

REZONING REPORT

► **FILE #:** 12-I-22-RZ

AGENDA ITEM #: 23

AGENDA DATE: 12/8/2022

► **APPLICANT:** BENJAMIN MULLINS

OWNER(S): Keller Point LLC

TAX ID NUMBER: 155 00901

[View map on KGIS](#)

JURISDICTION: County Commission District 4

STREET ADDRESS: 2110 KELLER BEND RD

► **LOCATION:** Northeast side of Keller Bend Rd, north of Hunter Valley Ln

► **APPX. SIZE OF TRACT:** 5.11 acres

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via Keller Bend Rd, a minor collector with a pavement width of 22-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

► **PRESENT ZONING:** F (Floodway), OA (Office Park)

► **ZONING REQUESTED:** F (Floodway), OB (Office, Medical, and Related Services) & OB/F (Office, Medical, and Related Services/Floodway)

► **EXISTING LAND USE:** Office

►
EXTENSION OF ZONE: No

HISTORY OF ZONING: The property was rezoned from A to OA in 1991 (6-D-91-RZ)

SURROUNDING LAND USE AND ZONING: North: Water -- OS (Parks and Open Space), F (Floodplain Overlay)

South: Rural residential -- A (Agricultural)

East: Water -- F (Floodway), OA (Office Park), A (Agricultural)

West: Water -- OS (Parks and Open Space), F (Floodplain Overlay), O (Office)

NEIGHBORHOOD CONTEXT: The existing development on Keller Bend Road, north of I-140, is primarily office uses in the OP (Office Park), OB (Office, Medical, and Related Services), and OA (Office Park) zones. There are also residential uses in the A (Agricultural) and RN-1 (Single-Family Residential Neighborhood) zones.

STAFF RECOMMENDATION:

► Approve the F (Floodway) zone for the area below the 813 contour, the OB/F (Office, Medical, and Related Services/Floodway) zones for the area between the 813 contour and the current OA (Office Park) zoning boundary, and the OB (Office, Medical, and Related Services) zone for the remainder of the property, as shown in Exhibit A, because it is consistent with the surrounding development.

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6:30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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/COUNTY GENERALLY:

1. The existing development on Keller Bend Road, north of I-140, is primarily office uses in the OP (Office Park), OB (Office, Medical, and Related Services), and OA (Office Park) zones. There are also residential uses in the A (Agricultural) and RN-1 (Single-Family Residential Neighborhood) zones.
2. Local data sources and national data trends note an increased demand for a range of housing opportunities.
3. The OB (Office, Medical, and Related Services) zone will allow more flexibility to use the site for either office or residential purposes, consistent with the existing development on the site and the surrounding area.

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

1. The subject property and a property to the east are zoned OA (Office Park) with office uses in structures that were originally constructed as residential houses, or appear to be residential houses.
2. The OA zone is intended for the development of large office parks and does not allow residential uses. However, it can be used for smaller office structures/developments.
3. The OB (Office, Medical, and Related Services) zone is specifically intended for smaller, separate office buildings and allows residential uses.
4. The F (Floodway) zone allows consideration of a "limited rezoning" per Section 5.70.05 of the Knox County Zoning Ordinance. The F zone may be rezoned to any requested zoning classification; provided however, that such rezoning, if otherwise appropriate, shall be granted subject to all requirements, conditions and regulations relating to grading, filling, drainage and general site preparations established by and placed on said property by the planning commission, the county engineer or the county commission.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. No new structures or fill can be placed below the "no-fill line" shown in Exhibit B. The "no-fill line" is a requirement of the Knox County Stormwater Ordinance.
2. Verification of sight distance at the driveway is required before building permits can be issued for new construction.
3. The 813 contour is the typical summer pool elevation for Fort Loudoun Reservoir. Land area below this contour is considered below water and cannot be counted toward the lot land area for the purposes of standards in the Knox County Zoning Ordinance, such as for minimum lot sizes and calculating allowed residential density.

