



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-B-24-RZ **AGENDA ITEM #:** 26
 1-A-24-SP **AGENDA DATE:** 2/8/2024

POSTPONEMENT(S): 1/11/2024

▶ **APPLICANT:** ROBERT GREGORY, GREGORY LAND DEVELOPMENT, LLC
 OWNER(S): Ronald W. & Sharon B. Todd

TAX ID NUMBER: 46 44 [View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 8721 HEISKELL RD

▶ **LOCATION:** South side of Heiskell Rd, northwest of W Copeland Dr.

▶ **TRACT INFORMATION:** 34.61 acres.

SECTOR PLAN: North County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Heiskell Rd, a minor arterial with a pavement width of 21 ft within a 50-ft right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Bullrun Creek, Beaver Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / PR (Planned Residential)

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

▶ **DENSITY PROPOSED:** up to 3 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, this is an extension of the LDR land use designation. However, this would not be an extension of the PR zone.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Agriculture/forestry/vacant land, single family residential - AG (Agricultural), HP (Hillside Protection) - A (Agricultural), RA (Low Density Residential)

South: Agriculture/forestry/vacant land, rural residential - LDR (Low Density Residential), HP (Hillside Protection) - A (Agricultural)

East: Agriculture/forestry/vacant land, single family residential - LDR (Low Density Residential), A (Agricultural), HP (Hillside Protection) - A (Agricultural)

West: Agriculture/forestry/vacant land, rural residential - A (Agricultural),

HP (Hillside Protection) - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is characterized by low density residential dwellings and undeveloped forested lands.

STAFF RECOMMENDATION:

- ▶ **Approve the LDR (Low Density Residential) land use classification for the AG (Agricultural) designated portion of the parcel because it is compatible with surrounding development and is an extension of this classification.**

The HP (Hillside Protection) designation would be retained.

- ▶ **Approve the PR (Planned Residential) zone with up to 2 du/ac because it is consistent with the recommended LDR land use and surrounding development.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. Since the 2000s, several vacant/forested parcels and underutilized lots have been converted to residential development along Heiskell Road and E Copeland Drive.
2. There is a sliver of LDR land use along the southeast boundary of this property. The proposed amendment will be an extension of this land use classification from the southeast side.

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

1. No known improvements have been made recently to Heiskell Road close to this site. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no apparent errors or omissions in the North County Sector Plan with regards to the requested LDR classification here.

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

1. The surrounding lands with the AG classification have developed as single family residential and rural residential uses under A and RA zone. The proposed LDR classification will be consistent with the surrounding land uses and zoning.

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 COUNTY GENERALLY:

1. Since the 2000s, several vacant/forested parcels and underutilized lots have been converted to residential development in the area.
2. A significant vegetated portion of the parcel has been disturbed since the property was used as a source of fill material for the Kroger Marketplace on E Emory Road, approximately 2.5 miles to the southeast.

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.
2. Approximately 7.9 acres of 34.6-acre property has a slope greater than 25 percent along with a few closed contours. Furthermore, there is a 150-ft wide TVA easement on the west portion of this property. The PR zone is an appropriate consideration in this context because it enables development to be concentrated away from the TVA easement and steep slopes.
3. Houses, duplexes, and multi-dwelling structures and developments are permitted in the PR zone along with some nonresidential uses. At the recommended density of 2 du/ac, a maximum of 69 dwelling units could be built.
4. 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. The proposed rezoning at the recommended density of 2 du/ac will be compatible with the surrounding low density residential development along Heiskell Rd.
2. Any development under the PR zone would be subject to a Development Plan approval by the Planning Commission to ensure that the development does not have any significant adverse effects.
3. Almost the entire property is within the HP (Hillside Protection) area. However, the parcel has been disturbed previously, as mentioned above.
4. The blue-line stream along the front of the property will be subject to Knox County Stormwater Ordinance regulations and an appropriate buffer shall be provided during the Development Plan phase.

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 Growth Policy Plan describes a maximum density of 1 du per 2 acres for portions of properties with greater than 25% slope (Policy 3.3), though a density of up to 3 du/ac may be considered in the Rural Area if certain criteria are met (Policy 3.5). Planning is recommending a density of 2 du/ac considering the conditions of the site and Heiskell Road, surrounding developments, lack of nearby amenities, and feedback from the Knox County Engineering and Public Works department.
2. The recommended density is consistent with the slope analysis conducted based on the Hillside & Ridgetop Protection Plan (Exhibit B).
3. The proposed PR zone is consistent with the recommended LDR land use classification amendment to the North County Sector Plan.

ESTIMATED TRAFFIC IMPACT: 980 (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: 44 (public school children, grades K-12)

Schools affected by this proposal: Copper Ridge Elementary, Powell Middle, and Powell 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 3/25/2024. 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.