REZONING REPORT

▶ **FILE #:**	**5-F-25-RZ**	**AGENDA ITEM #:**	**40**
POSTPONEMENT(S):	5/8/2025, 6/12/2025	**AGENDA DATE:**	**7/10/2025**
▶ **APPLICANT:**	**DEWAYNE HICKS**		
OWNER(S):	J Scates & J Setzer (Life Est)		

TAX ID NUMBER:	118 01203 **View map on KGIS**
JURISDICTION:	County Commission District 3
STREET ADDRESS:	0 LOVELL RD
▶ **LOCATION:**	**Southeast corner of the intersection of Lovell Rd & Schaeffer Rd**
▶ **APPX. SIZE OF TRACT:**	**2.89 acres**
GROWTH POLICY PLAN:	Planned Growth Area
ACCESSIBILITY:	Access is via Schaeffer Road, a local street in this location with a pavement width which varies from 25 ft to 35 ft within a right-of-way which varies from 55 ft to 130 ft. Access to Lovell Road would not be allowed per a condition of a 2017 rezoning.
UTILITIES:	Water Source: West Knox Utility District
	Sewer Source: West Knox Utility District
FIRE DISTRICT:	Rural Metro Fire
WATERSHED:	Beaver Creek

▶ **PRESENT ZONING:**	**CN(k) (Neighborhood Commercial with conditions), TO (Technology Overlay)**
▶ **ZONING REQUESTED:**	**CA (General Business), TO (Technology Overlay)**
▶ **EXISTING LAND USE:**	**Agriculture/Forestry/Vacant Land**
▶	
EXTENSION OF ZONE:	Yes, this would be an extension of the CA zone.
HISTORY OF ZONING:	In 1996, the subject property was part of a larger parcel that was rezoned from CA (General Business), BP (Business & Technology Park), and TO (Technology Overlay) to PR (Planned Residential) up to 5 du/ac and TO (1-S-96-RZ). The subject property was then later rezoned from PR with up to 5 du/ac and TO to CN(k) (Neighborhood Commercial with conditions) and TO in 2017 (11-C-17-RZ).
SURROUNDING LAND USE AND ZONING:	North: Single family residential - BP (Business and Technology Park), TO (Technology Overlay)
	South: Office, single family residential - CN(k) (Neighborhood Commercial with conditions), PR (Planned Residential) up to 5 du/ac, TO (Technology Overlay)
	East: Single family residential - PR (Planned Residential) up to 5 du/ac, TO (Technology Overlay)
	West: Commercial - CA (General Business), TO (Technology Overlay)
NEIGHBORHOOD CONTEXT:	This area is a characterized by commercial uses consisting of auto-oriented services and commercial storage operations and by single family dwellings

on small suburban lots off of side streets.

STAFF RECOMMENDATION:

- **Deny the CA (General Business) zone because it does not meet all of the criteria for a rezoning. 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 ZONES AFFECTED, OR IN THE COUNTY GENERALLY.
1. Since the mid-1990s, development trends in the surrounding area have included a mix of uses. Near Pellissippi Parkway, development has featured office and commercial uses, whereas east of Pellissippi Parkway along Lovell Road, development has primarily been residential.
2. A greenway trail has been proposed along Plumb Creek, which runs through the rear of the subject property, that would connect the existing Pellissippi Greenway to Ball Camp Pike Elementary.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSES OF THE APPLICABLE ZONING ORDINANCE.
1. The CA (General Business) zone is intended for general retail business and services.
2. Rezonings 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 CA zone permits a wide array of uses that do not require use-on-review approval, which could be problematic at this location, such as drive-through facilities and hotels.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AN AMENDMENT.
1. The CN (Neighborhood Commercial) zone has development standards intended to maximize compatibility between commercial and adjacent residential uses, such as requirements for site lighting, landscaping, and pedestrian connections. Though nonresidential development in the CA zone would require landscape buffering, fewer standards are in place to mitigate impacts on residential uses.
2. The TTCDA Design Guidelines require a 100-ft minimum building setback for properties abutting a residential zone.
3. There is currently a condition on this site prohibiting driveway access to Lovell Road (11-C-17-RZ(k)). The condition to restrict access to Schaeffer Road is appropriate to retain due to the slope and construction easements at the front of the property (Exhibit B) and the proximity of nearby access points.
4. A 2020 recorded plat shows a 50-ft no-build stream buffer is in place at the rear of the subject property along Plumb Creek (Exhibit B).

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 subject property's place type in the Knox County Comprehensive Plan is CC (Corridor Commercial). The CA zone is directly related to the CC place type. However, the environmental site constraints and the property's proximity to the Schaeffer Road and Lovell Road intersection make the more intensive uses allowed in CA problematic.
2. The proposed rezoning does not support the Comprehensive Plan's Implementation Policy 2, to ensure that development is sensitive to the existing community character. The proposed rezoning would permit more intensive commercial uses adjacent to a residential neighborhood and disrupt the established transition in land use intensity between more intensive zones and residential uses.
3. The subject property is within the Growth Policy Plan's Planned Growth Area, which encourages a reasonably compact pattern of development and promotes the expansion of the Knox County economy. The proposed CA zone does not conflict with the intent of the Planned Growth Area.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Ball Camp Elementary, Cedar Bluff Middle, and Hardin Valley Academy.

If approved, this item will be forwarded to Knox County Commission for action on 8/18/2025. 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

Planning
KNOXVILLE | KNOX COUNTY

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

5-23-2025 — Date of Request

May 8, 2025 — Scheduled Meeting Date

File Number(s): 5-F-25-RZ / 5-A-25-TOR

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 July 10, 2025 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.

R E LeMay — Applicant Signature

Richard LeMay (Agent) — Please Print

(865)671-0183 — Phone Number

rlemay@lemayassociates.com — Email

STAFF ONLY

Shelley Gray — Staff Signature

Shelley Gray — Please Print

05/27/2025 — Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No Amount:

Approved by:

Date:

Payee Name | Payee Phone | Payee Address

Request to
Postpone • Table • Withdraw

Planning
KNOXVILLE | KNOX COUNTY

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

4-28-2025 — Date of Request

MAY 8, 2025 — Scheduled Meeting Date

File Number(s): 5-F-25-RZ / 5-A-25-TOR

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 JUNE 12 2025 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

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AUTHORIZATION

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

R E LeMay — Applicant Signature

Richard LeMay (agent) — Please Print

(865) 671-0183 — Phone Number

rlemay@lemayassociates.com — Email

STAFF ONLY

Shelley Gray — Staff Signature

Shelley Gray — Please Print

04/28/2025 — Date Paid

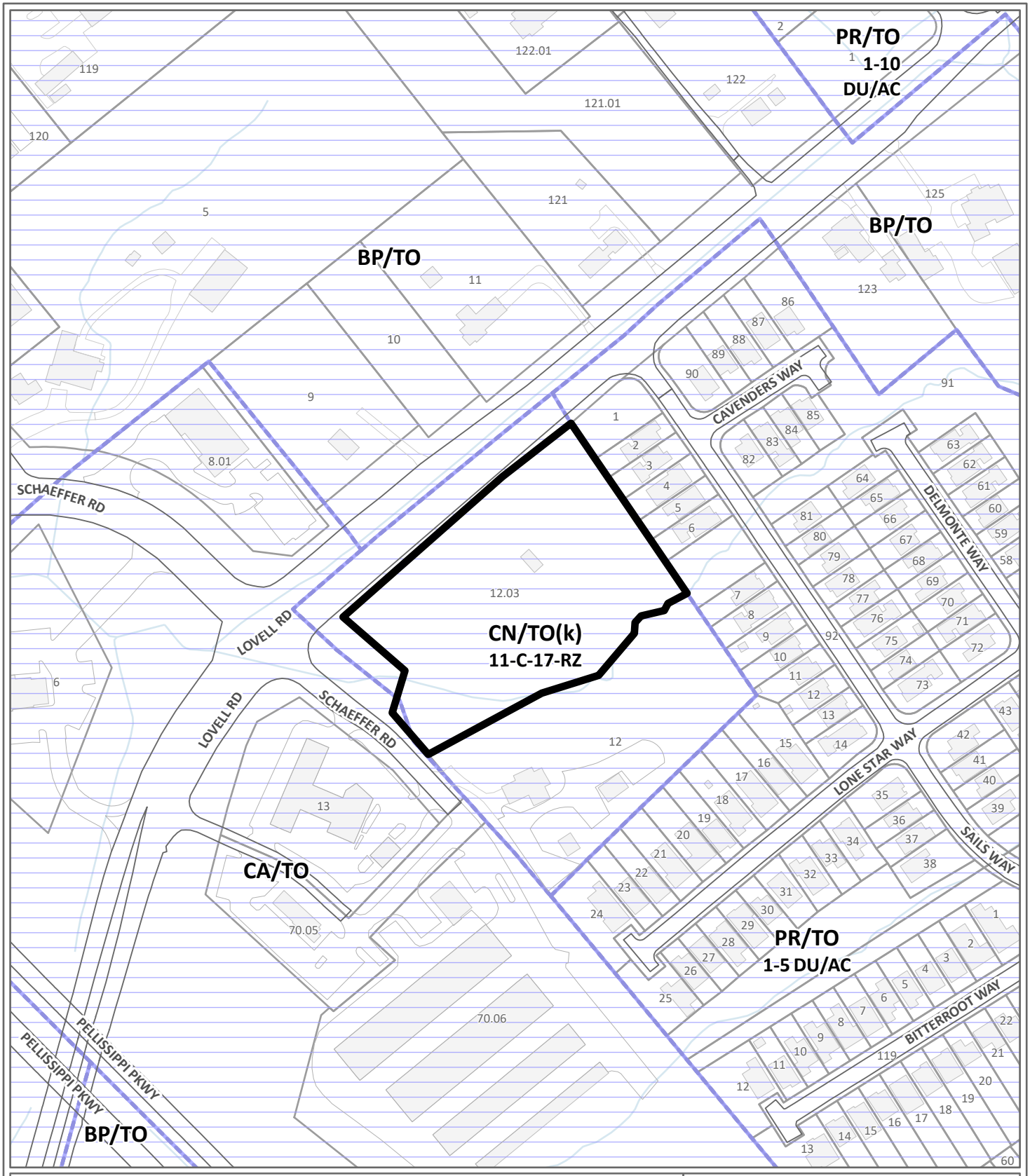
☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No Amount:

Approved by:

Date:

Payee Name | Payee Phone | Payee Address



REZONING **5-F-25-RZ**

Petitioner: DeWayne Hicks

From: CN(k) (Neighborhood Commercial), TO (Technology Overlay), CA (General Business)
To: CA (General Business), TO (Technology Overlay)

