

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

▶ **FILE #:** 10-A-16-SP

AGENDA ITEM #: 41

AGENDA DATE: 10/13/2016

▶ **APPLICANT:** RUFUS H. SMITH JR. & COMPANY

OWNER(S): Josh Sanderson

TAX ID NUMBER: 120 E D 001 & 002

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 7144 Deane Hill Dr

▶ **LOCATION:** Southeast side Deane Hill Dr., northeast side Winchester Dr.

▶ **APPX. SIZE OF TRACT:** 5.1 acres

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Deane Hill Dr., a major collector street with 18' of pavement width within 50' of right-of-way, or Winchester Dr., a local street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / RP-1 (Planned Residential) at <6 du/ac

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential)

▶ **EXISTING LAND USE:** Residences

▶ **PROPOSED USE:** Residential development

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: No

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Deane Hill Dr., houses / LDR
 South: Railroad R-O-W, houses / LDR

East: Detached and attached houses / LDR

West: Winchester Dr., houses / LDR

NEIGHBORHOOD CONTEXT This area is developed with residential uses under R-1 and RP-1 zoning. There is a community recreation center to the southwest at the corner of Morrell Rd. and Deane Hill Dr., zoned OS-2. The apartments on the northeast corner of that intersection are zoned RP-1 at a density of 6-14 du/ac.

STAFF RECOMMENDATION:

▶ **DENY MDR (Medium Density Residential) sector plan designation.**

Approval of medium density residential uses for this site would be a spot plan amendment in an area surrounded by low density residential uses. The One Year Plan also proposes low density residential uses for this site and the surrounding area.

COMMENTS:

Both subject parcels were recommended by MPC for MDR uses and RP-1 zoning at a density of up to 10 du/ac in 2013, but then were withdrawn at City Council prior to final action. In 2014, a request was filed for high density residential with an RP-1 density of up to 25 du/ac. Staff recommended denial and MPC recommended approval of MDR for the site, but the request failed at City Council for lack of a motion, leaving the property designated as LDR. Staff maintains the same position from 2013 and 2014 that this location is not appropriate for medium or high density residential development, and the RP-1 density should be limited to 6 du/ac, which is the maximum allowed under the current LDR plan designation.

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:

No known improvements have been made in the vicinity of this site. The development pattern for this and surrounding sites is well established as low density residential.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The West City Sector Plan appropriately designates this site for low density residential uses, consistent with the surrounding area. There is no medium density residential development or zoning along Deane Hill Dr. between Morrell Rd. and Lockett Rd., with the exception of the developing area south of Deane Hill Shopping Center, on the west side of Wellsley Park Rd., which has alternate access to Gleason Dr. The zoning along this section of Deane Hill Dr. includes either R-1 (Low Density Residential) or RP-1 (Planned Residential) at less than 6 du/ac, consistent with the low density residential plan designation within the City Limits of Knoxville. There is a site to the east, accessed by Prescott Way that is designated as MDR on the sector plan, but it is zoned RP-1 at a density of 1-5.9 du/ac, consistent with LDR, and it appears to be built out. There are no HDR designated properties in the immediate area.

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

There has been no change in public/government policy at this time that warrants the requested amendment to the sector plan.

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

The development pattern for this and surrounding sites is well established as low density residential, and there is no reason to amend the plan for this site only.

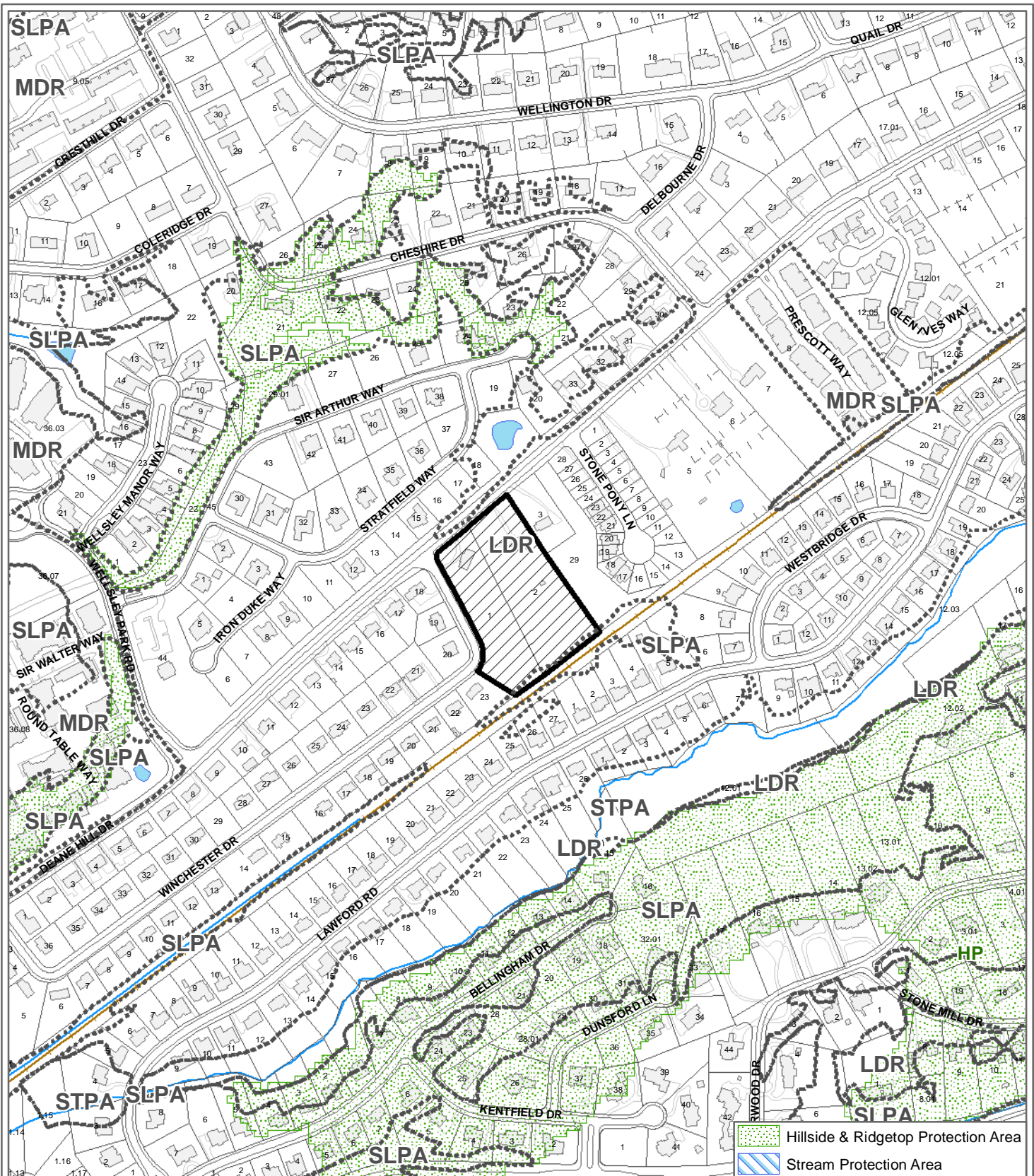
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:



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: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

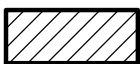
If approved, this item will be forwarded to Knoxville City Council for action on 11/8/2016 and 11/22/2016. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



 Hillside & Ridgetop Protection Area
 Stream Protection Area

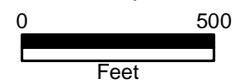
10-A-16-SP
WEST CITY SECTOR PLAN AMENDMENT

From: LDR (Low Density Residential)
 To: MDR (Medium Density Residential)



Petitioner: Rufus H. Smith Jr. & Company

Map No: 120
 Jurisdiction: City



Original Print Date: 9/21/2016 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

REZONING PLAN AMENDMENT

Name of Applicant: Rufus H. Smith & Co.

Date Filed: 6/27/16 Meeting Date: 10/13/16

Application Accepted by: Marc Payne

Fee Amount: File Number: Rezoning

Fee Amount: File Number: Plan Amendment 10-A-16-SP

PROPERTY INFORMATION

Address: 7144 & 7134 Deane Hill Drive

General Location: 3/4 corner of Deane Hill Drive & Winchester Dr.

Parcel ID Number(s): 120ED001 120ED002

Tract Size: 5.1 acres

Existing Land Use: Residential

Planning Sector: West City

Growth Policy Plan: Urban

Census Tract: 44.04

Traffic Zone: 118

Jurisdiction: [X] City Council 2ND District [] County Commission District

Requested Change

REZONING

FROM:

TO:

PLAN AMENDMENT

[] One Year Plan [] West City Sector Plan

FROM: LDR

TO: MDR

PROPOSED USE OF PROPERTY

Density Proposed Units/Acre

Previous Rezoning Requests:

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: Josh Sanderson

Company: Rufus Smith & Co.

