



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 11-C-21-RZ **AGENDA ITEM #:** 15
11-A-21-SP **AGENDA DATE:** 11/10/2021

POSTPONEMENT(S): 10/14/2021

▶ **APPLICANT:** HUBER PROPERTIES

OWNER(S): Huber Properties

TAX ID NUMBER: 91 123

[View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 2115 Andes Rd. (& 2111 Andes Rd.)

▶ **LOCATION:** West side of Andes Road, due north of Wisteria Way.

▶ **TRACT INFORMATION:** 1.76 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Andes Road, a major collector with a pavement width of 20-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / PR (Planned Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / PR (Planned Residential)

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

▶ **DENSITY PROPOSED:** 12 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, MDR and PR is adjacent

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Multifamily residential / NC (Neighborhood Commercial) / CA (General Business)

South: Multifamily residential / MDR (Medium Density Residential) / PR (Planned Residential)

East: Single family residential / NC (Neighborhood Commercial) / I (Industrial)

West: Multifamily residential / MDR (Medium Density Residential) / PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This area is primarily a mix of medium density residential attached dwellings, surrounded by single family residential on larger lots.

STAFF RECOMMENDATION:

- ▶ **Approve MDR (Medium Density Residential) because it is a minor extension of an existing area zoned for medium density residential uses.**

- ▶ **Approve PR (Planned Residential) up to 7 du/ac because it is a minor extension of the existing zone's residential density.**

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. The subject property is adjacent to the Andes Road intersection improvements for the Schaad Road Project, providing additional capacity for the transportation network in this area.

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

1. The Schaad Road improvements will increase transportation network capacity and safety for this area, making additional residential development more feasible.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The area was shown as NC (Neighborhood Commercial) in the 2016 Northwest County Sector plan update, however, this area has not built out as commercial, despite the existing CA (General Business) and I (Industrial) zoning at this node.
2. In 2016 the adjacent CA zoned area was built out with duplexes.

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

1. The MDR designation allows consideration of residential zone districts that could permit densities up to 12 dwelling units per acre in the Northwest County Sector Plan.
2. The existing zoning at this location is PR (Planned Residential) with a portion up to 7 du/ac and the majority of the site up to 5 du/ac, which would permit medium residential development currently.
3. The increased transportation network capacity provided by the Schaad Road improvements warrant reconsideration of the NC designation.

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.

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6:30.01, 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. The subject property is adjacent to the Andes Road intersection improvements for the Schaad Road Project, providing additional capacity for the transportation network in this area.
2. There is an increased demand for a variety of housing options in Knox County.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

APPLICABLE ZONING ORDINANCE:

1. The PR (Planned Residential) district 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 COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The proposed rezoning requires site plan review and approval by the Planning Commission to ensure a high quality of design and mitigate potential impacts to adjacent properties.
2. The planned right-of-way improvements for Andes Road at this location demonstrate a grade change of 18-ft at this location and vertical alignment of driveway at 19%, which will require some slope easements and present additional challenges related to buildout at the site. Because of this access situation staff recommends PR at 7 du/ac.
3. The site plan review process will also allow the Planning Commission to consider any potential impacts related to the proximity of the Andes Road improvements.

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 PR zone district is in compliance with the recommended Northwest County Sector Plan amendment to MDR (Medium Density Residential).
2. The amendment is in compliance with all other adopted plans.

ESTIMATED TRAFFIC IMPACT: 235 (average daily vehicle trips)

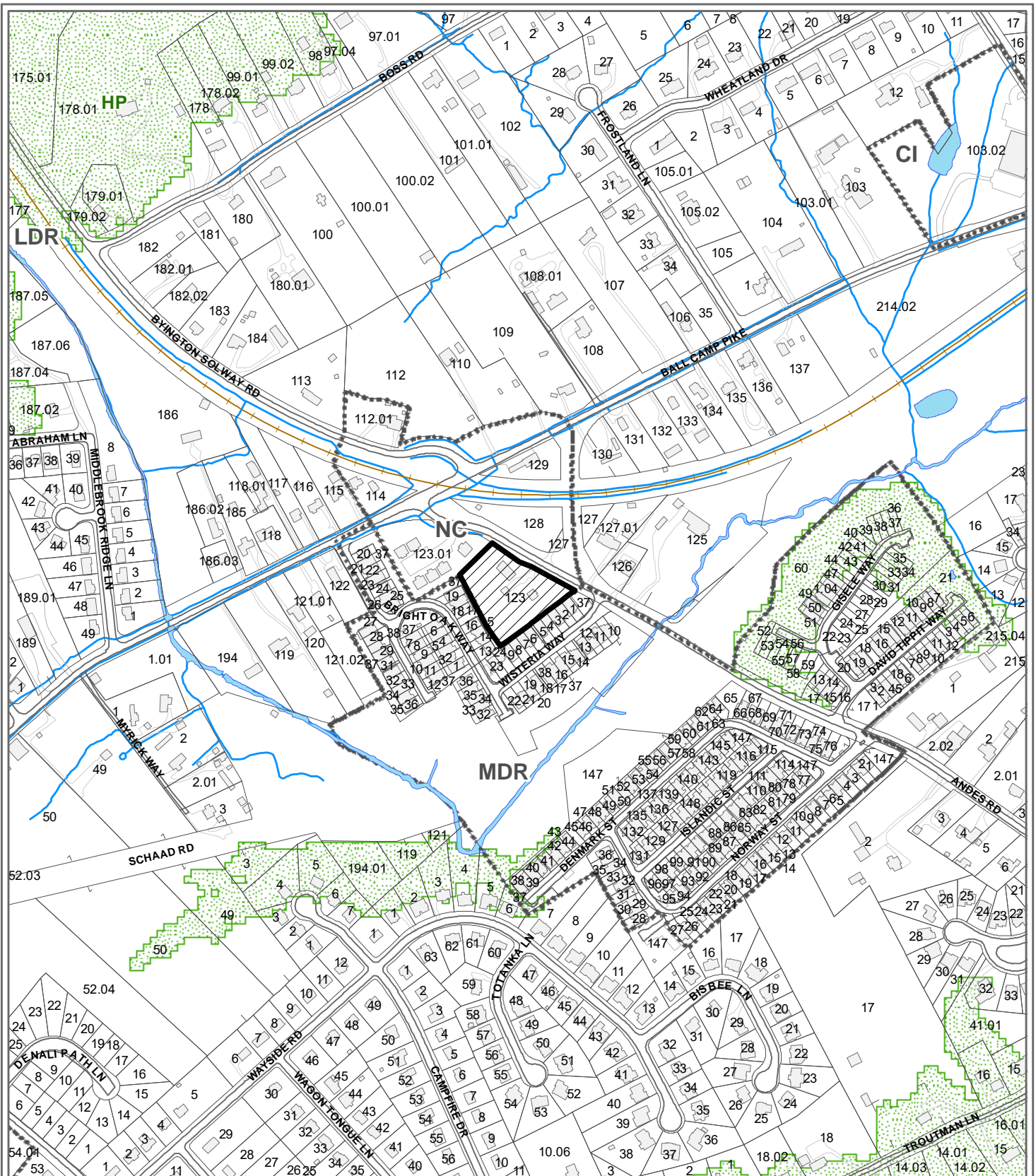
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 2 (public school children, grades K-12)

Schools affected by this proposal: Ball Camp 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 12/20/2021. 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.



**11-A-21-SP / 11-C-21-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

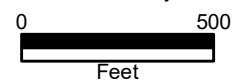
From: NC (Neighborhood Commercial)
To: MDR (Medium Density Residential)



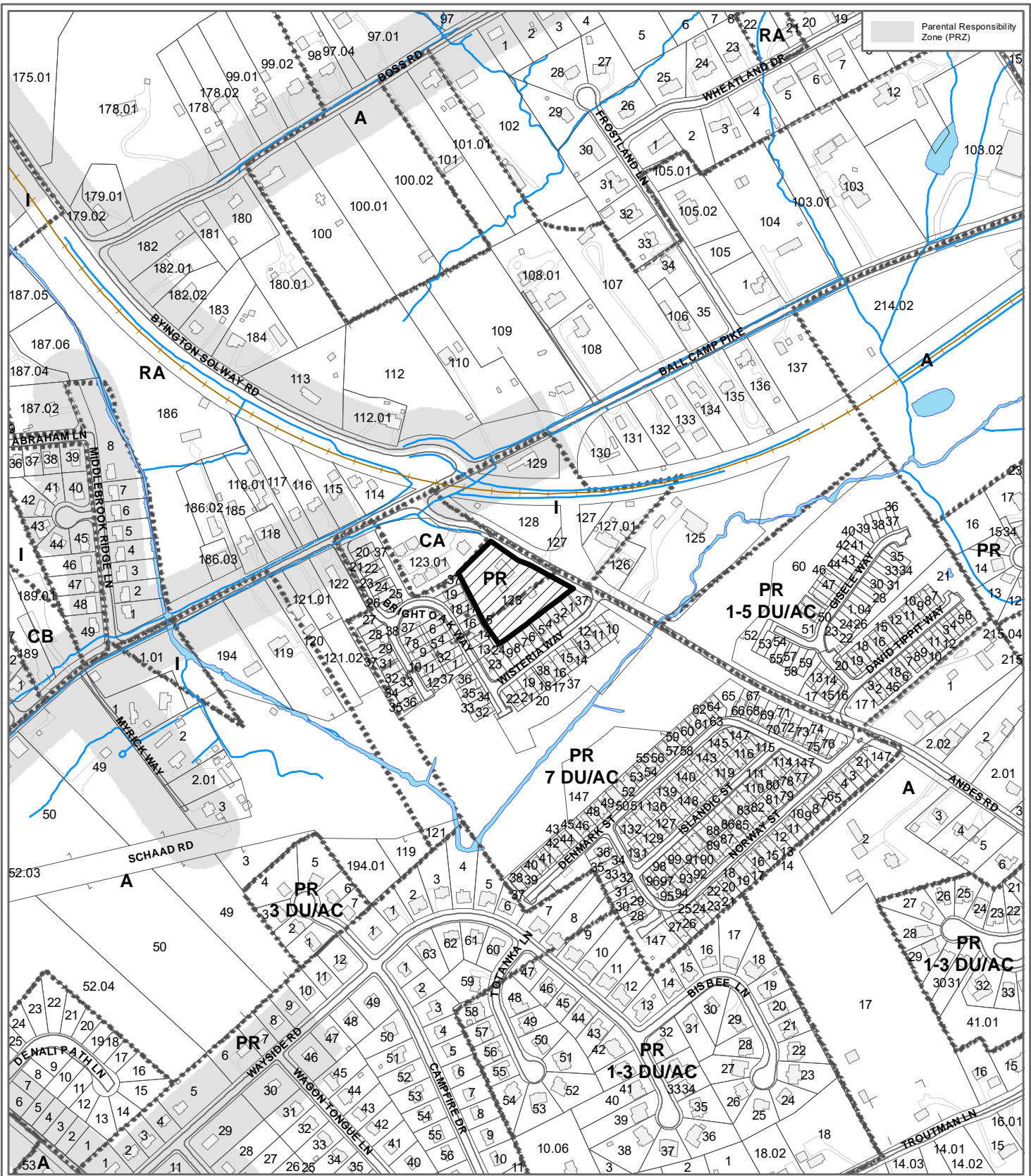
Petitioner: Huber Properties

Map No: 91

Jurisdiction: County



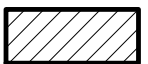
Original Print Date: 10/13/2021 Revised:
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902



Parental Responsibility Zone (PRZ)

**11-C-21-RZ
REZONING**

Petitioner: Huber Properties

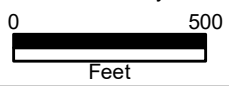


From: PR (Planned Residential)
To: PR (Planned Residential)

Map No: 91

Jurisdiction: County

Original Print Date: 10/13/2021 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





Request to Postpone • Table • Withdraw

Name of Applicant: Huber Properties, LLC
AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 11-C-21-RZ / 11-A-21-SA

Date Scheduled for Planning Review: 11-10-21

Date Request Filed: 11-5-21 Request Accepted by: _____

REQUEST

Postpone

Please postpone the above application(s) until:

2-10-21

DATE OF FUTURE PUBLIC MEETING

Table

Please table the above application(s).

Withdraw

Please withdraw the above application(s).

State reason for request:

Trying to discuss with neighbors.

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: [Signature]

PLEASE PRINT

Name: John Huber

Address: P.O. Box 23038

City: Knoxville State: TN Zip: 37933

Telephone: 865-966-1600

Fax: _____

E-mail: john@southemsignature.net

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.

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Huber Properties has submitted an application for an amendment to the Northwest County Sector Plan for property described in the application; and

WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from Neighborhood Commercial to Medium Density Residential consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing on November 10, 2021, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying staff report and map, file #11-A-21-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

Exhibit B. 11-C-21-RZ_11-A-21-SP Contextual Images

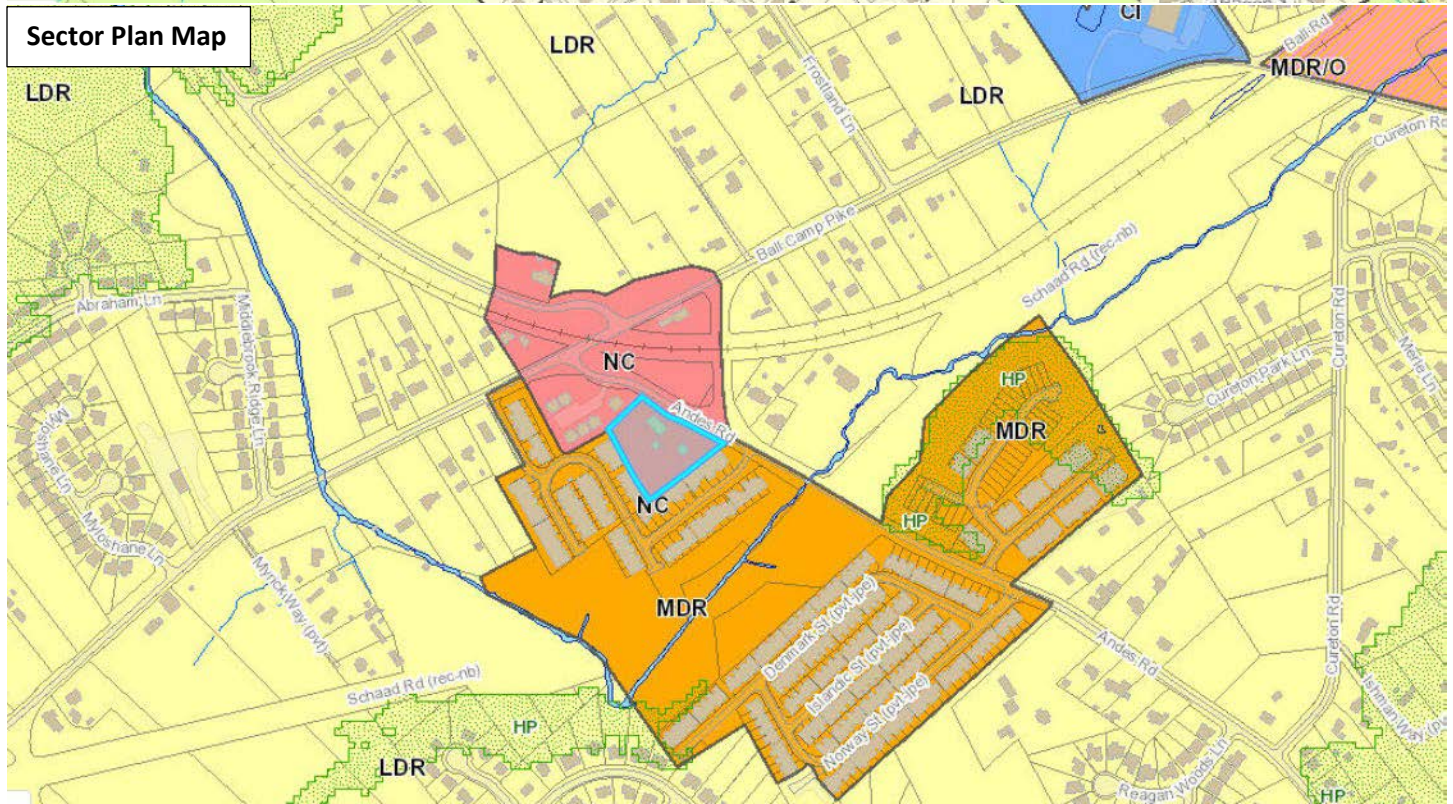
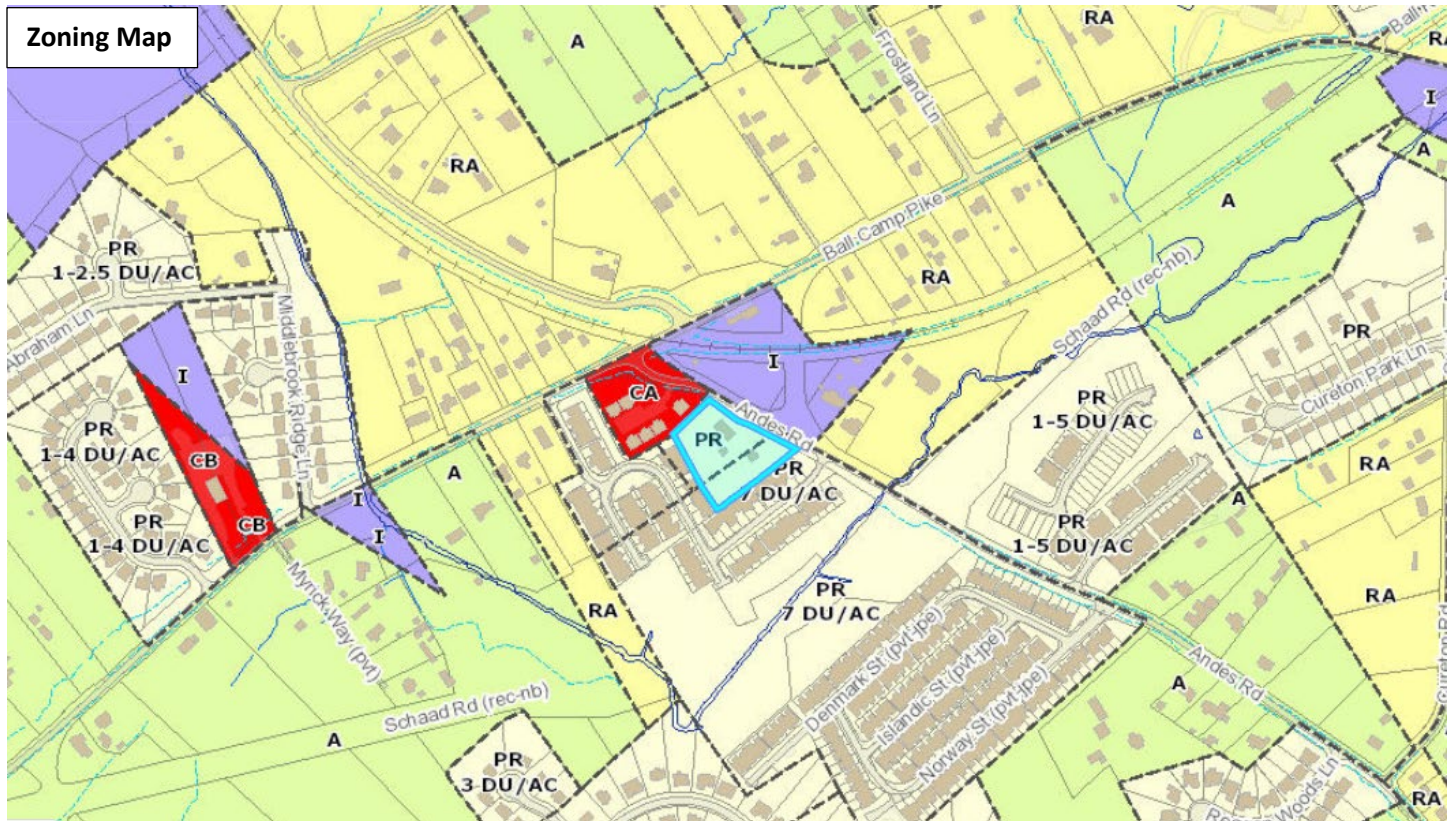
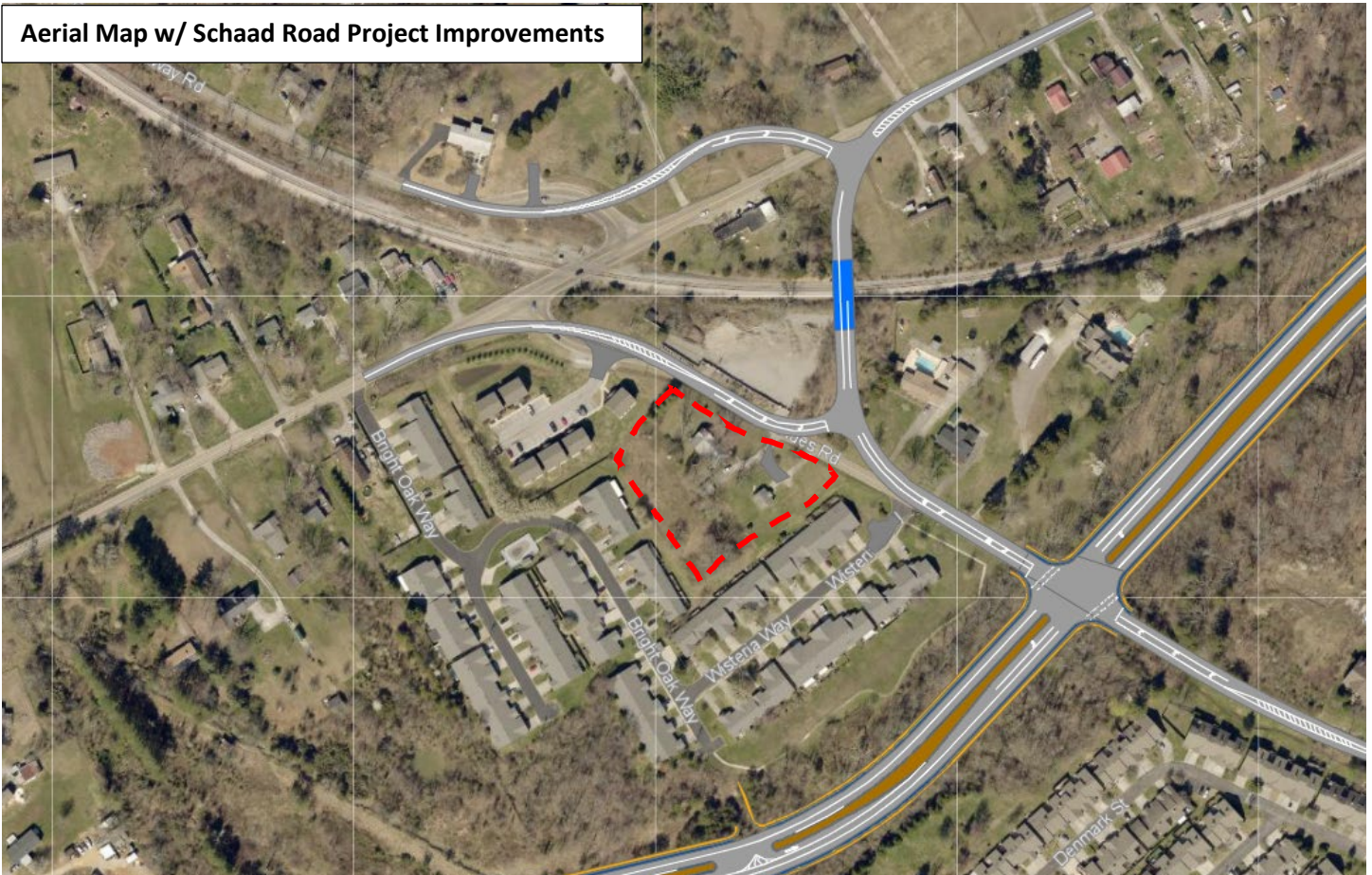


Exhibit B. 11-C-21-RZ_11-A-21-SP Contextual Images





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

HUBER PROPERTIES

Owner

Applicant Name

Affiliation

9/24/2021

11/10/2021

Date Filed

Meeting Date (if applicable)

File Number(s)

11-C-21-RZ
11-A-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

David Harbin

Batson Himes Norvell & Poe

Name

Company

4334 Pappermill Drive

Knoxville

TN

37909

Address

City

State

ZIP

865-588-6472

harbin@bhn-p.com

Phone

Email

CURRENT PROPERTY INFO

Huber Properties

PO Box 23038 Knoxville TN 37933

865-567-8100

Owner Name (if different)

Owner Address

Owner Phone

2115 Andes Rd

091 123

Property Address

Parcel ID

WKUD

WKUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Andes Road, due North of Wisteria Way (pvt-jpe)

1.76

General Location

Tract Size

City County

6th

PR 7 du/ac

SFR

District

Zoning District

Existing Land Use

Northwest County

NC

Planned

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

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

Other (specify) _____

Attachments / Additional Requirements _____

Related Rezoning File Number

Total Number of Lots Created

ZONING REQUEST

Zoning Change **PR up to 12 du/ac**
 Proposed Zoning _____

Plan Amendment Change **MDR**
 Proposed Plan Designation(s) _____

12 du/ac
 Proposed Density (units/acre) _____

None known
 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		Total
0324	\$600.00	\$1,200.00
Fee 2		
0526	\$600.00	
Fee 3		

AUTHORIZATION

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

David Harbin

David Harbin

9/24/2021

Applicant Signature

Please Print

Date

865-588-6472

harbin@bhn-p.com

Phone Number

Email

Marc Payne

Marc Payne

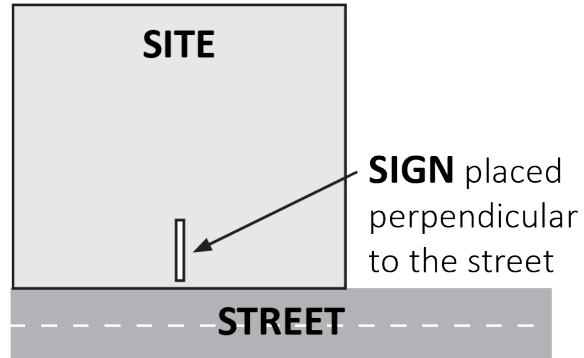
9/24/2021 ak

Staff Signature

Please Print

Date

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:

_____ and _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

- Sign posted by Staff
- Sign posted by Applicant