

REZONING REPORT

▶ **FILE #:** 1-G-24-RZ

AGENDA ITEM #: 25

AGENDA DATE: 1/11/2024

▶ **APPLICANT:** KENNETH M GILREATH

OWNER(S): Kenneth M Gilreath

TAX ID NUMBER: 83 060 02

[View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 3816 E GOVERNOR JOHN SEVIER HWY

▶ **LOCATION:** South side Strawberry Plains Pike, east side E Gov. John Sevier Hwy

▶ **APPX. SIZE OF TRACT:** 5.77 acres

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Strawberry Plains Pike, a major arterial with a pavement width of 40 ft within a 40-ft right-of-way. The property also has frontage on Governor John Sevier Hwy, a scenic corridor and major arterial with a pavement width of 35 ft within a 100-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Swan Pond Creek

▶ **PRESENT ZONING:** PC (Planned Commercial), F (Floodway)

▶ **ZONING REQUESTED:** CA (General Business), F (Floodway)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶
EXTENSION OF ZONE: Yes, this is an extension.

HISTORY OF ZONING: Rezoned from A to PC in 2006 (Case # 8-Q-06-RZ), though the applicant had requested CA

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant - A (Agricultural)

South: Transportation/communications/utilities - I (Industrial), F (Floodway)

East: Commercial - CA (Commercial), F (Floodway)

West: Rural residential - CA (Commercial)

NEIGHBORHOOD CONTEXT: The property is in a transitional area between commercial and rural areas. It has a nearby gas station, storage facility, auto sales, UPS Freight, and the Forks of the River Park.

STAFF RECOMMENDATION:

▶ **Deny the CA (General Commercial) zone because of site constraints and because the existing PC (Planned Commercial) zone allows for site plan review by the Planning Commission.**

The F (Floodway) zone should be retained if this request were to be approved.

COMMENTS:

A previous request to rezone this property to the CA (General Commercial) zone resulted in the property being rezoned to the PC (Planned Commercial) zone (8-Q-06-RZ). That staff report cited the opportunity for Planning Commission staff and public review of the plans as a reason for the recommendation to approve the PC zone instead of the CA zone. There have been no changes to this area that warrant a change in Planning's recommendation.

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. A few parcels in the immediate vicinity have transitioned from the A zone to the CA zone, beginning in the mid-1990s. However, those parcels did not have the same site constraints as the subject property.

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

1. The requested CA zone is intended to provide for general retail business and services but not for manufacturing or for processing materials other than farm products. It is consistent with the existing zoning along the Governor John Sevier Highway. However, the existing PC zone generally allows the same uses as the CA zone, but requires additional site plan review by Planning and approval by the Planning Commission.

2. Given the site constraints on the property, the PC zone is appropriate to allow that additional level of review and approval of site plans. The southern portion of the property is in a FEMA floodway and floodplain, there are closed, hatched contour lines indicating the potential presence of sinkholes, and there are steep slopes above 25% in the southern portion of the site. All of these issues support the need for additional consideration of site plans.

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. Rezoning this property to CA is not warranted and could have adverse effects on the surrounding properties.

2. As stated, the southern portion of the property is in a floodway and floodplains. The existing PC zone requires development plan review and approval by the Planning Commission, which will allow for consideration of the impacts of the development on the floodway for Swanpond Creek.

3. The current zoning does not present any apparent conflicts with any adopted plans and should be maintained.

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 property is designated GC in the East County Sector Plan, which allows consideration of the CA zone in the County's Planned Growth Area.

2. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 4.3 of the General Plan, the intent of which is to use guidelines to foster good architectural design, landscaping, and aesthetically-pleasing streetscapes, since the PC zone has landscaping standards and requires additional review and approval by the Planning Commission.

3. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 4.13 of the General Plan, the intent of which is to enhance highway corridors by landscaping, creating attractive architecture, providing pedestrian-friendly atmosphere and eliminating visual clutter, since the PC zone has a peripheral boundary, landscaping standards, and requires additional review and approval by the Planning Commission.

4. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 6.2 of the General Plan, the intent of which is to compliment natural land forms when grading, and minimize grading on steep slopes and within floodways, since the property is in the floodway and the PC zone requires additional review and approval by the Planning Commission.

5. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 7.5, Protect the natural drainage systems associated with floodways and floodplains, since the site is in a floodway and flood plan and the PC zone requires additional review and approval by the Planning Commission.

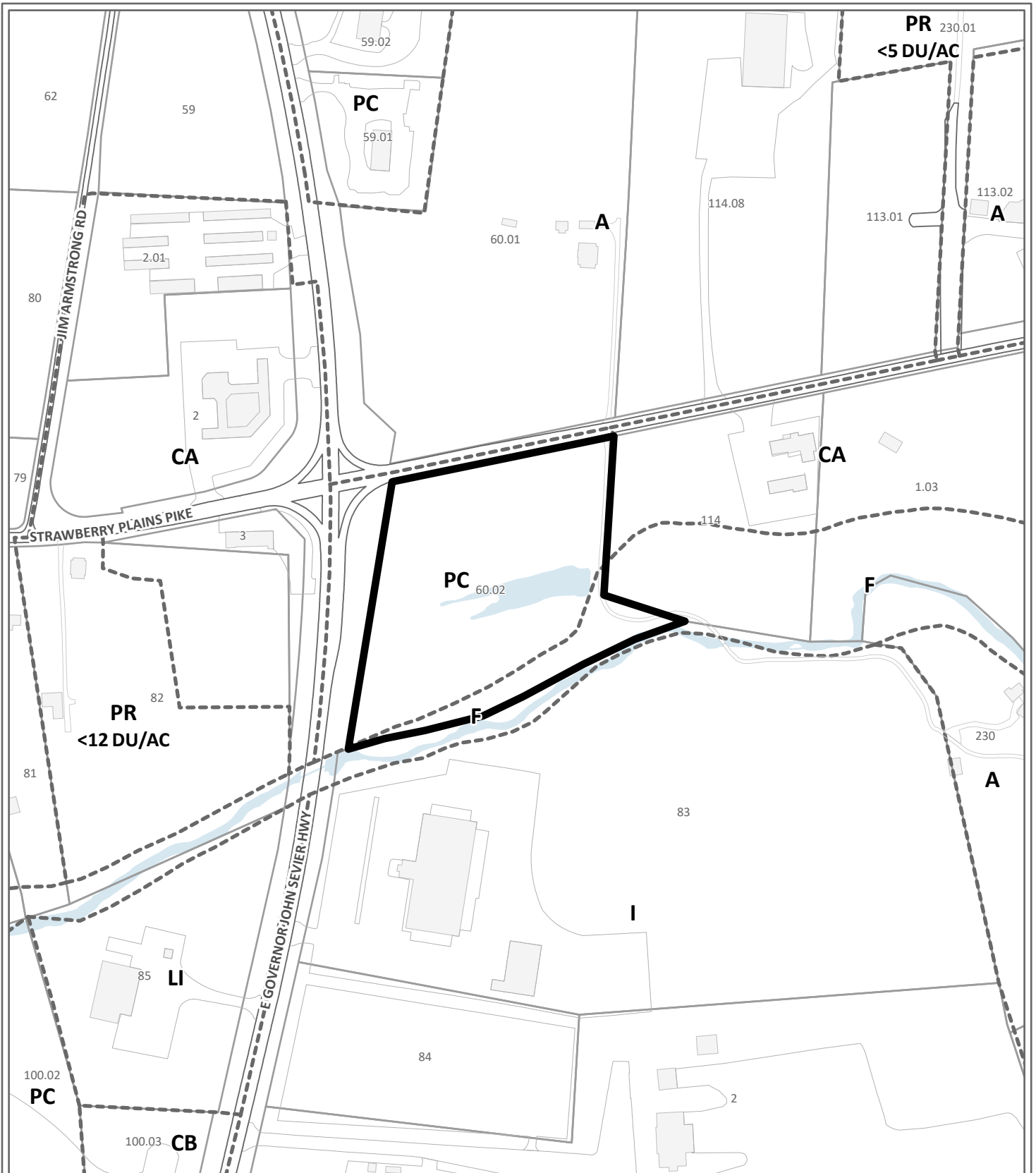
7. Knox County regulations allow the outer half of the distance between the outer edge of the FEMA floodway and 100-year floodplain to be filled. This is consistent with the General Plan's Development Policy 7.6, the intent of which is to limit uses to 50 percent of the flood fringe area.

8. The Governor John Sevier Scenic Highway Corridor Study was adopted in 2019. The study recommends a 50-ft tree buffer along John Sevier Hwy to preserve the scenic character of the corridor and protect it from development. Should the Planning Commission wish to approve this rezoning request, Planning recommends adding a condition to provide a 50-ft landscape buffer consistent with the commercial considerations within the Governor John Sevier Scenic Highway Corridor Study.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/26/2024. 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.



REZONING

1-G-24-RZ

Petitioner: Kenneth M Gilreath



From: PC (Planned Commercial)

To: CA (General Business)

Map No: 83

Jurisdiction: County

Original Print Date: 12/7/2023

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

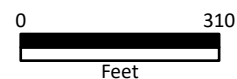
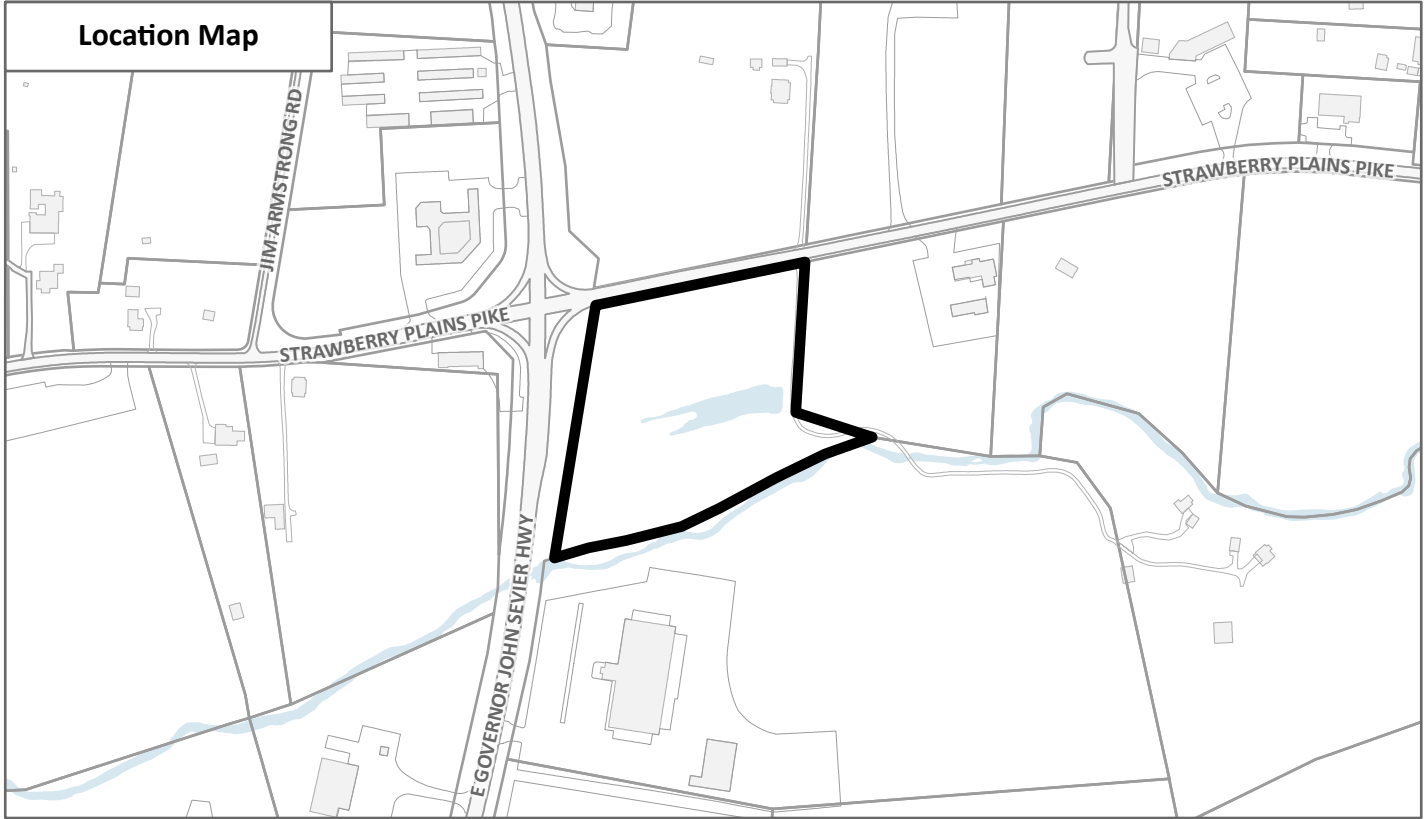


Exhibit A. Contextual Images

Location Map



Aerial Map

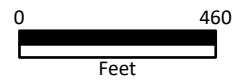


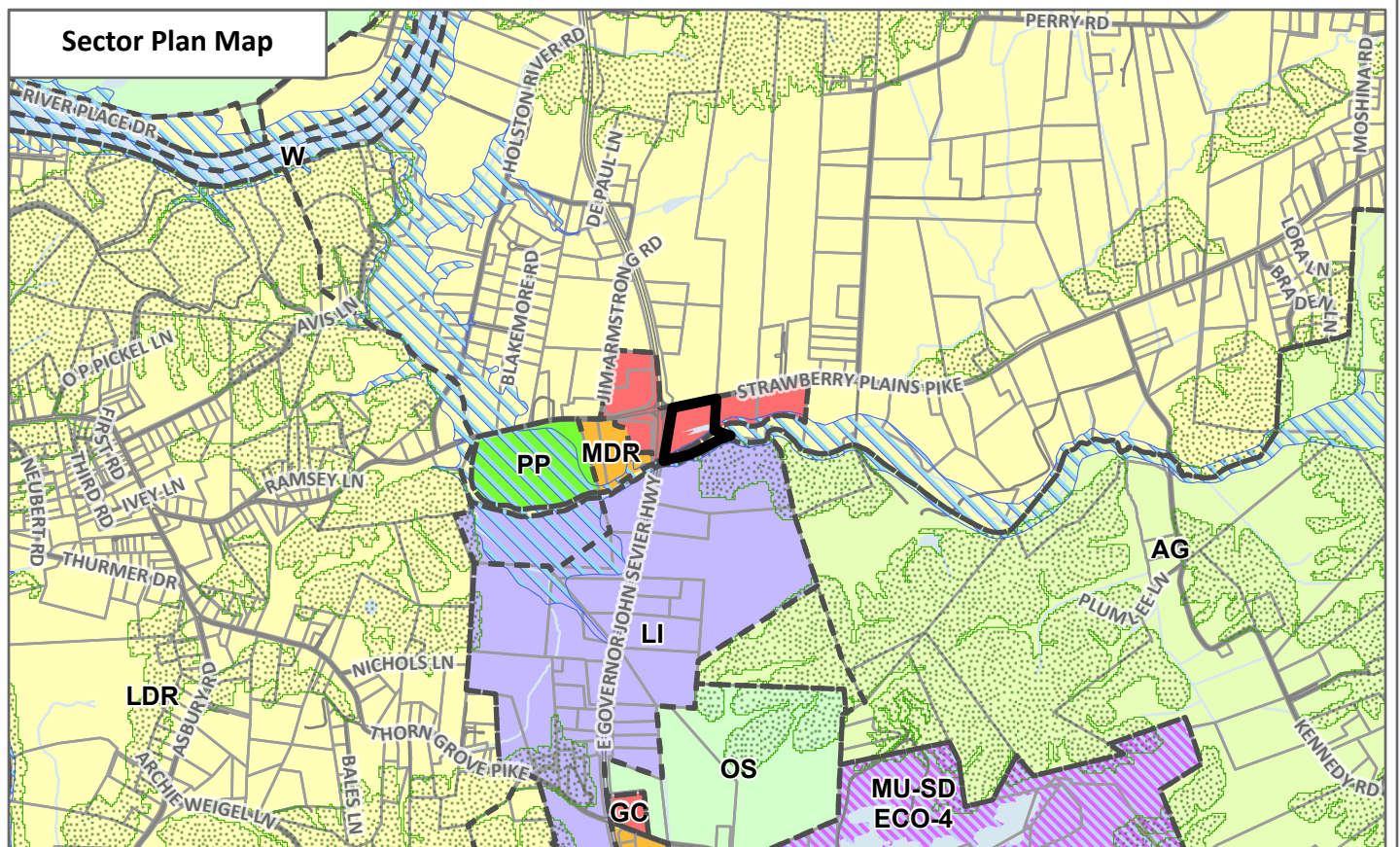
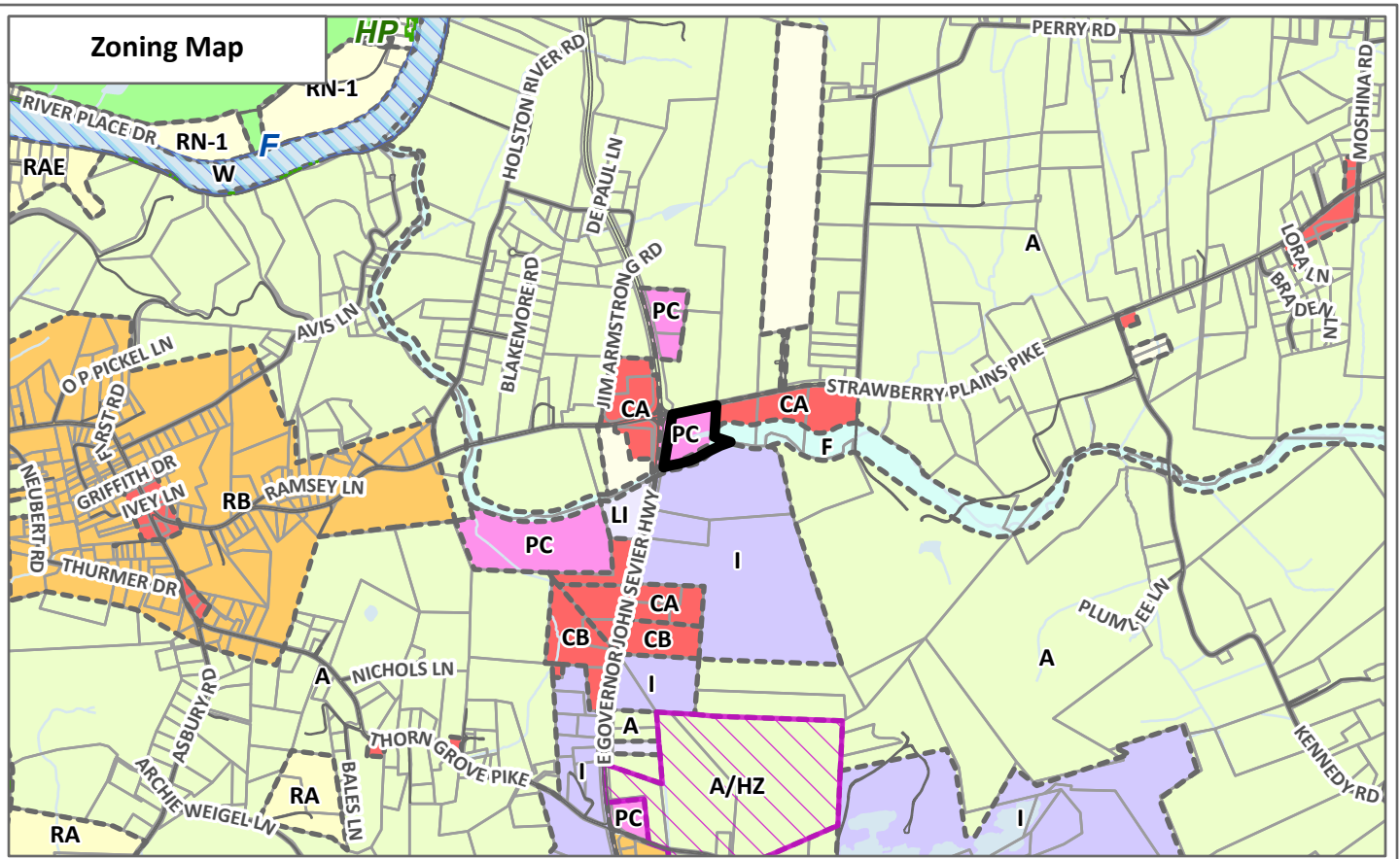
CONTEXTUAL MAPS 1

1-G-24-RZ



Case boundary





CONTEXTUAL MAPS 2 1-G-24-RZ

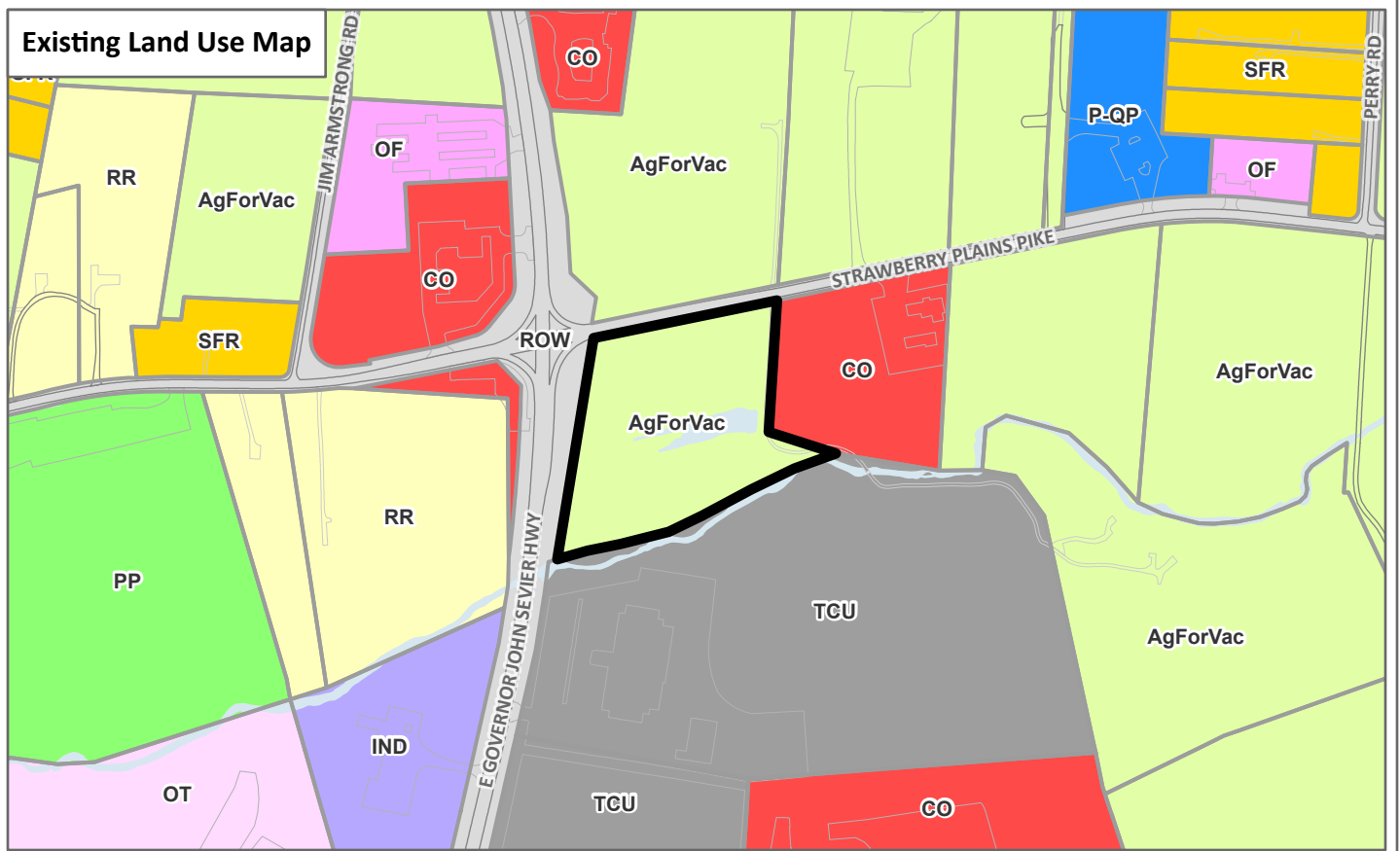
Case boundary

0 2,000

Feet

N

Existing Land Use Map



CONTEXTUAL MAPS 3

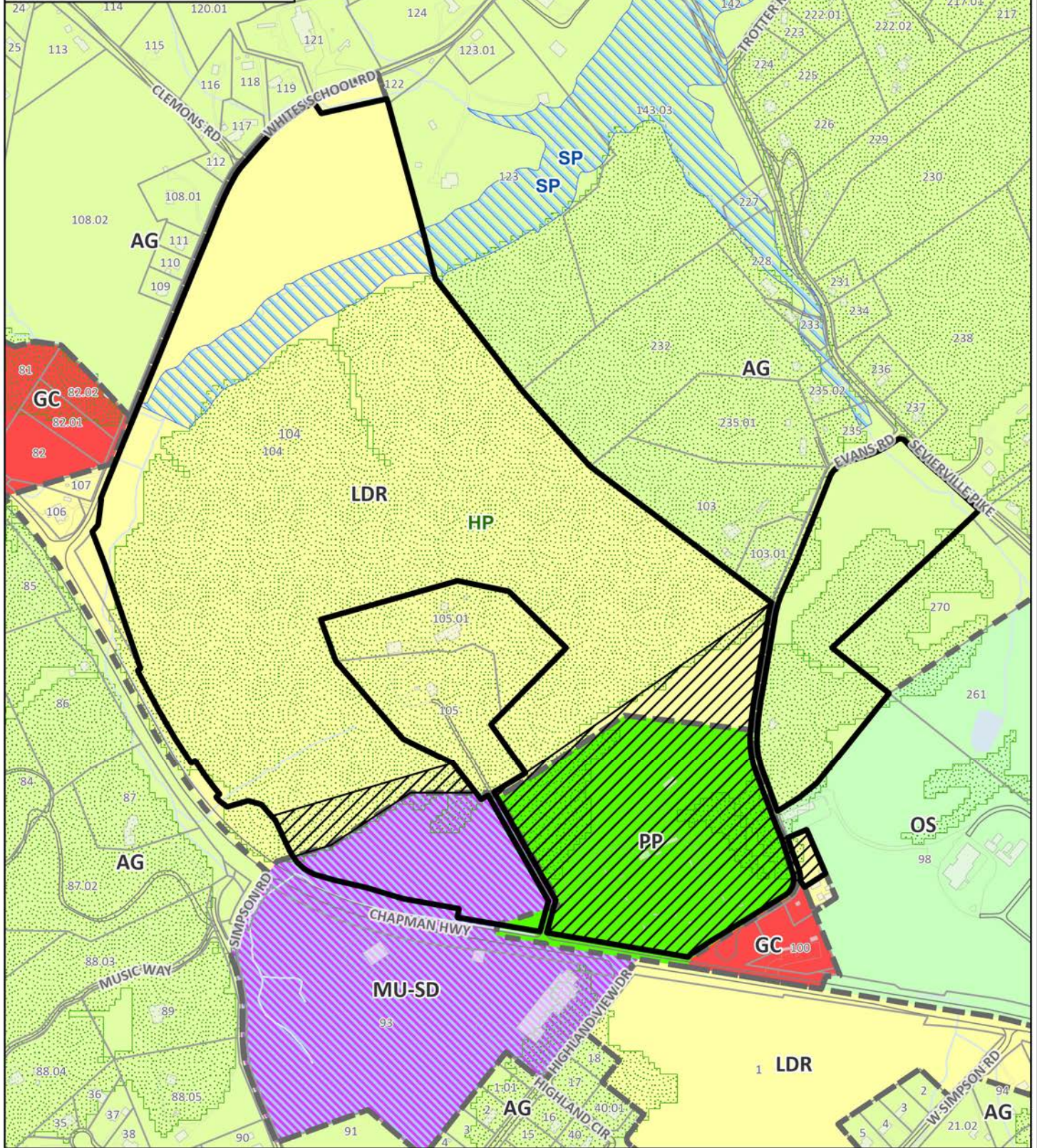
1-G-24-RZ



Case boundary



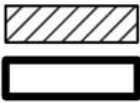
Supplemental Case Map



SECTOR PLAN

1-G-24-SP

Petitioner: Thunder Mountain Properties



Area requested for sector plan amendment within parcel
 Boundary for parcel 134 104

Map No: 138
Jurisdiction: County

Original Print Date: 1/3/2024
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





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

Kenneth M Gilreath

Applicant Name

Affiliation

11/27/2023

Date Filed

1/11/2024

Meeting Date (if applicable)

1-G-24-RZ

File Number(s)

CORRESPONDENCE

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

Benjamin C. Mullins Frantz, McConnell and Seymour, LLP

Name / Company

550 W. Main St. St. Suite 500 Knoxville TN 37902

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

Kenneth M Gilreath

Owner Name (if different)

5716 Strawberry Plains Pike Knoxville TN 37914

Owner Address

865-388-7737

Owner Phone / Email

3816 E GOVERNOR JOHN SEVIER HWY

Property Address

83 060 02 (part of)

Parcel ID

5.77 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side Strawberry Plains Pike, east side E Gov. John Sevier Hwy

General Location

City

Commission District 9

PC (Planned Commercial)

Agriculture/Forestry/Vacant Land

County District

Zoning District

Existing Land Use

East County

Planning Sector

GC (General Commercial), SP (Stream 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	
Additional Information	Total Number of Lots Created
<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
\$1,577.00	
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	Kenneth M Gilreath Please Print	11/27/2023 Date
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Phone / Email		
Property Owner Signature	Kenneth M Gilreath Please Print	11/27/2023 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

Kenneth M Gilreath

Owner

Applicant Name

Affiliation

11-27-23

January 11, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

1-G-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

Benjamin C. Mullins for Kenneth Gilreath

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37902

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

Kenneth M. Gilreath

5716 Strawberry Plains Pike

865-388-7737

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

3816 E Governor John Sevier HWY

083 06002 (part of)

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side Strawberry Plains Pike, East side E. Gov. John Sevier Hwy.

~~~5.95 ac~~ ~5.77 ac

General Location

Tract Size

City  County

9

PC/F

AGForVac

District

Zoning District

Existing Land Use

East County

GC

Planned Growth

Planning Sector

Sector Plan Land Use Classification

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 \_\_\_\_\_

Combine Parcels  
  Divide Parcel  
 Total Number of Lots Created \_\_\_\_\_

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

Attachments / Additional Requirements

Related Rezoning File Number

## ZONING REQUEST

Zoning Change  
 Proposed Zoning **CA/F**

Plan Amendment Change  
 Proposed Plan Designation(s) \_\_\_\_\_

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

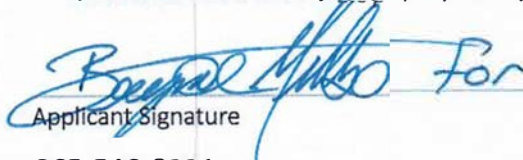
### ADDITIONAL REQUIREMENTS

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

| Fee 1 |            | Total      |
|-------|------------|------------|
| 0804  | \$1,577.00 |            |
| Fee 2 |            | \$1,577.00 |
| 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

Kenneth M Gilreath

11-27-23

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

  
 Property Owner Signature

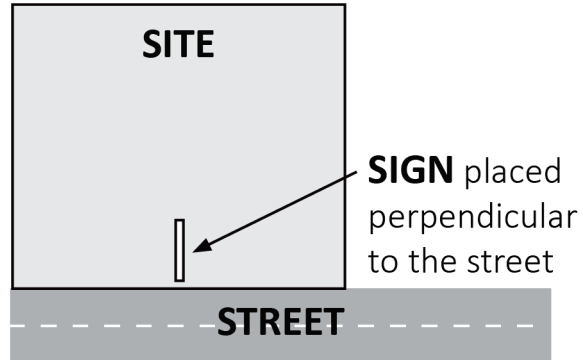
Kenneth M Gilreath

11/30/2023, SG

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:*

\_\_\_\_\_ 12/29/2023 \_\_\_\_\_ and \_\_\_\_\_ 01/12/2024 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Kenneth M Gilreath

Date: 11/27/2023

File Number: 1-G-24-RZ

- Sign posted by Staff
- Sign posted by Applicant