

# CASE SUMMARY

## APPLICATION TYPE: REZONING

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N  
T E N N E S S E E

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**File Number:** 1-X-06-RZ                      **Related File Number:**  
**Application Filed:** 12/7/2005              **Date of Revision:**  
**Applicant:** KNOX COUNTY  
**Owner:**

### PROPERTY INFORMATION

**General Location:** East side Tazewell Pike, east of Twin Oak Ln.  
**Other Parcel Info.:**  
**Tax ID Number:** 21 50,51,5201,53,55,57-60,80                      **Jurisdiction:** County  
**Size of Tract:** 17.13 acres  
**Accessibility:** Access is via Tazewell Pike, a minor arterial street with 23' of pavement width within 40' of right of way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Residential/agricultural  
**Surrounding Land Use:**  
**Proposed Use:** Residential                      **Density:**  
**Sector Plan:** Northeast County              **Sector Plan Designation:** Low Density Residential  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area has been developed with residential uses under A, RA and PR zoning. Gibbs High and Elementary Schools are located to the south along Tazewell Pike. Some commercial uses are located to the south at the intersection of Tazewell Pike and E. Emory Rd., zoned CA.

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

**Street:**  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** RA (Low Density Residential)  
**Previous Requests:** None noted  
**Extension of Zone:** Yes, extension of RA from the southwest  
**History of Zoning:** None noted

### PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

***SUBDIVISION INFORMATION (where applicable)***

Subdivision Name:

Surveyor:

No. of Lots Proposed:    No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

***OTHER INFORMATION (where applicable)***

Other Bus./Ord. Amend.:

***MPC ACTION AND DISPOSITION***

**Planner In Charge:** Michael Brusseau

**Staff Recomm. (Abbr.):** APPROVE RA (Low Density Residential) zoning.

**Staff Recomm. (Full):** RA zoning is consistent with the low density residential designation on the sector plan and with other RA zoning in the area.

**Comments:** Knox County has filed this application on behalf of some area property owners in order to prevent the keeping of farm animals, specifically hogs and chickens, on any of the subject properties. RA zoning prohibits this use. Per requirements of the Knox County Zoning Ordinance, all property owners of subject parcels have been notified of this request by certified mail. It is staff's understanding that some property owners support the request and others do not. It is not anticipated that there are any immediate plans by any property owners to further subdivide the subject properties.

As indicated on the attached January 12, 2006 letter from Arthur Seymour, there is a pending law suit filed on behalf of some of the subject property owners seeking relief from hogs and chickens by enforcing existing subdivision deed covenants, which apparently prohibit the keeping of these animals. The existing A (Agricultural) zoning does not prohibit this use, so relief could not be granted through Knox County Codes Enforcement. Staff is reviewing this proposal as it would any other RA zoning request and does not consider the private deed restrictions.

All ten of the subject parcels are greater than one acre in size, meeting the minimum lot size requirements of the current A (Agricultural) zoning.

**NEED AND JUSTIFICATION FOR THE PROPOSAL**

1. RA zoning is compatible with the scale and intensity of the surrounding land uses and zoning pattern.
2. Other properties and subdivisions in the immediate area are zoned RA.
3. The RA zoning will allow the properties to be subdivided into lots of no less than 20,000 square feet without sewer, subject to approval by the Knox County Health Department.

**THE EFFECTS OF THE PROPOSAL**

1. Public water is available to serve the site. If proposed, the Knox County Health Department will have to approve the further subdivision of the properties with no sanitary sewer available. The minimum lot size in the RA zone is 10,000 square feet with sewer and 20,000 square feet without sewer.
2. This proposal will have minimal impact on schools and the street system.
3. The proposal is compatible with other RA and PR zoning and development in the area.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The North County Sector Plan proposes low density residential uses for the site, consistent with this proposal.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may generate similar requests for RA or other residential zoning in the area, consistent with the sector plan proposal for low density residential uses. However, the sector plan and Growth Policy Plan do not support further low density development to the north of the site.

Upon final approval of the rezoning, if property is proposed to be subdivided, a final plat must be submitted prior to further subdivision and development of the property. The plat will show the property's proposed subdivision and means of access.

**MPC Action:** Denied **MPC Meeting Date:** 2/9/2006  
**Details of MPC action:** DENY RA (Low Density Residential) zoning.  
**Summary of MPC action:** DENY RA (Low Density Residential)  
**Date of MPC Approval:** **Date of Denial:** 2/9/2006 **Postponements:** 1/12/2006  
**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

### ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knox County Commission  
**Date of Legislative Action:** 3/27/2006 **Date of Legislative Action, Second Reading:** 11/20/2006  
**Ordinance Number:** **Other Ordinance Number References:**  
**Disposition of Case:** Postponed **Disposition of Case, Second Reading:** Denied  
**If "Other":** Postponed 3/27, 5/22, 8/28 **If "Other":**  
**Amendments:** **Amendments:**  
**Date of Legislative Appeal:** **Effective Date of Ordinance:**