



was denied (3-H-81-RZ). In 2005 the parcel was rezoned from A (Agricultural) to TC (Town Center) (8-H-05-RZ). In 2015 the parcel was rezoned from TC (Town Center) to CA (General Business) with conditions (10-B-15-RZ).

### PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

### SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

### OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

## PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:                      Jessie Hillman

Staff Recomm. (Abbr.):                  Revise the curb cut condition because the property boundary has changed since the condition took effect. The revised condition shall read as follows:

Staff Recomm. (Full):                  1. Curb cuts providing access to development on the property shall be limited to three (3). One will be located on the eastern side of the property in the location of the existing driveway to the veterinary clinic and two between this drive and the residential-style structures located to the west.

Comments:                                  This is a request to remove one zoning condition placed on the subject property when it was approved for a plan amendment and rezoning in 2016. The request was to amend the former sector plan's land use classifications of MU-CC (Mixed Use Community Commercial) and LDR (Low Density Residential) to GC (General Commercial) (4-E-16-SP), and to rezone the property from the A (Agricultural) and TC (Town Center) zones to the CA (General Business) zone (10-B-15-RZ). There were many site design conditions attached to the rezoning to maintain the mixed-use and pedestrian-oriented intent of the former Town Center zone and avoid strip commercial development.

The condition the applicant is seeking to have removed is for the number of curb cuts providing access to development on the property to be limited to three, with one curb to be located on the eastern side of the property in the location of the existing driveway to the veterinary clinic, one to be between the driveway of the subject parcel and the residential-style structures located to the west, and one to be on the western-most side of the property.

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. There has been a significant change pertinent to this request to remove the curb cut zoning condition placed on the subject property. Exhibit B and C in this package show how the property boundary has changed since the 2016 rezoning, and it impacts the curb cut locations described in the zoning condition. The "western-most side of the property" at 708 W Emory Road was sold to another party in 2020, making that access point infeasible. 528 and 534 W Emory Road have also been sold off, though the curb cut here described in the zoning conditions as the "one between this drive (Start Mountain Way) and the residential-style structures located to the west" has been retained through a permanent access easement on the recorded plat, as shown in Exhibit D.
2. Given the loss of an access point as described in the zoning condition, staff recommend revising the condition to remove the western-most location and permit one curb cut between the permanent access easement at 528 W Emory Road and Start Mountain Way where the veterinary clinic is located.

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

1. The previous curb cut zoning condition acknowledged the existing sidewalk infrastructure on both sides of W Emory Road and was one of several other conditions intended to support a more pedestrian-oriented environment. The current staff recommendation to retain the maximum number of

curb cuts for future commercial development at three, while permitting a new one that is more centrally located on the property, maintains the intent of the zoning condition while also acknowledging changing circumstances with the property boundary.

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. A high frequency of curb cuts for commercial driveways where sidewalks exist can create unsafe conditions for pedestrians utilizing the public right-of-way. That is why staff are not recommending removal of the curb cut condition entirely as requested by the applicant. Instead, staff recommend permitting one additional curb cut between the easement at 528 W Emory Road and Star Mountain Way, which is a wide frontage of 523 feet. One curb cut within that distance should not significantly impact walkability along the south side of W Emory Road, and any new curb cut will be subject to review and approval by the Tennessee Department of Transportation.

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 CMU (Corridor Mixed-Use) place type designation for this property in the Knox County Comprehensive Plan is intended for moderate-scale, walkable mixed-use development occurring along major corridors. Streets should promote a walkable setting with short block lengths, wide sidewalks, and street trees. The ability to add one curb cut for future commercial and/or mixed-use development along an expanse of 523 feet can provide a shorter, more walkable block length without jeopardizing pedestrian safety.

2. The revised condition is consistent with the Comprehensive Plan's Implementation Policy 3 to encourage infill and redevelopment of underutilized commercial land. This reasonable revision to the property's zoning condition will support infill commercial development along this major arterial corridor of W Emory Road.

**Action:** Approved

**Meeting Date:** 6/12/2025

**Details of Action:**

**Summary of Action:** Revise the curb cut condition because the property boundary has changed since the condition took effect. The revised condition shall read as follows:

**Date of Approval:** 6/12/2025

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 7/21/2025

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**