



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 7-T-23-RZ **AGENDA ITEM #:** 38
7-F-23-SP **AGENDA DATE:** 7/13/2023

▶ **APPLICANT:** STEVE DRUMMER
OWNER(S): Gina L McCloud (Trout)

TAX ID NUMBER: 47 124 (PART OF) - The rezoning request is for the entire parcel; the plan amendment request is only for part of the parcel [View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 1513 E EMORY RD

▶ **LOCATION:** Northwest side of E Emory Rd, southwest of Ogg Rd, northeast of Cedarcrest Rd

▶ **TRACT INFORMATION:** 2.34 acres.

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: E. Emory Road is a major arterial with a pavement width of approximately 58 ft inside a right-of-way that varies from 64 to 68 ft.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR/O (Medium Density Residential/Office), HP (Hillside Protection) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) for the front half of the parcel / CA (General Business) for the front half of the parcel, OB (Office, Medical, and Related Services) for the back half

▶ **EXISTING LAND USE:** Rural Residential

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, this is an extension of GC on the southern half of the parcel, and is an extension of both the OB and CA zones from the west.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, North: Single family residential - LDR (Low Density Residential) - RA (Low Density Residential)

ZONING South: Commercial, office, and agriculture/forestry/vacant - GC (General Commercial) - CA (General Business)

East: Single family residential - LDR (Low Density Residential), MDR/O (Medium Density Residential/Office) - RA (Low Density Residential), A (Agricultural)

West: Rural residential - GC (General Commercial), MDR/O (Medium Density Residential/Office) -CA (General Business), OB (Office, Medical, and Related Services)

NEIGHBORHOOD CONTEXT: This area is within 1.5 miles of the I-75 interchange with Emory Road. This stretch of E Emory Road contains a mix of uses including commercial, office and medium density residential, and the area in general is surrounded by single family detached dwellings. Brickey McCloud Elementary School is nearby.

STAFF RECOMMENDATION:

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

- ▶ **Approve the CA (General Business) zone for the front half of the parcel, and the OB (Office, Medical, and Related Services) zone for the rear half of the parcel, because both are minor extensions and are not anticipated to create any adverse impacts, subject to one condition.**

1. Provision of a Type A Dense Landscape Screen along shared lot lines between the CA zoned portion of the property and the adjacent residential zones.

COMMENTS:

The applicant is requesting dual zoning and a partial sector plan amendment for the subject property. The request is to extend the CA and OB zones, and amend the MDR/O land use classification to the GC land use class on the front of the property to accommodate the requested CA zone extension.

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. This section of E Emory Road has developed as a commercial node. It extends from the I-75 interchange to the intersection of E Emory Rd and Dry Gap Pike. Many of the commercial properties on the edge of this node near the subject property were rezoned from the A (Agricultural) zone, and that transition began in the 1980s.

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

1. No new roads or utilities have been introduced since the North County Sector Plan was adopted in 2013. E Emory Road was widened from the I-75 interchange to Norris Freeway in 2009, and that was a significant undertaking, but this was prior to the adoption of the sector plan update.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no major errors or omissions in the plan.

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

1. The commercial node expansion over the years and the widening of E Emory Road support additional commercial zoning along this stretch of E Emory Road.

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 CITY GENERALLY:

1. As mentioned previously, this area has transitioned away from residential zones towards the CA zone since the 1980s.

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

1. This request to extend both zones to the subject properties is consistent with the zone descriptions: 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. The OB (Office, Medical, and Related Services) zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The extension of the OB zone on the back half of the parcel maintains a transitional relationship between commercial zoning along the street and the single family residential uses adjacent to the north. The extension of the CA zone builds upon an existing commercial node and would provide the opportunity for additional commercial services at this location to support the surrounding residential 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. The extension of the OB zone onto the rear of the property is not anticipated to cause adverse impacts for surrounding properties. This is a transitional zone that allows less intense uses than commercial zones. As such, it provides a buffer between the requested commercial zone at the front of the property and the single family residential neighborhood to the rear.

2. This stretch of E Emory Road currently consists predominantly of commercial uses. This would be considered a minor extension of the CA zone onto the front of this property, and it is buffered from the single family residential neighborhood to the rear of the property by the requested OB zone.

3. The County's zoning ordinance has requirements for a landscape buffer between commercial and residential uses, and Planning has added a condition for the County's Type A Dense Landscape Screen to be installed between the portion of the parcel to be zoned commercial and the adjacent residential property on E Emory Rd. The OB zoning to the rear and the required landscape screen for the residential property to the northeast should mitigate any potential adverse impacts for the surrounding properties.

3. Part of the subject property is in the HP (Hillside Protection) Overlay District, and there are steep slopes on the back half of the site. The development will be required to comply with the Stormwater Ordinance to mitigate potential impacts from stormwater runoff.

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 North County Sector Plan amending this parcel to the GC land use classification would support the requested CA zone. The existing MDR/O land use class that is to remain on the back half of the parcel supports the requested OB zone.

2. The North County Sector Plan recognized the commercial node at the interchange of I-75 and E Emory Road and the likelihood of the mix of non-residential uses expanding (p. 37).

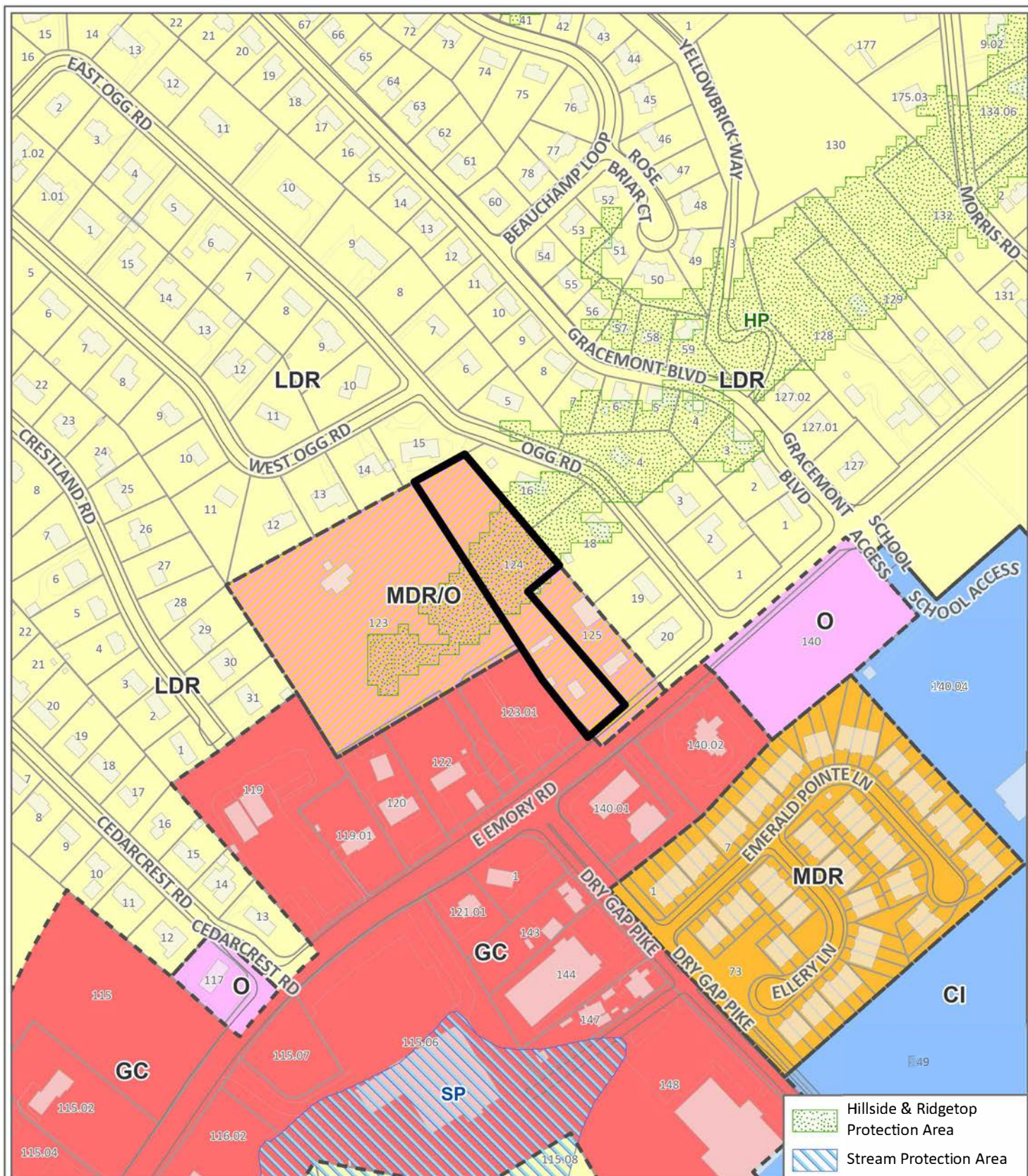
3. Appendix A of the North County Sector Plan summarizes public comments. One of these was to "keep intense commercial development along Emory Road to the existing commercial (p. 37). This expansion is within the existing commercial node and meets this standard.

