

REZONING REPORT

► **FILE #:** 9-G-19-RZ

AGENDA ITEM #: 26

AGENDA DATE: 9/12/2019

► **APPLICANT:** CALEB AND MAGGIE GIBSON

OWNER(S): Caleb and Maggie Gibson

TAX ID NUMBER: 71 P E 028

[View map on KGIS](#)

JURISDICTION: City and County Council District 6

STREET ADDRESS: 4654 Holston Drive

► **LOCATION:** South side of Holston Drive west of Holston Court

► **APPX. SIZE OF TRACT:** 0.4 acres

SECTOR PLAN: East City

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: This property is accessed off a private drive with a pavement width of approximately 11 feet and a right-of-way width of 20 feet. It connects to Holston Drive, a minor collector with a 25-foot pavement width and a right-of-way width that varies from 46 feet to 73 feet in the immediate vicinity.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

► **PRESENT ZONING:** C-3 (General Commercial)

► **ZONING REQUESTED:** R-1 (Low Density Residential)

► **EXISTING LAND USE:** Single Family Residential

► **PROPOSED USE:** Existing single-family home will remain as is; the residence is a nonconforming use - the rezoning will bring it into compliance

DENSITY PROPOSED: 2.5 du/ac

EXTENSION OF ZONE: Yes, to the west

HISTORY OF ZONING: None noted for this property

SURROUNDING LAND North: Multifamily - C-3 (General Commercial District)

USE AND ZONING: South: Agricultural/Forestry/Vacant - RP-1 (Planned Residential District)

East: Office - C-3 (General Commercial District)

West: Public/Quasi-Public Land - R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: This section of Holston Road sits just south of Asheville Highway, connecting to it about a quarter of a mile to the east. As such, it contains a variety of commercial uses (animal hospital, auto part retail, car wash, and a pediatrician's office) on the north side, as those parcels have double-frontages along both roads. However, the rear of these establishments face Holston Drive, and few access points are provided. Other uses along Holston Drive include a church with a graveyard, single-family residential homes, a small apartment complex, and a grocery store with a gas station.

STAFF RECOMMENDATION:

► **Approve R-1 (Low Density Residential District) zoning.**

Approve the requested R-1 (Low Density Residential District) zoning since it is consistent with the East City Sector Plan, is compatible with the surrounding zoning, and will bring the property into compliance.

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. This property contains a single-family dwelling, which is not a permitted use within the C-3 zone. The house was built circa 1955.
3. This property sits behind the first parcel fronting on Holston Drive. It is accessed from a private road off of Holston Drive and is not visible from the street, making a residential use more suitable for this property than most commercial uses.
4. This property is next door to Macedonia United Methodist Church and its graveyard, making a residential use more suitable than many commercial uses.

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

1. The R-1 (Low Density Residential District) zone is the most restrictive residential district.
2. The proposed amendment to R-1 zoning is intended for low density residential land uses. It allows additional permitted uses by review of the planning commission to include related noncommercial, recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

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. R-1 is consistent with surrounding R-1 residential zoning on the south side of Holston Drive.
2. The property meets the lot size and lot width requirements of the R-1 zone.

