

# REZONING REPORT

► **FILE #:** 6-B-24-RZ **AGENDA ITEM #:** 24

POSTPONEMENT(S): 6/13/2024 **AGENDA DATE:** 8/8/2024

► **APPLICANT:** SARAH PEACOCK

OWNER(S): American Legion Knoxville Post No. 2

TAX ID NUMBER: 60 140 (PART OF) [View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 5700 OLD RUTLEDGE PIKE

► **LOCATION:** East side of Rutledge Pike, south side of Old Rutledge Pike

► **APPX. SIZE OF TRACT:** 0.85 acres

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Old Rutledge Pike, a local street with a 40-ft pavement width within a right-of-way ranging from 48 ft to 95 ft. Access is also via Rutledge Pike, a major arterial street with an 80-ft pavement width within a right-of-way ranging from 130 ft to 330 ft.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Loves Creek and Woods Creek

► **PRESENT ZONING:** I (Industrial)

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

► **EXISTING LAND USE:** Public/Quasi-Public Land

EXTENSION OF ZONE: Yes, this is a minor extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Commercial, office - CB (Business & Manufacturing), I (Industrial)

South: Railroad right-of-way

East: Multifamily residential, single family residential - I (Industrial), CA (General Business)

West: Commercial, agriculture/forestry/vacant land - CB (Business & Manufacturing), PC (Planned Commercial)

NEIGHBORHOOD CONTEXT: This is a heavy commercial area with active industrial uses. There are single-family homes adjacent to the east, and there is an extensive rail line system to the south.

## STAFF RECOMMENDATION:

► **Approve the OC (Civic and Institutional) zone because it is compatible with surrounding development and consistent with the Comprehensive Plan.**

## 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. Since 2007, several large properties to the northeast and northwest of the subject parcel have been converted from farmland to industrial uses. Developments include an automobile pick yard as well as industrial warehousing and distribution centers. There is also an established cement plant and mining operation to the southeast.
2. The subject parcel is distanced from these more intensive uses and sits adjacent to a small, historic residential area to the east that precedes much of the industrial activity surrounding it.
3. While specific development intentions are not typically within the scope of rezoning considerations, it is noteworthy that the subject parcel has been owned by The American Legion since 2018, and there is signage on the vacant lot advertising it as a future home of this veteran service organization. An assembly hall is not permitted in the current I (Industrial) zone, but is permitted in the requested CB (Business and Manufacturing) zone. This rezoning application was received prior to the adoption of the Knox County Comprehensive Plan and the CB zone can no longer be considered under the subject property's MHI (Mining Heavy Industrial) place type.
4. A veteran organization would also be permissible in the OC (Civic and Institutional) zone per Article 5.42.02.D, which lists private clubs, lodges and fraternal organizations as permitted uses. The OC zone can be considered in any place type, including the MHI place type.
5. A downzoning from the I zone to the OC zone is supported by its sensitive location next to residences and its physical distance from the more intensive industrial and manufacturing uses around it.

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

1. The CB zone is intended for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic. Hence, they are not properly associated with, nor compatible with, residential or institutional uses or with other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB zone are intensive users of roads, sewers and other public facilities.
2. The OC zone is intended for religious, governmental, recreational, and institutional uses. These regulations are intended to minimize any conflicts or adverse impacts on other properties, public roads or facilities. Locations for civic and institutional uses should be on arterial or major collector streets.
3. The subject property is located between Rutledge Pike, a major arterial street, to the west and a row of occupied houses to the east. The OC zone is better suited for this location because it is more compatible with residential uses than the CB zone. The property also meets the OC zone location criteria of being on a major classified street to minimize potential traffic impacts of civic and institutional uses.

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. There are no adverse impacts anticipated to occur with the proposed downzoning from the I to the OC district. Both zones benefit from the property's proximity to major transportation infrastructure, and the OC zone limits the more intensive and noxious uses permitted in the I zone from occurring next to single-family homes.

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

1. The proposed rezoning is consistent with the Comprehensive Plan's Implementation Policy 2, to ensure that development is sensitive to existing community character. By limiting the intensive uses permitted under its current I zoning, the OC zone provides a more appropriate transition of land use next to a long-established residential area.
2. The proposed rezoning is not in conflict with any other adopted plans for the area, including the Growth Policy Plan's Urban Growth Boundary 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 9/16/2024. 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.



# Request to Postpone • Table • Withdraw

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

Scheduled Meeting Date

File Number(s)

## POSTPONE

- ☐ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

**SELECT ONE:** ☐ 30 days ☐ 60 days ☐ 90 days

Postpone the above application(s) until the \_\_\_\_\_ Planning Commission Meeting.

## WITHDRAW

- ☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

## TABLE

*\*The refund check will be mailed to the original payee.*

- ☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

## AUTHORIZATION

*By signing below, I certify I am the property owner, and/or the owners authorized representative.*

*Sarah Peacock*

Applicant Signature

Please Print

Phone Number

Email

## STAFF ONLY

*Jessie Hillman*

Staff Signature

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

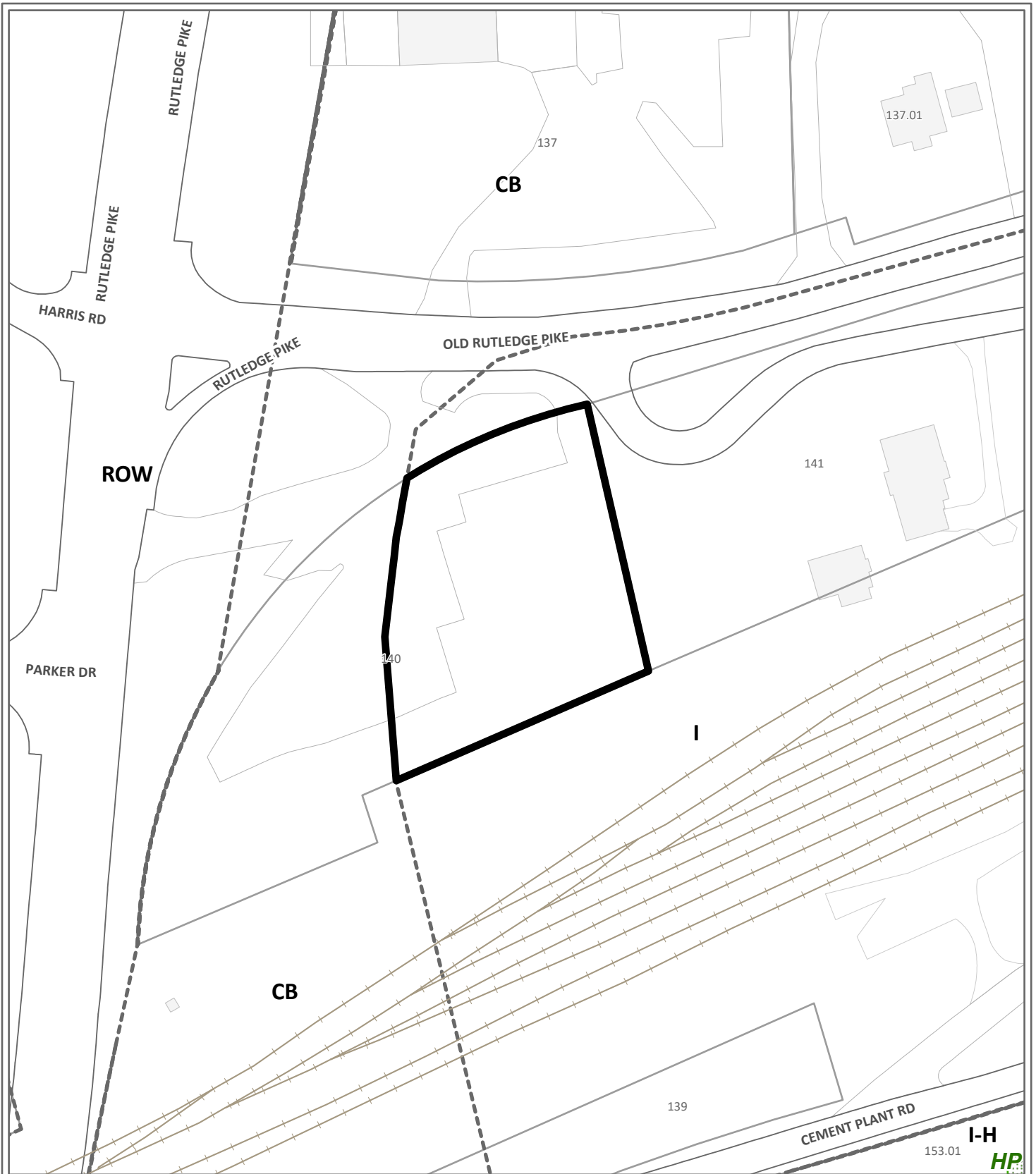
Date:

Payee Name

Payee Phone

Payee Address

October 2022



## REZONING

6-B-24-RZ

Petitioner: Sarah Peacock

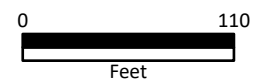


From: I (Industrial)

To: CB (Business and Manufacturing)

Map No: 60

Jurisdiction: County

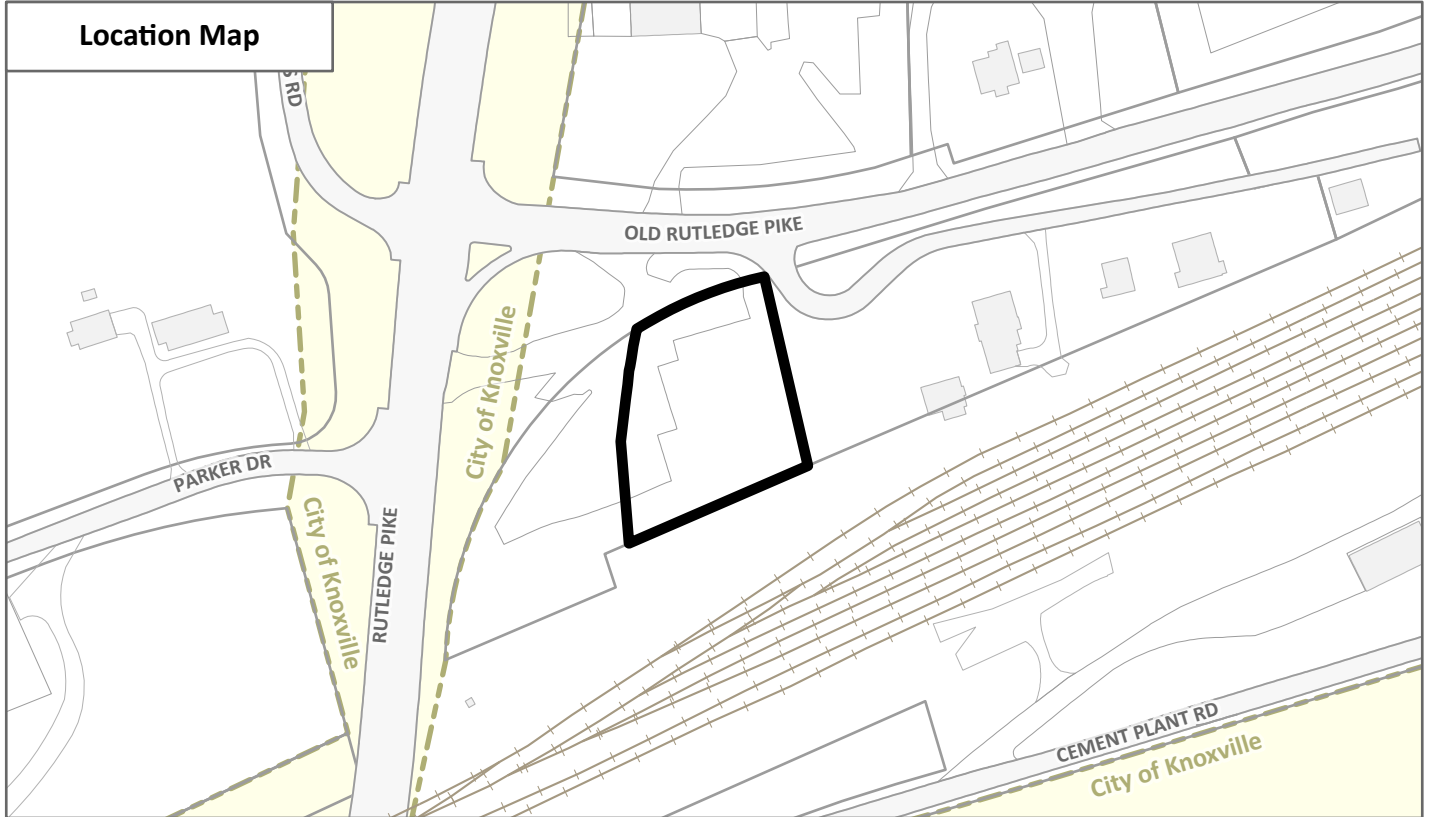


Original Print Date: 7/10/2024

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

## Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

6-B-24-RZ



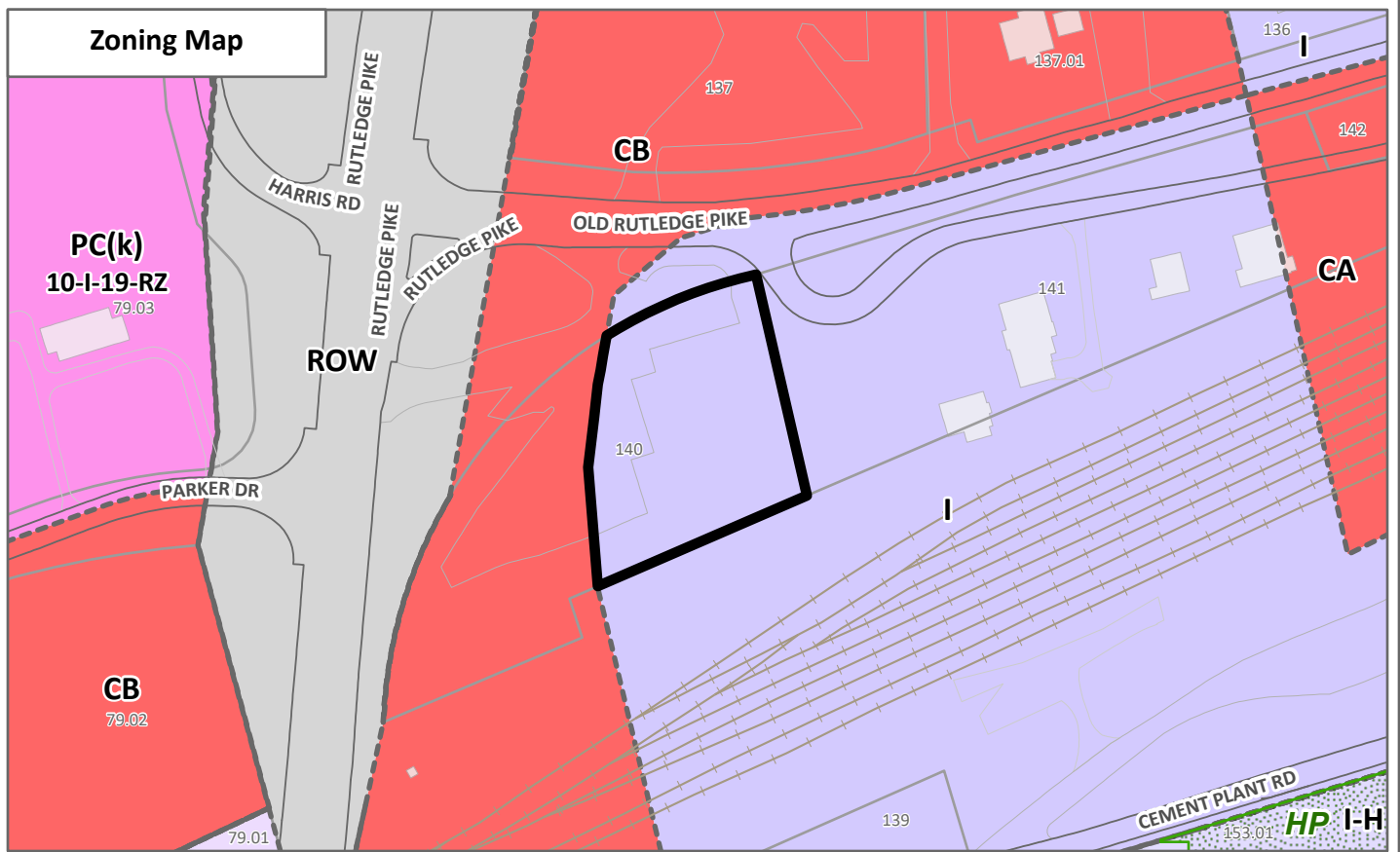
Case boundary

