

## KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION REZONING REPORT

▶ FILE #: 9-F-18-RZ AGENDA ITEM #: 36

POSTPONEMENT(S): 10/11/2018 **AGENDA DATE: 12/13/2018** 

► APPLICANT: BRIAR ROCK PARTNERS, LLC

OWNER(S): Briar Rock Partners, LLC

TAX ID NUMBER: 133 N D 001 View map on KGIS

JURISDICTION: County Commission District 4

STREET ADDRESS: 8512 S Northshore Dr

► LOCATION: Southeast side S. Northshore Dr., southwest of Dunwoody Blvd.

► APPX. SIZE OF TRACT: 17.74 acres

SECTOR PLAN: Southwest County
GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with24' of pavement

width within 70' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

PRESENT ZONING: A (Agricultural)

► ZONING REQUESTED: PR (Planned Residential)

► EXISTING LAND USE: Vacant land and residence

► PROPOSED USE: Detached residential development

DENSITY PROPOSED: 5 du/ac

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

HISTORY OF ZONING: None noted

SURROUNDING LAND North: Residential subdivision / RP-1 and PR (Planned Residential)

USE AND ZONING: South: Houses and vacant land / A (Agricultural)

East: Houses and vacant land / A (Agricultural)

West: S. Northshore Dr., assisted living facility, residential / R-2 (General

Residential) and PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This area has been developed primarily with rural agricultural and low to

medium density residential uses, under A, RP-1, R-2, PR and RA zoning.

#### STAFF RECOMMENDATION:

RECOMMEND withdraw, per applicants request.

On November 16th, staff received a letter from the applicant to withdraw 9-F-18-RZ from consideration.

**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:

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- 1. The recommended zoning and density for the subject property are appropriate to allow reasonable use of the site, while remaining compatible with surrounding development and zoning, and consistent with the policies of the HRPP.
- 2. With application of the residential density and land disturbance guidelines from the HRPP, the maximum density should be about 4 du/ac. The slope analysis, map and calculations are attached.
- 3. The property is in the vicinity of several RP-1 and PR planned residential developments.
- 4. 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. 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. Staff's recommended zoning and density will be compatible with the scale and intensity of the surrounding development and zoning pattern.
- 2. The site is not located within the Parental Responsibility Zone for schools, but sidewalks may still be required on at least one side of each street within the development, and possibly along the S. Northshore Dr. frontage.
- 3. The PR zoning district has provisions for preservation of open space and providing recreational amenities as part of the development plan. The applicant will be expected to demonstrate how these provisions are met as part of the required development plan review.
- 4. The proposed PR zoning at a density of up to 5 du/ac would allow for a maximum of 88 dwelling units to be proposed for the site. That number of detached units, as proposed, would add approximately 922 vehicle trips per day to the street system and would add approximately 36 children under the age of 18 to the school system. The recommended PR zoning at a density of up to 4 du/ac would allow for a maximum of 70 dwelling units to be proposed for the site. That number of detached units would add approximately 747 vehicle trips per day to the street system and would add approximately 29 children under the age of 18 to the school system.
- 5. Depending on where access to the development is proposed, road improvements to S. Northshore Dr. may be necessary. The applicant will be expected to make any road improvements that are deemed necessary by the Knox County Engineering Department. The applicant will also be required to certify on the plans that adequate sight distance is available at the project entrance. A traffic impact study will be required if the development is projected to create more than 750 trips per day.

# 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 Southwest County Sector Plan proposes low density residential uses for the site, which allows consideration of PR zoning at a maximum density of 5 du/ac.
- 2. Approval of this request could lead to future requests for PR zoning in this area.
- 3. The recommended zoning and density do not present any apparent conflicts with 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: 922 (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.

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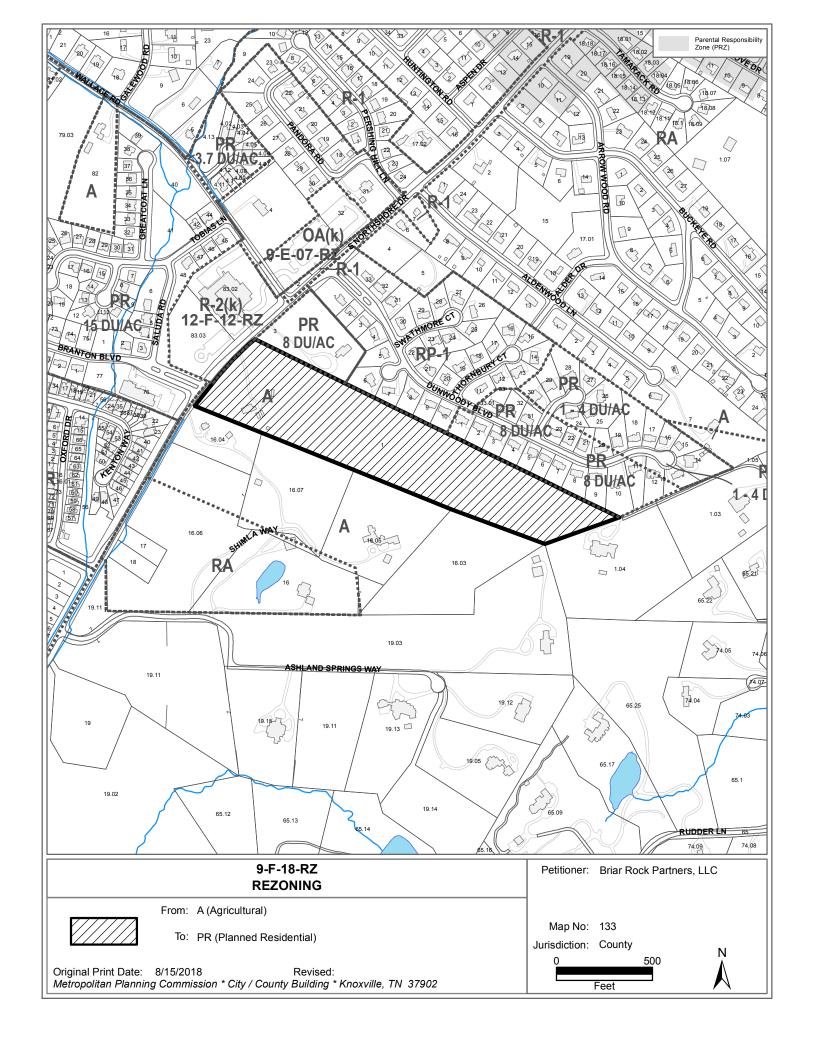
ESTIMATED STUDENT YIELD: 36 (public school children, ages 5-18 years)

Schools affected by this proposal: Rocky Hill Elementary, West Valley Middle, and West 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 1/28/2019. 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.

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## BATSON, HIMES, NORVELL & POE REGISTERED ENGINEERS AND LAND SURVEYORS

4334 Papermill Road

# Knoxville, Tennessee 37909 Phone (865) 588-6472 Fax (865) 588-6473

November 16, 2018

Mr. Jeff Archer Knoxville MPC

Dear Mr. Archer:

We request the following at the December 13, 2018 MPC meeting:

Please WITHDRAW consideration of the following rezoning request:

• Briar Rock Partners – Northshore Drive (9-F-18-RZ)

Thank you for your assistance.

David Harbin PE, RLS

## BATSON, HIMES, NORVELL & POE

REGISTERED ENGINEERS AND LAND SURVEYORS
4334 Papermill Road

### **Knoxville, Tennessee 37909**

Phone (865) 588-6472 Fax (865) 588-6473

November 16, 2018

Mr. Thomas Brechko: Knoxville MPC

Dear Mr. Brechko:

We request the following at the December 13, 2018 MPC meeting:

Please WITHDRAW consideration of the following concept and use on review plan:

• Briar Rock Partners LLC – S. Northshore Drive (10-SE-18-C & 10-E-18-UR)

Thank you for your assistance.

Sincerely

David Harbin PE, RLS

-18-RZ\_PP\_11-8-18

BATSON, HIMES, NORVELL & POE REGISTERED ENGINEERS AND LAND SURVEYORS

4334 Papermill Road

Knoxville, Tennessee 37909

Phone (865) 588-6472 Fax (865) 588-6473

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Менфонан Planning Commission

November 5, 2018

request - 30 days

Mr. Jeff Archer Knoxville MPC

Dear Mr. Archer:

We request the following at the November 8, 2018 MPC meeting:

Please postpone consideration of the following rezoning request:

Briar Rock Partners – Northshore Drive (9-F-18-RZ)

Until the December 13, 2018 MPC meeting.

Thank you for your assistance.

Sincerely,



### Sherry Michienzi <sherry.michienzi@knoxmpc.org>

Mon, Nov 5, 2018 at 1:16 PM

## Fwd: Briar Rock Partners - Northshore

l message	
Dori Caron <dori.caron@knoxmpc.org> To: Sherry Michienzi <sherry.michienzi@knoxmpc.org></sherry.michienzi@knoxmpc.org></dori.caron@knoxmpc.org>	
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Forwarded message	

From: Jeff Archer <jeff.archer@knoxmpc.org> Date: Mon, Nov 5, 2018 at 12:11 PM Subject: Fwd: Briar Rock Partners - Northshore To: Dori Caron <dori.caron@knoxmpc.org>

Here is the postponement request for MPC Agenda Item #26, 9-F-18-RZ - Briar Rock Partners, LLC.

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

From: David B. Harbin <harbin@bhn-p.com>

Date: Mon, Nov 5, 2018 at 11:28 AM

Subject: Briar Rock Partners - Northshore To: Jeff Archer <jeff.archer@knoxmpc.org>

Jeff:

Asking for a postponement. Please see attached.

David Harbin PE, RLS

Batson, Himes, Norvell & Poe

4334 Papermill Drive

Knoxville, TN 37909

### BATSON, HIMES, NORVELL & POE

REGISTERED ENGINEERS AND LAND SURVEYORS
4334 Papermill Road

## Knoxville, Tennessee 37909

Phone (865) 588-6472 Fax (865) 588-6473

October 8, 2018

Mr. Jeff Archer Knoxville MPC

Dear Mr. Archer:

We request the following at the October 11, 2018 MPC meeting:

Please postpone consideration of the following rezoning request:

