

REZONING REPORT

▶ **FILE #:** 1-G-23-RZ

AGENDA ITEM #: 19

AGENDA DATE: 1/12/2023

▶ **APPLICANT:** KEITH STEWART

OWNER(S): Keith Stewart

TAX ID NUMBER: 47 236

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 1633 DRY GAP PIKE

▶ **LOCATION:** West side of Dry Gap Pike, south of E. Beaver Creek Dr.

▶ **APPX. SIZE OF TRACT:** 4.76 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Dry Gap Pike, a major collector, with a median-divided 70-ft pavement width within a right-of-way width of 100-ft.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** CA (General Business)

▶ **ZONING REQUESTED:** CB (Business and Manufacturing)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶

EXTENSION OF ZONE: Yes, CB is adjacent.

HISTORY OF ZONING: 8-K-08-RZ: A to CA

SURROUNDING LAND USE AND ZONING: North: Commercial, Transportation/Communications/Utilities - CB (Business and Manufacturing)

South: Agriculture/forestry/vacant - PR (Planned Residential)

East: Rural residential - A (Agricultural)

West: Rural residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is adjacent to the commercial node at the intersection with E. Beaver Creek Drive and Dry Gap Pike and primarily surrounded by low density residential.

STAFF RECOMMENDATION:

▶ **Approve the CB (Business and Manufacturing) zone because it is an extension of existing commercial node, subject to one condition:**

1) Provide a vegetated buffer consisting of a "Type B" landscape screen of 20-ft in depth adjacent to the PR and A zoned parcels on the south and west perimeters of the subject property.

COMMENTS:

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. This area has been transitioning from large agricultural and forested areas to single family residential neighborhoods beginning in the early 1990s. Significant additional growth in residential development has also occurred since Brickley McCloud Elementary school was completed in 2003, which is located within 0.5 miles from this intersection of E Beaver Creek Drive and Dry Gap Pike.

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

1. CB zoning is intended to provide for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. Staff is recommending an additional vegetated buffer yard to mitigate potential impacts to the adjacent residential zoned properties.

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. CB zoning is adjacent to this parcel at the intersection of E Beaver Creek Drive and Dry Gap Pike. Existing commercial uses at this node include a gas station, a self-storage facility, an auto repair facility, a fitness studio and a hair salon, within the CA and CB zone districts.

2. A condition for a vegetated buffer along the perimeter of the subject property adjacent to the A and PR zoned areas is also recommended to reduce the potential for adverse impacts related to the more intensive commercial uses allowed under the CB zone district.

3. The property is bisected by a blue line stream that will have to be buffered when the site is developed.

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:

