



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

[MPC Comment] Fwd: Yarnell RZ (7-M-17-RZ)

1 message

Michael Brusseau <mike.brusseau@knoxmpc.org>
Reply-To: mike.brusseau@knoxmpc.org
To: Commission <commission@knoxmpc.org>

Tue, Jul 11, 2017 at 3:50 PM

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

From: **Scott Davis** <swd444@gmail.com>
Date: Tue, Jul 11, 2017 at 10:23 AM
Subject: Re: Yarnell RZ (7-M-17-RZ)
To: Michael Brusseau <mike.brusseau@knoxmpc.org>, Bud Armstrong <bud.armstrong@knoxcounty.org>
Cc: Gerald Green <gerald.green@knoxmpc.org>, Dan Kelly <dan.kelly@knoxmpc.org>

Following up on the Growth Policy Plan:

As approved, the Growth Policy Plan recommends that a standing Growth Policy Coordinating Committee should be in place at all times and the Plan should be reviewed every three years.

Can you please tell me who is on the Growth Policy Coordinating Committee and when was the last time the committee met?

Thank you very much for your time and attention to this matter.

Scott Davis

Thank you.

Scott Davis
865-806-8008

On Mon, Jul 10, 2017 at 7:34 PM, Scott Davis <swd444@gmail.com> wrote:

Michael,

Thank you for the staff report regarding the Yarnell Road rezoning request.

As you are aware, The Growth Policy Plan was presented in 2000 and adopted in 2001 as per Tennessee Public Chapter 1101. To my knowledge, the Growth Policy Plan, as approved in 2001, has not been amended since its adoption. The majority of the statistical data and planning knowledge for adoption of The Plan dates back to 1999-2000.

Sewer, water and adequate roads serve the proposed property on Yarnell Road. According to the Growth Policy Plan, this area should have already been reclassified "Planned Growth" if the the Growth Policy Plan had been periodically reviewed or amended. In light of the fact that the Plan has not been revised or amended in the past 17 years, the Plan has provisions which permit the property to be rezoned (PR) up to 3 dwelling units per acre.

Denying development of up to 3 dwelling units per acre, when the property meets all of the requisite conditions, violates the intent of the Growth Policy Plan and impedes the right of the property owner to use or develop the property for a purpose permitted by the property's zoning.

MPC is recommending rezoning the property to low density Planned Residential (PR). As per the Growth Policy Plan, the (2) dwelling units per acre was applicable if sewer and water were not available to the property.

If all of the conditions are met as per the Growth Policy Plan, MPC should approve (3) dwelling units per acre for this property. All of the conditions have been met.

See below:

The intent of this section is to allow extensions of low density residential development into rural areas when urban services (sanitary sewer, water, and adequate roads) become available. These areas should be reclassified "Planned Growth" when the growth plan is periodically revised and amended.

In addition, there is a commercial piece of property within 420 feet of the proposed Yarnell property. Yarnell Station, which was approved PR (3) dwelling units per acre, is 650 feet from the proposed Yarnell property.

GROWTH POLICY PLAN

SECTION 1: Policies, Section 3 The following policies shall apply in the Rural Area:

3.1 The Knox County Zoning Ordinance and Rezoning Map shall determine land uses permitted in the Rural Area.

The rural designation shall not impede the right of a property owner to use or development the property for a purposes permitted by that property's zoning. A land use listed in the Zoning Ordinance as a "use on review" may be approved by the Planning Commission if they find that the proposed development complies with all applicable standards in ordinance.

3.2 Rezoning within the Rural Area shall be limited to the following zoning districts: Agricultural (A), Estate (E), Open Space (OS), Floodway (F), **Planned Residential (PR) up to two (2) dwelling units per acre based on the site's environmental characteristics and Health Dept. determination of septic system capability (with the exception noted in #3.3 & #3.5 below)**

Extension of low density residential development (**densities of 1 to 3 dwelling units per acre**) into the rural area shall be limited to the following conditions: (a) the property must be zoned Planned Residential (PR); (b) provision of sanitary sewer and public water service; (c) connecting collector and arterial roads from the proposed development to the Urban Growth Boundary or Planned Growth Area.... **The intent of this section is to allow extensions of low density residential development into rural areas when urban services (sanitary sewer, water, and adequate roads) become available.** These areas should be reclassified "Planned Growth" when the growth plan is periodically revised and amended.

Scott Davis
[865-806-8008](tel:865-806-8008)

Thank you.

