

REZONING REPORT

► **FILE #:** 8-A-19-RZ

AGENDA ITEM #: 27

AGENDA DATE: 8/8/2019

► **APPLICANT:** THOMAS L. MILLER

OWNER(S): Thomas L. Miller

TAX ID NUMBER: 21 058.15 (PART OF)

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 7128 Tazewell Pike

► **LOCATION:** East side of Tazewell Pike at Calvary Way (pvt jpe)

► **APPX. SIZE OF TRACT:** 2.88 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

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.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Hallsdale-Powell Utility lines are nearby

WATERSHED: Beaver Creek

► **PRESENT ZONING:** RB (General Residential)

► **ZONING REQUESTED:** CA (General Business)

► **EXISTING LAND USE:** Vacant

► **PROPOSED USE:** Commercial

DENSITY PROPOSED: n/a

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.

SURROUNDING LAND USE AND ZONING: North: Single Family Residential - RB (General Residential)

South: Agricultural/Forestry/Vacant - RB (General Residential)

East: Agricultural/Forestry/Vacant and Rural Residential - RB (General Residential)

West: Public/Quasi-Public Land and Commercial - CA (General Business)

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.

STAFF RECOMMENDATION:

► **Approval of the requested CA (General Business) zoning for the portion of the parcel specified in Exhibit A.**

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 (Mixed Use-Special District, Northeast County-1, Harbison Crossroads) future land use designation.
3. The surrounding area within the MU-SD NECO-1 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.

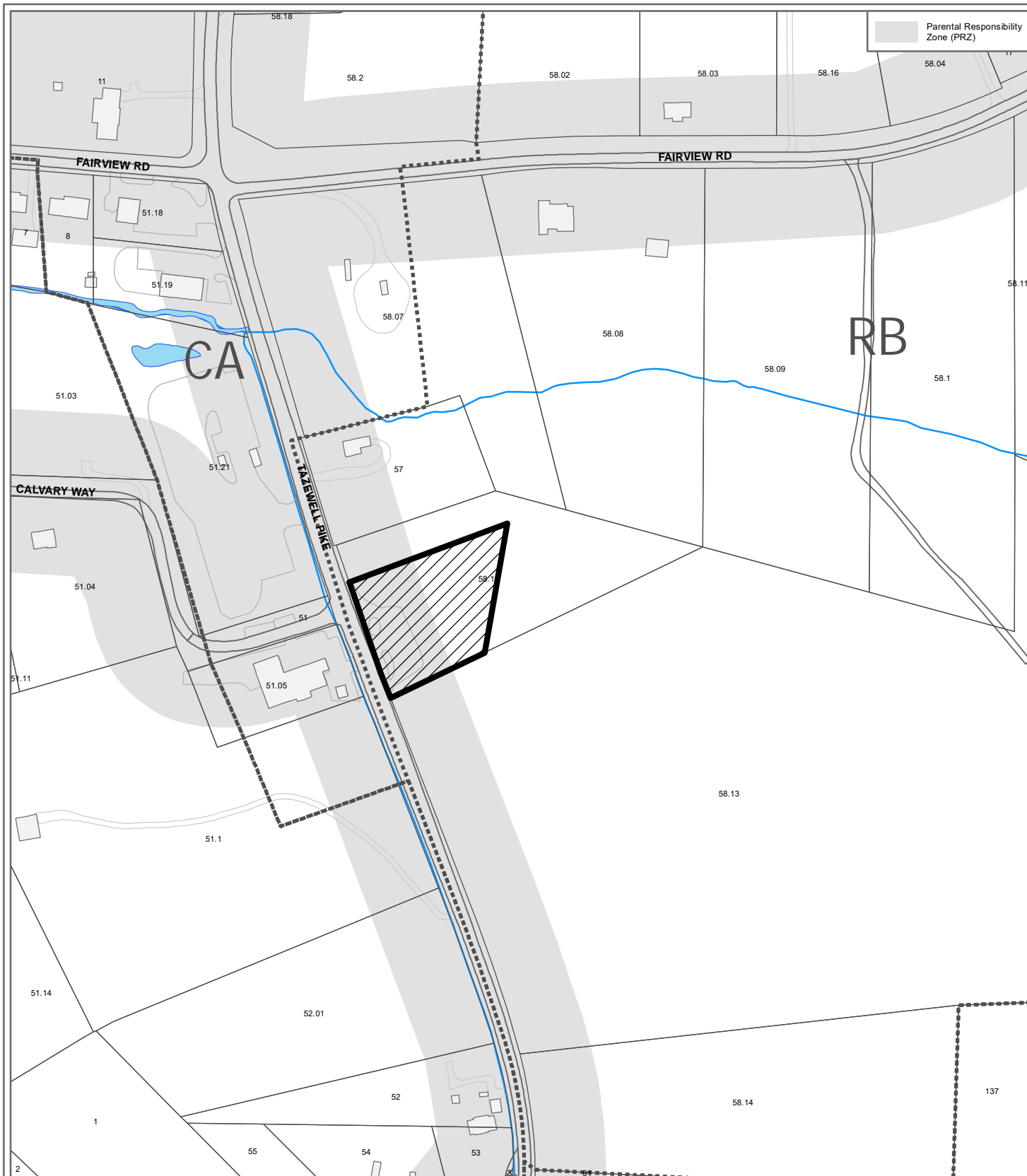
GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/23/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the County.



