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January 8, 2024

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ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

Knoxville-Knox County Planning

City-County Building
400 Main Street, Suite 403
Knoxville, TN 37902

Re: Agenda Item 25
3816 E. Governor John Sevier Highway, PID No. 083 06002
1-G-24-RZ

Dear Planning Commission:

I represent the applicant Kenneth M. Gilreath for the rezoning application for his property at 3816 E. Governor John Sevier Highway (Tax ID No. 83 060 02) (the "Property"). From my review of the current zoning ordinance, current zoning map, and past staff reports on previous applications for the Property, I would urge you to not follow staff's recommendation in this instance and grant Mr. Gilreath the CA zone on this Property.

In addition to the Property, my client owns the three adjacent parcels to the east along Strawberry Plains Pike (5626 Strawberry Plains Pike, PID 084 114; 0 Strawberry Plains Pike, PID 097 00103, and 5716 Strawberry Plains Pike, PID No. 084 117). These three adjacent parcels are all zoned CA (the current request for the Property). The Sector Plan designation for the Property is consistent with the adjacent CA zoned properties as well as the CA zoned properties to the west and northwest. The CA zoning is consistent with the current CA commercial node at this location. The PC zoning is incongruent with every other adjacent commercially zoned property.

Staff's recommendation to retain the current Planned Commercial zoning is identical to the 2006 staff report when the PC zoning was applied. It is staff's opinion that the PC zoning is more appropriate than CA zoning since it provides an opportunity for Planning Commission staff and public review of the plans and potential impacts to surrounding property and the floodway for Swanpond Creek. However, the applicant submits that the PC zone is not suited for a lot of this size (5.77 acres). Per Section 5.33.04 of the Zoning Ordinance, the PC zone is intended for

larger tracts of property with a “coordinated arrangement of commercial buildings.” As the PC zone explains further, “[i]t is not likely, therefore, that a planned commercial development would contain less than twenty (20) acres.” *Id.* And while property may be approved for the PC zoning of less than 20 acres, it can only be done so if the functional design of a building grouping meets the intent of the regulations. Here, the PC zoning is incongruent to the surrounding CA zoned properties.

The applicant seeks to expand his current automotive business onto the Property; however, preliminary plans drawn up with the PC zone identify several variances that will need to be sought and approved by the Knox County BZA to allow for a reasonable development on the Property because of the constraints of the PC zone’s 50-foot peripheral boundary and the floodway to the South. Variances can be difficult to obtain, even when there are apparent site constraints, so the best option for a reasonable use of the property (consistent with the adjacent uses) would be a rezoning to CA from PC. While staff’s opinion is that nothing has changed in 20 years since the Property was first zoned PC, that’s the reason why the zoning change to CA is necessary: There’s been no development on the Property for the past 18 years, despite changing owners three times¹ since the PC zone was imposed on the property, because of the restrictive PC zoning and the need for variances to develop the Property.

There has not been any noted public opposition to this development. The Property is not near any significant residential development to justify Planning Staff’s concern for additional public review. The properties that have the potential to be affected by any development on this Property are also CA zoned property to the east (owned by the same party), Industrial property to the south, CA property west and northwest, and LDR/AG property to the north across from Strawberry Plains Pike. The potential impacts to surrounding properties, most of the similarly situated, and to the floodway will be addressed by the Engineering and Public Works Department at the time of permitting. This review will be substantially the same as a review for a PC Development Plan absent the requirement for a subsequent Planning Commission meeting.

Under these circumstances, the applicant would submit that the most appropriate zone for the Property is the requested CA zoning. I welcome any questions and look forward to our conversation on Thursday.

Sincerely,

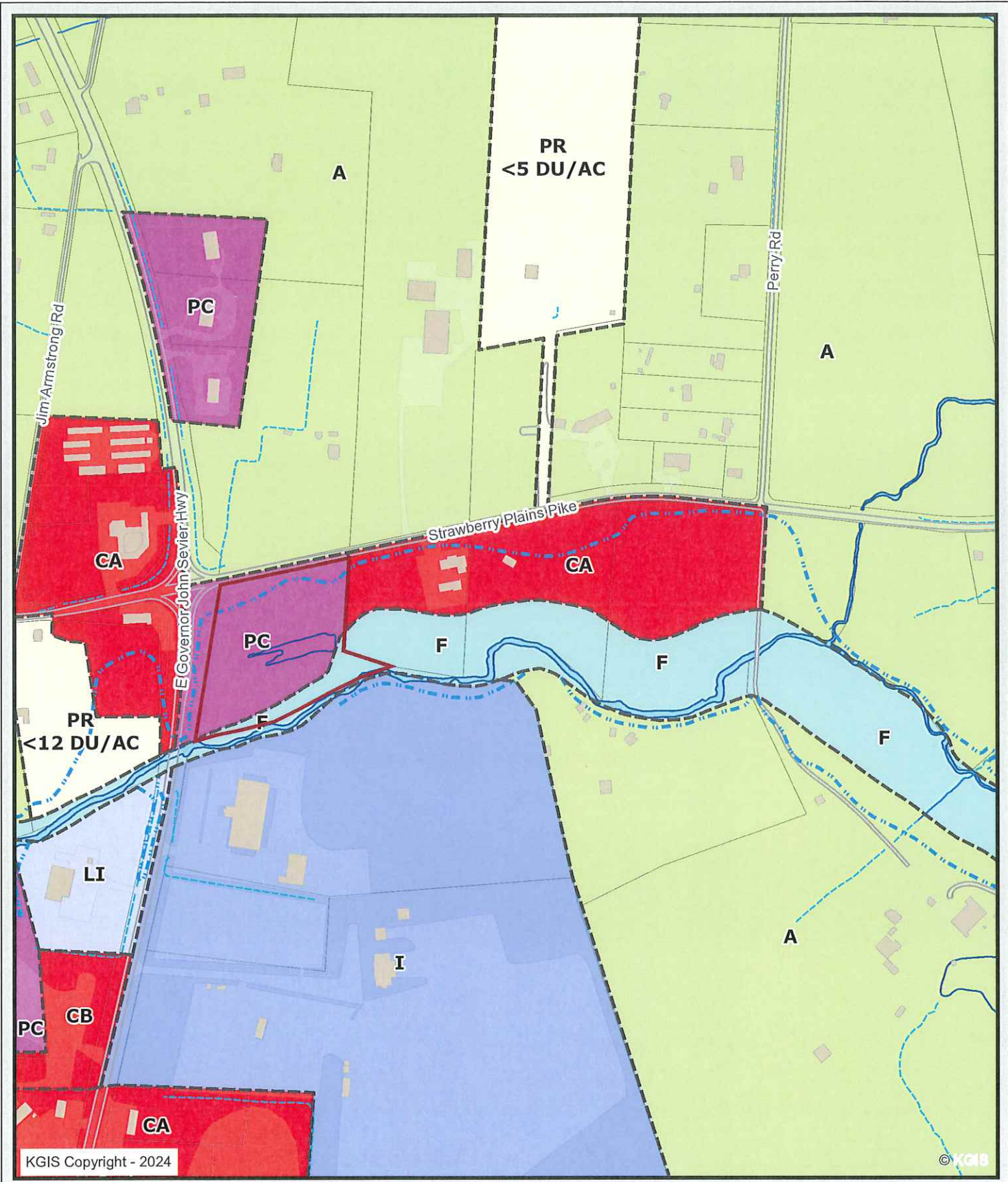


Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:amc

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¹ Mr. Gilreath obtained the Property on August 4, 2022.



