

REZONING REPORT

▶ **FILE #:** 1-C-19-RZ

AGENDA ITEM #: 24

AGENDA DATE: 1/10/2019

▶ **APPLICANT:** ROGER TOOLE

OWNER(S): Roger Toole

TAX ID NUMBER: 96 22.01

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 2305 Asbury Rd

▶ **LOCATION:** West side of Asbury Road, south of Archie Weigel Lane.

▶ **APPX. SIZE OF TRACT:** 20.75 acres

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Asbury Road a minor arterial with a pavement width of 19 feet and a right-of-way width of 40 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Holston River

▶ **PRESENT ZONING:** RA (Low Density Residential)

▶ **ZONING REQUESTED:** A (Agricultural)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant

▶ **PROPOSED USE:** Agriculture

EXTENSION OF ZONE: Properties to the south and west of the site are also zoned A (Agricultural)

HISTORY OF ZONING: 5-O-93-RZ: A to RA

SURROUNDING LAND USE AND ZONING: North: Agricultural/Forestry/Vacant / RA (Low Density Residential)

South: Agricultural/Forestry/Vacant / A (Agricultural)

East: Holston River / F-1 (Floodway)

West: Agricultural/Forestry/Vacant & Single Family Residential / A (Agricultural)

NEIGHBORHOOD CONTEXT: The area is adjacent to the Holston River and is largely agricultural, vacant, single family residential and rural residential. Forested areas and steep slopes bound the property from the quarrying and industrial uses at the Forks of the River industrial park.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE A (Agricultural) zoning.**

A (Agricultural) zoning is compatible with the surrounding zoning and land uses adjacent to the property and the sector plan designation of LDR (Low Density Residential) for the area.

COMMENTS:

REZONING REQUIREMENTS FROM THE ZONING ORDINANCE (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 population growth for East Knox County continues to be relatively low in comparison to Knox County overall.
2. The proposed A zone allows less density than the existing RA zone.

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

1. The A zone allows for a wide range of agricultural and related uses, including residential uses with low population densities and other compatible uses with generally require large areas or open spaces.

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. A zoning for this site is an extension of the existing surrounding A zoning.
2. A zoning does not pose any direct or indirect adverse effects.

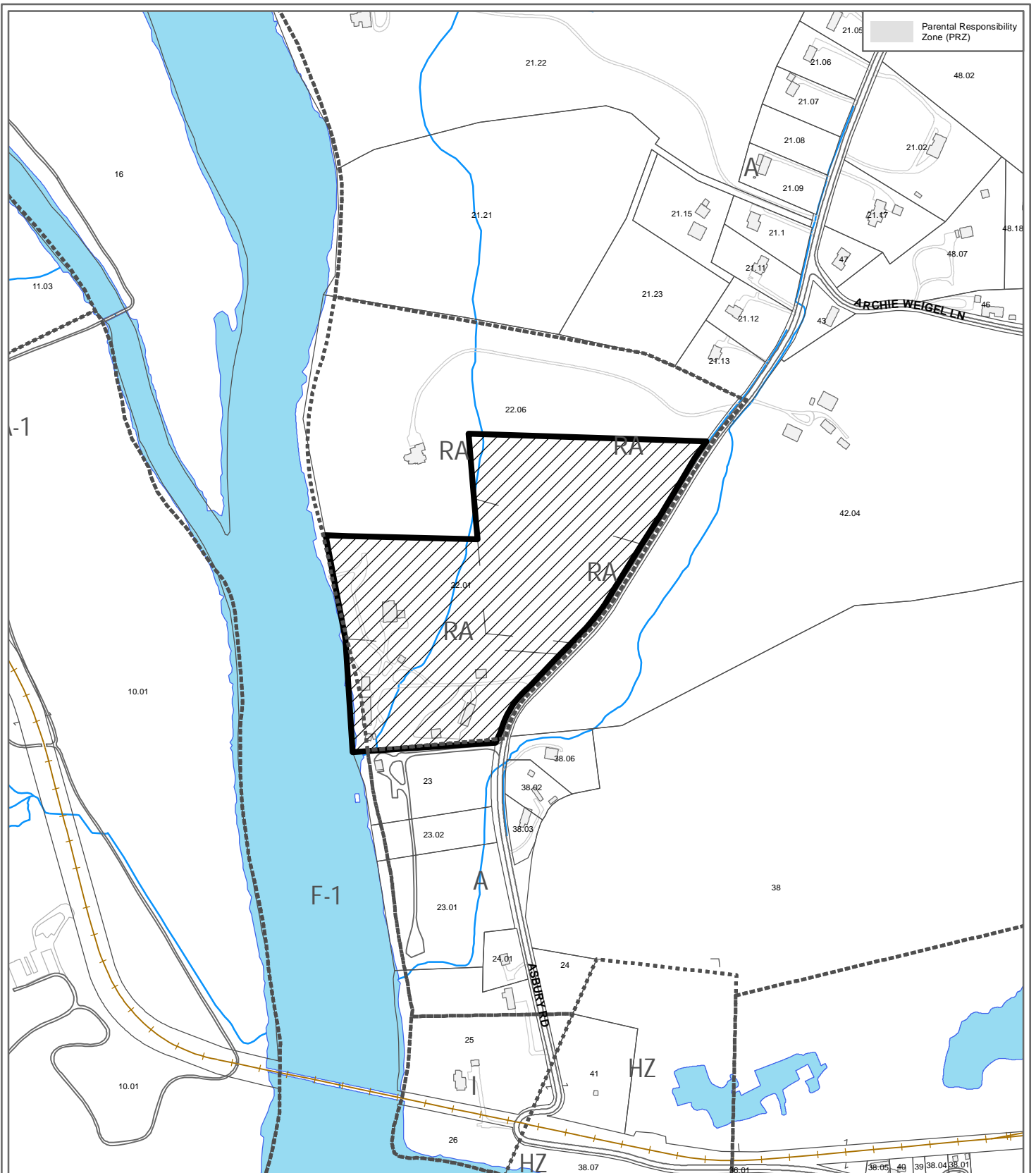
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The East County Sector Plan designates this site for low density residential (LDR) uses consistent with the recommended A zoning.
2. The recommended zoning does not present any apparent conflicts with any other adopted plans.
3. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/25/2019. 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.



**1-C-19-RZ
REZONING**

From: RA (Low Density Residential)
To: A (Agricultural)



Petitioner: Roger Toole

Map No: 96
Jurisdiction: County





Dori Caron <dori.caron@knoxplanning.org>

[MPC Comment] Fwd: Agenda Item # 24: 1-C-19-RZ - Roger Toole

Liz Albertson <liz.albertson@knoxplanning.org>

Mon, Jan 7, 2019 at 1:53 PM

Reply-To: liz.albertson@knoxplanning.org

To: commission@knoxplanning.org

Cc: sean.payne@knoxcounty.org, Gerald Green <gerald.green@knoxmpc.org>, Amy Brooks <amy.brooks@knoxmpc.org>

