

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 7-A-24-RZ                      **Related File Number:**  
**Application Filed:** 5/2/2024                      **Date of Revision:**  
**Applicant:** MAGNOLIA CAPITAL GROUP LLC

## PROPERTY INFORMATION

**General Location:** East side of Nicholas Rd and, south side of E Governor John Sevier Hwy  
**Other Parcel Info.:**  
**Tax ID Number:** 125 00508                      **Jurisdiction:** County  
**Size of Tract:** 7.25 acres  
**Accessibility:** Access is via E Governor John Sevier Hwy a major arterial street with 45-ft pavement width within a 123-ft right-of-way. Access is also via Nichols Rd a local street with 18-ft right-of-way within a 65-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:**    **Density:** up to 7 du/ac  
**Planning Sector:** South County                      **Plan Designation:** SR (Suburban Residential)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area is largely rural with commercial development along John Sevier Hwy to the 0.15 west miles and single family subdivisions developing along the major corridors with New Hopewell Elementary School 0.5 miles to the east of this property.

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

**Street:** 0 E GOVERNOR JOHN SEVIER HWY  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential) up to 3 du/ac  
**Former Zoning:**  
**Requested Zoning:** PR (Planned Residential)  
**Previous Requests:**  
**Extension of Zone:** No  
**History of Zoning:** In 2005, this property was rezoned from A (Agricultural) to PR up to 3 du/ac (4-F-05-RZ). In 2000, a request to rezone the property from A to CB (Business and Manufacturing) was denied (2-N-00-RZ).

## PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)

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.): Approve the PR (Planned Residential) zone with up to 7 du/ac because it is consistent with the Knox County Comprehensive Plan and surrounding development, subject to 2 conditions.

Staff Recomm. (Full):  
1) Maintain a tree buffer with 50-ft of depth along the Governor John Sevier Highway frontage, except for allowing approved access to Governor John Sevier Highway, as recommended by the Governor John Sevier Scenic Highway Corridor Study. High visibility tree protection fencing shall be installed before clearing and grading activities begin and maintained until site and building construction are complete.  
2) Provide a vegetated buffer consisting of a "Type B" landscape screen of 12-ft in depth adjacent to the A zoned parcels of the property to buffer the adjacent large-lot, single family homes from this higher density development.

Comments: 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. Since 1994, there have been some A to PR rezonings at densities ranging from up to 1-12 du/ac in the area, with the higher density of 12 du/ac on subdivisions directly off of John Sevier Hwy in the Planned Growth area and lesser densities on subdivisions in the Rural Area in the Growth Plan. The general residential trend along John Sevier Hwy consists of small and medium-sized lots with single family detached residential houses and large agricultural tracts with one subdivision with attached dwellings at the intersection of John Sevier Hwy and Burnett Creek Rd.  
2. This property is 0.5 miles from New Hopewell Elementary School and 1.5 miles from the large commercial development at Chapman Hwy and John Sevier Hwy.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:  
1. The PR zone is intended to provide flexibility for different types of residential development. Houses, duplexes and multi-dwelling structures and developments are permitted in the PR zone along with some nonresidential uses. At the requested density of 7 du/ac, this property could have up to 51 dwellings.  
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. PR zoning requires that development plans be submitted for Planning Commission review. At that time, issues such as access, surrounding character, and community input may be provided regarding the proposed development plan.  
2. John Sevier Hwy is a major arterial street providing major movement an area. The property also has frontage on Nichols St, which provides access to Kimberlin Heights where New Hopewell Elementary is located. The subject property's location would not require traffic through side streets for access, and its proximity to a school make it a good location for increased density beyond the existing 3 du/ac.  
3. This section of Governor John Sevier Highway (State Route 168) is designated a Scenic Highway by the State of Tennessee, so new buildings within 1,000-ft of Tennessee Scenic Highways have a building height limitation of 35 ft above the level of the highway (TCA § 54- 27-114).

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 PR zone at 7 du/ac is consistent with the Suburban Residential place type, which allows consideration of up to 12 du/ac in the County's Planned Growth Area. Additionally, the 35 ft height limit as mandated by the state is consistent with the 1-2 story building form attributes prescribed for the Suburban Residential place type.

2. This property abuts the single family homes to the south. At the proposed density of 7 du/ac, this property will likely be duplexes, multiplexes, or townhomes that have the scale of a single family home. Conditioning the 12 ft landscape buffer to adjacent properties is consistent with the Knox County Comprehensive Implementation Policy 2 ensure that development is sensitive to existing community character. The landscape buffer would create a transition between the housing types. Additionally, this property is along a major arterial, which supports Policy 6.3, to identify areas for multifamily development that have the appropriate supportive infrastructure.

3. The PR zone is listed as partially related in the SR place type per Appendix H (Place Type and Zoning Correspondence Matrix) of the Knox County Comprehensive Plan. Partially related zoning districts may be appropriate but must meet one of three criteria listed in Appendix H. The proposed PR zoning with the recommended conditions and required development plan review by the Planning Commission is compatible with the current zoning of adjacent sites.

**Action:** Approved with Conditions **Meeting Date:** 7/11/2024

**Details of Action:**

**Summary of Action:** Approve the PR (Planned Residential) zone with up to 7 du/ac because it is consistent with the Knox County Comprehensive Plan and surrounding development, subject to 2 conditions.

**Date of Approval:** 7/11/2024 **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:** 9/16/2024 **Date of Legislative Action, Second Reading:**

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

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

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

**Amendments:** **Amendments:**

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