

REZONING REPORT

▶ **FILE #:** 2-G-24-RZ

AGENDA ITEM #: 13

AGENDA DATE: 2/8/2024

▶ **APPLICANT:** ANGELA WILSON
OWNER(S): Kathy Rhyne & Larry Jones

TAX ID NUMBER: 80 B J 013.01 [View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 5121 KOHLMIER RD

▶ **LOCATION:** The southern terminus of Kohlmeier Rd, south of Merchant Dr and east of Pleasant Ridge Rd

▶ **APPX. SIZE OF TRACT:** 5.44 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via an access easement off of Kohlmeier Road, a local street with 16 ft of pavement width within a 40-ft right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT ZONING:** RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

▶ **ZONING REQUESTED:** AG (General Agricultural), HP (Hillside Protection Overlay)

▶ **EXISTING LAND USE:** Rural Residential

▶ EXTENSION OF ZONE: No, this is not an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING:

- North: Single family residential - RN-1 (Single-Family Residential Neighborhood)
- South: Agriculture/forestry/vacant land - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)
- East: Rural residential, agriculture/forestry/vacant land - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)
- West: Multifamily residential, single family residential - RN-1 (Single-Family Residential Neighborhood), RN-5 (General Residential Neighborhood), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: The subject property is in an area with a mix of uses, including single family detached homes, a couple of churches, and multifamily developments to the north and west. The properties to the south within the hilltop protection area are on a steep ridge and have remained largely undeveloped.

STAFF RECOMMENDATION:

- ▶ **Approve the AG (General Agriculture) District because it is consistent with the sector plan. The HP (Hillside Protection Overlay) would be retained.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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 subject property is designated with the AG land use classification in the Northwest City Sector Plan, which allows consideration of the AG zone in the City of Knoxville.

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

1. The AG District provides for a wide range of agricultural, industrial, and residential uses with low population densities and other compatible uses which generally require large areas or open spaces.
2. The AG District has a minimum lot size of 5 acres. The applicant recently obtained land from a neighbor and has recorded a plat (Exhibit B) that shows the lot comprises 5.44 acres, so it meets the AG zone requirement.
3. The subject property is in the HP Overlay District to the rear of the property. Slopes in this part of the site are above 45%, making development challenging.
4. 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.
5. The AG zone allows a few nonresidential uses. Should this property ever be developed with any of these uses a Class B landscape buffer would be required at the time of development.

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. The subject property has a blue-line stream running along the west side of the property. The applicant will be required to work with City Engineering on siting or stormwater requirements during the permitting phase.
2. The property has some closed, hatched contour lines, which indicate the potential presence of sinkholes. This would be assessed more thoroughly during the permitting phase should the applicant ever decide to develop the property further.

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 with the AG land use classification in the Northwest City Sector Plan, which allows consideration of the AG zone in the City of Knoxville.

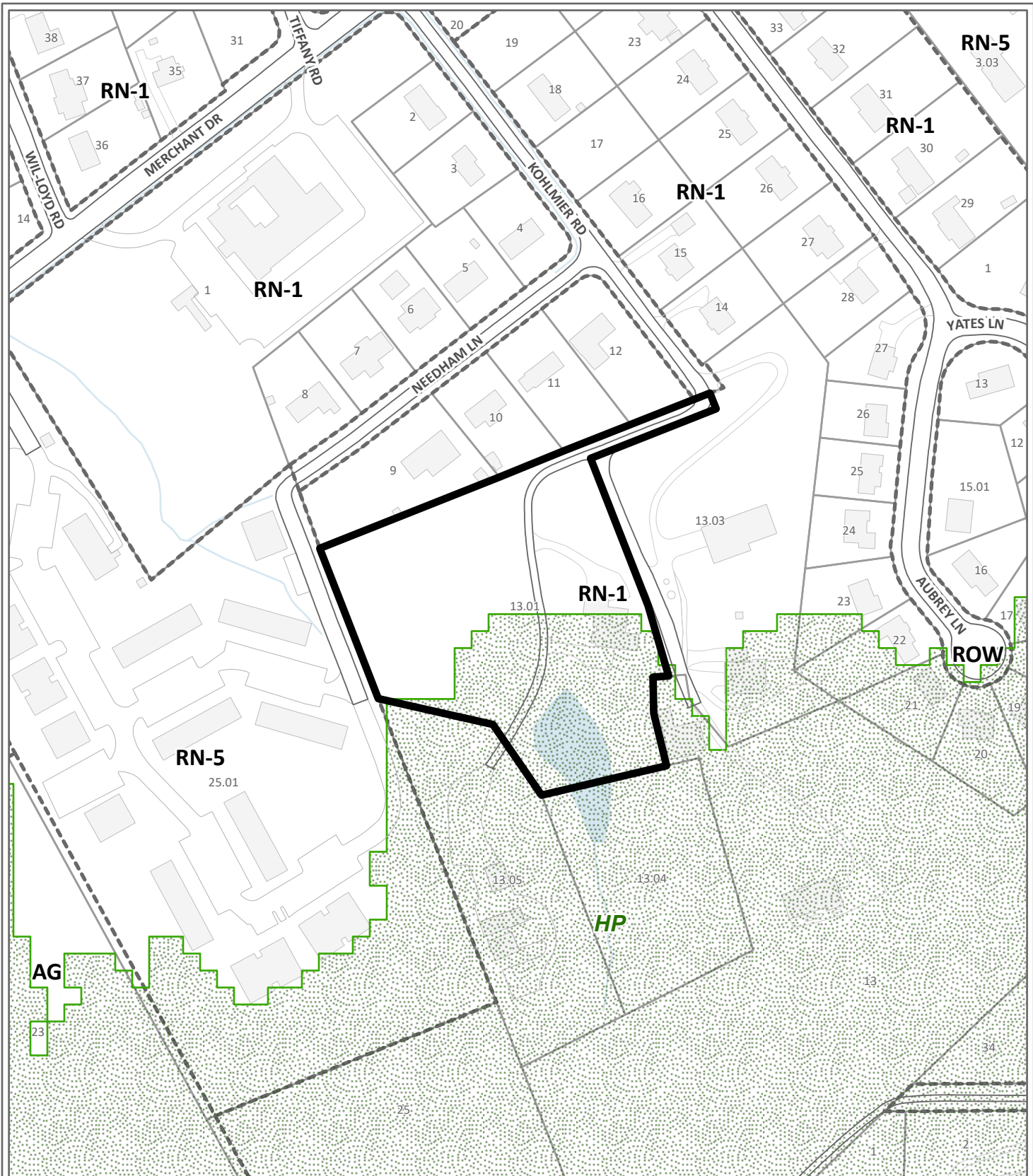
ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. Existing public facilities and infrastructure can accommodate the development potential of the AG district.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 3/5/2024 and 3/19/2024. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



REZONING

2-G-24-RZ

