

▶ **FILE #:** 1-X-06-RZ **AGENDA ITEM #:** 48
 POSTPONEMENT(S): 1/12/2006 **AGENDA DATE:** 2/9/2006

▶ **APPLICANT:** **KNOX COUNTY**
 OWNER(S): LENDON L. AND MICHELINE H ADKINS
 ALLISON ALLEN
 JAMES AND JUANITA J. BARNES
 RICHARD E. BRUCE
 LONNIE AND MARY A HUNLEY
 CALEB O. AND JUDITH D. LAKEN
 LOUIS AND PHYLLIS THOMAS
 ROY F. AND MARY EVELYN WILLET

TAX ID NUMBER: 21 50,51,5201,53,55,57-60,80
 JURISDICTION: County Commission District 8
 ▶ **LOCATION:** **East side Tazewell Pike, east of Twin Oak Ln.**
 ▶ **APPX. SIZE OF TRACT:** **17.13 acres**
 SECTOR PLAN: Northeast County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: Access is via Tazewell Pike, a minor arterial street with 23' of pavement width within 40' of right of way.
 UTILITIES: Water Source: Northeast Knox Utility District
 Sewer Source: Not available

▶ **PRESENT ZONING:** **A (Agricultural)**
 ▶ **ZONING REQUESTED:** **RA (Low Density Residential)**
 ▶ **EXISTING LAND USE:** **Residential/agricultural**
 ▶ **PROPOSED USE:** **Residential**
 EXTENSION OF ZONE: Yes, extension of RA from the southwest
 HISTORY OF ZONING: None noted
 SURROUNDING LAND USE AND ZONING: North: Dwellings / A (Agricultural)
 South: Dwellings / A (Agricultural)
 East: Dwellings / A (Agricultural)
 West: Tazewell Pike - Dwellings / A (Agricultural)
 NEIGHBORHOOD CONTEXT: This area has been developed with residential uses under A, RA and PR zoning. Gibbs High and Elementary Schools are located to the south along Tazewell Pike. Some commercial uses are located to the south at the intersection of Tazewell Pike and E. Emory Rd., zoned CA.

STAFF RECOMMENDATION:

▶ **APPROVE RA (Low Density Residential) zoning.**

RA zoning is consistent with the low density residential designation on the sector plan and with other RA zoning in the area.

COMMENTS:

Knox County has filed this application on behalf of some area property owners in order to prevent the keeping of farm animals, specifically hogs and chickens, on any of the subject properties. RA zoning prohibits this use. Per requirements of the Knox County Zoning Ordinance, all property owners of subject parcels have been notified of this request by certified mail. It is staff's understanding that some property owners support the request and others do not. It is not anticipated that there are any immediate plans by any property owners to further subdivide the subject properties.

As indicated on the attached January 12, 2006 letter from Arthur Seymour, there is a pending law suit filed on behalf of some of the subject property owners seeking relief from hogs and chickens by enforcing existing subdivision deed covenants, which apparently prohibit the keeping of these animals. The existing A (Agricultural) zoning does not prohibit this use, so relief could not be granted through Knox County Codes Enforcement. Staff is reviewing this proposal as it would any other RA zoning request and does not consider the private deed restrictions.

All ten of the subject parcels are greater than one acre in size, meeting the minimum lot size requirements of the current A (Agricultural) zoning.

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. RA zoning is compatible with the scale and intensity of the surrounding land uses and zoning pattern.
2. Other properties and subdivisions in the immediate area are zoned RA.
3. The RA zoning will allow the properties to be subdivided into lots of no less than 20,000 square feet without sewer, subject to approval by the Knox County Health Department.

