

▶ **FILE #:** 12-K-17-RZ

AGENDA ITEM #: 49

AGENDA DATE: 12/14/2017

▶ **APPLICANT:** EVELYN KEITH

OWNER(S): Evelyn Keith

TAX ID NUMBER: 47 07504 & 07508

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 961 E Emory Rd

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

▶ **APPX. SIZE OF TRACT:** 7 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via E. Emory Rd., a major arterial street with 4 lanes and a center turning lane within 85' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

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

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

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

▶ **PROPOSED USE:** Senior housing

DENSITY PROPOSED: 12 du/ac

EXTENSION OF ZONE: Yes, extension of PR zoning from the north and west

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Detached residential subdivision / PR (Planned Residential) @ up to 5 du/ac

South: E. Emory Rd., shopping center / CA (General Business)

East: Detached residences / A (Agricultural)

West: Condominiums / PR (Planned Residential) at 9 du/ac

NEIGHBORHOOD CONTEXT: This section of E. Emory Rd., is developed with a mix of residential, office and commercial uses under A, PR, RA, CA, CB and PC zoning.

STAFF RECOMMENDATION:

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

The requested density of up to 12 du/ac is not necessary for the proposed development of an assisted living facility. The recommended zoning and density will allow MPC consideration of an assisted living facility as a use on review. The recommended density will eliminate the potential for the development of 84 independent apartment units, which may or may not be supported by residents of neighboring detached residential homes.

COMMENTS:

Although the sector plan proposed medium density residential and office uses for the site, the requested

density of up to 12 du/ac is not necessary for the proposed development of senior housing. If shared dining, transportation, medical and other services are provided for the residents as part of the project, then the use may be classified as an assisted living facility, which does not need the requested density. As recommended, the PR zoning at up to 5 du/ac will allow use on review consideration of the proposed senior housing project, without creating the potential for up to 84 standard apartment units. The applicant has indicated that 104 units are proposed, which, if classified as standard apartment development, would only allow up to 84 units. So, the proposed use must be classified as an 'assisted living facility' by the Knox County Administration Department, in order to be considered for use on review approval by MPC. The applicant has also indicated that only 24 of the proposed units would have a full kitchen, which demonstrates that there will be shared services. The applicant may also have to restrict the ages of residents to 55 and over, consistent with the definition of an assisted living facility in the Knox County Ordinance. The definition of an assisted living facility from the Ordinance is attached. If the site is approved for an assisted living facility, the area of the project may not be counted toward the overall density of the property. Any remaining area that is not included in the assisted living project may be developed with residential uses at a density of up to 5 du/ac.

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. PR is the most appropriate residential zone that can be considered for this site. The recommended density is compatible with the surrounding development and zoning pattern.
2. PR zoning at either the proposed or recommended density would be consistent with the recommended MDR/O sector plan proposal for the site, but the requested density of 12 du/ac is not necessary for the proposed use.
3. Limiting the density to 5 du/ac will also provide for better compatibility with surrounding residential land uses and zoning.

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 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 reasonable use of the property for residential development, while maintaining compatibility with surrounding development and zoning. The requested 12 du/ac is more intense than the prevailing densities in the area.
2. Based on the reported acreage of 7 acres, the recommended PR zoning at a density of up to 5 du/ac would allow for a maximum of 35 independent, detached dwelling units to be proposed for the site. That number of detached units would add approximately 395 vehicle trips per day to the street system and would add approximately 14 children under the age of 18 to the school system. The requested density of 12 du/ac would allow for a maximum of 84 attached dwelling units to be proposed for the site. That number of attached units would add approximately 816 vehicle trips per day to the street system and would add approximately 1 child under the age of 18 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. Public water and sanitary sewer utilities are available in the area, but may need to be extended to serve the site.
5. This proposal does not present any apparent conflicts with any other adopted plans.

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 medium density residential and office uses, consistent with PR zoning at up to 12 du/ac.
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 in the future on other A-zoned properties in the

area, consistent with the sector plan proposal.

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: 816 (average daily vehicle trips)

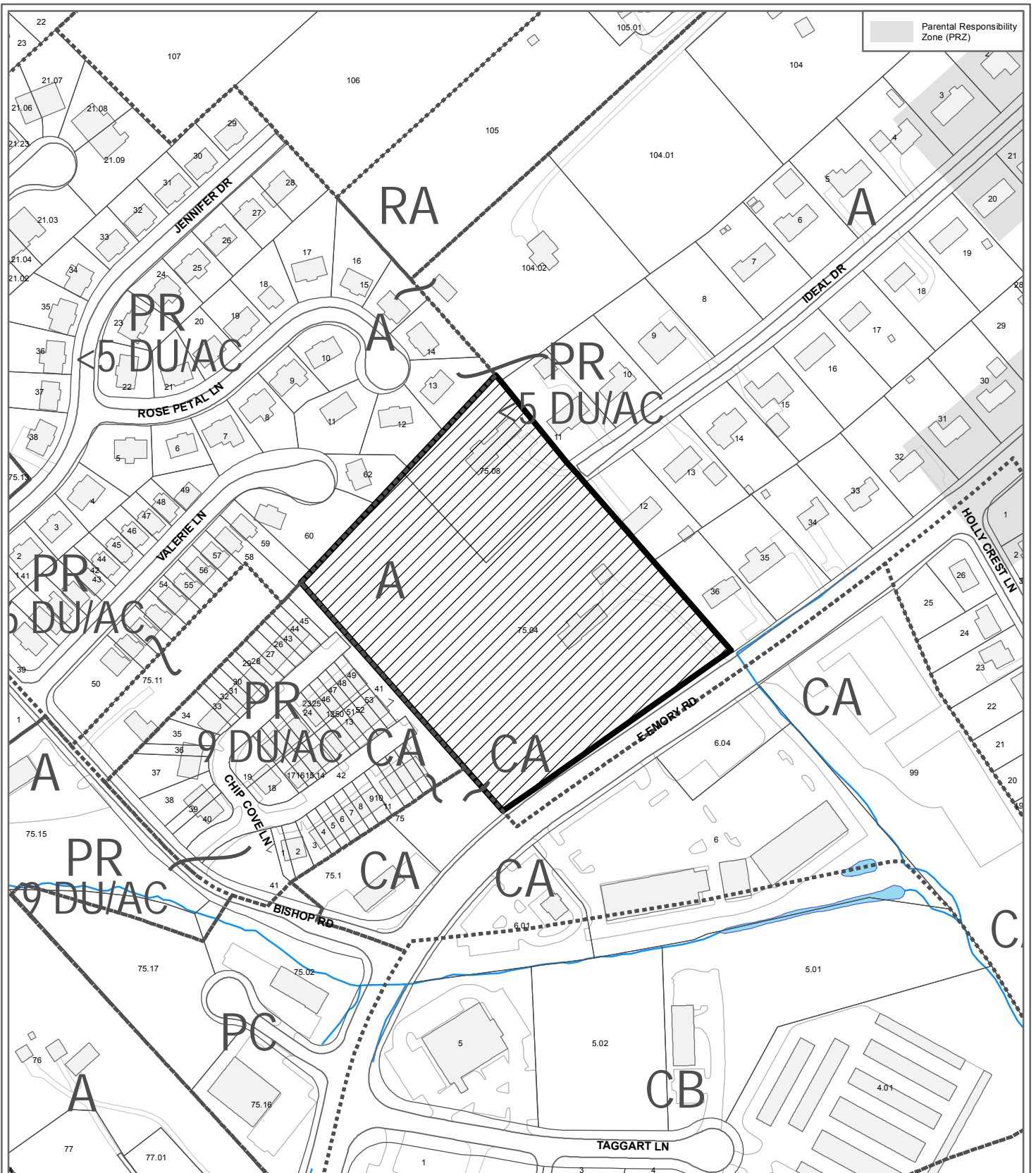
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 1 (public school children, ages 5-18 years)

Schools affected by this proposal: Brickey-McCloud Elementary, Powell Middle, and Powell High.

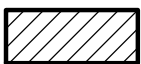
- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. 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.

If approved, this item will be forwarded to Knox County Commission for action on 1/22/2018. 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.



**12-K-17-RZ
REZONING**

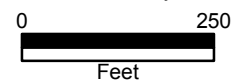
From: A (Agricultural)
To: PR (Planned Residential)



Petitioner: Keith, Evelyn

Map No: 47

Jurisdiction: County



Original Print Date: 11/13/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

AGED PERSONS - Persons who are fifty-five (55) years of age or older.

ALTERATION, INTERIOR - Any change in the interior walls of a building.

ALTERATION, STRUCTURAL - Any change in the exterior walls, or foundation or other supporting members of a building or structure.

APARTMENT -See Multi-Dwelling Structure as defined hereinbelow under Residential Structure Types.

ASSISTED LIVING FACILITY - A building, establishment, complex, or distinct part thereof which accepts aged persons, whom constitute a substantial majority of not less than eighty-five (85) percent of the facility population, for domiciliary care provided that residential units may be shared with a person under the age of fifty-five (55), if the head of household meets the definition of an aged person. The facility provides on-site to its residents, room, board, nonmedical living assistance services appropriate to the residents' respective needs, and medical services as prescribed by each resident's treating physician.

AUTO WRECKING YARD - Any space or building used by the owner or operator for the dismantling of two or more inoperable vehicles or vehicles not in running condition, or for storage of such vehicles or the dismantled parts thereof.

BOARDING HOME FOR SHELTERED CARE - A profit or nonprofit boarding home, rest home or other home licensed by the appropriate governmental agency which in addition to providing food and shelter to three but not more than twelve persons unrelated to the proprietor, also provides, any personal care or service beyond food, shelter, and laundry. Such services may include (1) supervision and assistance in dressing, bathing and maintenance of good personal hygiene; (2) care in emergencies or in temporary illness, usually for periods of one week or less; (3) supervision in the taking of medications; and (4) other services conducive to the residents' welfare.

BOARDING HOUSE - A dwelling or part thereof in which lodging is and meals from a common kitchen are provided by the owner or operator for not more than twelve persons.



Street Name and Subdivision Name Review

All subdivision and street names must conform to the Knoxville/Knox County Street Uniform Naming and Addressing Ordinance, Subdivision Regulations and the Administrative Rules of the Planning Commission.

Visit our website www.knoxmpc.org for a list of existing and available street names

Plats **MUST** be signed before plat is certified for recording. We can sign-off before or after the MPC meeting.

Corrections **MUST** be made before addressing staff can sign-off on the subdivision plat.

Concept		Final		Use on Review		Variance		Exempt Plat		Administrative Plat		Planner in Charge	
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Date Submitted To Addressing Dept. for Review	30Oct17	Owner Developer Applicant	Evelyn Kent	Surveyor Architect Engineer Applicant	Arthur Seymour	Phone	865.546.9321
						Fax Email	637.5249 ajs Seymour@fmsllp.com
Subdivision Name (MPC File #)	Proposed Senior Living 12-k-17-RZ			Unit or Phase		Tax ID	
Proposed Subdivision Name Proposed Street Name Existing Street Name	<ol style="list-style-type: none"> 1. Duplication / Phonetic 2. Existing Road 3. Needs Correction 4. Does not conform to Addressing Regulations 		Results of Review			Date proposed street and/or subdivision name added to reserve file	Approved Denied Pending correction
E Emory Rd	2		OK				
	2		OK				
			Assigned address will be based off the submitted Site Plan If set up like apartments will need to address accordingly				

*MPC reserves the right to modify these comments as new information comes to our attention from field review and/or requirements from other government review agencies.

Contact Us: addressing@knoxmpc.org fax: 215.2237					Reviewed by	Donna Hill 865.215.3872 donna.hill@knoxmpc.org	Date Completed	15Oct17
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SP: MDR/0 GP: PG

KNOXVILLE-KNOX COUNTY

MPC METROPOLITAN PLANNING COMMISSION TENNESSEE

Suite 403 • City County Building 400 Main Street Knoxville, Tennessee 37902 865 • 215 • 2500 FAX • 215 • 2068 www.knoxmpc.org

REZONING PLAN AMENDMENT

Name of Applicant: Evelyn Keith

Date Filed: 10/30/17 Meeting Date: Dec. 14, 2017

Application Accepted by: Bussseau

Fee Amount: \$950 File Number: Rezoning 12-K-17-RZ

Fee Amount: File Number: Plan Amendment



PROPERTY INFORMATION

Address: 961 E Emory Rd.

General Location: NW side E. Emory Rd., NE of Bishop Rd.

Parcel ID Number(s): 047-07504 047-07508

Tract Size: 7 acres

Existing Land Use: Vacant/Residences

Planning Sector: North County

Growth Policy Plan: Planned Growth

Census Tract: 62.06

Traffic Zone: 248

Jurisdiction: City Council District County Commission 7th District

Requested Change

REZONING

FROM: A

TO: PR

PLAN AMENDMENT

One Year Plan Sector Plan

FROM:

TO:

PROPOSED USE OF PROPERTY

Senior housing

Density Proposed 12 Units/Acre

Previous Rezoning Requests:

None noted

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: EVELYN KEITH

Company:

Address: 961 E EMORY RD

City: KNOXVILLE State: TN Zip: 37938

Telephone:

Fax:

E-mail:

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: FRANK G. SBYNOUR, JR

Company: FRANK MCCONNELL + SBYNOUR

Address: P.O. BOX 35

City: KNOXVILLE State: TN Zip: 37909

Telephone: 546-9301

Fax: 637-5249

E-mail: ASBYNOUR@FRANKMPC.COM

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: [Signature]

PLEASE PRINT

Name: SAUB LL ABOVA

Company:

Address:

City: State: Zip:

Telephone:

E-mail: