

REZONING REPORT

▶ **FILE #:** 9-I-24-RZ

AGENDA ITEM #: 12

AGENDA DATE: 9/12/2024

▶ **APPLICANT:** BENJAMIN C MULLINS

OWNER(S): Carolyn Kirby

TAX ID NUMBER: 67 061, 062

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 2528 & 2536 W BEAVER CREEK DR

▶ **LOCATION:** Southeast side of West Beaver Creek Dr, northeast of Clinton Hwy

▶ **APPX. SIZE OF TRACT:** 4.8 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W Beaver Creek Drive, a major collector street with a pavement width of 19.2 ft within a 38-ft right-of-way.

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

▶ **DENSITY PROPOSED:** up to 24 du/ac

EXTENSION OF ZONE: No.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single-family residential - A (Agricultural)

South: Rural residential - A (Agricultural)

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

West: Single-family residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area contains a mix of uses, with single-family residences and warehouses on large lots along W Beaver Creek Drive and smaller single-family lots off of side streets. There is a commercial corridor along Clinton Hwy to the southwest, and Powell High School is located to the northeast.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone up to 12 du/ac because it is compatible with surrounding zoning and consistent with the Comprehensive Plan, subject to 1 condition.**

1. No more than 24 residential building permits may be issued before the completion of capital improvements planned at the intersection of W Beaver Creek Drive and Clinton Highway.

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 subject property is located on W Beaver Creek Drive, a minor collector street which is planned to be improved to the south where it intersects with Clinton Highway (see Exhibit B). Right-of-way is being acquired by Knox County, and construction is estimated to begin in late 2025. The County is partnering with the TN Department of Transportation (TDOT) to install a traffic signal and make roadway alignment changes to greatly increase safety at this location. Clinton Highway is a 4-lane principal arterial street with a posted speed limit of 50 mph and a traffic volume of over 26,000 vehicles per day. A traffic signal will allow for much safer turning movements to and from W Beaver Creek Drive onto Clinton Highway. W Beaver Creek Drive is also being shifted to the west in order to improve sight distance, as Clinton Hwy curves towards the south near this intersection.
2. Improvements were recently completed to the northeast on W Beaver Creek Drive with a roundabout installation and alignment at its intersection with Brickyard Road and Lyngate Boulevard. This provides safer and more efficient access to Powell Drive to the northwest, which is a major arterial street created by TDOT in 2015.
3. These significant changes to the roadway infrastructure increase capacity for residential development in the area and support consideration of the proposed rezoning to the PR (Planned Residential) district. The proposed density of 24 du/ac on this 4.8-acre property is much more intense than any surrounding residential development, but a density of 12 du/ac could be feasible after the improvements at Clinton Highway are complete.

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 land development which encourage more imaginative solutions to environmental design problems. Residential development may be clustered in the optimal areas of a property, away from more environmentally sensitive areas. The PR zone also emphasizes compatibility with surrounding or adjacent zones.
2. The subject property includes forested steep slopes and a blue line stream. These conditions align with the intent of the PR zone and enable development that preserves the stream and slopes.
3. A zoning of PR up to 12 du/ac is also compatible with surrounding zones, which include planned residential subdivisions. There is a lot 180 ft to the northeast with PR zoning at the same maximum density. The OB (Office, Medical and Related Services), CA (General Business), and CB (Business and Manufacturing) zones are also nearby and allow residential development at 12 du/ac as a permitted use.

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 recommended rezoning of PR up to 12 du/ac with Condition #1 regarding the completion of nearby capital improvements is intended to mitigate potential traffic impacts to the area. The maximum number of building permits that can be issued before the intersection alignment project with Clinton Highway is consistent with a maximum density of 5 du/ac. After the capital project is complete, a higher density of development to 12 du/ac can be accommodated. The subject property is a short distance from two major arterial streets, which have ample traffic capacity.

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 PR zone up to 12 du/ac is a partially related zone within the TN (Traditional Neighborhood) place type for this property. Per Appendix H of the Comprehensive Plan, partially related zones must meet additional criteria to be approved. This property meets the criterion that the zoning district be consistent with primary and secondary uses of the TN place type, which include single-family, attached, and multifamily dwellings.
2. The rezoning with the noted condition is consistent with Comprehensive Plan's Implementation Policy 9 to coordinate infrastructure improvements with development. It also supports Policy 6 to promote attainable housing that meets the needs of current and future residents. PR zoning up to 12 du/ac provides for a range of housing forms to meet local demand.
3. The rezoning is consistent with the property's location in the Planned Growth Area of the Growth Policy plan.

ESTIMATED TRAFFIC IMPACT: 1082 (average daily vehicle trips)

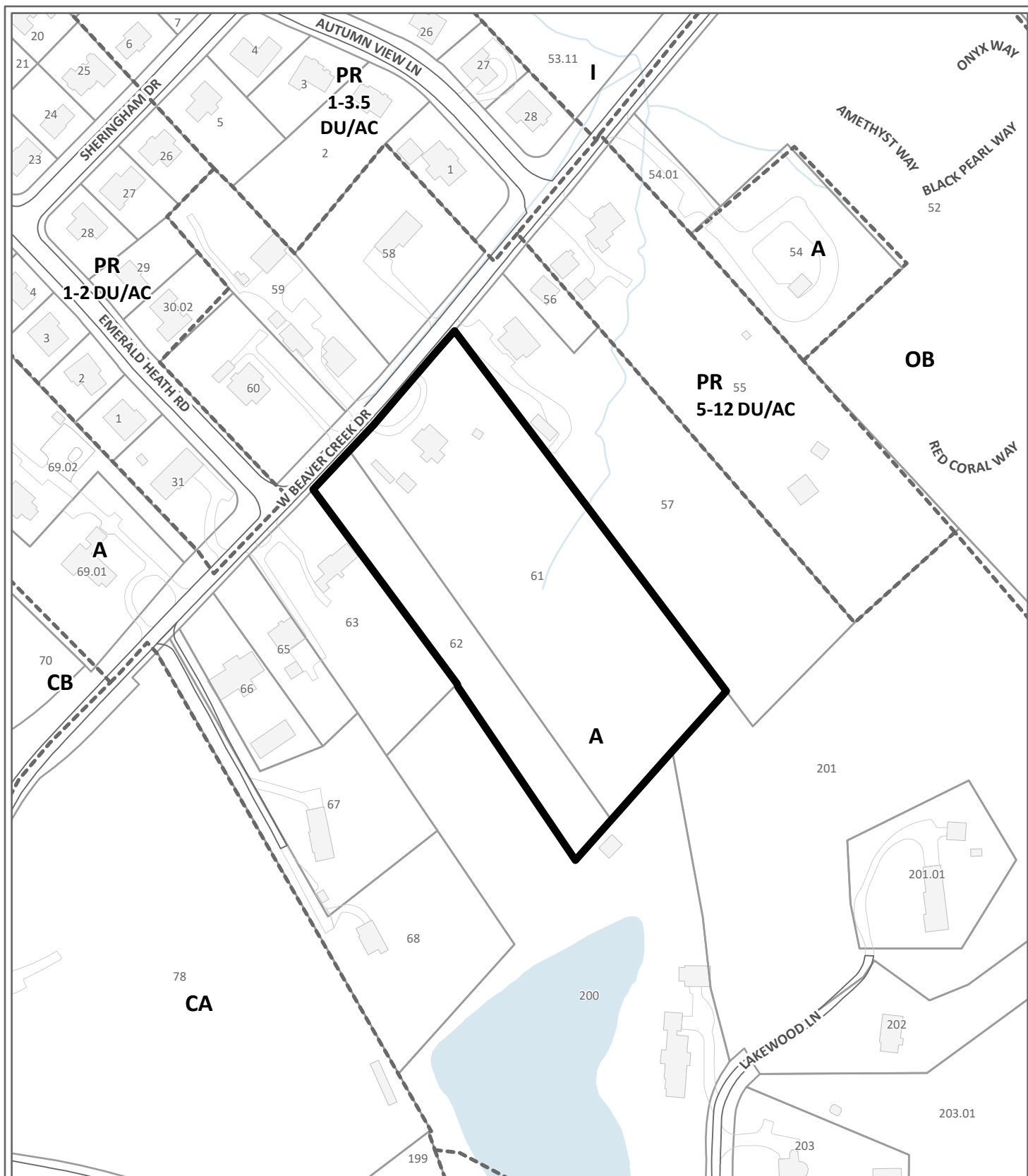
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: Powell Elementary, Powell Middle, and Powell 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 10/21/2024. 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

9-I-24-RZ

Petitioner: Benjamin C Mullins



From: A (Agricultural)

To: PR (Planned Residential) up to 24 du/ac

Map No: 67

Jurisdiction: County

Original Print Date: 8/8/2024

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

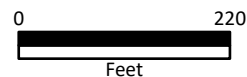
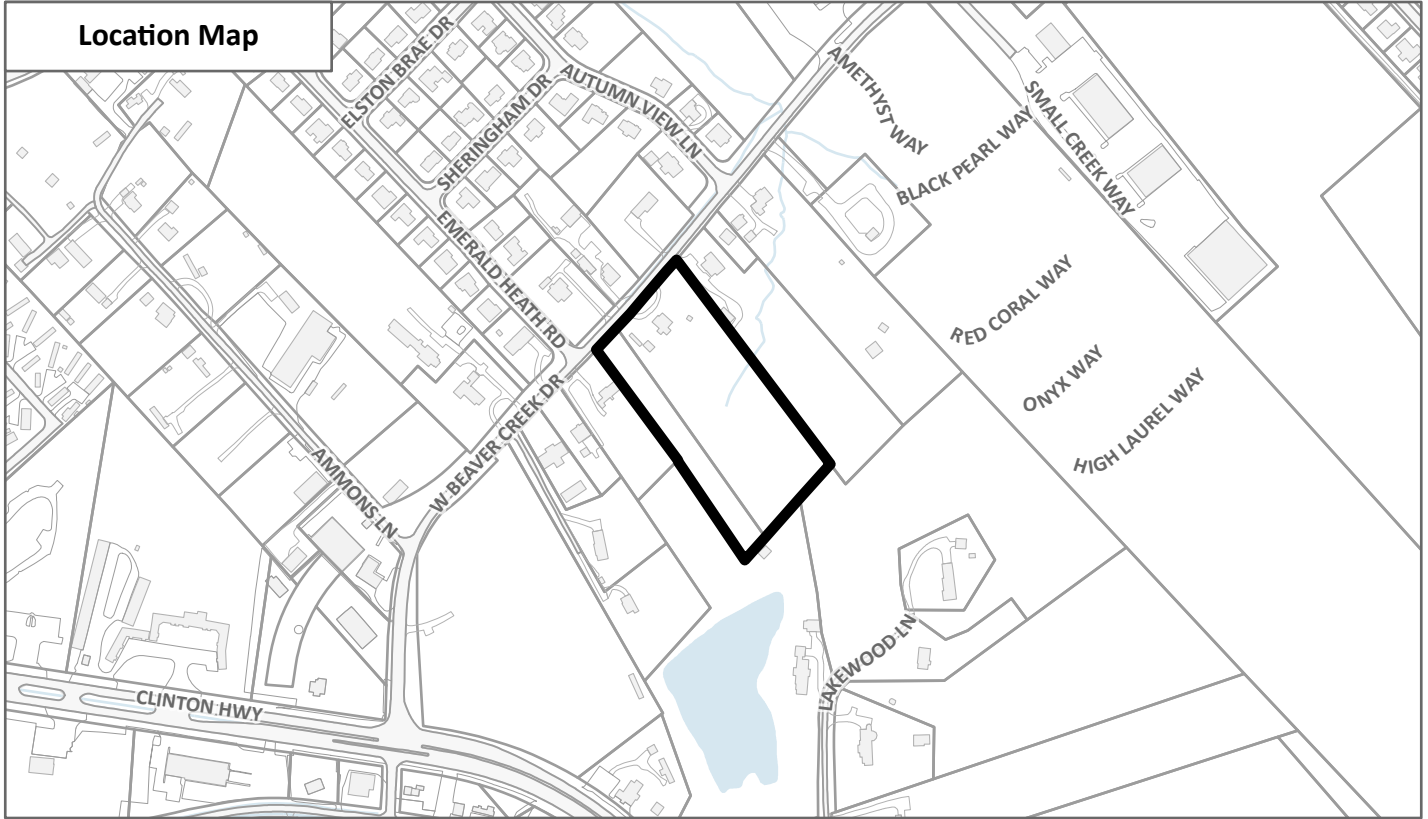


Exhibit A. Contextual Images

Location Map



Aerial Map

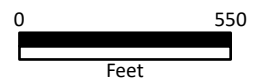


CONTEXTUAL MAPS 1

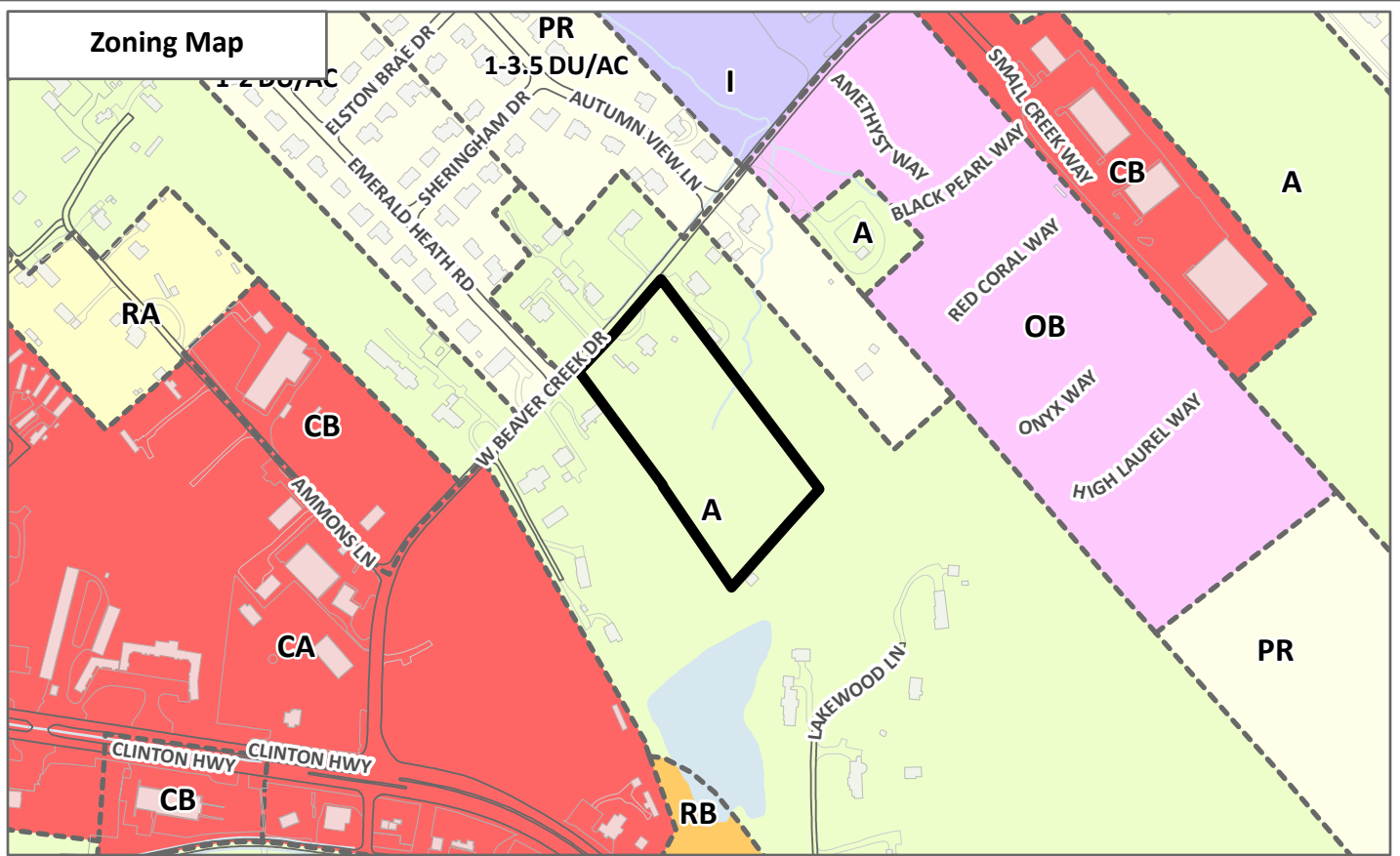
9-1-24-RZ



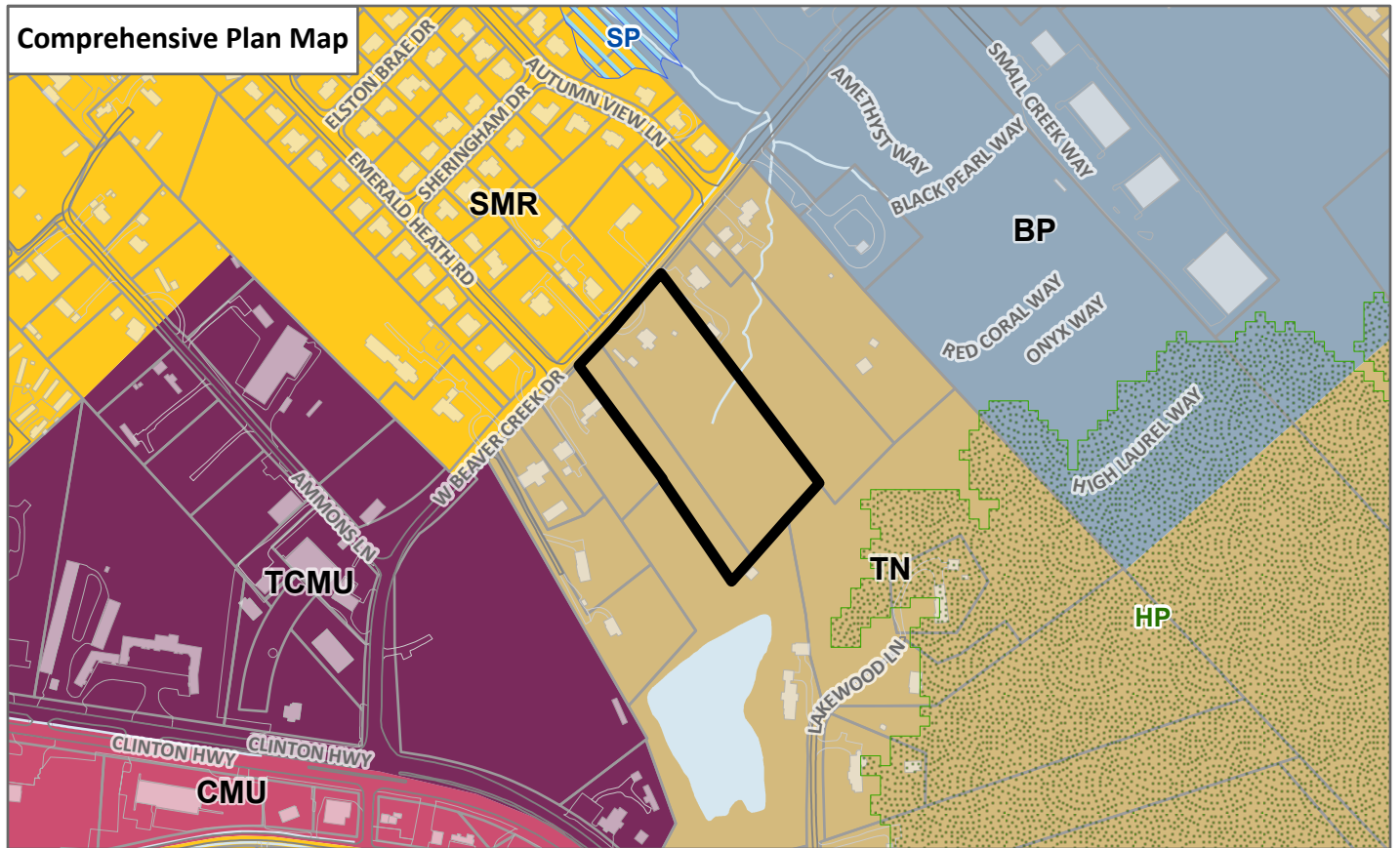
Case boundary



Zoning Map



Comprehensive Plan Map



CONTEXTUAL MAPS 2

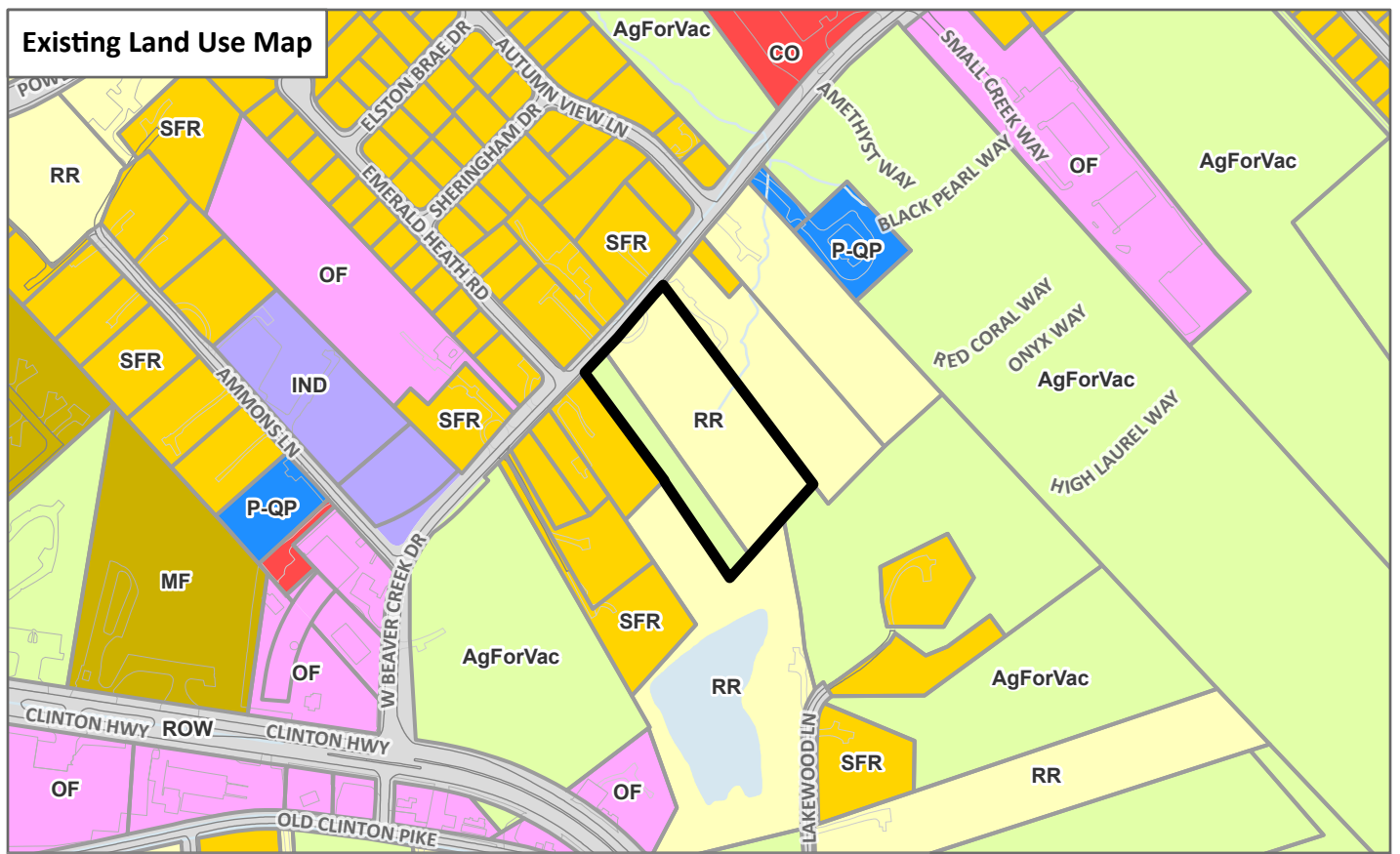
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Case boundary



Existing Land Use Map

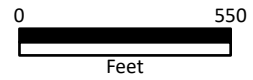


CONTEXTUAL MAPS 3

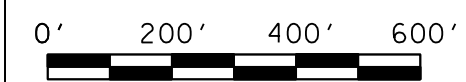
9-1-24-RZ



Case boundary



TYPE	YEAR	COUNTY	FIGURE NO.
HSP	2014	KNOX	1



ROAD SAFETY AUDIT REPORT

SR 9 AND WEST BEAVER CREEK DRIVE
 L.M. 2.28
 KNOX COUNTY



STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION
 STRATEGIC TRANSPORTATION
 INVESTMENTS DIVISION
 SR 9 AND
 WEST BEAVER
 CREEK DRIVE
 L.M. 2.28
 (FIGURE NO. 1)

1/24/2017 10:55:34 AM
 \\FILESERVER\p\m\asr\var\PROJECTS\2014\032 ITDOT RSR Knox Cty - SR 9 IS of W Beaver Creek Dr\FIGURES\Signar-Sheet 001.dgn

Exhibit B: Capital Improvements at Clinton Hwy & W Beaver Creek Dr



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

7/24/2024

Date Filed

9/12/2024

Meeting Date (if applicable)

9-I-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 & Seymour, LLP

Name / Company

550 W Main St Ste 500 Knoxville TN 37902

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

Carolyn Kirby

Owner Name (if different)

2528 W Beaver Creek Dr Powell TN 37849

Owner Address

865-300-1008

Owner Phone / Email

2528 W BEAVER CREEK DR / 2536 W BEAVER CREEK DR

Property Address

67 061, 062

Parcel ID

4.8 acres

Tract Size

Part of Parcel (Y/N)?

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

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

up to 24 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
\$650.00	
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	7/24/2024 Date
---------------------	-------------------------------------------	--------------------------

Phone / Email		
Property Owner Signature	Carolyn Kirby Please Print	7/24/2024 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

7-23-24

September 12, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

9-I-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

Carolyn Kirby

2528 W. Beaver Creek Dr.

865-300-1008

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2528 and 2536 W. Beaver Creek Dr.

067 061 and 067 062

Property Address

Parcel ID

Hallsdale-Powell Utility District

Hallsdale-Powell Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

S of W. Beaver Creek Rd near its intersection with Emerald Heath Rd.

~5.1 acres

General Location

Tract Size

City County

7

A

RR and AgForVac

District

Zoning District

Existing Land Use

NW County

TMR

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

- 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)

24 dua

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
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

7-23-24

Applicant Signature

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

DocuSigned by:

Carolyn Kirby

Carolyn Kirby

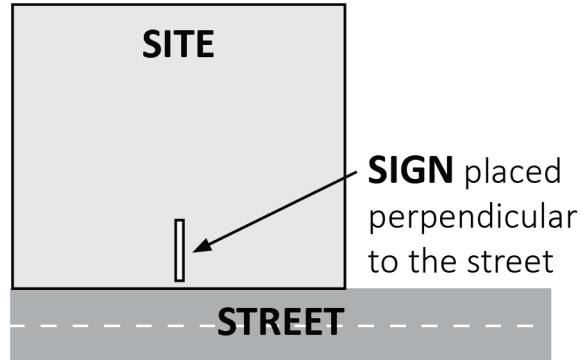
07/24/2024, SG

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:

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

Applicant Name: Benjamin C Mullins

Date: 07/24/2024

File Number: 9-I-24-RZ

- Sign posted by Staff
- Sign posted by Applicant