

▶ **FILE #:** 11-C-15-RZ **AGENDA ITEM #:** 32
 POSTPONEMENT(S): 11/12/2015 **AGENDA DATE:** 12/10/2015
 ▶ **APPLICANT:** SCOTT DAVIS
 OWNER(S): Eagle Bend Realty

TAX ID NUMBER: 77 139, 13902 & 13905 [View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 7705 W Emory Rd

▶ **LOCATION:** Northwest side W. Emory Rd., southwest of Chartwell Rd.

▶ **APPX. SIZE OF TRACT:** 14.16 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W. Emory Rd., a major arterial street with 24' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural)

▶ **ZONING REQUESTED:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Dwellings, outbuildings and vacant land

▶ **PROPOSED USE:** Detached residential

DENSITY PROPOSED: 5 du/ac

EXTENSION OF ZONE: Yes

HISTORY OF ZONING:

SURROUNDING LAND USE AND ZONING: North: Single family residential / A (Agricultural) and RA (Low Density Residential)

South: Rural residential and Single family residential / A (Agricultural) and RA (Low Density Residential)

East: Single family residential / RA (Low Density Residential)

West: Rural residential and Single family residential / A (Agricultural) and PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This section of W. Emory Rd. is developed with residential uses under A, RA and PR zoning. The established subdivision to the east and north (Camelot II) was developed under RA zoning at approximately 1.4 du/ac. The newer subdivision to the west (Copper Ridge) is zoned PR 1-3 du/ac and developed at approximately 3 du/ac.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning up to 3 dwelling units per acre. (Applicant requested 5 du/ac for entire property.)**

PR is an appropriate zone for residential development of this site and is consistent with the Northwest County Sector Plan (2003) recommendation of LDR (low density residential) for the property and the Planned Growth

Area of the Growth Policy Plan (2000). The recommended density of 3 du/ac is compatible with the surrounding land uses and zoning patterns, and is a logical extension of the zoning and density from the west and south.

COMMENTS:

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. This site is accessed from W. Emory Rd., a major arterial, and is approximately 1.1 miles from Karns Elementary School.
2. The property is located in the Planned Growth Area on the Growth Policy Plan and is proposed for low density residential uses on the sector plan, consistent with the recommended and requested density.
3. The recommended zoning (PR up to 3 du/ac) is compatible with the scale and intensity of the surrounding development and zoning pattern.
4. The site is appropriate to be developed under PR zoning which 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, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

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 PR is the most appropriate zone for this development.

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. PR zoning at no more than 3 du/ac will have a minimal impact on overall development in the area, allowing 42 additional dwelling units that could be considered. The adjacent development to the west has the same PR zoning at a density of up to 3 du/ac, and the development to the north and east is zoned RA and is approximately 1.4 du/ac.
2. PR zoning at the recommended density is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. The site has some isolated slope constraints along its frontage and toward the rear of the property. The rear of the property is also heavily forested and a portion of the existing trees should be preserved as a buffer to the adjacent residential development.
4. Access to the site from W. Emory Rd. may have challenges because of the steep slope along the road, slight curve to the west, vertical curve to the east and the inability to create an access directly across from Meadow Creek Trl. These issues will be evaluated in depth during the development plan review if the rezoning is approved.
5. 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. The Northwest County Sector Plan proposes low density residential uses for this property, consistent with the recommended PR zoning at up to 3 du/ac and the requested PR zoning at up to 5 du/ac.
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 does not appear to violate policies of any other adopted plans.

Upon final approval of the rezoning, the developer will be required to submit a development plan for MPC consideration of use on review approval prior to the property's development. The plan will show the property's proposed development, landscaping 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: 747 (average daily vehicle trips)

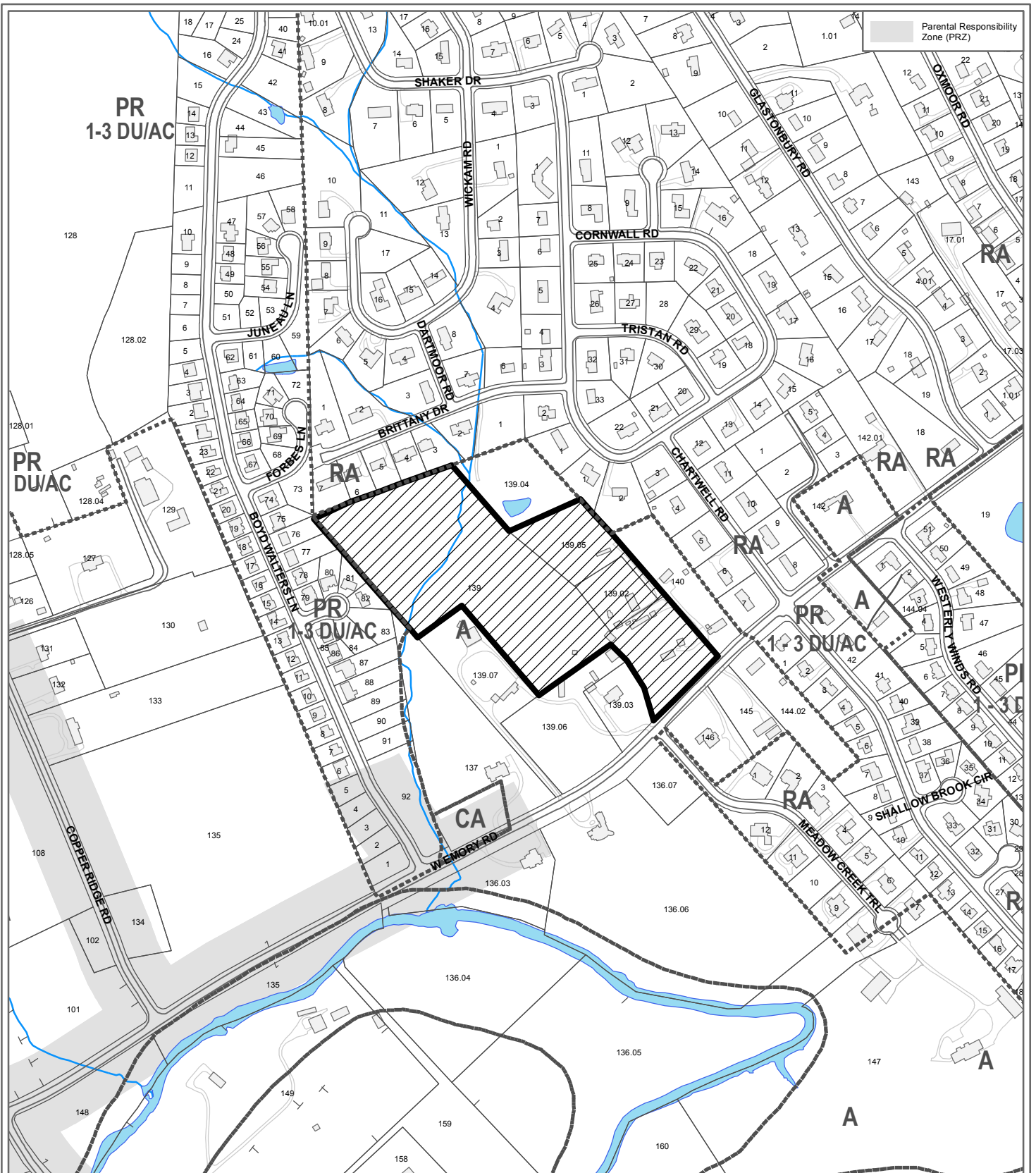
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 37 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns 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 Knox County Commission for action on 1/25/2016. 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.



**11-C-15-RZ
REZONING**

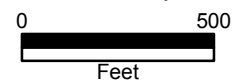
From: A (Agricultural)
To: PR (Planned Residential)



Petitioner: Davis, Scott

Map No: 77

Jurisdiction: County



Original Print Date: 10/27/2015 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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

Fwd: Notice of Public Hearing

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>

Mon, Nov 9, 2015 at 12:24 PM

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

FYI

Michael Reynolds, AICP
Senior PlannerSuite 403, City County Building
400 Main Street
Knoxville, TN 37902

p 865-215-3827

f 865-215-2068

mike.reynolds@knoxmpc.orgwww.knoxmpc.org

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

From: **Sasha Combs** <combssasha@yahoo.com>

Date: Mon, Nov 9, 2015 at 10:26 AM

Subject: Notice of Public Hearing

To: "dan.kelly@knoxmpc.org" <dan.kelly@knoxmpc.org>, "mike.reynolds@knoxmpc.org" <mike.reynolds@knoxmpc.org>

On Friday afternoon, November 6, 2015, I received a notice in the mail from the MCP regarding a public hearing for Thursday November 12, 2015. This notice is advising of an MPC hearing to take place concerning the rezoning of property directly behind my home Located in Camelot II subdivision off Emory Rd. I believe that this notice does not fall within the guidelines of Article II, Section 5A of the Administrative Rules and Procedures of the Knoxville-Knox County Metropolitan Planning Commission. This section states that mailed notices are to be sent at least 12 days prior to a hearing and not including the day of the hearing.

I appreciate the fact the MCP is proposing a 3 du/ac as opposed to the 5du/ac requested and a buffer zone be kept with the existing tree line. With all of that being said, I at this point I am not necessarily opposing the rezoning for the planned development, but I would like to put it on the record that I have concerns with potential drainage issues to my property. The back portion of the PR property has existing drainage issues at this time and a natural creek that runs through the property. How will this be addressed if the rezoning is approved and the development goes forward?

Sincerely,
Sasha Combs

**Arlene M. Lemiszki
7516 Brittany Drive
Knoxville, TN 37931
(865) 947-5486**

November 8, 2015

Metropolitan Planning Commission
400 Main Street
City County Building, Suite 403
Knoxville, TN 37902

Attention: Mr. Mike Reynolds (via email)

Re: File No. 11-C-15-RZ (Scott Davis)
Rezoning Application – Eagle Bend Realty

Dear Commissioners:

I am a resident of the adjacent Camelot II subdivision and writing to request a postponement of the above-referenced rezoning application.

On Thursday, November 5, after 5:00 p.m., we received in the mail a Notice of Public Hearing scheduled for Thursday, November 12 at 1:30 p.m. This postcard was postmarked November 2, 2015. With the Veterans' Day holiday, this essentially gives homeowners impacted by the above rezoning request only three business days' notice to not only research this issue, but to arrange their schedules to appear at a meeting set for the middle of a work day.

On Friday morning I called Mike Reynolds at the MPC office to inquire as to a postponement. Mr. Reynolds suggested sending a written request. During our conversation he stated that a sign should have been placed on Emory Road noticing this meeting. I advised Mr. Reynolds that if such a sign had been posted, I had not seen it. I drive that part of Emory Road almost daily. In a subsequent conversation I had with County Commissioner Brad Anders regarding this rezoning, I mentioned to him that I had not seen a sign. Commissioner Anders stated that he had not either. On Saturday afternoon my husband specifically looked for any such sign and none was posted. The impact of this rezoning will be felt not only by my subdivision, but the neighboring ones who are accessed by Emory Road. I would submit that a "public hearing" cannot be held if the "public" is not given notice.

In good faith, I telephoned Scott Davis Friday morning to see if he would agree to a postponement due to the homeowners' lack of notice. As soon as I told Mr. Davis where I lived, he made it clear that we were in an adversarial situation and suggested that I should have to pay any costs/expenses incurred by him due to a delay. Needless to say, I was taken aback. His immediate reaction and response only reinforces the need for homeowners impacted by his proposed subdivision

to be afforded reasonable and adequate time to weigh the material and possible adverse effects of this rezoning.

While Mr. Davis develops real estate by profession and deals with rezoning on a regular basis, the homeowners are in a vulnerable and disadvantaged position. A person's home is generally their biggest investment and largest asset. I believe we deserve more than three business days' notice to make an informed decision on how this proposed rezoning and new subdivision will impact our property, and to arrange our schedules to attend a public hearing on this issue.

Thank you very much for your careful consideration of this request. If you have any questions, I may be reached at the above telephone number.

Sincerely,

cc: Commissioner Brad Anders



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

Fwd: Notice of Public Hearing File Number : 11-C-15-RZ (Scott Davis)

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>

Thu, Nov 12, 2015 at 8:31 AM

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

FYI

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

From: <gailguy1@comcast.net>

Date: Tue, Nov 10, 2015 at 7:26 PM

Subject: Notice of Public Hearing File Number : 11-C-15-RZ (Scott Davis)

To: mike.reynolds@knoxmpc.org

11/10/2015

MPC Commissioner Mike Reynolds:

This letter is in regard to the proposed rezoning of property on West Emory Road, in Karns, by Eagle Bend Realty from Agricultural to Residential.

