

# REZONING REPORT

► **FILE #:** 7-L-19-RZ

**AGENDA ITEM #:** 39

**AGENDA DATE:** 7/11/2019

► **APPLICANT:** RALPH SMITH / PLS

OWNER(S): Disney Joint Venture

TAX ID NUMBER: 66 093 066KH, 003,004,005, & 006

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 0 Cate Rd.

► **LOCATION:** East side of Cate Road, north, south & east of Gina Way at the intersection of Cateland Lane.

► **APPX. SIZE OF TRACT:** 8.3 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Cate Road, a minor collector, with a pavement width of 18.7' feet and a right-of-way width of 60' feet.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

► **PRESENT ZONING:** A (Agricultural) & RA (Low Density Residential)

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

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant, single family residential

► **PROPOSED USE:** Duplexes

**DENSITY PROPOSED:** 3 du/ac

EXTENSION OF ZONE: PR up to 5 is across the street to the west of the property.

HISTORY OF ZONING: 5-I-96-RZ (A to RA), 10-E-19-RZ (RA to RB denied), 1-L-17-RZ (A to RA)

SURROUNDING LAND USE AND ZONING: North: Single family residential - A (Agriculture)

South: Rural residential - A (Agriculture)

East: Single family residential, rural residential - A (Agriculture)

West: Single family residential, multi-family residential - PR (Planned Residential) up to 5 du

NEIGHBORHOOD CONTEXT: The area is primarily single family residential and rural residential, with some multi-family residential across the street to the east.

## STAFF RECOMMENDATION:

► **Applicant requests 30-day POSTPONEMENT to the August 8th, 2019 Planning Commission meeting. RECOMMEND that Planning Commission APPROVE PR (Planned Residential) zoning up to 3 du/ac.**

Applicant requests 30-day POSTPONEMENT to the August 8th, 2019 Planning Commission meeting. Staff recommends approval of PR (Planned Residential) zoning up to 3 du/ac, which would allow for the development of 25 dwelling units, consistent with the LDR (Low Density Residential) designation for this property. The property is also within the Planned Growth Area of the Growth Policy Plan with water and sewer

service in the area.

**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. PR zoning up to 3 du/ac is consistent with the existing the LDR (Low Density Residential) designation for this property.
2. The majority of the surrounding development consists of low density residential uses and zoning, consistent with the recommended zoning and density.

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. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

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. PR zoning up to 3 du/ac is compatible with surrounding development and should have a minimal impact on adjacent properties.

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 Northwest County Sector Plan appropriately proposes low density residential uses for the site, consistent with the recommended PR zoning up to 3 du/ac.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This recommended zoning does not present any apparent conflicts with any other adopted plans.

State law regarding amendments of the general plan (which include 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:

1. 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.
2. 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.

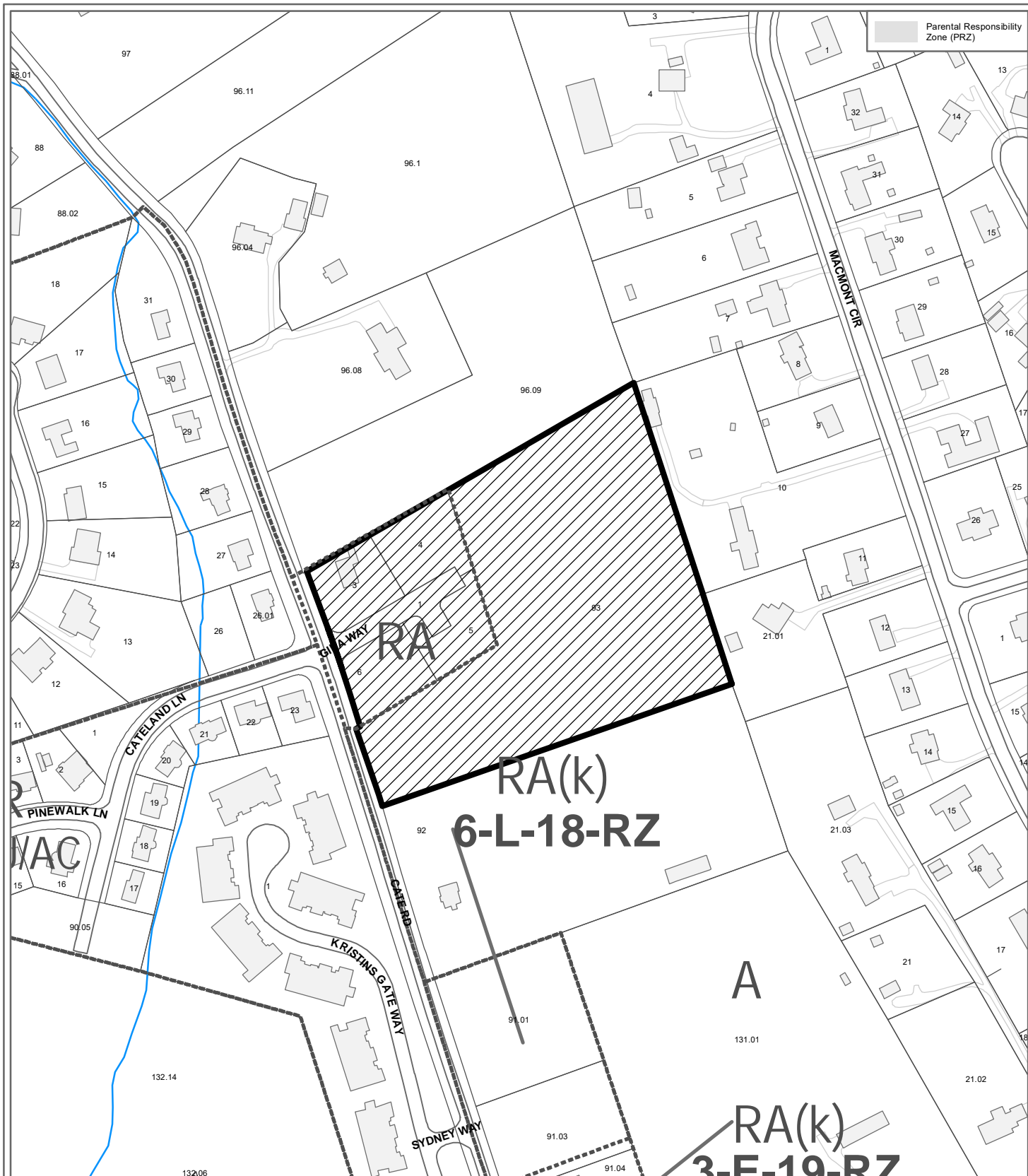
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 2 (public school children, grades K-12)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns 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.

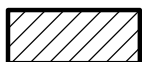
If approved, this item will be forwarded to Knox County Commission for action on 8/26/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**7-L-19-RZ  
REZONING**

From: A (Agricultural) & RA (Low Density Residential)

To: PR (Planned Residential)



Original Print Date: 6/18/2019 Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Smith / PLS, Ralph

Map No: 66

Jurisdiction: County



7/2/2019

7-L-19-RZ-PP 7-11-19

Knoxville-Knox County Planning Mail - fwd: File 7-L-19-RZ, July 11 meeting

Subject: File 7-L-19-RZ, July 11 meeting

To: Michelle Portier <[michelle.portier@knoxplanning.org](mailto:michelle.portier@knoxplanning.org)>

automatic

Michelle,

Please postpone this file for 30 days (to the Aug. 8th meeting) so we can have time to discuss our options some more. I look forward to meeting with you on Monday, July 8th at 3:30 P.M. Thanks for your time and have a great Fourth of July weekend.

--

Ralph Smith  
Professional Land Systems  
205 Lamar Ave.  
Clinton, TN 37716  
O:865-457-4606  
C:865-599-1508  
[ralph@plsurvey.com](mailto:ralph@plsurvey.com)

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**Michelle Portier, AICP**  
Planner  
865.215.3821



Knoxville-Knox County Planning | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902

# M P C

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PLANNING  
COMMISSION

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FAX • 215 • 2068  
www.knoxmpc.org

## ☐ REZONING ☐ PLAN AMENDMENT

Name of Applicant: RALPH SMITH / PLSDate Filed: 5/28/19Meeting Date: 7/11/19Application Accepted by: M PayneFee Amount: 1015.00 File Number: Rezoning 7-L-19-RZFee Amount: ✓ File Number: Plan Amendment ✓**PROPERTY INFORMATION**Address: 0 CATE RD; 5109, 5116, 5117 GINA WAYGeneral Location: NE SIDE CATE RD, DIRECTLY  
ACROSS FROM CATELAND LNParcel ID Number(s): 066 093 &  
066KH003, 004, 005 & 006Tract Size: APPROXIMATELY 8.3 AC.Existing Land Use: VACANTPlanning Sector: Northwest CountyGrowth Policy Plan: PlannedCensus Tract: 60.03Traffic Zone: 209Jurisdiction: ☐ City Council District  
☒ County Commission 6th District

### Requested Change REZONING

FROM: A & RATO: PR**PLAN AMENDMENT**☐ One Year Plan ☐ Sector PlanFROM: ✓TO: ✓**PROPOSED USE OF PROPERTY**DUPLEXESDensity Proposed 3 Units/AcrePrevious Rezoning Requests: 1-L-17-RZ☒ PROPERTY OWNER ☒ OPTION HOLDER

PLEASE PRINT

Name: DWIGHT DISNEYCompany: DISNEY JOINT VENTUREAddress: 2141 EMORY RDCity: POWELL State: TN Zip: 37849Telephone: 947-1581Fax: ✓E-mail: ✓**APPLICATION CORRESPONDENCE**

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: RALPH SMITHCompany: PLSAddress: 205 LAMAR AVECity: CLINTON State: TN Zip: 37716Telephone: 599-1508Fax: ✓E-mail: ralph6169@gmail.com**APPLICATION AUTHORIZATION**

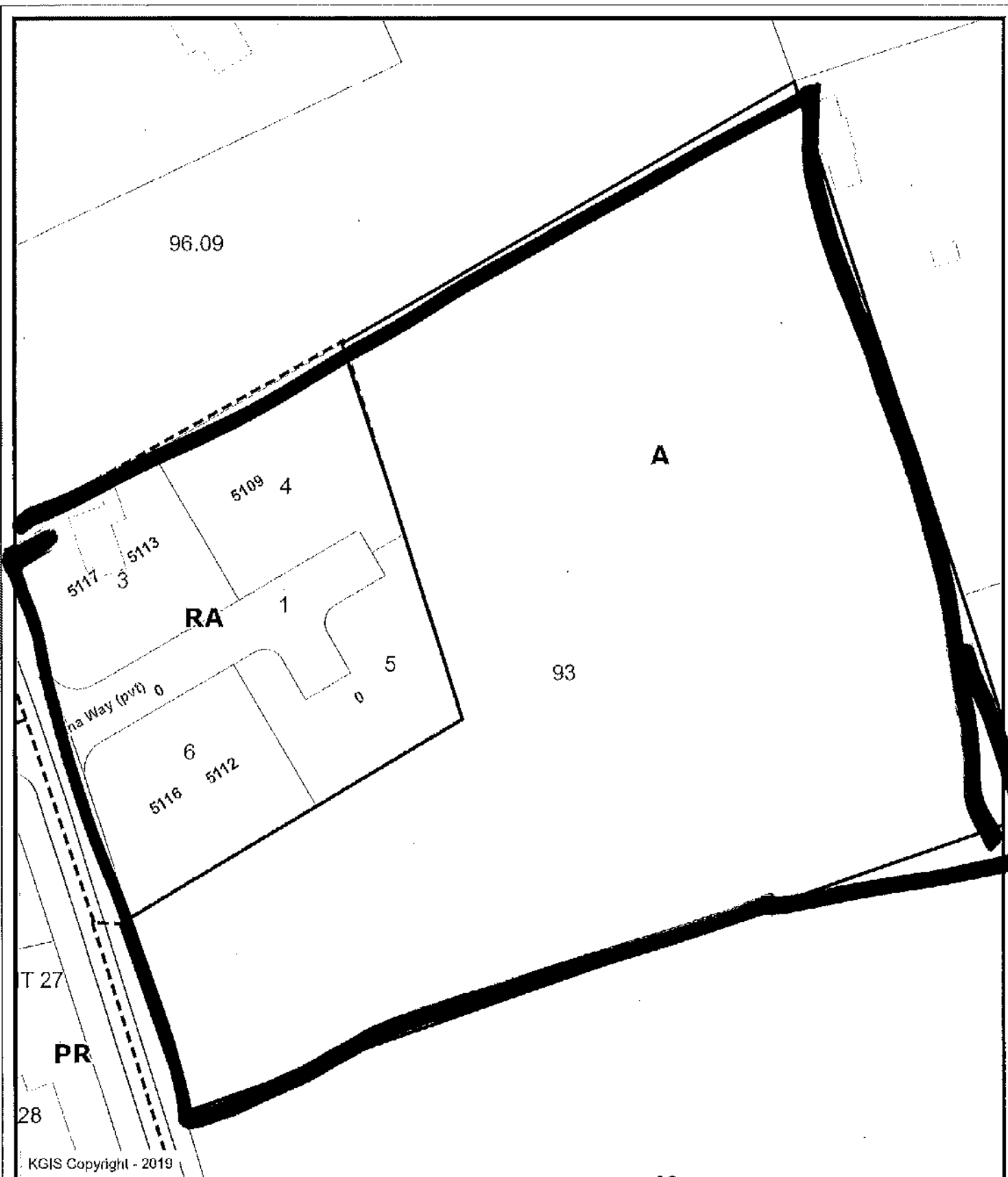
I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: Ralph Smith

