

December 7, 2021

RE: Agenda Item #8 11-B-21-SP and 11-F-21-RZ proposed sector plan amendments and rezonings for the Dry Hollow area in South Knox County

Dear Planning Commissioners,

Knox County Planning Alliance advocates for good planning, and for adherence to the plans. In the case of agenda item #8:

- A. The proposed sector plan amendment and rezoning for the Sevierville Pike / Dry Hollow area, KCPA believes this does not meet any of the criteria for amending the sector plan.
- B. Secondly - the LDR land use designation is not appropriate in the Rural Area of the South County Sector.
- C. Moreover, good planning should look at the big picture, but no analysis of the impact for the Chapman Highway intersections with Sevierville Pike or Simpson Road has been conducted.
- D. There also should be commentary and analysis on the impact of locating residential uses next to light industrial and general commercial uses.
- E. Finally, a site visit quickly shows that most of the proposed development southern parcel (95 acres) is so steep that even the generous Hillside and Ridgetop Plan guidelines yield more development than should occur on that mountain.

#### **A. Criteria for Amending the Sector Plan**

The Knox General Plan lays out four criteria to justify amending a sector plan. As explained below, none of those criteria are met in this case, so there is no justification to amend the 2012 South County Sector Plan ("Sector Plan").

##### **1. "Introduction of significant new roads or utilities that were not anticipated in the plan and make development more feasible."**

The only roads or utilities that are being cited in support of amending the Plan are the sewer system and the safety improvements on Chapman Highway at the intersection with Sevierville Pike. But the facts show that both of these were already anticipated in the Sector Plan when it was adopted in 2012. In addition, there is no evidence that the highway safety improvements will significantly make development more feasible.

The sewer system, including a pumping station, has been in service at least since 1999, as shown in the below printout from Knox Chapman Utility District. The Sector Plan itself shows the

existence of the sewer system (map at page 4 of Plan), so the system was clearly “anticipated” in the Sector Plan and provides no basis to support an amendment.



Similarly, the safety improvements on Chapman Highway were also anticipated in the Sector Plan. Page 6 of the Sector Plan states:

*the Tennessee Department of Transportation (TDOT) has evaluated Chapman Highway from the Henley Street Bridge into Sevier County, and identified many safety improvements needed along the corridor, such as changing those intersections with sight distance problems into cul-de-sacs, installation of dedicated left-turn lanes, and installing of shoulders.*

Among these identified improvements were project plans issued in 2010 for safety improvements along a 4500 foot section of Chapman Highway from Burnett Lane in Sevier County to Evans Road in Knox County, including the Sevierville Pike intersection (although the intersection is not specifically named in the package). These improvements were not only anticipated in the Plan, they were actually initiated at least in part by Knox County itself. A separate comment has been submitted with a copy of the December 12, 2010 TDOT memorandum package justifying these safety improvements, with the memorandum noting that

the supporting studies had been conducted in response to requests by Knox County Commissioners.

The December 12, 2010 package shows that the project, including widening Chapman Highway and installing center turn lanes, was justified initially on a higher than average number of crashes having occurred at one intersection (Simpson Road) from 2005 to 2008. The decision was made to go ahead and make improvements along the adjoining stretch of Chapman Highway, including the Sevierville Pike intersection, even though crash rates for that stretch were actually low.

There has been no showing that the Sevierville Pike intersection has ever had a significant effect on the feasibility of development of the requested Plan amendment area. There is no evidence that carrying capacity of the intersection has been a limiting factor to development. Significantly, the intersection work was justified not on grounds of capacity, but rather on grounds of safety as noted both in the Sector Plan and in the 2010 TDOT package. There apparently has been no data, estimate, or representation that these safety improvements will have any effect on capacity of Chapman Highway, much less on the side roads. The December 1, 2021 Traffic Letter submitted by Thunder Mountain's traffic engineers does not cite increased capacity as a factor, and does not provide any analysis of available capacity at the intersection on Chapman Highway or identify an increase in available capacity of Chapman Highway and the intersection.

And of course the subject area is, and has long been, accessible by means other than Chapman Highway. Sevierville Pike northbound from the area connects with a number of arterial roads such as Hendron Chapel Road and Governor John Sevier Highway. In fact, Thunder Mountain's Traffic Letter indicates that a significant percentage of trips generated by the proposed development (30%) would use Sevierville Pike north and Hendron Chapel Rd rather than Chapman Highway. No improvements on that stretch of road have been cited or suggested as being needed.

While it can be anticipated and hoped that the Sevierville Pike intersection work will increase safety along Chapman Highway, there has been no showing that the intersection was ever an impediment to development of the proposed development area – and no facts to support a finding that the safety improvements are significant in making development more feasible. Further, we are not aware of any case in which intersection safety improvements justified amending a sector plan.

## **2. “An obvious and significant error or omission in the plan.”**

There are no errors in the Sector Plan land use designations, and none have been asserted. Sewer was known to be available, yet the plan designated this Agricultural Land Use. The presence of sewer alone was not deemed sufficient to change the prior land use designation from Agricultural when the 2012 sector plan was updated and adopted. The 2019 rezoning cited in the staff report (8-H-19-RZ) does not cite any errors or omissions. The only sector plan changes in KGIS case history are all related to parcels in the Valgro Rd industrial area - 2 of the 3 (1-H-17-SP and 12-A-18-SP) were in fact a down-grade to Agricultural to try an airsoft range, and then a restoration of the previous LI - a wash. Finally, page 20 of the Sector Plan states the purpose of the Rural Area: “Within Knox County’s unincorporated area, the designated Rural Area is very large (shaded green); that designation is made, under provisions of state law, to conserve, agricultural, forest and other natural resources.” The parcels are in the Rural Area, and the existing Agricultural land use designation is in harmony with the intent of the Rural Area.

## **3. “Trends in development, population, or traffic that warrant reconsideration of the original plan proposal.”**

The staff report cites rezonings in the area to support non-residential uses as the trend to warrant reconsideration, but it is essential to note that these rezonings have been confined to an industrial area pocket – essentially an island – where the industrial / commercial uses have been in place for more than five decades. They do not represent a trend affecting neighboring Agricultural land, much less a trend toward residential development.

The expansion of sector plan and zoning changes, such as the rezoning to LI on Valgro Road, was to recognize uses that had been existing from 1919 onwards for the Camel Manufacturing Plant / Valgro Rd industrial area and to try to get the land use and sector plan maps into alignment with a legacy underlying use. The following summary is informative:

### *Land Use Case History available from KGIS Planning Cases Map*

All of these parcels have been commercial / industrial in use since at least 1969 (see KGIS 1969 Aerial photo of the Camel manufacturing facilities submitted as separate comment).

- 1996: middle parcel (Bar Metals, 138 27301) 9-E-96-RZ - rezone A to CB - approved. No case summary available. Adjacent to existing CB zoning on west parcel that has been in place since zoning maps were first adopted. (see info in [Aug 2019 BZA case 4a](#)).
- 2001: South Parcel (Valgro Land Partners 138 27305), [1-C-01-RZ](#) - A to I, approved to LI. This was just before sector plan amendments were required.

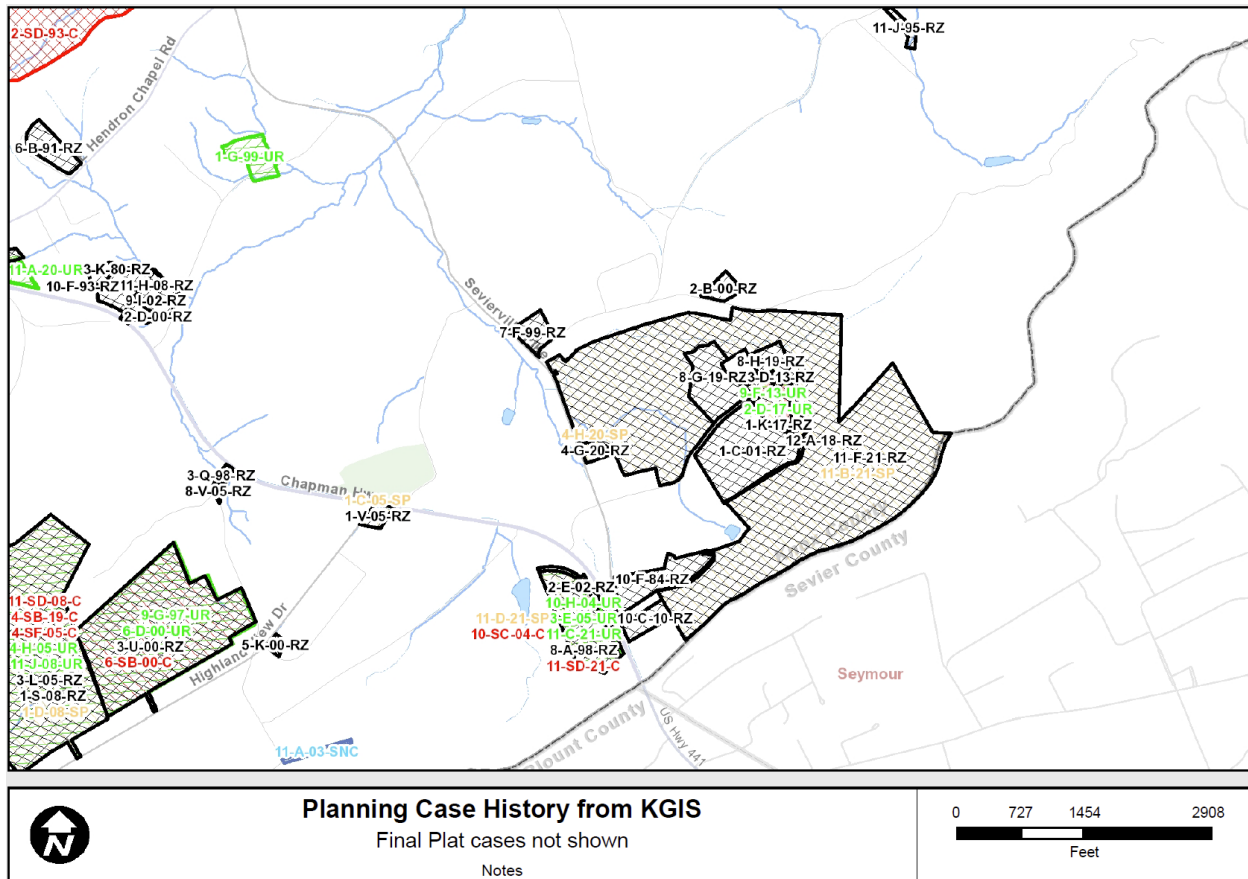
- 2012: updated South County Sector Plan adopted
- 2013: Southeast Parcel (138 27406) sector plan and rezoned as part of [3-A-13-SP](#) ([case summary](#)) / [3-D-13-RZ](#). Was LI and Ag sector plan / and LI zoning. Requested Heavy Industrial sector plan and Industrial zoning. Approved to Business Park sector plan, and Employment Center zoning. 9-F-13-UR approved a metal recycling operation.
- 2017: Southeast Parcel - [1-H-17-SP](#) / [1-K-17-RZ](#) ([zoning case summary](#))- undo the 2013 zoning and revert property back to Ag / Ag.
- 2018: Southeast Parcel - [12-A-18-SP](#) / [12-A-18-RZ](#) - plan amendment and zoning back to LI / LI - approved.
- 2019:
  - West parcel (138 272): [8-G-19-RZ](#) - rezone A/CB to LI, withdrawn. Note this has been CB since zoning maps were initially created
  - Northeast parcel (Timber Valley Rustic Furniture, 138 27401): BZA hearing Aug 2019 ([4a](#)) / Sep 2019 ([5a](#)) about extending / interpreting a zoning map, denied. [8-H-19-RZ](#) - rezone A to LI, planning commission recommended EC, county commission approved LI in June 2020 ([case summary](#), [county commission meeting video](#) starts at 1m20s)

