



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 7-E-22-RZ
7-B-22-SP

AGENDA ITEM #: 11
AGENDA DATE: 7/14/2022

▶ **APPLICANT:** BENJAMIN MULLINS
OWNER(S): 127 Properties, LLC

TAX ID NUMBER: 49 C J 001, 002 & 003

[View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 5511 0 & 5513 Old Tazewell Pk.

▶ **LOCATION:** East of Tazewell Pk and west of Old Tazewell Pk. Near the intersection with Murphy Rd

▶ **TRACT INFORMATION:** 2 acres.

SECTOR PLAN: North City

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Old Tazewell Pike, a local street with a pavement width of 16-ft within a right-of-way width of 51-ft. Access is also via Tazewell Pike, a minor arterial with a pavement width of 25-ft within a right-of-way width of 88-ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / PR (Planned Residential)

▶ **EXISTING LAND USE:** Rural residential

▶ **DENSITY PROPOSED:** 7 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No, MDR is not adjacent. Yes, PR is adjacent.

HISTORY OF ZONING REQUESTS: 7-H-99-RZ: A to RA

SURROUNDING LAND USE, PLAN DESIGNATION, North: Rural residential - LDR (Low Density Residential) - RA (Low Density Residential)

ZONING South: Single family residential - LDR (Low Density Residential) - A (Agricultural)

East: Single family residential, Public-quasi/public - LDR (Low Density Residential), CI (Civic Institutional) - PR (Planned Residential), A (Agricultural)

West: Rural residential - LDR (Low Density Residential) - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is primarily low density residential with some larger rural residential lots remaining.

STAFF RECOMMENDATION:

- ▶ **Deny the sector plan amendment to MDR (Medium Density Residential) because it is not compatible with the surrounding development.**

- ▶ **Approve PR (Planned Residential) zoning up to 3 du/ac because it 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. This area has primarily remained low density residential in the last 20 years. Newer development in the area has maintained a low density residential character as well.
2. Changes to Old Tazewell Pike are already expected as part of the adjacent development to the west that is presently under construction. That development is being developed under the current LDR designation for this area of the North City Sector Plan.

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

1. While improvements to Old Tazewell Pike are anticipated, they are not expected to increase capacity enough to accommodate a change to MDR in this area.
2. No other improvements are anticipated in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. This area is within the Rural Area of the Growth Policy Plan, which limits the recommendation for residential density to 3 du/ac when adjacent to the Planned Growth Area and with a Transportation Impact Letter. However, this property is adjacent to the Urban Growth Area of the City of Knoxville, but still remains in the Rural Area and a recommendation for residential density is limited to PR up to 3 du/ac.

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

1. The remaining large agricultural zoned lots in this area are continuing to develop as Low Density Residential. Retaining an LDR development pattern is consistent with the surrounding development. A change to MDR would be out of character for this LDR area.

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. In May of 2021 a rezoning to PR up to 3 du/ac occurred adjacent to this property along Old Tazewell Pike. It is currently under development with an approved concept plan build out of 2.94 du/ac (See case: 10-SB-21-C).

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

1. The subject property is wedged between Old Tazewell Pike and Tazewell Pike. The PR zone district requires approval of a development plan by the Planning Commission, so design issues and concerns may be addressed during that review process.

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. Rezoning to PR up to 3 du/ac for a two acre area could result in potentially six additional dwelling units which is not expected to create any adverse effects and would be consistent with the adjacent density of the development currently under construction.

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 recommended rezoning to PR up to 3 du/ac is consistent with and not in conflict with any adopted plans, particularly as the subject property is adjacent to the Urban Growth Area.

ESTIMATED TRAFFIC IMPACT: 163 (average daily vehicle trips)

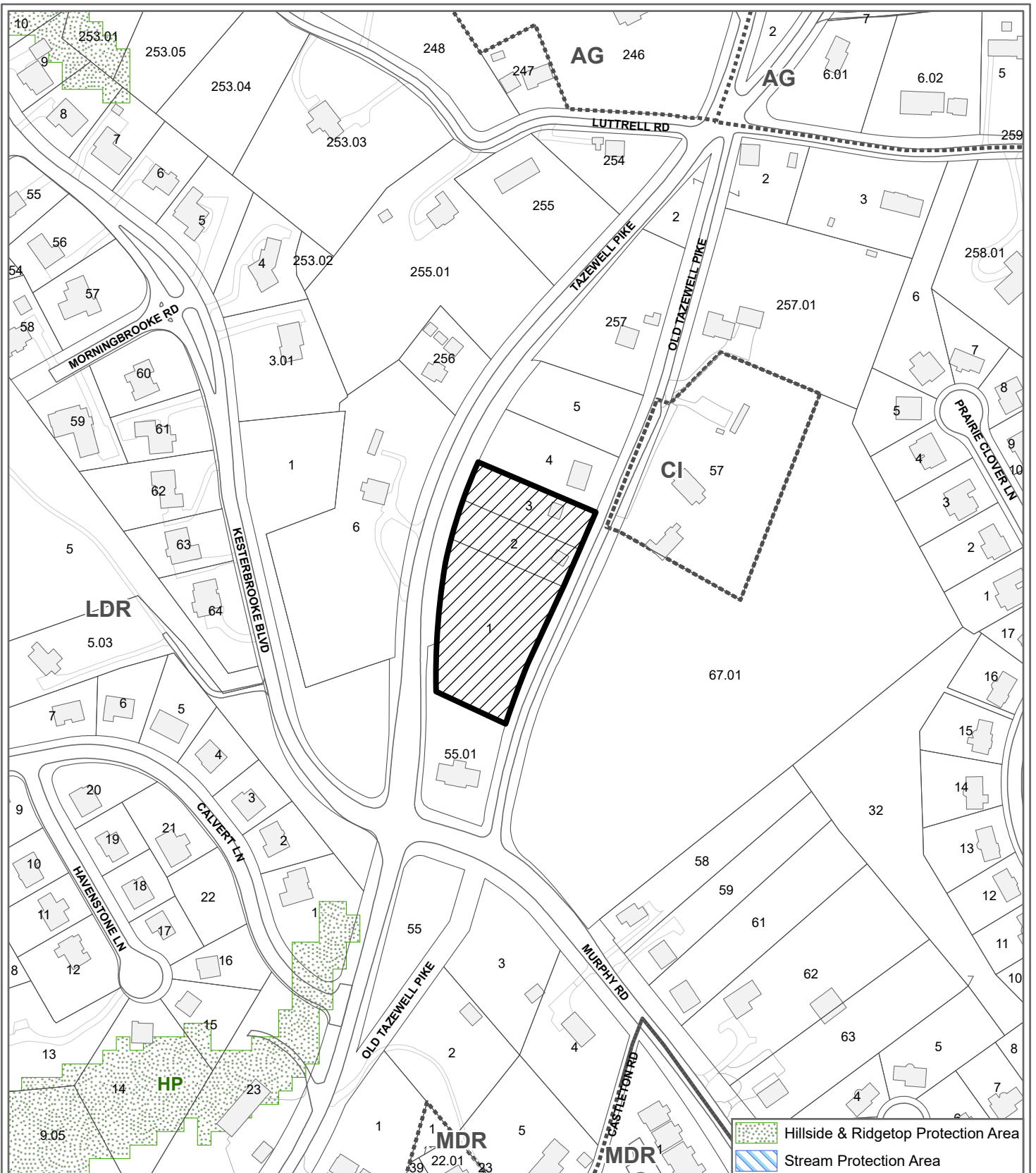
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 1 (public school children, grades K-12)

Schools affected by this proposal: Gibbs Elementary, Gibbs Middle, and Gibbs High.

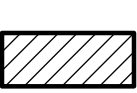
- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries 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 Knox County Commission for action on 8/22/2022. 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.



 Hillside & Ridgetop Protection Area
 Stream Protection Area

**7-B-22-SP / 7-E-22-RZ
NORTH CITY SECTOR PLAN AMENDMENT**

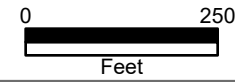


From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)

