

REZONING REPORT

► **FILE #:** 2-E-23-RZ

AGENDA ITEM #: 19

AGENDA DATE: 2/9/2023

► **APPLICANT:** LEO COOPER Sr

OWNER(S): Leo Cooper Sr

TAX ID NUMBER: 39 03015

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 0 BROWN GAP RD

► **LOCATION:** West side of Brown Gap Road, north of Maize Drive, south of Bell Rd

► **APPX. SIZE OF TRACT:** 1 acre

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Brown Gap Road, a major collector street with a 20-ft pavement width within a 70-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:** RA (Low Density Residential)

► **EXISTING LAND USE:** Rural Residential

►
EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

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

South: Rural residential - A (Agricultural)

East: Rural residential - A (Agricultural)

West: Rural residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: This property is in an area with single family detached homes on relatively large lots, residential subdivisions with smaller lots, and farmland.

STAFF RECOMMENDATION:

► **Approve the RA (Low Density Residential) zone 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 CITY/COUNTY

GENERALLY:

1. In the past ten years, there have been three development requests within 1/3 of a mile from the subject property that were approved to rezone from A (Agricultural) to RA (Low Density Residential). These properties are similar in size and surround a 65-acre RB (General Residential)- zoned subdivision. This subdivision was developed in 1989 at a similar density to the permitted area regulations of the RA zone.
2. This general region has been transitioning from agricultural to residential land uses for over 30 years, which supports RA zoning on the subject property.

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

1. The RA zone is intended for residential areas with low population densities.
2. The subject property is surrounded by low density residential properties and neighborhoods, and is a suitable location for the RA zone.

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. There are no adverse impacts anticipated with the proposed rezoning. There are no known environmental challenges on the site, and development permitted by the RA zone is consistent with surrounding land 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 rezoning is compatible with the North County Sector Plan's LDR (Low Density Residential) land use designation for the area.
2. The rezoning is consistent with the Growth Policy Plan's Planned Growth Area designation.
3. The RA zone at this location is not in conflict with the General Plan or any other adopted plans.

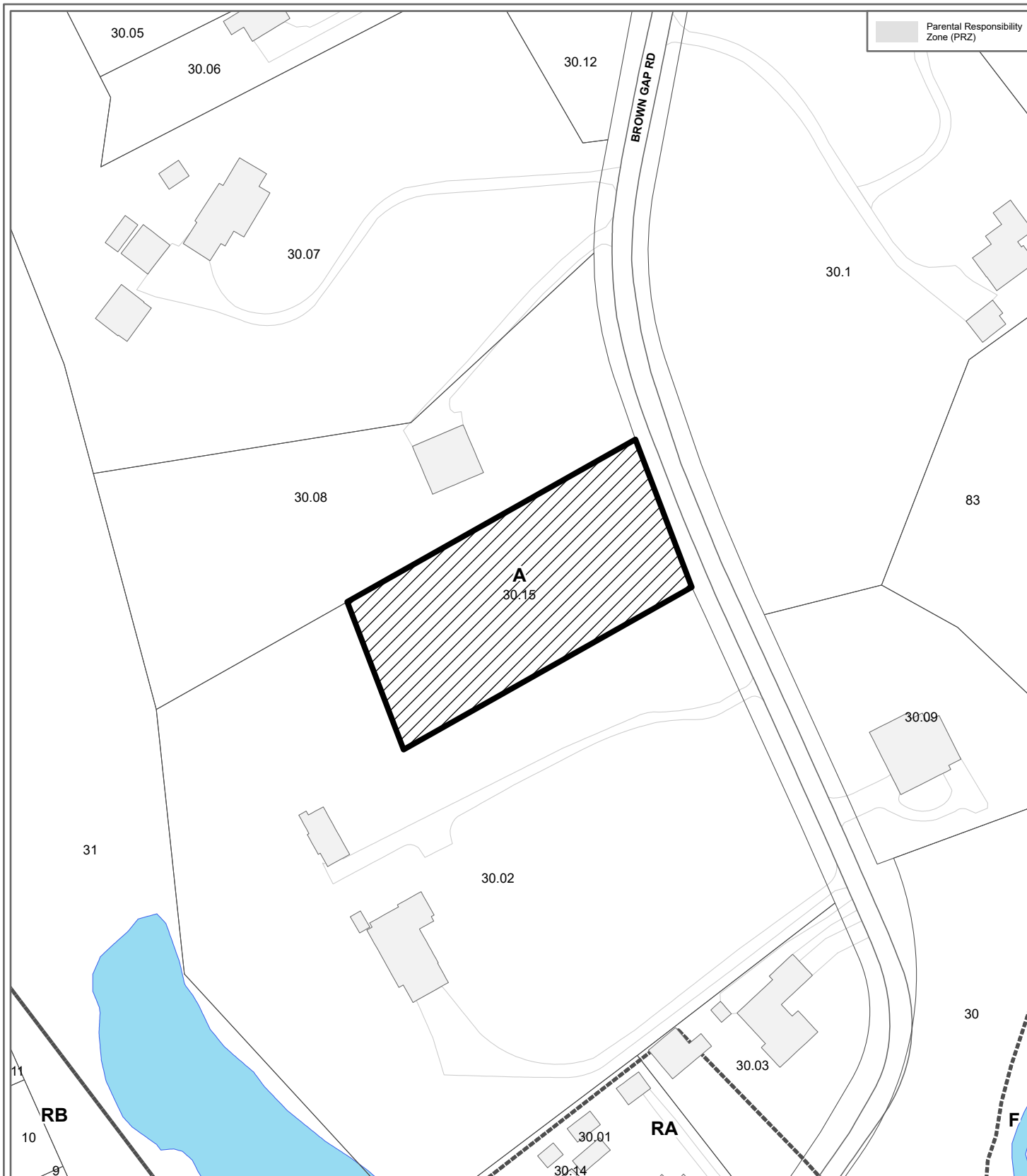
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Adrian Burnett Elementary, Halls Middle, and Gibbs 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 3/27/2023. 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.



