



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

▶ **FILE #:** 7-F-15-RZ
7-C-15-SP

AGENDA ITEM #: 42
AGENDA DATE: 7/9/2015

▶ **APPLICANT:** HUBER PROPERTIES, LLC
OWNER(S): John Huber

TAX ID NUMBER: 162 M B PARTS OF 00107 & 00113 PARTS OF 162MB00113 AND 162MB00107 (MAP ON FILE AT MPC) [View map on KGIS](#)

JURISDICTION: Commission District 5

STREET ADDRESS: 1718 Choto Rd

▶ **LOCATION:** North side Choto Rd., southeast of S. Northshore Dr.

▶ **TRACT INFORMATION:** 4 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Choto Rd., a minor collector street with 21' of pavement width within 55' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

▶ **PRESENT PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / A (Agricultural) and CN (Neighborhood Commercial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / PR (Planned Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Residential

DENSITY PROPOSED: 5 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of LDR designation from the south and east

HISTORY OF ZONING REQUESTS: A portion of the site was designated as NC (Neighborhood Commercial) in 2009.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Developing and vacant commercial property / NC / CN (Neighborhood Commercial)

South: Choto Rd. - Vacant land / LDR / A (Agricultural)

East: Vacant land / LDR / A (Agricultural)

West: Developing and vacant commercial property / NC / CN (Neighborhood Commercial)

NEIGHBORHOOD CONTEXT: The majority of the surrounding area is developed with rural to low density residential uses under A and PR zoning. The subject property is adjacent to a neighborhood commercial node established at the intersection of Choto

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #7-C-15-SP, amending the Southwest County Sector Plan to LDR (Low Density Residential) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

The sector plan amendment is only for a portion of the subject property being considered for rezoning. About two-thirds of the subject property is already designated as LDR on the sector plan. The remainder of the property, now shown as NC, was previously designated as LDR, prior to 2009. Low density residential uses are compatible with surrounding development and zoning. With the exception of the adjacent NC-designated area to the northwest, all surrounding property is designated as LDR.

- ▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3 du/ac. (Applicant requested 5 du/ac.)**

PR is an appropriate zone for residential development of this site and is consistent with the sector plan proposal for the property. Staff recommends a reduced density of up to 3 du/ac, rather than the requested 5 du/ac, for better compatibility with surrounding development.

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:

A traffic circle has recently been installed at the intersection of Choto Rd. and S. Northshore Dr., to improve traffic flow and safety. However, this does not change the proposed land use pattern, which is predominantly LDR, as requested.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan calls for neighborhood commercial uses for a portion of the site, which would be appropriate for this site. However, this site is equally appropriate for the proposed low density residential development, as proposed for most of the surrounding area.

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

Until the adjacent neighborhood commercial zoning was approved in 2009, this entire area was designated for low density residential development, which is still the most appropriate in this area of the County.

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

Prior to the zoning change to the northwest to CN in 2009, the entire surrounding area was designated for LDR uses. This proposal just eliminates a small portion of the NC sector plan designation approved in 2009 and reverts it back to its original LDR designation.

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 LDR sector plan proposal for the site.
3. Limiting the density to 3 du/ac is recommended for better compatibility with surrounding residential land uses and zoning. The surrounding zoning density allows for no more than 3 du/ac in the surrounding area. The adjacent subdivision to the south, across Choto Rd., is developed at an actual density of 3 du/ac (18 lots on 6 acres).

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 5 du/ac is more intense than the prevailing densities in the area.
2. Based on the reported acreage of 4 acres, the recommended PR zoning at a density of up to 3 du/ac would allow for a maximum of 12 dwelling units to be proposed for the site. That number of detached units would add approximately 147 vehicle trips per day to the street system and would add approximately 8 children under the age of 18 to the school system. The requested density of 5 du/ac would allow for a maximum of 20 dwelling units to be proposed for the site. That number of detached units would add approximately 236 vehicle trips per day to the street system and would add approximately 13 children under the age of 18 to the school system. The reported acreage is approximated at this time. When the property is surveyed, the exact resulting acreage will be used to calculate the number of units that may be proposed, based on the density that is approved. This may result in slight variations to the above reported figures.
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.

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 designates this site for low density residential uses, consistent with PR zoning at up to 5 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.

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: 236 (average daily vehicle trips)

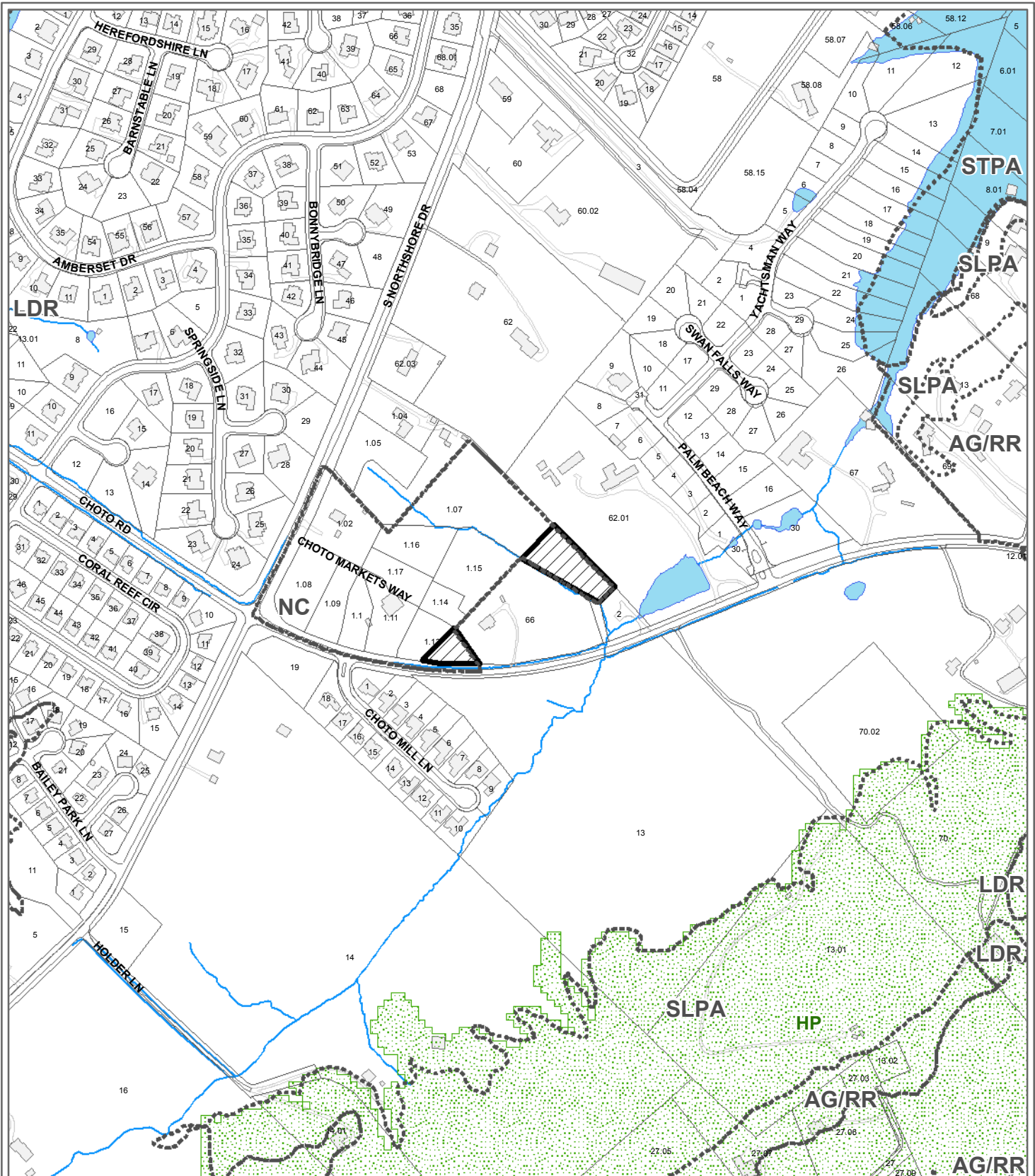
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 13 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Northshore Elementary, Farragut Middle, and Farragut 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-C-15-SP / 7-F-15-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: NC (Neighborhood Commercial)
To: LDR (Low Density Residential)

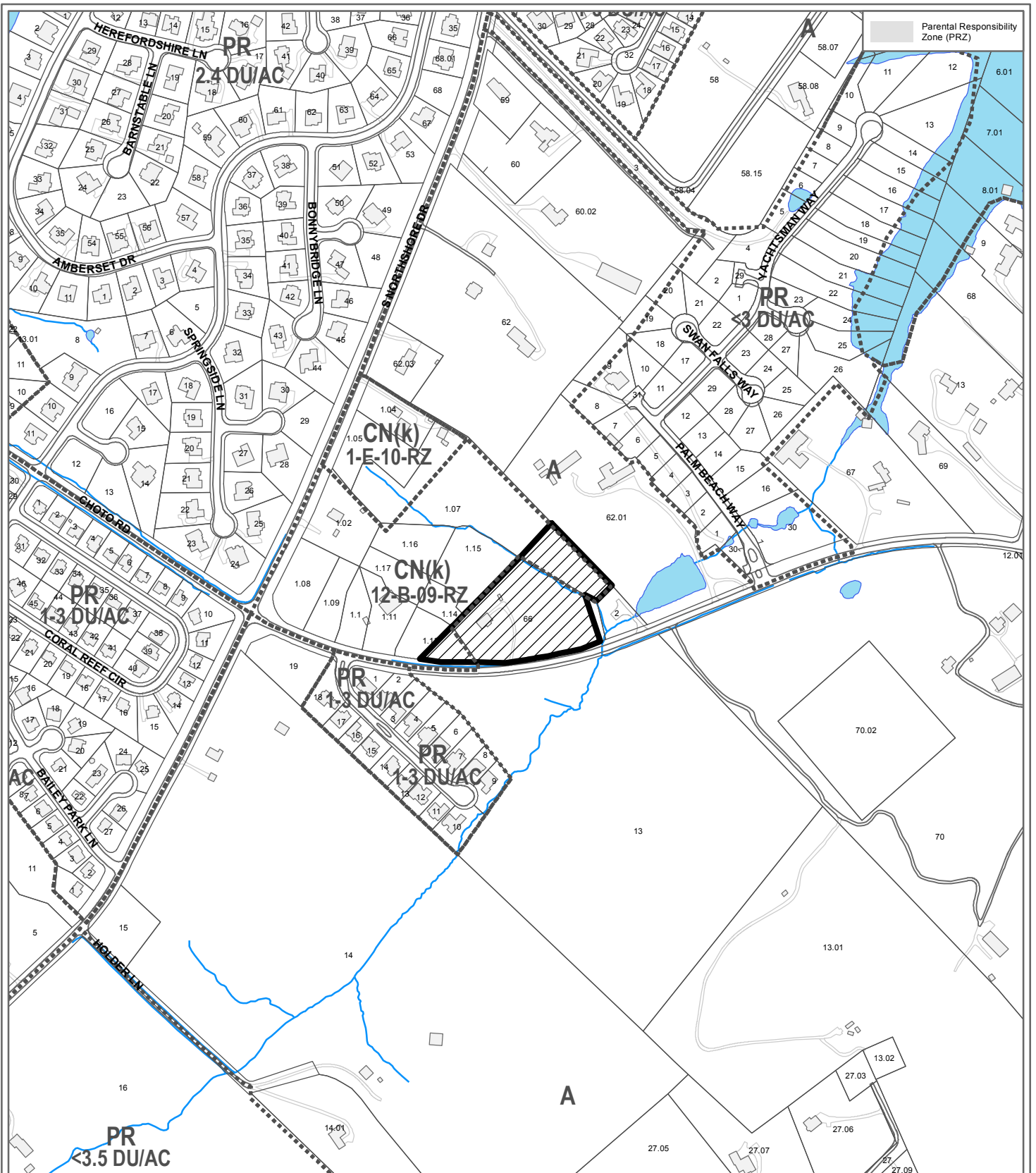


Petitioner: Huber Properties, LLC

Map No: 162
Jurisdiction: County



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



**7-F-15-RZ
REZONING**

From: A (Agricultural) and CN (Neighborhood Commercial)
To: PR (Planned Residential)



Petitioner: Huber Properties, LLC

Map No: 162
Jurisdiction: County



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

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTHWEST COUNTY SECTOR PLAN**

***WHEREAS**, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Southwest County Sector Plan, consistent with the requirements of the General Plan; and*

***WHEREAS**, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and*

***WHEREAS**, Huber Properties, LLC, has submitted an application to amend the Sector Plan from Neighborhood Commercial to Low Density Residential, for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Southwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and*

***WHEREAS**, the Metropolitan Planning Commission, at its regularly scheduled public hearing on July 9, 2015, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.*

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Southwest County Sector Plan, with its accompanying staff report and map, file #7-C-15-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary