



PLAN AMENDMENT REPORT

▶ **FILE #:** 1-G-19-SP

AGENDA ITEM #: 30

AGENDA DATE: 1/10/2019

▶ **APPLICANT:** LOCKHART PROPERTIES

OWNER(S): DFS Properties

TAX ID NUMBER: 69 E B 015

[View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 0 Whittle Springs Rd

▶ **LOCATION:** Northeast corner of Whittle Springs Rd. and White Oak Ln. intersection.

▶ **APPX. SIZE OF TRACT:** 2.26 acres

SECTOR PLAN: East City

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

ACCESSIBILITY: Accessed via Whittle Springs Rd., a minor arterial with 28' of right-of way and 20' of pavement and White Oak Lane, a minor collector with 50' of right-of-way and 28' of pavement.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** O (Office) / O-1 (Office, Medical, and Related Services)

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

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Multi-family residential

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: 10-J-85-RZ

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Office/ O(Office)

South: Whittle Springs Middle School /CI (Civic Institutional)

East: Multi-family / HDR (High Density Residential)

West: Single Family Residential / O (Office)

NEIGHBORHOOD CONTEXT: Mixture of uses, including office, multi-family residential, and single family residential

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 1-G-19-SP, amending the East City Sector Plan to MDR (Medium Density Residential) designation and recommend that City Council also adopt the sector plan amendment (see attached resolution, Exhibit A).**

Staff recommends MDR land use designation for this property. The property is located directly east of a HDR (High Density Residential) area and across the street from Whittle Springs Middle School. The site is served by an efficient transportation network that includes direct access to Whittle Springs Rd. (minor arterial), White Oak Ln. (minor collector) and by KAT (Knoxville Area Transit) - Route 90: Crosstown. The surrounding land use pattern and transportation network make this an ideal location for MDR uses.

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 is a growing need to accommodate suitable areas for MDR uses as demand for multi-family housing continues to grow. This amendment to the East City Sector Plan locates MDR in an appropriate location given the surrounding land use and access to the transportation network.

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

The I-640 and Broadway interchange has been recently been improved, making it easier to access this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN: There are no known errors or omissions from the East City Sector Plan. The O and MDR land use designations often have similar impact on the surrounding areas and are often used interchangeably. In this location, Office or MDR would be appropriate land uses.

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

The population of the City continues to grow steadily. As this growth continues, plans needs to recognize areas that can accommodate MDR uses that fit into the surrounding area. This location is an ideal place for MDR uses given the surrounding land use patterns and existing transportation network.

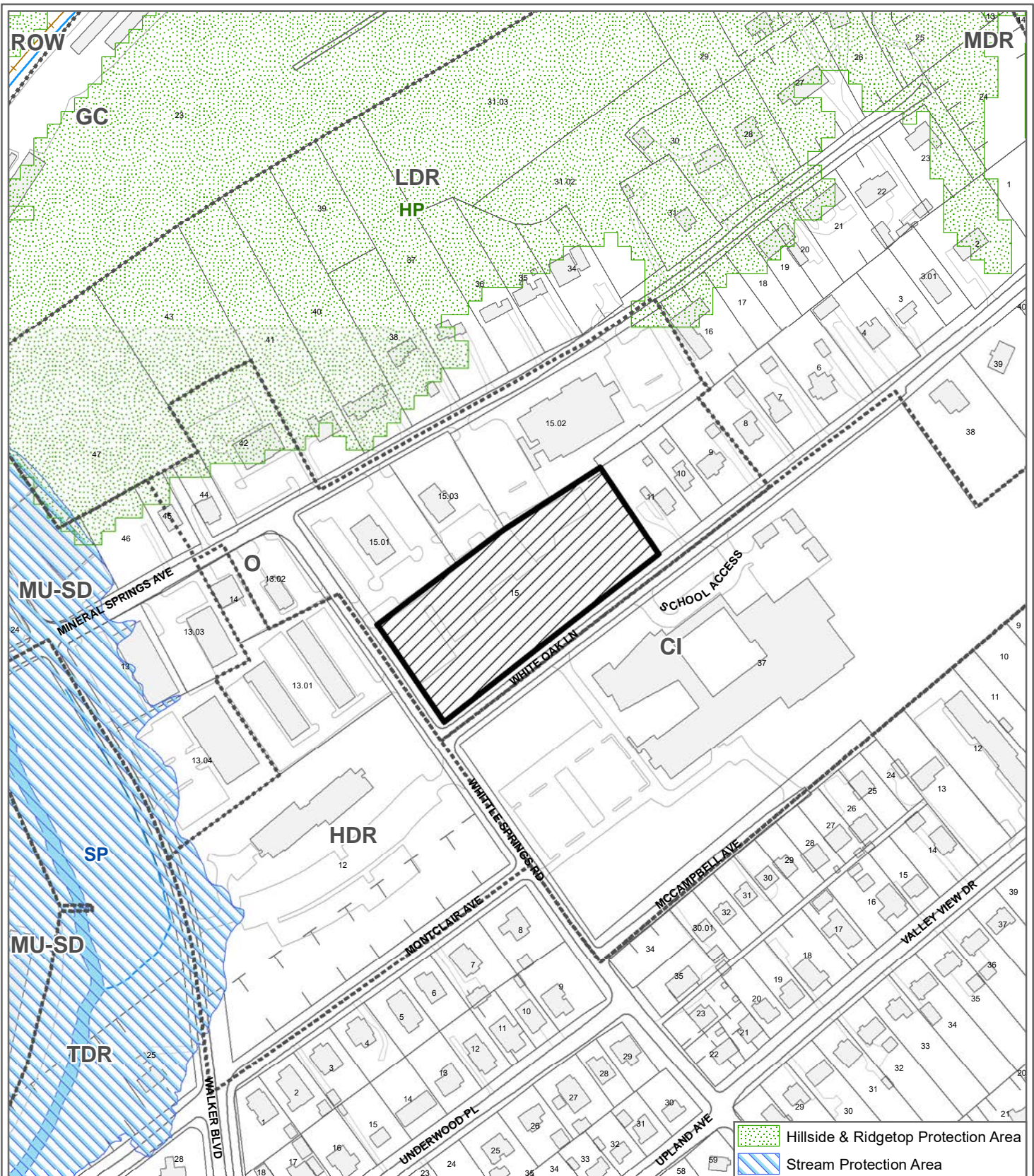
State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/12/2019 and 2/26/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.



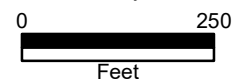
**1-G-19-SP
EAST CITY SECTOR PLAN AMENDMENT**

From: O (Office)
To: MDR (Medium Density Residential)



Petitioner: Lockheart Properties

Map No: 69
Jurisdiction: City



Original Print Date: 12/17/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

*KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE EAST CITY 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 East City 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 Planning Commission has submitted an application to amend the Sector Plan from Office to Medium Density Residential, for property described in the application; and

WHEREAS, Knoxville-Knox County Planning staff recommends approval of a revised amendment to the East City 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 January 10, 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 East City, with its accompanying staff report and map, file #1-G-19-SP.

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

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

Date

Chairman

Secretary



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-I-19-RZ **AGENDA ITEM #:** 30
1-D-19-PA **AGENDA DATE:** 1/10/2019

▶ **APPLICANT:** LOCKHART PROPERTIES
OWNER(S): DFS Properties

TAX ID NUMBER: 69 E B 015 [View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 0 Whittle Springs Rd

▶ **LOCATION:** Northeast corner of Whittle Springs Rd. and White Oak Ln. intersection.

▶ **TRACT INFORMATION:** 2.26 acres.

SECTOR PLAN: East City

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

ACCESSIBILITY: Accessed via Whittle Springs Rd., a minor arterial with 28' of right-of way and 20' of pavement and White Oak Lane, a minor collector with 50' of right-of-way and 28' of pavement.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office) / O-1 (Office, Medical, and Related Services)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / RP-1 (Planned Residential)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Multi-family development

DENSITY PROPOSED: 20 du/ac.

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: 10-J-85-RZ

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Office / O (Office)

South: Whittle Springs Middle School / CI (Civic Institutional)

East: Multi-family / HDR (High Density Residential)

West: Single Family Residential / O (Office)

NEIGHBORHOOD CONTEXT: Mixture of uses, including office, multi-family residential, and single family residential

STAFF RECOMMENDATION:

► **RECOMMEND that City Council APPROVE MDR (Medium Density Residential) as the One Year Plan land use designation.**

The property is located directly east of an existing HDR area and across the street from Whittle Springs Middle School. The site is served by Whittle Springs Rd. (minor arterial) , White Oak Ln. (minor collector) and by KAT (Knoxville Area Transit) - Route 90, Crosstown. The surrounding land use pattern and transportation network make this an ideal location for MDR uses.

► **RECOMMEND that City Council APPROVE RP-1 (Planned Residential) up to 20 du/ac.**

Staff recommends RP-1 zoning for this property, consistent with the recommended amendments to the One Year Plan (1-D-19-PA) and East City Sector Plan (1-G-19-SP). The area is located directly east of R-3 (High Density Residential) and across the street from Whittle Springs Middle School. The site is served by Whittle Springs Rd. (minor arterial) , White Oak Ln. (minor collector) and by KAT (Knoxville Area Transit) - Route 90: Crosstown.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

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

AN ERROR IN THE PLAN:

There are no known errors or omissions from the One Year Plan. The O and MDR land use designations often have similar impact on the surrounding areas and are often used interchangeably.

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:

The I-640 and Broadway interchange has been recently redesigned, making it easier to access this area.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

The timing of the completion of the I-640/Broadway interchange was not anticipated during the plan update.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY Knoxville-Knox County Planning) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

There have been no new plans or studies available which reveals the need for the plan amendment.

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:

The I-640 and Broadway interchange has been recently improved, making it easier to access this area. The Broadway Corridor and adjacent neighborhoods have seen reinvestments in commercial buildings and housing. These areas often need zoning that allows developments flexibility in regulations that permit future houses to fit into the surrounding area. RP-1 zoning allows this flexibility to design in a manner that fits into the surrounding area and neighborhood.

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

RP-1 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, education, and cultural facilities which are integrated with the total project by unified architectural and open space treatment." The location of this RP-1 meets the intent of the zoning district.

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

The proposed amendment is located along Whittle Springs Rd. and White Oak Lane and is served by KAT (Knoxville Area Transit) crosstown bus route. As a result of the surrounding transportation network, water and

sewer availability, the development will not have an adverse impact on the surrounding 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:

Provided the One Year Plan amendment (1-D-19-PA) and East City Sector Plan amendment (1-G-19-SP) are amended, the zoning application will not conflict with adopted plans.

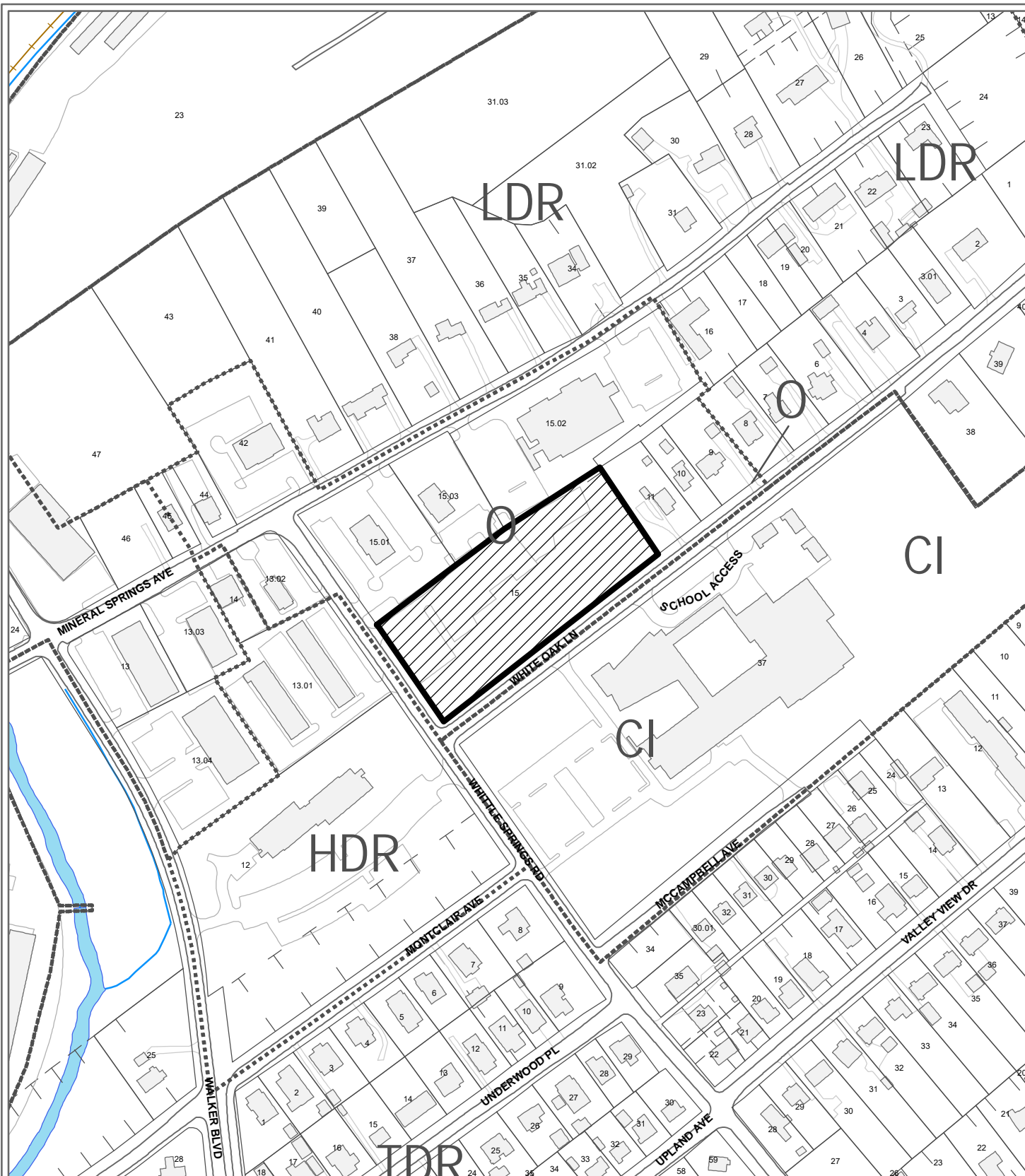
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 1 (public school children, ages 5-18 years)

Schools affected by this proposal: Spring Hill Elementary, Whittle Springs Middle, and Fulton High.

- School-age population (ages 5–18) is estimated 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 Knoxville City Council for action on 2/12/2019 and 2/26/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.



**1-D-19-PA / I-I-19-RZ
PLAN AMENDMENT**

Petitioner: Lockhart Properties



From: O (Office)

To: MDR (Medium Density Residential)

Original Print Date: 12/12/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 69
Jurisdiction: City



M P C

METROPOLITAN
PLANNING
COMMISSION

T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

REZONING PLAN AMENDMENT

Name of Applicant: Lockheart Properties

Date Filed: 11/29/18 Meeting Date: 1/10/19

Application Accepted by: M. Payne

Fee Amount: # File Number: Rezoning #

Fee Amount: # File Number: Plan Amendment 1-G-19-5D

PROPERTY INFORMATION

Address: 0 Whittle Springs Rd

General Location: E/S Whittle Springs Ln
1/3 White Oak Ln

Parcel ID Number(s): 069EB015

Tract Size: 2.26 ac.

Existing Land Use: Vacant

Planning Sector: East City

Growth Policy Plan: City

Census Tract: 30

Traffic Zone: 81

Jurisdiction: City Council 4th District
 County Commission _____ District

Requested Change

REZONING

FROM: O-1

TO: RP-1

PLAN AMENDMENT

One Year Plan North City Sector Plan

FROM: ~~RP-1~~ O

TO: MDR

PROPOSED USE OF PROPERTY

Multi-Family Development

Density Proposed 20 Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: DPS PROPERTIES

Company: _____

Address: 2950 Middlebrook Pike

City: Knoxville State: TN Zip: 37921

Telephone: _____

Fax: _____

E-mail: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Kenneth Lockhart

Company: Lockhart Properties

Address: 2916 Brabson Dr.

City: Knoxville State: TN Zip: 37918

Telephone: 865-405-8123

Fax: 865-622-2239

E-mail: mballingercc@gmail.com

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: M

PLEASE PRINT

Name: Mike Ballinger

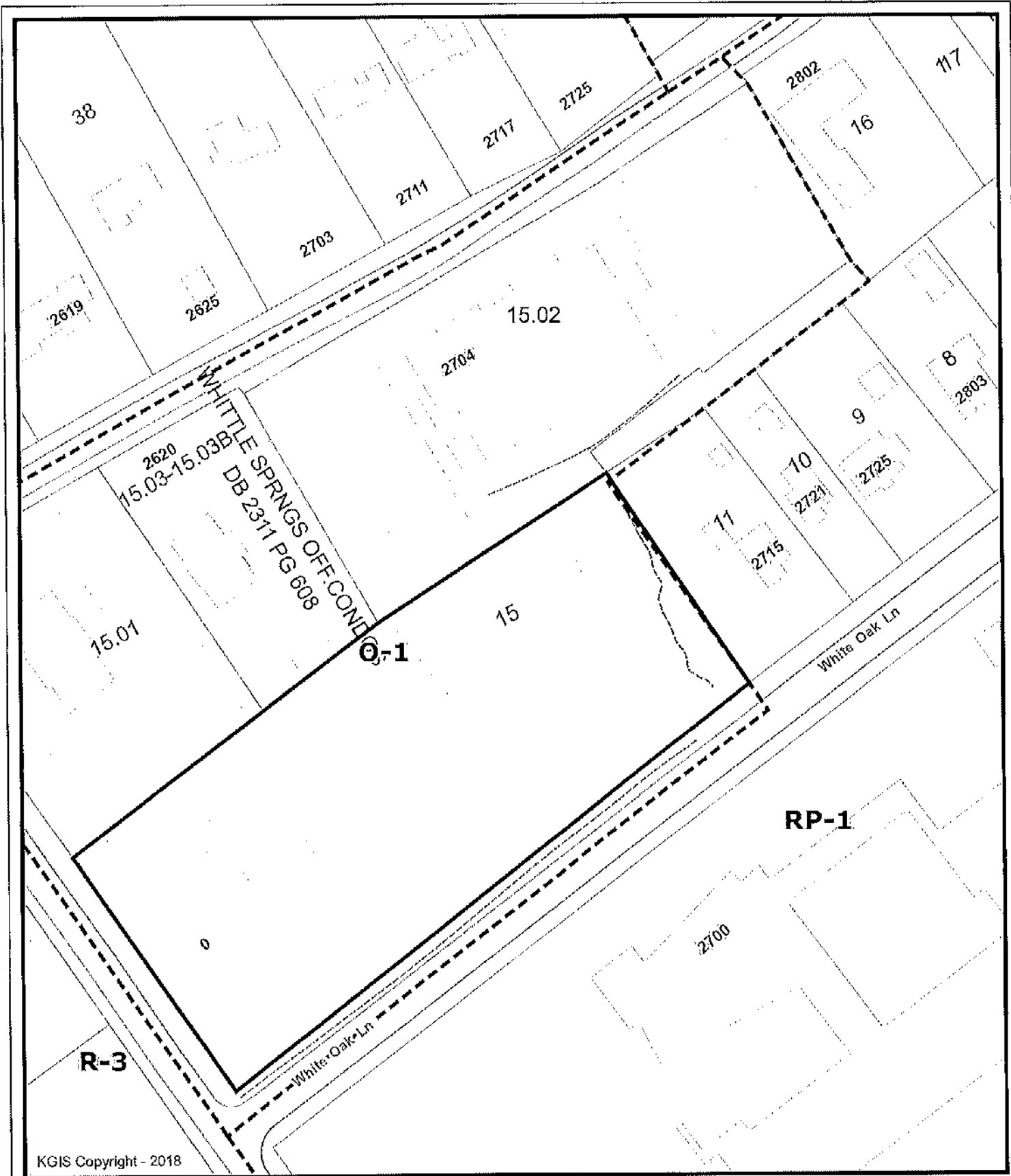
Company: SAME AS CORRESPONDENCE

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-mail: _____



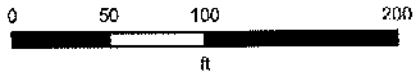
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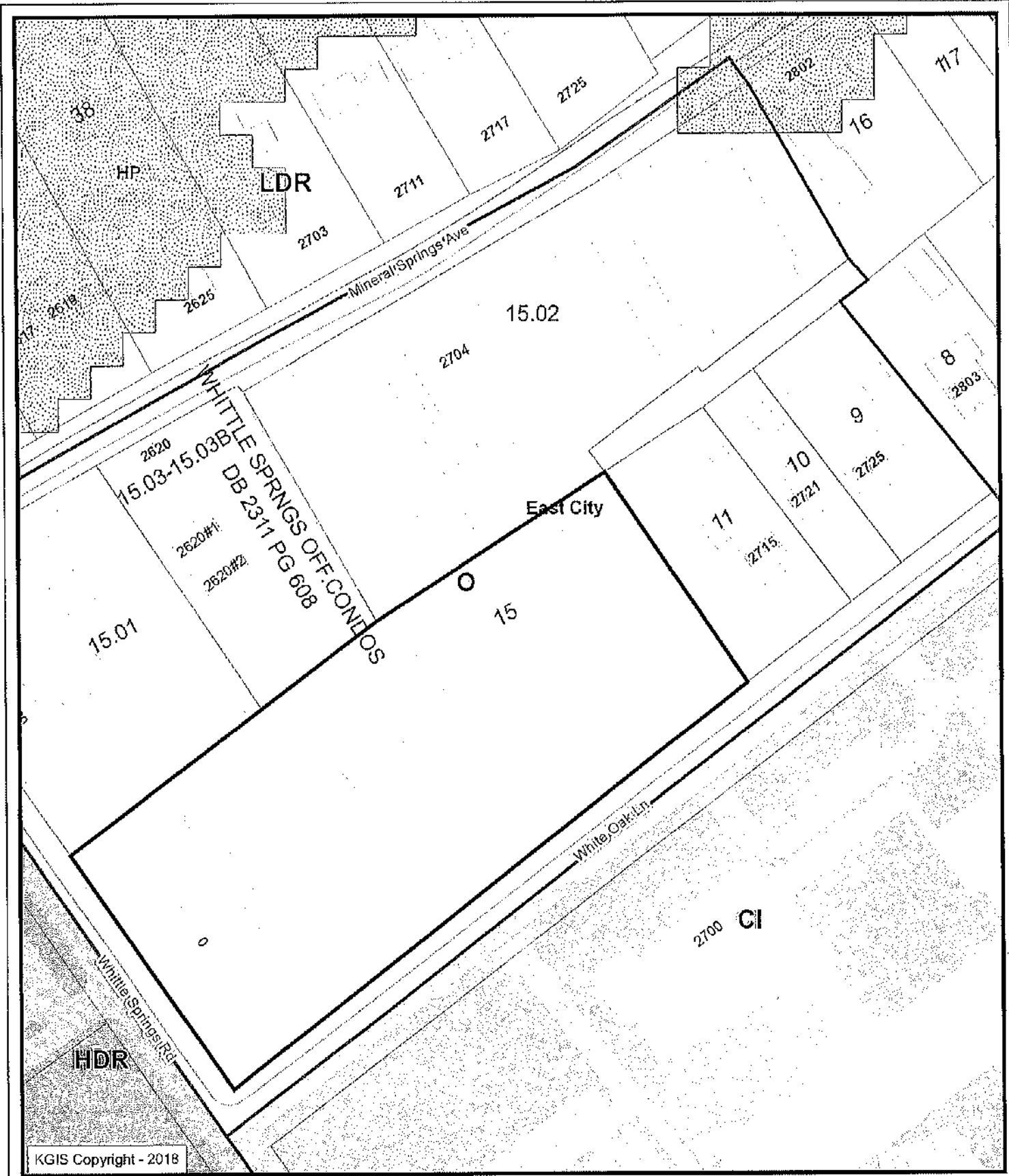
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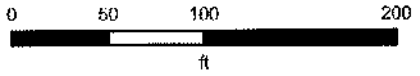


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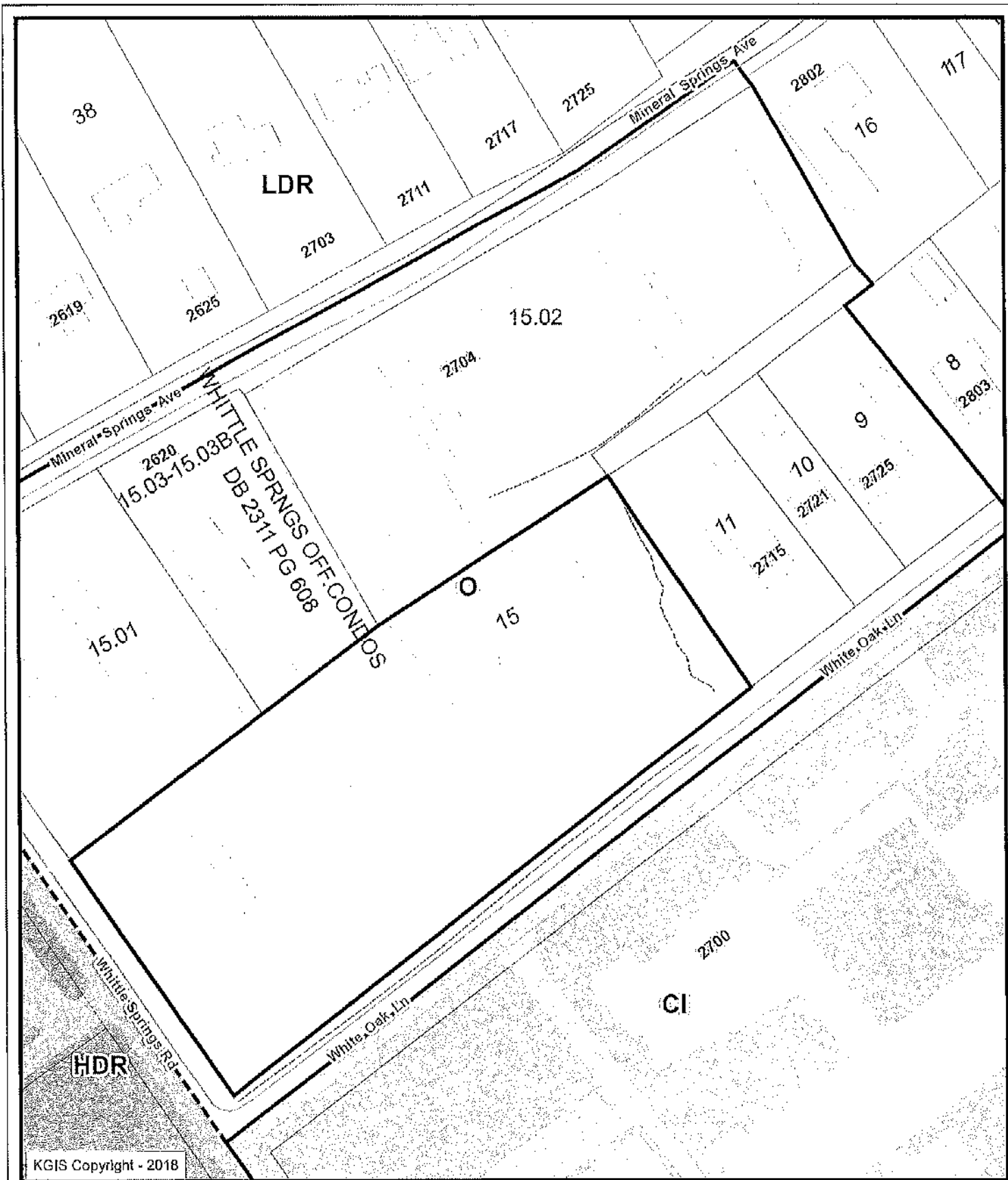


