



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 8-F-20-RZ

**AGENDA ITEM #:** 7

8-B-20-SP

**AGENDA DATE:** 10/8/2020

► **APPLICANT:** METRO TRAILER REPAIR SERVICE

OWNER(S): Omer Kennedy / Metro Trailer Repair

TAX ID NUMBER: 23 06901

[View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 10426 Rutledge Pk.

► **LOCATION:** Southeast quadrant of the intersection of Rutledge Pk. and Circle Rd.

► **TRACT INFORMATION:** 4.2 acres.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Circle Road is a local road with a 22-foot pavement width inside a 60-foot right-of-way

UTILITIES: Water Source: Luttrell-Blaine-Corryton Utility District

Sewer Source: Septic

WATERSHED: Flat Creek

► **PRESENT PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) & AG (Agricultural) / CA (General Business) and A (Agricultural)

► **PROPOSED PLAN DESIGNATION/ZONING:** HI (Heavy Industrial) / I (Industrial)

► **EXISTING LAND USE:** Existing trailer repair service facility

►  
EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Part of the parcel was rezoned to A (Agricultural) in 1997 (Case # 7-A-97-RZ)

SURROUNDING LAND USE, PLAN DESIGNATION,  
ZONING North: Commercial, rural residential, and single family residential - NC (Neighborhood Commercial) and AG (Agricultural) - CA (General Business) and A (Agricultural)

South: Commercial and rural residential - NC (Neighborhood Commercial) and AG (Agricultural) - A (Agricultural) and a sliver of CA (General Business)

East: Rural residential - AG (Agricultural) - A (Agricultural)

West: Agricultural/forestry/vacant - AG (Agricultural) - CA (General Business) and A (Agricultural)

NEIGHBORHOOD CONTEXT: The site is in a rural residential portion of Knox County and adjacent to a

**STAFF RECOMMENDATION:**

- **Deny the GC (General Commercial) designation since it does not meet the criteria for sector plan amendments, is not compatible with the area, and could cause adverse impacts for neighboring residential properties.**

Should the Planning Commission wish to approve the plan amendment request, they would need to vote to adopt resolution # 7-D-20-SP amending this parcel in the Northeast County Sector Plan map to the GC (General Commercial) designation. The reasons stated would be those discussed and decided upon by the Commission at the meeting.

- **Deny I (Industrial) zoning because it is not consistent with the Northeast County Sector Plan designation or with the surrounding development and because it could cause adverse impacts for neighboring residential properties.**

**COMMENTS:**

Metro Trailer Repair has been located at this property for a number of years. Based on historical aerials, it appears the applicant began running the business as a salvage yard sometime within the last year. The County began receiving a number of complaints and investigated the issue (see Exhibit B). The applicant has been instructed by the County that the use was not in compliance with the zoning and to cease business operations. The applicant is seeking to rezone the property to enable these operations to continue.

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 have been no changes to conditions to warrant amending the land use 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 additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan regarding this parcel.
2. Amending the sector plan map for these parcels sets a precedent for the industrial designation in this location. There are no other industrial land use designations in the immediate area, so a new designation would be an anomaly.

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 this area of the North City Sector Plan.

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 have been no recent, significant changes in this area that would prompt a rezoning.

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

1. The I (Industrial) zone provides areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing and other uses which have heavy impacts and adverse effects on surrounding property. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air, or street transportation routes. Such uses are not properly associated with, nor compatible with residential, institutional and retail commercial uses.
2. 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.

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. Rezoning this parcel to Industrial sets a precedent for the zone in this area, which could lead to more industrial zoning requests along Rutledge Pike.
2. The property is located in FEMA Flood Zone X, but it is not located in a floodway or a floodplain.

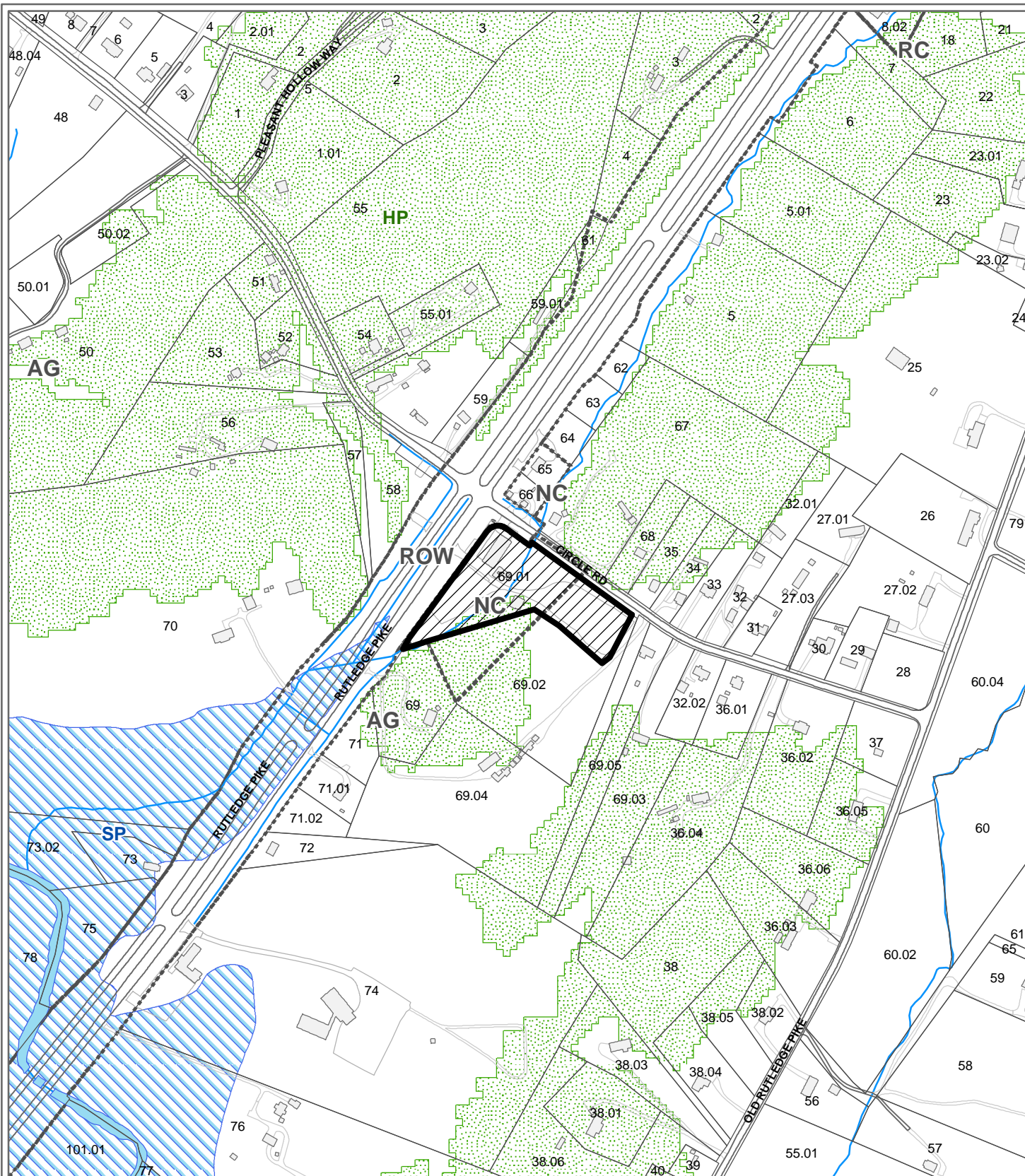
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The current sector plan designation does not support Industrial zoning, so a plan amendment would be required. Amending the sector plan map for these parcels sets a precedent for the industrial designation in this location. There are no other industrial land use designations in the immediate area, so a new designation would be an anomaly.
2. There are pockets of commercial zoning at major intersections along Rutledge Pike, but very few parcels zoned Industrial in this area. The nearest Industrial area is off of Mine Road to the south of Rutledge Pike and extended west towards the I-40 interchange.

ESTIMATED TRAFFIC IMPACT: Not required.

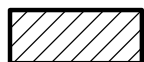
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 11/16/2020. 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.



**8-B-20-SP / 8-F-20-RZ  
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

From: NC (Neighborhood Commercial) & AG (Agricultural)  
To: HI (Heavy Industrial)



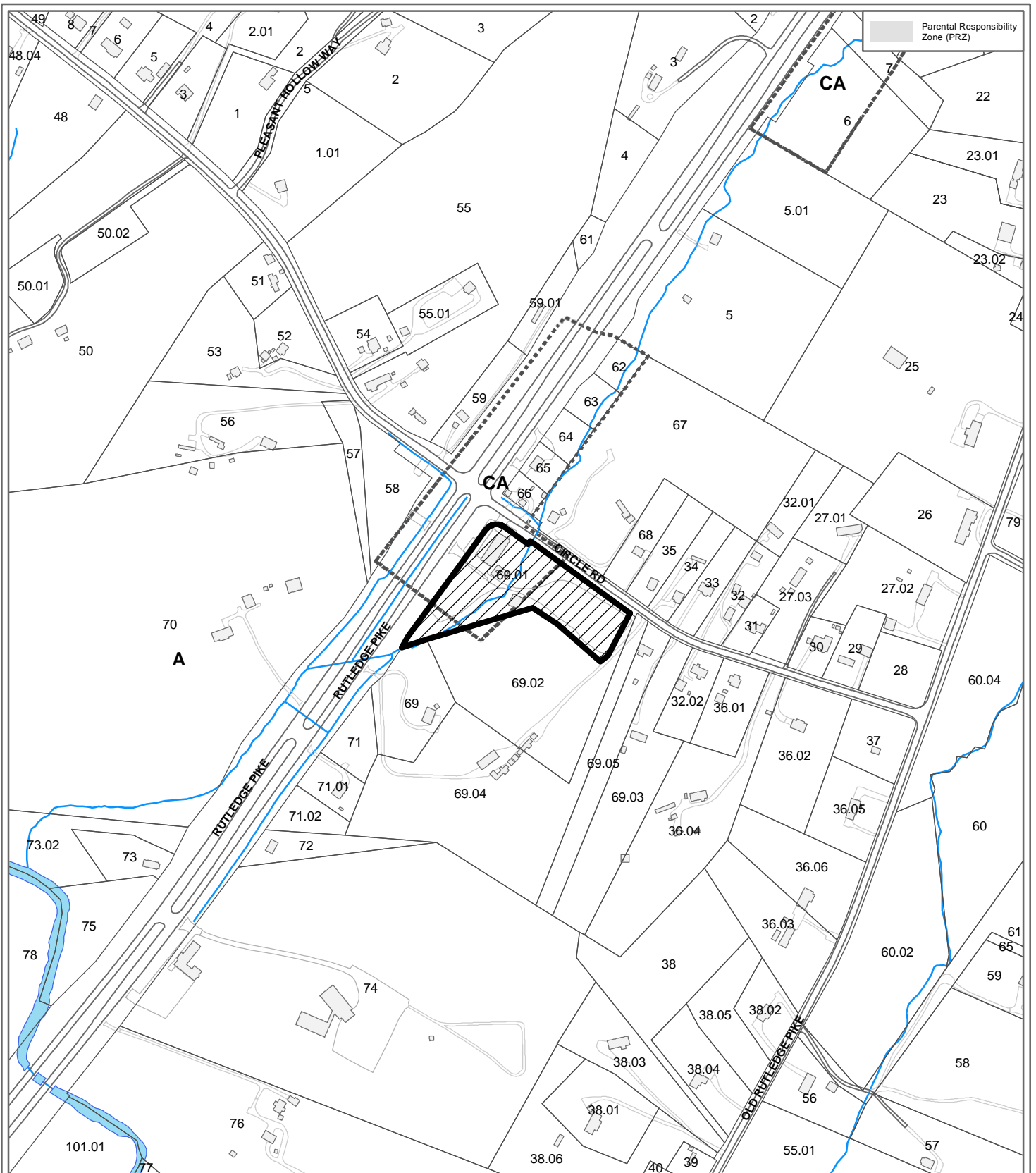
Original Print Date: 7/15/2020      Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Metro Trailer Repair Service

Map No: 23  
Jurisdiction: County

0 500  
Feet

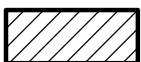




# **8-F-20-RZ REZONING**

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

To: I (Industrial)



Original Print Date: 7/15/2020  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner: Metro Trailer Repair Service

Map No: 23

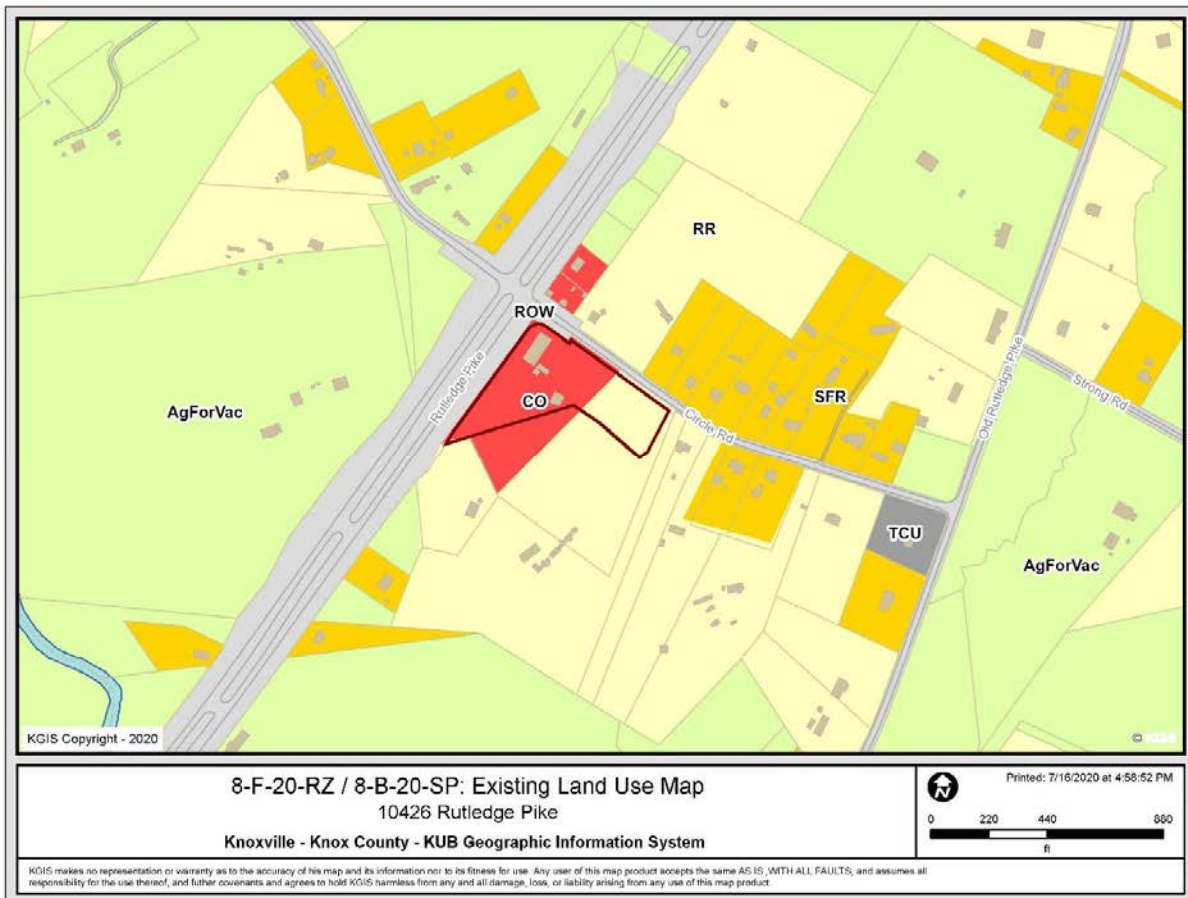
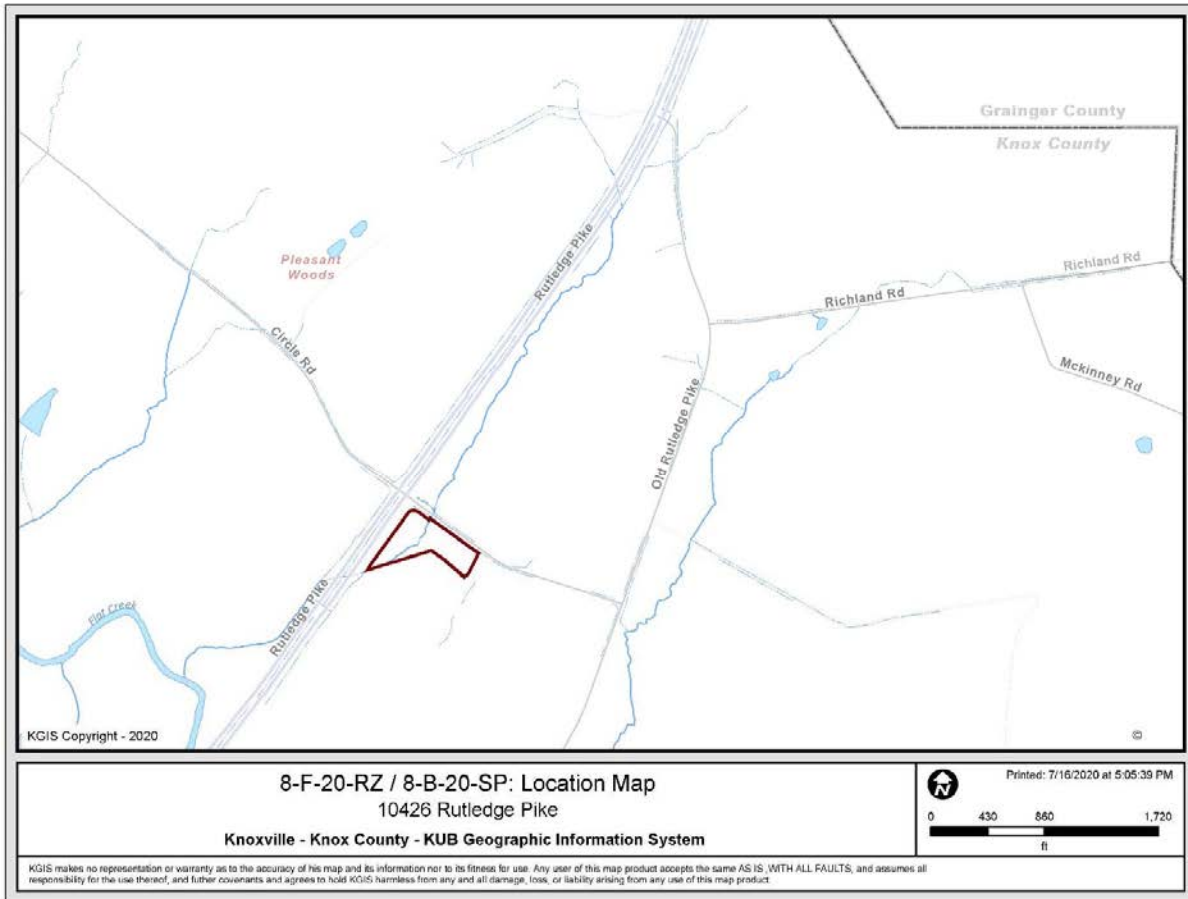
Jurisdiction: County

0 500  
 Feet

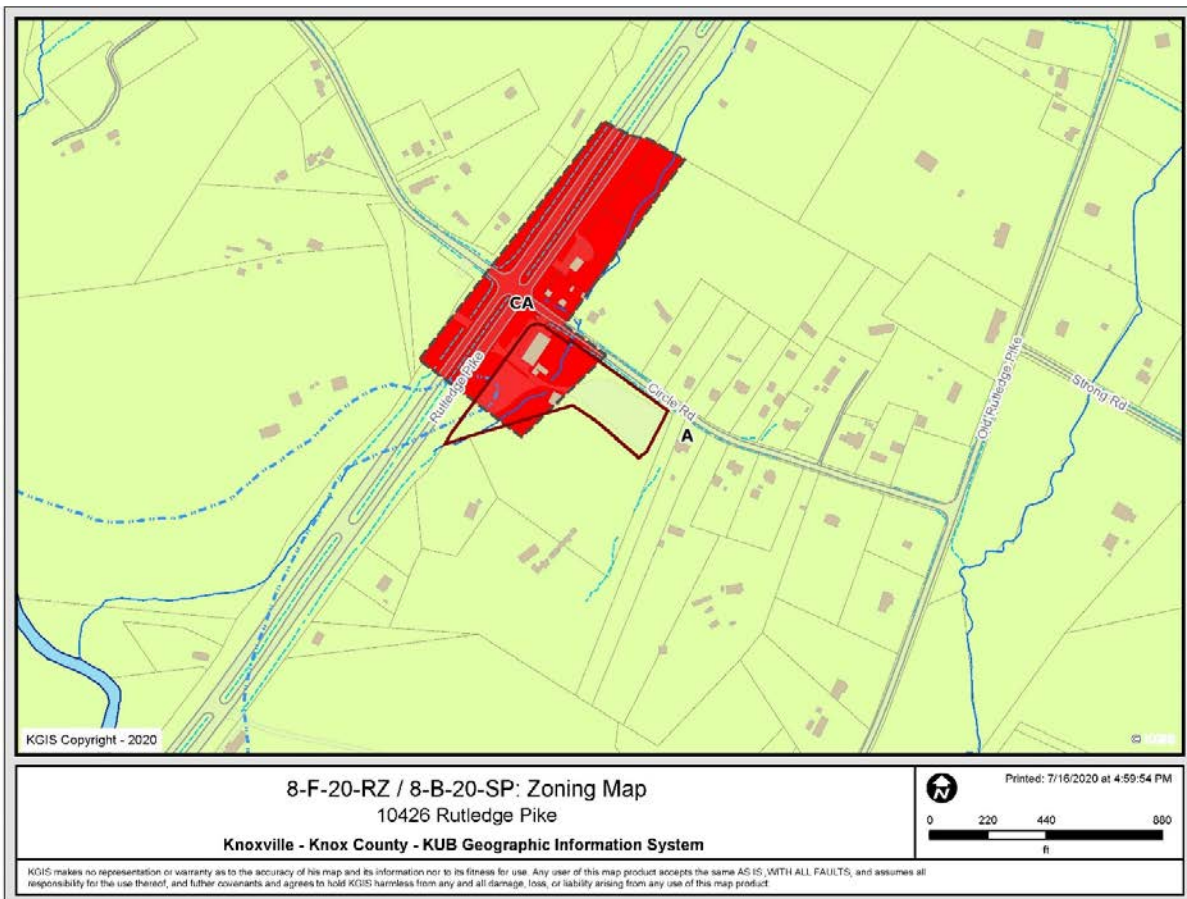
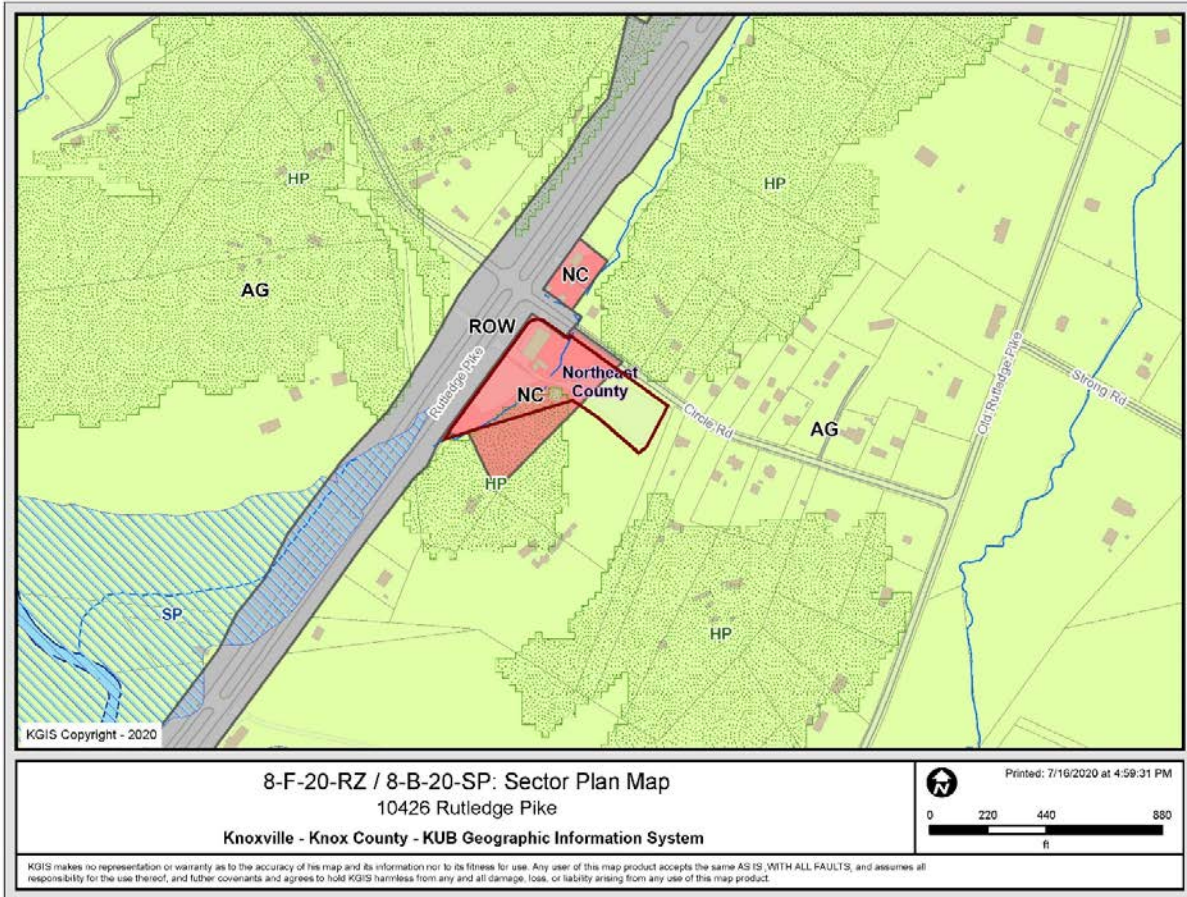




**8-F-20-RZ/8-B-20-SP**  
**EXHIBIT A. Contextual Images**

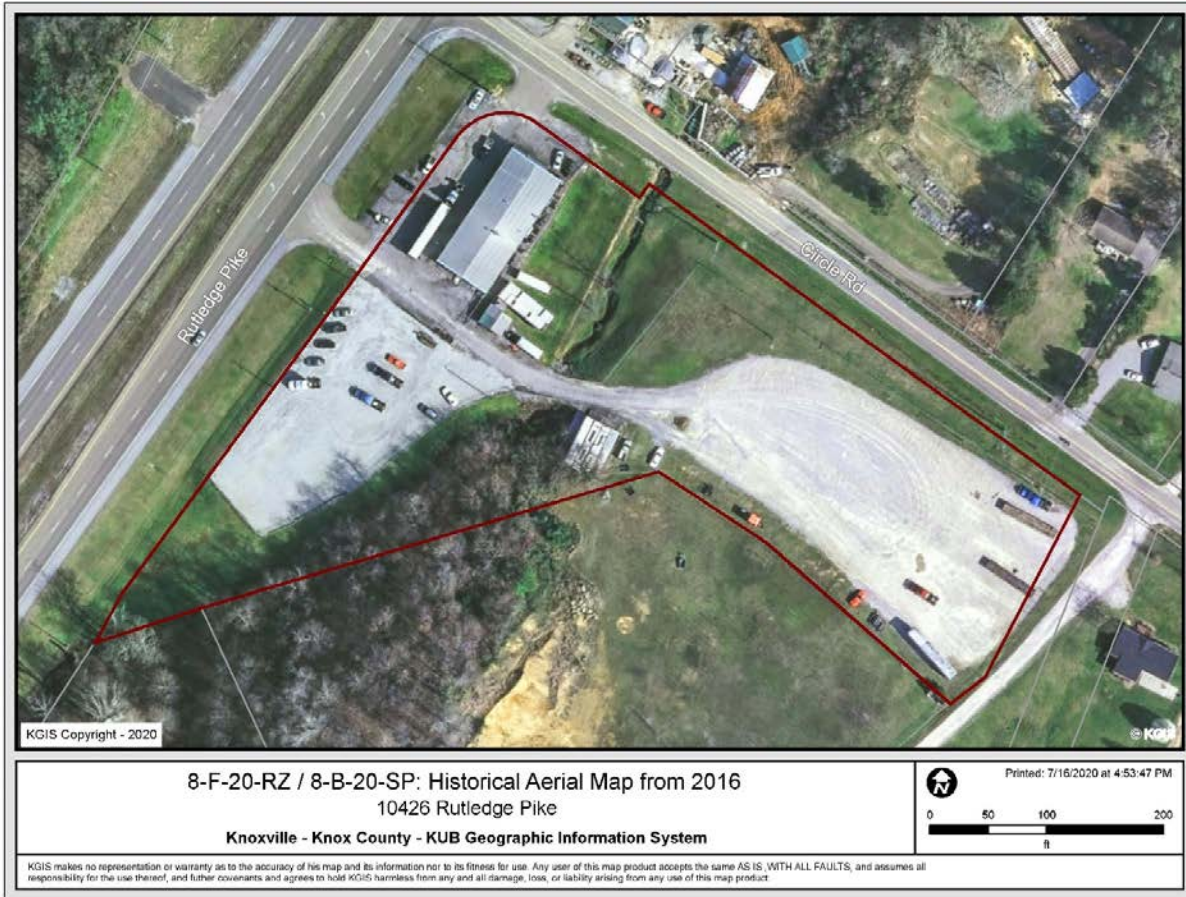


8-F-20-RZ/8-B-20-SP  
EXHIBIT A. Contextual Images



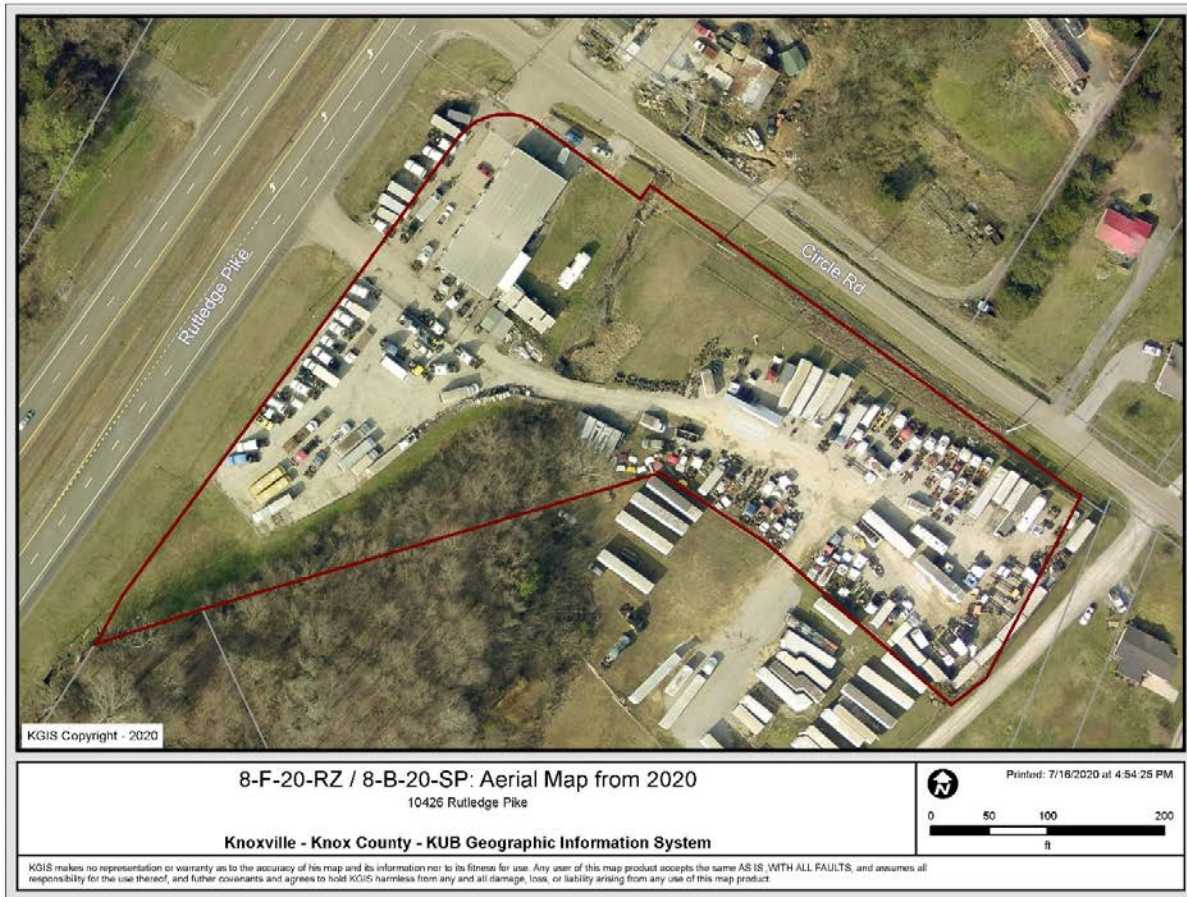


**8-F-20-RZ/8-B-20-SP**  
**EXHIBIT A. Contextual Images**





**8-F-20-RZ/8-B-20-SP**  
**EXHIBIT A. Contextual Images**



# Inspection Details Report

**File: 20-Z00918**



Address: 10426 RUTLEDGE PIKE CORRYTON TN 37721

Project Name:

Related Parties: Leon Roberts, Owner

Inspection Date: 05/20/2020 from 3:33 PM to 3:33 PM from

Inspected By: Ryan Hatcher

Report Date: 07/16/2020

**Violation**

Zoning Dirty Lot

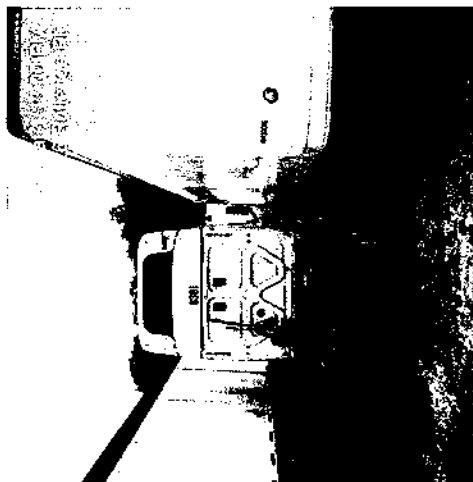
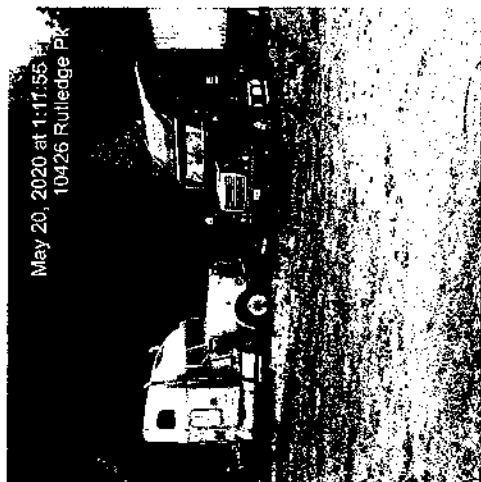
Your construction project has been inspected on the above date and the following was noted. If rejected you are instructed to correct the following conditions and reschedule the inspection with Codes Administration. 865.215.2325

**Narrative and Violations:**

Talked to owner running a salvage yard on an ag zone. Gave them until 6-29-20 to apply to have it rezoned. Left notice with son and grandson of property owner.