THE EFFECTS OF THE PROPOSAL

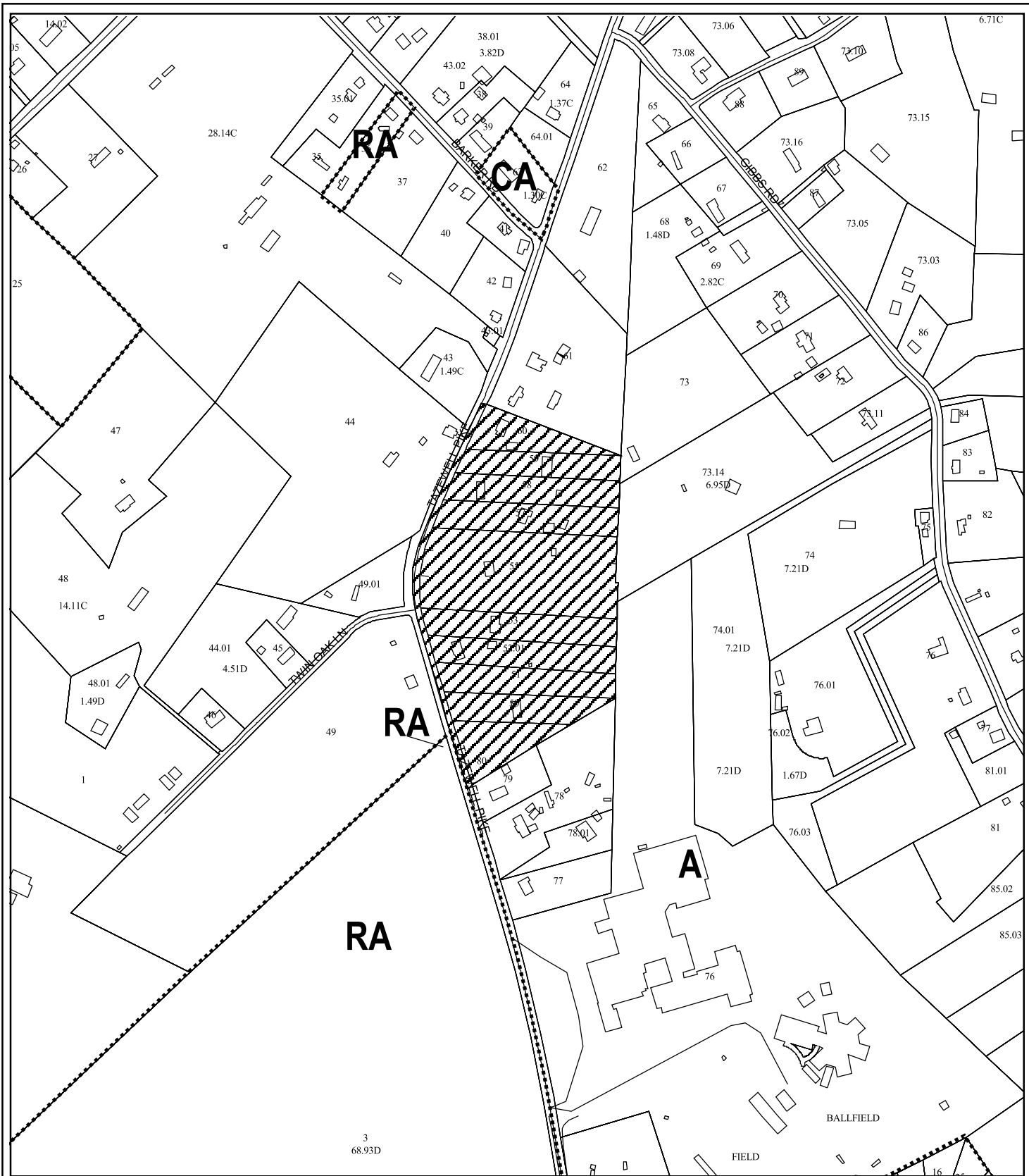
1. Public water is available to serve the site. If proposed, the Knox County Health Department will have to approve the further subdivision of the properties with no sanitary sewer available. The minimum lot size in the RA zone is 10,000 square feet with sewer and 20,000 square feet without sewer.
2. This proposal will have minimal impact on schools and the street system.
3. The proposal is compatible with other RA and PR zoning and development in the area.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan proposes low density residential uses for the site, consistent with this proposal.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may generate similar requests for RA or other residential zoning in the area, consistent with the sector plan proposal for low density residential uses. However, the sector plan and Growth Policy Plan do not support further low density development to the north of the site.

Upon final approval of the rezoning, if property is proposed to be subdivided, a final plat must be submitted prior to further subdivision and development of the property. The plat will show the property's proposed subdivision and means of access.

If approved, this item will be forwarded to Knox County Commission for action on 3/27/2006. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**1-X-06-RZ
REZONING**

Petitioner: Knox County
 Map No: 21
 Jurisdiction: County



From: A (Agricultural)
 To: RA (Low Density Residential)

Original Print Date: 12/29/05 Revised: 01/31/06
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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MATTHEW A. GROSSMAN

January 12, 2006



1-X-06-RZ

Via Hand Delivery

Mr Michael Brusseau

Metropolitan Planning Commission

Suite 403, City/County Building

400 Main Street

Knoxville, TN 37902

Re: Item 74, Request by Knox County
Tazewell Pike, East of Twin Oaks Lane

Dear Mike:

As I explained to you, we represented certain residents of Twin Oaks Subdivision in a law suit last year involving issues about land use. I enclose for your records the following:

- 1) Complaint; and
- 2) Temporary Injunction Order issued by Chancellor Weaver.

Our clients had gone to the County seeking relief from the hogs and chickens and were unable to obtain relief because of the Agricultural Zoning on this subdivision. They then retained us to file a law suit to enforce the deed covenants.

Our clients are obviously in favor of and strongly support the County Mayor's requested rezoning of their property to RA

If you have any questions, please let me know.

Very truly yours,

Arthur G. Seymour, Jr.

FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:bap

Enc.

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