

REZONING REPORT

▶ **FILE #:** 9-D-23-RZ

AGENDA ITEM #: 15

AGENDA DATE: 9/14/2023

▶ **APPLICANT:** RICK HARBIN

OWNER(S): Rick Harbin

TAX ID NUMBER: 66 120.06

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 7620 RIO GRANDE DR

▶ **LOCATION:** Northeast side of Rio Grande Rd, northwest of W Emory Rd

▶ **APPX. SIZE OF TRACT:** 1.61 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Rio Grande Dr, a local road with a pavement width of 26 ft within a 50-ft right-of-way. The road terminates at the end of the subdivision to the north and connects to W Emory Rd, a major arterial, to the south.

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:** Single Family Residential

▶ **DENSITY PROPOSED:** 5 du/ac

EXTENSION OF ZONE: Yes, this is an extension of the zone.

HISTORY OF ZONING: None noted.

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

South: Rural residential - A (Agricultural)

East: Multifamily residential - PR (Planned Residential) up to 5 du/ac

West: Single family residential - PR (Planned Residential) up to 5 du/ac

NEIGHBORHOOD CONTEXT: The area is located within a half-mile from a commercial corridor along Clinton Hwy. It primarily comprises single family residences on relatively large lots with deep setbacks. There are a lot of forestry/vacant lands in the vicinity, with one multifamily development west of the subject property.

STAFF RECOMMENDATION:

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

COMMENTS:

The applicant has requested a rezoning to the PR (Planned Residential) zone with a density of up to 5 du/ac.

However, Planning staff is recommending the RA (Low Density Residential) zone, as the PR zone is generally not intended for a property of this size (1.61 acre).

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. The adjacent subdivision to the north, Norte Villa, was platted in 1992 and has been developed with single-family residences since then. From aerial views in KGIS, it appears that other nearby properties have experienced moderate growth within similar timeframes.
2. The Belltown Planned Development approved in January 2023 (Case # 11-A-22-PD) is two parcels to the west and is currently under construction. The net residential density for the Belltown development is 4.3 du/ac, excluding the acreage for the commercial uses and the recreational area. The plan includes a mix of detached residential lots on various lot sizes, 213 townhouses, 324 apartment units spread out over 306 acres in Knox County and 8 acres in Anderson County. The plan also includes up to 80,000 sq ft of commercial space and 111 acres of greenspace, which includes a 40-acre public park.

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

1. The requested PR zone is generally intended for unified development plans on larger lots. It also has a 35-ft periphery boundary requirement which is not ideal for the subject property.
2. The recommended RA zone provides for residential areas with low population densities. The RA zone, when served by a sewer system, allows single-family houses on 10,000 sq ft lots and duplexes on 12,000 sq ft lots with the Use on Review approval.
3. Rezoning this parcel to the RA zone is consistent with the zone's intent and with the area in general. There are some RA zoned properties in close proximity, on the south side of Emory Road.
4. The surrounding property that is zoned PR with up to 5 du/ac is built out closer to 2 du/ac. Therefore, the RA zone recommended by Planning is more aligned with surrounding development than the requested zoning.

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. This property is in an area with a mix of agricultural and residential zones which include the A, RA, and PR (with up to 5 du/ac density) zones. There are no adverse impacts anticipated with the proposed RA zone as the uses allowed by the RA zone are consistent with the area.
2. The RA zone will work as a transition between the PR zoned properties on the north side and A (Agricultural) zoned property on the south side. It will also be compatible with the adjacent multifamily development on the east side.
3. The sector plan designation would remain LDR (Low Density Residential), which is the designation for all surrounding parcels.
4. There is a sinkhole and a pond on the property within a platted drainage easement on the northwest corner. Any new development will need to comply with the County's stormwater engineering division.

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 rezoning is consistent with the General Plan's development policy 9.3, which encourages that the context of new development, including scale and compatibility, should not impact existing neighborhoods and communities.
2. The RA zone is consistent with the Northwest County Sector Plan's LDR land use classification.
3. This property is in the Planned Growth Area of the Growth Policy Plan, which allows consideration of the RA zone.

