

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 6-I-24-RZ **Related File Number:**
Application Filed: 4/26/2024 **Date of Revision:**
Applicant: JULIE CLONINGER

PROPERTY INFORMATION

General Location: North side of Thorn Grove Pike, west of Kennedy Rd
Other Parcel Info.:
Tax ID Number: 97 100 **Jurisdiction:** County
Size of Tract: 2.12 acres
Accessibility: Access is via Thorn Grove Pike, a minor arterial with a pavement width of 18 ft within a right-of-way that varies from 40 ft to 76 ft.

GENERAL LAND USE INFORMATION

Existing Land Use: Rural Residential
Surrounding Land Use:
Proposed Use: **Density:**
Planning Sector: East County **Plan Designation:** AG (Agricultural), HP (Hillside Protection)
Growth Policy Plan: Rural Area
Neighborhood Context: This area along Thorn Grove Pike is mostly comprised of single family residential uses with a few multifamily and commercial uses mixed in. Marbledale Baptist Church is located nearby to east of the subject property.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 5917 THORN GROVE PIKE
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: CN (Neighborhood Commercial)
Previous Requests:
Extension of Zone: No, this will not be an extension.
History of Zoning: None noted.

PLAN INFORMATION (where applicable)

Current Plan Category: AG (Agricultural), HP (Hillside Protection)

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Samiul Haque

Staff Recomm. (Abbr.):

Deny the CN (Neighborhood Commercial) zone because it does not meet all the criteria for a rezoning.

Staff Recomm. (Full):

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 DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. There have not been any substantial changes in the area in recent years which warrants the proposed amendment. The area remains rural in character and is primarily composed of houses on larger than half-acre lots along Thorn Grove Pike, abutting undeveloped forested lands away from the street. The surrounding density does not appear sufficient to support an additional commercially zoned property.
2. On the south side of Thorn Grove Pike, there is a series of CA (General Commercial) zoned properties. However, the majority of these properties have not been developed as commercial uses and KGIS aerial views indicate that no new commercial developments have been added to this area in at least the last ten years.

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

1. The CN zone intends to accommodate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. This zone should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible.
2. The subject property does not meet the location criteria within the intent statement of the district. The property is located neither at an intersection nor at the edge of an established neighborhood. Furthermore, it can be argued that the area does not have enough residential density to warrant the addition of more commercially zoned properties.
3. 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.

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. The addition of another commercially zoned parcel would constitute encroachment into this rural, residential area.
2. An approximate 1.8-acre portion in the rear of the property has the HP (Hillside Protection) designation with moderate slopes. New developments should be respectful of the topography and existing vegetation of the property.

THE 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 subject property is designated as the RL (Rural Living) place type. The RL place type does list the CN zone as a partially related zone, so it can be considered by the Planning Commission. However, "partially related" just means a zone may be appropriate in some locations within the place types but may not be appropriate in others. Planning believes the CN zone would not be appropriate at

this location as the property does not meet the stated criteria of the CN zone description and it would be an encroachment of a residential zone in a rural, residential area. There are additional criteria required when the requested zone is partially related to the place type (provided in Appendix H of the Comprehensive Plan), and this property does not meet those.

2. The requested CN zone is consistent with the 2024 Growth Policy Plan, Policy 4.2 pertaining to the Rural Areas, which requires rezonings to be limited to zoning districts that are consistent with one of the rural place types, which includes the property's RL (Rural Living) designation.

3. The property has thick vegetation along Thorn Grove Pike, which contributes to the rural character of the area. The East County Community Plan identifies this road as a 'Rural Corridor'. The plan recommends limiting infrastructure expansion on this corridor to preserve the rural look and feel.

Action: Approved **Meeting Date:** 8/8/2024

Details of Action: Approve the CN (Neighborhood Commercial) zone because it is adjacent to the CA zone and located on a collector road.

Summary of Action: Approve the CN (Neighborhood Commercial) zone because it is adjacent to the CA zone and located on a collector road.

Date of Approval: 8/8/2024 **Date of Denial:** **Postponements:** 6/13/2024, 7/11/2024

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 10/21/2024

Ordinance Number:

Disposition of Case: Approved with Conditions

If "Other":

Amendments:

Approve CN (Neighborhood Commercial), subject to the condition that there shall be a 100 ft vegetation barrier up to the singular driveway entering into and exiting from the parcel.

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: