

REZONING REPORT

▶ **FILE #:** 7-C-23-RZ

AGENDA ITEM #: 8

AGENDA DATE: 7/13/2023

▶ **APPLICANT:** BERNADETTE WEST

OWNER(S): Bernadette West

TAX ID NUMBER: 109 D E 030

[View map on KGIS](#)

JURISDICTION: City Council District 1

STREET ADDRESS: 2620 BELVEDERE AVE

▶ **LOCATION:** South side of Belvedere Ave, east side of the Seaton Avenue terminus

▶ **APPX. SIZE OF TRACT:** 5.7 acres

SECTOR PLAN: South City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Belvedere Ave, a local street with a 15-ft pavement width within a 36-ft right-of-way and via Seaton Ave, a local street with 15-ft of pavement width within a 38-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Baker Creek

▶ **PRESENT ZONING:** RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

▶ **ZONING REQUESTED:** AG (General Agricultural), HP (Hillside Protection Overlay)

▶ **EXISTING LAND USE:** Rural Residential

▶

EXTENSION OF ZONE: No, this is not an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single family residential - RN-2 (Single-Family Residential Neighborhood)

South: Single family residential - RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

East: Agricultural/forestry/vacant - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

West: Single family residential - RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: The area is comprised of single-family residential houses with medium to large lot sizes and is at the ends of 2 dead end streets with forested public park land directly to the east.

STAFF RECOMMENDATION:

▶ **Approve the AG (General Agricultural) district because it is consistent with the surrounding development and sector plan. The HP (Hillside Protection Overlay) will be retained.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, 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 GENERALLY:

1. In the last 20 year, Knoxville's Urban Wilderness has continued to expand in South Knoxville. The forested park areas of Ijams Nature Center, Meads Quarry, and Knoxville's Urban Wilderness protects the land to the east from development.

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

1. The AG (Agricultural Zoning) district is intended to provide for agricultural uses that comprise an important part of the economy of Knoxville. The intent is to permit lands best suited for agriculture to be used for agriculture purposes, and prevent the encroachment of incompatible land uses on farm lands and protect the physical and economic well-being of agricultural operations. The parcel is approximately 5.7 acres in size and is primarily forested, so it is consistent with the AG zone description.
2. The HP (Hillside Protection Overlay) zoning district was adopted in the City to protect hillsides and mitigate potential impacts from development. When development occurs on hillsides, there are potential serious consequences, such as increased erosion, fire, or flood hazards, and property damage from extensive soils slippage and subsidence. Site plans will need to conform with the HP District regulations.
3. The established front setback for the single family dwelling on the property is approximately 29-ft. However, the minimum front setback in the AG zone is 35-ft. If the rezoning is approved, then the dwelling will be legal, nonconforming. Any future alteration or enlargement of buildings and structures must conform to Article 17. - Nonconforming buildings, structures and uses of land.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The requested AG (General Agricultural) zoning is compatible with the surrounding land uses of Agriculture/Forestry/Vacant, public park and single family residential land uses.
2. The large lots required for the AG zone make this unlikely to cause adverse impacts for surrounding properties.

