



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-L-22-RZ
4-F-22-SP

AGENDA ITEM #: 19
AGENDA DATE: 4/14/2022

▶ **APPLICANT:** TAYLOR D. FORRESTER
OWNER(S): JDTKNOX, LLC

TAX ID NUMBER: 137 164.01, 164.02 & 164.03 [View map on KGIS](#)

JURISDICTION: Commission District 9

STREET ADDRESS: 0 W. Governor John Sevier Hwy.

▶ **LOCATION:** **South side of W. Governor John Sevier Highway, southwest of Chapman Highway, southeast of intersection of Abner Cruze Road**

▶ **TRACT INFORMATION:** **15.5 acres.**

SECTOR PLAN: South County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W Governor John Sevier Highway, a major arterial with a pavement width of 45-ft within a right-of-way width of 112-ft.

UTILITIES: Water Source: Knox-Chapman Utility District
Sewer Source: Knox-Chapman Utility District

WATERSHED: Stock Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **GC (General Commercial) / CA (General Business)**

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

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

▶ **DENSITY PROPOSED:** **up to 18 du/ac**

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, MDR is across the street. No, PR is not adjacent.

HISTORY OF ZONING REQUESTS: 3-I-80-RZ: A to RA, 8-D-91-RZ: A to CA (Denied) 8-H-95-RZ: A to CA

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Agriculture/forestry/vacant / MDR (Medium Density Residential) / RB (General Residential)

South: Agriculture/forestry/vacant, Rural Residential, Single family residential, Commercial / GC (General Commercial), LDR (Low Density Residential / CA (General Business), A (Agriculture), RA (Low Density Residential)

East: Agriculture/forestry/vacant, Commercial / GC (General Commercial) / CA (General Business)

West: Agriculture/forestry/vacant / GC (General Commercial) / CA

(General Business)

NEIGHBORHOOD CONTEXT: This area is forested area along W. Governor John Sevier Highway adjacent to a large commercial node at the intersection with Chapman Highway. Single family residential homes on large lots with agricultural and low density residential zoning about the property to the south.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to MDR (Medium Density Residential) because it is adjacent to a major commercial node that is served by transit.**

- ▶ **Approve PR (Planned Residential) zoning up to 18 du/ac because it is adjacent to a large commercial node served by transit subject to the following 4 conditions:**
 - 1) Maintain a tree buffer with 50-ft of depth along the Governor John Sevier Highway frontage, except for allowing approved access to Governor John Sevier Highway, as recommended by the Governor John Sevier Scenic Highway Corridor Study. High visibility tree protection fencing shall be installed before clearing and grading activities begin and maintained until site and building construction are complete.
 - 2) No clearing or grading of the site shall be permitted until a Concept Plan or Use on Review development plan is approved by the Planning Commission.
 - 3) Provide a vegetated buffer consisting of a "Type B" landscape screen of 20-ft in depth adjacent to the RA and A zoned parcels on the south side of the property.
 - 4) Provide a pedestrian connection to the large adjacent commercial node to the east that is served by transit.

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITION WARRANTING AMENDMENT OF THE LAND USE PLAN:

- 1) The adjacent large commercial development has been building out extensively since 2007, with the bulk of the new development occurring after the recession around 2016 on and this node is now served by transit.

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

- 1) New roads and utilities to serve the adjacent commercial site have also been introduced into the area and improved access from Governor John Sevier Highway and Chapman Highway into the node.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

- 1) There doesn't appear to be an obvious or significant error or omission in the plan because the property has been zoned CA (General Business) prior to this request to rezone to PR (Planned Residential), however, this area also meets the location criteria for MDR (Medium Density Residential) land use classification.

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

- 1) The expansion of the KAT bus route means there are now bus stops within walking distance of the parcel, making MDR an appropriate land use designation to consider.
- 2) A pedestrian connection from the proposed residential development to the commercial node should be developed.

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 a large commercial node that is served by transit, making development of medium density residential more feasible at this location.