FYI - Please see the following email regarding agenda item #24: 1-C-19-RZ

Thank you,
-Liz Albertson

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

From: **Bryan Delius** <Bryan@deliusmckenzie.com>

Date: Mon, Jan 7, 2019 at 12:43 PM

Subject: Roger Toole rezoning request for property on Asbury Rd

To: liz.albertson@knoxplanning.org <liz.albertson@knoxplanning.org>

Ms Albertson,

Thank you for discussing the rezoning 1-C-19-RZ of property on Asbury Rd in Knox County this morning. I am a property owner of adjacent property on Asbury. My property along with all other riverfront property in this neighborhood is zoned low density residential. The rezoning request presented by Mr Toole is forthcoming as a result of present nonconformity in its usage. This property is presently being used in a industrial manner for the manufacture of roadway slope fencing. There are multiple buildings and Quonset huts located on the property along with over the trailers and heavy equipment. It is my understanding that there are presently pending violations being pursued by Knox Co codes enforcement. I represent multiple property owners along with myself who adamantly oppose the down zoning of this property to A1 agricultural. This down zoning is an attempted end run around the zoning of this neighborhood. The forthcoming argument from the property owner will be for a variance in the Ag zone if approved by MPC for continued manufacturing usage of silt fence. Initially neighbors were willing to overlook a small non conforming use of this land. However, Mr Toole has expanded his operation significantly over time. Heavy trucks and equipment regularly enter and exit this property and travel on this narrow undivided roadway creating safety concerns. Attached are pictures of the present usage. I will attend the meeting on Thursday to voice the neighborhood's concern and bring additional photos for the commission's review.

Thank you again for your time and attention to this matter,
Bryan Delius
Sent from my iPad

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Liz Albertson, AICP
Senior Planner
865.215.3804



Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902

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This message was directed to commission@knoxmpc.org

REZONING **PLAN AMENDMENT**

Name of Applicant: Roger Toole

Date Filed: 11/8/2018 Meeting Date: 1/10/2019

Application Accepted by: M. Payne

Fee Amount: 2056.25 File Number: Rezoning 1-C-19-RZ

Fee Amount: # File Number: Plan Amendment #



PROPERTY INFORMATION

Address: 2305 Asbury Road

General Location: 1/2 Asbury due/s of Archie Weigel Ln

Parcel ID Number(s): 09602201

Tract Size: 20.75 acres

Existing Land Use: _____

Planning Sector: East Knox County

Growth Policy Plan: Planned

Census Tract: 54.01

Traffic Zone: 07

Jurisdiction: City Council _____ District
 County Commission 8 District

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Roger Toole

Company: _____

Address: 2305 Asbury Road

City: Knoxville State: TN Zip: 37914

Telephone: (605) 609-9176

Fax: _____

E-mail: Service@vectn.com

Requested Change

REZONING

FROM: Residential RA

TO: Agriculture

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: #

TO: #

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Robbie Toole

Company: _____

Address: 2305 Asbury Road

City: Knoxville State: TN Zip: 37914

Telephone: (605) 609-9176

Fax: _____

E-mail: Service@vectn.com

PROPOSED USE OF PROPERTY

Agriculture

Density Proposed _____ Units/Acre

Previous Rezoning Requests: 5-0-93-RZ John Valliant
A to RA

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: Roger Toole

PLEASE PRINT

Name: Roger Toole

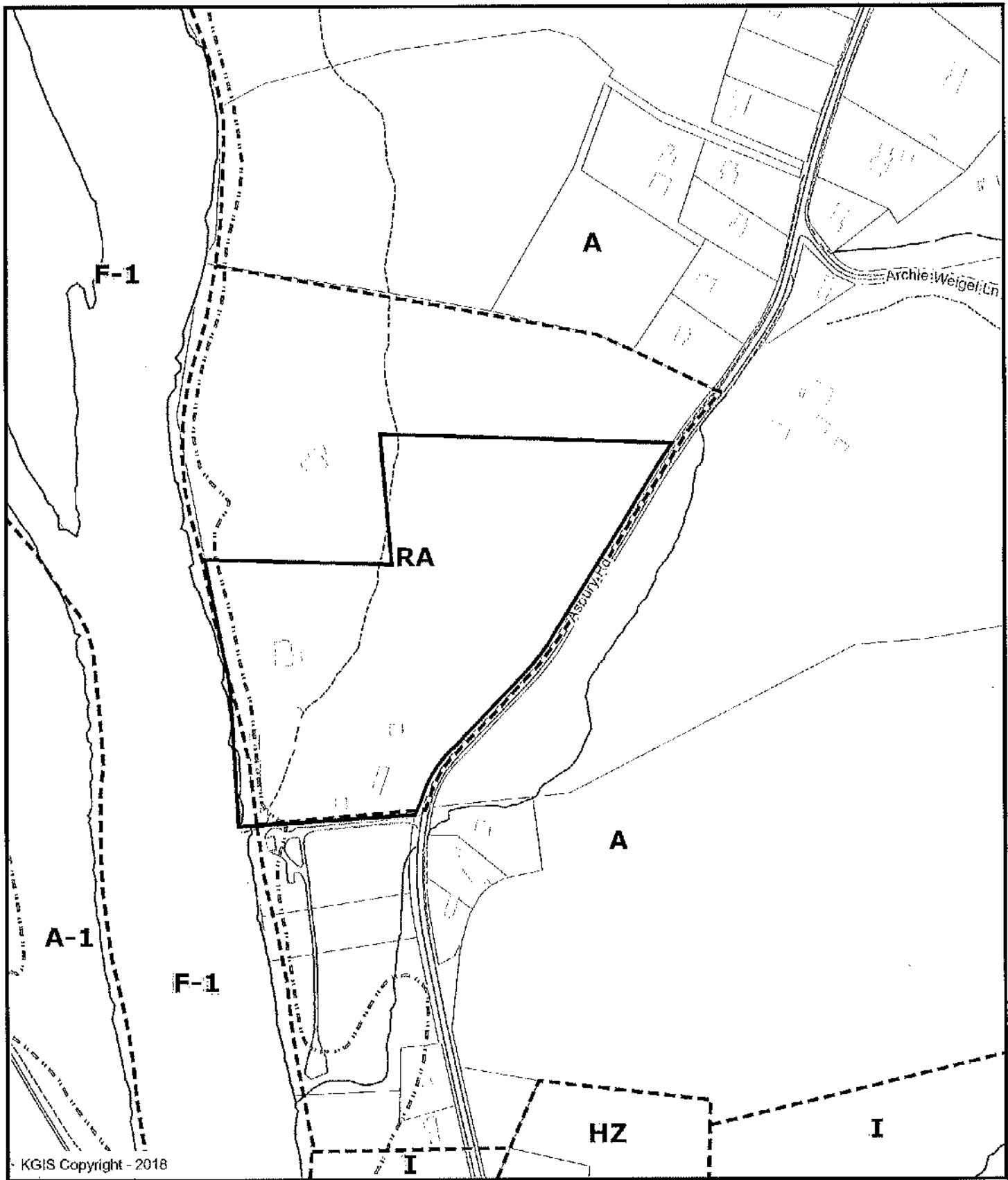
Company: _____

Address: 2305 Asbury Road

City: Knoxville State: TN Zip: 37914

Telephone: (605) 609-9176

E-mail: Service@vectn.com



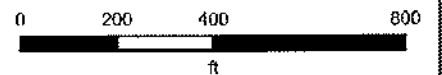
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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 11/8/2016 at 8:24:53 AM



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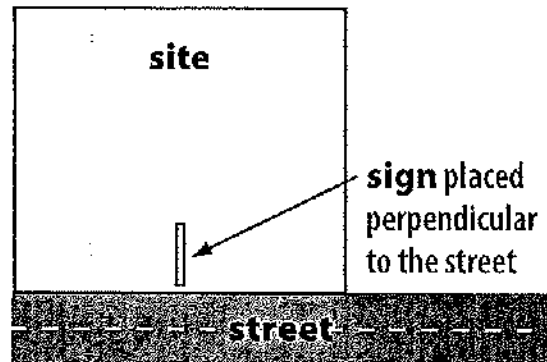
REQUIRED SIGN POSTING AGREEMENT

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 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:

December 26, 2018 and January 11, 2019
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: Roger Toole

Printed Name: Roger Toole

Phone: (605) 609-9176 Email: service@vec-tr.com

Date: 11/2/18

MPC File Number: 1-C-19-RZ