

# REZONING REPORT

▶ **FILE #:** 12-B-24-RZ

**AGENDA ITEM #:** 26

**AGENDA DATE:** 12/12/2024

▶ **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Phillip and Venessa Ivens

TAX ID NUMBER: 40 166

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 4923 SHIPE RD

▶ **LOCATION:** West side of Shipe Rd, east of Washington Pike

▶ **APPX. SIZE OF TRACT:** 34.1 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Shipe Road, a major collector street with a 20-ft pavement width within a 50-ft right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Roseberry Creek

▶ **PRESENT ZONING:** PR (Planned Residential) up to 2.5 du/ac

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

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

▶ **DENSITY PROPOSED:** up to 5 du/ac

EXTENSION OF ZONE: No, it is not an extension

HISTORY OF ZONING: Parcel included in a 2005 request for the PR zone up to 3 du/ac, and approved for PR up to 2.5 du/ac (8-Q-05-RZ)

SURROUNDING LAND USE AND ZONING: North: Single-family residential, agriculture/forestry/vacant land - A (Agricultural)

South: Rural residential - A (Agricultural)

East: Rural residential, single-family residential - A (Agricultural)

West: Rural residential, agriculture/forestry/vacant land - A (Agricultural), PR (Planned Residential) up to 2.5 du/ac

NEIGHBORHOOD CONTEXT: This is a rural, residential area predominantly composed of multi-acre single-family lots, forest and farms. There is a large Knox County Corrections facility nearby to the west.

**STAFF RECOMMENDATION:**

▶ **Deny the PR (Planned Residential) zone with a density of up to 5 du/ac because it is not supported by surrounding infrastructure and amenities.**

**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. This property is in an area that is rural in character and predominantly comprised of large single-family lots, farmland and forest. Since 2003, there has been a moderate transition in land use towards single-family residential subdivisions to the northeast and southwest built at densities no greater than 3 du/ac. There is one small townhouse subdivision nearby built at a density of 4.5 du/ac with direct access to Washington Pike, a minor arterial street with a pavement width of approximately 20 ft.
2. In 2023, a development plan for a residential subdivision adjacent to the subject property to the west was approved with a density of 2.5 du/ac. The development includes a stub out that could connect it to the subject property, providing alternative access to Ellistown Road, a 20-ft wide collector street.
3. The subject property was previously in the Rural Area but was incorporated into an expanded Planned Growth Area when the Growth Policy Plan was updated this year. Although there has been a policy change regarding the amount of residential intensity that can be considered here, the current conditions do not support the requested increase in PR (Planned Residential) zone density from 2.5 to 5 du/ac. The existing density is consistent with local trends in residential subdivision development, which have densities no greater than 2.5 du/ac where access is on a collector street and not an arterial like Washington Pike.

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

1. The PR zone is intended to provide development flexibility in response to environmental conditions on a site, such as streams or steep slopes. It allows development to be clustered in the less challenged areas of a lot to preserve more sensitive areas.
2. The subject property is bisected by a blue line stream, and the southern half of the property has steeper, forested slopes. These conditions are consistent with the intent of the PR zone, but do not support an increase in the existing intensity of 2.5 du/ac, which can already yield 85 units on this lot.

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 requested density of 5 du/ac could result in the development of 170 units on the subject property. Development of this scale could have an adverse impact on the two-lane roads surrounding the property, including its primary access to Shipe Road, a 20-ft wide collector street with no shoulders. There are no roadway capital improvements planned to occur in this general area.
2. This intensity of development would also be out of character with existing residences and could negatively impact scenic and environmental assets of the area.

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 subject property is in the RC (Rural Conservation) place type of the Knox County Comprehensive Plan. The existing PR zone is partially related to this place type, and meets the criteria for partially related zones because the district is compatible with the existing PR zoning adjacent to it.
2. The existing density of 2.5 du/ac is consistent with the intent of the RC place type to accommodate residential development that conserves 50% to 70% of a site.
3. Denying an increase in residential density at this location is consistent with the Comprehensive Plan's Implementation Policy 9 to coordinate infrastructure improvements with development, and Policy 2 to ensure that development is consistent with community character.
4. The existing density is consistent with the property's location in the Planned Growth Area, which states that housing choices should be coordinated with the provision of adequate roads, utilities, schools and other facilities and services. Current road conditions and a lack of residential amenities, such as schools, parks and service-oriented commerce, do not support an increase in residential intensity at this time.

ESTIMATED TRAFFIC IMPACT: 1644 (average daily vehicle trips)

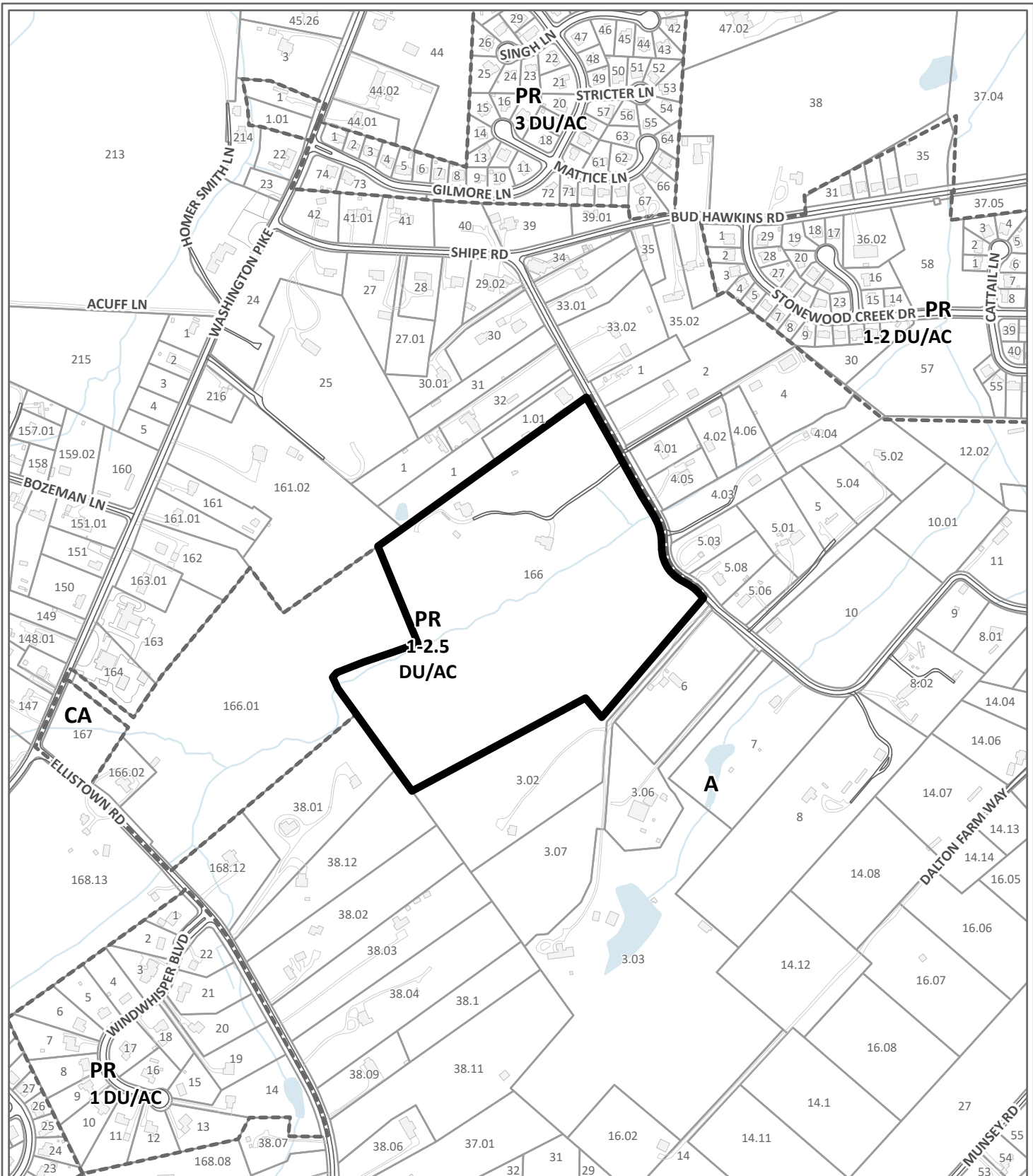
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 72 (public school children, grades K-12)

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

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 1/27/2025. 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.



**REZONING**

**12-B-24-RZ**

**Petitioner:** Benjamin C. Mullins



**From:** PR (Planned Residential) up to 2.5 du/ac

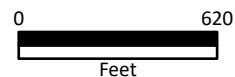
**To:** PR (Planned Residential) up to 5 du/ac

