



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

▶ **FILE #:** 7-D-15-RZ
7-B-15-SP

AGENDA ITEM #: 40
AGENDA DATE: 7/9/2015

▶ **APPLICANT:** BELLE INVESTMENT COMPANY, INC.
OWNER(S): Belle Investment Company, Inc.

TAX ID NUMBER: 37 230, 23001, 23002 & 23003

[View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 2131 E Emory Rd

▶ **LOCATION:** Northwest side E. Emory Rd., northeast of Morris Rd.

▶ **TRACT INFORMATION:** 17.06 acres.

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via E. Emory Road, a major arterial street with 65' of pavement width within 90' of right-of-way. Hoff Lane, a local street with 26' of pavement within 50' of right-of-way, terminates at the eastern property line but does not currently provide vehicular access to the site.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural) and RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / PR (Planned Residential)

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

▶ **PROPOSED USE:** Apartments

DENSITY PROPOSED: 12 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Plan amendment to MDR and rezoning to PR @ 12 du/ac applied for in 2007 but withdrawn at the request of the applicant (10-A-07-SP/10-D-07-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residences / LDR (low density residential) / PR (planned residential) less than 4 DU/AC

South: Residences & Duplex / LDR, Vacant, & ROW (Emory Road) / A (agricultural) & RA (low density residential)

East: Residences & Rural Residential / LDR / A (agricultural) & RA (low density residential)

West: Residences & Rural Residential / LDR / A (agricultural) & PR (planned residential) less than 3 DU/AC

NEIGHBORHOOD CONTEXT: This area is developed with rural to low density residential uses. The

intersection of E. Emory Road and Dry Gap Pike is .65 miles away and is developing as a neighborhood center, including an elementary school and Boy's and Girls Club, retail/commercial and office uses, and attached houses. The uses that make up this center are primarily on the south side of Emory Road with the only pedestrian crossing being at the Dry Gap Pike intersection.

STAFF RECOMMENDATION:

- ▶ **DENY the request to amend the future land use map of the North County Sector Plan to MDR (Medium Density Residential) land use classification.**

MDR land uses for the subject property are not consistent with the surrounding development of rural to low density residential land uses. Higher intensity uses along Emory Road are proposed for and located at the I-75 interchange, Dry Gap Pike intersection, and Halls Crossroads.

- ▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density up to 5 du/ac. (Applicant requested PR at 12 du/ac.)**

PR is an appropriate zone for residential development of this site and is consistent with the sector plan recommendation for the property, which is within the Planned Growth Area on the Growth Policy Plan. The recommended density of up to 5 du/ac is consistent with the surrounding residential densities and appropriate for this location because of the access to Emory Road.

COMMENTS:

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 road improvements have been made recently in the area. The expansion of Emory Road to 5 lanes occurred before the 2012 update to the North County Sector Plan and was a consideration when recommending LDR for the site. Emory Road is classified as a major arterial street, and is sufficient to provide access to the proposed MDR use. However, the proposed land use designation of MDR is not appropriate for this particular site because it is surrounded on all sides by rural to low density residential development.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately proposes low density residential uses for this site.

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

There have not been significant changes that have taken place to justify amendment of the sector plan. Staff maintains that low density residential uses are the most appropriate for development of this site. Adjacent properties that have been rezoned for residential development have maintained LDR densities. The closest property with MDR zoning is at the Dry Gap Pike intersection where such land uses are proposed by the sector plan.

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

There are no apparent trends that warrant an amendment to the sector plan. The appropriate properties for MDR development in the area are already designated as such on the sector plan map.

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

General Comments:

There are two adjacent residential developments to the west with access to Morris Road are zoned PR at 4 du/ac and 3 du/ac; however, both developments were constructed at approximately 2.5 du/ac. The larger residential development to the east (Emory Estates) is zoned RA and has varying lot sizes, with the smallest being .5 acre and an approximate overall density of 1.2 du/ac.

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. PR is the most appropriate residential zone that can be considered for this site, because of it offers flexibility in lot sizes, and the ability to cluster development in the most suitable areas on the site.
2. PR zoning is a logical extension of zoning from the west and the recommended density is consistent with the sector plan proposal for the property.
3. 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, types of units and other potential development concerns such as buffering the development from neighboring uses. 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 elements 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 proposed development of this site.

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 the recommended density will allow the property to be developed, but will require use on review development plan approval by MPC prior to construction.
2. Based on the 17.06-acre reported size of the property, the proposed PR at up to 12 du/ac zoning could allow as many as maximum of 204 dwelling units to be proposed for the site. If developed as attached multi-dwelling units, approximately 1811 vehicle trips per day would be added to the street system and approximately 54 children under the age of 18 would be added to the school system. The recommended density of up to 5 du/ac would allow for a maximum of 85 dwelling units to be proposed for the site. That number of attached multi-dwelling units would add approximately 825 vehicle trips per day to the street system and would add approximately 23 children under the age of 18 to the school system. If detached housing is proposed, these numbers would be slightly higher, as those uses generate more trips and school-aged children.
3. Emory Road is a 5 –lane major arterial street with sufficient capacity to support low density residential development of this site. If more than 75 units are proposed, a traffic impact study will be required to be submitted as part of the development plan review. If higher densities are allowed and more than 150 units are proposed, a secondary access point may be recommended.
4. PR zoning at the recommended density is compatible with the scale and intensity of the surrounding development and zoning pattern.
5. Public water and sanitary sewer utilities are available in the area.

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 North County Sector Plan designates this site for low density residential uses with some hillside protection, consistent with the proposed PR zoning and density. Approximately 2.5 acres of the site is designated HP (Hillside/Ridgetop Protection Area), however, the majority of this area has a moderate slope between 15 and 25 percent, and the remainder does not go above 40 percent slope.
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 PR zoning on other A-zoned properties in the area, consistent with the sector plan proposal for 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: 1811 (average daily vehicle trips)

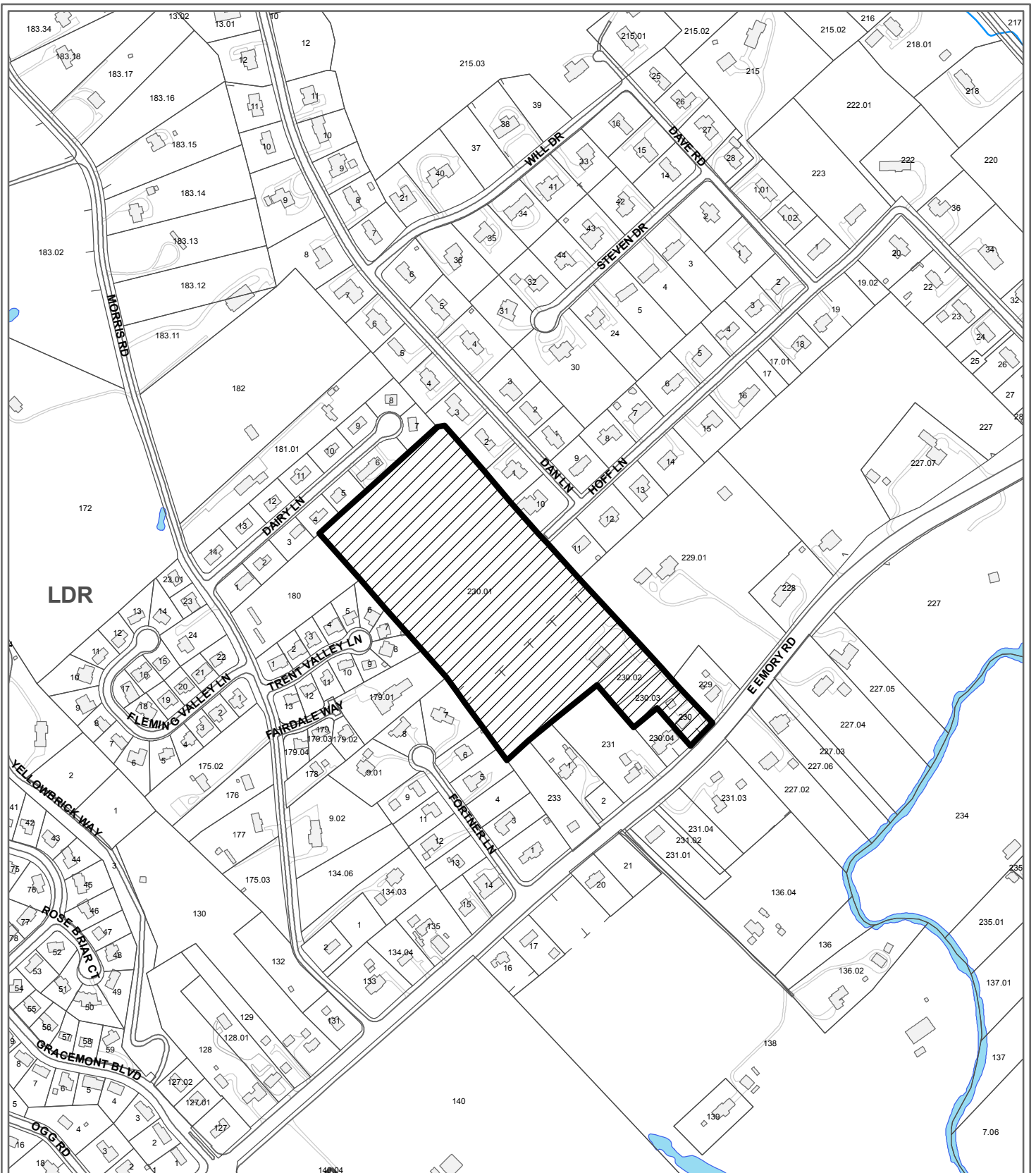
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 54 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Brickey-McCloud Elementary, Halls Middle, and Halls 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 8/24/2015. 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.



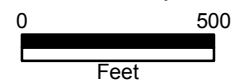
**7-B-15-SP / 7-D-15-RZ
NORTH COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)

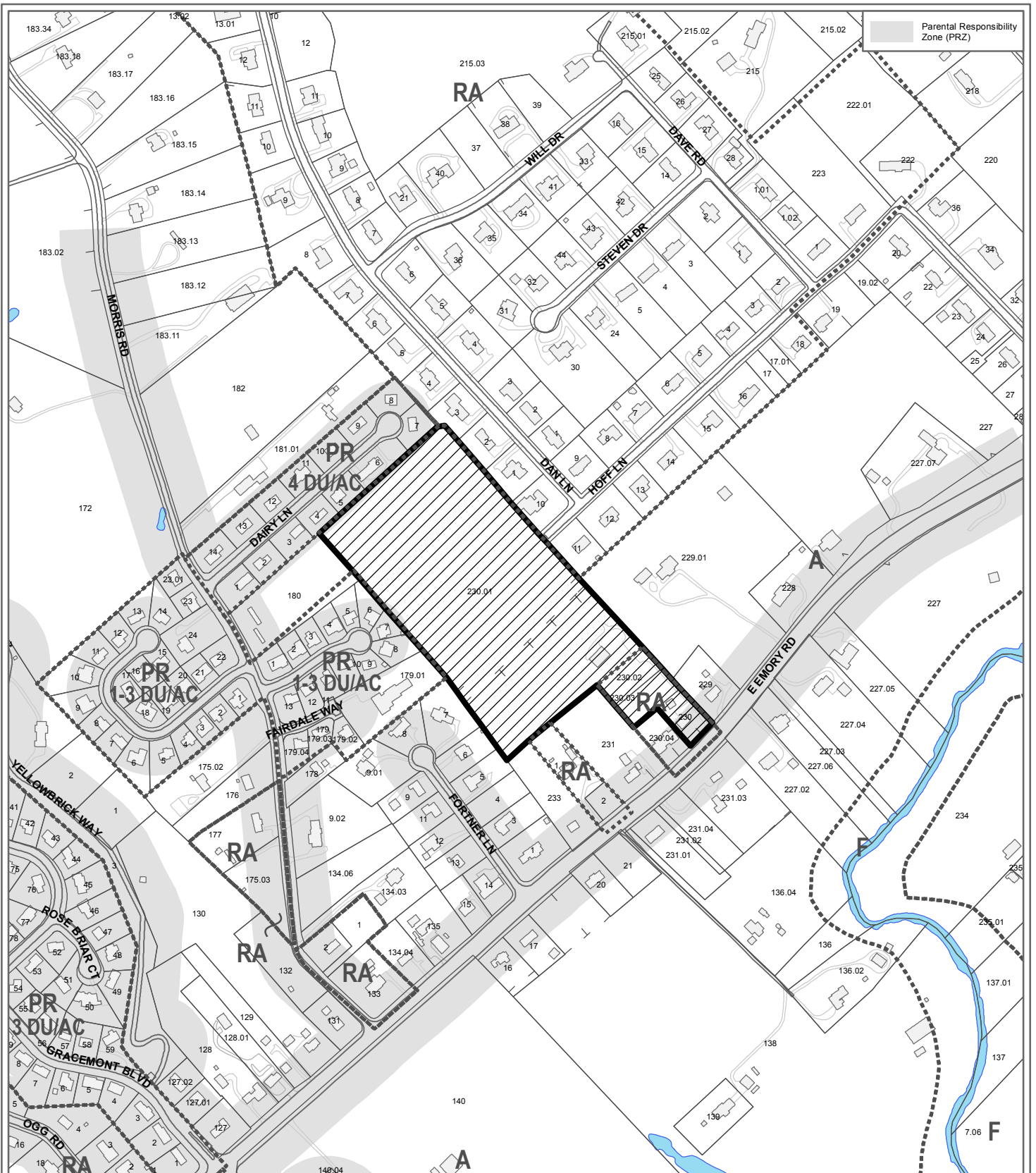


Petitioner: Belle Investment Company, Inc.

Map No: 37
Jurisdiction: County



Original Print Date: 6/24/2015 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**7-D-15-RZ
REZONING**

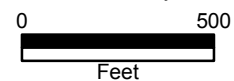
From: A (Agricultural) and RA (Low Density Residential)
To: PR (Planned Residential) at 12 du/ac



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