



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-E-20-RZ **AGENDA ITEM #:** 14  
4-F-20-SP **AGENDA DATE:** 4/9/2020

▶ **APPLICANT:** **GEORGES BRANDAN**  
OWNER(S): Georges Brandan

TAX ID NUMBER: 118 150 & 155 [View map on KGIS](#)

JURISDICTION: Commission District 3

STREET ADDRESS: 9805 Dutchtown Rd & 801 Bob Kirby Rd.

▶ **LOCATION:** **North side of Dutchtown Rd., west side of Bob Kirby Rd.**

▶ **TRACT INFORMATION:** **2 acres.**

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Dutchtown Road, a minor arterial with a pavement width of 34.8 feet within a right-of-way width of 88 feet and Bob Kirby Rd, a minor collector with a pavement width of 27.9 feet within a right-of-way width of 60 feet.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Turkey Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **NC (Neighborhood Commercial) / CN (Neighborhood Commercial)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **HDR (High Density Residential) / PR (Planned Residential)**

▶ **EXISTING LAND USE:** **Single family residential**

▶ **DENSITY PROPOSED:** **18 du/ac**

EXTENSION OF PLAN DESIGNATION/ZONING: No.

HISTORY OF ZONING REQUESTS: 11-A-09-SP: LDR to NC; 6-B-08-SP: LDR to C (Denied)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING  
North: Single family residential - LDR (Low Density Residential)  
South: Rural residential, single family residential - LDR (Low Density Residential)  
East: Single family residential - NC (Neighborhood Commercial)  
West: Single family residential - LDR (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area consists largely of single family residential and institutional uses. Two private schools are located along Dutchtown Road in this area and the

**STAFF RECOMMENDATION:**

- ▶ **Deny the HDR (High Density Residential) because it does not meet the location criteria for HDR, it is not serviced by transit, and could cause adverse impacts for neighboring residential properties.**
  
- ▶ **Deny the PR (Planned Residential) zoning up to 18 du/ac because it is not consistent with the sector plan and could cause adverse impacts for neighboring residential properties.**

**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 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. There is no obvious or significant error in the sector plan.

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

1. There have been no new trends in development, population or traffic that warrant reconsideration of the original plan proposal.

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 are no changing conditions to warrant the amendment to PR (Planned Residential) up to 18 du/ac.

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

1. PR (Planned Residential) 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. However, PR up to 18 du/ac is not compatible with the surrounding zoning.

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 proposed amendment may adversely impact the surrounding area because the adjacent area consists primarily of low density residential uses.

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 proposed amendment is not consistent with the sector plan or other adopted plans.

ESTIMATED TRAFFIC IMPACT: 400 (average daily vehicle trips)