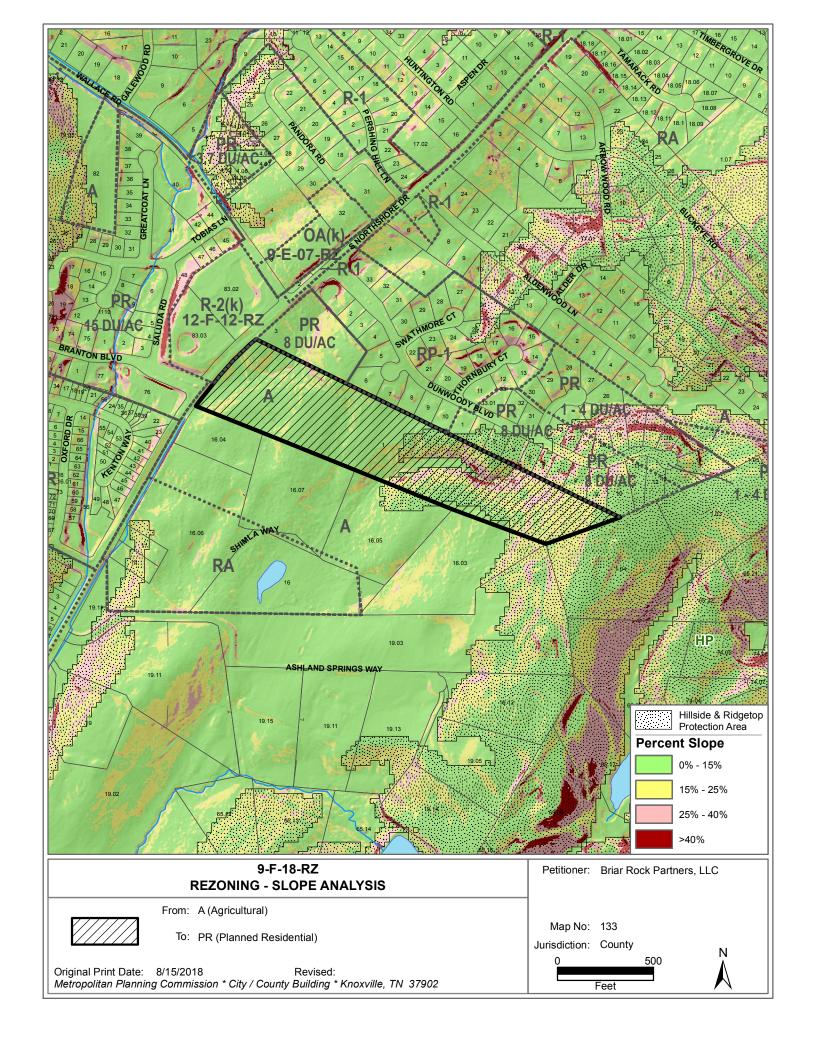
• Briar Rock Partners – Northshore Drive (9-F-18-RZ)

Until the November 8, 2018 MPC meeting.

Thank you for your assistance.

Sincerely,

David Harbin PE, RLS



### 9-F-18-RZ Slope Analysis

			Acreage
Non-Hillsi		10.42	
Hillside and Ridgetop Protection Area			
Value	Percent Slope	Count	Acres
1	0%-15%	3709	2.13
2	15%-25%	5973	3.43
3	25%-40%	2024	1.16
4	>40%	219	0.13
			6.84
Ridgetop Area 0			
		Site Total	17.26

## MPC STAFF - SLOPE / DENSITY ANALYSIS 9-F-18-RZ -Briar Rock Partners, LLC - A to PR

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	10.42	5.00	52.1
0-15% Slope	2.13	5.00	10.7
15-25% Slope	3.43	2.00	6.9
25-40% Slope	1.16	0.50	0.6
Greater than 40% Slope	0.13	0.20	0.0
Ridgetops	0		0.0
Subtotal: Sloped Land	6.85		18.1
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	17.27	4.07	70.2
Proposed Density (Applicant)	17.27	5.00	86.4

### From Hillside & Ridgetop Protection Plan, page 33

#### LOW DENSITY AND RURAL RESIDENTIAL USES

#### **Density and Land Disturbance Guidelines**

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines
for Recommendations on Changes to the Zoning Map and Development Plan/
Concept Plan Review within the Hillside and Ridgetop Protection Area
that is within the Urban Growth and the Planned Growth Area

Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

dua: dwelling units per acre

- \* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.
- \*\* Until such time as regulations are codified by the appropriate legislate body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.
- \*\*\* Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 – 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

The Knoxville Knox County Hillside and Ridgetop Protection Plan — 33



## Fwd: Item #25 on the Preliminary Agenda for 11/8/18 MPC Meeting (Application 9-F-18-RZ):

1 message

Marc Payne <marc.payne@knoxmpc.org>
To: Dori Caron <dori.caron@knoxmpc.org>

Mon, Nov 5, 2018 at 2:19 PM

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

From: Tina Piatt <tina.piatt@knoxmpc.org>

Date: Mon, Nov 5, 2018 at 1:50 PM

Subject: Fwd: Item #25 on the Preliminary Agenda for 11/8/18 MPC Meeting (Application 9-F-18-RZ):

To: Marc Payne <marc.payne@knoxmpc.org>
Cc: Terry Gilhula <terry.gilhula@knoxmpc.org>

As we discussed. Thanks!