At the conclusion of these land use activities, the sector plans and zoning more closely, but not perfectly, match the underlying uses that have been present in this area for at least 50 years. They do not reflect a change in underlying uses or buildings or conditions, but an attempt to reflect the legacy and actual uses that have been occurring. In essence, to change the structures and uses from legal/non-conforming to legal/conforming status.

Again - there haven't been new water or sewer, and the rezonings for non-residential don't represent 'new' - they recognize uses that were present (see 1969 Aerial photo submitted in separate comment). In fact, looking at the KGIS Planning Cases history tool for this area, we only see three sets of cases outside of the Valgro Rd Industrial area cases since the 2012 Sector Plan was updated:

- Across Chapman Hwy - 11-D-21-SP (LDR to MDR) and 11-C-21-UR / 11-SD-21-C - this was a sector plan change to accommodate an actual error in the Sector Plan, and then a corresponding Use on Review / Concept Plan to develop property that was zoned PR at up to 10 du/ac in Feb 2002. Basically - this was development finally occurring on land that was rezoned for that intensity in 2002, and is located in the county's Planned Growth Area

- On Sevierville Pike (8904 and 8908) - sector plan and zoning amendments to accommodate two existing parcels that were zoned Agricultural but on less than 1 acre (non-conforming)
- 4-SB-19-C - a Concept Plan to begin the back phase of Highland Ridge a development that started in 2005.



Knox County has just approved a consultants contract (Oct 2021) to begin work on a comprehensive update to the General Plan, which will look at trends across the county and in communities. The appropriate time to update the land use designation is during the General Plan update.

## B. LDR not appropriate for Rural Area in the South County Sector

The requested LDR sector plan designation is not appropriate for the county's Rural Area. The Growth Plan provides overall guidance and allowances for the county, and then the General Plan provides similar ones. More specific guidance for each sector is provided in the sector



plan. The Land Use Classification table (Appendix C of the 2012 South County Sector Plan) is the most controlling guidelines for Land Use Classifications.

Each Land Use Classification has a list of recommended zoning that should be considered under that land use and commentary about the location criteria.

The Low Density Residential land use has location criteria of land served by water and utilities and collector roads with slopes less than 25 percent. The northern 65 acre parcel meets these criteria; however the southern parcel does not (not served by a collector road, noted limited / nonexistent utilities, and forested (tree covered) moderate and steep slopes.

| <b>Low Density Residential (LDR)</b><br>This type of land use is primarily residential in character at densities of less than 6 dwelling units per acre (dus/ac). Conventional post-1950 residential development (i.e. large-lot, low-density subdivisions) and attached condominiums are typical. |   |  |
|--|---|--|
| <b>Location Criteria:</b> <ul style="list-style-type: none"> <li>Land served by water and sewer utilities and collector roads</li> <li>Slopes less than 25 percent</li> </ul>  | <b>Recommended Zoning and Programs:</b><br>City: R-1, R-1E and RP-1 at less than 6 dus/ac and new residential zones based on lot sizes greater than 7,500 square feet and 75 feet or greater frontage.<br>County's Planned Growth Area: RA, RAE and PR at less than 6 dus/ac. | <b>Other Zoning to Consider:</b><br>City: R-1A and A-1<br>County: A and RB |

*Table from 2012 South County Sector Plan - Appendix C - Land Use Classifications*

For the originally proposed 65 acres, LDR could be appropriate if it was in the Planned Growth area, but it is in the Rural Area of the Growth Plan. LDR specifically has recommended zoning in the Planned Growth Area of RA, RAE, and PR at less than 6 du/ac, and it has no recommended zoning for the Rural Area. In these charts if a recommended zoning is not listed for a Growth Plan classification, then the land use is not appropriate.

The more appropriate land use designation for the original 65 acres is Rural Residential since LDR is not available in the Rural Area. Rural Residential also fits the southern 95 acre parcel (rural areas characterized as forested (tree covered) especially on moderate and steep slopes) and was recommended by staff. Recommended zonings for this land use are OS, E, Rural Residential at one unit per less, or PR @ densities of 1 unit or less where they are clustered in one portion of the subdivision. Low Density Residential is not appropriate for the mountainous southern 95 acres.

| <b>Rural Residential (RR)</b><br>Very low density residential and conservation/cluster housing subdivisions are typical land uses.   |  |   |
|--|--|---|
| <b>Location Criteria:</b> <ul style="list-style-type: none"> <li>Rural areas characterized as forested (tree covered), especially on moderate and steep slopes</li> <li>Sites adjacent to agricultural areas (AG or AGC) where conservation/cluster housing subdivisions may be appropriate</li> </ul> | <b>Recommended Zoning and Programs:</b><br>County's Rural Area: OS, E, RR (Rural Residential, a new zone with densities of one dwelling unit per acre or less), or PR @ densities of one dwelling unit per acre where dwellings may be clustered in one portion of a subdivision | <b>Other Zoning to Consider:</b><br>A in the Growth Plan's Rural Area |

*Table from 2012 South County Sector Plan - Appendix C - Land Use Classifications*

Planning Commission staff, commissioners, and county commission have applied similar reasoning to many other plan amendment requests, especially in the Northwest and Northeast County Sectors. In the early/mid 2010s LDR land use category was expanded into the Rural Area, but in the past 2 years, actions have mostly tended to limiting sector plans to Rural Residential land use in those sectors (which have largely similar Land Use Classification appendices).

A core tenet of KCPA's advocates is to apply the same guidelines and rules to all applicants and citizens, and KCPA urges Planning Commission to apply the South County Sector Plan Land Use Classification.

### **C. Compatibility of Proposed Residential with Adjacent Industrial Uses**

There is no mention of compatibility concerns between the existing Industrial uses and proposed residential uses. Current residents report noise and smells from the industrial area during daylight hours - "some days are worse than others." Best practices would place transition uses between industrial and residential uses.

The applicant's proposal places a residential zone adjacent to Industrial, general commercial, and employment center zones. This has been frowned upon and often denied in other cases. Usually it is the other way around, where industrial is proposed next to residential.

It would be appropriate for a buffer zone of Agricultural property to remain between the existing non-residential uses and the proposed residential uses.

### **D. Steepness of East / South Parcel and a Site Visit**

The topo map and slope analysis don't do justice for how steep the area is. After a site visit to adjacent property, it appears similar to steep hiking areas in the Smokies. This is *extremely* steep property. Intensities of far less than 1 du/ac should be considered for the east/south 95 acres; perhaps even less than 0.5 du/ac. You really need to see it to understand it.

### **Conclusion**

KCPA asks Planning Commission and Knox County Commission to uphold the 2012 South County Plan. There have not been errors, omissions, trends, new roads, or other changes that warrant a change to the land use designation. It was attentive and purposeful when it was updated and adopted in 2012. Looking at KGIS case history, there are no significant trends



changing in this area. If there are macro-trends in the county, let the upcoming General Plan update capture those and address land use designations for these parcels.

The proposed planned residential zoning @ 3 du/ac is not in harmony with the largely rural and agricultural area, nor is it compatible with the existing industrial / commercial land use. Finally, nobody can argue that we would want to develop the east/southern 95 acres of extremely steep terrain for housing.

Sincerely,

Kevin Murphy, Chair

Corinne Rovetti, Advocate

Robert Thompson, Advocate