

REZONING REPORT

▶ **FILE #:** 9-M-24-RZ

AGENDA ITEM #: 16

AGENDA DATE: 9/12/2024

▶ **APPLICANT:** BENJAMIN C. MULLINS
 OWNER(S): BB Investments Properties, LLC

TAX ID NUMBER: 90 116 [View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 2713 BYINGTON BEAVER RIDGE RD

▶ **LOCATION:** West side of Byington Beaver Ridge Rd, north of Byington Solway Rd

▶ **APPX. SIZE OF TRACT:** 4.99 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Byington Beaver Ridge Rd, a major collector with 19 ft of pavement within a right-of-way of 37 ft.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

FIRE DISTRICT: Karns Fire Department

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** PR (k) (Planned Residential) up to 4 du/ac

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

▶ **EXISTING LAND USE:** Rural Residential

▶ **DENSITY PROPOSED:** up to 4.3 du/ac

EXTENSION OF ZONE: No, this is not an extension of the PR zone.

HISTORY OF ZONING: This property was rezoned in 2023 to PR (Planned Residential) up to 4 du/ac (10-K-23-RZ).

SURROUNDING LAND USE AND ZONING: North: Rural residential - RA (Low Density Residential)

South: Agriculture/forestry/vacant land, single family residential - RA (Low Density Residential), I (Industrial)

East: Single family residential - RA (Low Density Residential)

West: Industrial, office - I (Industrial)

NEIGHBORHOOD CONTEXT: The subject property is in a traditional area with several large manufacturing businesses to the west and south and single family residential to the north and east, including a manufactured home park, duplexes, and single family residential homes, Karns Elementary, Middle, and High Schools are nearby.

STAFF RECOMMENDATION:

▶ Deny the PR (Planned Residential) zone up to 4.3 du/ac because the increase in density is not warranted, and there has been no new change of conditions since the last rezoning request in October of 2023.

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. Last year, a rezoning request was submitted to go from RA to PR up to 5 du/ac (10-K-23-RZ). Staff recommended a lesser density of 4 du/ac with one condition to provide a landscape screen to the adjacent industrial property, which was approved by the County Commission in December 2023. Staff did not support the maximum density allowed at the time due to concerns about the property's proximity to industrially zoned properties to the south and west.
2. The Knox County Comprehensive Plan was adopted in April of 2024, and the subject property was re-designated as the SR (Suburban Residential). The new SR place type allows consideration of higher densities than the 5 du/ac maximum of the previous LDR (Low Density Residential) land use classification of the General Plan. However, there have been no new infrastructure improvements or services to the area, no changes to the development pattern, and no other changes that would support increasing the density beyond our initial recommendation since our previous recommendation was not to the maximum allowed. Planning does not recommend increasing the density at this location.

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

1. The PR zone provides flexibility for residential development. The PR zone with up to 4.3 du/ac is similar to the surrounding RA zone, which allows 10,000 sq ft lots, but the flexibility of the PR zone allows clustering of lots.
2. The property has an existing single family home at the front. PR up to 4 du/ac allows 19 dwelling units and 4.3 du/ac would allow 21 units on this property.
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. An additional 2 units would not adversely affect traffic or the surrounding environment, but there is not a need for two additional dwellings abutting an industrially zoned property.
2. 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 SR place type allows consideration of the PR zone as a partially related zone. When the proposed 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 and the required development plan review by the Planning Commission is compatible with the current RA zoning of adjacent sites.
2. The SR place type allows consideration of PR with density up to 12 du/ac as partially related. Partially related means it may be appropriate in some areas while not in others, and should be evaluated on a case-by-case basis. Due to the proximity of the industrial zoning to the south and the lack of changes to conditions since our previous recommendation, Planning does not support the increase in density.
3. The SR place type calls for primarily single family residential development with a range of lot sizes, housing size and styles, and includes some detached dwellings. The area features a range of lot sizes including attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home.
4. The proposed rezoning is consistent with the Knox County Comprehensive Plan Implementation Policy 5.2, create standards that encourage neighborhoods in certain place types to include a mix of housing types. The PR zone allows houses, duplexes, and multi family developments.

ESTIMATED TRAFFIC IMPACT: 239 (average daily vehicle trips)

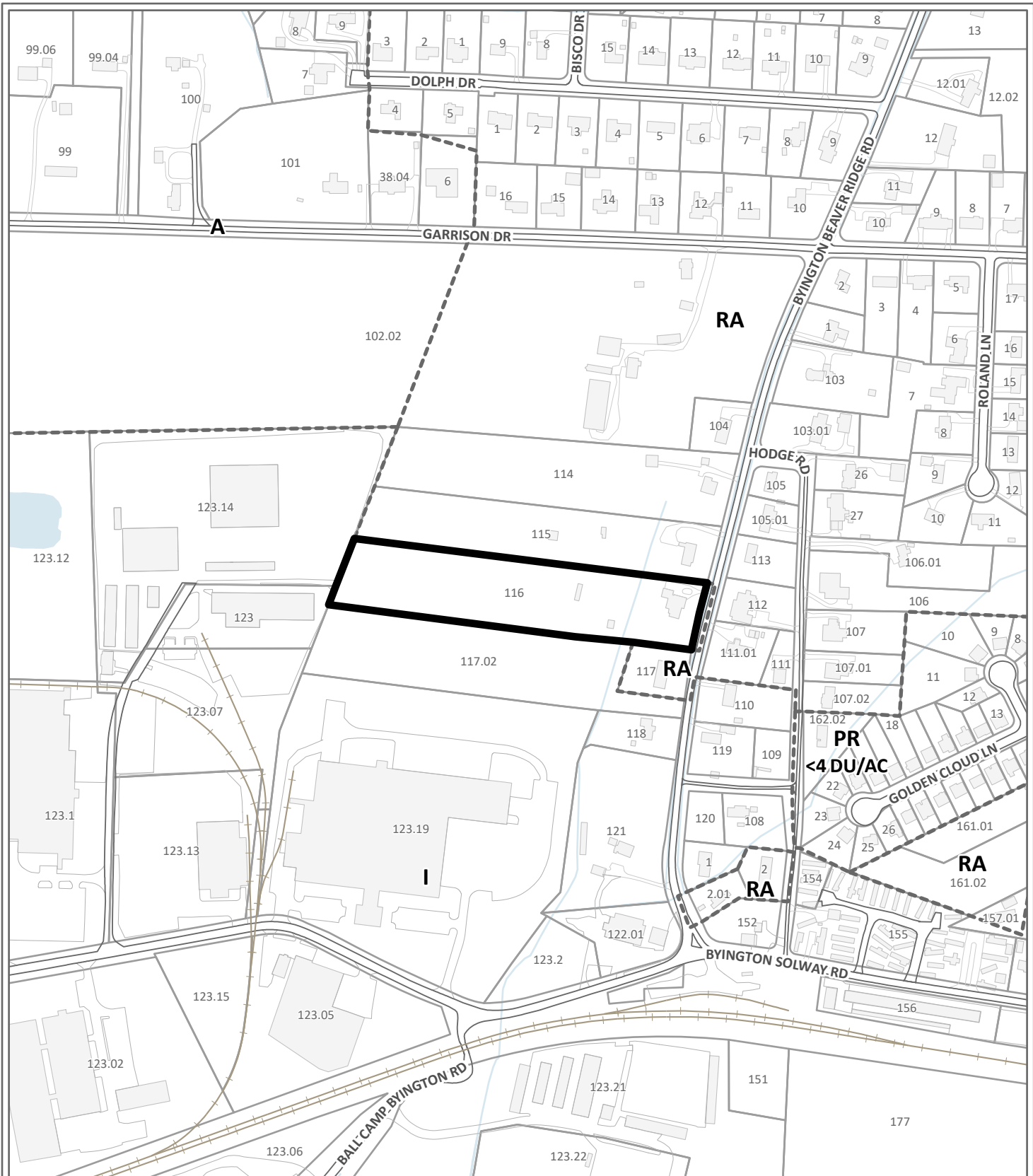
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 2 (public school children, grades K-12)

Schools affected by this proposal: Karns 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 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-M-24-RZ

Petitioner: Benjamin C. Mullins



From: PR(k) (Planned Residential) up to 4 du/ac

To: PR (Planned Residential) 4.3 du/ac

Map No: 90

Jurisdiction: County

Original Print Date: 8/8/2024

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

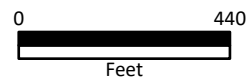
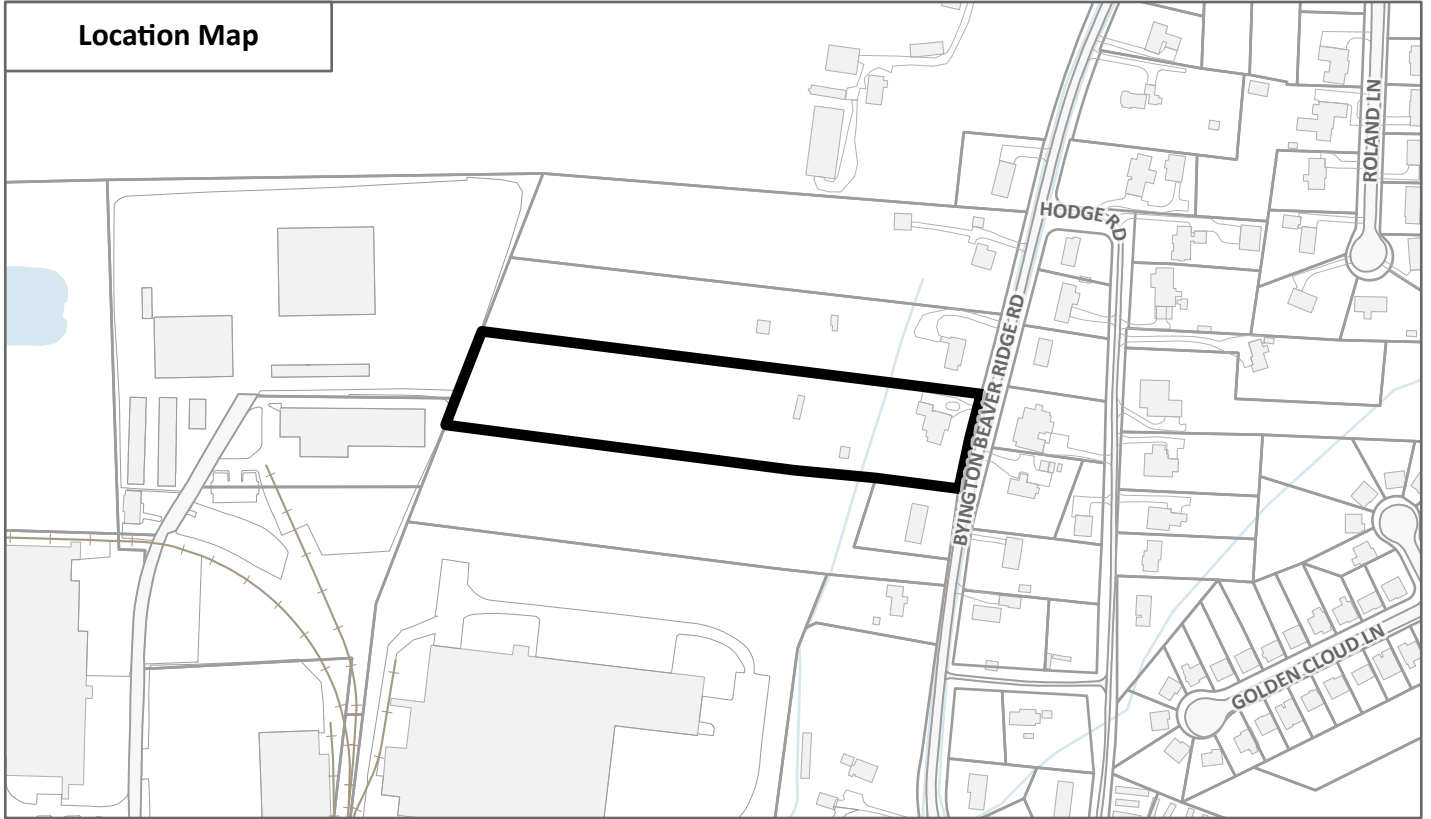


Exhibit A. Contextual Images

Location Map



Aerial Map

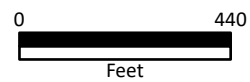


CONTEXTUAL MAPS 1

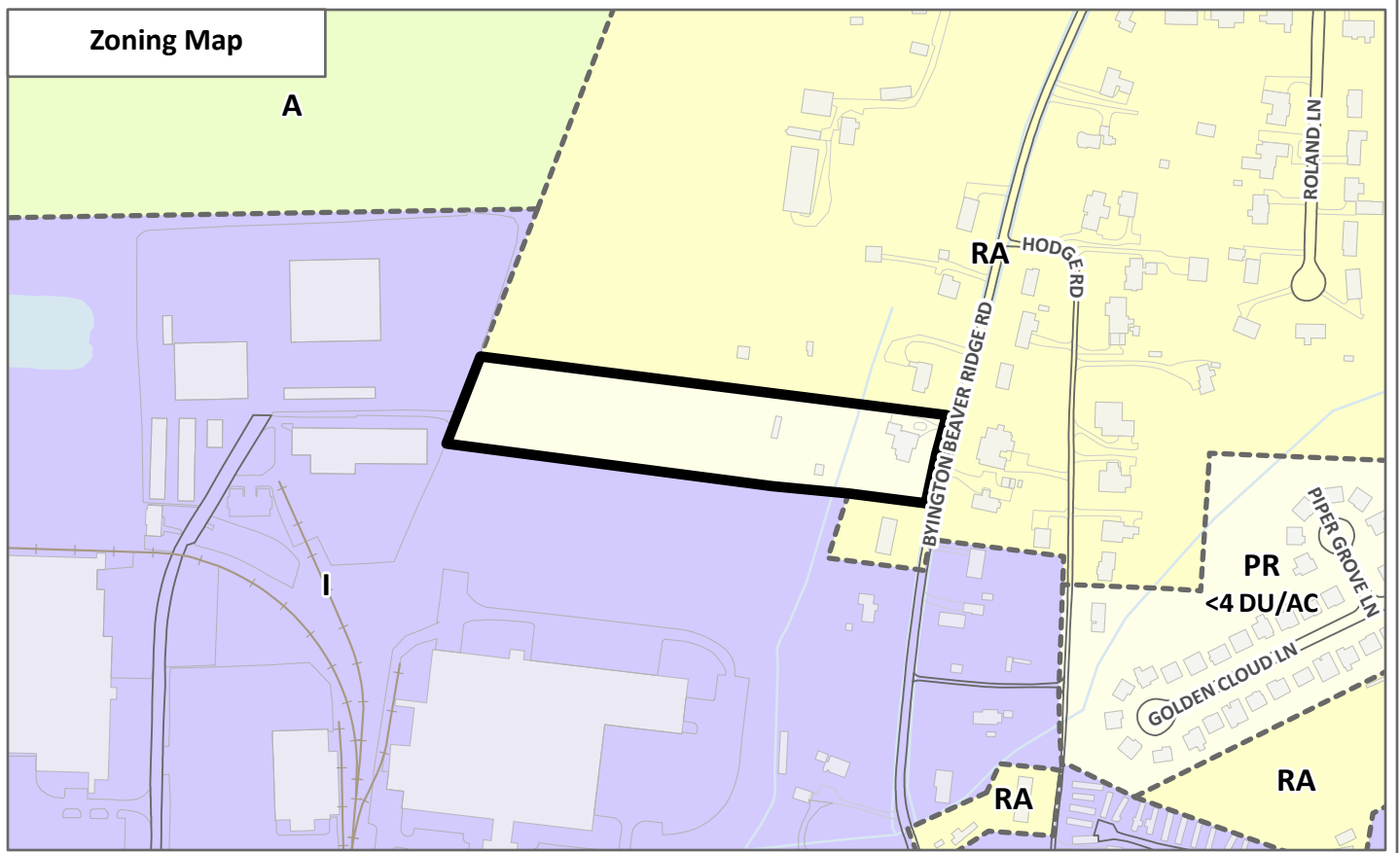
9-M-24-RZ



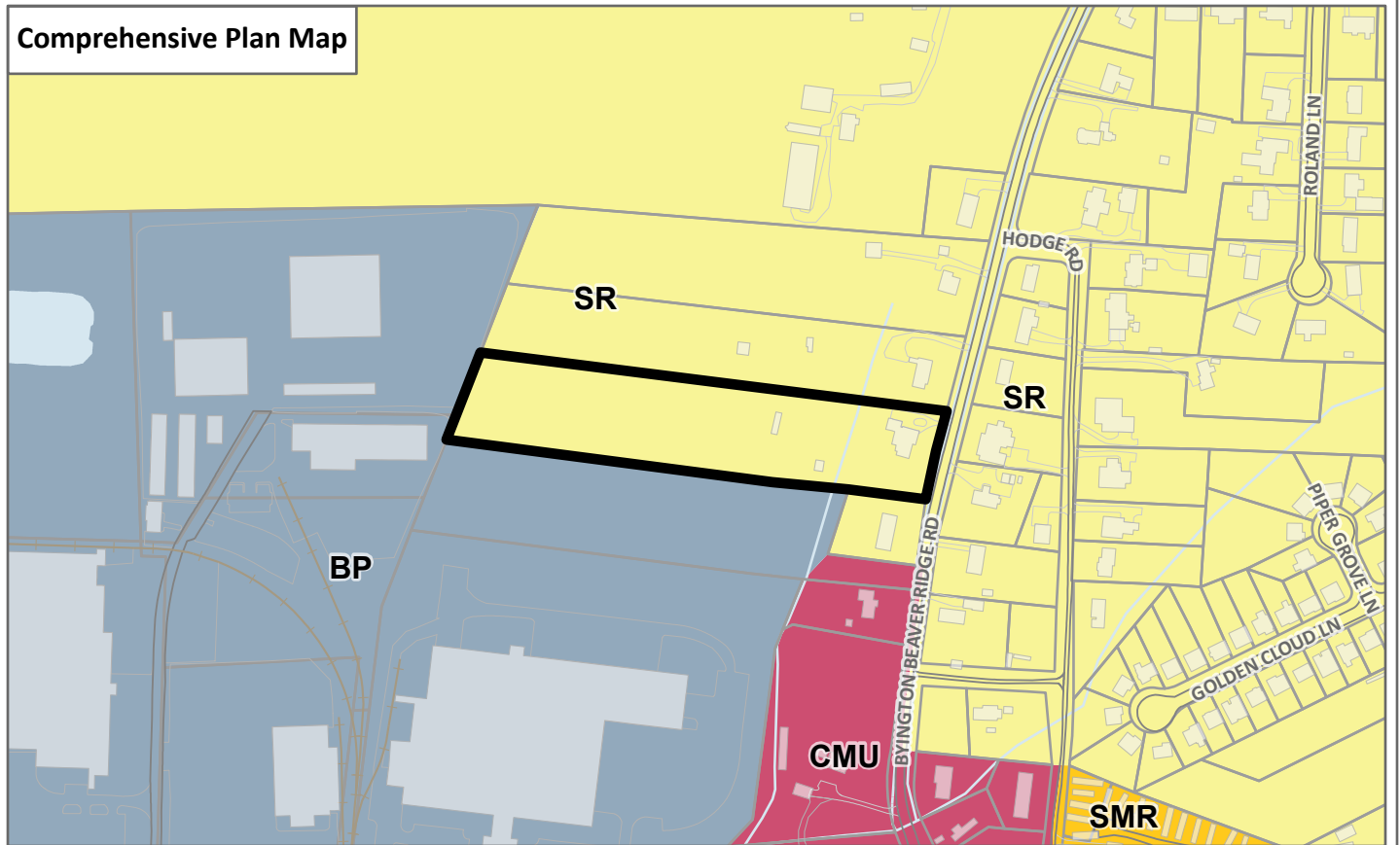
Case boundary



Zoning Map



Comprehensive Plan Map



CONTEXTUAL MAPS 2

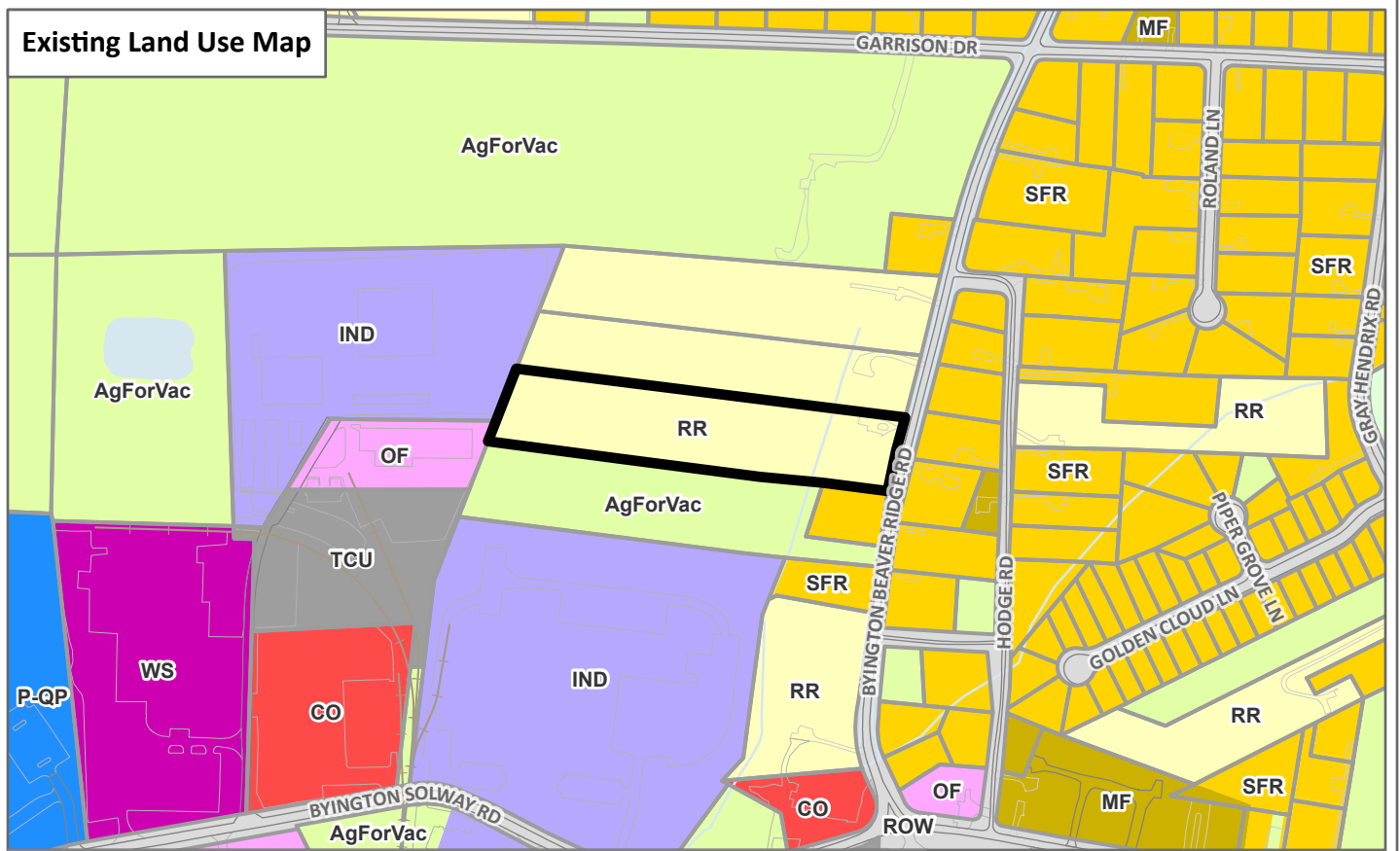
9-M-24-RZ



Case boundary



Existing Land Use Map

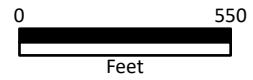


CONTEXTUAL MAPS 3

9-M-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

7/26/2024

Date Filed

9/12/2024

Meeting Date (if applicable)

9-M-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

BB Investments Properties, LLC

Owner Name (if different)

10444 Almanac Ln Knoxville TN 37932

Owner Address

865-405-1383

Owner Phone / Email

2713 BYINGTON BEAVER RIDGE RD

Property Address

90 116

Parcel ID

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

4.3 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	7/26/2024 Date
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Phone / Email

Property Owner Signature	BB Investments Properties, LLC Please Print	7/26/2024 Date
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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 Owner

Applicant Name

Affiliation

7-25-24

September 12, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

9-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

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

379202

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

BB Investment Properties, LLC

10444 Almanac Ln Knoxville TN 37932

865-405-1383

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2713 Byington Beaver Ridge Rd

90 116

Property Address

Parcel ID

West Knox Utility District

West Knox Utiltiy District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Byington Beaver Ridge Rd., North of Byington Solway Rd

~4.99 acres

General Location

Tract Size

City County

6

PR up to 4 dua

Rural Residential

District

Zoning District

Existing Land Use

Northwest County

SR (Suburban Residential)

Planned Growth Area

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)
4.3 du/ac 10-K-23-RZ

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	\$650.00
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

7-25-24

Please Print

Date

Phone Number

Email

Property Owner Signature

Please Print

Date Paid

865-546-9321

bmullins@fmsllp.com

BB Investment Properties, LLC

07/26/2024, SG

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

Proposed Subdivision Name _____

Related Rezoning File Number

Unit / Phase Number _____

- Combine Parcels Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements _____

ZONING REQUEST

Zoning Change

PR

Proposed Zoning _____

Pending Plat File Number

Plan Amendment Change

Proposed Plan Designation(s)

4.3 du/ac

10-K-23-RZ

Proposed Density (units/acre)

Previous Rezoning Requests _____

Other (specify) _____

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

Fee 1

Total

ATTACHMENTS

- Property Owners / Option Holders Variance Request
 Amendment Request (*Comprehensive Plan*)

Fee 2

ADDITIONAL REQUIREMENTS

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

Fee 3

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

Phone Number _____

Email _____

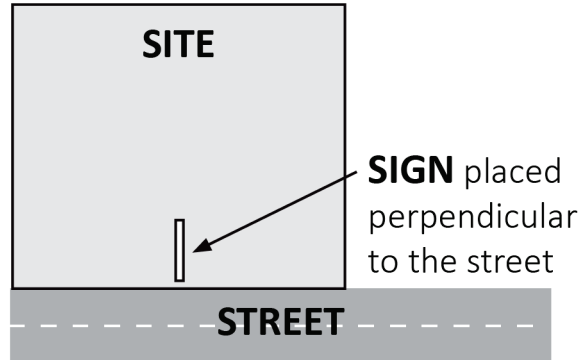

Property Owner Signature

BB Investment Properties, LLC

Please Print

7/25/24
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: 07/26/2024

File Number: 9-M-24-RZ

- Sign posted by Staff
- Sign posted by Applicant