

REZONING REPORT

▶ **FILE #:** 4-T-23-RZ

AGENDA ITEM #: 33

AGENDA DATE: 4/13/2023

▶ **APPLICANT:** GARRY BURKE
OWNER(S): Burke Properties, LLC Burke Properties, LLC

TAX ID NUMBER: 28 O C 005,014,013 [View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 0 FREEWAY HEIGHTS DR (0, 7717 HEIGHTS DR)

▶ **LOCATION:** West of Freeway Heights Dr and South of Gordon Smith Rd

▶ **APPX. SIZE OF TRACT:** 1.86 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Freeway Heights Drive is an unstriped local road with a 12-ft pavement width inside a 19-ft 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:** Agriculture/forestry/vacant land & single family residential

▶ **DENSITY PROPOSED:** up to 5 du/ac

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Single family residential and multiresidential (triplex) - RA (Low Density Residential)

South: Single family residential - A (Agricultural) & PR (Planned Residential) up to 5 du/ac

East: Norris Freeway Right-of-Way

West: Rural residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: Freeway Heights Drive consists predominantly of small-lot, single-family detached dwellings. A commercial node is located a little less than a mile away to the east at the intersection of Norris Freeway and E. Emory Road.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone with up to 2 du/ac because it is consistent with the sector plan and brings the subject properties into compliance with the Knox County Zoning Ordinance.**

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 CITY/COUNTY GENERALLY:

1. There have been no significant changes in this area that would prompt a rezoning. However, none of the lots meet the A (Agricultural) zone's minimum lot size, as each is a little over 1/2 acre in size and the A zone requires a minimum of 1 acre. The recommended PR zone with up to 2 du/ac would bring the lots into compliance, and this zoning is consistent with the LDR designation for this property.

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

1. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. 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. Freeway Heights Drive is only approximately 12-ft wide, which does not meet public road standards. Rezoning to allow more residences above what is currently allowed would put more pressure on this road. The Knox County Engineering and Public Works Department has stated that additional residences beyond what is currently allowed would trigger road improvements along the length of Freeway Heights Drive. This road is not one the County has any plans to improve or widen.

2. This property is located in an area with a mix of residential zones and densities. Surrounding zones include A (Agricultural) and RAE (Exclusive Residential), each with large minimum lot sizes, and RA (Low Density Residential) and PR (Planned Commercial) with up to 5 du/ac. However, the residential streets and developments with higher densities in the nearby area are constructed on roads that do not have the same access issues as the subject property.

3. At the requested density of 5 du/ac, a maximum of 9 dwellings would be allowed. While this would not be a significant drain on utilities, it would likely cause a strain on this sub-standard street. At the recommended density of 2 du/ac, the applicant could build 3 dwelling units, the same as the current lot configuration allows. The PR zone would provide greater flexibility for locating dwelling units on the site, and would bring the lots into compliance with the Zoning Ordinance.

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's LDR (Low Density Residential) land use classification allows consideration of up to 5 du/ac in the County's Planned Growth Area.

2. This recommended zoning of PR with up to 2 du/ac does not appear to be in conflict with the General Plan or any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 110 (average daily vehicle trips)

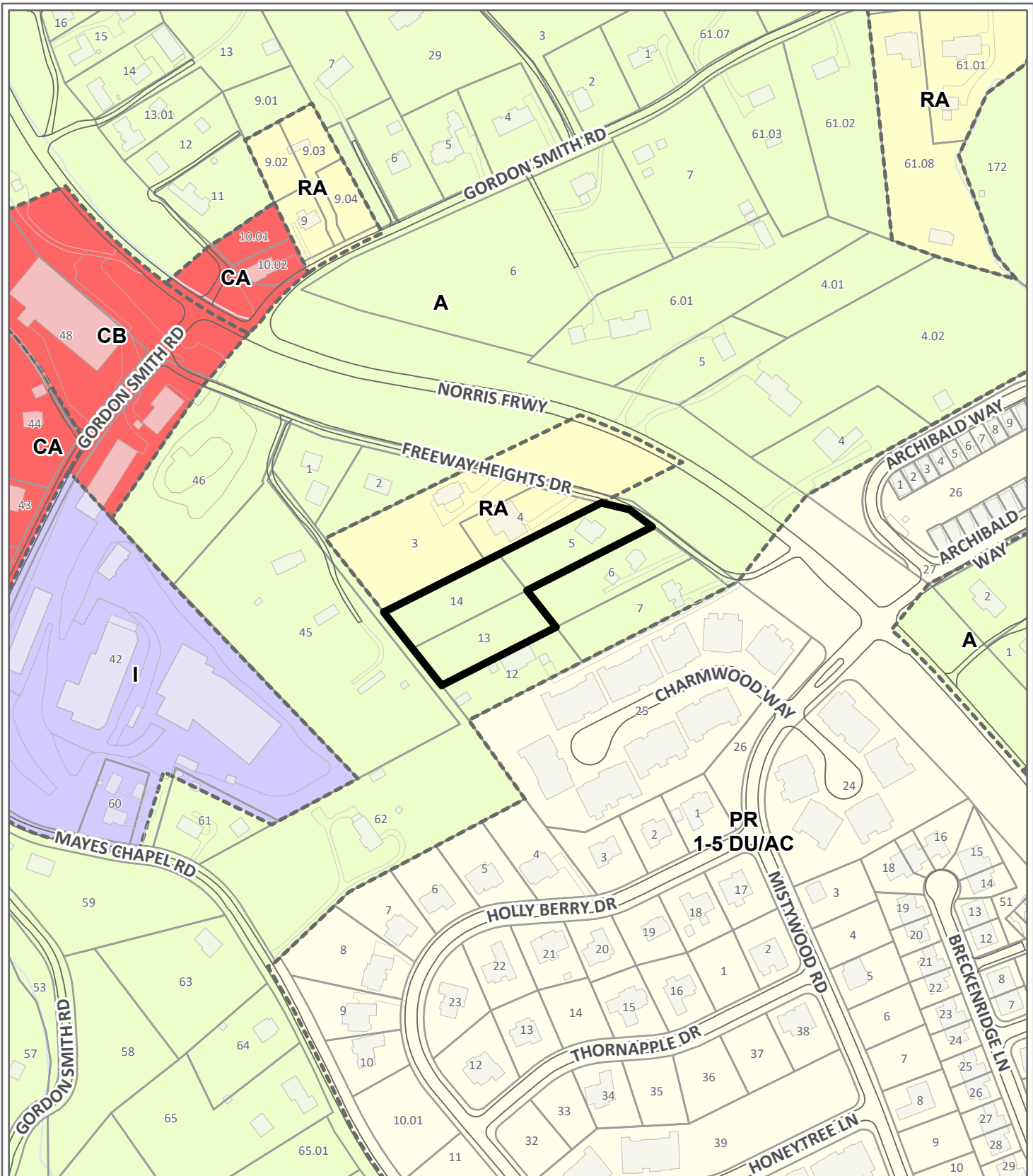
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 4 (public school children, grades K-12)

Schools affected by this proposal: Halls 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 5/22/2023. 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.



REZONING

4-T-23-RZ

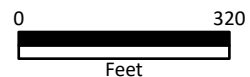
Petitioner: Garry Burke

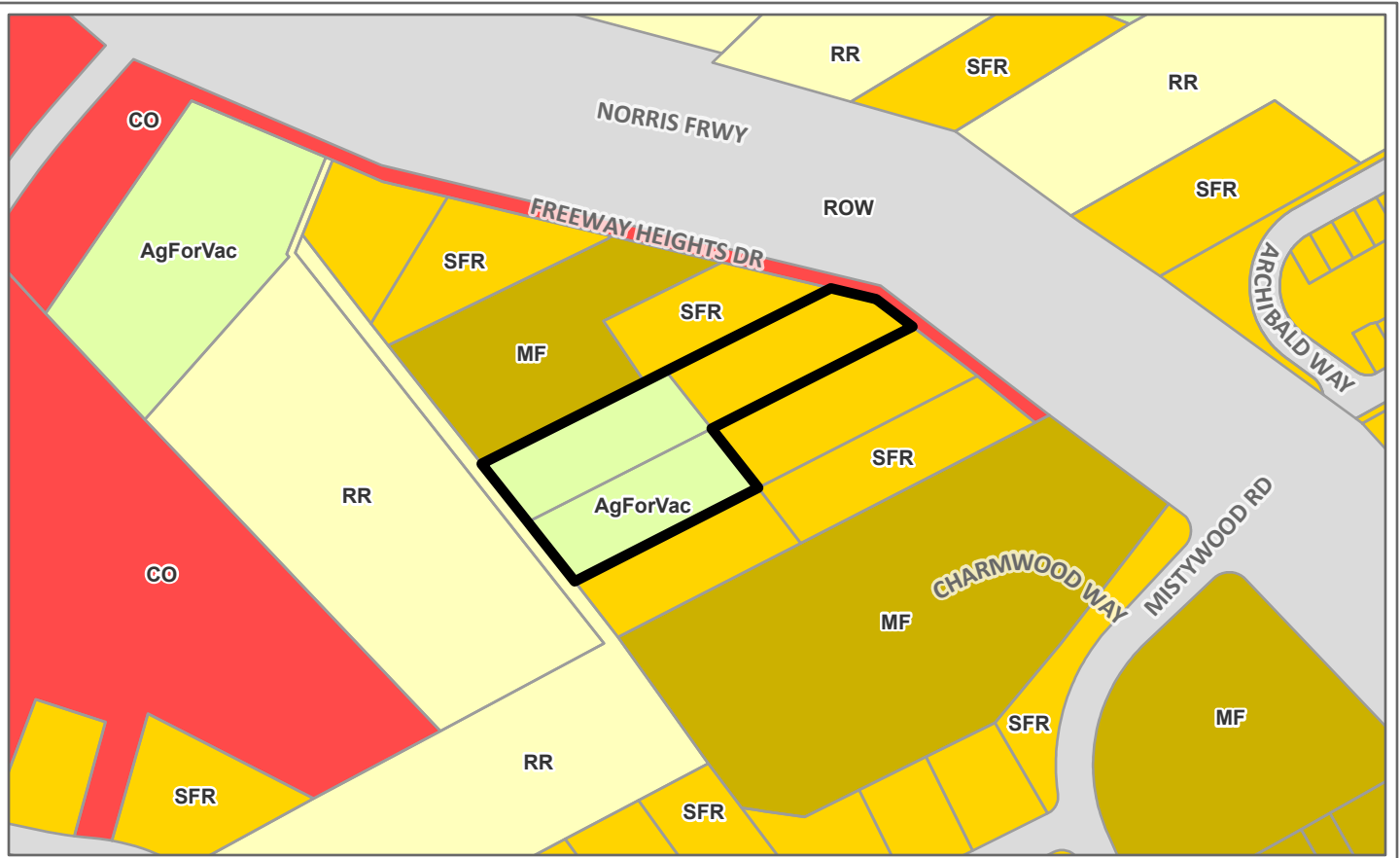


From: A (Agricultural)
To: PR (Planned Residential)

Map No: 28
Jurisdiction: County

Original Print Date: 4/4/2023
 Knoxville - Knoxville County Planning Commission * City / County Building * Knoxville, TN 37902



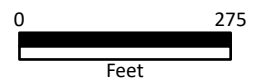


Existing Land Use and Aerial Maps

4-T-23-RZ



Case boundary





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

Garry Burke

Applicant Name

Affiliation

3/7/2023

Date Filed

4/13/2023

Meeting Date (if applicable)

4-T-23-RZ

File Number(s)

CORRESPONDENCE

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

Garry Burke GLB Contractor

Name / Company

1629 Capitol Blvd Knoxville TN 37931

Address

615-521-2827 / bonusburke@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Burke Properties, LLC Burke Properties,

Owner Name (if different)

205 Powell PI 223 Brentwood TN 37931

Owner Address

615-367-0819

Owner Phone / Email

0 FREEWAY HEIGHTS DR / 0, 7717 HEIGHTS DR

Property Address

28 O C 005,014,013

Parcel ID

Part of Parcel (Y/N)?

1.86 acres

Tract Size

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

West of Freeway Heights Dr and South of Gordon Smith Rd

General Location

City **Commission District 7 A (Agricultural)**

Agriculture/forestry/vacant land & single family residential

County District

Zoning District

Existing Land Use

North 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	
Total Number of Lots Created	
Additional Information	
<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: **Garry Burke** Please Print Date: **3/7/2023**

Phone / Email

Property Owner Signature: **Burke Properties, LLC Burke Properties, LLC** Please Print Date: **3/7/2023**

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

Garry Burke

Applicant Name	Affiliation	
02/23/2023	04/13/2023	File Number(s)
Date Filed	Meeting Date (if applicable)	

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

Garry Burke		GLB Contractor	
Name		Company	
1629 Capitol Blvd	Knoxville	TN	37931
Address		City	State
6155212827	Bonusburke@gmail.com		
Phone	Email		

CURRENT PROPERTY INFO

Burke Properties, LLC		205 POWELL PL 223 BRENTWOOD TN 3702		6153670819
Property Owner Name (if different)		Property Owner Address		Property Owner Phone
7717 Freeway Heights Drive		0280C005		
Property Address		Parcel ID		
Hallsdale-Powell Utility District		Hallsdale-Powell Utility District		N
Sewer Provider		Water Provider		Septic (Y/N)

STAFF USE ONLY

General Location		Tract Size	
<input type="checkbox"/> City <input type="checkbox"/> County	District	Zoning District	Existing Land Use
Planning Sector	Sector Plan Land Use Classification		Growth Policy Plan Designation

August 29, 2022

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

Unit / Phase Number _____

- Combine Parcels Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements _____

