

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 10-E-22-RZ **Related File Number:**
Application Filed: 8/18/2022 **Date of Revision:**
Applicant: JIMMY DANCE

PROPERTY INFORMATION

General Location: South side of Foust Dr, west of Mascot Rd.
Other Parcel Info.:
Tax ID Number: 51 D C 002 **Jurisdiction:** County
Size of Tract: 1.64 acres
Accessibility: Access is via Foust Dr, a local street with a 14-ft pavement width within a 40-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Single Family Residential
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: Northeast County **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This property is located in the Three Points community, south of Rutledge Pike and west of Mascot Road. The area is developed primarily with single family residential and a couple of duplexes in the RA and A zones. There are two small commercial nodes to the north and northeast.

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

Street: 8516 & 8518 Foust Dr.
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:
Extension of Zone: Yes, from the north
History of Zoning: None

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)

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:

Mike Reynolds

Staff Recomm. (Abbr.):

Approve the RA (Low Density Residential) zone because it is consistent with the sector plan 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 CITY/COUNTY GENERALLY:

1. This area has been zoned agricultural but used for residential purposes since the 1920's. The lots on the south side of Foust Drive were created in 1926 and were all less than 2 acres with the exception of one 3 acre lot.
2. The property currently has two houses on it, which is allowed in the current A (Agricultural) zone if the property is 2 acres or more. Depending on when the two houses were established, they could have been conforming to the zoning at the time. Before the current zoning ordinance was adopted in the 1960's, the A zone allowed two houses on .5 acres. The aeriels from 1969 are inconclusive if there are two houses on the subject property because the aerial does not line up properly with the parcel map, but it appears there could be two houses at that time.
3. RA zoning is located across the street and a property on the south side of Foust Dr to the east was rezoned to RA in 2011.
4. Many of the surrounding residential lots in the A (Agricultural) zone are nonconforming to the 1 acre minimum lot size in the A zone and are more consistant with the RA zone.

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. This definition reflects the existing residential intensity of many parcels surrounding the subject property.
2. The size of the property is currently nonconforming to the A (Agricultural) zone because it is less than 2 acre in size and has two houses. If rezoned to RA, the property can be subdivided so each house is on its own lot.

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 RA zone is not anticipated to cause any adverse impact on surrounding areas.

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 RA zone is consistent with the Northeast County Sector Plan's LDR (Low Density Residential) land use designation for the property.
2. The property is within the Planned Growth Area of the Growth Policy Plan.
3. The proposed rezoning is not in conflict with any other adopted plans.

Action:

Approved

Meeting Date: 10/6/2022

Details of Action:

Approve the RA (Low Density Residential) zone because it is consistent with the sector plan and surrounding development.

Summary of Action: Approve the RA (Low Density Residential) zone because it is consistent with the sector plan and surrounding development.

Date of Approval: 10/6/2022

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 11/21/2022

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: