

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 11-B-23-RZ                      **Related File Number:**  
**Application Filed:** 9/6/2023                      **Date of Revision:**  
**Applicant:** ZIGGURAT DEVELOPMENT LLC/JANET PLONT

## PROPERTY INFORMATION

**General Location:** South side of Neal Dr, west of Maynardville Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 38 N B 006                      **Jurisdiction:** County  
**Size of Tract:** 0.99 acres  
**Accessibility:** Access is via Neal Drive a local road with a 23 ft pavement width within a 52-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/forestry/vacant land, office  
**Surrounding Land Use:**  
**Proposed Use:**    **Density:**  
**Sector Plan:** North County                      **Sector Plan Designation:** O (Office)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This street in Halls is compromised mostly of small contractors' offices. There are some industrial uses to the south and new residential subdivisions to the north. Maynardville Pike is just to the east, which is a major commercial corridor.

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

**Street:** 3710 NEAL DR  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PC (Planned Commercial)  
**Former Zoning:**  
**Requested Zoning:** OB (Office, Medical, and Related Services)  
**Previous Requests:**  
**Extension of Zone:** No, it is not an extension.  
**History of Zoning:** None noted.

## PLAN INFORMATION (where applicable)

**Current Plan Category:** O (Office)

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 OB (Office, Medical, and Related Services) zone because it is consistent with the sector plan and consistent with the surrounding development.

Staff Recomm. (Full):

Comments:

The request is to rezone a 1-acre lot which is PC (Planned Commercial) to OB (Office, Medical, and Related Services). The lot has frontage on Neal Dr just west of Maynardville Pike.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, ARTICLE 6.1.3: 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. Since 1982, Cunningham Road to the north and Neal Drive to the west have been transitioning from agricultural and commercial uses to residential uses. These subdivisions are a mix of single family residential and multifamily residential uses. Office uses typically are more appropriate near residential uses and act as a buffer between residential and commercial.

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

1. The OB (Office, Medical, and Related Services) zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods. The proposed zone is consistent with development along Neal Drive.
2. 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 CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. Despite the PC zoning on Neal Dr, the majority of the street has few intensive uses and is comprised of office uses more than commercial uses.
2. Access is via Neal Dr, which is located off Maynardville Pike, a major arterial road with a capacity for high volumes of traffic.
3. This parcel is in the School Parental Responsibility Zones of Halls Middle and Halls High Schools. Sidewalks may be required along the front of the property.
4. There is a cemetery located on the frontage of Neal Drive on this property. If a cemetery is determined to be present on the property, there are obligations a landowner/developer MUST meet. For example, construction crews are required to leave a ten-foot buffer around the perimeter of a grave(s) and in the case of a crypt, a five-foot buffer (T.C.A. 46-8-103). Also, landowners must remember that family members have a right to visit the graves of ancestors, even if they are located on private property—this precedent is set under Tennessee Case Law. Furthermore, owners or future buyers of a land tract have an obligation to protect graves from disturbance when a cemetery is shown on a deed.

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 proposed OB zone is consistent with the North County Sector Plan's Office land use designation.
2. Per General Plan (9.2) - Encourage development practices that respect and fit the natural landscape, minimizing the loss of trees, woodlands and wildlife habitat. The majority of the property is cleared with a treelined buffer to the rear of the property adjacent to commercial uses.
3. This recommended OB zone does not present any apparent conflicts with any other adopted plans.

**Action:** Approved **Meeting Date:** 11/9/2023

**Details of Action:**

**Summary of Action:** Approve the OB (Office, Medical, and Related Services) zone because it is consistent with the sector plan and consistent with the surrounding development.

**Date of Approval:** 11/9/2023 **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:** 1/26/2024 **Date of Legislative Action, Second Reading:**

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

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

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

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

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