

REZONING REPORT

▶ **FILE #:** 3-H-23-RZ

AGENDA ITEM #: 24

AGENDA DATE: 3/9/2023

▶ **APPLICANT:** MICHAEL & CYNTHIA BOOKER

OWNER(S): Michael & Cynthia Booker

TAX ID NUMBER: 29 100 PART OF

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 5506 E. Emory Rd. (and 5508 E Emory Rd)

▶ **LOCATION:** South side of E Emory Rd, west of Bell Rd, east of Crown Rd

▶ **APPX. SIZE OF TRACT:** 0.29 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via E Emory Rd, major arterial with a 18-ft pavement width within a 67-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:** RA (Low Density Residential)

▶ **EXISTING LAND USE:** Rural Residential

▶
EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Rural residential, transportation/communications/utilities - A (Agricultural)

South: Rural residential - RA (Low Density Residential), PR (Planned Residential) up to 5 du/ac, A (Agricultural)

East: Single family residential - PR (Planned Residential) up to 5 du/ac, A (Agricultural)

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

NEIGHBORHOOD CONTEXT: This area primarily consists of large lot single family residences within subdivisions and smaller lot single family subdivisions off of side streets.

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 area surrounding the subject property has been transitioning from agricultural to single family residential land use since 1988.
2. This area abuts large lot single family residential to the east to the north and a multifamily attached subdivision to the west.

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

1. The RA (Single Family 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 property is zoned A (Agricultural) on 9.59 acres and has a duplex and single-family home on the lot. This is not in conformance with the A zoning district, which allows a maximum of 2 dwelling units on a lot. Therefore, the applicant seeks to subdivide the subject property off of the larger lot to bring it into compliance with the zoning ordinance. In order to create a lot of the size proposed, the applicant must first rezone the property to a zone allowing a lot of that size.
2. The RA zone allows up to 2 dwelling units on 12,000 sq ft lot with sanitary sewer connection. While duplexes are allowed by Use on Review in the RA zone, the structure was built prior to 1967 County Code of ordinances. As long as the existing dwelling is not expanded, a Use on Review would not be required.
3. This RA (Low Density Residential) zoned acreage should not have any adverse effects on any other parts of the county since it is consistent with other zoning in the area.

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 North County Sector Plan proposes low density residential uses for the site, which supports RA zoning.
2. This rezoning is not conflict with the General Plan or any other adopted plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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.

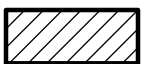
If approved, this item will be forwarded to Knox County Commission for action on 4/24/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



Parental Responsibility Zone (PRZ)

**3-H-23-RZ
REZONING**

Petitioner: Michael & Cynthia Booker



From: A (Agricultural)
To: RA (Low Density Residential)

Original Print Date: 2/14/2023 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 29
Jurisdiction: County

