

REZONING REPORT

► **FILE #:** 10-M-24-RZ

AGENDA ITEM #: 23

AGENDA DATE: 10/3/2024

► **APPLICANT:** RYAN S. LYNCH

OWNER(S): Earl Presley

TAX ID NUMBER: 47 234, 23401, 23403

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 0 E BEAVER CREEK DR (1302, 1304 E BEAVER CREEK DR)

► **LOCATION:** South side of E Beaver Creek Dr, west of Dry Gap Pike

► **APPX. SIZE OF TRACT:** 4.95 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via E Beaver Creek Dr, a major collector street with a pavement width of 18 ft within a right-of-way of 55-60 ft.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Beaver Creek

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

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

► **EXISTING LAND USE:** Rural Residential, Agriculture/Forestry/Vacant Land, Single Family Residential

► **DENSITY PROPOSED:** up to 5 du/ac

EXTENSION OF ZONE: Yes, this is an extension of the PR (Planned Residential) zone.

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Commercial - CA (General Business)

South: Single Family, Multifamily - A (Agricultural)

East: Transportation/Communications/Utilities, agriculture/forestry/vacant land, commercial - CB (Business and Manufacturing)

West: Rural Residential - PR (Planned Residential) up to 5 du/ac

NEIGHBORHOOD CONTEXT: The surrounding neighborhood has some rural characteristics and it is close to a small commercial intersection. E Emory Road is located across Beaver Creek and features more intensive commercial and residential development. It is 0.9 miles from Brickey-McCloud Elementary School within the School Parental Zone.

STAFF RECOMMENDATION:

► **Approve the PR (Planned Residential) zone up to 5 du/ac because it is consistent with Knox County Comprehensive Plan and surrounding area, subject to 1 condition.**

1. Installing a sidewalk along the property's frontage per the Knox County Sidewalk ordinance.

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 area surrounding the subject property has experienced a transition from the A (Agricultural) zone to the PR (Planned Residential) zone with density ranging from 3 to 4.5 du/ac since the early 1990s.

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 and encourage more imaginative solutions to environmental design problems. A blue line stream runs along the front of the property, making the PR zone an appropriate zone to consider since it allows clustering of lots.
2. Houses, duplexes, multi-dwelling structures, and developments are permitted in the PR zone.
3. 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.

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 adjacent to a commercial node at Beaver Creek Drive and Dry Gap Pike, and Brickey-McCloud Elementary School is approximately 0.5 miles north on Dry Gap Pike. Because there are sidewalks from this intersection to the school, the applicant would need to add a sidewalk along the front of the property per the sidewalk ordinance.
2. As mentioned previously, a blueline stream runs along the northeast side of the property. Water quality buffers would be maintained, and any development must comply with Knox County stormwater management requirements.
3. E Beaver Creek Drive is a two-lane major collector street that intersects with Dry Gap Pike, a median-divided road with sidewalks. Additional traffic at this location would not substantially affect the area.
4. PR zoning requires that development plans be submitted for Planning Commission review. At that time, issues such as topography, surrounding character, and access are evaluated, and community input may be provided regarding the proposed development plan.

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 property is within the SR (Suburban Residential) place type. When the district is partially related to the place type, one of three conditions shall apply. One of these is that the proposed zoning district is compatible with the current zoning of adjacent sites. The proposed PR zoning with up to 5 du/ac is compatible with the current PR zoning of the adjoining site to the west, which was approved for single family residences. The CB zone to the east has a condition for a 20-ft vegetated buffer along the shared property line, and the A zone to the south is single family residences on less than 1 acre lots.
2. The SR (Suburban Residential) place type calls for primarily single family residential development with lots smaller than one acre and attached residential such as duplexes, multiplexes, and townhomes that are similar in scale to single family homes. The PR zoning allows these housing types by right.
3. The proposed rezoning is consistent with Knox County Comprehensive Plan Implementation Policy 5, which creates neighborhoods with various housing types and amenities nearby. The PR zone at this location allows a mix of housing types, all within walking distance of a commercial node and school. Additionally, the school will be the site of a proposed trailhead for the East Beaver Creek Greenway and Water Trail (Exhibit A). The rezoning is also consistent with Policy 11, which promotes connectivity with new development. The Knox County Sidewalk ordinance would require sidewalks along the frontage, connecting with the residential development to the west and the commercial property to the east

ESTIMATED TRAFFIC IMPACT: 271 (average daily vehicle trips)

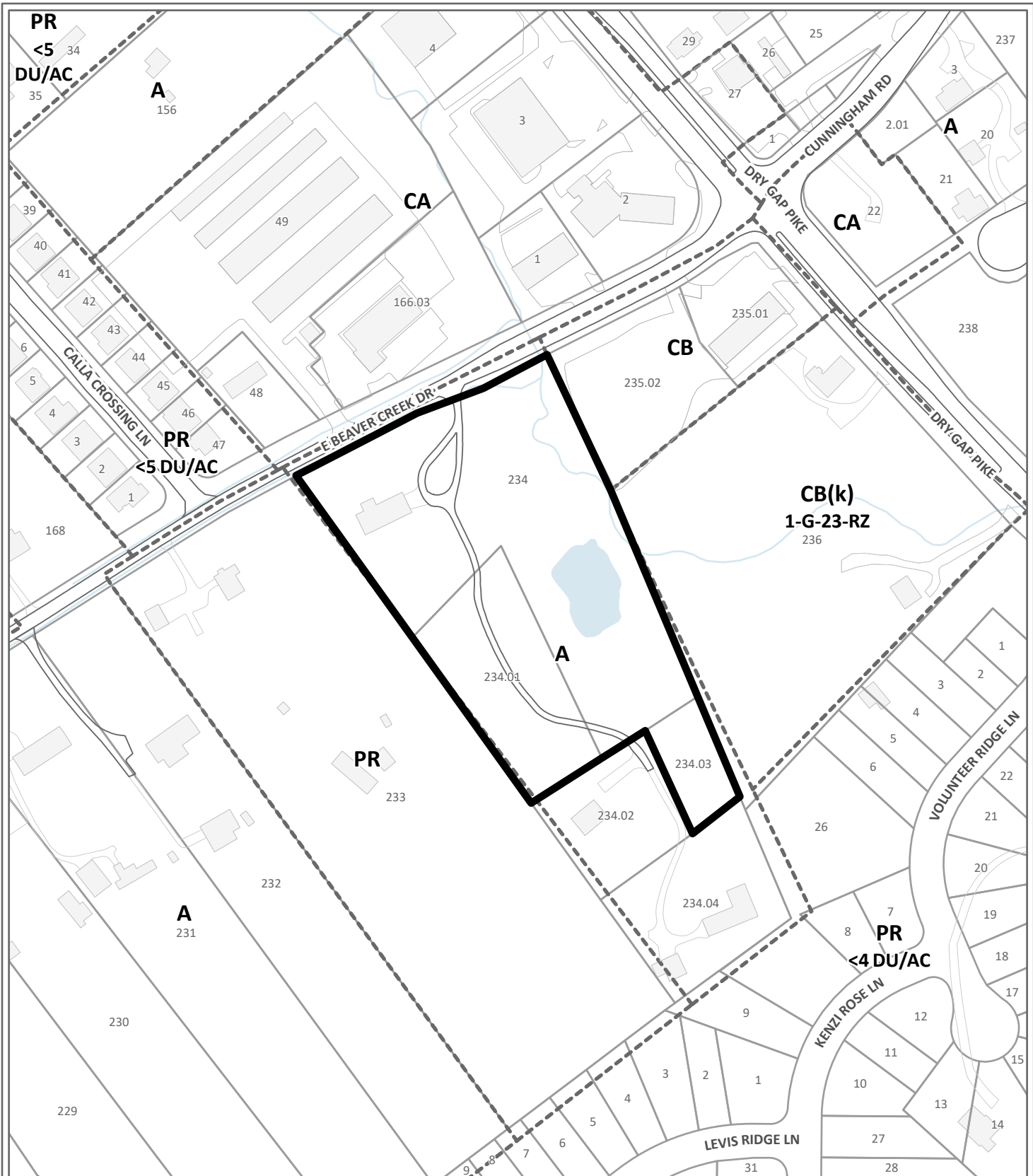
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 10 (public school children, grades K-12)

Schools affected by this proposal: Brickey-McCloud Elementary, Powell Middle, and Central 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.

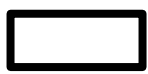
If approved, this item will be forwarded to Knox County Commission for action on 11/12/2024. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



REZONING

10-M-24-RZ

Petitioner: Ryan S. Lynch



From: A (Agricultural)
To: PR (Planned Residential) 5 du/ac

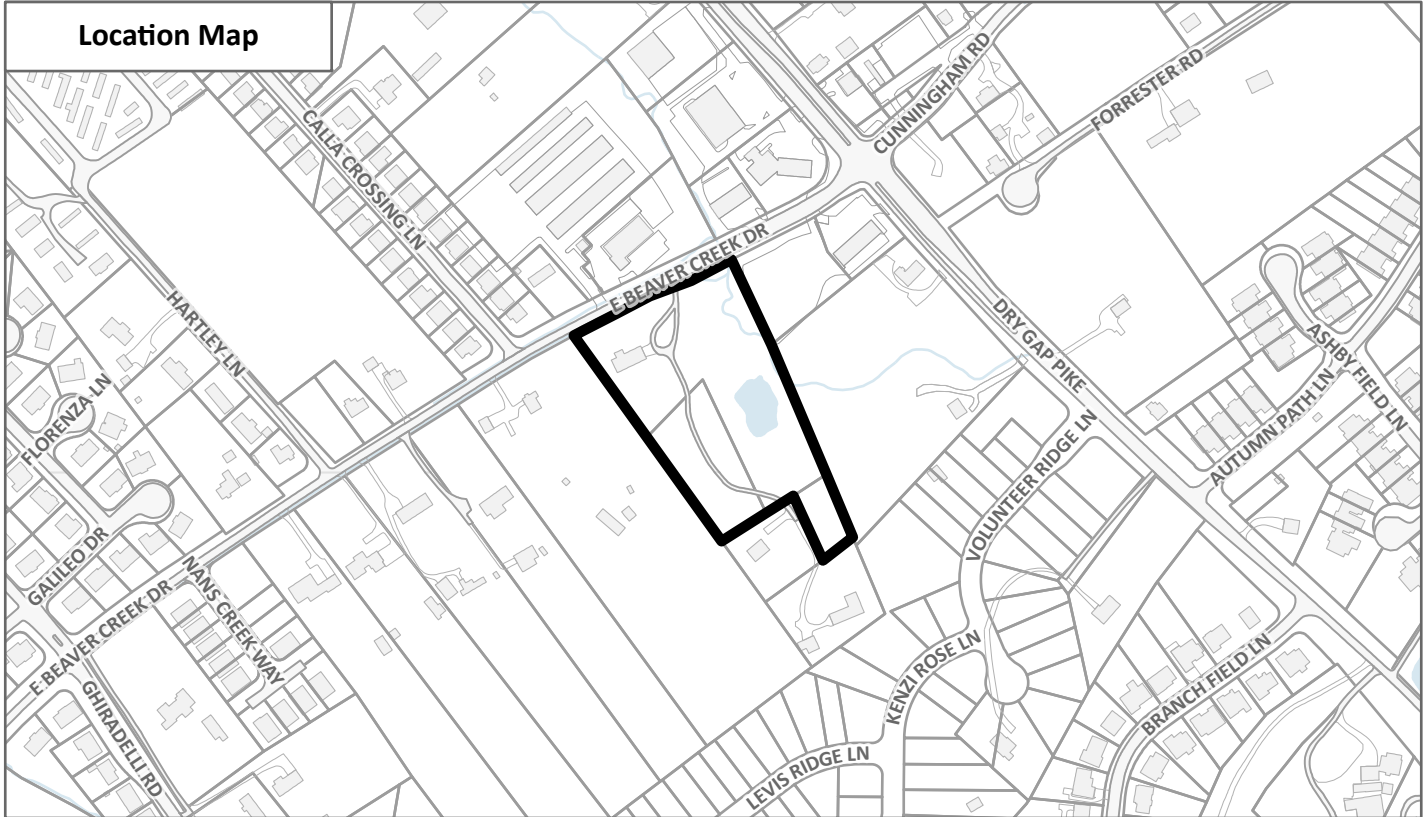
Original Print Date: 8/26/2024
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 47
Jurisdiction: County
0 220
Feet



Exhibit A. Contextual Images

Location Map



Aerial Map

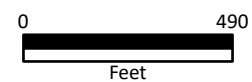


CONTEXTUAL MAPS 1

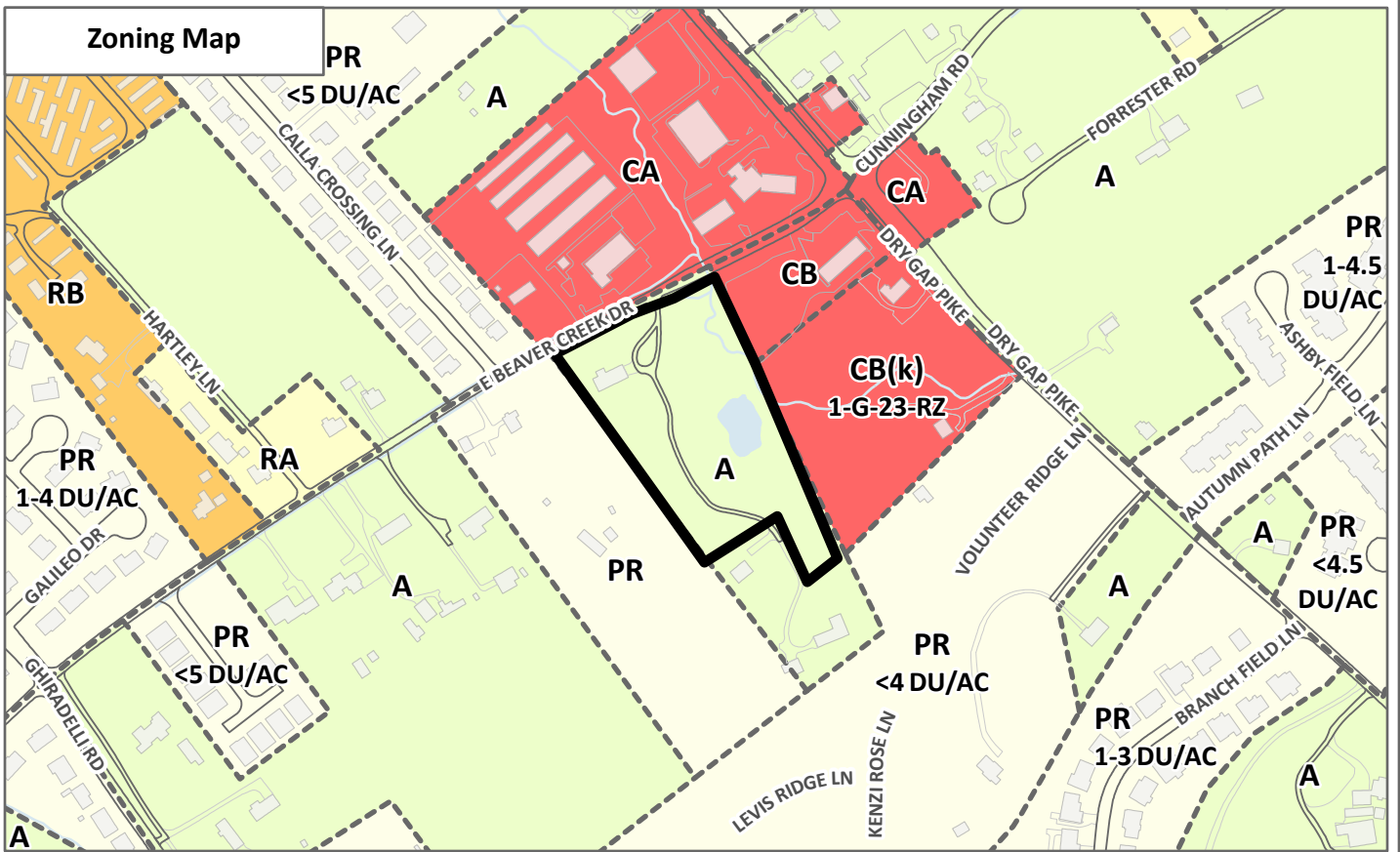
10-M-24-RZ



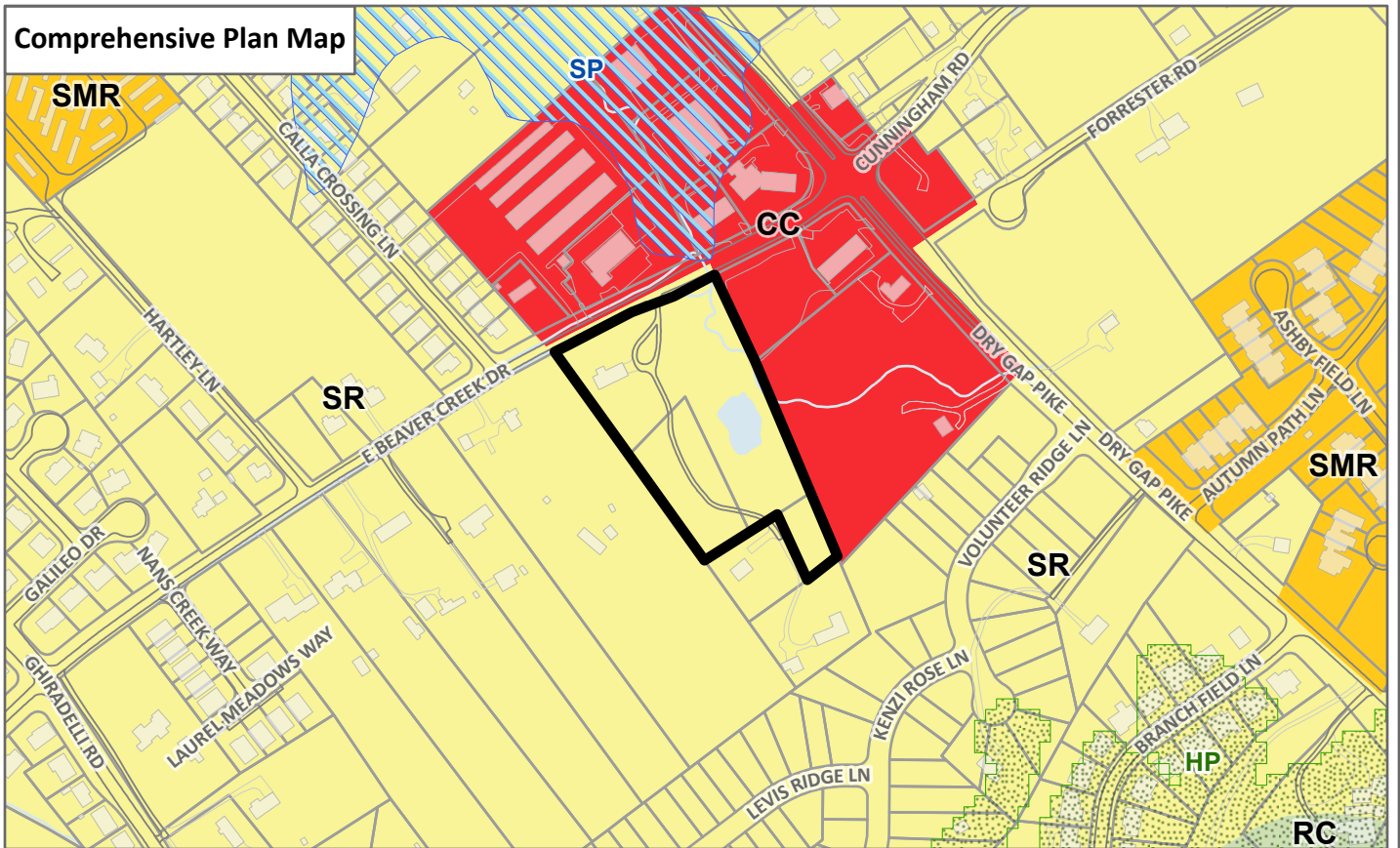
Case boundary



Zoning Map



Comprehensive Plan Map



CONTEXTUAL MAPS 2

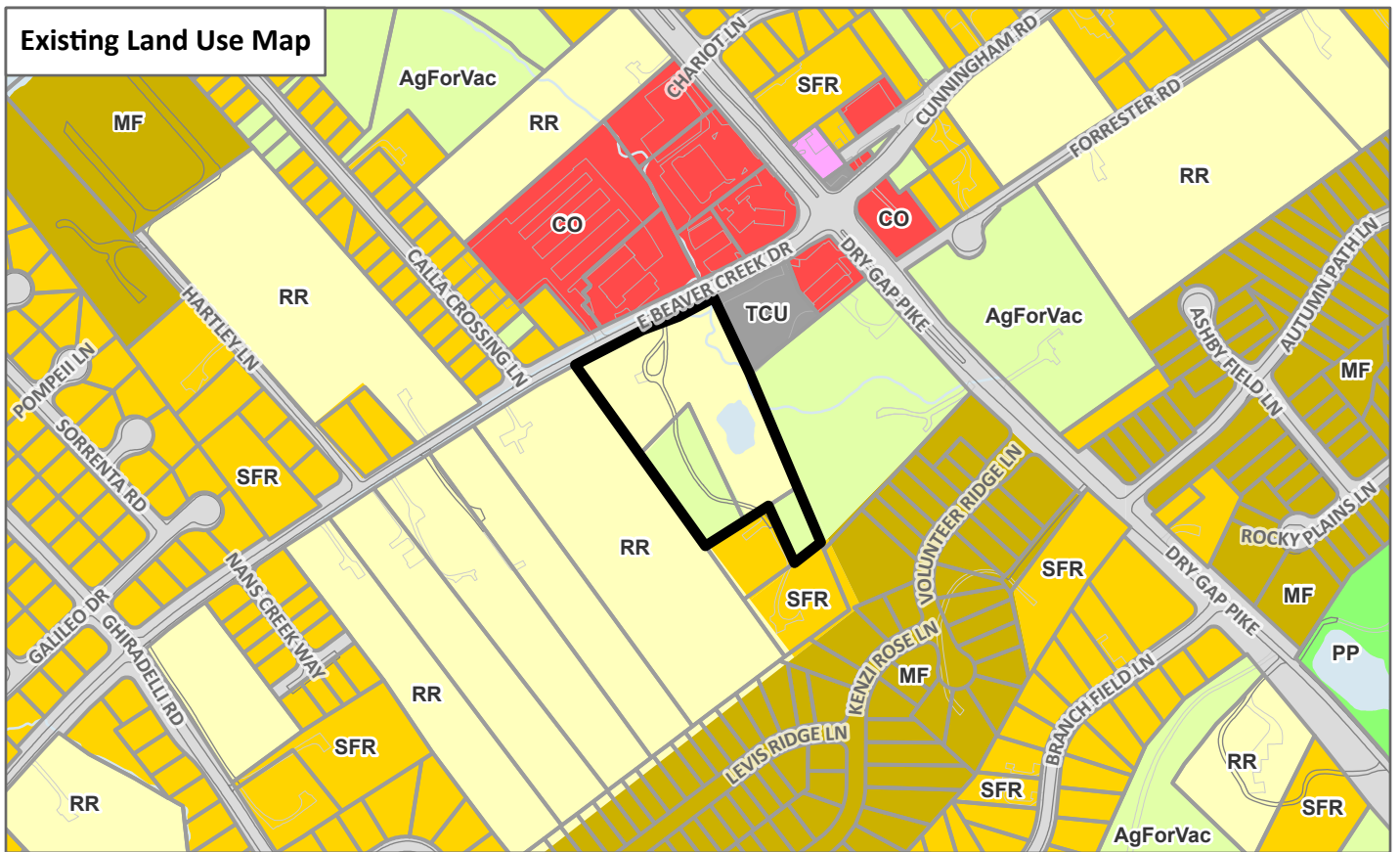
10-M-24-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

