

REZONING REPORT

► **FILE #:** 1-V-23-RZ

AGENDA ITEM #: 29

AGENDA DATE: 1/12/2023

► **APPLICANT:** TAYLOR FORRESTER

OWNER(S): Jonathan Lyons 360 Surveying and Mapping

TAX ID NUMBER: 74 104

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 9510 THORN GROVE PIKE

► **LOCATION:** South of Thorn Grove Pike, East of Midway Rd

► **APPX. SIZE OF TRACT:** 5.37 acres

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Thorn Grove Pike, a minor arterial with a 35-ft pavement width within a 88-ft right-of-way. Access is also via Midway Rd, a minor arterial with a 20-ft pavement width within a 70-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tuckahoe Creek

► **PRESENT ZONING:** A (Agricultural)

► **ZONING REQUESTED:** CA (General Business)

► **EXISTING LAND USE:** Multifamily Residential, Rural Residential

►
EXTENSION OF ZONE:

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Right-of-way, Agricultural/Forestry/Vacant - EC (Employment Center)

South: Agricultural/Forestry/Vacant - A (Agricultural), C-H-2 (Highway Commercial)

East: Single family residential, Rural residential - A (Agricultural)

West: Single family residential, Multi family residential, Right-of-way - A (Agricultural), EC (Employment Center)

NEIGHBORHOOD CONTEXT: This property is adjacent to 345 acre Midway Business Park and abuts multi family and single family homes.

STAFF RECOMMENDATION:

► **Approve the CA (General Business) zone because it is consistent with the sector plan, subject to 1 condition.**

1. Provide the Type B landscape screening or a 12-ft wide undisturbed buffer along the property boundaries that are abutting residential properties.

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01: THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 COUNTY GENERALLY:

A. The East County Sector Plan designates this property for GC (General Commercial) uses. The CA (General Business) zone is permissible in the GC (General Commercial) land use classification.

B. This property is across the street from the 345-acre Midway Business Park an area which is expected to be developed into commercial uses.

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

1. This zone is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.
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 area consists of single family, multi-family residential, and agricultural land uses. If approved as recommended by staff, a Type B landscape screen or a 12-ft wide undisturbed buffer will be required along the property boundaries that are abutting residential properties. This will help mitigate potential adverse impacts on these properties. Screening along the frontages of Thorn Grove Pike and Midway Rd is not required.

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 rezoning is not conflict with the General Plan or any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/21/2023. 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.

Exhibit A. 1-V-23-RZ Contextual Images



Exhibit A. 1-V-23-RZ Contextual Images





Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ Sector Plan
☐ One Year Plan
☒ Rezoning

Taylor Forrester

Applicant Name

Affiliation

11/29/2022

Date Filed

1/12/2023

Meeting Date (if applicable)

1-V-23-RZ

File Number(s)

CORRESPONDENCE

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

Taylor D. Forrester Long, Ragsdale and Waters, PC

Name / Company

1111 N. Northshore Dr. Dr. Suite S-700 Knoxville TN 37919

Address

865-584-4040 / tforrester@lrwlaw.com

Phone / Email

CURRENT PROPERTY INFO

Jonathan Lyons 360 Surveying and Map

Owner Name (if different)

209 Maryville Pk. Pk. Seymour TN 37865

Owner Address

865-577-4611 / jll.360survey@g

Owner Phone / Email

9510 THORN GROVE PIKE

Property Address

74 104

Parcel ID

5.37 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

South of Thorn Grove Pike, East of Midway Rd

General Location

☐ City

Commission District 8

District

A (Agricultural)

Zoning District

Multifamily Residential, Rural Residential

Existing Land Use

East County

Planning Sector

GC (General Commercial), HP (Hillside Protection)

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA	<input type="checkbox"/> Residential	<input type="checkbox"/> Non-residential	
Home Occupation (specify) _____			
Other (specify) _____			

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change	CA (General Business)	Pending Plat File Number
	Proposed Zoning	
<input type="checkbox"/> Plan		
Amendment	Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ COA Checklist (Hillside Protection)
☐ Design Plan Certification (Final Plat)
☐ Site Plan (Development Request)
☐ Traffic Impact Study
☐ Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$1,537.00	
Fee 2	
Fee 3	

AUTHORIZATION

Taylor Forrester	11/29/2022
Applicant Signature	Date

Phone / Email

Jonathan Lyons 360 Surveying and Mapping	11/29/2022
Property Owner Signature	Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

Taylor D. Forrester

Attorney

Applicant Name

Affiliation

November 28, 2022

January 12, 2023

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

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

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

Taylor D. Forrester

Long, Ragsdale & Waters, PC

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

965-584-4040

TForrester@lrwlaw.com

Phone

Email

CURRENT PROPERTY INFO

360 Surveying & Mapping LLC

816 Gateway Ln, Seymour, TN 37865

865-577-4611

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

9510 Thorn Grove Pike

074 104

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

☐ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s) _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

- ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____

Related Rezoning File Number _____

ZONING REQUEST☒ Zoning Change

CA

Proposed Zoning _____

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number _____

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

☐ Other (specify) _____**STAFF USE ONLY****PLAT TYPE**

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (*Final Plat*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1	Total
Fee 2	\$1,537.00
Fee 3	

AUTHORIZATION

Taylor D. Forrester
Applicant Signature

Taylor D. Forrester
Please Print

11/28/22
Date

865-584-4040
Phone Number

TForrester@lrwlaw.com
Email

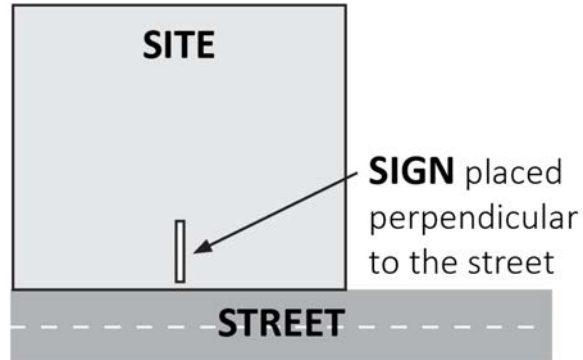

Property Owner Signature

Jonathan L. Lyons
Please Print

11/23/22
Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ and _____
 12/31/2022 1/13/2023
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Taylor Forrester

Date: 11/28/22

File Number: 1-V-23-RZ

☒

Sign posted by Staff

☐

Sign posted by Applicant