



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-C-21-RZ **AGENDA ITEM #:** 7
1-E-21-PA **AGENDA DATE:** 2/11/2021

POSTPONEMENT(S): 1/14/2021

▶ **APPLICANT:** BENJAMIN C., MULLINS OBO HILTON CAPITAL GROUP
OWNER(S): Girls Scouts of Tanasi Council, Inc.

TAX ID NUMBER: 80 J B 021, 023 & 024 **[View map on KGIS](#)**

JURISDICTION: Council District 5

STREET ADDRESS: 2400, 2600 Merchant Dr. & 5291 Oakhill Dr.

▶ **LOCATION:** South of Merchant Dr. between Clinton Hwy & Pleasant Ridge Rd.

▶ **TRACT INFORMATION:** 39.3 acres.

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Within City Limits

ACCESSIBILITY: Access is via Merchant Drive, a minor arterial street with 33 feet of pavement width and 65 feet of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / HP (Hillside Protection) / C-N (Neighborhood Commercial) District / AG (Agricultural) District / HP (Hillside Protection) Overlay District on 2400 Merchant Drive; AG (Agricultural) District / HP (Hillside Protection) Overlay District on the remaining property

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR/O (Medium Density Residential/Office) / HP (Hillside Protection) / RN-5 (General Residential Neighborhood) / HP (Hillside Protection)

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

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** No

HISTORY OF ZONING REQUESTS: 4-J-14-RZ: Withdrawn - A-1 & C-1 to RP-1 up to 5.99 du/ac
North: Single family residential - LDR (Low Density Residential)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING South: Agriculture/forestry/vacant - LDR (Low Density Residential)

East: Public/quasi-public - CI (Civic Institutional)

West: Multifamily residential - MDR (Medium Density Residential)

NEIGHBORHOOD CONTEXT: This area is primarily a mix of low density and medium density residential uses between two commercial nodes, one at the intersection with Clinton Highway, and a smaller scale commercial area at the intersection with

STAFF RECOMMENDATION:

- ▶ **Approve MDR (Medium Density Residential) / HP (Hillside Protection) because it is compatible with the surrounding development.**

- ▶ **Approve RN-3 (General Residential Neighborhood Zoning District) / HP (Hillside Protection) because it is consistent with the surrounding development.**

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:

1. There is no error in the plan that would warrant a plan amendment.

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:

1. No new trends in development warrant reconsideration.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. The original sector plan did not anticipate that the HP (Hillside Protection) overlay zone would be adopted to limit the disturbance area for future development of the site.
2. The HP overlay zone allows for the site to be developed but for the disturbance area to be limited based on the slope characteristics of the property. The slope analysis for 1-C-21-RZ / 1-E-21-PA / 1-E-21-SP yields a maximum disturbance area of 24.9 acres for the entire 39.9 acres of the site. Any new development would need to fit within the disturbance limits of slope analysis, thereby reducing the impact of the development of the property.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. No new information has become available.

ADDITIONAL CONSIDERATIONS:

1. This property is within the Parental Responsibility Zone for both Northwest Middle and Norwood Elementary schools and is located between two commercial nodes. Merchant Drive is serviced by transit at this location and an expansion of the adjacent MDR (Medium Density Residential) / HP (Hillside Protection) is warranted to meet the demand for a variety of housing types in this area that is well served by infrastructure.

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 GENERALLY:

1. The City of Knoxville continues to grow, as does demand for a variety of housing types, particularly in areas served by transit and sidewalks.

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

1. The zoning ordinance describes the RN-3 General Residential Neighborhood Zoning District as intended to accommodate medium density residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Townhouse dwellings may be allowed by special use approval to facilitate a more urban development form. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

2. 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.
3. The HP (Hillside Protection) Overlay zone district identifies significant natural topographic features of the City. When development occurs on hillsides, there are potential serious consequences, such as increased erosion, fire, or flood hazards, and property damage from extensive soils slippage and subsidence. In order to protect hillsides and hillside development, the HP Hillside Protection Overlay District is established.

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

1. The area consists mostly of single family residential, but is also adjacent to multi-family residential.
2. The proposed rezoning to RN-3 allows consideration of additional residential development in an area well served by infrastructure including transit, within walking distance of two schools and near two commercial nodes. The residential development types are limited to houses, two family homes and by special use, townhomes.
3. Development of the site under RN-3 zoning will likely require a traffic impact analysis and may generate 6 to 9 additional students for area schools.
4. Development of the site under the HP overlay zone will require a development plan to be reviewed for compliance with the HP Overlay zone district and the disturbance area will be limited based on the slope characteristics of the property. Any new development would need to fit within the disturbance limits of slope analysis, thereby reducing the impact of the development of the property.

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 recommended amendment to the Northwest City Sector Plan's and One Year Plan to the MDR (Medium Density Residential) / HP (Hillside Protection) designation supports the recommended RN-3 / HP Overlay zone districts.

ESTIMATED TRAFFIC IMPACT: 7562 (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: 90 (public school children, grades K-12)

Schools affected by this proposal: Norwood Elementary, Northwest Middle, and Powell 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 Knoxville City Council for action on 3/9/2021 and 3/23/2021. 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.