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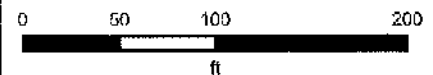


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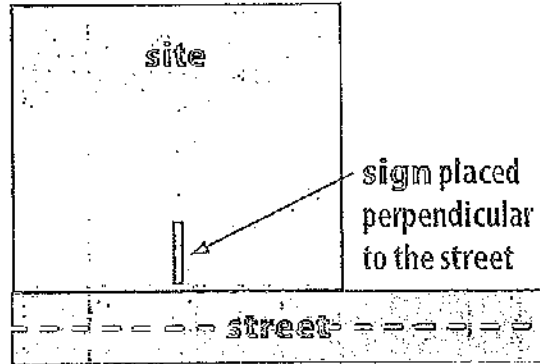
REQUIRED SIGN POSTING AGREEMENT

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 MPC Administrative Rules and Procedures.

At the time of application, MPC 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 MPC 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. MPC 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 MPC 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 MPC 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:

December 26, 2018 and January 11, 2019
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: 

Printed Name: MIKE BALLINGER

Phone: 865-405-8123 Email: mballinger@gmail.com

Date: 11/29/18

MPC File Number: 1-E-19-RZ, 1-D-19-PA, 1-G-19-SP

+60%

KNOXVILLE KNOX COUNTY

M P C

METROPOLITAN
PLANNING
COMMISSION

TENNESSEE

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

REZONING PLAN AMENDMENT

Name of Applicant: Lockhart Properties

Date Filed: 11/29/18 Meeting Date: 1/10/19

Application Accepted by: M. Payne

Fee Amount: 800.00 File Number: Rezoning 1-I-19-RZ

Fee Amount: 960.00 File Number: One Year Plan Amendment 1-D-19-PA

PROPERTY INFORMATION

Address: Δ Whittle Springs Rd

General Location: E/S Whittle Springs Ln
N/S White Oak Ln

Parcel ID Number(s): 069EB015

Tract Size: 2.26 ac.

Existing Land Use: Vacant

Planning Sector: East City

Growth Policy Plan: City

Census Tract: 30

Traffic Zone: B1

Jurisdiction: City Council 4th District
 County Commission _____ District

Requested Change

REZONING

FROM: Δ-1

TO: RP-1

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: Δ

TO: MDR

PROPOSED USE OF PROPERTY

Multi Family Development

Density Proposed 20 Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: DFS PROPERTIES

Company: _____

Address: 2950 Middlebrook Pkce

City: Knoxville State: TN Zip: 37921

Telephone: 865-544-1717

Fax: _____

E-mail: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

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Name: Kenneth Lockhart

Company: LOCKHART PROPERTIES

Address: 2916 Brabson Dr.

City: Knoxville State: TN Zip: 37918

Telephone: 865-405-8123

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E-mail: mballingerre@gmail.com

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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: ML

PLEASE PRINT

Name: mike Ballinger

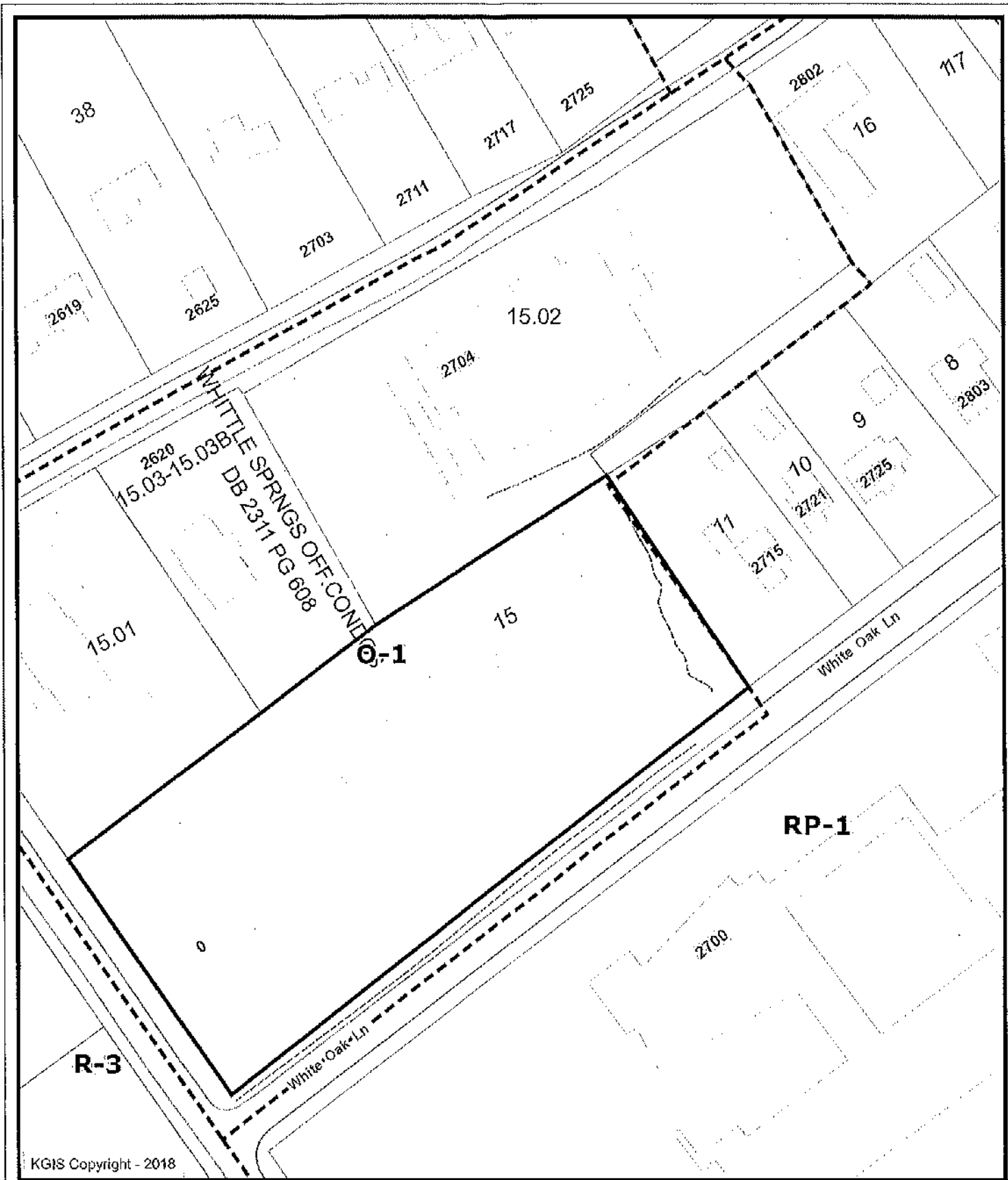
Company: _____

Address: SAME AS CORRESPONDENCE

City: _____ State: _____ Zip: _____

Telephone: _____

E-mail: _____

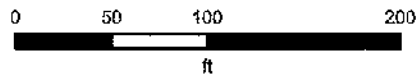


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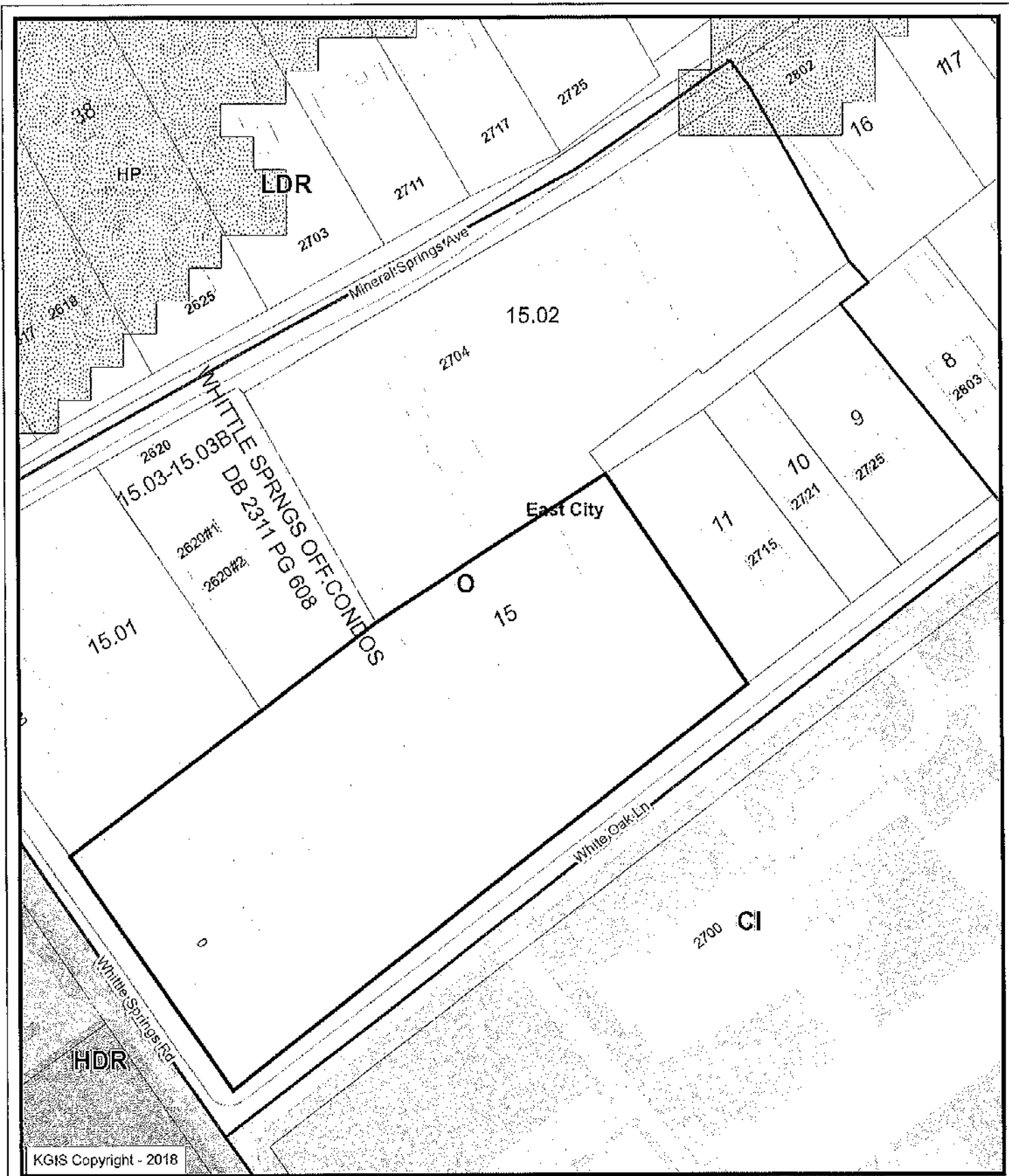


