

REZONING REPORT

▶ **FILE #:** 1-H-21-RZ

AGENDA ITEM #: 20

AGENDA DATE: 1/14/2021

▶ **APPLICANT:** TAYLOR D. FORRESTER

OWNER(S): Patsy Spangler Dagner

TAX ID NUMBER: 111 048

[View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 1508 E. Governor John Sevier Hwy.

▶ **LOCATION:** East side of E. Governor John Sevier Hwy., north of French Rd.

▶ **APPX. SIZE OF TRACT:** 84 acres

SECTOR PLAN: South County

GROWTH POLICY PLAN:

ACCESSIBILITY: Access is via East Governor John Sevier Highway, a major arterial, with a pavement width of 43 feet within a right-of-way of 112 feet.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Knox-Chapman Utility District

WATERSHED: French Broad and Hinds Creek

▶ **PRESENT ZONING:** RA (Low Density Residential) & CA (General Business)

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

▶ **EXISTING LAND USE:** Agriculture/forestry/vacant

▶
EXTENSION OF ZONE: Yes

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant - A (Agriculture)

South: Agriculture/forestry/vacant, rural residential - A (Agriculture)

East: Agriculture/forestry/vacant - A (Agriculture)

West: Commercial, single family, agriculture/forestry/vacant -CA (General Business), A (Agriculture)

NEIGHBORHOOD CONTEXT: The area is characterized by large, rural, agricultural lots with forested steep slopes. A single family residential neighborhood is nearby and adjacent to the French Broad River.

STAFF RECOMMENDATION:

▶ **Approve A (Agricultural) zoning, because it is consistent with the South County Sector Plan's AG (Agricultural) and the HP (Hillside Protection) overlay.**

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 COUNTY GENERALLY:
1. The existing RA (Low Density Residential) zoning is inconsistent with the Knoxville-Knox County Growth Policy Plan, as well as the South County Sector Plan.

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

1. The Knox County Zoning Ordinance describes A zoning as intended to provide for a wide range of agricultural and related uses as well as residential uses with low population densities and other compatible uses which generally require large areas or open spaces.
2. 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. Approximately 83 acres of the 87.8 acre parcel is within the HP (Hillside Protection) area of the sector plan.
 - a. The existing RA (Low Density Residential) zoning could possibly yield a density of 4.4 du/ac (382 lots on 87 acres) for single family residential, if sewer is provided, without sewer the maximum density could be 2.2 du/ac (191 lots on 87 acres).
 - b. Duplexes may be permitted as a use-on-review in the existing RA (Low Density Residential) zoning and could yield a density up to 7.3 dwelling units per acre with sewer.
 - c. The slope analysis resulted in a density of 1.09 du/ac over the 87.8 acres. This would result in approximately 95.7 dwellings.
 - d. The requested A (Agricultural) zoning could possibly yield a density of 1 du/ac (88 lots on 88 acres) for single family residential, however, duplexes are allowed by right in the A zone at a density of 1 duplex per 2 acres and could yield up to 44 duplexes or 88 total dwelling units.
 - e. The applicant's requested A zoning provides for less residential development potential than the current RA zoning.

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 requested zoning is consistent with the sector plan's A (Agricultural) and HP (Hillside Protection) designation, which allows A zoning within Rural Areas of the Growth Policy Plan in the County.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 29 (public school children, grades K-12)

Schools affected by this proposal: New Hopewell Elementary, South Doyle Middle, and South Doyle 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 2/22/2021. 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.

Exhibit A. 1-H-21-RZ Contextual Images

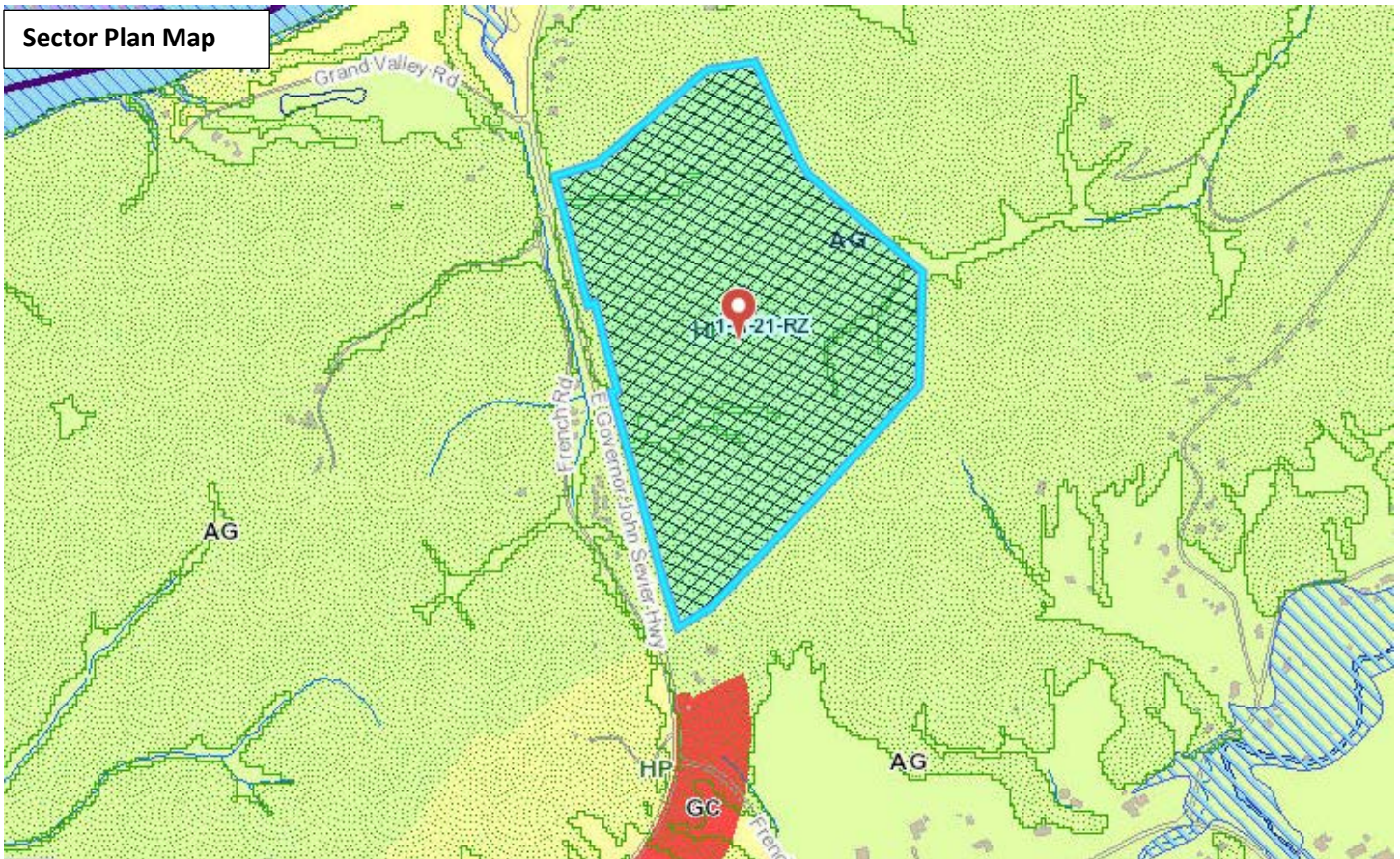
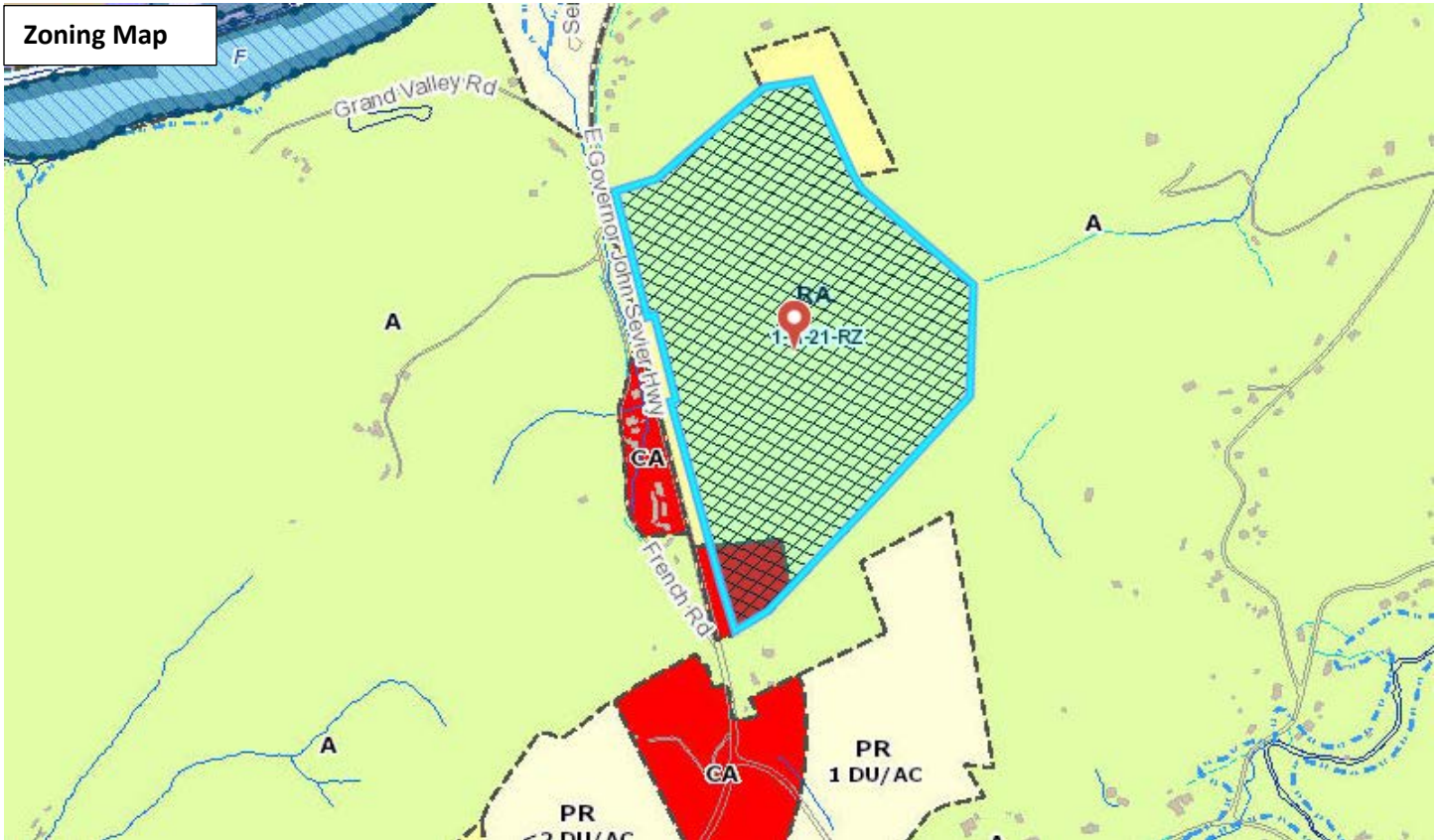
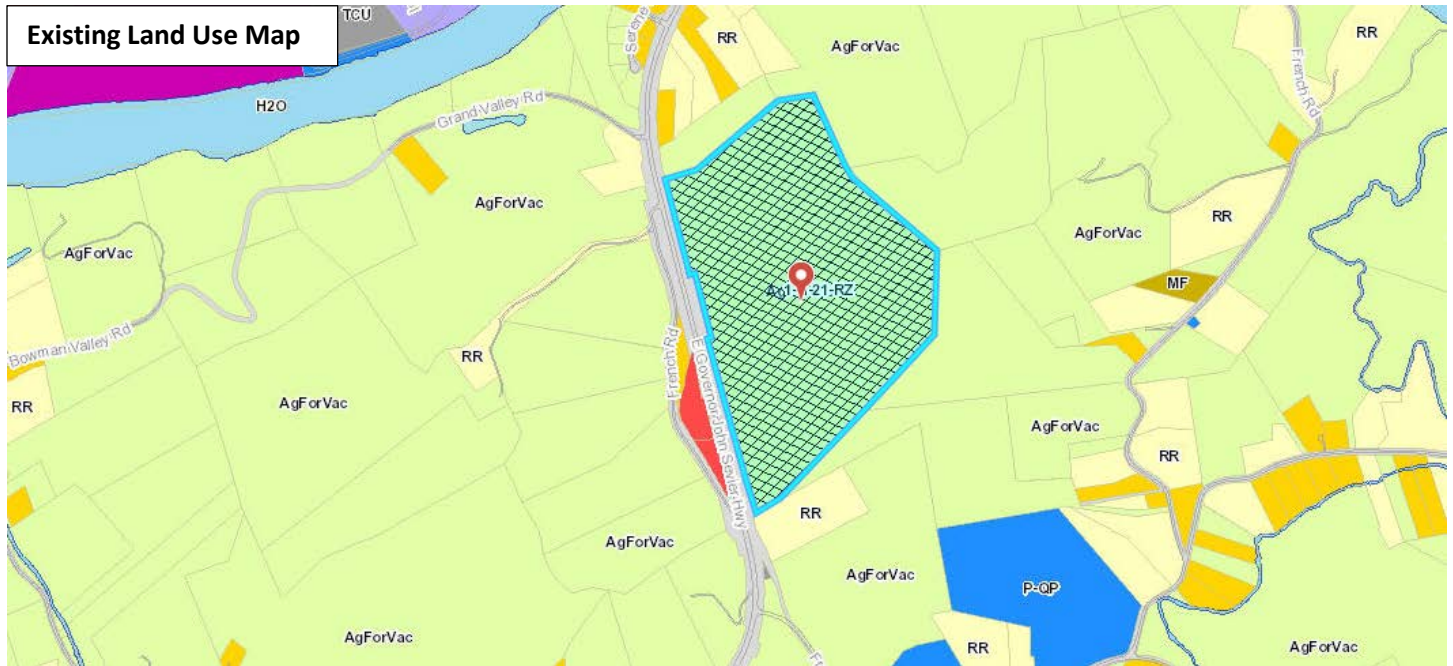
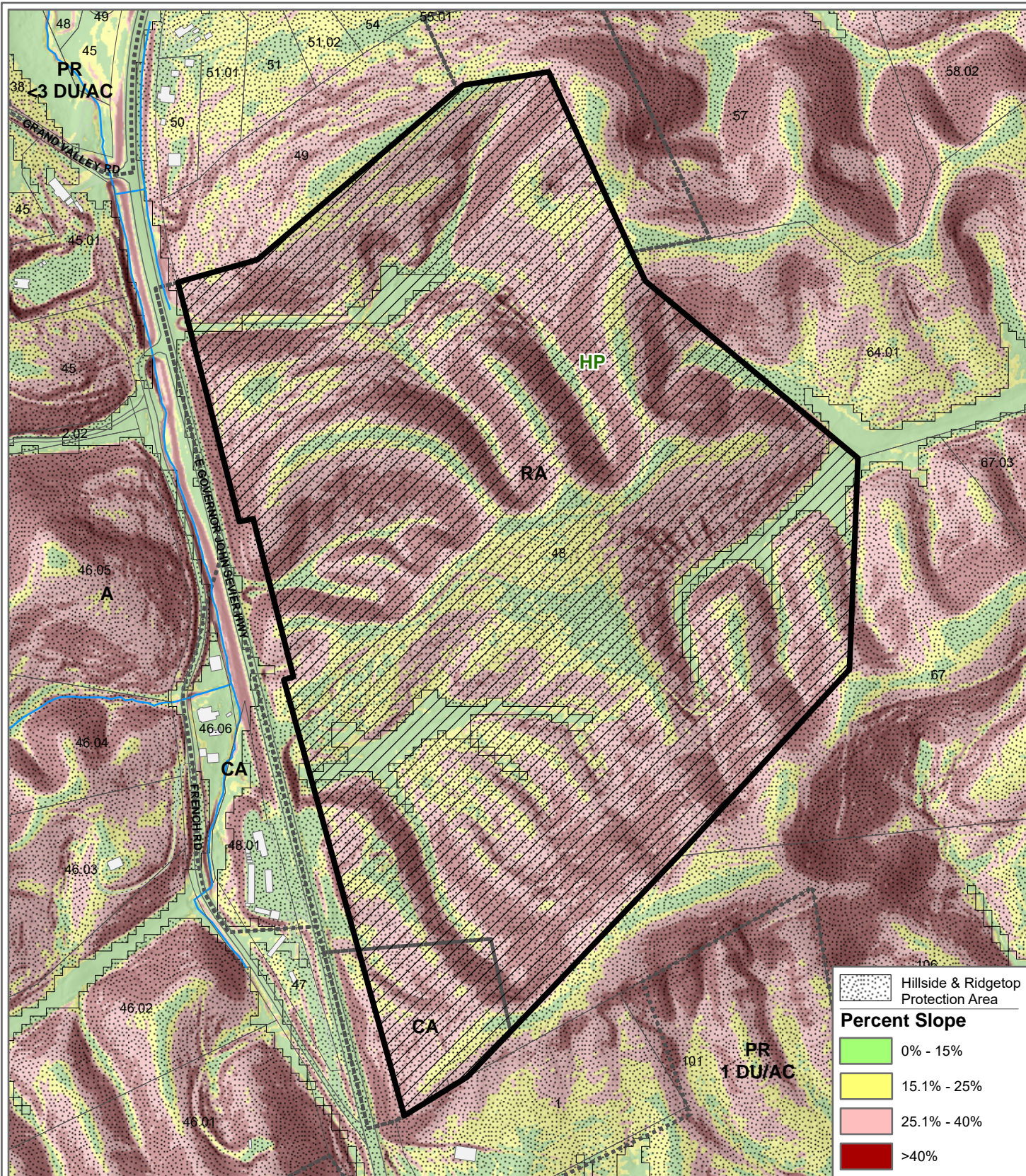


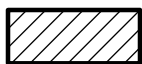
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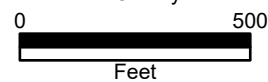
**1-H-21-RZ
SLOPE ANALYSIS**

From: RA (Low Density Residential) & CA (General Business)
To: A (Agricultural)



Petitioner: Forrester, Taylor D.

Map No.: 111
Jurisdiction: County



Original Print Date: 12/16/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



1-H-21-RZ

			Acres
Non-Hillside Portions			3.97
Hillside and Ridgetop Protection Area			
Value	Percent Slope	Count	Acres
1	0%-15%	13951	8.01
2	15%-25%	29819	17.11
3	25%-40%	57337	32.91
4	>40%	44946	25.80
			83.82
Ridgetop Area			0
Site Total			87.79

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	3.97	4.00	15.9
0-15% Slope	8.01	3.00	24.0
15-25% Slope	17.11	2.00	34.2
25-40% Slope	32.91	0.50	16.5
Greater than 40% Slope	25.8	0.20	5.2
Ridgetops	0	3.00	0.0
Subtotal: Sloped Land	83.83		79.9
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	87.8	1.09	95.7
Proposed Density (Applicant)	87.8	1.00	87.8

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

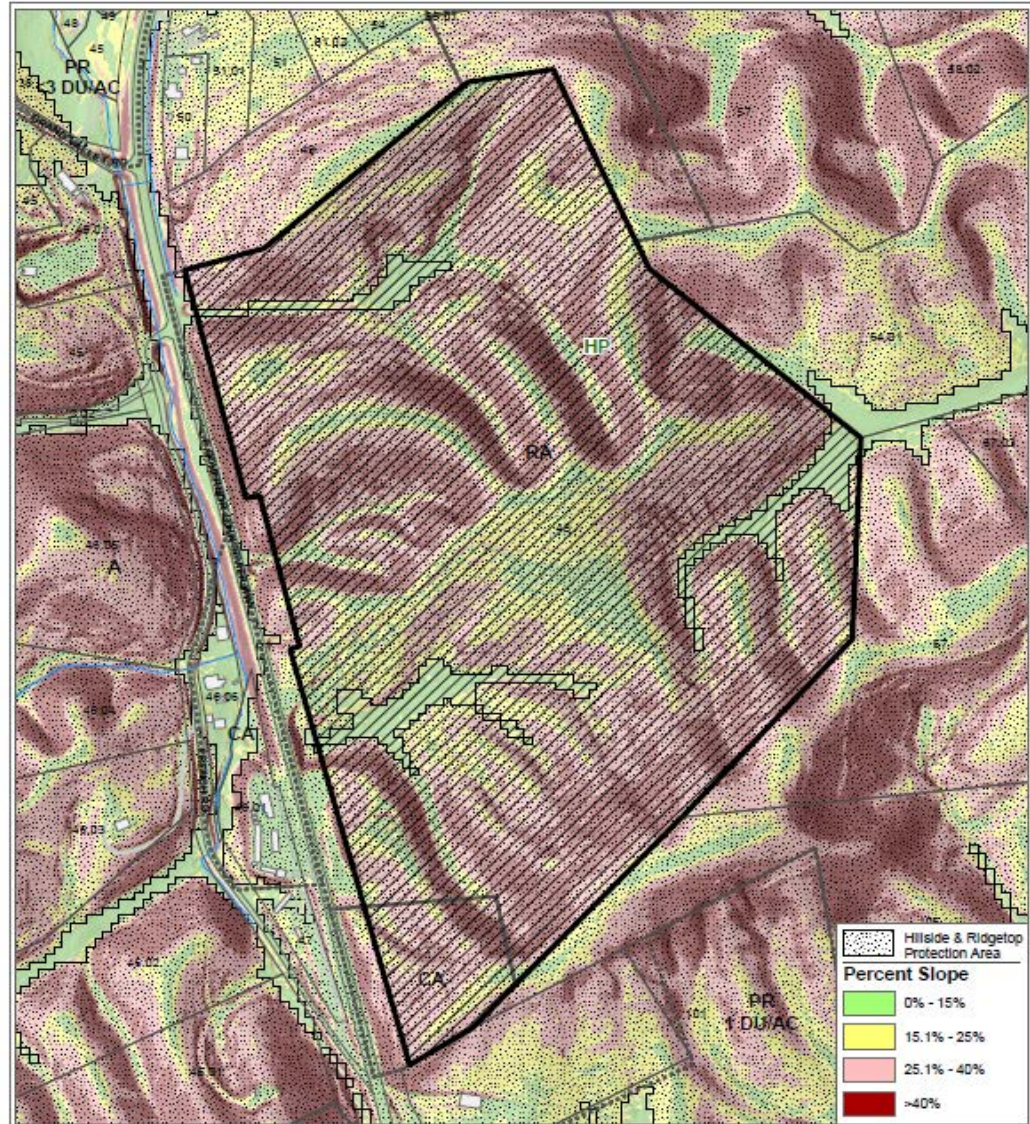
Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

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.



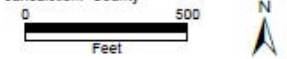
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Petitioner: Forrester, Taylor D.

Map No.: 111
Jurisdiction: County





Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

Taylor D. Forrester on behalf of East Tennessee Land Development, LLC

Attorney

Applicant Name

Affiliation

11/30/2020

January 14, 2021

Date Filed

Meeting Date (if applicable)

File Number(s)

1-H-21-RZ

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

Taylor D. Forrester

Long, Ragsdale & Waters, P.C.

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

865-584-4040

tforrester@lrwlaw.com

Phone

Email

CURRENT PROPERTY INFO

Patsy Spangler Dagner

1017 Two Notch Dr., Knoxville, TN 37920

Owner Name (if different)

Owner Address

Owner Phone

1508 E. Governor John Sevier Highway

111 048

Property Address

Parcel ID

STAFF USE ONLY

east side of E. Governor John Sevier Highway; due north of French Road

84 acres

General Location

Tract Size

County 9th

RA / CA

Jurisdiction (specify district above)

- City
- County

Zoning District

South County

AG

Rural Area

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Vacant

Y

Knox Chapman

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential Home Occupation (specify) _____ Other (specify) _____	Related City Permit Number(s)
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SUBDIVISION REQUEST

Proposed Subdivision Name _____ <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Unit / Phase Number _____ Total Number of Lots Created _____ <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Attachments / Additional Requirements	Related Rezoning File Number
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ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <u>Agricultural</u> Proposed Zoning _____ <input type="checkbox"/> Plan Amendment Change _____ Proposed Plan Designation(s) _____ Proposed Density (units/acre) _____ Previous Rezoning Requests _____ <input type="checkbox"/> Other (specify) _____	Pending Plat File Number
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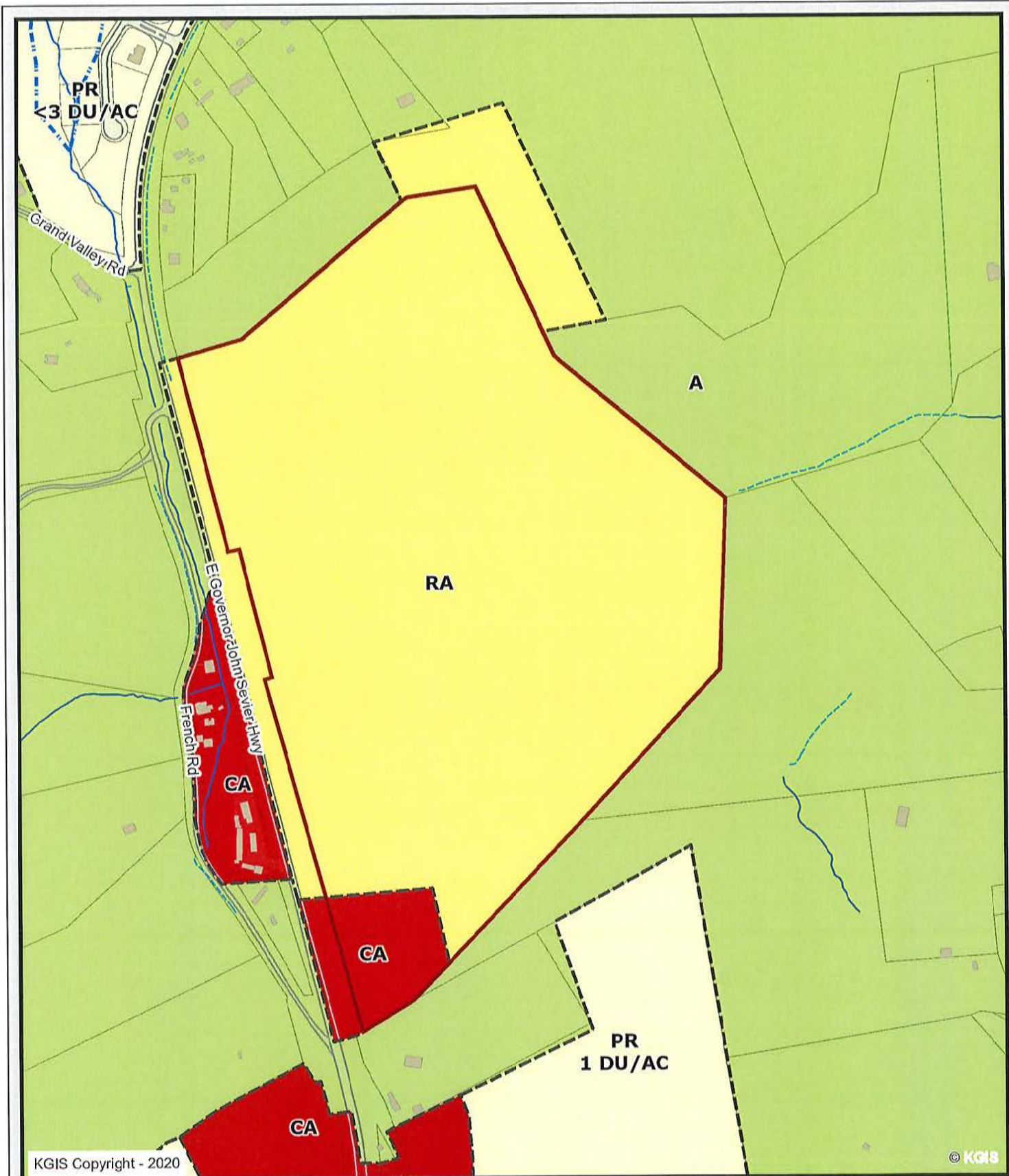
STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (<i>Final Plat</i>) <input type="checkbox"/> Use on Review / Special Use (<i>Concept Plan</i>) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist (<i>Hillside Protection</i>)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Fee 1</td> <td style="padding: 2px;">\$4,800.00 RZ</td> <td rowspan="3" style="padding: 2px; vertical-align: middle; font-size: 1.2em;">Total</td> </tr> <tr> <td style="padding: 2px;">Fee 2</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Fee 3</td> <td style="padding: 2px;"></td> </tr> <tr> <td colspan="2" style="padding: 2px;"></td> <td style="padding: 2px; font-size: 1.5em;">\$4,800.00</td> </tr> </table>	Fee 1	\$4,800.00 RZ	Total	Fee 2		Fee 3				\$4,800.00
Fee 1	\$4,800.00 RZ	Total									
Fee 2											
Fee 3											
		\$4,800.00									

