



# PLAN AMENDMENT REPORT

► **FILE #:** 7-B-21-SP

**AGENDA ITEM #:** 16

**AGENDA DATE:** 7/8/2021

► **APPLICANT:** DEAN PRESTON SMITH  
**OWNER(S):** LeConte Holdings, LLC

**TAX ID NUMBER:** 144 03201 (PART OF)

[View map on KGIS](#)

**JURISDICTION:** Council District 2

**STREET ADDRESS:** 9608 Westland Dr.

► **LOCATION:** Southeast side of the Intersection of Westland Drive and Pellissippi Parkway

► **APPX. SIZE OF TRACT:** 1.05 acres

**SECTOR PLAN:** Southwest County

**GROWTH POLICY PLAN:** N/A (Within City limits)

**ACCESSIBILITY:** Westland Drive is a minor arterial with a 55-ft pavement width, including a turn lane and median, within an 88-ft right-of-way.

**UTILITIES:** Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

**WATERSHED:** Sinking Creek

► **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / HP (Hillside Protection) / AG (Agricultural) / HP (Hillside Protection)

► **PROPOSED PLAN DESIGNATION:** GC (General Commercial) / HP (Hillside Protection)

► **EXISTING LAND USE:** Agriculture/forestry/vacant

**EXTENSION OF PLAN DESIGNATION:** Yes, the GC land use class is adjacent to the north

**HISTORY OF REQUESTS:** Rezoning cases 6-M-97-RZ, 2-A-98-RZ, 8-B-99-RZ, and 5-J-00-RZ requested to rezone the property from A to various other zones, and all were denied; property annexed in 2000 and assigned the General Agricultural zone Case 12-D-0-RZ)

**SURROUNDING LAND USE AND PLAN DESIGNATION:**  
North: Agriculture/forestry/vacant - GC (General Commercial)  
South: Agriculture/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection)  
East: Agriculture/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection)  
West: Pellissippi Parkway right-of-way

**NEIGHBORHOOD CONTEXT** This property abuts the Westland Drive/Pellissippi Parkway interchange and its western boundary runs along Pellissippi Parkway the length of the property. Commercial and office uses front Westland Drive with single family

**STAFF RECOMMENDATION:**

- **Deny the Southwest County Sector Plan amendment to the GC (General Commercial) land use classification because it extends the GC land use class beyond its boundaries to the east where it would be adjacent to single family residential land uses.**

**COMMENTS:**

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There has been no change of conditions warranting an amendment of the land use plan.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. The northern portion of this parcel was rezoned to the C-4 (Highway and Arterial Commercial) zone in March 2019 (comparable zone to C-H-1 in the current zoning ordinance). Though the recent rezoning of that property makes this an extension of the GC land use designation, this expands the GC designation beyond where it ends to the east and puts it adjacent to single family residential property.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/10/2021 and 8/24/2021. 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.



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 7-E-21-RZ

**AGENDA ITEM #:** 16

7-B-21-PA

**AGENDA DATE:** 7/8/2021

► **APPLICANT:** DEAN PRESTON SMITH

OWNER(S): LeConte Holdings, LLC

TAX ID NUMBER: 144 03201 (PART OF)

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 9608 Westland Dr.

► **LOCATION:** Southeast side of the intersection of Westland Drive and Pellissippi Parkway

► **TRACT INFORMATION:** 1.05 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: N/A (within City limits)

ACCESSIBILITY: Westland Drive is a minor arterial with a 55-ft pavement width, including a turn lane and median, within an 88-ft right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Sinking Creek

► **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / HP (Hillside Protection) / AG (Agricultural) / HP (Hillside Protection)

► **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / HP (Hillside Protection) / C-H-1 (Highway Commercial) / HP (Hillside Protection)

► **EXISTING LAND USE:** Agriculture/forestry/vacant

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, the GC land use class and C-G-1 zoning are adjacent to the north

**HISTORY OF ZONING REQUESTS:** Four previous rezoning cases were denied (Cases 6-M-97-RZ, 2-A-98-RZ, 8-B-99-RZ, 5-J-00-RZ); property annexed in 2000 and zoned General Agricultural (Case 12-D-0-RZ); property rezoned to C-4 with plan amendments to GC in March 2019 (Case 10-B-18-RZ)

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Agriculture/forestry/vacant - GC (General Commercial) - C-G-1 (General Commercial) District in the City and CA (General Business) in Knox County

**ZONING** South: Agriculture/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection) - AG (General Agricultural) and HP (Hillside Protection Overlay) Districts in the City

East: Agriculture/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection) - A (Agricultural) in Knox County

West: Pellissippi Parkway right-of-way

NEIGHBORHOOD CONTEXT: This property abuts the Westland Drive/Pellissippi Parkway interchange and its western boundary runs along Pellissippi Parkway the length of the property. Commercial and office uses front Westland Drive with single family houses behind those properties and adjacent to this property on the east.

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**STAFF RECOMMENDATION:**

- ▶ **Deny the One Year Plan amendment to the GC (General Commercial) land use classification because it extends the GC land use class beyond its boundaries to the east where it would be adjacent to single family residential land uses.**
  
- ▶ **Deny C-H-1 (General Commercial) zoning because it extends commercial zoning beyond where it ends on the parcels to the east, where it would be adjacent to the County's A (Agricultural) zone.**

**COMMENTS:**

The applicant is requesting to rezone a portion of the property to the C-H-1 zone. The front portion of the property was rezoned to C-H-1 in March 2019, so this request is to extend that zoning deeper into the site.

A brief zoning history:

1. Case 7-G-95-RZ, requesting to rezone from A (Agricultural) to CA (General Business) was denied.
2. Case 6-M-97-RZ, requesting to rezone from A (Agricultural) to RA (Low Density Residential) was denied.
3. Case 2-A-98-RZ, requesting to rezone from A (Agricultural) to CA (General Business) with 3.5 du/ac and PR (Planned Residential) with 5 du/ac was denied.
4. Case 8-B-99-RZ, requesting to rezone from A (Agricultural) to CA (General Business) and OA (Office Park) was denied.
5. Case 5-J-00-RZ, requesting to rezone from A (Agricultural) to OB (Office, Medical and Related Services) was denied.
6. Property annexed in 2000 and zoned General Agricultural (Case 12-D-00-RZ).
7. Case 10-B-18-RZ, requesting to rezone the front portion of the property from A (Agricultural) to C-4 (Highway and Arterial Commercial) was approved in March 2019 with plan amendments to the GC (General Commercial) land use classification approved for the same portion of the property (Cases 10-A-18-PA and 1-B-19-SP).

**ONE YEAR PLAN AMENDMENT REQUIREMENTS:**

**CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)**

**AN ERROR IN THE PLAN:**

1. There are no apparent errors in the plan that would warrant amending the plan.

**A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:**

1. As stated previously, the northern portion of this parcel was rezoned to the C-4 (Highway and Arterial Commercial) zone in March 2019 with corresponding plan amendments. Though these recent rezoning and plan amendments technically make this request an extension of the GC land use designation, that extension expands the GC boundary beyond where it lies to the east and puts it adjacent to single family residential property.

**A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:**

1. There has been no change in public policy that would trigger the need for a plan amendment.

**NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:**

1. No new information has become available to reveal the need for a plan amendment.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3: 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 GENERALLY:

1. There are no recent changes in the area that warrant a rezoning to C-H-1. As stated previously, though this would be an extension of the C-H-1 zone, it would extend the most intense commercial zoning deeper into the site where it would be adjacent to the County's A (Agricultural) zone, which is the least intense residential zone in the County.

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

1. The C-H-1 (Highway Commercial) District is intended to accommodate higher-intensity commercial uses of a predominantly auto-oriented character, including retail, rental, and service establishments of a more intense commercial character including those requiring permanent outdoor service or storage areas.
2. 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. There are uses allowed in C-H-1 that are not compatible with single family residential uses.

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 properties to the east along Westland Drive have commercial and office zoning. However, this property is deeper than those, and the portion of the property requested for this rezoning is adjacent to single family residential uses.
2. This property has some environmental constraints. These constraints would be evaluated more fully during the development plan process, but below is a summary of the issues.
  - a. There are two streams that traverse the property (see Exhibit B), one of which crosses the portion of the parcel up for rezoning just south of the pinch point where the C-H-1 zoning meets the A zoning. The City's Engineering Department requires a buffer at the stream channel, plus a 30-ft minimum buffer zone from the top of the bank on either side. Typically, building over creeks and/or pipes is not allowed, but that would be addressed at the time of permitting, along with the buffer zone issues. However, should the applicant wish to pursue piping and building over the stream, they would have to get approval by TDEC and the City to do so. This would lead to mitigation of the stream buffer, which requires the Director of the Department of Engineering's approval. If deemed necessary by the State, there could be further additional measures required.
  - i. There are specific design features required by the City's Engineering ordinance when encapsulating a stream and/or piping thru water with which the applicant would be required to comply.
  - b. There is a small area at the southernmost tip of the portion of the parcel to be rezoned that is in the HP Overlay District. The slope analysis shows 0.99 acres of the site is located in the HP Overlay District, of which the applicant can disturb 0.20 acres.

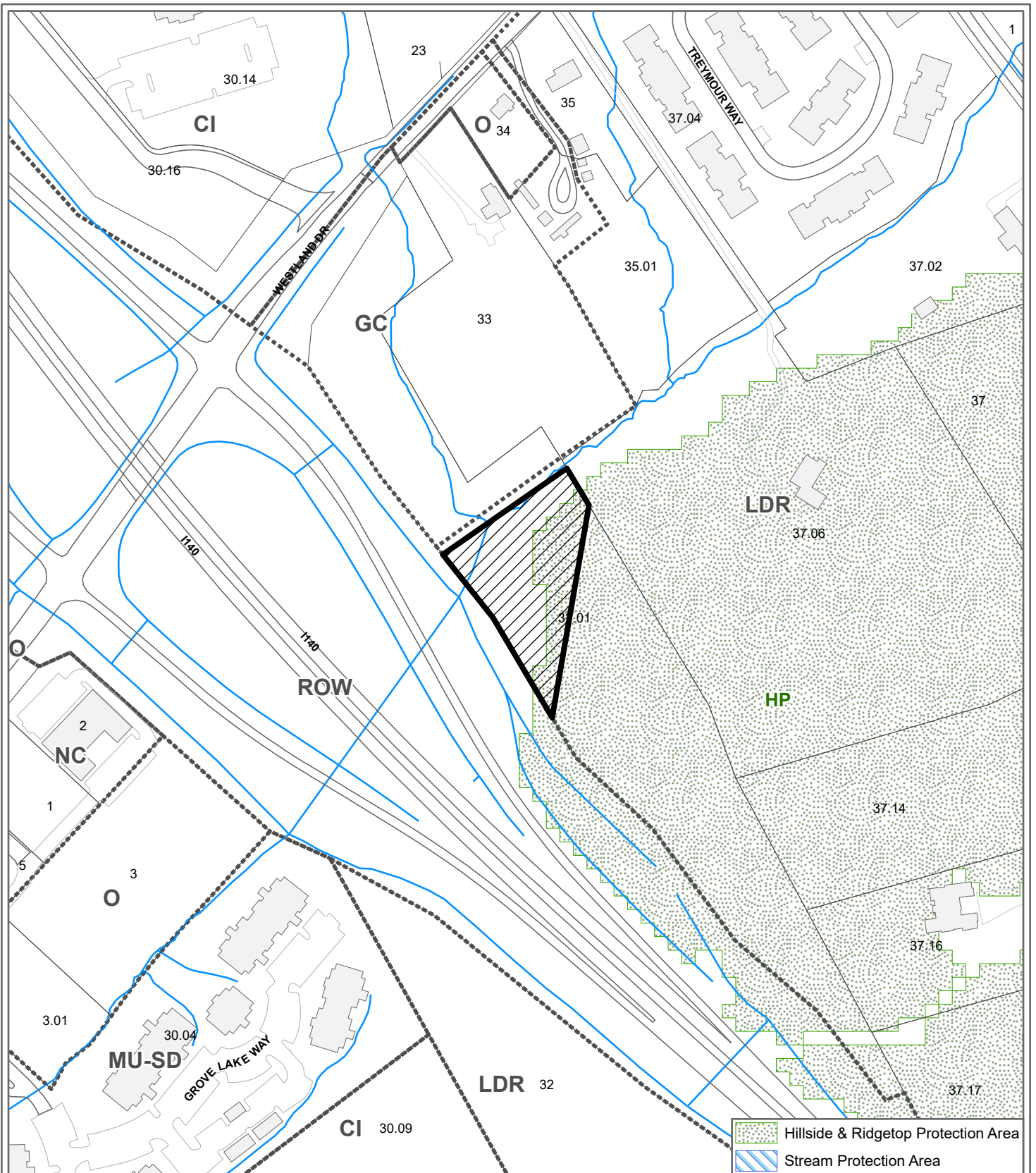
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The requested C-H-1 zoning would require a plan amendment to the GC (General Commercial) land use class. As stated previously, amending the requested portion of the property to GC extends that land use deeper into the parcel where it would be adjacent to residential land use.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

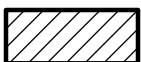
If approved, this item will be forwarded to Knoxville City Council for action on 8/10/2021 and 8/24/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**7-B-21-SP  
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) / HP (Hillside Protection)

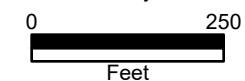
To: GC (General Commercial) / HP (Hillside Protection)



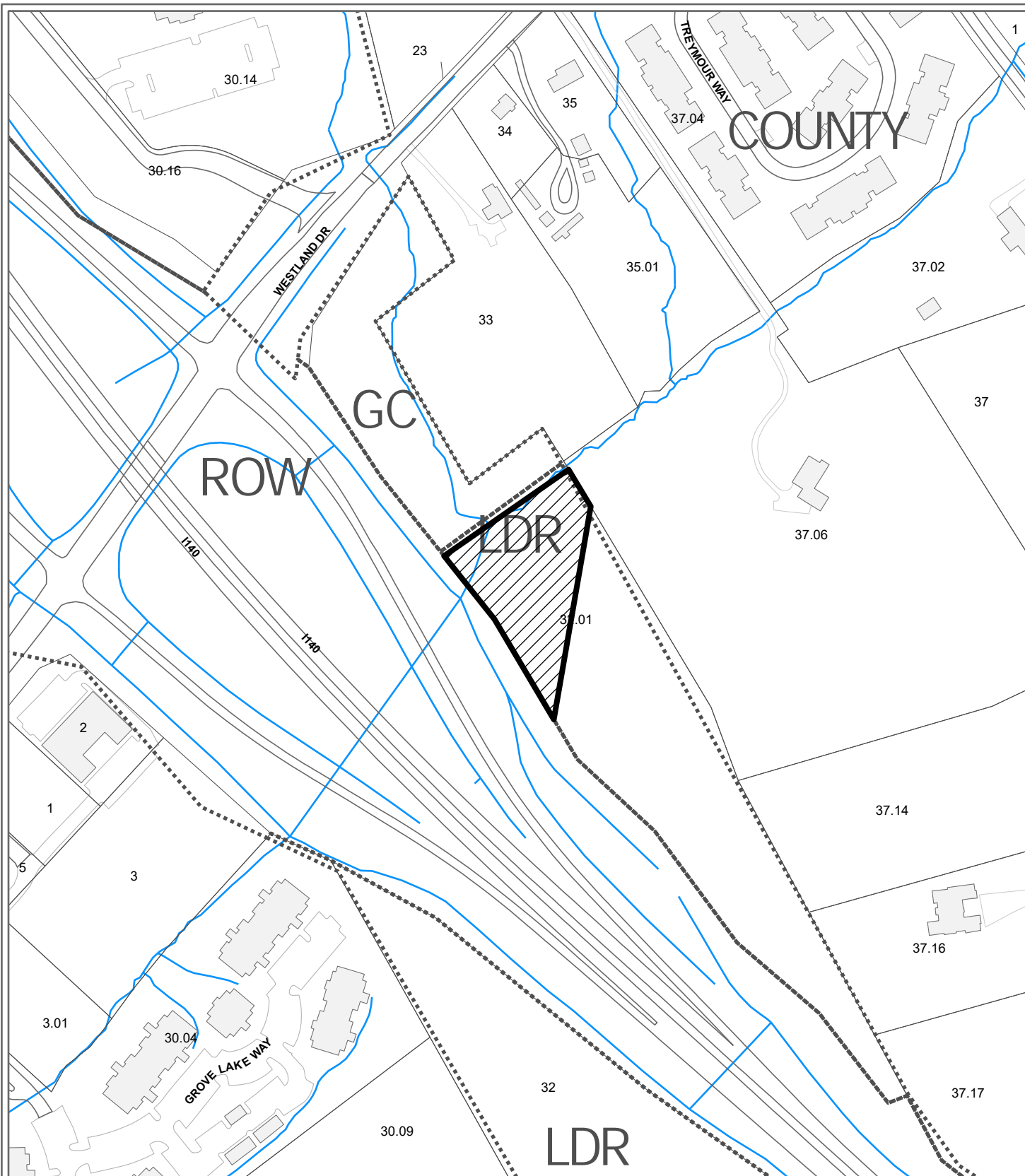
Petitioner: Preston Smith, Dean

Map No: 144

Jurisdiction: City



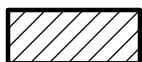
Original Print Date: 6/8/2021 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902



**7-B-21-PA / 7-E-21-RZ  
PLAN AMENDMENT**

From: LDR (Low Density Residential) / HP (Hillside Protection)

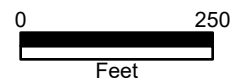
To: GC (General Commercial) / HP (Hillside Protection)



Petitioner: Smith, Dean Preston

Map No: 144

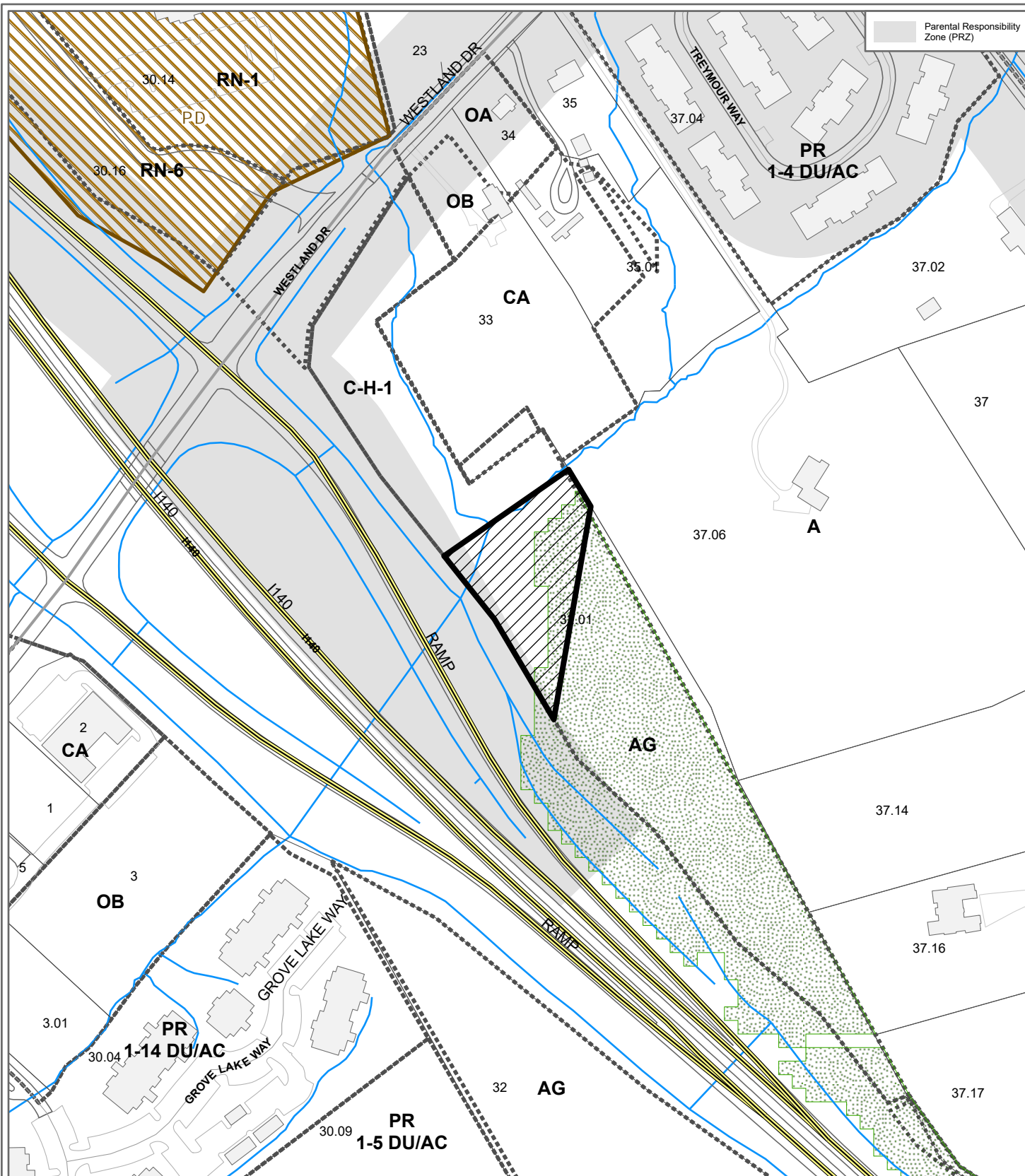
Jurisdiction: City



Original Print Date: 6/8/2021

Revised:

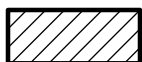
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902



### 7-E-21-RZ REZONING

From: AG (Agricultural) / HP (Hillside Protection)

To: C-H-1 (Highway Commercial) / HP (Hillside Protection)



Original Print Date: 6/8/2021  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

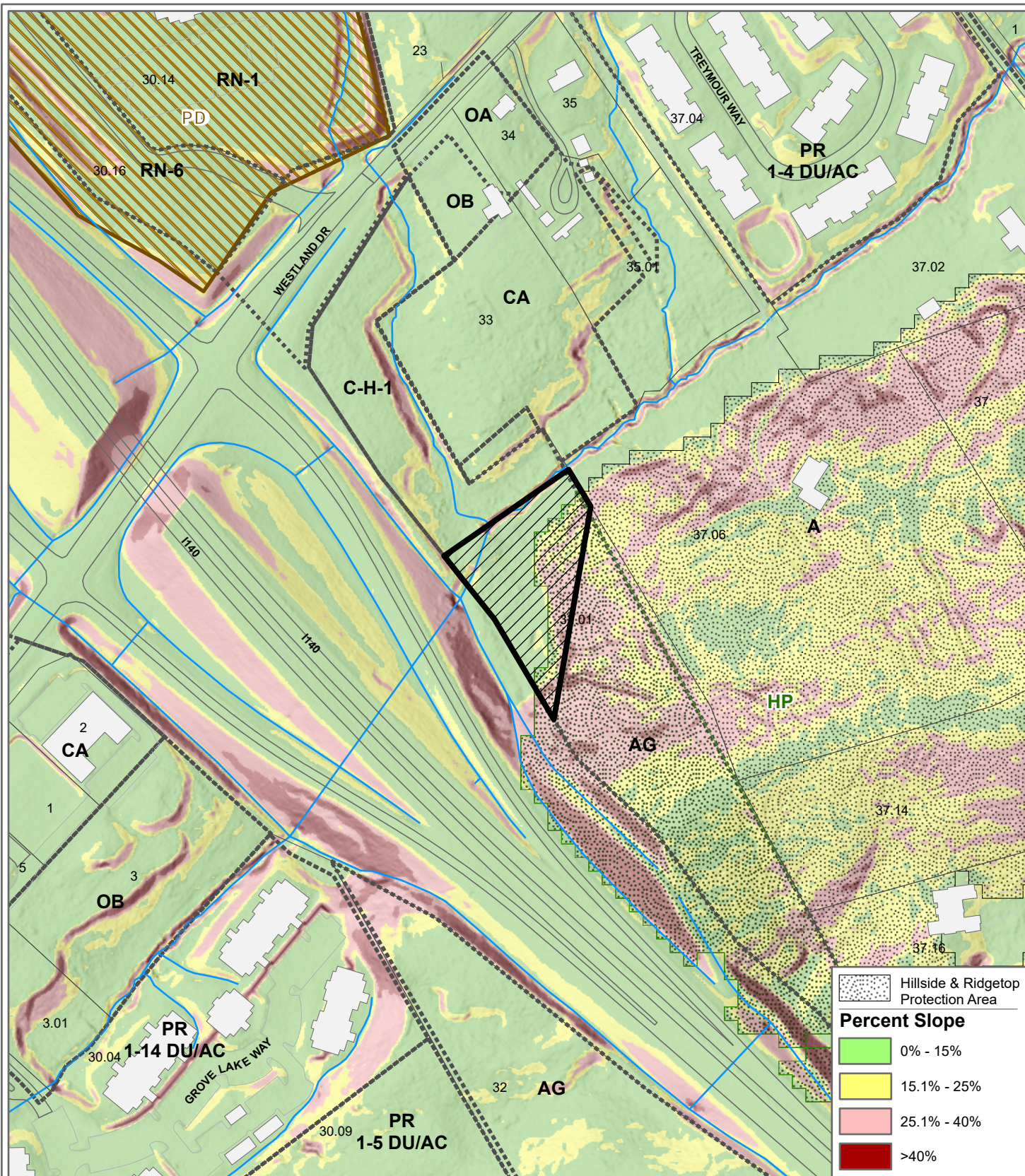
Petitioner: Smith, Dean Preston

Map No: 144

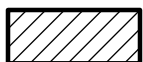
Jurisdiction: City

0 250  
 Feet





**7-E-21-RZ / 7-B-21-PA / 7-B-21-SP  
SLOPE ANALYSIS**



From: AG (Agricultural) / HP (Hillside Protection)

To: C-H-1 (Highway Commercial) / HP (Hillside Protection)

Petitioner: Smith, Dean Preston

Map No: 144

Jurisdiction: City

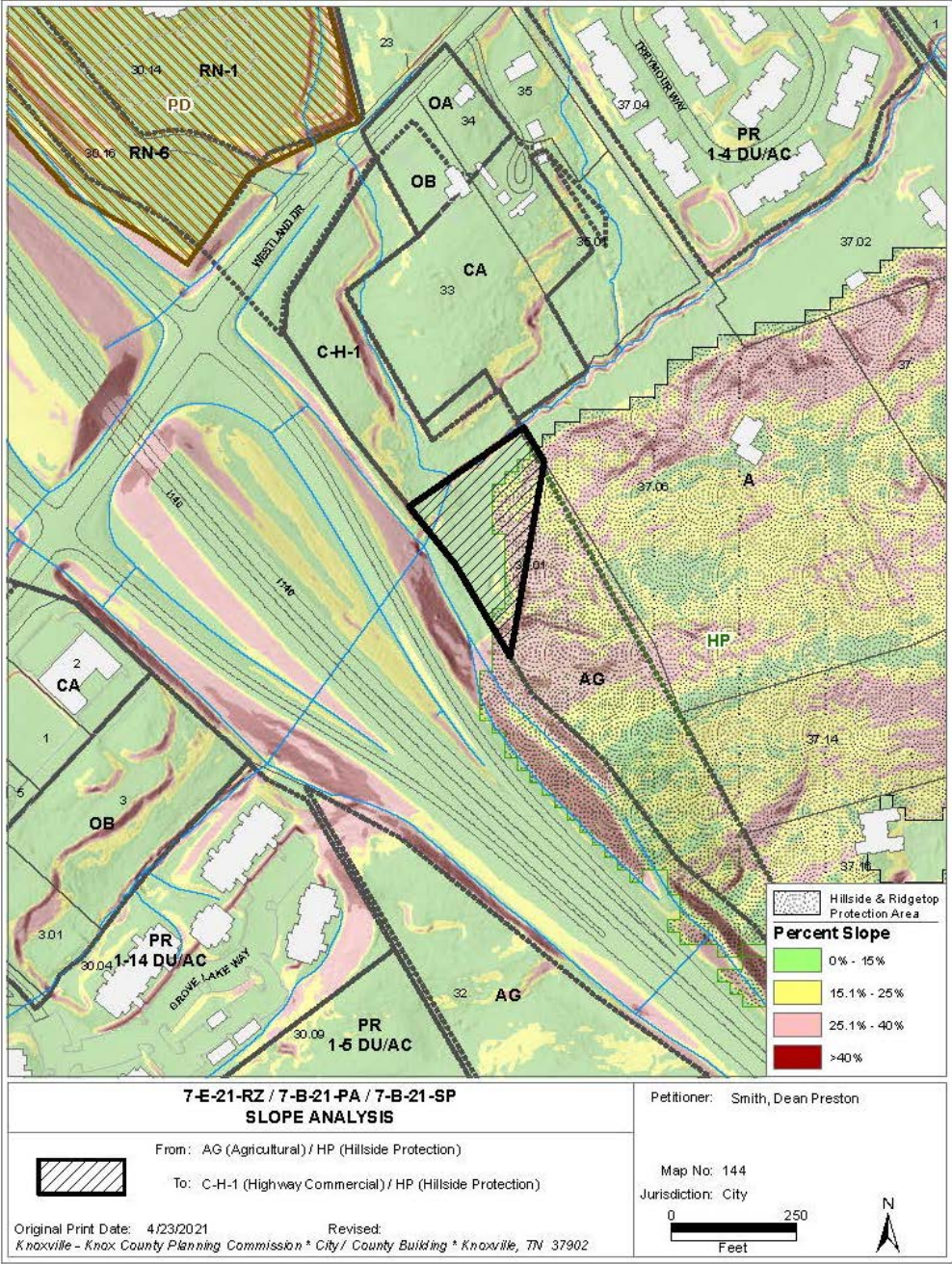
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Feet

Original Print Date: 4/23/2021 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

**Slope Analysis**  
**7-E-21-RZ / 7-B-21-PA / 7-B-21-SP**

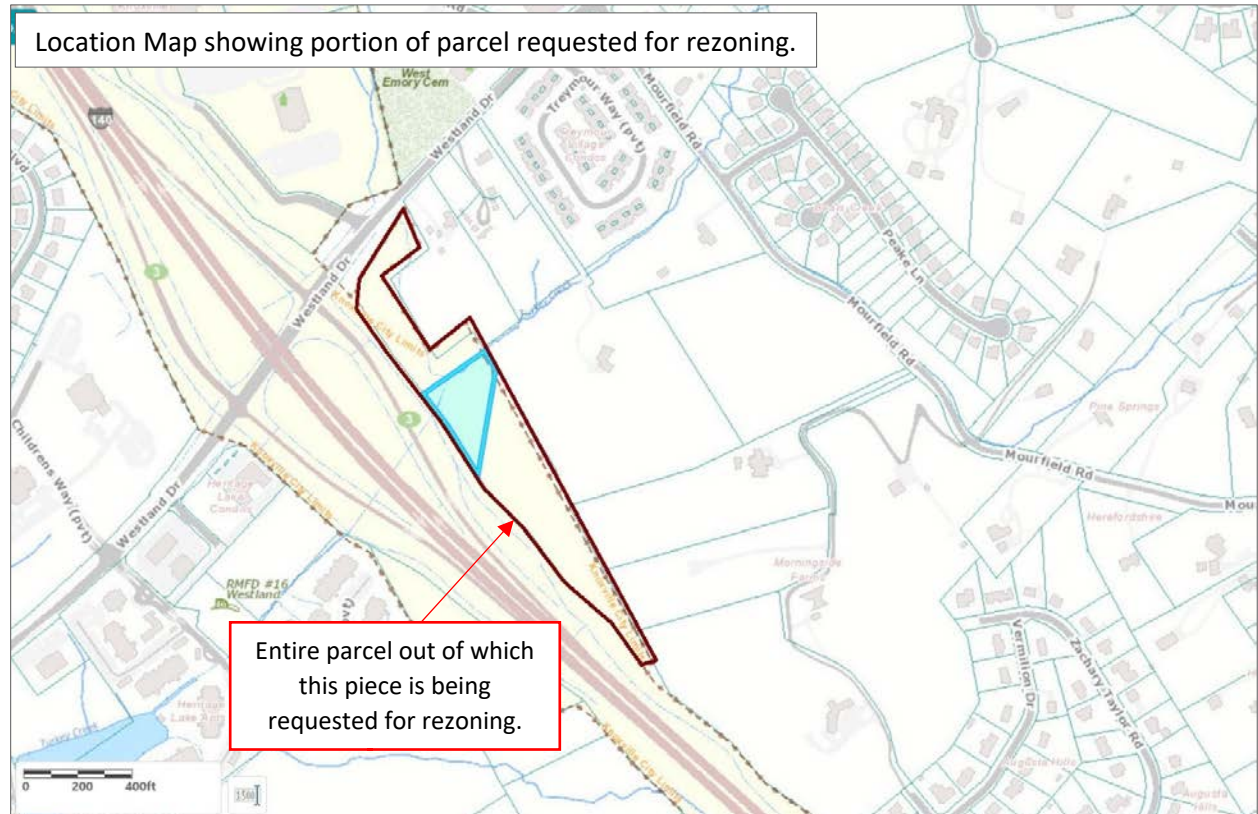
CATEGORY	ACRES	LAND DISTURBANCE FACTOR	ACRES OF DISTURBANCE
Non-Hillside (HP)	0.86	100%	0.86
0-15% Slope	0.07	100%	0.07
15-25% Slope	0.17	50%	0.08
25-40% Slope	0.23	20%	0.05
Greater than 40% Slope	0.03	10%	0.00
Subtotal: Sloped Land (Inside HP)	0.49		
<b>Total</b>	<b>1.35</b>		<b>1.060</b>

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	0.86	100%	0.86
0-15% Slope	0.07	100%	0.07
15-25% Slope	0.17	50%	0.09
25-40% Slope	0.23	20%	0.05
Greater than 40% Slope	0.03	10%	0.00
Ridgetops	0.49		
Subtotal: Sloped Land	0.99	Recommended disturbance budget within Hillside Protection Area (acres)	0.20
Total Acreage	1.85		1.06

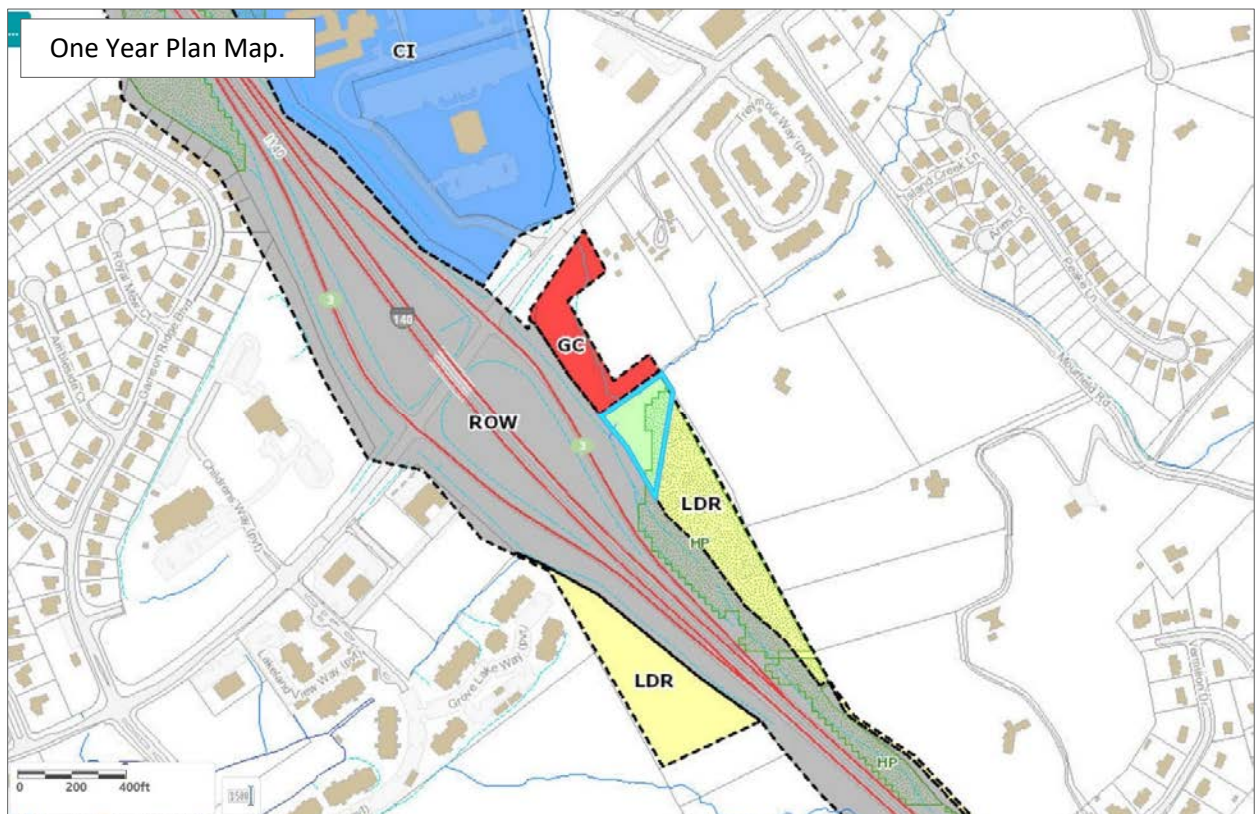
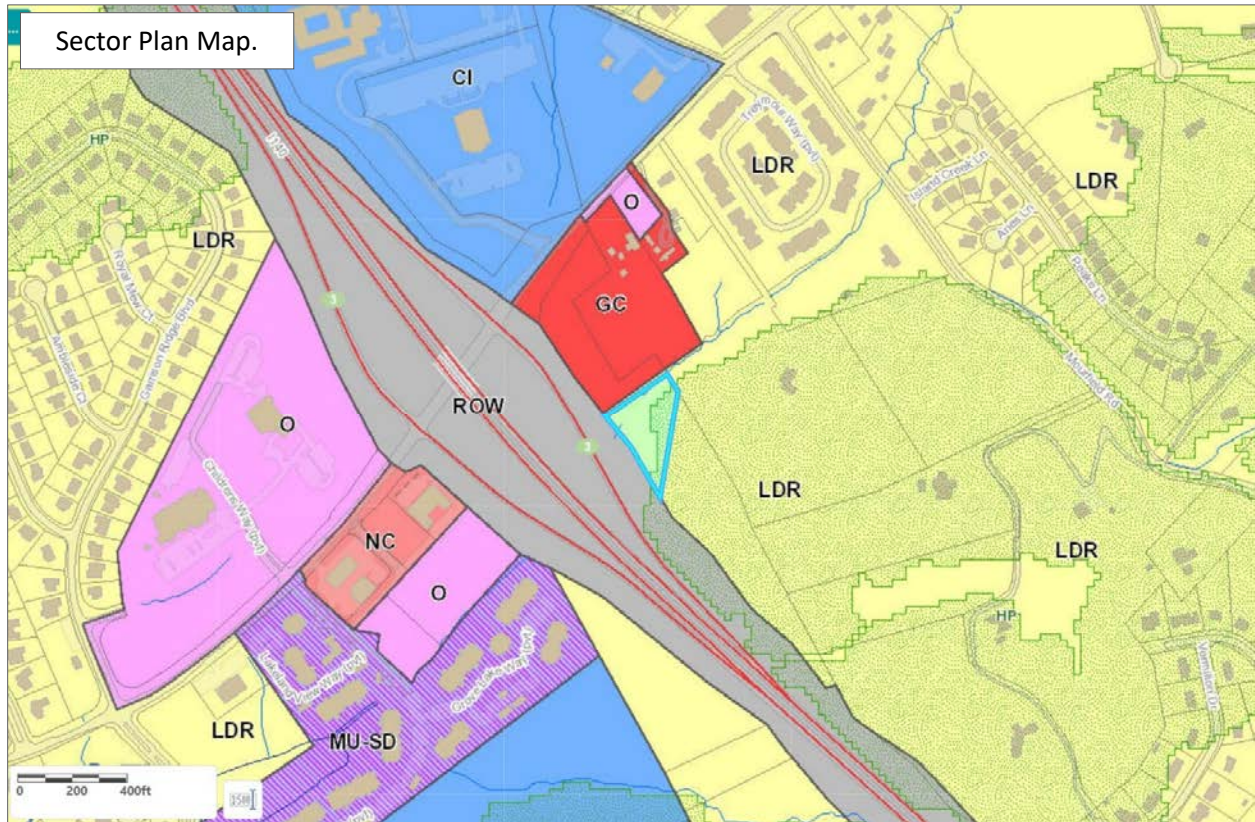


## 7-E-21-RZ/7-B-21-PA/7-B-21-SP

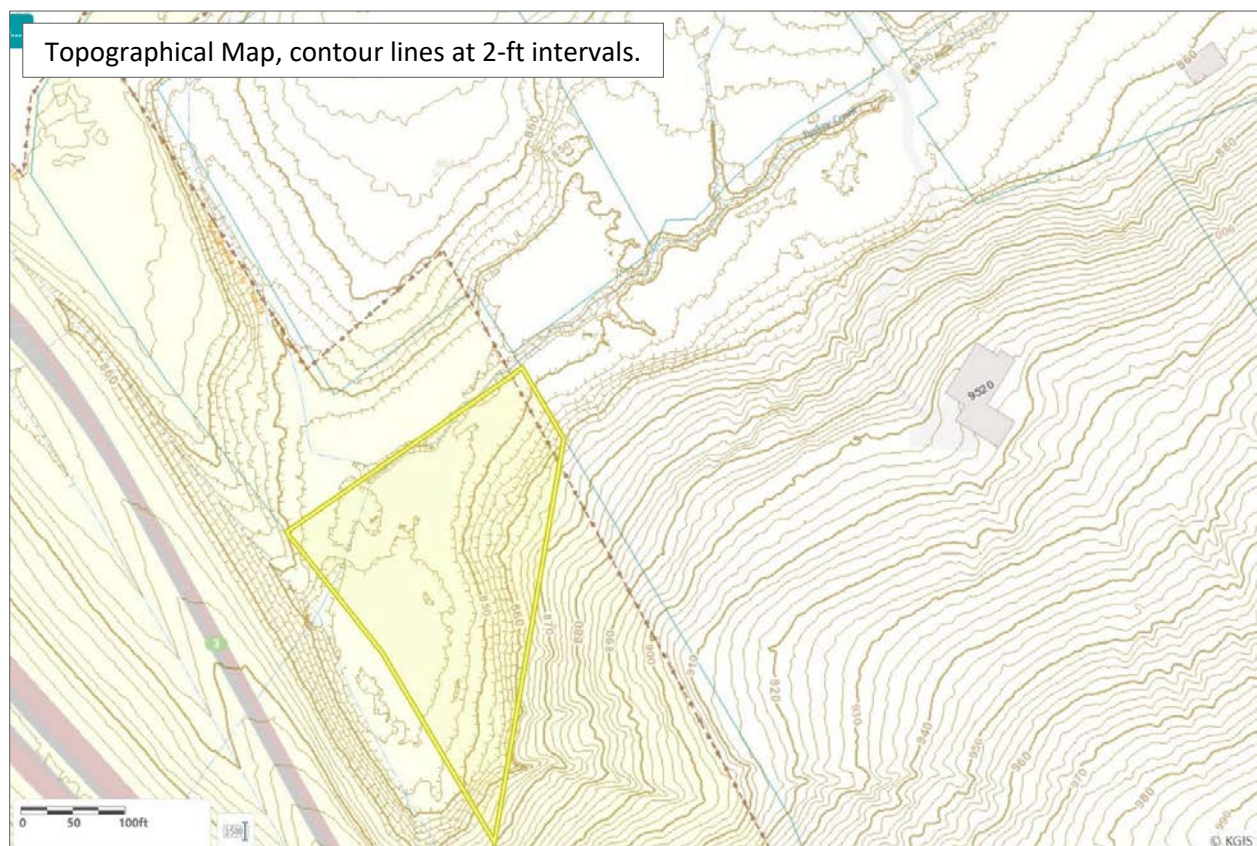
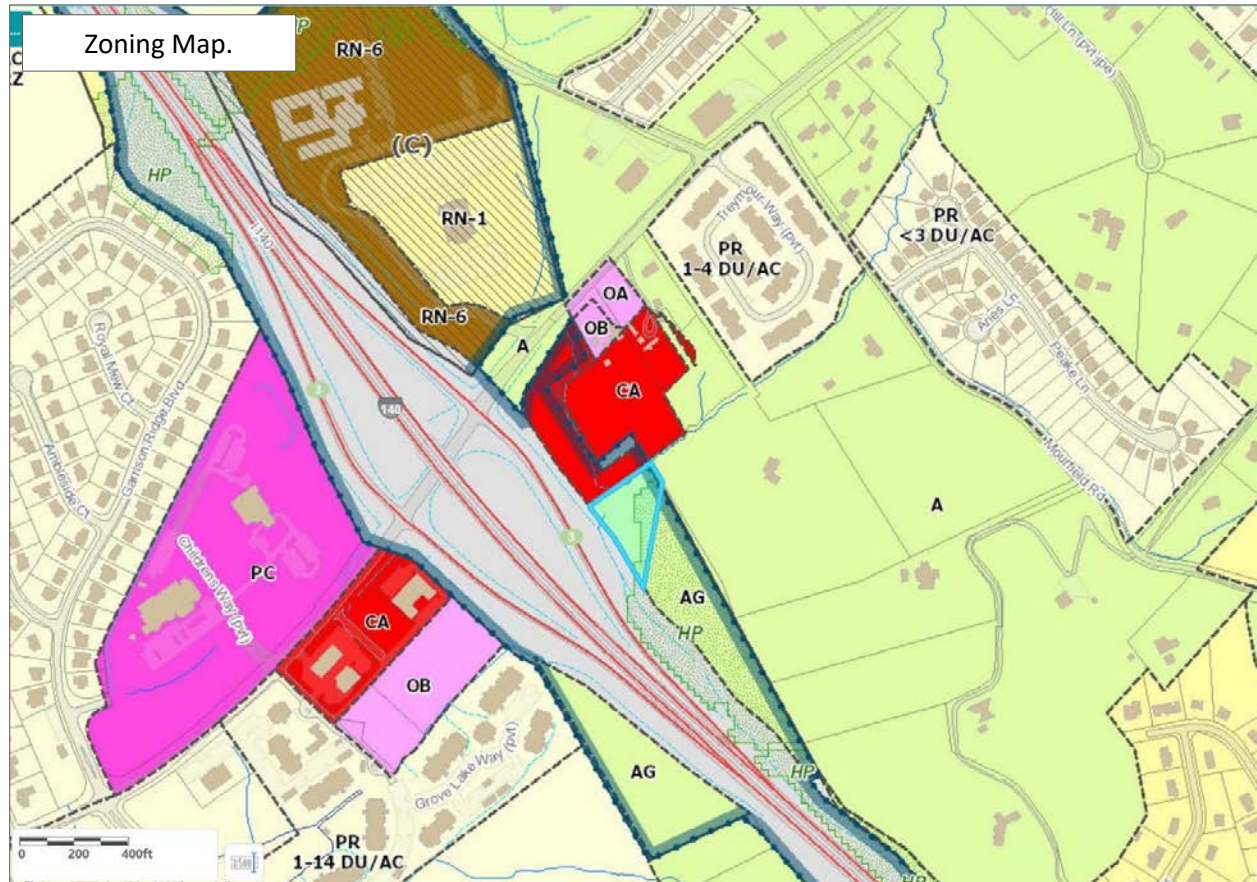
### EXHIBIT A. Contextual Images



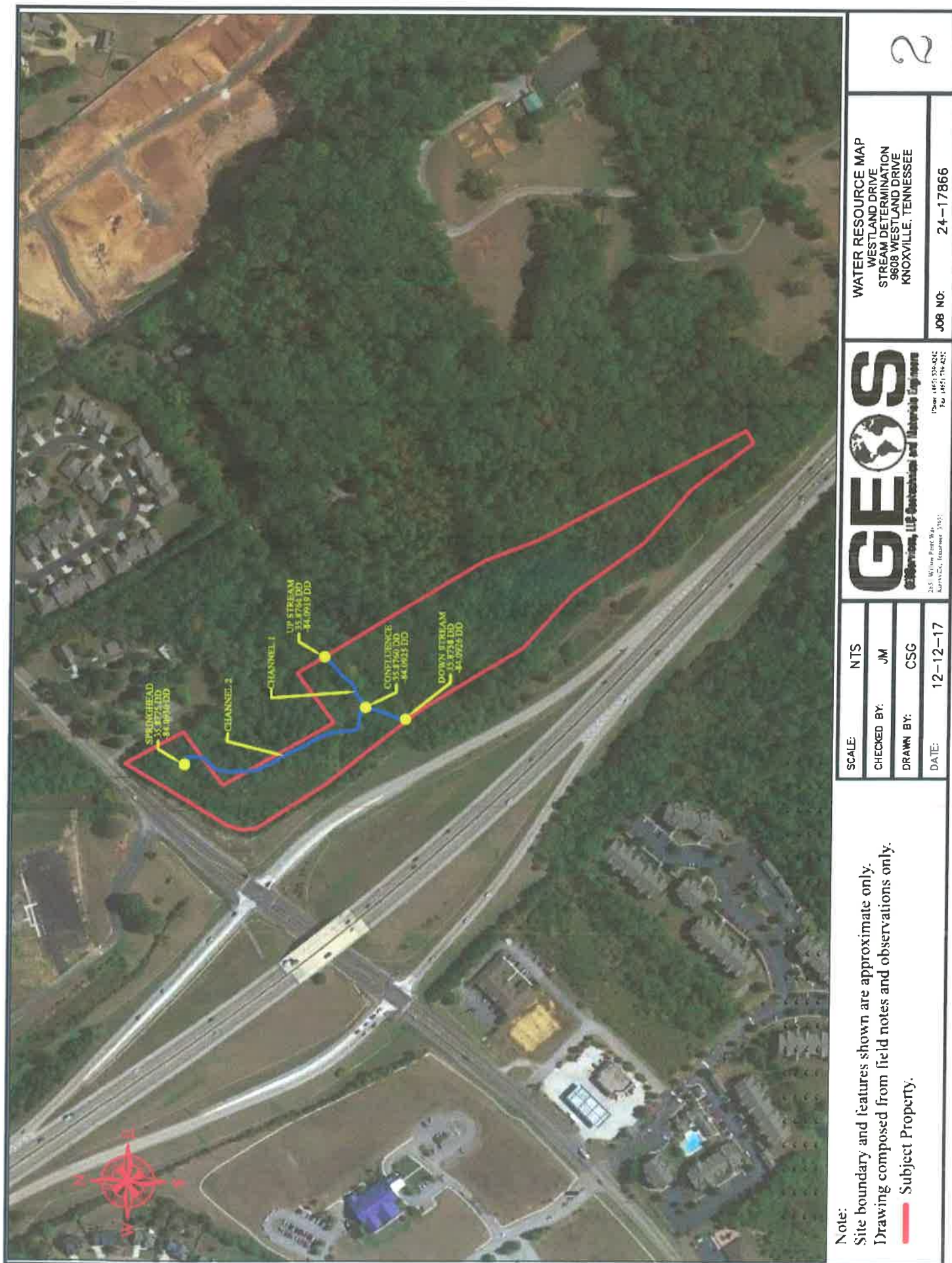
7-E-21-RZ/7-B-21-PA/7-B-21-SP  
EXHIBIT A. Contextual Images



7-E-21-RZ/7-B-21-PA/7-B-21-SP  
EXHIBIT A. Contextual Images



# Exhibit B. TDEC map showing streams on property



Note:

Site boundary and features shown are approximate only.  
 Drawing composed from field notes and observations only.

— Subject Property.

SCALE: NTS

CHECKED BY: JM

DRAWN BY: CSG

DATE: 12-12-17



235 Wilson Park Way  
 Knoxville, Tennessee 37912  
 Phone: (615) 376-4242  
 Fax: (615) 376-4232

WATER RESOURCE MAP  
 WESTLAND DRIVE  
 STREAM DETERMINATION  
 9808 WESTLAND DRIVE  
 KNOXVILLE, TENNESSEE

JOB NO: 24-17866

2



# 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

Dean Preston Smith

Owner

Applicant Name

Affiliation

5-18-21 5/20/21

7-8-21

File Number(s)

Date Filed

Meeting Date (if applicable)

7-E-21-RZ

7-B-21-PA

7-B-21-SP

## CORRESPONDENCE

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

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

John Patteson

MBI Companies

Name

Company

299 N. Weisgarber Road

Knoxville

TN

37919

Address

City

State

ZIP

865-584-0999

johnp@mbicompanies.com

Phone

Email

## CURRENT PROPERTY INFO

LeConte Holdings LLC

7011 Lawford Road

Owner Name (if different)

Owner Address

Owner Phone

9608 Westland Drive Knoxville, TN 37922

144 03201

(part of)

Property Address

Parcel ID

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

south east side of the  
Intersection of Westland Drive and Pellissippi Parkway

1.05 acres

General Location

Tract Size

2  
☒ City ☐ County  
District

AG / HP

Vacant AgForVac

Zoning District

Existing Land Use

Southwest County

LDR / HP

N/A

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    C-H-1 / HP  
 Proposed Zoning

☒ Plan Amendment Change    GC / HP  
 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
0326	1000.00	
Fee 2		
0526	600.00	
Fee 3		
0516	300.00	\$1900.00

**AUTHORIZATION**

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

Applicant Signature

Dean Preston Smith

Please Print

Date

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

Staff Signature

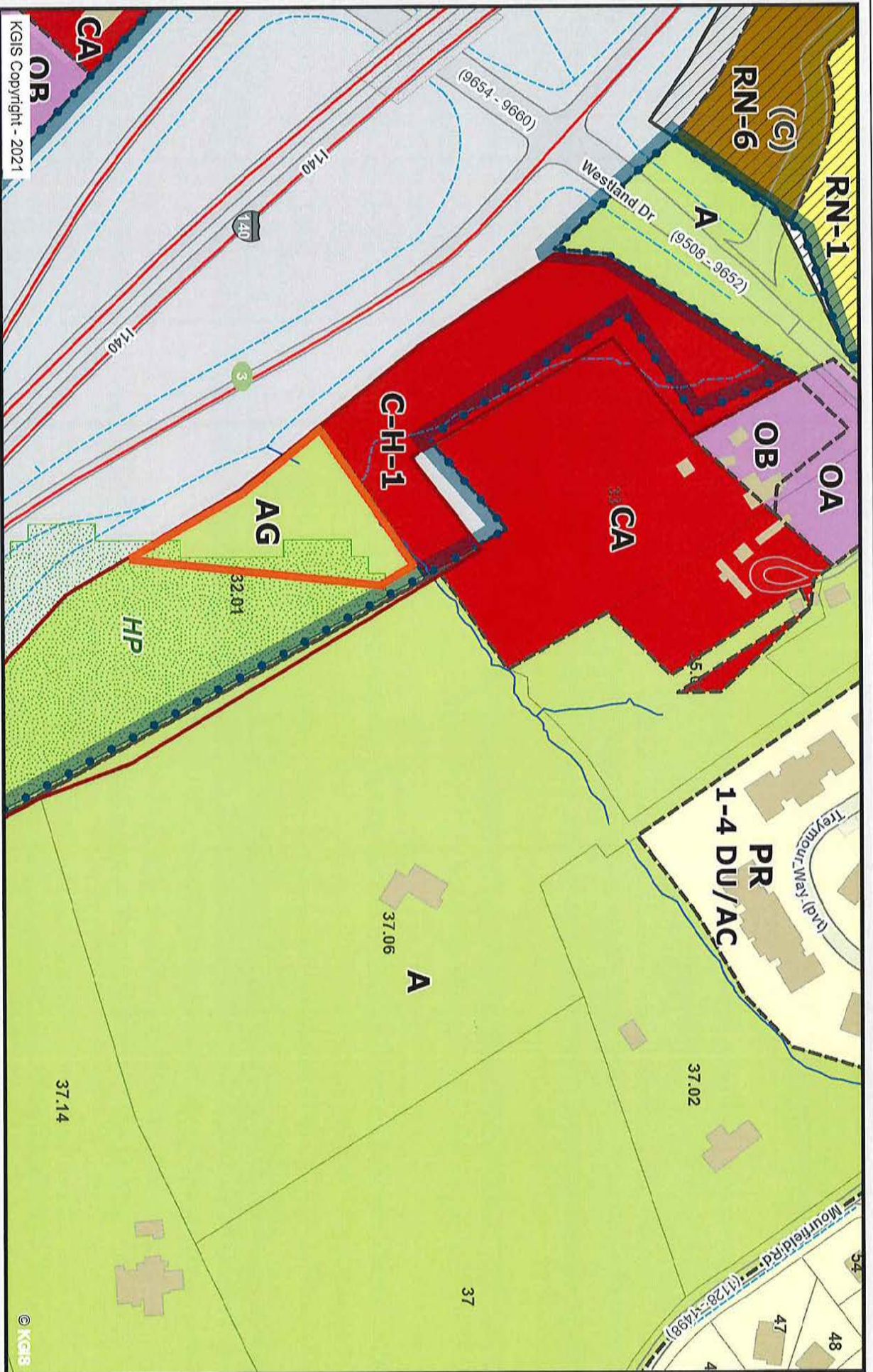
Sherry Michienzi

Please Print

5/20/2021

Date

swm 5/21/2021



# Rezoning Exhibit

Knoxville - Knox County - KUB Geographic Information System

KGIS makes no representation or warranty as to the accuracy of this map and the information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

Printed: 3/24/2021 at 9:18:10 AM

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