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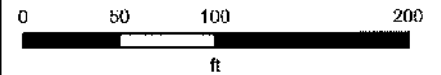


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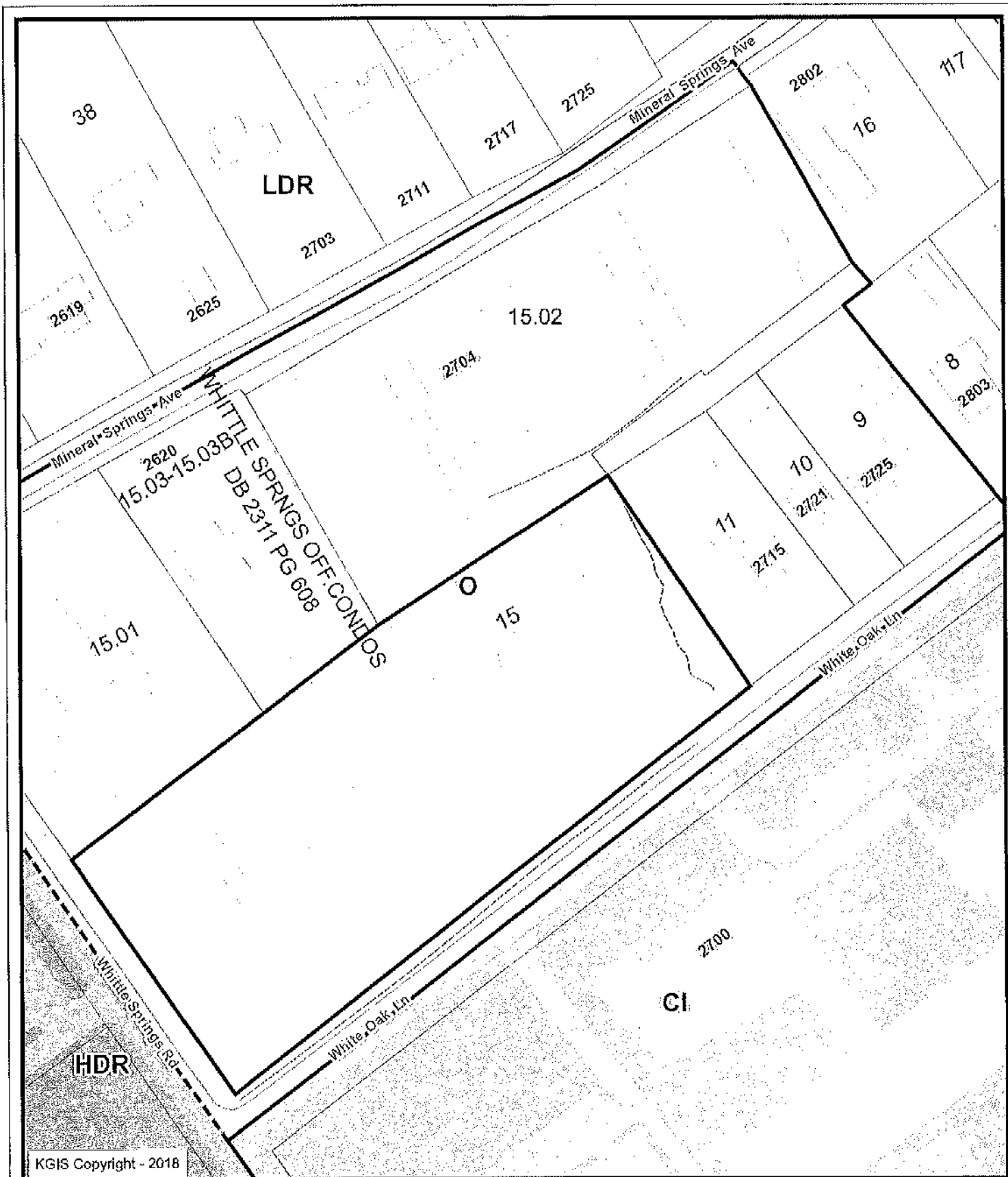


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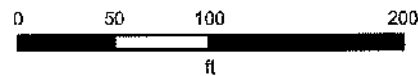


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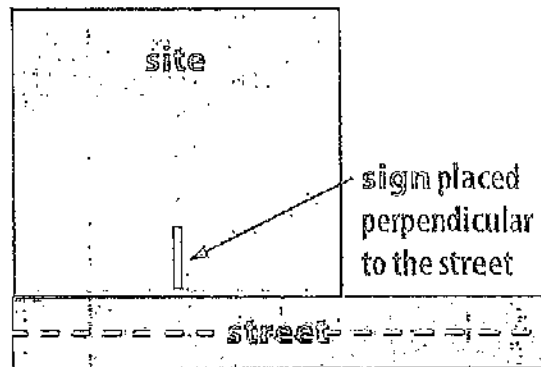
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The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC 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 MPC 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 MPC 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:

December 26, 2018 and January 11, 2019
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: 

Printed Name: MIKE BALLINGER

Phone: 865-405-8123 Email: mballingercc@gmail.com

Date: 11/29/18

MPC File Number: 1-I-19-RZ, 1-D-19-PA, 1-G-19-SP