

REZONING REPORT

▶ **FILE #:** 9-G-24-RZ

AGENDA ITEM #: 11

AGENDA DATE: 10/03/2024

▶ **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Stephen D. McFarland

TAX ID NUMBER: 77 053

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 8920 KARNS VALLEY DR

▶ **LOCATION:** North and south sides of Karns Valley Dr, north of Oak Ridge Hwy, west of Wavetree Dr

▶ **APPX. SIZE OF TRACT:** 20.54 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Karns Valley Drive, a major arterial street with a 40-ft pavement width within a 77-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

FIRE DISTRICT: Karns Fire Department

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural), F (Floodway)

▶ **ZONING REQUESTED:** PR (Planned Residential), F (Floodway)

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

▶ **DENSITY PROPOSED:** up to 6 du/ac

EXTENSION OF ZONE: It is an extension of the PR zone, but not the density.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land, single family residential - A (Agriculture)

South: Rural residential, right-of-way - F (Floodway)

East: Single family residential, multifamily residential, rural residential, agriculture/forestry/vacant land - PR (Planned Residential) up to 3 du/ac and 5 du/ac

West: Rural residential, agriculture/forestry/vacant land - A (Agriculture), F (Floodway)

NEIGHBORHOOD CONTEXT: This is a residential area along Beaver Creek with a rural character. It is comprised of planned residential subdivisions, a park complex and farmland.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone up to 6 du/ac because it is compatible with surrounding development and zoning, and it is supported by recreational amenities, subject to 1 condition. The F (Floodway) zone would be retained.**

1. Preserving existing tree canopy along Beaver Creek and on slopes with a 25% grade or higher.

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 area of Karns continues to see significant residential development since the completion of the capital project that connected Karns Valley Drive to the Hardin Valley area in 2017.
2. The subject property is adjacent to four different residential developments on the east side. The Walkers Gate and Brookhaven subdivisions were completed years ago, and the Archstone Condominiums and Emory Green subdivision are still being constructed.
3. On the west side of the of the subject property is the Knox County Sportspark, which was completed in 2010 It surrounds the Karns Senior Center and includes five baseball/softball fields, three practice football/ rugby fields, a playground, a walking trail, a picnic pavilion and a launch pad for kayaks into Beaver Creek.
4. These transportation improvements, residential developments, and recreational amenities support the requested PR (Planned Residential) district with a density of up to 6 du/ac.

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 creative solutions to environmental design problems. This can be accomplished by permitting clustered development in the more suitable areas of the property to avoid ecologically sensitive areas.
2. The subject property has some steep topography, and its southern border is formed by Beaver Creek. Beaver Creek is receiving new public investment as a formally established Knox County Water Trail for navigable recreation. The PR zone permits development that avoids these steep slopes as well as the natural areas around the waterway, preserving their scenic, wildlife and recreational value.

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 PR zone is a minor extension from the east. The density of 6 du/ac is compatible with the existing PR zoning in the area, which ranges in density from 1-5 du/ac and includes townhouses and multifamily developments. The PR zone requires development plan review by the Planning Commission, which provides opportunity for public notice and feedback to inform what is approved to be built. If the maximum density is pursued, it will trigger a traffic impact study, which may result in safety improvements to Karns Valley Drive.
2. The noted condition to preserve existing tree canopy along the stream bed and steep slopes is intended to preserve the viewshed, natural assets, and rural character of the area, especially in light of Beaver Creek being designated by Knox County as a navigable Water Trail. This condition also complements the kayak launch pad at the neighboring park.

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 majority of the parcel's acreage is designated SMR (Suburban Mixed Residential) on the south side of Karns Valley Drive. The portion to the north is designated as TN (Traditional Neighborhood). The PR zone up to 6 du/ac is partially related to both the SMR and TN place types in the Comprehensive Plan. The property meets the review criteria for partially related zones by being compatible with the current zoning of adjacent sites.
2. The proposed rezoning is consistent with the Comprehensive Plan's Implementation Policy 9.3 to focus growth in areas already served by adequate infrastructure. This property has access to sewer infrastructure, a major arterial street that is a short distance from another major arterial street (Oak Ridge Highway), and a large park and senior center.
3. The tree preservation condition is consistent with Policy 7 to encourage development practices that conserve and connect natural features and habitat.
4. The requested rezoning is consistent with the property's location in the Planned Growth Area of the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: 1046 (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: 43 (public school children, grades K-12)

Schools affected by this proposal: Mill Creek Elementary, Karns Middle, and Karns 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.



Request to Postpone • Table • Withdraw

Benjamin C. Mullins

9-12-2024

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

Date of Request

September 12, 2024

Scheduled Meeting Date

9-G-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 October 3, 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

Phone Number

bmullins@fmsllp.com

Email

STAFF ONLY

Staff Signature

Shelley Gray

Please Print

09/19/2024

Date Paid

No Fee

Eligible for Fee Refund? Yes No

Amount:

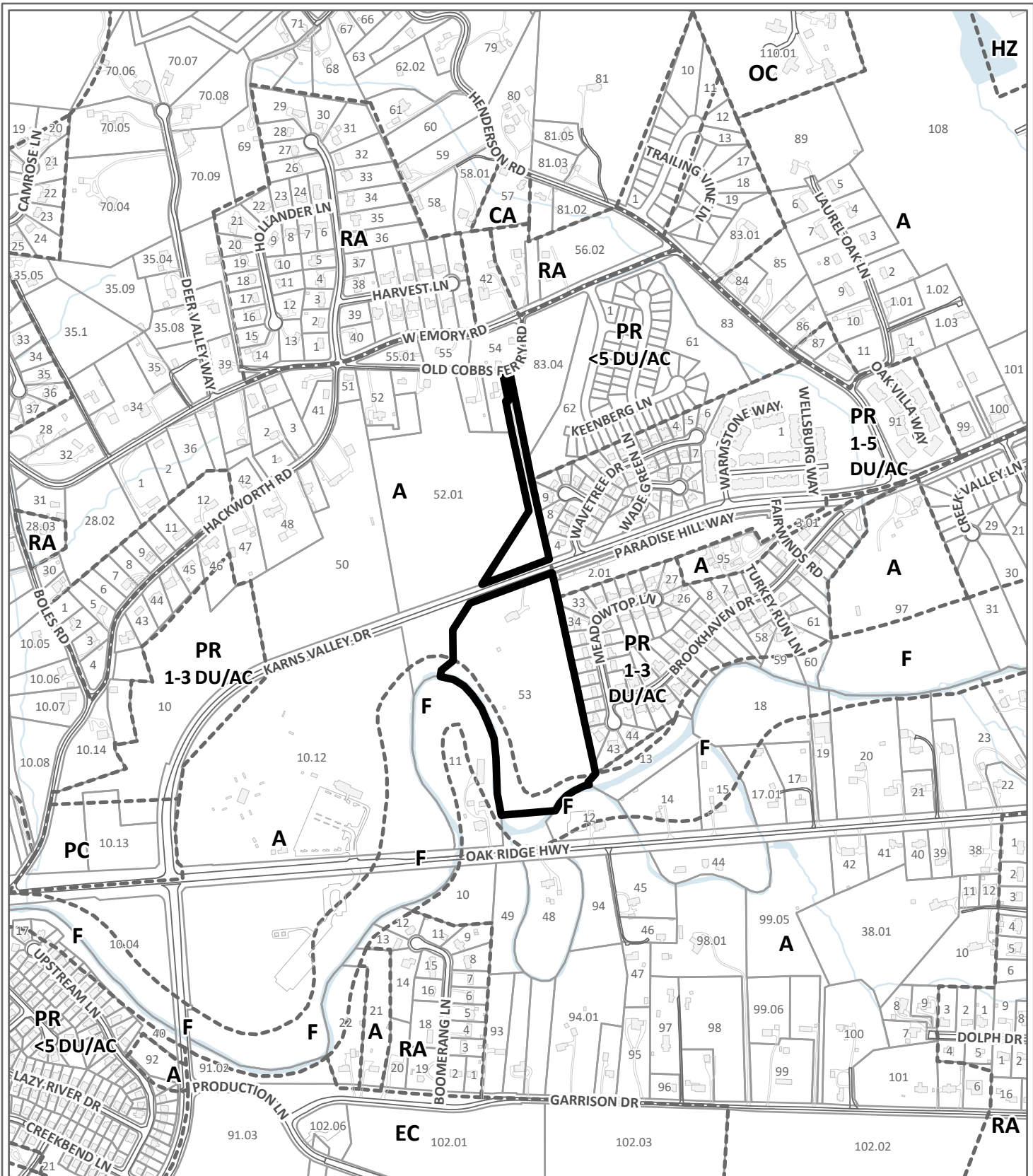
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



REZONING

9-G-24-RZ

Petitioner: Benjamin C. Mullins



From: A (Agricultural), F (Floodway)
To: PR (Planned Residential), F (Floodway) 6 du/ac

Map No: 77
Jurisdiction: County

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

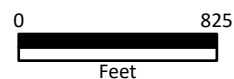
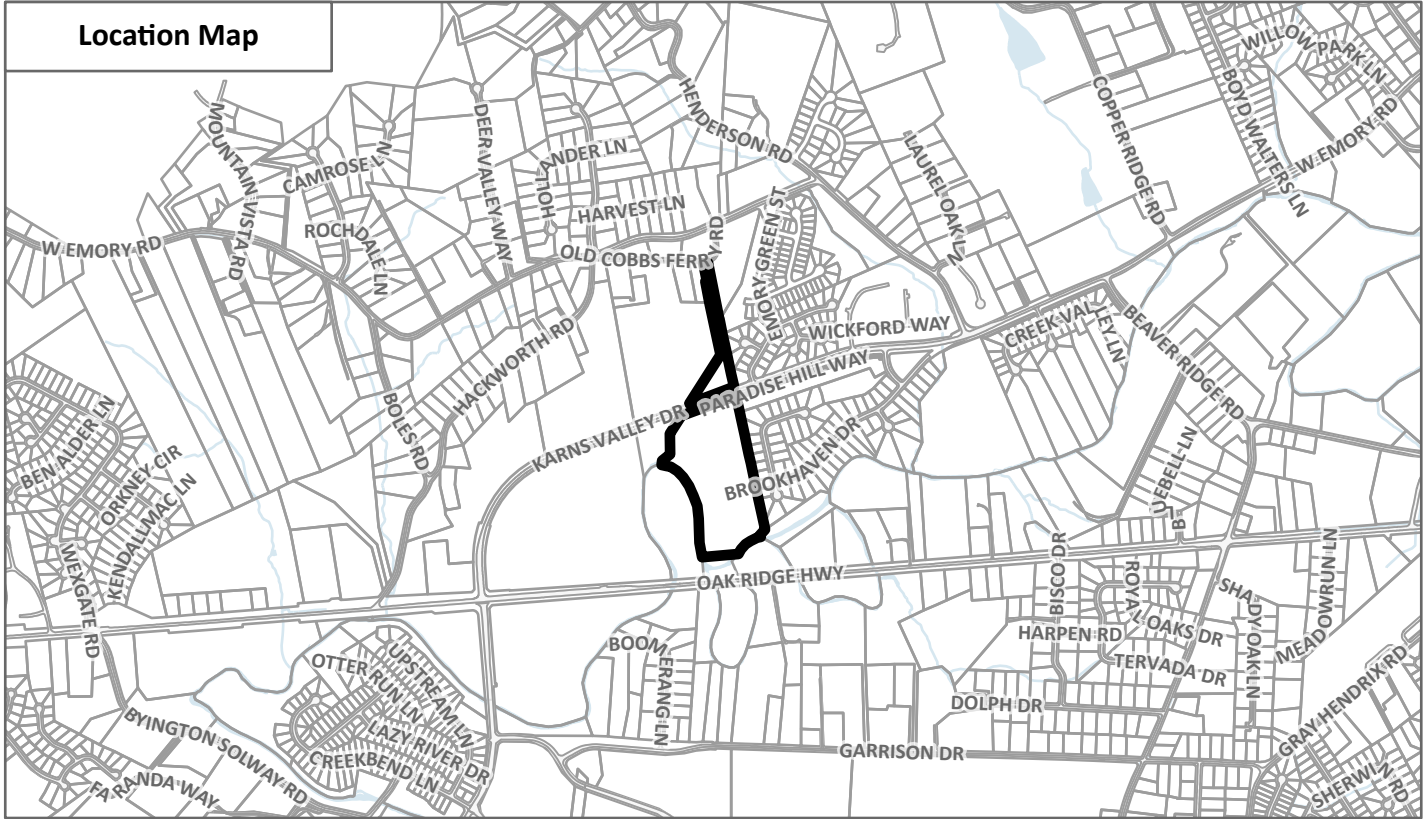
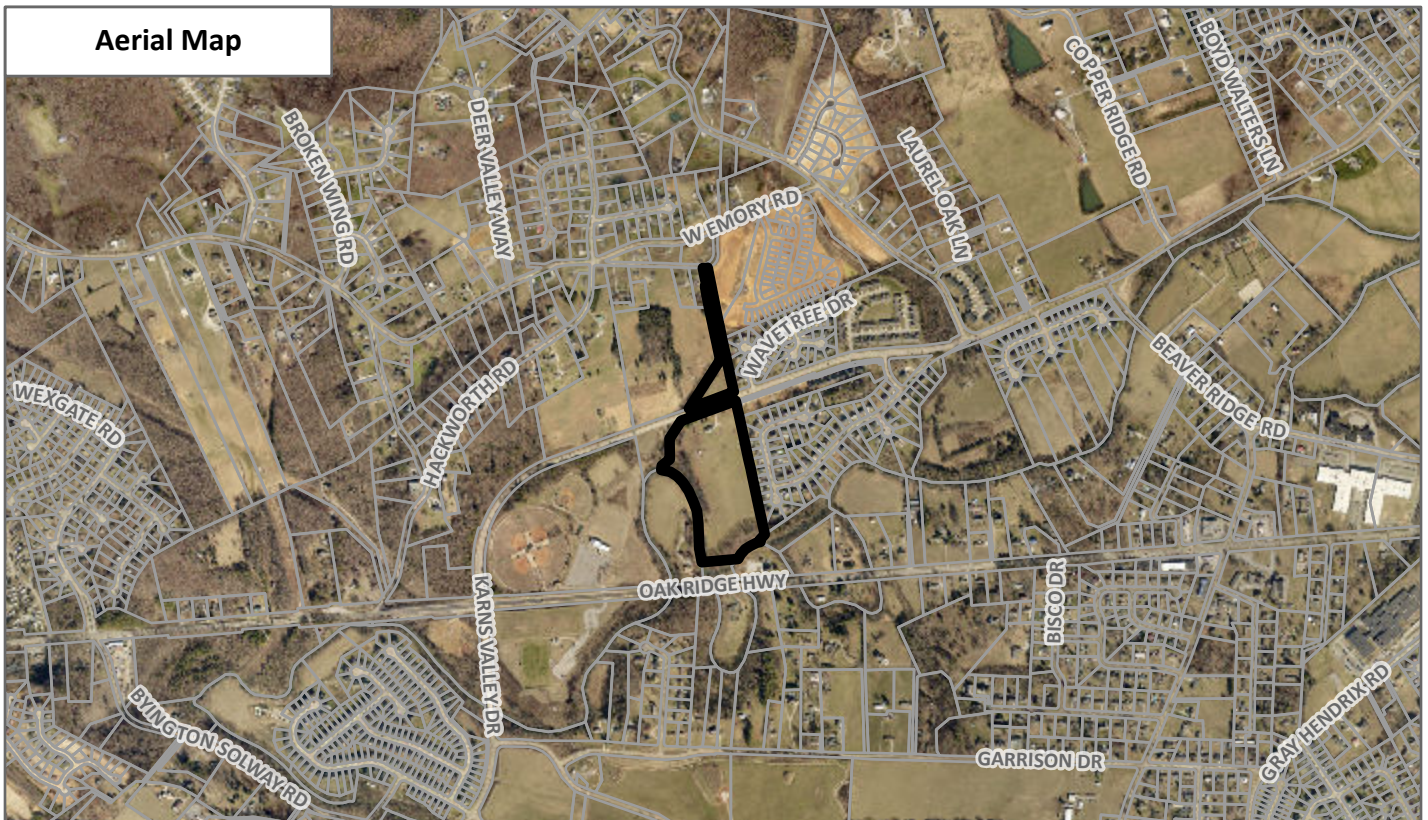


Exhibit A. Contextual Images

Location Map



Aerial Map

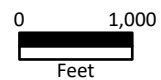


CONTEXTUAL MAPS 1

9-G-24-RZ



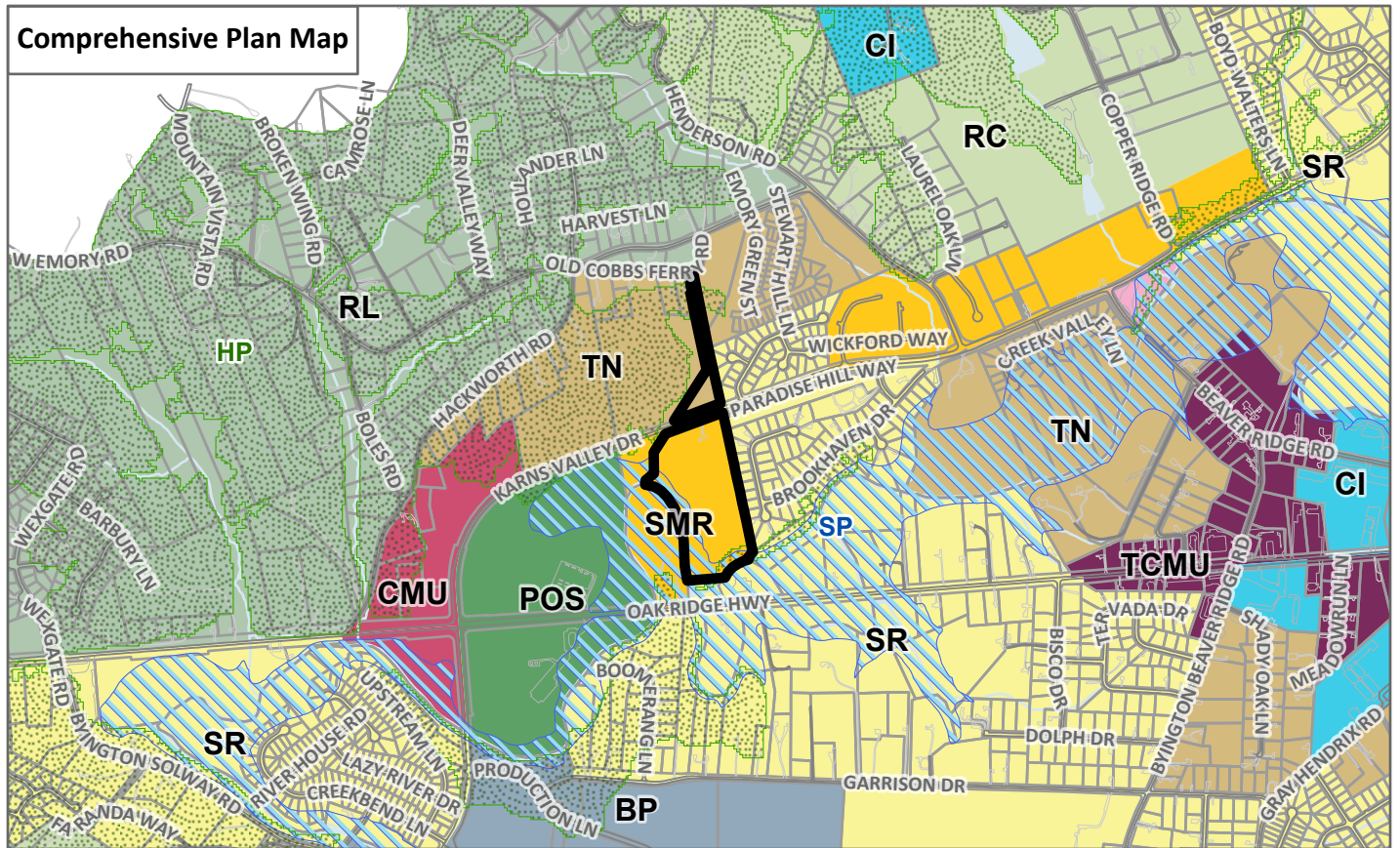
Case boundary



Zoning Map



Comprehensive Plan Map

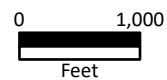


CONTEXTUAL MAPS 2

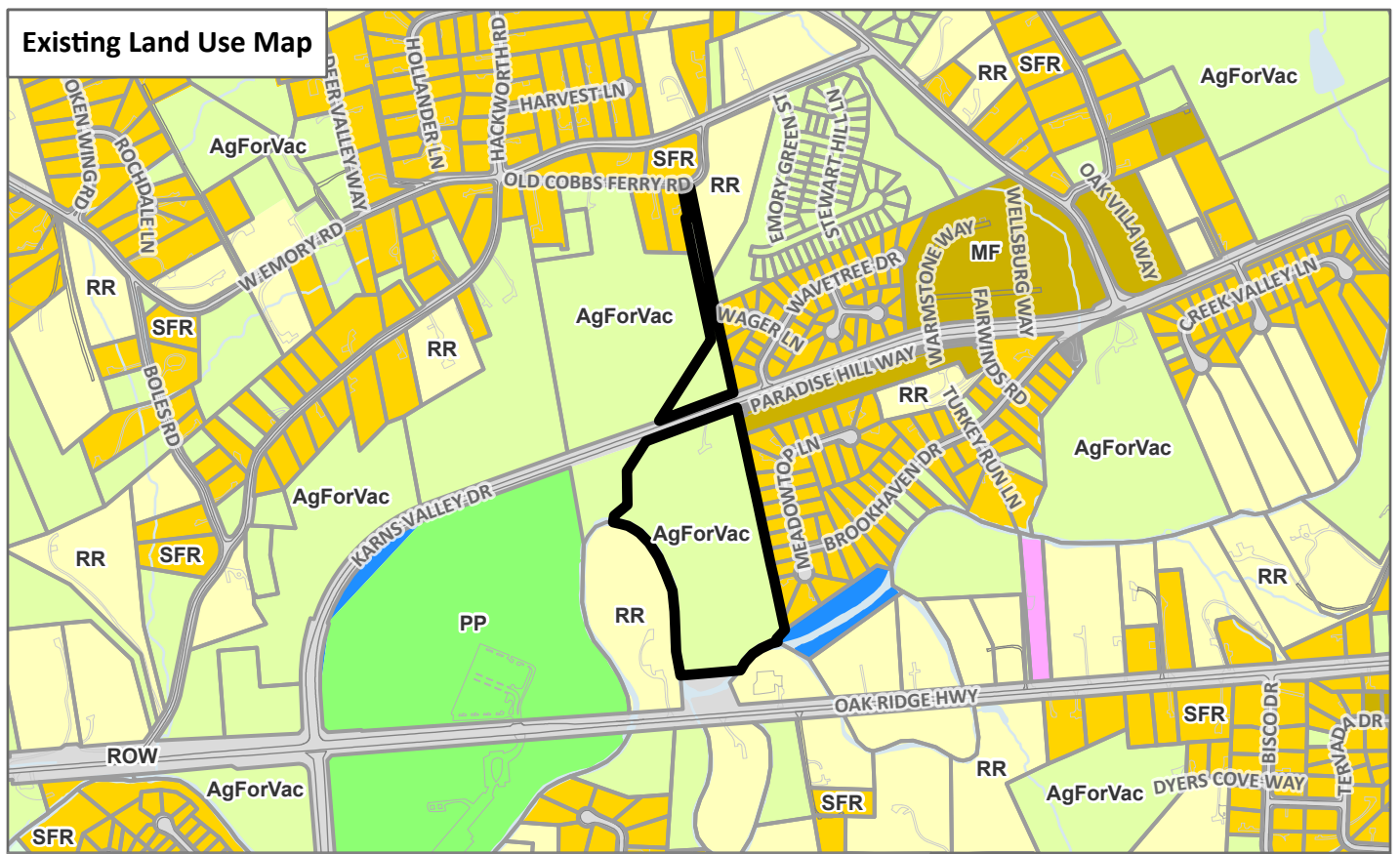
9-G-24-RZ



Case boundary



Existing Land Use Map

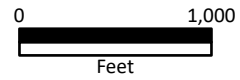


CONTEXTUAL MAPS 3

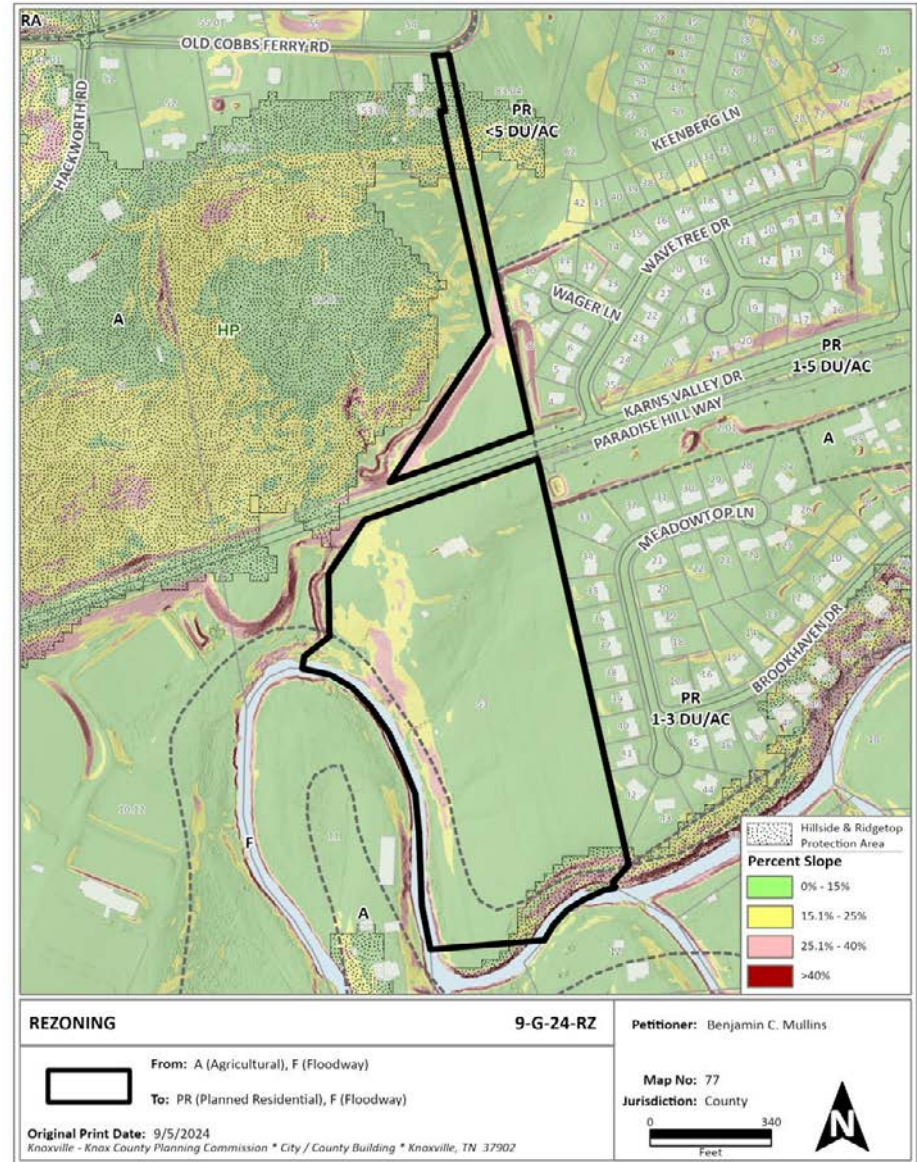
9-G-24-RZ



Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	20.54		
Non-Hillside	19.42	N/A	
0-15% Slope	0.40	100%	0.40
15-25% Slope	0.34	50%	0.17
25-40% Slope	0.33	20%	0.07
Greater than 40% Slope	0.05	10%	0.01
Ridgetops			
Hillside Protection (HP) Area	1.12	Recommended disturbance budget within HP Area (acres)	0.64
		Percent of HP Area	57.0%





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

7/19/2024

Date Filed

9/12/2024

Meeting Date (if applicable)

9-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

Stephen D. McFarland

Owner Name (if different)

8920 Karns Valley Dr Knoxville TN 37931

Owner Address

865-690-0689

Owner Phone / Email

8920 KARNS VALLEY DR

Property Address

77 053

Parcel ID

20.54 acres

Tract Size

Part of Parcel (Y/N)?

West Knox Utility District

Sewer Provider

West Knox 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

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

up to 6 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
\$1,677.00	
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	7/19/2024 Date
---------------------	--	--------------------------

Phone / Email		
Property Owner Signature	Stephen D. McFarland Please Print	7/19/2024 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

Benjamin C. Mullins

Attorney for Option Holder

Applicant Name

Affiliation

July 17, 2024

September 12, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

9-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

Stephen D. McFarland

8920 Karns Valley Dr. Knoxville TN 37931

865-690-0689

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

8920 Karns Valley Dr. Knoxville TN 37931

077 053

Property Address

Parcel ID

WKUD

WKUD

No

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

N and S of Karnes Valley Dr. and E of its intersection with Wavetree Dr.

~21.29 ac

General Location

Tract Size

City County

6

A

AgForVac

District

Zoning District

Existing Land Use

NW County

SMR and TN

Planned 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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

Combine Parcels
 Divide Parcel

Unit / Phase Number

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)

6 units an acre

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
0802 \$1,677.00	
Fee 2	\$1,677.00
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



Benjamin C. Mullins

Please Print

7-17-24

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Stephen D. McFarland

07/19/2024, SG

Property Owner Signature

Please Print

Date Paid

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)

6 units an acre

Proposed Density (units/acre) Previous Rezoning Requests

Other (specify) _____

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

Fee 1	Total
Fee 2	
Fee 3	

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*)

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

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Stephen D. McFarland

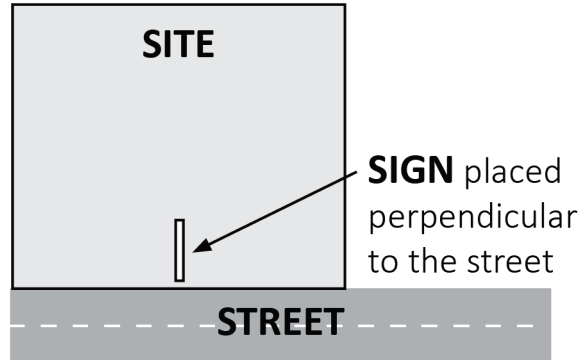
Stephen D. McFarland

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:

_____ 08/30/2024 _____ and _____ 09/13/2024 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C Mullins

Date: 07/19/2024

File Number: 9-G-24-RZ



Sign posted by Staff



Sign posted by Applicant