

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: 9-A-13-RZ **Related File Number:**
Application Filed: 7/24/2013 **Date of Revision:**
Applicant: HUBER PROPERTIES / CLEAR WATER PARTNERS LLC

PROPERTY INFORMATION

General Location: Northeast and southwest sides Emory Church Rd. and I-140, north of Henderson Ln.
Other Parcel Info.:
Tax ID Number: 144 020 OTHER: PORTION OF 044-018 (MAP ON FILE **Jurisdiction:** County
Size of Tract: 101.26 acres
Accessibility: Access is via Emory Church Rd., a minor 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 and marina **Density:** 5 du/ac
Sector Plan: Southwest County **Sector Plan Designation:** LDR, STPA & SLPA
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context: This area is developed with agricultural, rural and low density residential uses, under A, PR, RA and RP-1 zoning.

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

Street: 909 Emory Church Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural) & F (Floodway)
Former Zoning:
Requested Zoning: PR (Planned Residential) & F (Floodway)
Previous Requests: None noted
Extension of Zone: Yes, extension of PR from the north and south
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 5 du/ac, subject to 3 conditions:

Staff Recomm. (Full):

1. The proposed undisturbed areas on the east side of Pellissippi Parkway must be placed into conservation easements. (See associated development plan on this agenda - 9-B-13-UR). Plan shows approximately 17.4 acres to remain undisturbed and placed in conservation easements.
2. At least a portion of the area west of Pellissippi Parkway must be dedicated for public access. A portion of the areas dedicated as conservation easements must also be dedicated for public access. This will be expected when development plans are submitted for MPC consideration on that portion of the site.
3. No clearing or grading of the site shall be permitted until a development plan is approved by MPC as a use on review.

With the recommended conditions, a development plan, meeting conditions 1 and 2, would be have to be reviewed and approved by MPC as a use on review prior to any site disturbance.

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. Staff is recommending conditions 1 and 2 above to meet the 'Density Bonus Provision' of the Hillside and Ridgetop Protection Plan (HRPP), which recommends allowing a bonus of up to 10% more dwelling units when a conservation easement is placed on an undisturbed steep hillside portion of a parcel. It also recommends allowing an additional bonus of up to 10% more dwelling units when public access, such as a trail easement is provided within the development and/or conservation easements (see the attached slope analysis with calculations that were used to determine the recommended density based on the suggestions of the HRPP).
2. With strict application of the "Residential and Land Disturbance Guidelines' from the HRPP on the 66.67 developable acres, the recommended density would be around 2.58 du/ac or 172 units. After applying the recommended density bonus, that density is increased 20% to 3.09 du/ac or 206 units. Staff is recommending the additional density on the site, allowing for up to 5 du/ac, based on the following locational criteria:
 - The site is located within a half mile from the major interchange of Pellissippi Parkway and Westland Dr.
 - The site is adjacent to and has easy access to Pellissippi Parkway, which is a major regional transportation corridor linking Anderson, Knox and Blount Counties.
 - The site is surrounded by suburban low density residential development at zoning densities of up to 5 du/ac.
 - The site is separated from lower density development by a railroad right-of-way to the north and portions of Ft. Loudon Lake to the east and west. To the south are two large parcels that are zoned planned residential at densities ranging from 3 to 5 du/ac.
 - The site is located in such a way that it has lake frontage, as well as higher elevation areas that could offer mountain views, increasing the desire for greater density development. Also, if the accompanying use on review development plan (9-B-13-UR) is approved, the proposed apartments would be located next to a marina.
3. The property is located in the Planned Growth Area on the Growth Policy Plan and is proposed for low density residential uses and slope protection on the sector plan, consistent with the recommended density.
4. 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. 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 maintains that PR is the most appropriate zone for this development.

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 66.67 developable acres reported, up to 348 dwelling units could be proposed for the site. Developed with attached residential units, this would add approximately 2928 trips to the street system and about 53 children to the school system. To arrive at the developable area figure, which is the only portion of the site that can be used to calculate PR density, staff subtracted the area below the 820' contour (31.2 acres) and the area to be included as part of the marina (2.96 acres) from the total area being requested for PR zoning (100.83 acres).
2. PR zoning at the recommended density is compatible with surrounding development and should have a minimal impact on adjacent properties. The associated development plan proposes significant areas of land adjacent to other residences to be left undisturbed, which will provide sufficient buffering from neighboring uses. With the recommended condition #1 above, these undisturbed areas, will be placed into conservation easements to remain undeveloped forever.
3. Public water is available to serve the site. Sanitary sewer is available in the area, but may need to be extended to serve the development.

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 and slope protection for this property, which allows consideration of a density of up to 5 du/ac, which is what the applicant is requesting.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request could lead to future requests for PR zoning in this 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:** 11/14/2013

Details of Action:

1. The proposed undisturbed areas on the east side of Pellissippi Parkway must be placed into conservation easements. (See associated development plan on this agenda - 9-B-13-UR). Plan shows approximately 17.4 acres to remain undisturbed and placed in conservation easements.
2. At least a portion of the area west of Pellissippi Parkway must be dedicated for public access. A portion of the areas dedicated as conservation easements must also be dedicated for public access. This will be expected when development plans are submitted for MPC consideration on that portion of the site.
3. No clearing or grading of the site shall be permitted until a development plan is approved by MPC as a use on review.

Summary of Action: RECOMMEND the Knox County Commission approve PR (Planned Residential) zoning at a density of up to 5 dwelling units per acre, subject to 3 conditions

Date of Approval: 11/14/2013 **Date of Denial:** **Postponements:** 9/12/13

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 12/16/2013 **Date of Legislative Action, Second Reading:**

Ordinance Number:

Disposition of Case: Approved

If "Other":

Amendments:

Date of Legislative Appeal:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: