



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 8-D-24-RZ  
8-D-24-PA

**AGENDA ITEM #:** 32  
**AGENDA DATE:** 8/8/2024

► **APPLICANT:** JOHAN VAN TILBURG  
**OWNER(S):** Billy Collins & Richard Collins

**TAX ID NUMBER:** 28 045 [View map on KGIS](#)

**JURISDICTION:** Commission District 7

**STREET ADDRESS:** 7735 Freeway Heights Dr.

► **LOCATION:** South of Freeway Heights Dr, east of Gordon Smith Rd

► **TRACT INFORMATION:** 3.89 acres

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via an access easement (SPAE) to Freeway Heights Drive, a local street with a 15-ft pavement width within a 20-ft right-of-way.

**UTILITIES:** Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

**FIRE DISTRICT:** Rural Metro Fire

**WATERSHED:** Beaver Creek

► **PRESENT PLAN DESIGNATION/ZONING:** SMR (Suburban Mixed Residential), HP (Hillside Protection) / A (Agricultural)

► **PROPOSED PLAN DESIGNATION/ZONING:** CC (Corridor Commercial), HP (Hillside Protection) / CB (Business and Manufacturing)

► **EXISTING LAND USE:** Rural Residential

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

**HISTORY OF ZONING REQUESTS:** None noted.

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Agriculture/forestry/vacant land, single-family residential, right-of-way - SMR (Suburban Mixed Residential), HP (Hillside Protection)

**ZONING** South: Rural residential - TN (Traditional Neighborhood), HP (Hillside Protection)

East: Single-family residential, multifamily residential, agriculture/forestry/vacant land - SMR (Suburban Mixed Residential), HP (Hillside Protection)

West: Commercial - CMU (Corridor Mixed-Use), HP (Hillside Protection)

NEIGHBORHOOD CONTEXT: This lot is in a transitional area between single-family residences to the east and south and more heavy commercial/industrial uses to the west and northwest.

---

**STAFF RECOMMENDATION:**

- ▶ **Deny the CC (Corridor Commercial) place type because it does not meet the intent of the CC place type or the criteria for a plan amendment. The HP (Hillside Protection) area will be retained.**
  
- ▶ **Deny the CB (Business and Manufacturing) zone because the location is inconsistent with the intent of the CB district.**

**COMMENTS:**

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 place type is not the result of an error or omission in the Comprehensive Plan. The subject property's current SMR (Suburban Mixed Residential) place type is consistent with the existing residential land use of the site, and it is part of a cohesive cluster of SMR-designated properties.
2. The requested CC (Corridor Commercial) place type does not currently exist in this area, and the subject property's location does not align with the intent of the place type. Specifically, the Comprehensive Plan described the CC designation as being situated along major transportation corridors and appropriate for uses such as shopping centers. This property's legal access is via a narrow, unstriped easement leading to a 15-ft wide, unstriped local street that primarily services single-family residences.

**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. The only significant change of conditions to this area is the development of an approximately 1-acre surface parking lot in 2022, adjacent to the subject parcel at 7747 Freeway Heights Drive. That parcel is also in the SMR place type and is zoned A (Agricultural). It was denied a rezoning to CB (Business and Manufacturing) in 1999 because of its close proximity to residences. It appears the parking lot did not go through the proper permitting channels because it should have required a Use on Review, per Article 3.51.10: 'Parking in a more restrictive zone.' This change of conditions does not warrant further encroachment of more intensive development into a residential area.

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

1. Freeway Heights Drive is an exceedingly narrow residential street that runs parallel to Norris Freeway and provides access to that minor arterial street. The subject property's easement access to Freeway Heights Drive is approximately 12 ft wide. These roadway conditions are not suitable for the kind of commercial uses intended by the CC place type.
2. While specific development proposals are not within the scope of a rezoning review, the applicant has shared an intention to connect the subject property to the existing commercial property to the southwest and/or the parking lot to the northwest. Creating access to either adjacent lot would require grading into previously undisturbed hillside with slopes generally exceeding 40%. If such access was created, it could theoretically redirect traffic to Gordon Smith Road, a minor collector street. However, these are not the current conditions of the site. If new access was constructed, it would clear portions of a dense vegetative buffer between districts and would still result in more intensive commercial uses encroaching into a residential area.

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

1. There are no identified trends or projections that point to the need for an expansion of commercial activity into this residential area.

**THE PROPOSED CHANGES SUPPORT THE POLICIES AND ACTIONS, GOALS, OBJECTIVES, AND**

CRITERIA OF THE PLAN:

1. The proposed place type amendment would conflict with the intent of the CC place type and is not aligned with the goals or action steps 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. There are no changing conditions surrounding the subject property that warrant a rezoning from the A (Agricultural) district to the CB (Business and Manufacturing) district. The unpermitted surface parking lot that was constructed two years ago next to the subject property cleared over an acre of mature canopy that provided a vegetative buffer between heavy commercial activity and single-family residences. The proposed rezoning would further erode that protective boundary and is not appropriate at this location.

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

1. The CB zone is intended for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. The CB zone is explicitly described as being incompatible with residential or other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB zone are intensive users of roads, sewers and other public facilities.

2. The subject property abuts 5 occupied residences and is next to a condominium with 24 townhouse units. The surrounding residential context paired with the substandard road access conflicts with the intent of the CB district as described in the zoning ordinance.

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. The requested CB zoning could have numerous negative impacts on the surrounding residential properties. Heavy trucking traffic and the potentially noxious impacts of manufacturing uses could negatively impact the quality of life of existing residents and residential property values.

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 proposed rezoning is not permitted under the current SMR (Suburban Mixed Residential) place type for this property in the Knox County Comprehensive Plan.

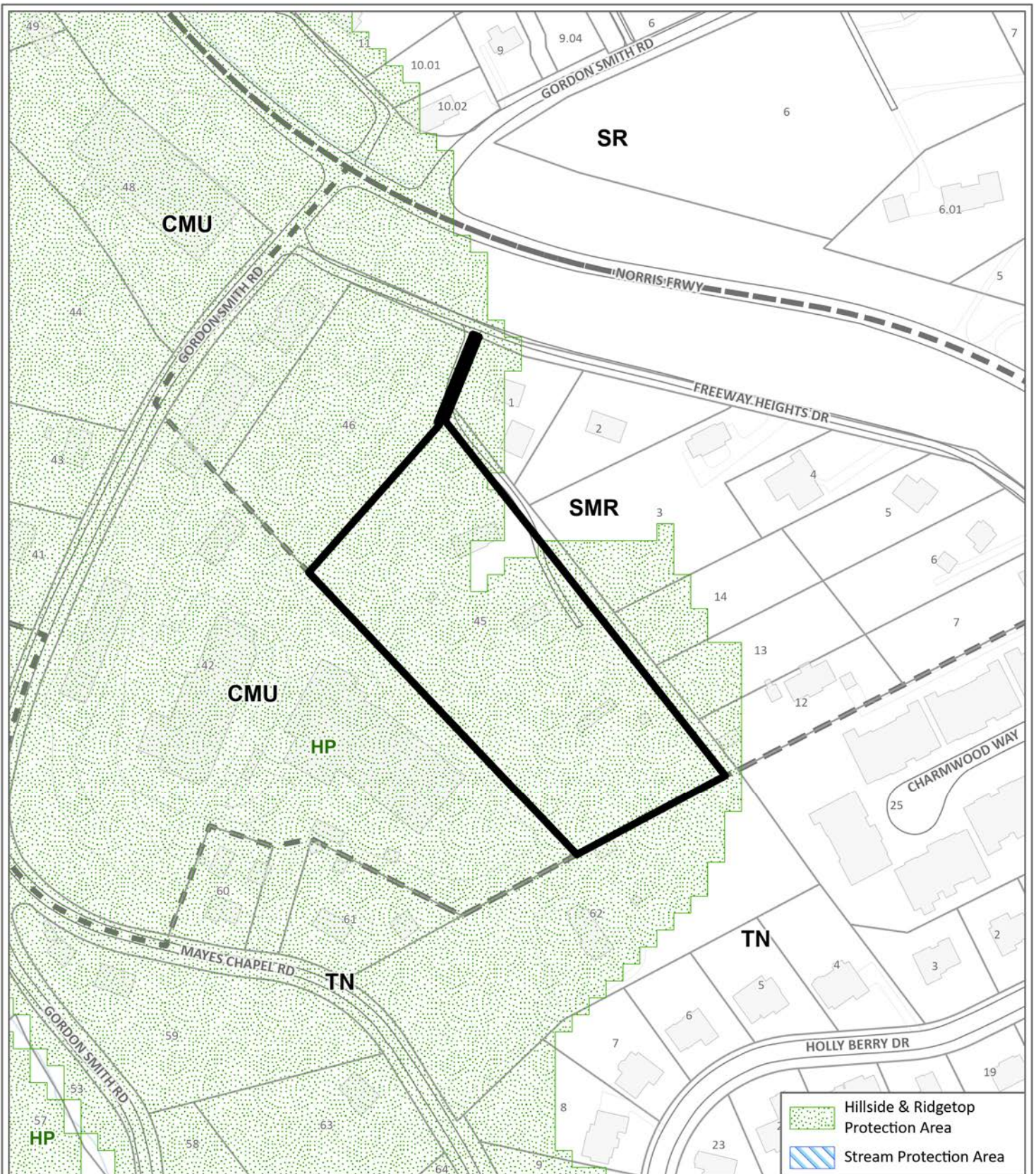
2. The CB zone at this location conflicts with the Comprehensive Plan's Implementation Policy 2 to ensure that development is sensitive to existing community character and policy 9 to coordinate infrastructure improvements with development. This rezoning would be misaligned with the residential character surrounding it to the north, south and east, and road infrastructure expansion is needed to accommodate the kinds of intensive uses permitted in the CB zone.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/16/2024. 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-D-24-PA  
COMPREHENSIVE LAND USE PLAN MAP**



**From:** SMR (Suburban Mixed Residential), HP (Hillside Protection)  
**To:** CC (Corridor Commercial), HP (Hillside Protection)

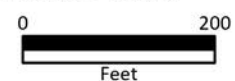
**Original Print Date:** 7/10/2024

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

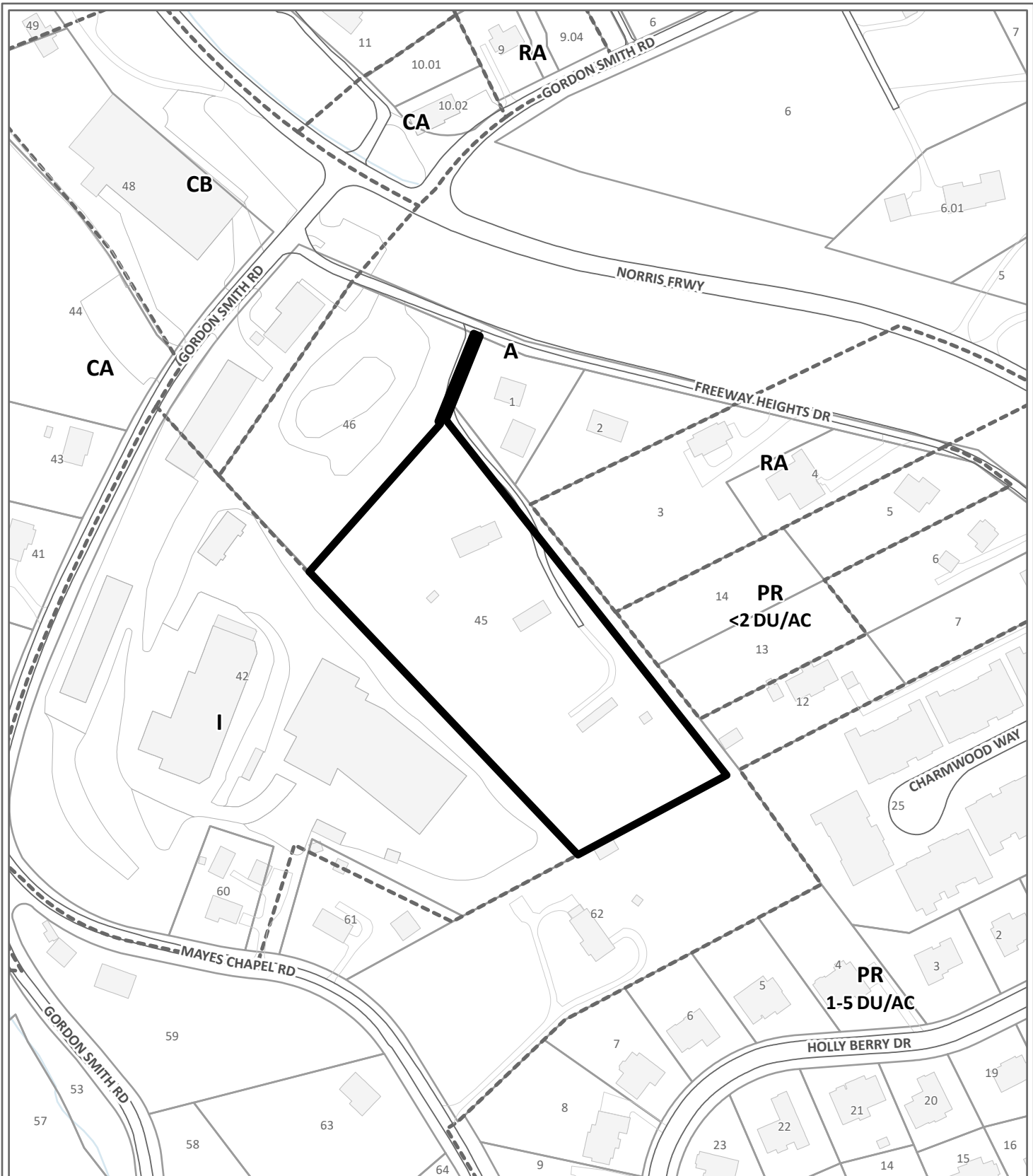
**Petitioner:** Johan Van Tilburg

**Map No:** 28

**Jurisdiction:** County







## REZONING

**8-D-24-RZ**



**From:** A (Agricultural)

**To:** CB (Business and Manufacturing)

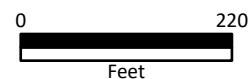
**Original Print Date:** 7/10/2024

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

**Petitioner:** Johan Van Tilburg

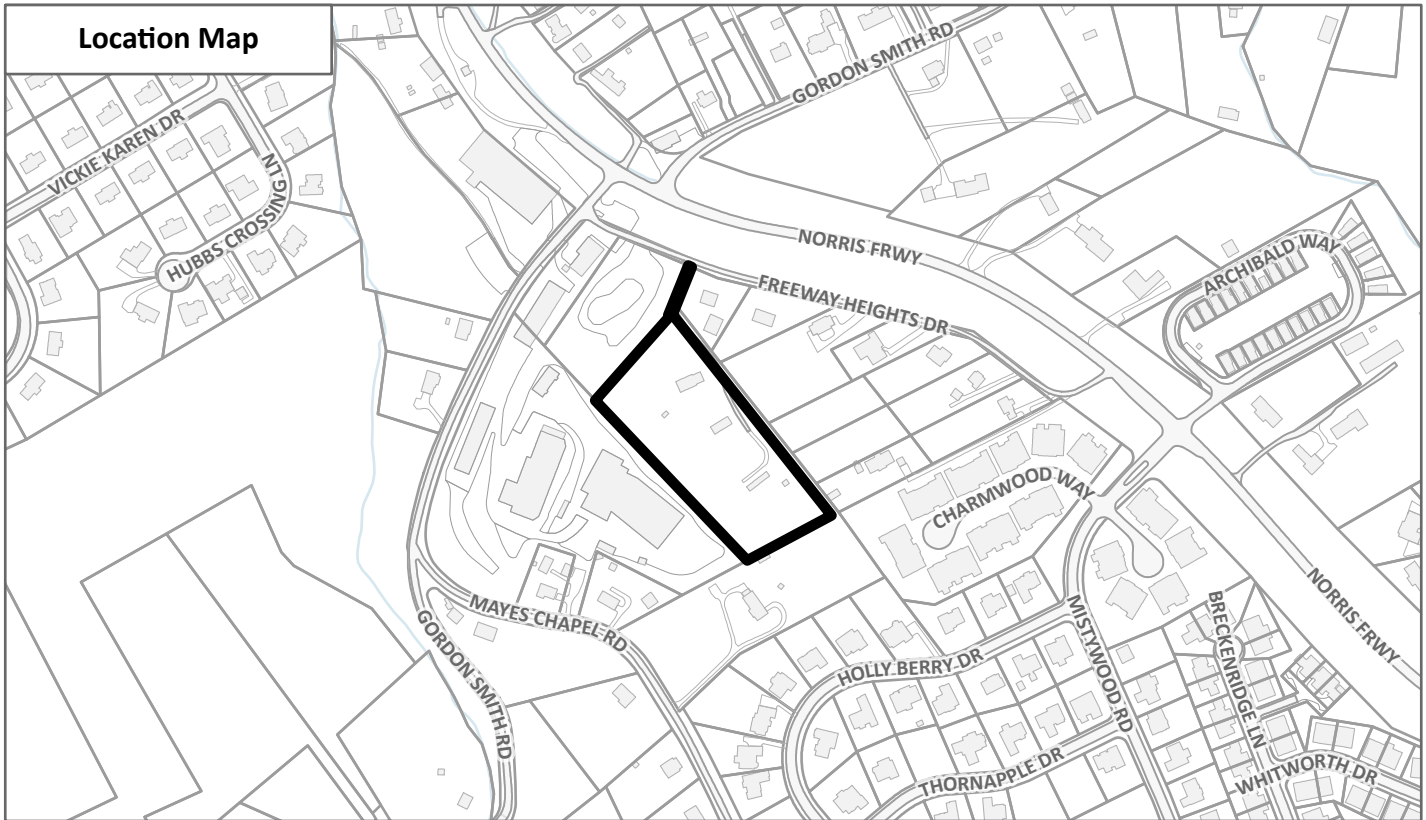
**Map No:** 28

**Jurisdiction:** County



## Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

8-D-24-PA / 8-D-24-RZ



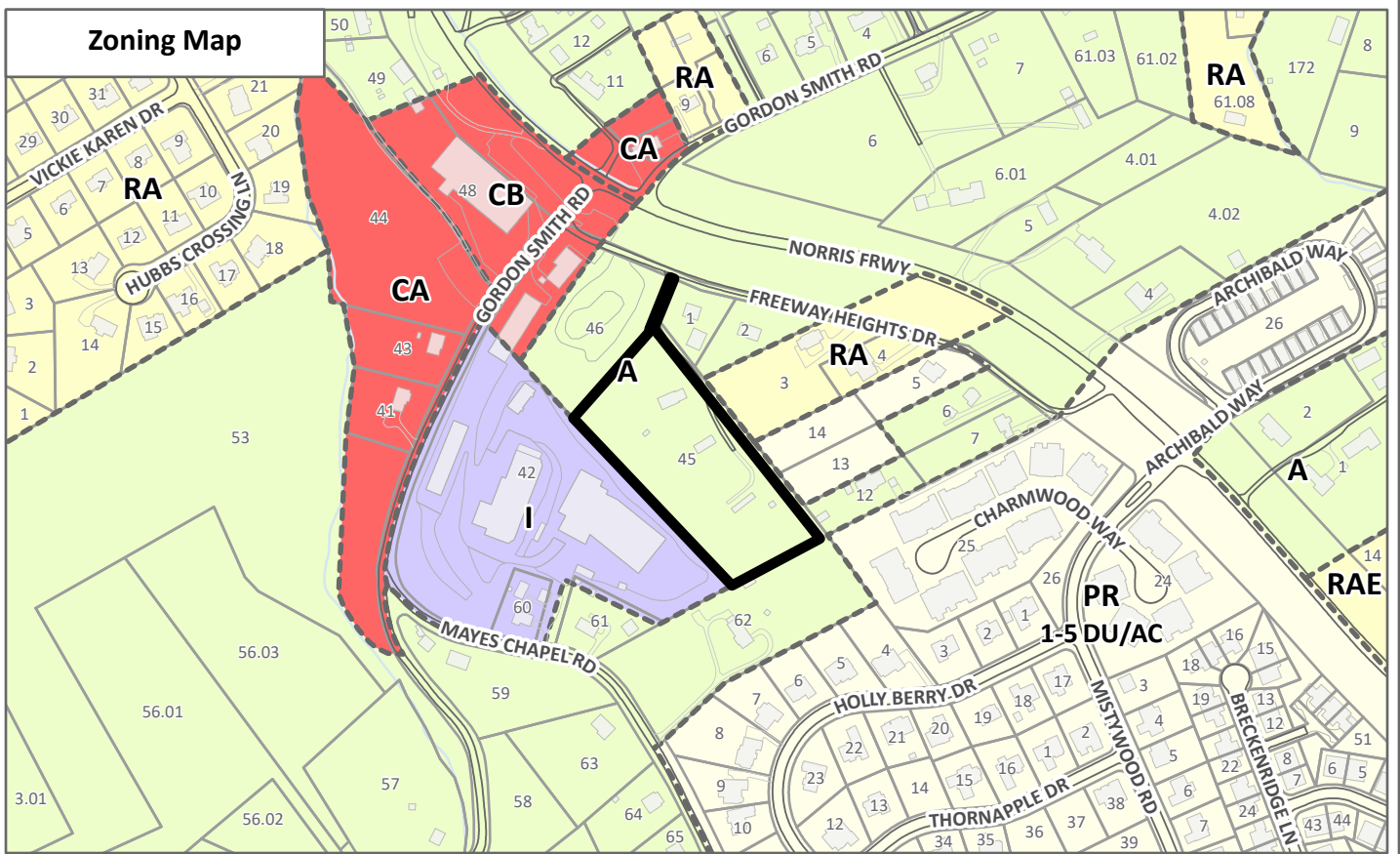
Case boundary

0 550  
Feet

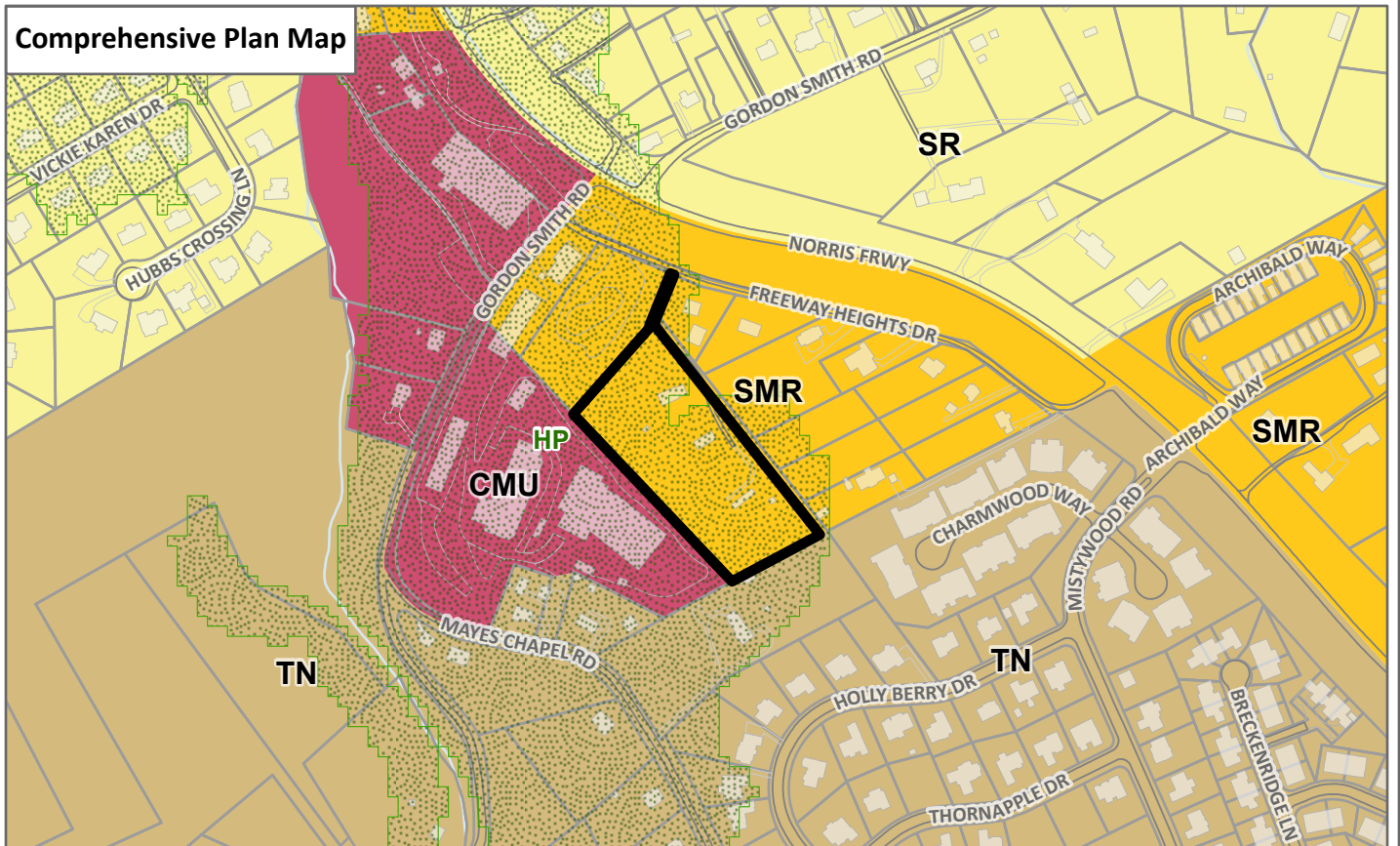




## Zoning Map



## Comprehensive Plan Map

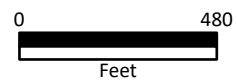


## CONTEXTUAL MAPS 2

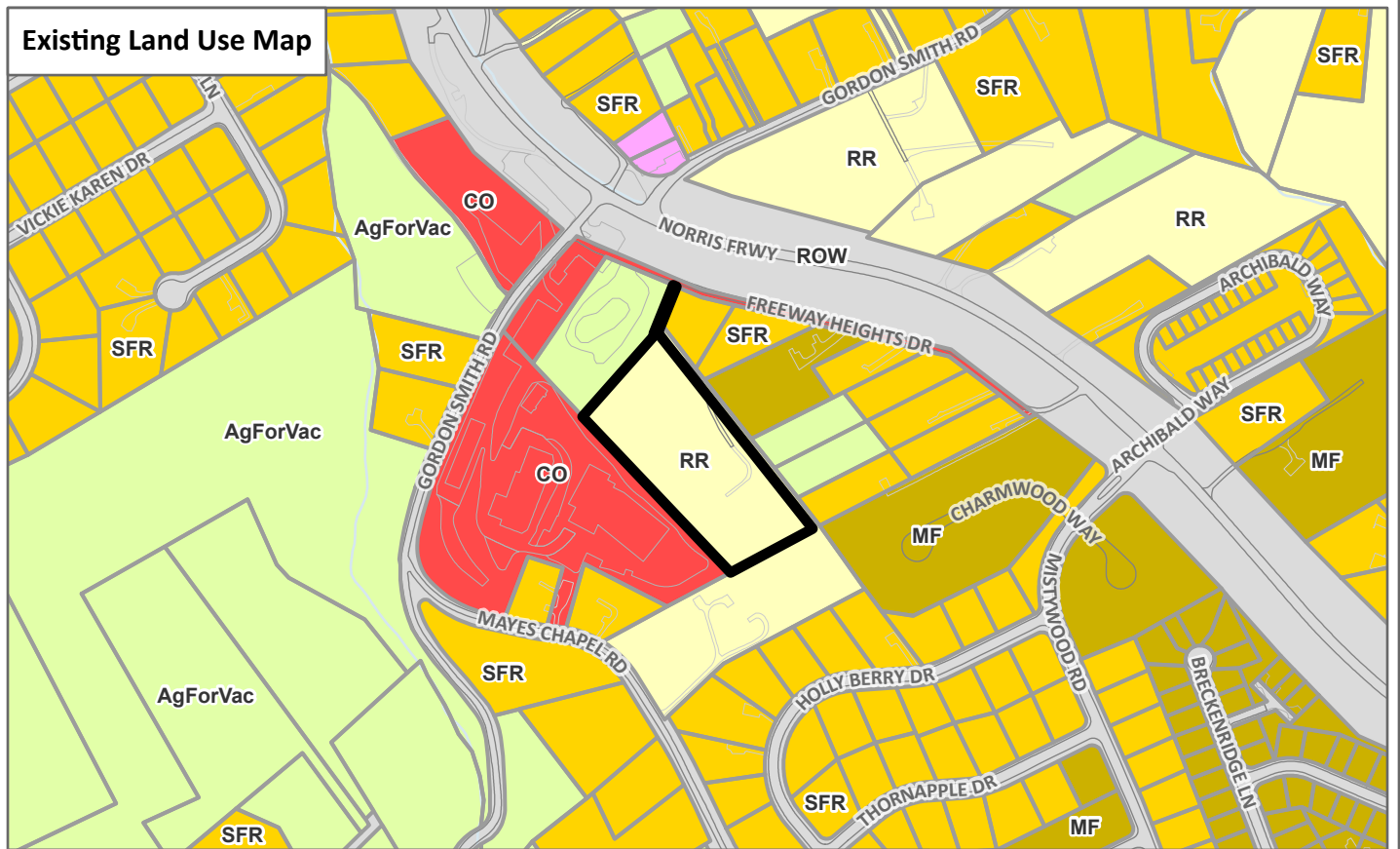
8-D-24-PA / 8-D-24-RZ



Case boundary



Existing Land Use Map

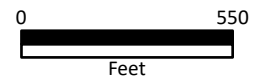


CONTEXTUAL MAPS 3

8-D-24-PA / 8-D-24-RZ

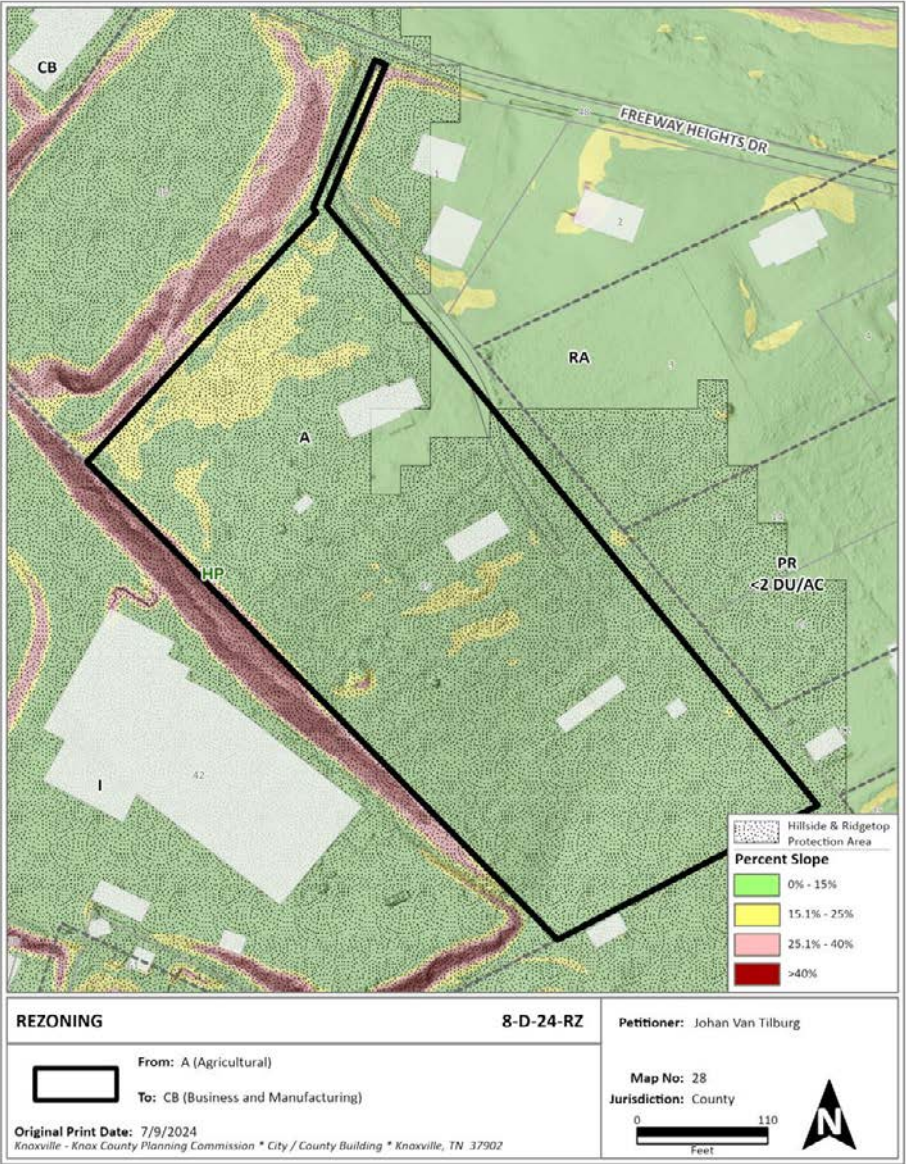


Case boundary





CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	3.89		
Non-Hillside	0.14	N/A	
0-15% Slope	3.26	100%	3.26
15-25% Slope	0.44	50%	0.22
25-40% Slope	0.02	20%	0.00
Greater than 40% Slope	0.02	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	3.74	Recommended disturbance budget within HP Area (acres)	3.49
		Percent of HP Area	93.2%





# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☒ Rezoning  
☒ Plan Amendment  
☐ Sector Plan  
☒ City OYP / County Comp Plan

Johan Van Tilburg

Applicant Name

Affiliation

5/30/2024

Date Filed

8/8/2024

Meeting Date (if applicable)

8-D-24-PA / 8-D-24-RZ

File Number(s)

## CORRESPONDENCE

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

Robert G. Campbell, PE Robert G. Campbell and Associates

Name / Company

7523 Taggart Ln. Ln. Knoxville TN 37938

Address

865-947-5996 / rcampbell@rgc-a.com

Phone / Email

## CURRENT PROPERTY INFO

Billy Collins & Richard Collins

Owner Name (if different)

3019 Boright Dr Knoxville TN 37917

Owner Address

865-292-5452

Owner Phone / Email

7735 Freeway Heights Dr.

Property Address

28 045

Parcel ID

3.89 acres

Tract Size

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

## STAFF USE ONLY

South of Freeway Heights Dr, east of Gordon Smith Rd

General Location

☐ City **Commission District 7 A (Agricultural)**  
☒ County District Zoning District

**Rural Residential**  
Existing Land Use

**SMR (Suburban Mixed Residential), HP (Hillside Ridgetop Protection)**

Land Use (City)/Place Type (County)

**Planned Growth Area**

Growth Policy Plan Designation

## 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   **CB (Business and Manufacturing)**  
Proposed Zoning
- ☒ Plan Amendment   **CC (Corridor Commercial), HP (Hillside Protection)**  
Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre)   Previous Rezoning Requests

Additional Information

## STAFF USE ONLY

### PLAT TYPE

- ☐ Staff Review   ☐ Planning Commission

### ATTACHMENTS

- ☐ Property Owners / Option Holders   ☐ Variance Request  
☐ Amendment Request (Comprehensive Plan)

### ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)  
☐ Traffic Impact Study  
☐ COA Checklist (Hillside Protection)

Fee 1

**\$1,300.00**

Total

Fee 2

Fee 3

## AUTHORIZATION

- ☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

**Johan Van Tilburg**

**5/30/2024**

Applicant Signature

Please Print

Date

Phone / Email

**Billy Collins & Richard Collins**

**5/30/2024**

Property Owner Signature

Please Print

Date





# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☒ Plan Amendment  
☐ SP ☒ PA  
☒ Rezoning

Johan Van Tilburg

Applicant Name

Affiliation

August 8, 2024

Date Filed

Meeting Date (if applicable)

File Number(s)

8-D-24-RZ  
8-D-24-PA

## 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

Robert G. Campbell

Robert G. Campbell & Associates

Name

Company

7523 Taggart Lane

Knoxville

TN

37938

Address

City

State

ZIP

(865) 947-5996

rcampbell@rgc-a.com

Phone

Email

## CURRENT PROPERTY INFO

Billy Collins & Richard Collins

3019 Boright Dr. Knoxville, TN 37917

865-292-5452

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

7735 Freeway Heights Drive, Knoxville, TN 37938

028 045

Property Address

Parcel ID

Hallsdale Powell Utility District

Hallsdale Powell Utility District

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

General Location

Tract Size

☐ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Land Use / Place Type  
CITY COUNTY

Growth Policy Plan Designation

April 2024

**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

CB

Proposed Zoning

☒ Plan Amendment Change

CC, HP (Hillside Ridgetop Protection)

Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre)

Previous Rezoning Request

☐ Other (specify) \_\_\_\_\_**STAFF USE ONLY****PLAT TYPE**☐ Staff Review   ☐ Planning Commission**ATTACHMENTS**

☐ Property Owners / Option Holders   ☐ Variance Request  
☐ Amendment Request (*Comprehensive Plan*)

**ADDITIONAL REQUIREMENTS**

☐ Use on Review / Special Use (*Concept Plan*)  
☐ Traffic Impact Study  
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

**AUTHORIZATION**☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

Johan Van Tilburg

5/24/24

Please Print

Date

865 925 9256

jvantilburg@tindells.com

Phone Number

Email

Property Owner Signature

Please Print

Date Paid

Billy Collins

Billy Collins

NA 05/30/2024, SG

NA

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** Two 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:**

The parcel abuts Tindell's Building Supply which has had a commercial presence in that location for over 50 years. It also has a direct access to Norris Freeway. Tindell's occupies the southern quadrants of the intersection of Gordon Smith Road and Norris Freeway while another commercial business occupies the northeastern quadrant of the intersection.

Those quadrants are zoned as commercial. Historically commercial is encouraged at intersections of roads then denser residential development further away.

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

  
PROPERTY OWNER SIGNATURE

  
PRINTED NAME

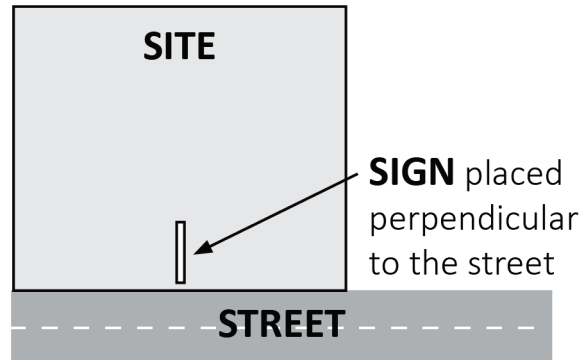
Billy Collins  
Richard Collins

7-1-24

DATE



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:*

\_\_\_\_\_ **07/26/2024** \_\_\_\_\_ and \_\_\_\_\_ **08/09/2024** \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Johan Van Tilburg

**Date:** 05/30/2024

**File Number:** 8-D-24-RZ & 8-D-24-PA



Sign posted by Staff



Sign posted by Applicant