

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 7-G-23-RZ

Related File Number:

Application Filed: 5/16/2023

Date of Revision:

Applicant: TIMOTHY NEAL

PROPERTY INFORMATION

General Location: Northwest quadrant of the intersection of Asheville Hwy and Neals Landing Rd

Other Parcel Info.: (only 0.38 acres is included in the rezoning request)

Tax ID Number: 61 071.04 (PART OF)

Jurisdiction: County

Size of Tract: 3.4 acres

Accessibility: Access is via Asheville Hwy, a divided highway that is a major arterial with 77 ft of pavement width within a 155-ft right-of-way. The property also has frontage Neals Landing Road, but it cannot be used for access as it crosses a creek in this location and has guard rails along both sides of the street.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land

Surrounding Land Use:

Proposed Use:

Density:

Sector Plan: East County

Sector Plan Designation: CC (Community Commercial)

Growth Policy Plan: Urban Growth Area (Outside City Limits)

Neighborhood Context: This property is located on a section of Asheville Highway that consists predominantly of commercial uses in the lots fronting the highway. Abutting lots behind the commercial uses consist of small-lot, single-family residential subdivisions and large lots zoned A with single family homes.

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

Street: 0 ASHEVILLE HWY

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential)

Former Zoning:

Requested Zoning: CA (General Business)

Previous Requests:

Extension of Zone: Yes, this is an extension.

History of Zoning: The portion of the parcel zoned PR was rezoned from A in 1981 (Case # 8-O-81-RZ); the portion zoned CA was rezoned from A in 2000 (Case 5-R-00-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: CC (Community Commercial)

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: Michelle Portier

Staff Recomm. (Abbr.): Approve the CA (General Business) zone for the portion of the parcel requested because it is consistent with the sector plan and would result in more consistent zoning for the subject property.

Staff Recomm. (Full):

Comments: This request is to rezone a portion of the subject property. This parcel has dual zoning, with the main body of the parcel zoned CA and two sections zoned PR with up to 12 du/ac: a small portion in the front corner of the parcel at the intersection of Asheville Highway and Neals Landing Road, and a larger swath along the rear. This request is to rezone only the rear portion to CA, leaving the smaller section at the corner of Asheville Highway and Neals Landing Road zoned PR.

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 area has experienced multiple rezonings to commercial zones since the late 1990s. This section of Asheville Highway is predominantly commercial.

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

1. The CA (General Business) zone is intended to provide general retail business and services but not for manufacturing or for processing materials other than farm products. The surrounding area includes retail businesses and services, so this zone is appropriate for this area.

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. The abutting portion of the parcel fronting Asheville Highway is already zoned CA, so approval of this request would make the rear of the property consistent with the front.
2. A blue line stream runs along the rear perimeter of the parcel, along the northwest property line, where it runs into Shining Creek East following the northeast property line. The streams provide a natural barrier between this parcel and the residential community to the rear.
3. Since Asheville Highway is a major arterial, it is designed to handle heavy traffic and no adverse impacts to traffic patterns are anticipated from approval of this rezoning.

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. This parcel is designated CC (Community Commercial), which lists the CA zone as one to consider. The CC land use class calls for retail and service-oriented development, which is consistent with the CA zone description.
2. Sub-section 9.11 of the General Plan Development Policies section recommends locating community-serving commercial areas where they can be easily shared by several neighborhoods. The surrounding properties to the north contain residential uses that could benefit from commercial or service-oriented development.

Action: Approved

Meeting Date: 8/10/2023

Details of Action: Approve the CA (General Business) zone for the portion of the parcel requested because it is consistent with the sector plan and would result in more consistent zoning for the subject property frontage.

Summary of Action: Approve the CA (General Business) zone for the portion of the parcel requested because it is consistent with the sector plan and would result in more consistent zoning for the subject property.

Date of Approval: 8/10/2023 **Date of Denial:** **Postponements:** 7/13/2023

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:	Knox County Commission	Date of Legislative Action, Second Reading:	
Date of Legislative Action:	9/25/2023	Other Ordinance Number References:	
Ordinance Number:		Disposition of Case, Second Reading:	
Disposition of Case:	Approved	If "Other":	
If "Other":		Amendments:	
Amendments:		Effective Date of Ordinance:	
Date of Legislative Appeal:			