

# REZONING REPORT

▶ **FILE #:** 11-K-20-RZ

**AGENDA ITEM #:** 22

**AGENDA DATE:** 11/12/2020

▶ **APPLICANT:** TAYLOR D. FORRESTER

OWNER(S): Donald and Shirley Towe

TAX ID NUMBER: 93 A E 004

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 0 Western Ave.

▶ **LOCATION:** South side of Western Avenue, north side of Ball Camp Pike

▶ **APPX. SIZE OF TRACT:** 0.8 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Inside of City Limits

ACCESSIBILITY: Access is via Western Avenue, a major arterial owned by TDOT, with a pavement width of 57 feet within a right-of-way width of 112 feet. Access is also via Matlock Drive, a minor collector, with a pavement width of 35 within a right-of-way width of 60 feet. Access is also via Ball Camp Pike, a minor collector, with pavement width of 29 feet within a right-of-way of 60 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT ZONING:** RN-1 (Single-Family Residential Neighborhood)

▶ **ZONING REQUESTED:** O (Office)

▶ **EXISTING LAND USE:** Agriculture/forestry/vacant

▶ EXTENSION OF ZONE: Yes, O is adjacent the west

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Right-of-way, agriculture/forestry/vacant - RN-1 (Single-family residential neighborhood)

South: Right-of-way, single family residential - A (Agriculture) / HP (Hillside Protection)

East: Right-of-way - O (Office)

West: Office - O (Office)

NEIGHBORHOOD CONTEXT: This area consists primarily of commercial and office uses between Western Avenue and Ball Camp Pike.

**STAFF RECOMMENDATION:**

▶ Approve O (Office) zoning because it is compatible with the surrounding development.

**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. There are no substantial changes to the area that would warrant a rezoning, however, the O (Office) zoning is more appropriate than the existing island of RN-1 (Single-family residential neighborhood) zoning.

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

1. The O Office Zoning District is intended to provide for an environment of low intensity office and service uses, mixed with residential uses. The O District may additionally serve as a transition between single-family residential areas and more intensely developed commercial or industrial areas within the City of Knoxville.
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.

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 intent of the O zoning as described above is compatible with the adjacent zoning and uses.
2. This proposed amendment should not have any adverse effects on other parts of the county.

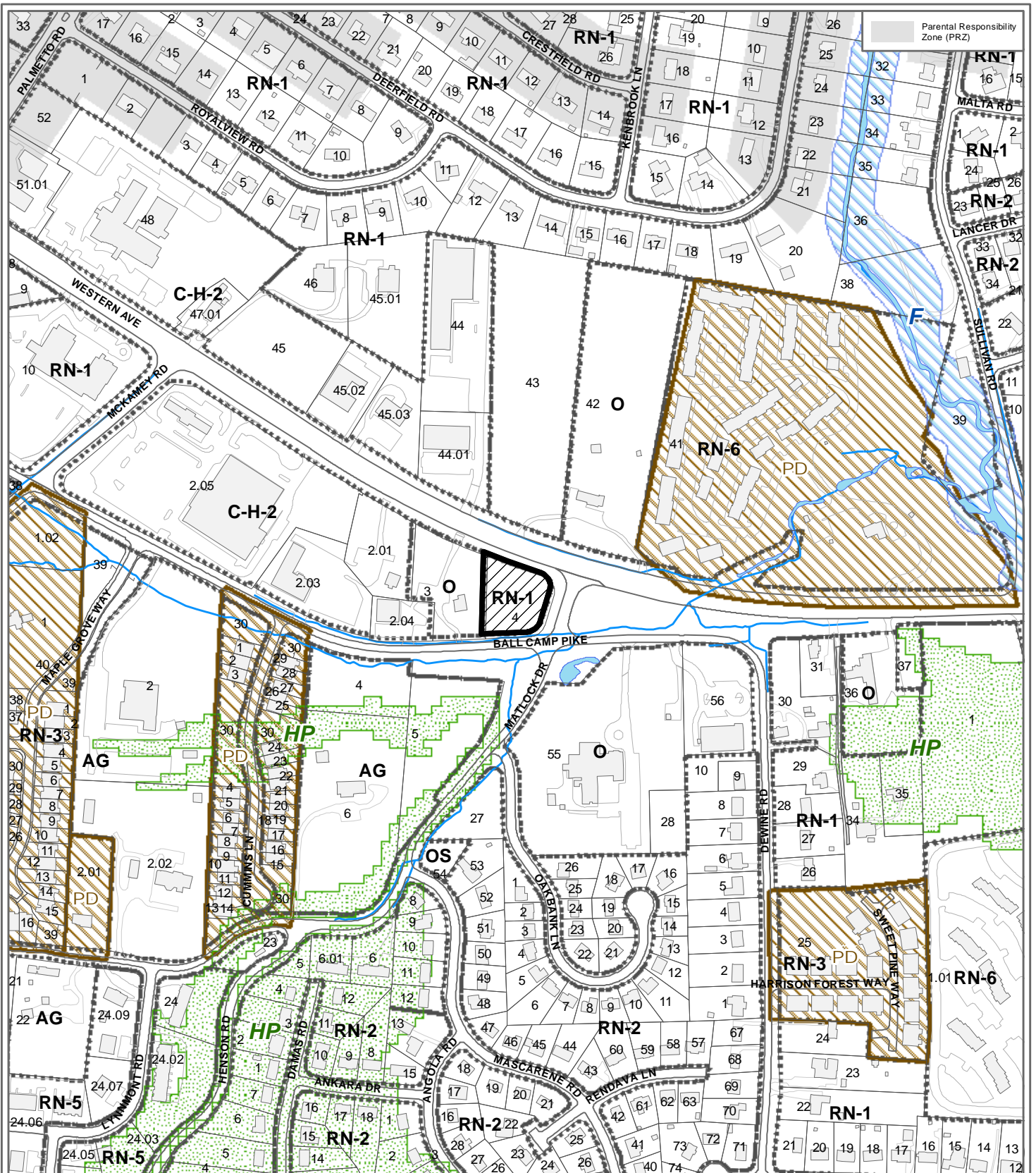
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest City Sector Plan shows this area as MDR (Medium Density Residential) / O (Office).
2. The proposed amendment not in conflict with any other adopted 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 12/15/2020 and 1/12/2021. 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.



**11-K-20-RZ  
REZONING**

Petitioner: Taylor D. Forrester

From: RN-1 (Single-Family Residential Neighborhood)

To: O (Office)



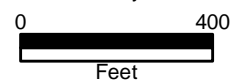
Map No: 93

Jurisdiction: City

Original Print Date: 10/20/2020

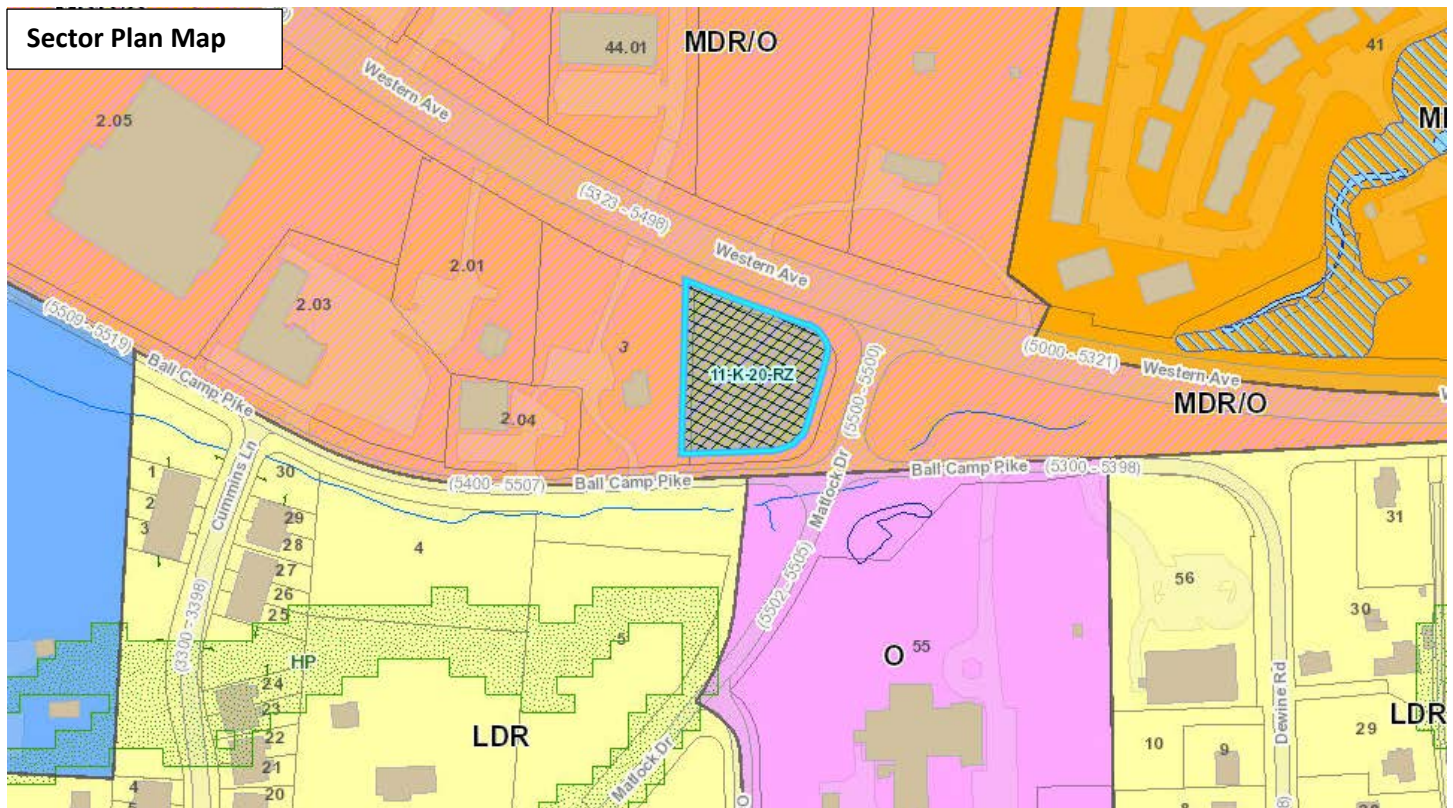
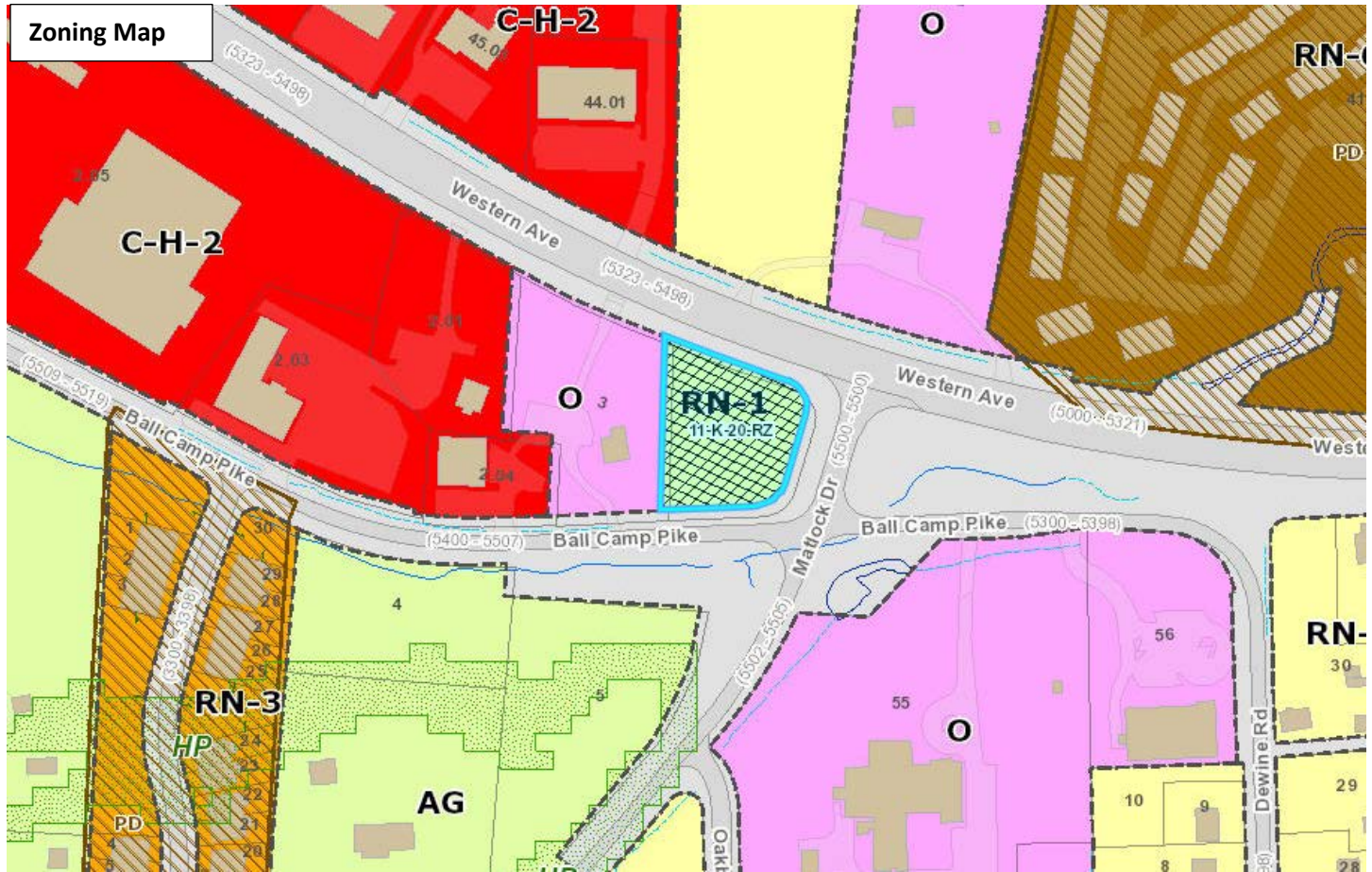
Revised:

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





# Exhibit A. 11-K-20-RZ Contextual Images





# Exhibit A. 11-K-20-RZ Contextual Images





## DEVELOPMENT REQUEST

### DEVELOPMENT

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

### SUBDIVISION

- Concept Plan
- Final Plat

### ZONING

- Plan Amendment
- Rezoning

Taylor D. Forrester

Attorney

Applicant Name

Affiliation

*9/25/20*

*11-12-20*

*11-K-20-RZ*

Date Filed

Meeting Date (if applicable)

File Numbers(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

Taylor D. Forrester

Long, Ragsdale & Waters, P.C.

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

Zip

865-584-4040

tforrester@lrwlaw.com

Phone

Email

### CURRENT PROPERTY INFO

Donald and Shirley Towe

125 Baker Meadows Ln., Clinton, TN 37716 865-247-2958

Owner Name (if different)

Owner Address

Owner Phone

0 Western Avenue

093AE004

Property Address

Parcel ID

*S/S Western Ave., N/S Ball Camp Pk.*

0.8 acres

General Location

Tract Size

3rd District

RN-1

Jurisdiction (specify district above)

- City
- County

Zoning District

~~Northwest County~~

MDR/O

N/A

*Northwest City*  
Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Vacant

N

Yes

KUB

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider



# REQUEST

<b>DEVELOPMENT</b>	<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential		
	<input type="checkbox"/> Home Occupation (specify): _____ <input type="checkbox"/> Other (specify): _____		
<b>SUBDIVISION</b>	<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		
<b>ZONING</b>	<input checked="" type="checkbox"/> Zoning Change: <u>Office [O]</u> Proposed Zoning _____		
	<input type="checkbox"/> Plan Amendment Change: _____ Proposed Plan Designation(s) _____		
	<input type="checkbox"/> Proposed Property Use (specify) _____	Proposed Density (units/acre) _____	Previous Rezoning Requests _____
<input type="checkbox"/> Other (specify): _____			

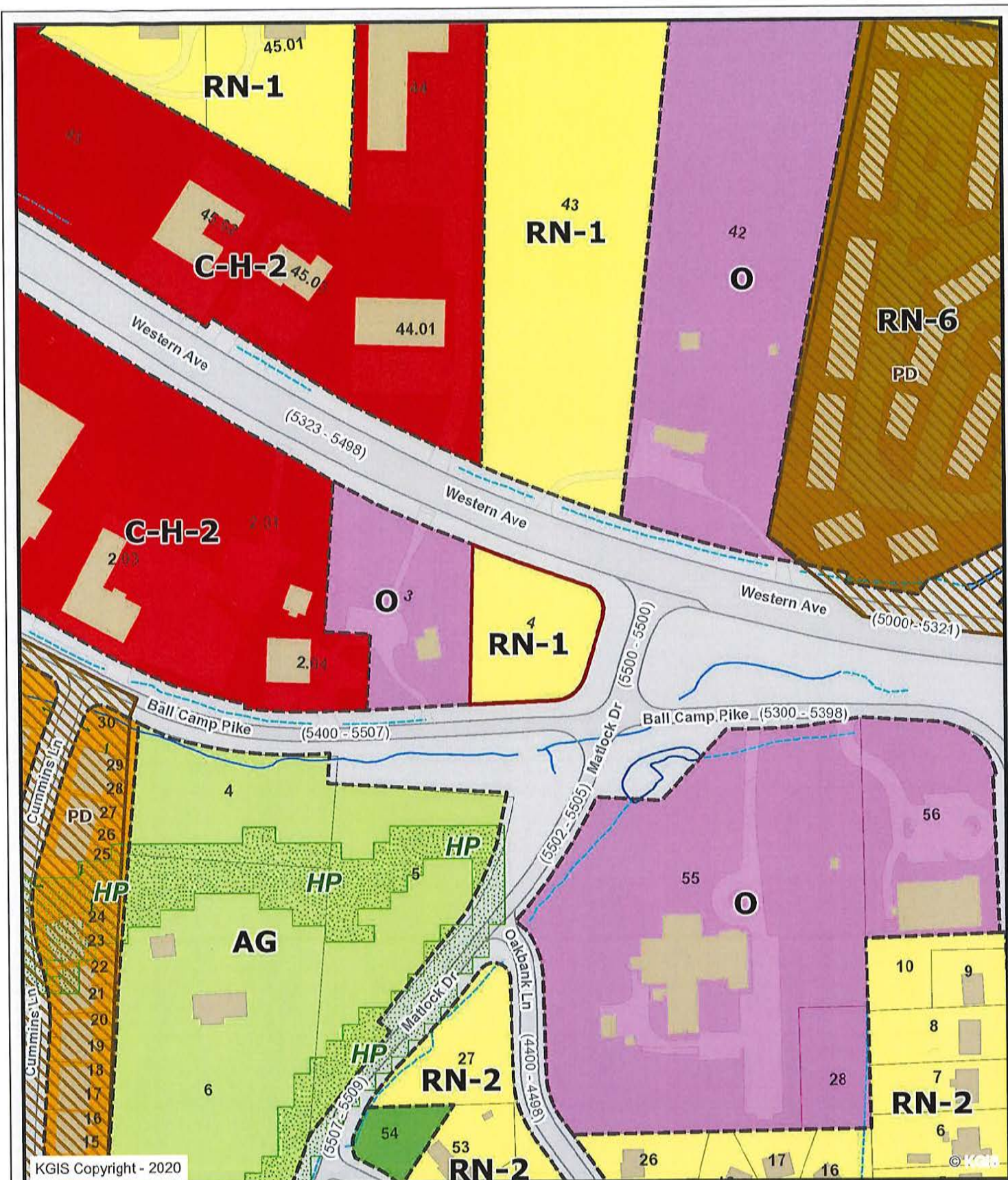
<b>STAFF USE ONLY</b>	<b>PLAT TYPE</b>	<b>FEE 1:</b>	<b>TOTAL:</b>
	<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	\$1,000.00 REZ-NR	
	<b>ATTACHMENTS</b>	<b>FEE 2:</b>	
	<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
<b>ADDITIONAL REQUIREMENTS</b>	<b>FEE 3:</b>		
<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		\$ 1000.00	

## AUTHORIZATION

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

Taylor Forrester <small>Digitally signed by Taylor Forrester DN: cn=Taylor Forrester, o=US United States PMS United States Reason: I am the author of this document Date: 2020-01-23 13:51:05-05</small>	Taylor D. Forrester Please Print	9/25/20 Date
Applicant Signature 865-584-4040 Phone Number	tforrester@lrwlaw.com Email	
 Staff Signature	SHERRY MUCHIENZI Please Print	9-25-2020 Date



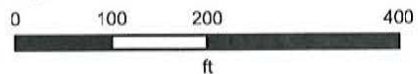


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 9/25/2020 at 3:23:18 PM



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David Wilson Long  
Dennis B. Ragsdale  
John B. Waters III  
J. Michael Ivens  
J. Randolph Miller  
Garrett P. Swartwood  
Jennifer Milligan Swindle\*  
Lee A. Popkin  
W. Michael Baisley  
Kyle A. Baisley



Long, Ragsdale & Waters, P.C.  
ATTORNEYS AT LAW

Taylor D. Forrester  
Alexander O. Waters  
Oliver D. Adams  
William D. Edwards  
J. Scott Griswold  
Mycol E. Scott  
C. Paul Harrison†  
Christopher A. Hall†

John B. Waters, Jr. (1929-2018)  
R. Louis Crossley, Jr. (1953-2019)

September 25, 2020

Knoxville-Knox County Planning  
Attn: Professional Staff  
City-County Building, Suite 403  
400 Main Street  
Knoxville, TN 37902

*Via Hand Delivery*

Re: Rezoning request for Parcel No. 093AE004.

Dear Professional Staff:

Please find enclosed a Development Request application for the rezoning of the property located on 0 Western Avenue and identified as Parcel No. 093AE004. Also enclosed is a check for the filing fee in the amount of \$1,000.00.

Should you have any questions or need any additional information, please do not hesitate to contact our office.

Respectfully yours,

LONG, RAGSDALE & WATERS, P.C.

By: \_\_\_\_\_

Taylor D. Forrester

Enclosures

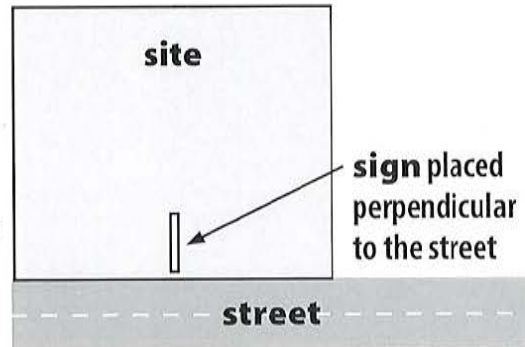
## REQUIRED SIGN POSTING AGREEMENT

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.

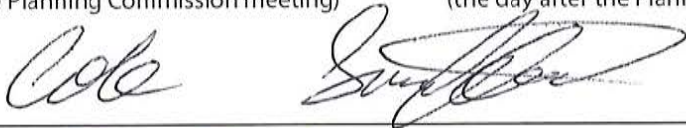


### TIMING

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:

Oct 28<sup>th</sup> (Wed) and Nov. 13<sup>th</sup> Fri  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: Taylor D. Forrester

Phone: 865-584-4040 Email: tforrester@rwlaw.com

Date: 9-25-2020

File Number: 11-K-20-RZ