Scott Davis
[865-806-8008](tel:865-806-8008)

On Fri, Jul 7, 2017 at 3:01 PM, Michael Brusseau <mike.brusseau@knoxmpc.org> wrote:

Good afternoon Scott,

Just wanted to give you a heads up that because the subject property is located in the Rural Area on the Growth Policy Plan, staff could only recommend approval of up to 2 du/ac. The staff report is attached. Thanks and have a good weekend.

Mike

--

Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902
Phone: [\(865\) 215-2500](tel:865-215-2500)
Fax: [\(865\) 215-2068](tel:865-215-2068)
www.knoxmpc.org

--

Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902
Phone: (865) 215-2500
Fax: (865) 215-2068
www.knoxmpc.org

--

This message was directed to commission@knoxmpc.org



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

[MPC Comment] Growth Plan

2 messages

Scott Davis <swd444@gmail.com>

Wed, Jul 12, 2017 at 9:18 AM

Reply-To: swd444@gmail.com

To: Michael Brusseau <mike.brusseau@knoxmpc.org>, Bud Armstrong <bud.armstrong@knoxcounty.org>, "Rev. Charles Lomax" <commission@knoxmpc.org>

Michael,

I hope you are doing well. I need your assistance please.

On the agenda for Thursday's meeting is the Concept Plan/Use on Review for The Woods at Choto on Choto Road.

Below is a portion of the comments from the staff report.

It states " **The subject property is within the Rural Area of the Growth Policy Plan and since it is adjacent to the Planned Growth Area, it is eligible for consideration of a density of up to 3 du/ac. At the June 8th MPC meeting, the planning commission recommended 3 du/ac**".

I very well may have overlooked it, I have been unable to find in The Growth Policy Plan where it states that if a property is "adjacent to the Planned Growth Area, it is eligible for consideration of a density of up to 3 du/ac".

Can you please direct me to the section of The Growth Policy Plan that references the "adjacent" description for consideration of up to 3 du/ac? I could only find that the property is eligible for consideration of up to 3 du/ac if it has sewer, water and adequate roads.

Why would staff recommend 3 du/ac on Choto Road and only 2 du/ac on Yarnell Road when the requirements for consideration are equal? There appears to be considerable discrepancy and inconsistency in staff's recommendations.

The Woods at Choto:

The applicant is proposing to subdivide this 27.3 acre tract into 82 residential lots for detached houses at a density of 3.00 du/ac. The subject property is within the Rural Area of the Growth Policy Plan and since it is adjacent to the Planned Growth Area, it is eligible for consideration of a density of up to 3 du/ac. At the June 8th MPC meeting, the planning commission recommended 3 du/ac. The applicant is seeking PR (Planned Residential) zoning at 4.5 du/ac, however, has submitted a concept plan at the 3 du/ac so that the concept plan can still be considered for approval at the July 13th MPC meeting. If the planning commission approves the concept plan and use-on-review at a density of 3 du/ac and then County Commission approves PR zoning at a density higher than 3 du/ac later this month then the applicant has the option of submitting a new concept plan and use-on-review application at a density consistent with the County Commission approval or developing consistent with this approval.

Thank you.

Scott Davis
865-806-8008

--

This message was directed to commission@knoxmpc.org

Scott Davis <swd444@gmail.com>

Wed, Jul 12, 2017 at 2:54 PM

Reply-To: swd444@gmail.com

To: Michael Brusseau <mike.brusseau@knoxmpc.org>, "Rev. Charles Lomax" <commission@knoxmpc.org>

Cc: Gerald Green <gerald.green@knoxmpc.org>, Dan Kelly <dan.kelly@knoxmpc.org>, Steve Wise <srwise@wiseandreeves.com>, Bud Armstrong <bud.armstrong@knoxcounty.org>, Lee Dunlap <Eleed66@yahoo.com>, Ryan Hickey <rhhickey@ballhomes.com>

Mike,

That is a very interesting and unusual interpretation of extension as it relates to The Growth Policy Plan. I know Mr. Wise and Mr. Armstrong are both very good and competent attorneys but I am not sure they would be able to defend this interpretation as it relates the The Growth Policy Plan. No where in The Growth Policy Plan does it state that property in the Rural Area being considered for PR zoning at 3 du/ac has to be contiguous to a Planned Growth Area even though staff has used the word contiguous for years in recommending denial of 3 du/ac in the Rural Areas. You reference section 3.5 of the Growth Policy Plan.

Section 3.5 further states:

The intent of this section is to allow extensions of low density residential development (3 du/ac) into rural areas when urban services (sanitary sewer, water, and adequate roads) become available. These areas should be reclassified "Planned Growth" when the growth plan is periodically revised and amended.

Section 3.1 states:

The Rural designation shall not impede the right of a property owner to use or develop the property for a purpose permitted by the property's zoning.

