



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

▶ **FILE #:** 9-J-18-RZ
9-C-18-SP

AGENDA ITEM #: 36
AGENDA DATE: 10/11/2018

POSTPONEMENT(S): 9/13/2018

▶ **APPLICANT:** LAND DEVELOPMENT SOLUTIONS
OWNER(S): Bash Group, LLC

TAX ID NUMBER: 73 040 & 041

[View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 7602 Strawberry Plains Pike

▶ **LOCATION:** South side Strawberry Plains Pike, east side Huckleberry Ln.

▶ **TRACT INFORMATION:** 3.4 acres.

SECTOR PLAN: East County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is off of Huckleberry Ln, a local street, via Strawberry Plains Pike, a minor arterial, with a right-of-way width of 75' to 60' feet and a pavement width of 25' feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Swan Pond Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR/O (Medium Density Residential and Office) and LDR (Low Density Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** Vacant and residential

▶ **PROPOSED USE:** Motor home sales

EXTENSION OF PLAN DESIGNATION/ZONING: Extension of GC (General Commercial) node at intersection of Strawberry Plains Pike and I-40, with some of the commercial zoning at the node existing for 25 years.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Forested and vacant land / MU-SD (Mixed Use Special District)
South: Single family residential homes and vacant land / MDR/O (Medium Density Residential/Office)
East: Single family residential homes / LDR (Low Density Residential)
West: Bank / GC (General Commercial)

NEIGHBORHOOD CONTEXT: The commercial node at Strawberry Plains Pike extends east from I-40 with a transition to office uses beginning at Huckleberry Springs Rd. To the north, east and south the existing land uses are largely single family residential and forested / vacant land.

STAFF RECOMMENDATION:

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

The existing sector plan designation of MDR/O (Medium Density Residential/Office) creates a transition buffer between the existing GC (General Commercial) node at the intersection of Strawberry Plains Pike and I-40 and the adjacent LDR (Low Density Residential) area to the east. Extensions of GC are not recommended, as per the East County Sector Plan, because of the adverse effects on traffic-carrying capacity, safety and environmental impacts.

▶ **DENY CA (General Business) zoning.**

CA zoning at this location would be incompatible with the adjacent A (Agricultural) zoning and low density residential uses. Adjacent properties would be adversely affected by possible range of uses allowed in the CA zone district.

COMMENTS:

SECTOR PLAN AMENDMENT 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 additional utilities have been introduced in this area since the adoption of the 2010 East County Sector Plan. The current plan shows this parcel for MDR/O (Medium Density Residential/Office).

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

There was no obvious error or omission when the East County Sector Plan was updated in 2010. Public policy has not shifted to allow for an extension of GC (General Commercial). In 2011, a previous application for a sector plan amendment to GC from LDR was made for the parcel adjacent to the east of this site at 7620 Strawberry Plains Pike and that was denied. The 2017 adopted East Knox County Community Plan further reiterated this transition concept by including a development transition concept to guide future land use decisions.

TRENDS IN DEVELOPMENT, PROPULATION OR TRAFFIC THAT WARRANT RECONDISERATION OF THE ORIGINAL PLAN PROPOSAL:

There are no apparent trends in this area that would warrant amending the sector plan, the recently adopted 2017 East Knox County Community Plan continued to recommend a transition concept between the more intense uses of the rural crossroads and the agricultural, low density residential areas.

State law regarding amendments of the general plan (which includes 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.

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 Urban Growth Boundary for the City of Knoxville on the Growth Policy Plan and is proposed for Medium Density Residential/Office uses on the sector plan, inconsistent with the proposal.
2. The proposed CA (General Business) zoning is not compatible with the scale and intensity of the adjacent agricultural and low density residential zoning and uses.
3. The area and surrounding zone districts have not changed substantially since the adoption of the 2010 East

County Sector Plan.

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

1. The proposed amendment to CA zoning allows for general retail business and services, however, outdoor storage of material and equipment is prohibited unless fully screened on all sides by an opaque screen and is located in the rear of the principal permitted use or structure.

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.

1. CA zoning is not compatible with the surrounding development and will have impacts on the adjacent low density residential properties.
2. The site is located within the Urban Growth Boundary on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. An adjacent parcel to the east was previously denied a rezoning from A (Agricultural) to CB (Business and Manufacturing Zone) in 2011.
4. The adjacent parcel to the east was also denied a plan amendment from LDR to GC in 2011.

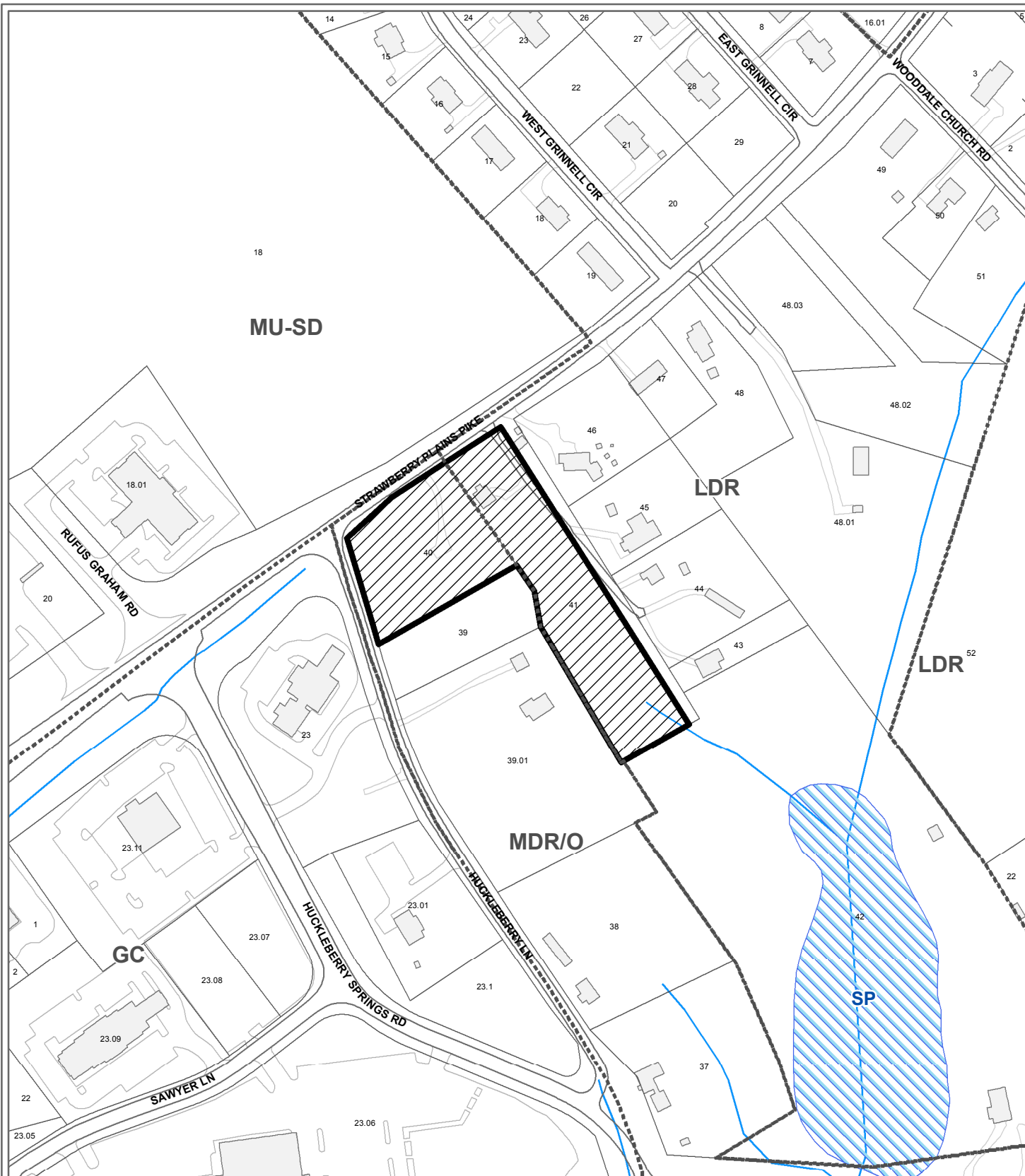
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The East County Sector Plan proposes medium density residential and office uses for this property, not consistent with the requested CA zoning.
2. The site is located just outside of the proposed Rural Crossroads for the I-40/Strawberry Plains Pike in the 2017 adopted East Knox County Community Plan, and this area is considered a gateway to the rural area of the East Knox Community.
3. The 2017 adopted East Knox County Community Plan provided a development transition concept between more intense crossroads areas and rural and development corridors.
3. Huckleberry Springs Road, which lies west of this area is considered a Rural Corridor in the plan as well, and the recommended development pattern should preserve the rural look and feel.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 11/19/2018. 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.



**9-C-18-SP / 9-J-18-RZ
EAST COUNTY SECTOR PLAN AMENDMENT**

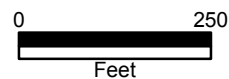
From: MDR/O (Medium Density Residential and Office) and LDR (Low Density Residential)
To: GC (General Commercial)



Petitioner: Land Development Solutions

Map No: 73

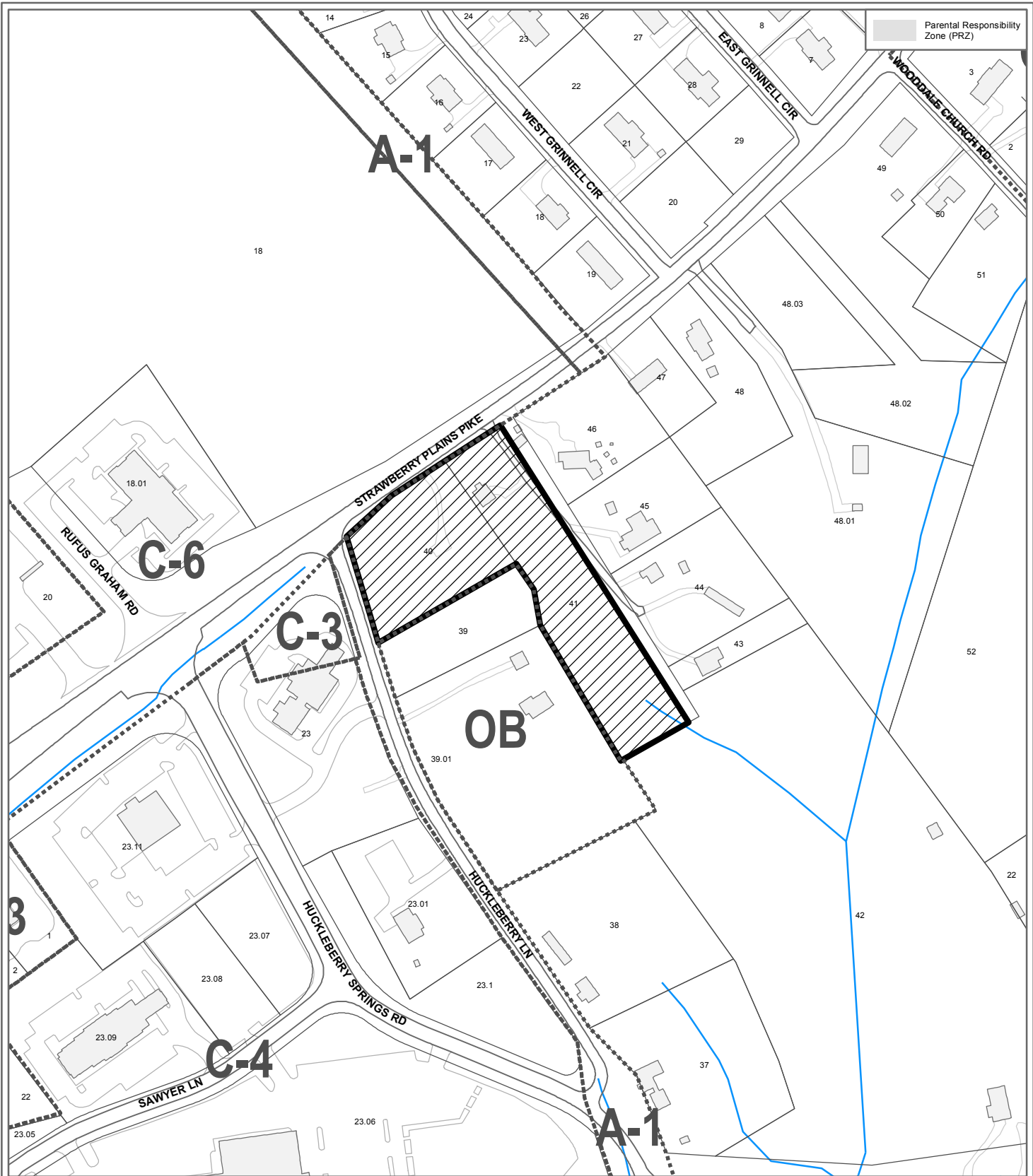
Jurisdiction: County



Original Print Date: 8/15/2018

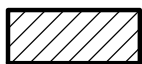
Revised:

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



**9-J-18-RZ
REZONING**

From: A (Agricultural)
To: CA (General Business)



Petitioner: Land Development Solutions

Map No: 73

Jurisdiction: County



Original Print Date: 8/23/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

9/4/2018

9-J-18-RZ-9-C-18-SP PR 9-13-18

knoxjtc@gmail.com - Fwd: 9j18rz and pc18sp



Sherry Michienzi <sherry.michienzi@knoxmpc.org>

Fwd: 9j18rz and pc18sp

3 messages

Amy Brooks <amy.brooks@knoxmpc.org>

Thu, Aug 30, 2018 at 1:35 PM

To: Sherry Michienzi <sherry.michienzi@knoxmpc.org>, Dori Caron <dori.caron@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

----- Forwarded message -----

From: **Liz Albertson** <liz.albertson@knoxmpc.org>

Date: Thu, Aug 30, 2018 at 1:10 PM

Subject: Fwd: 9j18rz and pc18sp

To: Amy Brooks <amy.brooks@knoxmpc.org>, Gerald Green <gerald.green@knoxmpc.org>, Mike Brusseau <mike.brusseau@knoxmpc.org>, Mike Reynolds <mike.reynolds@knoxmpc.org>, Dan Kelly <dan.kelly@knoxmpc.org>, Tom Brechko <tom.brechko@knoxmpc.org>, Jeff Archer <jeff.archer@knoxmpc.org>

Arthur's clients want to postpone for 30 days -- **9-J-18-RZ** and **9-C-18-SP**. This is the email he sent to me regarding that (see below). Is this sufficient for the postponement request?