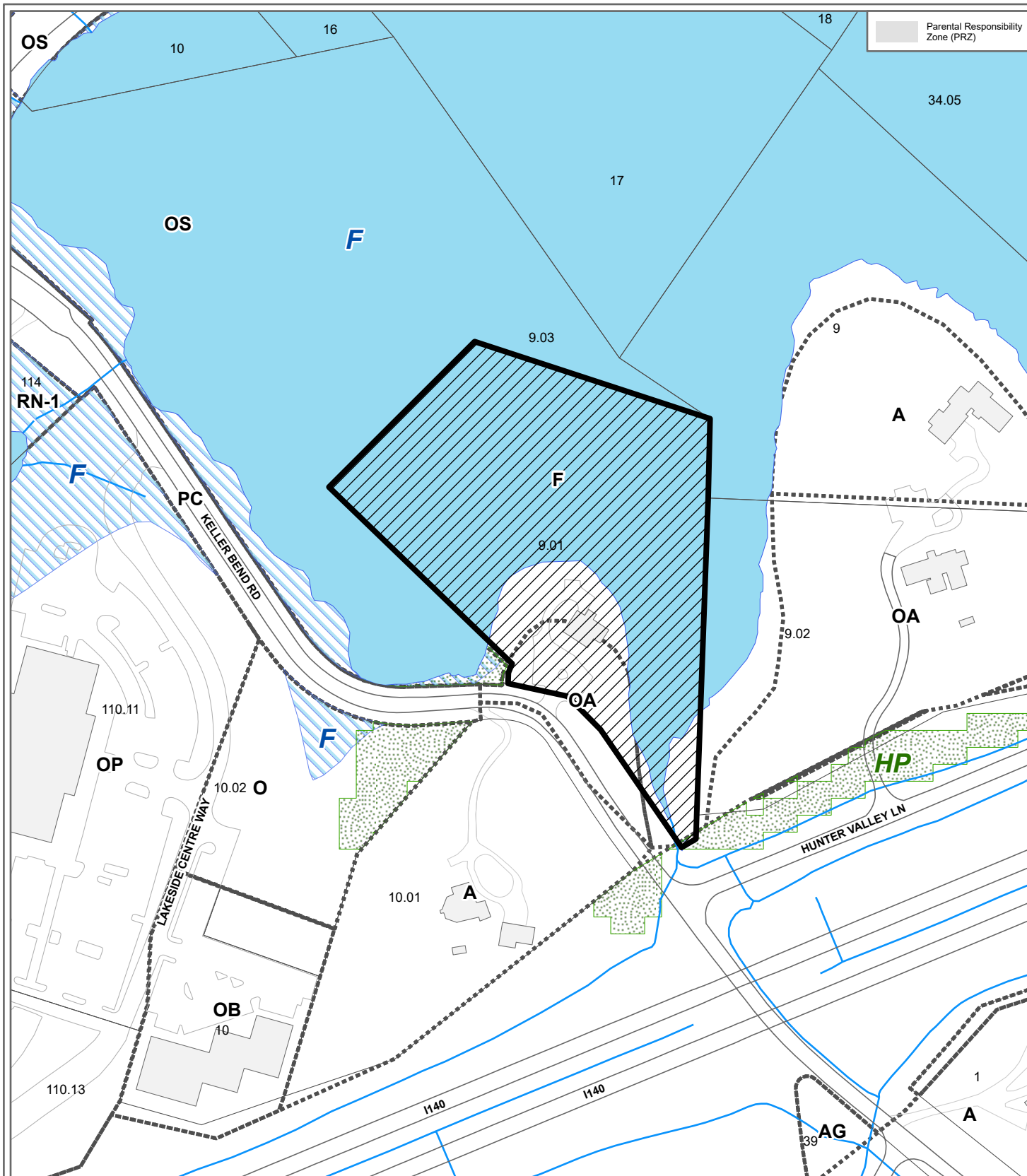
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The OB zone is consistent with the O (Office) designation of the Southwest County Sector Plan.
2. The limited rezoning of the F (Floodway) zone to OB/F (Office, Medical, and Related Services/Floodway) is consistent with the W (Water) and SP (Stream Protection) designation of the Southwest County Sector Plan. The intended environmental protections of these land use classifications and F (Floodway) zoning are maintained via the application of the Knox County stormwater regulations during the permitting review process.
3. The rezoning is not in conflict with any other adopted plans or policies.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

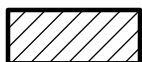
If approved, this item will be forwarded to Knox County Commission for action on 1/23/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



12-I-22-RZ REZONING

From: F (Floodway), OA (Office Park)

To: F (Floodway); OB (Office, Medical, and Related Services)

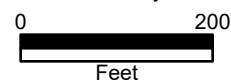


Original Print Date: 11/15/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Benjamin Mullins

Map No: 155

Jurisdiction: County



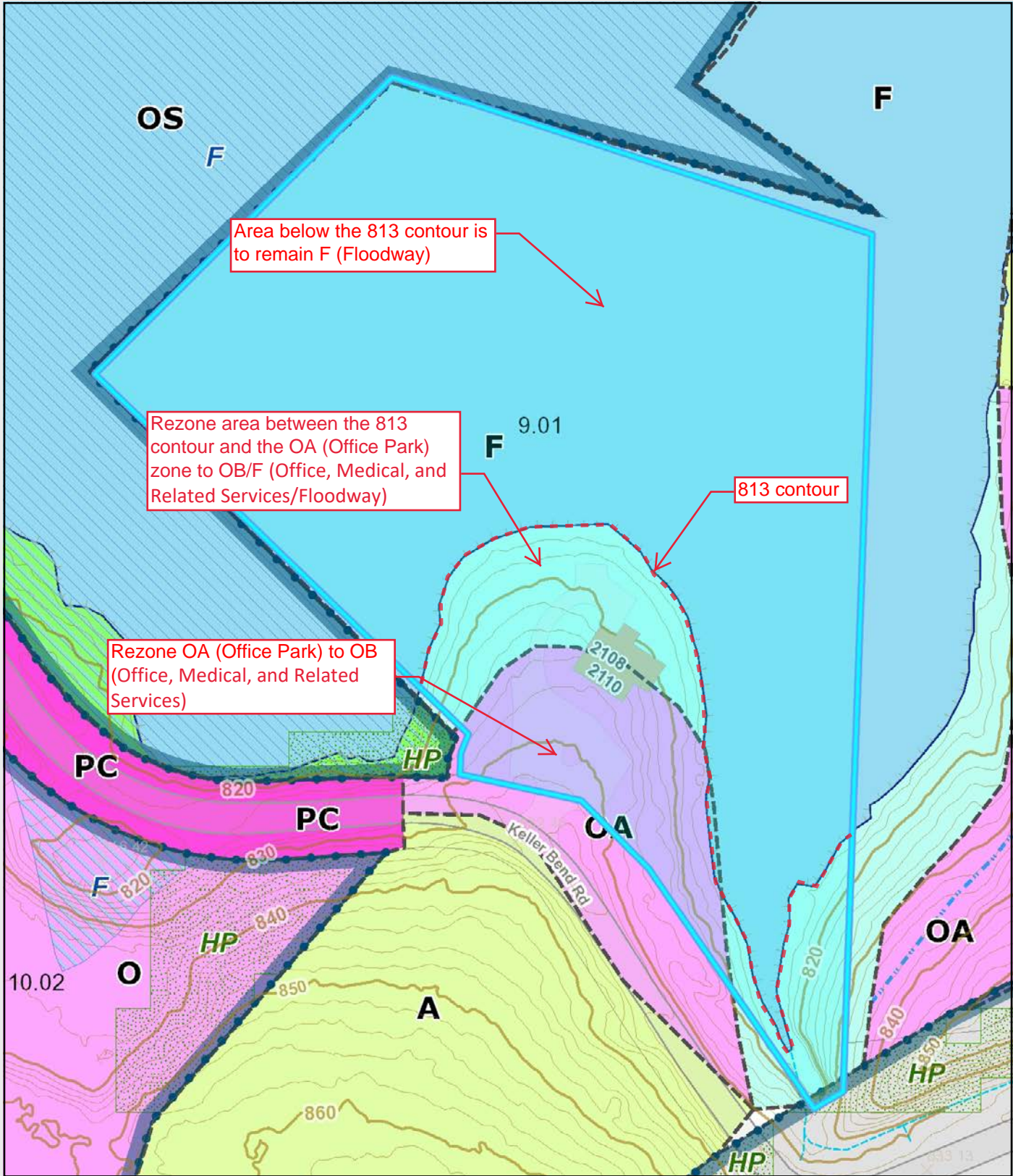


EXHIBIT A -- Proposed Zoning
12-I-22-RZ

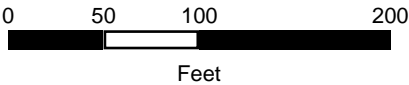
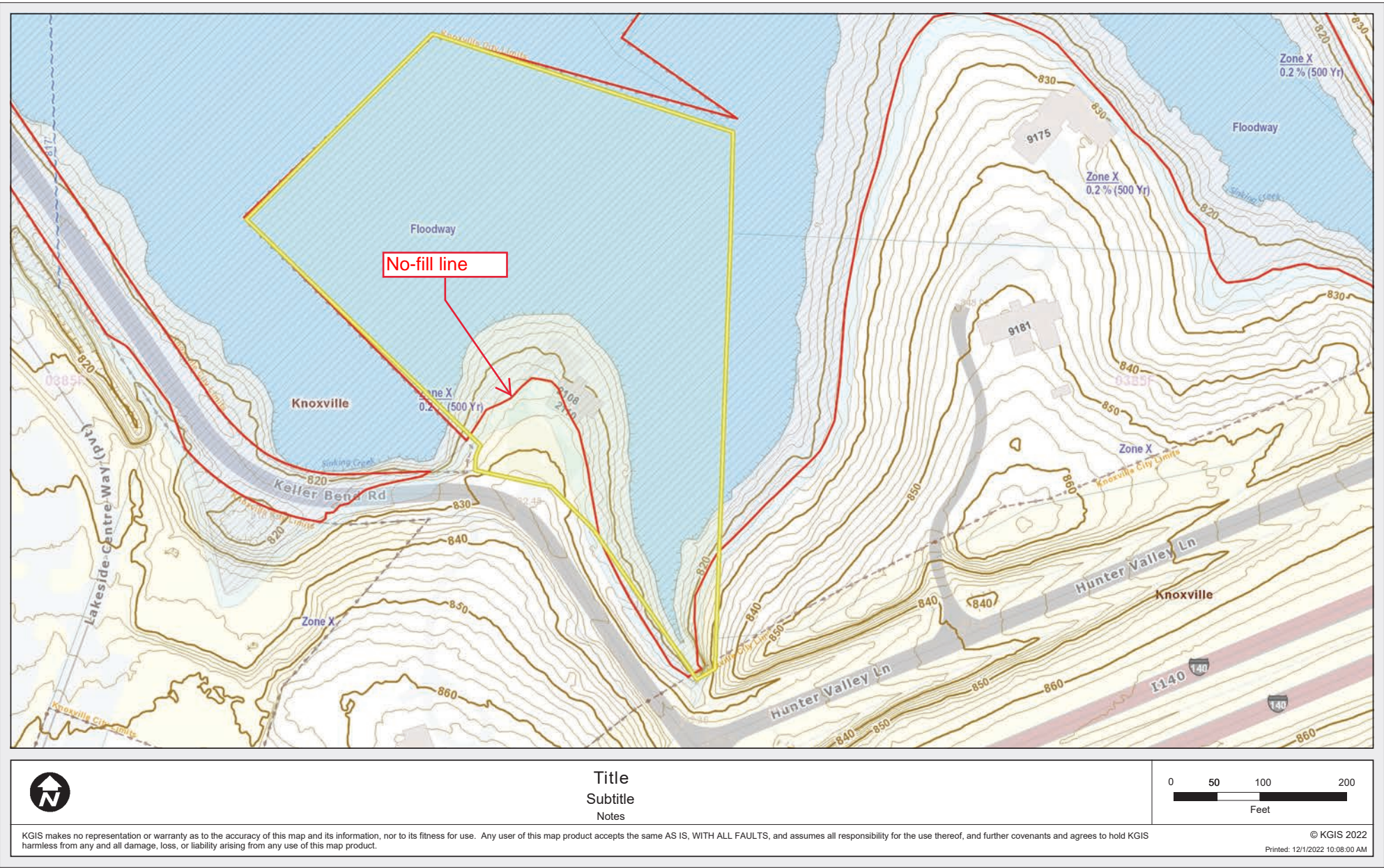


EXHIBIT B





Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ Sector Plan
☐ One Year Plan
☒ Rezoning

Benjamin Mullins

Applicant Name

Affiliation

10/24/2022

Date Filed

12/8/2022

Meeting Date (if applicable)

12-I-22-RZ

File Number(s)

CORRESPONDENCE

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

Benjamin C. Mullins Frantz, McConnell and Seymour, LLP

Name / Company

550 W. Main St. St. Suite 500 Knoxville TN 37922

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

Keller Point LLC

Owner Name (if different)

2110 Keller Bend Rd Knoxville TN 37922

Owner Address

865-257-9494

Owner Phone / Email

2110 KELLER BEND RD

Property Address

155 00901

Parcel ID

Part of Parcel (Y/N)?

5.11 acres

Tract Size

First Knox Utility District

Sewer Provider

First Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northeast of Keller Bend Rd near its intersection with Hunter Valley Ln

General Location

☐ City

Commission District 4

F (Floodway), OA (Office Park)

Office, Right of Way/Open Space

☒ Count

District

Zoning District

Existing Land Use

Southwest County

Planning Sector

O (Office), W (Water), HP (Hillside Protection), SP (Strea

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **F (Floodway);OB (Office, Medical, and Related Services)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan
Amendment Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Zoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

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

Fee 1

\$1,000.00

Total

Fee 2

Fee 3

AUTHORIZATION

Benjamin Mullins

10/24/2022

Applicant Signature

Please Print

Date

Phone / Email

Keller Point LLC

10/24/2022

Property Owner Signature

Please Print

Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



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

Attorney for Owner

Applicant Name

Affiliation

10-21-2022

12-8-2022

File Number(s)

Date Filed

Meeting Date (if applicable)

CORRESPONDENCE

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

- ☒ Applicant ☐ Property 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

Keller Point LLC

2110 Keller Bend Rd, Knoxville TN 37922

865-257-9494

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2110 Keller Bend Rd, Knoxville TN 37922

155 00901

Property Address

Parcel ID

FUD

FUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

NE of Keller Bend Rd near its intersection with Hunter Valley LN.

~5.09 ac (< 5ac rezoned)

General Location

Tract Size

4

OA/F

OF

☐ City ☒ County

District

Zoning District

Existing Land Use

Southwest County

O/W/HP

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

Related Rezoning File Number

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

OB (to the 813 contour line) remainder F

Proposed Zoning

☒ Plan Amendment Change

O (to the 813 contour line) remainder W and HP

Proposed Plan Designation(s)

6-D-91-RZ (A to OA)

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

Fee 2

Fee 3

AUTHORIZATION

Applicant Signature

865-546-9321

Phone Number

Benjamin C. Mullins

Please Print

10-21-22

Date

bmullins@fmsllp.com

Email

Property Owner Signature

Benjamin C. Mullins for Keller Point LLC

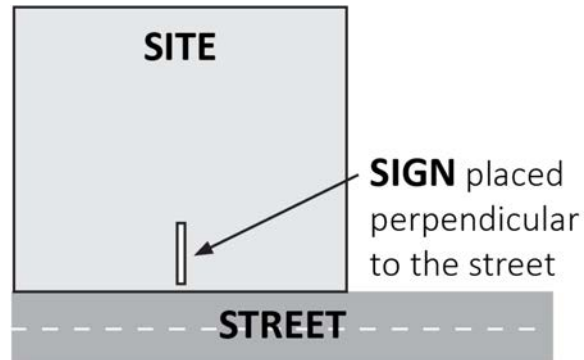
Please Print

10-21-22

Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ 11/25/2022 _____ and _____ 12/9/2022 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin Mullins

Date: 10/24/22

File Number: 12-I-22-RZ

☒ Sign posted by Staff
☐ Sign posted by Applicant