



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 4-M-24-RZ  
4-I-24-SP

**AGENDA ITEM #:** 16  
**AGENDA DATE:** 4/11/2024

► **APPLICANT:** BENJAMIN C. MULLINS  
**OWNER(S):** RDP Holdings LLC

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**TAX ID NUMBER:** 104 01707 [View map on KGIS](#)  
**JURISDICTION:** Commission District 3  
**STREET ADDRESS:** 0 HARDIN VALLEY RD  
► **LOCATION:** South side of Hardin Valley Rd, west of Waterstone Blvd  
► **TRACT INFORMATION:** 7.09 acres  
**SECTOR PLAN:** Northwest County  
**GROWTH POLICY PLAN:** Planned Growth Area  
**ACCESSIBILITY:** Access is via Hardin Valley Road, a major arterial street with a median and an 80-ft pavement width within a 160-ft right-of-way.  
**UTILITIES:** Water Source: West Knox Utility District  
Sewer Source: West Knox Utility District  
**WATERSHED:** Beaver Creek

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► **PRESENT PLAN DESIGNATION/ZONING:** GC (General Commercial), HP (Hillside Protection) / PC(k) (Planned Commercial with conditions)  
► **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential), HP (Hillside Protection) / RB (General Residential)  
► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

**EXTENSION OF PLAN DESIGNATION/ZONING:** This is an extension of the plan designation, but not the zoning.  
**HISTORY OF ZONING REQUESTS:** In 2007, this property was included in a rezoning from A (Agricultural) to PC (Planned Commercial) for the north part of the parcel and PR (Planned Residential) up to 4 du/ac for the south part (6-H-07-RZ).  
**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**  
North: Office, agriculture/forestry/vacant - BP-1 (Business Park Type 1), SP (Stream Protection) - PC (Planned Commercial)  
South: Multi-family residential - MDR (Medium Density Residential), HP (Hillside Protection) - PR (Planned Residential) up to 6 du/ac  
East: Multi-family residential - MDR (Medium Density Residential), HP (Hillside Protection) - PR (Planned Residential) up to 6 du/ac  
West: Rural residential - GC (General Commercial), HP (Hillside Protection) - CA (General Business)  
**NEIGHBORHOOD CONTEXT:** This area along Hardin Valley Road contains a diverse mix of uses including

**STAFF RECOMMENDATION:**

- ▶ **Approve the sector plan amendment to the MDR (Medium Density Residential) land use classification because it is consistent with surrounding development.**
  
- ▶ **Approve the PR (Planned Residential) zone up to 12 du/ac because it is compatible with surrounding conditions.**

**COMMENTS:**

PURSUANT TO THE GENERAL PLAN, PLANNING FRAMEWORK CHAPTER, THE PLANNING COMMISSION RESERVES THE AUTHORITY TO RECOMMEND LAND USE PLAN CHANGES BASED ON SUBSTANTIALLY CHANGED CONDITIONS. SUBSTANTIALLY CHANGED CONDITIONS INCLUDE (may meet any of these):

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

1. This area of Northwest Knox County has seen a significant increase in residential and commercial development activity since Hardin Valley Road, a state-designated scenic highway, was expanded from two to four lanes with a landscaped median and turn lane in the late 1990s.
2. The Waterstone at Hardin Valley multi-family development was completed in 2020 adjacent to the subject property's southern and eastern borders. Its construction brought sewer utilities closer to the subject property, making residential development permitted under the requested MDR (Medium Density Residential) land use classification more feasible.

AN OBVIOUS AND SIGNIFICANT ERROR OR OMISSION IN THE PLAN.

1. The current GC (General Commercial) land use classification in the Northwest County Sector Plan is consistent with surrounding commercial and office development along this section of the major arterial corridor. However, MDR could have been considered on the subject property as a transition of land use intensity from low density residential development to the south and more intensive commercial land uses to the north across Hardin Valley Road.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS.

1. There is no development policy change in this area that is pertinent to the requested MDR land use classification.

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

1. The Waterstone at Hardin Valley development includes 248 apartments on a lot abutting the subject property in addition to a 170-unit single-family subdivision south of that, which was subsequently completed in 2022. The land use classification for these recently developed properties is MDR, making this request a minor extension of the land use that is compatible with surrounding development.

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 subject property is surrounded by a range of residential unit types including single-family subdivisions, townhouse subdivisions and condominiums, and multi-family developments. Most residences developed in this immediate area within the past 20 years have been built under the PR (Planned Residential) zone with permitted densities ranging from 3 to 10 du/ac.
2. The requested RB (General Residential) zone would be an outlier in this area that is predominantly

characterized by PR zoning. There is a high prevalence of (Planned Commercial) development as well, including directly across Hardin Valley Road from the subject property.

3. Considering this surrounding planned context, Planning recommends an alternative rezoning to PR that permits the same maximum density as the RB zone; 12 du/ac.

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

1. The requested RB zone is intended for a medium population density with the principal use ranging from single-family houses to multi-dwelling structures. The RB zone has minimum lot sizes for residential development, and development intensity cannot be concentrated in one area of the lot in response to environmental or other conditions.
2. The recommended PR zone is intended to provide optional methods of land development that encourage creative solutions to environmental design problems. Residential areas thus established are characterized by a unified building and site development program that is compatible with surrounding or adjacent zones.
3. The subject property is within the HP (Hillside Protection) area, and contains steep slopes exceeding 25%. The property was cleared of vegetation in 2009, and grading occurred along the southern and eastern lot lines as part of the adjacent Waterstone at Hardin Valley multi-family construction. Natural vegetation has since grown back on much of the property.
4. Hardin Valley Road is designated as a Tennessee Scenic Highway, which is intended to preserve and protect scenic and natural qualities along the road to provide motorists with attractive routes to experience the beauty of the state.
5. Considering the property's steep slopes, inclusion in the scenic highway program, and surrounding context of planned residential and commercial development, a minor extension of the PR zone at this location is more appropriate than the RB zone. It will enable Planning Commission review to ensure development is responsive to environmental and scenic considerations and compatible with the surrounding built environment.

**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 RB zone could result in development that is inconsistent with the goals of the scenic highway program and incompatible with the character of adjacent and surrounding planned zone districts.
2. There are no adverse impacts anticipated to occur with the recommended PR zone, as development can be clustered in response to environmental or aesthetic considerations. The impact on surrounding properties would be evaluated in the public Development Review process.

**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. A rezoning to the PR zone is consistent with the General Plan's development policy 9.2, which encourages development practices that respect and fit the natural landscape, and policy 9.3, which specifies that the context of new development, including scale and compatibility, should not impact existing neighborhoods and communities.
2. The suggested PR density of 12 du/ac is permitted under the recommended MDR land use classification amendment to the Northwest County Sector Plan.
3. The rezoning is compatible with the property's location in the Planned Growth area of the Growth Policy Plan.

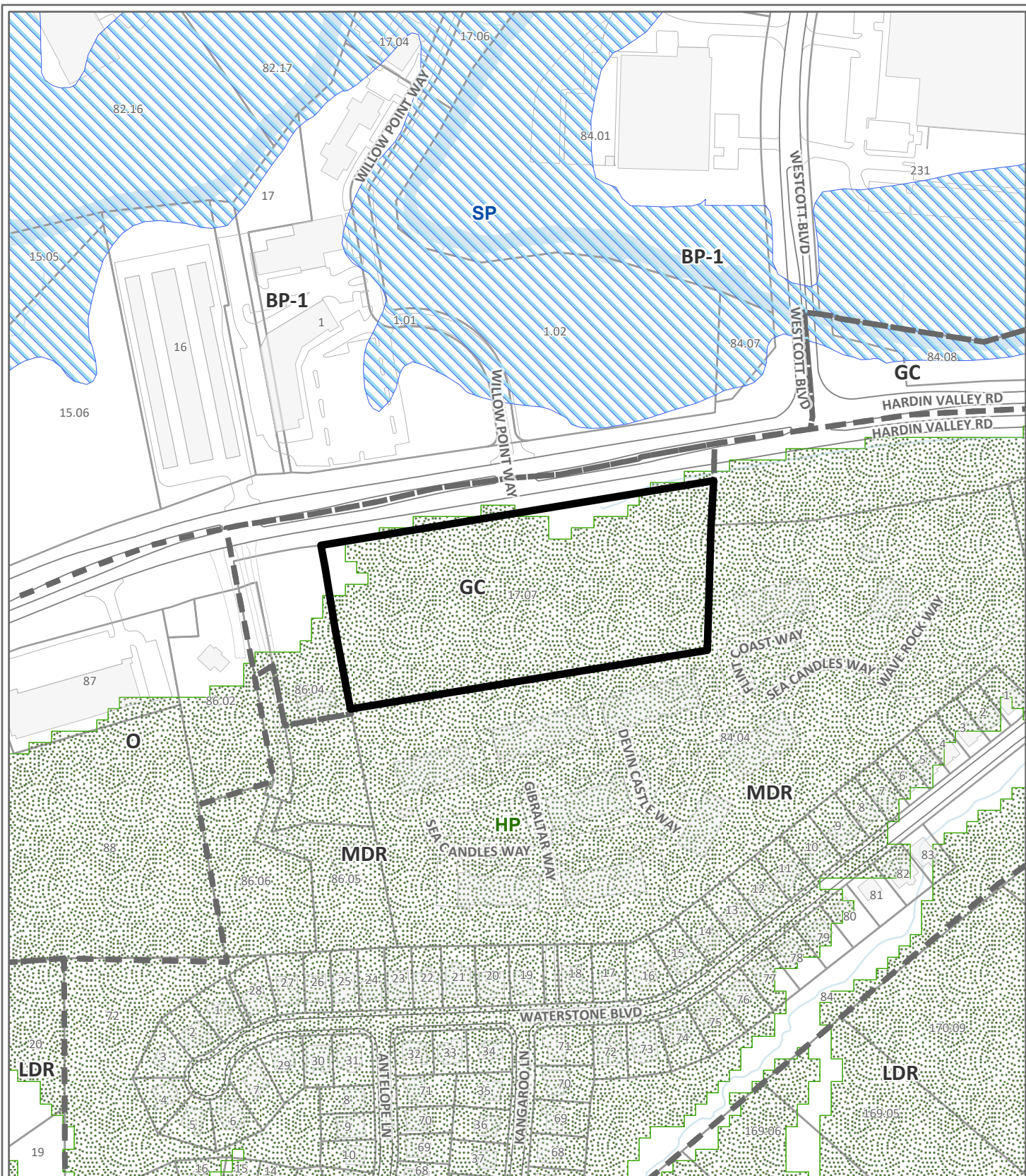
**ESTIMATED TRAFFIC IMPACT:** Not required.

**ESTIMATED STUDENT YIELD:** 35 (public school children, grades K-12)

Schools affected by this proposal: Mill Creek Elementary, Hardin Valley 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 5/20/2024. 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.



**4-I-24-SP  
NORTHWEST COUNTY SECTOR PLAN MAP**



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

**To:** MDR (Medium Density Residential)

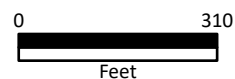
**Original Print Date:** 3/6/2024

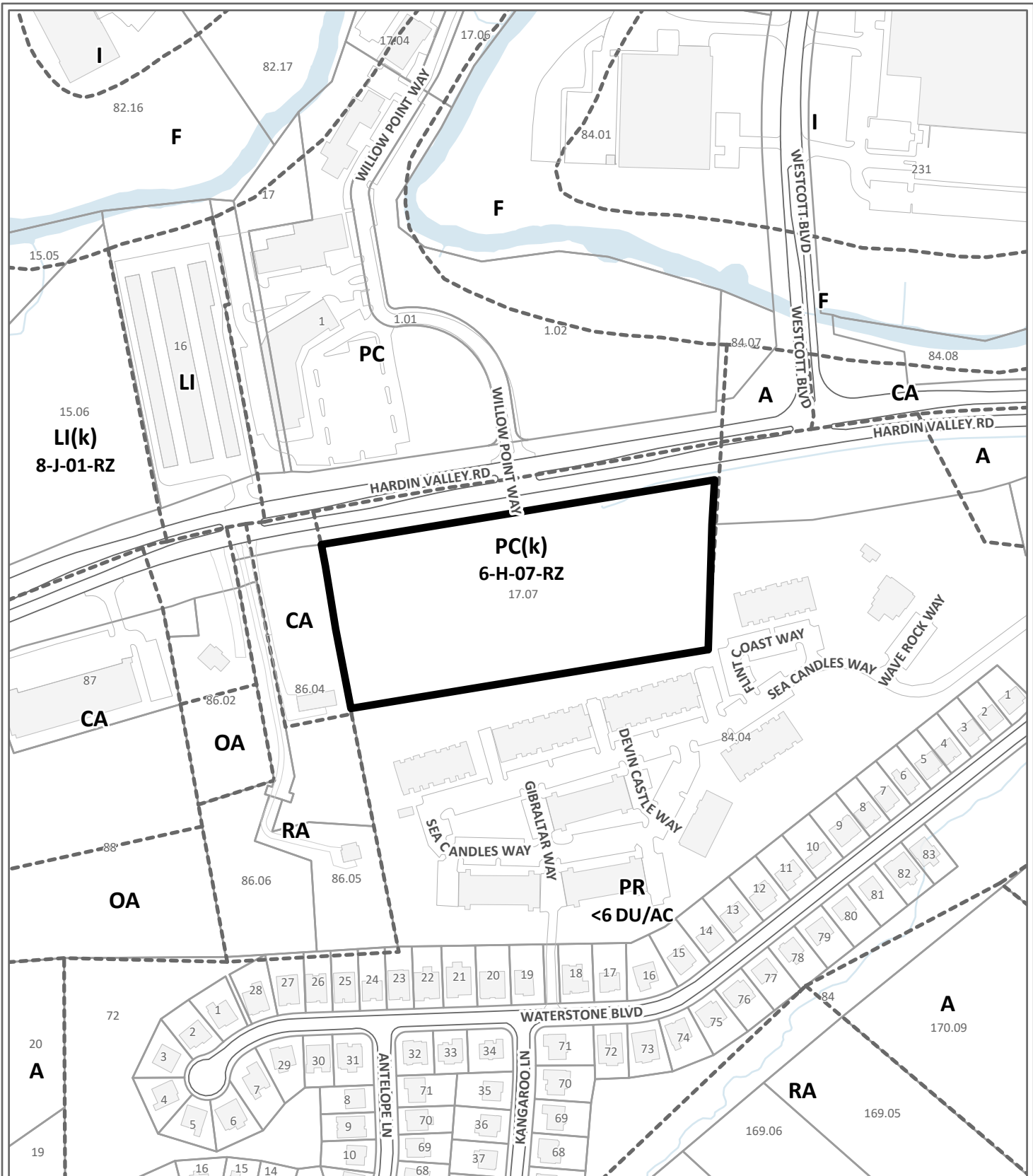
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

**Petitioner:** Benjamin C. Mullins

**Map No:** 104

**Jurisdiction:** County





**REZONING**

**4-M-24-RZ**

**Petitioner:** Benjamin C. Mullins



**From:** PC(k) (Planned Commercial)

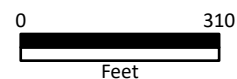
**To:** RB (General Residential)

**Original Print Date:** 3/6/2024

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

**Map No:** 104

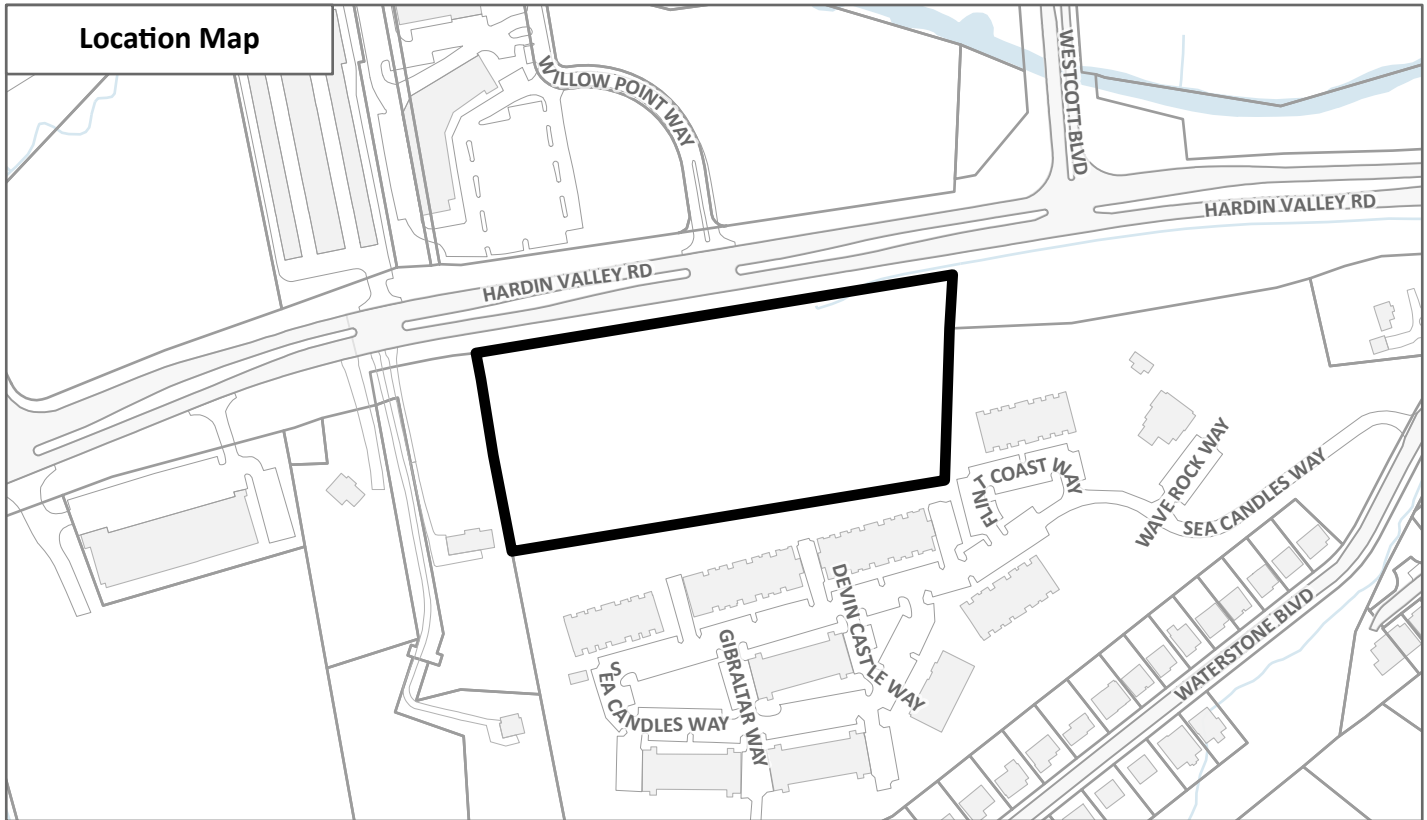
**Jurisdiction:** County



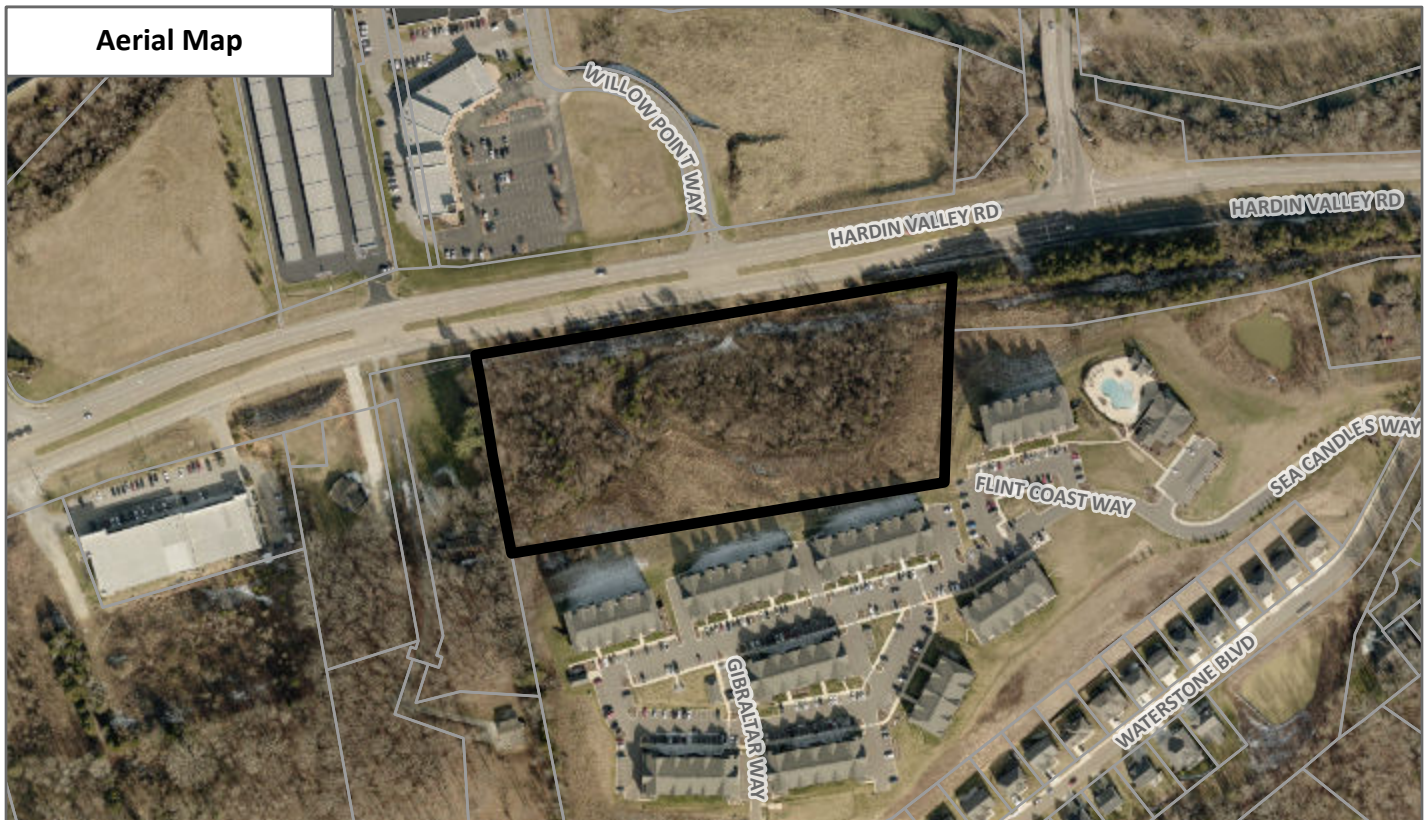


## Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

4-I-24-SP / 4-M-24-RZ

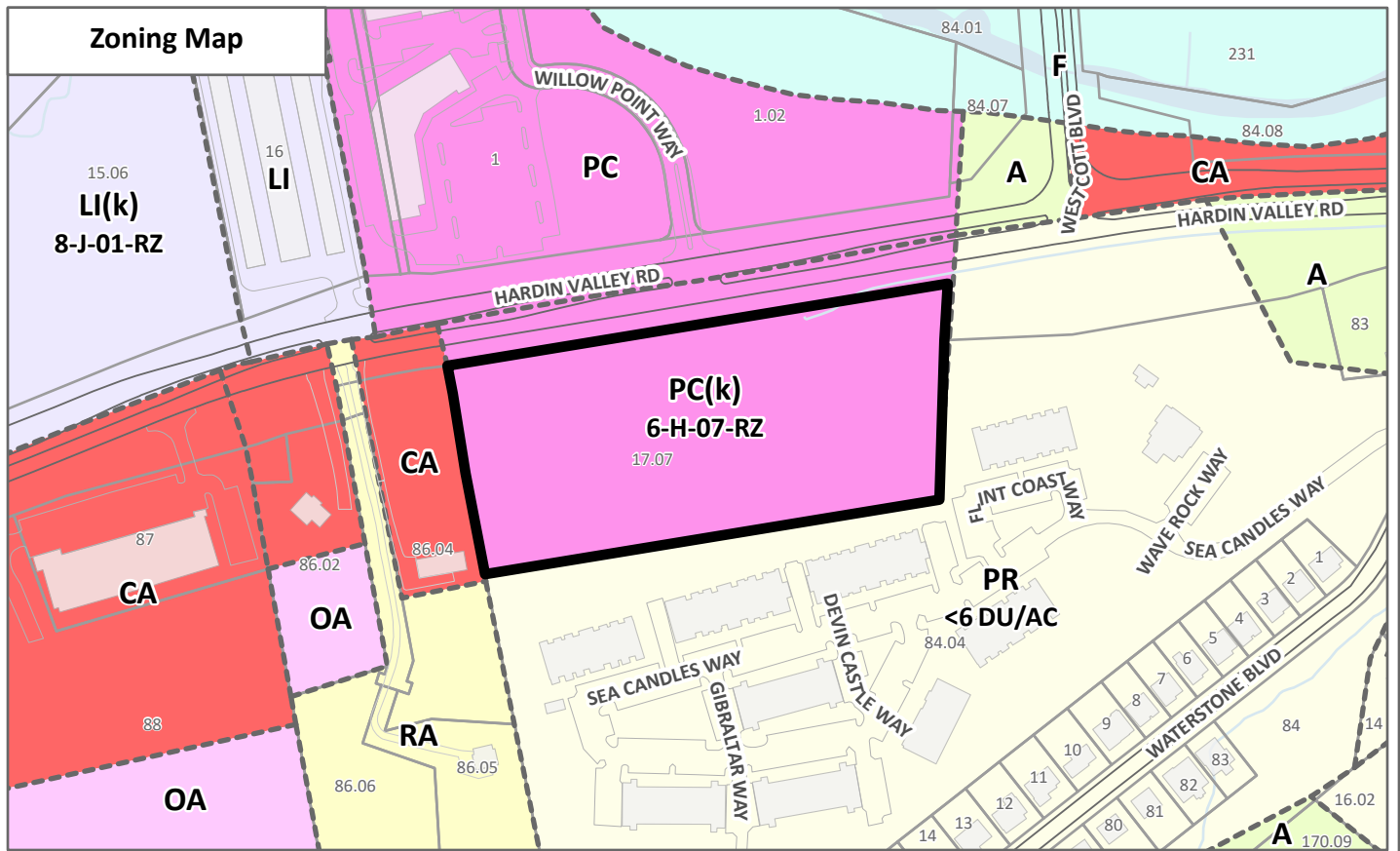


Case boundary

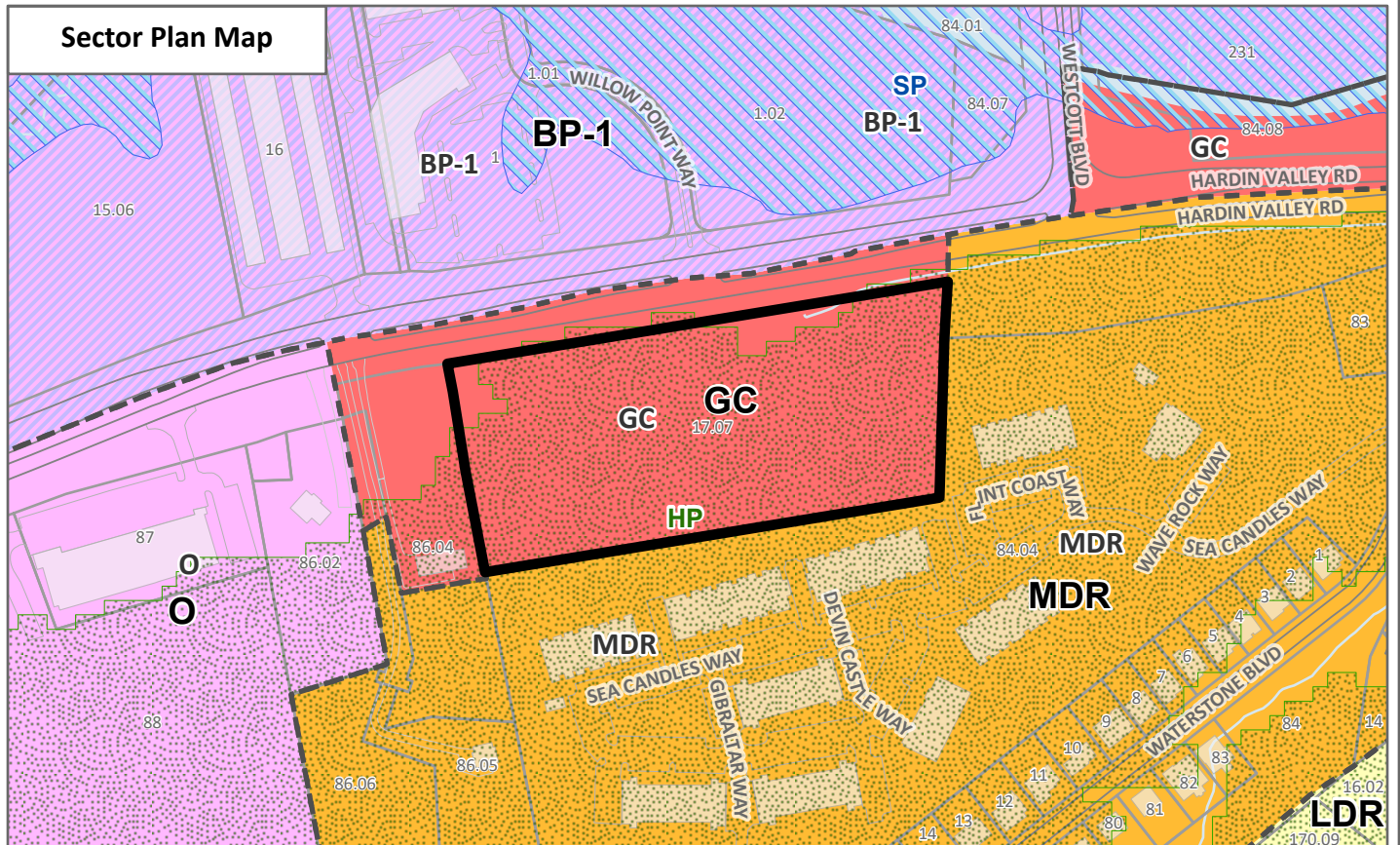
0 360  
Feet



## Zoning Map



## Sector Plan Map

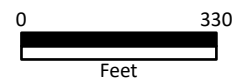


## CONTEXTUAL MAPS 2

4-I-24-SP / 4-M-24-RZ

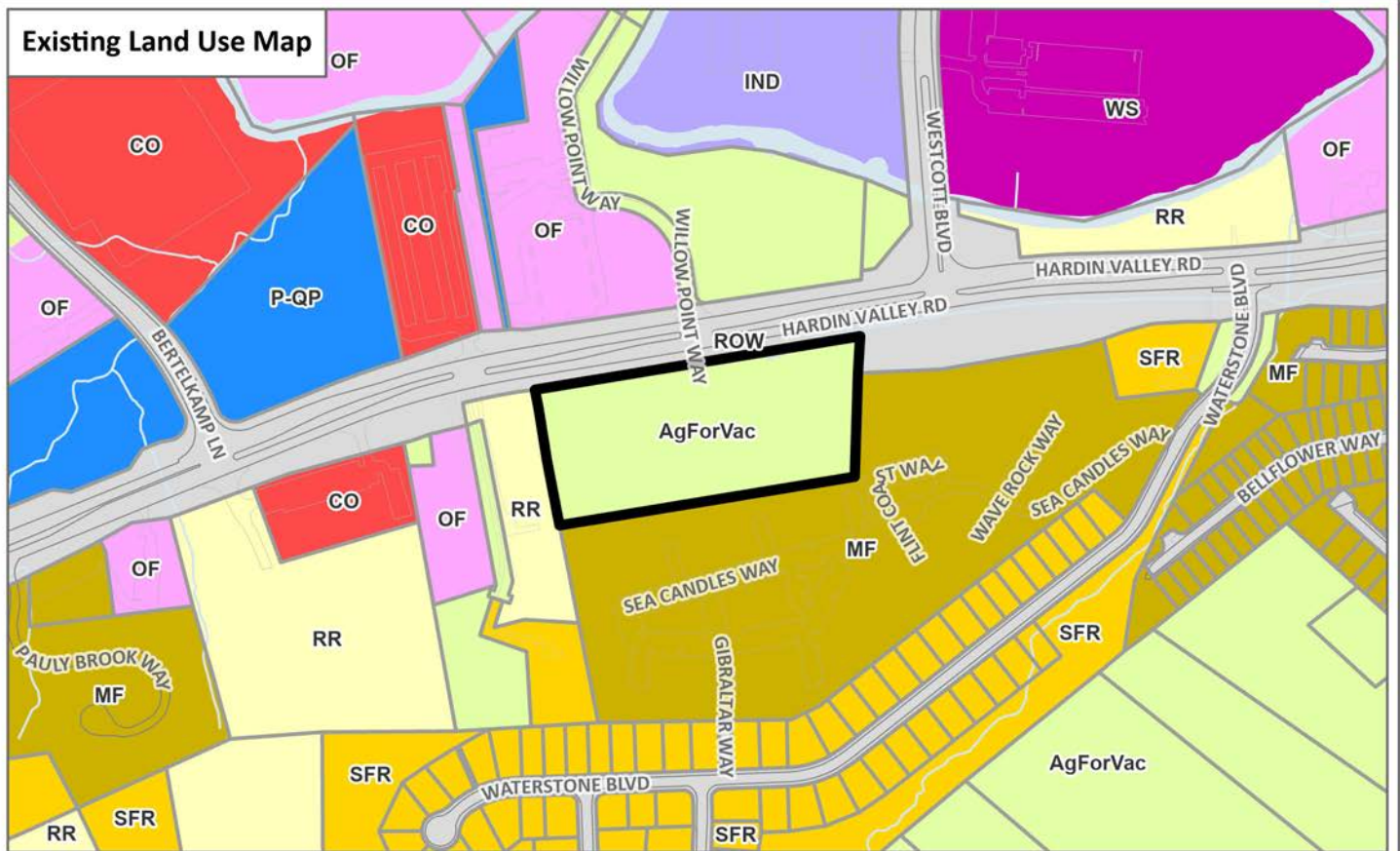


Case boundary





Existing Land Use Map

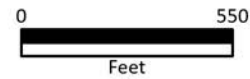


CONTEXTUAL MAPS 3

4-M-24-RZ / 4-I-24-SP



Case boundary



***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN***

***WHEREAS***, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

***WHEREAS***, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

***WHEREAS***, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

***WHEREAS***, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan consistent with the requirements of the General Plan; and

***WHEREAS***, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

***WHEREAS***, Benjamin C. Mullins has submitted an application for an amendment to the Northwest County Sector Plan for property described in the application; and

***WHEREAS***, the Planning Commission recommends approval of an amendment to the Sector Plan from GC (General Commercial) to MDR (Medium Density Residential) which is consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

***WHEREAS***, the Planning Commission, at its regularly scheduled public hearing on April 11, 2024 after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

***NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:***

***SECTION 1:*** The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan with its accompanying staff report and map, file #4-I-24-SP

***SECTION 2:*** This Resolution shall take effect upon its approval.

***SECTION 3:*** The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

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Date

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Chairman

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Secretary



# 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

Affiliation

**2/26/2024**

Date Filed

**4/11/2024**

Meeting Date (if applicable)

**4-M-24-RZ / 4-I-24-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 37902**

Address

**865-546-9321 / bmullins@fmsllp.com**

Phone / Email

## CURRENT PROPERTY INFO

**RDP Holdings LLC**

Owner Name (if different)

**620 Mabry Hood Rd. Ste 201 Knoxville TN 37932**

Owner Address

**865-310-7400**

Owner Phone / Email

**0 HARDIN VALLEY RD**

Property Address

**104 017 07**

Parcel ID

**7.09 acres**

Tract Size

**West Knox Utility District**

Sewer Provider

**West Knox Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**Southside of Hardin Valley Rd, west of Waterstone Blvd**

General Location

☐ City **Commission District 3** **PC(k) (Planned Commercial)**

☒ County District

Zoning District

**Agriculture/Forestry/Vacant Land**

Existing Land Use

**Northwest 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

## ZONING REQUEST

- ☒ Zoning Change   **RB (General Residential)**

Proposed Zoning

Pending Plat File Number

- ☒ Plan  
Amendment

**MDR (Medium Density Residential), HP (Hillside Protection)**

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

**\$1,854.50**

Total

Fee 2

Fee 3

## AUTHORIZATION

- ☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

**Benjamin C. Mullins**

**2/26/2024**

Applicant Signature

Please Print

Date

Phone / Email

**RDP Holdings LLC**

**2/26/2024**

Property Owner Signature

Please Print

Date



# 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

Applicant

Applicant Name

Affiliation

2-26-24

4-11-24

File Number(s)

Date Filed

Meeting Date (if applicable)

4-M-24-RZ  
4-I-24-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, McCollell & 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

RDP Holdings LLC

620 Mabry Hood Road, Suite 201

865-310-7400

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Hardin Valley Rd

104 01707

Property Address

Parcel ID

WKUD

WKUD

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

Southside of Hardin Valley Rd., southeast of Westcott Blvd.

~7.14

General Location

Tract Size

6

PC (k)

Vacant

☐ City ☒ County

District

Zoning District

Existing Land Use

Northwest County

GC

Planned Growth Area

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023



**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

RB

Proposed Zoning

☒ Plan Amendment Change

MDR

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**

☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

Benjamin C. Mullins

2-26-24

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Property Owner Signature

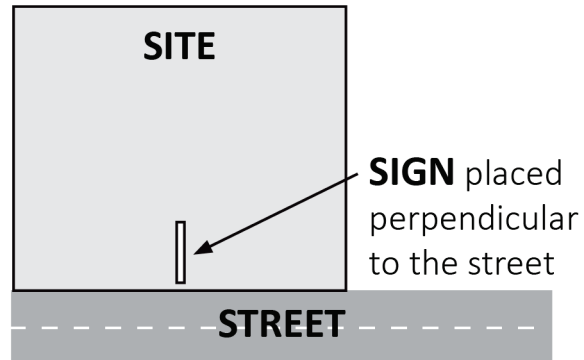
RDP Holdings, LLC

Please Print

Date Paid

Pd., 02/26/2024, SG

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:*

\_\_\_\_\_ **03/29/2024** \_\_\_\_\_ and \_\_\_\_\_ **04/12/2024** \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Benjamin C. Mullins

**Date:** 04/27/2024

**File Number:** 4-M-24-RZ & 4-I-24-SP



Sign posted by Staff



Sign posted by Applicant