



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 8-N-19-RZ

**AGENDA ITEM #:** 40

8-B-19-SP

**AGENDA DATE:** 8/8/2019

► **APPLICANT:** RANDY GUIGNARD

OWNER(S): Randy Guignard

TAX ID NUMBER: 39 L A 012.01 & 012.02

[View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 5809 Hyatt Road & 0 Old Tazewell Pike

► **LOCATION:** These 2 parcels are situated between Old Tazewell Pike and Hyatt Road, east of Tazewell Pike and south of Ridgeview Road.

► **TRACT INFORMATION:** 2.52 acres. Parcel 39 L A 01200 is 1.12 acres.  
Parcel 39 L A 01201 is 1.40 acres.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Parcel 1201 is accessed from Old Tazewell Pike, which is a local road. It has a pavement width of approximately 60 feet. Parcel 1202 is accessed from Hyatt Road, also a local road, with a pavement width of 15 feet in a right-of-way of 30 feet.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

► **PRESENT PLAN DESIGNATION/ZONING:** A (Agricultural) / A (Agricultural)

► **PROPOSED PLAN DESIGNATION/ZONING:** RR (Rural Residential) / PR (Planned Residential)

► **EXISTING LAND USE:** Rural Residential

► **PROPOSED USE:** 3 single-family dwelling units total on both parcels (actual density proposed = 1.19 du/acre)

**DENSITY PROPOSED:** 2 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, North: Single Family Residential - Agricultural

PLAN DESIGNATION, South: Agricultural/Forestry/Vacant & Single Family Residential -  
ZONING Agricultural

East: Single Family Residential & Rural Residential - Agricultural

West: Single Family Residential - Agricultural

NEIGHBORHOOD CONTEXT: Along this stretch of both streets are single family homes in a rural setting. This stretch of Old Tazewell Pike contains lots that range in size from approximately 1/2 acre to 1-3/4 acres. This portion of Hyatt Road contains lots that range in size from approximately 1/2 acre to 2-1/2 acres.

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**STAFF RECOMMENDATION:**

- ▶ **Adopt resolution No. 8-B-19-SP amending the Northeast County Sector Plan to RR (Rural Residential) per attached resolution, Exhibit A.**

Adopt resolution No. 8-B-19-SP, amending the Northeast County Sector Plan to Rural Residential per attached resolution, Exhibit A, based on the fact that this area has developed with a density that coincides with that of the applicant's proposal.

- ▶ **Approve PR (Planned Residential) zoning request with up to 2 du/ac.**

Approve PR (Planned Residential) zoning with up to 2 du/ac based on the facts that the proposed density coincides with existing conditions, will not unduly burden County services, and any potential adverse effects will be addressed through the development review process and approved by this Commission.

**COMMENTS:**

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There are no recent changes to conditions that would warrant amending the land use plan.

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

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. Many lots in this area are noncompliant in terms of lot size. Upon the next sector plan update, this area should be considered for low density residential land use, which would bring existing properties into compliance while allowing development in kind.

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

1. This area has developed with single family homes ranging from 1/2 to 1-3/4 acre lots.
2. The densities on these stretches of Old Tazewell Pike and Hyatt Road range from .82 to 1.19 du/ac, respectively. The applicant's proposal would generate a density on those lots of 1.19 du/ac.

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:

- 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.
- 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. There have been no substantially changed conditions in the area rendering this change to be necessary.
2. The applicant's proposal is in character with the surrounding area with similar lot size and density proposed.

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

1. The proposed amendment to 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. 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.
3. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. Both parcels are in the HP (Hillside and Ridgeway Protection Area). Portions of the site have slopes between 25 and 40%. PR zoning would ensure protection of hillsides through the development review process and mitigate any other potential adverse effects.
2. The number of dwelling units proposed (three) will not adversely affect the surrounding area or put undue burdens on County services.

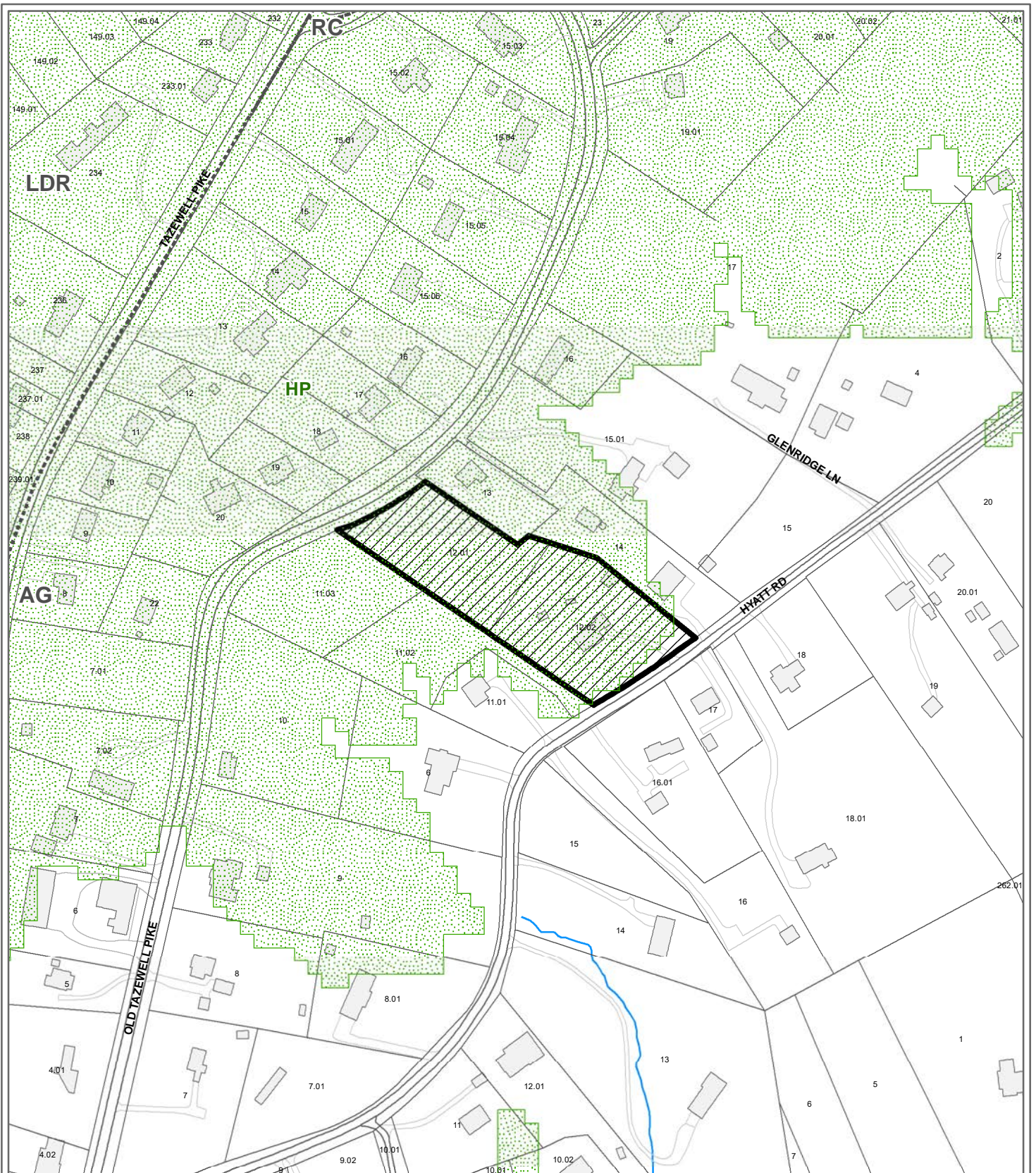
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The property is located in the Rural Area of the Growth Policy Plan. The Agricultural land use designation allows a maximum of 1 du/acre or less. The Rural Residential land use designation recommends 1 du/ac max, but allows up to 3 du/ac. The densities on these stretches of Old Tazewell Pike and Hyatt Road range from 0.82 to 1.19 du/ac, respectively. The applicant's proposal would generate a density on those lots of 1.19 du/ac.
2. The sector plan would require an amendment, but the amendment would meet the sector plan's intent in retaining single family homes in a rural setting in this area.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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-B-19-SP / 8-N-19-RZ  
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**



From: A (Agricultural)  
To: RR (Rural Residential)

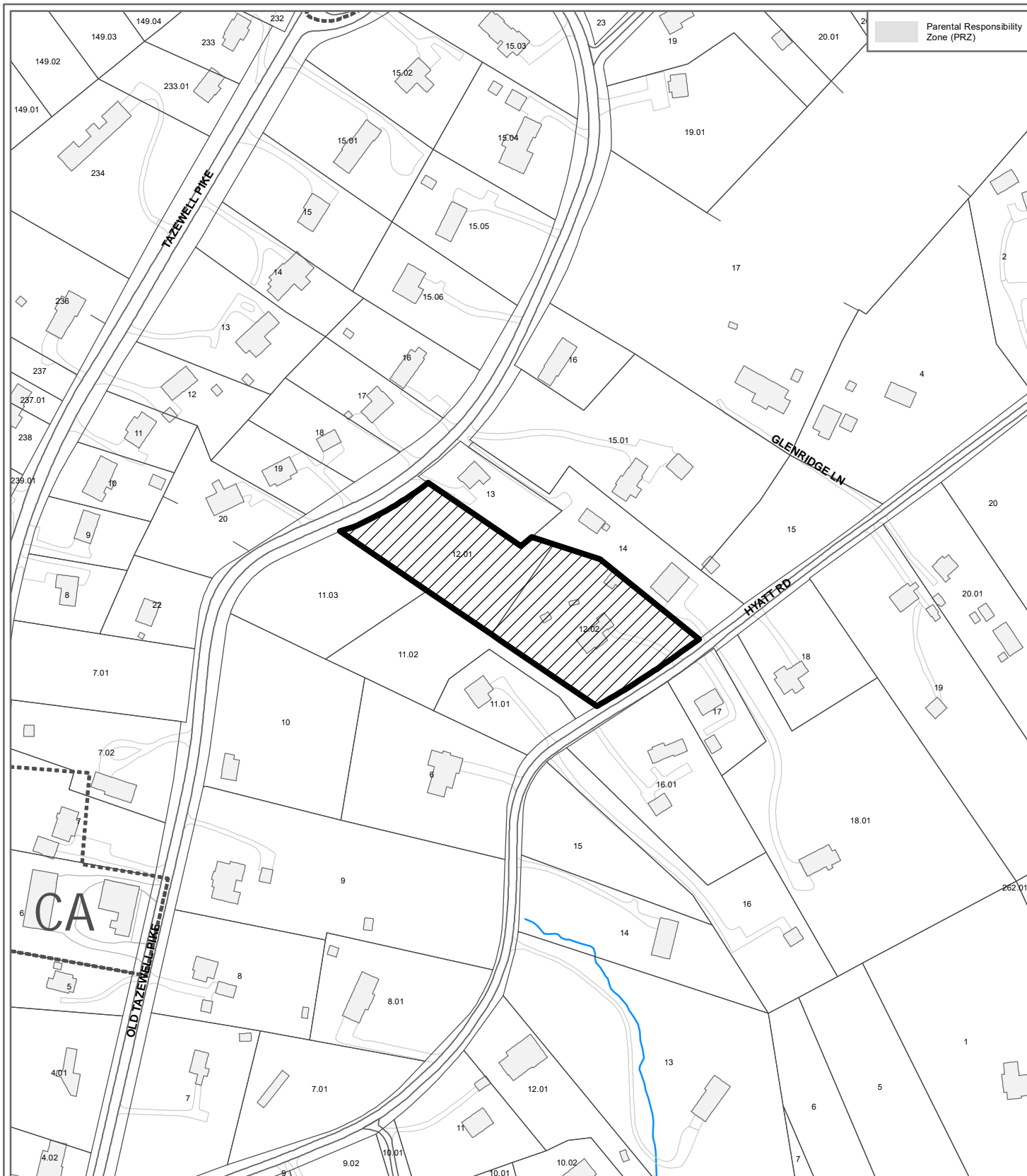
Petitioner: Guignard, Randy

Map No: 39  
Jurisdiction: County

0 250  
Feet



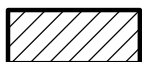
Original Print Date: 7/15/2019 Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



# **8-N-19-RZ REZONING**

From: A (Agricultural)

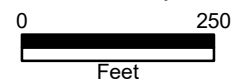
To: RP-1 (Planned Residential)



Petitioner: Guignard, Randy

Map No: 39

Jurisdiction: County



Original Print Date: 7/15/2019

Revised:

Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTHEAST 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 Northeast 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**, Randy Guignard has submitted an application to amend the Sector Plan from Agricultural to Rural Residential, for property described in the application; and*

***WHEREAS**, the Planning Commission staff recommends approval of a revised amendment to the Northeast 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 PLANNING COMMISSION:**

*SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northeast County Sector Plan, with its accompanying staff report and map, file #8-B-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*

