

# CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 9-E-23-RZ  
Application Filed: 7/24/2023  
Applicant: ALEX BOTEZAT

Related File Number:  
Date of Revision:

## PROPERTY INFORMATION

**General Location:** North side of Millertown Pike, west of Mary Emily Ln  
**Other Parcel Info.:**  
**Tax ID Number:** 60 020, 021, 022, 023 **Jurisdiction:** County  
**Size of Tract:** 45.04 acres  
**Accessibility:** Access is via Millertown Pike, a minor arterial with a 20-ft pavement width within a 50-ft of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Rural Residential, Agriculture/Forestry/Vacant Land, Single Family Residential  
**Surrounding Land Use:**  
**Proposed Use:** **Density:** up to 5 dwelling units/acre  
**Sector Plan:** Northeast County **Sector Plan Designation:** LDR (Low Density Residential), HP (Hillside Protec  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:** This area is primarily large forested and agricultural tracts and small lot single family residential subdivisions.

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

**Street:** 5701 MILLERTOWN PIKE  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** RA (Low Density Residential), RB (General Residential), A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** PR (Planned Residential)  
**Previous Requests:**  
**Extension of Zone:** No, it is not an extension.  
**History of Zoning:** None noted.

## 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:

Whitney Warner

Staff Recomm. (Abbr.):

Approve PR (Planned Residential) zone up to 2.75 du/ac because it is consistent with the sector plan and surrounding development, subject to one condition.

Staff Recomm. (Full):

1) The rear of the parcel with slopes of 25% or greater 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. Since the early 2000s, surrounding properties have been transitioning away from Agricultural and General Residential zoning to Planned Residential zones in order to create single family residence subdivisions on small and medium sized lots.

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

1. The regulations established in this zone are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. It allows clustering of residences to focus development on the optimal parts of the property and preserve more sensitive areas, such as steep slopes.

2. Most of the subject property is within the HP (Hillside Protection) area. The PR zone is an appropriate consideration in this context because it enables concentrated development away from the ridgeline.

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. Staff recommends rezoning to PR up to 2.75 du/ac instead of the requested PR up to 5 du/ac because approximately forty percent of the subject property is steeply sloped, undisturbed forest. The topographic constraints of the property would likely result in concentration of development on the front portion of the site which could result in a development out character with other developments along Millertown Pike.

2. Considering the environmental constraints, staff recommends approving the PR zone at 2.75 du/ac on the condition that the area along the rear of the property line with slopes of 25% or higher be left undisturbed. This condition is supported by the following development policies of the General Plan 1) Rigorously enforce zoning regulations and conditions of approval to maintain public confidence in the planned development process (10.4) and 2) Encourage flexible, planned development zones to protect hillsides, woodlands, wildlife habitats, and stream corridors (6.1).

3. Built out at 5 du/ac, this 45-acre property could be developed at a maximum capacity of 225 du/ac. The slope analysis recommends disturbing only 8.7 acres within the Hillside Protection area. Built out at 2.75 du/ac, this 45-acre property could be developed at a maximum capacity of 123 du/ac.

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 proposed PR zone of 2.75 du/ac is consistent with the Northeast County Sector Plan's LDR (Low Density Residential) land use designation and Urban Growth Area of the Growth Policy Plan.

2. With adherence to the noted condition, the proposed PR zone of 2.75 du/ac aligns with 6.2 of the

General Plan, which encourages development in areas with the fewest environmental constraints.  
3. The proposed zone change is not in conflict with any other adopted plans.

**Action:** Approved with Conditions **Meeting Date:** 9/14/2023

**Details of Action:**

**Summary of Action:** Approve PR (Planned Residential) zone up to 2.75 du/ac because it is consistent with the sector plan and surrounding development, subject to one condition.

**Date of Approval:** 9/14/2023 **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:** 10/23/2023

**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:**