

REZONING REPORT

▶ **FILE #:** 5-E-23-RZ

AGENDA ITEM #: 24

AGENDA DATE: 5/11/2023

▶ **APPLICANT:** **RON WORLEY**
 OWNER(S): Ron Worley Worley Builders Inc.

TAX ID NUMBER: 91 014 [View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 0 BROWNVUE RD

▶ **LOCATION:** **West side of Brownvue Road**

▶ **APPX. SIZE OF TRACT:** **8.3 acres**

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Brownvue Road, an unstriped local road with a pavement width that varies from approximately 14 ft to 16 ft within a 36-ft wide right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

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

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

▶ **EXISTING LAND USE:** **Agriculture/Forestry/Vacant Land**

▶ EXTENSION OF ZONE: Yes, RA zoning is adjacent to the west

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Single family residential - A (Agricultural)

South: Rural residential - A (Agricultural)

East: Single family residential, rural residential, & agriculture/forestry/vacant - A (Agricultural)

West: Single family residential and rural residential - RA (Low Density Residential), E (Estate), & A (Agricultural)

NEIGHBORHOOD CONTEXT: This lot is located at the back of an established subdivision consisting of small lot, single-family detached residences. Karns Middle School is nearby off of Gary Hendrix Road.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone with up to 2 du/ac for the portion of the property shown in Exhibit B because it is consistent with the sector plan and surrounding development, subject to one condition.**

ZONING CONDITION

1) The portion of the parcel with slopes of 25% or greater shall be left undisturbed, as delineated in Exhibit A.

COMMENTS:

The applicant is requesting to rezone the property to RA (Low Density Residential), which allows a minimum lot size of 10,000 square feet since the property is served by sewer. At 8.30 acres, this could result in up to 36 lots. However, almost half of the site is in an HP (Hillside Protection) area. The rear portion of the subject property is located on a long, steep ridge. Due to the severe slope on the back half of the property, Planning is recommending a partial rezoning to the PR (Planned Residential) zone with a density of up to 2 du/ac for the portion of the property not constrained by severe slopes. The part of the parcel recommended for rezoning comprises 189,688 square feet (approximately 4.35 acres) and is shown in the exhibit maps.

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01: THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 area surrounding the subject property is a mix of RA (Low Density Residential) and A (Agricultural) zoning. Properties zoned A have been transitioning to the PR (Planned Residential) and RA zones since the late 1980s. Properties to the north zoned PR include densities up to 3 du/ac and up to 4 du/ac on properties that are not in HP designated areas.

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

- 1. The RA provides for residential areas with low population densities.
- 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. The slope analysis for the HP area recommended a disturbance area of up to 2.92 acres out of the total site, and recommended a density of 2.22 du/ac. The recommendation to rezone the front 4.35 acres to PR with up to 2 du/ac expands the disturbable area and is aligned with the recommended density of the analysis.
- 2. The recommended PR zone with a density of up to 2 du/ac would permit lot sizes and density more in line with the immediate area. There are two residential neighborhoods that connect to each other (Foothill Estates and Golden Meadows), and the subject property is at the end of one of these. The Foothill Estates subdivision leading to this parcel is zoned A, while the neighboring, but connected, Golden Meadows subdivision is zoned RA. The two subdivisions function like a single neighborhood and are built out with similar lot sizes despite the different zoning. Lots in the adjacent RA zone range from around 0.25 acres to 0.5 acres, while lots in the adjacent A zone are mostly 0.5 acres in size, which are nonconforming with the zoning ordinance.
- 3. The smaller lots in both subdivisions are on land that is relatively flat, which is not the case with the subject parcel. The recommended 2 du/ac in the front of the parcel would yield a density similar to that of the surrounding neighborhoods. The RA zone minimum lot size could lead to up to 4 du/ac on this site with potential grading of the steep slopes that are present at the rear of the site.
- 4. Brownvue Road has a pavement width that varies, but is as narrow as 14 ft in some locations, and it is not striped. As such, it would require improvements if built out with more than the 7-8 homes allowed under the current A zone according to the Knox County Department of Engineering and Public Works.

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 subject property is designated as the LDR land use classification in Northwest County Sector Plan, which allows consideration of both the RA and PR zones, the latter with a density of up to 5 du/ac in the County's Planned Growth Area of the Growth Policy Plan.
- 2. Neither the requested nor the recommended zones are in conflict with the General Plan.
- 3. The requested RA zone's minimum lot size could result in a number of dwellings that exceeds the limits recommended by the slope analysis, which is a recommendation of the Hillside and Ridgetop Protection Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 6/26/2023. 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. Slope Analysis Case: 5-E-23-RZ

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	7.83		
Non-Hillside	1.31	N/A	
0-15% Slope	1.62	100%	1.62
15-25% Slope	1.54	50%	0.77
25-40% Slope	1.96	20%	0.39
Greater than 40% Slope	1.40	10%	0.14
Ridgetops			
Hillside Protection (HP) Area	6.52	Recommended disturbance budget within HP Area (acres)	2.92
		Percent of HP Area	0.45

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	1.31	5.00	6.5
0-15% Slope	1.62	4.00	6.49
15-25% Slope	1.54	2.00	3.07
25-40% Slope	1.96	0.50	0.98
Greater than 40% Slope	1.40	0.20	0.28
Ridgetops	0.00	3.00	0.00
Subtotal: Sloped Land	6.52		10.82
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	7.83	2.22	17.37
Proposed Density (Applicant)	7.83		0.0

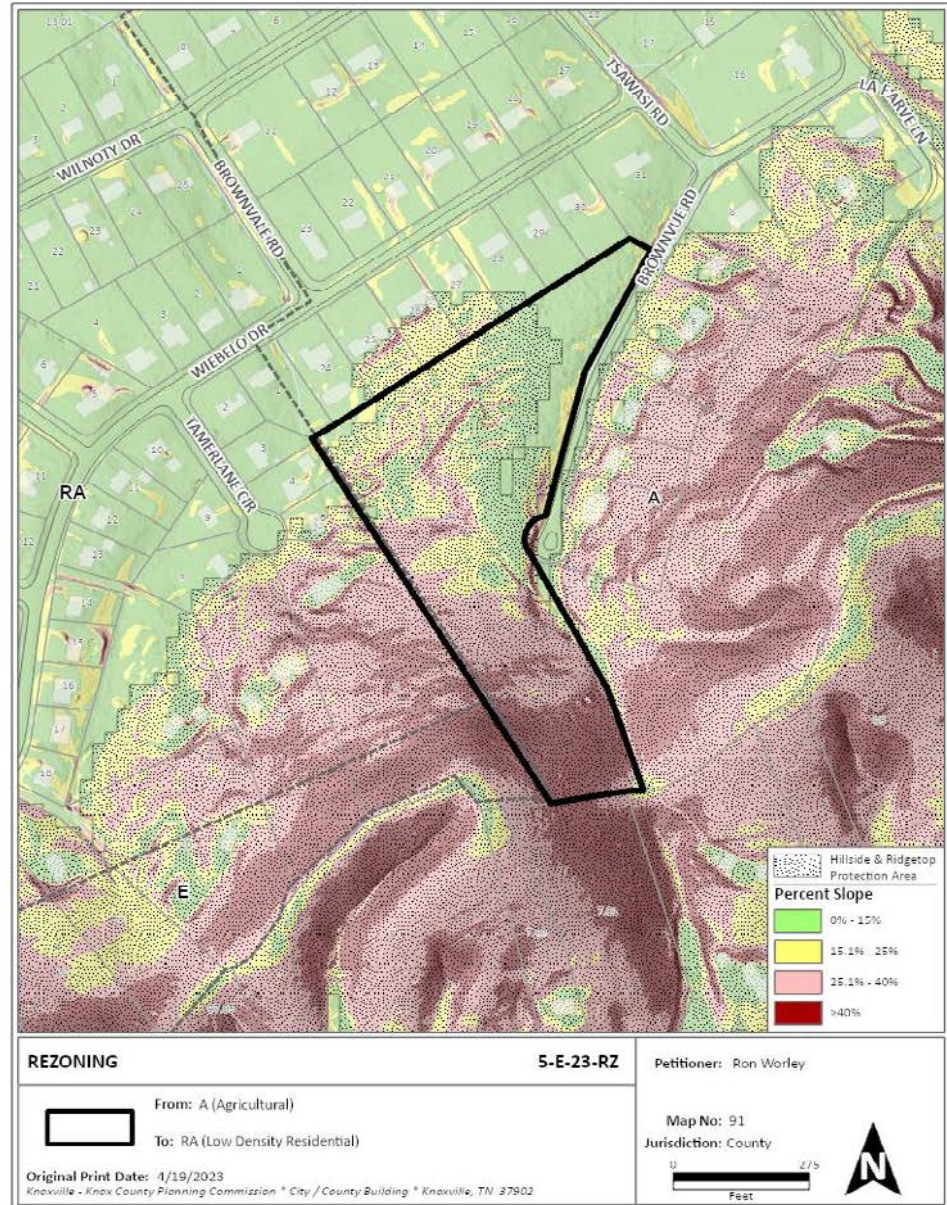
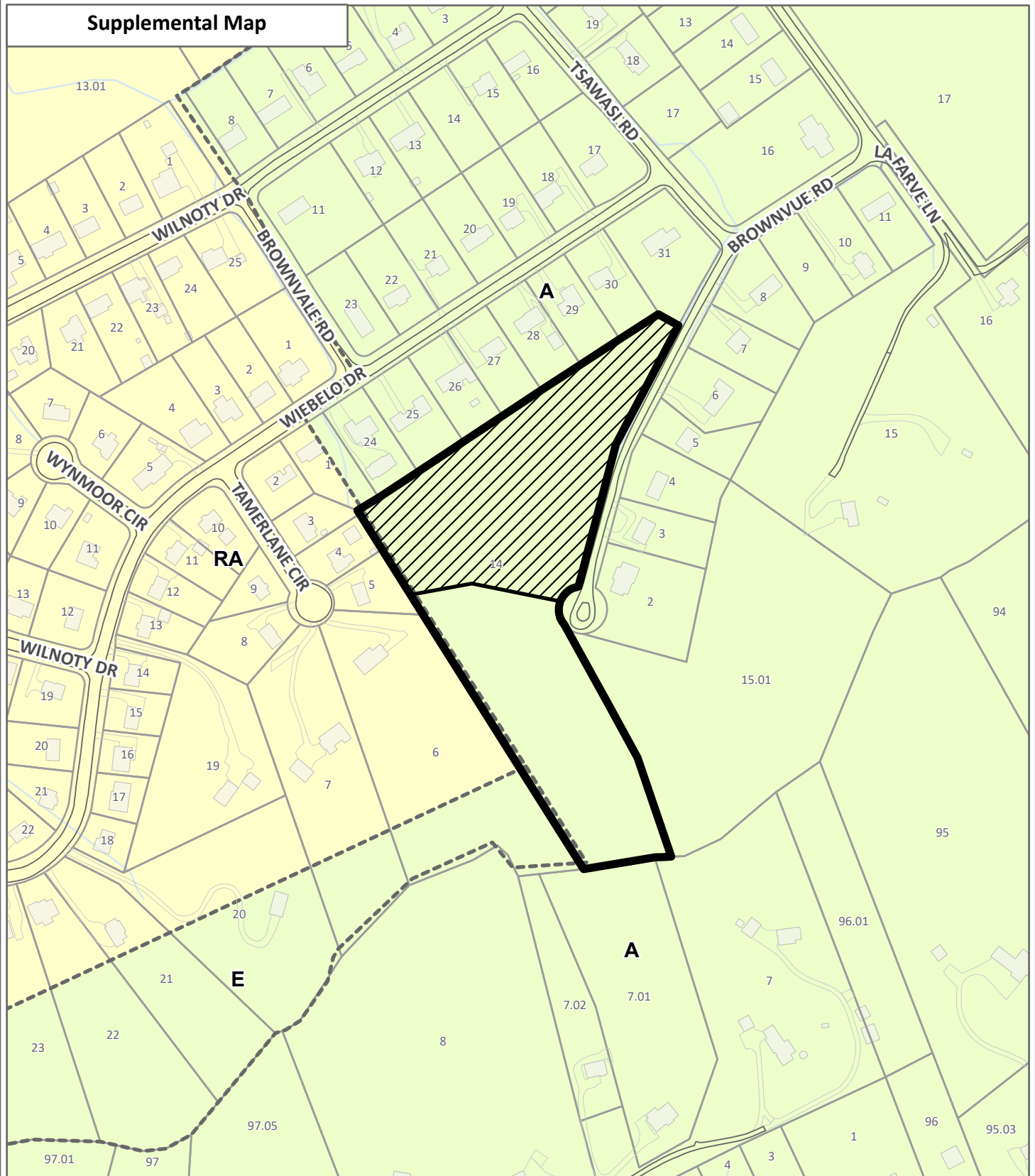


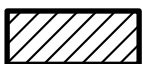
Exhibit B. Map Showing Boundary of Partial Rezoning Recommended



REZONING

5-E-23-RZ

Petitioner: Ron Worley



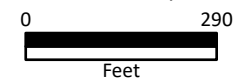
Staff recommended area for rezoning



Boundary for parcel 091 014

Map No: 91

Jurisdiction: County



Original Print Date: 4/25/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Ron Worley

Applicant Name

Affiliation

3/27/2023

Date Filed

5/11/2023

Meeting Date (if applicable)

5-E-23-RZ

File Number(s)

CORRESPONDENCE

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

Ron Worley Worley Builders Inc.

Name / Company

P.O. Box 71022 Knoxville TN 37938

Address

865-922-2600 / worleybuildersron@comcast.net

Phone / Email

CURRENT PROPERTY INFO

Ron Worley Worley Builders Inc.

Owner Name (if different)

P.O. Box 71022 Knoxville TN 37938

Owner Address

865-922-2600 / worleybuildersr

Owner Phone / Email

0 BROWNVE RD

Property Address

91 014

Parcel ID

8.3 acres

Tract Size

Part of Parcel (Y/N)?

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northwest side and terminus of Brownvue Road

General Location

City

Commission District 6

A (Agricultural)

Agriculture/Forestry/Vacant Land

County District

Zoning District

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential), HP (Hillside Protection)

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change RA (Low Density Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	
Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Zoning Requests	
Additional Information	

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	\$1,065.00	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	Fee 2	
	Fee 3	

AUTHORIZATION

Ron Worley	3/27/2023
Applicant Signature	Date
Please Print	

Ron Worley Worley Builders Inc.	3/27/2023
Property Owner Signature	Date
Please Print	

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



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

Ron Worley

Applicant Name

Affiliation

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

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

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Ron Worley

Worley Builders, Inc.

Name

Company

PO Box 71022

Address

City

State

ZIP

865-922-2600

ron@worleybuildersinc.com

Phone

Email

CURRENT PROPERTY INFO

Worley Builders, Inc

PO Box 71022, Knoxville, tn. 37938

865-922-2600

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Brownvue Road

091 014

Property Address

Parcel ID

WKUD

WKUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

Unit / Phase Number
 Combine Parcels
 Divide Parcel
 Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change

RA

Proposed Zoning

Plan Amendment Change

Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) _____

STAFF USE ONLY

PLAT TYPE

- Staff Review
 Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

Fee 1	Total
Fee 2	
Fee 3	

AUTHORIZATION

 Pres
 Applicant Signature

Worley Builders, Inc.
 Ron Worley, Pres.
 Please Print

3/22/23
Date

865-922-2600

Phone Number

ron@worleybuildersinc.com

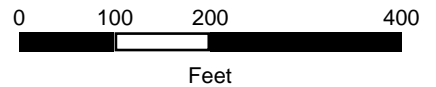
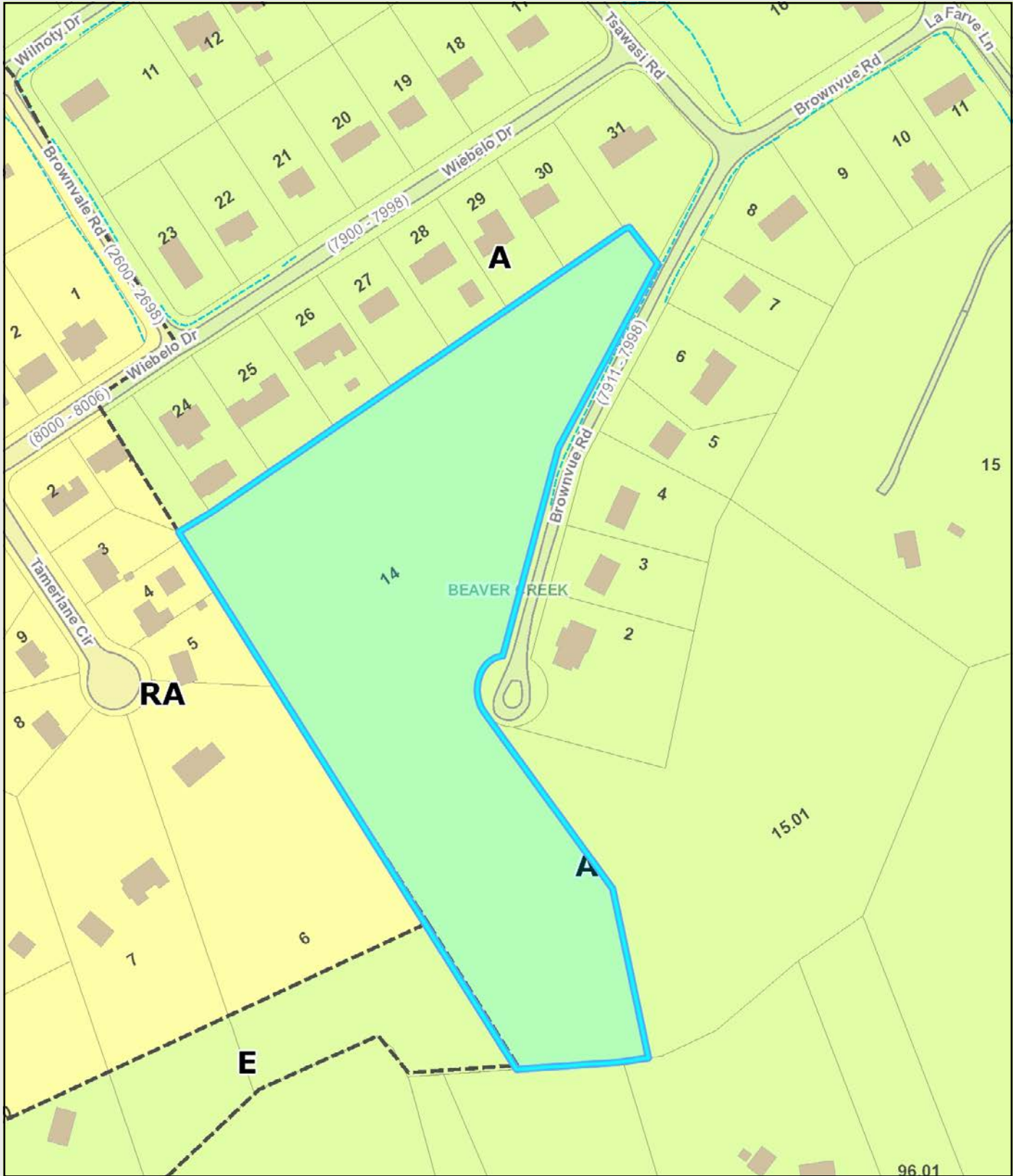
Email

 Pres.
 Property Owner Signature

Ron W. Worley, Jr., Pres.
~~Destiny Land USA LLC~~
 Worley Builders, Inc.
 Please Print

3/22/23
Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

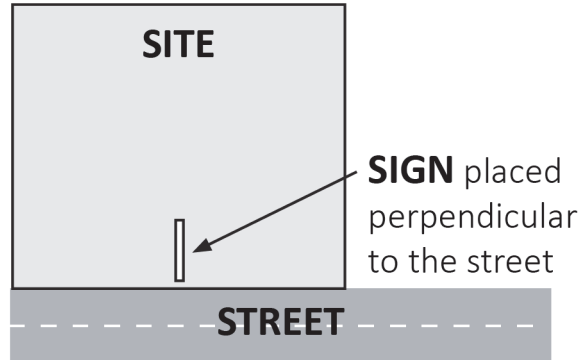


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ April 28, 2023 _____ and _____ May 12, 2023 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Ron Worley

Date: 3/27/2023

File Number: 5-E-23-RZ



Sign posted by Staff



Sign posted by Applicant