I am a homeowner at 7514 Brittany Drive Knoxville, TN 37931 in the Camelot II Subdivision. I did not receive adequate notice of this hearing since I just received this notice on Thursday November 5, 2015 and the hearing is scheduled for Thursday, November 12, 2015. The notice was not sent out in reasonable time, also noting that there is a weekend and holiday that effected the USPS delivery of mail. I would also like to point out that there has been no physical signage of the proposed rezoning of the property on West Emory Road, as required, until today, Tuesday November 10, 2015. As a property owner who will be directly affected by this decision I was not given adequate notice of the scheduled hearing. I would also like to point out that with the hearing being held in the middle of the day I, and many of my neighbors, have not been given time to adjust our schedules in order attend.

Thank you for your attention to this matter.

Linda Gail Guy

7514 Brittany Drive
Knoxville, TN 37931



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

[MPC Comment] Fwd: File No 11-C-15-RZ

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>
Reply-To: mike.reynolds@knoxmpc.org
To: Commission <commission@knoxmpc.org>

Mon, Nov 30, 2015 at 8:13 AM

FYI

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

From: **Marti D** <madragich@yahoo.com>
Date: Fri, Nov 27, 2015 at 8:59 PM
Subject: File No 11-C-15-RZ
To: "mike.reynolds@knoxmpc.org" <mike.reynolds@knoxmpc.org>
Cc: Marti Dragich <madragich@yahoo.com>

Sir, I am writing as a homeowner in Camelot Two Subdivision to voice my concern and strong opposition over allowing the area on the northwest side of West Emory and southwest of Chartwell Road to be rezoned to build a new development. I have a couple of concerns; according to the map, not only will the development be less than 500 feet from my back yard, it says under 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: (LINE 3) says "...and a portion of the existing TREE should be preserved as a buffer. " Line 4 says there are challenges and the inability to access to the site/entrance and those issues will be evaluated in depth during the development plan but that does not say the entrance will be on West Emory or somewhere else. What about the small stream that runs to Beaver Creek, will that still exist?

I ask that you please do let this happen and deny Scott Davis's (Eagle Bend Realty) request.

Thank you for your time and I will be at the public Hearing scheduled for December 10th.

Marti Dragich
7508 Brittany Drive
Knoxville, Tn 37931
[865-384-3670](tel:865-384-3670)

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This message was directed to commission@knoxmpc.org



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

Fwd: File No. 11-C-15-RZ

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>

Mon, Nov 23, 2015 at 3:59 PM

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

FYI

Michael Reynolds, AICP
Senior PlannerSuite 403, City County Building
400 Main Street
Knoxville, TN 37902

p 865-215-3827

f 865-215-2068

mike.reynolds@knoxmpc.orgwww.knoxmpc.org

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

From: **KIM** <ksenkler@comcast.net>

Date: Mon, Nov 23, 2015 at 3:48 PM

Subject: File No. 11-C-15-RZ

To: mike.reynolds@knoxmpc.org, brad.anders@knoxcounty.org, bob.thomas@knoxcounty.org,
ed.brantley@knoxcounty.orgCc: Kimberly Senkler <ksenkler@comcast.net>, Bret Senkler <creativerenovations@comcast.net>

Good afternoon.

I am emailing regarding file number 11-C-15-RZ.

Scott Davis with Eagle Bend Realty is proposing (5 initially) 3 homes per acre lot. Either quantity per acre, 3 or 5, is inconsistent with the majority of the surrounding subdivisions and adjoining properties in this area. We have already felt the impacts adverse effects of the Copper Ridge subdivision which is not yet FULL or completely built out. Adding in an additional 40-70 homes in this area will negatively impact the Karns community.

We will feel negative impacts in regards to traffic as well as overcrowding at the Karn's schools.

There are already severe traffic issues in this part of town during work and school rush hours. Adding this many homes to this area is going to increase this problem. We are already at a point where we cannot safely make a left turn out of the Camelot 2 neighborhood during the high traffic times. The traffic at Byington Beaver Ridge already gets backed up in both directions and is not even navigable at the time the elementary school lets out, it gets completely blocked in one direction. Add in a subdivision that will essentially be a "starter home" neighborhood with 3 or 5 homes per acre will increase the number of school age children and therefore traffic as well as increased overcrowding in our

schools, which is already a severe problem.

Scott Davis sole intent is to make a profit. He has yet to finish the Copper Ridge subdivision and the last thing this area needs is a partially finished neighborhood. Allowing Scott Davis to proceed as proposed will result in a reduction in property values, safety and the quality of life for the existing Karn's residents. There is already a surplus of construction, vacant lots, and vacant homes in the Karn's/Hardin Valley as a whole. Once these subdivisions are built with so many houses per acre they cannot be unbuilt. Karn's will no longer be the quiet community that is home to so many already.

Please do NOT allow this to go through as proposed.

Sincerely,
Steven & Kimberly Senkler
7404 Wickam Rd
Knoxville, TN 37931

[865-256-8030](tel:865-256-8030)



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

[MPC Comment] Stop Rezoning and Scott Davis from building homes 14acres west emory Rd Mr Travis

1 message

Rev. Dr. V. P. Travis, Jr. <bretttravis@comcast.net>

Thu, Nov 12, 2015 at 1:18 PM

Reply-To: bretttravis@comcast.net

To: commission@knoxmpc.org

Glastonbury Abbey Church

Pastor: Rev. Dr. V.P. Travis, Jr.

Website: www.glastonburyabbeyparish.org

Hours: Mon - Thursday 12pm to 7pm

For APPTS. Call: [865-661-1418](tel:865-661-1418)**Ministries:****Meadows Foundation:** {Knights of 21st Century} A Men's Personal Growth & Development Leadership Program" Building Strong Spiritual Men to Lead in their Communities."**Glastonbury Abbey** Centre for Christian Counseling

Individual/Couples/Marriage and Family Counseling, NCCA

Certified Academic Institution "We train Christian Counselors"

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This message was directed to commission@knoxmpc.org



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

Fwd: REFERENCE FILE NO. 11-C-15-RZ IMPACTING CAMELOT II SUBDIV IN KARNS

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>
 To: Commission <commission@knoxmpc.org>
 Bcc: bettyjo.mahan@knoxmpc.org

Tue, Dec 1, 2015 at 2:46 PM

FYI

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

From: <FlyFish101@comcast.net>

Date: Tue, Dec 1, 2015 at 1:36 PM

Subject: REFERENCE FILE NO. 11-C-15-RZ IMPACTING CAMELOT II SUBDIV IN KARNS

To: mike reynolds <mike.reynolds@knoxmpc.org>

December 1, 2015

TO: Mr. Mike Reynolds, MPC Commissioner

TO:

SUBJECT: Reference File No. 11-C-15-RZ (REZONING IN KARNS INITIATED BY SCOTT DAVIS (EAGLE BEND REALTY))

Mr. Reynolds:

I am writing as a resident of Camelot II in the Karns Community just off of Emory Road.

I am writing to strongly protest the rezoning of the Moneymaker property on West Emory Road which has been applied for by Scott Davis for rezoning to put in a new subdivision. This property closely adjoins our subdivision, Camelot II, and I live on Tristan Road in the subdivision. Mr. Davis was responsible for the Copper Ridge subdivision adjacent to ours and now he is requesting five dwellings per acre, as he tried unsuccessfully to do in Copper Ridge. Fortunately, the review of his request by MPC staff asked for a reduction of this per acre. The requests he has tried in the past, and the request he is attempting now, will badly impact our Camelot II division – both in property values and in safety issues for our school buses to Karns schools and what is already very heavy vehicle traffic entering and exiting Emory Road.

Besides being in our back yards, there is a dangerous safety issue because the exit and entry to our subdivision has already been impacted for school buses, particularly at rush hours when children are standing to catch the buses, often in the dark, and working families entering Emory Rd. If he is allowed to do this, 80 to 140 additional vehicles will be trying to enter Emory Rd each day. It is obvious Mr Davis' motivation is dividing the property into as many small parcels as possible so he can make a huge profit, then leaving our residents to deal with everyday life while he cashes in. Meanwhile the quality of our lives, and the safety of our children and grandchildren, are very negatively effected.

The hearing is scheduled for Thursday, December 10th at 1:30 pm, at a time when many of us will be on our jobs, but many of us plan to be there to protest this rezoning. I respectfully ask that you realize what the impacts will be to our many current residents and take a strong stand to stop this rezoning of Reference File No 11-C-15-RZ by Scott Davis of Eagle Bend Realty.

Our family greatly appreciates your consideration of our request,

Marshall K. Hall
flyfish101@comcast.net
(Camelot II Subdivision, off Emory Road)
7309 Tristan Road, Knoxville, TN 37931