

REZONING REPORT

▶ **FILE #:** 10-F-24-RZ

AGENDA ITEM #: 17

AGENDA DATE: 10/3/2024

▶ **APPLICANT:** BHAVINKUMAR PATEL

OWNER(S): Bhavinkumar Patel

TAX ID NUMBER: 62 21101

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 8535 ASHEVILLE HWY

▶ **LOCATION:** North side of Ashville Hwy, east of Cedar Ridge Rd

▶ **APPX. SIZE OF TRACT:** 1.92 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Asheville Highway, a four-lane median divided major arterial street within a right-of-way of 148 ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Lyon Creek

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

▶ **ZONING REQUESTED:** OB (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Single Family Residential

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

HISTORY OF ZONING: A request to rezone from A (Agricultural) to OB (Office, Medical, and Related Services) was denied by the Knox County Commission in 2021 (4-L-21-RZ).

SURROUNDING LAND USE AND ZONING: North: Single family residential - A (Agricultural)

South: Asheville Highway Right-of-Way

East: Agriculture/forestry/vacant land, office - OB (Office, Medical, and Related Services), A (Agricultural)

West: Single family residential, office, agriculture/forestry/vacant land - A (Agricultural), CA (General Business)

NEIGHBORHOOD CONTEXT: The subject property is within an active commercial corridor along Asheville Highway. Small-scale commercial and office uses such as hair salons, a dog grooming salon, and an interior design firm are adjacent to the east and west. North of the subject property is comprised primarily of single-family residential dwellings. Carter Elementary School is .75 miles to the south.

STAFF RECOMMENDATION:

▶ **Approve the OB (Office, Medical, and Related Services) zone because it is consistent with the Knox County Comprehensive Plan and the surrounding development.**

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 ZONES AFFECTED, OR IN THE COUNTY GENERALLY.

1. Since the early 2000s, development in this area along Asheville Highway has mainly consisted of commercial, business, and manufacturing uses. The property adjacent to the west was rezoned from (A) Agricultural to the CA (General Business) zone last month (7-M-24-RZ).
2. In 2021 (4-L-21-RZ), the Knox County Commission denied the rezoning request to the OB (Office, Medical, and Related Services) zone because the East County Sector Plan did not allow consideration of this zone. Planning recommended that the OB zone be added to the MU-SD, ECO-3 (Carter Town Center Mixed Use Special District) and drafted a plan amendment to that effect, but the plan amendment was denied by Knox County Commission (5-D-21-SP). However, the OB zone can now be considered in this area due to the adoption of the Knox County Comprehensive Plan that designated this property as the CMU (Corridor Mixed Use) place type, which does allow consideration of the OB zone.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSES OF THE APPLICABLE ZONING ORDINANCE.

1. The OB (Office, Medical, and Related Services) zone is intended to provide centralized, compact locations for business offices, clinics, and medical and dental offices near residential neighborhoods. The subject property is between a small-scale office and commercial development abutting a residential area.
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 AN AMENDMENT.

1. The OB zone allows uses that are compatible with those in the existing area and is not expected to cause adverse impacts on surrounding properties.
2. The rezoning would extend the OB zone, which serves as a transition zone between residential areas and higher-intensity uses.

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 CMU place type allows consideration of the OB zone as it is directly related to the CMU place type. The land use mix in this place type includes commercial and office as primary uses, with multi-family and attached residential dwellings, and civic uses as secondary. The land use mix in the CMU place type aligns with the uses allowed in the OB zone, which include primarily office and civic uses and multi-family dwellings.
2. The rezoning complies with the Comprehensive Plan's Implementation Policy 3, to encourage the infill and redevelopment of underutilized commercial land, and Implementation Policy 17, to support opportunities for innovation and growth in our local economy. The subject property is in an urbanized area with ample utility and facility infrastructure to support a rezoning of this site.
3. The East Knox County Community Plan identified this section of Asheville Highway as an area appropriate for more development, as it is an existing commercial corridor on a major arterial street. Major arterial streets are intended to provide intercommunity connections and move higher traffic volumes to and from activity centers.
4. The subject property is within the Planned Growth Area of the Growth Policy Plan, which encourages a reasonably compact development pattern and promotes the expansion of the Knox County economy. The allowable uses and lot sizes in the OB zone align with the intent of the Planned Growth Area.

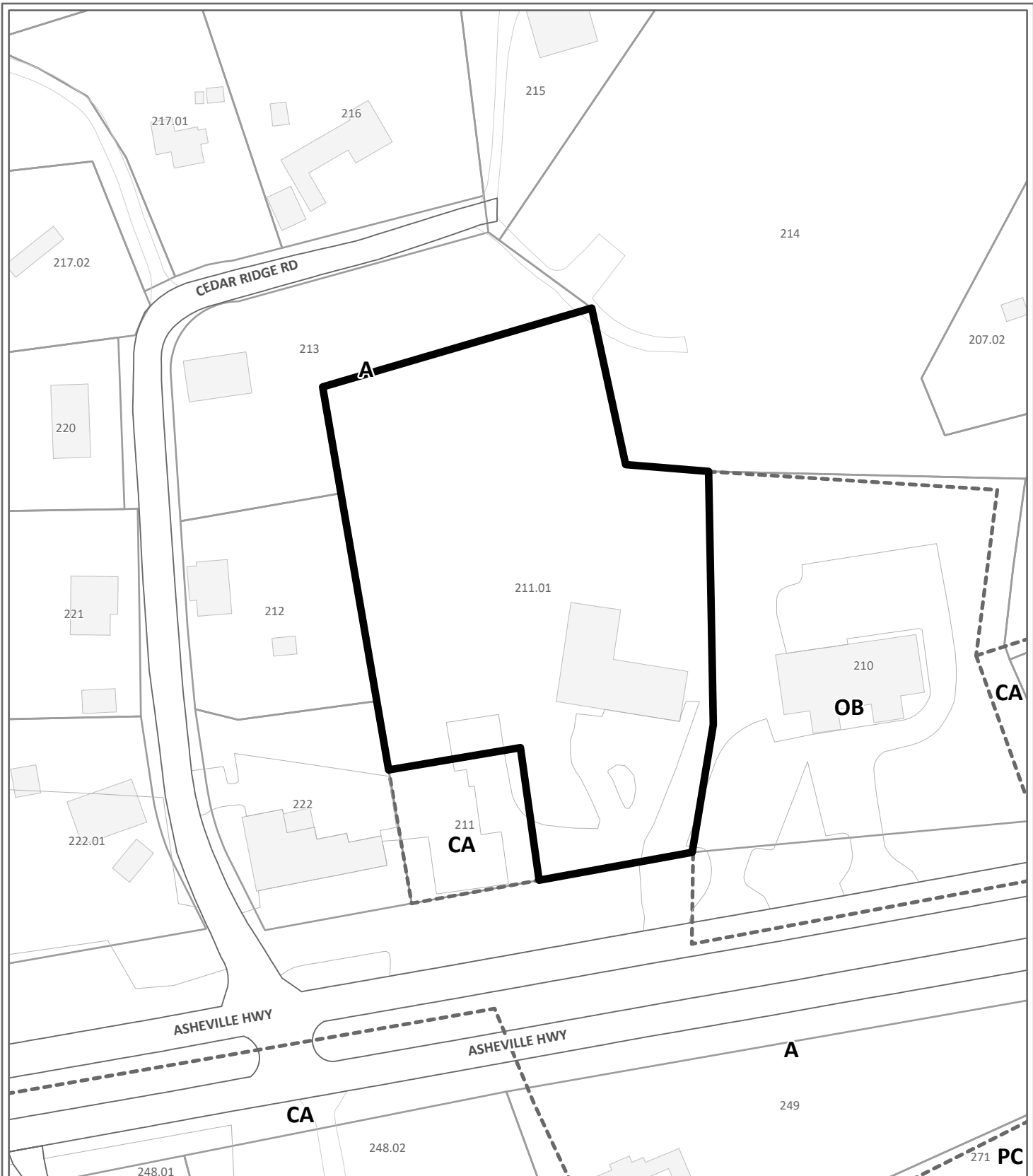
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Carter 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 11/12/2024. 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

10-F-24-RZ

Petitioner: Bhavinkumar Patel

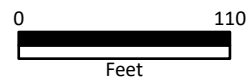


From: A (Agricultural)

To: OB (Office, Medical, and Related Services)

Map No: 62

Jurisdiction: County

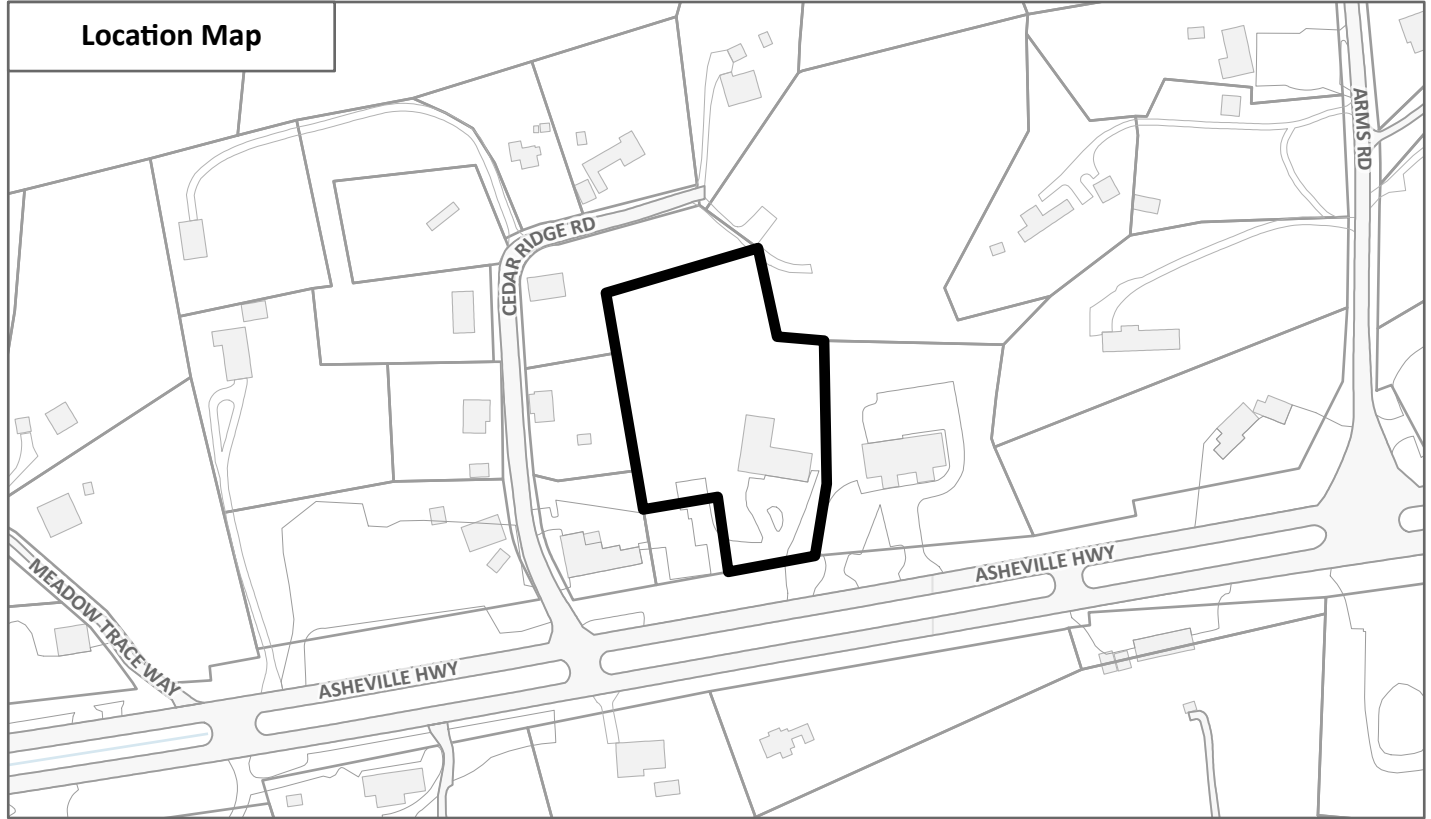


Original Print Date: 8/26/2024

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

Exhibit A. Contextual Images

Location Map



Aerial Map

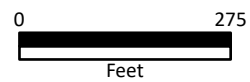


CONTEXTUAL MAPS 1

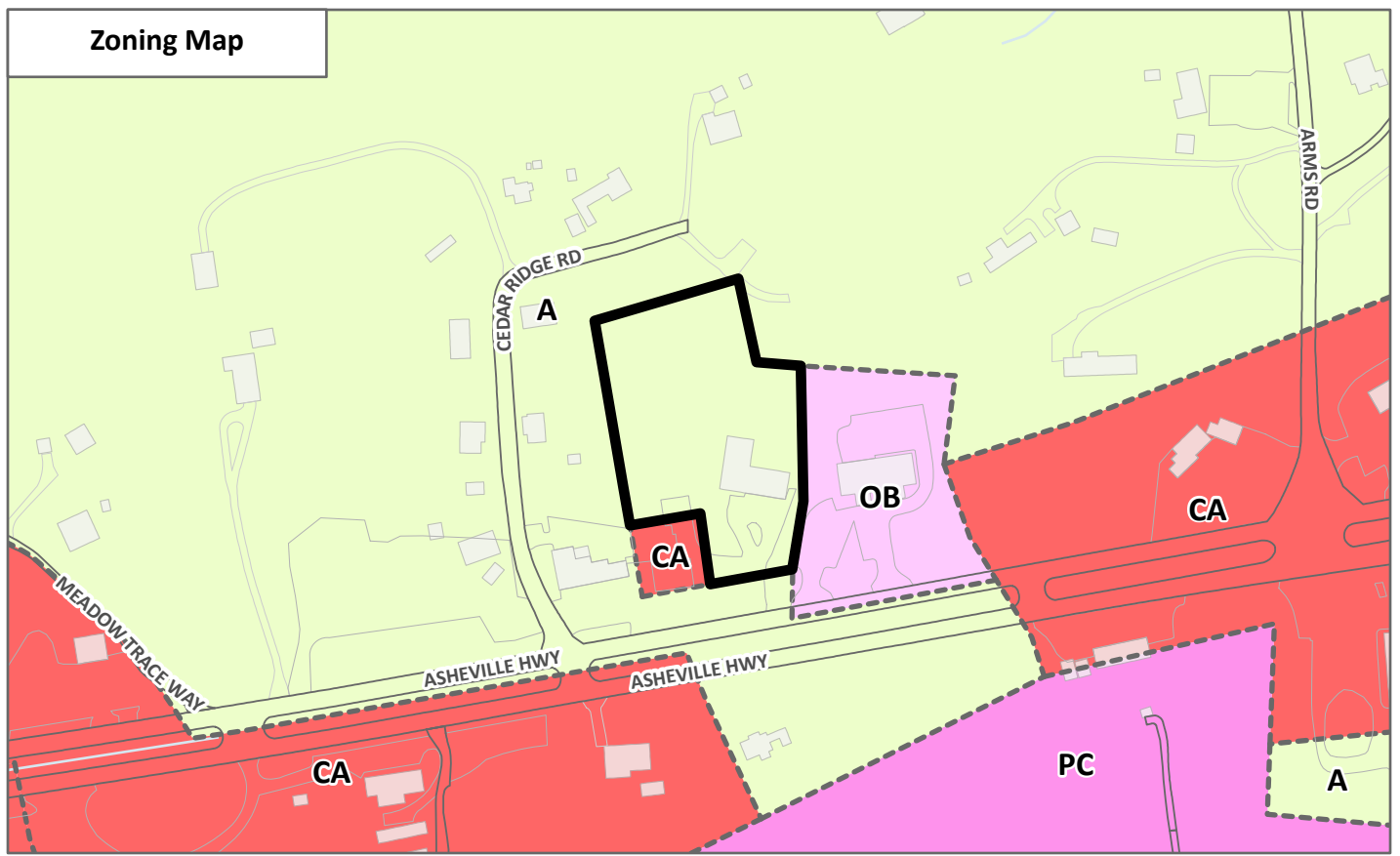
10-F-24-RZ



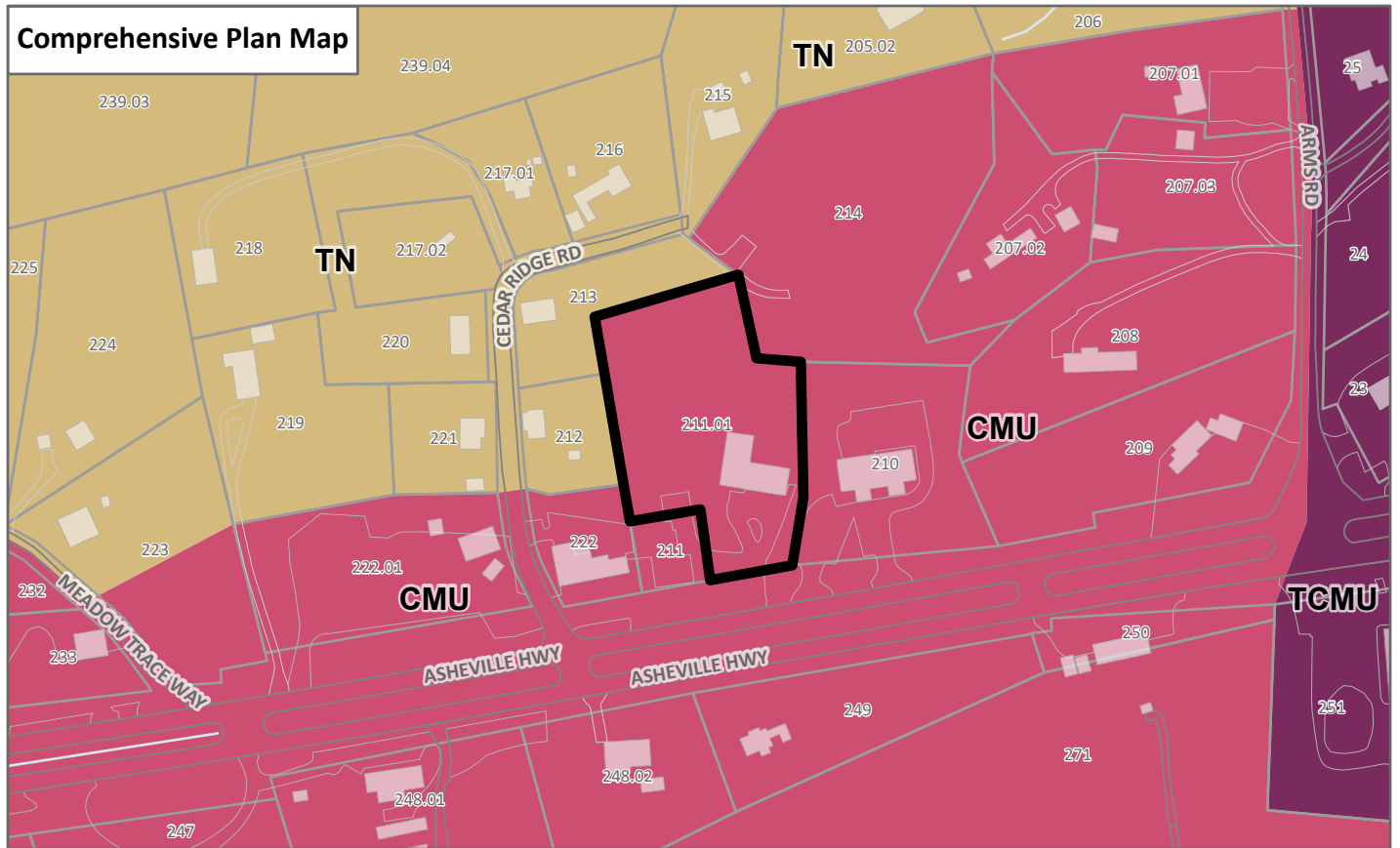
Case boundary



Zoning Map



Comprehensive Plan Map

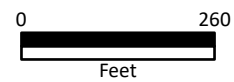


CONTEXTUAL MAPS 2

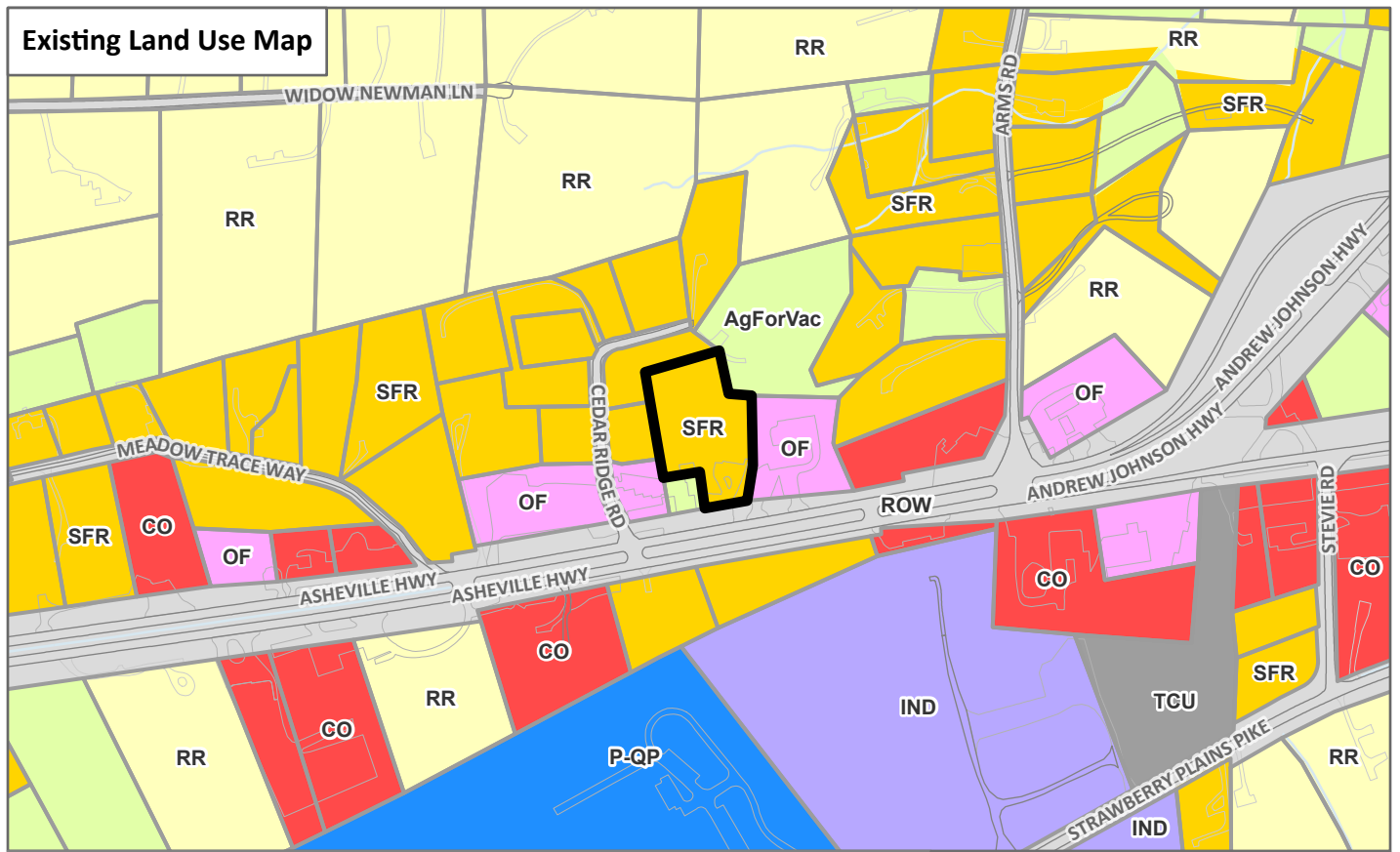
10-F-24-RZ



Case boundary



Existing Land Use Map

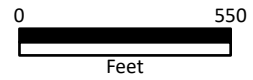


CONTEXTUAL MAPS 3

10-F-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

