

PLAN AMENDMENT REPORT

► **FILE #:** 1-A-22-SP

AGENDA ITEM #: 10

AGENDA DATE: 1/13/2022

► **APPLICANT:** KYLE HOHMAN
OWNER(S): Unique Construct LLC

TAX ID NUMBER: 107 I B 01303 [View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 0 Zoe Way

► **LOCATION:** South of Zoe Way and east of Janmer Lane

► **APPX. SIZE OF TRACT:** 3.1 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Janmer Ln, a local road with 23-ft of pavement width within a 45-ft right-of-way, and Zoe Way, a private road with 25-ft of pavement width within a 42-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT PLAN AND ZONING DESIGNATION:** O (Office) & HP (Hillside Protection) / OP (Office Park) & HP (Hillside Protection Overlay)

► **PROPOSED PLAN DESIGNATION:** LDR (Low Density Residential) & HP (Hillside Protection)

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

EXTENSION OF PLAN DESIGNATION: Yes, LDR is adjacent to the west

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Office / office / OP (Office Park)

South: Public-Quasi Public / right-of-way / OS (Open Space)

East: Commercial / office / RN-1 (Single-Family Residential)

West: Single-family residential / low density residential / RN-1 (Single-Family Residential)

NEIGHBORHOOD CONTEXT This property is located in a residential neighborhood made up of primarily single-family dwellings with some office uses adjacent to the north. I40 is located to the south of the property.

STAFF RECOMMENDATION:

► **Approve the Northwest City Sector Plan amendment to the LDR (Low Density Residential) and HP**

(Hillside Protection) land use classification because it is an extension of that land use class and is compatible with the surrounding development.

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. Amending the sector plan to LDR will increase the development potential of this property as it has remained undeveloped under the O land use classification.

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

1. No new roads or utilities were introduced to make this development more feasible.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is an error in the plan because the O land use classification recommends zoning that is not compatible with the steep topography on this property. The slope analysis yields a recommended disturbance allowance for this property up to 1.47 acres within the HP (Hillside Protection) area.

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

1. The LDR land use classification allows consideration of residential zone districts that permit low densities consistent with the residential neighborhood to the west, and steep topography of the subject property.

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.

ESTIMATED TRAFFIC IMPACT: 15 (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: 0 (public school children, grades K-12)

Schools affected by this proposal: Bearden Elementary, Bearden Middle, and West 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 Knoxville City Council for action on 2/8/2022 and 2/22/2022. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed.

Appellants have 15 days to appeal a Planning Commission decision in the City.



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 1-A-22-RZ

AGENDA ITEM #: 10

1-A-22-PA

AGENDA DATE: 1/13/2022

► **APPLICANT:** KYLE HOHMAN

OWNER(S): Unique Construct LLC

TAX ID NUMBER: 107 I B 01303

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 0 Zoe Way

► **LOCATION:** South of Zoe Way and east of Janmer Lane

► **TRACT INFORMATION:** 3.1 acres.

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Janmer Ln, a local road with 23-ft of pavement within a 45-ft right-of-way, and Zoe Way, a private road with 25-ft of pavement width within a 42-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT PLAN DESIGNATION/ZONING:** O (Office) & HP (Hillside Protection) / OP (Office Park) & HP (Hillside Protection)

► **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) & HP (Hillside Protection) / RN-1 (Single-Family Residential Neighborhood) & HP (Hillside Protection)

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

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, LDR is adjacent to the west.

HISTORY OF ZONING REQUESTS: 11-A-21-RZ Withdrawn

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Office / Office / OP (Office Park)

South: Public-Quasi Public / right-of-way / OS (Open Space)

East: Commercial / office / RN-1 (Single-Family Residential)

West: Single-family residential / low density residential / RN-1 (Single-Family Residential)

NEIGHBORHOOD CONTEXT: This property is located in a residential neighborhood consisting of single-family dwellings with some office uses adjacent to the north. I-40 is located to the south of this property.

STAFF RECOMMENDATION:

- ▶ **Approve the One Year Plan amendment to the LDR (Low Density Residential) and HP (Hillside Protection) land use classification because it is an extension of that land use class and is compatible with the surrounding development.**

- ▶ **Approve RN-1 (Single-Family Residential) and HP (Hillside Protection Overlay) zoning because it is an extension of zoning, and is compatible with the surrounding development.**

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS: CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

AN ERROR IN THE PLAN:

1. There is an error in the plan because the O land use classification recommends zoning that is not compatible with the steep topography on this property.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

1. This property and the property adjacent to the north are both zoned OP (Office Park). Unlike the property to the north, the subject property was never developed and remains forested. The properties adjacent to the west are low-density residential uses. Amending the One Year Plan to LDR is an extension of this land use classification and will create development opportunities that are compatible with this area.
2. This property is located at the east terminus of Janmer Lane. This proposed amendment to LDR will eliminate the risk of office uses drawing traffic through a residential neighborhood. LDR is suitable at this location and is compatible based on the surrounding development.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There has been no change in public policy that would initiate the need for a plan amendment.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. No new information has become available to reveal the need for a plan amendment.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, 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. This property is currently zoned OP and is undeveloped.
2. The current O sector plan land use classification and OP zoning are not compatible with the steep topography on this property. Uses permitted in the proposed RN-1 zone are less intensive than the existing OP zone and therefore RN-1 is more suitable for this property.

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

1. The RN-1 Single-Family Residential Neighborhood Zoning District is intended to accommodate traditional low density residential neighborhoods in the City of Knoxville, exhibiting a predominant development pattern of single-family homes on relatively large lots and with generous setbacks. Two-family dwellings may also be allowed by special use approval. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

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. This proposed amendment will be an extension of RN-1 zoning, as RN-1 is adjacent to the west. It is not anticipated that any adverse effects will result from the addition of more RN-1 zoning in this area.
2. The uses permitted in the RN-1 zone are more compatible with the adjacent residential neighborhood than the existing OP zone.

3. This property has access via Zoe Way, and Janmer Lane. It is not anticipated that the uses permitted in the RN-1 zone will cause adverse effects if either access point is used.

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 Northwest City Sector Plan and One Year Plan is an extension of the LDR (Low Density Residential) land use classification and will support the proposed RN-1 zoning.

ESTIMATED TRAFFIC IMPACT: 15 (average daily vehicle trips)

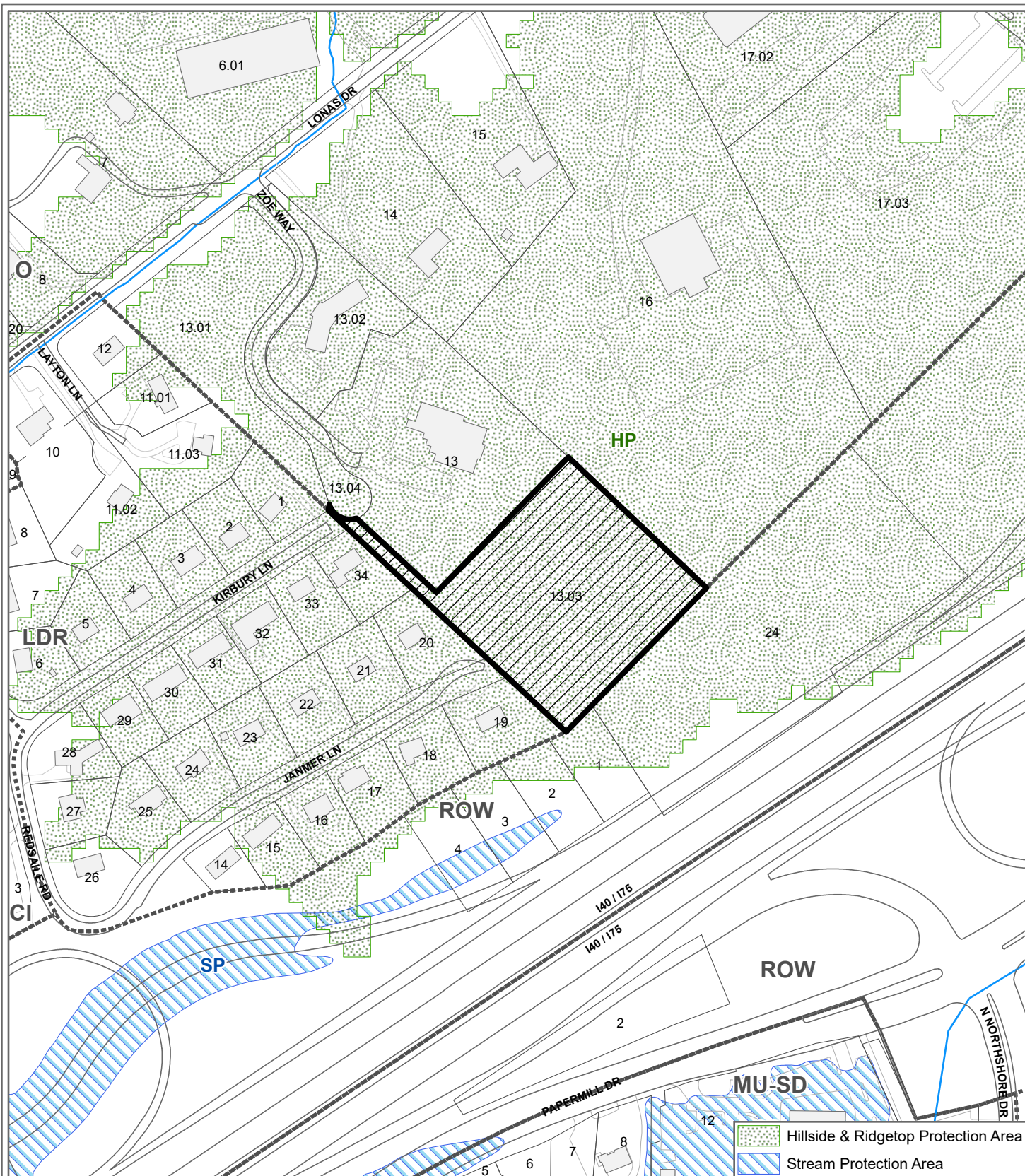
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ESTIMATED STUDENT YIELD: 0 (public school children, grades K-12)

Schools affected by this proposal: Bearden Elementary, Bearden Middle, and West High.

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- 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.

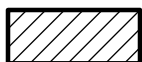
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**1-A-22-SP / 1-A-22-RZ / 1-A-22-PA
NORTHWEST CITY SECTOR PLAN AMENDMENT**

From: O (Office) & HP (Hillside Protection)

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



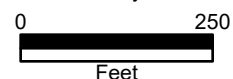
Original Print Date: 12/3/2021
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

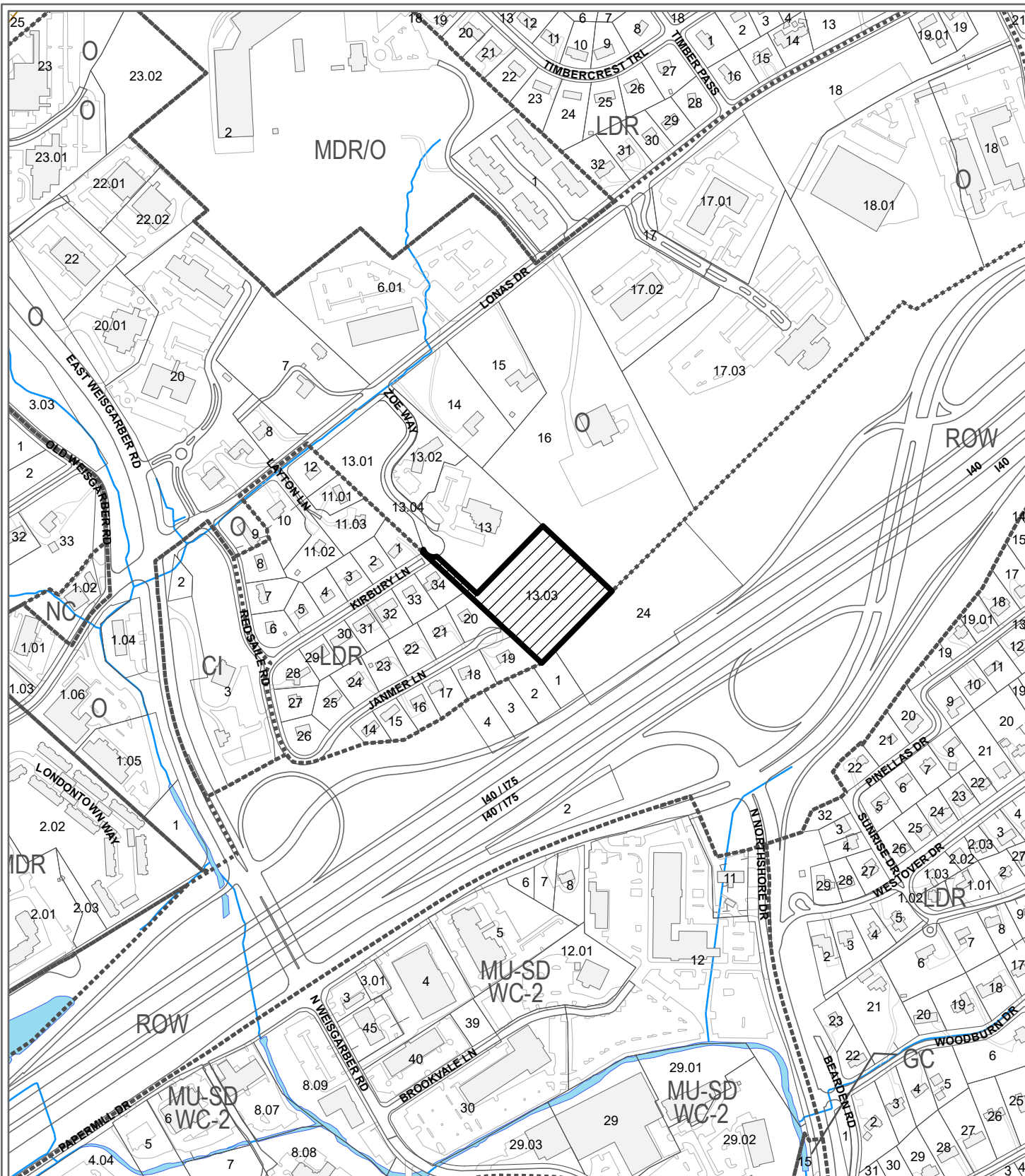
Revised:

Petitioner: Hohman, Kyle

Map No: 107

Jurisdiction: City

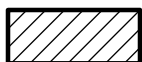




**1-A-22-PA / 1-A-22-RZ
PLAN AMENDMENT**

From: O (Office) & HP (Hillside Protection)

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

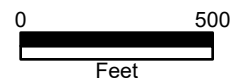


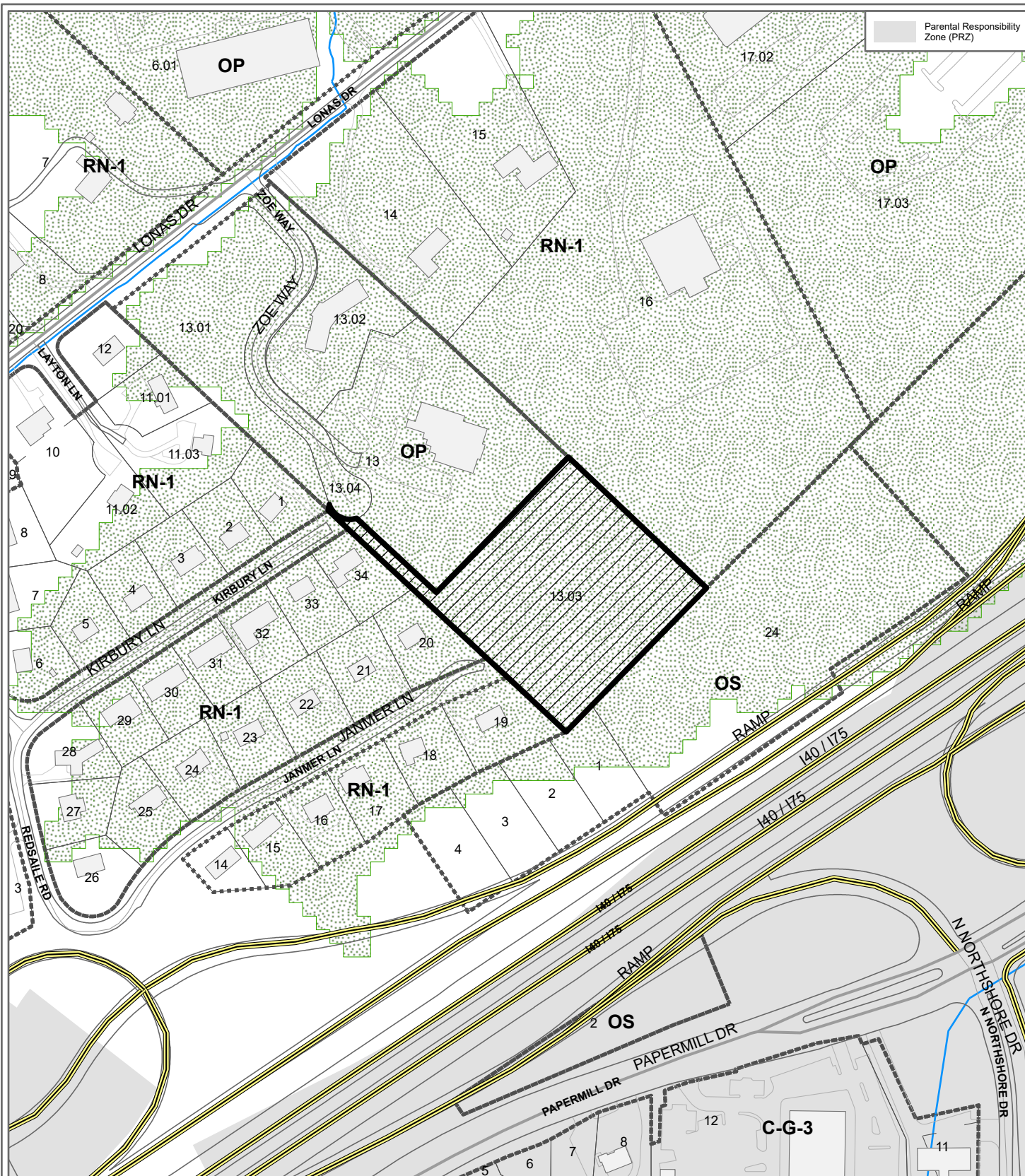
Original Print Date: 12/3/2021 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Hohman, Kyle

Map No: 107

Jurisdiction: City

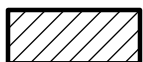




1-A-22-RZ REZONING

From: OP (Office Park) & HP (Hillside Protection Overlay)

To: RN-1 (Single-Family Residential Neighborhood) & HP (Hillside Protection Overlay)



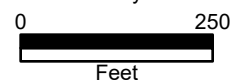
Original Print Date: 12/2/2021
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Hohman, Kyle

Map No: 107

Jurisdiction: City



***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST CITY 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, Unique Construct, LLC has submitted an application for an amendment to the Northwest City Sector Plan for property described in the application; and

WHEREAS, the Planning Commission recommends approval of an amendment to the Northwest City Sector Plan for parcel 107 IB 013003 from Office and Hillside Protection Overlay to Low Density Residential and Hillside Protection Overlay 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 January 13, 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 Northwest City Sector Plan, with its accompanying staff report and map, file #1-A-22-SP.

