

▶ **FILE #:** 4-F-10-RZ

**AGENDA ITEM #** 37

**AGENDA DATE:** 4/8/2010

▶ **APPLICANT:** WELLSLEY LAND PARTNERS, G.P.

OWNER(S): WELLSLEY LAND INVESTORS, G.P.

TAX ID NUMBER: 120 F B 036.04

JURISDICTION: City Council District 2

▶ **LOCATION:** Northwest side Deane Hill Dr., southwest side Wellsley Park Rd.

▶ **APPX. SIZE OF TRACT:** 19.76 acres

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Wellsley Park Rd., a local street with 30' of pavement width within 50' of right-of-way, or Gleason Dr., a local street with 2 lanes and a center median within 90' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT ZONING:** RP-1 (Planned Residential) at 24 du/ac and RP-1 at 6-14 du/ac

▶ **ZONING REQUESTED:** RP-1 (Planned Residential) at up to 24 du/ac

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Residential development

**DENSITY PROPOSED:** 24 du/ac

EXTENSION OF ZONE: Yes, extension of RP-1 at 24 du/ac from the northern section of the site.

HISTORY OF ZONING: MPC approved the MDR plan designation and RP-1 zoning for the site in 2000 (4-G-00-RZ/4-I-00-PA).

SURROUNDING LAND USE AND ZONING: North: Gleason Dr. - Shopping center and assisted living facility / PC-1 (Retail and Office Park) and R-1A (Low Density Residential)

South: Deane Hill Dr. - Residences / R-1 (Low Density Residential)

East: Residences / RP-1 (Planned Residential) at 1-5.9 du/ac

West: Apartment complex / RP-1 (Planned Residential) at 6-12 du/ac

NEIGHBORHOOD CONTEXT: This area is developed with a mix of commercial, medium and low density residential uses under RP-1, PC-1, R-1A and R-1 zoning.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that City Council APPROVE RP-1 (Planned Residential) zoning at a density of up to 24 du/ac and establish the entire site as one zoning district.**

RP-1 zoning at the recommended density is consistent with the One Year Plan and sector plan proposals for the site and is an extension of higher density residential development from the north. RP-1 will allow the opportunity for the review of development plans by MPC as a use on review.

**COMMENTS:**

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

#### COUNTY GENERALLY:

1. RP-1 at the recommended density of up to 24 du/ac is compatible with the scale and intensity of the development and zoning pattern to the north and west and is consistent with proposed land use plans for the site. Up to 474 dwelling units could be proposed under the recommended zoning and density. A use on review development plan was approved by MPC for 299 independent living units and 72 assisted living bedrooms subject to the 10 conditions at the February 11, 2010 meeting (2-B-10-UR). One of the conditions of that approval read as follows: "Approval of the proposed layout is subject to the applicant obtaining approval of a zoning amendment that would allow the proposed layout by either designating the property as a single district with an overall density cap or changing the boundary lines between the two existing districts. If an amendment is not approved, a revised site plan would have to be approved that would comply with the density caps. This condition shall be met prior to the issuance of any building permits." This rezoning is needed for the already approved development plan to be built as approved.
2. The recommended RP-1 zoning is the most appropriate zone for most new residential development, especially at this location. RP-1 zoning requires plan approval by MPC prior to development of the site. A development plan on this site was approved by MPC as a use on review on February 11, 2010 (2-B-10-UR). There was little to no opposition at the meeting. For any future proposed development, staff will have the opportunity to review plans and require necessary revisions to maximize compatibility with surrounding uses, such as establishing landscape buffering along the periphery of the site.
3. RP-1 zoning allows the flexibility to orient the development in such a way as to maximize the use of the parcel while providing open space and staying compatible with surrounding development and zoning. Under RP-1 zoning, the developer will have the opportunity to locate structures so as to stay away from the environmentally sensitive and more sloped portions of the site.
4. Medium density residential development is appropriate at this location as a transitional use between the commercial uses to the north and west and the lower density residential uses to the south and east.
5. RP-1 zoning requires use on review approval of a development plan by MPC prior to any construction. This provides the opportunity for staff to review the plan and address issues such as traffic circulation, landscaping, layout, recreational amenities, open space, drainage, types of units and other potential development concerns. It also gives the opportunity for public comment at the MPC meeting.

#### CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The RP-1 zone, as described in the zoning ordinance, 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, education and cultural facilities which are integrated with the total project by unified architectural and open space treatment. New RP-1 zoning may be created to be developed specifically as a planned unit development.
2. Based on the above general intent, this area is appropriate for RP-1 zoning at the recommended density.

#### THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. At the recommended density of up to 24 du/ac, up to 474 dwelling units could be considered. The impact to the streets and schools would depend on the type of development that is proposed for the site. A traffic impact analysis was completed and implemented as part of the February 2010 use on review approval. The impact to schools is expected to be very minimal, because the development is proposed primarily for senior citizens.
3. The impact of any future development on adjacent properties will be minimized through the required use on review process, where MPC will have the opportunity to review and consider approval of a development plan.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

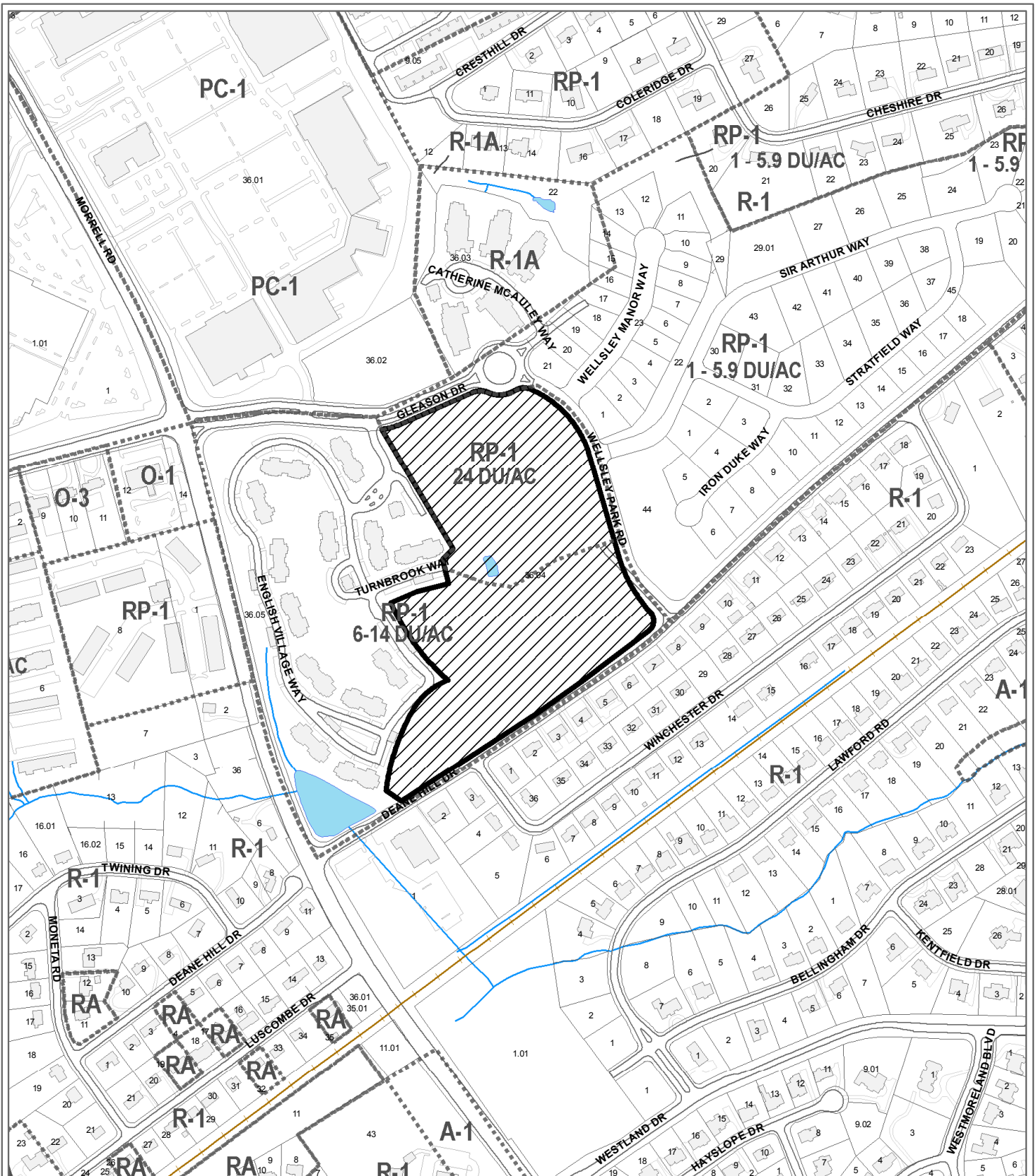
1. The West City Sector Plan proposes medium density residential uses and hillside protection for the site, consistent with the proposal.
2. The City of Knoxville One Year Plan proposes medium density residential uses, consistent with the proposal.
3. Staff does not anticipate that approval of this request would lead to future requests for increased residential density in the area. This is the only vacant site in the immediate area and medium density residential development is not proposed to extend any further to the west than this site.

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 Department of Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT: Not calculated.

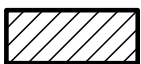
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/4/2010 and 5/18/2010. 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.



**4-F-10-RZ  
REZONING**

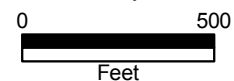
From: RP-1 (Planned Residential) at 24 du/ac and RP-1 at 6-14 du/ac  
 To: RP-1 (Planned Residential) at up to 24 du/ac



Petitioner: Wellsley Land Partners, G.P.

Map No: 120

Jurisdiction: City



Original Print Date: 3/24/2010 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

4-F-10-RZ - cor - Hayward

**Dennis and Kathy Hayward**  
**553 Stratfield Way**  
**Knoxville, TN 37919**  
**(865) 951-0831**  
**haywardherd@msn.com**



March 29, 2010

Members of the Knox County  
Metropolitan Planning Commission

VIA FAX (215-2068)

Ladies and Gentlemen:

We write to oppose the proposal of Wellsley Land Partners, GP to change the zoning of parcels on the northwest side of Deane Hill Dr. and the southwest side of Wellsley Park Rd. (item 37 on your April 8, 2010 agenda; MPC File # 4-F-10-RZ).

As we indicated in our February 8, 2010 letter to the MPC on a related topic (the use-on-review for these parcels), we are not opposed to having a senior living complex constructed on this site. We believe, however, that the development plan submitted by Banyan Senior Living and approved in February by MPC would permit a dwelling density and resulting structures that are inappropriate for this site and this neighborhood.

Your February approval of the Banyan Senior Living site plan for construction of "299 independent living units and 72 assisted living bedrooms" was contingent on a rezoning of the property or a revision of the Banyan plan because the development plan submitted would have exceeded the currently allowable dwelling unit per acre density for at least one of the two parcels involved. Rather than revise the plan for lower density, the developers have apparently chosen to ask you to increase the allowable density per acre. We ask you to say no.

According to the minutes of the February 8<sup>th</sup> meeting, our objection that the proposed four, five and eight (or possibly nine)-story structures "would be totally out of character with the nature of the structures surrounding the proposed Banyan Senior Living" was dismissed by petitioners' attorney as merely a concern that such buildings would block neighbors' views. The issue we raise, however, goes well beyond someone's view. Our concern is that Banyan Senior Living's plan requires a dwelling unit per acre density that is too high for this site, which results in buildings that are too tall for this site in comparison with the surrounding neighborhood.

Petitioners' attorney's statement at the February meeting that this site "is zoned medium density residential which allows up to 24 units per acres" is not entirely accurate. The

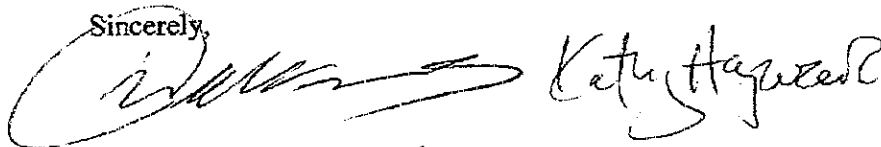
fact is that only 10 of the 20 acres of this site are currently zoned to allow 24 units per acre. The other ten acres are zoned for a maximum of 14 units per acre—which is what the petitioners are asking you to change. They are asking you to allow up to 24 units per acre on the entire 20-acres involved.

We don't need to reiterate to you that zoning exists for important reasons—one of which is to maintain the character and integrity of neighborhoods. The current "neighborhood" that thrives on the former Deane Hill Country Club property is a wonderful mix of residential and commercial areas consistent with the way that property has been zoned for more than a decade. One of the characteristics of that neighborhood (which includes the apartments of The Grove at Deane Hill; the homes of Wellsley Park Estates and Villas; the commercial area of The Centre at Deane Hill; and the assisted living complex of Homewood) is that none of the buildings is more than three stories high. And another characteristic is that the residential areas of the neighborhood are relatively low density. The most densely populated residential complex in the neighborhood, The Grove at Deane Hill apartments, has a maximum of only 14 dwelling units per acre.

What petitioners request is that you upset the character and integrity of this neighborhood by rezoning their parcels to allow 24 dwelling units per acre on the entire 20 acres, which in turn, allows them to proceed with building eight structures—all of which are taller than any of the existing buildings in the neighborhood—and one of which is as much as three times taller than existing buildings. And, as emphasized in our earlier letter, most of these structures will be on a hill (the highest point in the area), which will only accentuate their height and make them look even less in keeping with the existing neighborhood. Perhaps to fully appreciate this point you need to actually see the site, or pictures of it, rather than merely relying on a topographic map.

In conclusion we'd like to say that we hope Banyan Senior Living is able to proceed with a development of this site. A complex for residents over 50, which includes walking trails and green space as Banyan has envisioned would be a fine addition to the neighborhood **IF** its population density is in keeping with current zoning requirements and **IF** its structures maintain the character and integrity of the existing neighborhood. The petitioners' rezoning request would do neither, which is why we urge you to reject it.

Sincerely,

Handwritten signatures of Dennis and Kathy Hayward. The signature for Dennis is on the left, and the signature for Kathy is on the right.

Dennis and Kathy Hayward

**From:** Mike Brusseau  
**To:** Betty Jo Mahan  
**Date:** 3/31/2010 2:32:21 PM  
**Subject:** Fwd: Banyan Senior Living Plan

Re: Item 37

>>> "Bob Sinclair" <bob@sinclairconst.com> 3/31/2010 1:14 PM >>>  
Mike and Tom,

I am a resident of Wellsley Park Estates. It is my understanding that Banyan Senior Living has submitted a rezoning request for the property adjacent to Wellsley Park as well as a plan showing buildings up to eight or nine stories in height. I believe the rezoning request is being made to achieve more density than is currently allowed and is more than The Grove at Deane Hill which is also adjacent to this property.

When I first heard that a Senior Living Project was being considered for this property, I thought that was a good thing. However, I feel Banyan should not be allowed more density than the surrounding property development nor should buildings over three stories be allowed. Three stories would be consistent with the neighborhood which is what I see in many other areas of the country where Senior Living Projects are built in residential neighborhoods.

If I am misinformed, I would appreciate your advising me of such. If not, I would like to go on record as opposing the increased density and building heights.

Thank you,  
Bob Sinclair