

REZONING REPORT

► **FILE #:** 2-K-24-RZ **AGENDA ITEM #:** 10

POSTPONEMENT(S): 2/8/2024, 3/7/2024 **AGENDA DATE:** 4/11/2024

► **APPLICANT:** MESANA INVESTMENTS, LLC

OWNER(S): Eagle Bend Development, LLC

TAX ID NUMBER: 78 A B 044

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 0 NIGHT TIME DR

► **LOCATION:** North side of Night Time Drive, southwest of Carpenter Road

► **APPX. SIZE OF TRACT:** 14371 square feet

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Night Time Dr, a local street with an 22-ft pavement width within a 50-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

► **PRESENT ZONING:** PR (Planned Residential) up to 4 du/ac

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

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

► **DENSITY PROPOSED:** up to 4 du/ac (as a separate PR zone)

EXTENSION OF ZONE: Yes, this is an extension

HISTORY OF ZONING: The property was rezoned from A to PR up to 4 du/ac in September 2006 (7-L-06-RZ)

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land - PR (Planned Residential) up to 4 du/ac

South: Single family residential - PR (Planned Residential) up to 4 du/ac

East: Rural residential - A (Agricultural)

West: Single family residential - PR (Planned Residential) up to 4 du/ac

NEIGHBORHOOD CONTEXT: The subject property is in the Dochester Subdivision, located on Carpenter Road. The properties along Carpenter Road are a mix of small and large residential lots, and agricultural properties. There is an attached residential development to the south with access from W. Emory Rd.

STAFF RECOMMENDATION:

► **Deny the request for PR (Planned Residential) up to 4 du/ac for the subject lot because it will make the platted Dochester Subdivision non-compliant with the approved zoning density.**

COMMENTS:

This request is to rezone the 0.33-acre “future development” area on the Dorchester Subdivision final plat (Exhibit B) to its own PR (Planned Residential) zone district. The intent of this request is to allow one more house lot to be platted, for a total of 79 lots. In June 2023, a 78-lot final plat was recorded for the Dorchester Subdivision on a total area of 19.45 acres (4.0 du/ac). If this request is approved, the net result is a 0.33-acre house lot zoned PR up to 4 du/ac that is compliant with the zoning and the remaining 78 lots on 19.12 acres zoned PR up to 4 du/ac that are not compliant with the zoning.

BACKGROUND

The property was rezoned from A (Agricultural) to PR (Planned Residential) up to 4 du/ac in September 2006 (7-L-06-RZ). The rezoning included approximately 49 acres.

In January 2007 the applicant obtained concept plan approval for 73 lots in approximately the same area as the current Dorchester Subdivision (1-SG-07-C / 1-J-07-UR). In May 2007, the applicant applied again to increase the number of lots to 170 over the entire 49 acres zoned PR up to 4 du/ac (5-SK-07-C / 5-J-07-UR). However, this was withdrawn in August 2007. The January 2007 approval was extended twice and eventually expired in January 2012.

Between 2012 and 2016, approximately 29.5 acres of the area zoned PR (Planned Residential) up to 4 du/ac were no longer associated with the subject development.

In 2016 the applicant submitted a new concept plan application and was approved for 66 lots in the same location as the current Dorchester Subdivision (3-SE-16-C / 3-D-16-UR). In 2019, the applicant submitted a new concept plan application and was approved for 70 lots, with an area in the middle of the subdivision labeled “future development” for additional lots (9-SC-19-C / 9-J-19-UR). For the 2016 and 2019 applications, the acreage stated on the plans was 19.86 acres.

In 2021, the applicant submitted a new concept plan application for 9 additional lots (8-SA-21-C / 8-C-21-UR). The acreage stated on the plan was reduced to 19.46 acres. If approved as requested, the Dorchester Subdivision would have 79 lots on 19.46 acres (4.06 du/ac), which exceeds the maximum allowed density of 4 du/ac. There was a condition of the concept plan that the maximum number of lots would be based on the acreage shown on the final plat and not to exceed 4 du/ac. The Dorchester Subdivision final plat states there are 19.45 acres, which only allows 78 lots.

In 2023, the applicant submitted a new concept plan application, which was only to modify the design of the entrance road and did not change the acreage of the property or the number of lots requested (1-SA-23-C).

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. Carpenter Road was widened to 18 feet from the Dorchester Subdivision entrance road (Night Time Drive) to Ridgewalk Lane to the south. This was a requirement of the concept plan approval for the Dorchester Subdivision.

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

1. If the rezoning is approved as requested, the remaining portion of the Dorchester Subdivision will have a density of 4.08 du/ac, which exceeds the PR (Planned Residential) up to 4 du/ac zoning.
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 is 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 creation of one additional house lot within the Dorchester Subdivision will not have direct or indirect adverse impacts on nearby properties or other parts 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 subject property is designated with the LDR (Low Density Residential) land use classification in the Northwest County Sector Plan, which allows consideration of the PR zone in the Planned Growth Areas of the Growth Policy Plan.

2. The requested rezoning is consistent with the General Plan's development policy 9.3, the intent of which is to ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.

ESTIMATED TRAFFIC IMPACT: 15 (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: 0 (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 5/20/2024. 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.



Request to Postpone • Table • Withdraw

Mesana Investments, LLC

2/29/2024

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

3/7/2024

Scheduled Meeting Date

File Number(s)

2-K-24-RZ

POSTPONE

- ☒ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: ☒ 30 days ☐ 60 days ☐ 90 days

Postpone the above application(s) until the 4/11/2024 Planning Commission Meeting.

WITHDRAW

- ☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

- ☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

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

Applicant Signature

Scott Davis

Please Print

(865) 693-3356

swd444@gmail.com

Phone Number

Email

STAFF ONLY

Staff Signature

Michael Reynolds

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address



Request to Postpone • Table • Withdraw

Mesana Investments, LLC

2/29/2024

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Date of Request

3/7/2024

Scheduled Meeting Date

2-K-24-RZ

File Number(s)

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swd444@gmail.com

Phone Number

Email

STAFF ONLY

Staff Signature

Michael Reynolds

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

(1) Download and fill out this form at your convenience.
(2) Sign the application digitally (or print, sign, and scan).

(3) Print the completed form and bring it to the
Knoxville-Knox County Planning offices OR email it to
applications@knoxplanning.org

Reset Form

Request to Postpone • Table • Withdraw

Planning
KNOXVILLE | KNOX COUNTY

Mesana Investments, LLC

2/5/2024

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

2/8/2024

Scheduled Meeting Date

File Number(s)

2-K-24-RZ

POSTPONE

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Scott Davis

Please Print

(865) 693-3356

swd444@gmail.com

Phone Number

Email

STAFF ONLY

Staff Signature

Michael Reynolds

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

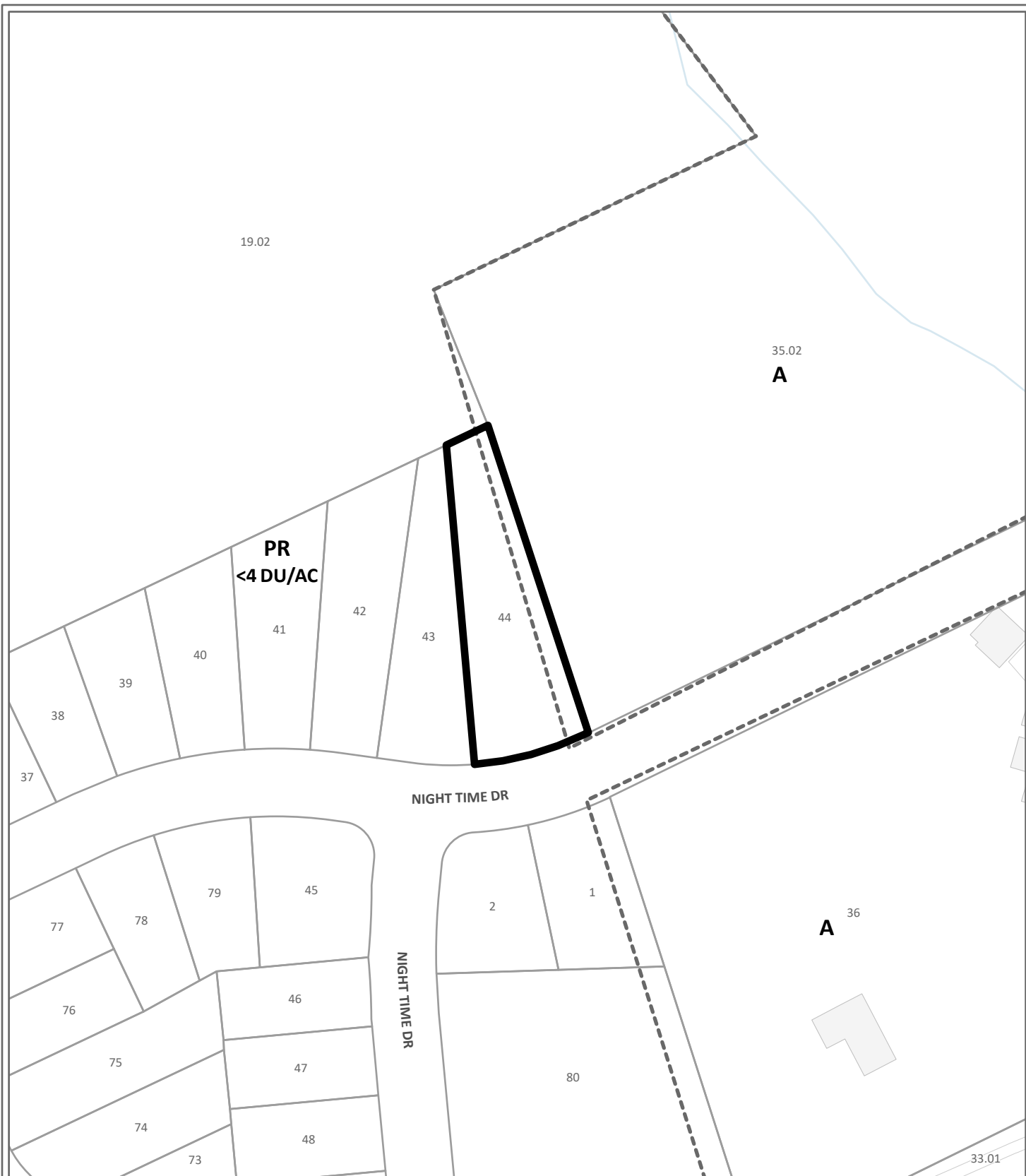
Date:

Payee Name

Payee Phone

Payee Address

October 2022



REZONING

2-K-24-RZ

Petitioner: Mesana Investments, LLC



From: PR (Planned Residential), A (Agricultural)

To: PR (Planned Residential)

Original Print Date: 1/9/2024

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

Map No: 78

Jurisdiction: County

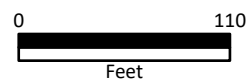


Exhibit A. Contextual Images

Location Map



Aerial Map

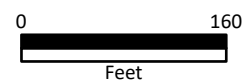


CONTEXTUAL MAPS 1

2-K-24-RZ



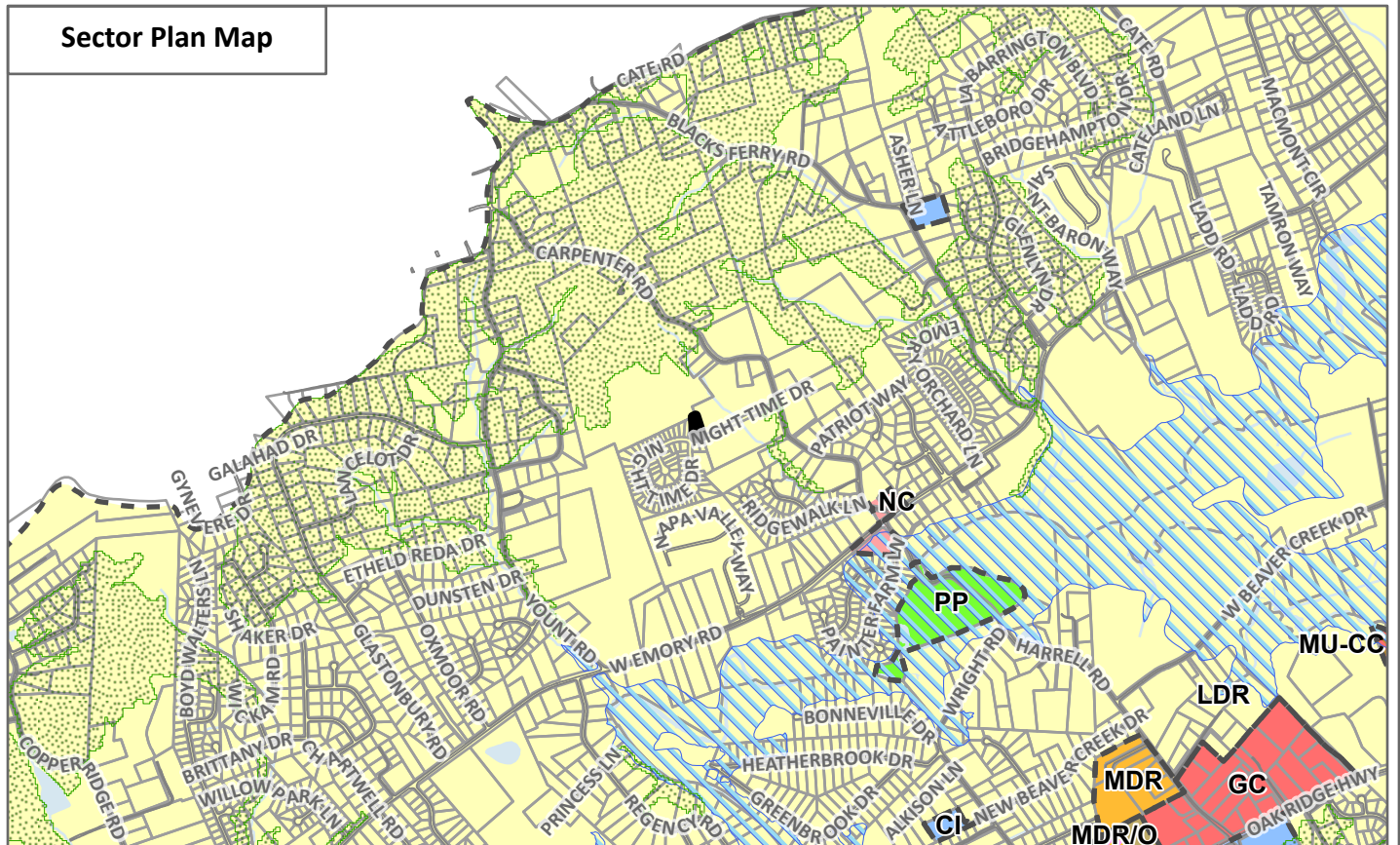
Case boundary



Zoning Map



Sector Plan Map

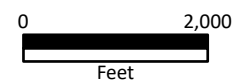


CONTEXTUAL MAPS 2

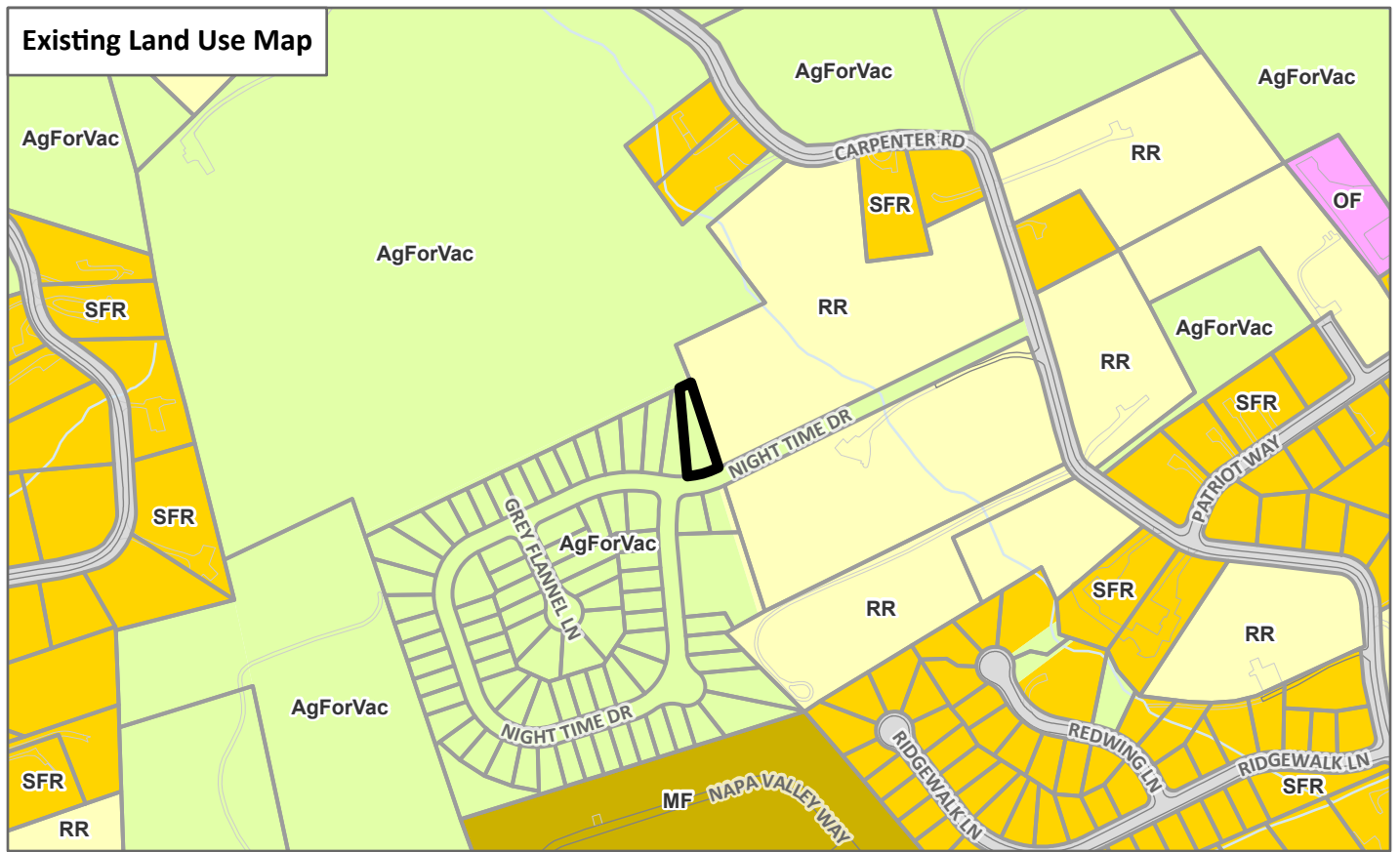
2-K-24-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

2-K-24-RZ



Case boundary

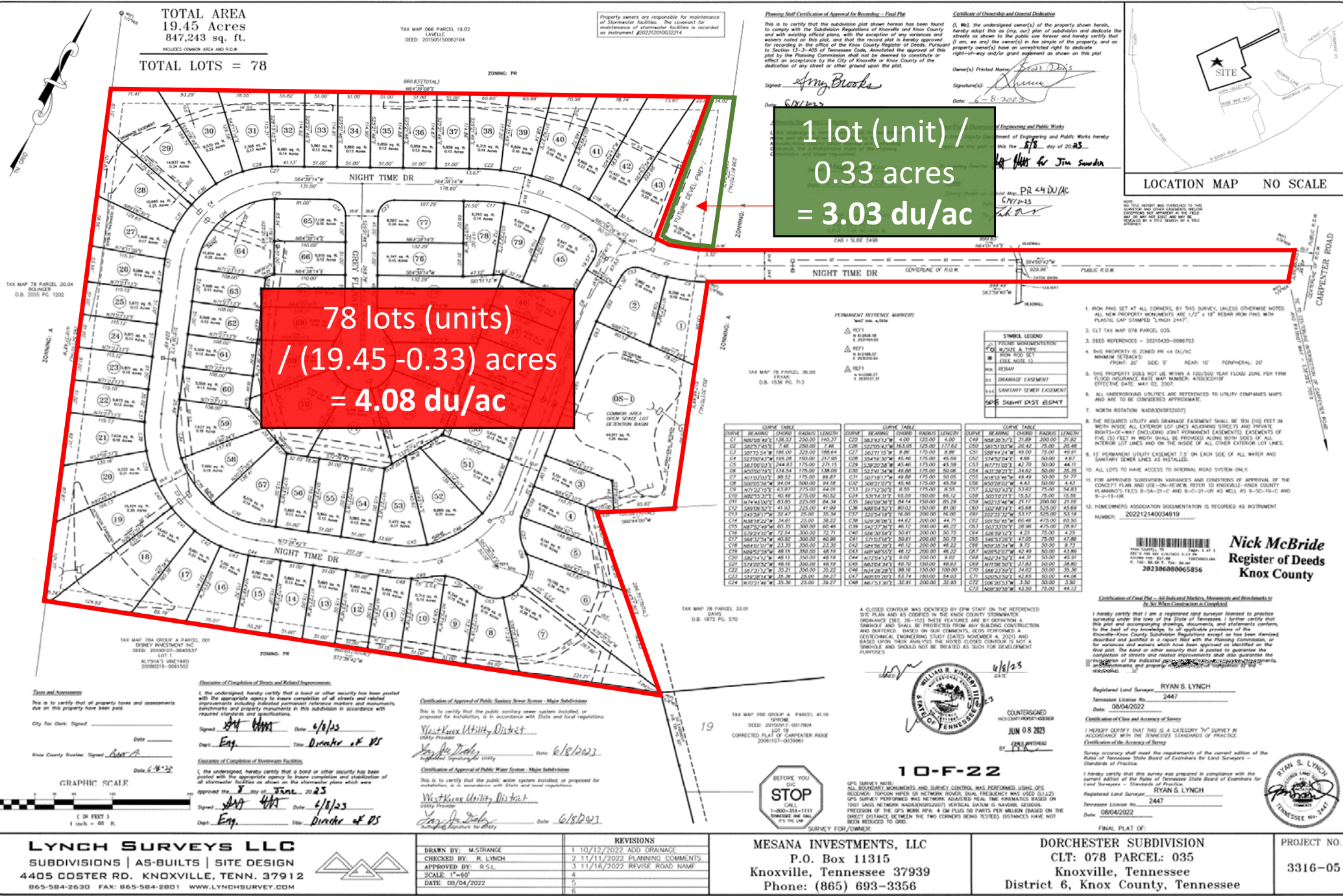


2-K-24-RZ

LYNCH SURVEYS LLC
SUBDIVISIONS | AS-BUILTS | SITE DESIGN
4405 COSTER RD. KNOXVILLE, TENN. 37912
865-584-2630 FAX: 865-584-2801 WWW.LYNCHSURVEY.COM

EXHIBIT C: Density calculations

2-K-24-RZ





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

Mesana Investments, LLC

Applicant Name

Affiliation

1/8/2024

2/8/2024

2-K-24-RZ

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.

Scott Davis Mesana Investments, LLC

Name / Company

P.O. Box 11315 Knoxville TN 37939

Address

865-693-3356 / swd444@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Eagle Bend Development, LLC

PO Box 11315 Knoxville TN 37939

865-693-3356

Owner Name (if different)

Owner Address

Owner Phone / Email

0 NIGHT TIME DR

Property Address

78 A B 044

14371 square feet

Parcel ID

Part of Parcel (Y/N)?

Tract Size

West Knox Utility District

West Knox Utility District

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Night Time Drive, Southwest of Carpenter Road

General Location

☐ City

Commission District 6

PR (Planned Residential), A (Agricultural)

Agriculture/Forestry/Vacant Land, Rural Residential

☒ Count

District

Zoning District

Existing Land Use

Northwest County

LDR (Low Density Residential)

Planned Growth Area

Planning Sector

Sector Plan Land Use Classification

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	PR (Planned Residential)	Pending Plat File Number
	Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)	

up to 4 du/ac

Proposed Density (units/acre)	Previous Zoning Requests
Additional Information	

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
\$650.00	
Fee 2	
Fee 3	

AUTHORIZATION

☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Mesana Investments, LLC	1/8/2024
Applicant Signature	Date

Phone / Email

Eagle Bend Development, LLC	1/8/2024
Property Owner Signature	Date

Download and fill out this form at your convenience.
Sign the application digitally (or print, sign, and scan).

OR either print the completed form and bring it to the
Knoxville-Knox County Planning offices
OR email it to applications@knoxplanning.org

Reset Form



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

Mesana Investments, LLC

Applicant Name		Affiliation
12/7/2023	2/8/2024	File Number(s) 2-K-24-RZ
Date Filed	Meeting Date (if applicable)	

CORRESPONDENCE

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

<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Property Owner	<input type="checkbox"/> Option Holder	<input type="checkbox"/> Project Surveyor	<input type="checkbox"/> Engineer	<input type="checkbox"/> Architect/Landscape Architect
Scott Davis		Mesana Investments, LLC			
Name		Company			
P.O. Box 11315		Knoxville	TN	37939	
Address		City	State	ZIP	
(865) 693-3356		swd444@gmail.com			
Phone		Email			

CURRENT PROPERTY INFO

Eagle Bend Development, LLC	P.O. Box 11315, Knoxville, TN 37939	(865) 693-3356
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
0 Night Time Drive	078AB044	
Property Address	Parcel ID	
WKUD	WKUD	N
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

North side of Night Time Drive, Southwest of Carpenter Road		14,371 square feet
General Location		Tract Size
<input type="checkbox"/> City <input checked="" type="checkbox"/> County	6th	A
District	Zoning District	Existing Land Use
Northwest County	LDR	Planned Growth
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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created

☐ Other (specify) _____

☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

☒ Zoning Change **PR 4 DU/AC**
Proposed Zoning

☐ Plan Amendment Change
Proposed Plan Designation(s)

Pending Plat File Number

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
0801	\$650.00	
Fee 2		
		\$650.00
Fee 3		

AUTHORIZATION

☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

Mesana Investments, LLC

12/7/2023

Please Print

Date

(865) 693-3356

swd444@gmail.com

Phone Number

Email

Property Owner Signature

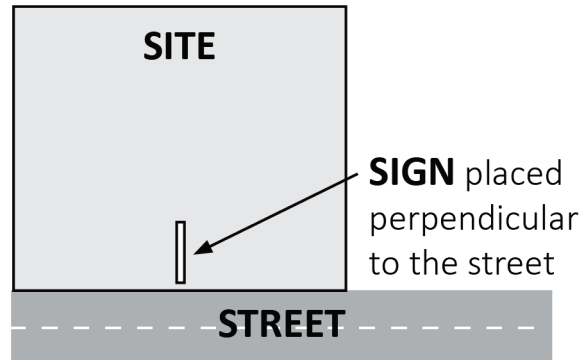
Scott Davis

01/08/2024, SG

Please Print

Date Paid

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:

_____ January 26, 2024 _____ and _____ February 9, 2024 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Mesana Investments, LLC

Date: 01/08/2024

File Number: 2-K-24-RZ



Sign posted by Staff



Sign posted by Applicant