

REZONING REPORT

► **FILE #:** 8-G-24-RZ (REVISED)

AGENDA ITEM #: 33

AGENDA DATE: 8/8/2024

► **APPLICANT:** GEORGES H. BRANDAN

OWNER(S): Geroges H. Brandan, Cynthia L. Brandan

TAX ID NUMBER: 118 150

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 801 BOB KIRBY RD

► **LOCATION:** West side of Bob Kirby Rd, north side of Dutchtown Rd

► **APPX. SIZE OF TRACT:** 2.09 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Bob Kirby Road, a minor collector street with a 37-ft pavement width within a 75-ft right-of-way, and via Dutchtown Rd, a minor arterial with a 40-ft pavement width within a right-of-way that varies from 63 ft to 77 ft.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Turkey Creek

► **PRESENT ZONING:** PR (Planned Residential) up to 5 du/ac

► **ZONING REQUESTED:** PR (Planned Residential)

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

► **DENSITY PROPOSED:** 10 du/ac

EXTENSION OF ZONE: No, but PR with up to 5 du/ac is adjacent to the west.

HISTORY OF ZONING: Rezoned from CN to PR at 5 du/ac in 2020 (4-E-20-RZ) and from A to CN in 2009 (11-B-09-RZ); A to CA request denied in 2008 (6-E-08-RZ); Governmental removal of TO overlay in 1992 (10-W-92-RZ); Governmental addition of TO overlay in 1983 (12-FF-83-RZ).

SURROUNDING LAND North: Multifamily residential - RA (Low Density Residential)

USE AND ZONING:

South: Single family residential, rural residential, agriculture/forestry/vacant land - A (Agricultural)

East: Agriculture/forestry/vacant land - CN (Neighborhood Commercial)

West: Single family residential - PR (Planned Residential) up to 5 du/ac

NEIGHBORHOOD CONTEXT: This area approximately one mile east of Pellissippi Parkway largely consists of single family residential and institutional uses with a few multifamily developments. There are several private schools within 0.5 miles of the subject property (Web School, Christian Academy of Knoxville, and Peer Academy).

STAFF RECOMMENDATION:

- **Approve the PR (Planned Residential) zone with up to 10 du/ac because of the changes of conditions in the area, the proximity of a major employment area, and because it is consistent with the Knox County Comprehensive Plan.**

COMMENTS:

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 COUNTY GENERALLY:

1. Dutchtown Road underwent major improvements in 2009, including the widening of the road and the addition of a new center turn lane and sidewalks.
2. Over the last 15 years, the broader area west of Pellissippi Parkway has experienced significant development changes involving the growth of the nearby interchange at the parkway into an office node and the addition of several residential subdivisions. Examples of the latter includes Dutchtown Wood subdivision along Dutchtown Road, Dutchtown View West subdivision north of the subject property, Hamilton Park subdivision along Bob Gray Road, Hidden View Farms subdivision along Lovell Rd, and Cove at Churchill Downs and Parker Hill subdivisions along Chesney Road; all of which began construction within the last 7 years.

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

1. The PR zone is intended to provide flexibility for different types of residential development including houses, duplexes, and multi-dwelling structures.
2. At 10 du/ac, the property could accommodate a maximum of 21 dwelling units. This is 11 more units than that of the property's current PR at 5 du/ac zone would allow.
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 COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. No significant adverse impacts are anticipated to occur with the requested increased density. This is a corner lot at the intersection of a collector street (Bob Kirby Rd.) and an arterial street with sidewalks on both sides (Dutchtown Rd.) that is near several public schools within 0.5 miles (Web School, Christian Academy of Knoxville, and Peer Academy). There is a bus route along Cedar Bluff Road and the Cedar Bluff Elementary, Cedar Bluff Middle, and Catholic High schools are approximately 1.2 miles east of the subject parcel. There are many other amenities to the west closer to Pellissippi Parkway that supports PR at 10 du/ac here.
2. Residential developments under the PR zone would be compatible with the surrounding mix of residential uses which includes an abutting duplex subdivision to the north and a mobile home park south of Dutchtown Road.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN OF 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 subject property's location in the Planned Growth Area of the Growth Policy Plan (2024 amendment), which encourages a reasonably compact pattern of development and wide range of housing choices.
2. The proposed rezoning is compatible with the CMU (Corridor Mixed-use) place type as defined in the Comprehensive Plan, which allows consideration of the PR zone with a density up to 24 du/ac as a partially related zone.
3. Partially related zone considerations must meet additional criteria provided in Appendix H of the Comprehensive Plan to ensure their compatibility with the place type. The PR zone with 10 du/ac is appropriate here because it would permit uses and development forms that are consistent with the primary and secondary uses described in the place type (criteria 1) and it is compatible with the current zoning of adjacent sites (criteria 2).
4. The proposed rezoning is consistent with Implementation Policy 5 of the comprehensive plan that encourages the creation of neighborhoods with a variety of housing types and amenities in close proximity. The broader area has a mix of housing types and is supported by many nearby amenities, as mentioned above.
5. Increasing the density to allow for 11 more units than that is currently permissible also supports the recommendation of Implementation Policy 6 of the Comprehensive Plan to promote attainable housing that meets the needs of the current and future residents.

ESTIMATED TRAFFIC IMPACT: 235 (average daily vehicle trips)

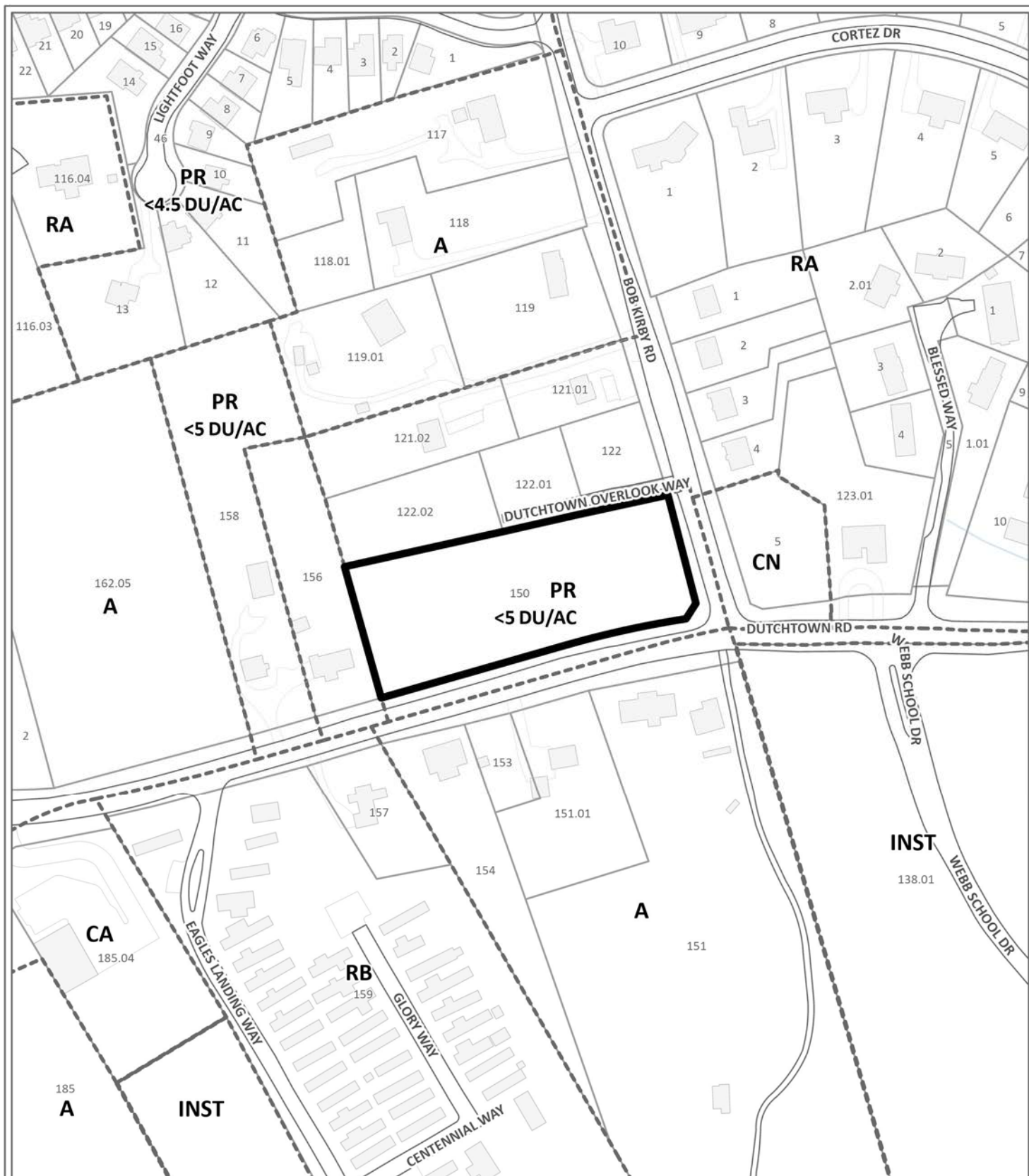
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 2 (public school children, grades K-12)

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff Middle, and Hardin Valley Academy.

- 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 9/16/2024. 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.



REZONING

8-G-24-RZ

Petitioner: Georges H. Brandan



From: PR (Planned Residential) up to 5 du/ac

To: PR (Planned Residential) 10 du/ac

Original Print Date: 7/24/2024

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

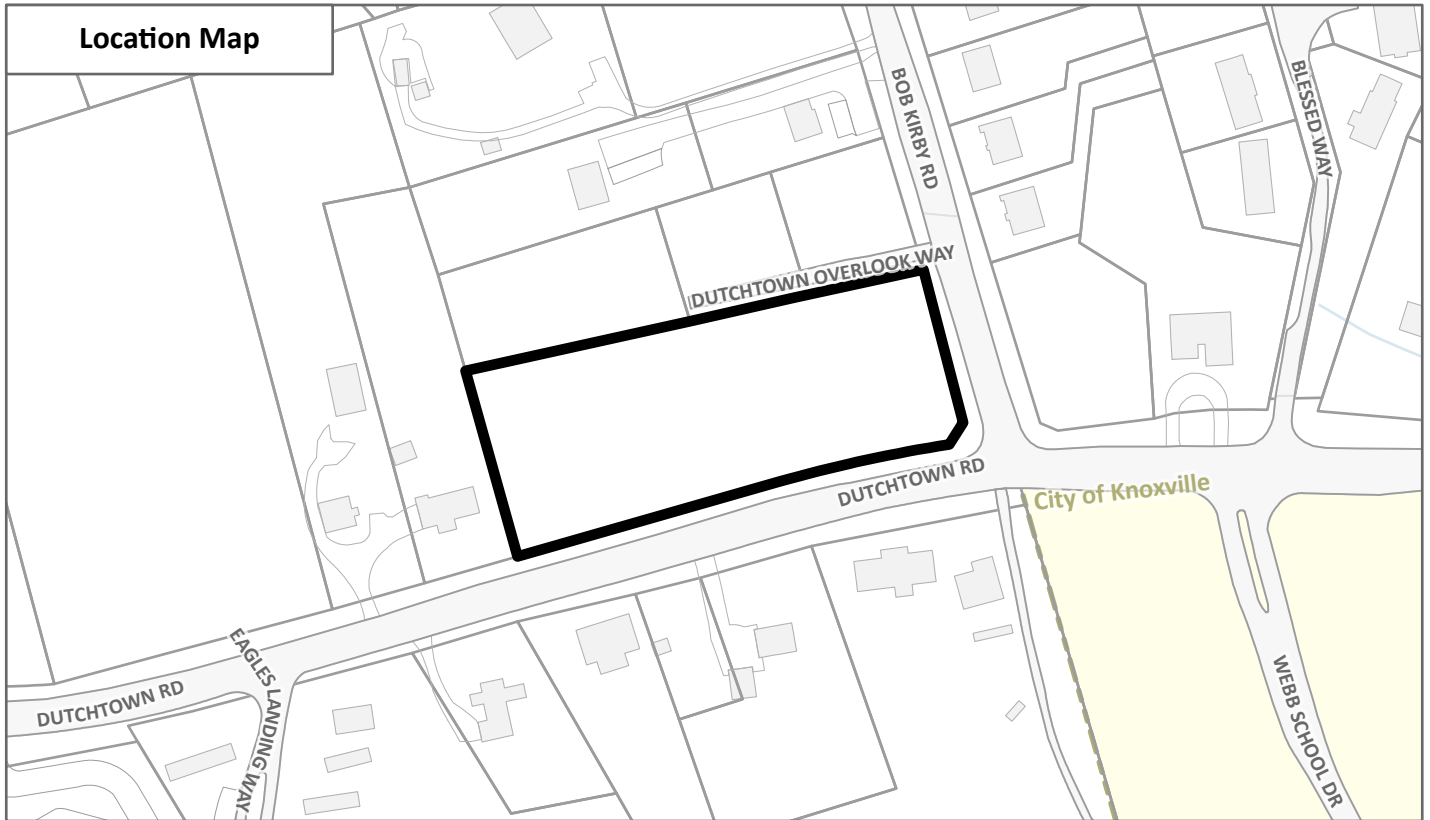
Map No: 118

Jurisdiction: County



Exhibit A. Contextual Images

Location Map



Aerial Map

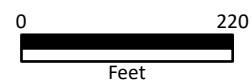


CONTEXTUAL MAPS 1

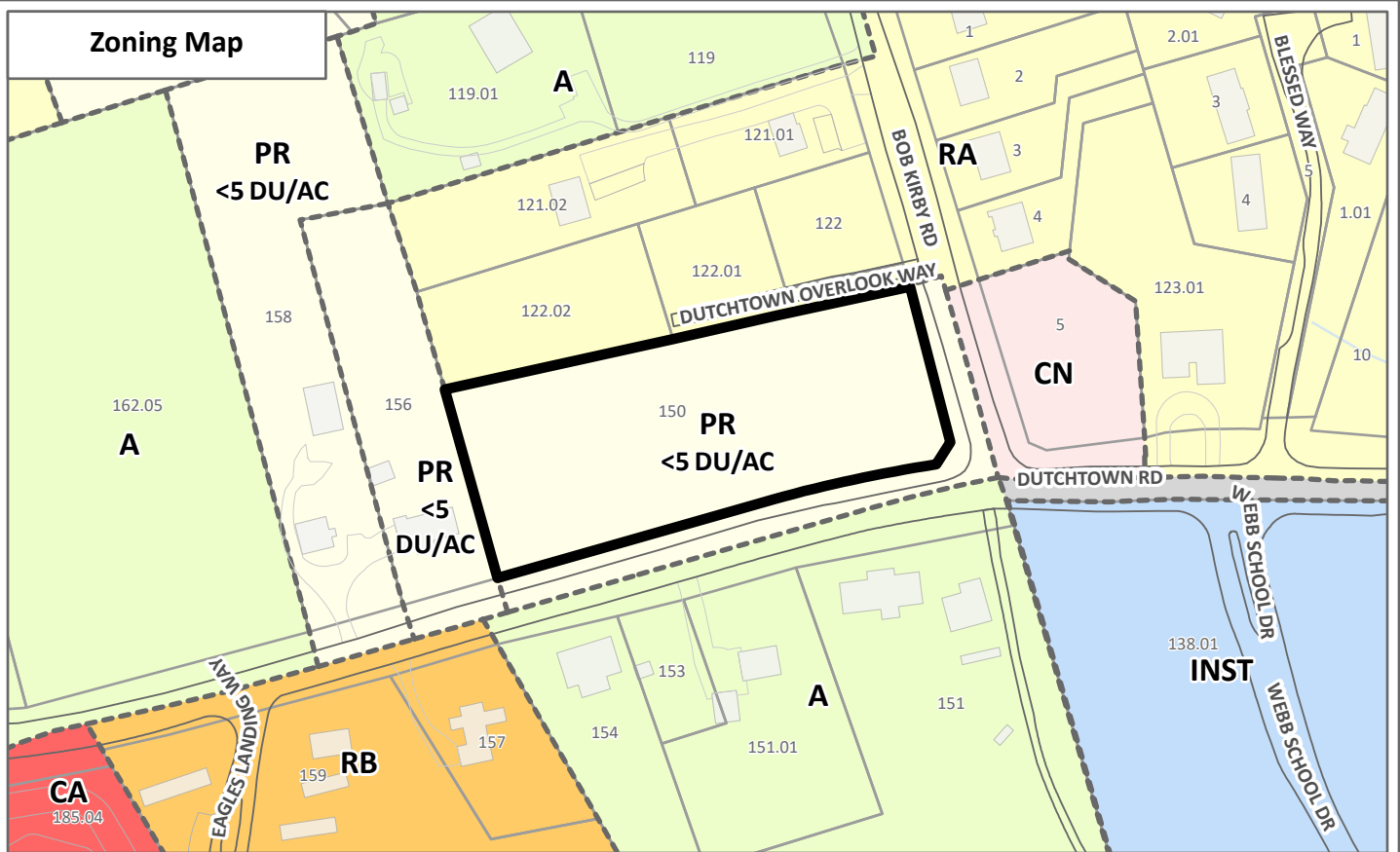
8-G-24-RZ



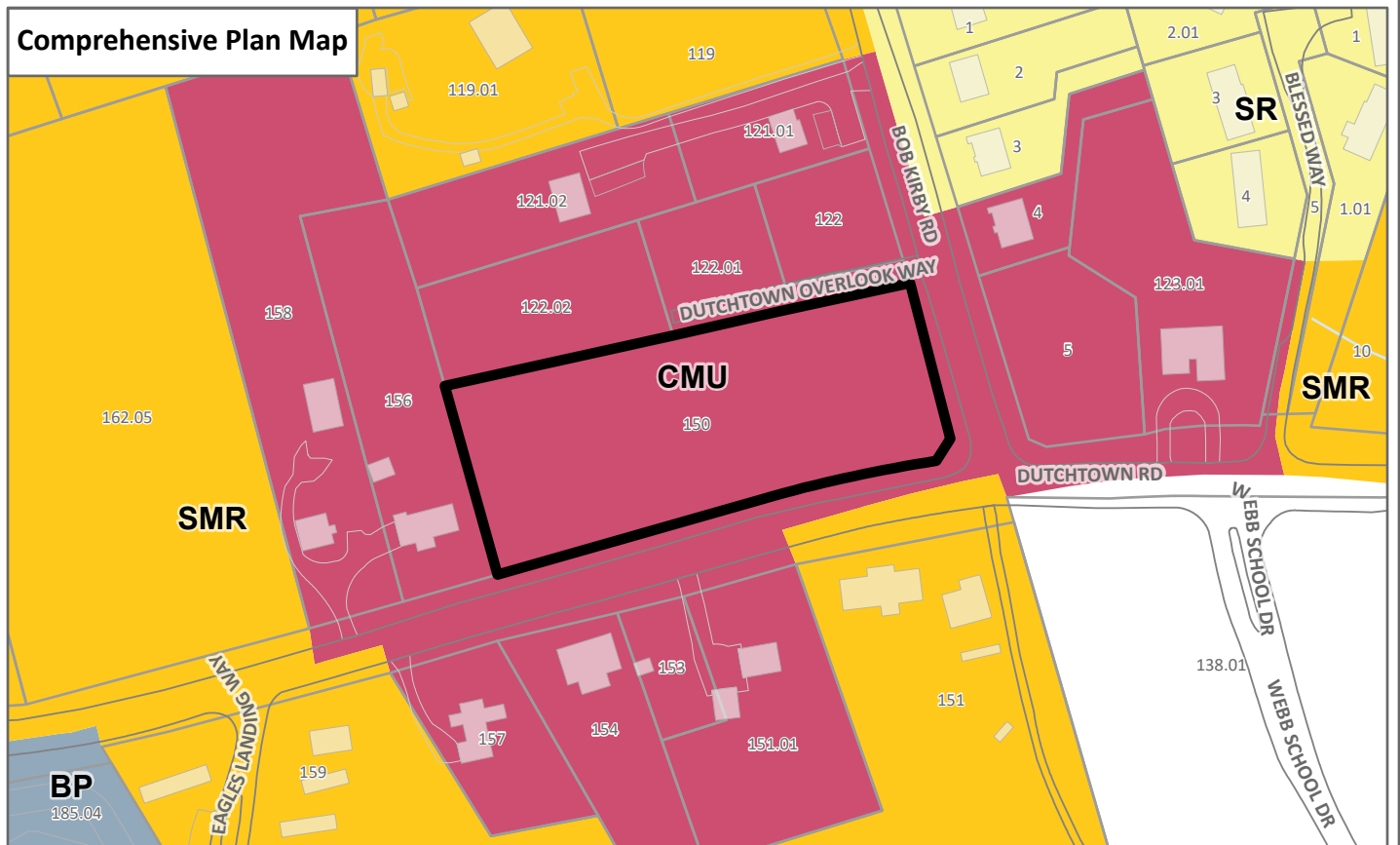
Case boundary



Zoning Map



Comprehensive Plan Map

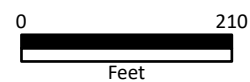


CONTEXTUAL MAPS 2

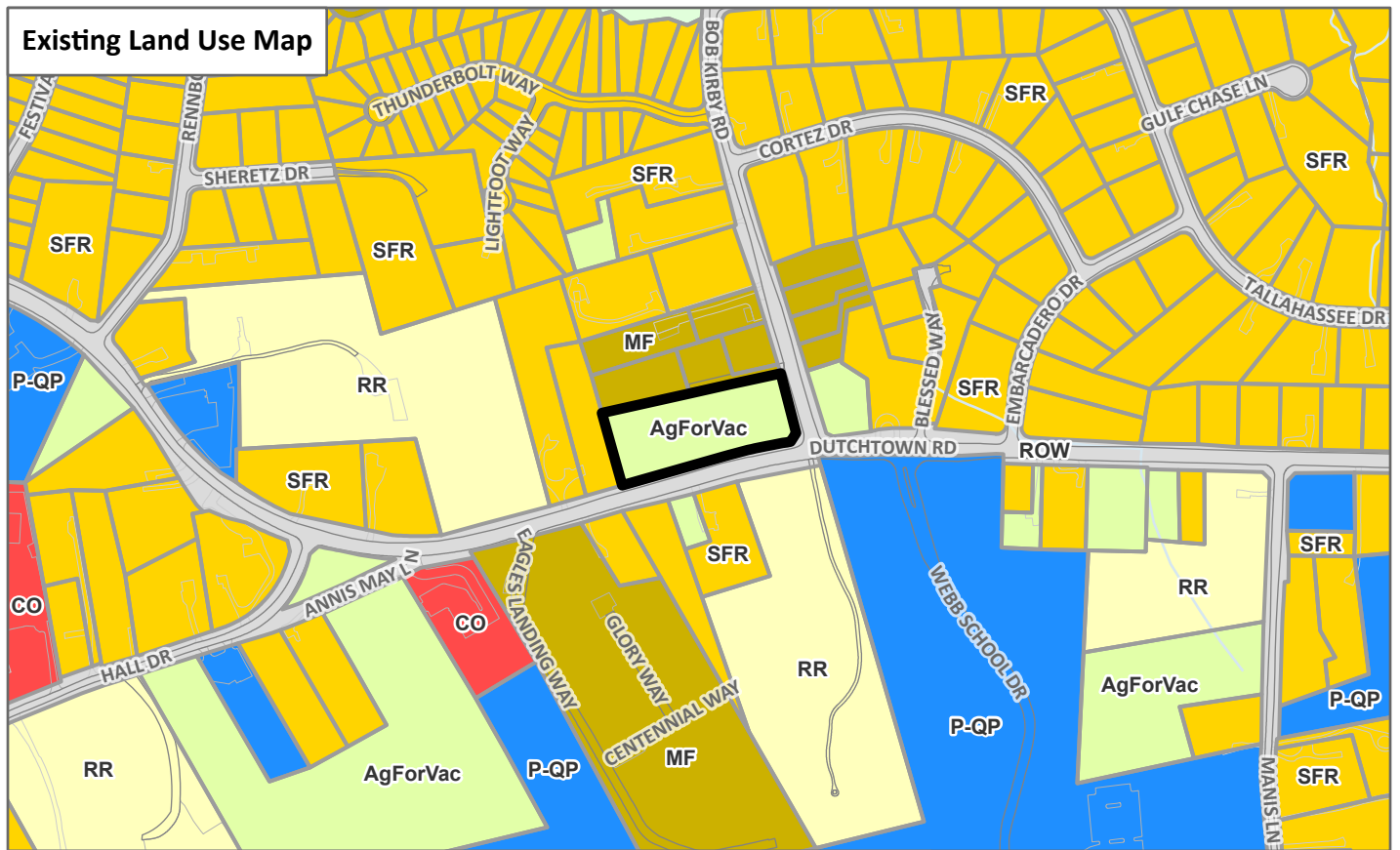
8-G-24-RZ



Case boundary



Existing Land Use Map

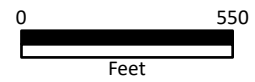


CONTEXTUAL MAPS 3

8-G-24-RZ



Case boundary





Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

Georges H. Brandan

Applicant Name

Affiliation

6/13/2024

Date Filed

8/8/2024

Meeting Date (if applicable)

8-G-24-RZ

File Number(s)

CORRESPONDENCE

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

Georges H. Brandan

Name / Company

1615 Rising View Ln Knoxville TN

Address

865-548-1329 / gbrandan@bei-usa.com

Phone / Email

CURRENT PROPERTY INFO

Geroges H. Brandan, Cynthia L. Brandan

Owner Name (if different)

1615 Rising View Ln Knoxville TN 37922

Owner Address

865-548-1329

Owner Phone / Email

801 BOB KIRBY RD

Property Address

118 150

Parcel ID

2.09 acres