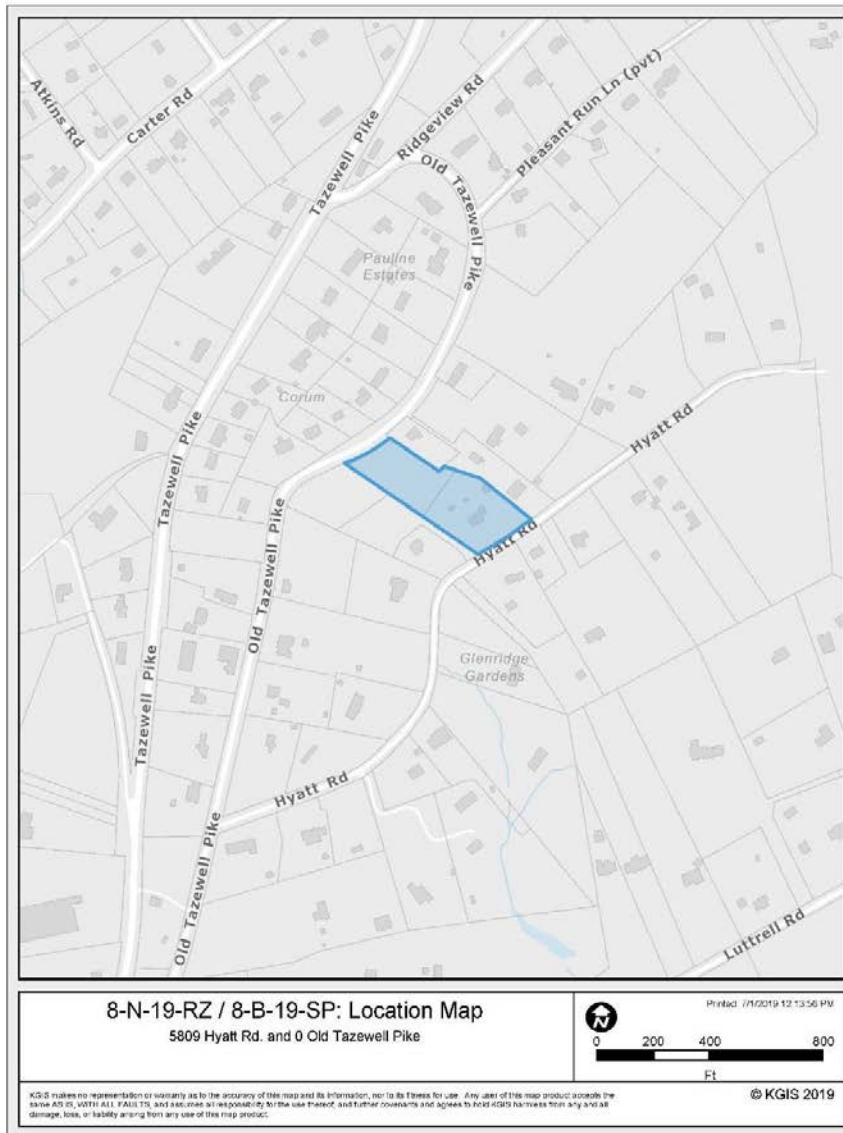
\_\_\_\_\_  
*Chairman*

\_\_\_\_\_  
*Secretary*



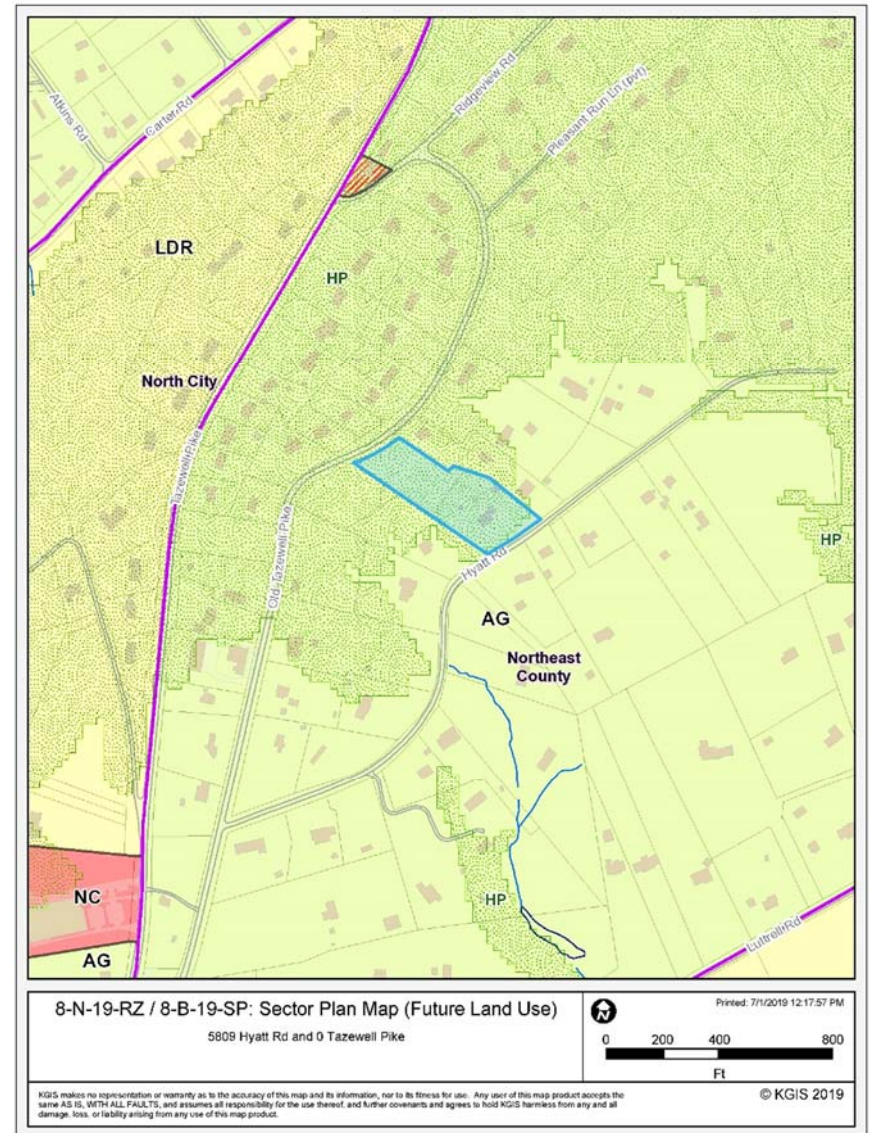
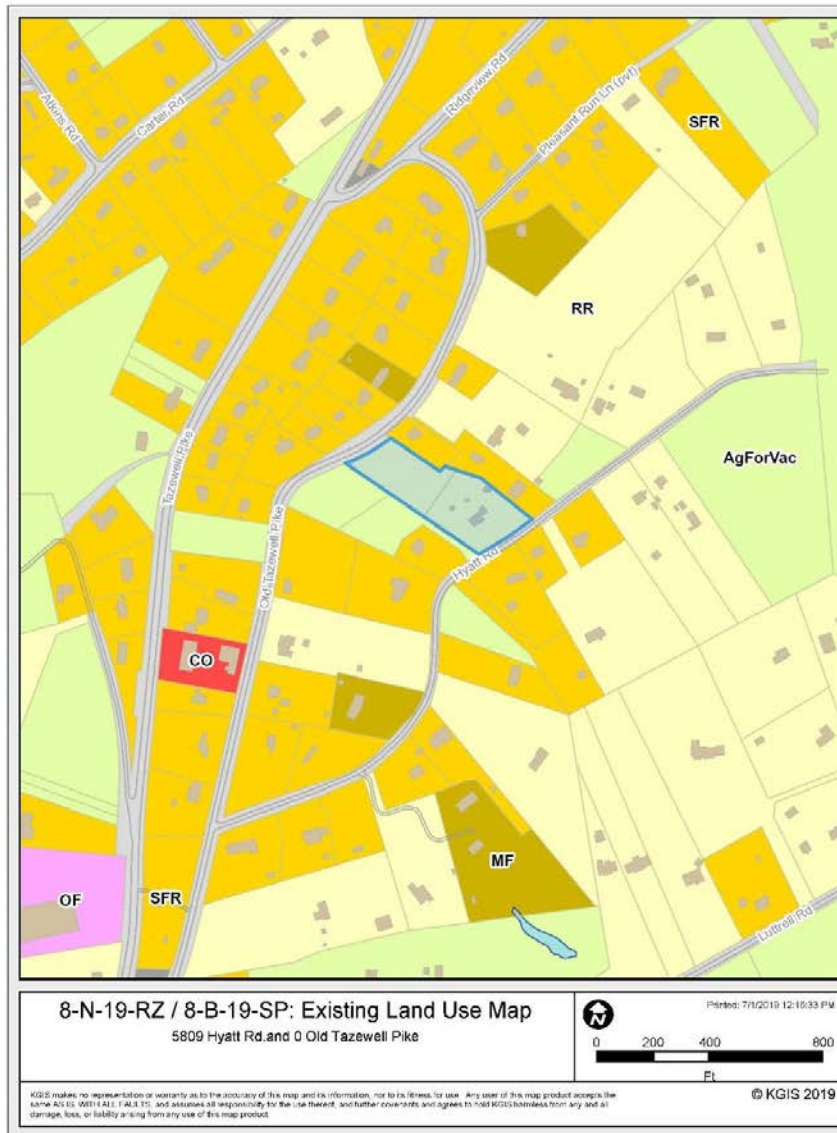
## 8-N-19-RZ\_8-B-19-SP

### Exhibit B. Contextual Images



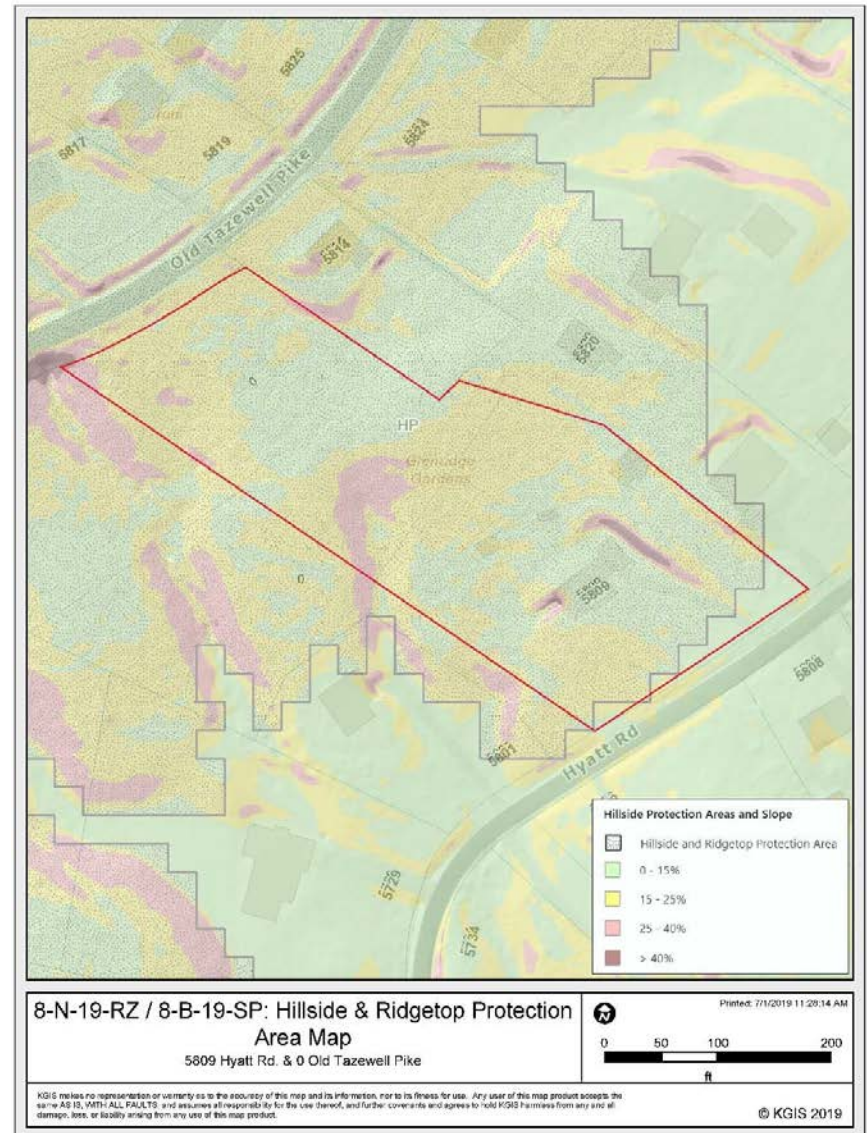
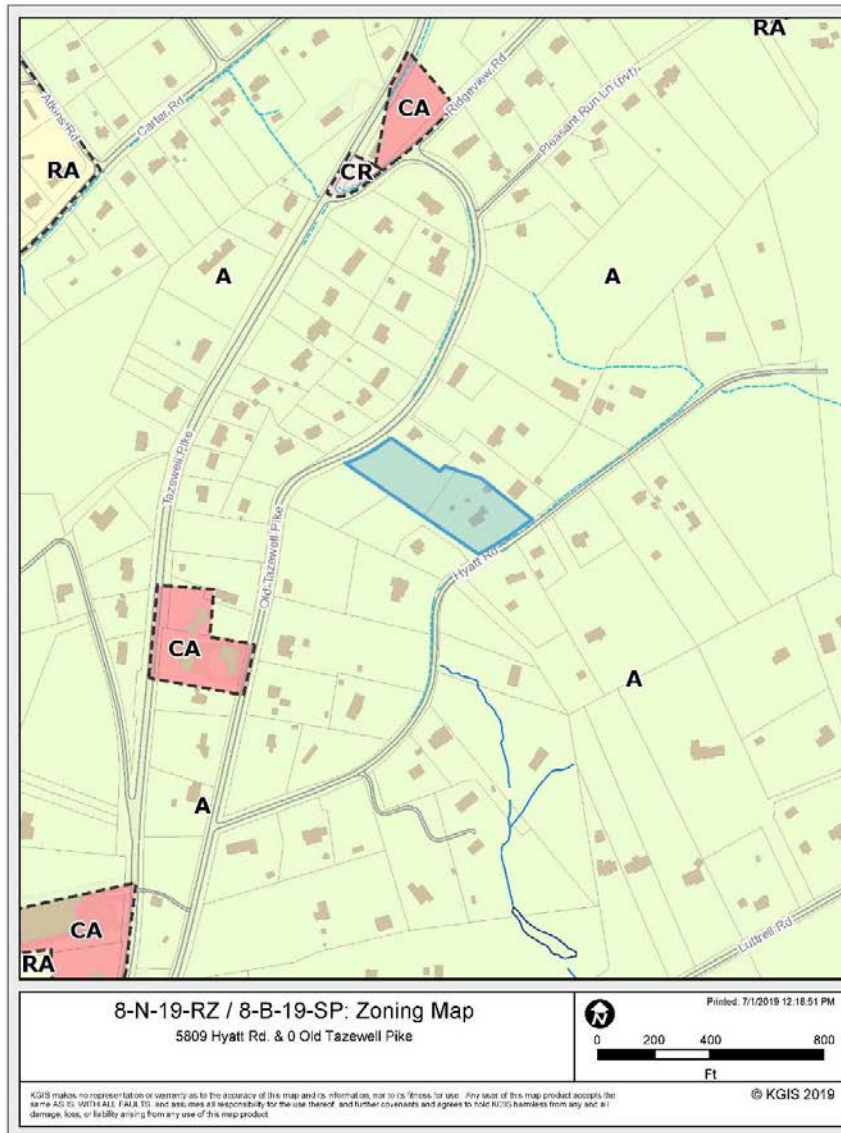


