

REZONING REPORT

▶ **FILE #:** 10-I-23-RZ

AGENDA ITEM #: 32

AGENDA DATE: 10/5/2023

▶ **APPLICANT:** CORRYTON A SERIES LLC OF DELTA PROPERTIES LLC

OWNER(S): Dana Cales Genua

TAX ID NUMBER: 21 104 PART OF

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 7509 E EMORY RD

▶ **LOCATION:** North side of E. Emory Rd, east of Tazewell Pike

▶ **APPX. SIZE OF TRACT:** 1.38 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via E Emory Rd, a major arterial with a pavement width ranging from 37-48 ft within a right-of-way range of 71-86 ft.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural)

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

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

▶
EXTENSION OF ZONE: Yes, this is an extension of the zone.

HISTORY OF ZONING: In 2004, the east side of the property (7513 E Emory Rd) was rezoned from A (Agricultural) to CA (General Business) (6-R-04-RZ).

SURROUNDING LAND USE AND ZONING: North: Rural residential - A (Agricultural), CA (General Business)

South: Agricultural/forestry/vacant, public/quasi-public land - CA (General Business)

East: Agricultural/forestry/vacant - CA (General Business)

West: Single family residential, office - CA (k) (General Business)

NEIGHBORHOOD CONTEXT: Harbison Crossroads, located at the intersection of Tazewell Pike and Emory Road, is the primary commercial area for the greater Gibbs community.

STAFF RECOMMENDATION:

▶ **Approve the CA zone because it is consistent with the sector plan and surrounding development, subject to two conditions.**

- 1) Installation of a "Type A" landscaping screen, as found in the Landscaping Screening Design Guidelines along any shared boundaries with residential zoning.
- 2) Installation of sidewalks at the front of this property since it is in the School Parental Responsibility Zone.

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 COUNTY GENERALLY:

1. Rezoning in the area over the last two decades have created a commercial node nearby. The proposed CA zoning would serve as a minor extension of the zone, which is sandwiched between CA to the west and east.
2. Additionally, historical aerials show that within the last five years, Tazewell Pike and Emory Road were widened at their intersection just west of this location. Both were previously two-lane roads that now consist of four lanes at their intersection, including separate right turn and protected left turn lanes.

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

1. This zone is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed. Provide statement affirming this rezoning would be consistent with the description.

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 surrounding area has developed into a variety of commercial uses zoned CA.
2. This parcel is bordered by residential uses to the north. Therefore, landscaped screening should be provided as buffer. The "Type A", 15 ft wide landscape screen in the Landscape Screening Design Guidelines is designed for boundaries between commercial and adjoining residential areas.
3. The front of this parcel is in the School Parental Responsibility Zones of Gibbs Middle and Gibbs High Schools. Sidewalks will be required along the front of the property.

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. CA is compatible with the sector plan's MU-SD NECO-1 (Mixed Use-Special District, Northeast County-1, Harbison Crossroads) land use designation, which is primarily commercial.
2. "Type A" landscaping screen, as found in the Landscaping Screening Design Guidelines, should be installed along any shared boundaries with residential zoning. Per General Plan (8.12) - When commercial uses abut residential property, ordinance provisions or use-on-review conditions requiring fencing, landscaping screens, earthberms, height restrictions, and/or deeper than usual building setbacks can improve land use transitions.
3. The proposed zone change is not in conflict with any other adopted plans.

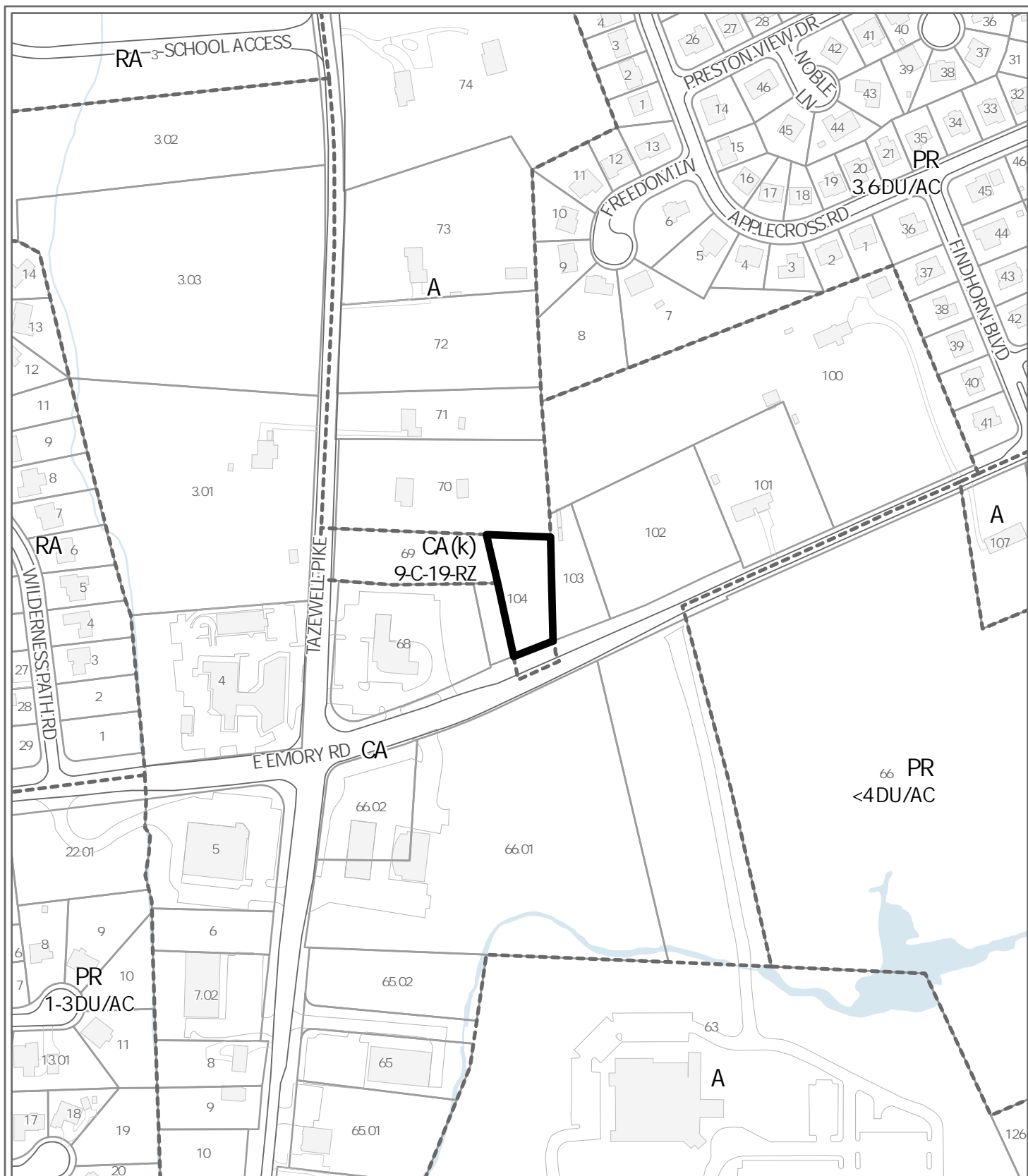
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: , , and .

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 11/20/2023. 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.



REZONING

10I-23-RZ

Petitioner: Corryton A Series LLC of Delta Properties LLC



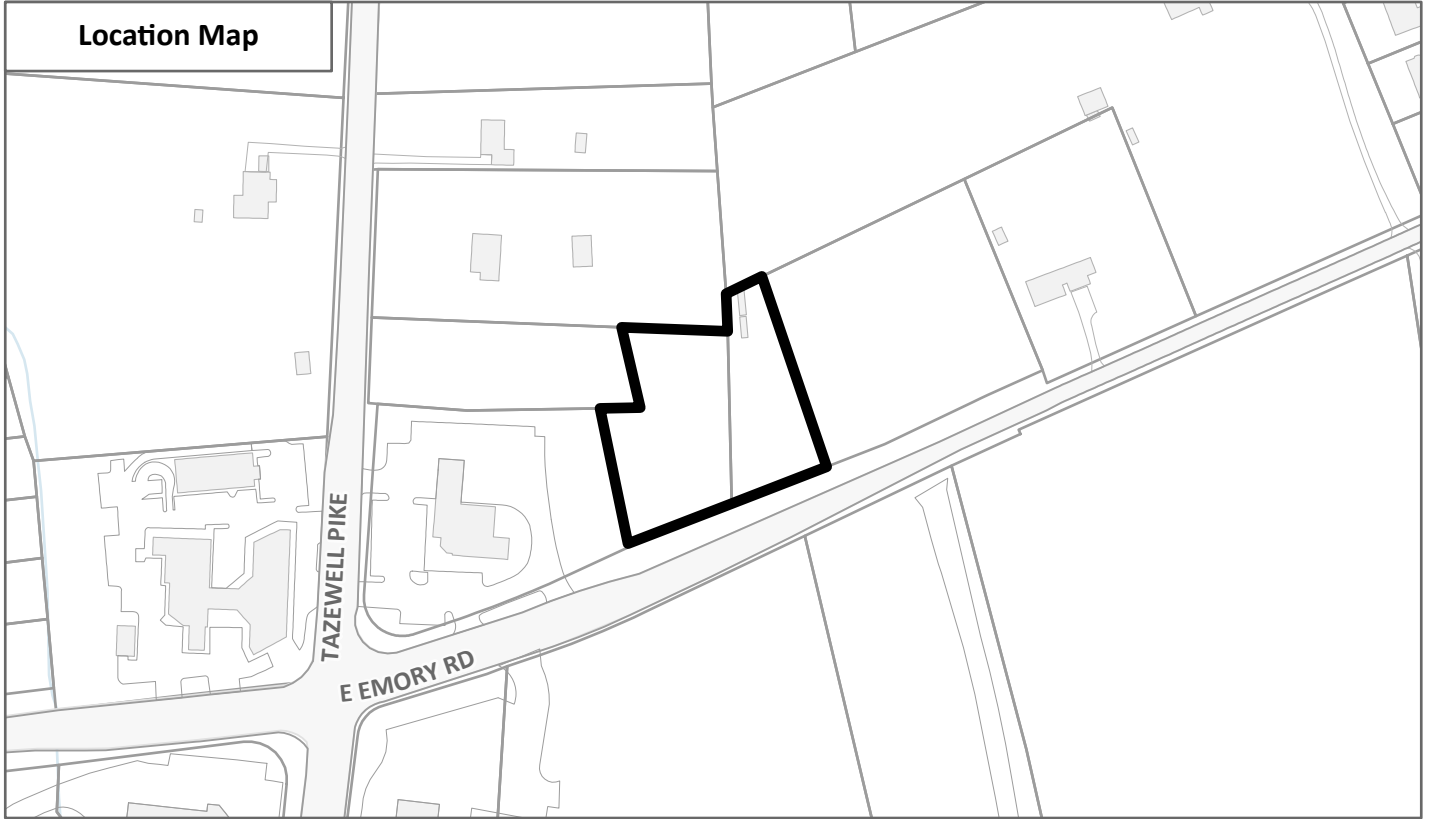
From: A (Agricultural)
To: CA (General Business)

