



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 8-J-19-RZ **AGENDA ITEM #:** 36
 8-A-19-SP **AGENDA DATE:** 8/8/2019

▶ **APPLICANT:** AZIZ KHERANI / SMART HOSPITALITY, LLC
OWNER(S): The Mulch Co.

TAX ID NUMBER: 141 04114 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 1215 Everett Road

▶ **LOCATION:** On the south side of Everett Rd, north of I-40 near the Watt Rd. exit.

▶ **TRACT INFORMATION:** 14.45 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Everett Rd., a major collector street with 20' of pavement within a 50' right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Hickory Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** GC (General Commercial) / PC (Planned Commercial)

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

▶ **EXISTING LAND USE:** Agricultural/Vacant/Forestry

▶ **PROPOSED USE:** Multifamily Residential Dwellings

DENSITY PROPOSED: Less than 5 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: LDR and PR are within 110' feet of this location.

HISTORY OF ZONING REQUESTS: 11-A-18-SP/11-B-18-RZ: AG/A to GC/PC, 9-E-03-SP: A to CB (reduced area)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Single family residential, rural residential / AG (Agricultural)

South: Interstate 40 right-of-way / ROW (Right of Way)

East: Rural residential, single family residential/ AG (Agricultural) and LDR (Low Density Residential)
LDR (Low Density Residential)

West: Church & commercial / CI (Civic/Institutional) and GC (General Commercial)

NEIGHBORHOOD CONTEXT: This site is adjacent to the north side of the I-40 right of way, near the commercial and industrial node at the Watt Road/Everett Road interchange,

STAFF RECOMMENDATION:

▶ **Adopt Resolution (8-A-19-SP), amending the Northwest County Sector Plan to LDR (Low Density Residential). (See attached resolution, Exhibit A.)**

The requested LDR (Low Density Residential) sector plan designation is recommended as trends in development, population or traffic warrant reconsideration of the sector plan. The population growth in the Northwest County Sector continues to outpace other sectors of Knox County and additional opportunities for a variety of types of housing are needed.

▶ **Approve PR (Planned Residential) zone up to 5 du/ac.**

Staff recommends approval of PR zone up to 5 du/ac for the site because of the increased demand for a variety of housing types in the fastest growing sector of Knox County, the Northwest County Sector. The PR zone requires a public review of a development plan prior to construction so that any issues may be addressed through the design process.

COMMENTS:

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

There are no major conditions in the area 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 additional street improvements have been made in the area since the Northwest County Sector Plan in 2016 was last updated, however, a new wastewater treatment facility is being constructed for the West Knox Utility District.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

No obvious or significant error or omission in the plan exists.

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

Population growth in the Northwest County Sector continues to outpace other sectors of Knox County. Additional opportunities for a variety of types of residential development warrant reconsideration of the sector plan.

State law regarding amendments of the general plan (which includes 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.

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 Northwest County Sector is the fastest growing sector in Knox County and a variety of housing options are needed.
2. The West Knox Utility district is constructing a new wastewater treatment plan within a mile of the property to increase their capacity for the growing population.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

APPLICABLE ZONING ORDINANCE:

1. The requested 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. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL AND DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The proposed amendment to the PR zone allows for public review during the use-on-review process to mitigate any potential impacts to the area.
2. The PR zoning requires use on review approval of a development plan by the Planning Commission prior to construction. This will provide the opportunity for staff to review the plan and address issues related to the design. It will also give the opportunity for public comment at the Planning Commission meeting.
3. Protection of any creeks or streams that exist on the property may also be addressed through the PR use on review process.
5. A traffic impact study and/or a discussion between Knox County Engineering and Knox Planning staff on the location of the access point considering the location within the curve on Yarnell Road, may be required as part of the use on review process.

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 requested plan amendment to LDR the PR zone less than 5 du/ac makes the rezoning request consistent with the sector plan.
2. The request is not in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 712 (average daily vehicle trips)

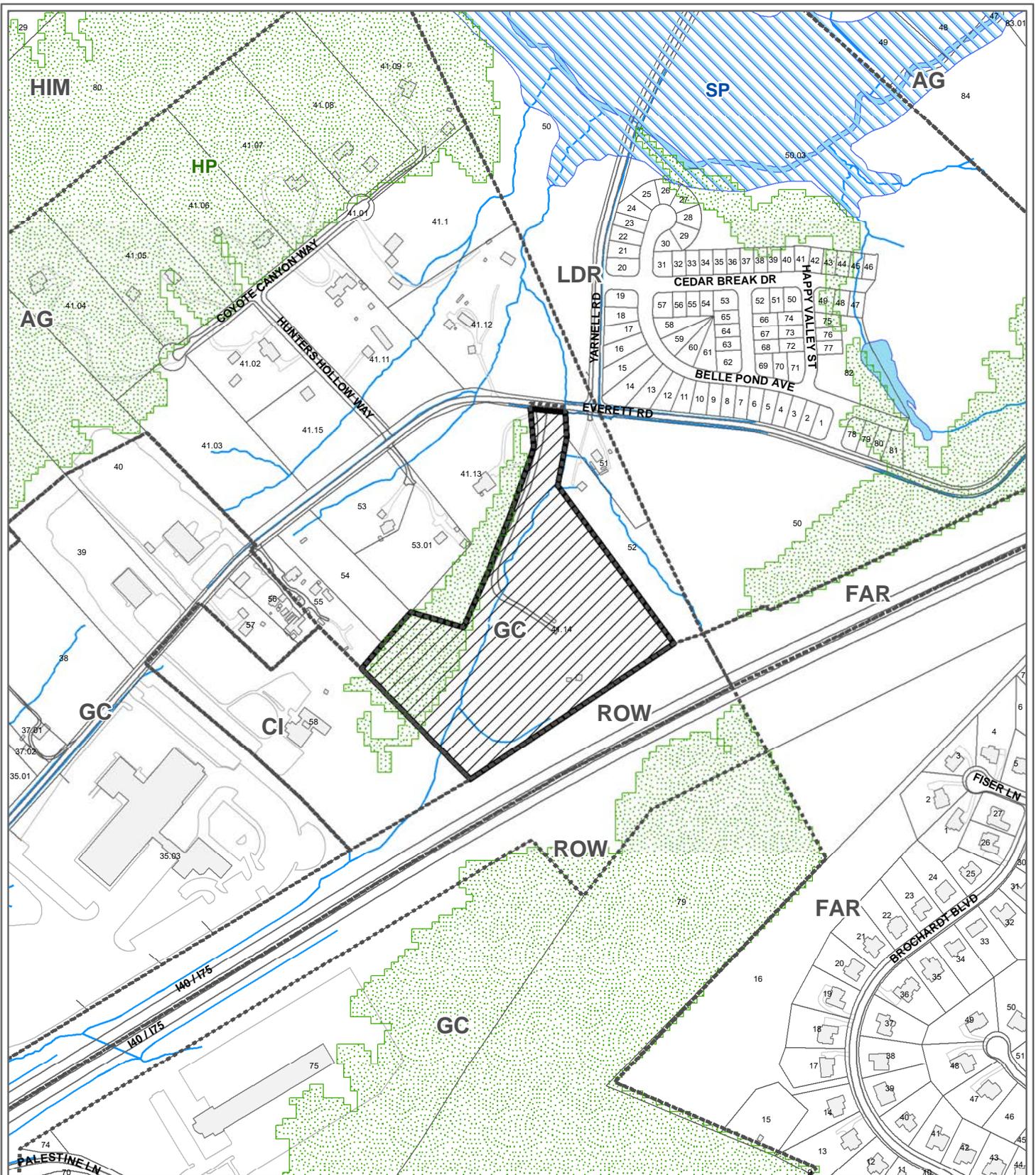
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 7 (public school children, grades K-12)

Schools affected by this proposal: Hardin Valley Elementary, Hardin Valley Middle, and Hardin Valley Academy.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and 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 9/23/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the County.



**8-A-19-SP / 8-J-19-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: GC (General Commercial)
To: LDR (Low Density Residential)

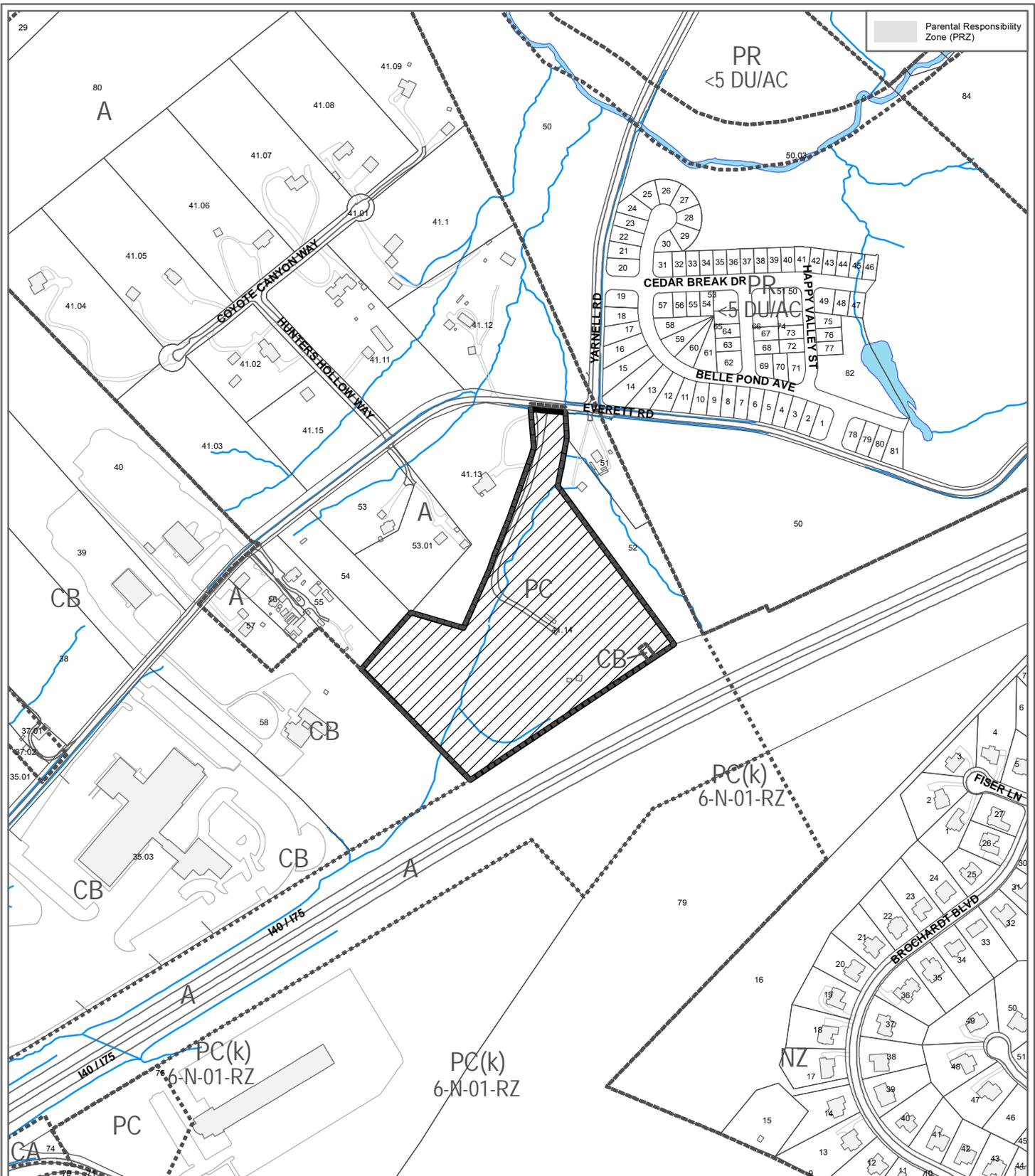


Petitioner: Smart Hospitality, LLC, Aziz Kherani /

Map No: 141
Jurisdiction: County



Original Print Date: 7/15/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**8-J-19-RZ
REZONING**

From: PC (Planned Commercial)

To: PR (Planned Residential)



Petitioner: Kherani / Smart Hospitality, LLC,
Aziz

Map No: 141

Jurisdiction: County



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

WHEREAS, the Knoxville-Knox County 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 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 Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest 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, Aziz Kherani / Smart Hospitality, LLC, has submitted an application to amend the Sector Plan from General Commercial to Low Density Residential, for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Northwest 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 Planning Commission, at its regularly scheduled public hearing on August 8, 2019, 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 Northwest County Sector Plan, with its accompanying staff report and map, file #8-A-19-SP.

