

REZONING REPORT

► **FILE #:** 10-J-26-RZ

AGENDA ITEM #: 14

AGENDA DATE: 10/1/2026

► **APPLICANT:** NICANOR GONZALES III

OWNER(S): Nicanor Gonzales III Shady Hollow Holdings

TAX ID NUMBER: 144 00713 (PARTIAL)

[View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 721 FOX RD

► **LOCATION:** East side of Fox Rd, north of Emory Church Rd

► **APPX. SIZE OF TRACT:** 1 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Fox Road, a major collector with 24-27 ft of pavement width within a right-of-way width that varies from 55-57 ft.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Sinking Creek

► **CURRENT ZONING:** A (Agricultural)

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

► **EXISTING LAND USE:** Single Family Residential, Water

►
EXTENSION OF ZONING: Yes, it is an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND
USE AND ZONING: North: Water, rural residential - RA (Low Density Residential), A (Agricultural)

South: Single family residential - A (Agricultural), F (Floodway)

East: Rural residential - A (Agricultural)

West: Water - RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: The subject property is in a residential area consisting of single family subdivisions, rural residences, and multifamily developments near Fort Loudon Lake. Sinking Creek West lies within the subject property boundaries. Concord Park is 0.23 miles to the south, and East Tennessee Children's Hospital is 0.7 miles to the southeast.

STAFF RECOMMENDATION:

► **Deny the RA (Low Density Residential) zone due to environmental constraints with the site.**

COMMENTS:

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 CITY/COUNTY GENERALLY:

1. Development along Fox Road is characterized by established rural residences and an increasing number of subdivision developments. Recent residential developments include the Fox Garden Subdivision 0.19 miles to the north and the Fox Road Subdivision 0.6 miles to the north.
2. In the 5 past years, there have been 16 reported vehicular crashes at the intersection of Fox Road and Emory Church Road, 4 of which resulted in injuries 50 feet from the subject property. A summary from the Transportation Crash Map is provided as Exhibit B, where some crash sites overlap.
3. Over half of the subject property is within a floodplain or a TVA flowage easement (see Exhibit C). Significant limitations to developable land do not support more residential intensity on this property.

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

1. The requested RA (Low Density Residential) zone is intended for residential areas with low population densities. The RA zone would allow for this property to be subdivided into 2 parcels by right with connection to the nearby sewer line. Subdividing the property to create additional lots would be inconsistent with the environmental constraints of the site.
2. Although the A (Agricultural) zone allows 1 dwelling unit per acre, it is noteworthy that a single-family home would be permitted by right on this property due to the Knox County Board of Zoning Appeals' ruling to allow a lot intensity reduction to 0.59 acres per dwelling (March 28, 2007).
3. 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 would be compatible with the surrounding land uses.

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. Environmental conditions significantly constrain this site. A tributary of Sinking Creek West extends under Emory Church Road/Fox Road to form a smaller tributary on the west side of the subject property. At the tributary's 813-ft normal pool elevation (the typical or target water level maintained under normal conditions), more than half of the property (0.653 of the total 1 acres) is under water. An even greater portion of the property is in a FEMA 100-year floodplain.
2. The site is additionally limited by a TVA flowage easement, which treats any structure or activity as an obstruction affecting navigation, flood control, or public lands. (TVA Code of Federal Regulations, Title 18, Section 1304.300). Accordingly, no permanent structures may be constructed below the flowage easement contour (i.e., 820-ft elevation) without TVA approval.
3. Buildability is further constrained by an overhead utility power line along the property's eastern property line.
4. With the combination of limited buildable land and a heightened risk of flooding events for residents, an increase in residential intensity is not warranted on this site.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN OF KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

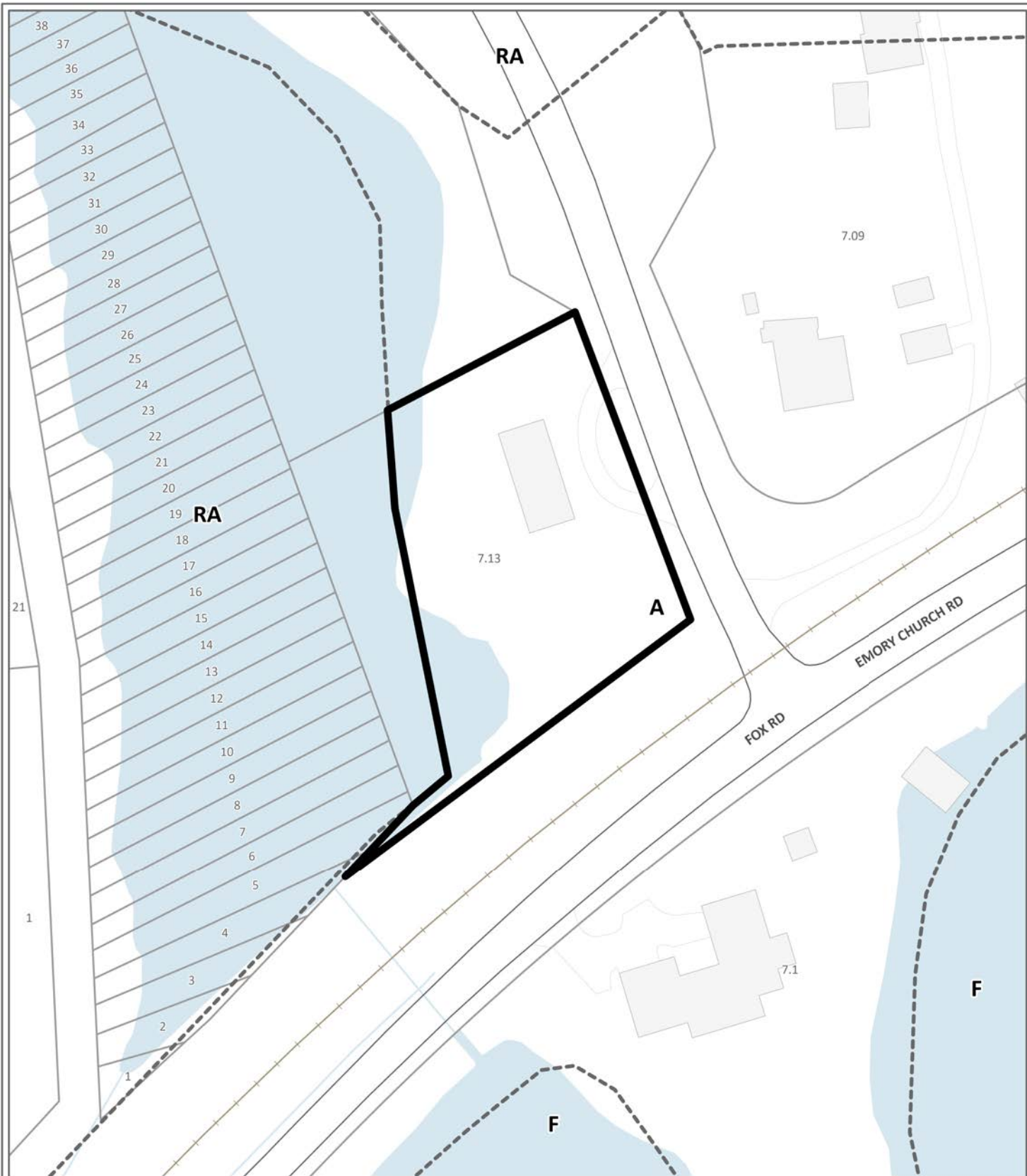
1. The County's Comprehensive Plan assigns the SR (Suburban Residential) place type to this property, which permits consideration of the RA zone. However, adding residences to an area prone to flooding contradicts the intent of the Comprehensive Plan's Implementation Policy 9.3, to focus growth in areas already served by adequate infrastructure.
2. The property is in the Planned Growth Area of the Growth Policy Plan, which calls for coordinated action of development with adequate roads, utilities, schools, drainage and other public facilities and services. Adding residences to an area prone to flooding does not support the intent of the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: A. L. Lotts Elementary, West Valley Middle, and Farragut High.

If approved, this item will be forwarded to Knox County Commission for action on 11/9/2026. 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.



REZONING

10-J-26-RZ

Petitioner: Nicanor Gonzales III



From: A (Agricultural)

To: RA (Low Density Residential)

Original Print Date: 8/21/2026

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

Map No: 144

Jurisdiction: County

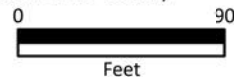


Exhibit A. Contextual Images



AERIAL MAP



Case boundary

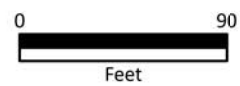
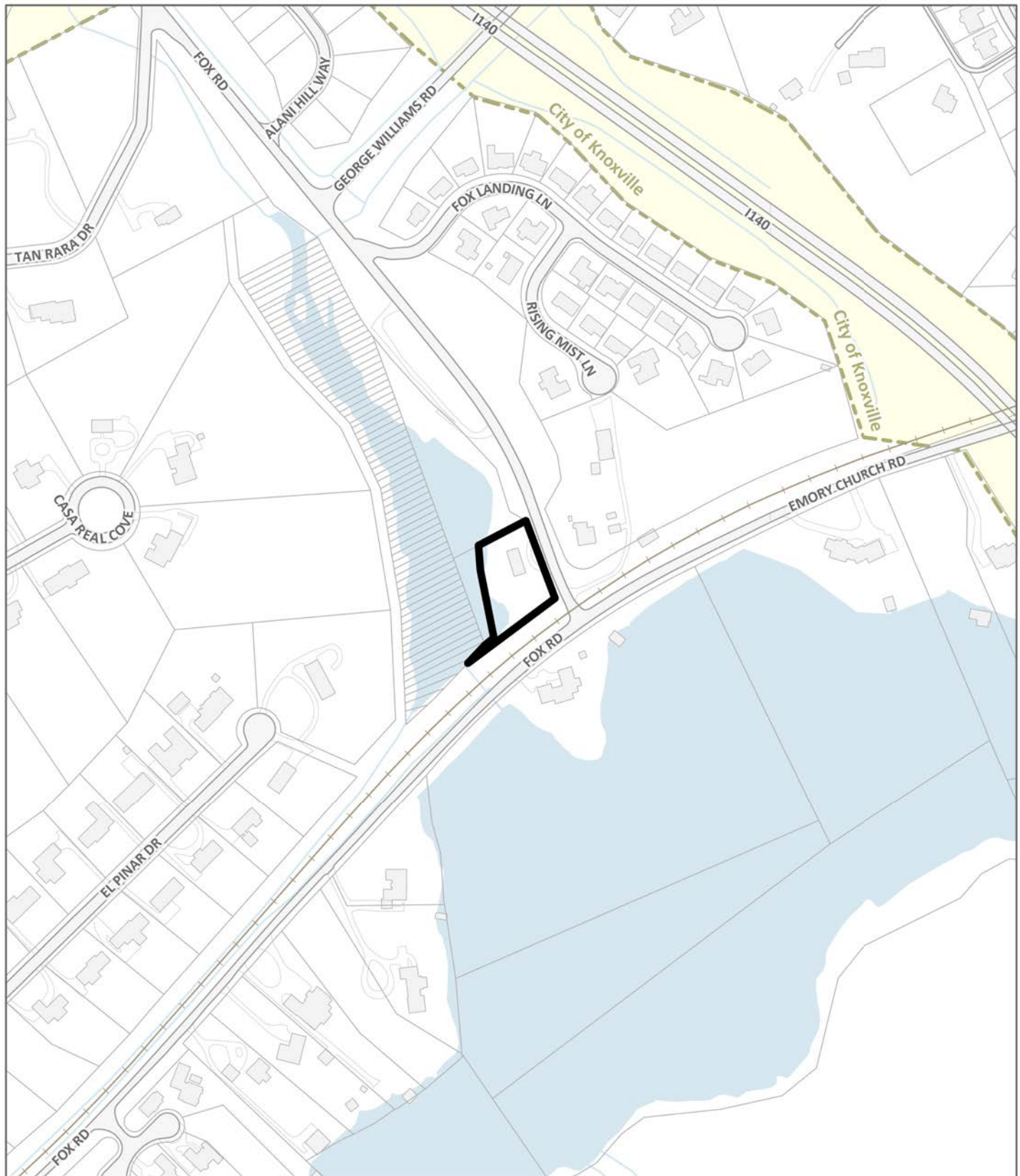


Exhibit A. Contextual Images

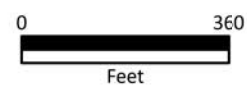


LOCATION MAP

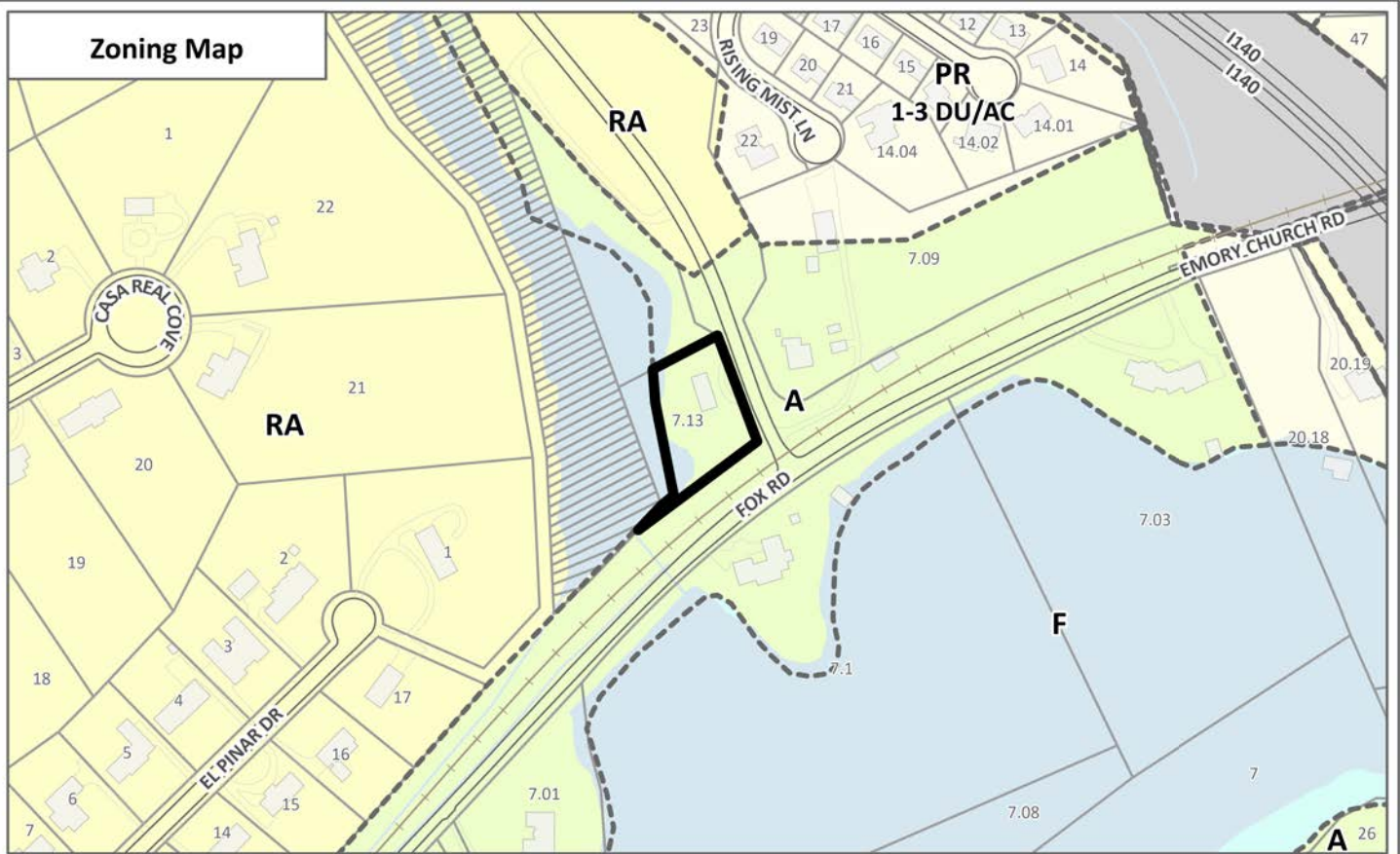
10-J-26-RZ



Case boundary



Zoning Map



Comprehensive Plan Map

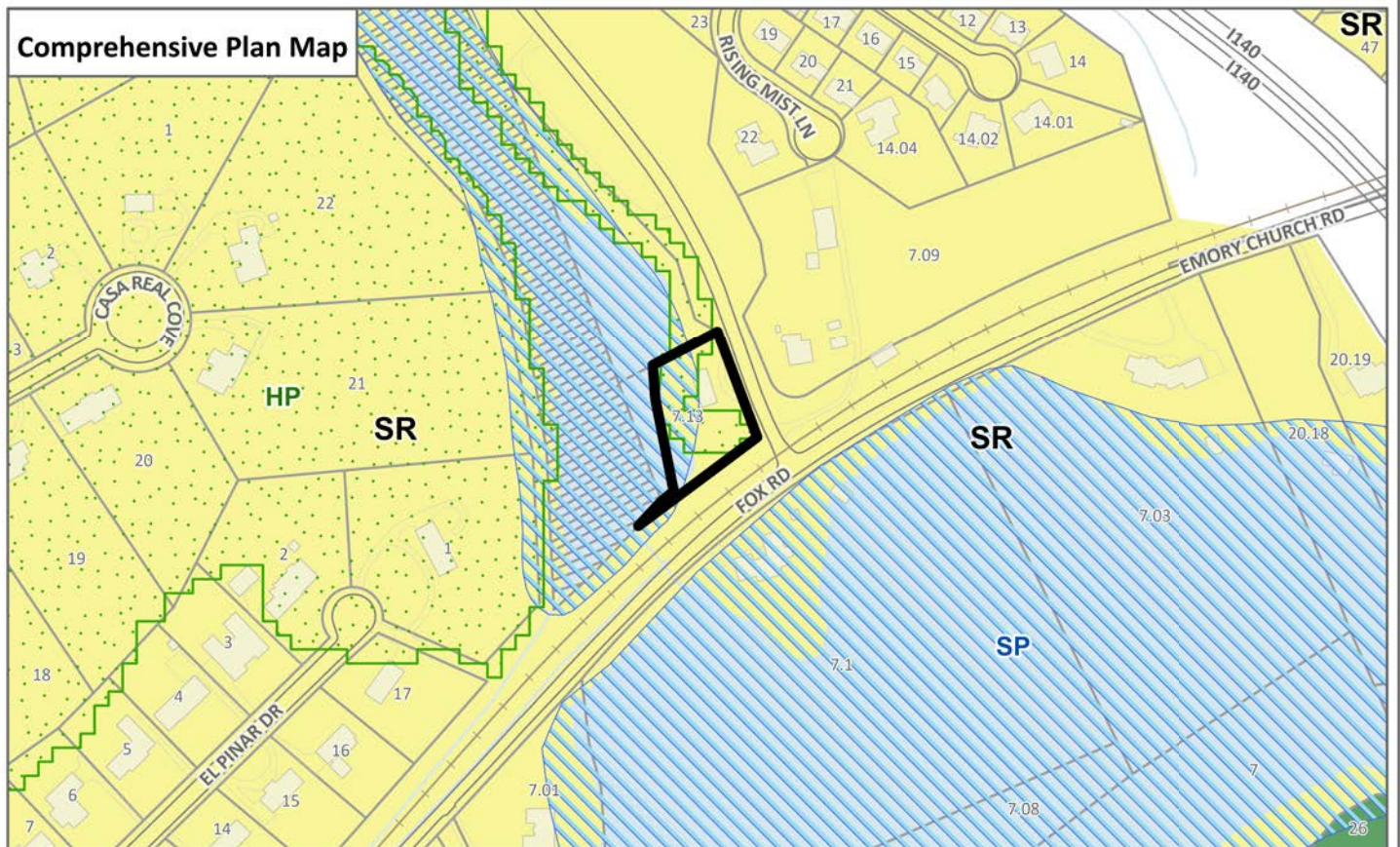
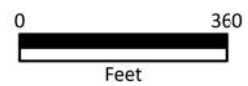


EXHIBIT A, CONTEXTUAL MAPS

10-J-26-RZ



Case boundary



Existing Land Use Map

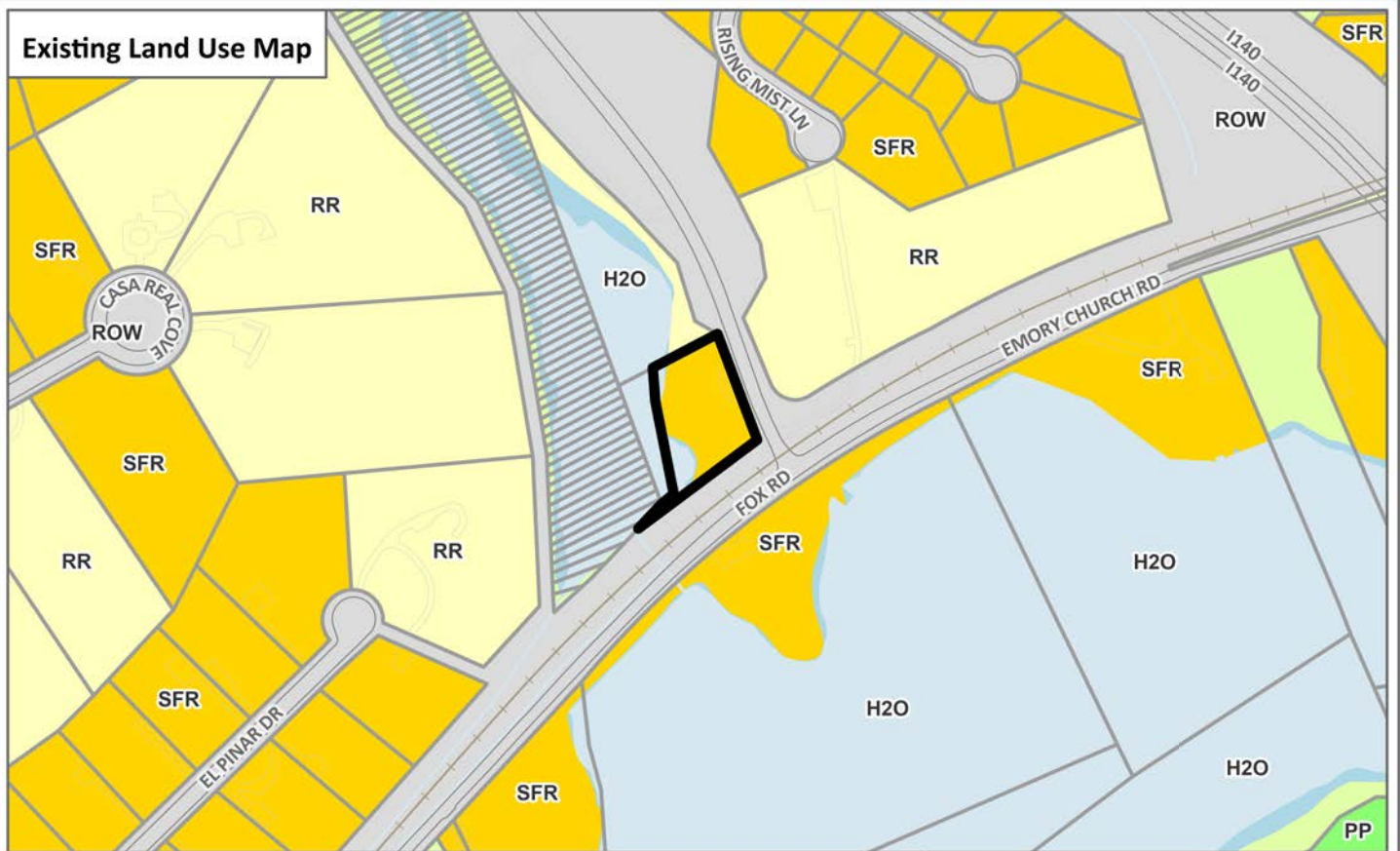
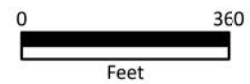


EXHIBIT A, CONTEXTUAL MAPS

10-J-26-RZ



Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	0.78		
Non-Hillside	0.38	N/A	
0-15% Slope	0.07	100%	0.07
15-25% Slope	0.22	50%	0.11
25-40% Slope	0.08	20%	0.02
Greater than 40% Slope	0.02	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	0.40	Recommended disturbance budget within HP Area (acres)	0.20
		Percent of HP Area	51.0%

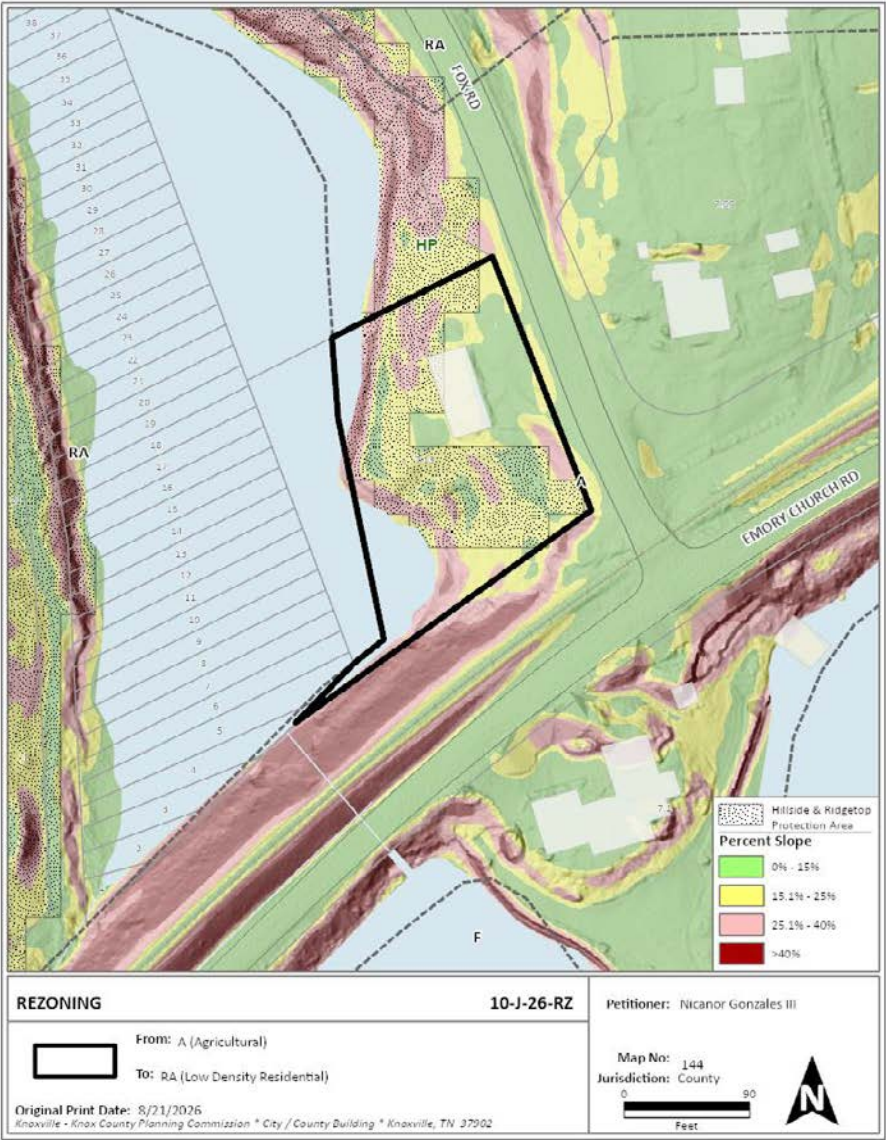
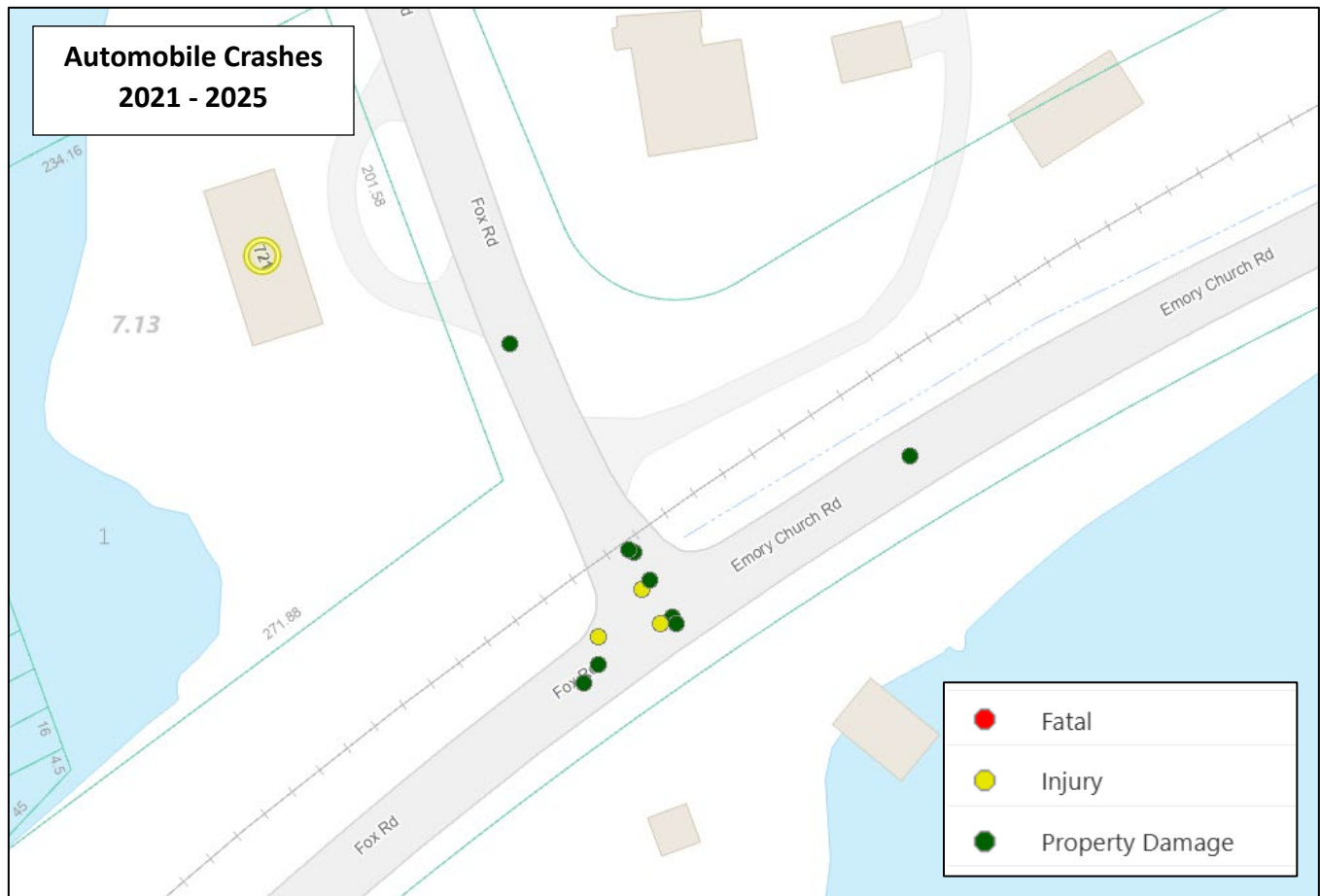


Exhibit B. Automobile Crashes



Crash Count: 16



Exhibit C . Plat showing the acreage of land above the TVA Flowage Easement

CERTIFICATE OF OWNERSHIP AND GENERAL DEDICATION

(I, WE), THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREIN, HEREBY ADVERTISE AS MY PLAN OF SUBDIVISION AND DEDICATE THE STREETS AS SHOWN TO THE PUBLIC USE FOREVER AND HEREBY CERTIFY THAT I AM OWNER IN FEE SIMPLE OF THE PROPERTY, AND AS PROPERTY OWNER HAVE AN UNRESTRICTED RIGHT TO DEDICATE RIGHT-OF-WAY AND/OR GRANT EASEMENTS AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL RESTRICTIVE COVENANTS, IF ANY, WHICH APPLY TO THE LOTS ARE EITHER SHOWN ON THE PLAN OR ARE REFERRED TO THEREON, WITH COPIES OF THE REFERRED TO COVENANTS FILED WITH THE KNOX COUNTY REGISTER OF DEEDS.

Lloyd W. Smith
SIGNATURE
Patricia Fox Smith
SIGNATURE

ZONING SHOWN ON OFFICIAL MAP A

DATE 3-13-07 BY Emily Diller

OWNED AND ASSESSMENTS: CERTIFICATION THAT TAXES AND ASSESSMENTS HAVE BEEN PAID SHALL BE AS FOLLOWS:

THIS IS TO CERTIFY THAT ALL PROPERTY TAXES AND ASSESSMENTS DUE ON THIS PROPERTY HAVE BEEN PAID.

SIGNED: CITY TAX CLERK DATE:

SIGNED: Fred Vick RAB 05/14/07
KNOX COUNTY TRUSTEE

SUBDIVISION NAME AND STREET NAMES CONTAINED HEREIN IN REVIEWED AND APPROVED.

DATE March 13, 2007

BY: Shirley Mase
KNOXVILLE KNOX COUNTY
METROPOLITAN PLANNING COMMISSION

IN THE CITY OF KNOXVILLE AND SEMI-REAR AREAS OF KNOX COUNTY.

THIS IS TO CERTIFY THAT THE SUBDIVISION SHOWN HEREON IS APPROVED SUBJECT TO THE INSTALLATION OF SIGNATORY SERIES AND TREATMENT FACILITIES, AND THAT SUCH INSTALLATION SHALL BE IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.

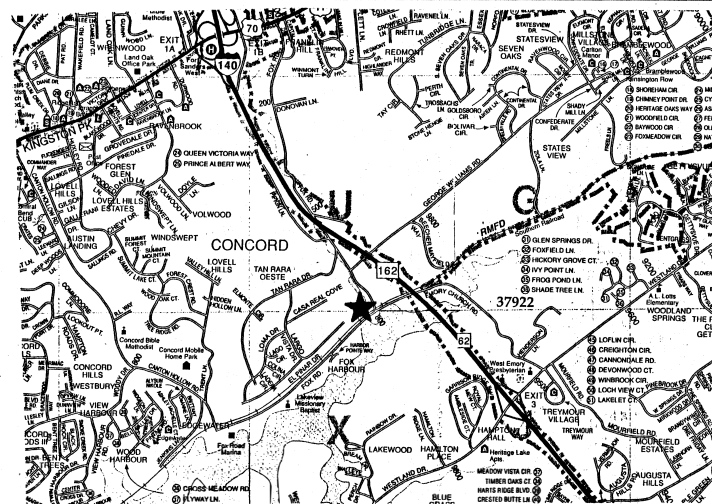
DATE 2-14-07 Ronnie Nease (s)
KNOX COUNTY HEALTH DEPARTMENT

NOTES:

1. SUBJECT TO EASEMENTS OR RIGHT-OF-WAYS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT SHOWN BY THE PUBLIC RECORDS.
2. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON, NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THIS SURVEYOR, THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.
3. PROPERTY ZONED A (AGRICULTURAL ZONE). PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS, PLANNING COMMISSION REGULATIONS, ZONING ORDINANCES, RIGHTS-OF-WAY, EASEMENTS, AND BUILDING SETBACK REQUIREMENTS, IF ANY, AFFECTING SAID PROPERTY.
4. ONLY THOSE FEATURES CLEARLY EVIDENT UPON THE SURFACE OF THE GROUND AND/OR NOTED IN THE DEED REFERENCED HEREON ARE SHOWN.
5. 1 LOT CONTAINING 1.243 ACRES
6. REFERENCE: WARRANTY DEED BOOK 1870, PAGE 31
7. UTILITY AND DRAINAGE EASEMENTS OF 10 FEET ON INSIDE OF ROAD RIGHT-OF-WAYS AND OUTSIDE BOUNDARY LINES
8. CATEGORY "I" SURVEY; RATIO OF PRECISION 1:10,000.

SHERRY WITT
REGISTER OF DEEDS
KNOX COUNTY

T.D.O.T.



LOCATION MAP (N.T.S.)

2-DD-07
M557207AA

OWNER: PATRICIA FOX SMITH and
LLOYD W. SMITH
720 FOX ROAD
KNOXVILLE, TN. 37922
PHONE: 966-8313

COUNTERSIGNED

APR 09 2007

WITTEN RE WHITEHEAD
KNOX COUNTY
PROPERTY ASSESSOR
BY: AW

THE KNOX COUNTY BOARD OF ZONING APPEALS APPROVED ON MARCH 28, 2007, A WAIVER OF LOT INTENSITY FROM 1 ACRE PER DWELLING TO 0.59 ACRE PER DWELLING ABOVE 813 CONTOUR.

CERTIFICATE OF APPROVAL FOR RECORDING-ONE LOT SUBDIVISION

THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS IN KNOXVILLE AND KNOX COUNTY, AND WITH EXISTING OFFICIAL PLANS, AND THE RECORD PLAT IS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE KNOX COUNTY REGISTER OF DEEDS.

SIGNED: Mark Davidson
DATE: 4/9/07

PROPERTY OF
PATRICIA FOX SMITH and
LLOYD W. SMITH

DISTRICT 6, KNOX CO., TN.
TAX MAP 144, PART OF PARCEL 7.09
DATE: JAN. 17, 2007

TROTTER-MCCLELLAN, INC.
Land Surveyors
3329 W. GOV. JOHN SEVIER HWY.
KNOXVILLE, TN. 37920
PHONE: 577-1244
FAX: 577-1245

DRAWING NO. 07-011

CERTIFICATION OF FINAL PLAT-CONSTRUCTION COMPLETE

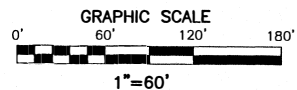
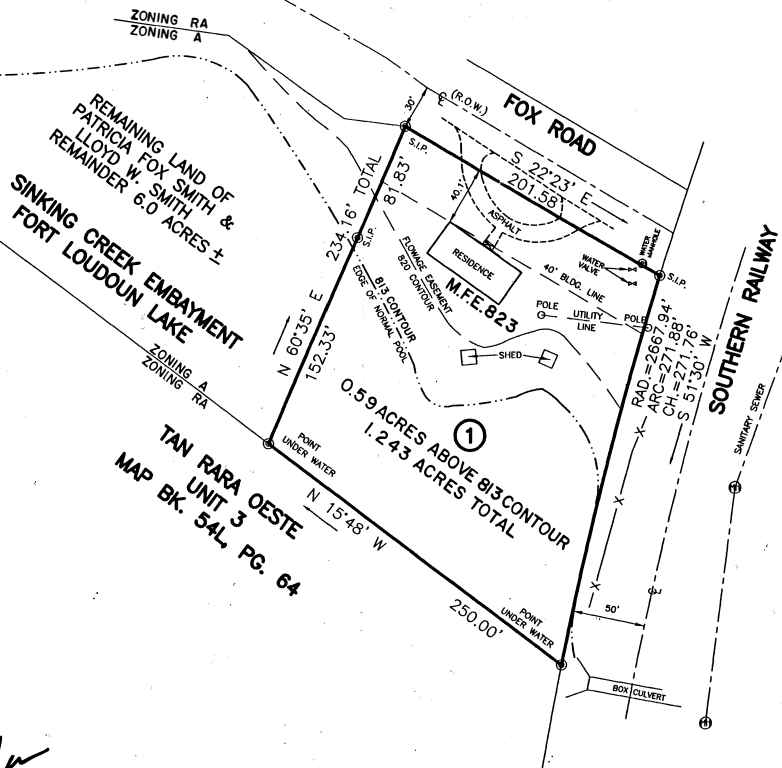
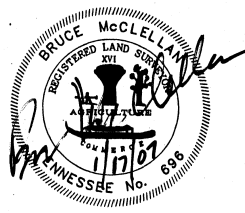
I HEREBY CERTIFY THAT I AM A SURVEYOR LICENSED TO DO SURVEYING UNDER THE LAWS OF THE STATE OF TENNESSEE. I FURTHER CERTIFY THAT THIS PLAN AND ACCOMPANYING DRAWINGS, DOCUMENTS, AND STATEMENTS CONFORM TO ALL APPLICABLE PROVISIONS OF THE KNOXVILLE/KNOX COUNTY SUBDIVISION REGULATIONS EXCEPT AS HAS BEEN REMOVED, DESCRIBED AND JUSTIFIED IN A REPORT FILED WITH THE METROPOLITAN PLANNING COMMISSION, OR FOR VARIANCES FOR WHICH APPLICATION HAS BEEN FILED. THE INDICATED MONUMENTS WERE IN PLACE ON THE 17 DAY OF April, 2006

Bruce McClellan
SURVEYOR
TENNESSEE CERTIFICATE NO. 696

CERTIFICATE OF CLASS AND ACCURACY OF SURVEY.

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE ADJUSTED SURVEY IS 1: 10,000 AS SHOWN THEREON.

Emily Diller
SURVEYOR
TENNESSEE REG. NO. 696



Public Notice and Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). The contact information you provide in your application may be used for that purpose. We require applicants to acknowledge their role in this process.

Sign Posting and Removal

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.

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.

Acknowledgement

By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

9/19/26

Date to be Posted

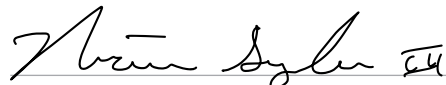
10/2/2026

Date to be Removed

Have you engaged the surrounding property owners to discuss your request?

☐ Yes ☐ No

☒ No, but I plan to prior to the Planning Commission meeting


Applicant Signature

Nicandro Gonzalez
Applicant Name

8/14/26
Date