

REZONING REPORT

▶ **FILE #:** 12-G-24-RZ

AGENDA ITEM #: 30

AGENDA DATE: 12/12/2024

▶ **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Barbara Smith co-executor/estate of W. Smith

TAX ID NUMBER: 68 I B 009

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 6350 CLINTON HWY

▶ **LOCATION:** North side of Clinton Hwy, south of Cherrybrook Dr

▶ **APPX. SIZE OF TRACT:** 19.28 acres

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Clinton Highway, a major arterial street with a 60-ft pavement width within a right-of-way with ranging from 113 ft to 122 ft.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Knob Fork Creek

▶ **PRESENT ZONING:** A (Agricultural), CA (General Business)

▶ **ZONING REQUESTED:** RB (General Residential)

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

EXTENSION OF ZONE: Yes, it is a minor extension from the north, east and west.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single family residential - RB (General Residential)

South: Commercial, office - CA (General Business)

East: Single family residential, rural residential - RB (General Residential)

West: Single family residential, multifamily residential, agriculture/forestry/vacant - RB (General Residential), CA (General Business)

NEIGHBORHOOD CONTEXT: This property is located between the Cherrybrook single-family neighborhood to the north and west and the commercial corridor along Clinton Highway to the south. There is a regional commercial node with big-box stores nearby to the west at the intersection of Clinton Highway and Schaad Road.

STAFF RECOMMENDATION:

▶ **Approve the RB (General Residential) zone because it is a minor extension that provides a compatible transition of land use intensity, subject to 1 condition.**

1. Maintaining or replacing a 20-ft tree buffer along the northwest lot line, starting from the rear of 1714 Cherrybrook Drive (Parcel 0681B028) to the rear of 1556 Cherrybrook Drive (Parcel 0681B040).

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 subject property is located along Clinton Highway between the established single-family Cherrybrook neighborhood to the northwest and service-oriented commercial businesses along the major arterial corridor. The requested RB (General Residential) zone would serve as a transition of land use intensity between low density residential and commercial development.
2. Less than a quarter-mile to the west, at the intersection of Schaad Road and Clinton Highway, is the Northwest Crossing and Crown Point Plaza shopping centers. Expansion and infill of this major commercial node is ongoing. These service-oriented commercial amenities support more intensive residential development on the subject property.

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

1. The RB zone is intended for a medium population density. The principal uses of land may range from houses to multi-dwelling developments. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted.
2. The subject property has direct access to Clinton Highway, but is buffered from highway hazards by small-scale commercial businesses, which make it well-suited for multifamily residential consideration.

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 property is well-located for residential land uses ranging from single-family to multi-family developments. The traffic impact of more residents can be accommodated by its major arterial street access. Amenities like nearby grocery stores, big box stores, and smaller scale restaurants and businesses support more residential activity.
2. The property slopes down towards the Cherrybrook neighborhood, and stormwater will be a concern addressed with Knox County Engineering and Public Works at the concept design and permitting stages. The noted condition to preserve or replace part of the existing tree buffer will help mitigate stormwater issues, and it will shield the neighborhood from taller residential buildings and parking lots.

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 RB zone is directly related to the property's SMR (Suburban Mixed Residential) place type in the Knox County Comprehensive Plan. The SMR place type is intended to provide for a greater mix of housing types, including attached housing or small-scale multifamily housing.
2. This 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.
3. Rezoning this parcel to RB is consistent with the property's location within the Urban Growth Boundary of the Growth Policy Plan. There is ample infrastructure and services here to support more intensive development.

ESTIMATED TRAFFIC IMPACT: Not required.

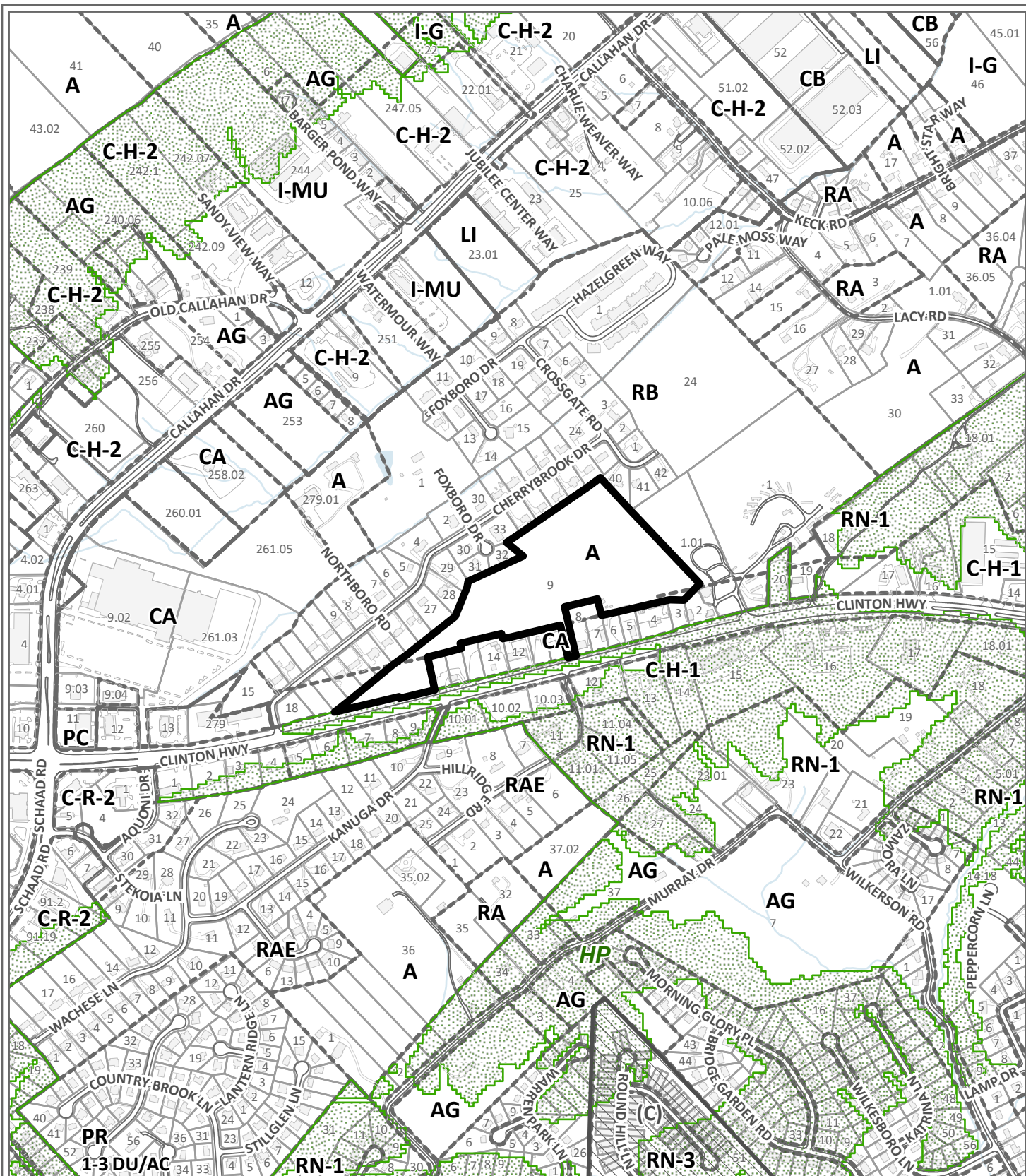
ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Powell Elementary, Powell Middle, and Powell 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-G-24-RZ

Petitioner: Benjamin C. Mullins



From: A (Agricultural), CA (General Business)

To: RB (General Residential)

Map No: 68

Jurisdiction: County

Original Print Date: 11/1/2024

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

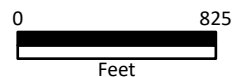
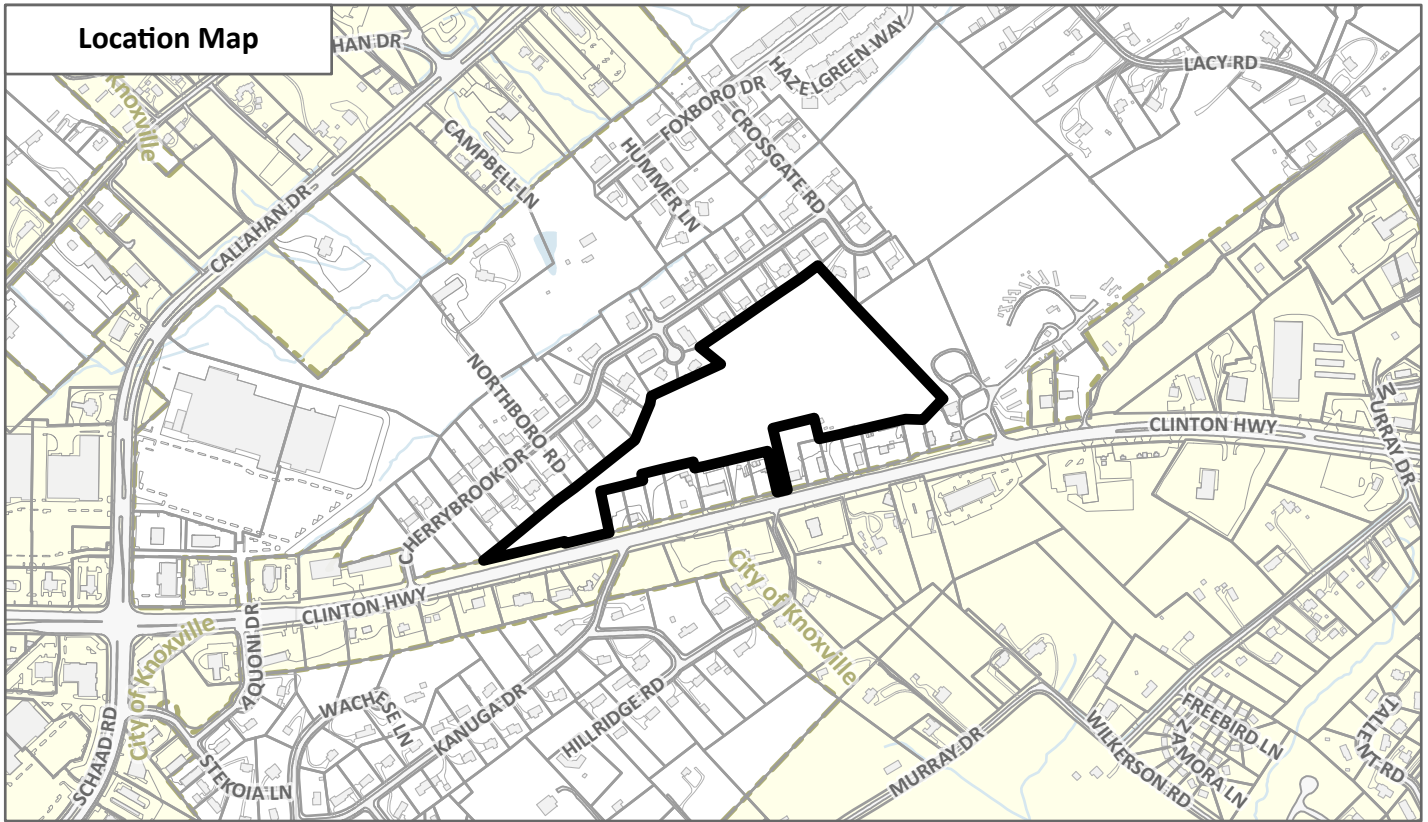
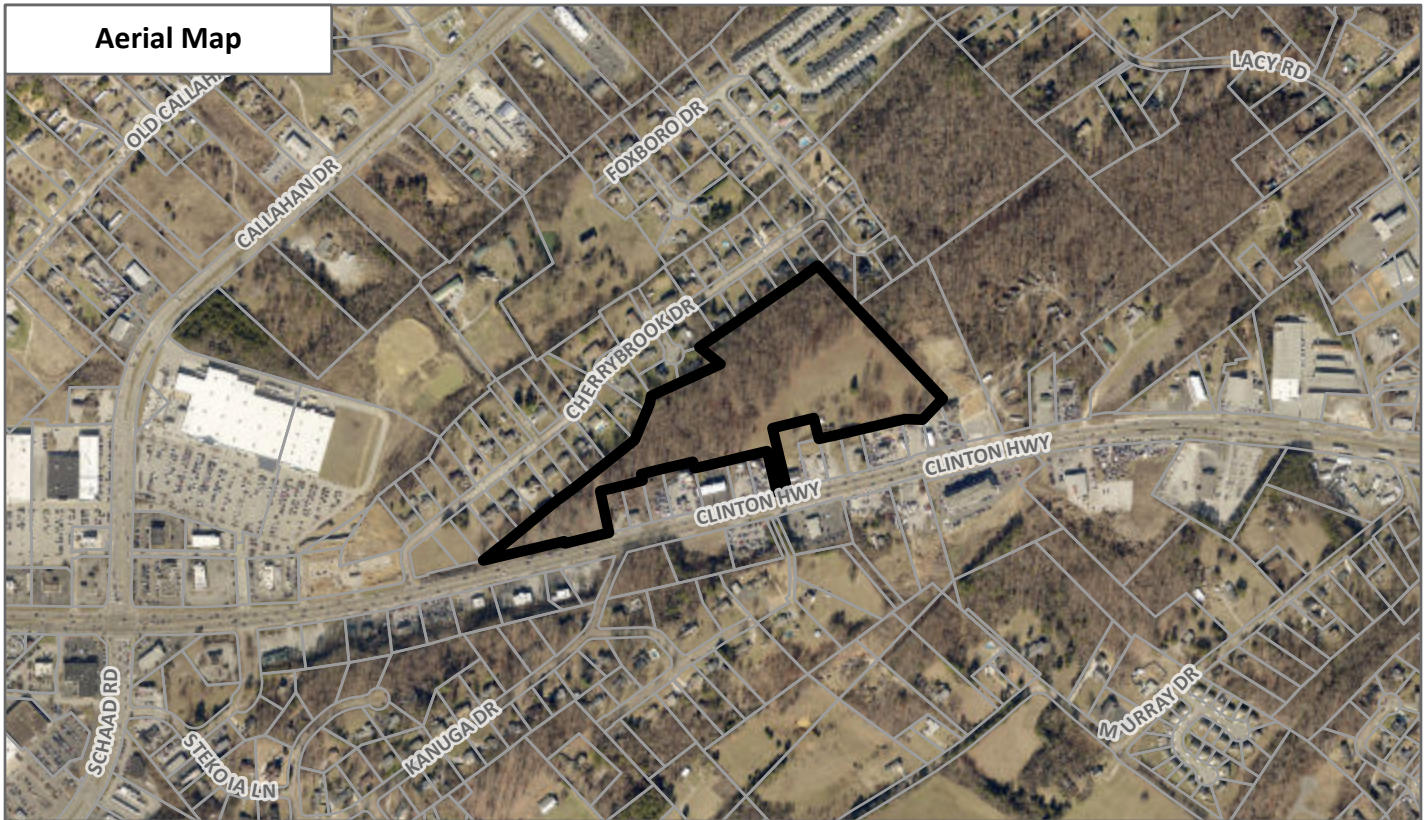


Exhibit A. Contextual Images

Location Map



Aerial Map

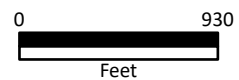


CONTEXTUAL MAPS 1

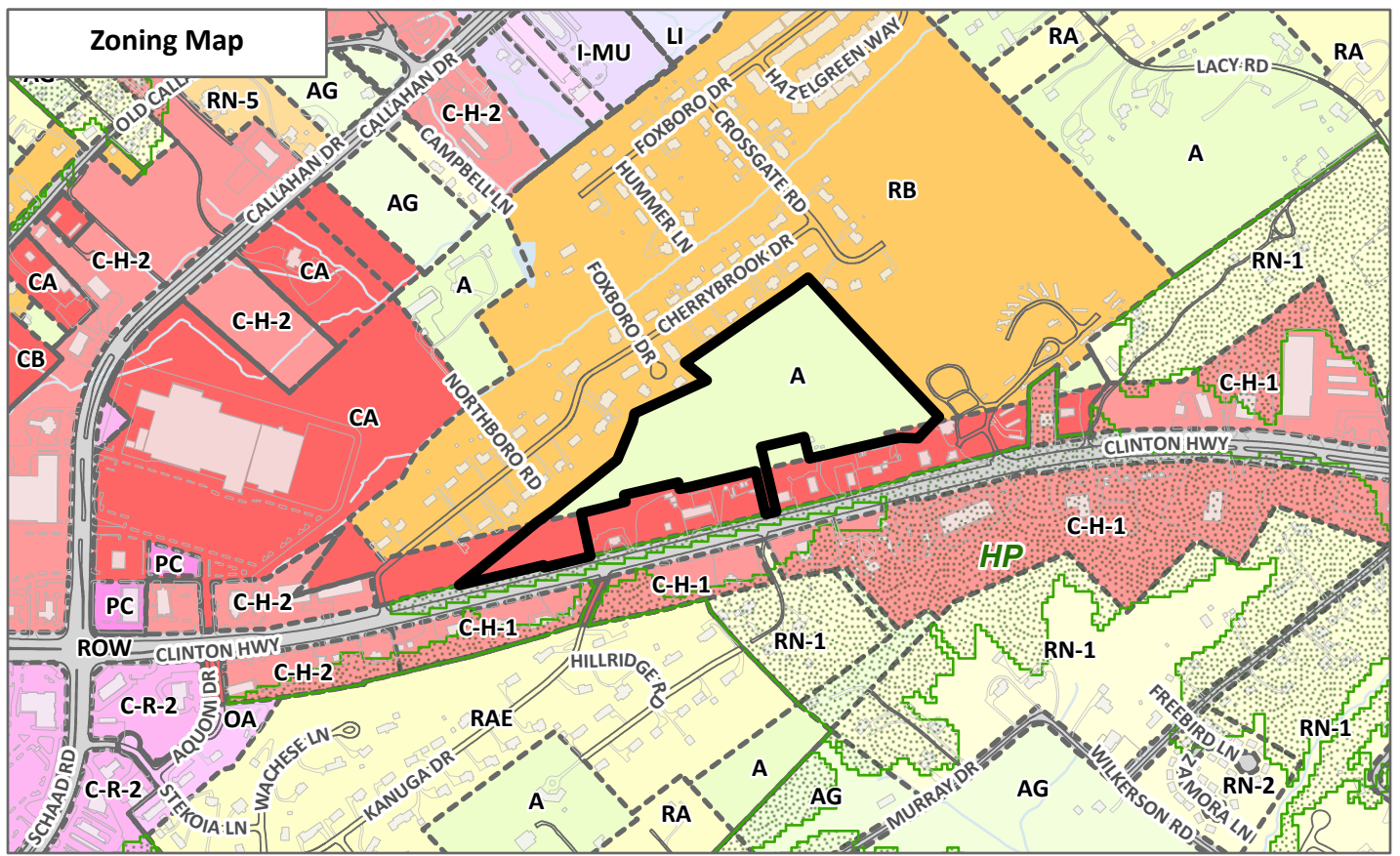
12-G-24-RZ



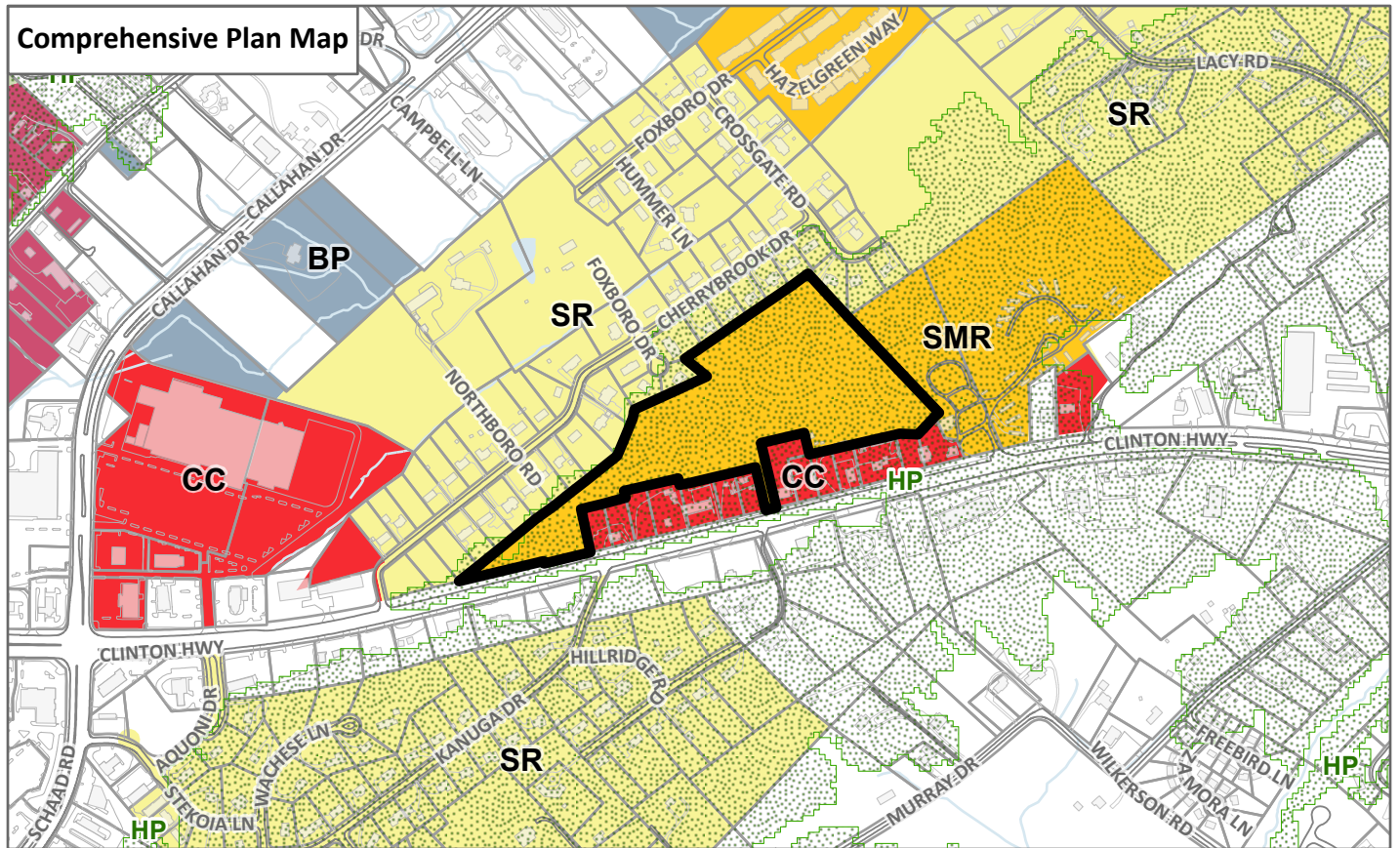
Case boundary



Zoning Map



Comprehensive Plan Map

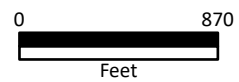


CONTEXTUAL MAPS 2

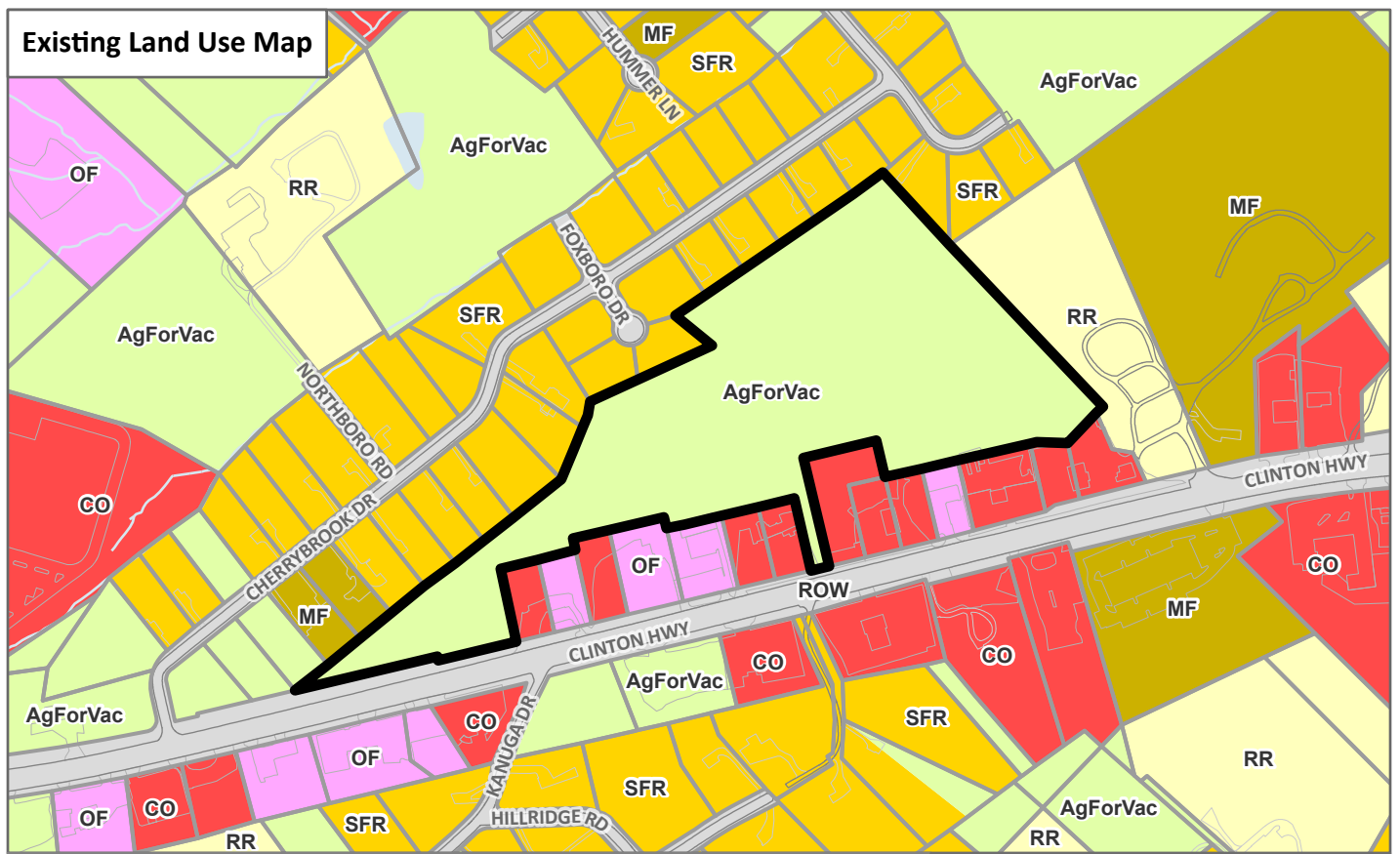
12-G-24-RZ



Case boundary



Existing Land Use Map

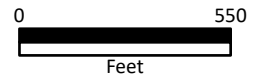


CONTEXTUAL MAPS 3

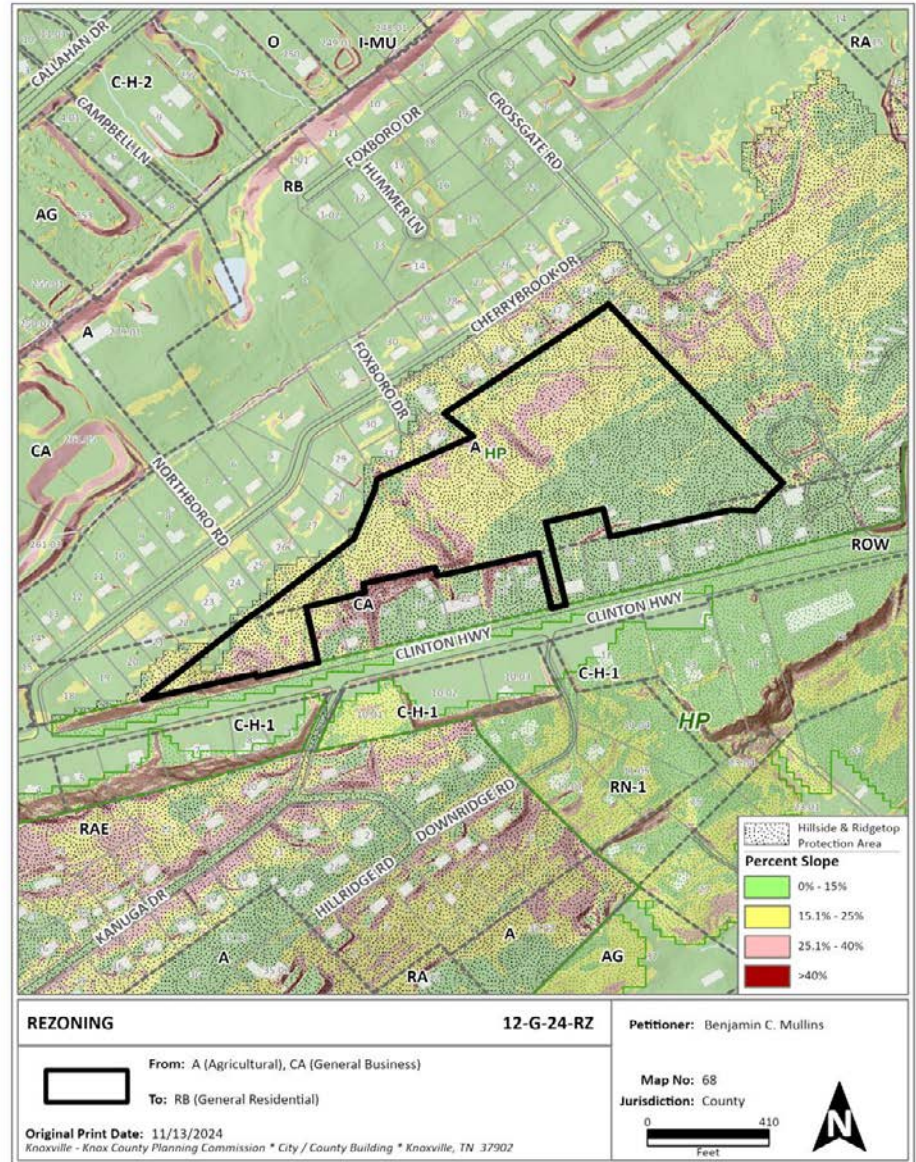
12-G-24-RZ



Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	19.28		
Non-Hillside	0.18	N/A	
0-15% Slope	7.39	100%	7.39
15-25% Slope	8.60	50%	4.30
25-40% Slope	2.72	20%	0.54
Greater than 40% Slope	0.38	10%	0.04
Ridgetops			
Hillside Protection (HP) Area	19.10	Recommended disturbance budget within HP Area (acres)	12.27
		Percent of HP Area	64.3%





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

10/28/2024

12/12/2024

12-G-24-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.

- 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

Barbara Smith co-executor/estate of W.

4204 Deer Creek Dr Knoxville TN 37902

865-396-1560

Owner Name (if different)

Owner Address

Owner Phone / Email

6350 CLINTON HWY

Property Address

68 I B 009

19.28 acres

Parcel ID

Part of Parcel (Y/N)?

Tract Size

Hallsdale-Powell Utility District

Hallsdale-Powell Utility District

No

Sewer Provider

Water Provider

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 RB (General Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment Proposed Plan Designation(s)	

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
\$1,614.00	
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	Benjamin C. Mullins Please Print	10/28/2024 Date
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Property Owner Signature	Barbara Smith co-executor/estate of W. Smith Please Print	10/28/2024 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

Attorney for Property Owner

Applicant Name

Affiliation

October 24, 2024

December 12, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

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

Barbara Smith co-executor/estate of W. Srr 4204 Deer Creek Dr. Knoxville TN 37912

865-396-1560

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

6350 Clinton Highway

0681B009

Property Address

Parcel ID

Hallsdale Powell

Hallsdale Powell

N

Sewer Provider

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

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

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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
 Proposed Zoning **RB**

Plan Amendment Change
 Proposed Plan Designation(s)

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
 Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
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 options holders, each additional individual must sign the Property Owners/Option Holders Form.


 Applicant Signature

Benjamin C. Mullins/Attorney for Owner

10-24-24

Print Name / Affiliation

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

SEE ATTACHED PROPERTY OWNERS SHEET

Property Owner Signature

Please Print

Date Paid



Property Owners Option Holders

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

Please print or type in black ink:

Acknowledgement

By signing below, you acknowledge 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

<i>Barbara K. Smith</i> Signature	Barbara K. Smith Name	Co-Executor for the Estate of William Smith Affiliation	10-24-24 Date	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Option Holder
	4204 Deer Creek Drive Address	Knoxville City	TN State	37912 Zip
<i>Brenda Grindstaff</i> Signature	Brenda Grindstaff Name	Co-Executor for the Estate of William Smith Affiliation	10-24-24 Date	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Option Holder
	1104 Southwick Drive Address	Alcoa City	TN State	37701 Zip
Signature	Name	Affiliation	Date	<input type="checkbox"/> Owner <input type="checkbox"/> Option Holder
	Address	City	State	Zip
Signature	Name	Affiliation	Date	<input type="checkbox"/> Owner <input type="checkbox"/> Option Holder
	Address	City	State	Zip
Signature	Name	Affiliation	Date	<input type="checkbox"/> Owner <input type="checkbox"/> Option Holder
	Address	City	State	Zip
Signature	Name	Affiliation	Date	<input type="checkbox"/> Owner <input type="checkbox"/> Option Holder
	Address	City	State	Zip



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.

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

10-24-24

Date

FILE NUMBER