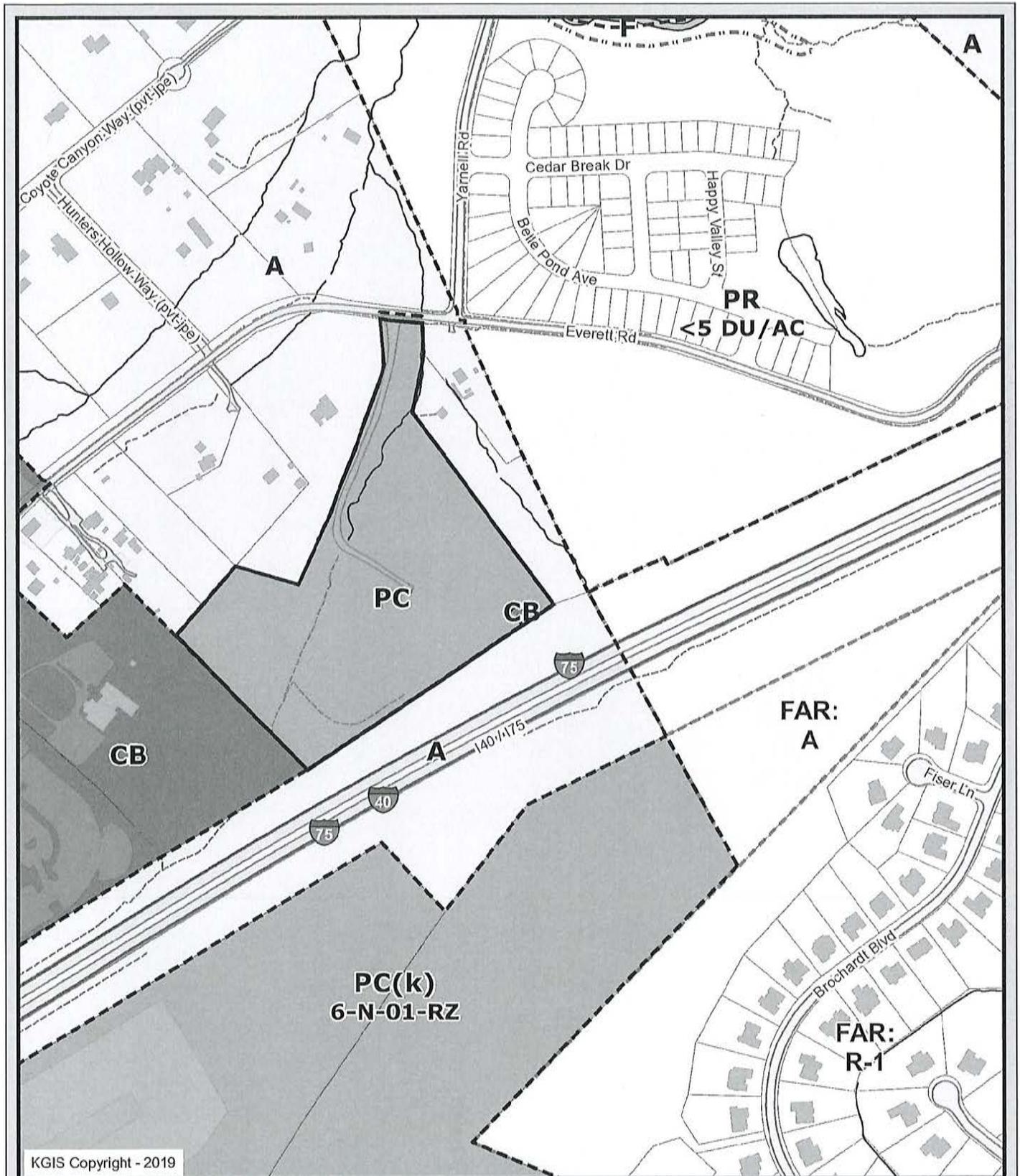
SECTION 2: This Resolution shall take effect upon its approval.

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

Date

Chairman

Secretary



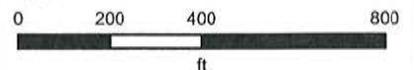
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Zoning Map
1215 Everett Rd.

Knoxville - Knox County - KUB Geographic Information System



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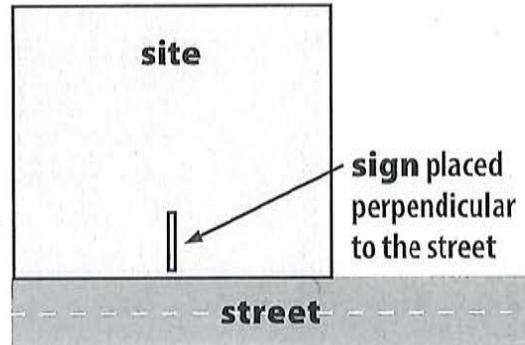
REQUIRED SIGN POSTING AGREEMENT

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

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

LOCATION AND VISIBILITY

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



TIMING

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

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

7/24/2019 and 8/10^{mp}/2019
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: [Handwritten Signature]

Printed Name: Amr A. KAREANI

Phone: 865-388-5431 Email: SMARTHOSPITALITY11@GMAIL.COM

Date: 06/24/19

File Number: 8J-19-RZ / 8A19SP