AUTHORIZATION

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

Taylor D. Forrester <small>Digitally signed by Taylor D. Forrester DN: cn=Taylor D. Forrester, o=Law Firm, ou=Law Firm, email=TForrester@lrwlaw.com, c=US</small> Applicant Signature	Taylor D. Forrester Please Print TForrester@lrwlaw.com Email	11/30/20 Date
865-584-4040 Phone Number		
Marc Payne <small>Digitally signed by Marc Payne Date: 2020.11.30 13:07:11 -05'00'</small> Staff Signature	Marc Payne Please Print	11/30/2020 Date



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Letter Portrait

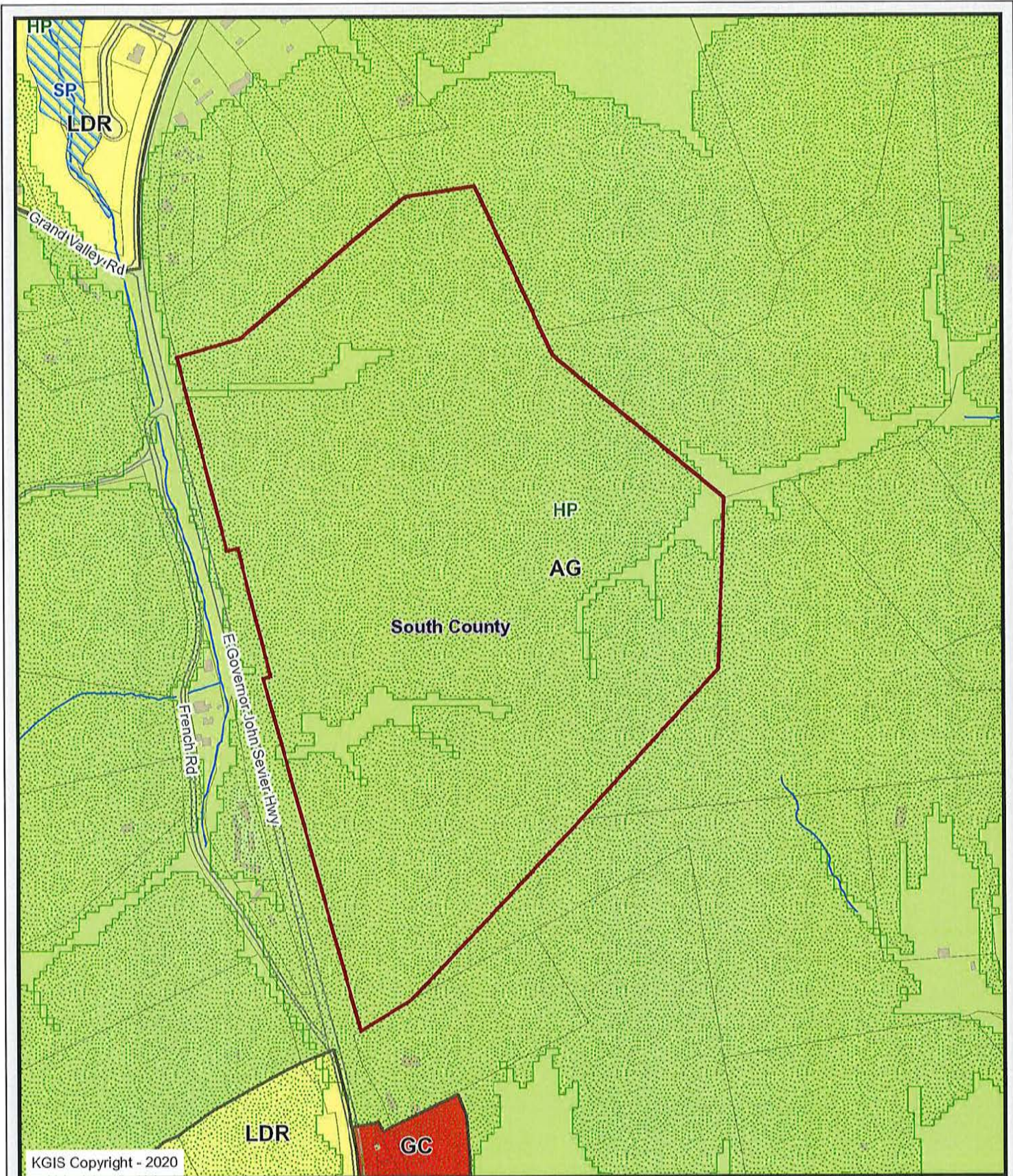
Knoxville - Knox County - KUB Geographic Information System



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