8-A-19-RZ REZONING

From: RB (General Residential)

To: CA (General Business)



Petitioner: Miller, Thomas L.

Map No: 21

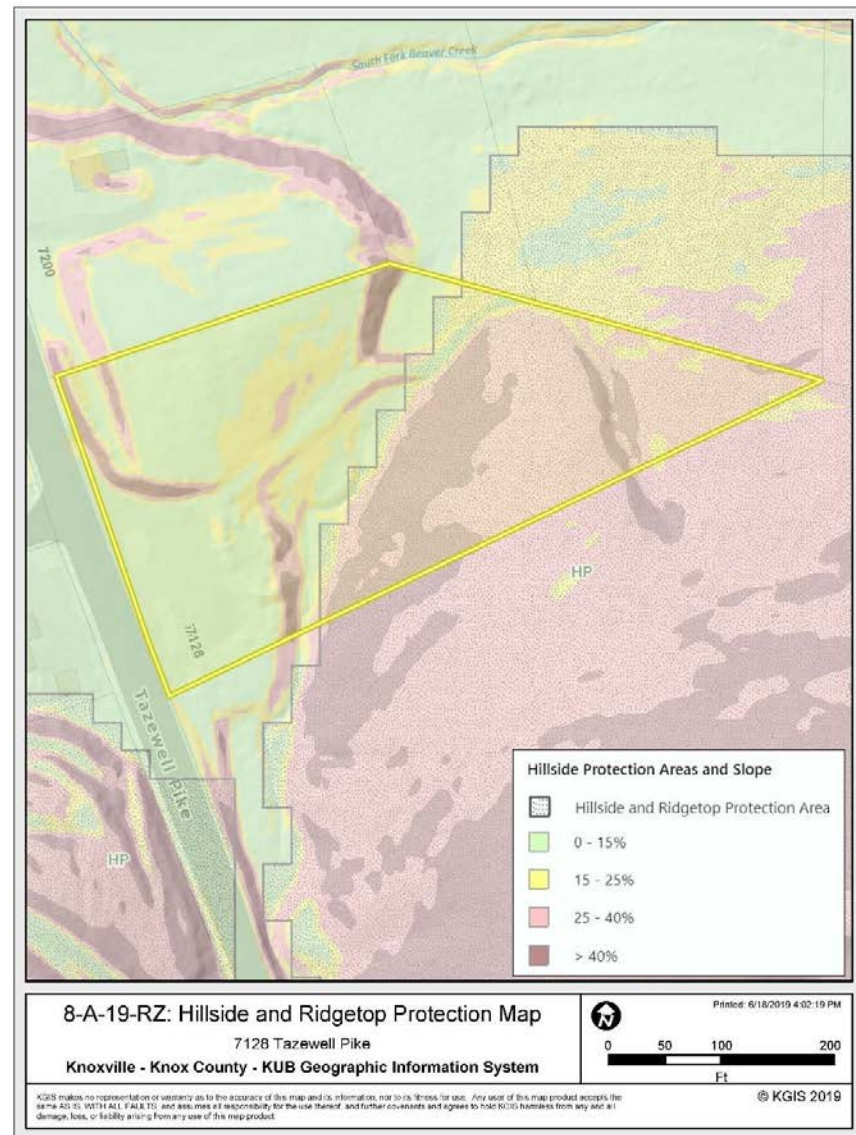
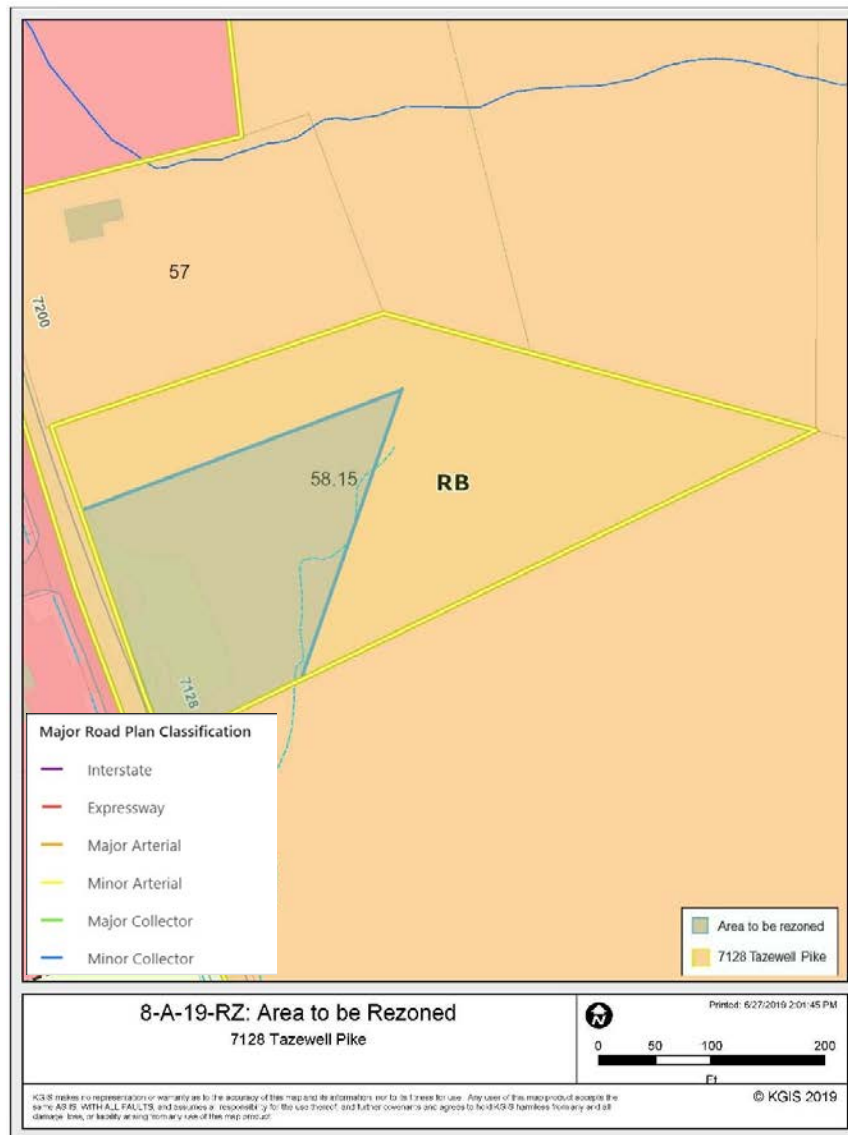
Jurisdiction: County

Original Print Date: 7/15/2019
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



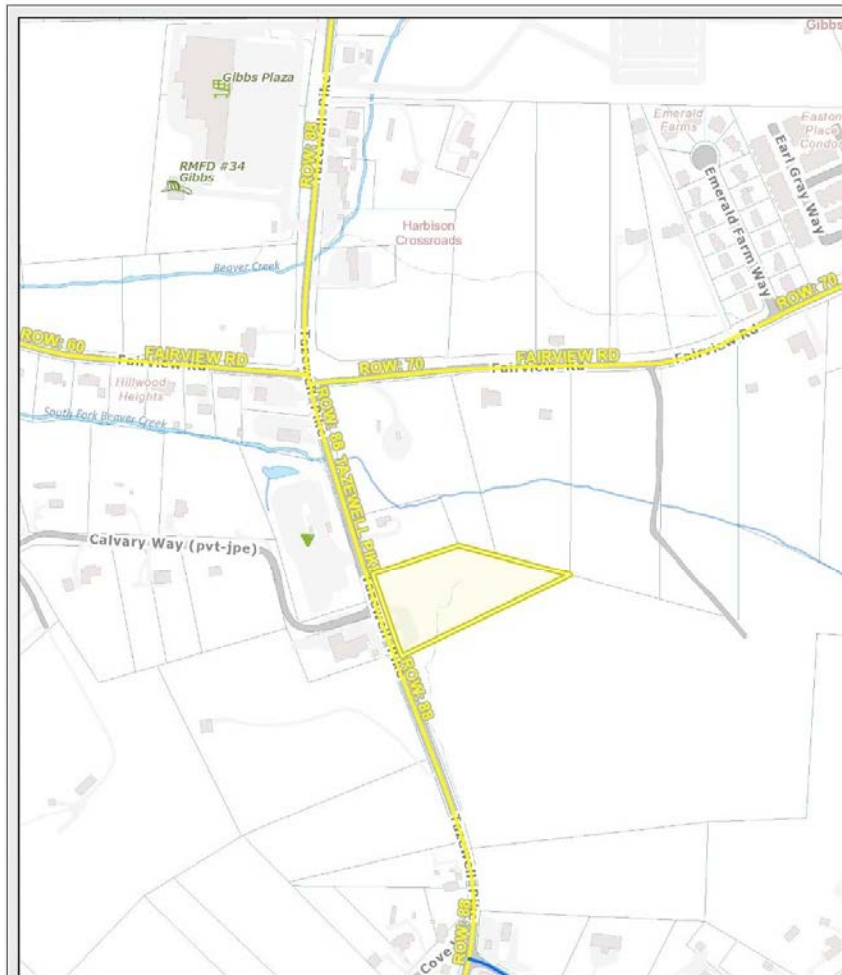
8-A-19-RZ

EXHIBIT A. Contextual Images



8-A-19-RZ

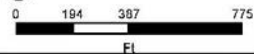
EXHIBIT A. Contextual Images



8-A-19-RZ: Location Map
7128 Tazewell Pike



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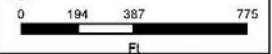
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8-A-19-RZ: Aerial Map
7128 Tazewell Pike



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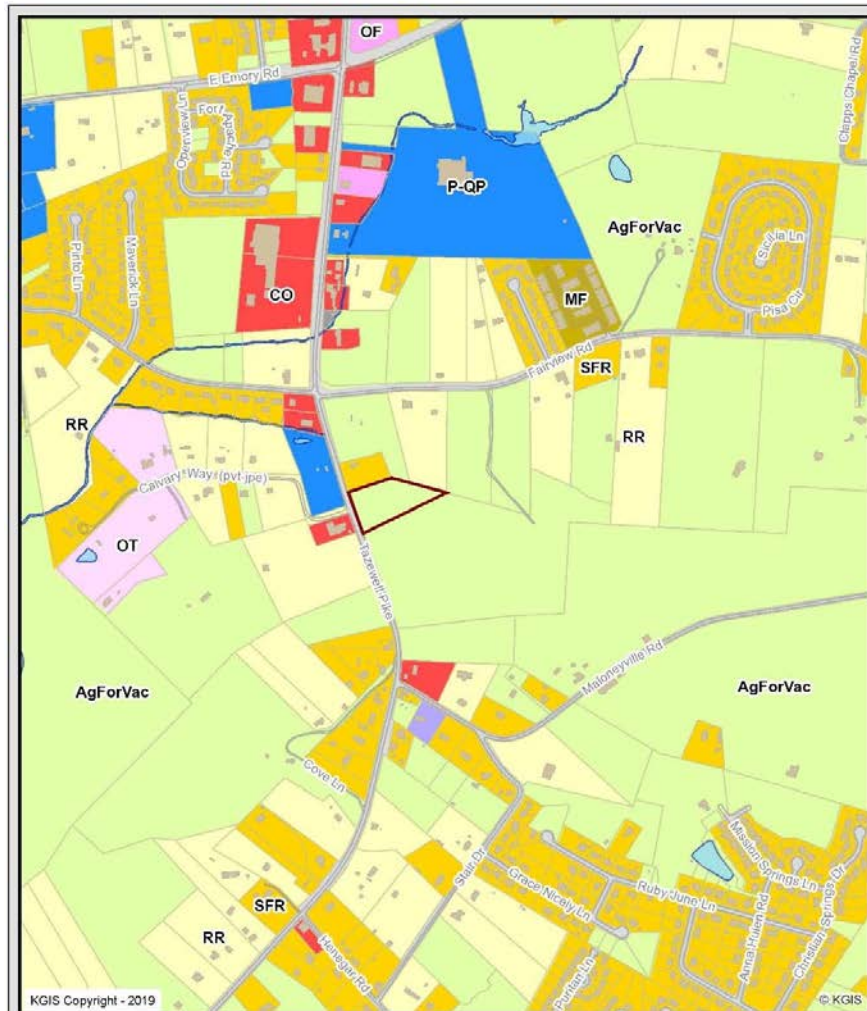


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EXHIBIT A. Contextual Images



8-A-19-RZ: Existing Land Use Map
7128 Tazewell Pike

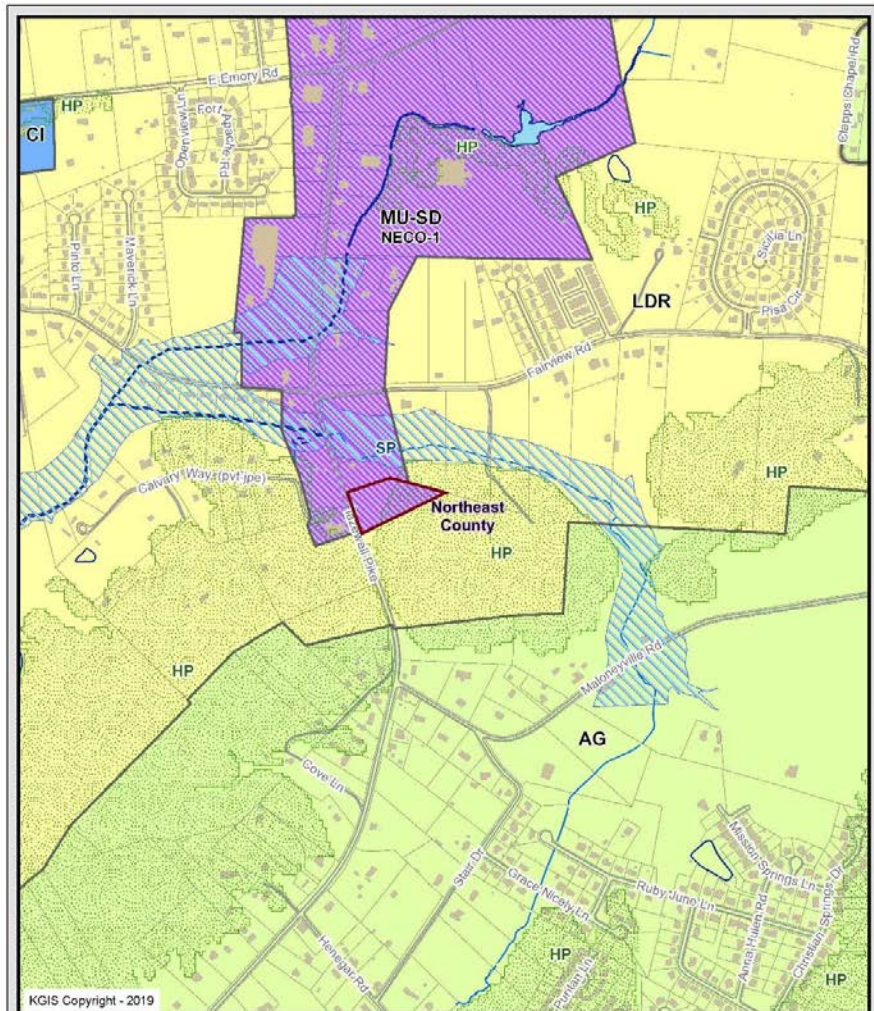
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8-A-19-RZ: Sector Plan Map (Future Land Use)
7128 Tazewell Pike

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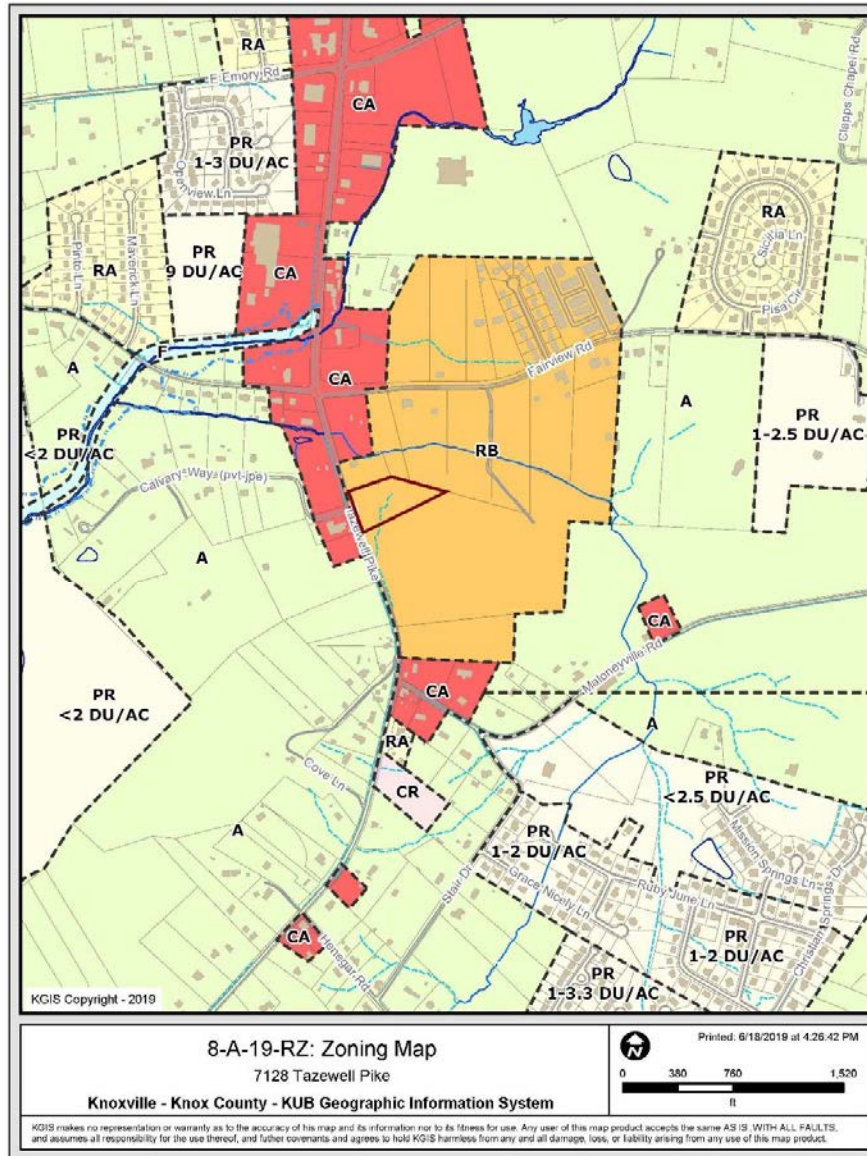
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EXHIBIT A. Contextual Images





REQUEST TYPE

DEVELOPMENT

- ☐ Development Plan
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☒ Rezoning

RECEIVED

JUN 11 2019

Knoxville-Knox County
Planning

6/11/19
Date Filed

8/8/19
Meeting Date

8-A-19-RZ
File Number(s)

APPLICATION CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Thomas Z Miller
Name

Company

209 WEST MT VIEW DR
Address

CORRYTON
City

TN
State

37721
Zip

865-604-1440
Phone

MILLER BROTHERS 26 @ COMCAST.NET
Email

CURRENT PROPERTY INFO

Owner Name (if different)

