

REZONING REPORT

▶ **FILE #:** 12-C-24-RZ

AGENDA ITEM #: 6

AGENDA DATE: 12/12/2024

▶ **APPLICANT:** **WHITE REALTY & SERVICE CORPORATION**

OWNER(S): Davis A Overton White Realty & Service Corporation

TAX ID NUMBER: 121 B B 041

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 5941 KINGSTON PIKE

▶ **LOCATION:** **Northeast corner of the intersection of Kingston Pike and Bearden Rd**

▶ **APPX. SIZE OF TRACT:** **5.06 acres**

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with a 55-ft pavement width within a 64-ft right-of-way. Access is also via Bearden Road, a local street with a 25-ft pavement width within a 42-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: Fourth Creek

▶ **PRESENT ZONING:** **C-G-3 (General Commercial)**

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

▶ **EXISTING LAND USE:** **Commercial**

EXTENSION OF ZONE: Yes, it is a minor extension from the east and across the corridor.

HISTORY OF ZONING: A rezoning from the O-1 (Office, Medical and Related Services) and SC-1 (Neighborhood Shopping Center) districts to the C-3 (General Commercial) district was approved in 1987 (6-L-87-RZ)

SURROUNDING LAND USE AND ZONING: North: Commercial, office, single-family residential - O (Office), RN-1 (Single-Family Residential Neighborhood)

South: Commercial, public/quasi-public land (church), office - C-G-1 (General Commercial)

East: Commercial, public/quasi-public land (school) - C-G-1 (General Commercial), INST (Institutional)

West: Commercial, office, transportation/communications/utilities - C-G-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This section of Kingston Pike is characterized by a diverse array of service-oriented commercial and office uses. There are sidewalks on both sides of the corridor. Bearden High School is nearby to the east, and there is a bus stop in front of the subject property.

STAFF RECOMMENDATION:

- ▶ **Approve the C-G-1 (General Commercial) district because it is a minor extension that is consistent with established development of the site.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The subject property is located in an established commercial corridor along Kingston Pike that sees ongoing redevelopment as lots transfer hands to different businesses and service-providers. The property itself is a built-out commercial strip shopping center that is more aligned with the dimensional standards of the requested C-G-1 (General Commercial) zoning district than the existing C-G-3 (General Commercial) zoning district.
2. The C-G-1 district would be a minor extension, as there is C-G-1 zoning adjacent to the east and across Kingston Pike as well. The C-G-1 district is prevalent throughout this section of Kingston Pike. The development conditions on the subject property and the surrounding area supports consideration of the C-G-1 zoning district.

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

1. The C-G district is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses along commercial nodes and corridors. It promotes mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces.
2. The C-G district is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. These levels are designated as the C-G-1, C-G-2, and C-G-3 districts, with the C-G-1 district being the lowest intensity. The main factor in the level of intensity is the maximum building height, which is 45 ft in C-G-1 and unlimited in C-G-3. The C-G-3 district requires that portions of buildings be located close to front and side streets (build-to zone and build-to percentage), which is not required in the C-G-1 district.
3. C-G-1 zoning used to be the only C-G district without design standards, but this was amended in September of 2024 so that all intensity levels of the C-G zoning district have the same design standards relating to fenestration, façade and site design (5-B-24-OA).
4. The existing building form and configuration on the subject property is reflective of the C-G-1 district and would enable modest redevelopment that maintains existing character. This is a fully occupied and active commercial strip. Since the C-G-1 district would remove barriers to minor improvements and upgrades to the shopping center, and the district is compatible with surrounding development, staff recommend approval of the rezoning request.

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 C-G-1 district is consistent with how the subject property is already constructed and operating. There are no adverse impacts anticipated to occur with maintaining this commercial layout.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE KNOXVILLE-KNOX COUNTY GENERAL PLAN AND ITS COMPONENT PARTS, INCLUDING ADOPTED SECTOR PLANS, CORRIDOR PLANS, AND RELATED DOCUMENTS.

1. Rezoning to the C-G-1 district is consistent with the West City Sector Plan's MU-SD, WC-1 (Mixed Use Special District, Bearden Village) land use classification. It promotes a more pedestrian-oriented commercial layout. While the C-G-1 district does not require a build-to zone or percentage that places buildings next to the sidewalk, it also does not prohibit this from occurring. The existing strip commercial design of the subject property already connects directly to the Kingston Pike sidewalk network and provides sheltered pedestrian access to all the shops on site. With the new design requirements that are now being applied to the C-G-1 district, future redevelopment will adhere to standards intended to serve the pedestrian interest as well. This includes site design elements that ensure safe pedestrian access from the public right-of-way and pedestrian circulation within the development.
2. The rezoning is aligned with the General Plan's Development Policy 8.10 to encourage redevelopment of obsolete commercial strip space by providing incentives for infill rather than greenfield development. While this commercial strip center is by no means obsolete, this rezoning does remove barriers to infill expansion and improvement that would otherwise be challenging under the current C-G-3 zoning.

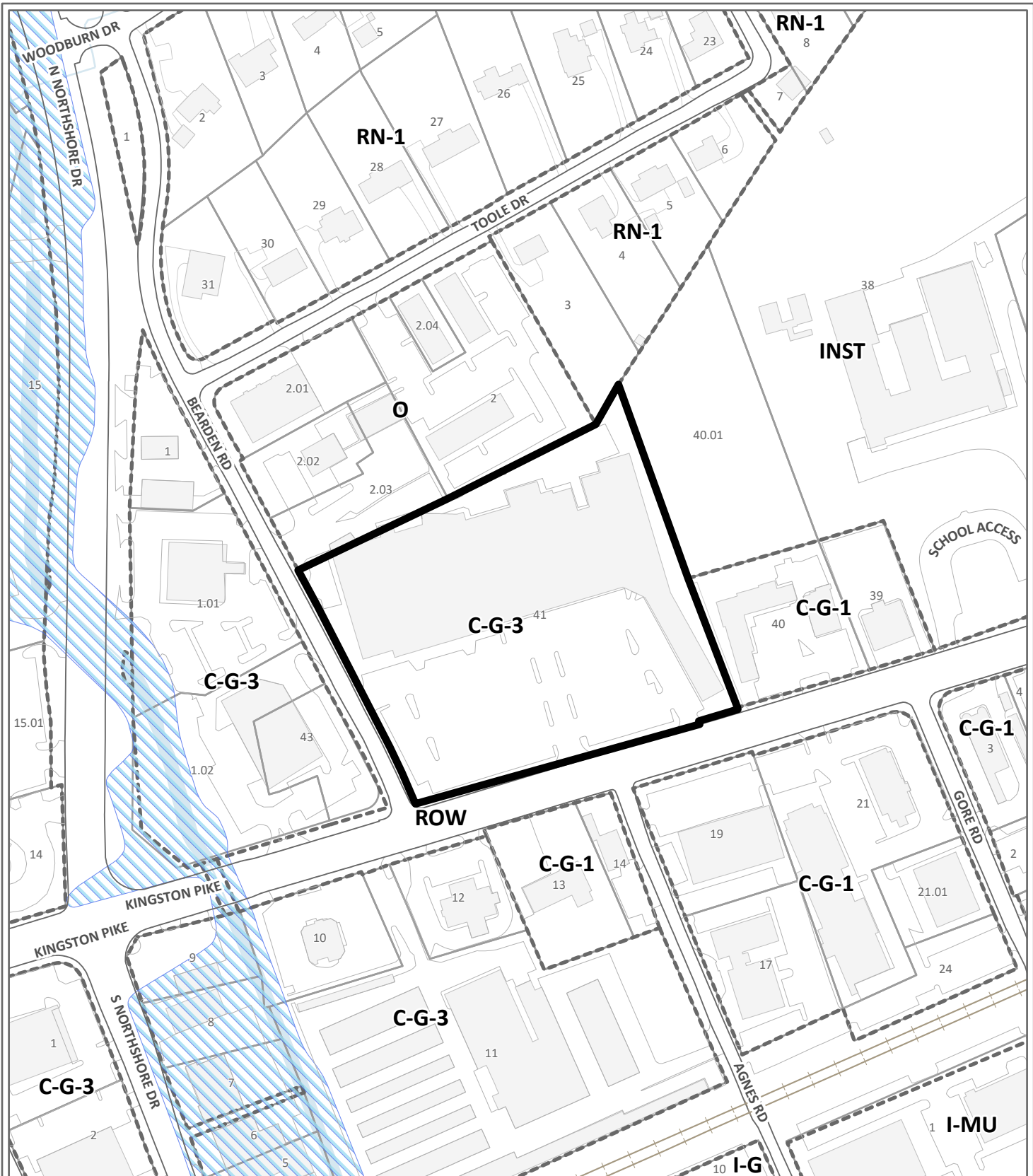
ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. The subject property is located in an urbanized area with ample infrastructure capacity to accommodate the requested rezoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/21/2025 and 2/6/2025. 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

12-C-24-RZ

Petitioner: White Realty & Service Corporation



From: C-G-3 (General Commercial)

To: C-G-1 (General Commercial)

Map No: 121

Jurisdiction: City

Original Print Date: 11/1/2024

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

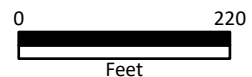
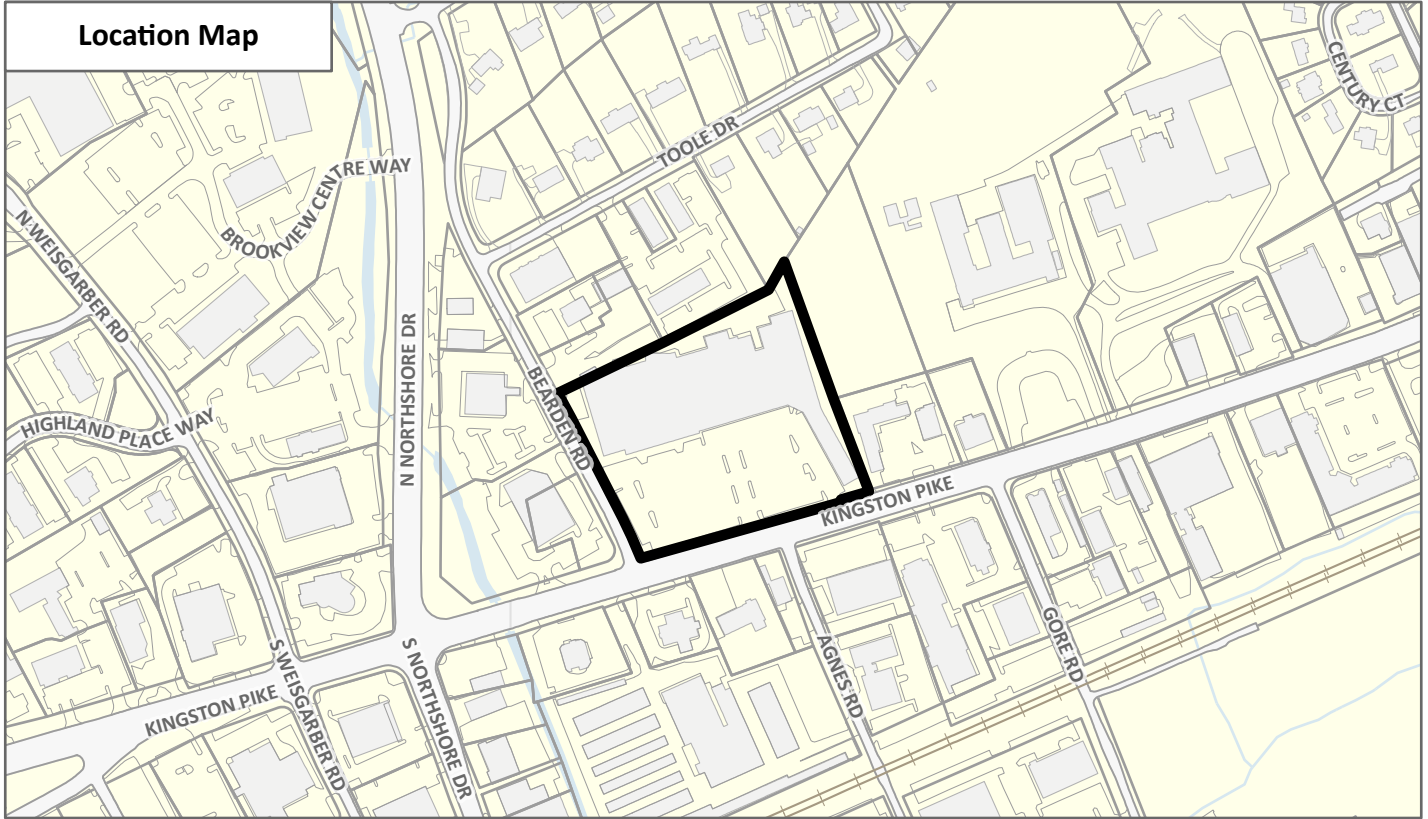
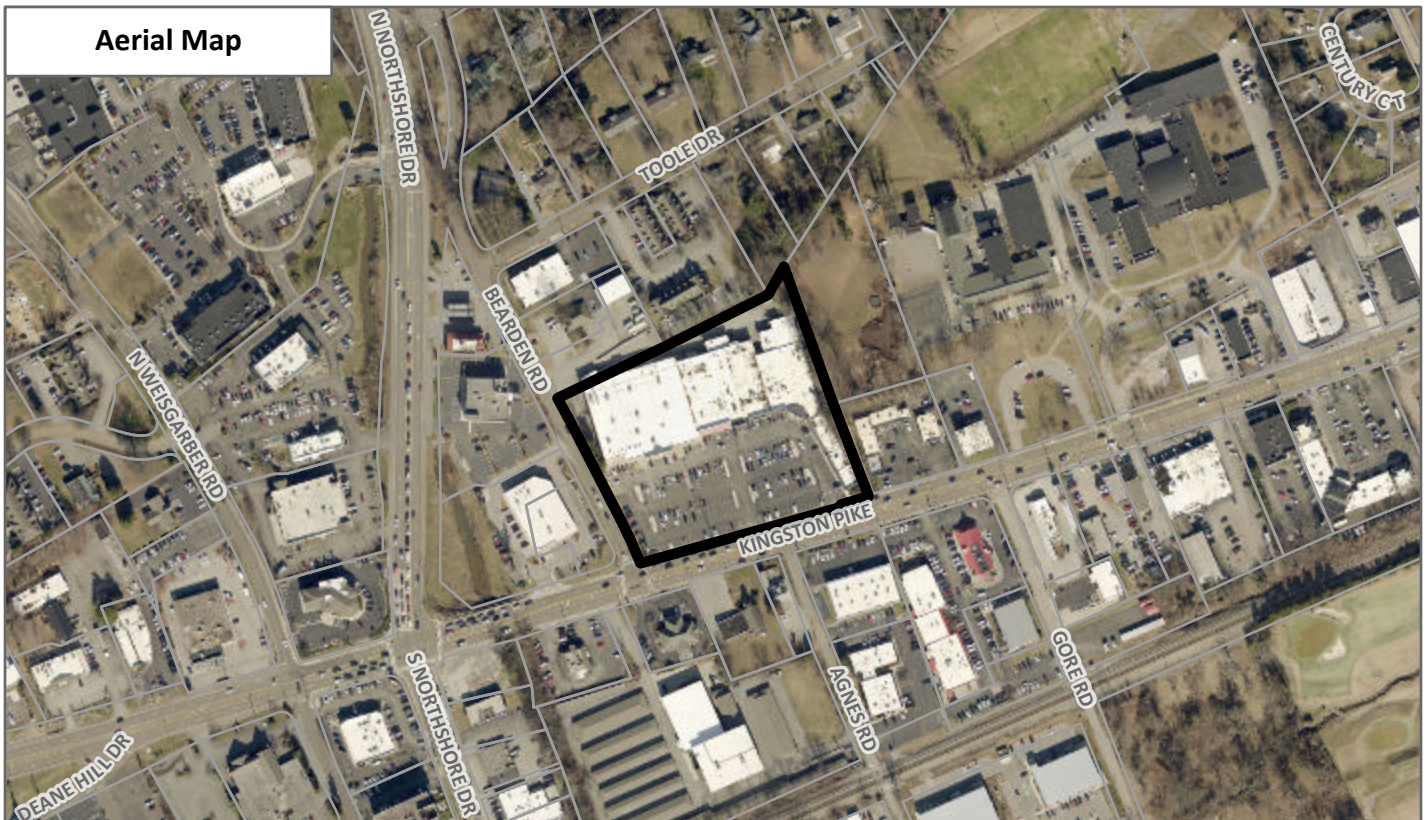


