



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 12-A-23-RZ  
12-A-23-SP

**AGENDA ITEM #:** 22  
**AGENDA DATE:** 12/14/2023

▶ **APPLICANT:** DALE RHOTON  
**OWNER(S):** KME Development, LLC

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**TAX ID NUMBER:** 96 110.03 (PART OF) [View map on KGIS](#)  
**JURISDICTION:** Commission District 9  
**STREET ADDRESS:** 3220 E GOVERNOR JOHN SEVIER HWY  
▶ **LOCATION:** East side of E Governor John Sevier Hwy, north of Thorn Grove Pk  
▶ **TRACT INFORMATION:** 2.6 acres.  
**SECTOR PLAN:** East County  
**GROWTH POLICY PLAN:** Planned Growth Area  
**ACCESSIBILITY:** Access is via E Governor John Sevier Highway, a 3-lane major arterial street with a pavement width of 42 ft within a 100-ft right-of-way.  
**UTILITIES:** Water Source: Knoxville Utilities Board  
Sewer Source: Knoxville Utilities Board  
**WATERSHED:** Swan Pond Creek

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▶ **PRESENT PLAN DESIGNATION/ZONING:** OS (Other Open Space) / A (Agricultural), HZ (Historical Overlay)  
▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business)  
▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** This is a minor extension of the GC plan designation, but not an extension of the CA zone.  
**HISTORY OF ZONING REQUESTS:** The property, as part of a larger area associated with the Ramsey House, received the HZ overlay in 1988 (9-B-88-RZ).  
**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**  
North: Rural residential - LI (Light Industrial) - A (Agricultural)  
South: Commercial - GC (General Commercial) - PC (Planned Commercial)  
East: Agriculture/forestry/vacant Land - OS (Other Open Space) - A (Agricultural), HZ (Historical Overlay)  
West: Transportation/communications/utilities (towing facility) - LI (Light Industrial), HP (Hillside & Ridgetop Protection Areas) - I (Industrial)  
**NEIGHBORHOOD CONTEXT:** This area is developed with a mix of uses, including light industrial, low and medium density residential, and the Ramsey House and grounds.

**STAFF RECOMMENDATION:**

- ▶ **Approve the GC (General Commercial) land use classification because it is compatible with surrounding development and is a minor extension of this classification.**
  
- ▶ **Approve the CA (General Business) zone because it is compatible with surrounding development, subject to 2 conditions. Deny the request to remove the HZ (Historic) overlay as recommended by the Historic Zoning Commission.**
  1. Prior to any vegetation removal and/or grading work, a wetland determination should be conducted to identify the boundaries of the wetlands within the subject parcel unless otherwise instructed by the Knox County Engineering and Public Works department. Any disturbance on this site should comply with the Knox County Stormwater Ordinance Sec. 26-223-(2) (c).
  2. Provide a 50-ft landscape buffer consistent with the commercial considerations within the Governor John Sevier Highway Corridor Study.

**COMMENTS:**

This Sector Plan amendment request is only for approximately 2.5-acre of the parcel along E Governor John Sevier Highway (Exhibit A). The OS (Other Open Space) classification for the eastern portion of the parcel would be retained.

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. The adjacent property to the south was approved for GC (General Commercial) land use in 2014 (5-D-14-SP). The proposed amendment will be a minor extension of this classification.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No known improvements have been made recently to Governor John Sevier Highway or Thorn Grove Pike close to this site. However, the streets are classified as major arterial and minor collector respectively, and they are sufficient for the traffic that would be generated by commercial use on the site. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no apparent errors or omissions in the East County Sector Plan with regards to the requested GC classification here.
2. However, only the subject property has the OS classification among nearby properties along Governor John Sevier Highway, with most of these having LI (Light Industrial) classification. The proposed GC classification will be consistent with the surrounding land uses and zoning, as it would be an extension of this land use classification from the south.

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

1. General planning principles suggest that commercial uses are appropriate at or close to the intersection of major streets, as is the case here, for establishment of commercial nodes.
2. The adjacent property to the south received Use on Review approval for a Dollar General in July 2014 (7-D-14-UR).

In October 2023, the applicant requested the Historic Zoning Commission (HZC) for removal of the HZ (Historic) overlay from the entirety of the property and the HZC denied the request (10-B-23-HZ, see Exhibits B through E for extracts from the HZC case file). For this rezoning application, the applicant has revised the boundary so that the request now includes only 2.5 acres of the 5.77-acre parcel.

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 COUNTY GENERALLY:

1. In 2014, the Historic Ramsey House board subdivided approximately 9.11 acres on the west side of the

property into one 5.77-acre lot (subject parcel) and one 3.34-acre lot (the adjacent parcel to the south). At that time, the HZC recommended the HZ overlay be removed on the 3.34-acre southern parcel and it was approved for a commercial rezoning in the same year (5-G-14-RZ).

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

1. The CA zone is intended to provide 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. The proposed rezoning will be consistent with the zone's intent and the surrounding area that includes a mix of commercial, light industrial, office, and residential uses.
3. The HZ overlay designates areas and structures of sufficient historical and cultural significance to warrant public protection. It is not intended that the use of these structures shall be regulated by this overlay. Therefore, any use permitted by the CA zone would not be in conflict with the HZ overlay.

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. The proposed rezoning will be compatible with the Dollar General to the south and the Industrial zoned properties to the west across the highway.
2. The rezoning is not expected to significantly affect the adjacent rural residential use on the north because a landscape screen will be required along the northern boundary per section 4.10.11 of the zoning ordinance.
3. The 5.77-acre parcel includes wetlands and vegetations along the eastern side. The wetlands were not delineated during the plating process. The boundary of the wetlands should be determined and remain undisturbed as mentioned in the condition of this rezoning approval.
4. Retaining the HZ overlay will ensure any new development on the property would be subject to HZC approval, so it would not adversely affect the historic Ramsey House.

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 proposed CA zone is consistent with the recommended GC land use classification amendment to the East County Sector Plan.
2. The proposed rezoning is compatible with the subject property's location in the Planned Growth Area of the Growth Policy Plan.
3. This rezoning request excludes the vegetated portion on the eastern side of the parcel. This is consistent with the General Plan's development policy 9.2 that encourages development practices to respect the natural landscape, minimizing the loss of trees, woodlands, and wildlife habitat.
4. Governor John Sevier Highway is identified as a Development Corridor in the East County Community Plan and the proposed rezoning to the CA zone, which would allow commercial development, is consistent with the plan.
5. The incorporation of landscape screening as a condition of this rezoning is consistent with the Governor John Sevier Highway Corridor Study recommendation for a 50-ft tree protection and landscape buffer. The buffer should be consistent with the illustration provided in the plan to protect the rural, scenic character of the John Sevier Highway Corridor.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/22/2024. 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.