

Paragraph 5.3 of the Growth Policy Plan (GPP) states, “Rezoning in the Planned Growth Area SHALL BE CONSISTENT with the adopted land use map and comprehensive plan adopted by the Knoxville-Knox County Planning Commission and legislative bodies.” [Emphasis Added]

This area is designated as being in the Rural Living placetype on the Future Land Use Map. In Appendix H of the Knox County Comprehensive Land Use and Transportation Plan (CLUTP), the only Planned Residential Zoning District related to the Rural Living placetype is PR (1-2) at one to two units per acre. The PR (2-5) being “Partially Related” was removed from the Table in Appendix H by an amendment approved by a 10 – 1 vote by the Knox County Planning Commission. Thus, the CLUTP only allows for up to two units per acre on this parcel.

Approval of any density over 2 dwelling units per acre would not be consistent with the CLUTP and thus not consistent with the GPP, Paragraph 5.3. This inconsistency would violate TCA 6-58-107(a) that states in part, “After a growth plan is so approved, all land use decisions made by the legislative body and the municipality’s or county’s planning commission SHAL BE CONSISTENT with the growth plan.” [Emphasis Added]

Second, you might question if the GPP and new CLUTP apply to this request. The mere fact that this request was submitted prior to the approval of the GPP or new CLUTP is not sufficient to allow it to be grandfathered under the old Sector Plan guidance. The GPP does not allow for such grandfathering in Section 5. It should be noted that the legislative bodies did provide a “grandfather” clause for land within the Rural Area (see GPP, Paragraph 4.5). In this case, they stated “As of the effective date of this plan, all PREVIOUSLY APPROVED DENSITIES shall remain in effect...” Under this provision, the rezoning had to have already be completed prior to approval of the current plan.

It seems prudent that the lack of similar language in Section 5 of the GPP indicates the legislative bodies did not provide for a similar protection in the PGA. Thus, any reasonable person would understand that the requirements of the GPP and CLUTP were effective on May 1, 2024 and that no request before you or the Knox County Commission should rely on previous plans.

Approval of anything greater 2 dwelling units per acre on this parcel, or any parcel in the Rural Living placetype, is not consistent with the CLUTP as required by the GPP and thus violates TCA 6-58-107(a).