

REZONING REPORT

▶ **FILE #:** 1-F-23-RZ

AGENDA ITEM #: 18

AGENDA DATE: 1/12/2023

▶ **APPLICANT:** IGOR CHEBAN

OWNER(S): Igor Cheban

TAX ID NUMBER: 91 161.01

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 0 BALL RD

▶ **LOCATION:** South of Ball Rd and East of Lobetti Rd

▶ **APPX. SIZE OF TRACT:** 7.5 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via a portion of Schaad Road that is under construction within a 112-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Grassy Creek

▶ **PRESENT ZONING:** A (Agricultural)

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

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶ **DENSITY PROPOSED:** up to 5 du/ac

EXTENSION OF ZONE: No

HISTORY OF ZONING: 4-J-17-RZ: A to PR up to 4 du/ac (withdrawn)

SURROUNDING LAND USE AND ZONING: North: Single family residential, agriculture/forestry/vacant - A (Agricultural)

South: Agriculture/forestry/vacant - A (Agricultural), PR (Planned Residential) up to 3 du/ac

East: Rural residential - A (Agricultural)

West: Single family residential, agriculture/forestry/vacant - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is comprised of single family detached homes and subdivisions along the Schaad Road expansion that is under construction.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone at a density up to 5 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 CITY/COUNTY GENERALLY:

1. The proposed PR (Planned Residential) zone and density are consistent with the Northwest County Sector Plan's Hines Valley/ Amherst Mixed Use Special District (MU-SD NWCO-9) classification. The recommended zones for this district include PR for low density and medium density residential development, with an emphasis on encouraging conservation subdivisions.
2. The new Schaad Rd. expansion that is under construction will provide improved pedestrian access and traffic capacity to accommodate more residential development in this area.
3. There is a service-oriented commercial node planned to be developed at the intersection of Schaad Rd and Bakertown Rd a quarter-mile to the west of the subject property. It would be accessible by sidewalk with the completion of Schaad Rd. This prospective commercial asset supports consideration of more residential intensity for the subject property.

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. The subject property is partially within the HP (Hillside Protection) area. It also has two blue-line streams running through the north end of the parcel, which require 50-ft vegetative buffers. The PR zone enables concentrated residential development in the optimal portions of the property to protect these more environmentally sensitive areas.
2. Additionally, the zoning code states that each PR development shall be compatible with the surrounding or adjacent zones, as determined by Planning Commission review of 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. The PR zone requires development plan approval by the Planning Commission prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, lot layout, drainage and other potential development concerns. It will also provide the opportunity for public input at the Planning Commission meeting.
2. The PR zone up to 5 du/ac is consistent with nearby zoning and the long-range plan for the area. This rezoning is not anticipated to have an adverse impact on surrounding areas.

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 is consistent with the Northwest County Sector Plan's MU-SD NWCO-9 classification as well as the Growth Policy Plan's Urban Growth designation.
2. The proposed rezoning at this location is consistent with the General Plan's Development Policy to encourage creative use of the flexibility offered in planned residential zones to develop pedestrian-oriented neighborhoods (9.1).
3. The rezoning request is not in conflict with any other adopted plans for this area.

ESTIMATED TRAFFIC IMPACT: 390 (average daily vehicle trips)

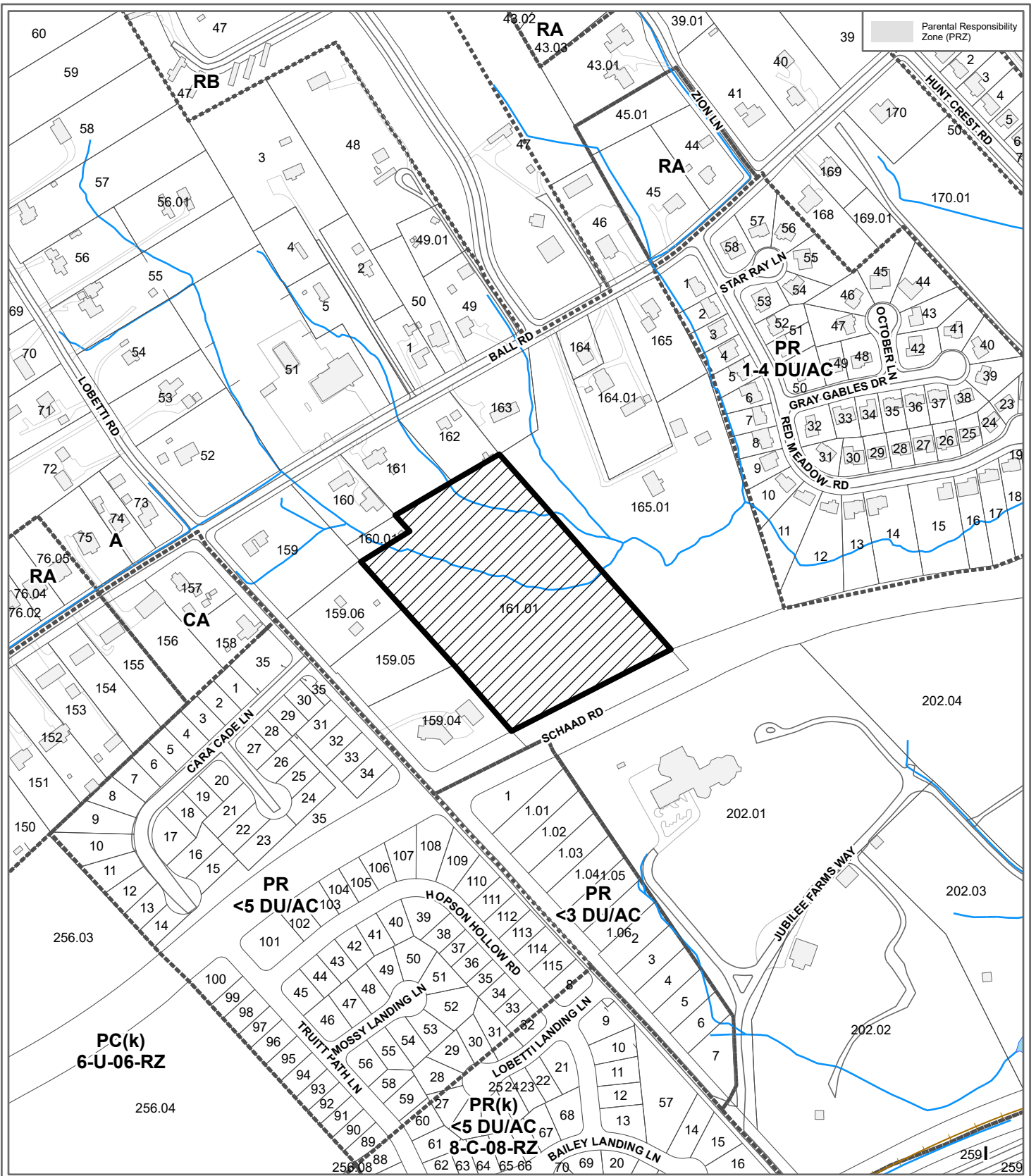
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: Amherst 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 2/21/2023. 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.



**1-F-23-RZ
REZONING**

Petitioner: Igor Cheban

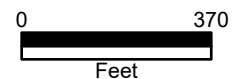


From: A (Agricultural)

To: PR (Planned Residential)

Map No: 91

Jurisdiction: County



Original Print Date: 12/20/2022

Revised:

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

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	7.59		
Non-Hillside	4.83	N/A	
0-15% Slope	1.15	100%	1.15
15-25% Slope	1.23	50%	0.61
25-40% Slope	0.32	20%	0.06
Greater than 40% Slope	0.05	10%	0.01
Ridgetops			
Hillside Protection (HP) Area	2.75	Recommended disturbance budget within HP Area (acres)	1.8
		Percent of HP Area	0.7

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	4.83	5.00	24.2
0-15% Slope	1.15	4.00	4.6
15-25% Slope	1.23	2.00	2.5
25-40% Slope	0.32	0.50	0.2
Greater than 40% Slope	0.05	0.20	0.0
Ridgetops	0.00	3.00	0.0
Subtotal: Sloped Land	2.75		7.2
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	7.59	4.14	31.4
Proposed Density (Applicant)	7.59	5.00	37.9

