



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

FILE #: 4-D-10-RZ **AGENDA ITEM #** 41
 4-B-10-PA **AGENDA DATE:** 5/13/2010

POSTPONEMENT(S): 4/8/10

APPLICANT: BETTY DEVAULT
OWNER(S): BETTY DEVAULT

TAX ID NUMBER: 58 O A 049.01

JURISDICTION: Council District 5

LOCATION: Southeast side Cedar Ln., northeast side Heins Rd.

TRACT INFORMATION: 1.84 acres.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Cedar Ln., a minor arterial street with 21-33' of pavement width within 40-70' of right-of-way, or Heins Rd., a local street with 16' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / R-1 (Low Density Residential)

PROPOSED PLAN DESIGNATION/ZONING: MDR (Medium Density Residential) / R-2 (General Residential)

EXISTING LAND USE: Residence

PROPOSED USE: Multi-dwelling attached residential

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Cedar Ln. - Houses / LDR / R-1 (Low Density Residential)
 South: House / LDR / R-1 (Low Density Residential)
 East: House / LDR / R-1 (Low Density Residential)
 West: Heins Rd. - House / LDR / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is developed with residential uses under R-1, R-2 and RP-1 zoning. The R-2 zoned area is primarily limited to properties at the intersection of Cedar Ln. and Parkdale Rd. and west Along Cedar Ln., from Heins Rd. east is zoned only R-1.

STAFF RECOMMENDATION:

- ▶ **RECOMMEND that City Council DENY the One Year Plan amendment to MDR (Medium Density Residential).**

Medium density residential uses should not be placed any further east of the intersection of Cedar Ln. and Parkdale Rd. The property is surrounded by low density residential uses and R-1 zoning. There is no medium density residential zoning east of Heins Rd. along Cedar Ln.

- ▶ **RECOMMEND that City Council APPROVE RP-1 (Planned Residential) zoning at a density of up to 4 du/ac, subject to one condition. (Applicant requested R-2.)**

1. Multi-dwelling structures are not permitted.

RP-1 zoning at the recommended density will allow reasonable development of the property, while keeping consistent with the sector and One Year Plan proposals for the property. A density of 4 du/ac is comparable to what could be developed under the existing R-1 zoning. The RP-1 zone also requires use on review development plan approval by MPC prior to any development of the site.

COMMENTS:

MPC postponed this request at the April 8, 2010 meeting, in order to allow the applicant time to meet with neighborhood residents, who oppose the request and wish to maintain the current R-1 zoning. The applicant has now indicated that the intent is to develop the site with an assisted living facility. This use would require use on review approval by MPC in either the proposed R-2 zoning or the recommended RP-1 zoning. On April 29, 2010, the attorney for the applicant requested that these items be postponed once again to the June 10, 2010 MPC meeting. The applicant is not able to attend the May 13 meeting. Postponement will also allow more time for the applicant to meet with neighborhood residents. As of May 3, 2010, no meeting had taken place, to staff's knowledge.

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN

- A. **NEW ROAD OR UTILITY IMPROVEMENTS** - No known improvements have been made to the roads or utility facilities since the adoption of the North City Sector Plan update in 2007.
- B. **ERROR OR OMISSION IN CURRENT PLAN** - The One Year Plan and North City sector plan both propose low density residential uses for this site, consistent with the current R-1 zoning.
- C. **CHANGES IN GOVERNMENT POLICY** - There are no changes in government policy that would warrant the proposed changes. Medium density residential density should not be spot-placed on a site that is surrounded by low density residential uses.
- D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - Multi-dwelling development has been and should continue to be limited to the area around the intersection of Cedar Ln. and Parkdale Rd. and west. Nothing has changed in the development, population or traffic patterns to warrant the requested plan amendments. Much of the R-2 zoned neighborhood to the southwest of the site is actually developed with detached dwellings.

REZONING REQUIREMENTS:

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

- 1. RP-1 at the recommended density of up to 4 du/ac is more compatible with the scale and intensity of the surrounding development and zoning pattern than what would be permitted under the requested R-2 zoning. Up to 49 dwelling units could be possible under R-2 zoning. This proposed development would be much less intense and more compatible under RP-1 than what could be developed under the requested R-2 zoning.
- 2. The recommended RP-1 zoning is more appropriate for residential development than the requested R-2 zoning. RP-1 zoning requires plan approval by MPC prior to development of the site. This will give staff 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. RP-1 zoning requires use on review approval of a development plan by MPC prior to any construction. This will provide 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 will also give 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 4 du/ac, up to 7 dwelling units could be considered. If developed with multi-dwelling residences, it would generate about 1 school aged child and add about 87 trips to the street system. Under the requested R-2 zoning, up to 49 dwelling units could be possible. If developed with multi-dwelling residences, it would generate about 8 school aged children and add about 502 trips to the street system.
3. The impact 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 North City Sector Plan and the City of Knoxville One Year Plan both propose low density residential uses for the site. Both plans would need to be amended to consider either the requested R-2 zoning or an RP-1 density of 6 du/ac or greater.
2. Approval of this request could lead to future requests for R-2 zoning on other parcels in the area. Staff would consider any future requests based on their own merits. The current plans do not propose additional medium density residential uses at this time east of Heins Rd.

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.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT 502 (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: 8 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Sterchi Elementary, Gresham Middle, and Central 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 Knoxville City Council for action on 6/15/2010 and 6/29/2010. 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-B-10-PA
KNOXVILLE ONE YEAR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR (Medium Density Residential)

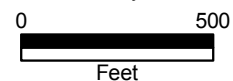


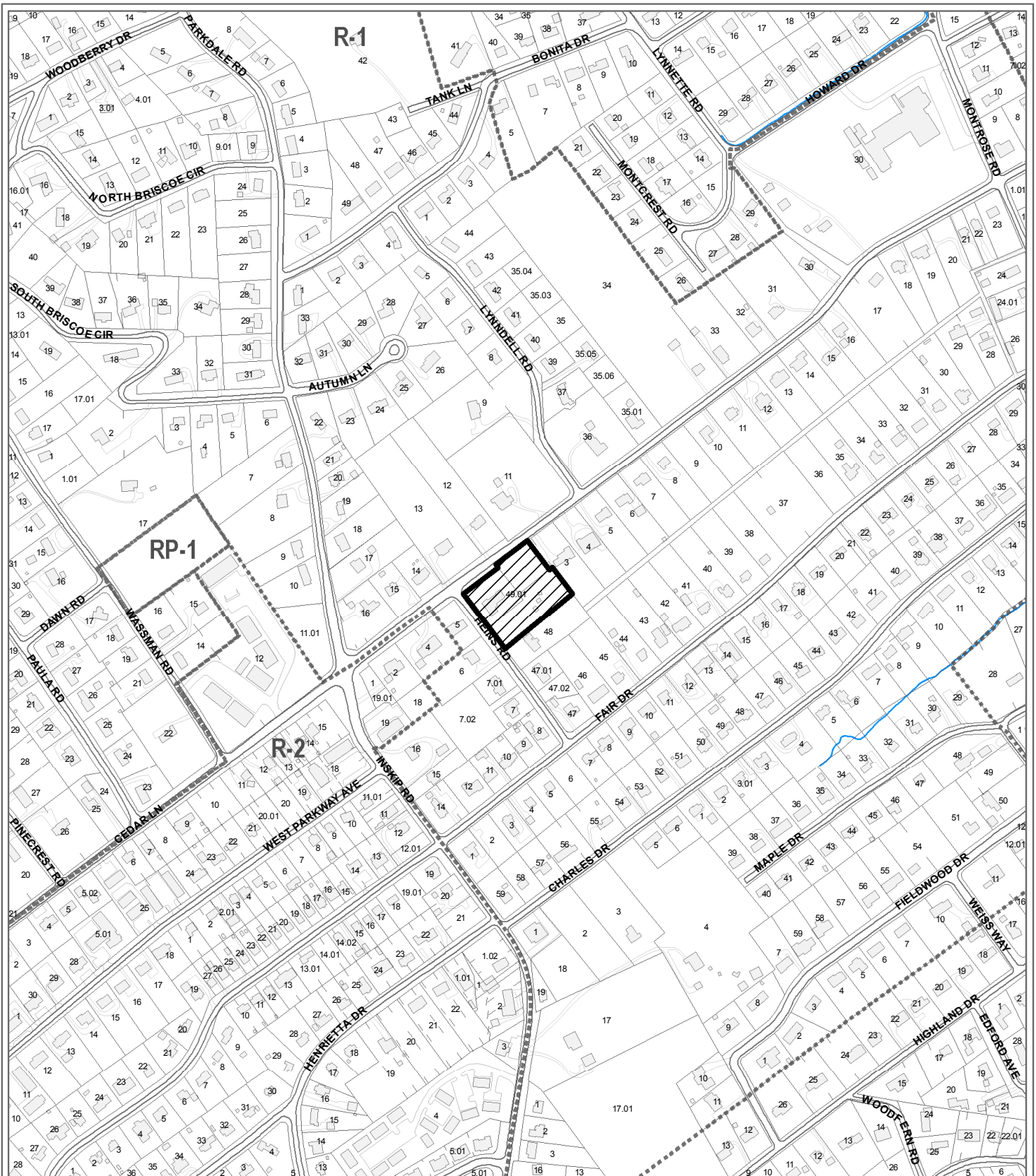
Original Print Date: 3/25/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: DeVault, Betty

Map No: 58

Jurisdiction: City





**4-D-10-RZ
REZONING**

From: R-1 (Low Density Residential)

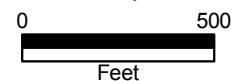
To: R-2 (General Residential)



Petitioner: DeVault, Betty

Map No: 58

Jurisdiction: City



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

Revised:

From: Mike Brusseau
To: Betty Jo Mahan
Date: 4/8/2010 9:25:01 AM
Subject: Fwd: rezoning southeast side of Cedar Lane/Heins Road Area

Re: Item 35

>>> <rthornto@bellsouth.net> 4/8/2010 9:23 AM >>>

Mr. Brusseau...I own the home at 1322 Cedar Lane...next to this pre-planned disaster. Sir, this is a residential area known for its quiet family atmosphere, those who own property in this small area finds that to be the most charming about it. The area now is so congested with the small road known as Heins Road which carries traffic from Inskip area to Cedar Lane...a cut-off as you would say for people already avoiding the congestion at the intersection of Cedar Lane and Inskip Road. I have received so many calls from these precious neighbors who love this area, they are so upset at the thought of what these two self-centered people want to do. Mr. Brusseau this property was owned by Floyd and Mary Petty, both now deceased, Sir I have known both Mr and Mrs Petty since my family moved to this home in 1957, Mr. Petty worked for my grandfather. The way in which this property came into the hands of Mr. and Mrs. DeVault would make anyone who knew Mr and Mrs Petty sob again, as we have all done who knew these precious former owners. Please Mr. Brusseau, DO NOT allow this zoning to take place, consider the feelings and love for this small area and the wonderful well established area it is, the school Sterchi, where I went, is already busting at the seams, and if anyone would spend just a little time here, they would realize anymore traffic congestion to this area, well it would be a disaster. Allow us to keep one small area the way it is, just residential, no apartments (as Inskip is already flooded with them) and senior living apartments, how anyone who has visited or walked thru this small area and spoke with these loving neighbors, they would know how precious this small area is to them, something Mr. or Mrs DeVault, never took the time to do, they never took the time to visit of care either for Mr and Mrs Petty, whom they took the land from in very dishonorable means I must say also. Thank you Sir, for taking the time to read this as my heart is poured into it....please do not allow this zoning to take place, The Devaults have 100's of other acres of land for sale and ready for this type of development in Knox and Knox County, but NOT here. I will be attending the meeting today at 1:30, looking forward to having the opportunity along with these other precious neighbors to voice my opinion. Thank you again, and may God give you the most blessed of days. Sincerely, Linda Akers Thornton, 865/376-4928

From: "The Starlings" <starlingfour@bellsouth.net>
To: <ubailey@esper.com>, <bartcarey@comcast.net>, <artclancy3@gmail.com>, <gewart@georgeewart.com>, <makane1@bellsouth.net>, <Nathan.J.Kelly@gmail.com>, <anders@holstongases.com>, <cole5137@bellsouth.net>, <rlcraig@usit.net>, <s.johnson692@gmail.com>, <rebeccalongmire@hotmail.com>, <wstowers@stowerscat.com>, <tbenefield@benefieldrichters.com>, <mark.donaldson@mpc.org>, <buz.johnson@knoxmpc.org>, <bettyjo.mahan@knoxmpc.org>, <michael.brusseau@knoxmpc.org>
Date: 4/6/2010 11:55:36 PM
Subject: Agenda Item 35 (please deny rezoning)

I am writing to request that agenda item 35 be denied at the April 8, 2010 meeting. I attended agenda review today, and was pleased with the workshop, especially the staff preparation. However, I and my family are opposed to RP1, and respectfully request the staff to withdraw the RP1 recommendation and deny the R2 application. We do not want our neighborhood rezoned.

Reasonable development of the property would be single family homes consistent with progress/growth on Heins Rd. Three single family residences were added to this neighborhood within the past 10-12 years. No changes have occurred to conditions in the vicinity which prevent the reasonable use of the property as currently zoned (R1). In fact, the North City Sector Plan was adopted just three years ago.

Thank you,

Brent and Amanda Starling

CC: <jdbailey@cityofknoxville.org>, <chriswoodhull@gmail.com>, <mroddy@cityofknoxville.org>, <bob@bobbecker.org>, <npavlis@comcast.net>, <dgrieve@cityofknoxville.org>, <bpalmer@cityofknoxville.org>, <dbrown@cityofknoxville.org>, <ndellavolpe@cityofknoxville.org>, "Brent Starling" <brent_s@bellsouth.net>

From: "Brent & Amanda Starling" <starlingfour@bellsouth.net>
To: <michael.brusseau@knoxmpc.org>, <mark.donaldson@knoxmpc.org>, <buz.johnson@knoxmpc.org>, <bettyjo.mahan@knoxmpc.org>
Date: 3/23/2010 11:06:43 PM
Subject: proposed rezoning at 1500 Cedar Lane, PLEASE DENY

We live at 5211 Heins Road. We live on a quiet, small street. We do not want the property across from us to be rezoned; we are not supportive of a multi-family housing complex in this location. Heins Road cannot handle the traffic. Cedar Lane is just two lanes, and is already crowded. The elementary school that is in this zone is crowded and outdated. We do not want apartments across the street. The apartments on Inskip and West Parkway (one block away) are constantly littered with trash and are not kept up. The roads that access these apartments are in horrible shape because of the overuse. At this time, the property in question is not managed; the people who are renting the dwelling on this property are violating 2 city ordinances. They do not remove their trash cans from the road after trash pick up and they are constantly parking cars in the yard. We have enough nasty apartments around us.

Please deny rezoning application for file(s) 4-B-10-PA; 4-C-10-SP; 4-D-10-RZ.

Thank you,
Brent and Amanda Starling

CC: <jdbailey@cityofknoxville.org>, <dgrieve@cityofknoxville.org>, <s.johnson692@gmail.com>

From: <drm2479@aol.com>
To: <bob@bobbecker.org>
Date: 3/24/2010 10:53:31 PM
Subject: Proposed rezoning of 1500 Cedar Lane

To Vice Mayor Bob Becker
Fifth District

Dear Mr. Becker,

My name is Dan Moore, I currently live at 1304 Cedar Lane, my wife and I have resided at this location for the past 25 + years. I have just been informed by a fellow neighbor of the proposed rezoning of 1500 Cedar Lane by Ms. DeVault. Being the CEO of Moore Freight Service, Inc., I unfortunately will be out of town on business and unable to attend the meeting scheduled for April 8th. However, Please Let it be known that I'm AGAINST THE PROPOSED REZONING EFFORT for this location !

In the past 3 years Knox City, Knox county and I have invest A LOT of money to improve the efficiency and looks of Cedar Lane especially at the intersection of Parkdale and Inskip. However, Historic Cedar Lane , in my opinion is slowly losing its appeal of being a city landmark to becoming a area known for fast moving traffic on narrow roads and increased criminal activity. Matter of fact I felt the need to fence in my entire property, add security cameras and purchase a K-9 German Shepard, just to protect my family and property.

Trying to cram 50 units on less than 2 acres is not only going to add to the traffic congestion but more than likely may become another low-income development. However, I will admit that the Condo complex at Winter Garden Way and the new gymnasium that St Joseph School has built has added some value to the area.

There are plenty of open apartment adds for rent, if Ms. DeVault, is looking for land for such a venture, then I would suggest the parcel located by the railroad tracks by the now closed Ryan's restaurant.

Respectfully,
Dan Moore
687-8715

From: <ldk5014@aol.com>
To: <mark.donaldson@knoxmpc.org>, <buz.johnson@knoxmpc.org>, <bettyjo.mahan@knoxmpc.org>, <michael.brusseau@knoxmpc.org>
Date: 4/7/2010 9:19:50 AM
Subject: File # 4-C-10-SP (1500 Cedar Ln.)

I and many other people concerned about this e-mailed the commissioners last week. I am in opposition to this change, I live at 1508 Cedar Ln. I plan on attending the April 8 meeting and will be bringing signatures from other residents in the area. This change is not consistent with the rest of the neighborhood.

Larry D. Kitchen
(h) 689-9820 (c) 310-5048

--- @ WiseStamp Signature. Get it now

From: <ldk5014@aol.com>
To: <ubailey@esper.com>, <bartcarey@comcast.net>, <gewart@georgeewart.com>, <makane1@bellsouth.net>, <Nathan.J.Kelly@gmail.com>
Date: 3/26/2010 9:05:29 AM
Subject: 1500 Cedar Ln. (0580A049)

I would like to express my concerns regarding a change in use request by Mrs. Betty Devault for her property at 1500 Cedar Ln. Property ID 0580A049, is located at the corner of Heins Rd. and Cedar Ln. and is currently zoned LDR. It originally consisted of three lots that were combined to achieve the size needed for denser development.

I'm sure you are aware, Cedar Ln. has developed into one of the heaviest traveled two-lane roads in Knox County and is extremely dangerous. Aside from one duplex, all properties east of Inskip Rd. are single family dwellings, some being among the oldest and most established properties in Fountain City. This is a historically residential neighborhood containing many of the original Cedar trees for which the road got its name.

I also have concerns relating to the geography of the property. Located on the south side of Cedar Ln, the property sits below street level (Cedar Ln). The land drops off to a natural drainage ravine and any development would require extensive fill dirt added to level the lot. I'm pretty certain that the natural drainage of the area would be affected, possibly damaging adjoining properties. When we have significant rain at the present time, we experience some flooding across my property and the neighbors.

I own one of the adjoining properties at 1508 Cedar Ln. ID 0580A003. A change in use from low density residential would adversely affect my property value and that of my neighbors. An apartment complex, with the additional traffic on an already heavily used route by commuters avoiding the bigger intersection at Inskip/Cedar Ln. would increase significantly.

Thank you

Larry D. Kitchen
(h) 689-9820 (c) 310-5048

--- @ WiseStamp Signature. Get it now

From: <rakeeler@comcast.net>
To: <bettyjo.mahan@knoxmpc.org>
Date: 4/29/2010 10:21:59 AM
Subject: 1500 Cedar Ln rezoning request

Dear Ms. Mahan,

*

I am writing in opposition to the change of zoning request submitted by Randall and Betty Devault for their property located at 1500 Cedar Lane (0580A04901).

*

Like many of my neighbors, I took time off from work to attend the April 8 MPC meeting that was supposed to address this issue. * As instructed, we chose a spokesperson (Brent Starling) to represent our opposition. * He presented a fine, cogent argument for maintaining the residential (single family dwellings) character of our neighborhood, and managed to conclude his presentation well within the five minute time limit. * After Mr. Devault's rebuttal, a representative of the Fountain City Town Hall rose to speak in opposition to the rezoning, but was treated very brusquely by the chair and was only allowed thirty seconds to make her point. * This, even though the chair had informed the assembly that additional arguments could be presented if new or different evidence could be provided beyond our spokesperson's arguments. * This was rather insulting to the large contingent of citizens from our neighborhood who took the time and trouble to attend. * Especially since we all had to sit through a rather long and contentious presentation, complete with commentary from two of Knoxville's more colorful attorneys, over a matter that had already been withdrawn from consideration.

*

Apparently our arguments were persuasive, as the commissioners voted overwhelmingly to reject the applicant's request for the zoning change. * Our joy was short-lived, though, and turned to horror as a motion was made, and approved – after the vote to deny – to postpone the decision for a month. * I understand that this action is now a point of contention as to whether the Roberts Rules of Order were violated or not.* Regardless, this was not MPC's finest hour.

*

Apparently Mr. Devault's failure to attempt any contact or discussion with the residents of the affected neighborhood was considered grounds for allowing him a postponement. It has been three weeks since that meeting, and aside from an impromptu and rather contentious gathering outside of the Main Assembly Room on April 8, it is my understanding that Mr. Devault has made no effort to contact any of the residents concerning his plans.

*

There are many additional arguments to be made against this change of zoning, but since our original presentation was enough to convince the commission to deny the request - before the postponement - and the situation has not changed since April 8, I simply request that you recommend to deny the change in zoning request, as I'm certain you would if this proposed change was being made in your own neighborhood.

*

Thank you for your consideration,

*

Andy Keeler

5204 Heins Rd.

*

*

From: Mike Brusseau
To: Betty Jo Mahan
Date: 3/24/2010 10:54:13 AM
Subject: Fwd: Zoning request for 1500 Cedar Ln

Re: 4-D-10-RZ/4-B-10-PA/4-C-10-SP

>>> "Andy Keeler" <andy.keeler@knoxcounty.org> 3/24/2010 11:05 AM >>>
Dear Mr. Brusseau,

I would like to express my reservations regarding a change in use request by Mrs. Betty Devault for her property at 1500 Cedar Lane. The property ID is "058OA049.01". It is located at the corner of Heins Rd. and Cedar Ln. and is currently zoned LDR. It originally consisted of three lots that were combined to achieve the size needed for denser development.

As I'm sure you are aware, Cedar Ln. has developed into one of the heaviest traveled two-lane roads in all of Knox County. Because of its narrow, winding nature, with heavy traffic often stopping to make left turns, it is an extremely dangerous road. Although there has been past development of Condos and Apartments on the Western end of Cedar Ln., the neighborhood East of the Inskip (Bruhin) Road intersection has remained strictly residential. Aside from one duplex, all properties East of Inskip Road are single family dwellings, some being among the oldest and most established residential properties in Fountain City. This holds true almost all of the way to the Broadway area, where commercial encroachment begins again. Again, this is a historically residential neighborhood containing many of the original aged Cedar trees for which the road got its name.

Heins Road is a narrow, poorly maintained connector street linking Cedar Lane and Fair Road. Although only four houses actually front Heins Road, it is already heavily used as a alternative route by commuters avoiding the bigger, traffic-lighted intersection at Inskip/Cedar Ln. If the subject property is developed into Condos or Apartments, the traffic on Heins would increase significantly. This would be very detrimental to the quality of life enjoyed by the residents on Heins Road.

I also have concerns relating to the geography of the subject property. Located on the South side of Cedar Lane (opposite Black Oak ridge side), the property sits below street level (Cedar Ln.). East of the home now sitting on the property, the land drops off to a natural drainage ravine. Any future development would require extensive fill dirt added to level the lot. I'm pretty certain that the natural drainage of the area would be adversely affected, possibly damaging adjoining properties. Over half of the property is heavily wooded, providing a natural habitat for wildlife, a welcome buffer to the urban environment.

I own one of the adjoining properties at 5204 Heins Rd. ("058OA048"), and have lived there since 1985. I chose my property because of the large, private, residential lots characteristic of the neighborhood. There is a utility easement that backs up to my property, but sits about 50' from the property line of the subject property. I would never allow access across my property to that easement, provided I had a choice. A change in use from low density residential would adversely affect my property value along with that of my neighbors. Needless to say, but an apartment complex, with the additional traffic, a parking lot filled with slamming doors and

commotion at all hours, and the additional prospects of criminal activity inherent to such a property would absolutely ruin the quality of life enjoyed by the neighborhood.

I'm contacting you now, because I'm not sure if I will be able to attend the April meeting and I really wanted to share my input with you.

Thank you for your time and consideration,

Andy Keeler
5204 Heins Rd.
688-3375

From: "Andy Keeler" <andy.keeler@knoxcounty.org>
To: <bettyjo.mahan@knoxmpc.org>
Date: 4/7/2010 3:07:35 PM
Subject: rezoning request for 1500 Cedar Ln.

Dear Betty Jo,

I am writing in opposition to the staff recommendation of "RP1" for the property at 1500 Cedar Ln., at the corner of Heins Rd.

This is a historically residential property that is surrounded on all sides by single-family dwellings. Due to commercial development (especially apartments) on the west end of Cedar Ln. (I-75, Merchant Rd.) and the far east end (Broadway), Cedar Ln. has become one of the heaviest traveled two-lane roads in all of Knox County. It is a very dangerous road due to its narrow and winding nature.

Heins road would also be adversely affected by the increase in traffic as a result of new development. It is a narrow, poorly maintained connector road between Cedar Ln. and Fair Dr. There are only 5 houses facing Heins, and it is so narrow that two cars can barely pass each other without going into a yard.

The subject lot sits below street level and would require extensive fill dirt to support a multi-family property. It also slopes off severely on the eastern end. This type of development would surely create drainage issues for the adjoining properties.

Changing the historic nature of this property would most certainly have a negative impact on the property values in the rest of the neighborhood, and would adversely affect the quality of life for those of us living on Heins Rd.

Please vote to maintain the historically residential nature of this property by denying the request for a change of zoning.

Thanks for your consideration,
Andy Keeler
5204 Heins Rd.

From: Amy Hardwick <anicole622@yahoo.com>
To: <bettyjo.mahan@knoxmpc.org>
Date: 4/6/2010 3:26:20 PM
Subject: Rezoning of 1500 Cedar Lane

Hello-

I live at 1612 Fair Drive. I am emailing you to state an opposition to ANY TYPE rezoning of the property located at 1500 Cedar Lane. Our community feels that a rezoning of any type would be detrimental to our area. We take pride in our community and many of our residents have lived here for some 40 plus years. I have spoke with many of these people (who are mostly elderly) and they seem very upset with the prospect that the property could be rezoned to accomodate an assisted living or apartments of any kind. Please take our community's views in consideration when making this decision. The current owners of the property do not even live in our community and will not be affected by the rezoning personally except for financial gain. We, homeowners, do not have anything to gain except the dignity of our historical community.

Fountain City has a wonderful historical component that can not be replaced if Cedar Lane and other areas are continously rezoned. Please do not let this happen to Fountain City and Cedar Lane. Cedar Lane is already congested and dangerous. People speed down Fair at 50 mph which is not safe for our children.

Thank you for your time and consideration

Amy N. Hardwick and Daron T. Creek
219-5997 home
742-2944 cell

From: "David Debuty" <ddebuty@securityengineersinc.com>
To: <mark.donaldson@knoxmpc.org>
Date: 3/30/2010 1:43:27 PM
Subject: Rezoning Request of 1500 Cedar Lane, Knoxville, TN 37918

Dear MPC:

As a homeowner at 1510 Cedar Lane I would like to voice my opposition in approving Betty DeVault's request for Medium Density Residential rezoning of the above captioned property.

I have lived at 1510 Cedar Lane for approximately 10 years with intentions of living in a single family residential and historical neighborhood such as Fountain City.

To approve such a rezoning of the 1500 Cedar Lane property would be very devastating to all the property owners on Cedar Lane giving the current heavy traffic flow we currently experience let alone facing the devaluation of our property that has already suffered through our current economic environment.

A huge concern of mine is also the location of this property with a natural drain leading off Cedar Lane. I can assure you that if this property is backfilled to provide for apartment housing that my neighbors and myself would suffer damaging water problems. Giving the historical flooding of property on Cedar Lane we sure don't want to create more issues. I currently have flooding issues now on my property since the last project the city did on Cedar Lane and the new Inskip intersection.

I am currently working with Gaven Lowe (865) 215-2263 (Stormwater Management) with the City of Knoxville on my drainage issues and have several years of case history with Ben Swanner (865) 215-2890 if anything needs to be verified.

In closing thank you for my voice in disapproval of this request to rezone 1500 Cedar Lane and I will be available at the meetings for this request or

I can be reached at work (865) 909-9419 cell (865) 850-2146.

Sincerely,

David Debuty

CC: <ubailey@esper.com>, <bartcarey@comcast.net>, <artclancy3@gmail.com>, <gewart@georgeewart.com>, <makane1@bellsouth.net>, <nathan.J.Kelley@gmail.com>, <mark.donaldson@knoxmpc.org>, <anders@holstongases.com>, <tbenefield@benefieldrichters.com>, <cole5137@bellsouth.net>, <ricraig@usit.net>, <s.johnson692@gmail.net>, <rebeccalongmire@hotmail.com>, <wstowers@stowerscat.com>, <bob@bobbecker.org>, <chriswoodhull@gmail.com>, <mroddy@cityofknoxville.org>, <jdbailey@cityofknoxville.org>

From: <clb03hd@comcast.net>
To: <mark.donaldson@knoxmpc.org>
Date: 5/2/2010 10:08:52 PM
Subject: 1500 Cedar lane

"We oppose R2 and RP1 rezoning of 1500 Cedar Lane, item 41 on the May 13 preliminary agenda."

Knoxville, TN

April 2, 2010

Dear Mr. Brusseau

Recently, I was made aware of a letter to you being circulated door to door by a Mr. Andy Keeler of Heins Road. This letter was relative to my request for a change in use on Property ID 0580A049.01, located at the corner of Cedar Lane and Heinz Road. This letter will address point by point the issues raised in Mr. Keeler's letter. For clarity, the first sentence of each of the following paragraphs will identify the issue raised by Mr. Keeler in his letter followed by my rebuttal.

Mr. Keeler states, "all properties east of Inskip Road are single family dwellings . this holds true almost all the way to the Broadway area". This is not correct. While the dwelling may be currently occupied by a single family, the first two properties on the east side of Inskip Road toward Broadway are zoned R2; there being only one house between these properties and our property at 1500 Cedar Lane for which we are requesting rezoning from R1 to R2. A duplex is directly across the street from 1500 Cedar Lane, which is acceptable for R1 but certainly is not a single-family dwelling. Also, approximately 1/2 mile east of the property toward Broadway on Cedar Lane is a large apartment complex. According to a Cedar Lane neighbor, four of the first eight homes east of the Inskip/Cedar Lane intersection are rented plus one is for sale. As to the original aged cedar trees, there are no cedar trees of any size on our property.

"Heinz Road is a narrow poorly maintained connector street . heavily used as a alternate traffic route by commuters avoiding the bigger, traffic lighted intersection at Inskip/Cedar Lane." While this may have been the case in the past, the upgrades and modifications that have been made to the Inskip/Cedar Lane intersection have made the use of Heinz Road more burdensome than using the modified intersection and traffic flow at rush hour is not significantly heavier than normal on Heinz Road. The zoning that we have requested is not for apartments as suggested in Mr. Keeler's letter. Condos can be constructed with the R2 zoning but not the 50 units suggested by Mr. Keeler on 1.8 acres. That being said, our intent for the rezoning is to pursue the development of a senior living facility similar to the assisted living on Parkdale where my mother once resided. The property is idea for this use because the bus route stops at the corner of Cedar Lane and Heinz Road location.

"I'm pretty certain that the natural drainage of the area would be adversely affected possibly damaging adjoining property." The natural drainage of the area was already impacted by the modification to the Inskip/Cedar Lane intersection. During the procurement of right ways and property prior to modification, I had the same concern about how the drainage flow would be managed. I did not accept the offer from property procurement office until I met with the project engineer and another official at the property to discuss the water drainage issue and its impact on future development of the property. We discussed at length the water drainage issue and its

impact on future development of the property. We discussed at length the water drainage issue and looked at the plans for the intersection modification. I told them that if there was "going to be a drainage issue with the proposed modification that would impact the development of the property then they needed to purchase the entire lot." The project engineer told me that modifications to our property, including addition of fill dirt and drainage ditches, could be made that would permit control of the water and divert water flow to east side of the lot to permit future construction. In fact, he subsequently looked at the project and indicated "that they would move the drain on Cedar Lane to the east side of my lot if I would pay \$8000." I asked him if it would be possible for us to construct our own drainage ditch parallel with Cedar Lane to manage the water flow to allow future construction on the lot. He indicated that I would be able to do so as long as the discharge of water exiting our lot was not moved.

"There is a utility easement that backs up to my property." The utility easement is not in contact with 1500 Cedar Lane, the property being considered for rezoning. To access the utility easement from our property, one would have to travel either through Mr. Keeler property or someone else's property that adjoins the easement. According to Mark in your office, the "paper" easement runs all the way from Mr. Keeler's property to Montrose Street.

"Needless to say, but an apartment complex, with additional traffic, a parking lot filled with slamming doors, and commotion at all hours." We are not requesting zoning to permit the construction of an apartment complex. In fact, if we are to achieve our intended use as a senior home, then a quiet neighborhood with bus access afforded by this property is preferable for us.

Ten years ago, we purchased two lots from the Pettys with the intent to one day develop a senior home at this location. My son is a doctor at Parkwest Hospital and my sister-in-law (one of the property owners) is a registered nurse with 38 years of geriatric care experience. We know that there is a need for this type of facility and this property is ideal for this application.

Your support for this rezoning is requested. I plan to call you to discuss this matter and answer any questions that you may have.

Thank you,
Randall DeVault
7213 West Chermont Circle 922-1776

(Spokesperson for Betty DeVault, and Steve and Kathy Thomas)

Total 56 signatures

We, the undersigned, OPPOSE Item 35


R-2 zoning of 1500 Cedar Lane

- ① Arianda Starling
- ② Jay Reynolds
- ③ Jan Reynolds
- ④ Brent W. Starling
- ⑤ Rebekah Cook
- ⑥ John Cook
- ⑦ Shirley Baufani
- ⑧ Glen Walker
- ⑨ ANDY KEELE R. Andy Keeley
- ⑩ Pat Keeley
- ⑪ Kelly Glenn
- ⑫ Sandra D. M. Cherry
- ⑬ John M. Henderson
- ⑭ Noel P. Kirby
- ⑮ William York
- ⑯ Jerry York
- ⑰ Anna F. Johnson
- ⑱ Forest H. Johnson
- ⑲ Will Tebuck
- ⑳ [Signature]
- ㉑ Kimberly Anderson
- ㉒ Brian Walker

- 23. Ebbie McEwee
- 24. Chrissy Ann Martin
- 25. Tom Swinford
- 26. Mark Hudson
- 27. Kelly M. Brown
- 28. Gary W. Brown
- 29. Vernon J. Jones
- 30. Andy M. Jones
- 31. Owen P. Jones
- 32. Tom W. Jones
- 33. Judy Hunt
- 34. Wendy Wilson
- 35. Hugh Basson
- 36. Agnes Basson
- 37. Brent W. Stanley
- 38. Debbie Brown
- 39. Terry Johnson
- 40. Jerry Johnson
- 41. Kathy Jones
- 42. Melissa Green
- 43. David Oetzel
- 44. Connie Moore

Petition Against Proposed Rezoning of 1500 Cedar Lane

By signing this petition, I am stating that I am opposed to the rezoning of 1500 Cedar Lane.