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

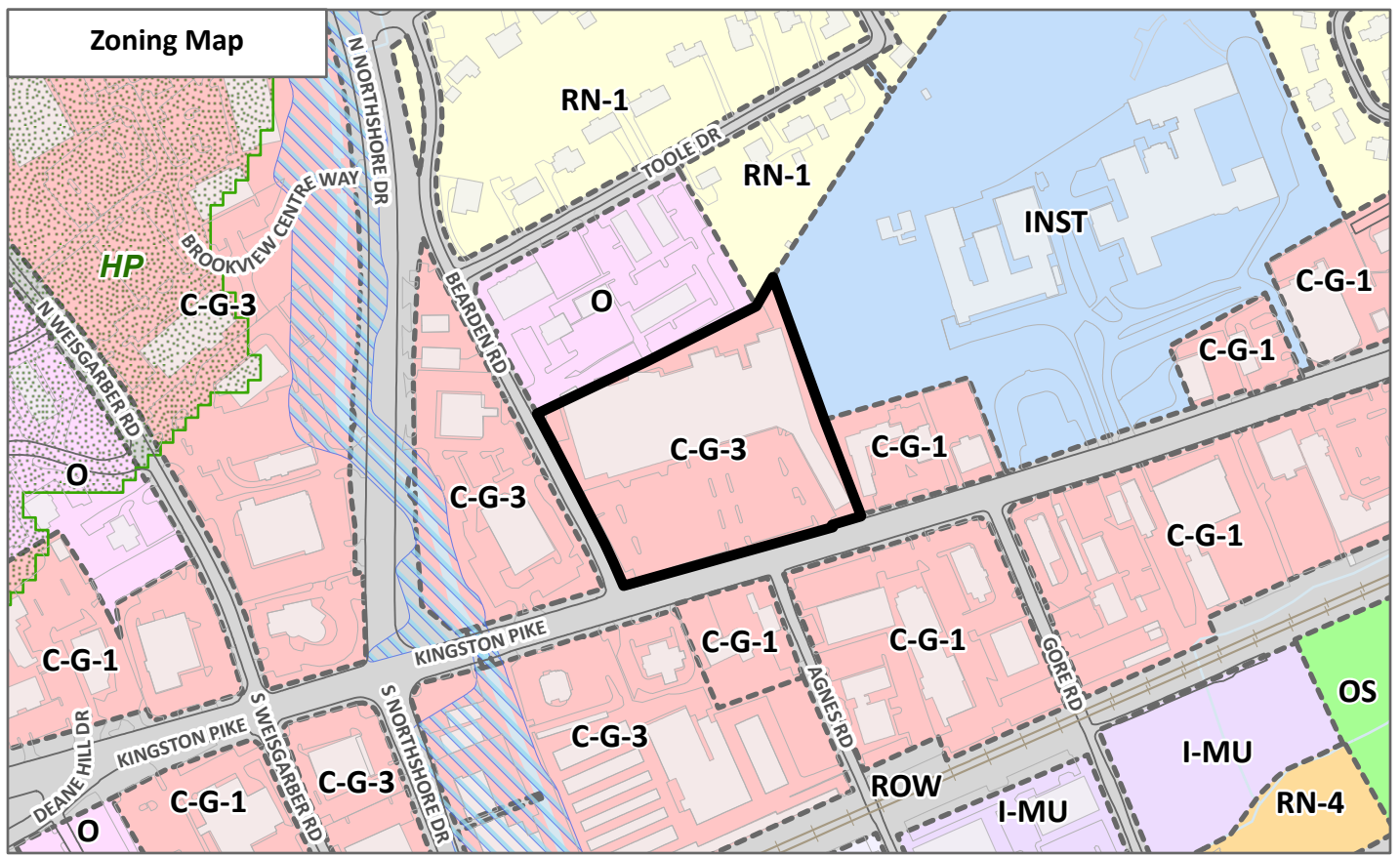
12-C-24-RZ



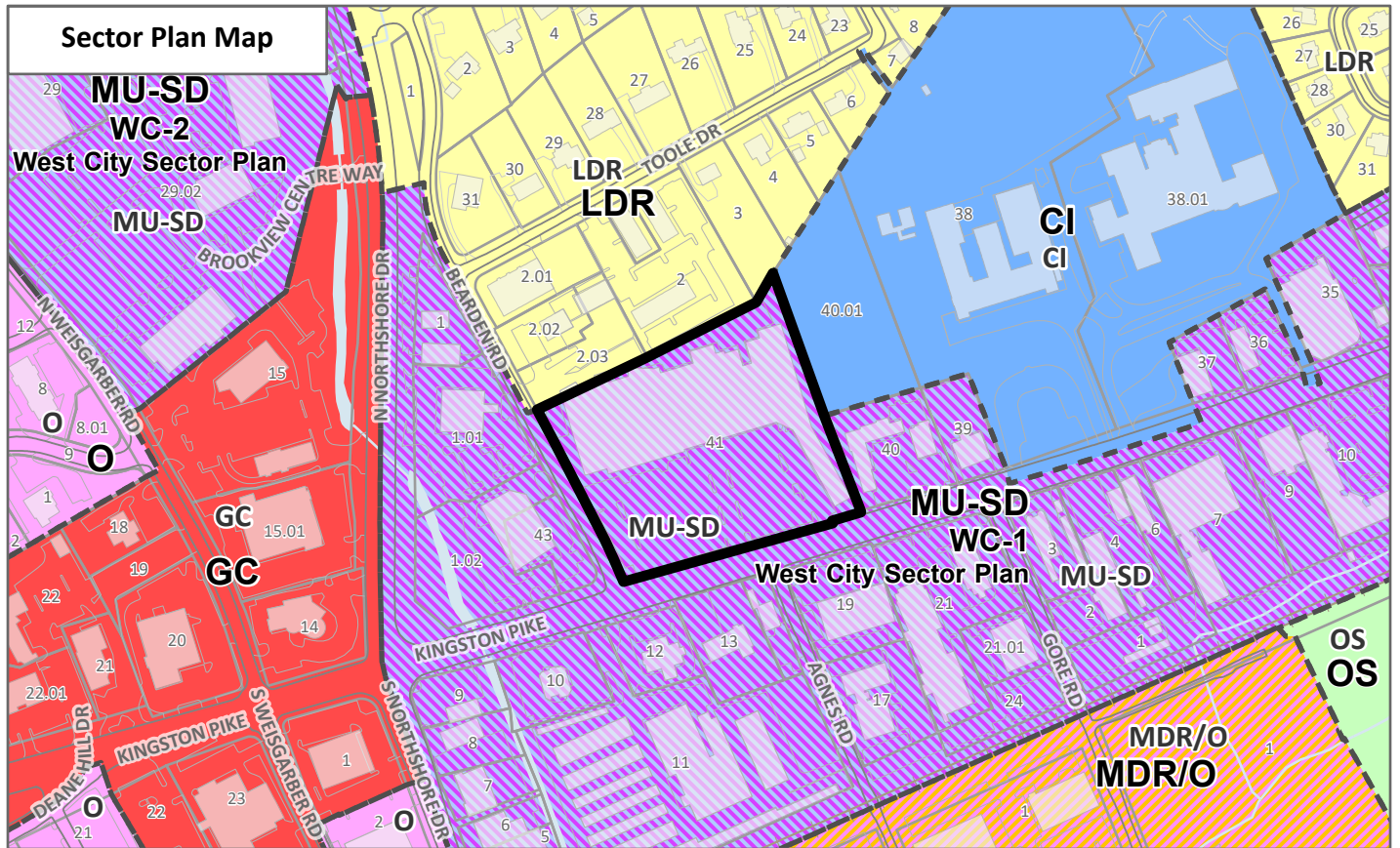
Case boundary



Zoning Map



Sector Plan Map

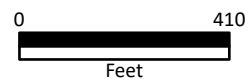


CONTEXTUAL MAPS 2

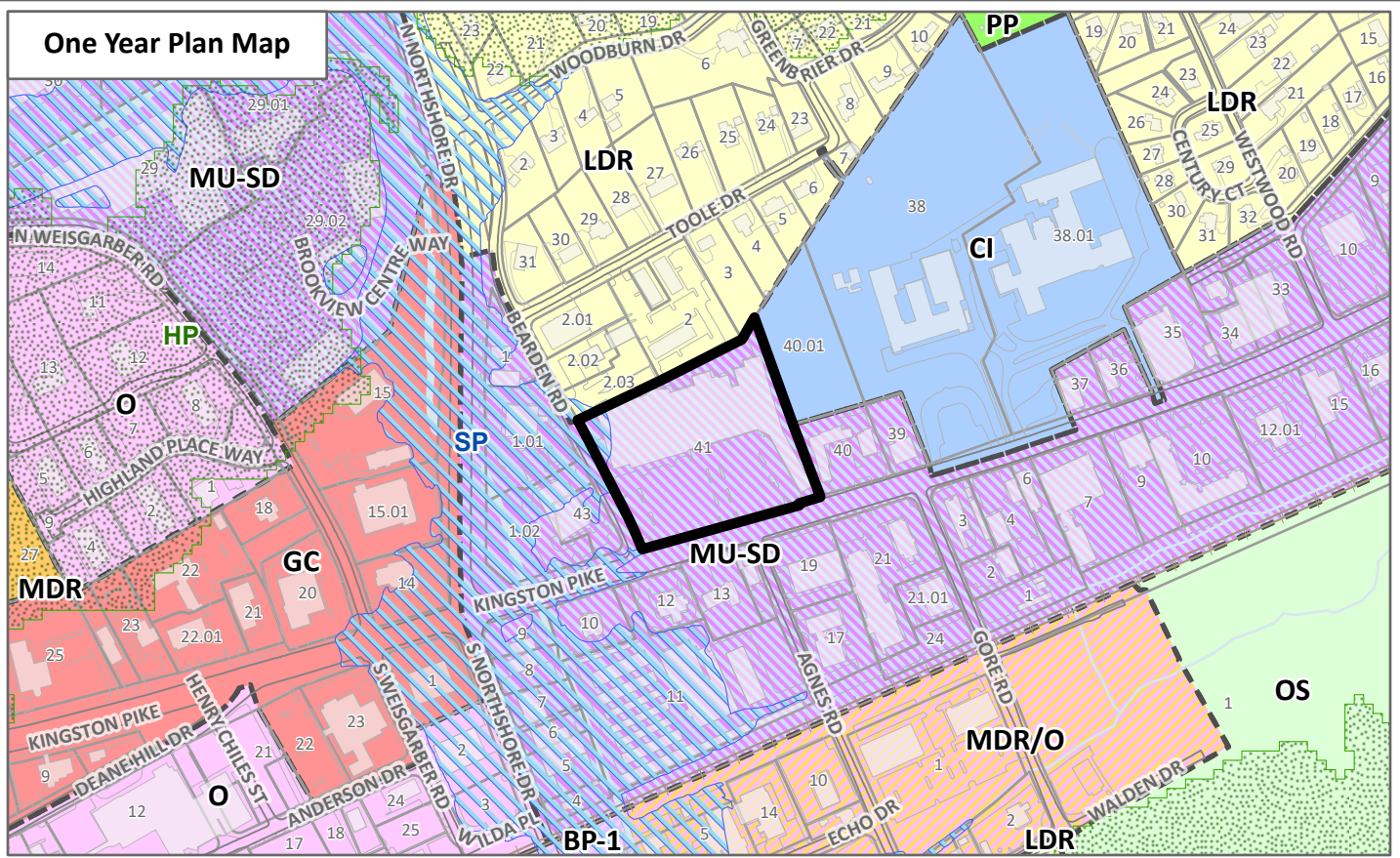
12-C-24-RZ



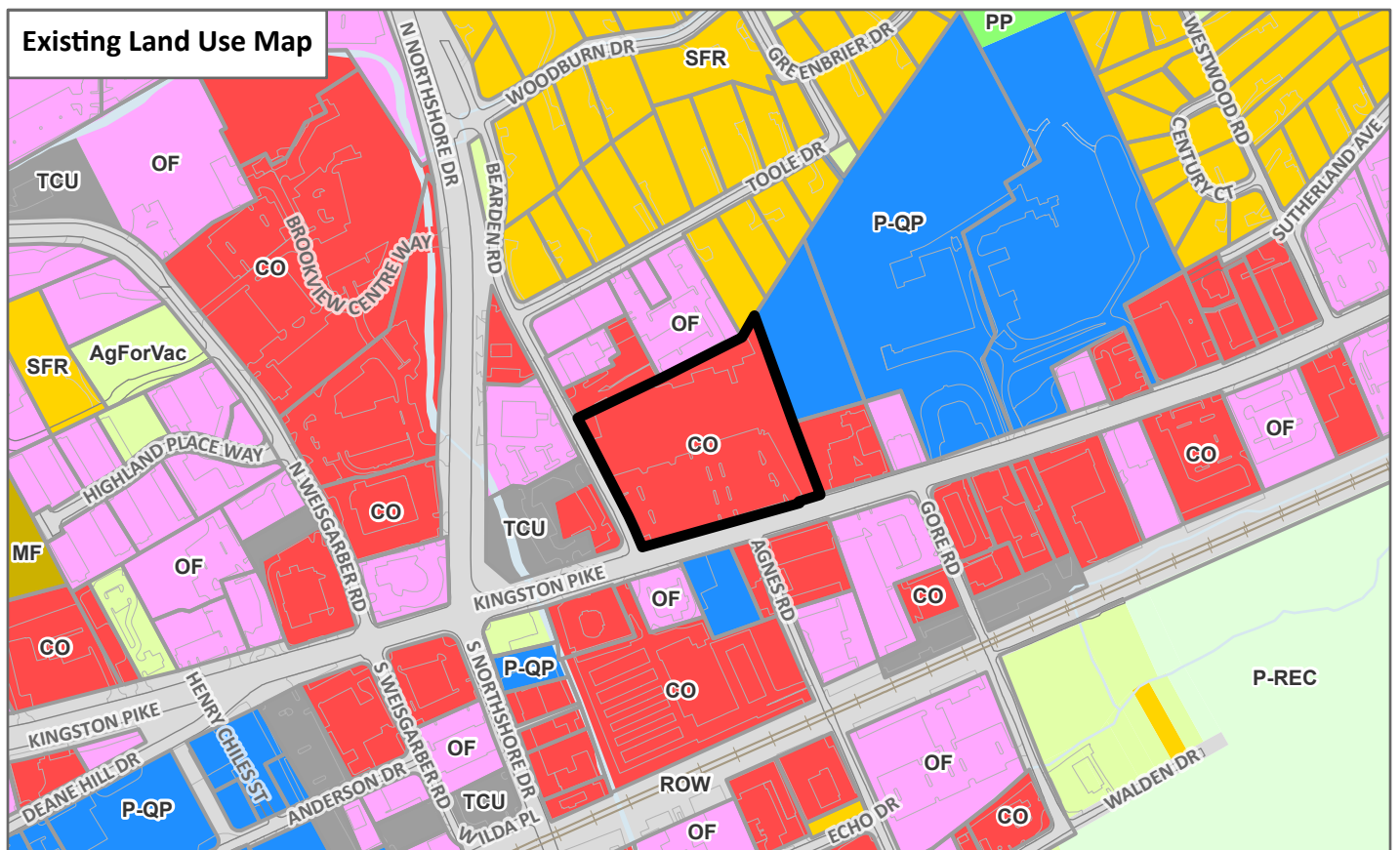
Case boundary



One Year Plan Map



Existing Land Use Map

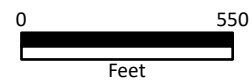


CONTEXTUAL MAPS 3

12-C-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

White Realty & Service Corporation

Applicant Name Affiliation

10/28/2024

12/12/2024

12-C-24-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.

- Applicant Owner Option Holder Surveyor Engineer Architect

Davis A Overton White Realty & Service Corporation

Name / Company

PO Box 51178 Knoxville TN 37919

Address

865-588-2244 / DOverton@whiterealty.com

Phone / Email

CURRENT PROPERTY INFO

Davis A Overton White Realty & Service **5941 Kingston Pike Knoxville TN 37919** **865-588-2244 / doverton@whit**

Owner Name (if different)

Owner Address

Owner Phone / Email

5941 KINGSTON PIKE

Property Address

121 B B 041

5.06 acres

Parcel ID

Part of Parcel (Y/N)?

Tract Size

Knoxville Utilities Board

Knoxville Utilities Board

No

Sewer Provider

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

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 C-G-1 (General Commercial)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> 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	Total
\$1,506.00	
Fee 2	
Fee 3	

AUTHORIZATION

By signing below, 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. If there are additional owners or option holders, each additional individual must sign the Property Owners/Option Holders Form.

Applicant Signature	White Realty & Service Corporation Please Print	10/28/2024 Date
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Phone / Email

Property Owner Signature	Davis A Overton White Realty & Service Corporation Please Print	10/28/2024 Date
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Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - PA
- Rezoning

White Realty & Service Corporation

Owner

Applicant Name

Affiliation

10/21/2024

December 12, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

12-C-24-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

Davis A. Overton

White Realty & Service Corporation

Name

Company

P.O. Box 51178

Knoxville

TN

37919

Address

City

State

ZIP

865-588-2244 x 102

doverton@whiterealty.com

Phone

Email

CURRENT PROPERTY INFO

	5900 Middleview Way	865-588-2244 x 102
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
5941 Kingston Pike, Knoxville, TN 37919	121BB041	
Property Address	Parcel ID	
K.U.B.	K.U.B.	N
Sewer Provider	Water Provider	Septic (Y/N)

COMMUNITY ENGAGEMENT

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Public Notice and Community Engagement

Sign Posting and Removal

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.

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.

Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

Acknowledgement

By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

11/29/2024

Date to be Posted

12/13/2024

Date to be Removed

Have you engaged the surrounding property owners to discuss your request?

- Yes No
- No, but I plan to prior to the Planning Commission meeting

Javier C. Quintero
Applicant Signature

WHITE REALTY & SERVICE CORP.
Applicant Name

10/24/24
Date

12-C-24-RZ
FILE NUMBER