 121 dwelling units could be proposed for the site. A Concept Plan application has been submitted by the applicant and it proposes approximately 136 lots, which is approximately 3.4 du/ac.
2. If the property is developed under PR zoning with consistent lot sizes, is not compatible with the scale and intensity of the immediate adjacent properties and zoning, but is compatible with the scale and intensity of the other nearby development and zoning. If the zoning is approved, the size and width of lots that are on the exterior boundary of the development should be more consistent with the surrounding properties. Landscape screening within the peripheral setback will also need to be considered.
3. The PR zoning district has provisions for preservation of open space and providing recreational amenities as part of the development plan. The applicant will be expected to demonstrate how these provisions are met as part of the required development plan review.

4. Public water and sanitary sewer utilities are available to serve the site.
5. Millstone Ln. will most likely require improvements if the property is developed at densities greater than approximately 1-2 du/ac. The applicant has provided documentation that road and sidewalk improvements can be accommodated within the presumed Millstone Ln. However, the attorney for the neighbors has disputed whether the right-of-way was ever deeded to or condemned by Knox County.

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 proposes low density residential uses for this property, consistent with the requested 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. The site is appropriate to be developed under PR zoning because it is within the recommended density range in the Low Density Residential sector plan designation (max. 5 dwelling units per acre).
4. The northwestern portion of the site has 11.3 acres within the hillside protection area, however, it primarily consists of low to moderate slopes with only .52 acres being over 25 percent slope.
5. Approval of this request could lead to future requests for PR zoning in this area, consistent with the sector plan's low density residential proposal for the area.

Upon final approval of the rezoning, the developer will be required to submit a development plan for MPC consideration of use on review approval prior to the property's development. The plan will show the property's proposed development, landscaping 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:** 11/10/2016

Details of Action:

Summary of Action: Recommend the Knox County Commission approve PR (Planned Residential) zoning at a density up to 3 dwelling units per acre subject to 3 conditions.

Date of Approval: 11/10/2016 **Date of Denial:** **Postponements:** 7/14/2016 - 10/13/2016

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 1/23/2017

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved as Modified

Disposition of Case, Second Reading:

If "Other": Postponed 12/19/16

If "Other":

Amendments:

Amendments:

Approved PR at 3 du/ac subject to conditions eliminating conditions 1 & 2, keep #3 and insert a Conservation Buffer

Date of Legislative Appeal:

Effective Date of Ordinance: