

REZONING REPORT

► **FILE #:** 6-I-24-RZ **AGENDA ITEM #:** 25

POSTPONEMENT(S): 6/13/2024, 7/11/2024 **AGENDA DATE:** 8/8/2024

► **APPLICANT:** JULIE CLONINGER

OWNER(S): Julie Cloninger

TAX ID NUMBER: 97 100 [View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 5917 THORN GROVE PIKE

► **LOCATION:** North side of Thorn Grove Pike, west of Kennedy Rd

► **APPX. SIZE OF TRACT:** 2.12 acres

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Thorn Grove Pike, a minor arterial with a pavement width of 18 ft within a right-of-way that varies from 40 ft to 76 ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Holston-French Broad

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

► **ZONING REQUESTED:** CN (Neighborhood Commercial)

► **EXISTING LAND USE:** Rural Residential

►
EXTENSION OF ZONE: No, this will not be an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND
USE AND ZONING: North: Agriculture/forestry/vacant land - A (Agricultural)
South: Rural residential, single family residential - A (Agricultural)
East: Single family residential - A (Agricultural)
West: Single family residential, commercial - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area along Thorn Grove Pike is mostly comprised of single family residential uses with a few multifamily and commercial uses mixed in. Marbledale Baptist Church is located nearby to east of the subject property.

STAFF RECOMMENDATION:

► **Deny the CN (Neighborhood Commercial) zone because it does not meet all the criteria for a rezoning.**

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 CITY/COUNTY GENERALLY:

1. There have not been any substantial changes in the area in recent years which warrants the proposed amendment. The area remains rural in character and is primarily composed of houses on larger than half-acre lots along Thorn Grove Pike, abutting undeveloped forested lands away from the street. The surrounding density does not appear sufficient to support an additional commercially zoned property.
2. On the south side of Thorn Grove Pike, there is a series of CA (General Commercial) zoned properties. However, the majority of these properties have not been developed as commercial uses and KGIS aerial views indicate that no new commercial developments have been added to this area in at least the last ten years.

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

1. The CN zone intends to accommodate 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. This zone 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.
2. The subject property does not meet the location criteria within the intent statement of the district. The property is located neither at an intersection nor at the edge of an established neighborhood. Furthermore, it can be argued that the area does not have enough residential density to warrant the addition of more commercially zoned properties.
3. Rezonings 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.

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 addition of another commercially zoned parcel would constitute encroachment into this rural, residential area.
2. An approximate 1.8-acre portion in the rear of the property has the HP (Hillside Protection) designation with moderate slopes. New developments should be respectful of the topography and existing vegetation of the property.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN OF 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 RL (Rural Living) place type. The RL place type does list the CN zone as a partially related zone, so it can be considered by the Planning Commission. However, "partially related" just means a zone may be appropriate in some locations within the place types but may not be appropriate in others. Planning believes the CN zone would not be appropriate at this location as the property does not meet the stated criteria of the CN zone description and it would be an encroachment of a residential zone in a rural, residential area. There are additional criteria required when the requested zone is partially related to the place type (provided in Appendix H of the Comprehensive Plan), and this property does not meet those.
2. The requested CN zone is consistent with the 2024 Growth Policy Plan, Policy 4.2 pertaining to the Rural Areas, which requires rezonings to be limited to zoning districts that are consistent with one of the rural place types, which includes the property's RL (Rural Living) designation.
3. The property has thick vegetation along Thorn Grove Pike, which contributes to the rural character of the area. The East County Community Plan identifies this road as a 'Rural Corridor'. The plan recommends limiting infrastructure expansion on this corridor to preserve the rural look and feel.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/16/2024. 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.



Request to Postpone • Table • Withdraw

6/13/2024

Scheduled Meeting Date

Julie Cloninger

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

File Number(s)

6-I-24-RZ

POSTPONE

- ☒ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: ☐ 30 days ☒ 60 days ☐ 90 days

Postpone the above application(s) until the 8/8/2024

Planning Commission Meeting.

WITHDRAW

- ☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

- ☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

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

Julie Cloninger

Please Print

Applicant Signature

865-679-4001

cjec460@gmail.com

Phone Number

Email

STAFF ONLY

☐ No Fee

Staff Signature

Please Print

Date Paid

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Julie Cloninger

Payee Name

865 679 4001

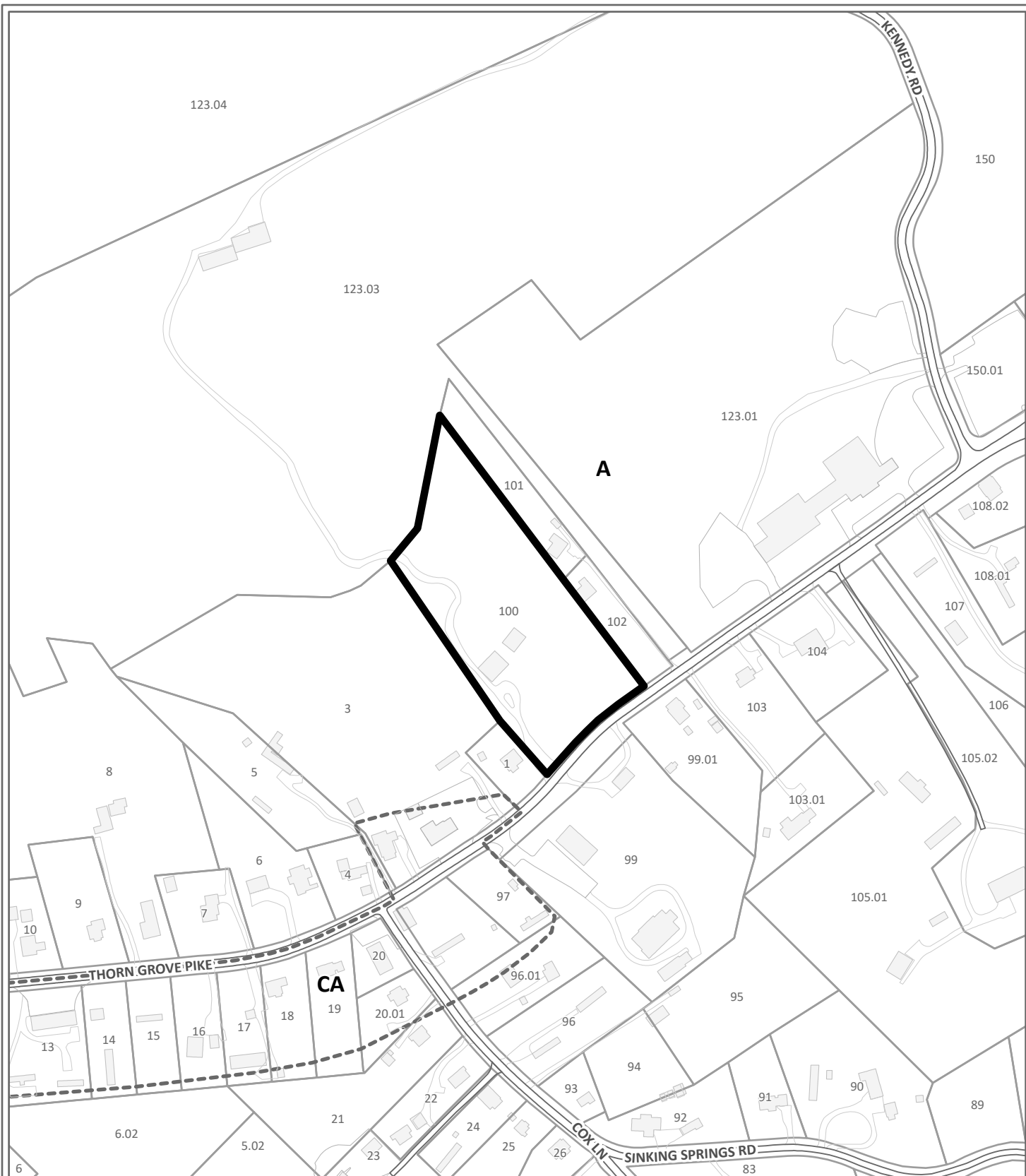
Payee Phone

5917 Thorngrove PK

Payee Address

Knoxville TN 37914

October 2022



REZONING

6-I-24-RZ

Petitioner: Julie Cloninger

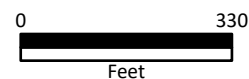


From: A (Agricultural)

To: CN (Neighborhood Commercial)

Map No: 97

Jurisdiction: County

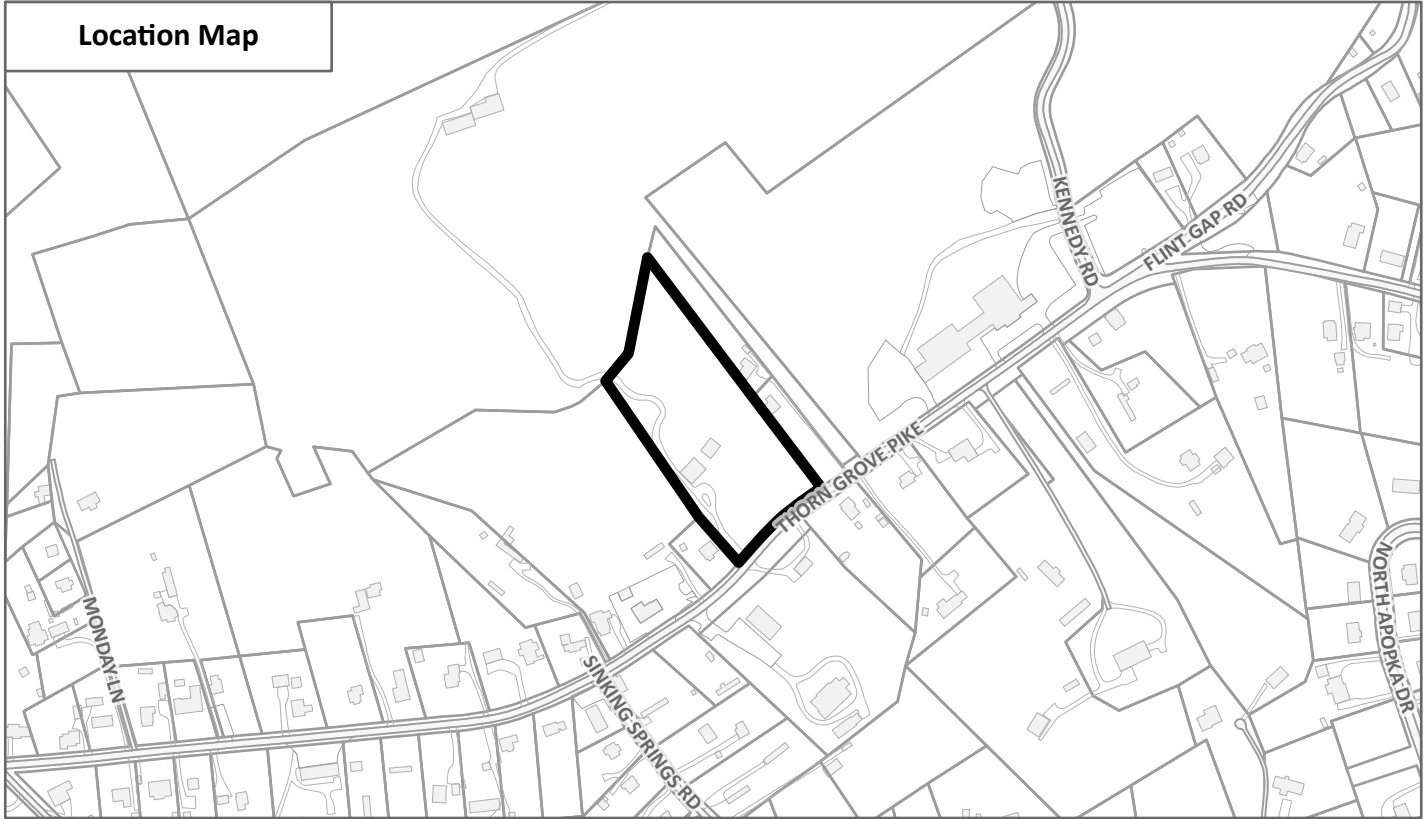


Original Print Date: 5/6/2024

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

Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

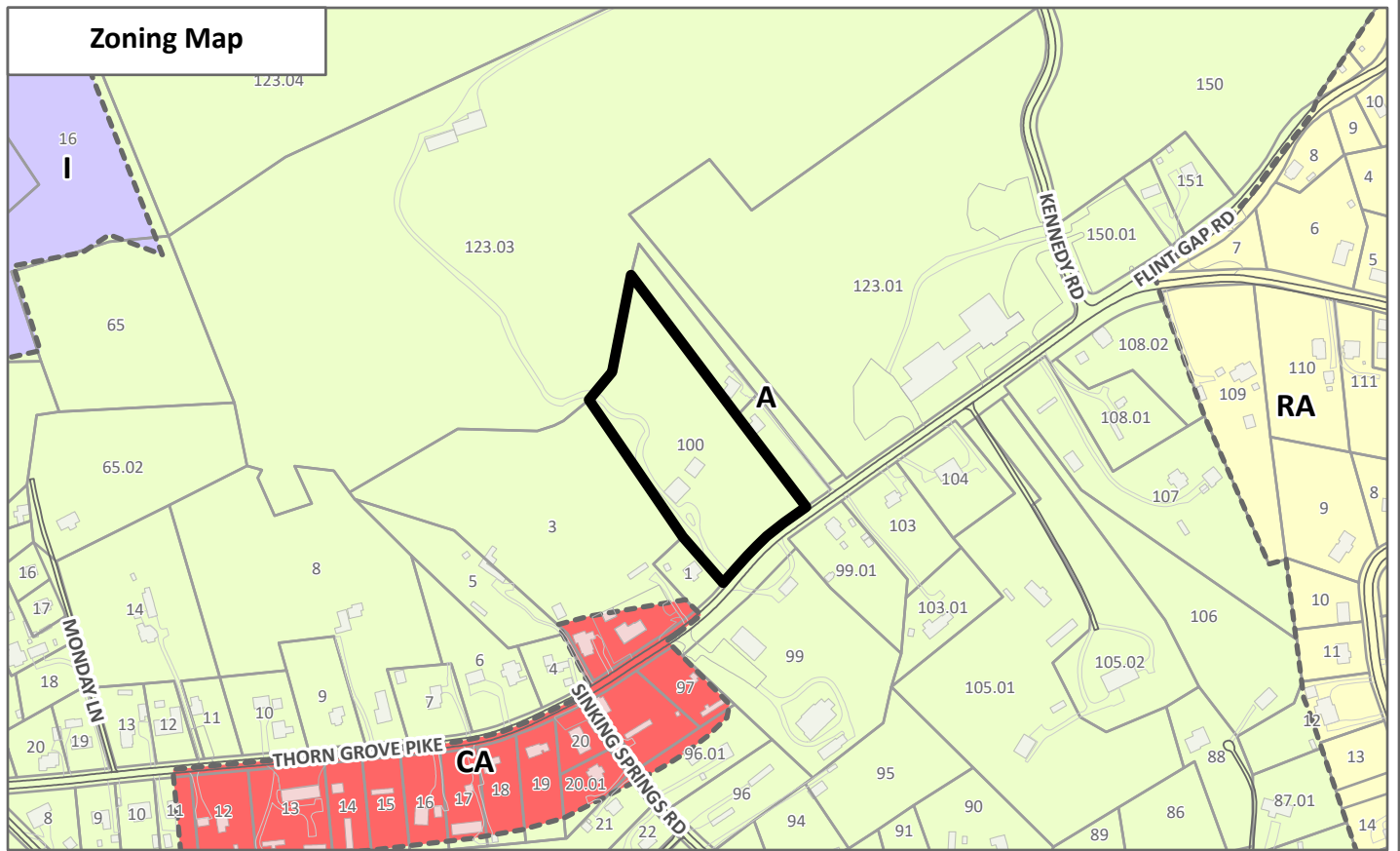
6-I-24-RZ



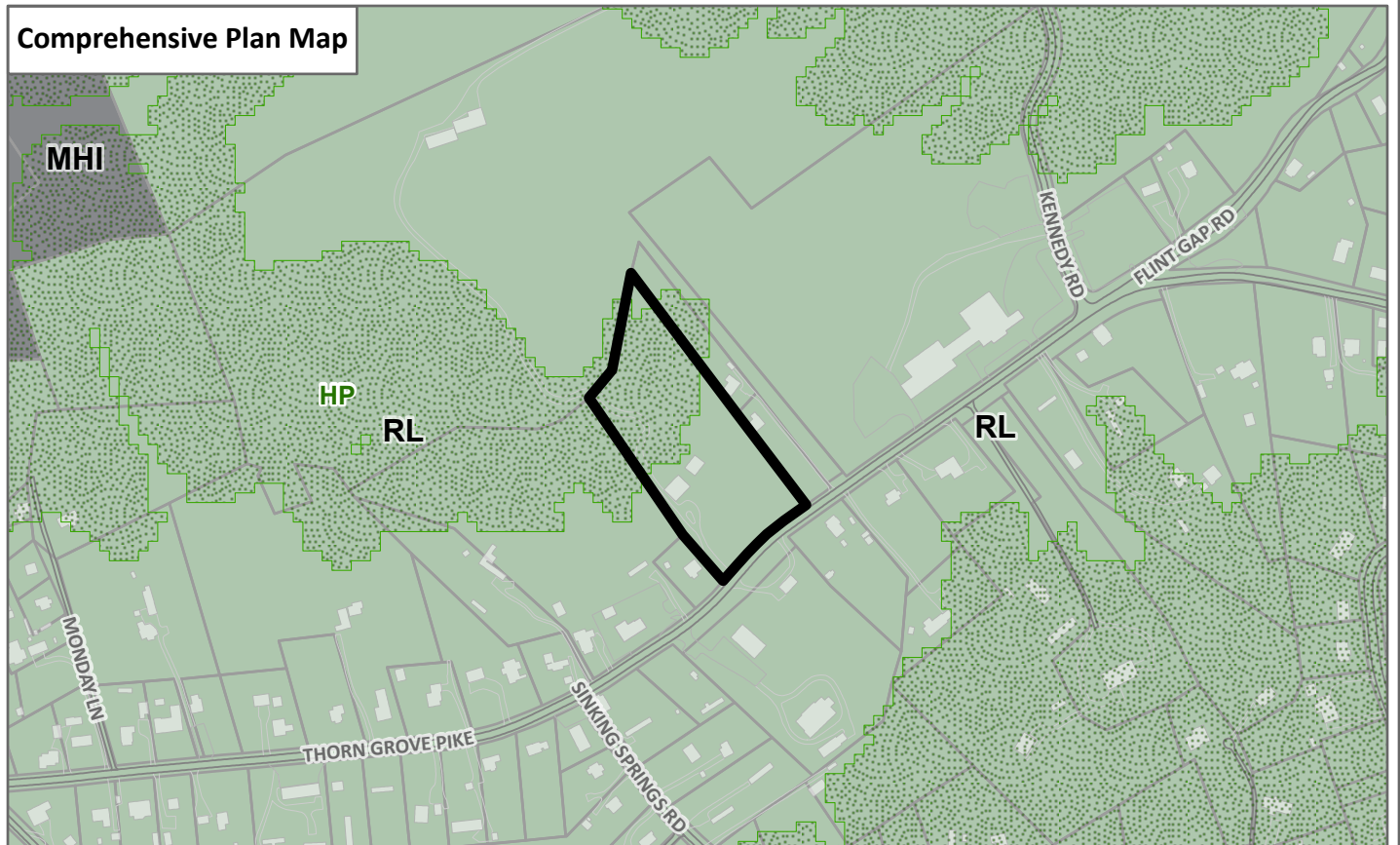
Case boundary



Zoning Map



Comprehensive Plan Map

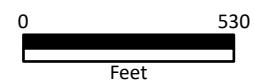


CONTEXTUAL MAPS 2

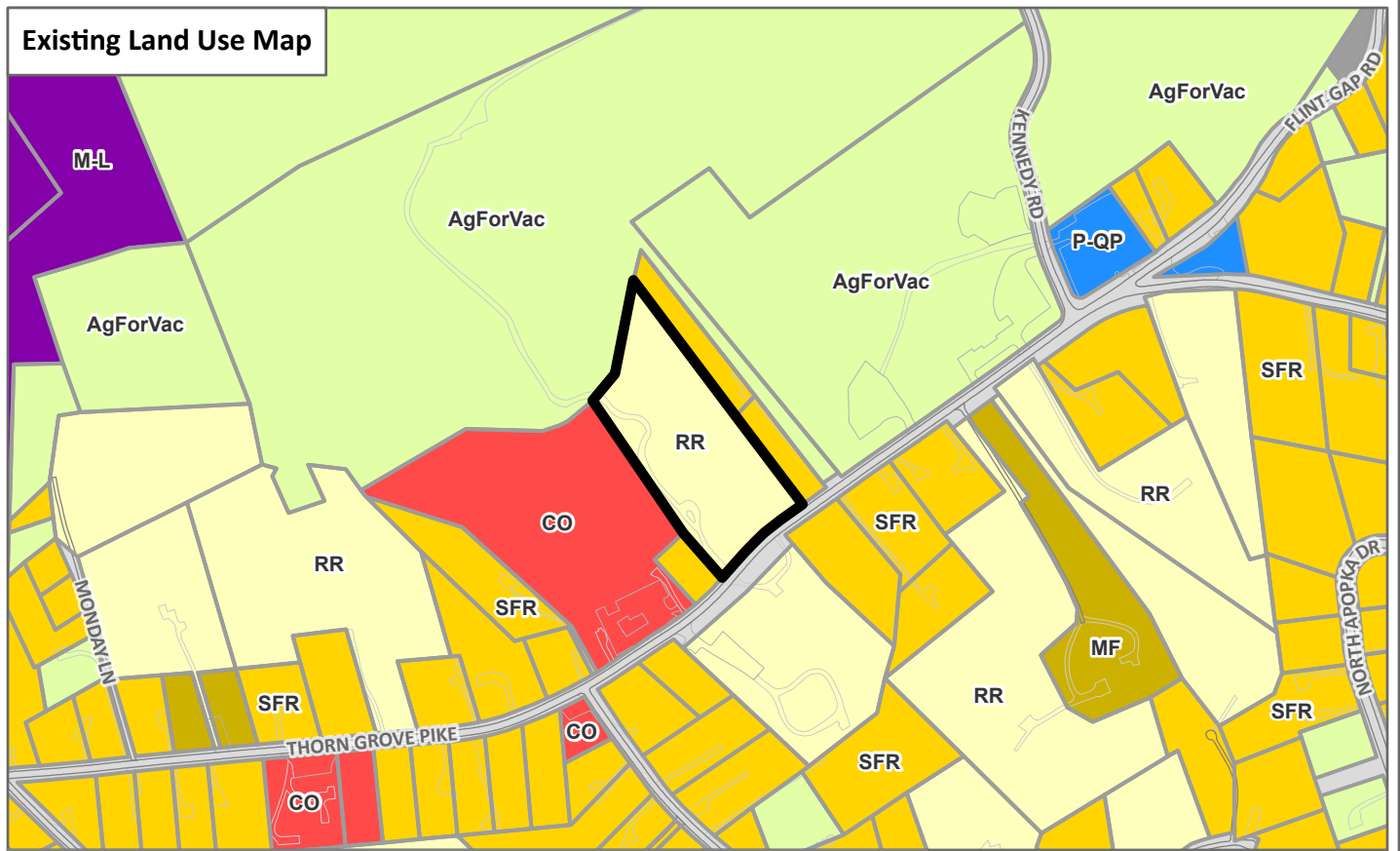
6-I-24-RZ



Case boundary



Existing Land Use Map

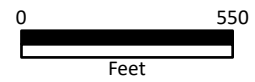


CONTEXTUAL MAPS 3

6-I-24-RZ



Case boundary





Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

Julie Cloninger

Applicant Name

Affiliation

4/26/2024

Date Filed

6/13/2024

Meeting Date (if applicable)

6-I-24-RZ

File Number(s)

CORRESPONDENCE

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

Julie Cloninger

Name / Company

5917 Thorn Grove Pike Knoxville TN 37914

Address

865-679-4001 / cjec460@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Julie Cloninger

Owner Name (if different)

5917 Thorn Grove Pike Knoxville TN 37914

Owner Address

865-679-4001 / cjec460@gmail.

Owner Phone / Email

5917 THORN GROVE PIKE

Property Address

97 100

Parcel ID

2.12 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Thorn Grove Pike, west of Kennedy Rd

General Location

☐ City Commission District 9 A (Agricultural)

☒ County District Zoning District

Rural Residential

Existing Land Use

East County

AG (Agricultural), HP (Hillside Protection)

Rural Area

Planning Sector

Land Use (City)/Place Type (County)

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 | CN (Neighborhood Commercial) | Pending Plat File Number |
| | Proposed Zoning | |
| <input type="checkbox"/> Plan Amendment | Proposed Plan Designation(s) | |
| Proposed Density (units/acre) Previous Rezoning Requests | | |
| Additional Information | | |

STAFF USE ONLY

| | | |
|---|-------------------|-------|
| PLAT TYPE | Fee 1 | Total |
| <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission | \$1,000.00 | |
| ATTACHMENTS | Fee 2 | |
| <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request | | |
| <input type="checkbox"/> Amendment Request (Comprehensive Plan) | Fee 3 | |
| ADDITIONAL REQUIREMENTS | | |
| <input type="checkbox"/> Use on Review / Special Use (Concept Plan) | | |
| <input type="checkbox"/> Traffic Impact Study | | |
| <input type="checkbox"/> COA Checklist (Hillside Protection) | | |

AUTHORIZATION

| | | |
|---|---------------------------------|-------------------|
| <input type="checkbox"/> 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 | Julie Cloninger Please Print | 4/26/2024 Date |
| Phone / Email | | |
| Property Owner Signature | Julie Cloninger Please Print | 4/26/2024 Date |



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

Julie Cloninger

Applicant Name

Affiliation

4/26/24

Date Filed

June 13, 2024

Meeting Date (if applicable)

File Number(s)

6-I-24-RZ

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

Julie Cloninger

Name

Company

5917 Thorngrove Pike

Address

Knoxville

City

TN

State

37914

ZIP

865 679 4001

Phone

cjec460@gmail.com

Email

CURRENT PROPERTY INFO

Julie Cloninger

Property Owner Name (if different)

5917 Thorngrove Pike

Property Owner Address

865-679-4001

Property Owner Phone

5917 Thorngrove Pike

Property Address

Parcel ID

KUB

Sewer Provider

KUB

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

May 1, 2023

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 ChangeProposed Zoning CN☐ 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

0803

\$1,000.00

Total

Fee 2

\$1,000.00

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

Please Print

Date

Phone Number

Email

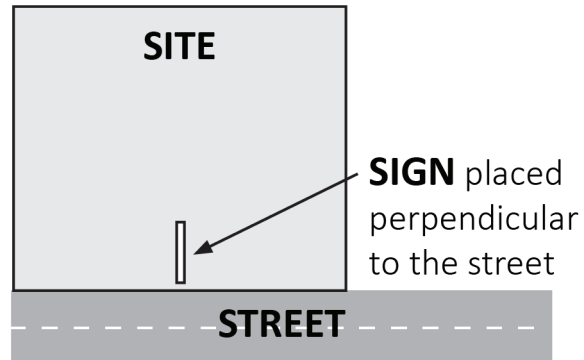
Property Owner Signature

Please Print

Date Paid

04/26/2024, SG

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:

_____ **05/31/2024** _____ and _____ **06/14/2024** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Julie Cloninger

Date: 04/26/2024

File Number: 6-I-24-RZ



Sign posted by Staff



Sign posted by Applicant