

# CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 10-L-23-RZ Related File Number: 10-G-23-SP  
Application Filed: 8/23/2023 Date of Revision:  
Applicant: HOLSTON SPRINGS LLC

## PROPERTY INFORMATION

General Location: West side of McCubbins Rd, north side of Wooddale Church Rd  
Other Parcel Info.:  
Tax ID Number: 73 203 (PART OF) Jurisdiction: County  
Size of Tract: 5 acres  
Accessibility:

## GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land  
Surrounding Land Use:  
Proposed Use: Density:  
Sector Plan: East County Sector Plan Designation: LDR (Low Density Residential), HP (Hillside Protec  
Growth Policy Plan: Planned Growth Area  
Neighborhood Context:

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

Street: 733 MCCUBBINS RD  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason:

## ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)  
Former Zoning:  
Requested Zoning: OS (Open Space)  
Previous Requests:  
Extension of Zone:  
History of Zoning:

## PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential), 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:

Naomi Hansen

Staff Recomm. (Abbr.):

Approve the OS (Open Space) zone for the portion of the subject property illustrated in the zoning boundary map in the application, subject to 1 condition.

Staff Recomm. (Full):

1) Install a fence along the western property line within 60 days of the development plan approval.

Comments:

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(REVISED 10/4/2023) The staff report was revised to include a timeline for the fence to be installed, and acknowledge that development plan approval by the Planning Commission is required.

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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. The surrounding properties have been transitioned from the A zone to PR at a slow progression over the past 20 years. However, few properties have been built out and the area remains rural in nature.
- 2. A rural retreat was approved for this property in July 2023 (Case # 7-A-23-UR). This use is consistent with the OS zone.

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

- 1. The OS (Open Space) preservation zone provides for the principal use of land devoted to open space/preservation of park and recreation lands. Park and recreation uses including parks, trails, parkways, camps and resorts are a use on right in the OS zone. The rural and hilly nature of this property is consistent with the definition of park and recreation uses.
- 2. Pursuant to the Knox County zoning ordinance, article 5.20.13. Any request for development for other than one (1) house on the site shall require site plan approval by the planning commission through the development plan review process.

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 property is accessed off a minor collector, no traffic would be required through residential neighborhoods to reach the site.
- 2. The proposed rezone request is approximately 5 acres of the total 43-acre parcel that would continue to be utilized as a horse farm and rural retreat.
- 3. Site plans are required to meet the requirements of the Knox County Stormwater Ordinance.
- 4. No adverse effects are anticipated by this rezoning.

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 subject property is designated as the LDR (low density residential) land use classification in the East County Sector Plan, which allows consideration of the OS zone in the Planned Growth Areas of the Growth Policy Plan.
- 2. The rezoning is consistent with the General Plan's development policy 7.2 protect water resources by reducing pollution and retaining trees and ground cover on ridges and near streams, rivers, lakes, and sinkholes.

Action:

Approved with Conditions

Meeting Date: 10/5/2023

**Details of Action:**

**Summary of Action:** Approve the OS (Open Space) zone for the portion of the subject property illustrated in the zoning boundary map in the application, subject to 1 condition.

**Date of Approval:** 10/5/2023

**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:** 11/20/2023

**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:**