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November 6, 2026

Knoxville–Knox County Planning
City-County Building
400 Main Street, Suite 403
Knoxville, TN 37902

Re: 9857 George Williams Rd
Agenda No. 43
11-SE-26-C / 11-H-26-DP

Dear Planning Commission:

I represent S&E Properties, LLC, the applicant for the concept plan and development plan for the property at 9857 George Williams Rd (307 Triplett Ln) (144 001, 00408) (the "Property"). Staff recommends denial on a single premise: that the Rural Conservation (RC) placetype imposes a binding 50% open-space requirement on the Property.[1] It does not. County Commission zoned the Property PR(k) at up to 2.5 dwelling units per acre with two express conditions, and the plans satisfy both conditions and the permitted density.[2] The RC placetype's 50% figure becomes an enforceable obligation only when it is (1) imposed by an express zoning condition or (2) adopted through further zoning amendments. Neither has occurred here. Planning staff, members of this Commission, Planning's Executive Director, and the County's Senior Deputy Law Director have

[1] The applicant notes that staff initially uploaded a report in these cases recommending approval with conditions, including this express condition: "Ensuring that at least 50% of the site is preserved as open space outside of building lots and rights-of-way of the main body of the subdivision (lots 1-101) and structures and driveways of the northernmost large lot (lot 102), based on the acreage on the final plat. Any future development on lot 102 must be in compliance with the open space requirement of the entire subdivision." Staff subsequently replaced that report with the current report recommending denial.

[2] Either Planning Commission or County Commission could have conditioned the rezoning on RC enforceability or a 50% open area set-aside. Both chose not to do so.

each previously acknowledged that limitation on the record. Nor is the hillside protection plan's disturbance budget binding; County Commission expressly declared those guidelines advisory. As such, I respectfully request that you overturn staff's recommendation and approve the concept plan and development plan. This letter responds to the staff report in the order in which staff presents its analysis.

I. The Proposal:

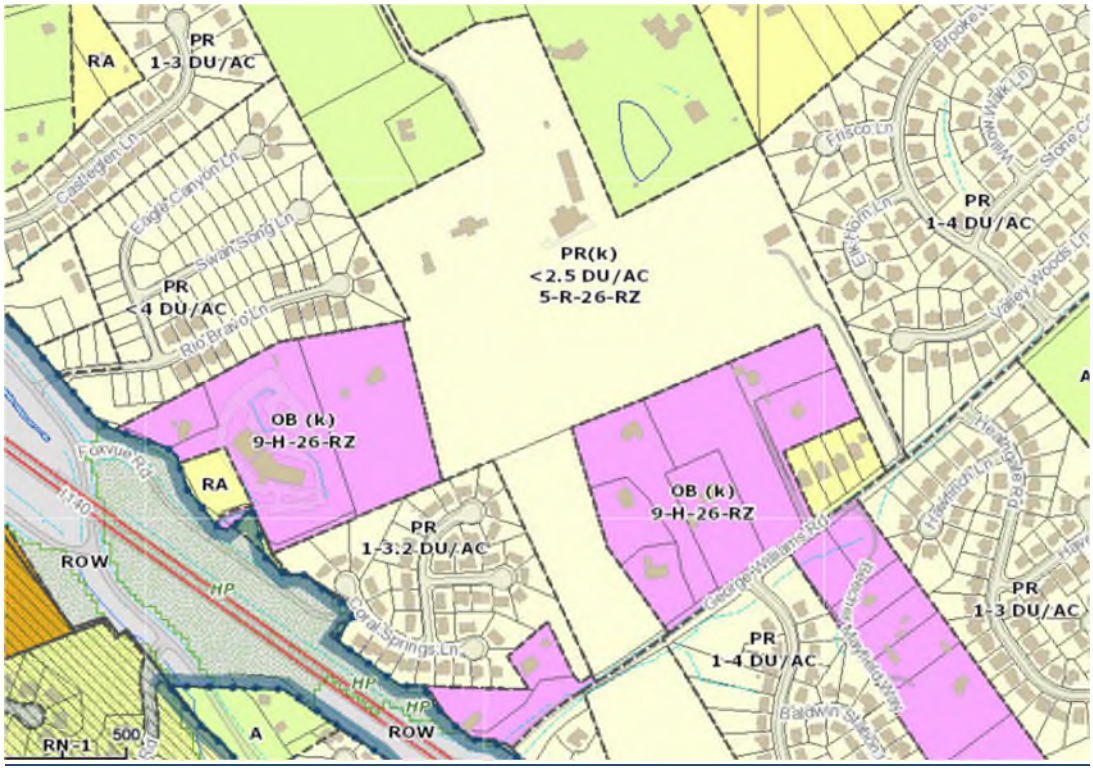
The plans propose 103 lots: 101 new lots in the main body of the subdivision, a 0.85-acre lot on George Williams Road (lot 103), and a 14.44-acre lot retaining the existing residence and horse farm (lot 102). Staff calculates the density at 2.13 dwelling units per acre across 48.24 acres, comfortably below the 2.5-unit cap. Triplett Lane will serve only the existing residence, the new subdivision will take access from a public street off George Williams Road, and the applicant prepared the traffic impact study that County Commission required. Staff report, pp. 43-1 to 43-3 Rezoning record

II. Planned Growth Area and Adjacent Development Patterns.

Staff agrees that the proposal "is not in conflict with" the Planned Growth Area's goals of a reasonably compact pattern of development, a wide range of housing choices, and coordinated public facilities. Staff's only reservation, that "a more compact development pattern is required to ensure compliance with the Comprehensive Plan," restates the uncodified RC objection addressed in Sections IV and V below. However, the Plan itself anticipates exactly this kind of development here: "[i]n growth areas, corridors and pockets of rural conservation indicate places that may be subject to development similar to the adjacent place types, but where more compact and low impact site design is expected" (p. 38). The plan already clusters, and the proposed detached homes are a primary use that the RC placetype itself contemplates. The layout retains the upper farm, limits Triplett Lane to the existing residence, and places subdivision access on George Williams Road, a major collector. Measured against the zoning County Commission actually enacted, and the Comprehensive Plan read as a whole, the proposal is in harmony with the general purpose and intent of the zoning ordinance and adopted plans. Moreover, as shown from the zoning map, the adjacent land is zoned PR at up to 2.5, 3, 3.2, and 4 du/ac.[3] Thus, the proposed layout presents a development similar to adjacent placetypes but more compact and with a lower impact.

[3] The adjacent OB zoning allows considerations of densities up to 12 du/ac by right and up to 24 du/ac on a Use-on-Review; however, this appears to be a mapping area as the associated case number, 9-H-26-RZ, was for a .95-acre parcel off Fox Rd.

The Zoning Map:



III. The Plans Comply with the PR(k) Zoning County Commission Enacted:

Staff concedes each zoning finding that matters. Section 6.50.06 directs the Commission, in its administrative judgment, to determine whether the plan is "in harmony with the general purpose and intent of the zoning ordinance and adopted plans." Staff acknowledges that the proposed density of 2.13 du/ac "is consistent with the maximum allowed density of 2.5 du/ac" and that the proposal "meets the first condition" of the rezoning, which limits Triplett Lane to the existing residence. The applicant also completed the traffic impact study required by the second condition. Staff's only zoning-related reservation concerns sight distance for lot 103, a design-plan issue fully addressed by the condition proposed in Section VIII (Condition 9) below. Consistency with the Plan, as noted further below, requires the Plan to be read as a whole. The PR ordinance, not the placetype, supplies the open-space standards that govern this tract. Section 5.13.02(A)(1) permits houses in PR. Section 5.13.11(A) limits building coverage to half the gross acreage, a standard that measures building footprints, not conserved land. Section 5.13.02(D), applicable only to "Recreational Uses" specifies 15% usable open space and recreational use for a planned unit development of at least 20 acres. As such the proposed Concept and Development Plan meets the strictures of the PR ordinance.

County Commission enacted two conditions for George Williams Road: Triplett Lane access and a traffic impact study. It enacted no open-space condition. Applying the placetype as a numerical threshold at plan review would impose a zoning condition that County Commission did

not enact. The Commission's role under Section 6.50.06 is to administer the zoning that was adopted, not to supplement it.

IV. The Comprehensive Plan Requires Further Action to Implement the Placetypes:

While Tenn. Code Ann. § 13-3-304(b)(1) requires consistency with an adopted regional plan, and Section 6.50.06 calls for review in harmony with adopted plans, both provisions require the Commission to read the Comprehensive Plan as a whole. The Plan itself tells the Commission how its placetypes take effect. Per the recently adopted Comprehensive Plan, the Future Land Use Map "is implemented through the county's zoning ordinance"; and "[e]ffectively implementing this land use vision **will require updating the county's zoning ordinance, zoning map, and other development regulations to reflect the desired outcomes**"; and "[a]s of the effective date of this plan, a property's assigned zoning district shall remain unchanged" (Comprehensive Plan, p. 28)(**emphasis** supplied). The Map "is not a mandate for development but describes the county's vision for growth," it "is implemented over time through the zoning regulations and various public and private development decisions," and it "will serve as the basis for potential future zoning updates" (Comprehensive Plan, p. 29). Page 28, *Implementing the Future Land Use Map,* contrasts the Plan, which "[d]escribes a range of land uses and development characteristics that are intended and appropriate in an area in the future," with what the zoning ordinance does: it "[d]efines land uses and development characteristics that are allowed on a specific parcel of land today." That distinction has governed since the Plan's 2024 effective date. Action 2.4 calls for future zoning and subdivision open-space standards, and Action 7.2 calls for conservation-subdivision standards to be established in the zoning code, each as quoted in Section V below. In other words, the Plan directs the County to write its open-space standards into the zoning code. It did not adopt or amend the code to implement those standards in the interim. Advance Knox, pp. 28, 38, 54 and 59

V. The 50% Figure Is Not Independently Enforceable Absent Future Codification.

Staff's report states that the RC place type "requires the preservation of 50% or more of open space for single-family residential subdivisions" and concludes that the proposal "does not meet this requirement." The Plan's actual text is more qualified. Page 38 introduces Rural Conservation areas as "intended to conserve forested areas, ridges, wetlands, and other significant natural areas by clustering development and minimizing land disturbance," and states that "[g]enerally, these areas conserve between 50-70 percent of a site as natural open space." Its Housing Mix entry provides that "[s]ingle family residential subdivisions shall be clustered in a pattern that preserves 50 percent or more open space on a given site," while its Open Space entry describes such land as "[m]ostly private." Critically for this tract, which lies in the Planned Growth Area, page 38 also provides that "[i]n growth areas, corridors and pockets of rural conservation indicate places that may be subject to development similar to the adjacent place types, but where more compact and low impact site design is expected." The applicant does not dispute that the Housing Mix entry uses the word "shall." The dispositive question is whether that word, in a placetype description within what the Plan calls "a long-term policy guide" (p. 51), is a zoning requirement enforceable against this parcel. The Plan itself answers no.

The Plan's implementation chapter confirms that the open-space standard has not yet been enacted. The Plan's policies are supported by actions, which it defines as "specific steps the county and its partners can undertake" (p. 52). Action 2.4, "Create standards to encourage preservation of open space," directs that "[a]n update to the zoning and subdivision regulations shall evaluate minimum open space requirements and offer incentives for exceeding those minimums," that the update "should consider establishing a uniform and comprehensive set of open space set-aside standards that are flexible and context-sensitive," and that "[t]he place type definitions provide guidance on open space percentages" (p. 54). Action 7.2, "Create standards to encourage conservation subdivisions," describes conservation subdivisions as those that "devote at least half of their potentially buildable land area to undivided, permanently protected open space," and states that "[e]stablishing these standards in the zoning code will allow for continued development while preserving many of the natural and distinct features across the county" (p. 59). Even the placetypes' form attributes "serve as a general guide," with "[s]pecific standards . . . are defined in the Zoning Ordinance" (p. 42).

In the Plan's own words, then, the placetype percentages provide "guidance"; minimum open-space requirements are to be set by a future "update to the zoning and subdivision regulations"; and conservation-subdivision standards are to be established "in the zoning code." None of those steps has been taken. A plan that directs the County to write its open-space standards into the zoning code later has not already written them into the zoning code now. Until those steps are taken, the 50% figure binds a parcel only through (1) an express zoning condition or (2) a formal zoning amendment adopting it.

The County's practice confirms the point. From April 2024 through October 2026, only five applications imposed a 50% set-aside, and approved by Planning Commission; in each, the set-aside arose from an express condition, not the placetype alone. Otherwise, staff applied RC through plan-consistency review, and commissioners repeatedly disputed how far that review could reach without zoning definitions, permanent-protection mechanisms, and codified standards.

That gap was acknowledged from the day the Plan was adopted. At the March 7, 2024, Planning Commission Hearing, Executive Director Amy Brooks explained that RC mapping drew on the hillside and ridgetop plan's layers and could inform later codification of the plan's policies. In response to an inquiry about process from Commissioner Adams, Commissioner Shelso described the sequence plainly: "This plan is approved by bodies, but it is not in the code…. We take this plan and then we build code according to our plan."[4] Participants distinguished adopting the Plan from building regulations from it, and Planning Commission separately recommended codified hillside and ridgetop disturbance rules. The same sequence governs the RC set-aside. County Commission can codify it through the Unified Development Ordinance or through a targeted amendment to the existing zoning ordinance under § 6.30. Until it does, a parcel-specific 50% obligation requires an express zoning condition. March 7 hearing at 46:32 March 7 written recommendation

Other planning staff have directly acknowledged this process in other cases. During the November 14, 2024, zoning hearing regarding 11-M-24-RZ, 6209 Hammer Rd., planner Samiul

[4] This exchange was addressing concerns about both the RC and the Rural Preservation (RP) placetype and its treatment of open space and hillside protection concerns.

Haque, the author of the present staff report, explained that the zoning ordinance regulates implementation and does not specifically codify RC's open-area and clustering standards, and that PR's 50% building-coverage limit is different from conserving half a site. Nothing in Sections 5.13 or 6.50 of the Zoning Ordinance converts the placetype's percentage into a site standard. Knox County Zoning Ordinance, §§ 5.13 and 6.50

A. Planning Commission and County Commission Have Confirmed That RC Requires an Express Condition:

Mr. Haque's explanation regarding Hammer Road was not an isolated remark. At the July 9, 2026, Planning Commission hearing regarding 7-F-26-RZ, 0 Strawberry Plains Pike, staff was recommending an express condition for at least 50% of the property to be set aside as open area. Commissioner Anderson asked whether the proposed 50% open area condition was merely intending to recite what was required by the RC placetype or if it was an additional consideration. Ms. Warner, with planning staff, answered: "So the comp plan guides us with the 50%, but it's not codified in the zoning ordinance, so you would be required to conserve 50% with this condition." Staff further confirmed that the condition would survive even if the placetype later changed. Commissioner Gill then explained that RC's 50–70% recommendation is not enforceable through current zoning alone until implementing regulations are adopted, and that explicit rezoning conditions serve as a stopgap to ensure open area set asides until they are codified in the zoning ordinance. Were the placetype self-executing, the condition would have been surplusage.[5] Hammer Road, Nov. 14, 2024 at 2:39:58 Joe Davis staff response at 2:14:31 Gill at 2:17:03

