

# REZONING REPORT

▶ **FILE #:** 1-R-23-RZ

**AGENDA ITEM #:** 25

**AGENDA DATE:** 1/12/2023

▶ **APPLICANT:** NED FERGUSON  
 OWNER(S): Dwight Disney, Disney Joint Venture

TAX ID NUMBER: 77 142 [View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 7509 W EMORY RD

▶ **LOCATION:** west of W Emory Rd, east of Howard Bennett Way

▶ **APPX. SIZE OF TRACT:** 1.7 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W Emory Rd, a major arterial with a 28-ft pavement width within a 100-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

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

▶ **ZONING REQUESTED:** RA (Low Density Residential)

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

▶  
 EXTENSION OF ZONE: Yes

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING:  
 North: Agricultural/Forestry/Vacant, Single family residential - RA (Low Density Residential)  
 South: Agricultural/Forestry/Vacant, Single family residential - PR (Planned Residential), RA (Low Density Residential), A (Agricultural)  
 East: Agricultural/Forestry/Vacant, Single family residential - RA (Low Density Residential), A (Agricultural)  
 West: Agricultural/Forestry/Vacant, Single family residential - PR (Planned Residential), RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is primarily single family residential with some large agricultural lots.

**STAFF RECOMMENDATION:**

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

**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. The proposed RA (Low Density Residential) zoning would serve as a minor extension of the RA zone to the west, east, and north side of the subject property.
2. The east side of the property abuts large lot single family residence that were rezoned from A (Agricultural) to RA (Low Density Residential) in 2006. While the property north was rezoned from A (Agricultural) to RA (Low Density Residential) in 1998.

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

1. This residential zone provides for residential areas with low population densities.
2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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 area consists primarily of single family residential and agricultural land uses. This rezoning to RA is consistent with the land uses and development pattern surrounding the subject property.
2. This RA (Low Density Residential) zoned acreage should not have any adverse effects on any other parts of the county.

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. This rezoning is not conflict with the General Plan or any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

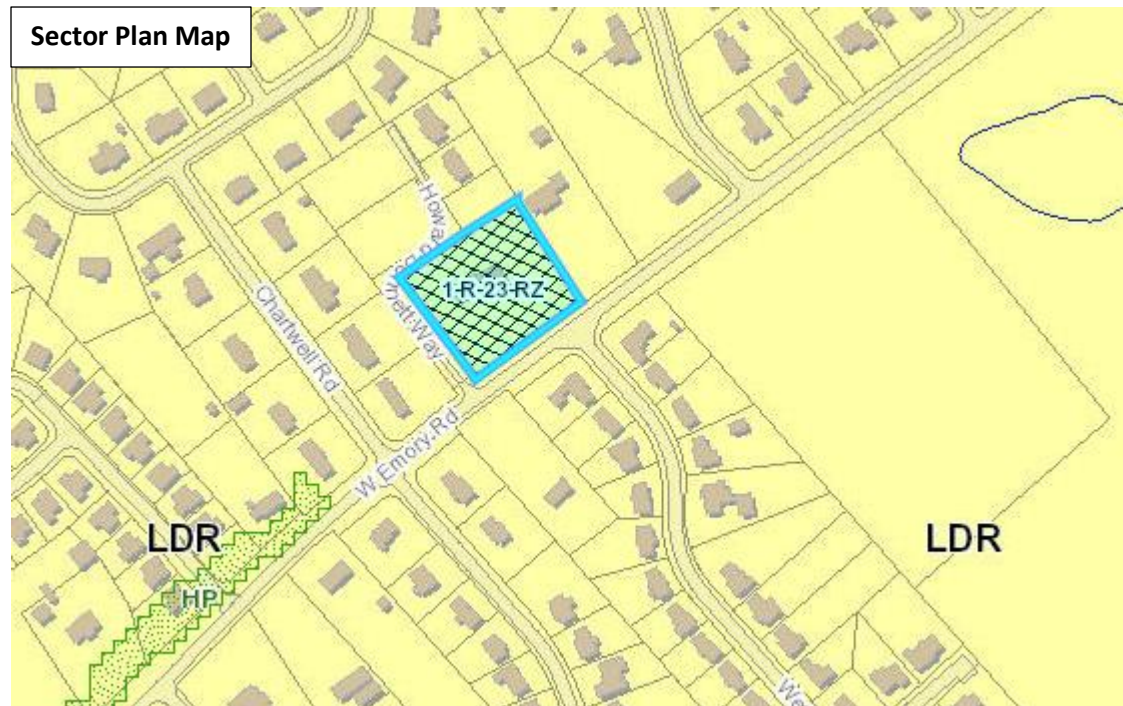
Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns High.

- 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.

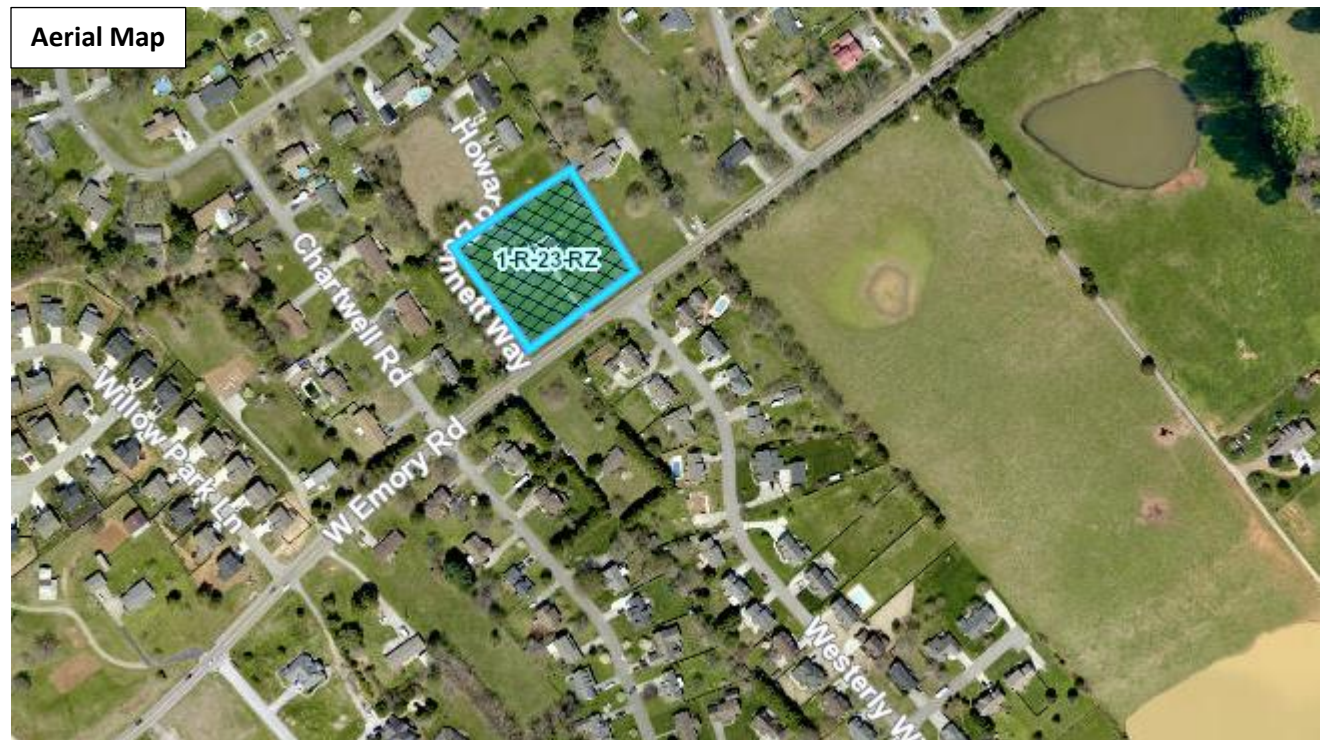


# Exhibit A. 1-R-23-RZ Contextual Images





# Exhibit A. 1-R-23-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

**Ned Ferguson**

Applicant Name

Affiliation

**11/28/2022**

Date Filed

**1/12/2023**

Meeting Date (if applicable)

**1-R-23-RZ**

File Number(s)

## CORRESPONDENCE

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

**Ned D. Ferguson Professional Land Systems**

Name / Company

**205 Lamar Ave. Ave. Clinton TN 37716**

Address

**865-689-6169 / nedferguson@gmail.com**

Phone / Email

## CURRENT PROPERTY INFO

**Dwight Disney, Disney Joint Venture**

Owner Name (if different)

**7509 W Emory Rd Powell TN**

Owner Address

**/ disney5@frontiernet.net**

Owner Phone / Email

**7509 W EMORY RD**

Property Address

**77 142**

Parcel ID

**1.7 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

**west of W Emory Rd, east of Howard Bennett Way**

General Location

City

**Commission District 6**

**A (Agricultural)**

**Single Family Residential**

Count

District

Zoning District

Existing Land Use

**Northwest 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 <b>RA (Low Density Residential)</b>	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

<b>PLAT TYPE</b> <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1 <b>\$650.00</b>	Total
<b>ATTACHMENTS</b> <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	Fee 2	
<b>ADDITIONAL REQUIREMENTS</b> <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	Fee 3	

## AUTHORIZATION

<b>Ned Ferguson</b>	<b>11/28/2022</b>
Applicant Signature	Date
Please Print	

Phone / Email

<b>Dwight Disney, Disney Joint Venture</b>	<b>11/28/2022</b>
Property Owner Signature	Date
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

Ned Ferguson

Applicant Name

Surveyor

Affiliation

Date Filed

Meeting Date (if applicable)

File Number(s)

1-R-23-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

Ned D Ferguson

Professional Land Systems

Name

Company

205 Lamar Ave

Clinton

TN

37716

Address

City

State

ZIP

865.689.6169

nedferguson@gmail.com

Phone

Email

## CURRENT PROPERTY INFO

DWIGHT DISNEY, DISNEY JOINT VENTURE 7721 LA BARRINGTON BLVD Powell 37849 865.300.3765

Owner Name (if different)

Owner Address

Owner Phone

7509 W EMORY RD

077 142

Property Address

Parcel ID

HPUD

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



## 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   **RA**  
Proposed Zoning \_\_\_\_\_

Plan Amendment Change   \_\_\_\_\_  
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

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

Applicant Signature 

Ned Ferguson

11/23/2022

865.689.6169

Please Print

Date

Phone Number

nedferguson@gmail.com

Staff Signature

Email

Date

Staff Signature

Please Print

Date

November 23, 2022

Dwight Disney

Disney Joint Venture

7721 La Barrington Blvd.

Powell, TN 37849

Re: Rezoning 7509 W Emory Rd

To Whom It May Concern:

Please allow Professional Land Systems to act as my agent in rezoning the above referenced property.

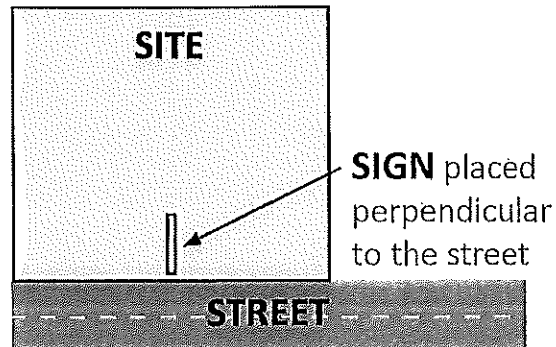
**Disney Joint Venture**

By: \_\_\_\_\_

Dwight Alan Disney, General Partner

A handwritten signature in black ink, appearing to read "D.A. Disney", is written over a horizontal line. The signature is stylized and cursive.

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:*

Dec. 28, 2022 and Jan. 13, 2023  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Ned Ferguson

Date: 11-28-22

File Number: 1-R-23-RZ



Sign posted by Staff



Sign posted by Applicant