



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

▶ **FILE #:** 6-C-18-RZ **AGENDA ITEM #:** 36
 6-A-18-SP **(REVISED)** **AGENDA DATE:** 9/13/2018

POSTPONEMENT(S): 6/14/2018-8/9/2018

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

TAX ID NUMBER: 84 114 097-00103 [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:** **6.82 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) and F (Floodway)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **GC (General Commercial) & SP (Stream Protection) / CA (General Business) 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:

A portion of the subject property (about 25% of the site outside of the Floodway zone) is developed as an automobile sales lot, which is not permitted under the current Agricultural zoning of the site. It is staff's understanding that the sales lot is no longer open for business. 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 had continued because there were no complaints filed. The requested CA zoning would bring the automobile sales lot into compliance with zoning and would allow further, unplanned commercial development of the subject property.

The applicant requested automatic postponement at the June MPC meeting and then came in to revise the application to include a portion of the adjacent parcel to the east, which he also owns and is partially zoned CA at the present time. Another postponement, agreed to by the applicant, was necessary in order for staff to readvertise the requests, since the application was revised from the original. The original request was for only parcel 084-114. The revised request added parcel 097-00103 for consideration of CA zoning as well. With the addition of more property to the application, the public notification was readvertised and the request is now appropriate for consideration by MPC at the August 12 meeting.

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, adjacent to the east and owned by the applicant, that could be used for commercial 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 outside of the established commercial node proposed by the sector plan to the west, so is not 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. The requested CA zoning is in conflict with the adopted sector plan. 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.

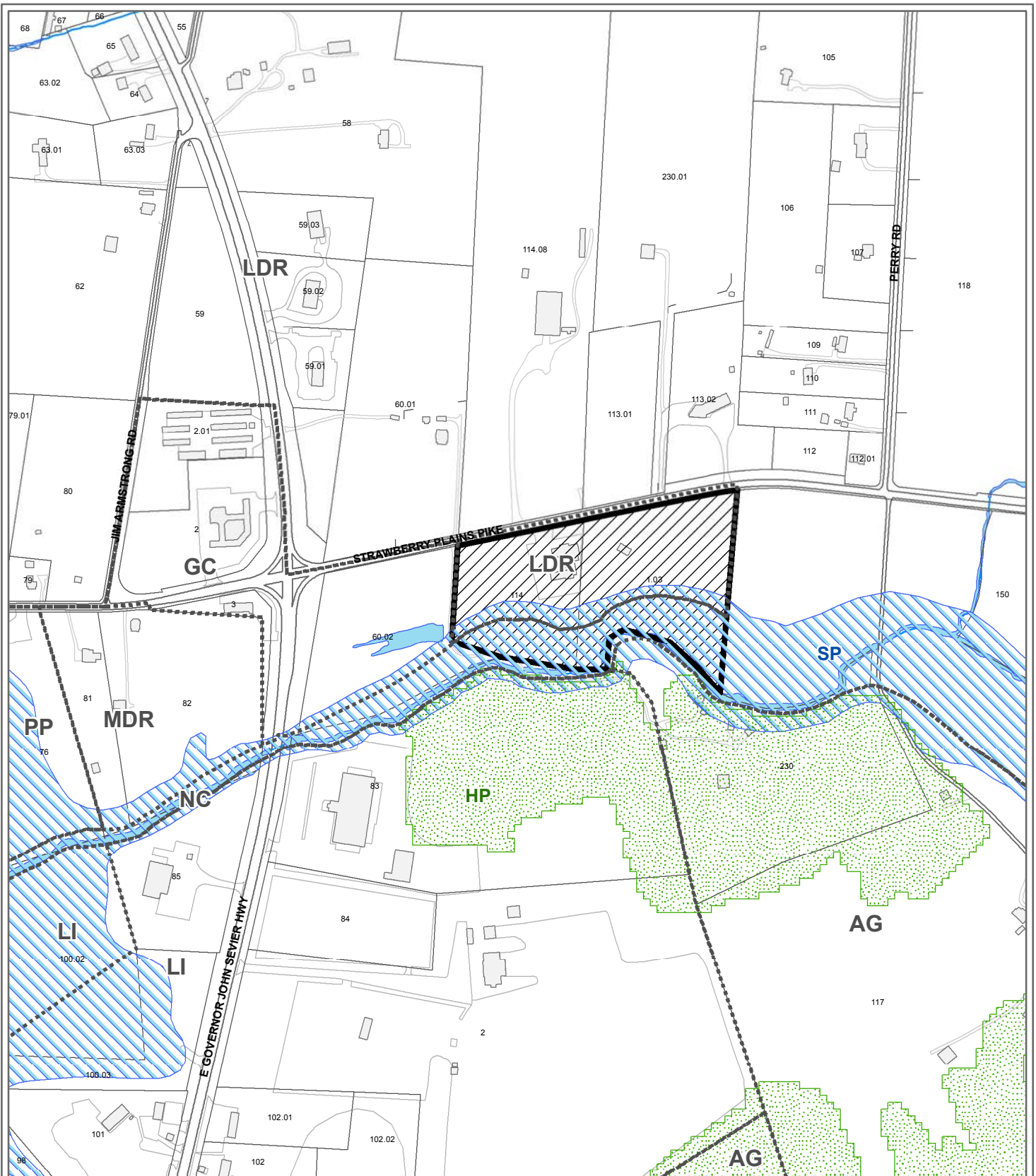
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 10/22/2018. 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

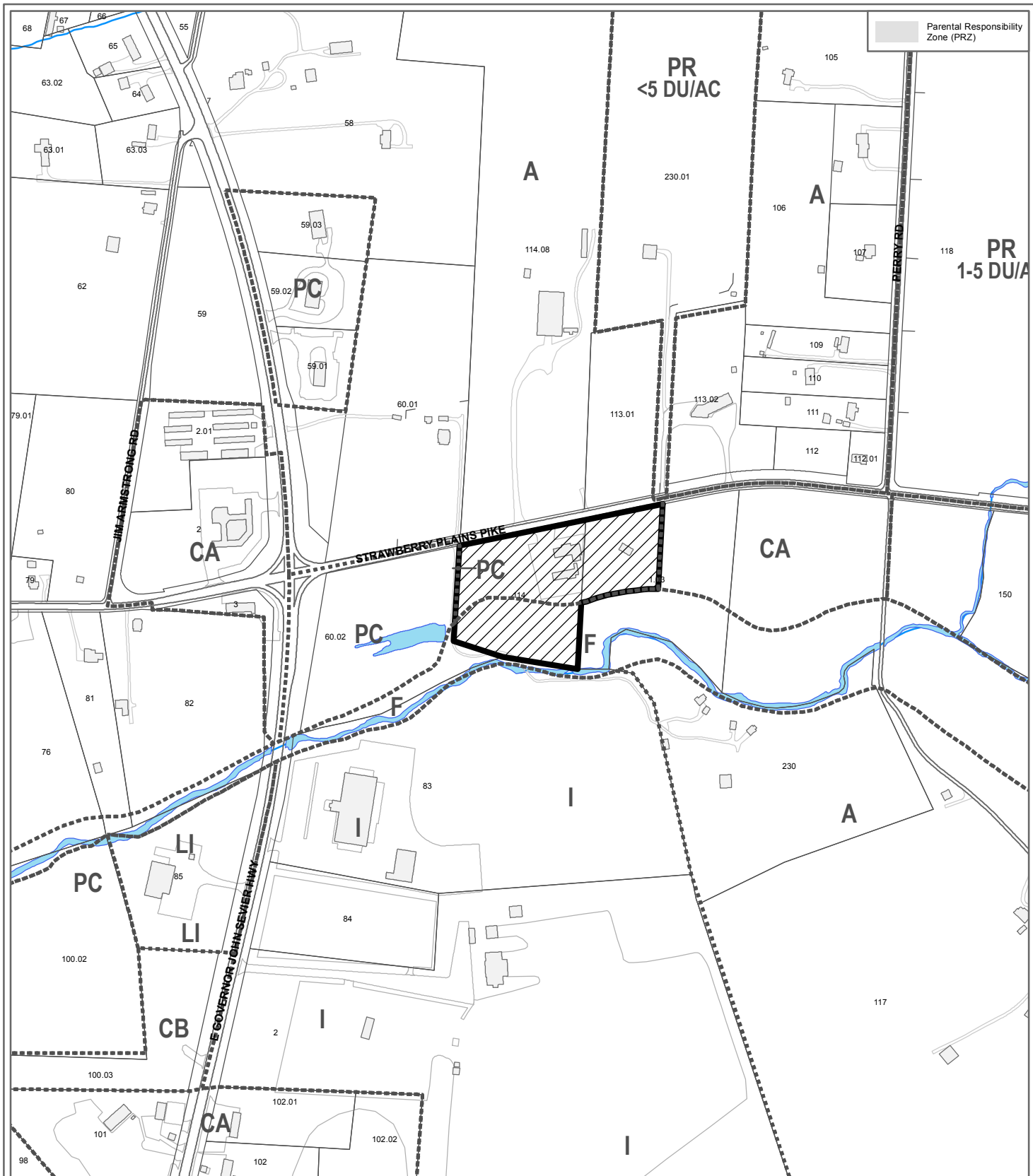
Jurisdiction: County



Original Print Date: 5/14/2018

Revised: 6/21/2018

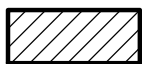
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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

From: A (Agricultural) and F (Floodway)

To: CA (General Business) and F (Floodway)

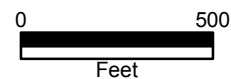


Original Print Date: 5/14/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Gilreath, Ken

Map No: 84

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

6-C-18-RZ-6-A-18-SP-cor-Gilreath

Argument For Consideration Of Rezoning

June 19, 2018

Ken Gilreath
5716 Strawberry Plains Pike
Knoxville, Tn. 37914

Reference

Address-

5626 Strawberry Plains Pike
Knoxville, Tn. 37914
Rezoning of 4.82 acres located at 5626 Strawberry Plains Pike.

We are in receipt of a letter from Knox County MPC in which states the commission recommends denial of rezoning for 5626 Strawberry Plains Pike.

I would like to take this opportunity to address some of the issues surrounding this application and the denial recommendation thereof.

The subject property has been operating as a commercial business for more than 10 years previously. These business, include a car lot, guttering business and other commercial sales prior to that.

I purchased the land/farm adjacent to this property which includes 101 acres in 2013 and added this tract a couple of years after that.

The Car Shop was operating there at that time. As you will see in the attached correspondence we assumed the property was commercial since the tax classification is listed as commercial.

The adjacent lot just east of this address is zoned commercial (CA) and owned by myself. The adjacent lot west of the subject property reflects commercial zoning (PA) as well. The denial letter referenced that these adjacent lots are not being used as commercial when in fact the one that is west of 5626 will be when sold. That lot has been in the development state which required filling. It has been listed for sale for some time.

5626 is located one tract from the corner of John Sevier with includes a restaurant, gas station and another tract in which was recently sought after by Dollar General.

Across the street from 5626 was the Youngs Cattle in which a commercial cattle business has operated for many years. It is now a farm equipment sales lot. Adjacent to that is a church.

Due to the location of 5626 Strawberry Plains Pike between these businesses it makes it unsuitable for residential. There are and have been commercial buildings for more than 25 years. To deny the ongoing use as commercial would create an eye soar and further to devalue the community.

With the denial of our application I would have no choice but to use this land and buildings in its current stage as agriculture storage and repair for my farm equipment. Since I live and own the property at 5716 Strawberry Plains Pike I can assure you the rezoning to commercial will only better the community.

I am attaching documentation that I am asking you to review and consider the true need for this zoning.

Included is documentation that reflects when the Car Shop was established at that location. Google searches and county records still reflect C&O Guttering at that location. Tax records on KGIS reflect "property class" as commercial.

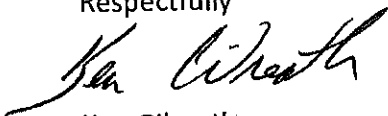
REVISED

In addition to the above statements. As noted herein we own the property west of the 5626 address. After reviewing the application, we are requesting that the adjacent lot be zoned CA as this would make the entire strip of land commercial. Right now, we have commercial, ag,ag and commercial as you travel East on Strawberry Plains Pike. It would seem that this makes more sense to rezone CA than to have all these mixed zonings. Attached you will find the revised application as well as a map depicting the zoning for your convenience.

We have asked that the hearing be postponed until THE August MPC meeting. We will not be available to attend in July. Hopefully you will reconsider my request and the need to clean up the zoning on my property.

Anyone may contact me at the following number for questions or concerns.

Respectfully



Ken Gilreath
5716 Strawberry Plains Pike
Knoxville, Tn. 37914
Cell Phone 865-388-7737

Request to Postpone • Table • Withdraw

Name of Applicant: Ken Gilreath

AS IT APPEARS ON THE CURRENT MPC AGENDA

Original File Number(s): 6-C-18-RZ / 6-A-18-SP

Date Scheduled for MPC Review: July 12, 2018

Date Request Filed: 6/18/18 Request Accepted by: Brousseau

REQUEST

Postpone

Please postpone the above application(s) until:

August 9, 2018
DATE OF FUTURE MPC PUBLIC MEETING

Table

Please table the above application(s).

Withdraw

Please withdraw the above application(s).

State reason for request:

Applicants out of town

Eligible for Fee Refund? Yes No

Amount: _____

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: Ken Gilreath

PLEASE PRINT
Name: Ken Gilreath

Address: 5716 Strawberry Plains Pk

City: Knoxville State: TN Zip: 37914

Telephone: 865-388-7737

Fax: _____

E-mail: kgilreath@gilreathfarms.com

PLEASE NOTE

Consistent with the guidelines set forth in MPC's *Administrative Rules and Procedures*:

POSTPONEMENTS

Any first time (new) MPC application is eligible for one automatic postponement. This request is for 30 days only and does not require MPC approval if received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. All other postponement requests must be acted upon by MPC before they can be officially postponed to a future MPC public meeting.

TABLINGS

Any item requested for tabling must be acted upon by MPC before it can be officially tabled.

WITHDRAWALS

Any MPC item is eligible for automatic withdrawal. A request for withdrawal must be received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. Withdrawal requests that do not meet these guidelines must be acted upon by MPC before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received by MPC prior to public notice. This request must be approved by either the Executive Director, or the Development Services Manager. Applications may be withdrawn after this time, but without fee refund.

REZONING AND PLAN AMENDMENT

Date Filed: 4/26/2018

Name of Applicant: KEN GILREATH

Meeting Date: 7/12/2018

Rezoning File Number: 6-C-18-RZ

Plan Amendment File Number: 6-A-18-SP

REVISED

6/18/18

Application Accepted By: Sherry Michienzi



PROPERTY INFORMATION

Street Address:
5626 Strawberry Plains Pike

General Location:
South side Strawberry Plains Pike, east of E. Governor John Sevier Hwy.

Tract Size: 6.82 acres

Parcel ID: 84 114 PORTION OF 00103 ZONED A

Existing Land Use:
Automobile sales lot

Planning Sector: East County

Growth Plan: Planned Growth Area

Census Tract(s): 54.01

Traffic Zone(s): 127

Jurisdiction: County Commission District 8

PROPERTY OWNER/OPTION HOLDER

Kenneth and Tina Gilreath
3928 Gooseneck Dr
Knoxville, TN 37920
Telephone: 865-388-7737 Fax:
Email: kgilreath@gilreathfarms.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
Kenneth and Tina Gilreath
3928 Gooseneck Dr
Knoxville, TN 37920
Telephone: 865-388-7737 Fax:
Email: kgilreath@gilreathfarms.com

APPROVAL REQUESTED

Rezoning

FROM:
A (Agricultural) and F (Floodway)

TO:
CA (General Business) and F (Floodway)

Plan Amendment

Type: East County Sector Plan Amendment

FROM:
LDR (Low Density Residential) & SP (Stream Protection)

TO:
GC (General Commercial) & SP (Stream Protection)

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*

Kenneth and Tina Gilreath
3928 Gooseneck Dr
Knoxville, TN 37920
Telephone: 865-388-7737 Fax:
Email: kgilreath@gilreathfarms.com

PROPOSED USE OF PROPERTY

Automobile sales lot

Density Proposed:

Previous Rezoning Requests:
None noted

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: [X] County Commission 8 District

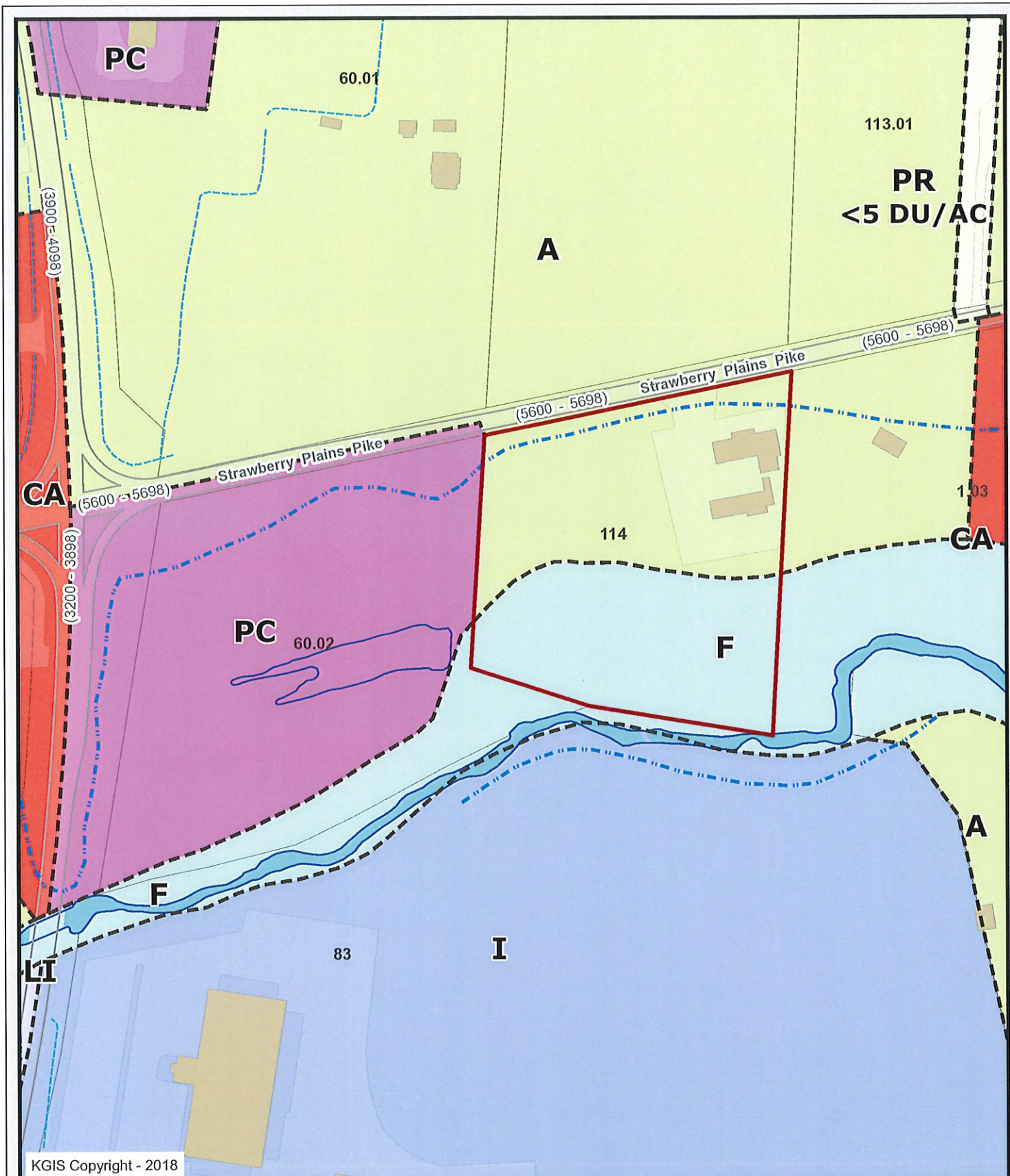
PROPERTY OWNER OPTION HOLDER PLEASE PRINT Name: Kenneth & Tina Gilreath Company: Address: 3928 Gooseneck Dr City: Knoxville State: TN Zip: 37920 Telephone: 865-388-7737 Fax: E-mail: Kgilreath@gilreathfarms.com

Requested Change REZONING FROM: A/F TO: CA/F PLAN AMENDMENT [X] One Year Plan [X] 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: Knox State: TN Zip: 37920 Telephone: 865-388-7737 E-mail: Kgilreath@gilreathfarms.com



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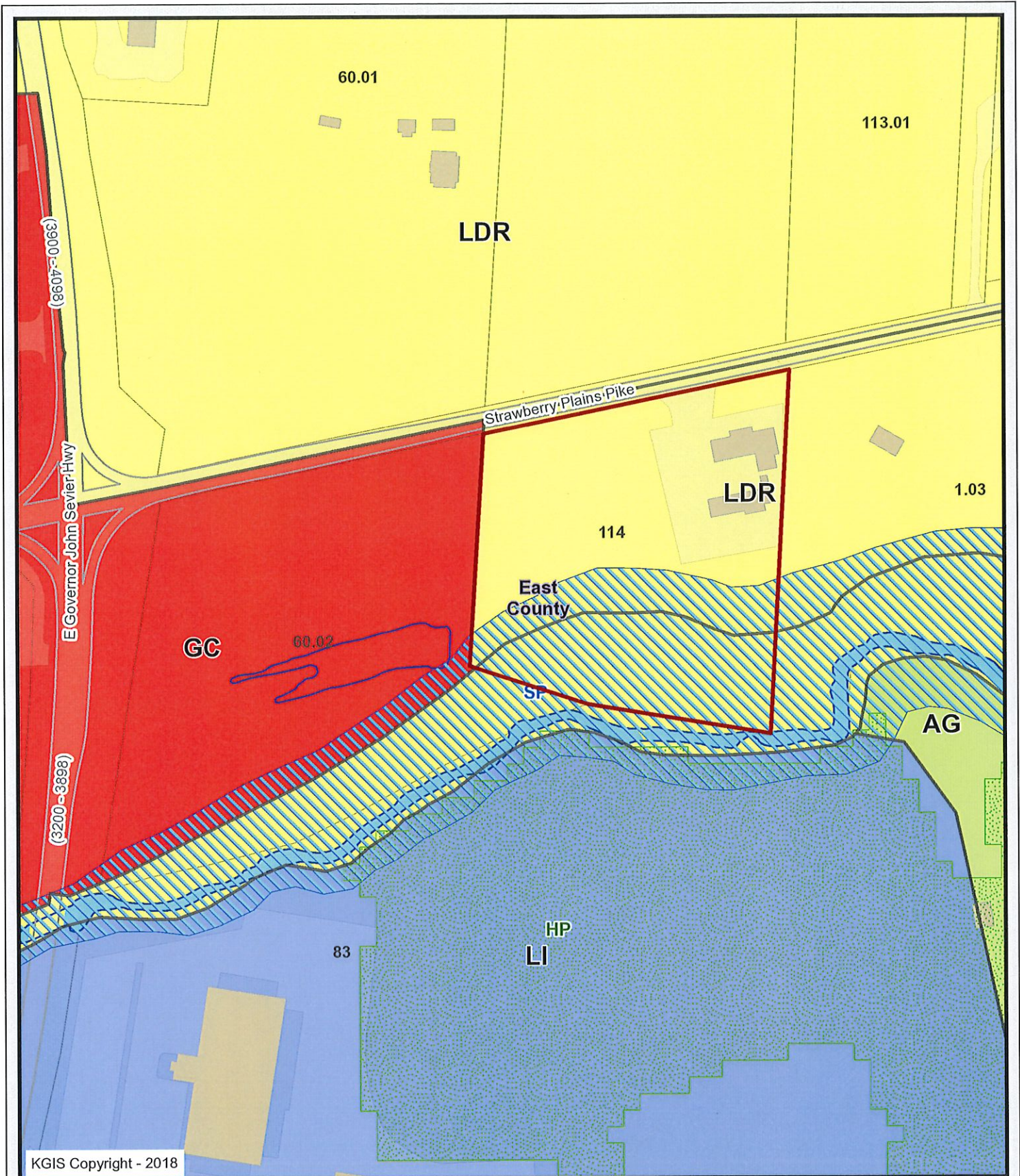
5626 Strawberry Plains Pike

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Knoxville - Knox County - KUB Geographic Information System



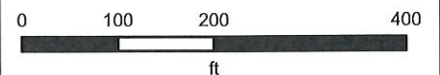
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5626 Strawberry Plains Pike

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Knoxville - Knox County - KUB Geographic Information System



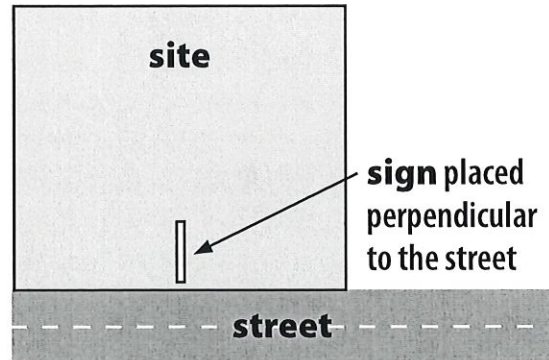
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REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. MPC staff will provide a sign to post on the property at the time of application.

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 must be posted no later than **two weeks prior** to the scheduled MPC or BZA hearing and must remain in place until after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC or BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. 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.

I hereby agree to post the sign provided on the subject property on or before

May 30th 2018

consistent with the guidelines provided above; and to **remove the sign within one week after** the MPC or BZA decision.

Signature: Ken Gilreath by CHARLIE WITT

Printed Name: Ken Gilreath

Date: 4-26-18

MPC or BZA File Number: 6C-18-RZ / 6-A-18-SP