



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 6-I-19-RZ **AGENDA ITEM #:** 19
6-B-19-SP **AGENDA DATE:** 9/12/2019

▶ **APPLICANT:** **ROBBIE TOOLE**
OWNER(S): Robbie Toole

TAX ID NUMBER: 111 03605 (PART OF) [View map on KGIS](#)
JURISDICTION: Commission District 9
STREET ADDRESS: 0 E Governor John Sevier Hwy

▶ **LOCATION:** **West side of East Governor John Sevier Highway, northwest of French Road and southwest of Old French Road.**

▶ **TRACT INFORMATION:** **9 acres.**
SECTOR PLAN: South County
GROWTH POLICY PLAN: Planned Growth Area
ACCESSIBILITY: East Governor John Sevier Highway is a major arterial with a pavement width of 43' feet and a right-of-way width of 120' feet.
UTILITIES: Water Source: Knox-Chapman Utility District
Sewer Source: Knox-Chapman Utility District
WATERSHED: French Broad

▶ **PRESENT PLAN DESIGNATION/ZONING:** **LDR (Low Density Residential) / A (Agricultural)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **RC (Rural Commercial) / CR (Rural Commercial)**

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

▶ **PROPOSED USE:** **Rural Commercial**

EXTENSION OF PLAN DESIGNATION/ZONING: No RC/CR in area.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Public/Quasi-Public Land (Church) - CI (Civic Institutional)
South: Agricultural/Forestry/Vacant - LDR (Low Density Residential)
East: Agricultural/Forestry/Vacant - A (Agricultural)
West: Agricultural/Forestry/Vacant - LDR (Low Density Residential)

NEIGHBORHOOD CONTEXT: The surrounding area includes a church, veteran's cemetery, large lot single family residential, and an office for Knox-Chapman Utility District. The northwestern end of the parcel borders the French Broad River. Otherwise, the area consists of large lot single family detached homes.

STAFF RECOMMENDATION:

- ▶ **Postpone the plan amendment 30-days to the October 10, 2019 Planning Commission meeting, as per the applicant's request.**

Postpone the plan amendment 30-days to the October 10, 2019 Planning Commission meeting, as per the applicant's request.

- ▶ **Postpone the rezoning 30-days to the October 10, 2019 Planning Commission meeting, as per the applicant's request.**

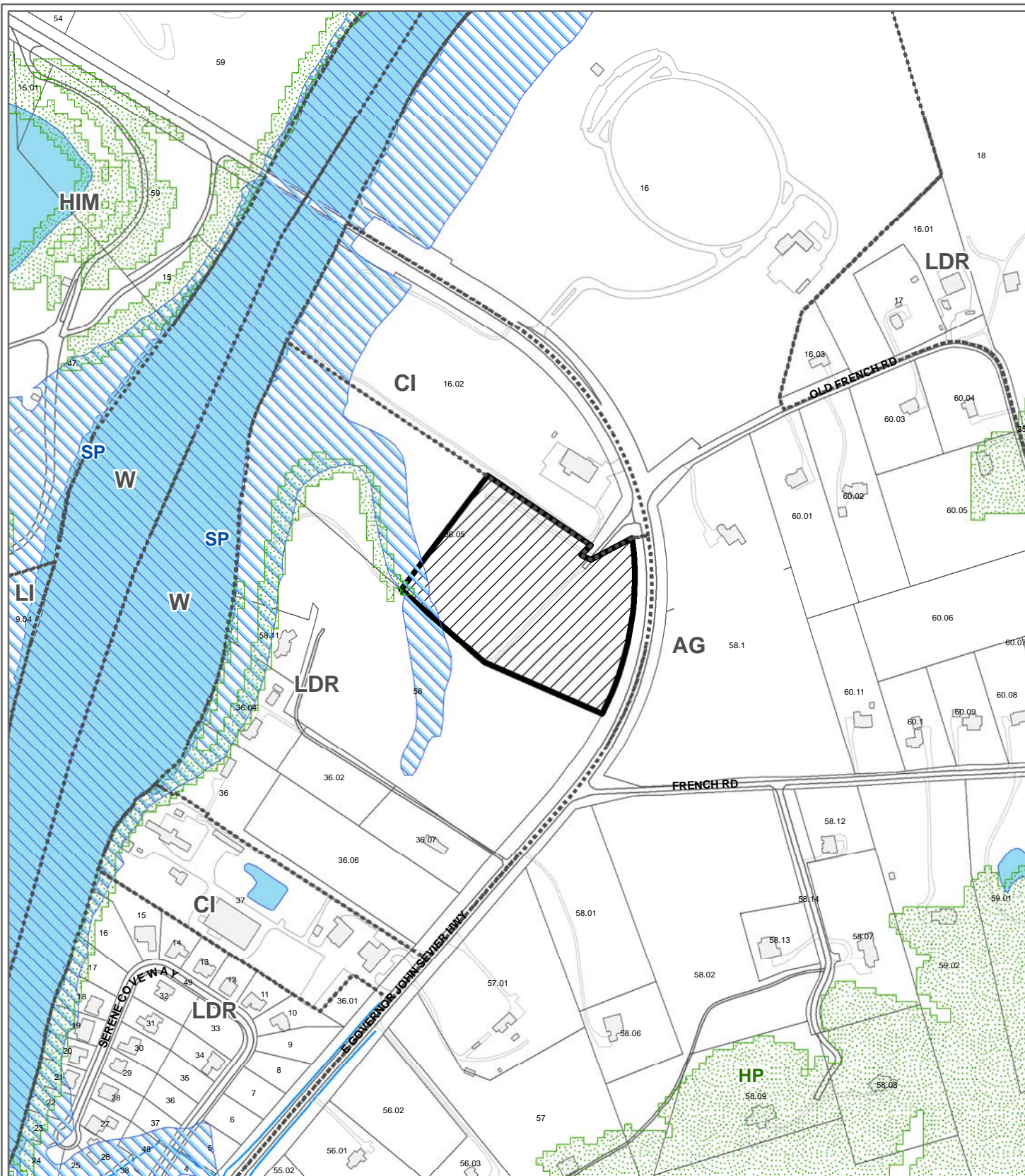
Postpone the rezoning 30-days to the October 10, 2019 Planning Commission meeting, as per the applicant's request.

COMMENTS:

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 10/28/2019. 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.



6-B-19-SP / 6-I-19-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT

From: LDR (Low Density Residential)
 To: RC (Rural Commercial)

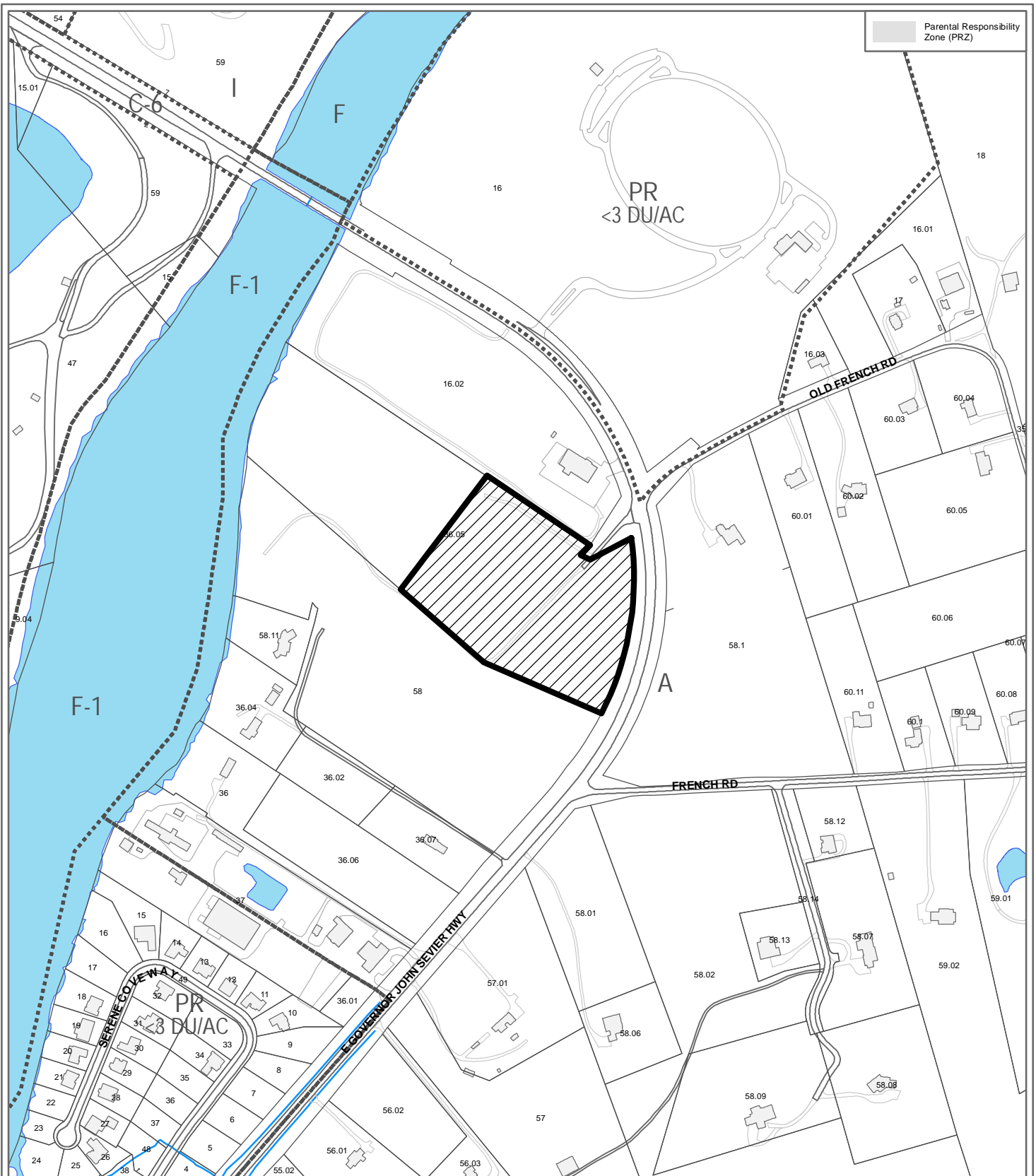


Petitioner: Toole, Robbie

Map No: 111
 Jurisdiction: County

Original Print Date: 5/16/2019 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





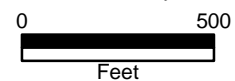
**6-I-19-RZ
REZONING**

From: A (Agricultural)
To: CR (Rural Commercial)

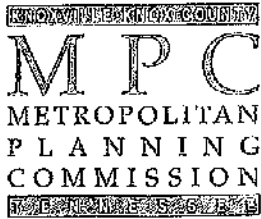


Petitioner: Toole, Robbie

Map No: 111
Jurisdiction: County

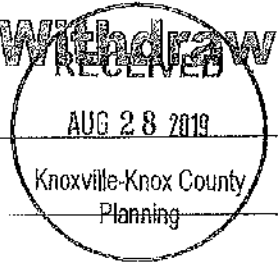


Original Print Date: 5/16/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



Suite 103 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

Request to Postpone • Table • Withdraw



Name of Applicant: Robbie Toole
AS IT APPEARS ON THE CURRENT MPC AGENDA

Original File Number(s): 6-I-19-RZ 6-B-19-SP

Date Scheduled for MPC Review: 9-12-19

Date Request Filed: 8/28/19 Request Accepted by: Sherry Michewy

REQUEST

Postpone
Please postpone the above application(s) until:

10-10-19

DATE OF FUTURE MPC PUBLIC MEETING

Table
Please table the above application(s).

Withdraw
Please withdraw the above application(s).

State reason for request:
Previously scheduled vacation

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: [Signature]