4. Sub-section 9.11 of the General Plan Development Policies section recommends locating community-serving commercial areas where they can be easily shared by several neighborhoods. The surrounding properties around the commercial node contain single family and multifamily residential uses.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on and 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-F-23-SP
NORTH COUNTY SECTOR PLAN MAP**



From: MDR/O (Medium Density Residential/Office), HP (Hillside Protection)
To: GC (General Commercial), HP (Hillside Protection)

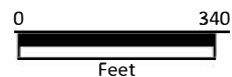
Original Print Date: 6/12/2023

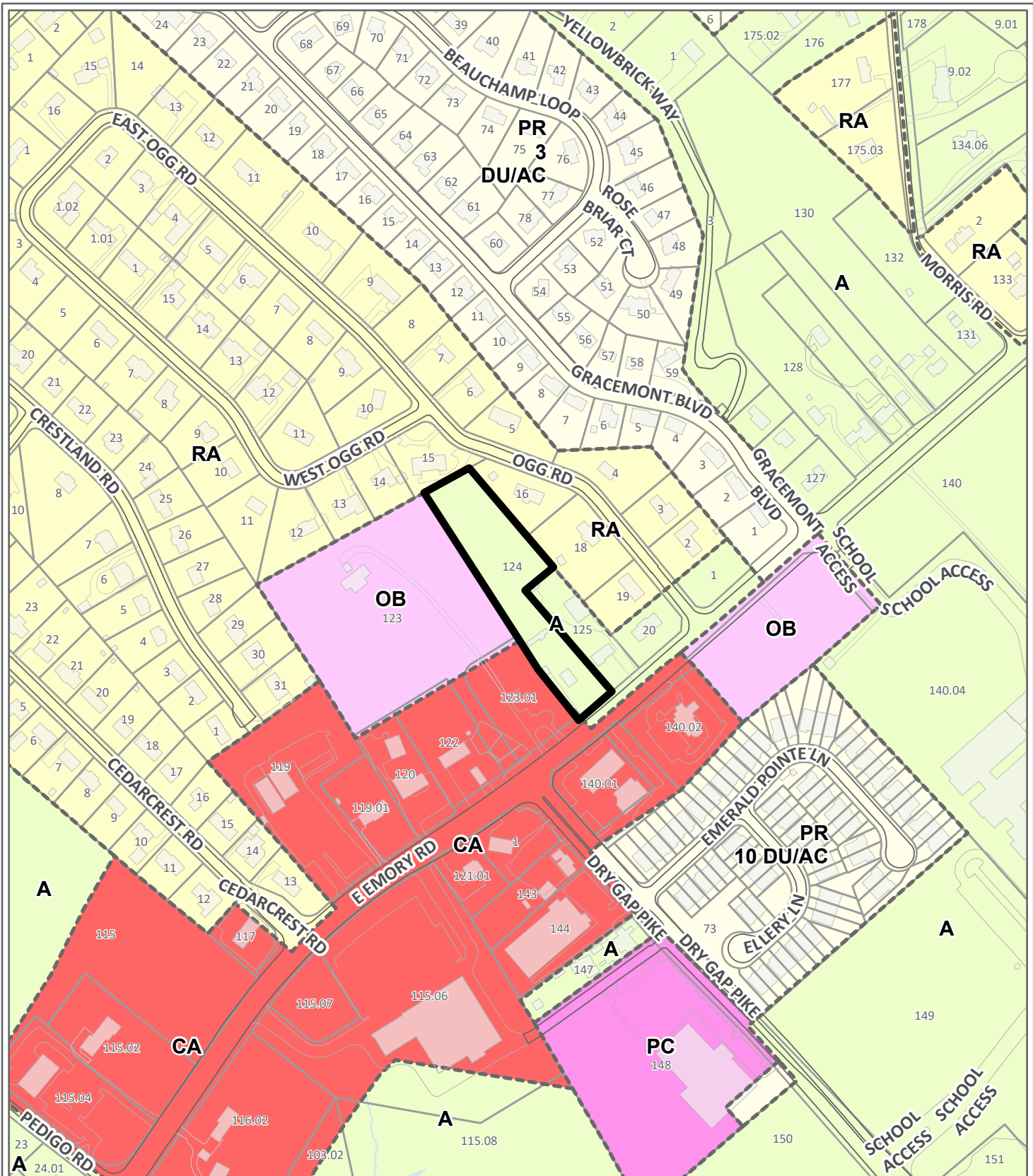
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Steve Drummer

Map No: 47

Jurisdiction: County





REZONING

7-T-23-RZ

Petitioner: Steve Drummer



From: A (Agricultural)

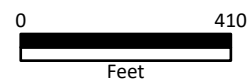
To: CA (General Business), OB (Office, Medical, and Related Services)

Map No: 47

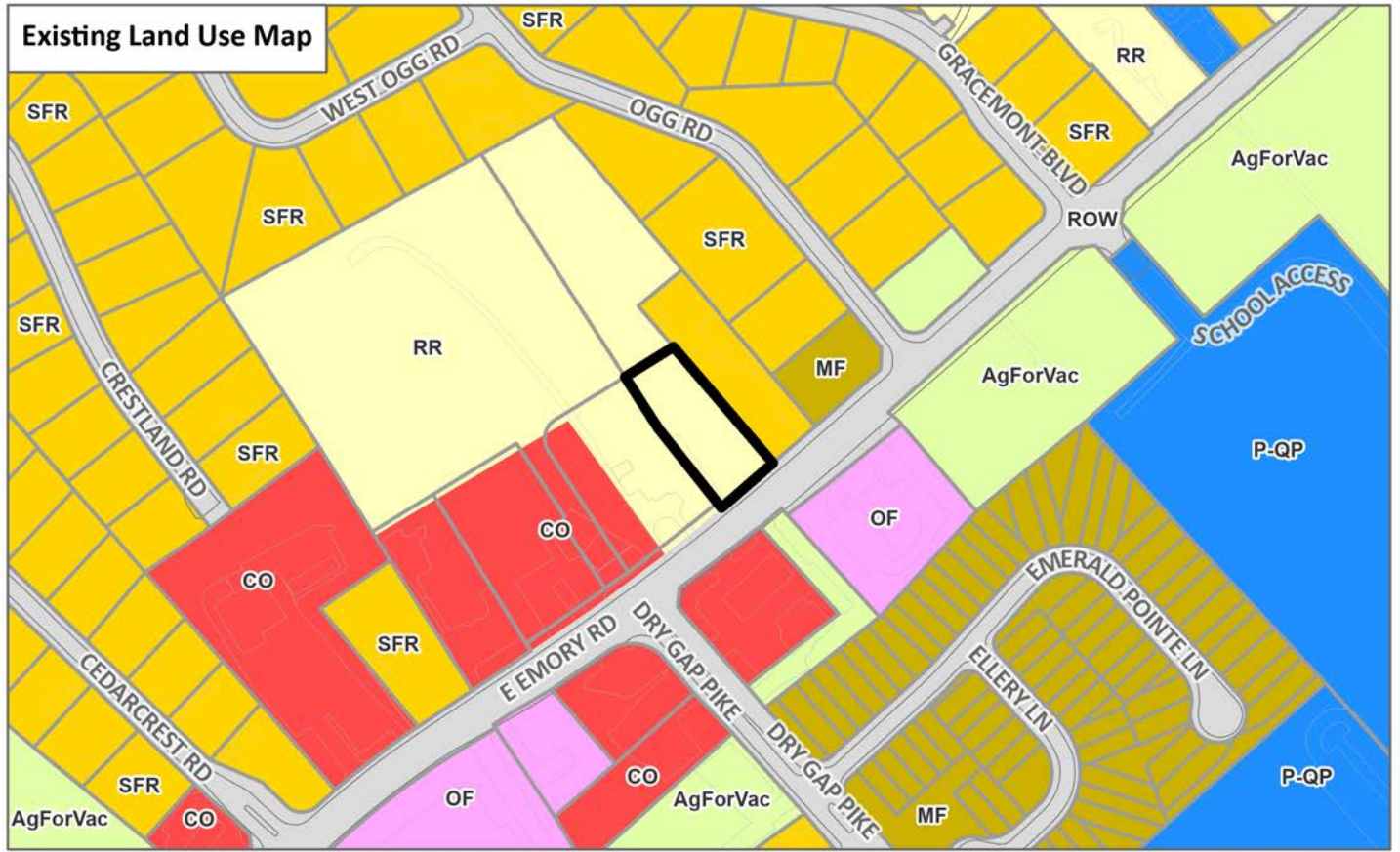
Jurisdiction: County

Original Print Date: 6/8/2023

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



Existing Land Use Map



Aerial Map

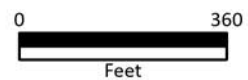


CONTEXTUAL MAPS

7-F-23-SP / 7-T-23-RZ



Case boundary



**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, Steve Drummer has submitted an application to amend the Sector Plan from MDR/O (Medium Density Residential/Office) to GC (General Commercial) for the portion of the subject property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Northwest County Sector Plan, 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 on 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-F-23-SP.

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

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

Date

Chairman

Secretary



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

Steve Drummer

Applicant Name

Affiliation

5/31/2023

Date Filed

7/13/2023

Meeting Date (if applicable)

7-F-23-SP / 7-T-23-RZ

File Number(s)

CORRESPONDENCE

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

Steve Drummer LDA Engineering

Name / Company

110 Tyson Blvd Ste 200 Alcoa TN 37701

Address

865-803-2673 / sdrummer@LDAengineering.com

Phone / Email

CURRENT PROPERTY INFO

Gina L McCloud (Trout)

Owner Name (if different)

Owner Address

Owner Phone / Email

1513 E EMORY RD

Property Address

47 124

Parcel ID

2.34 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

Northwest side of E Emory Rd, southwest of Ogg Rd, northeast of Cedarcrest Rd

General Location

City

Commission District 7

A (Agricultural)

Rural Residential

County District

Zoning District

Existing Land Use

North County

Planning Sector

MDR/O (Medium Density Residential/Office), HP (Hillside P.)

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 _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change CA (General Business), OB (Office, Medical, and Related Services)	Pending Plat File Number
Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment GC (General Commercial), HP (Hillside Protection)	
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	\$1,650.00	
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	Steve Drummer Please Print	5/31/2023 Date
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Property Owner Signature	Gina L McCloud (Trout) Please Print	5/31/2023 Date
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**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
Katarina Headrick	Knoxville, TN	

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

(3) 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

Steve Drummer

Engineer

Applicant Name

Affiliation

5/30/2023

7/13/2023

File Number(s)

Date Filed

Meeting Date (if applicable)

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

Steve Drummer

LDA Engineering

Name

Company

110 Tyson Blvd., Suite 200

Alcoa

TN

37701

Address

City

State

ZIP

865-803-2673

sdrummer@LDAengineering.com

Phone

Email

CURRENT PROPERTY INFO

Barbara R. Richards's Trust & Gina L McClo 1513 E. Emory Road, Knoxville, TN 37918

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1513 E Emory Road

047 124

Property Address

Parcel ID

Hallsdale Powell

Halldale Powell

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

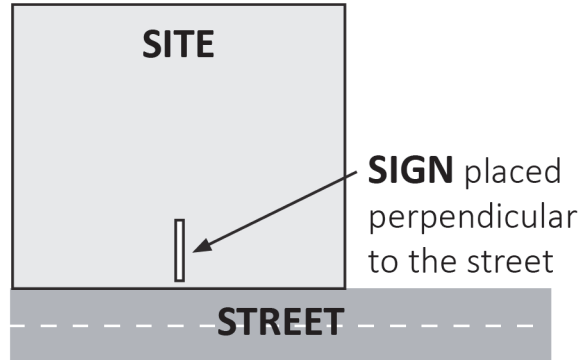
Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

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: Steve Drummer

Date: 5/31/2023

File Number: 7-T-23-RZ/ 7-F-23-SP

- Sign posted by Staff
- Sign posted by Applicant