



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 10-G-21-RZ
10-F-21-SP

AGENDA ITEM #: 14
AGENDA DATE: 10/14/2021

► **APPLICANT:** DOMINION GROUP
OWNER(S): Cathy Kidd Clay

TAX ID NUMBER: 135 G A 005, 00501 & 006 [View map on KGIS](#)
JURISDICTION: Commission District 9
STREET ADDRESS: 3113 & 3117 Maloney Road & 0 Jonathan Way
► **LOCATION:** North side of Maloney Road, south of Jonathan Way
► **TRACT INFORMATION:** 4.72 acres.
SECTOR PLAN: South County
GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)
ACCESSIBILITY: Access is via Maloney Road, a local road with a pavement width of 20-ft within a right-of-way width of 60-ft.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Tennessee River

► **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / RA (Low Density Residential)
► **PROPOSED PLAN DESIGNATION/ZONING:** MDR/O (Medium Density Residential/Office) / PR (Planned Residential)
► **EXISTING LAND USE:** Rural residential, Single family residential, Agriculture

► **DENSITY PROPOSED:** up to 21 du/ac
EXTENSION OF PLAN DESIGNATION/ZONING: Yes, MDR/O is adjacent.
HISTORY OF ZONING REQUESTS: None noted.
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Single family residential / LDR (Low Density Residential) / RA (Low Density Residential)
South: Rural residential / LDR (Low Density Residential) / RA (Low Density Residential)
East: Single family residential / LDR (Low Density Residential) / RA (Low Density Residential)
West: Rural residential / MDR/O (Medium Density Residential/Office) / RN-5 (General Residential Neighborhood)
NEIGHBORHOOD CONTEXT: The area is adjacent to major improvements along Alcoa Highway and a recent City Council approval for MDR/O plan designation and RN-5 zoning.

A mix of office and commercial uses are adjacent to the corridor, as well as a large church. The surrounding area to the east consists of single-family residential neighborhoods and some large rural residential lots.

STAFF RECOMMENDATION:

- **Approve the South County Sector Plan amendment to MDR/O (Medium Density Residential/Office) land use classification because it provides a transitional land use between the highway corridor and the adjacent single family residential neighborhoods.**

- **Approve PR (Planned Residential) zoning up to 21 du/ac because it is a minor extension of the medium density residential zoning.**

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. Improvements to Alcoa Highway have already been constructed and further improvements warrant reconsideration of the land use plan in the corridor, particularly at the intersections where flyovers and new consolidated access points have been provided, such as the one at Maloney Road.
2. In August 2021, City Council approved a plan amendment to MDR/O and RN-5 on the properties immediately adjacent to Maloney Road interchange.

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

1. Alcoa Highway improvements constructed within the last few years have provided for safer, limited access to Alcoa Highway and provided a frontage road on the southeastern side of the highway.
2. This property is adjacent to the interchange improvements at Alcoa Highway and Maloney Road and adjacent to the new frontage road along Alcoa Highway, Dresser Road.
3. A new access into the parcels adjacent to this property has also been provided as part of the interchange improvements at this location.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no major errors or omissions in the plan.

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

1. Since 2000, population growth along the Alcoa Highway corridor has been low while the rest of Knox County has seen an approximate increase of 20 percent.
2. Vacancy rates for commercial and office uses have also decreased within the corridor.
3. It is expected that as additional residential is built within the Alcoa Highway Corridor that commercial and office development will also increase because the new residents will also increase support and demand for businesses within the area.

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 GENERALLY:

1. Alcoa Highway improvements constructed within the last few years have provided for safer, limited access to Alcoa Highway and a frontage road on the southeastern side of the highway.
2. This property is adjacent to the interchange improvements at Alcoa Highway and Maloney Road and adjacent to property that was rezoning for medium density residential zoning in August 2021.
3. A new access into the adjacent site has also been provided as part of the interchange improvements at this location.
4. Since 2000 the population along the Alcoa Highway corridor has grown at a lower rate than Knox County.
5. Vacancy rates for commercial and office uses have also decreased within the corridor.

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 CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. There appear to be no steep slopes, blue line streams, or floodplains located on the property.
2. The development will be required to comply with all aspects of the stormwater ordinance.
3. The Planned Residential zoning will provide a transisional land use opportunity between high speed traffic and adjacent commercial uses along the Alcoa Highway corridor and the neighboring low density residential neighborhood.

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 proposed amendment to the South County Sector Plan amending this parcel to the MDR/O (Medium Density Residential/Office) designation would support PR (Planned Residential) zoning up to 21 du/ac.
2. This would provide a transisional land use opportunity between the single family residential neighborhoods adjacent to the east and the Alcoa Highway, as well as providing for additional housing in the corridor.

ESTIMATED TRAFFIC IMPACT: 1300 (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.

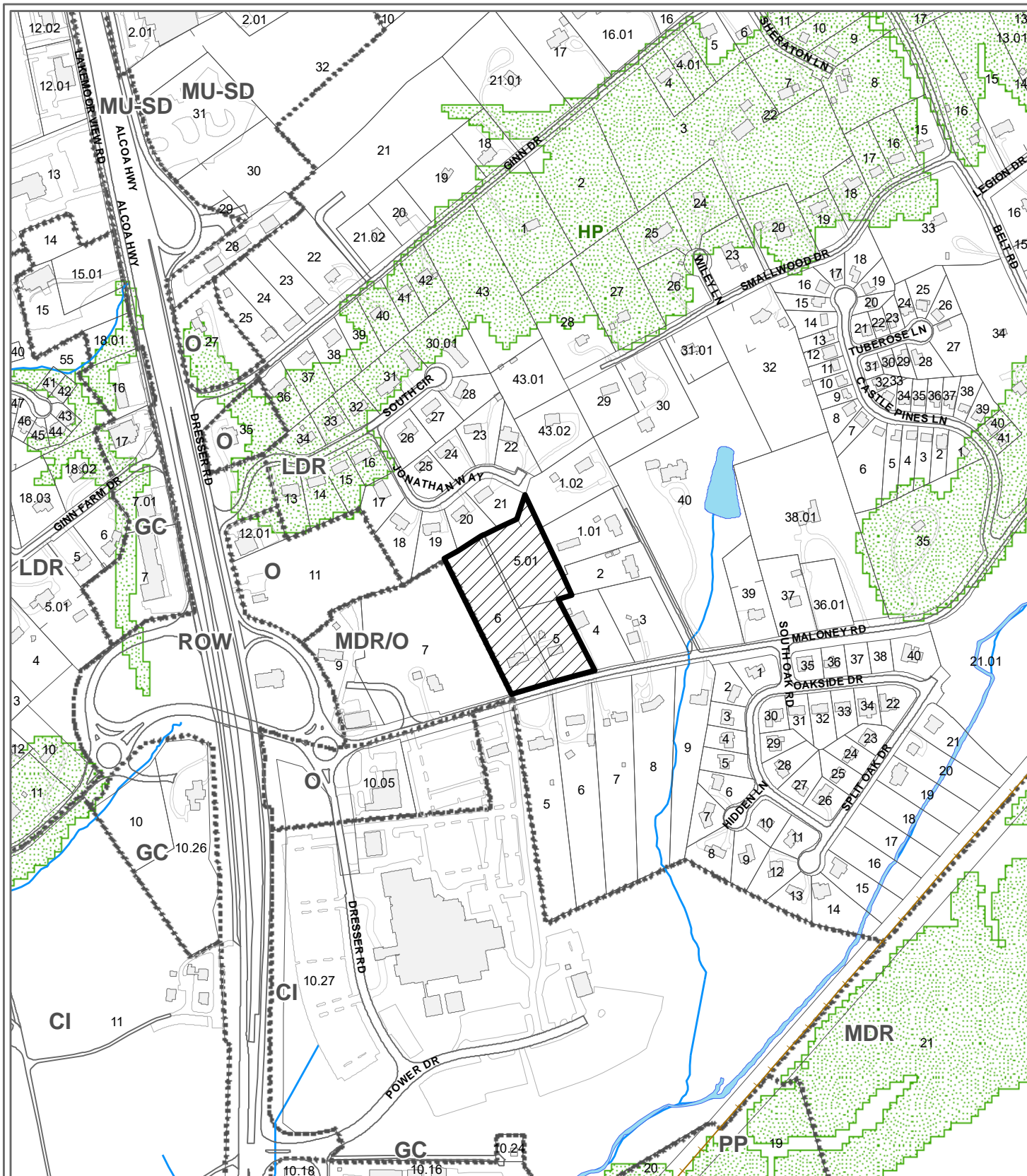
ESTIMATED STUDENT YIELD: 13 (public school children, grades K-12)

Schools affected by this proposal: Mount Olive Elementary, South Doyle Middle, and South Doyle 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 11/15/2021. 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.



**10-F-21-SP / 10-G-21-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR/O (Medium Density Residential/Office)

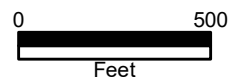


Original Print Date: 9/8/2021 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Dominion Group

Map No: 135

Jurisdiction: County





10-G-21-RZ REZONING

From: RA (Low Density Residential)

To: PR (Planned Residential)



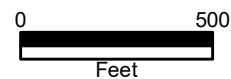
Original Print Date: 9/8/2021
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Dominion Group

Map No: 135

Jurisdiction: County



***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTH 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 South 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, Dominion Group has submitted an application for an amendment to the South County Sector Plan for property described in the application; and

WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from Low Density Residential to Medium Density Residential/Office 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 October 14, 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 South County Sector Plan, with its accompanying staff report and map, file #10-F-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. 10-G-21-RZ / 10-F-21-SP Contextual Images

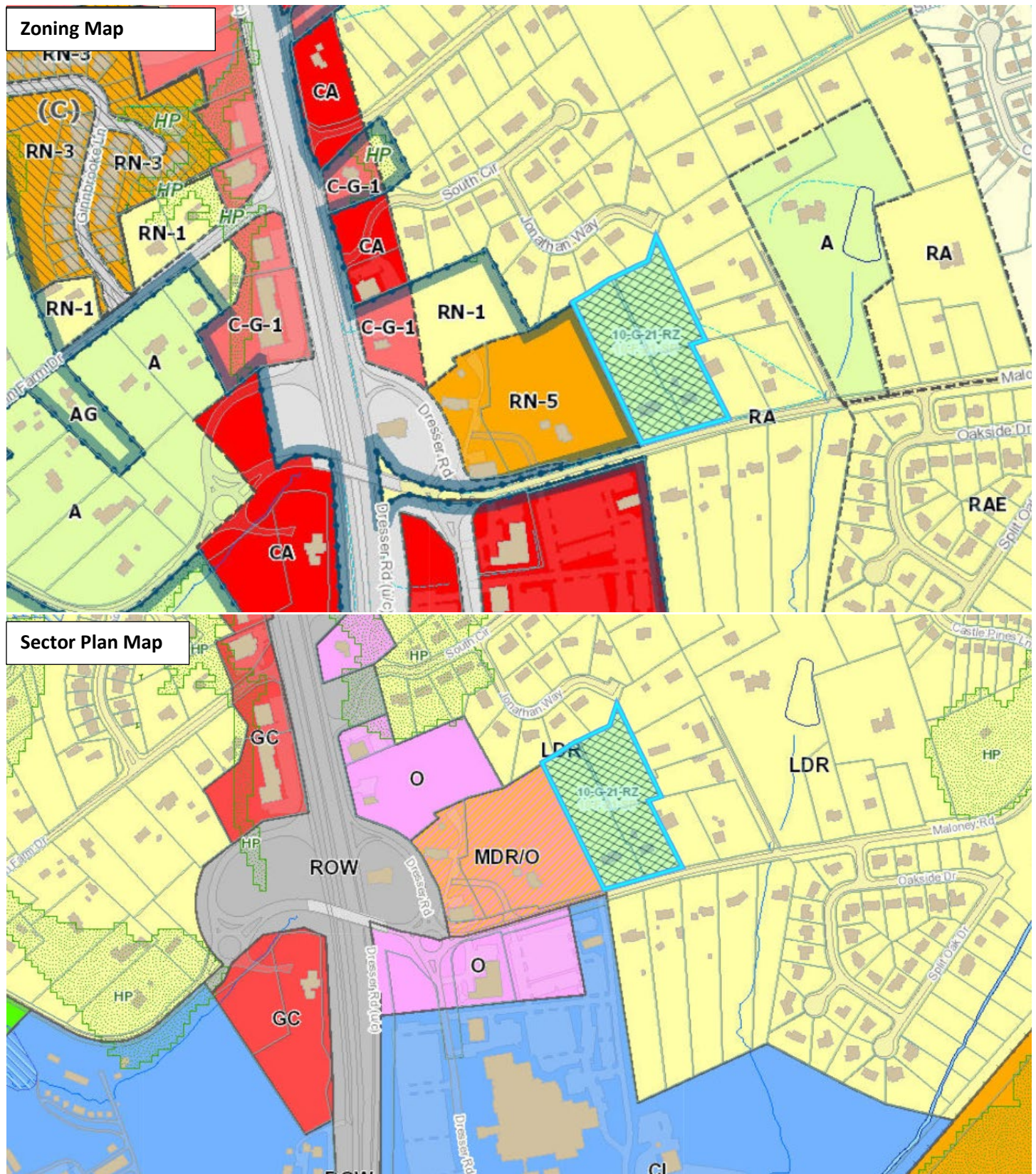


Exhibit B. 10-G-21-RZ / 10-F-21-SP Contextual Images





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

Dominion Group

Applicant Name

Affiliation

8/20/2021

10/14/21

File Number(s)

Date Filed

Meeting Date (if applicable)

10-G-21-RZ
10-F-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

Sean Chalmers

Dominion Group

Name

Company

3834 Sutherland Ave

Knoxville

TN

37919

Address

City

State

ZIP

865-809-9059

SeanC@dominiondg.com

Phone

Email

CURRENT PROPERTY INFO

(a) Cathy Kidd Clay (b) (a) 8114 Chesterfield Way Knoxville, TN 37909 (b)

(c) (b) BH Pentecost & Christopher Pentecost (b) 2025 Walnut Hills Dr Knoxville, TN 37920 (c)

Owner Name (if different)

Owner Address

Owner Phone

(a) 3113 Maloney Road (b) 0 Jonathan Way

(a) 135GA005 (b) 135GA00501

(c) (b) 3117 Maloney Road

(c) (b) 135GA006

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

N/S of Maloney Rd., S. of Jonathan Way 4.72 acres
General Location Tract Size

☐ City ☒ County

9
District

RA
Zoning District

Ag/For/Vac, SFR, RR
Existing Land Use

South County
Planning Sector

LDR
Sector Plan Land Use Classification

Urban Growth
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

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☒ Zoning Change

Planned Residential - PR21

☒ Plan Amendment Change

Proposed Zoning

MDR/O

Proposed Plan Designation(s)

21 du/acre

Proposed Density (units/acre)

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

0324

600.00

Fee 2

0526

600.00

Fee 3

#1200.00

Total

AUTHORIZATION

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

SC

 Digitally signed by Sean O'Leary
 DN: cn=Sean O'Leary, o=Dominion Development Group, c=US
 Reason: I am approving this document
 Date: 2021.08.20 15:11:09-0400

Dominion Group

8/20/2021

Applicant Signature

Please Print

Date

865-809-9059

seanc@dominiondg.com

Phone Number

Email

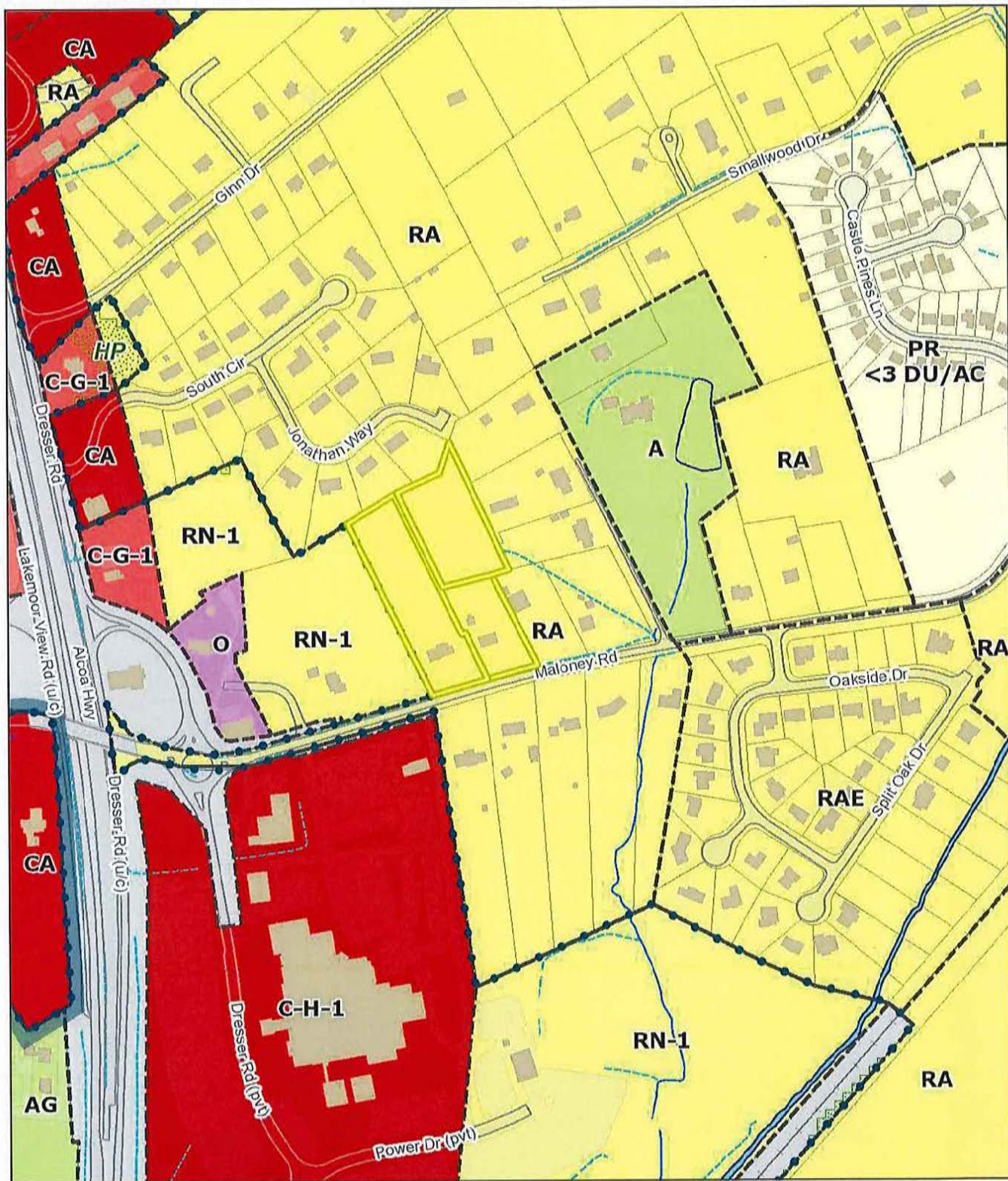
Sherry Muchenzi

SHERRY MUCHENZI

Staff Signature

Please Print

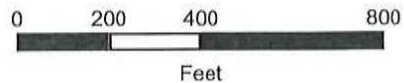
Date



Dominion Group LLC

RZ/SP

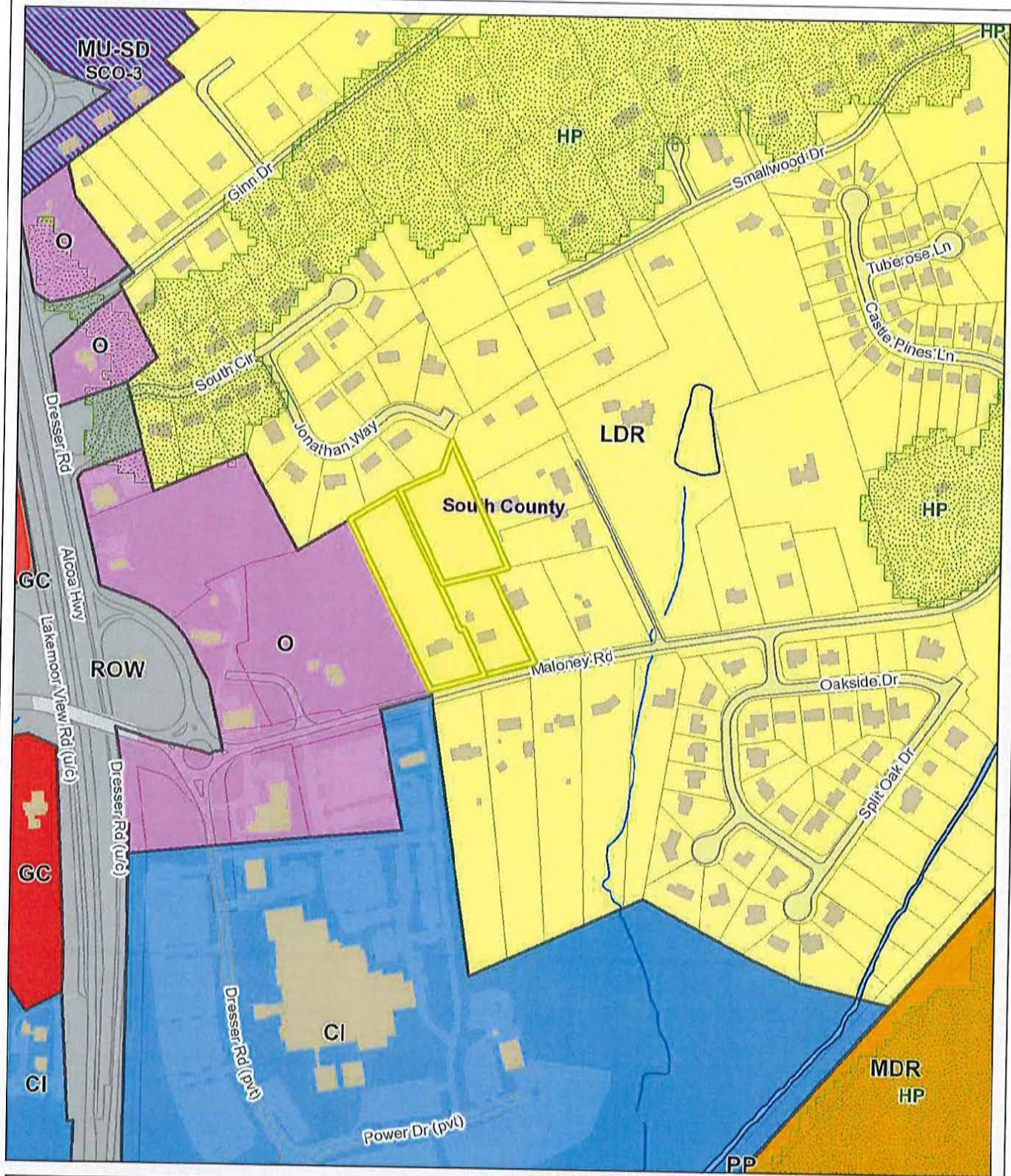
Zoning Map



KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2021

Printed: 7/26/2021 2:31:22 PM



Dominion Group LLC

RZ/SP

Sector Plan Map

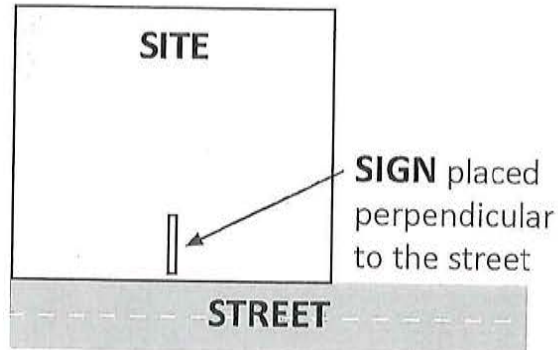


KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2021

Printed: 7/26/2021 2:33:29 PM

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:

Sept 29 (Wed) and Oct 15 (Fri)
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Sean Chalmers - Dominion Group
 Date: 8/20/21
 File Number: 10-G-21-RZ
10-F-21-SP

☒ Sign posted by Staff
☐ Sign posted by Applicant