



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-K-22-RZ **AGENDA ITEM #:** 7
1-D-22-SP **AGENDA DATE:** 2/10/2022

POSTPONEMENT(S): 1/13/2022

▶ **APPLICANT:** PERRY SMITH DEVELOPMENT

OWNER(S): Lieb Properties, LLC

TAX ID NUMBER: 49 02403 & 02404

[View map on KGIS](#)

JURISDICTION: Commission District 2

STREET ADDRESS: 4605 Tazewell Pike & 0 Shannondale Rd.

▶ **LOCATION:** Northeast side of Tazewell Pike and Shannondale Road

▶ **TRACT INFORMATION:** 12.81 acres.

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Tazewell Pike, a minor arterial with a pavement width of 25-ft within a right-of-way width of 88-ft. Access is also via Shannondale Road, a minor collector, with a pavement width of 27 feet within a right-of-way width of 50-ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / RB (General Residential)

▶ **EXISTING LAND USE:** Agriculture/forestry/vacant

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, MDR and RB is across the street.

HISTORY OF ZONING REQUESTS: 4-I-88-RZ: RB to RA (Tabled), 4-AA-96-RZ: RB to RA

SURROUNDING LAND USE, PLAN DESIGNATION, North: Agriculture/forestry/vacant / LDR (Low Density Residential) / RA (Low Density Residential)

ZONING South: Public/Quasi-Public, Multi-family residential / CI (Civic Institutional), MDR (Medium Density Residential), LDR (Low Density Residential) / RN-1 (Single-family residential neighborhood)

East: Agriculture/forestry/vacant / LDR (Low Density Residential) / RA (Low Density Residential)

West: Agriculture/forestry/vacant / LDR (Low Density Residential) / RN-1 (Single-family residential neighborhood), NC (Neighborhood Conservation) Overlay

NEIGHBORHOOD CONTEXT: This area has remained larger lot single family residential with limited attached residential uses that developed around 2003-2005. Closed depressions, indicating the probably presence of sinkholes are noted in this area as well.

STAFF RECOMMENDATION:

- ▶ **Postpone this request for 30 days until the March 10, 2022 Planning Commission meeting at the request of the applicant.**

- ▶ **Postpone this request for 30 days until the March 10, 2022 Planning Commission meeting at the request of the applicant.**

COMMENTS:

ESTIMATED TRAFFIC IMPACT: 1399 (average daily vehicle trips)

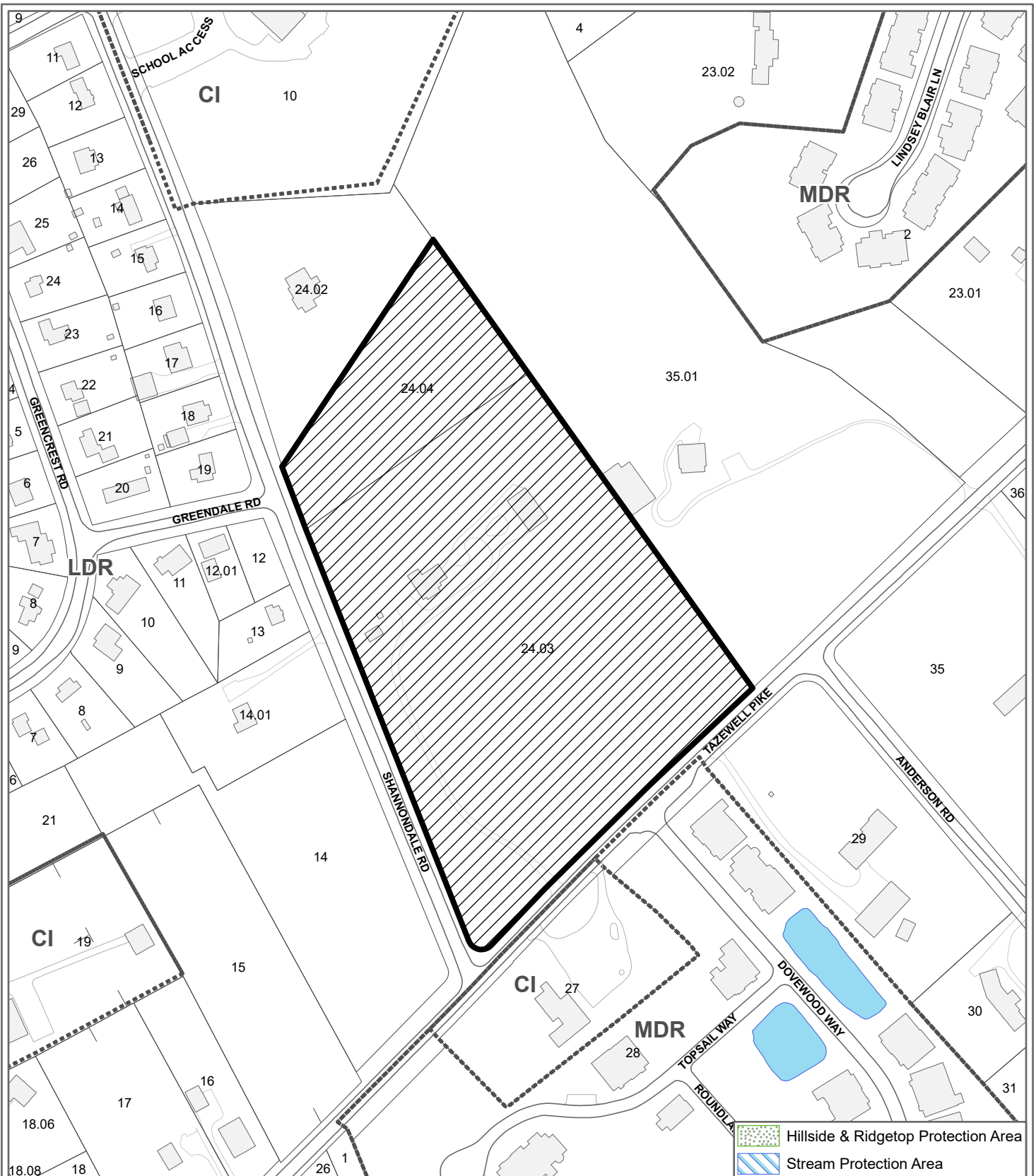
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 13 (public school children, grades K-12)

Schools affected by this proposal: Shannondale Elementary, Gresham 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.

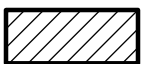
If approved, this item will be forwarded to Knox County Commission for action on 3/28/2022. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**1-D-22-SP / 1-K-22-RZ
NORTH CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

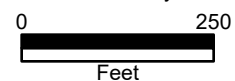
To: MDR (Medium Density Residential)



Petitioner: Perry Smith Development

Map No: 49

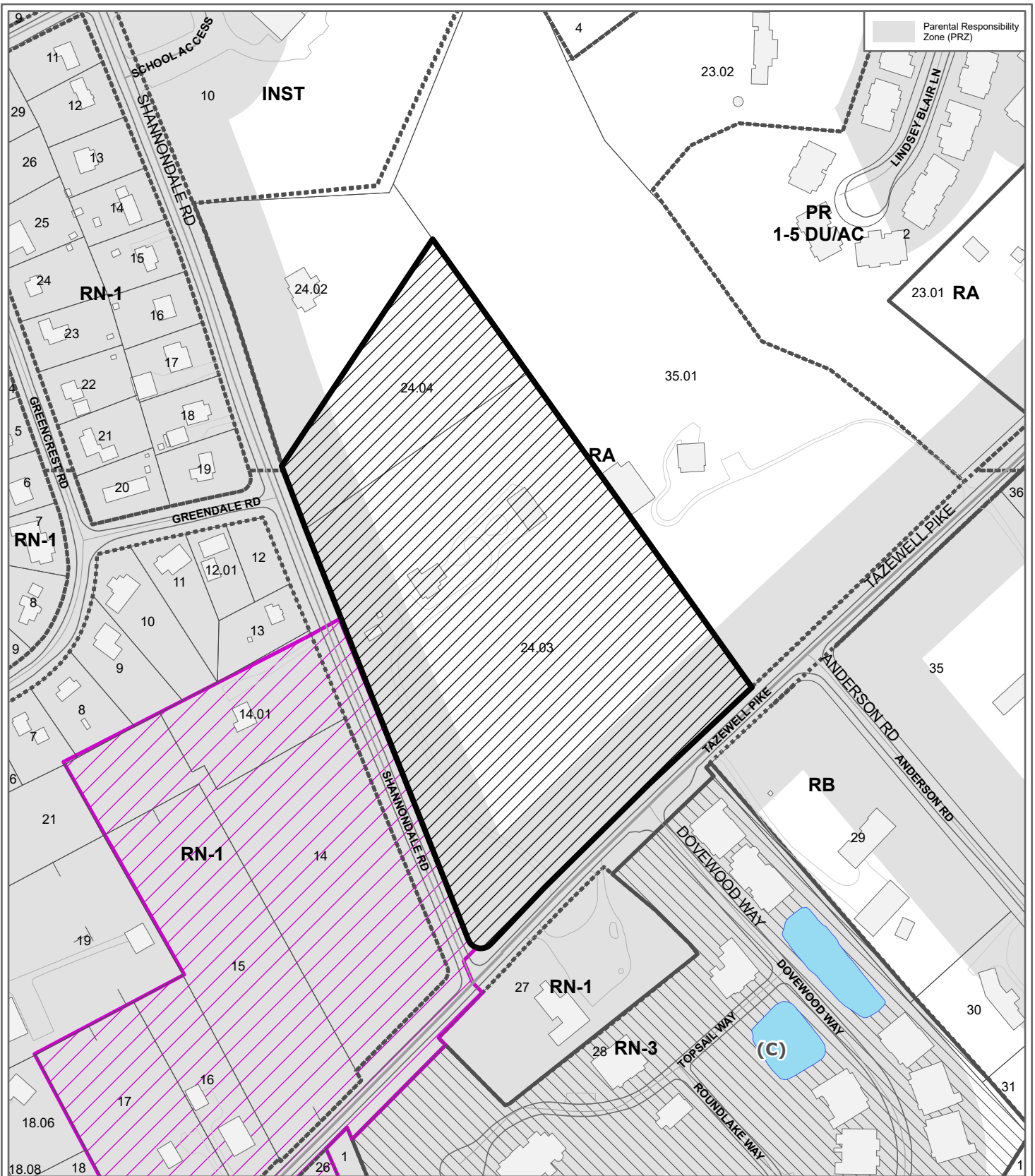
Jurisdiction: County



Original Print Date: 12/3/2021

Revised:

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



**1-K-22-RZ
REZONING**

From: RA (Low Density Residential)

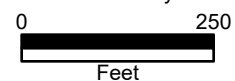
To: RB (General Residential)



Petitioner: Perry Smith Development

Map No: 49

Jurisdiction: County



Original Print Date: 12/15/2021

Revised:

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



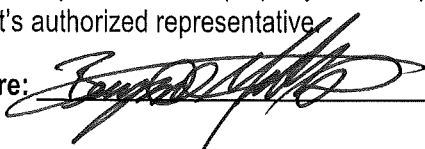
Request to Postpone • Table • Withdraw

Name of Applicant: Perry Smith Development
AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 1-D-22-SP & 1-K-22-RZ

Date Scheduled for Planning Review: February 10, 2022

Date Request Filed: 02/03/2022 Request Accepted by: _____

REQUEST	PLEASE NOTE
<p><input checked="" type="checkbox"/> Postpone Please postpone the above application(s) until: <u>March 10, 2022</u> <small>DATE OF FUTURE PUBLIC MEETING</small></p> <p><input type="checkbox"/> Table Please table the above application(s).</p> <p><input type="checkbox"/> Withdraw Please withdraw the above application(s).</p>	<p>Consistent with the guidelines set forth in Planning's Administrative Rules and Procedures:</p> <p>POSTPONEMENTS Any first time (new) Planning application is eligible for one automatic postponement. This request is for 30 days only and does not require Planning approval if received no later than 3:30 p.m. on the Friday prior to the Planning Commission meeting. All other postponement requests must be acted upon by Planning before they can be officially postponed to a future public meeting.</p>
<p>State reason for request: The Applicant is submitting a revised application for consideration of low density Planned Residential.</p>	<p>TABLINGS Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.</p>
<p>Eligible for Fee Refund? <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: _____ Approved by: _____ Date: _____</p>	<p>WITHDRAWALS Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.</p>
<p style="text-align: center;">APPLICATION AUTHORIZATION</p> <p>I hereby certify that I am the property owner, applicant, or applicant's authorized representative.</p> <p>Signature: <u></u></p> <p><small>PLEASE PRINT</small> Name: <u>Benjamin C. Mullins, Esq.</u> Address: <u>550 W. Main Street, Suite 500</u> City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37902</u> Telephone: <u>(865) 546-9321</u> Fax: <u>(865) 637-5249</u> E-mail: <u>bmullins@fmsllp.com</u></p>	<p>Any new item withdrawn may be eligible for a fee refund according to the following: Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.</p>



Request to Postpone • Table • Withdraw

Name of Applicant: Perry Smith Development

AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 1-D-22-SP & 1-K-22-RZ

Date Scheduled for Planning Review: January 13, 2022

Date Request Filed: January 12, 2022

Request Accepted by: Sherry Richman

REQUEST

Postpone

Please postpone the above application(s) until:

February 10, 2022

DATE OF FUTURE PUBLIC MEETING

Table

Please table the above application(s).

Withdraw

Please withdraw the above application(s).

State reason for request:

Evaluate options following Staff's recommendation and neighborhood opposition.

Eligible for Fee Refund? Yes No

Amount: _____

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature:

PLEASE PRINT

Name: Benjamin C. Mullins, Esq.

Address: 550 W. Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: (865) 546-9321

Fax: (865) 637-5249

E-mail: bmullins@fmsllp.com

PLEASE NOTE

Consistent with the guidelines set forth in Planning's *Administrative Rules and Procedures*:

POSTPONEMENTS

Any first time (new) Planning application is eligible for one automatic postponement. This request is for 30 days only and does not require Planning approval if received no later than 3:30 p.m. on the Friday prior to the Planning Commission meeting. All other postponement requests must be acted upon by Planning before they can be officially postponed to a future public meeting.

TABLINGS

Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

WITHDRAWALS

Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.

Exhibit A. 1-K-22-RZ / 1-D-22-SP Contextual Images

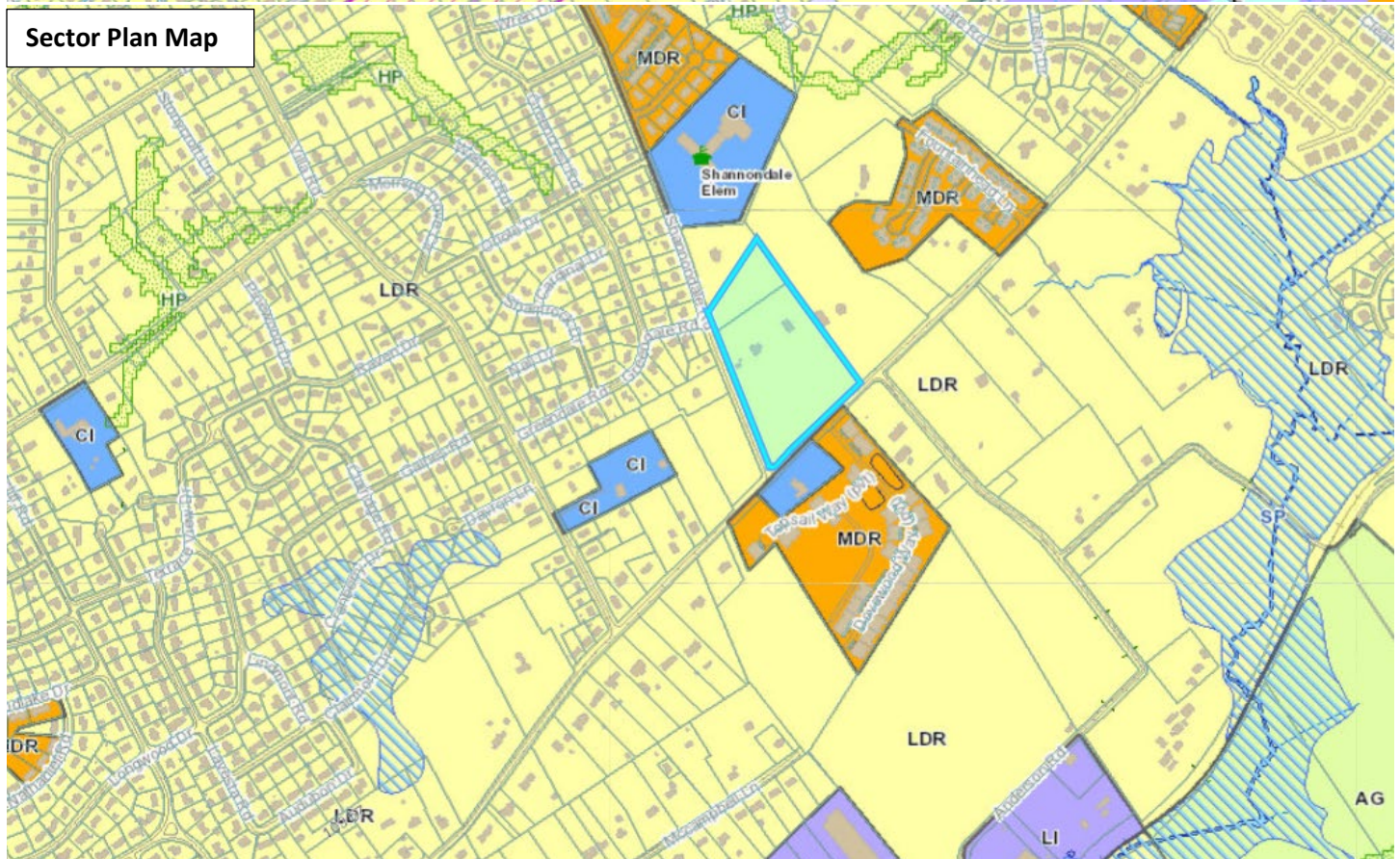
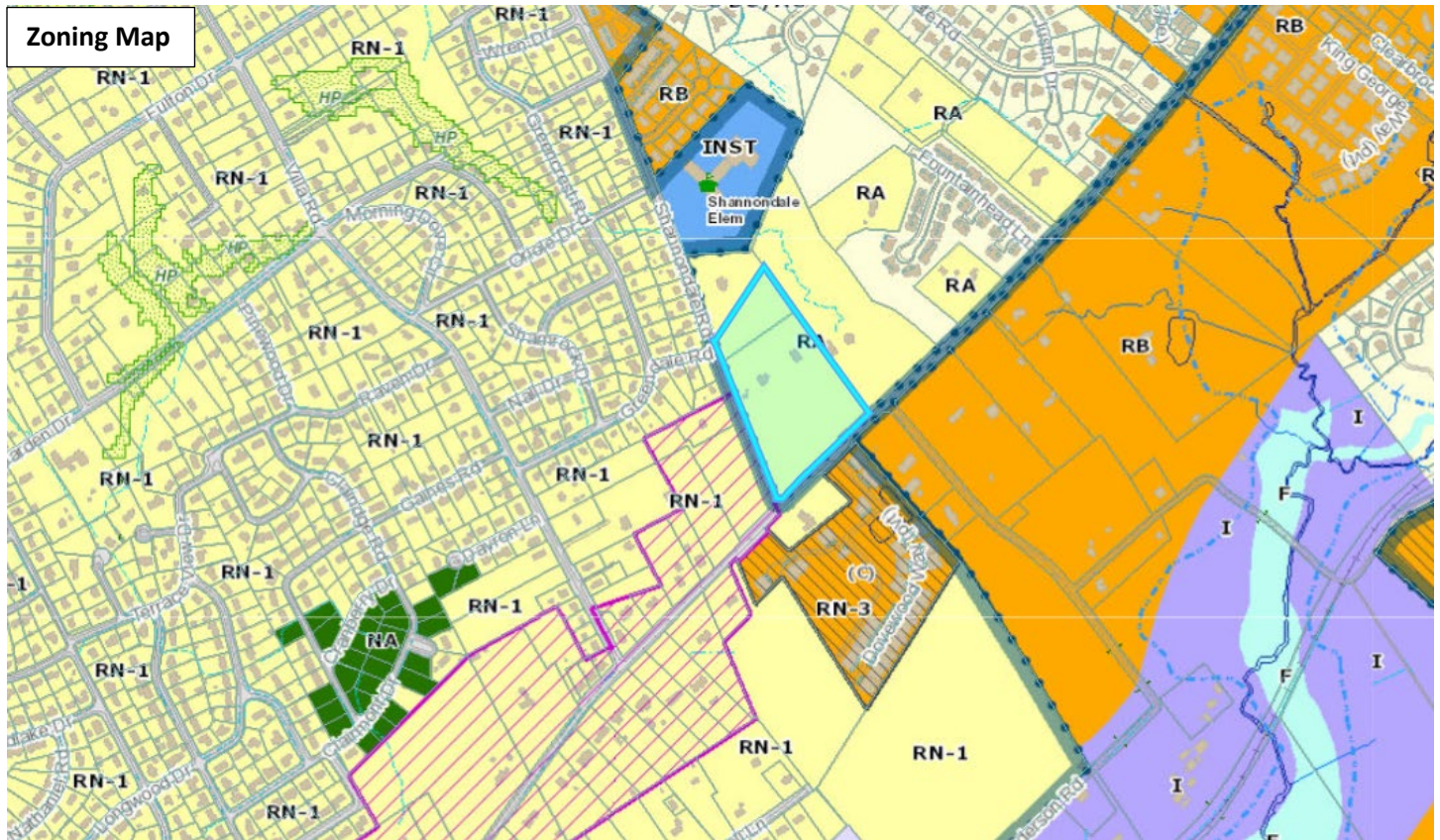
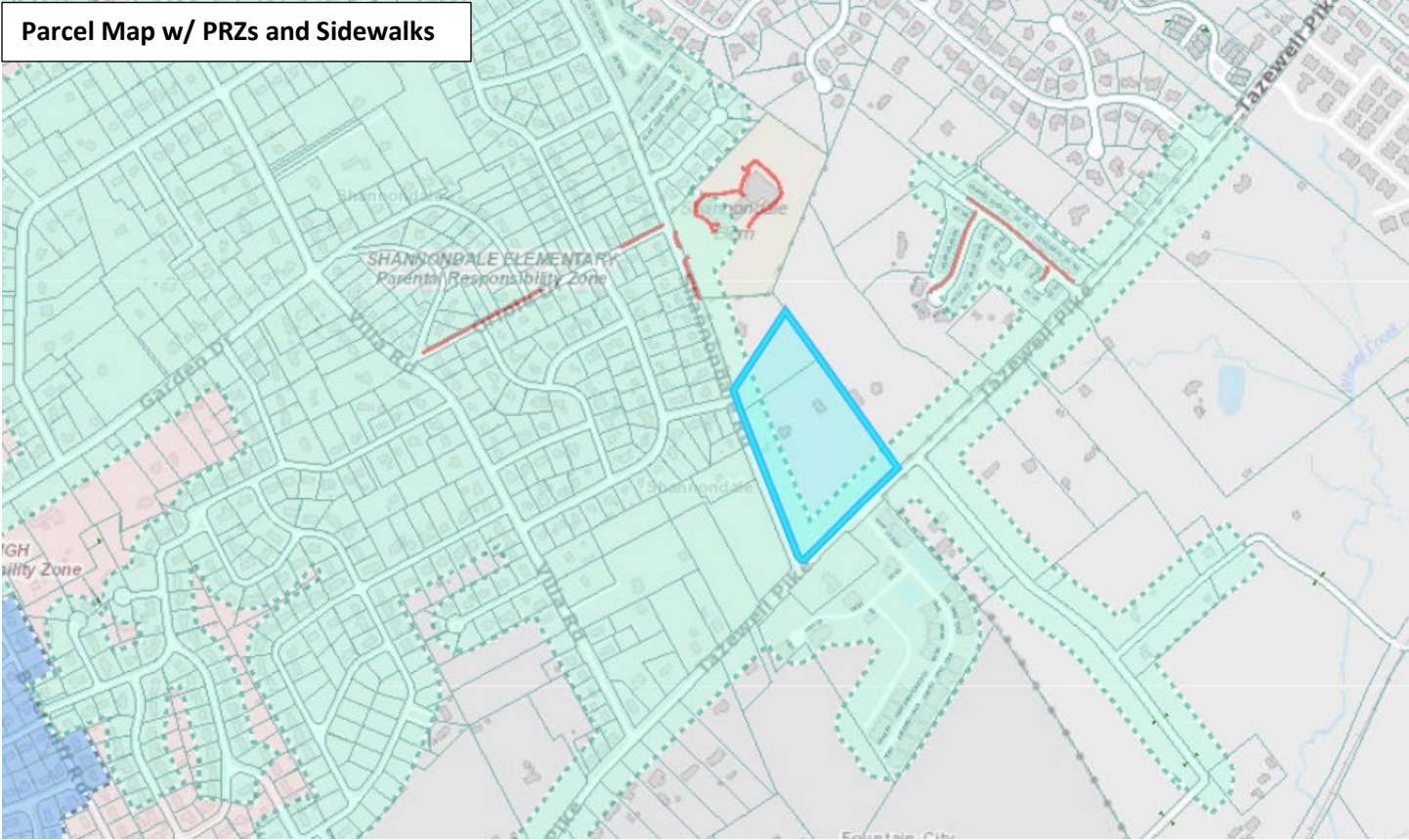


Exhibit A. 1-K-22-RZ / 1-D-22-SP Contextual Images

Parcel Map w/ PRZs and Sidewalks



Parcel Map with 2-ft Contours

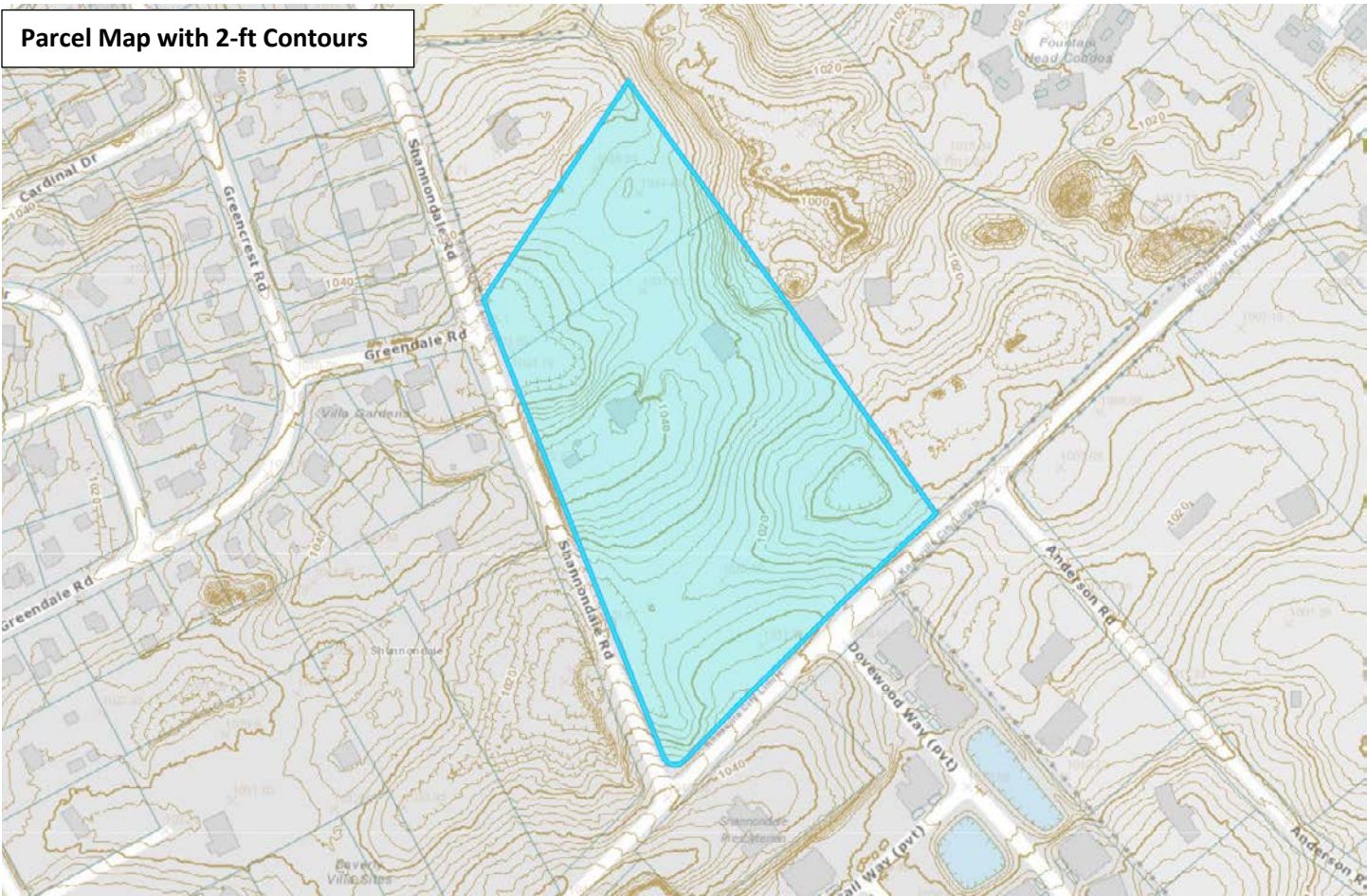


Exhibit A. 1-K-22-RZ / 1-D-22-SP Contextual Images



ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
DANIEL P. ZYDEL
SHARON H. KIM
RICHARD E. GRAVES
REBEKAH P. HARBIN



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Suite 500
Knoxville, Tennessee
37902

phone 865.546.9321
fax 865.637.5249
web fmsllp.com

ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

of counsel
JASON T. MURPHY

December 30, 2021

Knoxville-Knox County Planning
City-County Building
400 Main Street, Suite 403
Knoxville, TN 37902

Via e-mail only:
dori.caron@knoxplanning.org

Attn: Dori Caron

Re: January 13, 2022 Planning Commission Meeting

Agenda Item No. 20, Applicant: Perry Smith Development
File Nos. 1-D-22-SP and 1-K-22-RZ

Dear Dori:

Please allow this letter to confirm that I have been retained to speak on behalf of the above-referenced Applicant (Perry Smith Development) for the referenced Agenda Item at the January 13, 2022 Knoxville-Knox County Planning Commission meeting.

Thank you for your assistance in this matter.

Sincerely,
Benjamin C. Mullins
Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl



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

PERRY SMITH DEVELOPMENT

Applicant Name

Affiliation

11-29-21
Date Filed

1/13/2022
Meeting Date (if applicable)

File Number(s)
1-K-22-RZ
1-D-22-SP

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

DAVID HARBIN
Name

BATSON Himes Norvell + Poe
Company

4334 PAPERMILL DR
Address

KNOXVILLE
City

TN
State

37909
ZIP

865-588-6472
Phone

harbin@bhn-p.com
Email

CURRENT PROPERTY INFO

LIEB PROPERTIES LLC
Property Owner Name (if different)

P.O. BOX 30366
KNOXVILLE, TN 37930
Property Owner Address

4605 TAZEWELL PIKE KNOXVILLE TN 37918
Property Address

049

Property Owner Phone

02403

OSHANNON DALE RD KNOXVILLE TN 37918
Property Address

049

02404

Parcel ID

KUB
Sewer Provider

KUB
Water Provider

NO
Septic (Y/N)

STAFF USE ONLY

Northeast side of Tazewell Pike and Shannondale Road

12.81 ac

General Location

Tract Size

City County

2nd

RA

Agriculture/forestry/vacant

District

Zoning District

Existing Land Use

North City

LDR

Urban Growth Area

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 _____

Combine Parcels
 Divide Parcel

Unit / Phase Number _____ Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

Zoning Change RB
 Proposed Zoning

Plan Amendment Change MDR
 Proposed Plan Designation(s)

NO Proposed Density (units/acre) ~~XXX~~ **9-I-88-RZ / 4-AA-96-RZ** 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
0325	\$1,240.00	\$2,040.00
Fee 2		
0527	\$800.00	
Fee 3		

APPROVALS

David Harbin
 Applicant Signature
 DAVID HARBIN
 Please Print
 11-29-21
 Date

865-588-6472
 harbin@bhn-p.com
 Phone Number
 Email

- CONTRACT ATTACHED
 Property Owner Signature
 Please Print
 swm/ 11/29/2021
 Date

EA
11/29/2021