

REZONING REPORT

► **FILE #:** 9-J-24-RZ

AGENDA ITEM #: 13

AGENDA DATE: 9/12/2024

► **APPLICANT:** NANCY COX

OWNER(S): Nancy Cox

TAX ID NUMBER: 46 239

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 7757 HEISKELL RD

► **LOCATION:** West side of Heiskell Rd, north of E Emory Rd

► **APPX. SIZE OF TRACT:** 0.68 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Heiskell Road, a major arterial street with a pavement width of 21-ft within a 65-ft right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Beaver Creek

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

► **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: Single family residential - A (Agricultural)

South: Single family residential - A (Agricultural), PR (Planned Residential) up to 5 du/ac

East: Single family residential - PR (Planned Residential) at 2.5 du/ac

West: Single family residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: The surrounding area is predominantly residential in character, with commercial development concentrated along E Emory Rd.

STAFF RECOMMENDATION:

► **Approve the RA (Low Density Residential) zone because it will bring zoning into compliance and is consistent with the surrounding development.**

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 ZONES AFFECTED, OR IN THE COUNTY GENERALLY.

1. Since 2002, the majority of rezonings in this area north of E Emory Rd, have been to lower density residential zones such as RA (Low Density Residential) and PR (Planned Residential) with densities up to 5 du/ac.
2. The existing single-family dwelling on the subject property has a lot area size .68 ac. The lot area minimum under the A (Agricultural) zone is one acre. Approving the requested RA (Low Density Residential) zone will bring the subject property into compliance, as it meets the minimum standards for the RA zone, which is 10,000 sq ft.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSES OF THE APPLICABLE ZONING ORDINANCE.

1. The RA (Low Density Residential) zone is intended to provide for residential areas with low population densities.
2. Rezonings 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 AN AMENDMENT.

1. The RA zone is considered a low-density residential zone. As such, it is not anticipated to negatively impact the surrounding area, which is largely residential in character.
2. The minimum lot area for properties in the RA zone is 10,000 sq ft. Based on minimum lot area alone, the subject property could yield up to two lots.

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 place type for the subject property is SR (Suburban Residential) in the Knox County Comprehensive Plan. The RA zone is listed as being directly related to the SR place type.
2. The rezoning complies with the Comprehensive Plan's Implementation Policy 2, to ensure that new development is sensitive to existing community character. The allowable uses in the RA zone, which are primarily residential and civic in nature, align with the character of the surrounding area.
3. The subject property is located within the Planned Growth Area of the Growth Policy Plan, which aims to encourage a reasonably compact pattern of development. The allowable lot sizes and housing types in the RA zone support the intent of the Planned Growth Area.

