



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

**FILE #:** 1-D-12-RZ **AGENDA ITEM #** 18  
 1-A-12-SP **AGENDA DATE:** 1/12/2012

**APPLICANT:** SAGEBRUSH CAPITAL  
**OWNER(S):** Sagebrush Capital

**TAX ID NUMBER:** 104 21103  
**JURISDICTION:** Commission District 6

**LOCATION:** Southwest side Middlebrook Pike, southeast of Bob Kirby Rd.

**TRACT INFORMATION:** 10 acres.

**SECTOR PLAN:** Northwest County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Middlebrook Pike, a major arterial street with 4 lanes and a center median within 145' 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:** HDR (High Density Residential) & SLPA (Slope Protection Area) / PR (Planned Residential)

**EXISTING LAND USE:** Vacant land

**PROPOSED USE:** Walden Legacy Apartment Community, Phase II

**DENSITY PROPOSED:** 19 du/ac

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

**HISTORY OF ZONING REQUESTS:** None noted for this site. Adjacent site to southeast was changed to MDR and SLPA and PR zoning at 1-12 du/ac in 2003. MPC staff had recommended denial of MDR and a PR density of up to 5 du/ac, but MPC and County Commission approved as requested.

**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING** North: Middlebrook Pike - Residence / LDR / A (Agricultural)

South: Apartment development / MDR & SLPA / PR (Planned Residential) @ 1-12 du/ac

East: Apartment development / MDR & SLPA / PR (Planned Residential) @ 1-12 du/ac

West: Bank and residence / MU & LDR / A (Agricultural) and CA (General Business)

**NEIGHBORHOOD CONTEXT:** This section of Middlebrook Pike has a mix of uses including apartments, detached houses and businesses under A, PR, CA and PC zoning.

**STAFF RECOMMENDATION:**

- ▶ **ADOPT RESOLUTION # 1-A-12-SP, amending the Northwest County Sector Plan to MDR (Medium Density Residential) and SLPA (Slope Protection) and recommend that County Commission also adopt the amendment. (Applicant requested HDR.) (See attached Exhibit A.)**

Medium density residential development is consistent with much of the adjacent development and zoning in the area. There is an established, multi-dwelling residential development to the southeast of this site. Medium density residential is compatible with the surrounding development and zoning pattern, but the requested high density residential is not. If development is limited on the steep slopes within the SLPA (Slope Protection Area), as recommended, then the resulting development will be clustered in the less constrained areas of the site and will appear more dense than the overall site density would indicate.

- ▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 5 du/ac, subject to 1 condition. (Applicant requested 19 du/ac)**  
**1. No clearing or grading of the site prior to use on review plan approval by MPC.**

The recommended PR zoning and density with a condition takes into account the topographic constraints of the site, while allowing reasonable use of the property. The condition is intended to prevent major alterations to the site prior to MPC having the opportunity to review a development plan. PR zoning is an appropriate zone for development of this site, because it allows clustering of units in the less-constrained portions of the site and requires use on review plan approval by MPC prior to construction.

**COMMENTS:**

**SECTOR PLAN REQUIREMENTS:**

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

**NEW ROAD OR UTILITY IMPROVEMENTS:**

This section of Middlebrook Pike was improved in the early 2000's from a two-lane to a four-lane section. This major arterial street is sufficient to handle the additional traffic that would be generated by low to medium density residential development.

**ERROR OR OMISSION IN CURRENT PLAN:**

The current sector plan proposes slope protection and low density residential uses for this site. Medium density residential uses for this site would be an extension from the southeast, but the slope protection on the majority of the site should be maintained, so the residential density must be limited.

**CHANGES IN GOVERNMENT POLICY:**

No changes in government policy impact this request. The adjacent site to the southeast was approved for a sector plan amendment and rezoned PR at up to 12 du/ac in 2003 (10-P-03-RZ/10-A-03-SP). MPC staff had recommended denial of MDR and approval of PR at up to 5 du/ac, but MPC and County Commission approved as requested. The use on review for the apartment development was approved by MPC in 2004 (1-B-04-UR).

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

The property to the southeast is zoned for and developed with medium density residential uses. The established 236 unit apartment development maximizes the allowable density of up to 12 du/ac for that site. The recommended MDR and SLPA for the subject property is a logical extension of that sector plan designation and this is the primary reason for staff's recommendation to approve MDR and SLPA to the subject property.

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.

**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, layout, recreational amenities, clearing, grading, drainage, 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 is developed primarily with low density residential uses, with some medium density residential and commercial. 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 19 du/ac. The adjacent apartment development to the southeast, Walden Legacy, Phase 1, was developed in 2005 and has 236 dwelling units, which maximizes its current PR zoning density of up to 12 du/ac. The need for grading of that site was minimal at that time, because there was already a large, relatively flat, upper section of the site where a large greenhouse was located. (See attached topo map from 1998-2001, Exhibit B). Development of this site at any more than the recommended density of 5 du/ac will likely require substantial grading of the site, along with the clearing of a large stand of trees that currently contributes to the stabilization of the steep sloped area toward the front of the site along Middlebrook Pike. (See attached aerial photo, Exhibit C.)
3. Based on the attached slope analysis for the site (Exhibit D), about 21% of the site has slopes of greater than 25%, which should be protected. Using the slope analysis, staff applied development policy 7.6 of the Knoxville-Knox County General Plan 2032, which addresses housing densities on sloped areas in making the recommendation for reduced density. In applying that policy to the subject property using the slope analysis, the site should be limited to a density of no more than 5 du/ac, in order to maintain the slopes on the site, as shown on the attached sector plan (Exhibit E) and current topography map (Exhibit F). Staff acknowledges that, if not for the topography of the site, it would be appropriate for MDR (Medium Density Residential) development, as indicated with the recommended approval of MDR on the sector plan. Within the unrestricted area of 0-15% slope grades, staff applied the maximum density allowed in the MDR area (12 du/ac), which produced a total of 44 units for the site (4.45 du/ac). Staff rounded up to 5 du/ac for the recommended density. If the calculations were based on the current LDR designation, the total number of units would be 25 units or about 2.5 du/ac. If the recommended density is approved, staff would expect that the proposed units would be located within the portions of the site that are less topographically constrained. A current topography map is attached (Exhibit F).

#### 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 into 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 5 du/ac on the 10 acres reported, up to 50 dwelling units could be proposed for the site. Developed with multi-dwelling residential units, this would add approximately 512 trips to the street system and about 12 children to the school system. At the requested density of up to 19 du/ac, up to 190 dwelling units could be proposed for the site. Developed with multi-dwelling residential units, this would add approximately 1699 trips to the street system and about 44 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 PR zoning will allow the applicant to submit a development plan for MPC's consideration as a use on review.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan currently proposes slope protection for the majority of the site and low density residential uses for the remainder of the property, consistent with the recommended PR zoning at up to 5 du/ac. Staff has recommended that the non-slope protected area of the site be changed to MDR, allowing clustering of units in the less slope constrained areas of the site. Staff's reduced overall density recommendation is based on the fact that the slope protection area should be acknowledged and maintained.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. Approval of this request could lead to future requests for medium or high density residential plan designations and PR zoning on other properties in the area.

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 1699 (average daily vehicle trips)

