



# SPECIAL USE REPORT

▶ **FILE #:** 1-A-23-SU

**AGENDA ITEM #:** 14

**AGENDA DATE:** 1/12/2023

▶ **APPLICANT:** AMY SHERRILL  
**OWNER(S):** Market Scott LLC

**TAX ID NUMBER:** 81 L Q 015.01 [View map on KGIS](#)  
**JURISDICTION:** City Council District 4  
**STREET ADDRESS:** 428 E SCOTT AVE

▶ **LOCATION:** Southeast side of E. Scott Ave, southwest of Harvey St  
▶ **APPX. SIZE OF TRACT:** 18633 square feet  
**SECTOR PLAN:** Central City  
**GROWTH POLICY PLAN:** N/A (Within City Limits)  
**ACCESSIBILITY:** Access is via E Scott Ave, a local road with a pavement width of 30-ft within a right-of-way width of 46-ft.  
**UTILITIES:** Water Source: Knoxville Utilities Board  
Sewer Source: Knoxville Utilities Board  
**WATERSHED:** Second Creek

▶ **ZONING:** RN-5 (General Residential Neighborhood), H (Historic Overlay)  
▶ **EXISTING LAND USE:** Wholesale  
▶ **PROPOSED USE:** Remove previously approved planned district designation (C)

**HISTORY OF ZONING:** In 2018, the site was rezoned from R-1A (Low Density Residential) / H-1 (Historic Overlay) to the current RP-1 (Planned Residential) / H-1 (Historic Overlay).

**SURROUNDING LAND USE AND ZONING:**  
North: Right-of-way, Single family residential - RN-2 (Single-Family Residential Neighborhood)/H-1 (Historic Overlay)  
South: Right-of-way, Single family residential, Multi-family residential - RN-2 (Single-Family Residential Neighborhood)/H-1 (Historic Overlay)  
East: Right-of-way, Single family residential - RN-2 (Single-Family Residential Neighborhood)/H-1 (Historic Overlay)  
West: Right-of-way, Single family residential, Multi-family residential - RN-2 (Single-Family Residential Neighborhood)/H-1 (Historic Overlay), RN-4,5 (General Residential Neighborhood) /H-1 (Historic Overlay)

**NEIGHBORHOOD CONTEXT:** This area is primarily residential and is characterized by a mix of detached and attached houses, smaller lots and alleys.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request to remove the previously approved planned district (C) designation from this parcel.**

**COMMENTS:**

Prior to adoption of the new zoning ordinance, this parcel was zoned RP-1 (Planned Residential) / H-1 (Historic Overlay). Per Article 1.4.G. (Previously Approved Planned Districts) of the City of Knoxville Zoning Ordinance, all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval.

In 2018, the property was rezoned RP-1 (Planned Residential) / H-1 (Historic Overlay) and staff could not find any previous applications for development plan approval on this site. The former RP-1 zoning allows flexibility in the types of residential uses that can be considered (attached and detached houses and multi-family) and commercial/office and community facilities as uses permitted on review. If the former RP- 1 zoning is removed from the site, the new RN-5/H-1 zoning will apply to the property. That allows similar residential uses and similar commercial/office uses as a permitted use on review as RP-1. When this site was rezoned in 2018, it was commercial and is still commercial use today.

**STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)**

- 1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.
  - A. The One Year Plan and Central City Sector Plan designation for this site is TDR (Traditional Neighborhood Residential).
  - B. RN-5/H-1 zoning that the applicant is requesting to develop under is consistent with the plans.
  
- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.
  - A. Any proposed new uses will be required to be consistent the general purpose and intent of the zoning code.
  
- 3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.
  - A. The permitted uses in the RN-5 zone are compatible with the character of the neighborhood.
  
- 4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.
  - A. The permitted uses in the RN-5 zone should not injure the value of adjacent property.
  
- 5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.
  - A. The site is located just off West Glenwood Ave, a collector street, so it will not draw substantial additional traffic through residential streets.
  
- 6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.
  - A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future uses on this site.

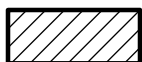
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/7/2023 and 2/21/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**1-A-23-SU  
SPECIAL USE**

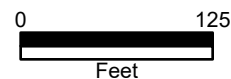


Remove previously approved planned district designation (C) in RN-5 (General Residential Neighborhood), H (Historic Overlay)

Original Print Date: 12/19/2022      Revised:  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Amy Sherrill

Map No: 81  
 Jurisdiction: City





# Development Request

## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - Sector Plan
  - One Year Plan
- Rezoning

**Amy Sherrill**

Applicant Name

Affiliation

**11/28/2022**

Date Filed

**1/12/2023**

Meeting Date (if applicable)

**1-A-23-SU**

File Number(s)

## CORRESPONDENCE

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

**Amy Sherrill Benefield Richters**

Name / Company

**902 N Central Street Knoxville TN 37917**

Address

**865-637-7009 / asherrill@benefieldrichters.com**

Phone / Email

## CURRENT PROPERTY INFO

**Market Scott LLC**

Owner Name (if different)

**105 Center Park Dr Ste 104 Knoxville TN 37922**

Owner Address

**865-719-9989**

Owner Phone / Email

**428 E SCOTT AVE**

Property Address

**81 L Q 015.01**

Parcel ID

**18633 square feet**

Tract Size

Part of Parcel (Y/N)?