PLEASE PRINT

Name: RALPH SMITHCompany: SAMEAddress: ✓City: ✓ State: ✓ Zip: ✓Telephone: ✓E-mail: ✓





## Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 5/28/2019 at 3:24:58 PM



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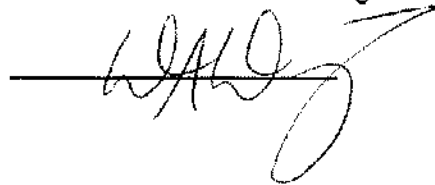
May 23, 2019

MPC  
Suite 403, City County Bldg.  
400 Main St.  
Knoxville, TN 37902

RE: Rezoning application

Dear Sirs,

Please allow Ralph Smith / PLS to represent Disney Joint Venture in our application to rezone tax parcel 066 093, aka 0 Cate Road, and tax parcels 066KH003, 004, 005 & 006 on Gina Way, from the current "A" and "RA" zoning to "PR" zoning. Thank you.

A handwritten signature in dark ink, appearing to read "Dwight Disney", is written over a horizontal line.

Dwight Disney  
Disney Joint Venture  
2141 Emory Rd.  
Powell, TN 37849

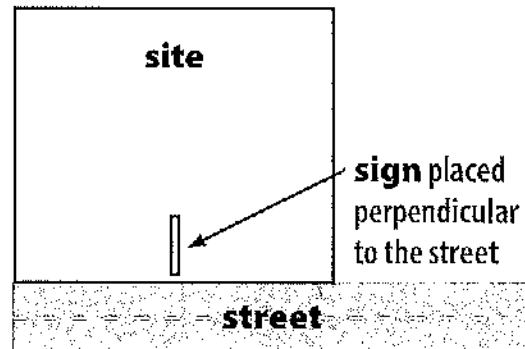
## REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

### LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

6/26/19 and 7/12/19  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Ralph Smith

Printed Name: RALPH SMITH

Phone: 599-1508 Email: ralph6169@gmail.com

Date: 5/28/19

File Number: 7-L-19-R2