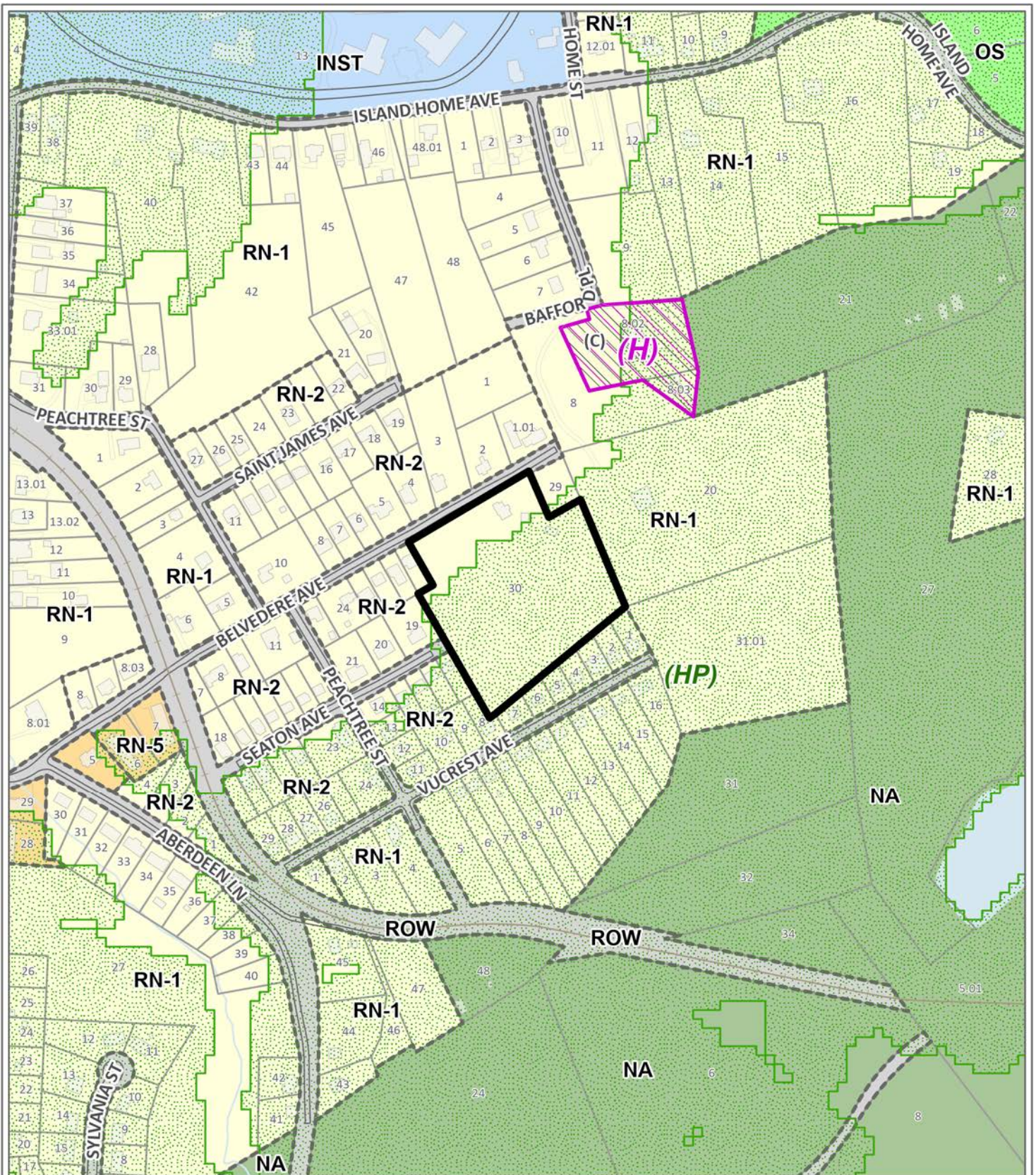
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed AG zoning is consistent with the South City Sector Plan and City of Knoxville One Year Plan LDR (Low Density Residential) land use designation.
2. The General Plan Development Policy 9.2 - encourages development practices that respect and fit the natural landscape, minimizing the loss of trees, woodlands and wildlife habitat. The AG (Agricultural) zoning district lessens the residential development potential in a steep sloped, forested hillside area by limiting lot sizes to 5 acres.
3. There are no other adopted plans that conflict with the rezoning recommendation of AG.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/8/2023 and 8/22/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



REZONING

7-C-23-RZ

Petitioner: Bernadette West



From: RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)
To: AG (General Agricultural), HP (Hillside Protection Overlay)

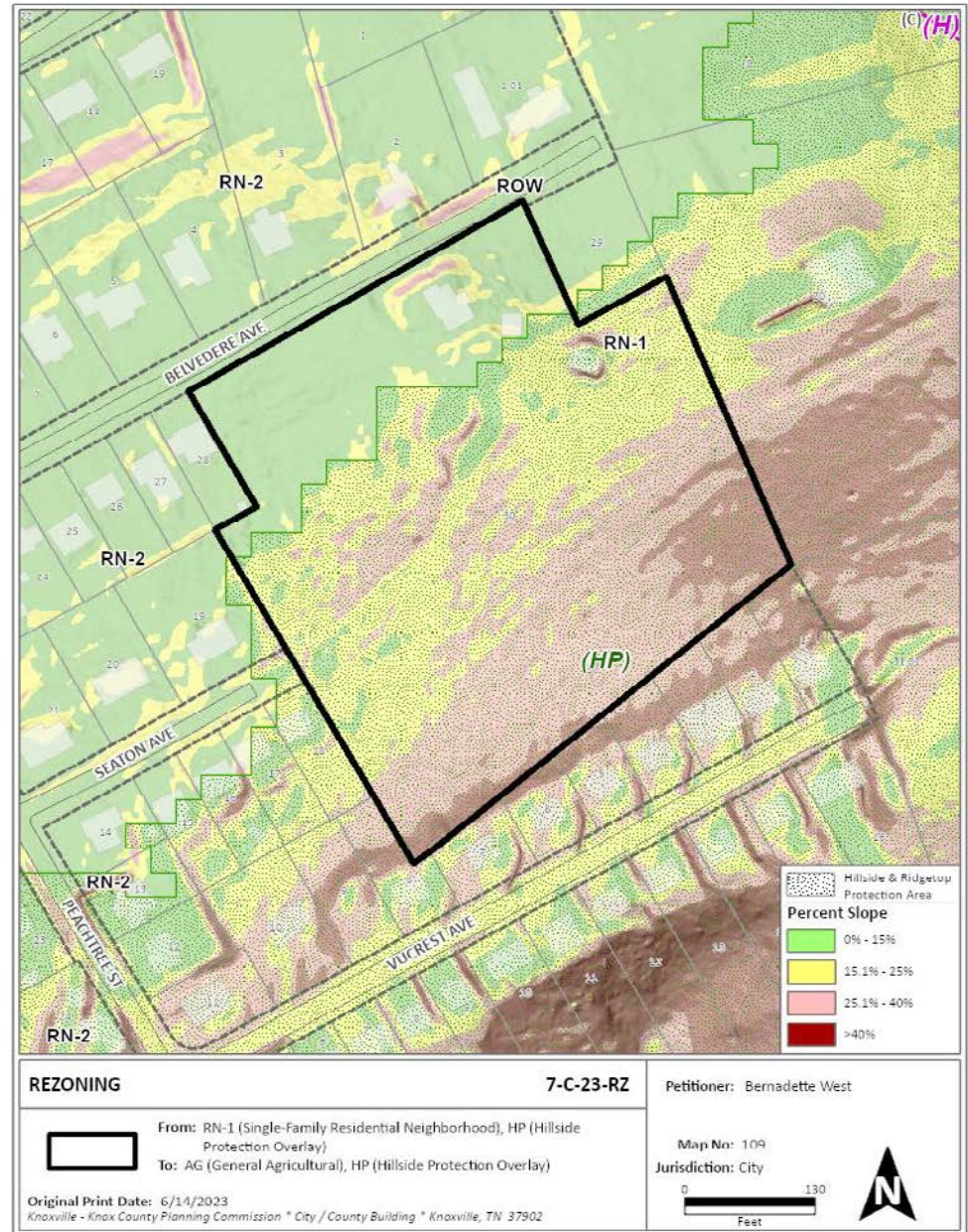
Map No: 109
Jurisdiction: City

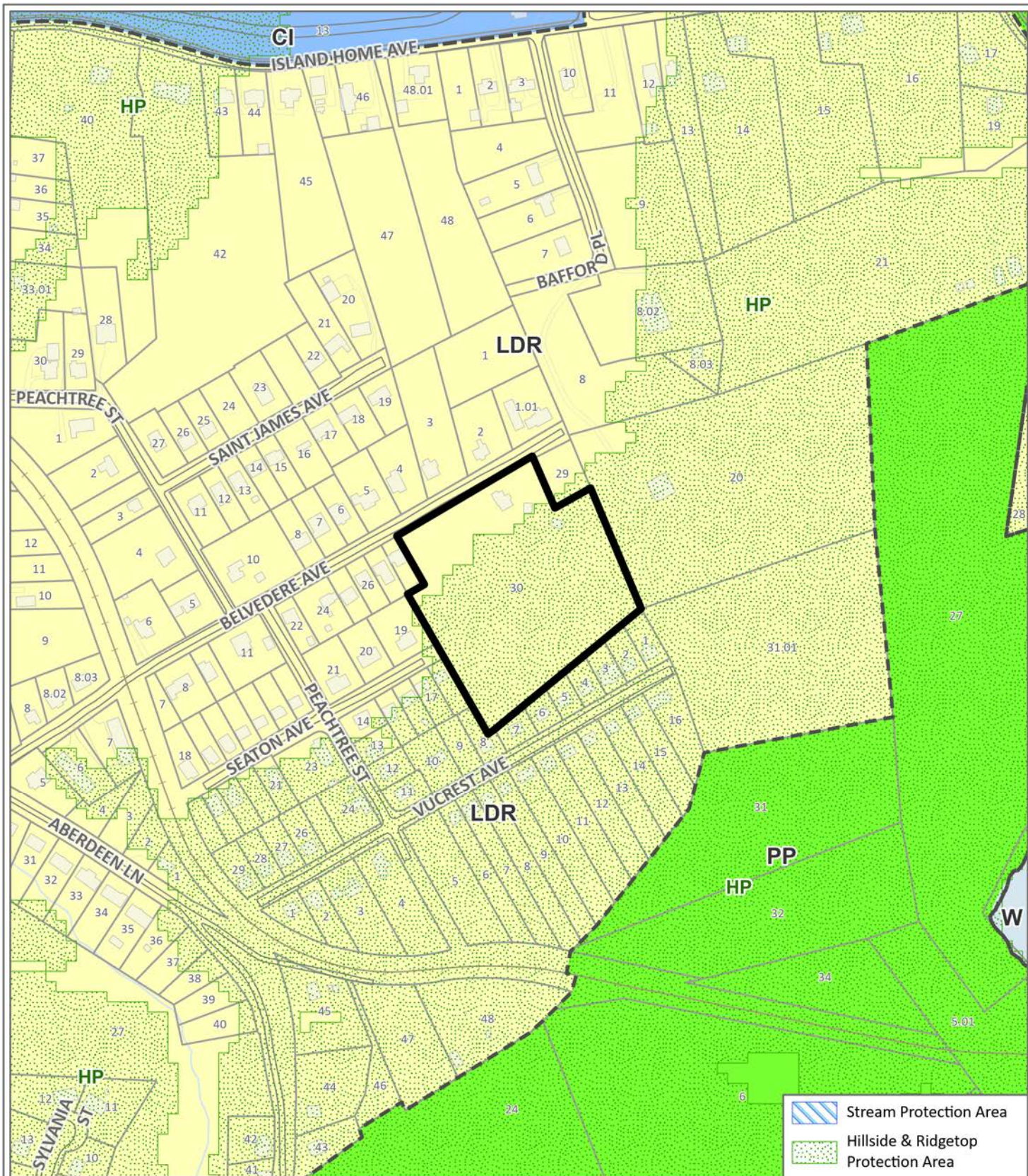
Original Print Date: 6/12/2023

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



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	5.27		
Non-Hillside	1.18	N/A	
0-15% Slope	0.32	100%	0.32
15-25% Slope	1.62	50%	0.81
25-40% Slope	1.78	20%	0.36
Greater than 40% Slope	0.37	10%	0.04
Ridgetops			
Hillside Protection (HP) Area	4.09	Recommended disturbance budget within HP Area (acres)	1.52
		Percent of HP Area	0.37





SOUTH CITY SECTOR PLAN MAP

7-C-23-RZ

Petitioner: Bernadette West



Case boundary

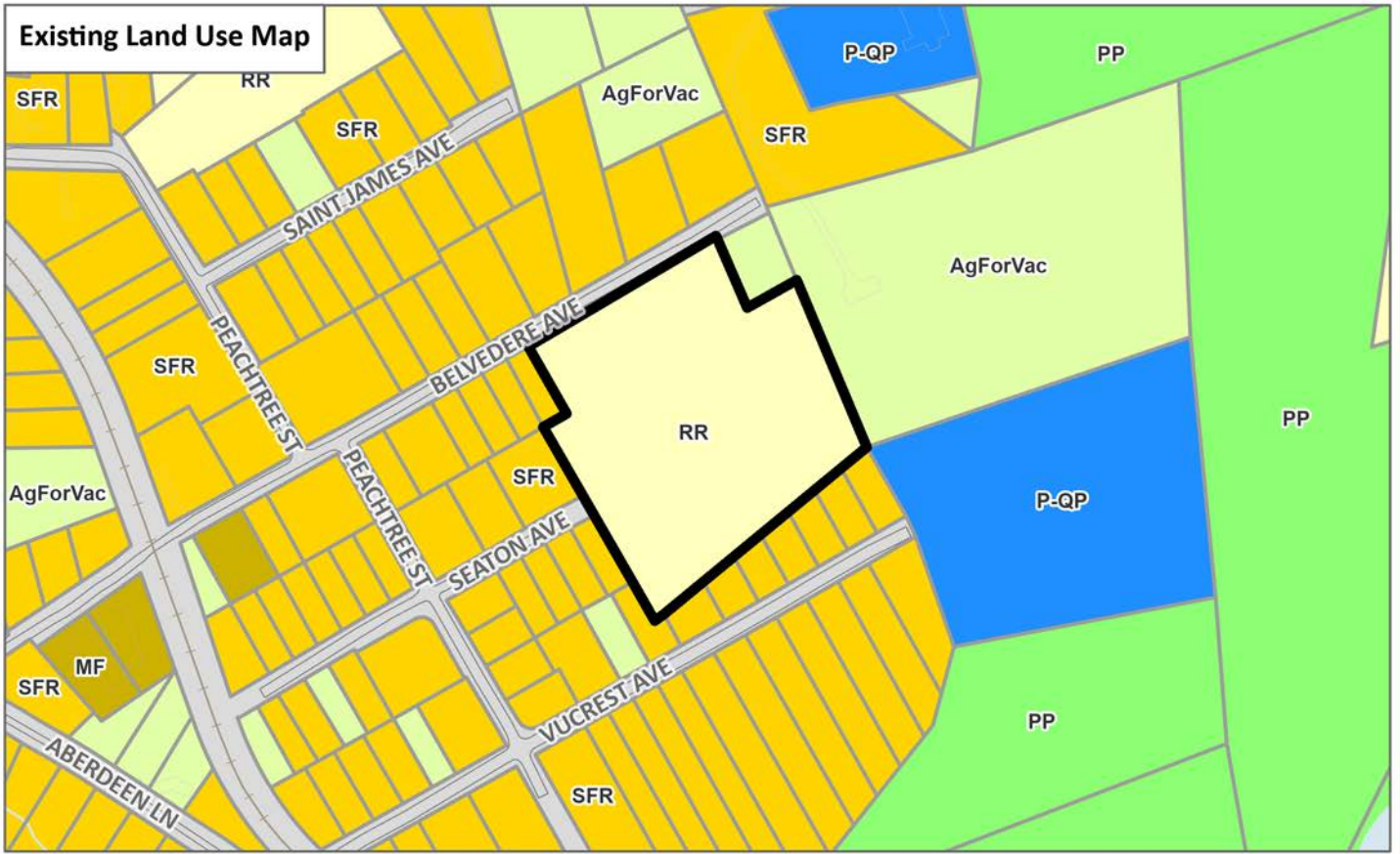
Original Print Date: 6/16/2023

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Map No: 109
Jurisdiction: City



Existing Land Use Map



Aerial Map

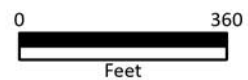


CONTEXTUAL MAPS

7-C-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

Bernadette West

Applicant Name Affiliation

5/9/2023

7/13/2023

7-C-23-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

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

Bernadette West

Name / Company

2620 Belvedere Ave Knoxville TN 37920

Address

865-523-3206 / bernadette@preservationpub.com

Phone / Email

CURRENT PROPERTY INFO

Bernadette West

2620 Belvedere Ave Knoxville TN 37920

865-523-3206 / bernadette@pr

Owner Name (if different)

Owner Address

Owner Phone / Email

2620 BELVEDERE AVE

Property Address

109 D E 030

5.7 acres

Parcel ID

Part of Parcel (Y/N)?

Tract Size

Knoxville Utilities Board

Knoxville Utilities Board

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

South of Belvedere Ave, east of Seaton Ave

General Location

City

Council District 1

**RN-1 (Single-Family Residential Neighborhood), HP
(Hillside Protection Overlay)**

Rural Residential

County

District

Zoning District

Existing Land Use

South City

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

N/A (Within City Limits)

Planning Sector

Sector Plan Land Use Classification

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 AG (General Agricultural), HP (Hillside Protection Overlay)	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	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	\$914.50	
ATTACHMENTS	Fee 2	
<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
ADDITIONAL REQUIREMENTS	Fee 3	
<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)		

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Bernadette West Please Print	5/9/2023 Date
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Phone / Email		
Property Owner Signature	Bernadette West Please Print	5/9/2023 Date



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

Bernadette West owner
 Applicant Name Affiliation

May 9, 2023 Meeting Date (if applicable) File Number(s)

7-C-23-RZ
5/9/2023
 Date Filed

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

Bernadette West
 Name Company

2620 Belvedere Ave Knoxville TN 37920
 Address City State ZIP

865.523.3206 bernadette@preservationpub.com
 Phone Email

CURRENT PROPERTY INFO

same as above
 Property Owner Name (if different) Property Owner Address 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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

Unit / Phase Number Combine Parcels Divide Parcel

Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change

agricultural
Proposed Zoning

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	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:

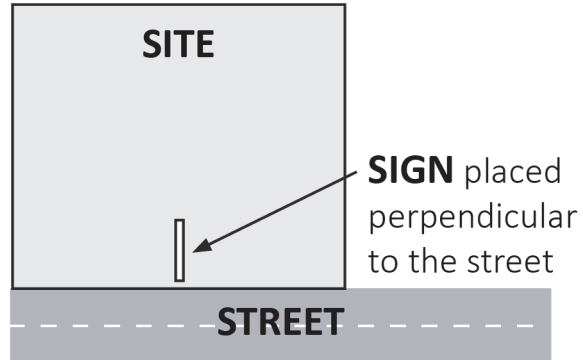
1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Bernadette West *Bernadette West* *May 9, 2023*
Applicant Signature Please Print Date

865 523 3206 *bernadette@preservationpub.com*
Phone Number Email

Bernadette West *May 9, 2023*
Property Owner Signature Please Print Date Paid

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:

_____ June 30, 2023 _____ and _____ July 14, 2023 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Bernadette West

Date: 5/9/2023

File Number: 7-C-23-RZ

- Sign posted by Staff
- Sign posted by Applicant