



PLAN AMENDMENT REPORT

▶ **FILE #:** 4-B-24-SP

AGENDA ITEM #: 40

AGENDA DATE: 4/11/2024

▶ **APPLICANT:** DREAM HOUSE CONSTRUCTION, LLC
OWNER(S): Tariq & Areej Hamdan

TAX ID NUMBER: 93 H G 001

[View map on KGIS](#)

JURISDICTION: Council District 3

STREET ADDRESS: 0 HENSON RD

▶ **LOCATION:** North and east side of Henson Rd, northeast of Midpark Rd

▶ **APPX. SIZE OF TRACT:** 4.65 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access if via Henson Road, which abuts this property on the south and east. Henson Road is a local road with a 21-ft pavement width within a right-of-way that varies in width from 67 to 87 ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential), HP (Hillside Protection) / AG (General Agricultural), HP (Hillside Protection Overlay)

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential), HP (Hillside Protection)

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

EXTENSION OF PLAN DESIGNATION: No, this is not an extension.

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Multifamily residential - LDR (Low Density Residential), HP (Hillside Protection)

South: Agricultural/forestry/vacant land - LI (Light Industrial), HP (Hillside Protection)

East: Single family residential - LDR (Low Density Residential), HP (Hillside Protection)

West: Agricultural/forestry/vacant land, public/quasi-public land - LDR (Low Density Residential), HP (Hillside Protection)

NEIGHBORHOOD CONTEXT This property is located in a transitional area with single and multifamily residential dwellings to the north, east, and west, and industrial warehouses to the south. Middlebrook Pike is almost a mile to the south.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to the MDR (Medium Density Residential) land use classification because it is consistent with the surrounding development. The HP (Hillside Protection) designation would be retained.**

COMMENTS:

PURSUANT TO THE GENERAL PLAN, PLANNING FRAMEWORK CHAPTER, THE PLANNING COMMISSION RESERVES THE AUTHORITY TO RECOMMEND LAND USE PLAN CHANGES BASED ON SUBSTANTIALLY CHANGED CONDITIONS. SUBSTANTIALLY CHANGED CONDITIONS INCLUDE (may meet any of these):

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

1. Between 2003-2007, Midpark Road was expanded to connect to Henson Road with the addition of the traffic circle at the southwest corner of the property.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no apparent errors or omissions in the Northwest City Sector Plan with regards to the subject property.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS.

1. There are no known changes in government policy pertaining to this area and the requested MDR classification.

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

1. The area has experienced some growth over the last two decades. The 50-lot subdivision on the north side of the property, Avery Woods, was constructed in early to mid 2000s. The properties zoned I-G (General Industrial) to the south had significant grading work done at around the same time, but the sites remained undeveloped after that.

OTHER CONSIDERATIONS:

1. The property meets the location criteria of the MDR classification since this would be a transitional area between the neighborhood and the industrial-zoned properties to the south. Henson Road is a minor collector which has sidewalks on one side of the street. The property has sidewalk connections and is within a half-mile away from a public park (Happy Homes Park).

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: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Pond Gap Elementary, Northwest 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 5/14/2024 and 5/28/2024. 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 #:** 4-D-24-RZ
4-B-24-PA

AGENDA ITEM #: 40
AGENDA DATE: 4/11/2024

▶ **APPLICANT:** DREAM HOUSE CONSTRUCTION, LLC
OWNER(S): Tariq & Areej Hamdan

TAX ID NUMBER: 93 H G 001 [View map on KGIS](#)

JURISDICTION: Council District 3

STREET ADDRESS: 0 HENSON RD

▶ **LOCATION:** North and east sides of Henson Rd, northeast of Midpark Rd

▶ **TRACT INFORMATION:** 4.65 acres.

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access if via Henson Road, which abuts this property on the south and east. Henson Road is a local road with a 21-ft pavement width within a right-of-way that varies in width from 67 to 87 ft.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / AG (General Agricultural), HP (Hillside Protection Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential), HP (Hillside Protection) / RN-3 (General Residential Neighborhood), HP (Hillside Protection Overlay)

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

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** This is an extension of the zone, but is not an extension of the land use classification.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, North: Multifamily residential - LDR (Low Density Residential), HP (Hillside Protection) - RN-3(C) (General Residential Neighborhood), previously approved planned district

ZONING South: Agricultural/forestry/vacant land - LI (Light Industrial), HP (Hillside Protection) - I-G (General Industrial)

East: Single family residential - LDR (Low Density Residential), HP (Hillside Protection) - RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

West: Agricultural/forestry/vacant land, public/quasi-public land - LDR

(Low Density Residential), HP (Hillside Protection) - OS (Open Space), AG (General Agricultural), RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: This property is located in a transitional area with single and multifamily residential dwellings to the north, east, and west, and industrial warehouses to the south. Middlebrook Pike is almost a mile to the south.

STAFF RECOMMENDATION:

- ▶ **Approve the One Year Plan amendment to the MDR (Medium Density Residential) classification because it is consistent with the surrounding development. The HP (Hillside Protection) designation would be retained.**
- ▶ **Approve the RN-3 (General Residential Neighborhood) district because it is consistent with the recommended land use classification and surrounding development. The HP (Hillside Protection Overlay) would be retained.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ONE YEAR PLAN, CHAPTER 1, PLAN AMENDMENT, ONE OF THE FOLLOWING CRITERIA MUST BE MET FOR ALL ONE YEAR PLAN AMENDMENTS (may meet any of these):

AN ERROR IN THE PLAN:

1. There are no apparent errors or omissions in the One Year Plan with regards to the subject 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. Between 2003-2007, Midpark Road was expanded to connect to Henson Road with the addition of the traffic circle at the southwest corner of the property.
1. The area has experienced some growth over the last two decades. The 50-lot subdivision on the north side of the property, Avery Woods, was constructed in early to mid 2000s. The properties zoned I-G (General Industrial) to the south had significant grading work done at around the same time, but the sites remained undeveloped after that.

CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There are no known public policy changes pertaining to the subject property and its land use classification.

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

1. There are no new studies or plans specific to the MDR land use that apply to this request.

OTHER CONSIDERATIONS:

1. The property meets the location criteria of the MDR classification since this would be a transitional area between the neighborhood and the industrial-zoned properties to the south. Henson Road is a minor collector which has sidewalks on one side of the street. The property has sidewalk connections and is within a half-mile away from a public park (Happy Homes Park).

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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. Between early to mid 2000, the abutting 50-lot subdivision was developed under the former RP-1 district with a density up to 4 du/ac. At around the same time, Midpark Road was expanded to connect to Henson Road with the addition of the traffic circle at the southwest corner of the property.
2. The above-mentioned subdivision is currently zoned RN-3 and this rezoning will be an extension of this district from the north.

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

1. The RN-3 district is intended to accommodate medium density residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Townhouse dwellings may be allowed by special use approval to facilitate a more urban development form.
2. The property does not meet the minimum 5-acre lot area requirement of the present A district, and this has never been used for agricultural purposes for at least the last 50 years. The requested RN-3 district is more appropriate for this property considering the adjacent residential development.
3. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. The proposed amendment is not expected to have any significant adverse impact on this area which has a mix of houses, townhouses, and multi-family developments on properties zoned RN-1 (Single-Family Residential Neighborhood) to RN-5 (General Residential Neighborhood).
2. Almost the entire property is within the HP (Hillside Protection Overlay) district. Slope Analysis shows a 62.4% disturbance budget for this 4.65-acre property. Any development on this property would need to meet the HP Overlay district regulations.

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 rezoning is consistent with the General Plan's Development Policy 8.1, which encourages growth in the existing urban area through infill housing on vacant lots and redevelopment parcels.
2. The proposed rezoning will be consistent with the recommended MDR land use classification of the sector plan and One Year plan.

ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. This is an urbanized area with adequate utility infrastructure provided by KUB. The property has sidewalk connections and is within a half mile of the Happy Homes Park.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Pond Gap Elementary, Northwest Middle, and West High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
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