Tract Size

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

East side of Bob Kirby Rd, north side of Dutchtown Rd

General Location

☐ City

Commission District 3

PR (Planned Residential) up to 5 du/ac

Rural Residential

☒ County District

Zoning District

Existing Land Use

CMU (Corridor Mixed-use)

Land Use (City)/Place Type (County)

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 **RB (General Residential)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Rezoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request
☐ Amendment Request (Comprehensive Plan)

ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1

\$650.00

Total

Fee 2

Fee 3

AUTHORIZATION

- ☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Georges H. Brandan

6/13/2024

Applicant Signature

Please Print

Date

Phone / Email

Geroges H. Brandan, Cynthia L. Brandan

6/13/2024

Property Owner Signature

Please Print

Date



Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
- ☐ Final Plat

ZONING

- ☐ Plan Amendment
 - ☐ SP
 - ☐ PA
- ☒ Rezoning

Georges H. Brandan		Affiliation
Applicant Name		
6/12/2024	August 8, 2024	File Number(s)
Date Filed	Meeting Date (if applicable)	8-G-24-RZ

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

Georges H. Brandan			
Name		Company	
1615 Rising View Lane	Knoxville	TN	37922
Address	City	State	ZIP
865-548-1329	gbrandan@bei-usa.com		
Phone	Email		

CURRENT PROPERTY INFO

Georges H. Brandan & Cynthia L. Brandan	1615 Rising View Lane, Knoxville, TN 37922	865-548-1329
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
801 Bob Kirby Rd, Knoxville, TN 37932	118 150	
Property Address	Parcel ID	