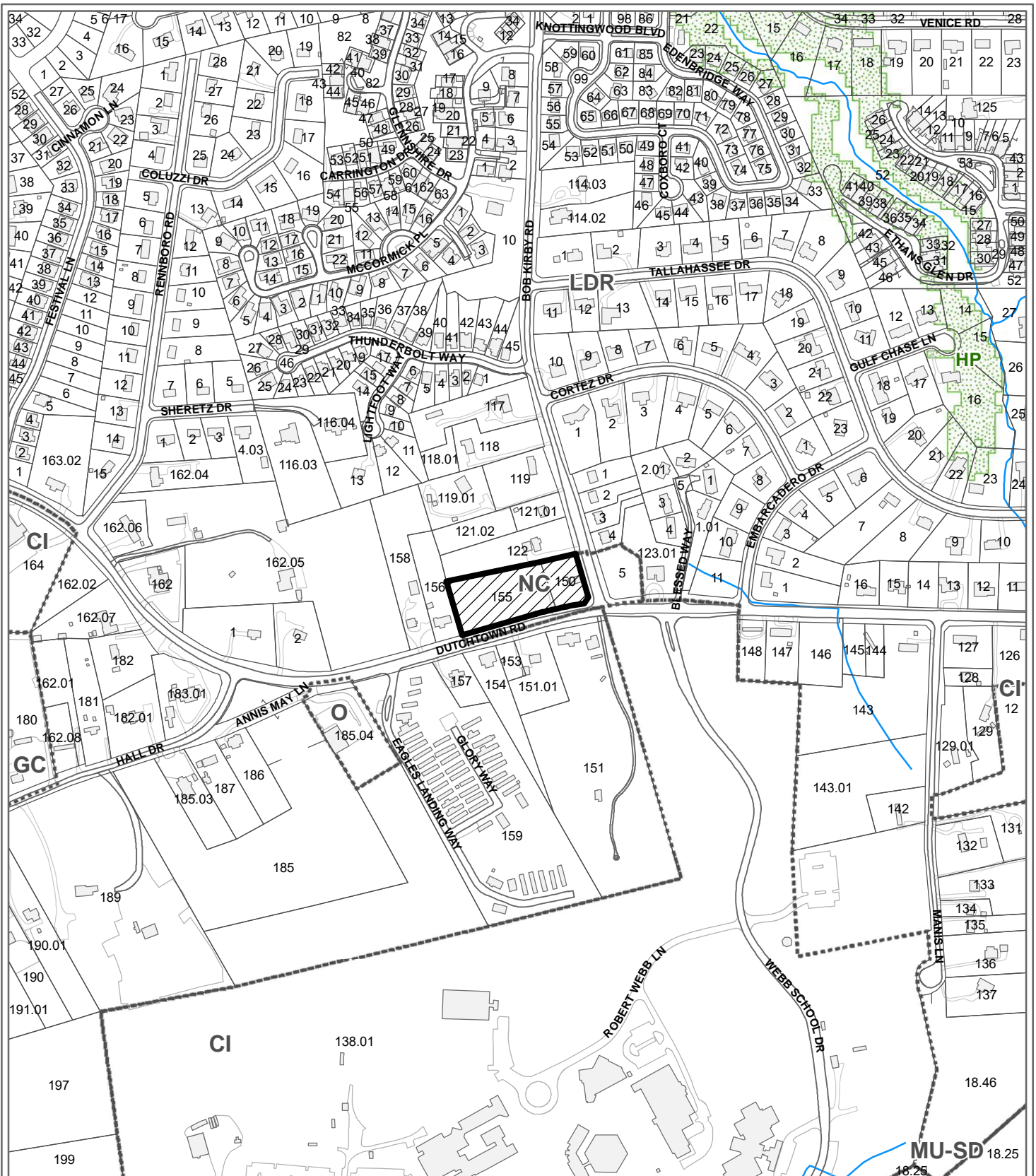
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 4 (public school children, grades K-12)

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff 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 5/26/2020. 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.



**4-F-20-SP / 4-E-20-RZ  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

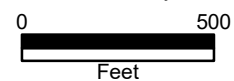
From: NC (Neighborhood Commercial)  
To: HDR (High Density Residential)



Petitioner: Brandan, Georges

Map No: 118

Jurisdiction: County

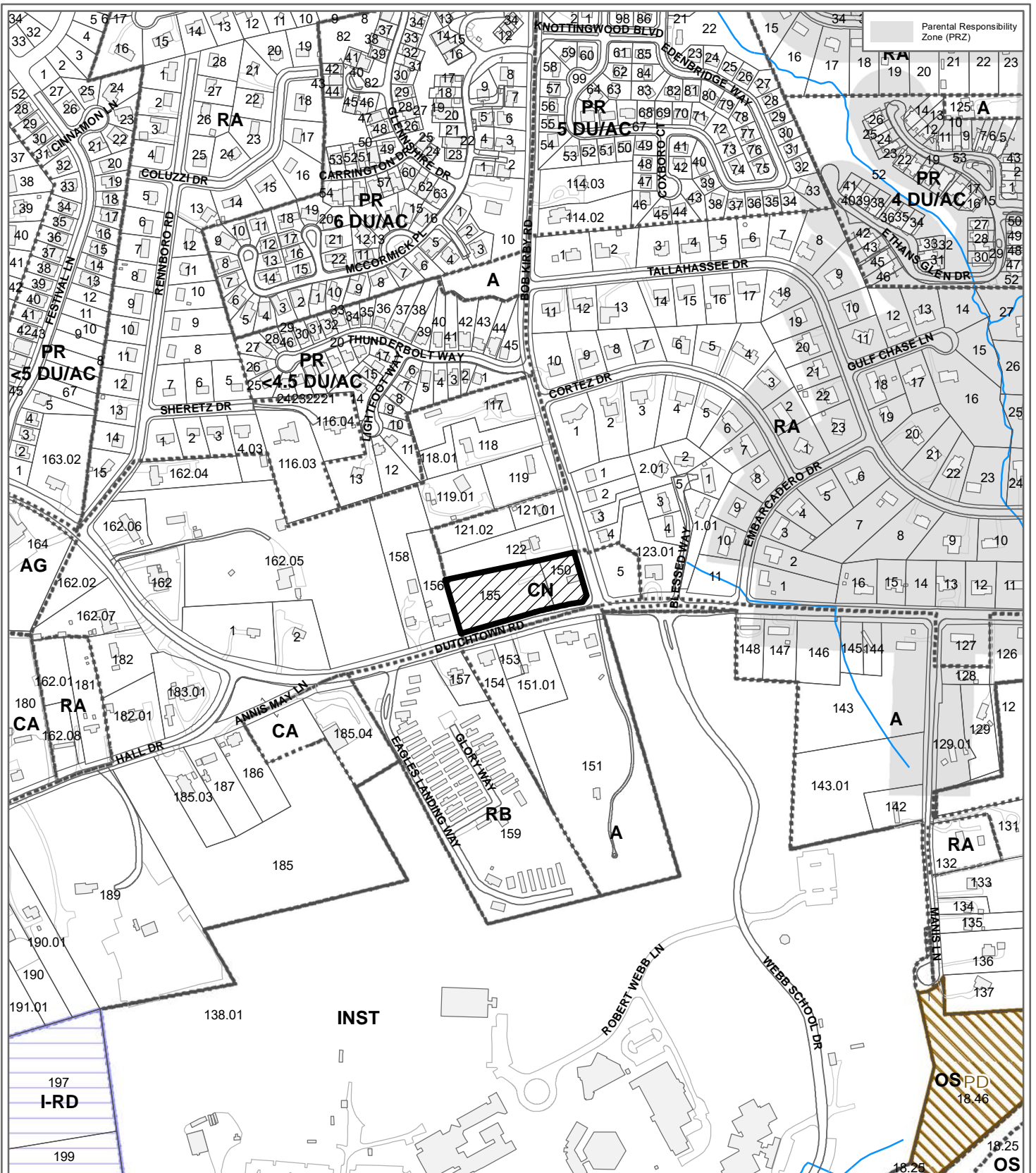


Original Print Date: 3/16/2020

Revised:

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





**4-E-20-RZ  
REZONING**

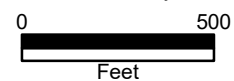
From: CN (Neighborhood Commercial)  
To: PR (Planned Residential)



Petitioner: Brandan, Georges

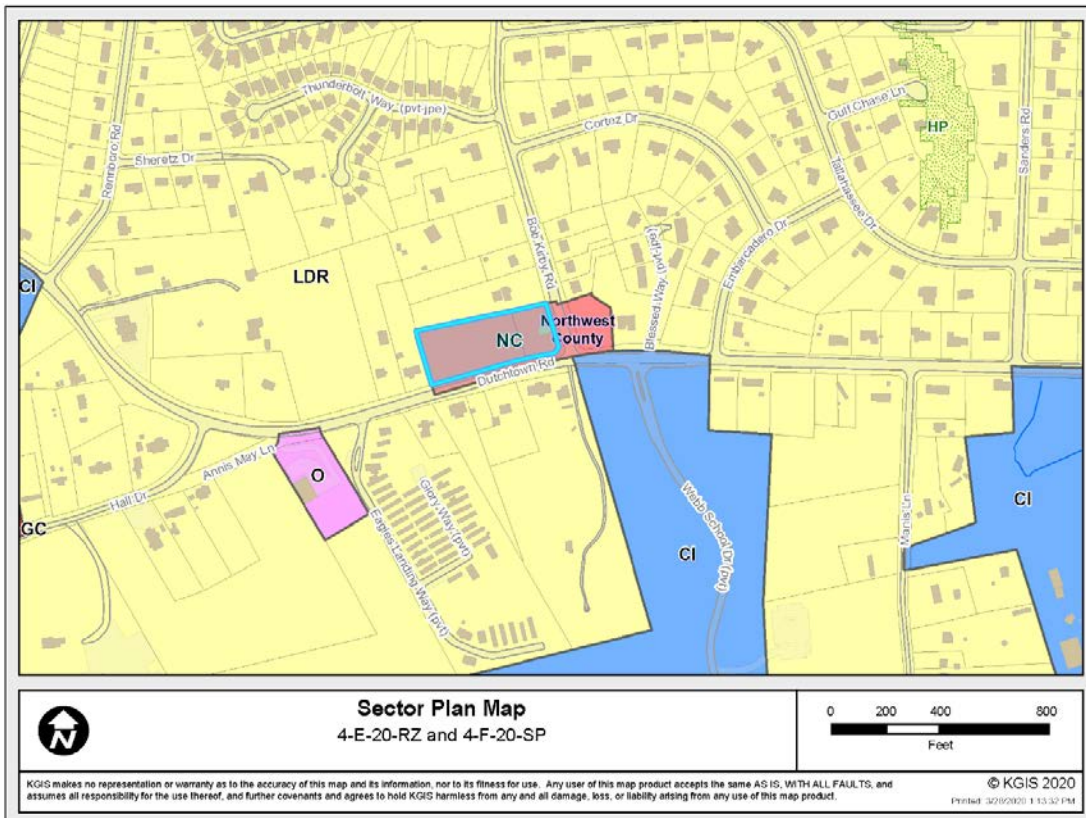
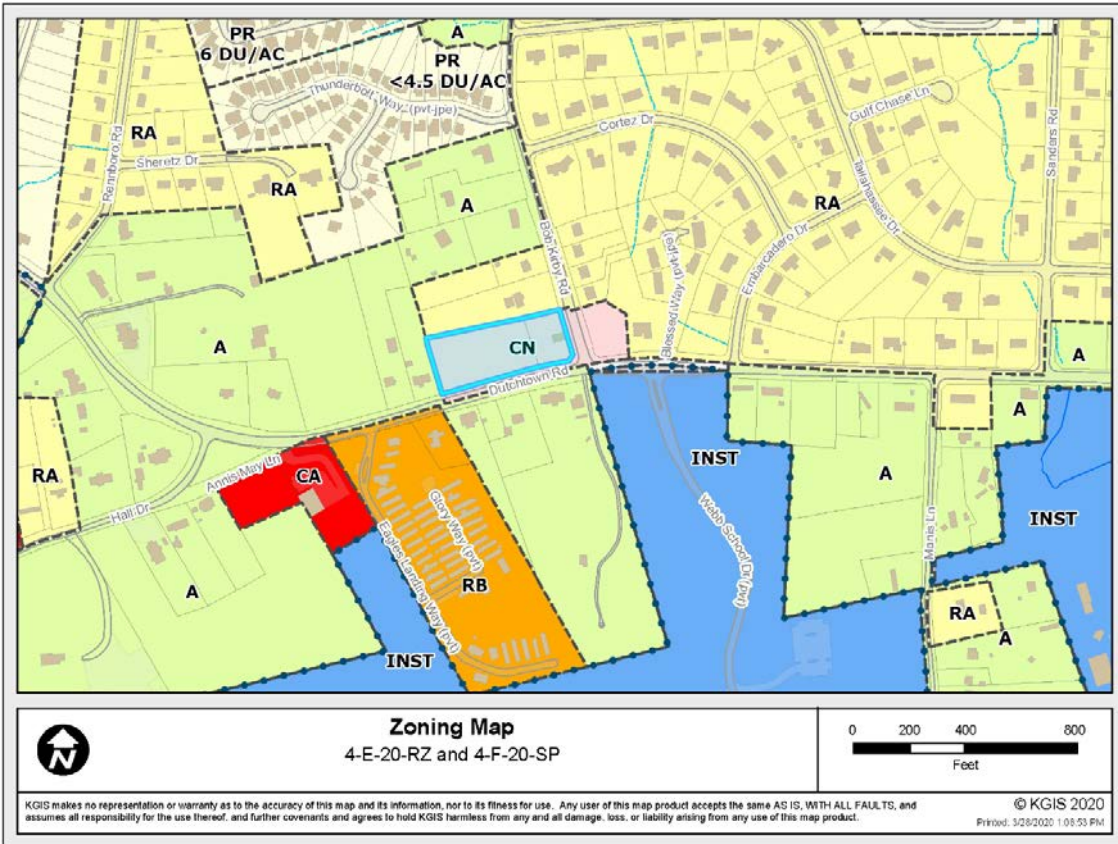
Map No: 118

Jurisdiction: County



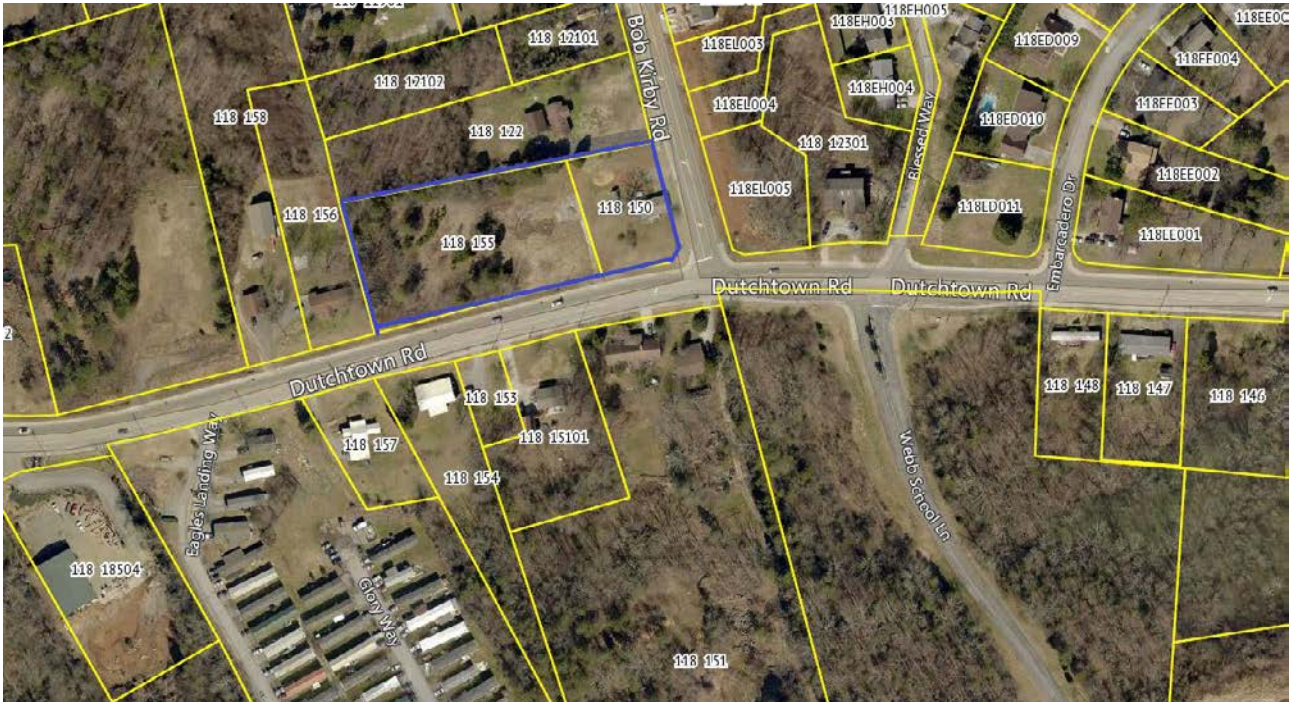
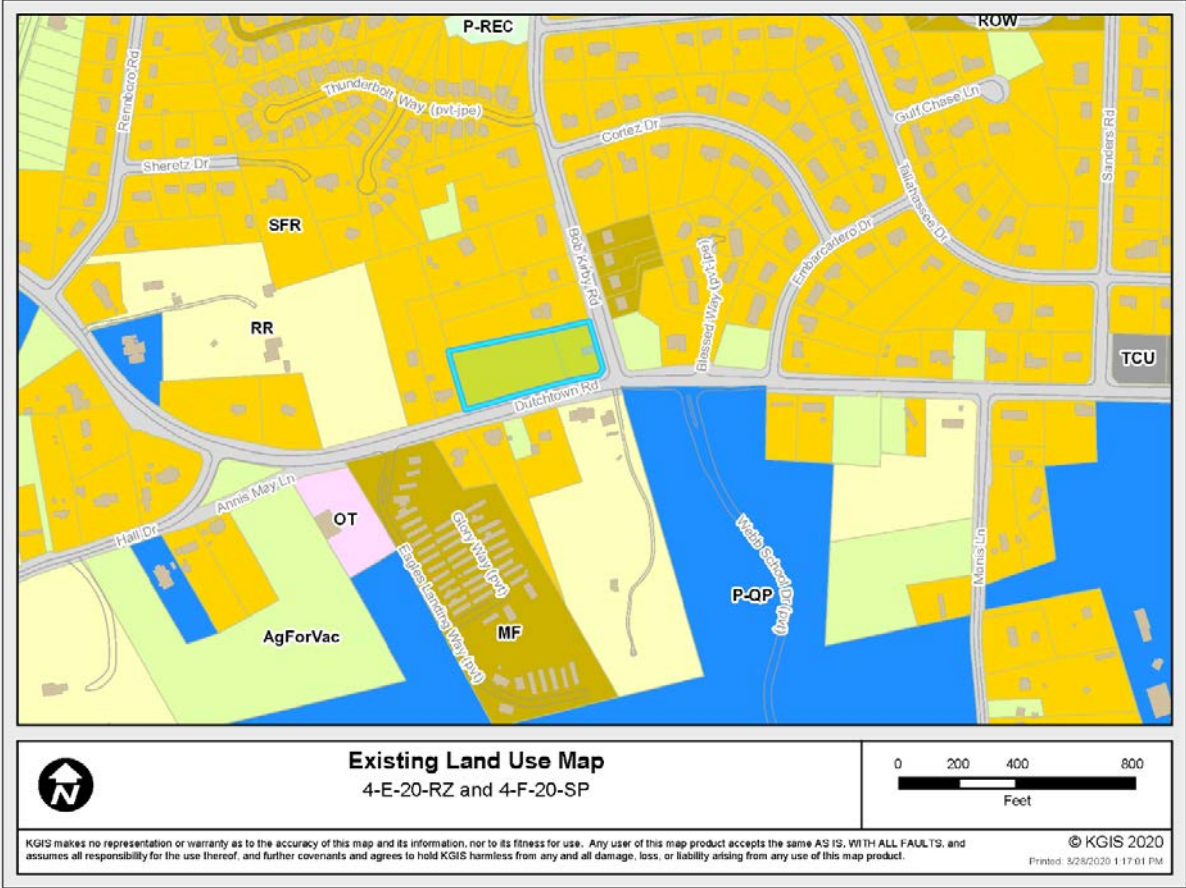
Original Print Date: 3/16/2020 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

# 4-E-20-RZ and 4-F-20-SP: Exhibit A – Contextual Images





4-E-20-RZ and 4-F-20-SP: Exhibit A – Contextual Images





# DEVELOPMENT REQUEST



## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
- Rezoning

Georges Brandan

Owner

Applicant Name

2/24/20

Date Filed

A/9/20

Meeting Date (if applicable)

Affiliation  
A-E-20-PZ  
A-F-20-SP

File Numbers(s)

## CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Brian Pierce

Cope & Associates Inc.

Name

Company

2607 Kingston Pike, Ste 5

Knoxville

TN

37919

Address

City

State

Zip

865-599-4402

bpierce@cope-associates.com

Phone

Email

## CURRENT PROPERTY INFO

Georges Brandan

1615 Rising View Lane Knoxville TN 865-548-1329

Owner Name (if different)

Owner Address

Owner Phone

9805 Dutchtown Road/ 801 Bob Kirby

118 155 / 118 155<sup>LA</sup>

Property Address

W/S Bob Kirby Rd.

Parcel ID

Bob Kirby & Dutchtown Road W/S Dutchtown Rd

2 acres

General Location

Tract Size

Northwest County 3

CN

Jurisdiction (specify district above)

- City
- County

Zoning District

Northwest County

NC

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Residential SFR

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider



# REQUEST



DEVELOPMENT

Development Plan     Use on Review / Special Use

Residential     Non-Residential

Home Occupation (specify): \_\_\_\_\_

Other (specify): \_\_\_\_\_

SUBDIVISION

Proposed Subdivision Name \_\_\_\_\_ Unit / Phase Number \_\_\_\_\_

Parcel Change

Combine Parcels     Divide Parcel    Total Number of Lots Created: \_\_\_\_\_

Other (specify): \_\_\_\_\_

Attachments / Additional Requirements

ZONING

Zoning Change: CN PR - 18 DU/AC  
Proposed Zoning

Plan Amendment Change: HIGH DENSITY RESIDENTIAL HDR  
Proposed Plan Designation(s)

Property Use (specify) RESIDENTIAL - WORKFORCE HOUSING 18 DU/AC Proposed Density (units/acre) Previous Rezoning Requests

Other (specify): \_\_\_\_\_

STAFF USE ONLY

**PLAT TYPE**

Staff Review     Planning Commission

**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

<b>FEE 1:</b>	<u>RZ</u> <u>600.00</u>	<b>TOTAL:</b> <u>1200.00</u>
<b>FEE 2:</b>	<u>SP</u> <u>600.00</u>	
<b>FEE 3:</b>		

**AUTHORIZATION** By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Applicant Signature

BRIAN PIERCE  
Please Print

2/24/20  
Date

865.599.4402  
Phone Number

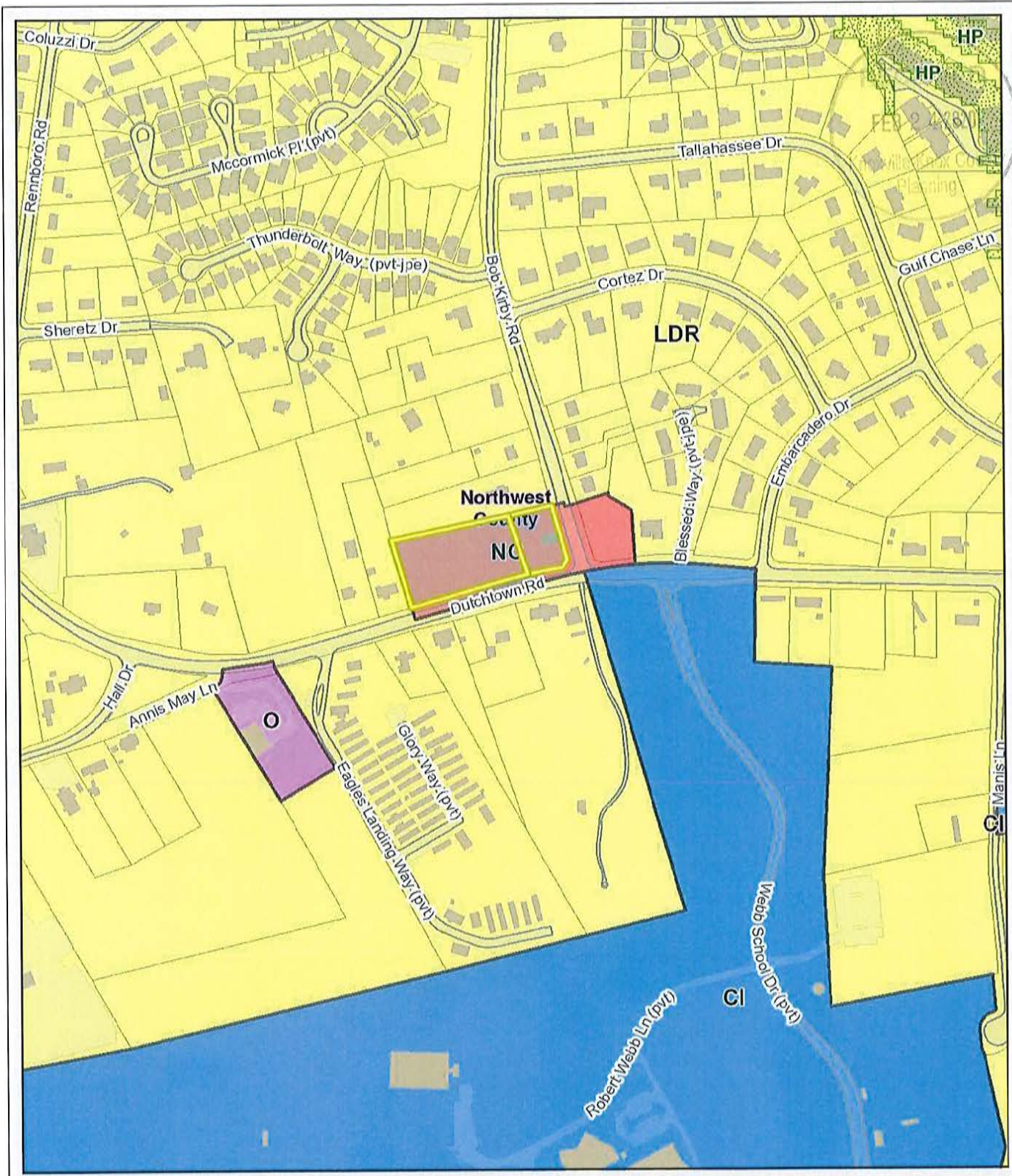
bpierce@COPE-ASSOCIATES.COM  
Email

Staff Signature

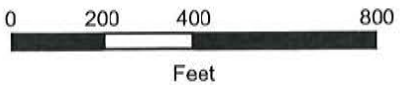
Elizabeth Albertson  
Please Print

2/24/20  
Date



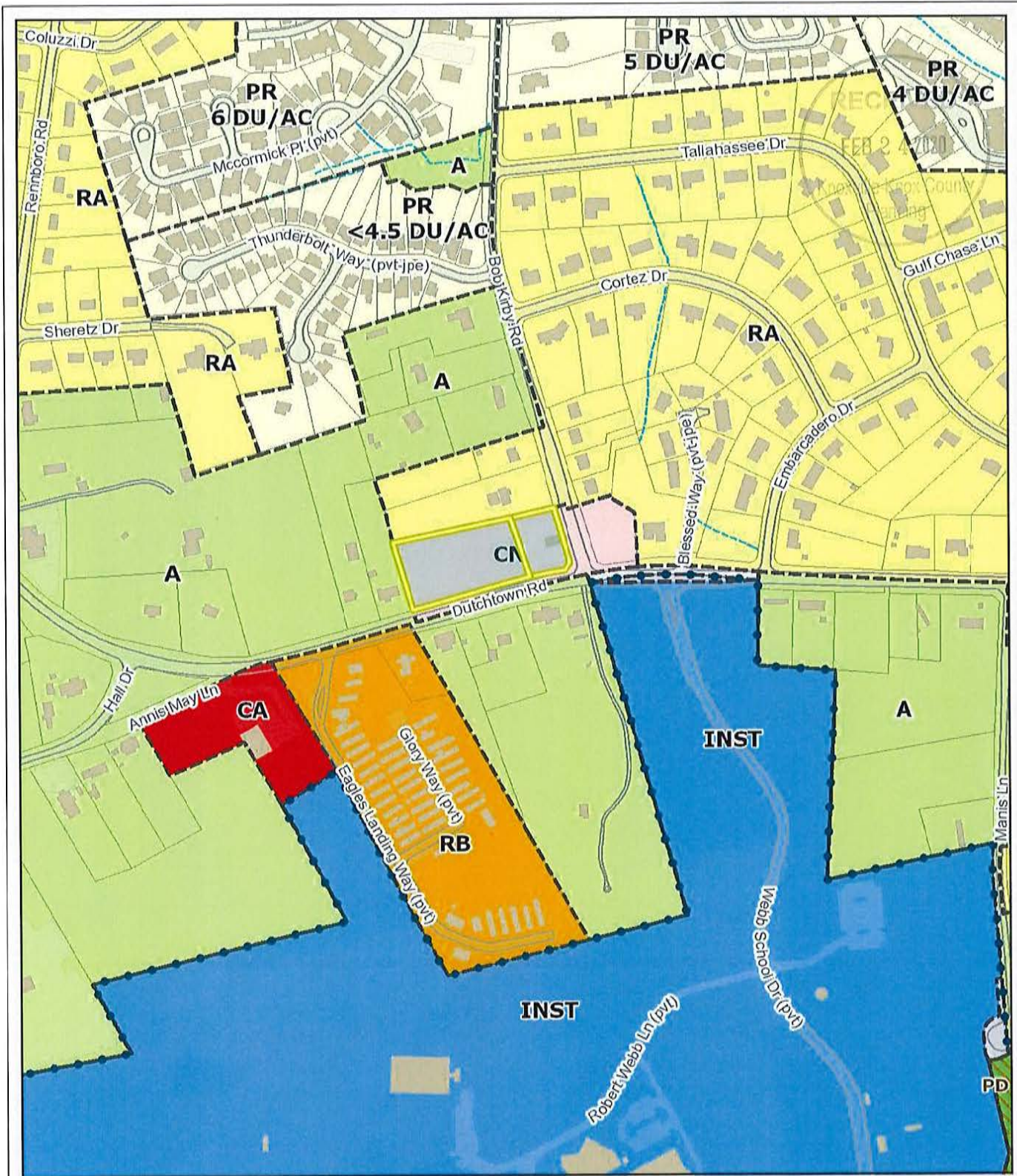


**Sector Plan Map**  
 Brian Pierce



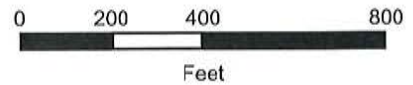
KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.





# Zoning Plan Map

Brian Pierce



KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2020

Printed: 2/24/2020 2:34:01 PM





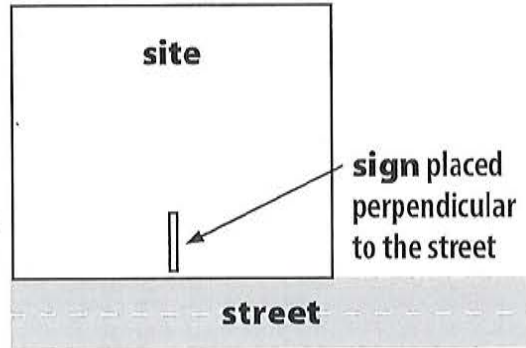
**REQUIRED SIGN POSTING AGREEMENT**

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:

March 25th (Wed) and April 10th (Fri)  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: *[Handwritten Signature]*

Printed Name: Georges Brandan

Phone: 865-548-1329 Email: gbrandan@bei-usa.com

Date: 2-24-20

File Number: 4-E-20-RZ, 4-F-20-SP