

REZONING REPORT

▶ **FILE #:** 12-H-24-RZ

AGENDA ITEM #: 31

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 008

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 6356 CLINTON HWY

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

▶ **APPX. SIZE OF TRACT:** 0.46 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 width 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: ZONING** A (Agricultural), CA (General Business)

▶ **REQUESTED: EXISTING** CA (General Business)

▶ **LAND USE:** Commercial

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

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land - A (Agricultural) with RB (General Residential) rezoning pending in the County

South: Commercial - C-H-1 (Highway Commercial) in the City

East: Commercial, agriculture/forestry/vacant land - CA (General Business), A (Agricultural) in the County

West: Commercial, agriculture/forestry/vacant land - CA (General Business), A (Agricultural) in the County

NEIGHBORHOOD CONTEXT: This property is part of the commercial corridor along Clinton Highway. The Cherrybrook single-family neighborhood is nearby to the north. 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 CA (General Business) zone because it is a minor extension within and external to the parcel that is consistent with surrounding development.**

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 part of an established commercial corridor along Clinton Highway. The front half of the property is already zoned CA (General Business) and has an active restaurant and office establishment.
2. These conditions support a minor extension of the CA zone to the rear of the property that is currently zoned A (Agricultural). This would provide a cohesive district for the entire parcel that is compatible with surrounding development.

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

1. The intent of the CA zone is to provide for retail business and services, but not for manufacturing or for processing materials.
2. The purpose of this zone is consistent with the long-standing service-oriented commercial corridor surrounding the subject parcel, which is all zoned commercial, whether it is CA in the County or C-H-1 in the City.

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 no adverse impacts anticipated to occur with this minor expansion of commercial zoning amidst a wide range of service-oriented businesses.

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 requested CA zone is directly related to the property's CC (Corridor Commercial) place type designation in the Knox County Comprehensive Plan, and it would bring zoning into alignment with the land use plan. The CC place type is situated along major transportation corridors that are appropriate for a mix of commercial development including shopping centers, large format retail, and auto-oriented uses.
2. Rezoning the vacant rear portion of this commercial parcel to CA is aligned with the Comprehensive Plan's Implementation Policy 3 to encourage infill and redevelopment of underutilized commercial land.
3. A rezoning from A to CA is compatible with the property's location in the Urban Growth Boundary of the Growth Policy Plan.

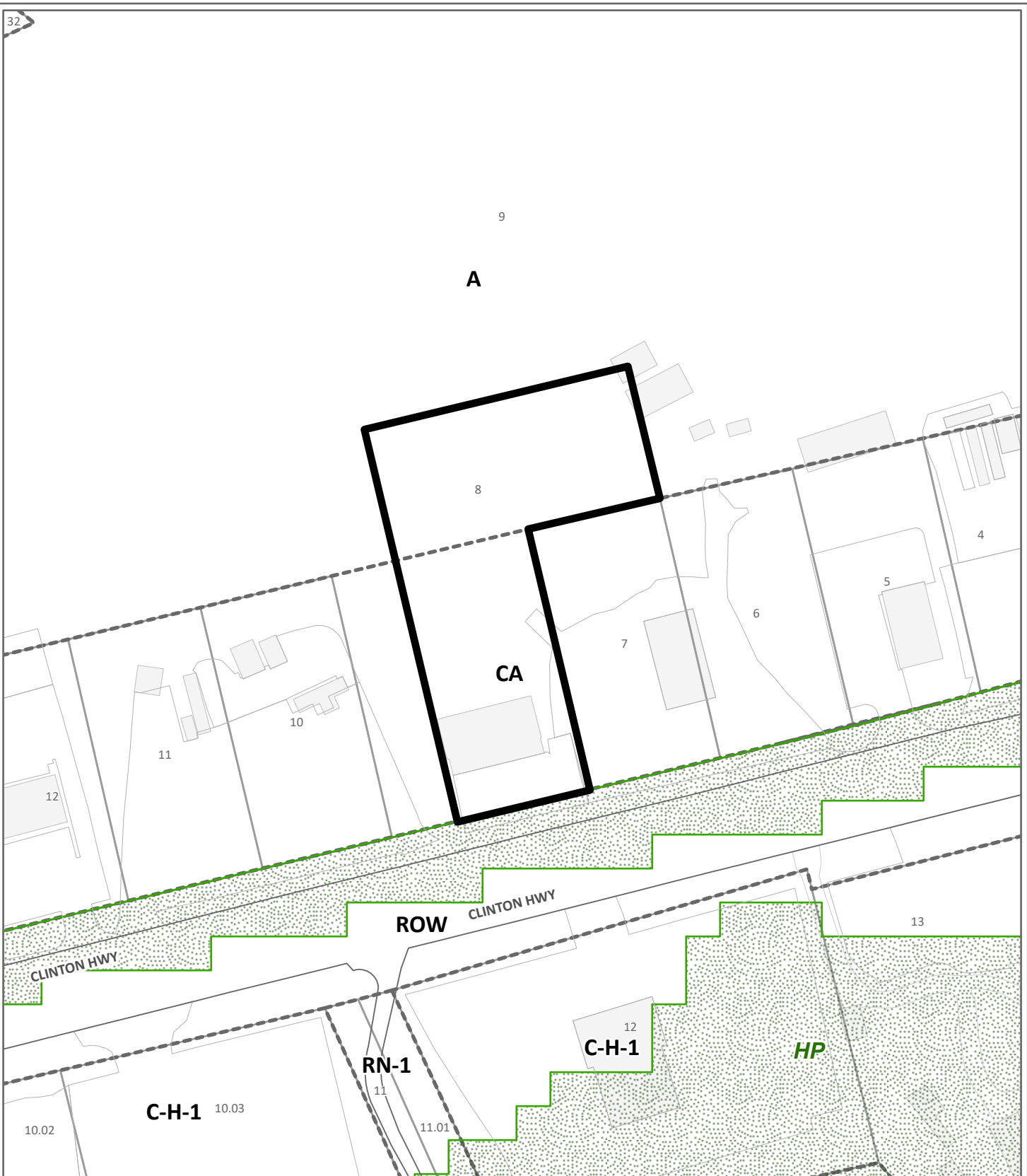
ESTIMATED TRAFFIC IMPACT: Not required.

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-H-24-RZ

Petitioner: Benjamin C. Mullins

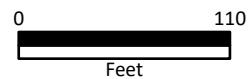


From: A (Agricultural)

To: CA (General Business)

Map No: 68

Jurisdiction: County

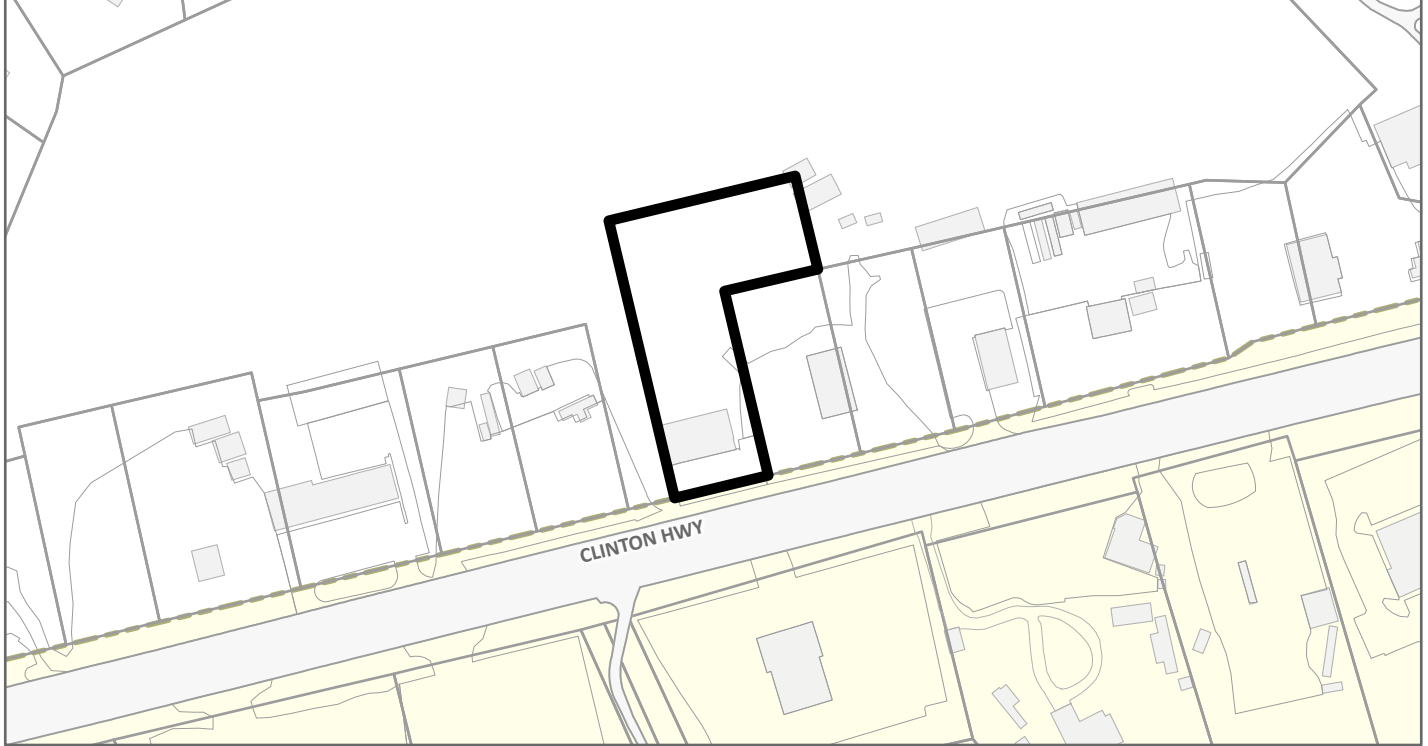


Original Print Date: 11/1/2024

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

Exhibit A. Contextual Images

Location Map



Aerial Map

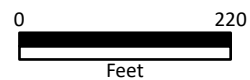


CONTEXTUAL MAPS 1

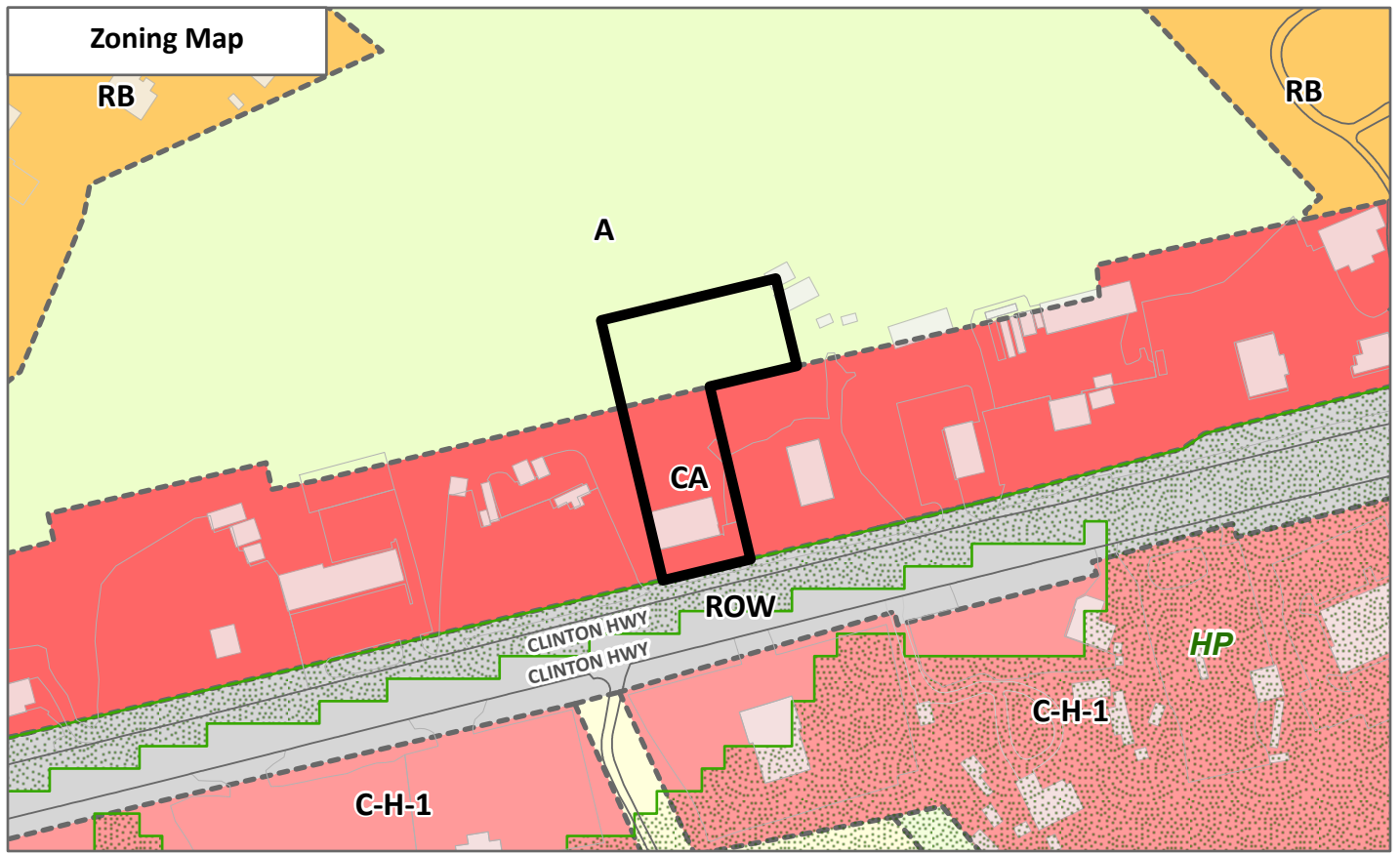
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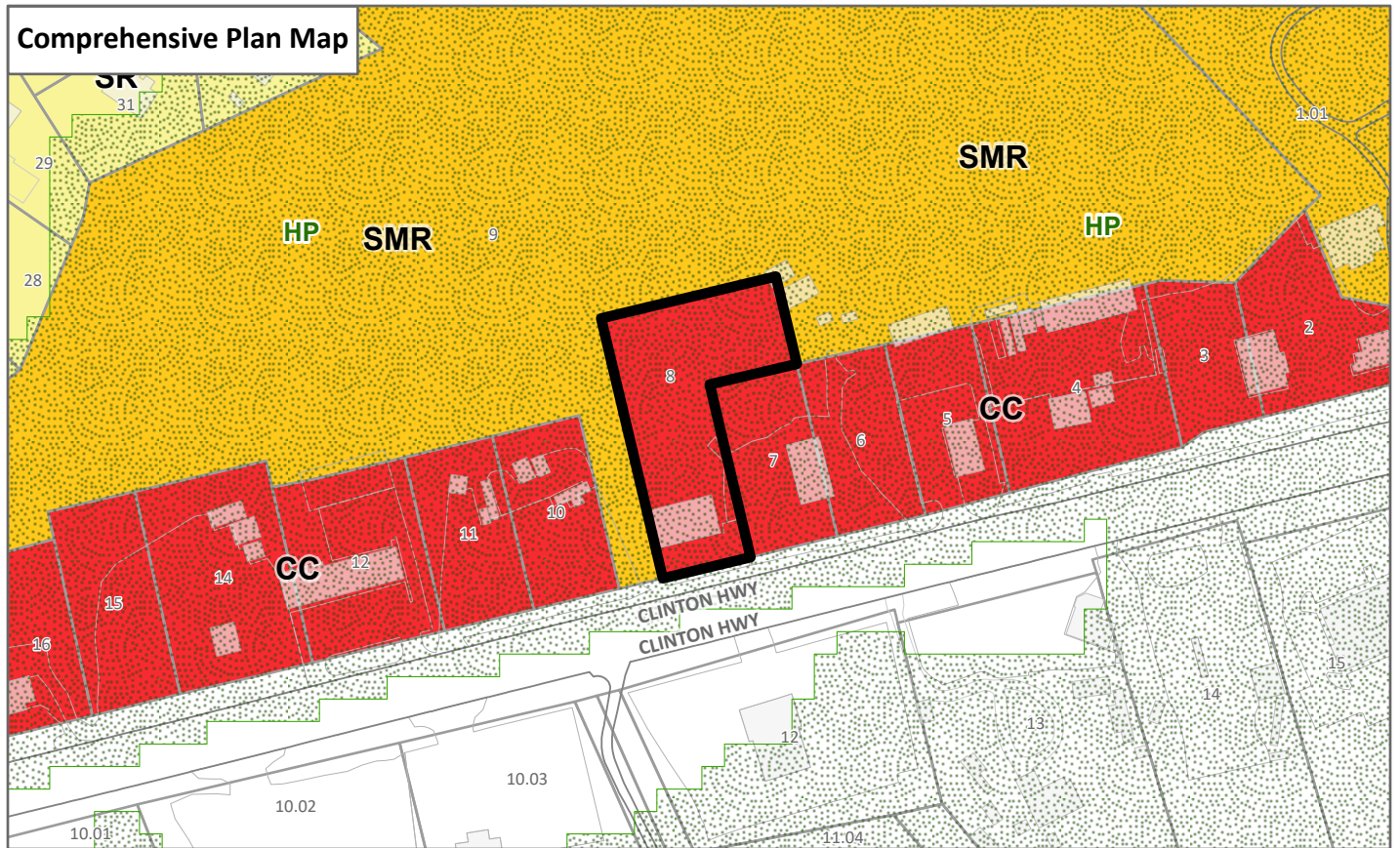
Case boundary