The County's own officials have said the same before County Commission. At the August 24, 2026, County Commission hearing on 4-L-26-RZ, Sayne Lane, Commissioner Terry Hill asked whether encroachment could be allowed into the proposed 50% set-aside to make room for an internal access road. Executive Director Amy Brooks pointed to the Plan's mandatory wording but acknowledged that the "50% requirement is not in the zoning code currently." Senior Deputy Law Director Mike Moyers advised County Commission that the governing rule was not the placetype, but "the zoning code until we get it changed." Although that tract was already mapped RC, staff had recommended an express rezoning condition preserving at least half the site as undisturbed natural area so that the set-aside could be enforced at development plan review. George Williams Road's PR(k) zoning contains no comparable condition. Hill at 4:14:31 Brooks at 4:15:14 Moyers at 4:15:56 Staff report and case record County minutes

This Commission has acted consistently with that understanding. It approved the four-lot Romans development plan (6-D-25-DP) by a 10–1 vote over a staff recommendation to deny for failure to cluster and preserve a separate 50% open space. Commissioner Overton explained that the Plan's conservation-subdivision and permanent-protection requirements need codification and do not yet exist in that form, and Commissioner Barger likewise pointed to ambiguity in the open-space wording and called for clarification through the Unified Development Ordinance process. In this very property's rezoning (5-R-26-RZ), the approval did not impose a 50% condition, and

[5] See also 1-G-25-RZ, where the County approved the rezoning with exactly such an express 50% condition, and the later Millertown concept plan expressly recognized the inherited zoning condition.

Commissioner Biggs regarded retention of the upper farm as consistent with RC's intent. The submitted plans retain that farm and show four common areas, including a partially forested 5.4-acre area. The farm is a distinct site-design feature bearing on rural character, and it sits outside staff's common-area calculation. Romans decision Overton at 1:46:44 George Williams hearing at 4:39:45

B. Hillside Protection: The Disturbance Budget Is Also Advisory and Unenforceable:

Staff states that the recommended disturbance budget within the HP area is 24.69 acres (61.9%) and that total disturbance, counting the areas already occupied by the existing house and horse farm, would be about 30 acres. That budget is an advisory benchmark, not an enforceable mandate. When Knox County Commission adopted the Hillside and Ridgetop Protection Plan on January 23, 2012, it added the County-specific amendment titled "Nature of Plan and Legal Effect," which states that the guidelines "are advisory in nature and constitute non-binding recommendations for consideration in connection with development of steeply sloped areas." The Court of Appeals has given that declaration effect[6]. Adopted hillside plan and County amendment.

VI. Comprehensive Plan Implementation Policies:

Regarding the Comprehensive Plan's implementation policies, Staff invokes Implementation Policy 2.3, "to provide protections for ridges, views, and open spaces," and Implementation Policy 7, "to encourage development practices that conserve and connect natural features and habitat." In the adopted Plan, Policy 7 reads: "Encourage development practices that conserve and connect natural features and habitat" (p. 52). Item 2.3 is not a freestanding policy but an action under Policy 2: "Provide protections for ridges, views, and open spaces. Perform analysis of these protections with the development review process to ensure ridges, rural vistas, and natural areas are being maintained and preserved for future generations" (p. 54). Both are framed as encouragement and analysis, not as standards a plan must meet.

While it does not preserve 50% of Property as open space, the proposed concept and development plan does advance the policies of 2.3 and 7. The layout preserves the upper farm and its open character on a 14.44-acre lot, concentrates new lots in the main body of the tract, which are already relatively flat and have been previously disturbed, and retains a partially forested 5.4-acre common area with steeper and more environmentally sensitive topographical considerations. The road design was engineered, in the engineer's words, "to follow existing topography as closely

[6] See *Charles Benson, et al. v. Knox County, et al.*, No. E2015-01357-COA-R3-CV, 2016 WL 2866534, slip op. at 6, 12–13 (Tenn. Ct. App. May 12, 2016). In *Benson*, opponents of a PR rezoning argued that every Knox County land use decision must strictly comply with the slope-density limits in Development Policy 7.6 of the General Plan. The Court of Appeals disagreed. It noted the record evidence that the General Plan is "advisory in intent," that it is "a policy framework for making day-to-day decisions about the timing, location, character and extent of development," and that its Development Policies "are not rules." *Id.*, slip op. at 6. The Court held that County Commission's resolution adopting the Hillside and Ridgetop Protection Plan amendment, which declares that plan "advisory in nature" and "non-binding" and extends that treatment to "[a]ny comparable provisions" of the General Plan or any sector plan, was procedurally sufficient, so that Development Policy 7.6 "must be viewed as advisory and non-binding." *Id.* at 12–13. In the alternative, the Court held that local officials' consistent treatment of that guidance as non-binding "must be afforded 'great significance.'" *Id.* at 13.

as possible," and Engineering and Public Works approved each requested alternative design standard and both variances on November 4, 2026. See Application packet and engineering forms.

VII. Variances and Alternative Design Standards:

The Commission should approve the two Road A variances, reducing the K value from 25 to 20 at the George Williams Road approach and the reverse-curve tangent from 50 feet to 21.61 feet, upon the findings required by Subdivision Regulations § 1.05. The property is steep and narrow, access options are limited, the conditions are unique to the property, and Engineering and Public Works supports both requests. The Commission should likewise approve the alternative design standards reducing the centerline radius of Road A from 250 feet to 225 feet and increasing its maximum centerline grade from 12% to 14.87% under Subdivision Regulations §§ 3.04.I.1.b.1 and 3.04.H.2, each of which Engineering and Public Works has approved. The intersection-grade alternatives fall within Engineering and Public Works' authority and have also been signed off as "approved" by EPW.

VIII. Suggested Conditions.

In cases where staff recommends denial, reasonable conditions for approval are not always properly identified. In this case, where the 50% set-aside is not enforceable, reasonable conditions should still be considered for approval. The Applicant would suggest the following conditions to be imposed:

1. Connection to sanitary sewer and meeting other relevant utility provider requirements.
2. Providing street names consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
3. Before certification of the final plat for the subdivision, establishing a property owners association or other legal entity responsible for maintaining common facilities, such as common areas, amenities, private roads, and/or stormwater drainage systems.
4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. Meeting all applicable requirements of the Knox County Zoning Ordinance.
6. If during design plan approval or construction of the development, it is discovered that unforeseen off-site improvements within the right-of-way are necessary as caused by the development, the developer will either enter into a memorandum of understanding (MOU) with the County for these improvements or reimburse the County for their direct expenses (if completed by County crews) to make corrections deemed necessary.
7. Implementing the recommendations of the George Williams Road Subdivision– Traffic Impact Study (Ajax Engineering, October 19, 2026) as required by Knox County Engineering and Public Works during the design plan phase.
8. **S**ubmit a stream determination study for County Engineering and Public Works review and approval during the design plan phase. If the feature shown on the plan as a wet-weather conveyance is determined to be a stream, provide the required buffers. Remove or combine any lots that lack a buildable area outside the buffer.
9. Certify that the required sight distance is available in both directions along George Williams Road at its intersection with any proposed driveway. Submit documentation

to Knox County Engineering and Public Works for review and approval during the design plan phase.

IX. Conclusion:

As set forth in this letter, the RC placetype's 50% figure is not an enforceable zoning requirement on this Property absent an express zoning condition or a formal zoning amendment, and neither exists. The plans comply with the PR(k) zoning County Commission enacted, and the remaining site-specific issues are fully addressed by the conditions proposed above. The Applicant respectfully requests that Planning Commission decline staff's recommendation and approve the concept plan and development plan as outlined above. I welcome any questions and look forward to our conversation Thursday.

Sincerely,

Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

4938-2022-7551, v. 1