# 8-N-19-RZ\_8-B-19-SP Exhibit B. Contextual Images





# 8-N-19-RZ\_8-B-19-SP Exhibit B. Contextual Images





## DEVELOPMENT REQUEST

### DEVELOPMENT

- ☐ Development Plan  
☐ Use on Review / Special Use

### SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

### ZONING

- ☐ Plan Amendment  
☒ Rezoning

RECEIVED

JUN 28 2019

Knoxville-Knox County  
Planning

6/28/19  
Date Filed

8/8/19  
Meeting Date

8-N-19-RZ/8-B-19-5P  
File Number(s)

## APPLICATION CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Randy Guignard  
Name

Cofe' International LLC  
Company

5408 Fountain Gate rd.  
Address

Knoxville  
City

TN  
State

37918  
Zip

865-244-8050  
Phone

randy@fourseasons corp. com  
Email

## CURRENT PROPERTY INFO

Owner Name (if different)

Owner Address

Owner Phone

5809 Hyatt rd  
0 Old Tazewell plk

Property Address

Parcel ID

N/5 Hyatt Rd Due/E of Old Tazewall Pike  
General Location

039L A 012  
2.52 ac. +/-  
Tract Size

A  
Zoning District

Idwelling and vacant  
Existing Land Use

Northeast County  
Planning Sector

Aq (with H.P.)  
Sector Plan Land Use Classification

Rural  
Growth Policy Plan Designation

8th  
Jurisdiction (specify district above) ☐ City Council ☒ County Commission



# REQUEST

DEVELOPMENT

- ☐ Development Plan
 ☐ Use on Review / Special Use
- ☐ Residential
 ☐ Non-Residential
- ☐ Home Occupation (specify): \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

SUBDIVISION

- ☐ Proposed Subdivision Name \_\_\_\_\_ Unit / Phase Number \_\_\_\_\_
- ☐ Concept Plans in Planned District or Zone
- ☐ Parcel Change
- ☐ Combine Parcels
 ☐ Divide Parcel
 Total Number of Lots Created: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_
- ☐ Attachments / Additional Requirements

ZONING

- Single Family dwellings

☒ Proposed Property Use (specify) \_\_\_\_\_ Proposed Density (units/acre) 2 Previous Rezoning Requests 0
- ☒ Zoning Change
 ☒ Plan Amendment Change
- PR up to 2 du/ac

☐ Other (specify): \_\_\_\_\_
 Proposed Zoning \_\_\_\_\_ Proposed Plan Designation(s) RR (Rural Residential)

STAFF USE ONLY

## ATTACHMENTS


- ☐ Property Owners / Option Holders
 ☐ Variance Request

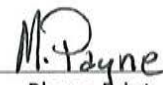
## ADDITIONAL REQUIREMENTS

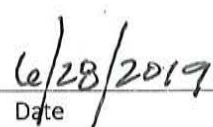
- ☐ Design Plan Certification (Final Plat only)
- ☐ Use on Review / Special Use (Concept Plan only)
- ☐ Traffic Impact Study

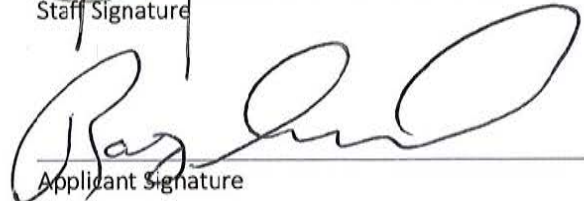
FEE 1:	TOTAL:
1,080 (rezoning)	
FEE 2:	
1,080 (sector plan)	2,160.00
FEE 3:	
74	

