

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 1-B-24-RZ **Related File Number:** 1-A-24-SP
Application Filed: 11/15/2023 **Date of Revision:**
Applicant: ROBERT GREGORY, GREGORY LAND DEVELOPMENT, LLC

PROPERTY INFORMATION

General Location: South side of Heiskell Rd., Northwest of W. Copeland Dr.
Other Parcel Info.:
Tax ID Number: 46 44 **Jurisdiction:** County
Size of Tract: 34.61 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land
Surrounding Land Use:
Proposed Use: **Density:** up to 3.0 du/ac
Sector Plan: North County **Sector Plan Designation:** LDR (Low Density Residential), AG (Agricultural),
Growth Policy Plan: Rural Area
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 8721 HEISKELL RD
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: PR (Planned Residential)
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential), AG (Agricultural), HP (Hillside Protection)
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Samiul Haque

Staff Recomm. (Abbr.):

Approve the PR (Planned Residential) zone with up to 2 du/ac because it is consistent with the recommended LDR land use and surrounding development.

Staff Recomm. (Full):

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 2000s, several vacant/forested parcels and underutilized lots have been converted to residential development in the area.
2. A significant vegetated portion of the parcel has been disturbed since the property was used as a source of fill material for the Kroger Marketplace on E Emory Road, approximately 2.5 miles to the southeast.

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

1. The PR zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems.
2. Approximately 7.9 acres of 34.6-acre property has a slope greater than 25 percent along with a few closed contours. Furthermore, there is a 150-ft wide TVA easement on the west portion of this property. The PR zone is an appropriate consideration in this context because it enables development to be concentrated away from the TVA easement and steep slopes.
3. Houses, duplexes, and multi-dwelling structures and developments are permitted in the PR zone along with some nonresidential uses. At the recommended density of 2 du/ac, a maximum of 69 dwelling units could be built.
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.

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. The proposed rezoning at the recommended density of 2 du/ac will be compatible with the surrounding low density residential development along Heiskell Rd.
2. Any development under the PR zone would be subject to a Development Plan approval by the Planning Commission to ensure that the development does not have any significant adverse effects.
3. Almost the entire property is within the HP (Hillside Protection) area. However, the parcel has been disturbed previously, as mentioned above.
4. The blue-line stream along the front of the property will be subject to Knox County Stormwater Ordinance regulations and an appropriate buffer shall be provided during the Development Plan phase.

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 Growth Policy Plan describes a maximum density of 1 du per 2 acres for portions of properties with greater than 25% slope (Policy 3.3), though a density of up to 3 du/ac may be considered in the Rural Area if certain criteria are met (Policy 3.5). Planning is recommending a density of 2 du/ac considering the conditions of the site and Heiskell Road, surrounding developments, lack of nearby amenities, and feedback from the Knox County Engineering and Public Works department.

- 2. The recommended density is consistent with the slope analysis conducted based on the Hillside & Ridgetop Protection Plan (Exhibit B).
- 3. The proposed PR zone is consistent with the recommended LDR land use classification amendment to the North County Sector Plan.

Action: Approved with Conditions **Meeting Date:** 2/8/2024

Details of Action: Approve the PR (Planned Residential) zone up to 3 du/ac, with the condition that development be limited to the disturbed area as shown on the 2020 KGIS aerial image from the southern edge of the disturbance to the northern property line at Heiskell Road.

Summary of Action: Approve the PR (Planned Residential) zone up to 3 du/ac, with the condition that development be limited to the disturbed area as shown on the 2020 KGIS aerial image from the southern edge of the disturbance to the northern property line at Heiskell Road.

Date of Approval: 2/8/2024 **Date of Denial:** **Postponements:** 1/11/2024

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 3/25/2024 **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: Approved **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**