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**Southeast side of E. Scott Ave, southwest of Harvey St**

General Location

City

**Council District 4**

**RN-5 (General Residential Neighborhood), H (Historic Overlay)**

**Wholesale**

Count

District

Zoning District

Existing Land Use

**Central City**

Planning Sector

**TDR (Traditional Neighborhood Residential)**

Sector Plan Land Use Classification

**N/A (Within City Limits)**

Growth Policy Plan Designation

## DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) **Remove previously approved planned district designation (C)**

## SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information \_\_\_\_\_

- Attachments / Additional Requirements

## ZONING REQUEST

- Zoning Change

Proposed Zoning

Pending Plat File Number

- Plan

Amendment

Proposed Plan Designation(s)

Proposed Density (units/acre)   Previous Zoning Requests

Additional Information \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

- Staff Review    Planning Commission

Fee 1

**\$450.00**

Total

### ATTACHMENTS

- Property Owners / Option Holders    Variance Request

Fee 2

### ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)  
 Design Plan Certification (Final Plat)  
 Site Plan (Development Request)  
 Traffic Impact Study  
 Use on Review / Special Use (Concept Plan)

Fee 3

## AUTHORIZATION

\_\_\_\_\_  
Applicant Signature   **Amy Sherrill**  
Please Print

**11/28/2022**

Date

Phone / Email

\_\_\_\_\_  
Property Owner Signature   **Market Scott LLC**  
Please Print

**11/28/2022**

Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



# 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

Amy Sherrill

Architect

Applicant Name

Affiliation

11/21/2022

1/12/2023

File Number(s)

Date Filed

Meeting Date (if applicable)

1-A-23-SU

## 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

Amy Sherrill

the Benefield Richters Company

Name

Company

902 N Central St

Knoxville

TN

37917

Address

City

State

ZIP

865-637-7009

asherrill@benefieldrichters.com

Phone

Email

## CURRENT PROPERTY INFO

MARKET SCOTT LLC

105 CENTER PARK DRIVE 104 37922

816-719-9989

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

428 E Scott Ave

081LQ01501

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

Southeast side of E. Scott Ave, southwest of Harvey St

18,634 sqft

General Location

Tract Size

City  County

4th  
District

RN-5 (C) / H  
Zoning District

Office / Warehouse  
Existing Land Use

Central City

TDR

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

**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) request remove previously approved planned district designation (C)

**SUBDIVISION REQUEST**

Related Rezoning File Number

Proposed Subdivision Name \_\_\_\_\_

Combine Parcels   
  Divide Parcel   
 \_\_\_\_\_ Total Number of Lots Created

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

**ZONING REQUEST**

Pending Plat File Number

Zoning Change   
 \_\_\_\_\_ Proposed Zoning

Plan Amendment Change   
 \_\_\_\_\_ 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
0401	Special Use	
Fee 2		
		\$450
Fee 3		

MR

**AUTHORIZATION**

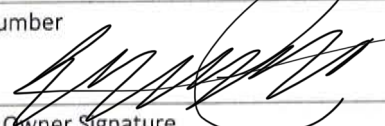
  
Applicant Signature

Amy Sherrill  
Please Print

11/22/2023  
Date

865-637-7009  
Phone Number

asherrill@benefieldrichters.com  
Email

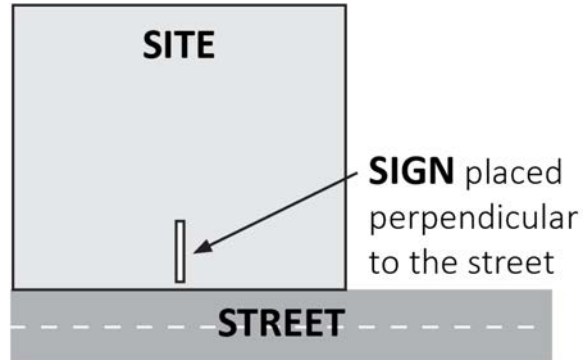
  
Property Owner Signature

Oded shainin.  
Please Print

11-28-22  
Date

*I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.*

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:***

\_\_\_\_\_ 12/31/2022 \_\_\_\_\_ and \_\_\_\_\_ 1/13/2023 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Amy Sherrill

Date: 11/28/22

File Number: 1-A-23-SU

- Sign posted by Staff
- Sign posted by Applicant