

Request to Deny Rezoning Case 10-G-26-RZ

Planning Commission Hearing: October 1, 2026

Prepared September 30, 2026

Requested action. Deny the request to rezone approximately 7.61 acres from A (Agricultural) to PR (Planned Residential) at up to 1 dwelling unit per acre because the record does not demonstrate that all mandatory rezoning criteria in Article 6.30.01 have been satisfied.

Important acknowledgement. The present application is materially different from the July request. The previous request sought PR zoning at up to 4 dwelling units per acre; the current request seeks up to 1 dwelling unit per acre. This reduction lowers the potential number of dwellings and reduces staff's estimated traffic impact from 333 to 87 daily vehicle trips. The objection is not that the two applications are identical. The issue is whether the reduced density, without a binding development plan or complete transportation review, resolves the unchanged roadway and environmental concerns.

Staff acknowledges that existing Agricultural zoning and requested PR zoning allow the same general density of approximately 1 dwelling unit per acre. The record therefore should explain why a zoning amendment is necessary, rather than merely advantageous for a preferred arrangement or clustering of dwellings.

The roadway remains approximately 18 feet wide, without shoulders, and includes a severe reverse curve. The property remains constrained by steep slopes, a tributary stream, a potential sinkhole, an overhead utility easement, and extensive Hillside Protection area. The staff slope analysis provides a recommended disturbance allowance, but no site plan shows what will actually be disturbed or how sensitive areas will be protected. There is no binding development plan demonstrating compatible buildings, safe access, grading, stormwater control, stream protection, slope protection, or avoidance of the potential sinkhole and utility easement. The limited sight-distance letter does not substitute for a complete transportation analysis.

The estimated 87 daily trips from this request must also be considered with the approved 27-lot Courtyard at Westland development, which carries an official estimate of 303 daily trips. The record contains no cumulative analysis showing how the combined estimated 390 daily trips will be distributed through the South Gallaher View and Westland corridor or how many will use the reverse-curve segment adjoining this property. If the Commission will not deny, I request a postponement until a binding development plan and independent cumulative transportation review are provided.

Photos for review and video attached separately to this doc.

Photo on Dunkirk facing south when attempting left turn across from the property:

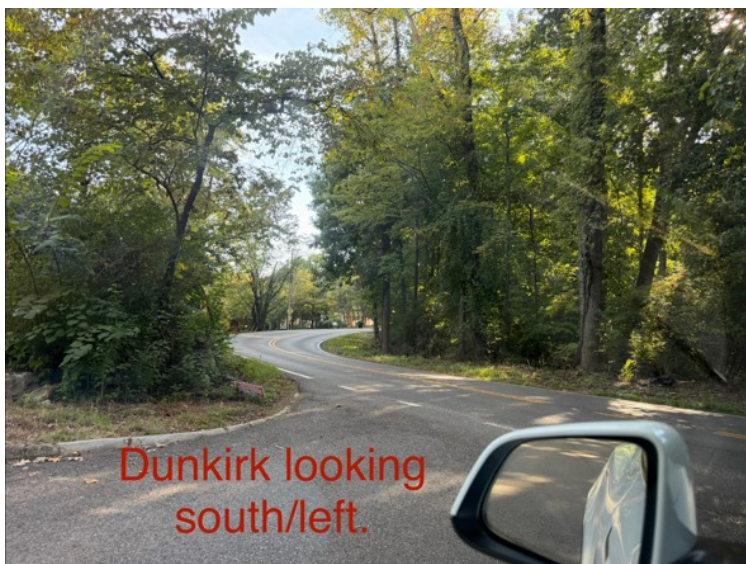


Photo on Dunkirk looking north to make a right turn onto Gallaher with very limited views of oncoming traffic, and shows current property which would assumably be torn down and removed blocking safe viewing of traffic:



Also submitted Dunkirk video showing oncoming traffic at 5:12PM around the reverse curve.

Driving north on Gallaher, where the current cleared entrance to the property is located, and entrance, also submitted as **Property Entrance video**:



Photo at intersection of Cambridge Crest Ln and Gallaher where there is no shoulder on the road (right side where for sale sign is posted).



1. The density changed, but the underlying conditions did not

- On July 9, 2026, the Planning Commission voted 10–0 to deny PR zoning at up to 4 dwelling units per acre because it was incompatible with environmental and roadway conditions.
- The current application reduces the density to 1 dwelling unit per acre, which is a meaningful change and should be acknowledged.
- The roadway has not been widened, shoulders have not been added, the reverse curve has not been altered, and no public safety improvement has been identified.
- The steep slopes, tributary stream, potential sinkhole, overhead utility easement, and Hillside Protection area also remain.
- The record does not contain a binding development plan or complete transportation analysis demonstrating that the lower density resolves those concerns.

2. The record does not establish why rezoning is necessary

- Article 6.30.01 requires the amendment to be necessary because of substantially changed or changing conditions in the area or county.
- The current staff report relies on a gradual transition from agricultural to residential zoning beginning in the early 1980s, rather than identifying a substantial recent change affecting these parcels.
- The applicant changed the requested density, but that is a change in the application—not a changed condition in the surrounding area.
- Staff acknowledges that existing Agricultural zoning and requested PR zoning allow the same general density of approximately 1 dwelling unit per acre.
- The record therefore should explain why a zoning amendment is necessary, rather than merely advantageous for a preferred arrangement or clustering of dwellings.

3. The roadway remains unusually narrow and constrained

- The current staff report states that South Gallaher View Road is a major collector with pavement varying between only 17.5 and 19 feet.
- The prior staff report identified approximately 18 feet of pavement, no shoulders, and a severe reverse curve along the subject property.

- No widening, shoulder improvement, lighting improvement, curve modification, or other roadway project is identified in the current record.

4. The sight-distance letter does not constitute a complete transportation review

- The application includes a sight-distance letter for one identified “best point of access” on Parcel 019, but no full transportation impact study.
- The letter states that visibility exceeded 300 feet “by considerable amounts” but does not provide the actual measured distances.
- It relies on the posted 30-mph speed limit and does not include an operating-speed or 85th-percentile speed study.
- It does not provide peak-hour counts, turning movements, queue analysis, driveway-spacing analysis, or analysis of the public crash history.
- It does not state the measurement eye height, object height, grade adjustment, vegetation assumptions, nighttime conditions, or whether clearing is necessary to preserve visibility.
- The selected access point is not incorporated into a binding development plan submitted with the rezoning.

5. Environmental constraints remain substantial

- Of the 7.61-acre site, 6.21 acres—approximately 82 percent—are within the Hillside Protection area.
- Approximately 61 percent of the property has slopes of 15 percent or greater, and approximately 29 percent has slopes greater than 25 percent.
- The site also contains or is affected by a tributary stream of Ten Mile Creek, a potential sinkhole, and an overhead utility easement.
- The slope analysis identifies a recommended disturbance budget of 3.18 acres within the Hillside Protection area.
- The July staff report described the environmental constraints as varied and extreme. Reducing residential density does not remove those constraints.
- The 3.18-acre figure is a recommended disturbance allowance, not evidence of the development’s actual disturbance or proof that sensitive areas will be protected.
- Without a site plan showing building pads, driveways, grading, retaining walls, utilities, stormwater facilities, stream buffers, tree clearing, and preserved areas, the Commission cannot determine whether the proposal will remain within the disturbance budget or require additional mitigation.

6. No development plan demonstrates that clustering will protect the site

- Staff states that PR zoning could allow dwellings to be clustered away from sensitive areas, but no concept or development plan is included in the rezoning record.
- The record does not show the number or type of buildings, building height, parking, internal circulation, final driveway location, grading, retaining walls, stormwater facilities, tree clearing, stream buffers, sinkhole protection, or preserved open space.
- Without these details, the claimed environmental benefit of clustering is theoretical.
- Approving the zone first would defer evaluation of the site’s most consequential impacts until after the zoning entitlement has been granted.
- Detailed hillside review may occur later, but the applicant is relying on environmental protection as a reason to grant the zoning now. That claimed benefit cannot be verified before the entitlement is granted.

7. Compatibility cannot be determined from the proposed-use description

- The signed application describes the proposed use only as “Multi residential development.”
- It does not specify whether the project would consist of detached homes, duplexes, townhomes, attached units, or another residential form.

- It does not state the number, size, or height of buildings or provide the parking and access arrangement.
- The PR zoning standard requires compatibility with surrounding and adjacent zones, but the record does not provide enough design information to evaluate that requirement.

8. The traffic estimate lacks essential supporting detail

- Staff estimates 87 average daily vehicle trips and three public-school students.
- The public record does not clearly identify the assumed number of dwelling units, residential building type, ITE land-use category, peak-hour trips, directional distribution, or turning movements.
- A daily-trip estimate addresses traffic quantity but does not establish that vehicles can safely enter and leave at the reverse curve.
- The application is marked as not requiring a traffic impact study despite the documented roadway constraints and crash history.

9. Cumulative development and traffic must be considered

- Case 10-SB-26-F is the final plat for The Courtyard at Westland, an already-approved 27-lot single-family subdivision on the South Gallaher View/Westland corridor.
- The approved development plan for those 27 lots carries an official estimate of 303 average daily vehicle trips.
- The Courtyard will be accessed from both forks of South Gallaher View Road. Thirteen lots on the eastern fork—the major collector—will consolidate access into three driveways.
- Planning staff is recommending that the October 1 final-plat action be postponed until November 12, 2026 because the western fork must be widened to 20 feet before the lots can be platted. This is an official acknowledgment that part of the serving roadway is substandard.
- Case 10-A-26-SNC is a street-name change associated with the same 27-lot development. It does not generate separate traffic and should not be counted as another development.
- The street-name record confirms that new addresses associated with the development have created emergency-response concerns. Renaming the road may improve address identification, but it does not improve capacity, correct the reverse curve, or reduce traffic.
- The Courtyard’s 303 estimated daily trips and the 87 trips estimated for 10-G-26-RZ equal 390 estimated daily trips from the two projects combined.
- The record does not establish how many of the 390 trips will pass the subject property. That uncertainty is why route distribution, peak-hour movements, access conflicts, and cumulative corridor conditions should be evaluated before approving another entitlement.
- No cumulative study evaluates the combined projects at Lawnpark Drive, Westland Drive, the proposed 637 South Gallaher View access, or the reverse-curve segment.

10. The requested zoning is only partially related to the Comprehensive Plan place type

- The staff report identifies PR at 1 dwelling unit per acre as a partially related—not directly related—zone under the SR (Suburban Residential) place type.
- A partially related zone requires additional review and evidence supporting compatibility.
- General compatibility with residential zoning in the surrounding area does not resolve the site-specific questions concerning roadway safety, environmental disturbance, building form, and access.
- The absence of a development plan prevents the Commission from confirming that the proposal is consistent with the Comprehensive Plan’s safety, infrastructure, and conservation objectives.

Documents Reviewed

- 10-G-26-RZ Rezoning Report and exhibits, dated September 17, 2026.
- Signed Development Request Application, filed August 17, 2026.
- Sight Distance Evaluation by Benchmark Associates, Inc., dated August 7, 2026.

- Staff Slope Analysis for case 10-G-26-RZ.
- Prior rezoning case 7-D-26-RZ report, case summary, and July 9, 2026 Planning Commission minutes.
- Knoxville Regional TPO public crash and traffic-count data analyzed September 24, 2026.
- 10-SB-26-F final-plat staff memorandum and final plat for The Courtyard at Westland, dated September 28, 2026.
- 12-SA-25-C/12-C-25-DP approved concept and development plan for 27 single-family lots and the associated 303-trip estimate.
- 10-A-26-SNC staff report and Knox County Emergency Communications memorandum regarding the Caboose Lane name change.

Note: This document presents planning and public-safety arguments for public comment and is not legal or professional engineering advice.