

# REZONING REPORT

► **FILE #:** 11-D-24-RZ

**AGENDA ITEM #:** 42

**AGENDA DATE:** 11/14/2024

► **APPLICANT:** JOHN L MILLER III (OWNER)

OWNER(S): John L Miller III

TAX ID NUMBER: 42 08904

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 0 PHEASANT CREEK WAY

► **LOCATION:** East side of Pheasant Creek Way, west of Roseberry Road

► **APPX. SIZE OF TRACT:** 1.05 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Pheasant Creek Way, a joint permanent access easement with a pavement width of 7-9 ft within a 25 ft right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Septic

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Roseberry Creek

► **PRESENT ZONING:** A (Agricultural)

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

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land



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

HISTORY OF ZONING: None noted.

SURROUNDING LAND North: Single family residential - A (Agricultural)

USE AND ZONING: South: Single family residential - A (Agricultural)

East: Agriculture/forestry/vacant land, rural residential - A (Agricultural)

West: Single family residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: The immediate vicinity is a forested rural neighborhood that borders Roseberry Creek, with single family homes on larger than one acre lots. There are small subdivisions off of side streets nearby.

## STAFF RECOMMENDATION:

► Deny the RA (Low Density Residential) zone because it does not meet the criteria for a rezoning.

## 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. Pheasant Creek Way is a private gravel road with a maximum width of 9 ft off of Roseberry Creek Lane, a dead-end local street with 10-ft pavement width. Based on historical aerial images, neither of the streets has been improved over the last 20 years.
2. While there are some residential developments in the broader area, including the Worley Winds subdivision approximately 650-ft southwest of the subject property, the properties accessed by Pheasant Creek Way have remained unchanged. The condition of the road and the surrounding development does not warrant the proposed rezoning.

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

1. The RA zone is intended for residential areas with low population densities.
2. The adjacent properties are zoned Agricultural with lot sizes similar to the subject property. The current zoning is more appropriate for this property that allows a single dwelling unit on this 1.05-acre lot.
3. 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. Pheasant Creek Way is a joint permanent access easement (JPE) with 25-ft right-of-way currently serving 8-10 lots. With no sewer access, the subject property could be subdivided into two lots per the dimensional standards of the RA zone, but this would put further strain on this narrow gravel road.
2. The Subdivision Regulations allows the creation of additional lots on a previously approved JPE under the condition that the JPE would be required to meet the standards of a private right-of-way (section 3.03.E). A private right-of-way serving six or more lots must meet the same design and construction standards as a public street. However, the JPE does not have sufficient width to meet the required standards; thus, approval of this rezoning to allow for more lots would create a non-conformity with regard to the Subdivision Regulations.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN OF KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The property is located within the Planned Growth Boundary of the Growth Policy Plan. The purposes of the Planned Growth Area designation include encouraging a reasonably compact pattern of development, particularly with regard to provision of adequate roads and other infrastructure. The subject parcel is on a subpar private JPE, has poor connectivity and no sewer access.
2. The existing A zone is not related to the Knox County Comprehensive Plan's SR (Suburban Residential) place type, whereas the requested RA zone is a directly related zone. However, according to the additional review criteria of Appendix H of the plan, the appropriateness of a rezoning request shall be determined based upon availability of public facilities and services to the subject site (criteria 2.a).
3. The requested rezoning is inconsistent with the Comprehensive Plan's Action 9.3 which recommends focusing growth in areas already served by adequate infrastructure and Action 9.5, which discourages isolated developments where infrastructure is inadequate or not yet planned.

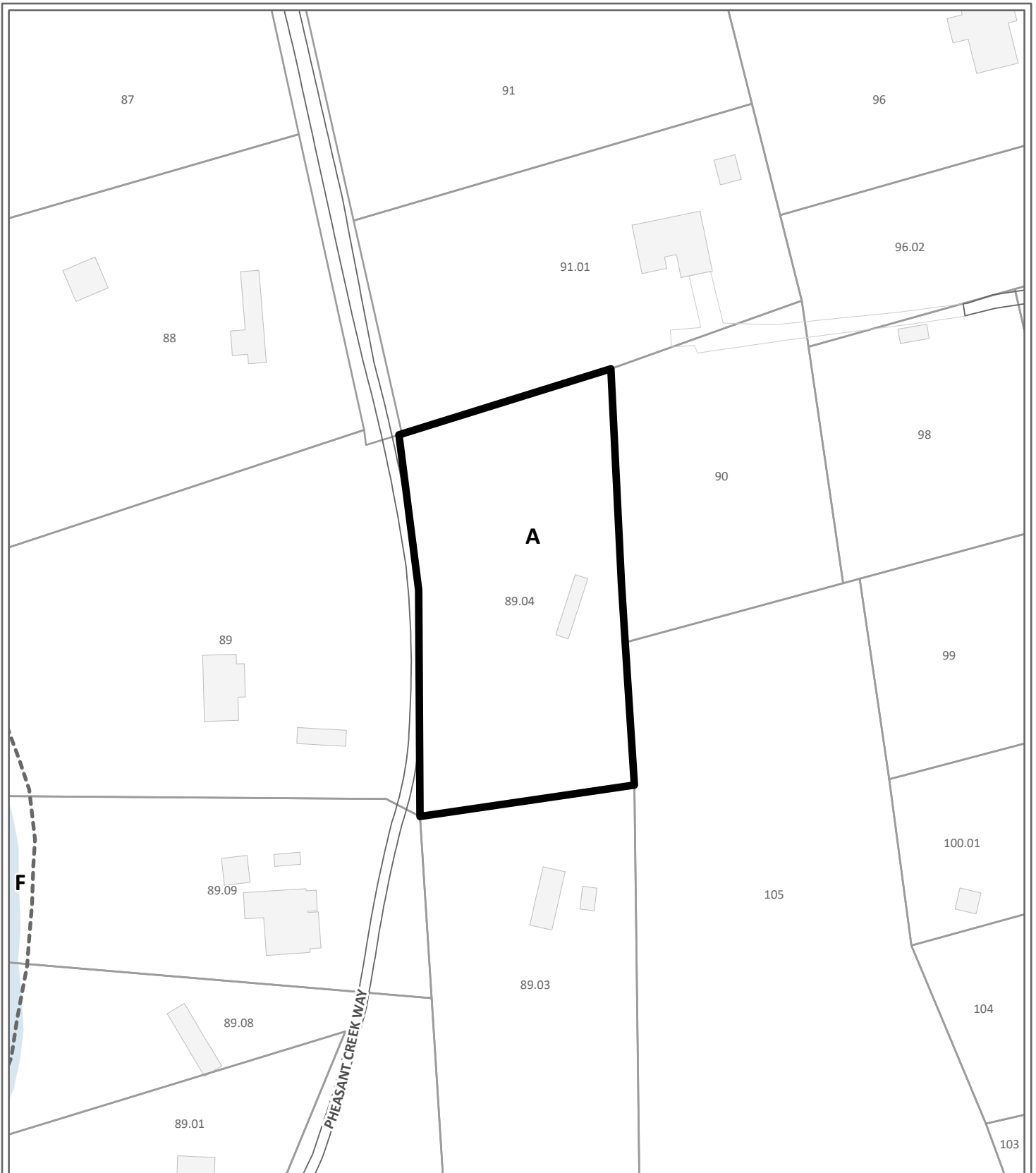
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: East Knox County Elementary, Carter Middle, and Carter 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 12/9/2024. 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**

**11-D-24-RZ**

**Petitioner:** John L Miller III

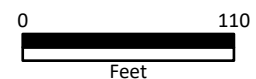


**From:** A (Agricultural)

**To:** RA (Low Density Residential)

**Map No:** 42

**Jurisdiction:** County

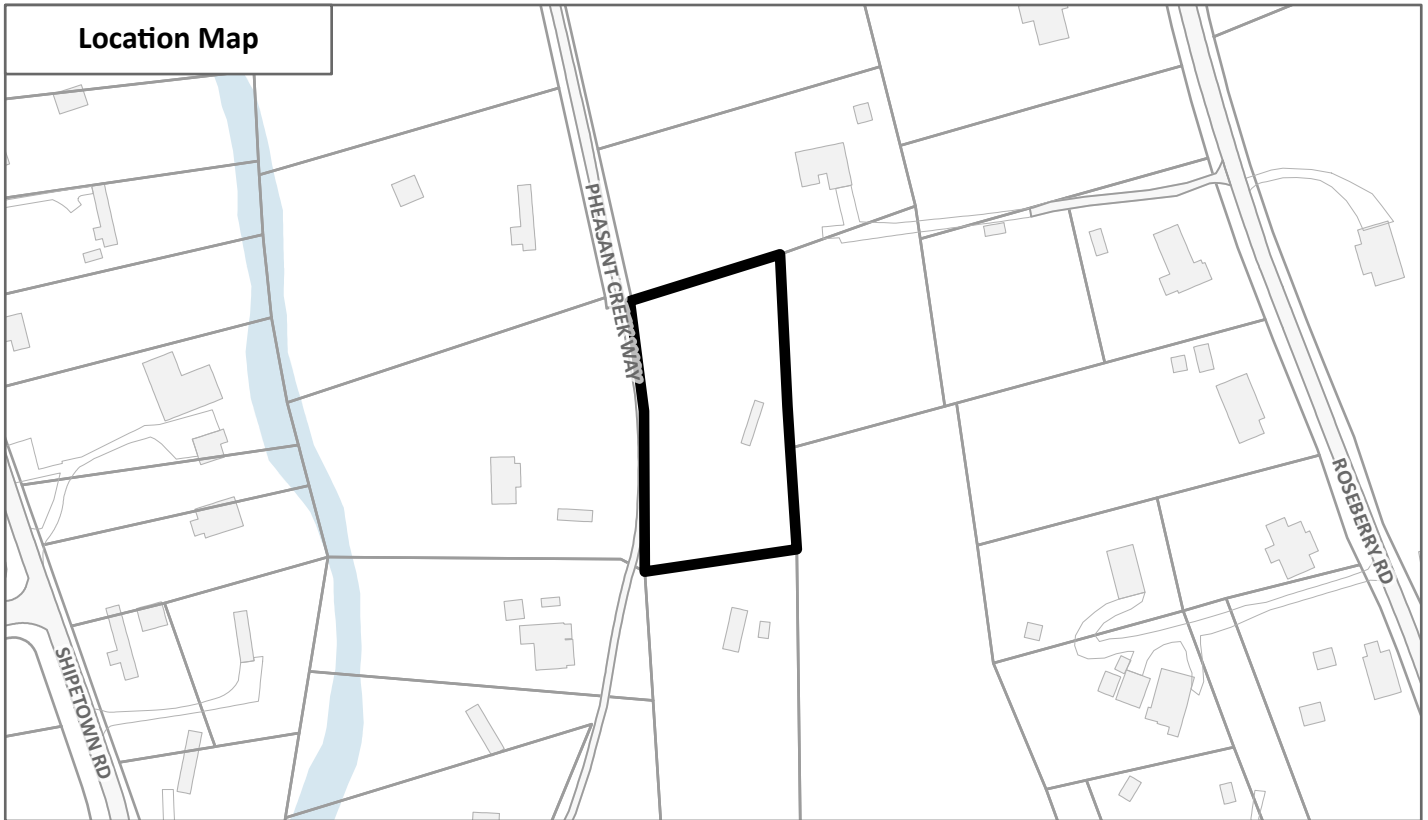


**Original Print Date:** 10/9/2024

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

## Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

11-D-24-RZ

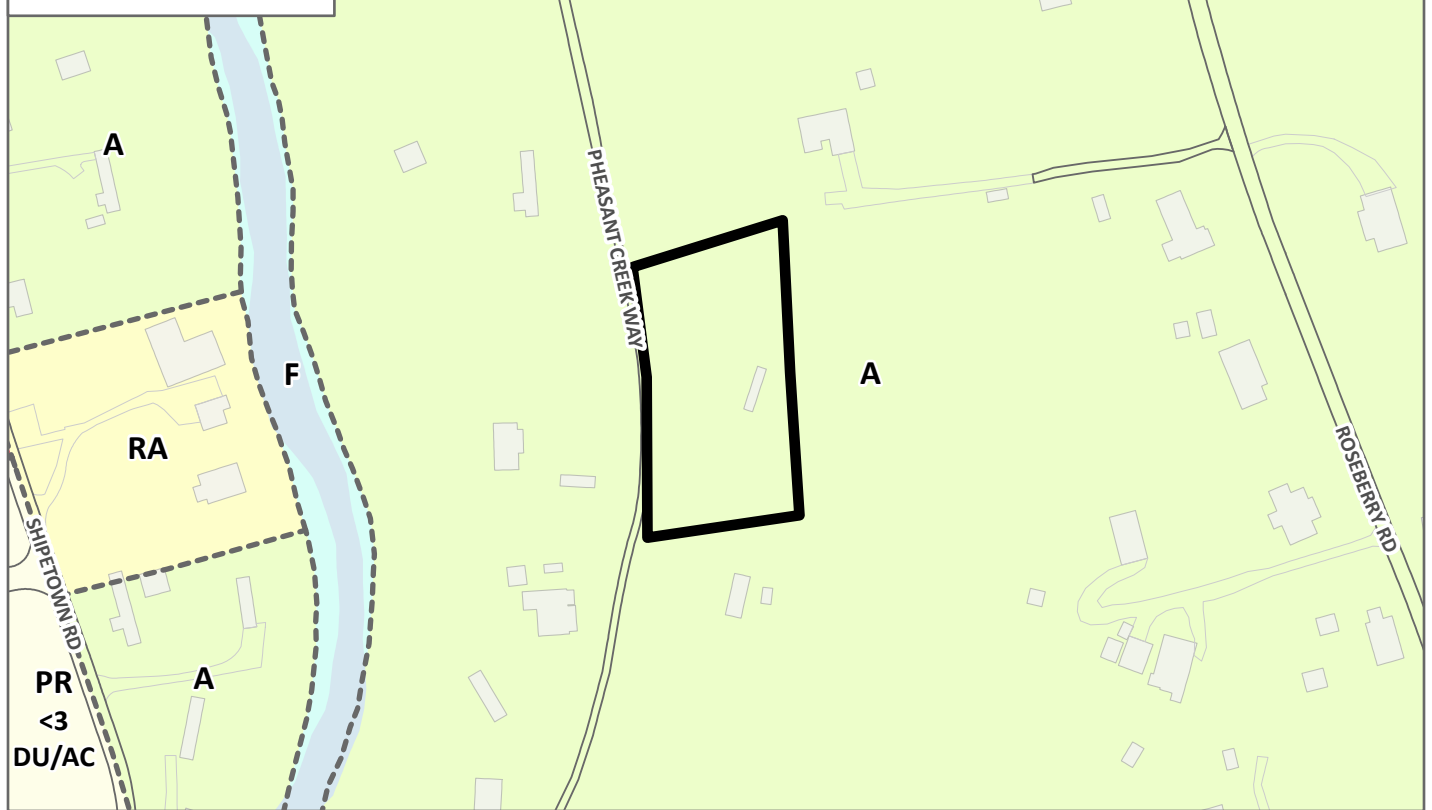


Case boundary

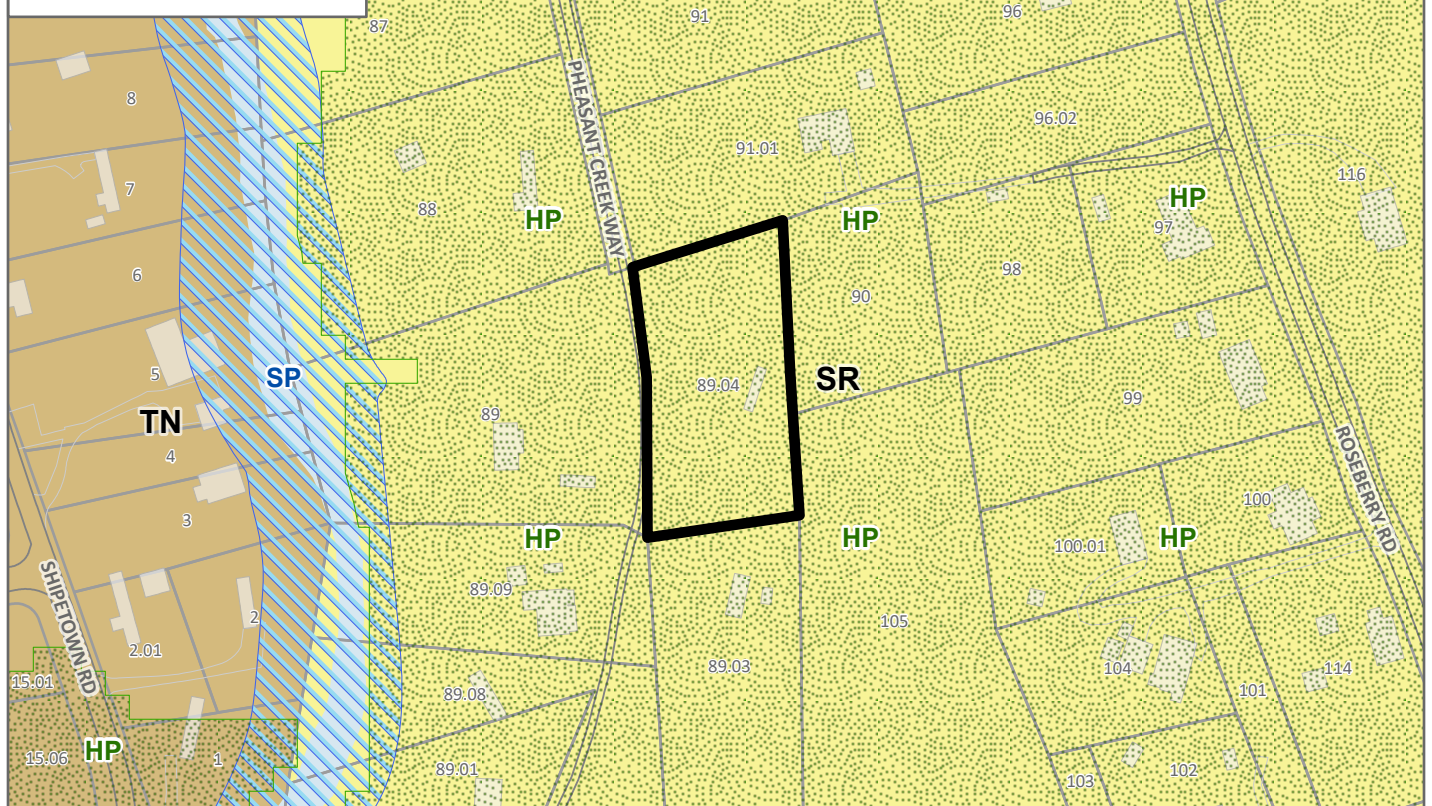
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## Zoning Map



## Comprehensive Plan Map



## CONTEXTUAL MAPS 2

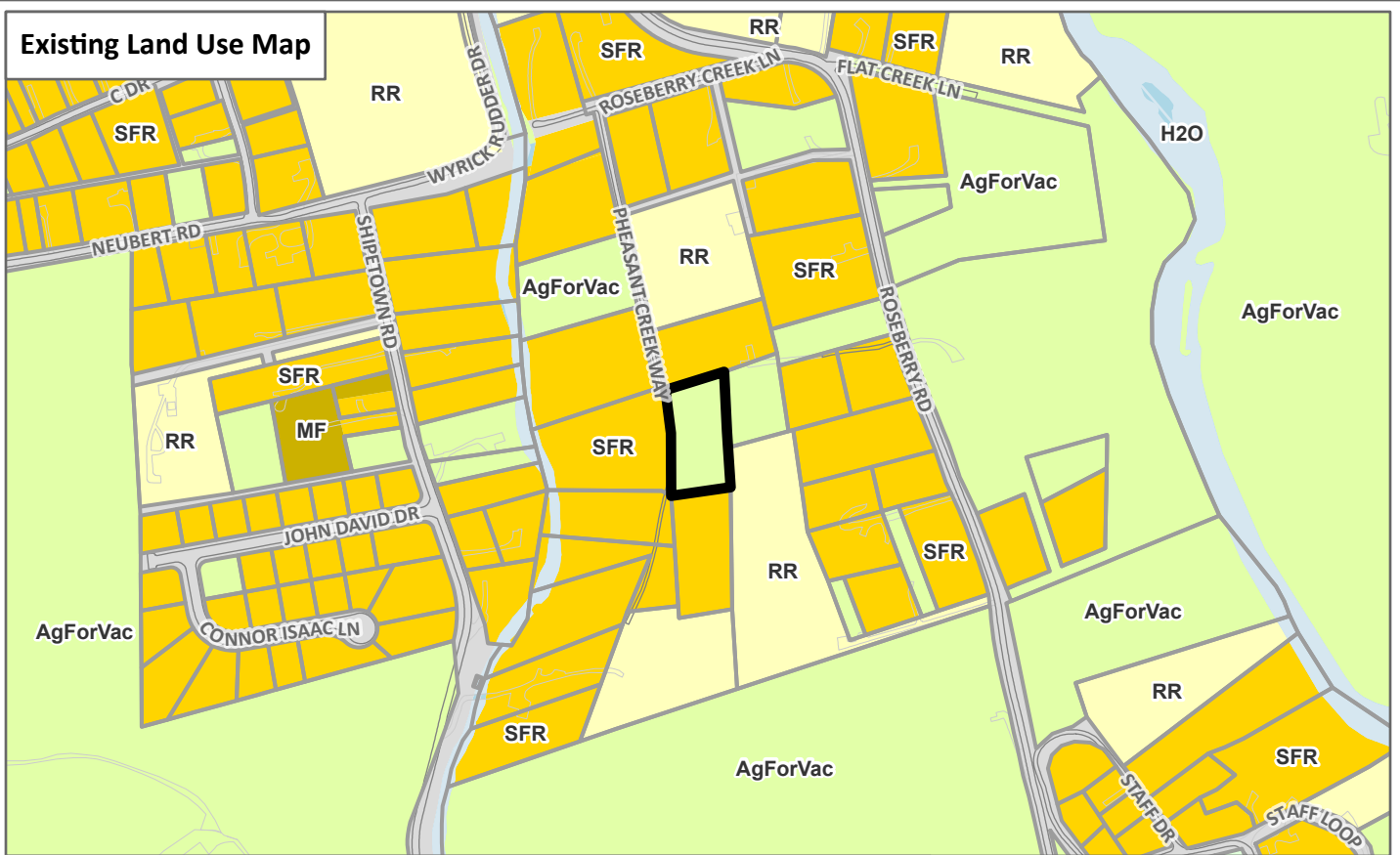
11-D-24-RZ



Case boundary



**Existing Land Use Map**

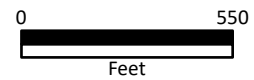


**CONTEXTUAL MAPS 3**

**11-D-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

- ☒ Rezoning  
☐ Plan Amendment  
☐ Sector Plan  
☐ City OYP / County Comp Plan

John L Miller III

Applicant Name

Owner

Affiliation

9/12/2024

Date Filed

11/14/2024

Meeting Date (if applicable)

11-D-24-RZ

File Number(s)

## CORRESPONDENCE

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

John L Miller III

Name / Company

949 Wildacre Way Knoxville TN

Address

865-363-1140 / jb9949.eagle@gmail.com

Phone / Email

## CURRENT PROPERTY INFO

John L Miller III

Owner Name (if different)

949 Wildacre Way Knoxville TN

Owner Address

865-363-1140 / jb9949.eagle@g

Owner Phone / Email

0 PHEASANT CREEK WAY

Property Address

42 08904

Parcel ID

Part of Parcel (Y/N)?

1.05 acres

Tract Size

Septic

Sewer Provider

Northeast Knox Utility District

Water Provider

No

Septic (Y/N)

## COMMUNITY ENGAGEMENT

Sign and return the **Public Notice and Community Engagement** form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.**

## DEVELOPMENT REQUEST

- ☐ Development Plan    ☐ Planned Development    ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

## ZONING REQUEST

- ☒ Zoning Change    **RA (Low Density Residential)**  
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment    Proposed Plan Designation(s)

Proposed Density (units/acre)    Previous Rezoning Requests

Additional Information

## STAFF USE ONLY

### PLAT TYPE

- ☐ Staff Review    ☐ Planning Commission

### ATTACHMENTS

- ☐ Property Owners / Option Holders    ☐ Variance Request  
☐ Amendment Request (Comprehensive Plan)

### ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)  
☐ Traffic Impact Study  
☐ COA Checklist (Hillside Protection)

Fee 1

**\$650.00**

Total

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.

John L Miller III

9/12/2024

Applicant Signature

Please Print

Date

Phone / Email

John L Miller III

9/12/2024

Property Owner Signature

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 ☐ PA  
☐ Rezoning

JOHN L MILLER III

Applicant Name

HOMEOWNER

Affiliation

9/12/2024

Date Filed

11/14/2024

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

JOHN L MILLER III

Name

Company

949 WILDACRE WAY

Address

KNOXVILLE,

City

TN

State

37920

ZIP

865-363-1140

Phone

jb9949.eagle@gmail.com

Email

## CURRENT PROPERTY INFO

JOHN L MILLER III

Property Owner Name (if different)

949 WILDACRE WAY

Property Owner Address

865-363-1140

Property Owner Phone

0 PHEASANT CREEK WAY

Property Address

042-08904

Parcel ID

NONE

Sewer Provider

Water Provider

Septic (Y/N)

## COMMUNITY ENGAGEMENT

Sign and return the **Public Notice & Community Engagement** form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). We require applicants to acknowledge their role in this process.

## 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

RA  
Proposed Zoning

☐ 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

☐ Amendment Request (*Comprehensive Plan*)

### ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (*Concept Plan*)

☐ Traffic Impact Study

☐ COA Checklist (*Hillside Protection*)

Fee 1	Total
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

John L Miller III  
Applicant Signature

JOHN L MILLER III  
Please Print

9/12/2024  
Date

865-363-1140  
Phone Number

jb9949.eagle@gmail.com  
Email

John L Miller III  
Property Owner Signature

JOHN L MILLER III  
Please Print

9/12/2024  
Date Paid



# Public Notice and Community Engagement

## Sign Posting and Removal

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.

**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.

## Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

### Acknowledgement

*By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.*

11/01/2024

11/15/2024

Date to be Posted

Date to be Removed

**Have you engaged the  
surrounding property owners  
to discuss your request?**

☐ Yes ☐ No

☒ No, but I plan to prior to the  
Planning Commission meeting

  
Applicant Signature

JOHN L. MILLER III  
Applicant Name

9/12/2024  
Date

11-D-24-RZ

FILE NUMBER