

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 11-D-24-RZ
Application Filed: 9/12/2024
Applicant: JOHN L MILLER III

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: East side of Pheasant Creek Way, west of Roseberry Road
Other Parcel Info.:
Tax ID Number: 42 08904 **Jurisdiction:** County
Size of Tract: 1.05 acres
Accessibility: Access is via Pheasant Creek Way, a joint permanent access easement with a pavement width of 7-9 ft within a 25 ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land
Surrounding Land Use:
Proposed Use: **Density:**
Planning Sector: Northeast County **Plan Designation:** SR (Suburban Residential), HP (Hillside Ridgetop Protection)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The immediate vicinity is a forested rural neighborhood that borders Roseberry Creek, with single family homes on larger than one acre lots. There are small subdivisions off of side streets nearby.

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

Street: 0 PHEASANT CREEK WAY
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: RA (Low Density Residential)
Previous Requests:
Extension of Zone: No, this is not an extension.
History of Zoning: None noted.

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:

Samiul Haque

Staff Recomm. (Abbr.):

Deny the RA (Low Density Residential) zone because it does not meet the criteria for a rezoning.

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 COUNTY GENERALLY:

- 1. Pheasant Creek Way is a private gravel road with a maximum width of 9 ft off of Roseberry Creek Lane, a dead-end local street with 10-ft pavement width. Based on historical aerial images, neither of the streets has been improved over the last 20 years.
- 2. While there are some residential developments in the broader area, including the Worley Winds subdivision approximately 650-ft southwest of the subject property, the properties accessed by Pheasant Creek Way have remained unchanged. The condition of the road and the surrounding development does not warrant the proposed rezoning.

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

- 1. The RA zone is intended for residential areas with low population densities.
- 2. The adjacent properties are zoned Agricultural with lot sizes similar to the subject property. The current zoning is more appropriate for this property that allows a single dwelling unit on this 1.05-acre lot.
- 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.

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. Pheasant Creek Way is a joint permanent access easement (JPE) with 25-ft right-of-way currently serving 8-10 lots. With no sewer access, the subject property could be subdivided into two lots per the dimensional standards of the RA zone, but this would put further strain on this narrow gravel road.
- 2. The Subdivision Regulations allows the creation of additional lots on a previously approved JPE under the condition that the JPE would be required to meet the standards of a private right-of-way (section 3.03.E). A private right-of-way serving six or more lots must meet the same design and construction standards as a public street. However, the JPE does not have sufficient width to meet the required standards; thus, approval of this rezoning to allow for more lots would create a non-conformity with regard to the Subdivision Regulations.

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 property is located within the Planned Growth Boundary of the Growth Policy Plan. The purposes of the Planned Growth Area designation include encouraging a reasonably compact pattern of development, particularly with regard to provision of adequate roads and other infrastructure. The subject parcel is on a subpar private JPE, has poor connectivity and no sewer access.
- 2. The existing A zone is not related to the Knox County Comprehensive Plan's SR (Suburban Residential) place type, whereas the requested RA zone is a directly related zone. However, according to the additional review criteria of Appendix H of the plan, the appropriateness of a rezoning request shall be determined based upon availability of public facilities and services to the subject site (criteria 2.a).

3. The requested rezoning is inconsistent with the Comprehensive Plan's Action 9.3 which recommends focusing growth in areas already served by adequate infrastructure and Action 9.5, which discourages isolated developments where infrastructure is inadequate or not yet planned.

Action: Denied **Meeting Date:** 11/14/2024

Details of Action:

Summary of Action: Deny the RA (Low Density Residential) zone because it does not meet the criteria for a rezoning.

Date of Approval: **Date of Denial:** 11/14/2024 **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 12/9/2024

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: