



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 8-C-22-RZ

AGENDA ITEM #: 15

8-A-22-SP

AGENDA DATE: 9/8/2022

POSTPONEMENT(S): 8/11/2022

► **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): N. H. Siddiqi Pensco Trust Co.

TAX ID NUMBER: 141 079 (PART OF)

[View map on KGIS](#)

JURISDICTION: Commission District 5

STREET ADDRESS: 0 PALESTINE LN

► **LOCATION:** Eastern terminus of Palestine Ln, south of I-40/I-75

► **TRACT INFORMATION:** 41.08 acres. Portion of property outside of Town of Farragut

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Palestine Lane, a local street with a 15-ft pavement width within a 42-ft right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Hickory Creek

► **PRESENT PLAN DESIGNATION/ZONING:** GC (General Commercial), HP (Hillside Protection) / PC (Planned Commercial) (k)

► **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / PR (Planned Residential)

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

► **DENSITY PROPOSED:** 5 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: 6-N-01-RZ: A to PC

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North:	Right-of-way - Right-Of-Way - A (Agricultural)
South:	Single family residential - Farragut - FAR R-2 (Farragut Low Density Residential)
East:	Single family residential - Farragut - FAR R-2 (Farragut Low Density Residential)
West:	Industrial, agriculture/forestry/vacant - GC (General Commercial) & LDR (Low Density Residential - PC (Planned Commercial), PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This area is comprised of several trucking facilities to the west along Palestine Lane, single family detached subdivisions to the south and east and an interstate highway to the north.

STAFF RECOMMENDATION:

- ▶ **Deny the proposed sector plan amendment to LDR (Low Density Residential) and HP (Hillside Protection) because it does not meet the location criteria for LDR and is incompatible with adjacent land uses.**

- ▶ **Deny the proposed PR (Planned Residential) zone because it is incompatible with the sector plan and adjacent land uses.**

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. Since Southwest County Sector Plan was adopted in 2016, a large trucking facility has been built near the subject property. This change of conditions makes the area less compatible with the proposed land use change from GC (General Commercial) to LDR (Low Density Residential).

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

1. There are no new roads that make development more feasible here at this time. The sector plan identifies the nearby I-40/75 interchange at Watt Road as one needing reconfiguration in order to improve safety, capacity and operations.
2. First Utility District (FUD) has indicated that sewer is not currently available at this property, as shown in the correspondence in Exhibit A. Sewer access would require a 3,500-ft line extension and possible offsite improvements. FUD has not accounted for the proposed residential zoning, and such development would impact their system capacity and require additional upgrades.
3. The subject parcel does not currently have direct access to Palestine Ln, and the section of Palestine Ln near the parcel is an undeveloped single lane. If the applicant were to gain access to Palestine Ln through a neighboring property, it would cut through one of the steepest areas of the subject parcel which would present engineering and environmental challenges.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no significant errors or omissions in the sector plan that pertain to this property.
2. The location criteria for the LDR land use designation are that it be on a site with less than 25% slopes and that the land be served by water, sewer and collector roads. Almost 50% of the subject property has slopes greater than 25%, sewer infrastructure does not exist, and the property is not served by a collector road. These features make the property incompatible with the LDR designation.

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

1. There are no trends occurring that warrant a residential designation at this location. Development in this area is characterized by heavy commercial activity, which is not conducive to low density residential development as proposed.

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 development of another trucking terminal on Palestine Ln in 2018 increases incompatibility with the proposed PR zoning for the subject property. Such development generates hazardous conditions for residential drivers in an area identified as needing roadway safety improvements.
2. The subject property borders Farragut. There has been nearby low density residential expansion of less-sloped areas within the Farragut boundary since the late 1990s. These subdivisions connect to a street

network designed to accommodate residential traffic, with access to multiple major collector and arterial roads to the south. Such access is not available to the subject property, and the topographic conditions are much more restrictive as well.

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

1. PR zoning is intended to accommodate methods of land development that encourage more imaginative solutions to environmental design problems. The proposed PR density of 5 dwelling units per acre (du/ac) could result in the development of up to 205 homes on the subject property. Essentially all of the subject property is within the Hillside Protection (HP) area with approximately 70% comprised of steep slopes greater than 15%. The slope analysis recommends disturbing no more than 18.43 acres of the 41-acre site. If these preservation guidelines were observed, the ability to cluster density in the PR zone could result in development that appears more like 11 du/ac.
2. The Zoning Ordinance states that the PR zone must be compatible with surrounding or adjacent zones. The neighboring PC (Planned Commercial) and CB (Business and Manufacturing) zones that share access to Palestine Lane have been developed into three major trucking terminals, which are incompatible with the proposed residential zoning. This high volume of trucking traffic in combination with the estimated 1,800+ daily trips that are estimated to stem from PR development at 5 du/ac could create unsafe driving conditions on this narrow, local road.

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. The proposed PR zoning at 5 du/ac could negatively impact the surrounding road network by adding significant traffic volume to an area the Southwest County Sector Plan identified as needing expansion and upgrades. Reconfiguration and improvements of the I-40/75 interchange at Watt Road are not anticipated to start until 2026. Until those improvements are made, dense residential development so close to the interchange is inadvisable.
2. This property's topographic constraints are significant. The slope analysis recommends leaving 55 percent of the site undisturbed. When the subject parcel was included in a 2001 rezoning request to change the zoning district from A (Agricultural) to PC (Planned Commercial), the staff recommendation was to deny PC zoning for the subject parcel in particular because of its steep slopes. (Case 6-N-01-RZ).
3. The County Commission ultimately approved PC zoning on the subject parcel in 2001 with conditions that a 300-ft vegetative buffer be maintained along the southern border with the Saddle Ridge Subdivision and a 100-foot vegetative buffer along the Fox Run Subdivision and the Farragut boundary line. The property has since been cleared for logging. Any future rezonings for the property should condition a re-planting of the vegetated tree buffer to protect the adjacent low density residential neighborhoods.

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 proposed PR zoning up to 5 du/ac is inconsistent with the Southwest County Sector Plan.

ESTIMATED TRAFFIC IMPACT: 1819 (average daily vehicle trips)

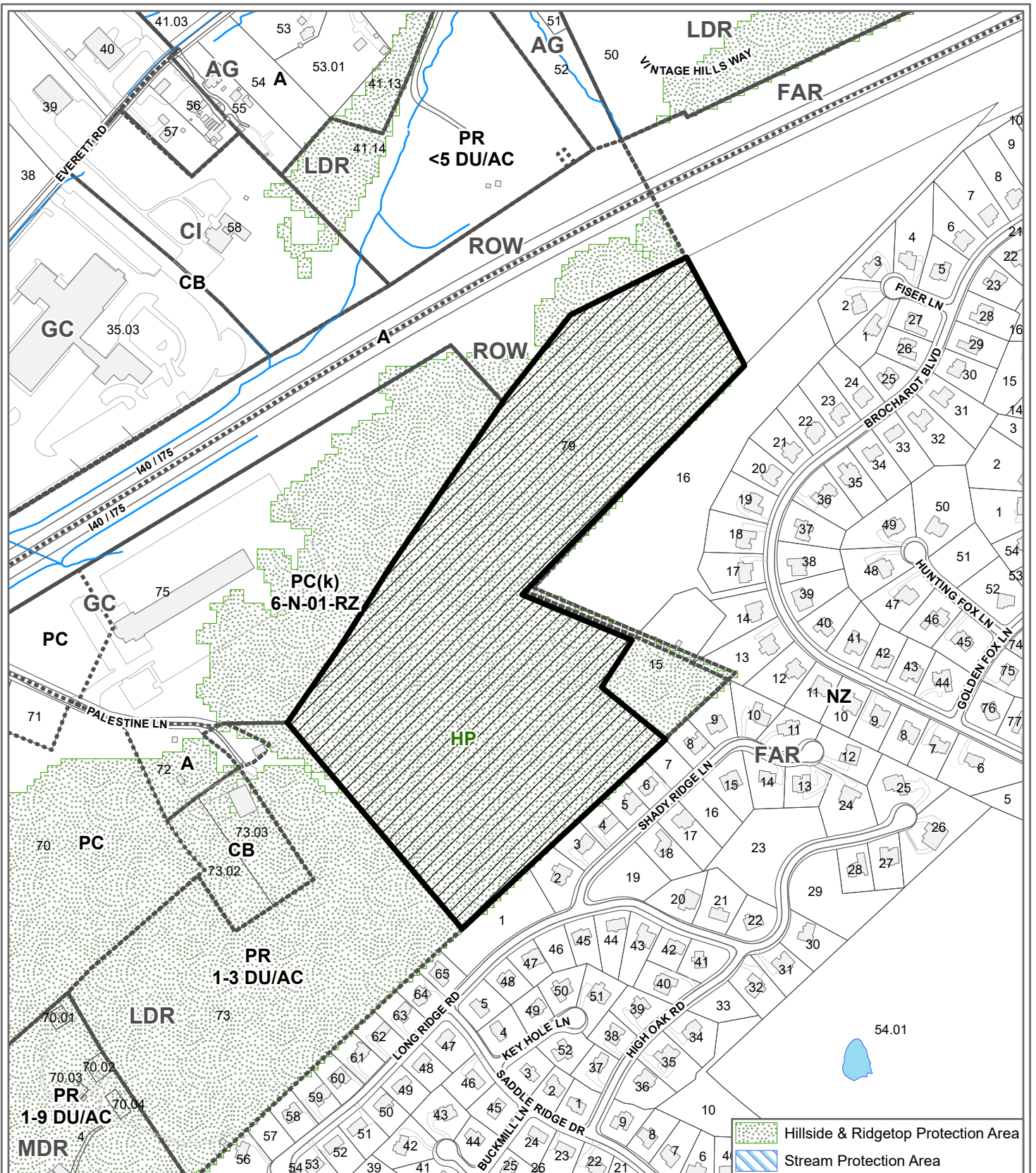
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 85 (public school children, grades K-12)

Schools affected by this proposal: Hardin Valley Elementary, Hardin Valley Middle, and Farragut 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 10/24/2022. 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.



8-A-22-SP / 8-C-22-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

From: GC (General Commercial), HP (Hillside Protection)

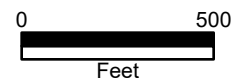
To: LDR (Low Density Residential), HP (Hillside Protection)



Petitioner: Benjamin C. Mullins

Map No: 141

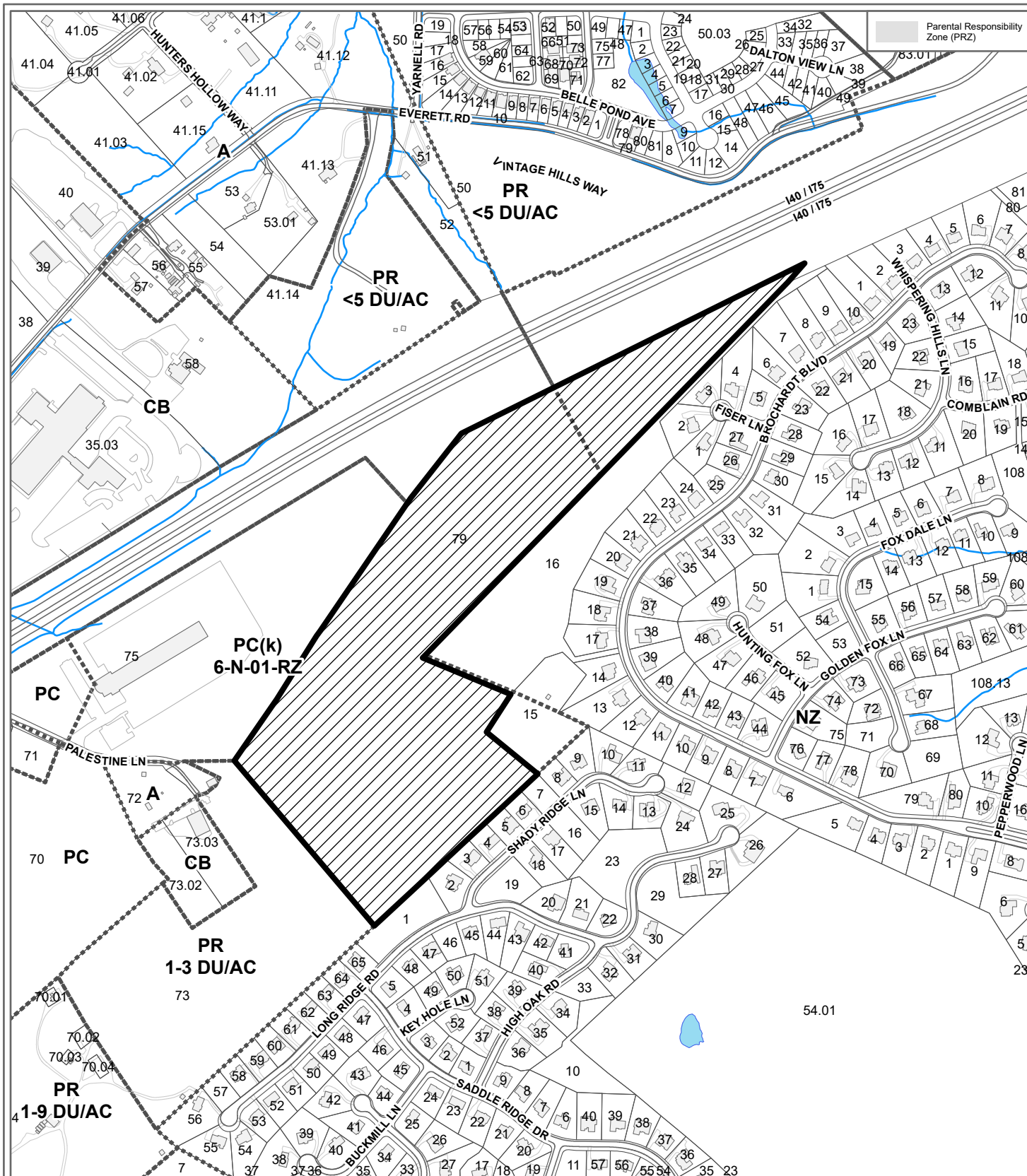
Jurisdiction: County



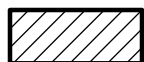
Original Print Date: 8/17/2022

Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



8-C-22-RZ REZONING



From: PC (Planned Commercial)

To: PR (Planned Residential)

Original Print Date: 7/21/2022

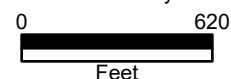
Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

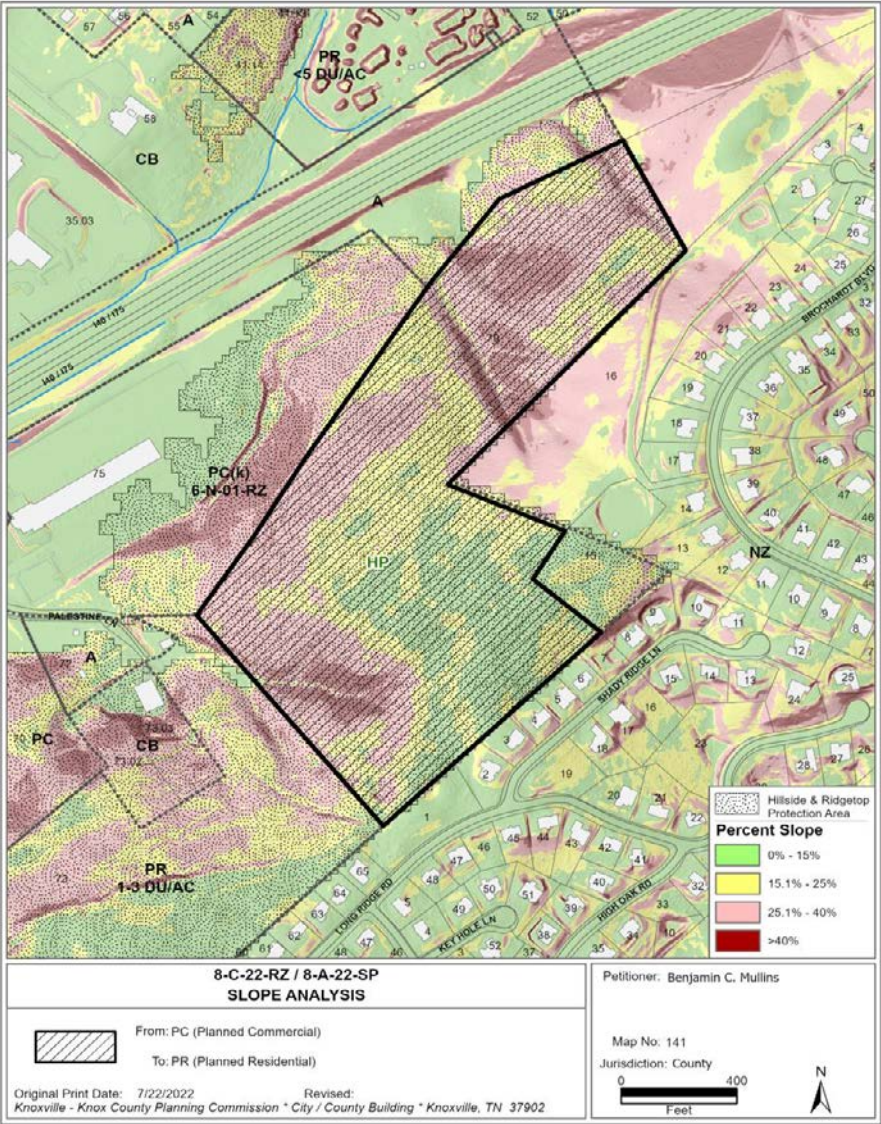
Petitioner: Benjamin C. Mullins

Map No: 141

Jurisdiction: County



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	40.97		
Non-Hillside	0.09	N/A	
0-15% Slope	8.33	100%	8.33
15-25% Slope	13.30	50%	6.65
25-40% Slope	15.30	20%	3.06
Greater than 40% Slope	3.94	10%	0.39
Ridgetops			
Hillside Protection (HP) Area	40.87	Recommended disturbance budget within HP Area (acres)	18.43
		Percent of HP Area	0.45





FUD Knox County - 8-A-22-SP Comments

Edwin Deyton

Thu, Jul 28, 2022 at 1:42 PM

To: "jessie.hillman@knoxplanning.org" <jessie.hillman@knoxplanning.org>

Jessie,

Good afternoon. I received the postcard mailer on behalf of FUD and this project. I'm providing these notes mainly to aid any discussion that might need to be addressed between the project, Knox Planning, and FUD.

FUD has a large water storage tank adjacent to the project, and we have a 16" water transmission main within easement on this property. FUD will need to be involved on the design for sewer service and evaluating the project's effect to our system. There is not sewer available at this property, and it will require 3,500-ft line extension and possible offsite improvements. (We are in the process of upgrading the next downstream pump station, and these units were not accounted for in design.) I trust that conversation will occur during due diligence and design with the Developer and their Engineer, but I wanted to share the mention in the interim. Please call if you need anything or want to discuss.

https://knoxplanning.org/cases/8-a-22-sp#case_request



Edwin Deyton, PE
Project Engineer

Exhibit B. 8-C-22-RZ / 8-A-22-SP Contextual Images

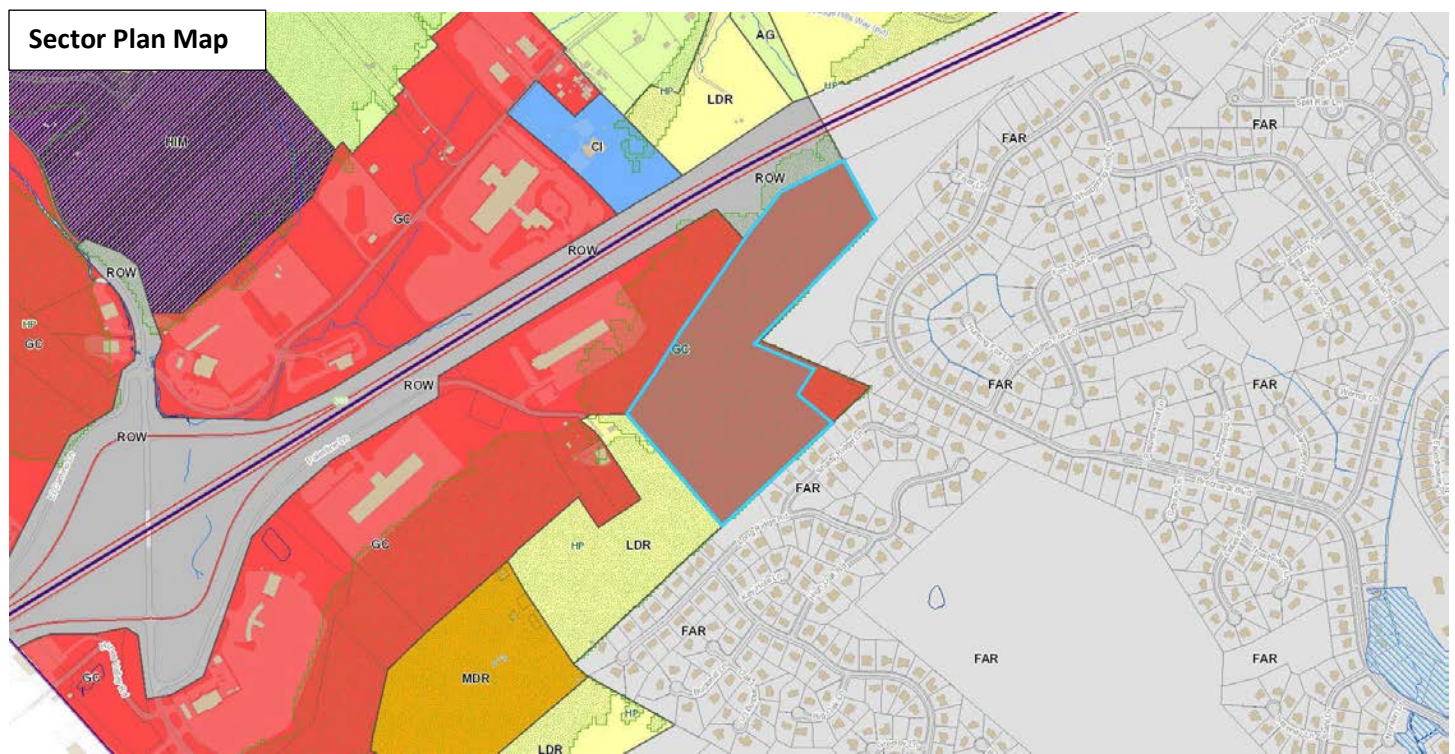
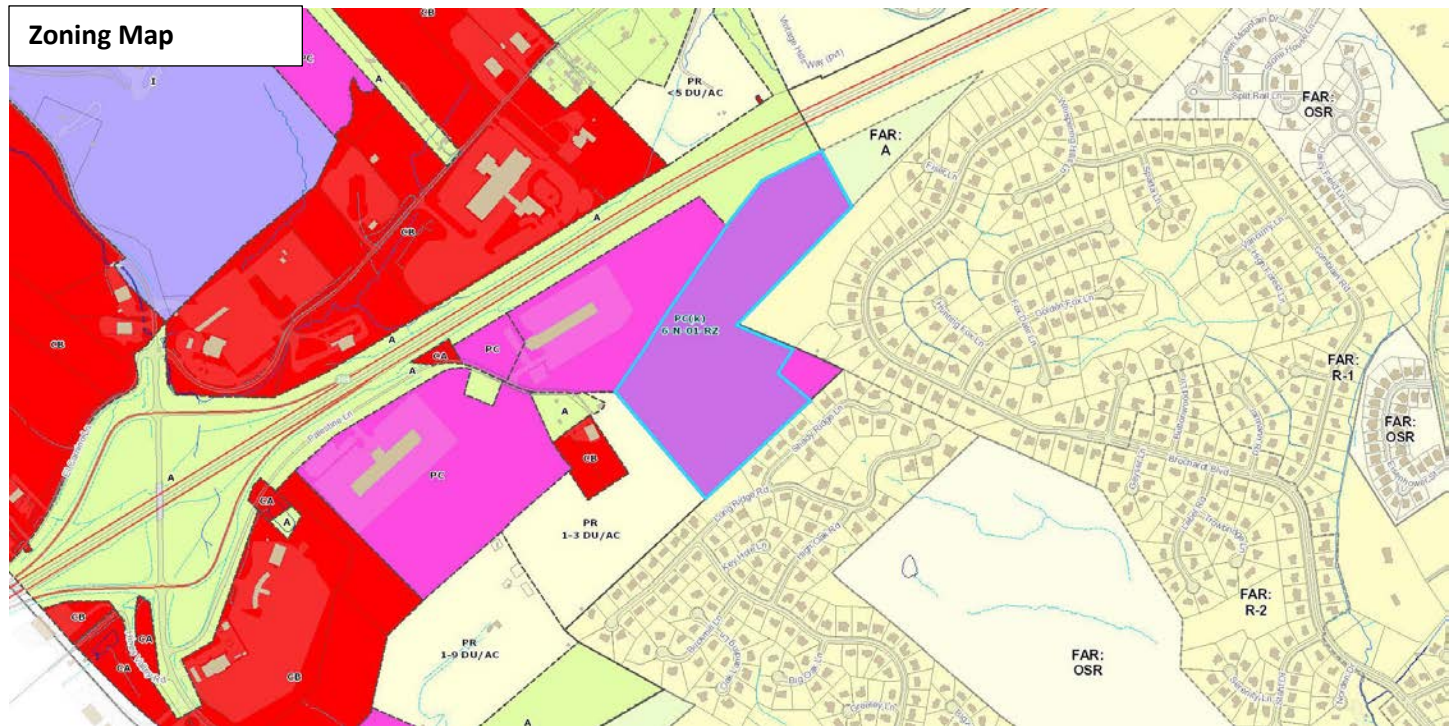
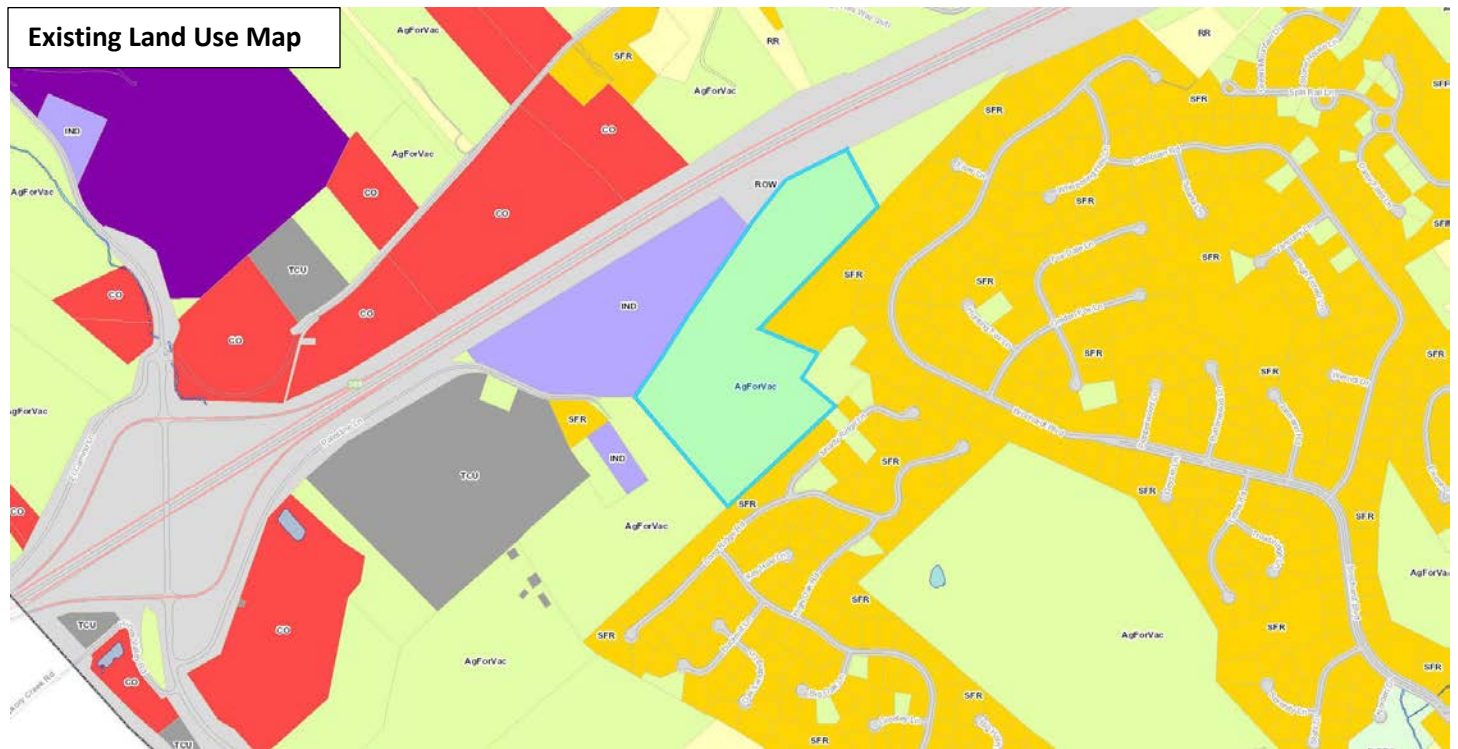


Exhibit B. 8-C-22-RZ / 8-A-22-SP Contextual Images





Request to Postpone • Table • Withdraw

Benjamin C. Mullins

8/8/2022

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

8/11/2022

Scheduled Meeting Date

File Number(s)

8-C-22-RZ / 8-A-22-SP

POSTPONE

☒ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: ☒ 30 days ☐ 60 days ☐ 90 days

Postpone the above application(s) until the 9/8/2022 Planning Commission Meeting.

WITHDRAW

☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than noon on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received prior to public notice and the request is approved by the Executive Director or Planning Services Manager. **The refund check will be mailed to the original payee.*

TABLE

☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

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

Benjamin C. Mullins

Digitally signed by Benjamin C. Mullins
DN: CN = Benjamin C. Mullins email = BMullins@fmsllp.com C = AD
Date: 2022.08.08 10:13:06 -0400

Benjamin C. Mullins

Applicant Signature

Please Print

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

STAFF ONLY



Staff Signature

Jessie Hillman

Please Print

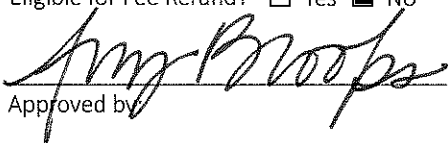
8/8/22

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☒ No

Amount:



Approved by

8/8/2022

Date:

Payee Name

Payee Phone

Payee Address



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 C. Mullins

Applicant Name

6/24/2022

Date Filed

9/8/2022

Planning Commission
Meeting (if applicable)

10/24/2022 (Knox County Commission)

Legislative Meeting (if applicable)

8-C-22-RZ / 8-A-22-SP

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

N. H. Siddiqi Pensco Trust Co.

Owner Name (if different)

10670 Trulock Ln Knoxville TN 37934

Owner Address

865-938-4000

Owner Phone / Email

0 PALESTINE LN

Property Address

141 079 (part of)

Parcel ID

41.08 acres

Tract Size

Part of Parcel (Y/N)?

FIRST UTILITY SEWER

Sewer Provider

FIRST UTILITY WATER

Water Provider

Septic (Y/N)

STAFF USE ONLY

Eastern terminus of Palenstine Ln, south of Pellissippi Pkwy (partially in the Town of Farragut)

General Location

☐ City

Commission District 5

PC (Planned Commercial)

Agriculture/Forestry/Vacant Land

☒ County District

Zoning District

Existing Land Use

Southwest County

Planning Sector

GC (General Commercial), HP (Hillside Protection)

Sector Plan Land Use Classification

Planned Growth Area

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 _____

Unit / Phase Number _____

Total Number of Lots Created _____

Additional Information _____

- ☐
- Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

- ☒
- Zoning Change
- PR (Planned Residential)**

Proposed Zoning _____

up to 5 du/ac

Proposed Density (units/acre)

Previous Zoning Requests

- ☒
- Plan Amendment Change

LDR (Low Density Residential) , HP (Hillside Protection)

Proposed Plan Designation(s) _____

Additional Information _____

Pending Plat File Number

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

\$3,354.00

Fee 2

Fee 3

Total

AUTHORIZATION*By signing below, I certify that I am the property owner, applicant, or owner's authorized representative.***N. H. Siddiqi Pensco Trust Co., 10670 Trulock Ln Knoxville TN 37934****6/24/2022**

Application Authorized By

Affiliation

Date

865-938-4000

Phone / Email

Michelle Portier

Staff Signature

Please Print

Date Paid



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

Applicant Name

Affiliation

8/8/2022

9/8/2022

Date Filed

Meeting Date (if applicable)

File Number(s)

8-C-22-RZ / 8-A-22-SP
(revised)

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

37922

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

PENSCO Trust Company fbo N. H. Siddiqi

10670 Trulock Ln.

865-938-4000

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Palestine Ln

141 079 (part of)

Property Address

Parcel ID

First Utility District

First Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

South of I-40 and east of Watt Road Exist, east of terminus of Palestine Ln

~41.08 of ~47.85 total

General Location

Tract Size

5

PC(k) (6-N-01-RZ)

AgForVac

☐ City ☒ County

District

Zoning District

Existing Land Use

SW County

GC / HP

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

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 **PR**
Proposed Zoning

☒ Plan Amendment Change **LDR / HP**

up to 5 du/ac
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

Fee 2

Fee 3

Total

**N/A
(already
paid)**

AUTHORIZATION

Benjamin C. Mullins

Digitally signed by: Benjamin C. Mullins
DN: CN = Benjamin C. Mullins email = bmullins@fmsllp.com C = AD
Date: 2022.08.08 10:27:19 -04'00'

Benjamin C. Mullins

8-8-22

Applicant Signature

Please Print

Date

8655469321

bmullins@fmsllp.com

Phone Number

Email

Benjamin C. Mullins

Digitally signed by: Benjamin C. Mullins
DN: CN = Benjamin C. Mullins email = bmullins@fmsllp.com C = AD
OU = for Owner
Date: 2022.08.08 10:28:40 -04'00'

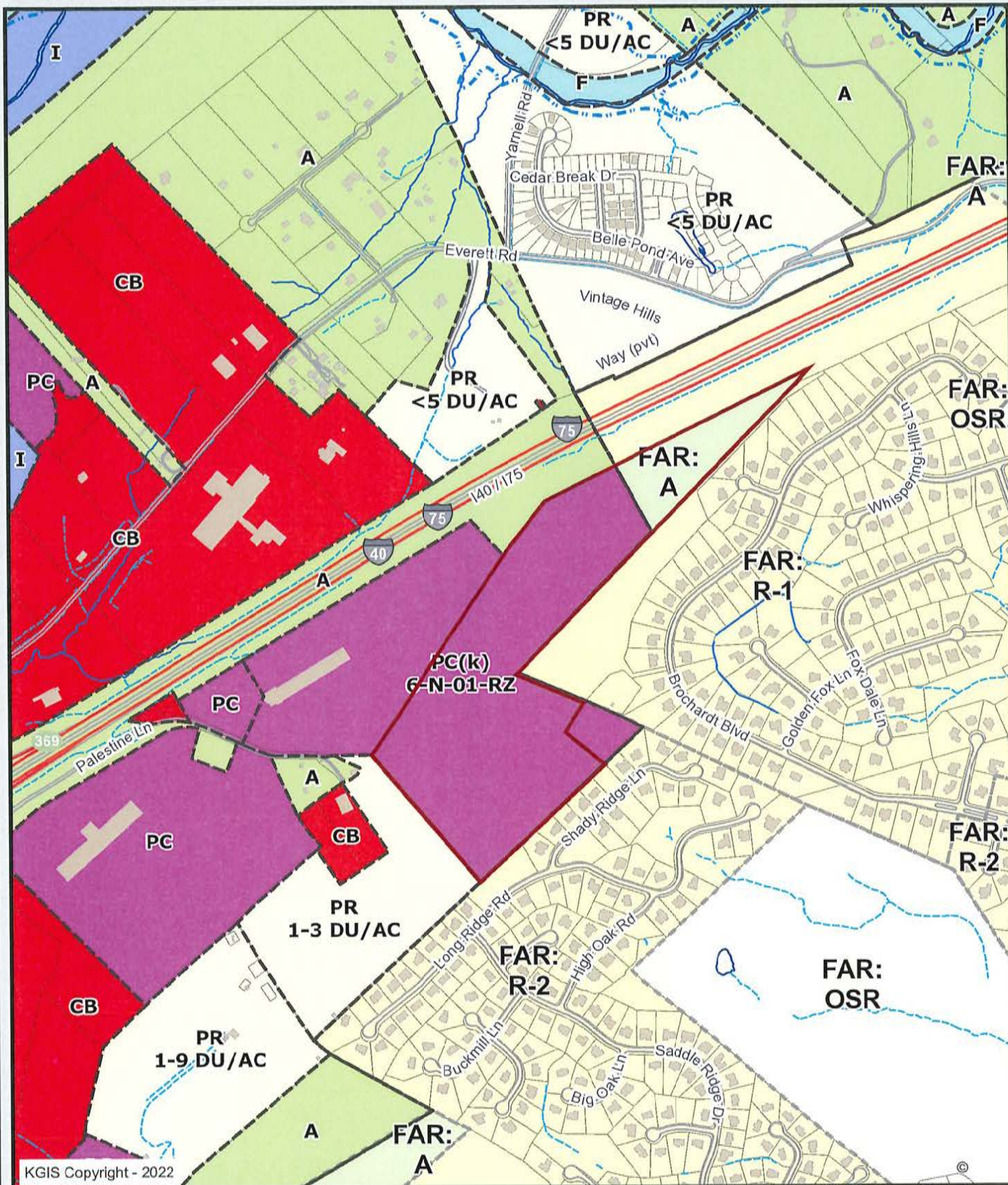
Benjamin C. Mullins for owner

8-8-22

Property Owner Signature

Please Print

Date



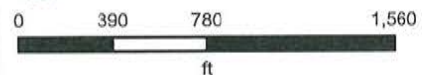
Zoning 0 Palenstine LN

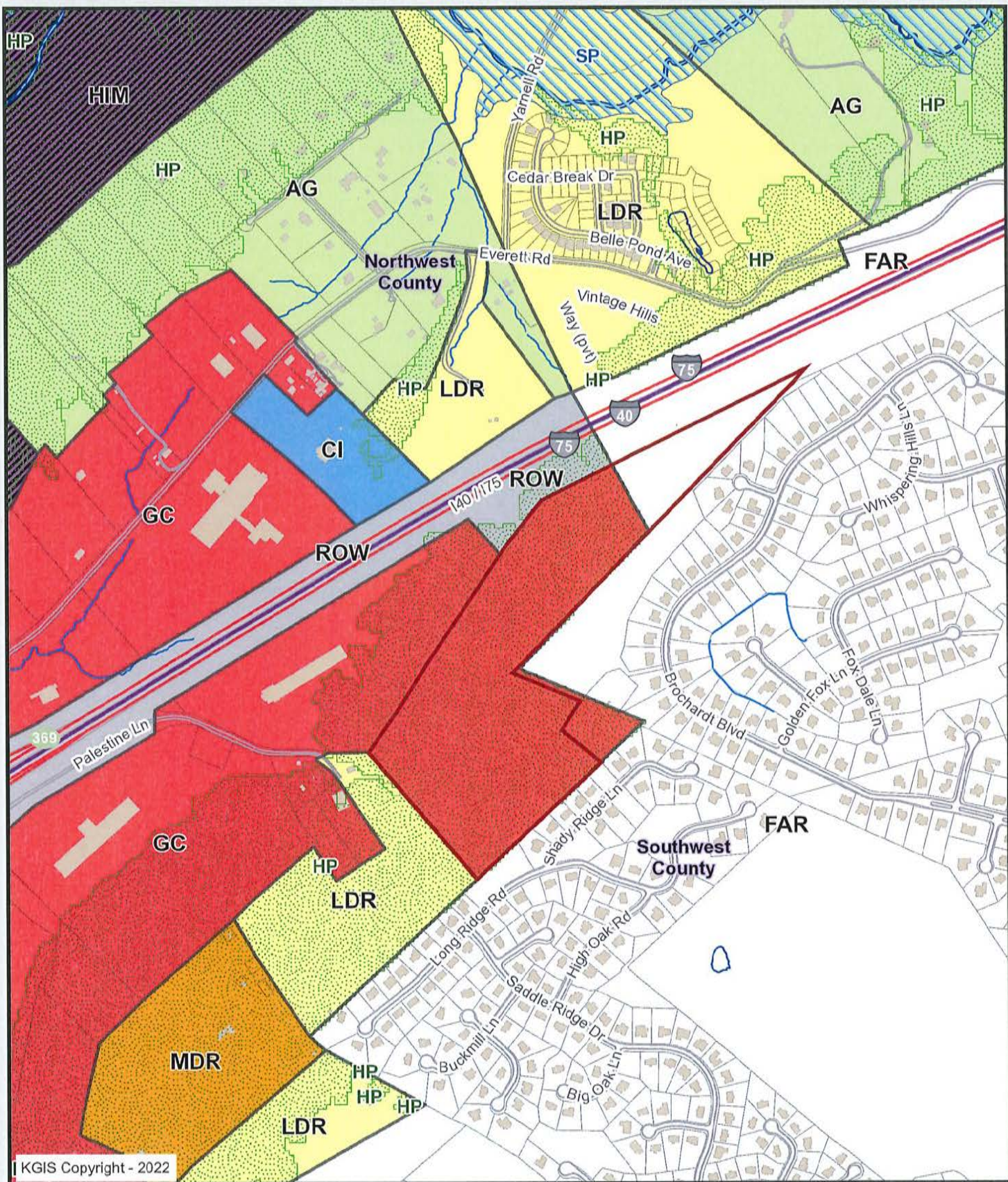
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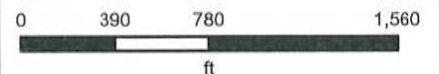
Sector Plan

0 Palenstine LN

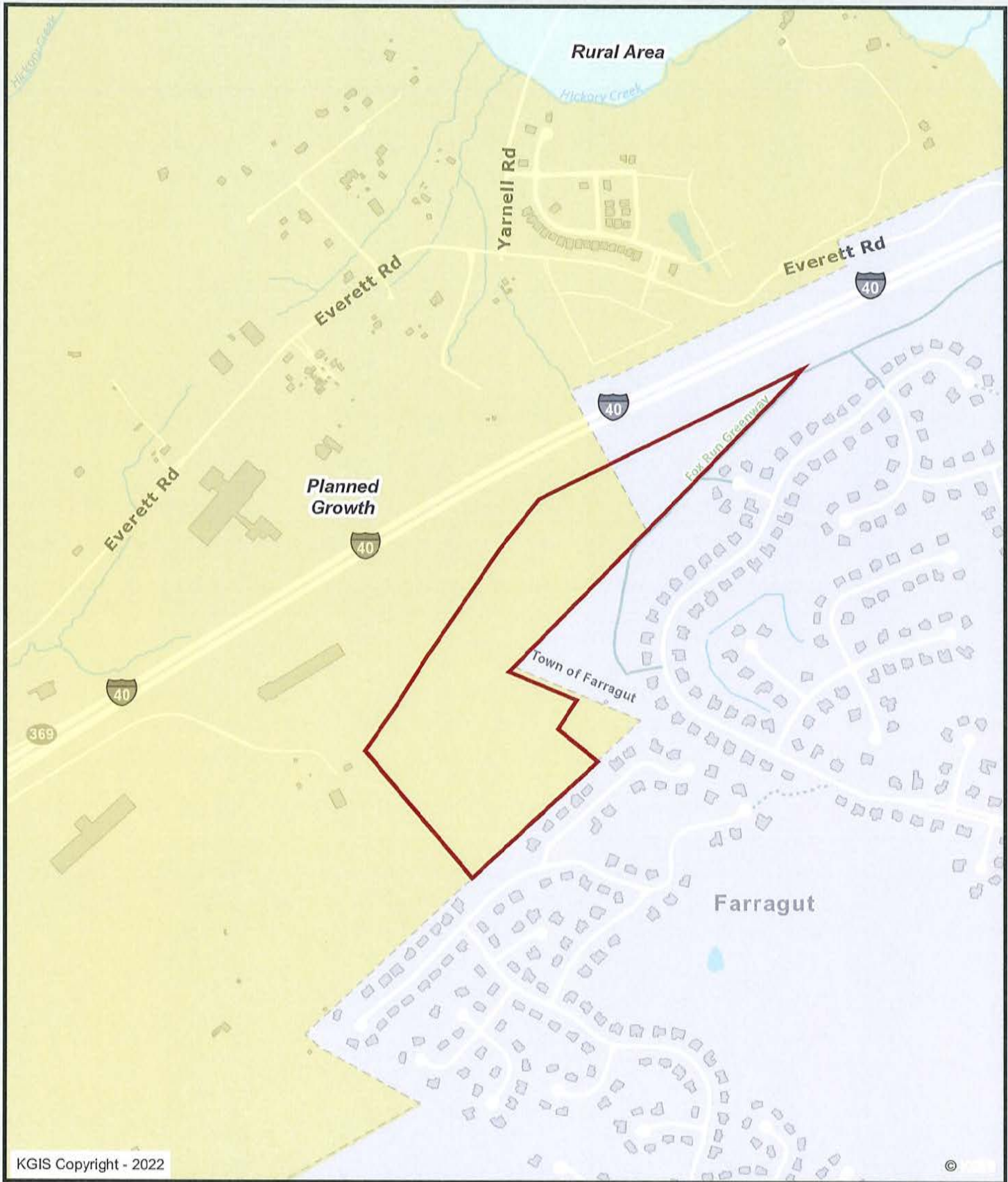
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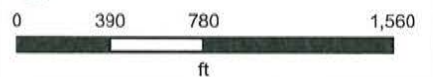


Growth Policy Plan
0 Palenstine LN

Knoxville - Knox County - KUB Geographic Information System



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Aerial
0 Palenstine LN

Knoxville - Knox County - KUB Geographic Information System

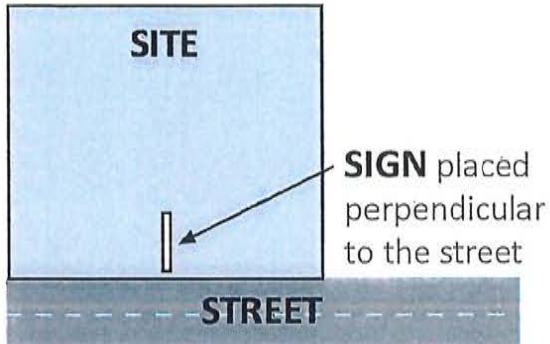


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, 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:

July 27, 2022 and August 12, 2022
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Ben Mullins

Date: 6/23/2022

File Number: 8-C-22-RZ/8-A-22-SP

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Sign posted by Staff

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Sign posted by Applicant