

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

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File Number: 8-B-16-RZ **Related File Number:**
Application Filed: 6/26/2016 **Date of Revision:**
Applicant: HM PROPERTIES, GP

PROPERTY INFORMATION

General Location: Northeast side Harvey Rd., northwest of Mallard Bay Dr.
Other Parcel Info.:
Tax ID Number: 162 02941,04701,04706,04707 **OTHER:** 162-04708 **Jurisdiction:** County
Size of Tract: 15.2 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: Detached residential development **Density:** 2 du/ac
Sector Plan: Southwest County **Sector Plan Designation:** LDR
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: 1120 Harvey Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural) and F (Floodway)
Former Zoning:
Requested Zoning: PR (Planned Residential) and F (Floodway)
Previous Requests: MPC approved PR at up to 3.5 du/ac on June 11, 2015, but the request was withdrawn after
Extension of Zone: Yes, adjacent to PR to the south and west
History of Zoning: A rezoning request for PR at up to 4 du/ac was recommended for approval by MPC on 6/11/15 (6-F-15-RZ), but was withdrawn before being considered by the Knox County Commission.

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 2 du/ac, subject to two conditions.

Staff Recomm. (Full):
1. Prior to Knox County Commission’s earliest consideration of this matter on September 26, 2016, the applicant must provide adequate documentation from First Knox Utility District (FUD) to provide a minimum 40 foot wide easement through their property for the applicant to access the proposed development, as shown on the attached plan provided by the applicant. 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.
2. Applicant will be required to work with the Knox County Greenways Coordinator to provide a greenway easement along the Harvey Rd. frontage. This easement will need to be shown on the development plan submitted for consideration by MPC.

With the above conditions, PR is an appropriate zone for residential development of this site and is consistent with the sector plan proposal for the property. The proposed density is compatible with the surrounding development pattern and zoning.

Comments: Staff is recommending the first 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. First Knox Utility District (FUD) currently owns and controls property through which access must be provided to this proposed development (Parcel 162-02941). The applicant will need to provide appropriate documentation from FUD showing that they will allow an easement through their property to access the proposed development. The Knox County Greenway coordinator has indicated that a future greenway is proposed along the northeast side of Harvey Rd. in this area. The second condition requires the applicant to provide a greenway easement as part of the development plan proposal.

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 development plan with the rezoning materials. This plan shows 10 lots for detached dwellings on a total of 15.2 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 8.7 acres are above the 820 contour, which results in a proposed density of 1.15 du/ac.
3. The following approximations are based on the concept plan's reported acreage of 8.7 acres above the 820 contour, which is the land that may be counted toward density. At the recommended density up to 2 du/ac, up to 17 dwelling units could be proposed for the site. That number of detached units would add approximately 203 vehicle trips per day to the street system and would add approximately 11 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. Adequate sight distance on Harvey Rd. from the access drive will need to be verified on the development plan. Harvey Rd. has a posted speed limit of 30 mph, meaning that 300 feet of clear sight distance is required. A previous engineering study associated with a rezoning request from last year (6-F-15-RZ) verified that sight distance is adequate.
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:** 8/11/2016

Details of Action:

Summary of Action: Recommend the Knox County Commission approve PR (Planned Residential) zoning at a density up to 2 dwelling units per acre, subject to 2 conditions.

Date of Approval: 8/11/2016 **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: 1/23/2017

Ordinance Number:

Disposition of Case: Denied

If "Other": Postponed 9/26- 12/19/16

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading: 12/19/2016

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: