



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-K-22-RZ **AGENDA ITEM #:** 10  
 1-D-22-SP **AGENDA DATE:** 3/10/2022

POSTPONEMENT(S): 1/13/2022, 2/10/2022

▶ **APPLICANT:** PERRY SMITH DEVELOPMENT (REVISED)  
 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) / PR (Planned Residential) up to 5 du/ac

▶ **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, ZONING  
 North: Agriculture/forestry/vacant / LDR (Low Density Residential) / RA (Low Density Residential)  
 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.

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**STAFF RECOMMENDATION:**

- ▶ **Withdraw the plan amendment as requested by the applicant.**
  
- ▶ **Approve PR (Planned Residential) zoning up to 5 du/ac because it is consistent with the sector plan.**

**COMMENTS:**

This is a revised application for a rezoning that was received on 2/1/2022. The applicant previously applied for RB (General Residential) zoning and a plan amendment to MDR (Medium Density Residential). The applicant is now requesting to withdraw their application for the MDR (Medium Density Residential) land use plan amendment for the North City Sector Plan and revised their rezoning request to PR (Planned Residential) zoning up to 5 du/ac.

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. Since 2005 this area has been building out with attached residential dwellings under the PR zoning up to 5 du/ac. Across the street on Tazewell Pike attached units with the City of Knoxville's RN-3 zoning (formerly RP-1 zoning) have been built at approximately 4 du/ac.
2. This area is within the Parental Responsibility Zone for Shannondale Elementary and existing sidewalks for the school are approximately 550-ft away along Shannondale Road.

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

1. The PR (Planned Residential) district is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

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. There are sinkholes noted in this area and the PR zone district allows flexibility in design and encourages more imaginative solutions to environmental challenges.
2. The development plan review process also allows for a review by the Planning Commission with input from the community on the proposed planned unit development, and one intent of this process is to address compatibility with surrounding and adjacent zoning.

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 consistent with the North City Sector Plan and all other adopted plans.

ESTIMATED TRAFFIC IMPACT: 639 (average daily vehicle trips)

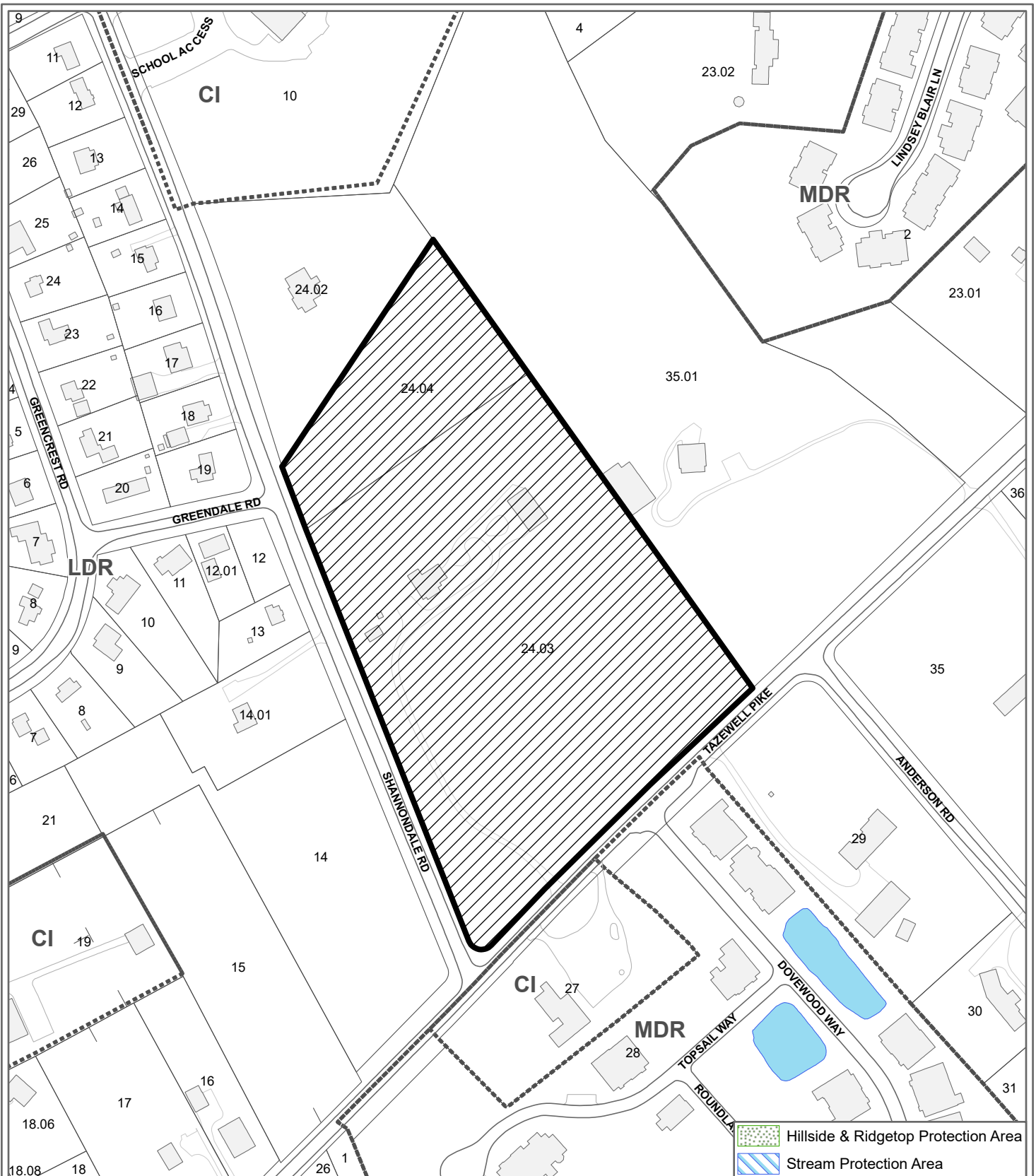
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 6 (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 4/25/2022. 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) **TO BE WITHDRAWN**