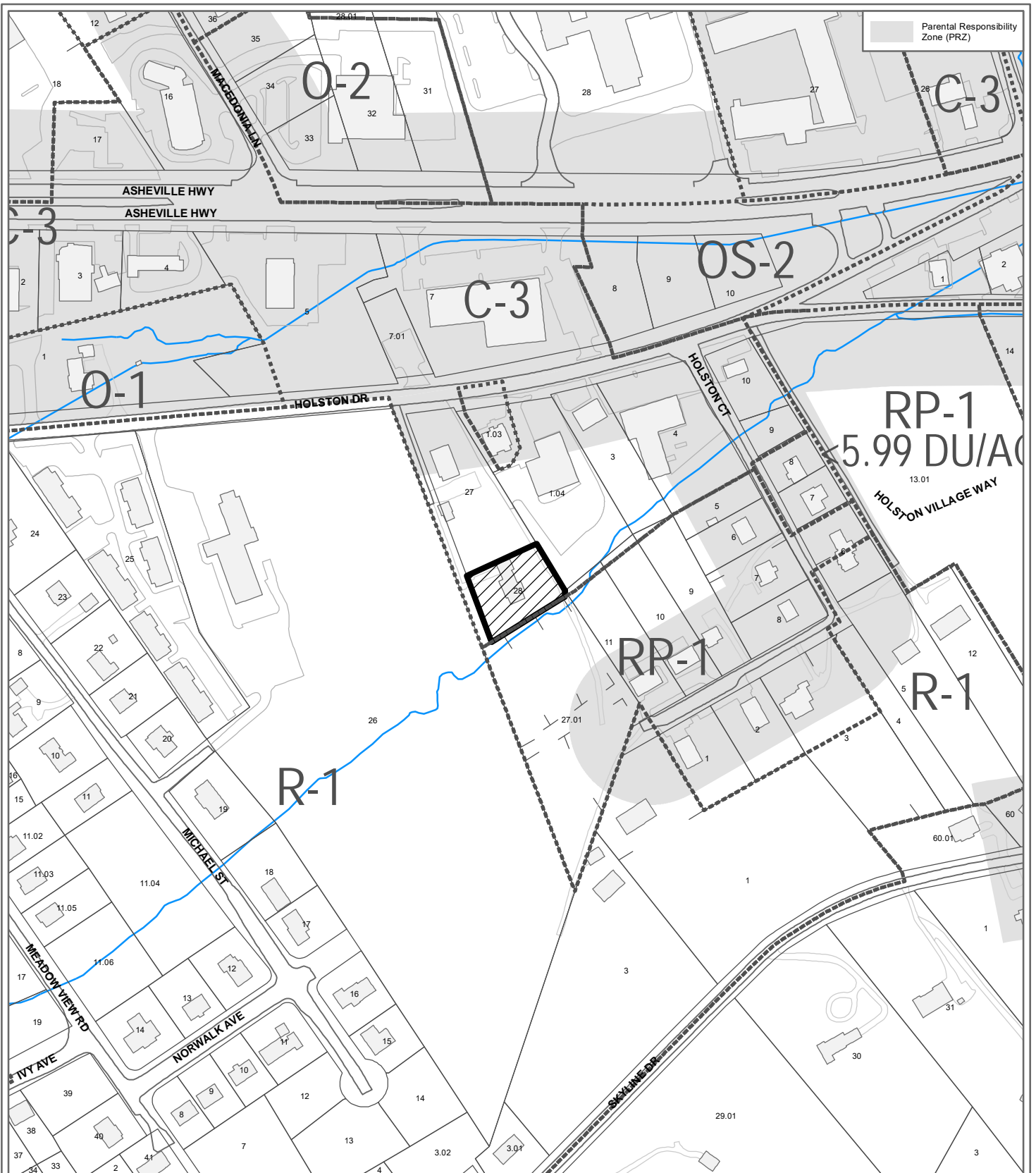
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. This property is designated Low Density Residential in the East City Sector Plan, which lists the R-1 zone as one of the recommended zones in the Planned Growth Area.
2. The proposed zoning is consistent with and not in conflict with the other aforementioned plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 10/8/2019 and 10/22/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City and County.



9-G-19-RZ REZONING

From: C-3 (General Commercial)

To: R-1 (Low Density Residential)



Original Print Date: 8/19/2019
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Gibson, Caleb and Maggie

