

REZONING REPORT

▶ **FILE #:** 3-I-23-RZ (REVISED) **AGENDA ITEM #:** 25

AGENDA DATE: 3/9/2023

▶ **APPLICANT:** BEACON DEVELOPMENT OF TN, INC. (REVISED)

OWNER(S): Beacon Development of TN, Inc. John Grau

TAX ID NUMBER: 105 083

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 9124 MIDDLEBROOK PIKE (9120 Middlebrook Pike)

▶ **LOCATION:** **South side of Middlebrook Pike, east of Old Cedar Bluff Road**

▶ **APPX. SIZE OF TRACT:** **6.98 acres**

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Middlebrook Pike, a median divided, 4-lane major arterial with a right of way dedication of 112 feet.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek & Turkey Creek

▶ **PRESENT ZONING:** **PR (Planned Residential)**

▶ **ZONING REQUESTED:** **OB (Office, Medical, and Related Services)**

▶ **EXISTING LAND USE:** **Rural Residential**

▶
EXTENSION OF ZONE: No

HISTORY OF ZONING: The property was rezoned from A to PR < 5 du/ac in 2019 (11-H-19-RZ).

SURROUNDING LAND USE AND ZONING: North: Rural residential -- CA (General Business)

South: Single family residential -- RAE (Exclusive Residential)

East: Single family residential -- RA (Low Density Residential)

West: Multifamily, Commercial -- PR (Planned Residential) and CA (General Business)

NEIGHBORHOOD CONTEXT: The area is near the commercial node at the intersection with Middlebrook Pike and N Cedar Bluff Rd. A mix of commercial, office and multifamily uses surround the node transitioning back to the adjacent single family residential neighborhoods.

STAFF RECOMMENDATION:

▶ **Approve OB (Office, Medical and Related Services) zoning because it provides a transitional buffer between commercial and low density residential uses and is consistent with the sector plan, subject to one (1) condition.**

1) A Type 'B' landscape screen with evergreen trees shall be maintained adjacent to any lot line with an existing residential use when grading or building permits are issued for this site. The required landscape

screen may consist of existing trees and newly planted trees. (See Exhibit A)

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 Northwest County Sector continues to be the fastest growing part of Knox County and additional opportunities for office and medium density residential uses in transitional areas is warranted between commercial corridors and low density residential areas.
2. The OB (Office, Medical, and Related Services) zone allows a variety of office uses and residential housing types. The OB zone allows any use permitted in the RB (General Residential) zone.
3. The property is located near the community commercial node at the intersection of Middlebrook Pike and N. Cedar Bluff Rd, and an employment center around Executive Park Dr and Sherrill Blvd to the south.

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

1. The OB (Office, Medical, and Related Services) zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods.
2. This site is a compact location near residential neighborhoods.
3. The existing infrastructure in this area includes roads and utilities supporting the existing residential and commercial areas.

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. General Plan, Policy 11.4 -- Create gradual zoning transition patterns by placing medium intensity zones and uses such as offices, condominiums, and community buildings in-between single-family residential areas and higher intensity uses. Require landscaping, screening, earth berms, walls and similar techniques to separate incompatible land uses when gradual zoning transition patterns are not possible. – The OB zone allows the recommended office and residential uses. Staff is recommending a condition that a Type 'B' landscape screen be installed adjacent to existing residential lots. This site has mature evergreen trees along its external boundary that, if retained, can be used to satisfy this condition.
2. The site is accessed directly from Middlebrook Pike. The applicant must obtain a driveway permit from TDOT, and improvements to Middlebrook Pike may be required.
3. The applicant has submitted a geotechnical report with the previous rezoning application for this site (11-H-19-RZ). The purpose was to determine if the two closed depressions along the Middlebrook Pike frontage are sinkholes. The conclusion of the study was that the borings did not encounter any subsurface soil conditions indicative of sinkhole activity. The engineer speculated that the fill placed to widen Middlebrook Pike from 2 lanes to 4 lanes may have created the depressions closed.

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. This requested zone is consistent with the sector plan designation of MDR/O for this property. The MDR/O land use classification only allows consideration of the OB and PR zone districts.
2. This zone is not in conflict with any other adopted plans.

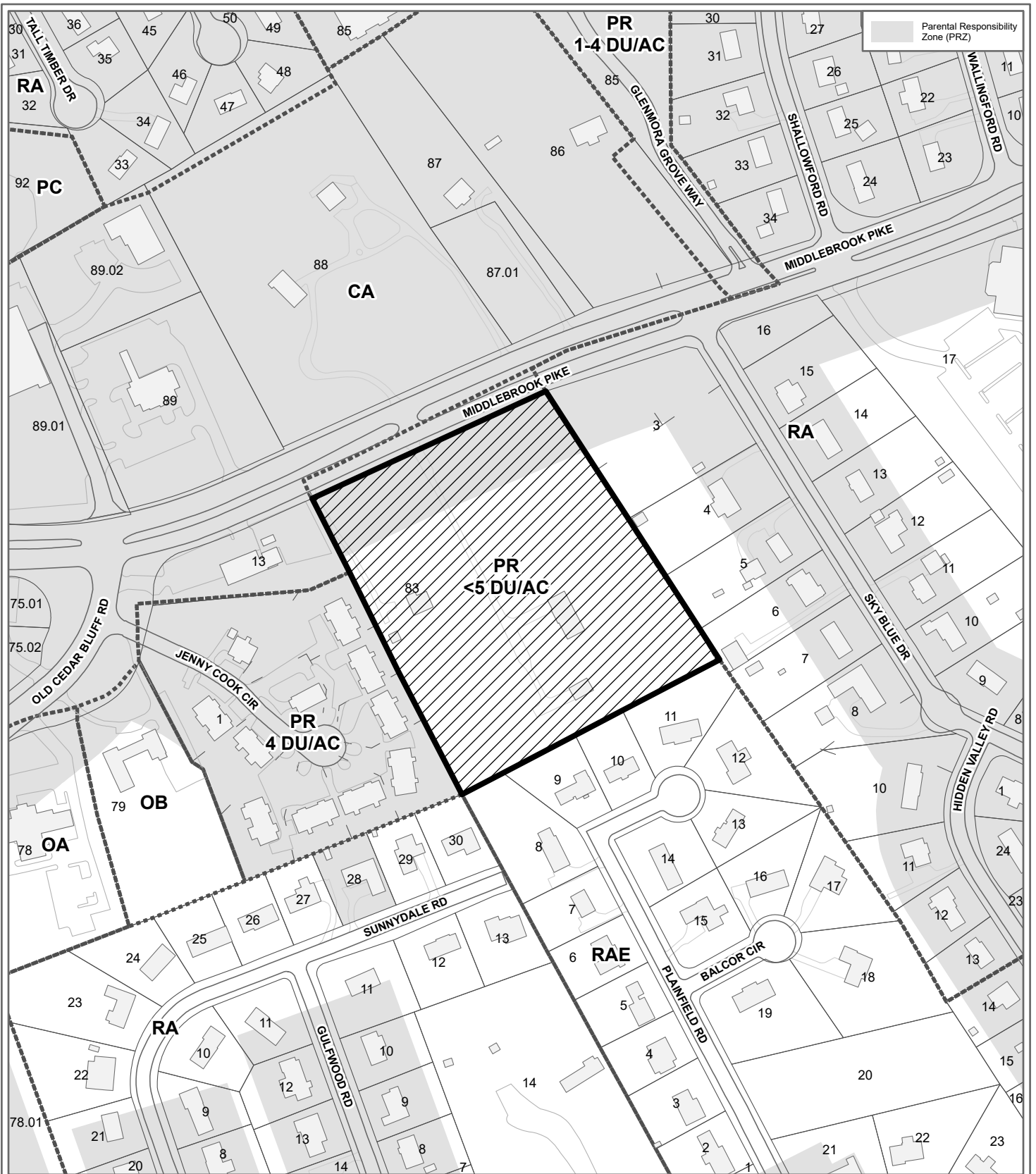
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff Middle, and Hardin Valley Academy.

- 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 4/24/2023. 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.



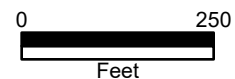
**3-I-23-RZ
REZONING**

From: PR (Planned Residential)
To: OB (Office, Medical, and Related Services)



Petitioner: Beacon Development of TN, Inc.

Map No: 105
Jurisdiction: County



Original Print Date: 2/17/2023
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Exhibit B. 3-I-23-RZ Contextual Images

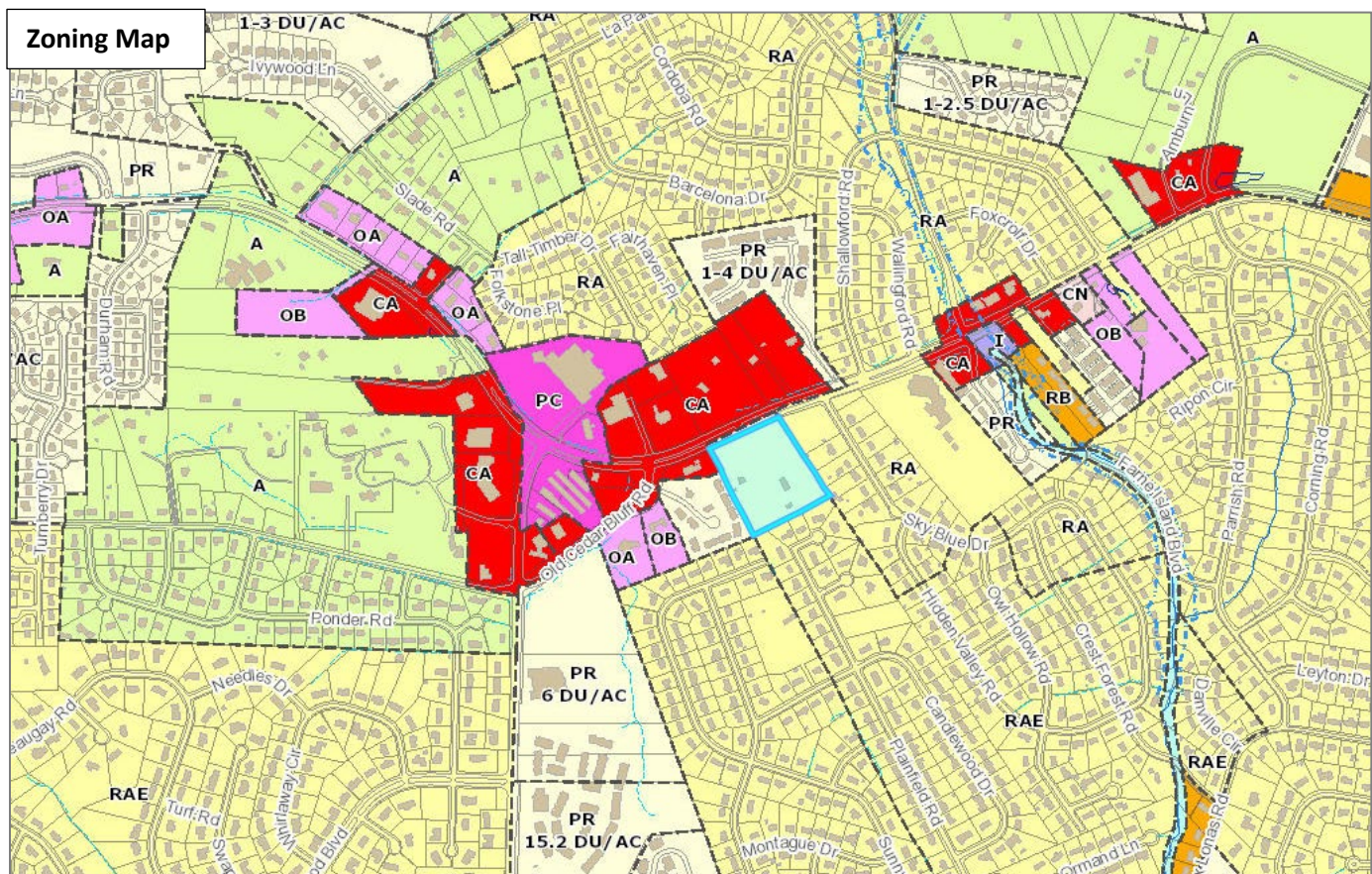


Exhibit B. 3-I-23-RZ Contextual Images

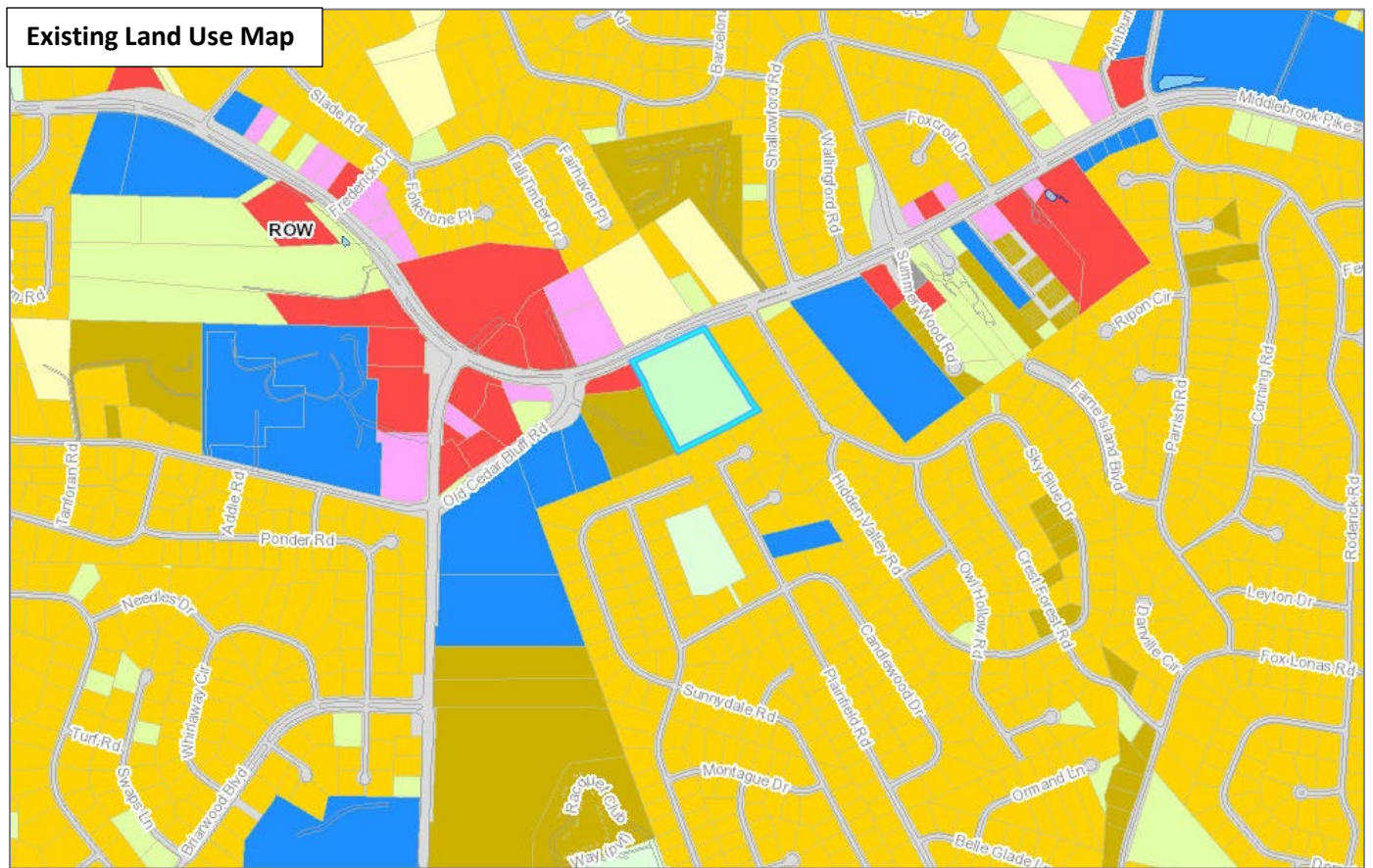
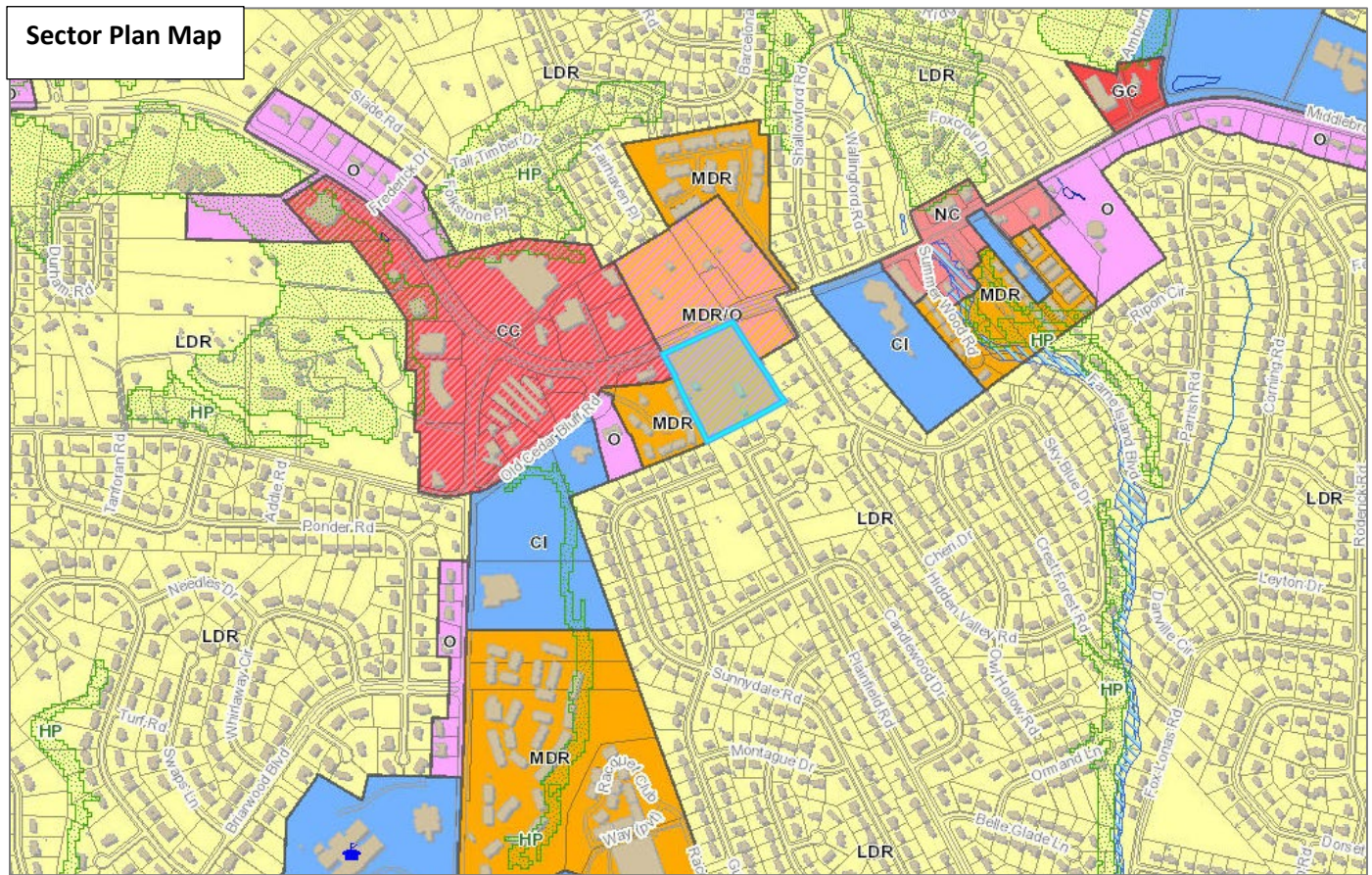