Michael A. Davenport

Clifford Lyford

Bryan Lyford

John Butcher

ANNA HANLEY

Katherine Williams

Lori Roché

AMY N. HARDWICK

Eddie Kenner

Donny Kenner

Phyllis Metz + JB
Metz

AMONDS DAVENPORT

MICHAEL A DAVENPORT

Adly Elan

Math Clark

Scott Comer

Paul Lieder

Eva Madam

Cheryl Creek

Douglas Creek

DA

May 1, 2010

Mark Donaldson
MPC Executive Director
Suite 403 City County Building
400 Main Street
Knoxville TN 37902



Dear Mark Donaldson:

I am opposed to agenda item 41, the rezoning of 1500 Cedar Lane. I oppose R2 and RP1 and respectfully request you and the full commission deny the application for rezoning of this property.

This is a neighborhood of single family dwellings. Any change in zoning that would permit development of greater density would be out of character to the existing homes and buildings in this vicinity. Density changes have basically ceased at the intersection of Heins Rd. and Cedar Lane. Any change in density at 1500 Cedar Lane has the potential to create a domino effect on properties from there to Broadway.

I understand the MPC denied this application on April 8; then, allowed the applicant another thirty days to share plans with the residents. I have not heard from the applicant.

Respectfully,

Betty J. Daffron
1708 Cedar Lane
Knoxville Tenn 37918
Phone 689 4002

WISE & REEVES, P.C.

Attorneys

Two Centre Square, Suite 160
625 S. Gay Street
Knoxville, Tennessee 37902

Telephone (865) 544-1199
Telecopier (865) 544-1198
E-Mail: srwise@wrpctn.com

April 19, 2010

Fountain City Town Hall, Inc.
P.O. Box 18001
Knoxville, TN 37928-8001

Attn: Jamie Rowe, Chair

Re: MPC April Agenda Items 35 a-c

Dear Ms. Rowe:

Your letter of April 15, 2010, regarding the above referenced MPC Agenda Items has been forwarded to me for response.

It is the position of MPC that Agenda Items 35 a-c have been postponed until the May meeting.

Several years ago MPC adopted rules for motion practice and voting, as set forth in Article III, Section 10 of its Bylaws, which differ from and supersede similar provisions found in Robert's Rules of Order. This was done in order to simplify the debate/motion/voting process, and insure that the will of the Planning Commission is not subverted by negative motions.

Under the Bylaws, a simple majority of the votes cast (assuming the presence of a quorum) is sufficient for the adoption of a motion which is properly before the Commission. If a simple majority is not obtained, the motion will fail. A failed Motion is deemed as no action by the Commission, and debate resumes, and the Chair can entertain either a new Motion or the same Motion again.

This simplified system of rules has been in place for many years, and was specifically designed to avoid the complexity and cumbersomeness of Robert's Rules, which appear to have been designed for large deliberative bodies, with various Committee participants and the likelihood of membership being absent from the meetings.

Fountain City Town Hall, Inc.
Page 2 of 2
April 19, 2010

With regard the specific matters raised in your April 15 letter, it appears that a motion to approve Plan Residential failed to pass by majority vote. That being the case, the Chair entertained additional debate and eventually recognized a Motion to postpone, which passed by a majority vote. Accordingly, the matter, I believe, is scheduled to be heard at the May meeting, and MPC welcomes Fountain City Town Hall's participation at that public hearing.

If you have any further questions, please feel free to call me.

Sincerely,

Stephen R. Wise

SRW:cah
Enclosure

cc: Robert Anders
Rebecca Longmire
Mark Donaldson
Trey Benefield

[Type text]

From: Kelly Glenn <Kelly.Glenn@fcaknox.org>
To: <mark.donaldson@knoxmpc.org>, <buz.johnson@knoxmpc.org>, <bettyjo.mahan@knoxmpc.org>, <michael.brusseau@knoxmpc.org>
Date: 5/6/2010 12:57:01 PM
Subject: Proposed Rezoning of Cedar Lane and Heins Road

Good afternoon! My name is Kelly Glenn and I reside at the corner of Heins Road and Fair Drive. As you may know there has been a rezoning application for the corner of Cedar Lane and Heinz Road. I wanted to express my sincere objection to the proposed rezoning. I, along with most of my neighbors, feel the rezoning would have a negative impact on our neighborhood as well as Fountain City. I know there is already an excess of traffic passing through the area, specifically on Cedar Lane heading towards Fountain City. Building a multi-family dwelling on that corner would increase the traffic on both Cedar Lane and Heins Road. Heins Road is a narrow side street; even a small increase of traffic would change a family friendly area into a dangerous one.

While traffic is a big concern, the main reason I oppose the rezoning is that it could change the face of Fountain City. Multifamily dwellings are currently not permitted past the intersection of Inskip and Cedar Lane. Changing the zoning would mean that my next door neighbor, who owns 2 acres of property, could sell her lot to a developer who could turn around and put a 50 unit apartment complex in a residential area. This would cause further crowding of our schools, more traffic and congestion, and lower property values.

My family and I have lived in our home in Fountain City for 6 years. I love that Heins is a safe street for my child to ride his bike and for me to walk my dogs. We spend a lot of time playing outside in our yard and would like to be able to continue to do so. I do hope you will take this information into consideration during the May 13 meeting. While our main goal is to ensure our little area remains family friendly, we also have the interest of all of Fountain City at heart.

Thank you for your time!

Kelly Glenn

Quality Assurance & Records Manager

Youth Summit of Recovery

865-602-2967 Office

865-602-2096 Fax

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

▶ **FILE #:** 4-C-10-SP **AGENDA ITEM #** 41

POSTPONEMENT(S): 4/8/10 **AGENDA DATE:** 5/13/2010

▶ **APPLICANT:** BETTY DEVAULT

OWNER(S): BETTY DEVAULT

TAX ID NUMBER: 58 O A 04901

JURISDICTION: Council District 5

▶ **LOCATION:** Southeast side Cedar Ln., northeast side Heins Rd.

▶ **APPX. SIZE OF TRACT:** 1.84 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Cedar Ln., a minor arterial street with 21-33' of pavement width within 40-70' of right-of-way, or Heins Rd., a local street with 16' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / R-1 (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Multi-dwelling attached residential

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Cedar Ln.- Houses / LDR / R-1 (Low Density Residential)

South: House / LDR / R-1 (Low Density Residential)

East: House / LDR / R-1 (Low Density Residential)

West: Heins Rd. - House / LDR / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT This area is developed with residential uses under R-1, R-2 and RP-1 zoning. The R-2 zoned area is primarily limited to properties at the intersection of Cedar Ln. and Parkdale Rd. and west Along Cedar Ln., from Heins Rd. east is zoned only R-1.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council DENY the sector plan amendment to MDR (Medium Density Residential).**

The North City Sector Plan was adopted by MPC on June 14, 2007 and by City Council on July 17, 2009,

reflecting the current low density residential uses for this property. No conditions have changed in the area since that adoption to warrant an amendment to the plan for this property. Along Cedar Ln., east of Parkdale Rd., low density residential is the exclusive land use all the way to N. Broadway, with the exception of one R-2 zoned property about a half-mile east, near Montrose Rd.

COMMENTS:

MPC postponed this request at the April 8, 2010 meeting, in order to allow the applicant time to meet with neighborhood residents, who oppose the request and wish to maintain the current R-1 zoning. The applicant has now indicated that the intent is to develop the site with an assisted living facility. This use would require use on review approval by MPC in either the proposed R-2 zoning or the recommended RP-1 zoning. On April 29, 2010, the attorney for the applicant requested that these items be postponed once again to the June 10, 2010 MPC meeting. The applicant is not able to attend the May 13 meeting. Postponement will also allow more time for the applicant to meet with neighborhood residents. As of May 3, 2010, no meeting had taken place, to staff's knowledge.

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No known road or utility improvements have occurred in this area. The proposed use is more intense than the current designation.

ERROR OR OMISSION IN CURRENT PLAN:

The North City Sector Plan, appropriately proposes low density residential use of this property. This sector plan was just updated and adopted in 2007.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

R-1 zoning and development have been and continue to be the predominant pattern east of Parkdale Rd. along Cedar Ln. No changes have occurred to warrant changing the plan to allow consideration of R-2 zoning at this location.

ESTIMATED TRAFFIC IMPACT 502 (average daily vehicle trips)

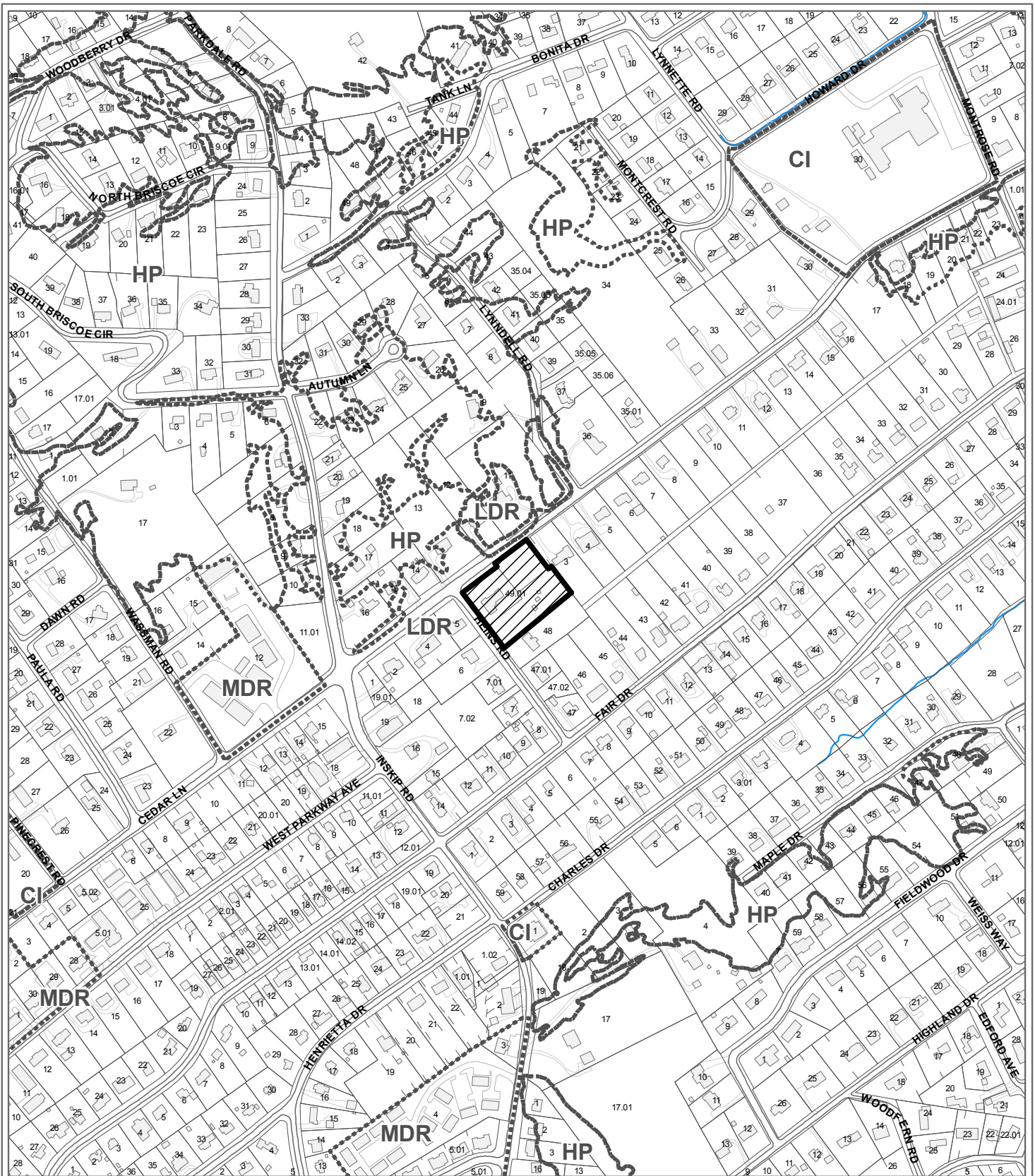
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 8 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Sterchi Elementary, Gresham Middle, and Central 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 Knoxville City Council for action on 6/15/2010 and 6/29/2010. 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-C-10-SP
NORTH CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)



Petitioner: DeVault, Betty

Map No: 58
Jurisdiction: City

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

