

REZONING REPORT

► **FILE #:** 8-E-20-RZ

AGENDA ITEM #: 11

AGENDA DATE: 8/13/2020

► **APPLICANT:** FULTON PROPERTIES, LLC

OWNER(S): Roger & Cynthia Britton

TAX ID NUMBER: 52 01802 (PART OF)

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 1740 Number Two Dr.

► **LOCATION:** East side of Number Two Drive across from Number Four Drive

► **APPX. SIZE OF TRACT:** 20.21 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Number Two Drive is a local road with a pavement width of 14.6 feet inside a right-of-way of 50 feet.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Holston and French Broad

► **PRESENT ZONING:** I (Industrial) and A (Agricultural)

► **ZONING REQUESTED:** PR (Planned Residential)

► **EXISTING LAND USE:** Agricultural/forestry/vacant

► **DENSITY PROPOSED:** 1-5 du/ac

EXTENSION OF ZONE: Yes, PR zoning is adjacent to the east

HISTORY OF ZONING: The front portion of the property was rezoned to A (Agricultural) in 1986 (3-E-86-RZ)

SURROUNDING LAND USE AND ZONING: North: Public-quasi public land, single family residential, and rural residential - RA (Low Density Residential)

South: Public-quasi public land - I (Industrial)

East: Single family residential and agricultural/forestry/vacant - PR (Planned Residential)

West: Agricultural/forestry/vacant and single family residential - A (Agricultural) and RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This property is near the Mascot mining community to the north and the Holston River to the south. The surrounding area has developed with mostly single family residential homes.

STAFF RECOMMENDATION:

- **Approve PR (Planned Residential) zoning with up to 5 du/ac for the requested portion of the property because it is consistent with the Northeast County Sector Plan's Low Density Residential designation and because it brings the zoning into compliance with the sector plan designation. Staff recommends also rezoning the sliver of Industrial zoning that remains on the western portion of the parcel to**

Agricultural to match the rest of this part of the parcel.

COMMENTS:

The parcel containing the land in this request has dual zoning - Agricultural on the west and Industrial on the east. The applicant has submitted a plat with his rezoning application that details the boundaries of the zoning request. However, the portion of the property to be rezoned from Industrial to Planned Residential does not follow the zoning boundaries and leaves a sliver of Industrial zoning behind. The remaining portion of the property is zoned Agricultural, with the exception of this sliver of Industrial that would be created should the rezoning request be approved. Staff is recommending this sliver be rezoned Agricultural to match the remainder of the property. Staff has obtained the owner's permission for this zoning change via email (see correspondence).

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. There have been no recent, significant changes in this area that would prompt a rezoning. However, the requested PR zoning is consistent with the LDR designation for this property and would bring it into compliance with the sector plan.
2. This area consists of industrial and single family detached residential uses. The properties that are not zoned Industrial were rezoned in the 1980s and early 2000s. The proposed zoning is consistent with the other rezonings in the area.

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

1. The proposed amendment to PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.
3. The Industrial zone's stated intent asserts that it allows uses "which have heavy impacts and adverse effects on surrounding property." The PR zone will be more appropriate than the existing Industrial zone given the surrounding residential properties.
4. Residential zoning is more appropriate than Industrial this near a river since industrial uses potentially could have a negative impact on the river's water quality from stormwater runoff so close to the water body.
5. Rezoning this property to PR may produce pressure for the Industrial-zoned property to the south directly on the river to be rezoned to a residential zone as well.

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 immediate area consists of mainly single family detached residential properties zoned RA (Low Density Residential) and PR (Planned Residential). The adjacent PR zoning was approved with a density of up to 5 du/ac. Most properties in the RA zone range from 0.25 to 0.5 acres in lot size, though there are some properties that are larger. The addition of more PR zoned property should not have any adverse effects on the area.
2. Built at allowed maximum density, the development could hold up to 102 dwelling units.
 - a. 101 dwelling units would generate approximately 1,059 trips per day and would require a traffic impact analysis.
 - b. At 101 dwelling units, the development would add approximately 34 students to the school system (22 of which would attend East Knox County Elementary school).
3. The property is located in Flood Plain X though it is not in any floodplains or floodways.
4. Part of the property is located in the Hillside and Ridgetop Protection Area. The slope analysis recommended a density of 4.96 du/ac. Due to slight discrepancies between the plat and KGIS, the acreage used in the calculation varied slightly, which produced a higher number of recommended dwellings despite the lower density recommendation. Applying the recommended 4.96 du/ac to the platted acreage requested for rezoning results in 100 dwelling units.

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 existing I (Industrial) zoning is nonconforming with the Northeast County Sector Plan's LDR designation,

as that land use classification does not allow Industrial zoning. The LDR designation does support PR zoning with up to 5 du/ac in the Planned Growth Area of Knox County. Rezoning this property brings the zoning into compliance with the sector plan.

2. This rezoning is not conflict with the General Plan or any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 1059 (average daily vehicle trips)

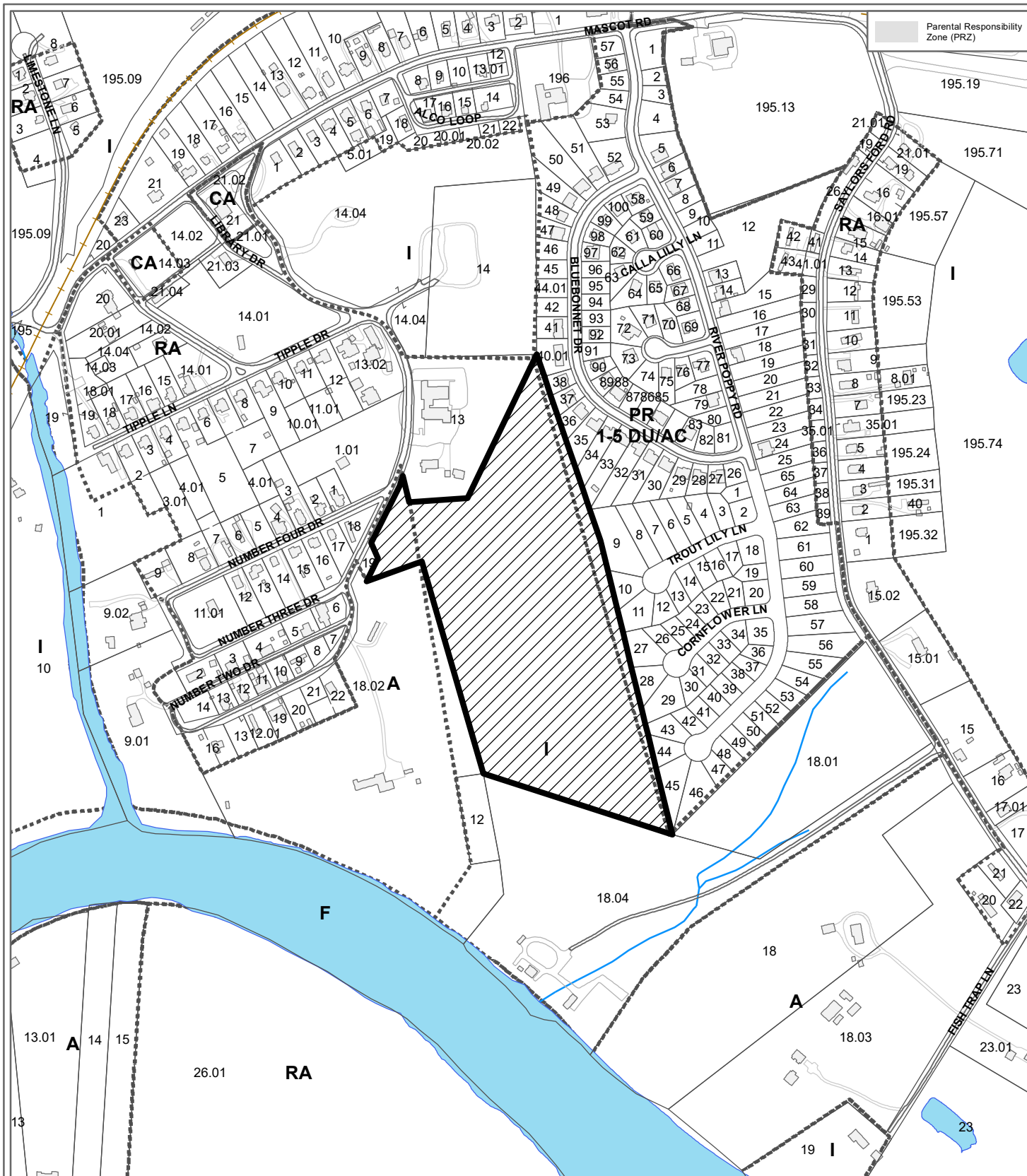
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 34 (public school children, grades K-12)

Schools affected by this proposal: East Knox County Elementary, Carter Middle, and Carter High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 9/28/2020. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the County.



8-E-20-RZ REZONING

From: I (Industrial) and A (Agricultural)

To: PR (Planned Residential)

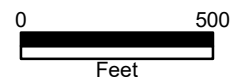


Original Print Date: 7/15/2020
 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

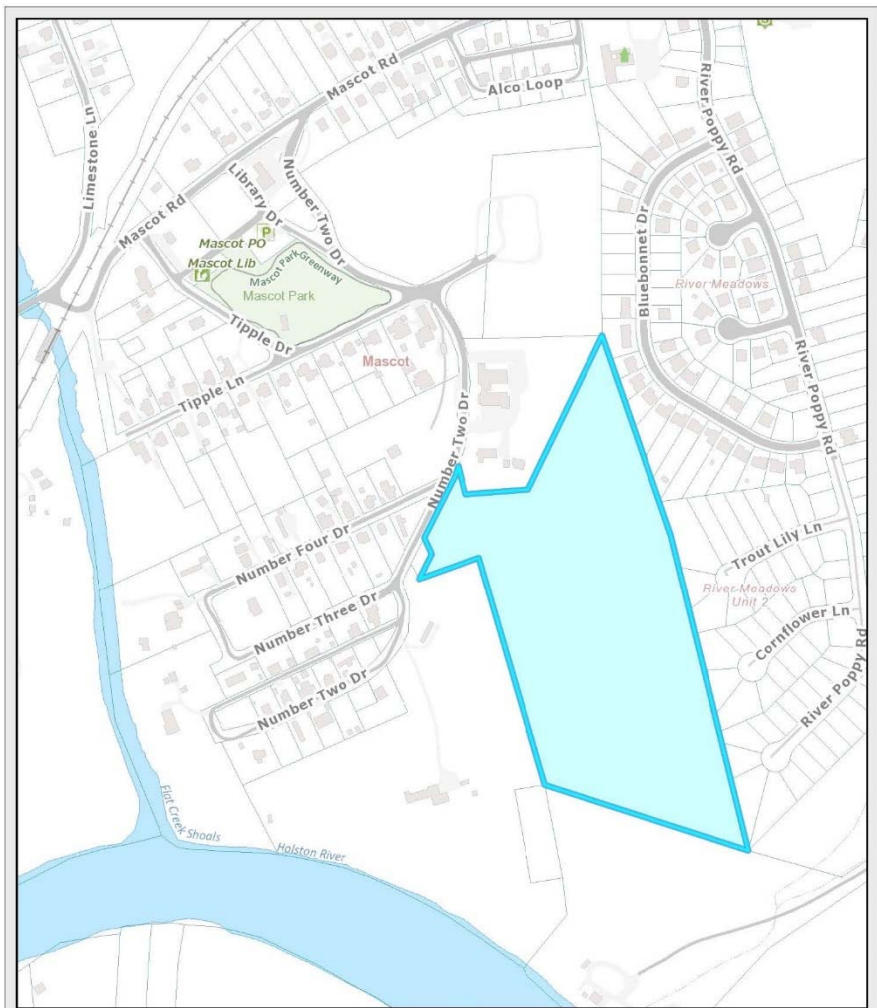
Petitioner: Fulton Properties, LLC

Map No: 52

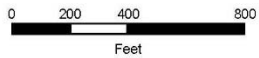
Jurisdiction: County



8-E-20-RZ
EXHIBIT A. Contextual Images



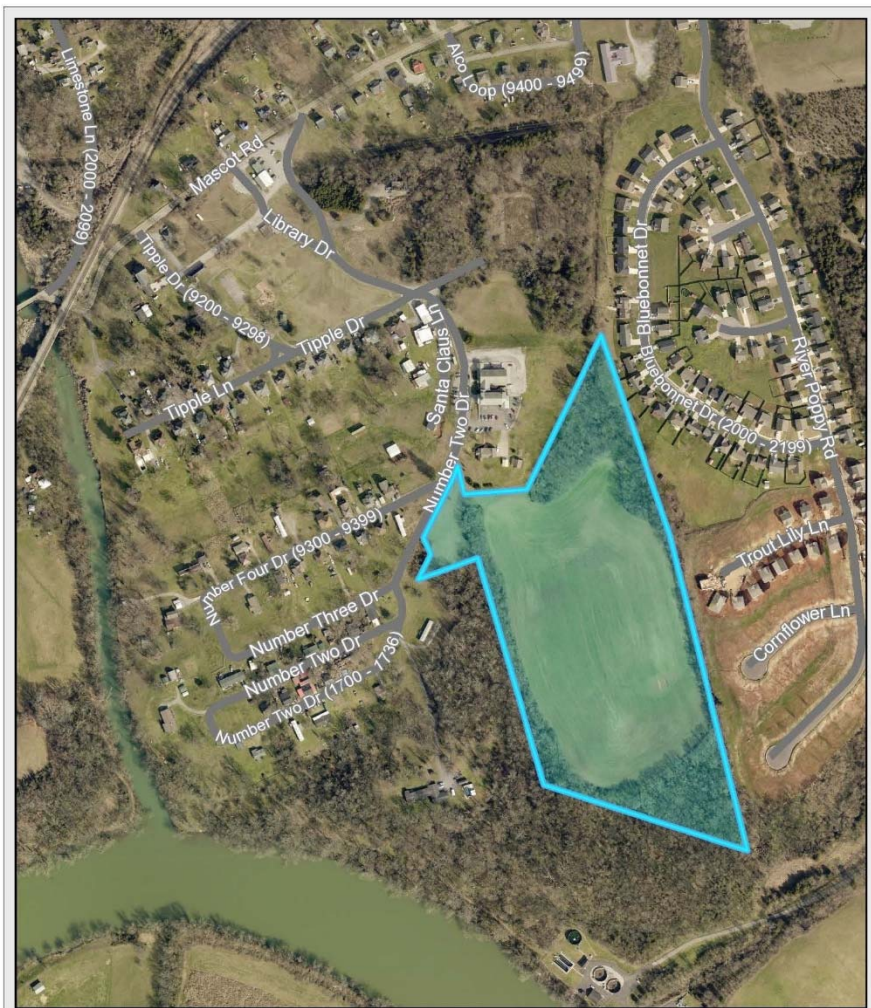
8-E-20-RZ: Location Map
1740 Number Two Drive



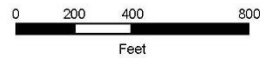
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Printed: 7/16/2020 11:13:30 AM



8-E-20-RZ: Aerial Map
1740 Number Two Drive

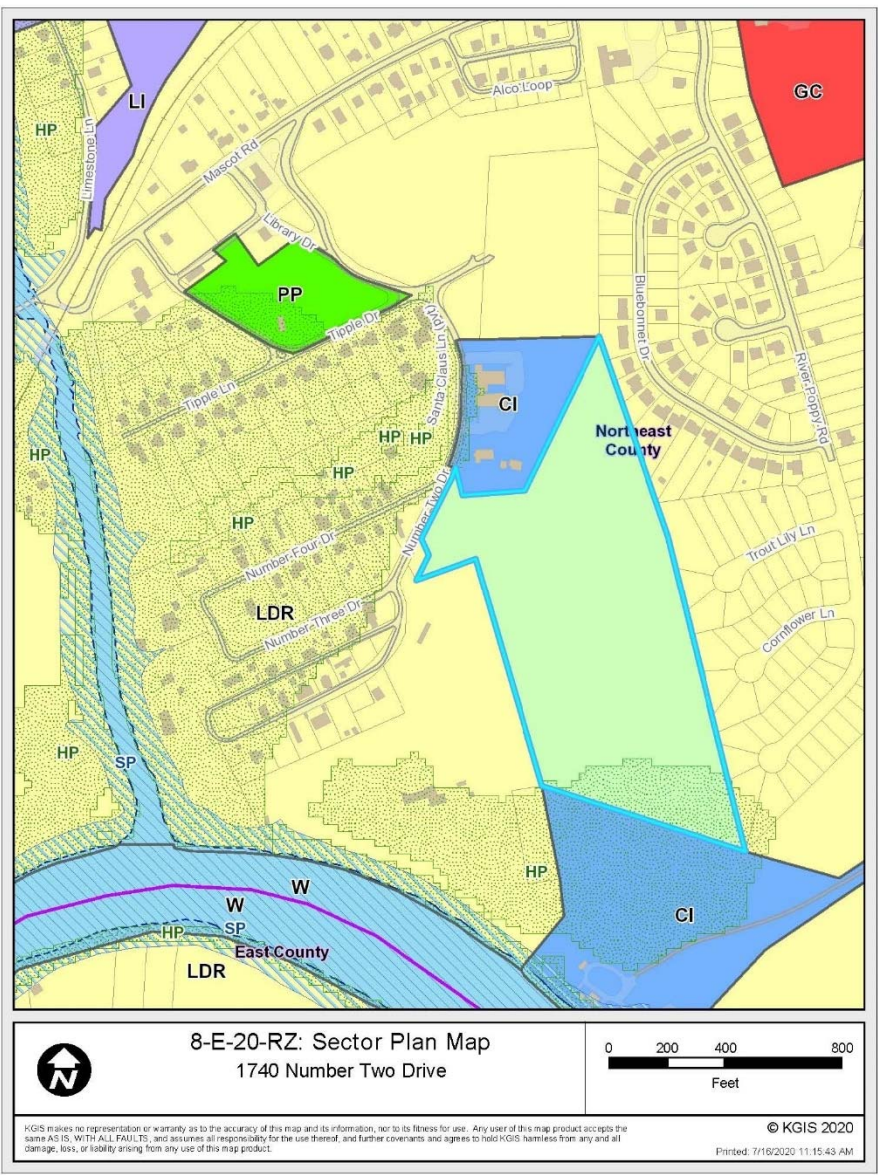
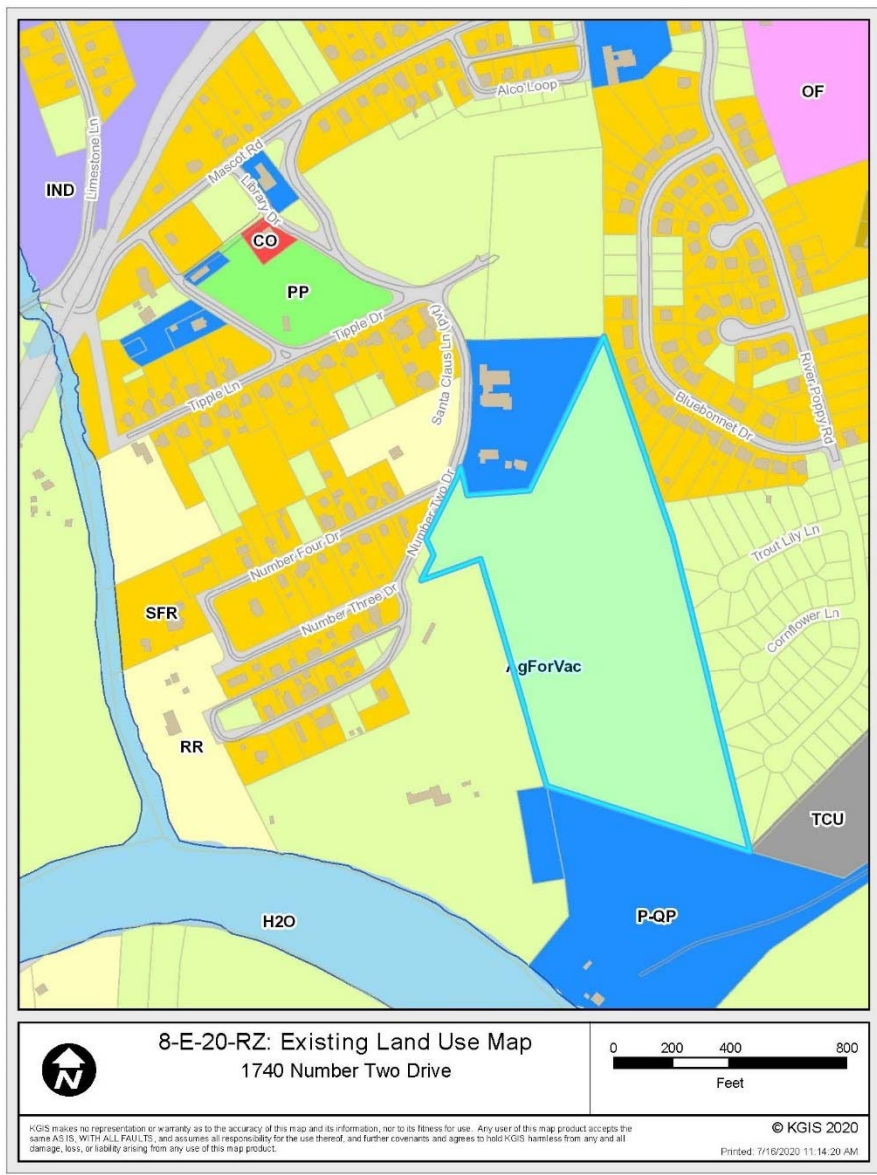


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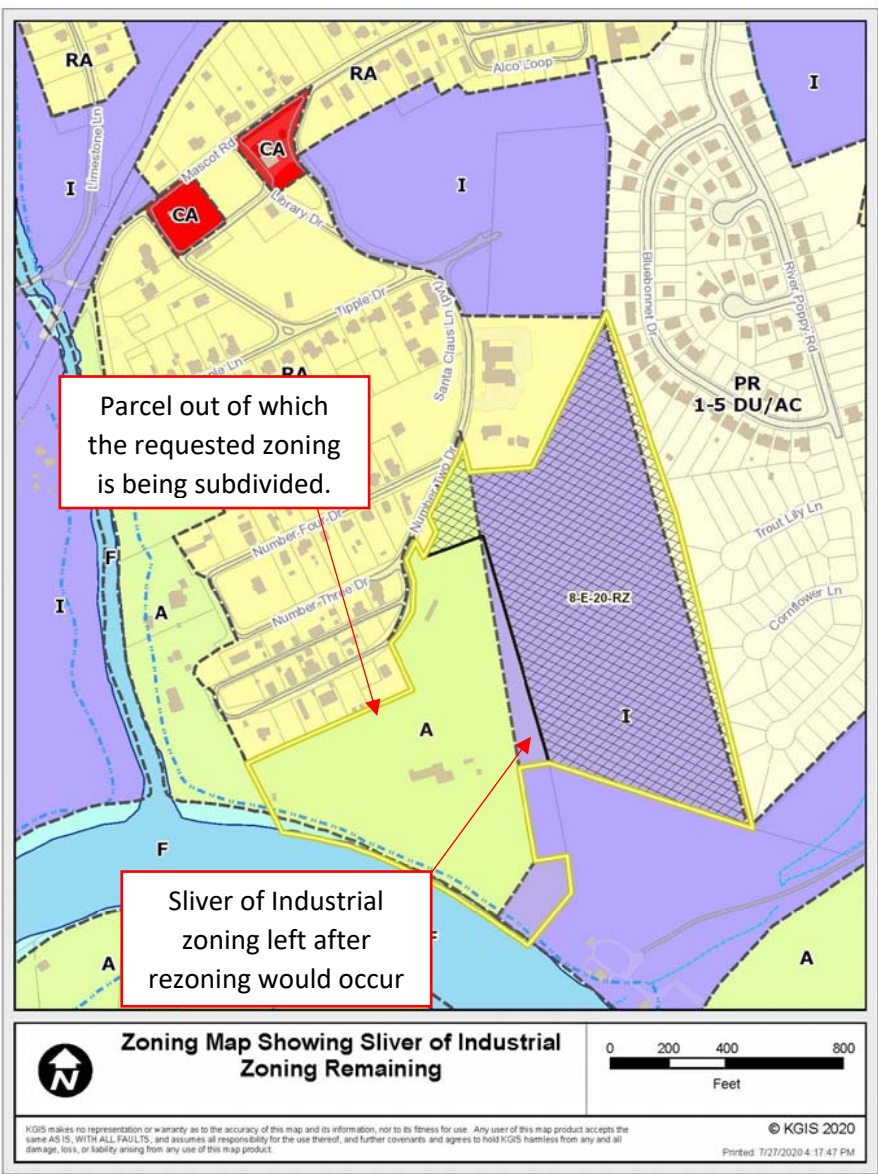
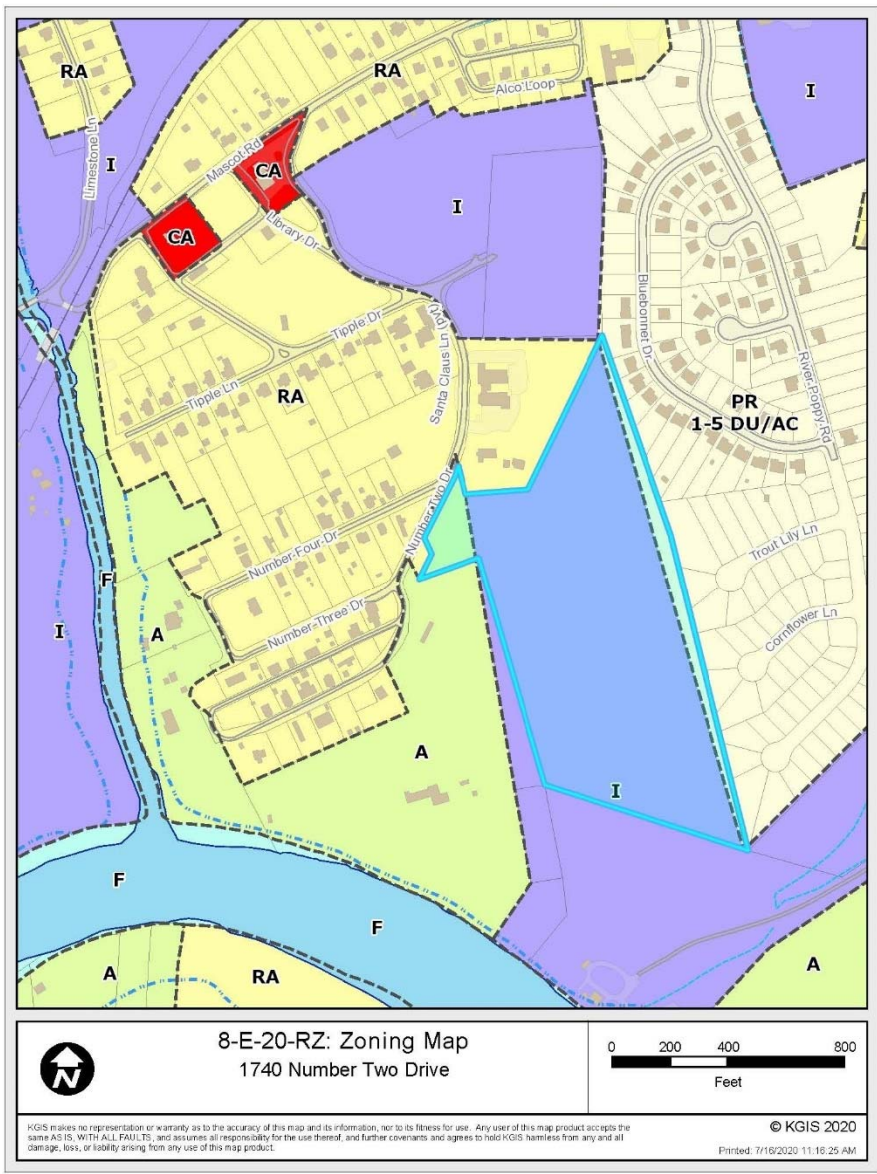
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8-E-20-RZ
EXHIBIT A. Contextual Images



8-E-20-RZ

EXHIBIT A. Contextual Images



CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	18.07	5.00	90.4
0-15% Slope	2.256	5.00	11.3
15-25% Slope	0.246	2.00	0.5
25-40% Slope	0.009	0.50	0.0
Greater than 40% Slope	0	0.20	0.0
Ridgetops	0		0.0
Subtotal: Sloped Land	2.51		11.8
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	20.581	4.96	102.1
Proposed Density (Applicant)	20.581	5.00	102.9

From Hillside & Ridgetop Protection Plan, page 33

LOW DENSITY AND RURAL RESIDENTIAL USES**Density and Land Disturbance Guidelines**

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines
for Recommendations on Changes to the Zoning Map and Development Plan/
Concept Plan Review within the Hillside and Ridgetop Protection Area
that is within the Urban Growth and the Planned Growth Area

Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

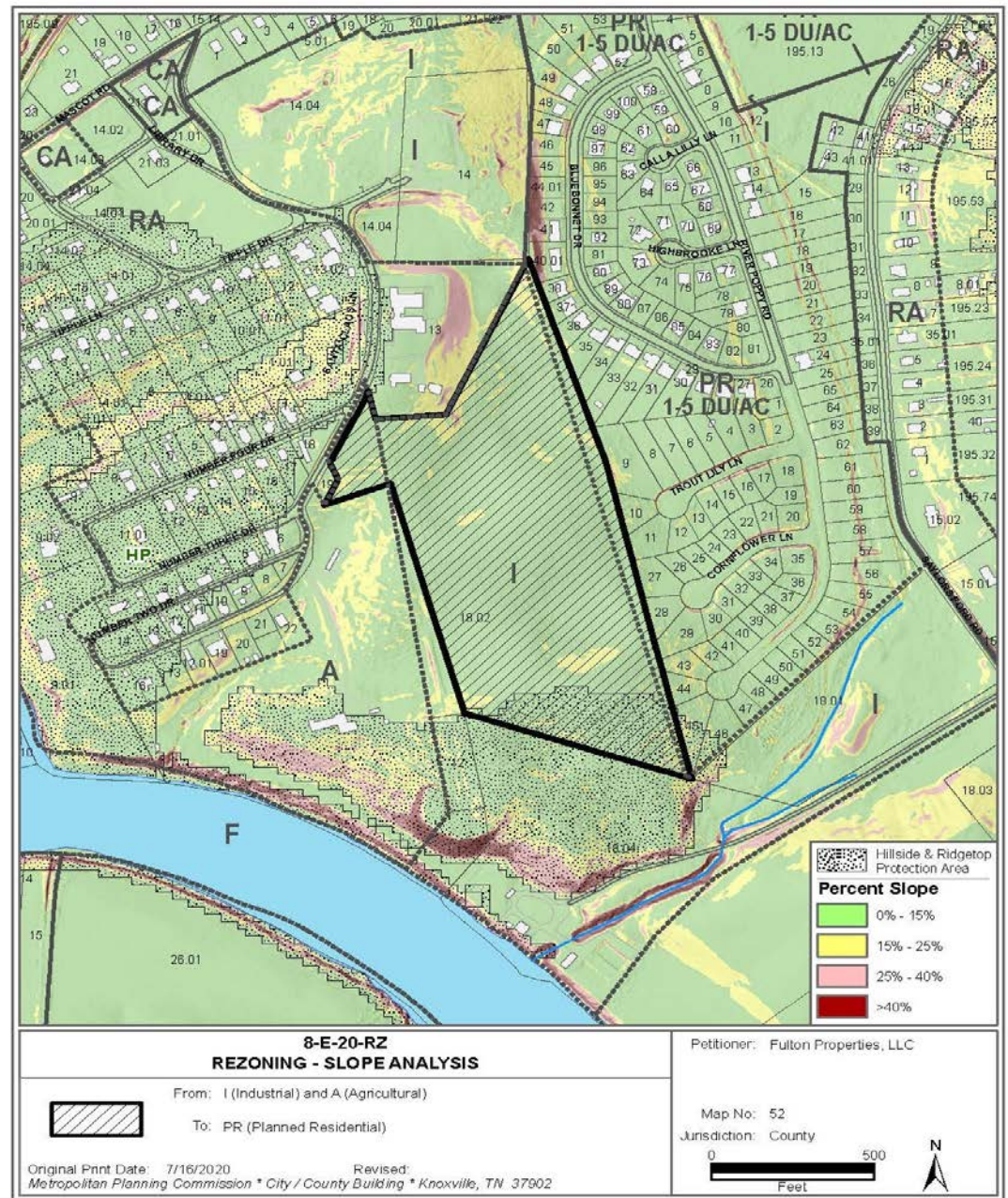
dua: dwelling units per acre

* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 - 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

The Knoxville Knox County Hillside and Ridgetop Protection Plan — 33





Michelle Portier <michelle.portier@knoxplanning.org>

Fwd: Zoning for 1740 Number Two Drive

1 message

William Alexander <fultonpropertiesmail@gmail.com>
To: Michelle Portier <michelle.portier@knoxplanning.org>

Tue, Jul 28, 2020 at 8:49 AM

Michelle,

Please see email from Roger Britton below. He would like to change it to AG.

Let me know if there is anything I need to do.

Thanks!

Bill Alexander
865-803-3320

Begin forwarded message:

From: Roger Britton <RogerBritton@rgc-a.com>
Subject: RE: Zoning for 1740 Number Two Drive
Date: July 28, 2020 at 8:31:00 AM EDT
To: William Alexander <fultonpropertiesmail@gmail.com>

Rezone Sliver To AG.

From: William Alexander <fultonpropertiesmail@gmail.com>
Sent: Sunday, July 26, 2020 7:11 PM
To: Roger Britton <RogerBritton@rgc-a.com>
Subject: Fwd: Zoning for 1740 Number Two Drive

Hey Roger,

Take a look at the email(s) below from the MPC. Let me know what you think.

Thanks!

Bill Alexander
865-803-3320

Begin forwarded message:

From: William Alexander <fultonpropertiesmail@gmail.com>
Subject: Re: Zoning for 1740 Number Two Drive
Date: July 24, 2020 at 11:16:44 AM EDT
To: Michelle Portier <michelle.portier@knoxplanning.org>

Got it. I see what you are talking about now. I will check with Roger Britton & get back at you, likely Monday.

Thanks!

Bill Alexander
865-803-3320

Sent from my iPad

On Jul 24, 2020, at 11:09 AM, Michelle Portier <michelle.portier@knoxplanning.org> wrote:

Bill,

Please let me know if you get this! Thanks again for calling to check on it.

----- Forwarded message -----

From: **Michelle Portier** <michelle.portier@knoxplanning.org>
Date: Thu, Jul 23, 2020 at 3:45 PM
Subject: Re: Zoning for 1740 Number Two Drive
To: <fultonproperties@gmail.com>

Mr. Alexander,

Here is the screenshot of the property we discussed. The cross-hatched area is the portion of the parcel being requested for rezoning (that you are purchasing). The yellow line forms a boundary around the existing parcel, so you can see the triangular sliver of Industrial zoning is at the southwest corner of your requested property.
<image.png>

Thank you for helping us to get some clarification on this matter.

Best,
Michelle

On Tue, Jul 21, 2020 at 4:03 PM Michelle Portier <michelle.portier@knoxplanning.org> wrote:

Mr. Alexander,

I am the planner working on this rezoning case and I wondered about the boundary requested for the rezoned portion of the property.

Currently, there is dual zoning on the property - Agricultural on the west, and Industrial on the east. The portion of the property being requested to be rezoned to PR doesn't follow the zoning boundaries, so that if the rezoning is approved, there will be a sliver of Industrial zoning left on the property.

We would like to clean up the boundary so that there wouldn't leave a sliver of the Industrial zoning behind. Since you have submitted a plat

determining the Planned Residential boundary, one easy solution would be to request Agricultural zoning for the portion of the lot outside of the plat. But the decision is up to your client. Would your client prefer for the sliver to be rezoned to Agricultural to match the western portion of the property, or would they like to include it in the Planned Residential request?

Thank you for your help in settling this matter.

Regards,
Michelle

--

Michelle Portier, AICP
Senior Planner
865.215.3821



Knoxville-Knox County Planning | [KnoxPlanning.org](https://www.knoxplanning.org)
400 Main Street, Suite 403 | Knoxville, TN 37902

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Michelle Portier, AICP
Senior Planner
865.215.3821



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400 Main Street, Suite 403 | Knoxville, TN 37902

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400 Main Street, Suite 403 | Knoxville, TN 37902



DEVELOPMENT REQUEST

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☒ Rezoning

Fulton Properties, LLC

Member

Applicant Name

Affiliation

6/23/20

8/13/20

8-E-20-RZ

Date Filed

Meeting Date (if applicable)

File Numbers(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

William Alexander

Fulton Properties, LLC

Name

Company

P.O. Box 205

Mascot

TN

37806

Address

City

State

Zip

865-803-3320

fultonpropertiesmail@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Roger & Cynthia Britton

1740 Number 2 Drive, Mascot, TN 37806

865-719-7076

Owner Name (if different)

Owner Address

Owner Phone

1740 Number 2 Drive

052 018.02 (Part)

Property Address

Parcel ID

East side of Number 2 Drive across from Number 4 Drive

20.21 Acres

General Location

Tract Size

District 8

I - Industrial & A - Agricultural

Jurisdiction (specify district above)

☐ City ☒ County

Zoning District

Northeast County

LDR

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Agricultural

N

KUB

NEKUD

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

REQUEST

DEVELOPMENT

☐ Development Plan ☐ Use on Review / Special Use

☐ Residential ☐ Non-Residential

☐ Home Occupation (specify): _____

☐ Other (specify): _____

SUBDIVISION

☐ Proposed Subdivision Name _____ Unit / Phase Number _____

☐ Parcel Change

☐ Combine Parcels ☐ Divide Parcel Total Number of Lots Created: _____

☐ Other (specify): _____

☐ Attachments / Additional Requirements

☒ Zoning Change: PR 1-5 DU/AC
Proposed Zoning _____

☐ Plan Amendment Change: _____
Proposed Plan Designation(s) _____

3-E-86-RZ

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

☐ Other (specify): _____

ZONING

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (Final Plat only)

☐ Use on Review / Special Use (Concept Plan only)

☐ Traffic Impact Study

FEE 1:

0325

1610.50

FEE 2:

FEE 3:

TOTAL:

\$1610.50

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.



William Alexander

6/23/20

Applicant Signature

Please Print

Date

865-803-3320

fultonpropertiesmail@gmail.com

Phone Number

Email



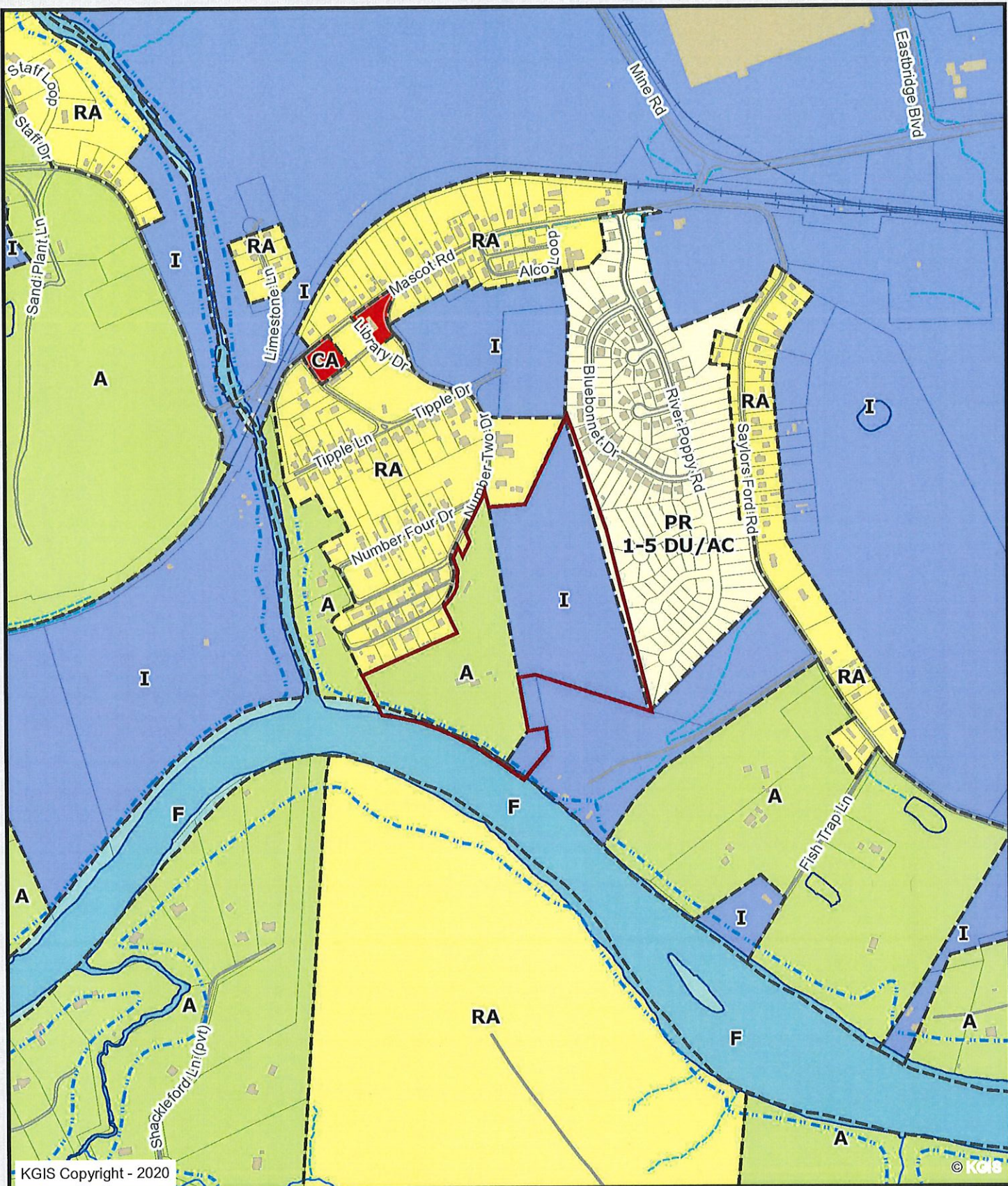
Sherry Michienzi

6/23/2020

Staff Signature

Please Print

Date



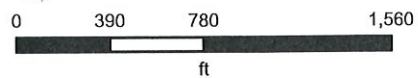
Letter Portrait

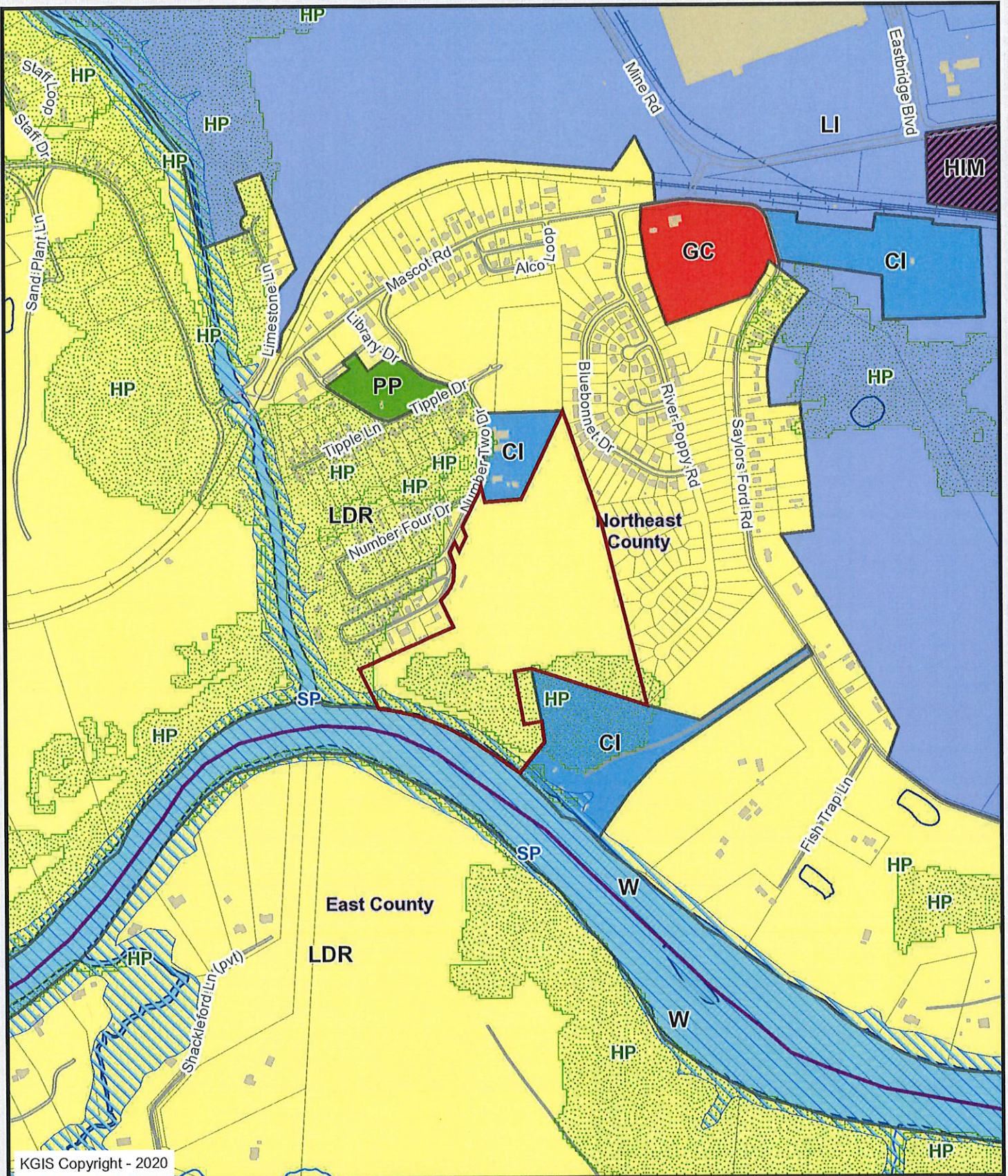
Knoxville - Knox County - KUB Geographic Information System

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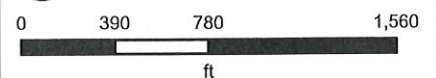


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 6/23/2020 at 3:37:20 PM

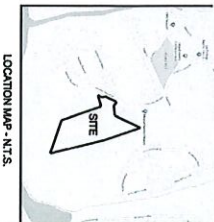
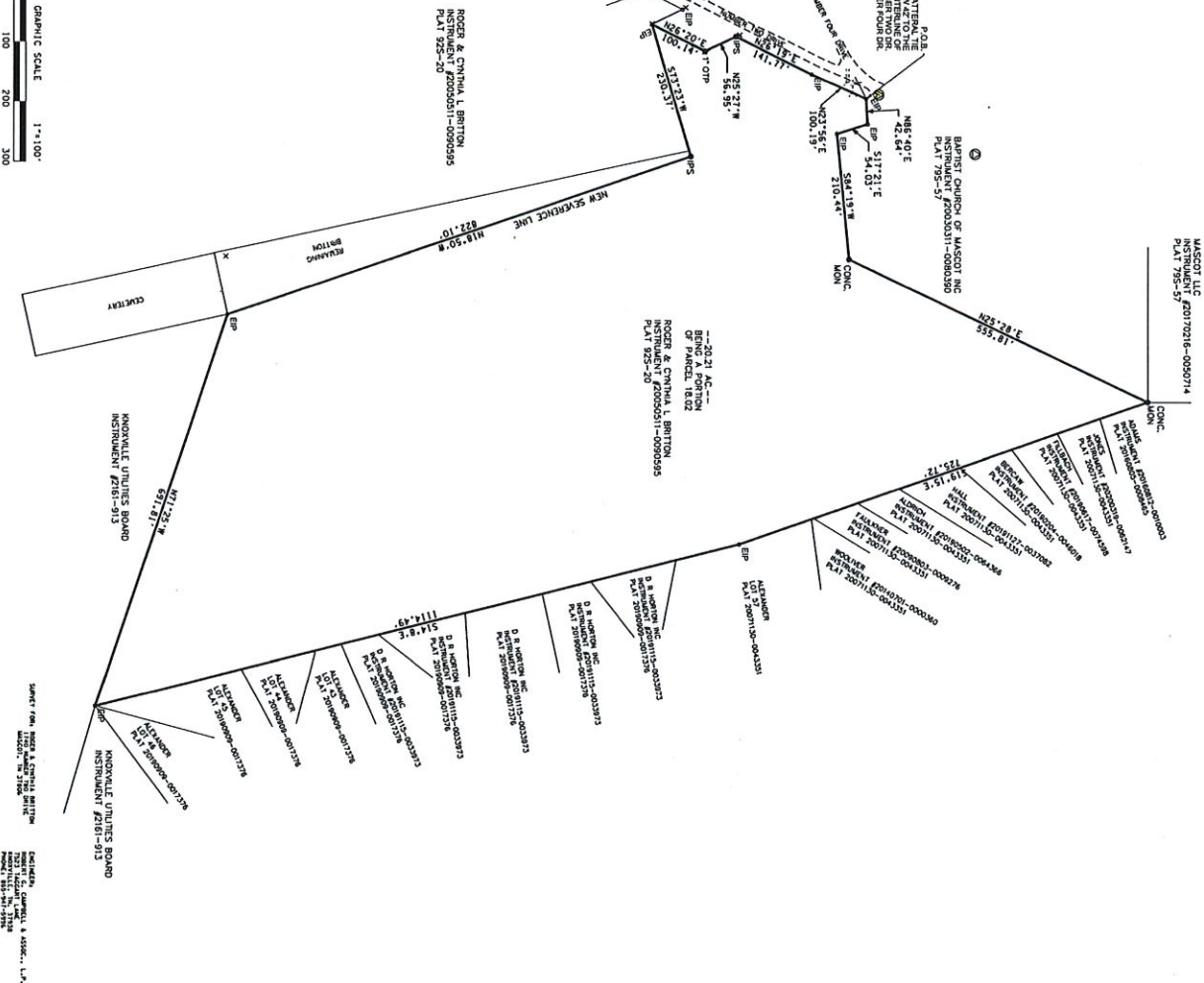


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CERTIFICATION OF SURVEY AND ACCURACY OF SURVEY
I, the undersigned, being duly sworn, depose and say that I am a duly Licensed Professional Engineer and the entire contents of the foregoing plat are true and correct to the best of my knowledge and belief, and I am not aware of any fraud or collusion in the preparation of the same.

GRAPHIC SCALE 1"=100'
0 100 200 300



- LEGEND
- 4" IRON PIN FOUND
 - IRON PIN SET IN REAR W/ CAP
 - STION
 - POWER/TELEPHONE
 - CITY WIRE

- NOTES:
- 1) EXISTING DIMENSIONS AS SHOWN, ALL OTHERS SET BY RECORD.
 - 2) A UTILITY AND DRAINAGE EXISTING EXITS TO 100 FEET IN WIDTH INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS EXCEPT EXISTING 40 FEET EXTERIOR LOT LINES ADJOINING EXTERIOR LOT LINES AND ALONG BOTH SIDES OF ALL OTHER INTERIOR LOT LINES.
 - 3) THE PURPOSE OF THIS MAP IS TO PROVIDE A MAP AND DIMENSIONS OF THE PORTION OF THE PARCEL 18.02 TO BE SAVED.
 - 4) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF TITLE SEARCH.
 - 5) ACCORDING TO FEMA PARCELS 31P AND 31P MAP #4705031P AND NOT WITHIN A FLOOD HAZARD AREA.

FINAL PLAT OF			
77			
DRAWN BY	SCALE	DATE	PROJECT NUMBER
ROBERT G. CAMPBELL & ASSOC., L.P.	7"=100'	5-20-2000	777

CLT MAP 82 PART OF PARCEL 18.02
DEED: 200503110000565
PLAT 82-20
TOTAL ACRES 20.21