

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

▶ **FILE #:** 4-D-11-RZ **AGENDA ITEM #** 21  
 4-C-11-SP **AGENDA DATE:** 6/9/2011

POSTPONEMENT(S): 4/14/11

▶ **APPLICANT:** TLD CONSTRUCTION, MARSHA SNEED  
 OWNER(S): Marsha Sneed / Teddy L. Deaton

TAX ID NUMBER: 104 182  
 JURISDICTION: Commission District 6

▶ **LOCATION:** West side Rehberg Ln., north of Lovell Rd., southwest of Middlebrook Pike

▶ **TRACT INFORMATION:** 11.653 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Rehberg Ln., a local street with 19' of pavement width within 50' of right-of-way.

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

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) & SLPA (Slope Protection Area) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) & SLPA (Slope Protection Area) / PR (Planned Residential)

▶ **EXISTING LAND USE:** Vacant land

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

**DENSITY PROPOSED:** 12 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: In 2005, similar applications were filed for MPC consideration, except with a density request for 7 du/ac. These applications were withdrawn by the applicant prior to the MPC meeting.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Attached residential development / LDR and Slope Protection Area / PR (Planned Residential) at 1-8 du/ac

South: Rehberg Ln. - Vacant land / LDR and Stream Protection Area / CB (Business & Manufacturing)

East: Residence and vacant land / LDR and Slope Protection Area / A (Agricultural)

West: Residences and vacant land / LDR and Slope Protection Area / A (Agricultural)

NEIGHBORHOOD CONTEXT: This site is located on Rehberg Ln., a dead end street near the intersection

of Lovell Rd. and Middlebrook Pike. There are a mix of uses in the area, including commercial, office, a school and low to medium density residential development, under various zoning districts.

---

**STAFF RECOMMENDATION:**

▶ **DENY MDR (Medium Density Residential) sector plan designation.**

Medium density residential development at this location is not appropriate because of severe slopes (greater than 25%) on over 73% of the site.

▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 1 du/ac, subject to 1 condition. (Applicant requested 12 du/ac.)**

1. No additional clearing or grading of the site prior to use on review plan approval by MPC.

**COMMENTS:**

**SECTOR PLAN REQUIREMENTS:**

**CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:**

**NEW ROAD OR UTILITY IMPROVEMENTS:**

The intersection of Lovell Rd. and Middlebrook Pike was improved and realigned several years ago. Rehberg Ln. previously connected with Middlebrook Pike as Lovell Rd., but is now a dead end road that feeds back to the realigned Lovell Rd. Rehberg Ln., which is about 525 feet in length, intersects with Lovell Rd. about 700 feet southwest of its intersection with Lovell Rd., in a section where the street is tapering down from 6 lanes to 2 lanes heading away from the intersection to the north (see attached aerial photograph). MPC staff has concerns about the safety of this intersection currently. The addition of up to 139 dwelling units, as proposed, will add up to 1283 vehicle trips through this intersection, further exacerbating the problem.

**ERROR OR OMISSION IN CURRENT PLAN:**

The plan appropriately calls for low density residential development and slope protection at this location.

**CHANGES IN GOVERNMENT POLICY:**

No changes have occurred that warrant this sector plan change. The Knoxville-Knox County General Plan 2032, which addresses housing densities on sloped areas, has policies that justify a significantly lower density than what has been requested for this site.

**CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:**

The major change in this area is the intersection improvements cited above. This does not justify the request to designate this site for medium density residential development. In fact, staff maintains that the access to this site may have been worsened by the intersection realignment.

**REZONING REQUIREMENTS:**

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

1. 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, slope protection, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.
2. The surrounding area, that is oriented to Lovell Rd., is developed with low density residential uses. PR zoning, at the recommended density, is more compatible with the scale and intensity of the surrounding residential development and zoning pattern than the requested density of 12 du/ac. There is a site to the southwest that is zoned PR at 1-12 du/ac. However, it has been developed at a very low density, and, since that site has similar topographic constraints as the subject property, it would be inappropriate for it to be developed further. Most importantly, the reduced density recommendation addresses the significant topographic constraints of the site. There is a ridgeline that runs along the rear of most of these nearby properties. The site to the northwest (Cove Ridge condominiums), on the opposite side of the ridge from the subject property, was developed with attached residential uses that extended into the ridgeline, after significant clearing and grading into the area. On February 28, 2011, during heavy rainfall, a mudslide/slope failure caused significant damage to one of the residential units located at the rear of the development. The article and photo, related to that incident, from Knoxville.com is attached. This is included to provide an example of why this type of development should be discouraged. According to comments received by Knox County Engineering staff, this downstream slope area should be considered unstable. Any change in stormwater runoff from the upstream area may create a high risk for personal and property losses in the

Cove Ridge development downstream. The Cove Ridge condominium area has experienced slope failure on the east side of the property adjacent to and immediately downstream to the proposed zoning area.

3. Based on the attached slope analysis for the site, over 73% of the site has slopes of greater than 25%, which should be protected. Using the attached slope analysis, staff applied development policy 7.6 of the Knoxville-Knox County General Plan 2032, which addresses housing densities on sloped areas. Application of these policies yielded a maximum of 13 dwelling units as being appropriate for this particular site, which is slightly more than the density recommendation. If the recommended density of 1 du/ac is approved, staff would expect that the 11 allowable units would be proposed within the southern portion of the site, which is less topographically constrained. The recommended condition is included to further protect the steeper areas of the site from disturbance prior to a development plan review. About an acre of the site has already been disturbed and appeared, upon a site visit, to be producing significant sediment runoff into the street and stream adjacent to the site.

#### 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 PR is the most appropriate zone for this development.

#### THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. At the recommended density of up to 1 du/ac on the 11.653 acres reported, up to 11 dwelling units could be proposed for the site. Developed with detached residential units, this would add approximately 159 trips to the street system and about 6 children to the school system. At the requested density of up to 12 du/ac, up to 139 dwelling units could be proposed for the site. Developed with multi-dwelling residential units, this would add approximately 1283 trips to the street system and about 32 children to the school system.
3. PR zoning at the recommended density is compatible with surrounding development and should have a minimal impact on adjacent properties.
4. The approval of these requests will allow the applicant to submit a development plan for MPC's consideration.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. Staff recommends maintaining the Northwest County Sector Plan proposal for low density residential uses and slope protection for this property, consistent with the recommended PR zoning at up to 1 du/ac. The sector plan would have to be amended to medium density residential in order to approve a density of between 5 and 12 du/ac, as proposed.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for medium density residential plan designations and PR zoning at densities between 5 and 12 du/ac in this area, which would not be consistent with the sector plan proposals for this area.

Upon final approval of the rezoning, the developer will be required to submit for MPC's consideration of a concept plan/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.

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 1283** (average daily vehicle trips)

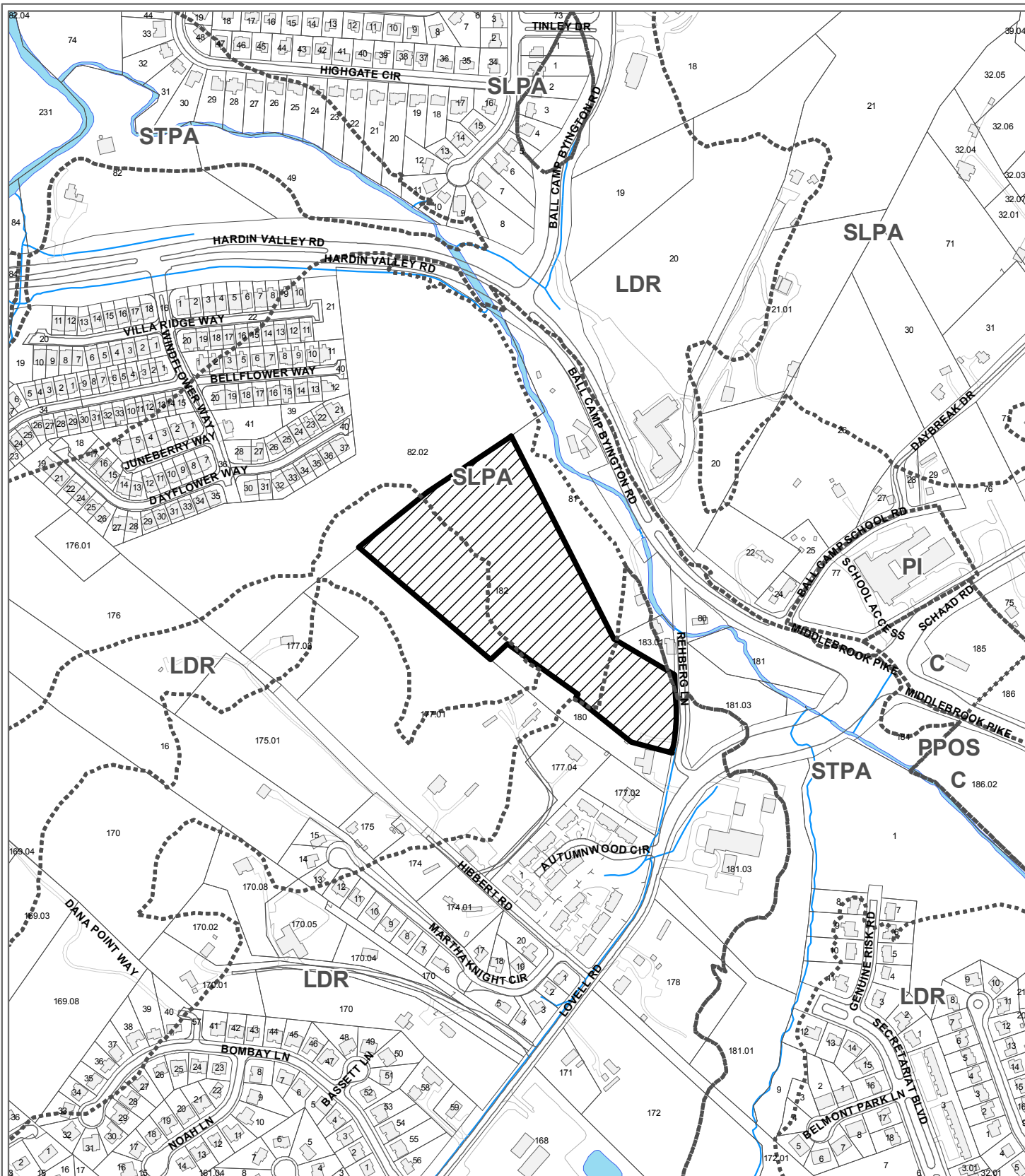
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 32** (public and private school children, ages 5-18 years)

Schools affected by this proposal: Ball Camp 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 7/25/2011. 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.



**4-C-11-SP / 4-D-11-RZ  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) & SLPA (Slope Protection Area)

To: MDR (Medium Density Residential) & SLPA (Slope Protection Area)

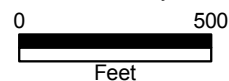


Original Print Date: 3/24/2011      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

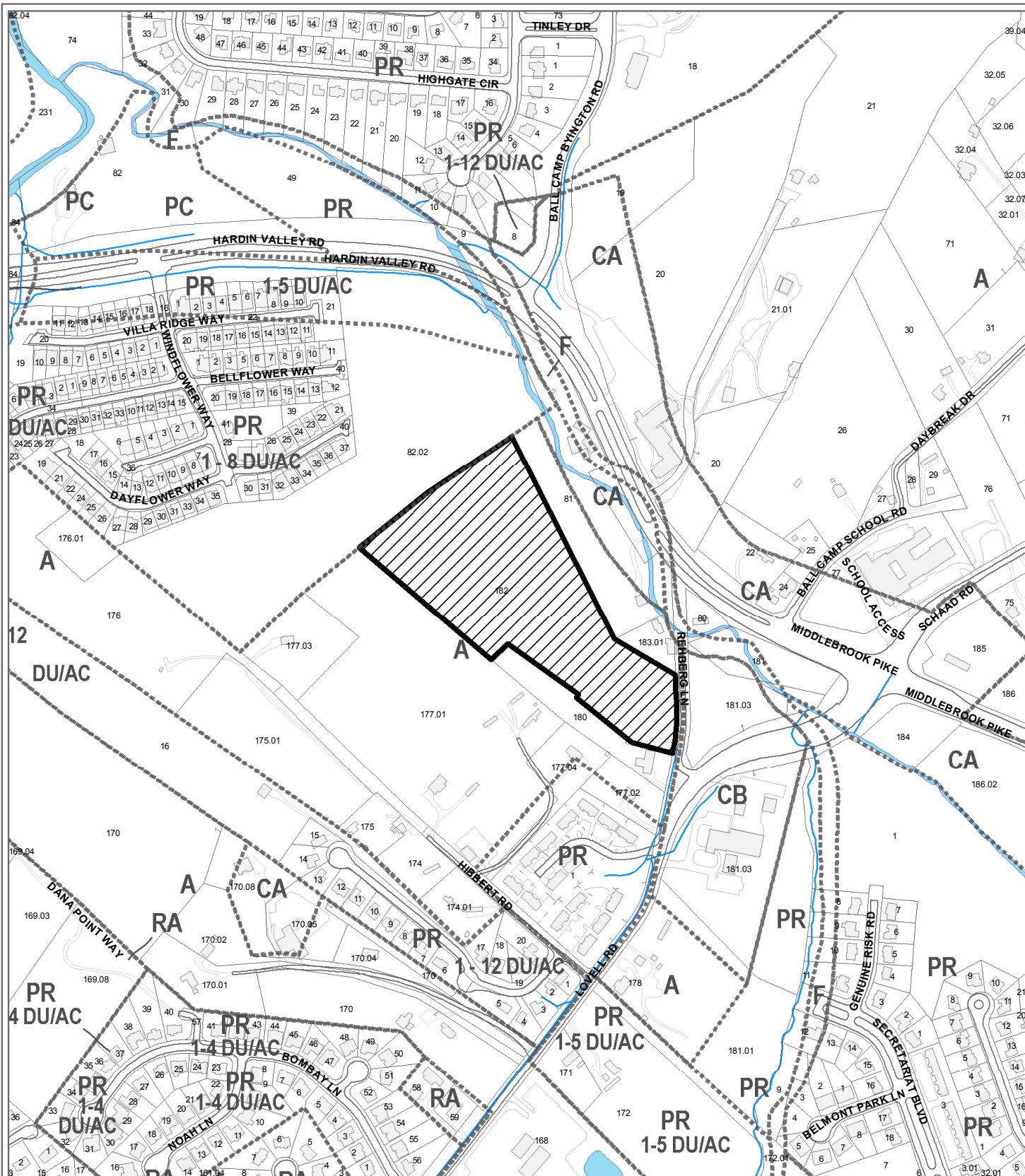
Petitioner: TLD Construction, Marsha Sneed

Map No: 104

Jurisdiction: County







**4-D-11-RZ  
REZONING**

From: A (Agricultural)

To: PR (Planned Residential)



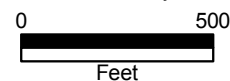
Original Print Date: 3/24/2011  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

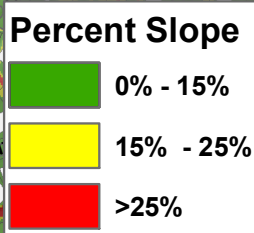
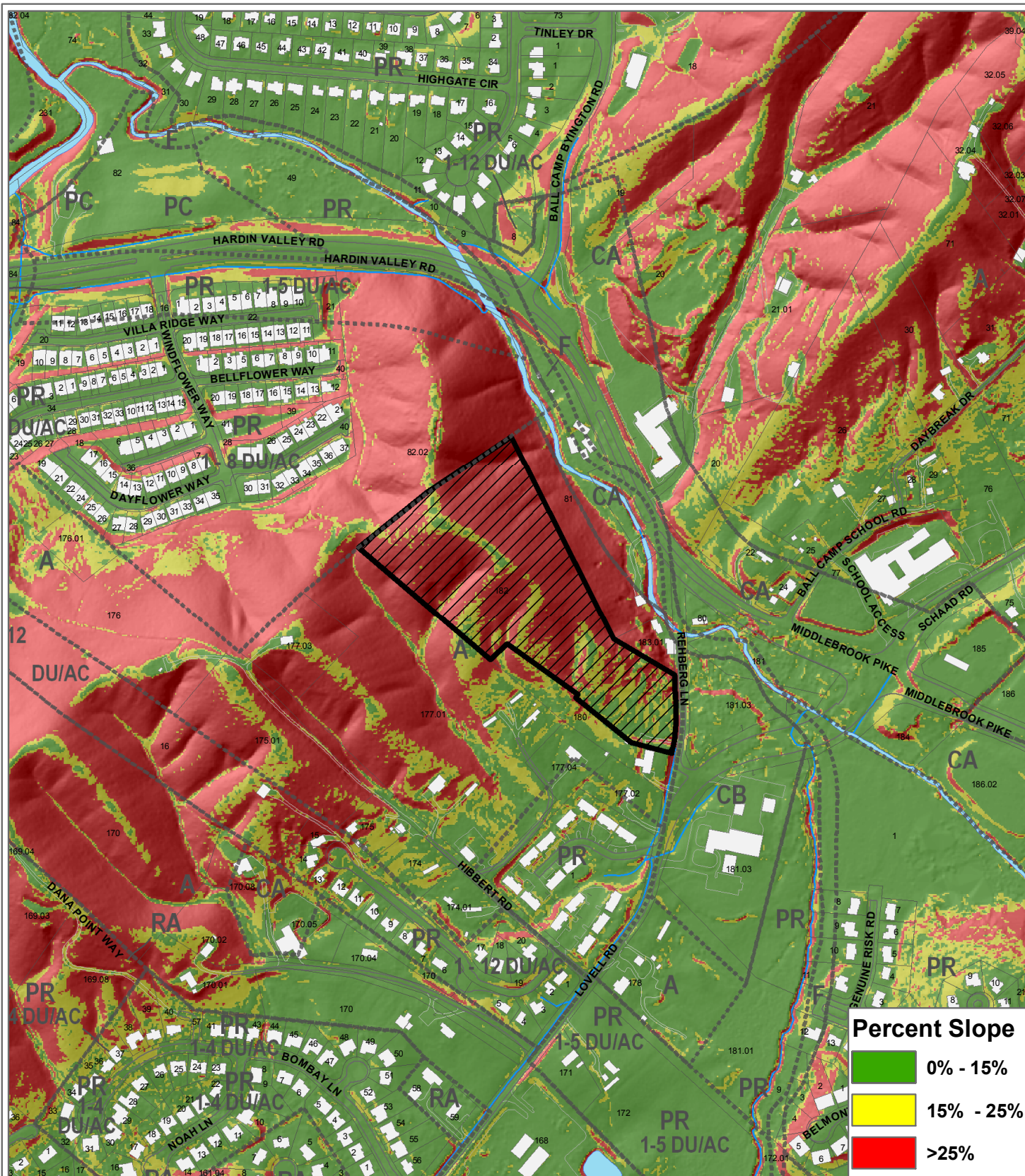
Petitioner: TLD Construction, Marsha Sneed

Map No: 104

Jurisdiction: County

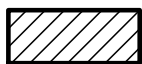






**4-D-11-RZ  
REZONING - SLOPE ANALYSIS**

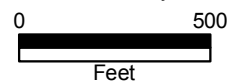
From: A (Agricultural)  
To: PR (Planned Residential)



Original Print Date: 3/17/2011      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: TLD Construction, Marsha Sneed

Map No: 104  
Jurisdiction: County



4-D-11-RZ Slope Analysis

Slope	GridCode	COUNT	Sum_Acres	Percentage
0-15%	1	1892	1.0859	8.95%
15-25%	2	3777	2.1677	17.86%
>25%	3	15478	8.8831	73.19%
Total Acres			12.1367	100.00%





## Clearing blamed for muddy mess

By Jim Balloch

Wednesday, March 2, 2011

From their patio, Bill and Selma Crain have always cherished the view of the woods on the slope behind their home.

But during Monday's flash flooding, they were alarmed to see some of those trees washing down the hillside - and headed straight for their condominium.

"She was scared, and my high blood pressure went up," said Bill Crain, 77, a retired air traffic controller. "But we were lucky. It could have been worse."

That was on the same day that the Knox County Commission postponed for two months a vote on proposed hillside-development regulations that, according to backers, might have prevented what happened to the Crains, who live in Cove Ridge Condominiums off Hardin Valley Road.

Supporters say the Knoxville Knox County Hillside and Ridgetop Protection Plan offers concessions to developers along with guidelines to deal with water quality, erosion and flooding issues. It sets limits for development on land at least five acres in size with slopes of 15 percent to 25 percent or greater. The steeper the slopes, the fewer units allowed, with none allowed at 50 percent or greater.

"The whole point of planning is that it can prevent things" like what happened to the Crains, said Renee Hoyos, executive director of the Tennessee Clean Water Network. "When you (damage or destroy) the top of a watershed, you set up a situation for everybody below it to be impacted by increased flooding."

The Crains were left with a nasty mess but no serious damage. Some tree limbs and water reached their patio. A mudslide clogged both drains on the property, but neighbors helped clear them. No water got into the home.

The Crains said they have had no such problems in the 10 years they have lived in Cove Ridge. Several months ago, they noticed trees along the top of the ridgeline were being cleared, for what they have been told is some sort of residential development.

"I know they have taken out some pretty big trees," said Selma Crain, 72, a retired Veterans Administration nurse.

Said Bill Crain: "We are 100 percent (in agreement) that they should not be allowed to build like that. They are up there just stripping the trees out."

The Crains' county commissioner, Brad Anders, said he has scheduled a meeting with the Crains at their home. In the meantime, he said, officials with the Knox County Engineering and Public Works Department are looking into the situation and have indicated that a citation for failure to establish erosion control could be issued.

Jim Balloch may be reached at 865-342-6315.



© 2011 Scripps Newspaper Group — Online