

▶ **FILE #:** 8-D-14-RZ

**AGENDA ITEM #:** 39

**AGENDA DATE:** 8/14/2014

▶ **APPLICANT:** JERRY & PEGGY CARDWELL

OWNER(S): Jerry & Peggy Cardwell

TAX ID NUMBER: 47 O A 014

JURISDICTION: County Commission District 7

STREET ADDRESS: 0 Berkford Rd

▶ **LOCATION:** North end of Berkford Rd., north of Hannah Brook Rd.

▶ **APPX. SIZE OF TRACT:** 10.24 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Berkford Rd., a local street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** PR (Planned Residential) and CA (General Business)/F (Floodway)

▶ **ZONING REQUESTED:** A (Agricultural) and F (Floodway)

▶ **EXISTING LAND USE:** Farm

▶ **PROPOSED USE:** Rescue farm

EXTENSION OF ZONE: No

HISTORY OF ZONING: Property has been zoned PR since 1995 (2-D-95-RZ).

SURROUNDING LAND USE AND ZONING: North: Beaver Creek, businesses / C-6 (General Commercial Park) and F-1 (Floodway)

South: Residential subdivision / PR (Planned Residential) at 1-3 du/ac

East: Vacant farmland / CA (General Business)

West: Condominiums / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: The area between Beaver Creek and E. Beaver Creek Dr. is primarily developed with low to medium density residential development under PR, RA and R-2 zoning. There are two adjacent CA zoned tracts in the area that do not have any apparent commercial use currently.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that County Commission APPROVE A (Agricultural) and F (Floodway) zoning.**

Agricultural zoning is appropriate at this location at the rear of a residential subdivision and adjacent to Beaver Creek. Uses permitted under A zoning will have a minimal impact on surrounding properties. The current CA/F zoned area is recommended to be rezoned to just F (Floodway). The F zoning is not an overlay zone and can not be removed from the zoning map with this application. The CA/F area will be changed to the F base zone, subject to the zoning restrictions of the F zone, while removing the inappropriate CA zoning from the property.

**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. The property was previously zoned CA prior to 1995, when PR zoning was proposed for the development of a residential subdivision. Since then, the PR zoned property to the south has been subdivided into residential lots and conservation areas at a density significantly less than the maximum 3 du/ac. Therefore, the subject property may be rezoned from PR back to A without resulting in the overall development density being exceeded. With the removal of the PR zoning on the subject parcel, the remainder of the Hidden Brook subdivision, with 63 lots, will have a developed density of just over 2 du/ac.
2. The requested Agricultural zoning is compatible with surrounding development and zoning and is consistent with the current sector plan proposal for the property.
3. The applicants have submitted a letter of support from the Homeowners Association of the adjacent Hidden Brook subdivision to the south (see attached letter).

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.
2. The subject property is over 10 acres in size and is undeveloped, so it is therefore appropriate for the requested Agricultural zoning. A portion of the property is currently used as a grazing area for two donkeys.
3. The current CA/F zoned area is recommended to be rezoned to just F (Floodway). The F zoning is not an overlay zone and can not be removed from the zoning map with this application. The CA/F area will be changed to the F base zone, subject to the zoning restrictions of the F zone, while removing the inappropriate CA zoning from the property.

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. Public water and sewer utilities are available to the site, if needed.
2. The proposal would have a minimal impact on schools or streets. The proposed zoning is less intense than the current PR zoning.
3. The requested Agricultural and Floodway zoning, at this location, is compatible with surrounding development and zoning. There should also be no adverse effects on any other part of the County.

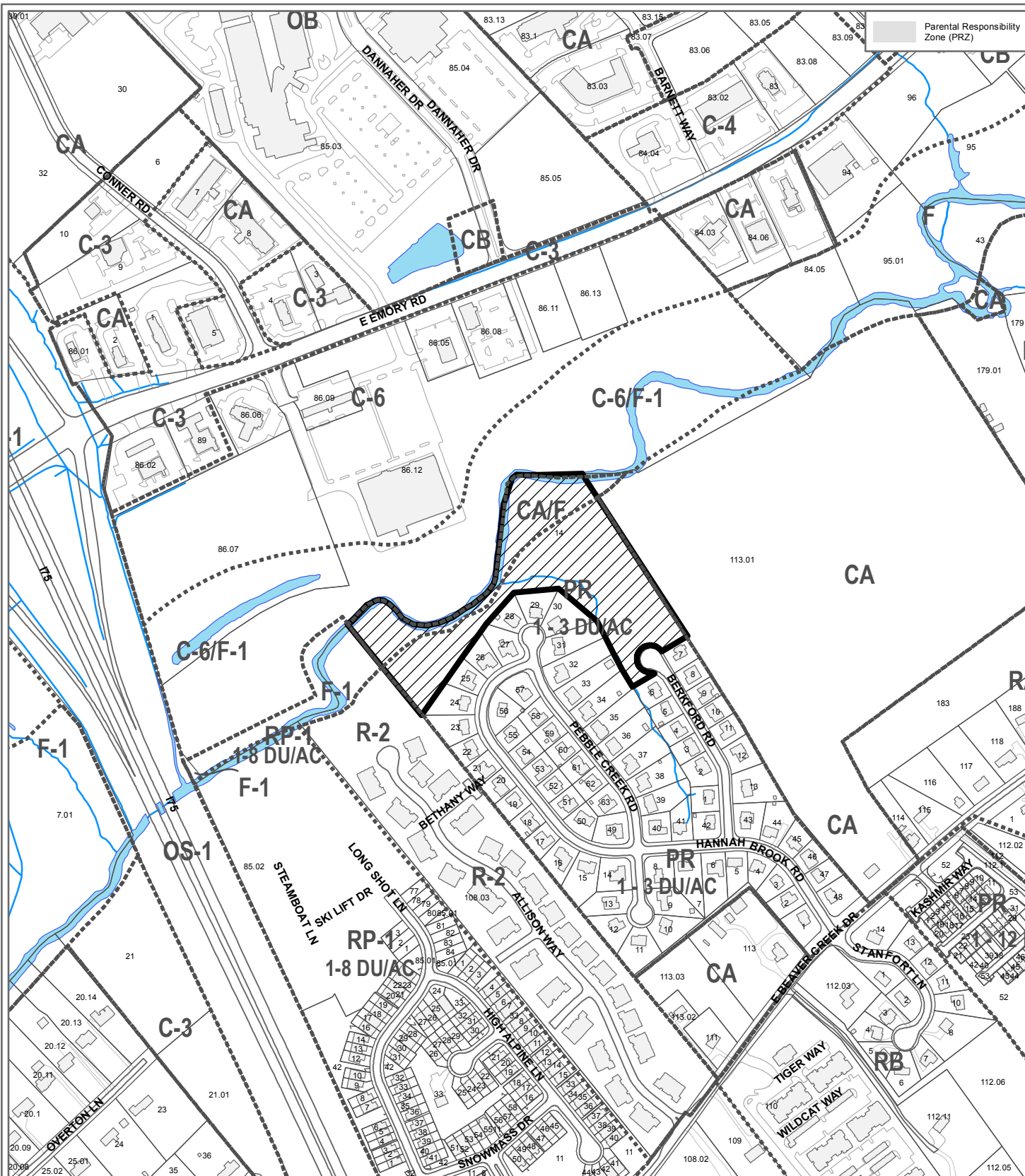
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The North County Sector Plan proposes LDR (Low Density Residential) uses and STPA (Stream Protection Area) for the site. The requested Agricultural and Floodway zones are consistent with this plan designation.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/22/2014. 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-D-14-RZ  
REZONING**

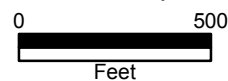
From: PR (Planned Residential) and CA (General Business)/F (Floodway)  
 To: A (Agricultural) and F (Floodway)



Original Print Date: 7/16/2014      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Cardwell, Jerry & Peggy

Map No: 47  
 Jurisdiction: County



On June 19<sup>th</sup>, 2014 the Homeowners of Hidden Brook Sub-division voted unanimously to have the property located at O Berkford Rd. re-zoned to agriculture.

David Dunn, President  
*David Dunn*

Robert Wildsmith, Director  
*Robert C. Wildsmith*

Roger Stiver, Director  
*Roger Stiver*

Elaine Benson, Director  
*Elaine Benson*