

REZONING REPORT

▶ **FILE #:** 7-U-23-RZ

AGENDA ITEM #: 39

AGENDA DATE: 7/13/2023

▶ **APPLICANT:** JW CONSTRUCTION

OWNER(S): JW Construction

TAX ID NUMBER: 29 070

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 5711 BROWN GAP RD

▶ **LOCATION:** Southwest side of Brown Gap Rd, southeast of E Emory Rd.

▶ **APPX. SIZE OF TRACT:** 2.37 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Brown Gap Road, a minor collector with 20 ft of pavement width within a 40-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:** PR (Planned Residential)

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

▶ **DENSITY PROPOSED:** 5 du/ac

EXTENSION OF ZONE: Yes, this is an extension

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Single family residential - PR (Planned Residential) up to 5 du/ac & A (Agricultural)

South: Agriculture/forestry/vacant land, Single family residential - A (Agricultural)

East: Agriculture/forestry/vacant land - A (Agricultural)

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

NEIGHBORHOOD CONTEXT: The residential development along Brown Gap Road, and Crippen Road to the south, consists of small and large-lot single-family and agricultural uses. The Villas of Teras Point subdivision to the north started construction in 2006. East Emory Road is approximately 0.2 miles to the north.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone up to 5 du/ac because it is consistent with the sector plan designation and surrounding development.**

COMMENTS:

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 area has been transitioning from the A (Agricultural) zone to residential zones since the early 2000s. The nearby PR (Planned Residential) zones allow up to 5 du/ac. The adjacent subdivision to the north, The Villas of Teras Point, is developed at 4.5 du/ac, and Crippen Corner to the south is developed at 2.15 du/ac.

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

1. The PR (Planned Residential) zone is intended to provide options for residential development and such developments shall be compatible with the surrounding or adjacent zones.
2. The property is heavily forested and the PR zone is an appropriate in this context because it will allow consideration of retaining this existing, mature vegetation
3. The width of the property may make meeting the 35-ft peripheral setback challenging, depending on the type of housing proposed and the layout.

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. This site is in the vicinity of other properties zoned with similar densities.
2. The proposed low density residential zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.
3. Brown Gap Road is a minor collector at the subject property, and a major collector to the south of the Crippen Road intersection. Brown Gap Road is a connector between E. Emory Road and Maynardville Pike, and makes a more direct connection to Maynardville Pike via Crippen Road. A connection to Tazewell Pike to the southeast is also available via Carter Road.
4. Options for connectivity between properties should a considered during the development plan review.

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 subject property is designated as the LDR (Low Density Residential) land use classification in the Northeast County Sector Plan, which allows consideration of the PR zone with a density of up to 5 du/ac in the County's Planned Growth Area of the Growth Policy Plan.
2. The requested zone is not in conflict with the General Plan.
3. The proposal does not present any apparent conflicts with other adopted plans.

ESTIMATED TRAFFIC IMPACT: 132 (average daily vehicle trips)