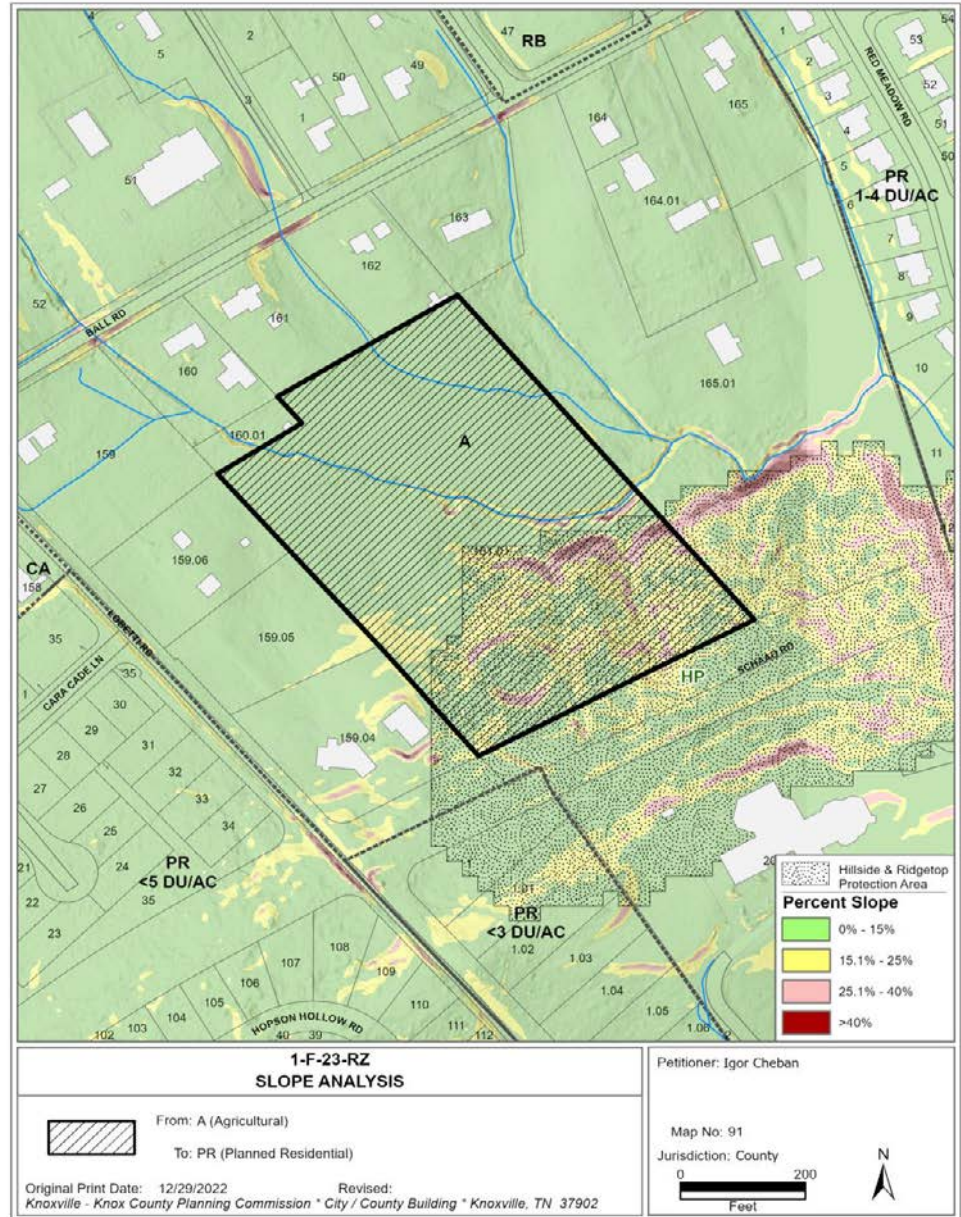


Exhibit A. 1-F-23-RZ Context Images

Zoning Map



Sector Plan Map

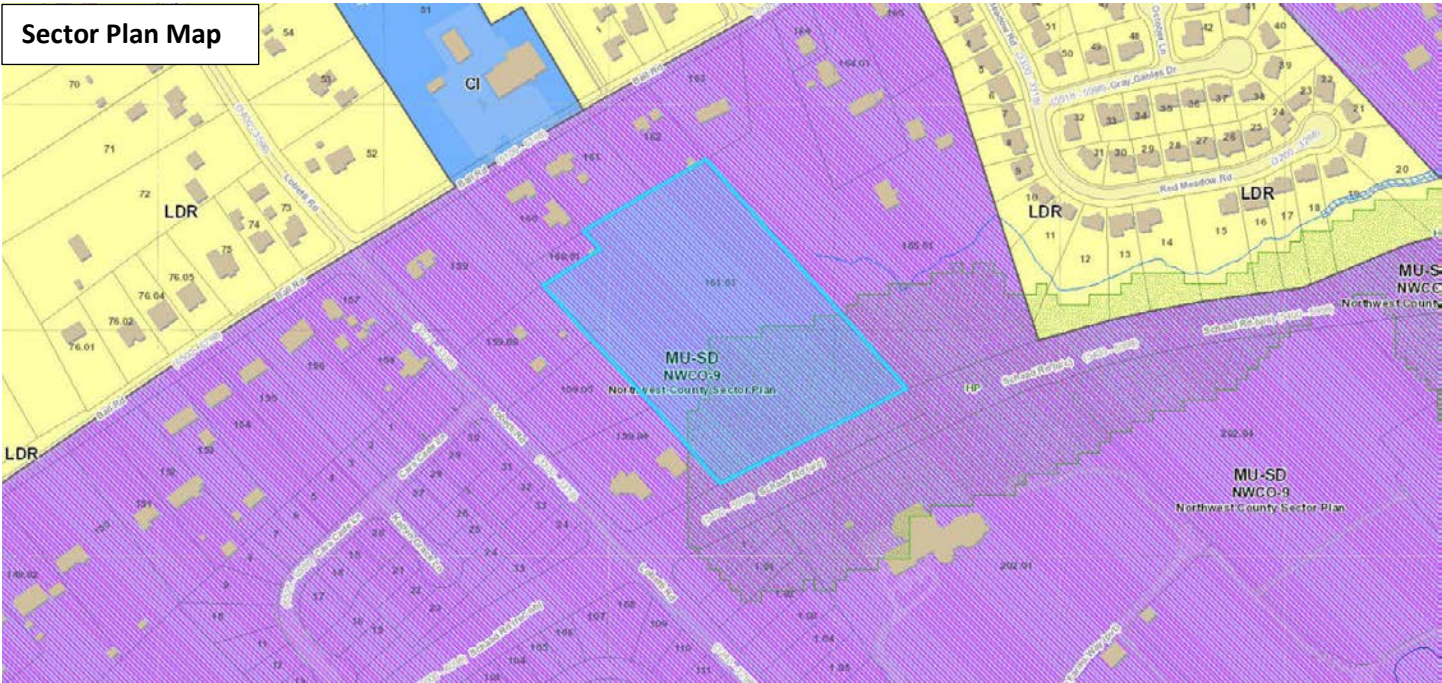
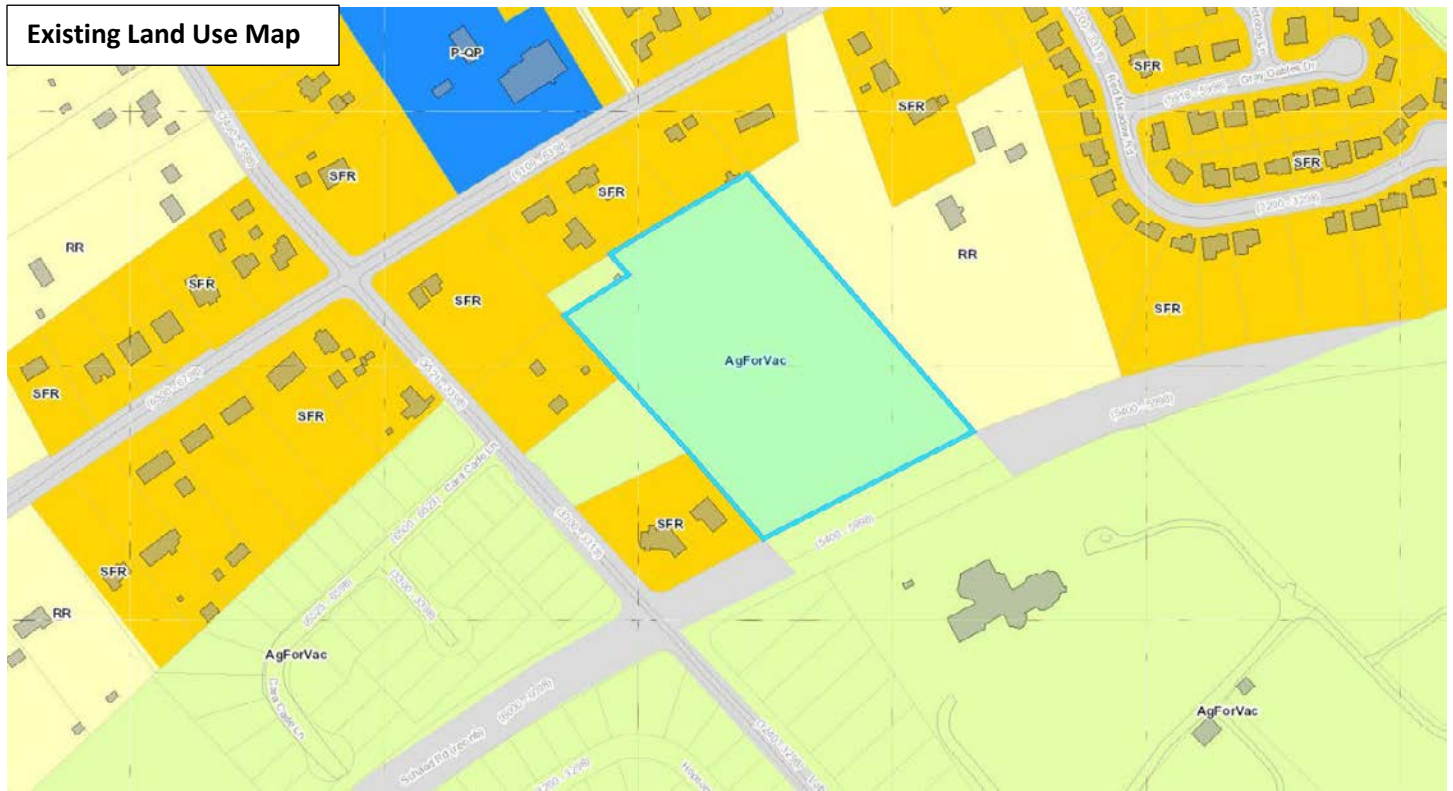


Exhibit A. 1-F-23-RZ Context Images





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

Igor Cheban

Applicant Name

Affiliation

11/2/2022

Date Filed

1/12/2023

Meeting Date (if applicable)

1-F-23-RZ

File Number(s)

CORRESPONDENCE

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

Igor Cheban

Name / Company

6939 Clinton Highway Knoxville TN 37921

Address

865-315-5070 / 1stchoiceheatair@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Igor Cheban

Owner Name (if different)

6939 Clinton Highway Knoxville TN 37921

Owner Address

865-315-5070 / 1stchoiceheatair

Owner Phone / Email

0 BALL RD

Property Address

91 161.01

Parcel ID

Part of Parcel (Y/N)?

8.38 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

South of Ball Rd and East of Lobetti Rd

General Location

City

Commission District 6

A (Agricultural)

Agriculture/Forestry/Vacant Land

Count

District

Zoning District

Existing Land Use

Northwest County

Planning Sector

MU-SD (Mixed Use Special District), HP (Hillside Protecti

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit

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)	

up to 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
\$1,069.00	
Fee 2	
Fee 3	

AUTHORIZATION

Applicant Signature: **Igor Cheban** Please Print Date: **11/2/2022**

Phone / Email

Property Owner Signature: **Igor Cheban** Please Print Date: **11/2/2022**

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

Igor Cheban

Applicant Name
11/01/2022

Affiliation

File Number(s)

Date Filed

Meeting Date (if applicable)

1-F-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

Igor Cheban

Name

6939 Clinton Hwy

Company

Knoxville

TN

37921

Address

8653155070

City

1stchoiceheatair@gmail.com

State

ZIP

Phone

Email

CURRENT PROPERTY INFO

Igor Cheban

6939 Clinton Hwy Knoxville TN 37921

8653155070

Property Owner Name (if different)

0 Ball rd Knoxville TN 37931

Property Owner Address

09116101

Property Owner Phone

Property Address

Parcel ID

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

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 Change **PR (Planned Residential)**

Proposed Zoning _____

Plan Amendment Change

5du/ac

Proposed Plan Designation(s) _____

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

Other (specify) _____

Pending Plat File Number

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

M. Jones 11/2/22



Applicant Signature

8653155070

Phone Number

Igor Cheban

Please Print

1stchoiceheatair@gmail.com

Email

Igor Cheban

Please Print

11/01/2022

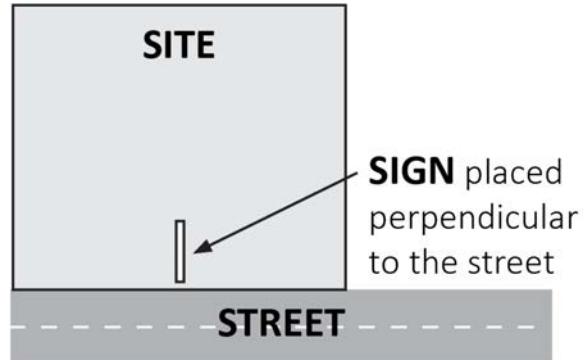
Date

11/01/2022

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:

_____ 12/31/2022 _____ and _____ 1/13/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Igor Cheban

Date: 11/2/22

File Number: 1-F-23-RZ

- Sign posted by Staff
- Sign posted by Applicant