

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 REZONING REPORT**

▶ **FILE #:** 8-D-18-RZ

AGENDA ITEM #: 31

AGENDA DATE: 8/9/2018

▶ **APPLICANT:** STEPHEN R. KOTZ

OWNER(S): Stephen R. Kotz

TAX ID NUMBER: 29 065-067

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 5729 Brown Gap Rd

▶ **LOCATION:** Southwest side Brown Gap Rd., southeast of E. Emory Rd.

▶ **APPX. SIZE OF TRACT:** 6.75 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Brown Gap Rd., a minor collector with 20' of pavement width within 40-50' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural)

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

▶ **EXISTING LAND USE:** Two dwellings and vacant land

▶ **PROPOSED USE:** Residential development

DENSITY PROPOSED: 5 du/ac

EXTENSION OF ZONE: Yes, extension of PR zoning at same density from the south.

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Houses and vacant land / A (Agricultural)

South: Detached residential / PR (Planned Residential) at 1-5 du/ac

East: Brown Gap Rd., dwellings / A (Agricultural) and RA (Low Density Residential)

West: Detached residential / PR (Planned Residential) at 1-5 du/ac

NEIGHBORHOOD CONTEXT: This area is developed with agricultural and rural to low density residential uses under A, RA and PR zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 5 du/ac.**

PR zoning at the requested density is consistent with the sector plan designation and will allow uses compatible with the surrounding land uses and zoning pattern. The site is not shown within the hillside protection area on the sector plan, and has direct access to Brown Gap Rd., a minor collector street with 20 feet of pavement width, so is appropriate for development at the maximum density allowed under the LDR sector plan designation.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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 CITY/COUNTY GENERALLY:

1. This site is accessed from Brown Gap Rd., a minor collector street, and is adjacent to another residential development that is zoned PR at the requested density.
2. The property is located in the Planned Growth Area on the Growth Policy Plan and is proposed for low density residential uses on the sector plan, consistent with the proposal.
3. The proposed low density residential zoning and development is compatible with the scale and intensity of the surrounding development and zoning pattern.
4. The site is appropriate to be developed under PR zoning at the maximum permissible density in the LDR category. The site does not have significant slope or other environmental constraints, and has access to a minor collector street.
5. The PR zone requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, lot layout, recreational amenities, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

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

1. PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Additionally, the zoning states that each development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the Planning Commission by review of development plans. Staff maintains that PR is the most appropriate zone for this development.

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. At the requested density of up to 5 du/ac on the 6.75 acres reported, up to 33 dwelling units could be proposed for the site. If developed with the detached residential units, this would add approximately 374 trips to the street system and about 14 children to the school system.
2. PR zoning at the recommended density is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. The approval of this request will allow the applicant to submit a development plan with up to 33 dwelling units for MPC's consideration.
4. The PR zoning district has provisions for preservation of open space and providing recreational amenities as part of the development plan. The applicant will be expected to demonstrate how these provisions are met as part of the required development plan review.
- 5.. Public water and sanitary sewer utilities are available in the area, but may need to be extended to serve the site.

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 North County Sector Plan proposes low density residential uses for this property, consistent with the requested PR zoning at up to 5 du/ac.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request could lead to future requests for PR zoning, consistent with the sector plan's low density residential proposal for the area.

Upon final approval of the rezoning, the developer will be required to submit a development plan for MPC consideration of use on review approval prior to the property's development. The plan will show the property's proposed development, landscaping and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT: 374 (average daily vehicle trips)

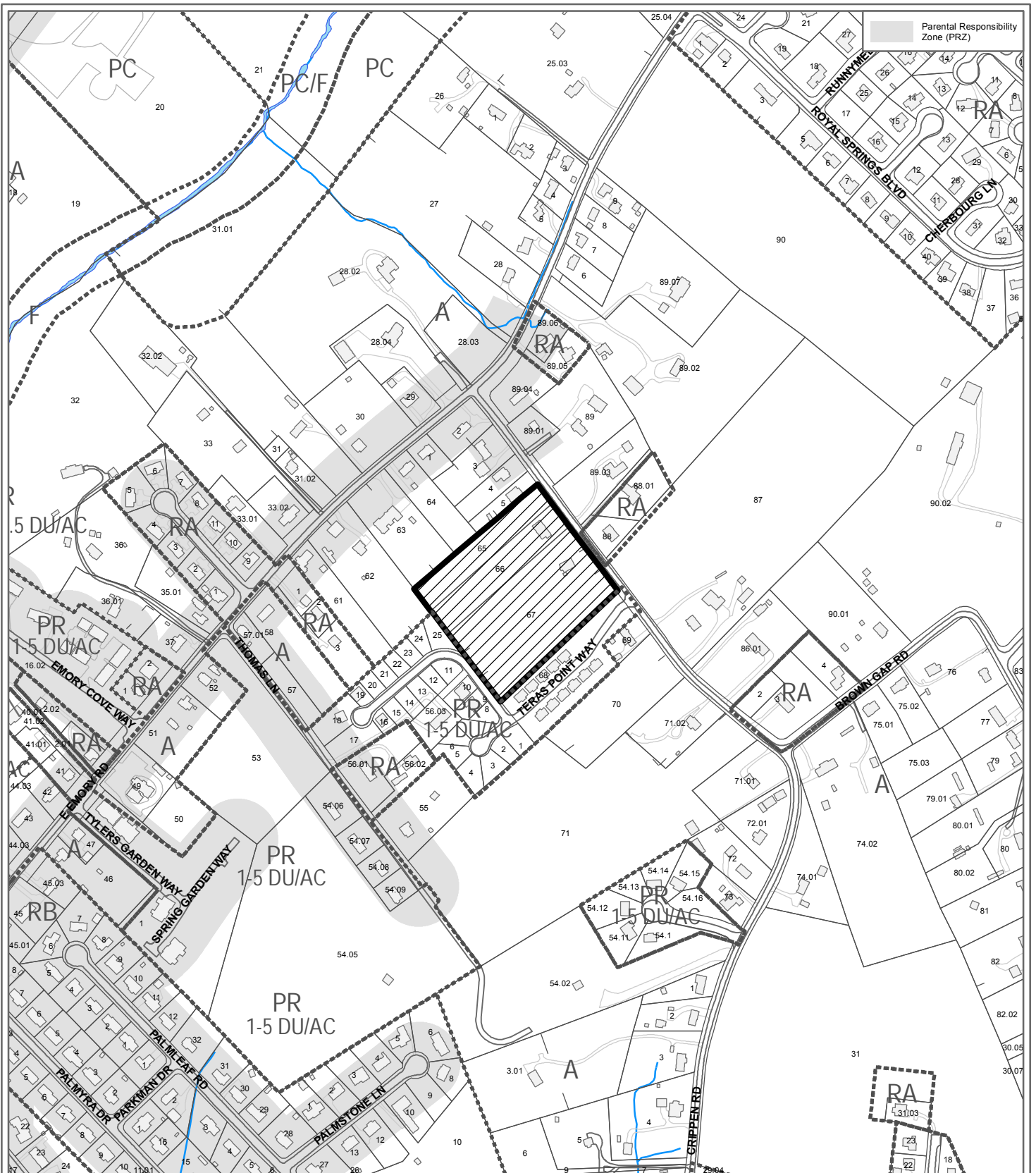
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 14 (public school children, ages 5-18 years)

Schools affected by this proposal: Adrian Burnett Elementary, Halls Middle, and Gibbs High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. 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 9/24/2018. If denied, MPC'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 an MPC decision in the County.



**8-D-18-RZ
REZONING**

From: A (Agricultural)
To: PR (Planned Residential)



Petitioner: Kotz, Stephen R.

Map No: 29
Jurisdiction: County



Original Print Date: 7/19/2018
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] File Number 8-D-18-RZ

1 message

Jim Negus <janegus@comcast.net>

Mon, Jul 30, 2018 at 1:00 PM

Reply-To: janegus@comcast.net

To: commission@knoxmpc.org

Dear Knox County Commission,

I am writing to oppose the rezoning of file number 8-D-16-RZ from Agricultural to Planned Residential. In particular, Parcel ID 029 065 contained within this file.

The southwest portions of this Parcel ID along with the other parcels in this file number are low elevation, very prone to flooding, and are inhabited by a rare crayfish not found elsewhere in Knox nor adjacent Counties.

I would encourage you to contact TDEC to obtain additional information on the status of this crayfish and also to determine if they consider this a wetland prior to the rezoning of these three parcels.

James Negus, (865) 661-1691

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This message was directed to commission@knoxmpc.org

KNOXVILLE-KNOX-COUNTY

MPC

METROPOLITAN
PLANNING
COMMISSION
TENNESSEE

Suite 409 • City County Building
400 Main Street
Knoxville, Tennessee 37902
888-215-2800
FAX 215-2008
www.knoxmpc.org

REZONING PLAN AMENDMENT

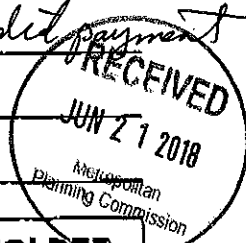
Name of Applicant: Stephen R. Kotz

Date Filed: 6/21/2018 Meeting Date: August 9, 2018

Application Accepted by: Marc Payne Emily, dit payment

Fee Amount: 920⁰⁰/100 File Number: Rezoning 8-D-18-RZ

Fee Amount: H File Number: Plan Amendment H



PROPERTY INFORMATION

Address: 5729 and 5735 Brown Gap Rd.

General Location: Halls

3/4 side of Brown Gap Road

due 3/4 of E Emory Road

Parcel ID Number(s): 029 065 ; 029 066

029 067

Tract Size: Total acres - approx. 6.75

Existing Land Use: 2 Dwellings

Planning Sector: North County

Growth Policy Plan: Planned

Census Tract: 62.03

Traffic Zone: 191

Jurisdiction: City Council 4th District

County Commission 7 District

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT Name: Stephen R. Kotz and Karen Kotz Bengtson

Company: _____

Address: 4015 Asbury Place

City: MT. Juliet State: TN Zip: 37122

Telephone: 505-400-6939

Fax: 505-346-7296

E-mail: srkotz@gmail.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT Name: Stephen R. Kotz

Company: _____

Address: 1624 Los Alamos Ave SW

City: Albuquerque State: NM Zip: 87104

Telephone: 505-400-6939

Fax: 505-346-7296

E-mail: srkotz@gmail.com

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: Stephen R. Kotz

PLEASE PRINT Name: Stephen R. Kotz

Company: _____

Address: 1624 Los Alamos Ave SW

City: Albuquerque State: NM Zip: 87104

Telephone: 505-400-6939

Fax: _____

E-mail: srkotz@gmail.com

Requested Change

REZONING

FROM: Agricultural A

TO: Planned Residential Zoning 5d/4c PR

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: N/A

TO: _____

PROPOSED USE OF PROPERTY

Planned Residential Development

Density Proposed 5 Units/Acre

Previous Rezoning Requests: _____

N/A

NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

Please Print or Type in Black Ink:

(If more space is required attach additional sheet.)

Name	Address	City	State	Zip	Owner	Option
Stephen Rogers Kofz	1624 Los Alamos Ave, SW	Albuquerque	NM	87104	✓	
Karen Kofz Bengtson	4015 Asbury Pl.	Mt. Juliet	TN	37122	✓	