

REZONING REPORT

▶ **FILE #:** 2-H-24-RZ

AGENDA ITEM #: 32

AGENDA DATE: 2/8/2024

▶ **APPLICANT:** WALLACE MCCLURE

OWNER(S): Wallace McClure

TAX ID NUMBER: 118 171, PART OF

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 0 DUTCHTOWN RD

▶ **LOCATION:** South side of Dutchtown Rd, east side of Sherrill Blvd

▶ **APPX. SIZE OF TRACT:** 3.29 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Dutchtown Rd, a minor arterial, with a pavement width ranging from 63 ft to 72 ft within a right-of-way of 86 ft to 149 ft. Access could also be off of Sherrill Blvd, a major collector with a pavement width ranging from 66 ft to 57 ft within the Pellissippi Parkway interchange right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Turkey Creek

▶ **PRESENT ZONING:** A (Agricultural), TO (Technology Overlay)

▶ **ZONING REQUESTED:** CA (General Business), TO (Technology Overlay)

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

▶
EXTENSION OF ZONE: No

HISTORY OF ZONING: In 1983, the TO (Technology Overlay) zone was added to this property (12-Z-83-RZ).

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land - BP/TO (Business and Technology Park) / (Technology Overlay) in the County

South: Agriculture/forestry/vacant land - OP/TO-1 (Office Park) / (Technology Park Overlay) - in the City

East: Agriculture/forestry/vacant land - OP/TO-1 (Office Park) / (Technology Park Overlay) - in the County

West: Pellissippi Parkway right-of-way - A/TO (Agricultural) / (Technology Park Overlay) - in the City

NEIGHBORHOOD CONTEXT: This area consists of single family residential uses on the north side of Dutchtown Road and offices uses and vacant land on the south side of Dutchtown Road. The Century Park office park development is adjacent to the east.

STAFF RECOMMENDATION:

- ▶ **Approve the CA/TO (General Commercial) zone because it is consistent with the sector plan and surrounding development. The TO (Technology Overlay) zone would be retained.**

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. While the area east of Pellissippi Parkway on the south side of Dutchtown Road is mostly comprised of office land uses, there is a recent trend of properties being rezoned from office and industrial zones to commercial zones to the north and south (cases (8-K-20-RZ and 10-H-21-RZ).
2. Dutchtown Road was widened from 3 lanes to 5 lanes with sidewalks in 2008.

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

1. The CA zone is for general retail business and services but not for manufacturing or for processing materials other than farm products. The CA zone is consistent with the existing office and technology park zoning in the area.
2. Properties in the TO zone also require TTCDA approval of rezoning requests. This request will be heard at the February 5, 2024 TTCDA meeting (Case 2-A-24-TOR).
3. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land 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. The interchange with Pellissippi Parkway adjacent to office development is an appropriate location for commercial development.
2. This property is in the Technology Overlay. All developments other than single family residences and duplexes require TTCDA (Tennessee Technology Corridor Development Authority) approval of site plans.

