



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 4-U-23-RZ
4-L-23-SP

AGENDA ITEM #: 34
AGENDA DATE: 4/13/2023

► **APPLICANT:** HENSON DEVELOPMENT
OWNER(S): Fred Long Construction Concepts

TAX ID NUMBER: 133 G C 006,007,009,010,011 [View map on KGIS](#)

JURISDICTION: Commission District 4

STREET ADDRESS: 7919, 7923, 7927, 7931, 7933 WESTLAND DR

► **LOCATION:** Northwest side of Westland Dr, west of Watercress Dr, east of Montacres Ln

► **TRACT INFORMATION:** 3.86 acres

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Westland Dr, a minor arterial street with a 20-ft pavement width within a 52-ft to 63-ft right-of-way.

UTILITIES: Water Source: First Knox Utility District, Knoxville Utilities Board

Sewer Source: First Knox Utility District, Knoxville Utilities Board

WATERSHED: Ten Mile Creek

► **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / PR (Planned Residential)

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

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

► **DENSITY PROPOSED:** up to 12 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes/ Yes

HISTORY OF ZONING REQUESTS: 2-J-04-RZ: Rezoning request from RA (Low Density Residential) to PR (Planned Residential) up to 8 du/ac approved

SURROUNDING LAND USE, PLAN DESIGNATION, North: Railroad right-of-way, single family residential - LDR (Low Density Residential) - ROW (Right of Way) in the City

ZONING South: Single family residential, multifamily residential - LDR (Low Density Residential), MDR (Medium Density Residential) - RA (Low Density Residential), PR (Planned Residential) up to 7 du/ac and 6 du/ac

East: Single family residential - LDR (Low Density Residential) - RA (Low Density Residential)

West: Single family residential - LDR (Low Density Residential) - RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This is a residential area comprised of single family detached homes and townhome subdivisions.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to the MDR (Medium Density Residential) land use classification because it is consistent with the property's existing permitted density of 8 du/ac.**
- ▶ **Deny the request to increase the PR (Planned Residential) zone density from 8 du/ac to 12 du/ac because it is incompatible with surrounding development and infrastructure.**

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. The subject property was approved for a plan amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) land uses in 2004 (2-C-04-SP). However, it appears this land use classification reverted back to LDR when the West City Sector Plan was updated and adopted in 2007.
2. The sector plan lists three reasons why certain land use designations were changed: 1) to reflect existing zoning conditions, 2) to reflect more accurate information on floodways and slope constraints, and 3) as a result of information on market conditions, planned road improvements, traffic volumes and adjacent land uses. The first two reasons do not apply to the subject property, so the rationale for a return to the LDR classification may have been tied to roadway constraints on this narrow section of Westland Drive and the fact that the subject property's location does not meet the sector plan's criteria for MDR. The location criteria for MDR includes being in a transitional area between commercial and low density residential neighborhoods and being along corridors that are served by or proposed to be served by transit. Neither of these standards are met at this location.

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

1. There have been no significant public infrastructure improvements of note in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The current LDR classification does not reflect the permitted density on the subject property. The PR zone at a density of up to 8 du/ac is categorically defined as medium density residential. MDR would better reflect the reality of what is permitted on this site through zoning.

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

1. Knoxville's population has increased by approximately 7% since the sector plan was adopted, according to the annual facts and figures summaries from 2007 and 2022 provided by Planning. There is higher demand now for a variety of housing forms than there was when this land use classification was reverted back to LDR. MDR is the most pragmatic designation for the site, considering the property's approved density, as well as upward trends in City population.

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. Although the City faces increasing demand for housing, the subject property's current permitted density of 8 du/ac is the highest for the surrounding area along Westland Drive. The proposed density of 12 du/ac would be out of character with the predominantly low density residential neighborhoods that surround the site.

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

1. The PR (Planned Residential) zone is intended for residential areas characterized by a unified building and site development plan with open space for recreation and other amenities. Compatibility with surrounding or adjacent zones is an explicit priority. The subject property's current density is more compatible with surrounding zones than the 12 du/ac being requested. 8 du/ac already exceeds other PR densities in the area.

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. As stated in the West City Sector Plan, the land use classification for this property was likely downgraded from MDR to LDR despite the 2004 rezoning and plan amendment because of concerns about the area's infrastructure capacity and location. Although Westland Drive is classified as a minor arterial street, it is a narrow, two-lane road, lacking street lights, with a significant bend where the subject property is located. These conditions are not conducive to increasing residential density when the approved density is already an outlier.

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 PR zone up to 12 du/ac is the maximum density permitted within the recommended plan amendment to MDR.
2. The proposed rezoning is not in conflict with the General Plan or any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 475 (average daily vehicle trips)

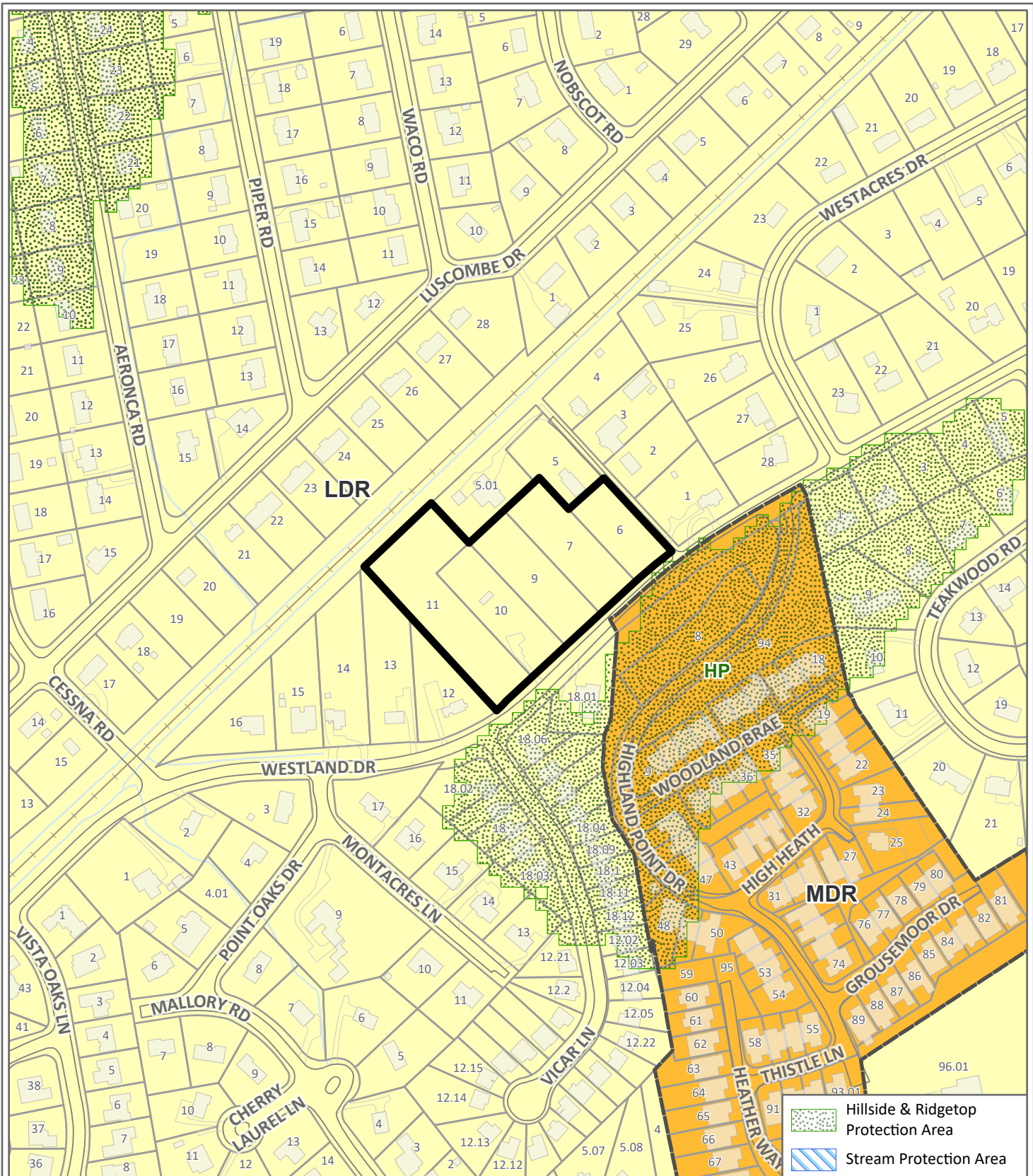
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 13 (public school children, grades K-12)

Schools affected by this proposal: Rocky Hill 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 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-L-23-SP
WEST CITY SECTOR PLAN MAP**

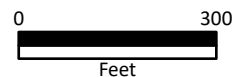


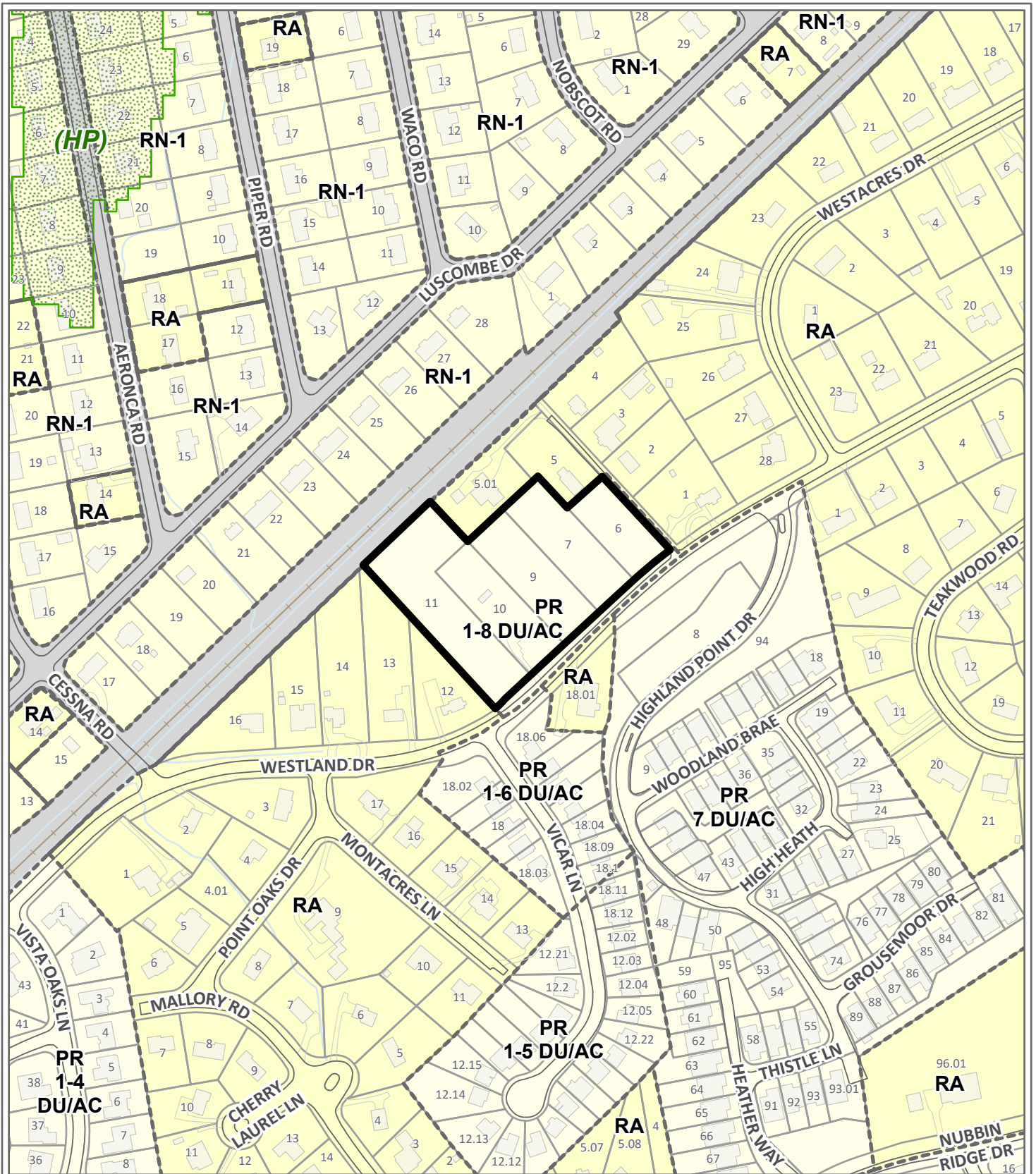
From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)

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

Petitioner: Henson Development

Map No: 133
Jurisdiction: County





ZONING MAP

4-U-23-RZ

Petitioner: Henson Development



From: PR (Planned Residential)

To: PR (Planned Residential)

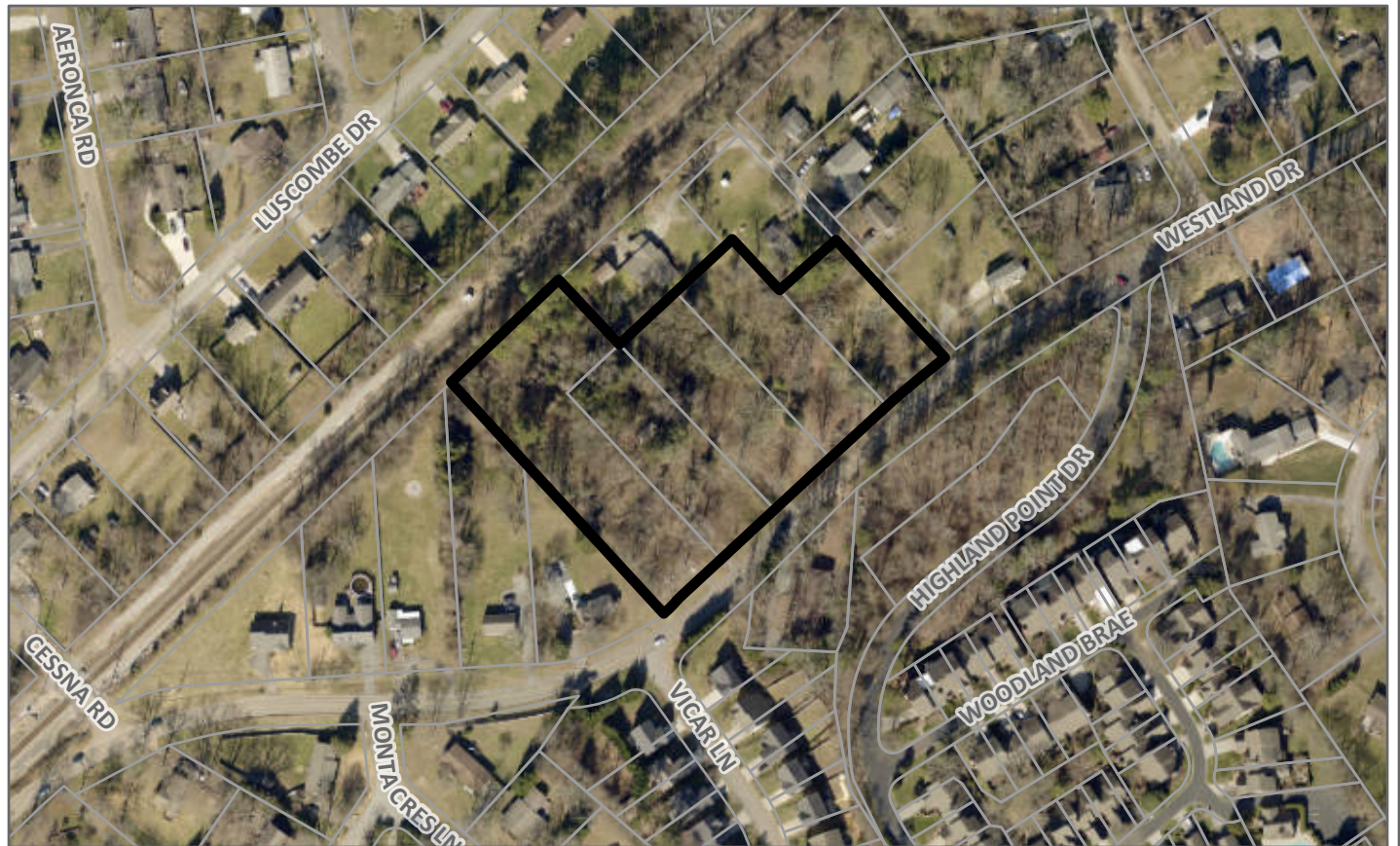
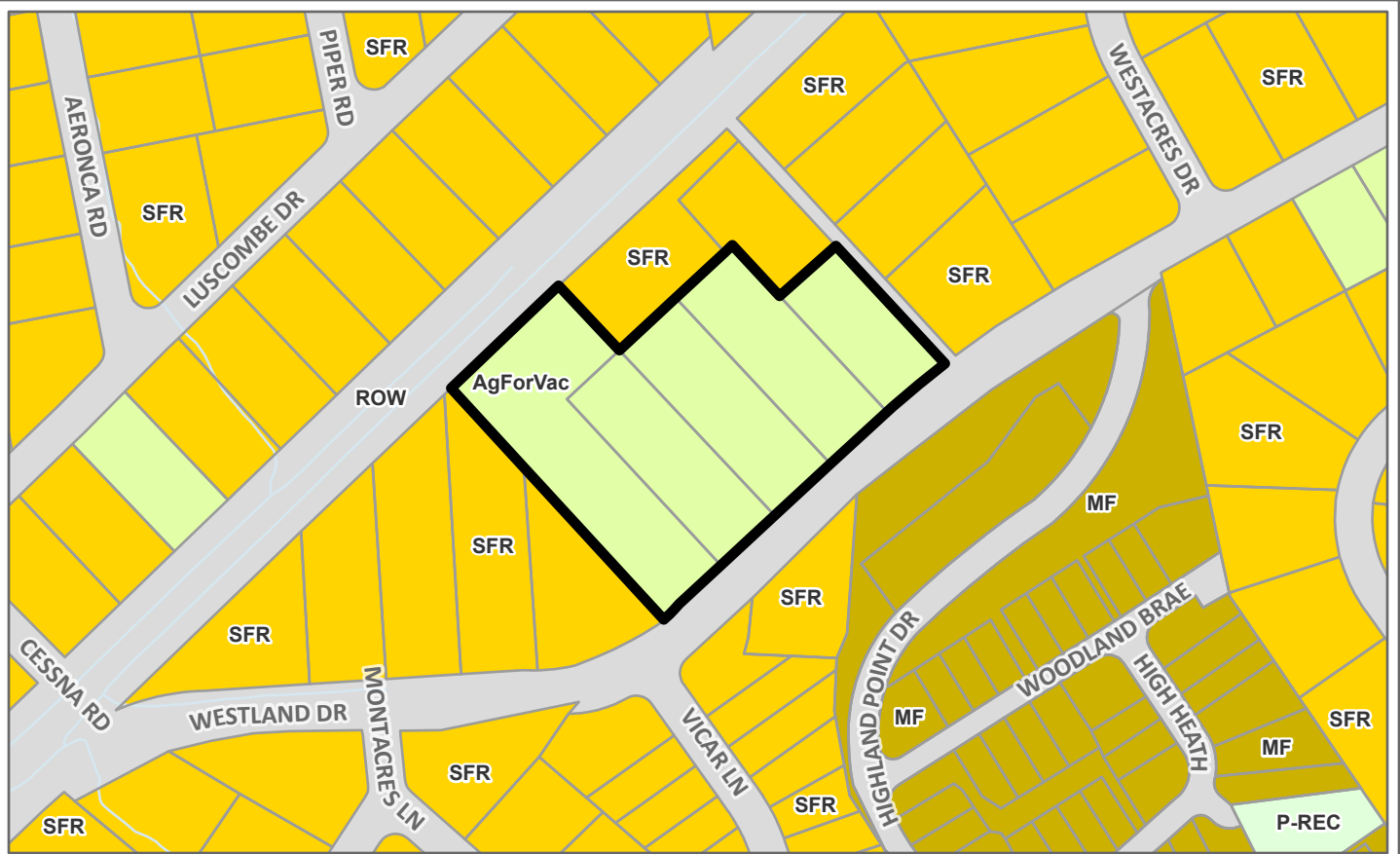
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Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 133

Jurisdiction: County



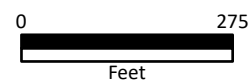


Existing Land Use and Aerial Maps

4-U-23-RZ/4-L-23-SP



Case boundary



***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE WEST 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 West City 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, Henson Development has submitted an application for an amendment to the West City 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 is 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 West City Sector Plan, with its accompanying staff report and map, file #4-L-23-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



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

Henson Development

Applicant Name

Affiliation

2/28/2023

4/13/2023

4-L-23-SP / 4-U-23-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.

Logan Higgins Heyoh Design + Development

Name / Company

133 S Gay St Knoxville TN 37902

Address

865-236-0430 / logan@heyohdesign.com

Phone / Email

CURRENT PROPERTY INFO

Fred Long Construction Concepts

1601 Third Creek Rd. Rd. Knoxville TN 37921

Owner Name (if different)

Owner Address

Owner Phone / Email

7919 WESTLAND DR / 7923, 7927, 7931, 7933 WESTLAND DR

Property Address

133 G C 006,007,009,010,011

3.86 acres

Parcel ID

Part of Parcel (Y/N)?

Tract Size

First Knox Utility District, Knoxville Utilit

First Knox Utility District

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northwest side of Westland Dr, west of Watercress Dr, east of Montacres Ln

General Location

☐ City Commission District 4 PR (Planned Residential)

Agriculture/Forestry/Vacant Land

☒ County District

Zoning District

Existing Land Use

West City

LDR (Low Density Residential)

Urban Growth Area (Outside City Limit)

Planning Sector

Sector Plan Land Use Classification

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

up to 12 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
\$650.00	
Fee 2	
Fee 3	

AUTHORIZATION

Henson Development	2/28/2023
Applicant Signature	Date

Phone / Email

Fred Long Construction Concepts	2/28/2023
Property Owner Signature	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

Henson Development

Developer

Applicant Name

Affiliation

2/27/23

4/13/23

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.

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

Logan Higgins

Heyoh Design and Development

Name

Company

133 S Gay St

Knoxville

TN

37902

Address

City

State

ZIP

865.236.0430

logan@heyohdesign.com

Phone

Email

CURRENT PROPERTY INFO

FRED LONG CONSTRUCTION CONCEPTS

1601 THIRD CREEK RDKNOXVILLE TN 37921

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

7919, 7923, 7927, 7931, 7933 Westland Dr

[133GC] - 006, 007, 009, 010, 011

Property Address

Parcel ID

KUB

KUB

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

August 29, 2022

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

Planned Residential up to 12 du/ac

Proposed Zoning

☒ Plan Amendment Change

MDR

Proposed Plan Designation(s)

12

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

Fee 2

Fee 3

AUTHORIZATION

Henson Development

Applicant Signature

Please Print

Date

Phone Number

Email

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 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

Planned Residential up to 12 du/ac

Proposed Zoning

☒ Plan Amendment Change

MDR

Proposed Plan Designation(s)

12

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

Fee 2

Fee 3

AUTHORIZATION

Applicant Signature

Henson Development

2/27/23

Please Print

Date

865-805-9684

joshua@hensondev.com

Phone Number

Email

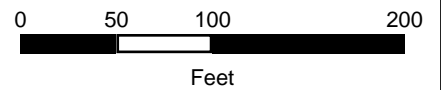
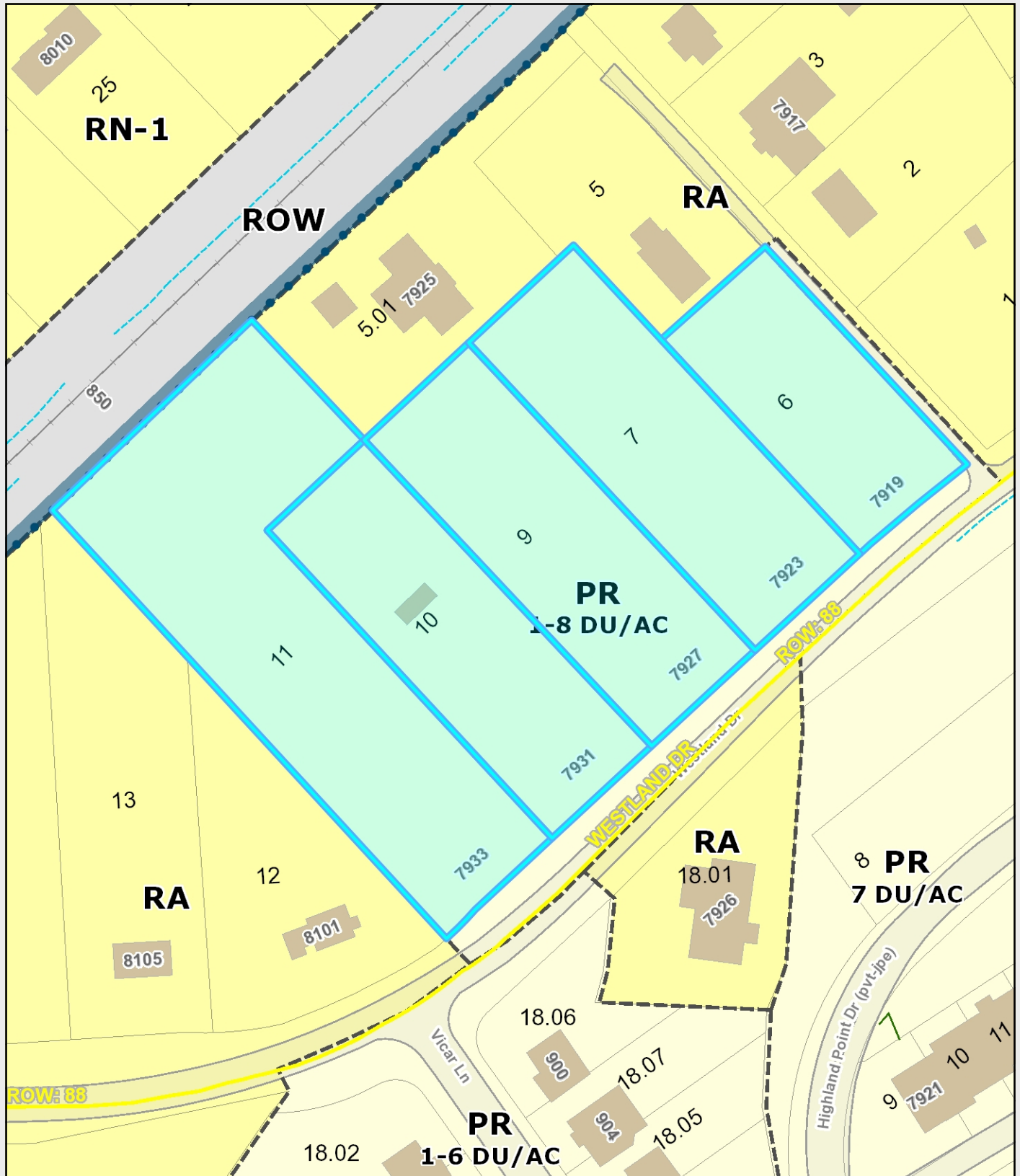
Property Owner Signature

SchubertCONST

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.

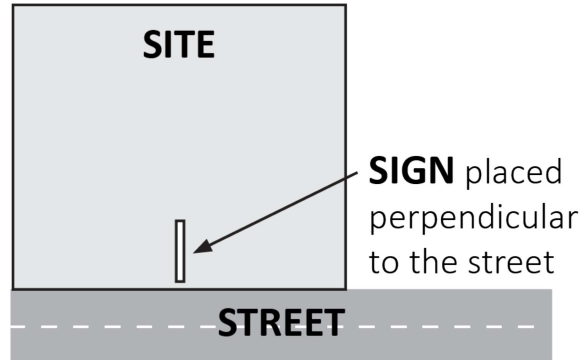


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning,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

Date: 2/28/23

File Number: 4-U-23-RZ_4-L-23-SP

☒

Sign posted by Staff

☐

Sign posted by Applicant