

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 8-F-10-RZ **AGENDA ITEM #** 45
 8-B-10-SP **AGENDA DATE:** 8/12/2010

▶ **APPLICANT:** DAMON FALCONNIER, NCARB
 OWNER(S): RAY TROY WORLEY JACQUELINE

TAX ID NUMBER: 136 112.02

JURISDICTION: Commission District 9

▶ **LOCATION:** North side W. Gov. John Sevier Hwy., east of Twin Creek Rd.

▶ **TRACT INFORMATION:** 2.12 acres.

SECTOR PLAN: South County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W. Gov. John Sevier Hwy., a three-lane major arterial street with 40' of pavement width within 200' of right-of-way.

UTILITIES: Water Source: N/A

Sewer Source: Knox-Chapman Utility District

WATERSHED: Stock Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CB (Business and Manufacturing)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** 2,000 sq. ft. metal working shop with no retail sales and minimum required parking (3 spaces).

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Vacant land / SLPA (Slope Protection) / A (Agricultural)
 South: W. Gov. John Sevier Hwy. - Vacant land and County Solid Waste Collection facility / LDR (Low Density Residential) / A (Agricultural)
 East: Residence and vacant land / LDR (Low Density Residential) / A (Agricultural)
 West: Vacant land / LDR (Low Density Residential) / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is sparsely developed with agricultural and some rural to low density residential uses under A zoning. There is a Knox County Recycling and Household Waste Drop Off Center located southwest of the site, zoned A. The entrance to this facility is located about 500 feet from the subject property on the opposite side of W. Gov. John Sevier Hwy.

STAFF RECOMMENDATION:

▶ **DENY GC (General Commercial) sector plan designation.**

The Knoxville-Knox County General Plan 2032 policies do not warrant the redesignation of this site for commercial uses. The site is completely surrounded by residential uses, and placing a commercial designation on the 2.12 acre site would be incompatible with surrounding land uses and constitutes a spot sector plan amendment.

▶ **DENY CB (Business & Manufacturing) zoning.**

CB zoning at this location would be an incompatible spot zoning. Surrounding properties would not have the same range of uses that would be allowed on this site.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road improvements have been made recently in the area. Utilities are available in the area, but may need to be extended to serve the site.

ERROR OR OMISSION IN CURRENT PLAN:

The plan appropriately calls for LDR development at this location.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

The only change in development pattern in this area is that there is a Knox County Recycling and Household Waste Drop Off Center to the southwest of the site on the opposite side of the highway, which was developed under Agricultural zoning. No zoning change was required. It is staff's opinion that there have not been significant changes that have taken place to justify amendment of the sector plan to commercial or rezoning to CB.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. No significant changes have occurred in the area that warrant the requested change in zoning.
2. The surrounding area is developed with primarily agricultural, rural and low density residential uses, under A zoning. CB zoning would not be compatible with those uses.
3. Staff recognizes that the property has already been cleared, graded and partially developed for the proposed use, and that there is a waste collection facility located to the southwest. The applicant has stated that the owner was under the impression that commercial uses were permissible at the site. The applicant has provide documentation on this as well as on the intended use of the site. However, the proposed use is not allowed under the current A zoning, and establishment of CB zoning would open up the property to a wide range of incompatible uses.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CB zoning provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses, or with other uses that require an environment free of noise, odors and congestion.
2. Based on the above description and intent of CB zoning, this property is not appropriate to be rezoned to CB.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Establishment of CB zoning at this location would adversely impact surrounding residential properties.
3. CB zoning allows a wide range of uses that would not be compatible with surrounding land uses and zoning. If this site were approved for CB zoning, it could set a precedent that could lead to future extension of commercial uses in the area. The applicant should look for a location in an established commercial or light industrial area for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the requested amendment to GC, CB zoning would be consistent with the Northwest County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future rezoning and plan amendment requests for commercial development in the immediate area, on properties zoned residential or agricultural. The current sector plan proposes low density residential and agricultural/rural residential uses and slope protection for all of the surrounding properties in the immediate area. The closest commercially designated area on the sector plan is about 1,800 feet west on the south side of W. Gov. John Sevier Hwy. This site is zoned CA.

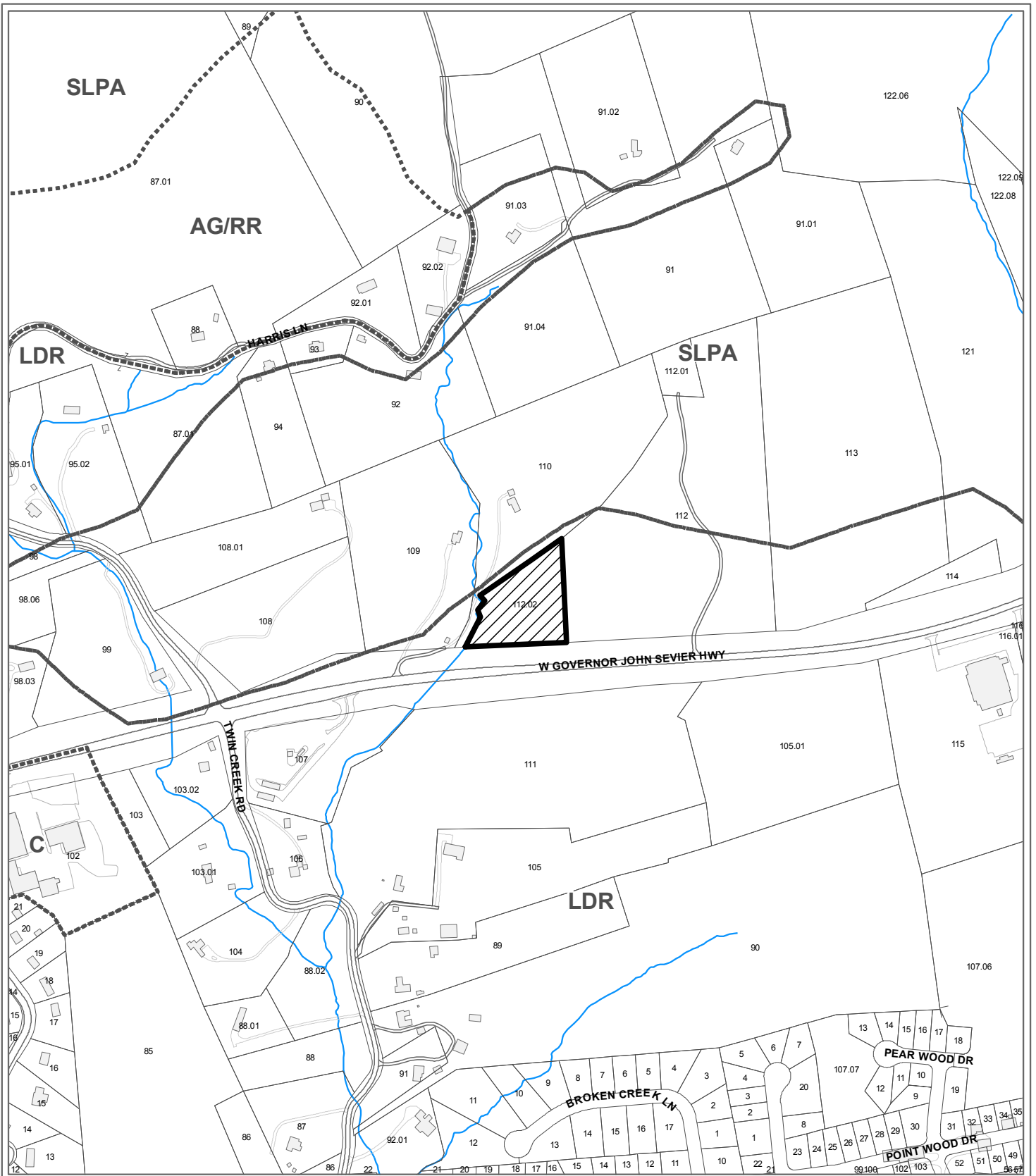
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/27/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



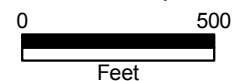
**8-B-10-SP / 8-F-10-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: GC (General Commercial)

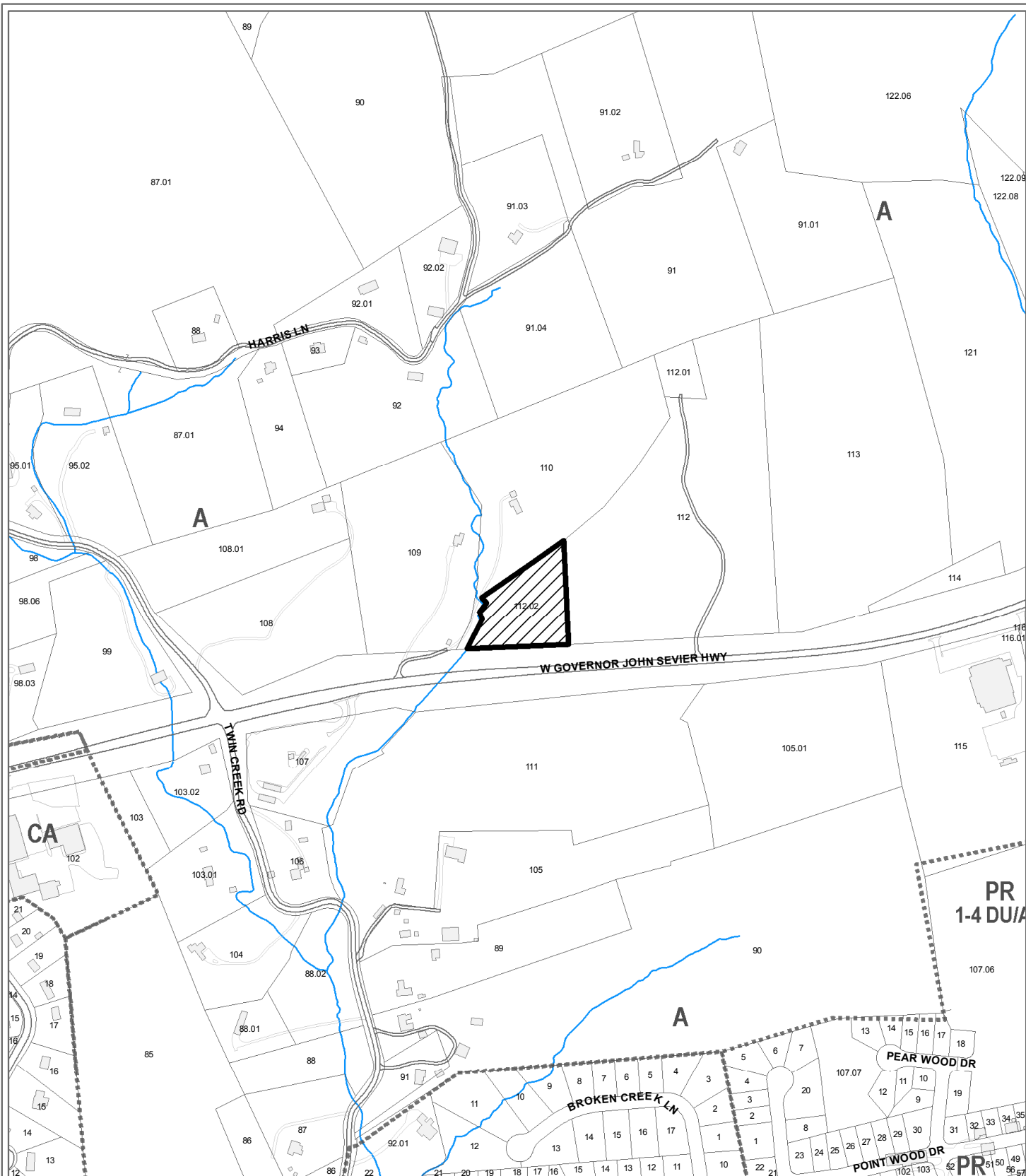


Petitioner: Falconnier, NCARB, Damon

Map No: 136
Jurisdiction: County



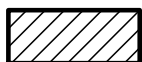
Original Print Date: 7/21/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**8-F-10-RZ
REZONING**

From: A (Agricultural)

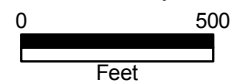
To: CB (Business and Manufacturing)



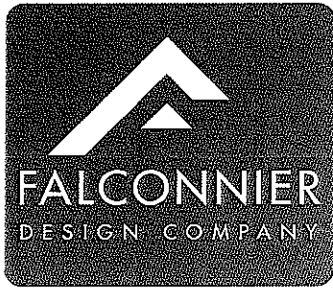
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Original Print Date: 7/21/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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Architecture • Interior Design • Master Planning • Consulting

4622 Chambliss Avenue • Knoxville, Tennessee 37919 • p:865.584.7868 • f:865.584.3139 • www.falconnier.net

August 4, 2010

Mr. Michael Brusseau
Knoxville-Knox County Metropolitan Planning Commission
400 Main Street – Suite 403
City County Building
Knoxville, Tennessee 37902

**RE: 1765 W. GOVERNOR JOHN SEVIER HIGHWAY
TAX ID No.136-11202**

On February 16, 2007, the Owner of Parcel 136 112 subdivided the parcel into smaller parcels, one of which is 136 11202 of 2.12 acres, located at the address given above. In 2007, an offer to purchase parcel 136 11202 was made. On May 24, 2007, the buyer received a "Report on Parcel 136 112" generated by the "Courthouse Retrieval System" which lists the property type as "Commercial." Based on the sale price of the property, at \$80,000 or over \$37,700 per acre, the seller and the financing institution also apparently understood the property type to be commercial. The property was sold on June 1, 2007 according to the Knox County Property Assessor's office. Tax records from 2009 obtained from the Knox County Trustee list the parcel's class as "Commercial" and the parcel has been taxed at a commercial rate. According to the KGIS-generated "Property Map and Details Report" obtained on June 8, 2010, the Address Type is listed as "Business." The Owner proceeded to explore development of the site based on these pieces of information which were received in good faith.

The buyer applied for and obtained a grading permit, which was executed. The buyer also applied for and received a permit for a septic system. The site was graded and the buyer purchased a pre-engineered steel building to erect on the site. Until he applied for a building permit, there was nothing made available to the buyer from the County that indicated the zoning of the site would not permit his type of business from locating there. It was not until June 8, 2010 that the architectural firm Falconnier Design Co., in executing design services retained by the buyer, notified the buyer that the subject property is Zoned "A" Agricultural and is located in a "Low Density Residential" Planning Sector. In order to develop the site for use as anything other than for uses listed in the zoning ordinance (Sections 5.22.02 and 5.22.03), the site would have to be re-zoned and the planning sector plan amended. The buyer would have to go through first the Metropolitan Planning Commission's application and fees process, then appear before the Planning Commission itself and finally go before the Knox County Commission. The buyer was understandably frustrated that he had been in contact with so many different entities of the County Government, including the Property Assessor, Trustee, Engineering and Health Departments, none of whom led him in the direction of contacting the Code Administration

office who would ultimately issue a building permit and enforce the zoning ordinances.

The buyer operates a small company and has manufactured custom wrought-iron designs and custom fences and handrails for the last 15 years. The business is presently located at 6807 Chapman Highway. The company only requires two artisans to create the wrought-iron artwork. All of the fabrication will be done indoors with no noise generation outside. The reason the owner is wishing to relocate to the new location is to allow the company the opportunity to offer products based on renewable materials such as wood, bamboo, as well as vinyl fencing. They also would like to be a representative for a solar panel product line.

The company's philosophy is to maintain a pleasing, well organized site with a minimal impact on the surrounding community as evidenced by the hand placed riprap in the drainage swales on site to eliminate erosion. The site has been carefully graded to allow a dense tree line to remain between the building and the road to further lessen the impact of the 2,000 square-foot fabrication building. The type of business being light industrial/ fabrication will generate fewer than 10 trips per day.

In Contrast, there is a Knox County Transfer Station located diagonally across the street at 7304 Twin Creek Road. The transfer station generates over 800 trips per day of all size and types of vehicles including trucks with trailers, larger box vans, and multi-axle trucks. This transfer station is already in operation with no screening at all between the road and the huge garbage bins parked on site. The transfer station, incidentally, is located at a "Residential" address type and is also zoned "A" Agricultural according to the KGIS.

Due to the existence of a high-traffic transfer station already in the area, it is clear that a small, low-impact fabrication shop will in no way adversely affect the local environment nor greatly increase the amount of pollution and traffic. Section 5.22.02 of the zoning ordinance would permit a church, library or museum to operate on this property with no requirements for review of any kind. Any of those functions would generate more noise and traffic than the proposed use. Also, Section 5.22.02 would permit the buyer to use an acre of the site as a landfill, also without any kind of review of any kind. Amending the Sector Plan and rezoning the property to allow this small business to function on land for which it is already being taxed will only benefit Knox County as a whole.

Sincerely,



Damon A. Falconnier, NCARB, LEED AP
President, Falconnier Design Co.

Enclosures: Knox County Trustee Property Tax Notice; Courthouse Retrieval System Report; KGIS- Owner Card; KGIS – Property Map and Details Report

FRED SISK, KNOX COUNTY TRUSTEE PROPERTY TAX NOTICE

www.knoxcounty.org/trustee TEL: 865-215-2305

Prop: 136-11202 Subdiv: JAMES BARILLARO PRO This amount is good through 10/31/2009
 Addr: 1765 W GOVERNOR JOHN SE Lot Size: Appraised Value: \$84,800.00
 Class: COMMERCIAL Acreage: 0 / 2.12 Assessed Value: \$33,920.00
 Owner: RAY TROY WORLEY JACQUEL Block / Lot: -- / 1

Tax Year	Taxes Due	Int/Pen	Charges	Balance Due
2009	\$801.00	\$0.00	\$0.00	\$801.00
2008	\$798.00	\$95.76	\$0.00	\$893.76
			Total Due	\$1,694.76



Please forward this notice to the responsible taxpayer.

Payment Dates: Current Year Taxes are due and payable October 1st through February 28th Beginning March 1st, penalties will be added at a rate of 1 1/2% on the first of every month

Prior Year's Taxes are due by the end of this month.

(TCA 67-5-2010)

RAY TROY WORLEY JACQUELINE
 1665 W GOV JOHN SEVIER HWY
 KNOXVILLE TN 37920

2009

TO RECEIVE A PAID TAX RECEIPT YOU MUST INCLUDE A SELF-ADDRESSED STAMPED ENVELOPE WITH YOUR PAYMENT.

Detach and mail this portion with your payment. Your cancelled check will serve as your receipt.

Fred Sisk, Knox County Trustee
 P.O. Box 70 Knoxville, TN 37901

Tax ID #: 136-11202

215-4259

Courthouse Retrieval System - Knox County, TN

Report on Parcel :136 112

Generated :5/24/2007

General Information

BARILLARO JAMES R,
JAMES R III &
MICHAEL R
2516 TRANQUIL WAY
SEVIERVILLE, TN
37876-0170

Parcel ID:	136 112	Special Int:		Land C Map:	
Alt-Parcel ID:	5579429173	Map:	136	Acct No:	
Subdivision:		Sort:		Page:	36
Property Address:	1665 W GOVERNOR JOHN SEVIER HWY KNOXVILLE, TN 37920-6248	Plat:	82L	Lot:	4
Telephone:	0-	Book:		District:	D9
		Subdv Block:		SSD2:	
		Parcel:			
		SSD1:			
		Ward:	D9		

Land Value:	88100	Dimensions:		Description:	
Improvement Value:	110200	Acreage:	16.64	Property Type:	COMMERCIAL
Total Value:	198300	Square Feet:	4000	Land Use:	63 BUSINESS
Assessed Value:	79320	Geo Code:	-83.8950443710797 : 35.8948744098613	Improvement Type:	87 - WAREHOUSE
City Tax:		Census Tract:	56.01	Zoning Code:	
County Tax:	2133.71	Census Block:	1	Owner Type:	
Total Tax:	2133.71	Gas Source:		Road Type:	
Last Sale Date:	9/3/2002	Electric Source:		Topography:	
Last Sale Amount:	90000	Water Source:		District Trend:	
Book/Page:	/	Sewer Source:			
Document No:	200209090020622				
Exemption Amount:					
Exemption Reason:					

Land Data For Parcel			
Land Type	Land Size	Land Amount	Land Use
ACRE-WOODLAND	12.64	16053	
ACRE-PRIMARY	4	72000	

Building Information

Building Number:001

Improvement Type:	87-WAREHOUSE	
Condition:		
Occupancy:		
Last Appraisal Date:		
Year Built:	2004	Effective Year:
Building Data Source:		
Structural Framing:	STEEL	
Foundation:	FULL BMT	
Floor System:		
Exterior Wall:	PREFINISHED METAL	
Common Wall:		
Roof Framing:		
Roof Cover Deck:		
Cabinet Mill Work:		
Floor Finish:		
Interior Finish:		
Heat & Air:	UNIT HEATER	
Air Conditioning:		
Bathroom Tile:		
Building Quality:	BELOW AVERAGE	
Building Shape:		

Bedrooms:	
Bathrooms:	
Total Rooms:	
Stories:	1
Dwelling Units:	
Partitions:	
Plumbing Fixtures:	
Fireplace?	

Dimensions	
Total Area	4000
Base Area	4000
BASE	4000

Extra Features - No Extra Feature Data Available for Parcel: 136 112

Sales & Deed History

Sales Data			
Date:	9/3/2002	Amount:	90000
Instrument:	-	Quality:	na-
Owner:	BARILLARO JAMES R,		Quality:
Book:		Page:	
Document No:	200209090020622		

Deed Data			
Owner:	BARILLARO JAMES R,	Book:	Date: 09/03/02
	JAMES R III & MICHAEL R	Page:	

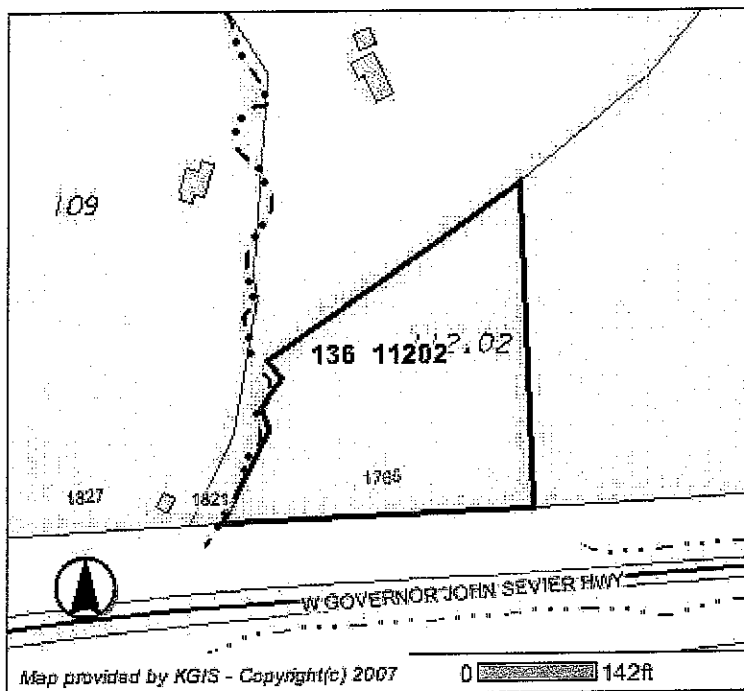
Trust Deed Information - No Trust Deed Data Available for Parcel: 136 112

Information Deemed Reliable, but Not Guaranteed
Copyright ©2007, Courthouse Retrieval System, All Rights Reserved

Property Assessor's Office - Knox County, Tennessee						
Map Department - Ownership Card						
KGIS NORMAL						6/8/2010
District	Map	Insert	Group	Parcel	Ward	Property Location
D9	136					1765 W GOVERNOR JOHN SEVIER HWY
Owner		Deed Date	Book	Page	Sale Price	Mailing Address
BARILLARO JAMES R, JAMES R III & MICHAEL R		9/3/2002	<u>20020909</u>	0020621	\$0	2516 TRANQUIL WY SEVIERVILLE, TN 37876
		9/3/2002	<u>20020909</u>	0020622	\$0	2516 TRANQUIL WY SEVIERVILLE, TN 37876
RAY TROY WORLEY JACQUELIN E		6/1/2007	<u>20070606</u>	0100358	\$80 000	1665 W GOV JOHN SEVIER HWY KNOXVILLE, TN 37920
Previous Parcel(Split From)			Next Parcel (Merged Into)			
136 112						
Subdivision	Block	Lot	Plat	Dimensions (shown in ft)		Acreage
JAMES BARILLARO PROPERTY	-	1 -	20070522 - 0095307			2.12 - A.C Deeded
						0.00 - A.C. Calculated

Data shown on this report was current as of: 5/25/2010

1765 W GOVERNOR JOHN SEVIER HWY - Property Map and Details Report



Parcel Information (last updated: 5/25/2010)

Location Address: 1765 W GOVERNOR JOHN SEVIER HWY

CLT Map: 136

Insert:

Group:

Condo Letter:

Parcel: 11202

Parcel ID: 136 11202

Parcel Type: NORMAL

District: D9

Ward:

Subdivision: JAMES BARILLARO PROPERTY

Recorded Acreage: 2 12

Calculated Acreage: 0.00

Recorded Plat: 20070522 - 0095307

Recorded Deed: 20070606 - 0100358

Deed Type: WARRANTY

Deed Date: 06/06/2007

Address Information (last updated: 5/25/2010)

Site Address: 1765 W GOVERNOR JOHN SEVIER HWY
KNOXVILLE - 37920

Address Type: BUSINESS

Site Name: DIXON FABRICATION

Owner Information (last updated: 5/25/2010)

RAY TROY WORLEY JACQUELIN E
1665 W GOV JOHN SEVIER HWY
KNOXVILLE, TN 37920

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365

Jurisdiction (last updated: 2/13/2009)

County: KNOX COUNTY

City / Township:

MPC Info (last updated: 10/25/2006)

Census Tract: 56 01

Planning Sector: South County

1990 Traffic Zone: 164

2000 Traffic Zone: 164

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions

Political Districts (last updated: 1/5/2008)

Voting Precinct: 90 Bonny Kate

Voting Location: South Doyle High School
2020 TIPTON STATION RD

TN State House: 17 Frank Nicely

TN State Senate: 6 Jamie Woodson

County Commission: 9 Mike Brown
Paul Pinkston

City Council:

School Board: 9 Robert Bratton

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones (last updated: 5/27/2009)

Elementary: BONNY KATE ELEMENTARY

Middle: SOUTH-DOYLE MIDDLE

High (2007): SOUTH-DOYLE HIGH

High (2008):

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions

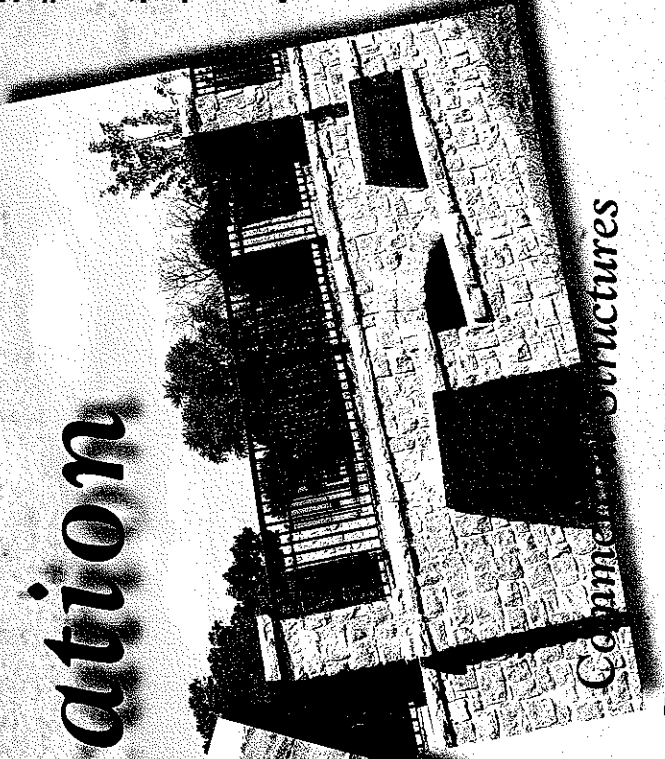
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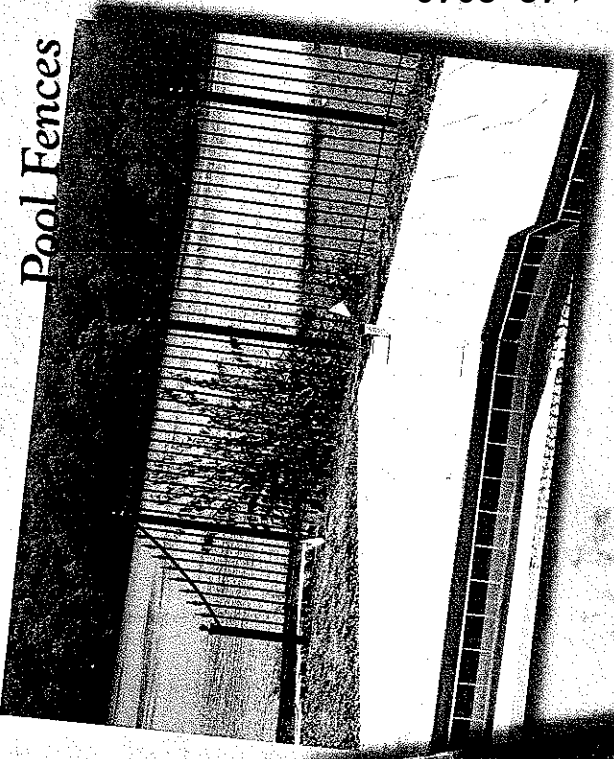
Dixon Fabrication



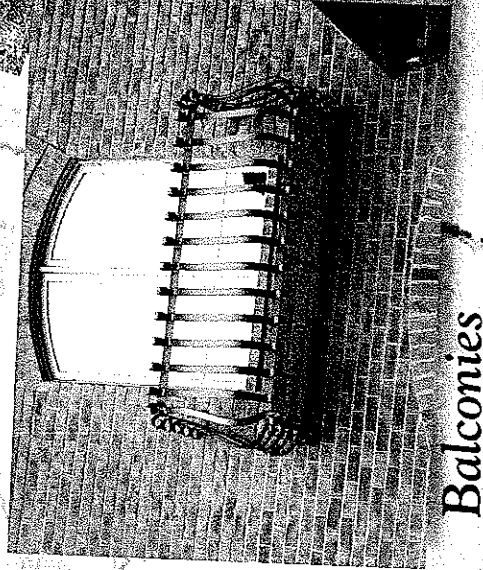
Miscellaneous Structures



Commercial Structures



Pool Fences

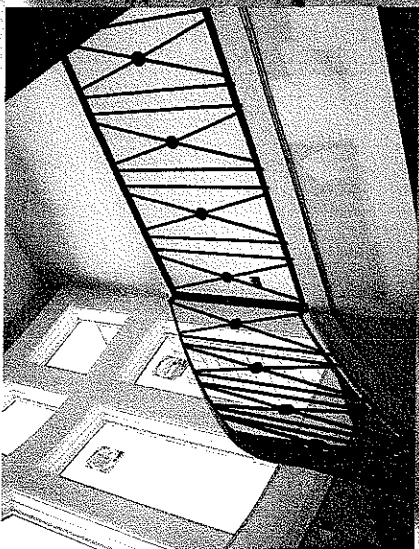


Balconies

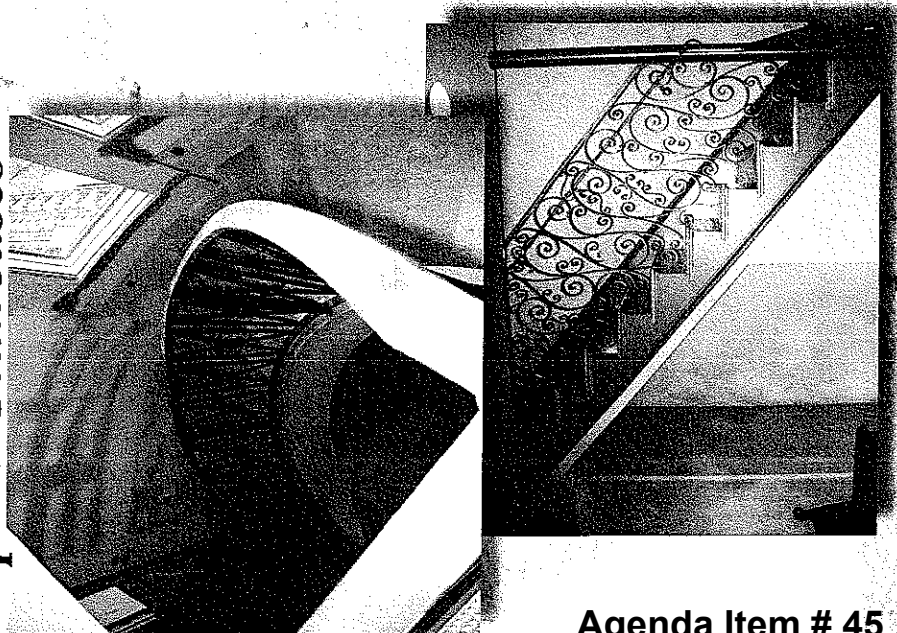


Gates

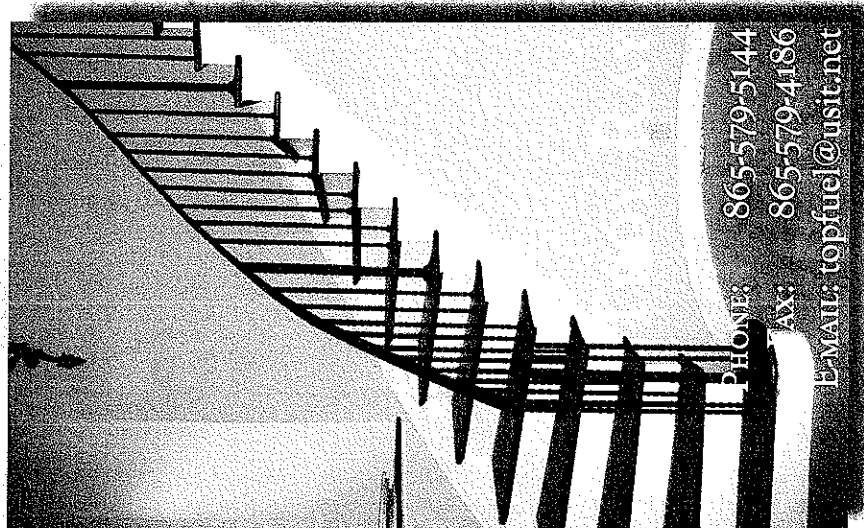
*On the front Cover:
Wine Cellars



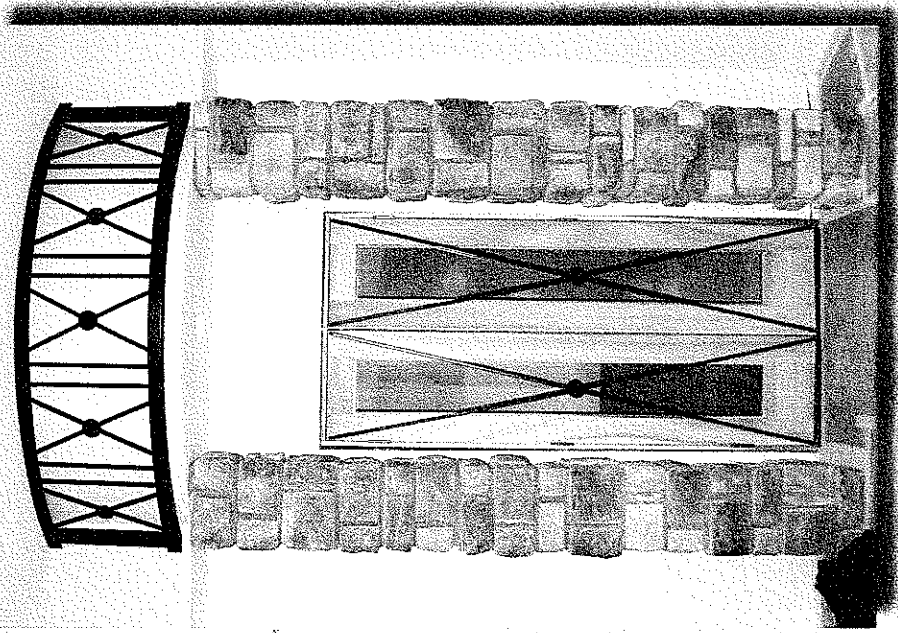
*Curved
&
Spiral Staircases*



*DIXON
FABRICATION*



PHONE: 865-579-5144
FAX: 865-579-4186
E-MAIL: topfuel@usit.net



865-579-5144

COMMERCIAL & RESIDENTIAL
IRONWORK & POWDERCOATING



MPC August 12, 2010

Agenda Item # 45



MPC August 12, 2010

Agenda Item # 45





MPC August 12, 2010

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