

REZONING REPORT

▶ **FILE #:** 9-E-23-RZ

AGENDA ITEM #: 16

AGENDA DATE: 9/14/2023

▶ **APPLICANT:** ALEX BOTEZAT

OWNER(S): Alex Botezat

TAX ID NUMBER: 60 020, 021, 022, 023

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 5701 MILLERTOWN PIKE (5703, 5707, 5709 MILLERTOWN PIKE)

▶ **LOCATION:** North side of Millertown Pike, west of Mary Emily Ln

▶ **APPX. SIZE OF TRACT:** 45.04 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Millertown Pike, a minor arterial with a 20-ft pavement width within a 50-ft of right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

▶ **PRESENT ZONING:** RA (Low Density Residential), RB (General Residential), A (Agricultural)

▶ **ZONING REQUESTED:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Rural Residential, Agriculture/Forestry/Vacant Land, Single Family Residential

▶ **DENSITY PROPOSED:** up to 5 dwelling units/acre

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

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Agricultural/forestry/vacant - A (Agricultural), PR (Planned Residential) up to 4 du/ac

South: Agricultural/forestry/vacant - RB (General Residential)

East: Agricultural/forestry/vacant, rural residential - A (Agricultural), RA (Low Density Residential), RB (General Residential)

West: Agricultural/forestry/vacant, public/quasi public land - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is primarily large forested and agricultural tracts and small lot single family residential subdivisions.

STAFF RECOMMENDATION:

▶ **Approve PR (Planned Residential) zone up to 2.75 du/ac because it is consistent with the sector plan and surrounding development, subject to one condition.**

1) The rear of the parcel with slopes of 25% or greater shall be left undisturbed.

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. Since the early 2000s, surrounding properties have been transitioning away from Agricultural and General Residential zoning to Planned Residential zones in order to create single family residence subdivisions on small and medium sized lots.

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

1. The regulations established in this zone are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. It allows clustering of residences to focus development on the optimal parts of the property and preserve more sensitive areas, such as steep slopes.
2. Most of the subject property is within the HP (Hillside Protection) area. The PR zone is an appropriate consideration in this context because it enables concentrated development away from the ridgeline.

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. Staff recommends rezoning to PR up to 2.75 du/ac instead of the requested PR up to 5 du/ac because approximately forty percent of the subject property is steeply sloped, undisturbed forest. The topographic constraints of the property would likely result in concentration of development on the front portion of the site which could result in a development out character with other developments along Millertown Pike.
2. Considering the environmental constraints, staff recommends approving the PR zone at 2.75 du/ac on the condition that the area along the rear of the property line with slopes of 25% or higher be left undisturbed. This condition is supported by the following development policies of the General Plan 1) Rigorously enforce zoning regulations and conditions of approval to maintain public confidence in the planned development process (10.4) and 2) Encourage flexible, planned development zones to protect hillsides, woodlands, wildlife habitats, and stream corridors (6.1).
3. Built out at 5 du/ac, this 45-acre property could be developed at a maximum capacity of 225 du/ac. The slope analysis recommends disturbing only 8.7 acres within the Hillside Protection area. Built out at 2.75 du/ac, this 45-acre property could be developed at a maximum capacity of 123 du/ac.
4. PR zoning requires that development plans be submitted for Planning Commission review. At that time, issues such as topography, surrounding character, and access are evaluated, and community input may be provided regarding the proposed development plan.

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 PR zone of 2.75 du/ac is consistent with the Northeast County Sector Plan's LDR (Low Density Residential) land use designation and Urban Growth Area of the Growth Policy Plan.
2. With adherence to the noted condition, the proposed PR zone of 2.75 du/ac aligns with 6.2 of the General Plan, which encourages development in areas with the fewest environmental constraints.
3. The proposed zone change is not in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 2128 (average daily vehicle trips)

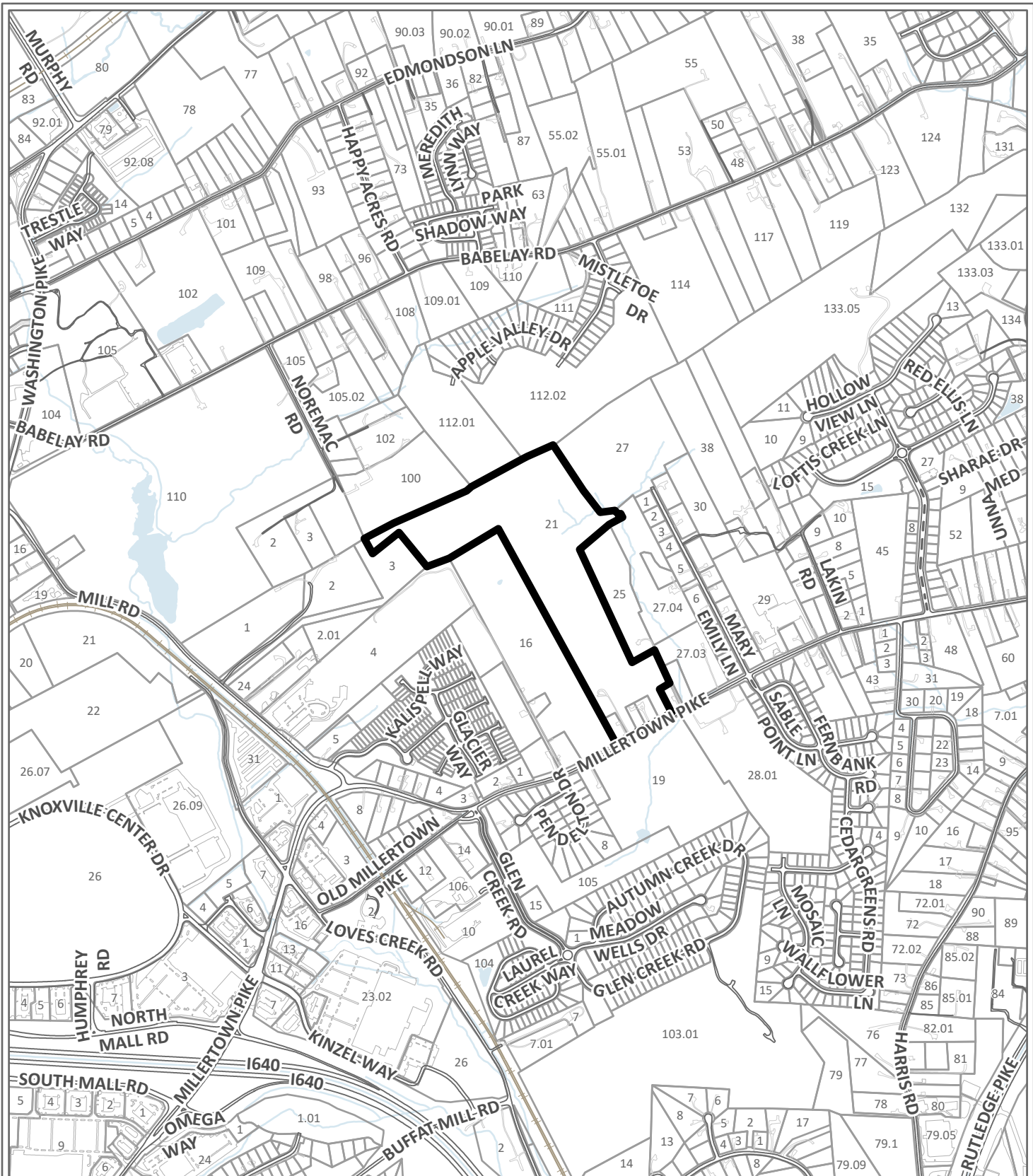
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 95 (public school children, grades K-12)

Schools affected by this proposal: Ritta Elementary, Holston 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 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-E-23-RZ

Petitioner: Alex Botezat



From: RA (Low Density Residential), RB (General Residential), A (Agricultural)
To: PR (Planned Residential)

