

REZONING REPORT

► **FILE #:** 11-D-20-RZ

AGENDA ITEM #: 15

AGENDA DATE: 11/12/2020

► **APPLICANT:** BEN MULLINS O/B/O NANCY ZIEGLER

OWNER(S): Nancy Ziegler

TAX ID NUMBER: 106 J A 026

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 931 Piney Grove Church Rd.

► **LOCATION:** West of Piney Grove Church Road and North of Middlebrook Pike

► **APPX. SIZE OF TRACT:** 1.5 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Piney Grove Church Road, a major collector with a pavement width of 22 feet within a right-of-way width of 60 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT ZONING:** RN-3 (General Residential Neighborhood)

► **ZONING REQUESTED:** RN-5 (General Residential Neighborhood)

► **EXISTING LAND USE:** Single family residential

►
EXTENSION OF ZONE: Yes, RN-5 is adjacent

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Multifamily - RN-5 (General Residential Neighborhood)

South: Multifamily - RN-3 (General Residential Neighborhood)

East: Multifamily, single family residential - RN-3 (General Residential Neighborhood), RN-1 (Single Family Residential Neighborhood)

West: Multifamily - RN-3 (General Residential Neighborhood)

NEIGHBORHOOD CONTEXT: The area is primarily a mix of medium density, multi-family residential adjacent to the office and commercial corridor along Middlebrook Pike as it transitions to single family residential neighborhoods.

STAFF RECOMMENDATION:

► Postpone for 30-days to the December 10, 2020 Planning Commission meeting as requested by the applicant.

COMMENTS:

Postpone for 30-days to the December 10, 2020 Planning Commission meeting as requested by the applicant.

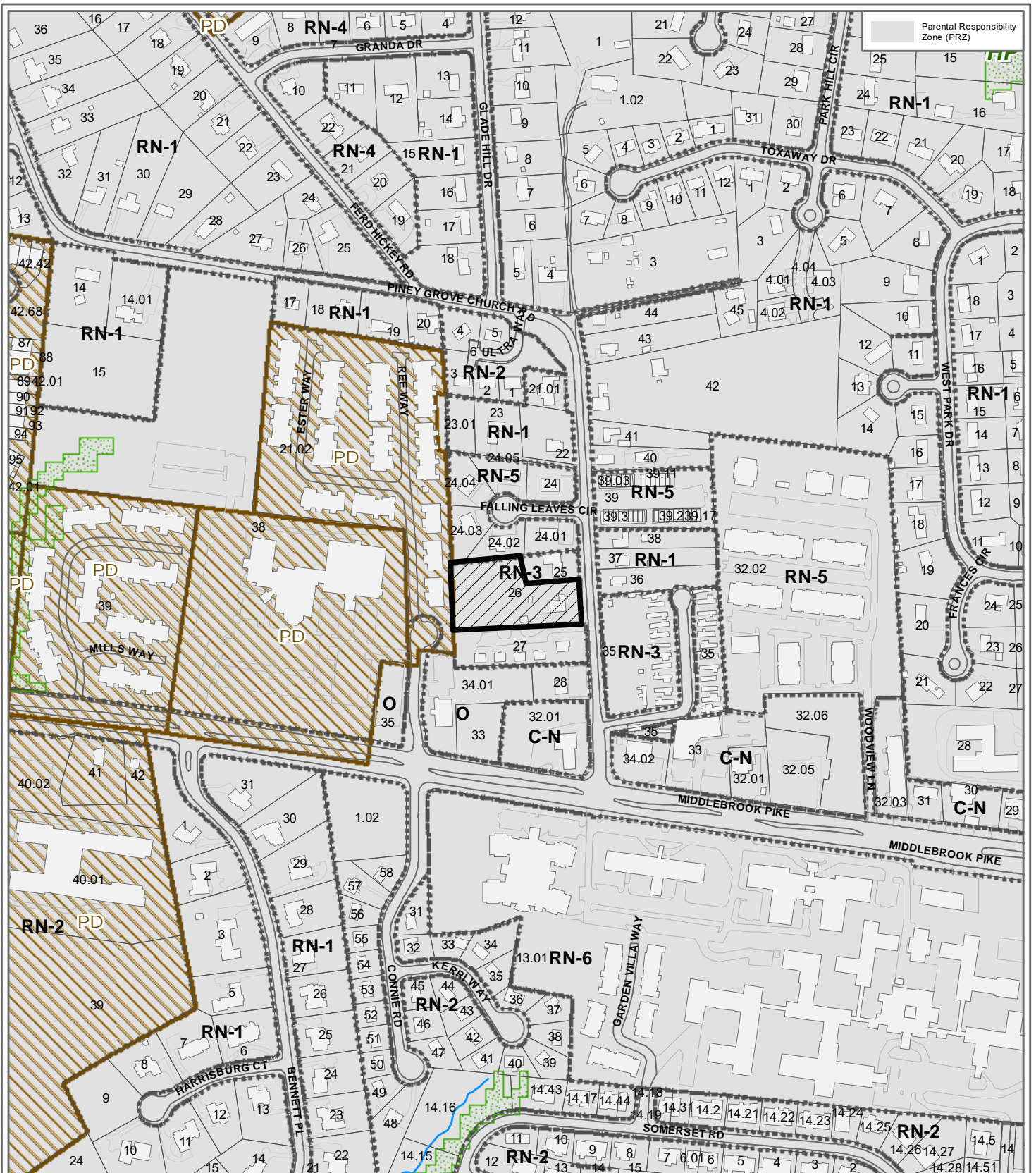
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: West Hills Elementary, Bearden Middle, and Bearden High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knoxville City Council for action on 12/15/2020 and 1/12/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



11-D-20-RZ REZONING

From: RN-3 (General Residential Neighborhood)

To: RN-5 (General Residential Neighborhood)

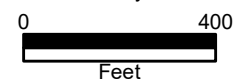


Original Print Date: 10/20/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Ben Mullins O/B/O Nancy Ziegler

Map No: 106

Jurisdiction: City



11-D-20-RZ-PP 11-12-20



Request to Postpone • Table • Withdraw

Name of Applicant: Ben Mullins o/b/o Nancy Ziegler

AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 11-D-20-RZ

Date Scheduled for Planning Review: November 12, 2020

Date Request Filed: October 19, 2020

Request Accepted by: S. Micheniz

PAID

REQUEST

☒ **Postpone**

Please postpone the above application(s) until:

December 10, 2020

DATE OF FUTURE PUBLIC MEETING

☐ **Table**

Please table the above application(s).

☐ **Withdraw**

Please withdraw the above application(s).

State reason for request:

Recent City Council amendments to the Land Use Classification Table to delete the RN-5 from the recommended zones in the MDR zones.

Eligible for Fee Refund? ☐ Yes ☐ No

Amount: _____

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: [Signature]

PLEASE PRINT

Name: Ben Mullins o/b/o Nancy Ziegler

Address: 550 W. Main St., Ste. 500

City: Knoxville State: TN Zip: 37902

Telephone: 865-546-9321

Fax: 865-637-5249

E-mail: bmullins@fmsllp.com

PLEASE NOTE

Consistent with the guidelines set forth in Planning's *Administrative Rules and Procedures*:

POSTPONEMENTS

Any first time (new) Planning application is eligible for one automatic postponement. This request is for 30 days only and does not require Planning approval if received no later than 3:30 p.m. on the Friday prior to the Planning Commission meeting. All other postponement requests must be acted upon by Planning before they can be officially postponed to a future public meeting.

TABLINGS

Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

WITHDRAWALS

Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.

Exhibit A. 11-D-20-RZ Contextual Images

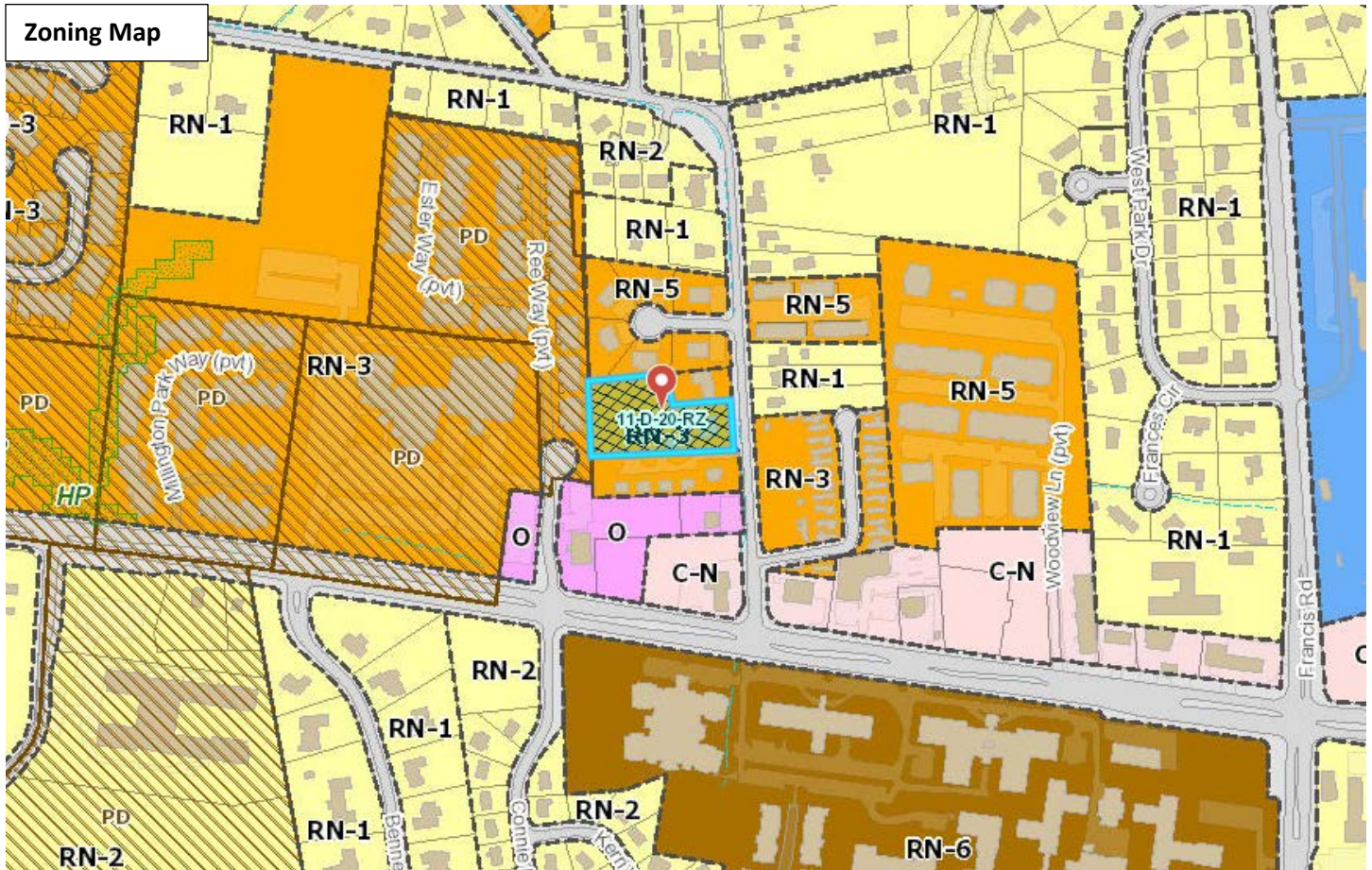


Exhibit A. 11-D-20-RZ Contextual Images

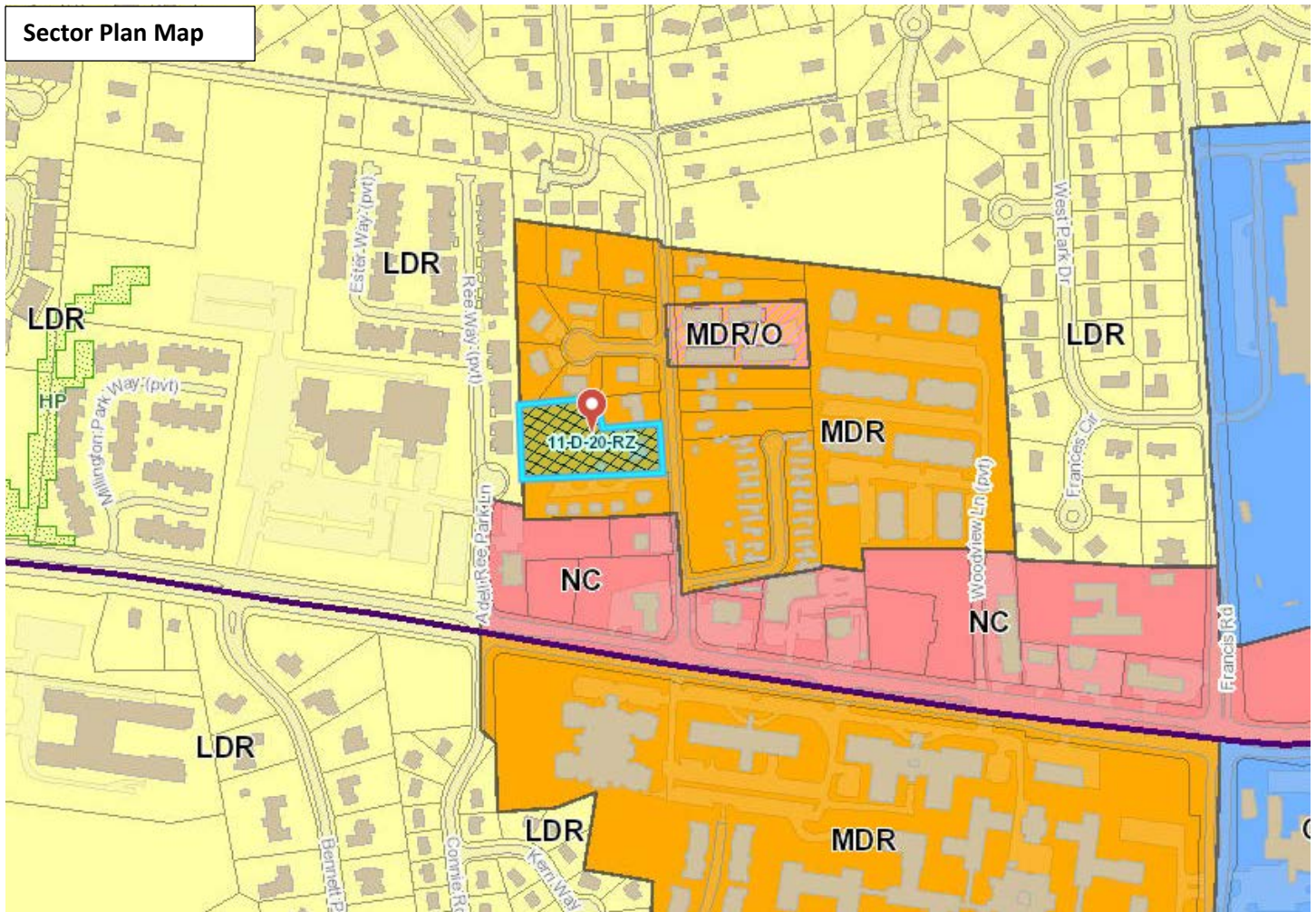
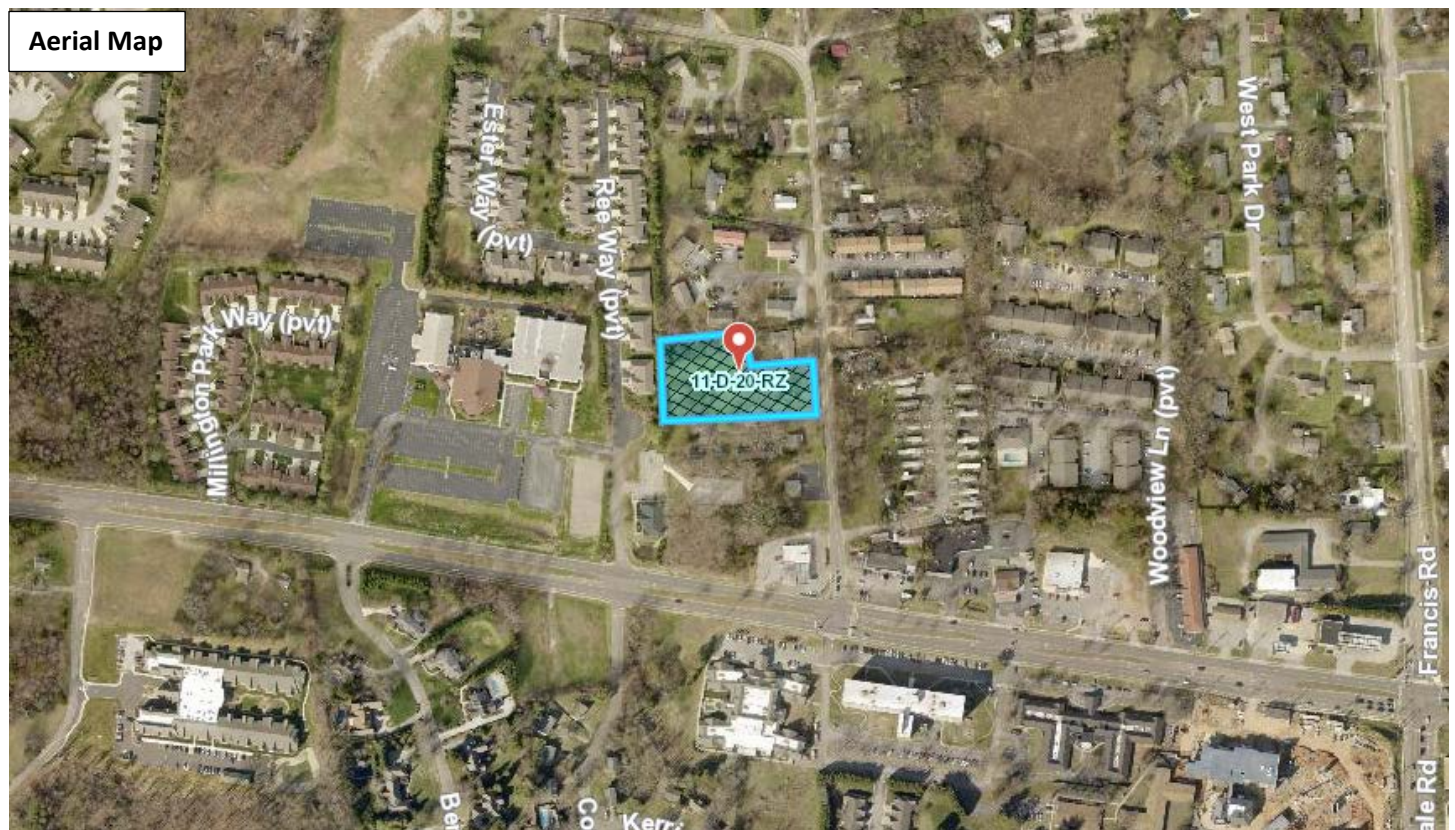
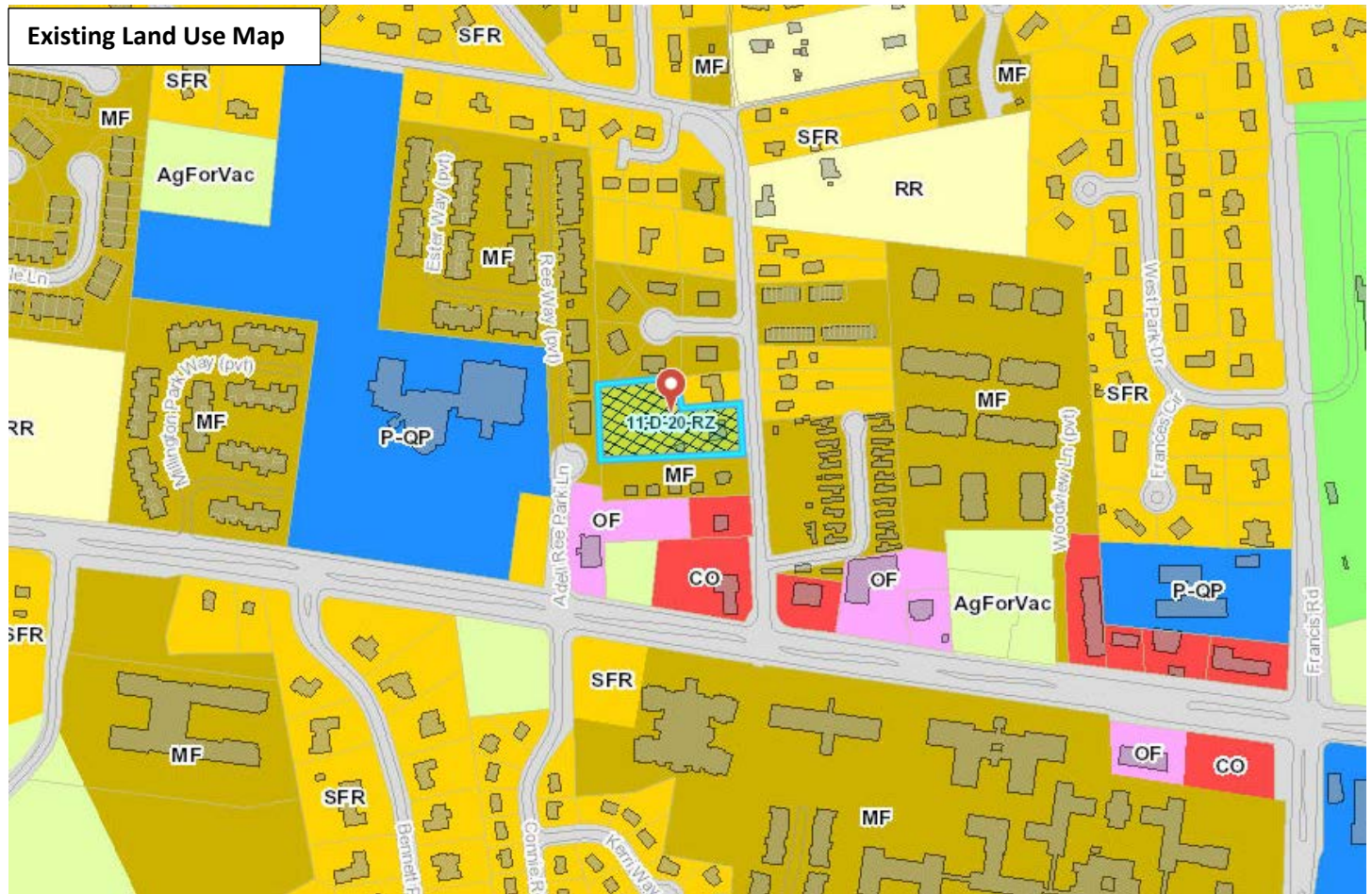


