

▶ **FILE #:** 5-F-07-RZ

AGENDA ITEM #: 75

AGENDA DATE: 5/10/2007

▶ **APPLICANT:** THE LIVERY DEVELOPMENT COMPANY

OWNER(S): GARY & ROBERTA SNYDER

TAX ID NUMBER: 162 43, 44, 44.01, 44.02, 45

JURISDICTION: County Commission District 5

▶ **LOCATION:** Northeast side of Harvey Rd., southeast of Distant View Ln.

▶ **APPX. SIZE OF TRACT:** 21 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Harvey Rd., a major collector street with a 21' pavement width within a 60' right-of-way.

UTILITIES: Water Source: First Knox Utility District
 Sewer Source: First Knox Utility District

▶ **PRESENT ZONING:** PR (Planned Residential) (2 du/ac)

▶ **ZONING REQUESTED:** PR (Planned Residential) (3 du/ac)

▶ **EXISTING LAND USE:** Residence & vacant

▶ **PROPOSED USE:** Residential subdivision

DENSITY PROPOSED: 3 du/ac

EXTENSION OF ZONE: Yes, from the north, south and east.

HISTORY OF ZONING: This property was rezoned to PR at 2 du/ac in November of 2006 and March of 2007. Other property in the area has been rezoned PR for low density residential development in recent years.

SURROUNDING LAND USE AND ZONING: North: Residences / PR (Planned Residential)
 South: Residences / PR (Planned Residential)
 East: Residences / PR (Planned Residential)
 West: Residences / A (Agricultural)

NEIGHBORHOOD CONTEXT: This underdeveloped site is located in the midst of residential subdivisions that have developed under PR zoning.

STAFF RECOMMENDATION:

▶ **APPROVE PR (Planned Residential) zoning.**
APPROVE a density up to 3 du/ac.

PR zoning at up to 3 du/ac. Is compatible with surrounding residential development. These parcels were rezoned to PR at up to 2 du/ac in November of 2006 (11-L-06-RZ) and March of 2007 (3-C-07-RZ). The applicant has since revised the request after submission of a preliminary concept plan design. The sector plan proposes low density residential use for the property.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. Other properties in the immediate area are developed with residential uses under A and PR zoning.

2. PR zoning at up to 3 du/ac is compatible with the surrounding development and zoning pattern, and is consistent with the sector plan proposal for the property.
3. A concept plan was submitted for this property in April 2007 (4-SE-07-C/4-H-07-UR) reflecting less than 2 du/ac. The applicant requested that it be postponed until the June 14, 2006 MPC meeting in order to redesign the development plan to reflect 3 du/ac.

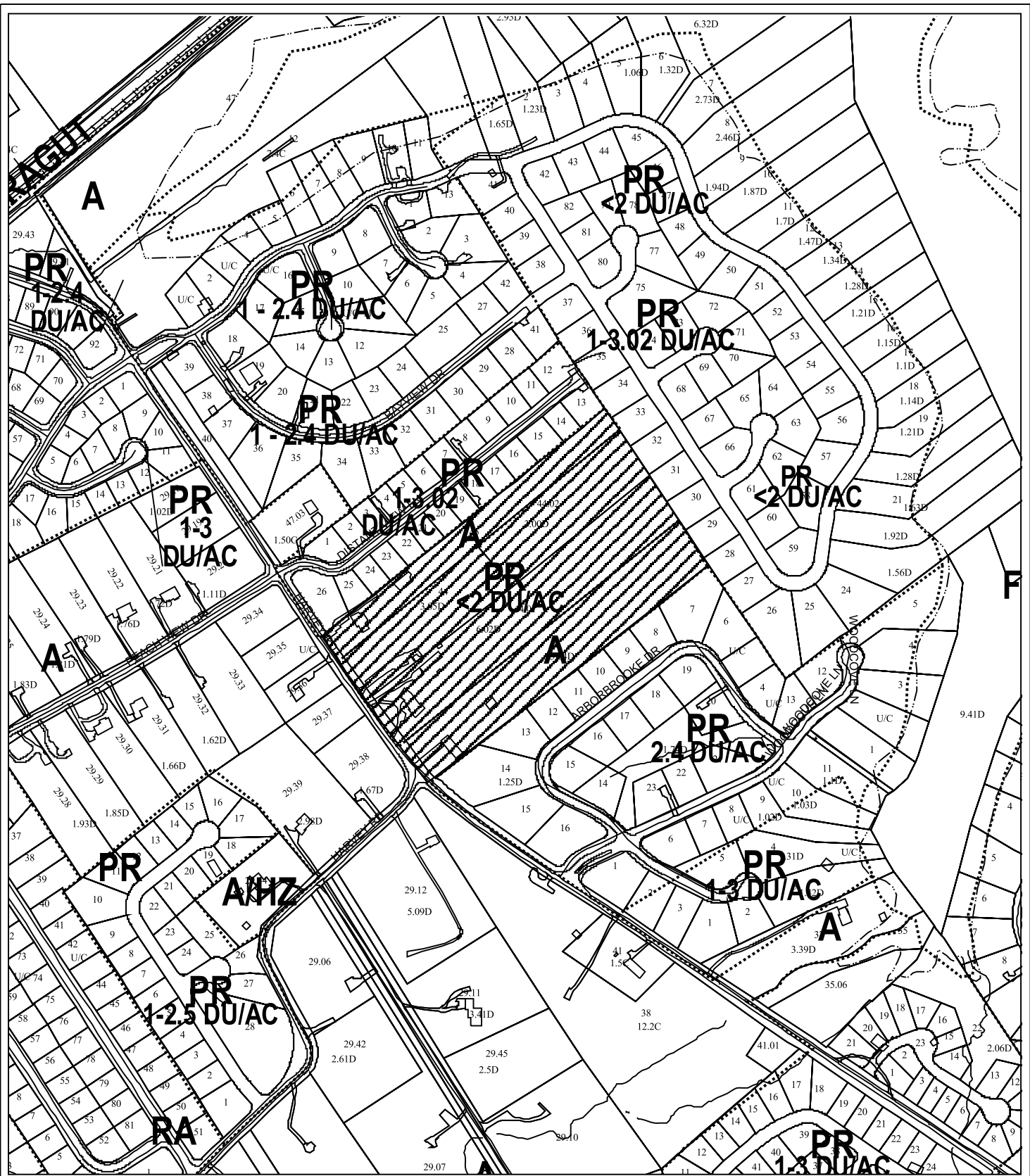
THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. At maximum development, this request will add up to 63 residential lots, 630 vehicle trips per day to the road system, and about 40 school aged children to area schools.
3. The proposed PR zoning will require use on review approval by MPC prior to development of the site, which would allow MPC and community evaluation of any potential impacts on surrounding properties. One such impact may be drainage, which was discussed by area residents during the property's rezoning to PR at 2 du/ac.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan proposes low density residential uses for this property, consistent with the proposal.
2. The site is designated as Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

If approved, this item will be forwarded to Knox County Commission for action on 6/25/2007 and 7/23/2007. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**5-F-07-RZ
REZONING**

Petitioner: The Livery Development Co.

Map No: 162

Jurisdiction: County



From: PR (Planned Residential) (2 du/ac)

To: PR (Planned Residential) (3 du/ac)

Original Print Date: 04/26/07 Revised: 04/26/07

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

0 500'



From: "Jeff Beckett" <JBeckett@cannon-cannon.com>
To: <kelley.schlitz@knoxmpc.org>
Date: 4/19/2007 6:02:26 PM
Subject: The Livery at Harvey Road

Kelley,

The attached concept plan is for the rezoning of The Livery at Harvey Road to 3 units/ac. The goal of the concept plan is to match the lot dimensions and density of the adjacent subdivisions. On the northern side and in the center of the proposed development, the density is higher which matches the development to the north. Along the eastern and southern boundaries, the lots are estate size and lower density which is similar to Mallard Bay and The Woods at Montgomery Cove. Hopefully, this can reduce any opposition to the development and we may meet public approval.

If you have any questions, feel free to give me a call or reply by email.

Thank you for your help.

Jeff Beckett, P.E.
jbeckett@cannon-cannon.com

From: <brassone@charter.net>
To: <kelley.schlitz@knoxmpc.org>
Date: 5/1/2007 10:53:56 AM
Subject: 5-5-07-RZ The Livery

Eric Hamby
1244 Arborbrooke Drive
Knoxville, TN 37922
865-809-8222

Kelley,

I wanted express my concern in writing to MPC on the zoning change for the property adjacent to ours. The Livery--#5-5-07-RZ. The property recently was approved for a zoning change to 2 units per acre--which was appropriate due to The Woods at Montgomery Cove and Mallard Bay having similar zoning. Recently we have seen the action before you requesting 3 units per acre which we are opposed to--feeling that there should be a "like" development backing up to us. From talking to Jeff at Cannon and Cannon and yourself we feel that the developer's current plan calling for lots backing up to The Woods at Montgomery Cove and Mallard Bay to match the zoning in those neighborhoods--and that the higher zoning only be bordering the subdivision that is 3 units per acre--is acceptable to us. However the problem lies in that the zoning cannot be tied to the concept plan. This being the case if the developer abandoned the project or decided to change the plans--there is nothing keeping them from going to 3 per acre on the whole project. We would like to see the zoning contingent to the concept plan and the zoning not be approved until the final plat is approved—tying the plan to the property.

A second option is to divide the property into two to three parcels for zoning purposes. This would assure that the plan would have to follow the zoning—this could be the simplest answer that would protect everyone's interests.

Sincerely,

Eric Hamby