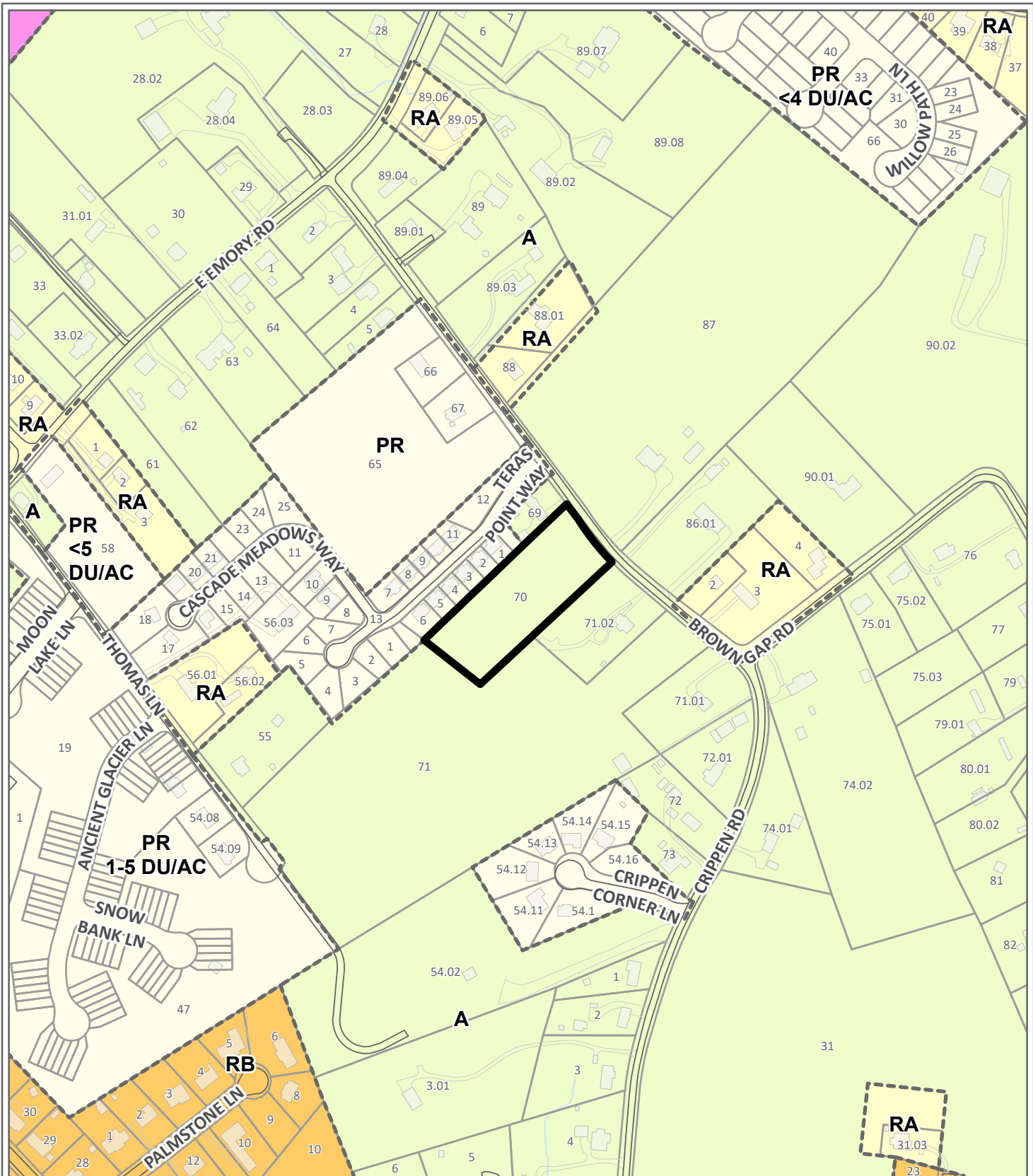
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 5 (public school children, grades K-12)

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 8/28/2023. 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.



