

▶ **FILE #:** 8-O-06-RZ

AGENDA ITEM #: 92

AGENDA DATE: 8/10/2006

▶ **APPLICANT:** MOLLENHOUR INVESTMENT GROUP, CO.

OWNER(S): MINERVA GREEN

TAX ID NUMBER: 123 K H 020

JURISDICTION: City Council District 1

▶ **LOCATION:** North side Magazine Rd., west of Maple Loop Rd.

▶ **APPX. SIZE OF TRACT:** 14.31 acres

SECTOR PLAN: South City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Magazine Rd., a minor collector street with 19' of pavement width within 45' of right of way, Sarvis Dr., a local street with 17' of pavement width within 40' of right of way or Anna Dr., a local street with 16' of pavement width within 30' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

▶ **PRESENT ZONING:** R-1 (Single Family Residential)

▶ **ZONING REQUESTED:** RP-1 (Planned Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Attached and detached residential

DENSITY PROPOSED: 5.5 du/ac

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residences / R-1 (Single Family Residential)

South: Magazine Rd. - Residences / R-1 (Single Family Residential)

East: Residences / R-1 (Single Family Residential)

West: Residences / R-1 (Single Family Residential)

NEIGHBORHOOD CONTEXT: This area is developed with single family residences under R-1 zoning. There is a church west of the site, also zoned R-1.

STAFF RECOMMENDATION:

▶ **APPROVE RP-1 (Planned Residential) zoning.
APPROVE a density of up to 4 du/ac. (Applicant requested 5.5 du/ac.)**

RP-1 zoning at the recommended lesser density is more compatible with surrounding development, takes into account the numerous sinkholes on the site and is consistent with both the sector plan and One Year Plan proposals for the site.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. RP-1 zoning at up to 4 du/ac is compatible with the scale and intensity of the surrounding development and zoning pattern, and is consistent with the One Year and sector plans.
2. The developed density in the adjacent single family neighborhoods ranges from 2 to 4 du/ac. The lot

sizes average between a quarter to a half an acre. These neighborhoods were developed in the mid 1900's on larger lots than are required under current R-1 zoning, which requires a minimum lot size on 7,500 sq. ft. This is equivalent to an approximate developed density of about 4.5 du/ac. The recommended density for this proposal takes into account the lower developed density of the surrounding neighborhoods, but recognizes that the site can be developed under the current R-1 zoning with single family units at an approximate density of 4.5 du/ac. The requested RP-1 zoning allows consideration of the proposed attached units, whereas R-1 only permits single family detached units.

3. The site has several sinkholes located on it, as shown on the attached sinkhole analysis. If a 50' buffer is maintained around each sinkhole, the developable area of the site is reduced from 14.31 to about 8.28 acres. This is another reason for the recommendation for a reduced density, so that the perceived density in the developable area is reduced. In discussions with the applicant and the City Engineering Department, it is likely that the developer will seek to fill some or all of the sinkholes to build in those areas. Any filling and/or construction within sinkhole areas will require approval from the Knoxville Department of Engineering and the Tennessee Department of Environment and Conservation (TDEC).

4. RP-1 zoning will require MPC use on review approval of site plans prior to any development of the property. During this review, potential issues such as traffic, drainage, access, topography, lot layout and other development concerns can be addressed.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available to serve this site.

2. At the recommended density, up to 57 dwelling units could be proposed for the overall development. The development of single family attached dwellings would add approximately 513 vehicle trips per day to the street system and about 25 children under the age of 18 to the school system. At the applicant's requested density, up to 78 dwelling units could be proposed for the overall development. The development of single family attached dwellings would add approximately 702 vehicle trips per day to the street system and about 36 children under the age of 18 to the school system.

3. The site has access to Magazine Rd., which is a minor collector street. Sight distance appears to be attainable with some minor improvements, but will need to be certified on the development plans. The site also has access to two local streets, Anna Dr. and Sarvis Dr., which may require some improvements and widening, if they are to be used for access to the development. The applicant will be expected to work with City Engineering and MPC staff in making any necessary road improvements. If more than 75 units are proposed on the development plan, a traffic impact study will be required to be submitted as part of the concept plan / use on review process.

4. The proposal is compatible with the surrounding zoning, and the impact on adjacent properties will be minimized during the use on review/concept plan process. The RP-1 zone requires a 25 foot peripheral building setback, which will apply along the entire periphery of the site. Staff may require a landscape buffer be installed or existing vegetation preserved within this periphery boundary, depending on the development plan layout and type of units proposed.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The South City Sector Plan proposes low density residential use for this site. The proposed density of 5.5 du/ac is slightly higher than what is permitted under the LDR sector plan designation.

2. The Knoxville One Year Plan proposes low density residential uses for the site, consistent with the proposal.

3. This request may generate similar requests for RP-1 zoning in this area in the future, consistent with the low density residential sector plan and One Year Plan proposals.

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 the City of Knoxville Engineering Department and MPC staff.

If approved, this item will be forwarded to Knoxville City Council for action on 9/12/2006 and 9/26/2006. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**8-O-06-RZ
REZONING**

Petitioner: Mollenhour Investment Group, Co.

Map No: 123

Jurisdiction: City



From: R-1 (Single Family Residential)

To: RP-1 (Planned Residential)

Original Print Date: 07/25/06

Revised:



Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

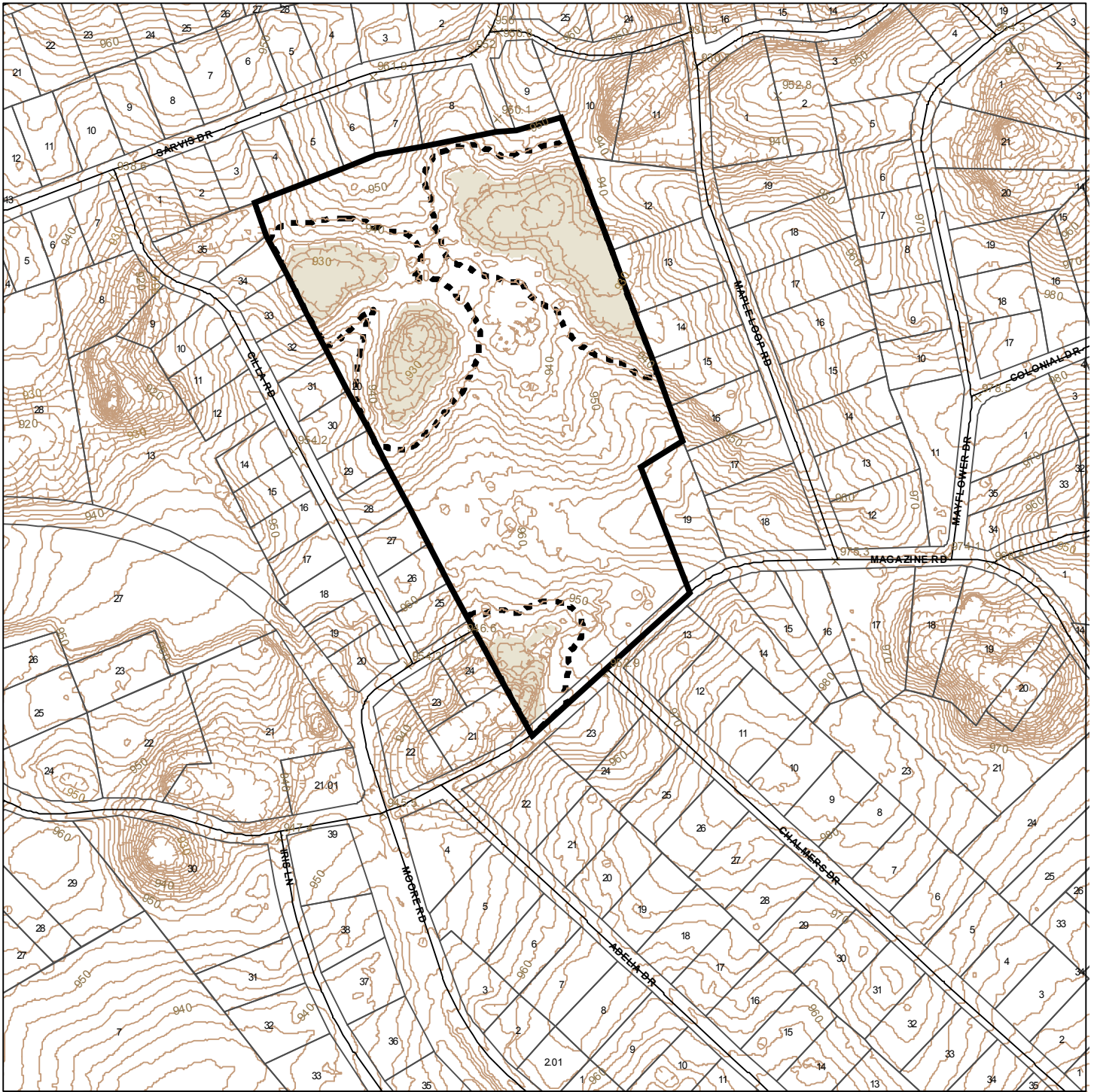
0 500'




8-O-06-RZ Sinkhole Analysis

Legend

-  Sinkholes
-  50' Sinkhole Buffer



8-O-06-RZ REZONING

-  From: R-1 (Single Family Residential)
- To: RP-1 (Planned Residential)

Original Print Date: 7/25/2006 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Mollenhour Investment
Group, Co.

Map No: 123

Jurisdiction: County



From: Tim Kuhn
To: Mike Brusseau
Date: 7/25/2006 9:35:10 AM
Subject: 8-O-06-RZ Sinkhole Area

The breakdown for the area of the this case is as follows:

Area within 50' Sinkhole buffer: 6.26 ac. (272820 sq. ft)
Area outside buffer: 8.28 ac. (361092 sq. ft)

Maple Gardens

of Colonial Village



*Old-Style Homes and Townhomes
in Beautiful Colonial Village*

*Community Involvement
Professional Design Planning
Increased Property Values
A Compliment to Colonial Village*



Market Analysis

	Existing Homes	Proposed Homes	Increase
Size (SF)	1,402	1,650	17.67%
Price	\$100,748	\$183,150	81.79%
Price per SF	\$75.25	\$111.00	47.52%

This table represents averages of data obtained from the Knoxville Association of Realtors. The data table consists of a sample size of 33 homes sold between January 1, 2005 and August 3rd, 2006 all of which are in the immediate area of the subject property.

Zoning Characteristics

	Existing	Proposed
Zoning	R-1	RP-1
Units per Acre	4.94*	4.12**
Density	Low	Low
Type	Residential	Residential

*calculations based on utilizing 15% of the property for roadways and drainage easements
 **calculations based on total available acreage

Agenda Item # 92

MPC August 10, 2006

Chris & Renee Harwell
1025 Buckskin Trail
Knoxville, TN 37920

July 31, 2006



Metropolitan Planning Commission
Suite 403 City County Building
400 Main Street
Knoxville, TN 37902

RE: 8-0-06-RZ - Mollenhour Investment Group, Co.

Dear Planning Commissioners:

This letter is regarding the rezoning request by the Mollenhour Investment Group, Co. to rezone the North side of Magazine Road, west of Maple Loop Road from R-1 to PR. We are an unrelated, third party expressing our views from economic point of view for South Knoxville.

My husband lived on Adelia - a road across from the proposed rezoning area for 14 years. His extended family has lived in South Knoxville for decades. I lived on Adelia for a year. There is an old dilapidated house on the subject property, there is limited traffic on both Magazine and Maple Loop, and the roads can handle increased traffic volume.

As an accredited Senior Appraiser in Valuing Businesses and a Certified Public Accountant, I have seen the success or failure of thousands of businesses. An economic entity, whether it be a business, or an area, such as Colonial Heights and South Knoxville either grows or it deteriorates, but it does not remain unchanged

South Knoxville City had only 70 new residential building permits in 2005, compared to North Knoxville City which had 263 residential permits issued and North West Knoxville City had 184 permits of a total of 878 permits issued to the City. Furthermore, South Knox County had only 199 residential building permits issued, compared to a total of 2,980 permits issued for Knox County. From the perspective of our residents' financial well being, this is terrible.

What happens when we don't have new housing inventory? Deterioration. Most of the housing stock in South Knoxville - Colonial Heights is 50 years or older, and no longer meets today's buyers' needs.

Our elderly need the option of having available to them adequate new housing that is easy to care for with minimal to no lawn work. The hallmark of South Knoxville - an old home in need of repairs with a large lawn to care for, is beyond their ability and their desire, leaving our senior citizens with the unsavory choice of making do, moving out of the area, or moving into a nursing home, and that is not right. Our working young want new homes that are turnkey, where they don't have to spend their precious time and limited carpentry skills improving them. With what little time these young people have left after working and caring for the kids, they don't want to spend it mowing a big lawn and maintaining an old home. They want to do other things with their precious time. Since South Knoxville does not have what they want our young are moving away, and they certainly are not moving in from other areas. This is not right, and I'm tired of seeing our young people leave South Knoxville because our housing does not meet their needs. Without young blood coming in to replenish us, South Knoxville will go on a downward slide and everyone's property values will be hurt.

The only way to prevent deterioration is to grow. This PR zoning is an excellent step towards encouraging growth in South Knoxville as opposed to stagnation. Whether zero lot line homes are built or condos or a combination thereof, means South Knoxville will be able to offer new housing to its people. Today, there are a large number of home buyers who do not want lawns to maintain or they want minimal, postage stamp size lawns. These buyers are our senior citizens and our working young.

So with the best interest of South Knoxville and its residents at heart, for our elderly and our young, for our economic well being, we encourage MPC to rezone this parcel of property to PR.

Sincerely,



Renee & Chris Harwell

PETITION TO RETAIN R1 ZONING IN COLONIAL VILLAGE

We, the undersigned owners of property affected by the requested zoning change to property described as:

PARCEL ID: 123KH020 14.5 ACRES DIMENSION: 440M X 1225 X IRR
 GEO CODE: -83.8890312354997: 35.9186701426592
 MAP SORT: 123K DISTRICT: 27 WARD 27