If MPC's interpretation of "extension" is correct, anyone who owns property in the Rural Area is landlocked and would be prohibited from developing their property greater than 2 du/ac. Even if an adjacent property in the Rural Zone is rezoned PR 3 du/ac and developed the property remains in the Rural Area and the Planned Growth Area is not extended or amended.

There are several examples throughout the County where MPC has recommended approval of PR zoning at more than 2 units per acre that are in the Urban Growth Area and not "contiguous" to the Planned Growth Area. One example:

STAFF REPORT for 12531 Lovelace Rd which is in the Rural Area and more than a mile from a Planned Growth Area:

RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 2.5 dwelling units per acre.

COMMENTS: This site was recently rezoned to PR (Planned Residential). Due to the requirements of the Knoxville-Knox County-Farragut Growth Policy Plan the density was capped at 3 dwellings per acre.

Yarnell Station is developed and is zoned PR 3 du/ac yet is still in the Rural Area according to the most recent KGIS maps. The Planned Growth Area was not extended to Yarnell Station which is 600 feet from my property.

If MPC does extend the Planned Growth Area, even after a parcel is rezoned and developed under PR 3 du/ac, then the Planned Growth Boundary is permanently fixed which was never intended under The Growth Policy Plan and which clearly violates the intent of of Tennessee Public Chapter 1101.

Thank you.

Scott Davis
865-806-8008

On Wed, Jul 12, 2017 at 9:34 AM, Michael Brusseau <mike.brusseau@knoxmpc.org> wrote:

Scott,

The word adjacent is not there. The key word is the first word in Section 3.5, "extensions". Extension is interpreted to mean that a property must be adjacent to the Planned Growth Area to allow consideration of up to 3 du/ac. If the word extension was not there, then 3 du/ac could be allowed anywhere within the Rural Area, even in far outlying, rural areas. The Woods at Choto property was directly adjacent to the Planned Growth Area, so staff was able to recommend up to 3 du/ac on that property. The Yarnell Rd. property is not adjacent to Planned Growth. It is surrounded by Rural Area on the Growth Plan map.

As far as I know, staff recommendations have been consistent in this regard, at least on requests that I have reviewed. I hope this helps. I am including Steve Wise, Dan and Gerald on this reply so they are aware of how staff has interpreted this Growth Plan Policy. I hope this helps. See you tomorrow.

Mike

On Wed, Jul 12, 2017 at 9:18 AM, Scott Davis <swd444@gmail.com> wrote:

Michael,

I hope you are doing well. I need your assistance please.

The agenda for Thursday's meeting is the Concept Plan/Use on Review for The Woods at Choto on Choto Road.

Below is a portion of the comments from the staff report.

It states " The subject property is within the Rural Area of the Growth Policy Plan and since it is adjacent to the Planned Growth Area, it is eligible for consideration of a density of up to 3 du/ac. At the June 8th MPC meeting, the planning commission recommended 3 du/ac".

I very well may have overlooked it, I have been unable to find in The Growth Policy Plan where it states that if a property is "adjacent to the Planned Growth Area, it is eligible for consideration of a density of up to 3 du/ac".

Can you please direct me to the section of The Growth Policy Plan that references the "adjacent" description for consideration of up to 3 du/ac? I could only find that the property is eligible for consideration of up to 3 du/ac if it has sewer, water and adequate roads.

Why would staff recommend 3 du/ac on Choto Road and only 2 du/ac on Yarnell Road when the requirements for consideration are equal? There appears to be considerable discrepancy and inconsistency in staff's recommendations.

The Woods at Choto:

The applicant is proposing to subdivide this 27.3 acre tract into 82 residential lots for detached houses at a density of 3.00 du/ac. The subject property is within the Rural Area of the Growth Policy Plan and since it is adjacent to the Planned Growth Area, it is eligible for consideration of a density of up to 3 du/ac. At the June 8th MPC meeting, the planning commission recommended 3 du/ac. The applicant is seeking PR (Planned Residential) zoning at 4.5 du/ac, however, has submitted a concept plan at the 3 du/ac so that the concept plan can still be considered for approval at the July 13th MPC meeting. If the planning commission approves the concept plan and use-on-review at a density of 3 du/ac and then County Commission approves PR zoning at a density higher than 3 du/ac later this month then the applicant has the option of submitting a new concept plan and use-on-review application at a density consistent with the County Commission approval or developing consistent with this approval.

Thank you.

Scott Davis
[865-806-8008](tel:865-806-8008)

--

Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902
Phone: [\(865\) 215-2500](tel:865-215-2500)
Fax: [\(865\) 215-2068](tel:865-215-2068)
www.knoxmpc.org

[Quoted text hidden]