

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 10-L-24-RZ **Related File Number:**
Application Filed: 8/19/2024 **Date of Revision:**
Applicant: TAYLOR D. FORRESTER

PROPERTY INFORMATION

General Location: Ball Camp Pike and Bakertown Rd
Other Parcel Info.:
Tax ID Number: 91 226 **Jurisdiction:** County
Size of Tract: 20.85 acres
Accessibility: Access is via Ball Camp Pike, a major collector street with a pavement width of 19 ft within a 50 ft ROW. There is no access to the back lot.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land
Surrounding Land Use:
Proposed Use: **Density:**
Planning Sector: Northwest County **Plan Designation:** SR (Suburban Residential), HP (Hillside Ridgetop Protection)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area is largely single-family dwellings, with large lots fronting Ball Camp Pike and subdivisions with smaller lots off of side streets. The Schaad Road extension is just to the north.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 7816 BALL CAMP PIKE
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR(k) (Planned Residential) up to 5 and 3.25 du/ac
Former Zoning: A (Agricultural), I (Industrial)
Requested Zoning: Retain PR with up to 5 and 3.25 du/ac but remove the non-disturbance condition (10-E-23-RZ).
Previous Requests:
Extension of Zone: No, this is not an extension of a zone.
History of Zoning: A request to rezone this property from A to PR up to 5 du/ac was withdrawn prior to Planning Commission action in June of 2023 (6-J-2032). In October of 2023, the front of the lot was rezoned from I (Industrial) to PR (Planned Residential) up to 5 du/ac, and the back of the lot was rezoned from A (Agricultural) to PR (Planned Residential) up to 3.25 du/ac (10-E-23-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: N/A

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Whitney Warner

Staff Recomm. (Abbr.): Deny removal of the non-disturbance condition on slopes 25% or greater because it is inconsistent with the Knox County Comprehensive Plan.

Staff Recomm. (Full):

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. This property was rezoned last year (10-E-23-RZ) from Industrial and Agricultural to PR up to 5 du/ac on the Industrial portion and PR 3.25 du/ac on Agricultural portion, with the condition that the portion of the parcel with slopes of 25% or greater shall be left undisturbed, as delineated in the slope analysis map.
2. The previous applicant requested dual zoning for the subject property - 5 du/ac on the portion of the property that have been zoned I (Industrial), and PR at 3.25 du/ac on the portion of the property zoned A (Agricultural). This decision was based on Planning's recommendation of denial for a previous rezoning request earlier in the year to 5 du/ac for the whole parcel (6-J-23-RZ). Planning had not recommended rezoning of that request due to the steep slopes (25-50% slope) crossing through the middle of the property.

The previous applicant owns the abutting property to the east and had stated they would have access through that adjacent property to another on Bakertown Road via an access easement agreement with that property owner. Because of the alternative access for the southern portion of the site and the condition that the portion of the parcel with slopes of 25% or greater would be left undisturbed, Planning recommended the Agricultural portion to be rezoned to PR up to 3.25 du/ac.

The Bakertown Road access is no longer an option. Therefore, the new owner is requesting to access the rear of the site by disturbing the slope in the middle.

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

1. The PR zone is appropriate in areas with environmental considerations such as steep slopes because it allows clustering. The applicant is not requesting to change the existing PR zone beyond the removal of the condition.
2. Houses, duplexes, multi-dwelling structures, and developments are permitted in the PR zone. A total of 79 units could be built on this 20.85 acre property.
3. 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 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. This 20.76 acre property has 15.77 acres within the Hillside Protection area. The disturbance budget is 9.46 acres.
2. The non disturbance condition encourages alternative access points to the property while conserving steep slopes. The applicant would like to remove the non-disturbance condition to cut an access road through the property. The result would be a 40 ft large swathe cut into the hillside that

would be larger than just the roadway to allow for the maneuvering of vehicles to construct the road around it, and a large portion of the slope would likely be graded. This land disturbance would greatly alter stormwater runoff patterns.

3. PR zoning requires that development plans be submitted for Planning Commission review. At that time, issues such as topography, surrounding character, and access are evaluated, and community input may be provided regarding the proposed development plan.

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 property is within the SR (Suburban Residential) place type. The Planned Residential zone is considered partially related to this place type. The zoning district may be appropriate, but with qualifications (such as development plan with conditions). Considering the steep slopes on the property the non-disturbance condition with development plan approval is appropriate.

2. In the SR (Suburban Residential) place type, most open space takes the form of private yards. Public neighborhood parks should be in prominent, easily accessible locations. Schools could also supplement public parks. Some residential areas include shared access to private open space. The preservation of the steep slopes could provide the development with common area space, since this property is not within walking distance of any parks or schools.

3. The proposed non-disturbance removal is inconsistent with Knox County Comprehensive Plan Implementation Policy 7 encourage development practices that conserve and connect natural features and habitat and Policy 7.6 consider the Hillside and Ridgetop Protection Plan. The guiding vision and goals of the Comprehensive Plan make numerous mentions of conserving the County's natural beauty and ridges. Staff would not have recommended the existing PR zoning and density for the rear half of the lot were it not for the condition of no-disturbance on the steep slopes, or the understanding that there was alternative access available. Removing the condition would permit development that is contrary to core principles of the Comprehensive Plan.

Action: Approved with Conditions **Meeting Date:** 10/3/2024

Details of Action: Maintain the non-disturbance condition on slopes 25% or greater because it is consistent with the Knox County Comprehensive Plan, with the exception of allowing a two lane subdivision road.

Summary of Action: Maintain the non-disturbance condition on slopes 25% or greater because it is consistent with the Knox County Comprehensive Plan, with the exception of allowing a two lane subdivision road.

Date of Approval: 10/3/2024 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 11/12/2024 **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**