

# REZONING REPORT

▶ **FILE #:** 7-I-23-RZ

**AGENDA ITEM #:** 34

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

▶ **APPLICANT:** RICHARD TOOLE & LAURA TOOLE

OWNER(S): Richard and Laura Toole

TAX ID NUMBER: 53 002.01

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 10110 MASCOT RD

▶ **LOCATION:** West side of Mascot Rd across from its intersection with Mcbee Ln, along the Holston Riverbank

▶ **APPX. SIZE OF TRACT:** 33.06 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Mascot Road, a minor arterial street with 24-30-ft of pavement width within 50-70-ft right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Septic

WATERSHED: Holston-French Broad

▶ **PRESENT ZONING:** RA (Low Density Residential)

▶ **ZONING REQUESTED:** A (Agricultural)

▶ **EXISTING LAND USE:** Water, Agriculture/Forestry/Vacant

▶  
EXTENSION OF ZONE: No this is not an extension.

HISTORY OF ZONING: Rezoned from I (Industrial) to RA (Low density residential) in 1989 (Case 6-H-89-RZ)

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant, mining and landfills - I (Industrial)

South: Water - F (Floodway)

East: Agriculture/forestry/vacant) - RA (Low density residential), I (Industrial)

West: Mining and landfills - F (Floodway) & I (Industrial)

NEIGHBORHOOD CONTEXT: The property is located between the railroad tracks to the north and the Holston River to the south. The area consists of large parcels with agricultural, residential and mining activities.

**STAFF RECOMMENDATION:**

▶ **Approve the A (Agriculture) zone because it is consistent with the sector plan designation and will allow development compatible with the surrounding land uses.**

**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:

1. The area surrounding the subject property is primarily vacant, zoned industrial, and historically used for mining.

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

1. The A zone provides for residential and agricultural uses. The property has historically been used for agriculture and intends to continue this use.

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. This property is located in an area with a mix of industrial and recreational uses. Downzoning the property from RA to A is consistent with the current use of the surrounding properties. There is a small commercial node approximately ¼ mile south across the Mascot-Rainbow Arch Bridge. The surrounding I (Industrial) land does not contain industrial uses and is primarily vacant.

2. The A zone has a minimum lot size of approximately 1 acre per dwelling unit. The applicant intends to continue to utilize the property for agricultural purposes.

3. The property is surrounded by a rail line to the north and the Holston River to the south.

4. The property is within the 100 and 500-year flood plains.

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 subject property is designated as the LDR (Low Density Residential) land use classification in the Northeast County Sector Plan and is in the SP (Stream Protection) and HP (Hilltop Protection) areas.

Significant efforts over the years have been made to preserve farmland, which is a predominant feature of the Northeast County sector plan. This property includes prime farmland soil.

2. This rezoning is consistent with the goals of the Northeast Sector Plan.

3. Neither the requested nor the recommended zones are in conflict with the General Plan.

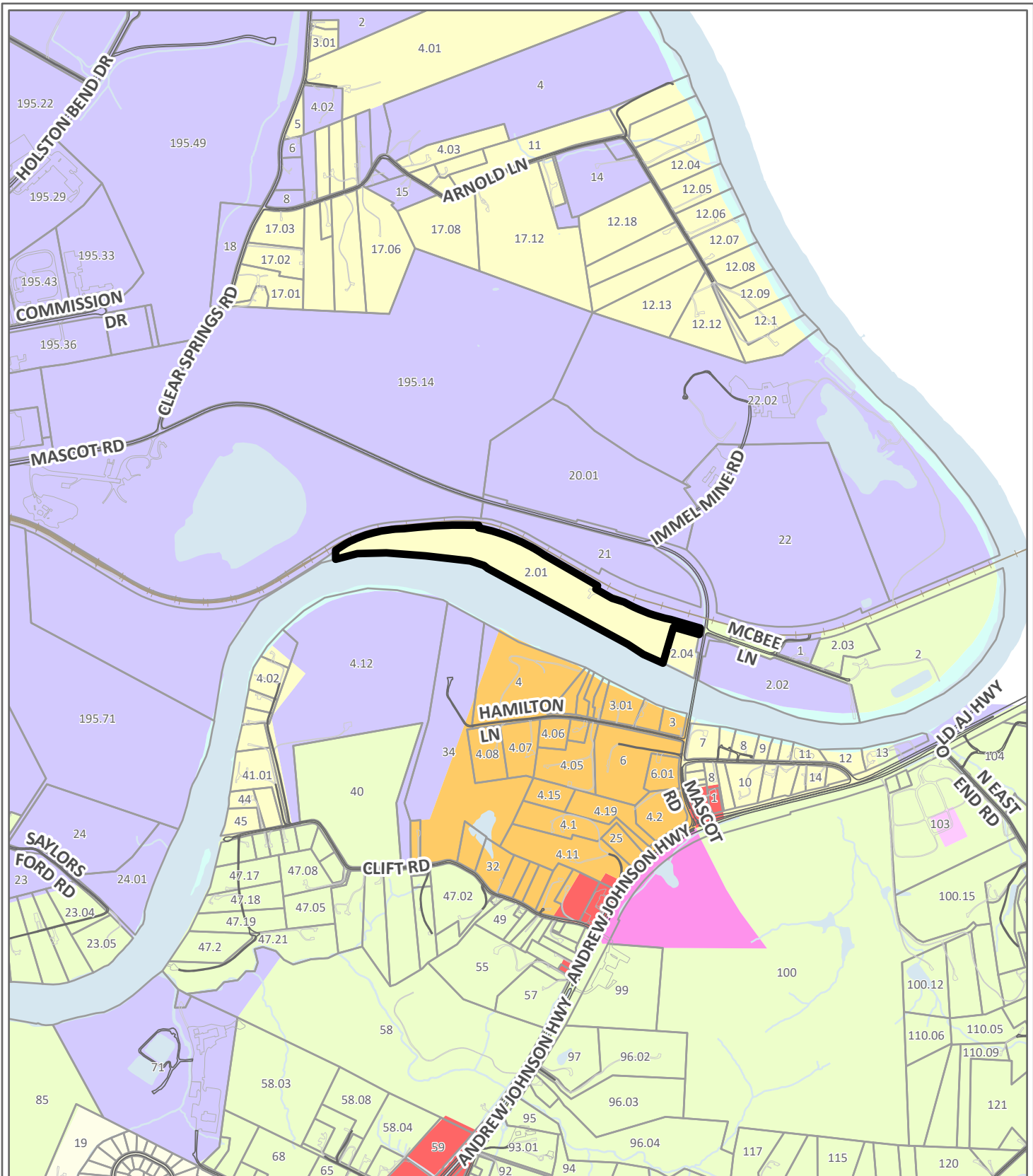
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: East Knox County Elementary, Carter Middle, and Carter High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

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.



**REZONING**

**7-I-23-RZ**

**Petitioner:** Richard Toole & Laura Toole

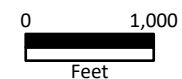


**From:** RA (Low Density Residential)

**To:** A (Agricultural)

**Map No:** 53

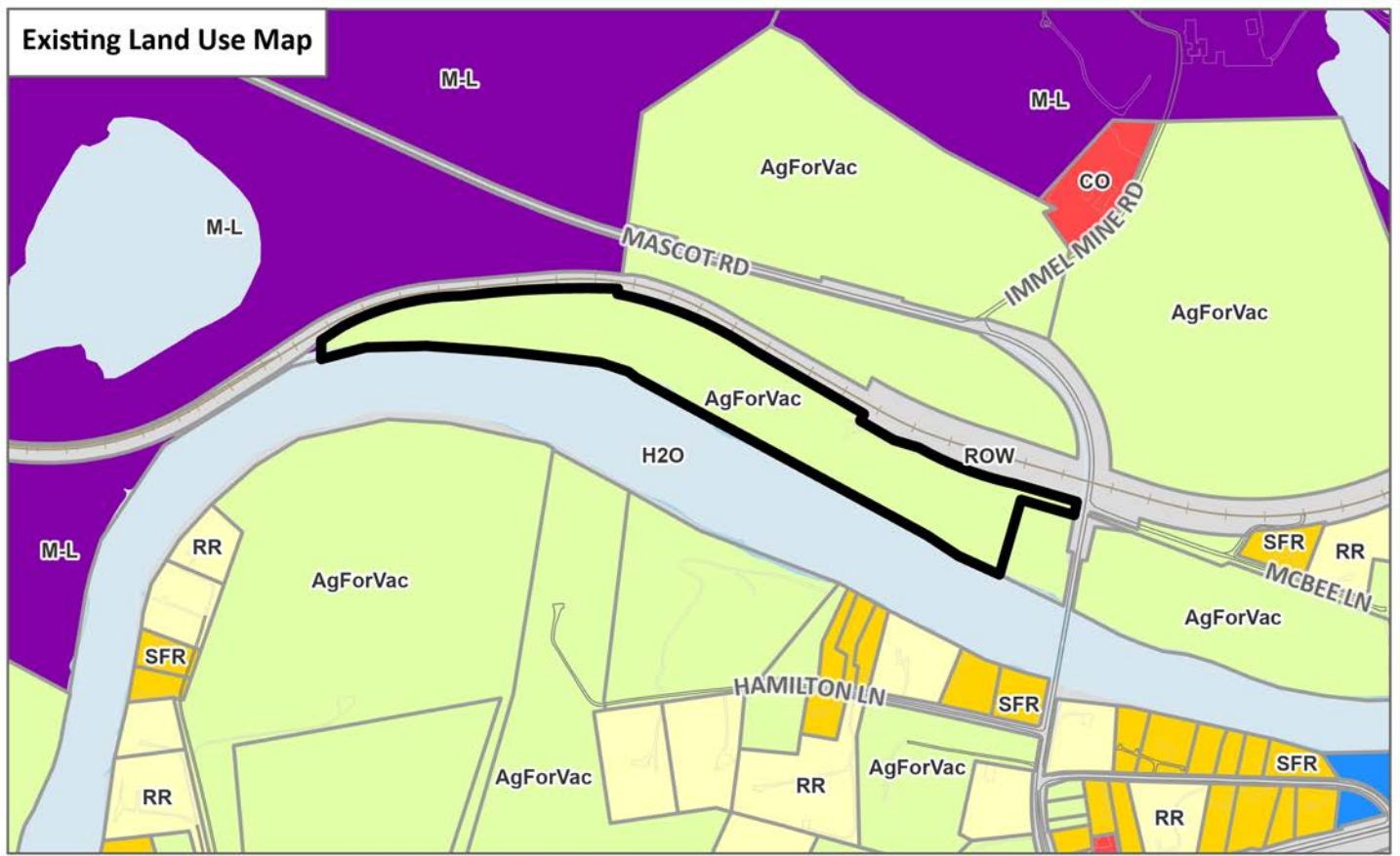
**Jurisdiction:** County



**Original Print Date:** 6/8/2023

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

Existing Land Use Map



Aerial Map

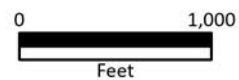


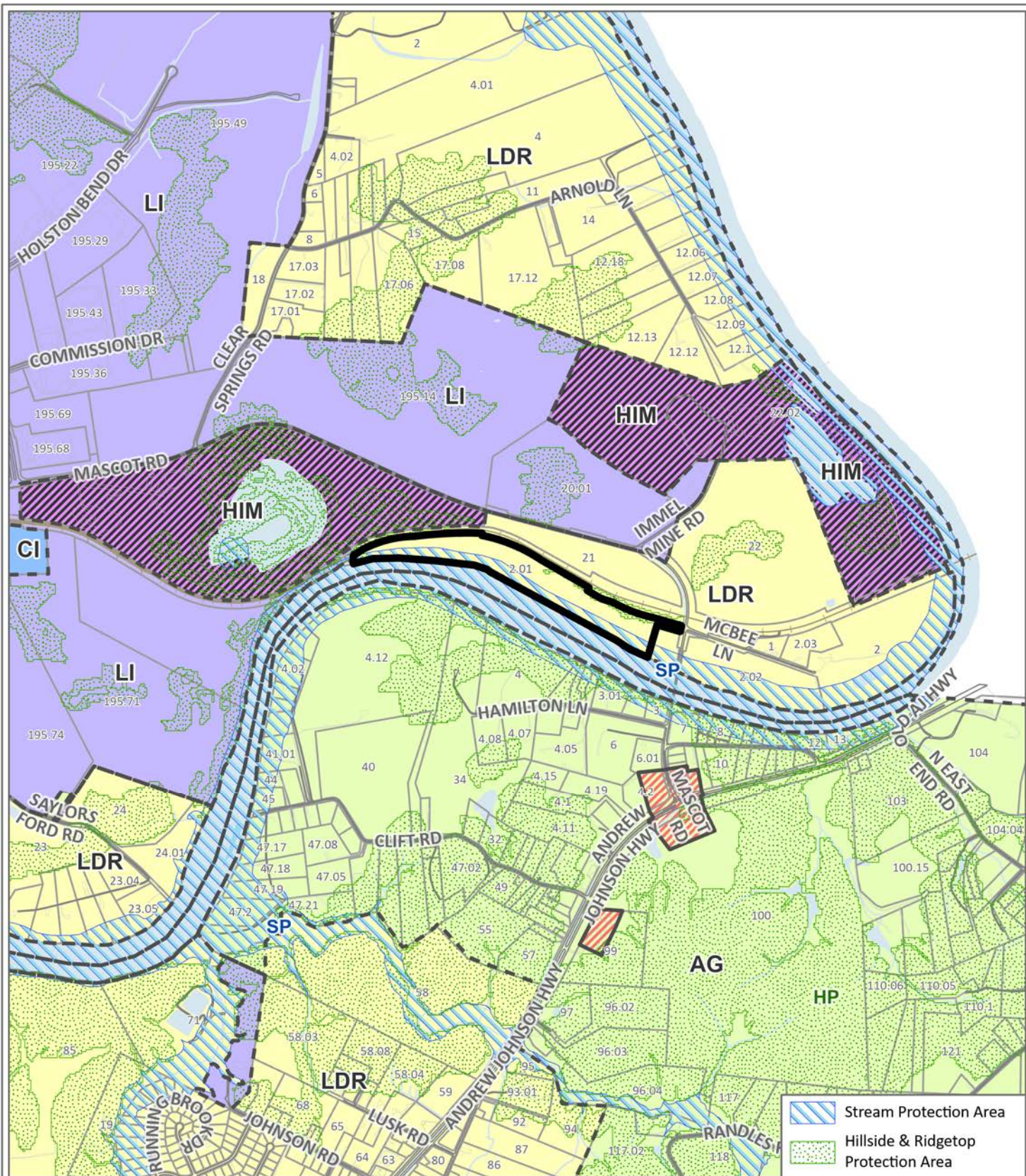
CONTEXTUAL MAPS

7-1-23-RZ



Case boundary





**NORTHEAST COUNTY SECTOR PLAN MAP**

**7-I-23-RZ**

**Petitioner:** Richard Toole & Laura Toole



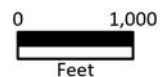
Case boundary

**Original Print Date:** 6/16/2023

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

**Map No:** 53

**Jurisdiction:** County





# 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

**Richard Toole & Laura Toole**

Applicant Name

Affiliation

**5/18/2023**

Date Filed

**7/13/2023**

Meeting Date (if applicable)

**7-I-23-RZ**

File Number(s)

## CORRESPONDENCE

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

**Laura Toole**

Name / Company

**200 Prosperity Dr Knoxville TN 37923**

Address

**865-315-4027 / ltoole24@gmail.com**

Phone / Email

## CURRENT PROPERTY INFO

**Richard and Laura Toole**

Owner Name (if different)

**200 Prosperity Dr Knoxville TN 37923**

Owner Address

**865-315-4027**

Owner Phone / Email

**10110 MASCOT RD**

Property Address

**53 002.01**

Parcel ID

**37.05 acres**

Tract Size

Part of Parcel (Y/N)?

**Septic**

Sewer Provider

**Northeast Knox Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**South of Mascot Rd until the road curves south at the intersection of Mascot Road and Mcbee Ln. Directly to the south the prop**

General Location

City **Commission District 8 RA (Low Density Residential)**

County District

Zoning District

**Water, Agriculture/Forestry/Vacant**

Existing Land Use

**Northeast County**

Planning Sector

**LDR (Low Density Residential), HP (Hillside Protection), S**

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	
Additional Information	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

## ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <b>A (Agricultural)</b>	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
<b>\$1,680.00</b>	
Fee 2	
Fee 3	

## AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature: **Richard Toole & Laura Toole**    Please Print    **5/18/2023**    Date

Phone / Email

Property Owner Signature: **Richard and Laura Toole**    Please Print    **5/18/2023**    Date



**NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME  
MUST BE LISTED BELOW:**

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
Richard Toole	1201 Wallace Rd Knoxville, TN 37919	

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# 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

Richard Toole & Laura Toole

Owners

Applicant Name

Affiliation

5/17/2023

7/13/2023

Date Filed

Meeting Date (if applicable)

7-I-23-RZ <sup>File Number(s)</sup>

## 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

Laura Toole

Name	Company		
200 Prosperity Drive	Knoxville	TN	37923
Address	City	State	ZIP
865-315-4027	ltoole24@gmail.com		
Phone	Email		

## CURRENT PROPERTY INFO

Richard & Laura Toole	1201 Wallace Road Knox, TN 37919	865-315-4027
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
10110 Mascot Road	053 00201	
Property Address	Parcel ID	
Septic	Well	Y
Sewer Provider	Water Provider	Septic (Y/N)

## STAFF USE ONLY

West side of Mascot Rd, west of Mcbee Ln	33.6 acres
General Location	Tract Size
<input type="checkbox"/> City <input checked="" type="checkbox"/> County	
8th District	RA & F Zoning District
Northeast County	LDR, HP, & SP Sector Plan Land Use Classification
Planning Sector	Water & Agricultural/Forestry/Vacant Existing Land Use
	Planned Growth Growth Policy Plan Designation

## 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   **A (Agricultural)**  
Proposed Zoning

Plan Amendment Change

Proposed Plan Designation(s)

**Rezoned from Industrial to RA in 1989 (6-H-89-RZ)**

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) \_\_\_\_\_

Pending Plat File Number

## 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
	\$1,680
Fee 2	
Fee 3	

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**1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent**

  
Applicant Signature

Richard Toole & Laura Toole

5/17/23

Please Print

Date

865-315-4027

ltoole24@gmail.com

Phone Number

Email

  
Richard Toole

5/18/2023

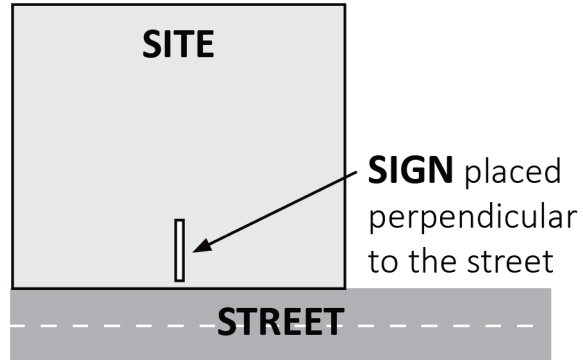
5/18/2023

Property Owner Signature

Please Print

Date Paid

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:*

\_\_\_\_\_ June 30, 2023 \_\_\_\_\_ and \_\_\_\_\_ July 14, 2023 \_\_\_\_\_  
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Richard Toole & Laura Toole

Date: 5/18/2023

File Number: 7-I-23-RZ

- Sign posted by Staff
- Sign posted by Applicant