Owner Address

Owner Phone

7128 Tazewell Pike
Property Address

021 05815
Parcel ID

E/S Tazewell Pike @ Colvary Way (pvt-jpe)
General Location

2.88 ac. +/-
Tract Size

RB
Zoning District

Vacant
Existing Land Use

Northeast County
Planning Sector

MU-5D NECO-1
Sector Plan Land Use Classification

Planned
Growth Policy Plan Designation

8th
Jurisdiction (specify district above) ☐ City Council ☒ County Commission

REQUEST

DEVELOPMENT

☐ Development Plan ☐ Use on Review / Special Use

☐ Residential ☐ Non-Residential

☐ Home Occupation (specify): N/A

☐ Other (specify): _____

SUBDIVISION

☐ Proposed Subdivision Name _____ Unit / Phase Number _____

☐ Concept Plans in Planned District or Zone

☐ Parcel Change

☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created: _____

☐ Other (specify): N/A

☐ Attachments / Additional Requirements

ZONING

☒ Commercial Proposed Property Use (specify) N/A Proposed Density (units/acre) N/A Previous Rezoning Requests N/A

☒ Zoning Change ☐ Plan Amendment Change

CA
Proposed Zoning

Commercial Lot
Proposed Plan Designation(s)

☐ Other (specify): _____

STAFF USE ONLY

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (Final Plat only)

☐ Use on Review / Special Use (Concept Plan only)

☐ Traffic Impact Study

FEE 1:

\$1,000 Rezoning

FEE 2:

FEE 3:

TOTAL:

1,000.00

AUTHORIZATION

Staff Signature

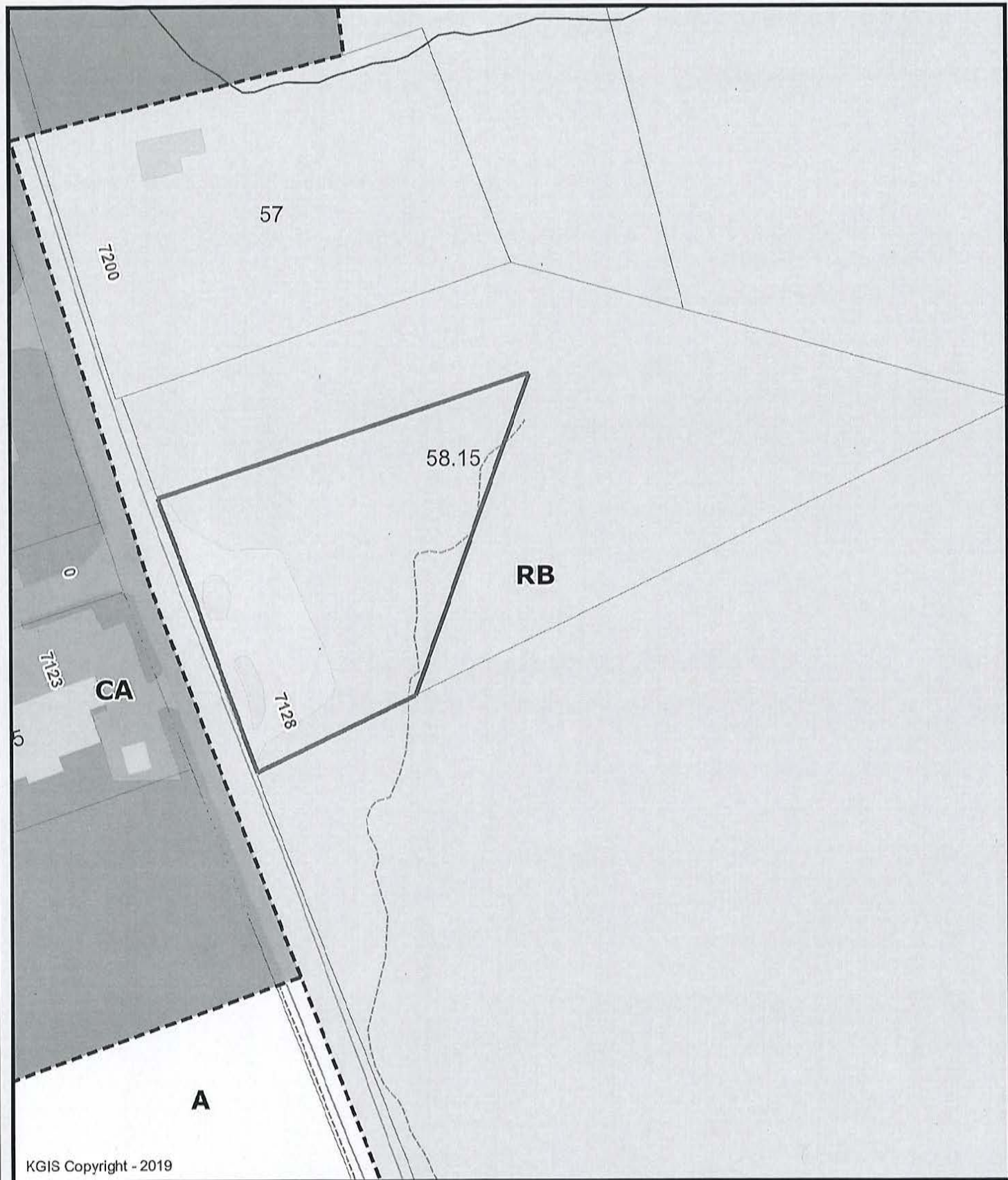
Please Print

Date

Applicant Signature

Please Print

Date

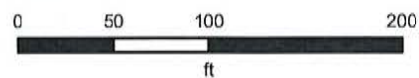


Letter Portrait

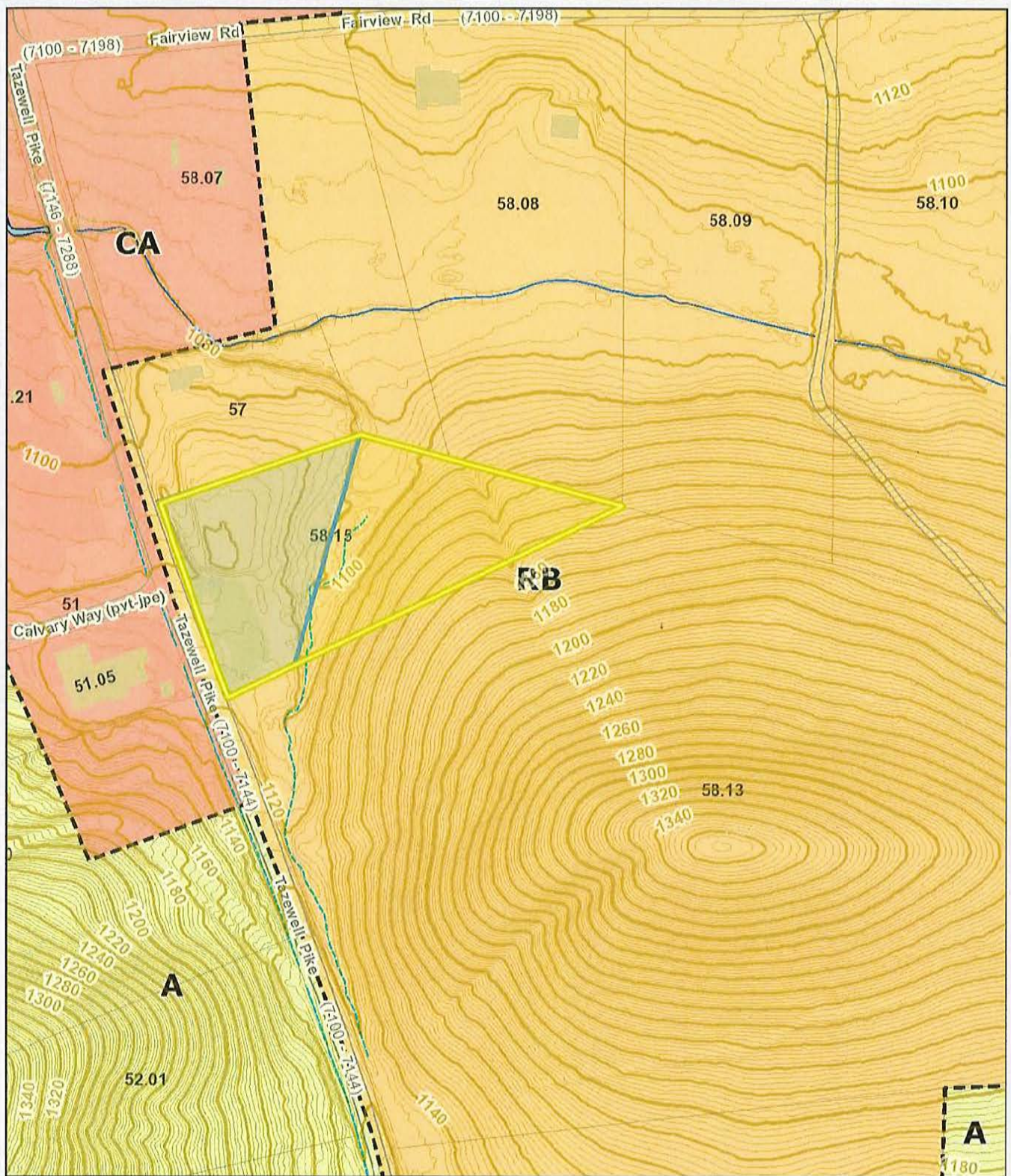
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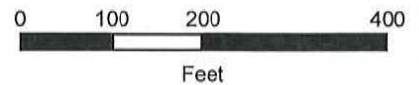
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Tom Miller - Rezoning Application

Request for CA - limited to front portion

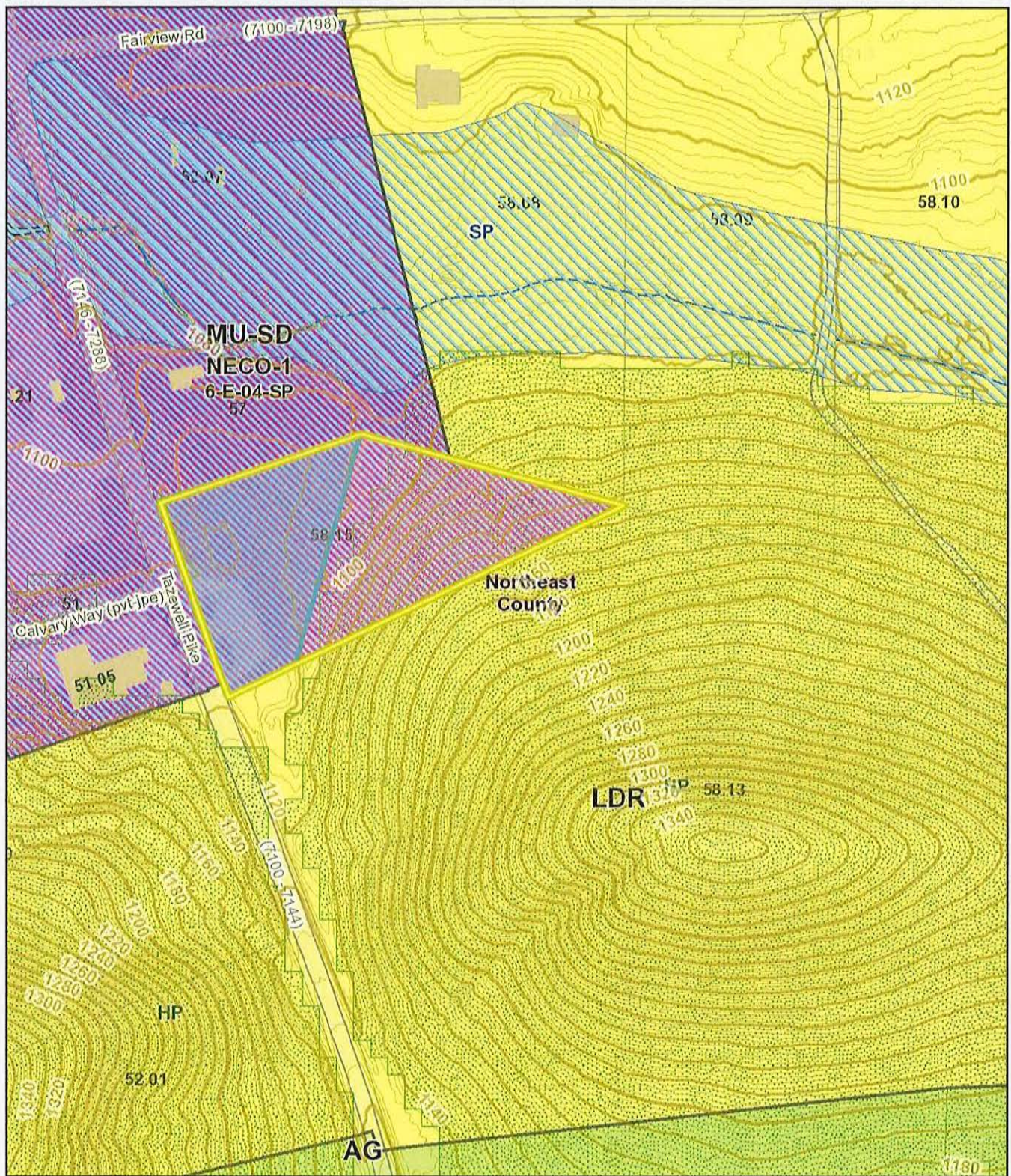
CA allowed in NECO-1 (No sector plan amendment needed)



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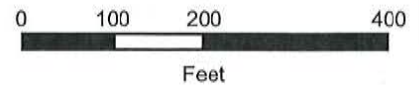
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Tom Miller - Rezoning Application

Request for CA - limited to front portion

CA allowed in NECO-1 (No sector plan amendment needed)



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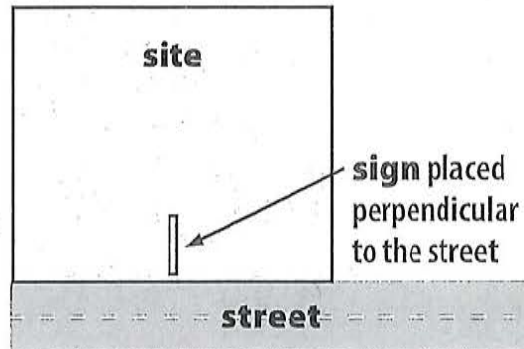
REQUIRED SIGN POSTING AGREEMENT

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 Administrative Rules and Procedures.

At the time of application, 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 Planning 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. Planning 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 Planning Commission 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 Planning Commission 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:

July 24th (Wed) and August 9th (Fri)
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Thomas L. Miller

Printed Name: THOMAS L. MILLER

Phone: 865-604-1440 Email: MILLERBROTHERS26@COMCAST.NET

Date: 6-11-19

File Number: 8-A-19-RZ