

# REZONING REPORT

▶ **FILE #:** 7-J-23-RZ

**AGENDA ITEM #:** 11

**AGENDA DATE:** 7/13/2023

▶ **APPLICANT:** CHRISTOPHER W. MARTIN  
**OWNER(S):** Tim Topham Mountain Commerce Bank

**TAX ID NUMBER:** 131 L B 001 [View map on KGIS](#)

**JURISDICTION:** City Council District 2

**STREET ADDRESS:** 9950 KINGSTON PIKE

▶ **LOCATION:** **South side of Kingston Pike, east side of Fox Rd, west side of Capital Dr**

▶ **APPX. SIZE OF TRACT:** 2.7 acres

**SECTOR PLAN:** Southwest County

**GROWTH POLICY PLAN:** N/A (Within City Limits)

**ACCESSIBILITY:** Access is via Capital Dr, a local street 38-60-ft of pavement width within a range of 55-80-ft of right-of-way.

**UTILITIES:** Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

**WATERSHED:** Sinking Creek

▶ **PRESENT ZONING:** OP (Office Park)

▶ **ZONING REQUESTED:** C-G-1 (General Commercial)

▶ **EXISTING LAND USE:** Office

▶ **EXTENSION OF ZONE:** Yes, this is an extension.

**HISTORY OF ZONING:** In 1995, this property was annexed by the City and zoned to PC-1 (Retail and Office Park) (12-S-95-RZ).

**SURROUNDING LAND USE AND ZONING:** North: Commercial - I-G (General Industrial) in the City, CB (Business and Manufacturing) in the County

South: Industrial (Manufacturing) - PC (Planned Commercial) in the County

East: Commercial, office - OP (Office Park) in the city, PC (Planned Commercial) in the County

West: Commercial, office - C-G-1 (General Commercial) in the City, CA (General Business) in the County

**NEIGHBORHOOD CONTEXT:** This property is near the Kingston Pike/Pellissippi Parkway interchange and is surrounded by a mix of commercial and office uses. There are industrial properties consisting of warehouses and outdoor storage across the street.

**STAFF RECOMMENDATION:**

▶ **Approve the C-G-1 district because it is consistent with the sector plan and surrounding area.**

**COMMENTS:**

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, 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 GENERALLY:

1. This property is located along Kingston Pike, a commercial corridor near the intersection with Pellissippi Parkway in a small commercial/office park area.
2. It would be a minor extension of the C-G-1 zoning district, which is adjacent to the west.

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

1. The C-G General Commercial Zoning District is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors.
2. The requested C-G-1 district would enable retail and office uses, which is consistent with surrounding development.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. There are no adverse impacts anticipated with the proposed rezoning. The requested C-G-1 (General Commercial) zoning is compatible with the commercial corridor development.
2. Kingston Pike is classified as major arterial, adequate to handle any additional traffic generated by office uses on the site.

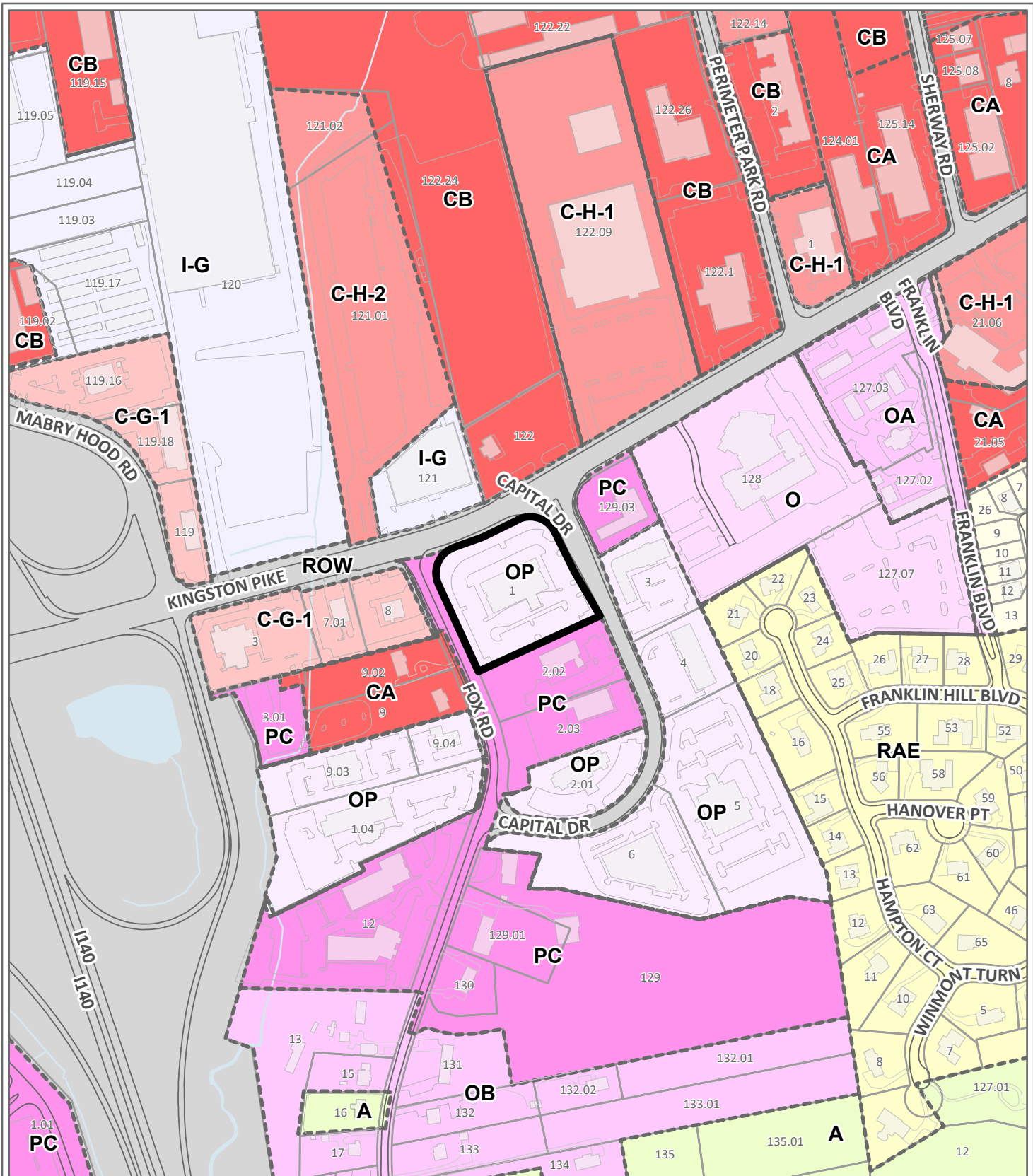
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed C-G-1 zone is consistent with the GC (General Commercial) land use classification of the Southwest County Sector Plan and City of Knoxville One Year Plan GC (General Commercial) land use designation provides for a wide range of retail and service-oriented uses.
2. The General Plan Development Policy 9.3 - calls for ensuring that the context of new development, including scale and compatibility, does not impact existing area. The C-G-1 (General Commercial) zoning district is consistent with the commercial and office uses in the park and along Kingston Pike.
3. There are no other adopted plans that conflict with the rezoning recommendation of C-G-1.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/8/2023 and 8/22/2023. 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.