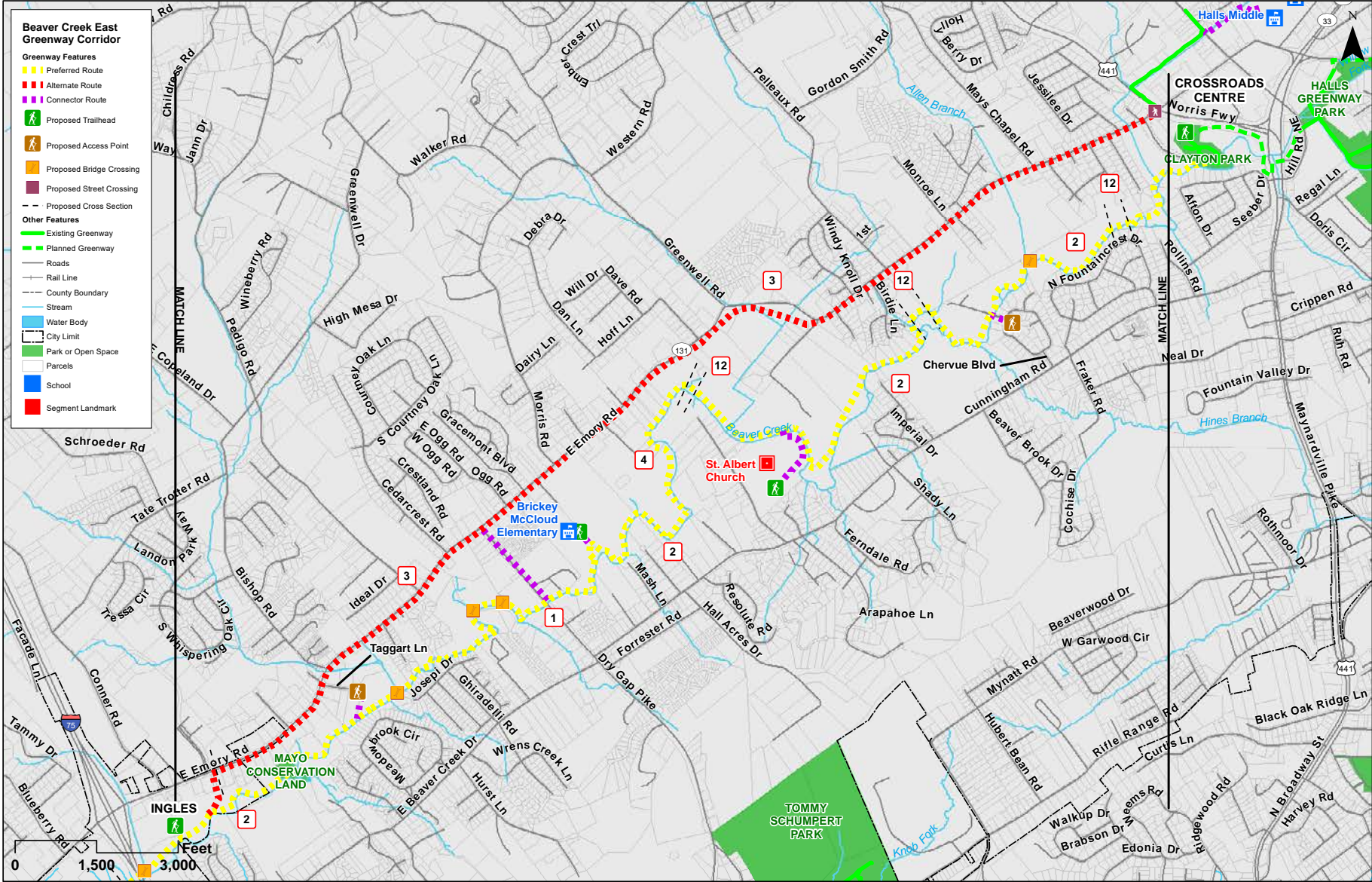
10-M-24-RZ



Case boundary



Figure 4-1. Beaver Creek East: Interstate 75 to Clayton Park **Exhibit A**





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

Ryan S. Lynch

Applicant Name

Affiliation

8/20/2024

Date Filed

10/3/2024

Meeting Date (if applicable)

10-M-24-RZ

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Ryan Lynch Lynch Surveys LLC

Name / Company

4405 Coster Rd Knoxville TN 37912

Address

865-584-2630 / RLynch@LynchSurvey.com

Phone / Email

CURRENT PROPERTY INFO

Earl Presley

Owner Name (if different)

1302 E Beaver Creek Dr Knoxville TN 37918

Owner Address

865-566-8437 / wendykirchhoff

Owner Phone / Email

0 E BEAVER CREEK DR / 1302, 1304 E BEAVER CREEK DR

Property Address

47 23401,234,23403

Parcel ID

Part of Parcel (Y/N)?

4.95 acres

Tract Size

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

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

- ☐ Development Plan ☐ Planned Development ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **PR (Planned Residential)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment Proposed Plan Designation(s)

up to 5 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

\$650.00

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.

Ryan S. Lynch

8/20/2024

Applicant Signature

Please Print

Date

Phone / Email

Earl Presley

8/20/2024

Property Owner Signature

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 ☐ PA
☐ Rezoning

RYAN S. LYNCH

LAND SURVEYOR

Applicant Name

Affiliation

08/19/2024

October 3, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

10-M-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

RYAN S. LYNCH

LYNCH SURVEYS LLC

Name

Company

4405 COSTER ROAD

KNOXVILLE

TN

37912

Address

City

State

ZIP

865-584-2630

OFFICE@LYNCHSURVEY.COM

Phone

Email

CURRENT PROPERTY INFO

EARL PRESLEY

1302 E BEAVER CREEK DR

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1302, 1304, 0 E BEAVER CREEK DR

MAP 047 PARCELS 234, 23401, AND 23403

Property Address

Parcel ID

HPUD

HPUD

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 **PR**
Proposed Zoning _____

☐ 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
☐ Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

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

Fee 1		Total
0801	\$650.00	
Fee 2		
Fee 3		
		\$650.00

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

RYAN S. LYNCH

Please Print

Date

Phone Number

Email

Property Owner Signature

Please Print

Date Paid

08/20/2024, SG



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.

09/20/2024

10/04/2024

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

RYAN LYNCH Digitally signed by RYAN LYNCH
Date: 2024.08.19 12:57:13 -04'00'

Ryan S. Lynch

08/19/2024

Applicant Signature

Applicant Name

Date

10-M-24-RZ
FILE NUMBER