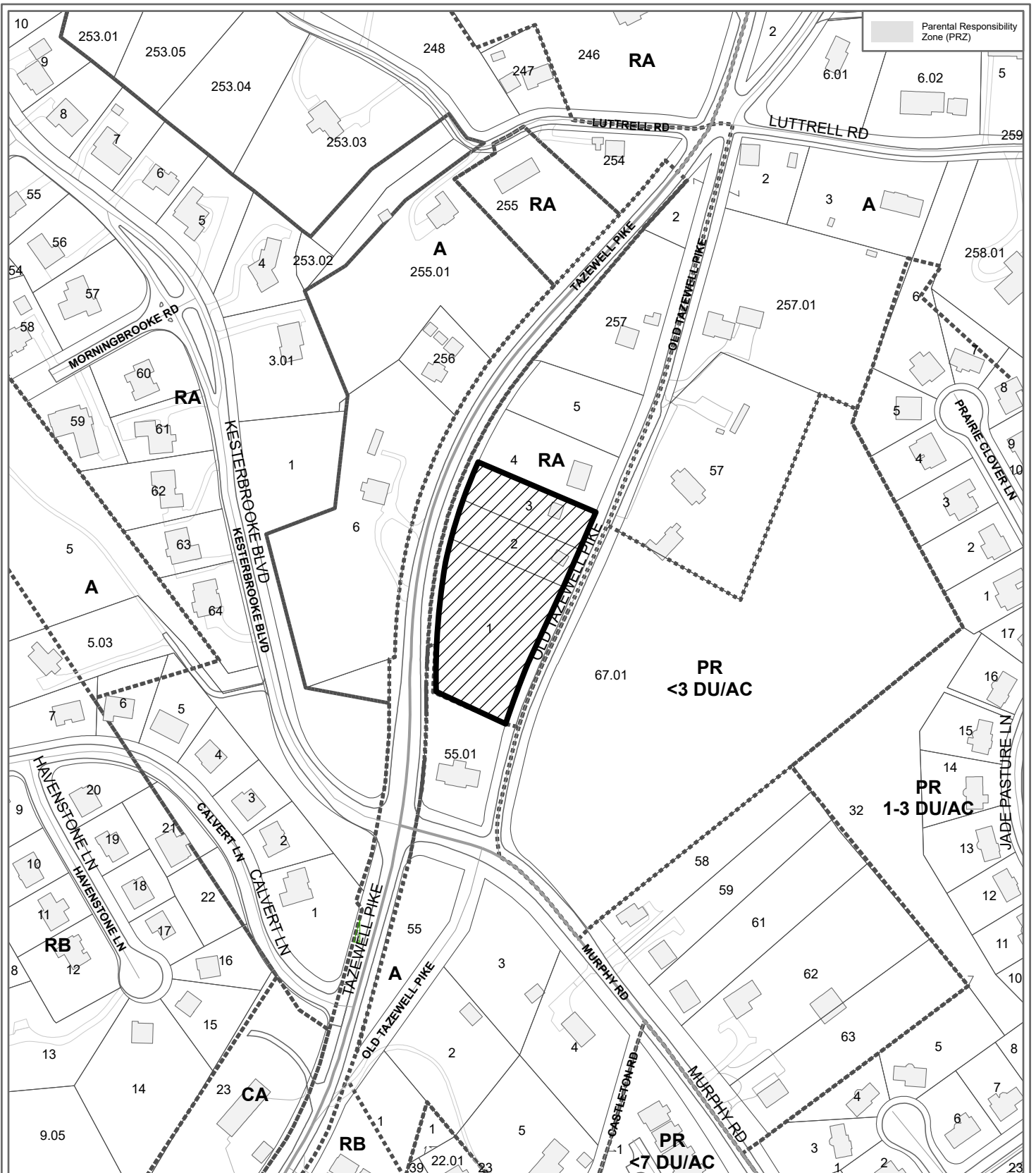
Petitioner: Mullins, Benjamin

Map No: 49

Jurisdiction: County



Original Print Date: 6/8/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



**7-E-22-RZ
REZONING**

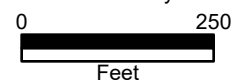
From: RA (Low Density Residential)
To: PR (Planned Residential)



Petitioner: Mullins, Benjamin

Map No: 49

Jurisdiction: County



Original Print Date: 6/8/2022 Revised:
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Exhibit A. 7-E-22-RZ_7-B-22-SP Contextual Images

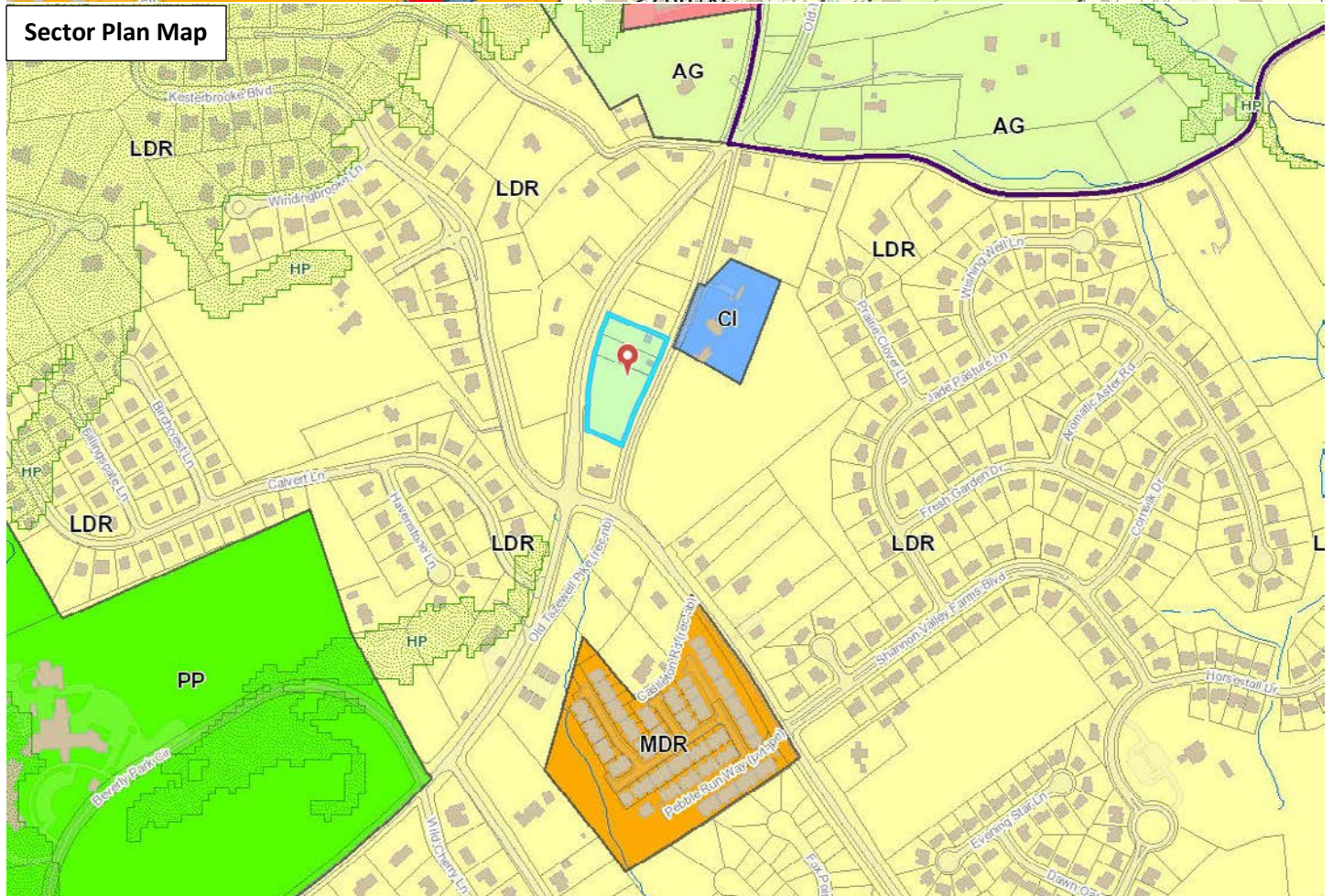
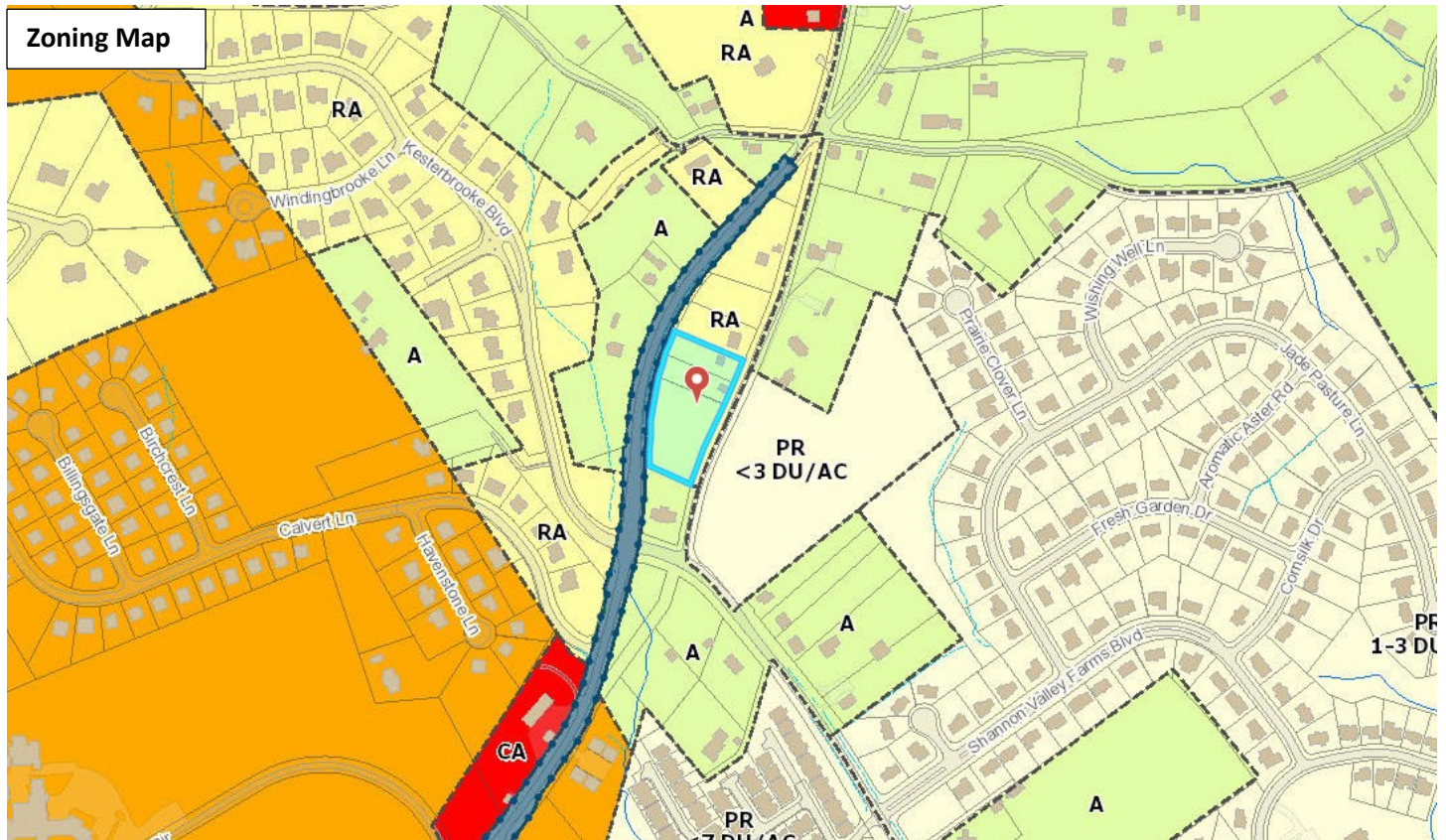


Exhibit A. 7-E-22-RZ_7-B-22-SP Contextual Images





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

Benjamin C. Mullins

Attorney for Owner

Applicant Name

Affiliation

May 23, 2022

July 14, 2022

Date Filed

Meeting Date (if applicable)

7-E-22-R2 File Number(s)
7-B-22-SP

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 St., Suite 500

Knoxville

TN

37922

Address

City

State

ZIP

865-546-9321

bnullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

127 Properties, LLC

6923 Maynardville Pike #219

214-625-3045

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0, 5511, and 5513 Old Tazewell Pike

049CJ001, 049CJ002, and 049CJ003

Property Address

Parcel ID

Knoxville Utilities Board

Northeast Knox Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

E. of Tazewell Pike and W. of Old Tazewell Pike near intersection with Murphy Rd. +/- 2 acres (combined)

General Location

Tract Size

City County

8th

RA

RR

District

Zoning District

Existing Land Use

North City

LDR

Rural Residential

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) _____

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 PR
 Plan Amendment Change
 Proposed Plan Designation(s) MDR

7 dua (1-story attached townhomes) 7-H-99-RZ

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	Fee 2	Fee 3	Total
0526 \$600	0324 \$600		\$1,200 JH

AUTHORIZATION



Applicant Signature

Benjamin C. Mullins

05-23-2022

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email



127 Properties, LLC

5-19-22

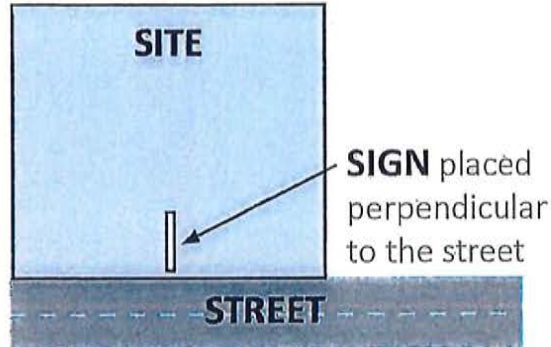
Property Owner Signature

Please Print

Date

5/23/2022 sum

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:

June 29, 2022 and July 15, 2022
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin Mullins

Date: 5/23/2022

File Number: 7-E-22-R2 / 7-B-22-SP

Sign posted by Staff

Sign posted by Applicant