



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 11-R-24-RZ
11-D-24-PA

AGENDA ITEM #: 51
AGENDA DATE: 11/14/2024

► **APPLICANT:** FIRAS MISHU (OWNER)
OWNER(S): Firas Mishu M & W Drilling

TAX ID NUMBER: 90 050, 06306 (PART OF) [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 0 OAK RIDGE HWY (8321 OAK RIDGE HWY)

► **LOCATION:** South side of Oak Ridge Hwy, east of Byington Solway Rd

► **TRACT INFORMATION:** 9.19 acres.

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Oak Ridge Highway, a major arterial street with 24 ft of pavement width within a 120-215 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 PLAN DESIGNATION/ZONING:** SR (Suburban Residential), HP (Hillside Protection), SP (Stream Protection) / CA (General Business), OS (Open Space), F (Floodway)

► **PROPOSED PLAN DESIGNATION/ZONING:** CMU (Corridor Mixed-use), HP (Hillside Protection), SP (Stream Protection) for parcel 090 050 and a portion of 090 06306 / CA (General Business) (for a portion of 090 06306 only)

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

► **EXTENSION OF PLAN DESIGNATION/ZONING:** No, this is not an extension

HISTORY OF ZONING REQUESTS: Rezoned from A (Agricultural) and CA (General Business) to CA (General Business) in 2016 (5-D-16-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, North: Rural residential, single family residential - RL (Rural Living), HP (Hillside Protection) - RA (Low Density Residential), PR (Planned Residential) up to 2.5 du/ac

ZONING South: Rural residential, private recreation - SR (Suburban Residential), HP (Hillside Protection), SP (Stream Protection) - A (Agricultural), F (Floodway)

East: Agriculture/forestry/vacant land, private recreation - SR (Suburban Residential), SP (Stream Protection) - OS (Open Space), F (Floodway)

West: Single family residential, rural residential, agriculture/forestry/vacant land - SR (Suburban Residential), HP (Hillside Protection) - A (Agricultural)

NEIGHBORHOOD CONTEXT: The surrounding area features single family and multifamily subdivisions among large, undeveloped and single family tracts.

STAFF RECOMMENDATION:

- ▶ **Approve the plan amendment to the CMU (Corridor Mixed-use) place type because it meets the criteria for a plan amendment. The HP (Hillside Protection) and SP (Stream Protection) would be retained.**

- ▶ **Approve the CA (General Business) zone because of the change in conditions in the area. The F (Floodway) zone would be retained.**

COMMENTS:

The plan amendment request is for approximately 9.211 acres, including the entire parcel 090 050, which is 2.63 acres, and 6.5 acres of parcel 090 06306. The rezoning request is for 6.5 acres of parcel 090 06306.

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:

In 2016, the County approved an expansion of the CA zoning on parcel 090 050 and a sector plan amendment to C (Commercial) for an established commercial business. The sector plan amendment aligned the sector plan with the zoning and existing commercial use (5-D-16-RZ and 5-B-16-SP). Shortly following this amendment, the Northwest County Sector Plan was updated, which inadvertently reverted the sector plan back to LDR (Low Density Residential) for the entire parcel. The recent Comprehensive Plan update still reflects the error in the sector plan.

There is no error or omission in the plan for parcel 090 06306. The property was rezoned from A (Agricultural) to OS (Open Space) to allow soccer fields, which were never built (11-G-98-RZ). The property remains forested, and Beaver Creek runs along its southern edge.

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. Some commercial zoning is in the area along Oak Ridge Highway. Approximately 450 ft to the west, there is a landscaping business. This property was rezoned to CA in 1984, and another rezoning expanded the CA zone in 2000. The PC zone is approximately 0.3 to the miles east, and the CN zone is 0.4 miles to the west on Oak Ridge Highway; both properties were rezoned in 2006.

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 Oak Ridge Highway 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 CMU place type at this location is consistent with Implementation Policy 4, which prefers commercial development to be in walkable mixed-use centers, along corridors, or at neighborhood nodes. Oak Ridge Highway is a major arterial and Karns Valley Drive at Oak Ridge Highway recognizes the CMU place type just 0.3 miles to the west.

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. Some properties along Oak Ridge Highway have been rezoned to various commercial zones since 1984. This subject property expanded the CA zone in 2016 (5-D-16-RZ).

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

1. The CA zone is for general retail business and services. The expansion of the CA zone is consistent with the existing commercial uses in the area.
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 F (Floodway) zone makes up a small portion of the rezoning request. No structures can be built in the F zone. Additionally, the 100-yr floodplain covers a large area of the property and per Knox County requirements only half of the outer portion floodplain can be developed.
2. The Knox County Flood Damage Prevention Ordinance regulates development in and around Knox County. Compliance with the policies in this ordinance is required for floodplain development. A floodplain development permit must be obtained if the proposed development/building is within the outer half of the 1% / 100-yr floodplain (No Fill line). The inner half of the no fill line could allow the parking of operable vehicles See exhibit B.

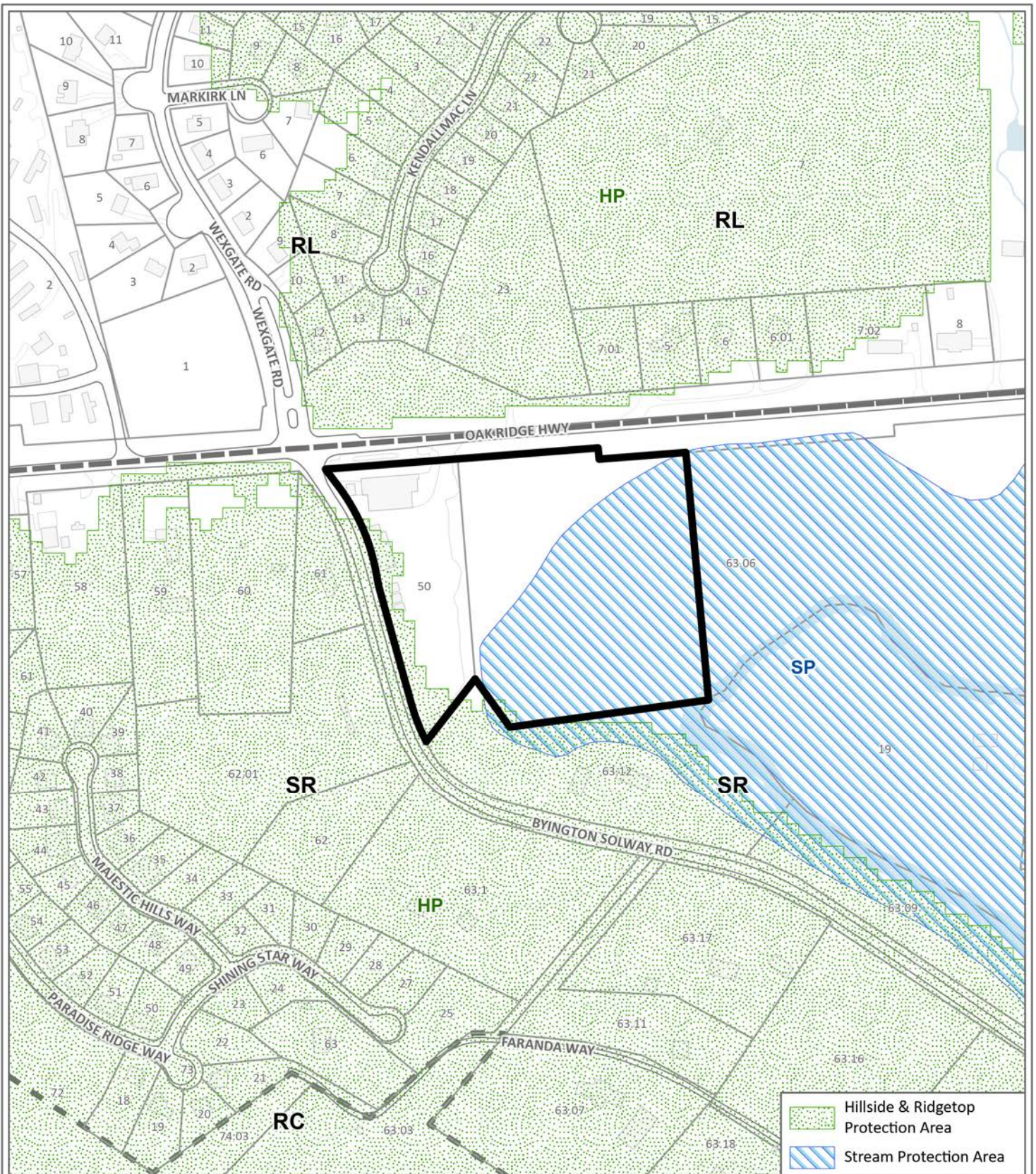
PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN OF KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed CA rezoning is partially related to the CMU (Corridor Mixed-use) place type. Because the CA zone is only partially related, it must meet additional criteria. One criterion is for the proposed zoning district to be compatible with the current zoning of adjacent sites. The CA zone is compatible with the CA zone to the west. The OS zone to the east is undeveloped. The A zone to the south will require 15 ft landscape screen along the property per Article 4.10.11. of the zoning ordinance.
2. The landscape buffering to adjacent sites is consistent with Implementation Policy 2.1 to create buffers.
3. The property is within the Planned Growth Boundary. The purposes of the Planned Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services. The proposed development meets the relevant standards of the Growth Policy Plan.

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-D-24-PA
COMPREHENSIVE LAND USE PLAN MAP**



From: SR (Suburban Residential), HP (Hillside Protection), SP

To: CMU (Corridor Mixed-use), HP (Hillside Protection), SP (Stream Protection)

Original Print Date: 10/9/2024

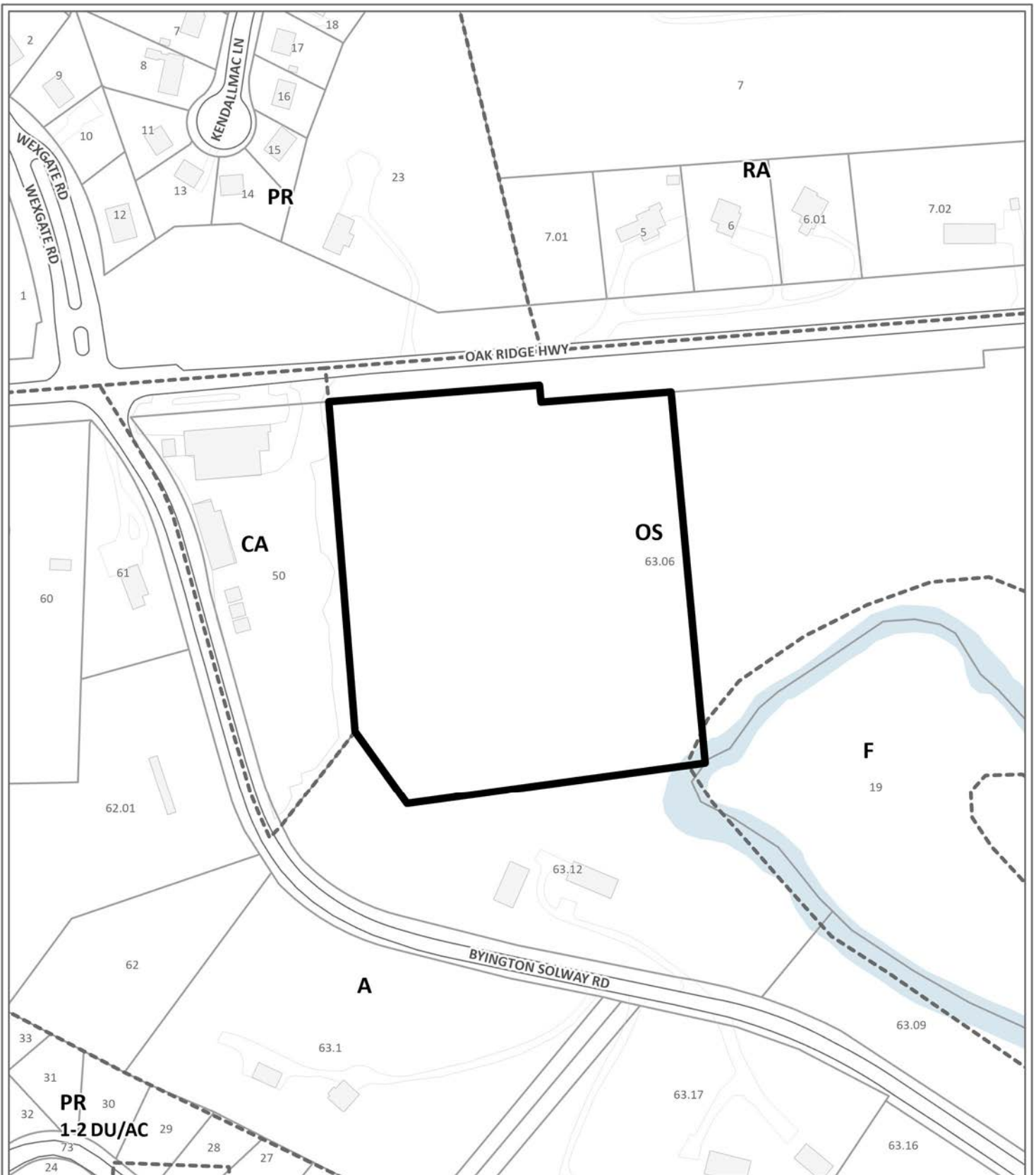
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Firas Mishu

Map No: 90

Jurisdiction: County





REZONING

11-R-24-RZ

Petitioner: Firas Mishu



From: OS (Open Space), F (Floodway)

To: CA (General Business), F (Floodway)

Map No: 90

Jurisdiction: County

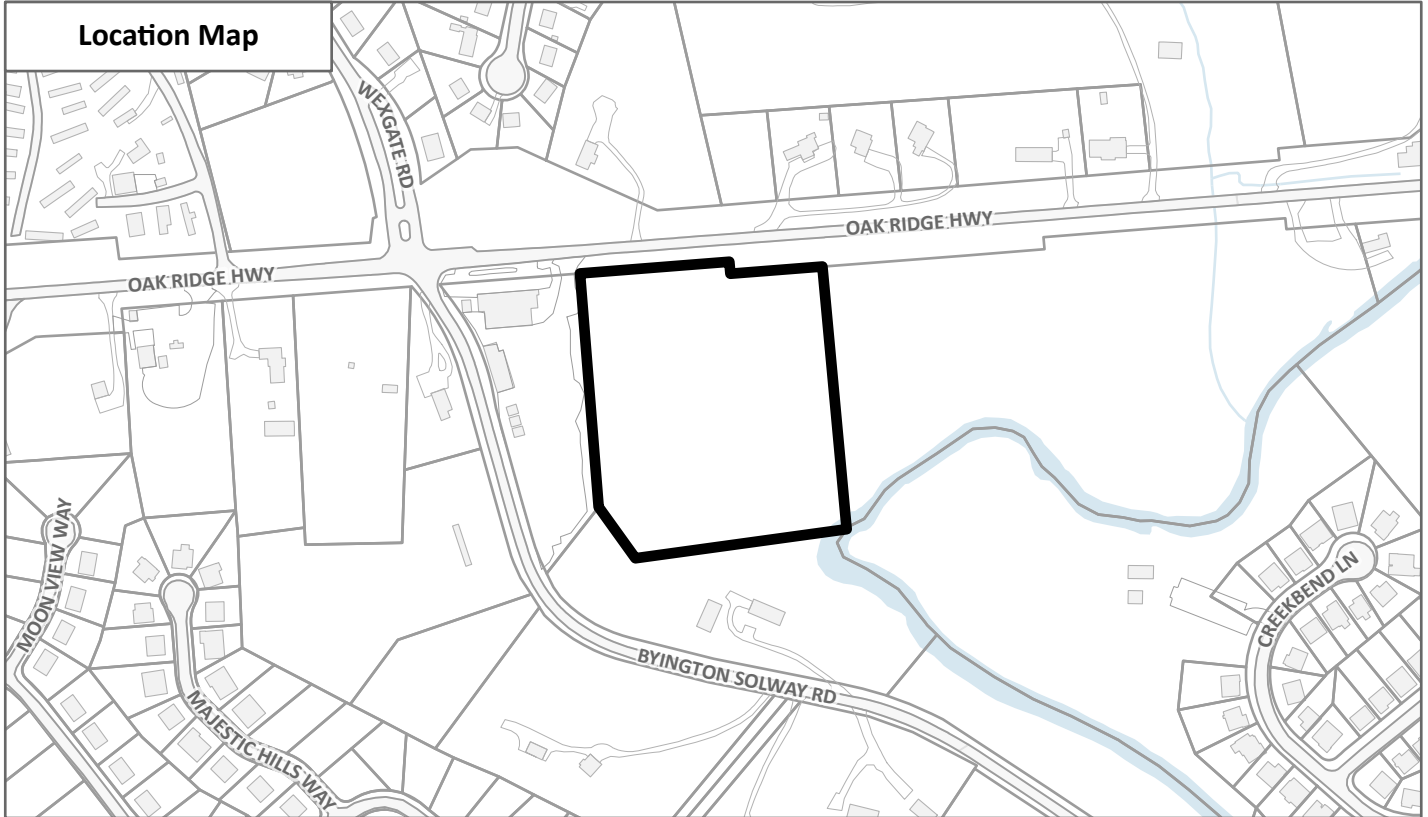


Original Print Date: 10/9/2024

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

Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

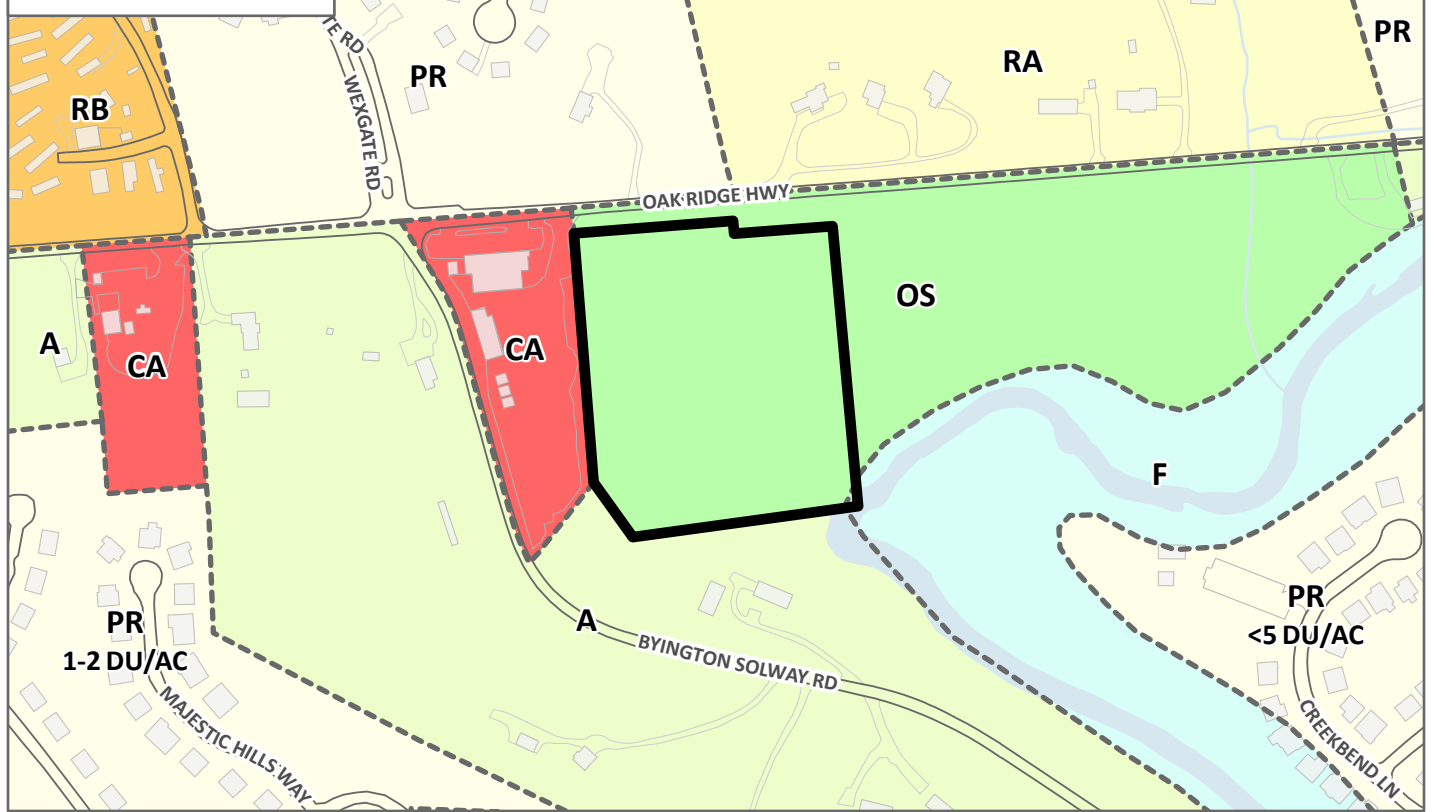
11-R-24-RZ / 11-D-24-PA



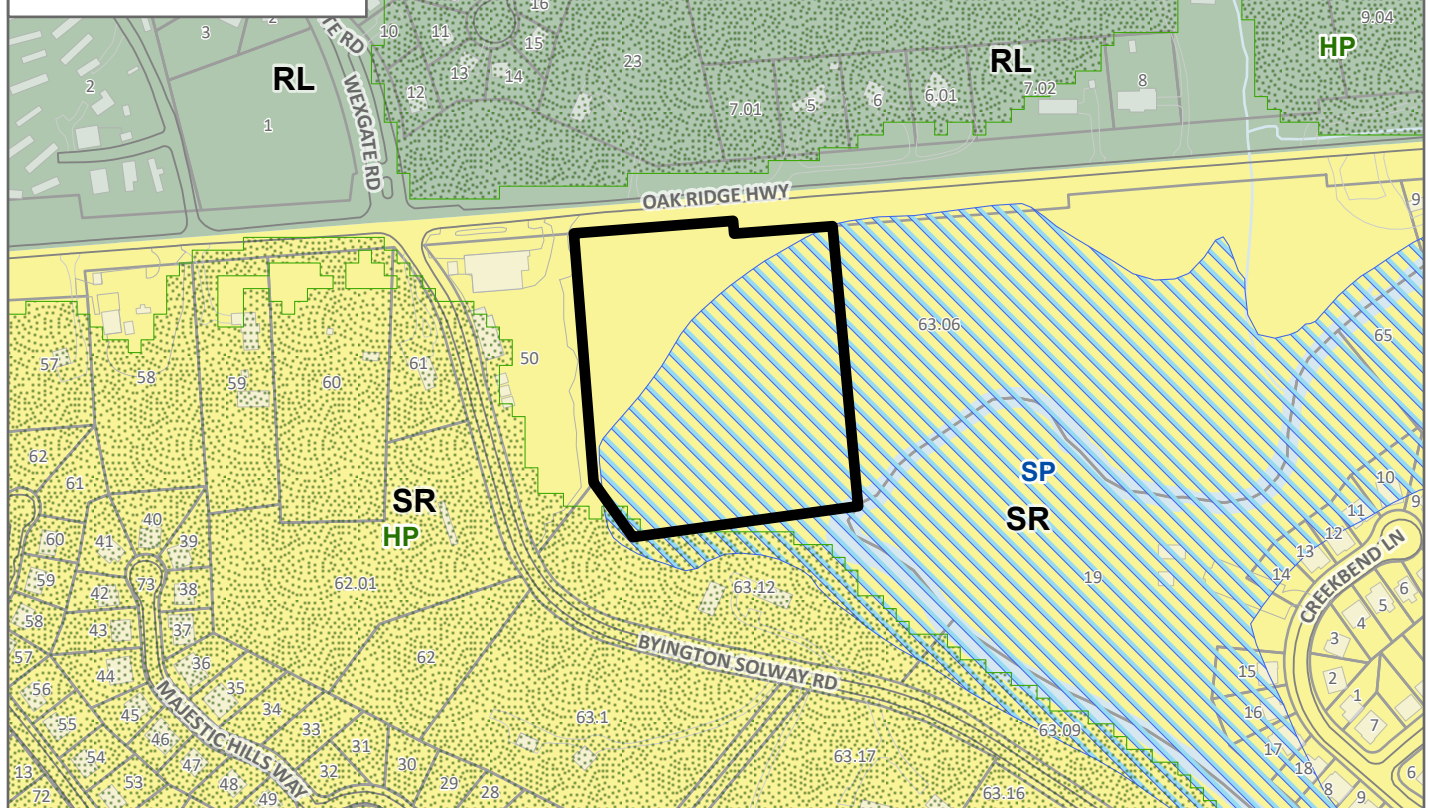
Case boundary



Zoning Map



Comprehensive Plan Map

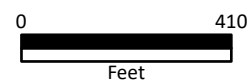


CONTEXTUAL MAPS 2

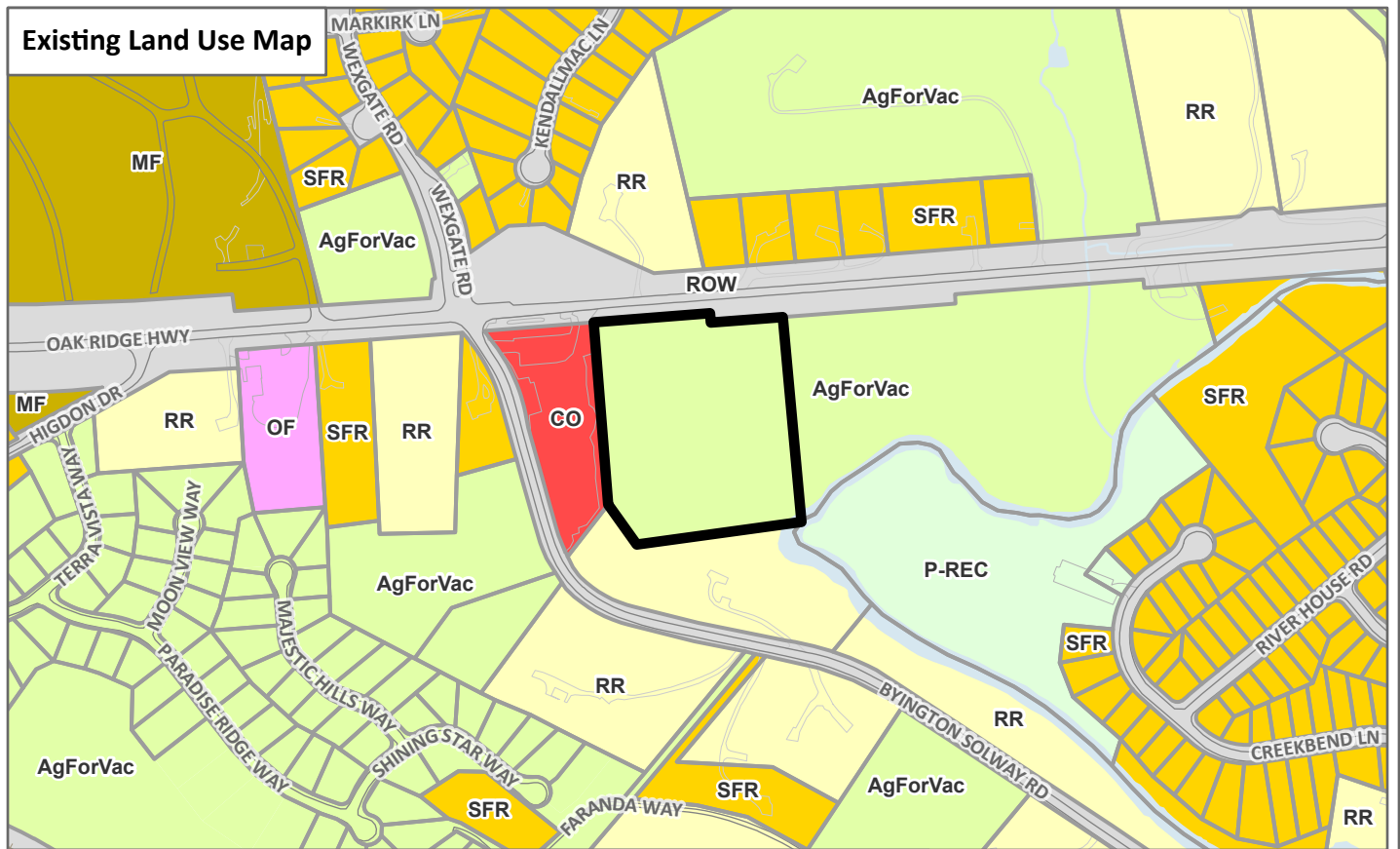
11-R-24-RZ / 11-D-24-PA



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

11-R-24-RZ / 11-D-24-PA



Case boundary

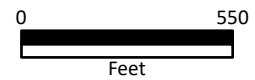


Exhibit B. Supplemental Map

FEMA Flood Map



SUPPLEMENTAL MAP

11-D-24-PA



Case Boundary



No Fill Line

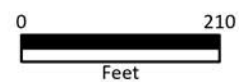
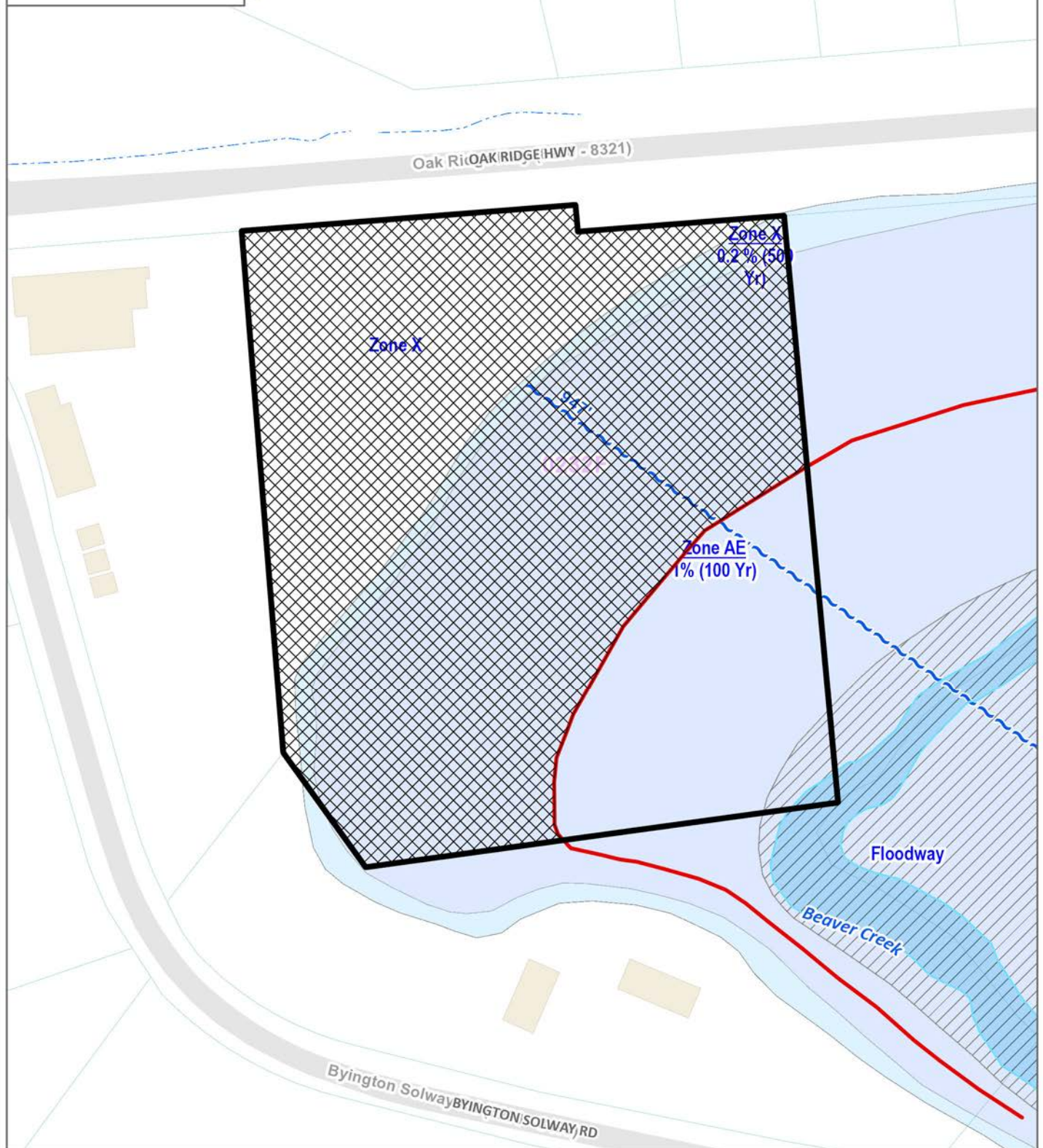


Exhibit C. Supplemental Map

FEMA Flood Map



SUPPLEMENTAL MAP

11-R-24-RZ



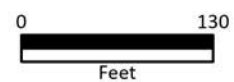
Case Boundary



Area for Staff Recommendation



No Fill Line





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

Firas Mishu

Applicant Name

Owner

Affiliation

9/30/2024

Date Filed

11/14/2024

Meeting Date (if applicable)

11-R-24-RZ / 11-D-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

Firas Mishu M & W Drilling

Owner Name (if different)

8321 And 0 Oak Ridge Hwy Knoxville TN 37931

Owner Address

865-690-0128 / fmishu@mwdril

Owner Phone / Email

0 OAK RIDGE HWY / 8321 Oak Ridge Highway

Property Address

90 06306 (part of) 090 050

Parcel ID

6.65 acres

Tract Size

Part of Parcel (Y/N)?

West Knox Utility District

Sewer Provider

West Knox 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

<input type="checkbox"/> Development Plan	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA	<input type="checkbox"/> Residential	<input type="checkbox"/> Non-residential	
Home Occupation (specify) _____			
Other (specify) _____			

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change	CA (General Business), F (Floodway) Proposed Zoning	Pending Plat File Number
<input checked="" type="checkbox"/> Plan Amendment	CMU (Corridor Mixed-use) Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Rezoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1 \$2,515.00	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request <input type="checkbox"/> Amendment Request (Comprehensive Plan)	Fee 2	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> Use on Review / Special Use (Concept Plan) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist (Hillside Protection)	Fee 3	

AUTHORIZATION

<input type="checkbox"/> 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.		
Firas Mishu		9/30/2024
Applicant Signature	Please Print	Date
Phone / Email		
Firas Mishu M & W Drilling		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

Firas Mishu

Owner

Applicant Name

Affiliation

09/29/2024

November 14, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

11-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

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

Firas Mishu/M&W Drilling

8321 Oak Ridge Hwy. Knoxville TN 37931

865-690-0128

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

8321 and 0 Oak Ridge Hwy (part of)

090 050 and 090 6306 (part of)

Property Address

Parcel ID

WKUD

WKUD

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.**

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 CA for ~6.65 acres on 0 Oak Ridge Hwy (PID No. 090 06306)
Proposed Zoning _____
☒ Plan Amendment Change CMU for all of 090 050 and ~6.65 acres of 090 06306
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
0609	\$850.00		
Fee 2			\$2,515.00
0804	\$1,665.00		
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

865-690-0128

Phone Number

Firas Mishu

Please Print

fmishu@mwdrillingllc.com

Email

Firas Mishu

Please Print

Date

09/30/2024, SG

Date Paid

Property Owner Signature

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

Error/Omission in the Plan: In 2016, the county approved an expansion of the CA zoning and a sector plan amendment to C commercial because the sector plan failed to recognize an established commercial business and the Sector Plan Amendment to make the existing commercial business operative. See 5-D-16-RZ and 5-B-16-SP. Shortly following this map amendment, the overall NW County Sector Plan was amended which inadvertently reverted the sector plan back to AG for the entire parcel. The recent land use map amendment failed to recognize the error in the existing sector plan and its inconsistency with an established commercial operation with existing CA zoning.

Conditions have changed: The established commercial operation, a contractor's office, has continued to grow and flourish at this location and needs to expand its operations on its own property. The need for expanding commercial uses in the county along major arterials continues to rapidly grow and expand. Approval of this plan amendment will recognize the trend of commercial use of the site.

There is established CMU land use placetypes along this corridor and it is appropriate to expand it to areas of existing commercial use that needs further expansion.

Policy 2: The existing community character of this location is an established commercial operation.

Policy 3. Making the plan consistent with established commercial development, and also allowing its expansion, is encouraging infill and continued development of commercially utilized land.

Digitally signed by: 48914d33-f15c-42e6-9c5d-afa097d63803
DN: CN = 48914d33-f15c-42e6-9c5d-afa097d63803
Date: 2024.09.29 10:11:21 -04'00'

for Firas Mishu

9-30-24

Property Owner Signature

Print Name

Date

11-R-24-RZ & 11-D-24-PA

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.

11/01/2024

~~November 2, 2024~~

November 15, 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

Applicant Signature

Firas Mishu

Applicant Name

Date

11-R-24-RZ & 11-D-24-PA

FILE NUMBER