



PLAN AMENDMENT REPORT

▶ **FILE #:** 1-D-21-SP

AGENDA ITEM #: 8

AGENDA DATE: 1/14/2021

▶ **APPLICANT:** **BEN MULLINS OBO NANCY ZIEGLER**
OWNER(S): Nancy Ziegler

TAX ID NUMBER: 106 J A 026 [View map on KGIS](#)

JURISDICTION: Council District 3

STREET ADDRESS: 931 Piney Grove Church Rd.

▶ **LOCATION:** **West of Piney Grove Church Rd. & north of Middlebrook Pk.**

▶ **APPX. SIZE OF TRACT:** **1.5 acres**

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via Piney Grove Church Road, a major collector with a pavement width of 20 feet within a right-of-way width of 40 feet.

UTILITIES:
Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek and Ten Mile Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** **MDR (Medium Density Residential) / RN-3 (General Residential Neighborhood)**

▶ **PROPOSED PLAN DESIGNATION:** **MDR/O (Medium Density Residential/Office)**

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

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted.

SURROUNDING LAND USE AND PLAN DESIGNATION:
North: Multifamily - MDR (Medium Density Residential)
South: Multifamily - MDR (Medium Density Residential)
East: Multifamily, Single family residential - MDR (Medium Density Residential)
West: Multifamily - LDR (Low Density Residential)

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:

▶ **Approve MDR/O (Medium Density Residential/Office) because it is consistent with the surrounding development.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. The existing conditions of this area exist primarily of RN-5 zone district development types and densities. The area is designated as MDR (Medium Density Residential) as it is adjacent to the commercial/office corridor along Middlebrook Pike. MDR/O would allow consideration of the RN-5 zone district for this property which is surrounded by RN-5 primarily.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan that would warrant amending the plan, however, the original sector plan, adopted in 2016 did not anticipate the 2020 action by City Council to remove the RN-5 zone from the MDR land classification table.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. This area is within the City of Knoxville and the surrounding development consists largely of a mix of MDR (Medium Density Residential) uses.
2. No new trends in development warrant reconsideration of a change in the plan, however, a change to MDR/O to permit the dominant existing zone district in this area is warranted because of the change to the Land Use Classification table.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.

- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: 447 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 4 (public school children, grades K-12)

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 2/9/2021 and 2/23/2021. 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.



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 11-D-20-RZ **AGENDA ITEM #:** 8
1-D-21-PA (REVISED) **AGENDA DATE:** 1/14/2021

▶ **APPLICANT:** BEN MULLINS OBO NANCY ZIEGLER
OWNER(S): Nancy Ziegler

TAX ID NUMBER: 106 J A 026 [View map on KGIS](#)

JURISDICTION: Council District 3

STREET ADDRESS: 931 Piney Grove Church Rd.

▶ **LOCATION:** West of Piney Grove Church Rd. & north of Middlebrook Pk.

▶ **TRACT INFORMATION:** 1.5 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Within City Limits

ACCESSIBILITY: Access is via Piney Grove Church Road, a major collector with a pavement width of 20 feet within a right-of-way width of 40 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek and Ten Mile Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / RN-3 (General Residential Neighborhood)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / O (Office) / RN-5 (General Residential Neighborhood)

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

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** No

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Multifamily - MDR (Medium Density Residential)

South: Multifamily - MDR (Medium Density Residential)

East: Multifamily, Single family residential - MDR (Medium Density Residential)

West: Multifamily - LDR (Low Density Residential)

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:

- ▶ **Approve MDR/O (Medium Density Residential/Office) because it is consistent with the surrounding development.**

- ▶ **Approve RN-5 (General Residential Neighborhood Zoning District) because it is consistent with the surrounding development.**

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

AN ERROR IN THE PLAN:

1. There are no errors in the plan that would warrant amending the plan.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

1. No new trends in development warrant reconsideration.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. The original land use classification table for the One Year Plan and the Northwest County Sector Plan, adopted in 2016, did not anticipate the 2020 action by City Council to remove the RN-5 zone from the MDR land classification recommended districts.
2. The majority of this area is already zoned RN-5 and a comprehensive update of the land use plans for this area will likely show this area as MDR/O to reflect the changes to the land use classification table that were adopted.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. No new information has become available to reveal the need for a plan amendment.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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 CITY GENERALLY:

1. A recent amendment for RN-5 was approved for 942 Piney Grove Church Road, nearby this area, as part of case 7-E-20-RZ.
2. RN-5 allows for development consistent with surrounding and adjacent built out residential development.

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

1. The zoning ordinance describes the RN-5 (General Residential Neighborhood) District as intended to accommodate medium density residential neighborhoods in the City of Knoxville comprising a heterogeneous mix of single-family, two-family, townhouse, and multifamily dwellings. The RN-5 District may also serve as a functional transition between traditionally single-family and two-family residential neighborhoods within the City, and more intensely developed residential or commercial areas. Limited nonresidential uses that are compatible with the character of the district may also be permitted.
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 CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The area consists mostly of multi-family and attached residential dwellings.
2. The proposed rezoning to RN-5 allows consideration of residential development consistent with that of the surrounding area.

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

1. The Northwest County Sector Plan's current MDR (Medium Density Residential) designation does not support RN-5 zoning, however, the requested MDR/O (Medium Density Residential/Office) does allow consideration of RN-5 zoning, and this area also meets the location criteria for MDR/O at this location.

ESTIMATED TRAFFIC IMPACT: 447 (average daily vehicle trips)

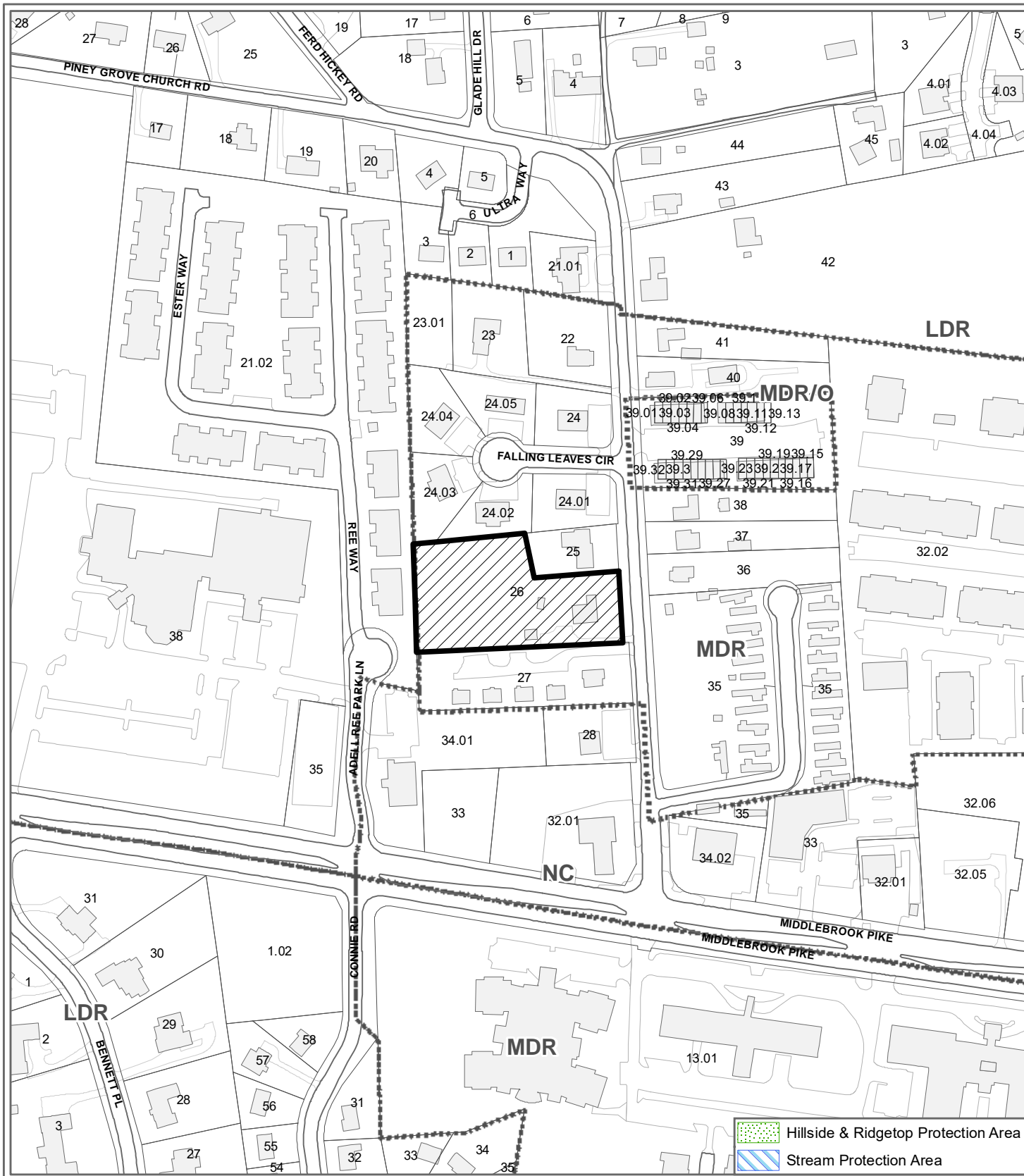
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**1-D-21-SP
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**



From: MDR (Medium Density Residential)
To: MDR/O (Medium Density Residential/Office)

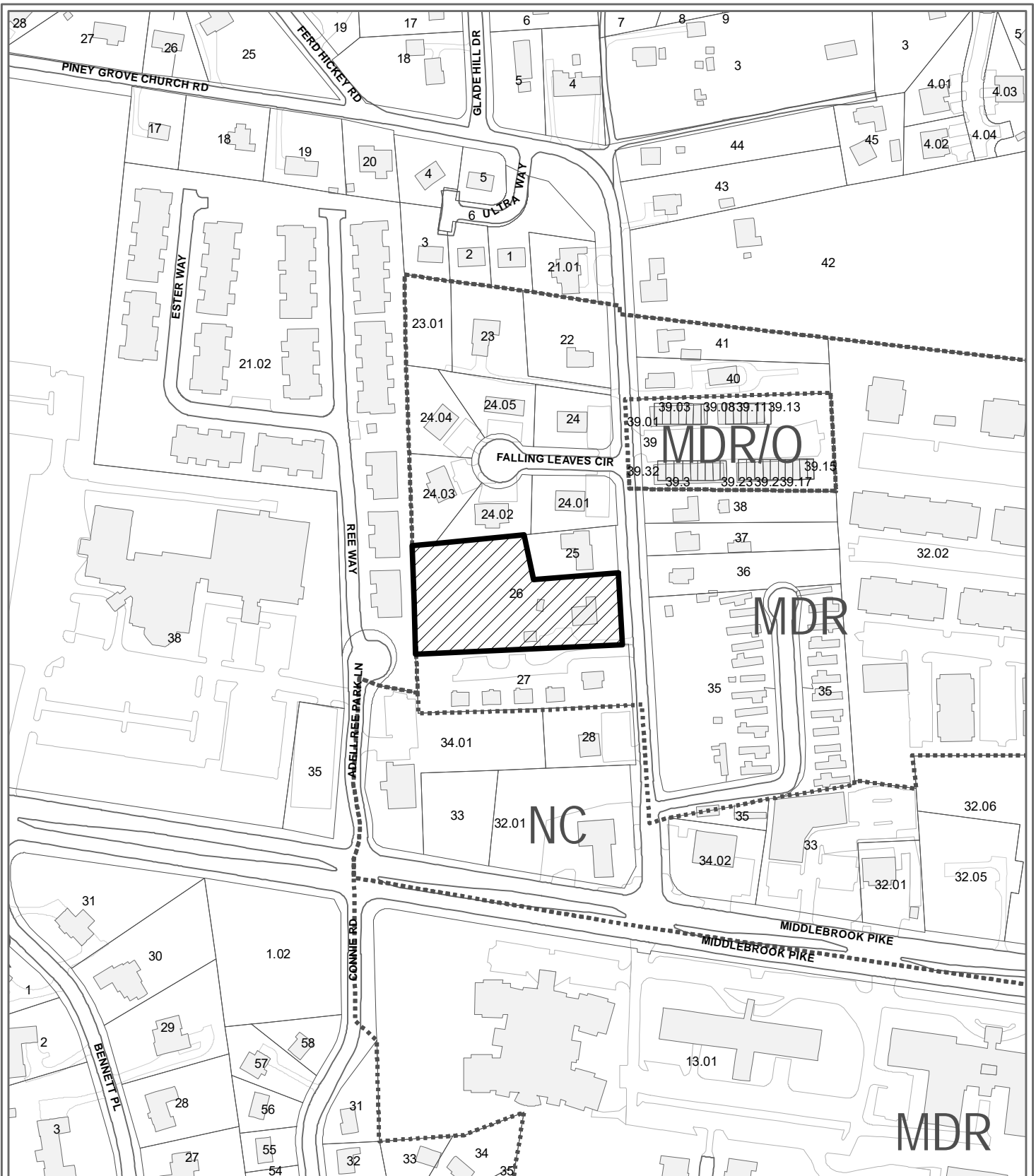
Original Print Date: 12/7/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Mullins obo Nancy Ziegler, Ben

Map No: 106
Jurisdiction: City

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Feet





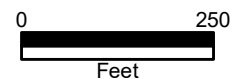
**1-D-21-PA / 11-D-20-RZ
PLAN AMENDMENT**

Petitioner: Mullins obo Nancy Ziegler, Ben

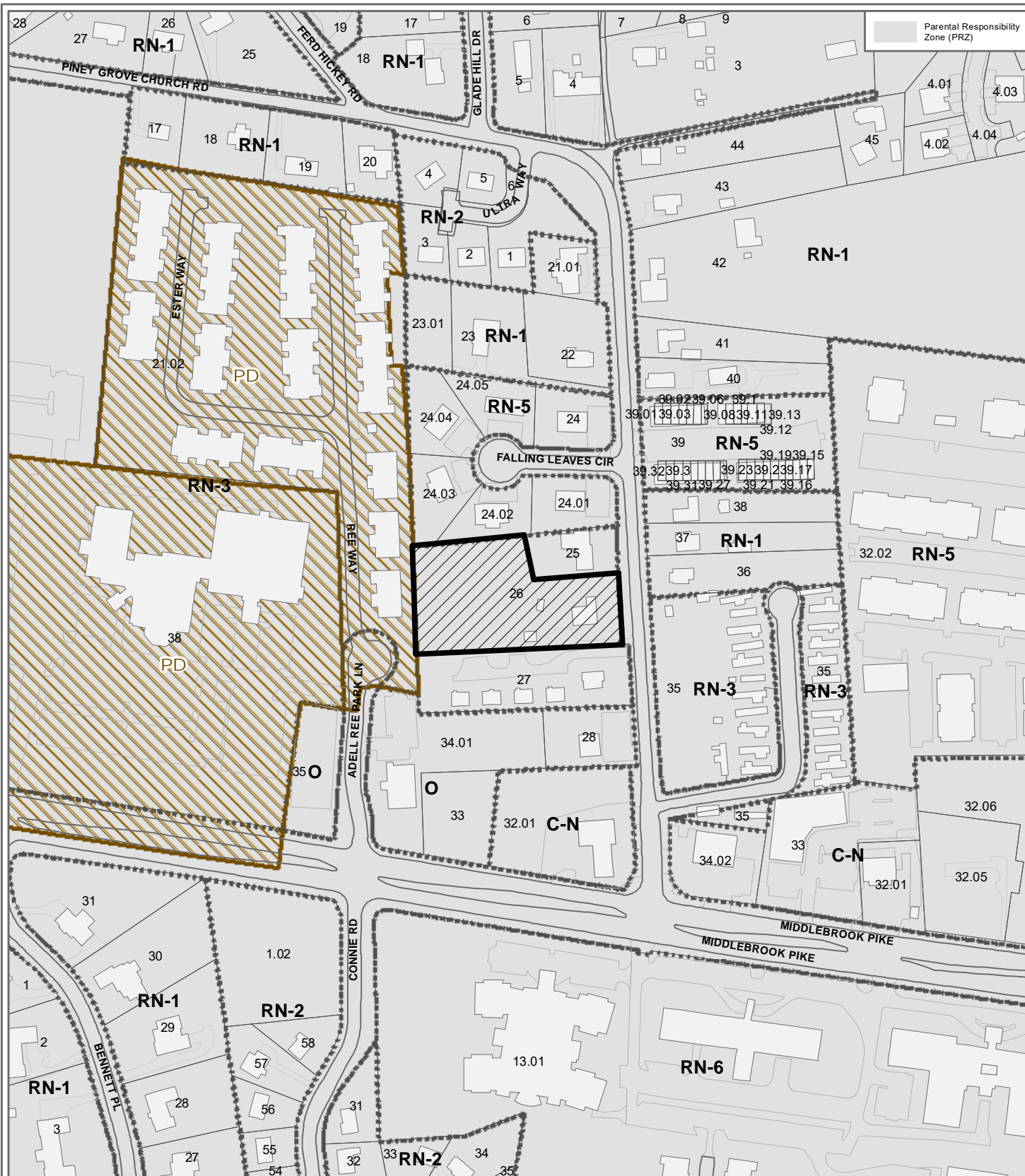


From: MDR (Medium Density Residential)
To: MDR (Medium Density Residential) / O (Office)

Map No: 106
Jurisdiction: City



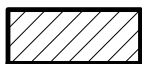
Original Print Date: 12/7/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



Parental Responsibility Zone (PRZ)

**11-D-20-RZ
REZONING**

Petitioner: Ben Mullins O/B/O Nancy Ziegler

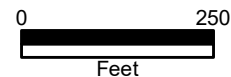


From: RN-3 (General Residential Neighborhood)

To: RN-5 (General Residential Neighborhood)

Map No: 106

Jurisdiction: City



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

***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN***

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Ben Mullins on behalf of Nancy Ziegler, has submitted an application to amend the Sector Plan from Medium Density Residential to Medium Density Residential/Office for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of an amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing on January 14, 2021, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying staff report and map, file #1-D-21-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

Exhibit B. 11-D-20-RZ / 1-D-21-PA / 1-D-21-SP Contextual Images

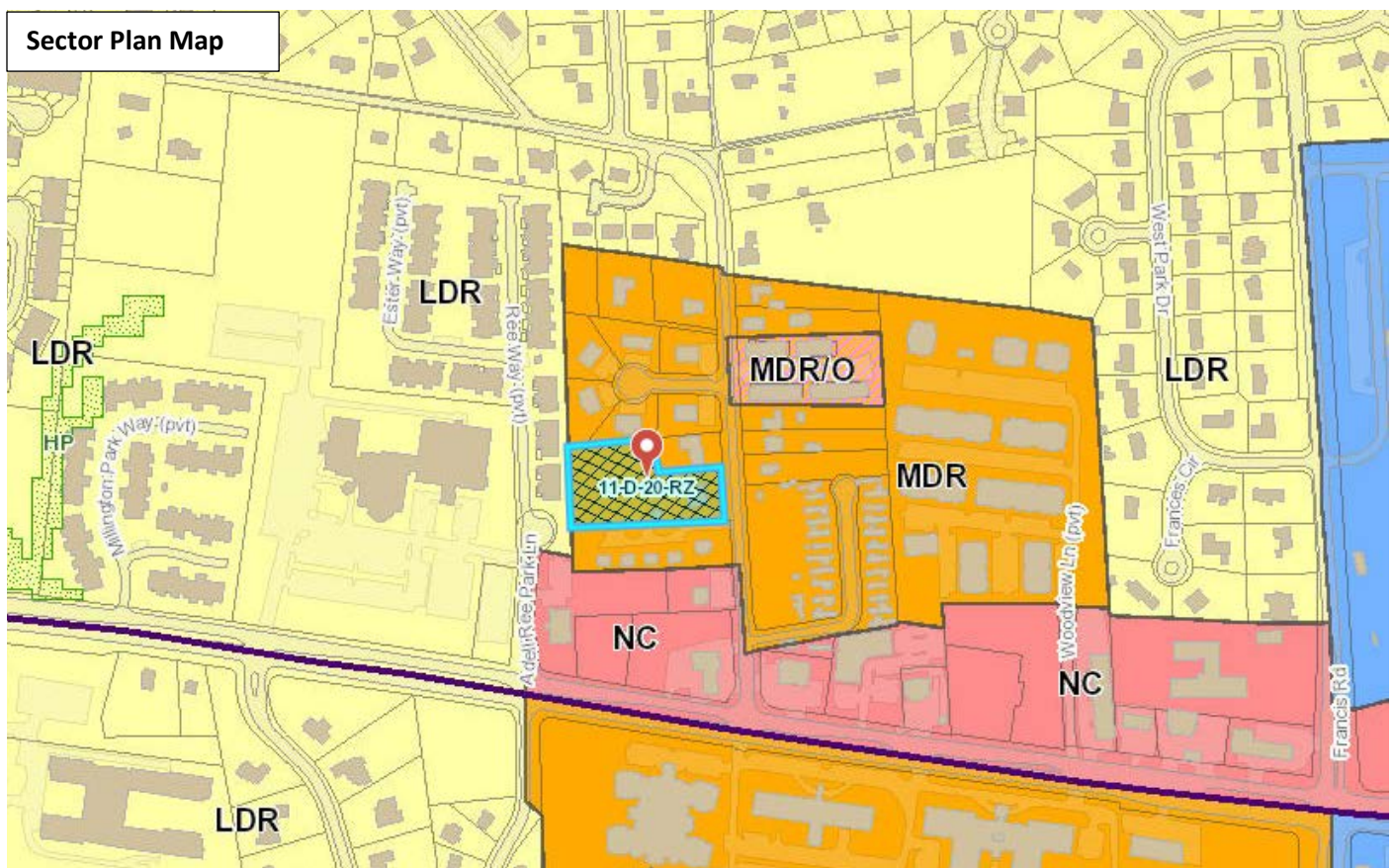
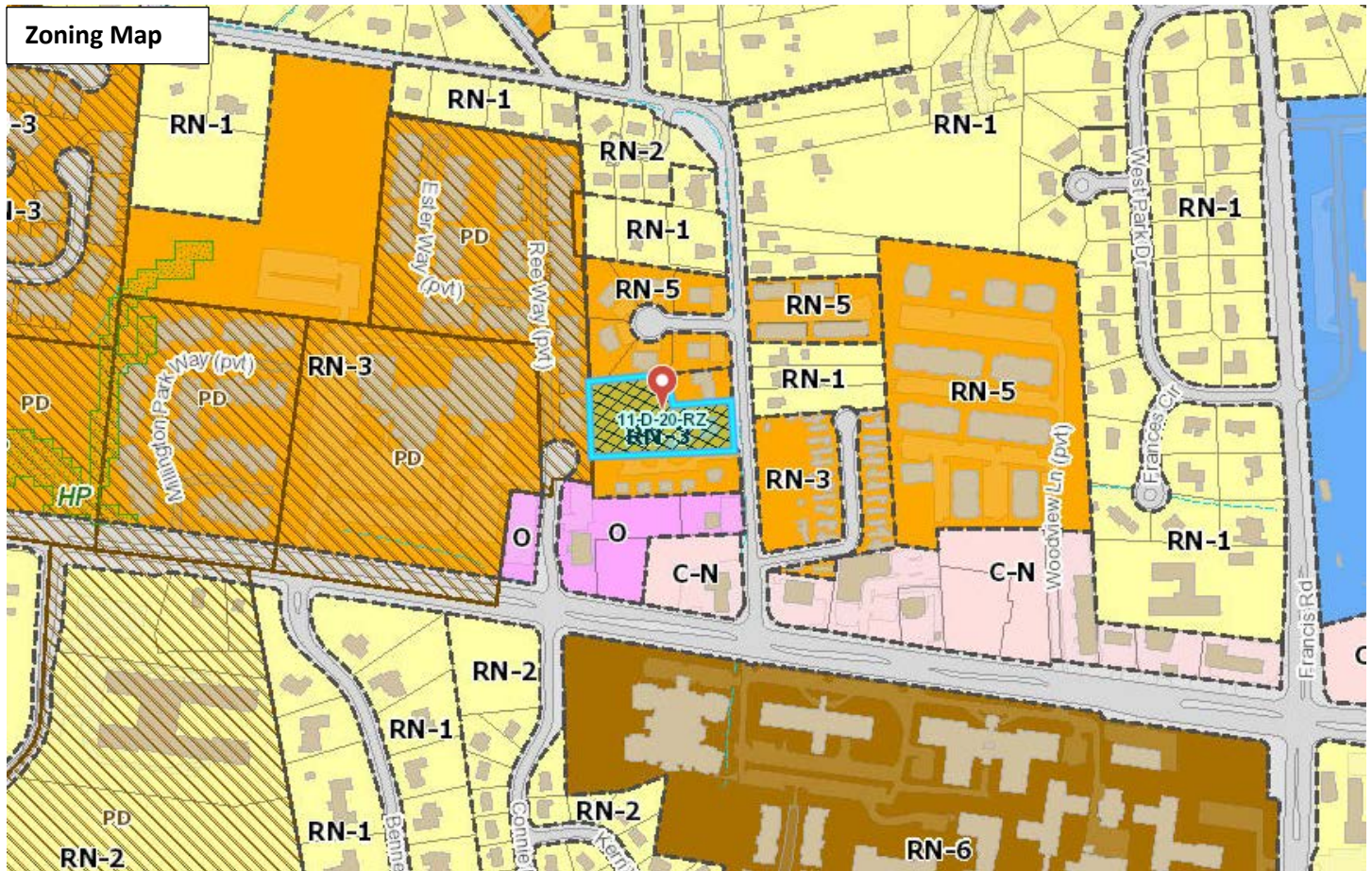


Exhibit B. 11-D-20-RZ / 1-D-21-PA / 1-D-21-SP Contextual Images

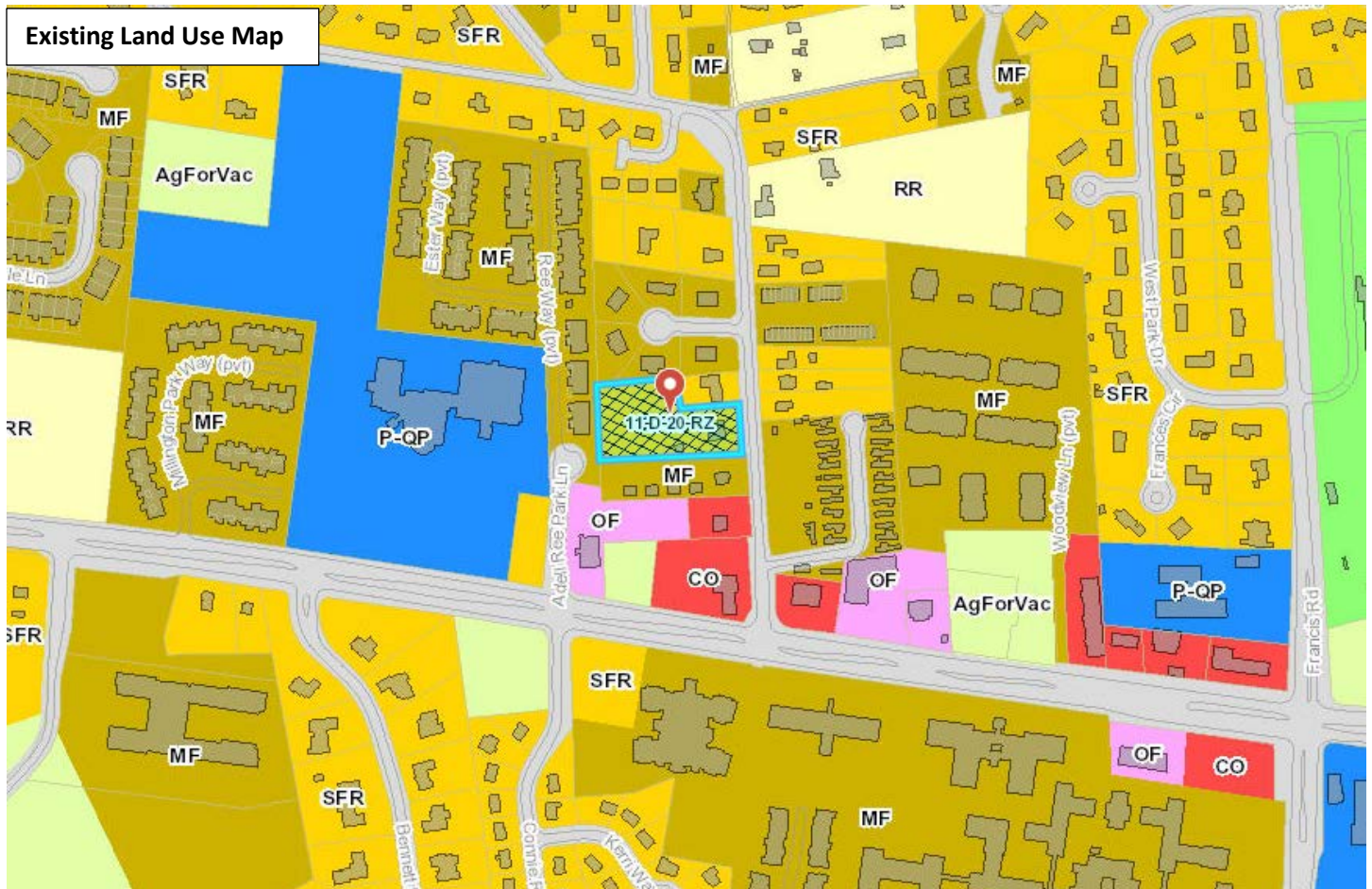
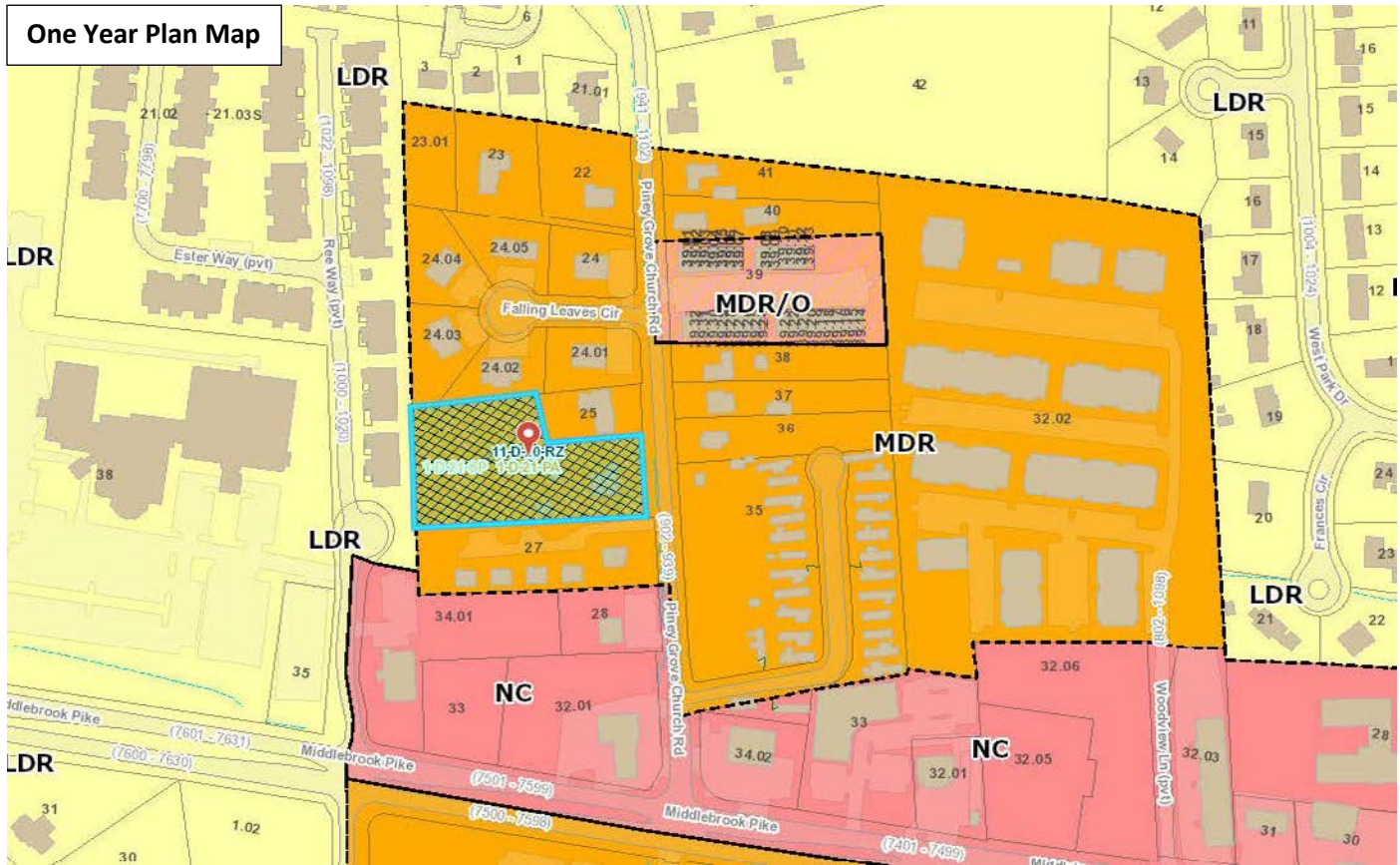


Exhibit B. 11-D-20-RZ / 1-D-21-PA / 1-D-21-SP Contextual Images





Development Request

BCM
11-23-20

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 - Revised
 1-D-21-PA
 1-D-21-SP

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: Benjamin C. Mullins
 Company: Frantz, McConnell & Seymour, LLP
 Address: 550 West Main Street, Suite 500
 City: Knoxville TN ZIP: 37902
 Phone: 865-546-9321 Email: bmullins@fmsllp.com

CURRENT PROPERTY INFO

Owner Name (if different): Nancy Ziegler
 Owner Address: 2036 Wayside Rd Knoxville TN, 37931
 Owner Phone: 865-304-6292
 Property Address: 931 Piney Grove Church Road, Knoxville TN, 37909
 Parcel ID: 106JA026

STAFF USE ONLY

General Location: West of Piney Grove Church Road and North of Middlebrook Pike
 Tract Size: +/- 1.5 acres
 District 3
 Zoning District: RN-3
 Jurisdiction (specify district above): City County
 Planning Sector: Northwest County
 Sector Plan Land Use Classification: MDR
 Growth Policy Plan Designation: City
 Existing Land Use: SFR
 Septic (Y/N): N
 Sewer Provider: KUB
 Water Provider: KUB

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Related Rezoning File Number

Combine Parcels
 Divide Parcel

Unit / Phase Number _____

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
 MDR 10
 BCM 11-23-20
 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

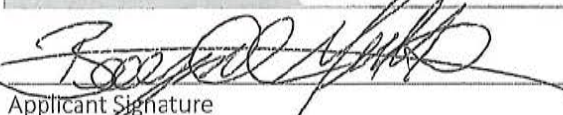
ADDITIONAL REQUIREMENTS

- 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.



Benjamin C. Mullins

9-17-2020

Applicant Signature

Please Print

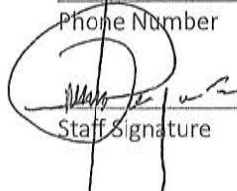
Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email



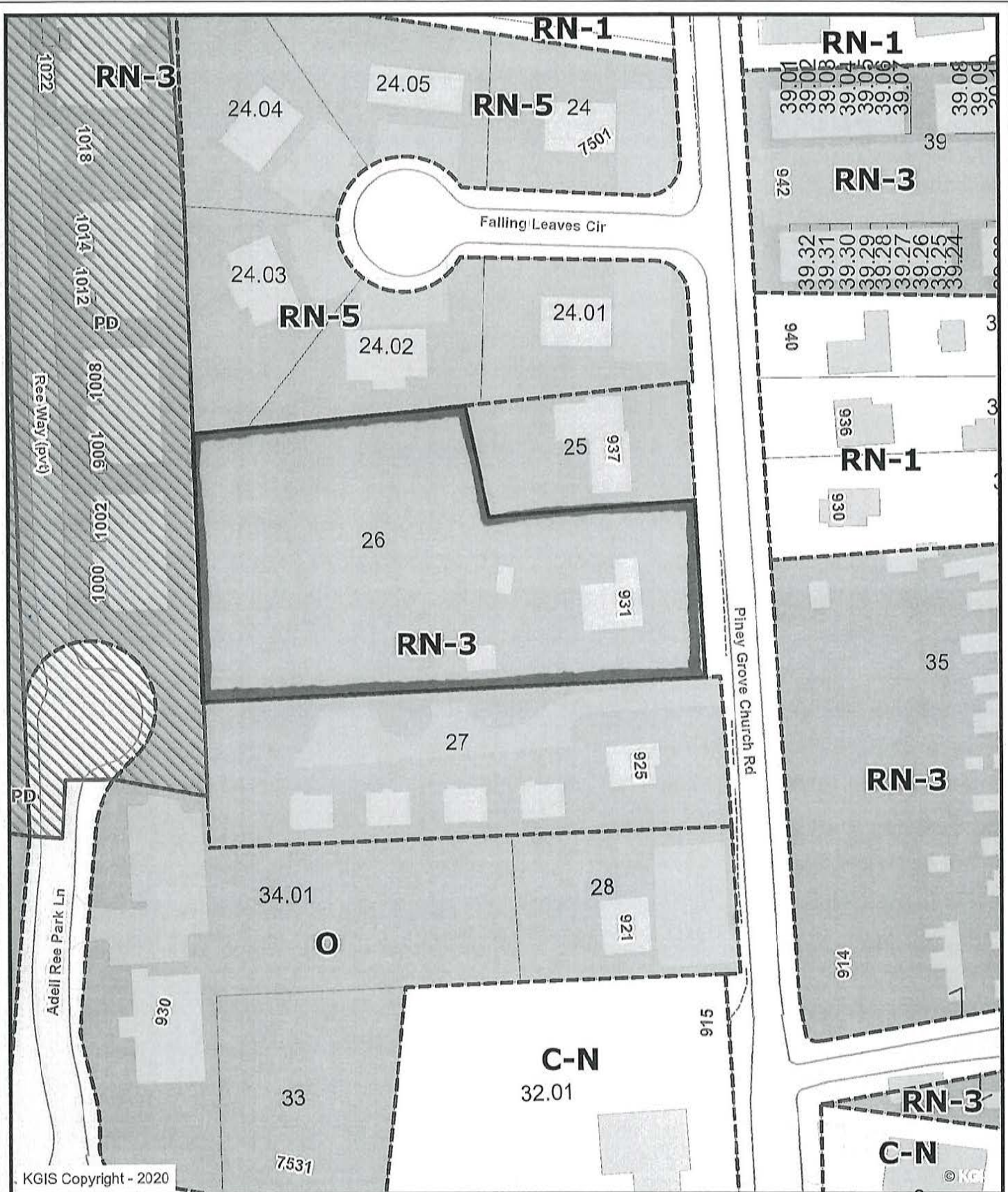
Marc Payne

9/17/20

Staff Signature

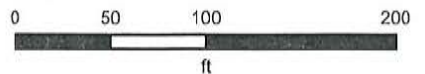
Please Print

Date



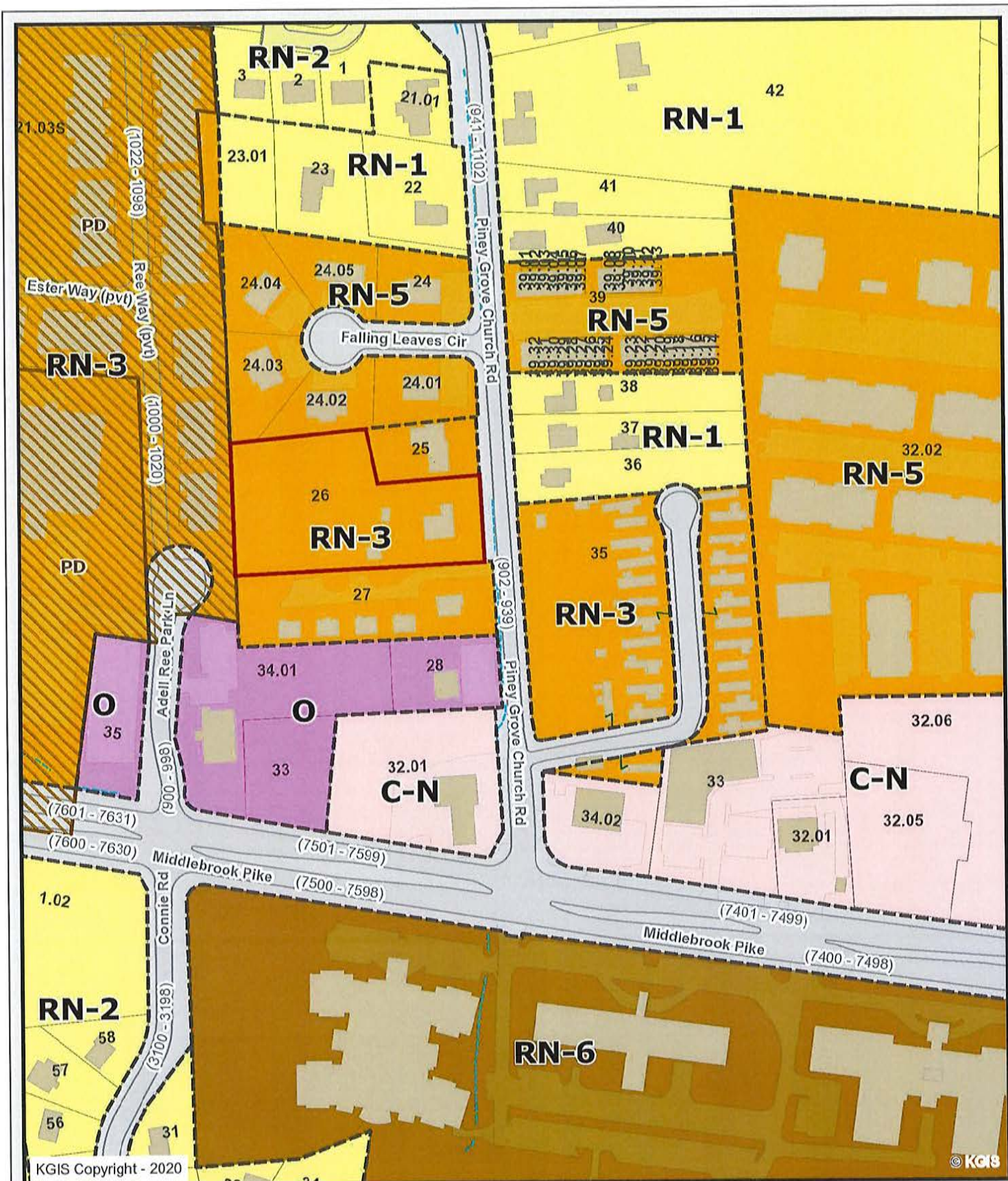
Letter Portrait

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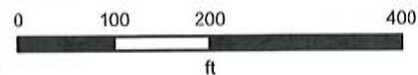


931 Piney Grove Church Rd.

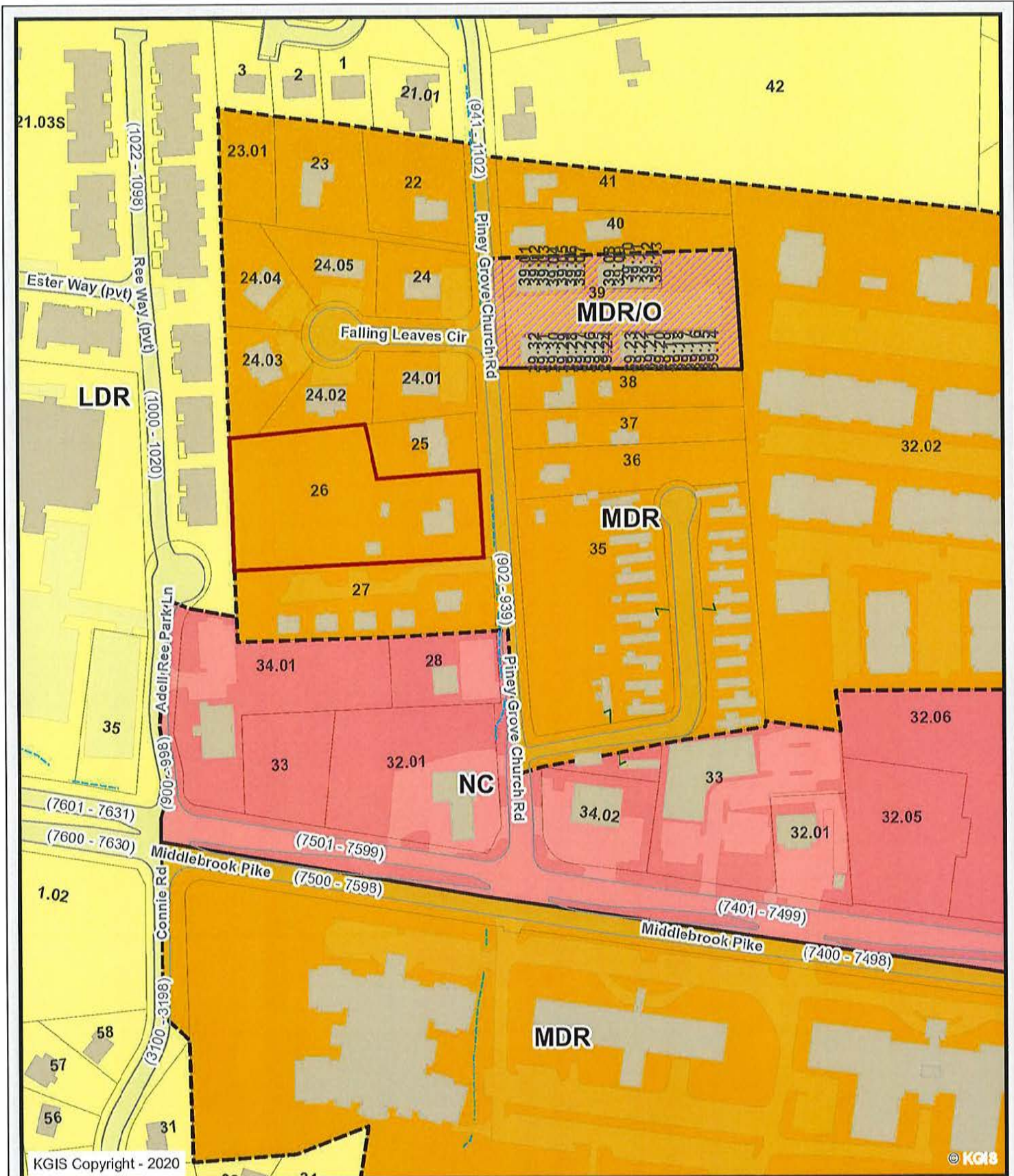
Knoxville - Knox County - KUB Geographic Information System



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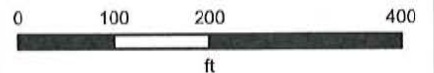
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931Piney Grove Church Rd.

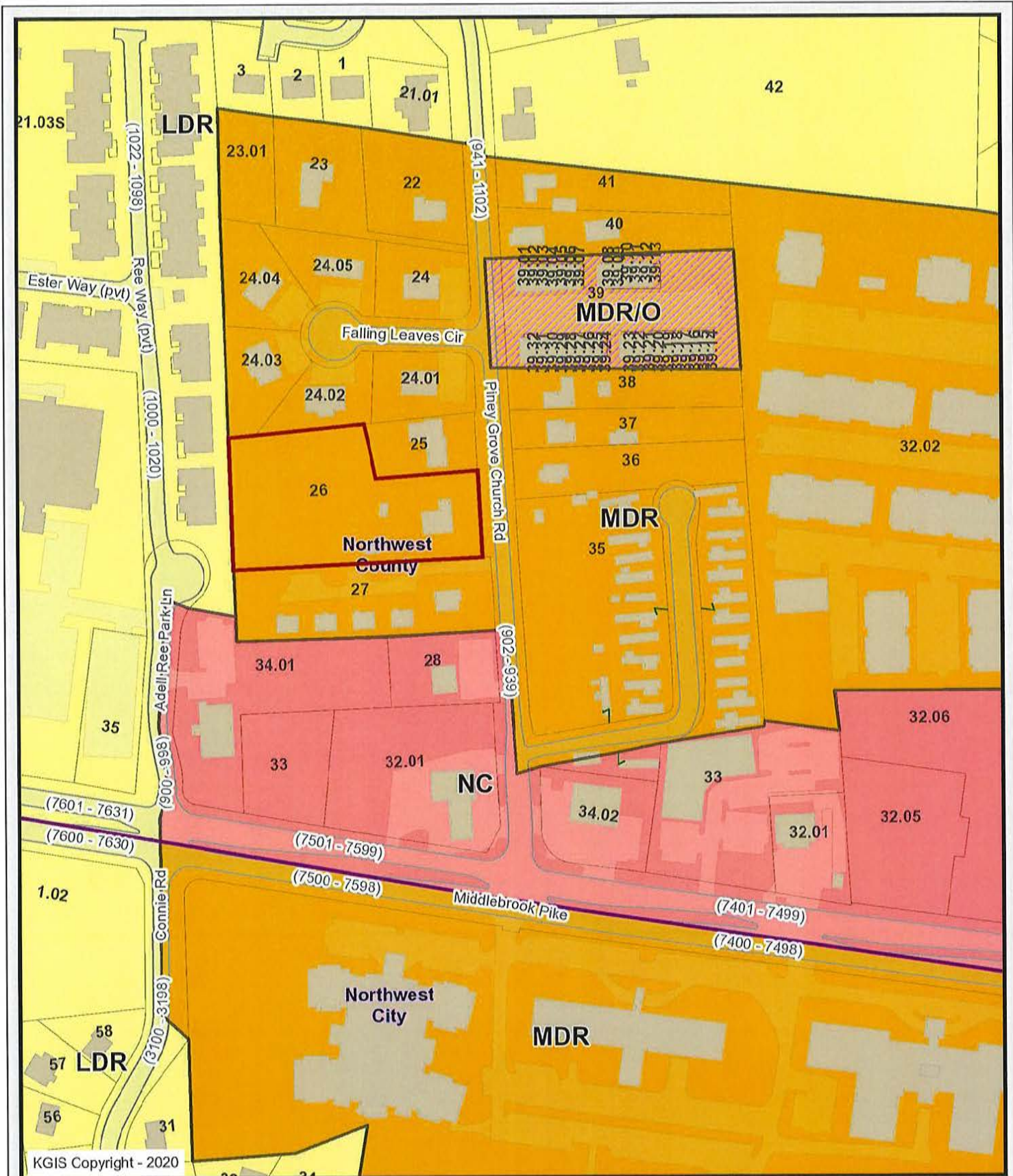


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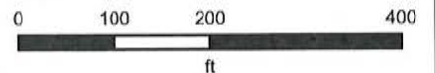
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931 Piney Grove Church Rd.



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BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
DANIEL P. ZYDEL
SHARON H. KIM



client-centric & committed to success

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fax 865.637.5249
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

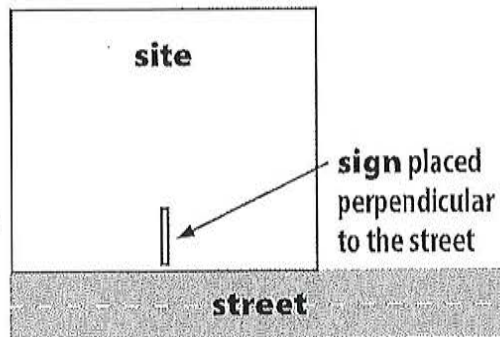
REQUIRED SIGN POSTING AGREEMENT

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:

Dec 30th (Wed) and Jan 15th (Fri)
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: Ben Mullins

Phone: 865-546-9321 Email: bmullins@fmsllp.com

Date: 11-23-2020

File Number: 1-D-20-RZ- Revised , 1-D-21-PA, 1-D-21-SP