

REZONING REPORT

▶ **FILE #:** 8-H-21-RZ

AGENDA ITEM #: 14

AGENDA DATE: 8/12/2021

▶ **APPLICANT:** S & E PROPERTIES

OWNER(S): Hardin Valley Partners

TAX ID NUMBER: 50 171, 174 & 178

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 6513 & 0 Babelay Rd.

▶ **LOCATION:** East side of Harris Road, northwest side of Babelay Road, south of Washington Pike.

▶ **APPX. SIZE OF TRACT:** 105.98 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: This property has frontage along three roads - Babelay Road, Harris Road, and Link Road. Access would be likely off of Babelay Road or Harris Road since those have higher classifications. Babelay Road is a minor collector with a 16-ft pavement width and a right-of-way that varies from 40 to 45 ft at this location. Harris Road is a minor arterial with a 16-ft pavement width inside a 39-ft right-of-way. Link Road is a local road with a 16-ft pavement width inside a right-of-way that varies from 30 to 40 ft.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Woods Creek

▶ **PRESENT ZONING:** PR (Planned Residential) with up to 2.5 du/ac

▶ **ZONING REQUESTED:** PR (Planned Residential) with up to 4 du/ac

▶ **EXISTING LAND USE:** Agriculture/forestry/vacant

▶ **DENSITY PROPOSED:** up to 4 du/ac

EXTENSION OF ZONE: Yes, a parcel to the southeast is zoned PR and this parcel is also zoned PR; this request is to increase the density

HISTORY OF ZONING: A request to rezone this property from A (Agricultural) to PR (Planned Residential) with 3 du/ac was denied in 2005 (Case 4-G-05-RZ); property was rezoned from A (Agricultural) to PR (Planned Residential) with up to 2.5 du/ac in 2007 (Case 5-P-07-RZ)

SURROUNDING LAND USE AND ZONING: North: Agricultural/forestry/vacant and single family residential - A (Agricultural)

South: Agricultural/forestry/vacant, rural residential, and single family residential - A (Agricultural)

East: Agricultural/forestry/vacant and single family residential - A (Agricultural) and PR (Planned Residential) with up to 2 du/ac

West: Agricultural/forestry/vacant, rural residential, and single family residential - A (Agricultural)

STAFF RECOMMENDATION:

- ▶ **Approve PR zoning with up to 3 du/ac because it is consistent with the Growth Policy Plan and the Northeast County Sector Plan.**

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01 SUBSECTIONS A-D, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 significant road improvements planned for Washington Pike from I-640 to Murphy Road, including additional lanes, new shared paths (bicycle and pedestrian), and intersection improvements at key intersections. According to the City's Capital Improvement Projects webpage, the project is projected to go out for bid early 2024, so phased development of this property likely will coincide with the planned road improvements. Babelay Road connects to Washington Pike within the planned improvement area, and the Washington Pike improvements north of Babelay Road will ease traffic flow for those using Washington Pike to get to the northern portion of the development. The section of Washington Pike from Mill Road to Murphy Road will consist of two travel lanes in each direction and a dual use left turn lane with shared use paths and landscape buffers on both sides of the road.

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

1. The PR (Planned Residential Zone) is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems.
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.

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 property is within the Rural Area at the boundary line of the Rural Area and Urban Growth Boundary. Surrounding residential properties are mostly zoned A (Agricultural), which allows a density of up to 1 du/ac. However, the few residential developments built off of side streets are built out with a density of approximately 2 du/ac in most cases.
2. Built at the requested 4 du/ac, the development could accommodate up to 423 single family dwellings. Built at the recommended 3 du/ac, the development could accommodate up to 317 single family dwellings. Built at the existing 2.5 du/ac, the development could accommodate up to 264 lots. These are basic calculations that do not account for road infrastructure or stormwater facilities.
3. The property is within a Parental Responsibility Zone, so sidewalks may be required along Harris Road.
4. The parcel has access to sewer lines.
5. Parts of this property are in the HP area, though the steeper slopes are contained in small nodes along the perimeter of the property. The slope analysis recommended a maximum land disturbance area of 102 acres (out of the 106 total). Of the 9.79 acres in the Hillside Protection area, no more than 5.5 acres could be disturbed.
6. The property has frontage on Harris and Babelay Roads. Harris Road is classified as a minor arterial; Babelay Road is classified as a minor collector. The other frontage is on Link Road, which runs from Babelay Road to Washington Pike, a minor arterial nearby to the north. There are several opportunities for access points since the property is so large and has frontage along these three roads. Given the property's position within the collectors and arterials mentioned, traffic to and from the development would be distributed along the arterials and collectors without utilizing side roads. However, Babelay Road and Harris Road are both somewhat narrow at 16 ft each in front of this property.
7. A traffic study would be required for the concept plan phase to determine if any road improvements will be needed.

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 Northeast County Sector Plan's LDR (Low Density Residential) designation allows up to 5 du/ac in the County.
2. However, this designation is not consistent with the General Plan or the Growth Policy Plan.

- a. Under Development Policies in the General Plan (p. 69), low-density residential development ranging from 1 to 3 du/ac is recommended in rural areas with infrastructure.
- b. In the Policies section of Section 1 of the Growth Policy Plan, a Traffic Impact Letter (TIL) is required in the County's Rural Area to show that the new developments will not unreasonably impair traffic flow along the arterial roads through the adjacent Planned Growth Area(p. 6). In this case, the adjacent land is in the Urban Growth Boundary, not the Planned Growth Area, so a TIL will not be required or the rezoning. A TIA will be required for the concept plan phase, however, since the TIL from 2005 is outdated.

A BRIEF HISTORY:

1. Staff recommended a density of up to 3 du/ac for the 2007 rezoning (Case 5-P-07-RZ / 5-B-07-SP). The Planning Commission approved up to 2.5 du/ac, and County Commission followed suit.
2. In 2005, PR zoning with up to 3 du/ac was requested (Case 4-G-05-RZ / 4-B-05-SP). The request was denied.
3. A TIL was submitted with the 2005 rezoning. However, a new TIA would be required for the concept phase of this development since so much time has elapsed and the development will contain over 70 lots, which is the threshold for requiring a TIA.

ESTIMATED TRAFFIC IMPACT: 3919 (average daily vehicle trips)

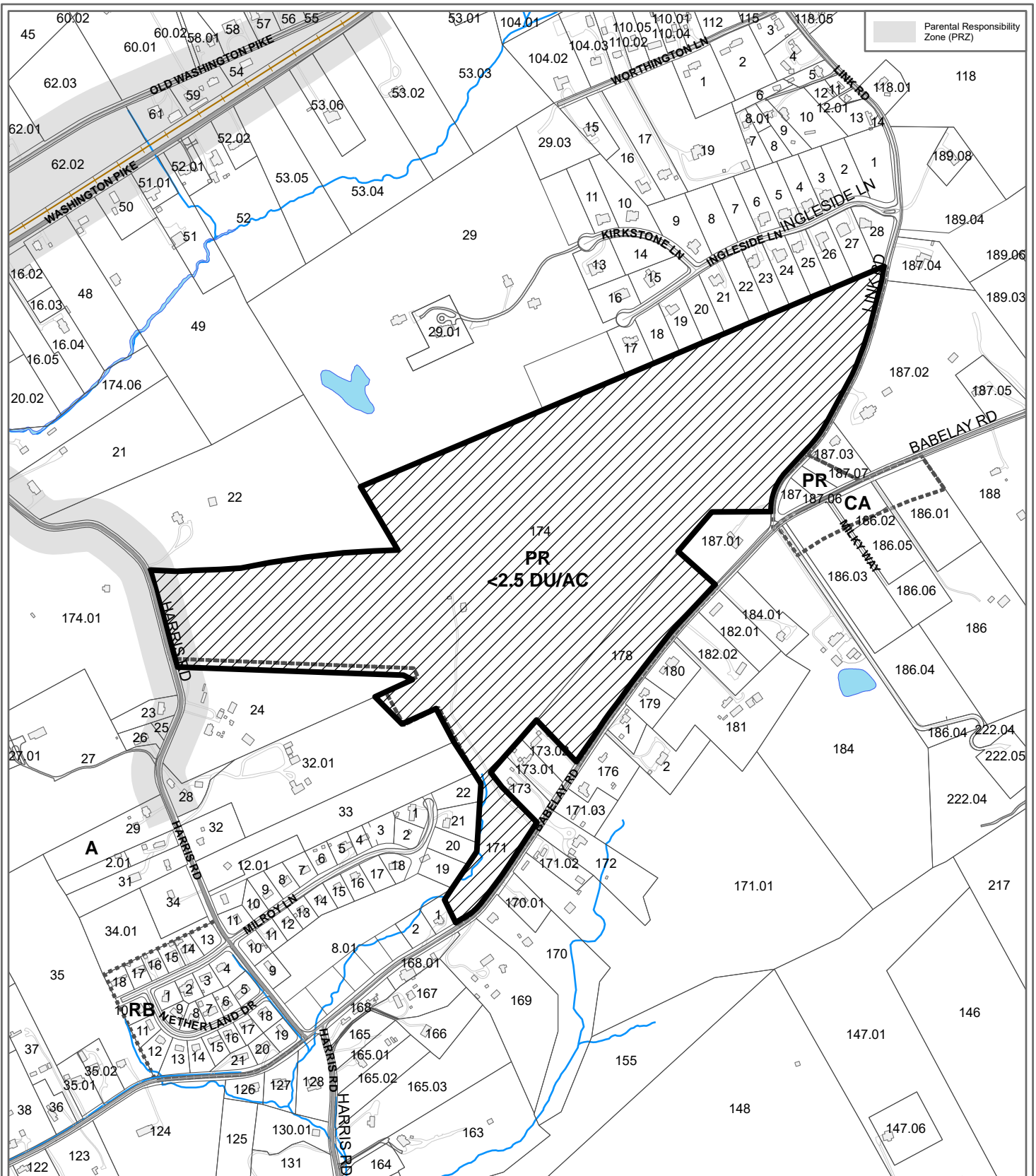
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 140 (public school children, grades K-12)

Schools affected by this proposal: Ritta Elementary, Holston Middle, and Gibbs High.

- 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 9/27/2021. 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-H-21-RZ
REZONING**

From: PR (Planned Residential)

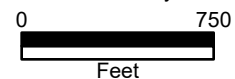
To: PR (Planned Residential)



Petitioner: S & E Properties

Map No: 50

Jurisdiction: County



Original Print Date: 7/7/2021

Revised:

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



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REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
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ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

of counsel
JASON T. MURPHY

August 11, 2021

**Knoxville-Knox County Planning
City-County Building
400 Main Street, Suite 403
Knoxville, TN 37902**

Via e-mail only:
dori.caron@knoxplanning.org

Attn: Dori Caron

Re: August 11, 2021 Planning Commission Meeting - Agenda Item No. 14
File No. 8-H-21-RZ

August 11, 2021 Planning Commission Meeting - Agenda Item No. ~~26~~ 24 *lc*
File No. 7-SA-21-C & 7-C-21-UR

Dear Dori:

Please allow this letter to confirm that I have been retained to speak on behalf of the Applicant (Scott Smith, S&E Properties, LLC) for the above-referenced agenda items at the August 12, 2021 Knoxville-Knox County Planning Commission meeting.

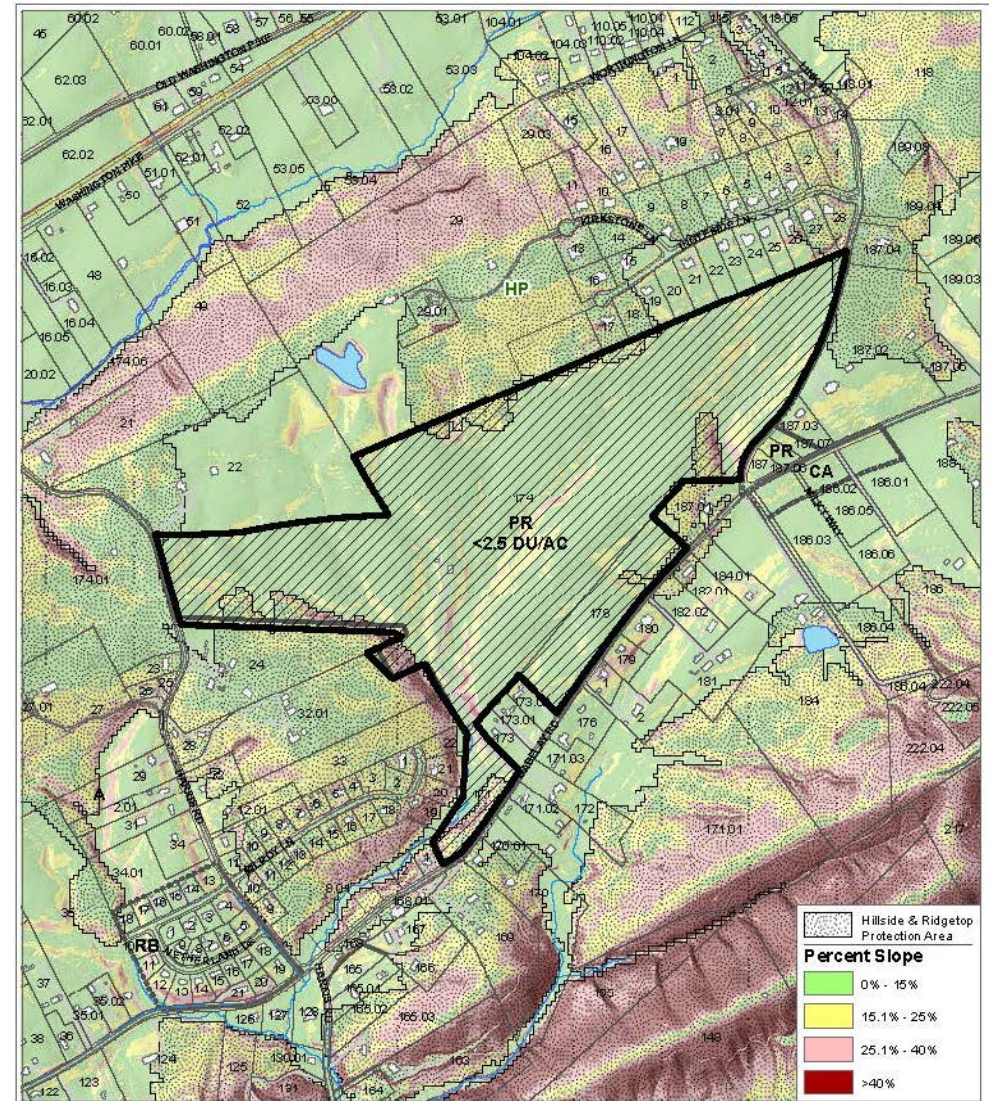
Thank you for your assistance in this matter.

Sincerely,
Benjamin C. Mullins
Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	96.77	100%	96.8
0-15% Slope	2.71	100%	2.7
15-25% Slope	4.6	50%	2.3
25-40% Slope	2.05	20%	0.4
Greater than 40% Slope	0.43	10%	0.0
Ridgetops	0		
Subtotal: Sloped Land	9.79	<i>Recommended disturbance budget within Hillside Protection Area (acres)</i>	5.5
Total Acreage	106.56		102.2

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	96.77	5.00	483.9
0-15% Slope	2.71	4.00	10.8
15-25% Slope	4.6	2.00	9.2
25-40% Slope	2.05	0.50	1.0
Greater than 40% Slope	0.43	0.20	0.1
Ridgetops	0	3.00	0.0
Subtotal: Sloped Land	9.79		21.2
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	106.56	4.74	505.0
Proposed Density (Applicant)	106.56	5.00	532.8



**8-H-21-RZ
SLOPE ANALYSIS**

From: PR (Planned Residential)
To: PR (Planned Residential)

Original Print Date: 7/7/2021 Revised:
Knoxville - Knox County Planning Commission * City/ County Building * Knoxville, TN 37902

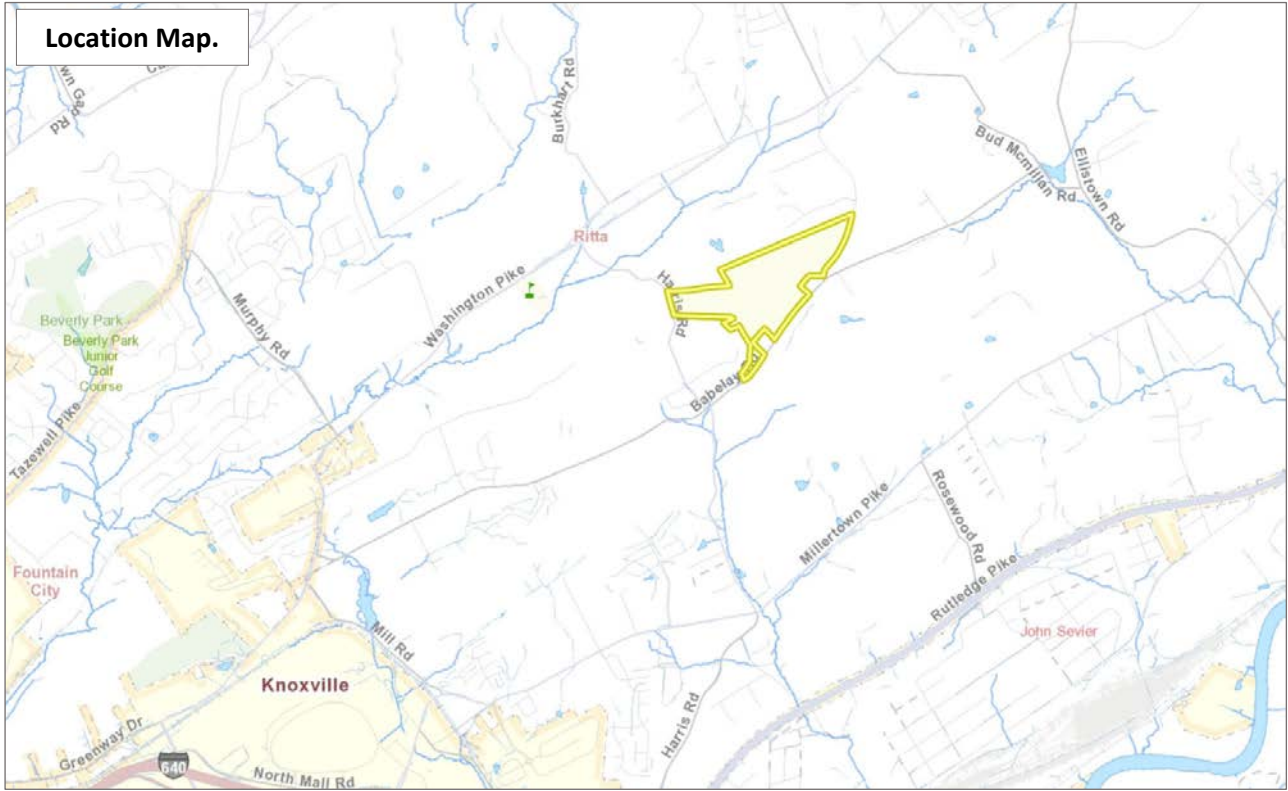
Petitioner: S & E Properties,

Map No: 50
Jurisdiction: County

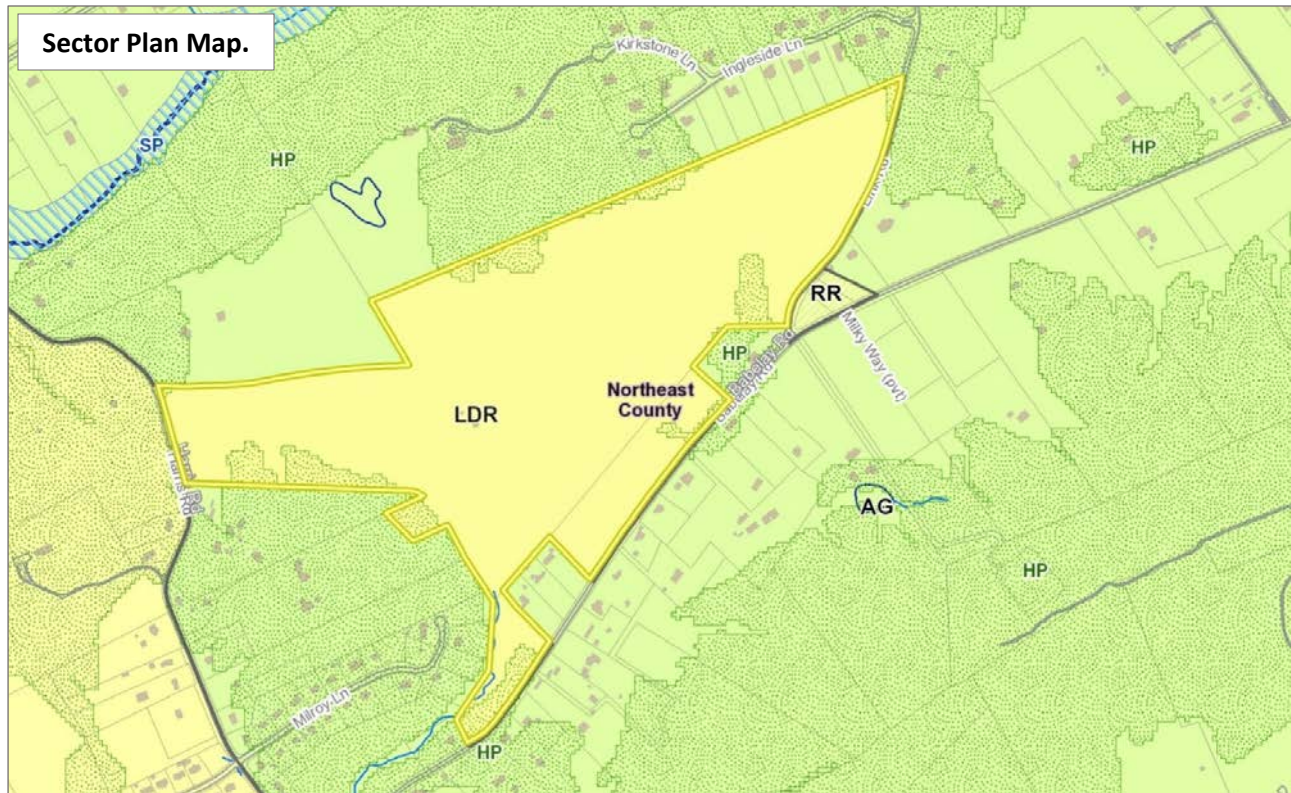
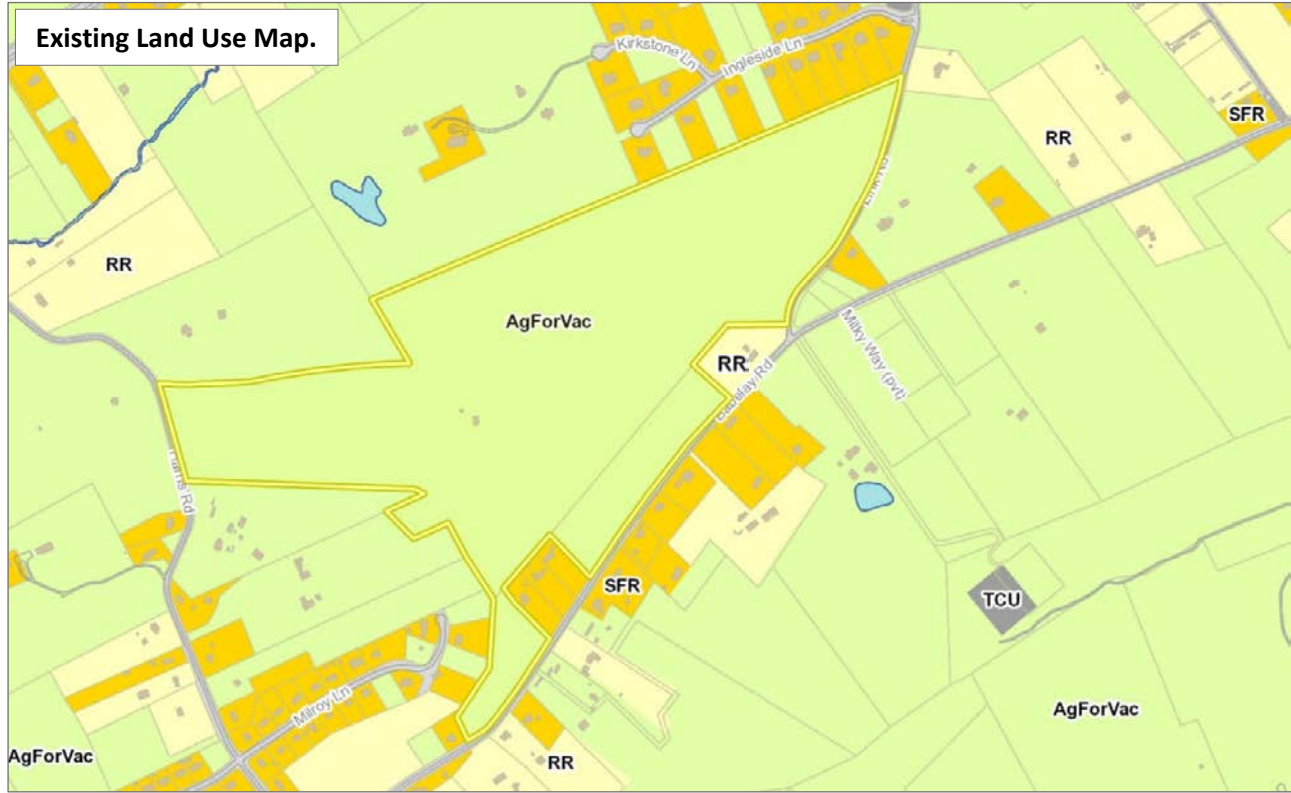
0 750
Feet

Hillside & Ridgetop Protection Area
Percent Slope
0% - 15%
15.1% - 25%
25.1% - 40%
>40%

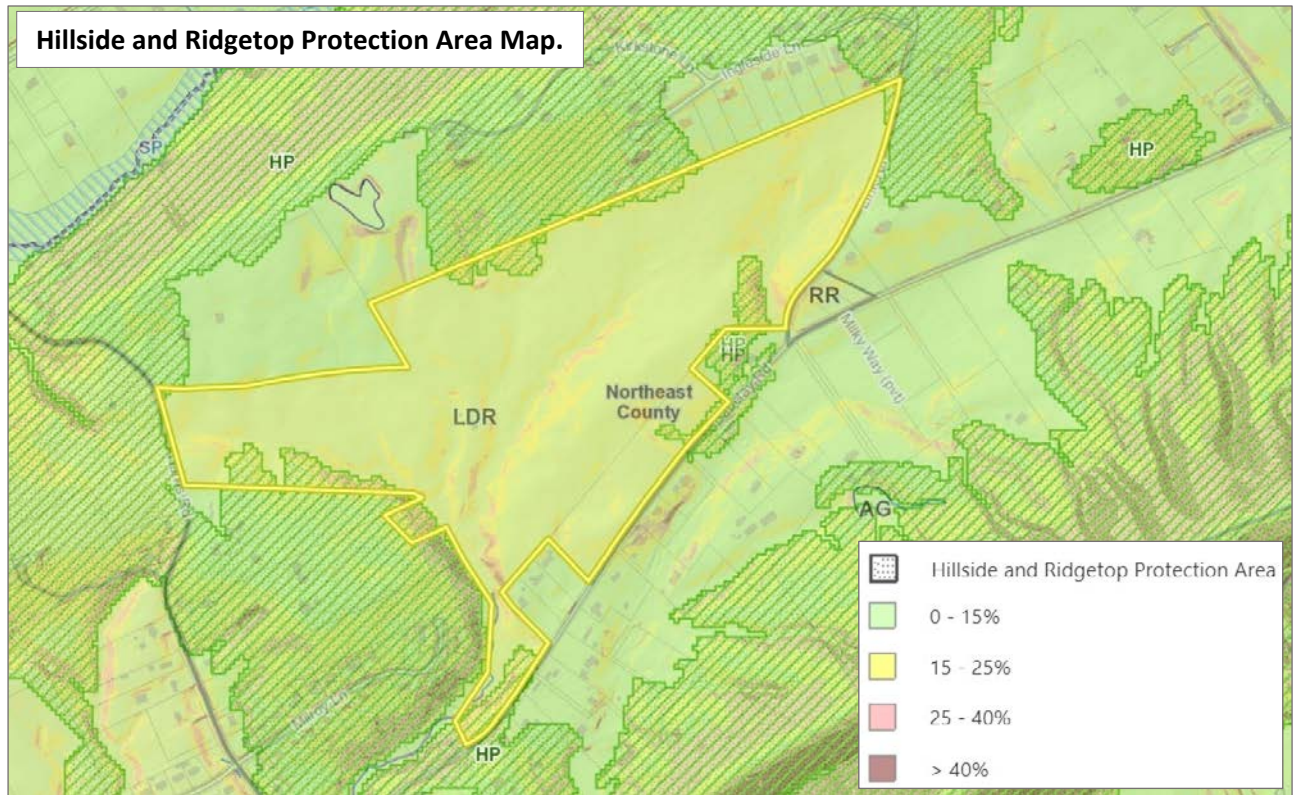
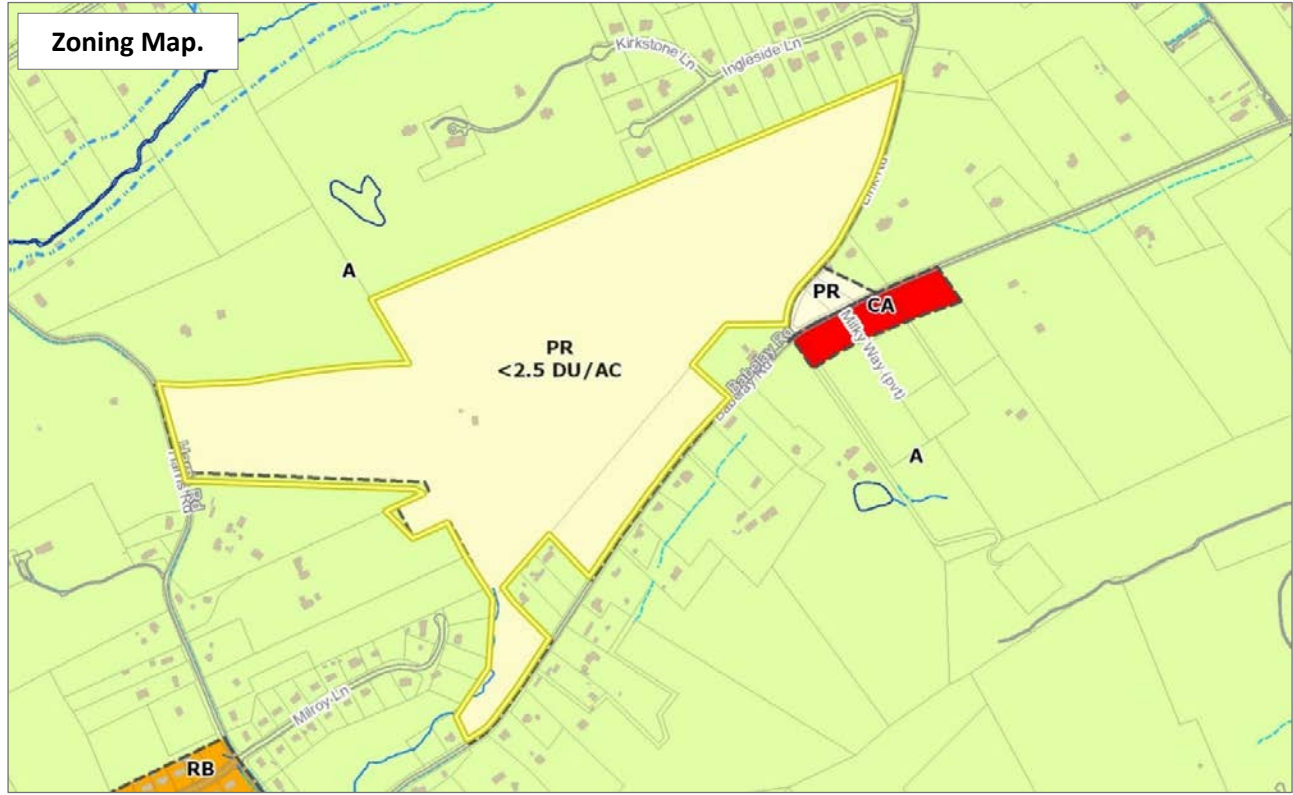
8-H-21-RZ
EXHIBIT A. Contextual Images



8-H-21-RZ
EXHIBIT A. Contextual Images



8-H-21-RZ
EXHIBIT A. Contextual Images



8-H-21-RZ
EXHIBIT A. Contextual Images



600 5000



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- SP OYP
- Rezoning

S+E Properties

Applicant Name

Affiliation

6-1-2021

Date Filed

8/12/21

Meeting Date (if applicable)

File Number(s)

8-H-21-RZ

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

Eric Moseley

Name

S+E Properties

Company

405 Montbrook

Address

Knoxville

City

TN

State

37919

ZIP

865-454-3727

Phone

ericmoseley@icloud.com

Email

CURRENT PROPERTY INFO

Hardin Valley Partners 1830 Dunstone Way

Owner Name (if different)

Owner Address

Owner Phone

6513, 0, 0 Babelay Rd.

Property Address

050 174, 050 171 & 050 178

Parcel ID

KUB

Sewer Provider

Northeast Knox Utility

Water Provider

Septic (Y/N)

STAFF USE ONLY

west

E/S Harris Rd, northeast side Babelay Rd.

General Location

Tract Size

105.98 acres

City County

District

8th

District

PR < 2.5 du/ac, SA

Zoning District

Existing Land Use

Ag For Vac

Northeast County

Planning Sector

~~AG HP & RR~~ LDR & HP

Sector Plan Land Use Classification

Rural Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Combine Parcels
 Divide Parcel
 Unit / Phase Number _____

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change
 Proposed Zoning PR 4dup/ac

Plan Amendment Change
 Proposed Plan Designation(s) _____

Proposed Density (units/acre) 4/dup/ac

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)
 Use on Review / Special Use (Concept Plan)
 Traffic Impact Study
 COA Checklist (Hillside Protection)

Fee 1	0325 5000.00	Total \$5,000
Fee 2		
Fee 3	0527 800.00	
		\$5800.00

AUTHORIZATION

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



Applicant Signature

Please Print

Date

865-454-3727

ericmoseley@icloud.com

Phone Number

Email



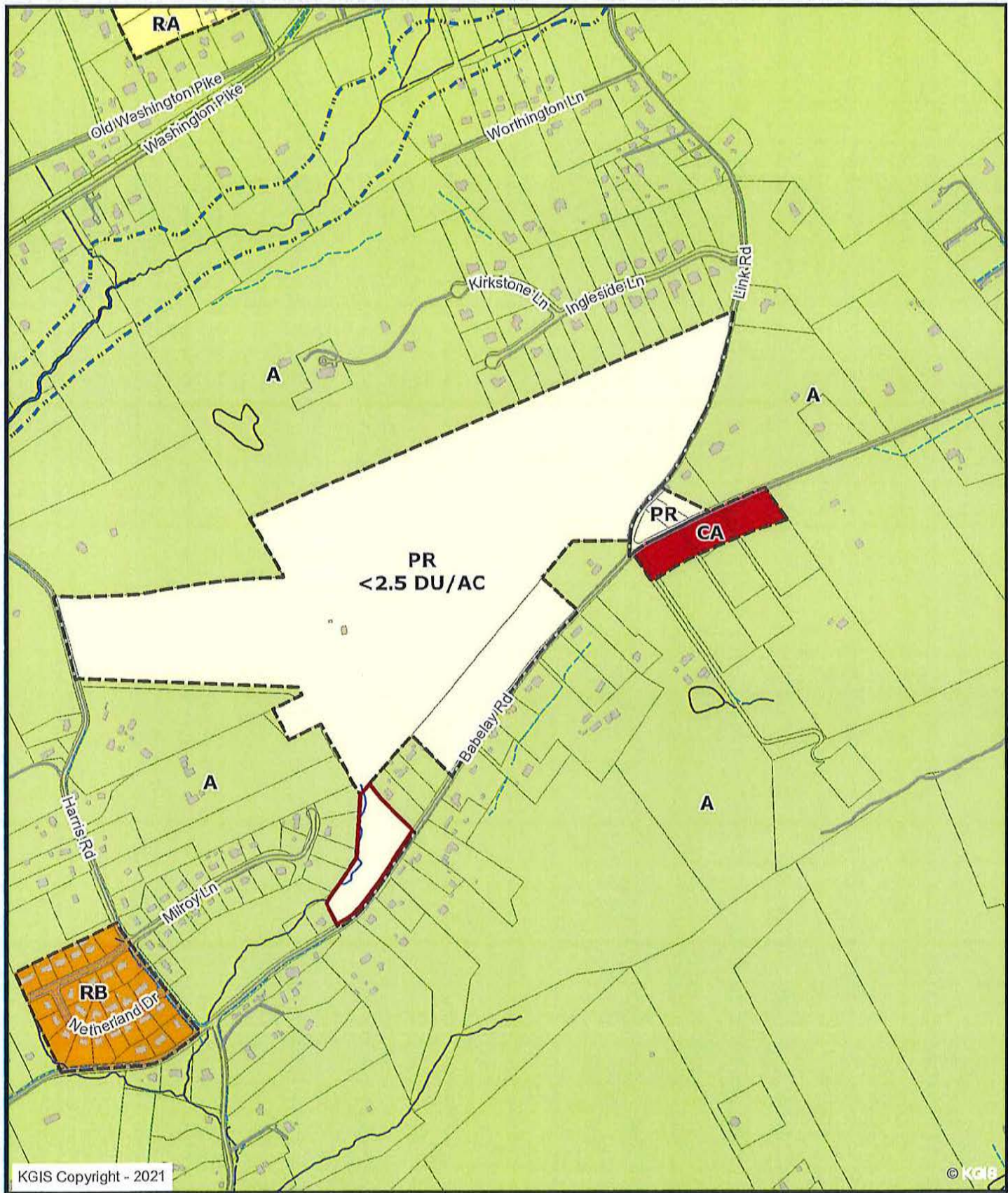
Sherry Muchienzi

Date

6/28/2021

Staff Signature

Please Print



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Letter Portrait

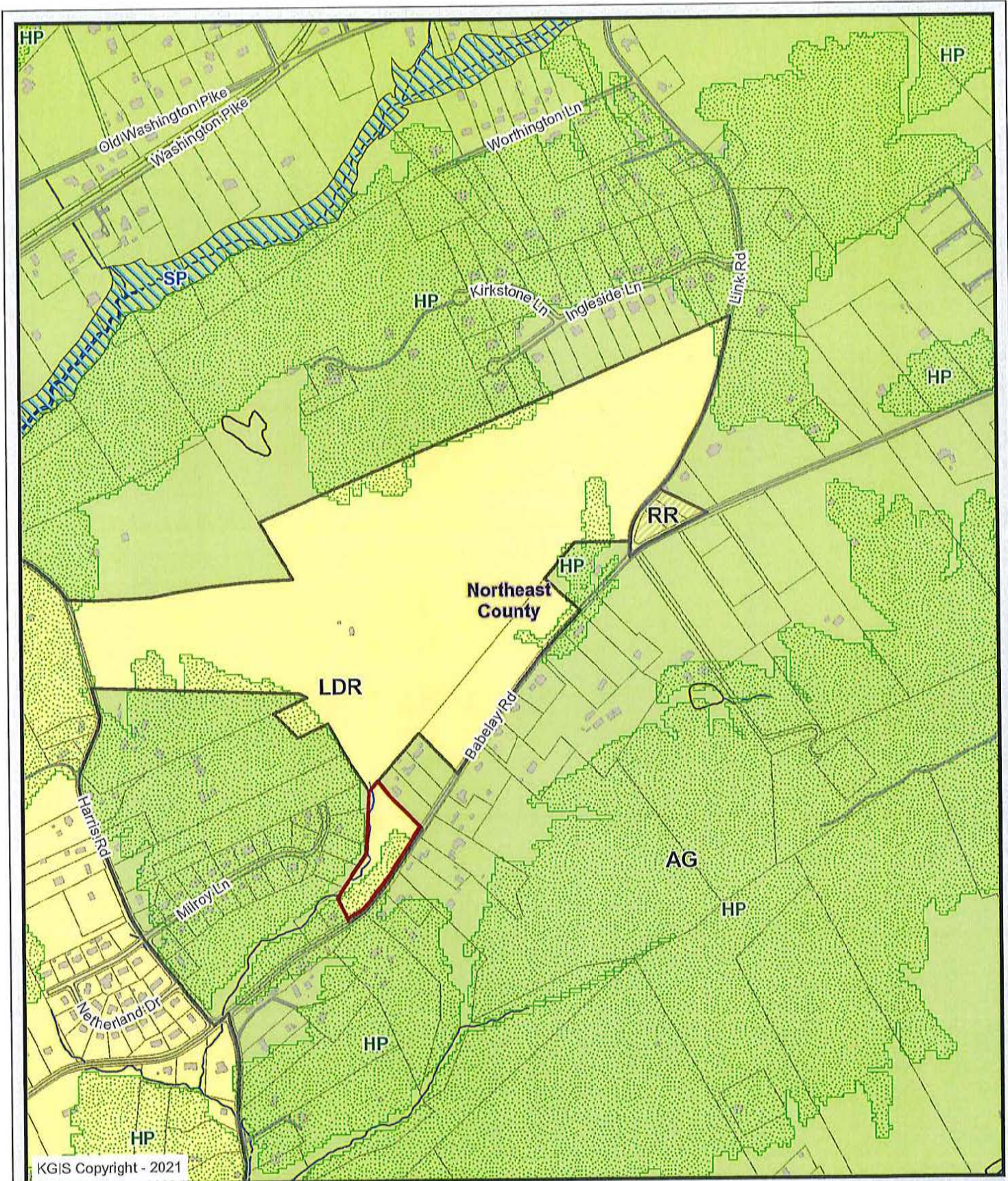
Knoxville - Knox County - KUB Geographic Information System



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Letter Portrait

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PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE
MAP DEPARTMENT - OWNERSHIP CARD

Source: KGIS

ACTIVE NORMAL

05/10/2021

District	Map	Insert	Group	Parcel	Ward	Property Location		
N8	50			174		6513 BABELAY RD		
Subdivision				Block	Lot	Plat	Dimensions (shown in ft.)	Acreage
				-	8-	<u>15-75</u>		95.03 - A.C. Deeded
								- A.C. Calculated
Owner				Sale Date	Book	Page	Sale Price	Mailing Address
COX FRANCES F				10/8/1949	<u>802</u>	* 701		6308 WASHINGTON PIKE KNOXVILLE, TN 37918
				2/5/1957	<u>1038</u>	275		
				8/7/1959	<u>1119</u>	207		
				6/8/1963	<u>1228</u>	175		
FENNELL FRANK C & LEOTA F WEBBER				8/1/2005	<u>20050824</u>	0017816		6405 OLD WASHINGTON PIKE KNOXVILLE, TN 37918
HARDIN VALLEY PARTNERS				2/28/2006	<u>20060302</u>	0073177		1830 SUNSTONE WAY KNOXVILLE, TN 37922
Remarks								
L/A								
Parent Parcel						Parent Instrument Number		
Previous Parcel (Split From)						Next Parcel (Merged Into)		

PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE
MAP DEPARTMENT - OWNERSHIP CARD

Source: KGIS

ACTIVE NORMAL

05/10/2021

District	Map	Insert	Group	Parcel	Ward	Property Location		
N8	50			171		0 BABELAY RD		
Subdivision				Block	Lot	Plat	Dimensions (shown in ft.)	Acreage
				-	-	=		3.26 - A.C. Deeded
								0.00 - A.C. Calculated
Owner				Sale Date	Book	Page	Sale Price	Mailing Address
POWELL JAMES N & CLARICE N REVOCABLE LICING TRUST				1/21/1974	1524	341		180 BROWN'S RD OAKDALE, TN 37829
				5/1/1998	2286	511		
				7/2/1998	2293	513		
HARDIN VALLEY PARTNERS				8/22/2007	20070824	0017352	\$ 30,000	1830 SUNSTONE WAY KNOXVILLE, TN 37922

Remarks

ATTRIBUTES FROM NCR LOADER

Parent Parcel	Parent Instrument Number
Previous Parcel (Split From)	Next Parcel (Merged Into)

PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE
MAP DEPARTMENT - OWNERSHIP CARD

Source: KGIS

ACTIVE NORMAL

05/10/2021

District	Map	Insert	Group	Parcel	Ward	Property Location		
N8	50			178		0 BABELAY RD		
Subdivision				Block	Lot	Plat	Dimensions (shown in ft.)	Acreage
J L MCCULLOUGH				-	2-	<u>58L-72</u>		7.70 - A.C. Deeded
								0.00 - A.C. Calculated
Owner				Sale Date	Book	Page	Sale Price	Mailing Address
COX FRANCES F				11/12/1970	<u>1441</u>	556		6308 WASHINGTON PIKE KNOXVILLE, TN 37918
HARDIN VALLEY PARTNERS				2/28/2006	<u>20060302</u>	0073177		1830 SUNSTONE WAY KNOXVILLE, TN 37922

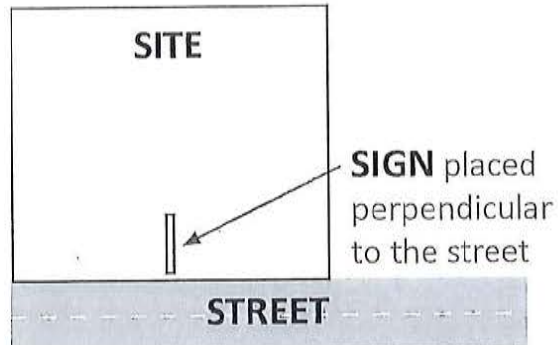
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Remarks

L/A

Parent Parcel	Parent Instrument Number
Previous Parcel (Split From)	Next Parcel (Merged Into)

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

July 28, 2021 (Wed) and Aug. 13, 2021 (Fri)
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: SE Properties

Date: 6/28/2021

File Number: 8-4-21-RZ

- Sign posted by Staff
 Sign posted by Applicant