Petitioner: Angela Wilson



From: RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)
To: AG (General Agricultural);HP (Hillside Protection Overlay)

Map No: 80
Jurisdiction: City

Original Print Date: 1/8/2024
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

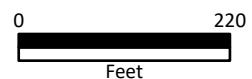
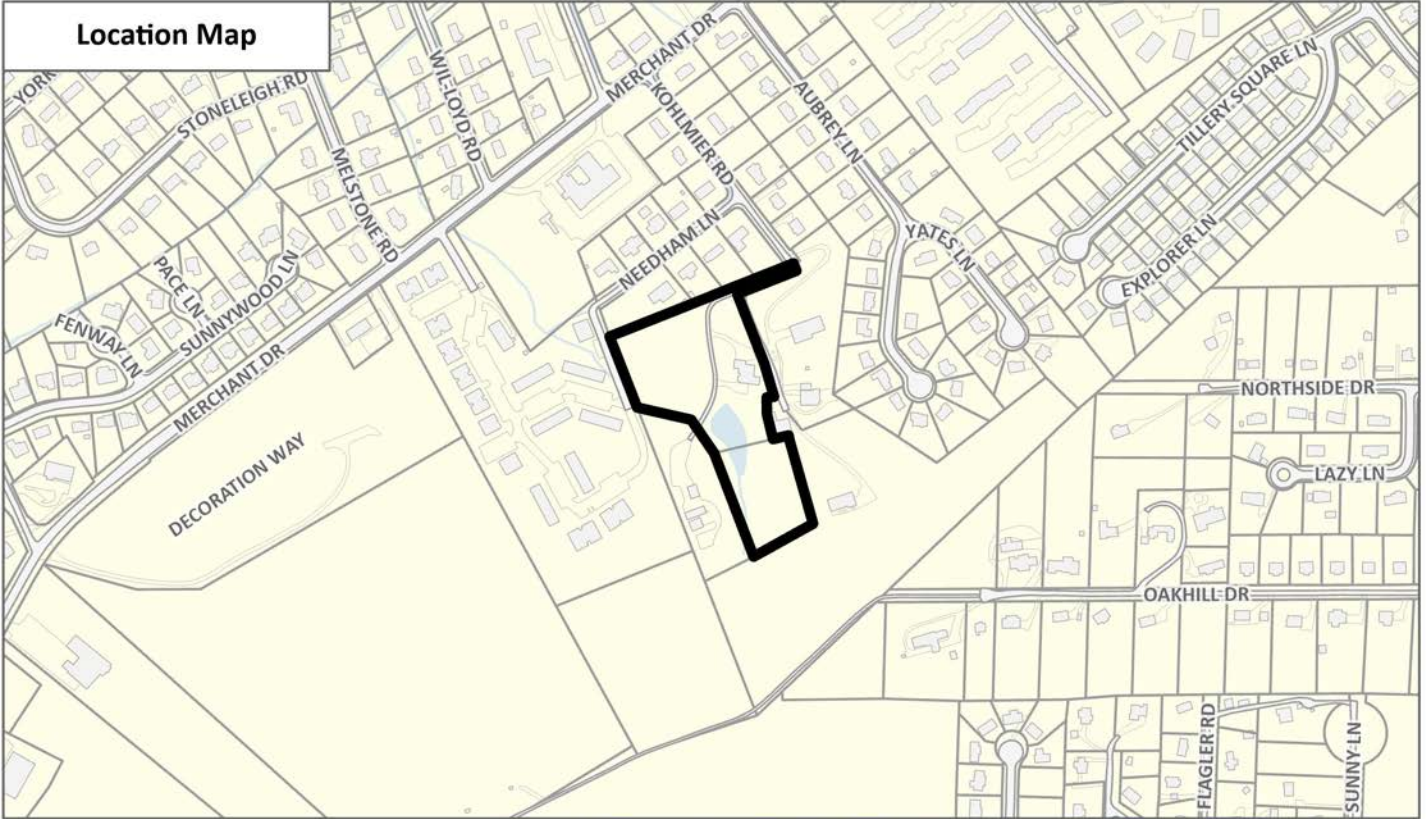


Exhibit A. Contextual Images

Location Map



Aerial Map

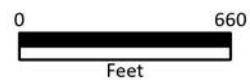


CONTEXTUAL MAPS 1

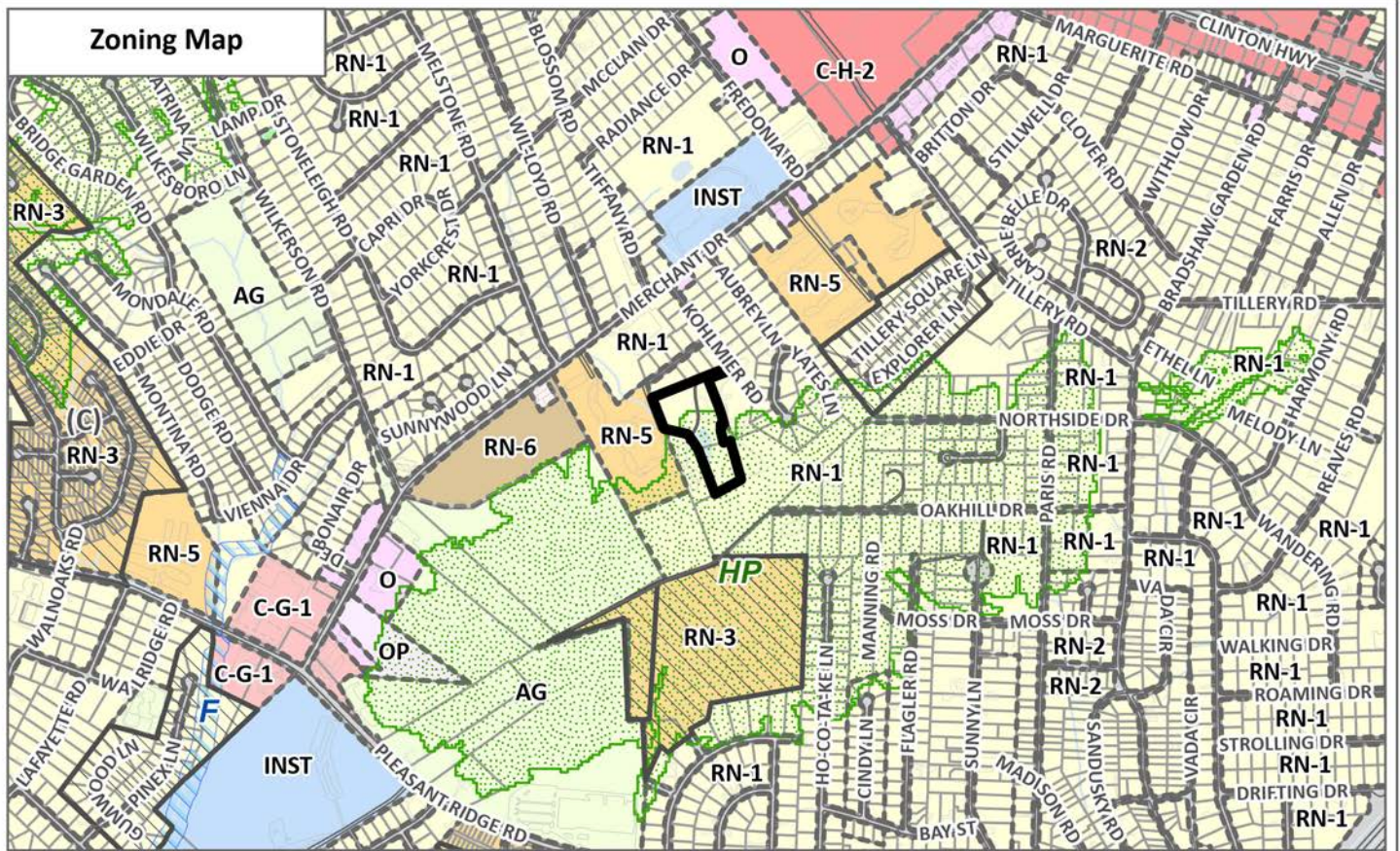
2-G-24-RZ



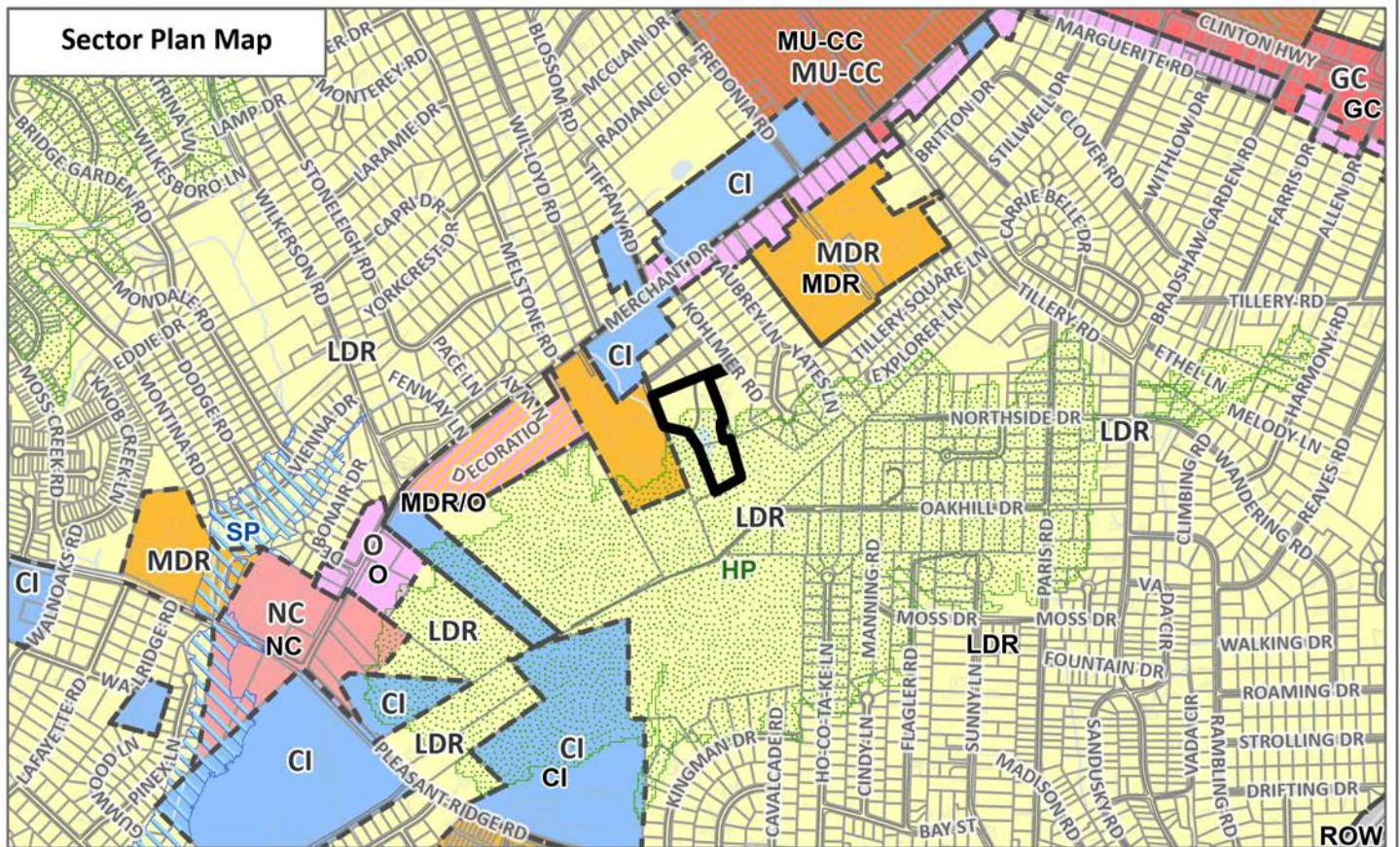
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