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

- 1) The PR zone provides optional methods of land development which encourage more imaginative solutions

to environmental design problems, such as the scenic highway status of Governor John Sevier Highway. PR would enable a review of the proposed design and permit an opportunity to review a development plan that protects the 50-ft tree buffer, the vegetated buffer adjacent to residential uses, and ensure a pedestrian connection to the adjacent commercial node.

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) PR will require Planning Commission use on review approval of site plans prior to any development of the property. During this review, potential issues such as traffic, drainage, access, topography, lot layout and other development concerns can be addressed.
- 2) With the existing adjacent large commercial node that is served by transit the multi-family development and with the noted conditions, this proposed rezoning is not expected to have direct or indirect adverse effects.
- 3) Any residential development that generates 750 daily trips may be required to submit a transportation impact study with the subsequent use on review application. However, some trips generated with a development at this location may be handled by access to transit.
- 4) This section of Governor John Sevier Highway (State Route 168) is designated a Scenic Highway by the State of Tennessee and new buildings within 1,000-ft of Tennessee Scenic Highways have a building height limitation of 35' above the level of the highway (TCA § 54-27-114).

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 is compatible with the recommended amendment to MDR in the South County Sector Plan and is in compliance with all other adopted plans.

ESTIMATED TRAFFIC IMPACT: 2400 (average daily vehicle trips)

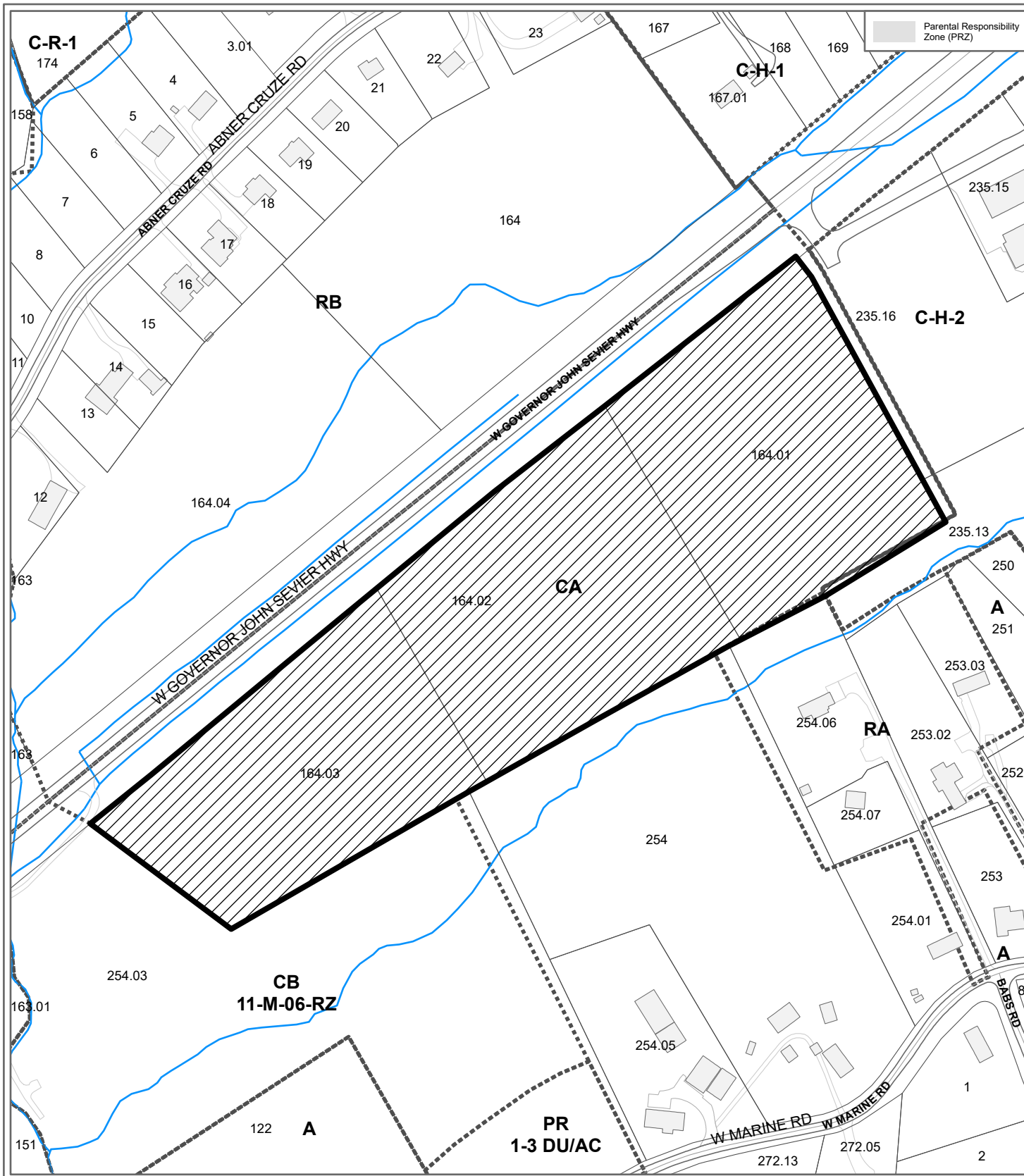
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 24 (public school children, grades K-12)

Schools affected by this proposal: New Hopewell Elementary, South Doyle Middle, and South Doyle High.

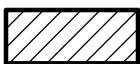
- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries 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 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-L-22-RZ
REZONING**

From: CA (General Business)
To: PR (Planned Residential)



Original Print Date: 3/8/2022
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Forrester, Taylor D.

Map No: 137
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, Taylor D. Forrester 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 General 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 April 14, 2022, 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 #4-F-22-SP.

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

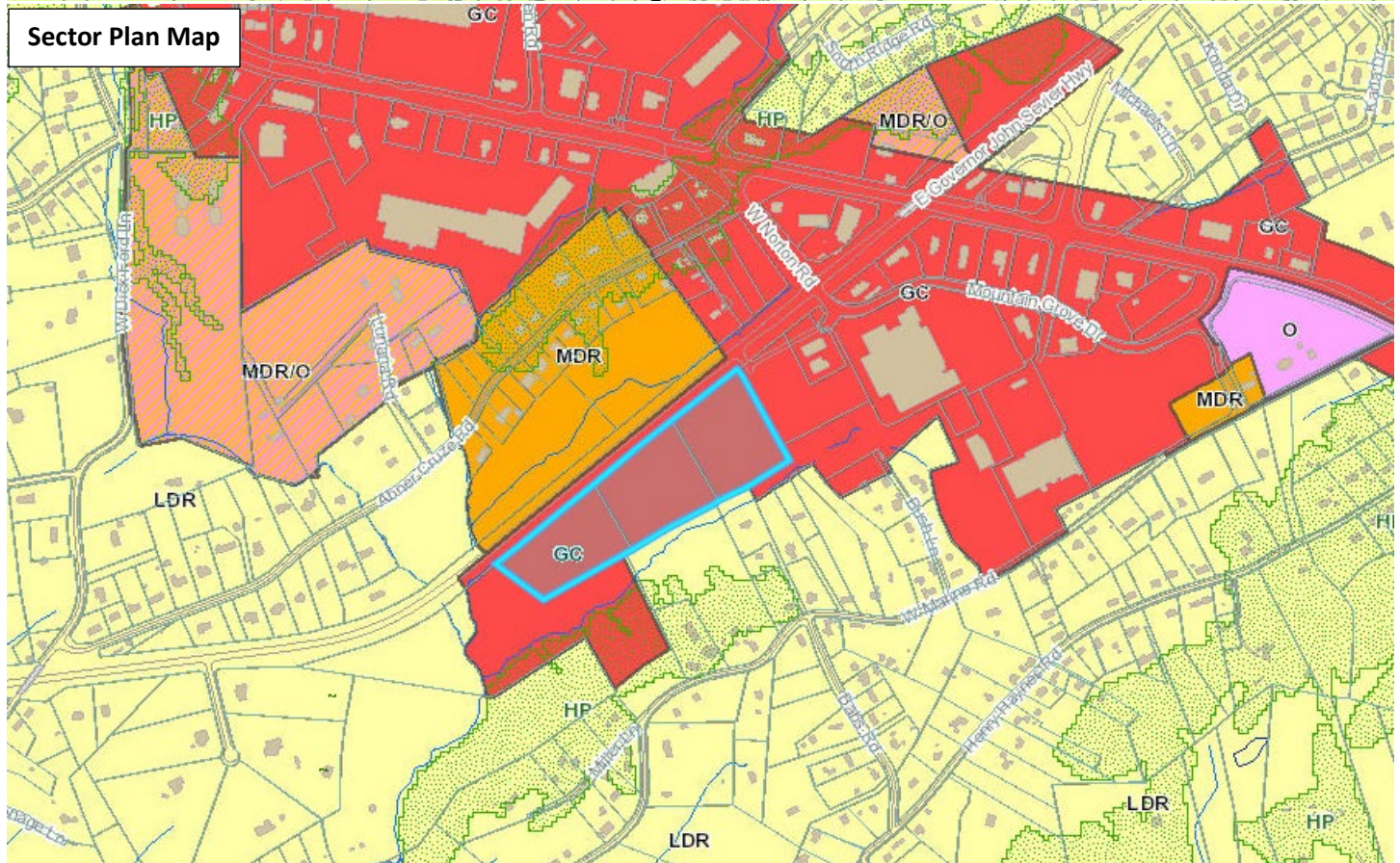
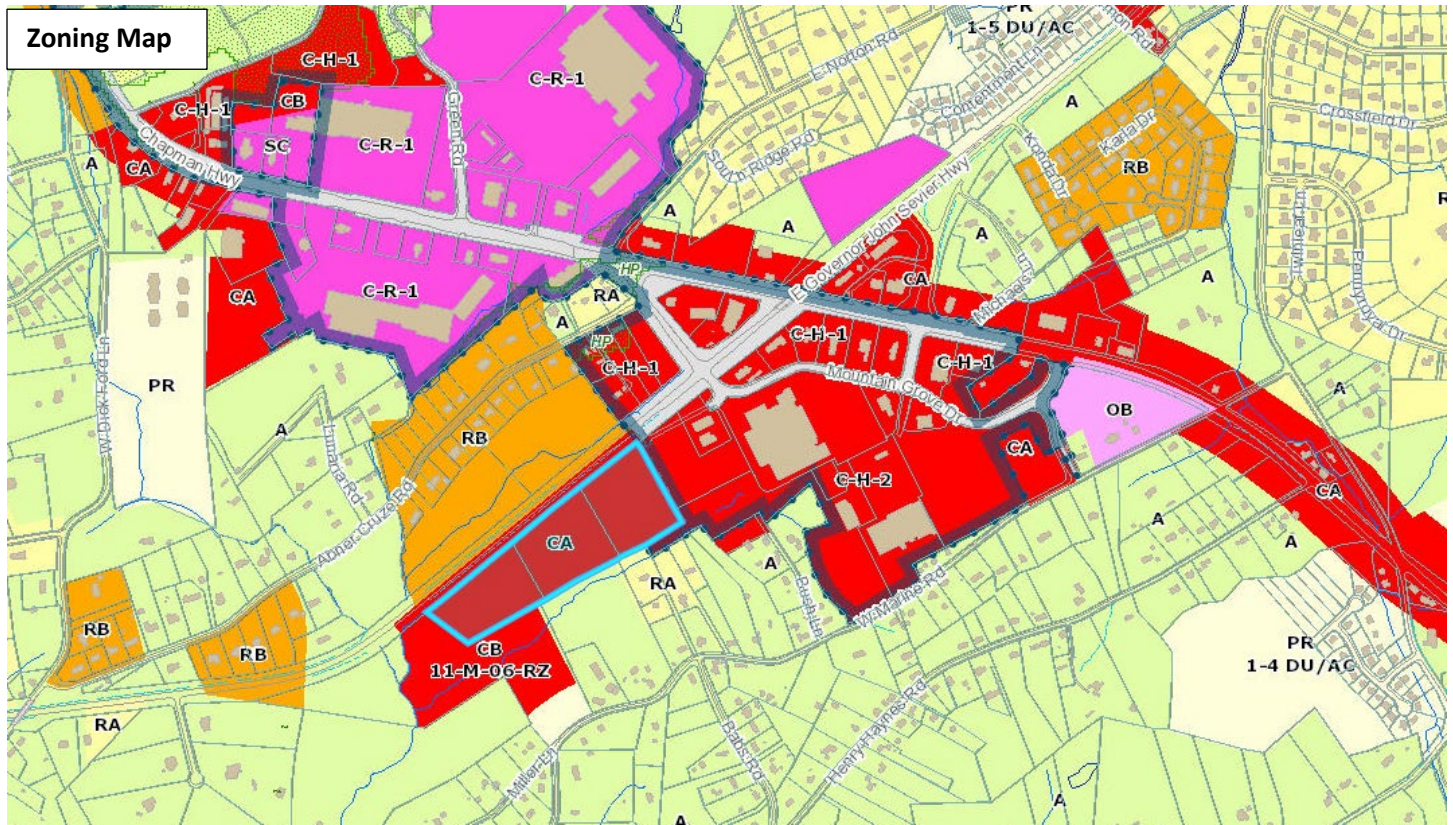
SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

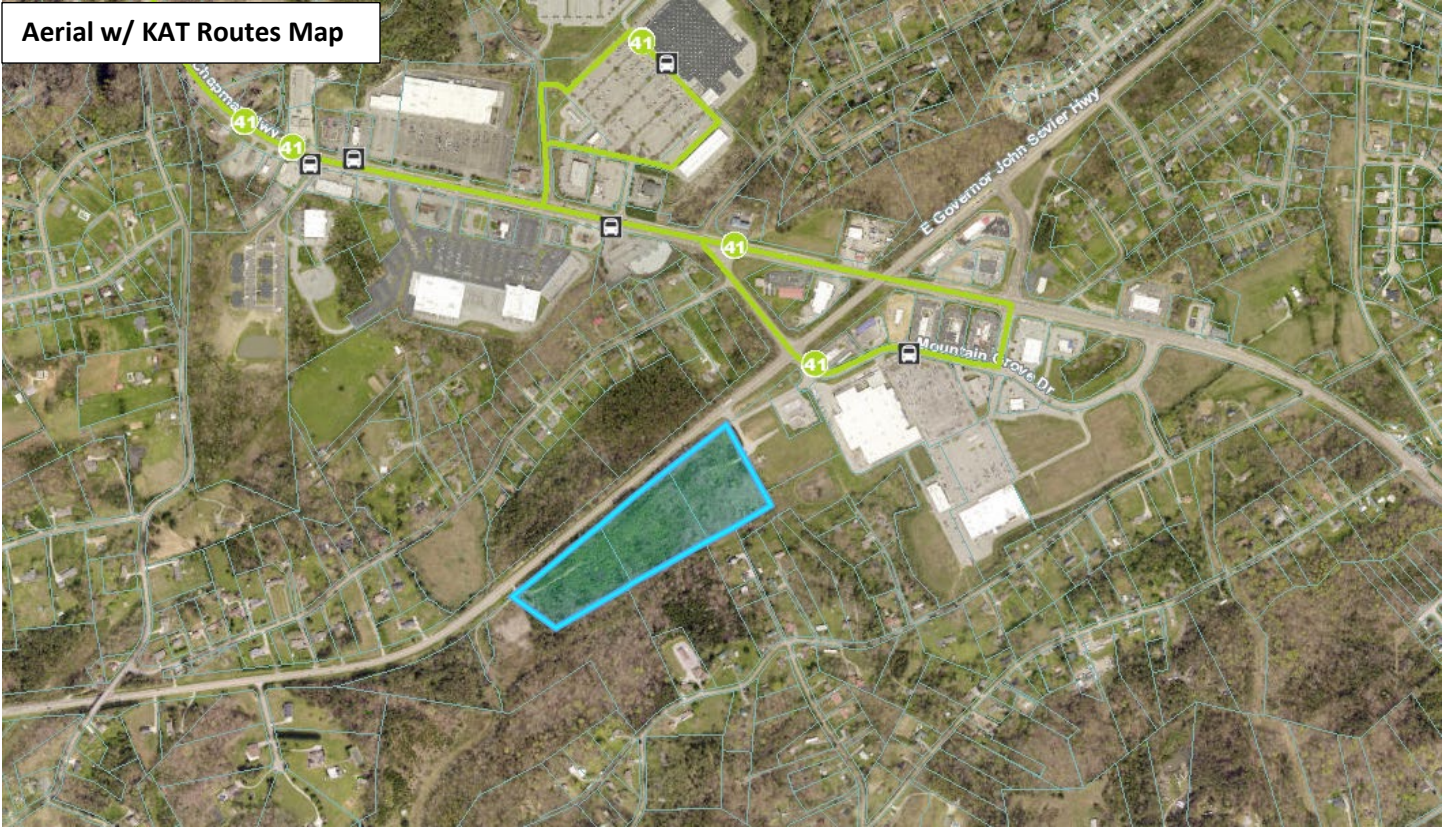
Secretary

Exhibit B. 4-L-22-RZ / 4-F-22-SP Contextual Images



Existing Land Use Map

Exhibit B. 4-L-22-RZ / 4-F-22-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

Taylor D. Forrester

Attorney

Applicant Name

Affiliation

February 25, 2022

April 14, 2022

Date Filed

Meeting Date (if applicable)

File Number(s)

4-L-22-RZ
4-F-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

Taylor D. Forrester

Long, Ragsdale & Waters, P.C.

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

865-584-4040

tforrester@lrwlaw.com

Phone

Email

CURRENT PROPERTY INFO

JDTKNOX, LLC

1200 Lipscomb Dr, Brentwood, TN 37024

865-693-0711

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 W. Governor John Sevier Highway

13716401; 13716402; 13716403

Property Address

Parcel ID

Knox Chapman Utility District

Knox Chapman Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side W. Gov. John Sevier Hwy
southwest of Chapman Hwy
Site of intersection of Abber Crump Rd

15.5 acres

Tract Size

General Location

9th

CA

Vacant

Ag For Vac

City County

District

Zoning District

Existing Land Use

South County

GC

Planned Growth

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

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

- Zoning Change **PR**
 Proposed Zoning
 Plan Amendment Change **MDR**

18

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) _____

Pending Plat File Number

Proposed Plan Designation(s)

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	\$1,375.00	Total \$1,975.00
0325		
Fee 2	\$600.00	
0526		
Fee 3		

AUTHORIZATION

Taylor D. Forrester

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, o=Forrester Law Firm, ou=Forrester Law Firm, email=tforrester@lrwlaw.com, c=US
Date: 2022.02.25 11:08:38-0800

Taylor D. Forrester

2/25/22
Date

Applicant Signature

Please Print

865-584-4040

tforrester@lrwlaw.com

Phone Number

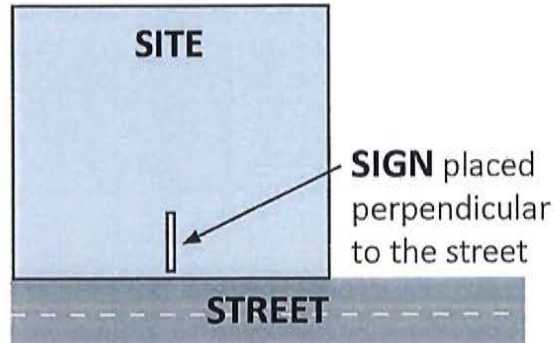
Email

Sum 2/25/22
Property Owner Signature

Please Print

Sum 2/25/22
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:

March 30, 2022 and April 15, 2022
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Taylor Torrestee

Date: 2/25/2022

File Number: 4-L-22-RZ / 4-F-22-SP

- Sign posted by Staff
- Sign posted by Applicant