

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
REPORT OF RECOMMENDATION**

APPEAL OF PLANNING COMMISSION DECISION

4/15/2024 01:51 PM

FILE NUMBER: 4-K-24-RZ

JOHN W. GARGIS

APPELLANT: John W. Gargis, Applicant

DECISION APPEALED: REZONING

FROM: A (Agricultural)

TO: CA (General Business)

COMM. RECOMMENDATION: **Deny the CA (General Business) zone because it is not compatible with surrounding development and would encroach into a residential area.**

COMMISSION VOTE COUNT: 13-0

LOCATION: 7218 LARKSPUR LN / Parcel ID 67 096 01

ACREAGE: 3.03 acres

DISTRICT: Commission District 7

COMMISSION HEARING ON: 4/11/2024

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 3/10/2024

LEGISLATIVE HEARING ON: 5/20/2024

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 4/17/2024

APPELLANT'S ADDRESS: John W. Gargis
10611 Sandpiper Ln
Knoxville, TN 37922

APPLICANT'S ADDRESS: John W. Gargis
10611 Sandpiper Ln
Knoxville, TN 37922

LEGISLATIVE BODY: Knox County Commission

Consistent with Sector Plan? Yes

Consistent with Growth Plan? Yes

TTCDA Approval? N/A



APPEAL OF DECISION

(Please Note: Original application and staff report are made a part of this application.)

Type: One Year Plan Amendment Sector Plan Amendment Rezoning Variance
 Street Name Change Right-of-Way Closure
 Certificate of Appropriateness Other: _____

Decision by: Planning Staff Planning Commission Other: _____ Date of Decision: _____
Jurisdiction: City _____ Council District County 7 Commission District

Original Applicant Name: JOHN W GARGIS Original File Number: 4-K-24-RZ
Name of Owner of Subject Property: JUANITA KAYE GARGIS
Description of Subject Property (Include city block and parcel number or lot number): 67-096-01

Zoning map of all property within 300 feet of the subject property is attached.

DECISION BEING APPEALED

Weather delayed me from being on time. I did not get to speak why I wanted CA zoning

REASON FOR THE APPEAL

Attach additional pages, if necessary. Above

PETITIONER INFORMATION

Name of Petitioner: John W GARGIS
Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): _____

Application Authorization: I hereby certify that I am the applicant/authorized representative for the above named petitioner.

Signature: John W Gargis

All correspondence should be sent to: Name (Print): JOHN W. GARGIS

10611 SANDPIPER LANE KNOXVILLE TN 37922
Street Address City State Zip

Phone: 865-548-1300 Fax: _____ E-mail: jw^{gargis}@gmail.com

For Planning Staff Use Only

Application Accepted by Planning Staff Member: Shelley Gray
Appeal Fee Amount: \$500.00 Date Appeal Received: 04/11/2024

BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

<input type="checkbox"/> City Council - 6 p.m.	<input checked="" type="checkbox"/> County Commission - 7 p.m.	<input type="checkbox"/> City BZA - 4 p.m.	<input type="checkbox"/> Planning Commission - 1:30 p.m.
_____	<u>05/20/2024</u>	_____	_____
Month • Date • Year	Month • Date • Year	Month • Date • Year	Month • Date • Year

REZONING REPORT

▶ **FILE #:** 4-K-24-RZ

AGENDA ITEM #: 14

AGENDA DATE: 4/11/2024

▶ **APPLICANT:** JOHN W. GARGIS

OWNER(S): Juanita Kaye Gargis

TAX ID NUMBER: 67 096 01

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 7218 LARKSPUR LN

▶ **LOCATION:** Southeast side of Powell Drive, northwest of Clinton Hwy

▶ **APPX. SIZE OF TRACT:** 3.03 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Larkspur Ln, a local street with 13 ft of pavement width within 94 ft of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

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

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

▶ **EXISTING LAND USE:** Rural Residential

▶ EXTENSION OF ZONE: No, this is not an extension of the zone.

HISTORY OF ZONING: None noted.

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

South: Commercial, single family residential - A (Agricultural), CA (General Business)

East: Multifamily - RB (General Residential)

West: Agriculture/forestry/vacant land - A (Agricultural)

NEIGHBORHOOD CONTEXT: This property has frontage on Powell Dr just off of Clinton Hwy, a major commercial corridor. Beaver Creek is to the north of Powell Dr, which remains mostly undeveloped because of the floodway. The southside of Powell Dr is a mix of uses, including a mobile home park to the east, single family subdivisions and office, industrial and commercial uses.

STAFF RECOMMENDATION:

▶ **Deny the CA (General Business) zone because it is not compatible with surrounding development and would encroach into a residential area.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, ARTICLE 6.1.3: 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. Powell Dr, a 5 lane road with a turn lane and sidewalks, was constructed in 2016. The street was constructed to relieve traffic from W Emory Rd through downtown Powell near Brickyard Rd. Clinton Hwy, on the west end of Powell Dr, is an auto-oriented commercial corridor and the Emory-Interstate 75 interchange is to the east.
2. In 2012, the CA zone was approved down the street for a Food City grocery store. Food City has access to both Clinton Hwy and Powell Dr. The CA zone was recommended for approval because it was an extension of the zone and is compatible with the scale and intensity of the development at the Clinton Hwy intersection with Powell Dr. However, that parcel had frontage on Clinton Highway. Other rezonings along Powell Dr have been to lower intensity uses including residential and office. The PC zone was approved at the other end of Powell Dr because it was on a larger property in a mostly undeveloped area and would require plan approval from the Planning Commission.

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

1. The CA zone is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed. This location is not appropriate for general commercial retail uses with single family residential adjacent to the south and the trailer park to the east. A medium to low-intensity zoning district would be preferred at this location.
2. 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. Some of the uses allowed in the CA zone would not be compatible next to the abutting residential uses to the south and east.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The subject property has frontage on Powell Dr, a major arterial, but currently only has access on Larkspur Ln, a local road off Clinton Hwy. TDOT has stated that the Traffic Office has previously reviewed this location for other developments but has not approved any requests for an entrance at this location to date due to the sight distance on the west-bound approach to the area. If TDOT was to grant access to Powell Dr from this location, the access would have to be right in-right out with a concrete island and have a channelized median with delineators to prevent left turns.
2. Powell Dr is a Tennessee Scenic Highway that follows Beaver Creek. Building heights along the roadway must be under 35 feet, and size of signs on buildings are limited. Planned Commercial would be more appropriate along the scenic highway because of the requirement for development plan approval, but the size and shape make the PC zone difficult on this lot since it has a 50 ft peripheral boundary requirement.
3. Planning does believe it would be appropriate to extend the CA zone at this location because of the encroachment it would cause into this immediate area, which has single family residential properties to the south and a mobile home park to the east on Larkspur Ln.
4. The sector plan shows Stream Protection on this property. The FEMA map is from 2007 flood study and is the effective map as shown on KGIS. The FEMA map was not updated with the Powell Drive alignment.

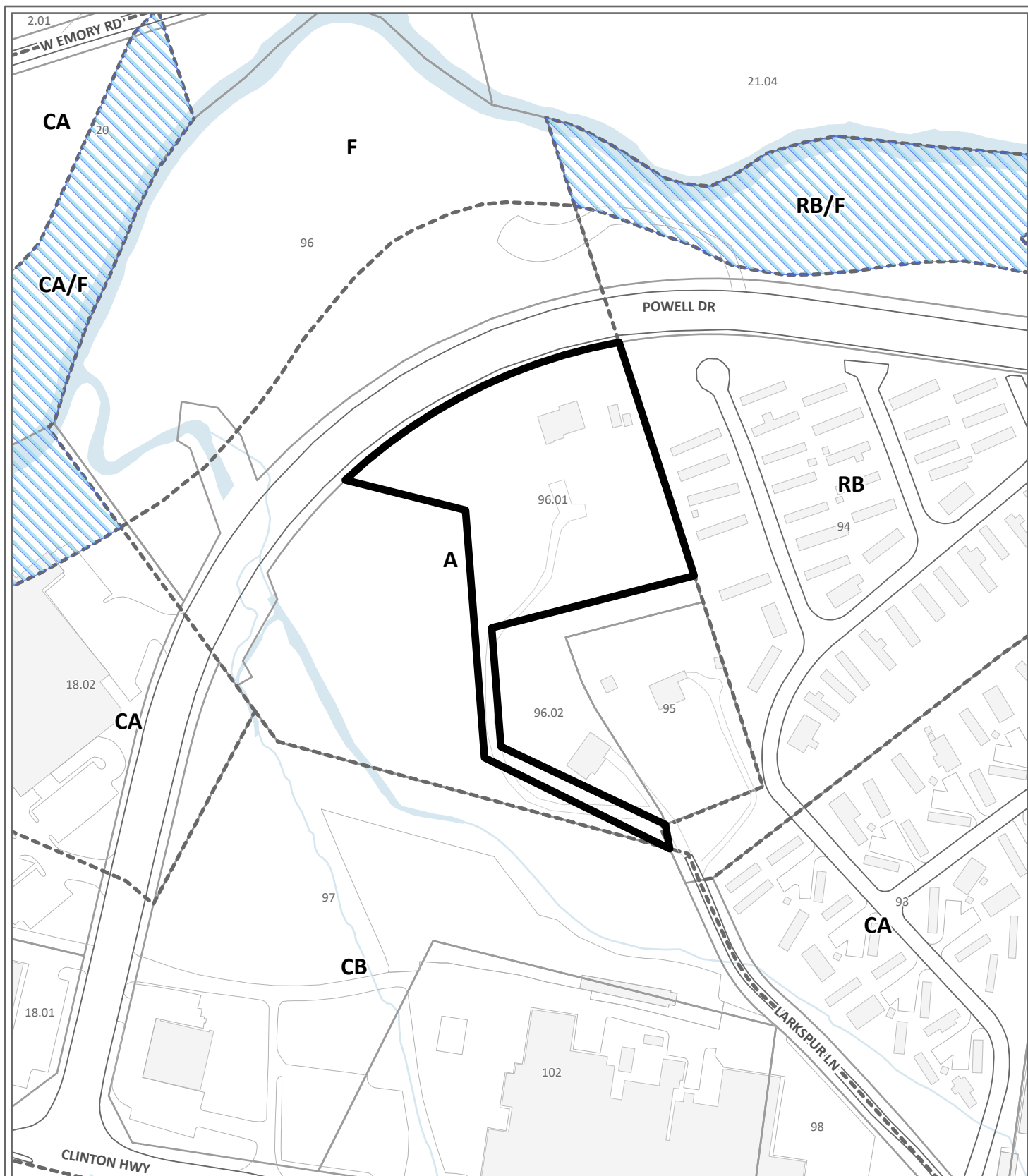
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed CA zone can be considered in the North County Sector Plan's MU-SD NCO-1 Clinton Highway/Powell Drive Mixed Use District land use classification. However, the CA zone does not meet the intent of the land use class, which recognizes that commercial and light industrial uses are not compatible. Rather than creating another commercial corridor, a new district is proposed whereby a mix of uses can be fostered.
2. The CA zone is not consistent with the General Plan's Policy 8.4, which calls to protect residential areas from encroaching commercial development and other incompatible uses. The CA zone could allow commercial development that is not aligned with the General Plan's Policy 11.5 which calls to avoid abrupt incompatible changes in scale from one development to another.
3. The property is within the Planned Growth Boundary. The purposes of the Planned Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 5/20/2024. 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

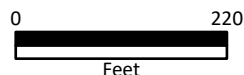
4-K-24-RZ

Petitioner: John W. Gargis



From: A (Agricultural)
To: CA (General Business)

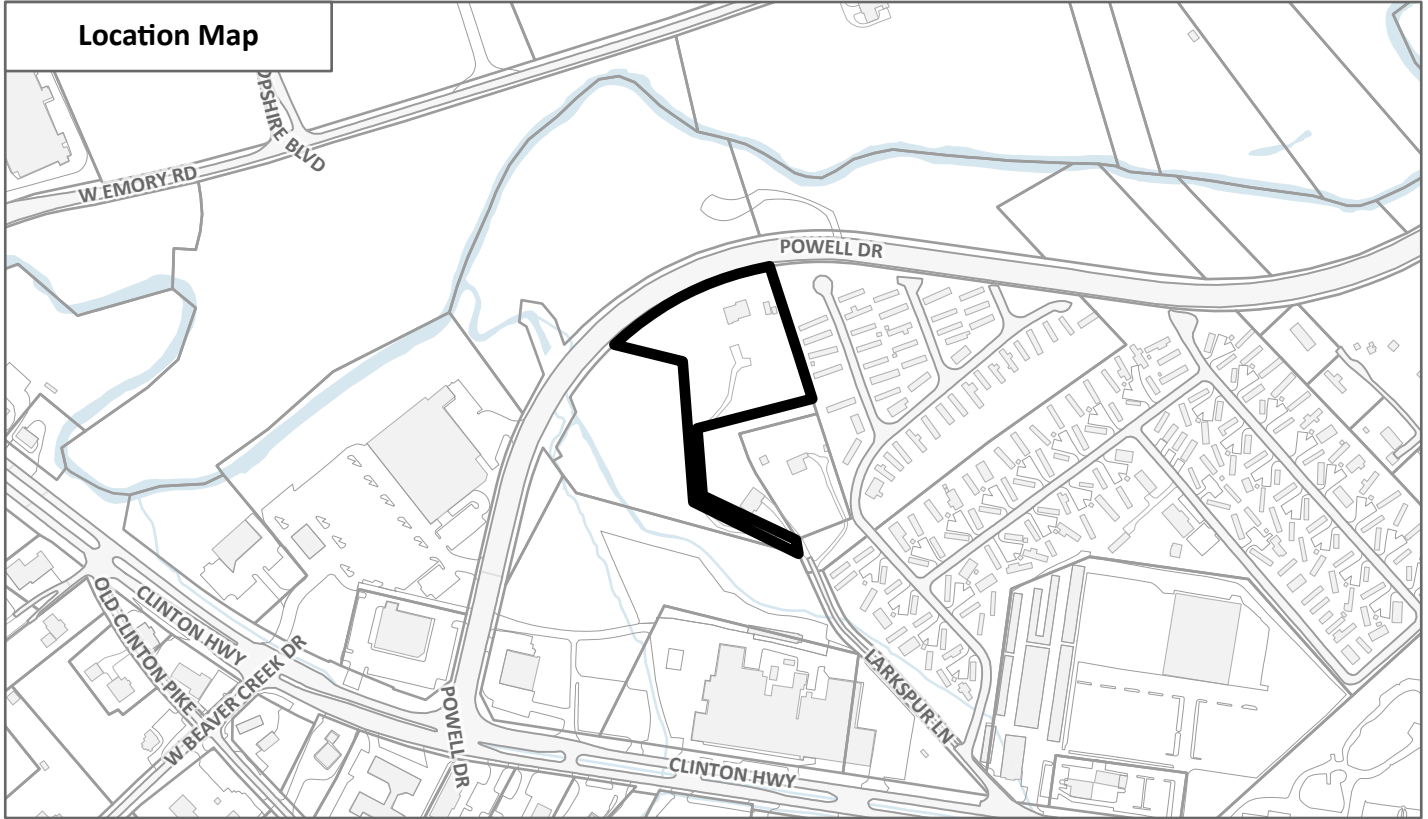
Map No: 67
Jurisdiction: County



Original Print Date: 3/6/2024
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Exhibit A. Contextual Images

Location Map



Aerial Map

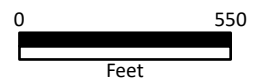


CONTEXTUAL MAPS 1

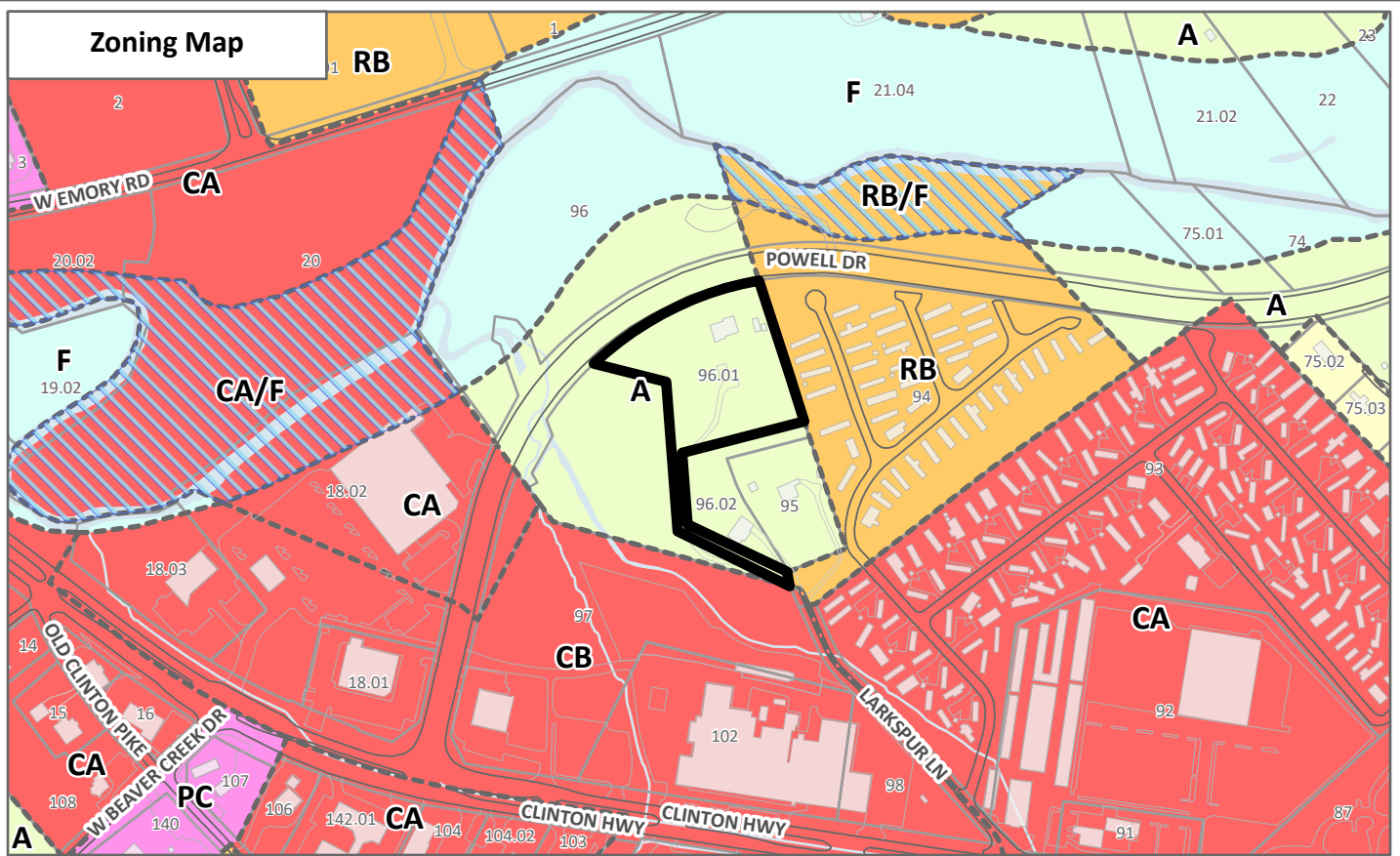
4-K-24-RZ



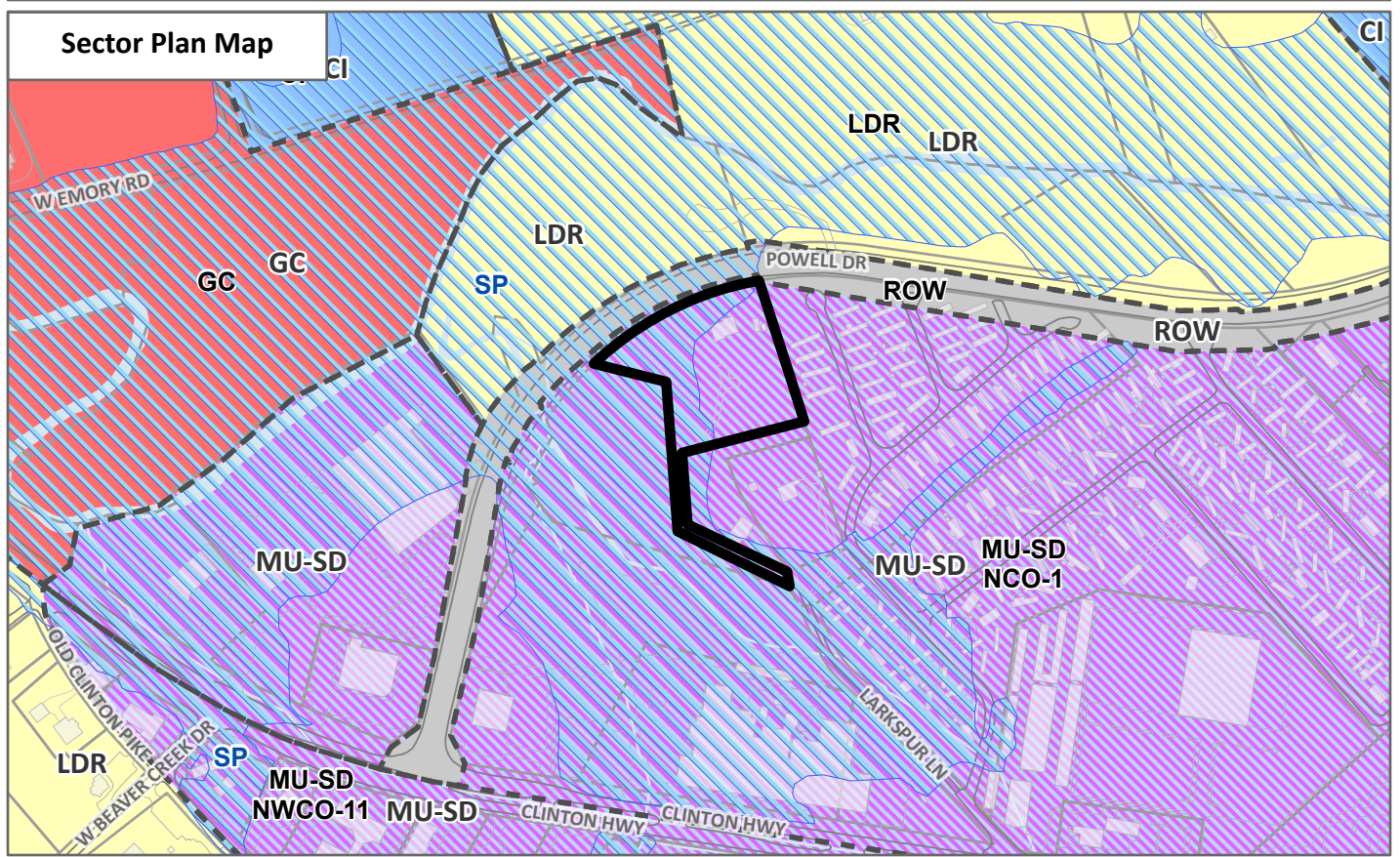
Case boundary



Zoning Map



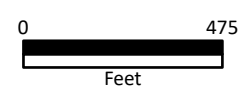
Sector Plan Map



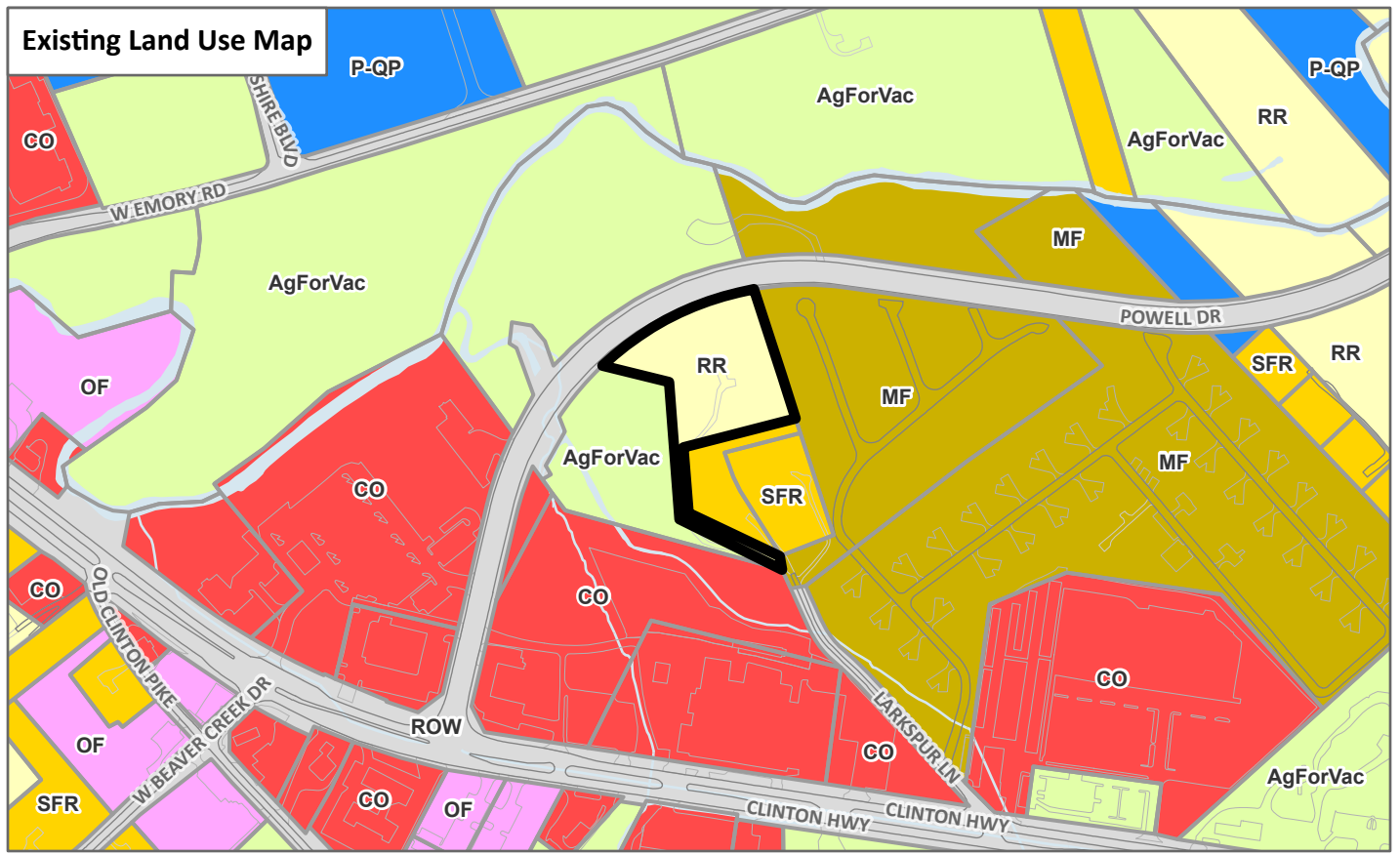
CONTEXTUAL MAPS 2

4-K-24-RZ

 Case boundary



Existing Land Use Map

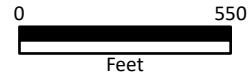


CONTEXTUAL MAPS 3

4-K-24-RZ



Case boundary



The Planning Commission met in regular session on April 11, 2024, at 1:30 p.m. in the Main Assembly room of the City County Building.

Item No.

File No.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Karyn Adams	Ms. Nancy Barger	Mr. Miles Biggs
A Ms. Tamara Boyer	Mr. Louis Browning**	Mr. Logan Higgins**
Mr. Tim Hill, Chair	Mr. John Huber	Mr. Richard Levenson
Ms. Amy Midis	Mr. Chris Ooten, Vice Chair**	Ms. Katie Overton
Ms. Marité Pérez	Mr. Nathaniel Shelso	A Mr. Eddie Smith

A – Absent from the meeting, ** Left early in the meeting

14. JOHN W. GARGIS

4-K-24-RZ

7218 Larkspur Lane / Parcel ID 067 096 01, Commission District 7.
 Rezoning from A (Agricultural) to CA (General Business).

1. STAFF RECOMMENDATION

Deny the CA (General Business) zone because it is not compatible with surrounding development and would encroach into a residential area.

2. MOTION (OOTEN) AND SECOND (MIDIS) WERE MADE TO DENY PER STAFF RECOMMENDATION.

MOTION CARRIED UNANIMOUSLY 13-0. DENIED



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

John W. Gargis

Applicant Name

Affiliation

2/22/2024

Date Filed

4/11/2024

Meeting Date (if applicable)

4-K-24-RZ

File Number(s)

CORRESPONDENCE

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

John W. Gargis

Name / Company

10611 Sandpiper Ln Knoxville TN 37922

Address

865-548-1300 / jwgargis@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Juanita Kaye Gargis

Owner Name (if different)

10611 Sandpiper Ln Knoxville TN 37922

Owner Address

865-548-1154

Owner Phone / Email

7218 LARKSPUR LN

Property Address

67 096 01

Parcel ID

3.03 acres

Tract Size

Part of Parcel (Y/N)?

