

# CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 7-N-24-RZ      Related File Number:  
Application Filed: 5/28/2024      Date of Revision:  
Applicant: TAYLOR D. FORRESTER

## PROPERTY INFORMATION

**General Location:** South side of Kingston Pike, west side of Agnes Rd  
**Other Parcel Info.:**  
**Tax ID Number:** 121 B A 014,013      **Jurisdiction:** City  
**Size of Tract:** 0.94 acres  
**Accessibility:** Access is via Kingston Pike, a major arterial street with a 55-ft pavement width within a 63-ft right-of-way. Access is also via Agnes Road, a local street with a 25-ft pavement width within a 35-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Public/Quasi Public Land, Commercial  
**Surrounding Land Use:**  
**Proposed Use:**      **Density:**  
**Planning Sector:** West City      **Plan Designation:** MU-SD (Mixed Use Special District)  
**Growth Policy Plan:** N/A (Within City Limits)  
**Neighborhood Context:** This section of Kingston Pike is characterized by a diverse array of commercial and office uses. There are sidewalks on both sides of the corridor. Bearden High School is nearby to the northeast, and there is a bus stop in front of the subject property.

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

**Street:** 5900 KINGSTON PIKE  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-G-3 (General Commercial)  
**Former Zoning:**  
**Requested Zoning:** C-G-1 (General Commercial)  
**Previous Requests:**  
**Extension of Zone:** Yes, this is an extension.  
**History of Zoning:** None noted.

## PLAN INFORMATION (where applicable)

Current Plan Category: MU-SD (Mixed Use Special District)

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: Jessie Hillman

Staff Recomm. (Abbr.): Deny the C-G-1 (General Commercial) district because its dimensional standards and lack of design standards are incompatible with adopted land use plans and surrounding infrastructure/ facilities.

Staff Recomm. (Full):

Comments: PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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 subject property is located on a built-out commercial corridor along Kingston Pike that sees ongoing redevelopment as lots transfer hands to different businesses and service-providers. There have been no substantial changes of conditions that warrant a rezoning from C-G-3 (General Commercial) to C-G-1 (General Commercial).

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

1. The C-G district is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The district is divided into three levels of intensity related to the overall form and design of the development, but permitted uses are the same across all levels.

2. The primary distinctions between C-G-1 and C-G-3 zoning are in the districts' pedestrian orientation with the dimensional and design standards. Unlike the C-G-3 district, C-G-1 does not have any design standards whereas C-G-3 has façade, fenestration and site design standards intended to foster a more pedestrian-supportive environment. With regards to dimensional standards, a principal difference is that C-G-1 does not have any front setback requirements or build-to zone/ percentage requirements, which bring buildings closer to the front lot line making them safer and more accessible for foot traffic. The outcome of this distinction is that the requested C-G-1 zone could result in a site layout that sets a building far back from the sidewalk with a parking lot in between.

3. This section of Kingston Pike has sidewalks on both sides, signalized crosswalks, and is 750 ft from Bearden Elementary School the Bearden Greenway trailhead across the street to the northeast. There is a bus stop directly in front of the subject parcel. These conditions do not support a rezoning to a district that enables more auto-centric and less pedestrian-friendly development.

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. While the requested rezoning does not technically require a West City Sector Plan or One Year Plan amendment because it does not distinguish between C-G levels of intensity, the MU-SD, WC-1 (Mixed-Use Special District, Bearden Village) land use classification is not supportive of the proposed rezoning. The sector plan describes how new zoning should include provisions for the relationship of new building to the sidewalk/ street system and parking locations that respect the pedestrian orientation that has been envisioned for the area. The Mixed-Use district is based on the adopted Bearden Village Opportunities Plan, which provides urban design recommendations. These recommendations include having buildings front and face the sidewalk with parking oriented towards the back.

2. The existing C-G-3 zoning district is consistent with the vision of the West City Sector Plan, One Year Plan, and Bearden Village Opportunities Plan. A rezoning to C-G-1 would enable future

development that continues the pattern of development the plans are striving to evolve from.  
3. It is noteworthy that one of the parcels included in this rezoning request is a church. There is a historic cemetery in the rear with tombstones from the late 1800s. Rezoning to a district that is more auto-centric and lacks design standards could result in a development that is at odds with the character of this sacred space.

ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. This subject property is located in an urbanized area with ample utility, infrastructure and community facility capacity for future development.

**Action:** Approved **Meeting Date:** 7/11/2024  
**Details of Action:** Approve C-G-1 (General Commercial) because it is an extension of the zone and is consistent with the land use plan, surrounding infrastructure, and facilities.  
**Summary of Action:** Approve C-G-1 (General Commercial) because it is an extension of the zone and is consistent with the land use plan, surrounding infrastructure, and facilities.  
**Date of Approval:** 7/11/2024 **Date of Denial:** **Postponements:**  
**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council  
**Date of Legislative Action:** 8/6/2024 **Date of Legislative Action, Second Reading:** 8/20/2024  
**Ordinance Number:** **Other Ordinance Number References:** O-110-2024  
**Disposition of Case:** Approved **Disposition of Case, Second Reading:** Approved  
**If "Other":** **If "Other":**  
**Amendments:** **Amendments:**  
**Date of Legislative Appeal:** **Effective Date of Ordinance:**