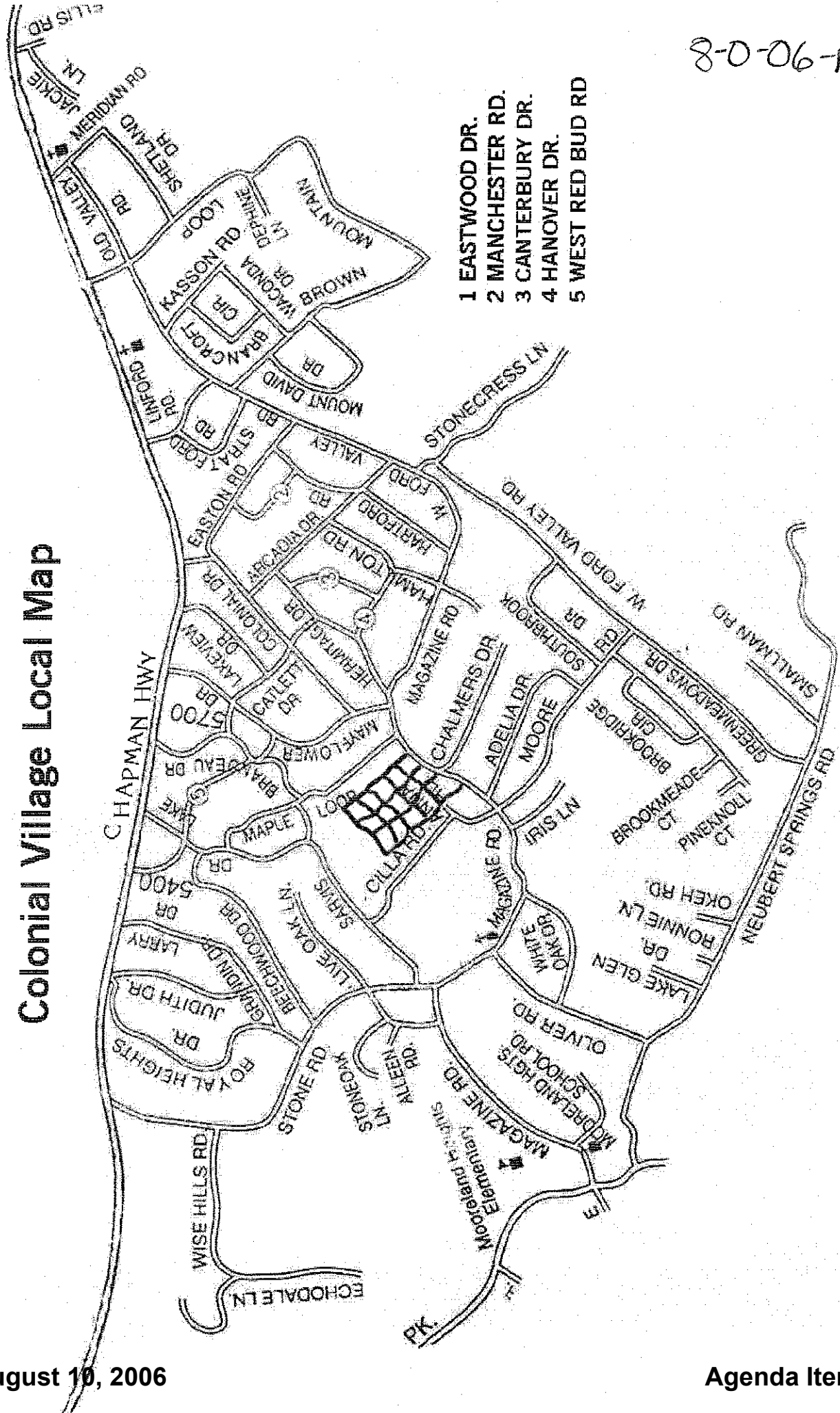
Total
647
 Signatures

do hereby **PROTEST** against any change in zoning which would zone the property to any classification other than R1 (Low Density Residential).

SIGNATURE	PRINTED NAME	ADDRESS
<i>Les Hickok</i>	LES HICKOK	5738 Cilla Rd, Knoxville, TN 37920
<i>Jenny Benson</i>	Jenny Benson	5726 Cilla Rd
<i>Blanche Cipton</i>	Blanche Cipton	5713 Cilla Rd
<i>Charles F. Cipton</i>	Charles F. Cipton	5713 Cilla Rd
<i>Stewart A. Jellett III</i>	Stewart A. Jellett III	5707 Cilla Rd
<i>Kelley K. Jellett</i>	Kelley K. Jellett	5707 Cilla Rd
<i>Virginia B. Kickman</i>	Virginia B. Kickman	5711 Cilla Rd
<i>Kenneth C. Jam</i>	Kenneth C. Jam	5737 Cilla Rd.
<i>Patti Corbitt</i>	Patti Corbitt	5816 Anna Road
<i>Ed Corbitt</i>	ED CORBITT	5816 ANNA RD 37920
<i>Katherine Oudby</i>	KATHERINE OUDBY	5812 ANNA Rd
<i>Pamela Oudby</i>	PAMALA OUDBY	5812 ANNA Rd.
<i>Michael J. Brookshier</i>	Michael J. Brookshier	5734 Cilla Rd
<i>Ricky L. Byrd</i>	Ricky L. Byrd	5723 Cilla Rd.
<i>Dawn French</i>	Dawn French	5721 Cilla Rd
<i>Julie Selph</i>	Julie Selph	311 Stone Rd 37920
<i>Ernest Lower</i>	ERNEST LOWER	5717 Cilla dr 37920
<i>Jeff Tillery</i>	Jeff Tillery	5733 Cilla dr 37920
<i>Alison Sapp</i>	Alison Sapp	5712 Cilla Rd 37920
<i>Michael Sapp</i>	Michael Sapp	5712 Cilla Rd 37920
<i>Rebecca Claxton</i>	Rebecca Claxton	5710 Cilla Rd
<i>Bryan G. Claxton</i>	Bryan G. Claxton	5710 Cilla Rd
<i>Jordan Claxton</i>	Jordan Claxton	5710 Cilla Rd
<i>Jennifer Swaney</i>	Jennifer Swaney	5700 Cilla Rd.
<i>Ben Swaney</i>	Ben Swaney	5700 Cilla Rd.

8-0-06-R2

Colonial Village Local Map



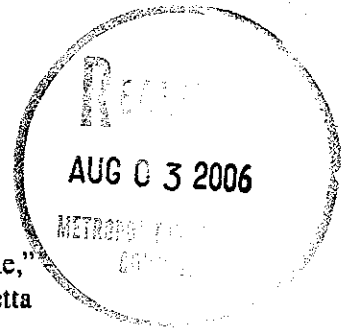
- 1 EASTWOOD DR.
- 2 MANCHESTER RD.
- 3 CANTERBURY DR.
- 4 HANOVER DR.
- 5 WEST RED BUD RD

8-0-06-RZ

To: MPC & City Council

Re: Rezoning Request Parcel ID: 123KH020, Map sort: 123K District:27 Ward:27

Geo code: -83.8890312354997: 35.9186701426542



"I did not buy a 60 year old house in this neighborhood to have condos thrust upon me," Sheena Patrick. "If condos or apartments go in, we will no longer be a village,"- Loretta Babin. "If we wanted to live in a subdivision with matching cookie-cutter houses and without trees we would have bought a home in another neighborhood,"- Jan Steffen. Statements that have loudly reverberated through this community and reflect the views of the majority of the residents in Colonial Village in objection to the proposed zoning change of this Magazine Road property. Over the years Colonial Village has welcomed new development that was compatible with the existing detached single family dwellings that established this neighborhood in 1940 and has fiercely fought against those that were incompatible like this one

Colonial Village's appeal is that it is the ONLY South Knoxville neighborhood WITHOUT condos or apartment complexes. These detached single family dwellings were built with large front, back, and side yards and a sense of community and pride of ownership. Condos or apartments lack these attributes. They are not compatible structurally nor architecturally with the existing neighborhood layout thereby destroying the neighborhood esthetics, the neighborhood integrity and disrupting and destroying the village or hamlet style atmosphere established back in the 1940's and still nurtured today. Roughly 75% of Colonial Village's population are lifelong residents, many with family members living nearby. Condos or apartments fail to foster the strong sense of community that exists in a neighborhood like Colonial Village thus making their addition an aberration.

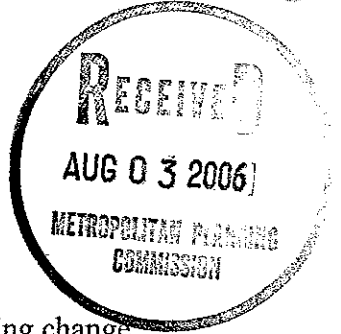
For residents, there is the major concern over the sinkholes and subterranean caves on this property that previous engineering and geological surveys have deemed unstable. Experience has proven nature knows better than engineers and developers who build over sinkholes---disrupting these natural drains and causing flooding, drainage, and erosion problems to structures and properties surrounding such development.

Before you vote, take a few minutes and drive through Colonial Village. Drive Magazine Road and the surrounding streets. Taste the atmosphere of our village. Observe the housing styles and yards. Then imagine a condo development in the heart of our neighborhood. It is the equivalent of erecting a skyscraper in Sequoyah Hills. Ask who benefits from this zoning change? The developer. Who loses? Every current and future Colonial Village resident. In considering this zoning change please remember, "The needs of the many outweigh the needs of a few." With these thoughts in mind, I urge you to deny this zoning change. Let the property remain zoned R-1.

Terry Caruthers---Lifelong Resident (48 years)/ Registered Voter
6102 Arcadia Drive 37920

Terry Lee Caruthers

8-006-RZ



August 3, 2006

To: Knoxville Planning Commissioners
Re: Proposed Zoning Change

Thank you for the opportunity to submit comments regarding the proposed zoning change from low-density 1 to master planned 1 on the 14-acre parcel bounded by Magazine, Sarvis, Cilla and Maple Loop roads in the South City sector of Knoxville. I look forward to working with the Planning Commission to ensure this project provides maximum benefit to the Colonial Village neighborhood and the city of Knoxville.

I am asking the Commission to reject the requested zoning change for the following reasons:

- 1. The envisioned increased density in sections of the parcel is incompatible with the neighborhood.** The proposed zoning change is inconsistent with the Commission's own recommendations. In its South City Sector 15-year plan, adopted by the Commission in 2002, the land use for this parcel and the surrounding area south of Chapman Highway is to remain low-density residential. Although in theory the master planned designation maintains an average per acre density that falls within the upper parameter of low-density residential, the large sink holes on the site would in practice mean that units on the site are clustered together in significantly higher density that is found elsewhere in the Colonial Village community.
- 2. The project would require infrastructure upgrades to accommodate the increased density proposed.** In particular, narrow neighborhood streets, including sections of the Dogwood Trail, would likely need to be widened to accommodate the significant increase in traffic. At the very least, traffic impacts in the area would need to be studied to ascertain improvements needed to avoid air quality impacts from idling traffic and safety concerns from increased traffic on narrow streets. The South City 15-year plan focuses transportation investments on the Chapman Highway corridor – as proposed, this project would divert scarce transportation resources to widen roads for a development project whose primary benefits accrue to a single developer. So far the city has lacked the resources to realize the goals of the existing plan, let alone supporting infrastructure improvements to benefit a single private developer in contradiction of its own plan.

I am also asking the Planning Commission staff, in close consultation with neighborhood residents, to develop design guidelines for major development projects, such as this one, in Colonial Village.

Perhaps even more troubling than the density and attendant traffic impacts, however, is the likely negative aesthetic impact of this development in Colonial Village. If the proposed project is anything like the project being built by Mr. Mollenhour just across

Chapman Highway, the result will be monotonous architecture in a largely treeless landscape – in short, an eyesore. One emerges from quaint, tree-lined neighborhoods to the strip-mall equivalent of residential development (see photos below).

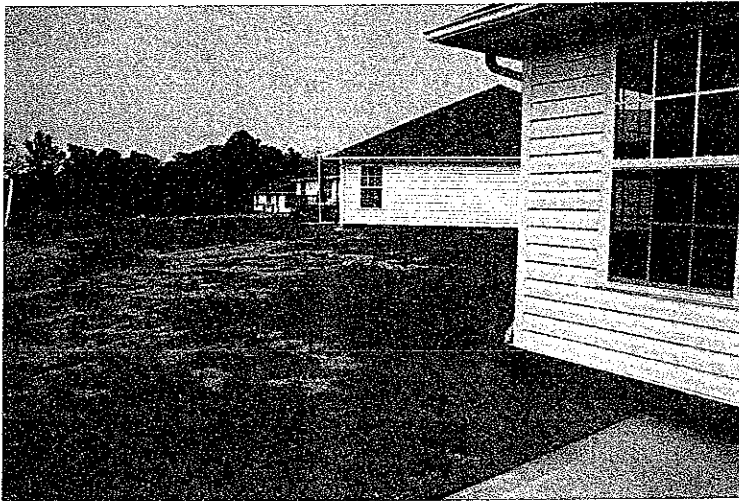
The historical fabric and charm of Colonial Village lies in its architectural diversity and tree-lined shady streets. To scrape away the woods and plop a 14-acre, 70-“unit” cookie-cutter set of box-like structures in the middle of the neighborhood would be a serious blow. Imagine the Sequoyah Hills or even Island Home communities with 14-acre of boxes and no trees suddenly set in the landscape – the outrage would prevent any consideration of such a development. The Colonial Village neighborhood, with its smaller houses geared towards middle-income working families, and elderly residents who have lived here since the 1940’s, is no less historic, diverse, and tree-lined.

Based on back of the envelope calculations, Mr. Mollenhour stands to make multi-million dollar profit from this development. I would like to see that profit result from a project that the entire community can feel proud of and embrace as a positive contribution to the neighborhood. The only way I can see that happening is with guidelines that require architectural quality and diversity, as well as natural resource conservation guidelines that preserve the energy efficiency and aesthetic benefits of maintaining significant trees throughout the site.

Thank you for your consideration and I look forward to your response.
Kim Rodgers, 118 Royal Heights Dr, Knoxville, TN 37920. 865-573-8804



Example of Mr. Mollenhour development – no trees left, monotonous architecture.



Another view of Mr. Mollenhour's existing development.



View across the street from Mr. Mollenhour's current development, a jarring difference.



Another existing home across the street with naturally cooling, large old trees

8-0-06-RZ

August 3, 2006

Dear Metropolitan Planning Commissioners,

I am writing to offer my comments on the proposed rezoning request for 5902 Magazine Road from R-1 to RP-1 to accommodate 70 plus units of housing. Like the great majority of my neighbors who live in Colonial Village, I am opposed to the rezoning for many reasons including increased traffic, overburdening Mooreland Heights Elementary School, potential for increased flooding in already flood-prone areas, and the likelihood of decreasing property values – both monetarily and aesthetically. However, I'll reserve my comments to what I think are the most distressing issues – 1) the incompatibility of the density of the proposed development to the current pattern and character of Colonial Village and 2) the destruction of 14.5 contiguous acres of previously undeveloped hardwood urban forest.

Incompatibility - Pattern. My understanding is that the developer is seeking to develop the maximum number of units per acre - six - of both detached and condo-style single-family housing. I also understand from conversations with staff at MPC, that they would probably recommend three to four units (instead of six) due to the number and size of sinkholes that plague the property. I would argue that six units per acre is three to six times the current density of much of Colonial Village. As any property map will show you, the current density of CV is one to two units per acre. The likely MPC staff recommendation of three to four units per acre, while an improvement over six, would still retain a density of up to four times what is currently here. If you look at a map of Colonial Village, nowhere will you find the levels of density being proposed. Why on earth would you consider allowing this island of density in the middle of our neighborhood where it is patently incompatible? Why not respect and preserve the current pattern of density and allow the developer to build one to two houses per acre?

Incompatibility – Character. The second part to the incompatibility issue is the cookie cutter ilk of housing that the developer has proposed. I've seen another of his developments, Colonial Estates, in South Knoxville. In that development, he took seven acres of a mostly wooded lot, cut down all the trees, and is building 28 houses that look exactly alike. You won't find this architectural monoculture anywhere in Colonial Village. In our neighborhood you find architectural diversity on every street. While some similarities exist between houses, overall there is a medley of architectural style and texture. One of the most treasured aspects of our venerable neighborhood is the high density of large, old shade producing trees. Take a drive through CV and you'll see an arborist's playground. My yard has well over 30 trees in it and is the archetypal yard for Colonial Village – high yield of trees, native plants and sections of yard gone a bit wild. It's green and beautiful here. It's not a place for a cookie cutter development devoid of trees.

Urban Forest Destruction. The property at 5902 Magazine has never been developed as far as anyone knows. I've walked it. It's 14.5 acres of contiguous hardwood urban forest smack in the middle of the city. It's home to countless generations of flora and fauna. It's

an established ecosystem. It's a carbon eating, air cleaning, water sucking, critter homing, happy making oasis. It should be cherished and preserved to the greatest extent possible. The customary practice of slashing and burning every inch so that the developer gets to start construction on bare ground is patently inappropriate in this case. If development proceeds, it should be designed and carried out in a way that conserves swathes of intact forest and preserves a sustainable percentage of the hardwood growth and understory.

I appreciate your time and attention to my comments.

Sincerely, Michele McGinnis
118 Royal Heights Drive
Knoxville, TN 37920
573-8804