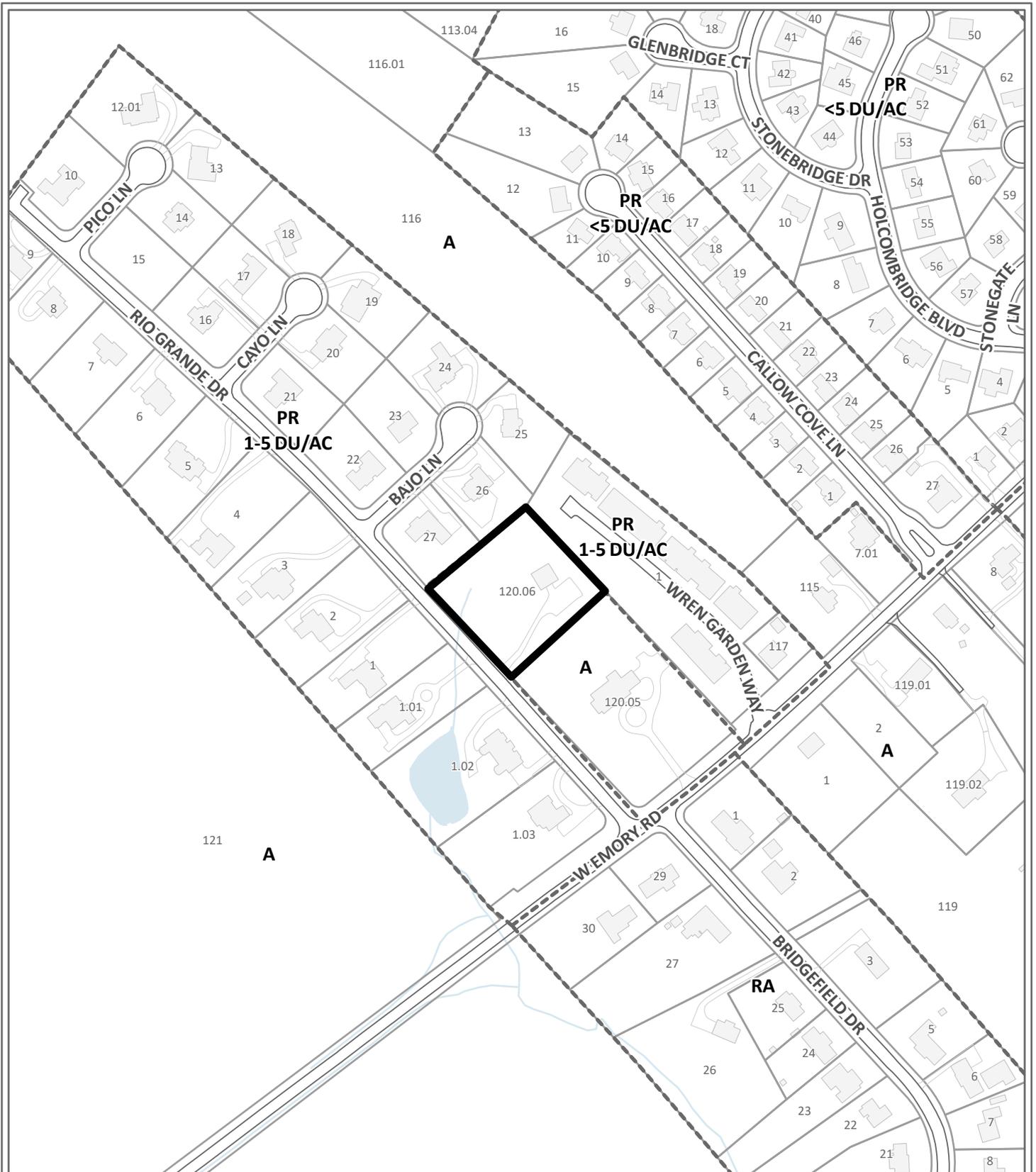
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Powell Elementary, Powell Middle, and Powell 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 10/23/2023. 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

9-D-23-RZ

Petitioner: Rick Harbin



From: A (Agricultural)
To: PR (Planned Residential), 1-5 du/ac

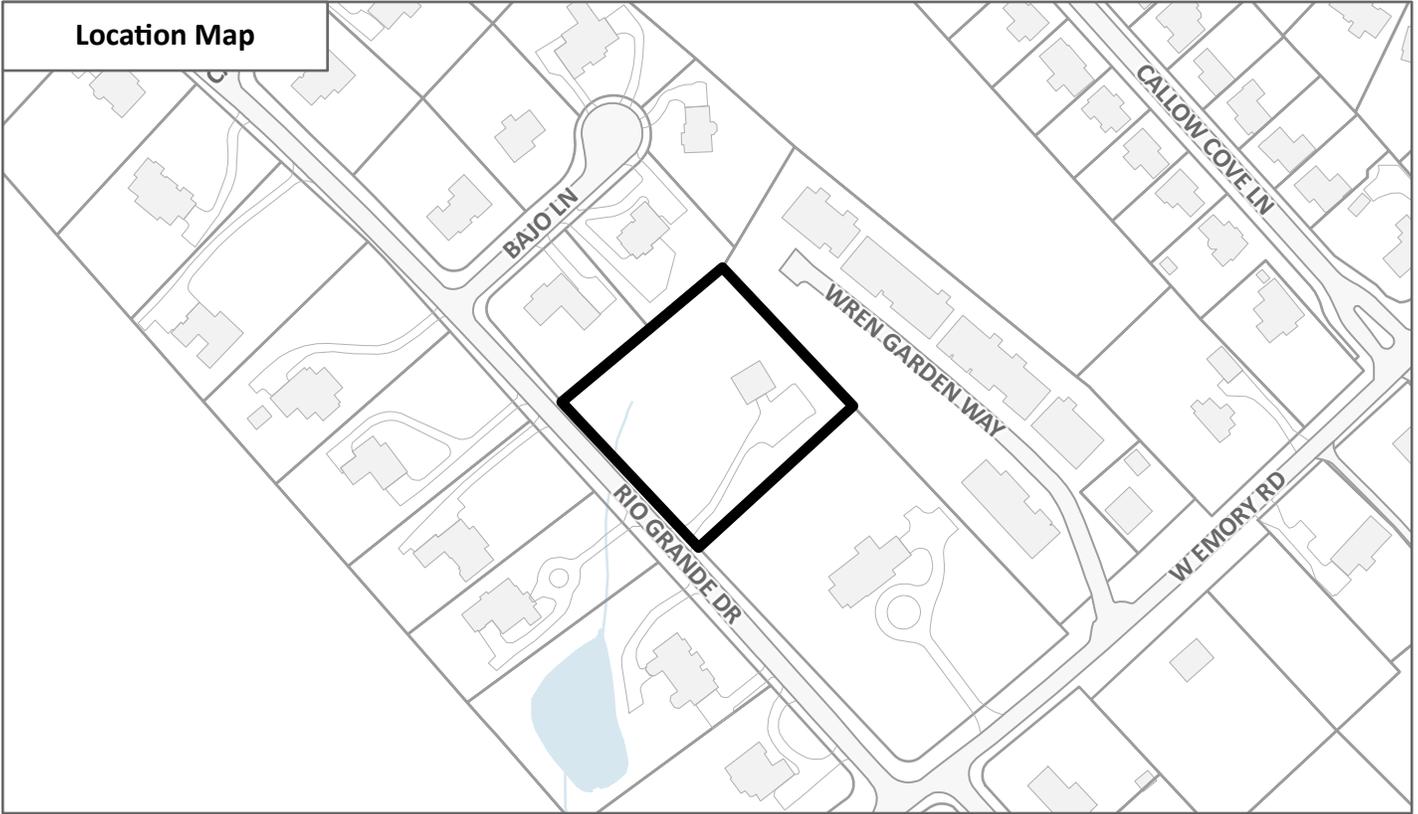
Map No: 66
Jurisdiction: County

Original Print Date: 8/18/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



Exhibit A. Contextual Images

Location Map



Aerial Map

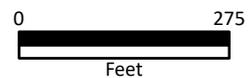


CONTEXTUAL MAPS 1

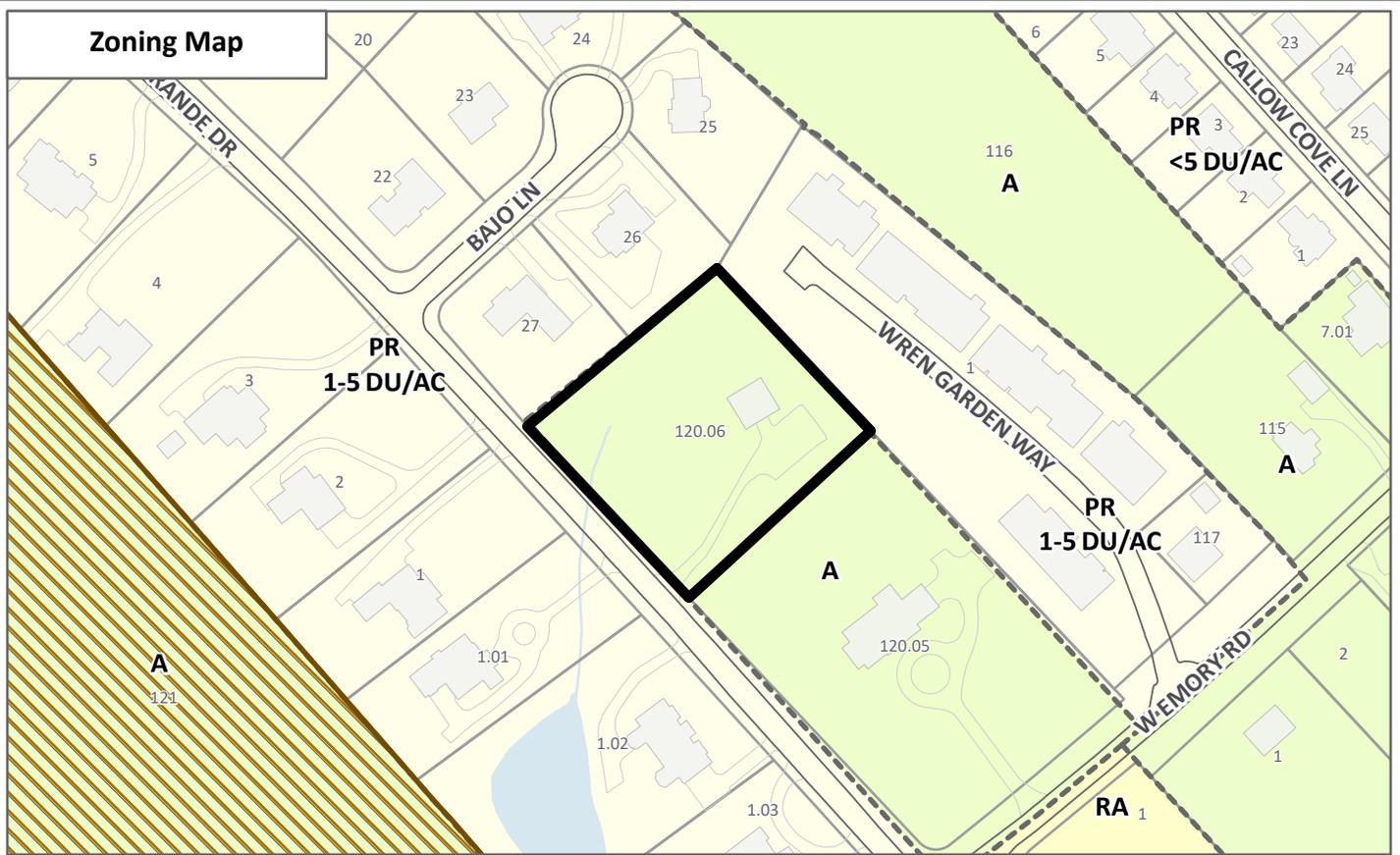
9-D-23-RZ



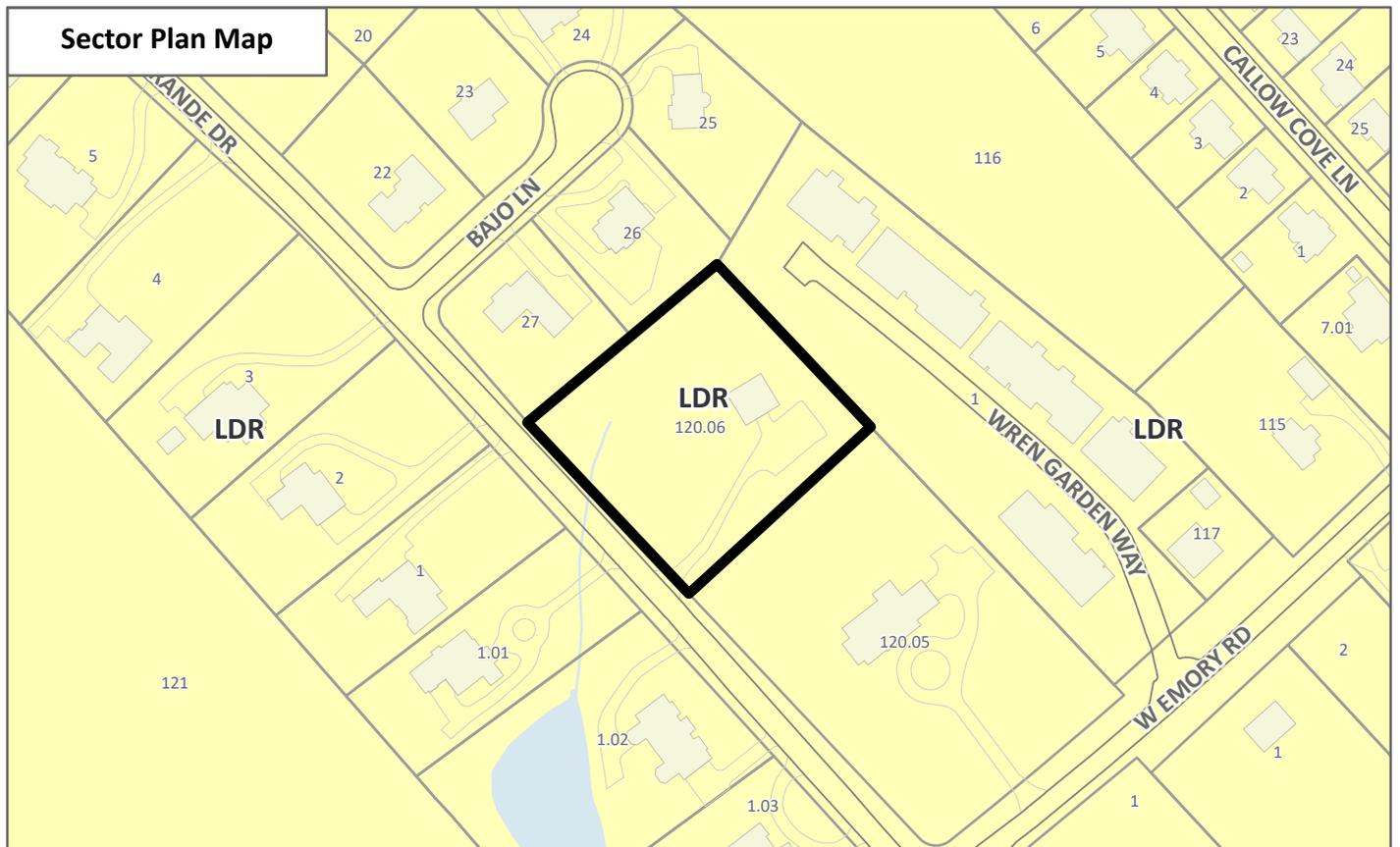
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

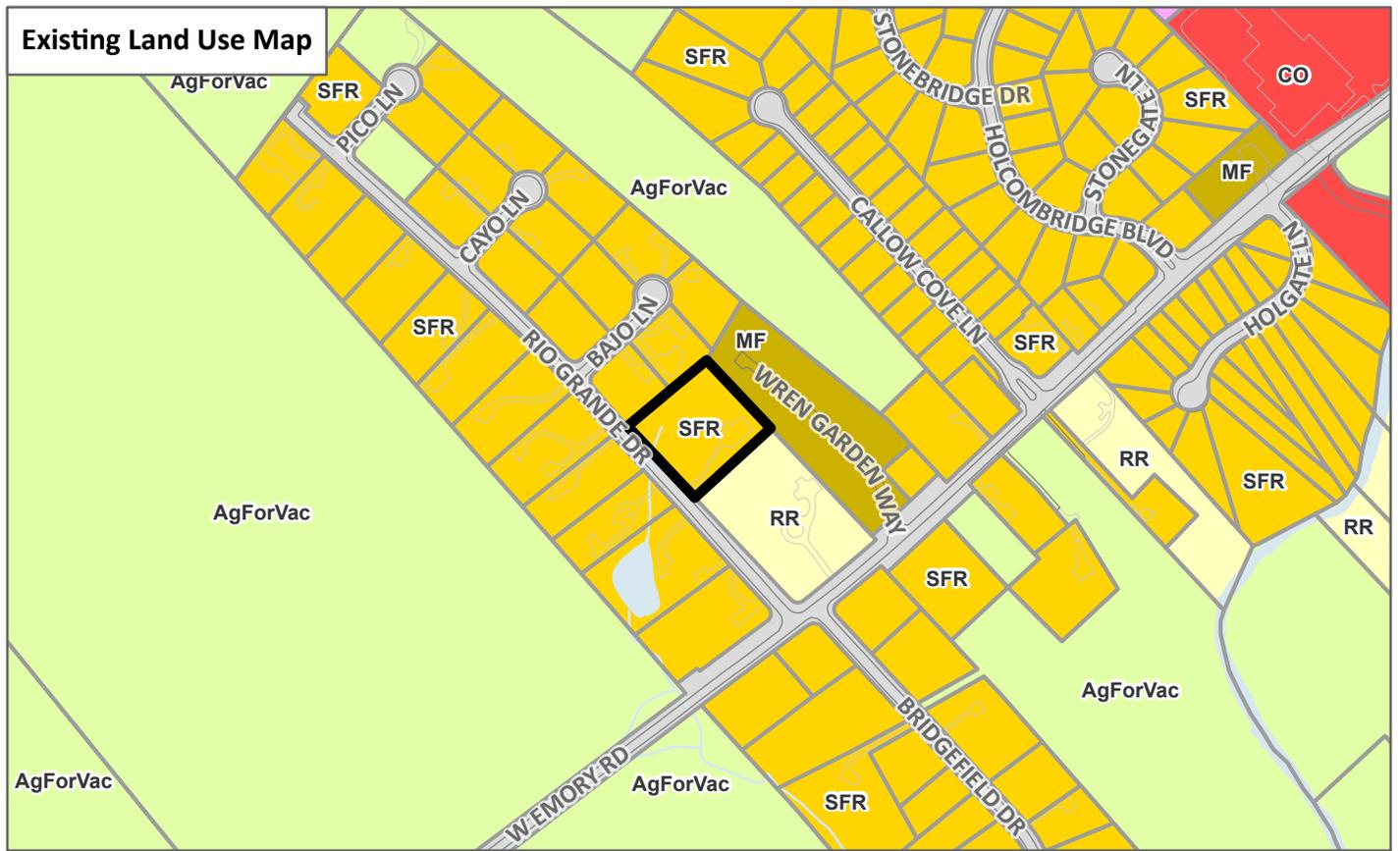
9-D-23-RZ



Case boundary



Existing Land Use Map

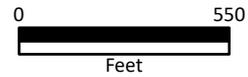


CONTEXTUAL MAPS 3

9-D-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

Rick Harbin

Applicant Name

Affiliation

7/17/2023

Date Filed

9/14/2023

Meeting Date (if applicable)

9-D-23-RZ

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

865-604-1592 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

Rick Harbin

Owner Name (if different)

7615 Rio Grande Dr Knoxville TN 31921

Owner Address

865-755-2346

Owner Phone / Email

7620 RIO GRANDE DR

Property Address

66 120.06

Parcel ID

1.61 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

Northeast side of Rio Grande Rd, Northwest of W. Emory Rd

General Location

City

Commission District 6

A (Agricultural)

Single Family Residential

County 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

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

23784

RICK HARBIN
Applicant Name

Affiliation

7.14.23
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.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

DAVID HARBIN
Name

BATSON Himes Hoewell + POC
Company

4334 PAPERMILL RD
Address

Knoxville
City

TN
State

37909
ZIP

865-588-6472
Phone

harbin@bhn-p.com
Email

CURRENT PROPERTY INFO

Rick HARBIN
Property Owner Name (if different)

7615 RIO GRANDE DR
KNOXVILLE, TN 37921
Property Owner Address

865-755-2346
Property Owner Phone

7620 RIO GRANDE DR
Property Address

CLT MAP 466 PARCEL 066 12006
Parcel ID

HPUD
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

Unit / Phase Number

- Combine Parcels Divide Parcel

Total Number of Lots Created

Other (specify)

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change **REZONE to PR @ 1-5 du/ac**
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

