PLAN AMENDMENT/REZONING REPORT

► FILE #: 11-M-20-RZ  11-E-20-SP
AGENDA ITEM #: 9
AGENDA DATE: 12/10/2020
POSTPONEMENT(S): 11/12/2020

► APPLICANT: PATRICIA NELSON
OWNER(S): Patricia Nelson

TAX ID NUMBER: 84 058
JURISDICTION: Commission District 8
STREET ADDRESS: 1630 Osborne Rd.

► LOCATION: South side of Osborne Road due north of Strawberry Plains Pike

► TRACT INFORMATION: 4.15 acres.
SECTOR PLAN: East County
GROWTH POLICY PLAN: Urban Growth Area
ACCESSIBILITY: Access is via Osborne Road, a major collector, with a pavement width of 17.4 feet within a right-of-way width of 60 feet.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Swan Pond Creek

► PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)
► PROPOSED PLAN DESIGNATION/ZONING: GC (General Commercial) / CA (General Business)
► EXISTING LAND USE: Wholesale

► EXTENSION OF PLAN DESIGNATION/ZONING: No
HISTORY OF ZONING REQUESTS: None noted.
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING:
North: Single family residential - LDR (Low Density Residential)
South: Agriculture/forestry/vacant - LDR (Low Density Residential)
East: Single family residential - LDR (Low Density Residential)
West: Single family residential - LDR (Low Density Residential)

NEIGHBORHOOD CONTEXT: The area is primarily single-family residential uses and approximately 1/5 mile outside of the Strawberry Plains Pike / I-40 interchange.

STAFF RECOMMENDATION:

VIEW MAP ON KGIS
Deny GC (General Commercial) designation because it is not consistent with the surrounding development or zoning.

Deny CA (General Business) zoning because it is not compatible with the sector plan and could create adverse impacts for the surrounding agricultural and low density residential area.

**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 changing conditions that warrant amendment of the land use plan at this location.

**INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:**
1. There are no new roads or utilities that were not anticipated and make commercial development more feasible at this location.

**AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:**
1. There are no significant errors or omissions in the plan.

**TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:**
1. There are no new trends in development or population in this area that warrants reconsideration of this area for commercial development.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:
- 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.
- 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. There are no changing conditions in this area that warrant a rezoning to commercial for this area.

**THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:**
1. The GC (General Business) zone district 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.
2. Rezonings should be based on the entire range of uses allowed within a zone to ensure that any development proposed 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 AMENDMENT:**
1. A rezoning to CA (General Business) could allow for higher intensity land uses that could generate adverse impacts on adjacent low density residential properties.

**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 rezoning is not consistent with the East County Sector Plan, which is part of the General Plan.
If approved, this item will be forwarded to Knox County Commission for action on 1/25/2021. 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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.
11-M-20-RZ
REZONING

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

Petitioner: Nelson, Patricia
Map No: 84
Jurisdiction: County

Original Print Date: 10/20/2020
Revised: 
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902
Exhibit A. 11-M-20-RZ & 11-E-20-SP Contextual Images
Exhibit A. 11-M-20-RZ & 11-E-20-SP Contextual Images

Existing Land Use Map

Aerial Map
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

Patricia Nelson
Applicant Name

09/25/2020 11/12/2020
Date Filed Meeting Date (if applicable)

File Number(s)
11-M-20-RZ
11-E-20-SP

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

☐ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Patricia Nelson
Name
1712 Osborne rd
Address
865-522-5960
Phone
jeremiah7878@gmail.com
Email

Company
knoxville
City
tn
State
37914
ZIP

CURRENT PROPERTY INFO
Patricia Nelson 1712 Osborne rd 865-522-5960
Owner Name (if different) Owner Address Owner Phone
1630 Osborne rd 084 058
Property Address Parcel ID

STAFF USE ONLY
s/s Osborne Rd due north of Strawberry Plains Pike 4.15 ac.
General Location
8th
Tract Size
A

Jurisdiction (specify district above) ☐ City ☐ County Zoning District

East County LDR Urban
Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation
Large structure KUB
Existing Land Use Septic (Y/N) Sewer Provider Water Provider
DEVELOPMENT REQUEST

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

Home Occupation (specify) ____________________________

Other (specify) ____________________________

SUBDIVISION REQUEST

Proposed Subdivision Name ____________________________

Unit / Phase Number ____________________________

- Combine Parcels
- Divide Parcel

Total Number of Lots Created ____________________________

Other (specify) ____________________________

Attachments / Additional Requirements ____________________________

ZONING REQUEST

- Zoning Change: ca
  - Proposed Zoning ____________________________
  - Plan Amendment Change: GC
    - 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 0326 $1,000

Fee 2 0526 $600.00

Fee 3 ____________________________

Total $1,600.00

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Patricia Nelson ____________________________ Patricia Nelson ____________________________ 09/25/2020

Applicant Signature Please Print Date

865-522-5960 ____________________________ Jeremiah7878@gmail.com

Phone Number Email

Marc Payne ____________________________ Marc Payne ____________________________ 9/28/2020

Staff Signature Please Print Date