

# REZONING REPORT

▶ **FILE #:** 5-K-24-RZ

**AGENDA ITEM #:** 17

**AGENDA DATE:** 5/9/2024

▶ **APPLICANT:** BENJAMIN C. MULLINS  
 OWNER(S): Schubert Family Limited Partnership

TAX ID NUMBER: 148 049 (PART OF) [View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 2814 TIPTON STATION RD

▶ **LOCATION:** South side of Tipton Station Rd, east of Lowland Ln

▶ **APPX. SIZE OF TRACT:** 85.81 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Tipton Station Road, a major collector with a pavement width of 19.5 ft within a right of way that varies from 40 ft to 67 ft.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Knox-Chapman Utility District

WATERSHED: Stock Creek

▶ **PRESENT ZONING:** A (Agricultural)

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

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

▶ **DENSITY PROPOSED:** up to 5 du/ac

EXTENSION OF ZONE: No, this is not an extension.

HISTORY OF ZONING: In 2002, this property was rezoned from I (Industrial) and F (Floodway) to A (Agricultural) and F (Floodway) [4-M-02-RZ]. In 1980, the property was rezoned from A (Agricultural) to I (Industrial) [7-C-79-RZ].

SURROUNDING LAND USE AND ZONING: North: Single family residential, rural residential - A (Agricultural), RA (Low Density Residential)

South: Agriculture/forestry/vacant land - A (Agricultural), F (Floodway)

East: Rural residential, agriculture/forestry/vacant land - A (Agricultural)

West: Rural residential, agriculture/forestry/vacant land - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area along Tipton Station Road is mostly a mix of single family residential and rural residential with several large agricultural/forestry/vacant lots surrounding the smaller parcels along the roadway. Bonny Kate Elementary School, French Memorial Park, and Howard Pinkston Library are located with a a mile east of the subject property.

**STAFF RECOMMENDATION:**

▶ **Approve the PR (Planned Residential) zone with up to 2 du/ac because it is consistent with the sector plan and surrounding development.**

**COMMENTS:**

This application was submitted prior to the adoption of the Knox County Comprehensive Land Use and Transportation Plan. The Knox County General Plan, which the sector plans were part of, was the active plan at the time of the application. Therefore, this rezoning request was reviewed under the General Plan.

This is a partial rezoning for 85.81 acres of the 155.71-acre property along Tipton Station Road. The rear portion of the property with the F (Floodway) zone and HP (Hillside Protection) overlay will remain unchanged.

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. This area along Tipton Station Road and south of Governor John Sevier Highway has seen rapid residential expansion over the past twenty years. Since 2003, the residential subdivisions of Twin Creek, Woodcreek Reserve, Governors Mill, and Cherokee Landing have joined the Wood Haven and Tipton Station subdivisions that were developed in the 1990s.
2. All of these neighborhoods were constructed after properties were rezoned to the PR zone and the proposed rezoning is consistent with the development pattern.

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

1. The PR zone is intended to provide flexibility for different types of residential development.
2. Houses, duplexes, and multi-dwelling structures and developments are permitted in the PR zone along with some nonresidential uses. At the requested density of 5 du/ac on this 85.81-acre property, a maximum of 429 dwelling units could be built. Whereas a maximum of 171 dwelling units could be built under the recommended density of 2 du/ac.
3. Along Tipton Station Road, the nearest property with PR at 5-du/ac density has been developed yielding a density of 2.56 du/ac (Tipton Station subdivision, approximately 1.7-mile east). Other nearby neighborhoods with PR at 3 to 4 du/ac densities are within walking distance to Bonny Kate Elementary and South Doyle High School and have sidewalk connections. With these considerations, the recommended density of 2 du/ac is more appropriate for this property.
4. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. Residential development in this area is supported by this property's proximity to Bonny Kate Elementary, South Doyle High School, French Memorial Park, Howard Pinkston Library, and the Howard Pinkston Greenway Trail.
2. The PR zone requires a development plan review by the Planning Commission to ensure that any proposed development is consistent with adopted plans for the area and compatible with the surrounding developments.
3. The subject property has only one potential access point at Tipton Station Road. For emergency services, secondary access is typically discussed for subdivisions over 150 units.
4. The estimated traffic generated by the recommended maximum number of units (171 units) would necessitate a traffic impact study to be performed during the development plan review phase. This would determine if roadway improvements would be required for street safety and functionality.

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 proposed PR zone is consistent with the subject property's location in the Planned Growth Area of the Growth Policy Plan, which encourages a reasonably compact pattern of development offering a wide range of housing choices in coordination with public facilities and services.
2. The General Plan's development policy 6.1 encourages flexible, planned development zones to protect hillsides, woodlands, wildlife habitats, and stream corridors. The proposed partial rezoning, which excludes the stream and forested steep slopes at the rear side property, is consistent with that.
3. The PR zone at 2 du/ac is consistent with the LDR land use classification of the South County Sector Plan, which allows consideration of up to 5 du/ac.

ADDITIONAL CONSIDERATIONS:

1. While the Sector Plan was the active plan at the time of the request, the Knox County Comprehensive Plan became effective on April 26, 2024. This property has the RC (Rural Conservation) place type under the recently adopted future land use map, which allows consideration of the PR zone up to 5 du/ac.

ESTIMATED TRAFFIC IMPACT: 3853 (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: 94 (public school children, grades K-12)

Schools affected by this proposal: Bonny Kate 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 6/24/2024. 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

05-06-24

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

Date of Request

05-09-24

Scheduled Meeting Date

5-K-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 June 13, 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:

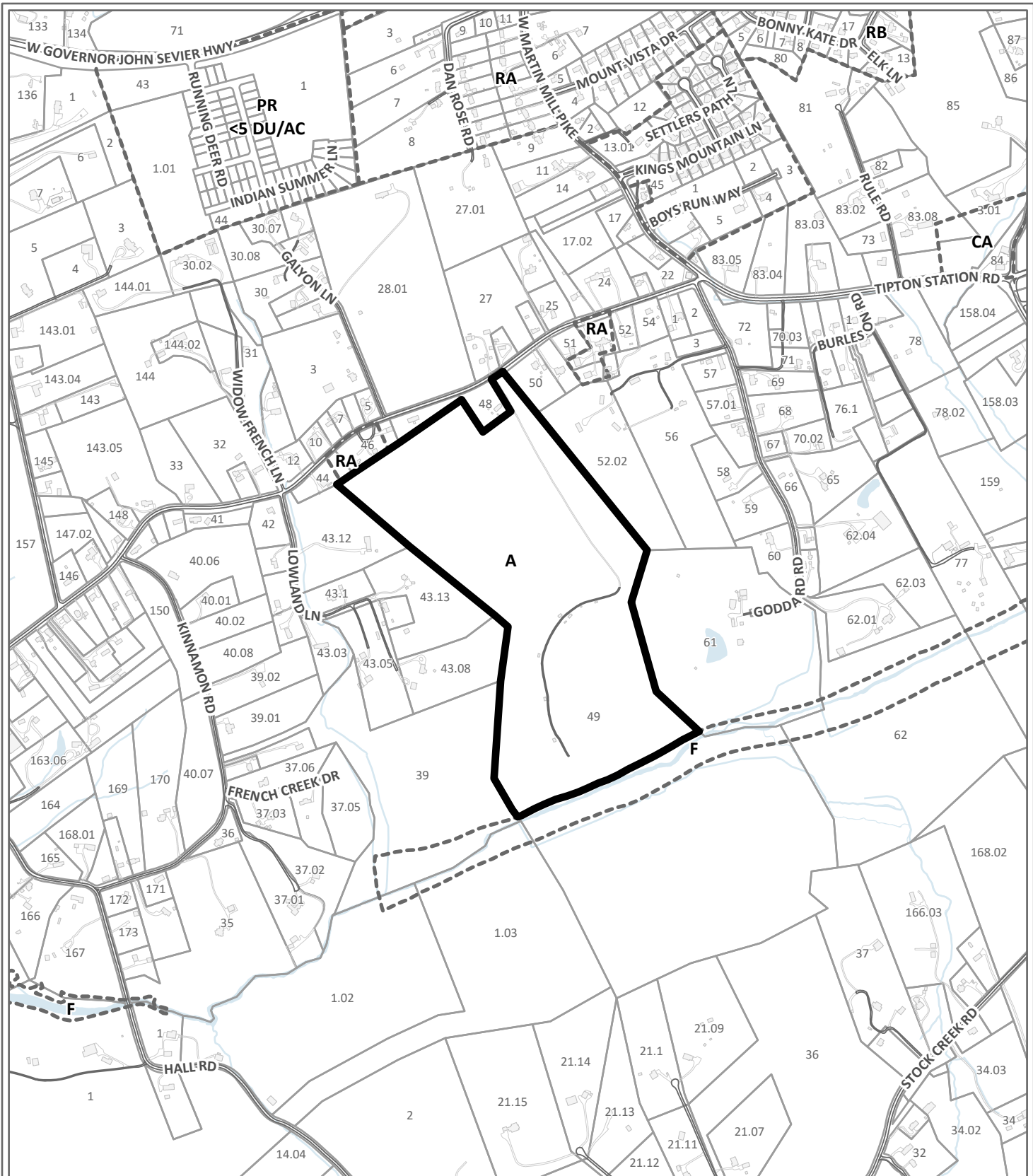
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



**REZONING**

**5-K-24-RZ**

**Petitioner:** Benjamin C. Mullins



**From:** A (Agricultural)

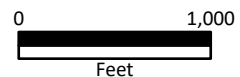
**To:** PR (Planned Residential) 5 du/ac

**Map No:** 148

**Jurisdiction:** County

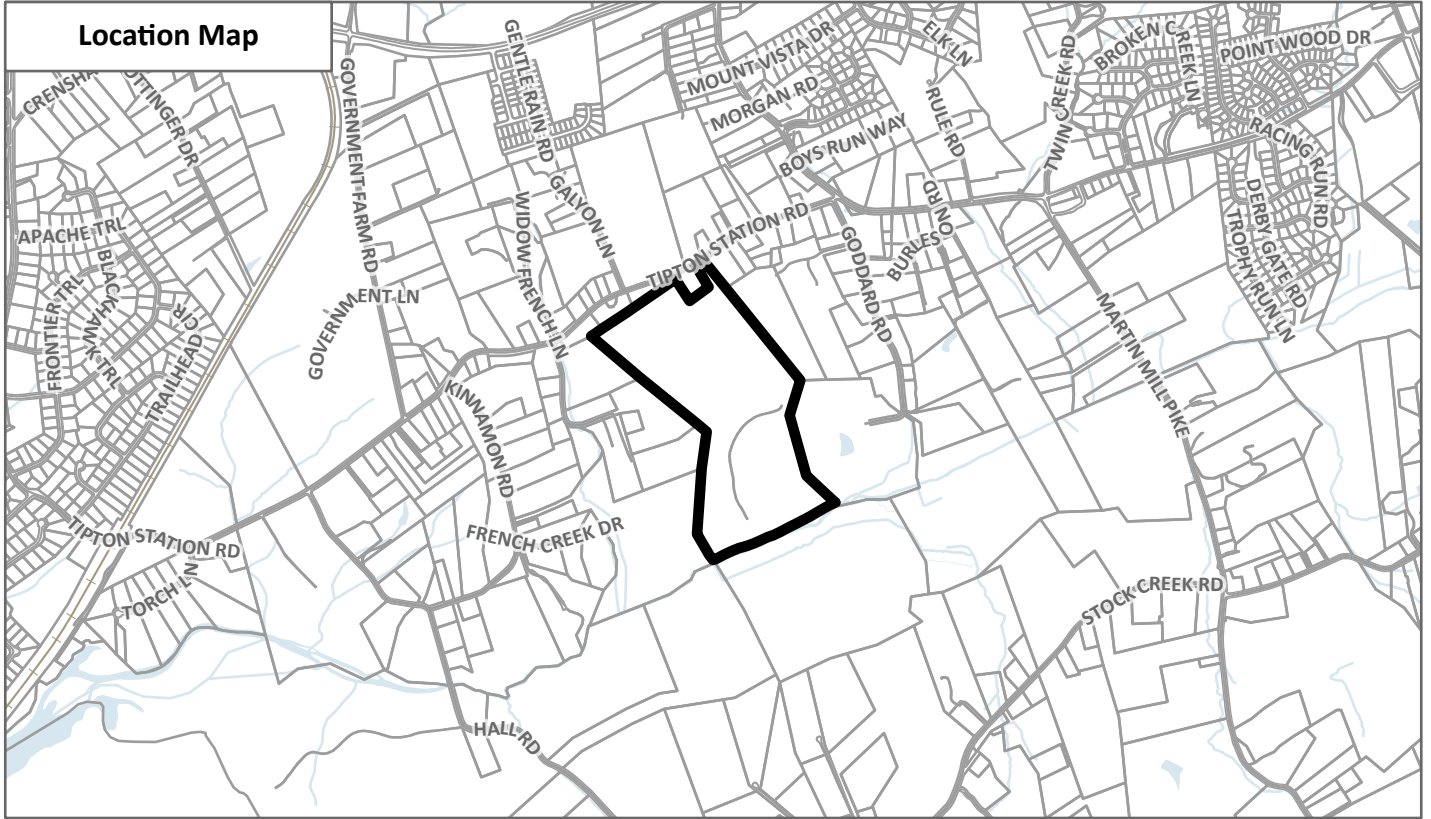
**Original Print Date:** 4/15/2024

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

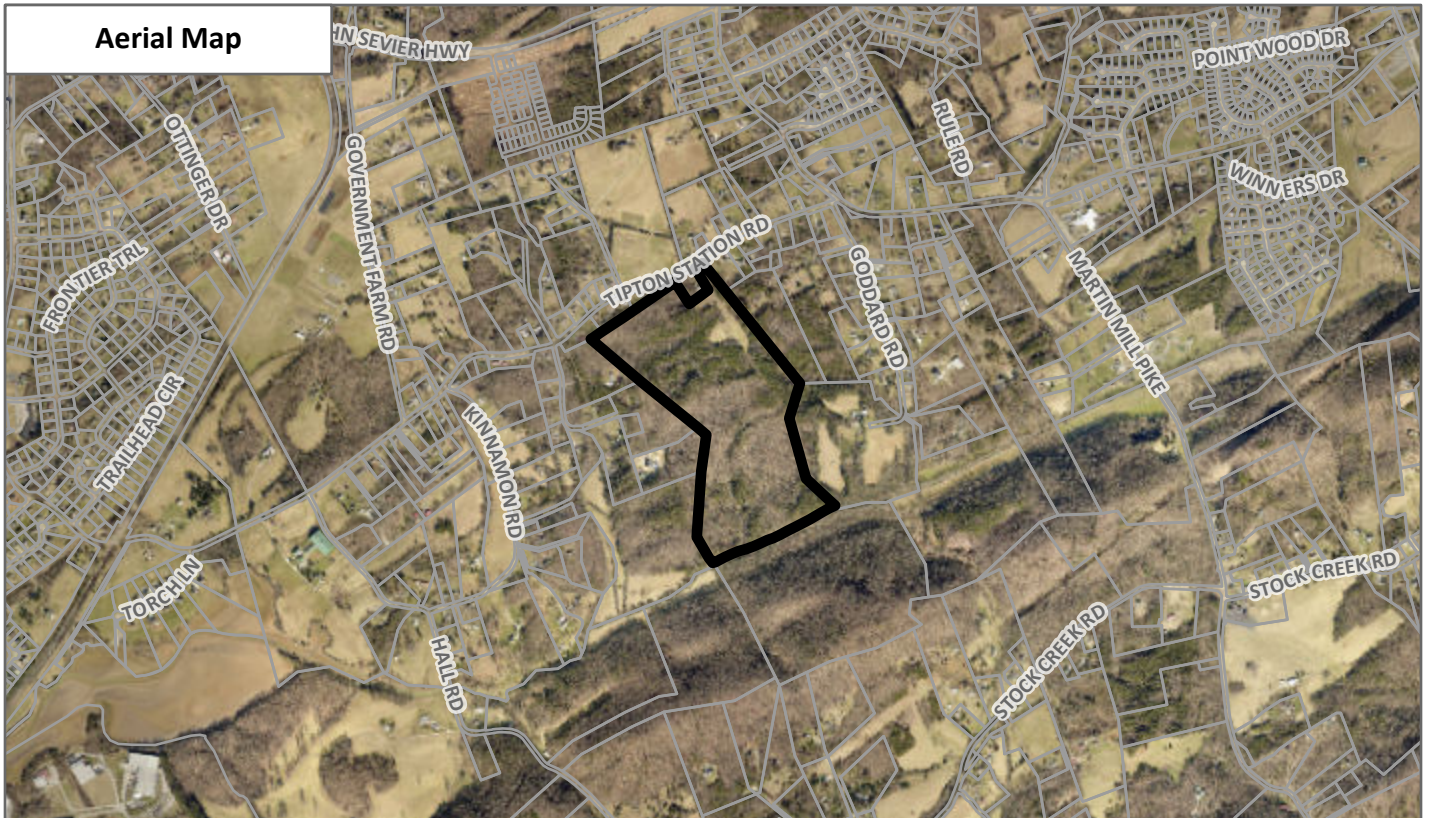


# Exhibit A. Contextual Images

## Location Map



## Aerial Map

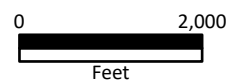


CONTEXTUAL MAPS 1

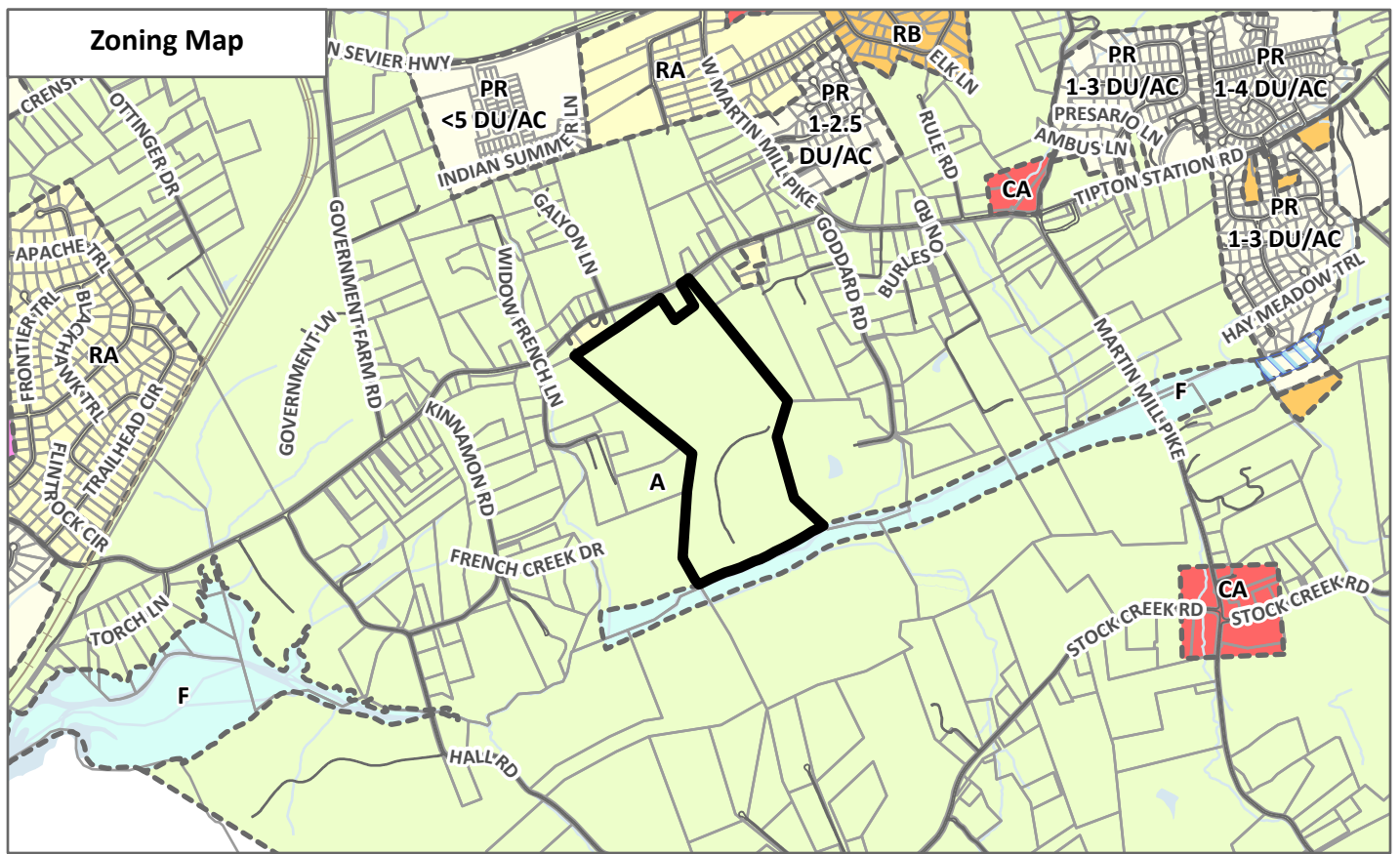
5-K-24-RZ



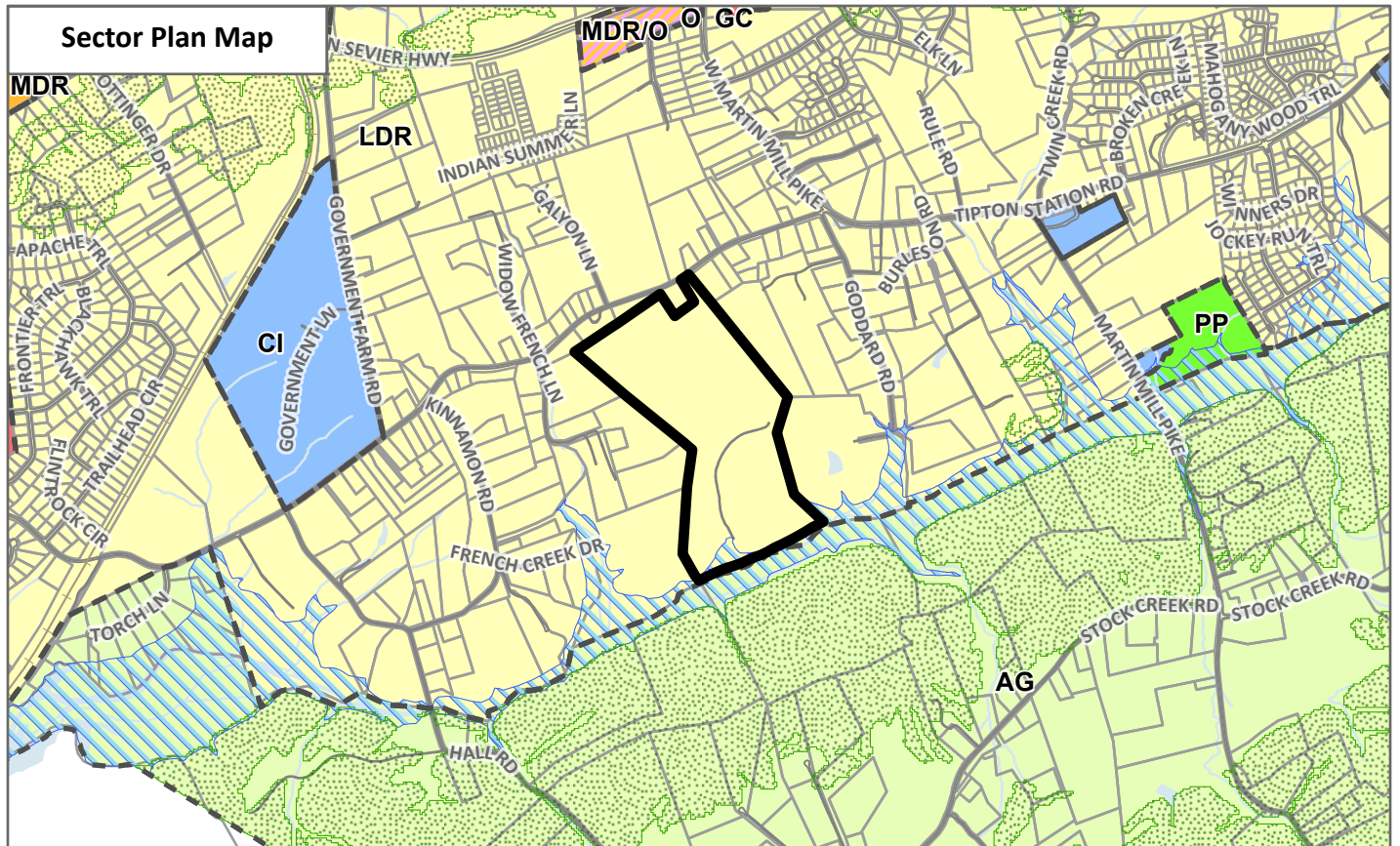
Case boundary



### Zoning Map



### Sector Plan Map

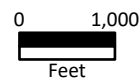


### CONTEXTUAL MAPS 2

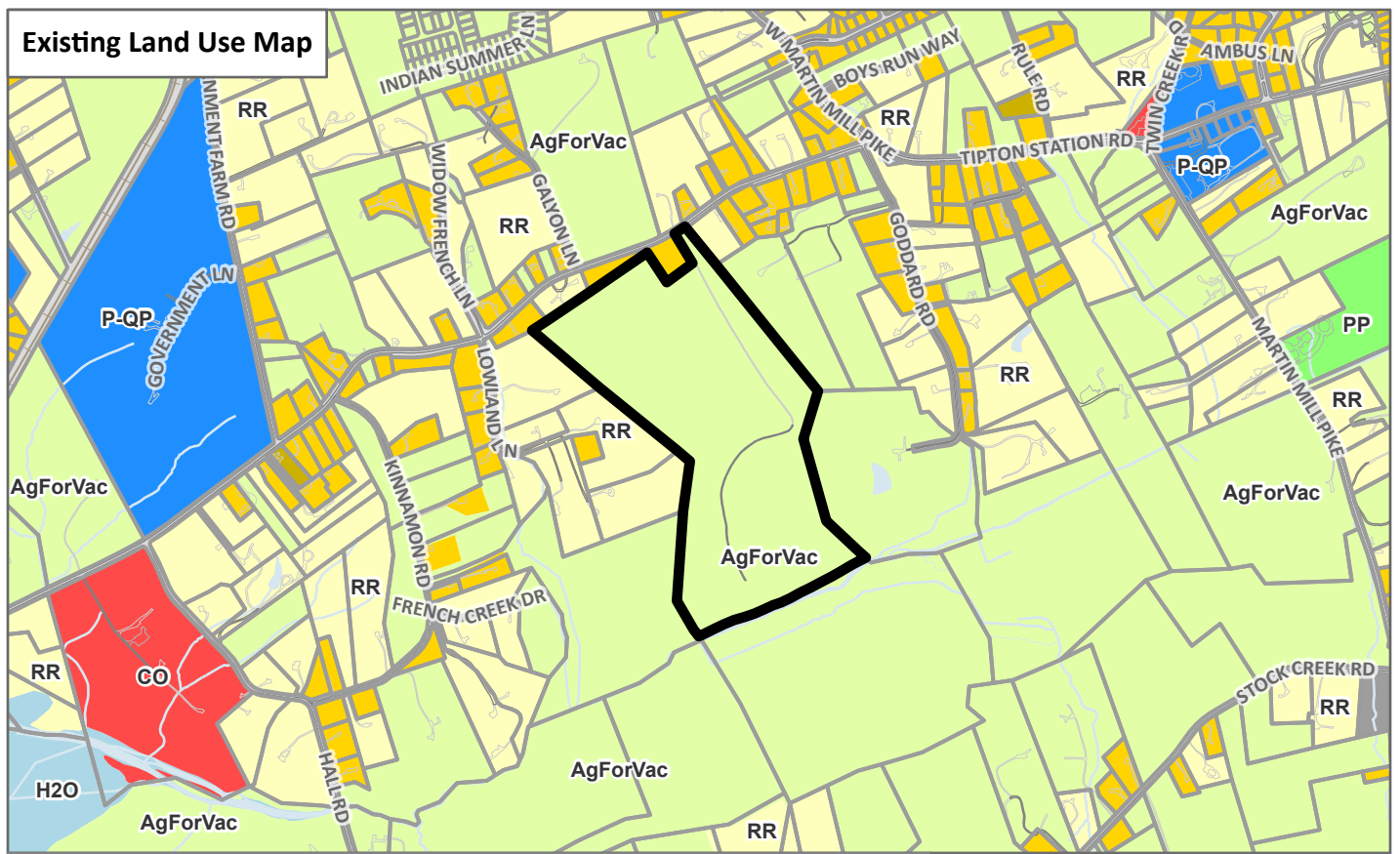
5-K-24-RZ



Case boundary



Existing Land Use Map

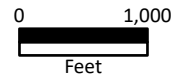


CONTEXTUAL MAPS 3

5-K-24-RZ



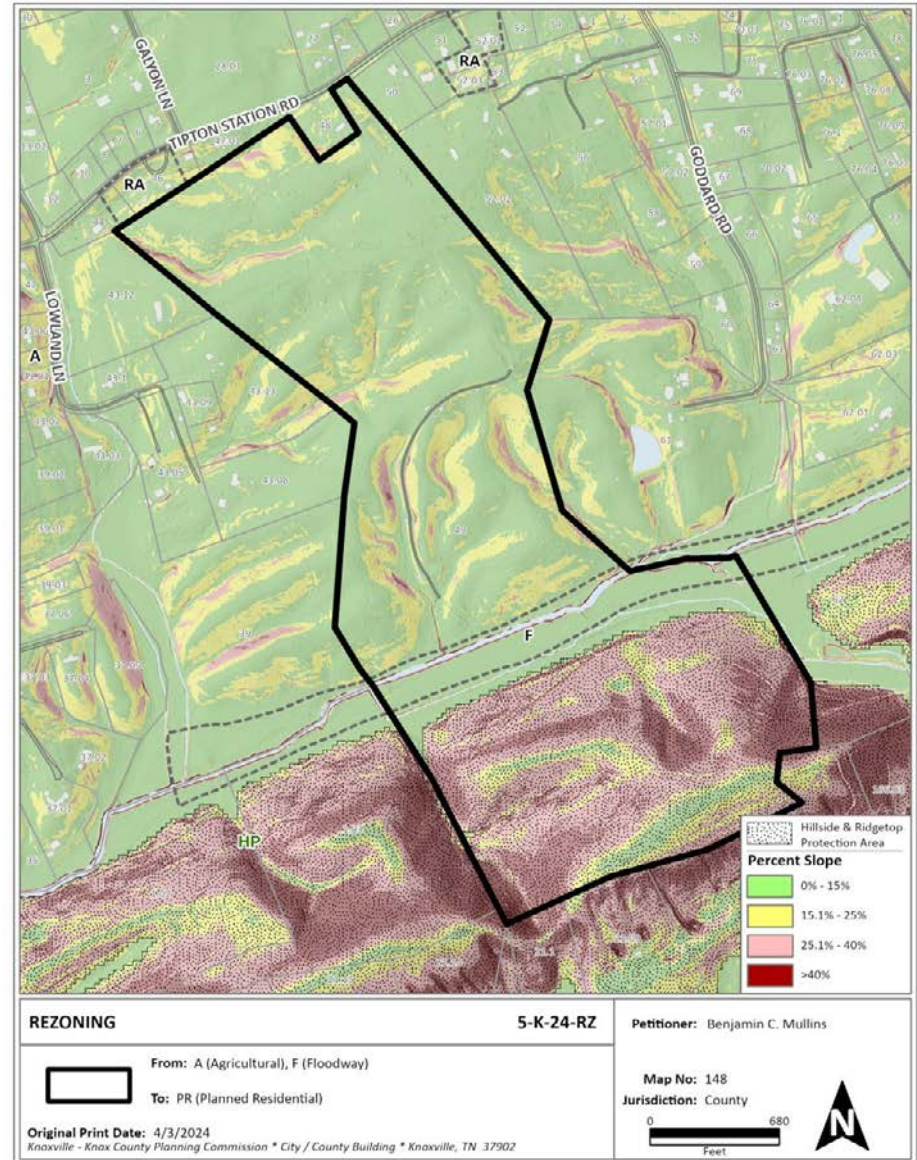
Case boundary





CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
<b>Total Area of Site</b>	<b>153.2</b>		
Non-Hillside	101.6	N/A	
0-15% Slope	3.5	100%	3.5
15-25% Slope	8.5	50%	4.2
25-40% Slope	25.1	20%	5.0
Greater than 40% Slope	14.5	10%	1.5
Ridgetops			
<b>Hillside Protection (HP) Area</b>	51.6	Recommended disturbance budget within HP Area (acres)	<b>14.2</b>
		Percent of HP Area	<b>27.5%</b>

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	101.6		0.0
0-15% Slope	3.5	4.00	14.0
15-25% Slope	8.5	2.00	16.9
25-40% Slope	25.1	0.50	12.6
Greater than 40% Slope	14.5	0.20	2.9
Ridgetops	0.0	3.00	0.0
<b>Subtotal: Sloped Land</b>	<b>51.6</b>		<b>46.3</b>
<b>Maximum Density Guideline (Hillside &amp; Ridgetop Protection Plan)</b>	<b>153.2</b>	<b>0.30</b>	<b>46.3</b>
<b>Proposed Density (Applicant)</b>	<b>153.2</b>		<b>0.0</b>



**REZONING**

**5-K-24-RZ**

Petitioner: Benjamin C. Mullins



From: A (Agricultural), F (Floodway)

To: PR (Planned Residential)

Map No: 148  
Jurisdiction: County

Original Print Date: 4/3/2024

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

**3/25/2024**

Date Filed

**5/9/2024**

Meeting Date (if applicable)

**5-K-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

**865-804-4704 / bmullins@fmsllp.com**

Phone / Email

## CURRENT PROPERTY INFO

**Schubert Family Limited Partnership**

Owner Name (if different)

**2814 Tipton Station Rd Knoxville TN 37920**

Owner Address

**865-389-0795**

Owner Phone / Email

**2814 TIPTON STATION RD**

Property Address

**148 049 (part of)**

Parcel ID

Part of Parcel (Y/N)?

**85.81 acres**

Tract Size

**Knox-Chapman Utility District**

Sewer Provider

**Knox-Chapman Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**South side of Tipton Station Rd, south of Galyon Ln**

General Location

City

**Commission District 9**

**A (Agricultural)**

**Agriculture/Forestry/Vacant Land**

County District

Zoning District

Existing Land Use

**South County**

Planning Sector

**LDR (Low Density Residential), SP (Stream Protection)**

Sector Plan Land Use Classification

**Planned Growth 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	
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 Zoning Requests

Additional Information \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

Staff Review     Planning Commission

### ATTACHMENTS

Property Owners / Option Holders     Variance Request

### ADDITIONAL REQUIREMENTS

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

Fee 1	Total
<b>\$5,000.00</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    Date: 3/25/2024  
Please Print

Phone / Email: \_\_\_\_\_

Property Owner Signature: Schubert Family Limited Partnership    Date: 3/25/2024  
Please Print

(1) Download and fill out this form at your convenience.  
(2) Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the  
Knoxville-Knox County Planning offices  
OR email it to [applications@knoxplanning.org](mailto:applications@knoxplanning.org)

[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
  - OYP
- Rezoning

Benjamin C. Mullins

Applicant

Applicant Name

Affiliation

March 25, 2024

May 9, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

5-K-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

37922

Address

City

State

ZIP

865-804-4704

[bmullins@fmsllp.com](mailto:bmullins@fmsllp.com)

Phone

Email

## CURRENT PROPERTY INFO

Schubert Family Limited Partnership

2814 Tipton Station Rd

865-389-0795

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2814 Tipton Station Rd.

148 049 (part of)

Property Address

Parcel ID

Knox-Chapman Utility District

Knox-Chapman Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

South of Tipton Station Rd, East of intersection with Lowland Ln

~88.5 of total 155.7 acres

General Location

Tract Size

City  County

9

AG

AgforVac

District

South County

Zoning District

LDR

Existing Land Use

Planned Growth

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 \_\_\_\_\_

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

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

## ZONING REQUEST

Pending Plat File Number

Zoning Change  
 Proposed Zoning **Planned Residential**  
 Plan Amendment Change

Proposed Plan Designation(s)

5

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
0802	\$5,000.00	
Fee 2		\$5,000.00
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

March 25, 2024

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

  
 Property Owner Signature

Alex Schubert

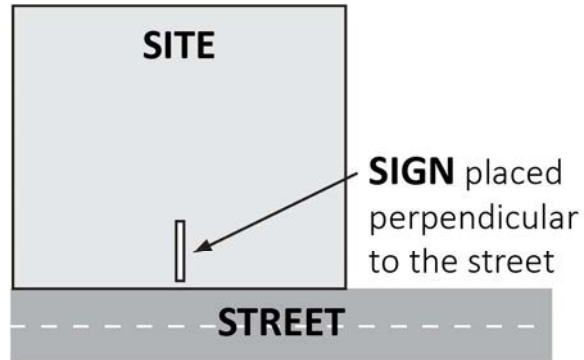
3/25/2024, SG

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:*

\_\_\_\_\_ 04/26/2024 \_\_\_\_\_ and \_\_\_\_\_ 05/10/2024 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C Mullins

Date: 03/25/2024

File Number: 5-K-24-RZ

- Sign posted by Staff
- Sign posted by Applicant