

# REZONING REPORT

► **FILE #:** 7-G-24-RZ

**AGENDA ITEM #:** 13

**AGENDA DATE:** 7/11/2024

► **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Kelly and Michael Miles

TAX ID NUMBER: 137 013

[View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 717 W GOVERNOR JOHN SEVIER HWY

► **LOCATION:** North side of W Governor John Sevier Hwy, west of W Dick Ford Ln

► **APPX. SIZE OF TRACT:** 9.99 acres

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

ACCESSIBILITY: Access is via W Governor John Sevier Highway, a major arterial street with a 45-ft pavement width within a 160-ft right-of-way.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Knox-Chapman Utility District

WATERSHED: Stock Creek

► **PRESENT ZONING:** RA (Low Density Residential)

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

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

► **DENSITY PROPOSED:** 12 du/ac

EXTENSION OF ZONE: No, but there is PR (Planned Residential) zoning across the highway at a lesser density

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land, rural residential - RA (Low Density Residential)

South: Single-family residential, rural residential, agriculture/forestry/vacant land - PR (Planned Residential) up to 5 du/ac, A (Agricultural)

East: Agriculture/forestry/vacant land, single-family residential - A (Agricultural)

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

NEIGHBORHOOD CONTEXT: This section of W Governor John Sevier Highway is characterized by wooded and rural residences. There is a single-family subdivision to the southwest and denser single-family and multifamily developments nearby to the west. A large commercial node is located a mile to the northeast.

## STAFF RECOMMENDATION:

► **Approve the PR (Planned Residential) zone with a density of up to 8 du/ac because it is consistent with the Comprehensive Plan and surrounding conditions, subject to 2 conditions.**

1. Ensuring building height within 1,000 ft of W Governor John Sevier Highway shall not exceed 35 ft per TN Code § 54-17-115.

2. Preserving and protecting the critical root zone of a 50-ft tree buffer along the highway corridor per the Governor John Sevier Scenic Highway Corridor Study.

**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. The subject property is located approximately 1 mile west of a regional, service-oriented commercial hub around the intersection of W Governor John Sevier Highway and Chapman Highway, where significant expansion and infill development has been ongoing since the early 2000s.
2. There has been a moderate increase in residential development along this section of W Governor John Sevier Highway. The Wells Creek single-family subdivision was recently constructed across the highway. Next to the commercial node to the east, a multi-family development plan was approved in 2022. There is a cluster of townhouses and single-family developments nearby to the west that were built in the 1990s under the PR (Planned Residential) zone with a density of up to 8 du/ac.
3. Much of this South County area remains rural and agricultural, but with these ongoing development changes and the subject property's location directly on the highway corridor, the requested PR zone with a density of up to 8 du/ac is compatible with surrounding residential character and amenities.

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 issues. Residential development is characterized by a unified building and site development plan with open space for recreation. Each planned unit development should be compatible with surrounding or adjacent zones.
2. The subject property is forested with steep slopes and a blue-line stream tributary to Stock Creek running through its southeast edge. There is also a significant presence of closed contours on the parcel, which could indicate the presence of sinkholes or depressions. These physical constraints on the property support consideration of the PR zone, which enables clustered development in the less environmentally sensitive areas of the lot.
3. The utility easement, stream, slopes and closed contours on the parcel could reduce the developable area from approximately 10 acres down to 7 acres. Clustering the requested density of 12 du/ac on the developable area could appear more like 17 du/ac. Considering the PR zone's emphasis on compatibility with surrounding development and zoning, staff recommends reducing the density to 8 du/ac, which is consistent with the most intensive residential development that has been built to date nearby to the west.

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. Governor John Sevier Highway is a state-designated scenic roadway and much of the surrounding land is forested, agricultural and/or rural in character. With the noted condition to preserve a 50-ft tree buffer along the corridor and the recommended maximum density of 8 du/ac, there are no significant adverse impacts anticipated to occur with the rezoning.

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

1. The subject property's place type in the Knox County Comprehensive Plan is SR (Suburban Residential), and the PR district with a maximum density of 12 du/ac can be considered as a partially related zone. Partially related zone considerations must meet additional criteria provided in Appendix H of the Comprehensive Plan to ensure their compatibility with the place type. The PR zone is deemed appropriate in the SR place type because it permits uses and development forms that are consistent with the primary and secondary uses described in the place type.
2. The parcel is in the Urban Growth Boundary of the Growth Policy Plan, which is consistent with the requested and recommended zone and density.
3. As previously mentioned, the parcel is within the boundary of the Tennessee Scenic Roadway designation, and building height should be no greater than 35 ft above the highway or the ground line of the property. This further supports the recommended density of 8 du/ac, as 12 du/ac could make compliance with the maximum height standard more challenging. This requirement is reflected in Condition 1 for approval of this rezoning.
4. The property is within the boundaries of the Governor John Sevier Scenic Highway Corridor Study, which recommends a 50-ft tree protection buffer. This is reflected in Condition 2 for approval of this rezoning.
5. A rezoning to PR up to 8 du/ac is not in conflict with any other adopted plans for the area.

ESTIMATED TRAFFIC IMPACT: 1184 (average daily vehicle trips)

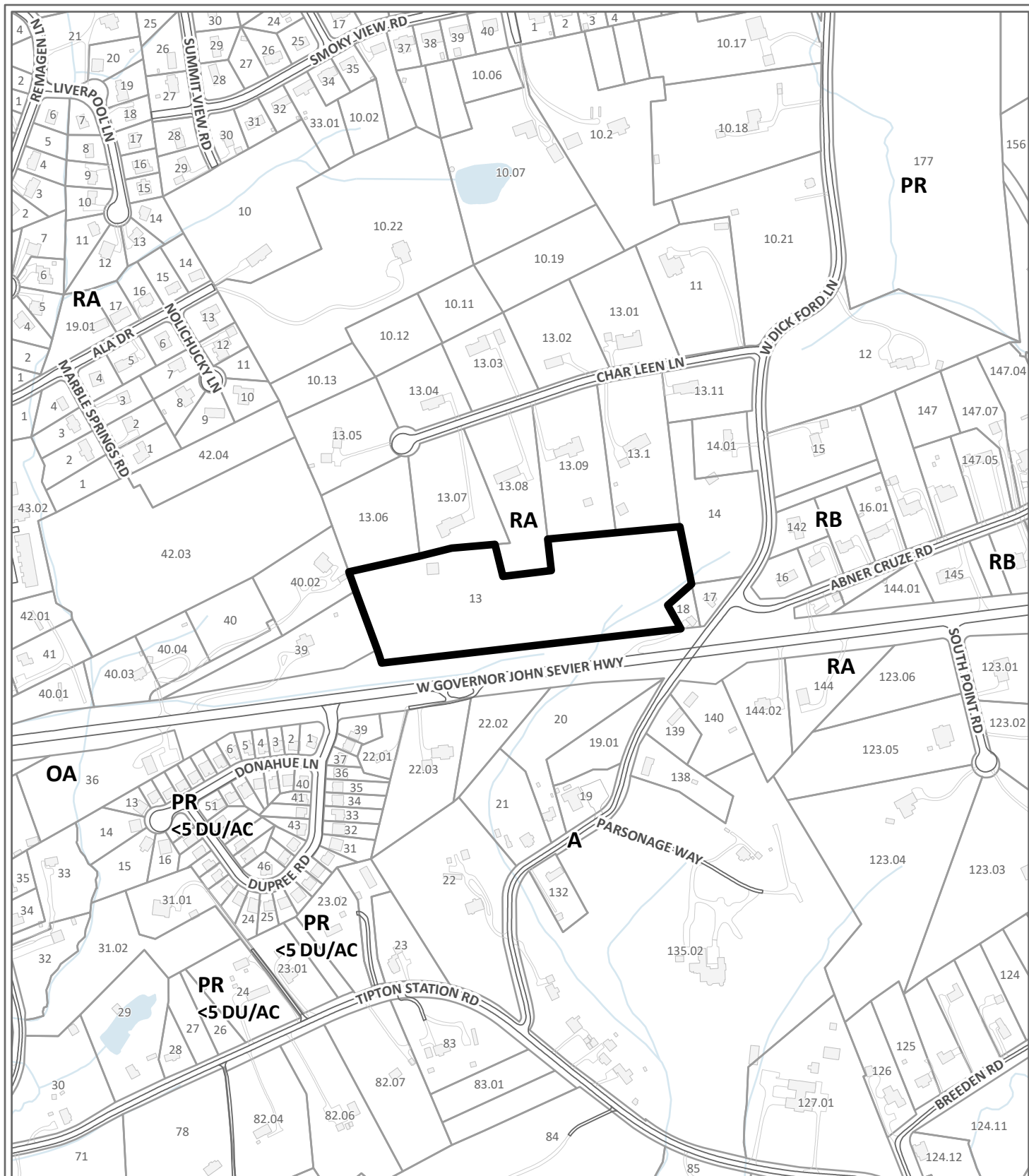
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 26 (public school children, grades K-12)

Schools affected by this proposal: New Hopewell Elementary, South Doyle Middle, and South Doyle 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 8/19/2024. 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.



## REZONING

**7-G-24-RZ**

**Petitioner:** Benjamin C. Mullins



**From:** RA (Low Density Residential)

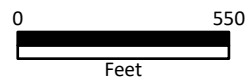
**To:** PR (Planned Residential) 12 du/ac

**Original Print Date:** 6/3/2024

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

**Map No:** 137

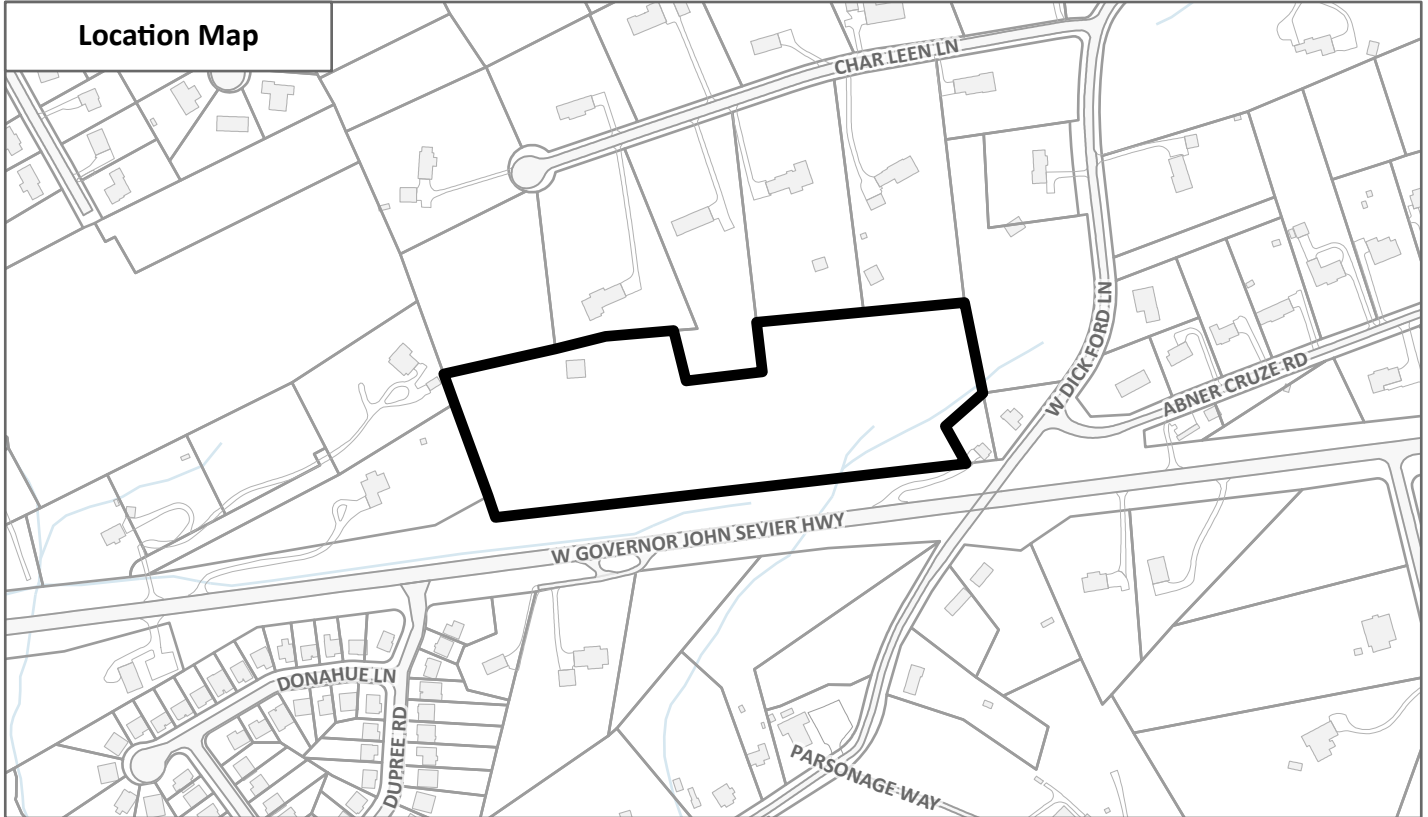
**Jurisdiction:** County



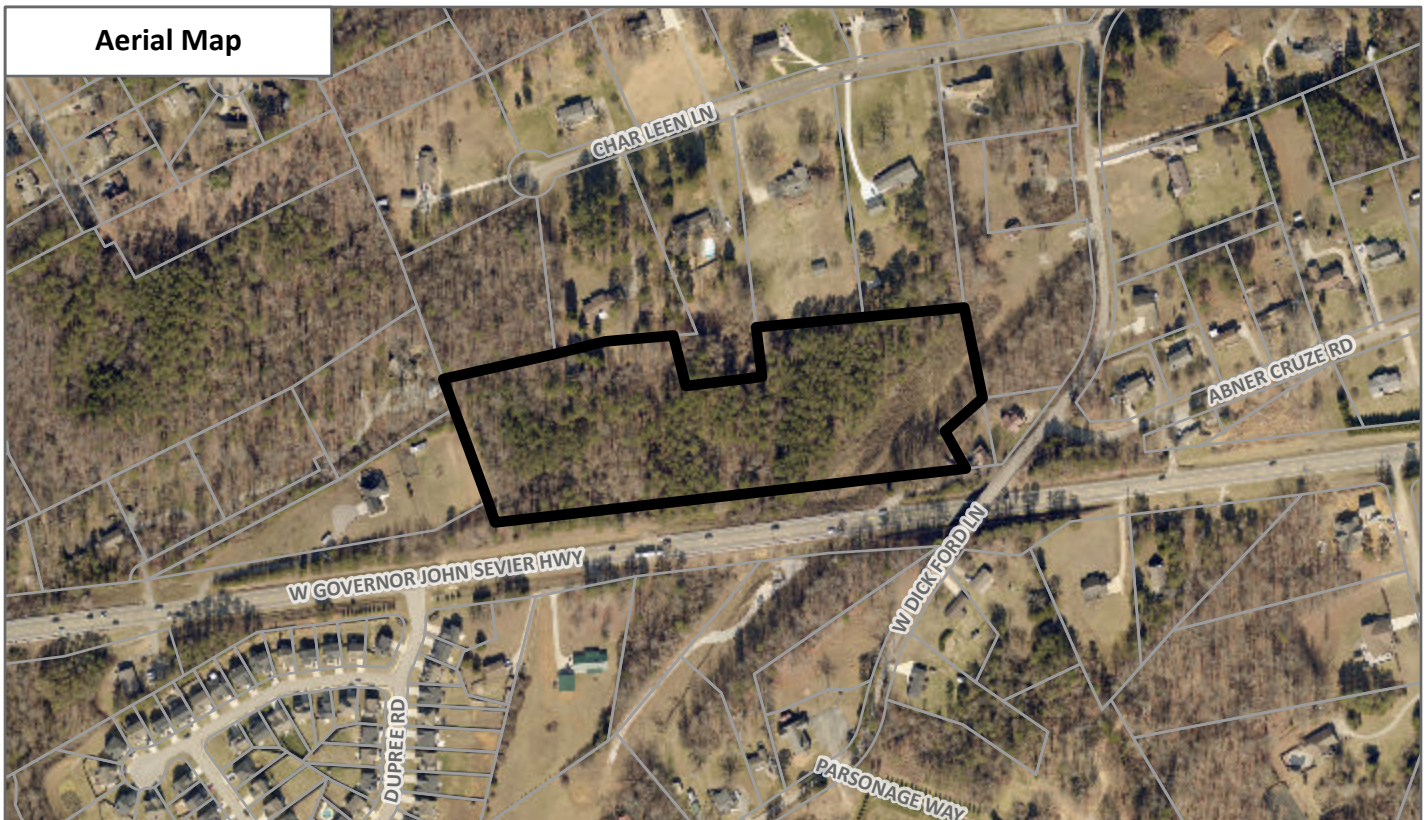


## Exhibit A. Contextual Images

Location Map



Aerial Map

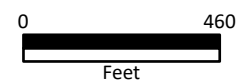


CONTEXTUAL MAPS 1

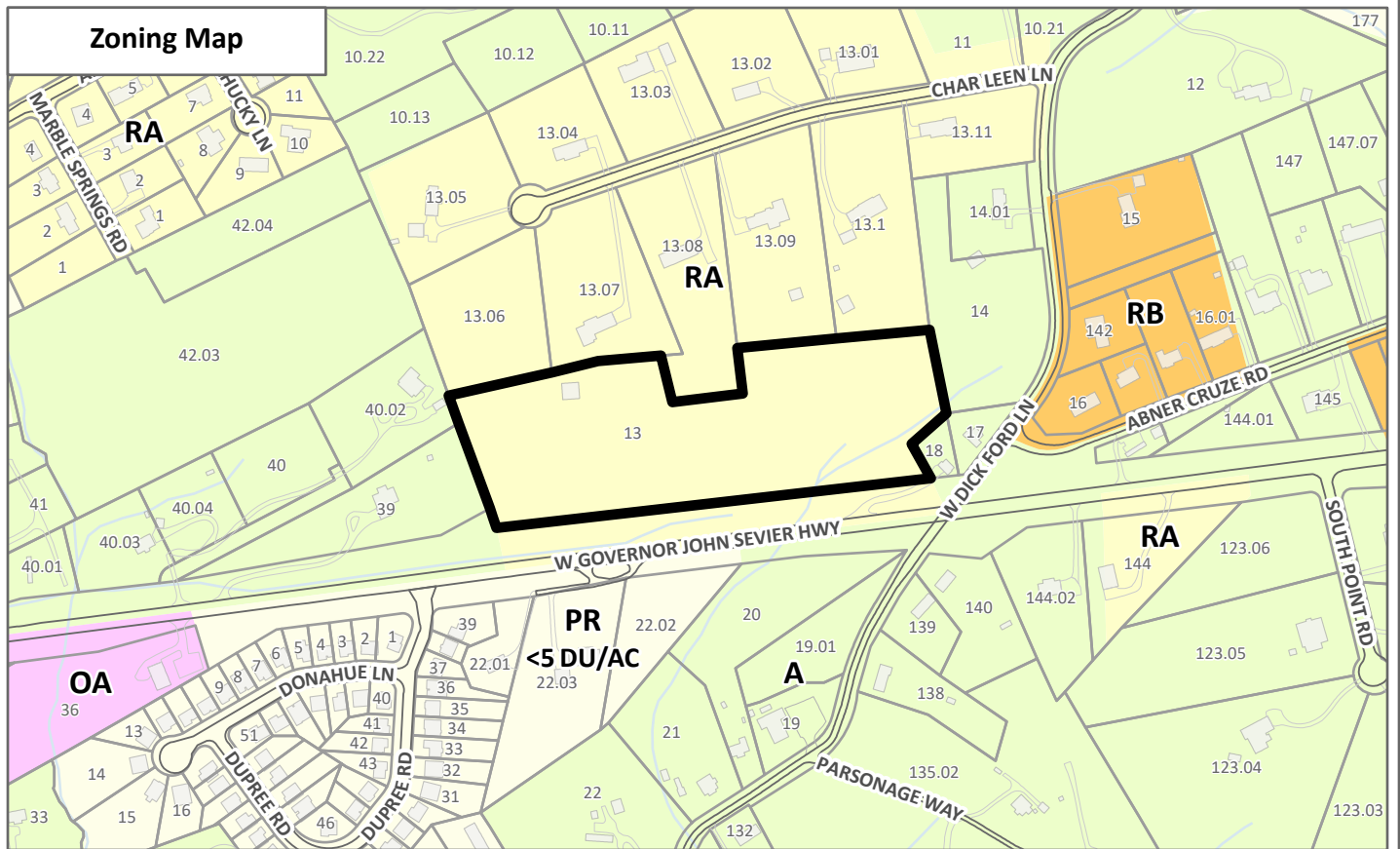
7-G-24-RZ



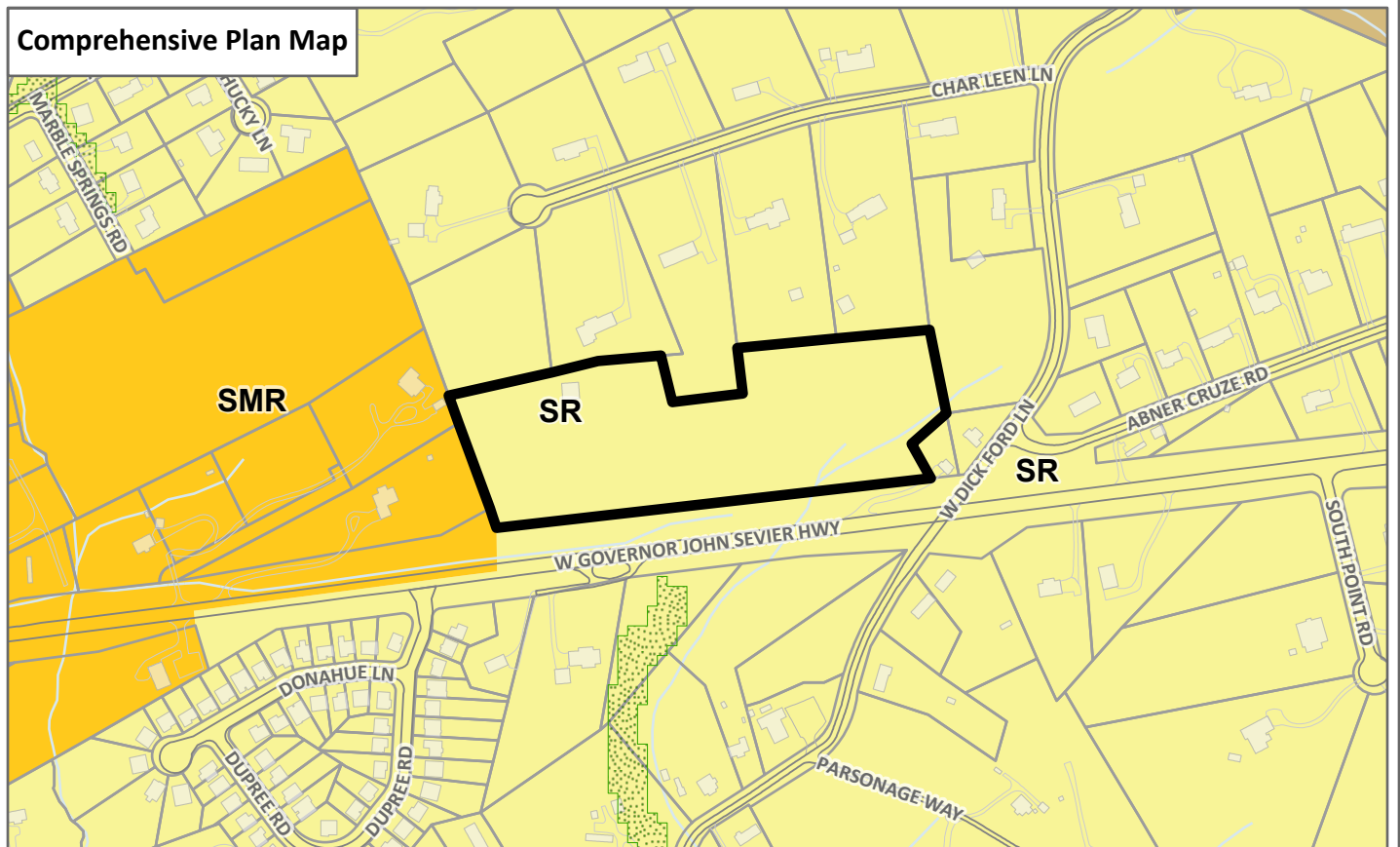
Case boundary



## Zoning Map



## Comprehensive Plan Map

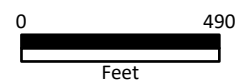


## CONTEXTUAL MAPS 2

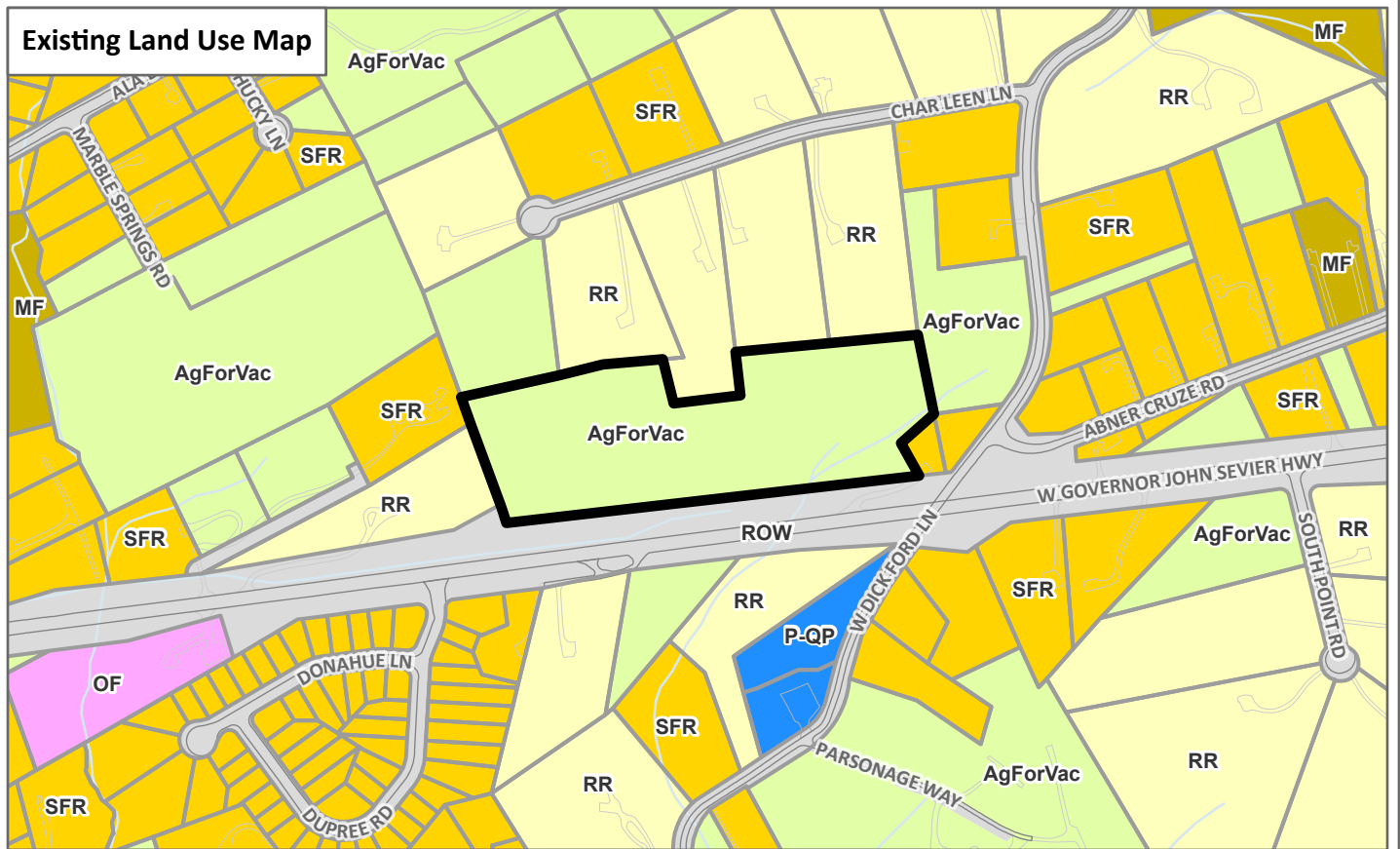
7-G-24-RZ



Case boundary



Existing Land Use Map

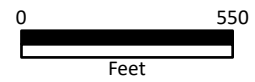


CONTEXTUAL MAPS 3

7-G-24-RZ



Case boundary







# 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

**5/22/2024**

Date Filed

**7/11/2024**

Meeting Date (if applicable)

**7-G-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

**Kelly and Michael Miles**

Owner Name (if different)

**522 Charleen Ln Knoxville TN 37920**

Owner Address

Owner Phone / Email

**717 W GOVERNOR JOHN SEVIER HWY**

Property Address

**137 013**

Parcel ID

**9.99 acres**

Tract Size

Part of Parcel (Y/N)?

**Knox-Chapman Utility District**

Sewer Provider

**Knox-Chapman Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**North side of W Governor John Sevier Hwy, west of W Dick Ford Ln**

General Location

☐ City **Commission District 9** **RA (Low Density Residential)**

☒ County District Zoning District

**Agriculture/Forestry/Vacant Land**

Existing Land Use

**South County** **SR (Suburban Residential)**

Planning Sector Land Use (City)/Place Type (County)

**Urban Growth Area (Outside City Limits)**

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

### 12 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>\$1,149.50</b>	
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	5/22/2024
	Please Print	Date

Phone / Email

Property Owner Signature	Kelly and Michael Miles	5/22/2024
	Please Print	Date

Reset Form



# 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 Option Holder

Applicant Name

Affiliation

5/20/2024

July 11, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

7-G-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

Kelly and Michael Miles

522 Charleen LN Knoxville, TN 37920

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

717 W Governor John Sevier Hwy

137 013

Property Address

Parcel ID

West Knox Utilities Board

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

N of W Governor John Sevier Hwy, W of W Dick Ford LN

~9.99 acres

General Location

Tract Size

☐ City ☒ County

9

RA

AgForVac

District

Zoning District

Existing Land Use

SR (Suburban Residential)

Urban Growth

Planning Sector

Land Use / Place Type  
CITY COUNTY

Growth Policy Plan Designation

## 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) \_\_\_\_\_

12 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  
☐ 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

☒ 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

Phone Number

Email

Kelly S Miles

dotloop verified  
05/20/24 1:08 PM CDT  
7XCM-D4FE-Y1DS-QWUB

Kelly S Miles

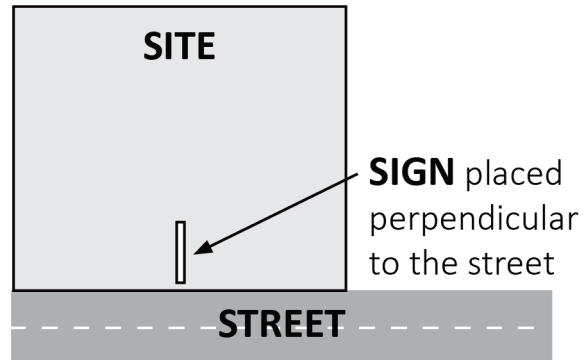
05/23/2024, SG

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:***

\_\_\_\_\_ **06/28/2024** \_\_\_\_\_ and \_\_\_\_\_ **07/12/2024** \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Benjamin C. Mullins

**Date:** 05/22/2024

**File Number:** 7-G-24-RZ



Sign posted by Staff



Sign posted by Applicant