Exhibit B. 3-I-23-RZ Contextual Images



Type “B” Screen: Continuous

APPROPRIATE LOCATION: Screening parking and loading areas from adjoining residential and office districts

NOTE: Landscape buffer strips should be a minimum of 12 feet in width, and sown with grass or ground cover for their full width, allowing for mulch at the base of plantings.

INTRODUCTION

Landscape screening reduces the impact of intense development upon adjacent land uses by providing visual separation, reducing the transmission of glare and air pollution, and limiting access. Screening also promotes the aesthetic appeal of a neighborhood and promotes higher property values.

This series of design guidelines defines several types of landscape screen. Each type is applicable to a certain intensity of conflict between adjacent land uses. Each screen type is illustrated by several planting schemes with an equivalent height, density and opacity of landscaping.

Planning uses these guidelines to illustrate desirable levels of screening appropriate to various site planning situations. Creative alternatives which achieve a comparable effect are encouraged.

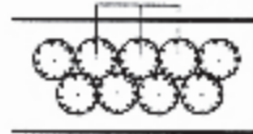
The contents of these guidelines are advisory and are intended to supplement, but not replace, the requirements of the Knoxville Zoning Ordinance and the Knox County Zoning Ordinance.

SHRUB HEIGHT
Installed: 4 ft.
Mature: 6 ft.

- Two offset rows of evergreen shrubs

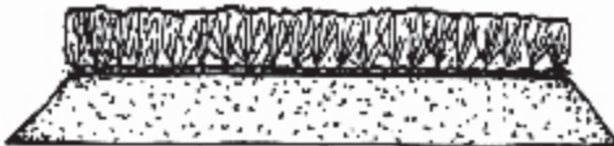


Maximum 4' Centers

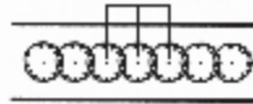


SHRUB HEIGHT
Installed: 2 ft.
Mature: 3 ft.

- A continuous row of evergreen shrubs on a 3 ft. high earth berm



Maximum 3' Centers



TREE HEIGHT
Installed: 8 ft.
Mature: 15 ft.

- A 5 ft. high masonry wall or timber fence with evergreen trees and low shrubs or climbing vines



Maximum 50' Centers

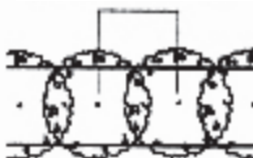


TREE HEIGHT
Installed: 8 ft.
Mature: 20 ft.

- One row of evergreen trees with branches touching the ground



Maximum 10' Centers





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

Beacon Development of TN, Inc. (REVISED)

Applicant Name		Affiliation
1/23/2023	3/9/2023	3-I-23-RZ
Date Filed	Meeting Date (if applicable)	File Number(s)

CORRESPONDENCE

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

Beacon Development of TN, Inc. John Grau

Name / Company

3061 W Gallaher Fry Knoxville TN 37932

Address

865-388-4313 / jgrauski@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Beacon Development of TN, Inc. John Gr	3061 W Gallaher Fry Knoxville TN 37932	865-388-4313 / jgrauski@gmail.
Owner Name (if different)	Owner Address	Owner Phone / Email

9124 MIDDLEBROOK PIKE / 9120 Middlebrook Pike

Property Address

105 083		6.98 acres
Parcel ID	Part of Parcel (Y/N)?	Tract Size

West Knox Utility District	West Knox Utility District	
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

S of Middlebrook Pk, east of Old Cedar Bluff Rd

General Location

<input type="checkbox"/> City	Commission District 3	PR (Planned Residential)	Rural Residential
<input checked="" type="checkbox"/> County	District	Zoning District	Existing Land Use

Northwest County	MDR/O (Medium Density Residential/Office)	Planned Growth Area
Planning Sector	Sector Plan Land Use Classification	Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change OB (Office, Medical, and Related Services)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> 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	Total
\$999.00	
Fee 2	
Fee 3	

AUTHORIZATION

Applicant Signature	Beacon Development of TN, Inc. (REVISED)	1/23/2023
	Please Print	Date

Phone / Email	Beacon Development of TN, Inc. John Grau	1/23/2023
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.



Planning

KNOXVILLE | KNOX COUNTY

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

Beacon Development of TN, Inc
 Applicant Name Affiliation

1/23/2023 3/9/2023
 Date Filed Meeting Date (if applicable)

File Number(s)
3-I-23-RZ

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

John Graus Beacon Development of TN, Inc
 Name Company

3061 W. Gallatin Ferry Knoxville TN 37932
 Address City State ZIP

865.388.7313 jgrausking@gmail.com
 Phone Email

CURRENT PROPERTY INFO

Beacon Development of TN, Inc 3061 W. Gallatin Ferry 865.388.7313
 Property Owner Name (if different) Property Owner Address Property Owner Phone

9120 & 9124 Middlebrook Pike 105083
 Property Address Parcel ID

West Knox Utility West Knox Utility N
 Sewer Provider Water Provider Septic (Y/N)

STAFF USE ONLY

n/s Middlebrook Pike 6.87
 General Location Tract Size

City County 3rd A PR Dwelling (to be removed)
 District Zoning District Existing Land Use

Northwest County MAR/0 Planned
 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 OB

Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

Other (specify) _____

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

[Signature]
Applicant Signature

John D. Gowan
Please Print

1/23/2023
Date

865-388-4313
Phone Number

jgowan@kiagenab.com
Email

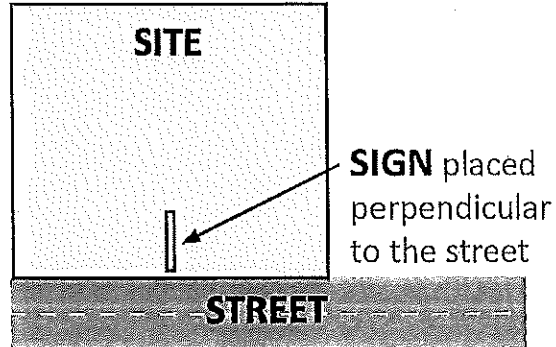
[Signature]
Property Owner Signature

John D. Gowan
Please Print

1/23/2023
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:

2/24/23 and 3/10/23
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Beacon Development LLC

Date: 1/23/23

File Number: 3-I-23-RZ

- Sign posted by Staff
- Sign posted by Applicant