



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 2-E-24-RZ
2-B-24-SP

AGENDA ITEM #: 30
AGENDA DATE: 2/8/2024

▶ **APPLICANT:** BENJAMIN C. MULLINS
OWNER(S): DJ Wheeler

TAX ID NUMBER: 116 020 [View map on KGIS](#)
JURISDICTION: Commission District 6
STREET ADDRESS: 2600 WE GALLAHER FERRY RD
▶ **LOCATION:** Northeast side of West Gallaher Ferry Rd, north of Hickory Creek Rd
▶ **TRACT INFORMATION:** 112.22 acres.
SECTOR PLAN: Northwest County
GROWTH POLICY PLAN: Rural Area
ACCESSIBILITY: Access is via West Gallaher Ferry Road, a local street with an 18-ft pavement width within a 48-ft right-of-way.
UTILITIES: Water Source: West Knox Utility District
Sewer Source: West Knox Utility District
WATERSHED: Clinch River & Conner Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** AG (Agricultural), HP (Hillside Protection), SP (Stream Protection) / A (Agricultural)
▶ **PROPOSED PLAN DESIGNATION/ZONING:** RR (Rural Residential), HP (Hillside Protection), SP (Stream Protection) / PR (Planned Residential)
▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land, Right of Way/Open Space

▶ **DENSITY PROPOSED:** 2 du/ac
EXTENSION OF PLAN DESIGNATION/ZONING: Yes, this is a minor extension of the RR land use classification. There is also PR zoning with a density of 1.8 du/ac adjacent to the southeast.
HISTORY OF ZONING REQUESTS: None noted.
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Clinch River, agriculture/forestry/vacant land, rural residential, single-family residential - W (Water), AG (Agricultural), HP (Hillside Protection) - A (Agricultural), RA (Low Density Residential)
South: Agriculture/forestry/vacant land, rural residential, single-family residential - AG (Agricultural), RR (Rural Residential), HP (Hillside Protection) - A (Agricultural), PR (k) (Planned Residential) up to 1.8 du/ac
East: Agriculture/forestry/vacant land - AG (Agricultural), HP (Hillside Protection) - RA (Low Density Residential)
West: Clinch River, agriculture/forestry/vacant land - AG (Agricultural),

NEIGHBORHOOD CONTEXT: This area along West Gallaher View Road is heavily wooded with steep slopes and sparse, single-family homes on multi-acre lots.

STAFF RECOMMENDATION:

- ▶ **Postpone for 30 days to the March 7, 2024 Planning Commission meeting per the applicant's request.**

- ▶ **Postpone for 30 days to the March 7, 2024 Planning Commission meeting per the applicant's request.**

COMMENTS:

ESTIMATED TRAFFIC IMPACT: 2119 (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: 93 (public school children, grades K-12)

Schools affected by this proposal: Hardin Valley 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 3/25/2024. 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

January 31, 2024

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

Date of Request

February 8, 2024

Scheduled Meeting Date

2-B-24-SP; 2-E-24-RZ

File Number(s)

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 March 7, 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:

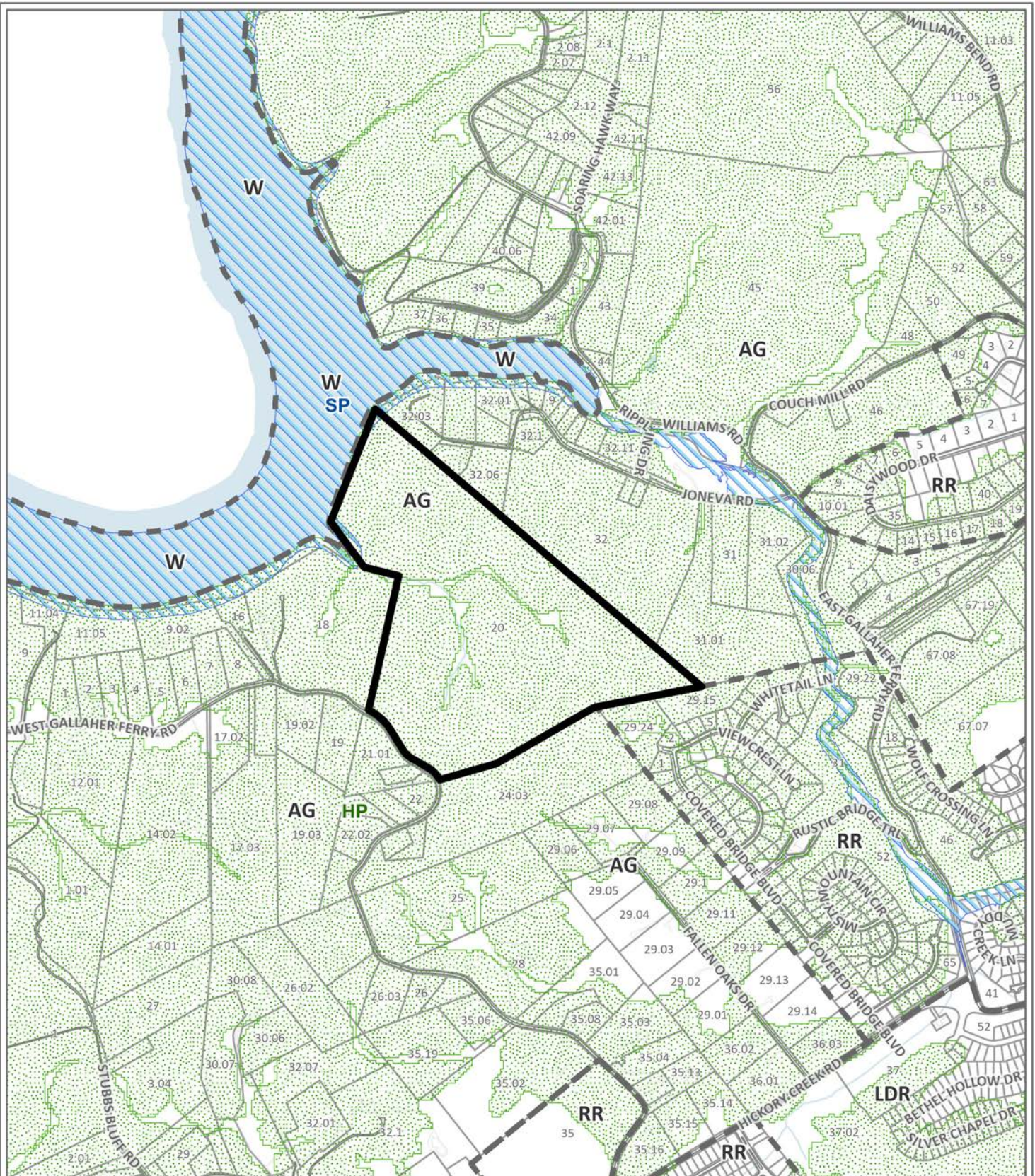
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



**2-B-24-SP
NORTHWEST COUNTY SECTOR PLAN MAP**

Petitioner: Benjamin C. Mullins



From: AG (Agricultural), HP (Hillside Protection), SP (Stream Protection)

To: RR (Rural Residential), HP (Hillside Protection), SP (Stream Protection)

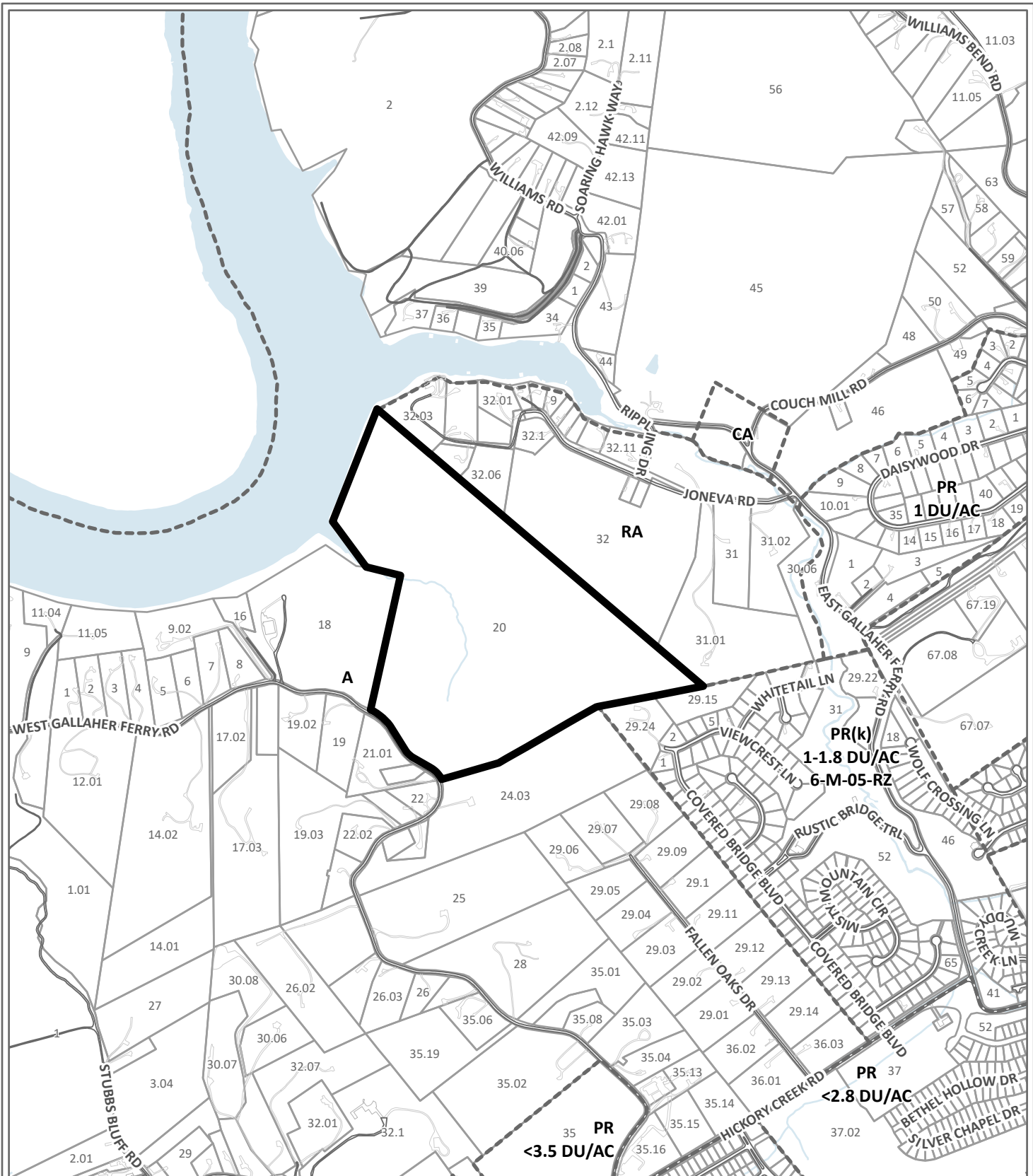
Map No: 116

Jurisdiction: County

Original Print Date: 1/11/2024

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





REZONING

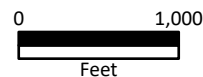
2-E-24-RZ

Petitioner: Benjamin C. Mullins



From: A (Agricultural)
To: PR (Planned Residential)

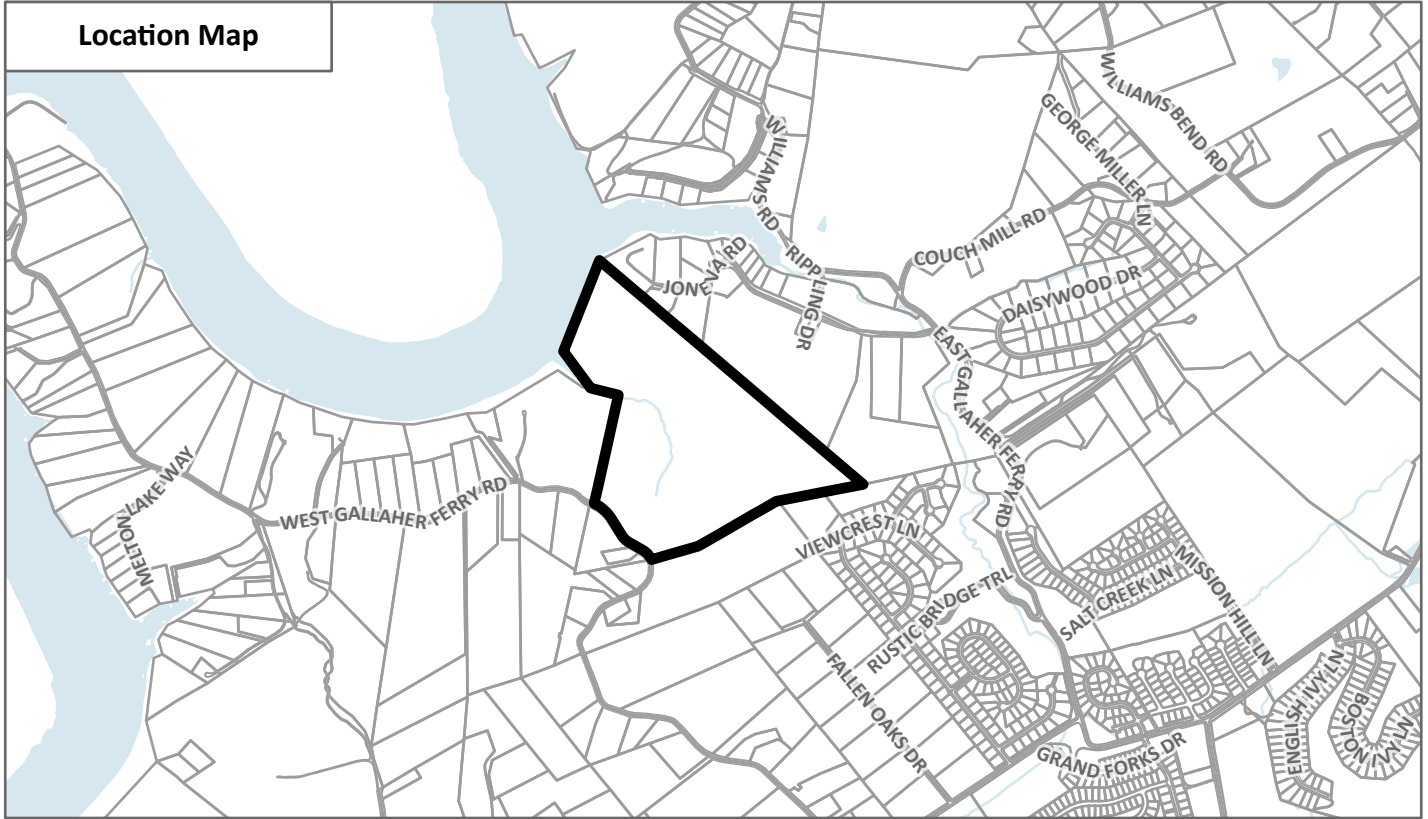
Map No: 116
Jurisdiction: County



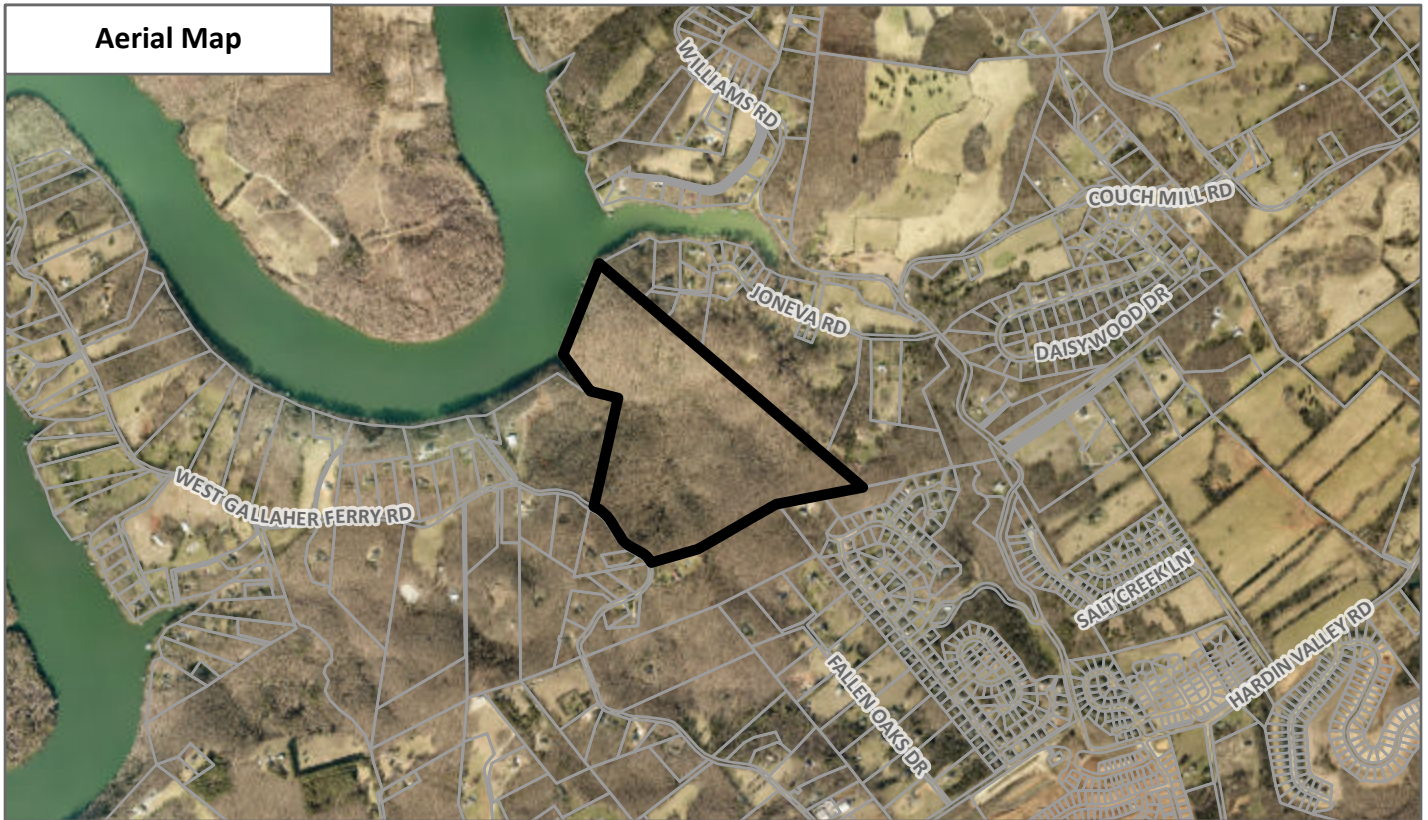
Original Print Date: 1/8/2024
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

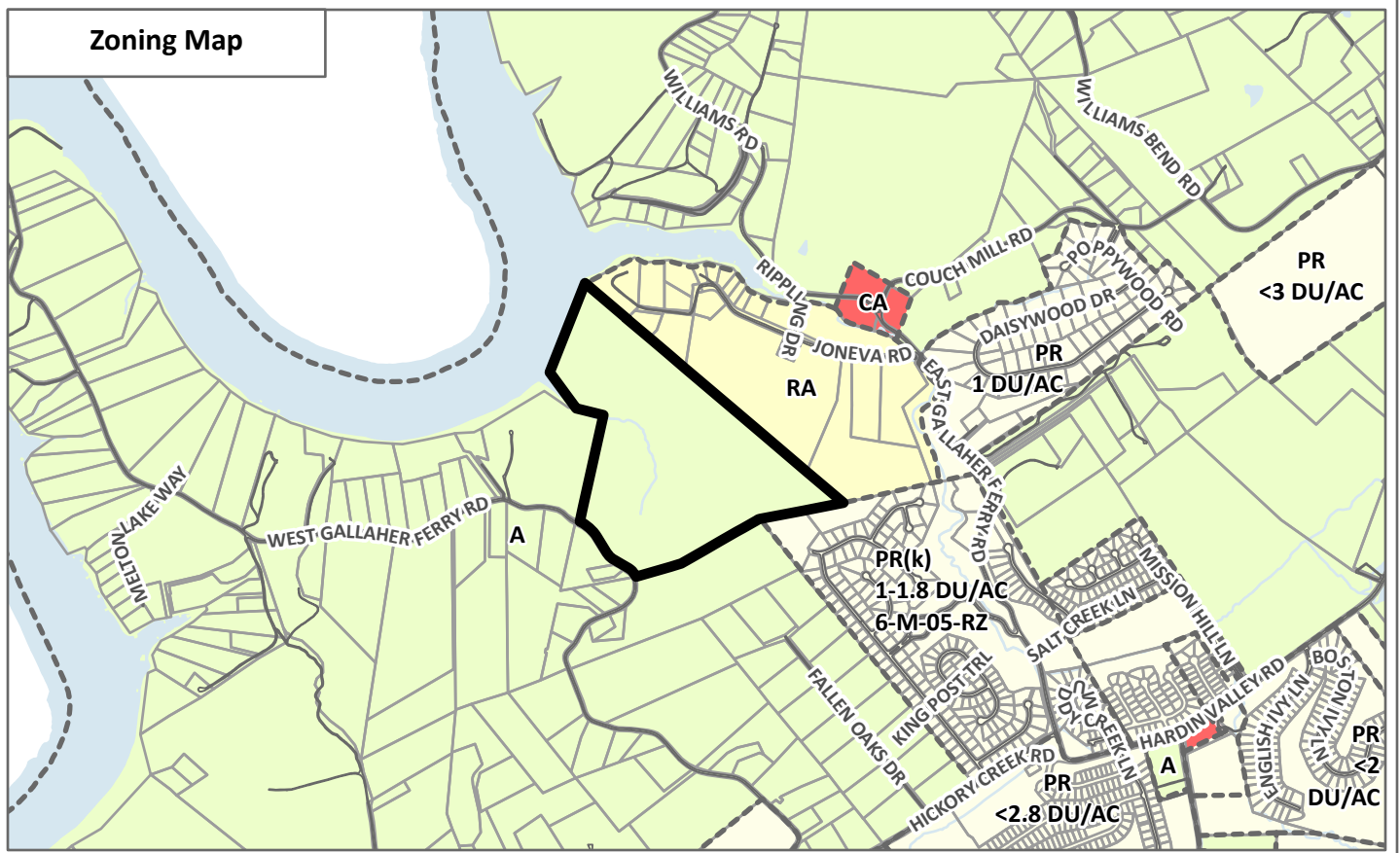
2-B-24-SP / 2-E-24-RZ



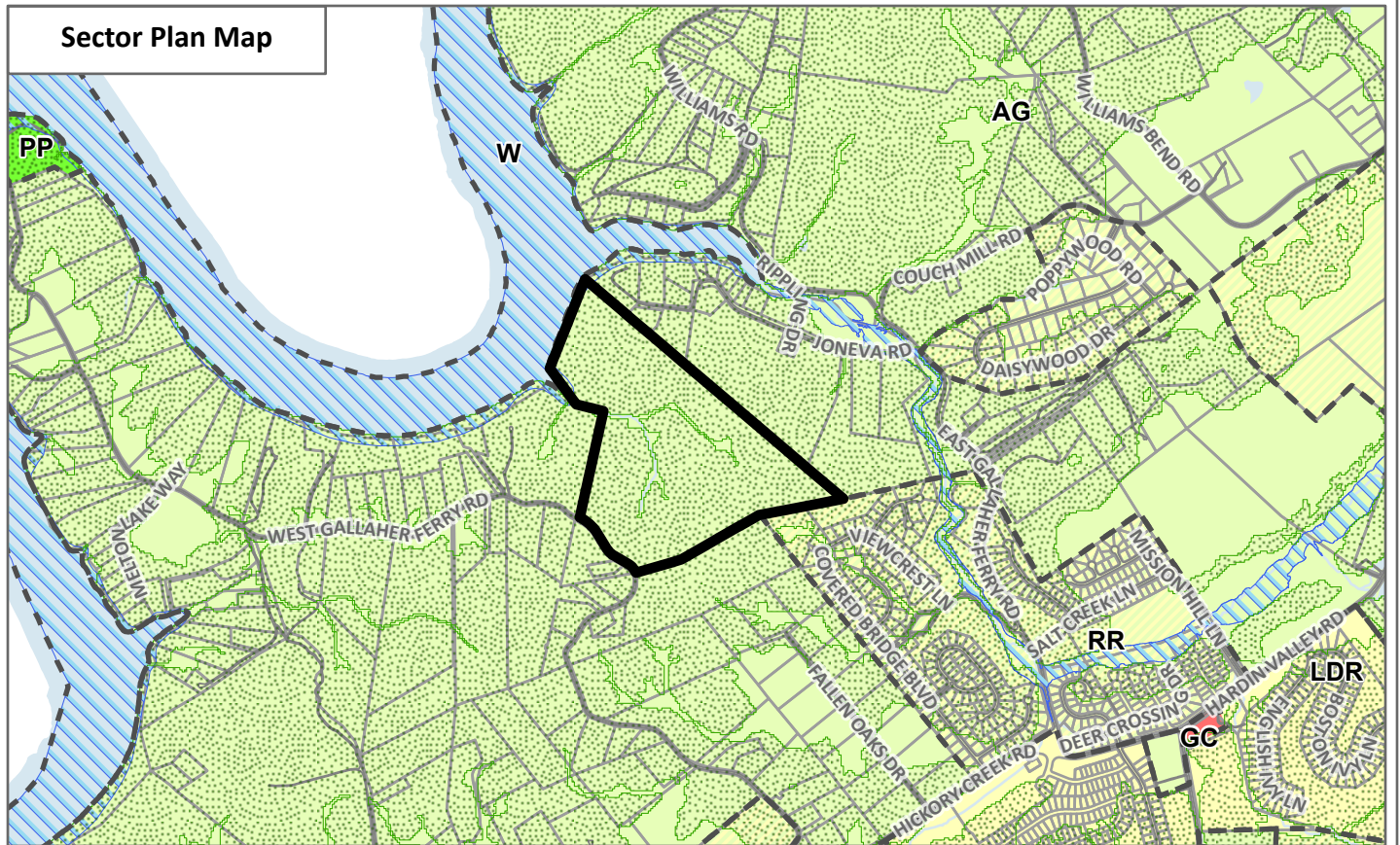
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

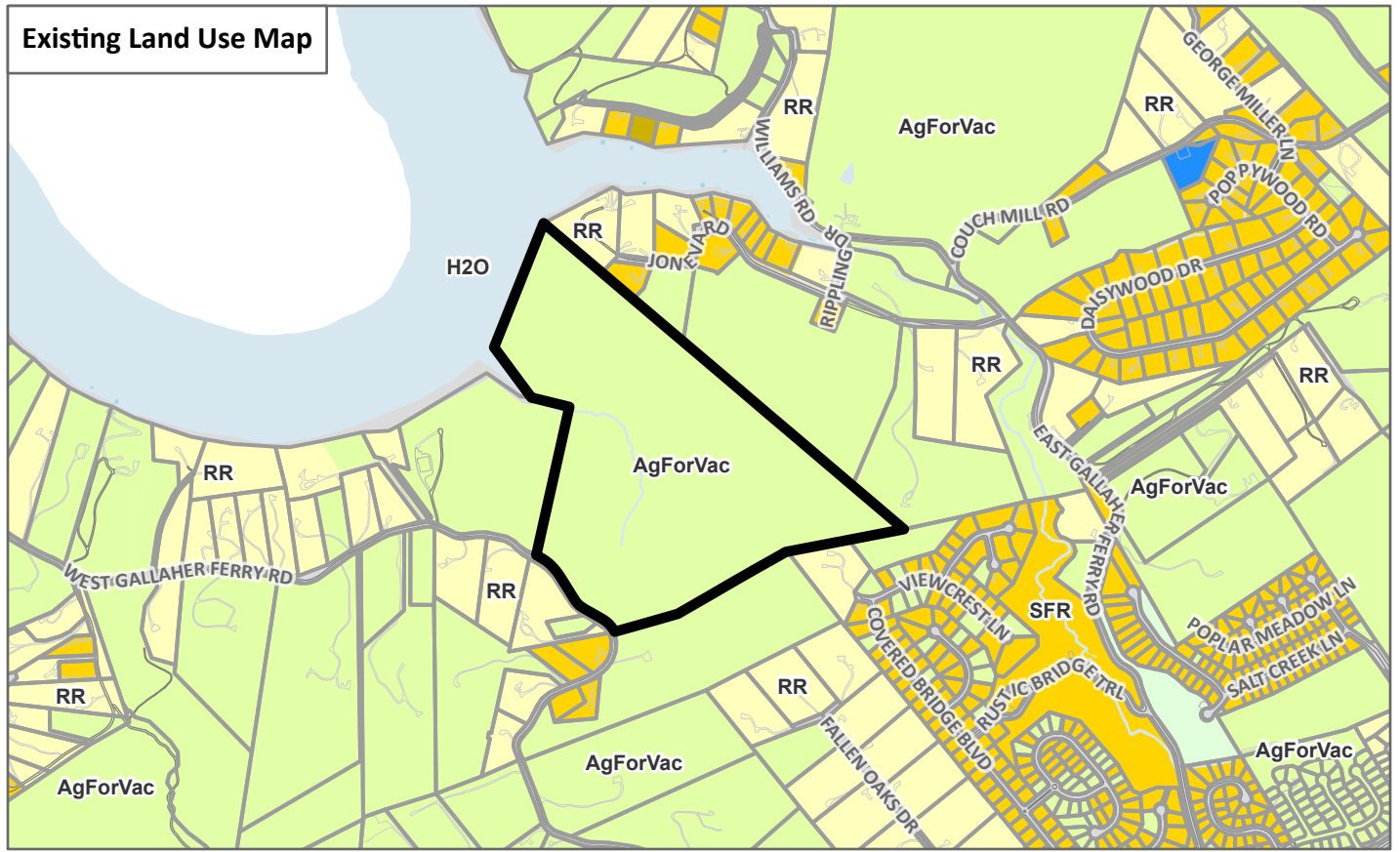
2-B-24-SP / 2-E-24-RZ



Case boundary



Existing Land Use Map

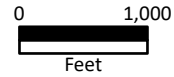


CONTEXTUAL MAPS 3

2-B-24-SP / 2-E-24-RZ

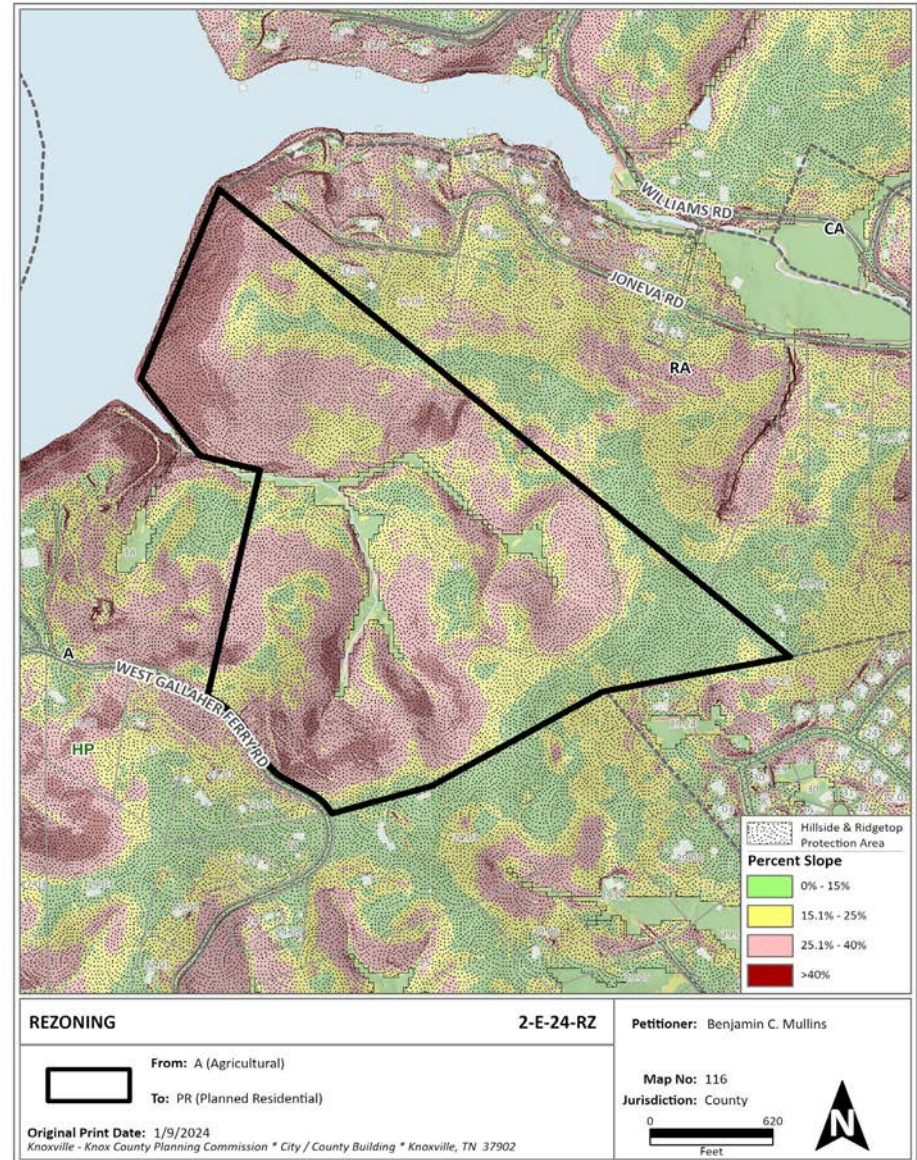


Case boundary



| CATEGORY | ACRES | RECOMMENDED DISTURBANCE BUDGET (Percent) | DISTURBANCE AREA (Acres) |
|--------------------------------------|--------------|---|--------------------------|
| Total Area of Site | 112.2 | | |
| Non-Hillside | 4.1 | N/A | |
| 0-15% Slope | 19.2 | 100% | 19.2 |
| 15-25% Slope | 29.9 | 50% | 14.9 |
| 25-40% Slope | 45.3 | 20% | 9.1 |
| Greater than 40% Slope | 13.8 | 10% | 1.4 |
| Ridgetops | | | |
| Hillside Protection (HP) Area | 108.1 | Recommended disturbance budget within HP Area (acres) | 44.6 |
| | | Percent of HP Area | 41.2% |

| CATEGORY | ACRES | RECOMMENDED DENSITY (Dwelling Units / Acre) | NUMBER OF UNITS |
|--|--------------|---|-----------------|
| Non-Hillside | 4.1 | 1.00 | 4.1 |
| 0-15% Slope | 19.2 | 4.00 | 76.7 |
| 15-25% Slope | 29.9 | 2.00 | 59.8 |
| 25-40% Slope | 45.3 | 0.50 | 22.7 |
| Greater than 40% Slope | 13.8 | 0.20 | 2.8 |
| Ridgetops | 0.0 | 3.00 | 0.0 |
| Subtotal: Sloped Land | 108.1 | | 161.9 |
| Maximum Density Guideline (Hillside & Ridgetop Protection Plan) | 112.2 | 1.48 | 166.0 |
| Proposed Density (Applicant) | 112.2 | 2.00 | 224.4 |



REZONING

2-E-24-RZ

Petitioner: Benjamin C. Mullins



From: A (Agricultural)

To: PR (Planned Residential)

Map No: 116
Jurisdiction: County



Original Print Date: 1/9/2024
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

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Benjamin C. Mullins

Applicant Name

Affiliation

12/19/2023

Date Filed

2/8/2024

Meeting Date (if applicable)

2-E-24-RZ / 2-B-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

DJ Wheeler

Owner Name (if different)

2600 W Gallaher Ferry Rd Knoxville TN 37932

Owner Address

865-740-3000

Owner Phone / Email

2600 W GALLAHER FERRY RD

Property Address

116 020

Parcel ID

Part of Parcel (Y/N)?

112.22 acres

Tract Size

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northeast side of West Gallaher Ferry Rd, north of Hickory Creek Rd

General Location

City **Commission District 6 A (Agricultural)**

Agriculture/Forestry/Vacant Land, Right of Way/Open Space

Count District Zoning District

Existing Land Use

Northwest County

Planning Sector

AG (Agricultural), HP (Hillside Protection), SP (Stream Pro

Sector Plan Land Use Classification

Rural Area

Growth Policy Plan Designation

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

ZONING REQUEST

| | |
|--|--------------------------|
| <input checked="" type="checkbox"/> Zoning Change PR (Planned Residential) | Pending Plat File Number |
| Proposed Zoning | |
| <input checked="" type="checkbox"/> Plan Amendment RR (Rural Residential), HP (hillside Protection) | |
| Proposed Plan Designation(s) | |

2 du/ac

Proposed Density (units/acre) Previous Zoning Requests

Additional Information

STAFF USE ONLY

| PLAT TYPE | Fee 1 | Total |
|---|-------------------|-------|
| <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission | \$5,850.00 | |
| ATTACHMENTS | Fee 2 | |
| <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request | | |
| ADDITIONAL REQUIREMENTS | Fee 3 | |
| <input type="checkbox"/> COA Checklist (Hillside Protection) | | |
| <input type="checkbox"/> Design Plan Certification (Final Plat) | | |
| <input type="checkbox"/> Site Plan (Development Request) | | |
| <input type="checkbox"/> Traffic Impact Study | | |
| <input type="checkbox"/> Use on Review / Special Use (Concept Plan) | | |

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 | 12/19/2023 |
| | Please Print | Date |

| | | |
|--------------------------|-------------------|-------------------|
| Phone / Email | | |
| Property Owner Signature | DJ Wheeler | 12/19/2023 |
| | 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

Owner's Attorney

Applicant Name

12-15-23

*Revised
12-15-23*

February 8, 2024

Date Filed

Meeting Date (if applicable)

Affiliation

File Number(s)

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

DJ Wheeler

2600 West Gallaher Ferry Rd

865-740-3000

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2600 West Gallaher Ferry Rd.

116 020

Property Address

Parcel ID

WKUD

WKUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

East of West Gallaher Ferry Rd.

~112.24 acrs

General Location

Tract Size

City County

6

AG

AgForVac

District

Zoning District

Existing Land Use

Northwest County

AG/HP

Rural Area

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

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

Rural Residential/Hillside Protection

Proposed Plan Designation(s)

NA

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

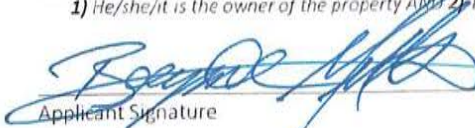
- Design Plan Certification (Final Plat)
- Use on Review / Special Use (Concept Plan)
- Traffic Impact Study
- COA Checklist (Hillside Protection)

| 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



Benjamin C. Mullins

Applicant Signature

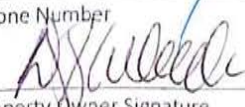
Please Print

12-15-23

Date

Phone Number _____

Email _____



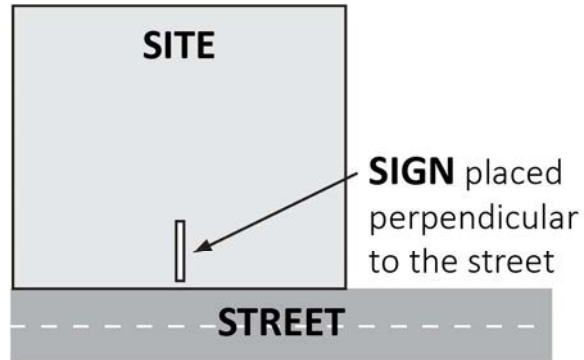
D J Wheeler

Property Owner Signature

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:

_____ January 26, 2024 _____ and _____ February 9, 2024 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C. Mullins

Date: 12-/19/2023

File Number: 2-E-24-RZ & 2-B-24-SP



Sign posted by Staff



Sign posted by Applicant