

CASE SUMMARY

APPLICATION TYPE: REZONING

KNOXVILLE · KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 9-F-09-RZ **Related File Number:**
Application Filed: 7/27/2009 **Date of Revision:**
Applicant: GREG AND DONNA LAYMAN

PROPERTY INFORMATION

General Location: East side Kelly Ln., south of Kodak Rd.
Other Parcel Info.:
Tax ID Number: 100 026.04 **Jurisdiction:** County
Size of Tract: 57.33 acres
Accessibility: Access is via Kelly Ln., a local street with 15' of pavement width within 40' of right of way, or from one of three local streets within the adjacent subdivision, all having 26' of pavement width within 50' rights of way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land and agricultural
Surrounding Land Use:
Proposed Use: Agricultural uses **Density:**
Sector Plan: East County **Sector Plan Designation:** Ag/RR
Growth Policy Plan: Rural Area
Neighborhood Context: The land on three sides of this site has been approved for a detached residential subdivision under PR zoning. River Islands Golf Course is located to the east of the site. Other surrounding development consists of agricultural or rural residential uses, under A zoning.

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) at 1-2 du/ac
Former Zoning:
Requested Zoning: A (Agricultural)
Previous Requests: Property was rezoned PR in 1999 (5-E-99-RZ)
Extension of Zone: Yes, extension of A zoning from the west
History of Zoning: Property was rezoned PR in 1999 for the purpose of developing a residential subdivision

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.:

MPC ACTION AND DISPOSITION

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): DENY A (Agricultural) zoning.

Staff Recomm. (Full): This land has been approved and planned for a detached residential subdivision under PR zoning. The adjacent land to the east has been platted to establish the lots adjacent to this site, which creates issues regarding setbacks. The owners of lots in the River Island Subdivision purchased lots with the expectation that the subject property would be developed into residential lots, not used for agricultural purposes.

Comments: The applicant is currently using this property for raising crops. However, the land is zoned PR. After discussion with the Knox County Code Administration Department, staff learned that there have been numerous complaints filed by property owners within the adjacent River Island Subdivision about the subject property. Code Administration has determined that since the use for crop production was not established prior to the property being rezoned PR, that it can not be "grandfathered in". According to Code Administration, significant plowing has occurred, which has caused drainage/runoff problems in the adjacent subdivision. Irrigation and other farming equipment are also present at the site. It has been determined that the property must be rezoned back to Agricultural in order for the current use of the property to continue in conformance with zoning, which has what led to this application.

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. Since the rezoning to PR in 1999, no significant changes have occurred in the area that warrant rezoning the property back to Agricultural.
2. A concept plan was approved by MPC on October 11, 2001 for this property and the adjacent River Island Subdivision. This plan included 209 detached dwellings on individual lots on slightly more than 209 acres. The concept plan file number was 8-SG-01-C/8-H-01-UR and included a significant number of lots on the subject property. No lots have been platted on this property to date, so it still shows up on current maps as one 57-acre parcel. A copy of the approved concept plan, which is now expired, is attached. A revised concept plan (11-SH-08-C) was approved in 2008 on the PR lots to the northwest of the site (parcels 100 & 101). These parcels are not controlled by the applicant. That still valid concept plan is also attached.
3. Staff recognizes that the property is currently being used for crop production. However, this use does not conform with the current PR zoning, and establishment of A zoning would open up the property to a wide range of additional uses which could negatively impact the residential uses now established.
4. The property owners who have purchased lots in the platted portion of the site purchased those lots with the expectation that this subject property would also be developed with residential uses. Now, that residential lots have been platted and sold, staff feels that rezoning this site back to Agricultural would have a detrimental effect on existing residential property owners in River Island Subdivision. Rezoning the proposed site to A would leave it in the middle of PR zoning to the northwest and east of the site.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested A zoning allows for a wide range of agricultural uses, including crop production, raising of livestock, commercial dairies and chicken and hog farms. In addition, the zone allows residential development on one acre minimum lot sizes, as well as churches, schools, libraries
2. Based on the above description and intent of A zoning, rezoning this property back to Agricultural is not appropriate because of the potential negative impact on the adjacent residential subdivision.

THE EFFECTS OF THIS PROPOSAL

1. Public water is available to serve the site. Public sanitary sewer is not available.
2. Establishment of A zoning at this location would adversely impact surrounding residential properties.
3. If A zoning were approved for this site, it would bring the current use into conformance with zoning. However, it would open up the property to a number of additional uses permitted under A zoning that could have the potential to further negatively impact the now established residential subdivision to the east.
4. If this site is zoned back to Agricultural, the PR peripheral setback of 35' would apply to all residential lots along the east side of the subject property. This would be problematic because these lots were approved on the concept plan and final plat as interior lots, which would have rear setbacks of 25' and side setbacks of 10'. Certain platted lots, such as 21, 36, 37 and 39 would likely be unbuildable. If A zoning is approved for this site, a revised plat would need to be submitted for River Island subdivision to the east, reflecting the 35' peripheral setback along the western boundary, adjacent to A zoning. Also some lots may need to be removed or adjusted. Some of these lots have been purchased privately, which could make replatting difficult to accomplish. The recorded plat of the subdivision also includes three stub streets that were built to access future residential development on the subject property. For all of the above planning reasons, zoning the subject property back to A is not appropriate.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The East County Sector Plan proposes agricultural and rural residential uses for this site, which is consistent with the proposed A zoning. However, the site has been approved for and has started to develop with residential uses, making the A zoning less viable.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Denied **Meeting Date:** 9/10/2009

Details of Action:

Summary of Action: DENY A (Agricultural) zoning.

Date of Approval: **Date of Denial:** 9/10/2009 **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action: **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:**