

▶ **FILE #:** 8-B-12-RZ

AGENDA ITEM #: 22

AGENDA DATE: 8/9/2012

▶ **APPLICANT:** REBECCA V. FERGUSON

OWNER(S): Becky V. Ferguson

TAX ID NUMBER: 122 K B 003

JURISDICTION: County Commission District 9

▶ **LOCATION:** South side Woodson Dr., south of Hilltop Rd.

▶ **APPX. SIZE OF TRACT:** 15.88 acres

SECTOR PLAN: South County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Woodson Dr., a minor collector street with 21' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

▶ **PRESENT ZONING:** RA (Low Density Residential)

▶ **ZONING REQUESTED:** A (Agricultural)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Residence with horses

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Woodson Dr. - Residences / RA (Low Density Residential)

South: Residences / RA (Low Density Residential)

East: Residence and vacant land / RA (Low Density Residential)

West: Attached residential development / RP-1 (Planned Residential) @ 1-5 du/ac

NEIGHBORHOOD CONTEXT: This area is developed with low density residential uses under RA and RP-1 zoning.

STAFF RECOMMENDATION:

▶ **DENY A (Agricultural) zoning.**

Agricultural zoning would allow uses that are incompatible with the surrounding area, which is developed with low density residential uses.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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 CITY/COUNTY GENERALLY:

1. Approval of the proposed zoning would allow uses that would be incompatible with surrounding low density residential uses.

2. Approval of the request would be a spot rezoning, allowing incompatible agricultural uses on a property surrounded by properties limited to only residential uses.

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

1. Agricultural zoning allows for agricultural uses and residential uses on lots of at least one acre in size. Churches are also a permitted use within the proposed zone.
2. Because it allows the keeping of farm animals, which can lead to significant negative impacts on adjacent residential area, the subject property is not appropriate for Agricultural zoning.
3. The applicant has stated that the reason for this request is to be permitted to keep horses on the subject property. If Agricultural zoning is to be considered for the property, some conditions should be placed on the rezoning, which would allow only the keeping of a certain, appropriate number of horses within securely fenced areas. Establishment of required setbacks from adjacent residential properties would also be necessary, if horses are to be kept on the property.
4. In 2001, there was a similar request for a change from RA to A zoning on Belt Rd. to the south on a much smaller 2.6 acre site (12-C-01-RZ). In that case, the A zoning was approved with the following condition: permitted uses shall be limited to any use permitted by RA zoning that is also permitted in the A zone, with the exception that up to three farm animals may be maintained on the property as pets.

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 proposal is not compatible with the surrounding land uses and zoning pattern.
2. This proposal could create some direct or indirect adverse effects to the surrounding area, such as odor and noise, that would not be expected in a residential area.

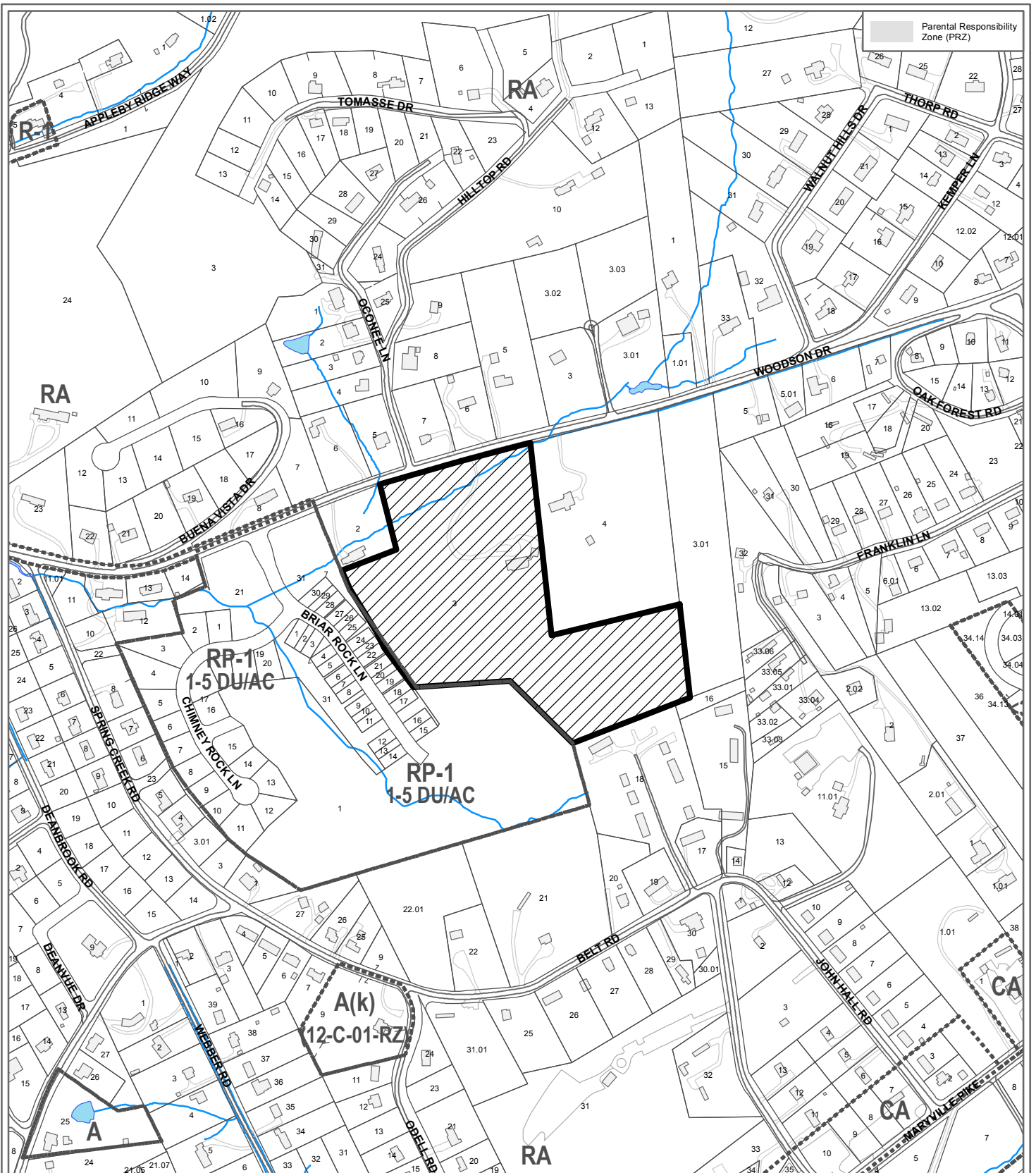
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The South County Sector Plan proposes low density residential uses for the site, consistent with the current RA zoning. The proposed Agricultural zoning may also be considered in an LDR designated, as appropriate.
2. The site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/24/2012. 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.



**8-B-12-RZ
REZONING**

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



Petitioner: Ferguson, Rebecca V.

Map No: 122

Jurisdiction: County



Original Print Date: 7/17/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902