**Map No:** 40

**Jurisdiction:** County

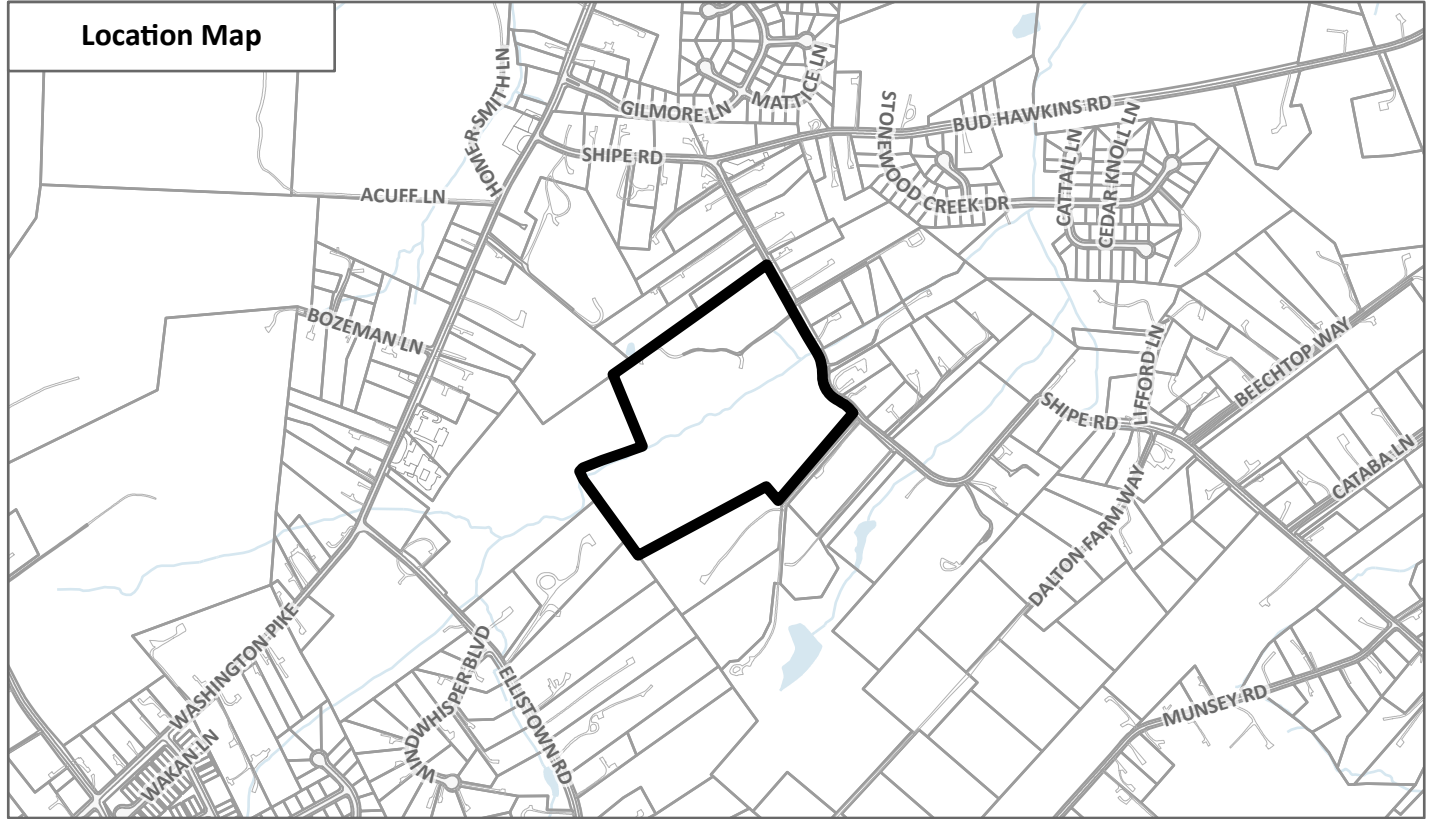
**Original Print Date:** 11/1/2024

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

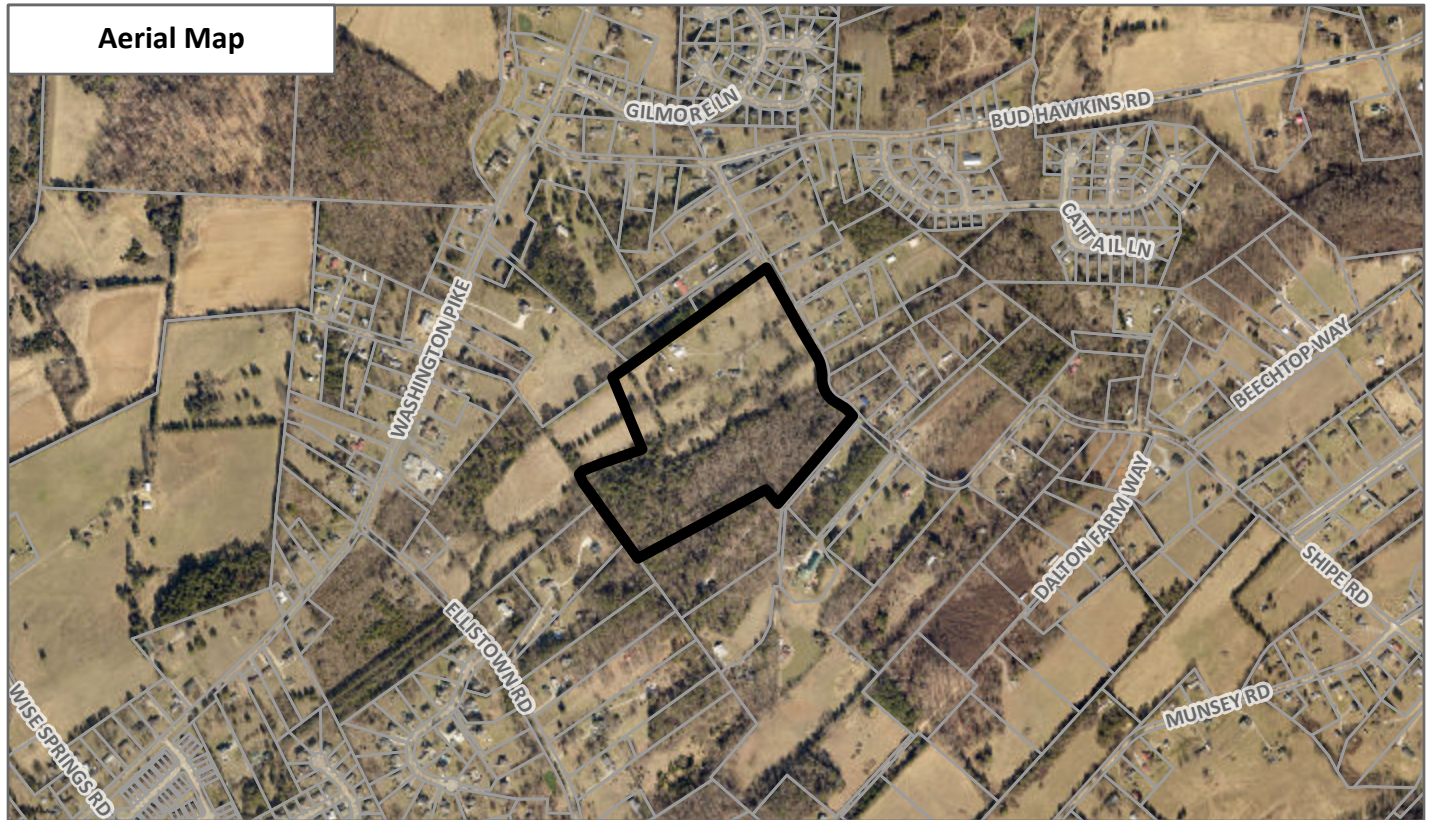


