

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

▶ **FILE #:** 8-E-18-RZ  
 11-C-18-SP

**AGENDA ITEM #:** 25  
**AGENDA DATE:** 11/8/2018

▶ **APPLICANT:** KNOX COUNTY COMMISSION / SCOTT DAVIS  
 OWNER(S): CFI Redwood Heritage Lake, LLC

TAX ID NUMBER: 144 03004 [View map on KGIS](#)

JURISDICTION: Commission District 5

STREET ADDRESS: 1105 Lake Heritage Way

▶ **LOCATION:** Southeast side Westland Dr., northeast of Heritage Lake Way

▶ **TRACT INFORMATION:** 19.13 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Westland Dr., a minor arterial street with 38' pf pavement width with 80' of right-of-way, or Heritage Lake Blvd., a local boulevard street with two 17' wide lanes within 80-90' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Second Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / PR (Planned Residential) at 1-5 du/ac

▶ **PROPOSED PLAN DESIGNATION/ZONING:** HDR (High Density Residential) / PR (Planned Residential) at up to 14 du/ac

▶ **EXISTING LAND USE:** Apartments

▶ **PROPOSED USE:** Apartments

**DENSITY PROPOSED:** 14 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: On 9/24/18, a Sector Plan Amendment (8-A-18-SP) and Rezoning request referred back to MPC by County Commission . In 1999, the overall 100 acre PR parcel was approved for a density increase from 3 du/ac to 5 du/ac (6-M-99-RZ)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING  
 North: Westland Dr. offices convenience store / NC, O / PC (Planned Commercial), CA (General Business)and OB (Office, Medical & Related Services)

South: Church and vacant land / CI / PR (Planned Residential) at 1-5 du/ac

East: I-140 right-of-way / ROW / OS-1 (Open Space)

West: Detached residential / LDR /PR (Planned Residential) at 1-5 du/ac

NEIGHBORHOOD CONTEXT: The area west of the I-140/Westland Dr. interchange has been developed with commercial, office, and low to medium density residential development.

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**STAFF RECOMMENDATION:**

- ▶ **ADOPT RESOLUTION # 11-C-18-SP, amending the Southwest County Sector Plan to MU-SC (Mixed Use Special District) designation and recommend that County Commission also adopt the sector plan amendment (See attached resolution, Exhibit A).**

On August 9, 2018, MPC recommended denial of the Rezoning request from PR (Planned Residential) of 5 du/ac to PR of 14 du/ac based on the denial of the Sector Plan Amendment from LDR to HDR. On 9/24/18, Knox County Commission postponed the rezoning request and sent the sector plan request back to MPC for reconsideration, with Knox County Commission now as the applicant.

Staff considered two land use designations for this site, HDR (High Density Residential) designation and MDR (Medium Density Residential), but both presented their own issues. The HDR allows too high of a density, permitting densities of greater than 24 du/ac and is reserved for urban areas within the City that are flat, have good transit service and a network of interconnecting sidewalks. Use of HDR in the County would be a shift in public policy and could encourage additional requests in areas that do not have adequate infrastructure or services. The MDR designation permits densities of up to 12 du/ac when there are no sidewalks or transit available, but the MDR designation would not permit the density requested by the applicant.

After meeting with the applicant and neighborhood representative, staff reconsidered the sector plan designation to reflect the existing development and to designate the area MU-SD (Mixed Use Special District) and setting a maximum residential density of 14 du/ac, reflecting the existing density of Heritage Lake Apartments. The MU-SD (Mixed Use Special District) also includes site specific recommendations for a mix of land uses, transportation improvement and community resources (See attachment B).

- ▶ **APPROVE the request to increase the PR zoning from 5 du/ac to 14 du/ac.**

The proposed zoning is consistent with the proposed sector plan amendment (11-C-18-SP). The PR zoning of up to 14 du/ac reflects the existing density of Heritage Lake Apartments (262 existing apartment units divided by 19.13 acres, equals 13.69 du/ac, rounded equals 14 du/ac).

**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:

The recent Southwest County Sector Plan amendments and associated rezoning to commercial and office on the southeastern portion of the Westland and I-140 interchange, may encourage road improvements or utility improvements in the area. On the southwest side of the interchange, where this parcel is located, there are no known improvements.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan did not recognize the Heritage Lake Apartments built out at 14 du/ac, instead it recognized the current zoning of the 100 acres of 1-5 du/ac and designated the area as LDR (Low Density Residential), accordingly.

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

Recently there was a shift in public policy concerning a sector plan amendment on the southeastern portion of Westland and I-140 interchange that shifted the area from LDR to General Commercial (GC) and O (Office). This shift in policy has resulted in higher intensity uses adjacent at this interchange.

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

As development continues to grow outward in the southwestern portion of the county, sites are needed where there is easy access to the interstate system which will alleviate congestion on local roads. This site is located directly adjacent to the I-140 and Westland Dr. interchange and can accommodate more intense uses.

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 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.

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. Conditions have changed nearby with recent rezoning's to commercial zones on the opposite side of I-140 (southeastern side of the I-140 and Westland Drive interchange).
2. The PR zone requires use on review approval of a development plan by MPC prior to construction, if redeveloped. 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 a MPC meeting.
3. Since the rezoning of PR at 1-5 du/ac, this portion of the overall development has been built out at 14 du/ac.
4. The adjacent development of the Church property which is considered a public amenity by the neighborhood has historically been subtracted by MPC staff in calculating the overall density which changes the overall density calculation for this development.

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. Since the development has already occurred and the density reflects the actual development then it is compatible with the area.

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. The requested increase reflects the existing development density and would not have an adverse effect.
2. 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 if any changes occur on the property.

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. With the proposed Southwest County Sector Plan Amendment (11-C-18-SP) to MU-SD the requested density is consistent with the proposed plan. With approval of the requested sector plan change to HDR on the associated application (8-A-18-SP), the requested PR zoning and density would be consistent with the plan. However, the maximum density could be up to 24 du/ac which is inappropriate for the area, given that there is some slope, no transit, and the area lacks interconnecting sidewalks.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of the HDR plan designation for the apartments would be a spot plan amendment, with no justification, that would allow inappropriate development on the remaining PR-zoned acreage, in conflict with the approved development plan for the apartments.

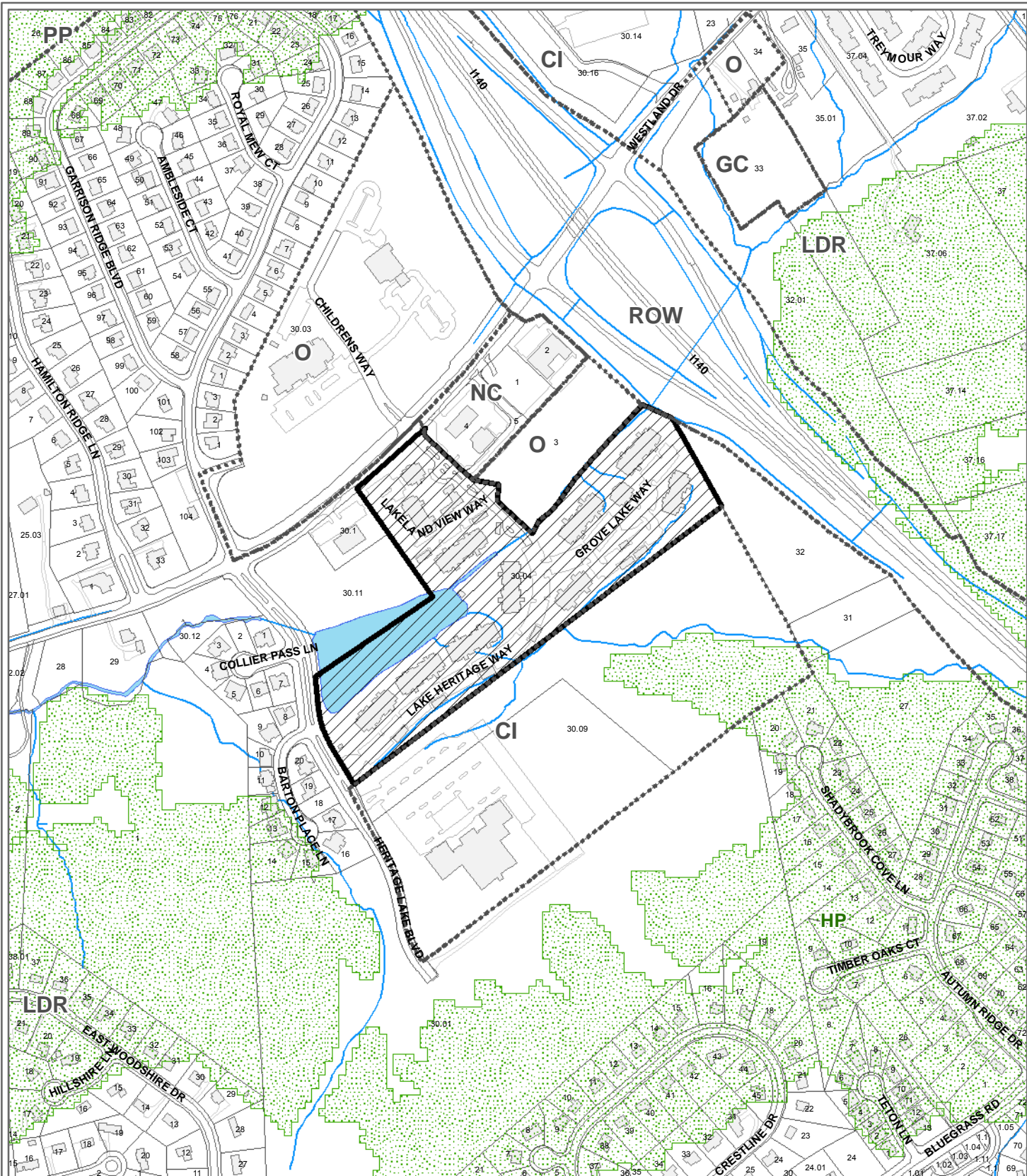
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 4 (public school children, ages 5-18 years)

Schools affected by this proposal: Northshore Elementary, West Valley Middle, and Bearden 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 12/17/2018. 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 City.



**11-C-18-SP / 8-E-18-RZ**  
**SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

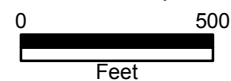
From: LDR (Low Density Residential)  
 To: MU-SC (Mixed Use Special District)

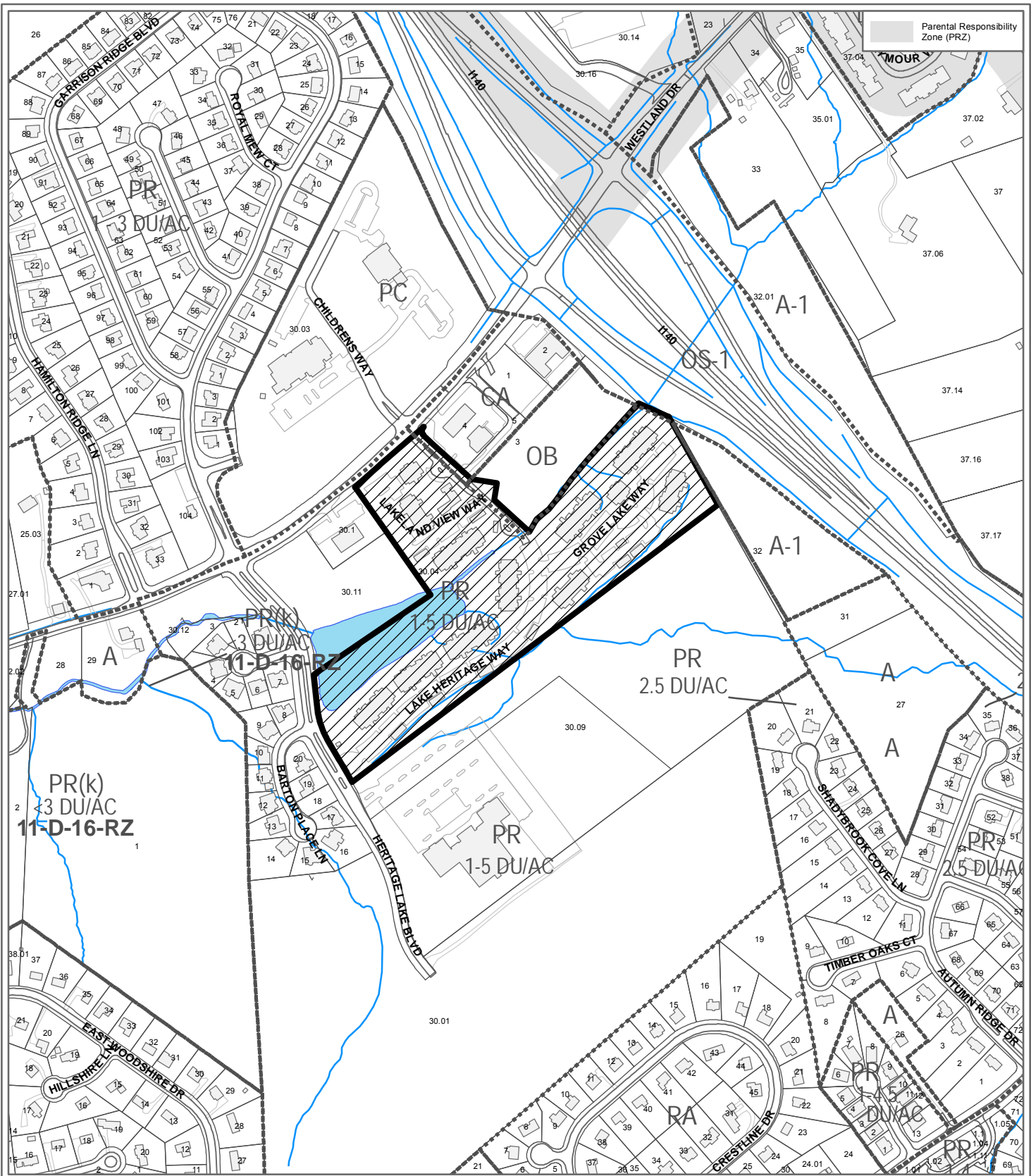


Original Print Date: 7/19/2018      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Davis, Scott

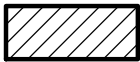
Map No: 144  
 Jurisdiction: County





**8-E-18-RZ  
REZONING**

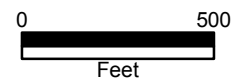
From: PR (Planned Residential) at 1-5 du/ac  
 To: PR (Planned Residential) at up to 14 du/ac



Petitioner: Davis, Scott

Map No: 144

Jurisdiction: County



*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, the Metropolitan Planning Commission has submitted an application to amend the Sector Plan from Low Density Residential Area to Mixed Use Special District 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 September 13, 2018, 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 #11-C-18-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*

## **Exhibit B – 11-C-18-SP**

### **Mixed Use Special District**

#### **SWCO-2**

##### **South Side of Westland Drive, West of I-140**

This district is located within the southwest quadrant of the Westland Drive and I-140 interchange and is characterized by an existing apartment development that was built at fourteen dwelling units per acre. The larger area surrounding the interchange is developed with a mix of uses that include single- and multi-family residential, churches, medical and professional offices, and small scale commercial uses. Easy access to I-140 and Westland Drive makes it an ideal place for moderate to higher intensity uses. In the future, as surrounding parcels continue to develop-or redevelop, connections to open space, sidewalks, and vehicular access are important in creating a better mixed-use node.

#### **Recommended Uses**

High Density Residential (HDR) that does NOT exceed 14 du/ac, Neighborhood Mixed Use Center (MU-NC) with residential density that does not exceed 14 du/ac, and Office (O)

#### **Transportation Improvements**

- Expand KAT transit service to area
- Establish sidewalk system along Heritage Lake Boulevard, Westland Drive, and connect to adjacent developments
- Vehicular connections to adjacent parking areas

#### **Community Facilities**

- Interconnecting open-spaces to surrounding parcels is encouraged
- Pedestrian amenities are encouraged around the site and connections to surrounding developments



## REZONING AND PLAN AMENDMENT

**Date Filed:** 10/23/2018

**Name of Applicant:** KNOX COUNTY COMMISSION / SCOTT DAVIS

**Meeting Date:** 11/8/2018

**Application Accepted By:** Sherry Michienzi

**Rezoning File Number:** 8-E-18-RZ

**Plan Amendment File Number:** 11-C-18-SP

### PROPERTY INFORMATION

**Street Address:**

1105 Lake Heritage Way

**General Location:**

Southeast side Westland Dr., northeast of Heritage Lake Way

**Tract Size:** 19.13 acres

**Parcel ID:** 144 03004

**Existing Land Use:**

Apartments

**Planning Sector:** Southwest County

**Growth Plan:** Planned Growth Area

**Census Tract(s):** 57.08

**Traffic Zone(s):** 233

**Jurisdiction:** City Commission District 5

### PROPERTY OWNER/OPTION HOLDER

Knox County Commission / Scott Davis

400 Main St Suite 603

Knoxville, TN 37902

Telephone: 865-215-2534

Fax: 865-215-2038

Email:

### APPLICATION CORRESPONDENCE

*All correspondence relating to this application should be sent to:*

Knox County Commission / Scott Davis

400 Main St Suite 603

Knoxville, TN 37902

Telephone: 865-215-2534

Fax: 865-215-2038

Email:

### APPROVAL REQUESTED

#### Rezoning

**FROM:**

PR (Planned Residential) at 1-5 du/ac

**TO:**

PR (Planned Residential) at up to 14 du/ac

#### Plan Amendment

**Type:** Southwest County Sector Plan Amendment

**FROM:**

LDR (Low Density Residential)

**TO:**

HDR (High Density Residential)

### 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: 

Knox County Commission / Scott Davis

400 Main St Suite 603

Knoxville, TN 37902

Telephone: 865-215-2534

Fax: 865-215-2038

Email:

### PROPOSED USE OF PROPERTY

Apartments

**Density Proposed:** 14 du/ac

**Previous Rezoning Requests:**

PR (Planned Residential) at up to 14 du/ac

RESOLUTION

A RESOLUTION OF THE COMMISSION  
OF KNOX COUNTY, TENNESSEE,  
TO INITIATE A SOUTHWEST COUNTY  
SECTOR PLAN AMENDMENT  
REGARDING PROPERTY LOCATED  
ON THE SOUTHEAST SIDE OF  
WESTLAND DRIVE, NORTHEAST  
OF HERITAGE LAKE WAY.  
(MPC FILE NO.: 8-E-18-RZ).

RESOLUTION: RZ-18-9-108

PREPARED BY: KNOX COUNTY LAW  
DIRECTOR'S OFFICE

APPROVED AS TO FORM AND CORRECTNESS: Richard B. Armstrong Jr.  
DIRECTOR OF LAW

APPROVED: September 24, 2018  
DATE

MINUTE  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

WHEREAS, the Knox County Commission has adopted the Knoxville-Knox County General Plan 2033 which includes the Southwest County Sector Plan; and

WHEREAS, Tenn. Code Ann. §13-3-304 provides that the Knox County Commission may initiate general plan amendments by submitting the amendment in the form of a resolution to the Metropolitan Planning Commission (the "MPC") for its review, consideration and vote; and

WHEREAS, MPC must take action on the amendment within sixty-one (61) days of the submittal of the amendment to the MPC by the legislative body; and

**WHEREAS, if MPC votes to approve or not approve the amendment or transmits it back to the legislative body with no recommendation, the Knox County Commission must then approve the amendment by a majority vote of the entire Commission, in order for the amendment to become operative; and**

**WHEREAS, Scott Davis submitted an application to the MPC requesting to increase the PR (Planned Residential) zoning from 5 dwelling units per acre to 14 dwelling units per acre for property located on the southeast side of Westland Drive, northeast of Heritage Lake Way, as further described in MPC File No. 8-E-18-RZ; and**

**WHEREAS, at its regularly scheduled meeting on August 9, 2018, the Metropolitan Planning Commission recommended that the Knox County Commission deny the request to increase the PR (Planned Residential) zoning from 5 dwelling units per acre to 14 dwelling units per acre, consistent with the denial recommendation for the associated sector plan amendment; and**

**WHEREAS, the Commission desires to initiate, pursuant to Tenn. Code Ann. §13-3-304(b)(2), a Sector Plan amendment for review, consideration and vote by the MPC.**

**NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:**

**The Knox County Commission hereby initiates a Southwest County Sector Plan amendment to designate the property described in MPC File No. 8-E-18-RZ from Low Density Residential to High Density Residential for the 19 acres (Parcel 144-03004) and to change the PR (Planned Residential) zoning to 4.5 dwelling units per acre for the remaining 51 acres (Parcel 144-03011).**

**BE IT FURTHER RESOLVED, that the Knox County Clerk shall transmit this resolution to the Metropolitan Planning Commission for review, consideration and vote.**

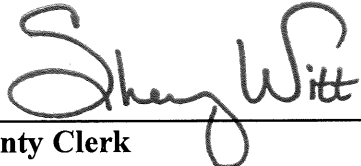
**BE IT FURTHER RESOLVED, that the MPC shall take action on this amendment within sixty-one (61) days of receipt.**

**BE IT FURTHER RESOLVED, that the MPC shall also make a recommendation as to whether the property should be rezoned.**

**BE IT FURTHER RESOLVED, that upon taking action on this amendment and reconsidering its rezoning recommendation, MPC shall transmit this amendment together with its recommendation back to County Commission.**

**BE IT FURTHER RESOLVED** that this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

  
\_\_\_\_\_  
Presiding Officer of the Commission      9/24/18      Date

  
\_\_\_\_\_  
County Clerk      9/25/18      Date

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

# APPEAL OF DECISION

(Please Note: Original application and staff report are made a part of this application.)

Type:  One Year Plan Amendment  Sector Plan Amendment  Rezoning  Variance  
 Use on Review  Street Name Change  Right-of-Way Closure  
 Certificate of Appropriateness  Other: \_\_\_\_\_

Decision by:  MPC  Other: \_\_\_\_\_ Date of Decision: 8-9-18

Jurisdiction:  City \_\_\_\_\_ Councilmanic District  County 5 Commission District

Original Applicant Name: Scott Davis Original File Number: 8-E-18-RZ

Name of Owner of Subject Property: C.F.I Redwood Heritage Lake (8-A-18-SP)

Description of Subject Property (Include city block and parcel number or lot number): LLC

Zoning map of all property within 300 feet of the subject property is attached.



### DECISION BEING APPEALED

Denial of rezoning request

### REASON FOR THE APPEAL

Attach additional pages, if necessary. Denied Rezoning and Sector Plan Amendment by MPC - The decision was arbitrary & Capricious

### PETITIONER INFORMATION

Name of Petitioner: Scott Davis

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): \_\_\_\_\_

Application Authorization: I hereby certify that I am the applicant/authorized representative for the above named petitioner.

Signature: [Signature]

All correspondence should be sent to: Name (Print): Scott Davis

PO Box 11315 Knoxville TN 37939  
Street Address City State Zip

Phone: 865 806-8008 Fax: \_\_\_\_\_ E-mail: SD444@gmail.com

### For MPC Staff Use Only

Application Accepted by MPC Staff Member: Sherry Michienzi

Appeal Fee Amount: \$500<sup>00</sup> Date Appeal Received: 8-14-18

### BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

City Council - 6 p.m.

County Commission - 7 p.m.

MPC - 1:30 p.m.

Sept. 24, 2018

Month • Date • Year

Month • Date • Year

Month • Date • Year



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

▶ **FILE #:** 8-E-18-RZ  
8-A-18-SP

**AGENDA ITEM #:** 32  
**AGENDA DATE:** 8/9/2018

▶ **APPLICANT:** SCOTT DAVIS  
**OWNER(S):** CFI Redwood Heritage Lake, LLC

**TAX ID NUMBER:** 144 03004 [View map on KGIS](#)  
**JURISDICTION:** Commission District 5  
**STREET ADDRESS:** 1105 Lake Heritage Way  
▶ **LOCATION:** Southeast side Westland Dr., northeast of Heritage Lake Way  
▶ **TRACT INFORMATION:** 19.13 acres.  
**SECTOR PLAN:** Southwest County  
**GROWTH POLICY PLAN:** Planned Growth Area  
**ACCESSIBILITY:** Access is via Westland Dr., a minor arterial street with 38' of pavement width within 80' of right-of-way, or Heritage Lake Blvd., a local boulevard street with two 17' wide lanes within 80-90' of right-of-way.  
**UTILITIES:** Water Source: First Knox Utility District  
Sewer Source: First Knox Utility District  
**WATERSHED:** Sinking Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / PR (Planned Residential)  
▶ **PROPOSED PLAN DESIGNATION/ZONING:** HDR (High Density Residential) / PR (Planned Residential) at up to 14 du/ac  
▶ **EXISTING LAND USE:** Apartments  
▶ **PROPOSED USE:** Apartments  
**DENSITY PROPOSED:** 14 du/ac  
**EXTENSION OF PLAN DESIGNATION/ZONING:** No  
**HISTORY OF ZONING REQUESTS:** The overall 100 acre PR parcel was approved for a density increase from 3 du/ac to 5 du/ac in 1999 (6-M-99-RZ).  
**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**  
North: Westland Dr., offices, convenience store / NC, O / PC (Planned Commercial), CA (General Business) and OB (Office, Medical & Related Services)  
South: Church and vacant land / CI / PR (Planned Residential) at 1-5 du/ac  
East: I-140 right-of-way / ROW / OS-1 (Open Space)  
West: Detached residential / LDR / PR (Planned Residential) at 1-5 du/ac  
**NEIGHBORHOOD CONTEXT:** This area west of the I-140/Westland Dr. interchange has been developed with commercial, office and low to medium density residential development.

**STAFF RECOMMENDATION:**

▶ **DENY the requested HDR (High Density Residential) sector plan designation.**

Redesignation of this site for high density residential uses would result in potential overdevelopment of the remaining PR zoned area to the south. Although the subject property containing the apartments is already developed at the proposed density, that plan was approved under the current LDR designation, allowing the units to be clustered in the less steep portions of the site and preserving the steeper portions of the site, consistent with the intent of PR zoning on slope constrained sites.

▶ **DENY the request to increase the PR zoning from 5 du/ac to 14 du/ac, consistent with the denial recommendation for the associated sector plan amendment.**

The current zoning and density are consistent with the current sector plan. Increasing the density for this 19 acre apartment site will result in an increase of the maximum number of units on the entire, about 104 acre, PR-zoned area from about 520 units to 637 units, most of which would be developed in the steepest, southern portions of the site. The total additional units that could be proposed now is about 238 (104 acres times 5 du/ac is 520 possible units minus 282 already in place). If this rezoning is approved that number increases to 355 (75 undeveloped acres times 5 du/ac is 375, minus the 20 existing units in the detached subdivision). See the attached map of the entire PR area and the attached slope map, analysis and topography of the remaining developable area. The 282 apartments and 20 houses were developed on the flatter portions of the site, in accordance with the current density in place. The expectation is that the number and density of the development on the remaining, steeper acreage would be significantly less. The development plan for the apartments was approved by MPC in 1999 with the expectation that the remaining acreage would be limited to the number of units still available at the current density of up to 5 du/ac. Approval of this request would allow consideration of approximately 117 additional units on the undeveloped portions of the site than what could have been considered prior to the proposed density increase for the apartments. When 282 units were approved on the 19-acre apartment site, it was with the expectation that the remaining PR zoned acreage would be developed at a much lower density, as is the intent of the PR zoning district. Approval of this density increase is in conflict with the intent of the 1999 plan approval for the apartments.

**COMMENTS:**

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

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

There are no properties in the area that are designated for either high or medium density residential uses, so no government policy exists to help justify the requested HDR plan amendment.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

Westland Dr. has been widened to three lanes to the east, but the land use plan still proposes LDR uses for the area. Westland Dr. is still just two lanes to the west of the site. The Southwest County sector plan has been updated since these improvements were made and no significant changes were proposed for this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current LDR designation of the site is intentional and appropriate, considering the steep slopes on the remainder of the site.

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

No trends have emerged since the 1999 rezoning of the subject property or since the 2016 update of the Southwest County Sector Plan that would warrant the requested change to the sector plan.

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. Conditions have not changed since the adoption of the Southwest County Sector Plan update in 2016 to warrant a sector plan change or an increase in the current PR zoning density.
2. The applicant has reasonable use of the remaining PR-zoned acreage as currently zoned. About 238

additional dwelling units could be proposed on the remaining acreage.

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 approval of the requested density increase for the apartment site would lead to development on the remainder of the site that is not compatible with the surrounding area and not consistent with the policies of the Hillside and Ridgetop Protection Plan (HRPP). The remaining, developable portion of the site has steep slopes across large portions. The attached topography map also shows evidence of a large sinkhole in the eastern portion of the site. The attached slope map and analysis only include the largest rear portion of the site (41.84 acres). The small, vacant, PR-zoned portions near Westland Dr., and the large undeveloped portion of the church parcel (about 17 acres which has already cleared and graded), were excluded from the slope analysis.

**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. The requested increase in density would allow consideration of development that would not be compatible with the surrounding land uses and zoning pattern.
2. The increase in density would lead to development that would likely be inconsistent with the policies of the HRPP.
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. Under the current, recommended density of up to 5 du/ac on the entire 104 acre, PR-zoned area, 238 additional dwelling units could be proposed for the site. That number of detached units would add approximately 2302 vehicle trips per day to the street system and would add approximately 98 children under the age of 18 to the school system. With approval of the applicant's requested density increase, a maximum of 355 additional dwelling units may be proposed on the entire 100 acre, PR-zoned area. That number of detached units would add approximately 3325 vehicle trips per day to the street system and would add approximately 146 children under the age of 18 to the school system.

**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 requested density increase is not consistent with the proposed land use of the Southwest County Sector Plan, which was just updated in 2016. With approval of the requested sector plan change to HDR on the associated application (8-A-18-SP), the requested PR zoning and density would be consistent with the plan. However, staff maintains that the current LDR (Low Density Residential) plan designation is appropriate and should remain in place.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of the HDR plan designation for the apartments would be a spot plan amendment, with no justification, that would allow inappropriate development on the remaining PR-zoned acreage, in conflict with the approved development plan for the apartments. When 282 units were approved on the 19-acre apartment site, it was with the understanding that the remaining PR zoned acreage would be developed at a much lower density, as is the intent of the PR zoning district.

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 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: 2302 (average daily vehicle trips)

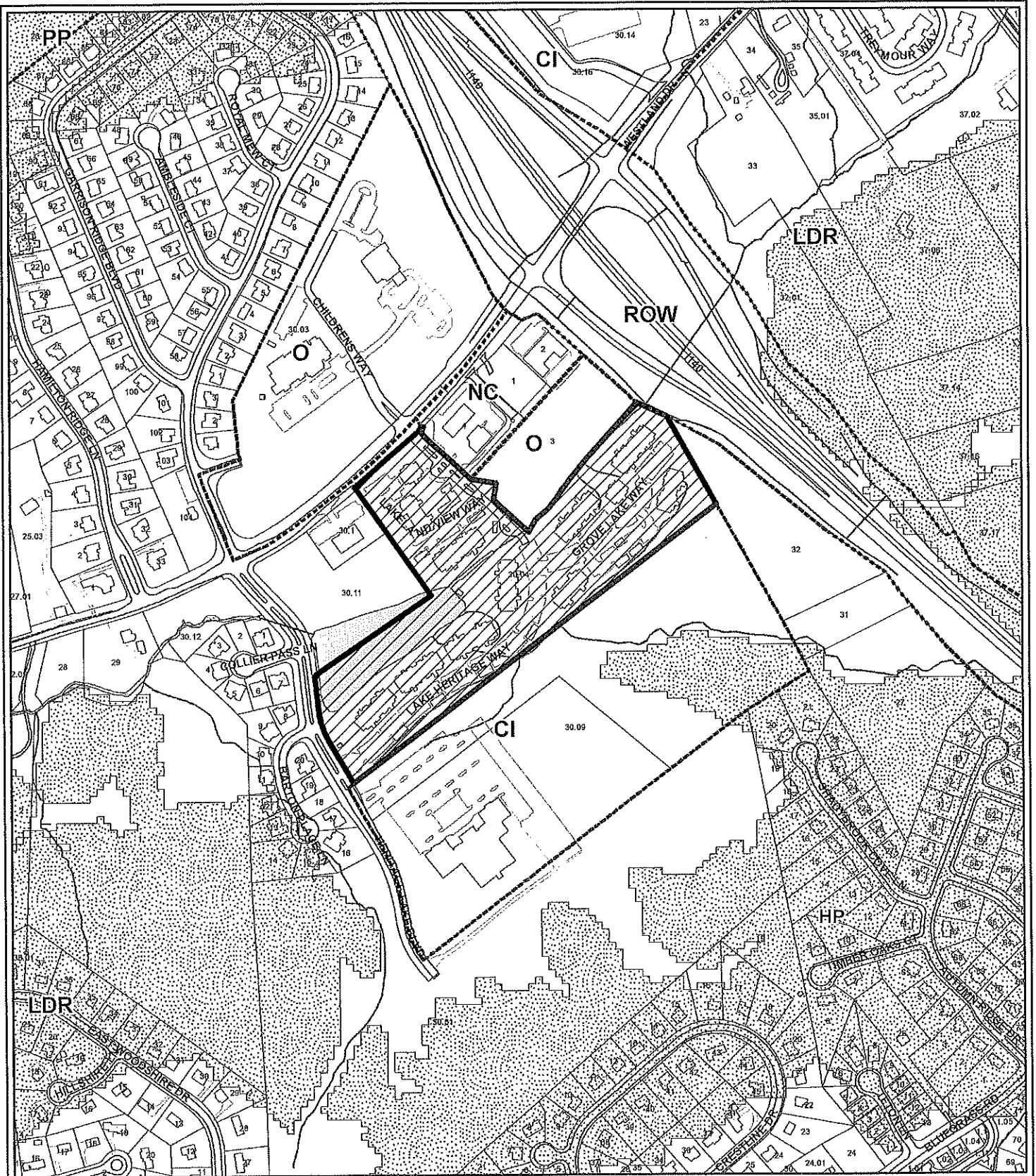
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 98 (public school children, ages 5-18 years)

Schools affected by this proposal: Northshore Elementary, West Valley Middle, and Bearden Elementary.

- 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 9/24/2018. 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.



**8-A-18-SP / 8-E-18-RZ  
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)  
 To: HDR (High Density Residential)

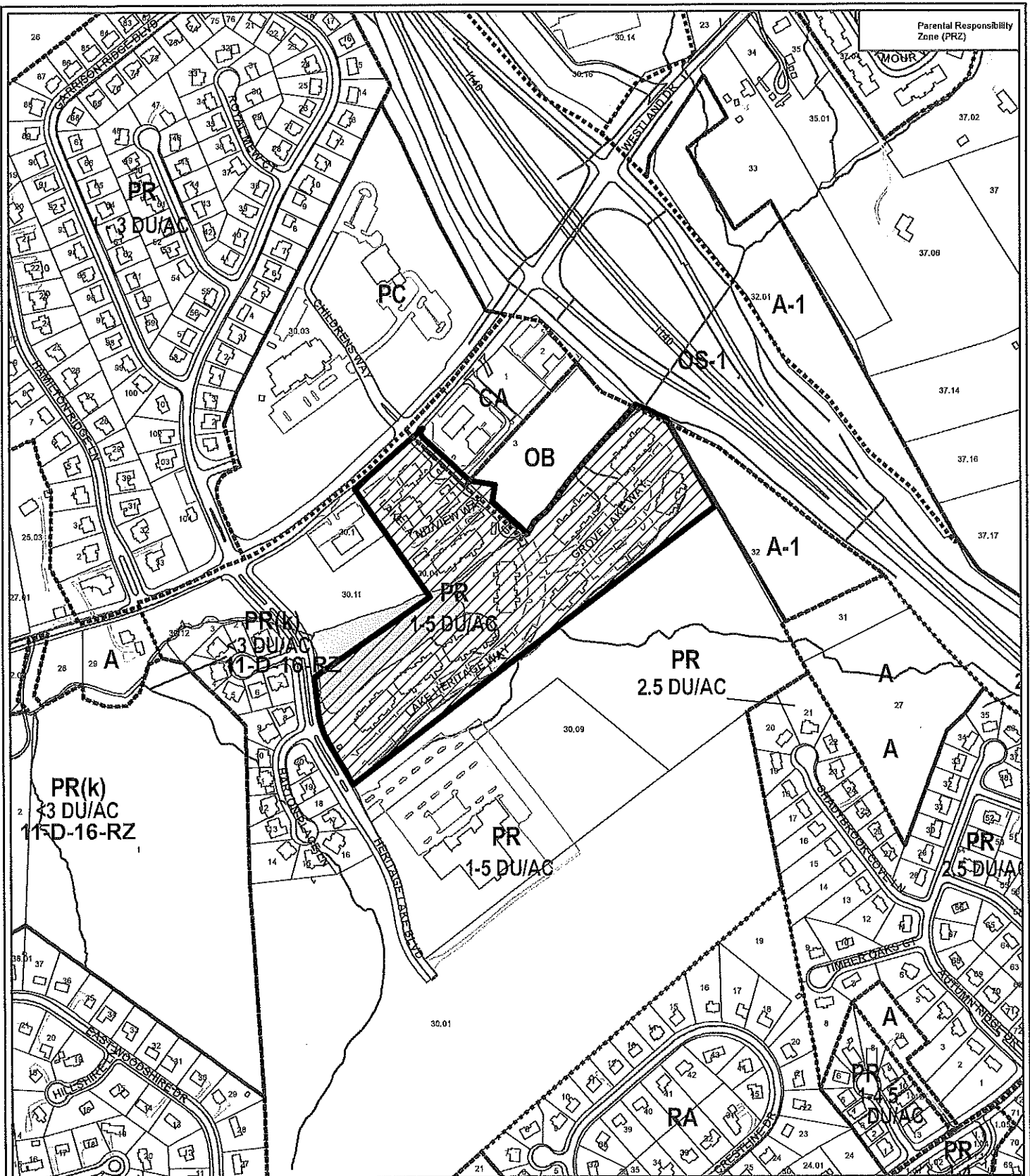


Original Print Date: 7/19/2018      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Davis, Scott

Map No: 144  
 Jurisdiction: County

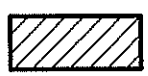




Parental Responsibility Zone (PRZ)

**8-E-18-RZ  
REZONING**

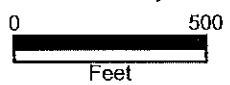
From: PR (Planned Residential) at 1-5 du/ac  
 To: PR (Planned Residential) at up to 14 du/ac

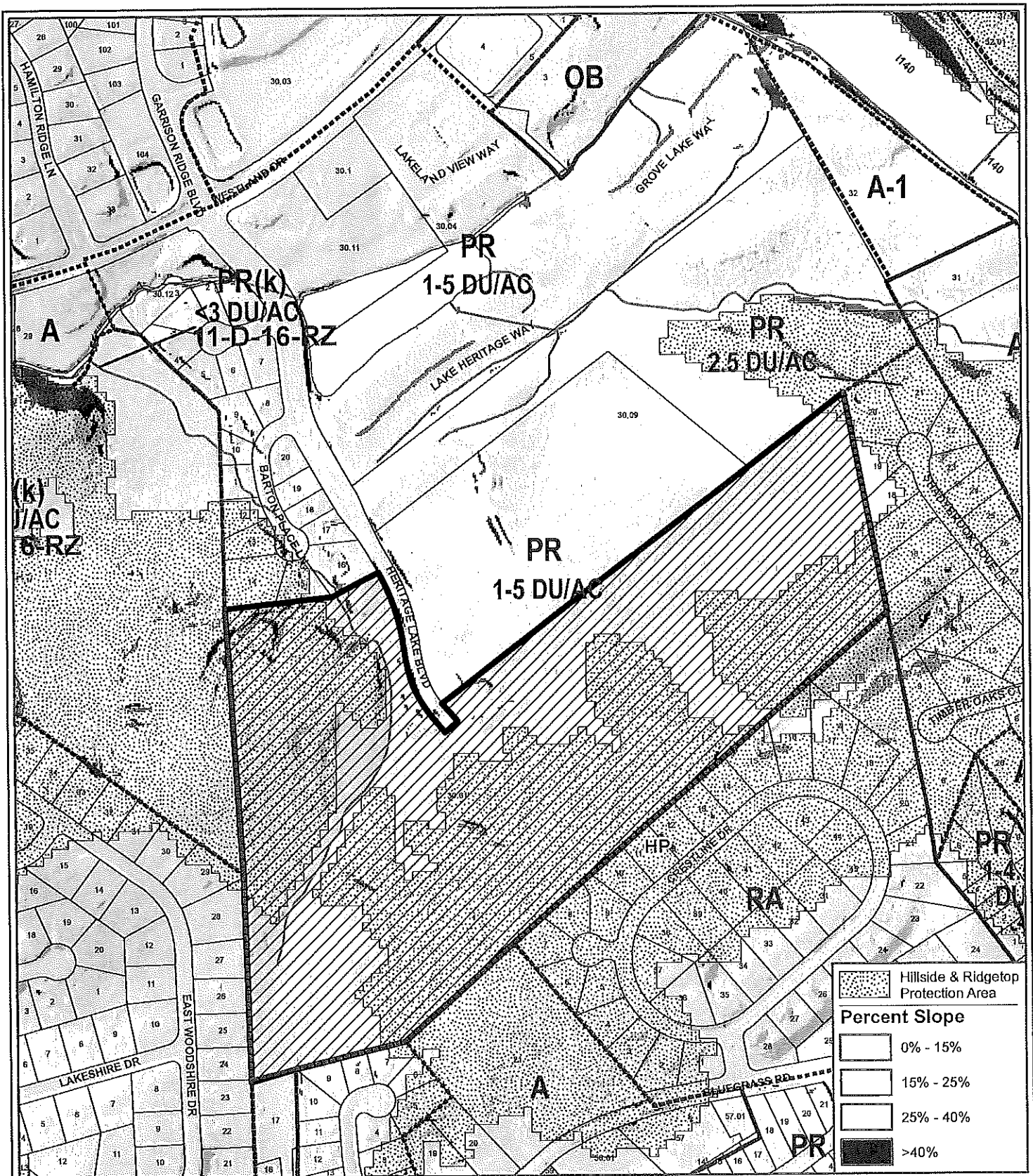


Petitioner: Davis, Scott

Map No: 144  
 Jurisdiction: County

Original Print Date: 7/19/2018      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902





Hillside & Ridgeline Protection Area

**Percent Slope**

- 0% - 15%
- 15% - 25%
- 25% - 40%
- >40%

**144 03001**  
**REZONING - SLOPE ANALYSIS**

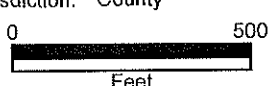
From: PR (Planned Residential)  
 To: PR (Planned Residential)



Petitioner: Scott Davis

Map No: 144  
 Jurisdiction: County

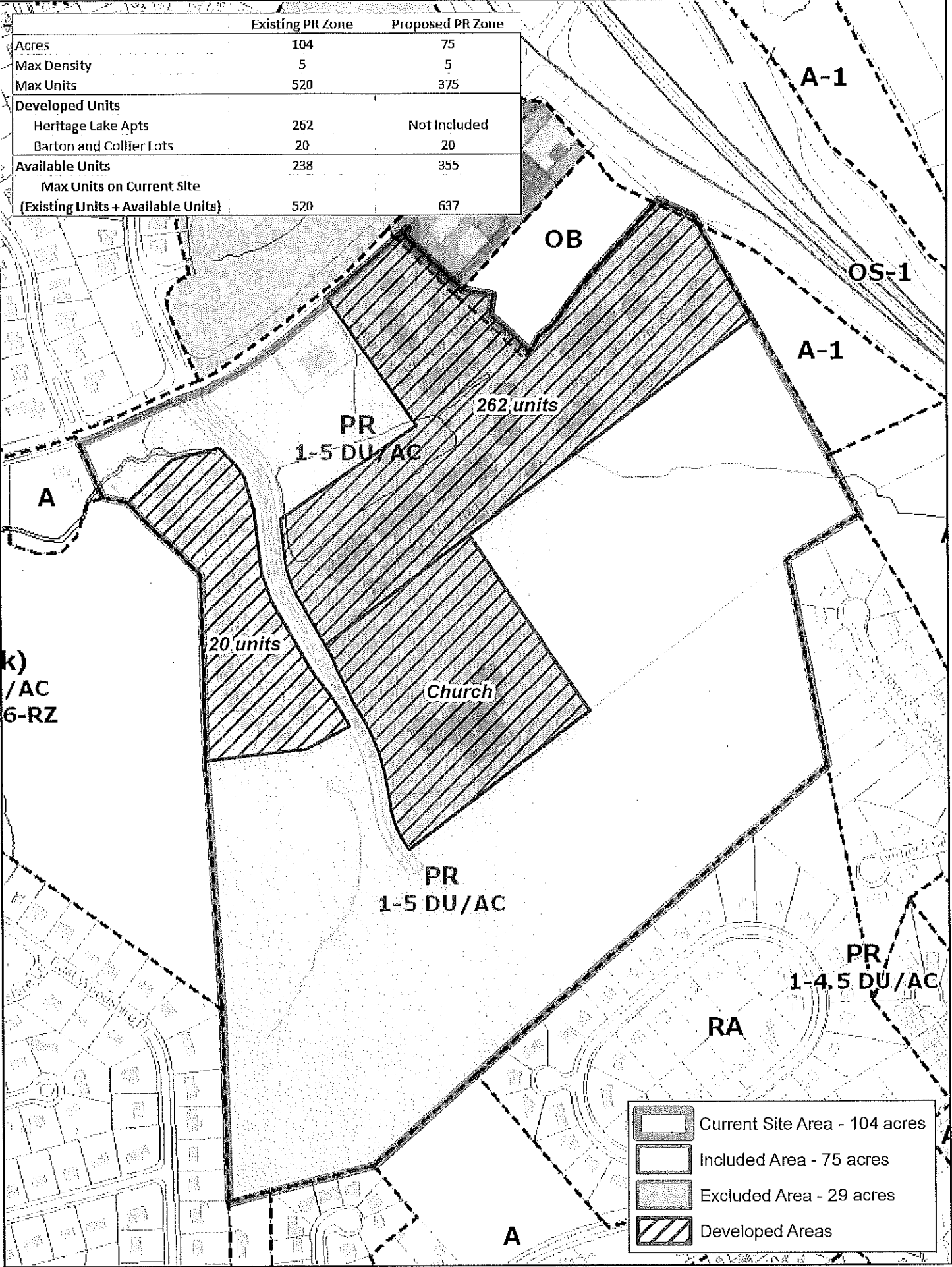
Original Print Date: 7/31/2018      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



# Westland Planned Residential Slope Analysis

			<b>Acreage</b>
<b>Non-Hillside Portions</b>			18.4
<b>Hillside and Ridgetop Protection Area</b>			
<b>Value</b>	<b>Percent Slope</b>	<b>Count</b>	<b>Acres</b>
1	0%-15%	9458	5.43
2	15%-25%	23722	13.61
3	25%-40%	7023	4.03
4	>40%	631	0.36
			<b>23.44</b>
<b>Ridgetop Area</b>			0
<b>Site Total</b>			<b>41.84</b>

	Existing PR Zone	Proposed PR Zone
Acres	104	75
Max Density	5	5
Max Units	520	375
<b>Developed Units</b>		
Heritage Lake Apts	262	Not Included
Barton and Collier Lots	20	20
<b>Available Units</b>		
Max Units on Current Site (Existing Units + Available Units)	520	637





# Draft Minutes

## August 9, 2018

1:30 P.M. ♦ Small Assembly Room ♦ City County Building

The Metropolitan Planning Commission met in regular session on AUGUST 9, 2018 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee.  
Members:

### 1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

- |                     |                               |
|---------------------|-------------------------------|
| A Ms. Tamara Boyer  | Mr. Richard Graf              |
| Mr. Louis Browning  | Mr. Charles F. Lomax, Jr      |
| Ms. Gayle Bustin    | Mr. Chris Ooten               |
| Mr. Art Clancy      | Mr. Patrick Phillips          |
| Mr. Mike Crowder    | Mr. Jeff Roth                 |
| Ms. Elizabeth Eason | Mr. Scott Smith               |
| Mr. Mac Goodwin     | Mr. Charles Thomas            |
|                     | Ms. Janice Tocher, Vice Chair |
- \* Arrived late to the meeting.    \*\* Left early in the meeting  
A – Absent from the meeting

Agenda Item No.

MPC File No.

### 32. SCOTT DAVIS

Southeast side Westland Dr., northeast of Heritage Lake Way, Commission District 5.

a. Southwest County Sector Plan Amendment  
From LDR (Low Density Residential) to HDR (High Density Residential).

8-A-18-SP

STAFF RECOMMENDATION: DENY the requested HDR (High Density Residential) sector plan designation.

Gerald Green pointed out Commission actions will set a precedent on planned residential properties a portion of which has been developed.

Wayne Kline, 617 Main Street, Westland West Homeowners Association. Sector plan is still in place and no change at this

property and no new trends in the area. This would be spot planning. (Submitted a letter for the record)

Scott Davis, PO Box 11315, The area has changed since 1999. Already developed out at 14 units per acre and asking for density to be changed to what it actually is developed at. Higher density is best where arterial roads such as Pellissippi Parkway. Not granting any additional units on the total property. Anything else beyond that will have to come back to this body.

Jack Woodall, 925 Westland Drive, agrees with Mr. Klein. Feels this is a substitute to try to rezone what is in the back which should go back through the rezoning process.

Commissioners Scott Smith, Chair Tocher, Richard Graf, Elizabeth Eason, Lou Browning asked questions and commented.

Mike Brusseau remainder of site would remain zoned 5 units per acre. If the 14 units per acre is approved for this site, that remaining 75 acres or so the units within the apartments are no longer counted toward that so there are a lot more units they can do as the result of the apartment density being up which is right around 100 more units in the steeper more environmentally sensitive areas.

MOTION (THOMAS) AND SECOND (EASON) WERE MADE TO DENY PER STAFF RECOMMENDATION.

Upon roll call the Planning Commission voted as follows:

~~Browning~~ yes  
Bustin yes  
Clancy no  
Crowder no  
Eason yes  
Goodwin yes  
Graf yes  
Lomax yes  
Ooten no  
Phillips yes  
Roth no  
Smith no  
Thomas yes

Chair Tocher questioned if Commissioner Browning voted and he stated his vote should have been a no

Browning no  
Tocher yes

Motion to deny carried 8-6.



Scott Davis asked for a recount of the vote.

Upon roll call the Planning Commission voted as follows:

Browning no  
Bustin yes  
Clancy stepped out of the meeting  
Crowder no  
Eason yes  
Goodwin yes  
Graf yes  
Lomax yes  
Ooten no  
Philips yes  
Roth no  
Smith no  
Thomas yes  
Tocher yes

Motion to deny carried 8-5. Denied.

5.05 Comm. Clancy left, return at 5:07

b. Rezoning

From PR (Planned Residential) at 1-5 du/ac to PR (Planned Residential) at up to 14 du/ac.

8-E-18-RZ

STAFF RECOMMENDATION: DENY the request to increase the PR zoning from 5 du/ac to 14 du/ac, consistent with the denial recommendation for the associated sector plan amendment.

MOTION (THOMAS) AND SECOND (EASON) WERE MADE TO DENY PER STAFF RECOMMENDATION. MOTION CARRIED 8-5. DENIED.

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Number of Times: 1 Class: 16250 - Public Notices  
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**PUBLIC NOTICE**

The following items will be considered by the Board of County Commissioners on Monday, September 24, 2018, at 7:00 p.m. in the Main Assembly Room, City County Bldg, 400 Main St., Knoxville, TN. Data pertinent to these items may be seen in MPC's office, Fourth Fl. of the City County Bldg., Main St. and on MPC's website at [www.knoxmpc.org](http://www.knoxmpc.org). Knox County does not discriminate on the basis of disability in its provision of services, programs, activities or benefits. If you need assistance or accommodation for a disability, please contact the ADA office at 215-2952 & we will be glad to work with you in obliging any reasonable request.

**Street Name Change**

JIM SNOWDEN-Change Iron Gate Blvd to 'Schaeffer Rd' between Hardin Valley Road and current Schaeffer Road, Commission District 6. MPC Recommendation: Approve

**Plan Amendment/Rezoning**

CRAIG ALLEN (REVISED)-South side Westland Dr., east side I-140, Commission District 5. Southwest County Sector Plan Amendment From LDR (Low Density Residential) to GC (General Commercial) & O (Office) and rezoning from A (Agricultural) to CA (General Business) & OA (Office Park). MPC Action: Approved.

S & E PROPERTIES ERIC MOSELEY-South side Westland Dr., east of Gothic Manor Way, Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential). MPC Recommendation: Approve PR at a density up to 5 du/ac.

DEBRA G. DAUHERTY-Southeast side Lovell Rd., northeast of Cape Brittany Rd., Commission District 6. Rezoning from A (Agricultural) / TO (Technology Overlay) and PR (Planned Residential) / TO at up to 5 du/ac to PR (Planned Residential) / TO (Technology Overlay) at up to 12 du/ac. MPC Recommendation: Approve PR/TO at a density up to 7 du/ac.

STEPHEN R. KOTZ-Southwest side Brown Gap Rd., southeast of E. Emory Rd., Commission District 7. Rezoning from A (Agricultural) to PR (Planned

Residential). MPC Recommendation: Approve PR at a density up to 5 du/ac. SARAH CLARK AND AMERICA'S HOME PLACE-Northwest side Andes Rd., northeast of Ivywood Ln., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential). MPC Recommendation: Approve.

**Appeal of Decision**

Appeal by Scott Davis, applicant, of MPC decision to deny rezoning from PR (Planned Residential) at 1-5 du/ac to PR at up to 14 du/ac. Property located southeast side Westland Dr., northeast of Heritage Lake Way, Commission District 5. MPC File No. 8-E-18-RZ

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