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Knoxville, TN 37902

Re: Agenda Item No. 8  
File Nos. 1-N-22-RZ and 1-E-22-SP  
1925 Andes Road and 8531 Troutman Lane

Dear Planning Commission:

I represent the applicant, Turner Homes, LLC the owner of an option to purchase property located at 1925 Andes Road and 8531 Troutman Lane (the "Property"). Your upcoming February 10, 2022 meeting will include consideration for amendment to the Northwest County Sector Plan from LDR (Low-Density Residential) and HP (Hillside Protection) to MDR (Medium Density Residential) and HP. The applicant is also seeking a rezoning from A (Agricultural) to PR (Planned Residential) with a proposed density of up to 7 du/ac. Staff is recommending denying the requested sector plan amendment but approving PR zoning at up to 5 du/ac. The applicant respectfully requests this commission approve the MDR/HP Sector Plan amendment and the PR at 7 du/ac based upon the reasons set forth below and to be discussed at the upcoming meeting.

**Background and Staff Report:**

The Property at issue is an approximate 14.1 acre parcel, with frontage along both Andes Road and Troutman Lane. Per the 2018 Major Road Plan, Andes Road is a major collector with pavement width of 21-ft within a 60 feet right of way. Troutman Lane is a local street with a pavement width of 19-ft within a 47 ft. ROW. The property has access to both water and sewer through the West Knox Utility District. Staff noted that the proposed rezoning meets all the criteria for a rezoning with the changing conditions being that the forthcoming Schaad Road improvements which are anticipated to increase development activity. Ultimately, staff's report did not recommend a Sector Plan Amendment despite the same change-of condition rationale being present to justify a change in the zoning. Specifically, the property is approximately 900 ft

south of the Andes Road intersection improvements for the Schaad Road Project, providing additional capacity for the transportation network in this area.

### **Sector Plan Amendment**

This application does meet the applicable criteria for a sector plan amendment. In staff's report, it notes that "the forthcoming Schaad Road improvements are anticipated to increase development activity, particularly adjacent to intersections along the Schaad Road Corridor." The Property is approximately 900 ft south of the Andes Road intersection improvements for the Schaad Road Project, providing additional capacity for the transportation network in this area.<sup>1</sup> When considering Sector Plan Amendments from the General Plan, there only needs to be a single criteria satisfied to amend a Sector Plan, and the changing conditions of the Schaad Road improvements, which staff noted in the rezoning discussion, would satisfy this criteria and justify a sector Plan Amendment.

Moreover, there are criteria to justify a sector plan amendment. The "introduction of new roads or utilities that were not anticipated in the plan and make development more feasible" is also met by the planned Schaad Road Improvements. Staff opines that because of existing adjacent LDR developments, the criteria is not satisfied; however, if existing developments that were established prior to the new roads or utilities being introduced could serve as a basis for denying a plan amendment, then the criteria would serve no beneficial purpose. Prior to the new roads or utilities being introduced, the LDR developments were appropriate; however, once the conditions have changed then consideration for additional developments are equally appropriate despite older developments established under a different set of circumstances.

Finally, this is an extension of existing and existing MDR Sector Plan that is *contiguous* to this property to the north. In fact, there is no developable land between this Property and the new Schaad Road improvements. This location makes sense to extend the existing MDR sector plans to this property to be developed at medium density to accommodate and benefit from the additional capacity for the transportation network in this area. The Schaad Road Improvements will increase transportation network capacity for the area making additional residential development more feasible. And this Property is one of the only undeveloped tracts in the area that can be developed.

### **Rezoning:**

Staff agrees that the Property is appropriate for a consideration of PR zoning. The only issue is the proposed density. The difference of staff's recommended 5 du/ac and the applicant's request of 7/du/ac are not significant because of the planned Schaad Road improvements. "The

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<sup>1</sup> This is essentially the same rationale staff used to justify an amendment to the Sector Plan from LDR to MDR for Agenda Item No. 5, which it recommended for a rezoning of PR up to 7 du/ac. That development is approximately 430 ft north of the proposed intersection of Andes and Schaad Rd. While the distance is shorter, the distance is not so great to justify the distinction between the recommendation to amend the Sector Plan in Agenda Item No. 5, but to not recommend the Sector Plan Amendment in the instant application.

Schaad Road improvements will increase transportation capacity and safety for this area, making additional residential development more feasible.” For this Property, the difference between 5 du/ac and 7 du/ac is approximately 29 units. However, staff’s recommendation of 5 du/ac (approx. 70 units) would not require a Traffic Impact Analysis, but if the applicant’s request is granted, and the PR is approved at 7 du/ac (approximately 99 units) then the development would trigger a TIA. At that time, under Section 3.04.M. of the Subdivision Regulations, the applicant would be responsible for both the required street improvements for the development and may also be responsible for any off-site street improvements identified by the Traffic Access and Impact Study. Allowing the increased density ensures that the County is able to lean on the developer for any needed off-site improvements related to the impact of the proposed development.

**Site Specific Considerations:**

Hillside Protection and Access to Troutman Lane:

Approximately 1.56 acres, all on the southern portion of the property which is adjacent to Troutman Lane, is sloped land. Per staff’s report, using a proposed 5 du/ac, the recommended density is 4.75 du/ac. Using the applicant’s requested density of 7 du/ac, the recommended density would be approximately 6.76 du/ac.

The sloped areas create a natural barrier to accessing Troutman Lane for ingress and egress to the subdivision. Additionally, Troutman Lane, as a local street with more narrow pavement widths, is less appropriate for higher volumes of traffic from the subdivision. The applicant’s current plan, as depicted in the proposed site plan attached hereto as **Exhibit 1**,<sup>2</sup> is to segregate the sloped land into three detached single-family homes, each with driveway access to Troutman Lane. There would not be any connection to the subdivision from these three lots, and the effective density of the lots in the HP area would be approximately 1.92 du/ac. The applicant has already discussed this concept plan with County’s Engineering and Public Works and confirmed that the County would not have an objection to terminating all access to Troutman Lane except for these three proposed private driveways.

Stormwater:

Some of the comments speculate that because some other properties in the area have flooded during periods of heavy rain that this development (at any density) may contribute to

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<sup>2</sup> The applicant understands that it’s the Planning Commission’s duty to consider a rezoning on its individual merits and not based upon any proposed site-plan; however, the applicant is looking very intently on how this particular piece of property may be developed based upon the environmental challenges the Property presents and the current inflationary costs of construction and development. This proposed plan represents the basic concept that would come back to this body as a concept-plan and Use on Review application should the zoning be approved at 7 du/ac. Additionally, this body has the ability to impose conditions upon rezoning applications. It is within this body’s purview to approve this rezoning at 7 du/ac but to mandate that only three private drives may access Troutman Lane as part of the approval.

flooding; however, evidence that a certain problem, such as flooding, currently exists is not evidence that the condition will be made worse by a development and cannot be justification for a denial of the development. *Cost Enterprises, LLC v. City of Lebanon*, 2009 WL 856643 (Tenn. Ct. App. March 31, 2009). Moreover, fears or concerns that engineers might be wrong or might make a mistake in their calculation does not form a legal basis to deny an application. *411 P'ship v. Knox County*, 372 S.W.3d 582 (Tenn. Ct. App. 2011). In short, if the applicant follows the stormwater ordinance and creates a stormwater plan based on the current standards, then the water flowing from the property post-development will not exceed its current pre-development levels. Those calculations, and how this development will address stormwater detention or retention, will be addressed at the concept-plan/Use on Review stage of the development.

#### Missing Middle and Affordable Housing:

Turner Homes is committed to developing attached townhomes to help fill the market for “missing middle” style developments in the market. The proposed site plan shows that its plan is to develop attached townhomes that are approximately 1,400 sq. feet. These townhomes are less likely to overburden the school population as they traditionally attract either younger couples who need a starter home (and have not yet begun a family) or “empty-nesters” who are looking to downsize after their family have moved out.