Address: 4909 Bell Rd

City: Knoxville State: TN Zip: 37931

Telephone: 865-694-7756

Fax:

E-mail:

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Wamis A. Riqhebi

Company: SEC, LLC

Address: 4909 Bell Rd

City: Knoxville State: TN Zip: 37931

Telephone: 865-694-7756

Fax:

E-mail:

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:

PLEASE PRINT

Name: Same as above

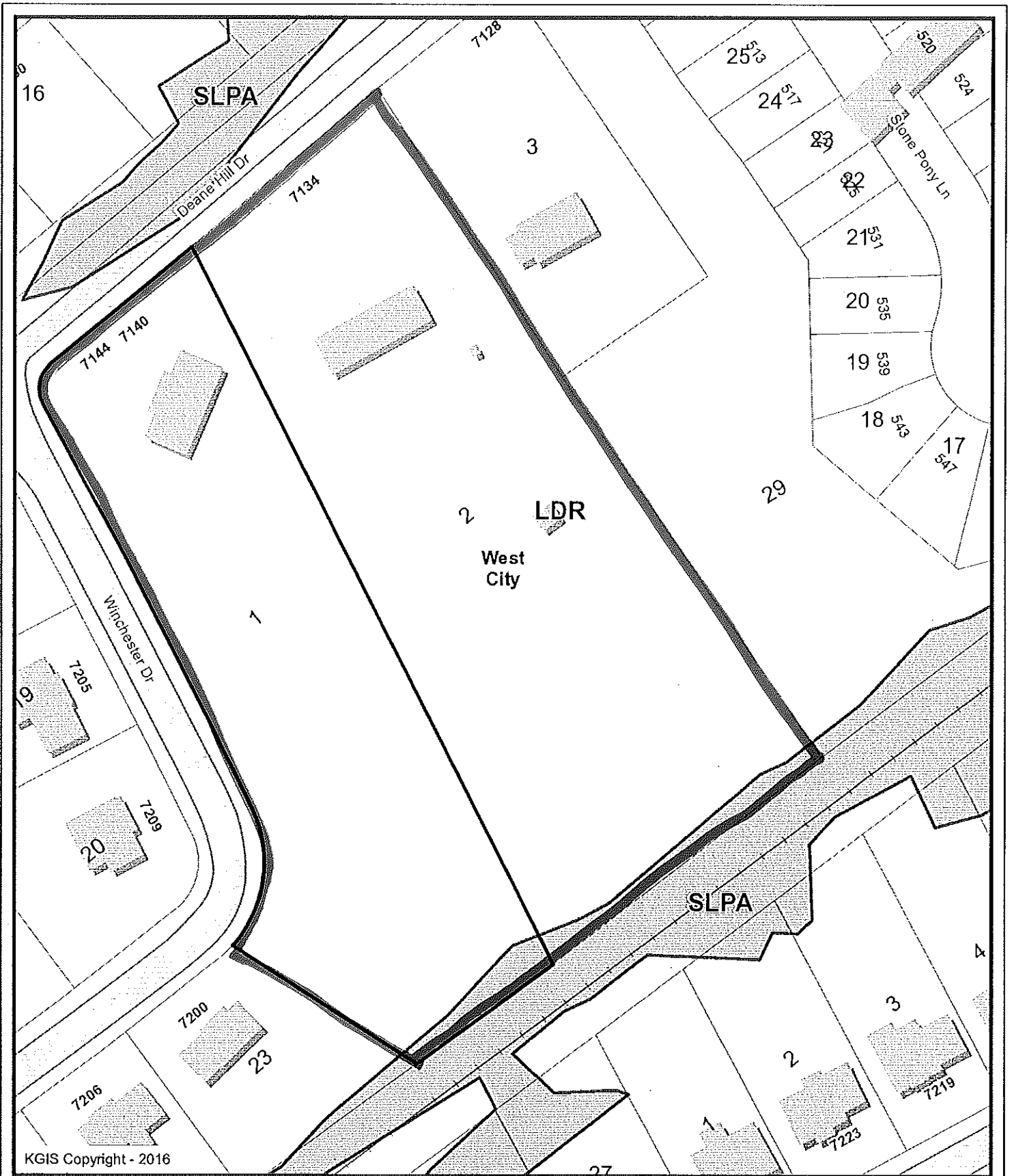
Company:

Address:

City: State: Zip:

Telephone:

E-mail:

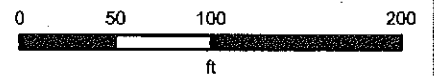


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**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 10-A-16-RZ
10-A-16-PA

AGENDA ITEM #: 41
AGENDA DATE: 10/13/2016

▶ **APPLICANT:** RUFUS H. SMITH JR. & COMPANY
OWNER(S): Josh Sanderson

TAX ID NUMBER: 120 E D 001 & 002 [View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 7144 Deane Hill Dr

▶ **LOCATION:** Southeast side Deane Hill Dr., northeast side Winchester Dr.

▶ **TRACT INFORMATION:** 5.1 acres.

