



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 7-N-23-RZ  
7-B-23-SP

**AGENDA ITEM #:** 35  
**AGENDA DATE:** 7/13/2023

▶ **APPLICANT:** DALE AKINS  
**OWNER(S):** R2R Studio LLC

**TAX ID NUMBER:** 104 084.08 (PART OF) THE REZONING REQUEST IS FOR THE AREA OUTSIDE THE F (FLOODWAY) ZONE DISTRICT; THE PLAN AMENDMENT IS FOR THE ENTIRE PARCEL [View map on KGIS](#)

**JURISDICTION:** Commission District 6

**STREET ADDRESS:** 10105 HARDIN VALLEY RD

▶ **LOCATION:** North side of Hardin Valley Rd, east of Westcott Blvd

▶ **TRACT INFORMATION:** 2.95 acres.

**SECTOR PLAN:** Northwest County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Hardin Valley Rd., a minor arterial street with 4 lanes and a center median/turn-lane within 200-ft of right of way.

**UTILITIES:** Water Source: West Knox Utility District  
Sewer Source: West Knox Utility District

**WATERSHED:** Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office), SP (Stream Protection) / A (Agricultural), F (Floodway), OB (Office, Medical, and Related Services)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial), SP (Stream Protection) / CA (General Business), F (Floodway)

▶ **EXISTING LAND USE:** Rural Residential, Water

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, this is an extension of the plan designation. No, this is not an extension of the zoning.

**HISTORY OF ZONING REQUESTS:** A portion of this property was rezoned from A & PC to OB in 2017 (2-C-17-RZ)

**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**

North: Water, Warehouse - BP-1 (Business Park Type 1) & SP (Stream Protection) - I (Industrial) & F (Floodway)

South: Single family residential, Multi family residential - MDR (Medium Density Residential) & HP (Hillside Protection) - PR (Planned Residential) up to 5 & 6 du/ac & A (Agricultural)

East: Office - GC (General Commercial) & SP (Stream Protection) - PC (Planned Commercial) & F (Floodway)

West: Agriculture/forestry/vacant, Water - BP-1 (Business Park Type 1) & SP (Stream Protection) - A (Agricultural), PC (Planned Commercial) & F (Floodway)

NEIGHBORHOOD CONTEXT: This area along Hardin Valley Rd. is developed with a mix of residential, commercial and office uses. Westbridge Business Park is to the north.

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**STAFF RECOMMENDATION:**

▶ **Approve the sector plan amendment to the GC (General Commercial) land use classification because it is a minor extension of that land use class at an existing commercial node. The SP (Stream Protection) land use classification will be retained.**

▶ **Approve the CA (General Business) zone for the area outside the F (Floodway) zone because it is a minor extension of the commercial node and is not anticipated to create any adverse impacts, subject to one condition. The F (Floodway) zone will be retained.**

1. The portion of the site in the F (Floodway) zone district or the FEMA 500-year floodplain shall be left undisturbed, as delineated in Exhibit B.

**COMMENTS:**

The rezoning request is for the area outside the F (Floodway) zone. The sector plan amendment is for the entire parcel because the SP (Stream Protection) is an overlay and is not being modified.

**CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:**

1. This section of Hardin Valley Road has developed as a small commercial node. There is a veterinary clinic and hardware store to the east in the PC (Planned Commercial) zone. The PC zone was established in the 1970s.
2. The sector plan designation on the properties to the east was amended from O (Office) to GC (General Commercial) in 2017 (8-A-17-SP) to allow consideration of the hardware store in the PC zone. The 2016 Northwest County Sector Plan did not anticipate the establishment of GC in this area.
3. The business park and commercial land uses surround this site, leaving this property as the only O (Office) and use in this area.

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

1. The extension of Cherahala Boulevard to Coward Mill Road was completed in 2022 and was not anticipated in the 2016 Northwest County Sector Plan. This improvement was made to help with connectivity to the Mill Creek Elementary School opening in the fall of 2023. The road extension will have little impact on the subject site.
2. The Hardin Valley Road interchange improvements at Pellissippi Parkway were completed in 2022 and were anticipated to be completed.

**AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:**

1. There are no major errors or omissions in the plan.
2. The SP (Stream Protection) designation is being retained.

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

1. The establishment of the commercial node expansion on the properties to the east, as well as additional commercial zoning to the west, makes commercial zoning on this parcel more feasible..

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the

amendment is operative.

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. Commercial uses are on the adjacent properties to the east and west, with the hardware store construction to the east being completed in 2020.

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

1. The CA (General Business) zone is intended to provide for general retail business and services but not for manufacturing or for processing materials other than farm products.
2. The usable area of this property is small, limiting the usefulness to retail and service-oriented businesses.
3. The F (Floodway) zone is being retained.

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 extension of commercial zoning onto this property is not anticipated to cause any adverse impacts on the surrounding properties. Beaver Creek is on the northern portion of the property. Staff recommends a condition that restricts further disturbance within the F (Floodway) zone and the FEMA 500-year floodplain. A small portion of these areas was previously disturbed.
2. An addition to the recommended conditions above, the Knox County stormwater regulations have a 25-ft non-disturbance buffer from the edge of streams and an additional 25-ft buffer that can be averaged.

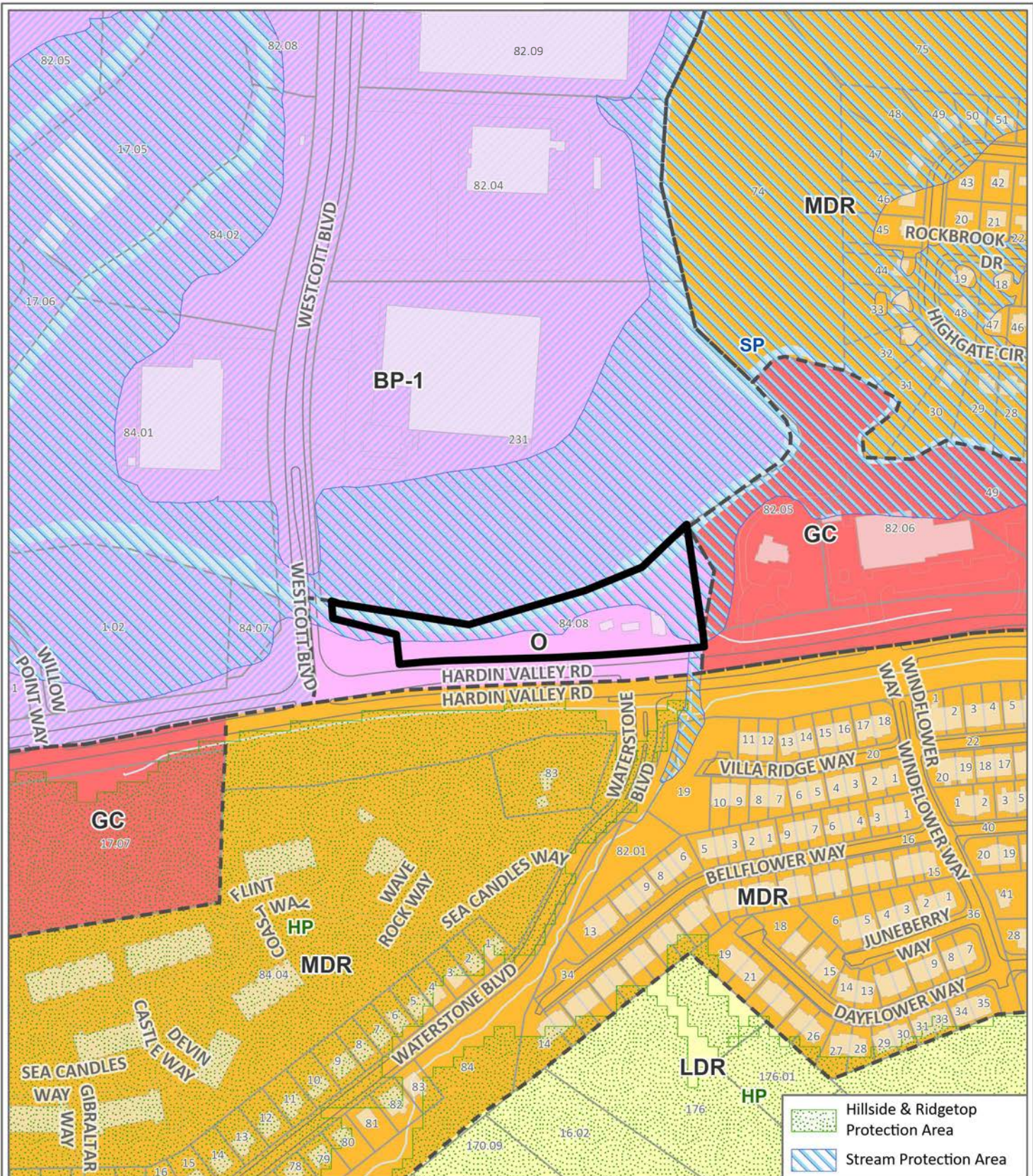
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed amendment to the Northwest County Sector Plan amending this parcel to the GC land use classification would support the requested CA zone.
2. This request is consistent with General Plan policy 7.6, to restrict development on slopes greater than 15% and along streams and rivers; non-residential uses on slopes over 15% (via a planned development zone); and limiting uses to 50% of the flood fringe area.
3. With the recommended zoning condition, the rezoning request is consistent with the SP (Stream Protection) designation.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 8/28/2023. 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.



**7-B-23-SP  
NORTHWEST COUNTY SECTOR PLAN MAP**

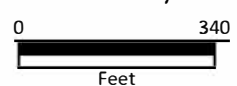


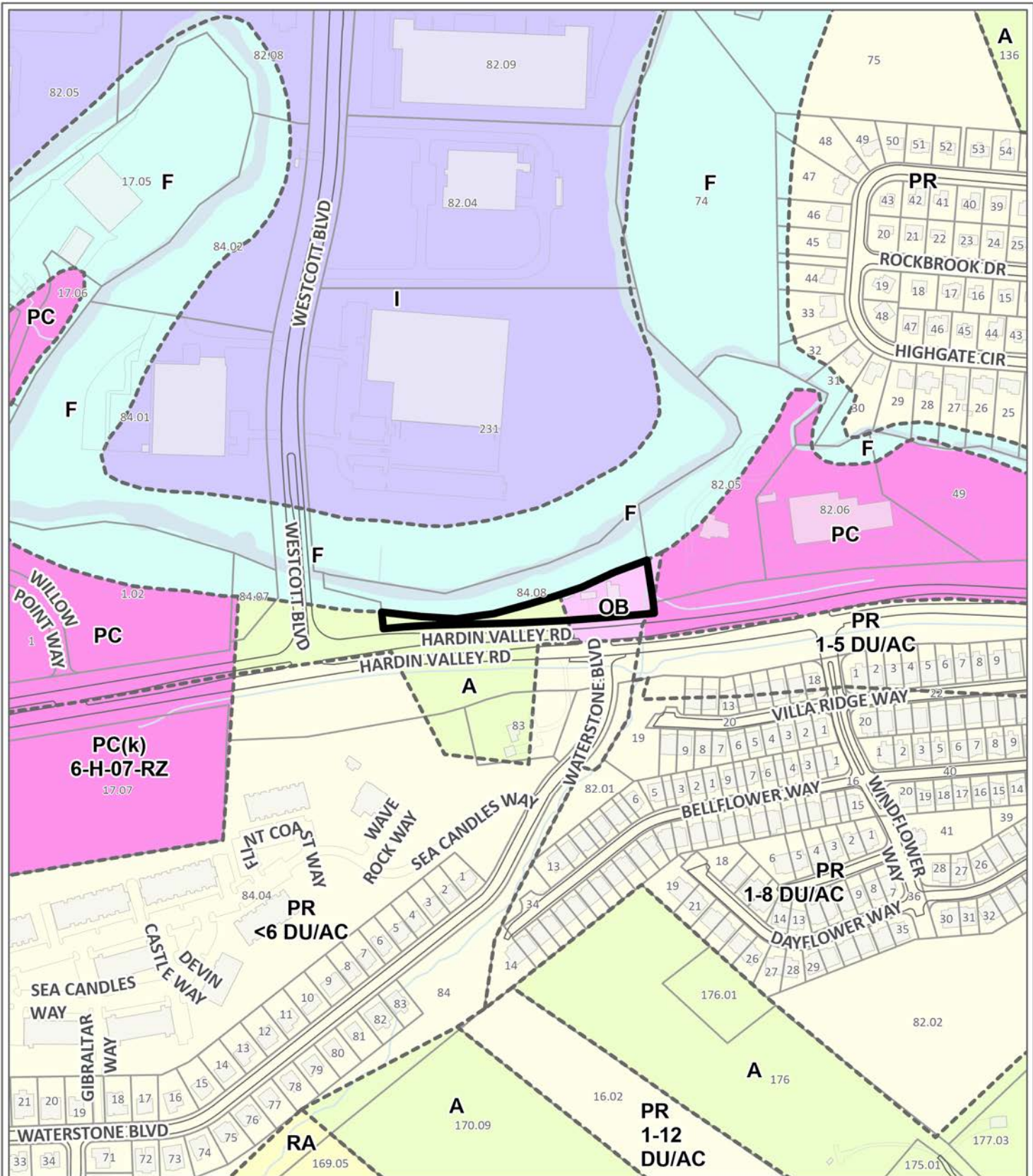
**From:** O (Office), SP (Stream Protection)  
**To:** GC (General Commercial), SP (Stream Protection)

**Original Print Date:** 6/12/2023  
 Knoxville - Knoxville County Planning Commission \* City / County Building \* Knoxville, TN 37902

**Petitioner:** Dale Akins

**Map No:** 104  
**Jurisdiction:** County





**REZONING**

**7-N-23-RZ**

Petitioner: Dale Akins

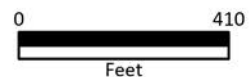


**From:** A (Agricultural), F (Floodway), OB (Office, Medical, and Related Services)  
**To:** F (Floodway);CA (General Business)

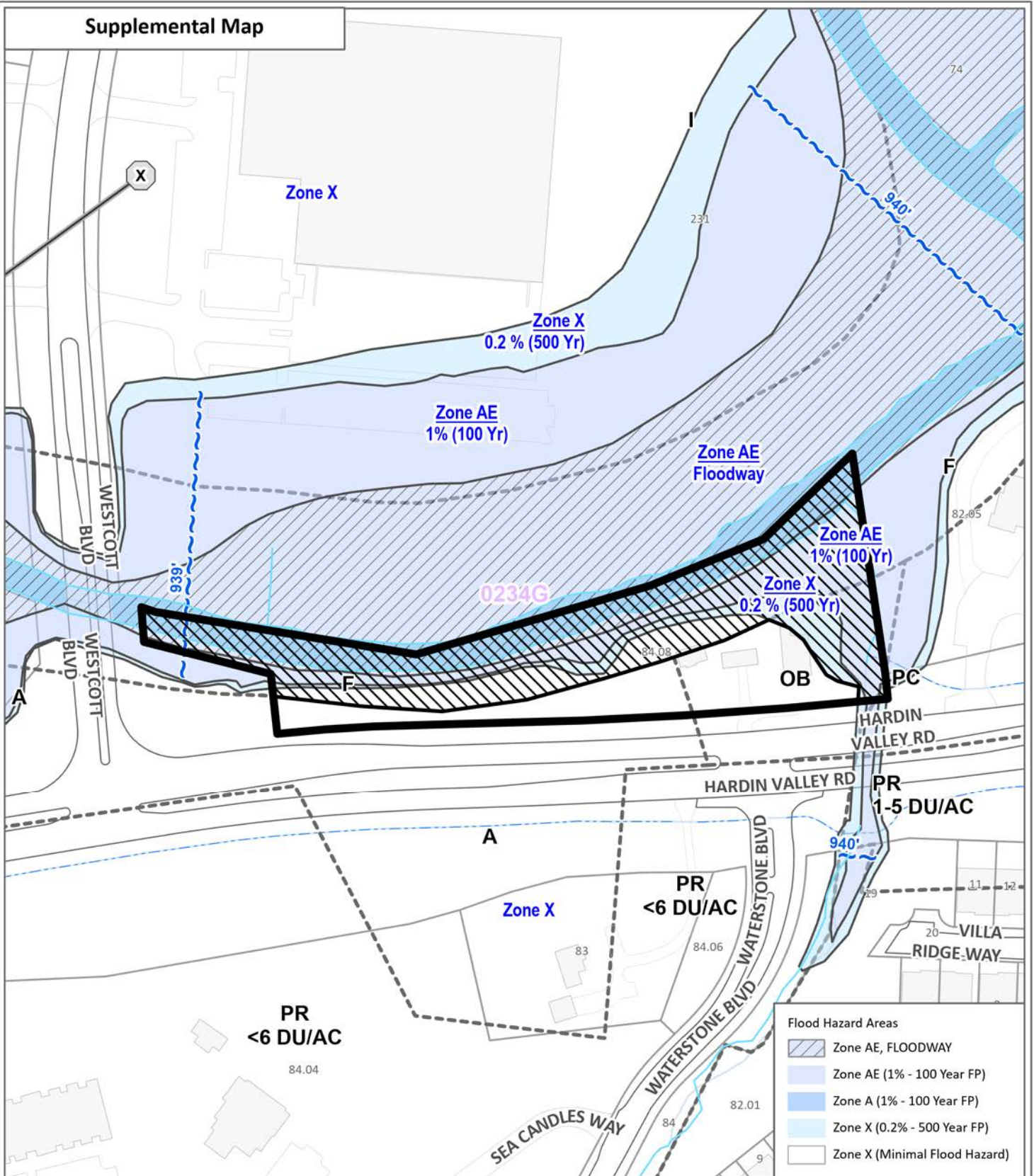
**Map No:** 104  
**Jurisdiction:** County

**Original Print Date:** 7/7/2023

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



**Supplemental Map**



**7-N-23-RZ / 7-B-23-SP  
Exhibit B: Staff Recommended Undisturbed Area**



Staff recommended undisturbed area



Requested area for rezoning by applicant

**Petitioner:** Dale Akins

**Map No:** 104

**Jurisdiction:** County



**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTHWEST 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 Northwest 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, Dale Akins has submitted an application for an amendment to the Northwest County Sector Plan for property described in the application; and*

*WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from O (Office) to GC (General Commercial) which is 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 July 13, 2023 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 Northwest County Sector Plan with its accompanying staff report and map, file #7-B-23-SP*

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

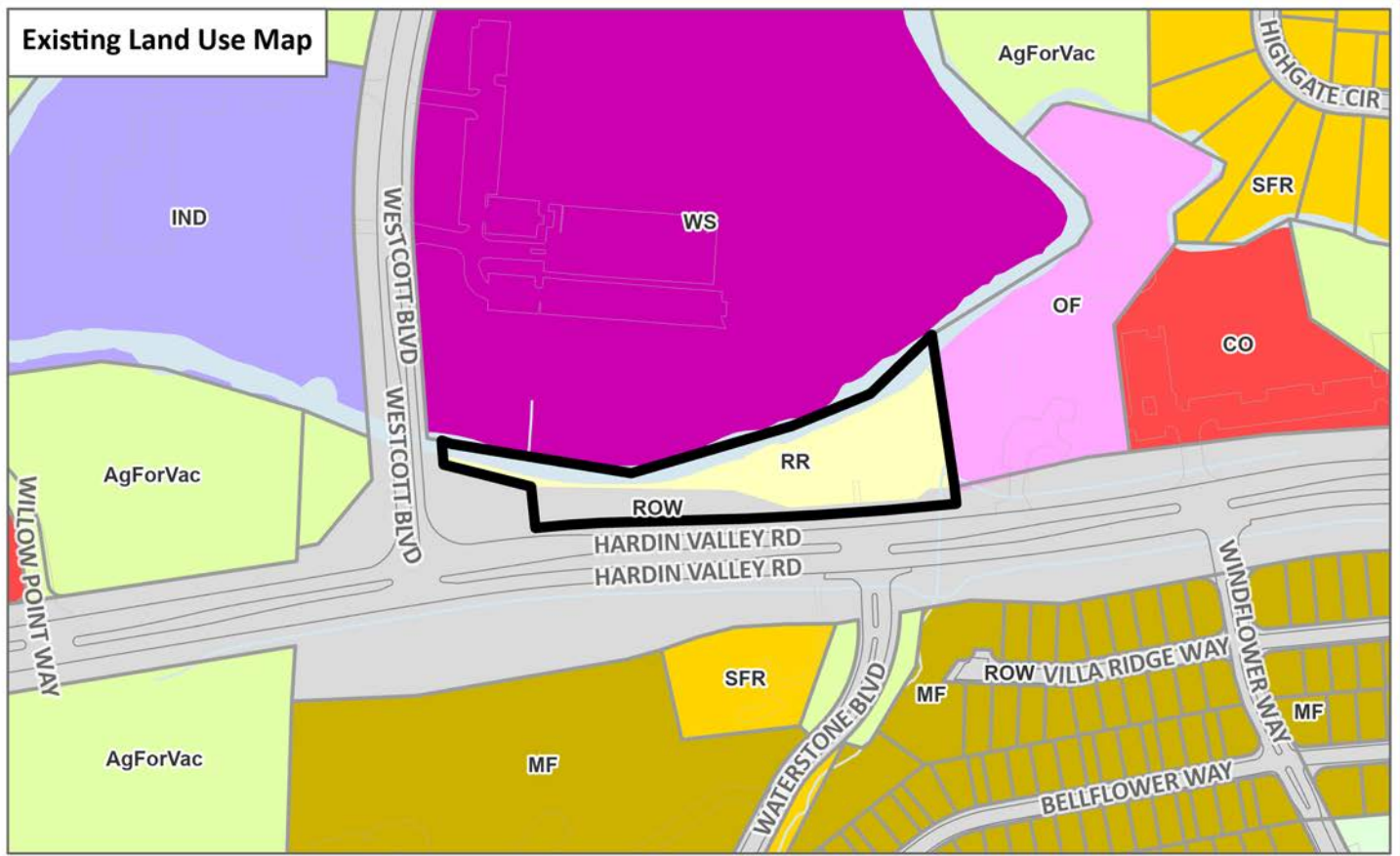
*SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Existing Land Use Map



Aerial Map

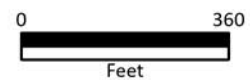


CONTEXTUAL MAPS

7-N-23-RZ / 7-B-23-SP



Case boundary







# 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

**Dale Akins**

Applicant Name

Affiliation

**5/30/2023**

Date Filed

**7/13/2023**

Meeting Date (if applicable)

**7-B-23-SP / 7-N-23-RZ**

File Number(s)

## CORRESPONDENCE

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

**Dale Akins The Chef's Workshop**

Name / Company

**10433 Hickory Path Way Knoxville TN 37922**

Address

**865-414-9811 / cheesewhiz@thechefsworkshop.com**

Phone / Email

## CURRENT PROPERTY INFO

**R2R Studio LLC R2R Studio LLC**

Owner Name (if different)

**2575 Willow Point Way Suite 105 Knoxville TN 3793 865-769-8075**

Owner Address

Owner Phone / Email

**10105 HARDIN VALLEY RD**

Property Address

**104 084.08**

Parcel ID

**2.95 acres**

Tract Size

Part of Parcel (Y/N)?

**West Knox Utility District**

Sewer Provider

**West Knox Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**North side of Hardin Valley Rd, east of Westcott Blvd**

General Location

City

**Commission District 6**

**A (Agricultural), F (Floodway), OB (Office, Medical, and Related Services)**

**Rural Residential**

County District

Zoning District

Existing Land Use

**Northwest County**

Planning Sector

**O (Office), SP (Stream Protection)**

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                                            |                              |
| Additional Information                                         | Total Number of Lots Created |
| <input type="checkbox"/> Attachments / Additional Requirements |                              |

## ZONING REQUEST

|                                                                                                           |                          |
|-----------------------------------------------------------------------------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> Zoning Change <b>F (Floodway); CA (General Business)</b>              | Pending Plat File Number |
| Proposed Zoning                                                                                           |                          |
| <input checked="" type="checkbox"/> Plan Amendment <b>GC (General Commercial); SP (Stream Protection)</b> |                          |
| 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>\$1,650.00</b> |       |
| 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

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 | Dale Akins<br>Please Print | 5/30/2023<br>Date |
|---------------------|----------------------------|-------------------|

|                          |                                               |                   |
|--------------------------|-----------------------------------------------|-------------------|
| Property Owner Signature | R2R Studio LLC R2R Studio LLC<br>Please Print | 5/30/2023<br>Date |
|--------------------------|-----------------------------------------------|-------------------|



# 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

Dale Akins

Applicant Name

05/24/23

Date Filed

07/13/23

Meeting Date (if applicable)

Owner

Affiliation

File Number(s)

7-N-23-RZ  
7-B-23-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

Dale Akins

The Chef's Workshop

Name

Company

10433 Hickory Path Way

Knoxville

TN

37922

Address

City

State

ZIP

865-414-9811

cheesewhiz@thechefsworkshop.com

Phone

Email

## CURRENT PROPERTY INFO

R2R Studio

2575 Willow Point Way, Suite 105

865-769-8075

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

10105 Hardin Valley Road

104 08408

Property Address

Parcel ID

West Knox Utility District

West Knox Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

North side of Hardin Valley Rd, east of Westcott Blvd

2.95 acres

General Location

Tract Size

City  County

6th

A, OB, & F

Rural residential

District

Zoning District

Existing Land Use

Northwest County

O & SP

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

## 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

Zoning Change

CA

Pending Plat File Number

Proposed Zoning

Plan Amendment Change

GC, ~~X~~, SP

Proposed Plan Designation(s)

Proposed Density (units/acre)

Partial rezoning from A & PC to OB (2-C-17-RZ)  
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   |
|-------|---------|---------|
| 803   | \$1,000 | \$1,650 |
| Fee 2 |         |         |
| 603   | \$650   |         |
| Fee 3 |         |         |

## 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

Dale Akins

05/23/23

Please Print

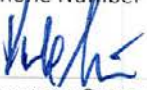
Date

865-414-9811

cheesewhiz@thechefsworkshop.com

Phone Number

Email



Dale Akins

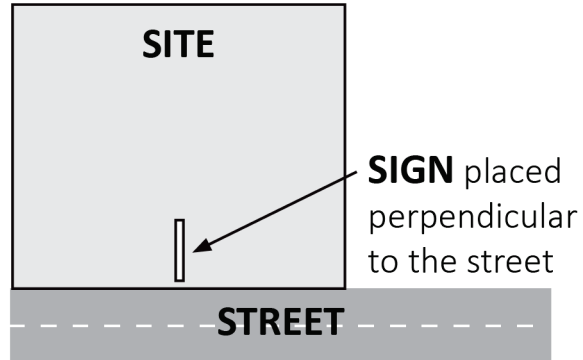
5/30/2023

Property Owner Signature

Please Print

Date Paid

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: Dale Akins

Date: 5/30/2023

File Number: 7-N-23-RZ / 7-B-23-SP



Sign posted by Staff



Sign posted by Applicant