

REZONING REPORT

► **FILE #:** 4-C-24-RZ

AGENDA ITEM #: 12

AGENDA DATE: 4/11/2024

► **APPLICANT:** LARRY & LAURA BAILEY

OWNER(S): Larry Bailey

TAX ID NUMBER: 66 130

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 5130 W EMORY RD

► **LOCATION:** South side of W Emory Rd, west of Tamron Way

► **APPX. SIZE OF TRACT:** 1.05 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W. Emory Rd., a major arterial street with 21 ft of pavement width within 50 ft of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

► **PRESENT ZONING:** A (Agricultural), PR (Planned Residential) up to 4.2 du/ac

► **ZONING REQUESTED:** RA (Low Density Residential)

► **EXISTING LAND USE:** Single Family Residential

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

HISTORY OF ZONING: None noted

SURROUNDING LAND
USE AND ZONING: North: Rural residential - A (Agricultural)

South: Single family residential - PR (Planned Residential) up to 4.2 du/ac

East: Single family residential - A (Agricultural)

West: Single family residential - PR (Planned Residential) up to 4.2 du/ac

NEIGHBORHOOD CONTEXT: This stretch of W Emory Road consists of large lots with single family dwellings with condos and subdivisions with smaller lots off of side streets. Beaver Creek runs nearby to the south, and Roy Arthur Park is a little over a mile to the west.

STAFF RECOMMENDATION:

► **Approve the RA (Low Density Residential) zone because it is consistent with the sector plan and other development in the area.**

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 experienced a transition from the A (Agricultural) zone to the PR (Planned Residential) and RA zones since the late 1980s.
2. The majority of the property is zoned A, but there is a sliver of PR zoning with up to 4.2 du/ac along the southern lot line. This is a result of a 2016 rezoning case that included a sliver of this parcel (Case # 5-E-16-RZ). That rezoning did not follow the property line, and a sliver of the subject property was rezoned to PR with the abutting subdivision to the south and west. This rezoning request would eliminate the dual zoning currently present.

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

1. The RA zone provides for residential areas with low population densities. The surrounding area consists of low density residential development, so the request for RA on this property is consistent with the zone's intent.
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 RA zone allows predominantly residential uses, though there are a handful of low-impact, nonresidential uses allowed.

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 property is located in an area with a mix of residential zones and densities. Surrounding zoning includes the A, RA, and PR zones, the latter with densities of up to 4 and 5 du/ac. The RA zone is consistent with the area.
2. The RA zone has a minimum lot size of approximately 10,000 sq ft, which yields a density of roughly 4 du/ac. Built at maximum capacity, this property could be developed with up to 4 lots.
3. W Emory Road is a major arterial, so no traffic would be required through residential streets to access the property.
4. W Emory Road is a state route, so access would be controlled by the TN Department of Transportation (TDOT).

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 Northwest County Sector Plan, which allows consideration of the RA zone for properties in the Planned Growth Areas of the Growth Policy Plan.
2. The recommended rezoning complies with the General Plan's development policy 9.3 to ensure the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.

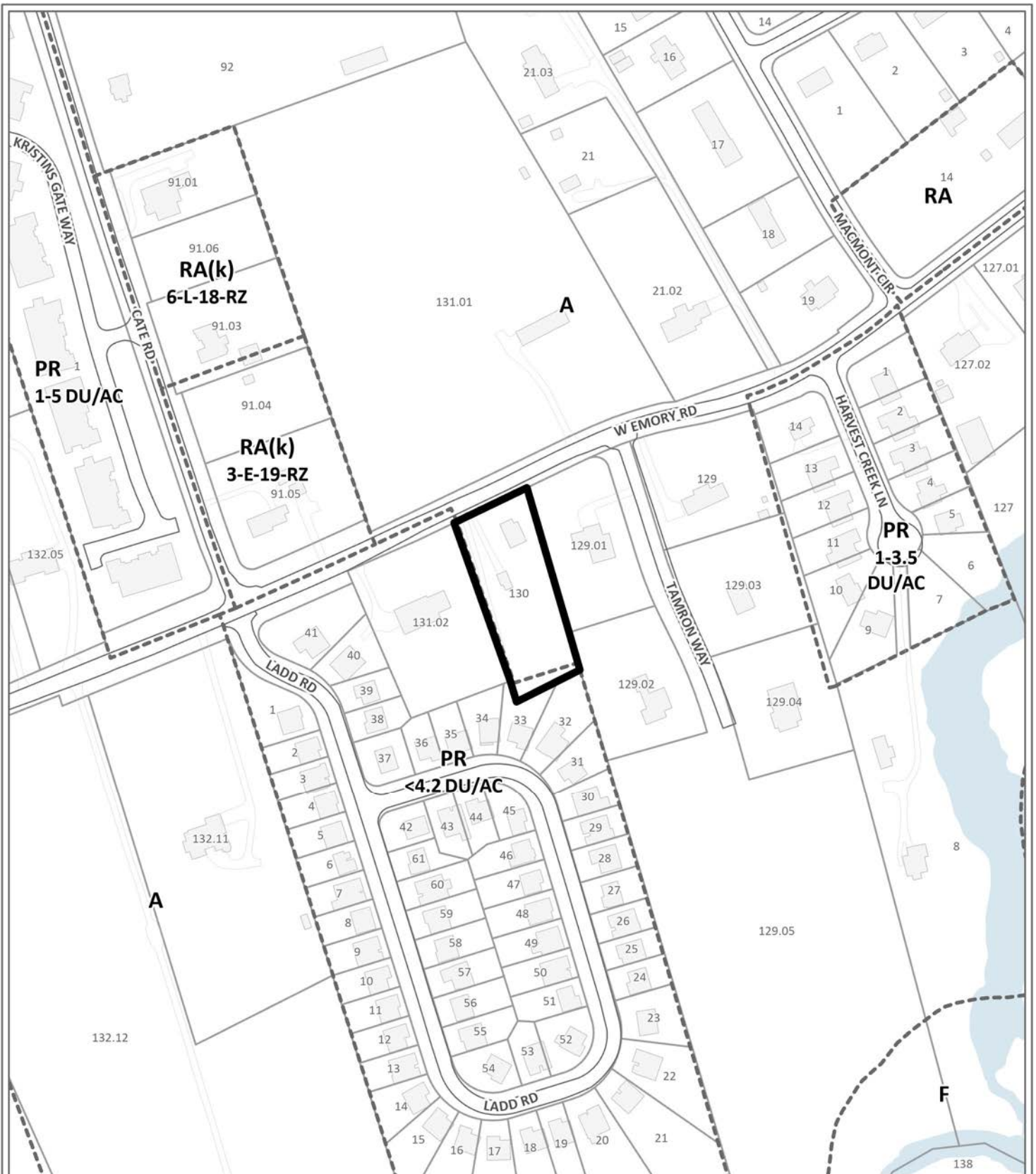
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns 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 5/20/2024. 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

4-C-24-RZ



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

To: RA (Low Density Residential)

Petitioner: Larry & Laura Bailey

Map No: 66

Jurisdiction: County

Original Print Date: 3/12/2024

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

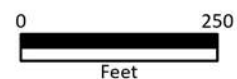
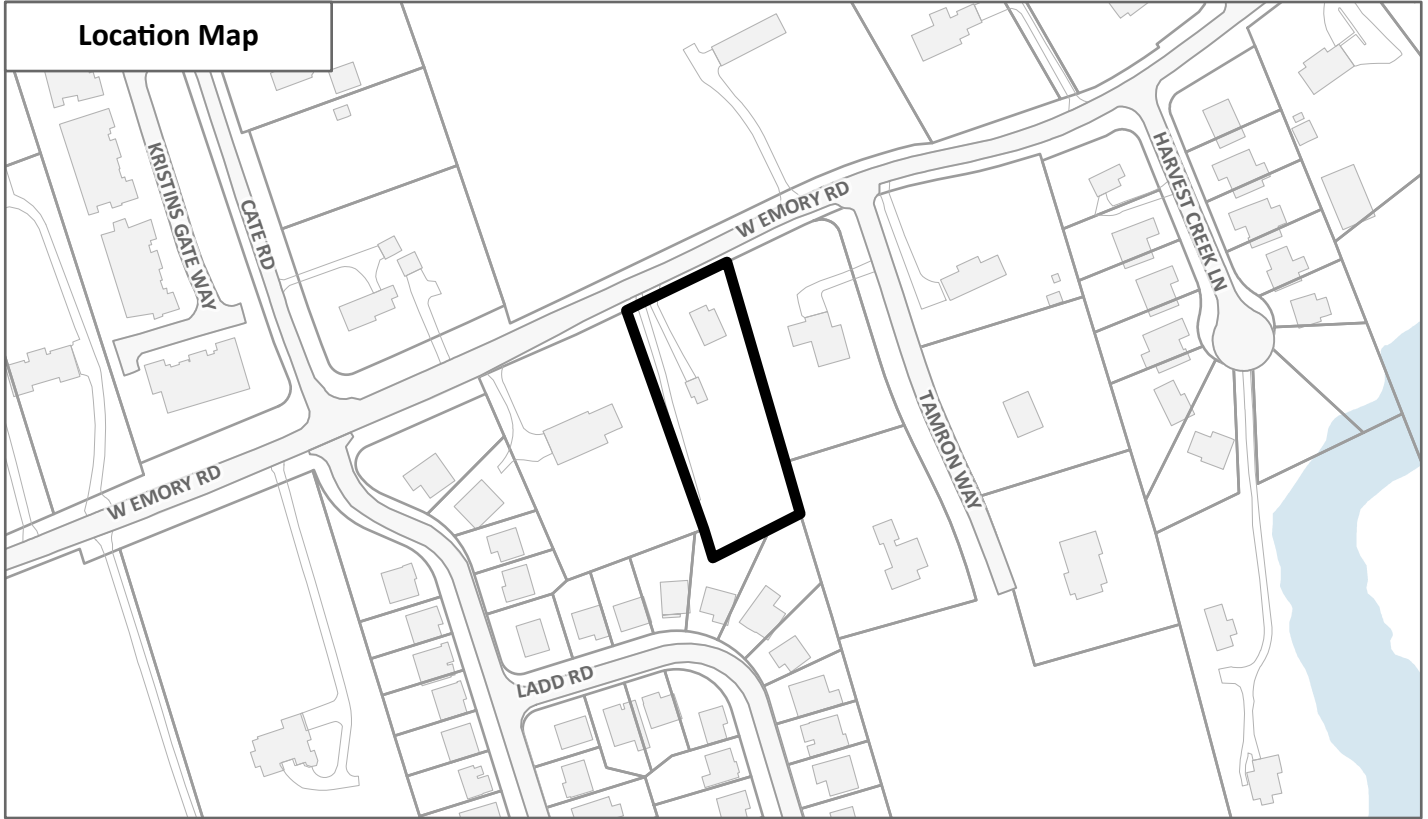


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

4-C-24-RZ

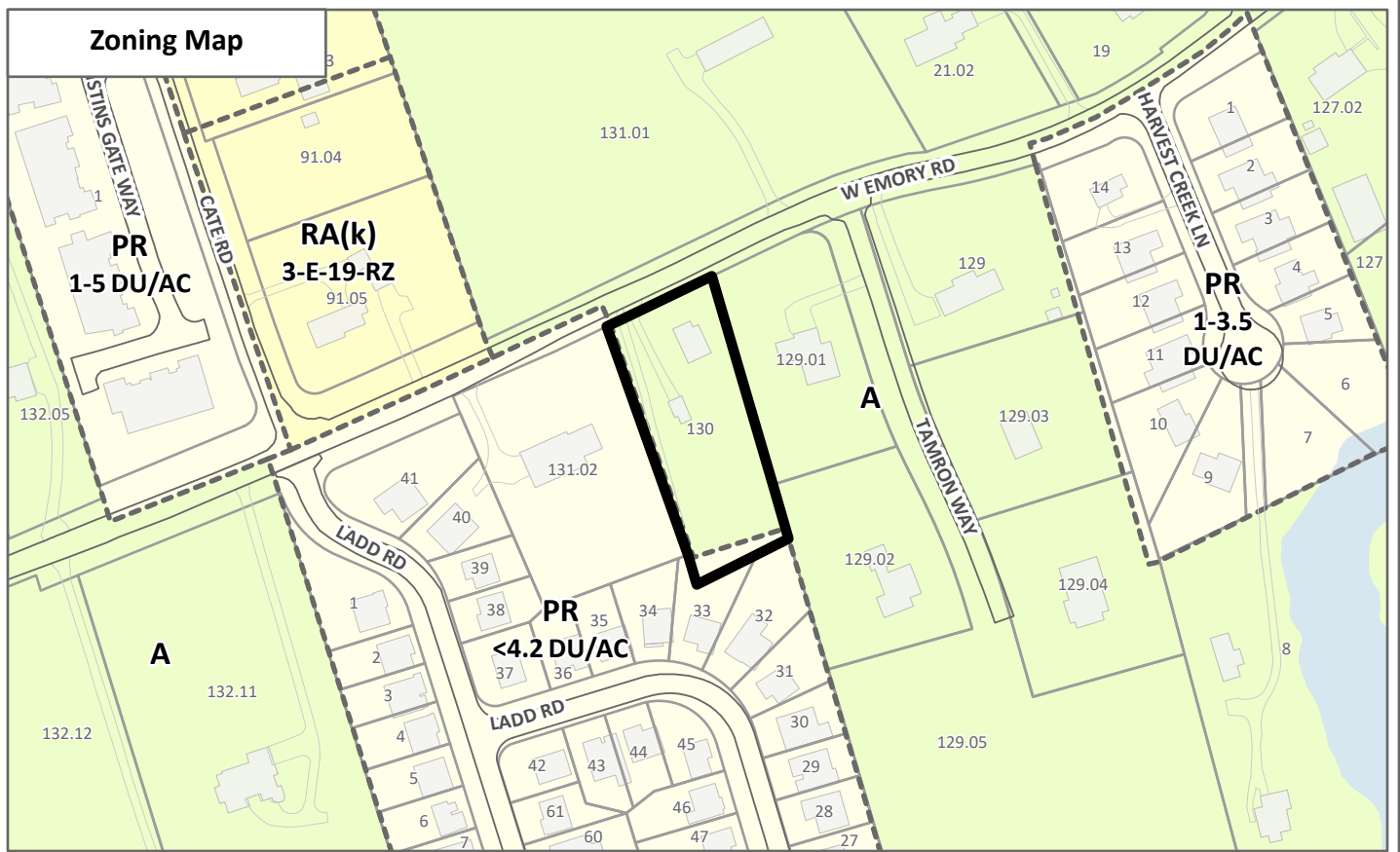


Case boundary

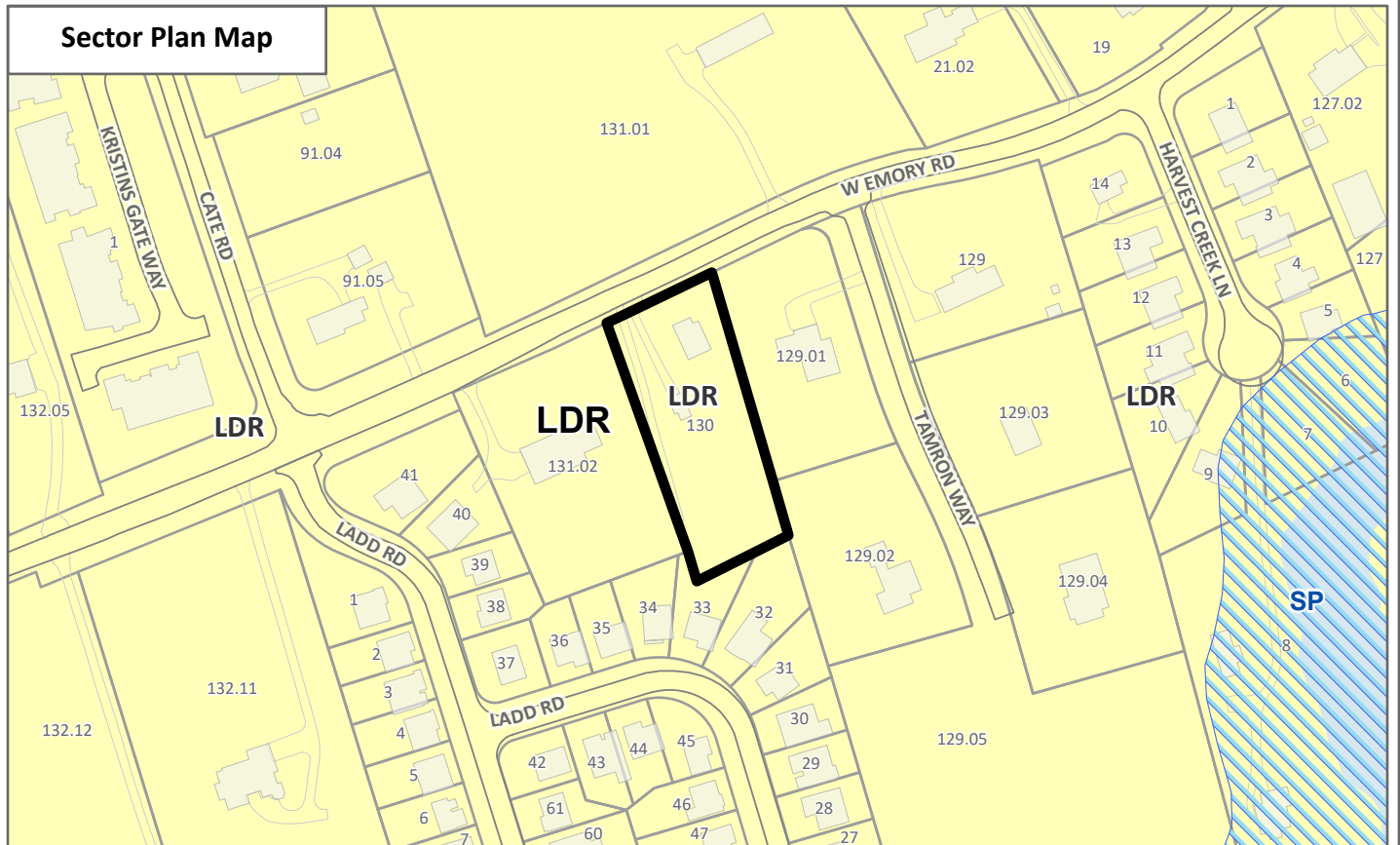
0 275
Feet



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

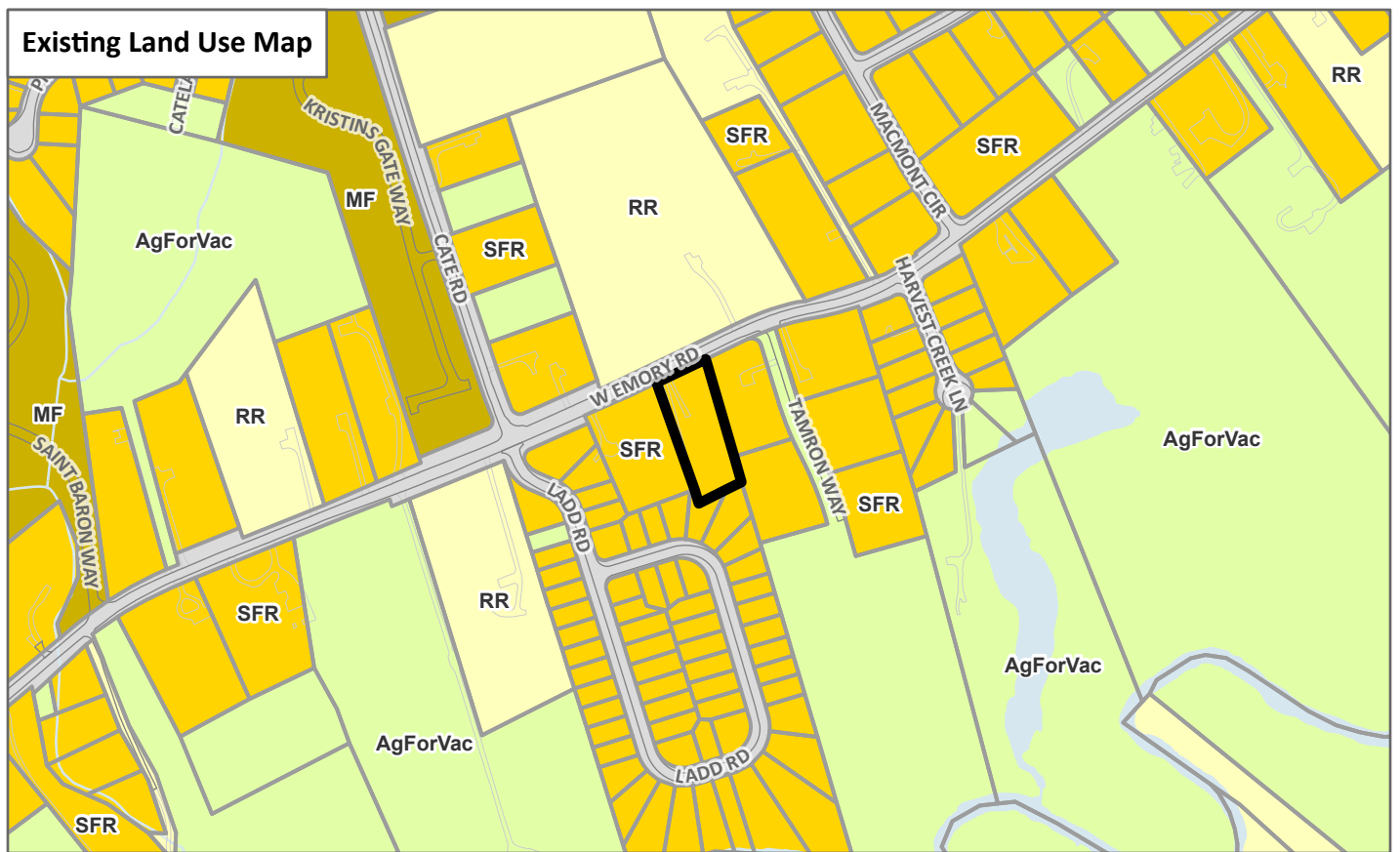
4-C-24-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