0 220  
Feet

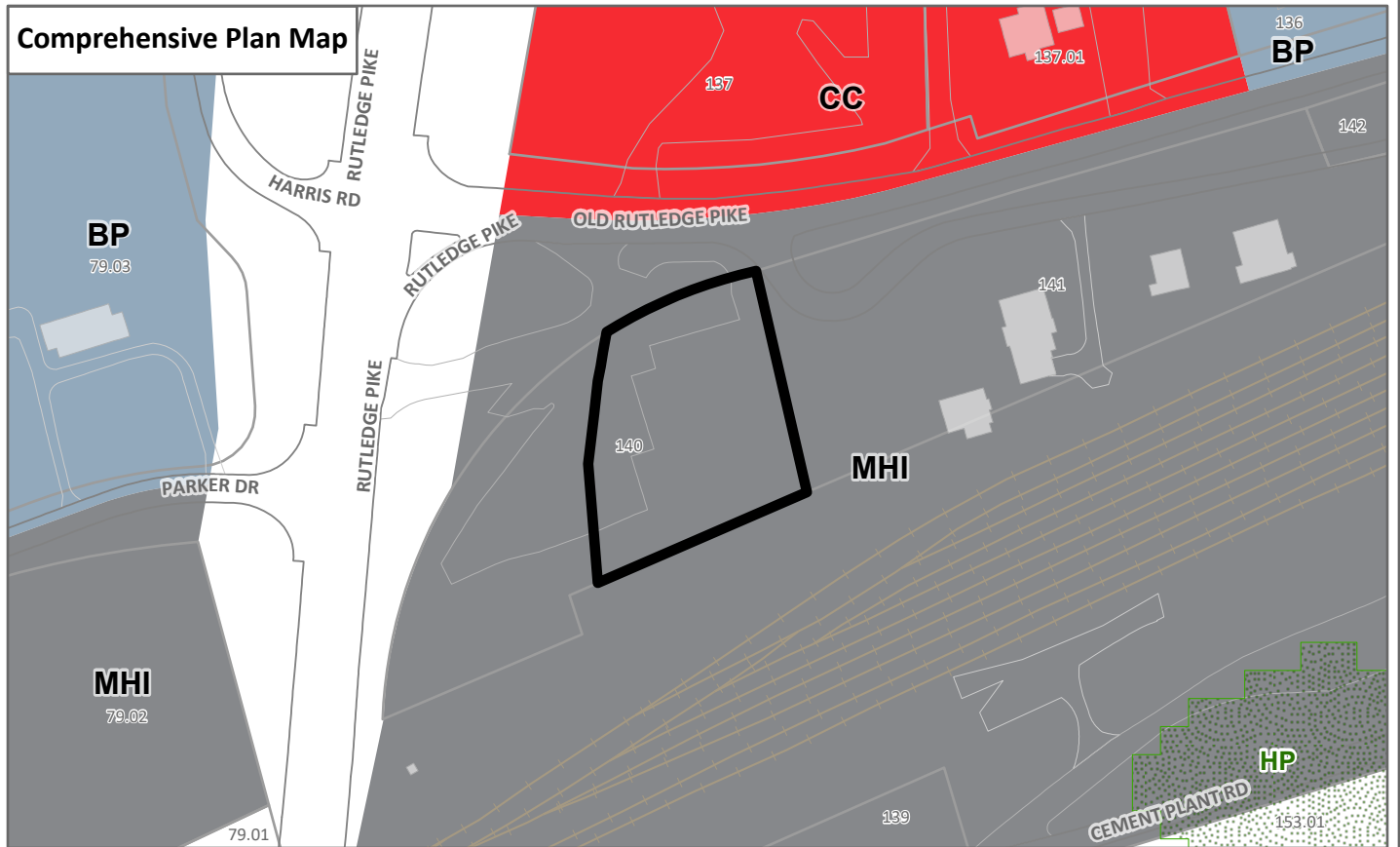




## Zoning Map



## Comprehensive Plan Map



## CONTEXTUAL MAPS 2

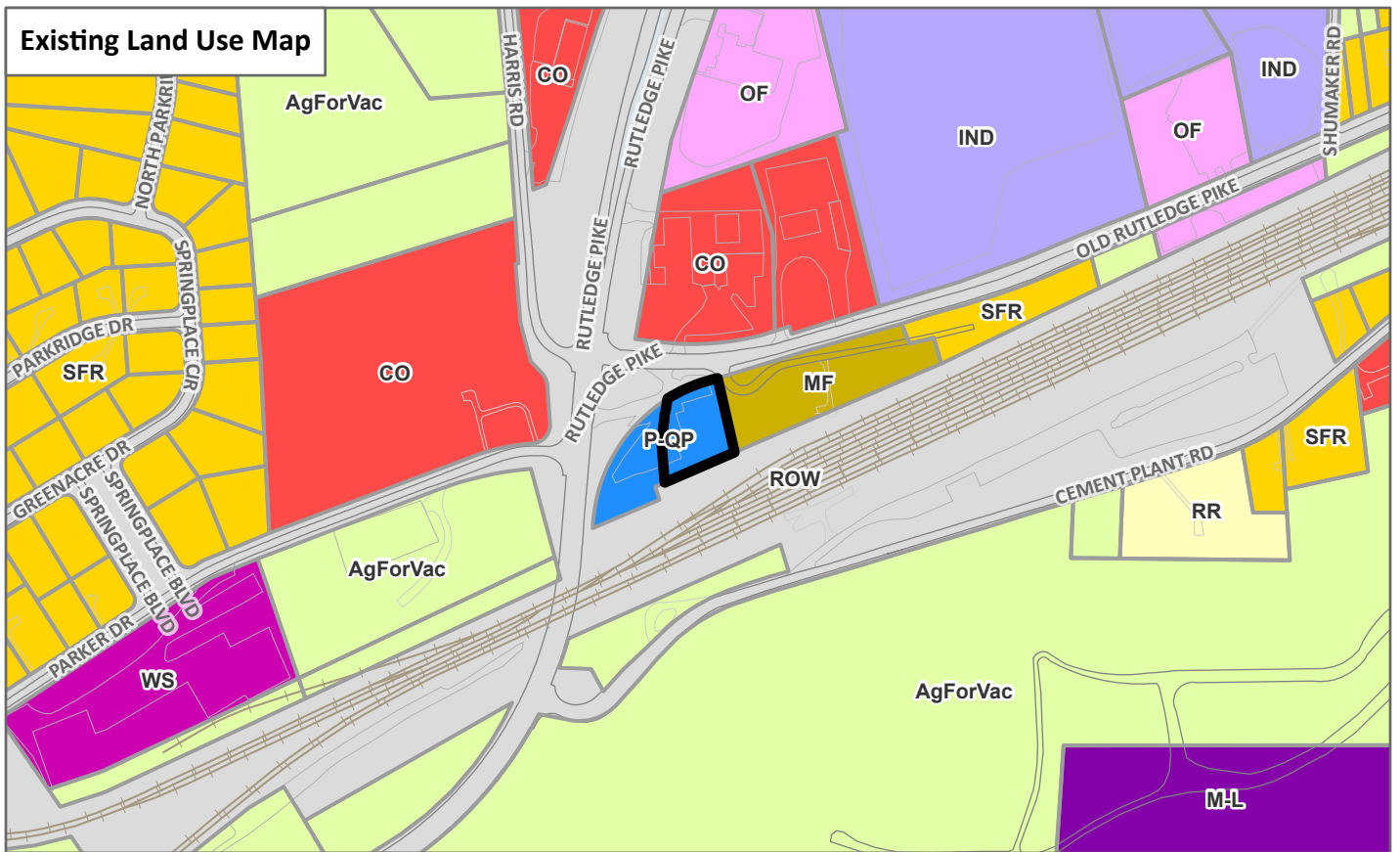
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Case boundary



# Existing Land Use Map

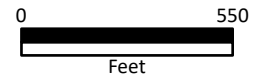


## CONTEXTUAL MAPS 3

6-B-24-RZ



Case boundary





# Development Request

## DEVELOPMENT

- ☐ Development Plan  
☐ Planned Development  
☐ Use on Review / Special Use  
☐ Hillside Protection COA

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☒ Rezoning  
☐ Plan Amendment  
☐ Sector Plan  
☐ City OYP / County Comp Plan

Sarah Peacock

Applicant Name

Affiliation

4/10/2024

Date Filed

6/13/2024

Meeting Date (if applicable)

6-B-24-RZ

File Number(s)

## CORRESPONDENCE

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

Sarah Peacock Barber McMurry Architects

Name / Company

505 Market St. St. Suite 300 Knoxville TN 37902

Address

865-934-1915 / speacock@bma1915.com

Phone / Email

## CURRENT PROPERTY INFO

American Legion Knoxville Post No. 2

Owner Name (if different)

5700 Old Rutledge Pike Knoxville TN 37924

Owner Address

865-742-6170

Owner Phone / Email

5700 OLD RUTLEDGE PIKE

Property Address

60 140 (part of)

Parcel ID

0.85 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Northeast Knox Utility District

Water Provider

Septic (Y/N)

## STAFF USE ONLY

East side of Rutledge Pike, south side of Old Rutledge Pike

General Location

☐ City

Commission District 8

I (Industrial)

Public/Quasi Public Land

☒ County District

Zoning District

Existing Land Use

Northeast County

GC (General Commercial)

Urban Growth Area (Outside City Limits)

Planning Sector

Land Use (City)/Place Type (County)

Growth Policy Plan Designation



## DEVELOPMENT REQUEST

- ☐ Development Plan   ☐ Planned Development   ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

## ZONING REQUEST

- ☒ Zoning Change   **CB (Business and Manufacturing)**  
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment   Proposed Plan Designation(s)

Proposed Density (units/acre)   Previous Rezoning Requests

Additional Information

## STAFF USE ONLY

### PLAT TYPE

- ☐ Staff Review   ☐ Planning Commission

### ATTACHMENTS

- ☐ Property Owners / Option Holders   ☐ Variance Request  
☐ Amendment Request (Comprehensive Plan)

### ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)  
☐ Traffic Impact Study  
☐ COA Checklist (Hillside Protection)

Fee 1

**\$650.00**

Total

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.

Sarah Peacock

4/10/2024

Applicant Signature

Please Print

Date

Phone / Email

American Legion Knoxville Post No. 2

4/10/2024

Property Owner Signature

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

Sarah Peacock

Applicant Name

Affiliation

04/08/2024

06/13/2024

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

Sarah Peacock

BarberMcMurry Architects

Name

Company

505 Market Street, Suite 300

Knoxville

TN

37902

Address

City

State

ZIP

865.934.1915 ext 221

speacock@bma1915.com

Phone

Email

## CURRENT PROPERTY INFO

American Legion Knoxville Post No. 2

5700 Old Rutledge Pike

865.742.6170

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

5700 Old Rutledge Pike **Knoxville, TN 37924**

060 140

Property Address

Parcel ID

Northeast Knox Utility District

Northeast Knox 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

May 1, 2023

## 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   **CB**  
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

### 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

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

Sarah Peacock

Please Print

04/08/2024

Date

865.934.1915 ext 221

Phone Number

speacock@bma1915.com

Email

  
Property Owner Signature

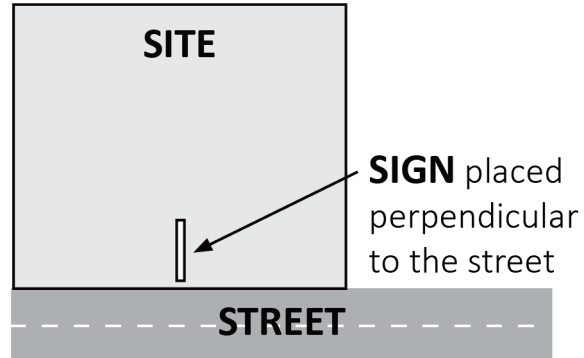
Michael E. Testerman

Please Print

7/8/2024

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:*

\_\_\_\_\_ **May 30, 2024** \_\_\_\_\_ and \_\_\_\_\_ **June 14, 2024** \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Sarah Peacock

**Date:** 4/10/2024

**File Number:** 6-B-24-RZ



Sign posted by Staff



Sign posted by Applicant