Map No: 60
Jurisdiction: County

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

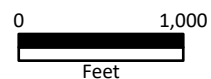
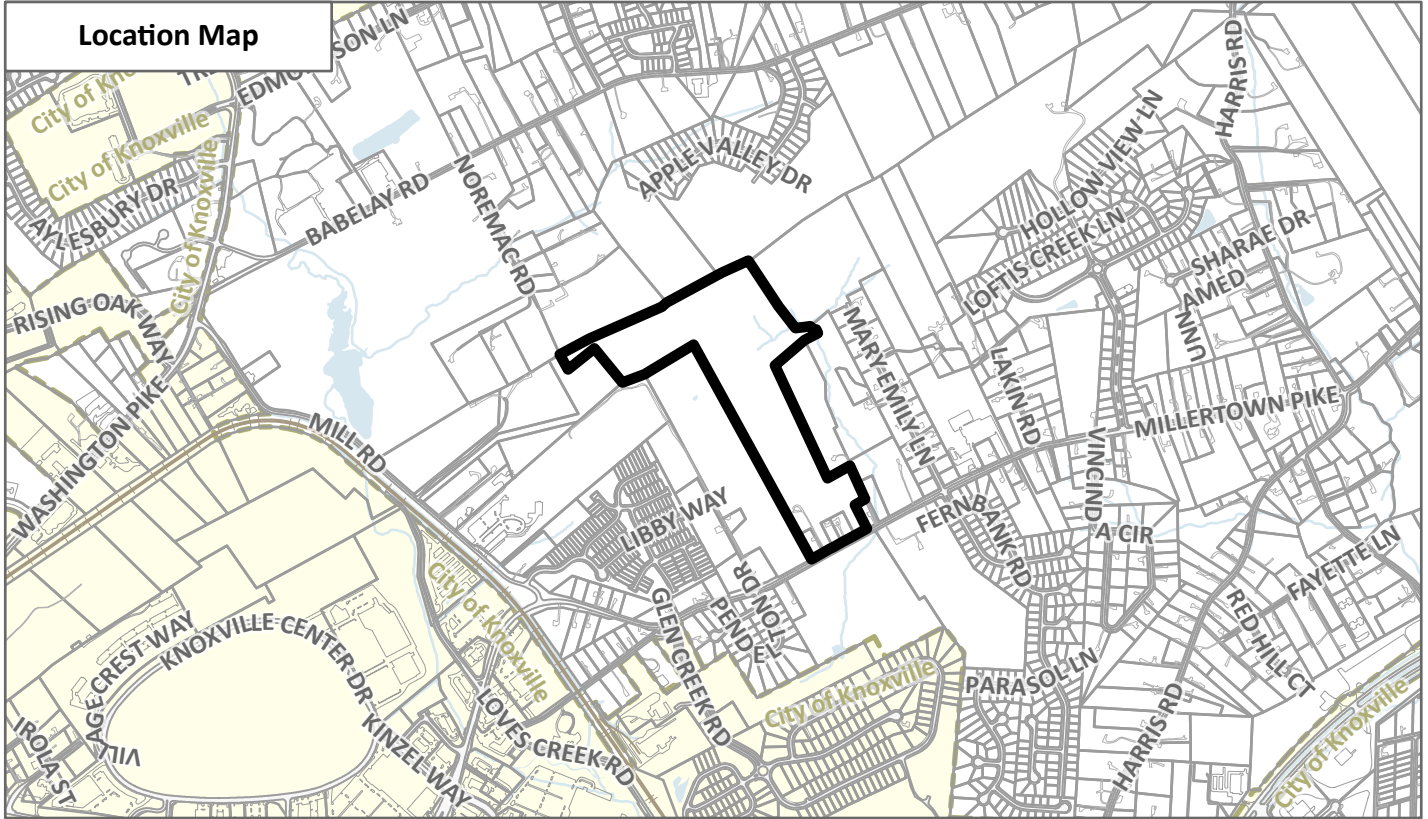
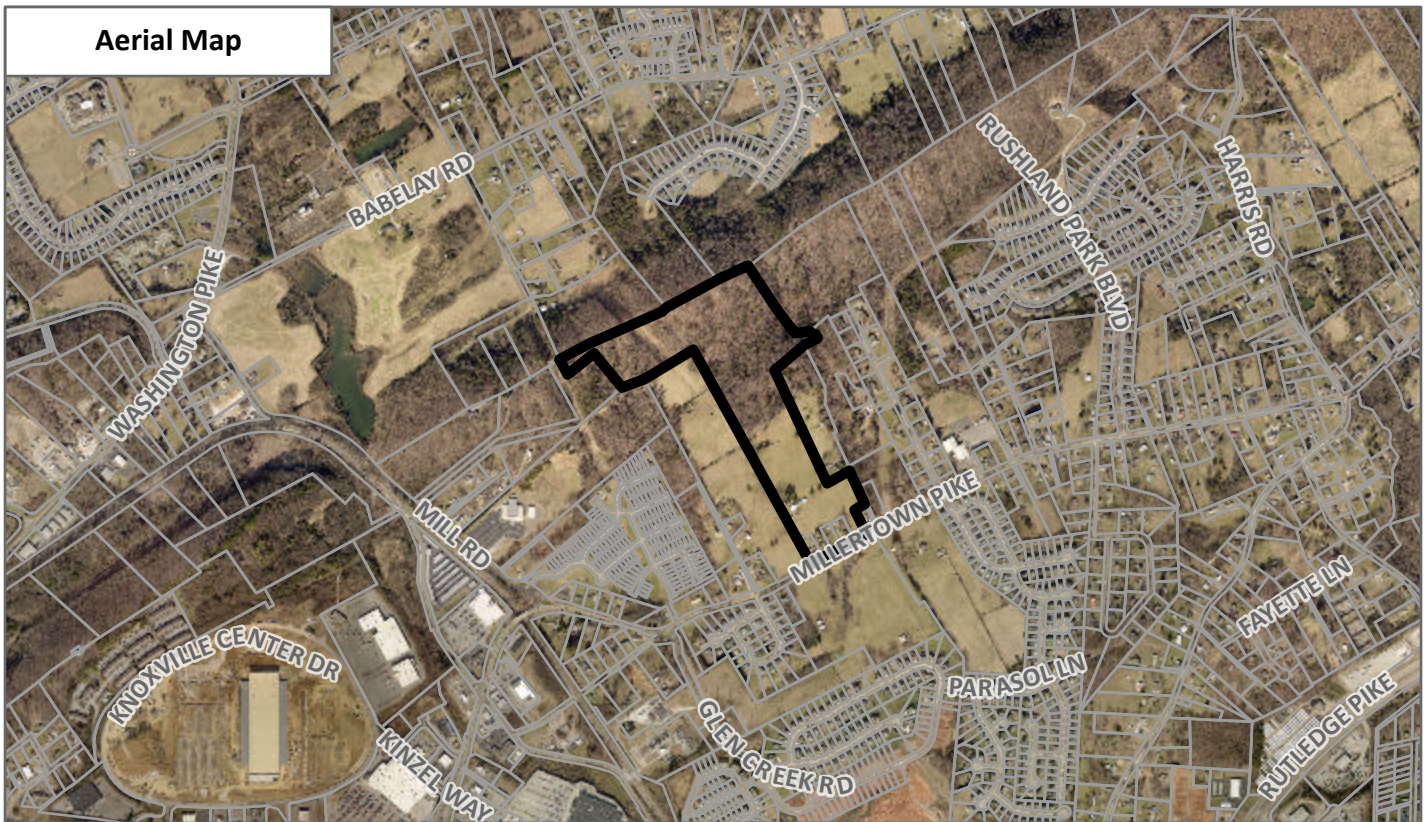


Exhibit A. Contextual Images

Location Map



Aerial Map

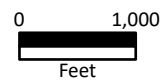


CONTEXTUAL MAPS 1

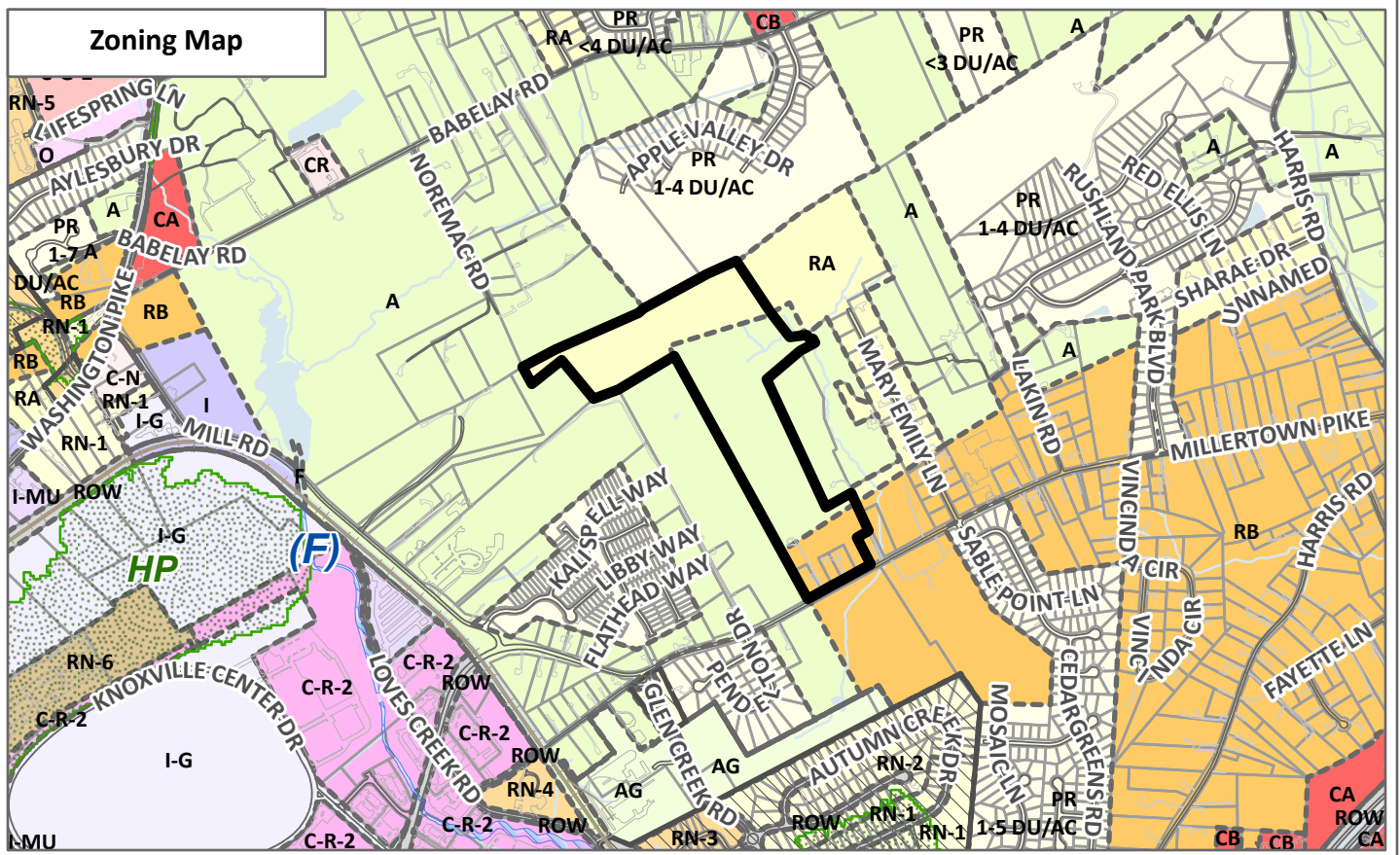
9-E-23-RZ



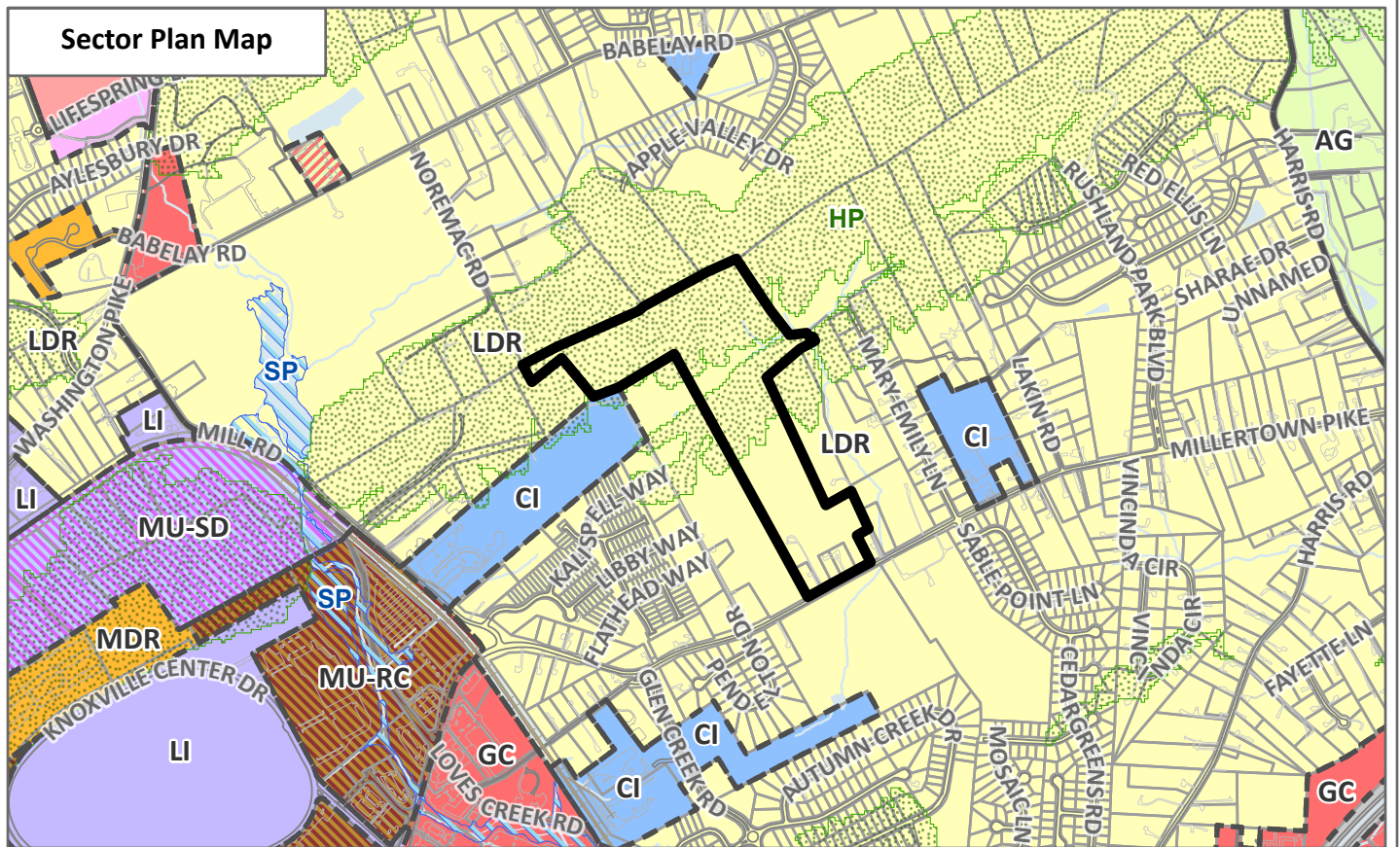
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

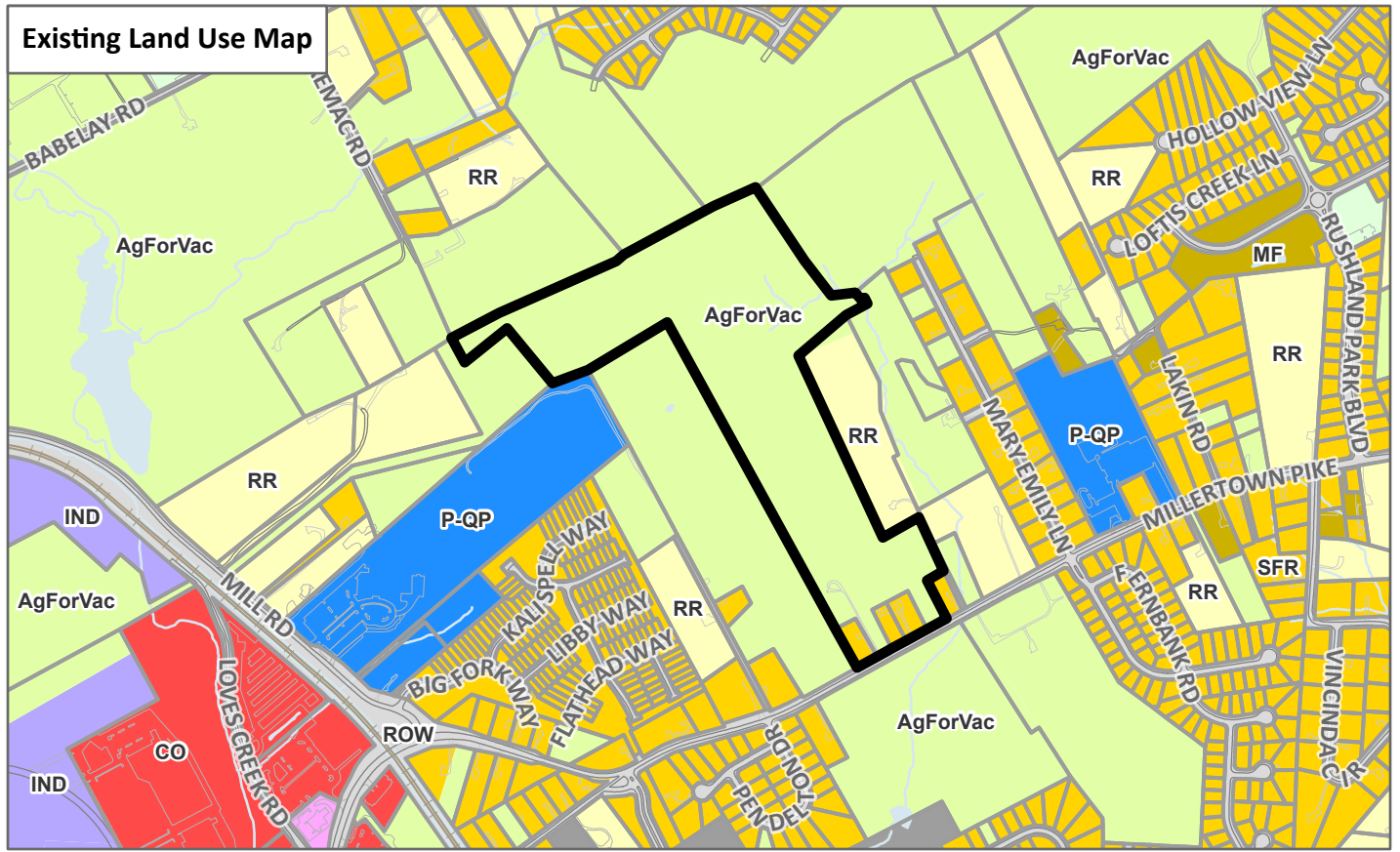
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Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

9-E-23-RZ

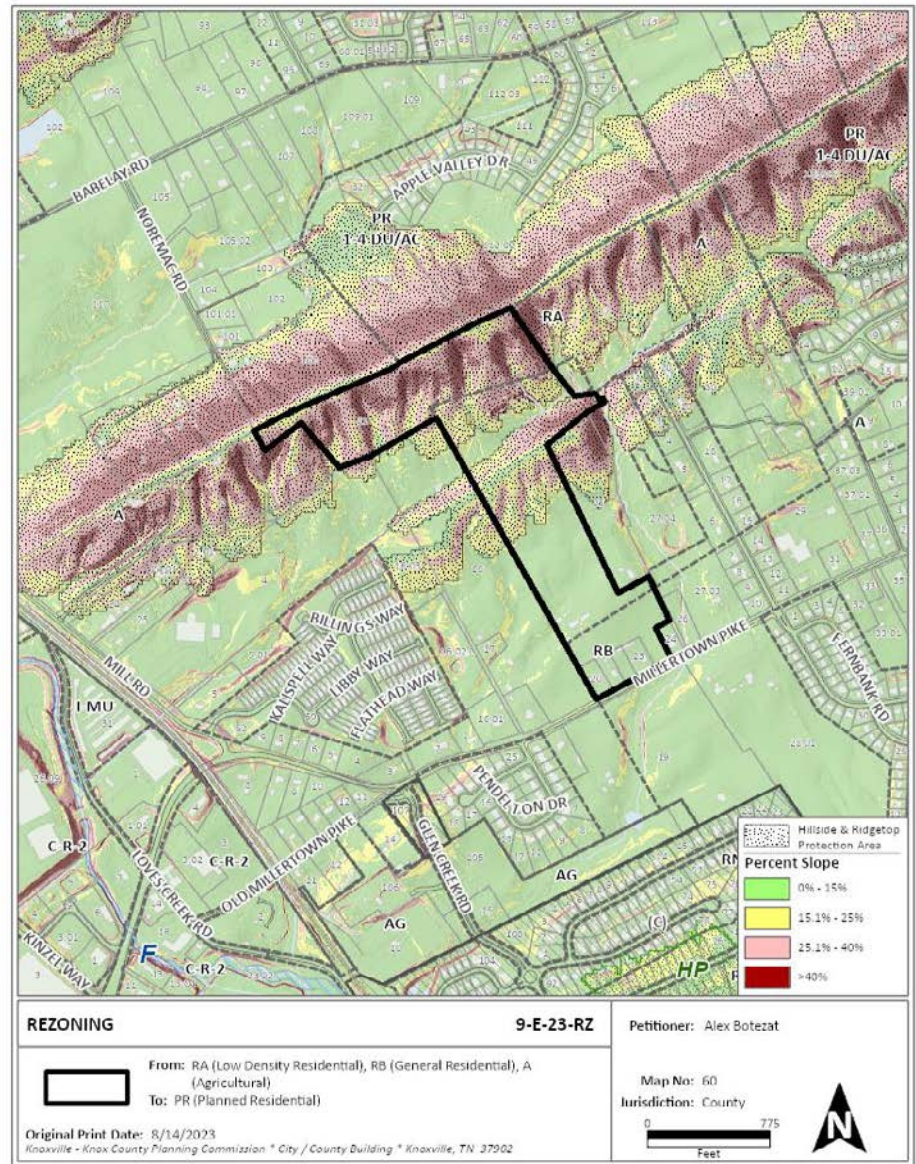


Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	44.9		
Non-Hillside	17.5	N/A	
0-15% Slope	2.1	100%	2.1
15-25% Slope	7.5	50%	3.7
25-40% Slope	11.2	20%	2.2
Greater than 40% Slope	6.7	10%	0.7
Ridgetops			
Hillside Protection (HP) Area	27.4	Recommended disturbance budget within HP Area (acres)	8.7
		Percent of HP Area	31.8%

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	17.5	5.00	87.5
0-15% Slope	2.1	4.00	8.3
15-25% Slope	7.5	2.00	15.0
25-40% Slope	11.2	0.50	5.6
Greater than 40% Slope	6.7	0.20	1.3
Ridgetops	0.0	3.00	0.0
Subtotal: Sloped Land	27.4		30.2
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	44.9	2.62	117.7
Proposed Density (Applicant)	44.9		5.0





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

Alex Botezat

Applicant Name

Affiliation

7/24/2023

Date Filed

9/14/2023

Meeting Date (if applicable)

9-E-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

Alex Botezat

Owner Name (if different)

4317 Ball Camp Pike Knoxville TN 37909

Owner Address

865-313-5695

Owner Phone / Email

5701 MILLERTOWN PIKE / 5703, 5707, 5709 MILLERTOWN PIKE

Property Address

60 020,021,022,023

Parcel ID

Part of Parcel (Y/N)?

45.04 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Northeast Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Millertown Pike, west of Mary Emily Lane

General Location

City

Commission District 8

RA (Low Density Residential), RB (General Residential), A (Agricultural)

Rural Residential, Agriculture/Forestry/Vacant Land, Single Family Residential

County District

Zoning District

Existing Land Use

Northeast County

Planning Sector

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

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit)

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)	

up to 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
\$2,902.00	
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	Alex Botezat Please Print	7/24/2023 Date
---------------------	-------------------------------------	--------------------------

Property Owner Signature	Alex Botezat Please Print	7/24/2023 Date
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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

25500

Alex Botezat

Applicant Name

Affiliation

7.14.23

Date Filed

Meeting Date (if applicable)

File Number(s)

9-E-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

DAVIO HARBIN

Name

Batson Himes Noevel + Poe

Company

4334 Papermill Rd

Address

Knoxville TN

City

State

31909

ZIP

805-588-6472

Phone

harbin@bhn-p.com

Email

CURRENT PROPERTY INFO

Alex Botezat

Property Owner Name (if different)

5703, 5709, 5701 & 5707

4317 Ball Camp Pike
Knoxville, TN 31921

Property Owner Address

Property Owner Phone

Millertown Pike

Property Address

TAX MAP 60 Parcels 21, 20, 22 + 23

Parcel ID

KUB

Sewer Provider

KUB

Water Provider

NO

Septic (Y/N)

STAFF USE ONLY

North side of Millertown Pike, west of Mary Emily Lane

Approximately 45.04 acres

General Location

Tract Size

City County

8th
District

A (Agricultural), RA (Low Density Residential),
& RB (General Residential)

Zoning District

Single family residential,
Agricultural/Forestry/Vacant

Existing Land Use

Northeast County

Planning Sector

LDR & HP

Sector Plan Land Use Classification

Urban Growth

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
 _____ Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change
 Rezone to PE @ Sdu/acre
 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*)

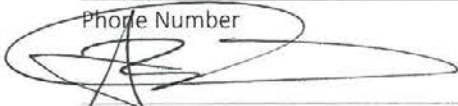
Fee 1	Re zoning	Total
0802		\$2,912.50
Fee 2		
Fee 3		

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


 DAVID HARBIN
 7.17.23
 Applicant Signature
 Please Print
 Date

845-588-6472
 harbin@bhn-p.com
 Phone Number
 Email


 Alex Botzat
 7.17
 SG, 07/24/2023
 Property Owner Signature
 Please Print
 Date Paid

Parcel 060 021 - Property Map and Details Report



Property Information

Parcel ID: 060 021
 Location Address: 5703 MILLERTOWN PIKE
 CLT Map: 60
 Insert:
 Group:
 Condo Letter:
 Parcel: 21
 Parcel Type: NORMAL
 District: N8
 Ward:
 City Block:
 Subdivision: GREENBELT APP #A-849
 Rec. Acreage: 0
 Calc. Acreage: 43.50
 Recorded Plat: -
 Recorded Deed: 1418 - 620
 Deed Type: Deed:Deed
 Deed Date: 10/31/1969

Address Information

Site Address: 5703 MILLERTOWN PIKE
KNOXVILLE - 37924

Address Type: DWELLING, SINGLE-FAMILY

Site Name:

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

Jurisdiction Information

County: KNOX COUNTY

City / Township:

Political Districts

Voting Precinct: 84

Voting Location: Ritta Elementary School
6228 WASHINGTON PIKE

TN State House: 19

TN State Senate: 6

County Commission: 8
 (at large seat 10) Richie Beeler
 (at large seat 11) Larsen Jay
 Kim Frazier

School Board: 8 Mike McMillan

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

Owner Information

CASSADY MARY Y
 5709 MILLERTOWN PIKE
 KNOXVILLE TN 37924

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.

Other Information

Census Tract: 52.03

Planning Sector: Northeast County

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

School Zones

Elementary: RITTA ELEMENTARY

Intermediate:

Middle: HOLSTON MIDDLE

High: GIBBS HIGH

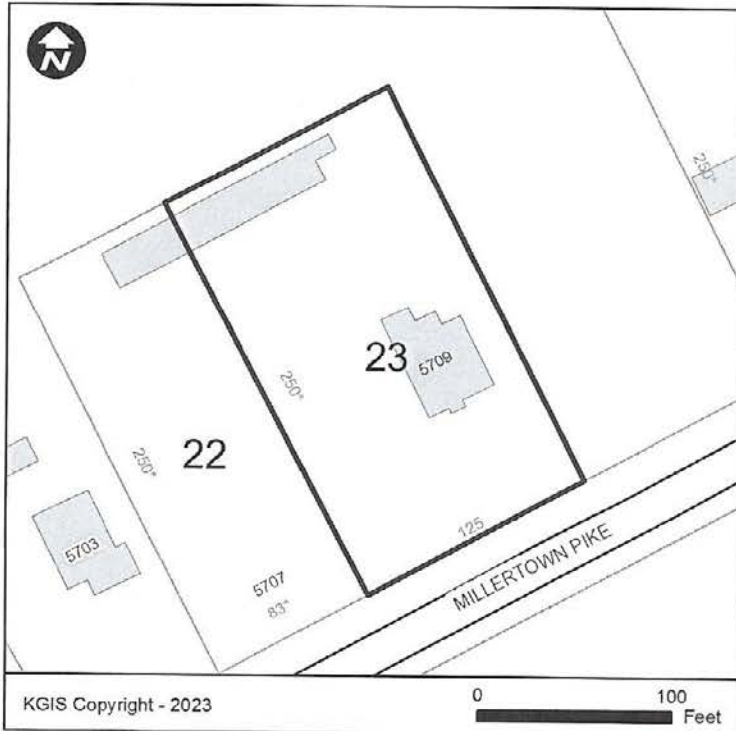
Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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*Alex Bokerat Rezone to PR@50\$/acre
 4 parcels - TAX map 60 Parcels 21, 20, 22, 23*

Parcel 060 023 - Property Map and Details Report



Property Information

Parcel ID:	060 023
Location Address:	5709 MILLERTOWN PIKE
CLT Map:	60
Insert:	
Group:	
Condo Letter:	
Parcel:	23
Parcel Type:	NORMAL
District:	N8
Ward:	
City Block:	
Subdivision:	
Rec. Acreage:	0
Calc. Acreage:	0
Recorded Plat:	-
Recorded Deed:	1500 - 521
Deed Type:	Deed:Deed
Deed Date:	2/20/1973

Address Information

Site Address: 5709 MILLERTOWN PIKE
KNOXVILLE - 37924

Address Type: DWELLING, SINGLE-FAMILY

Site Name:

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

Owner Information

CASSADY MARY F
5709 MILLERTOWN PIKE
KNOXVILLE TN 37924

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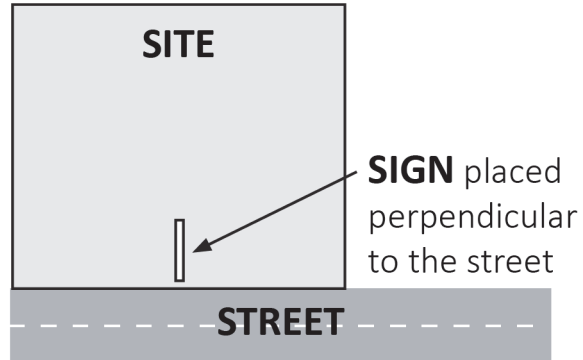
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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, 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:

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

Applicant Name: Alex Botezat

Date: 07/24/2023

File Number: 9-E-23-RZ

- Sign posted by Staff
- Sign posted by Applicant