0 125
Feet



Exhibit B. 3-H-23-RZ Contextual Images

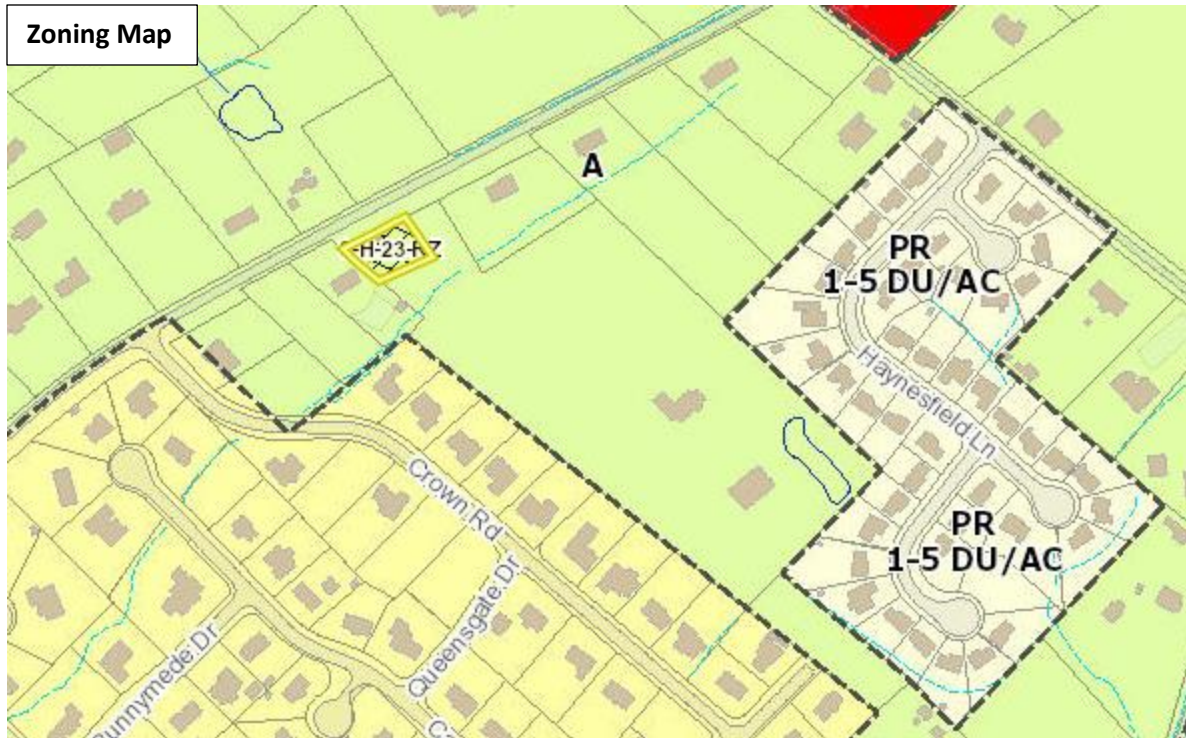
Location Map



Aerial Map



Exhibit B. 3-H-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

Michael & Cynthia Booker

Applicant Name

Affiliation

1/23/2023

Date Filed

3/9/2023

Meeting Date (if applicable)

3-H-23-RZ

File Number(s)

CORRESPONDENCE

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

Chris Rudd

Name / Company

925 Hiwassee Ave. Ave. Knoxville TN 37917

Address

865-806-7183 / pkrclr@aol.com

Phone / Email

CURRENT PROPERTY INFO

Michael & Cynthia Booker

Owner Name (if different)

5506 E Emory Rd Knoxville TN 37938

Owner Address

865-389-1566

Owner Phone / Email

5506 E. Emory Rd. / 5508 E Emory Rd (part of)

Property Address

29 100 part of

Parcel ID

0.29 acres

Tract Size

Part of Parcel (Y/N)?

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of E Emory Rd, west of Bell Rd, east of Crown Rd

General Location

City

Commission District 7

A (Agricultural)

Rural Residential

Count

District

Zoning District

Existing Land Use

North 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 RA (Low Density Residential) | 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 <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission | Fee 1 \$650.00 | Total |
| ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request | Fee 2 | |
| ADDITIONAL REQUIREMENTS <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

| | | |
|---------------------|---|--------------------------|
| Applicant Signature | Michael & Cynthia Booker Please Print | 1/23/2023 Date |
|---------------------|---|--------------------------|

| | | |
|---------------|---|--------------------------|
| Phone / Email | Michael & Cynthia Booker Please Print | 1/23/2023 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

Michael & Cynthia Booker

Owner

Applicant Name

Affiliation

1-23-23

MARCH 9, 2023

File Number(s)

Date Filed

Meeting Date (if applicable)

3-H-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

Chris Rudd

Name

Company

925 Hiwassee Ave

Knoxville

Tn

37917

Address

City

State

ZIP

865-806-7183

PKRCLR@OL.COM AOL.COM

Phone

Email

CURRENT PROPERTY INFO

SAME

Property Owner Name (if different)

G. Gentry RD

Property Owner Address

865-389-1566

Property Owner Phone

5506, 5508

029 - 100

Property Address

Parcel ID

Hallsdale

Hallsdale

n

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

12,650 FT² 0.29 AC

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

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 1 Total Number of Lots Created

Other (specify)

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change RA
Proposed Zoning

Plan Amendment Change
Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) Duplex on E. Emory RD Only

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


Applicant Signature

Michael & Cynthia Booker

Please Print

Date

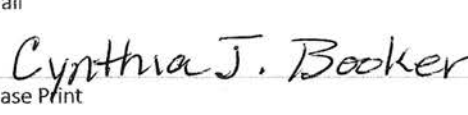
Chris Rudd

1/19/2023

Phone Number

Email


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.