



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 3-F-23-RZ
3-B-23-SP

AGENDA ITEM #: 23
AGENDA DATE: 3/9/2023

► **APPLICANT:** CASCADE FALLS, LLC
OWNER(S): John E. Hensley, Jr.

TAX ID NUMBER: 105 M E 036,037 [View map on KGIS](#)
JURISDICTION: Commission District 3
STREET ADDRESS: 8436 OLD MIDDLEBROOK PIKE (8440 OLD MIDDLEBROOK PIKE)
► **LOCATION:** South side of Old Middlebrook Pk, west of N Gallaher View Rd
► **TRACT INFORMATION:** 5.4 acres.
SECTOR PLAN: Northwest County
GROWTH POLICY PLAN: Planned Growth Area
ACCESSIBILITY: Access is off of Old Middlebrook Pike, a local road with a 20-ft pavement width inside a right-of-way that varies in width from approximately 52 to 55 ft.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Ten Mile Creek

► **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / RB (General Residential)
► **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / PR (Planned Residential)
► **EXISTING LAND USE:** Single Family Residential, Rural Residential

► **DENSITY PROPOSED:** 12 du/ac
EXTENSION OF PLAN DESIGNATION/ZONING: Yes, the MDR land use class is adjacent to the east and RB zoning is adjacent to the east and west
HISTORY OF ZONING REQUESTS: None noted
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Single family residential and Agricultural/forestry/vacant - MDR (Medium Density Residential)/O (Office) - CA (General Business) and A (Agricultural)
South: Single family residential - LDR (Low Density Residential) - RB (General Residential)
East: Multifamily residential - MDR (Medium Density Residential) - RB (General Residential)
West: Single family residential - LDR (Low Density Residential) and MDR (Medium Density Residential) - RB (General Residential)

NEIGHBORHOOD CONTEXT: This property sits just south of Middlebrook Pike, which has a mix of uses along its length. An apartment complex abuts this property to the east, and a single-family development abuts this property to the west. There are two commercially zoned properties to the north where Old Middlebrook Pike meets N. Gallaher View Road.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to the MDR (Medium Density Residential) land use classification because it is an extension of this land use class and the property meets the location criteria in the Northwest County Sector Plan.**

- ▶ **Approve the PR (Planned Residential) zone with up to 12 du/ac because it is consistent with surrounding zoning and the property's current zone allows the same density.**

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. During the past few years, this area in general has had rezonings to multifamily along the Gallaher View corridor.

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

1. There has been no changes of conditions warranting an amendment of the land use plan.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan.

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

1. The immediate area consists of multifamily developments and zoning that allows density of up to 12 du/ac, so the proposed zoning is aligned with current development.

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. During the past few years, this area in general has had rezonings to multifamily along the Gallaher View corridor.
2. There is an increased need for small-scale housing. The proposed development would help to meet this need.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

APPLICABLE ZONING ORDINANCE:

1. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems.
2. This property is currently zoned RB (General Residential), which allows density of up to 12 du/ac as a permitted use (by right) and from 12-24 du/ac as a use on review. Therefore, the proposed zoning would not change the density of the property but would allow for more flexibility in the design of the development.

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 properties to the east and west are also zoned RB. PR zoning with up to 12 du/ac is consistent with other zoning in the area.
2. Built at the requested 12 du/ac, the development could accommodate up to 64 single family dwellings. This is a basic calculation that does not account for road infrastructure or stormwater facilities.
3. Old Middlebrook Pike, while not a classified roadway, functions similarly to one in that it connects a minor arterial (Gallaher View Road) and a major arterial (Middlebrook Pike).
4. The property has access to sewer lines.

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 property is within the Planned Growth Area of Knox County. The Northwest County Sector Plan's MDR (Medium Density Residential) designation allows up to 12 du/ac in the County's Planned Growth Areas provided the development is within 1/4 mile of transit service with sidewalk connections to transit service. The MDR land use location criteria specifies it is for transitional areas between commercial development and low density residential neighborhoods, land with less than 15% slopes, and properties served or proposed to be served by transit. The property is relatively flat over the majority of the property, with slopes mostly under 15%. It is approximately 950 ft from a KAT transit stop.

There is a commercial property across the street to the northeast, and the adjacent properties to the west of that and directly across the street to the north from the subject property are vacant land zoned commercial.

2. The proposed rezoning meets the overall intent of the Growth Plan's Planned Growth Area, which is described as "encouraging reasonably compact pattern of development" and "offering a range of housing choices" (p. 7).
3. The General Plan allows densities from 6-12 du/ac in the Planned Growth Areas along collector and arterial roads.

ESTIMATED TRAFFIC IMPACT: 669 (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.

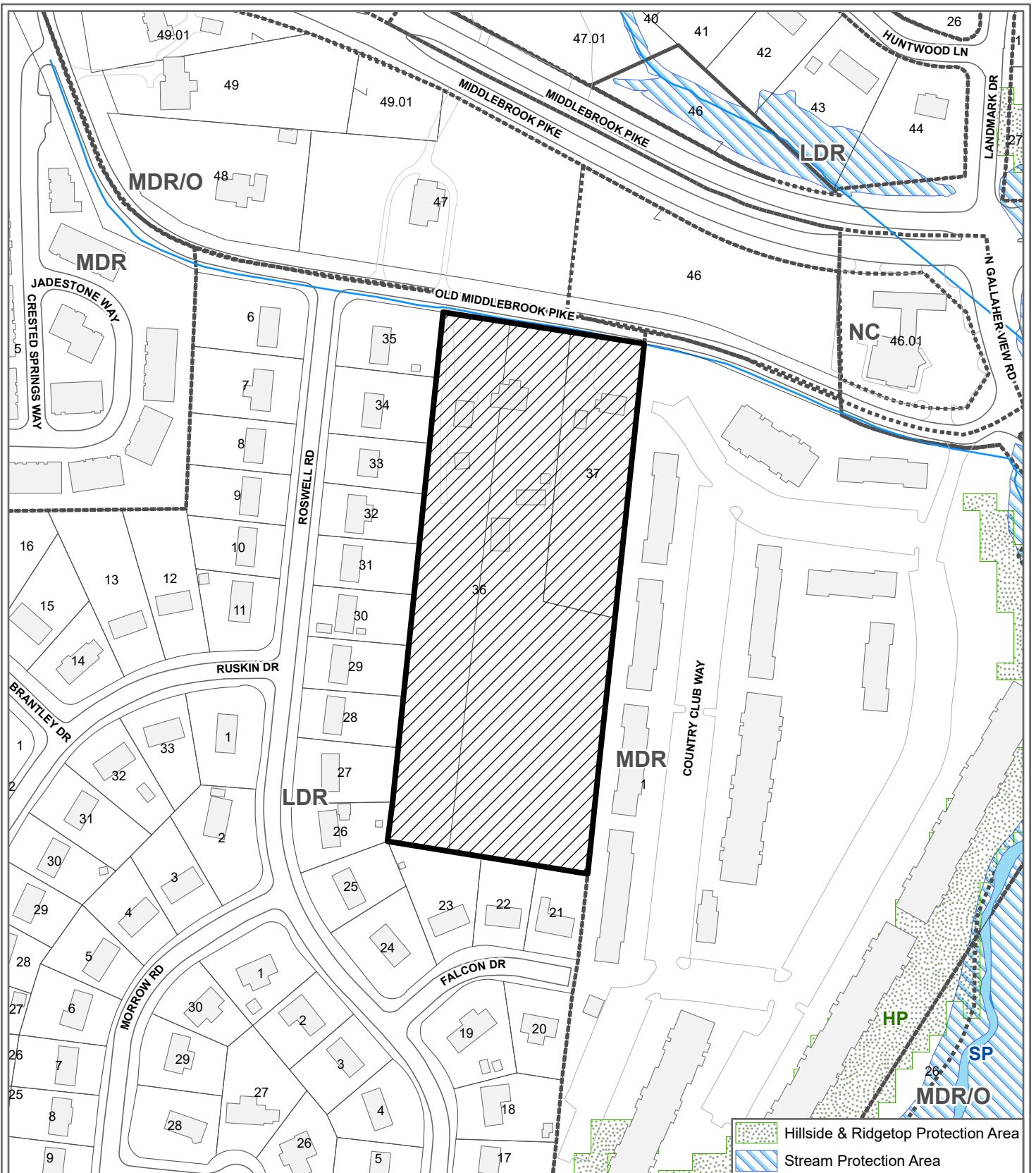
ESTIMATED STUDENT YIELD: 26 (public school children, grades K-12)

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff Middle, and Bearden 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 4/24/2023. 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.

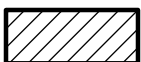
Appellants have 30 days to appeal a Planning Commission decision in the County.



**3-B-23-SP / 3-F-23-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR (Medium Density Residential)



Original Print Date: 2/14/2023
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Cascade Falls, LLC

Map No: 105

Jurisdiction: County

0 200
Feet

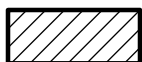




3-F-23-RZ REZONING

From: RB (General Residential)

To: PR (Planned Residential)



Original Print Date: 2/14/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Cascade Falls, LLC

Map No: 105

Jurisdiction: County

0 125
 Feet



**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST 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 Northwest 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, Cascade Falls, 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 Northwest 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 March 9, 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 Northwest County Sector Plan, with its accompanying staff report and map, file #3-B-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

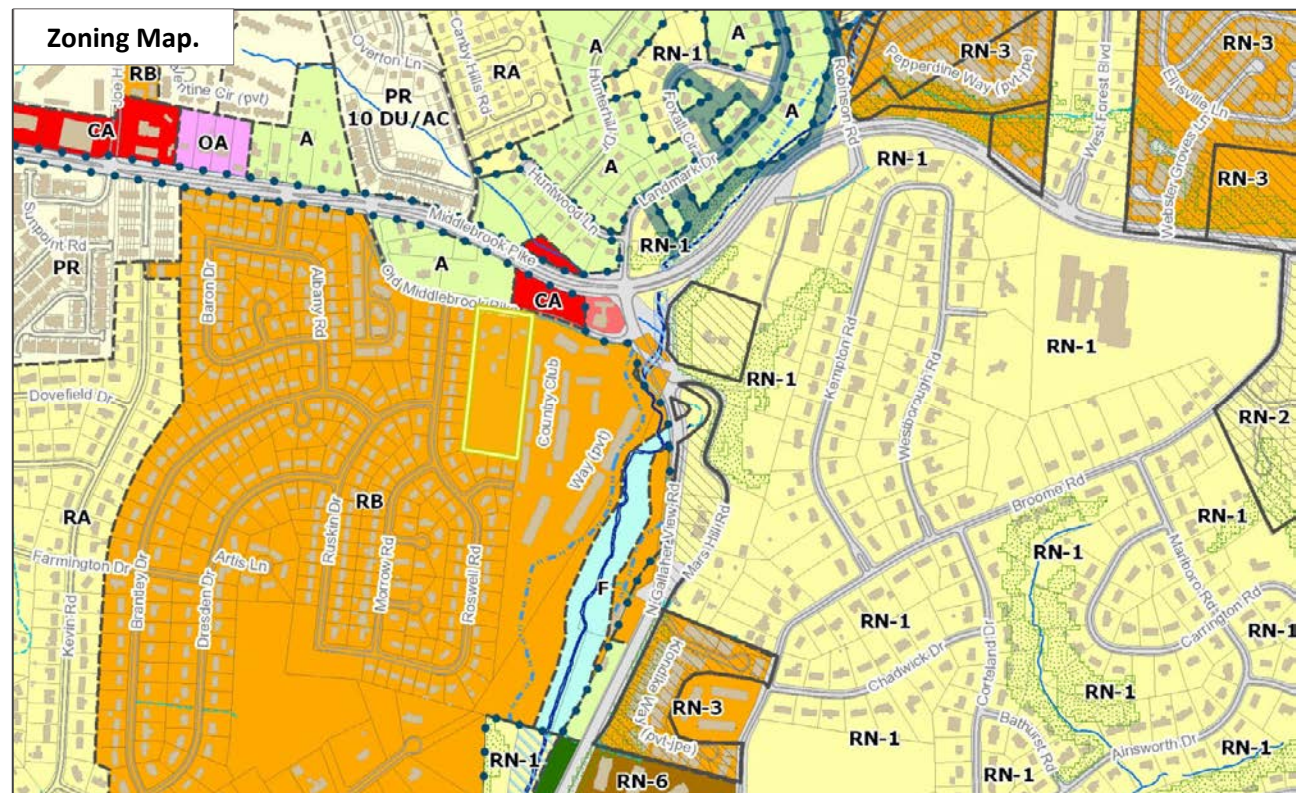
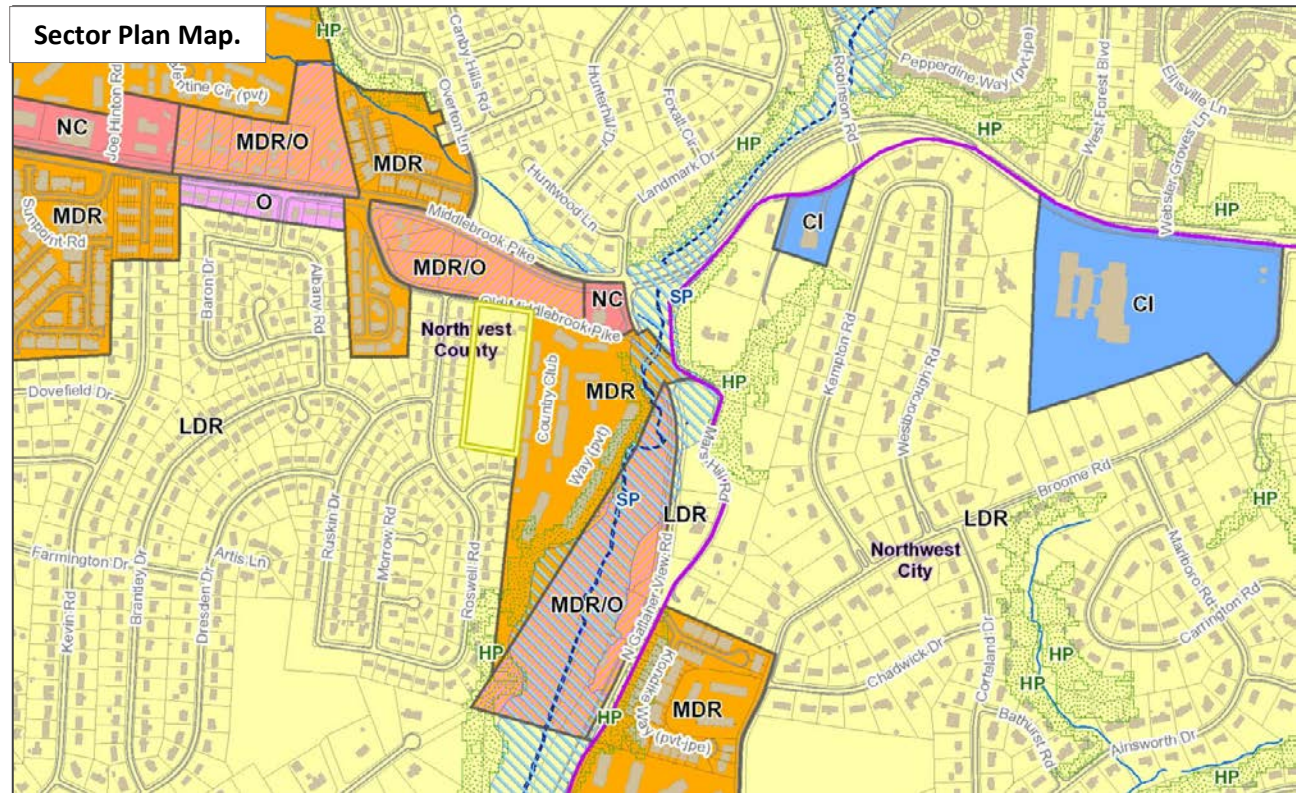
Chairman

Secretary

3-F-23-RZ
EXHIBIT A. Contextual Images



3-F-23-RZ
EXHIBIT A. Contextual Images



Eagle eye views of properties and surrounding area.





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

Cascade Falls, LLC

Applicant Name

Affiliation

1/23/2023

Date Filed

3/9/2023

Meeting Date (if applicable)

3-F-23-RZ / 3-B-23-SP

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

John E. Hensley, Jr.

Owner Name (if different)

8440 Old Middlebrook Park Knoxville TN

Owner Address

Owner Phone / Email

8436 MIDDLEBROOK PIKE / 8440 MIDDLEBROOK PIKE

Property Address

105 M E 036,037

Parcel ID

5.4 acres

Part of Parcel (Y/N)?

Tract Size

West Knox Utility District

Sewer Provider

West Knox Utility District, Knoxville Utiliti

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Old Middlebrook Pk, west of N Gallaher View Rd

General Location

☐ City

Commission District 3

RB (General Residential)

Single Family Residential, Rural Residential

☒ Count

District

Zoning District

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential)

Sector Plan Land Use Classification

Planned Growth Area

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 **PR (Planned Residential)**

Proposed Zoning

Pending Plat File Number

- ☒ Plan **MDR (Medium Density Residential)**

Amendment

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

\$1,770.00

Total

Fee 2

Fee 3

AUTHORIZATION

Cascade Falls, LLC

1/23/2023

Applicant Signature

Please Print

Date

Phone / Email

John E. Hensley, Jr.

1/23/2023

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

Cascade Falls, LLC

Applicant Name

Option Holder

Affiliation

11/20/23

Date Filed

3/9/23

Meeting Date (if applicable)

File Number(s)

3-F-23-RZ_3-B-23-SP

CORRESPONDENCE

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

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

David Harbin

Name

Batson Himes Newell & Poe

Company

4334 Papermill Dr

Address

Knoxville

City

TN

State

37909

ZIP

588-6472

Phone

harbin @ bhn-p.com

Email

CURRENT PROPERTY INFO

John E. Hensley, Jr

Property Owner Name (if different)

8440 old middlebrook PK

Property Owner Address

Property Owner Phone

same

Property Address

105 ME Parcels 36 & 37

Parcel ID

KUB

Sewer Provider

KUB

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 ChangeProposed Zoning PR☒ Plan Amendment ChangeProposed Plan Designation(s) MDR12

Proposed Density (units/acre)

Previous Rezoning Requests none known☐ 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

DAVID HARBIN

Please Print

1-20-23

Date

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

Property Owner Signature

John Hensley

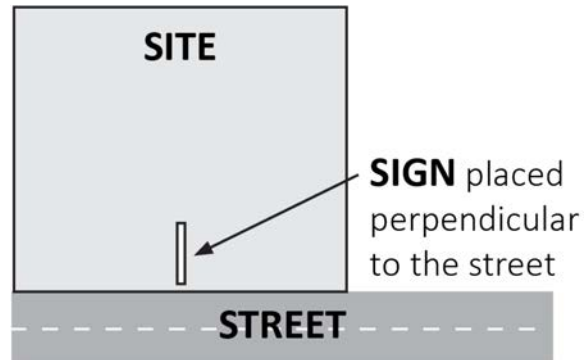
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1-20-23

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.

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:

_____ 2/24/2023 _____ and _____ 3/10/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Cascade Falls, LLC

Date: 1/23/23

File Number: 3-F-23-RZ_3-B-23-SP

☒

Sign posted by Staff

☐

Sign posted by Applicant