**2-E-23-RZ
REZONING**

From: A (Agricultural)

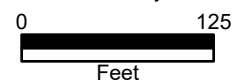
To: RA (Low Density Residential)



Petitioner: Leo Cooper

Map No: 39

Jurisdiction: County



Original Print Date: 1/18/2023

Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Exhibit A. 2-E-23-RZ Context Images



Exhibit A. 2-E-23-RZ Context Images

Existing Land Use Map



Aerial Map





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

Leo Cooper

Applicant Name

Affiliation

12/28/2022

Date Filed

2/9/2023

Meeting Date (if applicable)

2-E-23-RZ

File Number(s)

CORRESPONDENCE

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

Leo Cooper Sr

Name / Company

5411 Brown Gap Rd Knoxville TN 37918

Address

865-679-8119 / lcooper2213@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Leo Cooper Sr

Owner Name (if different)

5411 Brown Gap Rd Knoxville TN 37918

Owner Address

865-679-8119 / lcooper2213@g

Owner Phone / Email

0 BROWN GAP RD

Property Address

39 03015

Parcel ID

1.01 acres

Tract Size

Part of Parcel (Y/N)?

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Brown Gap Road, east of Maize Drive

General Location

☐ City

Commission District 7

A (Agricultural)

Rural Residential

☒ Count

District

Zoning District

Existing Land Use

North County

Planning Sector

LDR (Low Density Residential)

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	RA (Low Density Residential)	Pending Plat File Number
	Proposed Zoning	
<input type="checkbox"/> Plan		
Amendment	Proposed Plan Designation(s)	
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	Leo Cooper	12/28/2022
	Please Print	Date

Phone / Email

Property Owner Signature	Leo Cooper Sr	12/28/2022
	Please Print	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.



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

Leo Cooper Sr.

Applicant Name

Affiliation

12/26/2022

File Number(s)

Date Filed

Meeting Date (if applicable)

2-E-23-RZ

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

Leo Cooper Sr

Name

Company

5411 Brown Gap Rd.

Knoxville

TN

37918

Address

City

State

ZIP

865-679-8119

lcooper2213@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

Property Address

Parcel ID

Yes- KUB

HPUD

N

Sewer Provider

Water Provider

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

August 29, 2022

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

- ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☐ Zoning ChangeRA RA
Proposed Zoning☐ Plan Amendment Change

Proposed Plan Designation(s)

0.5 acre/ 1 unit

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

Pending Plat File Number

STAFF USE ONLY**PLAT TYPE**

- ☐ Staff Review ☐ Planning Commission

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- ☐ 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

Leo Cooper Sr.

12/26/22

Applicant Signature

Please Print

Date

865-679-8119

lcooper2213@gmail.com

Phone Number

Email

Leo Cooper, Sr.

12/26/22

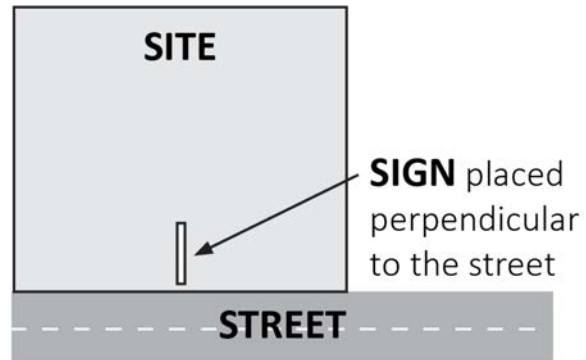
Property Owner Signature

Please Print

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:

_____ 1/27/2023 _____ and _____ 2/10/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Leo Cooper

Date: 12/28/22

File Number: 2-E-23-RZ

☒ Sign posted by Staff
☐ Sign posted by Applicant