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

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

Date

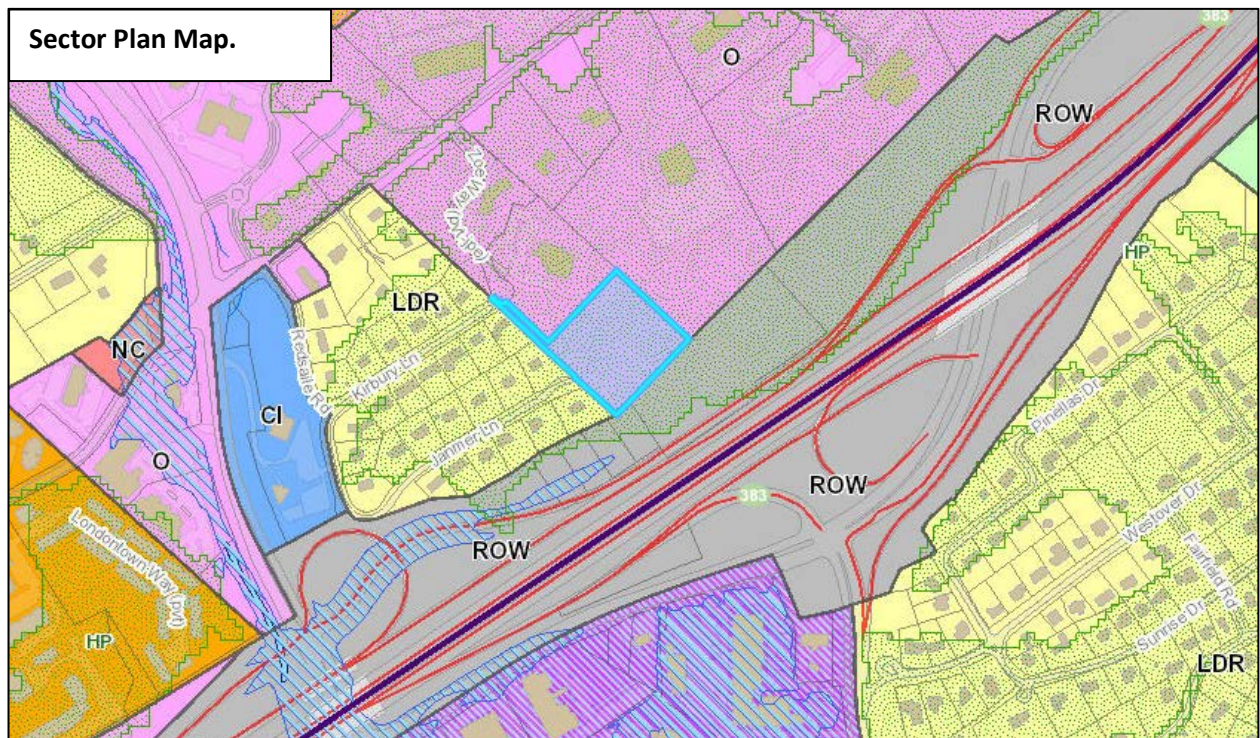
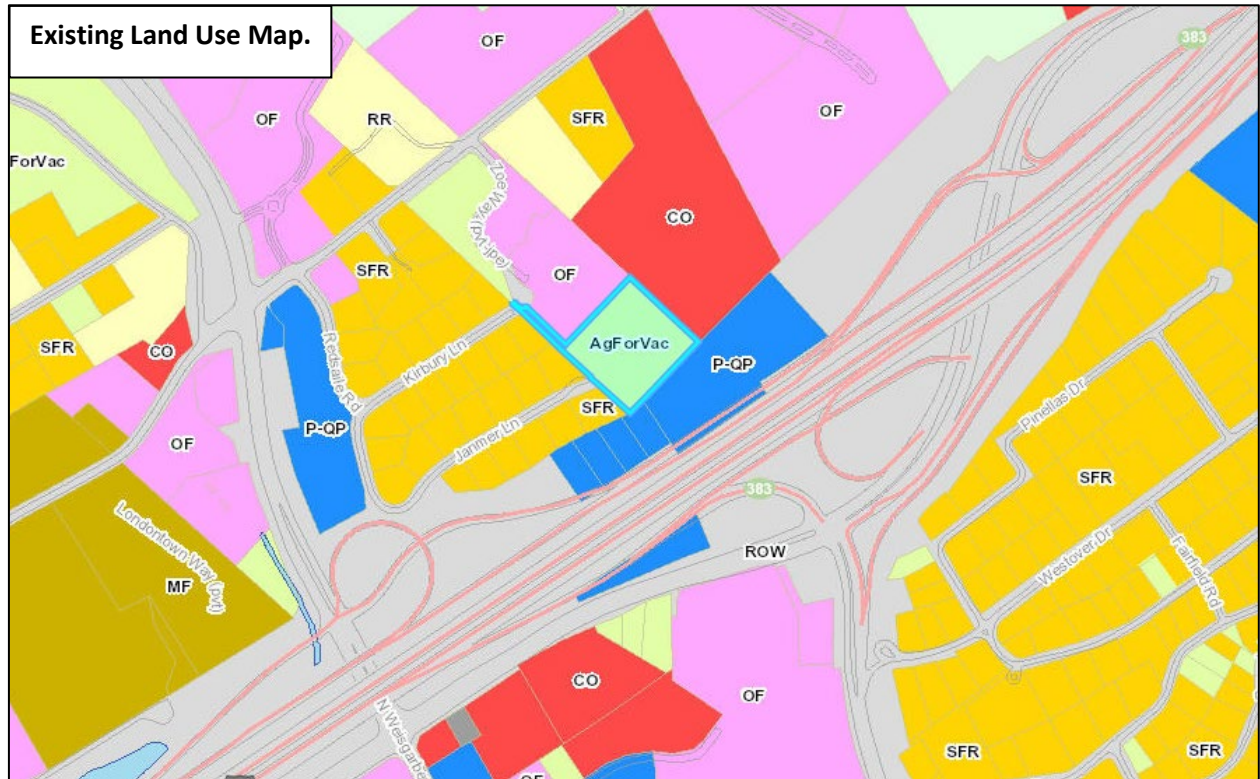
Chairman