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Deane Hill Dr., a major collector street with 18' of pavement width within 50' of right-of-way, or Winchester Dr., a local street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / RP-1 (Planned Residential) at <6 du/ac

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / RP-1 (Planned Residential) @ <10 du/ac

▶ **EXISTING LAND USE:** Residences

▶ **PROPOSED USE:** Residential development

DENSITY PROPOSED: 10 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: MDR and HDR were denied for these parcels in 2013 and 2014.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Deane Hill Dr., houses / LDR / RP-1 (Planned Residential) at 1-5.9 du/ac
South: Railroad R-O-W, houses / LDR / R-1 (Low Density Residential)
East: Detached and attached houses / LDR / RP-1 (Planned Residential) at 1-5 du/ac
West: Winchester Dr., houses / LDR / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is developed with residential uses under R-1 and RP-1 zoning. There is a community recreation center to the southwest at the corner of Morrell Rd. and Deane Hill Dr., zoned OS-2. The apartments on the northeast corner of that intersection are zoned RP-1 at a density of 6-14

STAFF RECOMMENDATION:

▶ **DENY MDR (Medium Density Residential) One Year Plan designation for the site.**

Approval of medium density residential uses for this site would be a spot plan amendment in an area surrounded by low density residential uses. The sector plan also proposes low density residential uses for this site and the surrounding area.

▶ **DENY the requested RP-1 (Planned Residential) density increase from 6 du/ac to 10 du/ac, consistent with the denial recommendations for the associated plan amendments.**

RP-1 zoning at the current density gives the applicant reasonable use of the property, comparable to other small attached residential developments along Deane Hill Dr. The current density is the maximum allowable under the current low density residential plan designation, eliminating the need for a plan amendment.

COMMENTS:

Both subject parcels were recommended by MPC for MDR uses and RP-1 zoning at a density of up to 10 du/ac in 2013, but then were withdrawn at City Council prior to final action. In 2014, a request was filed for high density residential with an RP-1 density of up to 25 du/ac. Staff recommended denial and MPC recommended approval of MDR for the site, but the request failed at City Council for lack of a motion, leaving the property designated as LDR. Staff maintains the same position from 2013 and 2014 that this location is not appropriate for medium or high density residential development, and the RP-1 density should be limited to 6 du/ac, which is the maximum allowed under the current LDR plan designation.

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The One Year Plan appropriately designates this site for low density residential uses, consistent with the surrounding area. There is no medium density residential development or zoning along Deane Hill Dr. between Morrell Rd. and Lockett Rd., with the exception of the developing area south of Deane Hill Shopping Center, on the west side of Wellsley Park Rd., which has alternate access to Gleason Dr. The zoning along this section of Deane Hill Dr. includes either R-1 (Low Density Residential) or RP-1 (Planned Residential) at less than 6 du/ac, consistent with the low density residential plan designation within the City Limits of Knoxville.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - No known improvements have been made in the vicinity of this site. The development pattern for this and surrounding sites is well established as low density residential.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - There has been no change in public policy that warrants the requested amendment to the One Year Plan.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - No new information has become available that would reveal the need for a plan amendment at this particular location.

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. RP-1 zoning at the current density for the subject property will allow reasonable development of the site for attached residential uses, consistent with other small attached residential developments along this section of Deane Hill Dr.
2. The recommended zoning and density is consistent with the current sector plan and One Year Plan proposals for the property. Consideration of the requested 10 du/ac would require a spot plan amendment to medium density residential.
3. The site is surrounded by low density residential uses and zoning. Approval of a higher density for this site would constitute a spot zoning.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The RP-1 and RP-2 zoning districts are 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 RP-1 at a density of less than 6 du/ac 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. RP-1 zoning at the current density is compatible with surrounding development and should have a minimal impact on adjacent properties. The requested density of 10 du/ac is considerably more dense other small attached residential developments along this section of Deane Hill Dr.
2. The current PR zoning at a density of up to 6 du/ac would allow for a maximum of 30 dwelling units to be proposed for the site. That number of attached units, as proposed, would add approximately 323 vehicle trips per day to the street system and would add approximately 5 children under the age of 18 to the school system. The requested density of 10 du/ac would allow for a maximum of 50 dwelling units to be proposed for the site. That number of attached units would add approximately 512 vehicle trips per day to the street system and would add approximately 8 children under the age of 18 to the school system.
3. Public water and sewer utilities are available to serve the site, and the current density is consistent with other zoning and density in the immediate area.