PLEASE PRINT
Name: Robbie Toole

Address: 2305 Asbury Road

City: Knoxville State: TN Zip: 37914

Telephone: (865) 609-9176

Fax: _____

E-mail: _____

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.

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
REPORT OF RECOMMENDATION**

APPEAL OF PLANNING COMMISSION DECISION

6/20/2019 12:07 PM

FILE NUMBER: 6-I-19-RZ

ROBBIE TOOLE

APPELLANT: Robbie Toole
DECISION APPEALED: REZONING
FROM: A (Agricultural)
TO: CR (Rural Commercial)

COMM. RECOMMENDATION: **DENY the CR (Rural Commercial) zoning consistent with the denial recommendation of the associated sector plan amendment.**

COMMISSION VOTE COUNT: 12-0

LOCATION: 0 E. Governor John Sevier Hwy. / Parcel ID 111 036.05
(part of)

ACREAGE: 9 acres

DISTRICT: Commission District 9

COMMISSION HEARING ON: 6/13/2019

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 5/11/2019

LEGISLATIVE HEARING ON: 7/22/2019

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 6/20/2019

APPELLANT'S ADDRESS: Robbie Toole
2305 Asbury Road
Knoxville, TN 37914

APPLICANT'S ADDRESS: Robbie Toole
2305 Asbury Road
Knoxville, TN 37914

LEGISLATIVE BODY: Knox County Commission

KNOXVILLE-KNOX COUNTY
MPC

METROPOLITAN
P L A N N I N G
C O M M I S S I O N

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

APPEAL OF DECISION

(Please Note: Original application and staff report are made a part of this application.)

Type: One Year Plan Amendment Sector Plan Amendment Rezoning Variance
 Use on Review Street Name Change Right-of-Way Closure
 Certificate of Appropriateness Other: _____

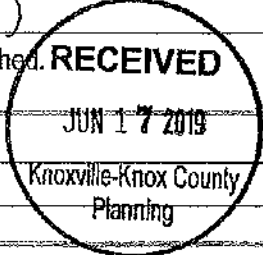
Decision by: MPC BZA Other: _____ Date of Decision: 6/13/19
Jurisdiction: City Councilmanic District County Commission District

Original Applicant Name: Robbie Toole Original File Number: 6-1-19-22

Name of Owner of Subject Property: Robbie Toole

Description of Subject Property (Include city block and parcel number or lot number): West side of E. Gov John Senene Hwy. NW of French Rd. Parcel ID 111 036 05 (Partial parcel, easement)

Zoning map of all property within 300 feet of the subject property is attached.



DECISION BEING APPEALED

Denial of rezoning and sector plan amendment

REASON FOR THE APPEAL

Attach additional pages, if necessary. Property cannot be used by owner for LDR because of flood zone and geologic dynamic activity directly across the river. Please see original application documents for proposed use, which is in keeping with the spirit of scenic designation initiatives.

PETITIONER INFORMATION

Name of Petitioner: Robbie Toole

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner):
Would like to build on property - see original documents

Application Authorization: I hereby certify that I am the applicant/authorized representative for the above named petitioner.

Signature: [Signature]

All correspondence should be sent to: Name (Print): Robbie Toole
2305 Ashbury Road Knoxville TN 37914
Street Address City State Zip

Phone: (605) 609-9176 Fax: _____ E-mail: _____

For MPC Staff Use Only

Application Accepted by MPC Staff Member: M. Payne
Appeal Fee Amount: 550.00 Date Appeal Received: 6/17/19

BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

<input type="checkbox"/> City Council - 6 p.m.	<input checked="" type="checkbox"/> County Commission - 7 p.m.	<input type="checkbox"/> City BZA - 4 p.m.	<input type="checkbox"/> MPC - 1:30 p.m.
_____ Month • Date • Year	<u>7 / 22 / 2019</u> Month • Date • Year	_____ Month • Date • Year	_____ Month • Date • Year

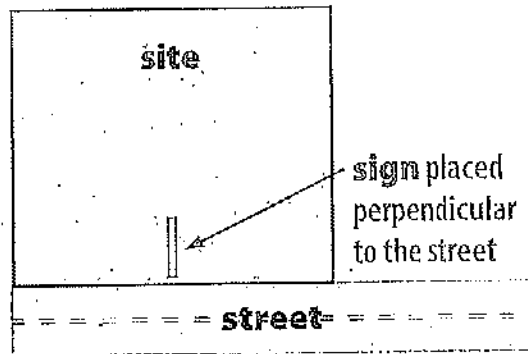
REQUIRED SIGN POSTING AGREEMENT

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:

7/6/19 and 7/23/19
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: [Signature]

Printed Name: Janna Toole

Phone: (605) 919-4225 Email: _____

Date: 6/17/19

File Number: 6-I-19-R2 / 6-B-19-SP



Knox County Commission

Suite 603, City County Building
400 West Main Street
Knoxville, Tennessee 37902
Phone (865) 215-2534
Fax (865) 215-2038

EVELYN GILL, 1ST DISTRICT
MICHELE CARRINGER, 2ND DISTRICT, VICE-CHAIR
RANDY SMITH, 3RD DISTRICT
HUGH NYSTROM, 4TH DISTRICT, CHAIRMAN
JOHN SCHOONMAKER, 5TH DISTRICT

BRAD ANDERS, 6TH DISTRICT
CHARLES BUSLER, 7TH DISTRICT
RICHIE BEELER, 8TH DISTRICT
CARSON DAILEY, 9TH DISTRICT
LARSEN JAY, AT-LARGE SEAT 10
JUSTIN BIGGS, AT-LARGE SEAT 11

THE KNOX COUNTY BOARD OF COMMISSIONERS SHALL MEET IN REGULAR SESSION ON MONDAY, JULY 22, 2019 AT 5:00 P.M. IN THE MAIN ASSEMBLY ROOM OF THE CITY COUNTY BUILDING, 400 WEST MAIN STREET. ALL AGENDA ITEMS ARE SUBJECT TO VOTE.

I. CALL TO ORDER/ROLL CALL (5:00 P.M.):

A. Devotional

Commissioner John Schoonmaker

B. Pledge to the Flag

Commissioner Richie Beeler

C. Public Forum

D. Honorary Resolutions

1. R-19-7-101 Consideration of a Resolution of the Commission of Knox County, Tennessee, honoring Sandra Sexton upon the occasion of her retirement.
Approved
No
Recomm. **Work Session Recommendation: No Recommendation 11-0-0-0**
(Full Commission)

2. R-19-7-102 Consideration of a Resolution of the Commission of Knox County, Tennessee, memorializing William E. "Budd" Childress, Jr.
Approved
No
Recomm. **Work Session Recommendation: No Recommendation 11-0-0-0**
(Full Commission)

E. Approval of Minutes of Previous Meeting - *Approved*

F. Amendments to the Agenda

G. Drives and Roads

69. 6-I-19-RZ :
SEE MOTION
BELOW

Appeal by Robbie Toole of Knoxville-Knox County Planning Commission's decision to deny rezoning from A (Agricultural) to CR (Rural Commercial). Property located at 0 E. Governor John Sevier Highway / Parcel ID 111 part of 036.05, Commission District 9. Planning Commission Recommendation: DENY rezoning to CR (Rural Commercial) consistent with the denial recommendation of the associated sector plan amendment by a vote of 12-0.

70. 4-J-19-RZ
Withdrawn at
the applicant's
request via
email

Appeal by Taylor D. Forrester for Natural Roots Realty Holding LLC of Knoxville-Knox County Planning Commission's decision to deny rezoning from A (Agricultural) to T (Transition). Property located at 9222 Tedford Lane / Parcel ID 155 04324 [southside of Tedford Lane, east of Lakefront Drive]. Commission District 4. Planning Commission Recommendation: Deny rezoning to T (Transition) by a vote of 12-2. (DEFERRED FROM JUNE AT REQUEST OF SPONSOR VIA LETTER)

- C. Amendments to the Knox County Zoning Ordinance
- D. Other Business
- E. Adjournment

THE FOLLOWING MOTION IS REGARDING THE FOLLOWING ITEM:

6-I-19-RZ – Appeal by Robbie Toole of Knoxville-Knox County Planning Commission's decision to deny rezoning from A Agricultural to CR Rural Commercial.

Commissioner Anders moved to refer back for a Sector Plan Amendment request as per the applicant's request to make sure all questions are answered before the applicant's land is tied up for a year. Commissioner Jay seconded the motion and the motion carried.

REZONING **PLAN AMENDMENT**

Name of Applicant: Robbie Toole

Date Filed: 4/26/19 Meeting Date: 6/13/19

Application Accepted by: Jesse Reed

Fee Amount: \$1900 File Number: Rezoning 6-I-19-RZ

Fee Amount: \$800 File Number: Plan Amendment 6-B-19-SP

PROPERTY INFORMATION

Address: 0 John Sevier Highway
General Location: South Knoxville West side
of E Gov John Sevier Hwy, Northwest
of French Rd

Parcel ID Number(s): 111 03005 (part of)
18.79 Acres

Tract Size: 9 acres to be rezoned (18.79 total)

Existing Land Use: Ag Forest

Planning Sector: South County

Growth Policy Plan: Planned Growth

Census Tract: 59.01

Traffic Zone: 12A

Jurisdiction: City Council _____ District
 County Commission AM District

Requested Change

REZONING

FROM: Agriculture

TO: Rural Commercial

PLAN AMENDMENT

One Year Plan South County Sector Plan

FROM: LDR

TO: Rural Commercial

PROPOSED USE OF PROPERTY

Front half to Rural Commercial, back
half to stay Agriculture.

See letter for more details

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT
Name: Roger Toole

Company: _____

Address: 2305 Ashbury Road

City: Knoxville State: TN Zip: 37914

Telephone: (605) 609-9176

Fax: _____

E-mail: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT
Name: Robbie Toole

Company: _____

Address: 2305 Ashbury Road

City: Knoxville State: TN Zip: 37914

Telephone: (605) 609-9176

Fax: _____

E-mail: _____

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: Robbie Toole

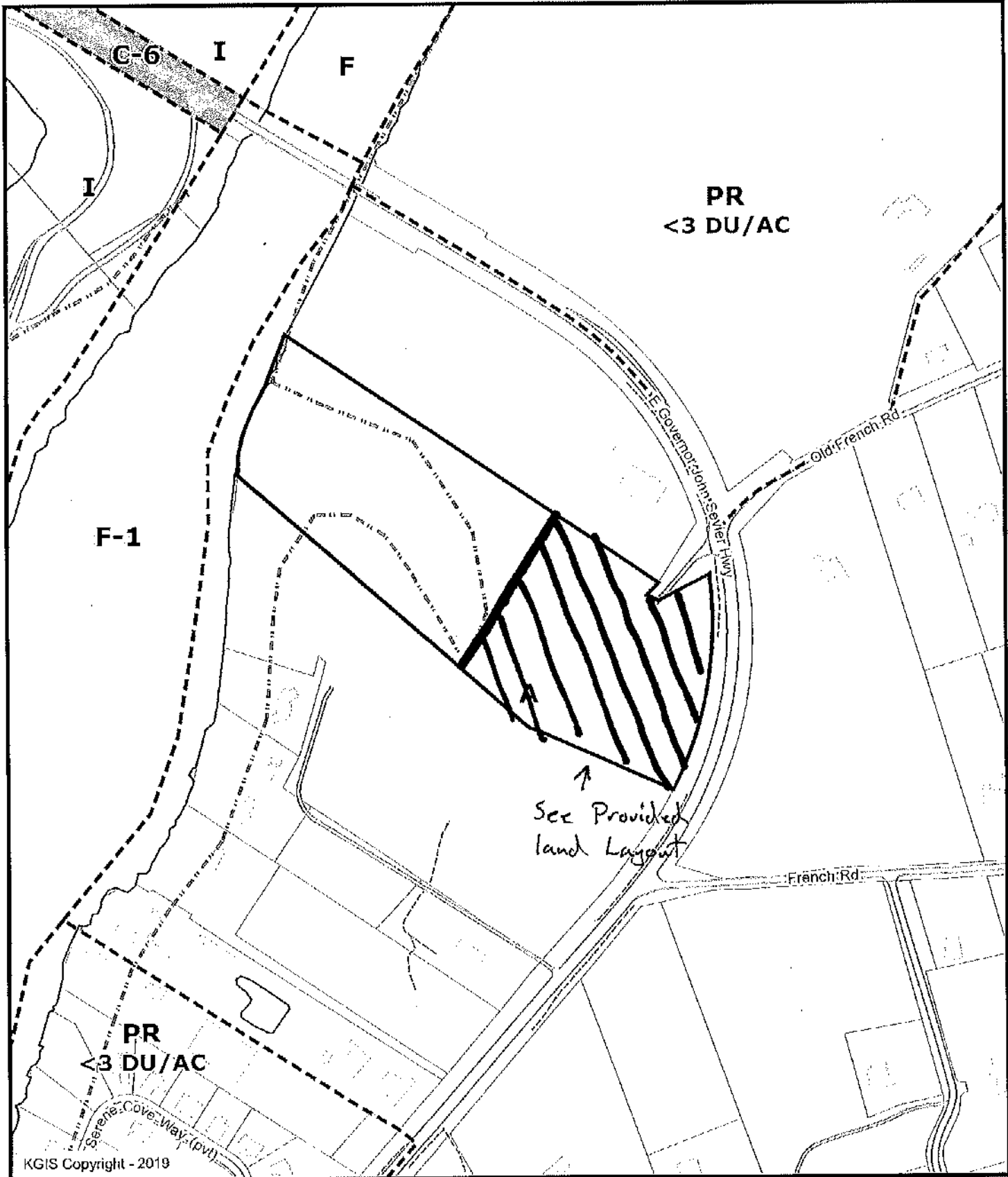
Company: _____

Address: 2305 Ashbury Road

City: Knoxville State: TN Zip: 37914

Telephone: (605) 609-9176

E-mail: _____



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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 4/26/2019 at 12:26:25 PM



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To the Members of the MPC and the Community:

We are applying to rezone a portion of a piece of property on John Sevier Highway from Agriculture to Rural Commercial. Our company has been providing erosion and sediment control services and products in the Knoxville area since 2005. In this letter we would like to detail what we have in mind for the property and how it can benefit the community.

Our company, Erosion Supply, promotes clean water and green infrastructure in East Tennessee. We supply farmers, homeowners, and contractors with a variety of erosion prevention and sediment control products. We can help our customers with storm water management, streamline restoration, drainage, slope vegetation, and sodding.


Attached is a rendering of what we envision for the space on John Sevier. We would like to have a building to serve our customers. We would also like to grow some of the products on the site, such as straw, sod, trees, bushes and other plant species. For this reason, We are only requesting the road front portion to be zoned Rural Commercial and would like to keep the river side of the property zoned agriculture. This will allow our family owned business to better serve our neighbors and community by selling locally farmed products, grown and sold on the property.

Our family has been in Knoxville for 9 generations, and we are also long time members of the South Knoxville community. We embrace efforts to preserve the character of the area, as well as current initiatives to keep John Sevier Highway a scenic corridor. Any signage would be in keeping with the spirit of the scenic corridor initiative. We are committed to keeping or enhancing the natural vegetative boundaries surrounding the property. Our main core value as a company is to keep East Tennessee beautiful, and we hope to make that evident in this new space.

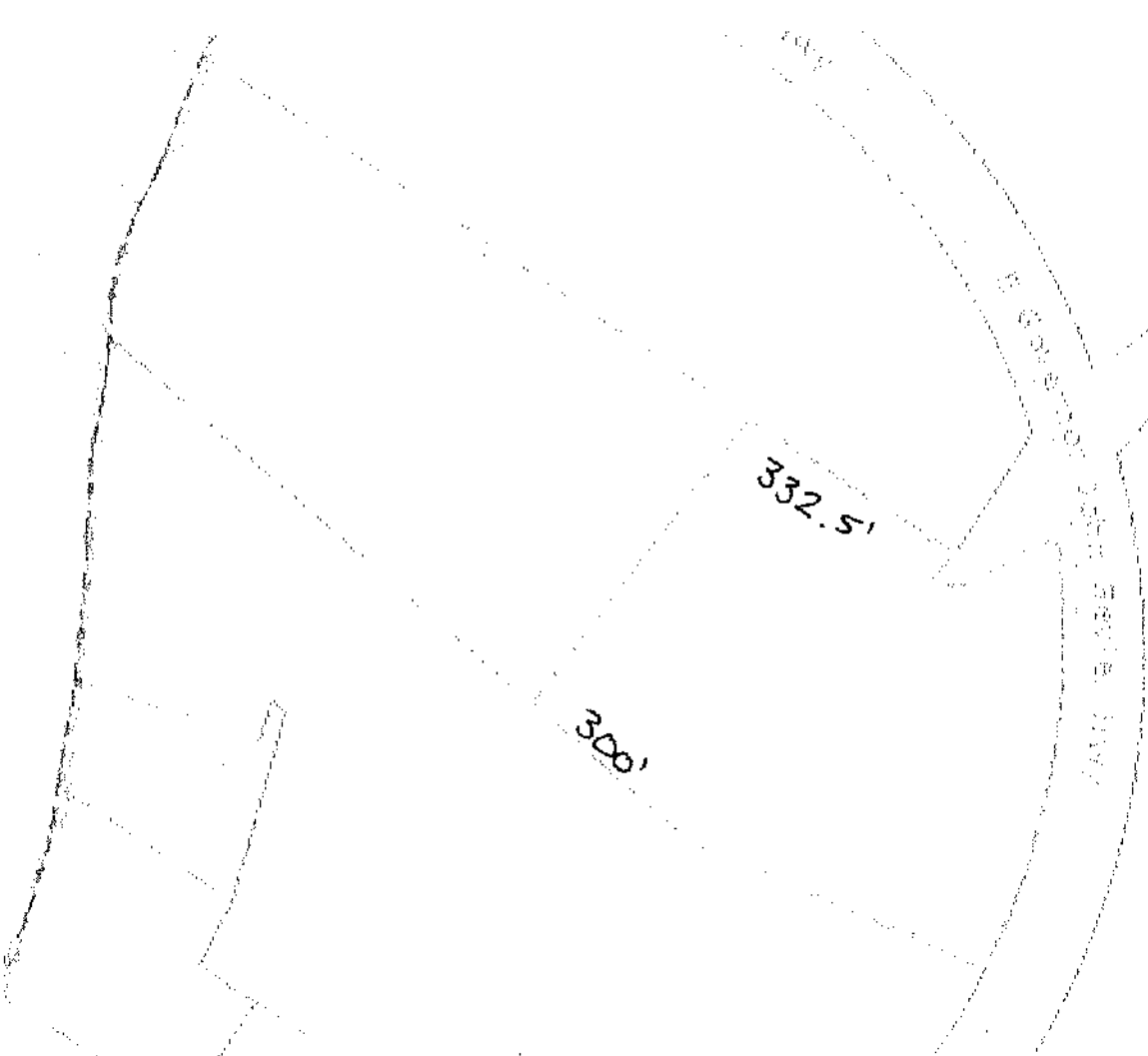
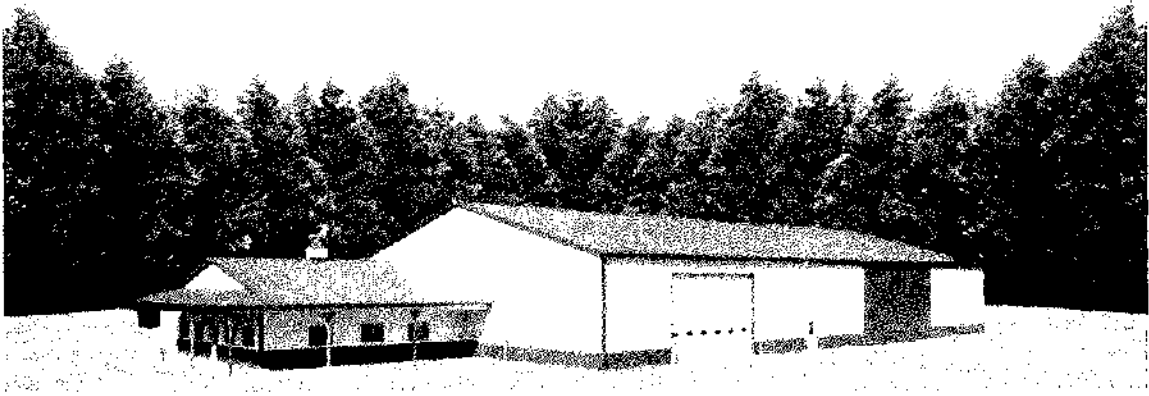
Besides our services and products, we have also been proud to give back to the community in many ways. We are a proud financial supporter of Wreaths Across America, and our employees place wreaths at the Veteran Cemeteries on John Sevier Highway and Lyons View Pike each year. We were quick to help those affected by the Gatlinburg wildfire by donating materials needed for restoration. We support Knoxville Pro Corps and their efforts to improve water quality in impoverished communities. We have supported natural preservation and enhancement of recreational areas through donations of materials for the Baker's Creek Preserve Bike Trail in South Knoxville and the Haw Ridge Bike Trail System near Oak Ridge. By donating and running, we have supported the Tennessee River Runoff Cheers to Clean Water Celebration, an event that showcases how to protect our local streams and rivers. Giving in different ways has been rewarding and creates fun traditions for our employees; therefore we are always looking for new ways to have a meaningful impact in the community.

Thank you for your time and your consideration of this request. We hope that you can see how the addition of my business on this property would benefit this beautiful community.

Sincerely,



Robbie Toole



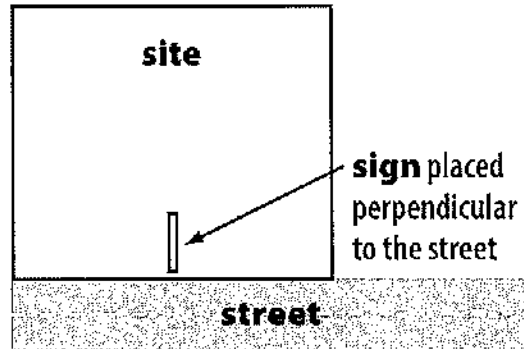
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I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

May 29 and June 14
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Joanna Toole

Printed Name: Joanna Toole

Phone: (606) 919-4225 Email: joannat@icloud.com

Date: 4/26/19

File Number: 6-I-19-RZ

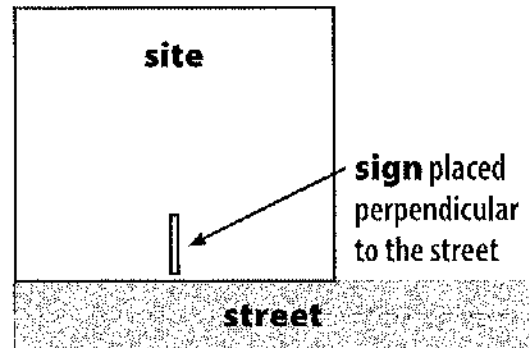
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May 29 and June 14
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Joanna Toole

Printed Name: Joanna Toole

Phone: (865) 919-4225 Email: joannat@icloud.com

Date: 4/26/19

File Number: 6-B-19-SP