ZONING REQUEST

Zoning Change

RA to PR

Proposed Zoning

Pending Plat File Number

Plan Amendment Change

Proposed Plan Designation(s) _____

LDR 5du/ac

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

Garry Burke

Please Print

02/23/23

Date

6155212827

Phone Number

Bonusburke@gmail.com

Email



Property Owner Signature

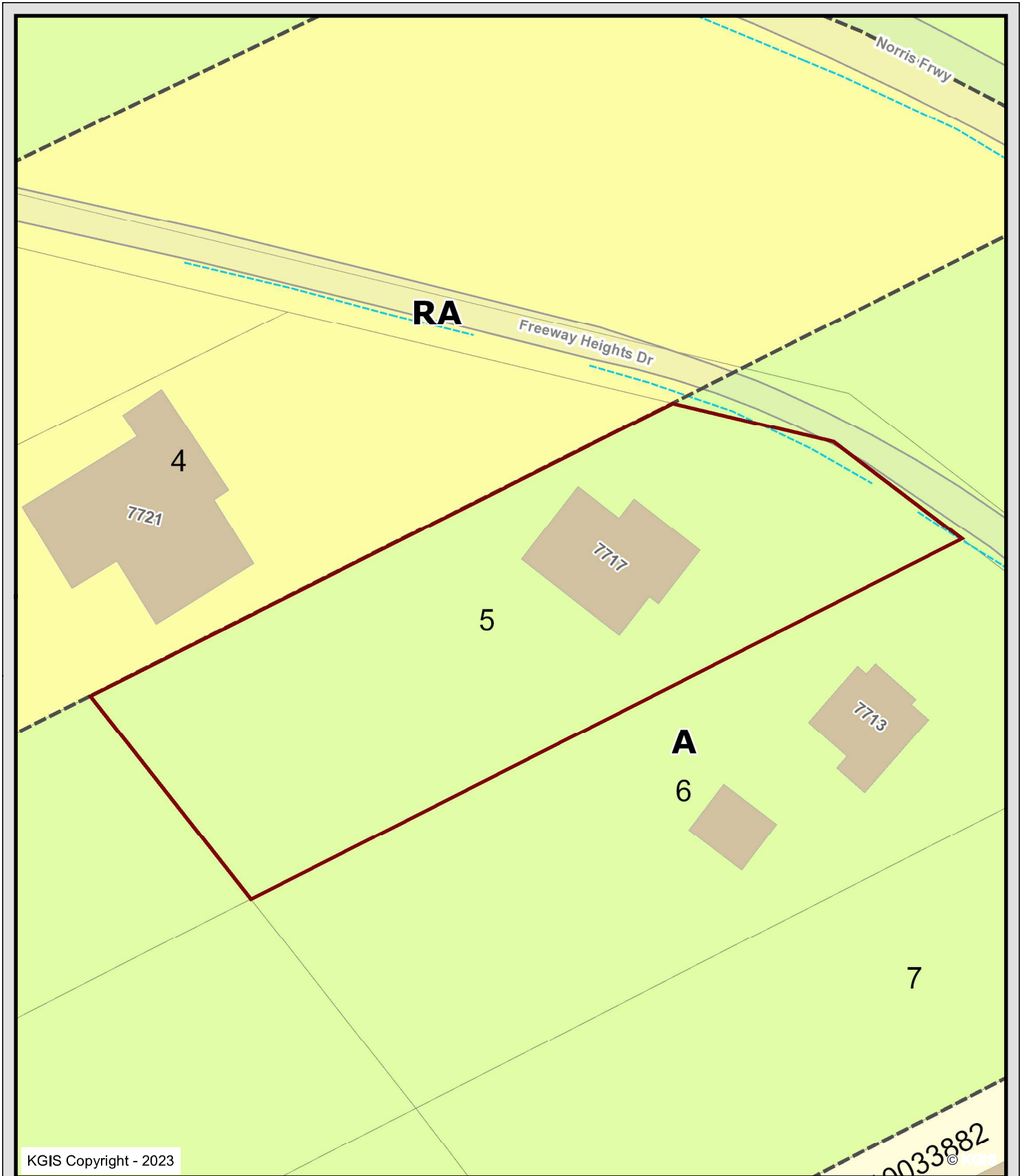
Friday Burke

Please Print

02/23/2023

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.

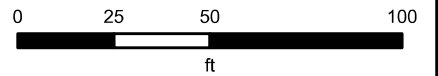


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

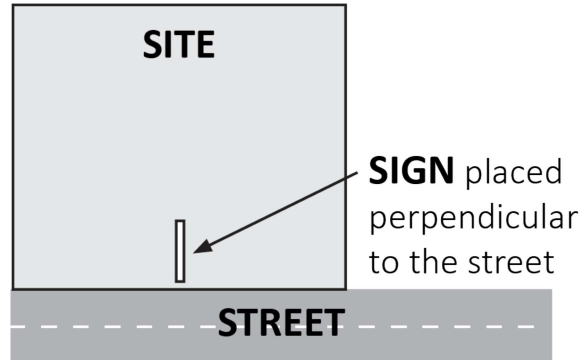


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, 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:

_____ 3/31/2023 _____ and _____ 4/14/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Garry Burke

Date: 4/28/2023

File Number: 4-T-23-RZ

- Sign posted by Staff
- Sign posted by Applicant