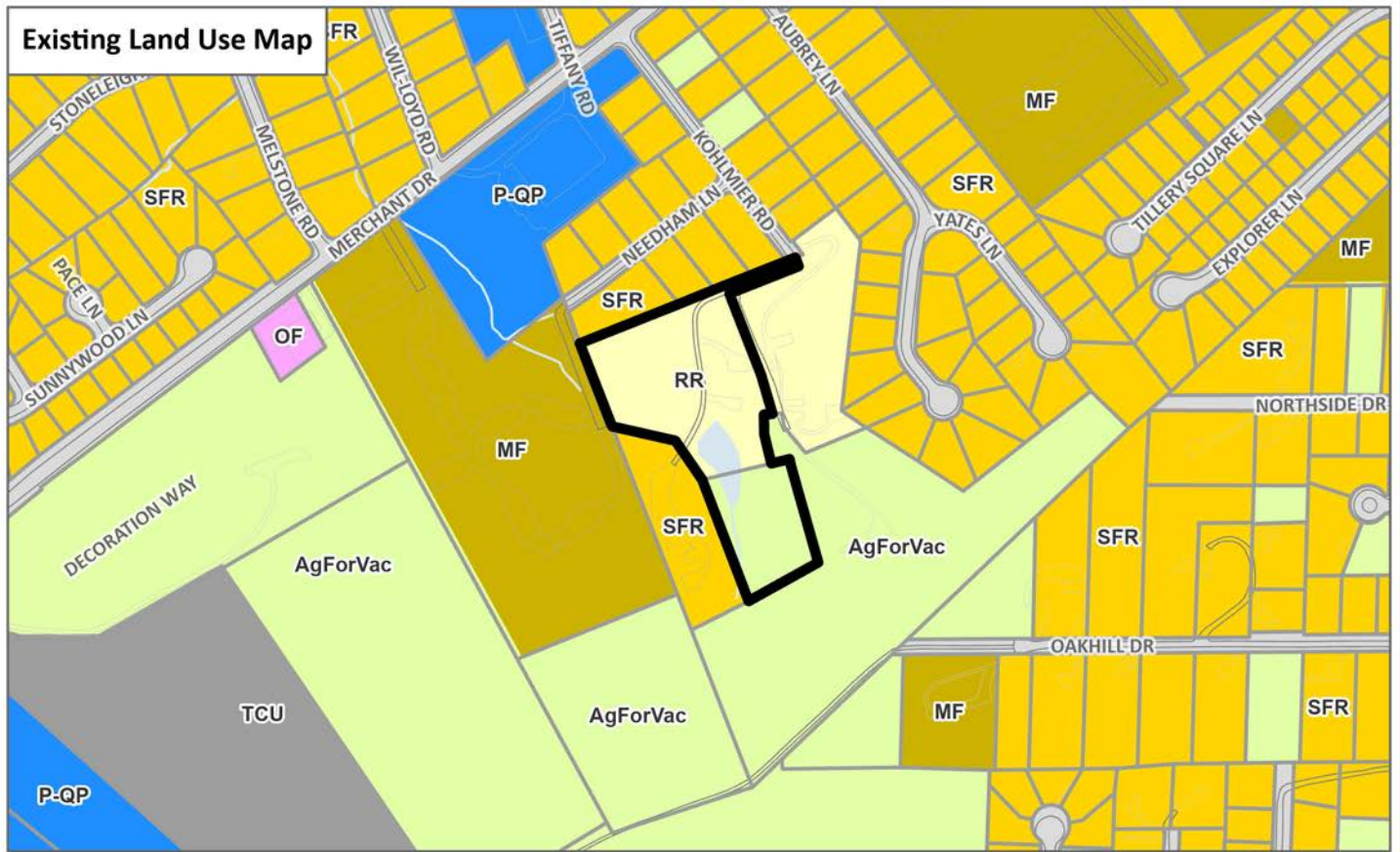
2-G-24-RZ



Case boundary



Existing Land Use Map

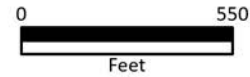


CONTEXTUAL MAPS 3

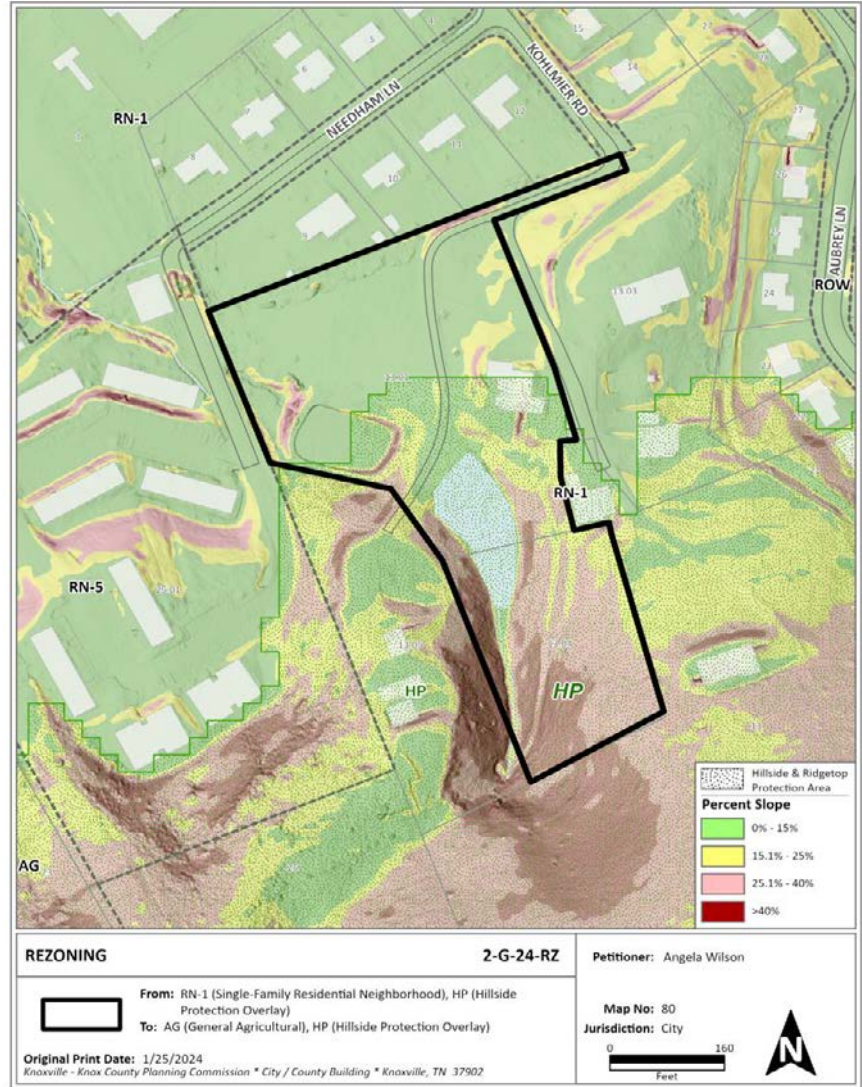
2-G-24-RZ



Case boundary



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	239,064.5	5.5			
Non-Hillside	103,239.8	2.4	N/A		
0-15% Slope	43,610.2	1.0	100%	43,610.2	1.0
15-25% Slope	26,305.1	0.6	50%	13,152.6	0.3
25-40% Slope	43,602.6	1.0	20%	8,720.5	0.2
Greater than 40% Slope	22,306.8	0.5	10%	2,230.7	0.1
Ridgetops					
Hillside Protection (HP) Area	135,824.6	3.1	Recommended disturbance budget within HP Area	67,713.9	1.6
			Percent of HP Area	49.9%	

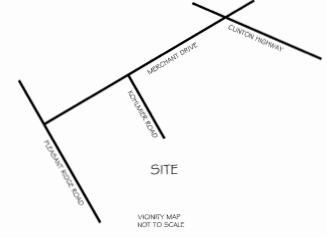


Certificates of Ownership and General Dedication
I, We, the undersigned owner(s) of the property shown herein, hereby adopt the as
they, and plan of subdivision and dedicate the streets as shown to the public use
forever and hereby certify that if we, we and the owner(s) in fee owner of the
property, and as property owner(s) have an unrestricted right to dedicate right-of-way
and/or grant easement as shown on this plat.