These townhome developments help balance the low inventory for homes and provide more affordable housing options than a traditional single-family residence. This need is crucial. The February 1, 2022 Compass Colloquy reported that per the Market Pulse, the rebranded monthly report from the Knoxville Area Association of Realtors, local real estate agents broke a record last month, as Knoxville recorded more home sales in December 2021 than any other December on record. The median home sales price was \$291,000 in December — up 21.3 percent from December 2020. The typical home sold in December 2021 was 1,808 square feet with three bedrooms and two bathrooms. Half of the homes sold in December were under contract in seven days or less, down from eight days in December 2020. Thirty-seven percent of homes sold for over asking price, with 20.6 percent selling for at least \$10,000 over asking and 8.8 percent selling for at least \$25,000 over asking. Finally, total housing inventory declined again in December — down more than 16 percent from the prior month and 26 percent from a year ago. As these numbers demonstrate, lower housing inventory drives housing prices up. The need for development that both increases inventory and helps provide affordable housing options are essential considerations for both the immediate and long-term future of the Knox County housing market.

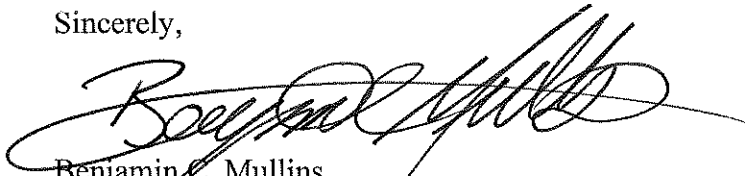
#### **Conclusion:**

The applicant is mindful that approval of the zoning at their requested density does not end the cooperation and review of any development of the Property. There will be future engineering and, depending on the approved density, traffic impact studies to deal with the specificities of any proposed development. Additionally, granting a density number does not mean that once site plans, access, and stormwater is fully engineered, the Property can actually be developed at that density. But knowing the potential maximum density helps the developer

justify the design costs moving forward and be more creative for design contingencies as they arise.

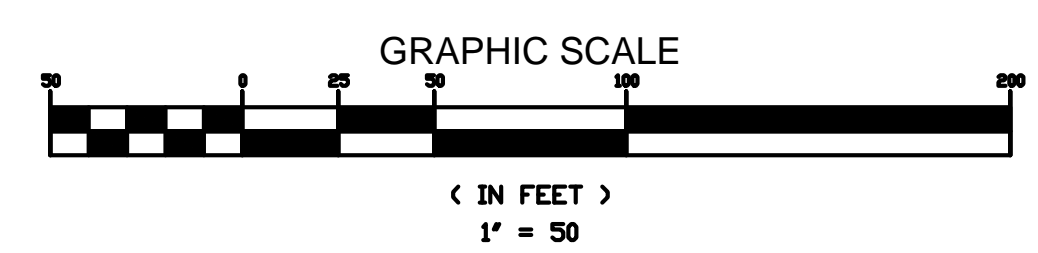
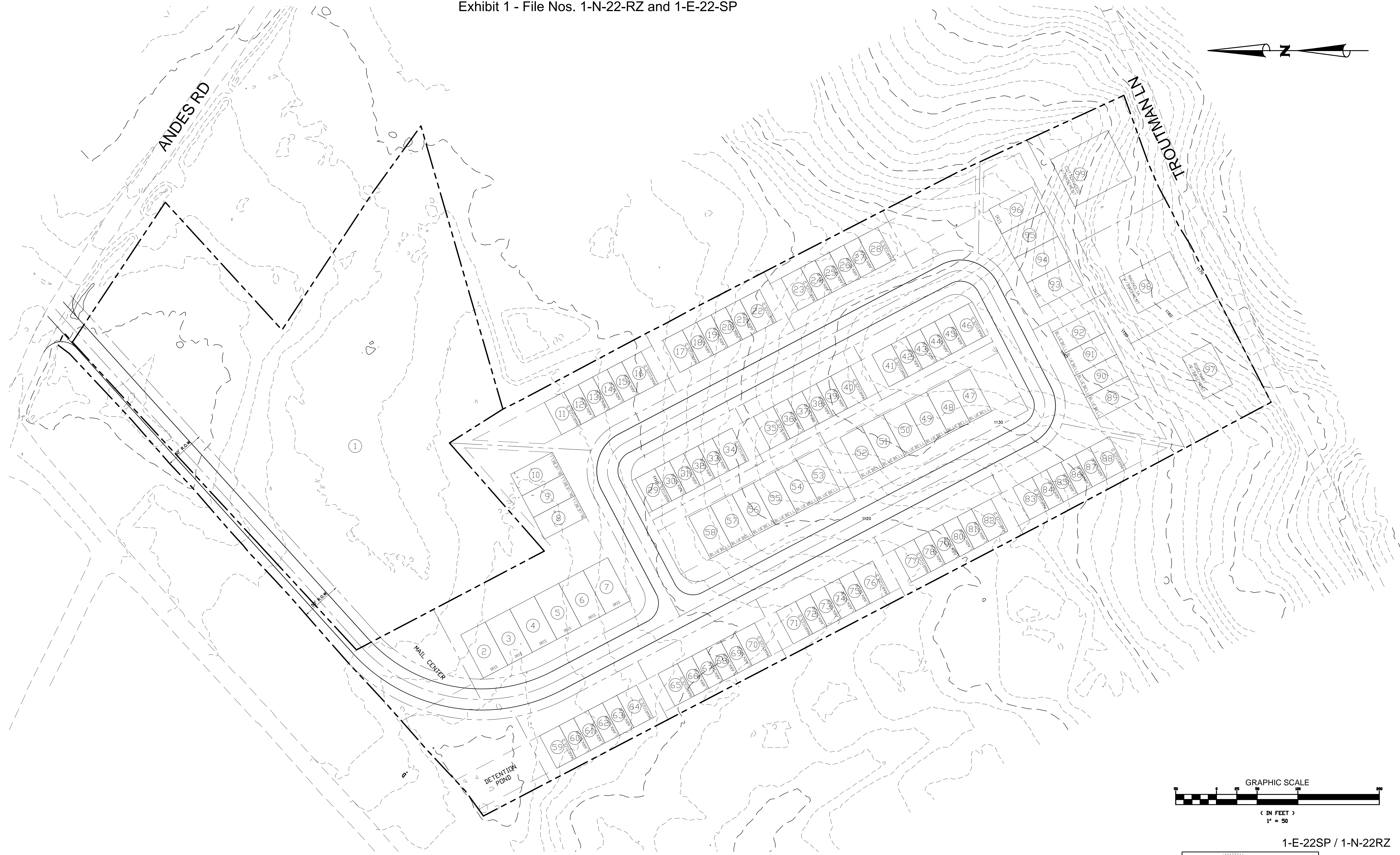
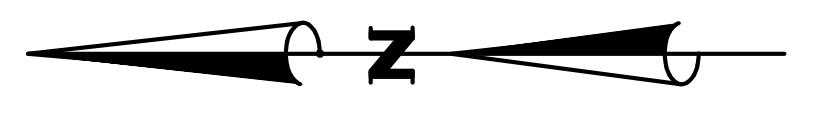
The applicant and I respectfully request that you approve this rezoning for PR (Planned Residential) at a density of up to 7 du/ac and welcome the opportunity to speak with you more about this matter. Please contact me if you have any questions.

Sincerely,



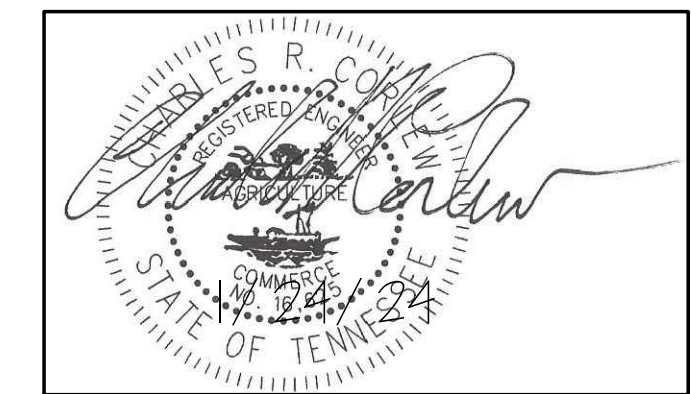
Benjamin C. Mullins  
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl  
Enc.



BUCKNER INVESTMENT TRUST

KNOX COUNTY



1-E-22SP / 1-N-22RZ

1"=50'  
1/24/22  
SCH  
CRC