

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 4-V-24-RZ                      **Related File Number:** 4-N-24-SP  
**Application Filed:** 2/29/2024              **Date of Revision:**  
**Applicant:** STORM SHULAR

## PROPERTY INFORMATION

**General Location:** East side of Pickens Gap Rd, north of Whaley Ln  
**Other Parcel Info.:**  
**Tax ID Number:** 150 044                      **Jurisdiction:** County  
**Size of Tract:** 84.44 acres  
**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:**    **Density:** up to 2 du/ac  
**Planning Sector:** South County                      **Plan Designation:** AG (Agricultural), HP (Hillside Protection)  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** The surrounding area consists of predominantly single-family detached houses on a range of lot sizes.

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

**Street:** 8922 PICKENS GAP RD  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural), RB (General Residential)  
**Former Zoning:** None  
**Requested Zoning:** PR (Planned Residential)  
**Previous Requests:**  
**Extension of Zone:** No, this is not an extension.  
**History of Zoning:** A request to rezone part of the property from A (Agricultural) to RA (Low Density Residential) in 1997 was denied by the Planning Commission (Case # 10-K-97-RZ).

## PLAN INFORMATION (where applicable)

**Current Plan Category:** AG (Agricultural), HP (Hillside 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:

Mike Reynolds

Staff Recomm. (Abbr.):

Approve the PR (Planned Residential) zone up to 1 du/ac because it is consistent with the Rural Residential land use classification and surrounding development, subject to one condition.

Staff Recomm. (Full):

1. The portion of the parcel delineated in Exhibit B shall be left undisturbed.

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 residential development to the north and northwest are predominantly on half-acre lots and were platted in the 1960s. These have the AG (Agricultural) land use classification, though they align more with the RR (Rural Residential) land use.

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

1. The PR (Planned Residential) zone provides flexibility for residential development on properties with environmental constraints by allowing clustered development in the optimal areas of a property to preserve more environmentally sensitive areas, such as steep slopes and streams.
2. This property has steep slopes along its two ridge features and a potential stream between them.
3. PR up to 1 du/ac on this 84.44-acre property would allow up to 84 units. Houses, duplexes and multi-dwelling structures and developments are permitted in the PR zone.
4. The property currently has split zoning; approximately 40 acres are zoned RB (General Residential), and 44.5 acres are zoned A (Agricultural). The RB zone is located in the most developable portion of the site but does include some steep slopes and a potential stream. The RB zone allows houses, duplexes, and multi-dwelling developments. Houses must have a minimum lot size of 10,000 sqft. Multi-dwelling development is permitted by right up to 12 du/ac.
5. 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 would be 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 impact on the street system will be minimal as the property has direct access to a minor collector road.
2. Considering the environmental constraints, staff recommends approving the PR zone at 1 du/ac on the condition that the steep slopes delineated in Exhibit B remain undisturbed. This condition is supported by the following development policies of the General Plan:
  - a) Rigorously enforce zoning regulations and conditions of approval to maintain public confidence in the planned development process (10.4),
  - b) Encourage flexible, planned development zones to protect hillsides, woodlands, wildlife habitats, and stream corridors (6.1), and
  - c) Compliment natural land forms when grading, and minimize grading on steep slopes and within floodways (6.2).
3. Approximately 60 percent of the property is within the Hillside Protection area. The slope analysis recommends a density of 1.36 du/ac for the property.
4. PR zoning requires that development plans be submitted for Planning Commission review. At that time, issues such as topography, surrounding character, and access are evaluated, and community input may be provided regarding the proposed development plan.

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 recommended amendment for the South County Sector Plan to RR (Rural Residential) makes the recommended zoning density consistent with the land use plan, which allows up to 1 du/ac.
2. The proposed PR zone up to 1 du/ac is consistent with the Rural Area of the Growth Policy Plan, which allows up to 2 du/ac (Policy 3.2) with reductions in density when the site has steep slopes (Policy 3.3). The maximum density recommendation by the slope analysis (attached) is 1.36 du/ac based on the Hillside and Ridgetop Protection Plan. The maximum density allowed based on the Policy 3.3 of the Growth Policy Plan is approximately 1.2 du/ac.
3. With adherence to the noted condition, the proposed PR zone aligns with Policies 6.1, 6.2, and 6.3 of the General Plan, which encourages using flexible planned development zones to protect sensitive natural features and develop in areas with the fewest environmental constraints.
4. The PR zone requires development plan approval by the Planning Commission. This aligns with Policy 9.3 of the General Plan, which encourages 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:**

**Summary of Action:** Approve the PR (Planned Residential) zone up to 1 du/ac because it is consistent with the Rural Residential land use classification and surrounding development, subject to one condition.

**Date of Approval:** 4/11/2024 **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:** 6/17/2024

**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:**

Approve PR (Planned Residential) up to 2 du/ac, subject to the condition that there be a 35' vegetation zone to the northern side and adding a landscape type B screen.

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**