



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 11-Q-24-RZ
11-C-24-PA

AGENDA ITEM #: 50
AGENDA DATE: 11/14/2024

► **APPLICANT:** WILLIAM TODD DANIEL (OWNER)
OWNER(S): William Todd Daniel

TAX ID NUMBER: 46 20701 [View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 8303 HEISKELL RD

► **LOCATION:** South side of Heiskell Rd, across from its intersection with Rayworth Trl

► **TRACT INFORMATION:** 18.42 acres.

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Heiskell Road, a minor arterial street with a pavement width of 19 ft within a 50 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:** SR (Suburban Residential), HP (Hillside Protection) / RA (Low Density Residential), A (Agricultural)

► **PROPOSED PLAN DESIGNATION/ZONING:** SMR (Suburban Mixed Residential), HP (Hillside Protection) for the entire parcel / NC (Neighborhood Commercial) for only the portion of the parcel currently zoned RA (Low Density Residential)

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

► **EXTENSION OF PLAN DESIGNATION/ZONING:** This same portion of the subject parcel was rezoned from CA to RA in May of 2023 (4-R-23-RZ).

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

| | |
|--------|--|
| North: | Single family residential - SR (Suburban Residential), HP (Hillside Protection) - A (Agricultural), PR (Planned Residential) up to 3 du/ac |
| South: | Agriculture/forestry/vacant land - SR (Suburban Residential), HP (Hillside Protection) - A (Agricultural) |
| East: | Rural residential, agriculture/forestry/vacant land - SR (Suburban Residential), HP (Hillside Protection) - A (Agricultural) |
| West: | Single family residential, rural residential, agriculture/forestry/vacant land - SR (Suburban Residential), HP (Hillside Protection) - CA |

NEIGHBORHOOD CONTEXT: This area is primarily single family residential subdivisions among large agricultural and forested tracts. There is a multifamily subdivision approximately 0.3 miles to the east of the subject property.

STAFF RECOMMENDATION:

- ▶ **Deny the plan amendment to the SMR (Suburban Mixed Residential) place type because it does not meet the criteria for a plan amendment.**

- ▶ **Deny the CN (Neighborhood Commercial) zone because the location is inconsistent with the intent of the CN zone.**

COMMENTS:

This request includes a plan amendment for the entire 18-acre parcel and a rezoning request for the portion of the parcel currently zoned RA. The RA-zone portion of the parcel comprises approximately 1.5 acres of the 18.42-acre parcel.

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:
There is no error or omission in the plan.

OR, 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. There is not a change of conditions in the area that would warrant a plan amendment to the SMR place type. There has been a transition from A to PR zones with modest densities ranging from 2 to 3 du/ac, which are consistent with the existing SR place type.

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

1. No known improvements have been made recently to Heiskell Road close to this site. Public water and sewer utilities are on site.

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

1. No new data or trends warrant a change to the newly adopted plan.

THE PROPOSED CHANGES SUPPORT THE POLICIES AND ACTIONS, GOALS, OBJECTIVES, AND CRITERIA OF THE PLAN:

1. The requested SMR and SR place types are very similar as they contain similar development patterns and allow consideration of the PR zone with up to 12 du/ac. The main difference between the two place types is that SMR allows some of the less intense commercial zones and SR does not.
2. E Emory Road is a little over a mile to the south and is a commercial corridor in this location. Additional commercial zoning is not warranted here and contradicts Implementation Policy 4 of the Comprehensive Plan, which calls for commercial development to be in walkable areas. This area is not walkable as there are no sidewalks along Heiskell Road.

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 COUNTY GENERALLY:

1. There is not a change of conditions in the area that would warrant a rezoning to the CN zone. The 1.5 acres associated with this rezoning request was rezoned from CA and A to RA last year (4-R-23-RZ). The subject property is adjacent to CA zoning to the west. Only the child day care at Copeland Dr and Heiskell Rd intersection is a commercial use. The other parcels remain vacant or are single family homes.

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

1. The CN zone is intended to provide for the recurring shopping and personal service needs of nearby residential areas, and development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. While the property is on an arterial, it is not at an intersection or on the edge of a residential neighborhood. There is residential development in the area, but not of sufficient density to support additional commercial development so close to a commercial corridor.
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.

THE 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 CN zone development standards are required for compatibility between commercial and adjacent residential uses. This includes greater setbacks when adjacent to residential zones, landscaping, and sidewalk installation requirements.

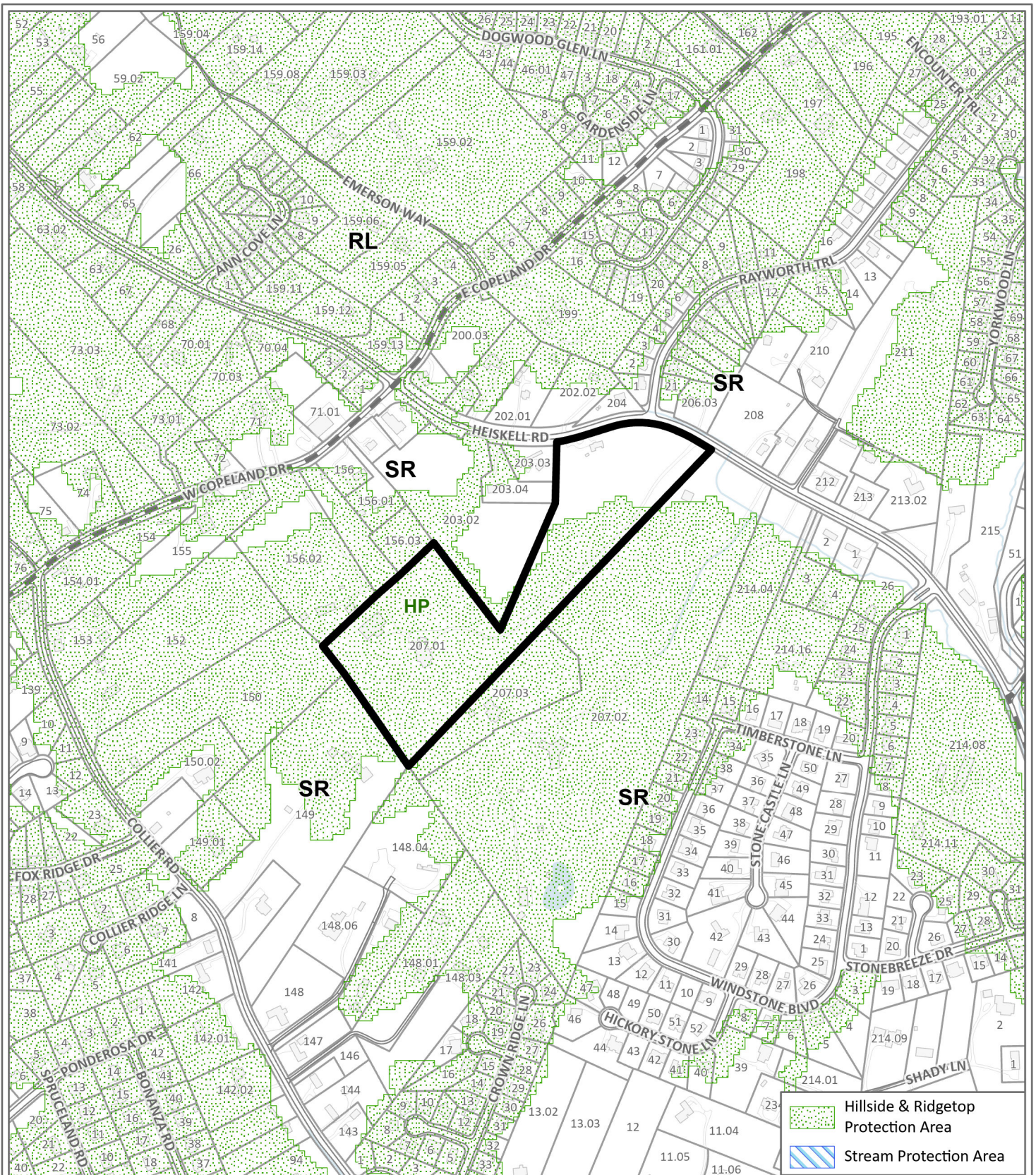
PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN OF KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed CN zone is not a zone that can be considered in the current SR (Suburban Residential) place type.
2. The CN zone at this location is inconsistent with Implementation Policy 4, which prefers commercial development to consist of walkable mixed-use centers, corridors, and neighborhood nodes. This corridor is neither a mixed-use center, a walkable corridor, nor a walkable neighborhood node. The nearest sidewalks are along E Emory Road to the south.
3. While there is CA zoning to the west, it has not been developed. This site is between large forested and agricultural tracts and 0.15 miles from the Rural Area boundary of the growth plan. Single-family subdivisions are nearby, but no sidewalks, bike lanes, or greenways exist in this area.
4. The requested zoning district at this location is not in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 12/9/2024. 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.



**11-C-24-PA
COMPREHENSIVE LAND USE PLAN MAP**



From: SR (Suburban Residential), HP (Hillside Protection)
To: SMR (Suburban Mixed Residential), HP (Hillside Protection)

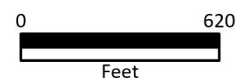
Original Print Date: 10/9/2024

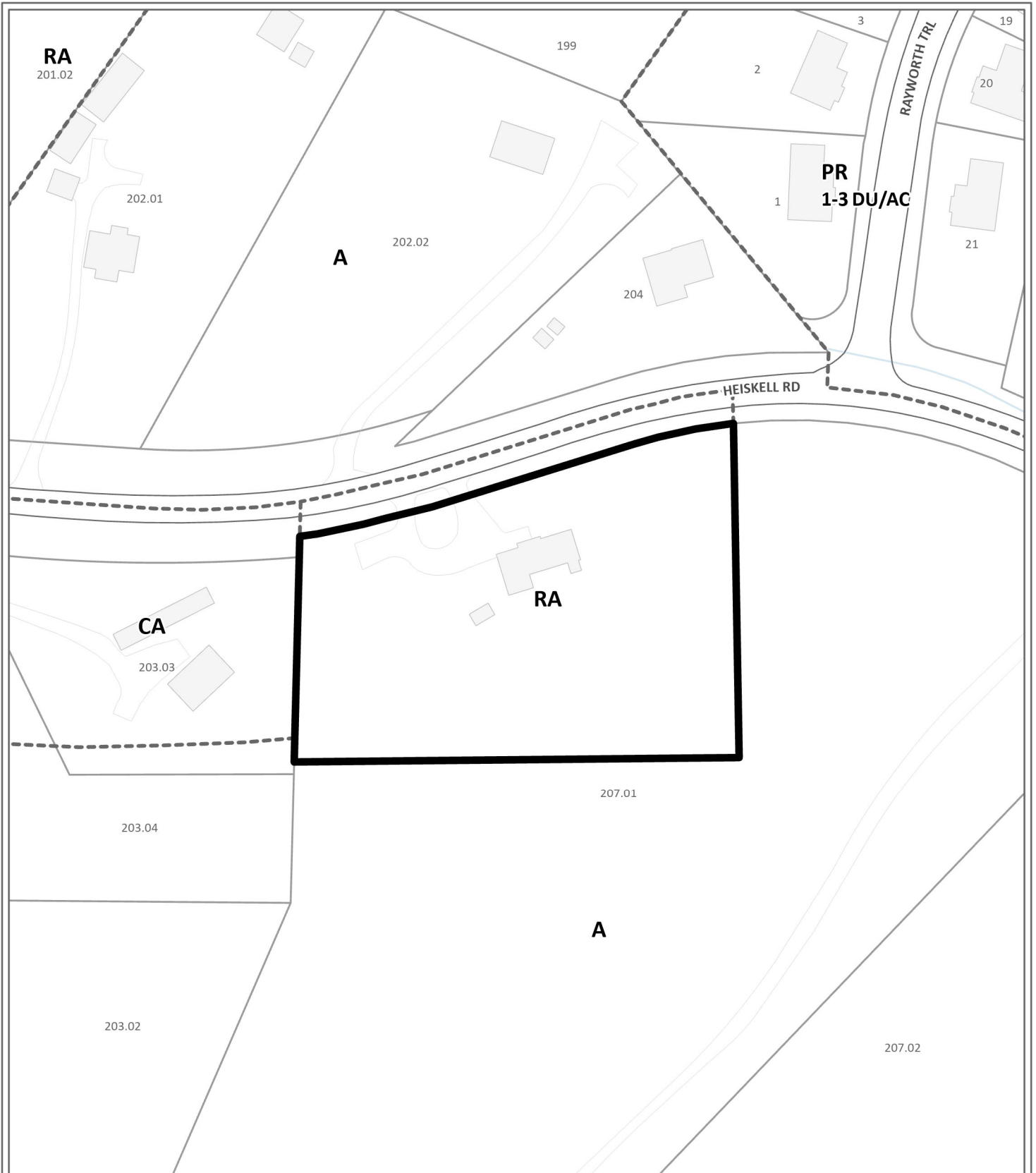
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: William Todd Daniel

Map No: 46

Jurisdiction: County





REZONING

11-Q-24-RZ

Petitioner: William Todd Daniel



From: RA (Low Density Residential)
To: CN (Neighborhood Commercial)

Original Print Date: 10/9/2024
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

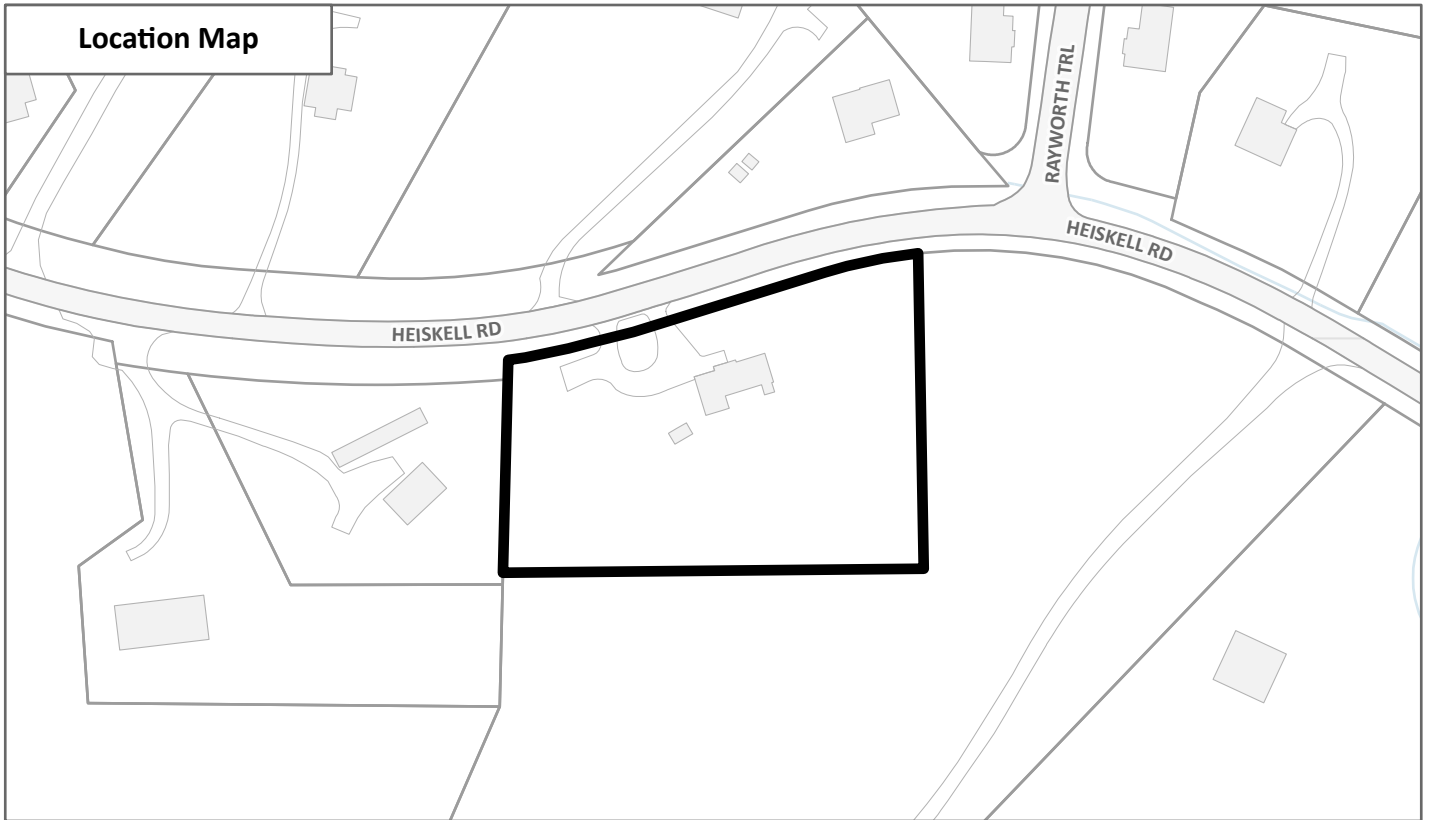
Map No: 46
Jurisdiction: County

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Feet



Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

11-Q-24-RZ / 11-C-24-PA

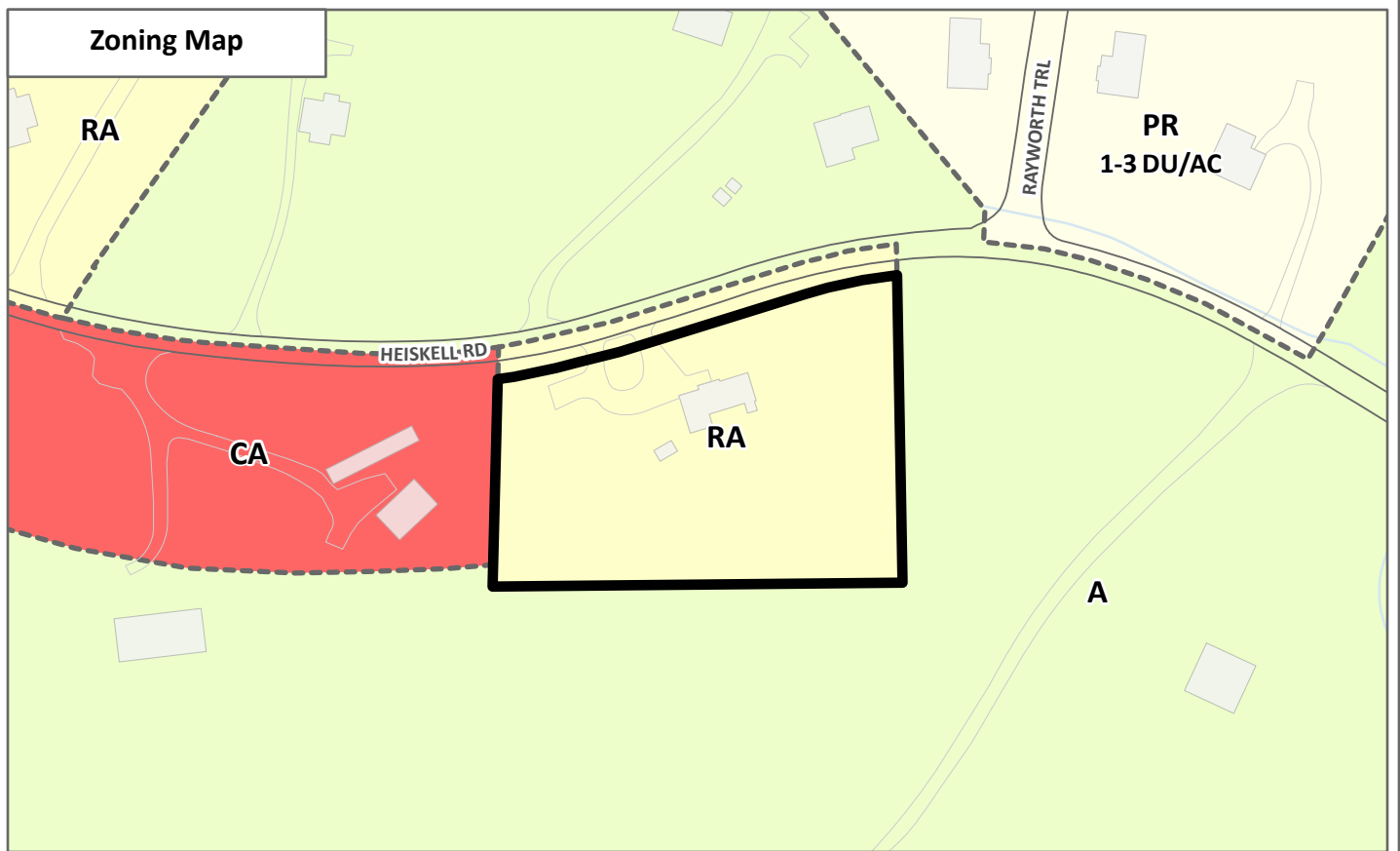


Case boundary

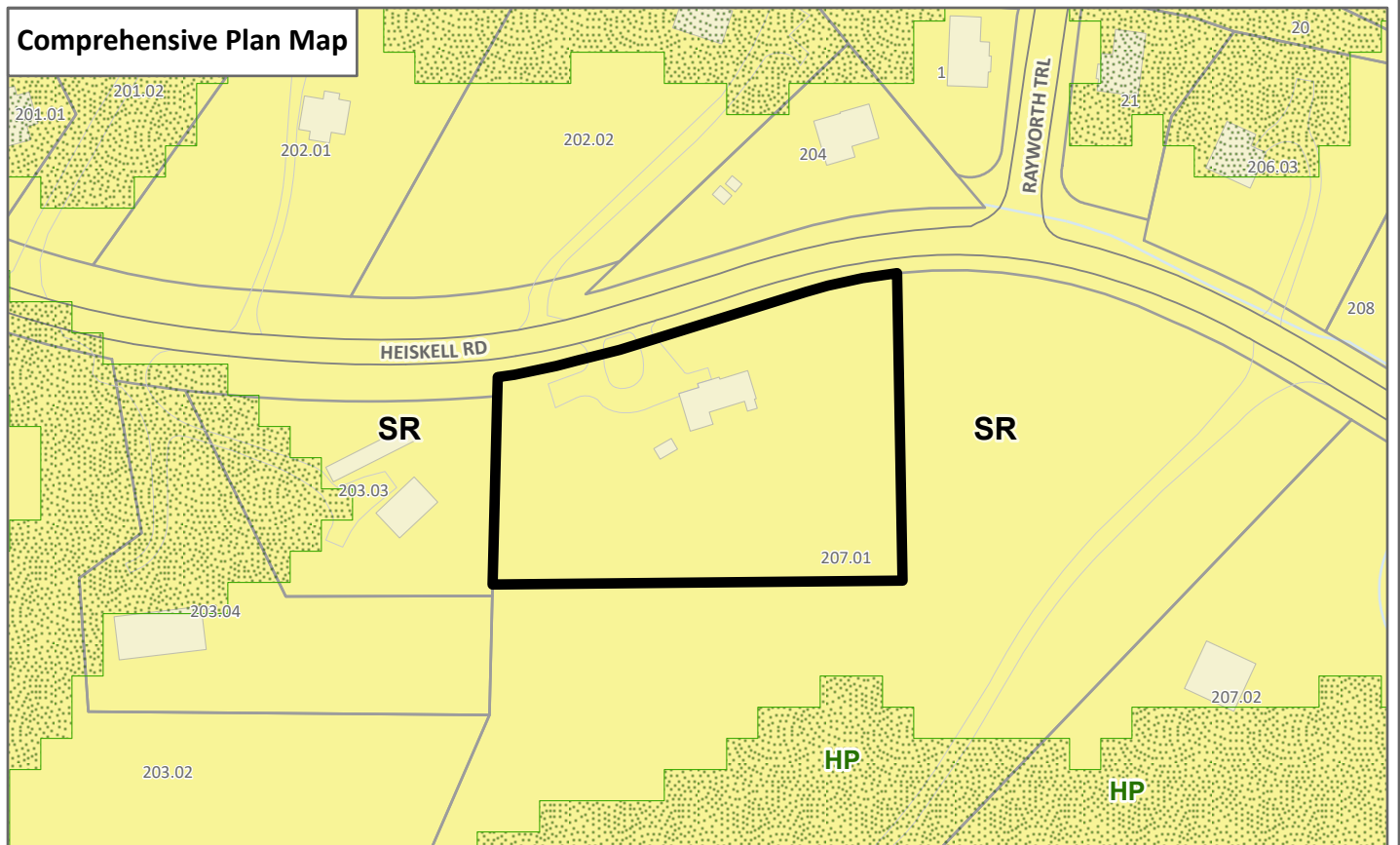
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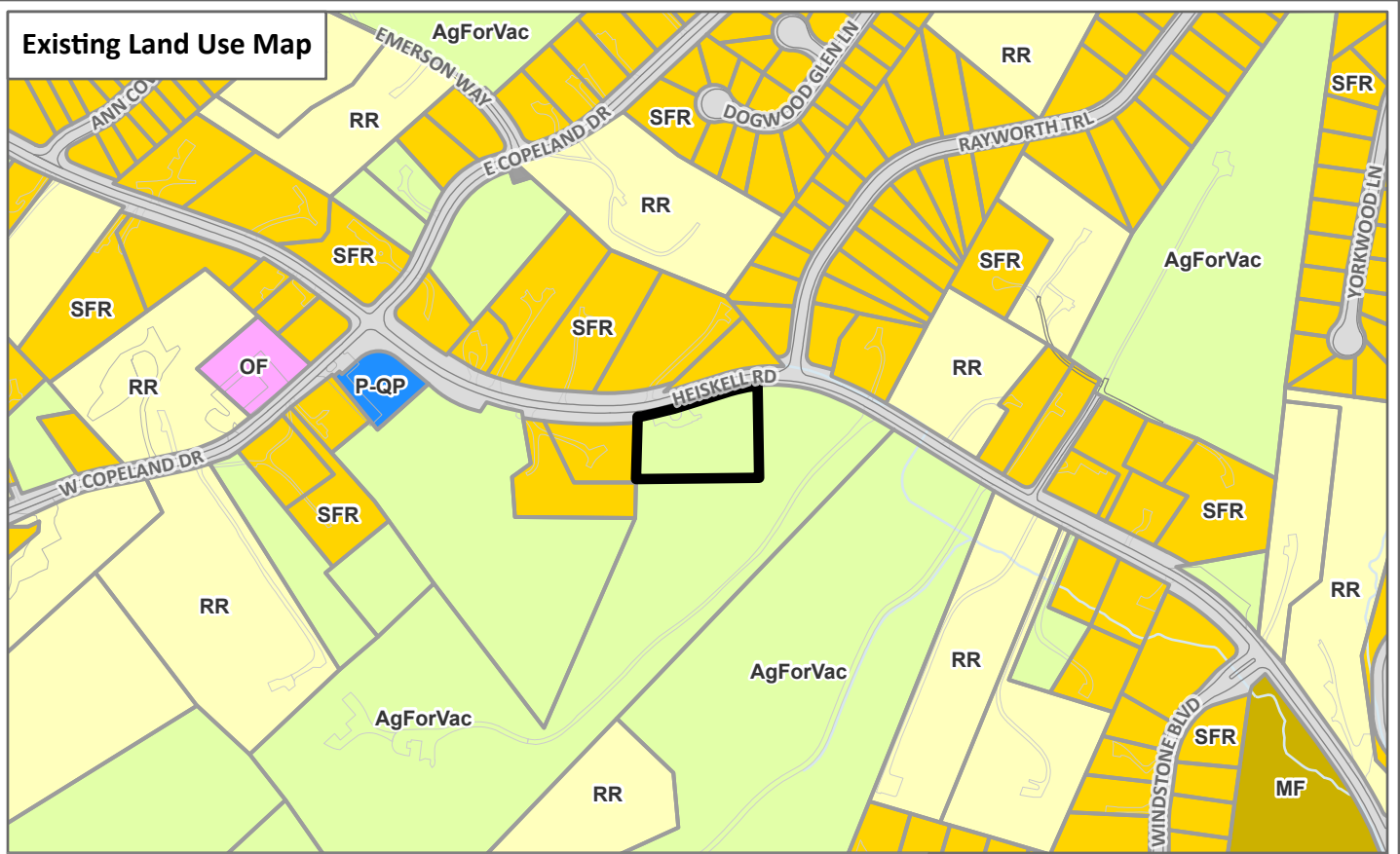
Zoning Map



Comprehensive Plan Map



Existing Land Use Map



CONTEXTUAL MAPS 3

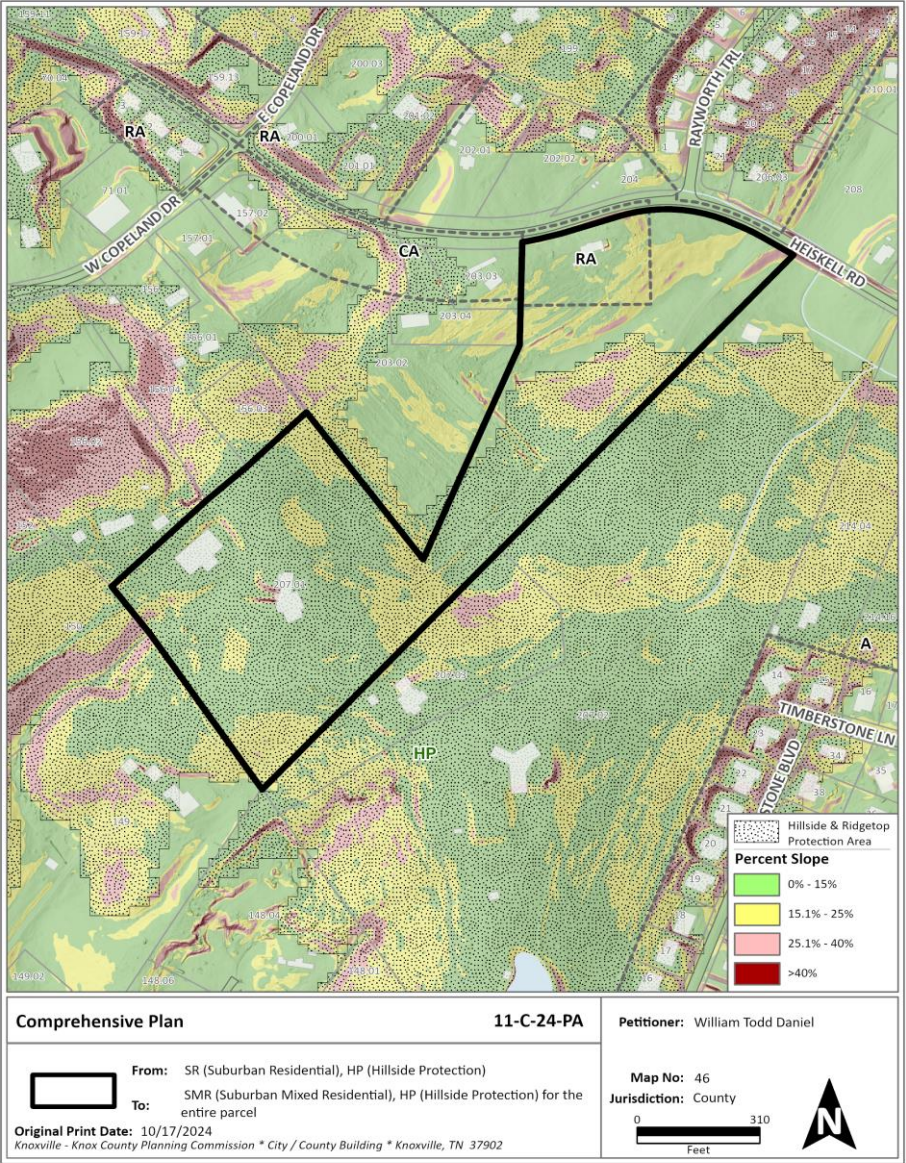
11-Q-24-RZ / 11-C-24-PA



Case boundary



| CATEGORY | ACRES | RECOMMENDED DISTURBANCE BUDGET (Percent) | DISTURBANCE AREA (Acres) |
|-------------------------------|-------|---|-----------------------------|
| Total Area of Site | 18.4 | | |
| Non-Hillside | 4.9 | N/A | |
| 0-15% Slope | 9.2 | 100% | 9.2 |
| 15-25% Slope | 3.9 | 50% | 1.9 |
| 25-40% Slope | 0.3 | 20% | 0.1 |
| Greater than 40% Slope | 0.0 | 10% | 0.0 |
| Ridgetops | | | |
| Hillside Protection (HP) Area | 13.5 | Recommended disturbance budget within HP Area (acres) | 11.3 |
| | | Percent of HP Area | 83.5% |





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

William Todd Daniel

Applicant Name

Owner

Affiliation

9/30/2024

Date Filed

11/14/2024

Meeting Date (if applicable)

11-Q-24-RZ / 11-C-24-PA

File Number(s)

CORRESPONDENCE

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

Benjamin C. Mullins Frantz, McConnell and Seymour, LLP

Name / Company

550 W. Main St. St. Suite 500 Knoxville TN 37902

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

William Todd Daniel

Owner Name (if different)

8303 Heiskell Rd Powell TN 37849

Owner Address

865-546-4292

Owner Phone / Email

8303 HEISKELL RD

Property Address

46 20701 (part of)

Parcel ID

Part of Parcel (Y/N)?

1.56 acres

Tract Size

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

No

Septic (Y/N)

COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

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 **CN (Neighborhood Commercial)**
Proposed Zoning
- ☒ Plan Amendment **SMR (Suburban Mixed Residential), HP (Hillside Protection)**
Proposed Plan Designation(s)

Pending Plat File Number

4-R-23-RZ

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

\$1,500.00

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.

William Todd Daniel

9/30/2024

Applicant Signature

Please Print

Date

Phone / Email

William Todd Daniel

9/30/2024

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

William Todd Daniel

Owner

Applicant Name

Affiliation

November 14, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

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

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37902

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

8303 Heiskell RD

865-546-4292

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

8303 Heiskell Rd

46 207.1

Property Address

Parcel ID

Hallsdale-Powell UD

Hallsdale-Powell

N

Sewer Provider

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

Sign and return the **Public Notice & Community Engagement** form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.**

JULY 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

CN for ~ 1.5 acres (65,340 sq ft currently zoned RA)

Proposed Zoning

☒ Plan Amendment Change

SMR for entire tract

Proposed Plan Designation(s)

4-R-23-RZ

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

Pending Plat File Number

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

William Todd Daniel

Please Print

Date

865-546-4292

tdaniel@zdaniel.com

Phone Number

Email

Property Owner Signature

William Todd Daniel

Please Print

Date Paid

10-25-2024

10-25-2024

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**2 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

Property Owner Signature

Print Name

Date

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

FILE NUMBER



Public Notice and Community Engagement

Sign Posting and Removal

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.

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.

Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

Acknowledgement

By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

November 1, 2024

November 15, 2024

~~November 2, 2024~~

~~November 5, 2024~~

Date to be Posted

Date to be Removed

Have you engaged the surrounding property owners to discuss your request?

☐ Yes ☐ No

☒ No, but I plan to prior to the Planning Commission meeting

48914d33-f15c-42e6-9c5d-afa097d63803

Digitally signed by: 48914d33-f15c-42e6-9c5d-afa097d63803
DN: CN = 48914d33-f15c-42e6-9c5d-afa097d63803
Date: 2024.09.29 10:18:53 -04'00'

for William Todd Daniel

Applicant Signature

Applicant Name

Date

11-Q-24-RZ & 11-C-24-PA

FILE NUMBER