

REZONING REPORT

FILE #:	6-O-24-RZ	AGENDA ITEM #:	26
POSTPONEMENT(S):	6/13/2024, 7/11/2024	AGENDA DATE:	8/8/2024
APPLICANT:	BENJAMIN C MULLINS		
OWNER(S):	Anderson Geneva Cain Trust		
TAX ID NUMBER:	132 03603, 03605	View map on KGIS	
JURISDICTION:	County Commission District 3		
STREET ADDRESS:	0, 8757 GROSPPOINT DR		
LOCATION:	West of terminus of Grospoint Dr, east of Ebenezer Rd, south of Kingston Pk		
APPX. SIZE OF TRACT:	9.9 acres		
GROWTH POLICY PLAN:	Urban Growth Area (Outside City Limits)		
ACCESSIBILITY:	Access is via a 50-ft wide ingress and egress easement leading to Grospoint Drive, a local street with a 24-ft pavement width within a 58-ft right-of-way.		
UTILITIES:	Water Source: First Knox Utility District Sewer Source: First Knox Utility District		
WATERSHED:	Ten Mile Creek		
PRESENT ZONING:	RAE (Exclusive Residential)		
ZONING REQUESTED:	PR (Planned Residential)		
EXISTING LAND USE:	Agriculture/Forestry/Vacant Land		
DENSITY PROPOSED:	up to 4 du/ac		
EXTENSION OF ZONE:	Yes, this is an extension.		
HISTORY OF ZONING:	None noted.		
SURROUNDING LAND USE AND ZONING:	North: Commercial - CA (General Business) in the County, C-H-1 (Highway Commercial), HP (Hillside Protection Overlay) in the City South: Agriculture/forestry/vacant land - PR(k) (Planned Residential) up to 4 du/ac in the County East: Rural residential and agriculture/forestry/vacant land - RAE (Exclusive Residential) in the County West: Single family residential, agriculture/forestry/vacant land, rural residential - RAE (Exclusive Residential) and PR (Planned Residential) in the County		
NEIGHBORHOOD CONTEXT:	This area has a mix of office and commercial uses along with single-family and multifamily neighborhoods.		

STAFF RECOMMENDATION:

- **Approve the PR (Planned Residential) zone with up to 4 du/ac because it is consistent with surrounding development and changing conditions in the area, subject to 2 conditions.**
1. Disturbing no more than 4.98 acres within the HP (Hillside Protection) area, per the recommendation of the slope analysis.

2. No disturbance within the HP area along the rear lot line where slopes exceed 25% and along the 35-ft periphery boundary at the west lot line that abuts the Hanna Place subdivision, as shown in Exhibit B.

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 COUNTY GENERALLY:

1. This area of Southwest Knox County bordering the City jurisdiction has seen rapid commercial and residential development over the past 10 to 15 years. In particular, nearby properties to the northwest along Kingston Pike were converted from pasture and forest to retail commercial centers between 2008 and 2020. Similarly, farmland and forest to the south and southwest of the subject property have seen an ongoing conversion to single-family and multi-family residential communities since 2000.
2. The portion of the parcel abutting the subject property to the south was rezoned to PR (Planned Residential) with a density of up to 4 dwelling units per acre. A development plan for 113 single-family lots on that parcel was recently approved (6-SD-24-C/6-H-24-DP). The site plan shows stub-outs extending to the subject parcel, supporting a potential expansion of unified residential development there.
3. The proposed rezoning to the PR zone at 4 du/ac is a logical minor extension from the south, and it is compatible with existing and proposed surrounding development.

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

1. The PR zone is intended to provide optional methods of development that encourage more imaginative solutions to environmental design problems. Development is characterized by a unified building plan and site development program and should be compatible with surrounding or adjacent zones.
2. Approximately 6.7 acres of the 9.9-acre subject property are in the HP (Hillside Protection) area, and much of that includes mature forest that has not been previously disturbed. The PR zone permits a concentration of dwelling units in the more accommodating areas of the lot to the south, which is less sloped and cleared.
3. With regards to compatibility, the requested rezoning and density is a continuation of land use seen in the established residential neighborhoods to the east and west, as well as the connecting suburban residential development approved to the south.
4. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. There are two conditions for this rezoning that would mitigate potential adverse impacts of development. Condition #1 requires that disturbance within the HP area not exceed the 4.98 acres recommended by the slope analysis. Disturbance is defined as any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion and sedimentation. Condition #2 describes how the areas exceeding a 25% slope along the rear lot line should remain undisturbed in addition to the 35-ft periphery boundary within the HP area along the west side, which abuts the Hanna Place subdivision. These conditions help prevent or limit potential noxious impacts from commercial activity to the north, and it maintains a forested backyard buffer along the Hanna Place neighborhood to the west (see Exhibit B).
2. The rezoning to the PR district to the south was approved with several conditions that were informed by concerns from surrounding residents. One of the conditions was that any connections to existing stub-outs leading to the Suburban Hills neighborhood to the east or the Briar Glen neighborhood to the south be prohibited. In the case of the subject property, connectivity to Grospoint Drive is currently the property's only legal right-of-way access. However, connection to the future residential development to the south is anticipated.
3. It is worth noting that connections to adjacent neighborhoods are not considered an adverse impact in the Knox County Comprehensive Plan. It is a stated goal in the SR (Suburban Residential) place type for this property, that "future development feature street and path connections to adjacent neighborhoods." The Comprehensive Plan's Implementation Policy 11 asserts that connectivity with new development should be promoted and cul-de-sacs be limited for reasons that include the encouragement of active transportation and recreation, better dispersing of traffic, and shortened emergency response times.

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

1. The proposed rezoning is consistent with the Comprehensive Plan's Implementation Policy 5 to create neighborhoods with a variety of housing types and amenities in close proximity, as well as Policy 6 to promote attainable housing that meets the needs of the current and future residents. The existing RAE (Exclusive Residential) zone on the subject property only permits single-family detached houses, whereas the PR zone permits consideration of a wide variety of housing forms to meet local demand.

2. The PR zone also does not have an individual minimum lot size like the RAE zone, which allows for a clustering of housing that conserves natural landscapes. This rezoning with the noted conditions is also consistent with the Comprehensive Plan's Implementation Policy 7 to encourage development practices that conserve and connect natural features and habitat.
3. The proposed rezoning is consistent with the Comprehensive Plan's SR place type, which permits consideration of the PR district as a partially related zone. The PR district is compatible with the current zoning of adjacent sites, which meets criteria #2 in Appendix H of the Plan for approval of a partially related zone.
4. The proposed rezoning is not in conflict with any other adopted plans for the area.

ESTIMATED TRAFFIC IMPACT: 424 (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: 16 (public school children, grades K-12)

Schools affected by this proposal: A. L. Lotts Elementary, West Valley Middle, and Bearden 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 9/16/2024. 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.



Request to Postpone • Table • Withdraw

Benjamin C. Mullins

6-24-2024

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

Date of Request

July 11, 2024

Scheduled Meeting Date

File Number(s)

6-O-24-RZ

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 August 8, 2024 Planning Commission Meeting.

WITHDRAW

☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm 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 no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

☐ **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.

Applicant Signature

Benjamin C. Mullins

Please Print

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

STAFF ONLY

Staff Signature

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

October 2022



Request to Postpone • Table • Withdraw

Benjamin C. Mullins

5-30-2024

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

Date of Request

June 13, 2024

Scheduled Meeting Date

6-O-24-RZ

File Number(s)