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

Southeast side of Powell Drive, Northwest of Clinton Hwy

General Location

City

Commission District 7

A (Agricultural)

Rural Residential

County District

Zoning District

Existing Land Use

North County

Planning Sector

MU-SD (Mixed Use Special District), SP (Stream Protectio

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 _____	
<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
\$650.00	
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: John W. Gargis Please Print 2/22/2024 Date

Phone / Email _____
Property Owner Signature: Juanita Kaye Gargis Please Print 2/22/2024 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

John W. Gargis

owner spouse

Applicant Name

Affiliation

02/20/2024

04/11/2024

File Number(s)

Date Filed

Meeting Date (if applicable)

4-K-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

John W. Gargis

Name

Company

10611 Sandpiper Lane

Knoxville

TN

37922

Address

City

State

ZIP

865-548-1300

jwgargis@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Juanita Kaye Gargis

10611 Sandpiper Lane Knoxville TN 37922 865-548-1154

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

7218 Larkspur Lane Powell TN 37949

067-09601

Property Address

Parcel ID

Hallsdale-Powell

Hallsdale-Powell

N

Sewer Provider

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

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

Related Rezoning File Number

Proposed Subdivision Name _____

- Unit / Phase Number Combine Parcels Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

- Zoning Change **CA**
Proposed Zoning _____

- 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

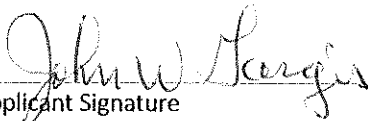
ADDITIONAL REQUIREMENTS

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

Fee 1		Total
0801	\$650.00	
Fee 2		\$650.00
Fee 3		

DECLARATION

- 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

John W. Gargis

Please Print

02/20/2024

Date

865-548-1300

jwgargis@gmail.com

Phone Number

Email


Property Owner Signature

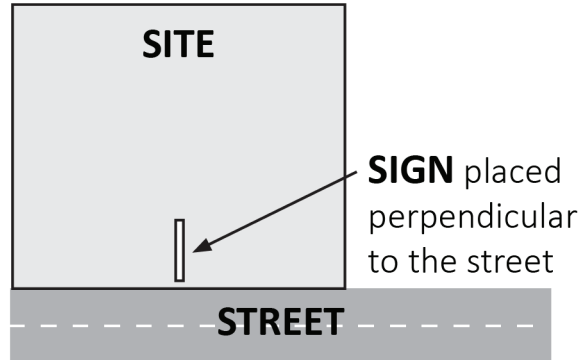
Juanita K. Gargis

Please Print

02/22/2024, SG

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:

_____ 03/29/2024 _____ and _____ 04/12/2024 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: John W. Gargis

Date: 02/22/2024

File Number: 4-K-24-RZ

- Sign posted by Staff
- Sign posted by Applicant

THANK YOU for your submission!

Your notice has been submitted for publication. Below is a confirmation of your order. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
LOKR0088254
Order Status:
Submitted
Classification:
Public Notices
Package:
General Package
Total payment:
92.76
Payment Type:
Account Billed
User ID:
L0013876
External User ID:
676064

PREVIEW FOR AD NUMBER LOKR00882540

PUBLIC NOTICE

The following item will be considered by the Knox County Board of Commissioners on Monday, May 20, 2024, at 7:00 p.m. in the Main Assembly Room, City County Bldg, 400 Main St., Knoxville, TN. Data pertinent to this item may be seen in the Knoxville-Knox County Planning office, Fourth Fl. of the City County Bldg., 400 Main St., Knoxville, TN, and on the Knoxville-Knox County Planning website at www.knoxplanning.org. Knox County does not discriminate on the basis of disability in its provision of services, programs, activities or benefits. If you need assistance or accommodation for a disability, please contact the ADA office at 215-2952.

Appeal of Decision

Appeal by John W. Gargis of the Knoxville-Knox County Planning Commission's denial of a request for rezoning from A (Agricultural) to CA (General Business) for property located at 7218 Larkspur Lane / Parcel ID 67 096 01, Commission District 7. Planning Commission File No. 4-K-24-RZ.
Publication Dates
L00000000

ACCOUNT INFORMATION

Knoxville-Knox County Planning
400 W Main ST # 403 DALLAS DEARMOND
Knoxville, TN 37902-2427
865-215-3810
dallas.dearmond@knoxplanning.org
Knoxville-Knox County Planning
Contract ID:

[<< Click here to print a printer friendly version >>](#)

TRANSACTION REPORT

Date
April 15, 2024 1:17:47 PM EDT
Amount:
92.76

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LOKR00882540

April 17, 2024
Knoxville News Sentinel

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