

▶ **FILE #:** 3-E-12-RZ **AGENDA ITEM #:** 26
 POSTPONEMENT(S): 3/8/12-4/12/12 **AGENDA DATE:** 5/10/2012

▶ **APPLICANT:** CITY OF KNOXVILLE
 OWNER(S): BABELAY FARM LLC

TAX ID NUMBER: 49 PT OF 08801 MAP ON FILE AT MPC
 JURISDICTION: City Council District 4

▶ **LOCATION:** Northwest side Washington Pike, southwest of Mill Rd.
 ▶ **APPX. SIZE OF TRACT:** 1.34 acres
 SECTOR PLAN: North City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is via Washington Pike, a minor arterial street with 22' of pavement width within 70' of right-of-way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Whites Creek

▶ **PRESENT ZONING:** No Zone (formerly RA (Low Density Residential) and RB (General Residential))
 ▶ **ZONING REQUESTED:** R-2 (General Residential)
 ▶ **EXISTING LAND USE:** Residential
 ▶ **PROPOSED USE:** Residential
 EXTENSION OF ZONE: Yes, extension of R-2 from the north
 HISTORY OF ZONING: Property to north was rezoned R-2 after annexation into the City.
 SURROUNDING LAND USE AND ZONING: North: Residence and vacant land / R-2 (General Residential) and RB (General Residential)
 South: Washington Pike - Residence / R-1 (Low Density Residential)
 East: Vacant land / RA (Low Density Residential) and RB (General Residential)
 West: Residence / RA (Low Density Residential)
 NEIGHBORHOOD CONTEXT: This area is primarily developed with residential uses under RA, RB, R-2 and PR zoning. There is some industrial (LI & I) zoning in the area. There are also commercial uses and zoning to the southwest, zoned PC-1 and C-3.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE RP-1 (Planned Residential) zoning at up to 5.5 du/ac subject to 2 conditions. (See attached staff recommendation map.)**

1. At the time of development plan approval, appropriate land within the highlighted area on the attached aerial photo shall be placed in a conservation easement or otherwise preserved in an undisturbed condition.
2. At the time of development plan approval, a method for providing public access to the area shown as a conservation easement, such as a trail or greenway easement, shall be documented and shown on the development plan.

The Hillside and Ridgetop Protection Plan (H RTP) has two provisions (attached) that allow for a 10 percent

density bonus when a conservation easement is placed on an undisturbed, steep hillside or ridgetop portion of a parcel, and an additional 10 percent density bonus if public access is provided within that easement. Staff's base density recommendation would be 4.5 du/ac based on the slope analysis, but the conditional application of the 20% density bonus yields a density of up to 5.5 du/ac, which allows consideration of 93 additional dwelling units on the overall site. An aerial photo of the site is attached with the undisturbed, steep, forested portion of the site highlighted. If the applicant is not willing to place a publicly accessible conservation easement on this area, then the conditions may be omitted and staff recommends a density of 4.5 du/ac, which would be the recommended base density based on the slope analysis, without applying the density bonus provisions within the H RTP.

The recommended RP-1 zoning with a dwelling unit maximum maintains zoning conformity for the existing development that has already occurred on site. The RP-1 zoning at up to 5.5 du/ac allows reasonable development for the rest of the site, while taking into account the slope protection area designated on the sector plan.

This site should be rezoned consistent with MPC's zoning and density recommendation on the larger, adjacent site that will be considered prior to this request (3-D-12-RZ).

COMMENTS:

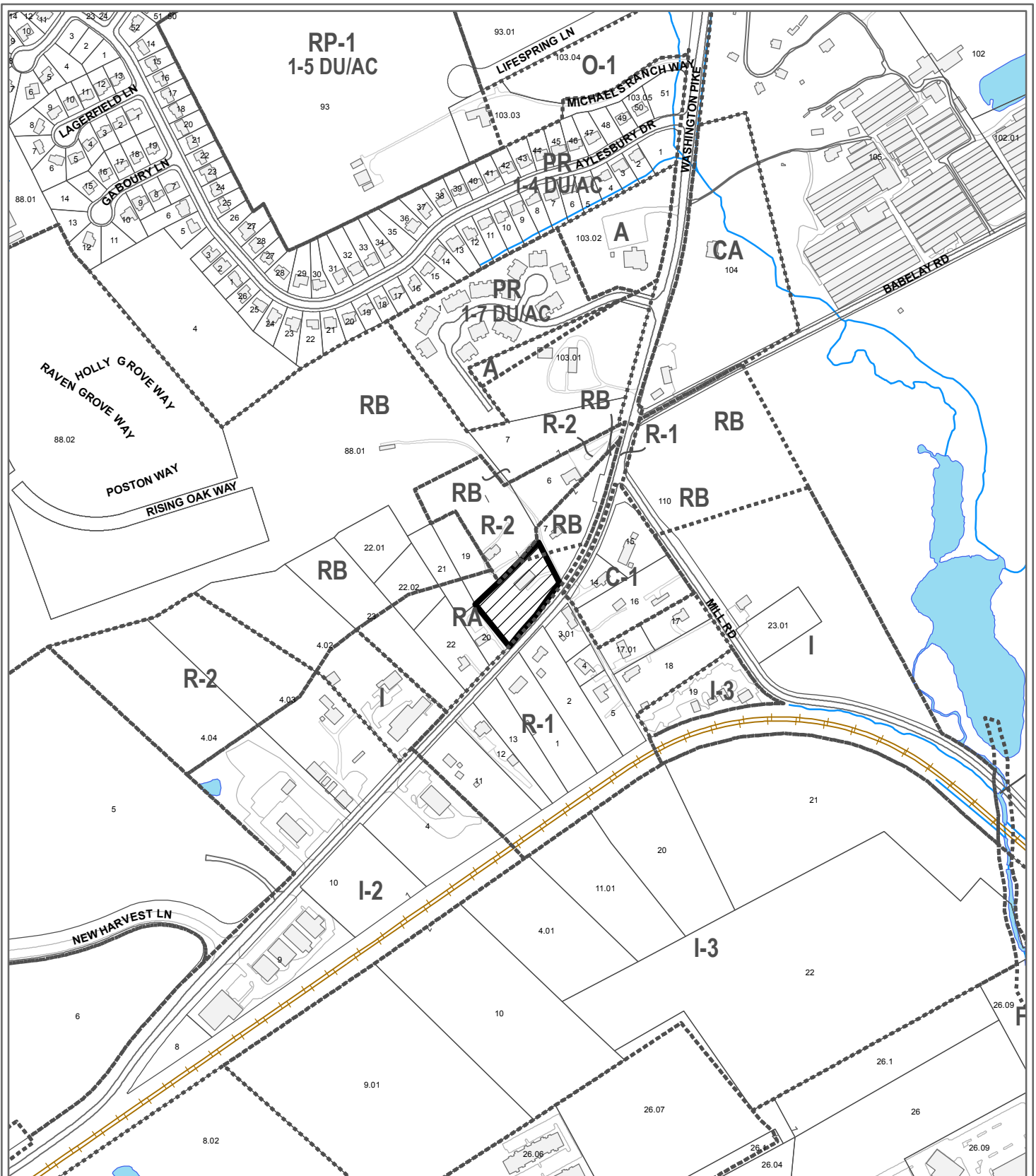
This smaller site is a separated part of parcel 88.01. The City of Knoxville filed this rezoning separately from the rest of the site, because this portion is not contiguous to the rest of site. The previous, County RA zoning is comparable with the recommended RP-1 zoning at either 4.5 or 5.5 du/ac. RP-1 zoning at either 4.5 or 5.5 du/ac is consistent with the sector plan proposal for the site.

A portion of parcel 88.01 to the north of this site was annexed previously and is currently zoned R-2. It may be in the property owner's best interest to request that part of the site to be rezoned RP-1 also, so that it can be counted toward density, which would result in additional dwelling units that could be proposed for the site. Also, the entire parcel would have to be consolidated under RP-1 zoning in order to consider the entire site for density calculations and development plan approval.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 6/12/2012 and 6/26/2012. 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.



**3-E-12-RZ
GOVERNMENTAL REZONING**

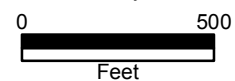
From: No Zone
To: R-2 (General Residential)

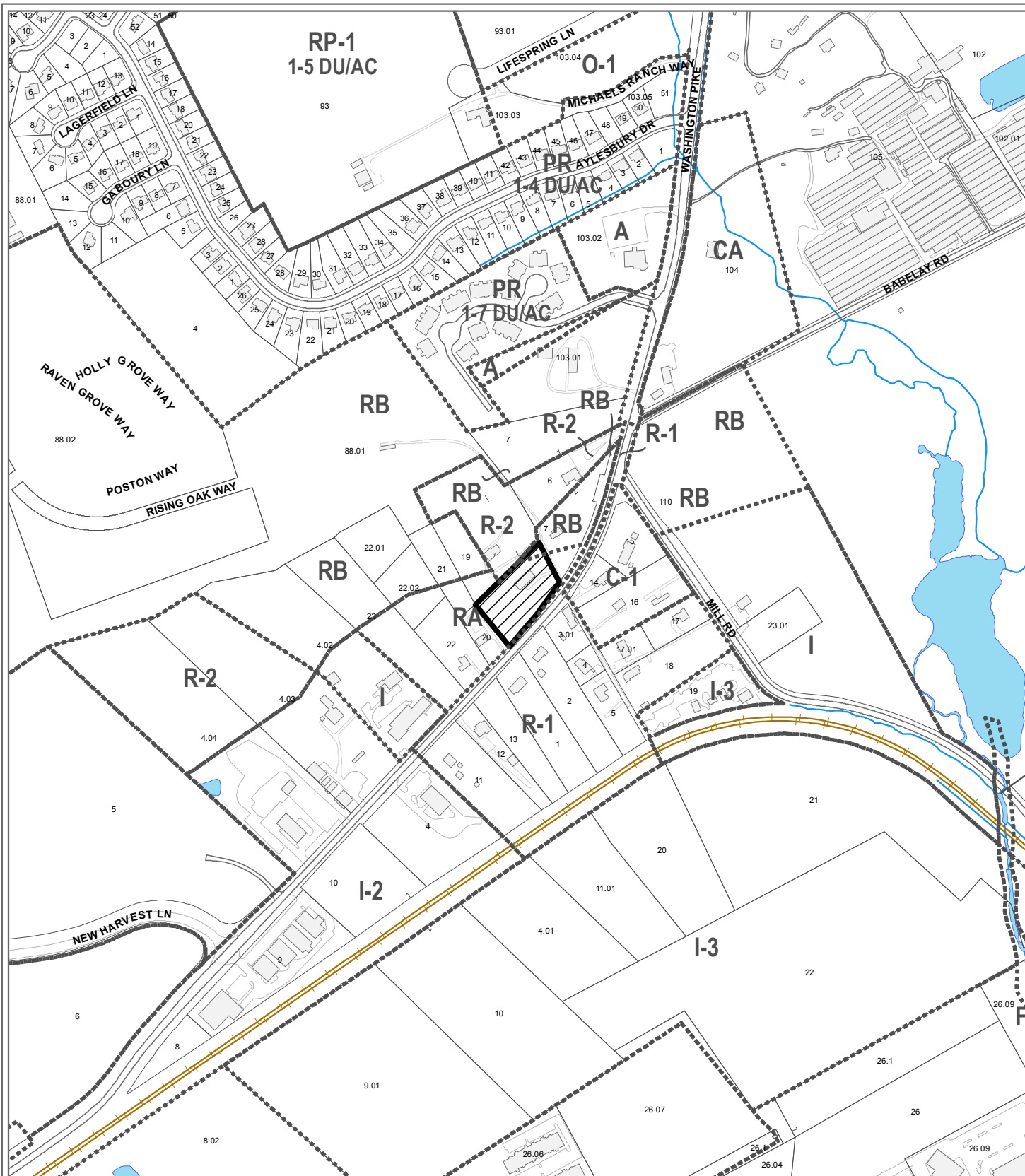


Petitioner: City of Knoxville

Map No: 49
Jurisdiction: City

Original Print Date: 2/17/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

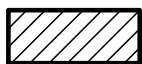




**3-E-12-RZ. MPC Staff Recommendation
GOVERNMENTAL REZONING**

From: No Zone

To: RP-1 (Planned Residential) Up To 4.5 du/acre



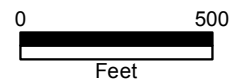
Original Print Date: 4/4/2012
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: City of Knoxville

Map No: 49

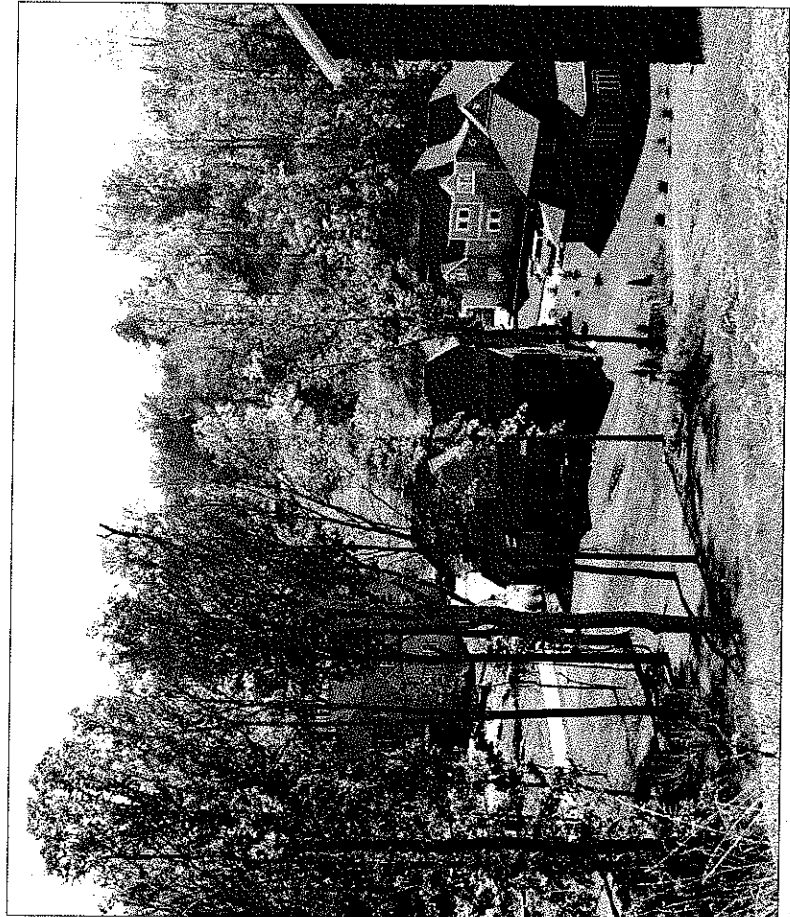
Jurisdiction: City



Zoning and Development Policies

Zoning is the foundation for land use control in Knoxville and Knox County. Over the last two decades, MPC, the city council and county commission have made rezoning decisions based on the capability of land to sustain certain intensities of development, recognizing that steep slope and flooding conditions pose limitations. The zoning codes contain limitations on the height of building, which is 35 feet in the zoning districts that are currently within the Hillside and Ridgetop Protection Area. No changes are recommended to the building height limitation on steep slopes and ridgetops.

The Growth Policy Plan, General Plan and sector plans contain policies regarding recommended residential densities relative to the degree of slope. The following represents a refinement of those policies recognizing that there are significant geologic hazards and engineering constraints to development on the steepest slopes.



An example of two dwelling units per acre in the 15 to 25 percent slope group

LOW DENSITY AND RURAL RESIDENTIAL USES

Density and Land Disturbance Guidelines

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines
for Recommendations on Changes to the Zoning Map and Development Plan/
Concept Plan Review within the Hillside and Ridgetop Protection Area
that is within the Urban Growth and the Planned Growth Area

Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

dua: dwelling units per acre

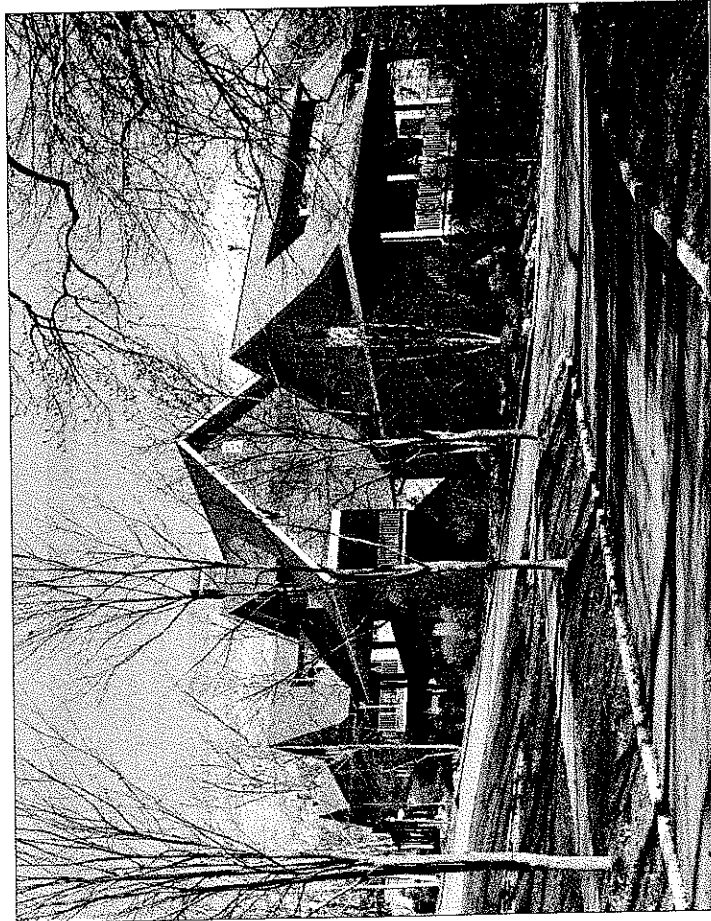
* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 - 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

Density Bonus Provision

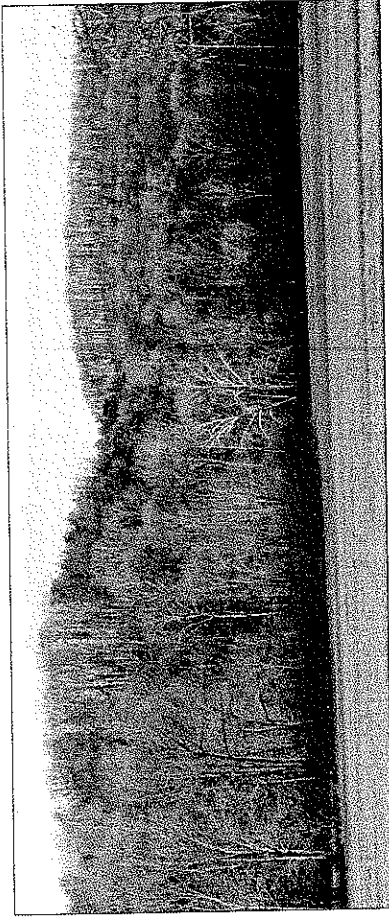
The density on the site may be raised in relation to the conservation of the steeper slopes and ridgetops that are part of a parcel. In cases relative to the Hillside and Ridgetop Protection Area, the planning commission may approve a density bonus of up to 10 percent of the total units allowed in the base density when a conservation easement is placed on an undisturbed steep hillside or ridgetop portion of a parcel. An additional bonus density of 10 percent of that allowed by the base density may be approved when public access, such as a trail easement, is provided within the conservation easement. This bonus provision should be made available within a planned residential development and in a conservation subdivision.



An example of clustered housing on a modest slope in Black Mountain, North Carolina. This approach enabled the conservation of steep hillsides nearby. Note the small front yards and use of earth tone colors, chosen to help the houses blend with the natural terrain.

Density/Intensity Outside the Hillside Protection Area

The land below the Hillside and Ridgetop Protection Area, which contains more than 200,000 acres or about 60 percent of the county, would be suitable for those uses proposed by the General Plan and individual sector plans, and that are consistent with the Growth Policy Plan. As such, density and intensity would be regulated by those particular plans.



Some hillsides are very steep like the north face of Copper Ridge, which has slopes in excess of 50 percent. Very low density residential uses and minimal forest clearing are recommended on such slopes.

Clearing and Grading Provision

Hillside and ridgetop development necessitates careful consideration of the forest cover on various types of slopes. Loss of that cover may lead to erosion, water quality and geotechnical problems. The natural beauty of a ridge is also lost with wholesale destruction of hillsides. The clearing limits for rezoning cases, and subdivision and site plan review processes are shown in Table 3. In reviewing rezoning requests, concept and site plans, it may be necessary to note the steepest slopes of a parcel for conservation purposes. Clearing and grading should not be permitted until a development or clearing and grading plan has been approved.



This represents a good local example where clearing was limited around a ridgetop house, providing views for the owner and maintenance of the surrounding forest.



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Printed: 4/2/2012 at 3:21 PM

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OF COUNSEL:
FRANCIS A. CAIN
IMOGENE A. KING

April 11, 2012

Metropolitan Planning Commission

City-County Building
400 Main Street, Suite 403
Knoxville, TN 37902

Re: Item No.: 33 and 34
Applicant: City of Knoxville
Owner: Babelay Farm, LLC

Dear Commissioners:

This letter is written on behalf of Babelay Farm, LLC, the property owner involved in the above rezoning request.

This property was annexed in to the City of Knoxville at the end of 2011.

Staff has recommended 4.5 units per acre in a Planned Residential Zone.

As a result of the annexation by the City, the property will be subject to the Hilltop and Ridgeside Development plan making part of the property unusable. Part of the property was zoned RB under the County Zoning Ordinance which allowed 12 units per acre without any input from the Planning Commission.

The lower part of the property was zoned Planned Residential at 1-4 units per acre.

The Applicant as requested by MPC Staff will be willing at the time of development to set aside a portion of the property either in a Conservation Easement or a similar declaration which will result in it being undisturbed.

However, to be able to develop this property that is usable under the City Ordinances in a reasonable manner, the Applicant needs a density of 5.5 units. In return the applicant is:

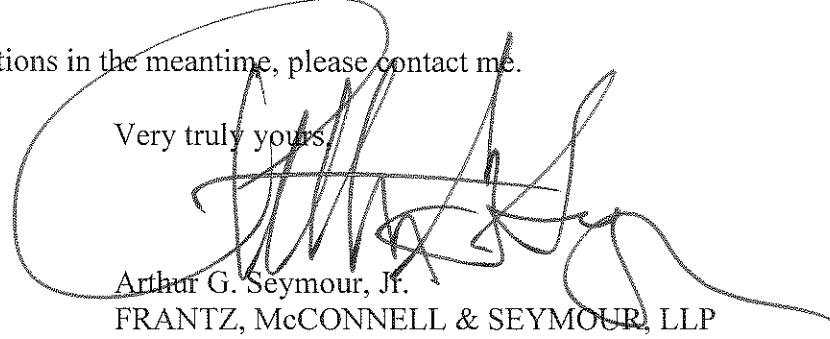
1. Agreeing to zone the entire property to a planned zone;
2. Agreeing that it will set aside the protected hillside area.

We will be at the meeting to explain in further detail why this is necessary and also to answer any questions.

Page 2
April 11, 2012
Re: Item Nos: 33 and 34

If you have any questions in the meantime, please contact me.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'AGS', is written over the text 'Very truly yours,' and extends across the name and firm name below.

Arthur G. Seymour, Jr.
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:alh

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Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

**Washington Pike rezonings - considering RP-2 instead of R2**

1 message

Kevin P. Murphy <murphysprings@gmail.com>
To: Mike Brusseau <Mike.Brusseau@knoxmpc.org>
Cc: bettyjo.mahan@knoxmpc.org

Mon, Apr 2, 2012 at 9:13 PM

Dear. Mr. Brusseau,

For agenda items 3-D-12-RZ and 3-E-12-RZ on the March 2012 MPC Agenda, I would like to ask you, the staff and the commission to consider a planned district instead of a general district.

I understand that these parcels have been annexed by the city as part of an agreement several years ago and that traditionally the most equivalent city zoning is used after an annexation from the county.

In this situation, a planned zoning district may be better suited to minimize any impact on adjacent parcels. The large northern parcels (3-D-12-RZ) is adjacent to residential developments on the east and north, with an undeveloped, family-operated agricultural property to the west. The property also lies on ground above White's Creek, which has been identified as a deficient stream with poor water quality.

A planned zoning designation, perhaps RP-2, while not directly equivalent, may well be a better zoning designation for these parcels. I do not think the impact to the developmental intensity or attributes of the property will be substantially impacted, but with a parcel as large as 049 08801 and 49 08802, I think the opportunity to review the concept plan would be beneficial. There's also the consideration of the impact on traffic; required improvements to Washington Pike or McCampbell Drive could be incorporated into the concept plan review and approval process.

Please consider a planned zoning district in this matter.

Sincerely,

--Kevin

Kevin P. Murphy
4508 Murphy Rd
Knoxville, TN 37918-9179



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: rezoning on Washington Pike

1 message

Mike Brusseau <mike.brusseau@knoxmpc.org>

Wed, Apr 11, 2012 at 8:33 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Cc: Buz Johnson <buz.johnson@knoxmpc.org>

Support of staff recommendation for items 33 and 34.

----- Forwarded message -----

From: **Kevin P. Murphy** <murphysprings@gmail.com>

Date: Tue, Apr 10, 2012 at 1:02 PM

Subject: rezoning on Washington Pike

To: Mike Brusseau <mike.brusseau@knoxmpc.org>

Cc: mark.donaldson@knoxmpc.org

Hi Mike,

I read through the rezoning report and am fully in favor of the staff recommendation. I plan to be at the meeting on Thursday to speak in favor of it. Nice job all around with it 0 it does a good job of capturing the area patterns and considering the Hillside and Ridgetop Plan guidelines.

--Kevin

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Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
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