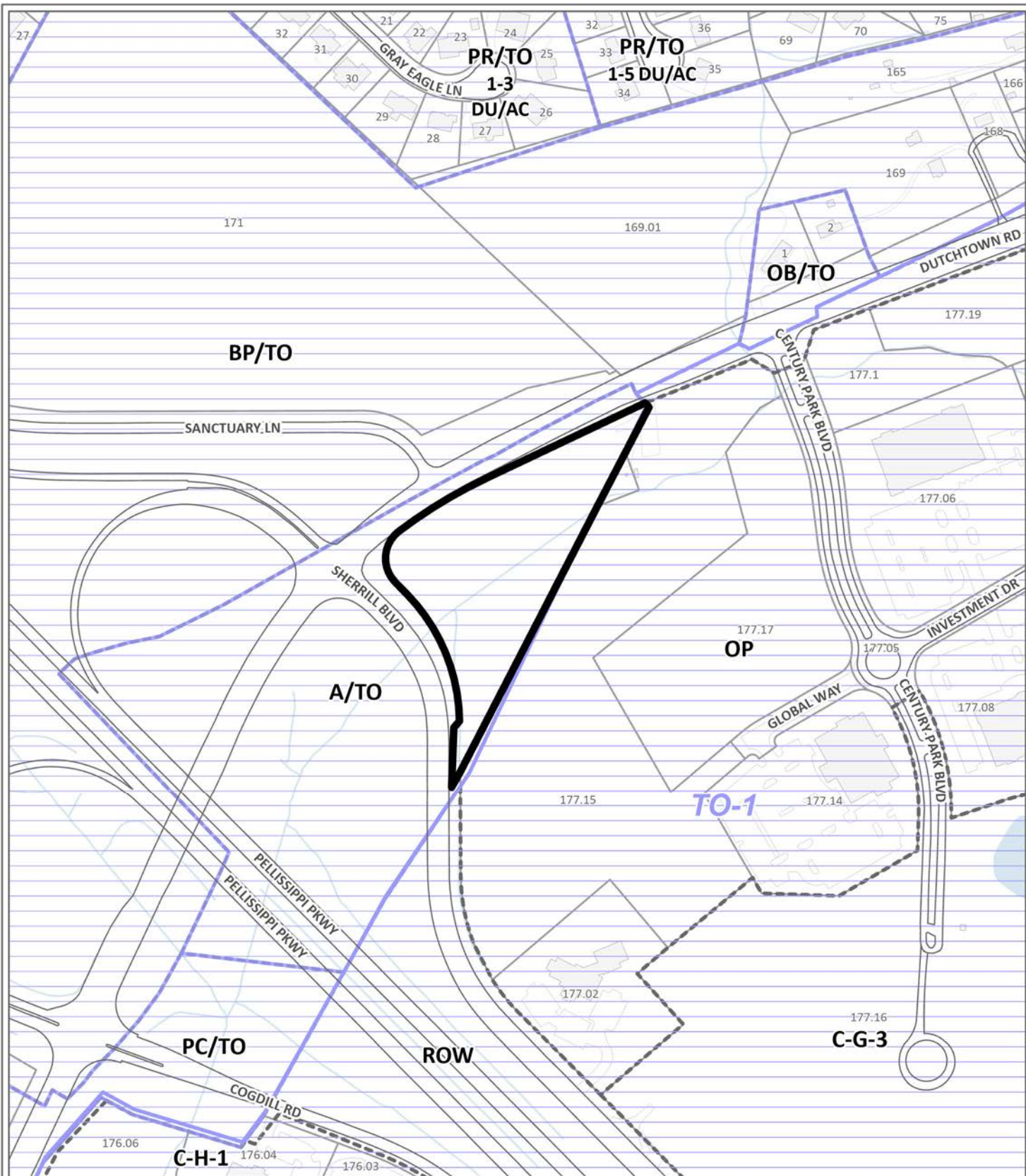
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. CA is compatible with the sector plan's MU-SD NWCO-2 (Mixed Use-Special District, Century Park) land use designation, which locates retail uses along the south side of Dutchtown Road. This mixed use-special district allows consideration of the MU-CC (Mixed Use-Community Center) land use class, which allows commercial uses. CC (Community Commercial) land use classification states that it may also be considered within Mixed Use and Special Districts (p. 70), which the MU-CC land use class is. The Community Commercial land use designation considers CA for infill development. While this is not infill development, the only other opportunity for retail which the sector plan calls for is the PC zone. The PC zone is not preferential because of the 50 ft peripheral setback requirements, which would be difficult on this already uneven shaped property that appears to have some closed contours and right-of-way along both frontages on Dutchtown Rd and Sherrill Blvd.
2. The current General Plan Policy 8.3 calls for focus on design quality and neighborhood compatibility in reviewing development proposals. The Technology Overlay has extensive design guidelines for site plans.
3. The property is within the Urban Growth Boundary. The purposes of the Urban Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services. The proposed development meets the relevant standards of the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 3/25/2024. 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.



REZONING

2-H-24-RZ

Petitioner: Wallace McClure



From: A (Agricultural), TO (Technology Overlay)

To: CA (General Business), TO (Technology Overlay)

Map No: 118
Jurisdiction: County

Original Print Date: 1/19/2024
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

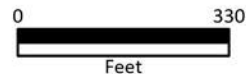
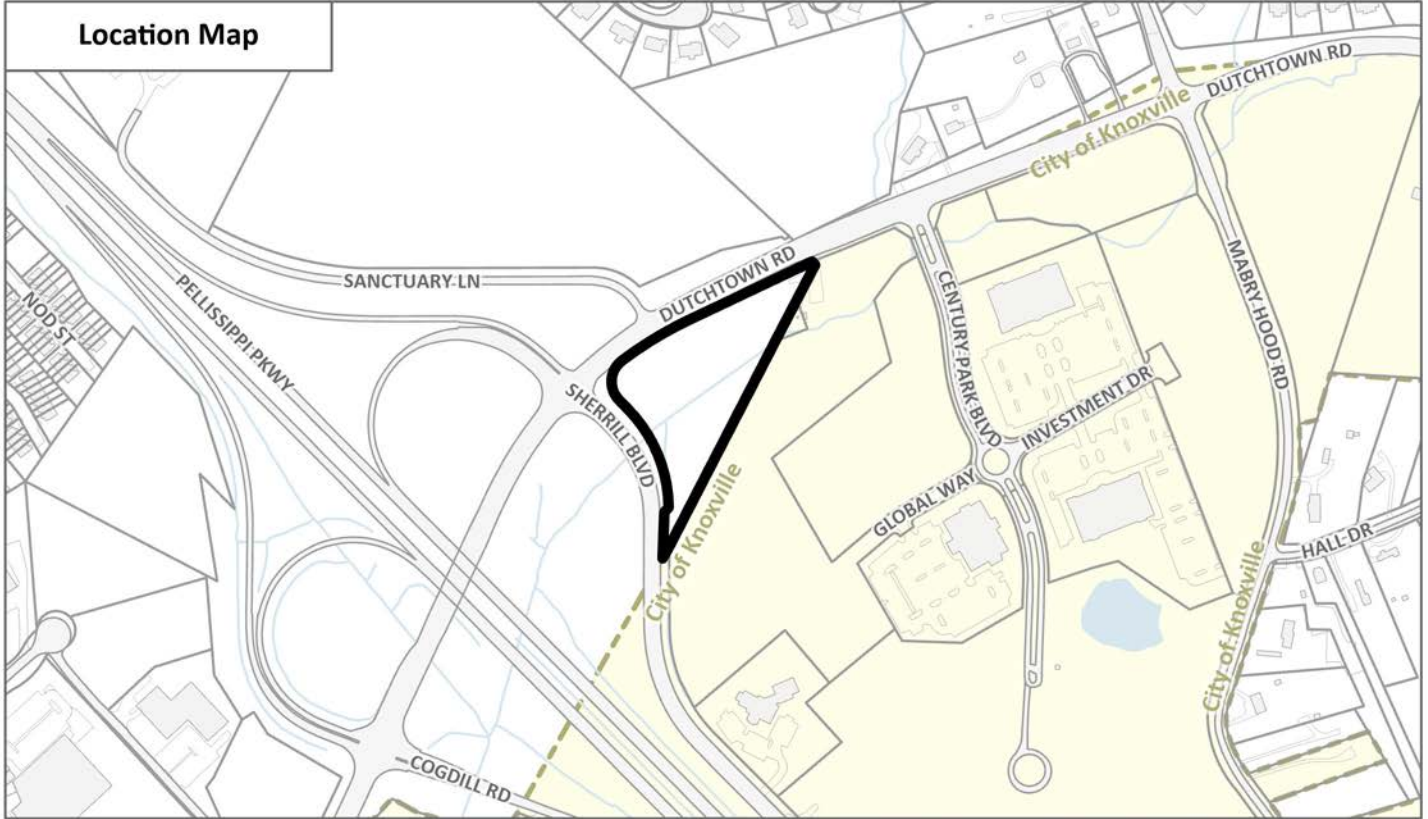


Exhibit A. Contextual Images

Location Map



Aerial Map

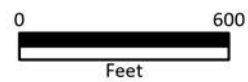


CONTEXTUAL MAPS 1

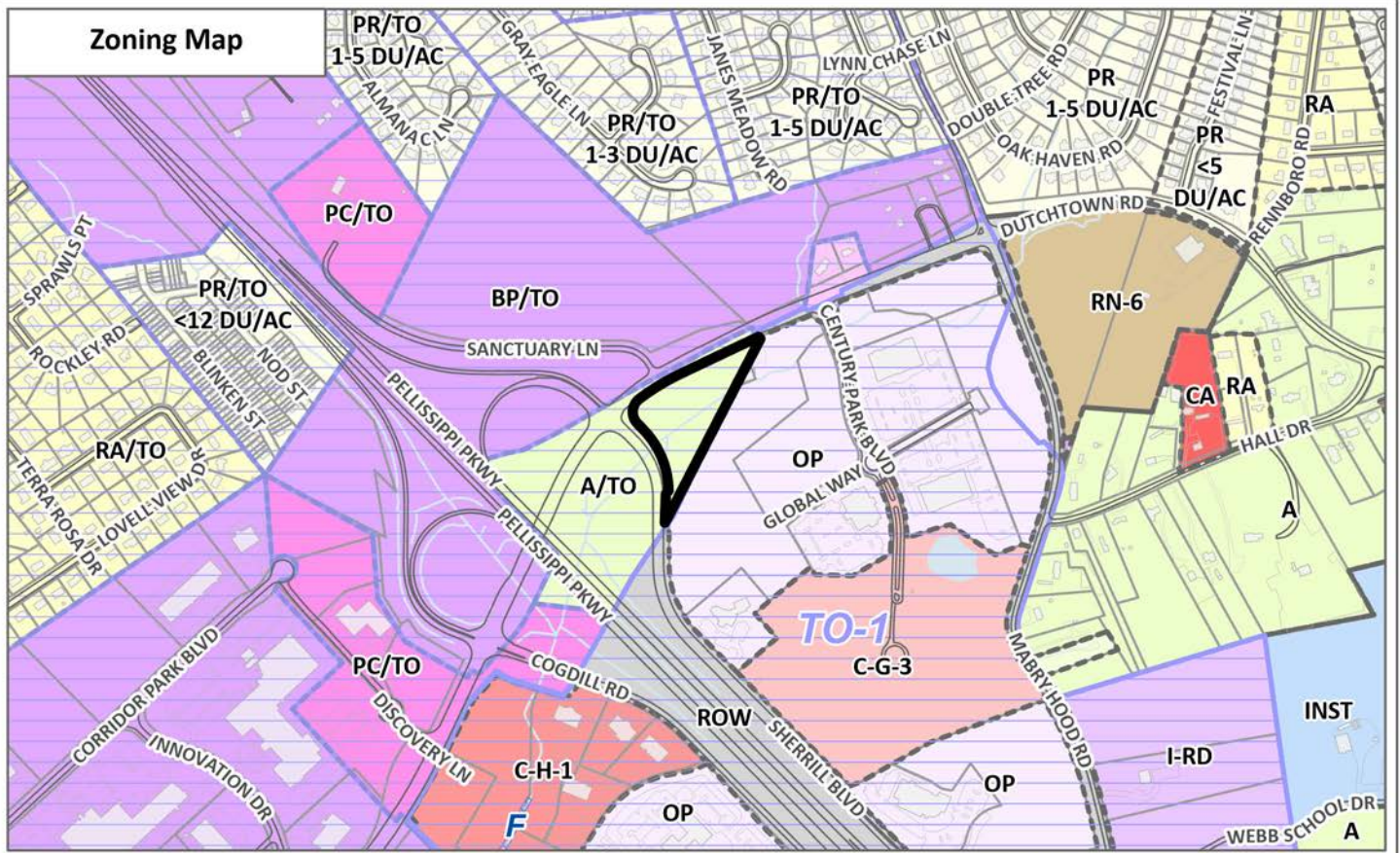
2-H-24-RZ



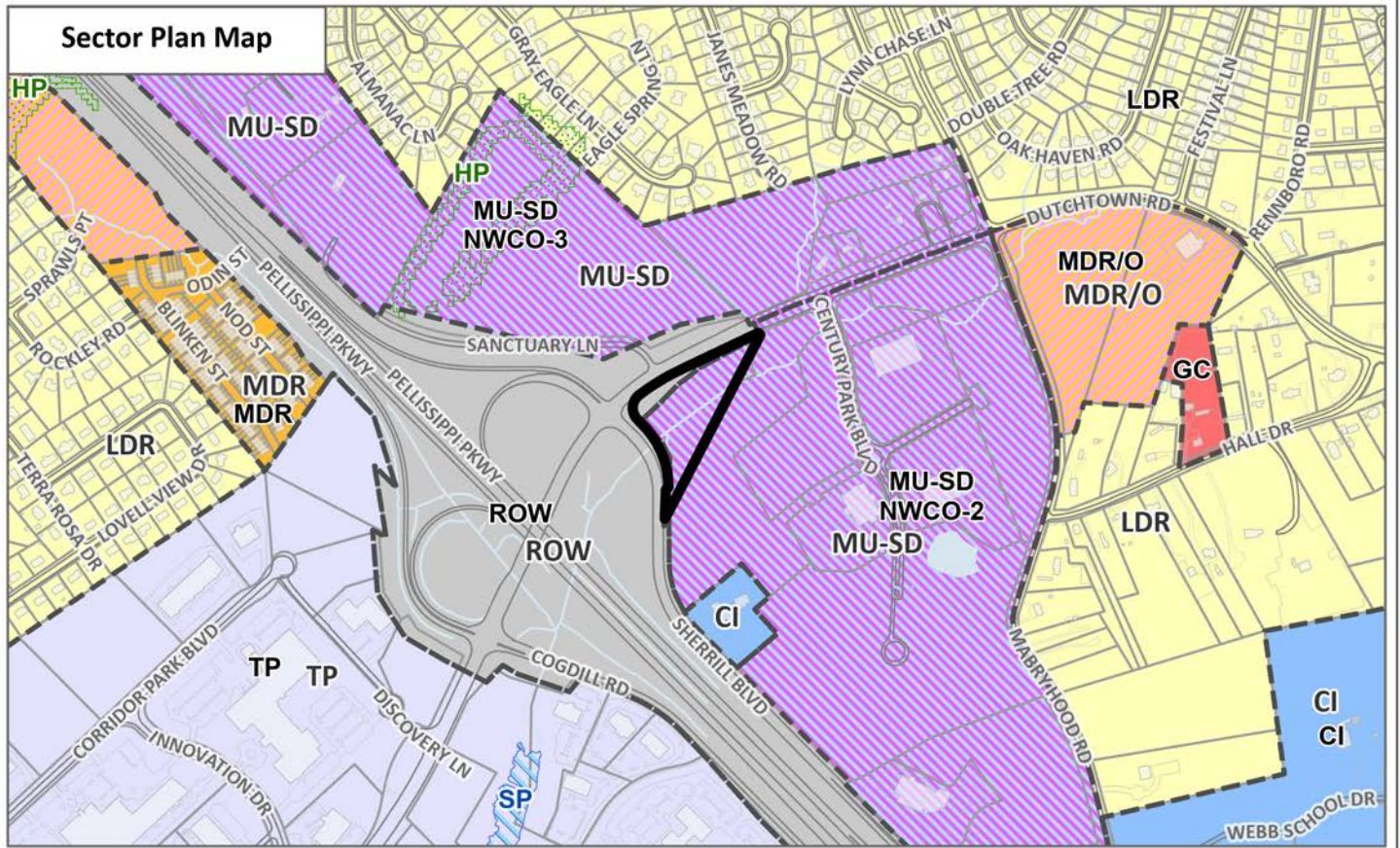
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

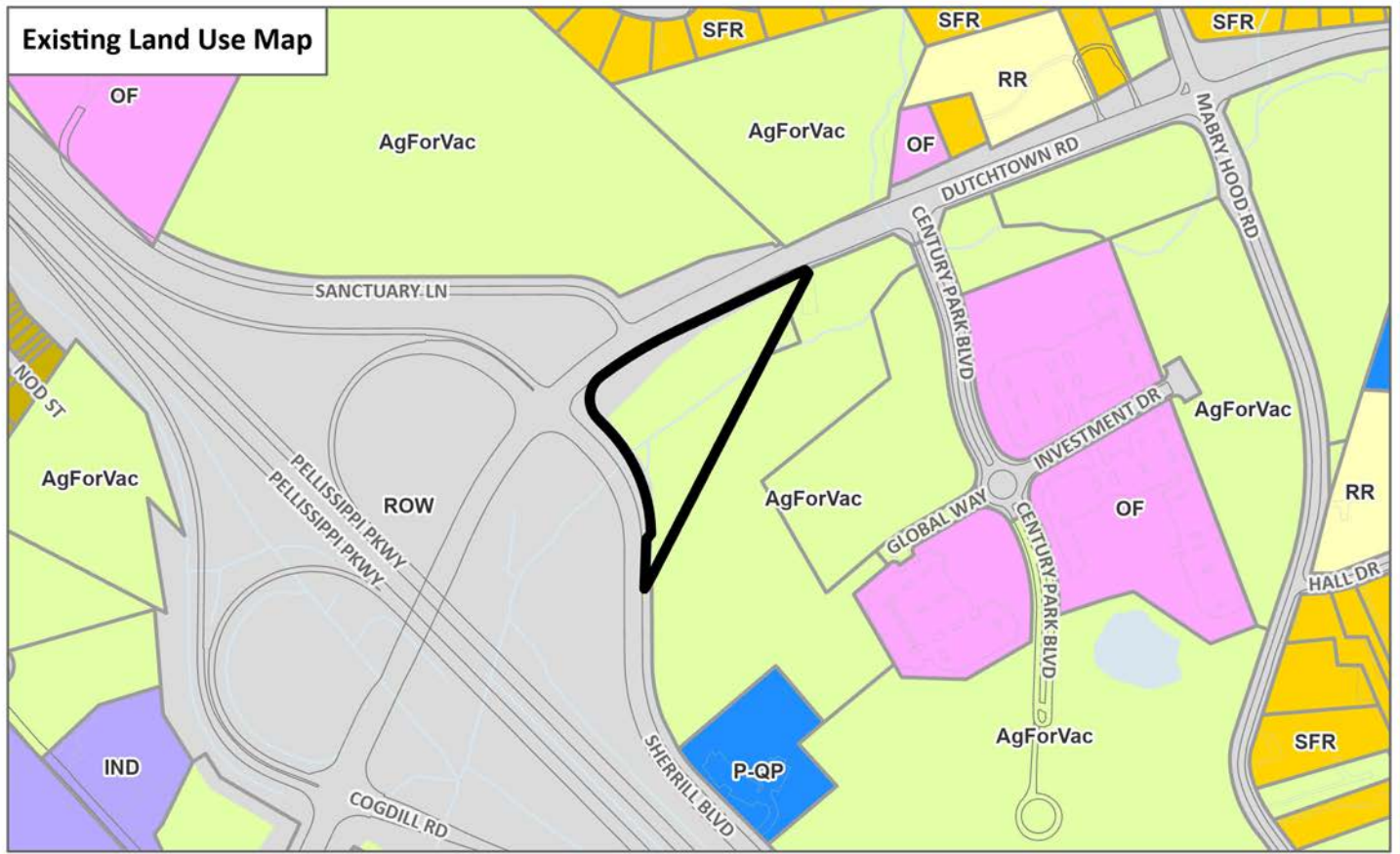
2-H-24-RZ



Case boundary



Existing Land Use Map

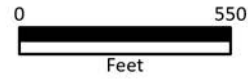


CONTEXTUAL MAPS 3

2-H-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

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Wallace McClure

Applicant Name

Affiliation

12/27/2023

Date Filed

2/8/2024

Meeting Date (if applicable)

2-H-24-RZ

File Number(s)

CORRESPONDENCE

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

David Harbin Batson, Himes, Norvell and Poe

Name / Company

4334 Papermill Dr. Dr. Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

Wallace McClure

Owner Name (if different)

114 Durwood Rd Knoxville TN 37934

Owner Address

865-693-3000

Owner Phone / Email

0 DUTCHTOWN RD

Property Address

118 171, part of

Parcel ID

Part of Parcel (Y/N)?

3.29 acres

Tract Size

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

Dutchtown Rd and Sherrill Blvd

General Location

City **Commission District 3 A (Agricultural), TO (Technology Overlay)**

Agriculture/Forestry/Vacant Land, Right of Way/Open Space

Count District Zoning District

Existing Land Use

Northwest County MU-SD (Mixed Use Special District) NWCO-2

Planning Sector

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit

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

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change CA (General Business), TO (Technology Overlay)	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 <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	\$650.00	
ADDITIONAL REQUIREMENTS <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)	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	Wallace McClure Please Print	12/27/2023 Date
---------------------	--	---------------------------

Phone / Email	Wallace McClure Please Print	12/27/2023 Date
Property Owner Signature		



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

WALLACE MCCLURE
Applicant Name

Affiliation

12-21-22
Date Filed

February 8, 2024
Meeting Date (if applicable)

File Number(s)
2-H-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

DAVID HARBIN
Name

BATSON Himes NORVELL + POE
Company

4334 Papermill Dr
Address

Knoxville
City

TN
State

37909
ZIP

865-588-6472
Phone

harbin@bhn-p.com
Email

CURRENT PROPERTY INFO

Property Owner Name (if different)

114 DURWOOD RD
Knoxville, TN 37934
Property Owner Address

865-693-3000
Property Owner Phone

SOUTHSIDE @ DUTCHTOWN RD
Property Address

118 171
Parcel ID

KUB
Sewer Provider

KUB
Water Provider

no
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
 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
 Proposed Zoning CA _____
 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
0801	\$650.00	
Fee 2		\$650.00
Fee 3		

AUTHORIZATION

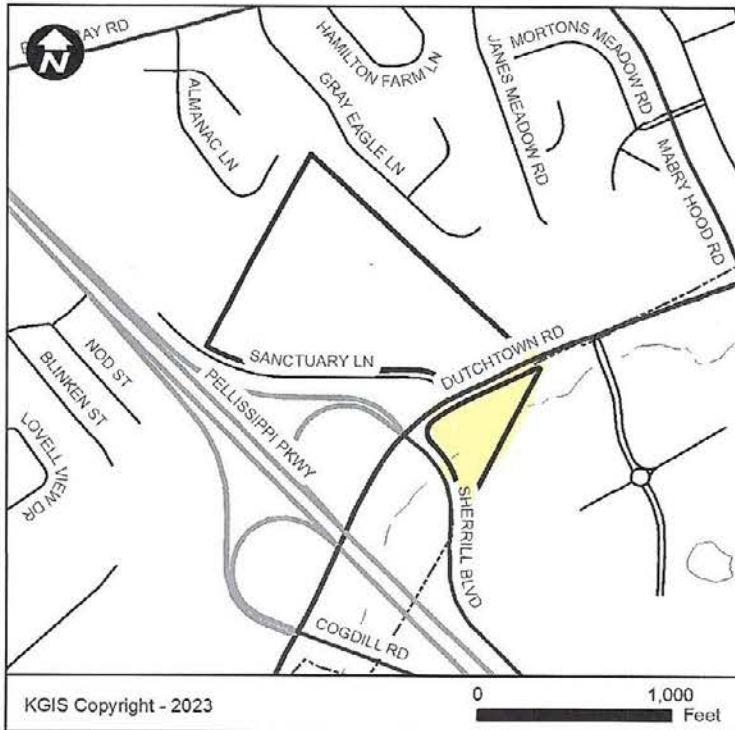
I declare under penalty of perjury the foregoing is true and correct:
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature: David Harbin
 Please Print: DAVID HARBIN
 Date: 12/21/23

Phone: 865-588-6472
 Email: harbin@bhn-p.com

Property Owner Signature: Wallace B. McClure
 Please Print: WALLACE McCLURE
 Date Paid: 12/27/2023, SG

Parcel 118 171 - Property Map and Details Report



Property Information

Parcel ID:	118 171
Location Address:	0 DUTCHTOWN RD
CLT Map:	118
Insert:	
Group:	
Condo Letter:	
Parcel:	171
Parcel Type:	NORMAL DISJ
District:	W6
Ward:	
City Block:	
Subdivision:	
Rec. Acreage:	0
Calc. Acreage:	26.14
Recorded Plat:	-
Recorded Deed:	20230920 - 0015235
Deed Type:	QC:Quit Claim D
Deed Date:	9/20/2023

Address Information

Site Address: 0 DUTCHTOWN RD
KNOXVILLE - 37932

Address Type: UNUSED LAND

Site Name:

Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

Owner Information

MCCLURE WALLACE B
114 DURWOOD RD
KNOXVILLE, TN 37934

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY
City / Township:

Other Information

Census Tract: 59.03
Planning Sector: Northwest County

Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 70W
Voting Location: Ball Camp Elementary School
9801 MIDDLEBROOK PIKE

TN State House: 89
TN State Senate: 7

County Commission: 3 Gina Oster
(at large seat 10) Larsen Jay
(at large seat 11) Kim Frazier

School Board: 3 Daniel Watson

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones

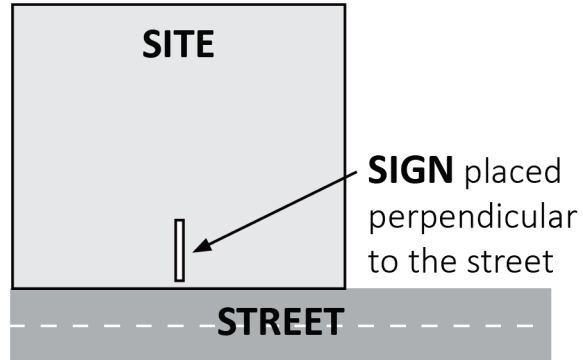
Elementary: CEDAR BLUFF ELEMENTARY
Intermediate:
Middle: CEDAR BLUFF MIDDLE
High: HARDIN VALLEY ACADEMY

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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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:

_____ 01/26/2023 _____ and _____ 02/09/2024 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Wallace McClure

Date: 12/28/2023

File Number: 2-H-24-RZ

- Sign posted by Staff
- Sign posted by Applicant