CASE SUMMARY

APPLICATION TYPE: REZONING

SOUTH COUNTY SECTOR PLAN AMENDMENT

File Number: 6-I-19-RZ Related File Number: 6-B-19-SP

Application Filed: 4/26/2019 Date of Revision:

Applicant: ROBBIE TOOLE



PROPERTY INFORMATION

General Location: West side of East Governor John Sevier Highway, Northwest of French Road and southwest of Old

French Road.

Other Parcel Info.: Front portion to be rezoned Rural Commercial & back half of property to remain Agricultural.

Tax ID Number: 111 036.05 (PART OF) Jurisdiction: County

Size of Tract: 9 acres

Accessibility: East Governor John Sevier Hwy is a major arterial with a pavement width of 42 feet and a ROW width

of 125 feet.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant

Surrounding Land Use:

Proposed Use: Rural Commercial Density:

Sector Plan: South County Sector Plan Designation: LDR (Low Density Residential)

Growth Policy Plan: Planned Growth Area

Neighborhood Context: In the surrounding area are a church, veteran's cemetary, large lot single family residential units, and

an office for Knox-Chapman Utilities. The northwestern end of the original parcel (before the plan amendment) borders the French Broad river. Otherwise, the area consists of large lot single family

detached homes.

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: A (Agricultural)

Former Zoning:

Requested Zoning: CR (Rural Commercial)

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

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Current Plan Category: LDR (Low Density Residential)

Requested Plan Category: RC (Rural Commercial

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

Liz Albertson Planner In Charge:

DENY the CR (Rural Commercial) zoning. Staff Recomm. (Abbr.):

Staff recommends denial of the requested CR (Rural Commercial) zone district because it is not Staff Recomm. (Full): consistent with the existing sector plan classification of LDR (Low Density Residential) and it is not

located near an intersection of an arterial and/or collector street. The requested size of the area to be rezoned is approximately 10 acres exceeding the maximum lot area of 4 acres for the CR (Rural

Commercial) zone.

The existing zoning of A (Agricultural) for the property allows for a variety of uses for the property as well as a many more uses permitted on review, including retail sales of agricultural products grown on site, or acquired elsewhere and then maintained on the site subject to conditions as noted in Article 5.22.03.V. Rezoning the property to CR (Rural Commercial) could allow for a wide range of uses not consistent with the adjacent agricultural zoning and land uses because the RC zone district allows uses including retail sales, such as fueling service stations with or without convenience stores. If this land is rezoned to RC, it could potentially be developed for more intense commercial retail uses that may negatively affect adjacent property owners.

Existing commercially zoned land exists along the Governor John Sevier Highway Corridor within a

mile of both directions from this site (see Exhibit A.)

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these): 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. The property is located in the Planned Growth Area of the Growth Policy Plan, however, the area has not substantially changed and remains rural in character, with possible conflicts of lesser intense neighboring uses, such as rural and single family residential, agricultural, and a nearby veterans cemetery and church.

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

- 1. The intent of the CR (Rural Commercial) district is to provide opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. This zoning should be placed on properties that are located at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas.
- 2. The request is not near an intersection of an arterial and/or collector street.
- 3. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Development performance standards are included to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these
- 4. Section 5.37.05, of the Knox County Zoning Ordinance States that "The building lot must be a minimum of one (1) acre and a maximum of four (4) acres in size," this request is for an area of 10 acres in size and is inconsistent with the lot area maximum for the CR (Rural Commercial) district.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL AND DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

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- 1. CR zoning is not compatible with the existing and surrounding LDR (Low Density Residential) and AG (Agricultural) sector plan designations.
- 2. The surrounding lesser intense uses, such as single family residential, a church, and agricultural zoned areas may be adversely affected either directly or indirectly by the amendment to Rural Commercial (RC) at this location.

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 recommended amendment is not consistent with the South County Sector Plan land use classification of LDR (Low Density Residential) for this property, so this request in conflict with the existing General Plan.
- 2. The Major Road Plan classifies Governor John Sevier Highway as a major arterial, and the nearest intersection is approximately 288 feet to the south at French Road, which is classified as a local street. The location criteria for RC (Rural Commercial) in the sector plan notes that these type of areas should be located within 300 feet of an intersection with arterial or collector roads, which this area does not meet.

Action: Denied Meeting Date: 10/10/2019

Details of Action: Denial of request for rezoning from A (Agricultural) to CR (Rural Commercial) consistent with the denial

recommendation of the associated sector plan amendment.

Summary of Action: Denial of request for rezoning from A (Agricultural) to CR (Rural Commercial) consistent with the denial

recommendation of the associated sector plan amendment. Remanded back to Planning Commission for reconsideration of the sector plan amendment to RC (Rural Commercial), Planning Commission denied RC again. Both the sector plan amendment to RC (Rural Commercial) and rezoning to CR

(Rural Commercial) go back to County Commission for a vote.

Date of Approval: Date of Denial: 10/10/2019 Postponements: 9/12/2019

Date of Withdrawal: Withdrawn prior to publication?: ☐ Action Appealed?: 6/17/2019

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 1/27/2020 Date of Legislative Action, Second Reading:

Ordinance Number: Other Ordinance Number References:

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

If "Other":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance:

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