

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

## SOUTHWEST COUNTY SECTOR PLAN AMENDMENT



**File Number:** 8-E-18-RZ                      **Related File Number:** 11-C-18-SP  
**Application Filed:** 6/1/2518              **Date of Revision:** 10/23/2018  
**Applicant:** SCOTT DAVIS

### **PROPERTY INFORMATION**

**General Location:** Southeast side Westland Dr., northeast of Heritage Lake Way  
**Other Parcel Info.:**  
**Tax ID Number:** 144 03004                      **Jurisdiction:** County  
**Size of Tract:** 19.13 acres  
**Accessibility:**

### **GENERAL LAND USE INFORMATION**

**Existing Land Use:** Apartments  
**Surrounding Land Use:**  
**Proposed Use:** Apartments                      **Density:** 14 du/ac  
**Sector Plan:** Southwest County      **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

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

**Street:** 1105 Lake Heritage Way  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### **ZONING INFORMATION (where applicable)**

**Current Zoning:** PR (Planned Residential) at 1-5 du/ac  
**Former Zoning:**  
**Requested Zoning:** PR (Planned Residential) at up to 14 du/ac  
**Previous Requests:** Rezoned from PR (3) to PR (5) in 1999 (6-M-99-RZ).  
**Extension of Zone:**  
**History of Zoning:**

### **PLAN INFORMATION (where applicable)**

**Current Plan Category:** LDR (Low Density Residential)  
**Requested Plan Category:** HDR (High 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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Michael Brusseau

Staff Recomm. (Abbr.):

APPROVE the request to increase the PR zoning from 5 du/ac to 14 du/ac.

Staff Recomm. (Full):

The proposed zoning is consistent with the proposed sector plan amendment (11-C-18-SP). The PR zoning of up to 14 du/ac reflects the existing density of Heritage Lake Apartments (262 existing apartment units divided by 19.13 acres, equals 13.69 du/ac, rounded equals 14 du/ac).

Comments:

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. Conditions have changed nearby with recent rezoning's to commercial zones on the opposite side of I-140 (southeastern side of the I-140 and Westland Drive interchange).
2. The PR zone requires use on review approval of a development plan by MPC prior to construction, if redeveloped. 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. It will also give the opportunity for public comment at an MPC meeting.
3. Since the rezoning of PR at 1-5 du/ac, this portion of the overall development has been built out at 14 du/ac.
4. The adjacent development of the Church property which is considered a public amenity by the neighborhood has historically been subtracted by MPC staff in calculating the overall density which changes the overall density calculation for this development.

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. Since the development has already occurred and the density reflects the actual development then it is compatible with the area.

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 requested increase reflects the existing development density and would not have an adverse effect.
2. 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 if any changes occur on the property.

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. With the proposed Southwest County Sector Plan Amendment (11-C-18-SP) to MU-SD the requested density is consistent with the proposed plan. With approval of the requested sector plan change to HDR on the associated application (8-A-18-SP), the requested PR zoning and density would be consistent with the plan. However, the maximum density could be up to 24 du/ac which is inappropriate for the area, given that there is some slope, no transit, and the area lacks interconnecting sidewalks.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of the HDR plan designation for the apartments would be a spot plan amendment, with no justification, that would allow inappropriate development on the remaining PR-zoned acreage, in conflict with the approved development plan for the apartments.

**Action:** Approved **Meeting Date:** 11/8/2018

**Details of Action:**

**Summary of Action:** APPROVE the request to increase the PR zoning from 5 du/ac to 14 du/ac.

**Date of Approval:** 11/8/2018 **Date of Denial:** 8/9/2018 **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 8/14/2018

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 12/17/2018

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

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Approved

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**