



CITY OF KNOXVILLE, TENNESSEE

City Council

AGENDA INFORMATION SHEET

AGENDA DATE: July 13, 2021

DEPARTMENT: Knoxville-Knox County Planning Commission (formerly known as Metropolitan Planning Commission)

DIRECTOR: Amy Brooks

AGENDA SUMMARY An Ordinance to amend Ordinance No. O-107-2019, known and cited as "The City of Knoxville Zoning Code," to remove a previously approved planned district (C) designation from property located at 7140, 7144 and 7134 Deane Hill Drive, Benjamin C. Mullins for Rufus Smith and Dooley, L.P., Applicant. (Planning Commission Approved 14-0) (File No. 6-B-21-SU) (Second District)

COUNCIL DISTRICT(S) AFFECTED: The proposed special use is located in Council District 2.

BACKGROUND: The applicant requested removal of a previously approved planned district (C) designation in RN-3 (General Residential Neighborhood) (C) District for property located at 7140, 7144 and 7134 Deane Hill Drive.

OPTIONS: 1. Approve First Reading 2. Approve on Emergency 3. Deny 4. Postpone for future consideration

RECOMMENDATION: The Knoxville-Knox County Planning Commission recommended approval of the request to remove the previously approved planned district (C) designation from this property, by a vote of 14-0.

ESTIMATED PROJECT SCHEDULE: N/A

PRIOR ACTION/REVIEW

Planning Commission Meeting	6/10/2021	Published ad on 5/8/2021
Knoxville City Council	7/13/2021	Published ad on 6/19/2021

FISCAL INFORMATION: N/A

ATTACHMENTS:

- ordinance (DOCX)
- 6-B-21-SU_pkg (PDF)



SPECIAL USE REPORT

► **FILE #:** 6-B-21-SU

AGENDA ITEM #: 33

AGENDA DATE: 6/10/2021

► **APPLICANT:** BENJAMIN C. MULLINS O/B/O RUFUS SMITH AND DOOLEY L.P.

OWNER(S): R. Smith & Dooley L.P.

TAX ID NUMBER: 120 E D 001 & 002

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 7140 , 7144 & 7134 Deane Hill Dr.

► **LOCATION:** South side of Deane Hill Drive, east side of Winchester Drive

► **APPX. SIZE OF TRACT:** 5.21 acres

SECTOR PLAN: West City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is off of Deane Hill Drive, a major collector with a 20-ft pavement width inside a 55-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **ZONING:** RN-3 (General Residential Neighborhood) / Previously approved planned district designation (C) that is requested to be removed

► **EXISTING LAND USE:** Duplex on one lot and single family residential dwelling on the other

► **PROPOSED USE:** Removal of (C) Planned District designation

HISTORY OF ZONING: Cases 4-G-86-RZ, 6-F-98-RZ, 4-B-13-RZ, 10-C-13-RZ, and 10-A-16-RZ were denied or withdrawn prior to Council action; Property rezoned from R-1 to RP-1 in Feb. 2014 (1-E-14-RZ)

SURROUNDING LAND USE AND ZONING:

North:	Single family residential and agricultural/forestry/vacant - RN-2 (Single Family Residential Neighborhood) District with C designation
South:	Single family residential - RN-1 (Single Family Residential Neighborhood) District
East:	Multifamily residential - RN-1 (Single Family Residential Neighborhood) District
West:	Single family residential and multifamily - RN-1 (Single Family Residential Neighborhood) District

NEIGHBORHOOD CONTEXT: This site is approximately 1/2 mile west of Morrell Road on Deane Hill Drive. This section of Deane Hill Drive is a mix of small-lot single family residences and multifamily dwellings in the form of duplex units and townhouses.

STAFF RECOMMENDATION:

► **Approve the request to remove the previously approved planned district (C) designation from this parcel.**

parcel.

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

With the conditions noted, this plan meets the requirements for removal of the previously approved planned district designation and the other criteria for approval of a use on review.

COMMENTS:

Prior to adoption of the new City Zoning Ordinance on January 1, 2020, the property was zoned RP-1 (Planned Residential) District and allowed a density of up to 5.99 du/ac as of a 2014 rezoning case (Case 1-E-14-RZ). The former RP-1 zoning allowed flexibility in the types of residential uses that could be considered (attached and detached houses and multi-family) and allowed clustering of density.

Per Article 1.4.G. (Previously Approved Planned Districts) of the City of Knoxville Zoning Ordinance, all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval. However, no site plans were approved for this planned district.

With the new zoning map, the property was reassigned to the RN-3 (General Residential Neighborhood) District and given the "C" designation to indicate the presence of a prior planned district. If the former RP-1 zoning were removed from the site, the existing RN-3 zoning would apply to any proposed development.

Comparison of Prior and Current Zoning District (this section has been revised to correct an error and expanded to include more information, 6/21/2021)

1. The property is 5.21 acres, or approximately 226,947 square feet. The following calculations are a rough estimate and do not include any deductions for infrastructure needs such as stormwater or internal roads.
 - a. Single Family: The former RP-1 zoning allowed up to 5.9 du/ac, so the property could be developed with a maximum of 31 single family dwellings. Under the current RN-3 zoning, the property could be developed with a maximum of 45 single family dwellings.
 - b. Like the former RP-1 zone, the existing RN-3 district also allows duplexes, and up to 30 duplexes could be built at maximum capacity according to the RN-3 standards, versus 15 duplexes in the former RP-1 zone.
 - c. Townhouses are allowed by special use, so any application for townhouse development would require Planning Commission approval. The current RN-3 zone would allow up to 74 dwelling units. There are design standards for townhouses as a special use [Section 9.3.I]; the former RP-1 zone would allow a maximum of 31 townhouses.
 - d. Multifamily uses are not allowed in the existing RN-3 zone; the former RP-1 zone would allow up to 31 multifamily dwellings.
2. Setbacks and building height are the other main differences between the zones.
 - a. The former RP-1 zone had a 25-ft peripheral boundary, which would be required along the northern, western, and southern boundaries (the eastern boundary of the site is adjacent to the RP-1 zone and would not apply to that property line). The peripheral setback was increased by 2 ft for each additional story above two stories.
 - b. The existing RN-3 zone has a front setback requirement of 10 ft, a corner side setback of 12 ft, and a rear setback of 25 ft. There are additional setbacks for interior sides, but these would be internal to the development and are not as prominent as the aforementioned setbacks, which either front streets or abut other developments.
 - c. The RN-3 zone caps building height at 35 ft (3 stories). The former RP-1 zone doesn't have a maximum building height; it just requires a higher setback for buildings over two stories.

Zoning History:

There were four failed attempts to rezone these parcels from R-1 (Low Density Residential) to a planned district. Requests included Case 4-G-86-RZ, requesting the PR (Planned Residential) zone with up to 12 du/ac, Case 6-F-98-RZ requesting the RP-1 zone for up to 5 du/ac, Case 4-B-13-RZ requesting the RP-1 zone with up to 12 du/ac, and Case 10-C-13-RZ requesting the RP-1 zone with up to 10 du/ac. Case 1-E-14-RZ requested the RP-2 (Planned Residential) zone for up to 25 du/ac. City Council approved RP-1 zoning for this request with a reduced density of up to 5.99 du/ac. Another rezoning request in 2016 (Case 10-A-16-RZ) for RP-1 with 10 du/ac was denied.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the One Year Plan, and by the following general standards:

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. As stated previously, if the former RP-1 zoning is removed from the site, the existing RN-3 zoning will apply to any proposed development, which be required to comply with the RN-3 zoning requirements.

B. The One Year Plan and West City Sector Plan designate this site for LDR (Low Density Residential) land use.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The City of Knoxville Zoning Ordinance describes the RN-3 General Residential Neighborhood District as intended to accommodate medium density residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Townhouse dwellings may be allowed by special use approval to facilitate a more urban development form. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

B. Removal of the previously approved plan district designation would not cause nonconformance with the City of Knoxville Zoning Ordinance.

C. Any proposed development will be required to be consistent with the general purpose and intent of the zoning code.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. Removal of the planned district will not impact the character of the neighborhood. No plans were approved for this planned district.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. Removal of the previous planned district will not significantly injure the value of adjacent property.

B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Removal of the previous planned district will not draw additional traffic. Removal of the C designation does not include a development plan, so there is no specific use attached to it. As such, no traffic would be generated by the removal of the C designation to trigger the need for a traffic study. Upon receipt of development plans, the proposed use and the number of units built would yield a certain number of trips, and traffic impacts would be assessed at that time. This section was revised for clarification, 6/21/2021.

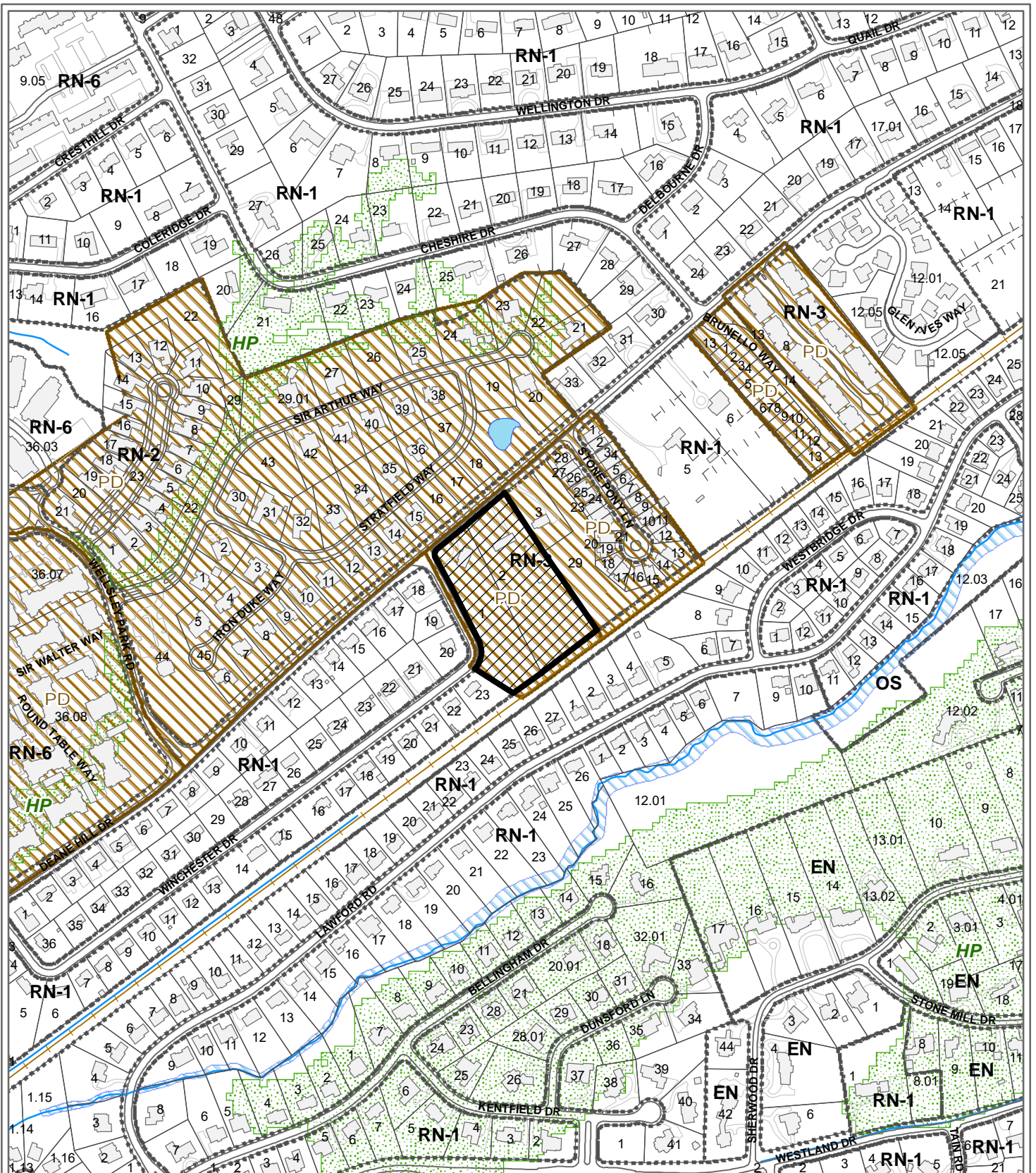
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future development anticipated to occur on this site.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 7/13/2021 and 7/27/2021. 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.



**6-B-21-SU
SPECIAL USE**

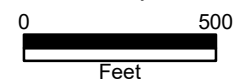


Removal of C (Planned District Overlay) designation in RN-3 (General Residential Neighborhood) (C)

Original Print Date: 5/6/2021
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Mullins O/B/O Rufus Smith and
Dooley L.P., Benjamin C.

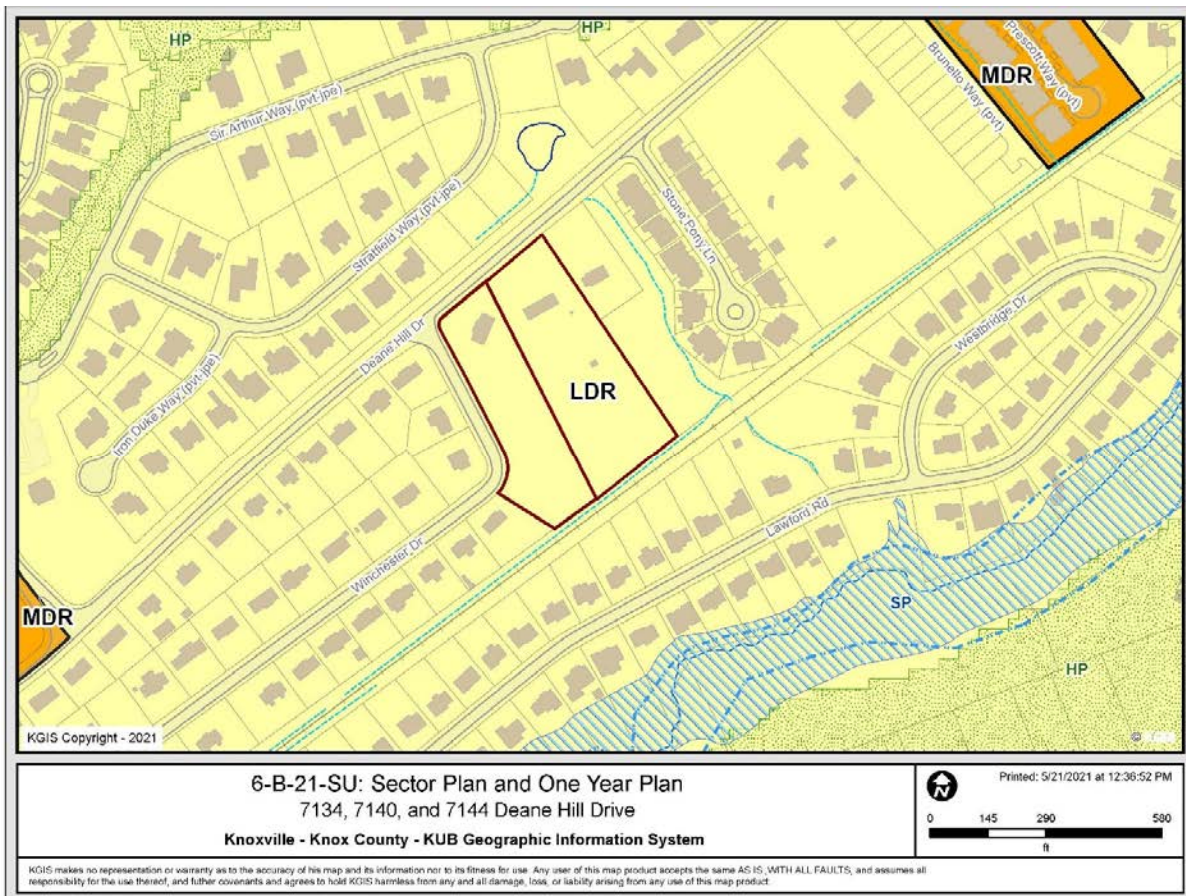
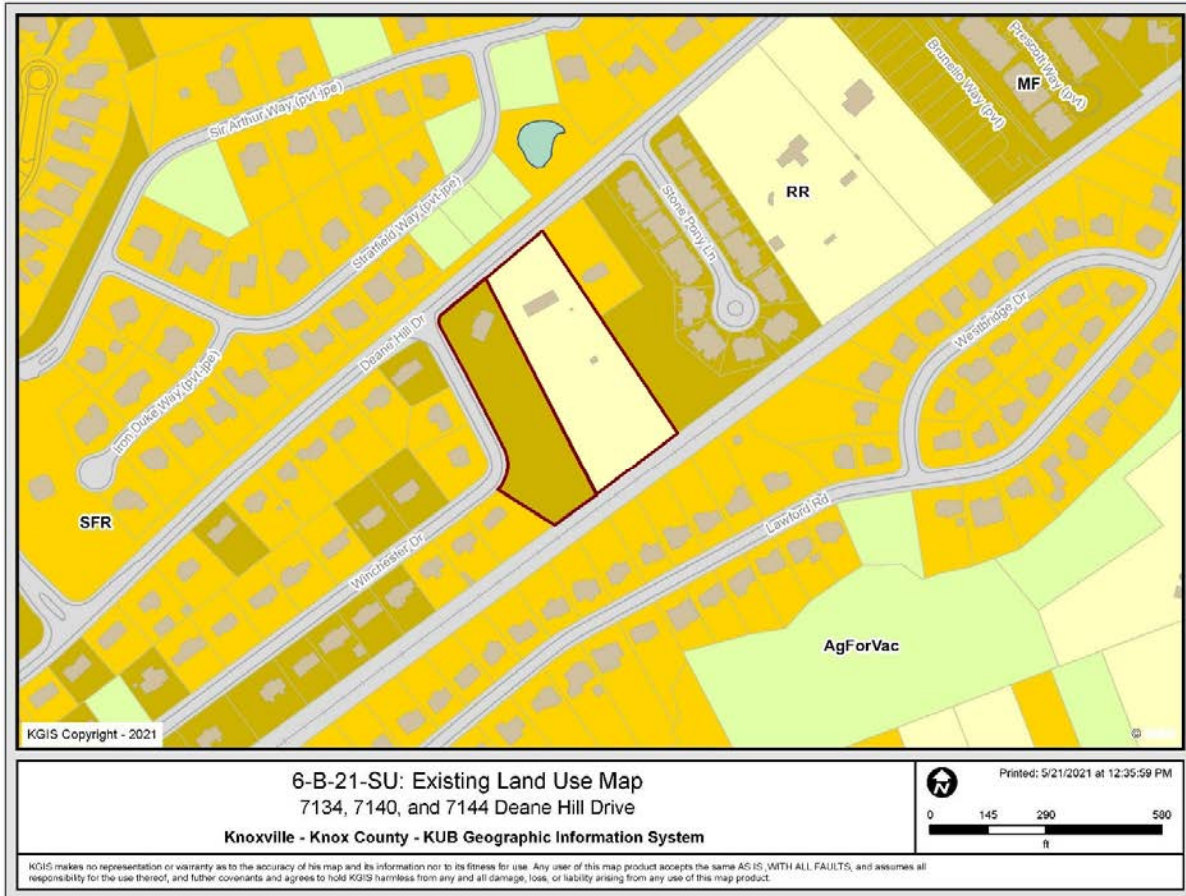
Map No: 120
Jurisdiction: City



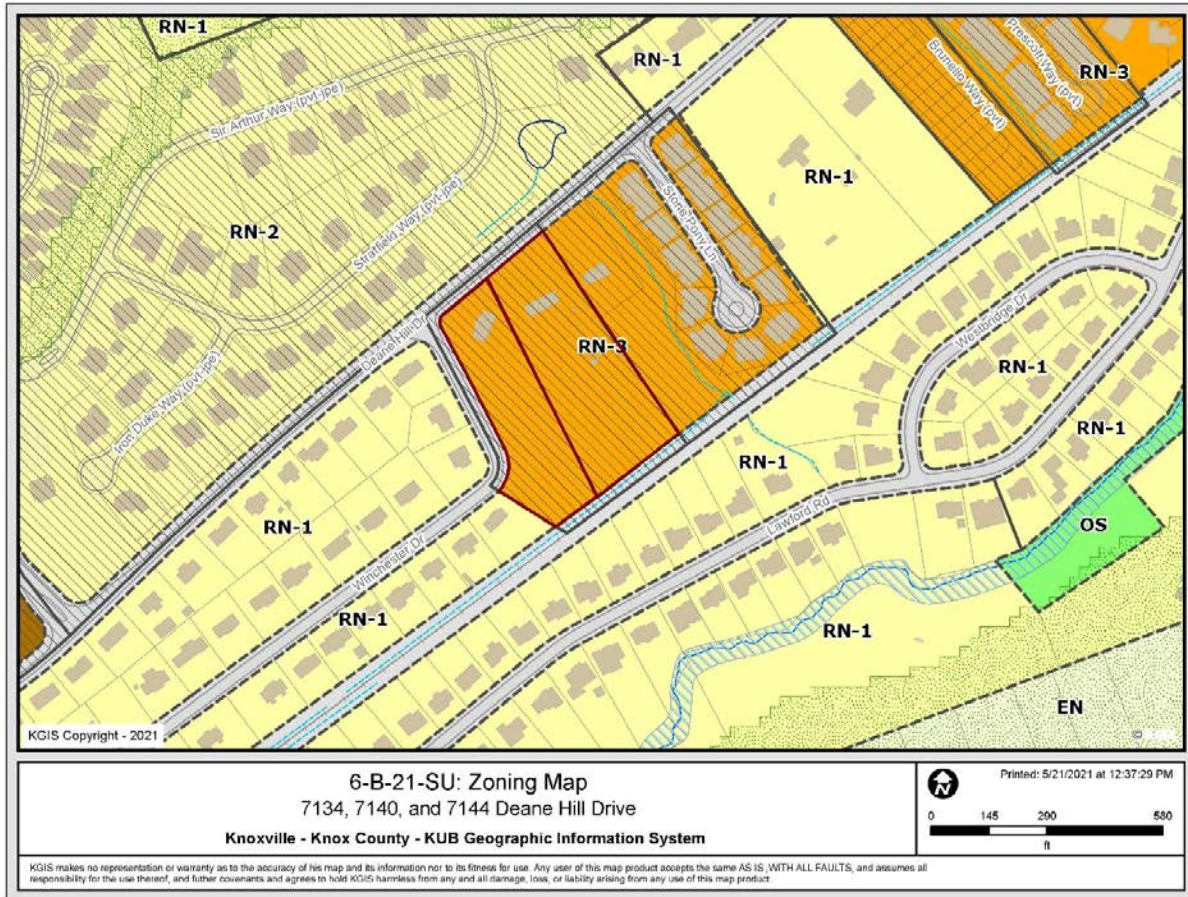
6-B-21-SU
EXHIBIT A. Contextual Images



6-B-21-SU
EXHIBIT A. Contextual Images



6-B-21-SU
EXHIBIT A. Contextual Images



**June 10, 2021****Planning Commission meeting**

Public Comments

1 Comment for 6-B-21-SU

Jack (37919), June 9, 2021 at 9:54 PM

I live at 7116 Deane Hill Drive and also own 7104 Deane Hill Drive. Deane Hill Drive is a safety hazard as not one dollar has been spent to improve the road since we moved there in 1987. We have had developments all up and down Deane Hill and they have all been satisfied with low density - I am a CPA with my own firm and have worked on construction contractor clients my entire career and everyone in our neighborhood knows Chase/Smith cares nothing about our neighborhood and is all about the money. I guess life is like that - it's about the money. We have beaten them over and over again and the MPC staff agreed with us that low density was what was right for our neighborhood - now the staff has changed positions even though our neighborhood is still low density. We are all amazed that nothing has changed but their opinion. I liked what Charles Lomax said at the last MPC meeting we attended for this issue - "I don't see any reason to change it" and MPC voted to deny their request for medium density.

SPECIAL USE REPORT

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AGENDA ITEM #: 33

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► **APPLICANT:** BENJAMIN C. MULLINS O/B/O RUFUS SMITH AND DOOLEY L.P.
OWNER(S): R. Smith & Dooley L.P.

TAX ID NUMBER: 120 E D 001 & 002 [View map on KGIS](#)
JURISDICTION: City Council District 2
STREET ADDRESS: 7140 , 7144 & 7134 Deane Hill Dr.
► **LOCATION:** South side of Deane Hill Drive, east side of Winchester Drive
► **APPX. SIZE OF TRACT:** 5.21 acres
SECTOR PLAN: West City
GROWTH POLICY PLAN: N/A
ACCESSIBILITY: Access is off of Deane Hill Drive, a major collector with a 20-ft pavement width inside a 55-ft right-of-way.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Fourth Creek

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► **EXISTING LAND USE:** Duplex on one lot and single family residential dwelling on the other
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East: Multifamily residential - RN-1 (Single Family Residential Neighborhood) District
West: Single family residential and multifamily - RN-1 (Single Family Residential Neighborhood) District

NEIGHBORHOOD CONTEXT: This site is approximately 1/4 mile west of Morrell Road on Deane Hill Drive. This section of Deane Hill Drive is a mix of small-lot single family residences and multifamily dwellings in the form of duplex units and townhouses.

STAFF RECOMMENDATION:

► Approve the request to remove the previously approved planned district (C) designation from this

parcel.

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

With the conditions noted, this plan meets the requirements for removal of the previously approved planned district designation and the other criteria for approval of a use on review.

COMMENTS:

Prior to adoption of the new City Zoning Ordinance on January 1, 2020, the property was zoned RP-1 (Planned Residential) District and allowed a density of up to 5.99 du/ac as of a 2014 rezoning case (Case 1-E-14-RZ). The former RP-1 zoning allowed flexibility in the types of residential uses that could be considered (attached and detached houses and multi-family) and allowed clustering of density.

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Comparison of Prior and Current Zoning District Regarding Number of Units Allowed at Maximum Development:

The property is 5.21 acres, or approximately 226,947 square feet. For comparison purposes, with the RP-1 zoning allowing up to 5.9 du/ac, the property could be developed with a maximum of 45 single family dwellings. With the current RN-3 zoning, the property could also be developed with a maximum of 45 single family dwellings. Like the former RP-1 zone, the existing RN-3 district also allows duplexes, and up to 30 duplex units could be built at maximum capacity according to the RN-3 standards. Townhouses are allowed by special use, so any application for townhouse development would require Planning Commission approval. Multifamily uses are not allowed in RN-3.

Zoning History:

There were four failed attempts to rezone these parcels from R-1 (Low Density Residential) to a planned district. Requests included Case 4-G-86-RZ, requesting the PR (Planned Residential) zone with up to 12 du/ac, Case 6-F-98-RZ requesting the RP-1 zone for up to 5 du/ac, Case 4-B-13-RZ requesting the RP-1 zone with up to 12 du/ac, and Case 10-C-13-RZ requesting the RP-1 zone with up to 10 du/ac. Case 1-E-14-RZ requested the RP-2 (Planned Residential) zone for up to 25 du/ac. City Council approved RP-1 zoning for this request with a reduced density of up to 5.99 du/ac. Another rezoning request in 2016 (Case 10-A-16-RZ) for RP-1 with 10 du/ac was denied.

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B. The One Year Plan and West City Sector Plan designate this site for LDR (Low Density Residential) land use.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The City of Knoxville Zoning Ordinance describes the RN-3 General Residential Neighborhood District as intended to accommodate medium density residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Townhouse dwellings may be allowed by special use approval to facilitate a more urban development form. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

B. Removal of the previously approved plan district designation would not cause nonconformance with the City of Knoxville Zoning Ordinance.

C. Any proposed development will be required to be consistent with the general purpose and intent of the zoning code.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. Removal of the planned district will not impact the character of the neighborhood. No plans were approved for this planned district.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

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B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Removal of the previous planned district will not draw additional traffic.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future development anticipated to occur on this site.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.

June 5, 2021

6-8-21SV
COPY

Mayor Indya Kincannon and City Council Members:

My family and I are old time residents of Deane Hill. We moved here 34 years ago this month. I was born at St. Mary's Hospital in Knoxville >75 years ago. For 20 years or more we have been butted up against Rufus Smith Construction and Mike Chase who have been trying all sorts of methods to get medium density on some property they own on Deane Hill and Winchester. You can read most of what I am addressing just from reading my neighborhood biography that Mayor Rogero used to appoint me to the Neighborhood Advisory Council – I have included a copy. She and I got to know each other from all the times I came with my family and neighbors to oppose the Chase/Smith attempts to get the low density in our neighborhood changed to medium density – a 67% increase in density – their attorney at the time stressed that it was only going to be a 19 unit increase over low density and he stated at one of the CC meetings that it was only ¼ mile to West Town Mall at best and a few other things that had not been verified.

Just to simplify my letter to you I would like to state what the real issue has been the entire time – Deane Hill Drive has evolved into a dangerous/over traveled road – a major Kingston Pike avoidance route loaded up with big trucks and speeding cars – the road has no shoulder – go a few inches past the white line and you are in a ditch, a yard or take out a mailbox or utility pole. When we opposed the increase in density several times before, the MPC staff opposed it each time since it was what they called SPOT ZONING – in the middle of low density - Chase/Smith wanted medium density and it did not qualify for that increase. I have included a copy of what the staff wrote on 1/7/14 in recommending the request be denied. I have also included what new KKCP staff opinion is now – Chase/Smith can just about do whatever they want to do on their property. What has really changed? Nothing. Even though Deane Hill has been vastly developed, with large amounts of taxes being collected from the new home owners within those developments, not one dollar has been spent to improve Deane Hill Drive but now KKCP wants to give Chase/Smith the authority to do whatever they want. Since my family and I have lived on Deane Hill, the following developments have appeared within ½ mile of our house: Cleveland Place (28 units), Sutton Place (28 units), Glen Ives (25 units), now 7100 Deane Hill (14 units) --- and the door could swing open for Chase/Smith for 45 units to make a total of 140 units and not one dollar has come back to improve Deane Hill. Does one of us have to die mowing our front yards for any of you to think Deane Hill is an issue? I have included with this correspondence several pictures my wife and I have made of just times cars have been in our yard and damaged other properties in our neighborhood. In one 30-day period, Shannon, the lady who lives across the street from us, lost her mailbox 3 times. In the last several months, two utility poles were knocked down in one month within ½ mile of our house. Our mailbox at 7104 Deane Hill is a favorite target. I have just refused to replace it since it is down so much. Just about 30 days ago, an SUV went into the ditch across the street and in attempting to exit the ditch he went across the road and hit a lady head on – one car then went into our yard at 7116 and the other in our property at 7104 – both drivers went to the hospital.

I sent out petitions about 10 or 15 years ago to all our neighbors and nearly everyone of them was against medium density for Chase/Smith. KKPC has copies of the petitions and I have also retained them if anyone wants to see them – same neighbors were outraged – most have just been like my family, very disappointed with the lack of action to improve Deane Hill. We were assisted in our fight to limit development on Deane Hill to low density by the best group of Council members representing our

district but, in my mind, none could surpass Duane Grieve, a man who cared and would work with us to help us in any way he could.

I know vast amounts of money have been appropriated to upgrade neighborhoods all over the City and I have no doubt, they absolutely deserve the funds. All I am asking is that you look at our situation like it is a serious problem and not just an issue that can be addressed down the road. Everyone wants our land. 7116 is 4.71 acres that we bought back in 1987 for \$130,000 – the house was a total wreck but we were leaving a farm and wanted some land – it took me about 10 years in my spare time to remodel that house and we lived in it with two young children. We bought 7104 and its 2.81 acres in January of 2019 and were going to remodel the house for our daughter and granddaughter to live but it is a wreck past my ability to remodel at my age and it will probably be cheaper to just tear it down and build a smaller house for them. We have 7.52 acres. Is our land another 75 units in waiting? We have been very happy living on Deane Hill and were able to take my terminally ill mom into our house for her last 3 ½ years so I personally have never been as happy in life as I have been where we live now.

We moved back to Knoxville when I was 42 and now, I am 75. We all hope to spend the years we have left on Deane Hill but we need the road improved badly. Please limit any request for medium density until the funds become available to upgrade Deane Hill. It has become too dangerous to ignore.

Thank you,

Jack Sherrod
7116 Deane Hill Drive
Knoxville, TN 37919
405-5021
jack@jes-cpa.com

6-B-21-SU

6/3/21

Ms. Elizabeth Eason, Commissioner KKPC

I wanted to send you this information before you hear the request by developers to work toward going from Low Density (5.99 units per acre) to Medium Density 10.00 units per acre) on property fronting on Deane Hill Drive and Winchester Drive.

We are not against development. Both pieces of property adjoining my families' properties are either being developed or have been developed in the last five years – both at low density. We left them alone and they even asked for a variance or two and we did not resist in any way. Sure, that developing added traffic to Deane Hill that is already dangerous. Please look over the pictures I have included with this other information. We would have loved for those two pieces of property to stay undeveloped but it is their land and their right to develop it but we have been butted up against the Rufus Smith Construction Company and Mr. Chase for the last 20+ years in their desire to run over our neighborhood for the larger profits produced by Medium Density even though our neighborhood is overrun by traffic now. The MPC staff was against the increase in density until now but MPC voted for it several times but we won just a couple of years ago by 7 to 6 after the two Mayors had appointed a more diverse group of folks to the Commission.

Look at the pictures I have included – and then go back where it says 'estimated traffic impact – not required' and where it says approximately ¼ mile from Morrell Road – my wife and I just drove it in two cars and it is ½ mile – twice as far as they have listed – wonder who measured that?

With the low density that has gone on up and down Deane Hill we had asked the City to consider improvements to Deane Hill Drive but they always say – they don't have the money! If Deane Hill were curbed and side walked – sure, it would be a great place for development. When they closed Westland Drive a few years ago to rework the bridges and such, the traffic moved from Westland to Deane Hill to avoid Kingston Pike and when that development was done, they did not go back to Westland.

Thank you for reading my letter and looking at my pictures and please share this with the other Commissioners – I don't have enough pictures to send to everyone.

Sincerely,

Jack Sherrod
7116 Deane Hill Drive
Knoxville, TN 37919
405-5021



Jack Sherrod

Title

Board Name

Neighborhood Advisory Council

View Member's Bio View Member's Votes View Member's History

Biography

My family and I moved back to Knoxville from our farm in Roane County in June of 1987. We bought on Deane Hill Drive – a house and 4.71 acres. I had not planned to be any type of neighborhood activist as we have no HOA in our subdivision – our subdivision consists of only about 6 or eight lots with all having acreage included. About 20 years ago some property on Deane Hill had a change in zoning sign appear on it. I went to the CC building to see what was involved and discovered the developer wanted to put 9 duplexes on Deane Hill and down Winchester. I doubt if I would have ever gotten involved in that situation if the developer had not tried to include a lot in our subdivision that still was under the subdivision restrictions. My wife and I went around the immediate neighborhood door to door and it seems we had more support than we could have imagined. I got everyone interested involved when it went to MPC and even though that lot had restrictions on it, MPC approved it even after I pointed the restrictions out to them. However, CC voted against it unanimously because of those very restrictions.

The same developers have since attempted to have their property rezoned from low density to medium density even though that involves spot zoning. The MPC staff was against it but MPC passed it several times until the most recent time when the two Mayors appointed some truly independent members to MPC and it was voted down 7 to 6. City Council voted against it the only time it went before them. My work on that medium density issue has covered several years as it was brought back and back and back without approval. Our neighbors supported us every time. We went door to door again – mailed and handed out petitions and found that no one in our neighborhood wanted the 67% increase in density and the traffic increase that involved. Every subdivision in our immediate area supported us. It was very gratifying. I now have a base of neighbors in each subdivision that I am able to get to by email and I try to keep them up on neighborhood matters. We don't oppose development at low density as that is going on all around us. In fact, my family and I have been able to acquire the property next door to us – house and 2.81 acres – and the property next door to that is being developed and we have not opposed it in any way. Knoxville needs to grow but I think it can grow and continue to leave us with the wonderful neighborhoods we have. I think our neighbors will agree with me when I say the Deane Hill neighborhood is a wonderful place to live.

City County Building, 400 Main St, Knoxville, TN 37902 | Phone: Call 3-1-1

6-8-21 SV













June 10, 20211:30 P.M. | Main Assembly Room
City County Building

The Planning Commission met in regular session on June 10, 2021 at 1:30 p.m. in the Main Assembly room of the City County Building.

Item No.

File No.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

*Ms. Karyn Adams	Ms. Tamara Boyer	Mr. Louis Browning
Ms. Jacqueline Dent	Ms. Elizabeth Eason	Mr. Richard Graf
Mr. Tim Hill	Ms. Sandra Korbelik	Ms. Amy Midis
Mr. Jim Nichols	Mr. Chris Ooten	Mr. Patrick Phillips, Chair
Mr. Jeff Roth	Mr. Eddie Smith	Mr. Scott Smith, Vice-Chair

* Arrived late to the meeting, ** Left early in the meeting, A – Absent from the meeting

33. BENJAMIN C. MULLINS O/B/O RUFUS SMITH AND DOOLEY L.P.

6-B-21-SU

7140, 7144 and 7134 Deane Hill Drive / Parcel ID 120 E D 001 and 002.
Proposed use: Removal of a previously approved planned district (C) designation in RN-3 (General Residential Neighborhood) (C) District.
Council District 2.

1. STAFF RECOMMENDATION

Approve the request to remove the previously approved planned district (C) designation from this parcel.

2. MOTION (S. SMITH) AND SECOND (KORBELIK) WERE MADE TO APPROVE PER STAFF RECOMMENDATION.

MOTION CARRIED UNANIMOUSLY 14-0. APPROVED



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

Benjamin C. Mullins obo Rufus Smith and Dooley L.P.

Attorney/Applicant

Applicant Name

Affiliation

April 23, 2021

June 10, 2021

Date Filed

Meeting Date (if applicable)

File Number(s)

6-B-21-SU

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

R. Smith and Dooley LP

4909 Ball Road

865-694-7756

Owner Name (if different)

Owner Address

Owner Phone

7140,
7144 and 7134 Deane Hill Dr.

120ED001 and 120ED001 2

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Dean Hill Drive, east side of Winchester Dr.

+/- 5.21 acres

General Location

Tract Size

☒ City ☐ County

2nd

RN-3 (C)

MF and RR

District

Zoning District

Existing Land Use

West City

LDR (Low Density Residential)

NA (in City limits)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) Removal of PD (Planned District Overlay) See 1-E-14-RZ

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel _____
 Total Number of Lots Created _____

☐ Other (specify) _____

☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

☐ Zoning Change _____
 Proposed Zoning

☐ Plan Amendment Change _____
 Proposed Plan Designation(s)

Proposed Density (units/acre) _____ Previous Rezoning Requests

☐ Other (specify) _____

Pending Plat File Number

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
0405	1300.00	
Fee 2		
Fee 3		
		\$1300.00

AUTHORIZATION

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


 Applicant Signature

865-546-9321

Phone Number

Benjamin C. Mullins obo Rufus Smith and D April 23, 2021

Please Print

Date

bmullins@fmsllp.com

Email

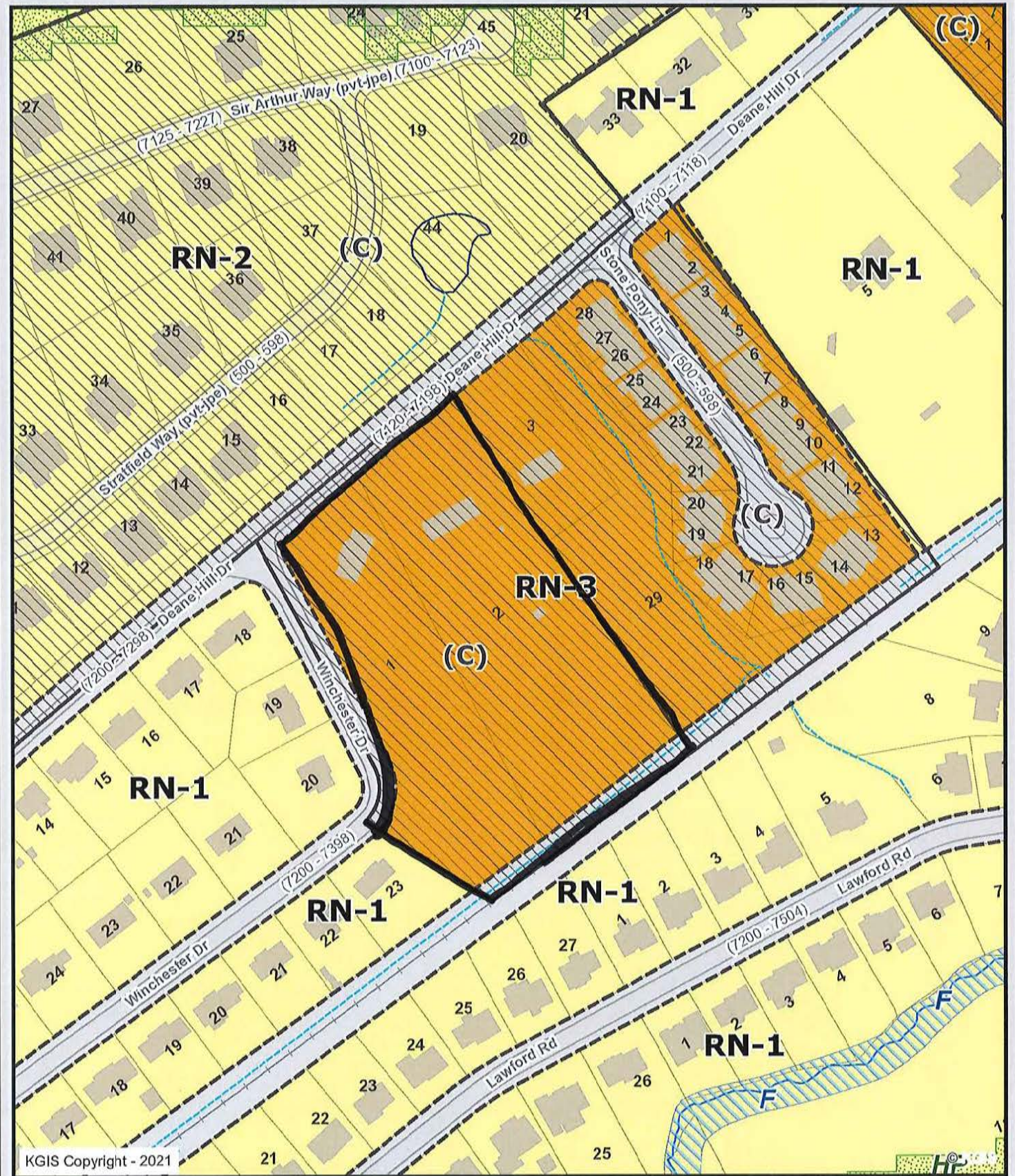
April 22, 2021


 Staff Signature

SHERRY MICHIEZI

Please Print

4/23/21 
 Date



KGIS Copyright - 2021

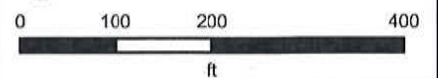
Zoning Map

PD Overlay

Knoxville - Knox County - KUB Geographic Information System



Printed: 4/22/2021 at 4:39:42 PM



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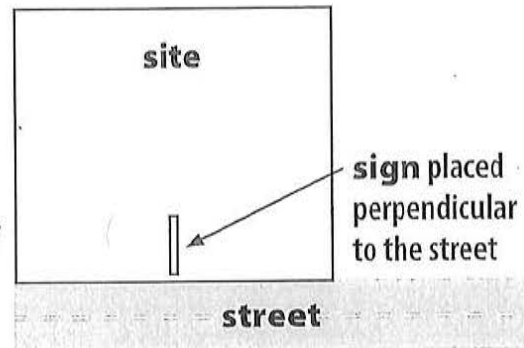
REQUIRED SIGN POSTING AGREEMENT

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:

May 21st (Wed) and (Fri) June 1st
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: _____

Printed Name: Ben Mullins

Phone: 546-9321

Email: _____

Date: 4-23-21

File Number: 6-B-21-SU



KNOX CTY METRO PLANN
400 W MAIN ST # 403
KNOXVILLE TN 37902--242

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
1317419	0004787322	\$444.96	\$0.00	\$444.96	Invoice	\$0.00	\$444.96

Sales Rep: ammarsh

Order Taker: ammarsh

Order Created 06/17/2021

<u>Product</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
KNS-knoxnews.com	1	06/19/2021	06/19/2021
KNS-Knoxville News Sentinel	1	06/19/2021	06/19/2021

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

PUBLIC NOTICE

The following items will be considered by the Knoxville City Council on July 13, 2021 at 6:00 p.m. in the Main Assembly Room, City County Bldg., 400 Main St., Knoxville, TN. For information related to these items, visit KnoxPlanning.org/agenda. If you need assistance or accommodation for a disability, please contact the City ADA coordinator at 215-2104.

STREET/ALLEY CLOSURES

MATTHEW HOWELL
WANTLAND - Request closure of the undeveloped portion of Georgia Ave. starting south of E. Depot Ave. to the train tracks to the southeast and between Parcel ID 095AL014 and Parcel ID 095AL015, Council District 6, Central City Sector. Planning Commission Recommendation: Approve closure.

REZONINGS/PLAN

AMENDMENTS

WILBANKS, LLC - 726 Callahan Drive / Parcel ID 068 05602. Rezoning from C-H-2 (Highway Commercial) to I-G (General Industrial). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve I-G zoning.

WILBANKS, LLC - 0 Keck Road / Parcel ID 068 046. One Year Plan Amendment from LDR (Low Density Residential) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve One Year Plan Amendment to MU-SD, NWC-1.

WILBANKS, LLC - 0 Keck Road / Parcel ID 068 046. Northwest City Sector Plan Amendment from LDR (Low Density Residential) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District). Council District 3. Northwest City Sector. Planning Commission Action: Approve Sector Plan Amendment to MU-SD, NWC-1.

WILBANKS, LLC - 0 Keck Road / Parcel ID 068 046. Rezoning from AG (Agricultural) to I-G (General Industrial). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve I-G zoning for Parcel 68 046.

WILBANKS, LLC - 6318 Keck Road / Parcel ID 068 04501 (part of). One Year Plan Amendment from LDR (Low Density Residential) / HP (Hillside Protection Overlay) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District) / HP (Hillside Protection Overlay). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve One Year Plan amendment to MU-SD, NWC-1 / HP.

WILBANKS, LLC - 6318 Keck Road / Parcel ID 068 04501 (part of). Northwest City Sector Plan Amendment from LDR (Low Density Residential) / HP (Hillside Protection Overlay) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District) / HP (Hillside Protection Overlay). Council District 3. Northwest City Sector. Planning Commission Action: Approve Sector Plan amendment to MU-SD, NWC-1 / HP.

WILBANKS, LLC - 6318 Keck Road / Parcel ID 068 04501 (part of). Rezoning from AG (Agricultural) / HP (Hillside Protection Overlay) to I-G (General Industrial) / HP (Hillside Protection Overlay). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve I-G / HP zoning.

WILBANKS, LLC - 6601 Wilbanks Road / Parcel ID 068 07201. One Year Plan Amendment from GC (General Commercial) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve One Year Plan Amendment to MU-SD, NWC-1.

WILBANKS, LLC - 6601 Wilbanks Road / Parcel ID 068 07201. Northwest City Sector Plan Amendment from GC (General Commercial) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District). Council District 3. Northwest City Sector. Planning Commission Action: Approve Sector Plan Amendment to MU-SD, NWC-1.

WILBANKS, LLC - 6601 Wilbanks Road / Parcel ID 068 07201. Rezoning from C-H-1 (Highway Commercial) to I-G (General Industrial). Council District 3.

Northwest City Sector. Planning Commission Recommendation: Approve I-G zoning.

WILBANKS, LLC - 6302 Keck Road / Parcel ID 068 04401 (part of). One Year Plan Amendment from GC (General Commercial) / HP (Hillside Protection Overlay) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District) / HP (Hillside Protection Overlay) for 0.61 acre portion of parcel (see application). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve One Year Plan Amendment to MU-SD, NWC-1 / HP for 0.61 acre portion of parcel.

WILBANKS, LLC - 6302 Keck Road / Parcel ID 068 04401 (part of). Northwest City Sector. Plan Amendment from GC (General Commercial) / HP (Hillside Protection Overlay) to MU-SD, NWC-1 (Callahan Drive Mixed Use Special District) / HP (Hillside Protection Overlay) for 0.61 acre portion of parcel (see application). Council District 3. Northwest City Sector. Planning Commission Action: Approve Sector Plan Amendment to MU-SD, NWC-1 / HP for 0.61 acre portion of parcel.

WILBANKS, LLC - 6302 Keck Road / Parcel ID 068 04401 (part of). Rezoning from C-G-1 (General Commercial) to C-H-1 (Highway Commercial) for 8.24 acre portion of parcel and from C-G-1 (General Commercial) / HP (Hillside Protection Overlay) to I-G (General Industrial) / HP (Hillside Protection Overlay) for 0.61 acre portion of parcel (see application). Council District 3. Northwest City Sector. Planning Commission Recommendation: Approve C-H-1 zoning for 8.24-acre portion of parcel and I-G / HP zoning for 0.61 acre portion of parcel.

TAYLOR D. FORRESTER O/B/O OFR INVESTMENTS, LLC - 1820 Amherst Rd. / Parcel ID 92 M A 009. Rezoning from RN-1 (Single-Family Residential Neighborhood) to RN-2 (Single-Family Residential Neighborhood). Council District 3, Northwest County Sector. Planning Commission Recommendation: Approve RN-2 zoning.

WES CARRUTHERS - 4315 Rutledge Pk. / Parcel ID 70 L C 001. Rezoning from C-N (Neighborhood Commercial) / HP (Hillside Protection Overlay) to C-G-1 (General Commercial) / HP (Hillside Protection Overlay). Council District 6, East City Sector. Planning Commission Recommendation: Approve G-G-1 / HP zoning.

SPECIAL USES

BENJAMIN C. MULLINS O/B/O RUFUS SMITH AND DOOLEY, L.P. - 7140, 7144 & 7134 Deane Hill Dr. / Parcel ID 120 E D 001 & 002. Proposed use: Removal of a previously approved planned district (C) designation in RN-3 (General Residential Neighborhood) (C) District. Council District 2, West City Sector. Planning Commission Recommendation: Approve the request to remove the planned district (C) designation.