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 West City Sector Plan appropriately proposes low density residential uses for the site, consistent with the current RP-1 zoning at a density of up to 6 du/ac. There is also an accompanying sector plan amendment request on this agenda (10-A-16-SP) to amend the map from low to medium density residential. Staff is also recommending denial of that request.
2. The City of Knoxville One Year Plan appropriately proposes low density residential uses for the site, consistent with the current RP-1 zoning at a density of up to 6 du/ac.
3. In order to consider an RP-1 zoning density of 10 du/ac, both of the above plans would have to be amended to MDR, which would be spot plan amendments.
4. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
5. This current zoning and density do not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 512 (average daily vehicle trips)

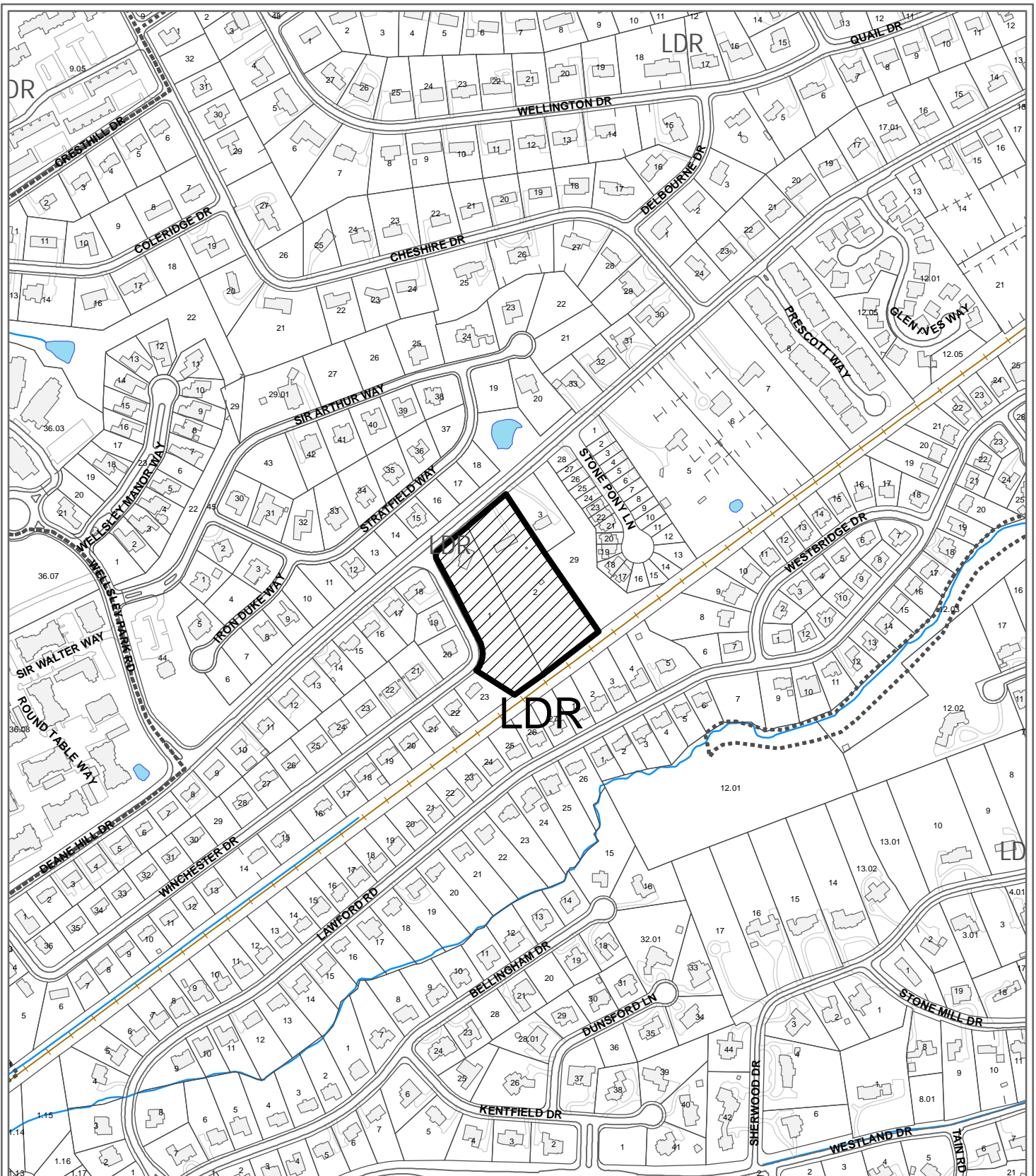
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 8 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Bearden Elementary, Bearden Middle, and West 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 Knoxville City Council for action on 11/8/2016 and 11/22/2016. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**10-A-16-PA / 10-A-16-RZ
PLAN AMENDMENT**

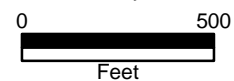
From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)



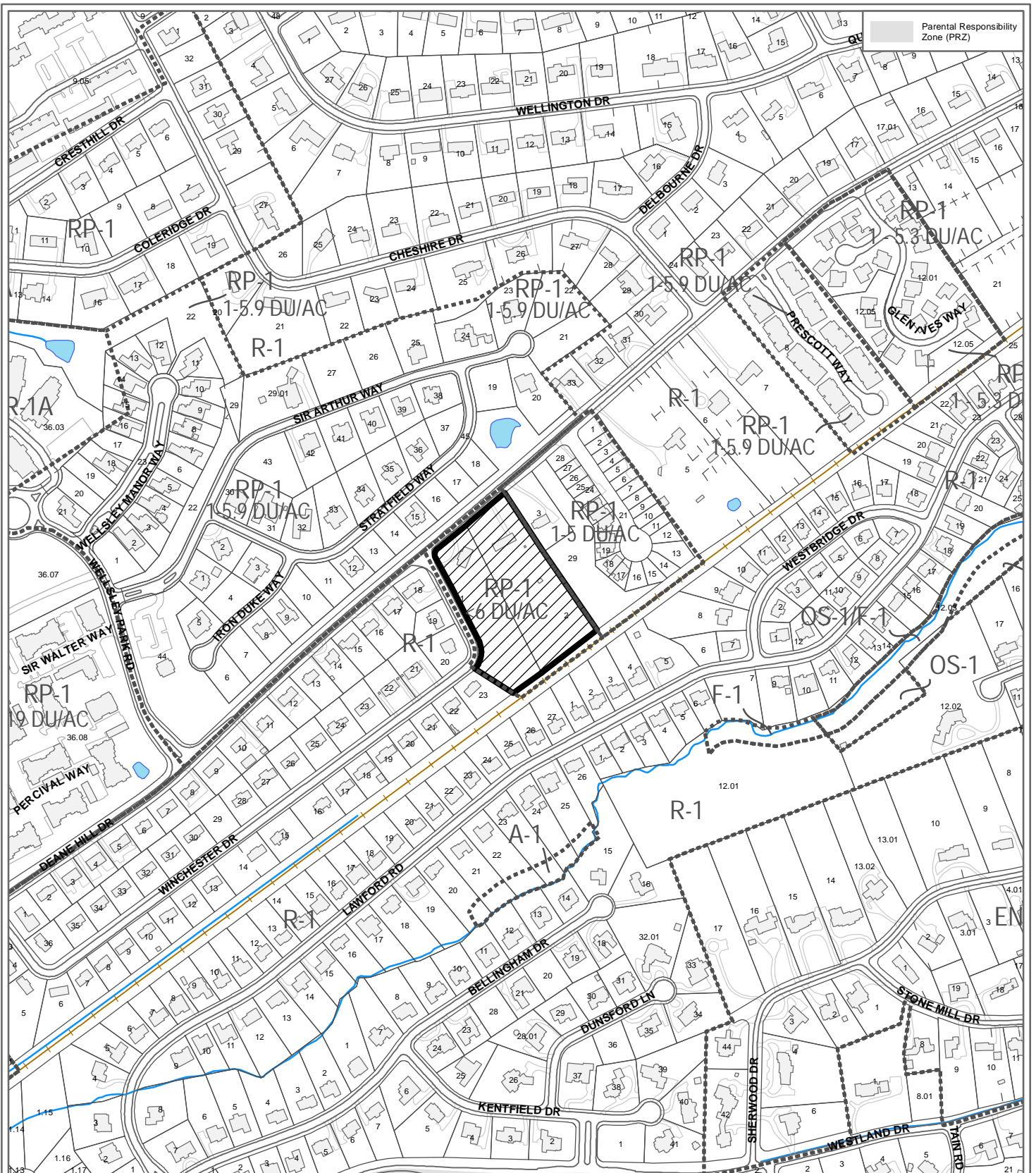
Petitioner: Rufus H. Smith Jr. & Company

Map No: 120

Jurisdiction: City



Original Print Date: 9/21/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**10-A-16-RZ
REZONING**

From: RP-1 (Planned Residential) at <6 du/ac

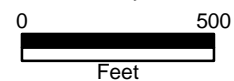
To: RP-1 (Planned Residential) @ <10 du/ac



Petitioner: Rufus H. Smith Jr. & Company

Map No: 120

Jurisdiction: City



Original Print Date: 9/21/2016
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

REZONING PLAN AMENDMENT

Name of Applicant: Rufus H Smith Jr & Company

Date Filed: 6/27/16 Meeting Date: 8/11/16

Application Accepted by: Marc Payne

Fee Amount: 855.00 File Number: Rezoning 16-28 1A-A-16-RZ

Fee Amount: 800 File Number: Plan Amendment 1A-A-16-PA (1A-A-16-SP)

PROPERTY INFORMATION

Address: 7144 & 7134 Deane Hill Dr.

