

# REZONING REPORT

► FILE #: 2-K-24-RZ 35 AGENDA ITEM #:

> **AGENDA DATE:** 2/8/2024

APPLICANT: **MESANA INVESTMENTS, LLC** 

Eagle Bend Development, LLC OWNER(S):

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

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

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 Dorchester Subdivision non-compliant with the approved zoning density.

**COMMENTS:** 

AGENDA ITEM #: 35 FILE #: 2-K-24-RZ 1/30/2024 04:34 PM MIKE REYNOLDS PAGE #: 35-1 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. Rezonings 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

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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 3/27/2023. 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.

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# Request to Postpone · Table · Withdraw

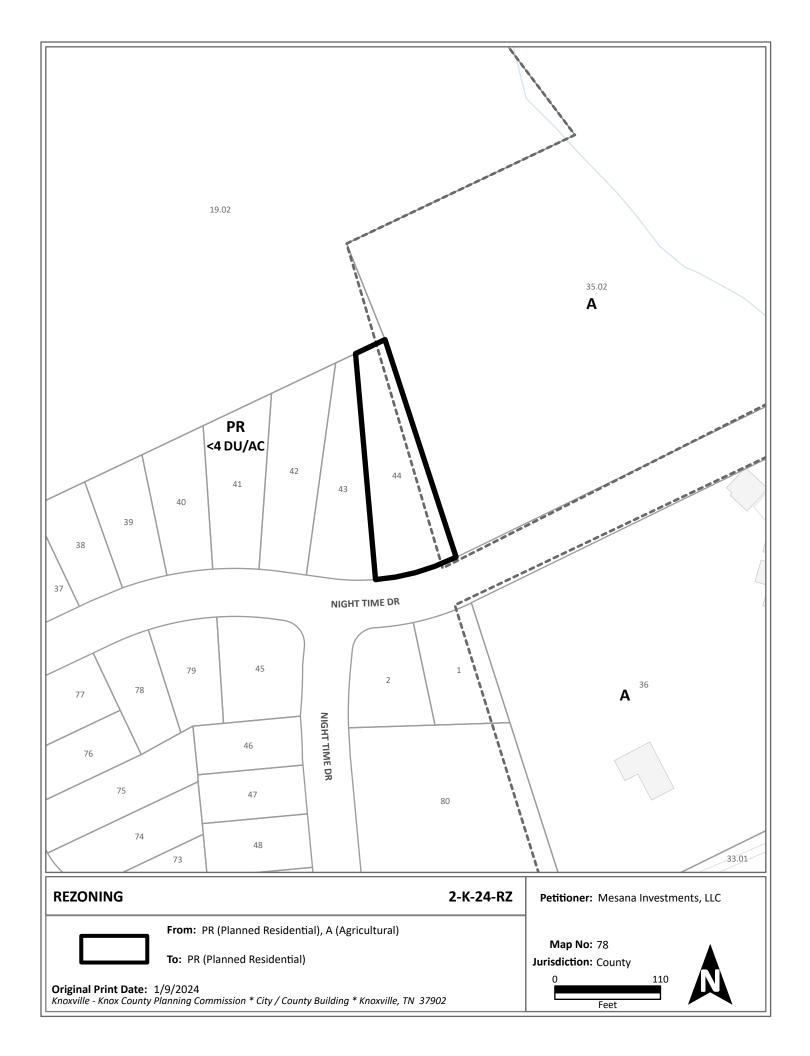


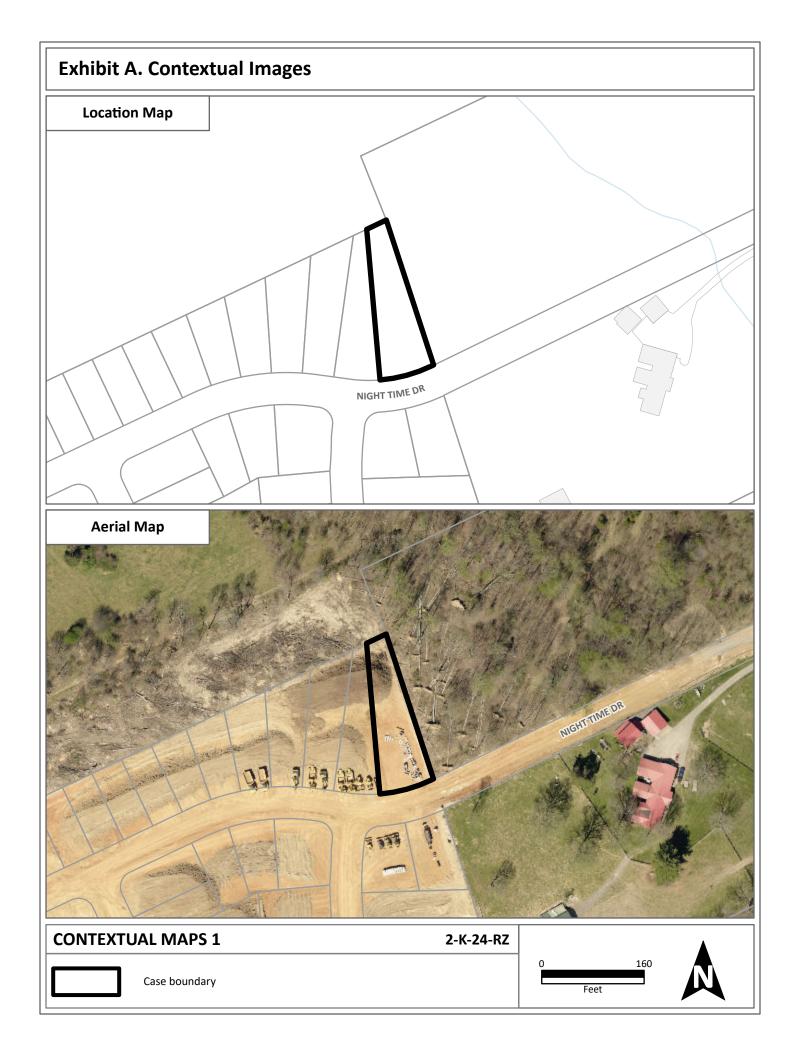
2/5/2024

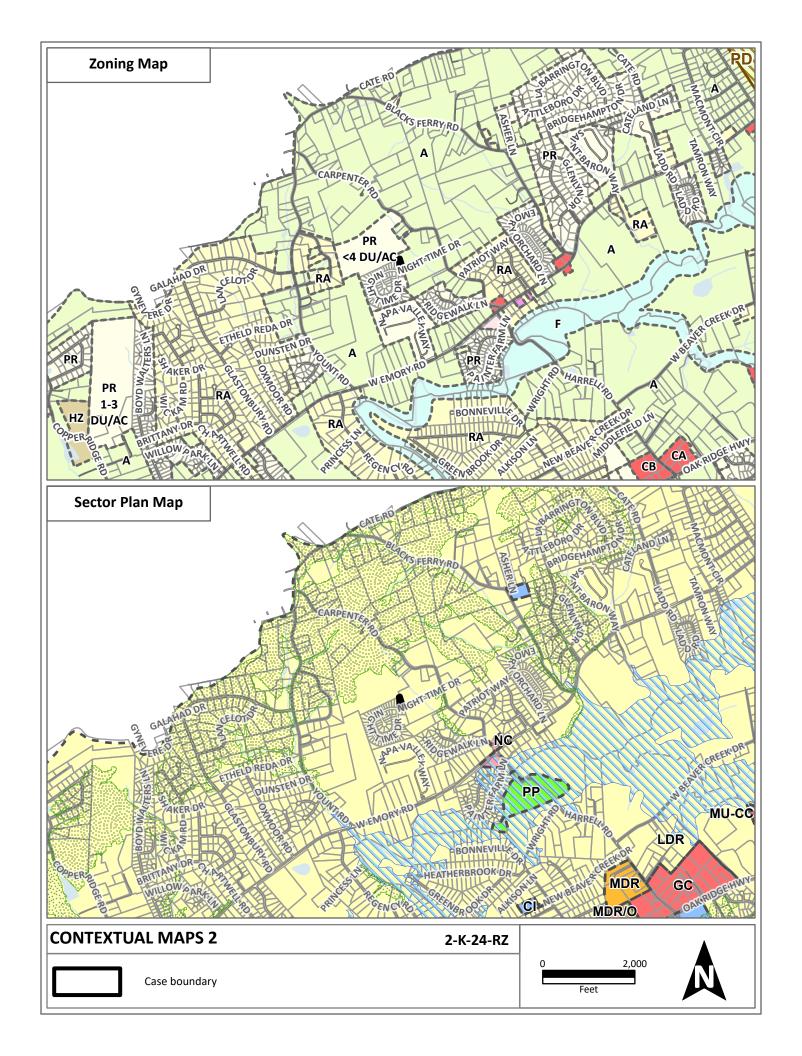
KNOXVILLE I KNOX COUNTY		
	Applicant Name (as it appears on the current Planning Commission	agenda) Date of Request
2/8/2024		File Number(s)
Scheduled Meeting Date	ing Date 2-K-24-RZ	
POSTPONE		
the week prior to the Plannin	are eligible for postponement if the request is received in writing ang Commission meeting. All requests must be acted upon by the e for one 30-day automatic postponement. If payment is not received.	Planning Commission, except new
SELECT ONE: 30 days	60 days	
Postpone the above application(s	(s) until the 3/7/2024 Plann	ing Commission Meeting.
WITHDRAW		
TABLE	or tabling must be acted upon by the Planning Commission before	k will be mailed to the original payee
1	item.	it can be officially tabled. There is
AUTHORIZATION By	signing below, Lcertify I am the property owner, and/or the owner	
AUTHORIZATION By	The Address of the Control of the Co	
Junio	signing below, I certify I am the property owner, and/or the owner	
Junio	signing below, Lcertify I am the property owner, and/or the owner.  Scott Davis	
Applicant Signature	Signing below, Lcertify I am the property owner, and/or the owner  Scott Davis  Please Print	
Applicant Signature (865) 693-3356	Scott Davis Please Print swd444@gmail.com	
Applicant Signature (865) 693-3356 Phone Number	Scott Davis Please Print swd444@gmail.com	

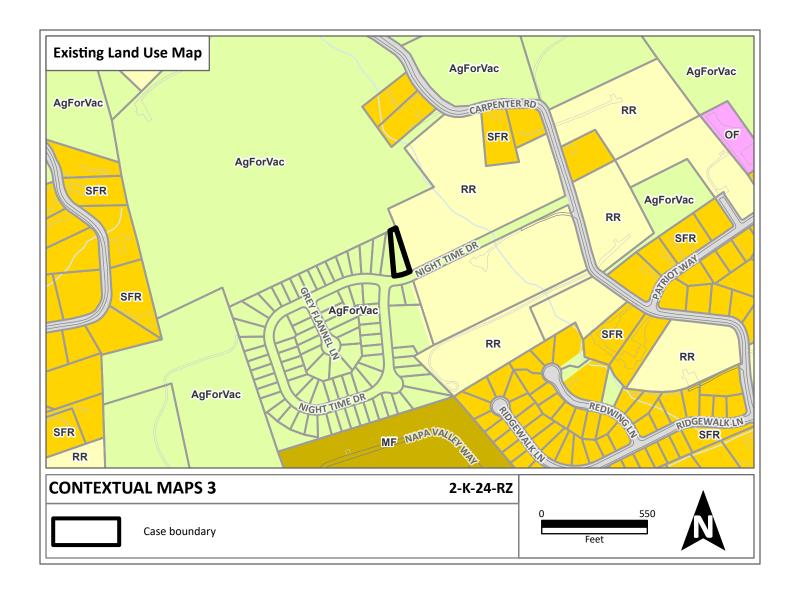
Approved by:

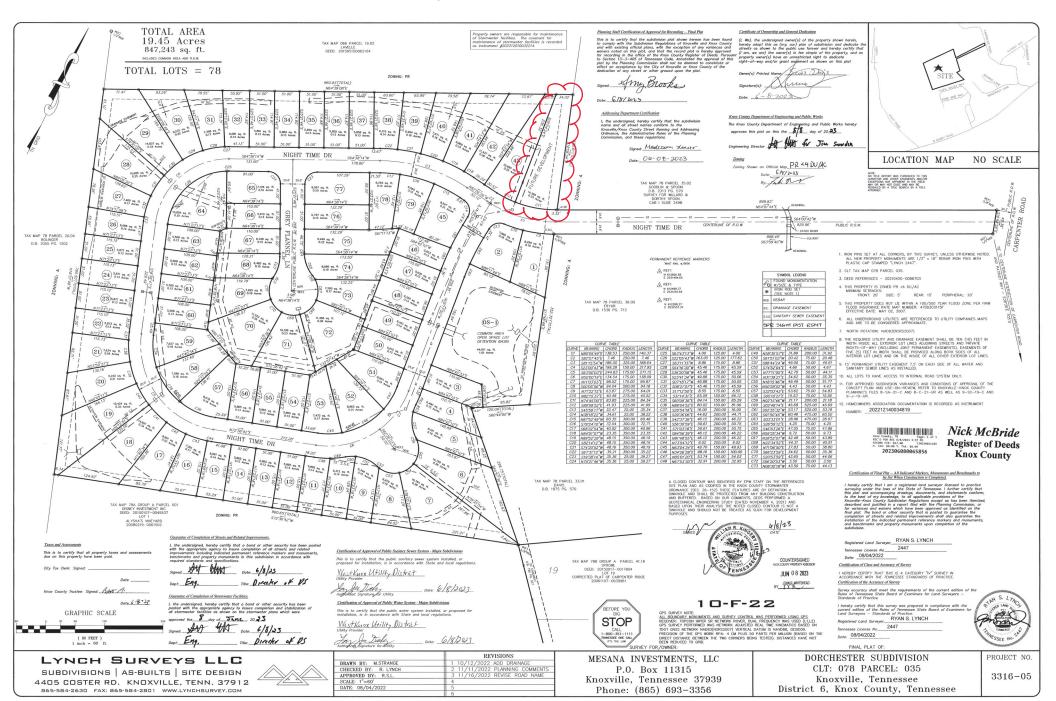
Date:



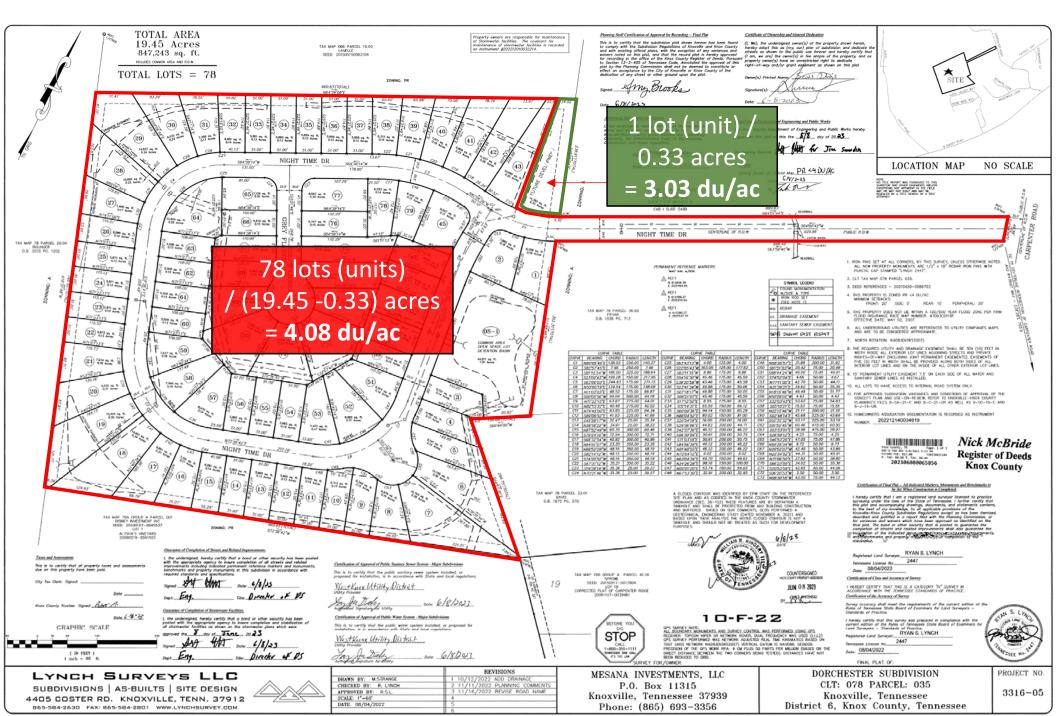








# **EXHIBIT C: Density calculations**





# **Development Request**

		DEVELOPMENT	SUBDIVISION	ZONING
DI	annin	☐ Development Plan	☐ Concept Plan	☐ Plan Amendment
PL	ammi	☐ Planned Development	☐ Final Plat	☐ Sector Plan
KN	OXVILLE I KNOX COUNTY	☐ Use on Review / Special Use		☐ One Year Plan
		$\square$ Hillside Protection COA		Rezoning
Mesana Ir	nvestments, LLC			
Applicant			Affiliation	
1/8/2024		2/8/2024	2-K-24-RZ	
Date Filed		Meeting Date (if applicable)	File Number(s)	
CORRE	SPONDENCE	All correspondence related to this application s	should be directed to the app	proved contact listed below.
Scott Davi	is Mesana Investm			
Name / Co		,		
P.O. Box 1	L1315 Knoxville TN	37939		
Address				
865-693-3	356 / swd444@gm	nail.com		
Phone / Er	mail			
CURRE	NT PROPERTY IN	NFO		
Eagle Ben	d Development, LL	C PO Box 11315 Knoxville TN 3793	39 86	5-693-3356
Owner Na	me (if different)	Owner Address	Ov	vner Phone / Email
0 NIGHT T	IME DR			
Property A	Address			
78 A B 044	4		14	371 square feet
Parcel ID		Part of	Parcel (Y/N)? Tra	act Size
West Kno	x Utility District	West Knox Utility	District	
Sewer Pro	vider	Water Provider		Septic (Y/N)
STAFF (	USE ONLY			
		ve, Southwest of Carpenter Road		
General Lo	ocation			
City	Commission District	t 6 PR (Planned Residential), A (Agricultural)	Agricultur Residentia	e/Forestry/Vacant Land, Rural al
<b>✓</b> Count	District	Zoning District	Existing L	and Use
Northwes	t County	LDR (Low Density Residential)	Planned 0	Growth Area
Planning S	ector	Sector Plan Land Use Classification	Growth Po	olicy Plan Designation

2-K-24-RZ Printed 1/18/2024 9:52:37 AM

DEVELOPMEN	IT REQUEST						
☐ Development P	lan 🗌 Planned D	evelopment	☐ Use on Revie	w / Special Use		Related City	Permit Number(s)
☐ Hillside Protecti	ion COA		Residential	☐ Non-resid	dential		
Home Occupation	(specify)						
Other (specify)							
SUBDIVSION I	REQUEST						
						Related Rezo	oning File Number
Proposed Subdivisi	ion Name					-	
Unit / Phase Numb	per		Tota	al Number of Lot	ts Created	1	
Additional Informa	ition						
Attachments / A	Additional Requirem	ents					
ZONING REQU	JEST						
✓ Zoning Change	PR (Planned Resid	dential)				Pending P	lat File Number
	Proposed Zoning					-	
Plan							
Amendment	Proposed Plan D	esignation(s)					
up to 4 du/ac							
Proposed Density ( Additional Informa		ous Zoning Re	equests				
STAFF USE ON	ILY				<u> </u>		
PLAT TYPE	Dlamain - Car				Fee 1		Total
☐ Staff Review	☐ Planning Co	nmission			\$650.00		
ATTACHMENTS  Property Owner	s / Option Holders	☐ Varian	nce Request		Fee 2		
ADDITIONAL R							
☐ COA Checklist (I	-						
_	tification (Final Plat)				Fee 3		
☐ Site Plan (Devel	opment Request)						
·	/ Special Use (Conce	pt Plan)					
AUTHORIZATI	ON						
	enalty of perjury the	foregoing is tre	ue and correct: 1) He,	/she/it is the own	ner of the pro	perty, AND 2) th	ne application and
all associated ma	aterials are being sub						
Applicant Signature		Mesana In Please Prin	ivestments, LLC				<b>1/8/2024</b> Date
Applicant signatur		i icase Filli	it				Date
Phone / Email							
		Eagle Bend	d Development, LLC	:			1/8/2024
Property Owner Si	gnature	Please Prin	nt				Date

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ij Download and jiir out tilis jorin at your convenience. ?) Sign the application digitally (or print, sign, and scan).

(5) Either print the completed joint and bring it to the **Knoxville-Knox County Planning offices** OR email it to applications@knoxplanning.org

**Reset Form** 

11	-			
	214	1		
	din			
к	(NOXVILLE I	KNOX C	OUNTY	

Applicant Name

Date Filed

Applicant

**Property Address** 

**Planning Sector** 

WKUD

Name

Address

Phone

	Developm	ient ke	eque	ST
Planning KNOXVILLE I KNOX COUNTY	DEVELOPMENT  ☐ Development Plan  ☐ Planned Development  ☐ Use on Review / Special  ☐ Hillside Protection COA	SUBDIN □ Cond □ Fina	<b>/ISIŌN</b> cept Plan	ZONING  ☐ Plan Amendment ☐ SP ☐ OYP  ■ Rezoning
Mesana Investments, LLC				
Applicant Name			Affiliati	on
12/7/2023	2/8/2024			File Number(s)
Date Filed	Meeting Date (if applicab	le)	2-	-K-24-RZ
CORRESPONDENCE	l correspondence related to this app	olication should be di	rected to the ap	proved contact listed below.
Applicant Property Owne	r 🗌 Option Holder 🔲 Project	t Surveyor 🔲 Engir	neer 🗌 Archi	tect/Landscape Architect
Scott Davis		Mesana Investi	ments, LLC	×
Name		Company		
P.O. Box 11315		Knoxville	TN	37939
Address		City	State	ZIP
(865) 693-3356	swd444@gmail.com	ı		
Phone	Email			
CURRENT PROPERTY INFO				II.
Eagle Bend Development, LL	.C P.O. Box 113	15, Knoxville, TN	37939	(865) 693-3356
Property Owner Name (if different	) Property Owner	Property Owner Address		
0 Night Time Drive		078AB0	144	
Property Address		Parcel ID		
WKUD	WKU	D		N
Sewer Provider	Water Provider			Septic (Y/N
STAFF USE ONLY				
North side of Night Time [	Drive, Southwest of Carper	 nter Road	14,371	square feet
General Location	int, common or ourpor		Tract S	ize
6th	Α	AgFo	orVacant	
☐ City County ☐ District	Zoning District	Existing	g Land Use	
Northwest County	LDR		Pla	nned Growth

Sector Plan Land Use Classification

Growth Policy Plan Designation

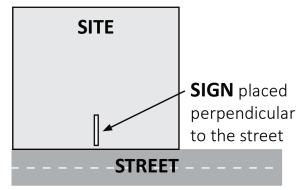
DEVELOPMENT REQUEST					
☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA ☐ Residential ☐ Non-Residential  Home Occupation (specify)			Related Ci	ty Permit Number(s)	
Other (specify)					
SUBDIVISION REQUEST					
				Related Re	ezoning File Number
Proposed Subdivision Name				-	
Unit / Phase Number	s 🗌 Divide Parcel ———				
Unit / Phase Number	Total Nu	umber of Lots	Created		
Other (specify)					
☐ Attachments / Additional Requirements					
ZONING REQUEST					
PR 4 DU/AC	PG			Pending	g Plat File Number
Zoning Change Proposed Zoning					
☐ Plan Amendment Change	7000: rev 120 Vas tr				
Proposed Plan	Designation(s)				
Proposed Density (units/acre)	Previous Rezoning Requests				<u> </u>
Other (specify)	#				
STAFF USE ONLY					
PLAT TYPE		Fee 1			Total
☐ Staff Review Planning Commission	ì	0801	\$650	.00	
ATTACHMENTS		Fee 2			фо <u>го</u> 00
☐ Property Owners / Option Holders ☐ V  ADDITIONAL REQUIREMENTS	ariance Request		Ÿ		\$650.00
☐ Design Plan Certification (Final Plat)		*			
☐ Use on Review / Special Use (Concept Plan	n)	Fee 3			
☐ Traffic Impact Study ☐ COA Checklist (Hillside Protection)			1		
AUTHORIZATION		30	- V		
I declare under penalty of perjury the foregoing the	ing is true and correct:				
1) He/she/jt/is the owner of the property AND	2) The application and all associate	ed materials are	being submit	ted with his/	her/its consent
Vinde	Mesana Investme	nts, LLC		12/7	7/2023
Applicant Signature	Please Print	HEART VICTOR 24		Date	1.6 Margaretan
(865) 693-3356/	swd444@gmail.co	om			
Phone Number	Email				
Marken &	Scott Davis			01/08/2	2024, SG
Property Owner Signature	Please Print			Date	



# Sign Posting & Removal Requirement

Revised April 2021

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-ofway 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		Sign posted by Staff
File Number: 2-K-24-RZ		Sign posted by Applicant