Exhibit A. 11-D-20-RZ Contextual Images





Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

Ben Mullins o/b/o Nancy Ziegler

Applicant/owner

Applicant Name

Affiliation

9/17/2020
Date Filed

November 12, 2020

Meeting Date (if applicable)

11-0-20-RZ File Number(s)

CORRESPONDENCE

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

- ☒ Applicant ☐ 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

Nancy Ziegler

2036 Wayside Rd Knoxville TN, 37931

865-304-6292

Owner Name (if different)

Owner Address

Owner Phone

931 Piney Grove Church Road, Knoxville TN, 37909

Parcel ID: 106JA026

Property Address

Parcel ID

STAFF USE ONLY

West of Piney Grove Church Road and North of Middlebrook Pike

+/- 1.5 acres

General Location

Tract Size

District 3

RN-3

Jurisdiction (specify district above)

☒ City ☐ County

Zoning District

Northwest County

MDR

Planning Sector

Sector Plan Land Use Classification

City
Growth Policy Plan Designation

SFR

Existing Land Use

N

Septic (Y/N)

KUB

Sewer Provider

KUB

Water Provider

DEVELOPMENT REQUEST

☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential
Home Occupation (specify) _____

Related City Permit Number(s)

Other (specify) _____

SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created

☐ Other (specify) _____☐ Attachments / Additional Requirements**ZONING REQUEST**

☒ Zoning Change RN-5 (to allow multi-family as a Permitted Use)
Proposed Zoning

Pending Plat File Number

☐ Plan Amendment Change _____
Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

☒ Other (specify) Prior Zoning Equivalent Request Prior Zoning (R2) allowed for multi-family as Permitted Use

STAFF USE ONLY**PLAT TYPE**

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (*Final Plat*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

N/A

Fee 2

N/A

Fee 3

N/A

N/A

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Applicant Signature

Benjamin C. Mullins

Please Print

9-17-2020

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

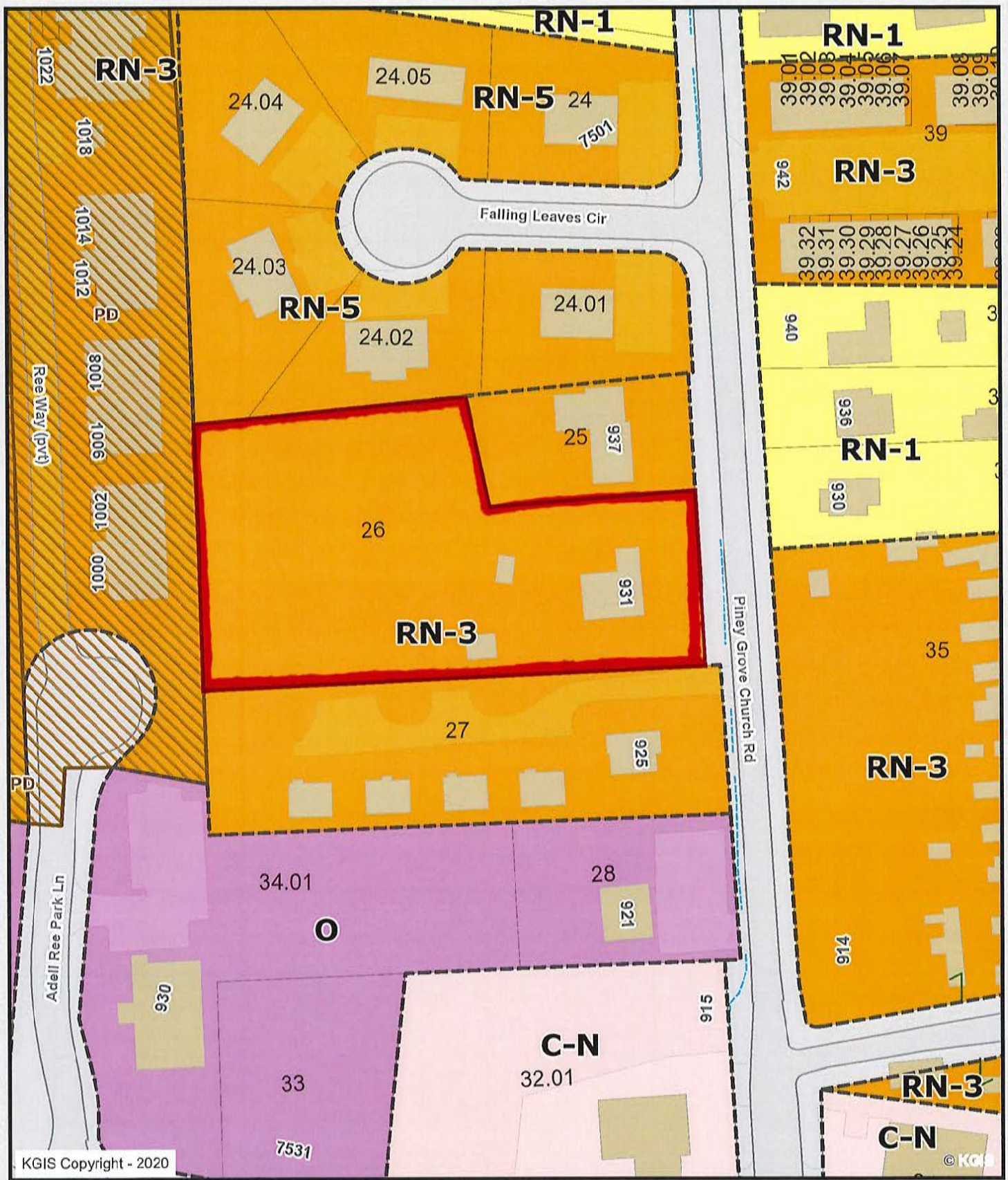
Email

Staff Signature

Please Print

9/17/20

Date

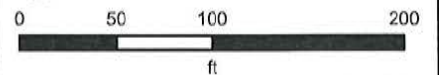


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 9/17/2020 at 10:21:57 AM



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DANIEL P. ZYDEL
SHARON H. KIM



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web fmsllp.com

ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

of counsel
JASON T. MURPHY

September 17, 2020

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


Re: 931 Piney Grove Church Road
Parcel ID 106JA026

Dear Planning Staff:

I represent Nancy Ziegler with regard to a prior zoning equivalent use request for property at 931 Piney Grove Church Road, Parcel ID 106JA026. This property is currently zoned RN3 under the current zoning ordinance, which went into effect on January 1, 2020. Previously, this property was zoned R2 under the prior zoning ordinance. Under RN3, dwelling-multi-family is not allowed either as a permitted use or a special use; however, under Section 2.1.6.3, multi-dwelling structures or development was a permitted use in the prior R2 General Residential District. It appears the closest equivalent zoning under the new zoning ordinance that would allow for a multi-family dwelling would be RN5, which, similar to the previous R2, allows for multi-family dwelling as a permitted use (not as a special use). However, it also appears that RN4 allows dwelling-multi-family to be either a permitted use or a special use. Under such circumstances, we would request that the property be zoned RN4 or RN5, which would provide an equivalent use for multi-family on this property.

Please let me know if you have any questions.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl

cc: Mrs. Nancy Ziegler

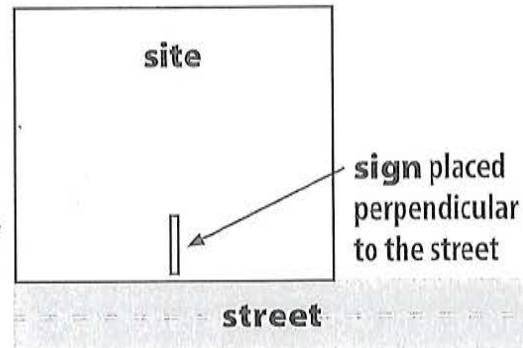
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

10-28-20 and 11-13-20
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: _____

Printed Name: _____

Phone: _____

Email: bmellins@fmsllp.com

Date: _____

File Number: _____

11-10-20-RZ