West Knox Utility District	West Knox Utility District	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	Land Use / Place Type CITY COUNTY	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

~~RB~~ PR at 10 du/ac
Proposed Zoning

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

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
☐ Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

AUTHORIZATION☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

Georges H. Brandan

6/12/2024 7/22/2024

Please Print

Date

865-548-1329

gbrandan@bei-usa.com

Phone Number

Email

Georges H. Brandan

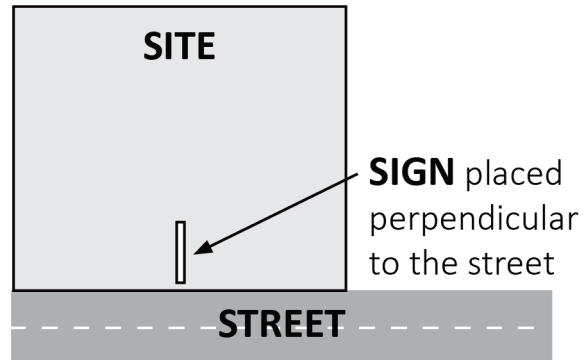
Cynthia L. Brandan

Property Owner Signature

Please Print

Date Paid

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: Georges H. Brandan

Date: 06/13/2024

File Number: 8-G-24-RZ



Sign posted by Staff



Sign posted by Applicant