**REZONING**

**7-J-23-RZ**

Petitioner: Christopher W. Martin

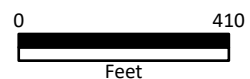


**From:** OP (Office Park)

**To:** C-G-1 (General Commercial)

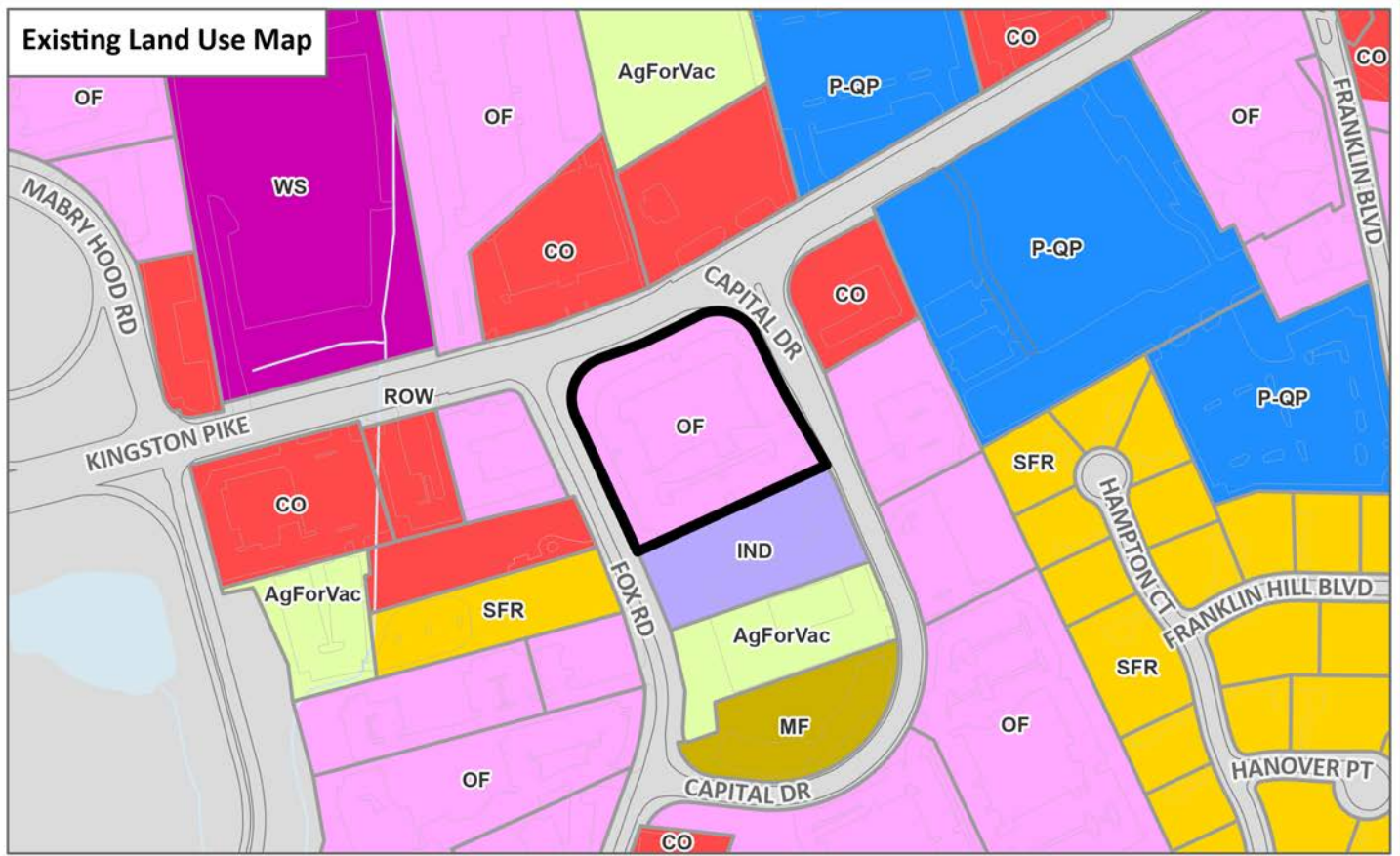
Map No: 131  
Jurisdiction: City

Original Print Date: 6/8/2023  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

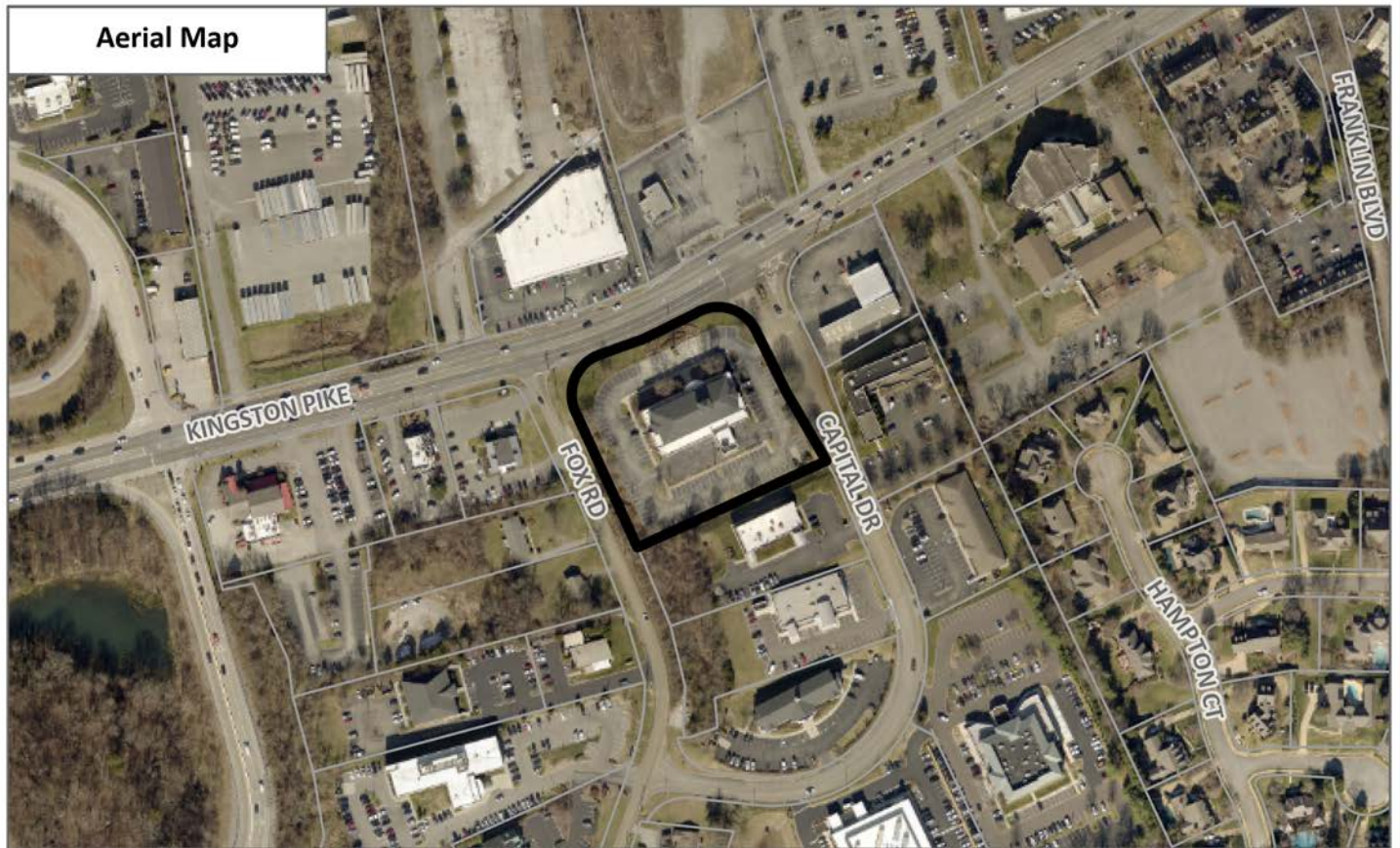




**Existing Land Use Map**



**Aerial Map**

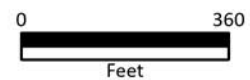


**CONTEXTUAL MAPS**

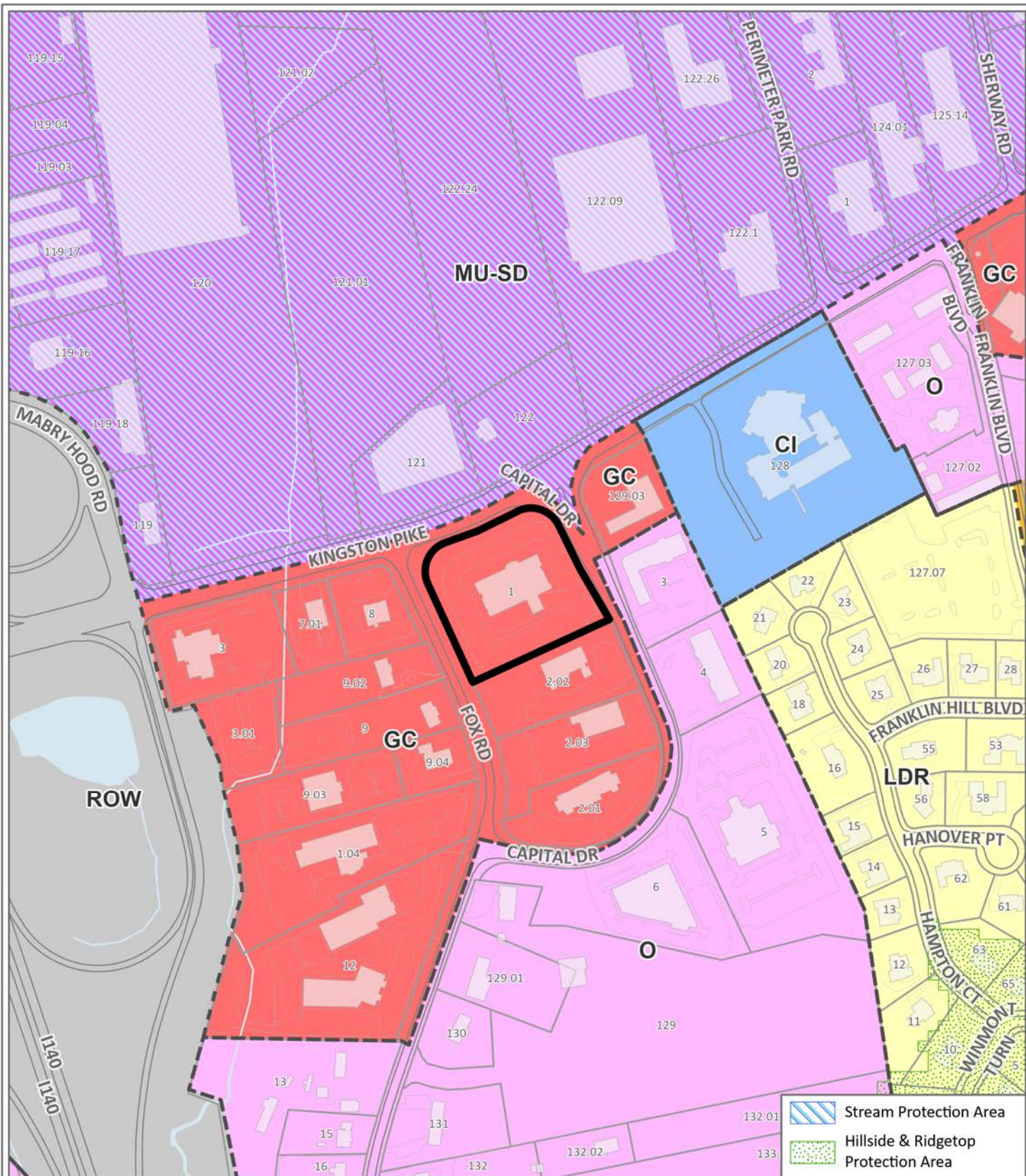
7-J-23-RZ



Case boundary







**SOUTHWEST COUNTY SECTOR PLAN MAP**

**7-J-23-RZ**

**Petitioner:** Christopher W. Martin

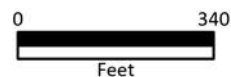


Case boundary

**Original Print Date:** 6/16/2023

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

**Map No:** 131  
**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

**Christopher W. Martin (REVISED)**

Applicant Name

Affiliation

**5/19/2023**

**7/13/2023**

**7-J-23-RZ**

Date Filed

Meeting Date (if applicable)

File Number(s)

## CORRESPONDENCE

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

**Christopher W. Martin Ayres & Parkey**

Name / Company

**111 Fox Rd # 102 Knoxville TN 37922**

Address

**865-637-1181 / cmartin@ayreslaw.com**

Phone / Email

## CURRENT PROPERTY INFO

**Tim Topham Mountain Commerce Bank**

**6101 Kingston Pike Knoxville TN 37919**

**865-694-5704 / tim.topham@m**

Owner Name (if different)

Owner Address

Owner Phone / Email

**9950 KINGSTON PIKE**

Property Address

**131 L B 001**

**2.7 acres**

Parcel ID

Part of Parcel (Y/N)?

Tract Size

**First Knox Utility District**

**First Knox Utility District**

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**South side of Kingston Pike, east of Fox Rd, west of Capital Dr**

General Location

City

**Council District 2**

**OP (Office Park)**

**Office**

County District

Zoning District

Existing Land Use

**Southwest County**

**GC (General Commercial)**

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

Planning Sector

Sector Plan Land Use Classification

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 <b>C-G-1 (General Commercial)</b> <b>Revised 6.29.23</b>	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	
Proposed Plan Designation(s)	
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	<b>\$1,000.00</b>	
ATTACHMENTS	Fee 2	
<input checked="" 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

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	<b>Christopher W. Martin</b> Please Print	<b>5/19/2023</b> Date
---------------------	--	--------------------------

Property Owner Signature	<b>Tim Topham Mountain Commerce Bank</b> Please Print	<b>5/19/2023</b> Date
--------------------------	--	--------------------------





**NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:**

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
Kenneth Graves, SVP	Knoxville, TN	

---





# 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

Christopher W. Martin Attorney for Owner  
 Applicant Name Affiliation

5/19/23 File Number(s)  
 Date Filed Meeting Date (if applicable)

7-J-23-RZ  
 Revised App on 6/29/2023

**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

Mountain Commerce Bank  
 Name Company

6101 Kingston Pike Knoxville TN 37919  
 Address City State ZIP

(865) 694-5704 tim.topham@mcb.com  
 Phone Email

**CURRENT PROPERTY INFO**

Mountain Commerce Bank 6101 Kingston Pike, Knoxville, TN 37919 (865) 694-5704  
 Property Owner Name (if different) Property Owner Address Property Owner Phone

9950 Kingston Pike 131LB001  
 Property Address Parcel ID

First Utility District First Utility District N  
 Sewer Provider Water Provider Septic (Y/N)

**STAFF USE ONLY**

General Location Tract Size

City  County District Zoning District Existing Land Use

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

Related City Permit Number(s)

**SUBDIVISION REQUEST**

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

Related Rezoning File Number

**ZONING REQUEST**

Zoning Change   
 C-G-1 *CWM*  
 to ~~OP~~ (from OP)  
 Proposed Zoning \_\_\_\_\_  
 Plan Amendment Change \_\_\_\_\_  
 Proposed Plan Designation(s) \_\_\_\_\_

Pending Plat File Number

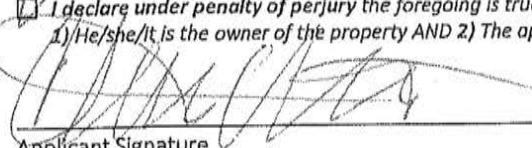
Proposed Density (units/acre) \_\_\_\_\_   
 Previous Rezoning Requests \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

**STAFF USE ONLY**

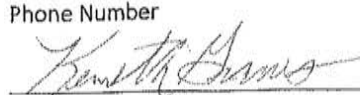
<p><b>PLAT TYPE</b></p> <p><input type="checkbox"/> Staff Review    <input type="checkbox"/> Planning Commission</p> <p><b>ATTACHMENTS</b></p> <p><input type="checkbox"/> Property Owners / Option Holders    <input type="checkbox"/> Variance Request</p> <p><b>ADDITIONAL REQUIREMENTS</b></p> <p><input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

**AUTHORIZATION**

I declare under penalty of perjury the foregoing is true and correct:  
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

  
 Applicant Signature   
 Christopher W. Martin   
 5/19/23  
 Please Print   
 Date

(865) 637-1181   
 cmartin@ayreslaw.com  
 Phone Number   
 Email

  
 Property Owner Signature   
 Kenneth Graves, SVP   
 5/19/23  
 Please Print   
 Date Paid

LAW OFFICES  
AYRES & PARKEY ATTORNEYS, PLLC

111 Fox Road, Suite 102  
Knoxville, TN 37922  
P.O. Box 23380  
Knoxville, Tennessee 37933  
TELEPHONE (865) 637-1181  
TELEFAX (865) 637-6050  
AP@AYRESLAW.COM

CHRISTOPHER W. MARTIN

OF COUNSEL  
C. ALLEN RAGLE

JOHN A. AYRES  
(1890-1969)  
WAYNE PARKEY  
(1900-1994)

May 29. 3034

HAND DELIVERED

Knoxville-Knox County Planning  
4<sup>th</sup> Floor City-County Building  
Knoxville, TN 37902

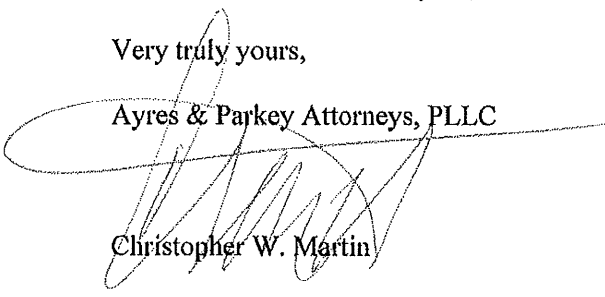
Re: Property Owner: Mountain Commerce Bank  
Parcel ID#131LB001  
Applicant: Christopher W Martin

To Whom It May Concern:

Included with this letter is a development request for rezoning of the above captioned parcel. Also included is a check in the amount of \$1,000.00 as the filing fee for the rezoning request. The undersigned as attorney for the property owner is the applicant. I am requesting that this matter be set on the Planning Commission agenda for July, 2023. Please confirm that that date is July 14, 2023.

Very truly yours,

Ayres & Parkey Attorneys, PLLC

  
Christopher W. Martin



LAW OFFICES  
AYRES & PARKEY ATTORNEYS, PLLC

111 Fox Road, Suite 102  
Knoxville, TN 37922  
P.O. Box 23380  
Knoxville, Tennessee 37933  
TELEPHONE (865) 637-1181  
TELEFAX (865) 637-6050  
AP@AYRESLAW.COM

CHRISTOPHER W. MARTIN

\_\_\_\_\_  
OF COUNSEL  
C. ALLEN RAGLE

JOHN A. AYRES  
(1890-1969)  
WAYNE PARKEY  
(1900-1994)

May 29. 3034

HAND DELIVERED

Knoxville-Knox County Planning  
4<sup>th</sup> Floor City-County Building  
Knoxville, TN 37902

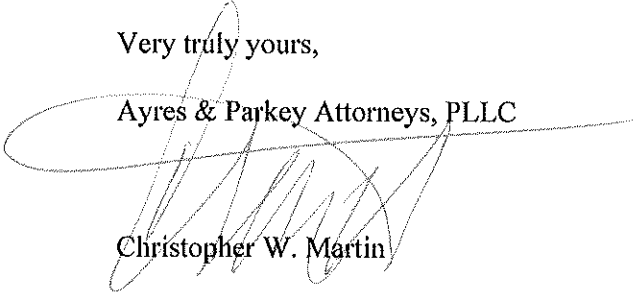
Re: Property Owner: Mountain Commerce Bank  
Parcel ID#131LB001  
Applicant: Christopher W Martin

To Whom It May Concern:

Included with this letter is a development request for rezoning of the above captioned parcel. Also included is a check in the amount of \$1,000.00 as the filing fee for the rezoning request. The undersigned as attorney for the property owner is the applicant. I am requesting that this matter be set on the Planning Commission agenda for July, 2023. Please confirm that that date is July 14, 2023.

Very truly yours,

Ayres & Parkey Attorneys, PLLC

  
Christopher W. Martin



Dori Caron <dori.caron@knoxplanning.org>

---

## Knoxville-Knox County Planning Commission meeting

---

**Dori Caron** <dori.caron@knoxplanning.org>  
To: cmartin@ayreslaw.com

Mon, May 22, 2023 at 3:21 PM

Mr. Martin,

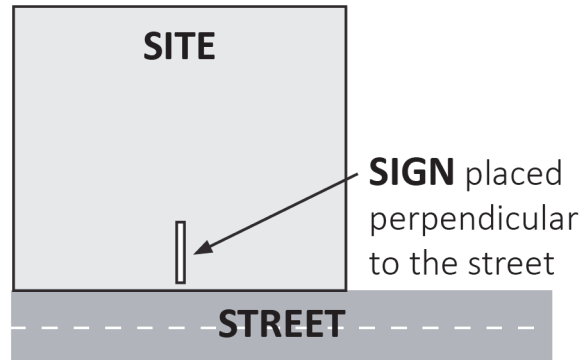
Please be advised that the July meeting will be held on Thursday, July 13, 2023, not the 14th as indicated in your submittal letter. Your rezoning application for Parcel ID 131LB001 is scheduled to be heard on July 13th. Feel free to contact us should you have any additional questions.

Dori Caron  
Senior Administrative Assistant  
Direct Line: 865-215-2694  
Email: [dori.caron@knoxplanning.org](mailto:dori.caron@knoxplanning.org)



**Knoxville-Knox County Planning | Knoxville Regional TPO**  
400 Main Street, Suite 403 | Knoxville, TN 37902

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:*

\_\_\_\_\_ June 30, 2023 \_\_\_\_\_ and \_\_\_\_\_ July 14, 2023 \_\_\_\_\_  
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Christopher W. Martin

Date: 5/19/2023

File Number: 7-J-23-RZ

- Sign posted by Staff
- Sign posted by Applicant