

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 8-A-19-RZ **Related File Number:**
Application Filed: 6/11/2019 **Date of Revision:**
Applicant: THOMAS L. MILLER

PROPERTY INFORMATION

General Location: East side of Tazewell Pike at Calvary Way (pvt jpe)
Other Parcel Info.:
Tax ID Number: 21 058.15 (PART OF) **Jurisdiction:** County
Size of Tract: 2.88 acres
Accessibility: Access would be off of Tazewell Pike, a minor arterial with a pavement width of 32.5 feet and a right-of-way width of 46 feet. In front of this parcel, Tazewell Pike consists of one lane of traffic in each direction with a center turn lane.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Commercial **Density:** n/a
Sector Plan: Northeast County **Sector Plan Designation:** MU-SD, NECO-1
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The areas to the east, west, and south are mostly rural with single-family dwellings on large lots. A commercial node is located along Tazewell Pike north of this parcel near the intersection of Tazewell Pike and Fairview Road (another minor arterial). Nearby businesses include a solid waste/recycling center, restaurants, a carwash, and a strip mall, among others.

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

Street: 7128 Tazewell Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RB (General Residential)
Former Zoning:
Requested Zoning: CA (General Business)
Previous Requests:
Extension of Zone: CA (General Business) zoning is across Tazewell Pike.
History of Zoning: None noted for this property, though surrounding parcels in the area were rezoned to CA in 1980, 1998, and in the early 2000s.

PLAN INFORMATION (where applicable)

Current Plan Category:

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 requested CA (General Business) zoning for the portion of the parcel specified in Exhibit A, subject to one condition.

Staff Recomm. (Full): Staff recommends approval of the requested CA (General Business) zoning of the portion of the parcel in Exhibit A, subject to the condition that a "Type A" landscaping screen be installed along any shared boundaries with residential zoning.

Comments: REZONING REQUIREMENTS FROM ZONING ORDINANCES (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. The property is located in the Planned Growth Area of the Growth Policy Plan.
2. Rezoning to the north over the last two decades have created a commercial node nearby.
3. Historical aerials show that within the last two years, Tazewell Pike and Emory Road were widened at their intersection a half-mile north of this location. Both were previously two-lane roads that now consist of four lanes, including separate right turn and protected left turn lanes.

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

1. The proposed amendment to CA (General Business) zoning is to provide general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.
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. Should the property be rezoned, any of the following uses would be allowed by right:
 - Houses and duplexes.
 - Aircraft landing fields, hangars, and equipment.
 - Armories, undertaking establishments, and assembly halls.
 - Canneries.
 - Churches, schools, libraries and museums.
 - Dry cleaning shops, except that such use shall not include fabric dyeing.
 - Farming, including all types of agriculture and horticulture, except as permitted as Uses on Review.
 - Garage apartments.
 - Hotels, motels, and transient mobile home parks, subject to special provisions.
 - Lodging and boarding houses.
 - Mobile homes, but not mobile home parks.
 - Motor vehicle and bicycle service and repair shops, skating rinks, dance halls, establishments selling beer for consumption on-premises.
 - Offices, banks, indoor and outdoor theaters (subject to provisions), studios, photograph galleries, barber shops, police and fire stations, service stations, restaurants, cafes and lunch rooms, grocery, clothing or shoe stores, and other similar commercial enterprise
 - Portable sawmills.
 - Retail poultry business.

- Demolition landfills less than one (1) acre in size (subject to provisions).
- Indoor paintball ranges.
- Storage of school buses under contract to a public or private school system.

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 back half of the parcel is heavily sloped (25-40% slope and over 40% slope). Only the front half of the parcel is proposed for the rezone to be developed in the CA zone. The back half would remain RB (General Residential).
2. CA is compatible with the sector plan's MU-SD NECO-1 future land use designation.
3. The surrounding area within the MU-SD NECO-1 (Mixed Use-Special District, Northeast County-1, Harbison Crossroads) designation has already developed into a variety of commercial uses zoned CA (ex.: a car wash, Gibbs Waste Center (solid waste and recycling), restaurants, a strip mall, etc.).
4. This parcel is the last in the sector plan's MU-SD NECO-1 land use designation. It is bounded by low density residential land uses to the south and east. And it is bordered by RB (General Residential) zoning to the north, east, and south. Therefore, landscaped screening should be provided as buffer for these adjacent residences. The "Type A" screen in the Landscape Screening Design Guidelines is designed for boundaries between commercial and adjoining residential areas and would be appropriate to use in 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. According to the Northeast County Sector Plan, the recommended uses along this stretch of Tazewell Pike are "commercial and office" uses. The plan leaves it rather vague as to what would be included in those uses specifically, but a wide variety of commercial establishments would be compatible with the area given the mix of uses already present.
2. The sector plan recognizes the development pattern of this area. According to the plan, "The current form and function of this special district is strip commercial with future development and redevelopment likely to occur in the same manner." – (Northeast County Sector Plan, p. 29)
3. The proposed amendment is consistent with all other plans.

Action: Approved with Conditions **Meeting Date:** 8/8/2019

Details of Action:

Summary of Action: Approve the requested CA (General Business) zoning for the portion of the parcel specified in Exhibit A, subject to the condition that a "Type A" landscaping screen be installed along any shared boundaries with residential zoning.

Date of Approval: 8/8/2019 **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: 9/23/2019

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved with Conditions

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: