



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

▶ **FILE #:** 6-C-18-RZ
6-A-18-SP

AGENDA ITEM #: 36
AGENDA DATE: 6/14/2018

▶ **APPLICANT:** KEN GILREATH
OWNER(S): Kenneth and Tina Gilreath

TAX ID NUMBER: 84 114 [View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 5626 Strawberry Plains Pike

▶ **LOCATION:** South side Strawberry Plains Pike, east of E. Governor John Sevier Hwy.

▶ **TRACT INFORMATION:** 4.82 acres.

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Strawberry Plains Pike, a major arterial street with 25' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Swan Pond Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) & SP (Stream Protection) / A (Agricultural) & I (Industrial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) & SP (Stream Protection) / PC (Planned Commercial) and F (Floodway)

▶ **EXISTING LAND USE:** Automobile sales lot

▶ **PROPOSED USE:** Automobile sales lot

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC sector plan designation from the west. The property to the west is zoned PC.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Strawberry Plains Pike, agricultural uses / A (Agricultural)

South: Swan Pond Creek, warehouse/distribution / I (Industrial)

East: Antenna pole and vacant land / A (Agricultural)

West: Equipment and materials lay down yard / PC (Planned Commercial)

NEIGHBORHOOD CONTEXT: This area is developed primarily with agricultural and rural residential uses under Agricultural zoning. Commercial and industrial uses are located to the west and south along E. Governor John Sevier Hwy., zoned CA, CB, PC and I.

STAFF RECOMMENDATION:

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

General commercial uses are not appropriate or necessary at this location. There is no justification for the sector plan change, based on the below criteria that provide reasons that would warrant an amendment of the plan.

▶ **DENY the rezoning to CA (General Business) / F (Floodway) zoning, consistent with the denial recommendation for the associated sector plan amendment.**

This site is located too far away from the established commercial node to the west to be appropriate for CA zoning. Also, there are two nearby sites, one to the west, zoned PC and one to the east, zoned CA, that are unused, making it unnecessary to rezone more property in the area to commercial, which is not consistent with the sector plan proposals for the area.

COMMENTS:

The subject property is currently being used for an automobile sales lot, which is not permitted under the current Agricultural zoning of the site. Staff inquired to Knox County Code Administration about the status of the property. It was reported that they had no records for this address. There have been no permits issued and there have been no complaints received. Therefore, it appears that the automobile sales lot was established in violation of zoning and has continued because there no complaints filed. The applicant is seeking CA zoning in order to bring the current use into compliance with zoning.

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No new roads or utilities have been introduced in this area to make general commercial development more feasible.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for low density residential uses. The East County Sector Plan was updated in 2011. Knox County Commission adopted the updated sector plan on June 27, 2011. There are no apparent errors in the plan and nothing has significantly changed in the area since the 2010 sector plan adoption to justify amending the sector plan. The current low density residential plan designation for this site is intentional and appropriate.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

Commercial development in this area has been generally located at nodes where higher-traffic streets intersect. Non-residential uses in this area have been established to the west of this site at the intersection of Strawberry Plains Pike and E. Governor John Sevier Hwy., and to the south. This site's separation from that node make it less appropriate for commercial uses. There is an unused CA zoned property located to the east that could be used for this proposed use.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

There are no apparent trends in this area that would warrant amending the sector plan for general commercial uses at this location.

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. This site is located too far away from the established commercial node to the west to be considered appropriate for CA zoning.
2. There is an unused CA zoned property to the east and unused PC zoning to the west, that could be used for

the proposed use. There is no need to rezone additional property to commercial in this area.

3. There is no justification to amend the sector plan for this property, in order to consider CA or any other commercial zoning.

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

1. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.
2. Based on the above description and intent and with unused commercial properties nearby, this property is not appropriate to be rezoned to CA, as requested.

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 low density residential plan designation and Agricultural zoning should be maintained for this property.
2. Allowing general commercial use of this property could have a negative impact on the established agricultural properties on all sides.
3. Public water and sewer utilities are available in the area, but may need to be extended to serve the site.

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. With approval of the requested East County Sector Plan amendment to GC, the requested CA zoning would be consistent with the sector plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The current zoning does not present any apparent conflicts with any adopted plans, and should be maintained.

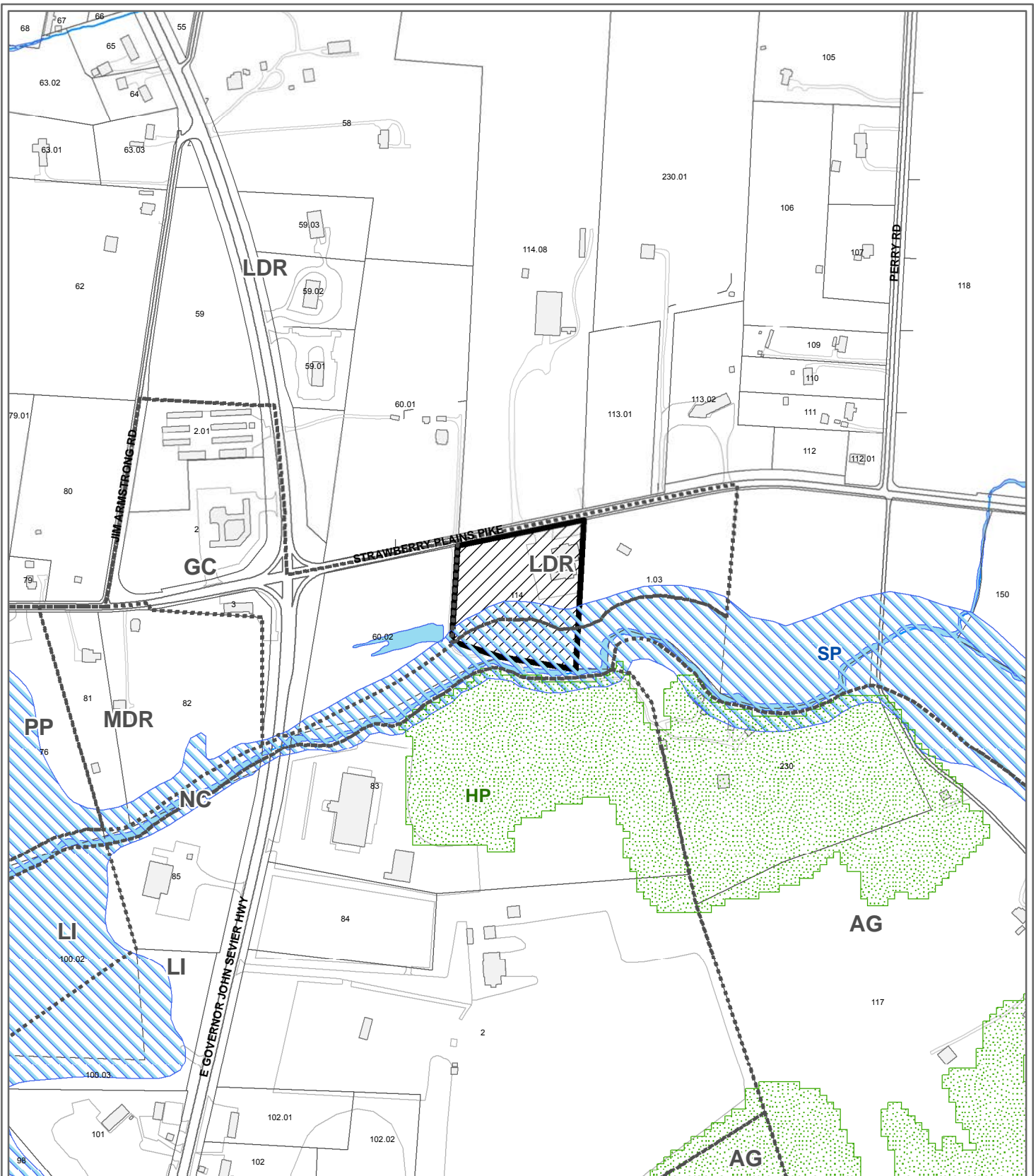
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 7/23/2018. 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.



**6-A-18-SP / 6-C-18-RZ
EAST COUNTY SECTOR PLAN AMENDMENT**

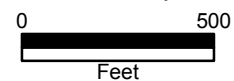
From: LDR (Low Density Residential) & SP (Stream Protection)
To: GC (General Commercial) & SP (Stream Protection)



Petitioner: Gilreath, Ken

Map No: 84

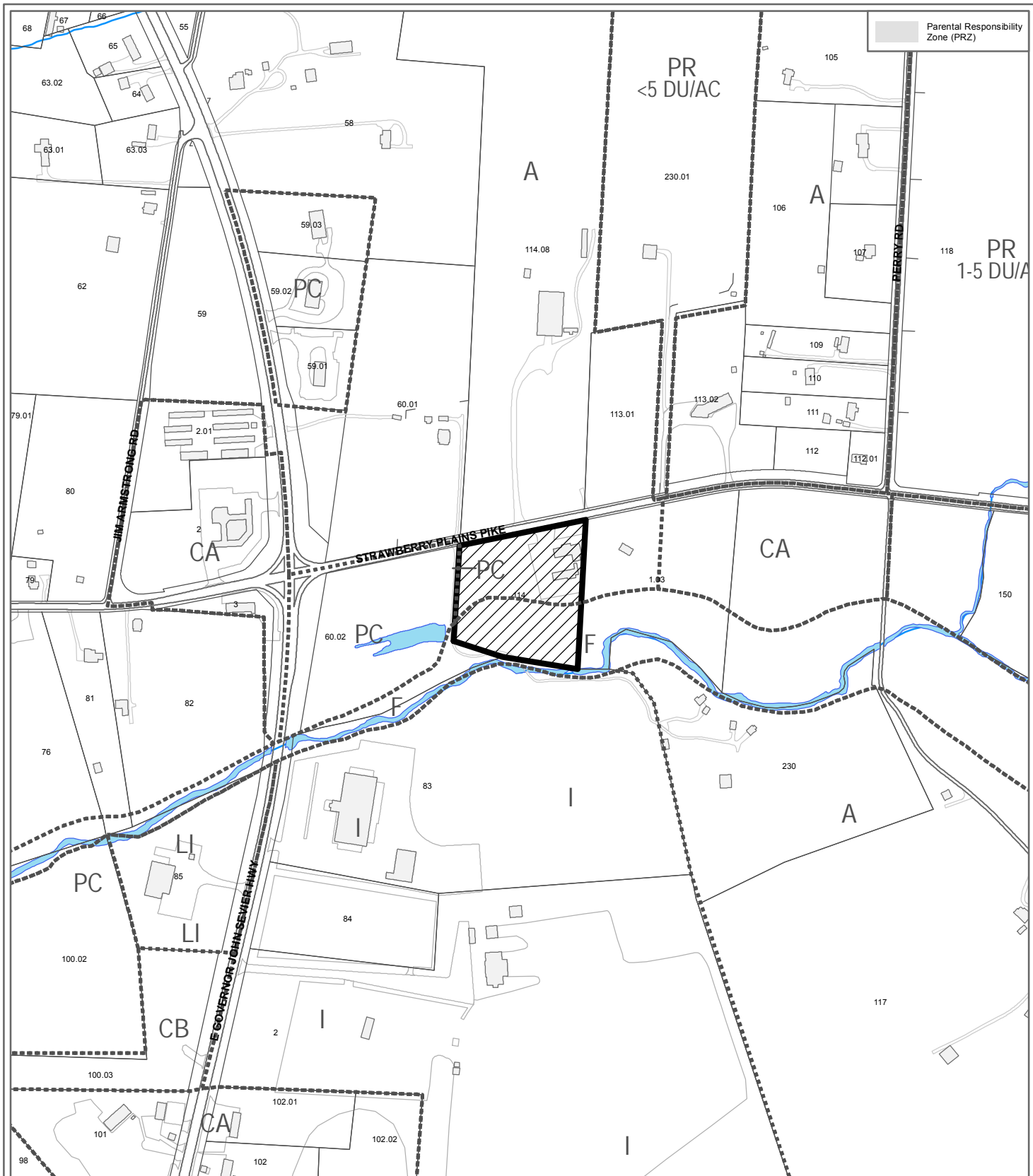
Jurisdiction: County



Original Print Date: 5/14/2018

Revised: 5/16/2018

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**6-C-18-RZ
REZONING**

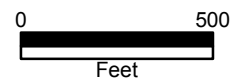
From: A (Agricultural) and F (Floodway)
To: CA (General Business) and F (Floodway)



Original Print Date: 5/14/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Gilreath, Ken

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Jurisdiction: County





Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] ReZoning on Asheville Hwy

1 message

Jessie Cantrell <jes.cantrell@gmail.com>

Fri, May 18, 2018 at 10:05 AM

Reply-To: jes.cantrell@gmail.com

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Hello,

My family lives off the Asheville Hwy exit on Bona Road. We have three small children and love living in East Knoxville. We love taking care of the community and are trying to improve the area so that more resources and young families move to this area as well.

ReZoning the area of Asheville Hwy by John Sevier to commercial land would place a huge set back to everything we are working toward and I can't find any residents who support the decision to rezone. We do not want more huge trucks on our roads and at all times of the day and night. It's completely opposite of what we would like to see more of. Please consider the community and families here and Work to not allow this to happen. Or please slow down the process so we can inform more residents and give them time to let their voices be heard.

Thanks for you time!

Jessie

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This message was directed to commission@knoxmpc.org

REZONING PLAN AMENDMENT

Name of Applicant: Ken Gilreath Date Filed: 4/26/18 Meeting Date: 6/14/2018 Application Accepted by: Sherry Michienzi Fee Amount: \$1000 File Number: Rezoning 6-C-18-RZ Fee Amount: \$600 File Number: Plan Amendment 6-A-18-SP



PROPERTY INFORMATION Address: 5626 STRAW PLAINS PK General Location: 3/5 Strawberry Plains PK, East of E. Gov. John Devier Hwy Parcel ID Number(s): 084-114 Tract Size: 4.82 Existing Land Use: Planning Sector: East County Growth Policy Plan: Census Tract: 54.01 Traffic Zone: 127 Jurisdiction: County Commission 8 District

PROPERTY OWNER OPTION HOLDER PLEASE PRINT Name: Kenneth & Tina Gilreath Company: Address: 3928 Gooseneck Dr City: Knoxville State: TN Zip: 37920 Telephone: 865-388-7737 Fax: E-mail: Kgilreath@gilreathfarms.com

Requested Change REZONING FROM: A/F TO: CA/F PLAN AMENDMENT One Year Plan Sector Plan FROM: LDR TO: GC

APPLICATION CORRESPONDENCE All correspondence relating to this application should be sent to: PLEASE PRINT Name: Ken Gilreath Company: Address: 3928 Gooseneck Dr City: Knoxville State: TN Zip: 37920 Telephone: 865-388-7737 Fax: E-mail: Kgilreath@gilreathfarms.com

PROPOSED USE OF PROPERTY Density Proposed Units/Acre Previous Rezoning Requests:

APPLICATION AUTHORIZATION I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form. Signature: Ken Gilreath PLEASE PRINT Name: Ken Gilreath Company: SAME AS ABOVE Address: 3928 Gooseneck Dr City: Knoxville State: TN Zip: 37920 Telephone: 865-388-7737 E-mail: Kgilreath@gilreathfarms.com