General Location: At the corner of Deane Hill Drive & Winchester Dr.

Tract Size: 5.1 Acres

Tax Identification Number: 120 ED 001
120 ED 002

Existing Land Use: Residential

Planning Sector: West City

Growth Policy Plan: Urban

Census Tract: 44.04

Traffic Zone: 118

Jurisdiction: City Council 2nd District
 County Commission _____ District

Requested Change

REZONING

FROM: PR / 6 units per Acre

TO: PR / 10 units per Acre

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: LDR

TO: MDR

PROPOSED USE OF PROPERTY

Residential

Density Proposed 10 Units/Acre

Previous Rezoning Requests: _____

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: [Signature]

Date: 6-23-16

PLEASE PRINT

Name: Josh Sanderson

Company: Rufus H. Smith Jr & Co

Address: 4909 Ball Rd

City: Knoxville State: TN Zip: 37931

Telephone: 865 694-7756

Fax: 865-693-9699

E-mail: josh@rhcso.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be directed to:

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Name: Wahid A. Rahabi

Company: SEC, LLC

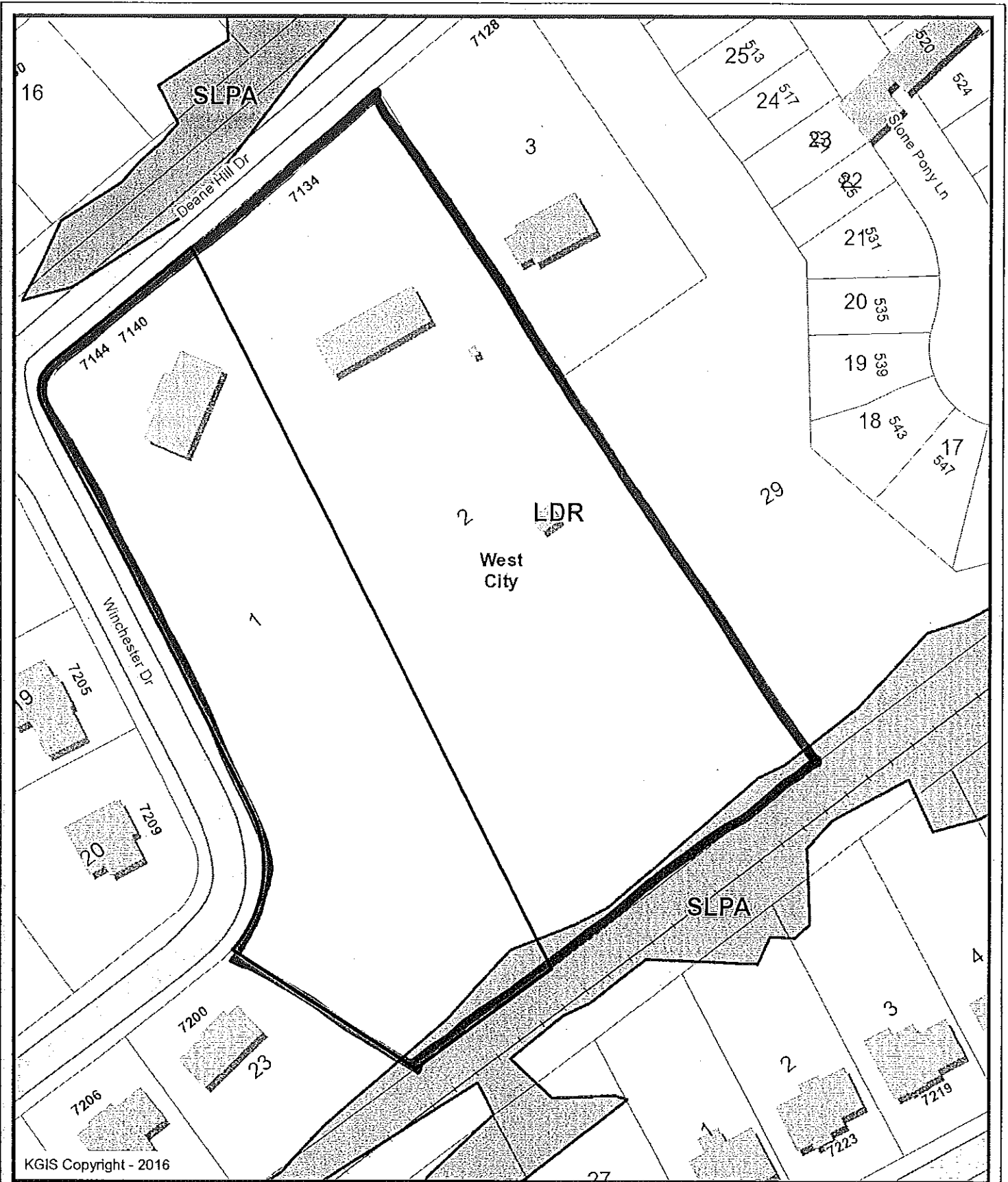
Address: 4909 Ball Rd

City: Knoxville State: TN Zip: 37931

Telephone: 865-694-7756

Fax: 865-693-9699

E-mail: wrahabi@secconsultants.com

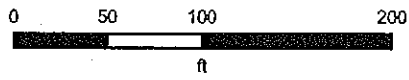


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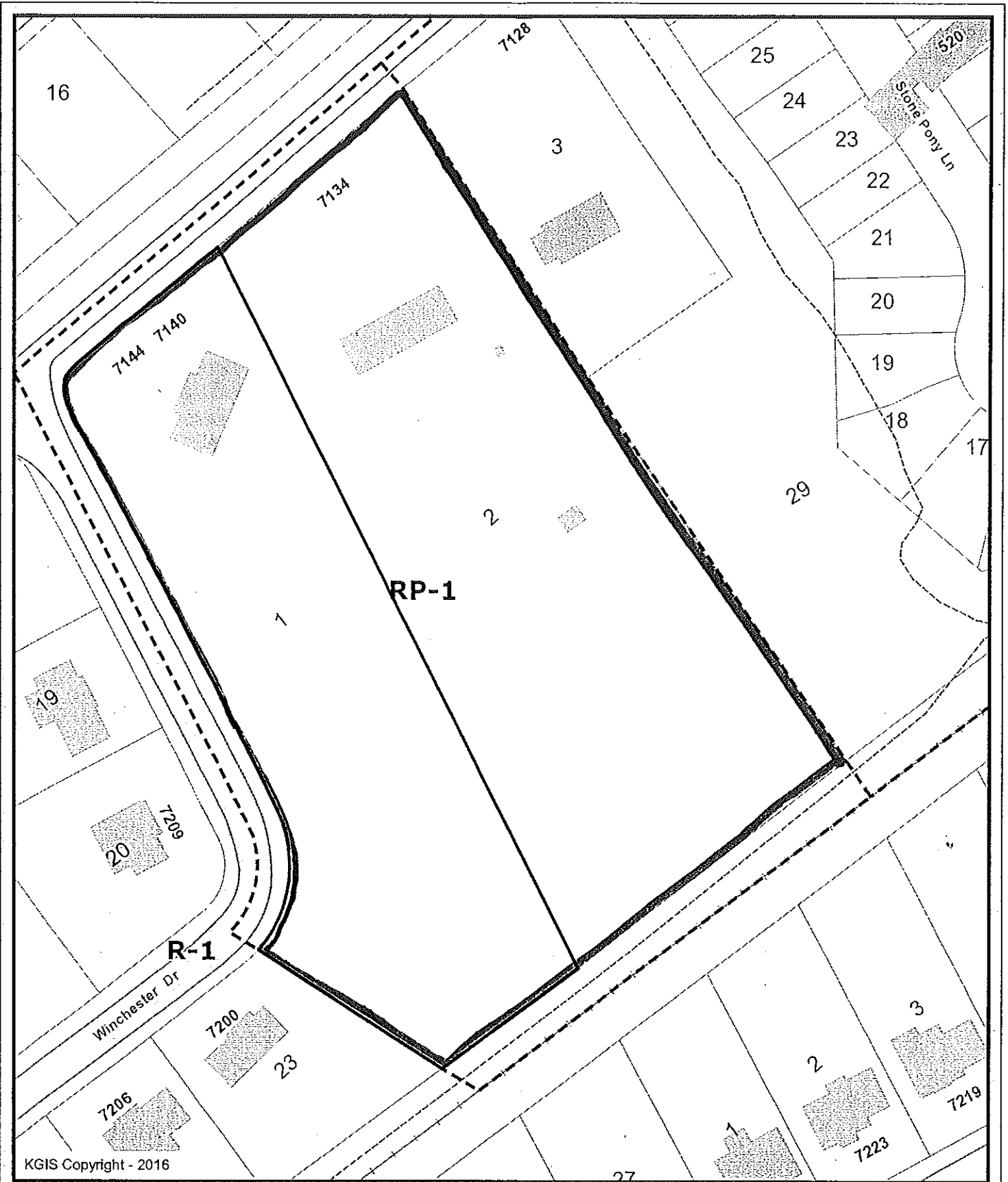
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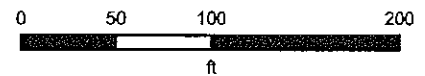
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