



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 5-M-21-RZ
5-C-21-SP

AGENDA ITEM #: 27
AGENDA DATE: 5/13/2021

▶ **APPLICANT:** ROBERT GREGORY
OWNER(S): Larry Koontz

TAX ID NUMBER: 19 16301 (A PORTION OF)

[View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 8425 Maynardville Pk.

▶ **LOCATION:** North side of Fort Sumter & west side of Maynardville Hwy.

▶ **TRACT INFORMATION:** 4 acres.

SECTOR PLAN: North County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Fort Sumter Road, a minor collector with a pavement width of 19.6 feet within a right-of-way width of 70 feet.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: None

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** AG (Agricultural) / HP (Hillside Protection) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / HP (Hillside Protection) / CA (General Business)

▶ **EXISTING LAND USE:** Rural residential

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** No.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Rural residential - AG (Agricultural) / HP (Hillside Protection)
South: Single family residential - AG (Agricultural) / HP (Hillside Protection)
East: Agriculture/forestry/vacant, rural residential, public/quasi-public - RC (Rural Commercial) / HP (Hillside Protection)
West: Single family residential, agriculture/forestry/vacant - AG (Agricultural) / HP (Hillside Protection)

NEIGHBORHOOD CONTEXT: This area is characterized by steep sloped topography consisting primarily of large lot, agricultural, vacant and forested land uses along with some single family residential uses and a church.

STAFF RECOMMENDATION:

- ▶ **Deny GC (General Commercial) because this property is within the Rural Area of the Growth Policy Plan and is inconsistent with the surrounding development.**

- ▶ **Deny CA (General Business) because this property is within the Rural Area of the Growth Policy Plan and is inconsistent with the surrounding development.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There have been no changes in conditions warranting amendment of the land use plan here.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No new roads have been introduced into this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The plan recognized the commercial node at this sector, this represents a minor expansion of the existing node.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. Although existing commercial zoning exists at this location, since 2001 there have been no new building permits for commercial or office for this area.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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. There have been no changes in conditions in this area.

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

1. The CA (General Business) zone is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.
2. The CA zone is often located at intersections between arterial and collector roads and along some highway corridors.
3. The CA zone allows a range of commercial uses as permitted under section 5.31.02 including but not limited to canneries, motor vehicle repair shops, offices, retail poultry businesses and demolition landfills.

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. CA zoning at this location provides for a range of more intense commercial uses than the adjacent A (Agricultural) zoned areas and may have possible adverse effects on surrounding properties.
2. Existing CA zoning is on the south side of the highway and is not built out, providing an opportunity for CA zoned uses without expanding the zone district.

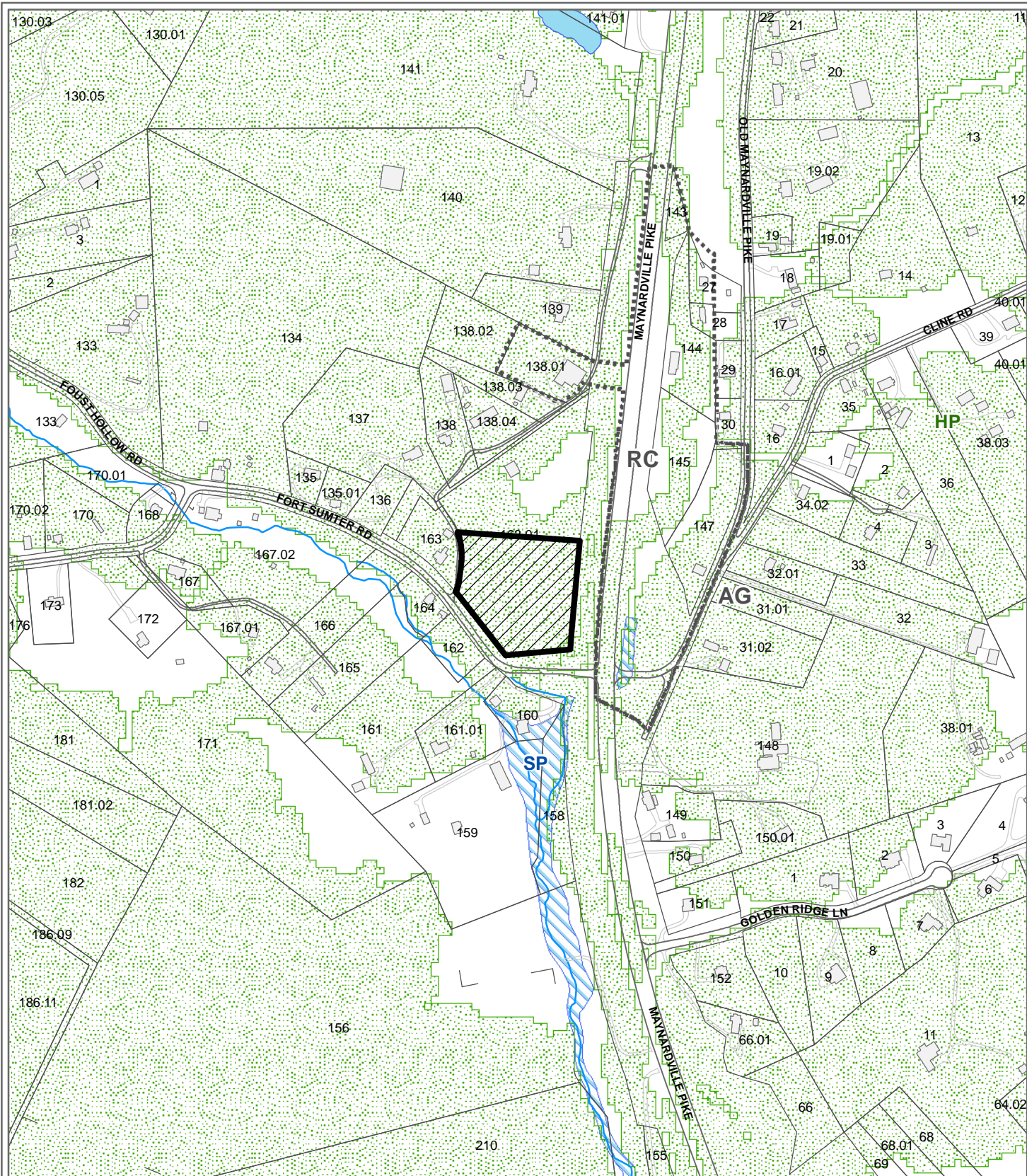
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. This amendment is not consistent with the Growth Policy Plan because this property is in the Rural Area.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 6/28/2021. 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.



**5-C-21-SP / 5-M-21-RZ
NORTH COUNTY SECTOR PLAN AMENDMENT**

From: AG (Agricultural) / HP (Hillside Protection)
To: GC (General Commercial) / HP (Hillside Protection)

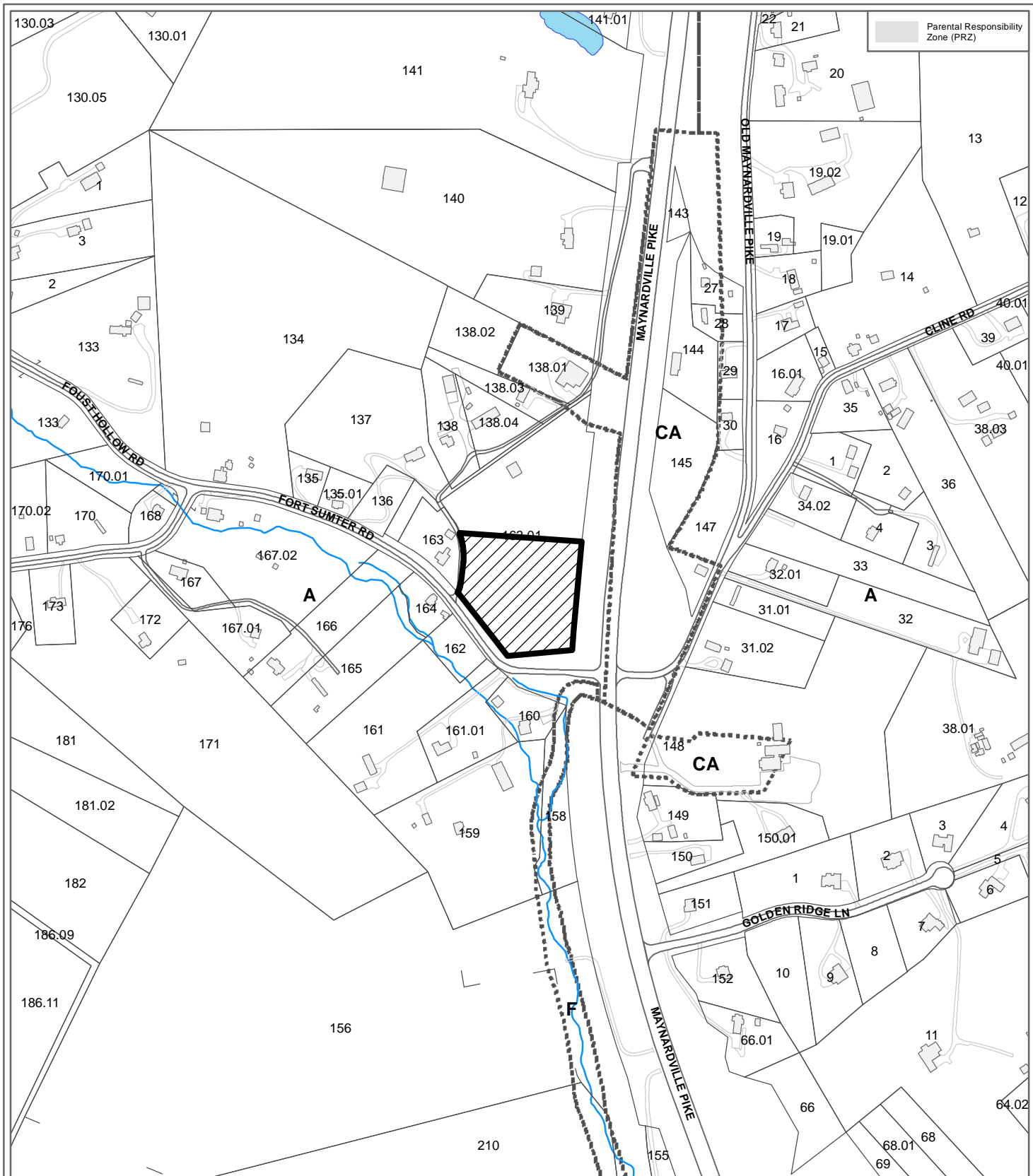


Petitioner: Gregory, Robert

Map No: 19
Jurisdiction: County

Original Print Date: 4/8/2021 Revised:
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902





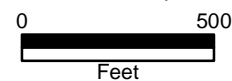
**5-M-21-RZ
REZONING**

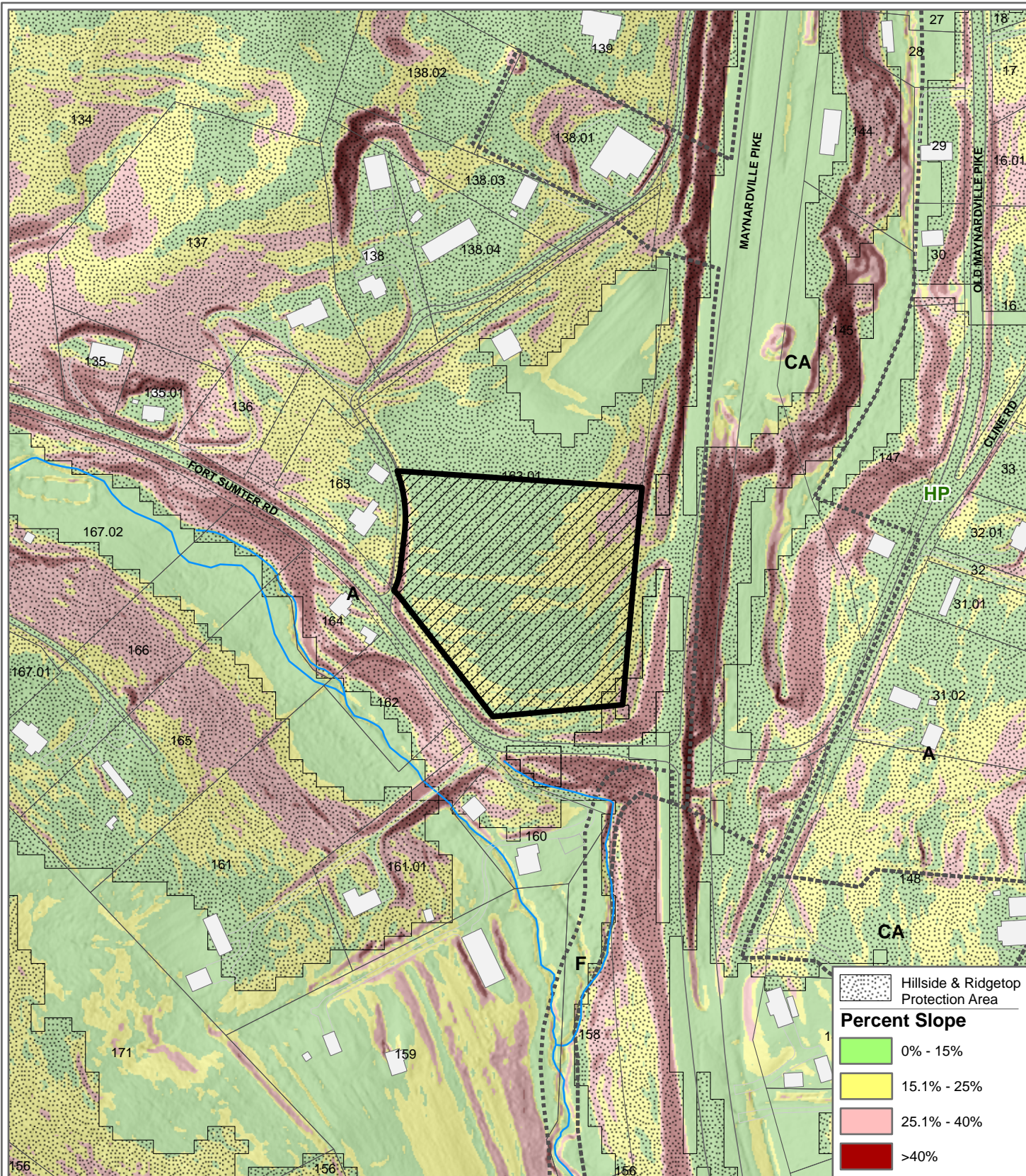
From: A (Agricultural)
To: CA (General Business)