Zoning Map



Comprehensive Plan Map

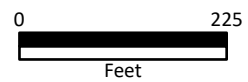


CONTEXTUAL MAPS 2

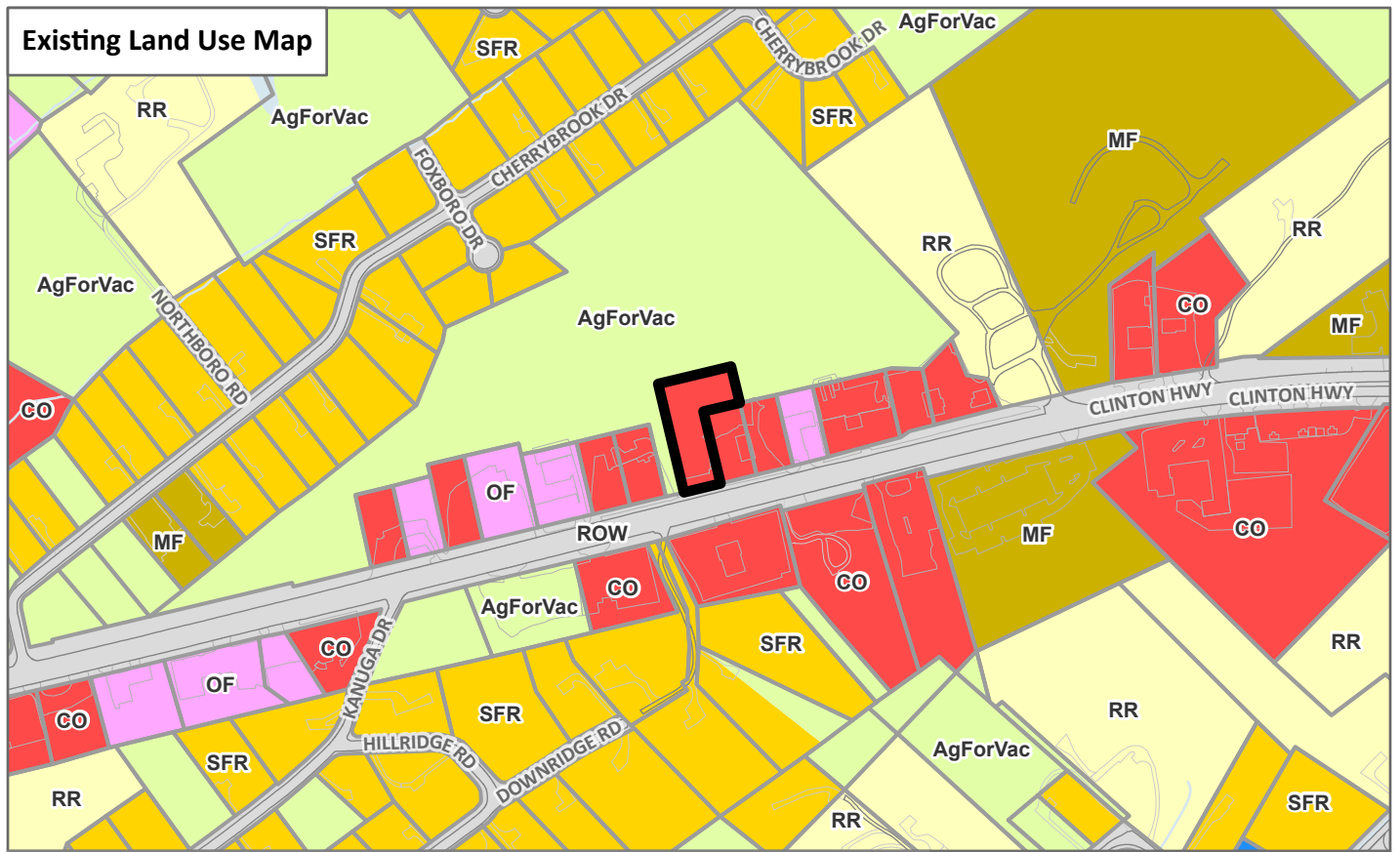
12-H-24-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

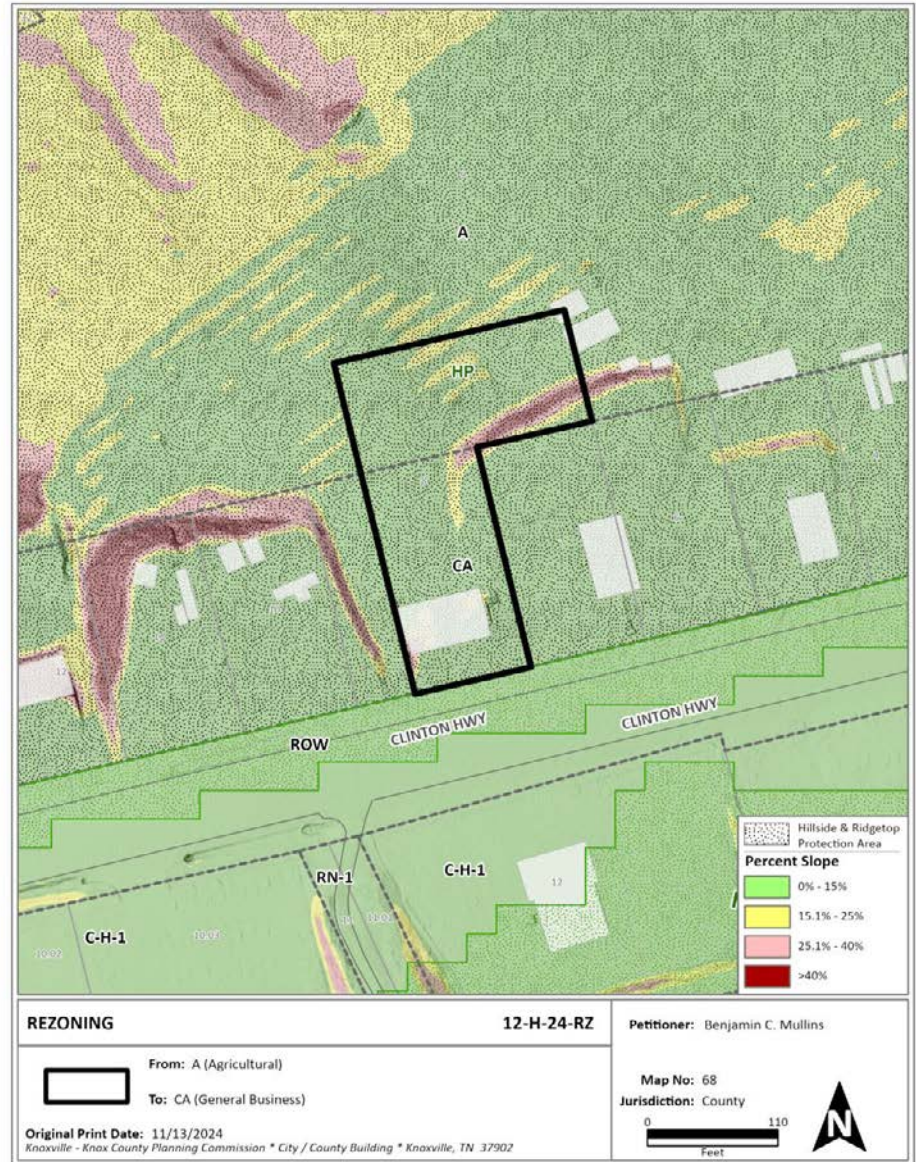
12-H-24-RZ



Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	0.91		
Non-Hillside	0.00	N/A	
0-15% Slope	0.76	100%	0.76
15-25% Slope	0.10	50%	0.05
25-40% Slope	0.03	20%	0.01
Greater than 40% Slope	0.02	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	0.91	Recommended disturbance budget within HP Area (acres)	0.82
		Percent of HP Area	89.4%





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-H-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

6356 CLINTON HWY

Property Address

68 I B 008

0.46 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	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change	CA (General Business) Proposed Zoning	Pending Plat File Number
<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
\$1,000.00	
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

6356 Clinton Highway

0681B008

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.

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
 CA for the entirety of the parcel
 Proposed Zoning

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*)

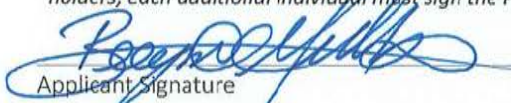
ADDITIONAL REQUIREMENTS

- 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.



Benjamin C. Mullins/Attorney for Owner

10-24-24

Applicant Signature

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

Barbara K. Smith Signature **Barbara K. Smith** Name Co-Executor for the Estate of William Smith Affiliation 10-24-24 Date Owner Option Holder

4204 Deer Creek Drive Address **Knoxville TN** City State **37912** Zip

Brenda Grindstaff Signature **Brenda Grindstaff** Name Co-Executor for the Estate of William Smith Affiliation 10-24-24 Date Owner Option Holder

1104 Southwick Drive Address **Alcoa TN** City State **37701** Zip

Signature Name Affiliation Date Owner Option Holder

Address City State Zip

Signature Name Affiliation Date Owner Option Holder

Address City State Zip

Signature Name Affiliation Date Owner Option Holder

Address City State Zip

Signature Name Affiliation Date Owner 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.

11/29/2024

12/13/2024

~~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

10-24-24

Date

12-H-24-RZ

FILE NUMBER