

PLAN AMENDMENT/ REZONING REPORT

▶ FILE #: 8-H-20-RZ AGENDA ITEM #: 14

8-C-20-SP AGENDA DATE: 8/13/2020

► APPLICANT: I-40/75 BUSINESS PARK, LLC

OWNER(S): I-40/75 Business Park, LLC

TAX ID NUMBER: 141 028, 02805, 02806 & 02802 <u>View map on KGIS</u>

JURISDICTION: Commission District 6

STREET ADDRESS: 13206 & 0 Buttermilk, 0 Everett Rd.

► LOCATION: Southwest side of Everett Rd., between Buttermilk Rd. & El Camino Ln.

► TRACT INFORMATION: 118 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Everett Road, a minor arterial with a pavement width of 24 feet

within a right of way width of 60 feet. Access is also via Buttermilk Road, a minor collector with a pavement width of 18.1 feet within a right-of-way width

of 60 feet.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Hickory Creek

PRESENT PLAN O (Office) & AG (Agrigultural) / PC (Planned Commercial) CA (General

DESIGNATION/ZONING: Business) & AG (Agrigultural)

► PROPOSED PLAN GC (General Commercial) & MDR (Medium Density Residential) / CB

DESIGNATION/ZONING: (Business and Manufacturing) & RB (General Residential)

► EXISTING LAND USE: Agriculture/forestry/vacant

-

EXTENSION OF PLAN YES for the area requested to go to GC, but NO for the area requested to go

DESIGNATION/ZONING: to MDR.

HISTORY OF ZONING

REQUESTS:

3-B-94-RZ, 3-O-94-RZ, 6-A-99-RZ, 6-A-99-RZ - Request A to CB denied,

appealed went to PC

SURROUNDING LAND USE,

PLAN DESIGNATION,

North: Single family and rural residential, Public/quasi-public, commercial -

Ag (Agricultural) and HP (Hillside Protection)

ZONING So

South: Agriculture/forestry/vacant - GC (General Commercial) and HP

(Hillside Protection)

East: Mining/landfills, Industrial, Public/quasi-public, single family and

rural residential - HIM (Mining) and HP (Hillside Protection)

West: Agriculture/forestry/vacant - Loudon County - Conservation

Area/Open Space, Rural Residential/Agricultural)

NEIGHBORHOOD CONTEXT:

The area is largely steeply sloped, forested land consisting primarily of large lot agricultural, forested and vacant land uses. The area is across Everett Road from a large quarrying operation. Single family and rural residential uses are primarily to the north and a small portion of commercial exists closest to the I-40 interchange at Watt Road.

STAFF RECOMMENDATION:

- ▶ Deny GC (General Commercial) and MDR (Medium Density Residential) because it is inconsistent with the surrounding development, zoning and proposed land use for the area. The criteria for plan amendments is not met and could cause adverse impacts for neighboring properties.
- ▶ Deny CB and RB because it is not consistent with the Northwest County Sector Plan or the surrounding development and could cause adverse impacts to neighboring 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 have been no changes to conditions to warrant amending the land use plan.
- 2. The area is characterized by steep slopes and forested hillsides.

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

- 1. No new roads or major improvements have been introduced in this area since the Northwest County Sector Plan was adopted in 2016.
- 2. The West Knox Utility District is in the process of completing a new wastewater treatment facility near Hickory Creek and Buttermilk Road to help serve the significant growth that is occuring and is projected to occur around schools in the Hardin Valley area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

- 1. There are no obvious or significant errors or omissions in the plan regarding these parcels.
- 2. Amending the sector plan map for these parcels would allow for possible rezonings to allow more intense, non-planned commercial and higher intensity residential zone districts that would permit uses that could increase population and traffic in this area.

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

1. There are no new trends in development, population, or traffic that warrant reconsideration of proposed land uses for this area of the Northwest County 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:

- 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 recent, significant changes in this area that would prompt a rezoning.
- 2. Previous attempts to rezone the area to CB in 1994 and 1999 both were denied at Planning Commission

however, a portion of the area was rezoned to PC (Planned Commercial) on appeal to Knox County Commission in 1994 and 1999.

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

- 1. The CB (Business and Manufacturing) zone district is intended to provide for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses or with other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB, Business and Manufacturing Zone are intensive users of roads, sewers and other public facilities.
- 2. The RB (General Residential) zone district is intended to provide for medium population density. The principal uses of land may range from houses to multi-dwelling structures or developments. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. Other related uses in keeping with the residential character of the zone may be permitted on review by the planning commission.
- 3. Rezonings 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. This rezoning to CB for approximately 92 acres along Everett Road could have signficant adverse impacts due to the higher intensity of commercial uses permitted by the CB zone district. Plan review by the Planning Commission is also not a requirement of the CB zone district, except for a few uses permitted on review, as described in 5.23.03.
- 2. The rezoning to RB for approximately 26 acres with frontage along Buttermilk Road could have significant adverse impacts due to the increased density of residential development that would be permitted and that would not be in character with the surrounding rural, residential and agricultural areas.
- 3. Additional truck and car and traffic could cause adverse impacts to the existing road infrastructure, and could adversely impact neighboring property owners and the surrounding rural, agricultural character of the area.
- 4. Steep slopes and forested hillsides would likely have to have significant clearing and grading to accommodate the uses permitted by a rezoning to CB and RB for this 118 acre area. Images demonstrating the adjacent CB zoned development along El Camino Lane near the I-40 interchange are provided in Exhibit A.

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 current sector plan designation does not support CB (Business and Manufacturing) zoning.
- 2. The current sector plan designation does not support RB (General Residential) zoning.
- 3. Amending the Northwest County Sector Plan and rezoning these parcels for more intense commercial and residential uses is not consistent with the adopted plans of Knox County.

ESTIMATED TRAFFIC IMPACT: 2928 (average daily vehicle trips)

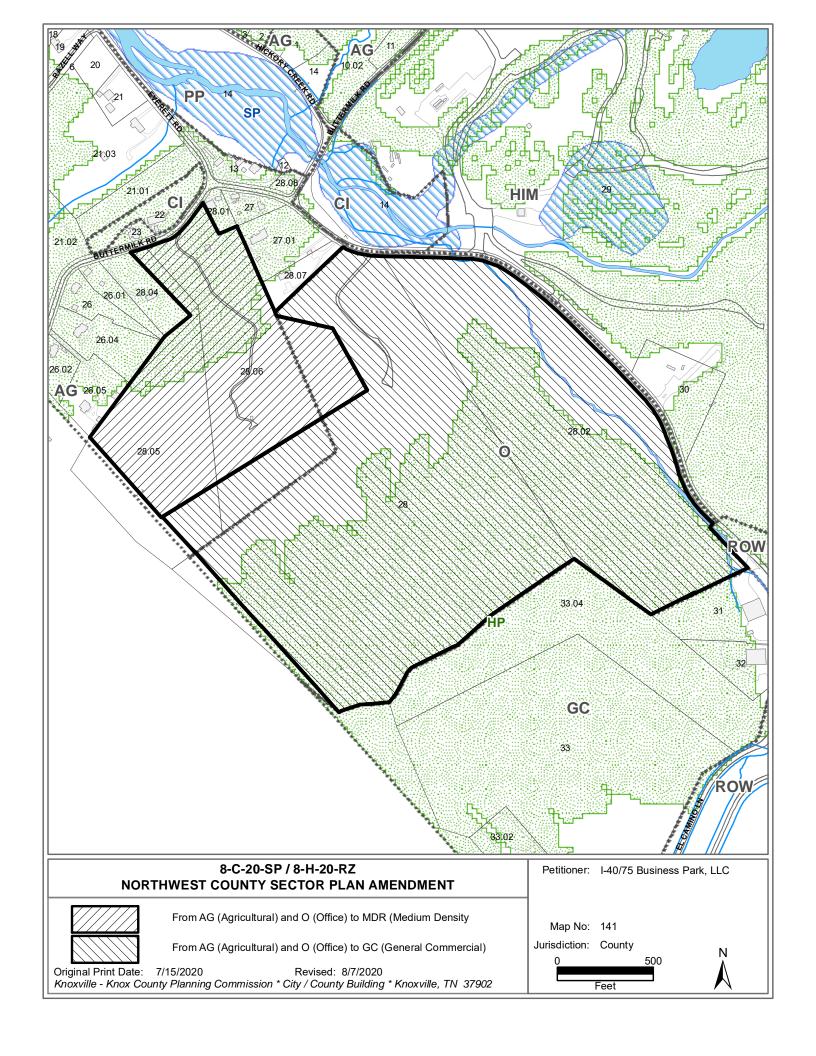
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

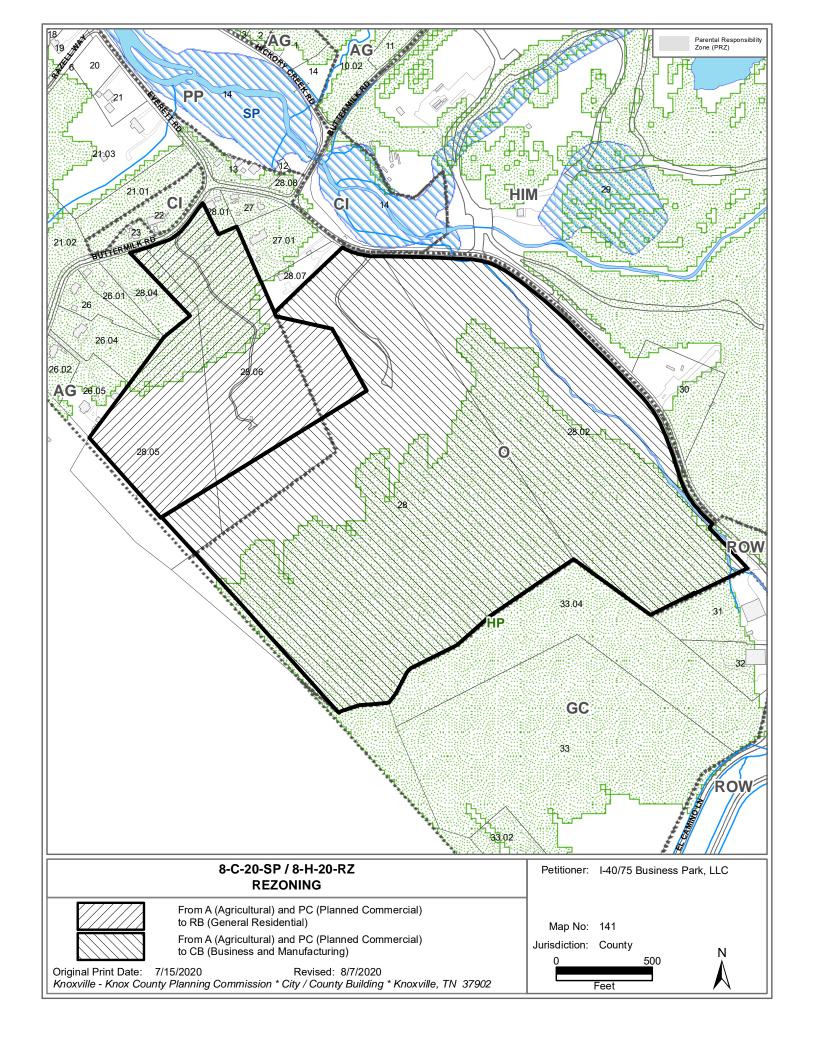
ESTIMATED STUDENT YIELD: 31 (public school children, grades K-12)

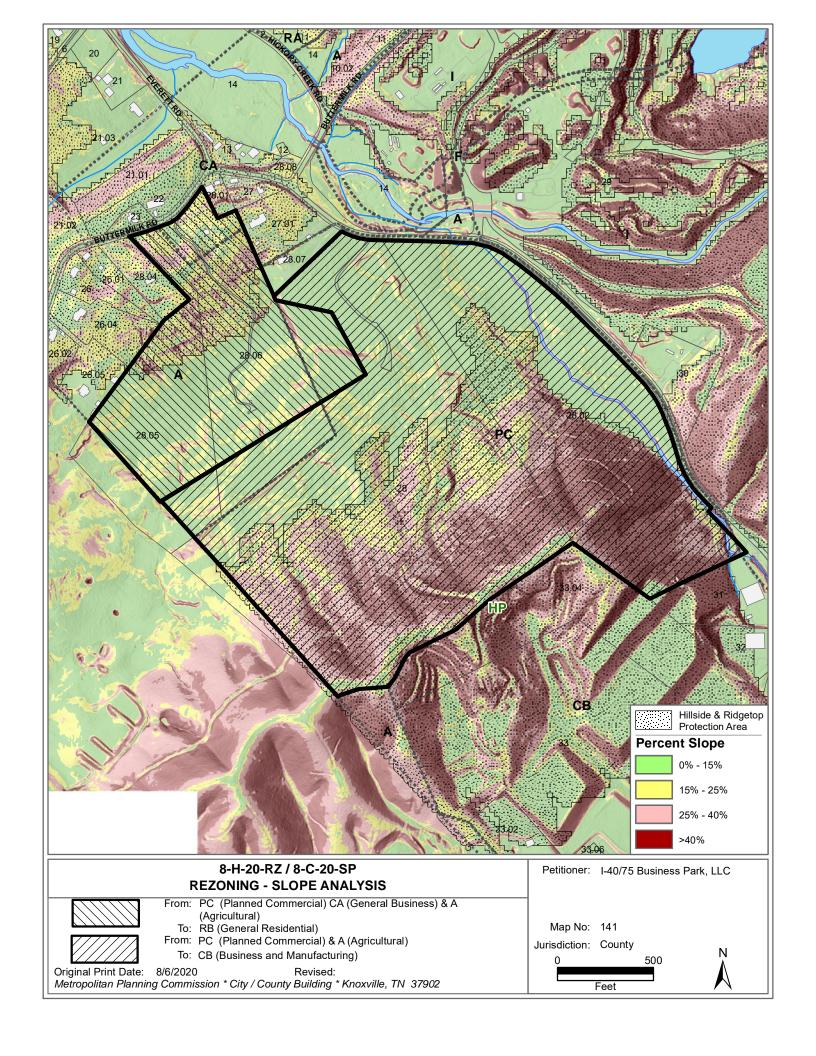
Schools affected by this proposal: Hardin Valley Elementary, Hardin Valley Elementary, and Hardin Valley Elementary.

- 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 9/28/2020. 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.







Staff - Slope Analysis

Case: 8-H-20-RZ_8-C-20-SP - Area Proposed for RB Zone ONLY

DENSITY CALCULATION

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	17.28	4.36	75.3
0-15% Slope	1.69	4.36	7.4
15-25% Slope	4.21	2.00	8.4
25-40% Slope	2.18	0.50	1.1
Greater than 40% Slope	0.30	0.20	0.1
Ridgetops	0.00		
Subtotal: Sloped Land	8.37		16.9
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	25.65	3.60	92.3
Maximum Proposed Density (Applicant - RB and MDR)	25.65	12.00	307.8

From Hillside & Ridgetop Protection Plan, page 33

LOW DENSITY AND RURAL RESIDENTIAL USES

Density and Land Disturbance Guidelines

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines for Recommendations on Changes to the Zoning Map and Development Plan/Concept Plan Review within the Hillside and Ridgetop Protection Area that is within the Li

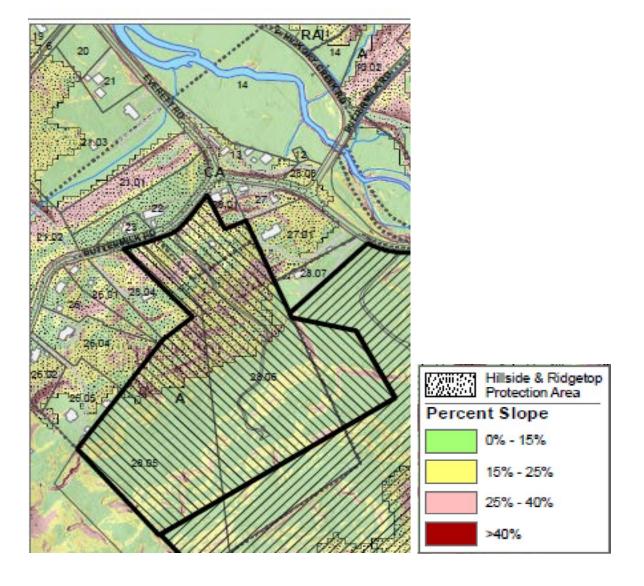
Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

dua: dwelling units per acre

- These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.
- Until such time as regulations are codified by the appropriate legislate body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.
- *** Ridgetops are generally the more level areas on the highest elevations of a ridge.

 Because the shapes of Knox County ridges are so varied (see pages 8 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

The Knoxville Knox County Hillside and Ridgetop Protection Plan - 33



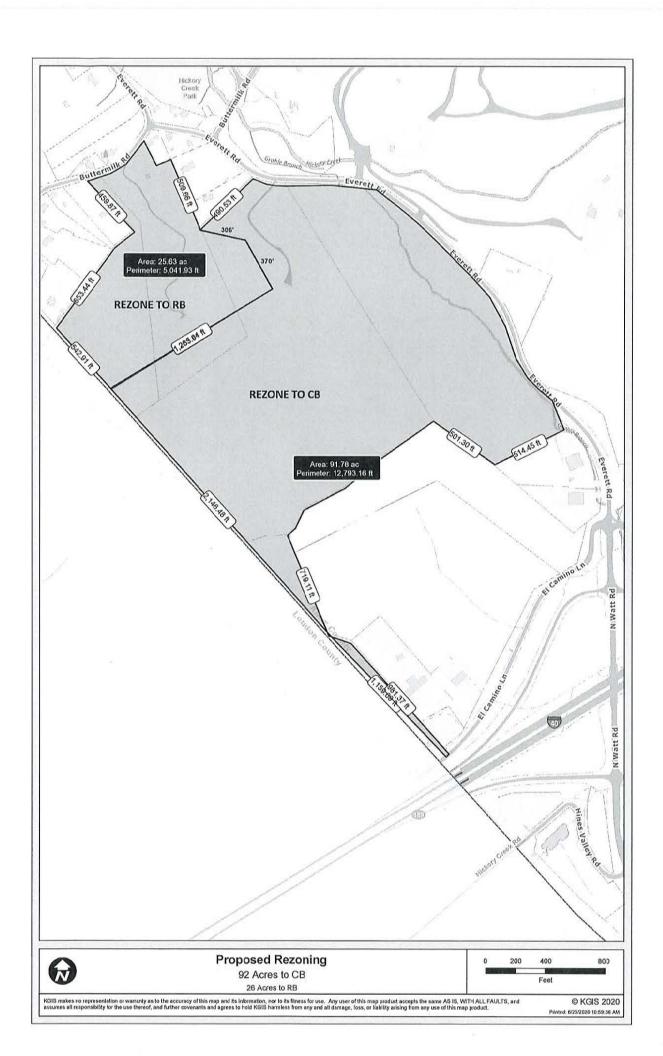


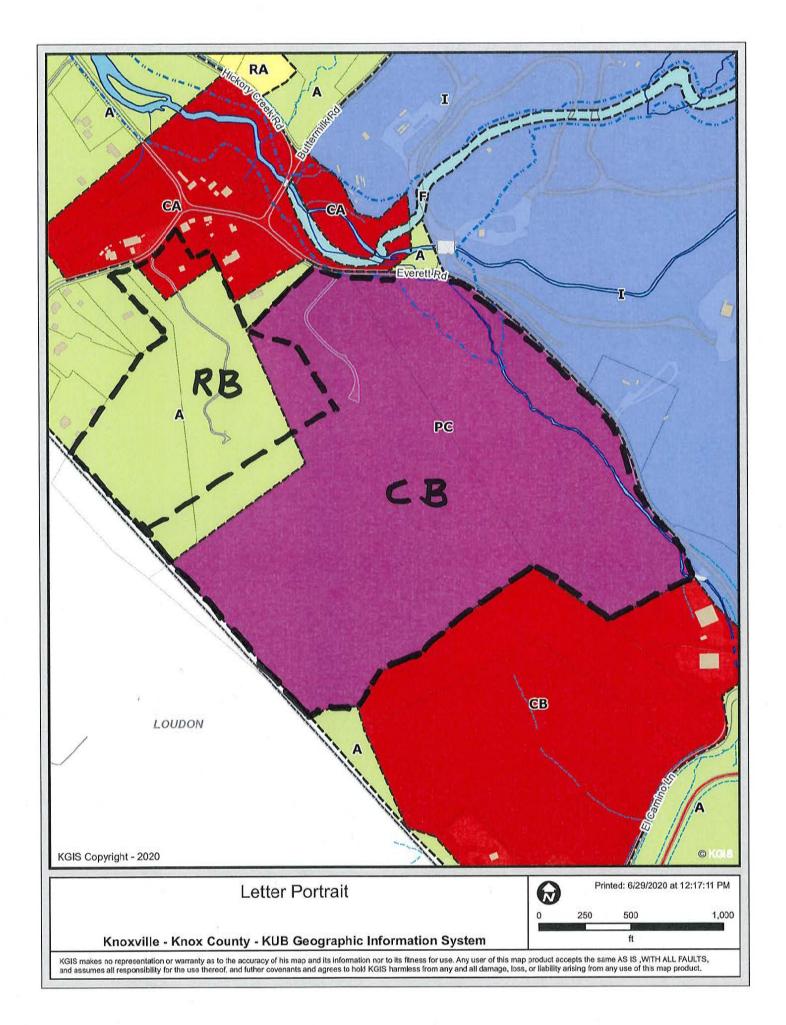
DEVELOPMENT REQUEST

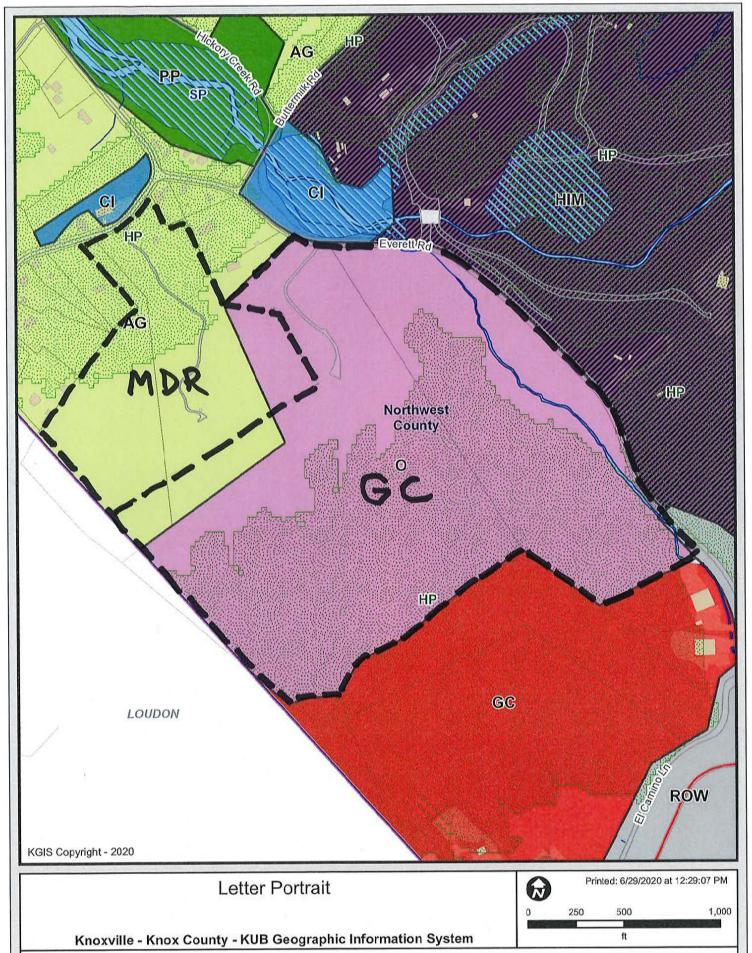
Planning KNOXVILLE I KNOX COUNTY	DEVELOPMENT ☐ Development Plan ☐ Planned Developm ☐ Use on Review / Sp	nent 🗆 Fina	cept Plan	
I-40/75 Business Park, LLC			Owner	
Applicant Name			Affiliation	
6/25/2020	8/13/2020	S	7. H.20-87	18-6-20-5
Date Filed	Meeting Date (if applicable) $ 8 \cdot H \cdot 20 - R Z / 8 - C - 20 $ File Numbers(s)			rs(s)
CORRESPONDENCE All correspondence related to this Applicant Owner Co	application should be directed Option Holder	9.4	Architect/Landscap	e Architect
Name		Company		
100 Dalton Place Way Ste 1	05	Knoxville	TN	37912
Address		City	State	Zip
865-522-9910	smaddox@madd	doxcompany.com		
Phone	Email			1
CURRENT PROPERTY	INFO			
Same	Same		Sa	ime
Owner Name (if different) Same Compared to the Survey of	d, opporteunille smilk Rd, OE	Parcel ID		028.06, 141028.02
Everett Road, Knoxville TN 37932			118 acres	
General Location			Tract Size	
Along Everett Road betwee	n El Camino and Hickory (Creek PC, CA &	Α	
Jurisdiction (specify district above	c) 🔲 City 🔳 County	Zoning Dis	trict	
NW	O,AG		Planned (Growth
Planning Sector	Sector Plan Land Use	e Classification	Growth Policy Plan Designation	
Vacant	N	WKUD	WKL	ID
Existing Land Use	Septic (Y/N)	Sewer Provider	Water	Provider

REQUEST

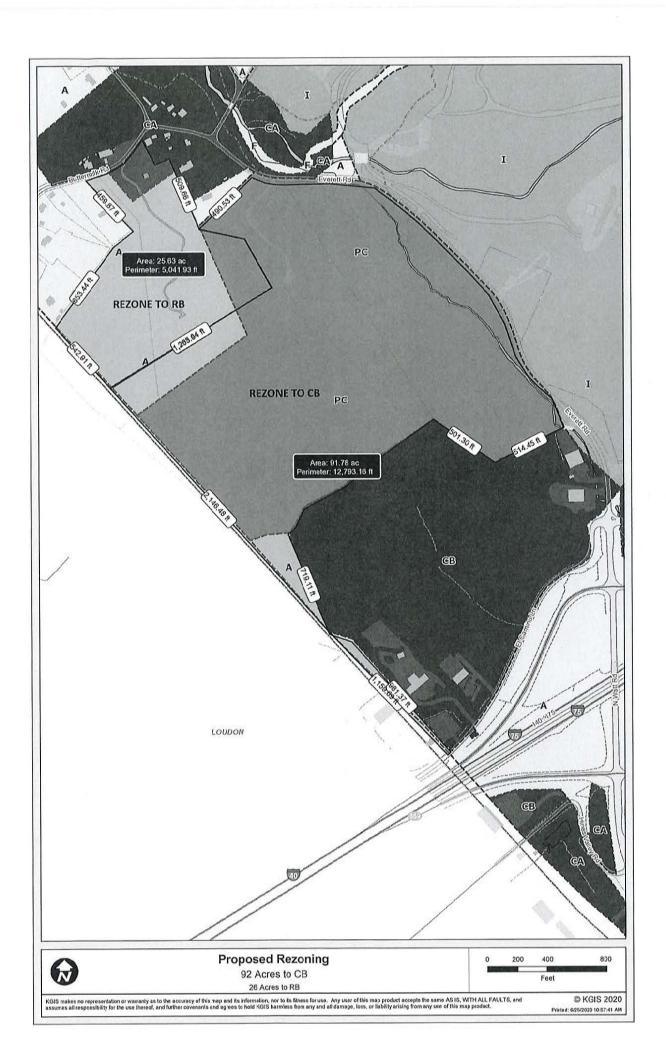
State .	171111					
N	☐ Development Plan ☐ Use on Review / Special Use					
DEVELOPMENT	☐ Residential ☐ Non-Residential					
ELO	☐ Home Occupation (specify):					
DEV	☐ Other (specify):					
ZONING SUBDIVISION	☐ Proposed Subdivision Name ☐ Parcel Change ☐ Combine Parcels ☐ Divide Parcel Total Number ☐ Other (specify): ☐ Attachments / Additional Requirements	er of Lots Created:	nit / Phase Number			
NOZ	Proposed Density (units/acre) Other (specify):	ezoning Requests				
- USE ONLY	PLAT TYPE ☐ Staff Review ☐ Planning Commission ATTACHMENTS ☐ Property Owners / Option Holders ☐ Variance Request ADDITIONAL REQUIREMENTS	FEE 1: 5000.00 FEE 2: Sector	TOTAL: 5000.00			
STAFF U	 □ Design Plan Certification (Final Plat only) □ Use on Review / Special Use (Concept Plan only) □ Traffic Impact Study 	FEE 3:	\$5800.00			
	AUTHORIZATION By signing below, I certify I am the pro- Steven K. I Applicant Signature Manager, Member Please Print	1 3059	25/20			
		maddoxcompany.com				
	Phone Number Email					
	Thomas Brechoo Thomas Staff Signature Please Print	Brechko 6	/29/2020			



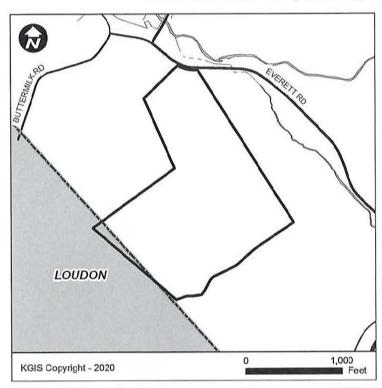




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Parcel 141 028 - Property Map and Details Report



Property Information

Parcel ID: 141 028

0 EVERETT RD Location Address:

CLT Map: 141

Insert:

Group:

Condo Letter:

Parcel:

Parcel Type:

W6 District:

Ward:

City Block:

GREENBELT APP #A-Subdivision:

28

3248

Rec. Acreage:

Calc. Acreage: 57.34

Recorded Plat:

Recorded Deed: 20040407 - 0093102

Deed Type:

Deed:Special Wa

Deed Date:

4/7/2004

Address Information

Site Address:

0 EVERETT RD

KNOXVILLE - 37932

Address Type:

UNUSED LAND

Site Name:

Owner Information

I 40/75 BUSINESS PARK LLC 101 DALTON PLACE WAY ##100

KNOXVILLE, TN 37912

The owner information shown in this section does not necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County:

KNOX COUNTY

City / Township:

MPC Information

Census Tract:

59.05

Planning Sector:

Northwest County

Please contact Knox County Metropolitan Planning Commission (MPC) at

(865) 215-2500 if you have questions.

Political Districts

Voting Precinct:

62

5

6

Voting Location:

Hardin Valley School

11445 HARDIN VALLEY RD

TN State House:

Justin Lafferty 89

TN State Senate:

Randy McNally

County Commission: (at large seat 10)

Brad Anders

(at large seat 11)

Larsen Jay Justin Biggs

School Board:

Terry Hill 6

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones

Elementary:

HARDIN VALLEY ELEMENTARY

Intermediate:

Middle:

HARDIN VALLEY MIDDLE

High:

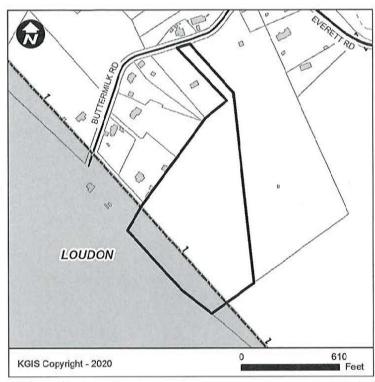
HARDIN VALLEY ACADEMY

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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Parcel 141 02805 - Property Map and Details Report



Property Information

Parcel ID: 141 02805

Location Address: 0 BUTTERMILK RD

141

CLT Map: Insert:

Group:

Condo Letter:

Parcel:

28.05

Parcel Type:

District:

W6

Ward:

City Block: Subdivision:

Rec. Acreage:

13.43

Calc. Acreage:

0

Recorded Plat: Recorded Deed:

20131211 - 0036298

Deed Type:

Deed:Full Coven

Deed Date:

12/11/2013

Address Information

Site Address:

0 BUTTERMILK RD KNOXVILLE - 37932

Address Type:

UNUSED LAND

Site Name:

Owner Information

I-40/75 BUSINESS PARK LLC 101 DALTON WAY ##100

KNOXVILLE, TN 37912

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(at large seat 10)

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Elementary:

HARDIN VALLEY ELEMENTARY

Intermediate:

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HARDIN VALLEY MIDDLE

High:

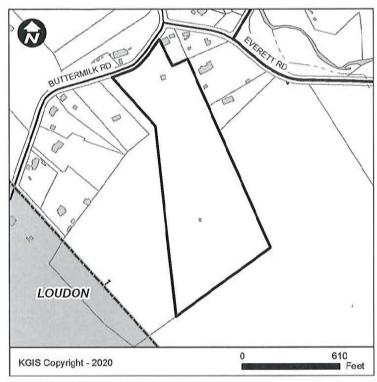
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Parcel 141 02806 - Property Map and Details Report



Property Information

Parcel ID: 141 02806

13206 BUTTERMILK Location Address:

W6

RD

CLT Map: 141

Insert: Group:

Condo Letter:

28.06 Parcel:

Parcel Type:

District:

Ward:

City Block: Subdivision:

Rec. Acreage:

0 Calc. Acreage: 16.49

Recorded Plat:

Recorded Deed:

20131211 - 0036298

Deed Type:

Deed:Full Coven

Deed Date:

12/11/2013

Address Information

Site Address:

13206 BUTTERMILK RD KNOXVILLE - 37932

Address Type:

DWELLING, SINGLE-FAMILY

Site Name:

Owner Information

I-40/75 BUSINESS PARK LLC 101 DALTON WAY ##100

KNOXVILLE, TN 37912

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Jurisdiction Information

County:

KNOX COUNTY

City / Township:

MPC Information

Census Tract:

School Zones

59.05

Planning Sector:

Northwest County

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5 Randy McNally

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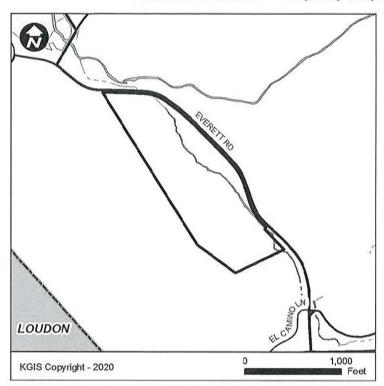
HARDIN VALLEY ELEMENTARY Elementary: Intermediate: Middle: HARDIN VALLEY MIDDLE High: HARDIN VALLEY ACADEMY

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Parcel 141 02802 - Property Map and Details Report



Property Information

Parcel ID: 141 02802

Location Address: 0 EVERETT RD

CLT Map: 141

Insert: Group: Condo Letter:

Parcel: 28.02

Parcel Type:

District: W6

Ward: City Block: Subdivision:

Rec. Acreage: 0 Calc. Acreage: 34.10

Recorded Plat:

Recorded Deed: 20170413 - 0062686

Deed Type: Deed Date:

Deed:Gift Deed 4/13/2017

Address Information

Site Address:

0 EVERETT RD

KNOXVILLE - 37932

Address Type:

UNUSED LAND

Site Name:

Owner Information

GURLEY LARRY M CO-TR & GURLEY JO ANNA CO-TR

5 MARSH PALM PL BLUFFTON, SC 29910

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Intermediate:

Middle:

HARDIN VALLEY MIDDLE

High:

HARDIN VALLEY ACADEMY

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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