Petitioner: Gregory, Robert

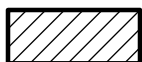
Map No: 19
Jurisdiction: County





**5-M-21-RZ / 5-C-21-SP
REZONING - SLOPE ANALYSIS**

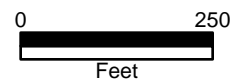
From: A (Agricultural)
To: CA (General Business)



Original Print Date: 4/12/2021
Revised:
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Gregory, Robert

Map No: 19
Jurisdiction: County



5-M-21-RZ / 5-C-21-SP

			Acres
Non-Hillside Portions			0
Hillside and Ridgetop Protection Area			
Value	Percent Slope	Count	Acres
1	0%-15%	4132	2.37
2	15%-25%	2093	1.20
3	25%-40%	319	0.18
4	>40%	31	0.02
			3.77
Ridgetop Area			0
Site Total			3.77

Exhibit A. 5-M-21-RZ / 5-C-21-SP Contextual Images

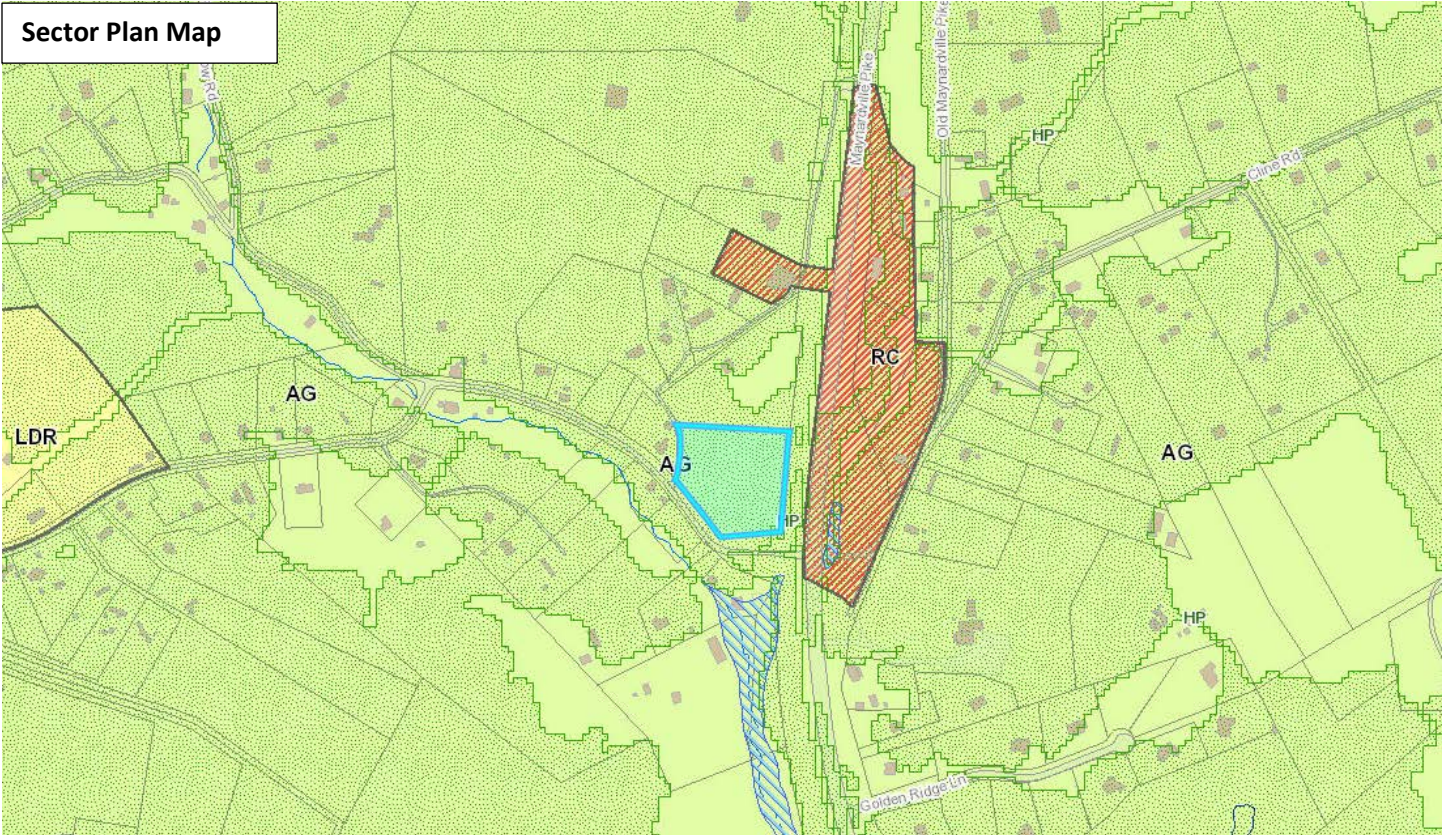
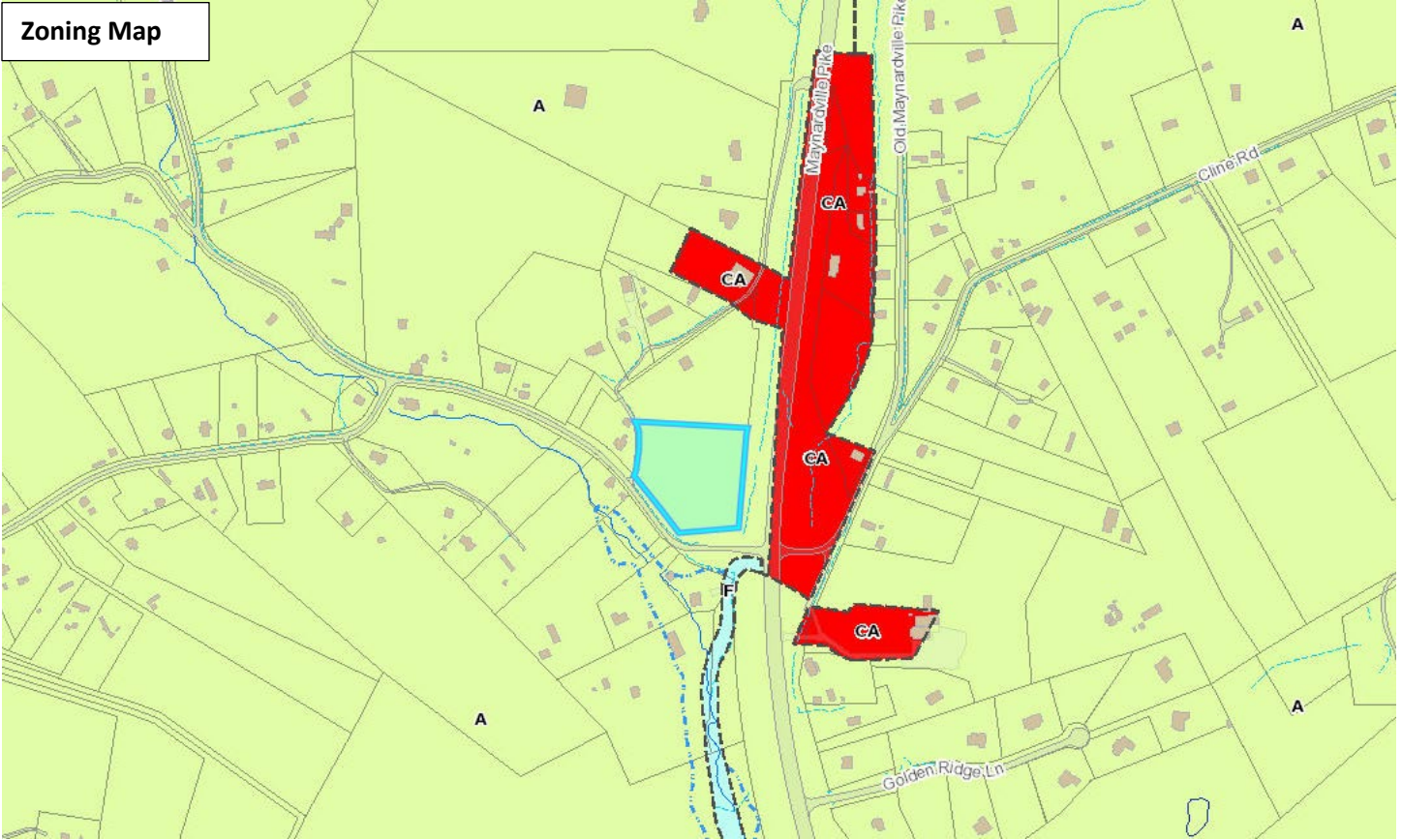
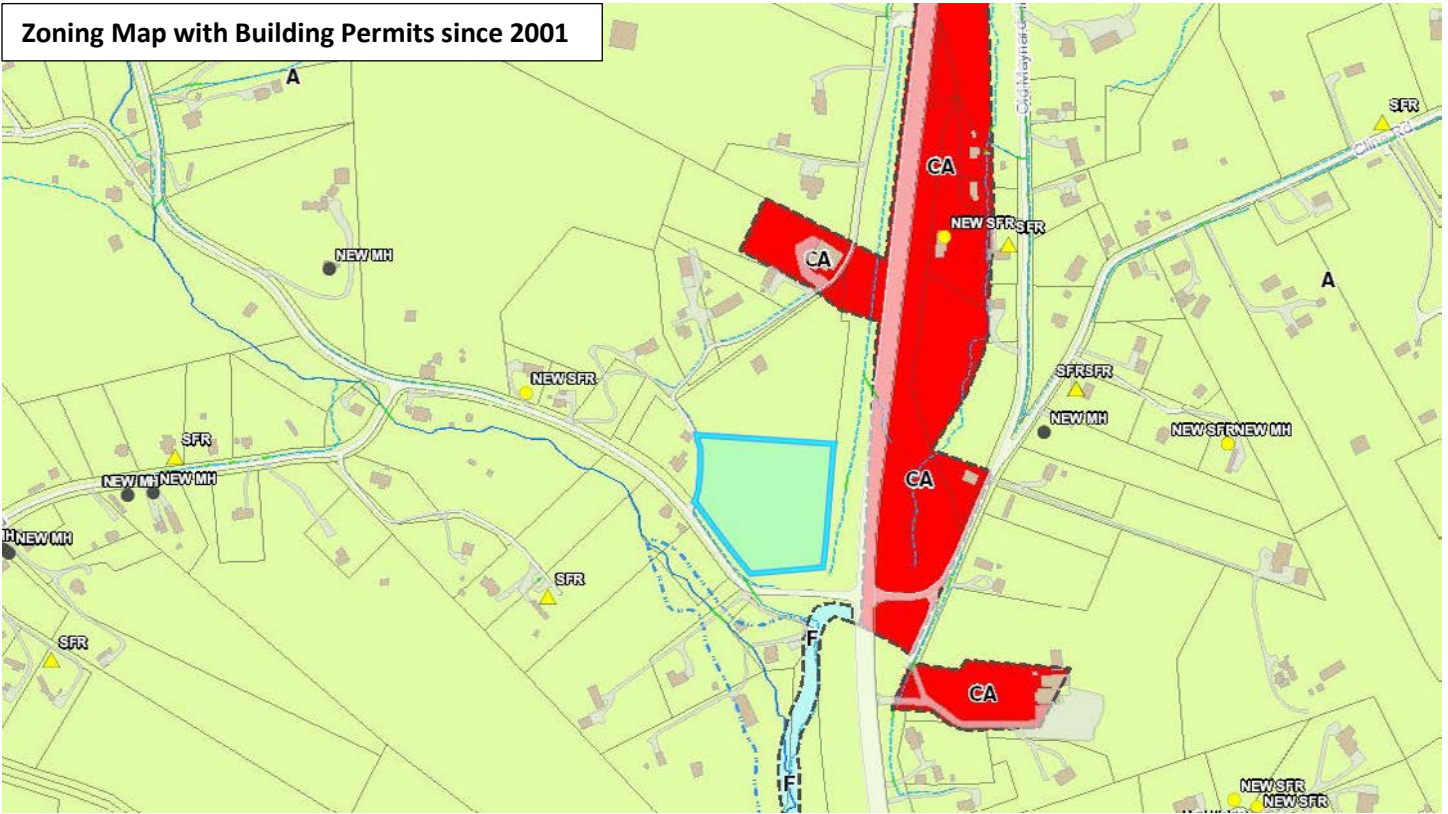


Exhibit A. 5-M-21-RZ / 5-C-21-SP Contextual Images



Exhibit A. 5-M-21-RZ / 5-C-21-SP Contextual Images





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

Robert C. Gregory

Black Oak Contracting, Inc.

Applicant Name

Affiliation

03/29/2021

~~04/11/2021~~

5/13/21

File Number(s)

Date Filed

Meeting Date (if applicable)

5-M-21-RZ/5-C-21-SP

CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Robert C. Gregory

Black Oak Contracting, Inc.

Name

Company

7209 Imperial Dr.

Knoxville

TN

37918

Address

City

State

ZIP

865-318-2629

rgregory@blackoakcontracting.com

Phone

Email

CURRENT PROPERTY INFO

Larry Koontz

P.O. Box 71224 Knoxville, TN. 37938

865-567-9693

Owner Name (if different) (Pk)

Owner Address

Owner Phone

8425 Maynardville Hwy #33

019 16301

(a portion of)

Property Address

Parcel ID

Sub-Surface soils have been tested

Hallsdale-Powell Utility District

Y

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

North Side of Fort Sumpter and West side of Maynardville Highway

4ac.

General Location

Tract Size

City County

8th
District

A

Zoning District

AgForVac

Existing Land Use

North County

Ag / HP

Rural

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

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
 CA
 Proposed Zoning
 Plan Amendment Change
 GC / HP
 Proposed Plan Designation(s)

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

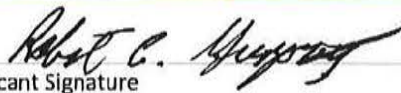
ADDITIONAL REQUIREMENTS

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

Fee 1		Total
0324	dbl fee 2,000 2,000	
Fee 2		
0516	dbl fee \$1,200	
Fee 3		3,200.00
		\$2,400.00

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.


 Applicant Signature

Robert C. Gregory

03/29/2021

Please Print

Date

865-318-2629

rgregory@blackoakcontracting.com

Phone Number

Email

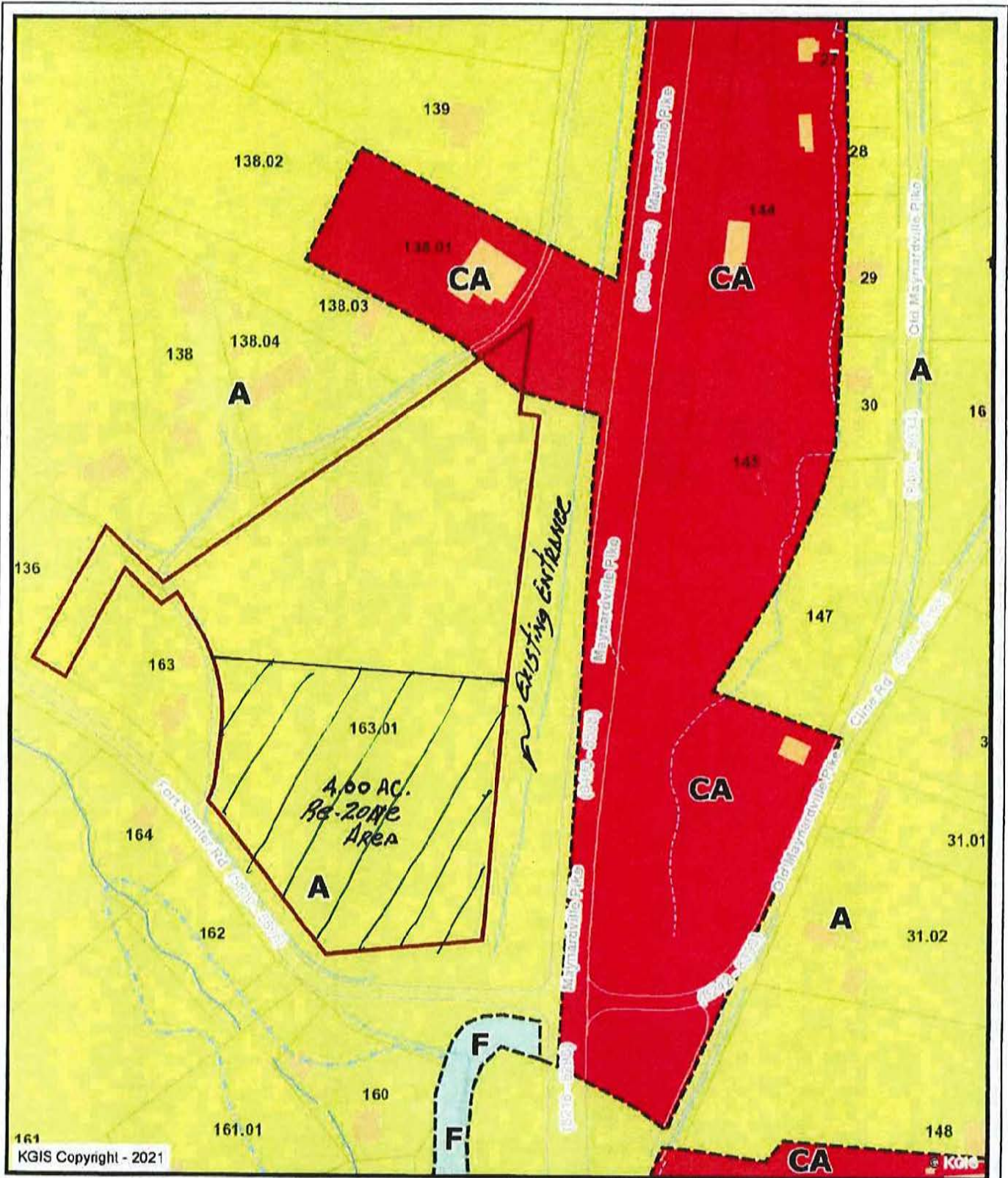

 Staff Signature

Marc Payne

4/5/2021

Please Print

Date



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Highway 33 Zoning

Knox Co, TN.
8.08 Acres

Knoxville - Knox County - KUB Geographic Information System



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Conditions of Ownership and General Provisions
 1. This subdivision is for residential purposes and no other use is permitted.
 2. The subdivision is subject to all applicable laws, ordinances, rules and regulations of the State of Tennessee, including but not limited to the Uniform Gifts to Minors Act (UGMA) and the Uniform Gifts to Children Act (UGTA).
 3. The subdivision is subject to all applicable laws, ordinances, rules and regulations of the State of Tennessee, including but not limited to the Uniform Gifts to Minors Act (UGMA) and the Uniform Gifts to Children Act (UGTA).
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 5. The subdivision is subject to all applicable laws, ordinances, rules and regulations of the State of Tennessee, including but not limited to the Uniform Gifts to Minors Act (UGMA) and the Uniform Gifts to Children Act (UGTA).

Owner's Name: LARRY KOONZE
 Address: 114 S. 20th St, Knoxville, TN 37920
 Phone: 615-524-1234
 Signature: [Signature]
 Date: 07/15/2020

Agent's Name: LARRY KOONZE
 Address: 114 S. 20th St, Knoxville, TN 37920
 Phone: 615-524-1234
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Equalized Public Works, Water, Streets, and Sewerage
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Lot	Area (Ac)	Dimensions (Feet)
1	0.50	40.00 x 100.00
2	0.50	40.00 x 100.00
3	0.50	40.00 x 100.00
4	0.50	40.00 x 100.00
5	0.50	40.00 x 100.00
6	0.50	40.00 x 100.00
7	0.50	40.00 x 100.00
8	0.50	40.00 x 100.00
9	0.50	40.00 x 100.00
10	0.50	40.00 x 100.00
11	0.50	40.00 x 100.00
12	0.50	40.00 x 100.00
13	0.50	40.00 x 100.00
14	0.50	40.00 x 100.00
15	0.50	40.00 x 100.00
16	0.50	40.00 x 100.00
17	0.50	40.00 x 100.00
18	0.50	40.00 x 100.00
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20	0.50	40.00 x 100.00
21	0.50	40.00 x 100.00
22	0.50	40.00 x 100.00
23	0.50	40.00 x 100.00
24	0.50	40.00 x 100.00
25	0.50	40.00 x 100.00
26	0.50	40.00 x 100.00
27	0.50	40.00 x 100.00
28	0.50	40.00 x 100.00
29	0.50	40.00 x 100.00
30	0.50	40.00 x 100.00

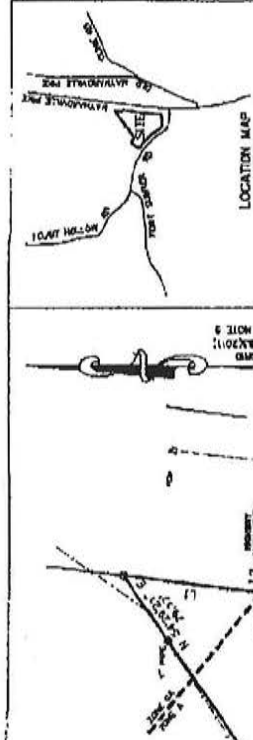
Nick McIbride
 Register of Deeds
 Knox County

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020



NOTES
 1. PROPERTY IS SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES OF RECORD. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO EASEMENTS OR ENCUMBRANCES AFFECTING THIS SURVEY.
 2. THE PROPERTY IS SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES OF RECORD. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO EASEMENTS OR ENCUMBRANCES AFFECTING THIS SURVEY.
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Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

Commissioner of Planning, Zoning and Health
 Title: Commissioner
 Signature: [Signature]
 Date: 07/15/2020

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