Owner(s) Printed Name: LARRY EDWARD JONES Signature: *Larry Edward Jones*
Date: 01/09/2024
Owner(s) Printed Name: KATHY DIANE RHYNE Signature: *Kathy Diane Rhyme*
Date: 01/09/2024



Exhibit B: Updated Plat



Certification of Category and Accuracy of Survey
I hereby certify that this is a Category 1 survey and the ratio of precision of the
undisturbed survey is not less than 1:10,000 as shown herein and that said survey was
prepared in compliance with the current edition of the Rules of Tennessee State Board
of Examiners for Land Surveyors.
Registered Land Surveyor
Tennessee License No. 20027
Date: 1/09/2024

Certification of Easements
I certify that this plat complies with the provisions of Section 13-3-401 of the
Tennessee Code, Annotated, which exempt from the requirements of the Knoxville-Knox
County Subdivision Regulations, but subject to no restriction on ability construction or
regulation, is all easements shown on this plat.
Registered Land Surveyor
Tennessee License No. 20027
Date: 1/09/2024

CERTIFICATION OF FINAL PLAT - ALL INDICATED MARKERS, MONUMENTS AND
EING MARKERS SET
I hereby certify that I am a registered land surveyor licensed to practice surveying
under the laws of the State of Tennessee. I further certify that this plat and
accompanying drawings, annotations, and instruments conform, to the best of my
knowledge, to all applicable provisions of the Administrative Code of Tennessee
Regulations, Rules of the Board of Examiners for Land Surveyors, and the Rules of the
Tennessee Board of Examiners for Land Surveyors, and that the plat and drawings
complied with the provisions of the Tennessee Code of Law, Title 13, Chapter 3, Part 4, and
property monuments were in place on the 30th day of January, 2024.
Registered Land Surveyor
Tennessee License No. 20027
Date: 1/09/2024

Nick McBride
Register of Deeds
Knox County

202401090033634

- NOTES:
1. THE SURVEY WAS DONE IN COMPLIANCE WITH THE STATE OF TENNESSEE
MINIMUM STANDARDS OF PRACTICE.
 2. DEED REFERENCES: N02902012100036771
 3. THERE SHALL BE A UTILITY AND DRAINAGE EASEMENTS, TEN (10) FEET IN WIDTH
INDICATE ALL EXISTING LOT LINES ADJOINING STREETS AND PRIVATE
RIGHTS OF WAY AND FIVE (5) FEET IN WIDTH SHALL BE PROVIDED ALONG BOTH
SIDES OF ALL INTERIOR LOT LINES AND ON THE INSIDE OF ALL OTHER EXTERIOR
LOT LINES.
 4. ONE LOT: 236,971 SQ FT OR 5.44 ACRES
 5. ZONING: EN-1
 6. PLAT REFERENCES: N02902012100036771 + PLAT CABINET NO. SLIDE 10A

OWNER - PARCEL 013.01
LARRY EDWARD JONES & KATHY DIANE RHYNE
P O BOX 12217
KNOXVILLE, TN 37912

OWNER - PARCEL 013.04
LARRY EDWARD JONES
P O BOX 12217
KNOXVILLE, TN 37912

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD
SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO
GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH
UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR
FURTHER DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN
THE PLANT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY
LOCATED ALL UNDERGROUND UTILITIES. VERIFY EXACT SIZE AND LOCATION AND
DEPTH OF ALL UNDERGROUND UTILITIES WITH THE PROPER LOCAL AUTHORITIES
BEFORE EXCAVATION OR CONSTRUCTION.

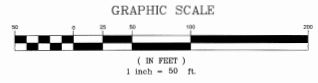
LINE	BEARING	LENGTH
L1	S27°01'19"E	25.00'
L2	S80°34'35"W	23.00'
L3	S00°46'30"W	46.25'
L4	S12°46'32"E	79.63'
L5	S71°23'02"W	30.00'
L6	N05°39'02"W	24.41'

LINE-TYPE LEGEND

WATER LINE	---	W
OVERHEAD ELECTRIC LINE	---	OE
STORM DRAIN LINE	---	SD
CENTERLINE	---	CL
TOP OF BANK	---	TOB

SYMBOL LEGEND

○	1/2" IRON ROD FOUND
□	UTILITY POLE
⊕	DROP INLET
⊗	STORM DRAIN MANHOLE
⊙	GAS VALVE
⊕	WATER METER
⊕	WATER VALVE
⊕	FIRE HYDRANT
⊕	LIGHT POLE
⊕	5/8" IRON ROD SET WITH CAP THROUGH 3/8" DIA



COUNTERSIGNED
KNOX COUNTY REGISTER OF DEEDS
JAN 09 2024
BY: *Nick McBride*

BEGINNING POINT
LAND SURVEYING
224 LADD RIDGE ROAD
KINGSTON, TN 37763
PH: (865) 696-4613



Plat of Lot 1R1
Jones Kohlmier Subdivision
Kohlmier Road
5th Civil District, Knox County, 41st Ward, Knoxville, Tennessee
CLT Map 080B, Group "J", Parcels 013.01 & 013.04

REVISIONS

NO.	DATE	COMMENTS

PLAT



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

Angela Wilson

Applicant Name

Affiliation

12/27/2023

Date Filed

2/8/2024

Meeting Date (if applicable)

2-G-24-RZ

File Number(s)

CORRESPONDENCE

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

Angela Wilson

Name / Company

2756 Hickory Ridge Rd White Pne White Pine TN 37890

Address

865-604-9852 / angie.wilson1029@yahoo.com

Phone / Email

CURRENT PROPERTY INFO

Kathy Rhyne & Larry Jones

Owner Name (if different)

4905 Shipe Rd Corryton TN 37721

Owner Address

865-660-4136

Owner Phone / Email

5121 KOHLMIER RD

Property Address

80 B J 013.01

Parcel ID

Part of Parcel (Y/N)?

3.87 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

South of Merchant Dr, Southwest of Kohlmiere Rd

General Location

City

Council District 5

**RN-1 (Single-Family Residential Neighborhood), HP
(Hillside Protection Overlay)**

Rural Residential

Count

District

Zoning District

Existing Land Use

Northwest City

Planning Sector

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

Sector Plan Land Use Classification

N/A (Within City Limits)

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 AG (General Agricultural), HP (Hillside Protection Overlay)	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

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	Angela Wilson Please Print	12/27/2023 Date
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Phone / Email

Property Owner Signature	Kathy Rhyne & Larry Jones Please Print	12/27/2023 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

Angela Wilson

Applicant Name

12/27/23

Date Filed

02/08/2024

Meeting Date (if applicable)

Buyer

Affiliation

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

Angela Wilson

Name	Company		
2756 Hickory Ridge Road	White Pine	TN	37890
Address	City	State	ZIP
8656049852	angie.wilson1029@yahoo.com		
Phone	Email		

CURRENT PROPERTY INFO

Kathy Rhyne /Larry Jones	4905 Shipe Road/5106 Kohlmier Road	660-4136/207-3916
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
5121 Kohlmier Road Knoxville TN 37912	080BJ01301	
Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

General Location	Tract Size
<input type="checkbox"/> City <input type="checkbox"/> 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
 Home Occupation (specify)

 Other (specify)

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Combine Parcels
 Divide Parcel
 Total Number of Lots Created

Other (specify)
 Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

Zoning Change
 Agricultural
 Proposed Zoning

Plan Amendment Change
 Proposed Plan Designation(s)

Proposed Density (units/acre)
 Previous Rezoning Requests

Other (specify)

Pending Plat File Number

STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission		
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	Fee 2	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Use on Review / Special Use (Concept Plan) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist (Hillside Protection)	Fee 3	

AFFIRMATION

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

Angela Wilson
 Applicant Signature

865.604.9852
 Phone Number

Kathy Diane Rhyme
 Property Owner Signature

Larry Edward Jones
 12/26/2023

Angela Wilson
 Please Print

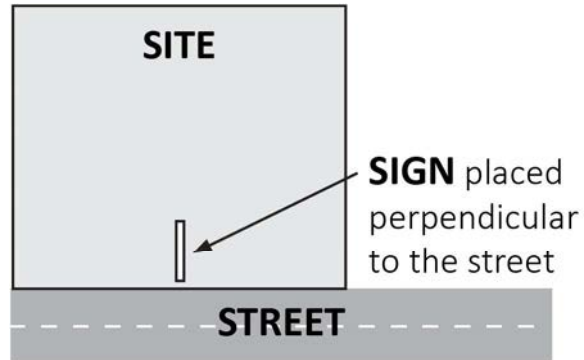
12-27-2023
 Date

angie.wilson1029@yahoo.com
 Email

Kathy Rhyme/Larry Jones
 Please Print

Date Paid

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:

_____ January 26, 2024 _____ and _____ February 9, 2024 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Angela Wilson

Date: 12/27/2023

File Number: 2-G-24-RZ



Sign posted by Staff



Sign posted by Applicant