



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 2-J-26-RZ **AGENDA ITEM #:** 29  
 2-A-26-PA **AGENDA DATE:** 4/9/2026

POSTPONEMENT(S): 2/12/2026, 3/5/26

▶ **APPLICANT:** CLENT FLEMING  
**OWNER(S):** Jimmy McCulloch

**TAX ID NUMBER:** 96 10002, 10003 (PARTIAL) [View map on KGIS](#)

**JURISDICTION:** Commission District 9

**STREET ADDRESS:** 3611 E GOVERNOR JOHN SEVIER HWY (0 E GOVERNOR JOHN SEVIER HWY)

▶ **LOCATION:** East side of E Governor John Sevier Hwy, south of Strawberry Plains Pike

▶ **TRACT INFORMATION:** 11.45 acres

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via E Governor John Sevier Highway, a state-owned major arterial with two lanes and a center turn lane within a 109-ft right-of-way.

**UTILITIES:** Water Source: Knoxville Utilities Board  
 Sewer Source: Knoxville Utilities Board

**FIRE DISTRICT:** Rural Metro Fire

**WATERSHED:** Swanpond Creek

▶ **CURRENT PLAN AND ZONING DESIGNATION:** BP (Business Park), TCMU (Town Center Mixed-Use), SP (Stream Protection) / PC (Planned Commercial), CB (Business and Manufacturing)

▶ **REQUESTED PLAN AND ZONING DESIGNATION:** MHI (Mining and Heavy Industrial), SP (Stream Protection) / LI (Light Industrial, I (Industrial)

▶ **EXISTING LAND USE:** Commercial

**EXTENSION OF PLAN AND ZONING DESIGNATION:** No, it is not an extension of the plan designation or the zoning.

**HISTORY OF REQUESTS:** In 1991 part of the property was rezoned from A (Agricultural) to CB (Business and Manufacturing) (11-C-91-RZ). In 2004 the property was part of a larger rezoning request from A, CB, and F (Floodway) to PR (Planned Residential) up to 5 du/ac and F that was withdrawn for an incomplete application (10-U-04-RZ). In 2006 part of the property was rezoned from A to PC (Planned Commercial); the applicant requested CB (8-C-06-RZ).

**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**  
 North: Public parks, rural residential - POS (Parks and Open Space), SP (Stream Protection) - A (Agricultural), F (Floodway)  
 South: Commercial, office, agriculture/forestry/vacant land - BP (Business

Park), SP (Stream Protection), HP (Hillside Protection) - CA (General Business), A (Agricultural), CB (Business and Manufacturing)

East: Commercial, office, industrial - TCMU (Town Center Mixed-Use), BP (Business Park), SP (Stream Protection) - I (Industrial), CA (General Business), LI (Light Industrial)

West: Agriculture/forestry/vacant land - RC (Rural Conservation), HP (Hillside Protection), SP (Stream Protection) - A (Agricultural), RB (General Residential)

NEIGHBORHOOD CONTEXT: This section of E Governor John Sevier Highway features a mix of commercial, office, and industrial uses among forested slopes. Swanpond Creek and Forks of the River Park abut the property to the north. Heavy industrial uses, including multiple quarries, are concentrated approximately 2 miles to the southeast near Asbury Road and the Forks of the River Industrial Park.

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#### STAFF RECOMMENDATION:

- ▶ **Deny the MHI (Mining and Heavy Industrial) and the BP (Business Park) place types because they do not meet any of the criteria for a plan amendment and are inconsistent with Comprehensive Plan policies. The SP (Stream Protection) area would be retained.**
  
- ▶ **Deny the I (Industrial) and LI (Light Industrial) zones because they are inconsistent with the Comprehensive Plan and incompatible with surrounding conditions. The F (Floodway) zone would be retained.**

#### COMMENTS:

Please see the County Future Land Use Map and Rezoning Map to distinguish the different parcel boundaries for the rezoning and plan amendment requests.

PURSUANT TO THE COMPREHENSIVE PLAN, CHAPTER 3 IMPLEMENTATION, A PLAN AMENDMENT MAY BE APPROPRIATE IF THERE IS AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN, OR IF TWO OR MORE OF THE OTHER CRITERIA APPLY:

#### OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The plan amendment request is limited to 5.95 acres along E Governor John Sevier Highway that is primarily comprised of the TCMU (Town Center Mixed Use) place type with approximately 1 acre of the BP (Business Park) place type in the rear. Both designations mirror that of adjacent parcels, forming a cohesive vision of future land use along a commercial corridor and at the intersection with Strawberry Plains Pike. These place types are not the result of an error or omission in the Comprehensive Plan.
2. The SP (Stream Protection) area covers the subject property and aligns with the FEMA Flood Zone map, which places most of the property in the 100-year floodplain (see Exhibit B). The SP designation will remain with the subject parcel.

IF THERE ARE NO ERRORS OR OMISSIONS, TWO OF THE FOLLOWING CRITERIA MUST BE MET:

#### CHANGES OF CONDITIONS (SUCH AS SURROUNDING LAND USES, ZONING, UNCONTROLLED NATURAL FORCES/DISASTERS, ETC.):

1. There have been no changes to conditions in the area that support a spot designation of the MHI (Mining and Heavy Industrial) place type or an expansion of the BP place type in a manner that interrupts the transition to TCMU along the corridor.
2. The property is subject to flooding from Swanpond Creek 100 ft to the north. Directly across the creek is the Forks of the River Park, which provides soccer/rugby fields and a picnic pavilion for the surrounding community. These conditions do not support MHI, which could result in land uses that create hazardous water quality, air quality and noise-related impacts near those who engage with the public park. Similarly, the BP place type is more intensive than TCMU in terms of potential negative effects on surrounding property, and expanding that place type in a manner which interrupts a transition to a town center intersection is inappropriate.

3. The only change of conditions in the immediate area is the unpermitted expansion of construction equipment and material storage on the subject parcel.

**INTRODUCTION OF SIGNIFICANT NEW UTILITIES OR LOCAL/STATE/FEDERAL ROAD PROJECTS THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:**

1. There have been no recent capital improvements or utility expansions in the area that warrant a plan amendment to the MHI or BP place type.

**NEW DATA REGARDING TRENDS OR PROJECTIONS, POPULATION, HOUSING CONDITIONS, OR TRAFFIC GROWTH THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN:**

1. There is no new data or changes to traffic patterns that point to the need for the MHI place type or an expansion of the BP place type at this location.

**THE PROPOSED CHANGES SUPPORT THE POLICIES AND ACTIONS, GOALS, OBJECTIVES, AND CRITERIA OF THE PLAN:**

1. A plan amendment to the MHI place type in a floodplain near a stream and a public park would run counter to several Implementation Policies of the Comprehensive Plan. They include Policy 2, to ensure that development is sensitive to existing community character; Policy 7, to encourage development practices that conserve and connect natural features and habitat; Policy 18, to create a park system that is accessible to and meets the needs of all residents; and Policy 20, to use the park system to promote goals for economic vitality, conservation of natural resources, and resiliency to natural hazards. Mining and Heavy Industrial uses here could jeopardize the health and safety of natural and community assets of the area.

2. Expanding the BP place type at the location requested is also not supported by any Implementation Policies of the Comprehensive Plan.

**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 CITY/COUNTY GENERALLY:**

1. This request to rezone from the CB (Business and Manufacturing) and PC (Planned Commercial) zone to the LI (Light Industrial) and I (Industrial) zone is not supported by any changes to the area. This section of E Governor John Sevier Highway has been a stable manufacturing and heavy commercial corridor among forested hillside for many years. The only significant change to the area recently has been the unpermitted encroachment of a contractor storage yard into the PC-zoned portion of the subject property beginning in 2018. PC zoning requires development plan review by the Planning Commission before a use is permitted, and no such review has occurred to date.

2. In terms of changes to policy, the vision for this area in the recently adopted Knox County Comprehensive Plan land use map exhibits a transition away from the more industrial and heavy commercial activity that exists currently to more mixed-use, office, town center and residential development. An area of the MHI (Mining and Heavy Industrial) place type is already accommodated further southeast where there is rail line access, and that is where industrial expansion is envisioned to occur.

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

1. The I zone provides areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing and other uses which have heavy impacts and adverse effects on surrounding property. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air, or street transportation routes.

2. The LI zone is intended to provide areas in which the principal use of land is for processing, storage, packaging, wholesaling, distribution, light manufacturing, and restricted retailing.

3. While the subject property is located along a major transportation route where industrial manufacturing and trucking traffic occurs, this property neighbors Swanpond Creek and the Forks of the River public park, which are sensitive sites that do not align the intent of the LI and I zones.

4. 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.

**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. Industrial rezoning could have a direct adverse impact on residents who utilize Forks of the River Park and on water quality and wildlife of Swanpond Creek. Permitted industrial activity could result in air, noise and light pollution as well as polluted stormwater runoff, since this property is subject to flooding.

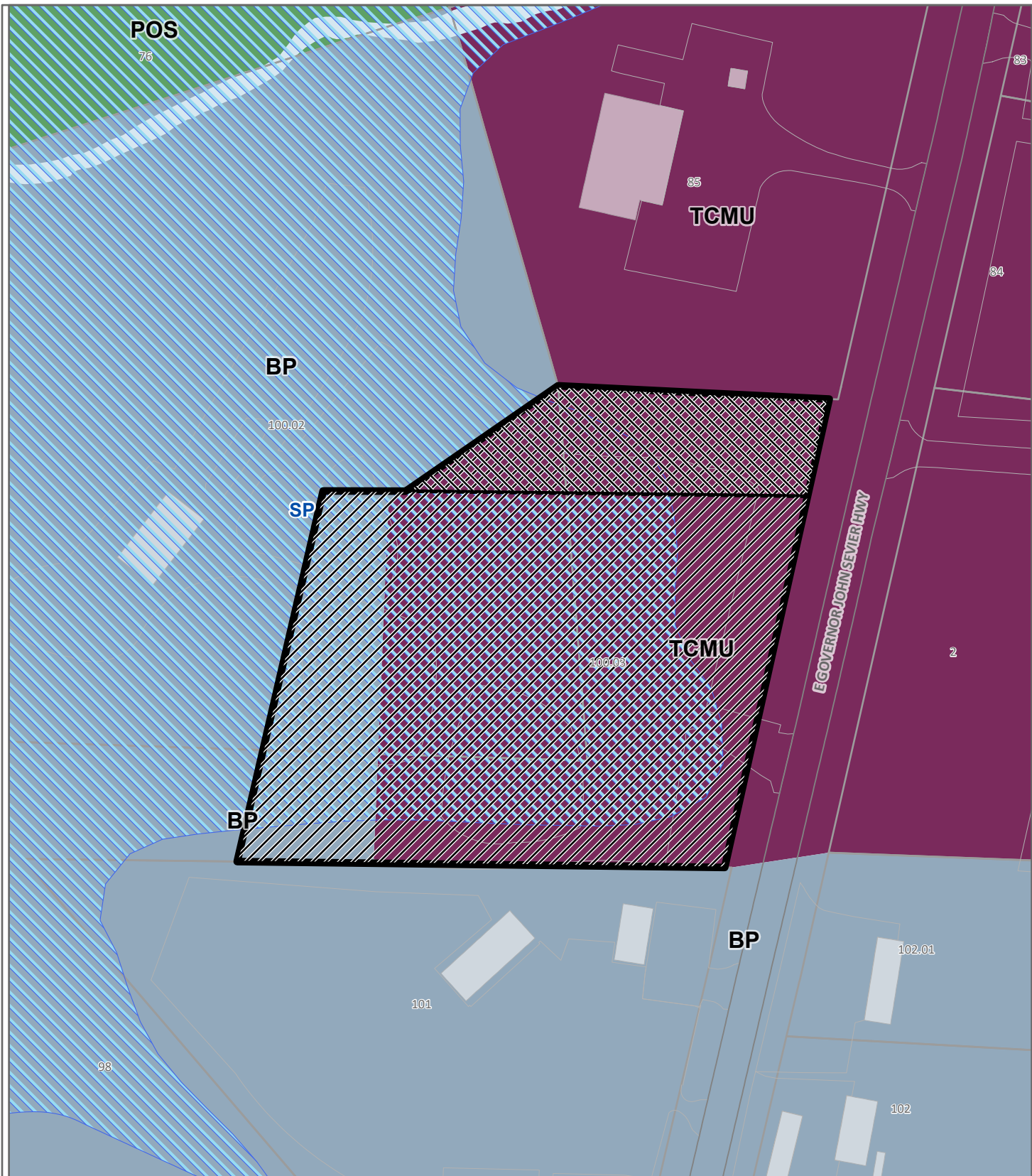
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN OF KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The LI zone can be considered in the existing BP (Business Park) place type designation on a portion of this property, but the applicant is seeking to extend it to an area with the TCMU (Town Center Mixed Use) place type. LI is not permissible in the TCMU place type, and staff do not recommend a plan amendment.
2. The I zone is not permissible in either the BP or TCMU place type, and staff do not recommend amending the land use map to accommodate the MHI (Mining and Heavy Industrial) place type for this rezoning.
3. The proposed rezoning also conflicts with the adopted East County Community Plan, which identifies much of this property as a Rural Area intended for low density residential development, open space, or agriculture.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 5/11/2026. 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.





**County Future Land Use**

**2-A-26-PA**

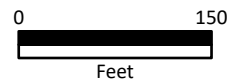
**Petitioner:** Clent Fleming

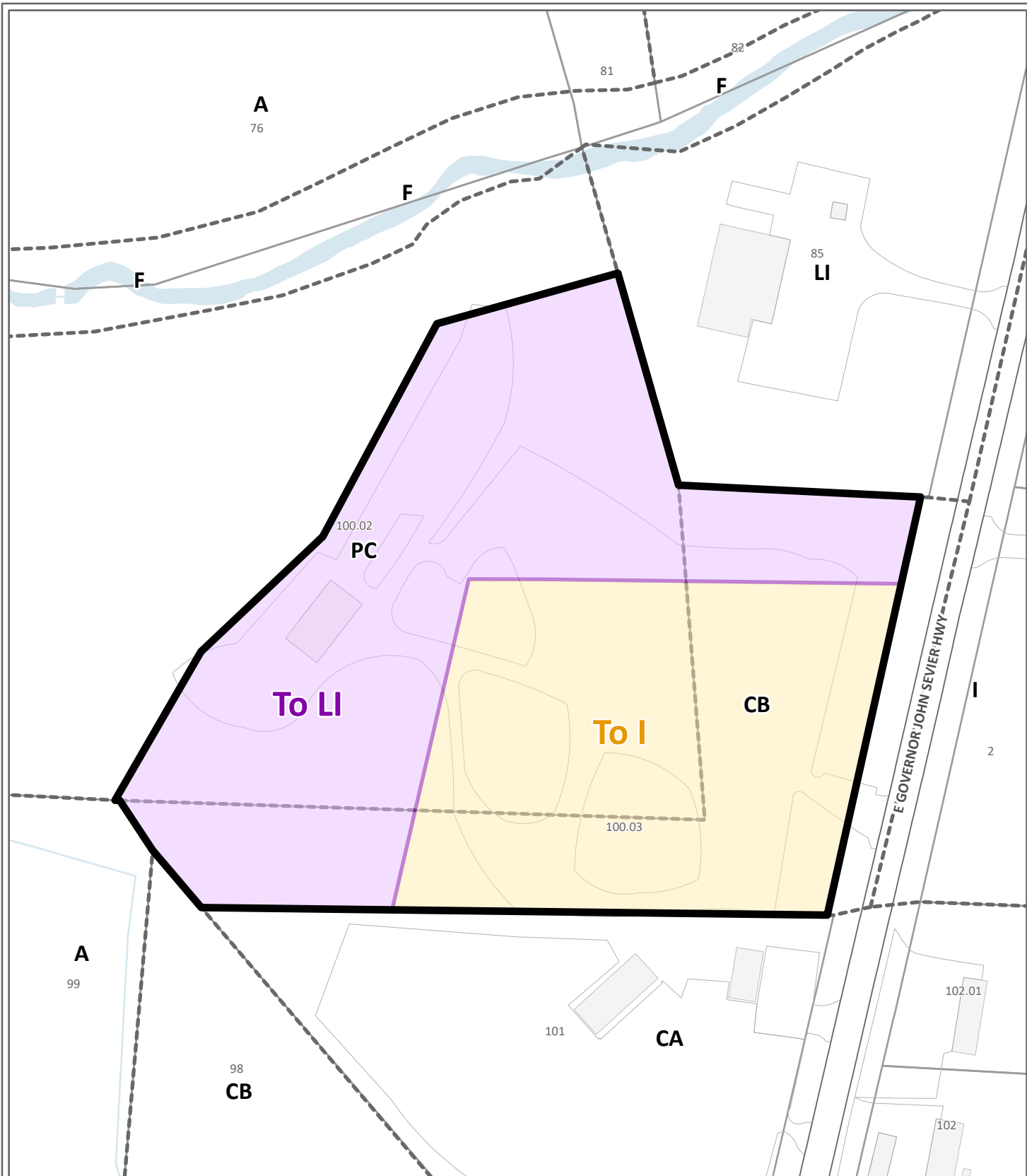
 Case Boundary

 To MHI (Mining & Heavy Industrial)

 To BP (Business Park)

**Map No:** 96  
**Jurisdiction:** County





**REZONING**

**2-J-26-RZ**

**Petitioner:** Clent Fleming

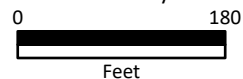


**From:** PC (Planned Commercial), CB (Business and Manufacturing)

**To:** LI (Light Industrial), I (Industrial)

**Map No:** 96

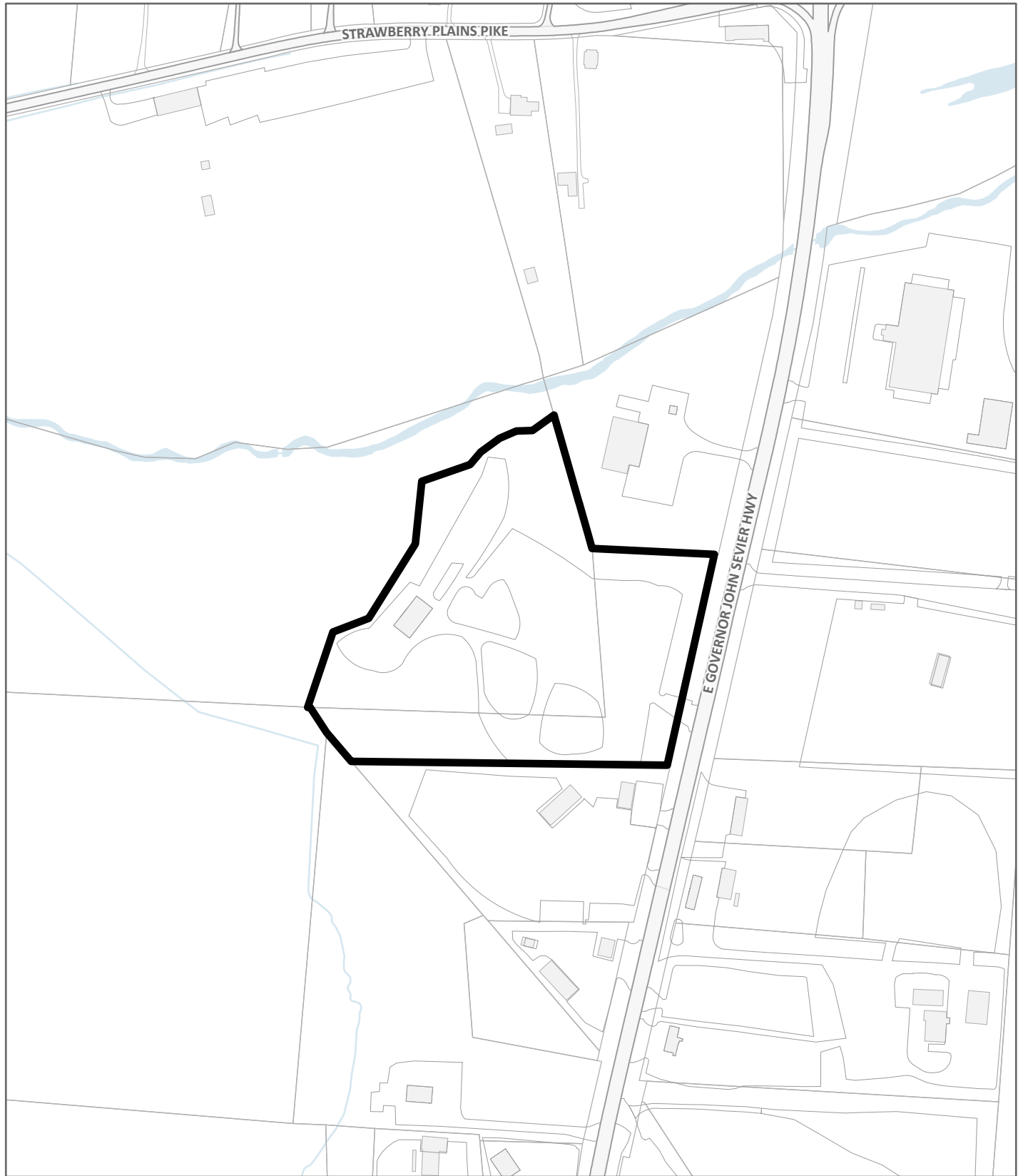
**Jurisdiction:** County



**Original Print Date:** 3/26/2026

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

# Exhibit A. Contextual Images



## LOCATION MAP

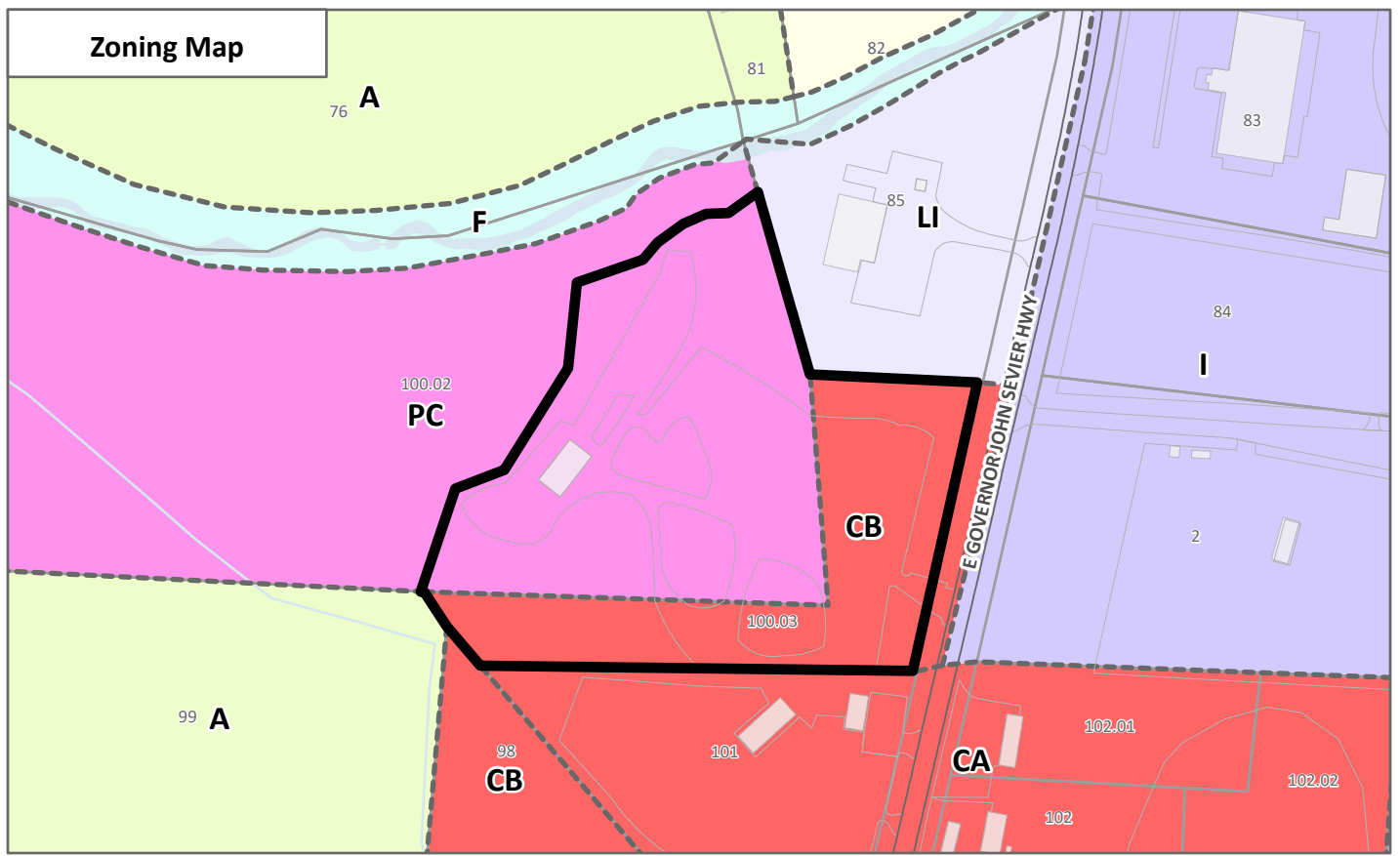
2-J-26-RZ / 2-A-26-PA



Case boundary



Zoning Map



Comprehensive Plan Map

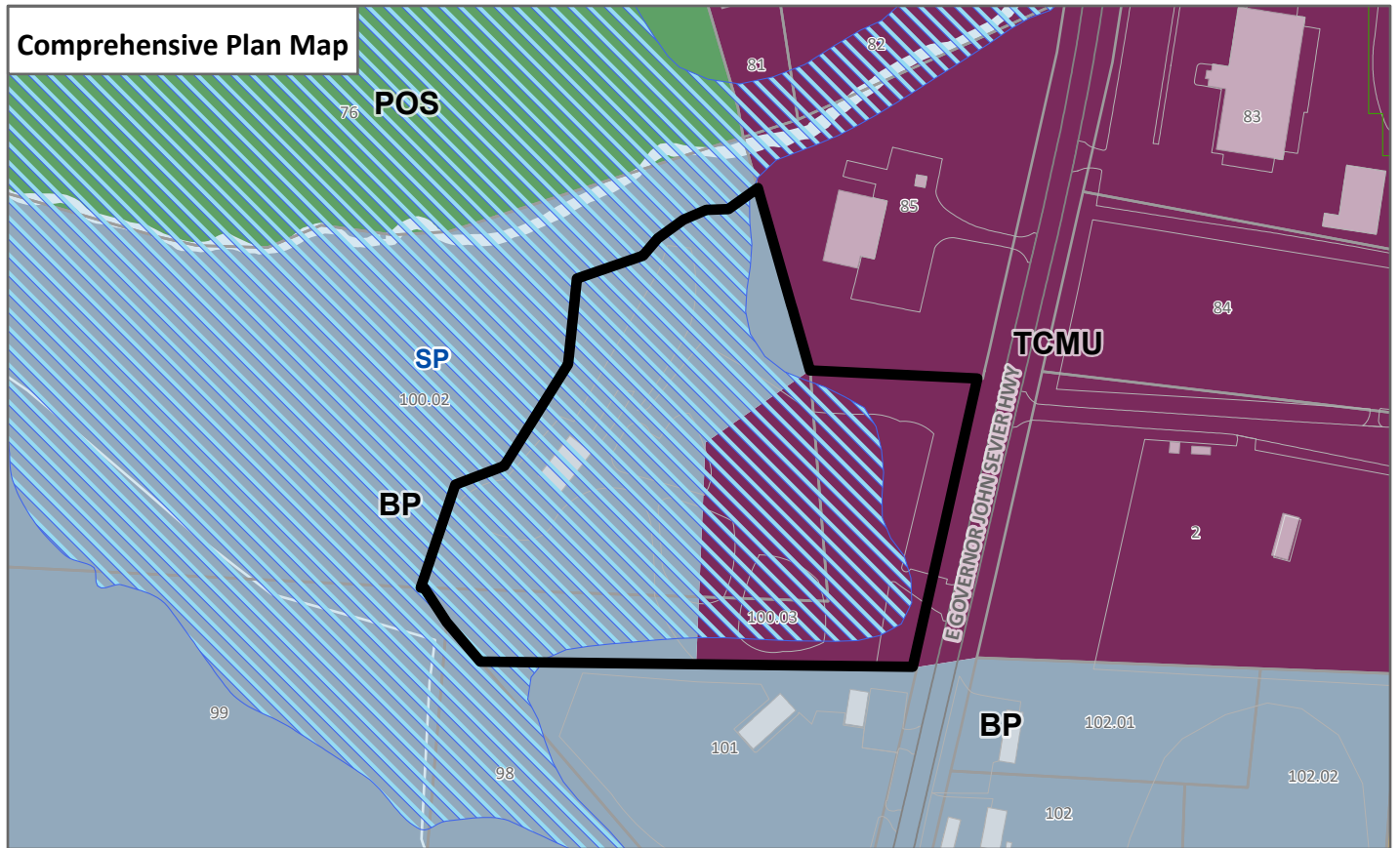
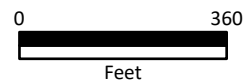


EXHIBIT A, CONTEXTUAL MAPS

2-J-26-RZ / 2-A-26-PA



Case boundary



Existing Land Use Map

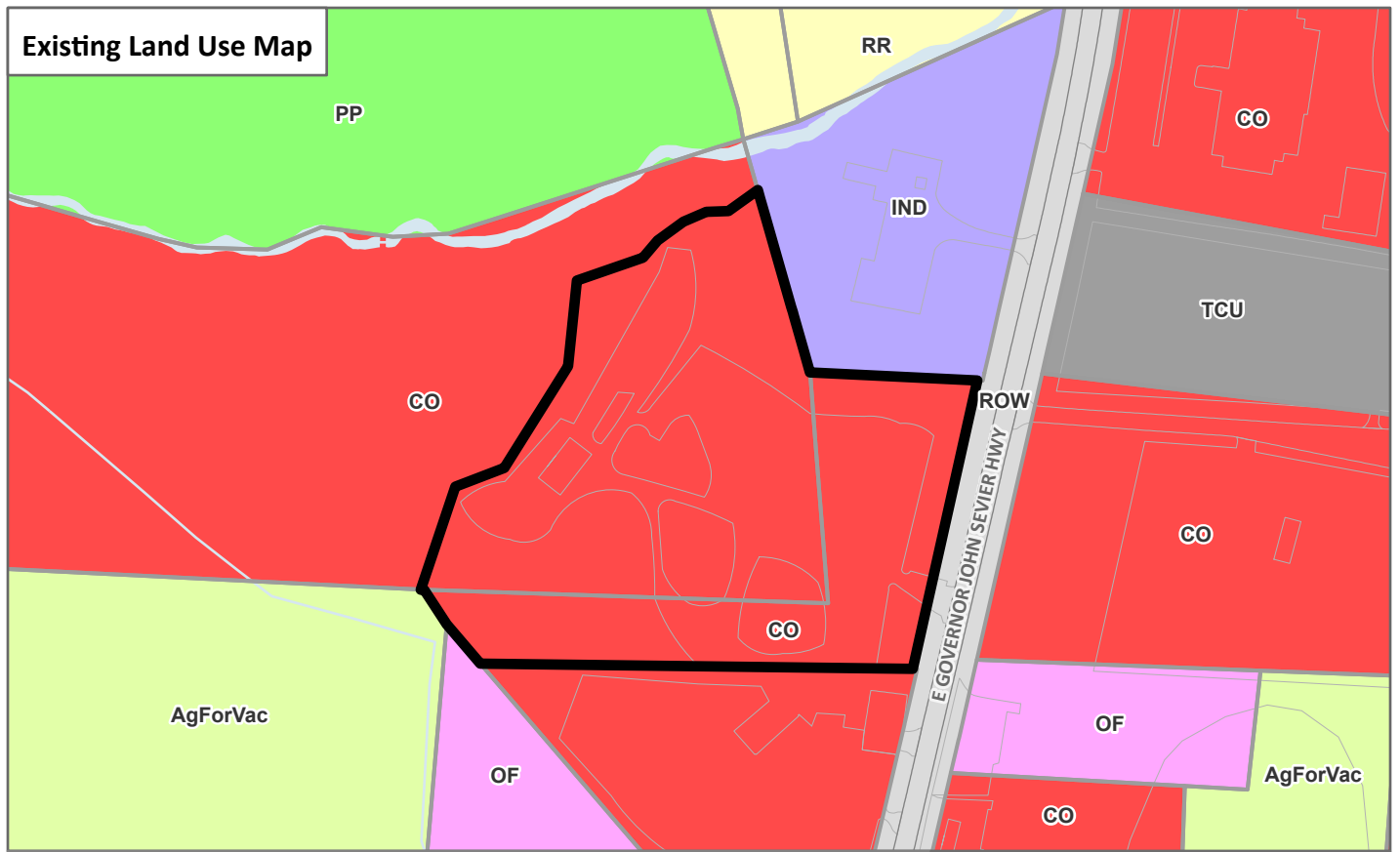
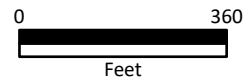


EXHIBIT A, CONTEXTUAL MAPS

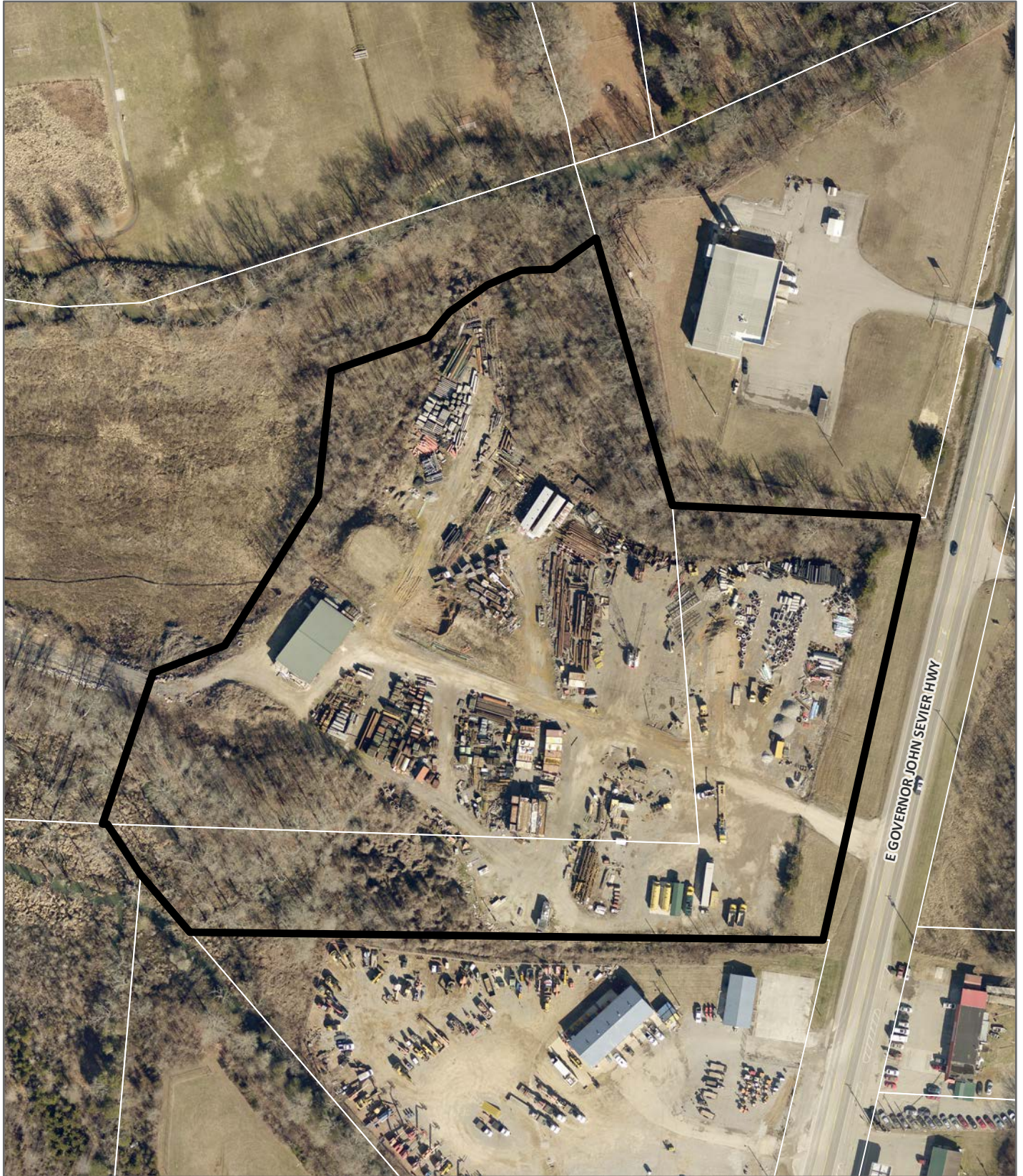
2-J-26-RZ / 2-A-26-PA



Case boundary



# Exhibit A. Contextual Images



## AERIAL MAP

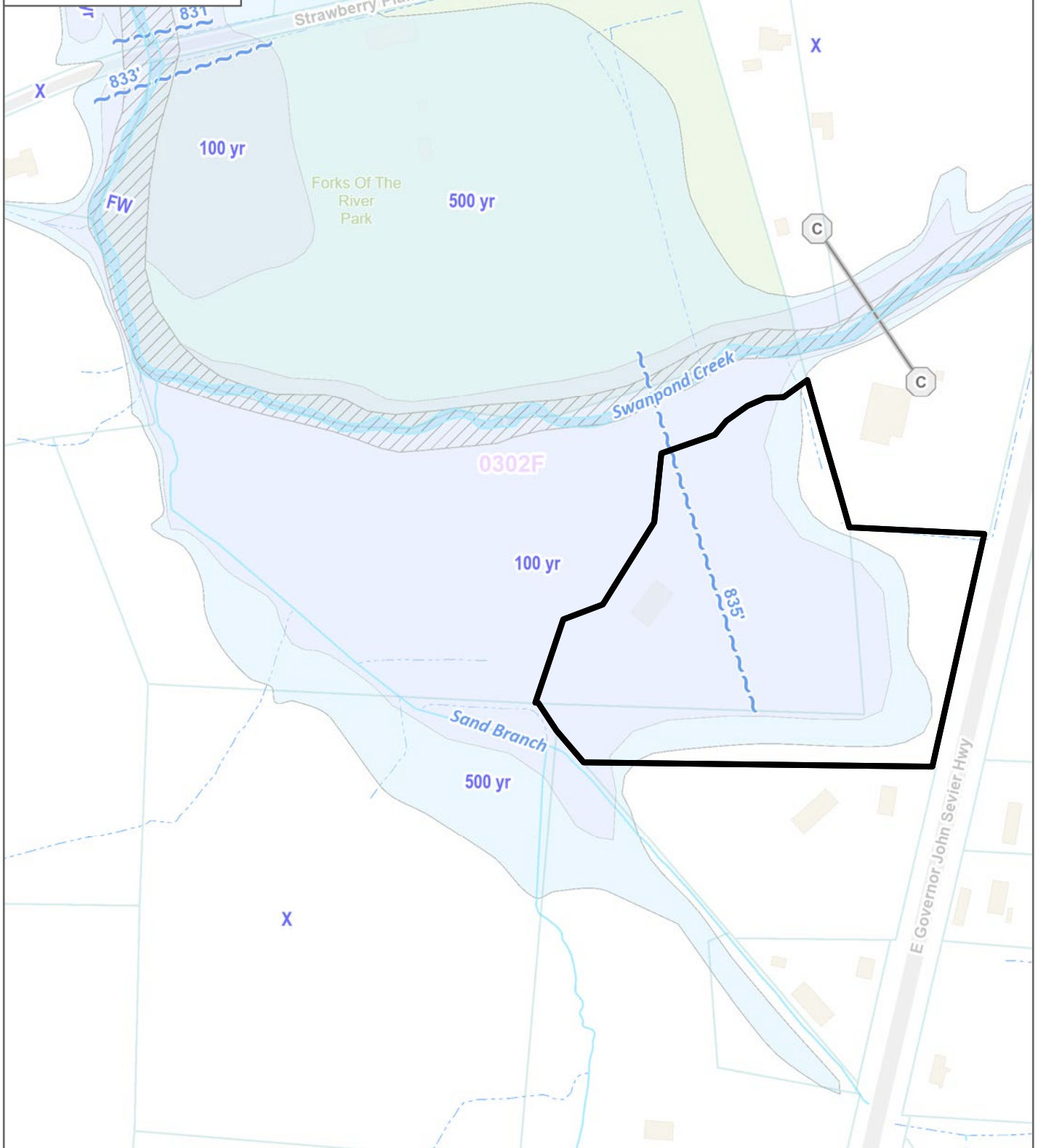


Case boundary



# Exhibit B. FEMA Flood Map

## FEMA Flood Map



## SUPPLEMENTAL MAP

2-J-26-RZ/2-A-26-PA



Case Boundary



**All requests to amend the Knox County Comprehensive Land Use and Transportation Plan must include justification for the changes as part of the application process.**

The applicant must provide justification per Implementation Action IM.6, demonstrating:

**Either**

- There is an obvious or significant error or omission in the Plan

**OR**

**2 or more of the following criteria apply**

- Conditions Have Changed** Changes of conditions, such as surrounding land uses, zoning, uncontrolled natural forces/disasters, etc.
- New Utilities / Projects** Introduction of significant new utilities or local/state/federal road projects that were not anticipated in the Plan and make development more feasible
- New Data** New data regarding trends or projections, population, housing conditions, or traffic growth that warrant reconsideration of the original Plan
- Proposed Changes Support Plan** The proposed changes support the Policies and Actions, goals, objectives, and criteria of the Plan

**PLEASE EXPLAIN**

Jones Bros Contractors is requesting that these properties be rezoned from Commercial to Industrial for the placement of a modern asphalt production facility. This rezoning supports both the need for our projects and broader community benefits. An asphalt plant is classified as an industrial use due to its manufacturing processes, equipment and material handling requirements. Industrial zoning provides the appropriate regulatory framework, safety standards and land-use compatibility for this type of facility.

Knox County continues to experience population growth and roadway expansion. The proposed asphalt plant will help meet the increasing regional demand for asphalt used in road maintenance, public works projects and private development. The facility will generate new skilled jobs in operations, maintenance and transportation while also supporting indirect economic activity through local suppliers, contractors and service providers.

Industrial zoning aligns with the nature of the proposed facility and ensures compatibility with adjacent and nearby land uses that are similar in scale. The proposed rezoning supports county objectives for economic development and responsible industrial siting. Locating the plant in an area designated for industrial growth aligns with long-term planning goals and provides predictable and appropriate land use for both the applicant and neighboring properties.



Property Owner Signature

Jimmy McCulloch

Print Name

12/10/2025

Date

*By signing above, you certify that criteria for a Plan Amendment have been met and that any information to justify such action is specified above.*

**FILE NUMBER**

# 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). The contact information you provide in your application may be used for that purpose. 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.*

1/31/2026

02/13/2026

~~01/30/2026~~

~~02/20/2026~~

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

Clent Fleming

Applicant Name

12/10/2025

Date