Fee 1

Total

ATTACHMENTS

- Property Owners / Option Holders Variance Request

Fee 2

ADDITIONAL REQUIREMENTS

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

Fee 3

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

David Harbin
Applicant Signature

DAVID HARBIN
Please Print

7.14.23
Date

865-588-6472
Phone Number

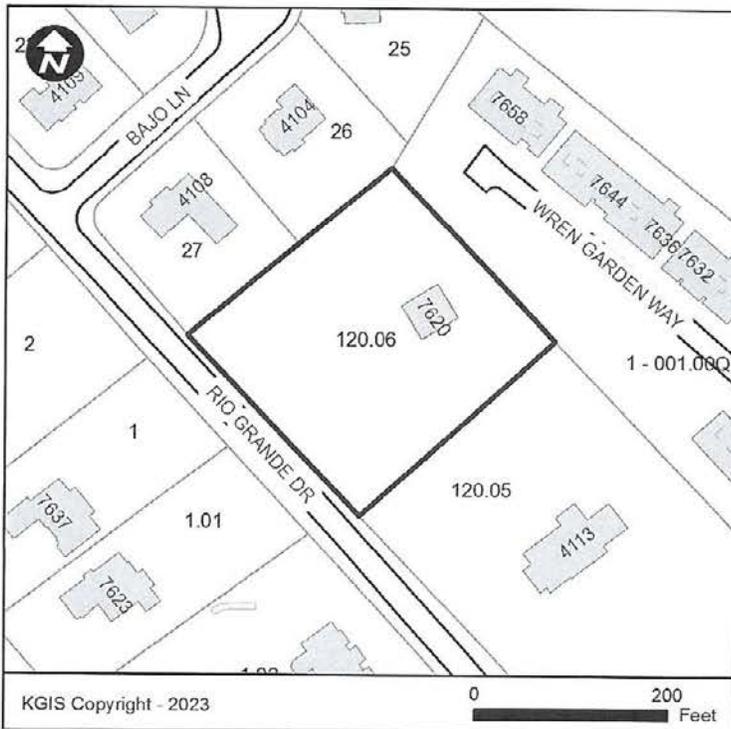
harbin@bhn-p.com
Email

Rich Harbin
Property Owner Signature

Rich HARBIN
Please Print

7.17.23
Date Paid

Parcel 066 12006 - Property Map and Details Report



Property Information

Parcel ID:	066 12006
Location Address:	7620 RIO GRANDE DR
CLT Map:	66
Insert:	
Group:	
Condo Letter:	
Parcel:	120.06
Parcel Type:	NORMAL
District:	E6
Ward:	
City Block:	
Subdivision:	JIM HARBIN EMORY RD FINAL PLAT
Rec. Acreage:	1.61
Calc. Acreage:	
Recorded Plat:	20100203 - 0050781
Recorded Deed:	20210524 - 0096534
Deed Type:	Deed:Deed
Deed Date:	5/24/2021

*Permanently
PRO
1-5
du/ac*

Address Information

Site Address: 7620 RIO GRANDE DR
POWELL - 37849

Address Type: DWELLING, SINGLE-FAMILY

Site Name:

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

Owner Information

HARBIN RICK ALLEN & HARBIN GLENDA
7615 RIO GRANDE DR
KNOXVILLE TN 37921

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: 60.03

Planning Sector: Northwest County

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

Political Districts

Voting Precinct: 63N

Voting Location: Karns Middle School
2925 GRAY HENDRIX RD

TN State House: 89

TN State Senate: 5

County Commission: 6 Terry Hill
(at large seat 10) Larsen Jay
(at large seat 11) Kim Frazier

School Board: 6 Betsy Henderson

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

School Zones

Elementary: POWELL ELEMENTARY

Intermediate:

Middle: POWELL MIDDLE

High: KARNs HIGH

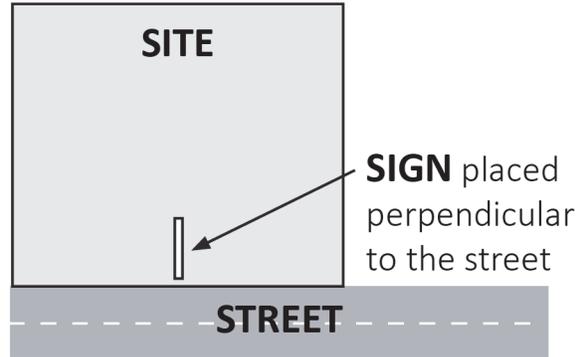
Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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*23784 - Now Rick Harbin
7615 Rio Grande Drive Powell TN 37849
755-2346*

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:

_____ 09/01/2023 _____ and _____ 9/15/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Rick Harbin

Date: 07/14/2023

File Number: 9-D-23-RZ

- Sign posted by Staff
- Sign posted by Applicant