

REZONING REPORT

▶ **FILE #:** 12-L-22-RZ

AGENDA ITEM #: 25

AGENDA DATE: 12/8/2022

▶ **APPLICANT:** DAVID CHEBAN

OWNER(S): David Cheban

TAX ID NUMBER: 105 142

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 7701 JENKINS RD

▶ **LOCATION:** North side of Jenkins Rd, east of Pinebark Dr, west of Summer Spring Blvd.

▶ **APPX. SIZE OF TRACT:** 1.9 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Jenkins Rd, a minor collector with a pavement width of 20-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek

▶ **PRESENT ZONING:** A (Agricultural), RA (Low Density Residential)

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

▶ **EXISTING LAND USE:** Single Family Residential

▶ **DENSITY PROPOSED:** 5 du/ac

EXTENSION OF ZONE:

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Rural residential, Single family residential - A (Agricultural), RA (Low Density Residential)

South: Right-of-way, Single family residential, Agricultural/Forestry/Vacant - A (Agricultural), RA (Low Density Residential)

East: Single family residential, Agricultural/Forestry/Vacant - A (Agricultural), RA (Low Density Residential), PR (Planned Residential)

West: Single family residential, Agricultural/Forestry/Vacant, Rural residential - A (Agricultural), RA (Low Density Residential), PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This area is compromised of low density single family detached homes on independent lots and in subdivisions.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone at a density up to 4 du/ac because it is consistent with the sector plan and surrounding development.**

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01:
THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 COUNTY GENERALLY:

1. Since 1980, this area has been building out the remaining agricultural areas with single family residential dwellings mostly under the PR zoning up to 4 du/ac.

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

1. The regulations established in this zone are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems.

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. Staff recommends reducing the density from 5 du/ac to 4 du/ac to better align with the surrounding residential charter of Jenkins Rd, which is developed at a density of no greater than 4 du/ac.

2. The proposed amendment would not adversely impact the surrounding area because the adjacent area consists of low-density residential uses.

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 proposed PR zone of 4 du/ac is consistent with the Northwest County Sector Plan's LDR (Low Density Residential) land use designation and Planned Growth Area of the Growth Policy Plan.

2. The proposed zone change is not in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 99 (average daily vehicle trips)

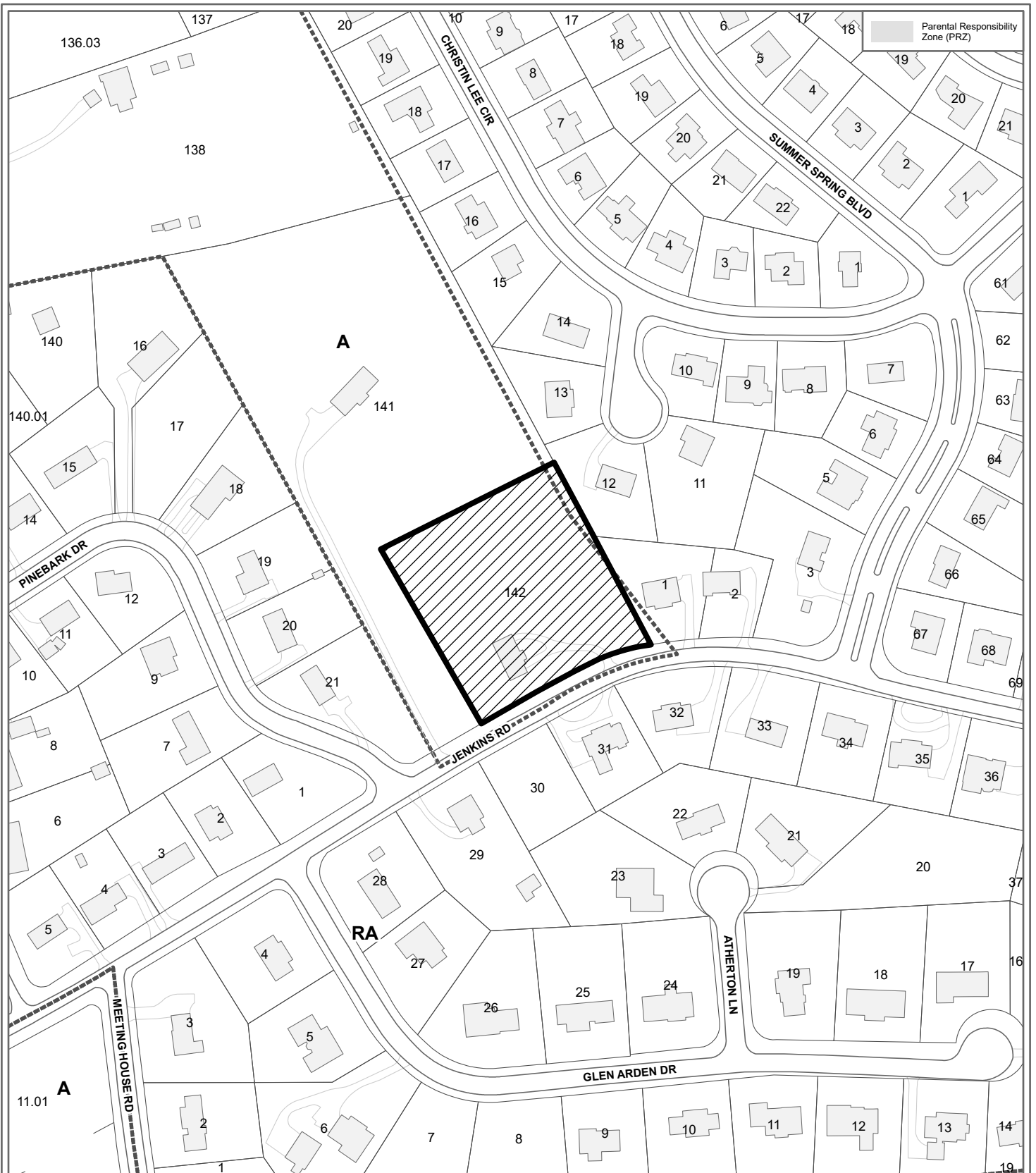
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 3 (public school children, grades K-12)

Schools affected by this proposal: Ball Camp Elementary, Karns Middle, and Hardin Valley Academy.

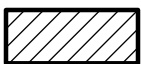
- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries 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 1/23/2023. 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.



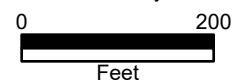
**12-L-22-RZ
REZONING**

From: A (Agricultural), RA (Low Density Residential)
To: PR (Planned Residential)



Petitioner: David Cheban

Map No: 105
Jurisdiction: County



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	82,075	1.88			
Non-Hillside	47,442	1.09	N/A		
0-15% Slope	6,390	0.15	100%	6,390	0.1
15-25% Slope	27,404	0.63	50%	13,702	0.3
25-40% Slope	839	0.02	20%	168	0.0
Greater than 40% Slope	0.00	0.00	10%	0.00	0.0
Ridgetops					
Hillside Protection (HP) Area	34,633	0.80	Recommended disturbance budget within HP Area	20,260	0.5
			Percent of HP Area	0.6	

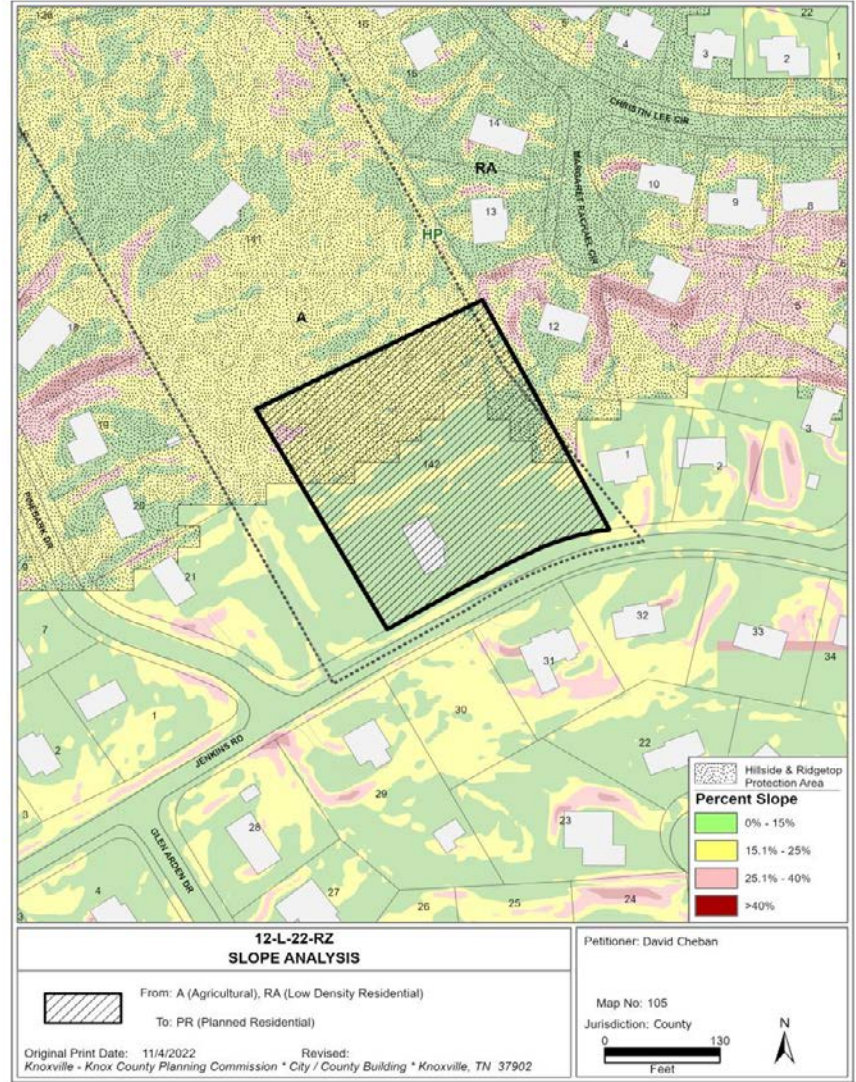


Exhibit A. 12-L-22-RZ Contextual Images

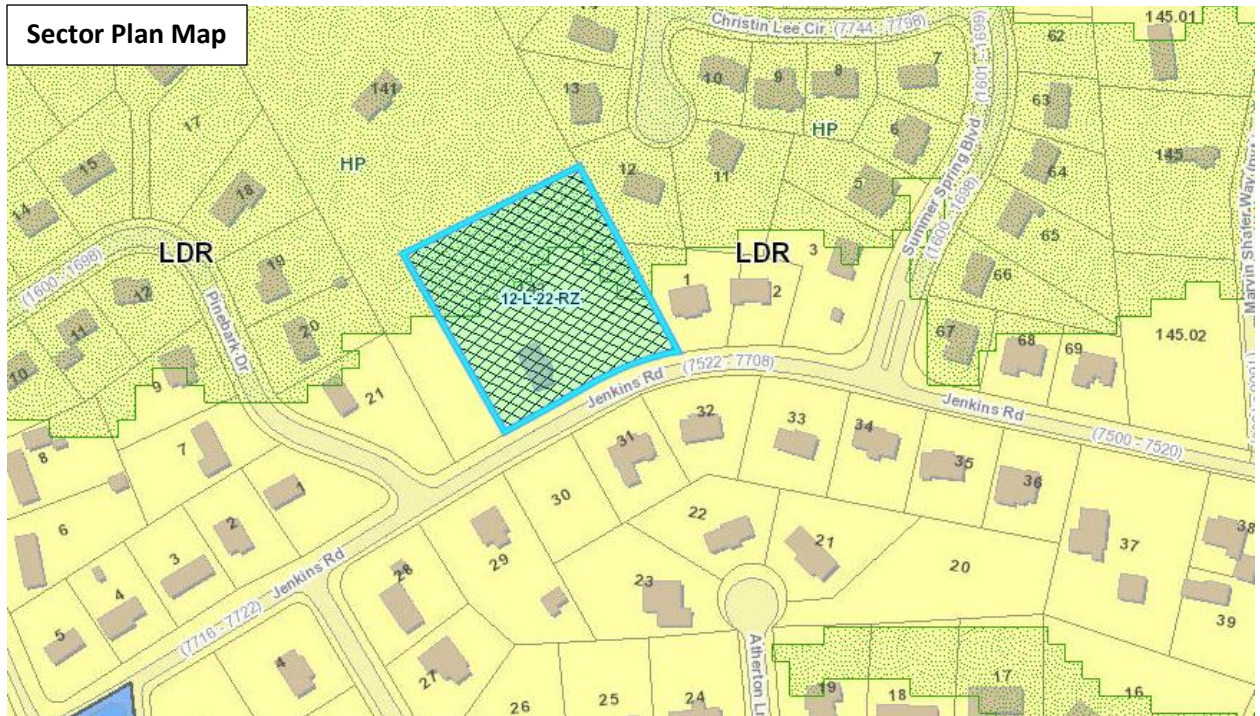
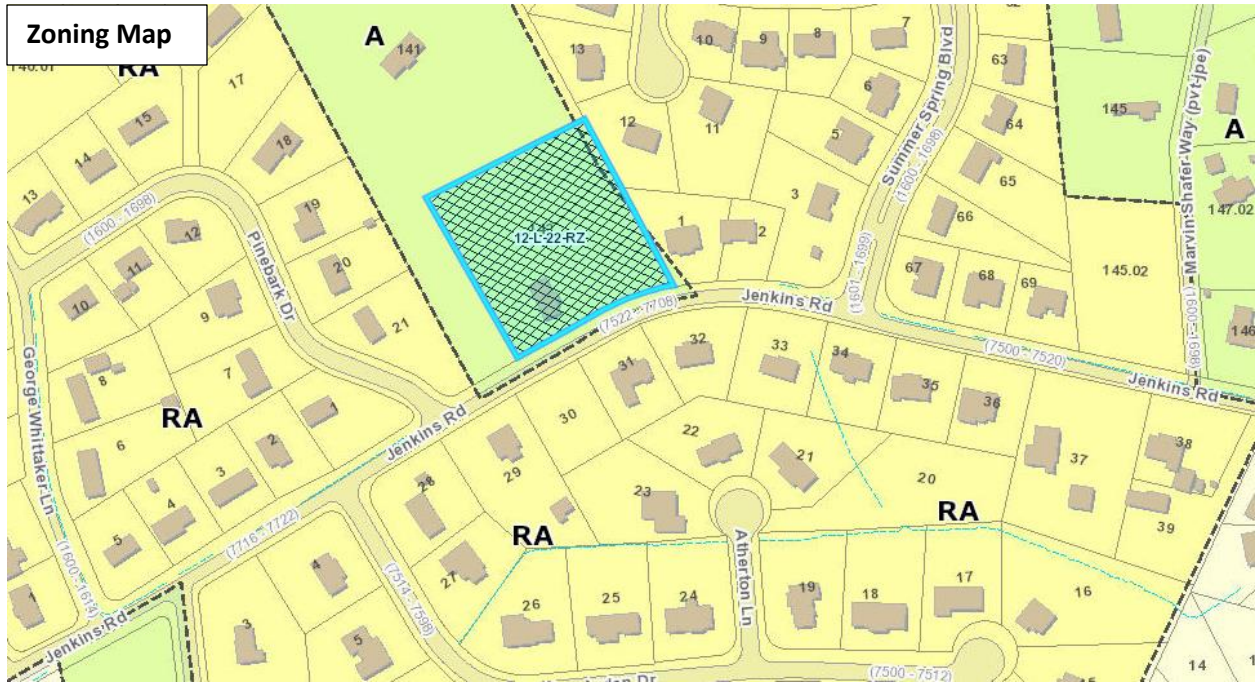


Exhibit A. 12-L-22-RZ Contextual Images





Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

David Cheban

Applicant Name

Affiliation

10/24/2022

Date Filed

12/8/2022

Meeting Date (if applicable)

12-L-22-RZ

File Number(s)

CORRESPONDENCE

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

David Harbin Batson, Himes, Norvell and Poe

Name / Company

4334 Papermill Dr. Dr. Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

David Cheban

Owner Name (if different)

6371 Cain Rd Knoxville TN 37921

Owner Address

865-816-4099

Owner Phone / Email

7701 JENKINS RD

Property Address

105 142

Parcel ID

1.9 acres

Tract Size

Part of Parcel (Y/N)?

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Jenkins Rd, east of Pinebark Dr, west of Summer Spring Blvd.

General Location

City

Commission District 3

A (Agricultural), RA (Low Density Residential)

Single Family Residential

Count

District

Zoning District

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential), HP (Hillside Protection)

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	
Proposed Plan Designation(s)	

5 du/ac

Proposed Density (units/acre) Previous Zoning Requests

Additional Information _____

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
\$650.00	
Fee 2	
Fee 3	

AUTHORIZATION

Applicant Signature: **David Cheban** Date: **10/24/2022**
Please Print

Phone / Email

Property Owner Signature: **David Cheban** Date: **10/24/2022**
Please Print

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



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

DAVID CHEBAN

Applicant Name

Affiliation

10-24-22

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

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

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

DAVID HARBIN

Name

BATSON Himes NORVELL + POE

Company

4334 Papermill rd

Address

Knoxville

City

TN

State

37909

ZIP

865-588-6472

Phone

harbin@bhn-p.com

Email

CURRENT PROPERTY INFO

Property Owner Name (if different)

6371 Cain rd
Knoxville, TN 37921

Property Owner Address

865-816-4099

Property Owner Phone

7701 Jenkins rd

Property Address

TAX MAP 165 142 (PARCEL)

Parcel ID

WKUP

Sewer Provider

WKUP

Water Provider

NO

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

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

Related Rezoning File Number

Proposed Subdivision Name

- Combine Parcels
 Divide Parcel

Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change PR
 Proposed Zoning

Plan Amendment Change
 Proposed Plan Designation(s)

5 units/acre

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
Fee 2	
Fee 3	

AUTHORIZATION


 Applicant Signature

DAVID HARBIN
 Please Print

10-24-22
 Date

865-588-6472
 Phone Number

harbin@bhn-p.com
 Email

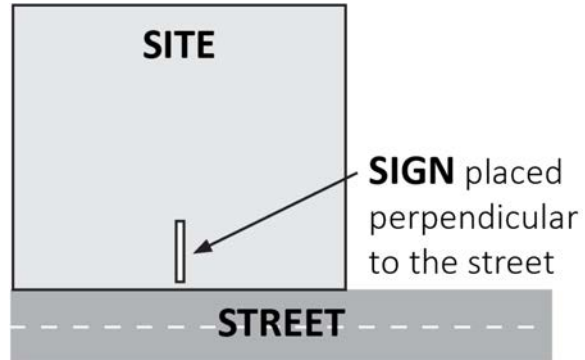

 Property Owner Signature

DAVID CHEBAN
 Please Print

10-24-22
 Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ 11/25/2022 _____ and _____ 12/9/2022 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: David Cheban

Date: 10/24/22

File Number: 12-L-22-RZ

- Sign posted by Staff
 Sign posted by Applicant