REZONING

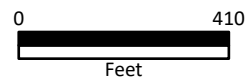
7-U-23-RZ

Petitioner: JW Construction

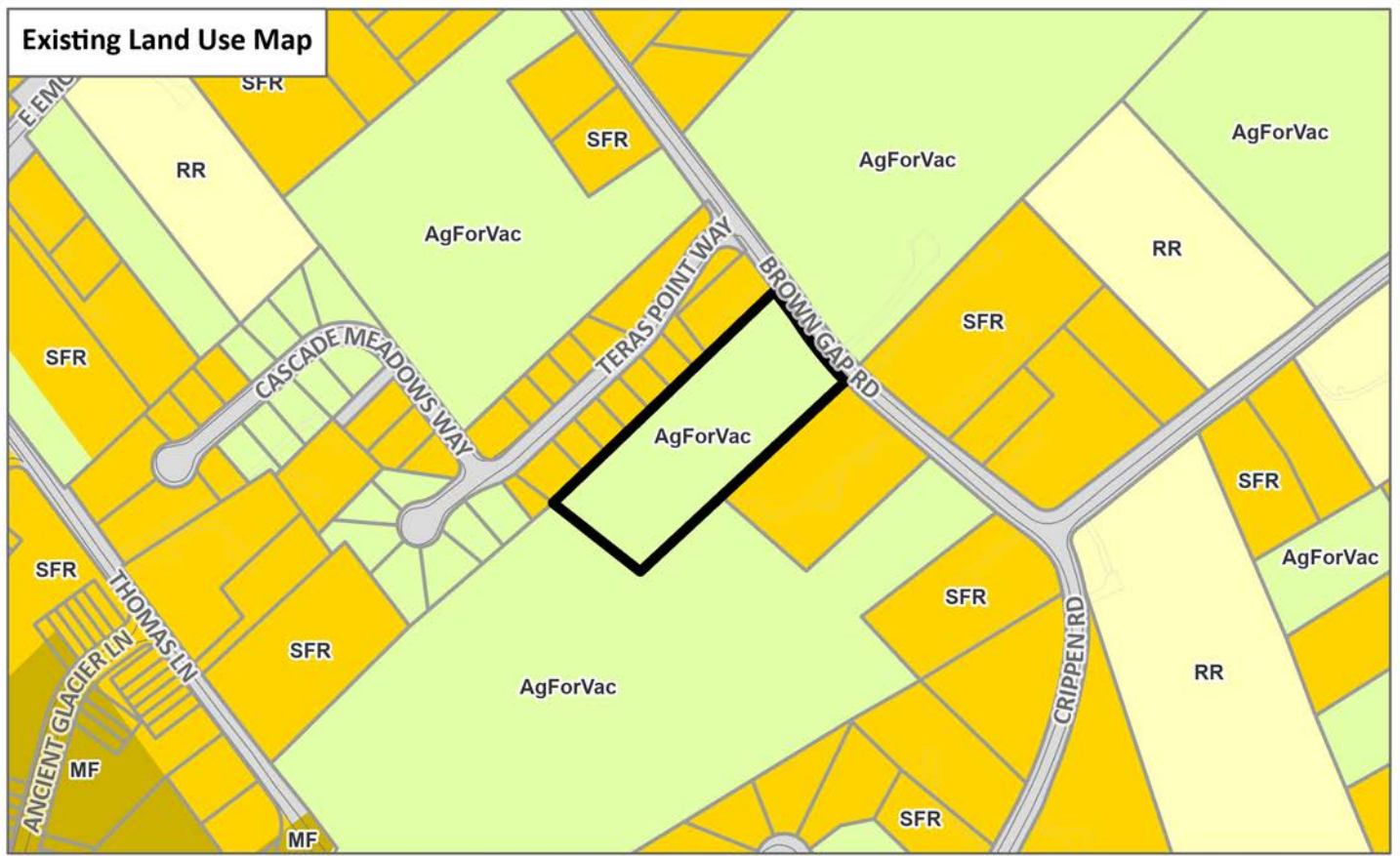


From: A (Agricultural)
To: PR (Planned Residential)

Map No: 29
Jurisdiction: County



Existing Land Use Map



Aerial Map

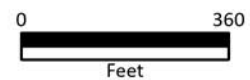


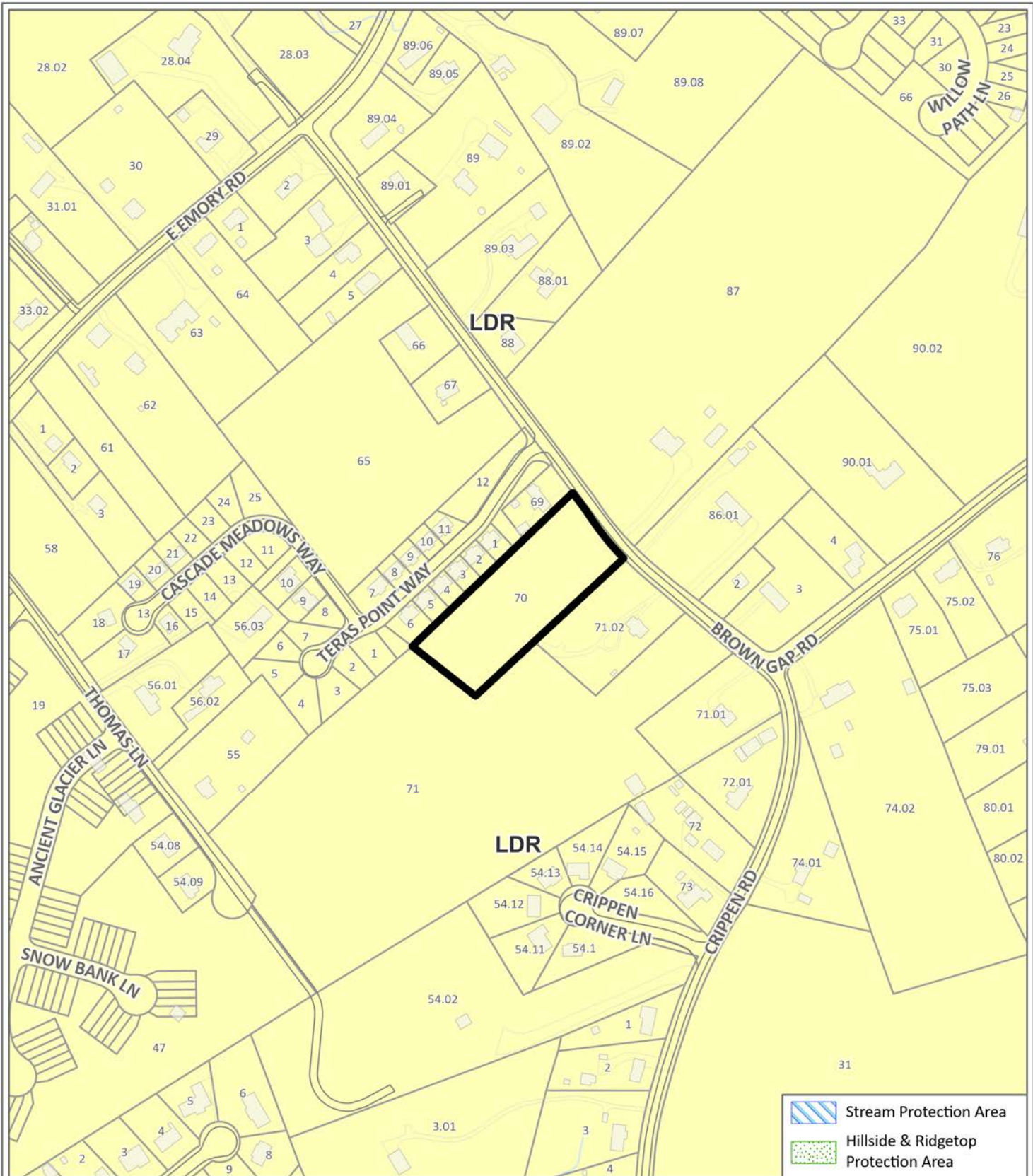
CONTEXTUAL MAPS

7-U-23-RZ



Case boundary





NORTH COUNTY SECTOR PLAN MAP

7-U-23-RZ

Petitioner: JW Construction



Case boundary

Original Print Date: 6/16/2023

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

Map No: 29

Jurisdiction: County





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

JW Construction

Applicant Name Affiliation

6/1/2023 **7/13/2023** **7-U-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.

David Harbin Batson, Himes, Norvell and Poe

Name / Company

4334 Papermill Dr. Dr. Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

JW Construction **4923 Crippen Rd Knoxville TN 37918** **865-389-0788**
 Owner Name (if different) Owner Address Owner Phone / Email

5711 BROWN GAP RD

Property Address

29 070 **2.37 acres**
 Parcel ID Part of Parcel (Y/N)? Tract Size

Hallsdale-Powell Utility District **Hallsdale-Powell Utility District**
 Sewer Provider Water Provider Septic (Y/N)

STAFF USE ONLY

Southwest side of Brown Gap Rd, southeast of E Emory Rd.

General Location

City **Commission District 7** **A (Agricultural)** **Agriculture/Forestry/Vacant Land**
 County District Zoning District Existing Land Use

North County **LDR (Low Density Residential)** **Planned Growth Area**
 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	
Additional Information	Total Number of Lots Created
<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)

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
\$650.00	
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.

Applicant Signature: JW Construction Date: 6/1/2023
Please Print

Phone / Email: _____

Property Owner Signature: JW Construction Date: 6/1/2023
Please Print



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

JW Construction
Applicant Name

Affiliation

5/30/23
Date Filed

Meeting Date (if applicable)

File Number(s)

7-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

DAVID HARBIN
Name

BATSON Himes Hoevell + Poe
Company

4334 PAPER MILL DR
Address

Knoxville
City

TN
State

37909
ZIP

865-588-6472
Phone

harbin@bhn-p.com
Email

CURRENT PROPERTY INFO

Jeff Williams
Property Owner Name (if different)

4923 CRIFFEN ROAD
Knoxville TN 37918
Property Owner Address

865-389-0786
Property Owner Phone

5711 BROWN GAP RD
Property Address

029 070
Parcel ID

HDUD
Sewer Provider

HPUD
Water Provider

no
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

Proposed Subdivision Name

Related Rezoning File Number

- Combine Parcels
 Divide Parcel

Unit / Phase Number

Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change

AG-10-PR Sunits
Proposed Zoning

Pending Plat File Number

Plan Amendment Change

Proposed Plan Designation(s)

Sunits Acre
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

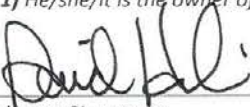
- Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

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


Applicant Signature

DAVID HARBIN
Please Print

5.30.23
Date

805-588-10472
Phone Number

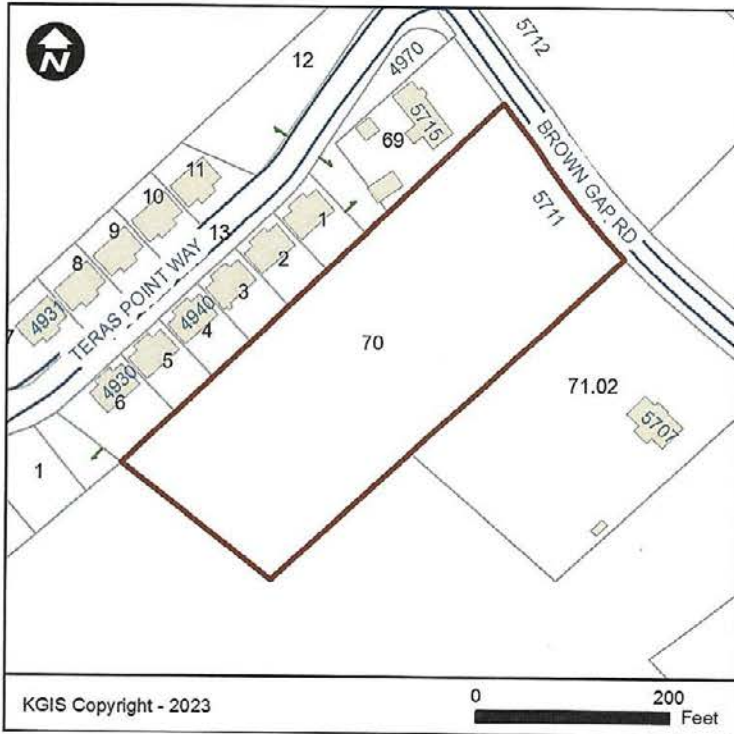
harbin@bhn-p.com
Email


Property Owner Signature

Jeff Williams
Please Print

Date Paid

Parcel 029 070 - Property Map and Details Report



Property Information

Parcel ID:	029 070
Location Address:	5711 BROWN GAP RD
CLT Map:	29
Insert:	
Group:	
Condo Letter:	
Parcel:	70
Parcel Type:	NORMAL
District:	E6
Ward:	
City Block:	
Subdivision:	
Rec. Acreage:	3.33
Calc. Acreage:	2.80
Recorded Plat:	-
Recorded Deed:	20230512 - 0060772
Deed Type:	AD:Administrato
Deed Date:	5/12/2023

Address Information

Site Address: 5711 BROWN GAP RD
KNOXVILLE - 37918

Address Type: UNUSED LAND

Site Name:

Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

Owner Information

MANNING THOMAS E
412 WATAUGA DR APT 2
KNOXVILLE, TN 37918

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY

City / Township:

Other Information

Census Tract: 62.03

Planning Sector: North County

Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 61E

Voting Location: Halls High School
4321 E EMORY RD

TN State House: 16

TN State Senate: 6

County Commission: 7 Rhonda Lee
(at large seat 10) Larsen Jay
(at large seat 11) Kim Frazier

School Board: 7 Steve Triplett

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones

Elementary:

Current Year: ADRIAN BURNETT ELEMENTARY

2023 - 2024: ADRIAN BURNETT ELEMENTARY

Intermediate:

Middle: HALLS MIDDLE

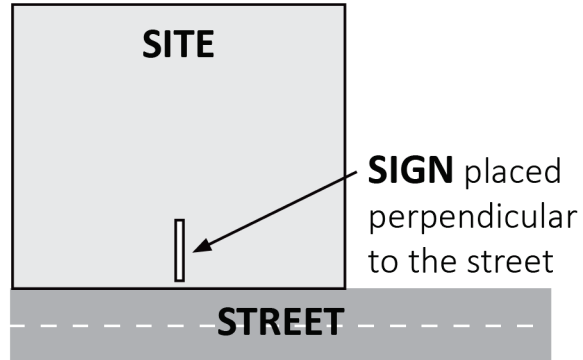
High: GIBBS HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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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:

_____ 6/30/2023 _____ and _____ 7/14/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: JW Construction

Date: 6/1/2023

File Number: 7-U-23-RZ

- Sign posted by Staff
- Sign posted by Applicant