Tina

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

From: Ashley Wade <acrickwade@gmail.com>

Date: Mon, Nov 5, 2018 at 1:28 PM

Subject: Item #25 on the Preliminary Agenda for 11/8/18 MPC Meeting (Application 9-F-18-RZ):

To: <commission@knoxmpc.org>, <jtocher.mpc@gmail.com>, <eason.mpc@gmail.com>, <mgoodwin.mpc@gmail.com>, <gerald.green@knoxmpc.org>, <contact@knoxmpc.org>, <jeff.archer@knoxmpc.org>, <tom.brechko@knoxmpc.org>
Cc: <hugh.nystrom@knoxcounty.org>

Dear MPC Board Members.

I am a resident of Dunbarton Oaks and I oppose the rezoning of the Hunter property from Agricultural to Residential. I plan on attending the meeting tomorrow to show opposition to this application.

Our neighborhood directly backs to the proposed property. Our neighborhood has experienced significant drainage issues due to the topography and development of our neighborhood. This is especially evident at the front of our neighborhood, which is adjacent to the Hunter property. Our neighbors there have flooding in their yards and in the street when we have heavy rains. The Hunter property currently serves as a drainage area for our neighborhood. I am sure developing the property will create more issues for our neighborhood.

There are also many geo-technical issues with the development of the property. There are many sinkholes, and a creek running through the property. Our neighbors have many pictures of them. The Bivens, Lavelles, Haydens, Copes, Meehans, Dorstins, and Tiptons have been forced to spend significant amounts of money to attempt to repair issues on their homes and lots due to the sinkholes and draining issues.

I am a realtor, and I am in favor of smart development. I have seen much of the agricultural land along Northshore be developed for residential use. We live in a beautiful city which has experienced significant growth. I am concerned about the development costs the county and the developer will incur due to the issues with this property that we are aware of and the many issues that may potentially be discovered. A geotechnical survey should be completed before this moves any further. All parties involved should do their due diligence to ensure the safety of the residents of the community. This developer is not local, and he may not be around when issues occur related to the development of the land. Many local developers have passed on this parcel of land.

Previously printed correspondence up to the November 8, 2018 MPC meeting package printing is available by request by contacting the MPC. It can also be found on the MPC website under the November 8, 2018 agenda package link. Knoxville and Knox County have come a long way since the developments of the 1990s, and many of the previous mistakes can be prevented.

I believe that due to the reasons, this land should remain zoned AGRICULTURAL. Thank you for your time and attention!

Ashley Wade

Tina M. Piatt
Finance Officer
Knoxville/Knox County Metropolitan Planning Commission
400 Main Street, Suite 403
Knoxville, TN 37903
(865) 215-3638



## [MPC Comment] Item #25 on the Preliminary Agenda for the November 8, 2018 MPC meeting (Application 9-F-18-RZ):

Richard Rife <richard\_rife@bellsouth.net>

Fri, Nov 2, 2018 at 12:46 PM

Reply-To: richard rife@bellsouth.net

To: commission@knoxmpc.org, jtocher.mpc@gmail.com, eason.mpc@gmail.com, mgoodwin.mpc@gmail.com, gerald.green@knoxmpc.org, contact@knoxmpc.org, jeff.archer@knoxmpc.org, tom.brechko@knoxmpc.org, hugh.nystrom@knoxcounty.org

Cc: htipton@watsonroach.com

#### Good Afternoon,

As a resident of Dunbarton Oaks, I wish to express my concerns about the subject MPC agenda item to be discussed on November 8th. Given past problems which appear to stem from drainage, water runoff, topography, and general soil conditions of the Hunter property, I am opposed to changing the zoning of this land. It is my understanding that the geotechnical and topographic data required has not been obtained, thus the true cost and impact from development can not be known.

As a retired engineer and project manager, I have seen multiple examples of the impacts from construction efforts that began without adequate understanding of existing soil conditions. I believe others have pointed out to the MPC the history of sinkholes and flooding that have occurred on the Hunter property. Flooding has also repeatedly occurred in the Dunbarton Oaks development; in fact the county had to install improved drainage a few years ago to address flooding on Dunwoody Blvd.

Development of the property next to Dunbarton Oaks is likely to exacerbate these problems. Even if the Hunter property if elevated, this will simply push the drainage problem to the land on both sides of that property. In my view, this land is simply not suitable for development. The natural terrain is such that the property in question receives too much rainwater and runoff to be used as real estate for building a housing development. Any attempts to modify or improve it for such use are likely to cause significant harm to folks living on either side of the Hunter property.

Again, I oppose the change in zoning for the subject agenda item.

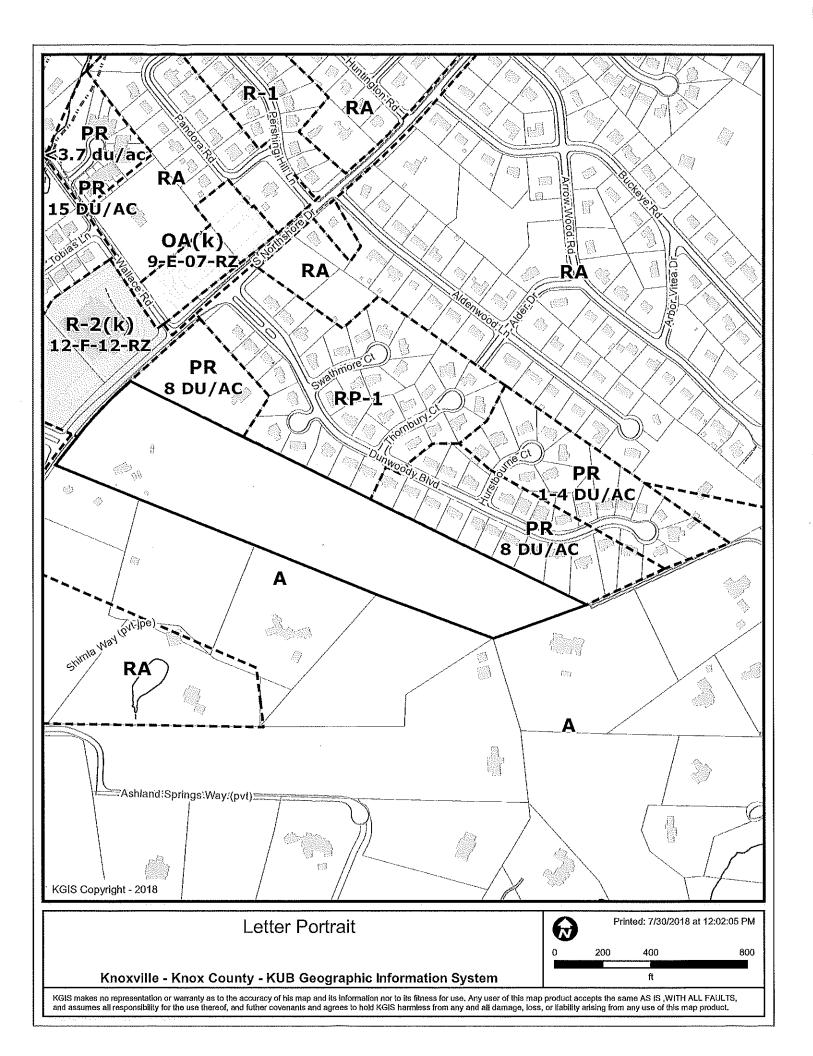
Sincerely, Richard Rife 691-1525

This message was directed to commission@knoxmpc.org

#### KNOXVILLE-KNOX COUNTY . ☑ REZONING ☐ PLAN AMENDMENT Name of Applicant: BRIAR ROCK PARTNERS, LLC METROPOLITAN PLANNING Date Filed: 7 | 29 | 18 \_\_\_\_ Meeting Date: 9/13/18 COMMISSION TENNESSEE Application Accepted by: Mrev Led Suite 403 • City County Building 400 Main Street Fee Amount: \$1490 File Number: Rezoning 9-F-18-RZ Knoxville, Tennessee 37902 8 6 5 • 2 1.5 • 2 5.0 0 F A X • 2 1 5 • 2 0 6 8 www.knoxmpc.org Fee Amount: \_\_\_\_\_ File Number: Plan Amendment \_\_\_\_ PROPERTY INFORMATION ☐ PROPERTY OWNER ☐ OPTION HOLDER Address: 8512 S NORTHSHORE DRIVE Name: KEN SUNZERI General Location: SOUTHEAST SIDE NORTHSHOPE DRIVE, SOUTHWEST OF DUNWOODY BLYD Company: BRIAK ROCK PARTNERS, LLC Address: 404 E. MCGLINCY LANE Parcel ID Number(s): 133 N D O O I City: CAMPBELL State: CA Zip: 95008 Telephone: (408) 963-8843 Tract Size: 17.74 Existing Land Use: VACANT Fax: \_\_\_\_\_ Planning Sector: Lor Southwest County E-mail: Growth Policy Plan: PLANNED GROWTH APPLICATION CORRESPONDENCE Census Tract: 57.01 All correspondence relating to this application should be sent to: Traffic Zone: 162 PLEASE PRINT Jurisdiction: City Council \_\_ District Name: DAVID HARBIN ☑ County Commission <u>4</u> \_ District Company: BATSON, HIMES, NORVELL & POE Requested Change Address: 4334 PAPERMILL DRIVE REZONING City: KNOXVILLE State: TN Zip: 37909 AGRICULTURE FROM: Telephone: (865) 588-6472 TO: PLANNED RESIDENTIAL Fax: (865) 588 -6473 E-mail: harbine bhn-p.com PLAN AMENDMENT ☐ One Year Plan ☐ \_\_\_\_\_\_Sector Plan APPLICATION AUTHORIZATION I hereby certify that I am the authorized applicant, representing FROM: ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form. TO: \_\_\_\_\_ Signature: \_\_\_\_\_ PLEASE PRINT PROPOSED USE OF PROPERTY Name: DAVID HARBIN SF DETACHED SUBDIVISION Company: BATSON, HIMES, NORVELL & POE Address: 4334 PAPERMILL DRIVE Density Proposed \_\_\_\_\_5 Units/Acre City: KNOXVILLE State: TN Zip: 37909 Previous Rezoning Requests: <u>None ドルのW N</u> Telephone: (865) 588-6472

E-mail: harbine bhn-p.com

Please Print or Type in Black Ink: Name	(If more space is required attach additional sheet.)  Address City State Zip	Owner	Option
ROBERT & EDNA HUNTER KEN SUNZER!	404 E. MCGLINCY LANE, CAMPBELL, CA 9500	•	
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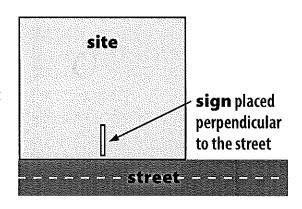
### REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

### **LOCATION AND VISIBILITY**

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



#### **TIMING**

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property

consistent with the above guidelines and	• • • • •
ang 29th an	d Sept 144h
(15 days before the MPC meeting)	$\mathcal{U}$ (the day after the MPC meeting)
Signature: Signature:	
Printed Name: Brian Rock	Partners, UC
Phone: 865-588-6472 Email: -	CO BHXIP
Date: <u>7-30-18</u>	
MPC File Number: 9-F-(8-	RZ