



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-G-21-RZ
1-G-21-SP

AGENDA ITEM #: 19
AGENDA DATE: 1/14/2021

▶ **APPLICANT:** S & E PROPERTIES
OWNER(S): William E, III & Courtney Manrod

TAX ID NUMBER: 116 06704 [View map on KGIS](#)
JURISDICTION: Commission District 6
STREET ADDRESS: 12041 Hardin Valley Rd.

▶ **LOCATION:** North side of Hardin Valley Rd., west of Mission Hill Ln.

▶ **TRACT INFORMATION:** 6.98 acres.

SECTOR PLAN: Northwest County
GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Hardin Valley Road, a minor arterial with a pavement width of 20.5 feet within a right-of-way width of 60 feet.

UTILITIES: Water Source: West Knox Utility District
Sewer Source: West Knox Utility District

WATERSHED: Conner Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** RR (Rural Residential) / HP (Hillside Protection) & SP (Stream Protection) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / HP (Hillside Protection) & SP (Stream Protection) / PR (Planned Residential)

▶ **EXISTING LAND USE:** Rural residential

▶ **DENSITY PROPOSED:** 4 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Agriculture/forestry/vacant - RR (Rural Residential) / HP (Hillside Protection) / SP (Stream Protection)
South: Agriculture/forestry/vacant - RR (Rural Residential) / HP (Hillside Protection) / SP (Stream Protection)
East: Agriculture/forestry/vacant - RR (Rural Residential) / HP (Hillside Protection)
West: Agriculture/forestry/vacant - RR (Rural Residential) / HP (Hillside Protection) / SP (Stream Protection)

NEIGHBORHOOD CONTEXT: This area is transitioning from large, agricultural lots to single family residential. Steep slopes and stream protection areas are also in the vicinity.

STAFF RECOMMENDATION:

- ▶ **Deny LDR (Low Density Residential) because it is not in compliance with the Rural Area of the Knoxville-Knox County Growth Policy Plan and the surrounding development is consistent with the existing RR (Rural Residential) / HP (Hillside Protection) / SP (Stream Protection) land use designation.**

- ▶ **Approve PR (Planned Residential) up to 2 du/ac because it is consistent with the surrounding development and the adjacent residential densities, as well as the slope analysis.(Applicant requested PR up to 4 du/ac).**

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 has been a recently completed expansion of wastewater capacity in this area by the West Knox Utility District and a new middle school built for the Hardin Valley community by Knox County Schools. A study for forthcoming electrical line improvements by the West Knox Utility District and TVA is also underway.
2. Though there have been changing conditions in this area, this property lies within the Rural Area of the Growth Policy Plan, which limits the intensity of residential density and commercial and industrial development. Consideration of LDR (Low Density Residential) results in zoning districts for residential densities greater than 2 du/ac, which is not recommended for the Rural Area.
3. The HP (Hillside Protection) and SP (Stream Protection) overlay designations will remain on the property.

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

1. There have been no new road improvements in this area.
2. While utility infrastructure does support additional residential growth in the area, the adopted Growth Policy Plan does not support residential densities greater than 2 du/ac, thus the existing Rural Residential is the maximum residential land use classification that staff can support at this location.

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. The 2016 update of the Northwest County Sector Plan took into consideration that this area is within the Rural Area of the Growth Policy Plan, which is intended to remain rural through limiting residential density growth and development of commercial and industrial land uses.
2. Residential densities in the general area are approximately 2 du/ac, which the existing Rural Residential land use classification recommends.
3. The slope analysis yields a recommended density of 1.92 du/ac, the RR (Rural Residential) land use classification is consistent with the maximum recommended residential density in the Hillside Protection (HP) Overlay land use classification.

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

1. The existing Rural Residential land use classification allows consideration of additional residential density at this location up to 2 dwelling units per acre and the majority of the surrounding residential densities are within that range as well.
2. The slope analysis for the property also recommends a reduced density.
3. The floodplain for Connor Creek extends into this property as well.

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 COUNTY GENERALLY:

1. Infrastructure improvements have occurred in this area since the 2016 Northwest County Sector Plan update, including the expansion of wastewater capacity and a new middle school.
2. Electrical line improvements are currently being planned for the larger Hardin Valley area by West Knox Utility District and TVA.

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

1. The proposed amendment to PR 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, 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. 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 CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The proposed amendment to PR (Planned Residential) up to 2 du/ac is consistent with the surrounding development and expected to create minimal impacts if built out at the maximum density of approximately 14 additional dwelling units could be accommodated with this rezoning.
2. The development plan review during the subsequent, required, use on review process will provide for an opportunity to address potential conflicts with adjacent and surrounding development.
3. The slope analysis yields a reduced density of 1.92 du/ac due to the topographical constraints of the site and staff is recommending up to 2 du/ac.
4. The floodplain of Connor Creek is also delineated on the site and shown in Exhibit A, a greenway is proposed for this area by the 2020 adopted Knox County Greenway Corridor Study, see Exhibit B.

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 PR (Planned Residential) zone up to 2 du/ac is consistent with the RR (Rural Residential) and HP (Hillside Protection) overlay designations of the sector plan. The recommended density is also consistent with the Rural Area of the Growth Policy Plan.
2. The Knox County Greenways Corridor Study was adopted by Knox County Commission in January 2020 and recommended a preferred alignment for the Beaver Creek West Greenway connecting Brighton Farms Boulevard to Melton Hill Park through this area, adjacent to Connor Creek (See Exhibit B). The applicant and Knox County Parks and Recreation staff have been connected regarding this preferred greenway alignment. The PR zone district will also require site plan review by the Knoxville-Knox County Planning Commission through the use on review process to address site concerns related to floodplain and steep slopes, as well as compatibility with surrounding and adjacent development.

ESTIMATED TRAFFIC IMPACT: 322 (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: 11 (public school children, grades K-12)

Schools affected by this proposal: Hardin Valley Elementary, Hardin Valley 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 2/22/2021. 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.



Request to Postpone • Table • Withdraw

Name of Applicant: S & E Properties

AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 1-G-21-RZ / 1-G-21-SP

Date Scheduled for Planning Review: 01/14/2021

Date Request Filed: 01/12/2021 Request Accepted by: _____

REQUEST

Postpone

Please postpone the above application(s) until:

30 days (02/11/2021)

DATE OF FUTURE PUBLIC MEETING

Table

Please table the above application(s).

Withdraw

Please withdraw the above application(s).

State reason for request:

To complete a Traffic Impact Letter.

Eligible for Fee Refund? Yes No

Amount: _____

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: Benjamin C. Mullins

PLEASE PRINT

Name: Benjamin C. Mullins

Address: 550 W. Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: (865) 546-9321

Fax: (865) 637-5249

E-mail: bmullins@fmsllp.com

PLEASE NOTE

Consistent with the guidelines set forth in Planning's *Administrative Rules and Procedures*:

POSTPONEMENTS

Any first time (new) Planning application is eligible for one automatic postponement. This request is for 30 days only and does not require Planning approval if received no later than 3:30 p.m. on the Friday prior to the Planning Commission meeting. All other postponement requests must be acted upon by Planning before they can be officially postponed to a future public meeting.

TABLINGS

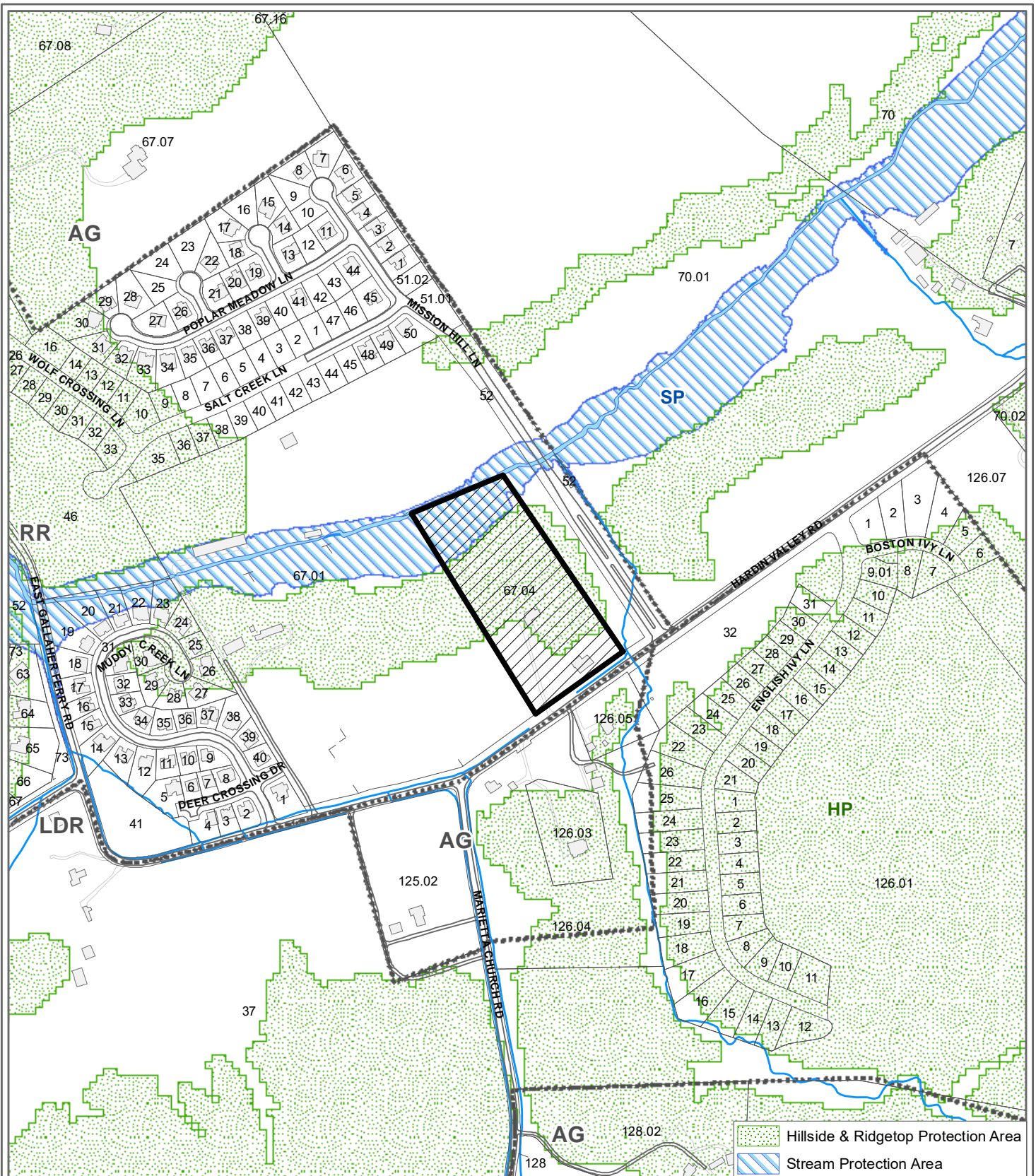
Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

WITHDRAWALS

Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.



**1-G-21-SP / 1-G-21-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

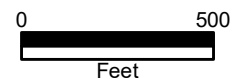
From: RR (Rural Residential) / HP (Hillside Protection) & SP (Stream Protection)
 To: LDR (Low Density Residential) / HP (Hillside Protection) & SP (Stream Protection)



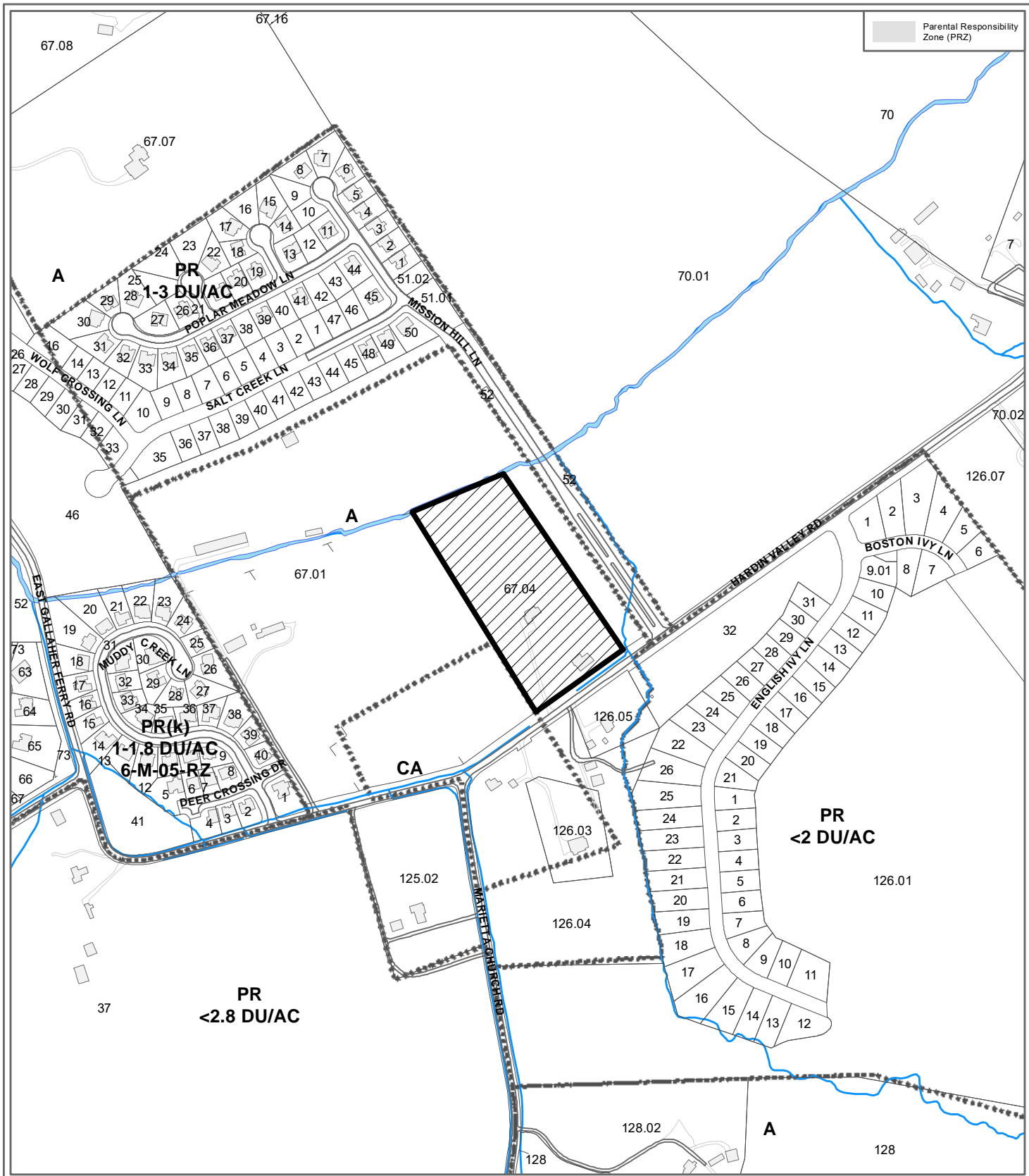
Petitioner: S & E Properties

Map No: 116

Jurisdiction: County



Original Print Date: 12/15/2020 Revised:
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902



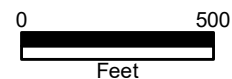
**1-G-21-RZ
REZONING**

Petitioner: S & E Properties

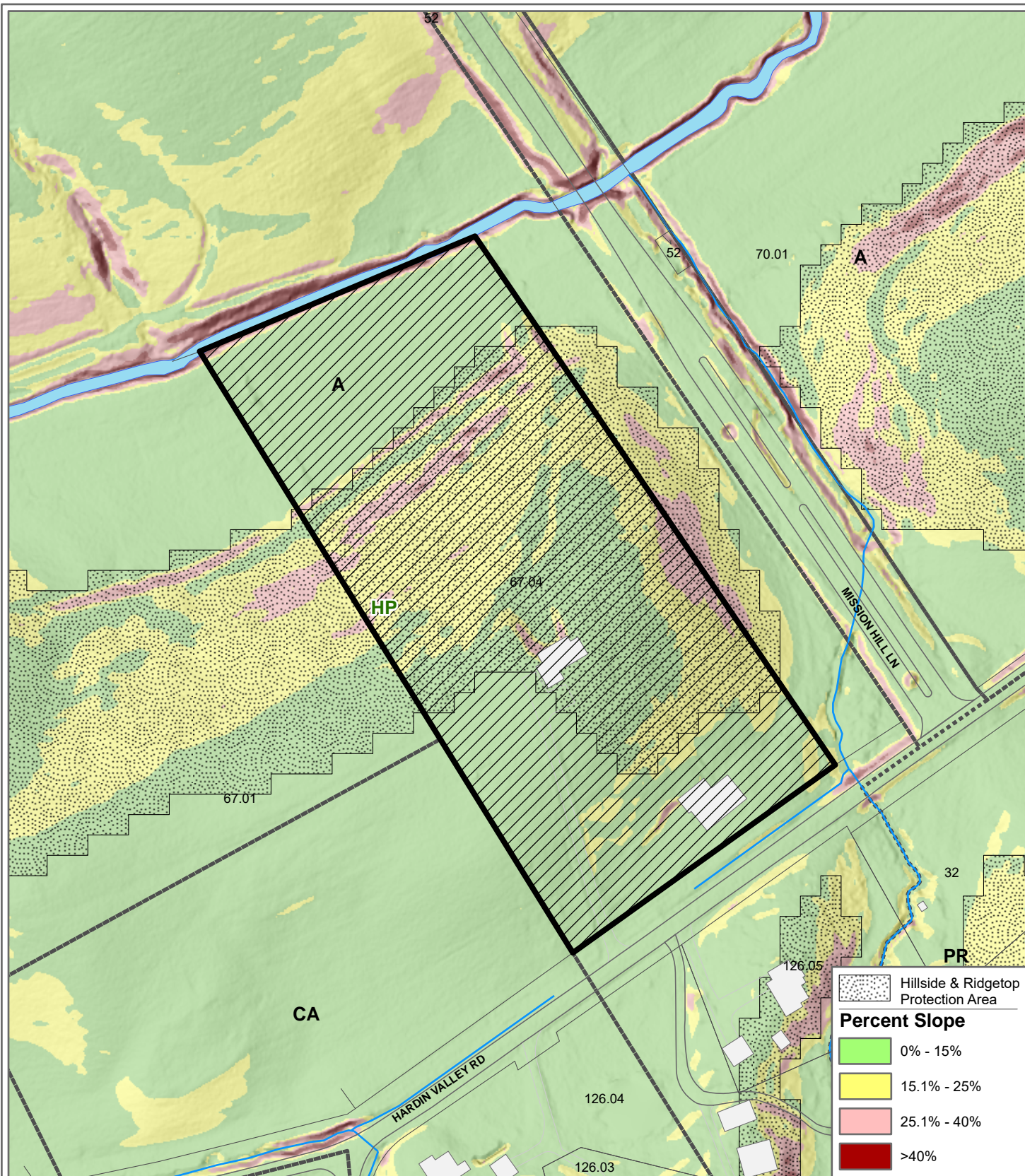


From: A (Agricultural)
To: PR (Planned Residential)

Map No: 116
Jurisdiction: County



Original Print Date: 12/7/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



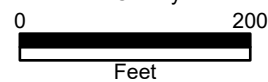
**1-G-21-RZ / 1-G-21-SP
SLOPE ANALYSIS**

Petitioner: S & E Properties



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

Map No.: 116
Jurisdiction: County



Original Print Date: 12/16/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

1-G-21-RZ / 1-G-21-SP

			Acres
Non-Hillside Portions			3.37
Hillside and Ridgetop Protection Area			
Value	Percent Slope	Count	Acres
1	0%-15%	2702	1.55
2	15%-25%	3268	1.88
3	25%-40%	665	0.38
4	>40%	27	0.02
			3.82
Ridgetop Area			0
Site Total			7.19

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	3.37	2.00	6.7
0-15% Slope	1.55	2.00	3.1
15-25% Slope	1.88	2.00	3.8
25-40% Slope	0.38	0.50	0.2
Greater than 40% Slope	0.02	0.20	0.0
Ridgetops	0	3.00	0.0
Subtotal: Sloped Land	3.83		7.1
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	7.20	1.92	13.8
Proposed Density (Applicant)	7.20	4.00	28.8

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 Urban Growth and the Planned Growth Area

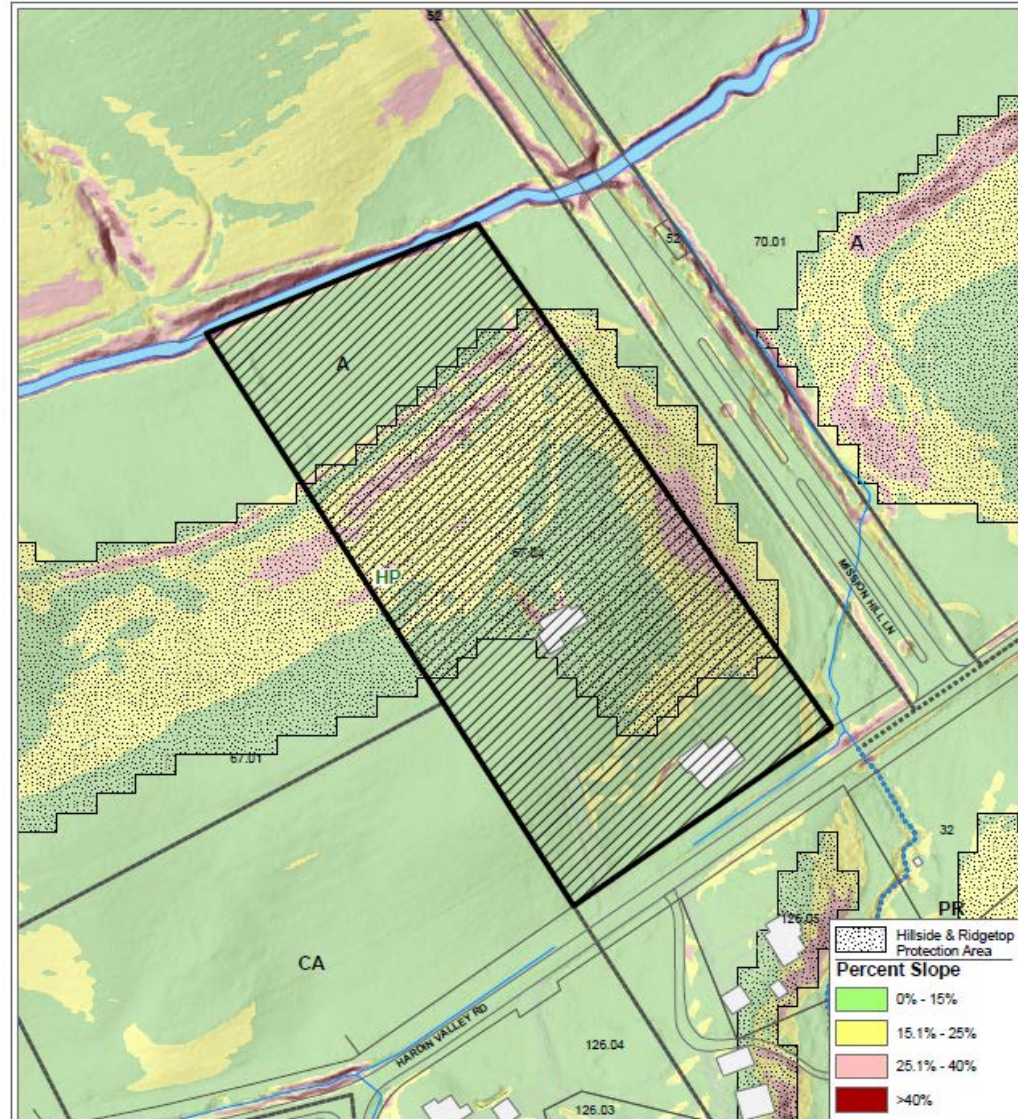
Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

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 legislative 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.



**1-G-21-RZ / 1-G-21-SP
SLOPE ANALYSIS**

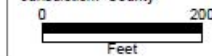
Petitioner: S & E Properties



From: A (Agricultural)

To: PR (Planned Residential)

Map No.: 118
Jurisdiction: County



Original Print Date: 12/16/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Exhibit A. 1-G-21-RZ / 1-G-21-SP Contextual Images

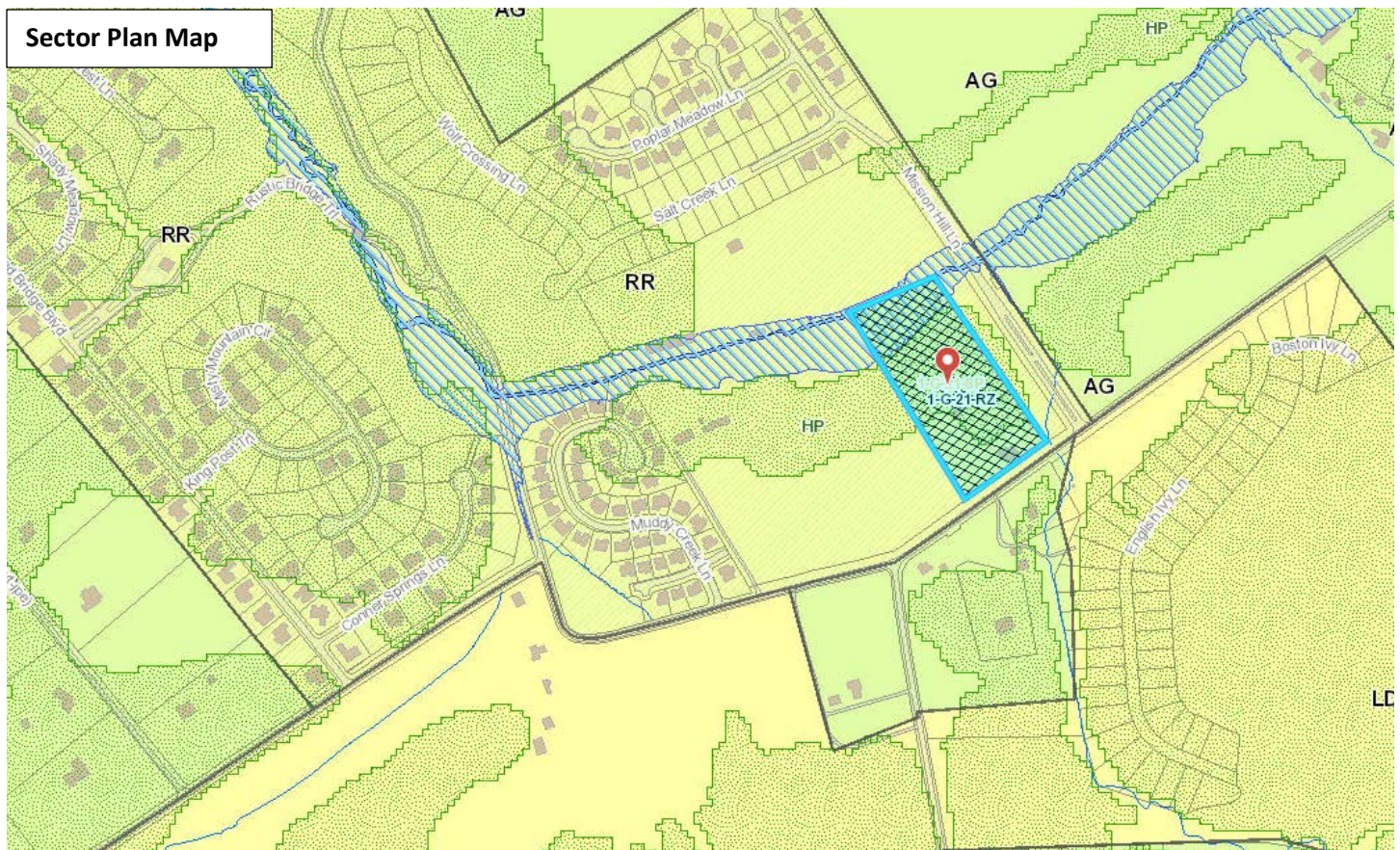
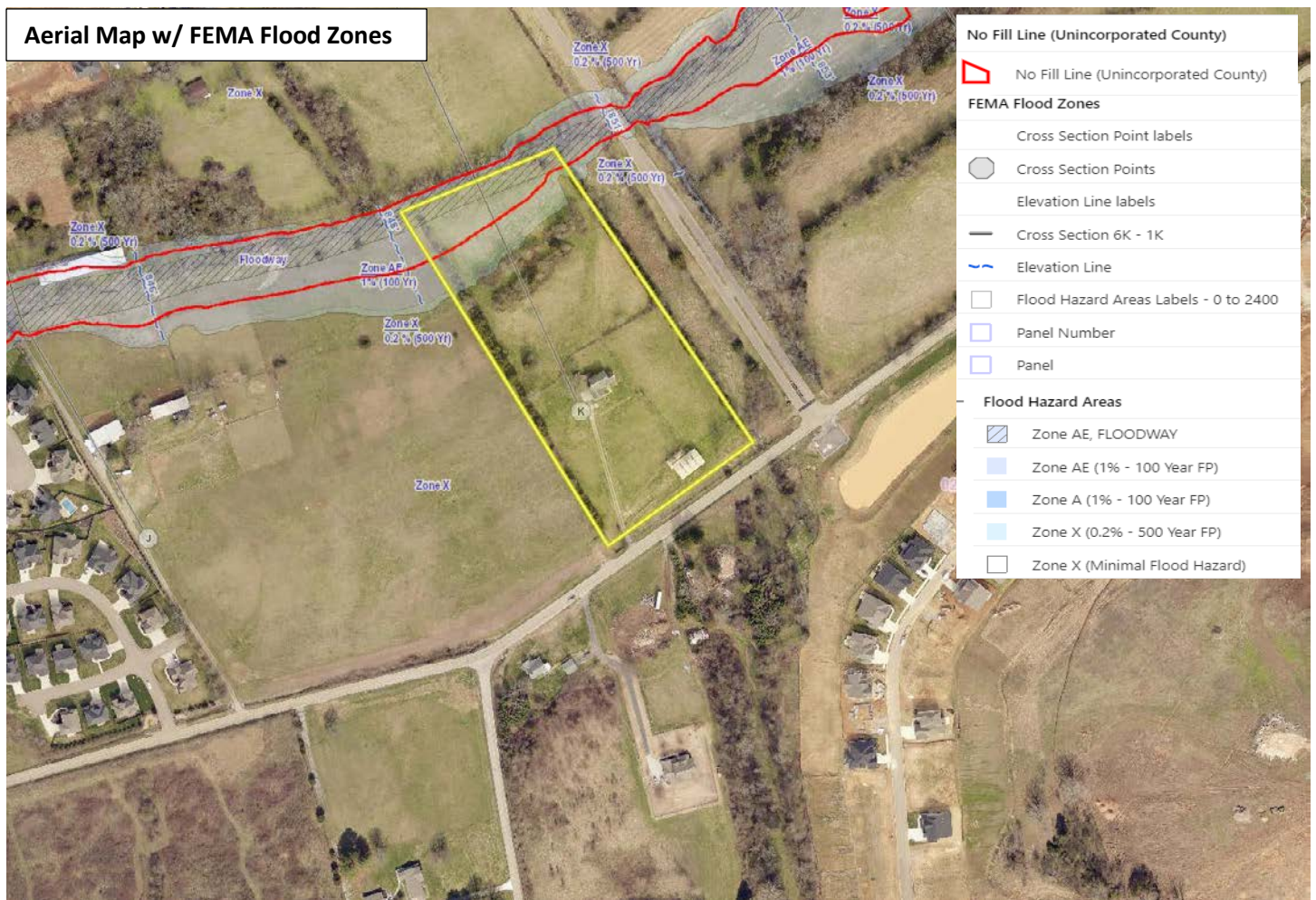
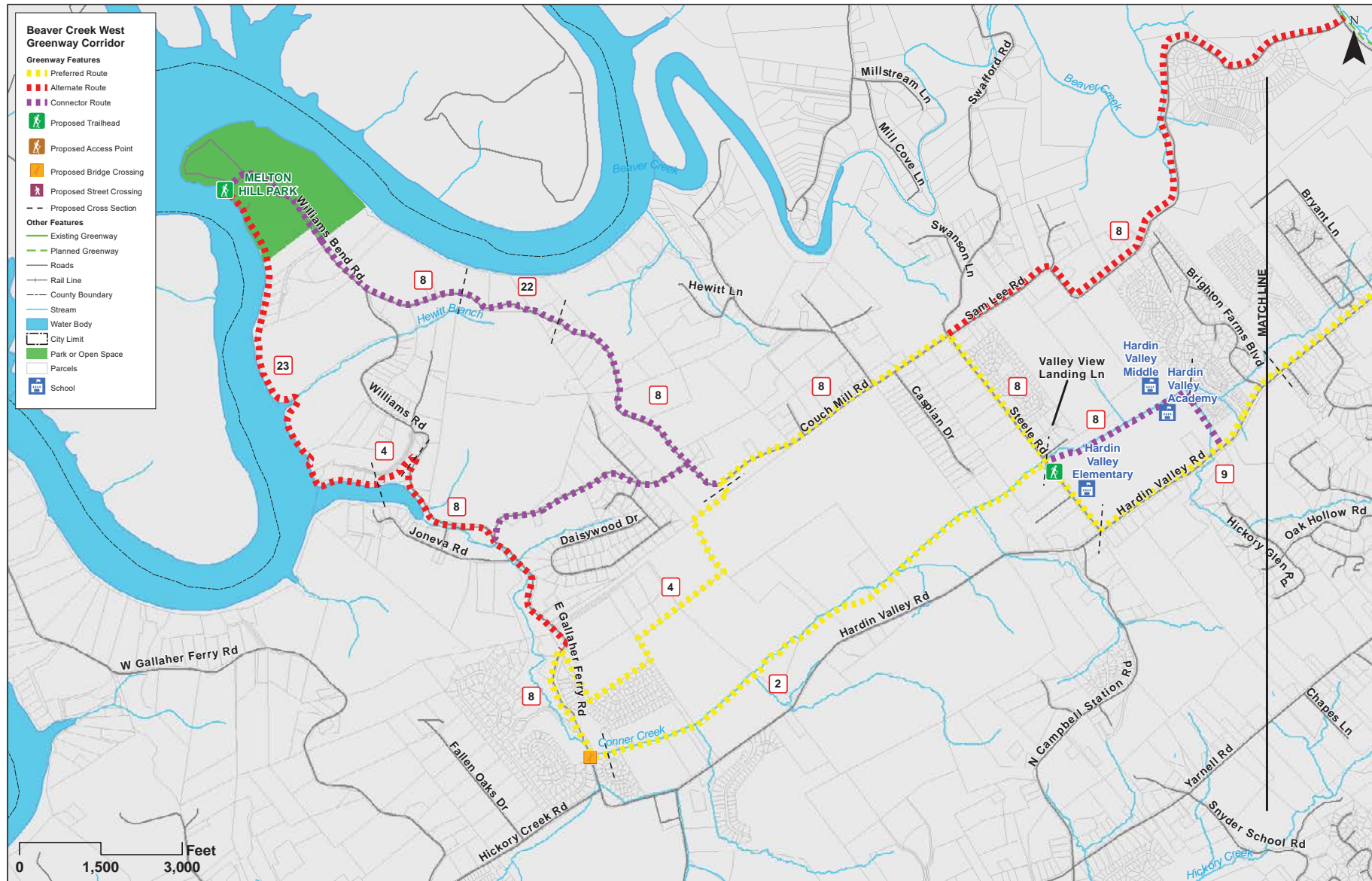


Exhibit A. 1-G-21-RZ / 1-G-21-SP Contextual Images



1-G-21-RZ / 1-G-21-SP Exhibit B. Knox County Greenway Corridor Study (Adopted by Knox County Commission - January 21, 2020)

Figure 3-1. Beaver Creek West: Melton Hill Park to Brighton Farms Boulevard





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

Applicant Name: S + E Properties Affiliation: _____

Date Filed: 11/30/2020 Meeting Date (if applicable): 1/14/21 File Number(s): 1-G-21-RZ
1-G-21-SP

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

Name: S + E Properties Company: Eric Moseley
 Address: 405 Montross City: Knox State: TN ZIP: 37919
 Phone: 865-454-3727 Email: eric.moseley@icloud.com

CURRENT PROPERTY INFO

Owner Name (if different): Manrod (Wm E & Courtney A.) III Owner Address: 12041 Hardin Valley Rd Owner Phone: 37932

Property Address: 12041 Hardin Valley Rd. Parcel ID: 116-06704

STAFF USE ONLY

General Location: N/S of Hardin Valley Rd, West of Mission Hill Ln Tract Size: 6.98 ac

Jurisdiction (specify district above): County Commission 6th District City County Zoning District: A (Agriculture)

Planning Sector: Northwest Co. Sector Sector Plan Land Use Classification: RR (Rural Residential) HP/SP Rural Growth Policy Plan Designation: _____

Existing Land Use: RR (Rural Residential) Septic (Y/N): Y Sewer Provider: West Knox Water Provider: West Knox

6.98 ac + SP more than 5 acres
\$949 \$800

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

- Combine Parcels
 Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

Zoning Change PR
 Proposed Zoning

Plan Amendment Change LDR / HP, SP
 Proposed Plan Designation(s)

4
Proposed Density (units/acre)

None noted
Previous Rezoning Requests

Other (specify) _____

Pending Plat File Number

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 \$ 949.00	Total \$1,749.00
Fee 2	0627 \$ 800.00	
Fee 3		

AUTHORIZATION

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

Applicant Signature

865.454.3727
Phone Number

Eric Masdey
Please Print

eric.masdey@icloud.com
Email

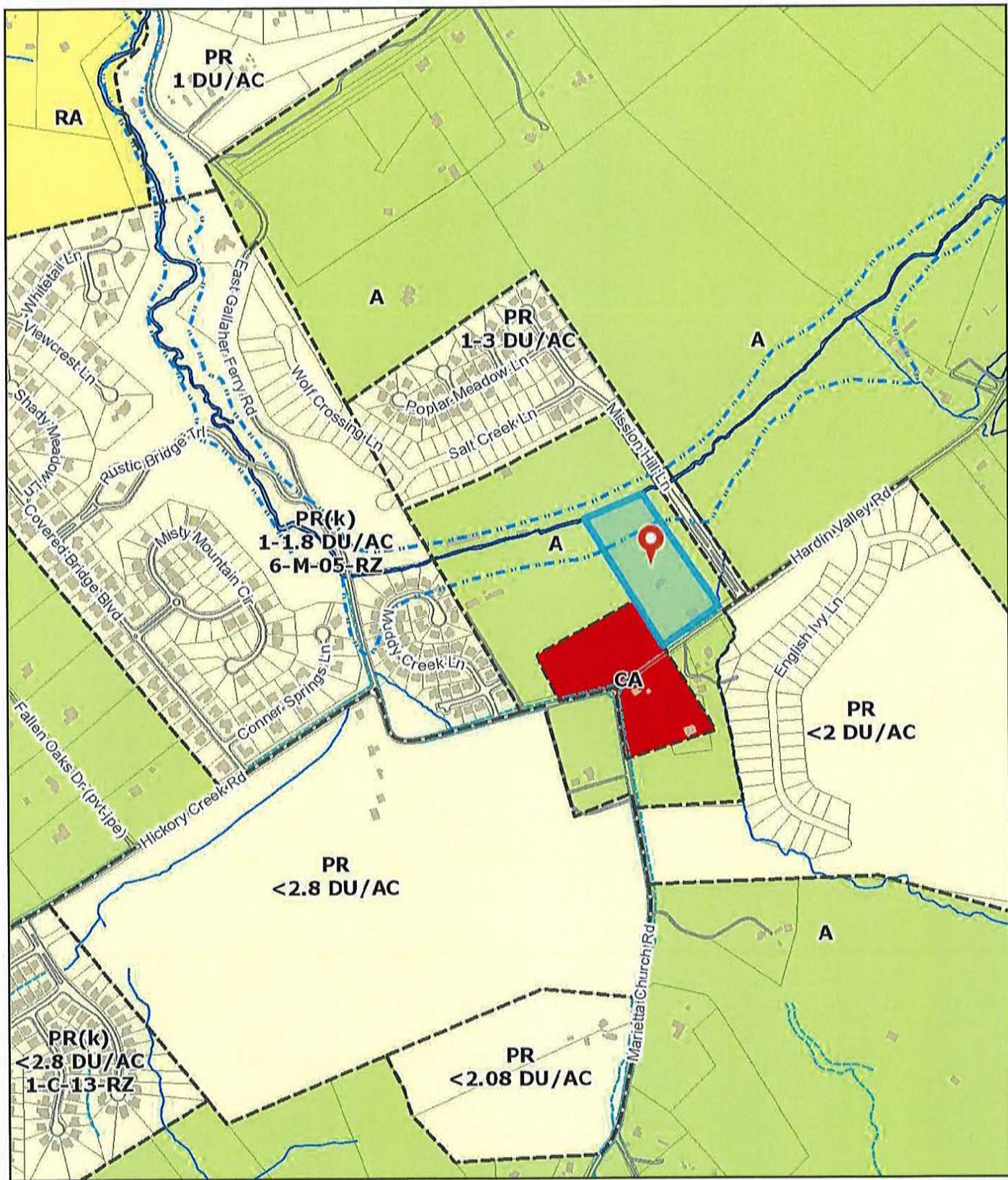
11/30/2020
Date

Staff Signature

Elizabeth Albertson

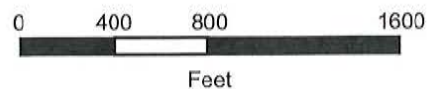
ELIZABETH ALBERTSON
Please Print

11/30/2020
Date



12041 Hardin Valley Rd

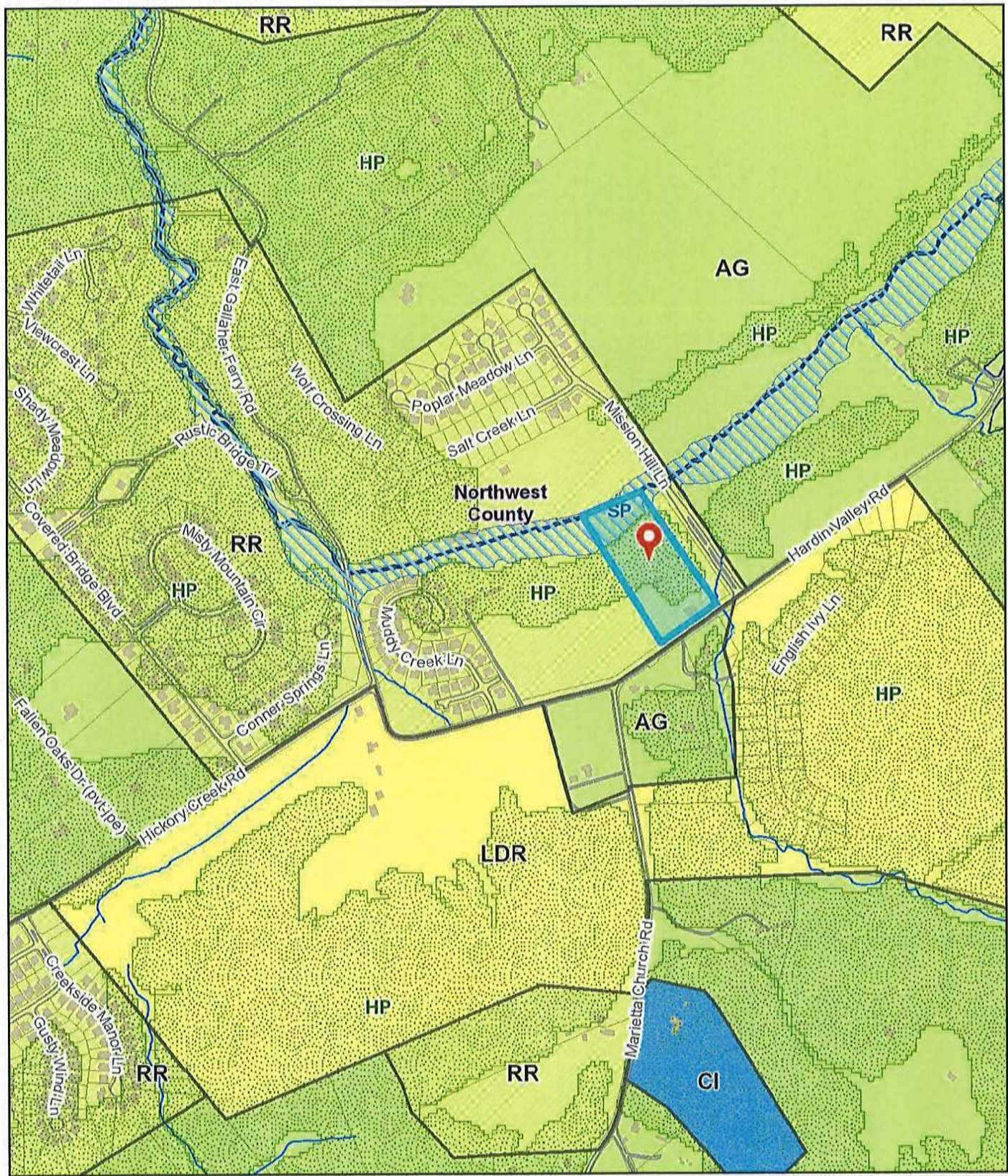
1-G-21-RZ / 1-G-21-SP



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12041 Hardin Valley Rd

1-G-21-RZ/1-G-21-SP



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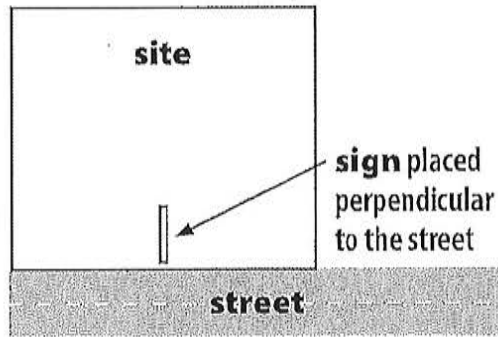
REQUIRED SIGN POSTING AGREEMENT

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 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:

12/30/2020 and 1/15/2021
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: David R Edens II

Printed Name: David R Edens II

Phone: (865) 691-1111 Email: ericmoseley@icloud.com

Date: 11/30/2020

File Number: 1-G-21-RZ | 1-G-21-SP