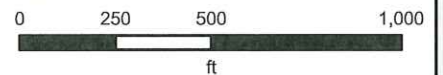
Zoning Map

3816 E. Governor John Sevier Highway

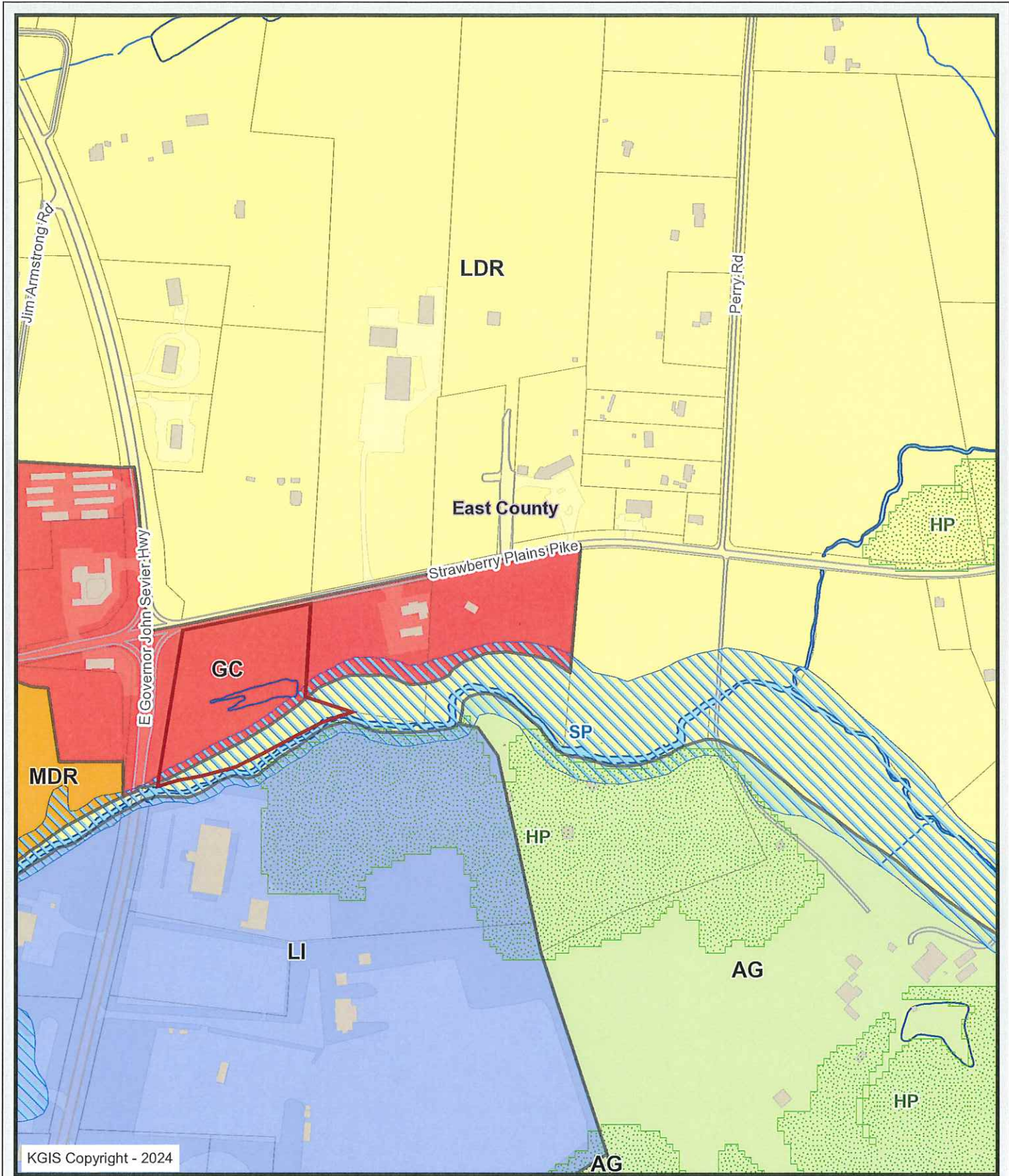
Knoxville - Knox County - KUB Geographic Information System



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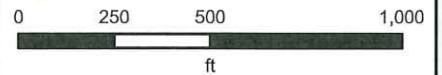
Sector Plan

3816 E. Governor John Sevier Highway

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PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE
MAP DEPARTMENT - OWNERSHIP CARD

Source: KGIS

ACTIVE NORMAL

01/08/2024

District	Map	Insert	Group	Parcel	Ward	Property Location	
S8	83			60.02		3816 #RS E GOVERNOR JOHN SEVIER HWY	
Subdivision				Block	Lot	Plat	Dimensions (shown in ft.)
				-	-	=	
							0.00 - A.C. Deeded
							5.95 - A.C. Calculated
Owner		Sale Date	Book	Page	Sale Price	Mailing Address	
LAYMAN W EARL & MARIE L		8/9/1956	<u>1024</u>	451		2525 LAKE FRONT DR KNOXVILLE TN 37934	
		8/9/1956	<u>1024</u>	453			
		8/16/2007	<u>20070817</u>	0015464			
DAVIS JOHNSON SHIPE LLC		8/16/2007	<u>20070817</u>	0015465	\$ 238,500	5500 LONAS DR STE 200 KNOXVILLE TN 37917	
ADAMS RICKY E		4/12/2010	<u>20100413</u>	0064457	\$ 198,000	8323 BOSS RD KNOXVILLE TN 37931	
GILREATH KENNETH M & TINA D		8/4/2022	<u>20220805</u>	0008664	\$ 860,000	5716 STRAWBERRY PLAINS PIKE KNOXVILLE, TN 37914	

Remarks

ATTRIBUTES FROM NCR LOADER

Parent Parcel	Parent Instrument Number
Previous Parcel (Split From)	Next Parcel (Merged Into)