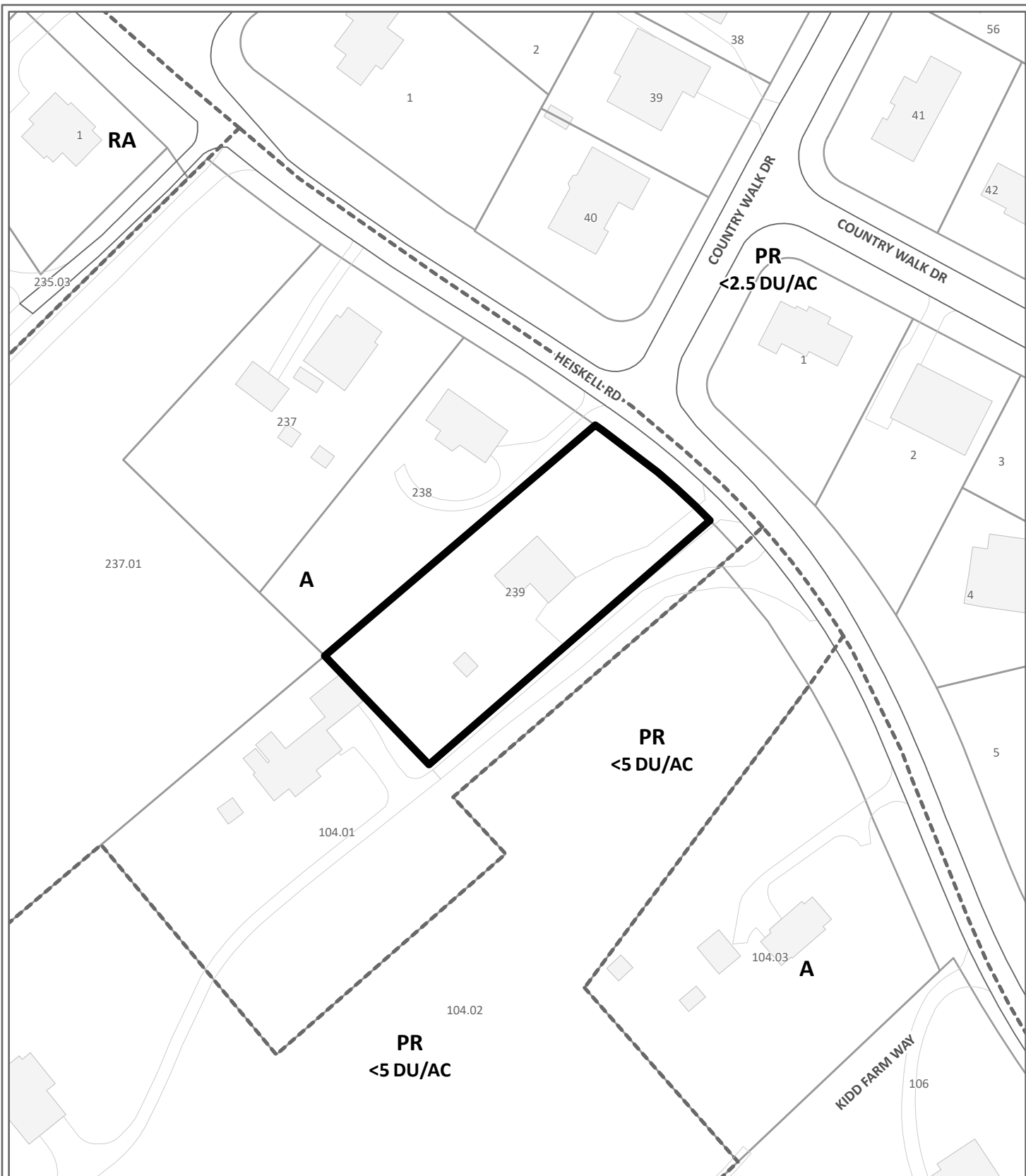
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Brickey-McCloud Elementary, Powell Elementary, 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 10/21/2024. 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

9-J-24-RZ

Petitioner: Nancy Cox



From: A (Agricultural)

To: RA (Low Density Residential)

Original Print Date: 8/8/2024

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

Map No: 46

Jurisdiction: County

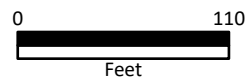
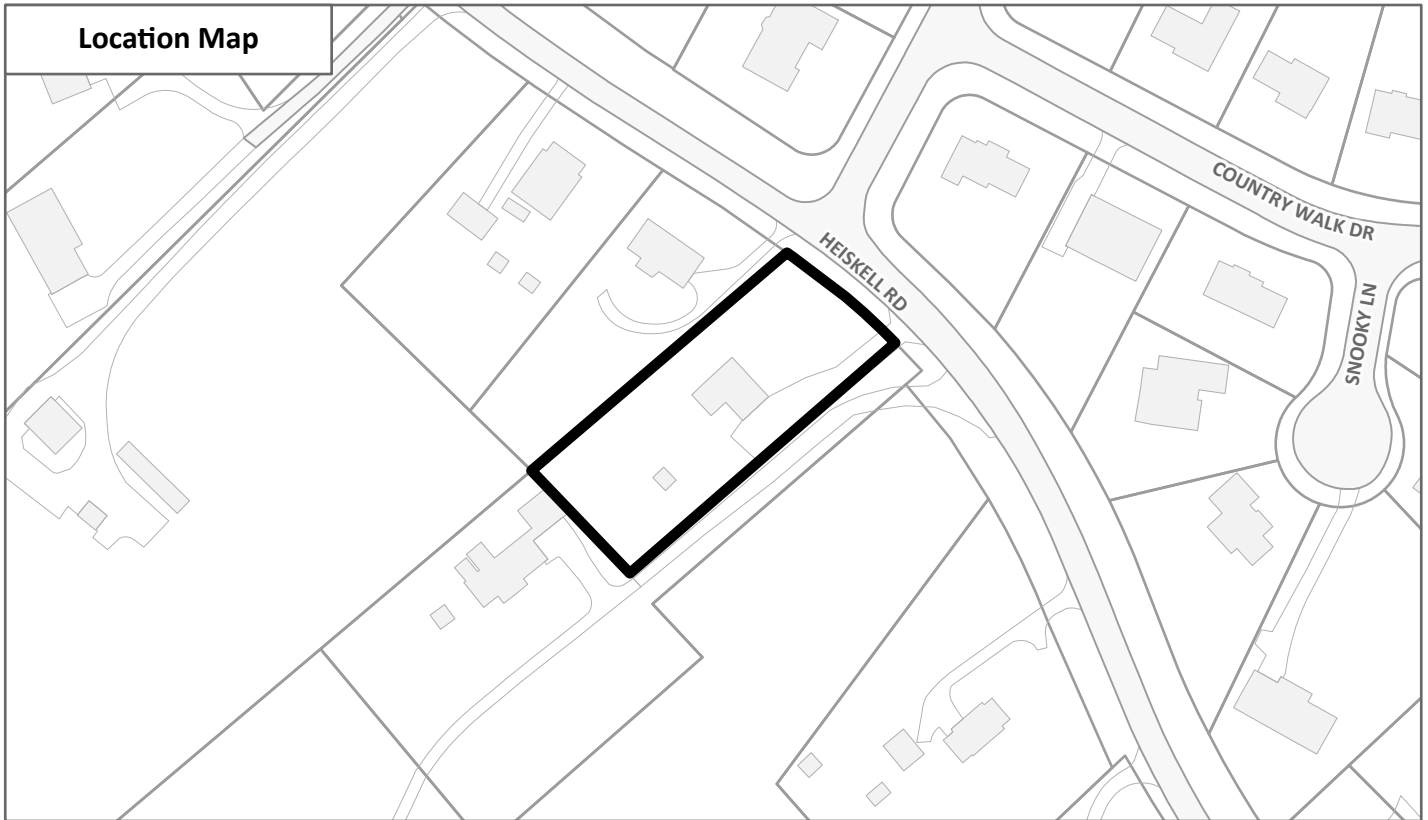


Exhibit A. Contextual Images

Location Map



Aerial Map

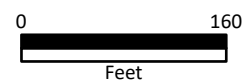


CONTEXTUAL MAPS 1

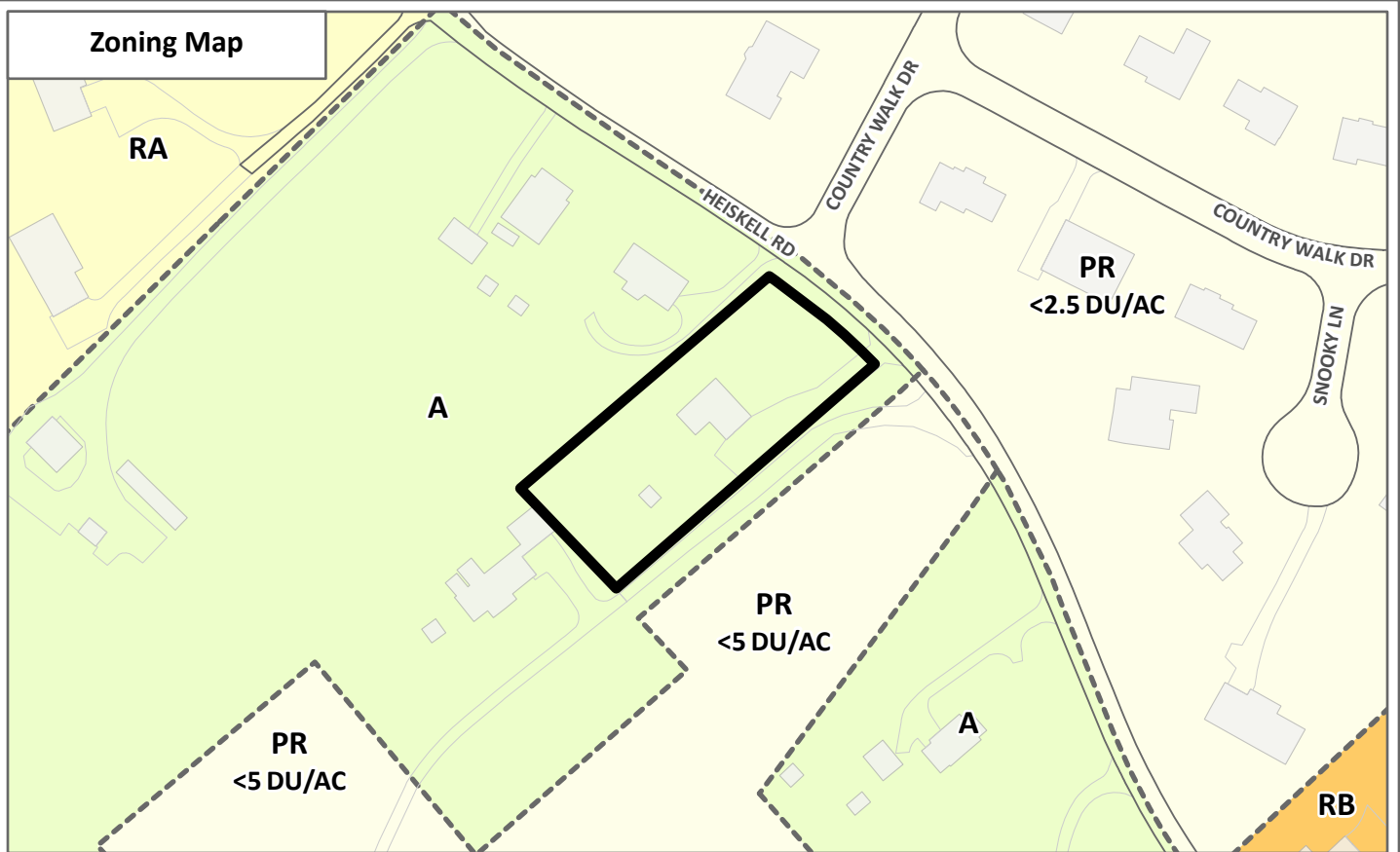
9-J-24-RZ



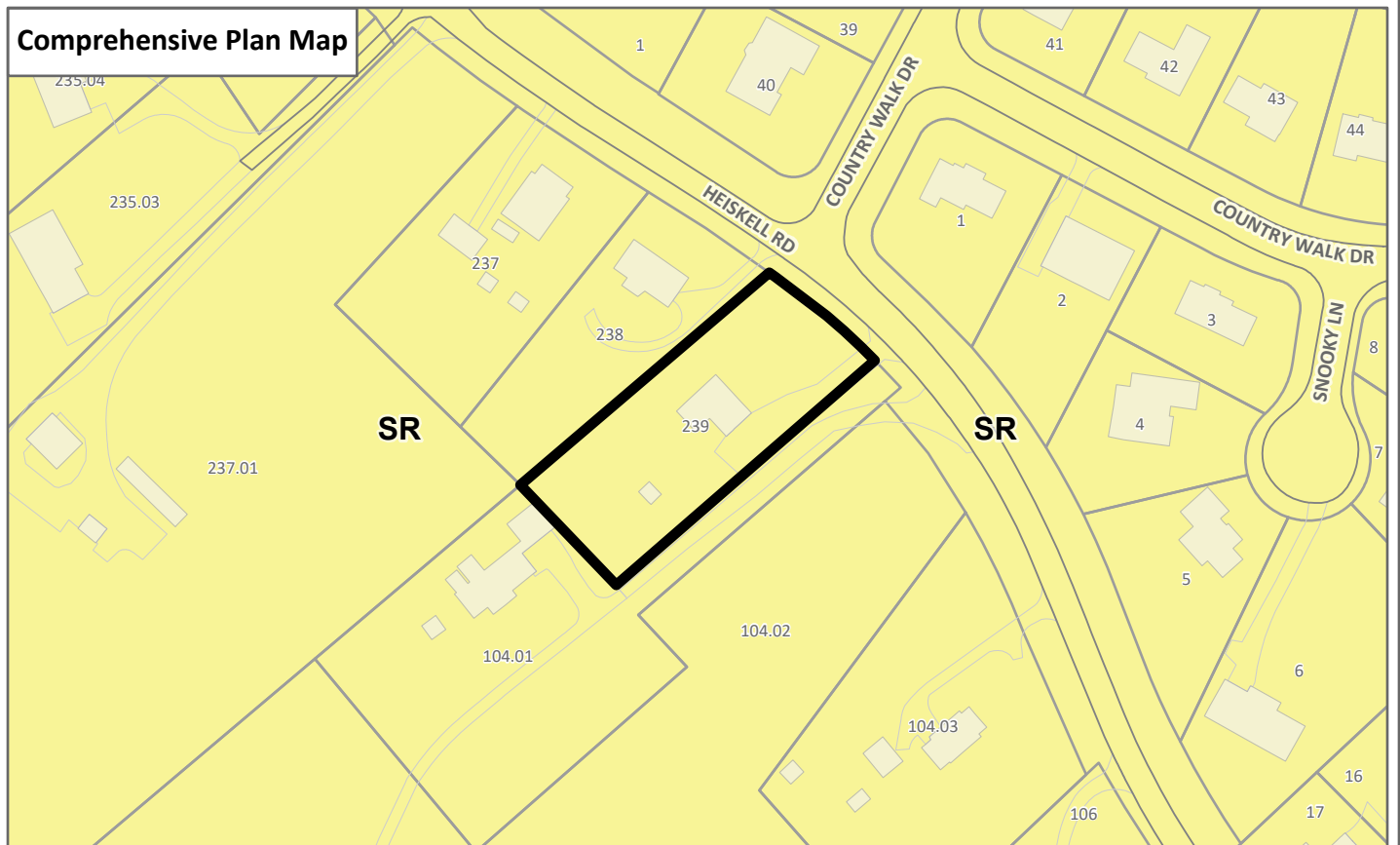
Case boundary



Zoning Map



Comprehensive Plan Map

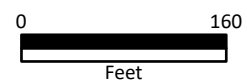


CONTEXTUAL MAPS 2

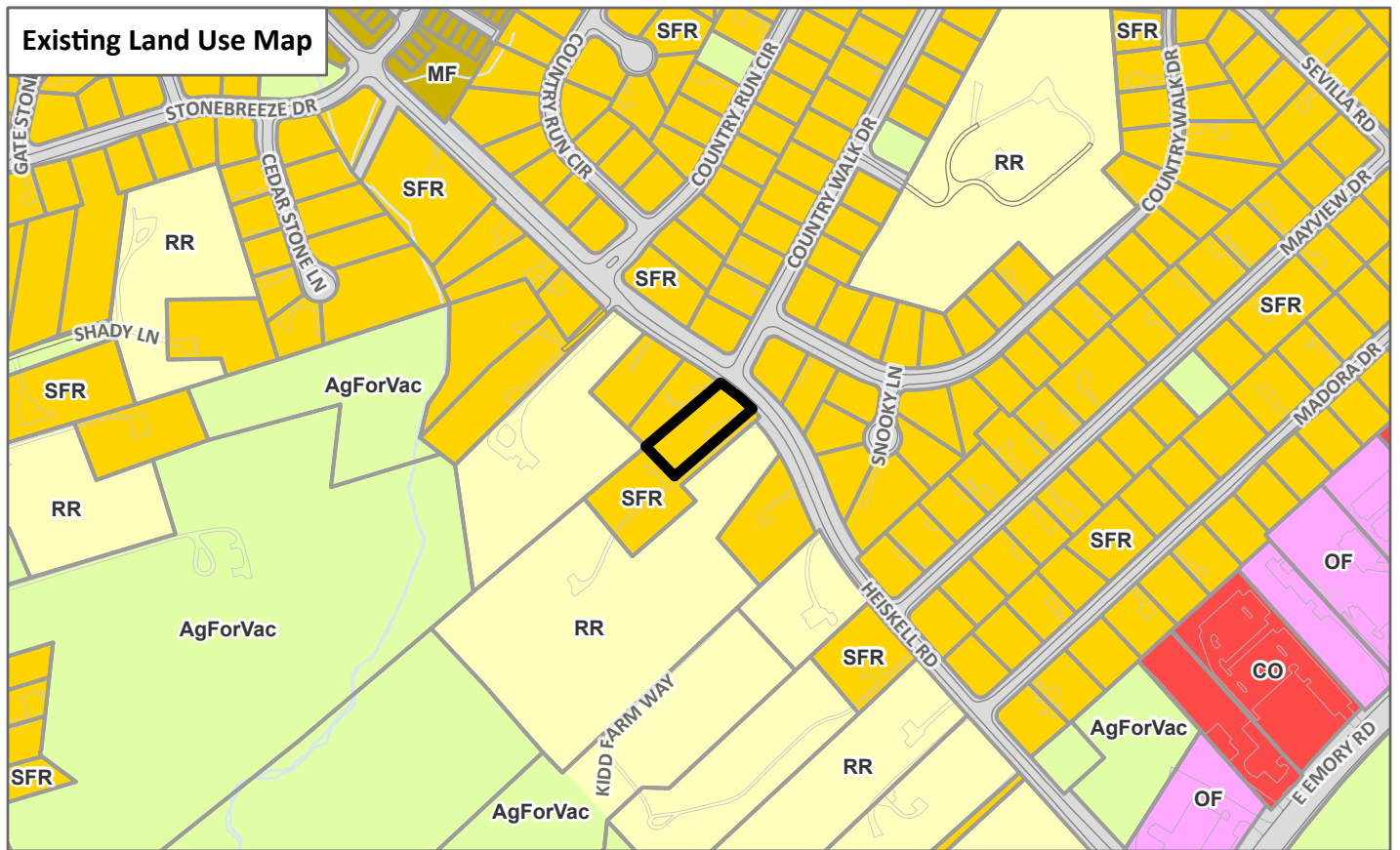
9-J-24-RZ



Case boundary



Existing Land Use Map

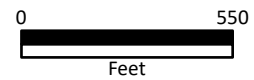


CONTEXTUAL MAPS 3

9-J-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

Nancy Cox

Applicant Name

Affiliation

7/25/2024

Date Filed

9/12/2024

Meeting Date (if applicable)

9-J-24-RZ

File Number(s)

CORRESPONDENCE

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

Nancy Cox

Name / Company

116 18th St Dunbar WE 25064

Address

304-807-0579 / Cox.nancylea@yahoo.com

Phone / Email

CURRENT PROPERTY INFO

Nancy Cox

Owner Name (if different)

116 18th St Dunbar WE 25064

Owner Address

304-807-0579 / Cox.nancylea@

Owner Phone / Email

7757 HEISKELL RD

Property Address

46 239

Parcel ID

Part of Parcel (Y/N)?

0.68 acres

Tract Size

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

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.

Nancy Cox

7/25/2024

Applicant Signature

Please Print

Date

Phone / Email

Nancy Cox

7/25/2024

Property Owner Signature

Please Print

Date

(1) Download and fill out this form at your convenience.
(2) Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the
Knoxville-Knox County Planning offices
OR email it to applications@knoxplanning.org

Reset Form



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

Applicant Name Nancy Cox

Affiliation

Date Filed 7/25/2024

Meeting Date (if applicable)

File Number(s)

9-J-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

Name Nancy Cox - (I also have P.O. Box)

Company

3239 Shropshire Blvd. #39
Powell, TN 37849-4644

Address 116-18th Street

City

Dunbar

State

WV

ZIP

25064

Phone 304-807-0579

Email

cox.nancylea@yahoo.com

CURRENT PROPERTY INFO

Property Owner Name (if different) Nancy Cox

Property Owner Address 116-18th St., Dunbar WV 25064

Property Owner Phone 304-807-0579

Property Address 7757 Heiskell Road, Powell, TN 37849

Parcel ID

046 239

Acct. #

Sewer Provider 118344 - Hallsdale - Powell Utility District

Water Provider

Septic (Y/N) N

STAFF USE ONLY

General Location

Tract Size

☐ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Land Use / Place Type
CITY COUNTY

Growth Policy Plan Designation

April 2024

DEVELOPMENT REQUEST

☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA

☒ Residential ☐ Non-Residential

Home Occupation (specify) Occupied - 7757 Heiskell Rd. Powell

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 change to RA
Proposed Zoning

☒ Plan Amendment Change To add dwelling to property.
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	

☒ 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

Nancy Cox
Applicant Signature

Nancy Cox
Please Print

7/25/2024
Date

304-807-0579
Phone Number

cox.nancy@ea@yahoo.com
Email

Nancy Cox
Property Owner Signature

Nancy Cox
Please Print

7/25/24 OI
Date Paid

July 25, 2024.

To the Knox Co. Planning Committee

My name is Nancy Cox and I recently purchased the residence at 7757 Heiskell Road, Powell TN 37849. I am from West Virginia and when I was searching for property it was listed as unrestricted and I had no knowledge of County Code restrictions that applied.

My plan was to add a dwelling behind the existing home due to the woman that will be living in the home is disabled and fighting leukemia. She also has an 8 year old son with autism so she needs help with care.

Please consider rezoning the property to RA to allow this to be possible. I would greatly appreciate any help you can give me.

Thank you for your consideration,

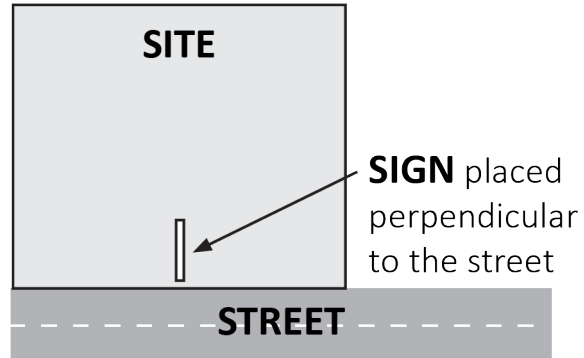
Nancy Cox

Cox.nancylea@yahoo.com

304 807 0579

A handwritten signature in black ink that reads "Nancy Cox". The signature is written in a cursive style with a large, stylized 'N' and 'C'.

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:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

☐

Sign posted by Staff

☐

Sign posted by Applicant