

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 2-K-24-RZ **Related File Number:**
Application Filed: 1/8/2024 **Date of Revision:**
Applicant: MESANA INVESTMENTS, LLC

PROPERTY INFORMATION

General Location: North side of Night Time Drive, southwest of Carpenter Road
Other Parcel Info.:
Tax ID Number: 78 A B 044 **Jurisdiction:** County
Size of Tract: 14371 square feet
Accessibility: Access is via Night Time Dr, a local street with an 22-ft pavement width within a 50-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land
Surrounding Land Use:
Proposed Use: **Density:** up to 4 du/ac (as a separate PR zone)
Sector Plan: Northwest County **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The subject property is in the Dochester Subdivision, located on Carpenter Road. The properties along Carpenter Road are a mix of small and large residential lots, and agricultural properties. There is an attached residential development to the south with access from W. Emory Rd.

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

Street: 0 NIGHT TIME DR
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) up to 4 du/ac
Former Zoning:
Requested Zoning: PR (Planned Residential)
Previous Requests:
Extension of Zone: Yes, this is an extension
History of Zoning: The property was rezoned from A to PR up to 4 du/ac in September 2006 (7-L-06-RZ)

PLAN INFORMATION (where applicable)

Current Plan Category:

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.):

Deny the request for PR (Planned Residential) up to 4 du/ac for the subject lot because it will make the platted Dorchester Subdivision non-compliant with the approved zoning density.

Staff Recomm. (Full):

Comments:

This request is to rezone the 0.33-acre "future development" area on the Dorchester Subdivision final plat (Exhibit B) to its own PR (Planned Residential) zone district. The intent of this request is to allow one more house lot to be platted, for a total of 79 lots. In June 2023, a 78-lot final plat was recorded for the Dorchester Subdivision on a total area of 19.45 acres (4.0 du/ac). If this request is approved, the net result is a 0.33-acre house lot zoned PR up to 4 du/ac that is compliant with the zoning and the remaining 78 lots on 19.12 acres zoned PR up to 4 du/ac that are not compliant with the zoning.

BACKGROUND

The property was rezoned from A (Agricultural) to PR (Planned Residential) up to 4 du/ac in September 2006 (7-L-06-RZ). The rezoning included approximately 49 acres.

In January 2007 the applicant obtained concept plan approval for 73 lots in approximately the same area as the current Dorchester Subdivision (1-SG-07-C / 1-J-07-UR). In May 2007, the applicant applied again to increase the number of lots to 170 over the entire 49 acres zoned PR up to 4 du/ac (5-SK-07-C / 5-J-07-UR). However, this was withdrawn in August 2007. The January 2007 approval was extended twice and eventually expired in January 2012.

Between 2012 and 2016, approximately 29.5 acres of the area zoned PR (Planned Residential) up to 4 du/ac were no longer associated with the subject development.

In 2016 the applicant submitted a new concept plan application and was approved for 66 lots in the same location as the current Dorchester Subdivision (3-SE-16-C / 3-D-16-UR). In 2019, the applicant submitted a new concept plan application and was approved for 70 lots, with an area in the middle of the subdivision labeled "future development" for additional lots (9-SC-19-C / 9-J-19-UR). For the 2016 and 2019 applications, the acreage stated on the plans was 19.86 acres.

In 2021, the applicant submitted a new concept plan application for 9 additional lots (8-SA-21-C / 8-C-21-UR). The acreage stated on the plan was reduced to 19.46 acres. If approved as requested, the Dorchester Subdivision would have 79 lots on 19.46 acres (4.06 du/ac), which exceeds the maximum allowed density of 4 du/ac. There was a condition of the concept plan that the maximum number of lots would be based on the acreage shown on the final plat and not to exceed 4 du/ac. The Dorchester Subdivision final plat states there are 19.45 acres, which only allows 78 lots.

In 2023, the applicant submitted a new concept plan application, which was only to modify the design of the entrance road and did not change the acreage of the property or the number of lots requested (1-SA-23-C).

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. Carpenter Road was widened to 18 feet from the Dorchester Subdivision entrance road (Night Time Drive) to Ridgewalk Lane to the south. This was a requirement of the concept plan approval for the Dorchester Subdivision.

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

1. If the rezoning is approved as requested, the remaining portion of the Dorchester Subdivision will have a density of 4.08 du/ac, which exceeds the PR (Planned Residential) up to 4 du/ac zoning.
2. 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 is 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 creation of one additional house lot within the Dorchester Subdivision will not have direct or indirect adverse impacts on nearby properties or other parts of the County.

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 with the LDR (Low Density Residential) land use classification in the Northwest County Sector Plan, which allows consideration of the PR zone in the Planned Growth Areas of the Growth Policy Plan.
2. The requested rezoning is consistent with the General Plan's development policy 9.3, the intent of which is to ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.

Action: Approved with Conditions **Meeting Date:** 4/11/2024
Details of Action: Approve the PR (Planned Residential) zone up to 4 du/ac, subject to the condition that the lot is used for one dwelling unit.
Summary of Action: Approve the PR (Planned Residential) zone up to 4 du/ac, subject to the condition that the lot is used for one dwelling unit.
Date of Approval: 4/11/2024 **Date of Denial:** **Postponements:** 2/8/2024, 3/7/2024
Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission
Date of Legislative Action: 5/20/2024 **Date of Legislative Action, Second Reading:**
Ordinance Number: **Other Ordinance Number References:**
Disposition of Case: **Disposition of Case, Second Reading:**
If "Other": **If "Other":**
Amendments: **Amendments:**
Date of Legislative Appeal: **Effective Date of Ordinance:**