



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 10-G-08-RZ  
10-A-08-SP

**AGENDA ITEM #:** 57  
**AGENDA DATE:** 10/9/2008

▶ **APPLICANT:** FALCONNIER DESIGN CO.  
**OWNER(S):** SHERROD WILLIAM HARRY

**TAX ID NUMBER:** 86 148 087-041  
**JURISDICTION:** Commission District 8

▶ **LOCATION:** South side Smith School Rd., southeast and northwest sides Will Merritt Rd., northwest side North Doane Ln., south of I-40

▶ **TRACT INFORMATION:** 253 acres.

**SECTOR PLAN:** East County

**GROWTH POLICY PLAN:** Rural Area

**ACCESSIBILITY:** Access is via Will Merritt Rd., a local street with 18' of pavement width within 40' of right of way, or Smith School Rd., a local street with 21' of pavement width within the right of way of I-40 to the north.

**UTILITIES:** Water Source: Knoxville Utilities Board  
Sewer Source: N/A

**WATERSHED:** Tuckahoe Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** A/RR (Agricultural/Rural Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / PR (Planned Residential)

▶ **EXISTING LAND USE:** Agricultural and vacant land

▶ **PROPOSED USE:** Residential subdivision

**DENSITY PROPOSED:** 2 du/ac

**EXTENSION OF PLAN DESIGNATION/ZONING:** No

**HISTORY OF ZONING REQUESTS:** None noted

**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**  
North: I-40, Smith School Rd. - Residences, vacant land and right of way / Ag-RR, TR / A (Agricultural) and CA (General Business)

South: Residences and vacant land / Ag-RR & SLPA / A (Agricultural)

East: Residences and vacant land / Ag-RR & SLPA / A (Agricultural)

West: Residences and vacant land / Ag-RR & STPA / A (Agricultural)

**NEIGHBORHOOD CONTEXT:** This area is developed with agricultural and rural residential uses under A zoning.

**STAFF RECOMMENDATION:**

► **DENY the request for LDR (Low Density Residential) sector plan designation.**

This site is in the midst of rural residential development where residential uses at 2 units per acre would be substantially more intense than the established or proposed development pattern. The East County Sector Plan is currently being updated. This proposed amendment should be considered as part of that update process, especially for such a large acreage site. This proposal does not meet any of the General Plan criteria for consideration of an amendment to the sector plan.

► **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density up to 1 du/ac, consistent with the current sector plan.**

PR zoning requires MPC approval of a site plan prior to development, which will allow the community and MPC staff to review the site plan and comment on it prior to any construction on site. Alterations in the site plan could be requested, which could include an expansion of the adjacent community park, establishment of greenways or providing other public amenities and/or open spaces as part of the project. The density is limited to 1 du/ac in order to remain consistent with the current sector plan.

**COMMENTS:**

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN

- A. NEW ROAD OR UTILITY IMPROVEMENTS - No improvements have occurred in this area to warrant this requested change.
- B. ERROR OR OMISSION IN CURRENT PLAN - The plan appropriately calls for agricultural and rural residential development for this site, which is also designated as Rural Area on the Growth Policy Plan.
- C. CHANGES IN GOVERNMENT POLICY - No changes have occurred that warrant this sector plan change.
- D. CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS - No trends have been noted in the development pattern of this area to warrant this proposed change.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

- 1. The subject property is surrounded by agricultural zoning, which allows residential development on 1 acre minimum lot sizes. The PR zone at the recommended density allows more flexible development of the site at a density consistent with the surrounding area and the sector plan.
- 2. 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 PR zone is the most appropriate zone for any type of large scale residential development in the County.
- 3. The site has some natural characteristics that may limit development. The site has approximately 30 acres that are located either within the floodway or containing a pond. In addition, approximately 34% of the site (81 acres) has slopes of greater than 25%. PR zoning will allow development to be clustered on the less constrained portions of the site, but this may lead to the appearance of a density greater than 1 du/ac.
- 4. The requested density of 2 du/ac is not consistent with the scale and intensity of surrounding development and zoning.

CONSISTENCY WITH INTENT AND PURPOSE OF THE 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, if the overall density is limited to the recommended density of 1 du/ac, this is an appropriate site for PR zoning and development.

THE EFFECTS OF THIS PROPOSAL

- 1. Public water is available to serve the site, but it is unclear whether capacity exists for the proposed density. Sanitary sewer is not currently available to the site and may need to be provided by a "self contained system" on site. The applicant has provided the attached letter from KUB that addresses electric, water, gas and wastewater utilities.

2. At the applicant's proposed density of 2 du/ac, up to 506 dwelling units could be proposed for the site. If developed with single unattached dwellings on individual lots, this would add approximately 4,607 trips to the street system and about 197 children to the school system. At the staff's recommended density of 1 du/ac, up to 253 dwelling units could be proposed, adding 2,435 trips and 98 school aged children. Since either development density has the potential to generate more than 750 trips, at least a Level I and possibly a Level II traffic study will be required to be submitted and reviewed along with the development plan.

3. This slope and stream constrained site is in the midst of rural residential and undeveloped land where a low density residential land use proposal and development at up to 2 dwellings per acre will appear much more intense and out of character with the established or proposed residential development pattern.

4. PR zoning at up to 1 du/ac will allow consideration of more flexible development alternatives with overall densities that would be more compatible with the rural character of the area. The recommendation gives the applicant the opportunity to submit a plan for up to 253 dwelling units, which could be clustered in any portion of the site. A rezoning application for greater density would be required for consideration of more dwelling units in the future.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The requested sector plan amendment to LDR (Low Density Residential) is required in order to approve a density of any more than 1 du/ac for this site. The current East County Sector Plan proposes agricultural and rural residential uses, as well as slope and stream protection, for the site. Staff feels that this should be maintained, based on current conditions. This sector plan is currently being updated and staff would encourage the applicant to participate in that process.

2. The site is located within the Rural Area of the Knoxville-Knox County-Farragut Growth Policy Plan map, and is not contiguous with the Planned Growth Area. The staff recommendation meets the Growth Policy Plan requirements for approval in the Rural Area. A density of 2 du/ac is the maximum density that may be considered for a property that is in the Rural Area, but not contiguous with the Planned or Urban Growth Areas. The Urban Growth Area is located approximately 1,000 feet to the northwest of the site around the Midway Rd./I-40 interchange. Traveling to the Urban Growth Area by way of public streets, the distance is about 3,400 feet by way of Will Merritt Rd. west and Midway Rd north.

3. Approval of these requests may lead to future sector plan and zoning requests for low density residential development in the immediate area. The closest area designated for LDR development is to the northwest, southeast of the Midway Rd./I-40 interchange. The update of the East County Sector Plan is currently underway, so the current plan proposals are subject to change.

#### ESTIMATED TRAFFIC IMPACT 4607 (average daily vehicle trips)

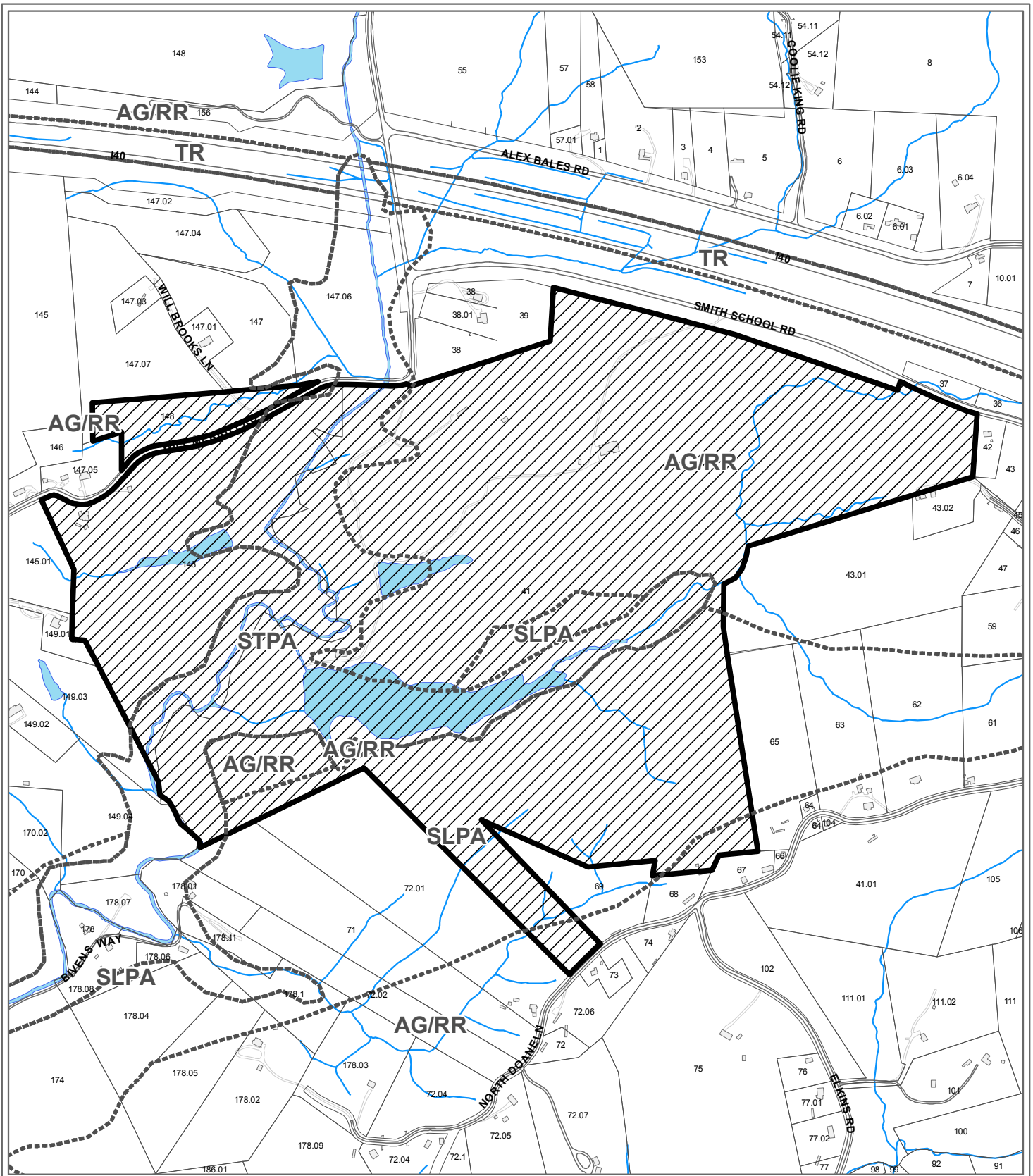
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

#### ESTIMATED STUDENT YIELD: 197 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Carter Elementary, Carter Middle, and Carter High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

If approved, this item will be forwarded to Knox County Commission for action on 11/17/2008. 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.



**10-A-08-SP  
EAST COUNTY SECTOR PLAN AMENDMENT**



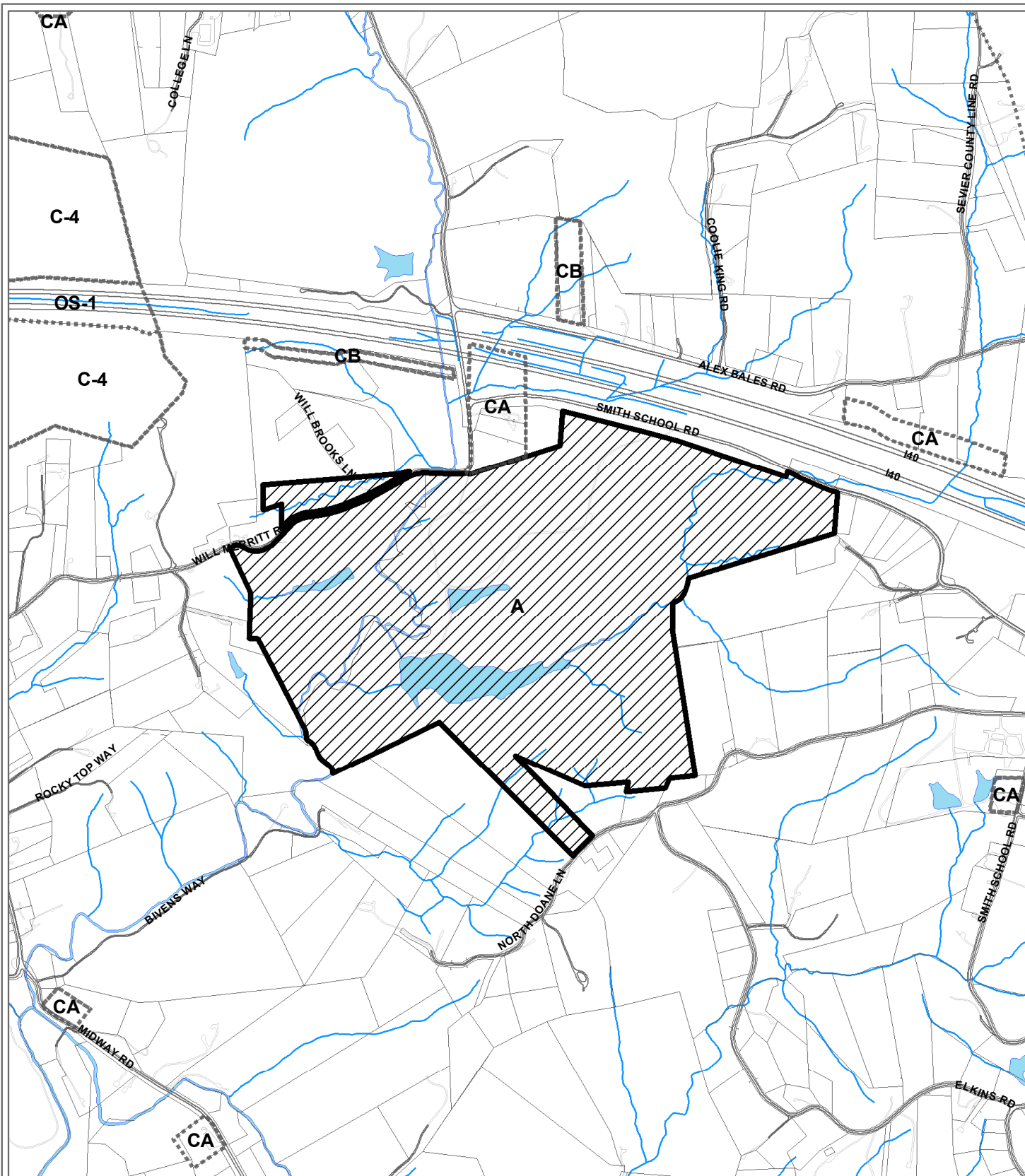
From: A/RR (Agricultural/Rural Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area)  
 To: LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area)

Petitioner: Falconnier Design Co.

Map No: 86  
 Jurisdiction: County  
 0 500  
 Feet

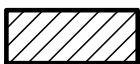


Original Print Date: 9/18/2008      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



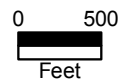
**10-G-08-RZ  
REZONING**

Petitioner: Falconnier Design Co.



From: A (Agricultural)  
To: PR (Planned Residential)

Map No: 86  
Jurisdiction: County

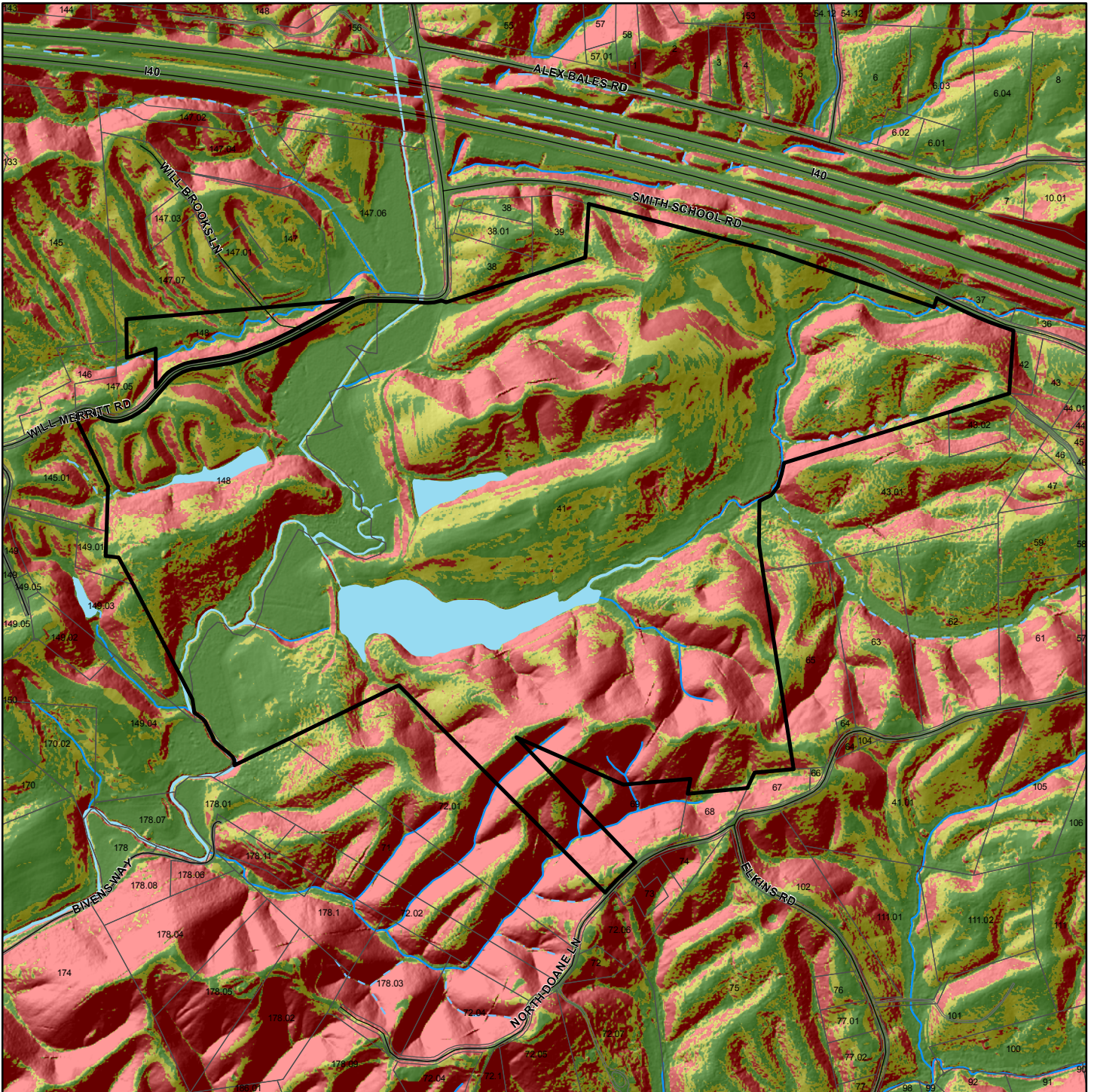
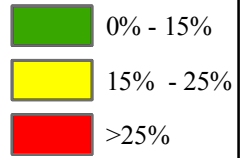


Original Print Date: 9/18/2008  
Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



# 10-G-08-RZ Slope Analysis

## Percent Slope



### 10-G-08-RZ REZONING

Petitioner: Falconnier Design Co.

Map No: 86 & 87

Jurisdiction: County



From: A (Agricultural)  
To: PR (Planned Residential)

Original Print Date: 9/15/08 Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

0 800'



10-G-08-RZ Slope Analysis

Slope	Gridcode	Cells	Sum_Acres	Percentage
0%-15%	1	162404	93.2071	39.18%
15%-25%	2	110323	63.3167	26.62%
> 25%	3	141767	81.3631	34.20%
Total Acres			237.8868	100.00%





September 15, 2008

Ken Pruitt  
Knoxville/Knox County Metropolitan Planning Commission  
City County Building  
Suite 403  
400 Main Street  
Knoxville, TN 37902

Re: MPC File #10-G-08-RZ & 10-A-08-SP

Dear Ken,

We have been asked to respond to your request for the potential traffic impacts of the referenced rezoning request. The request is for PR at a density of 2 DU/AC for a site of 253 acres. The project area is bordered by both Smith School Road and Will Merritt to the north. The property has access only to these two roads.

Smith School Road provides access to the north where it intersects with Thorngrove Pike which provides access west to I-40 via Midway Road and east to Asheville Highway via SE End Road. Smith School Road is a 22 feet wide road with no shoulders but good overall alignment. Thorngrove Pike is 22 – 24 feet wide with good alignment and is classified as a rural collector street.

Will Merritt Road provides access west to Midway Road which then provides primarily access to I-40. Will Merritt is a 16 feet wide road with no shoulders. The road is a typical rural Knox County road with numerous curves. Midway Road is 22 feet wide with good alignment and is classified as a rural collector street.

Existing traffic in this area is relatively light. The only traffic count data available indicates that there are approximately 2000 vehicles per day traveling Midway Road at the interchange with I-40. Traffic counts fall off to approximately 500 vehicles per day on Midway south of Curtis Road. The only count north of the interstate in this vicinity is on Carter School Road just north of Thorngrove Pike where the count is approximately 1200 vehicles per day.

#### Proposed Project Trip Generation

Based on the density proposed for the project there is the potential for 506 dwelling units. It is highly unlikely that the development will be completely built-out at this density however the analysis assumes that it will to look at a worst case scenario. The Institute of Transportation

Engineers (ITE) Trip Generation Manual, 7<sup>th</sup> Edition was utilized to generate the trips from the development. ITE code 210 – Single Family Detached Housing was selected for use on this project. This analysis indicates that approximately 4,800 trips would be generated by the proposed development at full build out. Based on existing demand it is assumed that the full-build out would take 15 years or more to be realized.

### Trip Distribution

It is assumed that the majority of the traffic generated by the development would be heading to and from the north given the higher quality road system. The logical routes to the north are Will Merritt Road/Midway Road and Smith School/Thorngrove Pike/Midway Road. The Will Merritt/Midway route to I-40 is shorter than the Smith School/Thorngrove/Midway (1.5 miles vs. 2.2 miles) however the section of Will Merritt is narrow and winding. Plans for the development include signing that will direct traffic to the Smith School/Thorngrove/Midway route. Given the better quality roads and the signing vs. the shorter route but less quality roads, a split of 50% for each route was assumed as reasonable. This would result in approximately 2400 new vehicles per day on each route at full build-out.

It is estimated that Smith School Road, Thorngrove Pike and Midway Road all have an approximate capacity of 8,000 vehicles per day. Will Merritt Road, due to its geometry has a lesser capacity of approximately 4,000 vehicles per day. While the existing road network appears to have sufficient capacity for the development it is possible that some localized improvement may be needed. A more detailed traffic analysis based on an actual development plan will be needed to determine what if any improvements would be necessary.

Please call me if you have any questions.

Sincerely,

Land Development Solutions

A handwritten signature in blue ink, appearing to read "E. J. Baksa, Jr.", is written over the typed name.

E. J. Baksa, Jr., P.E.

Cc: Damon Falconnier



Knoxville Utilities Board

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September 12, 2008

Metropolitan Planning Commission  
c/o Mr. Ken Pruitt  
City County Building – Suite 403  
400 Main Street  
Knoxville, TN 37902

Dear Mr. Pruitt,

Land Development Solutions recently approached KUB requesting utility availability information for a proposed development at 9916 Will Merritt Road. While this property is in KUB's service area for electric, gas, water and wastewater service, careful evaluation should be made by the proposed developer due to the proximity and capacities of the existing utilities. Any KUB investment toward the cost of the project will be based upon economic feasibility and a comparison of construction costs vs. the margin obtained from the revenue from these new customers. It is likely that the margin will not totally offset the cost of the required utility extensions and as a result, contributions in aid of construction (CIAC) will be required from the developer. The amount of the CIACs will depend upon the number of units to be constructed and the cost of the extension required. Personnel in KUB's new service department can provide more detailed information on the terms and costs of extending service. The information below details each of KUB's utilities.

#### Electric

Although electric service is currently available on Will Merritt Road immediately adjacent to the property, some upgrades may be necessary to serve the density proposed by this development. Personnel in KUB's new service department can provide detailed information on the terms and costs of any needed upgrades as well as the cost of extending this service onto the property when engineering/development plans are submitted to us.

#### Water

Water service is available from an 8-inch line on Midway Road at the intersection of Will Merritt Road but is approximately one-half mile from the proposed development. Should water pressures not be adequate to meet the development requirements, additional measures may be required to increase water pressure. KUB can work with the developer to extend water service to the development and address any potential pressure issues in a means consistent with our extension policy.

#### Gas

Gas service is not currently available. The closest gas main is located approximately four miles from the property. Again, personnel in KUB's new service department can work with the developers to determine their needs and work with them to provide service

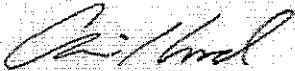
in a timely manner. As with the water line extension, an economic analysis would determine the level of KUB's financial contribution toward the extension and the remaining costs would need to be recovered in the form of a CIAC from the developer.

Wastewater

Wastewater (sewer) service is the most difficult issue to address because there are no wastewater facilities nearby. Any flows from this area would have to be pumped over five miles to reach KUB's existing collection system. As is always the case, service can be provided but the timing and cost (including the CIAC by any given developer) will determine the scope and timing of any improvements. Because of the complexity of the wastewater issue and the potential magnitude of improvements necessary to extend service to the area, the cost and timing of availability may not be consistent with the needs of the developer. While KUB will not "waive" its utility rights, KUB is willing to work with the developer and consider a range of alternative means of service including an on-site "self contained" system pending the availability of a conventional wastewater collection and treatment system.

Should you have any questions or wish to discuss in more detail, please contact me.

Sincerely,



Chris Hood  
KUB New Service

cc: Rusty Baksa - Land Development Solutions

September 4, 2008

Rusty Baksa, P.E.  
Land Development Solutions  
310 Simmons Road  
Suite K  
Knoxville TN 37922

Dear Mr. Baksa:

This letter responds to your request for an expression of commitment to provide public utility sewer service to the proposed residential project at 9804 and 9916 Will Merritt Road. Tennessee Wastewater Systems, Inc. (TWSI) is a Public Utility chartered under state law and regulated as a utility by the Tennessee Regulatory Authority (TRA), the state's public service commission. TWSI would be pleased to provide the requested public utility sewer service once the following provisions are satisfied:

1. Knox County and the City of Knoxville decline to provide within 12 months the requested sewer utility service.
2. The TRA grants TWSI a Certificate of Public Convenience and Necessity to serve the project.
3. The Tennessee Department of Environment and Conservation (TDEC) issues construction approval and a State Operating Permit for a sewerage system to serve the project.
4. The developer designs and installs a sewerage system that meets all requirements of TWSI and is approvable by TDEC. This requires the developer to provide access to sufficient land suitable for treatment and drip dispersal or other dispersal of the treated effluent. Upon completion of the system, developer turns ownership of the system over to TWSI.

If you have any questions regarding this commitment, please do not hesitate to contact me.

Sincerely,



Michael Hines, M.S., P.E.  
Vice President

cc: SEE Files