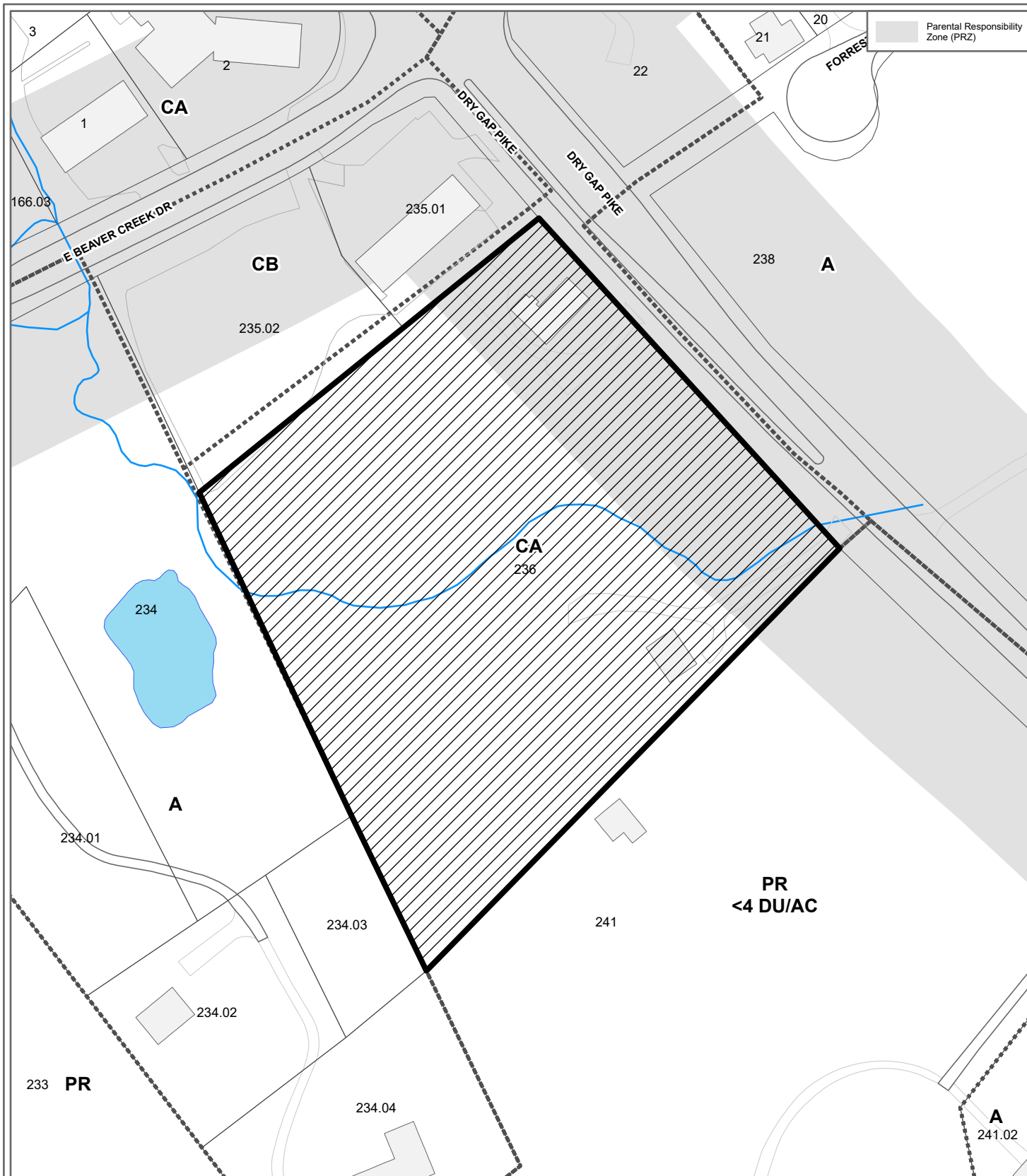
1. The proposed CB zoning is consistent with the sector plan.

2. The proposed rezoning is not in conflict with the General Plan or any other adopted plans for this area.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/21/2023. 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.



**1-G-23-RZ
REZONING**

From: CA (General Business)
To: CB (Business and Manufacturing)



Petitioner: Keith Stewart

Map No: 47
Jurisdiction: County

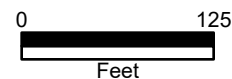


Exhibit A. 1-G-23-RZ Contextual Images

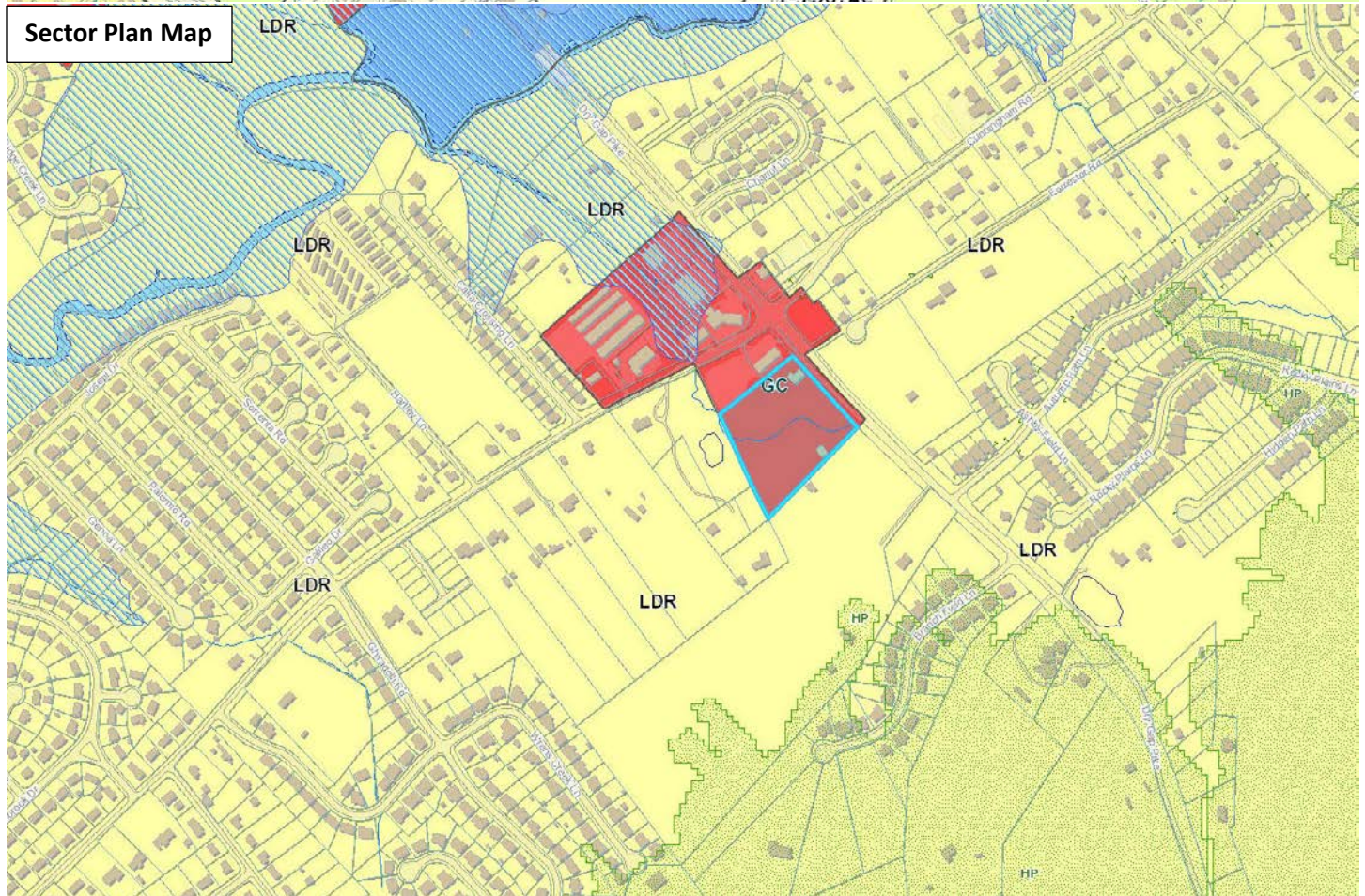
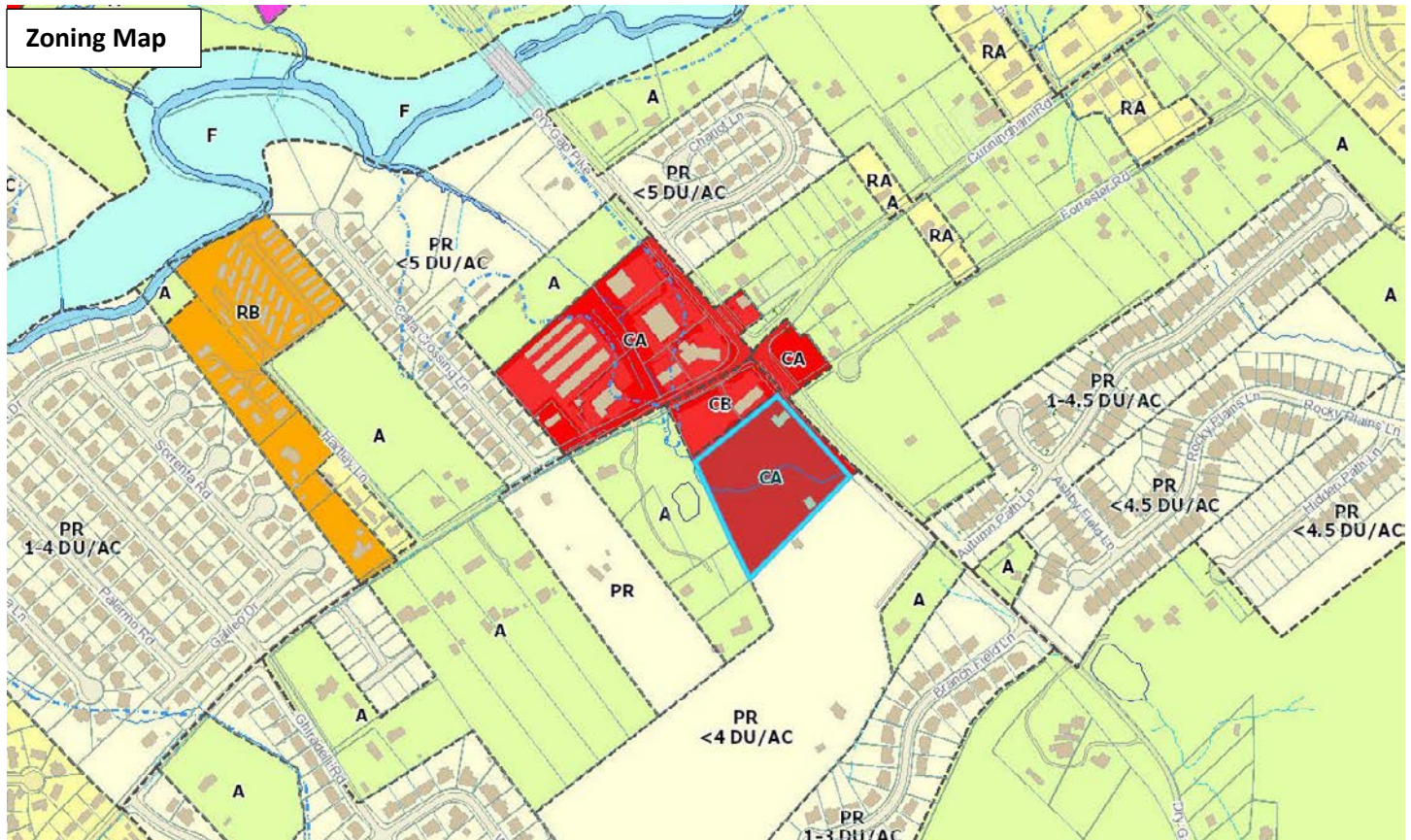


Exhibit A. 1-G-23-RZ Contextual Images





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

Keith Stewart

Applicant Name

Affiliation

11/3/2022

Date Filed

1/12/2023

Meeting Date (if applicable)

1-G-23-RZ

File Number(s)

CORRESPONDENCE

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

Keith Stewart

Name / Company

625 Market St 7th Floor Knoxville TN 37902

Address

865-456-0805 / keithdstewart@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Keith Stewart

Owner Name (if different)

625 Market St 7th Floor Knoxville TN 37902

Owner Address

865-456-0805 / keithdstewart

Owner Phone / Email

1633 DRY GAP PIKE

Property Address

47 236

Parcel ID

4.76 acres

Tract Size

Part of Parcel (Y/N)?

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Dry Gap Pike, south of E. Beaver Creek Dr.

General Location

City

Commission District 7

CA (General Business)

Agriculture/Forestry/Vacant Land

Count

District

Zoning District

Existing Land Use

North County

Planning Sector

GC (General Commercial)

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change CB (Business and Manufacturing)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	
Proposed Plan Designation(s)	
8-K-08-RZ	
Proposed Density (units/acre)	Previous Zoning Requests
Additional Information _____	

STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	\$1,000.00	
ATTACHMENTS	Fee 2	
<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
ADDITIONAL REQUIREMENTS	Fee 3	
<input type="checkbox"/> COA Checklist (Hillside Protection)		
<input type="checkbox"/> Design Plan Certification (Final Plat)		
<input type="checkbox"/> Site Plan (Development Request)		
<input type="checkbox"/> Traffic Impact Study		
<input type="checkbox"/> Use on Review / Special Use (Concept Plan)		

AUTHORIZATION

Applicant Signature	Keith Stewart Please Print	11/3/2022 Date
---------------------	--------------------------------------	--------------------------

Property Owner Signature	Keith Stewart Please Print	11/3/2022 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.

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

OR 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

Keith Stewart

Owner

Applicant Name

~~October 20, 2022~~

November 1, 2020

Date Filed

~~December 8, 2022~~

January 12, 2023

Meeting Date (if applicable)

Affiliation

File Number(s)

1-G-23-RZ

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

Keith Stewart

Name	Company	TN	37902
625 Market St 7th Floor	Knoxville		

Address	City	State	ZIP
865-456-0805	keithdstewart@gmail.com		

Phone	Email

CURRENT PROPERTY INFO

Property Address	Parcel ID	Tract Size
Same	800 Blows Ferry Rd	4.98 acres

Property Owner Name (if different)	Property Owner Address	Property Owner Phone
1633 Dry Gap Pike	047 236	

Property Address	Parcel ID	Septic (Y/N)
	Hallsdale Powell	Y

Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

General Location	Tract Size
West side of Dry Gap Pike, south of E. Beaver Creek Dr.	4.98 acres

<input type="checkbox"/> City <input checked="" type="checkbox"/> County	District	Zoning District	Existing Land Use
	North County	CA	Ag/Forest/Vacant

Planning Sector	Sector Plan Land Use Classification	Growth Policy Plan Designation
	GC	Planned Growth

DEVELOPMENT REQUEST

Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential
 Home Occupation (specify) _____
 Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____
 Combine Parcels
 Divide Parcel
 Unit / Phase Number _____ Total Number of Lots Created _____
 Other (specify) _____
 Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

Zoning Change
 CB
 Proposed Zoning _____
 Plan Amendment Change
 Proposed Plan Designation(s) _____
 Proposed Density (units/acre) _____ Previous Rezoning Requests _____
 Other (specify) _____

Pending Plat File Number

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
803	\$1,000
Fee 2	
Fee 3	
Paid 11/3/22	



Applicant Signature

Keith Stewart

Please Print

10/20/2022

Date

(865) 456-0805

Phone Number

keithdstewart@gmail.com

Email



Property Owner Signature

KEITH D. STEWART

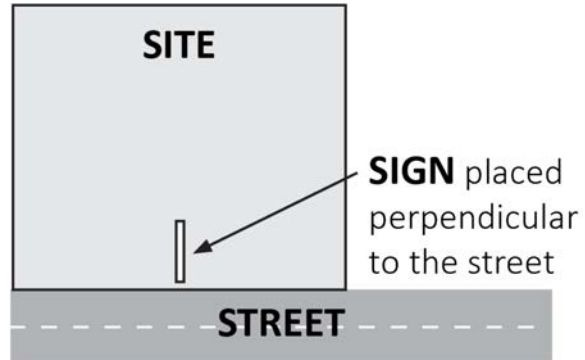
Please Print

10/20/2022

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.

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: Keith Stewart

Date: 11/3/22

File Number: 1-G-22-RZ

- Sign posted by Staff
- Sign posted by Applicant