

# REZONING REPORT

▶ **FILE #:** 4-C-21-RZ

**AGENDA ITEM #:** 12

**AGENDA DATE:** 4/8/2021

▶ **APPLICANT:** MARK SHOEMAKER  
OWNER(S): MF & Barbara Shoemaker

TAX ID NUMBER: 38 N A 019 [View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 3530 Cunningham Rd.

▶ **LOCATION:** Southeast side of Cunningham Road, northeast of Fraker Road, southeast of Beaver Brook Drive

▶ **APPX. SIZE OF TRACT:** 1.5 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Cunningham Rd, a major collector street with 20ft of pavement and 45ft 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:** RA (Low Density Residential)

▶ **EXISTING LAND USE:** Single family residential

▶  
EXTENSION OF ZONE: No

HISTORY OF ZONING: N/A

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

South: Office - PC (Planned Commercial)

East: Rural residential - A (Agriculture)

West: Rural residential - A (Agriculture)

NEIGHBORHOOD CONTEXT: The subject property is located on the south side of Cunningham Rd in an area with a mix of single family residential, offices, and rural residential in the A, and PC zones.

**STAFF RECOMMENDATION:**

▶ **Approve RA (Low Density Residential) because it is consistent with the surrounding development.**

**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. The subject area is within a half mile of the Maynardville Pike commercial corridor.
2. Surrounding properties have been transitioning from Agricultural zoning to RB, RA and PR zoning since the 1990s. Surrounding subdivisions are zoned RB and PR, the latter with densities ranging from 12 to 19 du/ac.

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

1. The RA (Low Density Residential) zone is intended to provide for residential areas with low population densities. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.

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. This property is located in the Planned Growth Area of the Growth Policy Plan and this rezoning would continue the trend of permitting additional opportunity for residential housing in this area.
2. The property is also adjacent to the office areas along Neal Drive.

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's land use designation of LDR (Low Density Residential) permits consideration of densities up to 5 du/ac in the Planned Growth Area.
2. This property is within the Planned Growth Area of the Growth Policy Plan and appears to be serviced by both water and wastewater.

ESTIMATED TRAFFIC IMPACT: 78 (average daily vehicle trips)

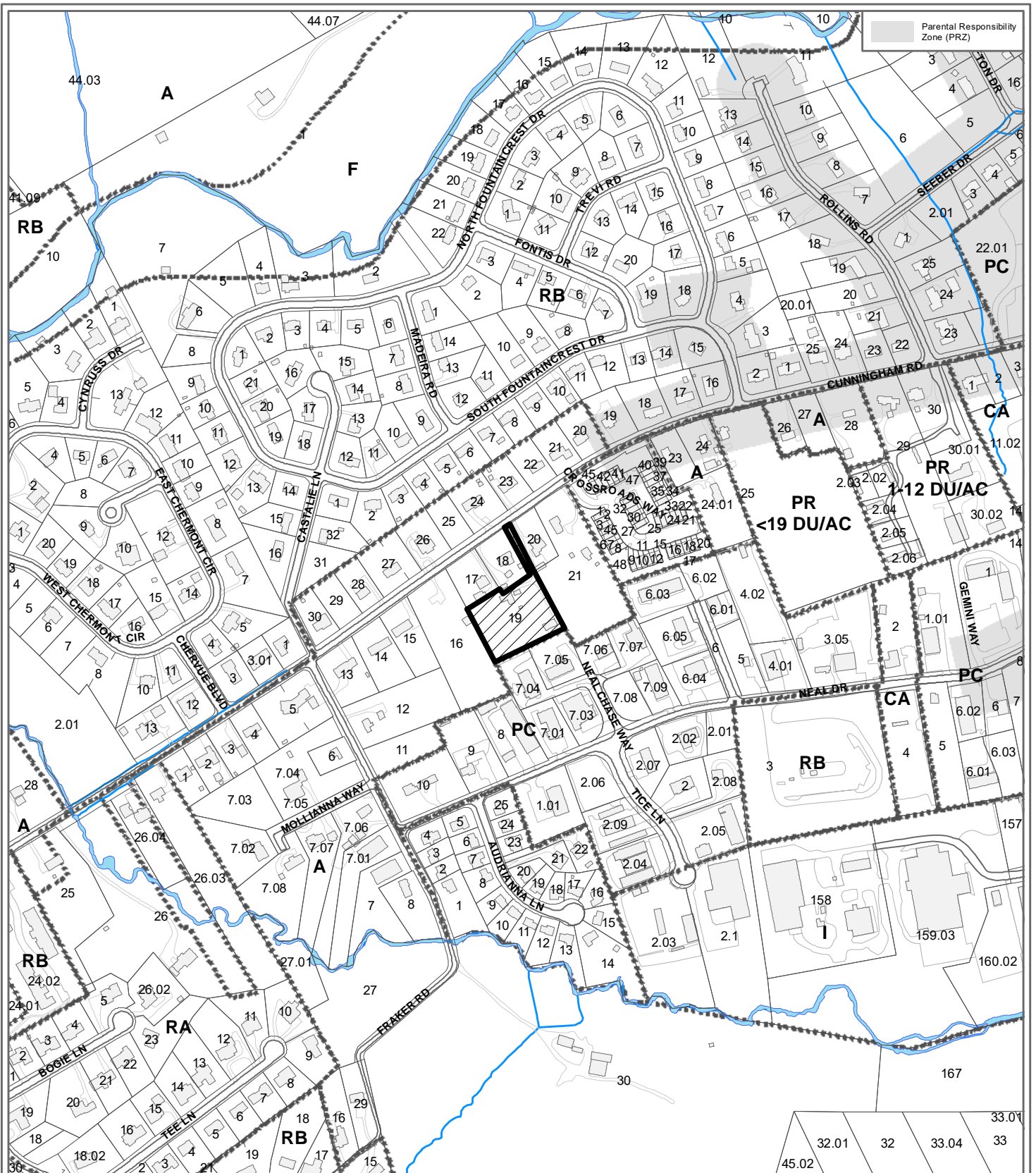
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 2 (public school children, grades K-12)

Schools affected by this proposal: Adrian Burnett Elementary, Halls Middle, and Halls 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 5/24/2021. 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.



**4-C-21-RZ  
REZONING**



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

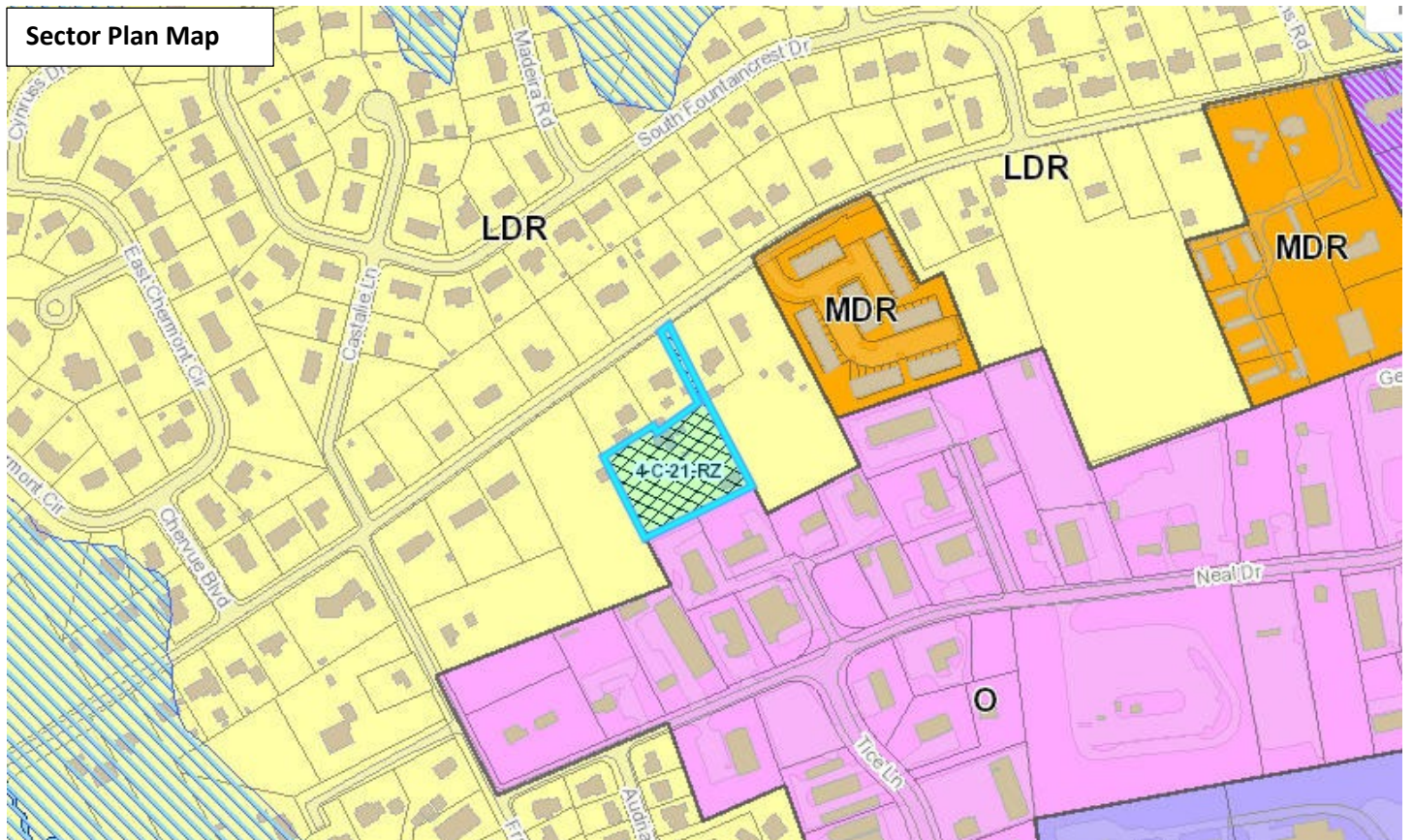
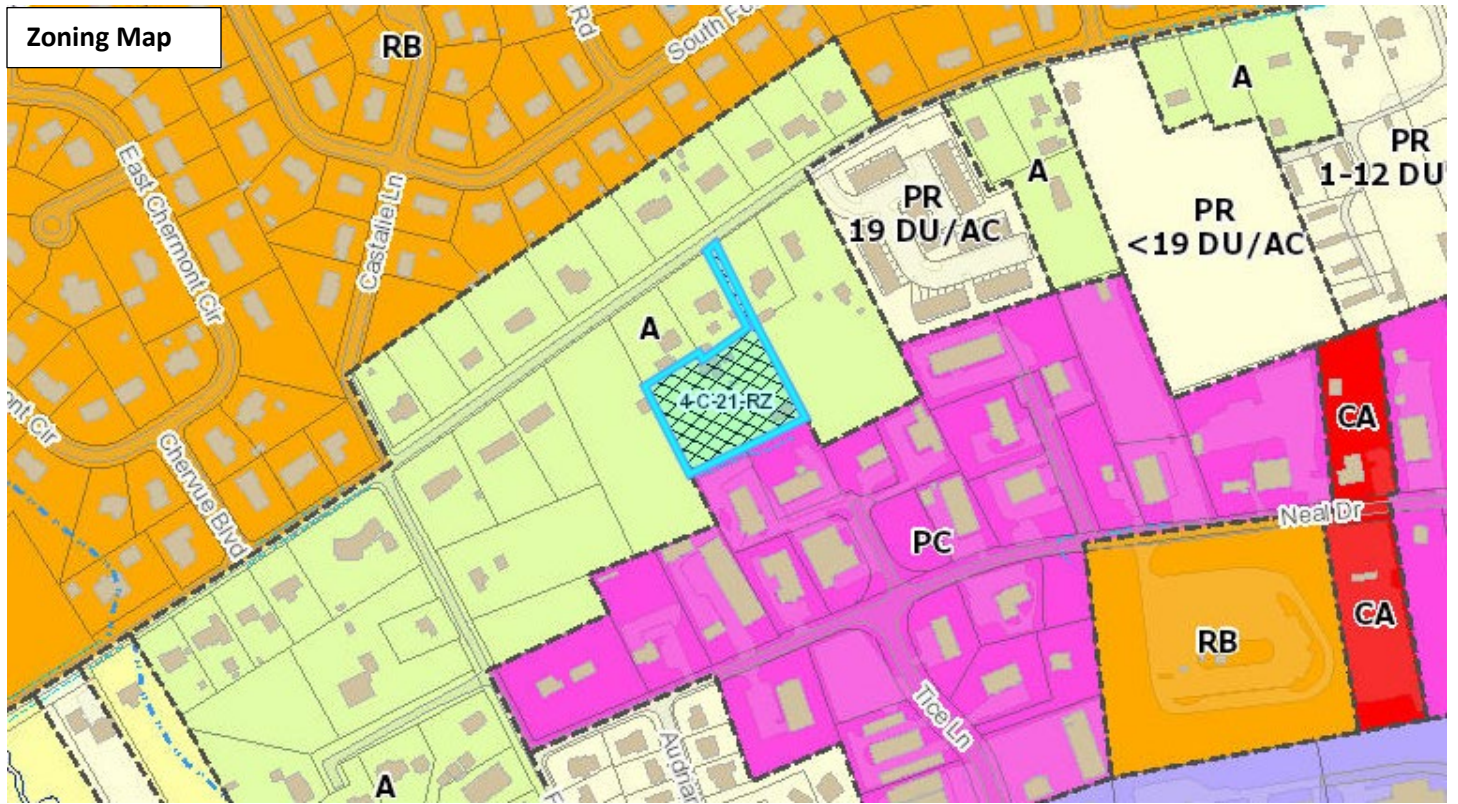
Original Print Date: 3/10/2021      Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Shoemaker, Mark

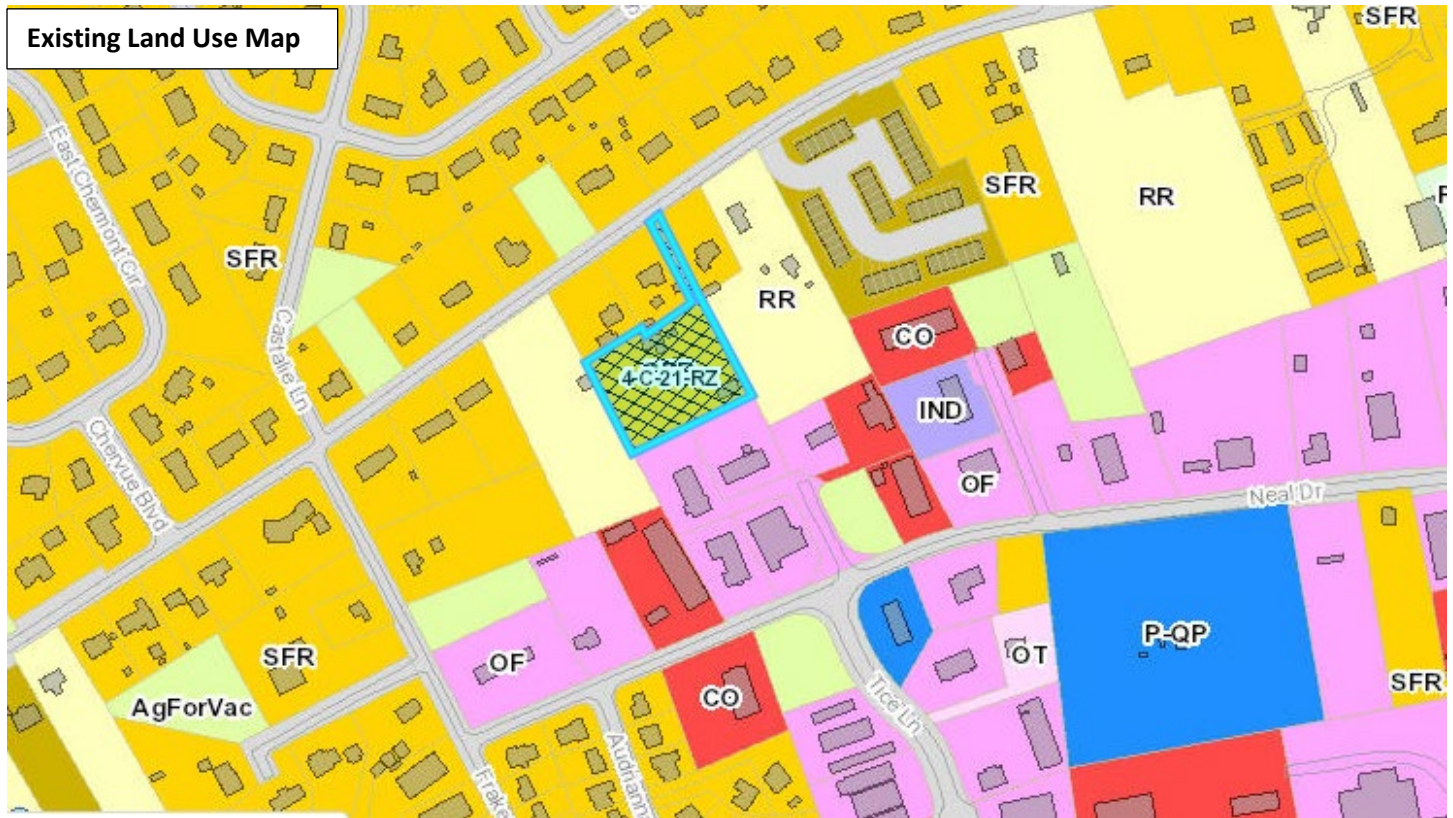
Map No: 38  
Jurisdiction: County



# Exhibit A. 4-C-21-RZ Contextual Images



# Exhibit A. 4-C-21-RZ Contextual Images





# Development Request

## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - SP
  - OYP
- Rezoning

Mark Shoemaker

Son

Applicant Name

Affiliation

2/18/21

~~March~~ April 8, 2021

File Number(s)

Date Filed

Meeting Date (if applicable)

4-C-21-RZ

## CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Mark Shoemaker

Name

Company

1947 Cascade Falls Lane

Knoxville

TN

37931

Address

City

State

ZIP

865-406-6275

2jcm@comcast.net

Phone

Email

## CURRENT PROPERTY INFO

MF & Barbara Shoemaker

Owner Name (if different)

Owner Address

Owner Phone

3530 Cunningham Rd

038NA-019-~~6537879875~~

Property Address

Parcel ID

Hallsdale Powell

Hallsdale Powell

y

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

Southeast side of Cunningham Rd., Northeast of Fraker Rd., southeast of Beaver 1.5 acres

General Location

Tract Size

7th

A

SFR

City  County

District

Zoning District

Existing Land Use

North County

LDR

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

## DEVELOPMENT REQUEST

- Development Plan   
  Use on Review / Special Use   
  Hillside Protection COA  
 Residential   
  Non-Residential

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

## SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Combine Parcels   
  Divide Parcel  
 Unit / Phase Number \_\_\_\_\_

Total Number of Lots Created

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

## ZONING REQUEST

Zoning Change    RA  
 Proposed Zoning \_\_\_\_\_

Pending Plat File Number

Plan Amendment Change  
 Proposed Plan Designation(s) \_\_\_\_\_

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

- Staff Review   
  Planning Commission

### ATTACHMENTS

- Property Owners / Option Holders   
  Variance Request

### ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)  
 Use on Review / Special Use (*Concept Plan*)  
 Traffic Impact Study  
 COA Checklist (*Hillside Protection*)

Fee 1		Total
0324	600.00	
Fee 2		
Fee 3		
		\$600.00

## AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

*All Original submission* Mark Shoemaker

2/18/21

Applicant Signature

Please Print

Date

865-406-6275

2jcm@comcast.net

Phone Number

Email

*Sherry Michienzi*

Sherry Michienzi

2/19/2021

Staff Signature

Please Print

Date

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- Development Plan  
  Use on Review / Special Use  
  Hillside Protection COA  
 Residential  
  Non-Residential

Home Occupation (specify) \_\_\_\_\_

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 COA Checklist (*Hillside Protection*)

Fee 1	Total
Fee 2	
Fee 3	

## AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

*Mark Shoemaker*  
Applicant Signature

Mark Shoemaker

2/18/21

Please Print

Date

865-406-6275

2jcm@comcast.net

Phone Number

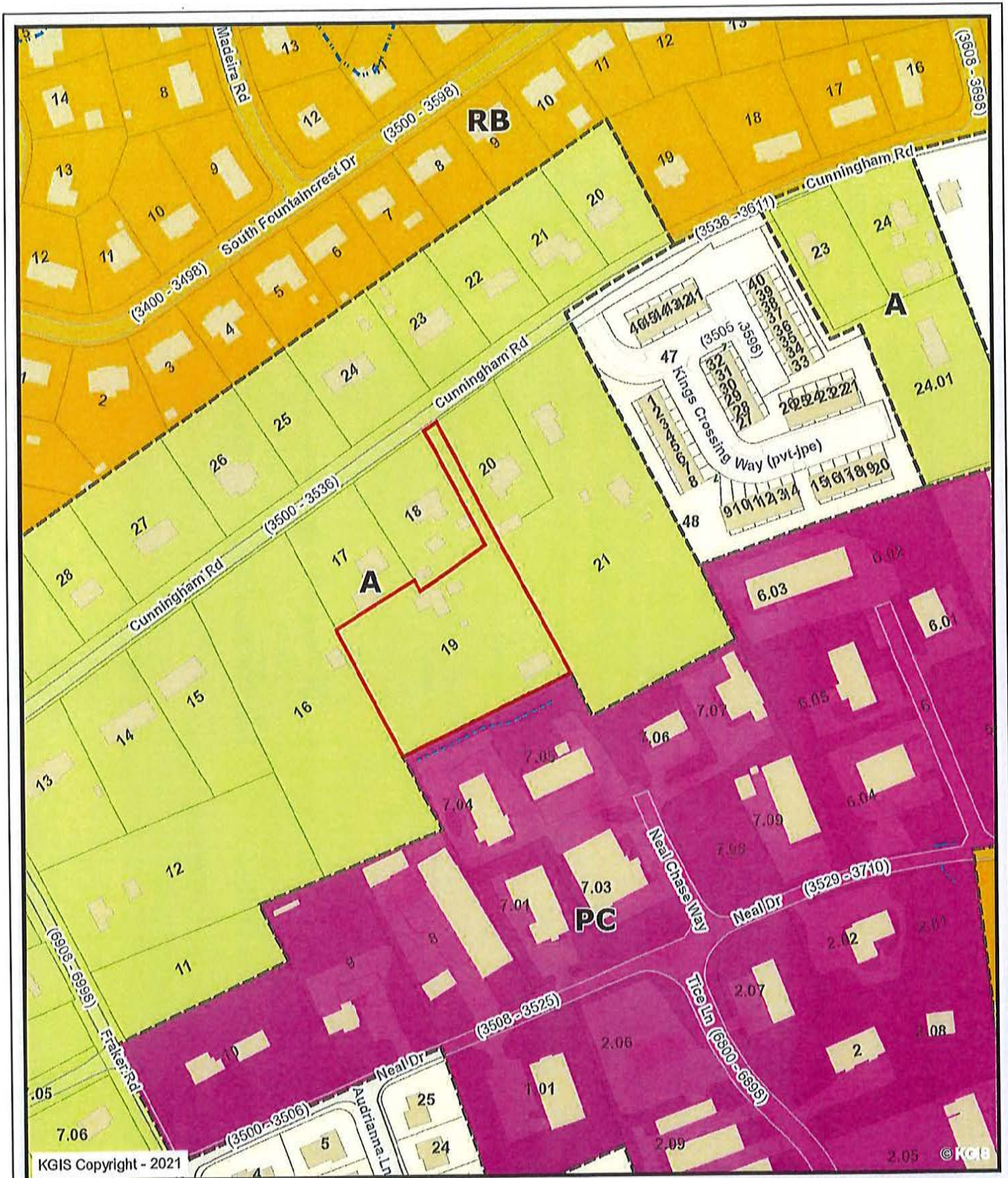
Email

Staff Signature

Please Print

Date



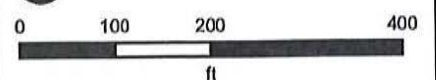


3530 Cunningham Rd.

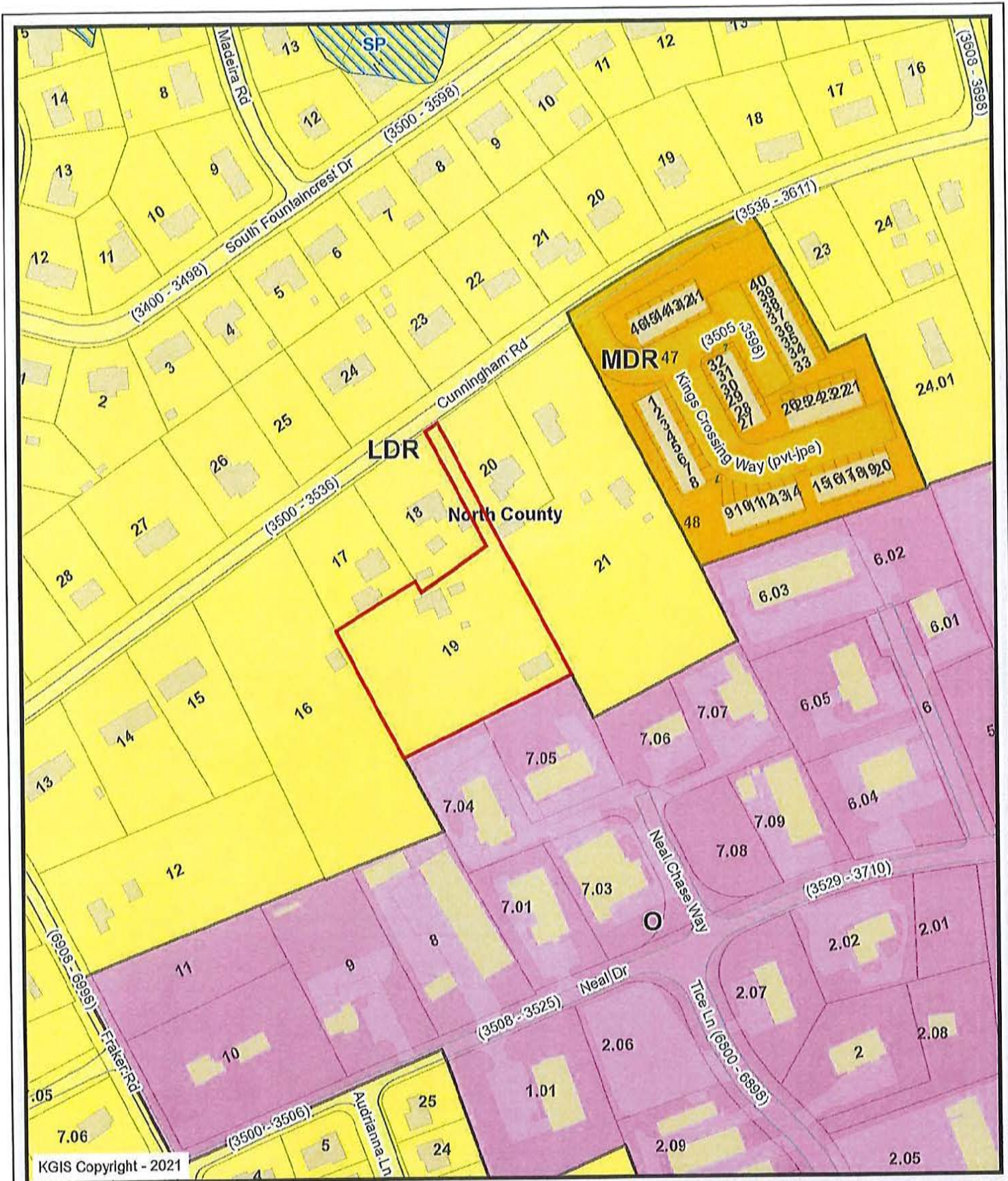
Knoxville - Knox County - KUB Geographic Information System



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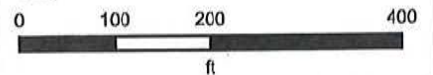
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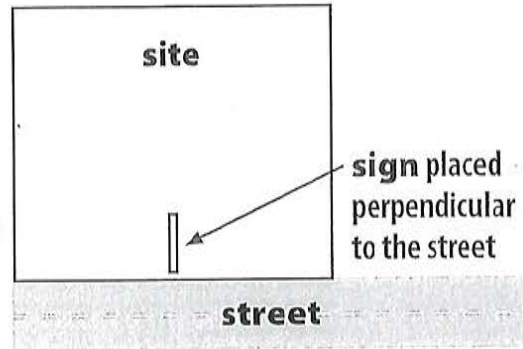
## REQUIRED SIGN POSTING AGREEMENT

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:

March 24th (Wed) and April 9th (Fri)  
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: *Jul Reid*

Printed Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Date: 2-19-2021

File Number: 4-C-21-RZ