

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

▶ **FILE #:** 6-C-13-RZ **AGENDA ITEM #:** 20
 6-A-13-SP **AGENDA DATE:** 10/10/2013

POSTPONEMENT(S): 6/13/13, 7/11/13

▶ **APPLICANT:** **CHOTO PARTNERS**
 OWNER(S): Choto Partners

TAX ID NUMBER: 131 J A 017 & 018 PORTIONS ZONED RA

JURISDICTION: Commission District 5

▶ **LOCATION:** **Northwest side Plum Creek Dr., southeast of Parkside Dr.**

▶ **TRACT INFORMATION:** **2.5 acres.**

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access to the site is from either Glade Dr., a local street with 28' of pavement width within 50' of right-of-way, or Plum Creek Dr., a local street with 24' of pavement width within 50' of right-of-way.

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

WATERSHED: Turkey Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **LDR (Low Density Residential) & STPA (Stream Protection Area) / RA (Low Density Residential)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **HDR (High Density Residential) & STPA (Stream Protection Area) / PR (Planned Residential)**

▶ **EXISTING LAND USE:** **House and vacant land**

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

DENSITY PROPOSED: **35 du/ac**

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: MPC denied office sector plan designation and OB zoning for this site on 5/10/12 (4-D-12-SP/4-H-12-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Creek and Parkside Dr. - Automobile sales / C & STPA / C-4 (Highway & Arterial Commercial)

South: Plum Creek Dr.- Residences / LDR / RA (Low Density Residential)

East: Residence / LDR / RA (Low Density Residential)

West: Glade Dr. - Offices / C & STPA / C-6 (General Commercial Park) and C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: The area to the north and west of the site is developed with office and commercial uses under C-3, C-4 and C-6 zoning. To the south and east are residential uses, zoned RA.

STAFF RECOMMENDATION:

▶ **DENY HDR (High Density Residential) sector plan designation.**

The subject property is located across the street from low density residential uses and does not have direct access to Parkside Dr. The only access is to local neighborhood streets. The creek along the northwest property line is an appropriate, natural dividing line between low density residential and other uses.

▶ **DENY PR (Planned Residential) zoning.**

The current RA zoning allows uses that are compatible with surrounding development and zoning. PR at the requested density would be out of character with the remainder of the Boxwood Hills subdivision.

COMMENTS:

These requests, if approved, would permit multi-dwelling residential development on 2.5 acres, at a density of 35 dwellings per acre. Prior to development, the PR zoning would require the submission of a development plan for MPC consideration.

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known road improvements have been made recently in the area. Utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately calls LDR development at this location.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

No changes have occurred that warrant approval of this sector plan amendment.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

There have not been significant changes that have taken place to justify amendment of the sector plan for this site. The majority of this site, parcel 18, is designated for recreational use on the recorded plat for Boxwood Hills subdivision. Residential property owners have purchased lots based on the expectation that parcel 18 would be reserved for recreational, not high density residential uses.

This site is located near the entrance to the Boxwood Hills subdivision and the two parcels are platted as part of that subdivision. Parcel 18, the larger of the two parcels is vacant, and has been cleared and graded level for potential development. Parcel 17 still has a house on it. Knox County issued permits for the clearing and grading work, but the work went outside of the permit's boundaries and scope into the creek buffer area. Vegetation with the creek buffer, which offered some visual screening from the Parkside Dr. businesses, was entirely removed. Removal of this vegetation also may have decreased the stability of the creek banks. The County's required stream bank buffer requirement at the time was 15 feet. It has now been increased to a minimum of 25 feet. No Notice of Violation was issued by the County. The City of Knoxville, in which part of the creek and Parkside Dr. are located, in response to neighborhood complaints, did issue a Notice of Violation to Choto Partners on 4/14/11 (attached). The Notice indicated that the violation was for cutting/clearing vegetation in the stream bank buffer zone.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. No significant changes have occurred in the area that warrant the requested change in zoning. The majority of the site (parcel 18) is designated on the Boxwood Hills subdivision plat as 'Boxwood Pool'. This plat (attached) was recorded in 1967, and the site has always been intended for recreational uses. The KGIS system information, based on property assessor information, is attached, and also indicates that parcel 18 is designated for swimming pool and recreation.
2. The property has access only from local neighborhood streets, despite being in close proximity to Parkside Dr. The property has no frontage on Parkside Dr., and there is a creek that runs along the northwest property line of the subject property that is an appropriate dividing line between low density residential and other uses.
3. Staff recognizes that there are non-residential uses to the southwest, accessed from Deerbrook Dr. But,

this is an area that is part of the commercial node at Lovell Rd. and Parkside Dr. Deerbrook Dr. is a local street developed with all commercial or office uses between Glade Dr. and its connection to Lovell Rd. The properties along Deerbrook Dr. are not part of a platted residential subdivision. The subject property is accessed only from local, neighborhood-serving streets within a platted residential subdivision.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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 it would not be possible to develop a high density residential development at this location that would be compatible with surrounding development and zoning. In order to accommodate the 87 units that would be possible, the height of the structure would have to be significantly higher than all surrounding development, including non-residential uses.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The current RA zoning allows reasonable use of the property for residential development, while maintaining compatibility with surrounding development and zoning. The requested 35 du/ac is considerably more intense than the prevailing densities in the area.
2. The requested PR zoning at a density of 35 du/ac would allow for a maximum of 87 dwelling units to be proposed for the site. That number of multi-dwelling residential units, as proposed, would add approximately 842 vehicle trips per day to the street system and would add approximately 13 children under the age of 18 to the school system.
3. PR zoning at the recommended density is clearly not compatible with the other properties within the Boxwood Hills subdivision.
4. Public water and sanitary sewer utilities are available to serve the site.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. If a plan amendment to HDR is approved, the requested PR zoning and density of up to 35 du/ac may be considered. However, the requested sector plan change is a spot amendment. The General Plan does not recognize high density residential uses as being appropriate for locations in the County. Rather, high density residential zoning is more appropriate for more intensely developed areas within the City, where compatibility with surrounding uses can be maintained and public services, such as bus transit, are available.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may lead to future requests for HDR 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.

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. The law now 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 842 (average daily vehicle trips)

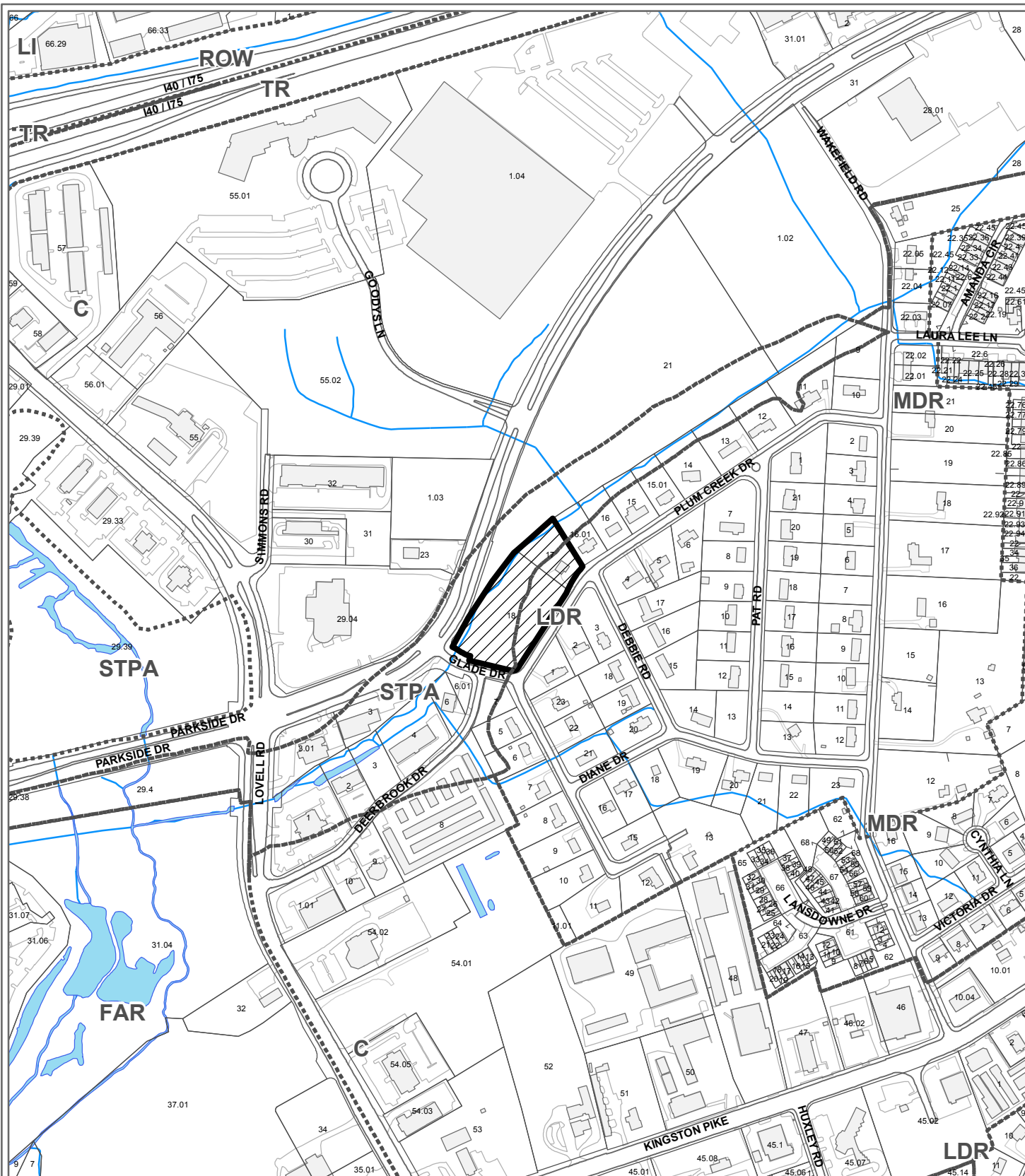
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 13 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Hardin Valley Elementary, Farragut 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 11/18/2013. 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.



**6-A-13-SP / 6-C-13-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) & STPA (Stream Protection Area)

To: HDR (High Density Residential) & STPA (Stream Protection Area)



Original Print Date: 5/17/2013

Revised:

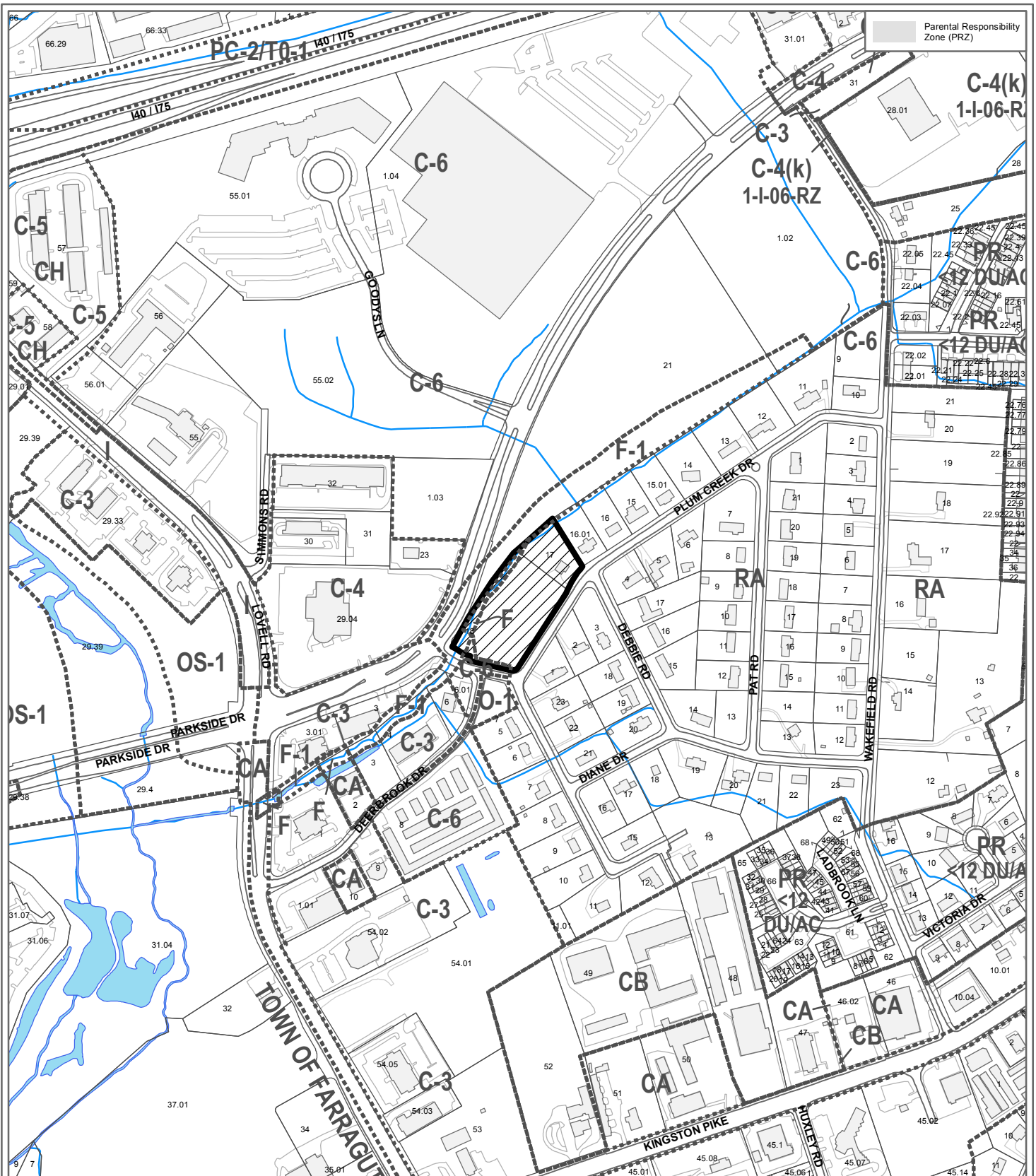
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Choto Partners

Map No: 131

Jurisdiction: County





**6-C-13-RZ
REZONING**

From: RA (Low Density Residential)
To: PR (Planned Residential)



Petitioner: Choto Partners

Map No: 131

Jurisdiction: County



Original Print Date: 5/17/2013
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

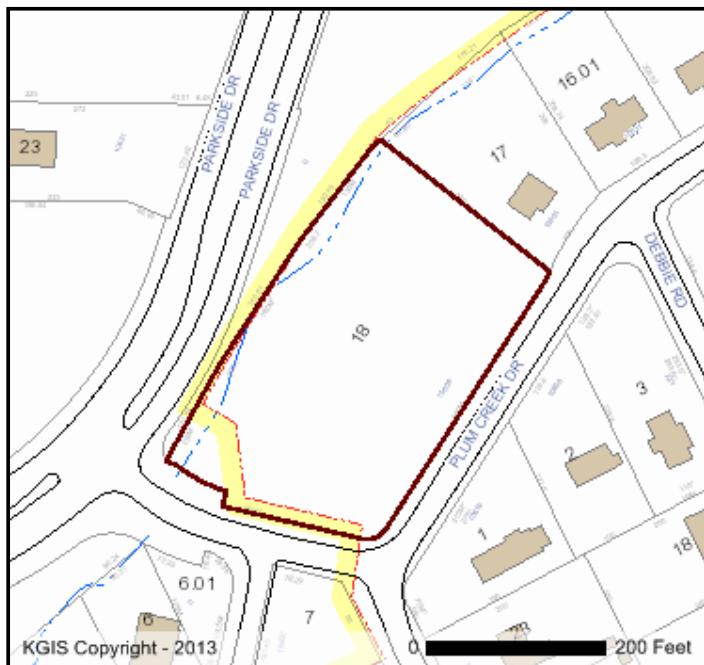


KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - www.kgis.org

Printed: 5/2/2013 at 2:21 PM

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

Parcel 131JA018 - Property Map and Details Report



Property Information

Location Address: 10609 PLUM CREEK DR
 CLT Map: 131
 Insert:
 Group: A
 Condo Letter:
 Parcel: 18
 Parcel ID: 131JA018
 Parcel Type:
 District: W6
 Ward:
 City Block:
 Subdivision: BOXWOOD HILLS SEC D PT PARCEL 1
 Rec. Acreage: 0
 Calc. Acreage: 1.95
 Recorded Plat: 46S - 2
 Recorded Deed: 20110308 - 0053360
 Deed Type: Deed:Special Wa
 Deed Date: 3/8/2011

Address Information

Site Address: 10609 PLUM CREEK DR
 KNOXVILLE - 37922
 Address Type: POOL REC
 Site Name: SWIMMING POOL AND RECREATION

Owner Information

CHOTO PARTNERS
 8874 KINGSTON PK STE200
 KNOXVILLE, TN 37923
 The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY
 City / Township:

MPC Information

Census Tract: 58.03
 Planning Sector: Southwest County
 1990 Traffic Zone: 230
 2000 Traffic Zone: 230
 Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 66N
 Voting Location: Farragut High School
 11237 KINGSTON PIKE
 TN State House: 89 Roger Kane
 TN State Senate: 7 Stacey Campfield
 County Commission: 5 Richard Briggs
 Ed Shouse
 Mike Hammond
 City Council:
 School Board: 5 Karen Carson
 Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones

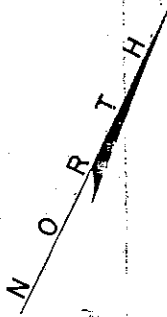
Elementary: HARDIN VALLEY ELEMENTARY
 Intermediate:
 Middle: FARRAGUT MIDDLE
 High: HARDIN VALLEY HIGH
 Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by any user.

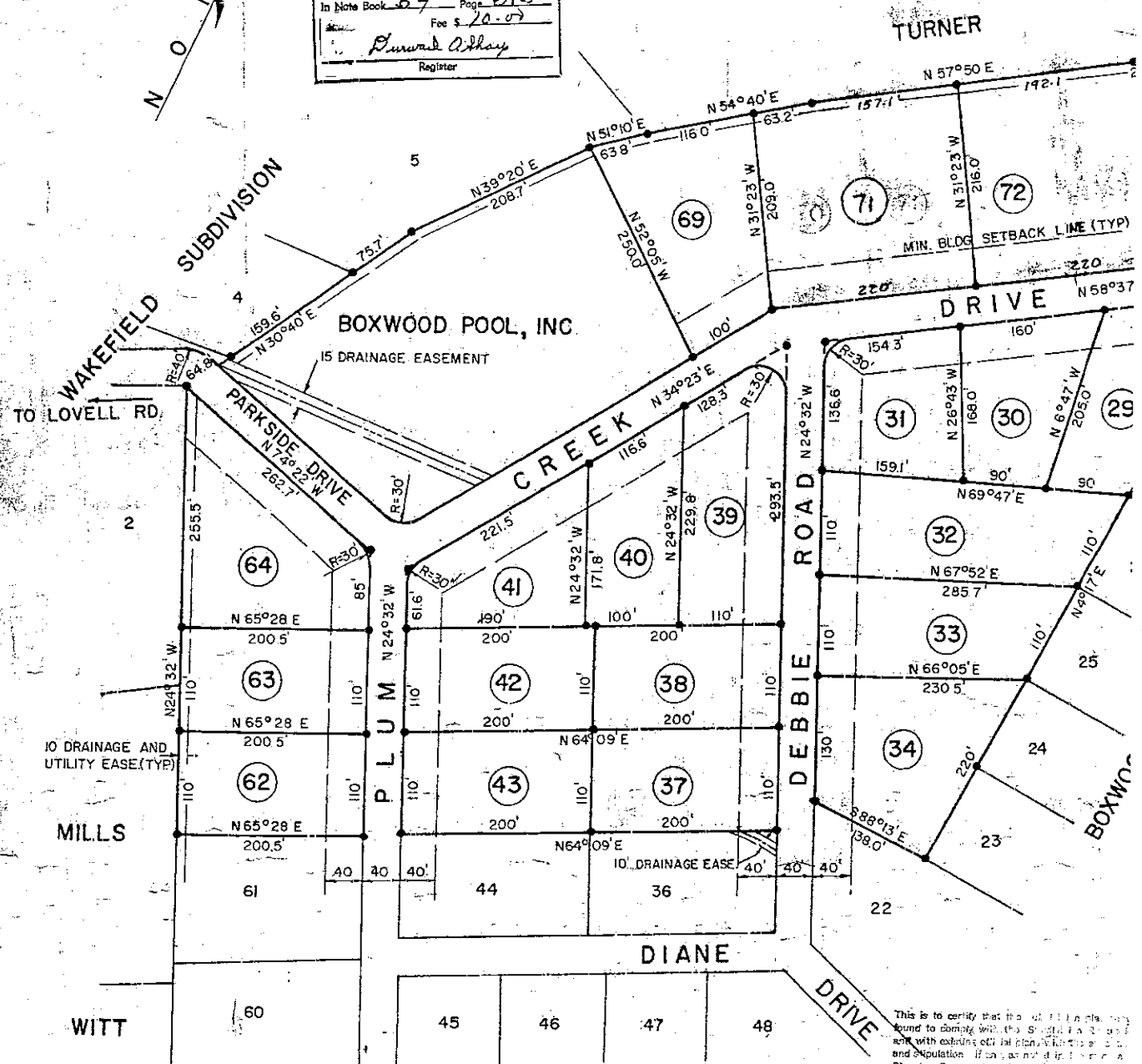
Proprietary Info: The map products and databases on this Web Site have been copyrighted by the KGIS Policy Board. The KGIS Policy Board hereby reserves all rights thereto, and no portion of the products or databases on this Web Site may be reproduced in any form or by any means without the express written authorization of the KGIS Policy Board or its authorized agents.

1967 Boxwood Hills Plat

- 2



No. 627 REGISTER'S OFFICE
 STATE OF TENNESSEE
 KNOX COUNTY
 Received for record the 21 day
 of Nov A. D. 1967
 at 3:50 O'Clock P. M. Recorded in
 Book No. 46-5 Page 2
 In Note Book 54 Page 215
 Fee \$ 10.00
Edward O'Hay
 Register



Instr: 19671210000002
 Pages: 1 of 1
 Cross Ref: MAP D/3810
 Back File Automation

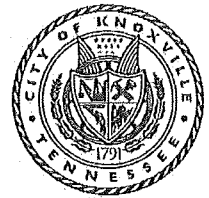
This is to certify that the plat hereon found to comply with the Statute, and with existing official plans, laws, rules and regulations. If any, as noted in the Planning Commission of Knox County, Tennessee, that said plat is correct and should be a legal Knox County Record.

Date 11-9-67 *[Signature]*
 Title
 Metropolitan Planner

CERTIFICATE OF SURVEY:
 I hereby certify that I have surveyed the property, that the plat conforms to the that same is true and correct.

City of Knoxville Engineering Division
www.cityofknoxville.org/engineering/
P.O. Box 1631, Suite 480
City County Building
Knoxville, TN 37901
(865) 215-2148 Office / 215-2631 Fax
(865) 215-4147 Water Quality Hotline

OFFICIAL
NOTICE OF VIOLATION
983794



Name: PHOTO PARTNERS has been found to be in violation of the City of Knoxville's Stormwater and Street Ordinance

Section(s): 22.5-26 [] 22.5-30 [] 22.5-52 [] 22.5-53 [] Other [] (see back of NOV)

Location of Violation(s) (provide sufficient information for identification of where violation has occurred): 10609 WOOD CREEK DR

Description of violation(s): [] Inadequate Erosion/Sediment controls [] Non-compliance with Approved Permit [] Illegal Dumping/Discharge
[] Illicit Connection [] Grading/Filling w/o Permit, **10 TIMES STANDARD PERMIT FEE REQUIRED** (See Section 22.5-29 on reverse)
 Other Overflow/erosion sidewalk in the street basin below zone.

Work remediation, or repair ordered to comply with the City Code: [] Stop Discharge/Dumping [] Provide Incident Report by ___/___/___
[] Remediate/Remove Discharged Material or Sediment from street/catch basin/drainageway/etc. by ___/___/___
[] Provide Spill/Pollution Prevention Plan by ___/___/___ [] Correct Erosion and Sediment Controls by ___/___/___
 CONTACT CITY ENGINEERING FOR REMEDIATION AND PERMIT INFORMATION
@ (865) 215-2148.

Name: PHOTO PARTNERS is hereby served with this Notice of Violation on 4/11/11, and ordered to correct the violation(s) or to stop work until the Engineering Department approves the continuance of work. Illegal Discharges Must Stop Immediately. As described above, all remediation, repair, or necessary work required to comply with the City Code must be completed by 4/21/11 unless specified otherwise. The above work, remediation, or repair does not preclude assessment of penalties and/or reimbursement of the City of Knoxville's related expenses/damages.

Notification received by: JOHN WOOD Title (if applicable):

This order served by: JOHN WOOD Date and Time 4/11/11 at 1:00 am/pm
Original — On-site person or signer above Yellow — Engineering Division Pink — Law Division Goldenrod — Owner/Developer/Responsible Party