

# REZONING REPORT

▶ **FILE #:** 2-A-21-RZ

**AGENDA ITEM #:** 9

**AGENDA DATE:** 2/11/2021

▶ **APPLICANT:** JOSH SANDERSON / PRIMOS LAND COMPANY

OWNER(S): Primos Land Company

TAX ID NUMBER: 77 098

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 8520 W. Emory Rd.

▶ **LOCATION:** West side of Beaver Ridge, south side of W. Emory Rd.

▶ **APPX. SIZE OF TRACT:** 19.68 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: W. Emory Road is a major arterial with a 26-ft pavement width inside a 100-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural) & F (Floodway)

▶ **ZONING REQUESTED:** PR (Planned Residential) & F (Floodway)

▶ **EXISTING LAND USE:** Single family residential dwelling

▶ **DENSITY PROPOSED:** 3 du/ac

EXTENSION OF ZONE: Yes, PR zoning is across the street to the northwest

HISTORY OF ZONING: A request to rezone this property to PR with up to 5 du/ac was approved by the Planning Commission in July 2020 (Case # 7-I-20-RZ) but was withdrawn at City Council.

SURROUNDING LAND USE AND ZONING: North: Rural residential and multifamily residential - PR (Planned Residential up to 5 du/ac) and A (Agricultural)

South: Rural residential and agricultural/forestry/vacant (across Beaver Creek) - A (Agricultural) / F (Floodway)

East: Agricultural/forestry/vacant - A (Agricultural) / F (Floodway)

West: Agricultural/forestry/vacant - A (Agricultural) / F (Floodway)

NEIGHBORHOOD CONTEXT: This area is characterized by large lot agricultural land primarily in the floodplain of Beaver Creek with smaller lot, single family residential, rural residential and multifamily residential primarily to the west and north of W.Emory Road.

**STAFF RECOMMENDATION:**

▶ **Approve PR (Planned Residential) zoning up to 3 du/ac and F (Floodway) because it is consistent with the sector plan designation of MDR (Medium Density Residential) and SP (Stream Protection) for this area.**

**COMMENTS:**

1. This site contains land in a FEMA floodway and floodplains (500-year and 100-year) on the southern portion of the site. The Knox County Stormwater Ordinance defines floodplains and floodways as such:
  - a. Floodplain means any land area susceptible to being inundated by water from any source. Floodplains that have been studied for purposes of flood insurance documentation are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation in the floodplain to a specified flood elevation. The 100-year floodplain is the area subject to inundation during the 100-year flood (i.e., land with a 1% chance of flooding any given year).
  - b. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.
2. The applicant's application requests a density of 3 du/ac.
3. Of the 19.68 acres of the site, 8.22 acres is located in the F (Floodway) zone. The PR (Planned Residential) zone would be limited to the remaining 11.46 acres of the site. At 3 du/ac, the maximum number of dwelling units within the area zoned PR is 34. If the density were applied to the total site acreage, it would equate to 1.73 du/ac on the overall site (19.68 acres/34 dwellings = 1.73 du/ac).

**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 Northwest County Sector continues to be the most rapidly growing area of Knox County and additional opportunities for a variety of types of residential development are warranted.
2. This area is also served by water and wastewater services and the relatively new Karns Valley Drive.

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

1. The PR (Planned Residential) zone 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.
3. The F (Floodway Zone) was established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.
4. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. PR zoning with up to 3 du/ac will require a public review of a proposed site plan as part of the use on review process.
2. The required use on review process will address any issues related to the compatibility of the surrounding developments and land uses.
3. Closed contour lines indicate the potential presence of sinkholes and should be investigated further during the concept plan/use on review process. A 50-ft setback must be observed from all closed contours/sinkholes unless a geotechnical study performed by a registered engineer states that building within the 50' sinkhole buffer is acceptable and the study is approved by the Knox County Department of Engineering and Public Works.
4. As stated, there is a significant portion of the site in a floodway and floodplains. The applicant is encouraged to work with Knox County Engineering to address concerns related to the adjacent floodplain area of Beaver Creek.
5. A traffic impact analysis would not be required since there would be fewer than 70 dwelling units.
6. Sight distance and access points would be addressed during the concept plan/use on review process and would be required to meet the requirements of the Knox County Engineering Department.

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 PR (Planned Residential) zone with up to 3 du/ac and F (Floodway) zone are consistent with all adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 14 (public school children, grades K-12)

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns 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 3/22/2021. 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.