

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

APPEAL OF PLANNING COMMISSION DECISION

6/20/2019 12:07 PM

FILE NUMBER: 6-I-19-RZ

ROBBIE TOOLE

APPELLANT: Robbie Toole

DECISION APPEALED: REZONING

FROM: A (Agricultural)

TO: CR (Rural Commercial)

COMM. RECOMMENDATION: **DENY the CR (Rural Commercial) zoning consistent with the denial recommendation of the associated sector plan amendment.**

COMMISSION VOTE COUNT: 12-0

LOCATION: 0 E. Governor John Sevier Hwy. / Parcel ID 111 036.05 (part of)

ACREAGE: 9 acres

DISTRICT: Commission District 9

COMMISSION HEARING ON: 6/13/2019

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 5/11/2019

LEGISLATIVE HEARING ON: 7/22/2019

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 6/20/2019

APPELLANT'S ADDRESS: Robbie Toole
2305 Asbury Road
Knoxville, TN 37914

APPLICANT'S ADDRESS: Robbie Toole
2305 Asbury Road
Knoxville, TN 37914

LEGISLATIVE BODY: Knox County Commission

MPC

METROPOLITAN
PLANNING
COMMISSION

T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
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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
 Use on Review Street Name Change Right-of-Way Closure
 Certificate of Appropriateness Other: _____

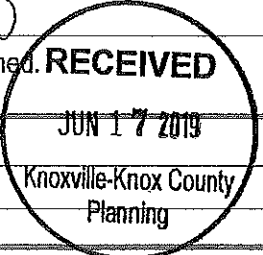
Decision by: MPC BZA Other: _____ Date of Decision: 6/13/19
Jurisdiction: City _____ Councilmanic District County _____ Commission District

Original Applicant Name: Robbie Toole Original File Number: 6-1-19-22

Name of Owner of Subject Property: Robbie Toole ~~6-1-19-22~~

Description of Subject Property (Include city block and parcel number or lot number): West side of E. Gov John Sevier Hwy. NW of French Rd. Parcel ID 111 036 03 (Partial parcel, eavards)

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



DECISION BEING APPEALED

Denial of rezoning and sector plan amendment

REASON FOR THE APPEAL

Attach additional pages, if necessary. Property cannot be used by owner for LDR because of flood zone and some dynamic activity directly across the river. Please see original application documents for proposed use, which is in keeping with the spirit of scenic designation initiatives.

PETITIONER INFORMATION

Name of Petitioner: Robbie Toole

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner):
Would like to build on property - see original documents

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

Signature: [Signature]

All correspondence should be sent to: Name (Print): Robbie Toole
2305 Ashbury Road Knoxville TN 37914
Street Address City State Zip

Phone: (605) 609-9176 Fax: _____ E-mail: _____

For MPC Staff Use Only

Application Accepted by MPC Staff Member: M. Payne
Appeal Fee Amount: 550.00 Date Appeal Received: 6/17/19

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"/> MPC - 1:30 p.m.
_____	<u>7/22/2019</u>	_____	_____
Month • Date • Year	Month • Date • Year	Month • Date • Year	Month • Date • Year

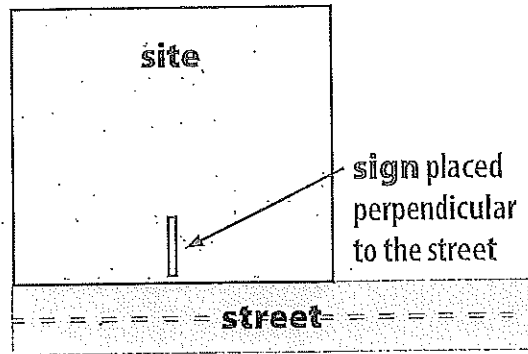
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

7/6/19 and 7/23/19
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: *Janna Toole*

Printed Name: Janna Toole

Phone: (605) 919-4225 Email:

Date: 6/17/19

File Number: 6-I-19-RZ / ~~6-B-19-SP~~



PLAN AMENDMENT/ REZONING REPORT

▶ FILE #: 6-I-19-RZ AGENDA ITEM #: 29
6-B-19-SP AGENDA DATE: 6/13/2019

▶ APPLICANT: ROBBIE TOOLE
OWNER(S): Robbie Toole

TAX ID NUMBER: 111 03605 (PART OF) [View map on KGIS](#)
 JURISDICTION: Commission District 9
 STREET ADDRESS: 0 E Governor John Sevier Hwy
 ▶ LOCATION: West side of East Governor John Sevier Highway, northwest of French Road and southwest of Old French Road.
 ▶ TRACT INFORMATION: 9 acres.
 SECTOR PLAN: South County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: East Governor John Sevier Highway is a major arterial with a pavement width of 43' feet and a right-of-way width of 120' feet.
 UTILITIES: Water Source: Knox-Chapman Utility District
Sewer Source: Knox-Chapman Utility District
 WATERSHED: French Broad

▶ PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)
 ▶ PROPOSED PLAN DESIGNATION/ZONING: RC (Rural Commercial) / CR (Rural Commercial)
 ▶ EXISTING LAND USE: Agricultural/Forestry/Vacant
 ▶ PROPOSED USE: Rural Commercial
 EXTENSION OF PLAN DESIGNATION/ZONING: No RC/CR in area.
 HISTORY OF ZONING REQUESTS: None noted
 SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Public/Quasi-Public Land (Church) - CI (Civic Institutional)
 South: Agricultural/Forestry/Vacant - LDR (Low Density Residential)
 East: Agricultural/Forestry/Vacant - A (Agricultural)
 West: Agricultural/Forestry/Vacant - LDR (Low Density Residential)
 NEIGHBORHOOD CONTEXT: The surrounding area includes a church, veteran's cemetery, large lot single family residential, and an office for Knox-Chapman Utility District. The northwestern end of the parcel borders the French Broad River. Otherwise, the area consists of large lot single family detached homes.

STAFF RECOMMENDATION:

► **DENY RC (Rural Commercial) sector plan amendment.**

Staff recommends denial of the plan amendment to RC (Rural Commercial) because of the potential impact to neighboring properties of a lesser intense use, including large lot single family and rural residential and the nearby Veteran's Cemetery and adjacent Church. The location is also not at the intersection of two thoroughfares (arterial and/or collector streets), a location criteria for component for Rural Commercial.

► **DENY the CR (Rural Commercial) zoning.**

Staff recommends denial of the requested CR (Rural Commercial) zone district because it is not consistent with the existing sector plan classification of LDR (Low Density Residential) and it is not located near an intersection of an arterial and/or collector street. The requested size of the area to be rezoned is approximately 10 acres exceeding the maximum lot area of 4 acres for the CR (Rural Commercial) zone.

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There are no changes in the surrounding area warranting an amendment to the land use plan (sector plan).

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No new roads or utilities are anticipated for this area.
2. There do not appear to be sewer lines extended to this site yet by the Knox Chapman Utility District, however, the property is within 1000' of their offices where lines exist.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is not an obvious or significant error or omission in the South County Sector Plan for this area.
2. The location criteria for the RC (Rural Commercial) land use classification is not met at this location because it is not located at the intersection of two thoroughfares (arterial and/or collector streets). Old French Road and French Road are classified as local streets.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. There are no new trends in development, population or traffic that warrant reconsideration of the original plan proposal.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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. The property is located in the Planned Growth Area of the Growth Policy Plan, however, the area has not substantially changed and remains rural in character, with possible conflicts of lesser intense neighboring uses, such as rural and single family residential and a nearby veterans cemetery and church.

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

1. The intent of the CR (Rural Commercial) district is to provide opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. This zoning should be placed on properties that are located at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas.

2. The request is not near an intersection of an arterial and/or collector street.

3. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Development performance standards are included to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.

4. Section 5.37.05, of the Knox County Zoning Ordinance States that "The building lot must be a minimum of one (1) acre and a maximum of four (4) acres in size," this request is for an area of 10 acres in size and is inconsistent with the lot area maximum for the CR (Rural Commercial) district.

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

1. CR zoning is not compatible with the existing LDR (Low Density Residential) sector plan designation.

2. The surrounding lesser intense uses may be adversely affected either directly or indirectly by the amendment to Rural Commercial (RC) at this location.

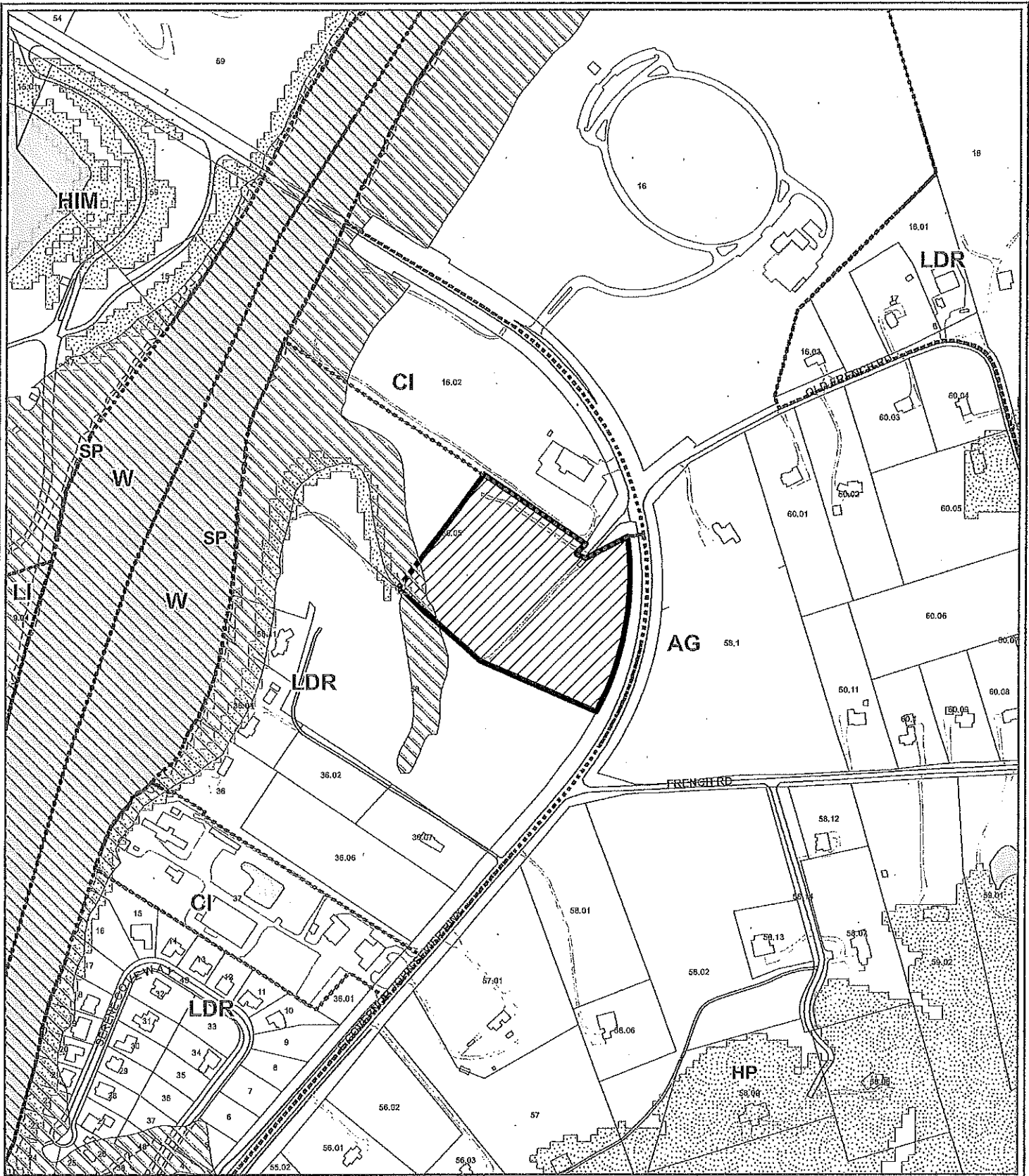
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The recommended amendment is not consistent with the South County Sector Plan land use classification of LDR (Low Density Residential) for this property, so this request in conflict with the existing General Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 7/22/2019. 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.



**6-B-19-SP / 6-I-19-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: RC (Rural Commercial)



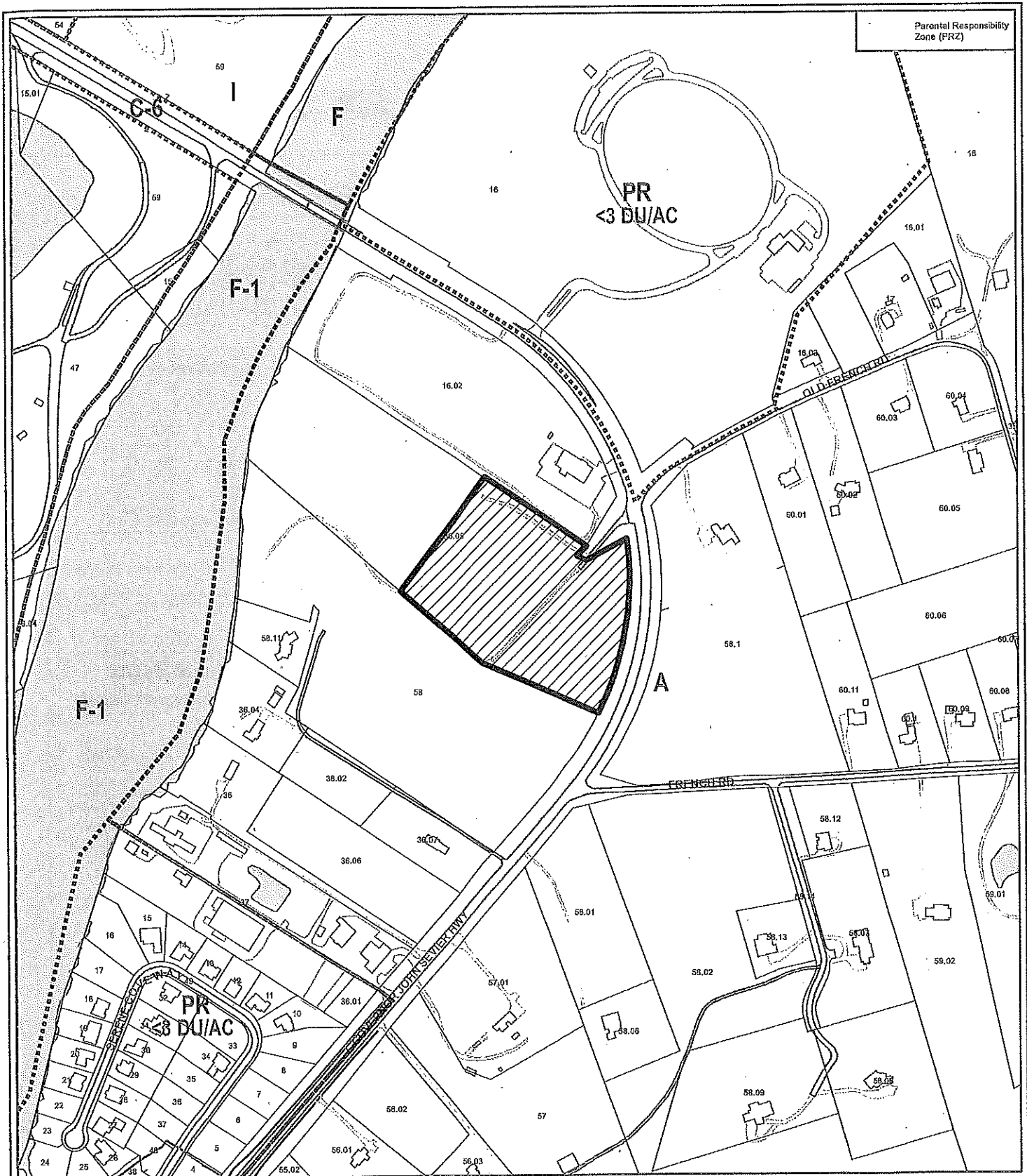
Petitioner: Toole, Robbie

Map No: 111

Jurisdiction: County



Original Print Date: 5/16/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**6-I-19-RZ
REZONING**

From: A (Agricultural)
To: CR (Rural Commercial)



Petitioner: Toole, Robbie

Map No: 111
Jurisdiction: County





6-13-2019
Item 29
6-1-19-RZ
6-15-19-SP