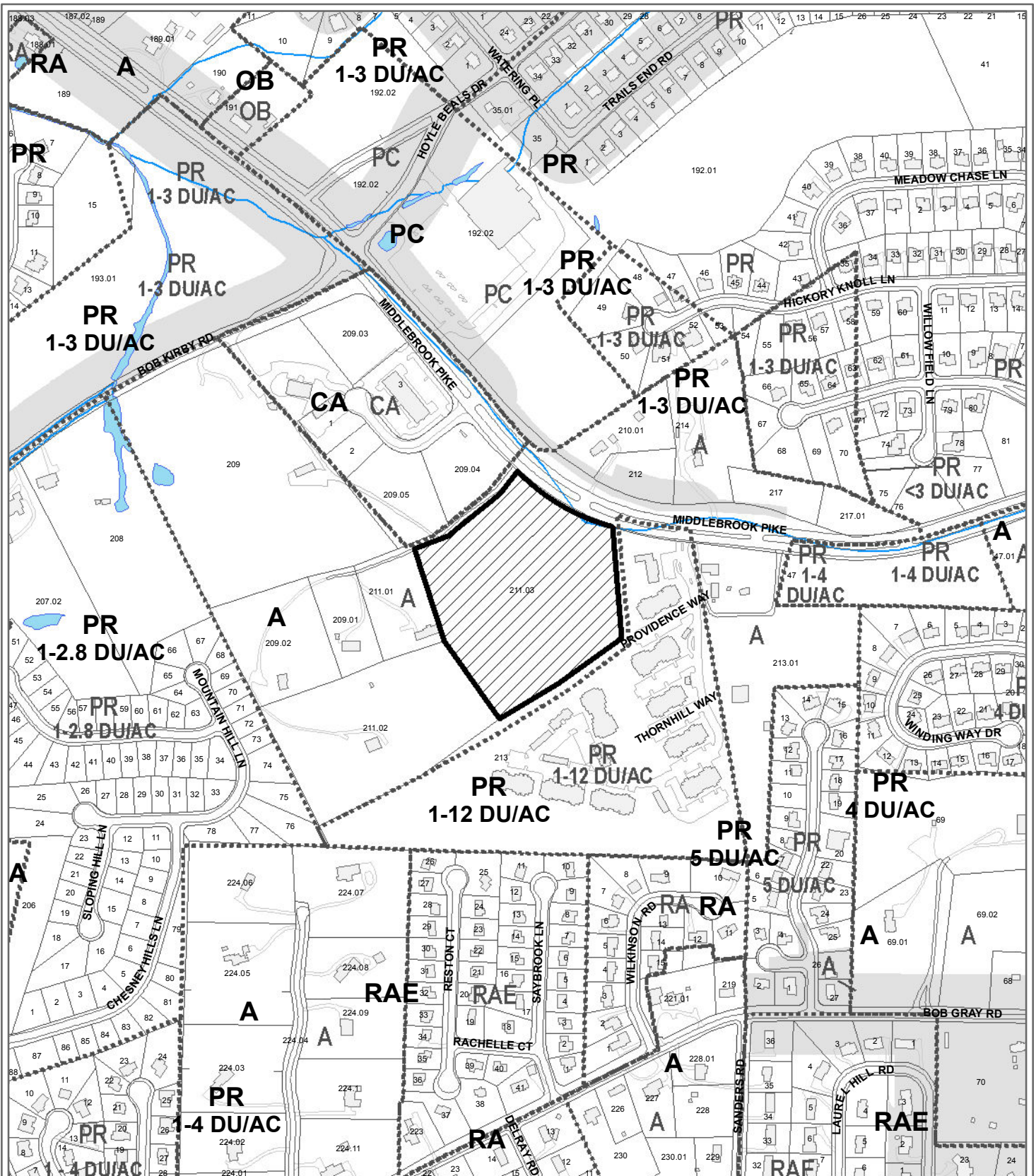
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 44 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff 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 2/27/2012. 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.



**1-D-12-RZ / 1-A-12-SP  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

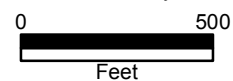
From: A (Agricultural)  
To: PR (Planned Residential)



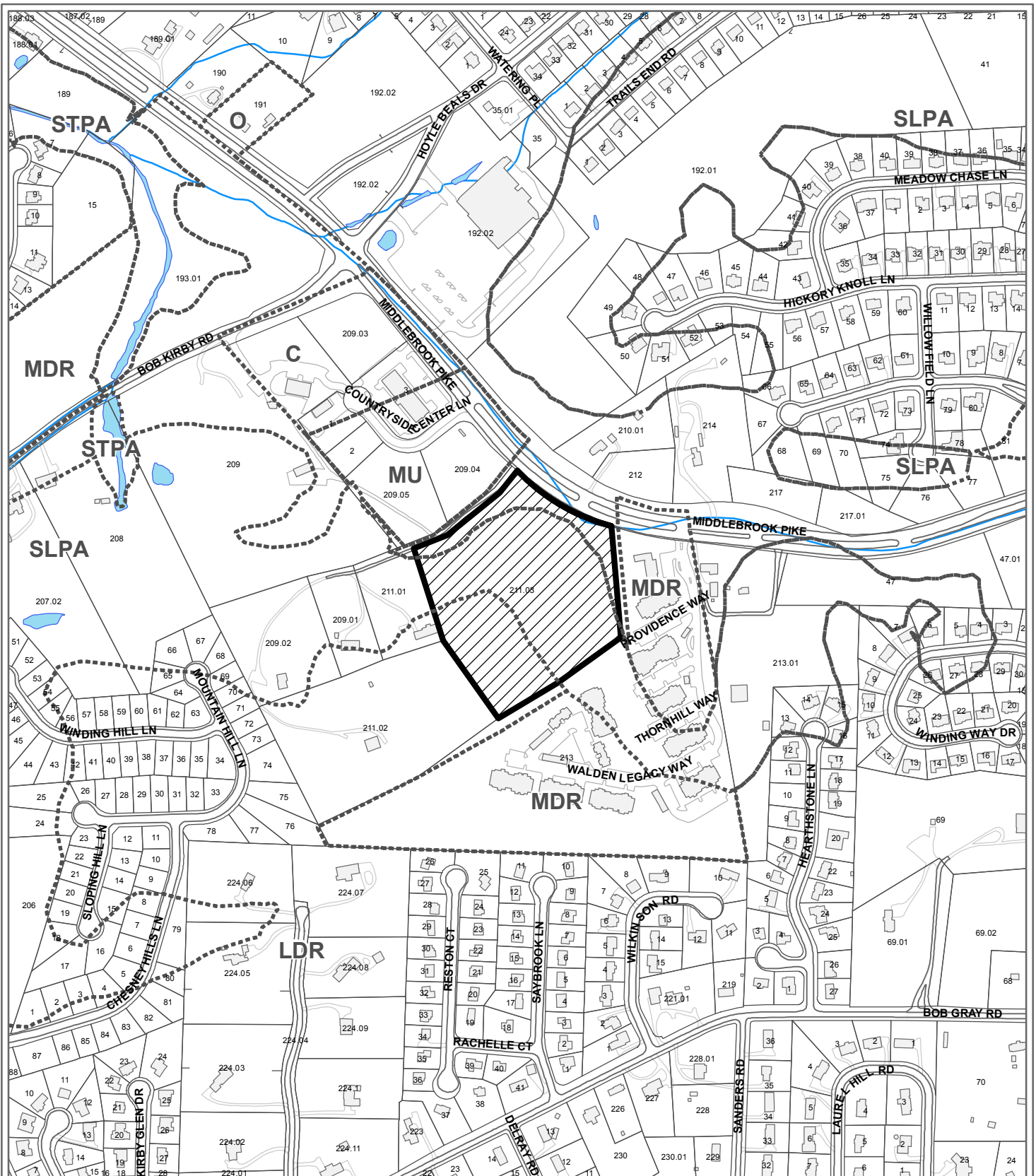
Petitioner: Sagebrush Capital

Map No: 104  
Jurisdiction: County

Original Print Date: 12/14/2011      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902







**1-A-12-SP / 1-D-12-RZ  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

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



Petitioner: Sagebrush Capital

Map No: 104

Jurisdiction: County



Original Print Date: 12/14/2011      Revised:  
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**KNOXVILLE-KNOX COUNTY  
METROPOLITAN PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

***WHEREAS**, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and*

***WHEREAS**, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and*

***WHEREAS**, Sagebrush Capital, has submitted an application to amend the Sector Plan from Low Density Residential and Slope Protection to High Density Residential and Slope Protection for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and*

***WHEREAS**, the Metropolitan Planning Commission, at its regularly scheduled public hearing on January 12, 2012, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.*

**NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:**

*SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying, staff report and map, file #1-A-12-SP.*

*SECTION 2: This Resolution shall take effect upon its approval.*

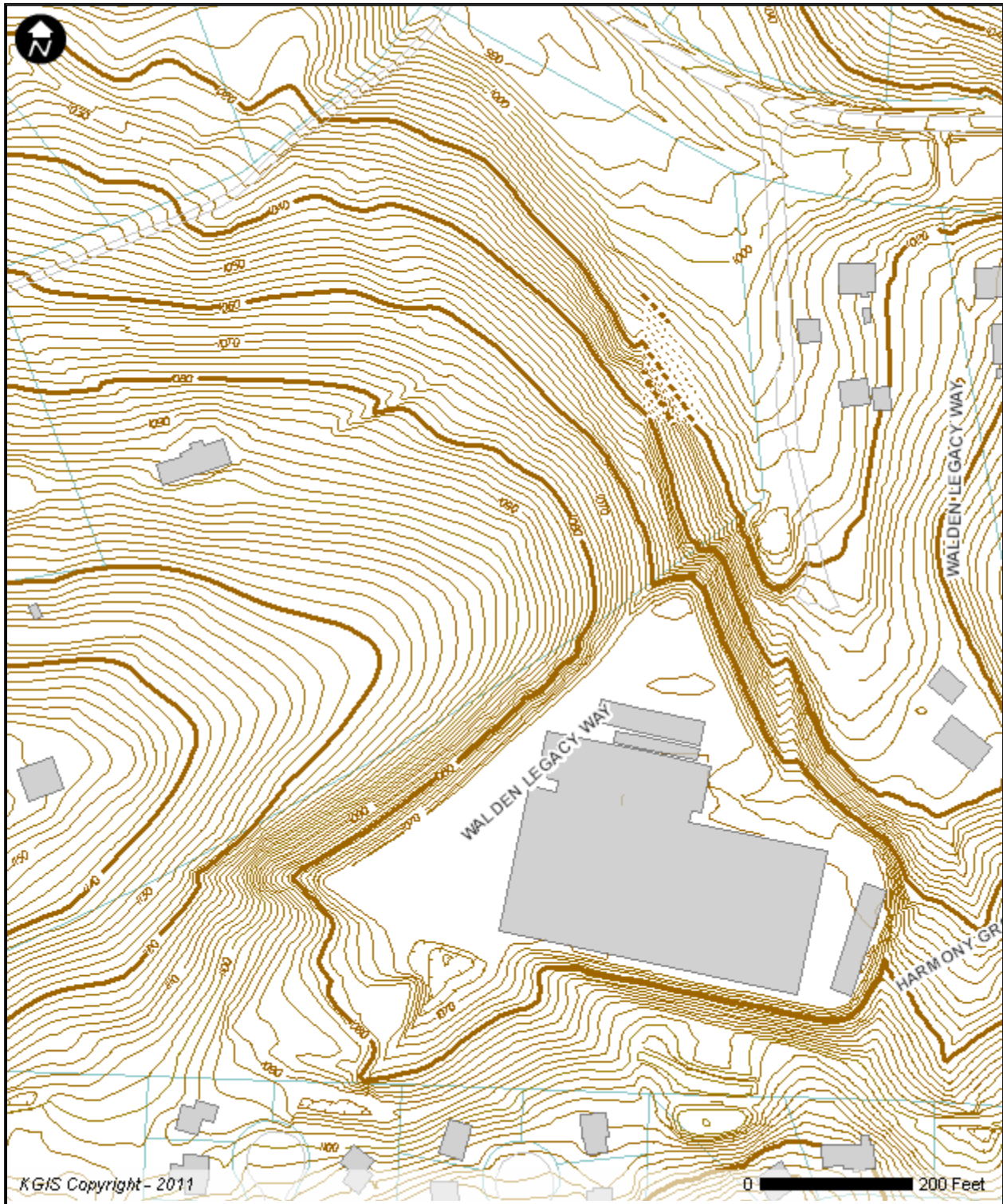
*SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

# EXHIBIT B



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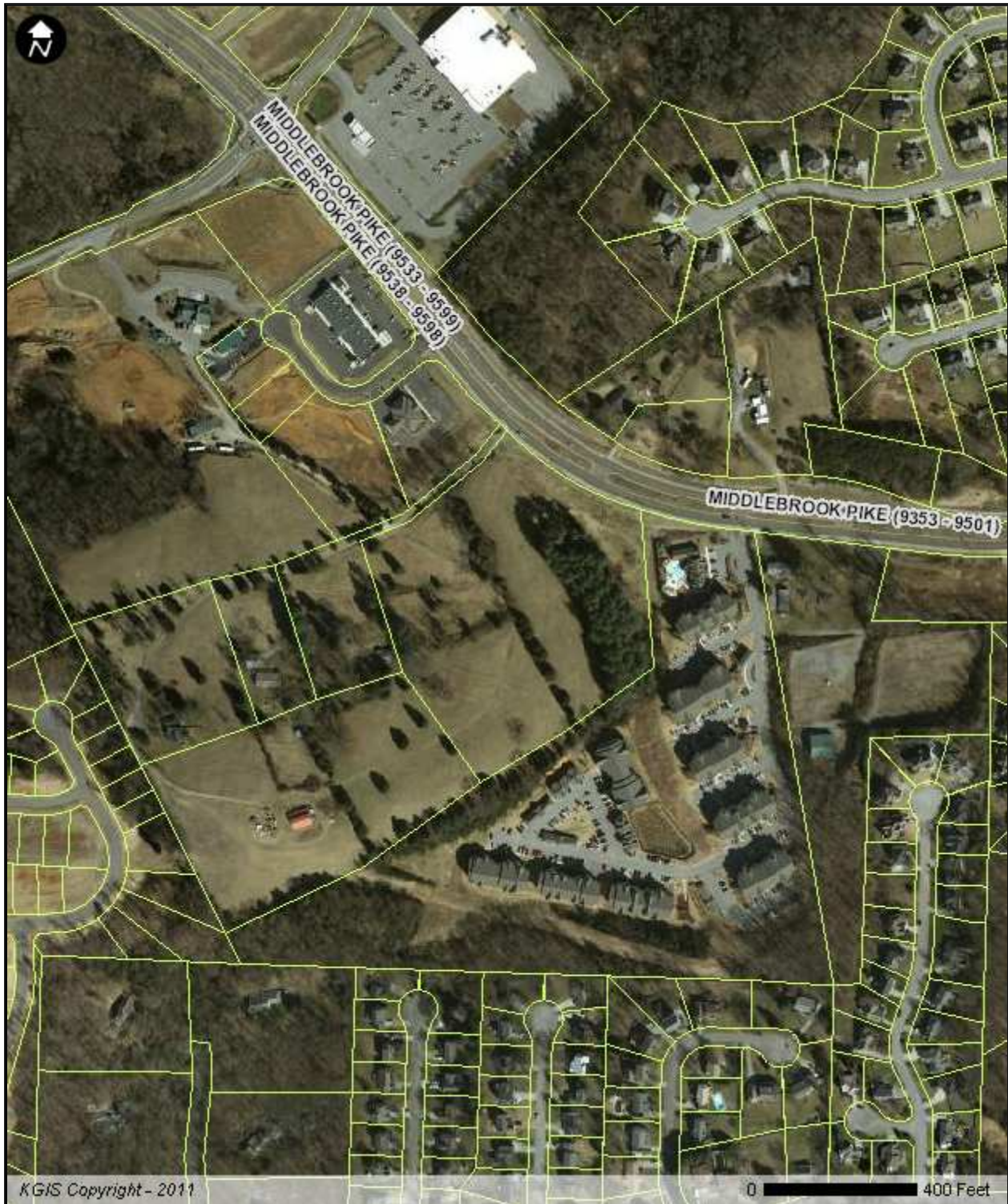
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# EXHIBIT C



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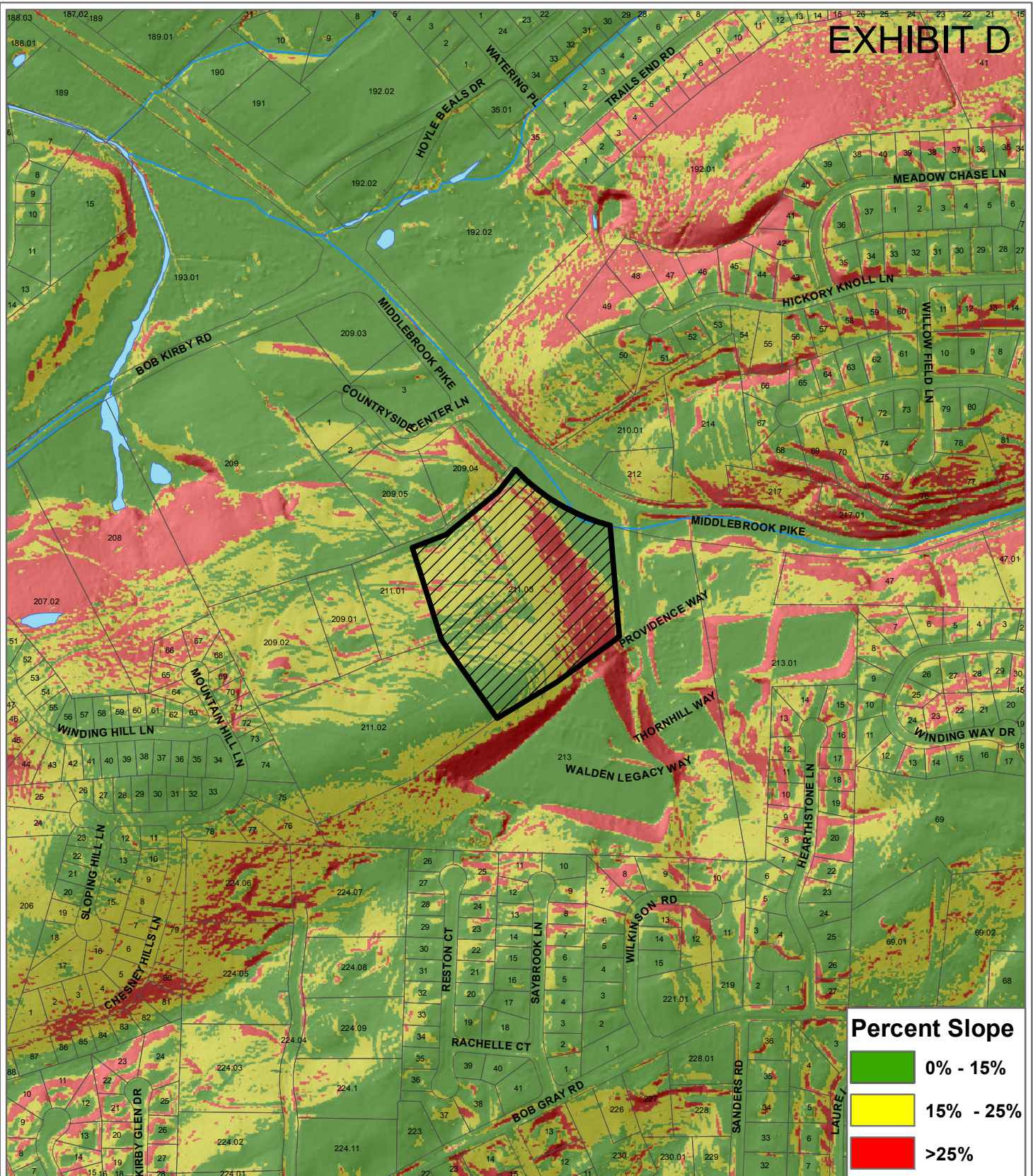
# EXHIBIT D

## 1-D-12-RZ Slope Analysis

Slope	Grid Code	COUNT	Sum_Acres	Percentage
0-15%	1	4784	2.7456	27.75%
15-25%	2	8814	5.0585	51.13%
>25%	3	3642	2.0902	21.13%
Total Acres			9.8944	100.00%

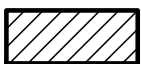


# EXHIBIT D



## 1-D-12-RZ REZONING - SLOPE ANALYSIS

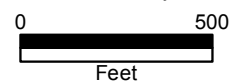
From: A (Agricultural)  
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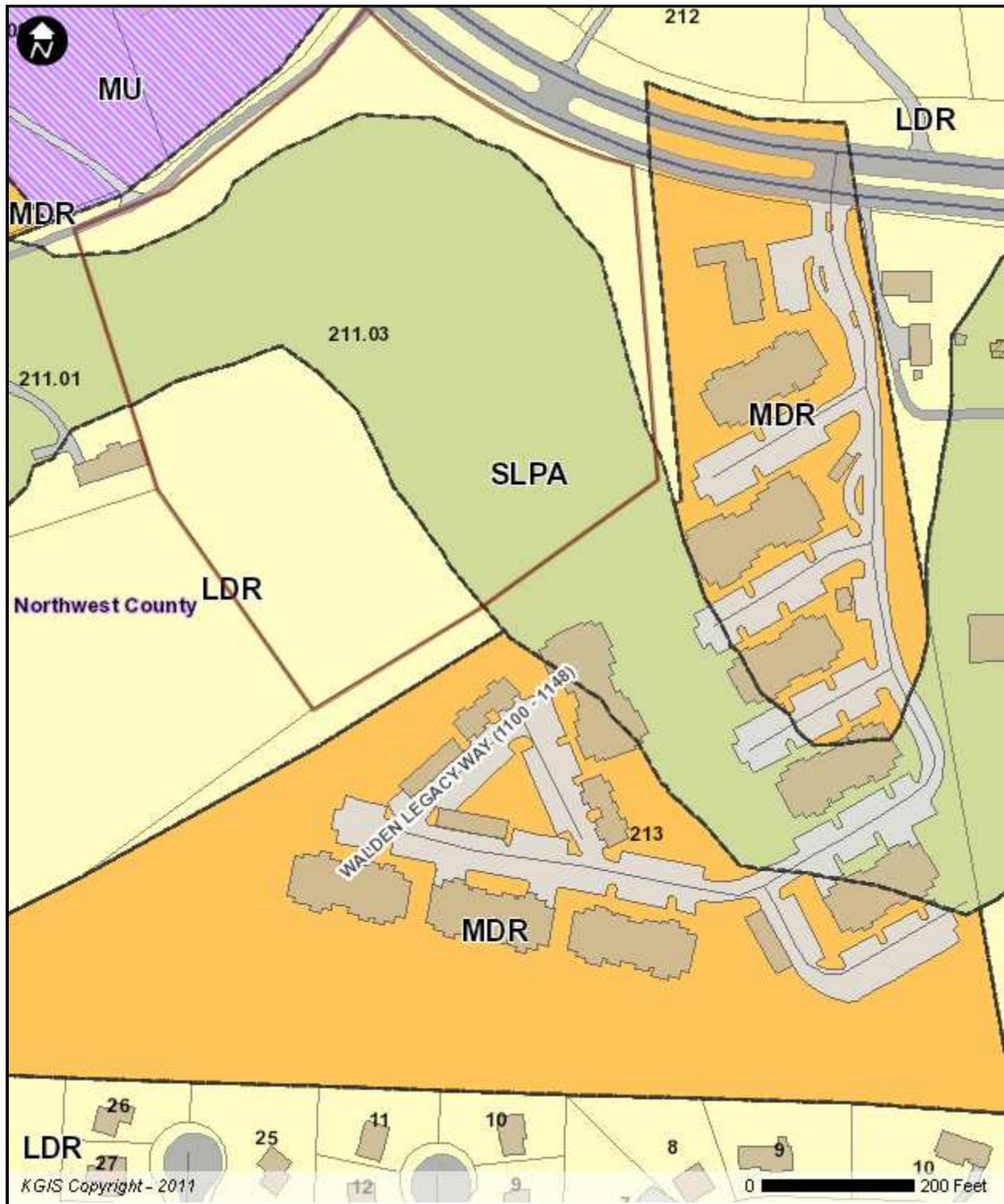
Petitioner: Sagebrush Capital

Map No: 104  
Jurisdiction: County





# EXHIBIT E



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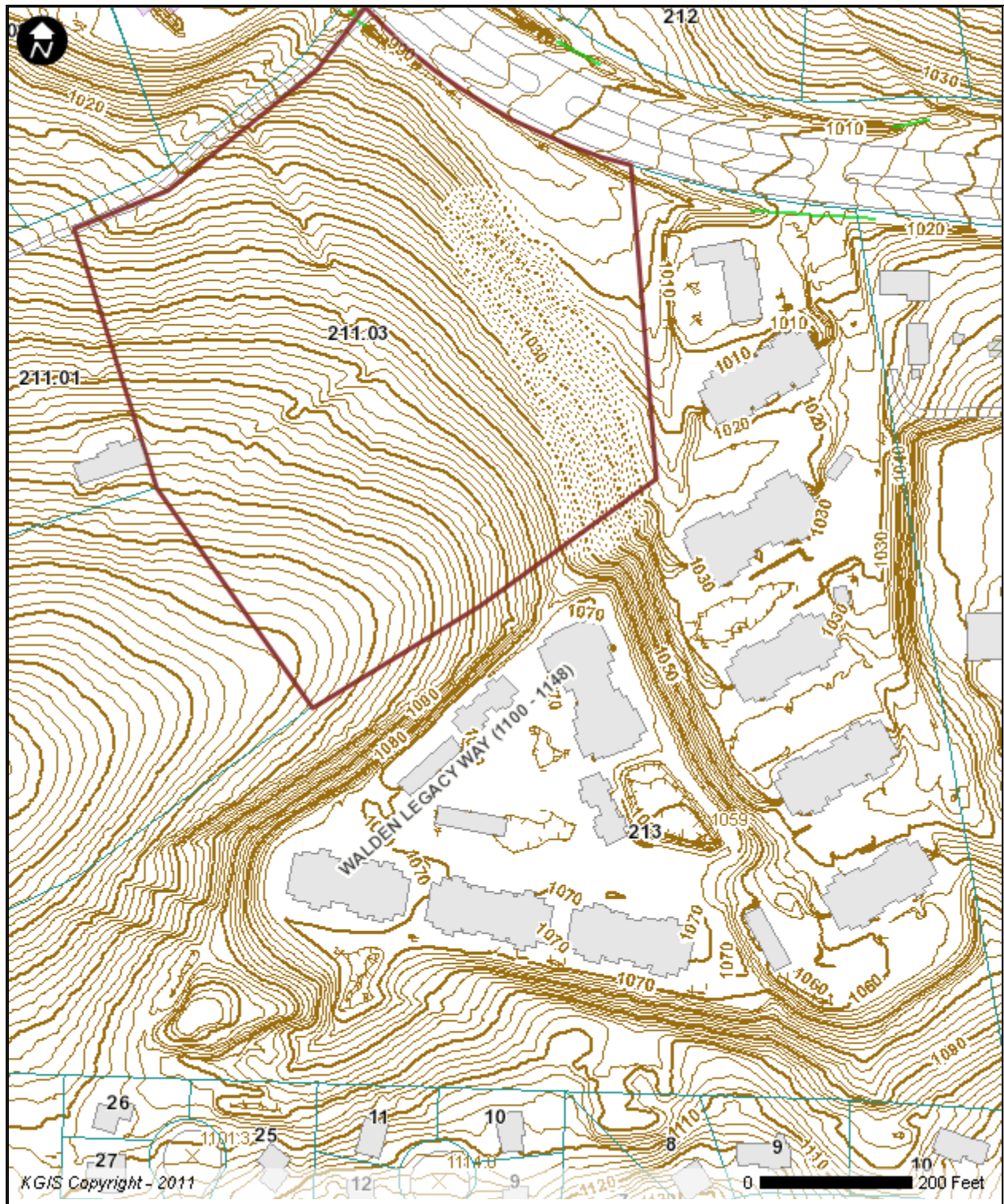
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# EXHIBIT F



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