Thanks,
-Liz

----- Forwarded message -----

From: **Arthur G. Seymour, Jr.** <ajseymour@fmsllp.com>

Date: Thu, Aug 30, 2018 at 11:12 AM

Subject: 9j18rz and pc18sp

To: Liz Albertson <liz.albertson@knoxmpc.org>

* Please postpone to October

Thanks

Arthur G. Seymour, Jr. Attorney



REZONING **PLAN AMENDMENT**

Name of Applicant: Land Development Solutions

Date Filed: 7/31/18

Meeting Date: 9/13/18

Application Accepted by: M. Payne

Fee Amount: 1200.00

File Number: Rezoning 9-2-18-82

Fee Amount: 720.00

File Number: Plan Amendment 9-C-18-5P
East County Sector



PROPERTY INFORMATION

Address: 7602 & 7606 Strawberry Plains Pike

General Location: Intersection of Strawberry Plains Pk and Huckleberry Ln

Parcel ID Number(s): 073 040 & 073 041

Tract Size: ~3.4 acres

Existing Land Use: Vacant & Residential

Planning Sector: East County

Growth Policy Plan: _____

Census Tract: 53.02

Traffic Zone: 132

Jurisdiction: City Council _____ District
 County Commission 8 District

Requested Change

REZONING

FROM: A

TO: CA

PLAN AMENDMENT

One Year Plan East County Sector Plan

FROM: MDR/IO & LDR

TO: GC

PROPOSED USE OF PROPERTY

Motor Home Sales

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Roger Sellers

Company: Bash Group LLC

Address: 835 Huckleberry Springs Rd.

City: Knoxville State: TN Zip: 37924

Telephone: 865-933-7213

Fax: _____

E-mail: jsecure@tennesseerv.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: E J Baksa, Jr

Company: Land Development Solutions

Address: 310-K Simmons Rd

City: Knoxville State: TN Zip: 37922

Telephone: 865-671-2281

Fax: _____

E-mail: rbaksa@ldstn.com

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: [Signature]

PLEASE PRINT

Name: E J Baksa, Jr

Company: Land Development Solutions

Address: 310-K Simmons Rd

City: Knoxville State: TN Zip: 37922

Telephone: 865-671-2281

E-mail: rbaksa@ldstn.com

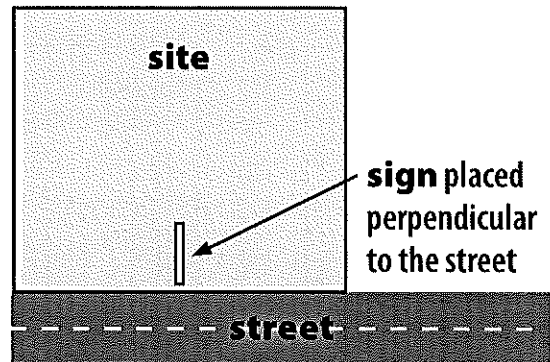
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

8/29/18 and 9/14/18
(15 days before the MPC meeting) (the day after the MPC meeting)

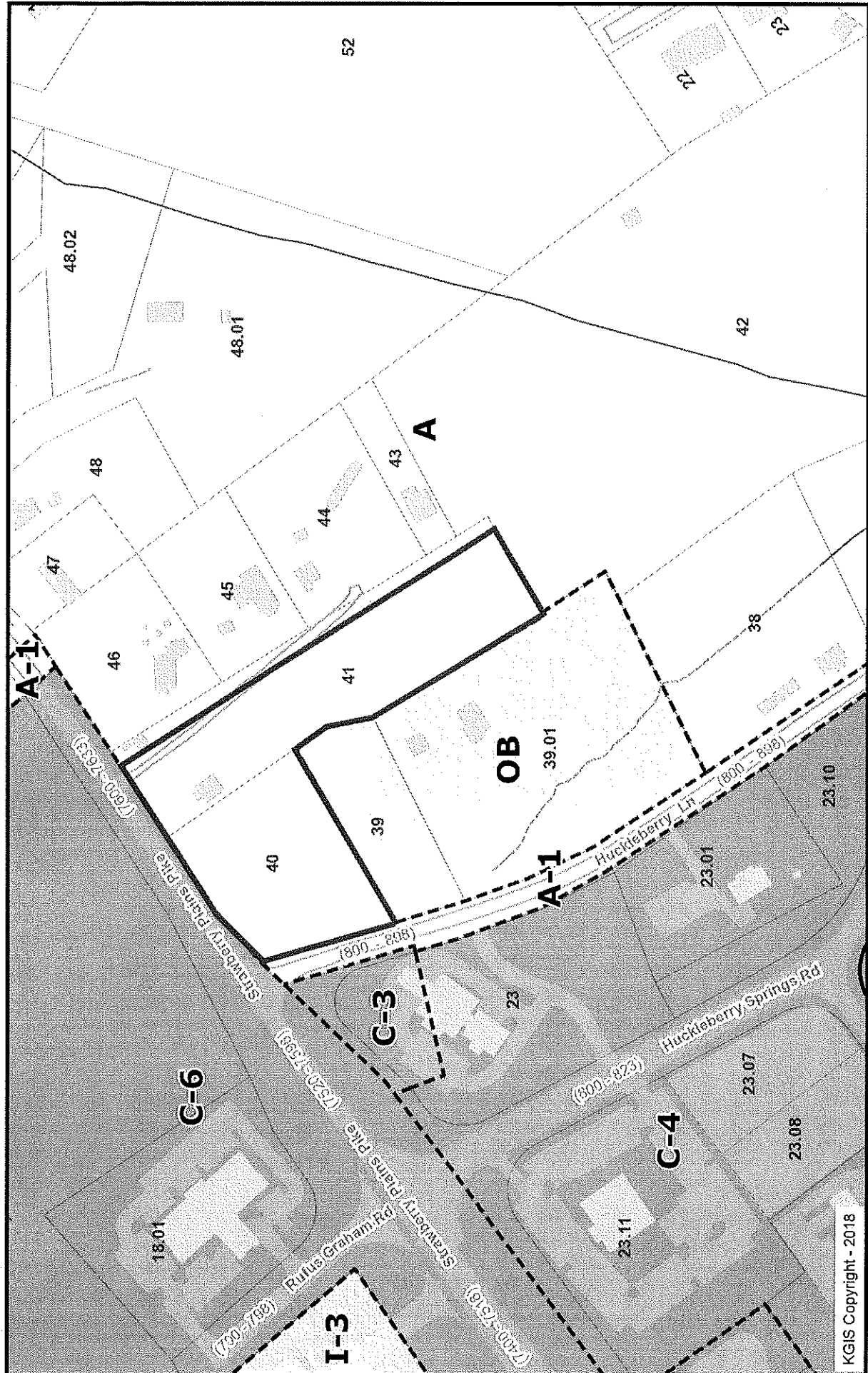
Signature: Bruce Morgan

Printed Name: BRUCE MORGAN

Phone: 865-671-2281 Email: RBAKSA@LDSTN.COM

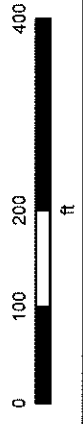
Date: 7-31-18

MPC File Number: 9-J-18-RZ 9-C-18-SP



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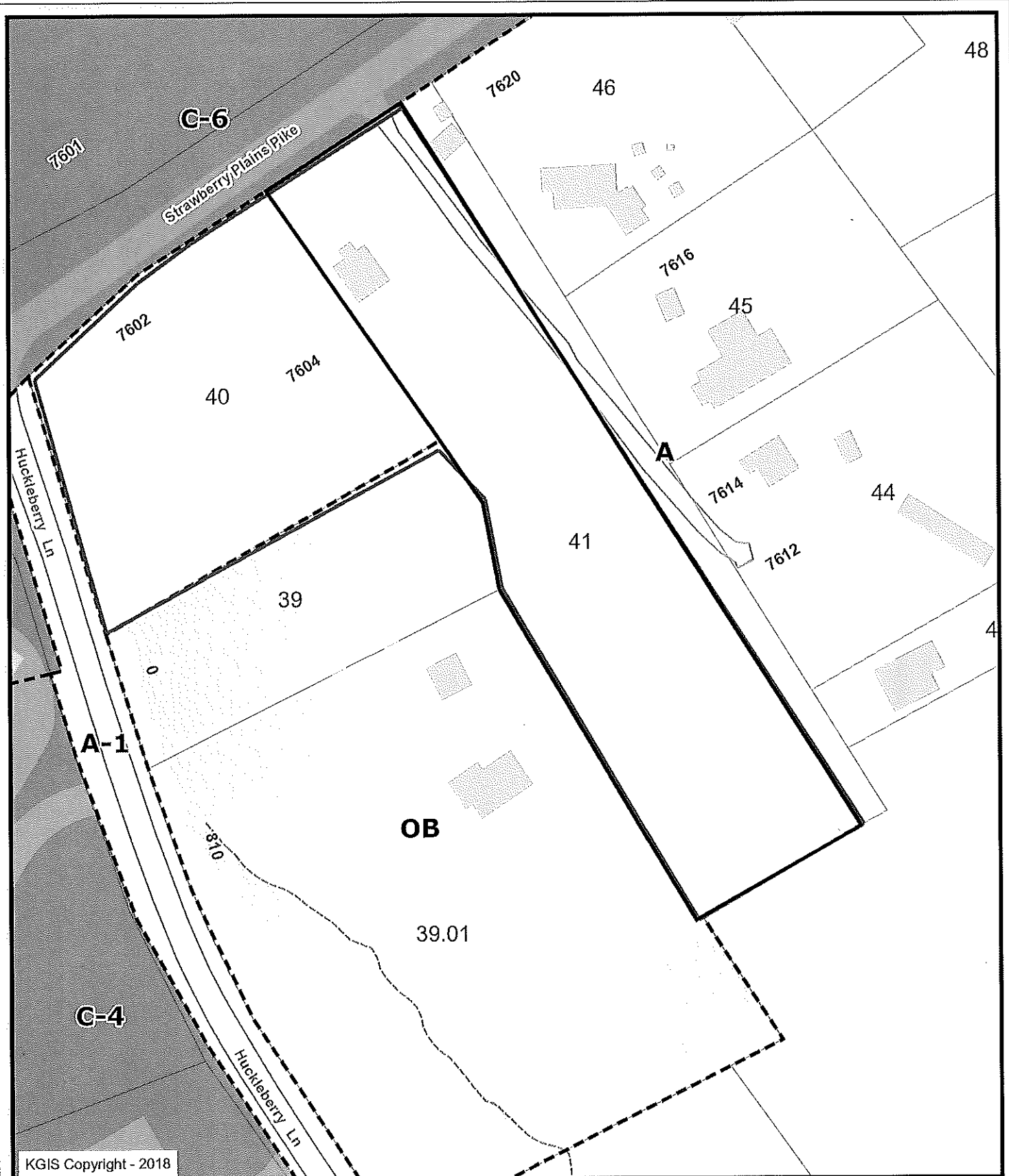
Printed: 7/31/2018 at 11:33:55 AM



Rezoning
Bash Group LLC

Knoxville - Knox County - KUB Geographic Information System

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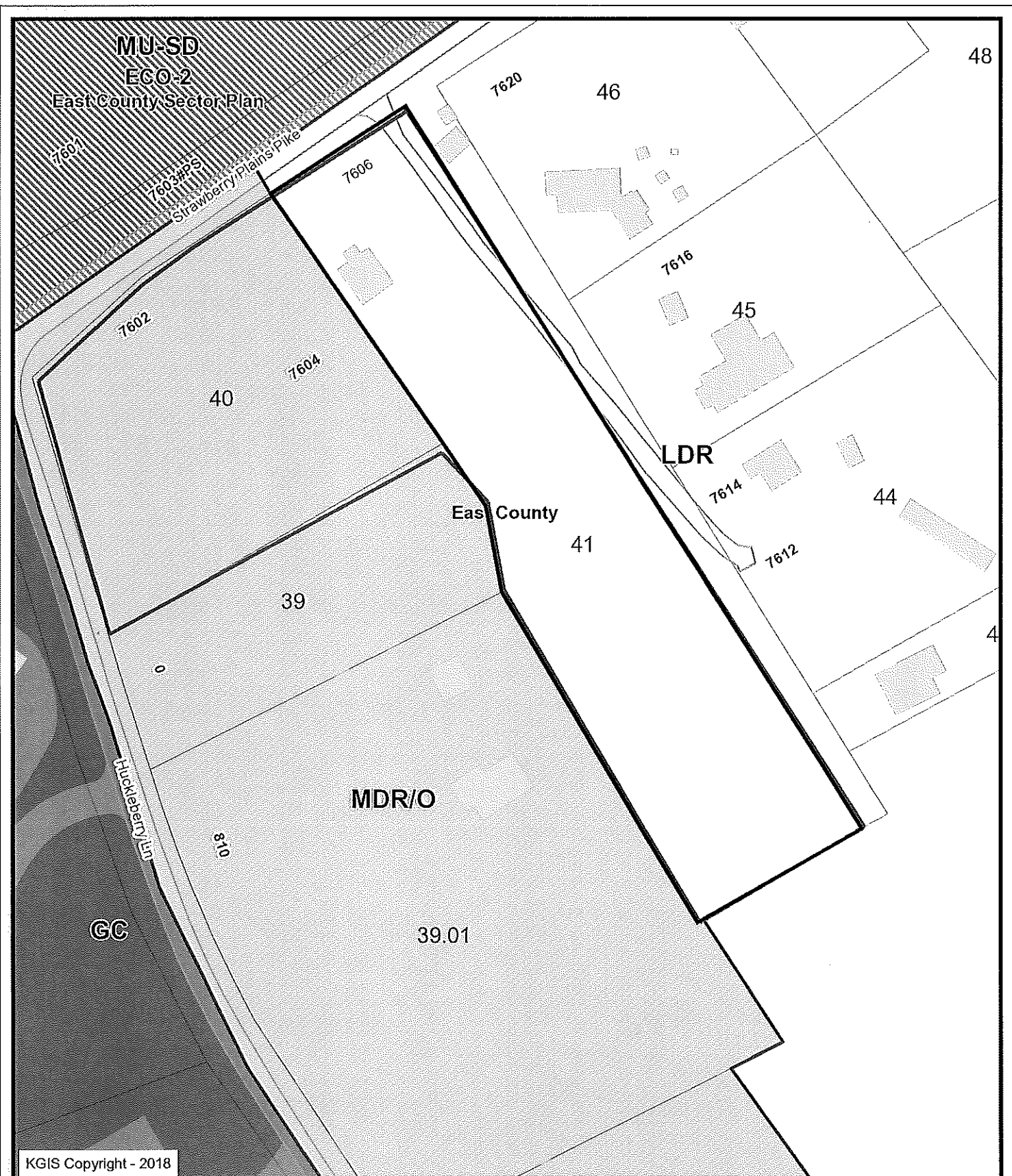
Letter Portrait

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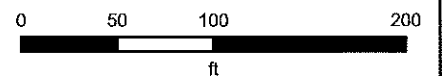


Letter Portrait

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JOHN M. LAWHORN
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BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
RICHARD E. GRAVES



client-centric & committed to success

Email: ajseymour@fmsllp.com
Direct Fax: 865-541-4612

September 20, 2018

office 865.546.9321
office fax 865.637.5249

550 W. Main Street
Suite 500
P.O. Box 39
Knoxville, Tennessee
37901

of counsel
FRANCIS A. CAIN
IMOGENE A. KING
JASON T. MURPHY

fmsllp.com

Via e-mail to: liz.albertson@knoxmpc.org

Ms. Liz Albertson, Senior Planner
METROPOLITAN PLANNING COMMISSION
400 W. Main Street, Suite 403
Knoxville, TN 37902

Re: *Land Development Solutions - 9-C-18-SP; 9-J-18-RZ*

Dear Liz:

Please enter my name as counsel of record for Land Development Solutions, authorizing me to handle the above-captioned matters on their behalf.

Very truly yours,



Arthur G. Seymour, Jr.

FRANTZ, MCCONNELL & SEYMOUR, LLP

AGSJ:lbb

cc: Mr. Rusty Baksa (*via e-mail*)

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