

# REZONING REPORT

► **FILE #:** 8-H-24-RZ

**AGENDA ITEM #:** 34

**AGENDA DATE:** 8/8/2024

► **APPLICANT:** MICHAEL SHADDLE

OWNER(S): Michael Shaddle

TAX ID NUMBER: 104 33

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 9510 DAYBREAK DR

► **LOCATION:** South side of Daybreak Dr, northeast of Middlebrook Pike

► **APPX. SIZE OF TRACT:** 0.98 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Daybreak Dr local street with 16 ft of pavement width within a 50-ft right of way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

FIRE DISTRICT: Karns Fire Department

WATERSHED: Beaver Creek

► **PRESENT ZONING:** A (Agricultural)

► **ZONING REQUESTED:** RB (General Residential)

► **EXISTING LAND USE:** Single Family Residential

►  
EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND North: Rural residential, single family residential - A (Agricultural)

USE AND ZONING: South: Single family residential - A (Agricultural)

East: Rural residential, single family residential - A (Agricultural)

West: Rural residential, single family residential - A (Agricultural), PR  
(Planned Residential) up to 12 du/ac

NEIGHBORHOOD CONTEXT: The surrounding area consists of residential, recreational, institutional and commercial uses. There are two parks, Nicholas Ball Park and Ball Camp Park, and Ball Camp Elementary School within a mile of the property. To the north is Beaver Ridge, which remains forested.

## STAFF RECOMMENDATION:

► **Deny the RB (General Residential) zone because it is not consistent with surrounding development or the Knox County Comprehensive Plan infrastructure improvement policies.**

## COMMENTS:

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. Since 1933, there have been some A to RA and PR rezonings at densities of 1-5 du/ac in the area. The general trend along the south side of Daybreak Dr consists of small and medium sized-lots and single family detached residential houses while agricultural tracts remain on the north side because of the steep slopes of Beaver Ridge. The adjacent property to the southwest was recently rezoned from PR with up to 5 du/ac to PR with up to 12 du/ac (6-N-24-RZ). However, that parcel is accessed off of Ball Camp Pike, a minor arterial.
2. A portion of Schaad Rd extending from Ball Camp Pike to Olive Branch Ln is nearly complete and will consist of a four-lane, median-divided section with sidewalks on both sides. When considered in context with the rest of the network, this section completes a route between I-40/75 in west Knox County and I-75 in north Knox County. The Schaad Road project connects to Ball Camp Elementary, Ball Camp Community Park, and Nicholas Ball Park. The corridor also opens the opportunity for new commercial development.

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

1. The RB zone provides for medium population densities. The principal land uses may range from houses to multi-dwelling structures or developments. Certain uses which are more compatible with intensive residential uses than with commercial uses are permitted. Other related uses in keeping with the residential character of the zone may be permitted on review by the planning commission.
2. Mobile homes, houses, duplexes, and multi-dwelling developments up to 12 du/ac are permitted by right. There is no height limit in the RB zone with densities less than 12 du/ac. Densities 12-24 du/ac are considered as a Use on Review.
3. On this roughly 42,666 sq ft site 4 single family homes, 3 duplexes, and 24-unit multifamily structures could be built.
4. 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.

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. While the RB zone's dimensional standards and engineering requirements will limit the density that could be built on this site, the road conditions are less than ideal. Since Daybreak Drive is so narrow at 16-ft, any additional subdivisions would require roadway improvements to Daybreak Dr.
2. This property has some steep slopes through the front of the property within the Hillside Protection area.

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 RB zone is directly related to the SMR (Suburban Mixed-use) place type meaning uses allowed in the RB zone are compatible with this place type.
2. This property abuts single family subdivisions along Daybreak Dr. The residential development intensity allowed in RB is not consistent with the Knox County's Comprehensive Plan's Implementation Policy 2, ensure that development is sensitive to existing community character and Policy 9.5, to avoid approving isolated developments where infrastructure is inadequate or not yet planned. Medium density development is not appropriate for parcels with exclusive access to Daybreak Dr.

ESTIMATED TRAFFIC IMPACT: 131 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed

ESTIMATED STUDENT YIELD: 1 (public school children, grades K-12)

Schools affected by this proposal: Ball Camp Elementary, Hardin Valley Middle, and Hardin Valley Academy.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

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.



# Request to Postpone • Table • Withdraw

Michael Shaddle

8/2/2024

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

Date of Request

August 8th, 2024

Scheduled Meeting Date

File Number(s)

8-H-24-RZ

## 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 September 12th, 2024 Planning Commission Meeting.

## WITHDRAW

☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm 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 no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

## TABLE

*\*The refund check will be mailed to the original payee.*

☐ **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.



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

*Michael Shaddle*

Digitally signed by Michael Shaddle  
Date: 2024.08.02 16:15:45 -04'00'

Michael Shaddle

Applicant Signature

Please Print

510 919 9816

michaelshaddle@yahoo.com

Phone Number

Email

## STAFF ONLY

*Whitney Warner*

Whitney Warner

8/5/24

☐ No Fee

Staff Signature

Please Print

Date Paid

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

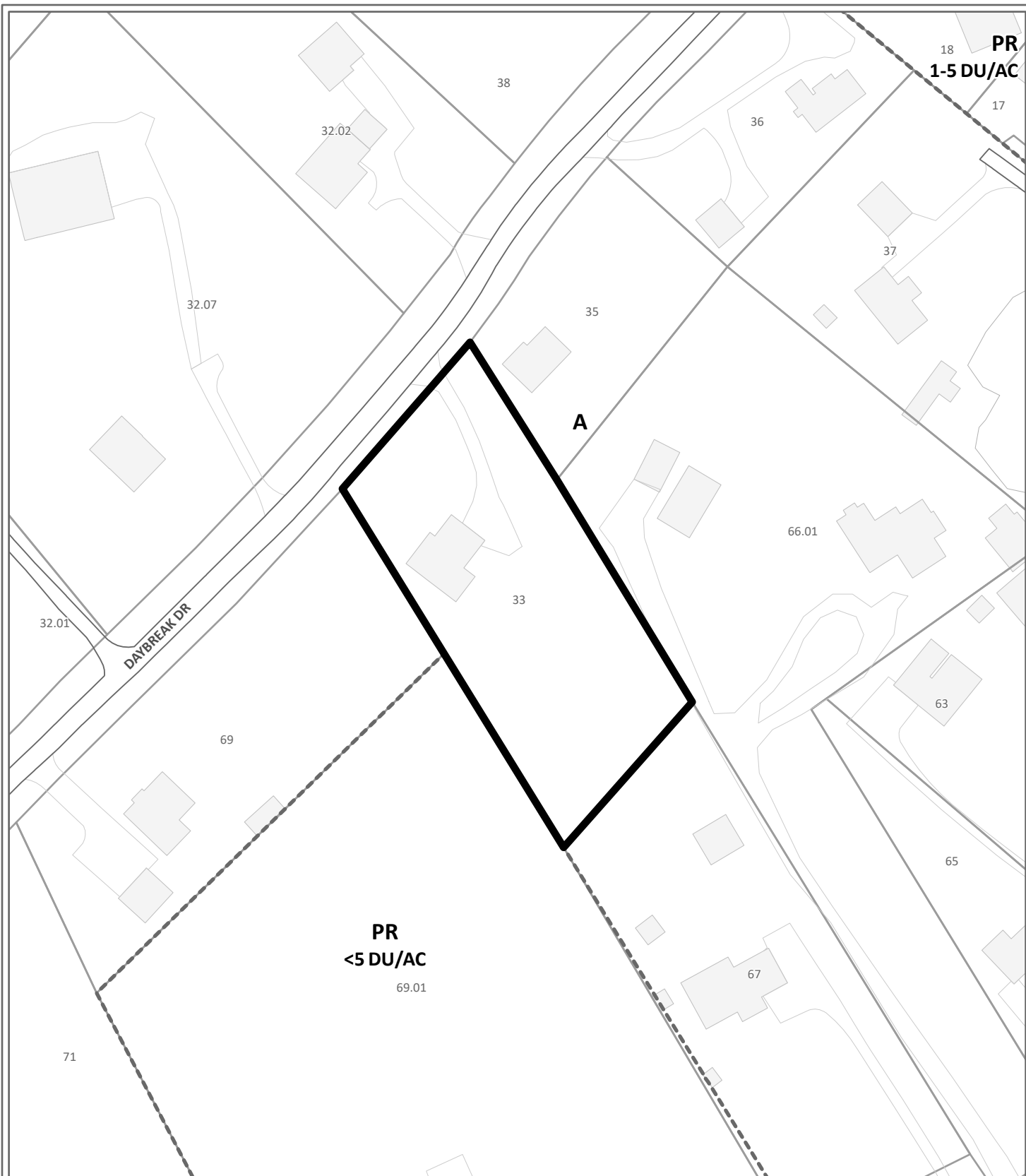
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



## REZONING

**8-H-24-RZ**

**Petitioner:** Michael Shaddle



**From:** A (Agricultural)

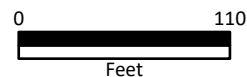
**To:** RB (General Residential)

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

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

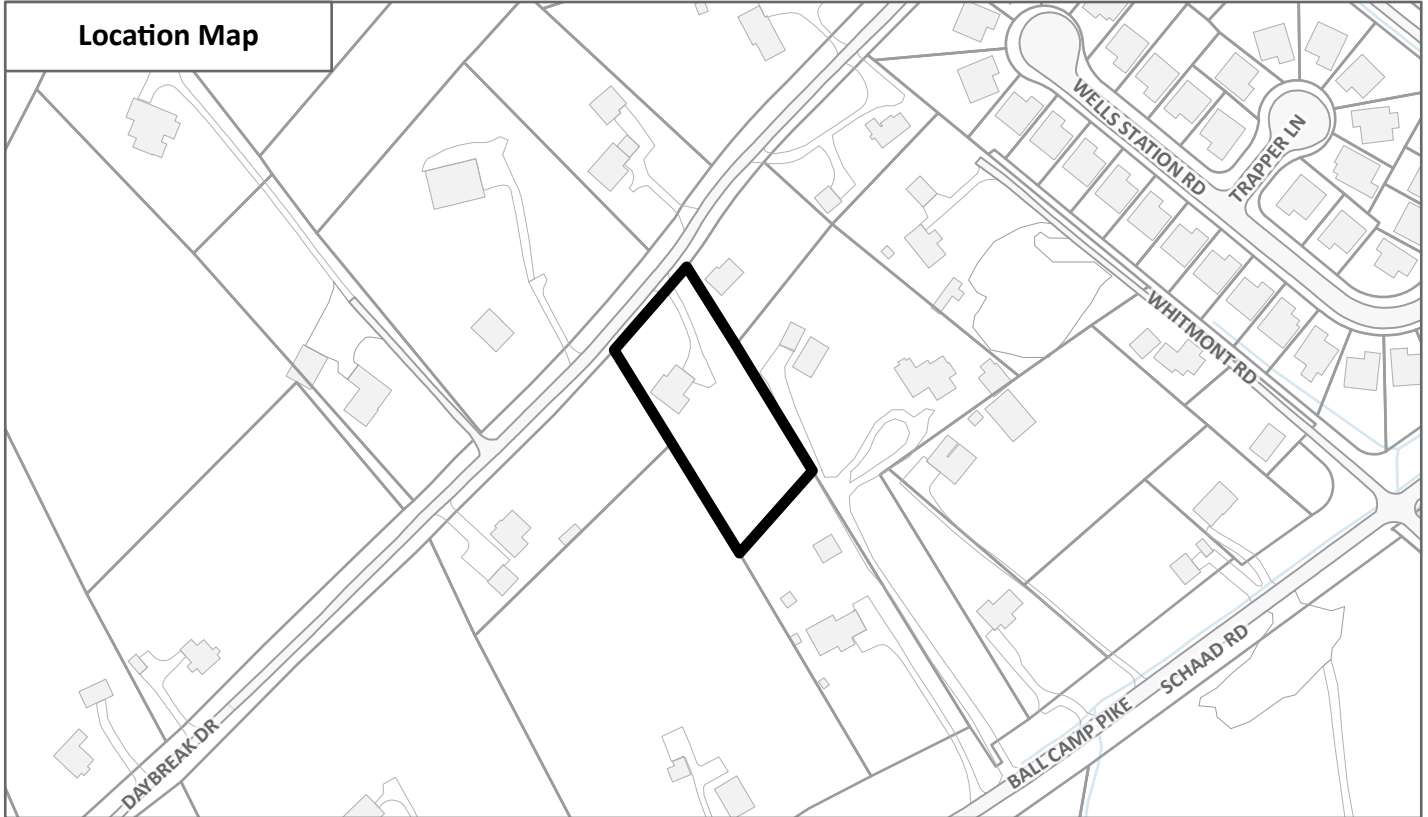
**Map No:** 104

**Jurisdiction:** County



## Exhibit A. Contextual Images

Location Map



Aerial Map

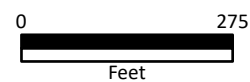


CONTEXTUAL MAPS 1

8-H-24-RZ



Case boundary

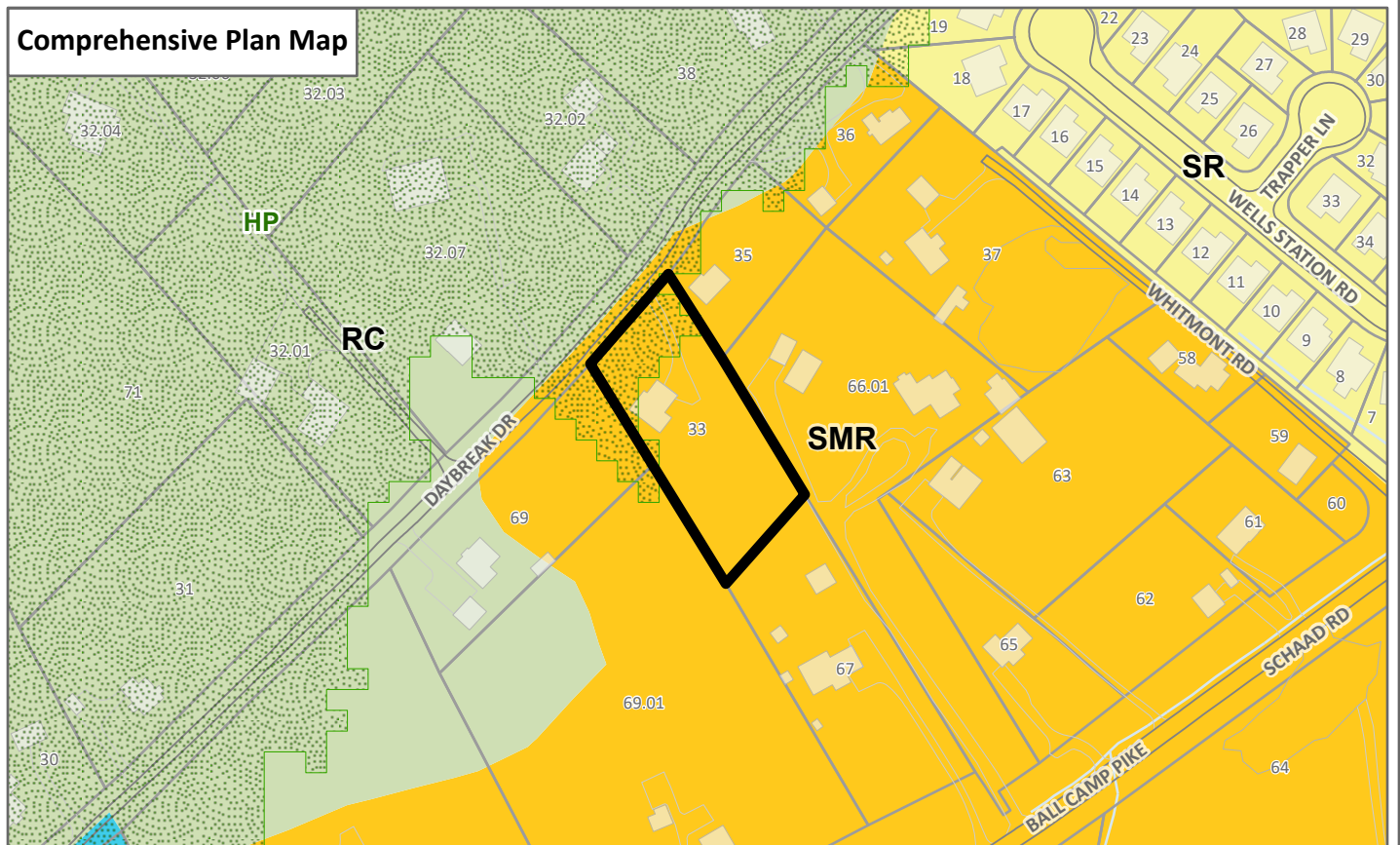




## Zoning Map



## Comprehensive Plan Map

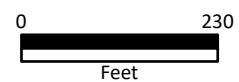


## CONTEXTUAL MAPS 2

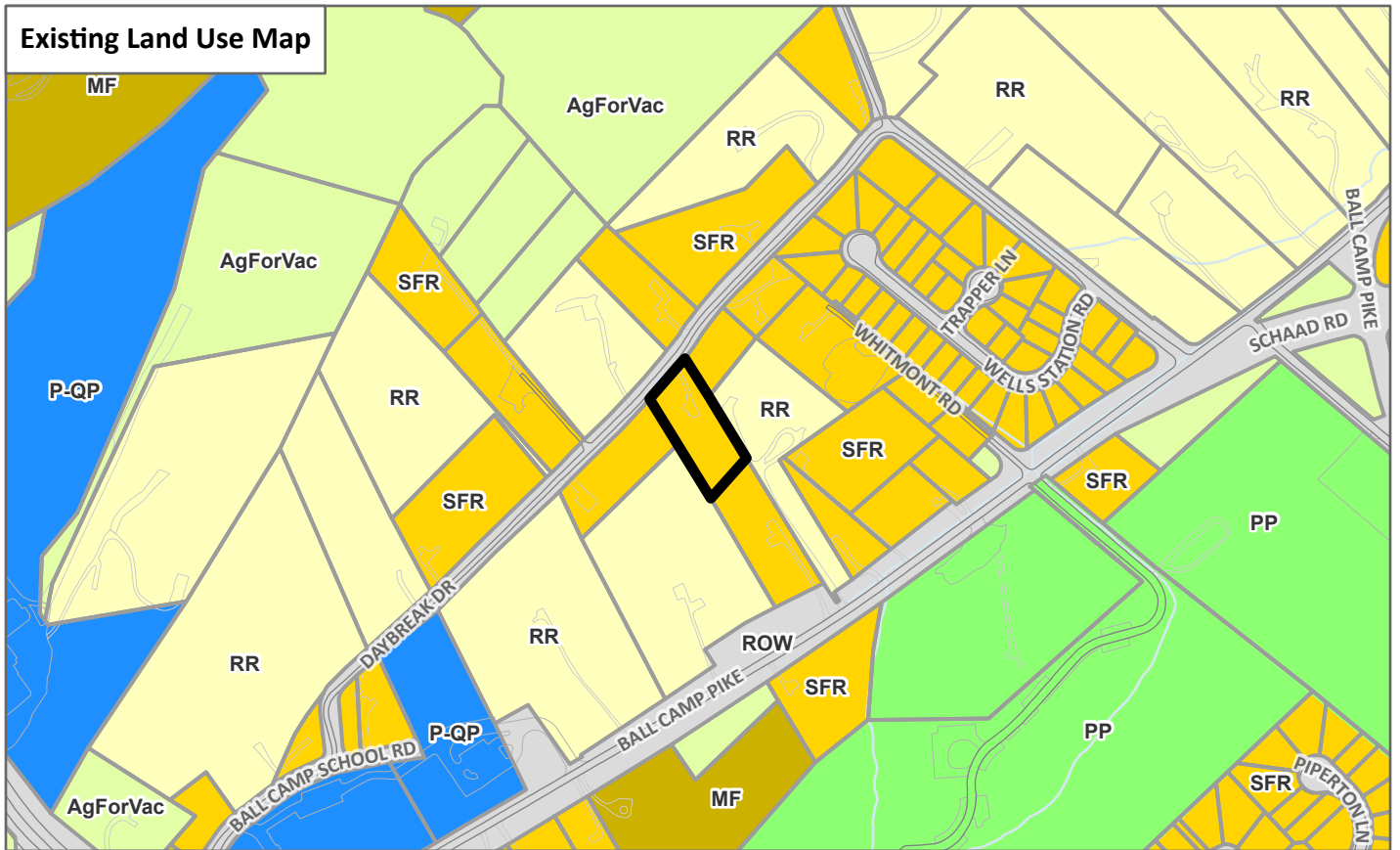
8-H-24-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

8-H-24-RZ

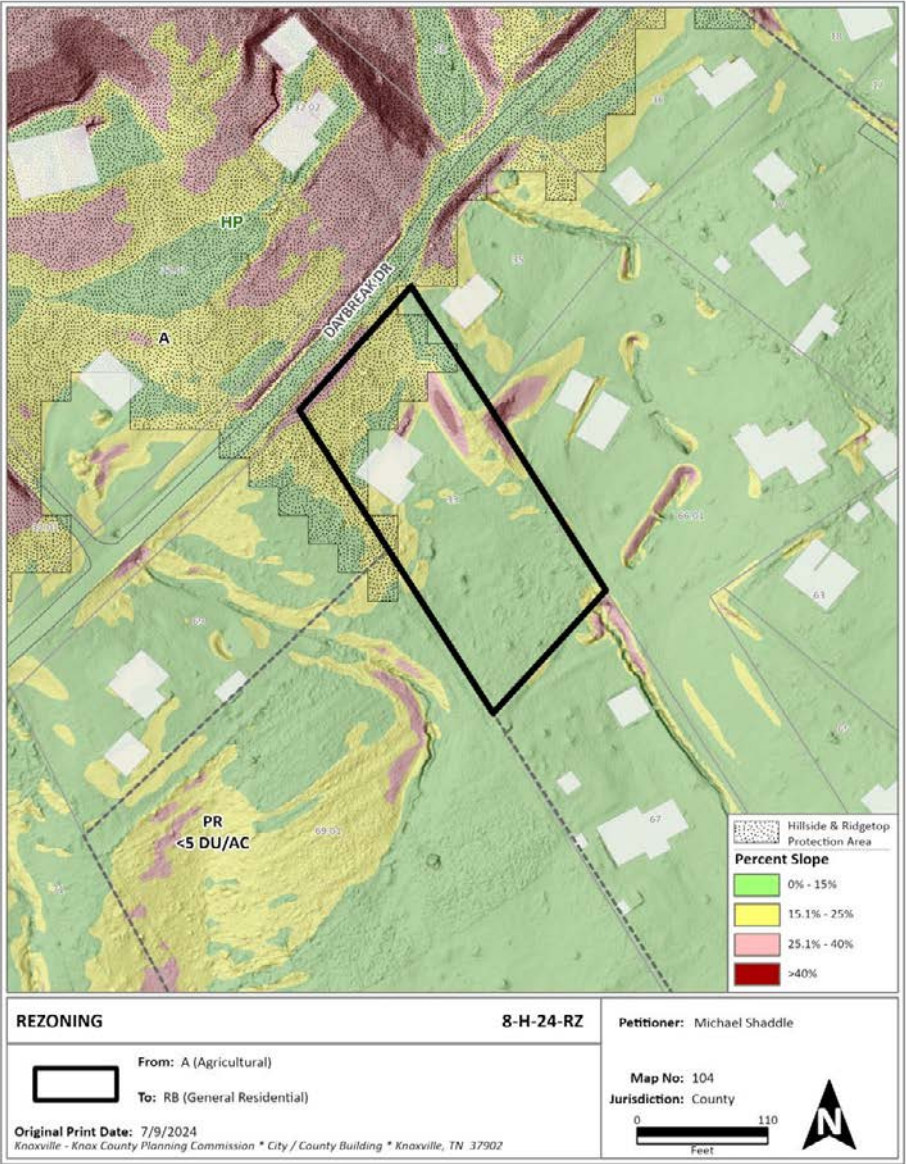


Case boundary





CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	0.98		
Non-Hillside	0.75	N/A	
0-15% Slope	0.06	100%	0.06
15-25% Slope	0.16	50%	0.08
25-40% Slope	0.01	20%	0.00
Greater than 40% Slope	0.00	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	0.23	Recommended disturbance budget within HP Area (acres)	0.14
		Percent of HP Area	60.5%





# 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

**Michael Shaddle**

Applicant Name

Affiliation

**6/13/2024**

Date Filed

**8/8/2024**

Meeting Date (if applicable)

**8-H-24-RZ**

File Number(s)

## CORRESPONDENCE

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

**Michael Shaddle**

Name / Company

**1311 Live Oak Cir Knoxville TN 37932**

Address

**510-919-9816 / michaelshaddle@yahoo.com**

Phone / Email

## CURRENT PROPERTY INFO

**Michael Shaddle**

Owner Name (if different)

**1311 Live Oak Cir Knoxville TN 37932**

Owner Address

**510-919-9816 / michaelshaddle**

Owner Phone / Email

**9510 DAYBREAK DR**

Property Address

**104 33**

Parcel ID

**0.98 acres**

Tract Size

**West Knox Utility District**

Sewer Provider

**West Knox Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**Southeast side of Daybreak Dr, west of Whitmont Rd**

General Location

☐ City **Commission District 6 A (Agricultural)**

☒ County District Zoning District

**Single Family 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    **RB (General Residential)**  
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment    Proposed Plan Designation(s)

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

**\$650.00**

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.

**Michael Shaddle**

**6/13/2024**

Applicant Signature

Please Print

Date

Phone / Email

**Michael Shaddle**

**6/13/2024**

Property Owner Signature

Please Print

Date



**NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME  
MUST BE LISTED BELOW:**

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
Aaron Kunz	1311 Live Oak Circle Knoxville, TN	

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# 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

Michael Shaddle		Owner
Applicant Name		Affiliation
6/11/2024	August Meeting 08/08/2024	File Number(s)  8-H-24-RZ
Date Filed	Meeting Date (if applicable)	

CORRESPONDENCE

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

<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Property Owner	<input type="checkbox"/> Option Holder	<input type="checkbox"/> Project Surveyor	<input type="checkbox"/> Engineer	<input type="checkbox"/> Architect/Landscape Architect
Michael Shaddle		Aaron Kunz			
Name		Company			
1311 Live Oak Circle		Knoxville	TN	37932	
Address		City	State	ZIP	
5109199816		michaelshaddle@yahoo.com			
Phone		Email			

CURRENT PROPERTY INFO		
1311 Live Oak Circle		510 919 9816
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
9510 Daybreak Drive	104 033	
Property Address	Parcel ID	
West Knox Utility District	West Knox Utility District	Y
Sewer Provider	Water Provider	Septic (Y/N)
		Property is currently on septic, it is the intention to put on county sewer

STAFF USE ONLY		
General Location		Tract Size
<input type="checkbox"/> City <input type="checkbox"/> County	District	Zoning District
		Existing Land Use
Planning Sector	Land Use / Place Type CITY COUNTY	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

**RB - General Residential**

Proposed Zoning

☐ Plan Amendment Change

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  
☐ 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

*Michael T. Shaddle*

Applicant Signature

Michael Shaddle

Please Print

6/11/24

Date

510 919 9816

Phone Number

michaelshaddle@yahoo.com

Email

*Michael T. Shaddle*

Property Owner Signature

Michael Shaddle

Please Print

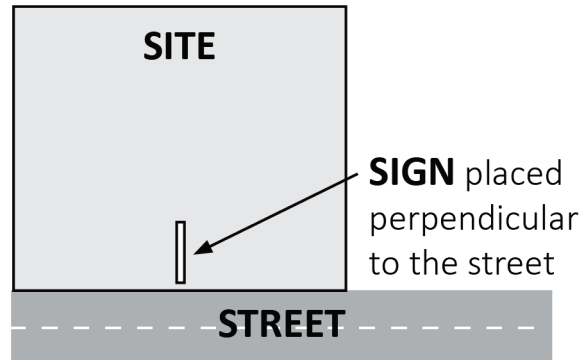
06/13/2024, SG

Date Paid

Aaron Kunz



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: Michael Shaddle

Date: 06/13/2024

File Number: 8-H-24-RZ



Sign posted by Staff



Sign posted by Applicant