

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 2-E-24-RZ **Related File Number:** 2-B-24-SP
Application Filed: 12/19/2023 **Date of Revision:**
Applicant: BENJAMIN C. MULLINS

PROPERTY INFORMATION

General Location: Northeast side of West Gallaher Ferry Rd, north of Hickory Creek Rd
Other Parcel Info.:
Tax ID Number: 116 020 **Jurisdiction:** County
Size of Tract: 112.22 acres
Accessibility: Access is via West Gallaher Ferry Road, a local street with an 18-ft pavement width within a 48-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land, Right of Way/Open Space
Surrounding Land Use:
Proposed Use: **Density:** 2 du/ac
Planning Sector: Northwest County **Plan Designation:** AG (Agricultural), HP (Hillside Protection), SP (Stream Prote
Growth Policy Plan: Rural Area
Neighborhood Context: This area along West Gallaher View Road is heavily wooded with steep slopes and sparse, single-family homes on multi-acre lots.

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

Street: 2600 W. GALLAHER FERRY 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: No. This is not an extension, but there is PR zoning up to 1.8 du/ac adjacent to the southeast.
History of Zoning: None noted.

PLAN INFORMATION (where applicable)

Current Plan Category: AG (Agricultural), HP (Hillside Protection), SP (Stream Protection)
Requested Plan Category: RR (Rural Residential), HP (hillside Protection)

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: Jessie Hillman

Staff Recomm. (Abbr.): Approve the PR (Planned Residential) zone up to 1 du/ac because it is consistent with surrounding development and permitted residential intensity, subject to 2 conditions.

Staff Recomm. (Full):

1. No disturbance is permitted 450 ft from the property line that abuts Clinch River per the Tennessee Scenic River boundary described in Tenn. Code Ann. § 11-13-108. Disturbance shall mean any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation.
2. Disturbing no more than 44.6 acres within the HP (Hillside Protection) area, as recommended by the slope analysis.

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. The Hardin Valley area continues to see increases in residential development, though much of the outer boundary of the region remains rural, agricultural and forested. The proposed rezoning to the PR (Planned Residential) zone is characteristic of these changes to the area.

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

1. The PR zone is designed to provide optional methods of land development that encourage creative solutions to environmental design problems. Each planned development is intended to be compatible with surrounding or adjacent zones.
2. The subject property is comprised of forested hillside with many of its slopes exceeding 25%. There are two blue line streams that converge on the parcel as they lead to Clinch River, which forms the property's northwest boundary. These significant environmental considerations align with the intent of the PR zone to develop in the least environmentally constrained portions of the property by allowing clustered/ conservation residential development.
3. The applicant requested PR with a density of 2 du/ac. Staff are recommending a density no greater than 1 du/ac in light of these severe ecological constraints on the property, surrounding rural character and the capacity of existing transportation and utility infrastructure.

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 recommended PR zone with a density no greater than 1 du/ac is the same density already permitted under the property's current A (Agricultural) zone. A key distinction between the two districts is that the PR zone enables development that is more responsive to environmental conditions by permitting clustered development in the optimal areas of the property, as opposed to the 1-acre minimum lot size in the A zone.
2. Development plans under the PR district are reviewed by the Planning Commission, providing a public forum for review and input on the proposed development. It also enables a cross-departmental review of the plans to evaluate the proposed development's impact on surrounding properties and infrastructure.
3. The property lacks access to sanitary sewer infrastructure. Development of the site would require approval by the Knox County Health Department with regards to adequate lot sizing for septic service if sewer utilities are not extended.
4. By maintaining the existing permitted density on the subject property, the recommended rezoning is not anticipated to have an adverse impact on the area.

5. The subject property borders a segment of Clinch River that has the Tennessee Scenic River designation. This is one of only two such designations in Knox County and nineteen state-wide. The stated objective of the Scenic Rivers program is to preserve and protect the free flowing, unpolluted and outstanding scenic, recreational, geologic, botanical, fish, wildlife, historic and/or cultural values of selected rivers and river segments across the state. Clinch River has a Class III designation, which means it is a partially developed area with a standard boundary of 450 ft from the river bank. The Scenic River designation and boundary informed condition 1 pertaining to a non-disturbance boundary along the riverbank.

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 proposed rezoning is permitted within the Northwest County Sector Plan's current land use classification of AG (Agricultural). It is also consistent with the recommended amendment to the RR (Rural Residential) land use classification, which more closely aligns with the conditions of the area.
2. The PR zone up to 1 du/ac is consistent with the General Plan's development policy 9.3 to ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.
3. This property is located within the boundaries of the Hardin Valley Mobility Plan, which does not indicate that there any proposed transportation improvements around the property's location on West Gallaher Ferry Road. Maintaining the permitted density on the property is consistent with existing and planned transportation conditions.
4. The PR zone and recommended density are consistent with the subject property's location in the Rural Area of the Growth Policy Plan.

Action: Approved with Conditions **Meeting Date:** 3/7/2024

Details of Action: Approve the PR (Planned Residential) zone up to 1 du/ac, subject to the condition that the applicant comply with the Clinch River Tennessee Scenic River Boundary as described in Tenn. Code Ann. § 11-13-108.

Summary of Action: Approve the PR (Planned Residential) zone up to 1 du/ac, subject to the condition that the applicant comply with the Clinch River Tennessee Scenic River Boundary as described in Tenn. Code Ann. § 11-13-108.

Date of Approval: 3/7/2024 **Date of Denial:** **Postponements:** 2/8/2024

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 8/19/2024 **Date of Legislative Action, Second Reading:**

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

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

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

Amendments: **Amendments:**

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