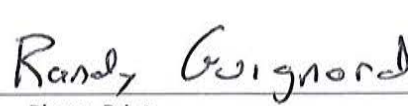
# AUTHORIZATION

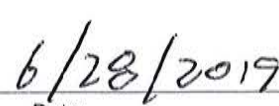

  
Staff Signature


  
Please Print

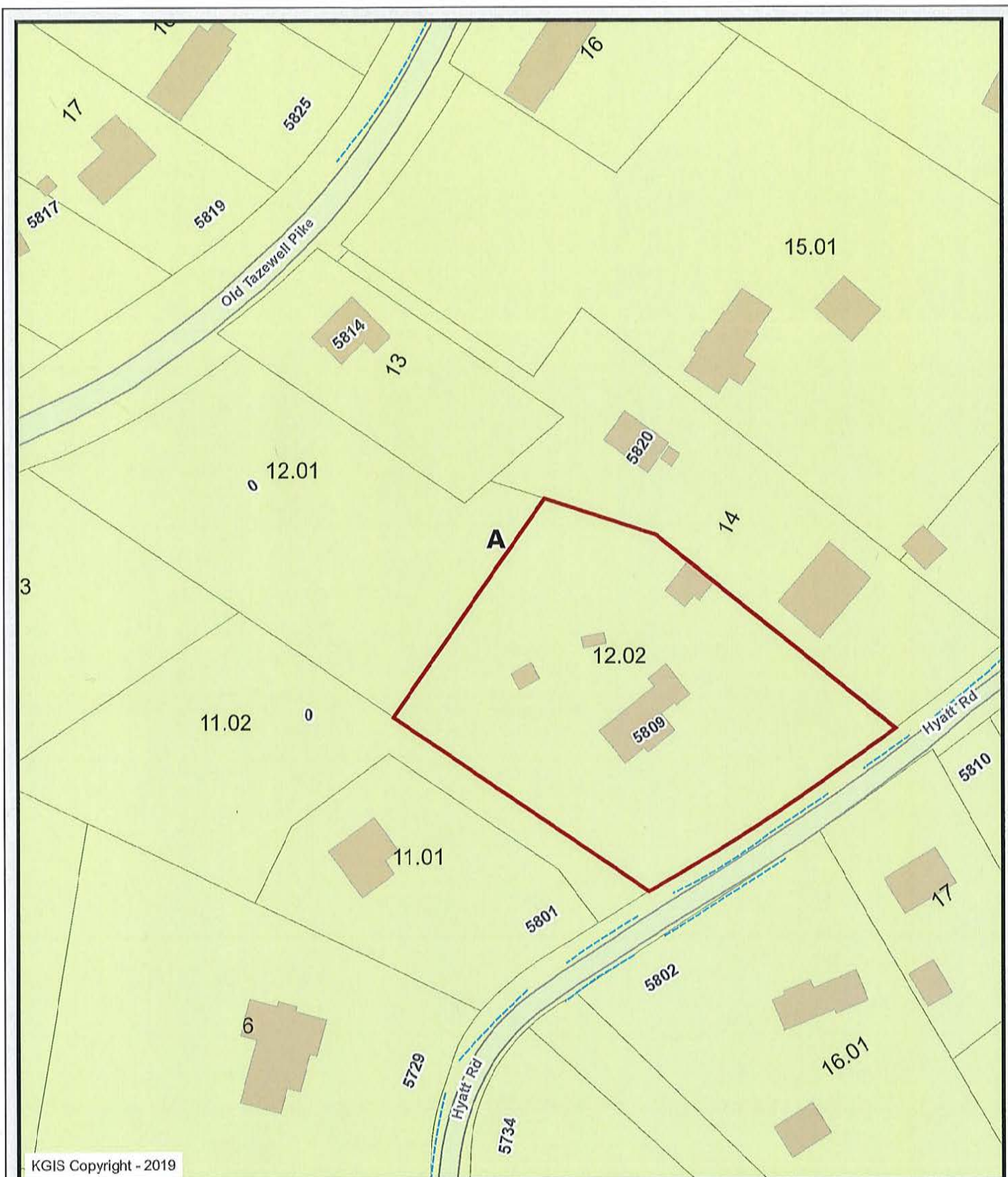

  
Date


  
Applicant Signature


  
Please Print


  
Date





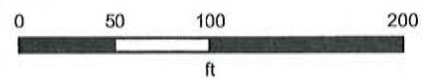
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## Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

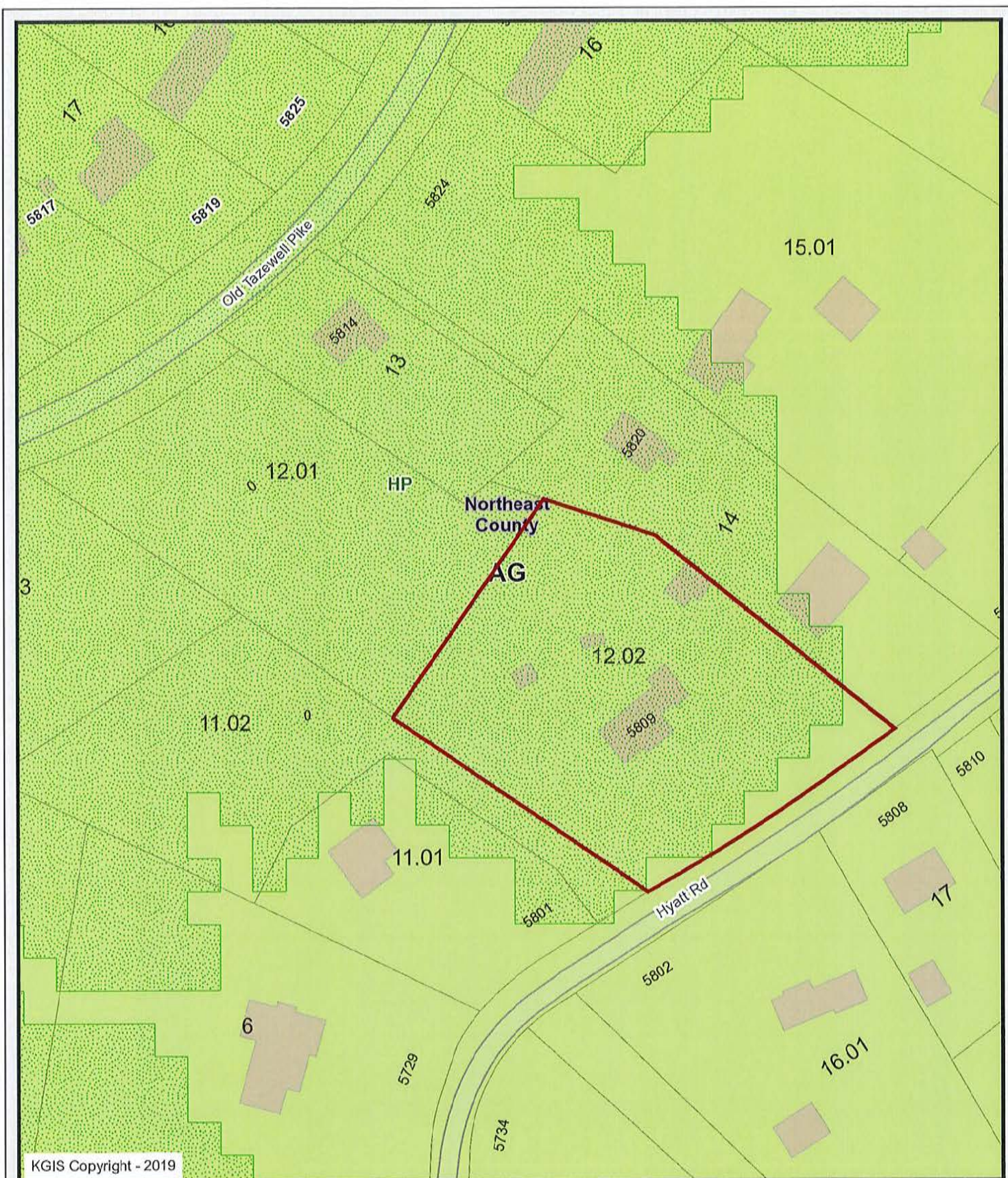


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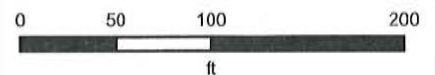


## Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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OLD TAZEMELL PIKE

HENSLEY  
1785-921

PHILLIPS  
20061106 - 0039513  
LOT 15R1  
GLENRIDGE GARDEN  
20060922 - 0026314

COUNTERSIGNED  
KNOX COUNTY PROPERTY ASSES

APR 29 2019

BY: JOHN P. WATKINS

DMC SOLUTIONS, LLC  
2018124 - 0043770  
LOT 13R3  
GLENRIDGE GARDEN  
20080219 - 0061503

14R2  
.9 AC

14R3  
.9 AC

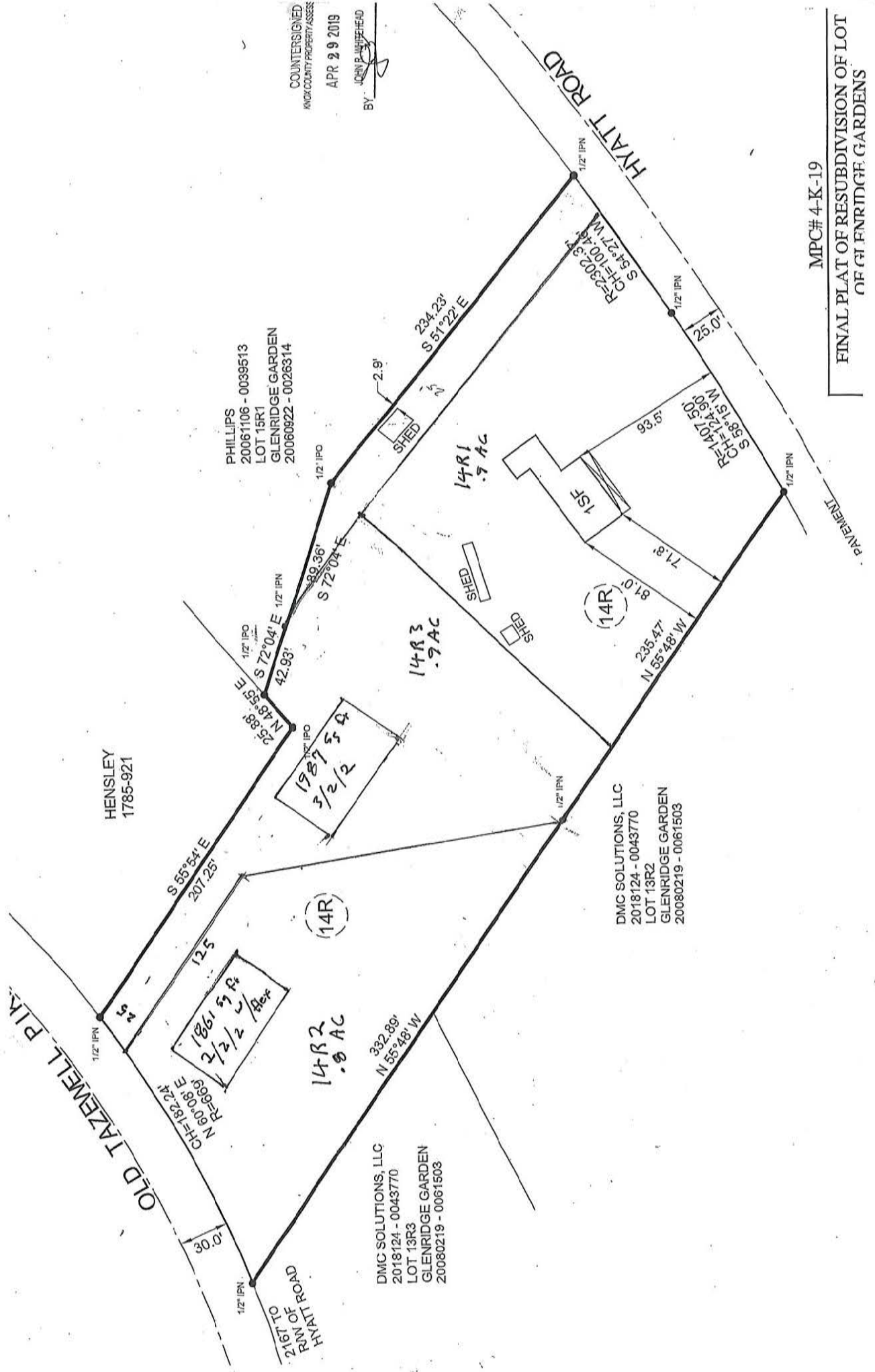
14R1  
.9 AC

DMC SOLUTIONS, LLC  
2018124 - 0043770  
LOT 13R2  
GLENRIDGE GARDEN  
20080219 - 0061503

HYATT ROAD

MPC# 4-K-19

FINAL PLAT OF RESUBDIVISION OF LOT  
OF GLENRIDGE GARDENS





# High Intensity Soil Map Legend

Fu = Fullerton

60 MPI 0 to 36"  
0 to 30% slope  
KP

Df = Dunmore (clayey) -  
Fullerton Complex  
75 MPI 0 to 36"  
0 to 30% slope  
KP

ANY CUTTING, FILLING OR COMPACTION  
WILL VOID THIS SOIL MAP AND MAY  
RENDER DISPOSAL AREA UNSUITABLE

This soil map is to evaluate the site for a subsurface sewage disposal system only. Darlene Gwaltney affirms that this soil map meets the standards established in the Regulations to Govern Subsurface Sewage Disposal, the Soils Handbook, and the Soil Taxonomy. No other warranties are made or implied.

Signature of Soil Consultant does not constitute approval of this map by the Knox County Ground Water Division or the Division of Water Resources.

04/24/2019

Date

*Darlene Gwaltney*

Darlene Gwaltney,  
Licensed Professional Soil Scientist

0 50 100 200



Feet



# High Intensity Soil Map Legend

Fu = Fullerton

60 MPI 0 to 36"

0 to 30% slope

KP

Df = Dunmore (clayey) -

Fullerton Complex

75 MPI 0 to 36"

0 to 30% slope

KP

Approx. proposed property line

Proposed home in this approx. area

Heavy Vegetation

Lot 14R2

12.01

Fu 12D

HR2

Df

Rocky Area

12.02

140D

Possible Well

Ex. 5809

Approx. proposed property line

Lot 14R1

15R1

15R2

15R3

15R4

15R5

15R6

15R7

15R8

15R9

15R10

15R11

15R12

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15R255





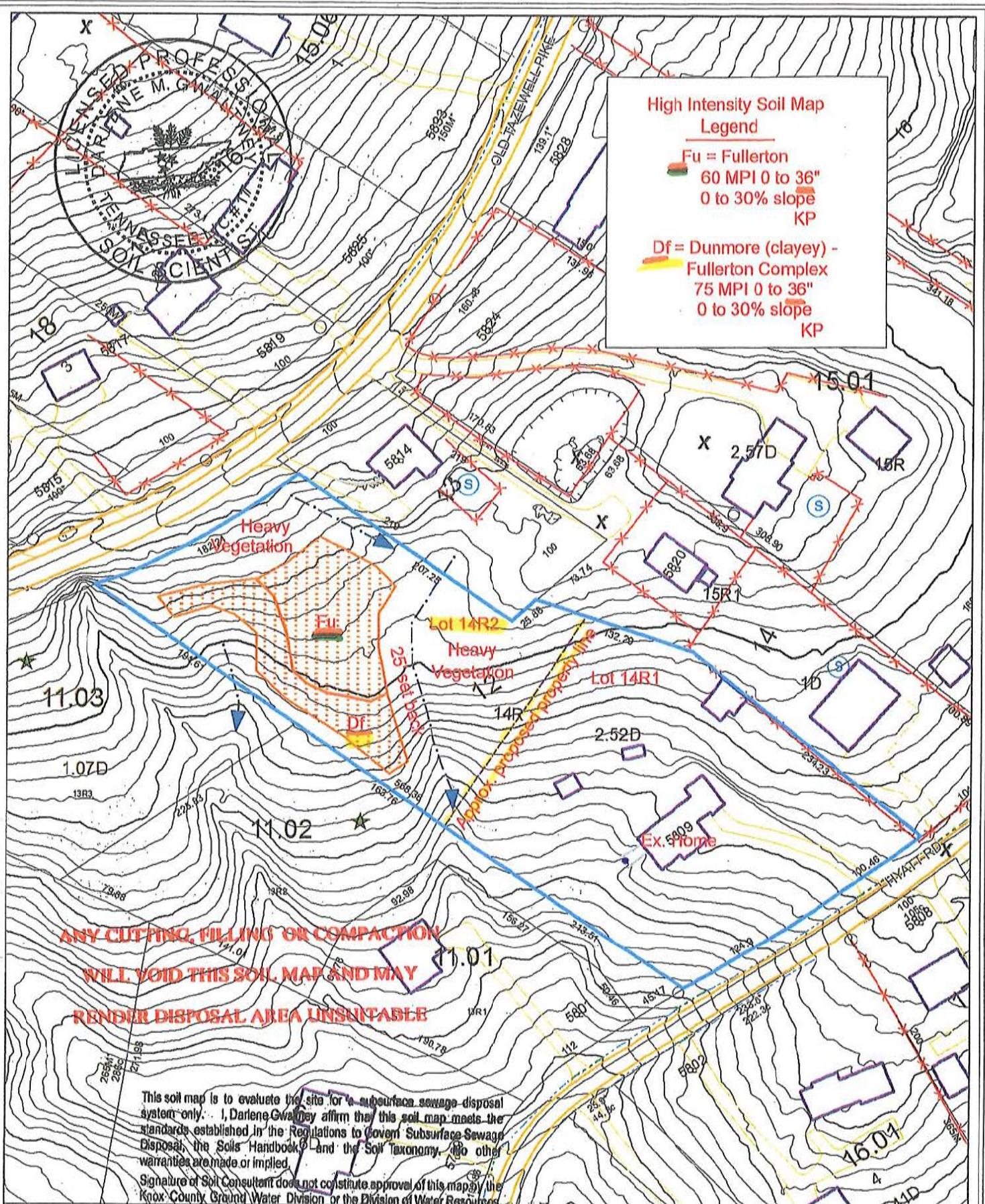
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This soil map is to evaluate the site for a subsurface sewage disposal system only. I, Darlene Gwaltney, affirm that this soil map meets the standards established in the Regulations to Govern Subsurface Sewage Disposal, the Soils Handbook, and the Soil Taxonomy. No other warranties are made or implied.

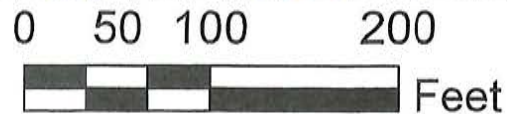
Signature of Soil Consultant does not constitute approval of this map by the Knox County Ground Water Division or the Division of Water Resources.

High Intensity Soil Map Completed by

04/24/2019

Date

*Darlene Gwaltney*  
Darlene Gwaltney,  
Licensed Professional Soil Scientist

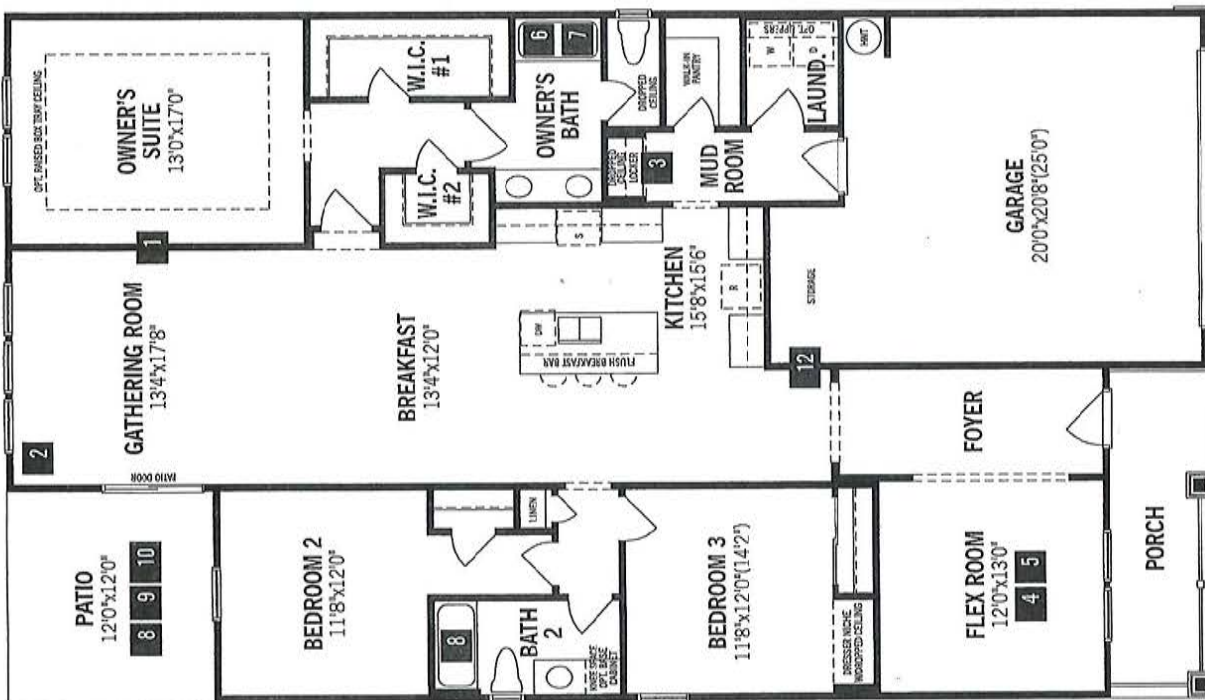




Fender 1861 sq. ft.







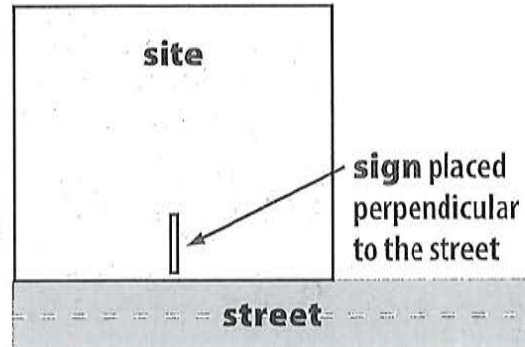
## REQUIRED SIGN POSTING AGREEMENT

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:

7/24/19 and 8/9/19  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: Randy Guignard

Phone: 865-244-8050 Email: randy@fourseasonscorp.com

Date: 6/28/2019

File Number: 8-N-19-R2, 8-B-19-SP