

# REZONING REPORT

► **FILE #:** 11-P-24-RZ

**AGENDA ITEM #:** 17

**AGENDA DATE:** 11/14/2024

► **APPLICANT:** **TIM GRAHAM (OWNER)**

OWNER(S): Tim Graham Scenic Wood GP

TAX ID NUMBER: 68 N D 019

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 901 KERMIT DR

► **LOCATION:** **Northwest side of Kermit Dr, northeast of Clinton Hwy**

► **APPX. SIZE OF TRACT:** **0.52 acres**

SECTOR PLAN: Northwest City

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

ACCESSIBILITY: Access is via Kermit Drive, a local street with 19 ft of pavement width within 50 ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: Second Creek

► **PRESENT ZONING:** **C-H-1 (Highway Commercial)**

► **ZONING REQUESTED:** **C-H-2 (Highway Commercial)**

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

►  
EXTENSION OF ZONE: Yes, C-H-2 (Highway Commercial) abuts this property to the east.

HISTORY OF ZONING: The property was rezoned from SC-1 (Neighborhood Shopping Center) to C-3 (General Commercial) in 2018 (2-A-18-RZ).

SURROUNDING LAND USE AND ZONING: North: Commercial - C-H-1 (Highway Commercial)

South: Office - C-H-1 (Highway Commercial)

East: Agriculture/forestry/vacant land - C-H-2 (Highway Commercial)

West: Transportation/communication/utilities - C-H-1 (Highway Commercial)

NEIGHBORHOOD CONTEXT: The subject property is within a large commercial area off of Clinton Highway and Merchant Drive, that comprises of primarily commercial and office uses.

## STAFF RECOMMENDATION:

► **Approve the C-H-2 (Highway Commercial) district because it is consistent with the City of Knoxville's One-Year Plan and the surrounding development.**

## 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 IS NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY GENERALLY**

1. The subject property is located near the intersection of Clinton Highway and Merchant Drive. In 2020, the City of Knoxville completed an Improvement Project at this intersection, allowing for more efficient turn movements and vehicle storage, extended sidewalks, and added signalized pedestrian crossings and refuge islands.
2. Development in this section of Clinton Highway has largely been commercial in nature. City building permit records show that 15 commercial permits have been obtained within a quarter mile of the subject property in the last two years, indicating an ongoing commercial trend in development.

**THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSES OF THIS CODE.**

1. The C-H-2 (Commercial Highway) zoning district is intended to accommodate higher-intensity commercial uses of a predominantly auto-oriented character, including retail, rental, and service establishments. The subject property meets the C-H zone's description.
2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any future development is compatible with the surrounding land uses. The property is already zoned C-H-1, and the different levels of C-H (C-H-1, C-H-2) allow the same uses, so the rezoning would not affect the applicant's ability to use the property for the intended use.

**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 proposed C-H-2 district is consistent with the commercial development of the area and the surrounding districts, which include the O (office), C-H-1, and C-H-2 districts. The O, C-H-1, and C-H-2 districts have similar setback and lot size requirements. However, the C-H-2 district permits a maximum building height of 90 ft. In contrast, the O and C-H-1 districts have a maximum building height of 45 ft. The increased height allowance is not anticipated to have adverse impacts.
2. The C-H-2 district has design standards, whereas the C-H-1 district does not. The design standards are intended to foster attractive development that is compatible with the surrounding environment by regulating building design and fenestration items, such as building materials, visual elements, and pedestrian access.

**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. The proposed rezoning supports the General Plan's Development Policy 9.3, to ensure the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities. The dimensional standards and allowable uses permitted in the C-H-2 district align with the neighboring land uses, which consist primarily of retail, dining, and service-oriented establishments of various sizes.
2. The subject property is designated MU-CC (Mixed Use Community Center) under the City's One Year Plan and Northwest City Sector Plan. The C-H zone is a permitted zone in the MU-CC land use classification. Properties with the MU-CC land use type are encouraged to be located within a 0.25-mile radius of an arterial and arterial street intersection. The subject property is within 0.25-miles of the intersection of Merchant Drive, a minor arterial street, and Clinton Highway, a major arterial street.

**WHETHER ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, STORM 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. This is an urbanized area with ample utility and facility infrastructure to support a rezoning of this site. The subject property is served by the Knoxville Utility Board (KUB) for water and sewer services.
2. There are two Knoxville Area Transit (KAT) bus route stops within walking distance of the subject property.

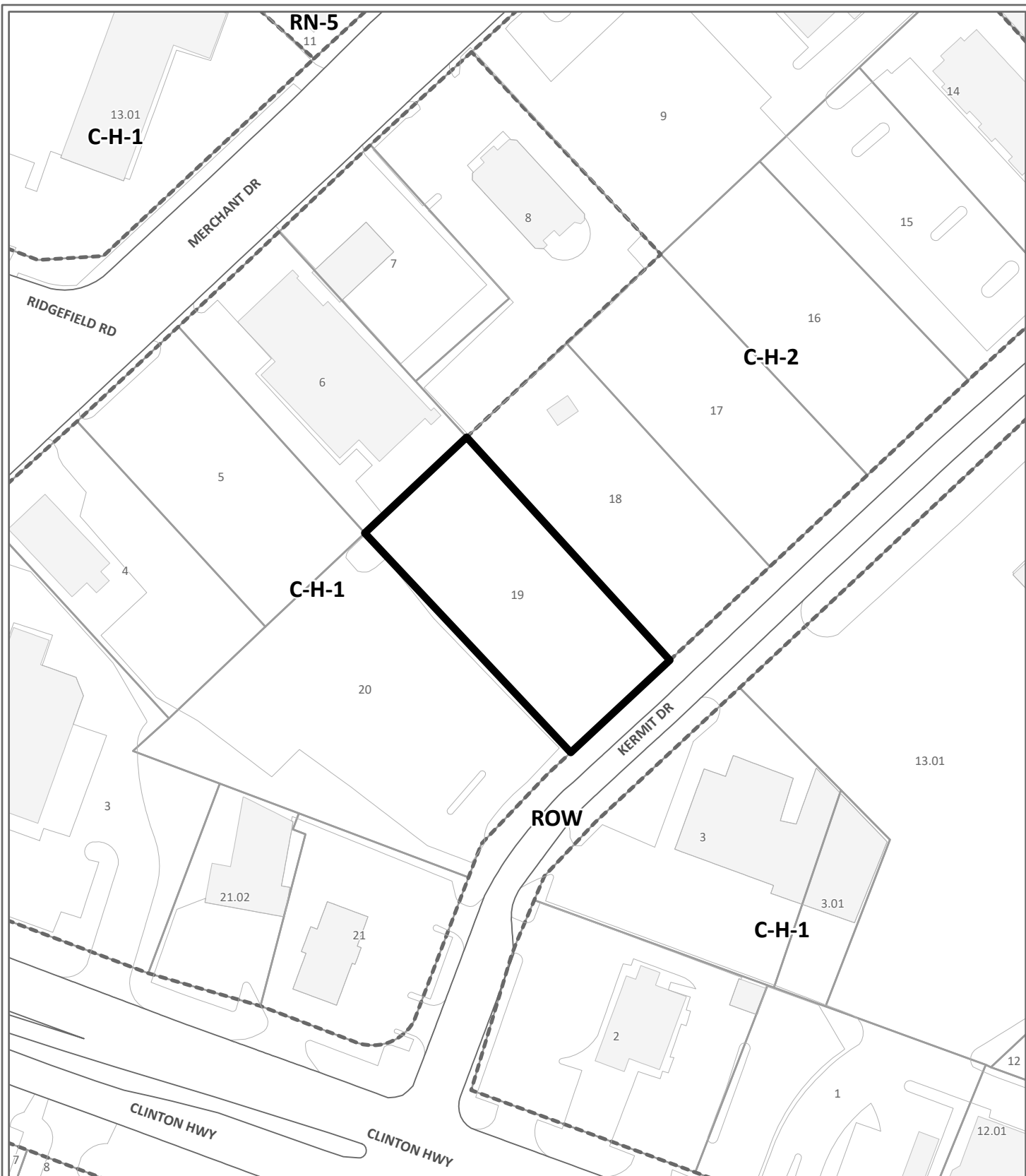
**ESTIMATED TRAFFIC IMPACT:** Not required.

**ESTIMATED STUDENT YIELD:** Not applicable.

**Schools affected by this proposal:** Norwood Elementary, Northwest Middle, and Powell High.

- 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 Knoxville City Council for action on 12/10/2024 and 1/7/2025. 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

**11-P-24-RZ**

**Petitioner:** Tim Graham



**From:** C-H-1 (Highway Commercial)

**To:** C-H-2 (Highway Commercial)

**Map No:** 68

**Jurisdiction:** City

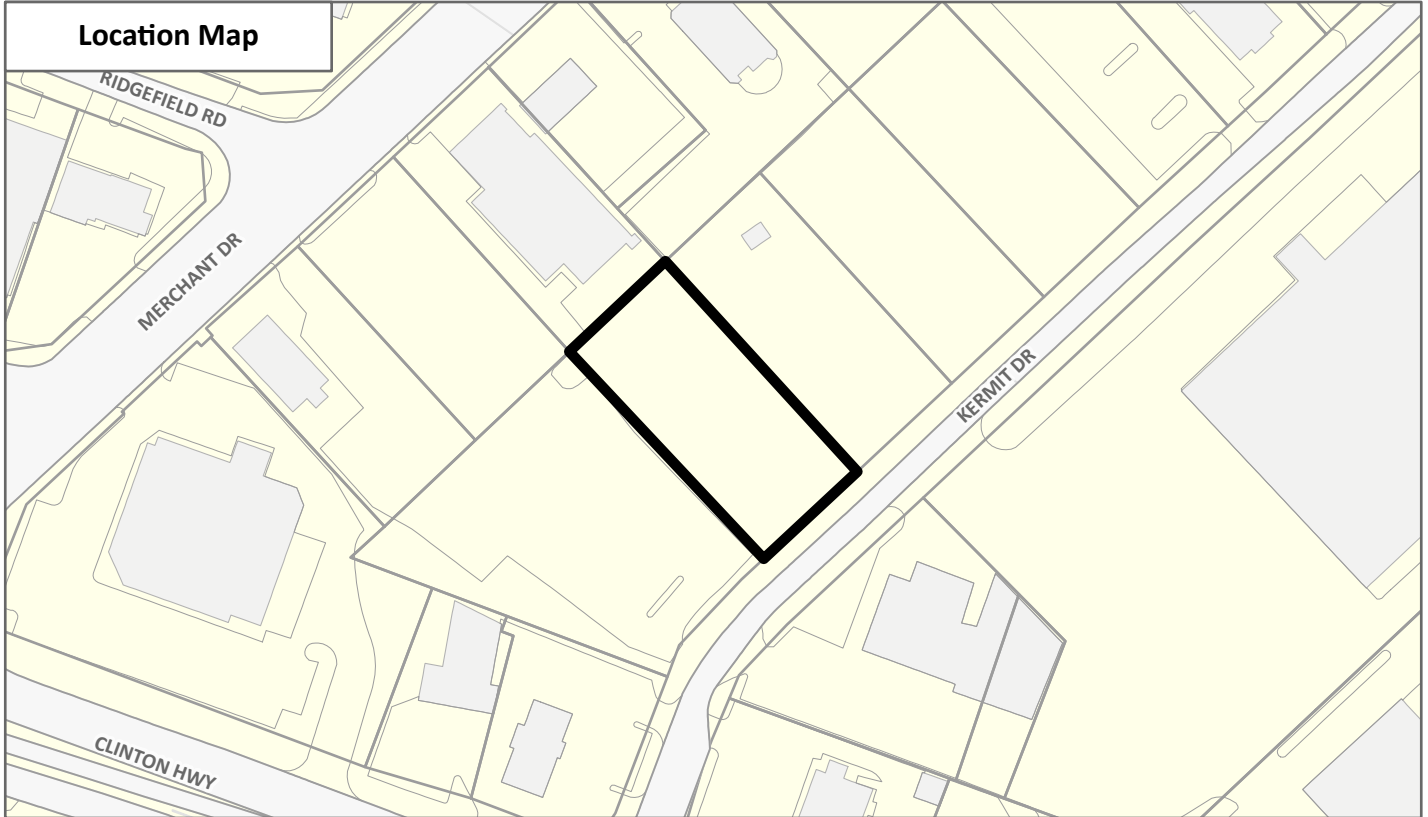


**Original Print Date:** 10/9/2024

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

## Exhibit A. Contextual Images

Location Map



Aerial Map

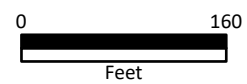


CONTEXTUAL MAPS 1

11-P-24-RZ



Case boundary



**Zoning Map**

The map displays a proposed rezoning area in red, outlined in black. The area is labeled **C-H-1**. Surrounding areas are labeled **C-H-2** and **C-H-1**. The map includes labels for **ROW** (Right of Way), **RIDGEFIELD RD**, **MERCHANT DR**, **KERMIT DR**, and **CLINTON HWY**.

This is a Sector Plan Map showing various land use zones and numbered lots. The map includes the following features:

- Land Use Zones:**
  - GC (General Commercial):** Located in the top left corner.
  - MU-CC (Medium-Density Residential):** Labeled in several areas, including a large central lot highlighted with a thick black border.
- Streets:**
  - RIDGEFIELD RD** (top left)
  - MERCHANT DR** (top left, running diagonally)
  - KERMIT DR** (middle right)
  - CLINTON HWY** (bottom left)
- Numbered Lots:**
  - 1, 2, 3, 3.01, 3.02, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

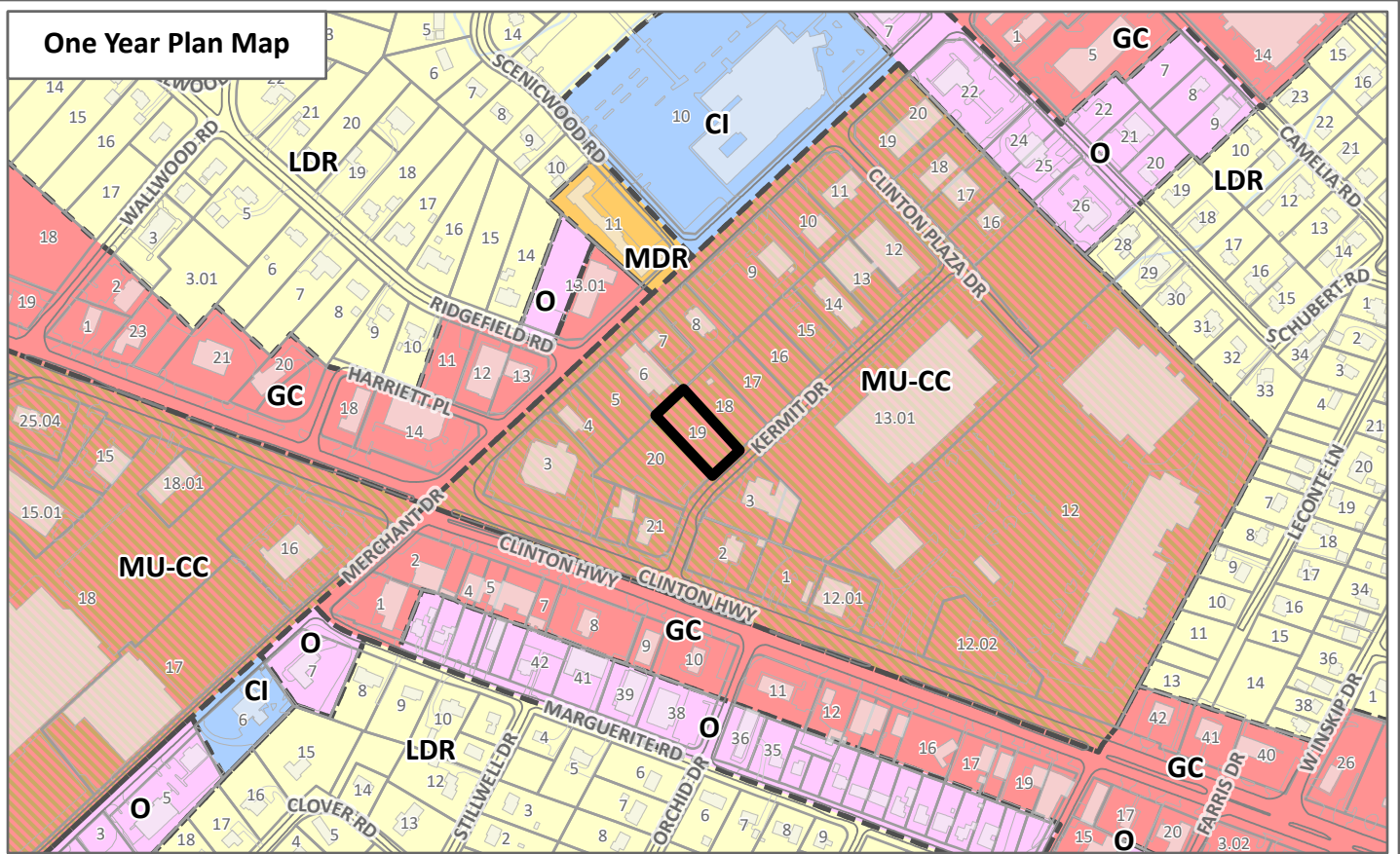
\_\_\_\_\_

A horizontal number line is shown with tick marks at 0, 100, and 150. The segment between 0 and 100 is shaded black, and the segment between 100 and 150 is white. The word "Feet" is written below the number line.

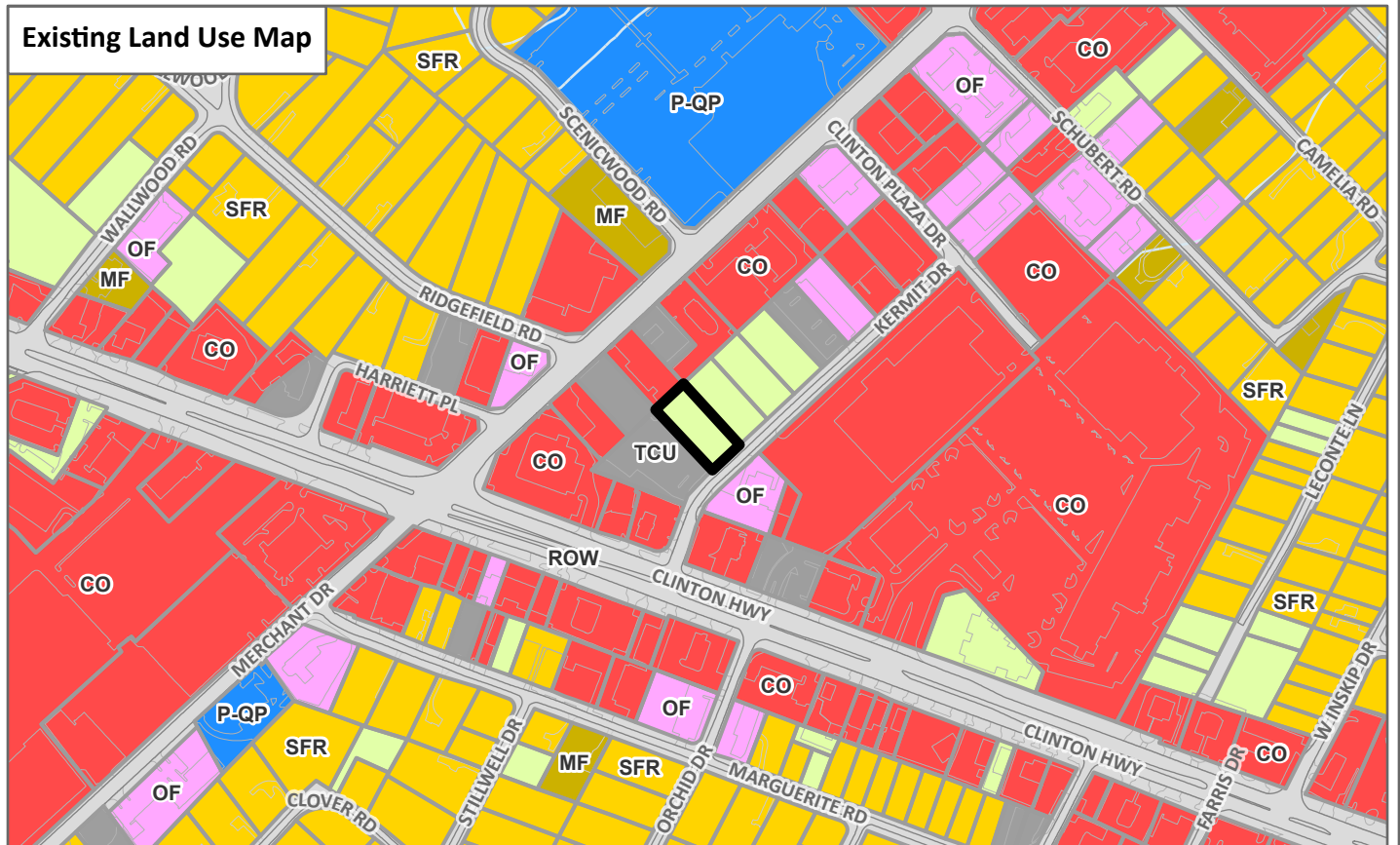




**One Year Plan Map**



**Existing Land Use Map**



**CONTEXTUAL MAPS 3**

**11-P-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

**Tim Graham**

Applicant Name

**Owner**

Affiliation

**9/30/2024**

Date Filed

**11/14/2024**

Meeting Date (if applicable)

**11-P-24-RZ**

File Number(s)

## CORRESPONDENCE

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

**Tim Graham Scenic Wood GP**

Name / Company

**PO Box 12489 Knoxville TN 37912**

Address

**865-693-7000 / tg@grahamcorporation.com**

Phone / Email

## CURRENT PROPERTY INFO

**Tim Graham Scenic Wood GP**

Owner Name (if different)

**PO Box 12489 Knoxville TN 37912**

Owner Address

**865-693-7000 / tg@grahamcorp**

Owner Phone / Email

**901 KERMIT DR**

Property Address

**68 N D 019**

Parcel ID

**0.52 acres**

Tract Size

Part of Parcel (Y/N)?

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

**No**

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

- ☐ 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    **C-H-2 (Highway Commercial)**  
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

**\$1,000.00**

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.

**Tim Graham**

**9/30/2024**

Applicant Signature

Please Print

Date

Phone / Email

**Tim Graham Scenic Wood GP**

**9/30/2024**

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

Tim Graham

Owner

Applicant Name

Affiliation

9-19-24

11-14-24

File Number(s)

Date Filed

Meeting Date (if applicable)

11-P-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

Tim Graham

Scenic Wood GP

Name

Company

PO Box 12489

Knoxville

TN

37912

Address

City

State

ZIP

(865) 693-7000

tg@grahamcorporation.com

Phone

Email

## CURRENT PROPERTY INFO

Scenic Wood GP

PO Box 12489

(865) 693-7000

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

901 Kermit Drive

068ND019

Property Address

Parcel ID

KUB

KUB

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   C-H-2  
Proposed Zoning

☐ Plan Amendment Change

Proposed Plan Designation(s)  
O-56-2018 (4-10-2018)

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) \_\_\_\_\_

Pending Plat File Number

**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  <b>\$1,000.00</b>
0803	
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



Tim Graham

9-19-24

Applicant Signature

Please Print

Date

(865) 693-7000

tg@grahamcorporation.com

Phone Number

Email



Tim Graham

09/30/2024, SG

Property Owner Signature

Please Print

Date Paid



# 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.**

11/01/2024

11/15/2024

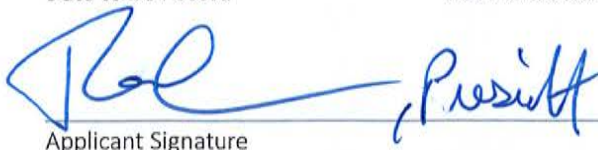
Date to be Posted

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



Applicant Signature

Tim Gahan

Applicant Name

9-30-24

Date

11-P-24-RZ

FILE NUMBER