4-C-24-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

Larry & Laura Bailey

Applicant Name

Affiliation

1/24/2024

Date Filed

4/11/2024

Meeting Date (if applicable)

4-C-24-RZ

File Number(s)

CORRESPONDENCE

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

Larry Bailey

Name / Company

2700 W Emory Rd Powell TN 37849

Address

865-567-5211 / larry@knoxvillerealty.com

Phone / Email

CURRENT PROPERTY INFO

Larry Bailey

Owner Name (if different)

2700 W Emory Rd Powell TN 37849

Owner Address

865-567-5211 / larry@knoxville

Owner Phone / Email

5130 W EMORY RD

Property Address

66 130

Parcel ID

1.05 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 W Emory Rd, west of Tamron Way

General Location

☐ City

Commission District 6

PR (Planned Residential), 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

<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	Fee 1	Total
<input type="checkbox"/> Staff Review	\$650.00	
<input type="checkbox"/> Planning Commission	Fee 2	
ATTACHMENTS	Fee 3	
<input type="checkbox"/> Property Owners / Option Holders		
<input type="checkbox"/> Variance Request		
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)		

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	Larry & Laura Bailey	1/24/2024
	Please Print	Date
Phone / Email		
Property Owner Signature	Larry Bailey	1/24/2024
	Please Print	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

Larry & Laura Bailey

Applicant Name

Affiliation

1/24/24

Date Filed

Meeting Date (if applicable)

File Number(s)

4-C-24-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

Larry V Bailey

Name

Company

2700 W. Emory Rd

Address

Powell

City

Tn.

State

37849

ZIP

865-567-5211

Phone

Email

larry@knoxvillerealty.com

CURRENT PROPERTY INFO

Larry & Laura Bailey

Property Owner Name (if different)

2700 W Emory Rd Powell
5130

Property Owner Address

865-567-5211

Property Owner Phone

5130

Property Address

066 130

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

May 1, 2023

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number

- ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created

☐ Other (specify) _____

☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

☒ Zoning Change

Proposed Zoning RA

☐ Plan Amendment Change

Proposed Plan Designation(s)

Pending Plat File Number

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
0801	\$650
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

Larry V Bailey
Applicant Signature

Larry V Bailey
Please Print

1/24/24
Date

865-567-5211
Phone Number

larry@knoxville Realty.com
Email

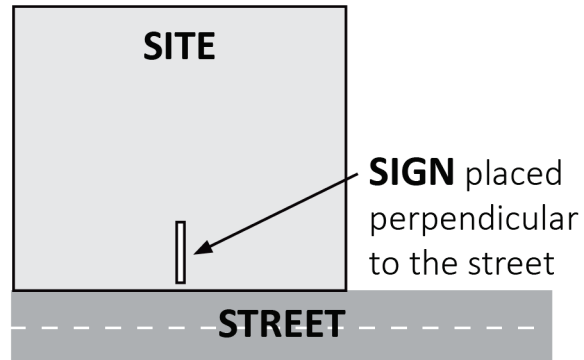
Larry V Bailey
Property Owner Signature

Larry V Bailey
Please Print

1/24/24
Date Paid

1/24/24, SH

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:

_____ **03/29/2024** _____ and _____ **04/12/2024** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Larry & Laura Bailey

Date: 01/24/2024

File Number: 4-C-24-RZ



Sign posted by Staff



Sign posted by Applicant