# Exhibit A. Contextual Images

Location Map



Aerial Map

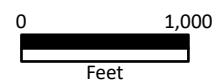


CONTEXTUAL MAPS 1

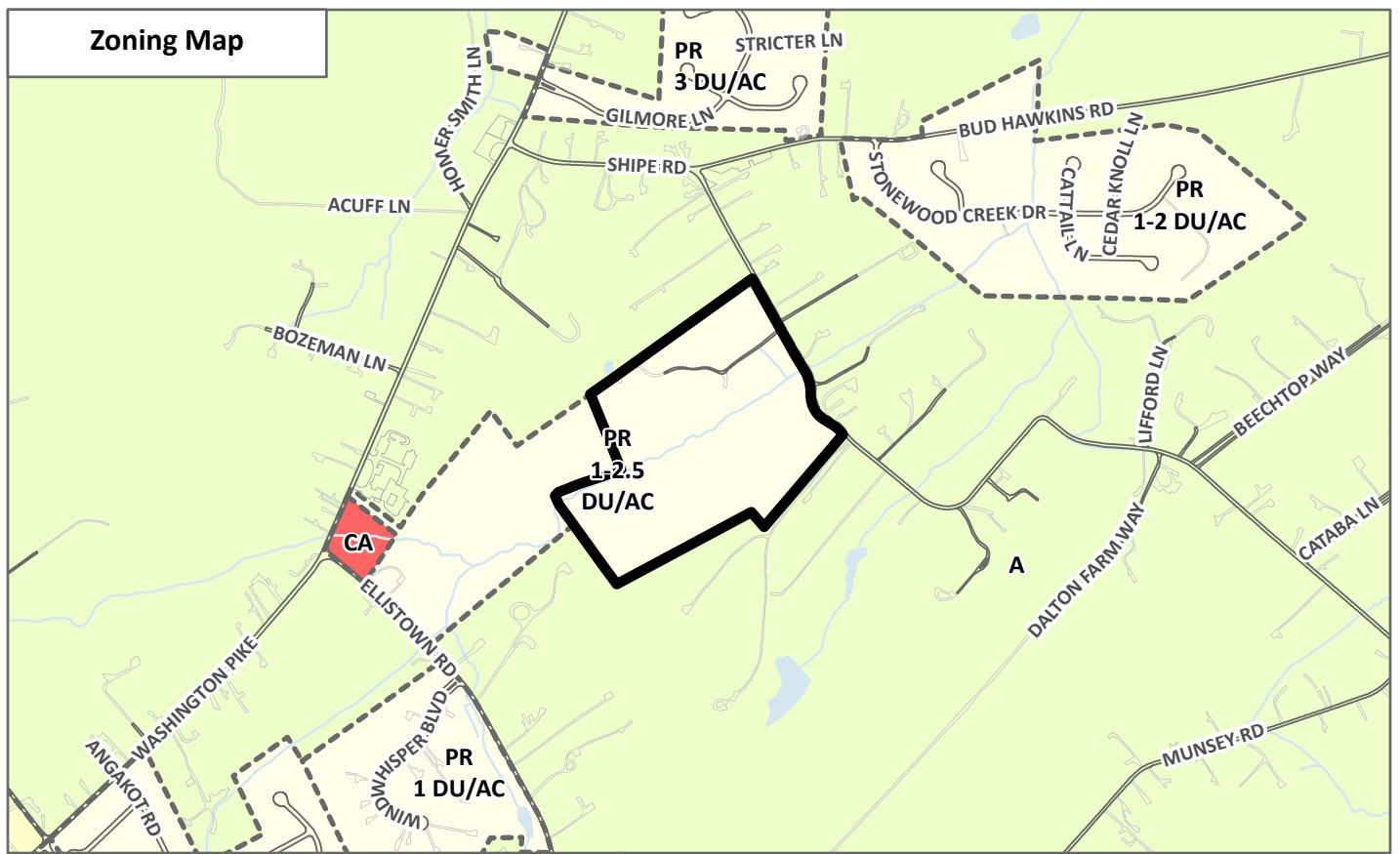
12-B-24-RZ



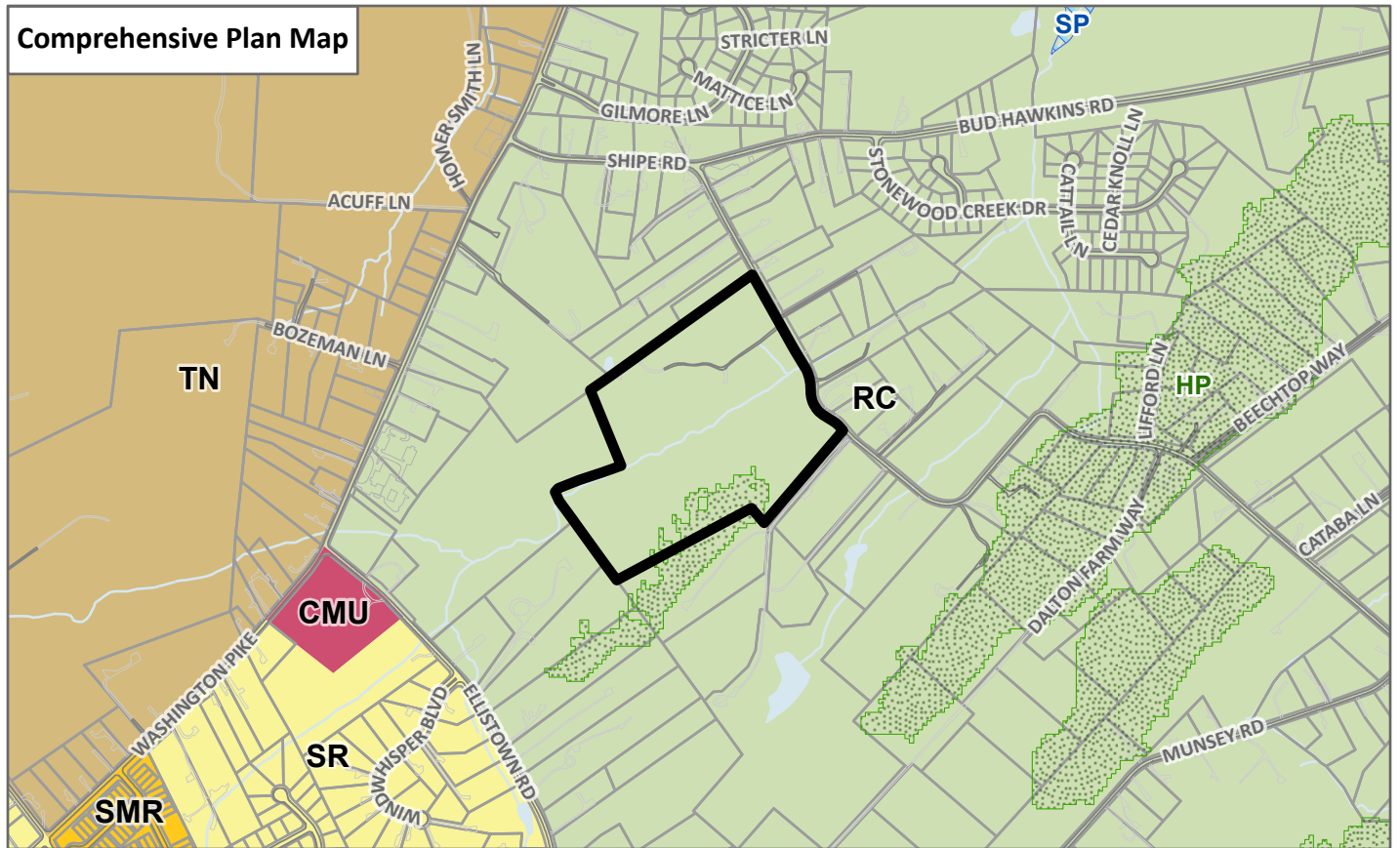
Case boundary



Zoning Map



Comprehensive Plan Map

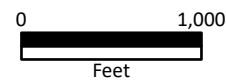


CONTEXTUAL MAPS 2

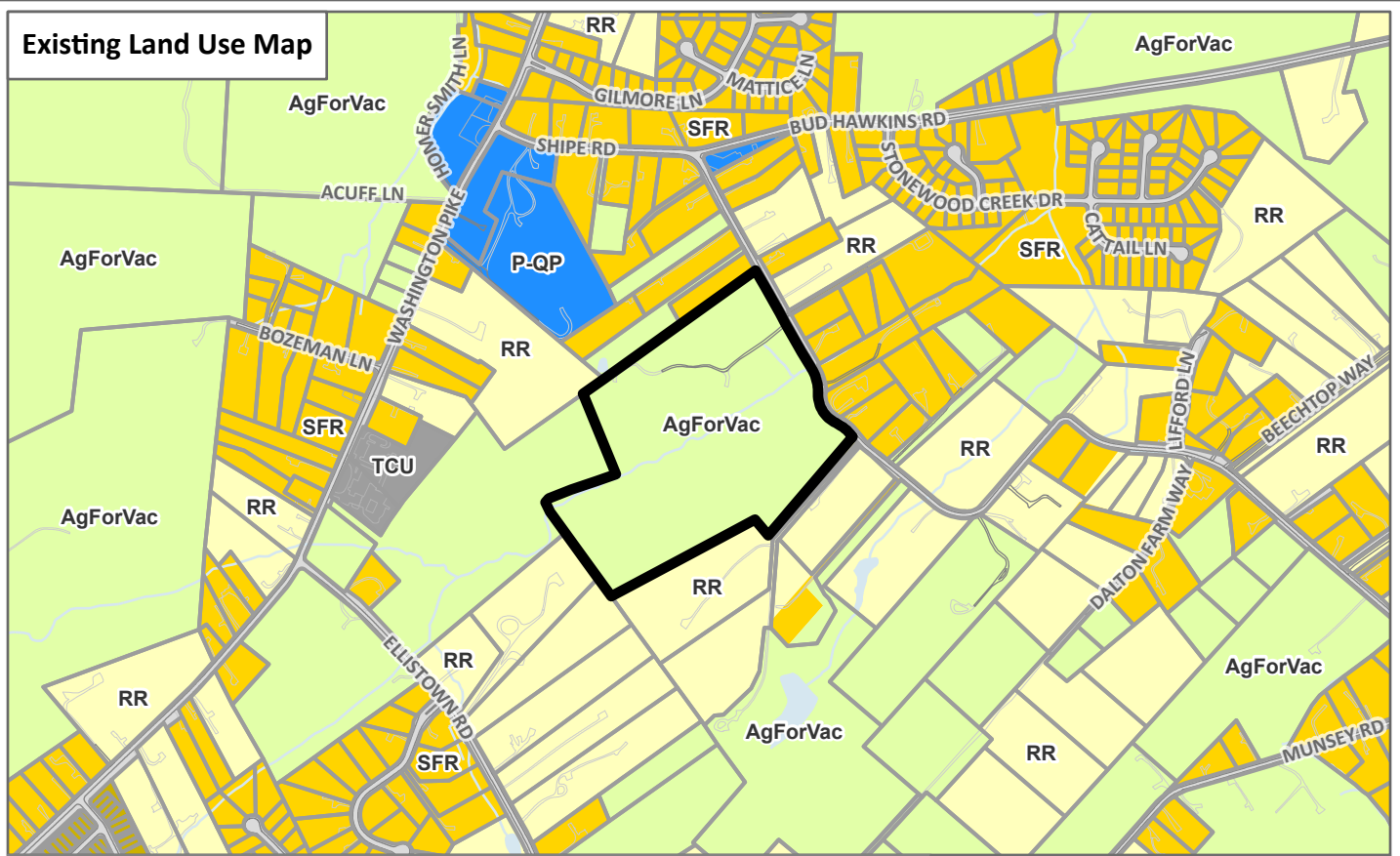
12-B-24-RZ



Case boundary



**Existing Land Use Map**

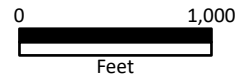


**CONTEXTUAL MAPS 3**

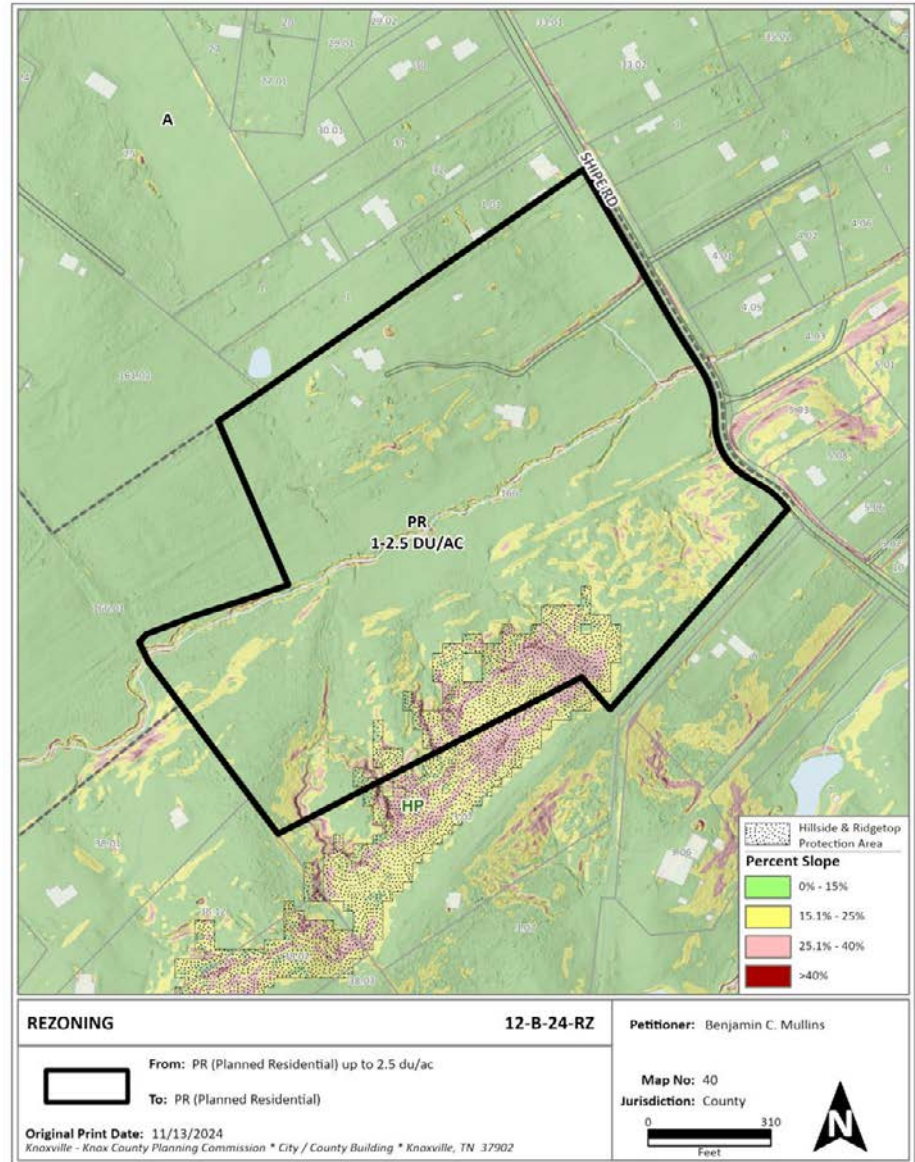
**12-B-24-RZ**



Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
<b>Total Area of Site</b>	<b>34.1</b>		
Non-Hillside	31.5	N/A	
0-15% Slope	0.3	100%	0.3
15-25% Slope	1.4	50%	0.7
25-40% Slope	0.9	20%	0.2
Greater than 40% Slope	0.1	10%	0.0
Ridgetops			
<b>Hillside Protection (HP) Area</b>	2.6	Recommended disturbance budget within HP Area (acres)	<b>1.1</b>
		Percent of HP Area	<b>44.6%</b>



**REZONING**

**12-B-24-RZ**

Petitioner: Benjamin C. Mullins



From: PR (Planned Residential) up to 2.5 du/ac

To: PR (Planned Residential)

Map No: 40

Jurisdiction: County

Original Print Date: 11/13/2024

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







# 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

**10/24/2024**

Date Filed

**12/12/2024**

Meeting Date (if applicable)

**12-B-24-RZ**

File Number(s)

### CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Surveyor
- Engineer
- Architect

**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

**Phillip and Venessa Ivens**

Owner Name (if different)

**173 Hamil Rd Friendsville TN 37737**

Owner Address

**865-755-7979**

Owner Phone / Email

**4923 SHIPE RD**

Property Address

**40 166**

Parcel ID

**34.1 acres**

Tract Size

Part of Parcel (Y/N)?

**Knoxville Utilities Board**

Sewer Provider

**Northeast Knox Utility District**

Water Provider

**No**

Septic (Y/N)

### COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

## 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	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

## ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <b>PR (Planned Residential)</b>	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment    Proposed Plan Designation(s)	

### up to 5 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	Total
<b>\$2,355.00</b>	
Fee 2	
Fee 3	

## AUTHORIZATION

*By signing below, 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. If there are additional owners or option holders, each additional individual must sign the Property Owners/Option Holders Form.*

Applicant Signature	<b>Benjamin C. Mullins</b> Please Print	<b>10/24/2024</b> Date
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Property Owner Signature	<b>Phillip and Venessa Ivens</b> Please Print	<b>10/24/2024</b> Date
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# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - SP
  - PA
- Rezoning

Benjamin C. Mullins

Applicant

Applicant Name *BCM*

Affiliation

October <sup>24</sup> 28, 2024

December 12, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

**12-B-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

bnullins@fmsllp.com

Phone

Email

### CURRENT PROPERTY INFO

Phillip and Vanessa Ivens

173 Hamil Rd. Friendsville, TN 37737

865-755-7979

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

4923 Shipe Rd

040 166

Property Address

Parcel ID

KUB

East Knox Utility

N

Sewer Provider

Water Provider

Septic (Y/N)

### COMMUNITY ENGAGEMENT

Sign and return the **Public Notice & Community Engagement** form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.**

**DEVELOPMENT REQUEST**

- Development Plan
- Use on Review / Special Use
- Hillside Protection COA
- Residential
- Non-Residential

Related City Permit Number(s)

Home Occupation (specify)

Other (specify)

**SUBDIVISION REQUEST**

Related Rezoning File Number

Proposed Subdivision Name

Unit / Phase Number  Combine Parcels  Divide Parcel Total Number of Lots Created

Other (specify)

Attachments / Additional Requirements

**ZONING REQUEST**

Pending Plat File Number

Zoning Change **PR**  
Proposed Zoning

Plan Amendment Change  
Proposed Plan Designation(s)

**5 dua**

Proposed Density (units/acre) Previous Rezoning Requests

Other (specify)

**STAFF USE ONLY**


**PLAT TYPE** Fee 1 Total  
 Staff Review  Planning Commission

**ATTACHMENTS** Fee 2  
 Property Owners / Option Holders  Variance Request  
 Amendment Request (*Comprehensive Plan*)

**ADDITIONAL REQUIREMENTS** Fee 3  
 Use on Review / Special Use (*Concept Plan*)  
 Traffic Impact Study  
 COA Checklist (*Hillside Protection*)

**AUTHORIZATION**

*By signing below, 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. If there are additional owners or options holders, each additional individual must sign the Property Owners/Option Holders Form.*

 Benjamin C. Mullins **10-24-24**  
~~10-28-24~~ **RCM**  
 Applicant Signature Print Name / Affiliation Date

865-546-9321 bnullins@fmsllp.com  
 Phone Number Email

 Phillip Ivens **10-22-2024**  
 Property Owner Signature Please Print Date Paid  
 **Vanessa Ivens** **10/24/2024, SG**



# Public Notice and Community Engagement

## Sign Posting and Removal

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.

**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.

## Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

### Acknowledgement

*By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.*

**November 29, 2024**

**December 13, 2024**

~~December 1, 2024~~

~~December 14, 2024~~

Date to be Posted

Date to be Removed

**Have you engaged the surrounding property owners to discuss your request?**

Yes  No

No, but I plan to prior to the Planning Commission meeting

Applicant Signature

**Benjamin C. Mullins**

Applicant Name

**10-23-24**

Date

**12-B-24-RZ**

FILE NUMBER