# Inspection Details Report

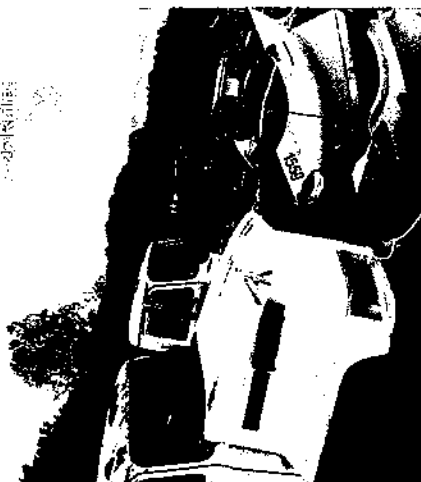
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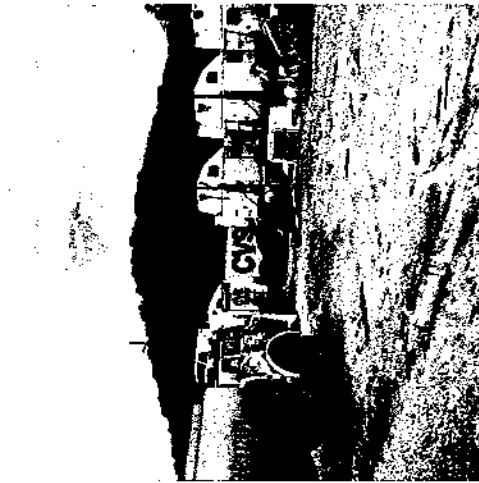
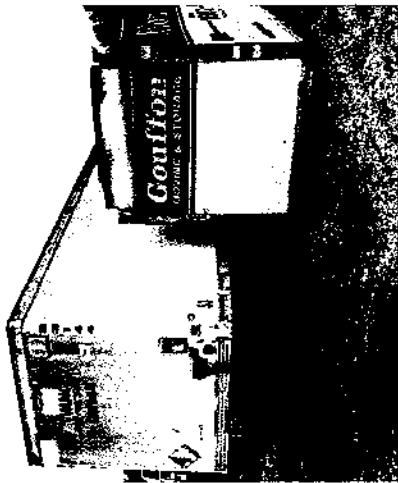
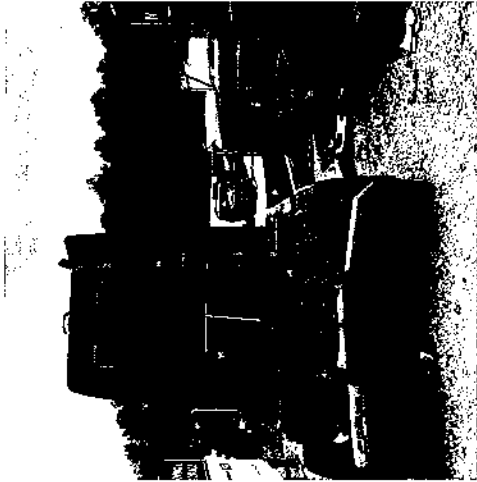
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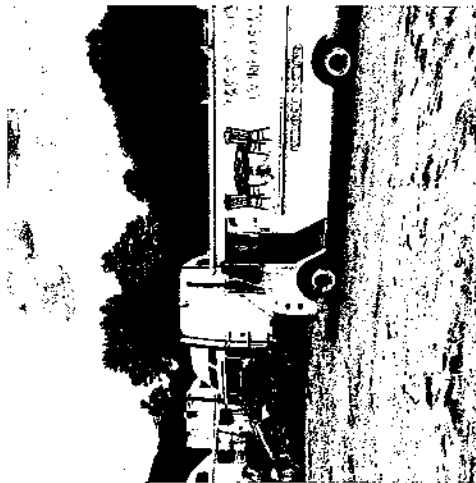
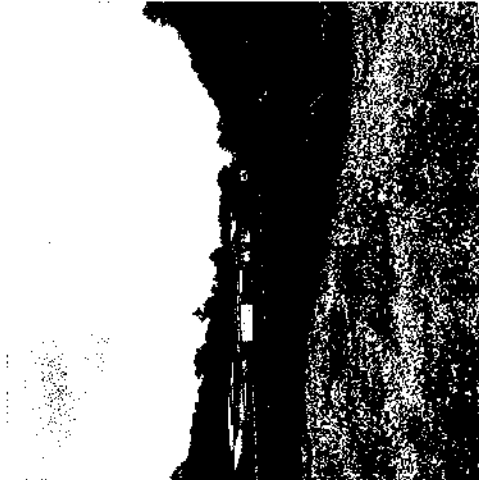
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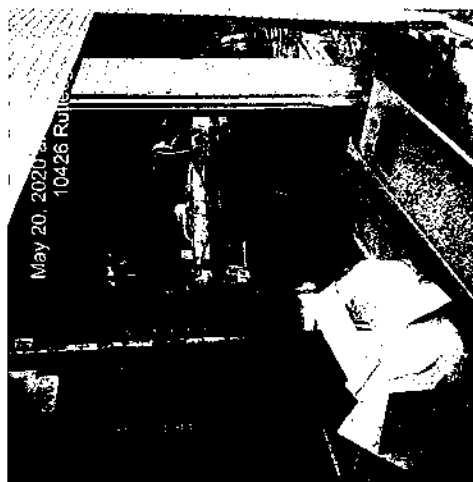
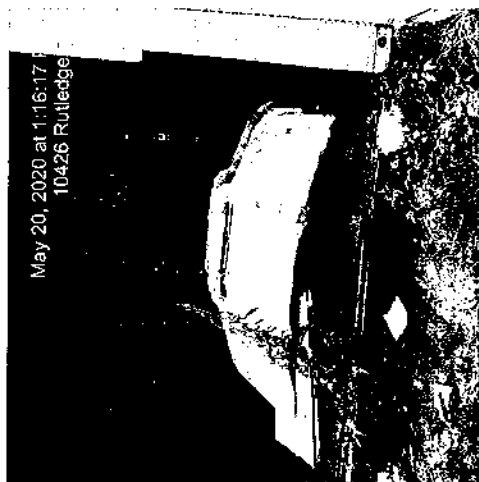
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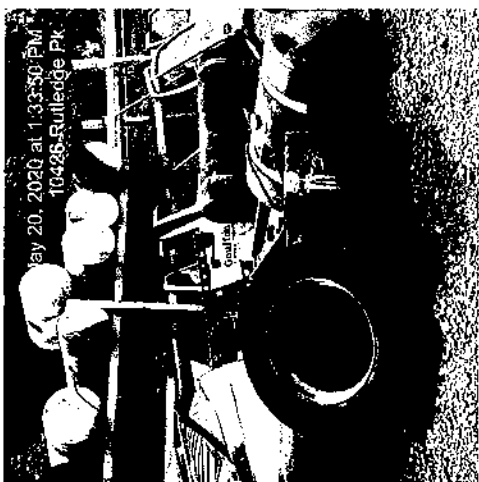
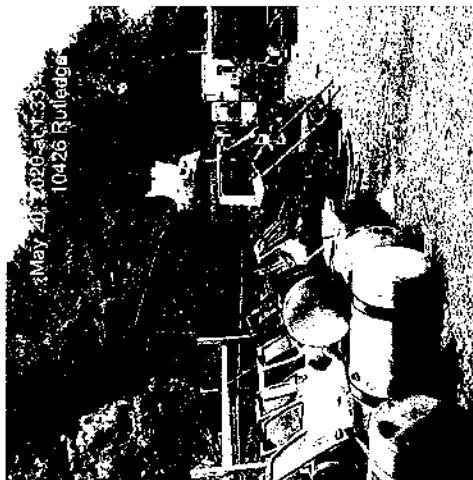
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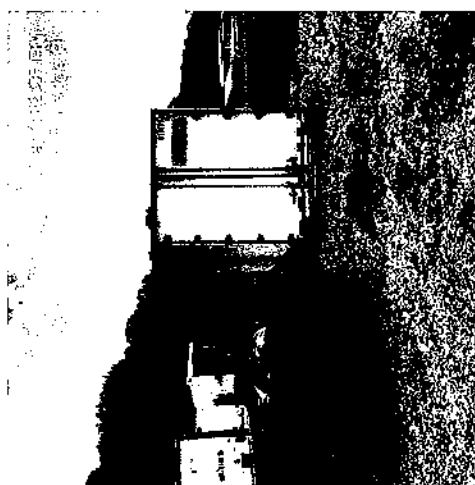
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File: 20-Z00918



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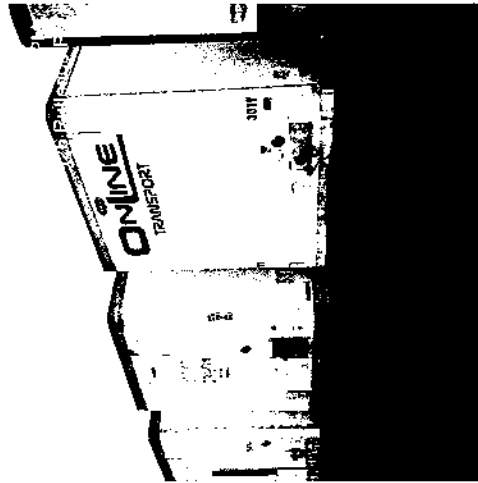
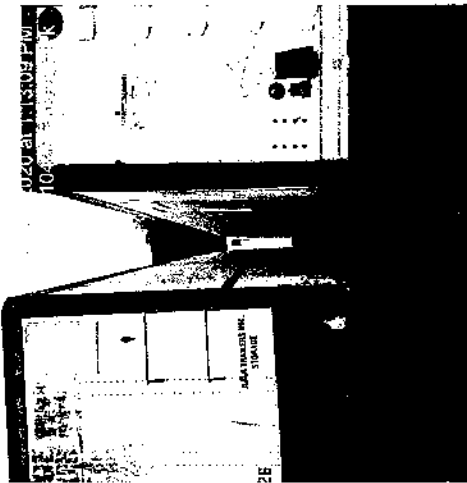
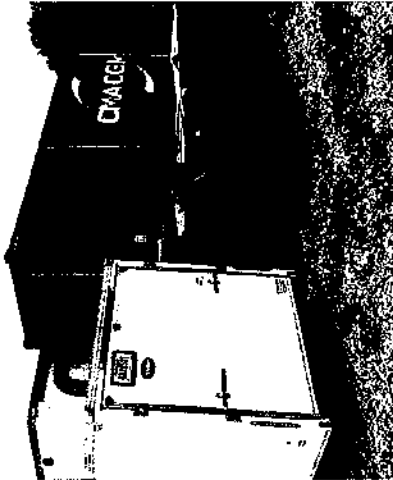
File: 20-Z00918





# Inspection Details Report

File: 20-Z00918



# Inspection Details Report

File: 20-Z00918





## DEVELOPMENT REQUEST

### DEVELOPMENT

- ☐ Development Plan  
☐ Planned Development  
☐ Use on Review / Special Use

### SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

### ZONING

- ☒ Plan Amendment  
☒ Rezoning

Metro Trailer Repair Service

Applicant Name

Option Holder

Affiliation

June 25, 2020

Date Filed

August

Meeting Date (if applicable)

B-E-20-RZ / B-B-20-SP

File Numbers(s)

## 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

Wayne A. Kline

Name

Hodges Dougherty & Carson

Company

617 Main St.

Address

Knoxville TN

City

State

37902

Zip

(865) 292-2307

Phone

wkline@hdc.law.com

Email

## CURRENT PROPERTY INFO

Metro Trailer Repair, Omer Kennedy

Owner Name (if different)

Owner Address

Owner Phone

10426 Rutledge Pike

Property Address

69.01 023 06901

Parcel ID

Rutledge Pike and Circle Rd

General Location

4.20 acres

Tract Size

8th Dist.

Jurisdiction (specify district above)

☐ City ☒ County

CA and AG

Zoning District

Northeast

Planning Sector

NC & A

Sector Plan Land Use Classification

Rural Area

Growth Policy Plan Designation

Metro Truck Repair

Existing Land Use

yes

Septic (Y/N)

Sewer Provider

yes

Water Provider



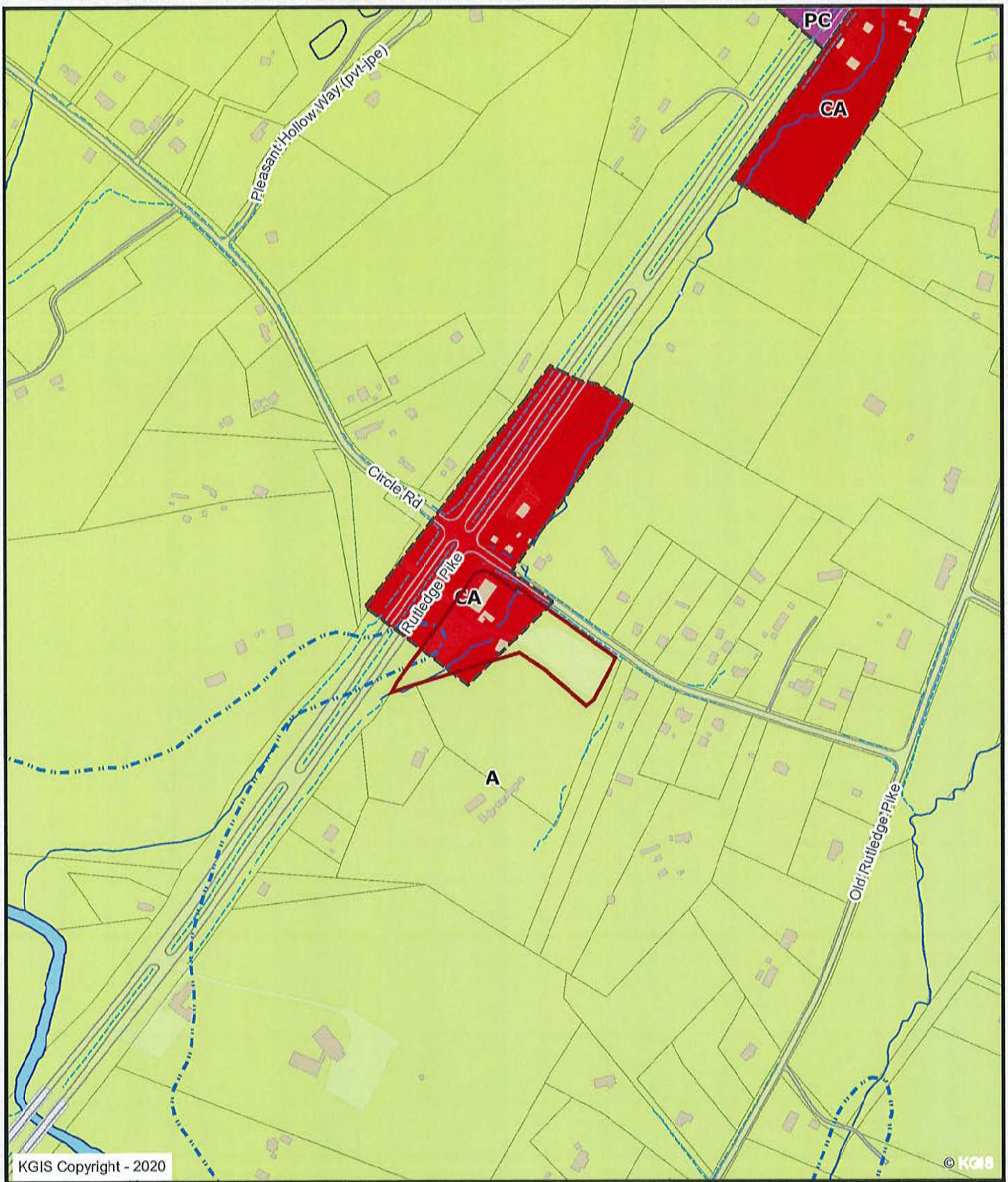
## REQUEST

|             | DEVELOPMENT  |                                      |
|-------------|--|--------------------------------------|
| SUBDIVISION | <input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use                         |                                      |
|             | <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential  |                                      |
|             | <input type="checkbox"/> Home Occupation (specify): _____  |                                      |
|             | <input type="checkbox"/> Other (specify): _____  |                                      |
|             | <input type="checkbox"/> Proposed Subdivision Name _____   | Unit / Phase Number _____            |
|             | <input type="checkbox"/> Parcel Change   |                                      |
|             | <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel    Total Number of Lots Created: _____ |                                      |
|             | <input type="checkbox"/> Other (specify): _____  |                                      |
| ZONING      | <input type="checkbox"/> Attachments / Additional Requirements   |                                      |
|             | <input checked="" type="checkbox"/> Zoning Change: <u>IX</u> I (Industrial)  |                                      |
|             | <input checked="" type="checkbox"/> Plan Amendment Change: <u>HI</u>   |                                      |
|             | <input checked="" type="checkbox"/> Property Use (specify) <u>Continue operations of Metro Trailer Repair</u>          | Previous Rezoning Requests <u>NO</u> |
|             | <input type="checkbox"/> Other (specify): _____  |                                      |

|                |   |               |               |
|----------------|---|---------------|---------------|
| STAFF USE ONLY | <b>PLAT TYPE</b>  | <b>FEE 1:</b> | <b>TOTAL:</b> |
|                | <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission                  | 0324 1000.00  |               |
|                | <b>ATTACHMENTS</b>  | <b>FEE 2:</b> |               |
|                | <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request | 05216 600.00  |               |
|                | <b>ADDITIONAL REQUIREMENTS</b>  | <b>FEE 3:</b> |               |
|                | <input type="checkbox"/> Design Plan Certification ( <i>Final Plat only</i> )                       |               |               |
|                | <input type="checkbox"/> Use on Review / Special Use ( <i>Concept Plan only</i> )                   |               |               |
|                | <input type="checkbox"/> Traffic Impact Study   |               | \$1600.00     |

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

|                     |                    |           |
|---------------------|--------------------|-----------|
| Wayne A. Kline      | Wayne A. Kline     | 6/25/20   |
| Applicant Signature | Please Print       | Date      |
| 865 292-2255        | wkline@hdc.law.com |           |
| Phone Number        | Email              |           |
| Michelle Portier    | Michelle Portier   | 6/25/2020 |
| Staff Signature     | Please Print       | Date      |



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## Current Zoning

### Knoxville - Knox County - KUB Geographic Information System

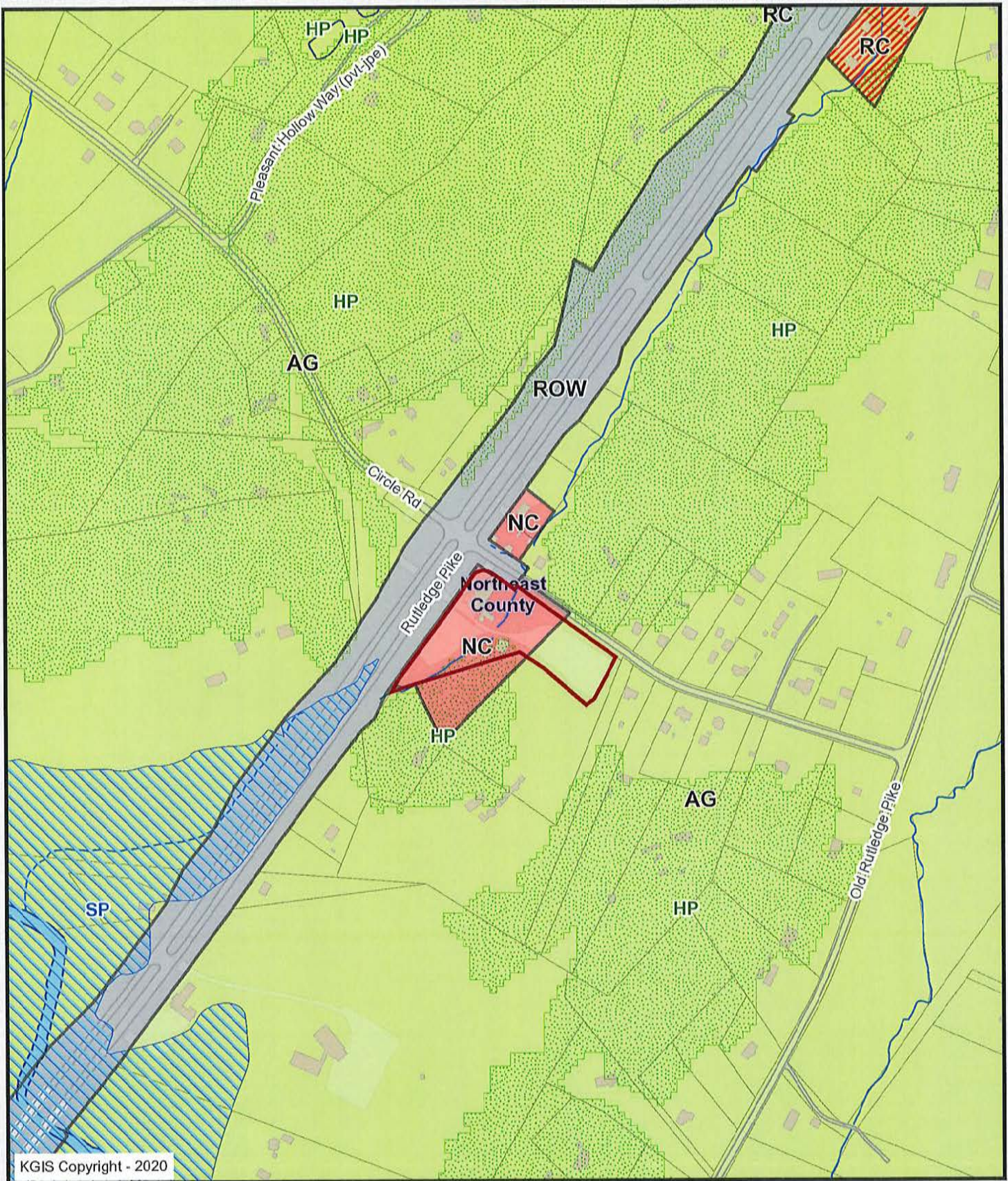
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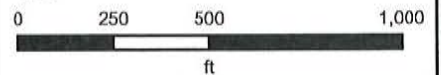


## Current Sector Plan Designation

Knoxville - Knox County - KUB Geographic Information System



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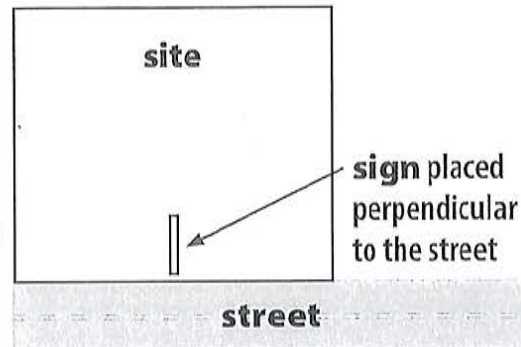
## REQUIRED SIGN POSTING AGREEMENT

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:

7/29/2020 and 8/14/2020  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Wayne A. Kline

Printed Name: Wayne A. Kline

Phone: 865.292.2255 Email: wkline@hdelaw.com

Date: June 25, 2020

File Number: 8-F-20-RZ / 8-B-20-RZ