Map No: 21
Jurisdiction: County



Exhibit A. Contextual Images

Location Map



Aerial Map

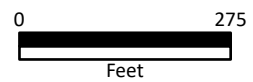


CONTEXTUAL MAPS 1

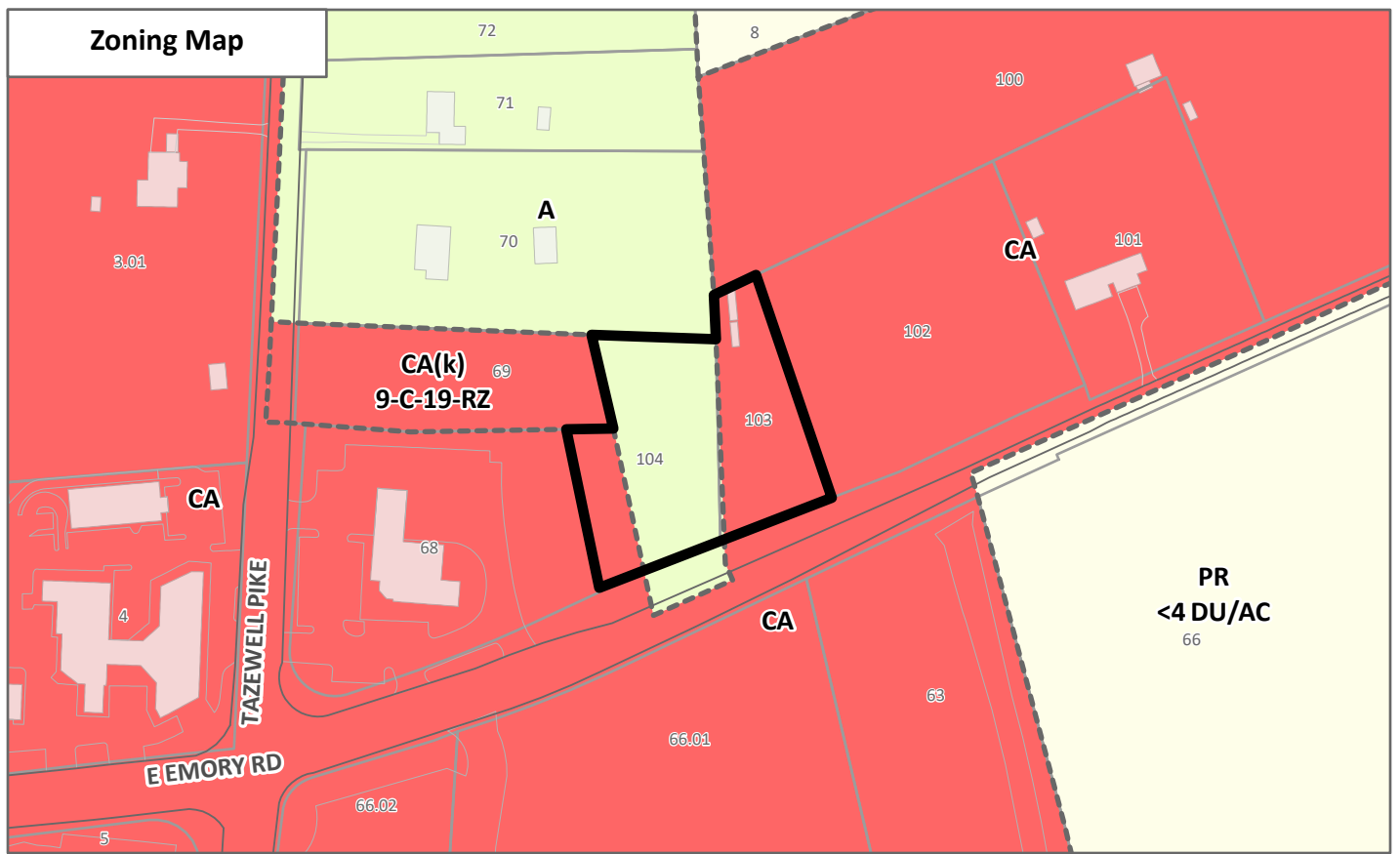
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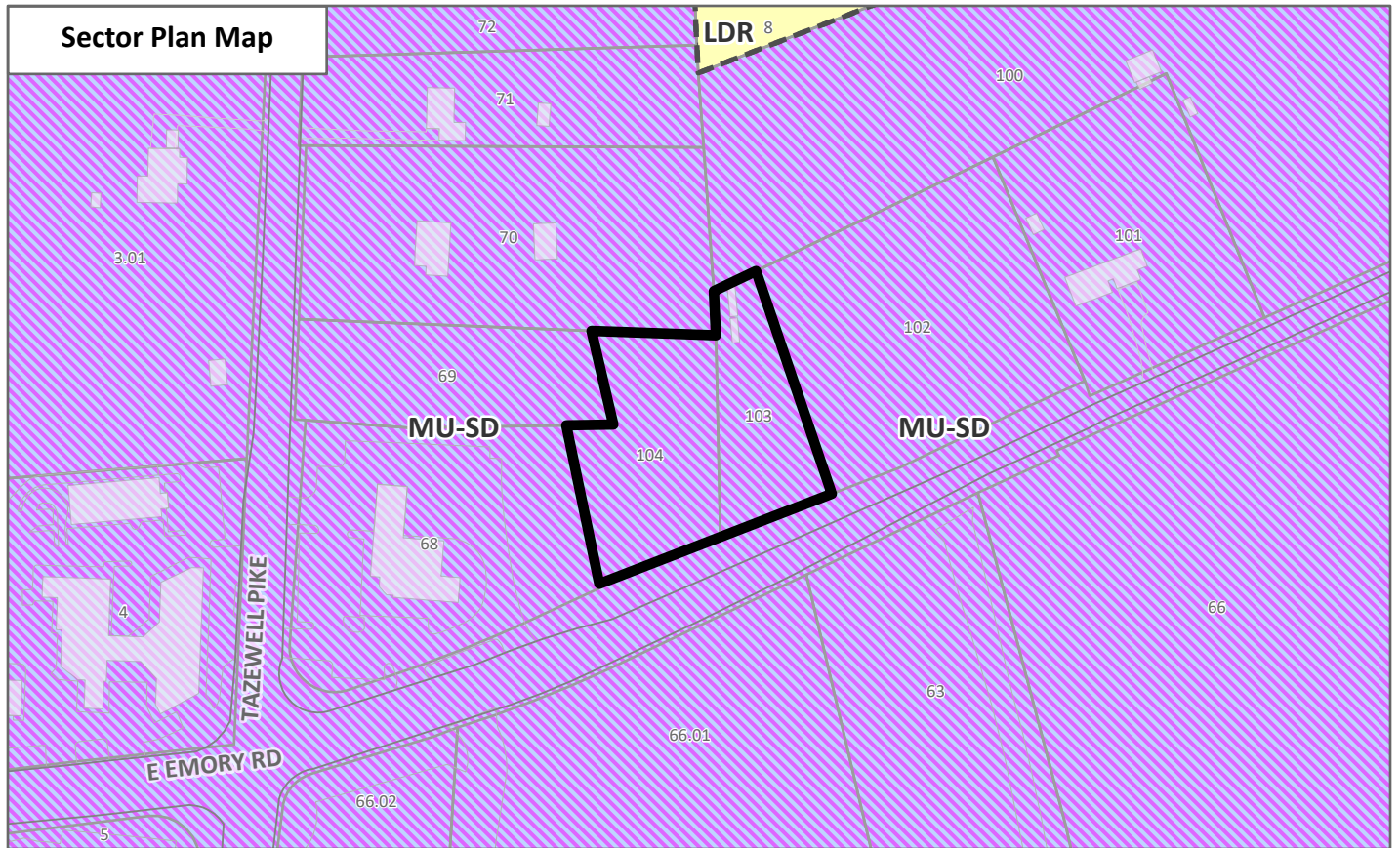
Case boundary



Zoning Map



Sector Plan Map

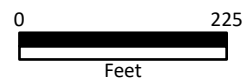


CONTEXTUAL MAPS 2

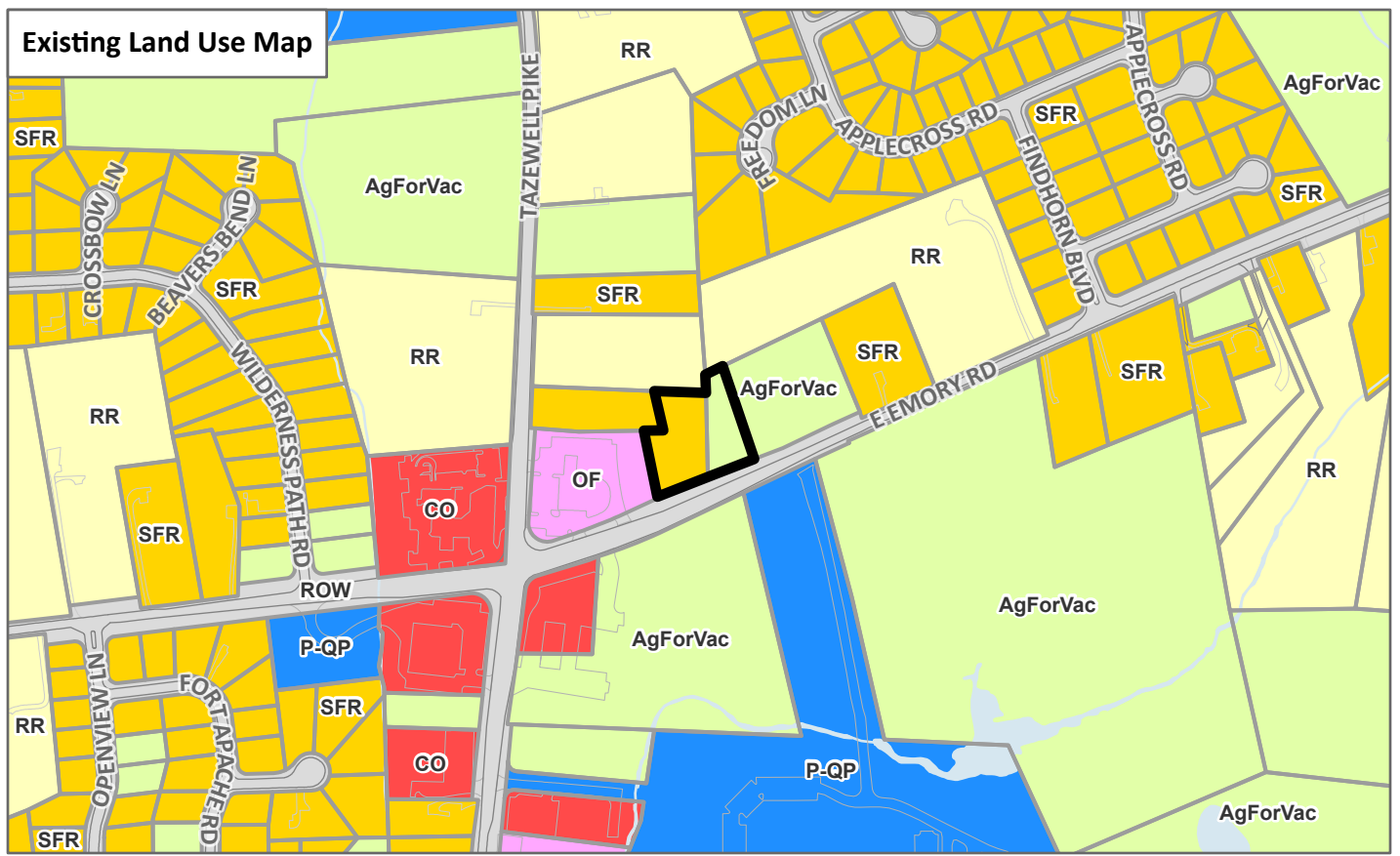
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Case boundary



Existing Land Use Map

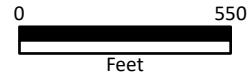


CONTEXTUAL MAPS 3

10-I-23-RZ



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

Corryton A Series LLC of Delta Properties LLC

Applicant Name

Affiliation

8/21/2023

10/5/2023

10-I-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.

Jason Allen Perman Engineering

Name / Company

771 Whites Chapel Rd Gadsden AL 35901

Address

256-252-6757 / realestate@permaneng.com

Phone / Email

CURRENT PROPERTY INFO

Dana Cales Genua

PO BOX 51743 Knoxville TN 37950

Owner Name (if different)

Owner Address

Owner Phone / Email

7509 E EMORY RD

Property Address

21 104 P/O

Parcel ID

Part of Parcel (Y/N)?

1.38 acres

Tract Size

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of E. Emory Rd, east of Tazewell Pike

General Location

City

Commission District 8

A (Agricultural)

Agriculture/Forestry/Vacant Land

County District

Zoning District

Existing Land Use

Northeast County

Planning Sector

MU-SD (Mixed Use Special District), NE-CO1 (Harbison Cr

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 CA (General Business)	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

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

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 1	Total
\$1,000.00	
Fee 2	
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	Corryton A Series LLC of Delta Properties LLC	8/21/2023
	Please Print	Date

Phone / Email

Property Owner Signature	Dana Cales Genua	8/21/2023
	Please Print	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

Corryton A Series LLC of Delta T Properties LLC

Developer

Applicant Name

Affiliation

7/31/23

File Number(s)

Date Filed

Meeting Date (if applicable)

10-I-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

Jason Allen

Perman Engineering

Name

Company

771 Whites Chapel Road

Gadsden

AL

35901

Address

City

State

ZIP

256-252-6757

realestate@permaneng.com

Phone

Email

CURRENT PROPERTY INFO

Dana Cales Genua

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

7509 ~~& 7513~~ Emory Road Corryton, TN 37721

~~021 103 & 021 104~~

021 104 part of

Property Address

Parcel ID

KUB

KUB

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

Related City Permit Number(s)

Home Occupation (specify)

Other (specify) **Commercial**

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 (General Business)**
Proposed Zoning
 Plan Amendment Change ~~Combine Lots 103 and 104~~ (none needed)
Proposed Plan Designation(s)

Pending Plat File Number

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
0803	\$1,000	
Fee 2		\$1,000.00
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

Corryton A Series LLC of Delta T Properties

8/11/23

Please Print

Date

256-252-6757

realestate@permaneng.com

Phone Number

Email

DocuSigned by:
Dana Genua

Dana Genua

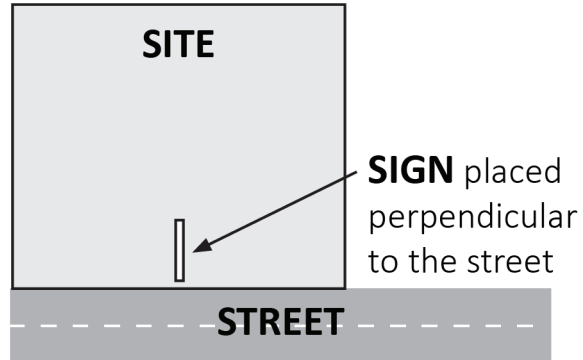
SG,08/21/2023

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:

_____ 09/22/2023 _____ and _____ 10/06/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Corryton A Series LLC

Date: 08/22/2023

File Number: 10-I-23-RZ

- Sign posted by Staff
- Sign posted by Applicant