

REZONING REPORT

▶ **FILE #:** 1-U-23-RZ

AGENDA ITEM #: 28

AGENDA DATE: 1/12/2023

▶ **APPLICANT:** TIMOTHY ZACHARY

OWNER(S): Timothy Zachary

TAX ID NUMBER: 42 G B 002.04

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 9018 HILLSIDE AVE

▶ **LOCATION:** South side of Hillside Ave, east of Overland St,

▶ **APPX. SIZE OF TRACT:** 1.09 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Hillside Avenue, a local street with a pavement width of 18-ft within a right-of-way width of 31-ft. Access is also via Thorncrest Drive, a local street with a pavement width of 22-ft within a right-of-way width of 31-ft.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Roseberry Creek

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

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

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

▶

EXTENSION OF ZONE: Yes, RA is adjacent

HISTORY OF ZONING: None noted

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

South: Public / quasi-public - A (Agricultural)

East: Single family residential - RA (Low Density Residential)

West: Single family residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is a mix of A (Agricultural) zoned lots with a average lot sizes approximately a half-acre in size and RA (Low Density Residential) zoned lots with lot sizes that are smaller than 12,000-sqft.

STAFF RECOMMENDATION:

▶ **Approve the RA (Low Density Residential) zone because it is consistent with adjacent 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. This area is within the Planned Growth Area of the Growth Policy Plan. In 2005, the adjacent parcel was rezoned to RA from A allowing the property to be subdivided into smaller lots.
2. This rezoning is a minor extension of the existing RA zoning, adjacent to the east.

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

1. The RA zone is intended to provide for residential areas with low population densities.
2. The RA zone allows minimum lot sizes of 10,000-sqft if sewer is provided. The subject property is approximately 1 acre in size and the RA zone may be able to accommodate up to 4 dwelling units total, if other standards of the zone and subdivision regulations can also be met.

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 negative impacts anticipated from the proposed rezoning. This is a minor extension of the existing RA zone district.

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 RA rezoning is consistent with the existing LDR sector plan designation for the property.
2. The proposed rezoning is compatible with the subject property's location in the Planned Growth Area of the Growth Policy Plan.
3. Rezoning is not in conflict with any other adopted plans or policies.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: East Knox County Elementary, Carter Middle, and Carter 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-U-23-RZ
REZONING**

Petitioner: Timothy Zachary



From: A (Agricultural)

To: RA (Low Density Residential)

Map No: 42

Jurisdiction: County

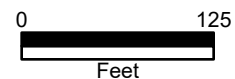


Exhibit A. 1-U-23-RZ Contextual Images

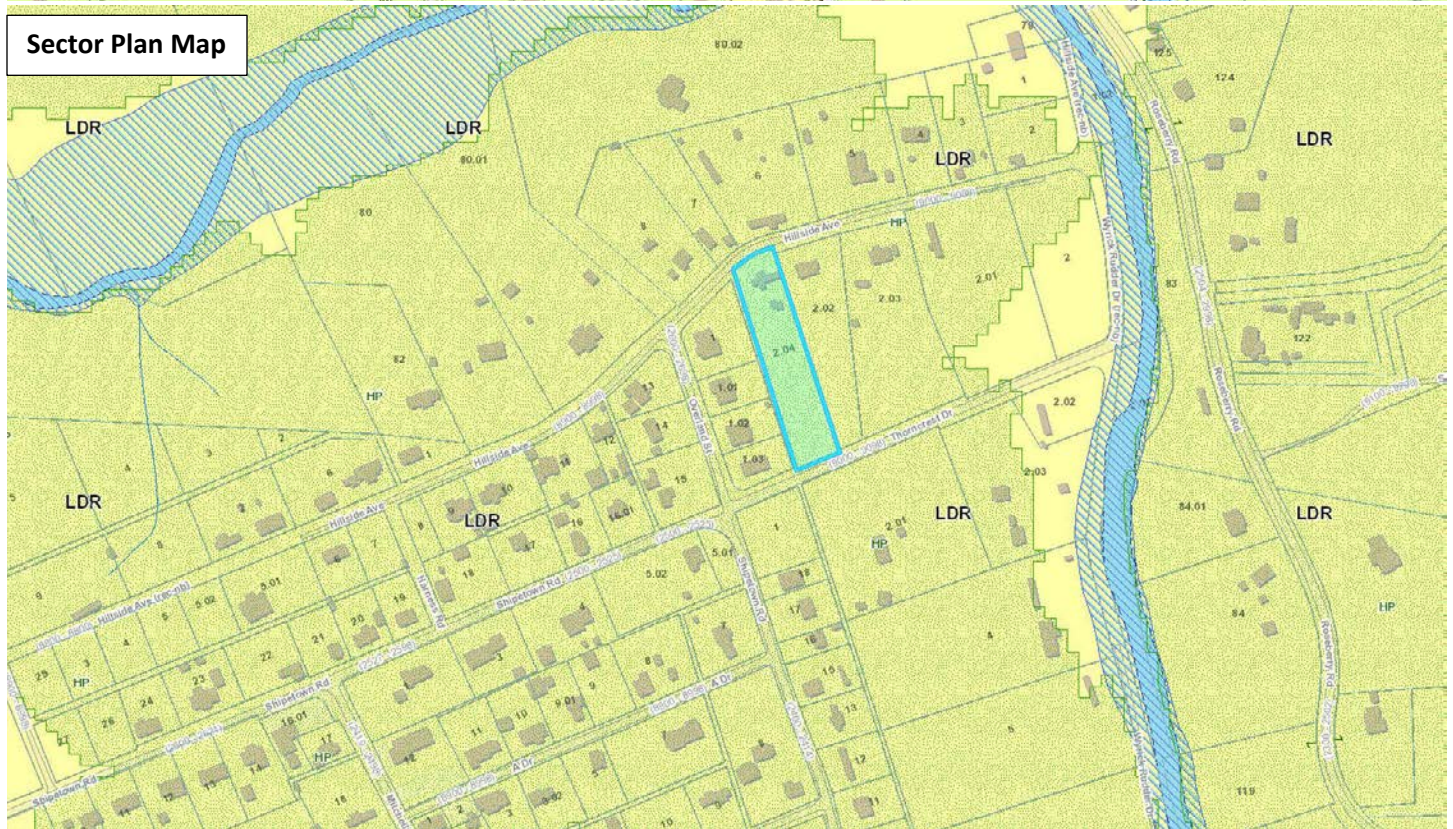
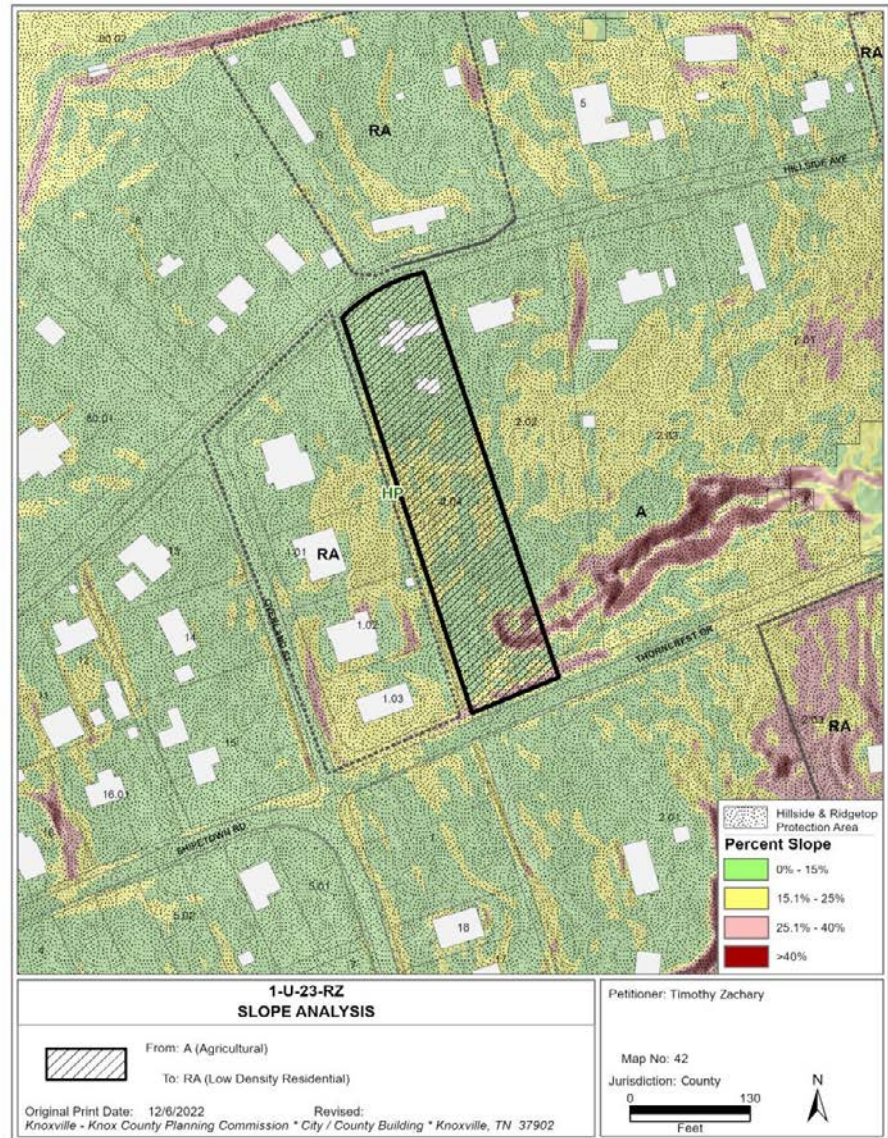


Exhibit A. 1-U-23-RZ Contextual Images



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	46,983	1.08			
Non-Hillside	0.00	0.00	N/A		
0-15% Slope	33,349	0.77	100%	33,349	0.77
15-25% Slope	11,206	0.26	50%	5,603	0.13
25-40% Slope	1,502	0.03	20%	300	0.01
Greater than 40% Slope	925	0.02	10%	93	0.002
Ridgetops					
Hillside Protection (HP) Area	46,983	1.08	Recommended disturbance budget within HP Area	39,346	0.9
			Percent of HP Area	0.8	





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

Timothy Zachary

Applicant Name

Affiliation

11/28/2022

Date Filed

1/12/2023

Meeting Date (if applicable)

1-U-23-RZ

File Number(s)

CORRESPONDENCE

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

Timothy Zachary

Name / Company

4200 Deer Run Dr Knoxville TN

Address

865-384-7862

Phone / Email

CURRENT PROPERTY INFO

Timothy Zachary

Owner Name (if different)

4200 Deer Run Dr Knoxville TN

Owner Address

865-384-7862

Owner Phone / Email

9018 HILLSIDE AVE

Property Address

42 G B 002.04

Parcel ID

1.09 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Northeast Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Hillside Ave, east of Overland St,

General Location

City

Commission District 8

A (Agricultural)

Single Family Residential

Count

District

Zoning District

Existing Land Use

Northeast County

Planning Sector

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

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan Planned Development 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

Total Number of Lots Created

Additional Information _____

- Attachments / Additional Requirements

ZONING REQUEST

- Zoning Change **RA (Low Density Residential)**
Proposed Zoning

Pending Plat File Number

- Plan
Amendment Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Zoning Requests

Additional Information _____

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

Fee 1

Total

\$650.00

ATTACHMENTS

- Property Owners / Option Holders Variance Request

Fee 2

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 3

AUTHORIZATION

Applicant Signature: **Timothy Zachary** Please Print **11/28/2022** Date

Phone / Email

Property Owner Signature: **Timothy Zachary** Please Print **11/28/2022** 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.



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

Timothy Zachary

Applicant Name

Affiliation

11/22/22

Date Filed

Meeting Date (if applicable)

File Number(s)
1-U-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

Name

Company

Address

City

State

ZIP

Phone

Email

CURRENT PROPERTY INFO

	4200 Deer Run Dr	865-384-7862
Property Owner Name (if different)	Property Owner Address	Property Owner Phone

9018 Hillside Avenue

Property Address

Parcel ID

Northeast Knox Utility District

yes

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) single family

Related City Permit Number(s)

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 Residential
 Proposed Zoning

Pending Plat File Number

Plan Amendment Change _____
 Proposed Plan Designation(s)

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	

APPLICANT INFORMATION

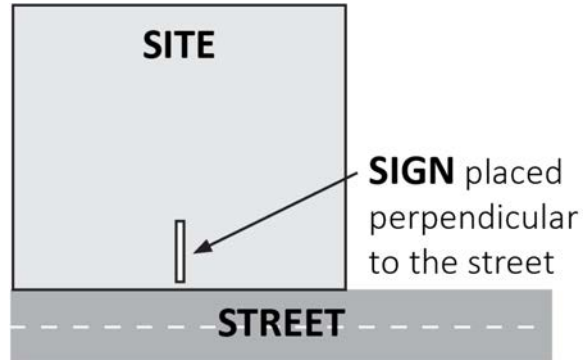
Tim Zachary Timothy Zachary 11/22/22
 Applicant Signature Please Print Date

865-384-7862 timzac72@gmail.com
 Phone Number Email

Tim Zachary Timothy Zachary 11/22/22
 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:

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

Applicant Name: Timothy Zachary

Date: 11/28/22

File Number: 1-U-23-RZ

- Sign posted by Staff
 Sign posted by Applicant