

ROBERT L. KAHN
REGGIE E. KEATON
MICHAEL W. EWELL
JOHN M. LAWHORN
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
SHARON H. KIM
RICHARD E. GRAVES
REBEKAH P. HARBIN
MICHAEL A. C. LEE
JAMEY M. MINNIHAN



550 W. Main Street
Suite 500
Knoxville, Tennessee
37902

phone 865.546.9321
fax 865.637.5249
web fmlp.com

Email: bmullins@fmsllp.com

Direct Fax: 865-541-4609

March 2, 2026

Knoxville-Knox County Planning
City-County Building
400 Main Street, Suite 403
Knoxville, TN 37902

Re: 0 Fox Rd
Agenda No. 21
2-L-26-RZ

Dear Planning Commission:

I represent the applicant for the rezoning application for Property at 0 Fox Rd (Tax ID No. 131 158, 159 & 011) (the "Property"). The applicant seeks to establish a boat dealership on the Property which is 3.64 acres and bounded by Pellissippi Parkway. Although staff is recommended denial and I would respectfully request that you overturn staff's recommendation and approve this application.

I. The Property in Context:

The Property is accessed by Fox Rd, a minor collector with 21 feet of pavement width within a right-of-way width that varies from 50 and 112 feet. It has red-light controlled access to Kingston Pike and is approximately 1.5 miles from Fox Rd. Marina. Knox County Engineering has not expressed any concerns about the proposed use's potential traffic impacts to Fox Road or the surrounding intersections/streets.

View of Property from Fox Road:



View of Property from Pellissippi Parkway:



II. Current Zoning Compared to Requested Zoning:

The Property's current zoning is Office/Business, OB, which could allow 24 du/ac in multi-family uses and other uses, such as office buildings, hospitals, hotels, motels, business colleges, commercial parking lots, assisted living facilities, methadone clinics, pain management clinics, and recovery housing. The OB zone would allow buildings up to 4-stories or 45'.¹

The Planned Commercial Zoning, on the other hand, is preferred for this Property over the potentially more intensive OB zoning because it allows a unified grouping of commercial buildings that do not require or desire a central business district location which facilitates the highest possible quality in site design, building arrangement, landscaping, and traffic circulation patterns and because it allows the Planning Commission to review and condition improvements to the site that will mitigate potential adverse impacts of any business on the adjacent residential properties. Any future use will require Planning Commission approval.² Moreover, since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the planning commission with a list of uses permitted in the development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants [Articles 5.33.02 and 5.33.13]. The applicant has provided a proposed restrictive covenant for this site that would limit allowable uses to retail sales of water sports and related activities (**Exhibit A**). Should this request be approved, Staff recommends that the restrictive covenants be recorded with the Register of Deeds prior to submitting a development plan application as a condition of approval.

Staff noted that the area is at the edge of a transitional area. While staff asserts the commercial zoning may be disruptive to this transition, so would a hotel, hospital, or 12-du/ac multi-family development (all permitted uses in the current zoning).³ The PC zone allows future planning commission review as well as the establishment of restrictive covenants at the time of the rezoning to limit future uses to something that would be more compatible with the surrounding area than currently allowed uses in the OB zone.

III. Changed Conditions—Advance Knox Comprehensive Land Use Plan:

Staff asserts that they have not been any changed conditions to support the rezoning; however, this analysis overlooks the adoption of Advance Knox in April of 2024. Advance Knox changed the Land Use place type on this property from Office to BP (Business Park). While the Primary Uses intended for the BP place type is Office and Light Industrial, its secondary uses include Commercial. The change in the land use map to include Commercial generally and Planned Commercial specifically on this Property is a changing condition since 2024.

¹ Staff noted that Pellissippi Parkway is a state designated highway and buildings within 1000 feet are limited to 35 feet in height; however, this is not an accurate statement of the statutory height limitation. The limitation is 35' of height in relation to the grade of the scenic highway. As the majority of the Property is located at least 10-feet below the level of Pellissippi Parkway, the height for buildings on the majority of the Property can exceed 35' by statute. Regardless, the planned height for the boat dealership is less than 35'.

³ Multi-family between 12 and 24 du/ac would be permitted upon approval of a Use-on-Review.

IV. Changing Conditions—the Draft Uniform Development Ordinance (“UDO”)

Additionally, while the UDO is still in draft form, the initial documents shared by the retained consultant show that there are three proposed zoning districts which would be compatible with the existing BP place type—BC (Business and Commercial District), EC (Employment Campus Zoning District), and LI (Light Industrial District). See Of these three, the BC district is most compatible with the existing OB zoning. See [Proposed Districts Draft 2](#). The BC Zoning, if adopted as currently proposed, would allow a host of **commercial** uses such as Construction Sales and Services (permitted use), Drive Through Facilities (permitted use), Eating and Drinking Establishments (permitted use), Event Venues (permitted use), Food Truck Parks (permitted use), Laundry and Dry Cleaning Services, Live Performance Venue, Indoor (conditional use), Hotel (permitted use), Craft Manufacturing (permitted use), Indoor Recreation (permitted use), Repair and Maintenance (excluding vehicles)(permitted use), Indoor self-storage (permitted use), Outdoor self-storage (permitted use), Special Trades Contractor Services (permitted use), Storage-Indoor (permitted use), Outdoor Storage (permitted use), Vehicle Fuel services (permitted use) Vehicle-Large Vehicle Sales, Rental and Services (permitted use), Vehicles sales and Rental (permitted use), and Wholesale, warehousing or distribution facilities. See [Working Draft: Full Use Table](#).

While still in draft form, if it were adopted as currently proposed then the *exact use the applicant seeks to establish on the Property*⁴ through the Planned Commercial zone would be permitted, i.e., without follow-up development plan approval through this commission. On balance, the proposed restricted uses in the PC zone would allow the applicant to move forward with his project more quickly and while also limiting some of the more intensive uses currently allowed in the OB zone and likely allowed in the proposed UDO zoning.

V. The Proposed Plan and Conditions to Zoning:

The applicant has met several times with EPW and Planning to discuss this proposed use. Applicant initially believed that staff would be supportive of the rezoning as long as certain conditions were met, such as Restrictive Covenants, a Type C landscape buffer be required around the south and eastern sides of the property, and a Type A landscape buffer along the north side of the property to visually screen any proposed uses from neighboring residential development. The proposed plans and elevations, attached hereto as **Exhibit B**, were created to accommodate those zoning conditions, and the applicant does not object to them being imposed as a condition on the zoning.

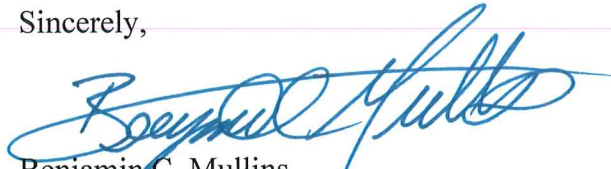
⁴ Specifically, Vehicle – Large vehicle sales, rental, and storage is currently proposed to be defined as “An establishment engaged in the storage, sale, leasing, and/or rental of new or used large vehicles such as school buses, farm equipment, boats, recreational vehicles and construction equipment. May include ancillary repair and maintenance facilities.” See [Uses and Definitions -Draft 2](#).

VI. Conclusion:

As set forth in this letter, the proposed PC zoning, with appropriate conditions and restrictive covenants, would be more compatible with the surrounding character and as a transitional use than both the uses currently allowed and the uses likely allowed through the UDO. The applicant respectfully requests that Planning Commission recommend approval of this rezoning to County Commission.

I welcome any questions and look forward to our conversation Thursday.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

Restrictive Covenants for 2-L-26-RZ

Under the existing Business Park (BP) Comprehensive Future Land Use Map, the PC (Planned Commercial Zone), is considered “partially related” and is appropriate with qualifications such as development plan approval with conditions. Additionally, the PC zone provides, that “[s]ince some permitted uses may be incompatible with others, the developer of a planned commercial complex shall provide the planning commission with a list of uses permitted in the development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants.” See Article 5.33.02 of the Knox County Zoning Ordinance.

This application seeks to rezone existing OB property, which is currently vacant and undeveloped. We are seeking to establish a retail boat and watercraft store, with accessory service and storage functionality, on the property utilizing its visibility from I-140 and its proximity to Fort Loudon Lake and Fox Marina. As such, the uses permitted in the PC zone should be as follows:

- Signs as permitted by Section 3.90;
- Watercraft and Boat Sales
- Recreational Equipment Retail Sales
- General Watersport Retail Sales
- Service Center for Watercrafts and Boats
- Outdoor Storage of Watercrafts and Boats with proper fencing and screening
- Farm Equipment Retail Sales
- Allowable Accessory Uses to the Principal Use.

This will allow the intended use to be established on the ~3.8 acre site, and reasonably similar uses in the future, and would further allow Planning Commission to review and condition improvements to the site that will mitigate potential adverse impacts of the proposed business with adjacent office and residential properties. The PC zone allows or more site plan oversight by the Planning Commission since every development would require a development plan and the zoning can be conditioned on establishing restrictive covenants either at the time of the zoning or at the time of the development plan. The current OB zoning could allow uses permitted without additional planning commission approval such as hospitals, hotels, demolition landfills (less than 1 acre), wireless communication facilities, and multi-family use up to 12 units an acre (or up to 24 units an acre on a use on review). In contrast, there is more oversight and review to the PC zone which has traditionally been preferred as a transition zone to residential properties over other less regulated commercial zones.





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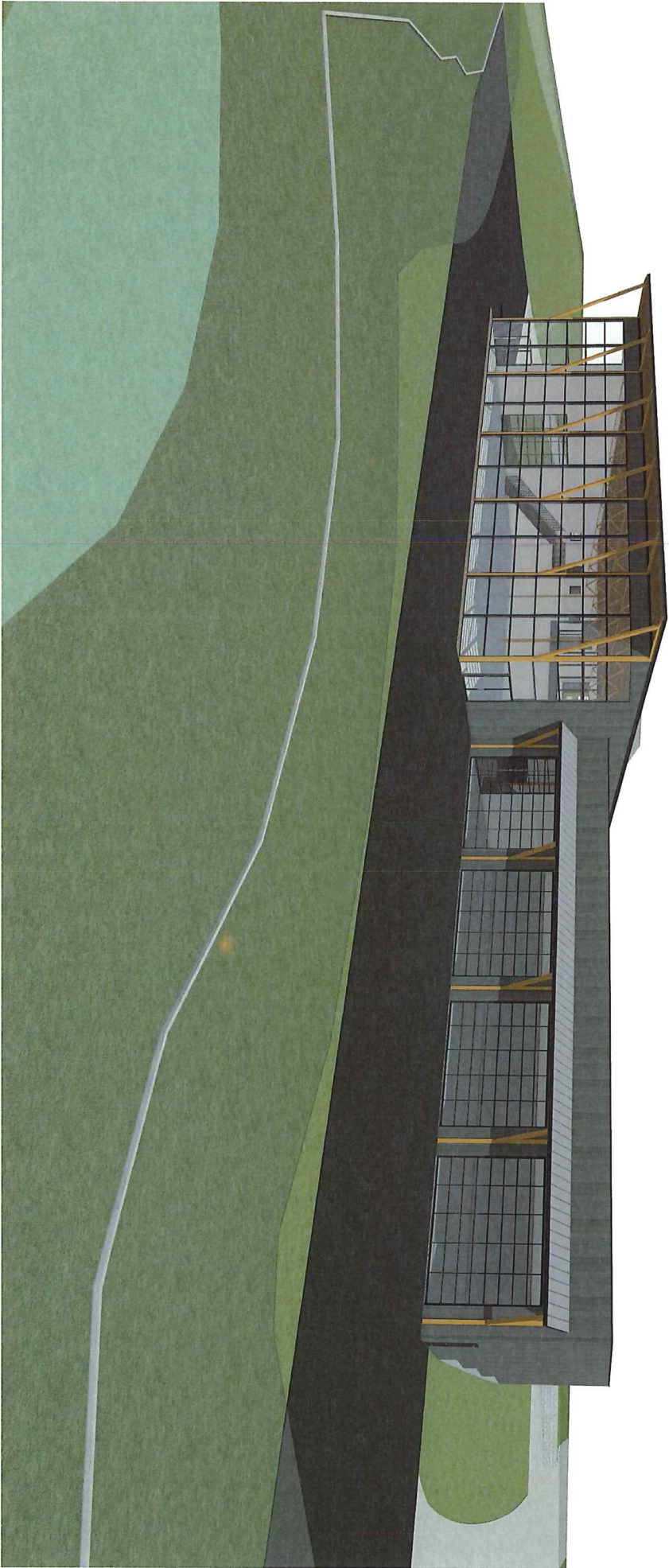
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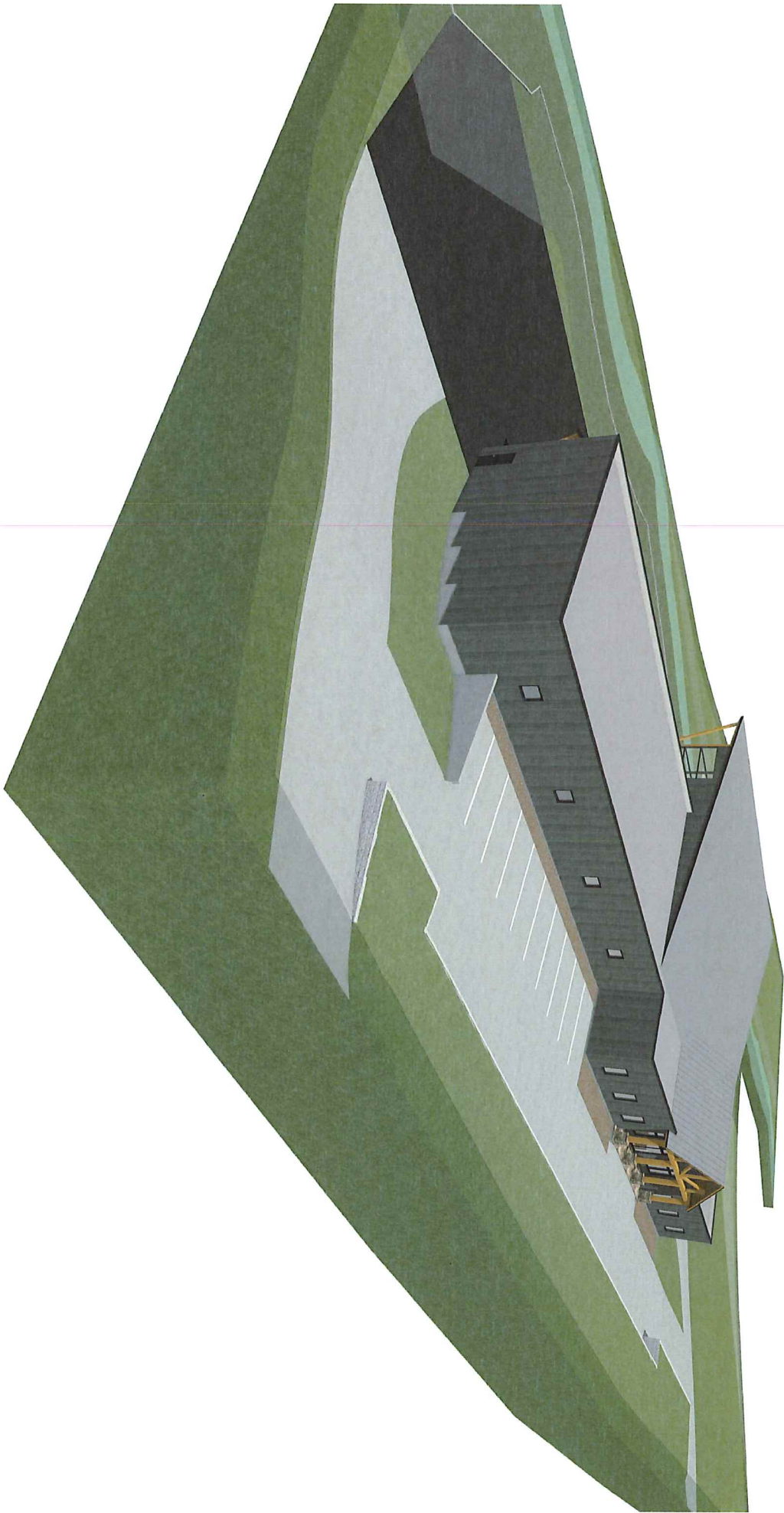
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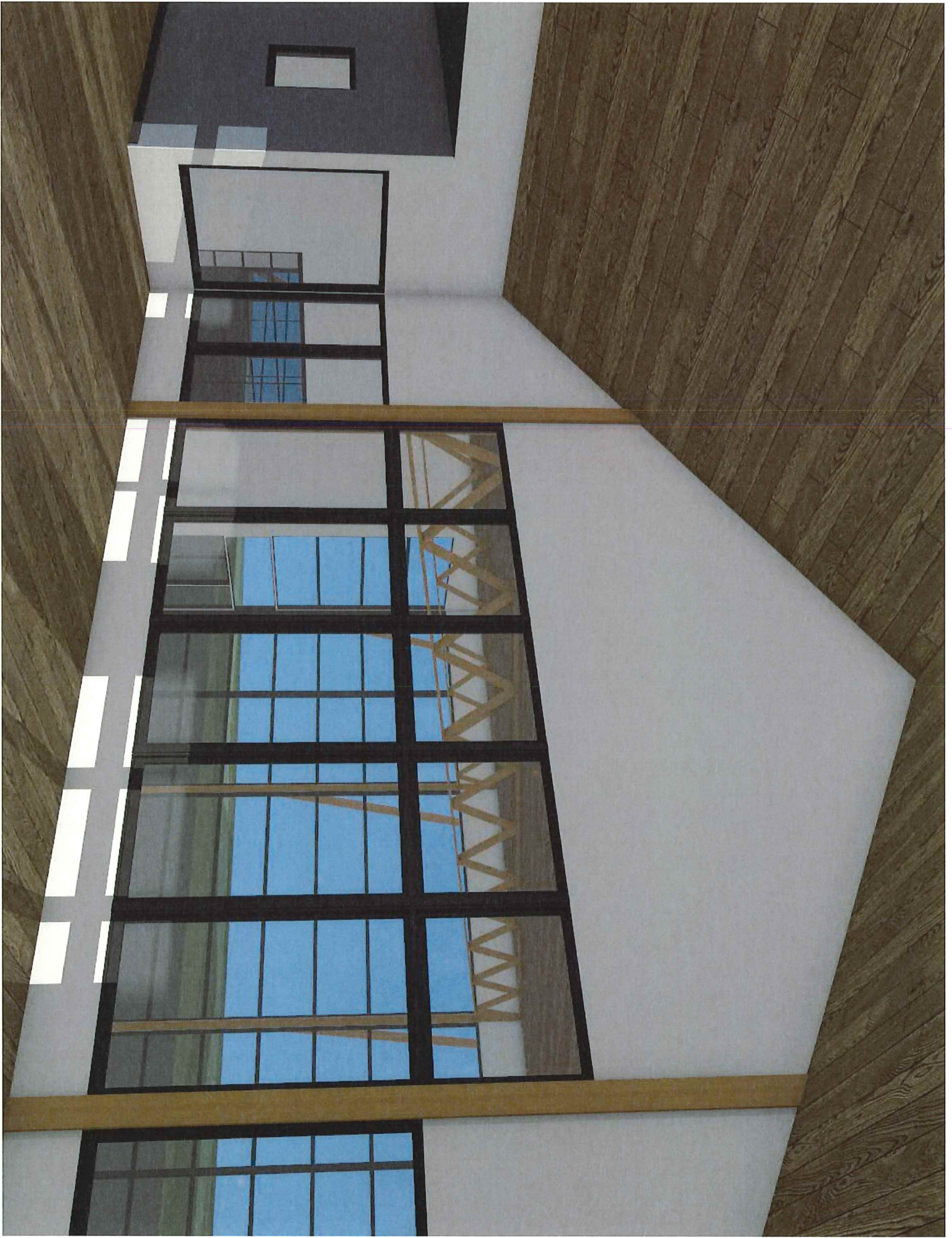


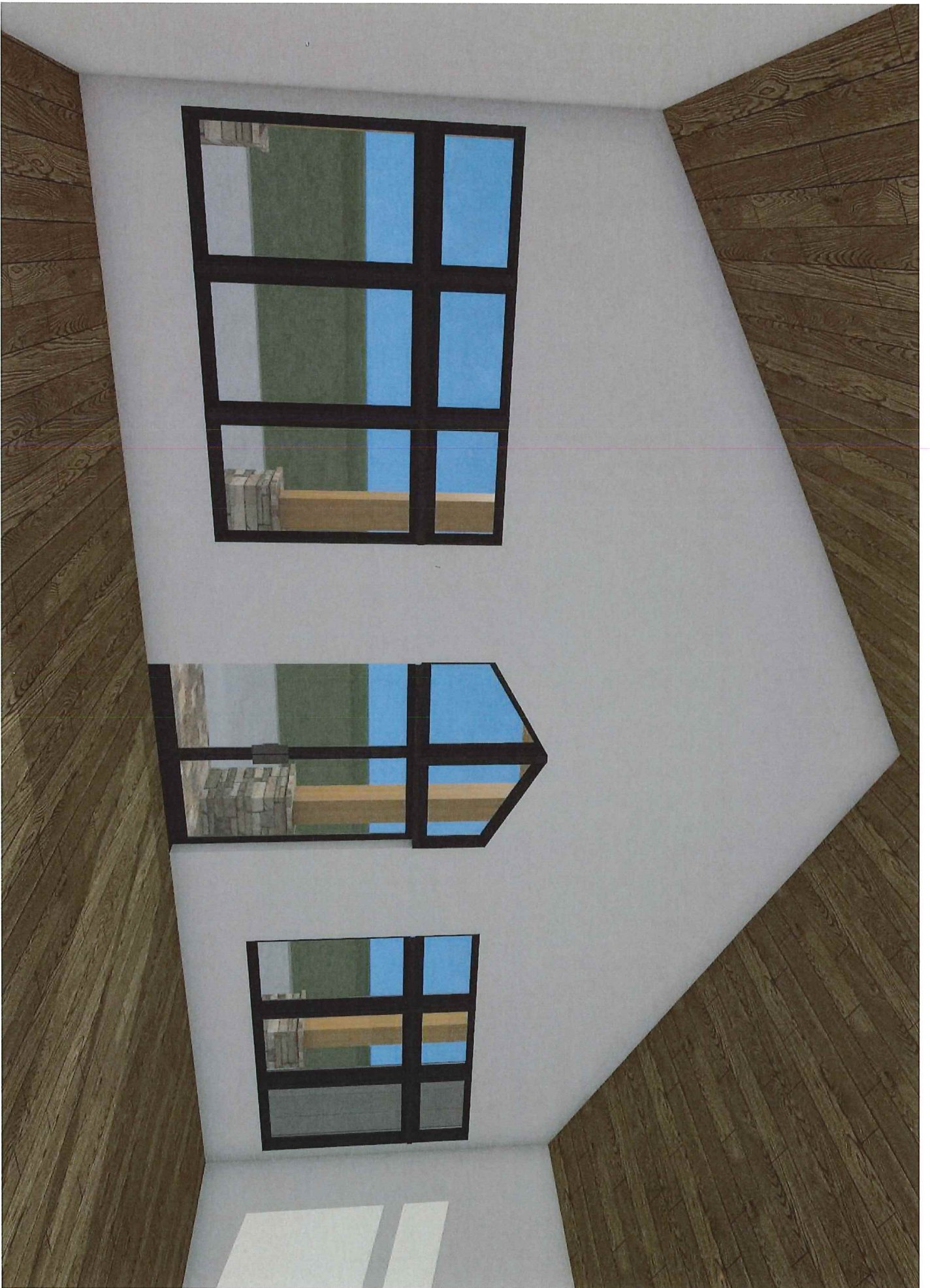








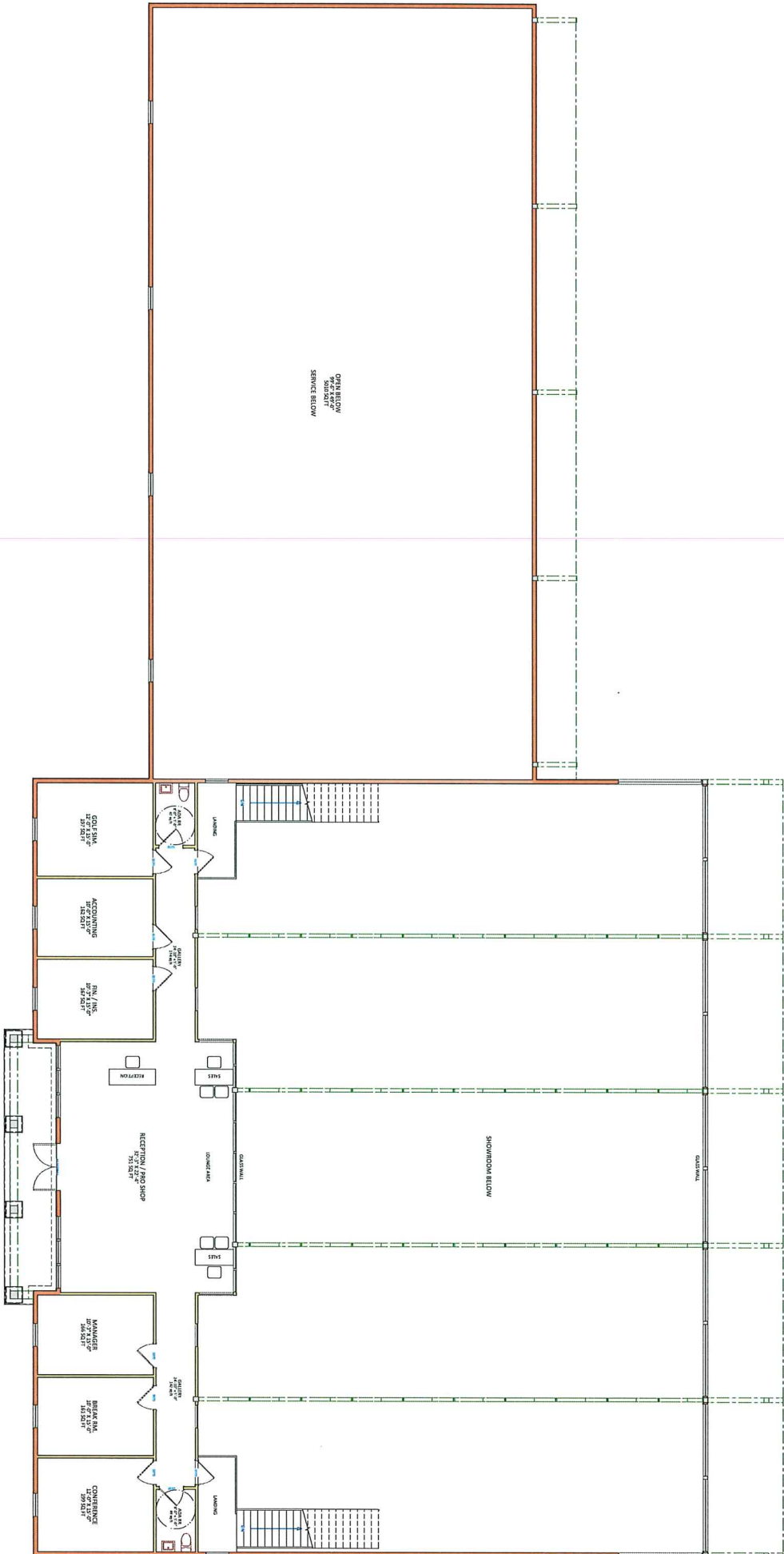


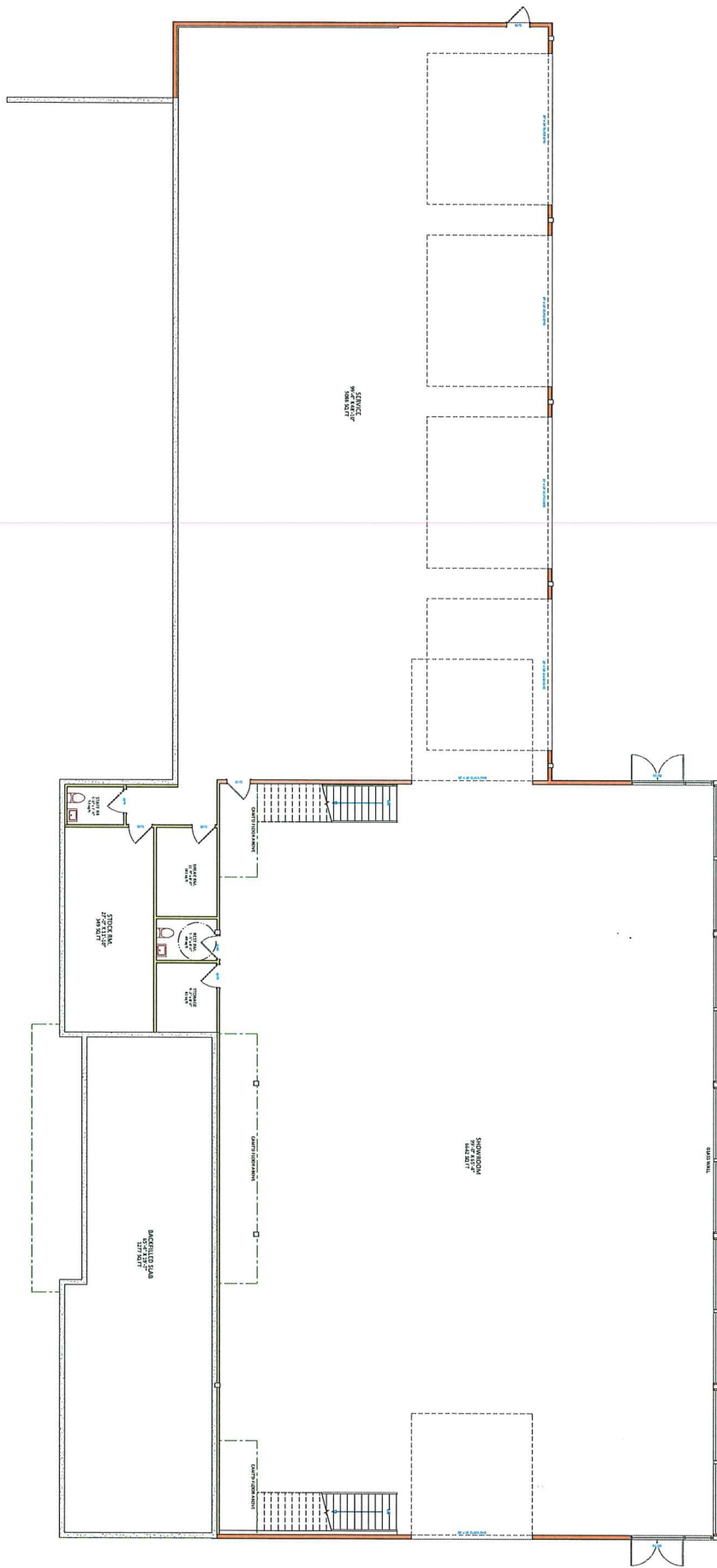






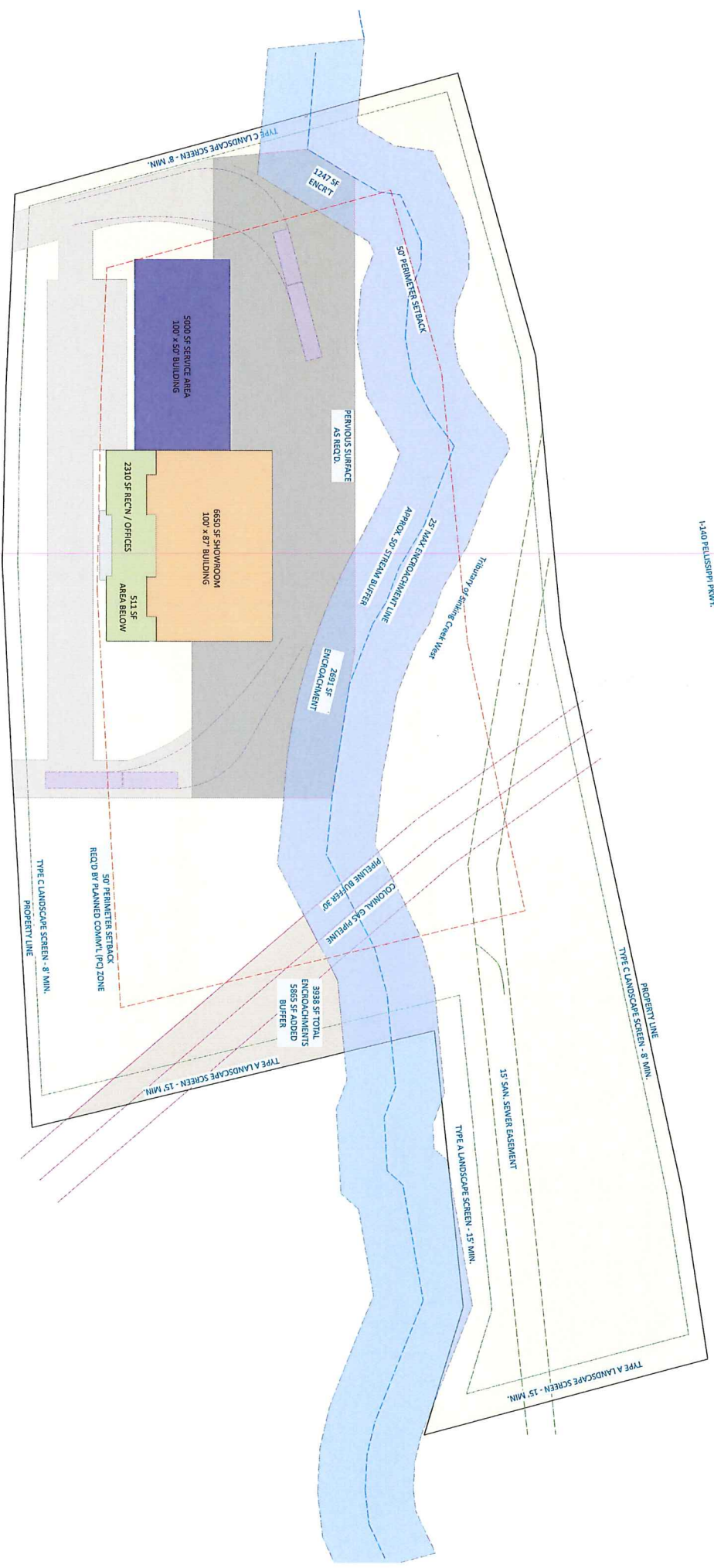






NOTE: OUTDOOR BOAT STORAGE MAY REQUIRE FENCING AND SCREENING

FOX ROAD



1-1410 PELLISSIPPI ROWN

PROPERTY LINE
TYPE C LANDSCAPE SCREEN - 8' MIN.

TYPE A LANDSCAPE SCREEN - 15' MIN.

TYPE A LANDSCAPE SCREEN - 15' MIN.

TYPE A LANDSCAPE SCREEN - 15' MIN.

TYPE C LANDSCAPE SCREEN - 8' MIN.
PROPERTY LINE

