

PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 10-N-22-RZ
10-I-22-SP

AGENDA ITEM #: 29
AGENDA DATE: 10/6/2022

► **APPLICANT:** **B&B BUILDERS**
OWNER(S): Central Avenue Partners, LLC Central Avenue Partners, LLC

TAX ID NUMBER: 68 073, 074 [View map on KGIS](#)
JURISDICTION: Commission District 7
STREET ADDRESS: 0 & 6527 Central Avenue Pk.
► **LOCATION:** **West side of Central Avenue Pike, east side of I-75, south of Barberry Dr.**
► **TRACT INFORMATION:** **11.61 acres.**
SECTOR PLAN: North City
GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)
ACCESSIBILITY: Access is via Central Avenue Pike, a minor arterial with a pavement width of 20-ft within a right-of-way width of 56-ft.
UTILITIES: Water Source: Hallsdale-Powell Utility District
Sewer Source: Hallsdale-Powell Utility District
WATERSHED: Knob Fork Creek

► **PRESENT PLAN DESIGNATION/ZONING:** **O (Office), LDR (Low Density Residential), HP (Hillside Protection), SP (Stream Protection) / PC (Planned Commercial), A (Agricultural), T (Transition)**
► **PROPOSED PLAN DESIGNATION/ZONING:** **O (Office), HP (Hillside Protection), SP (Stream Protection) / OB (Office, Medical, and Related Services)**
► **EXISTING LAND USE:** **Agriculture/Forestry/Vacant Land, Rural Residential**

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes / No
HISTORY OF ZONING REQUESTS: The T (Transitional) zoning was approved in 2002 (9-G-01-RZ).
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Single family residential -- LDR, HP, SP -- A (Agricultural)
South: Commercial -- GC, HP -- PC (Planned Commercial)
East: Agricultural/forestry/vacant land -- MU-SD, NC-1 & SP -- AG (General Agricultural)
West: I-75 -- ROW -- LI (Light Industrial), C-H-1 (Highway Commercial)
NEIGHBORHOOD CONTEXT: The property is located adjacent to the Briarwood Estate subdivision and southeast the I-75 / Callahan Road interchange. The area is developed with single family residential and commercial uses in A, AG, and PC zones.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to O (Office) / SP (Stream Protection) / HP (Hillside Protection) because it provides a transitional land use designation between the commercial area and the adjacent low density residential uses.**
- ▶ **Approve the OB (Office, Medical and Related Services) zone because it provides a transitional zone to buffer the low density residential uses from the commercial zoning, subject to 1 condition.**
 - 1) Providing a Type 'B' landscape screen along the north property line adjacent to the Briarwood Estate subdivision (see Exhibit B).

COMMENTS:

The sector plan amendment is required only for parcel 068-073 that wraps around the south and west boundaries of the Briarwood Estates subdivision. Parcel 068-074 is already classified O (Office) on the North City Sector Plan. See Exhibit C.

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 to the North City Sector Plan.

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

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. Additional opportunities for office and general residential development as a transitional land use could have been proposed as part of the Northwest County Sector Plan update.

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

1. Transitional land use designation, such as O (Office), should be considered for areas adjacent to commercial corridors and commercial land use designations to buffer the adjacent low density residential uses. The subject property is located between LDR (Low Density Residential) to the north and GC (General Commercial) to the south. The commercial land uses to the south expanded in 2019/2020 with the construction of a small retail strip center near the shared lot line.

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.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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. Providing additional opportunities for office and medium density residential uses in transitional areas between commercial corridors and low density residential areas is warranted.

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

1. The OB (Office, Medical, and Related Services) zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods.
2. The OB zone also allows residential uses consistent with the RB (General Residential) zone, which includes houses, duplexes, and multi-dwelling structures and developments.
3. The existing infrastructure in this area includes roads and utilities supporting the existing residential and commercial areas.

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 adjacent zone districts are commercial and agricultural with single family residential uses. The residential subdivision to the north is zoned A (Agricultural) but the lot sizes are more consistent with the RA (Low Density Residential) zone.
2. This rezoning will establish a larger transistional area from the commercial corridor than currently exists with the current T (Transitional) zone on parcel 068-074.
3. The recommended condition to require Type 'B' landscape screening will provide additional protection from adverse impacts for the Briarwood Estates subdivision to the north.

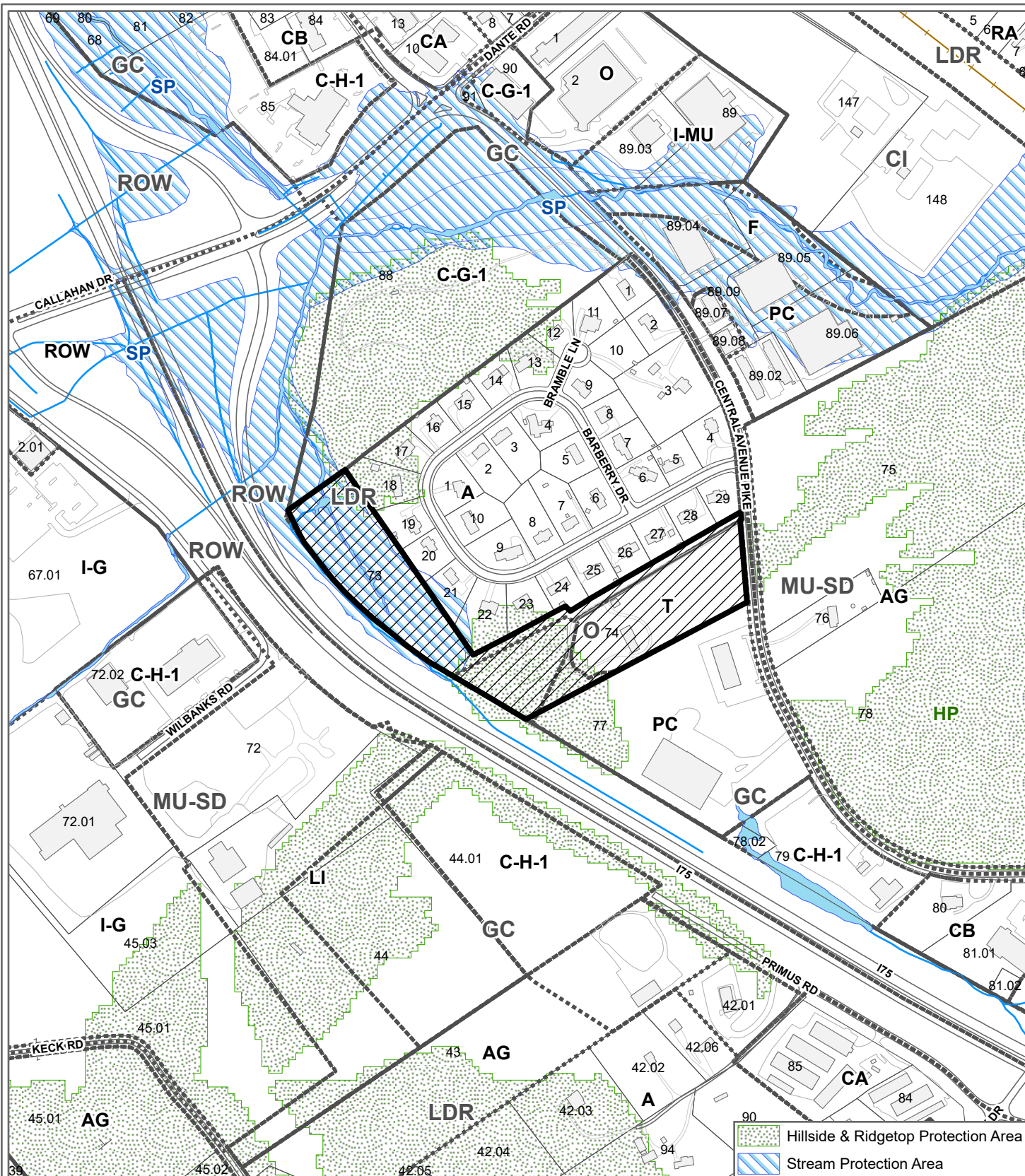
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed amendment is consistent with the sector plan as amended.
2. The proposed amendment does not appear to be in conflict with any other adopted plans.

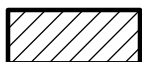
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 11/21/2022. 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.



**10-I-22-SP / 10-N-22-RZ
NORTH CITY SECTOR PLAN AMENDMENT**



From: O (Office), LDR (Low Density Residential), HP (Hillside Protection), SP (Stream Protection)
To: O (Office), HP (Hillside Protection), SP (Stream Protection)

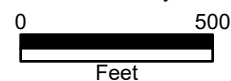
Original Print Date: 9/7/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

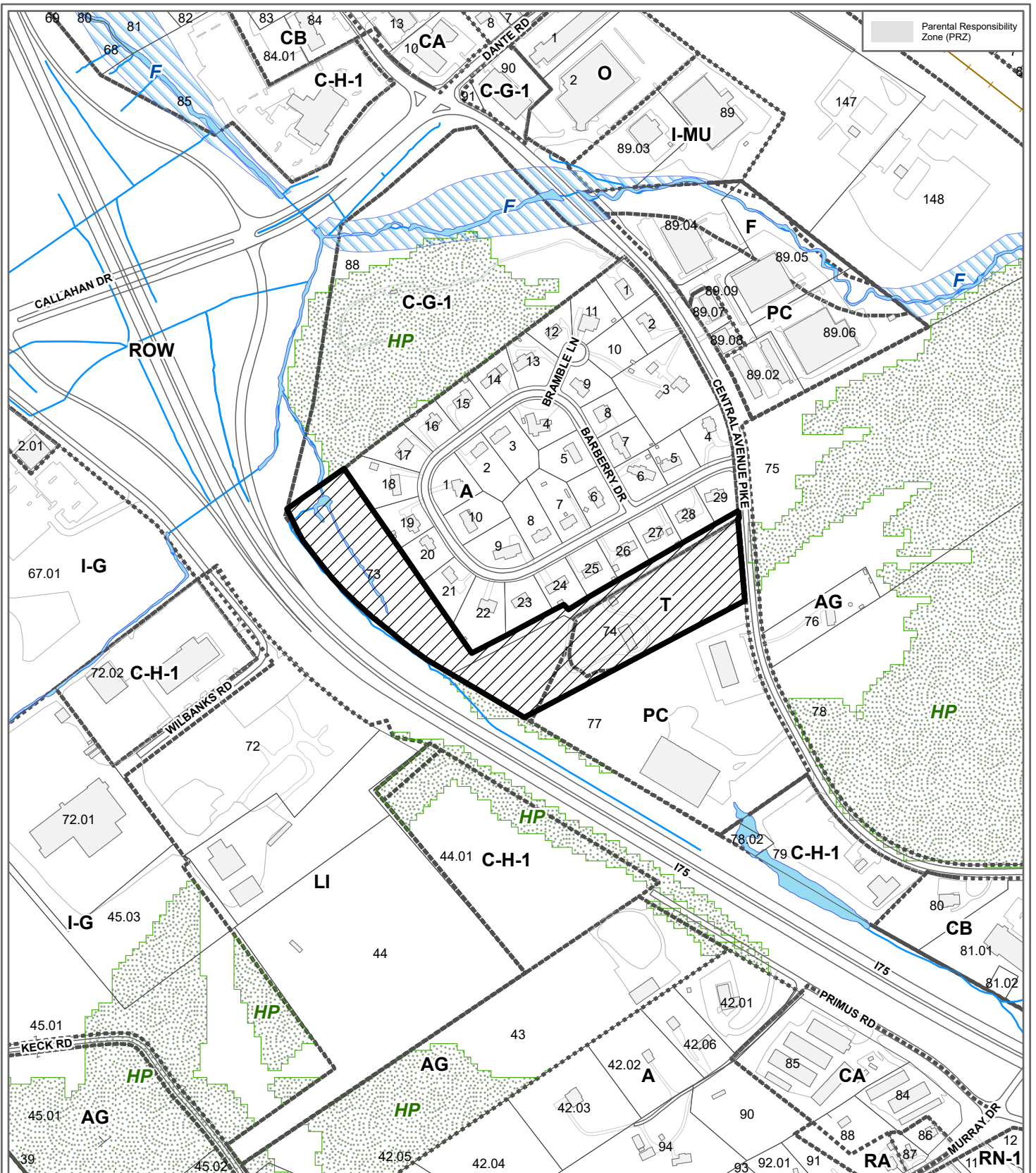
Revised:

Petitioner: B&B Builders

Map No: 68

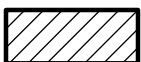
Jurisdiction: County





10-N-22-RZ REZONING

From: PC (Planned Commercial), A (Agricultural), T (Transition)
To: OB (Office, Medical, and Related Services)



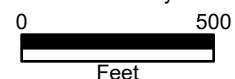
Original Print Date: 9/7/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: B&B Builders

Map No: 68

Jurisdiction: County



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	11.59		
Non-Hillside	8.80	N/A	
0-15% Slope	1.76	100%	1.76
15-25% Slope	0.91	50%	0.46
25-40% Slope	0.08	20%	0.02
Greater than 40% Slope	0.04	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	2.79	Recommended disturbance budget within HP Area (acres)	2.24
		Percent of HP Area	0.80

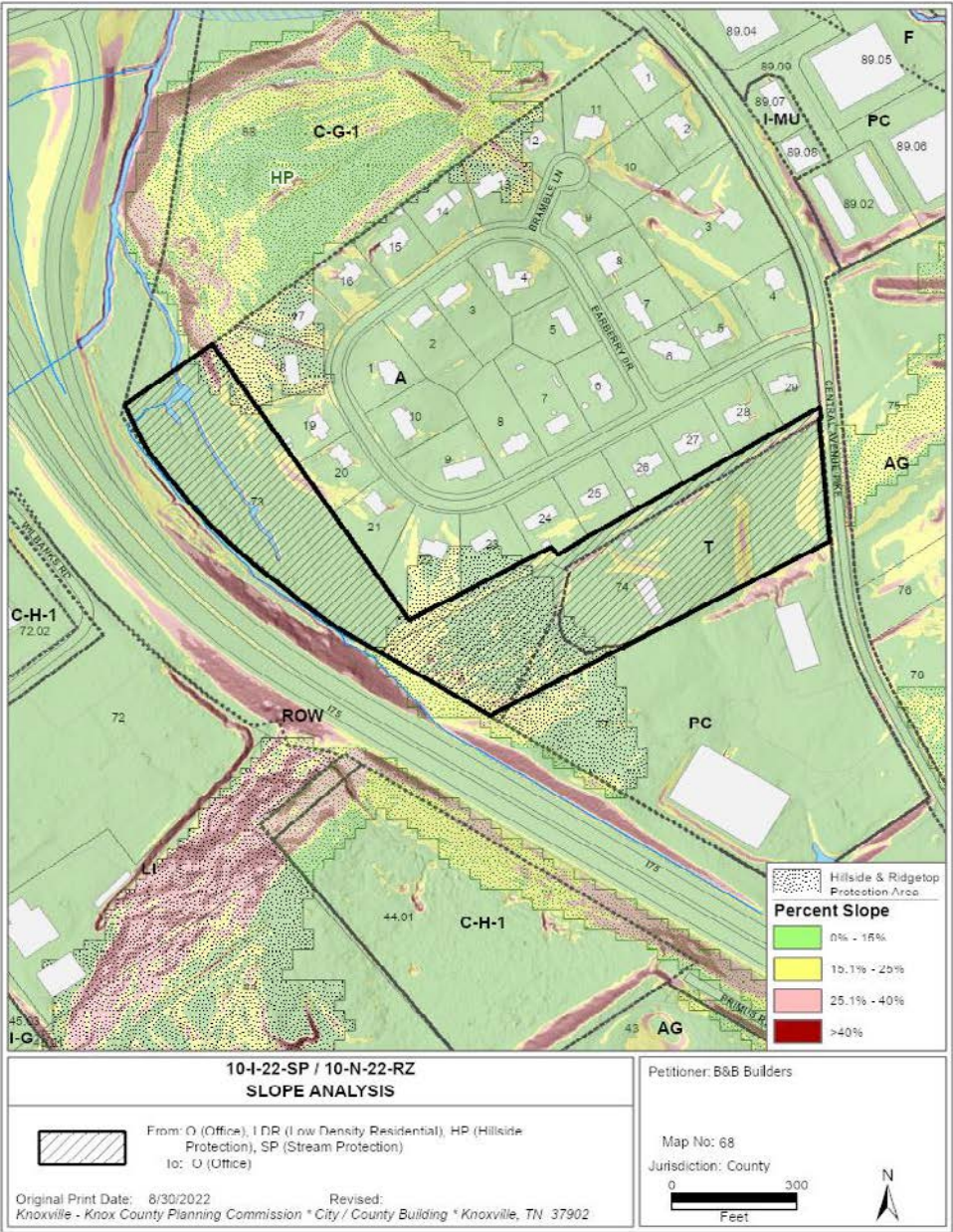
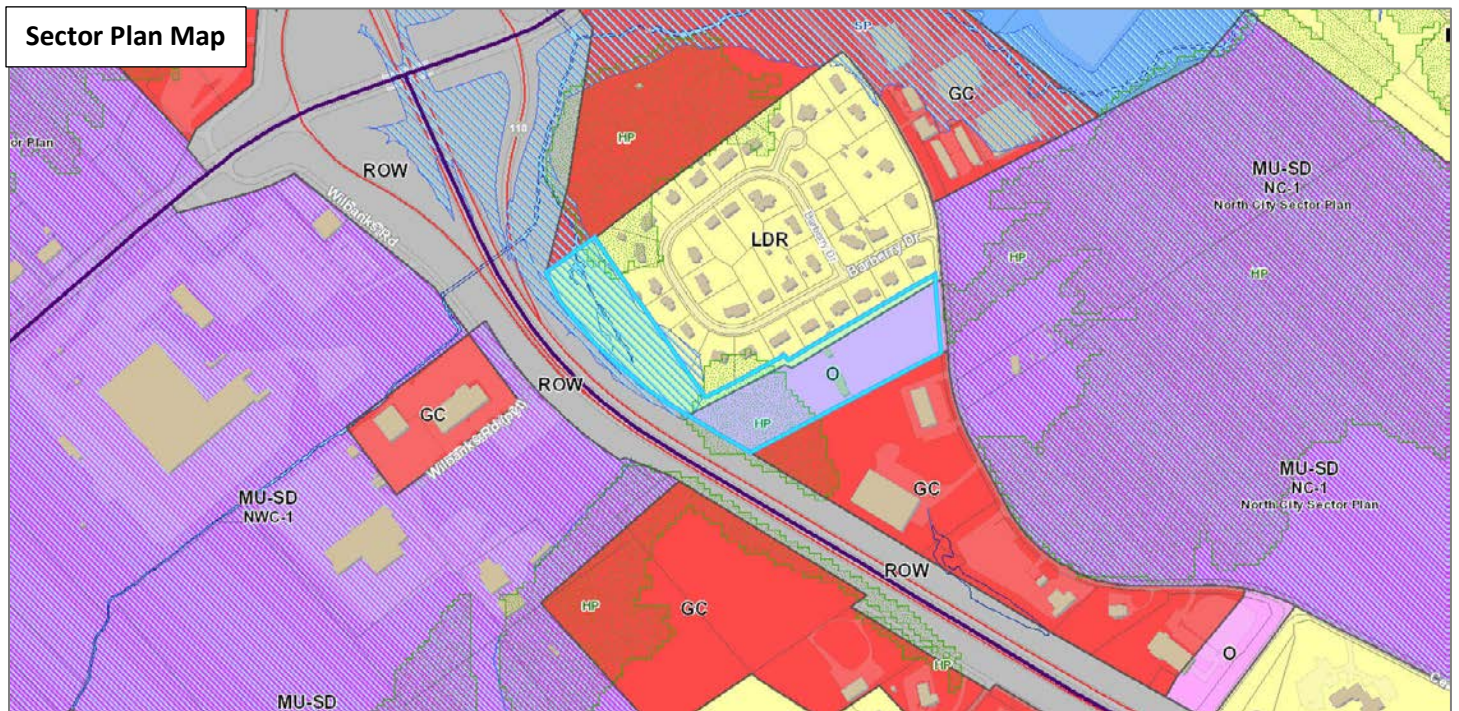
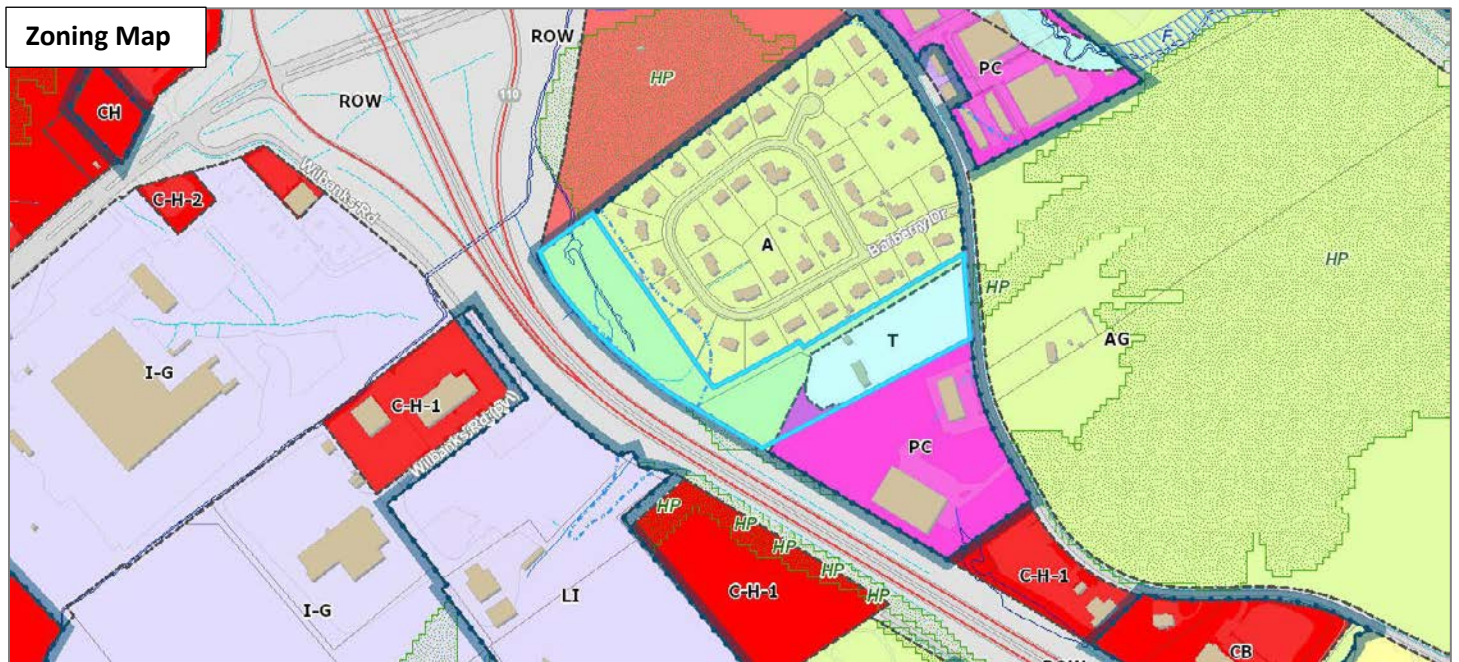


Exhibit A. 10-N-22-RZ / 10-I-22-SP Contextual Images



Existing Land Use Map



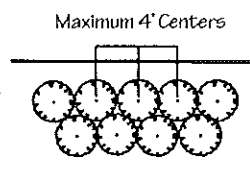
GUIDELINES LANDSCAPE SCREENING

Type "B" Screen: Continuous

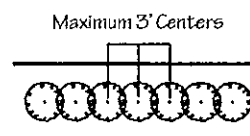
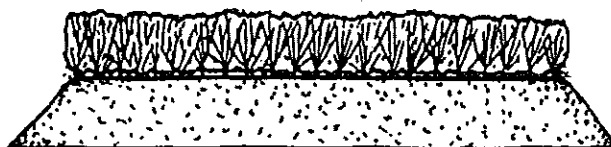
APPROPRIATE LOCATION: Screening parking and loading areas from adjoining residential and office districts

NOTE: Landscape buffer strips should be a minimum of 12 feet in width, and sown with grass or ground cover for their full width, allowing for mulch at the base of plantings.

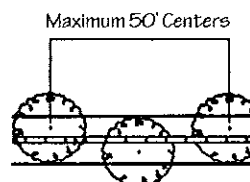
- Two offset rows of evergreen shrubs



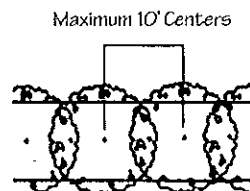
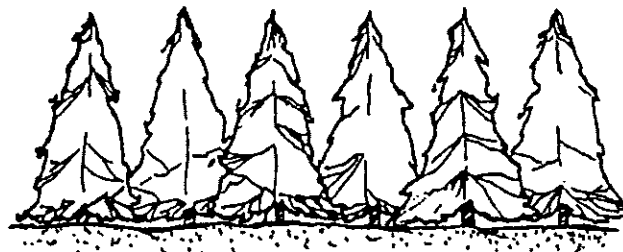
- A continuous row of evergreen shrubs on a 3 ft. high earth berm



- A 5 ft. high masonry wall or timber fence with evergreen trees and low shrubs or climbing vines



- One row of evergreen trees with branches touching the ground



INTRODUCTION

Landscape screening reduces the impact of intense development upon adjacent land uses by providing visual separation, reducing the transmission of glare and air pollution, and limiting access. Screening also promotes the aesthetic appeal of a neighborhood and promotes higher property values.

This series of design guidelines defines several types of landscape screen. Each type is applicable to a certain intensity of conflict between adjacent land uses. Each screen type is illustrated by several planting schemes with an equivalent height, density and opacity of landscaping.

MPC uses these guidelines to illustrate desirable levels of screening appropriate to various site planning situations. Creative alternatives which achieve a comparable effect are encouraged.

For more information:

MPC
Development Services
Suite 403
City County Building
400 Main Street
Knoxville, TN 37902
Phone: 865 215-2500
Fax: 865 215-2068
Web: www.knoxmpc.org

The contents of these guidelines are advisory and are intended to supplement, but not replace, the requirements of the Knoxville Zoning Ordinance and the Knox County Zoning Ordinance.

SHRUB HEIGHT
Installed: 4 ft.
Mature: 6 ft.

SHRUB HEIGHT
Installed: 2 ft.
Mature: 3 ft.

TREE HEIGHT
Installed: 8 ft.
Mature: 15 ft.

TREE HEIGHT
Installed: 8 ft.
Mature: 20 ft.

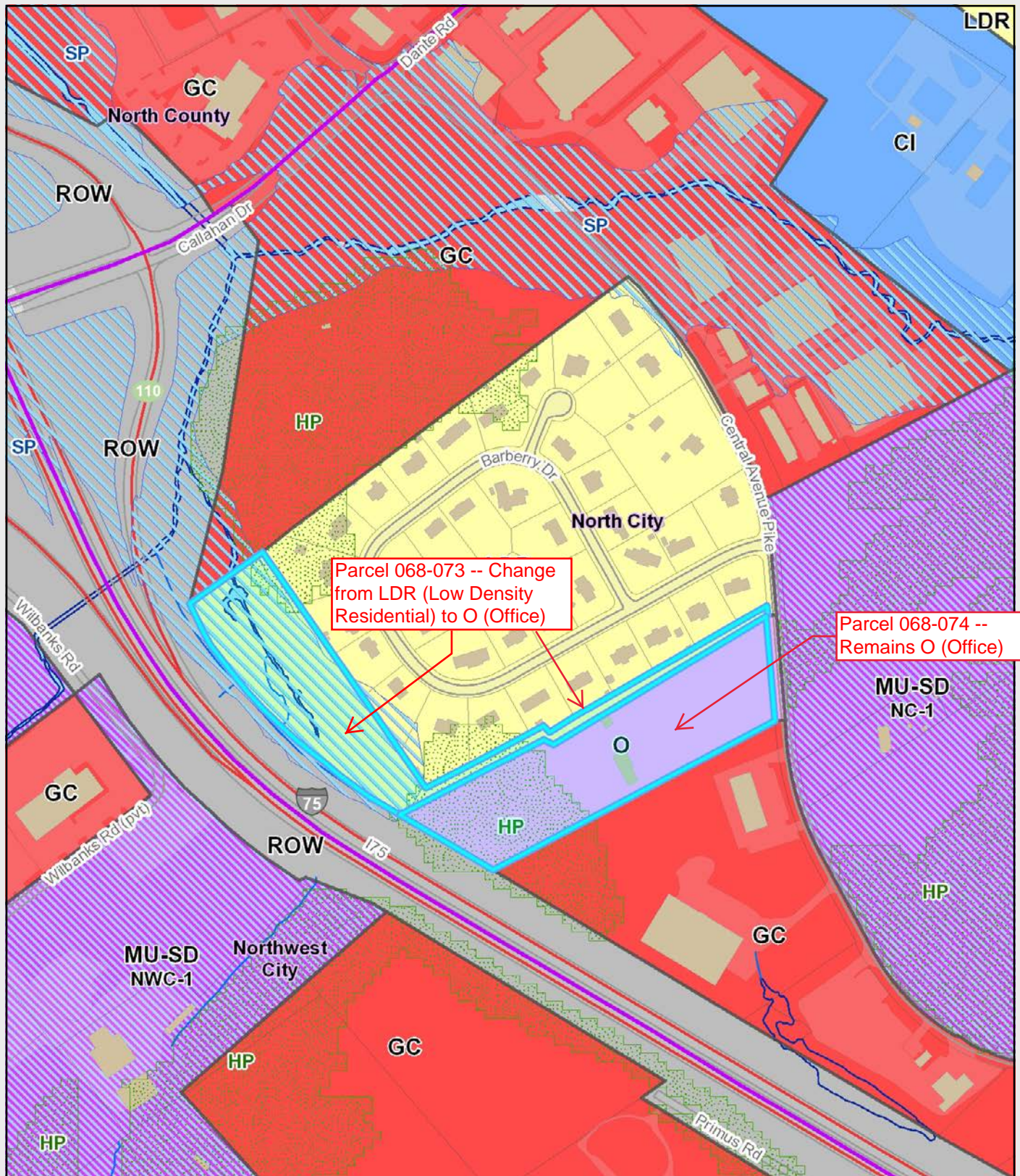
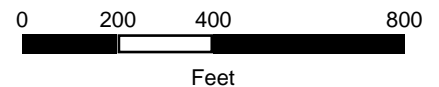


Exhibit C - Sector Plan Amendment

10-N-22-RZ / 10-I-22-SP



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.

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Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Plan Amendment
☒ Sector Plan
☐ One Year Plan
☒ Rezoning

B&B Builders

Applicant Name

Affiliation

8/23/2022

10/6/2022

10-I-22-SP / 10-N-22-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

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

David Harbin Batson, Himes, Norvell and Poe

Name / Company

4334 Papermill Dr. Dr. Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

Central Avenue Partners, LLC Central Av PO BOX 1050 Powell TN 37849

Owner Name (if different)

Owner Address

Owner Phone / Email

0 CENTRAL AVENUE PIKE / 6527 CENTRAL AVENUE PIKE

Property Address

68 073,074

11.61 acres

Parcel ID

Part of Parcel (Y/N)?

Tract Size

Hallsdale-Powell Utility District

Hallsdale-Powell Utility District

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Central Avenue Pike, east side of I-75

General Location

☐ City

Commission District 7

PC (Planned Commercial), A (Agricultural), T (Transition)

Agriculture/Forestry/Vacant Land, Rural Residential

☒ Count

District

Zoning District

Existing Land Use

North City

O (Office), LDR (Low Density Residential), HP (Hillside Pro

Urban Growth Area (Outside City Limit

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Planned Development ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **OB (Office, Medical, and Related Services)**

Proposed Zoning

Pending Plat File Number

- ☒ Plan **O (Office), HP (Hillside Protection), SP (Stream Protection)**

Amendment

Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Zoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ COA Checklist (Hillside Protection)
☐ Design Plan Certification (Final Plat)
☐ Site Plan (Development Request)
☐ Traffic Impact Study
☐ Use on Review / Special Use (Concept Plan)

Fee 1

\$2,484.00

Total

Fee 2

Fee 3

AUTHORIZATION

B&B Builders

8/23/2022

Applicant Signature

Please Print

Date

Phone / Email

Central Avenue Partners, LLC Central Avenue Partners, LLC

8/23/2022

Property Owner Signature

Please Print

Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



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

B&B Builders
Applicant Name

Affiliation

8/22/2022
Date Filed

10/13/2022
Meeting Date (if applicable)

File Number(s)

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

DAVID HARBIN BATSON HIMES NORVELL + PCE
Name Company

4334 PAPER MILL DR KNOXVILLE TN 37909
Address City State ZIP

865-588-6472 harbin@bhn-p.com
Phone Email

CURRENT PROPERTY INFO

Property Owner Name (if different) Property Owner Address Property Owner Phone

0.6527 Central Ave Pike Map 68 Parcels 73, 74
Property Address Parcel ID

HPUD HPUD N
Sewer Provider Water Provider Septic (Y/N)

STAFF USE ONLY

General Location Tract Size

☐ City ☐ County District Zoning District Existing Land Use

Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation

November 22, 2021

DEVELOPMENT REQUEST

☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA

Related City Permit Number(s)

☐ Residential ☐ Non-Residential

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

Proposed Zoning

☒ Plan Amendment Change

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

Fee 2

Fee 3

AUTHORIZATION

Applicant Signature

DAVID HARBIN

Please Print

8.22.22

Date

Phone Number

865-588-6472

Email

harbin@bhn-p.com

Property Owner Signature

JASON BAKER

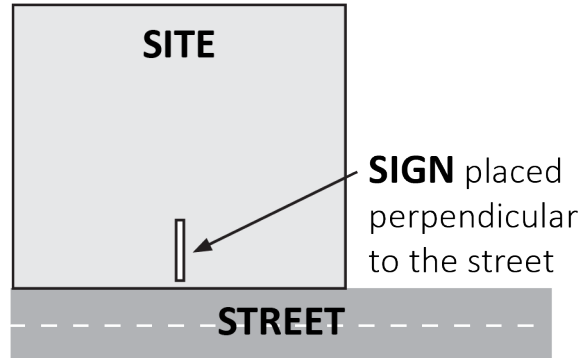
Please Print

B+B Builders

8.22.22

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:

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

Applicant Name: _____

Date: _____

File Number: _____

☐

Sign posted by Staff

☐

Sign posted by Applicant