Secretary

1-A-22-RZ, 1-A-22-PA, 1-A-22-SP
EXHIBIT A. Contextual Images



1-A-22-RZ, 1-A-22-PA, 1-A-22-SP
EXHIBIT A. 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

Kyle Hohman

Applicant Name

10/26/2021

Date Filed

1/13/2022

Meeting Date (if applicable)

Affiliation

1-A-22-RZ

File Number(s)

1-A-22-PA

1-A-22-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

Kyle Hohman

Unique Construct LLC

Name

Company

1324 Willow Grove Dr

Knoxville

TN

37932

Address

City

State

ZIP

865.271.8866

kyle@ucstn.com

Phone

Email

CURRENT PROPERTY INFO

Unique Construct LLC

3713 Washington Pike

865.816.8669

Owner Name (if different)

Owner Address

Owner Phone

0 Zoe Way Knoxville TN 37909

107IB01303

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

South of Zoe Way & east of Janmer Ln.

3.1 acres

General Location

Tract Size

☒ City ☐ County

2nd

OP & HP

AgForVac

District

Zoning District

Existing Land Use

Northwest City

O & HP

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential Home Occupation (specify) _____ Other (specify) _____	Related City Permit Number(s)
--	---

SUBDIVISION REQUEST

Proposed Subdivision Name _____	Related Rezoning File Number
Unit / Phase Number _____ <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Total Number of Lots Created _____	
<input type="checkbox"/> Other (specify) _____	
<input type="checkbox"/> Attachments / Additional Requirements _____	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change RN-1 & HP Proposed Zoning _____	Pending Plat File Number
<input checked="" type="checkbox"/> Plan Amendment Change LDR & HP Proposed Plan Designation(s) _____	
Proposed Density (units/acre) _____	Previous Rezoning Requests _____
<input type="checkbox"/> 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
0324	600.00	
Fee 2		
0526	600.00	
Fee 3		\$1500.00
0516	300.00	

AUTHORIZATION

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

Applicant Signature

Kyle Hohman

10/26/21

Please Print

Date

865.271.8866

kyle@ucstn.com

Phone Number

Email

Staff Signature

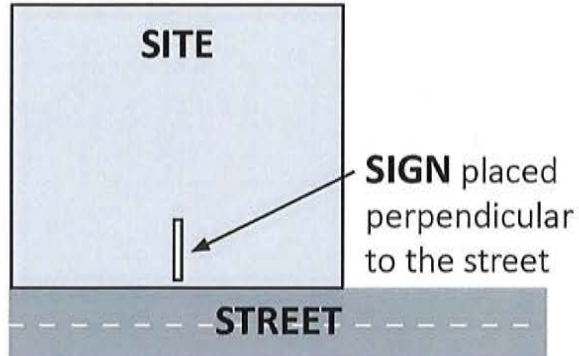
Sherry Michienzi

swm / 10/28/2021

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:

Dec 29 and Jan 14th
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Kyle Hohman

Date: 10/29/21

File Number: 1-A-22-RZ, 1-A-22-PA
1-A-22-SP

☒ Sign posted by Staff
☐ Sign posted by Applicant