



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-O-23-RZ **AGENDA ITEM #:** 30
4-H-23-SP **AGENDA DATE:** 4/13/2023

▶ **APPLICANT:** CPR, LLC
OWNER(S): CPR, LLC

TAX ID NUMBER: 38 N A 021 [View map on KGIS](#)
JURISDICTION: Commission District 7
STREET ADDRESS: 3534 CUNNINGHAM RD
▶ **LOCATION:** **South side of Cunningham Rd, east of Fraker Rd, west of Maynardville Pk**
▶ **TRACT INFORMATION:** **2.58 acres.**
SECTOR PLAN: North County
GROWTH POLICY PLAN: Planned Growth Area
ACCESSIBILITY: Access is via Cunningham Road, a major collector with a pavement width of 20 ft within a 45-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) / A (Agricultural)**
▶ **PROPOSED PLAN DESIGNATION/ZONING:** **MDR (Medium Density Residential) / PR (Planned Residential)**
▶ **EXISTING LAND USE:** **Rural Residential**
▶ **DENSITY PROPOSED:** **up to 8 du/ac**
EXTENSION OF PLAN DESIGNATION/ZONING: Yes, the MDR land use classification is adjacent to the east, as is PR zoning with up to 19 du/ac
HISTORY OF ZONING REQUESTS: None noted
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Single family residential - LDR (Low Density Residential) - A (Agricultural) & RB (General Residential)
South: Office and commercial - O (Office) - PC (Planned Commercial)
East: Multifamily - MDR (Medium Density Residential) - PR (Planned Residential) with up to 19 du/ac
West: Single family residential - LDR (Low Density Residential) - RA (Low Density Residential) & A (Agricultural)
NEIGHBORHOOD CONTEXT: This area is a mix of large-lot, single-family detached dwellings off of Cunningham Road and small-lot, single-family dwellings off of side streets.

There is a commercial node at the intersection of Cunningham Road and Maynardville Pike to the west, and Neal Drive to the south consists predominantly of office buildings.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to the MDR (Medium Density Residential) land use classification because it provides a transitional land use between the adjacent high density residential, commercial, and single family land uses, and because the property meets the location criteria for MDR.**

- ▶ **Approve the PR (Planned Residential) zone with up to 8 du/ac because it is consistent with surrounding development, subject to one condition.**
 1. Providing a Type B Landscape Screen along shared lot lines with properties zoned A (Agricultural) or RA (Low Density Residential).

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. Surrounding properties have been transitioning from the A zone to the RB (General Residential), RA and PR zones since the 1990s. Surrounding subdivisions are also zoned RB and PR, the latter with densities ranging from 12 to 19 du/ac.
2. The subject area is within 1/2 mile of the Maynardville Pike commercial corridor

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

1. There are no new roads or utilities not anticipated in the plan that would make development more feasible.

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. As mentioned previously, surrounding properties have been transitioning from the A zone to the RB, RA and PR zones since the 1990s. Some surrounding subdivisions have zoning with densities ranging from 12 to 19 du/ac.

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/COUNTY GENERALLY:

1. The subject area is within 1/2 mile of the Maynardville Pike commercial corridor.
2. As mentioned previously, surrounding properties have been transitioning from the Agricultural zone to various other residential zones since the 1990s. Some surrounding subdivisions have zoning that allows

densities ranging from 12 to 19 du/ac.

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

1. The PR zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. 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 COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. This property is located in the Planned Growth Area of the Growth Policy Plan and this rezoning would continue the trend of permitting additional opportunity for residential housing in this area.
2. The property is adjacent to PR zoning with up to 19 du/ac to the west and to a large swath of office uses along Neal Drive to the south. Additional PR zoning with up to 8 du/ac is not anticipated to cause any adverse impacts.

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. This property is within the Planned Growth Area of the Growth Policy Plan and appears to be serviced by both water and wastewater.
2. Approval of the North County Sector Plan map amendment to the MDR (Medium Density Residential) land use classification would permit consideration of density up to 12 du/ac since the subject property is in the Planned Growth Area.
3. Sub-section 11.2 of the General Plan applies standards for residential density, and states that medium density from 6 to 12 du/ac in the County's Planned Growth and Urban Growth Areas is appropriate along collector or arterial roads, waterfronts, and as buffer zones between lower density residential and more intense uses.
4. Sub-section 10.11 of the Development Policies Section of the General Plan calls for allowance of higher densities, smaller yards and narrower lots for portions of planned developments that do not abut or face conventional suburban developments, but also states such developments should provide deeper setbacks, wider lots or landscape buffers where the new development abuts lower density housing.
5. The requested zoning does not appear to be in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 230 (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.

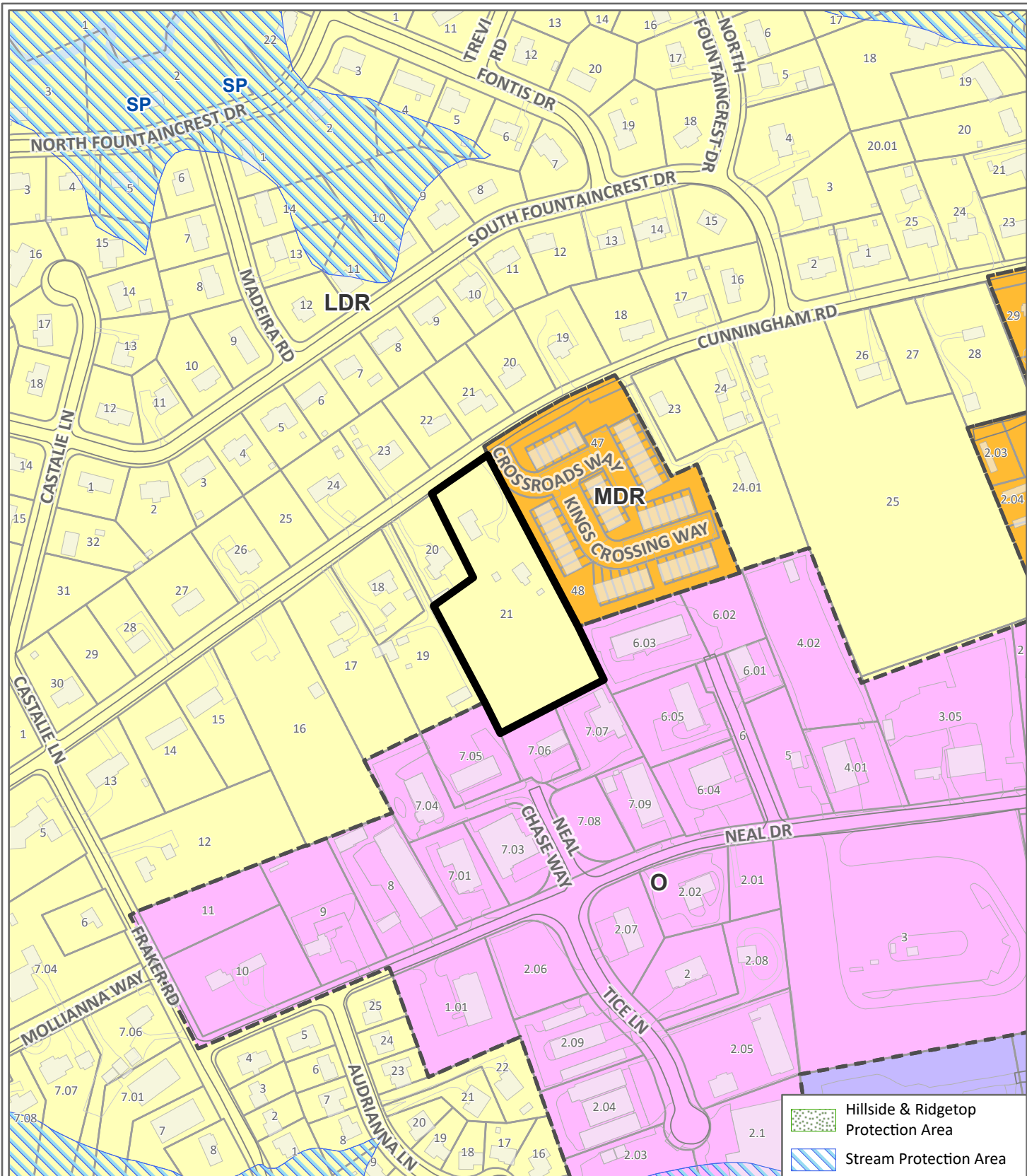
ESTIMATED STUDENT YIELD: 8 (public school children, grades K-12)

Schools affected by this proposal: Halls 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 5/22/2023. 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.



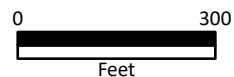
**4-O-23-RZ / 4-H-23-SP
NORTH COUNTY SECTOR PLAN MAP**

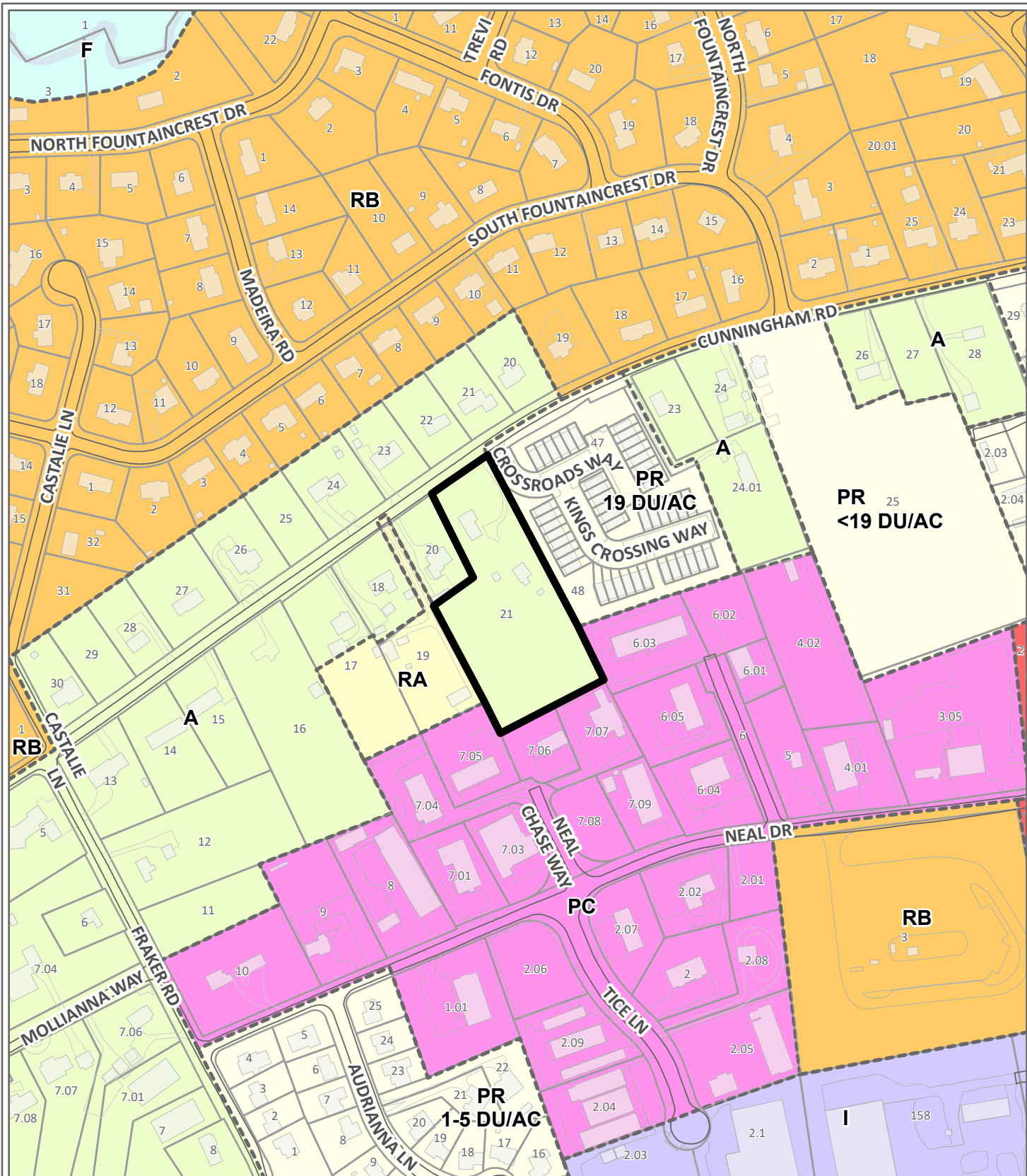
From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)

Petitioner: CPR, LLC

Map No: 38
Jurisdiction: County

Original Print Date: 4/4/2023
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902





ZONING MAP

4-O-23-RZ

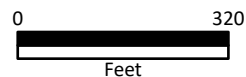
Petitioner: CPR, LLC

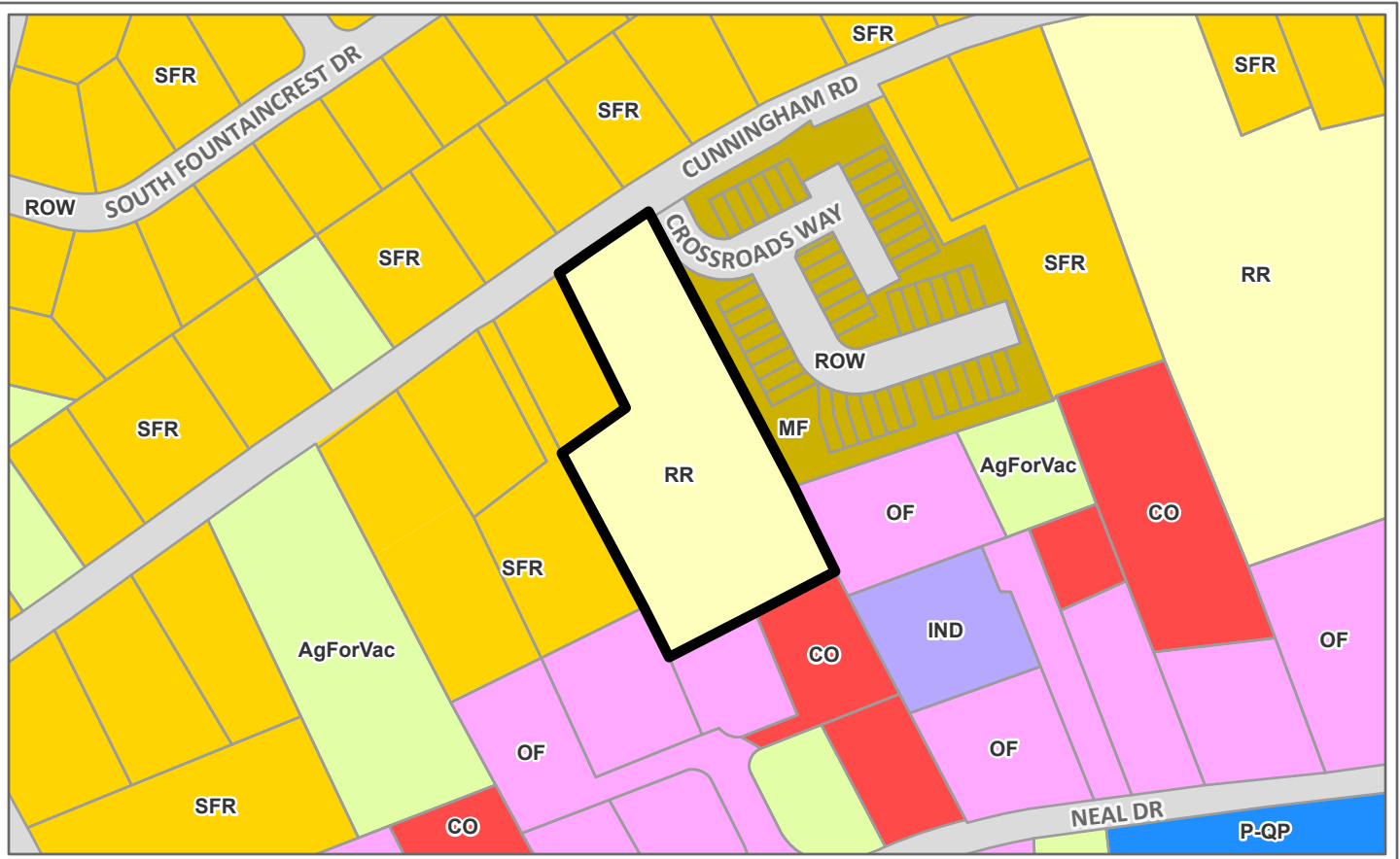


From: A (Agricultural)
To: PR (Planned Residential)

Map No: 38
Jurisdiction: County

Original Print Date: 4/4/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



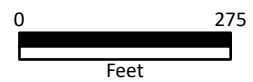


Existing Land Use and Aerial Maps

4-O-23-RZ / 4-H-23-SP



Case boundary



***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, CPR, LLC has submitted an application to amend the Sector Plan from Low Density Residential to Medium Density Residential for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the North County Sector Plan, 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 13, 2023, 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-H-23-SP.

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

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

Date

Chairman

Secretary



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

CPR, LLC

Applicant Name

Affiliation

2/27/2023

Date Filed

4/13/2023

Meeting Date (if applicable)

4-H-23-SP / 4-O-23-RZ

File Number(s)

CORRESPONDENCE

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

Robert G. Campbell, PE Robert G. Campbell and Associates

Name / Company

7523 Taggart Ln. Ln. Knoxville TN 37938

Address

865-947-5996 / rcampbell@rgc-a.com

Phone / Email

CURRENT PROPERTY INFO

CPR, LLC

Owner Name (if different)

2908 Western Rd Knoxville TN 37938

Owner Address

Owner Phone / Email

3534 CUNNINGHAM RD

Property Address

38 N A 021

Parcel ID

2.58 acres

Tract Size

Part of Parcel (Y/N)?

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Cunningham Rd, east of Fraker Rd, west of Rollins Rd

General Location

City **Commission District 7 A (Agricultural)**

County District

Zoning District

Rural Residential

Existing Land Use

North County

Planning Sector

LDR (Low Density Residential)

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

SUBDIVISION REQUEST

Proposed Subdivision Name _____	Related Rezoning File Number
Unit / Phase Number _____	
Total Number of Lots Created _____	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Proposed Zoning	Pending Plat File Number
<input checked="" type="checkbox"/> Plan Amendment MDR (Medium Density Residential)		
Proposed Plan Designation(s) _____		

up to 8 du/ac

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	Total
\$1,300.00	
Fee 2	
Fee 3	

AUTHORIZATION

Applicant Signature _____ **CPR, LLC** _____ **2/27/2023**
Please Print Date

Phone / Email _____

Property Owner Signature _____ **CPR, LLC** _____ **2/27/2023**
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

CPR

Applicant Name		Affiliation
2/24/2023	April 13, 2023	File Number(s)
Date Filed	Meeting Date (if applicable)	

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

Name	Company		
7523 Taggart Lane	Knoxville	TN	37938
Address	City	State	ZIP
865-947-5996	rcampbell@rgc-a.com		
Phone	Email		

CURRENT PROPERTY INFO

CPR, LLC	7523		
Property Owner Name (if different)	Property Owner Address	Property Owner Phone	
3534 Cunningham Road	038NA021		
Property Address	Parcel ID		
HPUD	HPUD	N	
Sewer Provider	Water Provider	Septic (Y/N)	

STAFF USE ONLY

General Location		Tract Size	
<input type="checkbox"/> City	<input type="checkbox"/> County		
District	Zoning District	Existing Land Use	
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
Proposed Plan Designation(s)

8 du/ac

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	Total

AUTHORIZATION


Applicant Signature

CPR
Please Print

2/24/2023
Date

865-947-5996
Phone Number

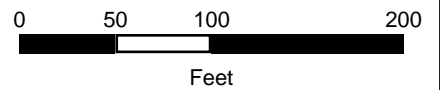
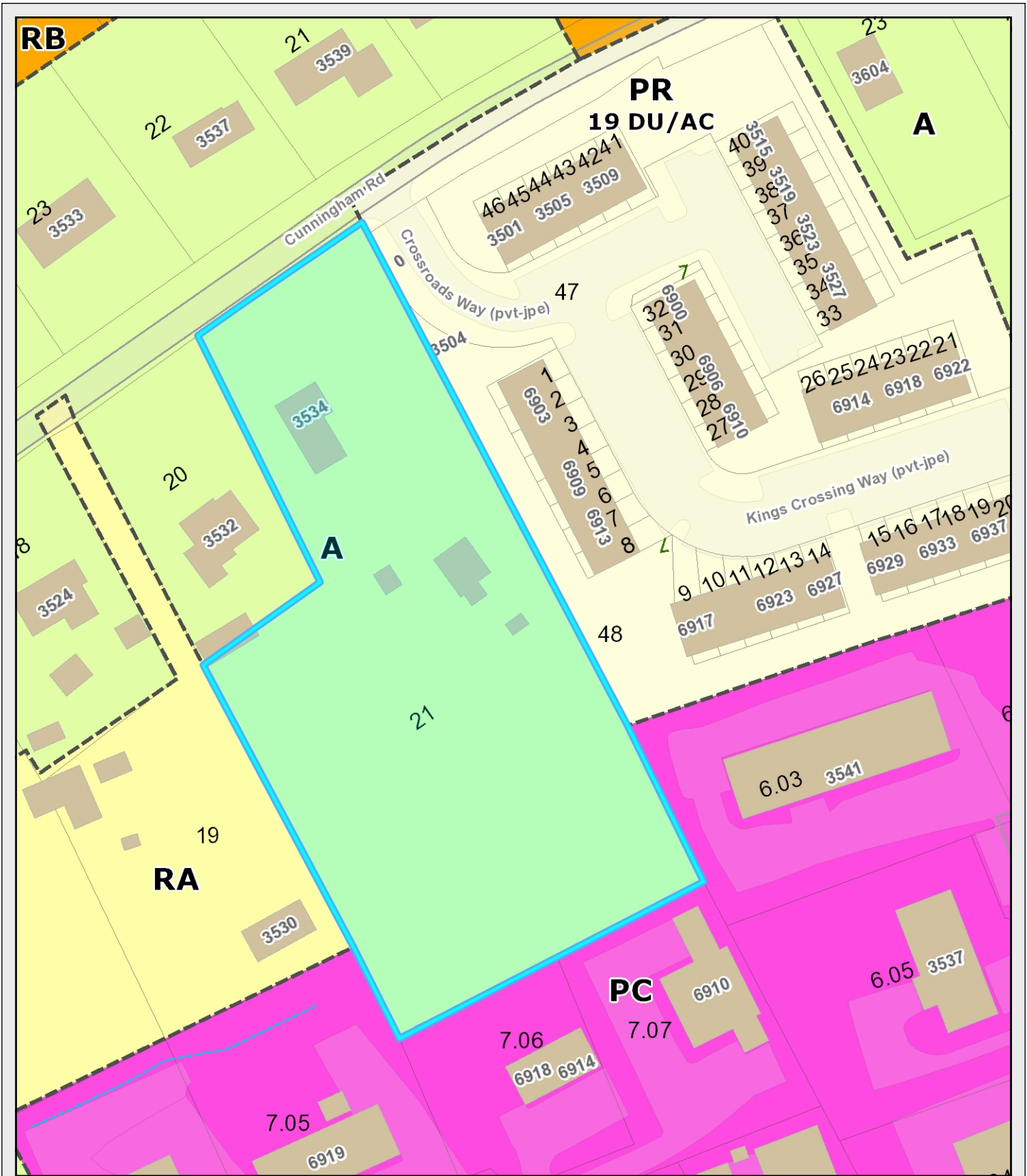
jffugate@rgc-a.com
Email

X 
Property Owner Signature

Jane F. Campbell
Please Print

2/24/2023
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.

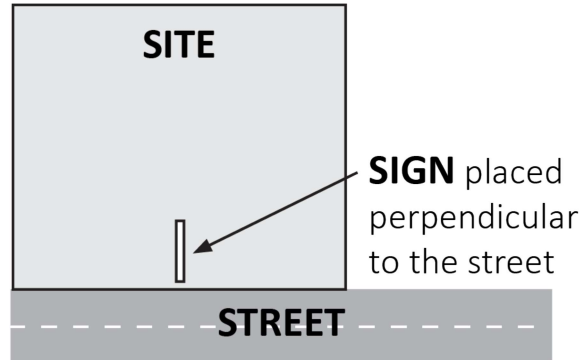


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, 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:

_____ 3/31/2023 _____ and _____ 4/14/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: CPR, LLC

Date: 2/27/2023

File Number: 4-O-23-RZ_4-H-23-SP

- Sign posted by Staff
- Sign posted by Applicant