

REZONING REPORT

► FILE #: 7-G-23-RZ 33 AGENDA ITEM #:

> **AGENDA DATE:** 7/13/2023

APPLICANT: **TIMOTHY NEAL**

Timothy Neal OWNER(S):

TAX ID NUMBER: 61 071.04 (PART OF) View map on KGIS

JURISDICTION: County Commission District 8

STREET ADDRESS: 0 ASHEVILLE HWY

► LOCATION: Northwest quadrant of the intersection of Asheville Hwy and Neals

Landing Rd

APPX. SIZE OF TRACT: 3.4 acres

SECTOR PLAN: **East County**

Urban Growth Area (Outside City Limits) **GROWTH POLICY PLAN:**

Access is via Asheville Hwy, a divided highway that is a major arterial with 77 ACCESSIBILITY:

ft of pavement width within a 155-ft right-of-way. The property also has frontage Neals Landing Road, but it cannot be used for access as it crosses a creek in this location and has guard rails along both sides of the street.

UTILITIES: Water Source: Knoxville Utilities Board

> Sewer Source: Knoxville Utilities Board

WATERSHED: Sinking East Creek

PRESENT ZONING: PR (Planned Residential)

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

EXISTING LAND USE: Agriculture/Forestry/Vacant Land

EXTENSION OF ZONE: Yes, this is an extension.

HISTORY OF ZONING: The portion of the parcel zoned PR was rezoned from A in 1981 (Case # 8-

O-81-RZ); the portion zoned CA was rezoned from A in 2000 (Case 5-R-00-

RZ).

SURROUNDING LAND USE AND ZONING:

North:

Agriculture/forestry/vacant and single family residential - PR (Planned Residential) up to 12 du/ac in Knox County

South: Commercial - C-H-2 (Highway Commercial) in the City

East: Single family residential - PR (Planned Residential) up to 6 du/ac in

Knox County

Office and agriculture/forestry/vacant - CA (General Business) in West:

Knox County

NEIGHBORHOOD CONTEXT: This property is located on a section of Ashevelle Highway that consists

> predominantly of commercial uses in the lots fronting the highway. Abutting lots behind the commercial uses consist of small-lot, single-family residential

subdivisions and large lots zoned A with single family homes.

STAFF RECOMMENDATION:

AGENDA ITEM #: 33 FILF #: 7-G-23-RZ 6/30/2023 08:41 AM MICHELLE PORTIER PAGE #: 33-1 ► Approve the CA (General Business) zone because it is consistent with the sector plan and would result in more consistent zoning for the subject property frontage.

COMMENTS:

This request is to rezone a portion of the subject property. This parcel has dual zoning, with the main body of the parcel zoned CA and both a small portion in the front, southwest corner of the parcel, and a larger swath along the rear, zoned PR with up to 12 du/ac. This request is to rezone only the front PR-zoned portion to CA.

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 CITY/COUNTY GENERALLY:

1. This area has experienced multiple rezonings to commercial zones since the late 1990s. This section of Asheville Highway is predominantly commercial.

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

1. The CA (General Business) zone is intended to provide general retail business and services but not for manufacturing or for processing materials other than farm products. The surrounding area includes retail businesses and services, so this zone is appropriate for this area.

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 rest of the parcel's frontage is already zoned CA, so approval of this request would make the front of the property consistent.
- 2. Such a small section of property to be zoned PR is not practical since it is only 0.38 acres in size and is disconnected from the rear PR-zoned section. The 35-ft peripheral boundary of the PR zone would encompass the entire front, PR-zoned section of the property.
- 3. There is a neighborhood monument sign on the property that may need to be relocated depending on the site plan layout.
- 4. Shining Creek East runs along the rear perimeter of the parcel, along the northeast property line, providing a natural separation between the PR-zoned property to the north and the subject property. The creek also passes below Neals Landing Road, and there are guard rails on both sides of the road at the creek crossing in front of this parcel. Since the creek is on the property line, no crossing of the creek is anticipated to be needed on the site plans.
- 5. Since Asheville Highway is a major arterial, it is designed to handle heavy traffic and no adverse impacts to traffic patterns are anticipated from approval of this rezoning.

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:

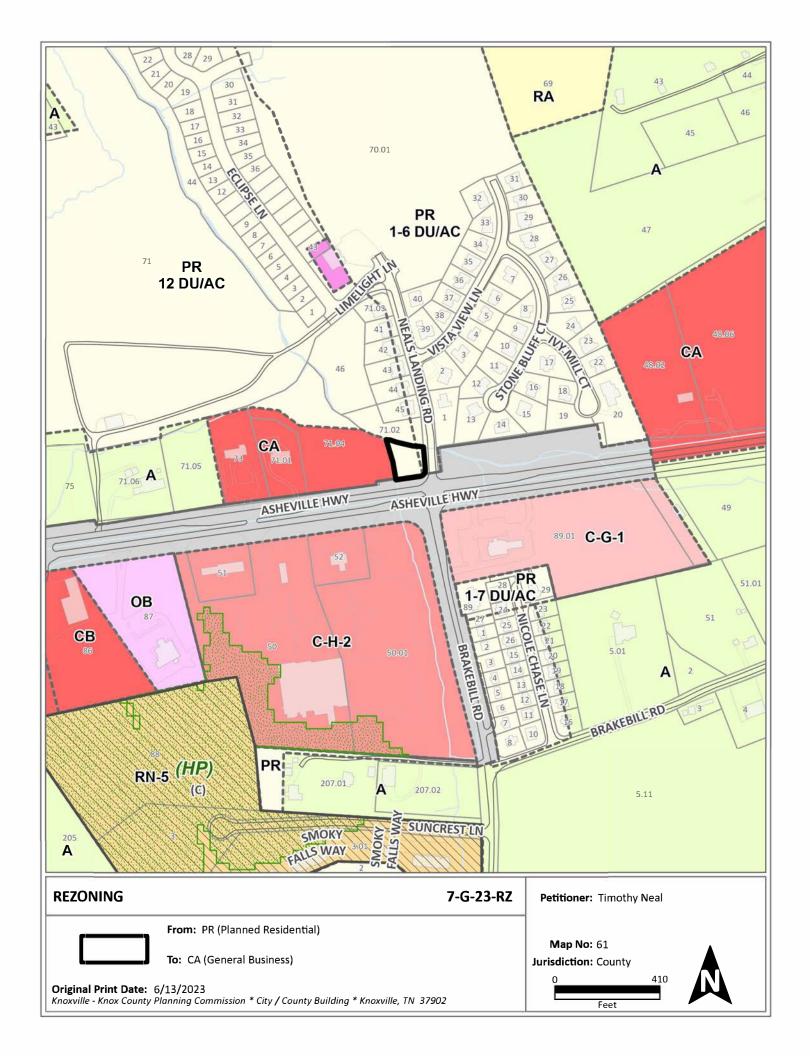
- 1. This parcel is designated CC (Community Commercial), which lists the CA zone as one to consider. The CC land use class calls for retail and service-oriented development, which is consistent with the CA zone description.
- 2. Sub-section 9.11 of the General Plan Development Policies section recommends locating community-serving commercial areas where they can be easily shared by several neighborhoods. The surrounding properties to the north contain residential uses that could benefit from commercial or service-oriented development.
- 3. Office and commercial zoning along Asheville Highway is supported by the East City Sector Plan. According to the plan, survey results stemming from the public participation process revealed that, "The majority of the people would support office development on Asheville Highway..." and "The majority of the people would support commercial uses on all the major streets except Washington Pike and Whittle Springs Road (p. 45).

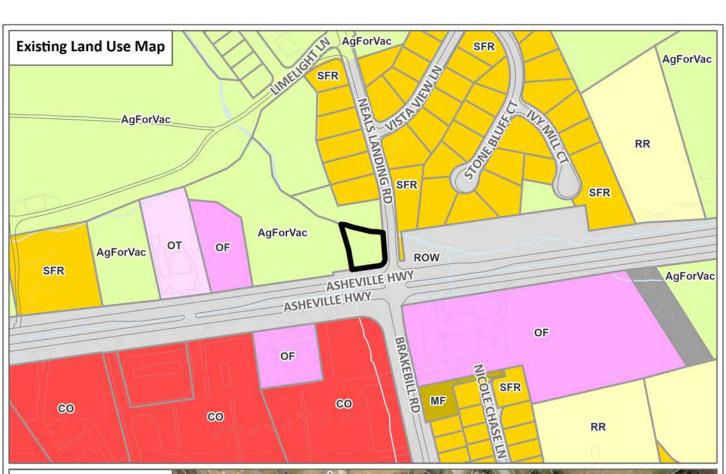
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

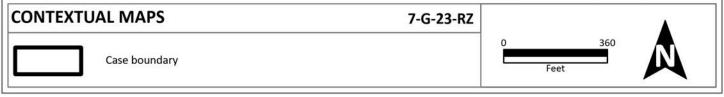
If approved, this item will be forwarded to Knox County Commission for action on 8/28/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.

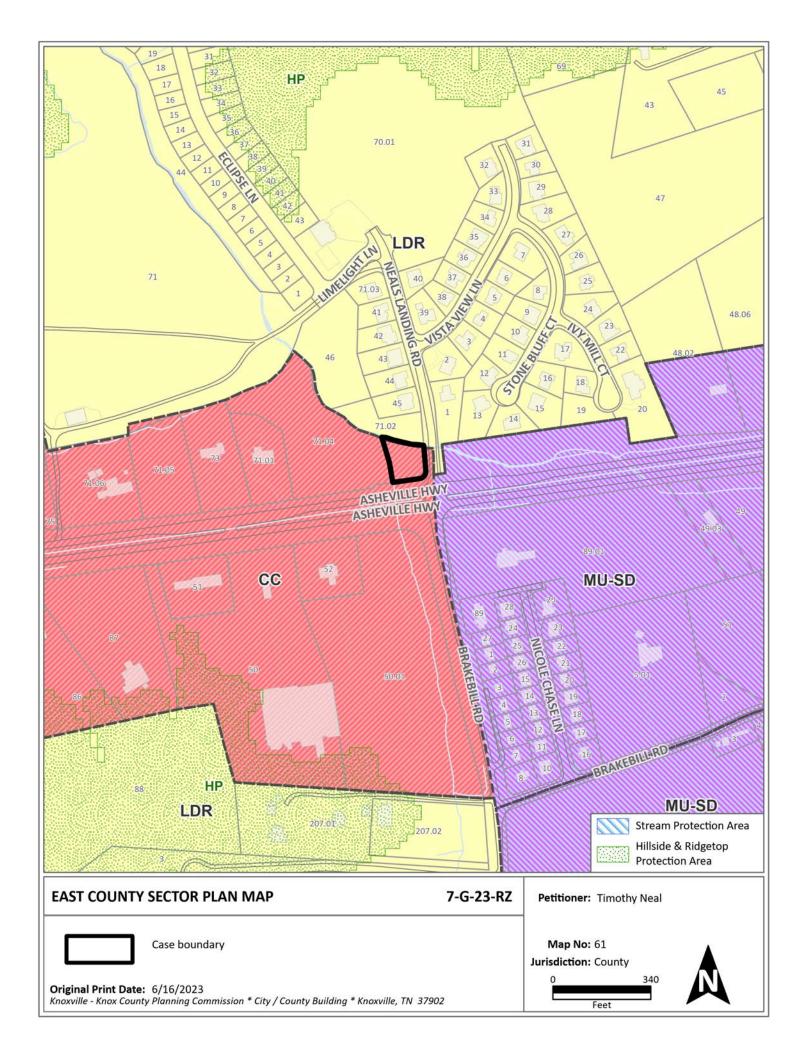
AGENDA ITEM #: 33 FILE #: 7-G-23-RZ 6/30/2023 08:41 AM MICHELLE PORTIER PAGE #: 33-2













Development Request

	DEVELOPMENT	SUBDIVISION	ZONING
Dlannin	Development Plan	☐ Concept Plan	☐ Plan Amendment
Plannin	☐ Planned Development	☐ Final Plat	☐ Sector Plan
KNOXVILLE I KNOX COUNTY	☐ Use on Review / Special Use		☐ One Year Plan
	☐ Hillside Protection COA		✓ Rezoning
	- Tilliside Protection COA		• Rezoning
Timothy Neal			
Applicant Name		Affiliation	
5/16/2023	7/13/2023	7-G-23-RZ	
Date Filed	Meeting Date (if applicable)	File Number(s)	
CORRESPONDENCE	All correspondence related to this application	n should be directed to the app	proved contact listed below.
David Harbin Batson, Himes,	Norvell and Poe		
Name / Company			
4334 Papermill Dr. Dr. Knoxv	rille TN 37909		
Address			
865-588-6472 / harbin@bhn	-p.com		
Phone / Email			
CURRENT PROPERTY IN	NFO		
Timothy Neal	12600 Evans Rd., Farragut 379	934 86	5-579-4666
Owner Name (if different)	Owner Address	Ov	vner Phone / Email
0 ASHEVILLE HWY			
Property Address			
61 071.04 (part of)		3.4	acres
Parcel ID	Part o	of Parcel (Y/N)? Tra	act Size
Knoxville Utilities Board	Knoxville Utilitie	es Board	
Sewer Provider	Water Provider		Septic (Y/N)
STAFF USE ONLY			
North of Asheville Hwy, west	Neals Landing Rd		
General Location			
City Commission District	8 PR (Planned Residential)	Agricultur	e/Forestry/Vacant Land
✓ County District	Zoning District	Existing L	and Use
East County	CC (Community Commercial)	Urban Gro	owth Area (Outside City Limit
Planning Sector	Sector Plan Land Use Classification	Growth Po	olicy Plan Designation

