



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-H-22-RZ  
4-B-22-SP

**AGENDA ITEM #:** 15  
**AGENDA DATE:** 4/14/2022

▶ **APPLICANT:** KNOXVILLE EXCAVATING  
**OWNER(S):** Terry Webb

**TAX ID NUMBER:** 48 04502 [View map on KGIS](#)

**JURISDICTION:** Commission District 7

**STREET ADDRESS:** 3117 Mynatt Rd.

▶ **LOCATION:** 1960' West of Maynardville Pike

▶ **TRACT INFORMATION:** 42.08 acres.

**SECTOR PLAN:** North County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Mynatt Road, a major collector street with a 20-ft pavement width within a 70-ft right-of-way.

**UTILITIES:** Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

**WATERSHED:** Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) & HP (Hillside Protection) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) & HP (Hillside Protection) / RB (General Residential)

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

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, the MDR (Medium Density Residential) designation and RB (General Residential) zone is adjacent to the east.

**HISTORY OF ZONING REQUESTS:** 12-B-08-RZ: A to PR (Withdrawn)

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Agriculture/forestry/vacant/ LDR (Low Density Residential)/ A (Agricultural)

**ZONING** South: Agriculture/forestry/vacant, rural residential & multifamily residential/ LDR (Low Density Residential) & MDR (Medium Density Residential)/ A (Agricultural) & RB (General Residential)

East: Multifamily residential & agriculture/forestry/vacant/ LDR (Low Density Residential) & MDR (Medium Density Residential)/ RB (General Residential) & A (Agricultural)

West: Rural residential & agriculture/forestry/vacant/ LDR (Low Density Residential)/ A (Agricultural)

NEIGHBORHOOD CONTEXT: The subject property is adjacent to mobile home parks to the east and southeast. There are forested hillsides to the north, and a mix of detached singly family and attached multifamily residential subdivisions to the west and southwest. A large commercial node exists a mile northeast on Maynardville Pike.

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**STAFF RECOMMENDATION:**

- ▶ **Approve the sector plan amendment to MDR (Medium Density Residential) and HP (Hillside Protection) for the portion of the property as shown in Exhibit C because it is a minor extension of the land use classification.**
  
- ▶ **Approve RB (General Residential) zoning for the portion of the property as shown in Exhibit C because it is a minor extension of the zoning classification.**

**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 are no substantial changes of conditions in the area warranting an amendment of the land use plan.

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

- 1) There are no known expansions of roads or utilities that were not anticipated in the sector plan, though existing roads and utilities would accommodate proposed development.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

- 1) The North County Sector Plan could have considered a minor extension of MDR (Medium Density Residential) to the portion of the subject property without steep slopes, as shown in Exhibit C. There is an established agglomeration of MDR properties adjacent to the subject property to the south and east. The property is also located between LDR (Low Density Residential) uses to the west and commercial nodes to the east, meeting the sector plan's location criteria for MDR as a transition between these land uses.

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

- 1) There have been no new trends in development, population or traffic in this area that warrant reconsideration of the original plan.

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) There are no substantial changing conditions in the area. However, the proposed RB zoning on the flatter of the subject property is consistent with the residential character of the area and would mitigate the housing shortage being experienced in the County generally.

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

- 1) The principal uses of land for the RB zone may range from houses to multi-dwelling structures or developments.
- 2) The RB zone would be consistent with adjacent and surrounding development, which includes mobile home parks and subdivisions of detached and multi-dwelling units.

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) Approximately 25 acres of the subject property is in the Hillside Protection (HP) Area. The proposed RB zone is recommended only for the remaining 16.8 acres of the property that have a slope of 15 percent or less.

The portion of the property without steep slopes is already cleared, whereas the hillside portion is forested. Restricting development to the more level, unforested portion of the property will mitigate adverse environmental impacts to adjacent properties and the Beaver Creek watershed, which is classified as an impaired waterway. This area where development is recommended is shown in Exhibit C.

2) The proposed change to the RB zone is not expected to generate adverse impacts (when restricted to the non-HP portion) since much of the area is already developed with RB zoning.

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 zoning change to the portion of the parcel as shown in Exhibit C is in compliance with the recommended amendment to MDR in the North County Sector Plan and is in compliance with all other adopted plans.

ESTIMATED TRAFFIC IMPACT: 4099 (average daily vehicle trips)

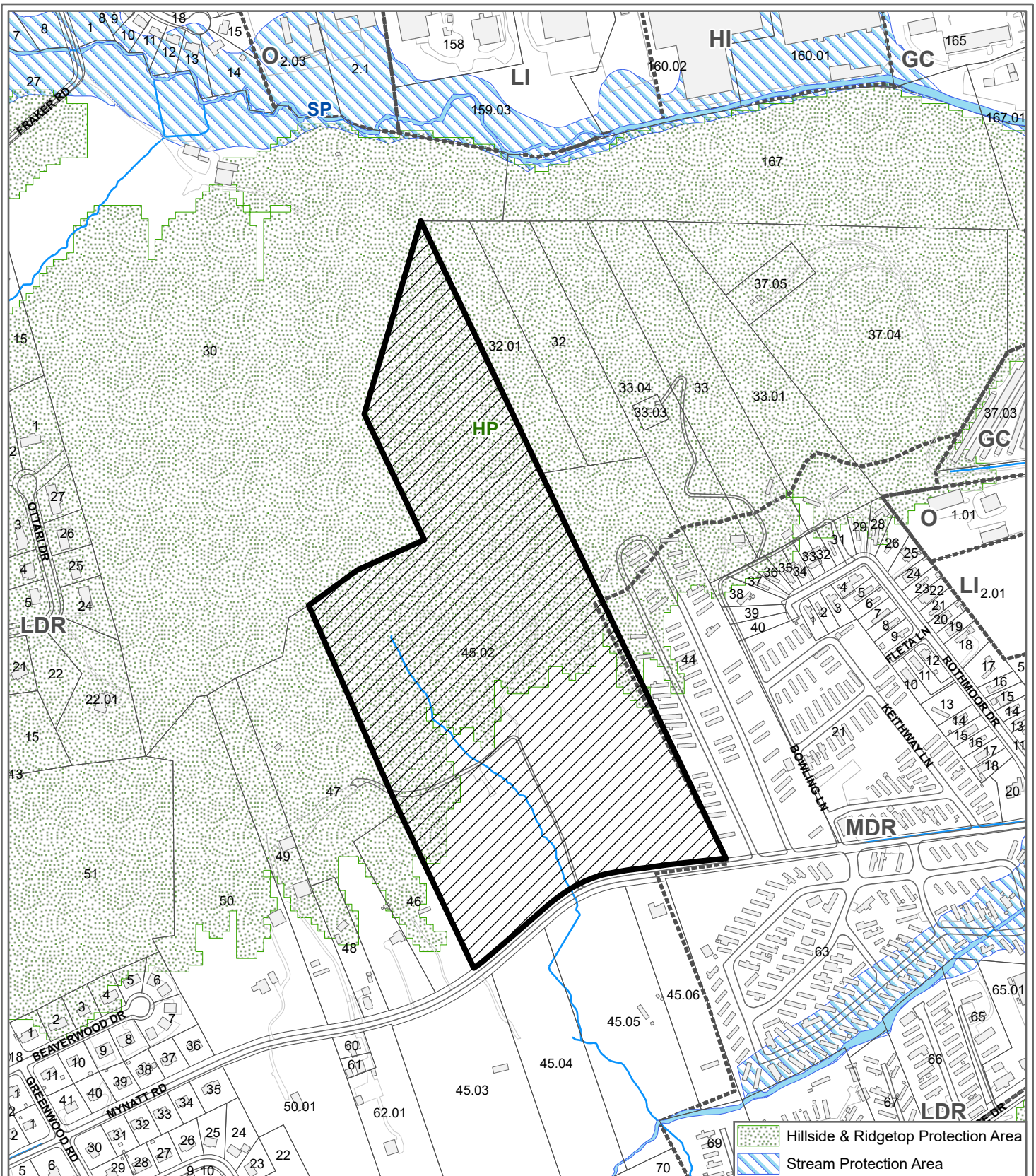
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 215 (public school children, grades K-12)

Schools affected by this proposal: Adrian Burnett Elementary, Halls Middle, and Halls 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 5/23/2022. 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.



**4-B-22-SP / 4-H-22-RZ  
NORTH COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) & HP (Hillside Protection)

To: MDR (Medium Density Residential) & HP (Hillside Protection)

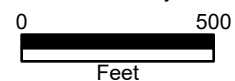


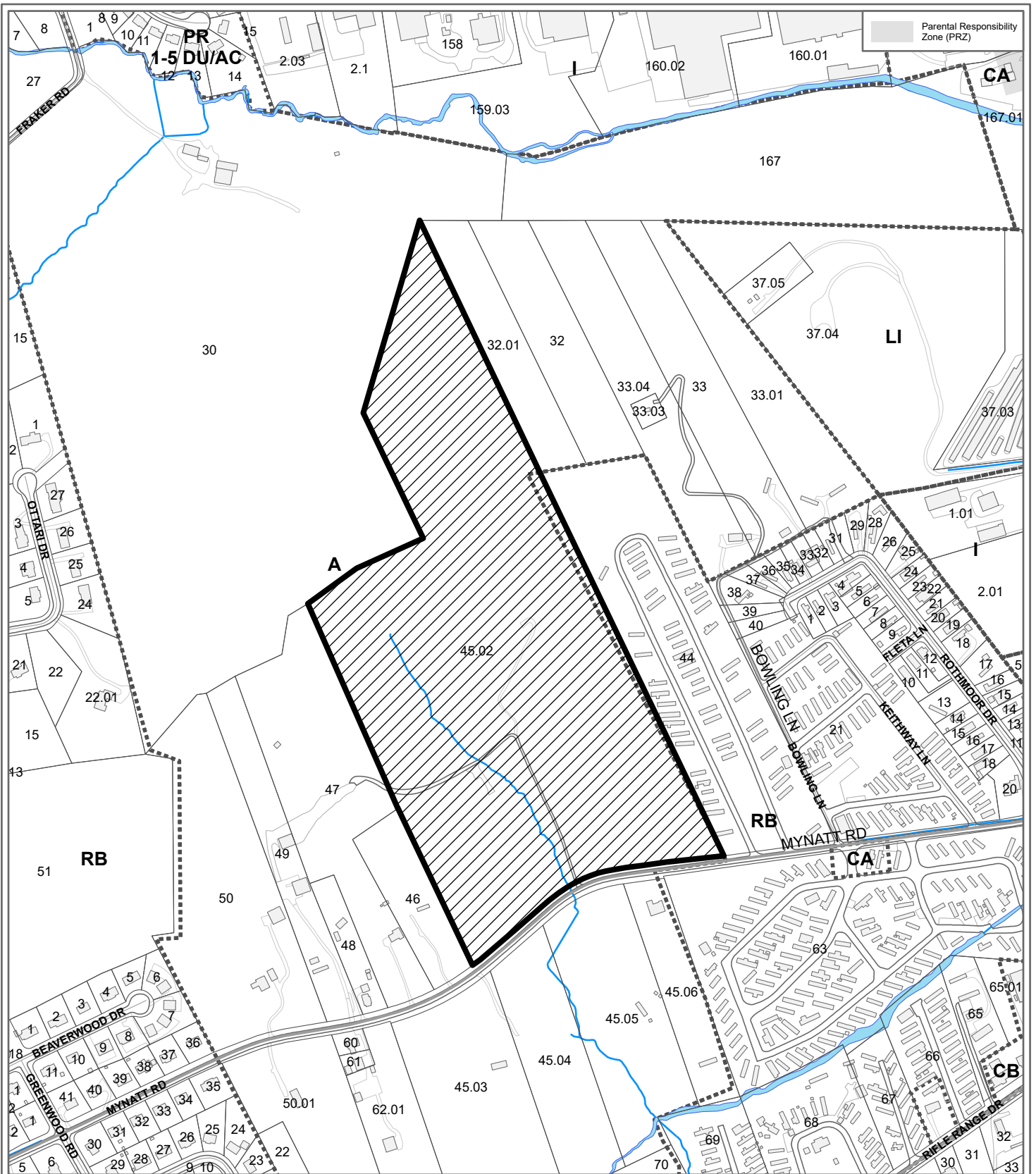
Petitioner: Knoxville Excavating

Map No: 48

Jurisdiction: County

Original Print Date: 3/7/2022      Revised:  
Knoxville - Knoxville Planning Commission \* City / County Building \* Knoxville, TN 37902





**4-H-22-RZ  
REZONING**

From: A (Agricultural)

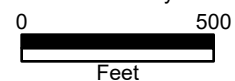
To: RB (General Residential)



Petitioner: Knoxville Excavating

Map No: 48

Jurisdiction: County



Original Print Date: 3/7/2022

Revised:

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

*KNOXVILLE-KNOX COUNTY PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTH 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 North 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, Knoxville Excavating has submitted an application for an amendment to the North 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 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 April 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 North County Sector Plan, with its accompanying staff report and map, file #4-B-22-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. 4-H-22-RZ/ 4-B-22-SP Contextual Images

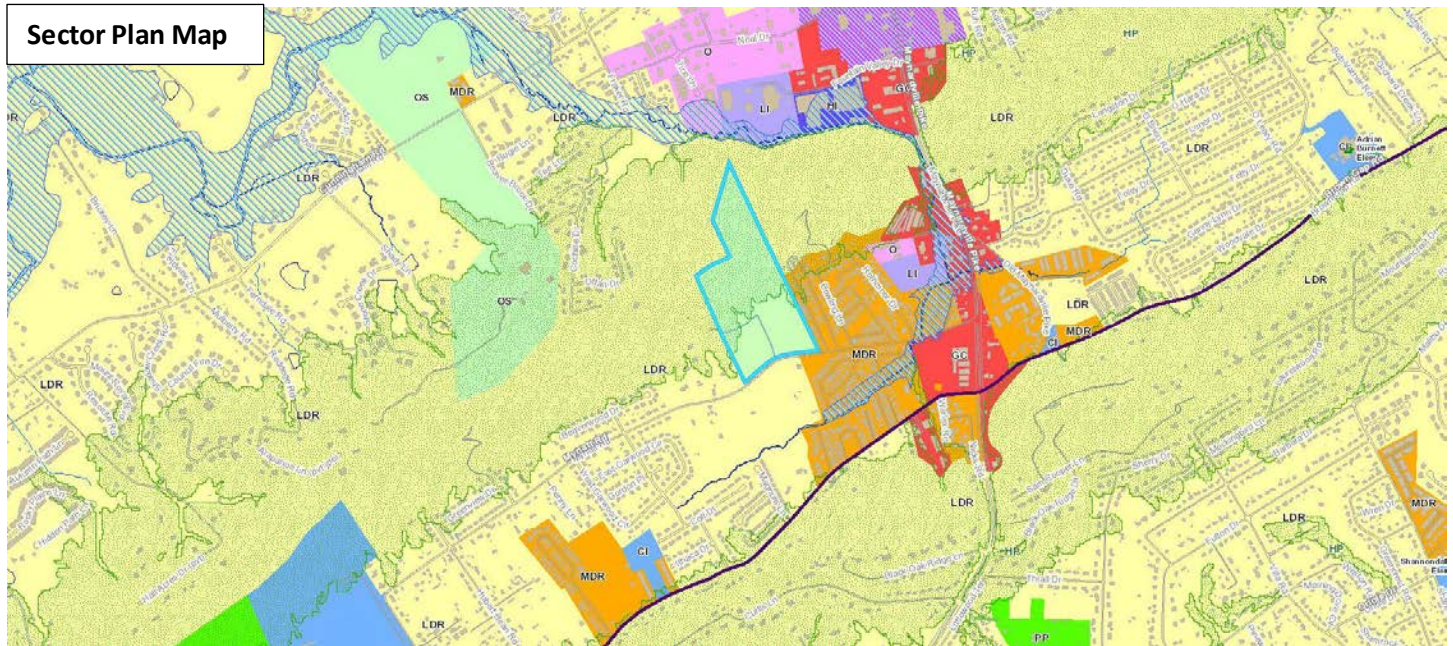
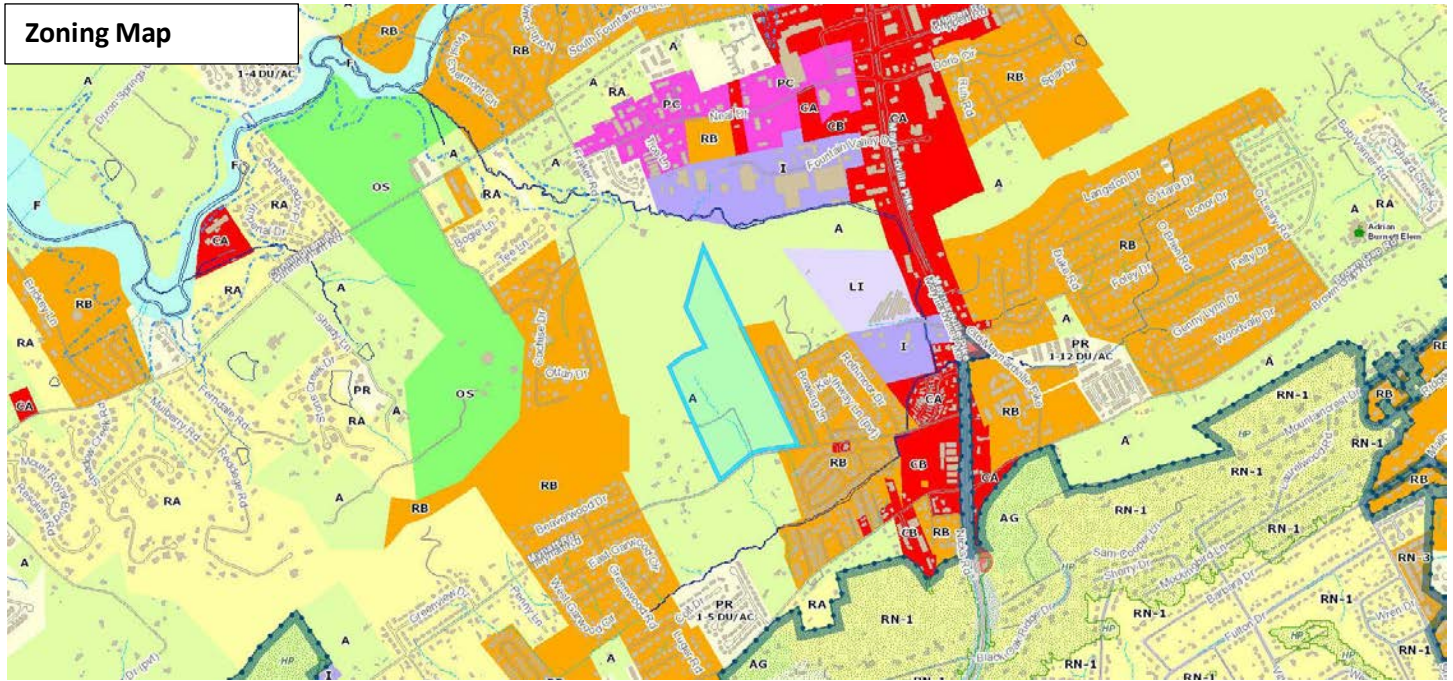


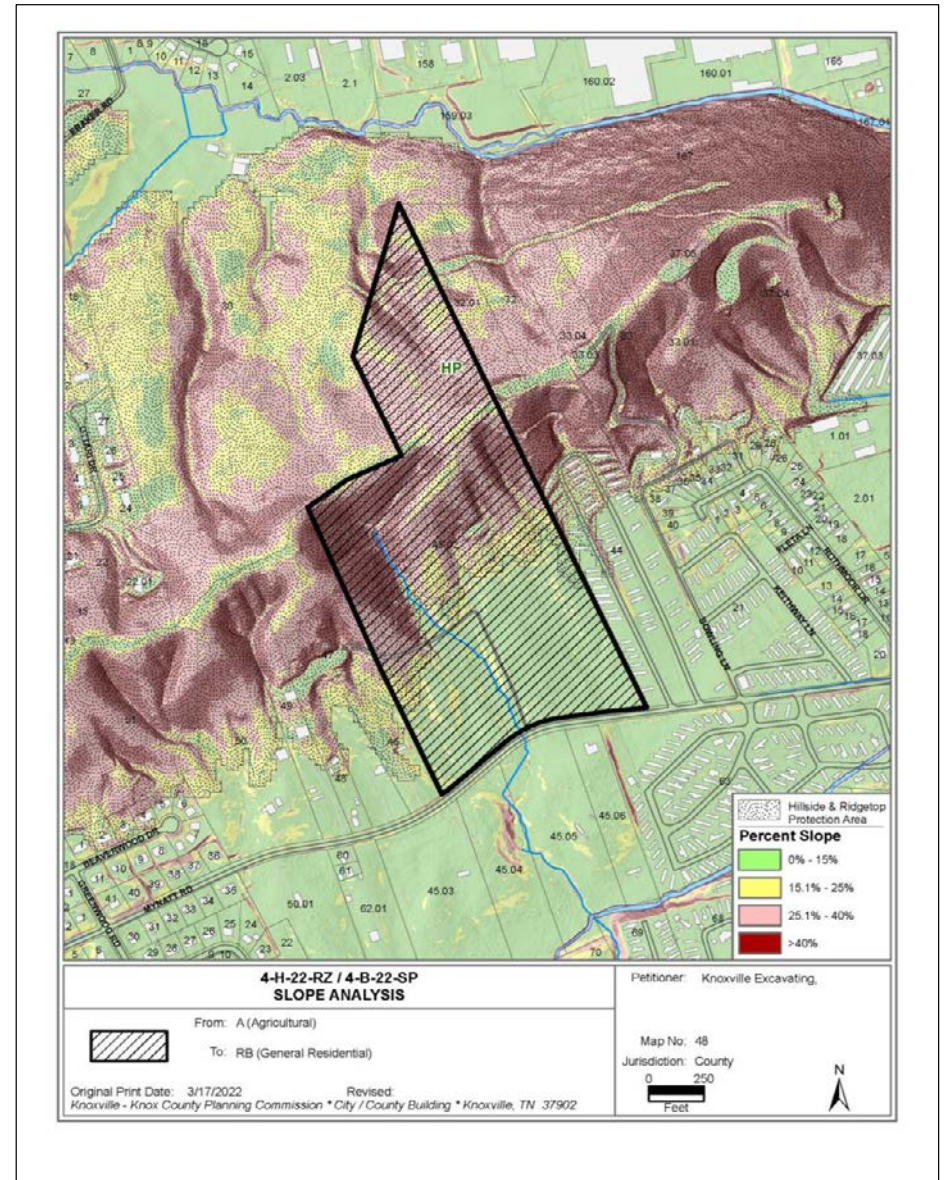


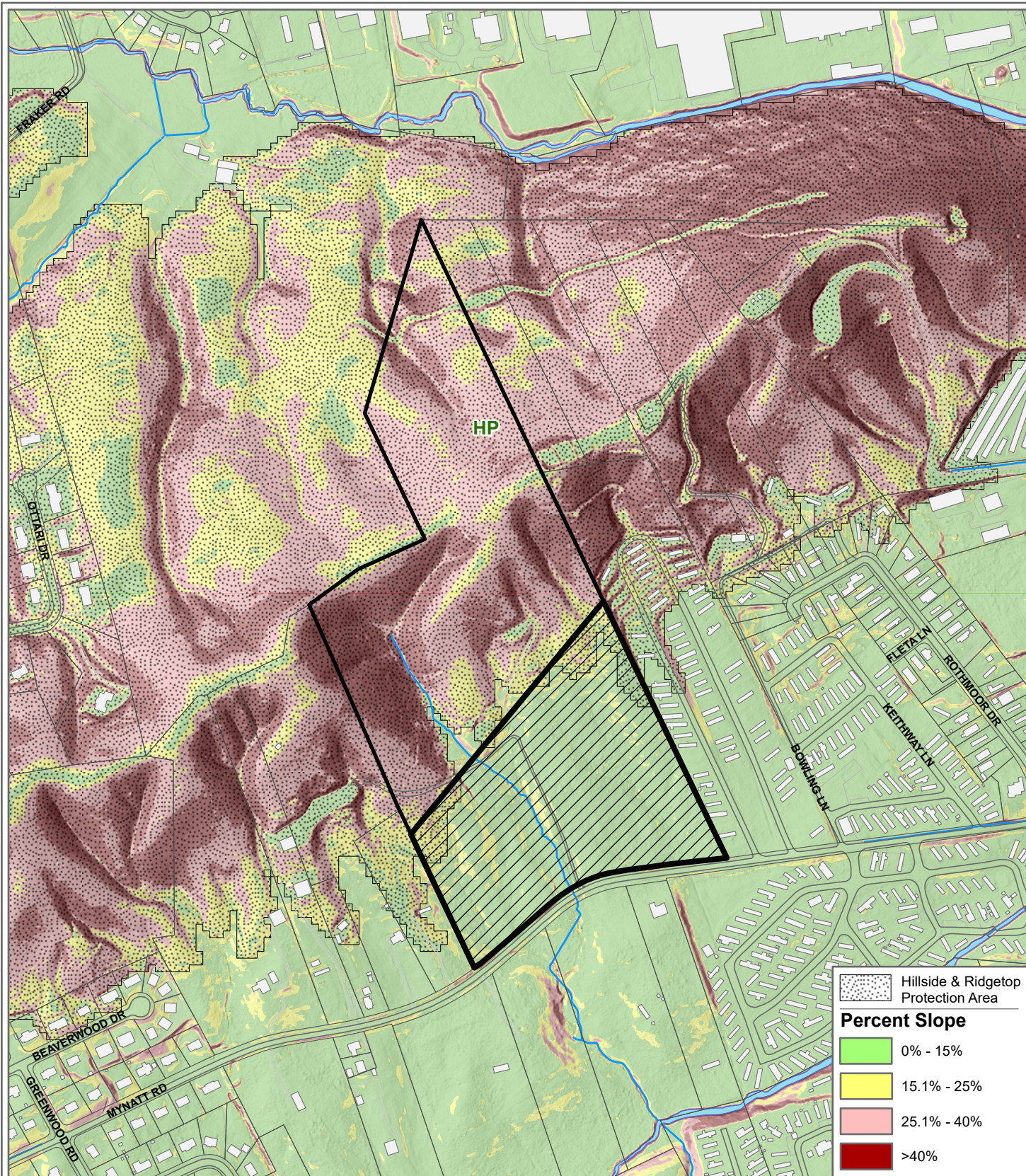


Exhibit B. 4-H-22-RZ/ 4-B-22-SP Contextual Images

Staff - Slope Analysis  
Case: 4-H-22-RZ/ 4-B-22-SP

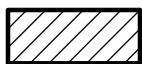
CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	15.71	100%	15.71
0-15% Slope	1.09	100%	1.09
15-25% Slope	4.90	50%	2.45
25-40% Slope	11.59	20%	2.32
Greater than 40% Slope	8.89	10%	0.89
Ridgetops			
<b>Subtotal: Sloped Land</b>	<b>26.46</b>	<i>Recommended disturbance budget within Hillside Protection Area (acres)</i>	<b>6.7</b>
<b>Total Acreage</b>	<b>42.17</b>		<b>22.45</b>





**4-H-22-RZ/ 4-B-22-SP**

**Exhibit C: Staff Recommended Area for Rezoning & Plan Amendment**

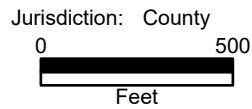


Recommended area for rezoning and plan amendment

Original Print Date: 3/31/2022  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner:  
 Map No.: 048





# 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

Knoxville Excavating

Applicant Name

Affiliation

2/22/2022

Date Filed

April 14, 2022

Meeting Date (if applicable)

File Number(s)

4-H-22-RZ  
4-B-22-SP

### CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Robert G. Campbell and Associates

Name

Company

7523 Taggart Ln.

Knoxville

TN

37938

Address

City

State

ZIP

865-947-5996

Phone

rcampbell@rgc-a.com

Email

### CURRENT PROPERTY INFO

Terry Webb

Property Owner Name (if different)

3015 Mynatt Rd Knoxville, TN-37914

Property Owner Address

Property Owner Phone

3117 Mynatt Rd Knoxville, TN-37914

Property Address

04804502

Parcel ID

HPUD

Sewer Provider

HPUD

Water Provider

N

Septic (Y/N)

### STAFF USE ONLY

1960' West of Maynardville Pike

General Location

42.08 acres

Tract Size

- City
- County

7th

District

A to RB

Zoning District

Agricultural or Vacant

Existing Land Use

North County

Planning Sector

LDR (hp)

Sector Plan Land Use Classification

Planned Growth

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

Unit / Phase Number   
  Combine Parcels   
  Divide Parcel

Total Number of Lots Created

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

### ZONING REQUEST

Pending Plat File Number

Zoning Change   
 From Agricultural (A) to General Residential (RB)  
 Proposed Zoning

Plan Amendment Change   
 MDR  
 Proposed Plan Designation(s)

Proposed Density (units/acre)

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		Total
0325	2704.00	3504.00
Fee 2		
0527	800.00	
Fee 3		

### AUTHORIZATION

*Shu Wi*  
Applicant Signature

Sherman Wires  
Please Print

2-22-22  
Date

865-679-3704  
Phone Number

Knoxville Excavating @ Comcast.net  
Email

*Terry Webb*  
Property Owner Signature

Terry Webb  
Please Print

2-22-22  
Date