Map No: 118
Jurisdiction: County

0 220
Feet

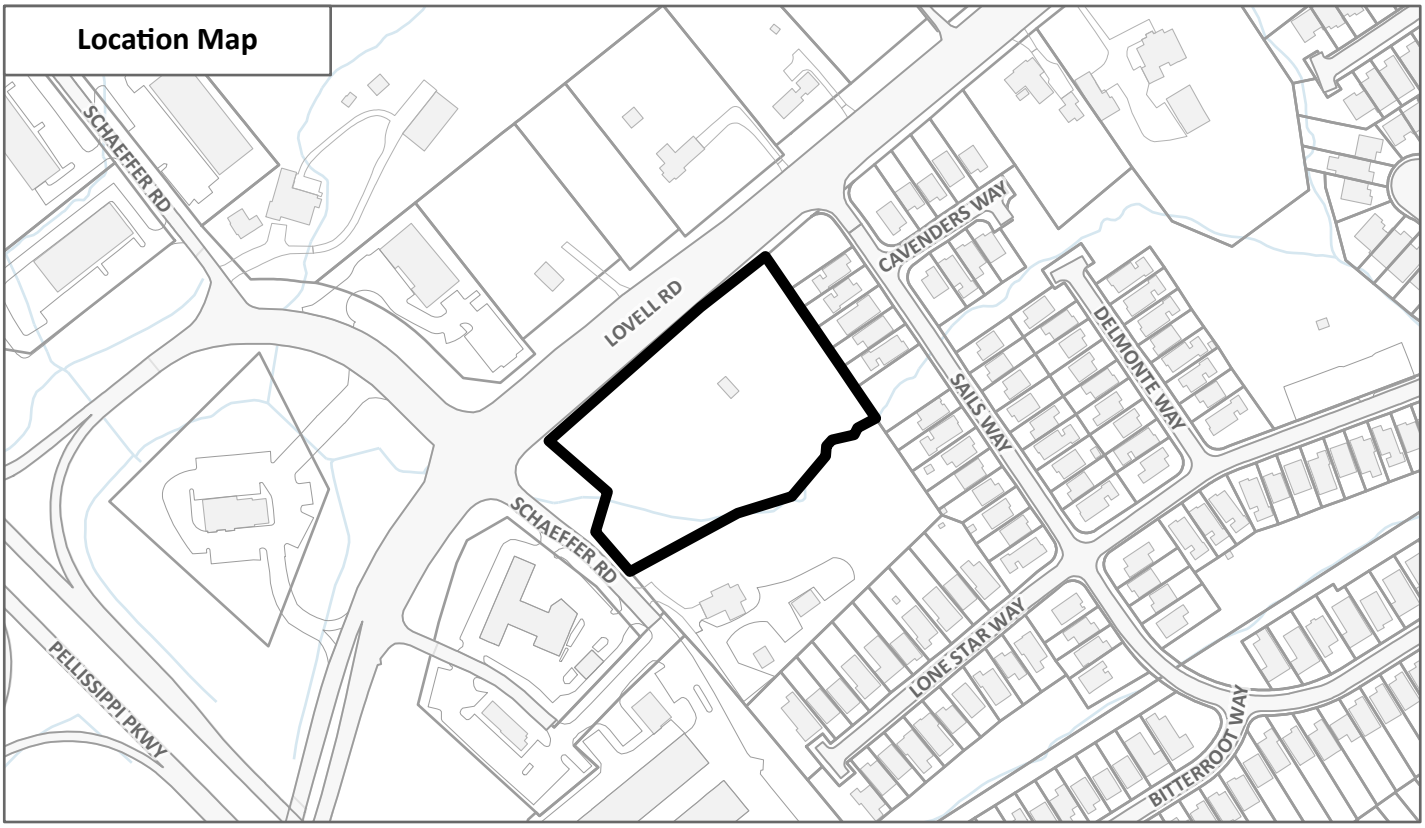
N

Original Print Date: 3/31/2025

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

Exhibit A. Contextual Images

Location Map



Aerial Map

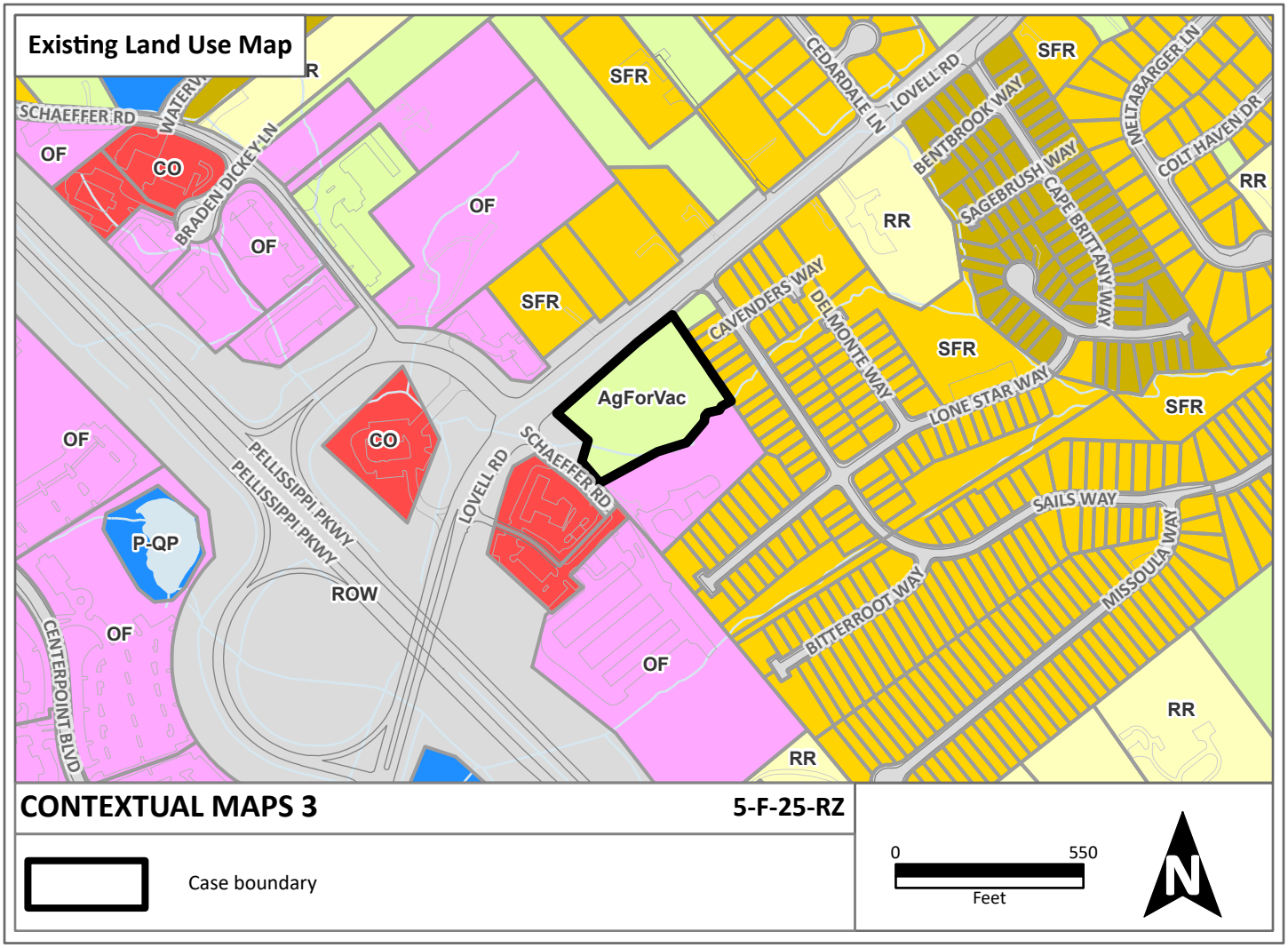
CONTEXTUAL MAPS 1 **5-F-25-RZ**

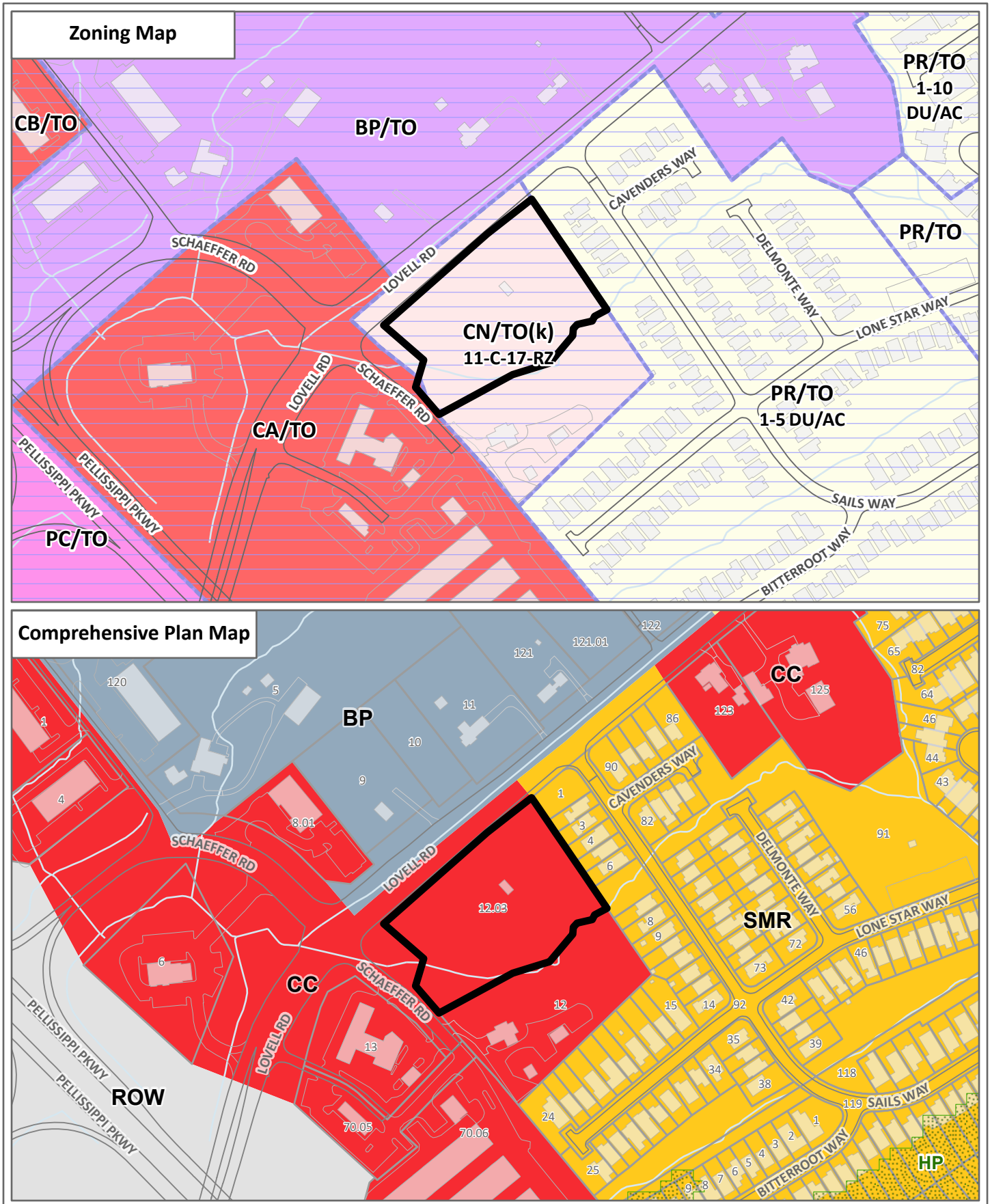
Case boundary

0 330

Feet

N


Existing Land Use Map
SCHAEFFER RD
BRADEN DICKEY LN
OF
CO
OF
OF
SFR
SFR
CEDARDALE LN
LOVELL RD
SFR
MELTABARGER LN
COLT HAVEN DR
RR
BENTBROOK WAY
SAGEBRUSH WAY
CAPE BRITTANY WAY
RR
CAVENDERS WAY
DELMONTE WAY
SFR
LONE STAR WAY
SFR
AgForVac
OF
CO
PELLISSIPPI PKWY
PELLISSIPPI PKWY
LOVELL RD
SCHAEFFER RD
SAILS WAY
P-QP
ROW
MISSOULA WAY
BITTERROOT WAY
OF
CENTERPOINT BLVD
OF
RR
RR
CONTEXTUAL MAPS 3
5-F-25-RZ
Case boundary
0
550
Feet
N



CONTEXTUAL MAPS 2

5-F-25-RZ

Case boundary

0 330

Feet

N

(1) Download and fill out this form at your convenience.
(2) Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the Knoxville-Knox County Planning offices OR email it to applications@knoxplanning.org

Reset Form

Planning
KNOXVILLE | KNOX COUNTY

Development Request

Subdivision ☐ Concept Plan ☐ Final Plat

Zoning ☒ Rezoning ☐ Plan Amendment

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

Dewayne Hicks — Applicant Name
Developer — Affiliation

1/12/2025 — Date Filed
~~ASAP~~ May 8, 2025 — Meeting Date (if applicable)
File Number(s): 5-F-25-RZ

Correspondence

All correspondence will be directed to the approved contact listed below.

☐ Applicant ☐ Property Owner ☐ Option Holder ☐ Project Surveyor ☒ Engineer ☐ Architect/Landscape Architect

Richard LeMay — Name
LeMay and Associates — Company
10816 Kingston Oike — Address
Knoxville — City
Tn — State
37934 — ZIP
865 671 0183 — Phone
[redacted] — Email

Current Property Info

J.Scates & J. Setzer(Life Estate) — Property Owner Name (if different)
21 Ivy Gates Ttlanta, Ga. 30342 — Property Owner Address
Property Owner Phone
0 Lovell Road — Property Address
118 01203 — Parcel ID
WKUD — Sewer Provider
WKUD — Water Provider
Septic (Y/N)

Development Request

☐ Residential ☐ Non-Residential

RELATED CITY PERMIT NUMBER

Proposed Use

Specify if a traffic impact study is required: ☐ Yes (required to be submitted with application) ☐ No

Doc ID: 915194c8597cf4b95c839a4d28637af35de0cd4d

Subdivision Request

RELATED REZONING FILE NUMBER

Proposed Subdivision Name

Unit / Phase Number

☐ Combine Parcels ☐ Divide Parcel

Proposed Number of Lots (total)

☐ Other (specify)

Specify if requesting: ☐ Variance ☐ Alternative design standard

Specify if a traffic impact study is required: ☐ Yes (required to be submitted with application) ☐ No

Zoning Request

PENDING PLAT FILE NUMBER

CA

☐ Zoning Change

Proposed Zoning

Proposed Density (units/acre, for PR zone only)

☐ Sector Plan ☐ One Year Plan ☐ Comprehensive Plan

☐ Plan Amendment Change

Proposed Plan Designation(s)

☐ If, in Knox county, submit plan amendment request with application

Previous Rezoning Requests

☐ Other (specify)

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*

	Dewayne Hicks	03/12/2025
Applicant Signature	Please Print	Date
865-368-3052	[redacted]	
Phone Number	Email	
J Scates	Jacquetta F Scates	
Property Owner Signature	Please Print	Date Paid

Staff Use Only

ADDITIONAL REQUIREMENTS ☐ Property Owners / Option Holders

FEE 1	FEE 2	FEE 3	TOTAL
0801			$650.00

Doc ID: 915194c8597cf4b95c839a4d28637af35de0cd4d

Public Notice and 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). We require applicants to acknowledge their role in this process.

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.

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.*

04/25/2025 — Date to be Posted

05/09/2025 — 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 | Applicant Name | Date

Doc ID: 915194c8597cf4b95c839a4d28637af35de0cd4d