DEVELOPMENT	REQUEST				
☐ Development Pla	n 🗌 Planned Developme	ent 🔲 Use on Review / Special Use		Related City Permit Number	∍r(s)
☐ Hillside Protectio	n COA	☐ Residential ☐ Non-reside	ntial	1	
Home Occupation (s	specify)			1	
Other (specify)					
SUBDIVSION R	EQUEST				
				Related Rezoning File Num	ıber
Proposed Subdivisio	n Name			1	
				1	
Unit / Phase Number	 !r	Total Number of Lots	Created		
Additional Informati	on				
Attachments / Ac	dditional Requirements				
ZONING REQU	EST				
✓ Zoning Change	CA (General Business)			Pending Plat File Numbe	er
	Proposed Zoning			1	
☐ Plan				1	
Amendment	Proposed Plan Designation	n(s)			
Proposed Density (u		g Requests			
Additional Informati	_				
STAFF USE ONI	.Y				
PLAT TYPE			ee 1	Total	
Staff Review	☐ Planning Commission	\$	\$1,000.00		
ATTACHMENTS ☐ Property Owners	/Ontion Holders \text{\text{V}}	ariance Request F	-ee 2		
ADDITIONAL RE		ariunce nequest	CC 2		
COA Checklist (H					
_	fication (Final Plat)	F	ee 3		
☐ Site Plan (Develo☐ Traffic Impact Storm					
	Special Use (Concept Plan)				
AUTHORIZATIO	DN				
1 1	nalty of perjury the foregoing erials are being submitted wit	is true and correct: 1) He/she/it is the owner	of the prop	perty, AND 2) the application a	nd
an associated fildt		hy Neal		5/16/2023	
Applicant Signature	Please			Date	
Phone / Email					
		hy Neal		5/16/2023	
Property Owner Sign	nature Please	Print		Date	

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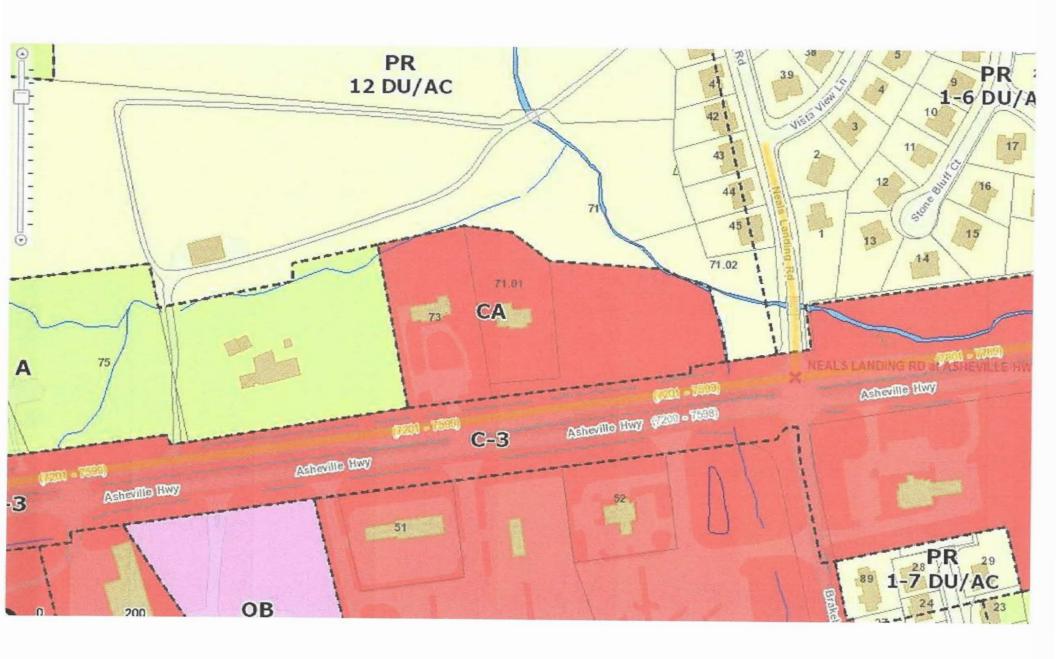


Development Request

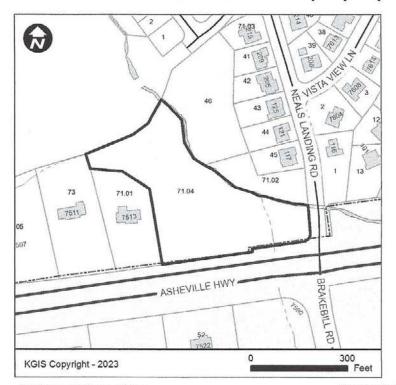
DEVELOPMENT SUBDIVISION ZO

Planning KNOXVILLE I KNOX COUNTY	 □ Development Plan □ Planned Development □ Use on Review / Special Use □ Hillside Protection COA 	□ Concept F □ Final Plat		I Plan Amendment ☐ SP ☐ OYP Rezoning
Timothy MEAL Applicant Name		717	Affiliation	
				File Number(s)
Date Filed	Meeting Date (if applicable)			
CORRESPONDENCE	ll correspondence related to this application s	should be directed	to the approv	ed contact listed below.
☐ Applicant ☐ Property Owner	er 🗌 Option Holder 🗶 Project Surveyo	r 🛚 Engineer	☐ Architect/	Landscape Architect
DAYIO HARBI	n BATSON L	limes L	loeyeu	L F POE
4334 PAPBEMILLE	be Knoxvill	E -	7µ State	37909 ZIP
865-588-6472 Phone	harbin@bh	n-p.com)	
CURRENT PROPERTY INFO				
HEAL I TIMOTHY HI	BAL TRUSTERS 7503 ASHV			is Rd., Farragut 3793 -579 - 4666
Property Owner Name (if different		The state of the s		operty Owner Phone
O ASHVILLE HWY		OQ O	7104	
Sewer Provider	Water Provider			UO Santia (V/N)
STAFF USE ONLY	water Florider			Septic (Y/N)
General Location			Tract Size	
☐ City ☐ County ☐ District	Zoning District	Existing Land	Use	
Planning Sector	Sector Plan Land Use Classificatio	n	Growth Poli	icy Plan Designation

DEVELOPMENT REQUEST				
☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA ☐ Residential ☐ Non-Residential Home Occupation (specify)			Related City Permit Number(s	
Other (specify)				
SUBDIVISION REQUEST				
			Related Rezoning File Number	
Proposed Subdivision Name				
Unit / Phase Number	ne Parcels Divide Parcel Total Nu	imber of Lots Created		
Other (specify)				
Attachments / Additional Requirer	ments			
ZONING REQUEST				
□ Zoning Change		Pending Plat File Number		
Plan Amendment Change Propos	sed Plan Designation(s)			
Proposed Density (units/acre)	Previous Rezoning Requests			
Other (specify)	•			
STAFF USE ONLY				
PLAT TYPE		Fee 1	Total	
☐ Staff Review ☐ Planning Com	mission	1 1		
ATTACHMENTS		Fee 2		
☐ Property Owners / Option Holders ADDITIONAL REQUIREMENTS	☐ Variance Request	1.000.10		
☐ Design Plan Certification (Final Plat	+)			
☐ Use on Review / Special Use (Conce		Fee 3		
☐ Traffic Impact Study				
☐ COA Checklist (Hillside Protection)				
AUTHORIZATION		1		
I declare under penalty of perjury the 1) He/she/it is the owner of the proper	foregoing is true and correct: ty AND 2) The application and all associated	materials are being submit	tted with his/her/its consent	
Analisat Sizest	DAVID HARBIN		5.15.23	
Applicant Signature	Please Print		Date	
865-588-6472 Phone Number	harbin @ lohi	n-p.com		
71Mothy F. Weal Property Owner Signature	TIMOTHY LEAC		5 · 15 · 23 Date Paid	



Parcel 061 07104 - Property Map and Details Report



Property Information

Parcel ID:

061 07104

Location Address:

0 ASHEVILLE HWY

CLT Map:

61

Insert:

Group:

Condo Letter: Parcel:

71.04

Parcel Type:

NORMAL

District:

S8

Ward:

City Block: Subdivision:

TIMOTHY NEAL **PROPERTY**

Rec. Acreage:

3.38

:

Calc. Acreage:

Recorded Plat:

20180525 - 0069733

Recorded Deed:

Deed Type:

Deed Date:

Address Information

Site Address:

0 ASHEVILLE HWY

UNUSED LAND

KNOXVILLE - 37924

Address Type: Site Name:

TIMOTHY NEAL PROPERTY

Please contact Knoxville-Knox County Planning at (865) 215-2500 if you

have questions.

Owner Information

NEAL MARVIN U & TIMOTHY F TRUSTEES

7503 ASHEVILLE HWY

KNOXVILLE, TN 37924

The owner information shown in this section does not necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County:

KNOX COUNTY

Other Information

53.01

Census Tract: Planning Sector:

East County

Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

Political Districts

City / Township:

Voting Precinct:

76

Voting Location:

Sunnyview School

412 BAGWELL RD

TN State House: TN State Senate: 19 6

County Commission:

(at large seat 10)

(at large seat 11) School Board:

8 Richie Beeler Larsen Jay

Kim Frazier 8 Mike McMillan School Zones Elementary:

Current Year:

SUNNYVIEW PRIMARY

2023 - 2024:

SUNNYVIEW PRIMARY

Intermediate:

CHILHOWEE INTERMEDIATE

Middle:

CARTER MIDDLE

High:

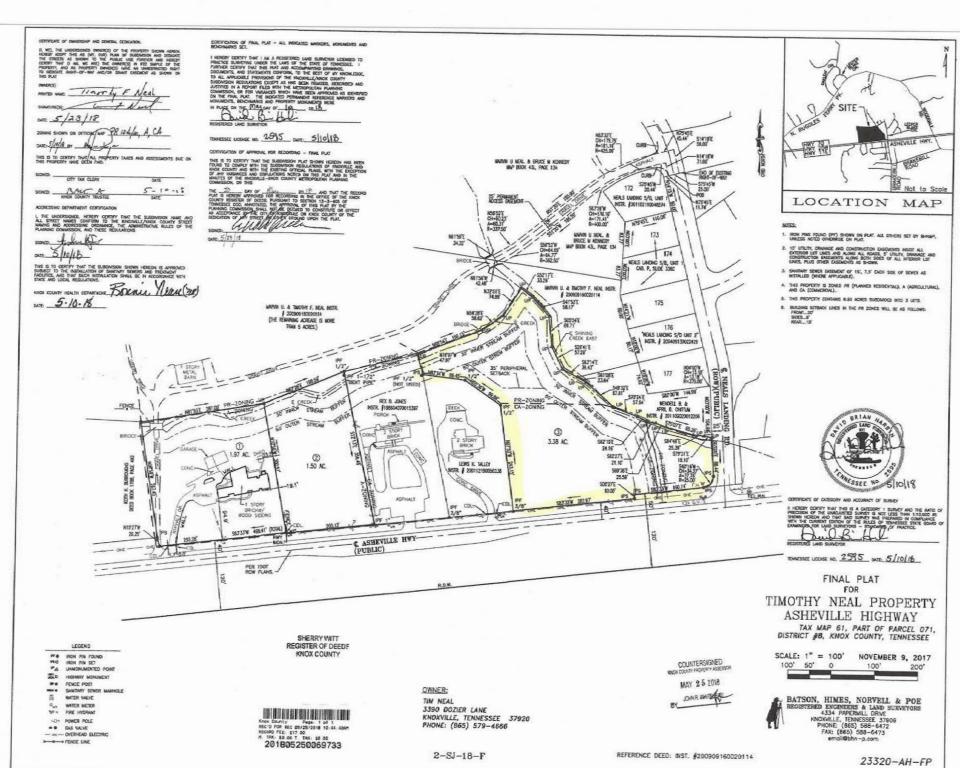
CARTER HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

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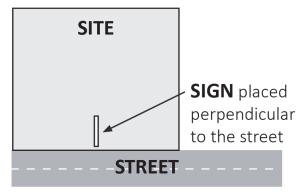
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Sign Posting & Removal Requirement

Revised April 2021

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-ofway 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:

June 30, 2023	and	July 14, 2023
(applicant or staff to post sign)		(applicant to remove sign)
Applicant Name: Timothy Neal		
Date: 5/16/2023		Sign posted by Staff
File Number: 7-G-23-RZ		Sign posted by Applicant