

▶ **FILE #:** 1-C-18-RZ

AGENDA ITEM #: 33

AGENDA DATE: 1/11/2018

▶ **APPLICANT:** ALEKSANDR BOTEZAT

OWNER(S): Aleksandr Botezat

TAX ID NUMBER: 92 102

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 5101 Cain Rd

▶ **LOCATION:** North side Cain Rd., northeast of Amherst Rd.

▶ **APPX. SIZE OF TRACT:** 16.44 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Cain Rd., a local street with 17' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

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

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

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

▶ **PROPOSED USE:** Detached residential

DENSITY PROPOSED: 5 du/ac

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant land / A (Agricultural)

South: Cain Rd., vacant land / A (Agricultural)

East: Vacant land / A (Agricultural)

West: Vacant land / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with agricultural and rural to low density residential uses under A, A-1, RA, R-1, PR and RP-1 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3.5 du/ac. (Applicant requested 5 du/ac.)**

PR zoning at the recommended density will allow reasonable development of the site, consistent with the sector plan proposal and surrounding development, and also consistent with the residential density guidelines of the Hillside and Ridgetop Protection Plan (HRPP).

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. 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 limited to 3.5 du/ac. The slope analysis, map and calculations are attached.
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. 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. Sidewalks will be required on at least one side of each street within the development, and possibly along the Cain Rd. 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 requested PR zoning at a density of up to 5 du/ac would allow for a maximum of 82 dwelling units to be proposed for this site, which has a calculated area of 16.3 acres. That number of detached units, as requested, would add approximately 864 vehicle trips per day to the street system and would add approximately 33 children under the age of 18 to the school system. The recommended PR zoning at a density of up to 3.5 du/ac would allow for a maximum of 57 dwelling units to be proposed for the site. That number of detached units would add approximately 618 vehicle trips per day to the street system and would add approximately 23 children under the age of 18 to the school system.
5. A significant portion of the site, especially within the northwest half of the site, is designated for Hillside Protection on the sector plan. Disturbance of the site (grading and removal of vegetation) for residential lot construction should be limited to the 13 acres (not more than 8.7 acres within the designated Hillside Protection Area and the 4.52 acres not subject to the provisions of the Hillside Protection Plan) as identified by the staff slope analysis. Best management practices, as identified in the HRPP, should be utilized to minimize the amount of clearing and grading that will be required for the development.

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 and hillside protection for the site, the recommended PR zoning at up to 3.5 du/ac is consistent with the provisions of the plan.
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: 864 (average daily vehicle trips)

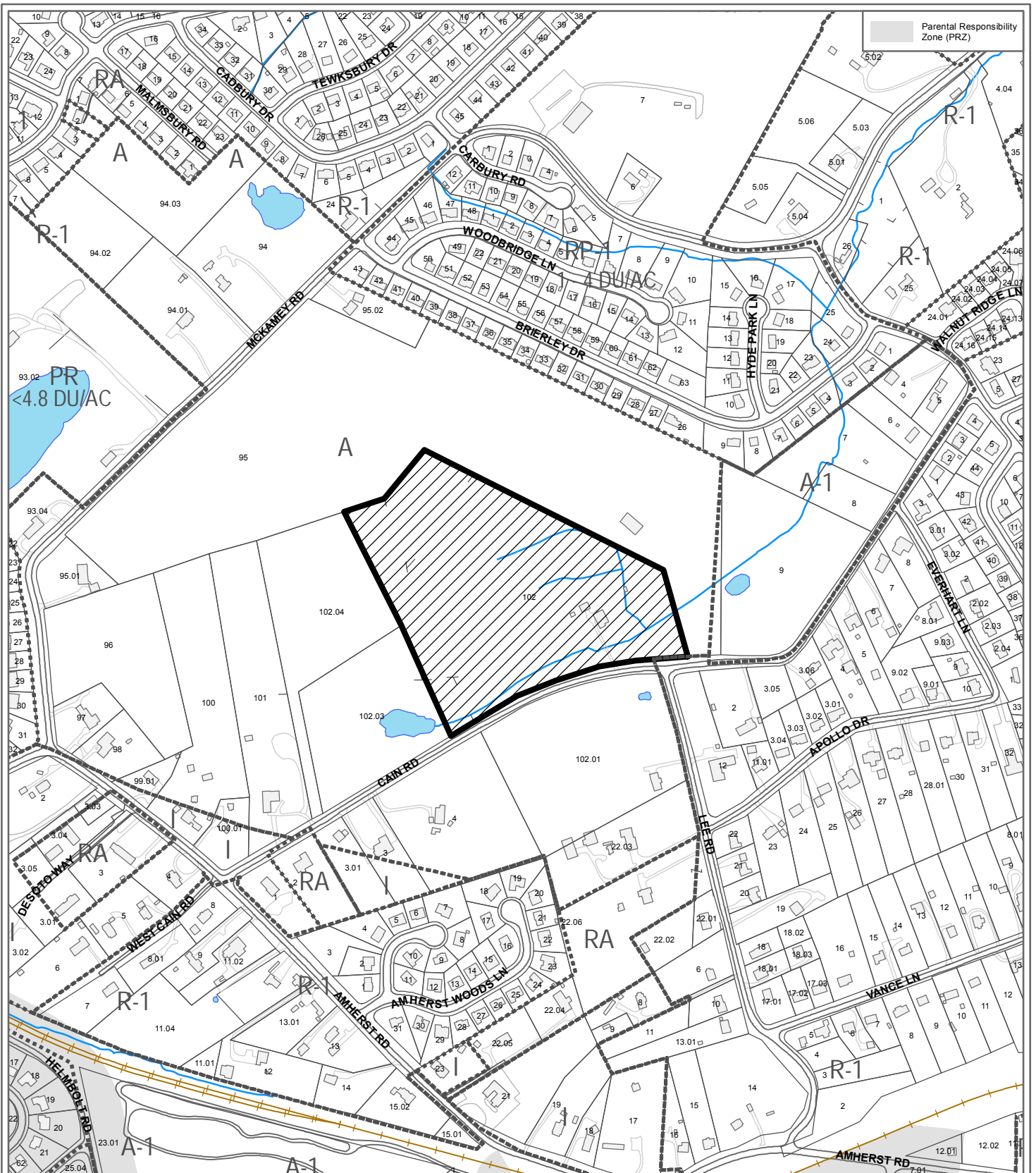
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 33 (public school children, ages 5-18 years)

Schools affected by this proposal: Amherst Elementary, Northwest Middle, and Karns 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 2/26/2018. 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.



**1-C-18-RZ
REZONING**

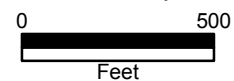
From: A (Agricultural)
To: PR (Planned Residential)



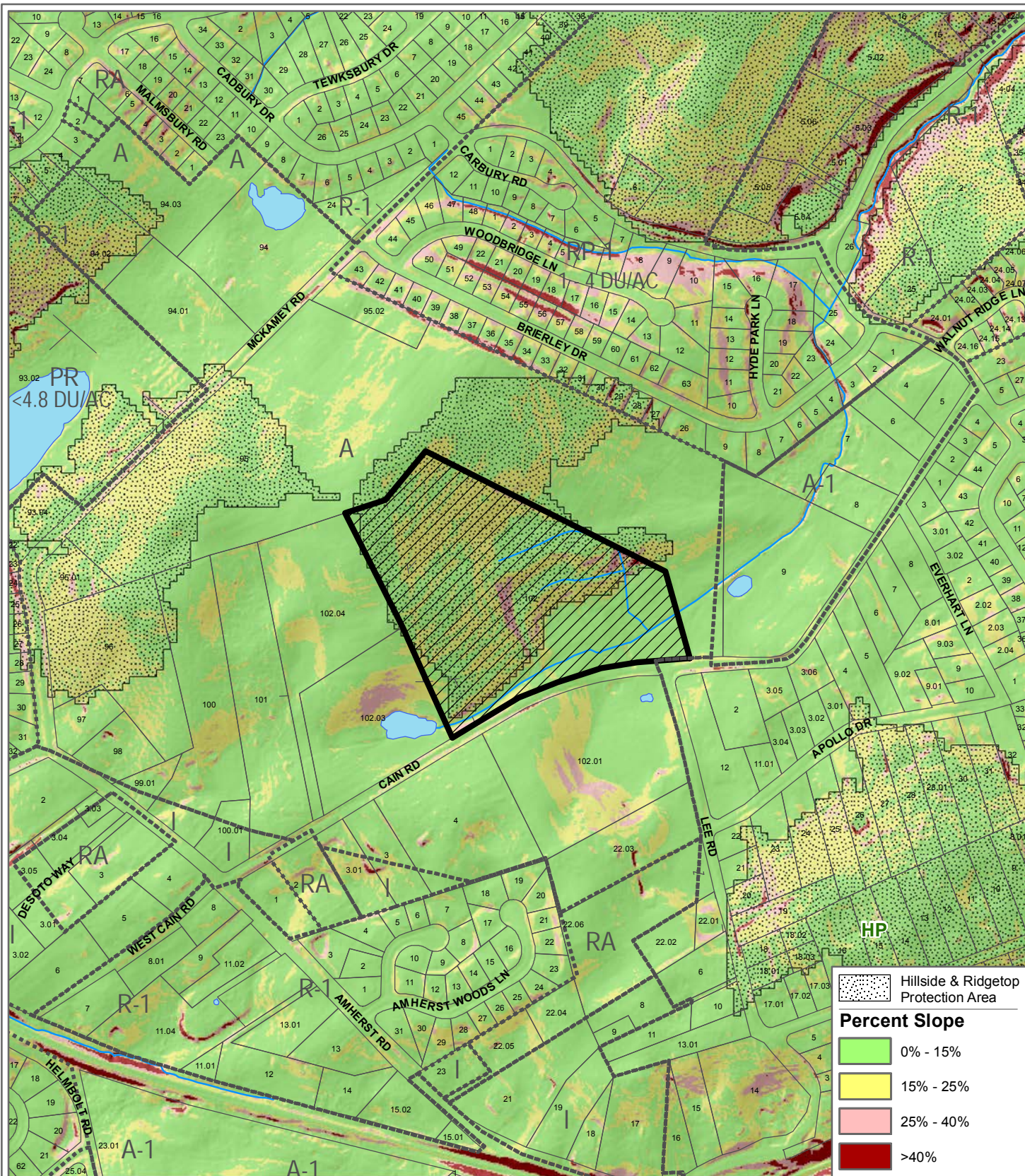
Petitioner: Botezat, Aleksandr

Map No: 92

Jurisdiction: County

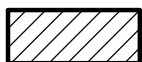


Original Print Date: 12/18/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**1-C-18-RZ
REZONING - SLOPE ANALYSIS**

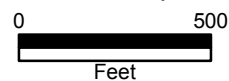
From: A (Agricultural)
To: PR (Planned Residential)



Original Print Date: 12/7/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: David Harbin

Map No: 92
Jurisdiction: County



1-C-17-RZ Slope Analysis

			Acreage
Non-Hillside Portions			4.52
Hillside and Ridgetop Protection Area			
Value	Percent Slope	Count	Acres
1	0%-15%	10381	5.96
2	15%-25%	9141	5.25
3	25%-40%	943	0.54
4	>40%	46	0.03
			11.77
Ridgetop Area			0
Site Total			16.29

**MPC STAFF - SLOPE / DENSITY ANALYSIS
1-C-18-RZ - Aleksandr Botezat - A to PR**

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	4.52	5.00	22.6
0-15% Slope	5.96	5.00	29.8
15-25% Slope	5.25	2.00	10.5
25-40% Slope	0.54	0.50	0.3
Greater than 40% Slope	0.03	0.20	0.0
Ridgetops	0	5.00	0.0
Subtotal: Sloped Land	11.78		40.6
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	16.3	3.88	63.2
Proposed Density (Applicant)	16.3	5.00	81.5

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

<i>Percent of Slope</i>	<i>Recommended Maximum Density Factor*</i>	<i>Recommended Maximum Land Disturbance Factor**</i>
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 legislative 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

M P C METROPOLITAN PLANNING COMMISSION

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

REZONING PLAN AMENDMENT

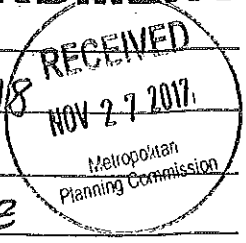
Name of Applicant: Aleksandr Botezart

Date Filed: 11/27/17 Meeting Date: 1/11/18

Application Accepted by: Mike Reynolds

Fee Amount: \$1,400⁰⁰ File Number: Rezoning 1-C-18-RZ

Fee Amount: _____ File Number: Plan Amendment _____



PROPERTY INFORMATION

Address: 5101 Cain Rd

General Location: North side Cain Rd, West of Lee Rd, if extended

Tract Size: 16.44 acres

Tax Identification Number: map 92 Parcel 102

Existing Land Use: Vacant

Planning Sector: Northwest County

Growth Policy Plan: Urban Growth

Census Tract: 46.06

Traffic Zone: 212

Jurisdiction: City Council _____ District
 County Commission 3rd District

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 names are included on the back of this form.

Signature: David Harbin

Date: 11/27/17

PLEASE PRINT
Name: David Harbin

Company: Batson Hines Norvell & Poe

Address: 4334 Papermill Drive

City: Knoxville State: TN Zip: 37909

Telephone: 588-6472

Fax: 588-6473

E-mail: harbin@bhn-p.com

Requested Change

REZONING

FROM: Agriculture

TO: PR

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: _____

TO: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be directed to:

PLEASE PRINT
Name: David Harbin

Company: Batson Hines Norvell & Poe

Address: 4334 Papermill Dr.

City: Knoxville State: TN Zip: 37909

Telephone: 588-6472

Fax: 588-6473

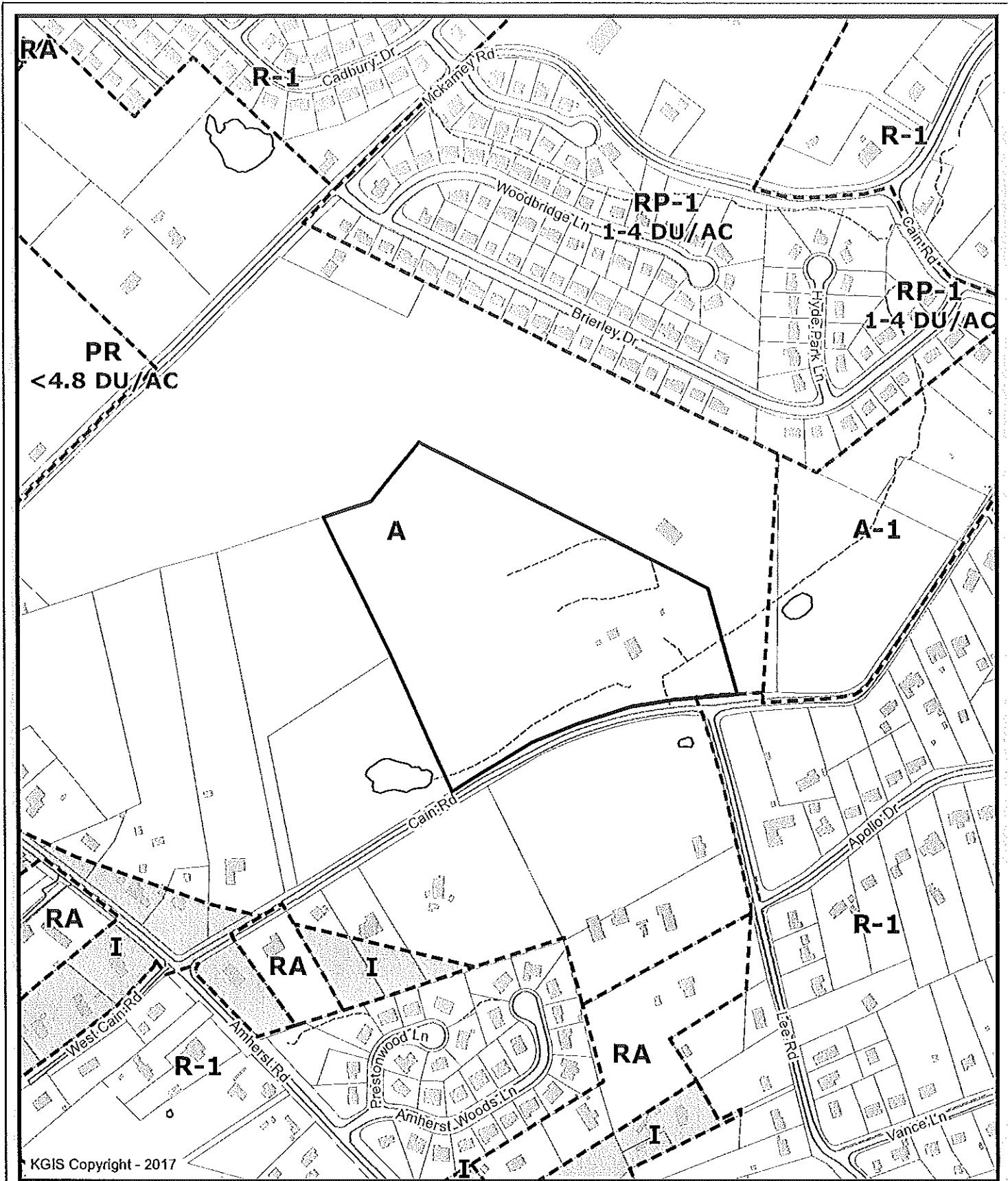
E-mail: harbin@bhn-p.com

PROPOSED USE OF PROPERTY

single famil Detached

Density Proposed 5 Units/Acre

Previous Rezoning Requests: none known



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Letter Portrait

Printed: 11/27/2017 at 2:27:55 PM

Knoxville - Knox County - KUB Geographic Information System



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REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. When applicable, MPC staff will provide a sign to post on the property at the time of application.

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

The sign must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC/BZA meeting.

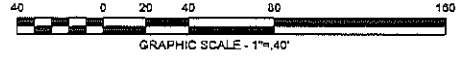
MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) are lost or stolen and need to be replaced, then the applicant will be responsible for picking up a new sign from the MPC offices. The applicant will be charged a replacement fee for the second sign consistent with the agency's cost of purchasing each sign.

I hereby agree to post the sign provided on the subject property on or before December 27, 2017, consistent with the guidelines provided above; and remove the sign within one week after the MPC/BZA decision.

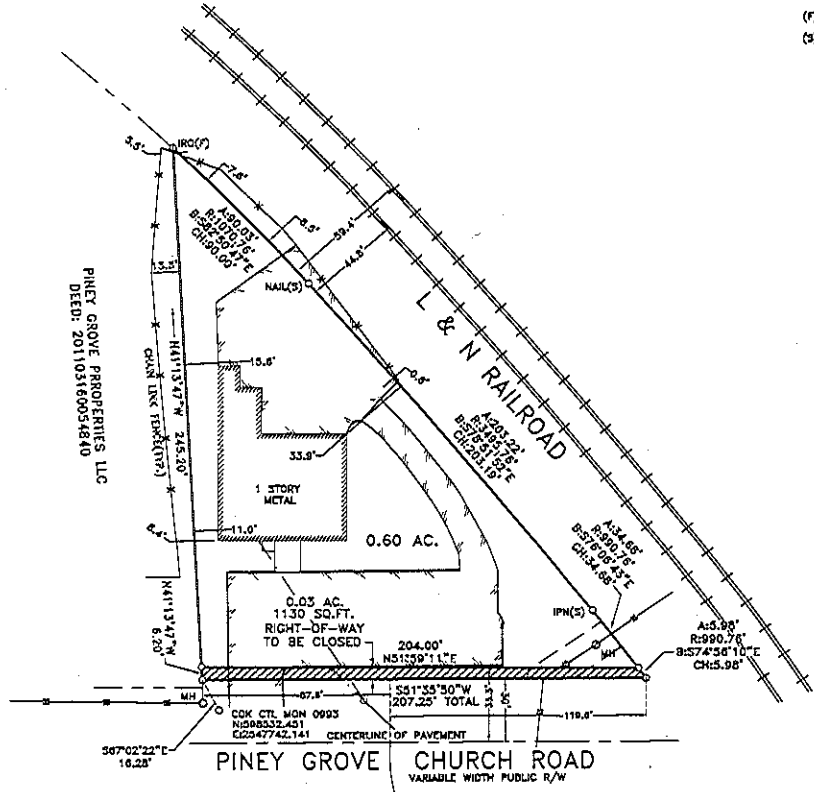
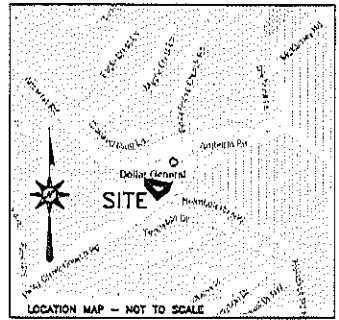
Signature: [Handwritten Signature]
Printed name: David Hubin
MPC/BZA File #: 1-C-18-RZ

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

NOTE:
 1. THE UNDERGROUND UTILITIES SHOWN, IF ANY, HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED.
 2. THE SURVEYOR HAS NOT EMPERICALLY LOCATED ALL UNDERGROUND UTILITIES. VERIFY EXACT SIZE AND LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES WITH THE PROPER LOCAL AUTHORITIES BEFORE EXCAVATION OR CONSTRUCTION.



- LEGEND OF SYMBOLS**
- MH O SANITARY MANHOLE
 - SEWER LINE
 - U UTILITY POLE
 - ▨ PAVEMENT
 - IPO 1/2" OLD IRON PIN
 - IPN 3/8" NEW IRON PIN
 - (F) FOUND CORNER
 - (S) SET CORNER



OWNER:
 GAIN ENTERPRISES LLC
 2235 PINEY GROVE CHURCH ROAD
 KNOXVILLE, TN 37909

- NOTES:**
- 1.) 1 LOT CONTAINING 0.63 AC. (27346 SQ.FT.)
 - 2.) UTILITY AND DRAINAGE EASEMENTS OF 5 FEET ON EACH SIDE OF ALL INTERIOR LOT LINES, AND 10 FEET ON INSIDE OF ROAD RIGHT-OF-WAYS AND OUTSIDE BOUNDARY LINES.
 - 3.) PROPERTY IS ZONED: "R-2"
 - 4.) PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS, PLANNING COMMISSION REGULATIONS, ZONING ORDINANCES, RIGHTS-OF-WAY, EASEMENTS, AND BUILDING SETBACK REQUIREMENTS, IF ANY, AFFECTING SAID PROPERTY.
 - 5.) THE DESCRIBED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP.
 - 6.) SUBJECT TO EASEMENTS OR RIGHTS-OF-WAYS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT SHOWN BY THE PUBLIC RECORDS.
 - 7.) EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.
 - 8.) GRID NORTH IS BASED ON A BEARING OF N56°13'34"E FROM COK CTL MON 0993 TO 0994. DISTANCES HAVE NOT BEEN REDUCED TO GRID.
 - 9.) THIS PLAT INDICATES A PROPERTY BOUNDARY ENCRoACHMENT. IT HAS NOT BEEN ADDRESSED BY PLAT REVIEWING AGENCIES. IT IS THE RESPONSIBILITY OF THE OWNER TO RESOLVE ANY PROPERTY BOUNDARY CONFLICTS.
 - 9.) PROPERTY IS KNOWN AND DESIGNATED AS:
 - TAX MAP 092, PARCEL 079
 - DEED REFERENCE: 200803040065712
 - PLAT REFERENCE: PROP. OF JOHN MOORE, CAB. N. SLIDE 165-0

THIS IS TO CERTIFY THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR THE STATE OF TENNESSEE.

THIS IS TO CERTIFY THAT ON THE DATE SHOWN, I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON USING THE LATEST RECORDED DEED AND OTHER INFORMATION FURNISHED TO ME THAT THERE ARE NO EASEMENTS, ENCROACHMENT OR PROJECTIONS EVIDENT OTHER THAN THOSE SHOWN.

I DO HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF ERROR OF THE UNADJUSTED SURVEY IS NOT GREATER THAN 1 IN 10,000 AS SHOWN HEREON.

THIS SURVEY IS SUBMITTED FOR THE SOLE AND EXCLUSIVE USE AND BENEFIT OF THE PERSON OR INSTITUTION NAMED ON THE SURVEY. NO OTHER OR FURTHER USE MAY BE MADE OF THIS SURVEY WITHOUT PRIOR WRITTEN CONSENT OF HOWARD T. DAWSON R.L.S. NO. 1361.

SMITH
 INCORPORATED
 CIVIL ENGINEERS & SURVEYORS
 12015 Techno Park, Suite 301
 Knoxville, TN 37921
 Phone: (615) 717-4160



Exhibit for Right-of-way Closure

Just Jeeps and More
 Piney Grove Church Rd. near Helmbolt Rd.
 Dist 6 of Knox County, TN - Ward 45, City of Knoxville

Tax Map 092, Parcel 079

NO.	DATE	REVISIONS

PLAT

NOTE: DATA COLLECTION AND DRAFTING SERVICES PROVIDED BY SMOKY MOUNTAIN LAND SURVEYING CO., INC.
 SMLS DWG NO. 160212R - ROW CLOSURE

1-C-18-5C