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July 7, 2025

Knox County Planning Commission
400 Main St., Suite 403
Knoxville, TN 37902

Re: Agenda Item 41
5-I-25-RZ
5240 Schaad Rd.

Dear Planning Commission:

I represent the applicant, Justin Ford, relating to his property at 5240 Schaad Rd. We are requesting a rezoning from A (Agriculture) to CN (Neighborhood Commercial). Although staff is recommending against the rezoning, and there are neighbors opposed to this application, based on the location of the property along a newly renovated and extended this application should be approved and this Commission should recommend to County Commission approval of the rezoning.

Context of Property:

This property is a small 1.25-acre parcel which fronts Schaad Road just east of the newly developed overpass. Although Schaad Rd. is listed as a "minor arterial" road, this 13-mile extension and \$75-million-dollar infrastructure investment is intended to function as a new north-to-west connector from I-275 to I-40 directly serving Ball Camp, Byington, Karns, and the surrounding areas. This newly opened artery is already syphoning congestion off other roads which serve as throughfares to/from west Knox County. When an investment in infrastructure such as this is undertaken, the County should expect and encourage increased investment in development along this corridor. Especially commercial development which not only increases property taxes (with a 40% assessment) but additional sales tax revenue as well. Indeed, there are existing small pockets of commercial zoning/place types to the east and west, and the County should expect the undeveloped properties in this area, especially in proximity to civic amenities and between existing commercial nodes, to either develop into higher density residential or related commercial development to serve the increasing population and traffic expected to utilize the new throughfare.

The property is in the City's Urban Growth Boundary. The newly adopted Advance Knox place type is Suburban Mixed Residential (SMR). SMR is characterized as being serviced by water and sewer and being located in walkable or bikeable proximity to neighborhood commercial uses; however, civic and **commercial** uses are listed as appropriate secondary uses. Notably, SMR allows for higher density residential, (RB and PR up to 12 du/a), Office, Medical, and Related Services (OB), Civic/Institutional, and **Neighborhood Commercial (CN)** zoning as "partially related" zones to the place type. In the context of the Comprehensive Land Use and Transportation Plan, "partially related" means that it must meet one of three criteria to be considered for a rezoning:

1. "The proposed zoning district is consistent with the secondary uses of the subject site's place type." **The request meets this criterion**, and staffs' report acknowledged that this criterion is met.
2. "The proposed zoning district is compatible with the current zoning of adjacent sites." Although the surrounding properties are zoned A, they are not producing commercial farm products and are currently developed as single-family residential. Additionally, there are established residential subdivisions to immediately to the west of this property. As discussed more fully below, the Neighborhood Commercial zone is intended to allow limited retail in a manner convenient to established residential neighborhoods. **The request meets this criterion.**
3. "The proposed zoning district is directly related is directly related to a place type that is adjacent to the subject site on the Future Land Use Map." Like the PR zone, the CN zone is not "directly related" to any place type. Therefore, it cannot meet this criterion.

Having met two of the three criteria for approving a partially related zoning amendment, I must respectfully disagree with staffs' ultimate conclusion that the property does not meet the zone's intent or location criteria.¹

Neighborhood Commercial Zone:

It would further appear that this property would be appropriate for CN (Neighborhood Commercial) rezoning. Per Section 5.38.01 of the Knox County Zoning ordinance:

[the CN (Neighborhood Commercial) zone] provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. 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. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

¹ Also attached are copies of my client's preliminary correspondence with planning staff regarding the most appropriate zone to establish a coffee shop on this property. While staff did not directly state they would be supportive of the CN zoning, they did state that "the CN zone would be the most appropriate option for a coffee shop" of the zones that could be considered without amending the place type.

Id. *emphasis* added. This Property clearly meets these criteria. Despite this, the significant changing conditions with the Schaad Road extension, the proximity to established neighborhoods and Amherst Elementary school, staff is hinging its recommendation to deny on the language "This zoning should *generally* be placed at street intersections." "Generally" is not the same as "mandatory", and the directive in the zoning ordinance is a "should" and not a "shall". Therefore, the ordinance allows there to be consideration of CN zoning that is not at an existing intersection. Thus, this shall not be a basis for a denial when the rezoning criteria is otherwise met.

Staff also raised an issue about potential access to the property. Access issues will be reviewed and resolved either during permitting (for uses-permitted) or during a use-on-review for "uses-permitted-on-review" which would be required for a coffee shop and/or a drive-through in the CN zone). However, given its proximity to Amherst Elementary school, and a major church, a potential "right-in/right-out" access would not be inappropriate for commuting church members or parents dropping off or picking up children from school and wanting to grab a coffee on the way. This type of traffic pattern is consistent with several coffee shops along major roads adjacent to existing residential and civic amenities. And while staff believes that this area is more appropriate for residential uses, the CN zoning is intended to be compatible with and serve these residences. While I would agree with staff that residential uses on this property would be more appropriate *if* the property were part of a larger assemblage of properties, this small 1.25-acre parcel would be ill-suited for a single-family home fronting the expanded Schaad Rd. And while a small townhome or multi-family development may be more consistent with its street frontage, the size of the development is limited by the size of the lot. Without being a part of a larger residential development, and taking this property as it currently stands, a commercial development accommodating a small coffee shop, or similarly compatible use, is the most appropriate zoning and use for the property.

Neighborhood Outreach

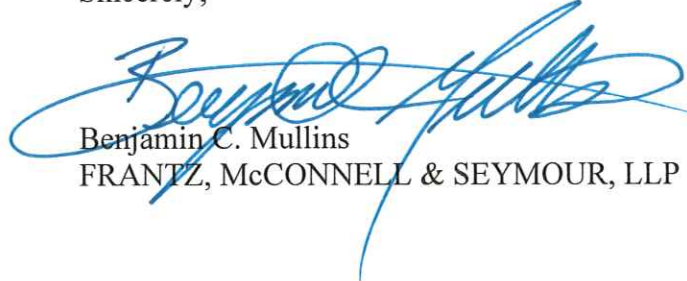
This matter was postponed, twice, to allow me and my client a chance to meet with the surrounding neighbors. We were finally able to meet with them last week. Although there are 9 comments in opposition, these comments come from the family members of the former owner of the property. My client acquired this property from a nephew who had inherited the parcel, and the objecting neighbors believed it was wrong for him to sell the property to a non-family member. Although my client offered to sell the property back to these neighbors for the price he currently has in the property, the family believes that my client "over-paid" for the property. In fact, my client bought the property for significantly less than it appraised (even with its current zoning). While the neighbors likely have some sincere, but unfounded, concerns they have not been willing to consider any use on the property other than its current A zone. Nevertheless, if this property is rezoned to CN, and a coffee shop is sought for approval, the neighborhood's concerns about light, noise, access, privacy, etc., can be addressed as part of the CN's use-on-review process.

Finally, attached hereto is a statement from the Property Owner advocating for the rezoning and addressing potential concerns about utilities and access to the property. This statement addresses utility and access concerns that have been raised in some of the online comments.

Conclusion

For all of these reasons, I would respectfully request that you **approve** the rezoning request because it meets the location criteria and intent of the CN zone and it is compatible with the place type and the surrounding community. I am happy to answer any questions prior to the meeting.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:kw

Enc.

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Knox County Planning - Case 5-I-25-RZ

Owner Statement in Support of Rezoning to Commercial Neighborhood (CN)

Justin Ford – 5240 Schaad Road, Knoxville, TN

To Whom It May Concern:

I respectfully submit this request to rezone my property located at 5240 Schaad Road, currently zoned Agricultural (AG), to Commercial Neighborhood (CN). **This rezoning would enable a small-scale, neighborhood-oriented commercial use** that aligns with current development along Schaad Road and supports the broader vision for walkable, accessible services within the community.

My intent is to work fully within Knox County's building codes and development standards to establish a community-focused store, workshop, or small commercial development. The parcel is just 1.5 acres, and as such, any future use will necessarily remain modest in scale to meet code requirements for access, parking, setbacks, and utilities.

Commitment to the Property and Community:

When I purchased this property, it was in poor condition and contained significant waste and junk from years of neglect. I have since invested time and resources to clean, restore, and stabilize the site, improving its appearance and overall safety. My goal is to continue investing in this location to bring long-term value to the community.

I understand that the planning staff has expressed a preference against CN zoning, suggesting instead that the property be rezoned to a residential (R) classification, which could allow for a multifamily housing development. However, I do not believe that such a residential use would serve the local community as well as a small, well-run, neighborhood commercial establishment. The area already faces traffic and access constraints related to nearby schools, and multifamily development could increase density without contributing needed amenities.

Context and Land History:

The property was originally zoned Agricultural and has since been subdivided by the original family over time. I am the first non-family owner of this parcel, and I fully understand and sympathize with the family's longstanding relationship with the land. I am committed to honoring the spirit of their stewardship by ensuring that any future development is thoughtful, well-designed, and sensitive to the surrounding environment.

Surrounding Context:

To the east are two small driveway parcels that have been rendered undevelopable due to the construction of Schaad Road. If these parcels were to be transferred or sold to Knox County, they could improve school access to Amherst Elementary and traffic flow for the

neighborhood. In doing so, my site would functionally become a corner lot—a preferred layout under CN zoning due to enhanced visibility, access, and buffering potential.

To the west is a deteriorating parcel previously used for a commercial greenhouse under an agricultural exemption. Although the current owners operated that use for years, they have submitted comments opposing my request—despite having benefited from unregulated commercial use themselves. My proposal seeks to correct that inconsistency with a modern, clearly permitted, and neighborhood-compatible zoning designation.

Utility Infrastructure:

I am actively working with a field agent from Knoxville Utilities Board (KUB) to coordinate future service to the site. Both water and gas lines are available approximately 300 feet west, and public sewer service is located about 1,000 feet west. KUB has recommended a low-pressure sewer line for this parcel and is currently preparing a quote. These existing connections make this location well-suited for modest commercial use without extensive infrastructure investment.

Access and Driveway Permit:

My prior access to the site was disrupted (Fairly) when my neighbor erected a fence that fully blocked the existing entrance. The fence was constructed with the unfinished or “dangerous” side facing my property, in apparent violation of county fencing standards. I have responded by securing a new driveway permit from Knox County Engineering, ensuring legal and compliant access for the future.

Conclusion:

Rezoning 5240 Schaad Road to Commercial Neighborhood (CN) will:

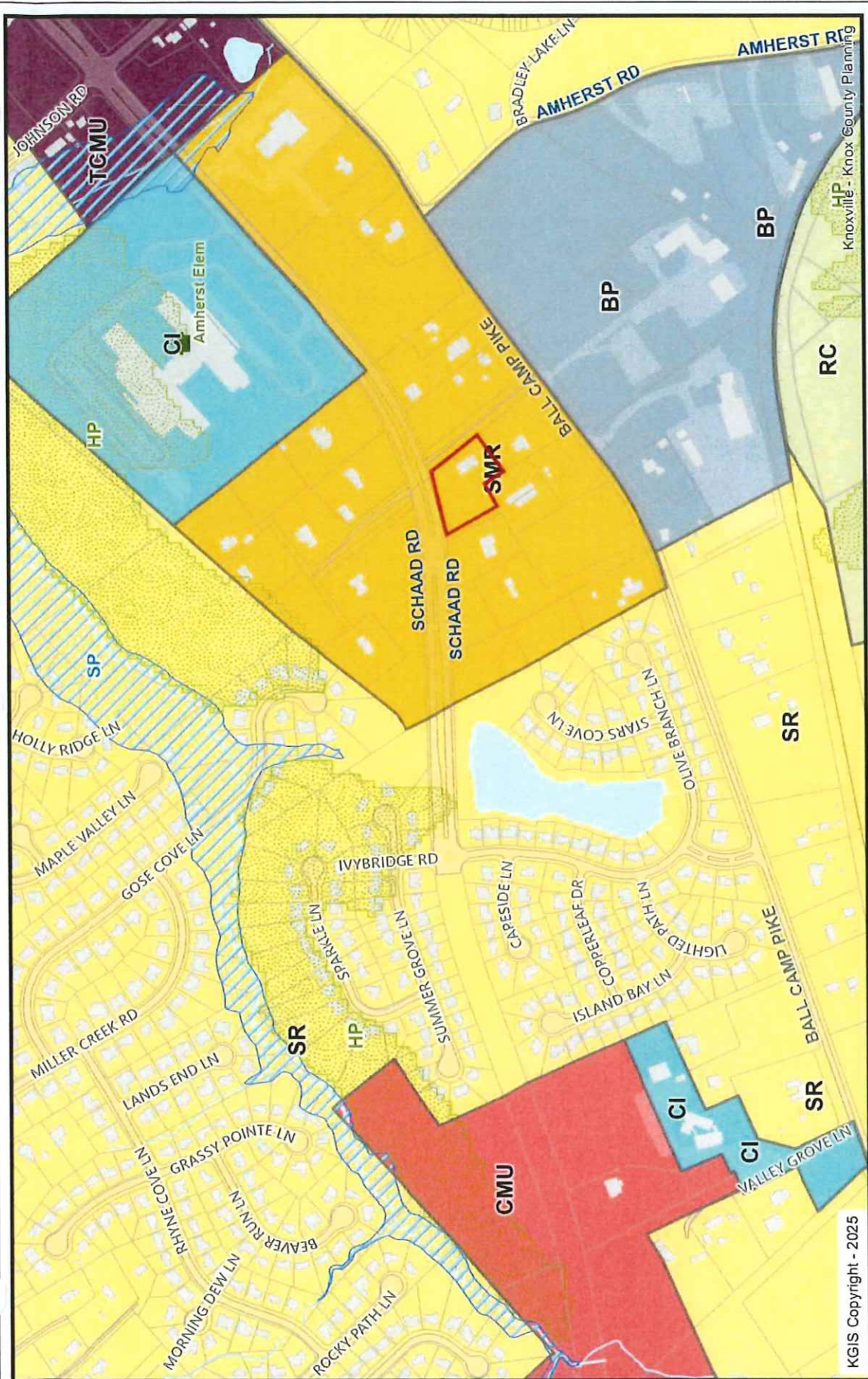
- Enable small, community-serving development within full code compliance,
- Leverage existing nearby infrastructure with no major public investment,
- Support traffic improvements and school access through potential parcel transfer,
- Functionally create a corner lot consistent with CN zoning preferences,
- Avoid dense residential development that may strain local roads and services,
- Respect the history of the land while investing in its long-term value to the neighborhood.

I am committed to working with county staff, neighbors, and community stakeholders to ensure this development improves the area and reflects the values of those who have cared for this land in the past.

Thank you for your time and thoughtful consideration.

Sincerely,
Justin Ford
865-770-8870

jford400@gmail.com

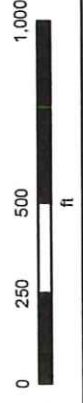


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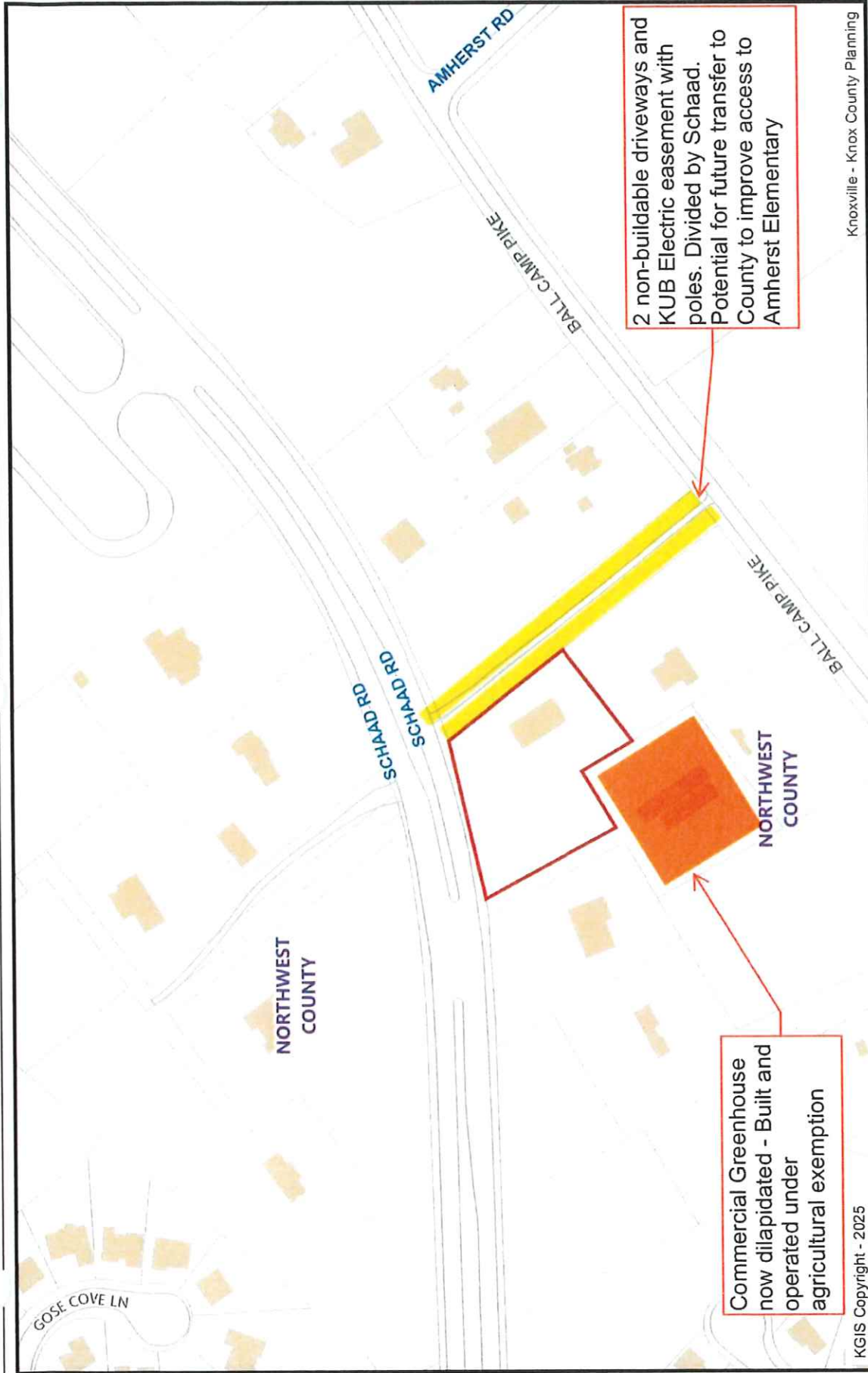
5240 Schaad Ariel

Knoxville - Knox County - KUB Geographic Information System

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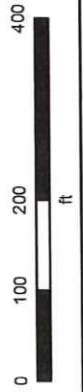


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5240 Schaad Ariel Driveways

Knoxville - Knox County - KUB Geographic Information System

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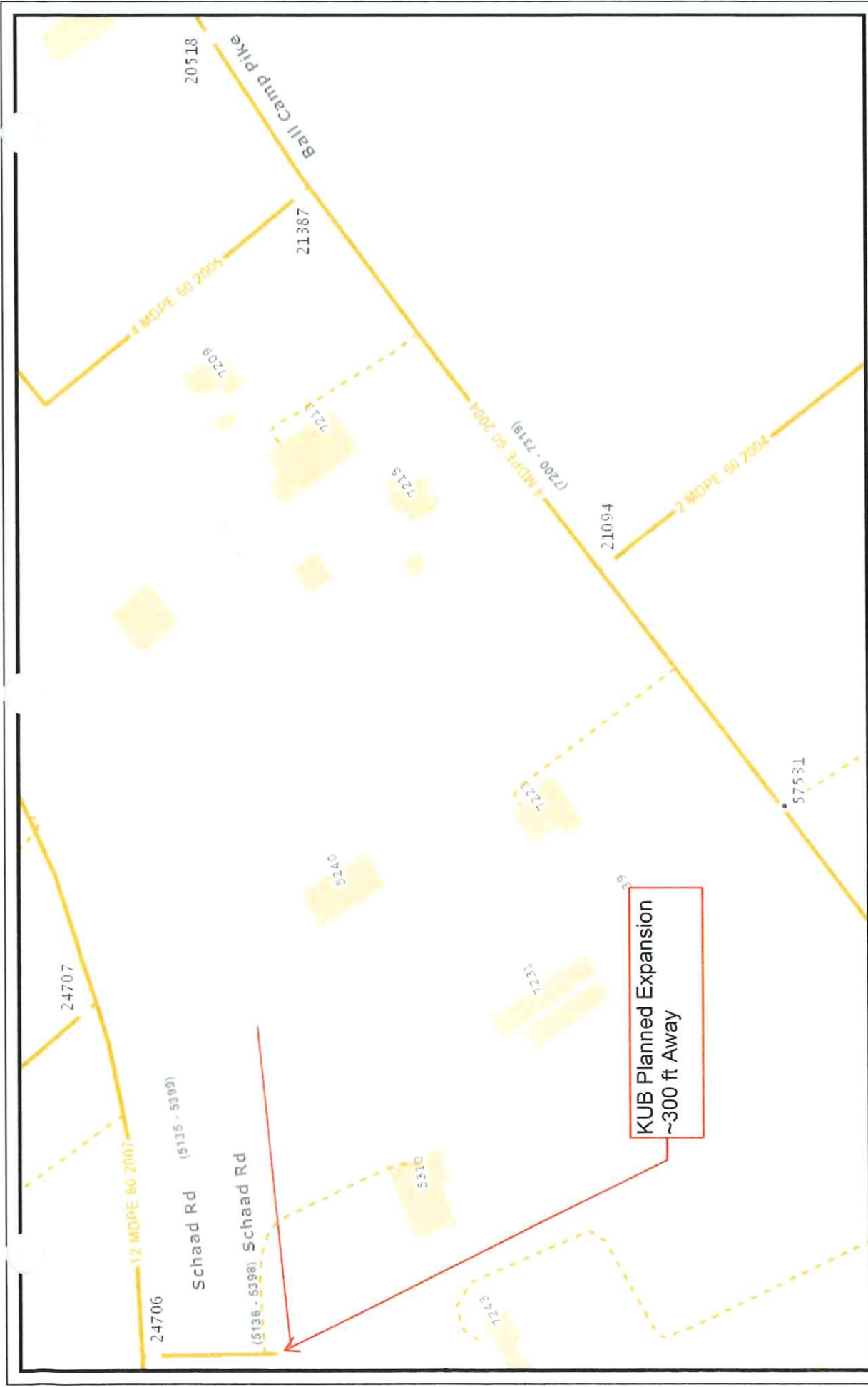


Trash has been cleaned up since owning

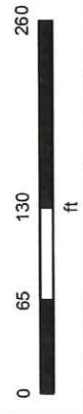
New Fence Installed by neighbors (wrong direction - structure side facing me)

Commercial Greenhouse now dilapidated and an eyesore, large empty water tanks - Built and operated under agricultural exemption

2 non-buildable driveways and KUB Electric easement with poles. Divided by Schaad. Potential for future transfer to County to improve access to Amherst Elementary



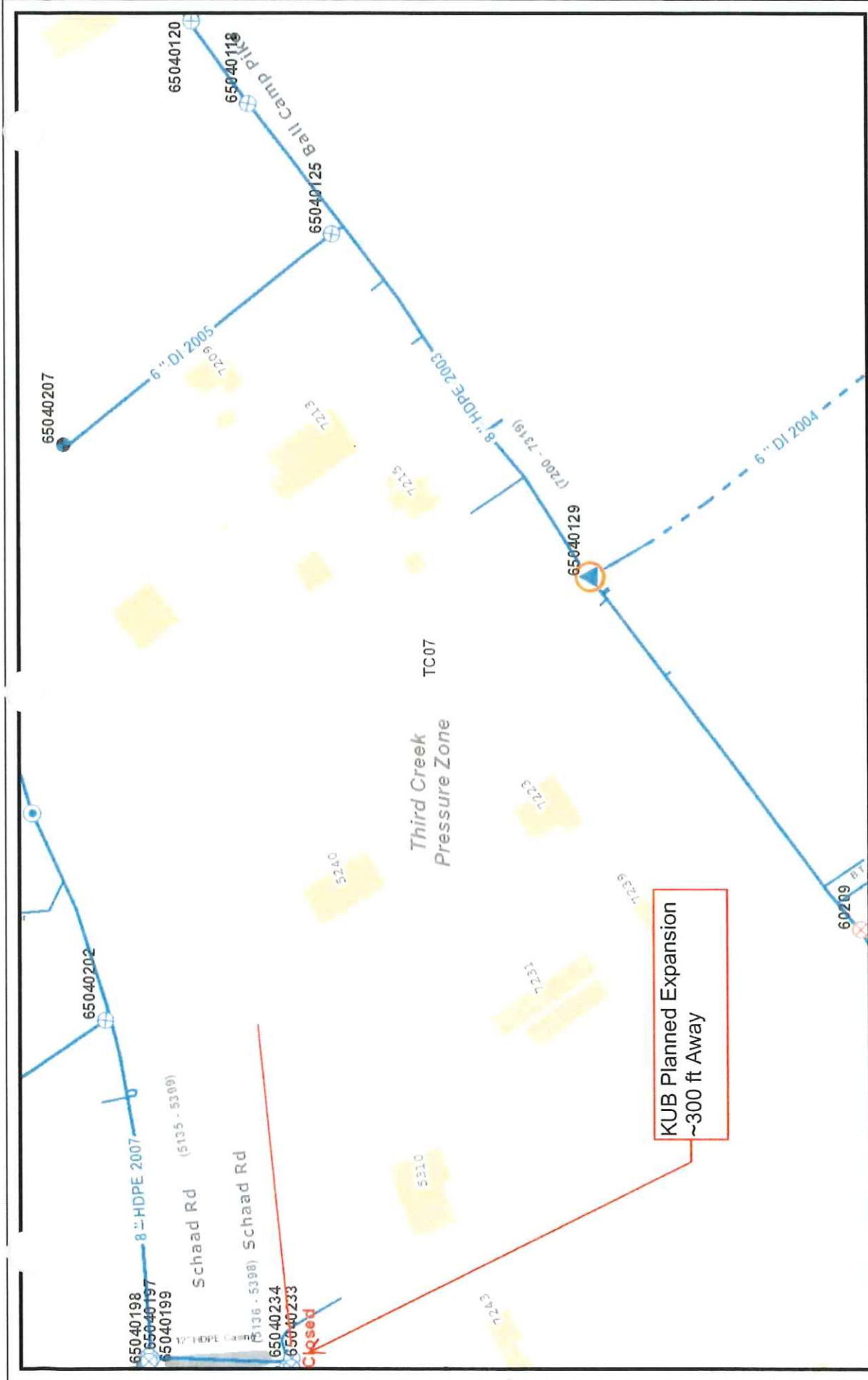
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Gas

Knoxville Utilities Board

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Water

Knoxville Utilities Board

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0 65 130 260 ft

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Justin Ford <jford400@gmail.com>

5240 Schaad Road - Zoning

Justin Ford <jford400@gmail.com>

Tue, Mar 11, 2025 at 3:23 PM

To: Malynda Wollert <malynda.wollert@knoxplanning.org>

Cc: Whitney Warner <whitney.warner@knoxplanning.org>

Thank you for your help, yes we were planning on the CN.

Whitney,

Nice to meet you, I was wondering if we could set up a quick phone call? I am new to this process and had a few additional questions!

Thanks

Justin Ford
865-770-8870

On Tue, Mar 11, 2025 at 8:17 AM Malynda Wollert <malynda.wollert@knoxplanning.org> wrote:

Mr. Ford,

The CN zone would be the most appropriate option for a coffee shop. A coffee shop would most likely be categorized as a restaurant use in the CN zone, which would require Planning Commission approval of a Special Use case (County Commission approval not required). The Special Use case could not be heard at the same Planning Commission meeting as the rezoning. You would need to submit a site plan along with your Special Use application. For more questions about the rezoning, you should consult Whitney Warner at whitney.warner@knoxplanning.org.

Best,

Malynda Wollert
Assistant Planner
(865)-215-3511



Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902

From: Justin Ford <jford400@gmail.com>

Sent: Monday, March 10, 2025 3:14 PM

To: Malynda Wollert <malynda.wollert@knoxplanning.org>

Subject: Re: 5240 Schaad Road - Zoning

You don't often get email from jford400@gmail.com. [Learn why this is important](#)

Malynda,

Thank you very much for your quick reply and detailed response!

I think we would be looking at the CN zoning as listed in the future plan, we were discussing a coffee shop, however that may fall under restaurants and permitted on a special use case. I have a few more questions and if possible I would like to discuss with a planner or I can list my questions here. Given that I only have a few days until the 24th I'd like to make sure we are thorough!

Thank you again for being so helpful!

Justin Ford
865-770-8870

On Mon, Mar 10, 2025 at 9:28 AM Malynda Wollert <malynda.wollert@knoxplanning.org> wrote:

Mr. Ford,

This property is currently zoned A (Agricultural) in Knox County, which is a residential zone with a minimum lot size of 1 acre. We base rezoning decisions off our future land use plan which assigns place types to properties, which correlate to different zones that you can request. The commercial zones that you could request to rezone this property to are [CN \(Neighborhood Commercial\)](#), [T \(Transition\)](#), or [OB \(Office, Medical, and Related Services\)](#), and you can find these zones described at each of their links. If you wanted to request different commercial zones than these, you would have to get approval for a Plan Amendment to the future land use plan, which must meet higher standards and would be challenging on this property.

You would not need to have the sewer connected to request to rezone the property. We would look at the availability of sewer, and you are in a sewer service district, which means this would not be an issue. You are welcome to connect to the sewer on your own timeline independent of any Planning process. To apply for a rezoning case, you would simply complete [this form](#) and email it to applications@knoxplanning.org; you will then pay the \$1,000 application fee. If you submit the application by March 24th, your case would be heard at the Planning Commission meeting on May 8th. After getting approved by the Planning Commission, all rezoning cases in the County must also receive final approval from the County Commission.

If you have a specific use you are interested in, I can let you know which zone would be most appropriate. Then, I can connect you to one of our planners who would likely review the case for the Planning Commission, and you can ask them any further questions before you submit your application. Let me know if you have any more questions.

Best,

Malynda Wollert
Assistant Planner
(865)-215-3511



Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902

From: Justin Ford <jford400@gmail.com>

Sent: Friday, March 7, 2025 5:10 PM

To: Contact <contact@knoxplanning.org>

Subject: 5240 Schaad Road - Zoning

Some people who received this message don't often get email from jford400@gmail.com. [Learn why this is important](#)

Hello,

I am looking to start the process of getting this property rezoned to commercial. Who should I reach out to to get some general information? I am new to this process so any help is appreciated.

I know I need to extend sewer utilities to the property, and have reached out to KUB, My first question is can I start the rezoning process without, the sewer extended? Can we do it at the same time as the rezoning application?

Have a great weekend!

Justin Ford
865-770-8870



Justin Ford <jford400@gmail.com>

Comprehensive Plan Place Type Matrix

Kelsey Bousquet <kelsey.bousquet@knoxplanning.org>
To: Justin Ford <jford400@gmail.com>

Mon, Apr 21, 2025 at 3:32 PM

Yes, there would be a new fee for the application.

Kelsey Bousquet
Planner
865-215-3758
Code of Ethics



Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902

From: Justin Ford <jford400@gmail.com>
Sent: Monday, April 21, 2025 2:53 PM
To: Kelsey Bousquet <kelsey.bousquet@knoxplanning.org>
Subject: Re: Comprehensive Plan Place Type Matrix

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Kelsey, thank you for sending me the information? If we decide to pull and resubmit, do we have to pay the fee again?
Thanks!

Justin Ford
Cell: 865-770-8870

On Mon, Apr 21, 2025 at 1:43 PM Kelsey Bousquet <kelsey.bousquet@knoxplanning.org> wrote:
Justin,

Per our conversation, I've attached the matrix showing what zones are permitted in each place type. The property at 5240 Schaad Road has the SMR (Suburban Mixed Residential) place type; a description of this place type is also attached.

EXISTING ZONES

- Traditional Neighborhood
Corridor Mixed-use
Town Center Mixed-use
Suburban Residential
Suburban Mixed Residential

[illegible]

**Kelsey Bousquet
Planner
865-215-3758
Code of Ethics**



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