



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 8-K-22-RZ

AGENDA ITEM #: 19

8-E-22-SP

AGENDA DATE: 8/11/2022

► **APPLICANT:** WILLIAM DALE RHOTON

OWNER(S): Terri K. Foote

TAX ID NUMBER: 137 D C 001

[View map on KGIS](#)

JURISDICTION: Commission District 9

STREET ADDRESS: 116 KIMBERLIN HEIGHTS RD

► **LOCATION:** Northeast side of Kimberlin Heights Rd, southwest of Pennyroyal Dr

► **TRACT INFORMATION:** 2.1 acres.

SECTOR PLAN: South County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Kimberlin Heights Road, a major collector with a pavement width of 21-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Sewer service unavailable at this location

WATERSHED: Burnett Creek

► **PRESENT PLAN DESIGNATION/ZONING:** AG (Agricultural), HP (Hillside Protection) / A (Agricultural)

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

► **EXISTING LAND USE:** Rural Residential

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, GC and CA are adjacent.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, North: Agriculture/forestry/vacant - AG (Agriculture) / HP (Hillside Protection) - A (Agriculture)

ZONING South: Rural residential - GC (General Commercial) / HP (Hillside Protection) - CA (General Business)

East: Agriculture/forestry/vacant - AG (Agriculture) / HP (Hillside Protection) - A (Agriculture)

West: Agriculture/forestry/vacant - GC (General Commercial) / HP (Hillside Protection) - CA (General Business)

NEIGHBORHOOD CONTEXT: This is a slope constrained, forested area with single family residential properties adjacent to the north.

STAFF RECOMMENDATION:

- ▶ Withdraw the plan amendment as requested by the applicant.

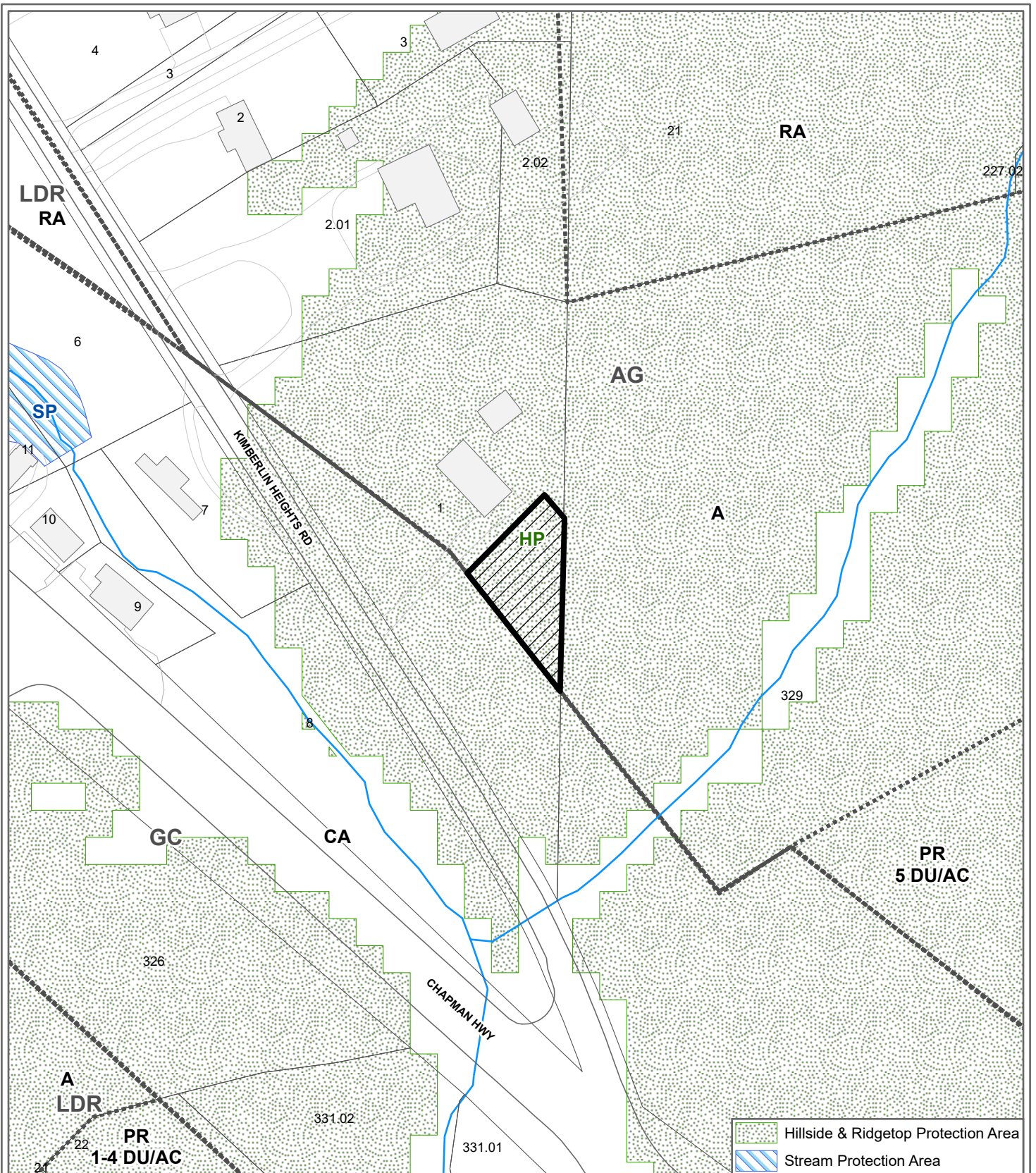
- ▶ Withdraw the rezoning as requested by the applicant.

COMMENTS:

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/26/2022. 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.



8-E-22-SP / 8-K-22-RZ **SOUTH COUNTY SECTOR PLAN AMENDMENT**

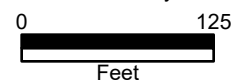
From: AG (Agricultural), HP (Hillside and Ridgeline Protection)

To: GC (General Commercial); HP (Hillside/Ridge Top Protection Areas)

Petitioner: William Dale Rhoton

Map No: 137

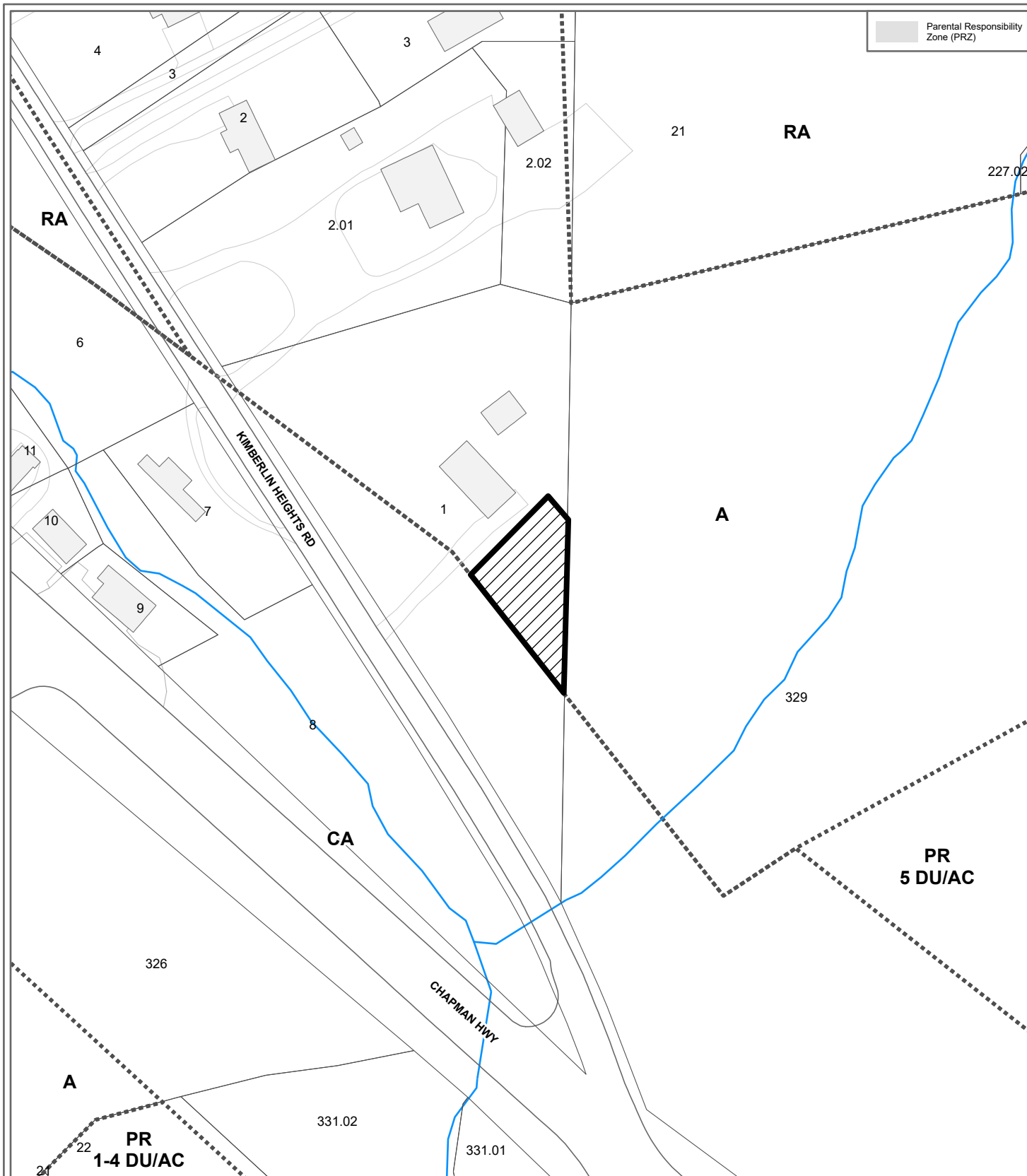
Jurisdiction: County



Original Print Date: 7/21/2022

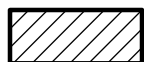
Revised:

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



8-K-22-RZ REZONING

Petitioner: William Dale Rhoton

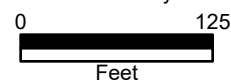


From: A (Agricultural)
To: CA (Commercial)

Original Print Date: 7/21/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Map No: 137
Jurisdiction: County





Request to Postpone • Table • Withdraw

William Dale Rhoton

7/27/2022

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

Date of Request

8/11/2022

Scheduled Meeting Date

File Number(s)

8-K-22-RZ / 8-E-22-SP

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 _____ Planning Commission Meeting.

WITHDRAW

- ☒ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than noon 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 prior to public notice and the request is approved by the Executive Director or Planning Services Manager. **The refund check will be mailed to the original payee.*

TABLE

- ☐ **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.


Applicant Signature

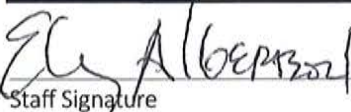
Please Print

WM. DALE RHOTON

865-660-3620
Phone Number

dale.rhoton1957@gmail.com
Email

STAFF ONLY


Staff Signature

ELIZABETH ALBERTSON
Please Print

N/A
Date Paid ☐ No Fee

Eligible for Fee Refund? ☐ Yes ☒ No Amount:

Approved by:

Date:

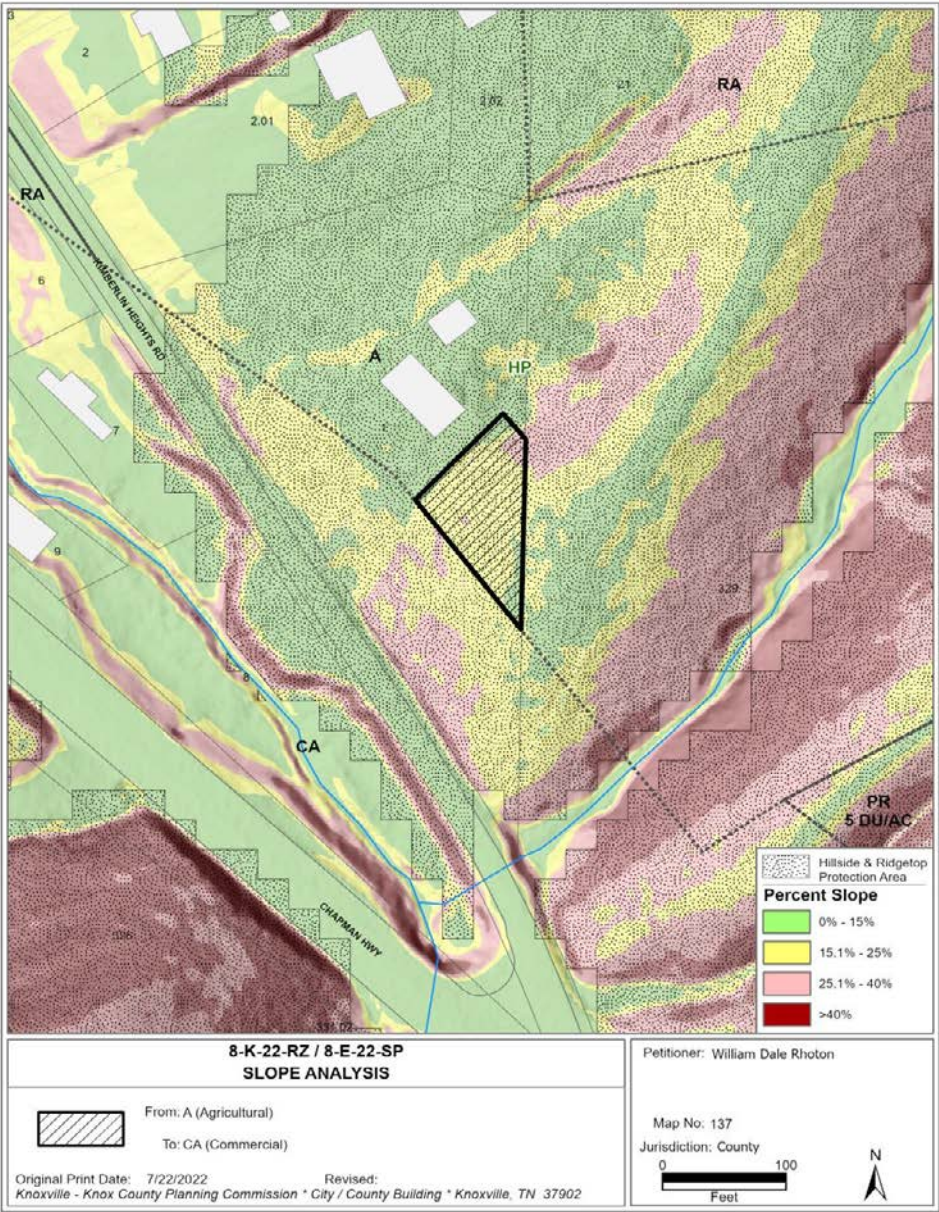
Payee Name

Payee Phone

Payee Address

February 2022

CATEGORY	SQFT	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)
Total Area of Site	8154.79		
Non-Hillside	0	N/A	
0-15% Slope	1,073.33	100%	1073.33
15-25% Slope	6,444.52	50%	3222.26
25-40% Slope	636.94	20%	127.39
Greater than 40% Slope		10%	0.0
Ridgetops			
Hillside Protection (HP) Area	8154.79	Recommended disturbance budget within HP Area	4423.0
		Percent of HP Area	0.5





Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Plan Amendment
☒ Sector Plan
☐ One Year Plan
☐ Rezoning

William Dale Rhoton

Applicant Name

6/27/2022

Date Filed

8/11/2022

Planning Commission
Meeting (if applicable)

9/26/2022 (Knox County Commission)

Legislative Meeting (if applicable)

8-E-22-SP / 8-K-22-RZ

File Number(s)

CORRESPONDENCE

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

Richard LeMay LeMay and Associates

Name / Company

10816 Kingston Pk. Pk. Knoxville TN 37934

Address

865-671-0183 / rlemay@lemayassociates.com

Phone / Email

CURRENT PROPERTY INFO

Terri K. Foote

Owner Name (if different)

5417 Lonas Dr Knoxville TN 37909

Owner Address

Owner Phone / Email

116 KIMBERLIN HEIGHTS RD

Property Address

137 D C 001

Parcel ID

2.1 acres

Part of Parcel (Y/N)?

Tract Size

Sewer service unavailable at this location

Sewer Provider

KNOX CHAPMAN WATER

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northeast side of Kimberlin Heights Rd, southwest of Pennyroyal Dr

General Location

☐ City Commission District 9 A (Agricultural), CA (General Business)

☒ County District

Zoning District

Rural Residential

Existing Land Use

South County

Planning Sector

AG (Agricultural), GC (General Commercial), HP (Hillside Protection) Rural

Sector Plan Land Use Classification

Growth Policy Plan Designation
Growth Area

DEVELOPMENT REQUEST

☐ Development Plan ☐ Planned Development ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

☐ Attachments / Additional Requirements**ZONING REQUEST**

☐ Zoning Change **CA (General Business)**
Proposed Zoning

Pending Plat File Number

Proposed Density (units/acre) Previous Zoning Requests

☒ Plan Amendment Change **GC (General Commercial);HP (Hillside Protection)**
Proposed Plan Designation(s)

Additional Information

STAFF USE ONLY**PLAT TYPE**

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ COA Checklist (Hillside Protection)
☐ Design Plan Certification (Final Plat)
☐ Site Plan (Development Request)
☐ Traffic Impact Study
☐ Use on Review / Special Use (Concept Plan)

Fee 1

\$1,600.00

Total

Fee 2

Fee 3

AUTHORIZATION

By signing below, I certify that I am the property owner, applicant, or owner's authorized representative.

Richard LeMay LeMay and Associates, 10816 Kingston Pk. Pk. Knoxville T**6/27/2022**

Application Authorized By

Affiliation

Date

865-671-0183 / rlemay@lemayassociates.com

Phone / Email

Cameron Taylor

Staff Signature

Please Print

Date Paid



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

William Dale Rhoton

Applicant Name

Affiliation

6-16-22

Date Filed

Meeting Date (if applicable)

File Number(s)

See Digital Application

CORRESPONDENCE

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

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

Richard LeMay

LeMay & Associates

Name

Company

10816 Kingston Pike

Knoxville

TN

37934

Address

City

State

ZIP

865-671-0183

rlemay@lemayassociates.com/rlemay2@lemayassociates.com

Phone

Email

CURRENT PROPERTY INFO

Terri K Foote

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

116 Kimberlin Heights Rd

137DC0011

Property Address

Parcel ID

Knox Chapman Utility

Knox Chapman Utility

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

0.22 acres

General Location

Tract Size

See Digital Application.

☐ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

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 ChangeCA
Proposed Zoning☒ Plan Amendment ChangeGC
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

See Digital Application

Fee 2

Fee 3

AUTHORIZATION

Applicant Signature

Please Print

Date

Phone Number

Email

See attached letter with signatures.

Property Owner Signature

Please Print

Date

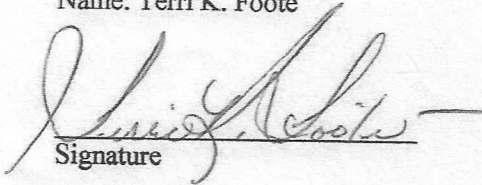
LEMAY AND ASSOCIATES

10816 Kingston Pike, 2nd Floor
Knoxville, TN 37934
Phone: 865-671-0183 – Fax: 865-671-0213

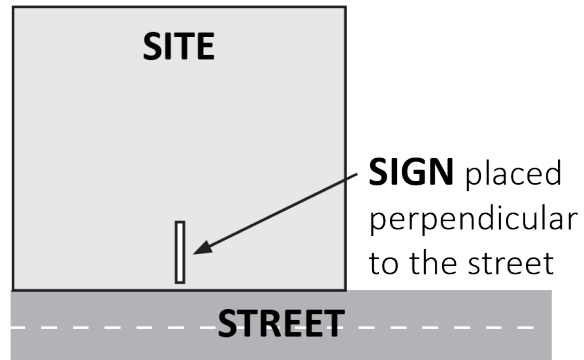
Knoxville-Knox County Planning
400 Main St, Suite 403
Knoxville, TN 37902

I authorize Dale Rhoton to act on my behalf for submission of rezoning request for Parcel:
137DC011, Address: 116 Kimberlin Heights Rd., Zoning: CA and A, Asking for CA.

Name: Terri K. Foote


Signature

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, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, 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.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

☐

Sign posted by Staff

☐

Sign posted by Applicant