

▶ **FILE #:** 11-F-08-RZ (REVISED) **AGENDA ITEM #:** 50
 POSTPONEMENT(S): 11/13/08-2/12/09 **AGENDA DATE:** 3/12/2009

▶ **APPLICANT:** CONTINENTAL 253 FUND, LLC
 OWNER(S): GARRETT PHILIP M

TAX ID NUMBER: 104 093

JURISDICTION: County Commission District 6

▶ **LOCATION:** East side Iron Gate Blvd., east of Schaeffer Rd., south of Hardin Valley Rd.

▶ **APPX. SIZE OF TRACT:** 28.9 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is to Hardin Valley Rd., a minor arterial street with 4 travel lanes and a center median within 180-200' of right of way by way of Iron Gate Blvd., a local street with 70' of right of way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** PC (Planned Commercial) / TO (Technology Overlay) & BP (Business an

▶ **ZONING REQUESTED:** PR (Planned Residential) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Attached multi-dwelling residential (270-346 units)

DENSITY PROPOSED: 12 du/ac

EXTENSION OF ZONE: Yes, extension of PR from the south.

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Hardin Valley Rd.- Pellissippi Corporate Center and commercial / C / CA (General Business)/TO (Technology Overlay) and PC (Planned Commercial)/TO

South: Residential subdivision / LDR / PR (Planned Residential) @ 1-3 du/ac/TO

East: Vacant land and dwellings / TP, SLPA / A (Agricultural)/TO

West: Commercial, Schaeffer Rd. and Pellissippi Pkwy. ROW / MDR/O, SLPA /

NEIGHBORHOOD CONTEXT: The sites fronting on Hardin Valley Rd. are developing with commercial uses, with residential uses to the south and east.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) / TO (Technology Overlay) zoning at a density of up to 6 du/ac (applicant requested 12 du/ac), consistent with the sector plan, as amended, and subject to 1 condition:**

1. No clearing/grading of the site shall occur prior to use on review/concept plan approval by MPC.

PR zoning, with the recommended condition, is the most appropriate zoning for development of this property,

which has slope constraints and access issues. The reduced density is recommended because development will be very limited on about 20% of the site, which has slopes of 25% or greater. The PR zone will require plan approval by MPC prior to any development of the site.

COMMENTS:

GENERAL COMMENTS:

This application was originally filed for consideration at the November, 2008 MPC meeting. At the time of submittal, the sector plan proposed Technology Park and Low Density Residential uses for the site, so an application for a sector plan amendment to Medium Density Residential application (11-B-08-SP) accompanied this rezoning request. The requests have been postponed each month to this February 12, 2009 meeting. On January 26, 2009, County Commission approved the Tennessee Technology Corridor Development Authority (TTEDA) Comprehensive Development Plan, which amended the Northwest County Sector Plan and redesignated this site for medium density residential or office uses, which is consistent with the requested PR zoning at 12 du/ac. The sector plan amendment was withdrawn, at the request of the applicant, after being advised by staff, on January 28, 2009.

Also, in January, the applicant submitted a revised preliminary plan (attached), which reduced the number of proposed units down to 270 from the original 346 units, for a proposed density of 9.34 du/ac. The revised plan also reflected an attempt by the applicant to stay out of the steeper sloped areas that staff had recommended as "Non-Disturbance Areas". A map, depicting the staff's proposed "Non-Disturbance Areas" is attached. While the effort to reduce the number of units and stay off the slopes brings the proposed development closer to the staff's recommendation, it is still over the recommended density by more than 3 du/ac. The recommendation is based on applying the general plan policies for density on sloped areas, using the attached slope analysis completed by staff. Staff continues to have some concerns about the proposed development plan, especially in regard to possible buffering adjacent to the low density residential subdivision to the south, and how much of the slope sensitive area will be disturbed.

REZONING REQUIREMENTS:

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

1. The area surrounding the Hardin Valley Rd./Pellissippi Pkwy. interchange has been recently developed with commercial, office and medium density residential development, making it more appropriate to consider this site for medium density residential uses.
2. Staff has recommended a reduced density of 6 du/ac. This is based on applying the General Plan policies for densities on slope protection areas. Applying these principles to this site, using the attached slope analysis, produced a recommended 173 units for the site, or a density of 6 du/ac. The maximum MDR density of 12 du/ac was used for the calculation of units in the areas with less than 15% slopes.
3. 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.

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. The PR zone is the most appropriate zone for any type of large scale residential development in the County.
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, landscape buffering, lighting, access, layout and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.
3. In addition to the conditions noted above, staff will expect some substantial vegetative buffering between this apartment development and the adjacent low density residential subdivision to the south.

THE EFFECTS OF THIS PROPOSAL:

1. Public water and sewer are available to serve the site.
2. At the applicant's proposed density of 12 du/ac, up to 346 dwelling units could be proposed for the site. If developed with attached multidwelling apartments, this would add approximately 2,913 trips to the street system and about 80 children to the school system. At the staff's recommended density of up to 6 du/ac, up to 173 units could be proposed, adding 1,562 trips and 40 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 constrained site has several different areas where slopes exceed 25%, based on slope protection guidelines, these areas should be preserved. The attached map labeled proposed non-disturbance areas shows the recommended areas to be preserved, and staff would expect these areas to be maintained. In total, it includes approximately 7.36 acres. Development at up to 6 dwellings per acre outside of these areas will appear much more dense than if the units were spread equally throughout the site.
4. PR zoning at up to 6 du/ac will permit reasonable use of the site, up to 173 dwelling units, while preserving the steep slope areas. 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 Northwest County Sector Plan, as now amended by the Tennessee Technology Corridor Development Authority (TTCDA) Comprehensive Development Plan proposes MDR (Medium Density Residential) and O (Office) uses for this site, consistent with both the requested and recommended density. The MDR designation allows consideration of density in the range of 5 to 12 du/ac.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests may lead to future sector plan and rezoning requests for medium density residential zoning in the immediate area.
4. Because the site is located within the Technology Overlay, a Certificate of Appropriateness from TTCDA will also be required for this rezoning request. This request is scheduled to be considered by the TTCDA Board at their February 9, 2009 meeting.

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 Knox County Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT 2913 (average daily vehicle trips)

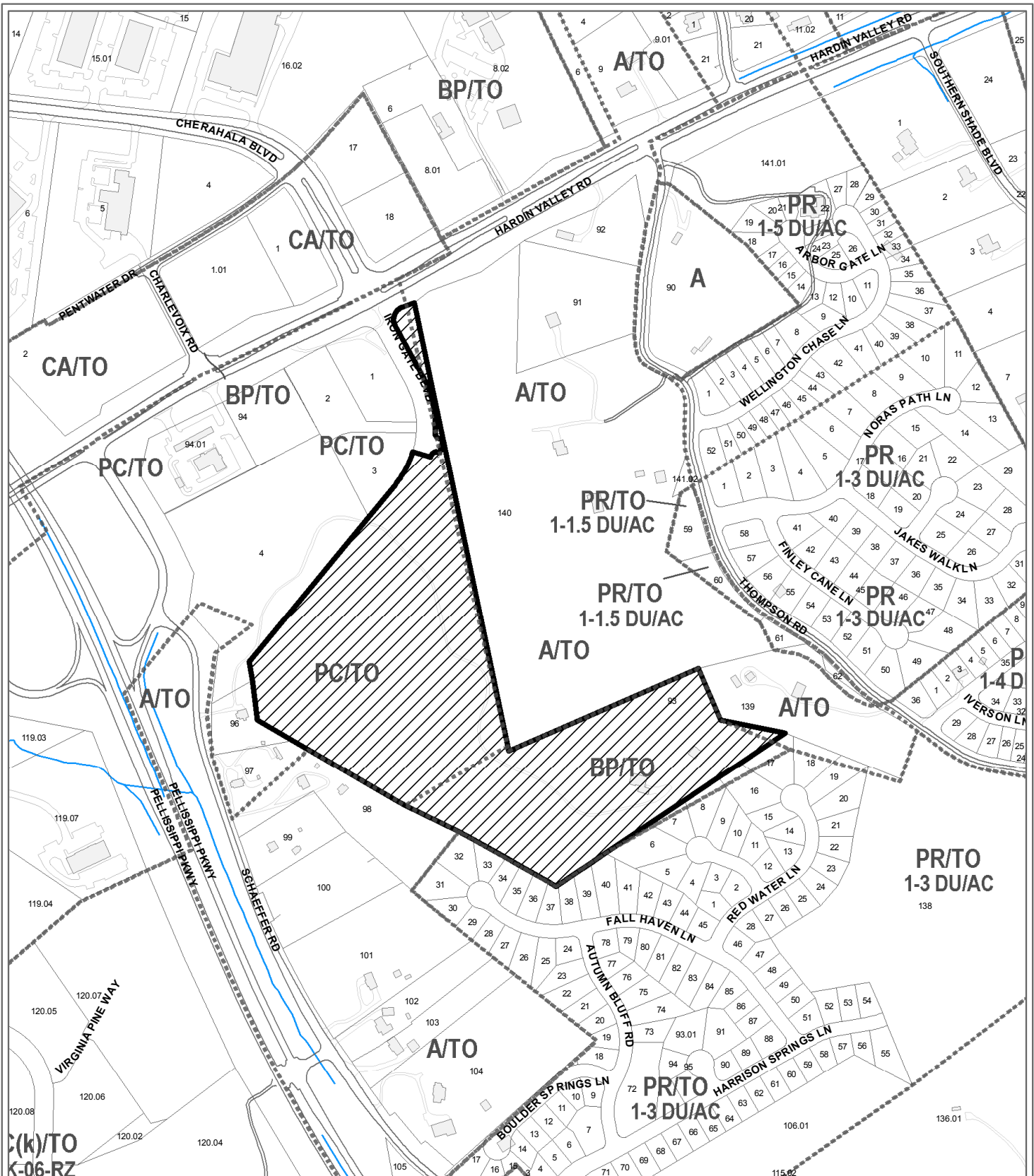
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 80 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Hardin Valley Elementary, Karns Middle, and Hardin Valley Academy.

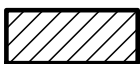
- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students 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 4/27/2009. 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.



**11-F-08-RZ
REZONING**

Petitioner: Continental 253 Fund, LLC



From: PC (Planned Commercial) / TO (Technology Overlay) & BP (Business and Technology) / TO (Technology Overlay)
 To: PR (Planned Residential) / TO (Technology Overlay)

Map No: 104
 Jurisdiction: County



Original Print Date: 10/28/2008 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902