



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, North: Single family residential - SR (Suburban Residential), HP (Hillside Protection) - A (Agricultural), PR (Planned Residential) up to 3 du/ac

ZONING 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

(General Business), A (Agricultural)

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. Rezonings 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.