Map No: 71

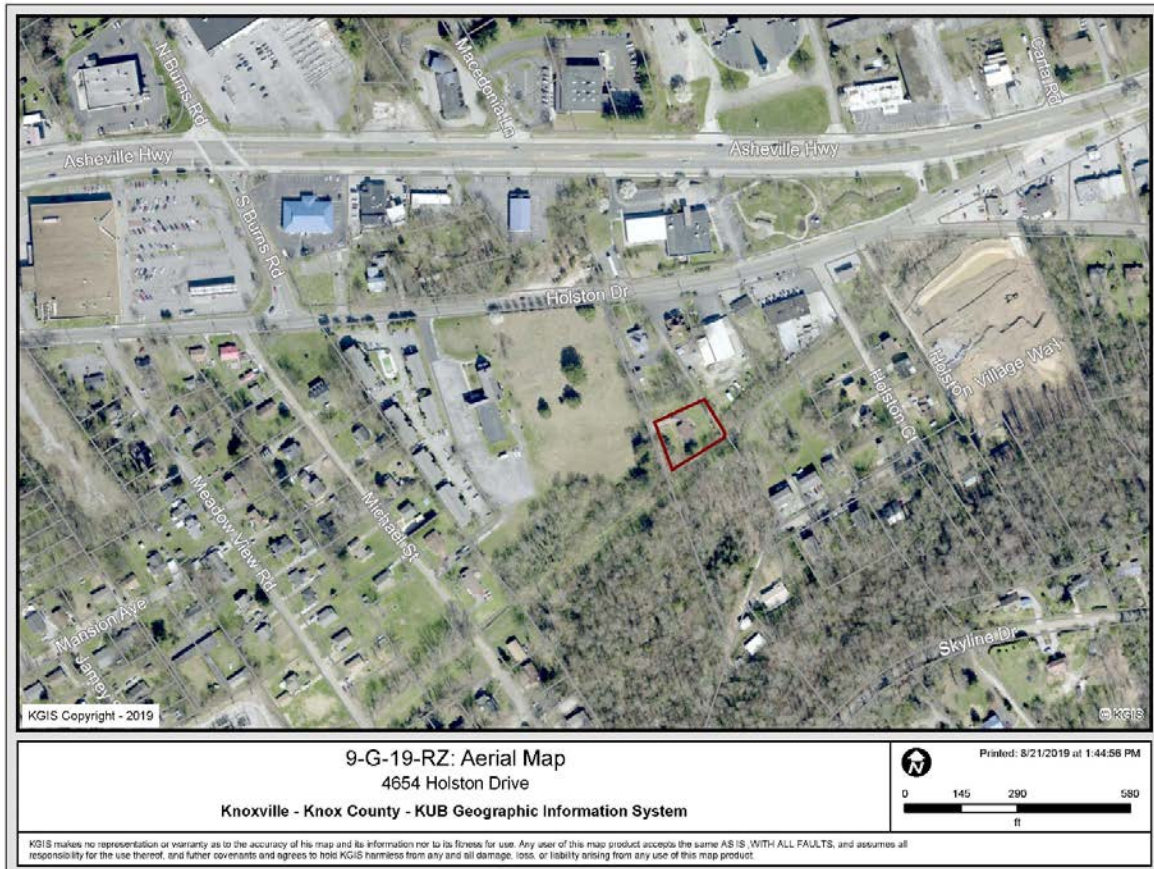
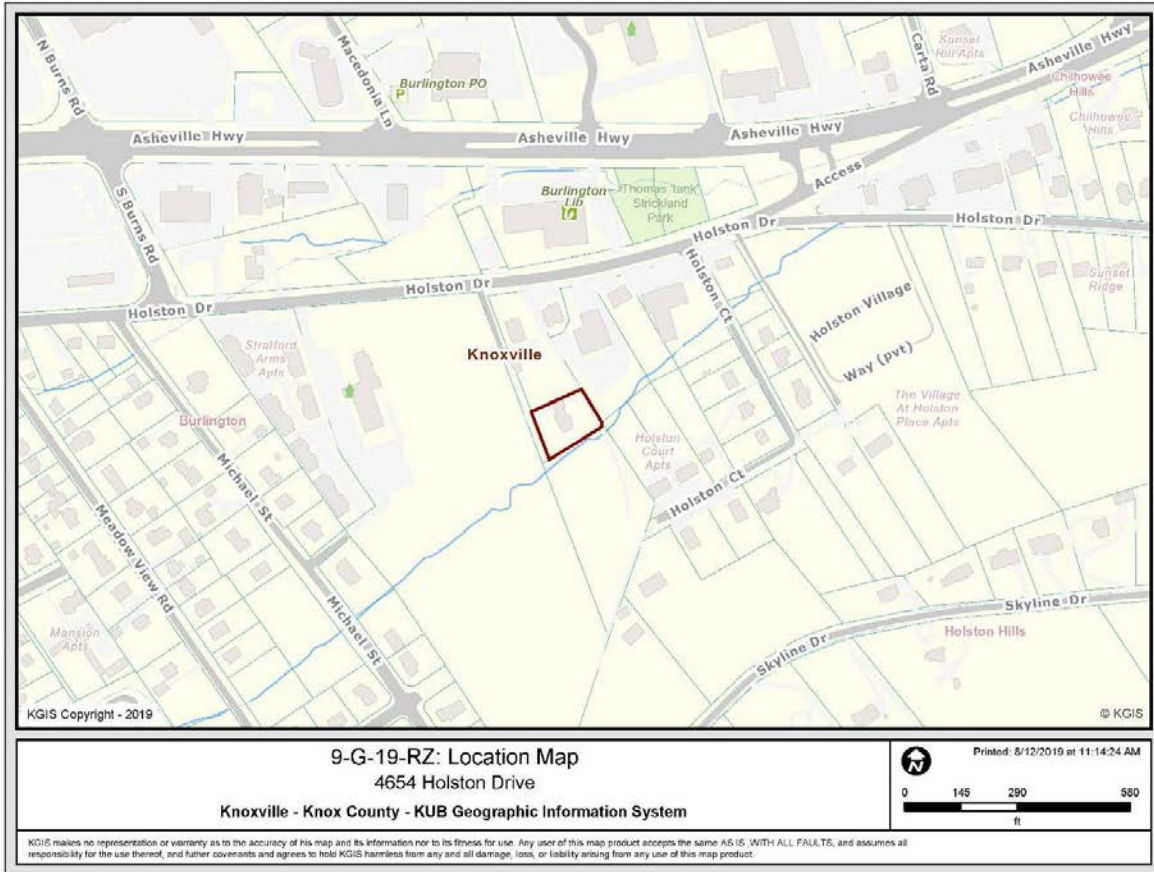
Jurisdiction: City and County

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Feet



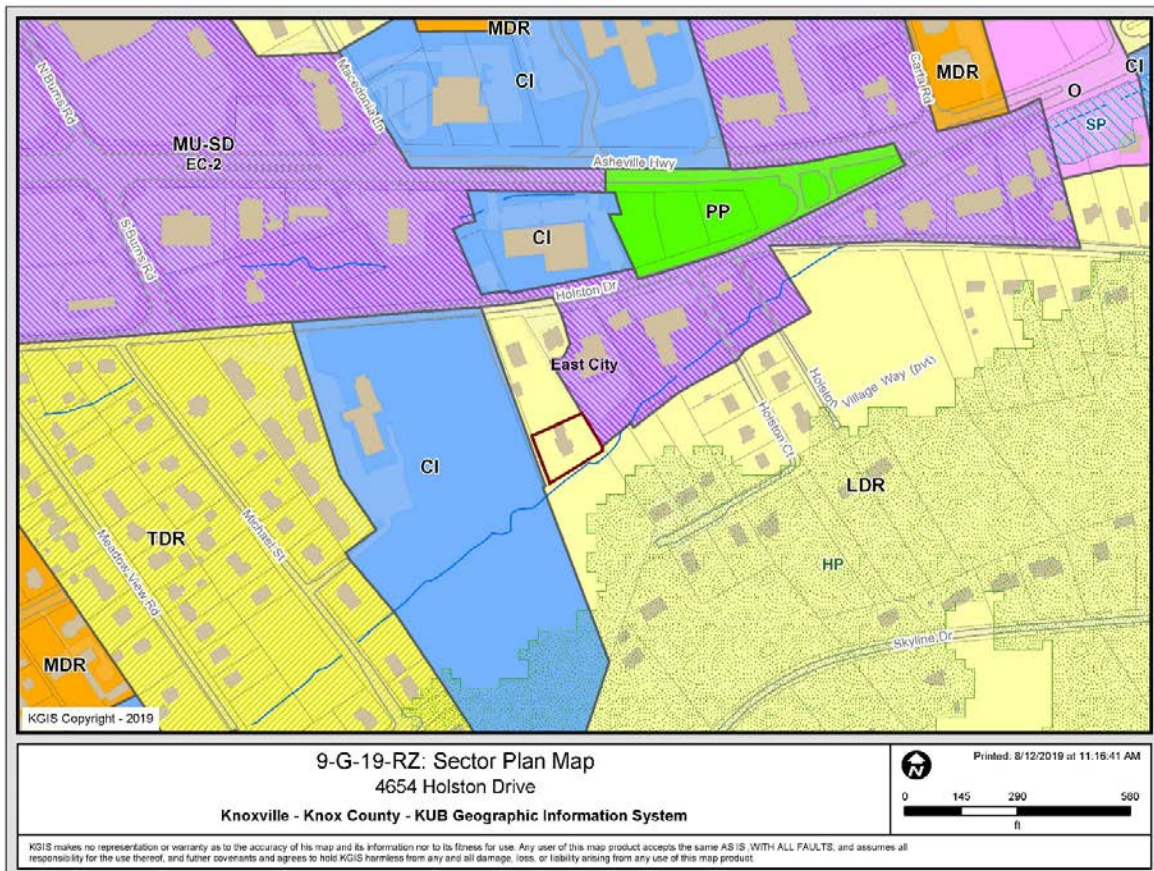
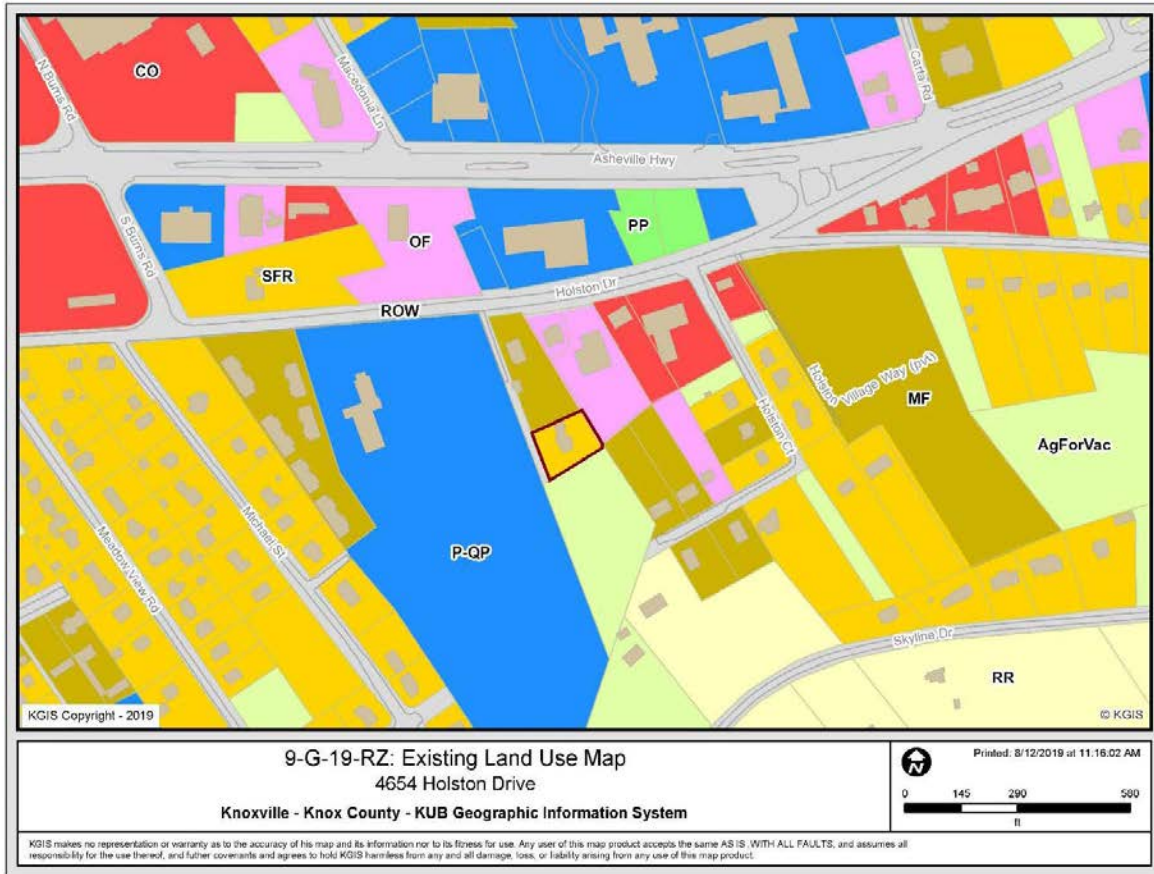
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Exhibit A. Contextual Images



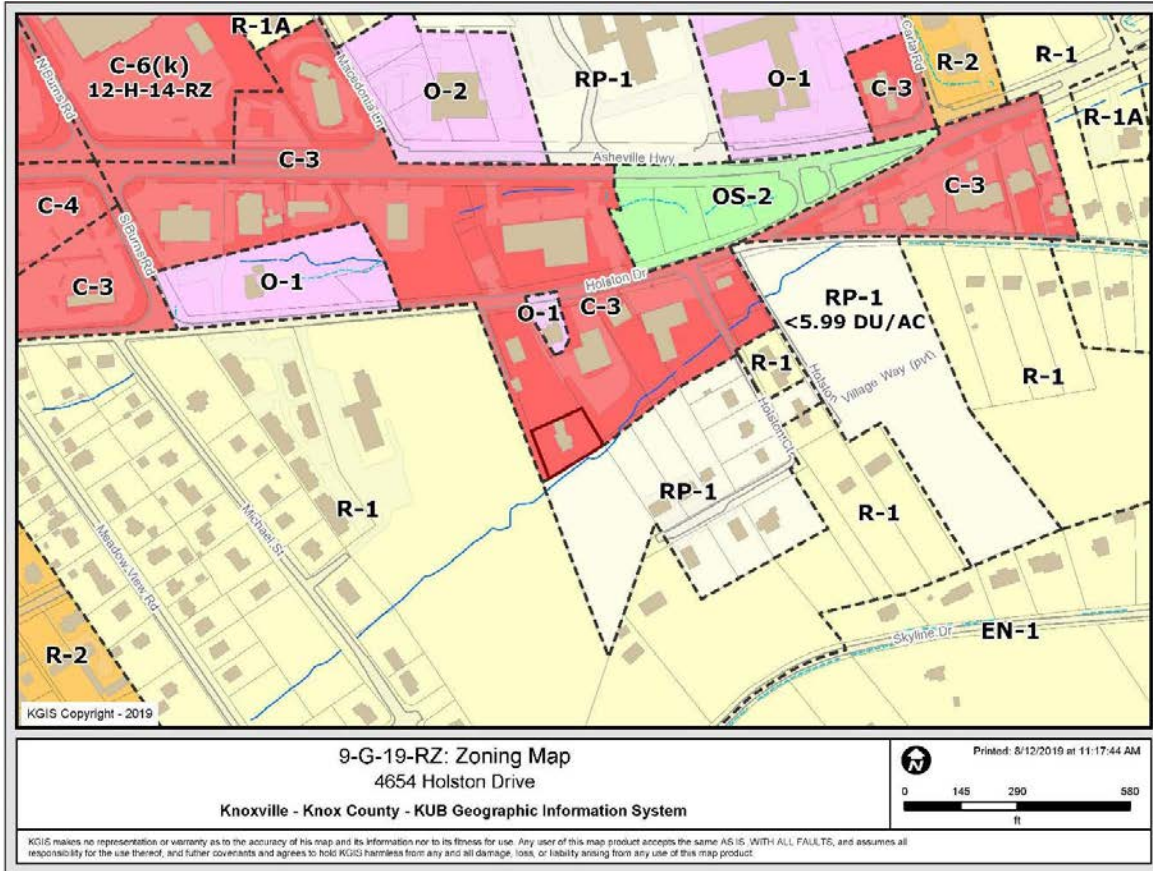
9-G-19-RZ

Exhibit A. Contextual Images



9-G-19-RZ

Exhibit A. Contextual Images



LIMITED POWER OF ATTORNEY FOR REAL ESTATE

WHEREAS, Maggie S. Gibson is a co-tenant in that certain real estate located at 4654 Holston Drive, Knoxville, TN (hereinafter the "Real Estate").

KNOW ALL MEN BY THESE PRESENTS: That I, Maggie S. Gibson, whose address is 55 Southlawn Drive, Buckhannon, WV, do hereby make, constitute, and appoint Bruce E. Gibson, whose address is 5761 Chestnut Hills Drive, Kingsport, TN, as my true and lawful limited attorney in fact, for me and in my name, place and stead, to execute, sign and/or deliver any real estate listing contract, real estate offer, counteroffer, contract, deed, receipt, HUD statement, closing document, or any other document related to or connected to the Real Estate, and to do all such other acts, matters, and things in relation to all or any part of or interest in the Real Estate, as I might or could do if acting personally.

This power of attorney shall not terminate on disability, incompetence or incapacity on my part, and all acts done by my attorney in fact pursuant to this power during such disability, incompetence, or incapacity shall bind me as fully as if I were not subject to such disability. I hereby ratify and confirm all lawful acts done by my said attorney in fact by virtue hereof.

WITNESS the following signature and seal this 29 day of July 2019.

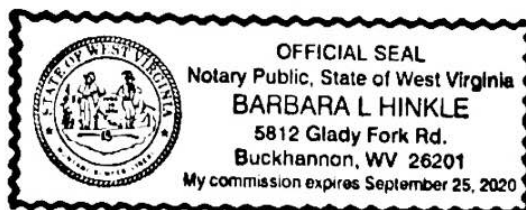
Maggie S. Gibson (SEAL)

STATE OF WEST VIRGINIA
COUNTY OF Upshur TO WIT:

The undersigned notary public of said County and State, does hereby certify that Maggie S. Gibson personally appeared before me this 29th day of July 2019, and acknowledged the due execution of the foregoing instrument.

Barbara L. Hinkle
Notary Public

My commission expires: September 25, 2020.



LIMITED POWER OF ATTORNEY FOR REAL ESTATE

WHEREAS, Caleb M. Gibson is a co-tenant in that certain real estate located at 4654 Holston Drive, Knoxville, TN (hereinafter the "Real Estate").

KNOW ALL MEN BY THESE PRESENTS: That I, Caleb Gibson, whose address is 55 Southlawn Drive, Buckhannon, WV, do hereby make, constitute, and appoint Bruce E. Gibson, whose address is 5761 Chestnut Hills Drive, Kingsport, TN, as my true and lawful limited attorney in fact, for me and in my name, place and stead, to execute, sign and/or deliver any real estate listing contract, real estate offer, counteroffer, contract, deed, receipt, HUD statement, closing document, or any other document related to or connected to the Real Estate, and to do all such other acts, matters, and things in relation to all or any part of or interest in the Real Estate, as I might or could do if acting personally.

This power of attorney shall not terminate on disability, incompetence or incapacity on my part, and all acts done by my attorney in fact pursuant to this power during such disability, incompetence, or incapacity shall bind me as fully as if I were not subject to such disability. I hereby ratify and confirm all lawful acts done by my said attorney in fact by virtue hereof.

WITNESS the following signature and seal this 29 day of July 2019.

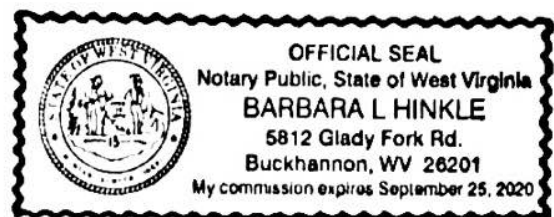
Caleb Gibson (SEAL)

STATE OF WEST VIRGINIA
COUNTY OF Upshur TO WIT:

The undersigned notary public of said County and State, does hereby certify that Caleb M. Gibson personally appeared before me this 29th day of July 2019, and acknowledged the due execution of the foregoing instrument.

Barbara L Hinkle
Notary Public

My commission expires: September 25, 2020.





DEVELOPMENT REQUEST

DEVELOPMENT

- ☐ Development Plan
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☒ Rezoning

Caleb M. Gibson and Maggie S. Gibson

Applicant

7/29/19

9/12/19

9-G-19-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

RECEIVED

JUL 29 2019

Knoxville-Knox County
Planning

CORRESPONDENCE

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

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

Caleb M. Gibson

Name

Company

5761 Chestnut Hills Dr.

Kingsport

TN

37664

Address

City

State

Zip

423-914-7739

bruceegibson@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Caleb & Maggie Gibson

Owner Name (if different)

5761 Chestnut Hills Dr.

Owner Address

Kingsport TN 37664

Owner Phone

423-562-5221

4654 Holston Drive

071 PE-028

Property Address

Parcel ID

South side of Holston Drive / West of Holston Ct.

0.4 acres

General Location

Tract Size

C-3

Jurisdiction (specify district above)

☒ City ☐ County

Zoning District

East City

Planning Sector

LDR (Low Density Residential)

Sector Plan Land Use Classification

In city - Planned
Growth Area

Growth Policy Plan Designation

Single Family Residential

Existing Land Use

N

Septic (Y/N)

KUB

Sewer Provider

KUB

Water Provider

REQUEST

DEVELOPMENT

☐ Development Plan ☐ Use on Review / Special Use

☐ Residential ☐ Non-Residential

☐ Home Occupation (specify): _____

☐ Other (specify): _____

SUBDIVISION

☐ Proposed Subdivision Name _____ Unit / Phase Number _____

☐ Parcel Change

☐ Combine Parcels ☐ Divide Parcel Total Number of Lots Created: _____

☐ Other (specify): _____

☐ Attachments / Additional Requirements

ZONING

☒ Zoning Change: R-1 (low density Residential)
Proposed Zoning

☐ Plan Amendment Change: _____
Proposed Plan Designation(s)

Residential; house to remain n/a n/a
☐ Proposed Property Use (specify) Proposed Density (units/acre) Previous Rezoning Requests

☐ Other (specify): _____

STAFF USE ONLY

PLAT TYPE

☐ Administrative ☐ Meeting

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:

500.00

FEE 2:

FEE 3:

TOTAL:

\$500.00

AUTHORIZATION


Staff Signature

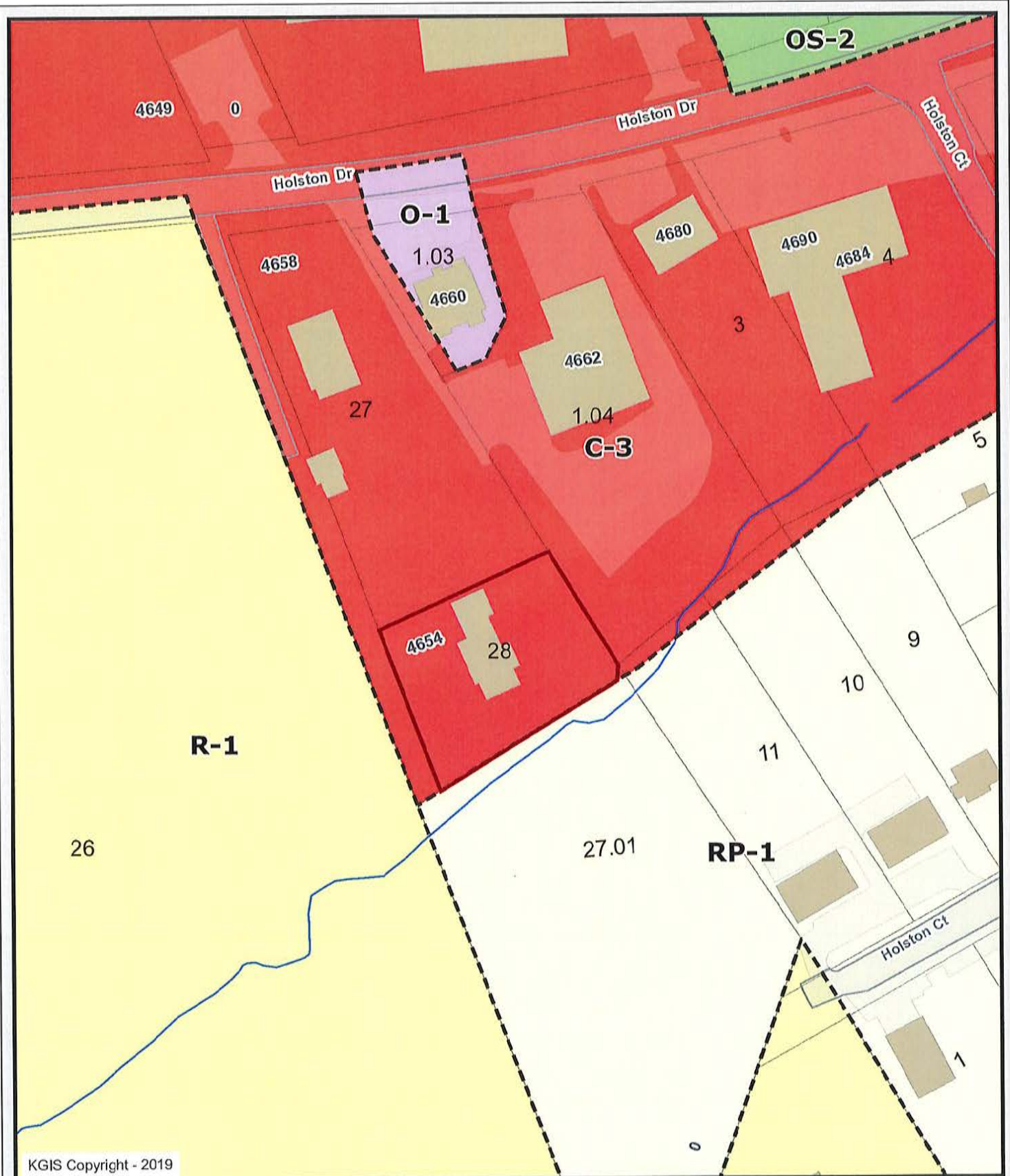
Michelle Portier
Please Print

7/29/2019
Date

Caleb M. Gibson
by Bruce Gibson POA
Applicant Signature

Maggie S. Gibson
by Bruce Gibson POA
Please Print

Caleb M. Gibson & Maggie Gibson
By: Bruce Gibson POA
Date 7/29/19



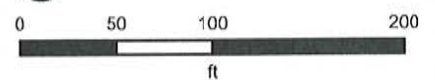
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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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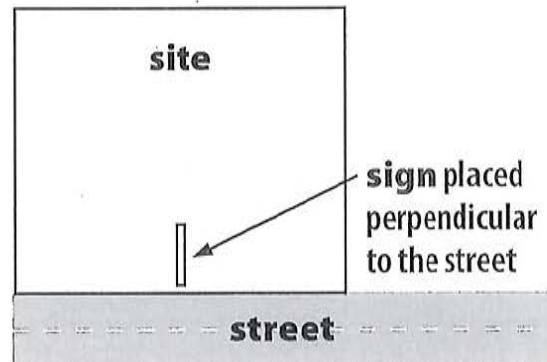
REQUIRED SIGN POSTING AGREEMENT

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:

(Wed) Aug 28th and (Fri) 9-13-19
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: Caleb M. Gibson and Maggie S. Gibson By Bruce Gibson
POA

Printed Name: Caleb M. Gibson & Maggie S. Gibson

Phone: 423-914-7739 Email: bruceegibson@gmail.com

Date: 7/29/19

MPC File Number: 9-G-19-RZ