



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-K-22-RZ
1-D-22-SP

AGENDA ITEM #: 20
AGENDA DATE: 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 some zoning with 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:

- ▶ **Deny sector plan amendment to MDR (Medium Density Residential) because it is inconsistent with the surrounding development and the presence of sinkholes in the area.**

- ▶ **Deny RB (General Residential) zoning because it is inconsistent with the surrounding development and the presence of sinkholes in the area.**

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 so significant changing conditions to warrant amendment of the land use plan in this area.

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

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

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. This area was also subject to a governmental rezoning from RB to RA in 1988, which noted that the RB zoning that permitted multi-family residential was not in character with this area.
2. This is not a transitional area between commercial and low density residential areas, nor is this area served by transit or sidewalks, so the location criteria for the MDR (Medium Density Residential) land use classification is also not met.

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

1. There have been no new trends that warrant reconsideration of the original plan proposal at this location.

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.

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. There have been no improvements in this area or changing conditions that warrant a rezoning to RB (General Residential).

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

1. The RB (General Residential) zone is intended to provide for medium population density. The principal uses of land may range from houses to multi-dwelling structures or developments. Certain uses which are more

compatible functionally with intensive residential uses than with commercial uses are permitted.

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. This area was also subject to a governmental rezoning from RB to RA in 1988, which noted that the RB zoning that permitted multi-family residential was not in character with this area.
2. The presence of sinkholes in this area was also noted as a rationale in 1988 to rezone this area to RA because the potential adverse effects that could occur if this area were to develop more intensively as multi-family residential.

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 amendment is not consistent with the North City Sector Plan.

ESTIMATED TRAFFIC IMPACT: 1399 (average daily vehicle trips)

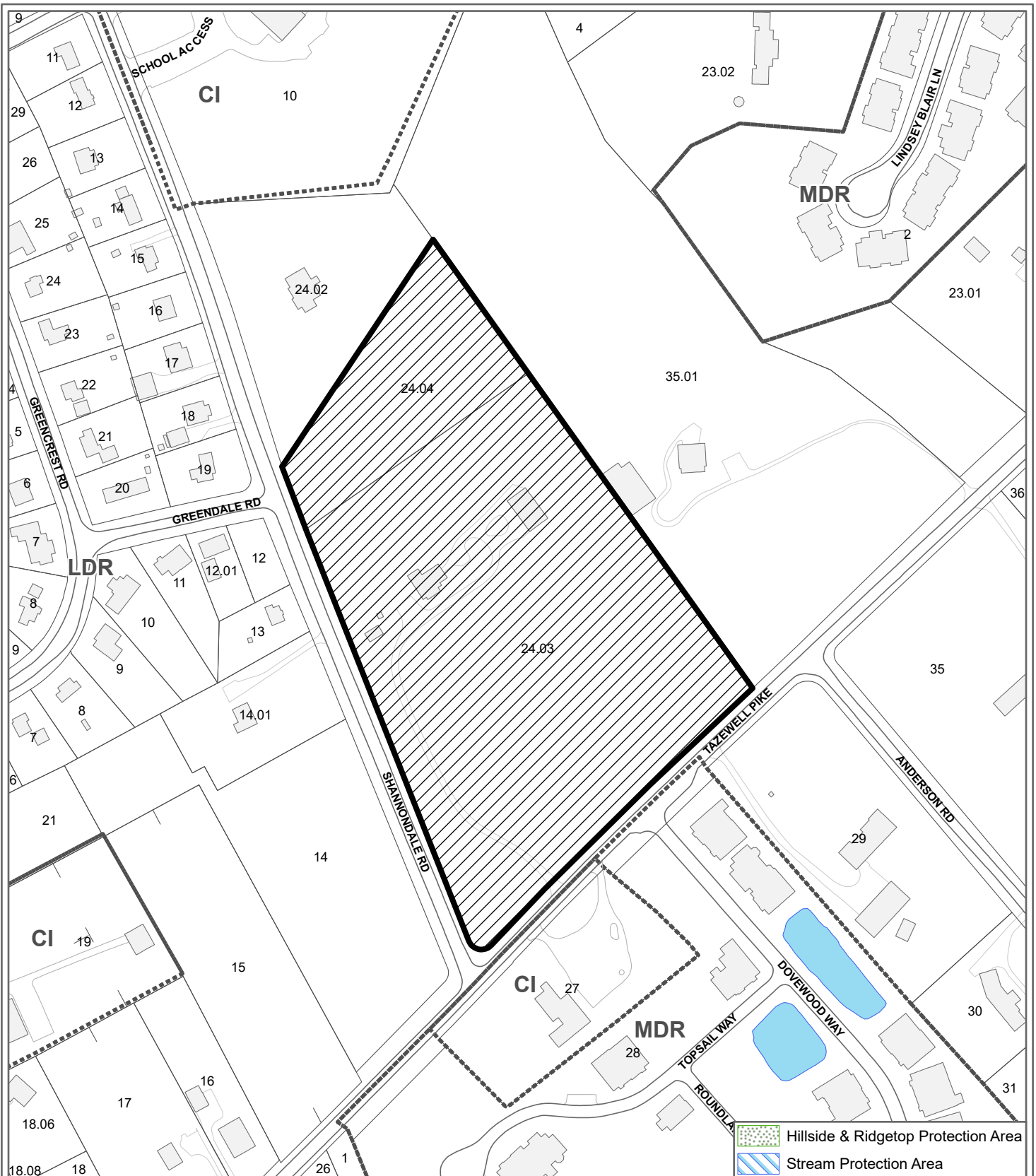
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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 2/22/2022. 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)

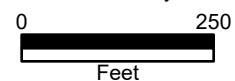
To: MDR (Medium Density Residential)



Petitioner: Perry Smith Development

Map No: 49

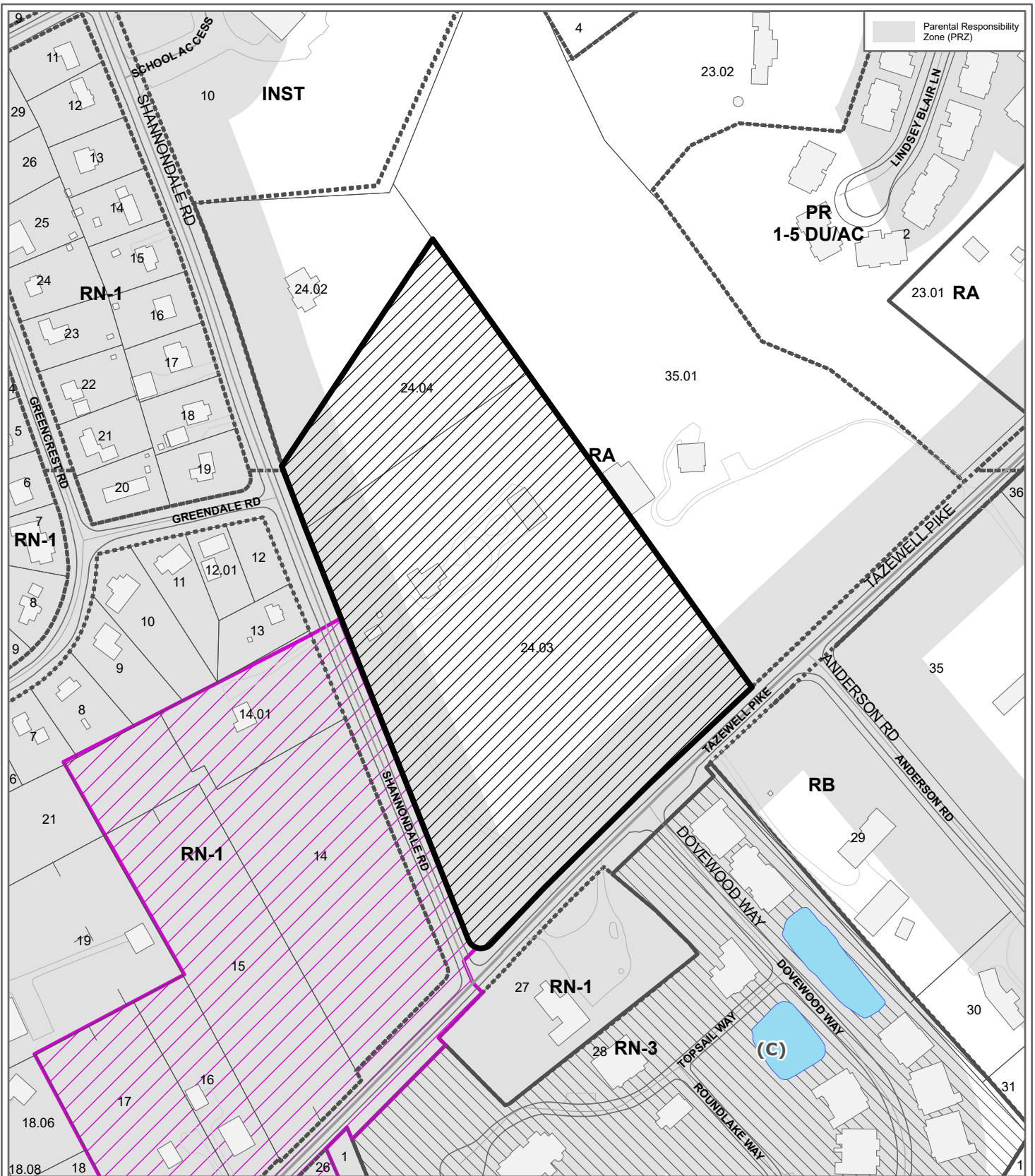
Jurisdiction: County



Original Print Date: 12/3/2021

Revised:

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



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

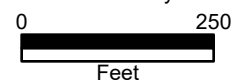
From: RA (Low Density Residential)
To: RB (General Residential)



Petitioner: Perry Smith Development

Map No: 49

Jurisdiction: County



Original Print Date: 12/15/2021 Revised:
Knoxville - Knox County 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: 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: *Benjamin C. Mullins*

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

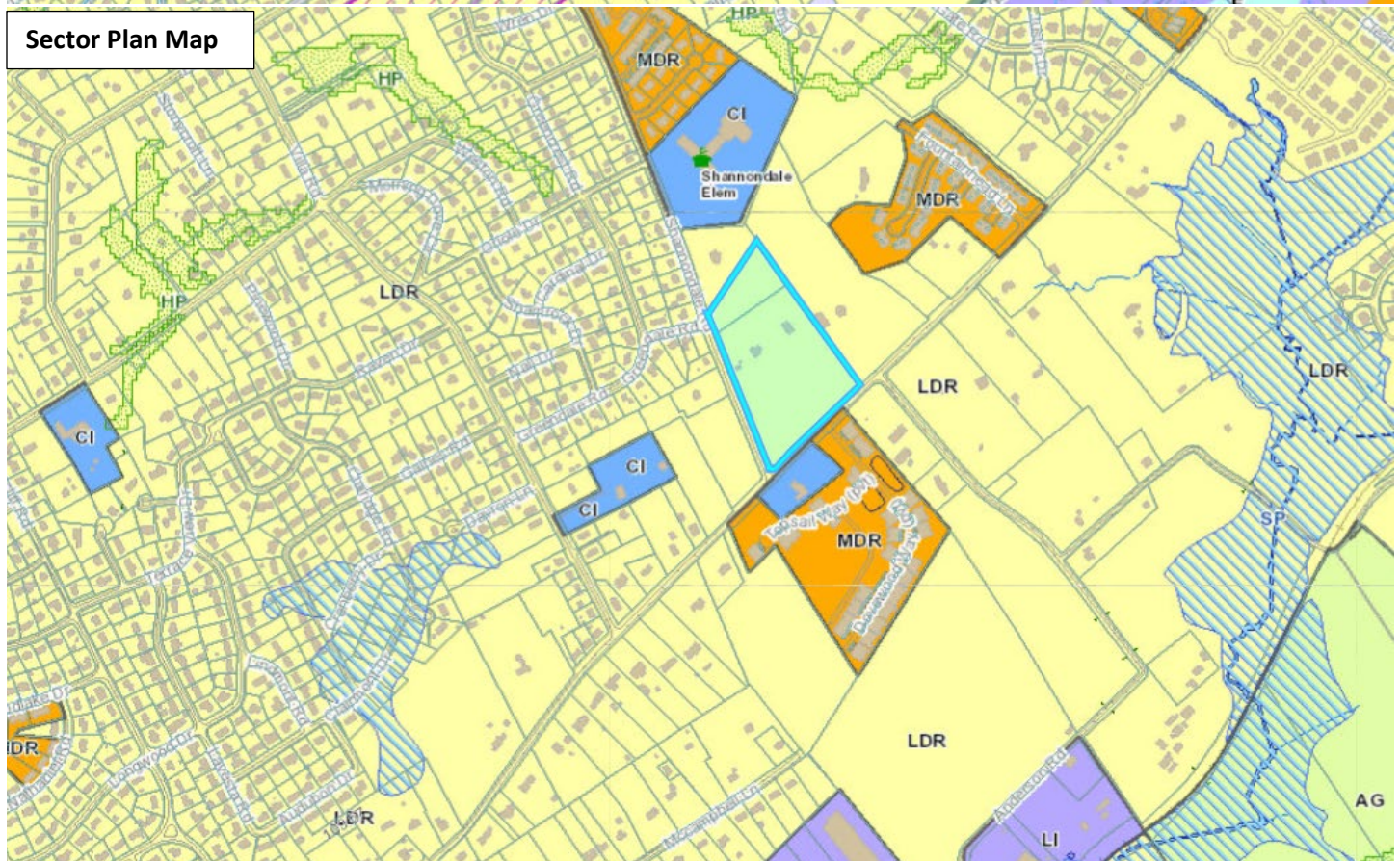
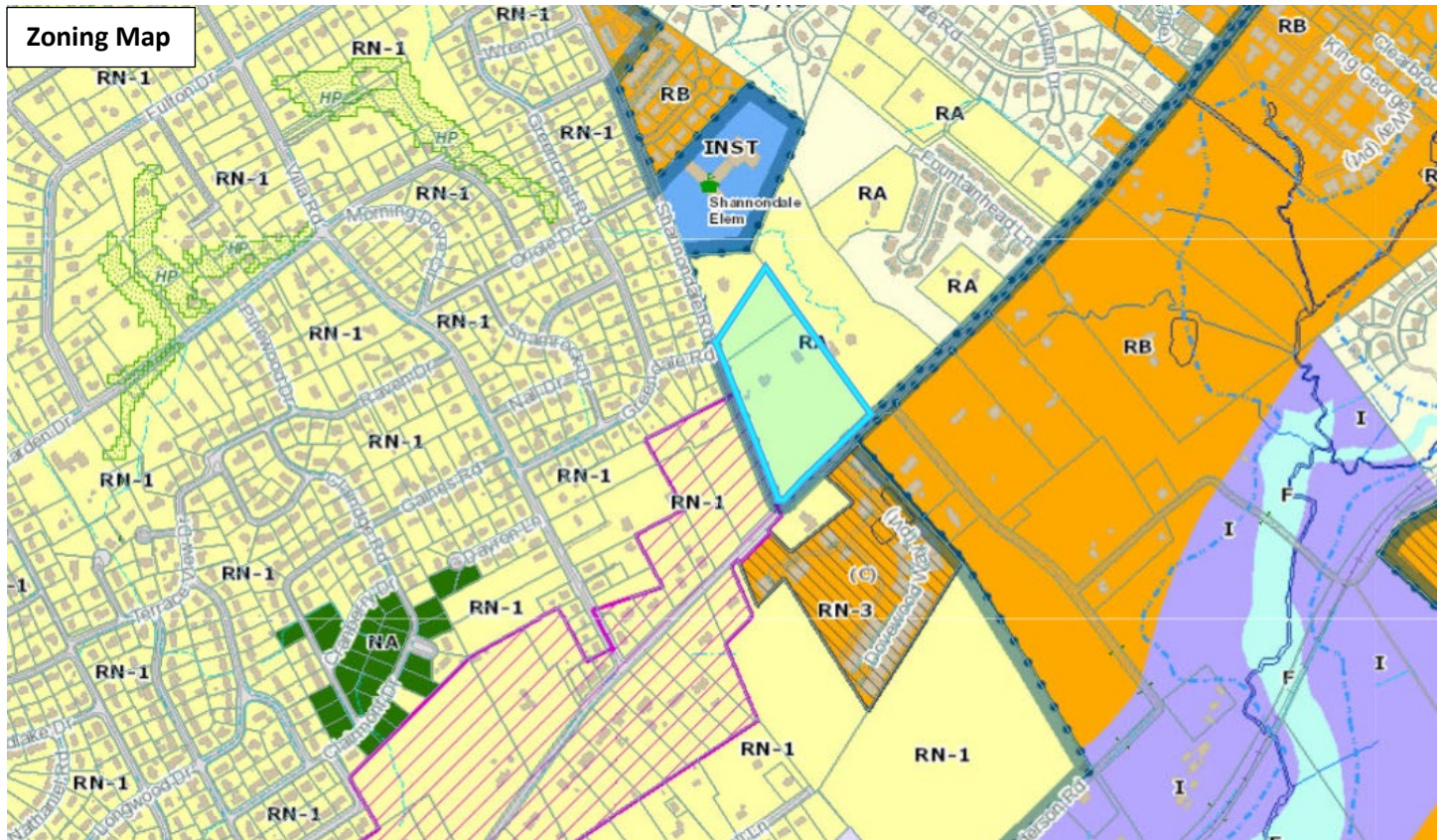
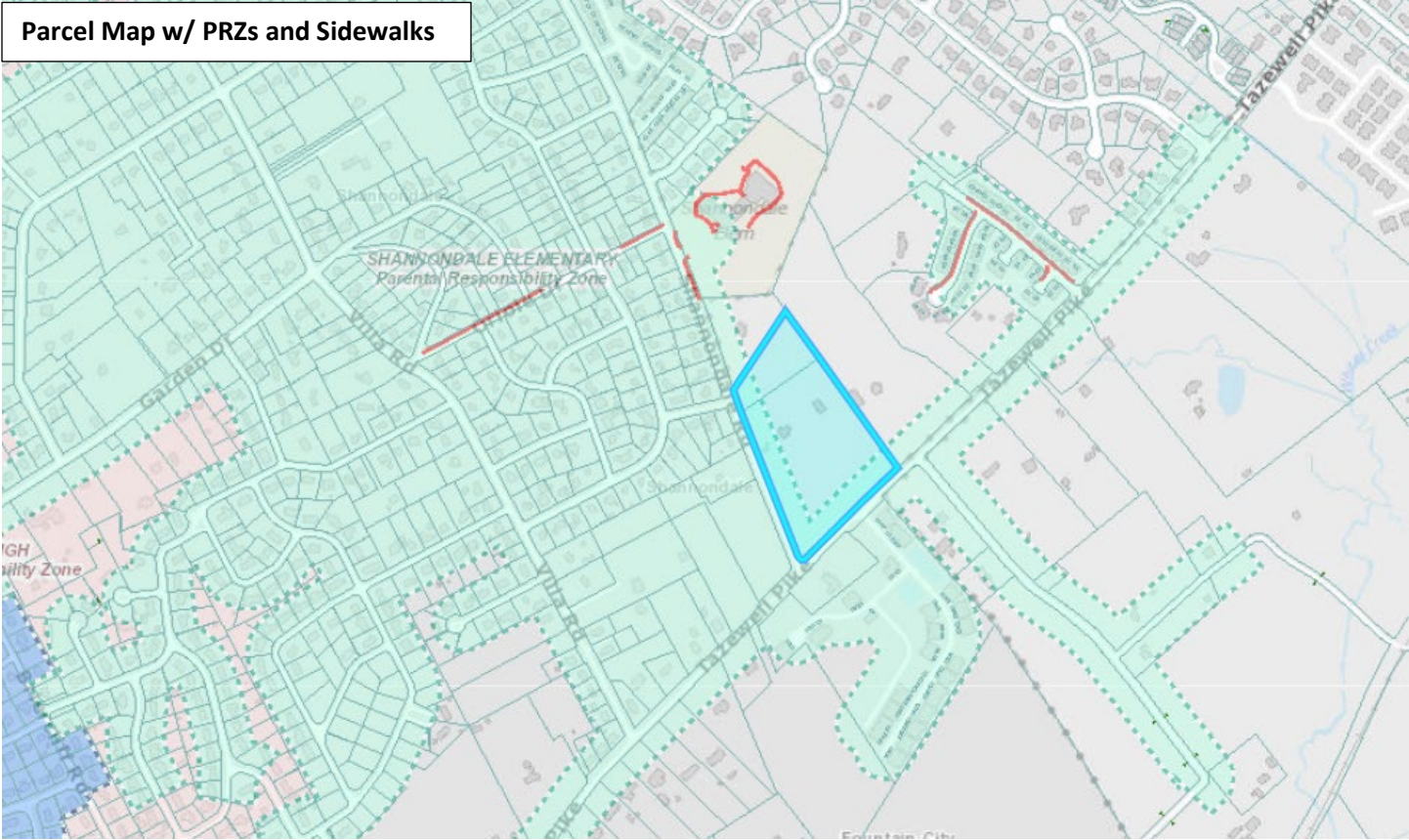


Exhibit A. 1-K-22-RZ / 1-D-22-SP Contextual Images

Parcel Map w/ PRZs and Sidewalks



Parcel Map with 2-ft Contours

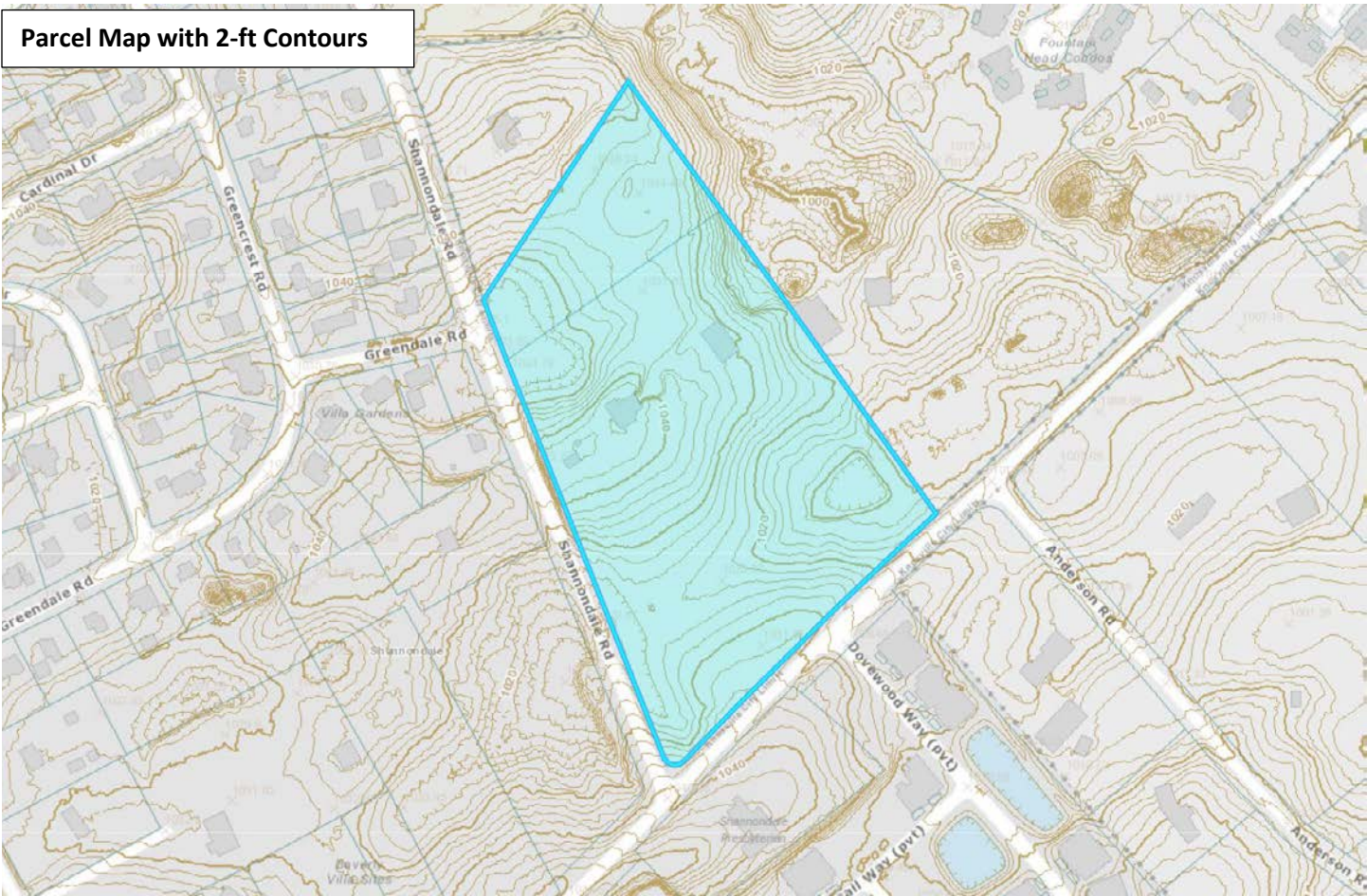


Exhibit A. 1-K-22-RZ / 1-D-22-SP Contextual Images



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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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

Property Owner Phone

4605 TAZEWELL PIKE KNOXVILLE TN 37918

OSHANNON DALE RD KNOXVILLE TN 37918

Property Address

049

02403

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

District

RA

Zoning District

Agriculture/forestry/vacant

Existing Land Use

North City

Planning Sector

LDR

Sector Plan Land Use Classification

Urban Growth Area

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
 Phone Number harbin@bhn-p.com Email

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

EA
11/29/2021