



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 7-R-22-RZ
7-F-22-SP

AGENDA ITEM #: 25
AGENDA DATE: 7/14/2022

▶ **APPLICANT:** MARK H. DRIVER
OWNER(S): William Massie

TAX ID NUMBER: 137 199 (PART OF) [View map on KGIS](#)
JURISDICTION: Commission District 9
STREET ADDRESS: 7518 Chapman Hwy. (7516 Chapman Hwy)
▶ **LOCATION:** Northeast of Chapman Hwy., northwest of E. Gov. John Sevier Hwy.
▶ **TRACT INFORMATION:** 0.92 acres.
SECTOR PLAN: South County
GROWTH POLICY PLAN: Urban Growth Area
ACCESSIBILITY: Access is via Chapman Highway, a major arterial, with a pavement width of 77-ft within a 115-ft right-of-way.
UTILITIES: Water Source: Knox-Chapman Utility District
Sewer Source: Knoxville Utilities Board
WATERSHED: Stock Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** GC (General Commercial), MDR/O (Medium Density Residential/Office) & HP (Hillside Protection) / CA (General Business) & A (Agricultural)
▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) & HP (Hillside Protection) / CA (General Business)
▶ **EXISTING LAND USE:** Commercial

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, GC is adjacent. Yes, CA is adjacent.
HISTORY OF ZONING REQUESTS: None noted.
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Agriculture/forestry/vacant - MDR/O (Medium Density Residential/Office), HP (Hillside Protection) - A (Agricultural)
South: Right-of-Way - GC (General Commercial) - ROW (Right-of-Way)
East: Agriculture/forestry/vacant, Right-of-Way - MDR/O (Medium Density Residential/Office) - A (Agricultural)
West: Agriculture/forestry/vacant - GC (General Commercial), HP (Hillside Protection) - CA (General Business)
NEIGHBORHOOD CONTEXT: This area is part of a commercial node at Chapman Highway and E. Governor John Sevier Highway.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to GC (General Commercial) & HP (Hillside Protection) because it is compatible with the adjacent development.**

- ▶ **Approve CA (General Business) zoning because it is consistent with the adjacent development and a minor extension of the zone district.**

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. An amendment to expand the commercial land use designation was approved in 2019 for the adjacent property to the east to include the lesser slope constrained portions of the site and allow expansion of the commercial zoning. This is a very similar request in that this area is also already developed, so slope constraints would not be a concern with this extension.

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 to this area, however, this area is served by a major arterial, Chapman Highway and transit is also available in this commercial corridor.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. Although an obvious error in the plan is easily identifiable given the current A zoning, the property has been used for many years for commercial activities. This request recognizes that use through this minor extension of the existing CA zoning.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. The adjacent 2019 plan amendment and rezoning to GC and CA respectively noted the existing adjacent transitional land use classification of MDR/O adjacent to the residential development which will remain in this area (see case 3-D-19-RZ / 3-A-19-SP). This request is continuing that line of minor expansion of the existing GC land use classification.

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. The proposed amendment is consistent with a recent, 2019, rezoning and sector plan amendment on the adjacent property to the east.
2. The subject property is adjacent to existing CA zoning with frontage on Chapman Highway, this request is for a smaller area less than an acre in size.

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

1. The subject property is adjacent to a large CA zoned area along Chapman Highway, this request represents a small extension of the existing CA zoning.
2. The CA zone district is intended for general retail business and services, which are the dominant land uses for properties with frontage on Chapman Highway in this area.

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. An extension of the CA zone district to incorporate an adjacent area less than an acre in size is not expected to create direct or indirect adverse effects.
2. The subject property has been previously developed and has an existing commercial use on the property, adverse effects are not expected to occur because of the minor extension of the CA zone district to recognize the existing use.

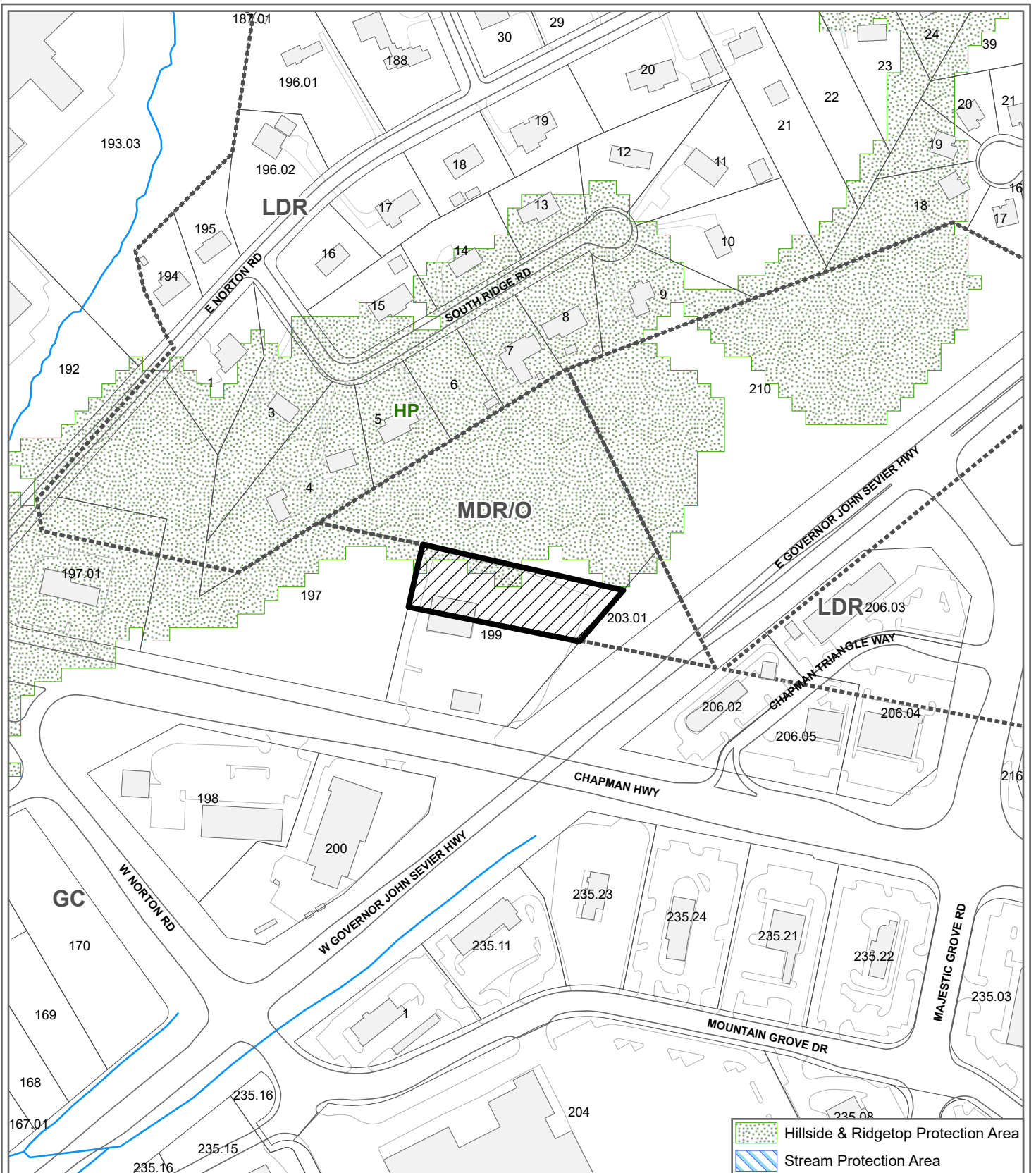
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:



1. The recommended extension of CA zoning is consistent with the recommended sector plan amendment to GC. It does not appear to be in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

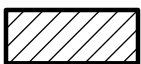
If approved, this item will be forwarded to Knox County Commission for action on 8/22/2022. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



 Hillside & Ridgetop Protection Area
 Stream Protection Area

**7-F-22-SP / 7-R-22-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT**

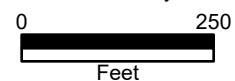
From: GC (General Commercial), MDR/O (Medium Density Residential/ Office) & HP (Hillside Protection)
 To: GC (General Commercial) & HP (Hillside Protection)



Petitioner: Driver, Mark H.

Map No: 137

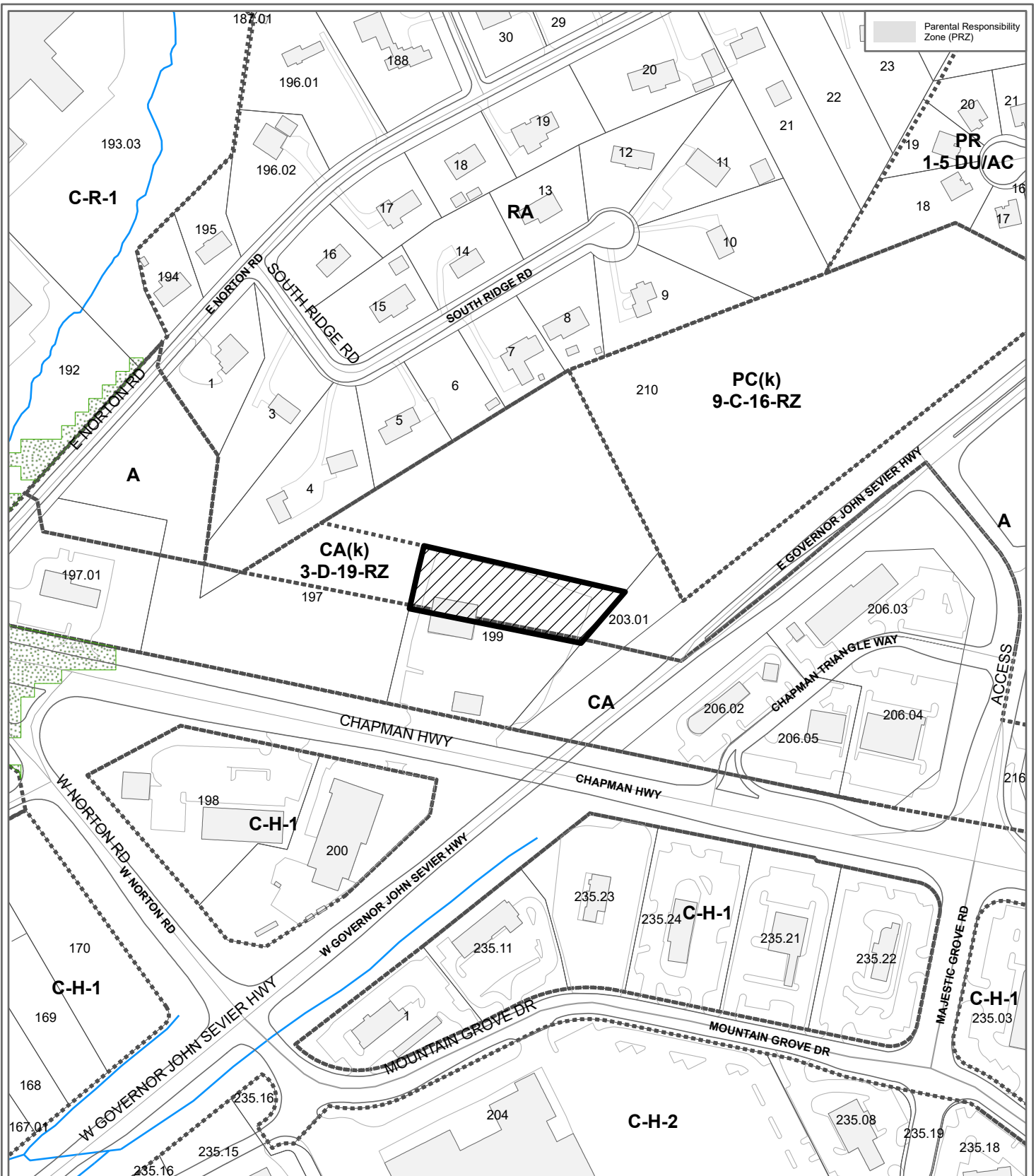
Jurisdiction: County



Original Print Date: 6/16/2022

Revised:

Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902



**7-R-22-RZ
REZONING**

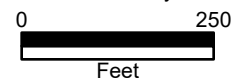
From: CA (General Business) & A (Agricultural)
To: CA (General Business)



Petitioner: Driver, Mark H.

Map No: 137

Jurisdiction: County



***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTH COUNTY SECTOR PLAN***

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the South County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Mark H. Driver has submitted an application for an amendment to the South County Sector Plan for property described in the application; and

WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from Medium Density Residential/Office and Hillside Protection to General Commercial and Hillside Protection consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing on July 14, 2022, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the South County Sector Plan, with its accompanying staff report and map, file #7-F-22-SP.

SECTION 2: This Resolution shall take effect upon its approval.

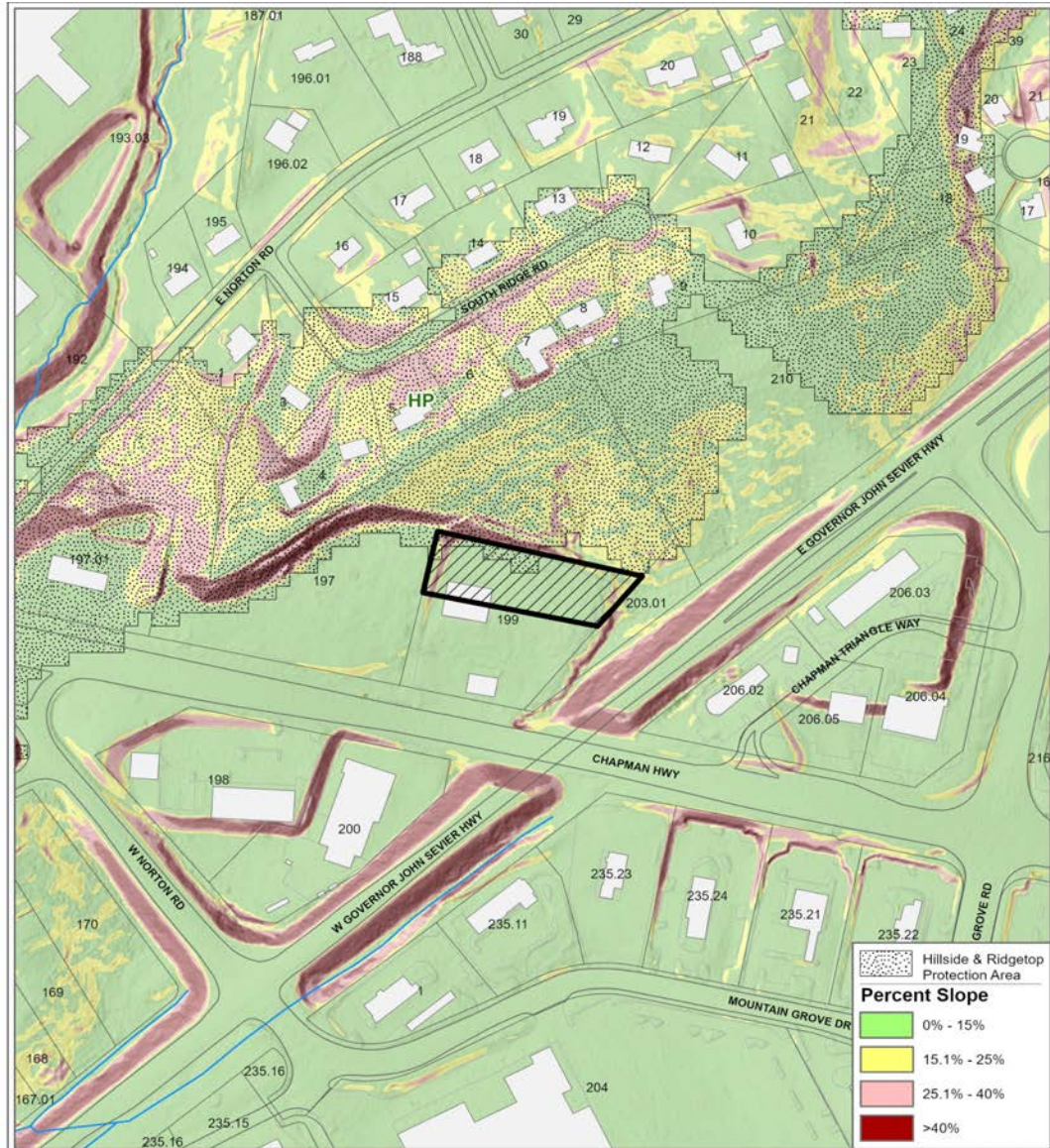
SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

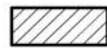
Chairman

Secretary

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	0.92		
Non-Hillside	0.79	N/A	
0-15% Slope	0.09	100%	0.1
15-25% Slope	0.02	50%	0.0
25-40% Slope	0.01	20%	0.0
Greater than 40% Slope	0.01	10%	0.0
Ridgetops			
Hillside Protection (HP) Area	0.13	Recommended disturbance budget within HP Area (acres)	0.1
		Percent of HP Area	0.8



7-R-22-RZ / 7-F-22-SP
SLOPE ANALYSIS



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

Original Print Date: 6/23/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Driver

Map No: 137
Jurisdiction: County

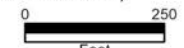


Exhibit A. 7-R-22-RZ_7-F-22-SP Contextual Images

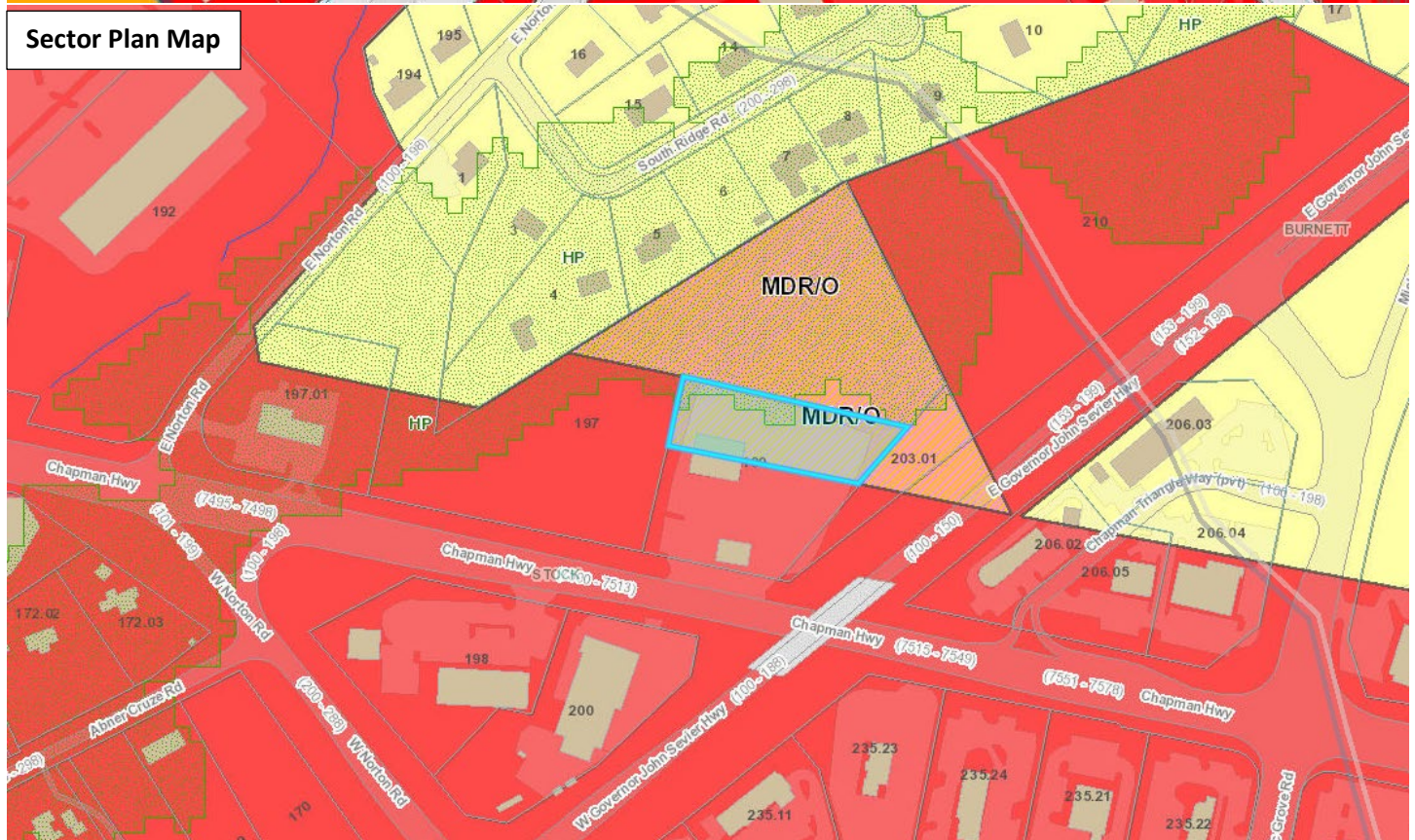
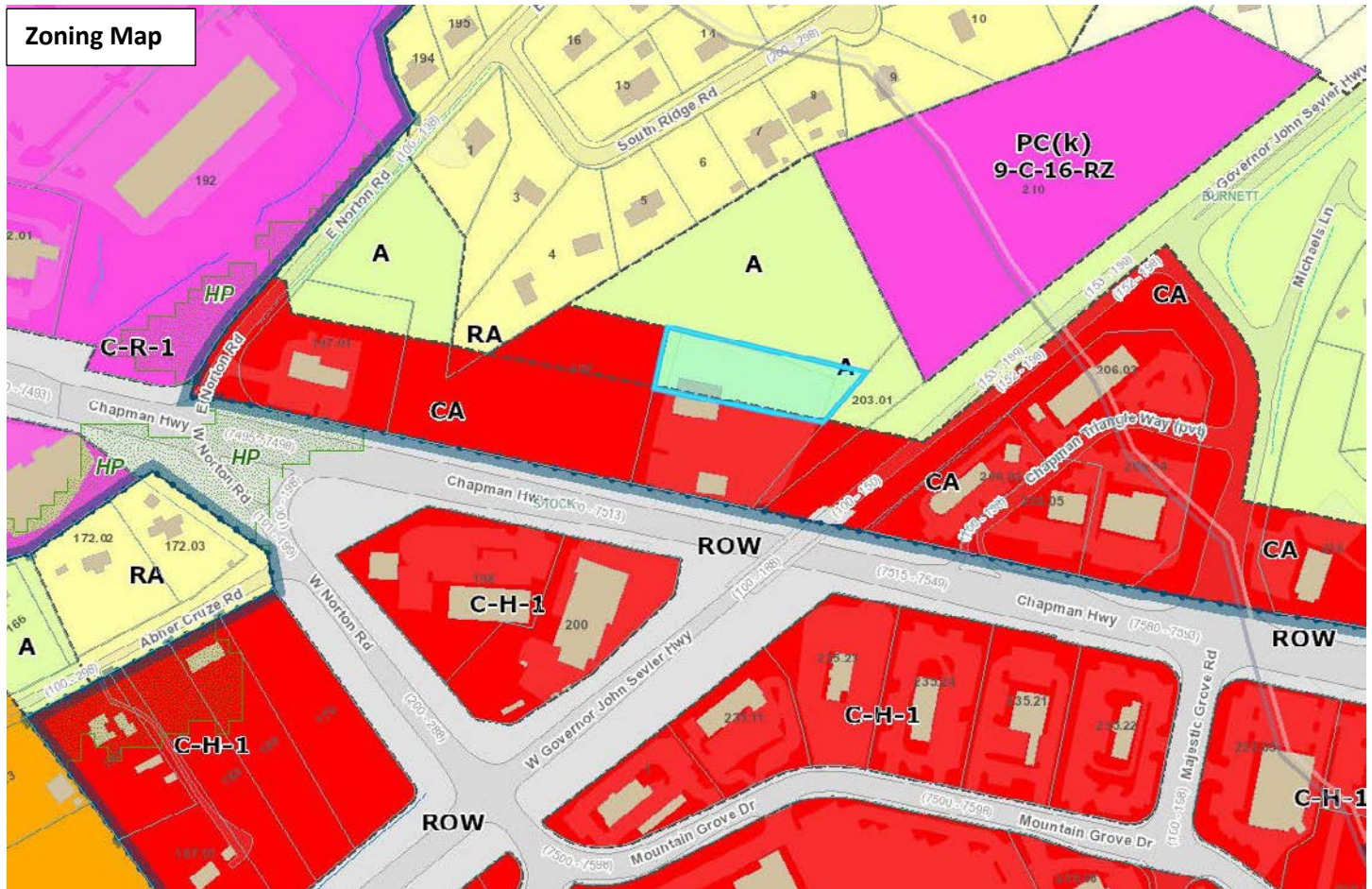
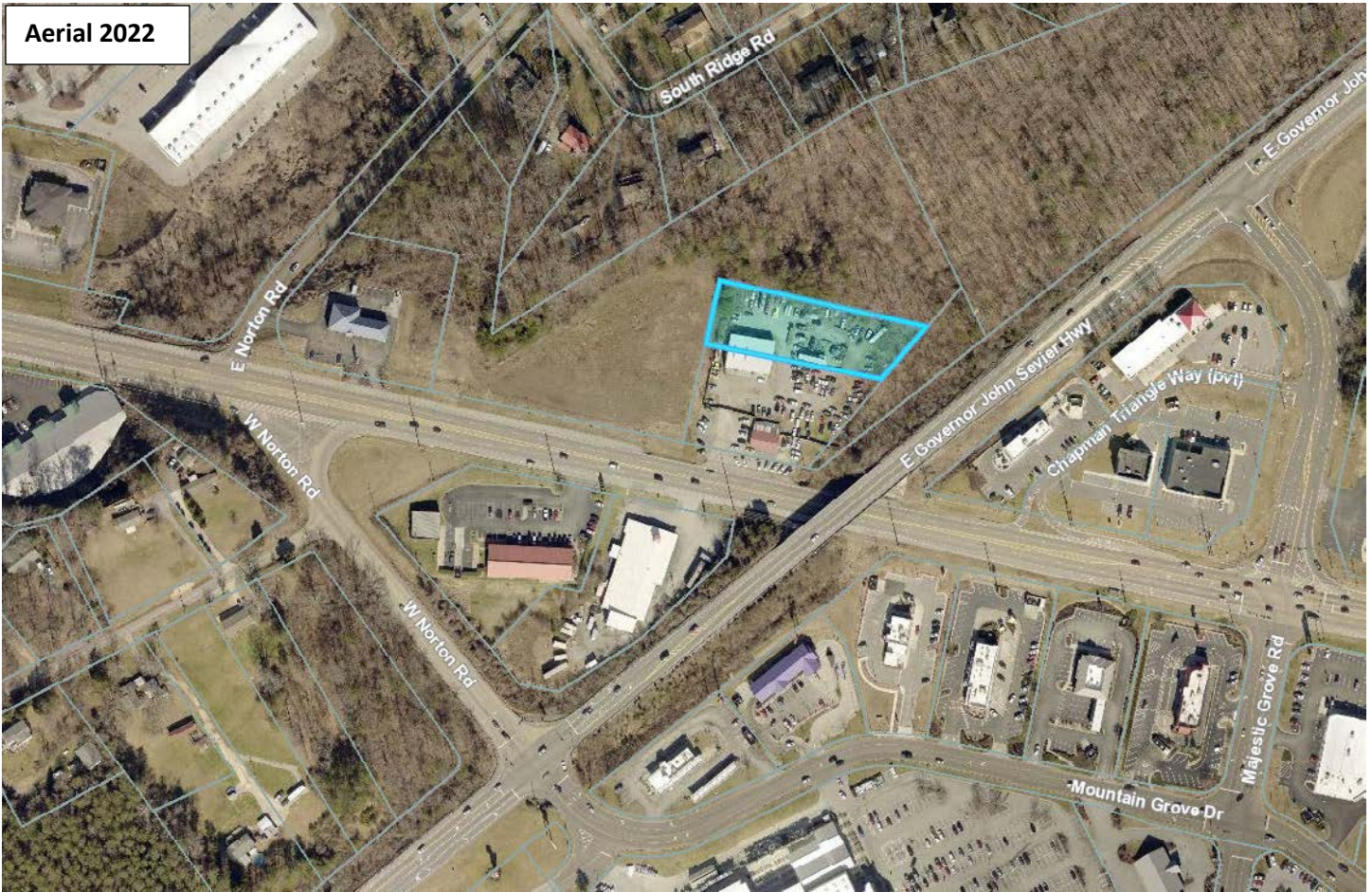


Exhibit A. 7-R-22-RZ_7-F-22-SP Contextual Images



Download and fill out this form at your convenience.
Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the
Knoxville-Knox County Planning offices
OR email it to applications@knoxplanning.org

Reset Form



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

Mark H. Driver, PE, PLS

Engineer/Land Surveyor

Applicant Name

Affiliation

05-27-22

14
July 2022

Date Filed

Meeting Date (if applicable)

File Number(s)

7-R-22-RZ
7-F-22-SP

CORRESPONDENCE

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

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Mark H. Driver, PE, PLS

Landmark Engineers & Surveyors, LLC

Name

Company

12400 Cypress Grove Lane

Knoxville

TN

37922

Address

City

State

ZIP

(865) 776-9074

mdriver@landmarkesllc.com

Phone

Email

CURRENT PROPERTY INFO

William Massie

322 El Dorado Circle Seymour, TN 37865

(865) 919-2163

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

7518 Chapman Highway and 7516 Chapman Hwy.

137199 (portion of)

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

NE of Chapman Hwy, NW of E Gov John Sevier Hwy

0.92 Ac of the full 2.03 Ac

General Location

Tract Size

City County **9th**
District

CA and A
Zoning District

CO
Existing Land Use

South County

GC and MDR/O

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Unit / Phase Number _____

- Combine Parcels
- Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements _____

ZONING REQUEST

Pending Plat File Number

Zoning Change **CA see submitted map**
 Proposed Zoning _____

Plan Amendment Change **Sector Plan MDR/O to GC see submitted map**
 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			Total
0326	\$1000		\$1600
			AK 5/31/22
Fee 2			
0526	\$600		
Fee 3			

AUTHORIZATION

Mark H. Driver, PE, PLS

5/27/22

Applicant Signature

Please Print

Date

(865) 776-9074

mdriver@landmarkesllc.com

Phone Number

Email

William A. MASSIE

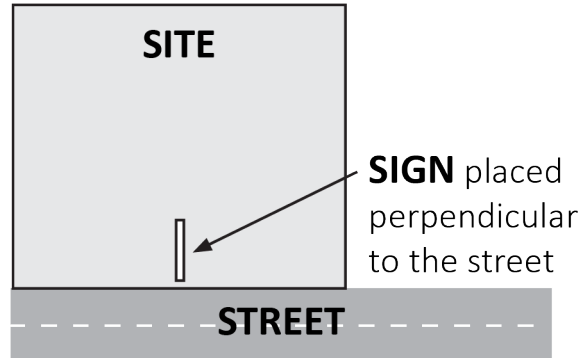
5/26/22

Property Owner Signature

Please Print

Date

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ and _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

- Sign posted by Staff
- Sign posted by Applicant