POSTPONE

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Applicant Signature

Benjamin C. Mullins

Please Print

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

STAFF ONLY

Staff Signature

SHELEY GRAY

Please Print

5-30-2024

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

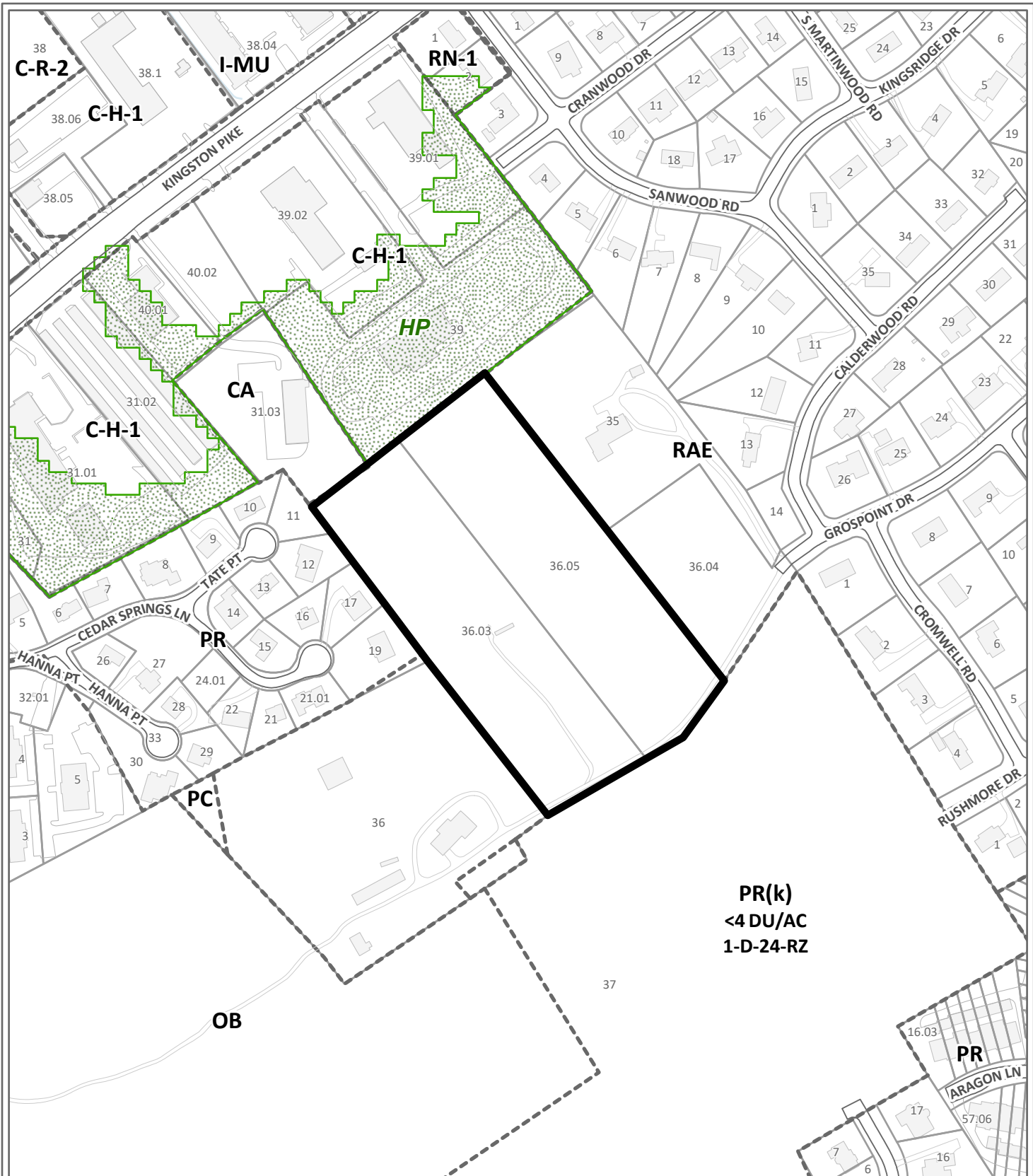
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



PR(k)
<4 DU/AC
1-D-24-RZ

REZONING

6-O-24-RZ

Petitioner: Benjamin C Mullins



From: RAE (Exclusive Residential)

To: PR (Planned Residential) 4 du/ac

Original Print Date: 5/6/2024
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

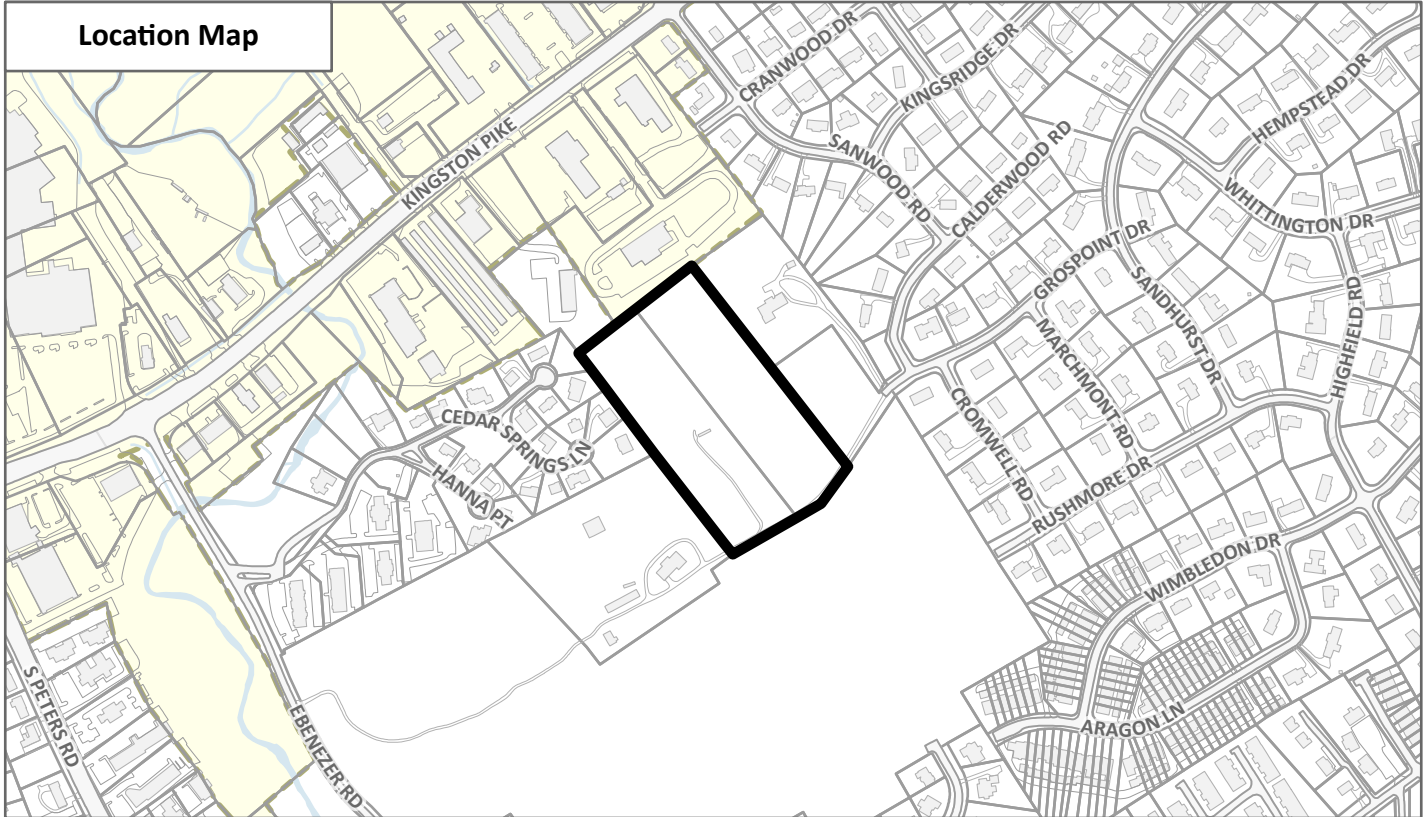
Map No: 132
Jurisdiction: County

0 310
Feet



Exhibit A. Contextual Images

Location Map



Aerial Map

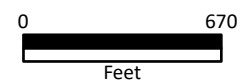


CONTEXTUAL MAPS 1

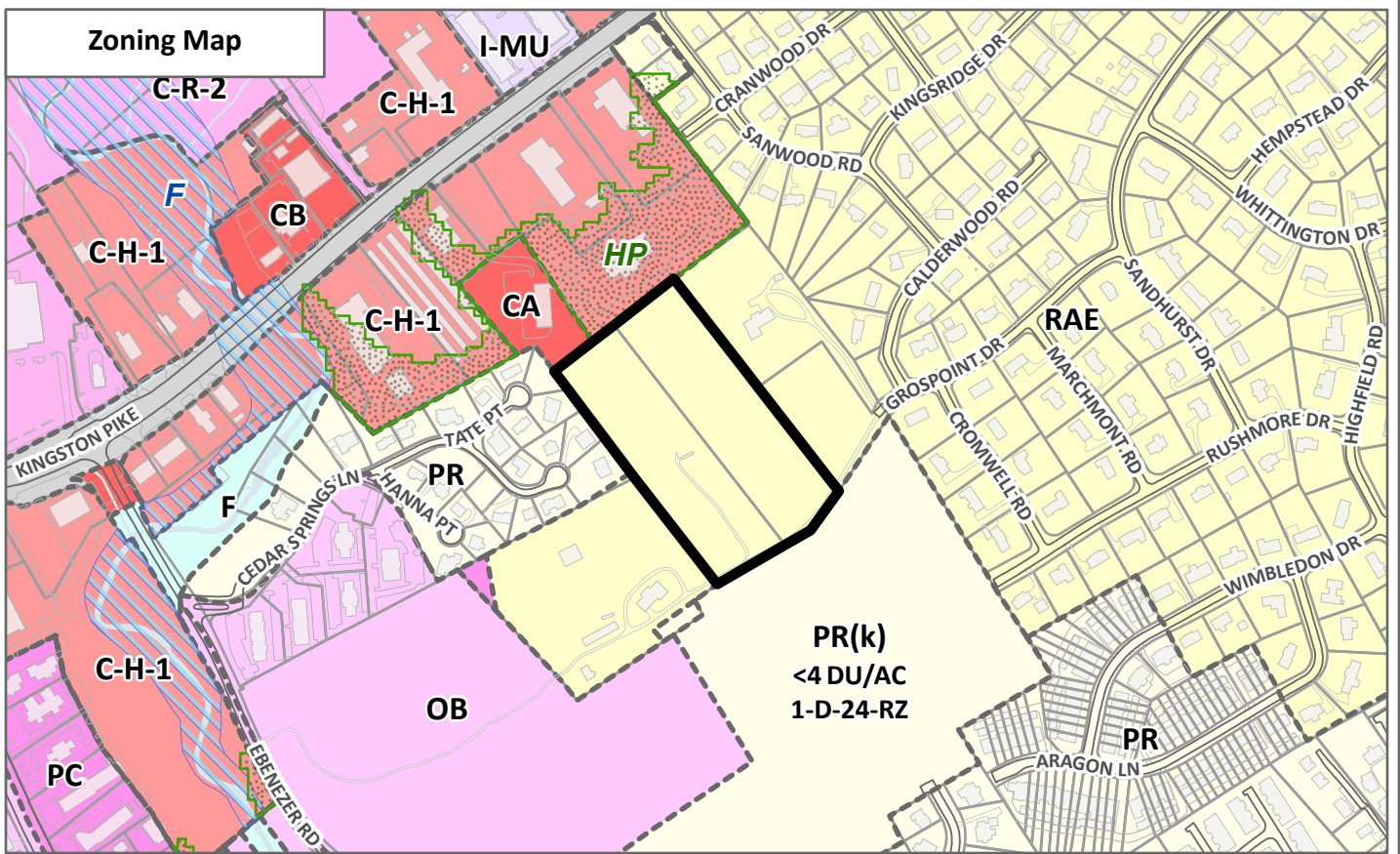
6-O-24-RZ



Case boundary

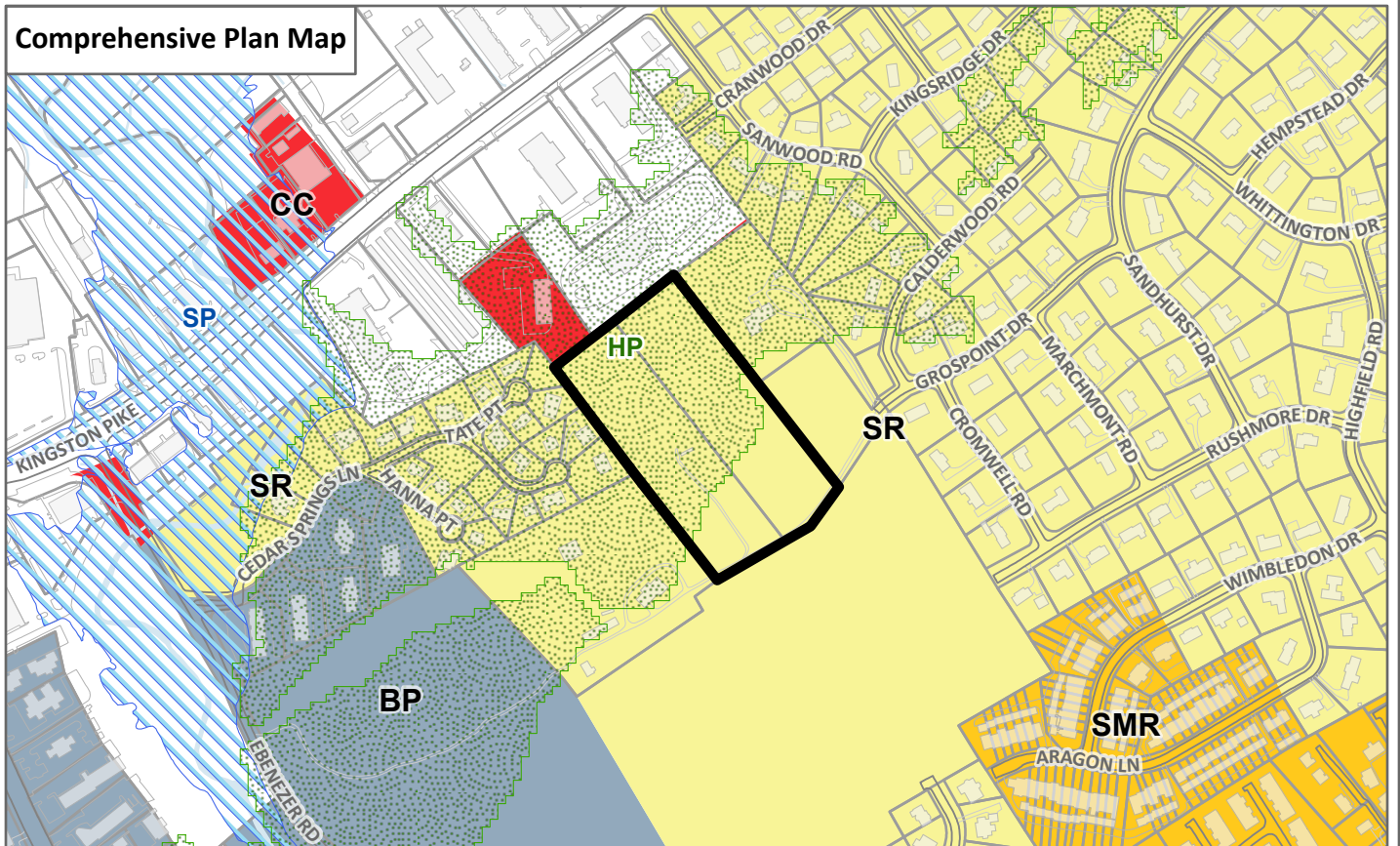


Zoning Map



PR(k)
<4 DU/AC
1-D-24-RZ

Comprehensive Plan Map

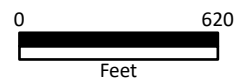


CONTEXTUAL MAPS 2

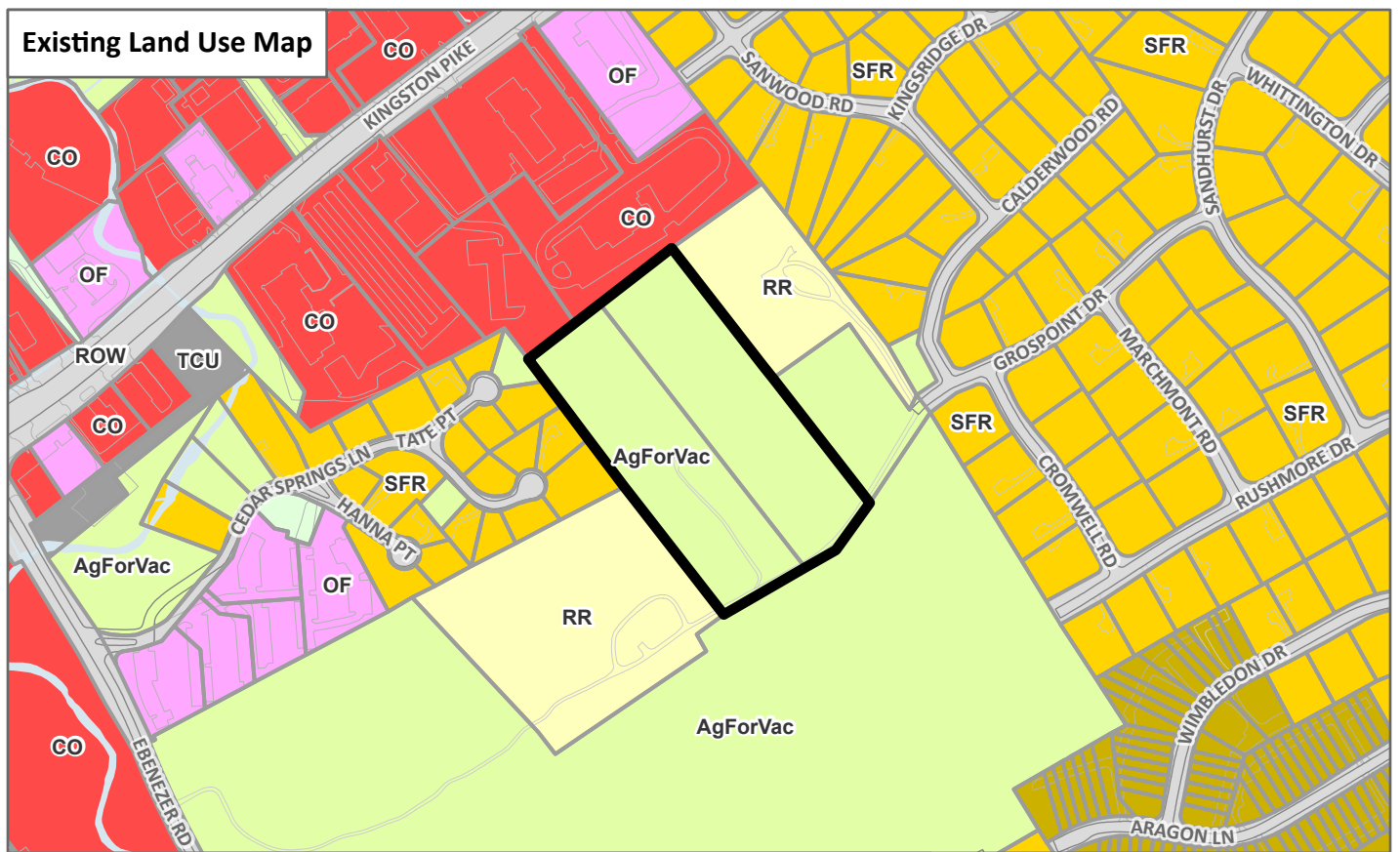
6-O-24-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

6-O-24-RZ



Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	9.90		
Non-Hillside	3.20	N/A	
0-15% Slope	3.87	100%	3.87
15-25% Slope	1.81	50%	0.91
25-40% Slope	1.00	20%	0.20
Greater than 40% Slope	0.02	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	6.71	Recommended disturbance budget within HP Area (acres)	4.98
		Percent of HP Area	74.3%

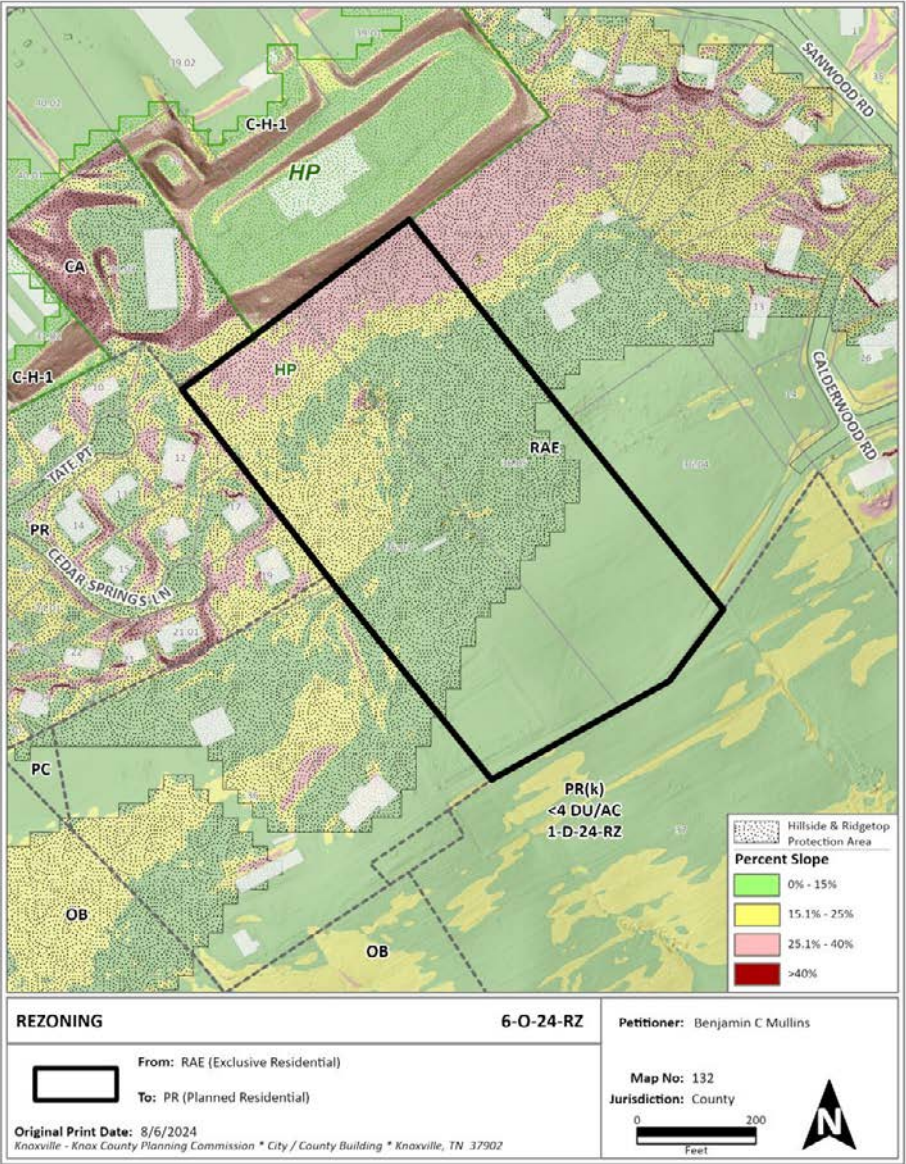


Exhibit B

6-O-24-RZ

Petitioner: Benjamin C Mullins



Case Boundary

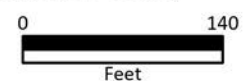
No disturbance within the HP area along the rear lot line where slopes exceed 25% and along the 35-ft periphery boundary at the west lot line that abuts the Hanna Place subdivision

Original Print Date: 8/1/2024

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

Map No: 152

Jurisdiction: County





Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

Benjamin C Mullins

Applicant Name

Affiliation

4/29/2024

Date Filed

6/13/2024

Meeting Date (if applicable)

6-O-24-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 37902

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

Anderson Geneva Cain Trust

Owner Name (if different)

8803 Grospoint Dr Knoxville TN

Owner Address

865-567-3452

Owner Phone / Email

0 GROSPPOINT DR / 8757 GROSPPOINT DR

Property Address

132 036 03, 036 05

Parcel ID

Part of Parcel (Y/N)?

9.9 acres

Tract Size

First Knox Utility District

Sewer Provider

First Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

West of terminus of Grospoint Dr, east of Ebenezer Rd, south of Kingston Pk

General Location

☐ City

Commission District 3

RAE (Exclusive Residential)

Agriculture/Forestry/Vacant Land

☒ County

District

Zoning District

Existing Land Use

Urban Growth Area (Outside City Limits)

Planning Sector

Land Use (City)/Place Type (County)

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 **PR (Planned Residential)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment Proposed Plan Designation(s)

up to 4 du/ac

Proposed Density (units/acre) Previous Rezoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request
☐ Amendment Request (Comprehensive Plan)

ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1

\$1,145.00

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

4/29/2024

Applicant Signature

Please Print

Date

Phone / Email

Anderson Geneva Cain Trust

4/29/2024

Property Owner Signature

Please Print

Date



**NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME
MUST BE LISTED BELOW:**

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
Kenneth Anderson	160 Kendemere Pointe Roswell, GA	



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 Owners

Applicant Name

Affiliation

4-29-2024

June 13, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

6-O-24-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

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

K. Anderson and Anderson Geneva Cain Tru See Supplemental Sheet

See Supplemental Sheet

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 and 8757 Grospoint Dr.

132 03605 and 132 03603

Property Address

Parcel ID

FUD

FUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

E of Ebenezer; S. of Grospoint

~9.9 acres

General Location

Tract Size

☐ City ☒ County

3

RAE

RR

District

Zoning District

Existing Land Use

SW County

SR place type

Planned Growth

Planning Sector

Sector Plan Land Use Classification
Land Use Designation

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 PR
Proposed Zoning _____

☐ Plan Amendment Change
Proposed Plan Designation(s) _____

4 dua

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

☒ 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

Please Print

Date

865-546-9321

bmullins@fmsll.com

Phone Number

Email

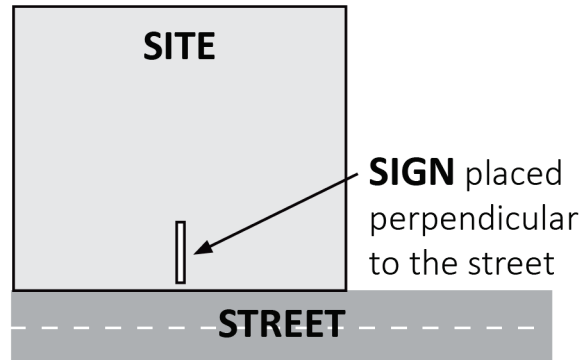
Property Owner Signature

for Nancy Brown (See Supplemental Sheet) 04/29/2024, SG

Please Print

Date Paid

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:

_____ **05/31/2024** _____ and _____ **06/14/2024** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C. Mullins

Date: 04/29/2024

File Number: 6-O-24-RZ



Sign posted by Staff



Sign posted by Applicant