



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 10-D-20-RZ **AGENDA ITEM #:** 11
10-C-20-SP **AGENDA DATE:** 11/12/2020

POSTPONEMENT(S): 10/8/2020

► **APPLICANT:** DANIEL D. & KIMBERLY OVERBEY

OWNER(S): Daniel D. & Kimberly Overbey

TAX ID NUMBER: 162 M C 019

[View map on KGIS](#)

JURISDICTION: Commission District 5

STREET ADDRESS: 1615 Choto Rd.

► **LOCATION:** At southeast quadrant of intersection of Choto Rd. and S. Northshore Dr., on west side of Choto Mill Ln.

► **TRACT INFORMATION:** 1.01 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: This property has frontage on S. Northshore Drive and Choto Road. S. Northshore Drive is a minor arterial with a pavement width of 20.2 feet inside a right-of-way of 88 ft. Choto Road is a minor collector with a pavement width of 20.9 ft inside a right-of-way of 60 ft.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

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

► **PROPOSED PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / CN (Neighborhood Commercial)

► **EXISTING LAND USE:** Vacant land

► **DENSITY PROPOSED:** N/A

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, C-N zoning is across the Choto Road to the north

HISTORY OF ZONING REQUESTS: Several plan amendment requests have been denied since 2001: Case # 12-A-01-SP (from LDR to Commercial), Case # 9-B-04-SP (from LDR to Commercial), Case # 5-E-10-SP (LDR to Neighborhood Commercial), and Case # 3-E-16-SP (from LDR to Office)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Commercial - NC (Neighborhood Commercial) - CN (Neighborhood Commercial) zone

South: Agricultural/forestry/vacant - LDR (Low Density Residential) - A (Agricultural) zone

East: Single family residential - LDR (Low Density Residential) - PR (Planned Residential) zone with up to 3 du/ac

West: Single family residential - LDR (Low Density Residential) - PR (Planned Residential) zone with up to 3 du/ac

NEIGHBORHOOD CONTEXT: This is a suburban area consisting of predominantly single family detached houses. There is a commercial node across the street at the northeast quadrant of the Choto Road/S. Northshore Drive intersection.

STAFF RECOMMENDATION:

- ▶ **Deny the Southwest County Sector Plan amendment to Neighborhood Commercial for 1615 Choto Road because it does not meet the criteria for a plan amendment.**

- ▶ **Deny C-N zoning for because it is not consistent with the Southwest County Sector Plan.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There are no recent significant changes to conditions that would warrant a plan amendment.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is no significant error or omission in the plan that would warrant a plan amendment to the NC (Neighborhood Commercial) land use classification.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. There are no new trends in the development pattern that would warrant a plan amendment. The parcel to the north across Choto Road was rezoned to the Neighborhood Commercial District in January 2010 and was developed as a small shopping center in 2011.

State law regarding amendments of the general plan (which includes 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:

- 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.
- 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.

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. There are no recent substantial changes to the conditions that would warrant a rezoning. It's been almost a decade since the property across the street developed with commercial uses. It was rezoned in 2010 then developed in 2011.

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

1. The CN (Neighborhood Commercial) zone provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development proposed at a future time would be compatible with the surrounding land uses.

3. Despite the definition cited in number 1 above, the CN zone allows some uses not compatible with the surrounding residential neighborhood. For example, the zoning ordinance refers to NAICS (North American Industry Classification System) codes and includes NAICS 621 and NAICS 532, both of which include some uses that would not be appropriate. NAICS 621 (Ambulatory Health Care Services) includes freestanding ambulatory surgical and emergency centers, ambulance centers, and organ and blood banks. NAICS 532, which includes truck, utility trailer, and RV leasing, and leasing of commercial and industrial machinery and equipment.

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 rezoning and plan amendment requests would allow uses that could have adverse impacts on the adjacent residential neighborhood should they be approved, especially due to the size of the parcel. There would be limited opportunity to mitigate these impacts due to the small size of the parcel and its close proximity to residential lots.

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:

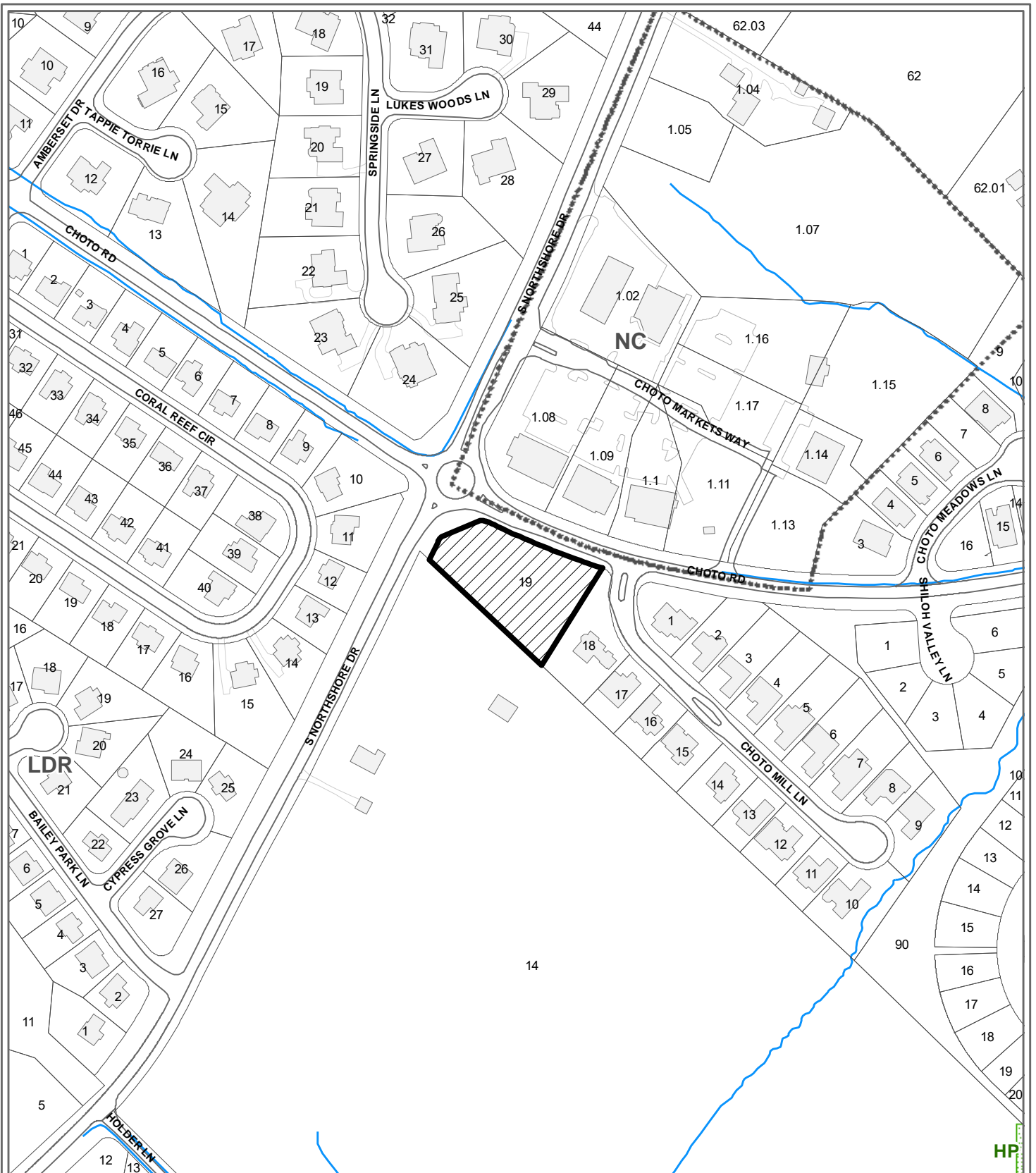
1. CN zoning is not compatible with the Southwest County Sector Plan's LDR (Low Density Residential) land use designation and would require a plan amendment. However, the intent of the CN land use classification is to provide pockets of Neighborhood Commercial in strategic areas rather than an extension of CN land use in a strip along arterials. The CN zoning and land use amendments on the parcels to the north were adjacent to large parcels zoned Agricultural at the time. The surrounding adjacent neighborhood came after the commercial development.

ESTIMATED TRAFFIC IMPACT: 419 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 12/21/2020. 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.



10-C-20-SP / 10-D-20-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT



From: LDR (Low Density Residential)

To: NC (Neighborhood Commercial)

Original Print Date: 9/1/2020
 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

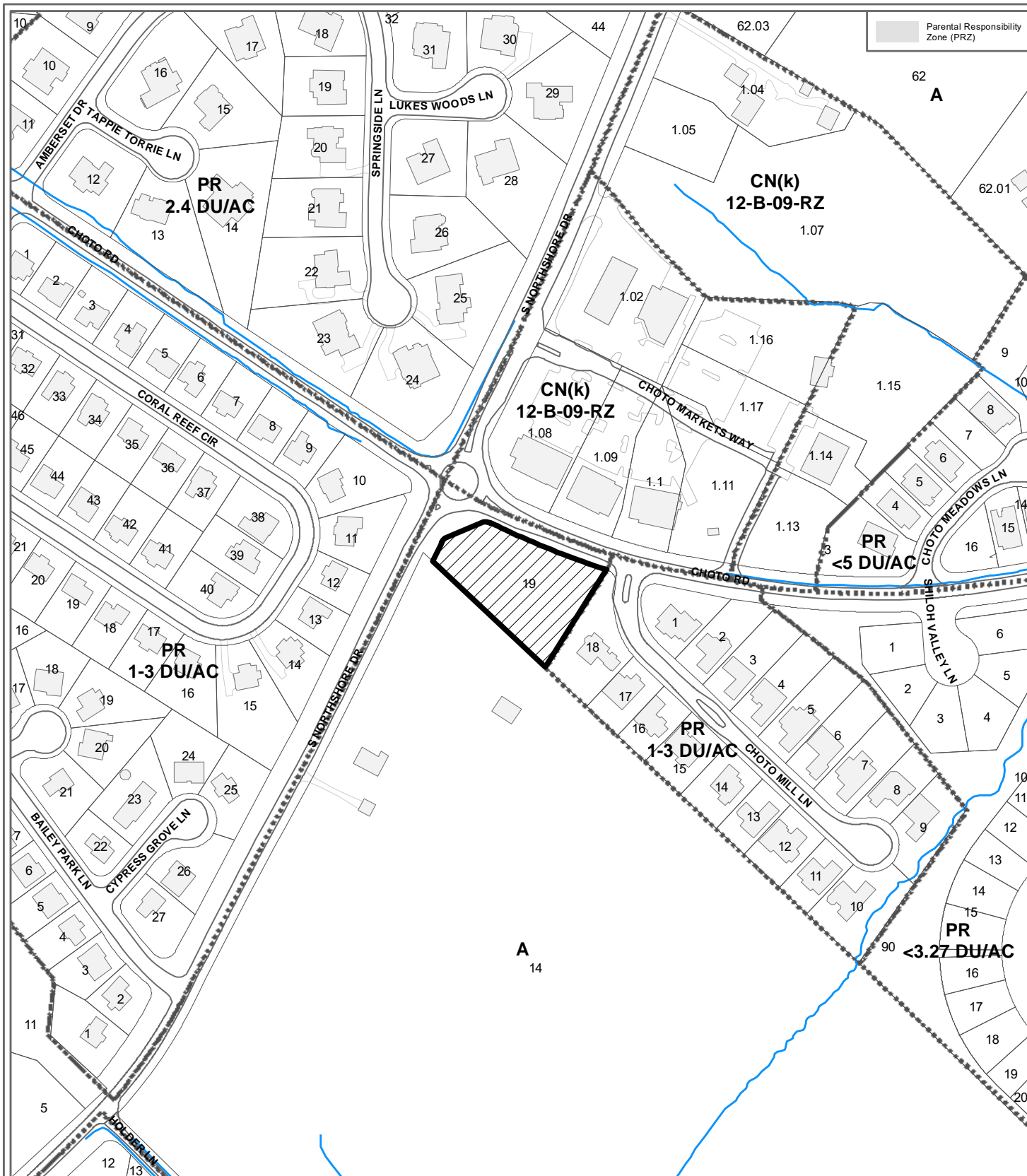
Petitioner: Overbey, Daniel D. & Kimberly

Map No: 162

Jurisdiction: County

0 250
 Feet





**10-D-20-RZ
REZONING**

From: A (Agricultural)

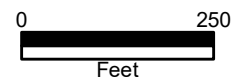
To: CN (Neighborhood Commercial)



Petitioner: Overbey, Daniel D. & Kimberly

Map No: 162

Jurisdiction: County

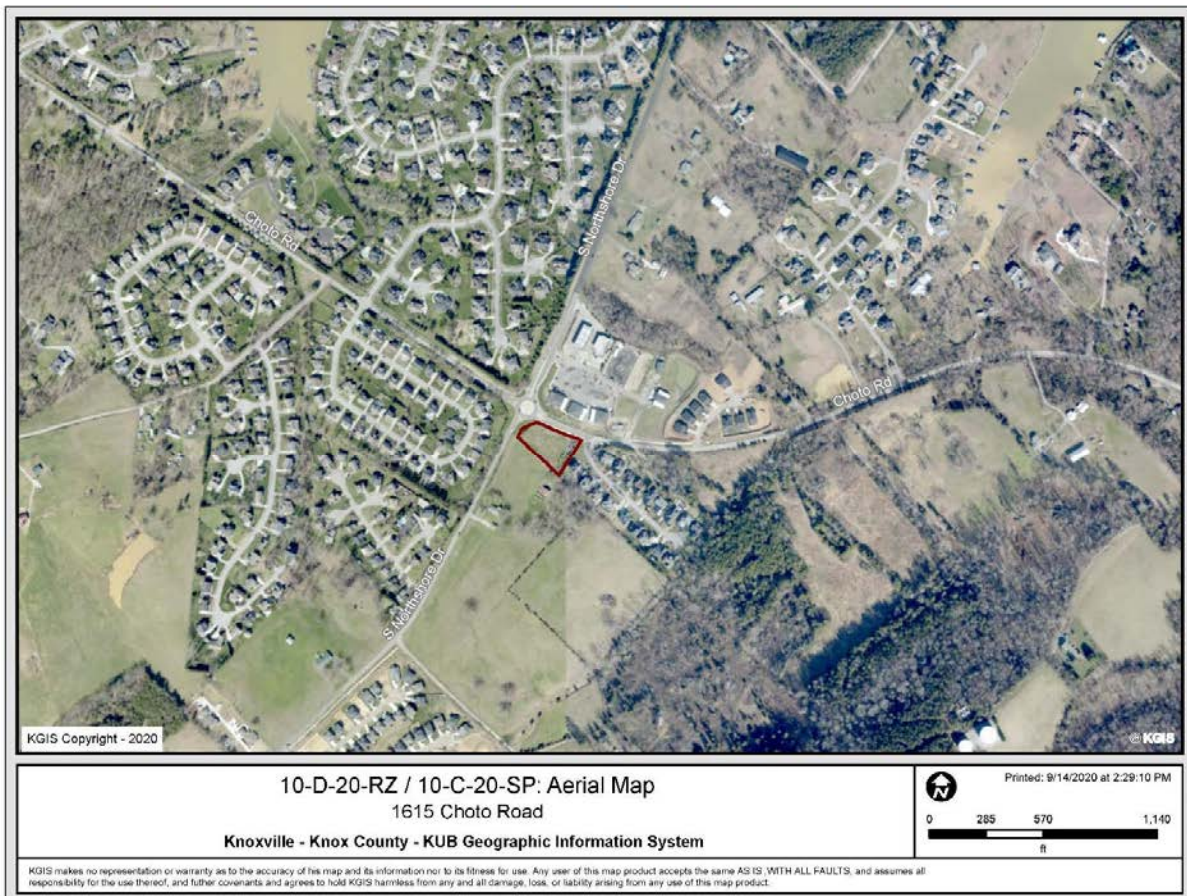
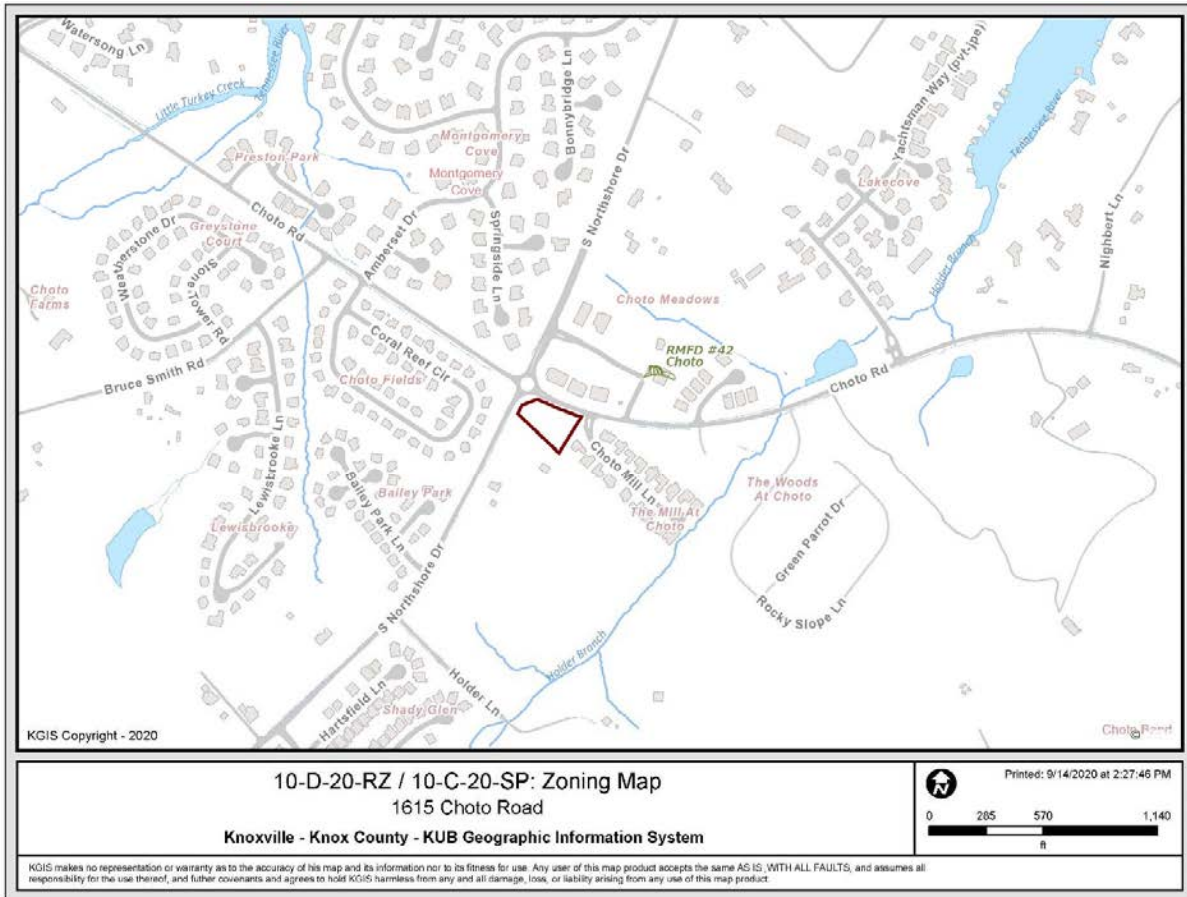


Original Print Date: 9/1/2020

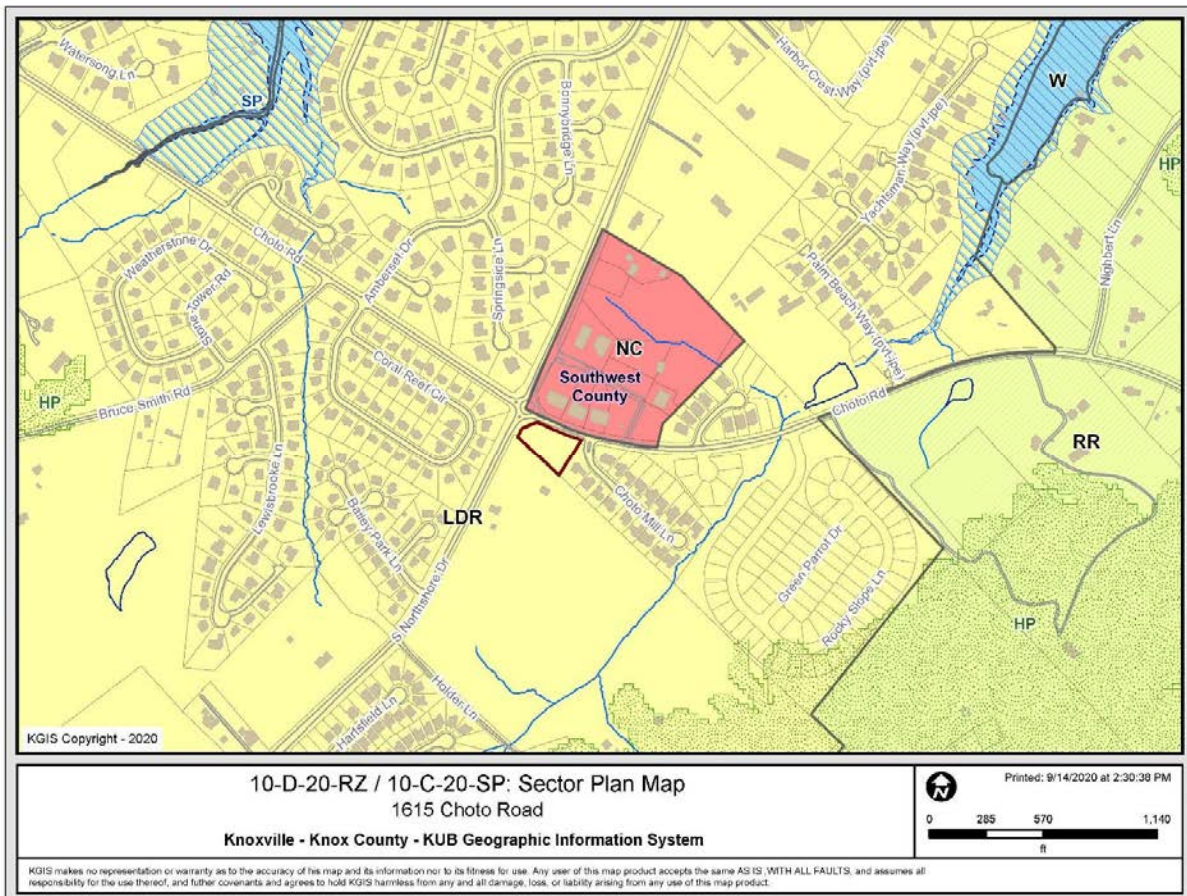
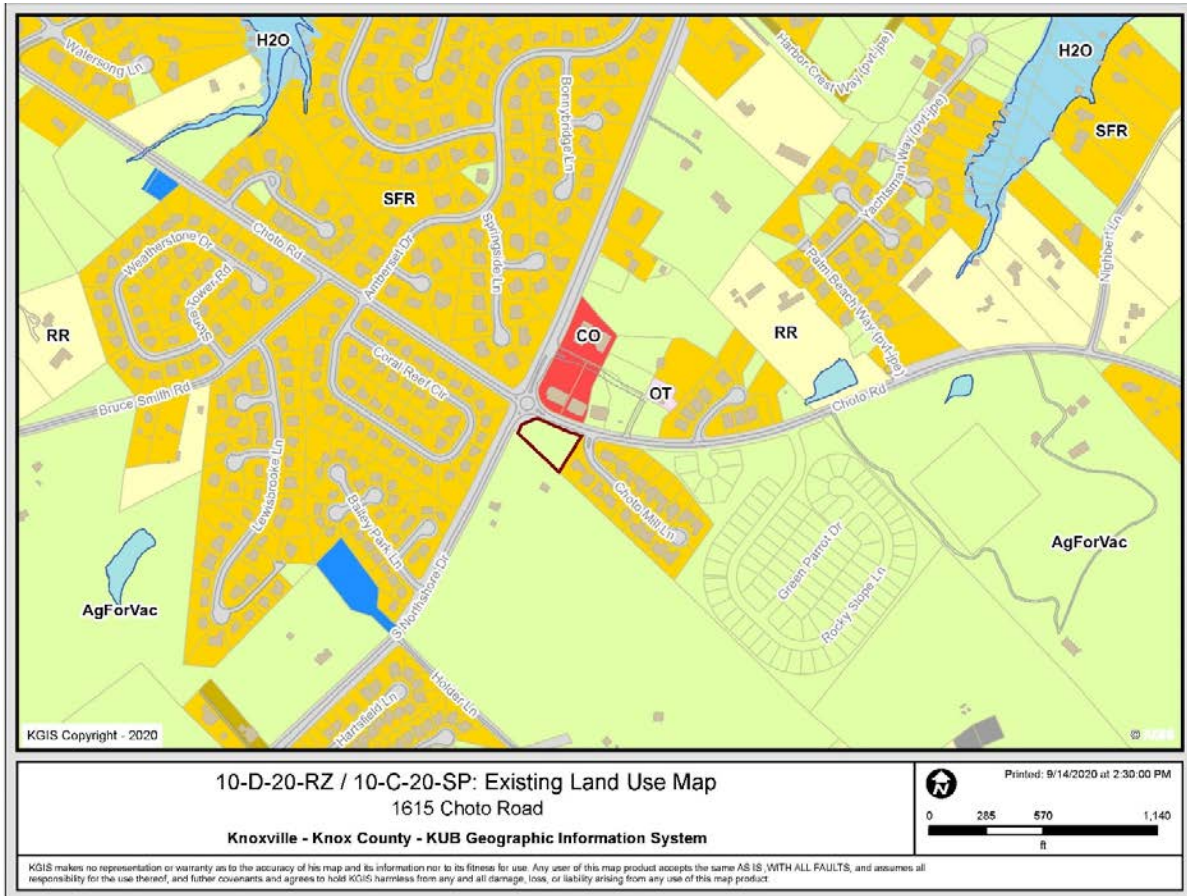
Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

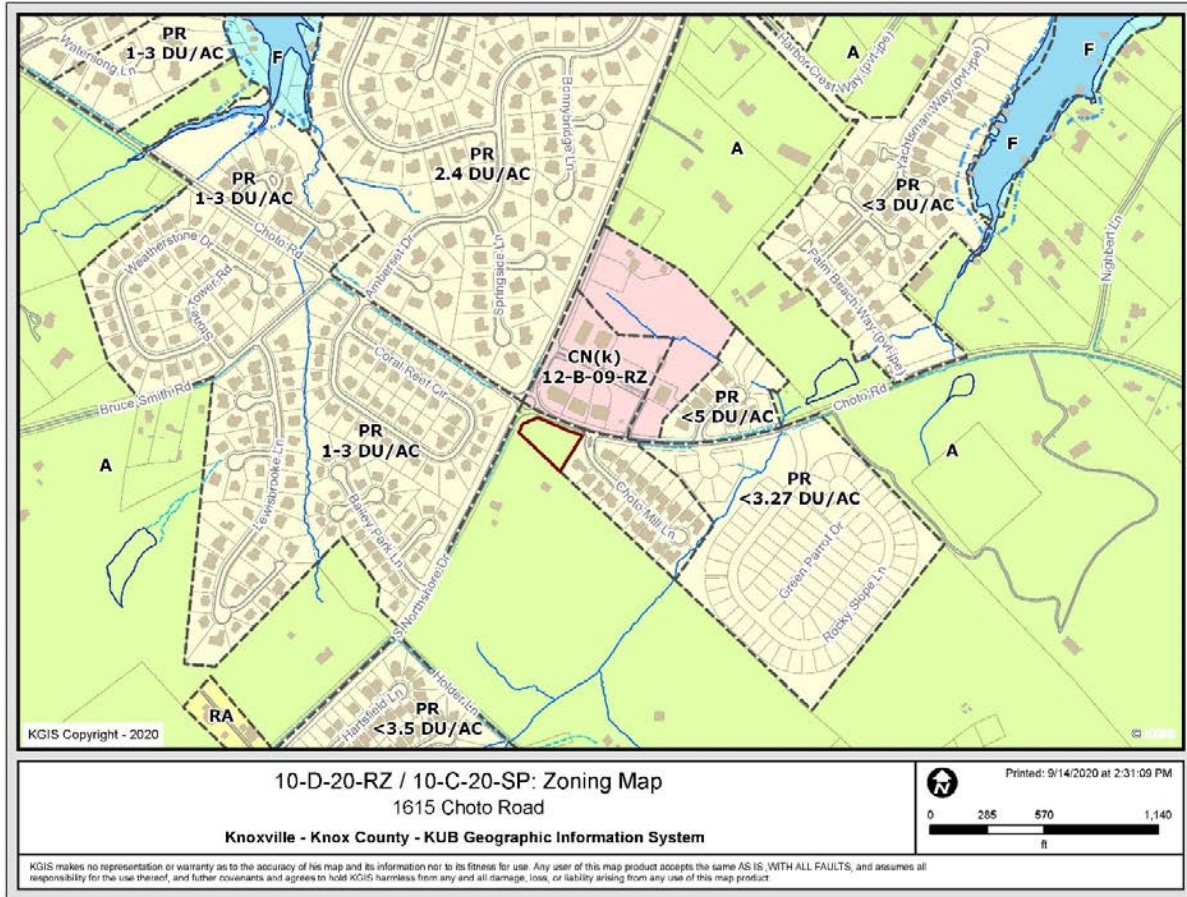
10-D-19-RZ / 10-C-19-PA
EXHIBIT A. Contextual Images



10-D-19-RZ / 10-C-19-PA
EXHIBIT A. Contextual Images



10-D-19-RZ / 10-C-19-PA
EXHIBIT A. Contextual Images





DEVELOPMENT REQUEST

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Plan Amendment
☐ Rezoning

Daniel D. Overbey & Kimberly Bittle Overbey

Owners of Subject Property

Applicant Name

Affiliation

8/17/2020
Date Filed

10/8/2020
Meeting Date (if applicable)

10-D-20-22 / 10-C-20-57
File Number(s)

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

Brian Ewers

Dollar & Ewers Architecture, Inc.

Name

Company

111 East Jackson Avenue - Suite 101

Knoxville, TN 37915

Address

City

State

Zip

865.546.9374

bewers@dollar-ewers.com

Phone

Email

CURRENT PROPERTY INFO

Daniel D. Overbey & Kimberly Bittle Overbey 117 S. Sevenoaks Drive, Knoxville, TN 37922 865-696-2506 Daniel / 865-696-2507 Kimberly

Owner Name (if different)

Owner Address

Owner Phone

1615 Choto Road, Knoxville, TN 37922

162MC019

Property Address

Parcel ID

Choto/Northshore Drive

1.01 Acres

General Location

Tract Size

County Comm. 5
Jurisdiction (specify district above)

☐ City ☒ County

we A (Agricultural)
Zoning District

Southwest Co.
LDR

LDR

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

AgForVac

N

First Utility

First Utility

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

DEVELOPMENT	
<input type="checkbox"/> Development Plan	<input type="checkbox"/> Use on Review / Special Use
<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Non-Residential
<input type="checkbox"/> Home Occupation (specify): _____	
<input type="checkbox"/> Other (specify): _____	
SUBDIVISION	
<input type="checkbox"/> Proposed Subdivision Name: _____	Unit / Phase Number _____
<input type="checkbox"/> Parcel Change	
<input type="checkbox"/> Combine Parcels	<input type="checkbox"/> Divide Parcel
Total Number of Lots Created: _____	
<input type="checkbox"/> Other (specify): _____	
<input type="checkbox"/> Attachments / Additional Requirements _____	
ZONING	
<input checked="" type="checkbox"/> Zoning Change:	From "A - Agricultural to CN - Commercial Neighborhood"
	Proposed Zoning _____
<input checked="" type="checkbox"/> Plan Amendment Change:	FROM 'LDR' to 'NC'
	Proposed Plan Designation(s) _____
Proposed Density (units/acre) _____	Previous Rezoning Requests _____
<input type="checkbox"/> Other (specify): _____	

STAFF USE ONLY	PLAT TYPE		FEE 1:	TOTAL:
	<input type="checkbox"/> Staff Review	<input type="checkbox"/> Planning Commission	0324	\$ 1,000.00
	ATTACHMENTS		FEE 2:	\$ 1,600.00
	<input type="checkbox"/> Property Owners / Option Holders	<input type="checkbox"/> Variance Request	0527	600.00
	ADDITIONAL REQUIREMENTS		FEE 3:	
	<input type="checkbox"/> Design Plan Certification <i>(Final Plat only)</i>			
	<input type="checkbox"/> Use on Review / Special Use <i>(Concept Plan only)</i>			
	<input type="checkbox"/> Traffic Impact Study			

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

<i>Daniel D Overby</i>	dotloop verified 08/13/20 2:08 PM EDT ACD2-722M-K5T4-2HWK
<i>Kimberly B Overby</i>	dotloop verified 08/13/20 2:01 PM EDT 3GNO-XWPO-1GMC-IX9B

Daniel D. Overbey
Kimberly Bittle Overbey

AUG. 17, 2020

Applicant Signature

Please Print

Date

805-540-9374

bewers@dollar-ewers.com

Phone Number

Email

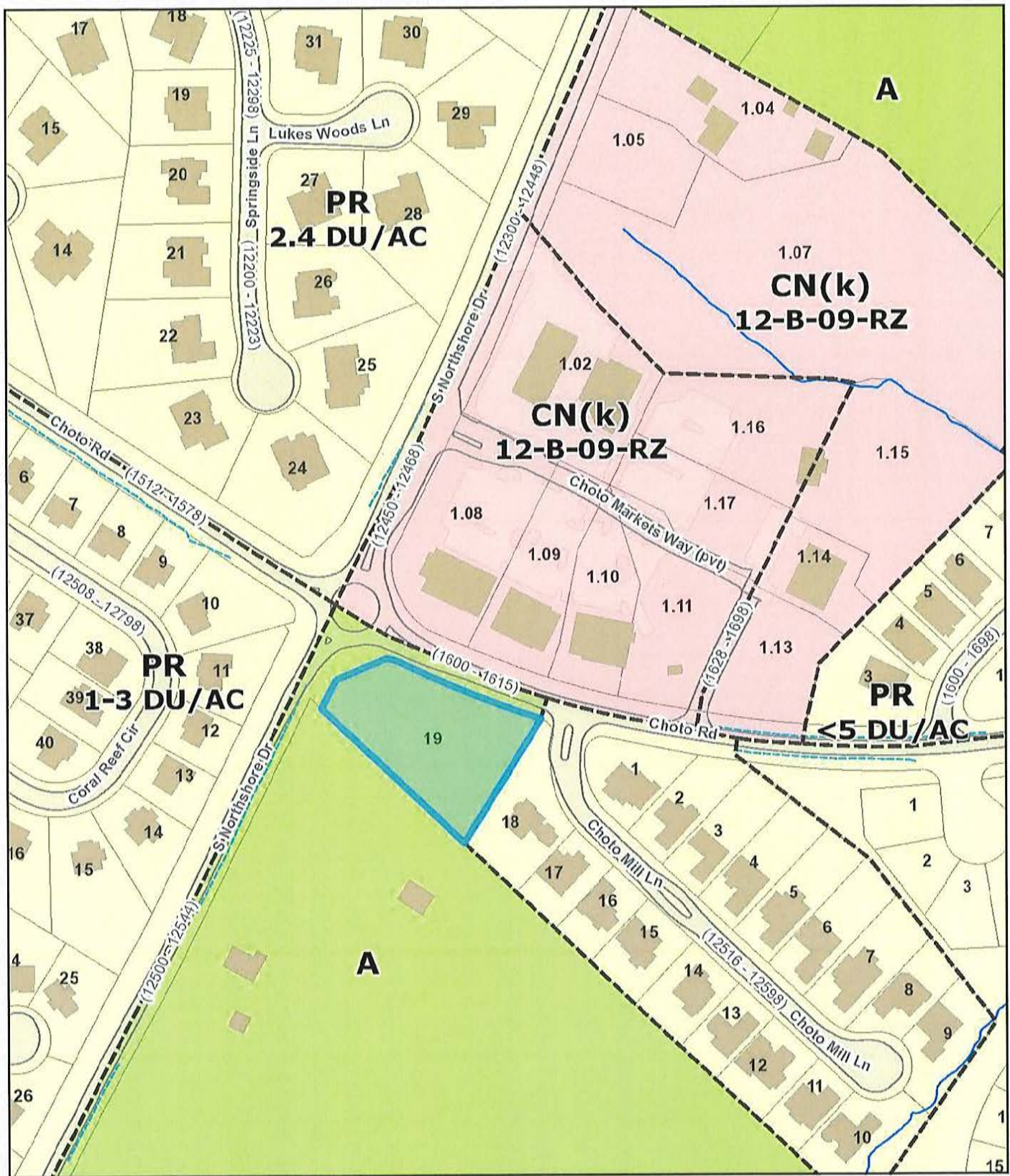
Phone Number _____

 Staff Signature Elie Albert

liz.albertson@knoxplanning.org 8/17/2020

Please Print

Date _____



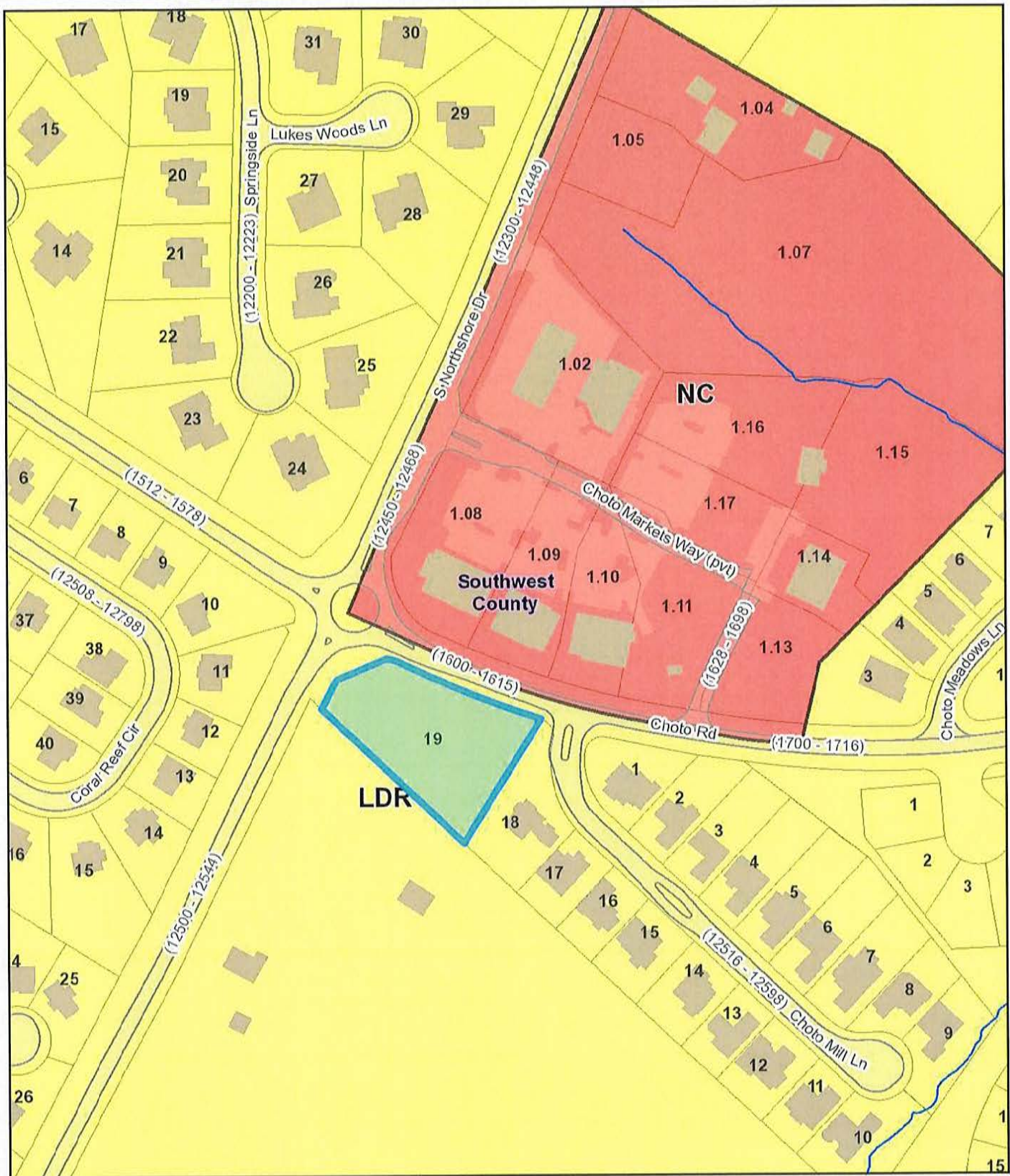
10-D-20-RZ & 10-C-20-SP



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10-D-20-RZ & 10-C-20-SP



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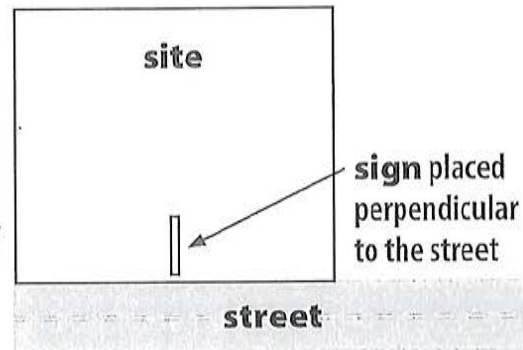
REQUIRED SIGN POSTING AGREEMENT

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:

Sept. 23 (Wed) and Oct 9 (Fri)
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Brian Ewers

Printed Name: BRIAN EWERS

Phone: 865-548-9217 Email: bewers@dollar-ewers.com

Date: 8-17-2020

File Number: 10-D-20-RZ / 10-C-20-SP