Bhavinkumar Patel

Applicant Name

Affiliation

8/15/2024

Date Filed

10/3/2024

Meeting Date (if applicable)

10-F-24-RZ

File Number(s)

CORRESPONDENCE

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

Bhavinkumar Patel

Name / Company

5481 Garden Cress Trl Knoxville TN 37914

Address

423-774-7114 / bhavin8184@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Bhavinkumar Patel

Owner Name (if different)

5481 Garden Cress Trl Knoxville TN 37914

Owner Address

423-774-7114 / bhavin8184@g

Owner Phone / Email

8535 ASHEVILLE HWY

Property Address

62 21101

Parcel ID

Part of Parcel (Y/N)?

1.92 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

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 _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change	OB (Office, Medical, and Related Services) Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Rezoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request <input type="checkbox"/> Amendment Request (Comprehensive Plan)	\$1,000.00	
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)	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	Bhavinkumar Patel Please Print	8/15/2024 Date
Phone / Email		
Property Owner Signature	Bhavinkumar Patel Please Print	8/15/2024 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
 - PA
- Rezoning

Bhavinkumar Patel
Applicant Name

08/15/24
Date Filed

10-3-2024
Meeting Date (if applicable)

10-F-24-RZ
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

Bhavinkumar Patel
Name

5481 Garden Cross trail Knoxville TN 37914
Address City State ZIP

423-774-7114 Bhavins184@gmail.com 797kenny@gmail.com
Phone Email

CURRENT PROPERTY INFO

Bhavinkumar Patel 8535 Asheville hwy 423-774-7112
Property Owner Name (if different) Property Owner Address Property Owner Phone

8535 Asheville hwy 06221101
Property Address Parcel ID

KUB KUB
Sewer Provider Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

Sign and return the **Public Notice & Community Engagement** form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). We require applicants to acknowledge their role in this process.

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Related Rezoning File Number

Combine Parcels
 Divide Parcel
 Unit / Phase Number _____

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change OB Zoning
 Proposed Zoning _____

Pending Plat File Number

Plan Amendment Change
 Proposed Plan Designation(s) _____

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
 Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
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

B.N. Patel
Applicant Signature

Bhavinkumar Patel
Please Print

08/15/24
Date

423-774-7112
Phone Number

Bhavink8184@gmail.com
Email

B.N. Patel
Property Owner Signature

Please Print

08/15/24
Date Paid



Public Notice and Community Engagement

Sign Posting and Removal

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.

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.

Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

Acknowledgement

By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

09/26/24

Date to be Posted

10/04/24

Date to be Removed

Have you engaged the surrounding property owners to discuss your request?

Yes No

No, but I plan to prior to the Planning Commission meeting

B.N. Patel

Applicant Signature

Bhavin Kumar Patel

Applicant Name

08/15/24

Date

FILE NUMBER