Petitioner: Perry Smith Development

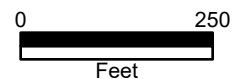
Map No: 49

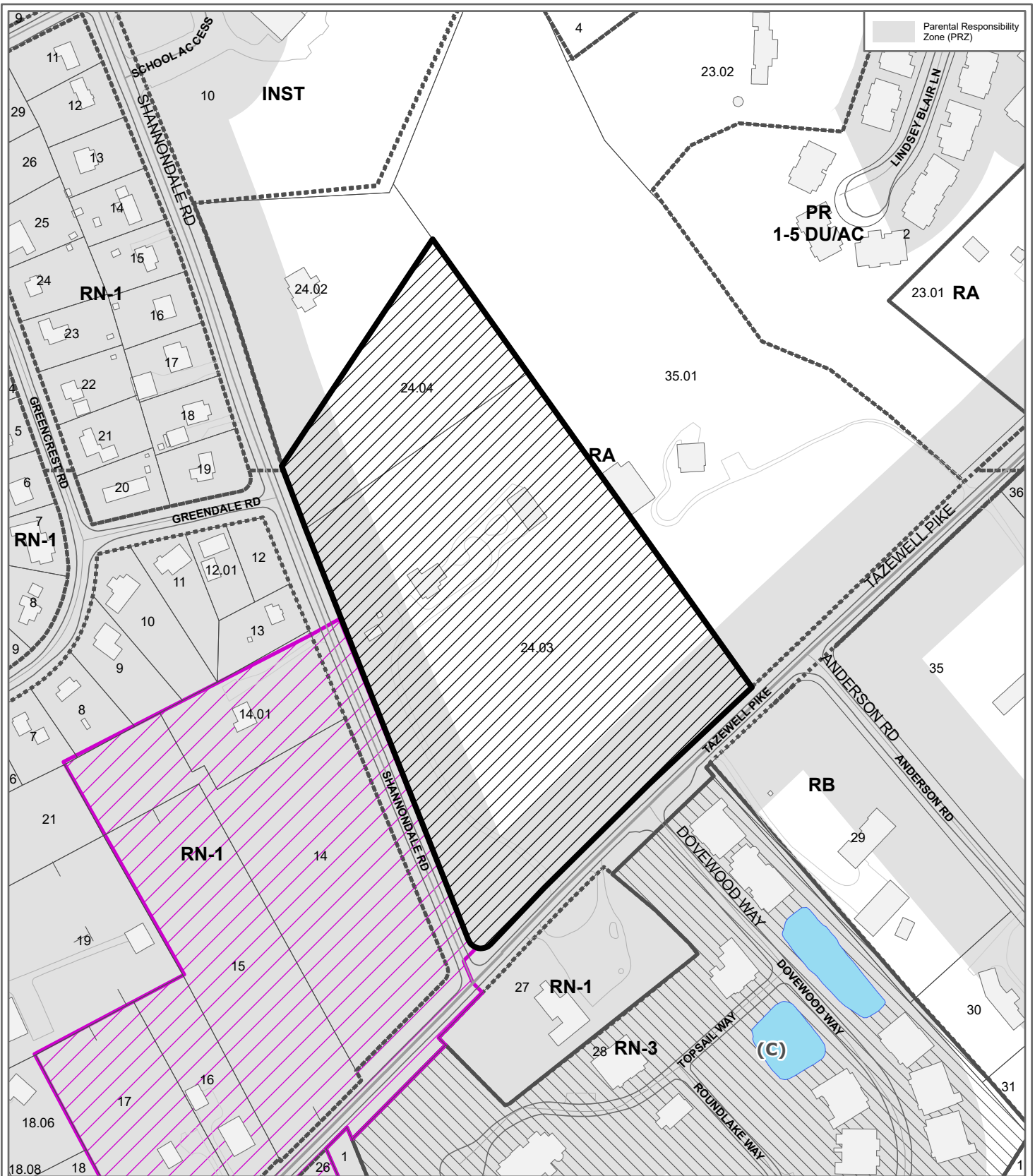
Jurisdiction: County

Original Print Date: 12/3/2021

Revised:

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

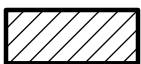




**1-K-22-RZ  
REZONING**

From: RA (Low Density Residential)

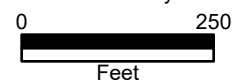
To: PR (Planned Residential)



Petitioner: Perry Smith Development

Map No: 49

Jurisdiction: County



Original Print Date: 2/16/2022

Revised:

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



# Request to Postpone • Table • Withdraw

Perry Smith Development

03-07-2022

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

March 10, 2022

Scheduled Meeting Date

File Number(s)

1-D-22-SP and 1-K-22-RZ

## POSTPONE

**POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

**SELECT ONE:**  30 days  60 days  90 days

Postpone the above application(s) until the \_\_\_\_\_ Planning Commission Meeting.

## WITHDRAW

**WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than noon on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received prior to public notice and the request is approved by the Executive Director or Planning Services Manager. *\*The refund check will be mailed to the original payee.*

## TABLE

**TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

## AUTHORIZATION

*By signing below, I certify I am the property owner, and/or the owners authorized representative.*

  
Applicant Signature

Benjamin C. Mullins

Please Print

865-546-9321

Phone Number

bmullins@fmsllp.com

Email

## STAFF ONLY

Staff Signature

Please Print

Date Paid

No Fee

Eligible for Fee Refund?  Yes  No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address





# Request to Postpone • Table • Withdraw

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Applicant Signature

Benjamin C. Mullins

Please Print

865-546-9321

Phone Number

bmullins@fmsllp.com

Email

## STAFF ONLY

Staff Signature

Elizabeth Albertson

Please Print

Date Paid

No Fee

Eligible for Fee Refund?  Yes  No Amount:

Approved by:

Date:

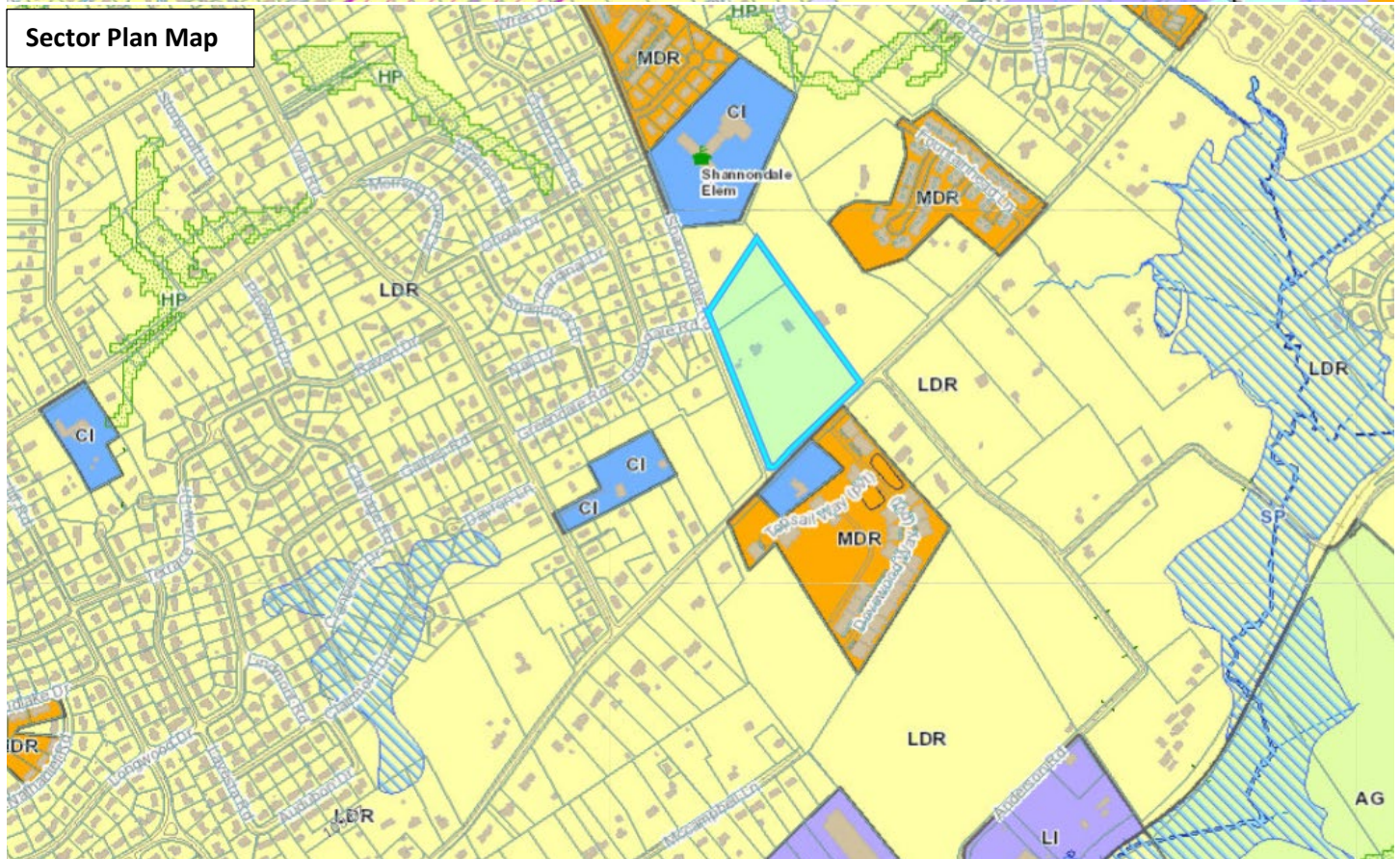
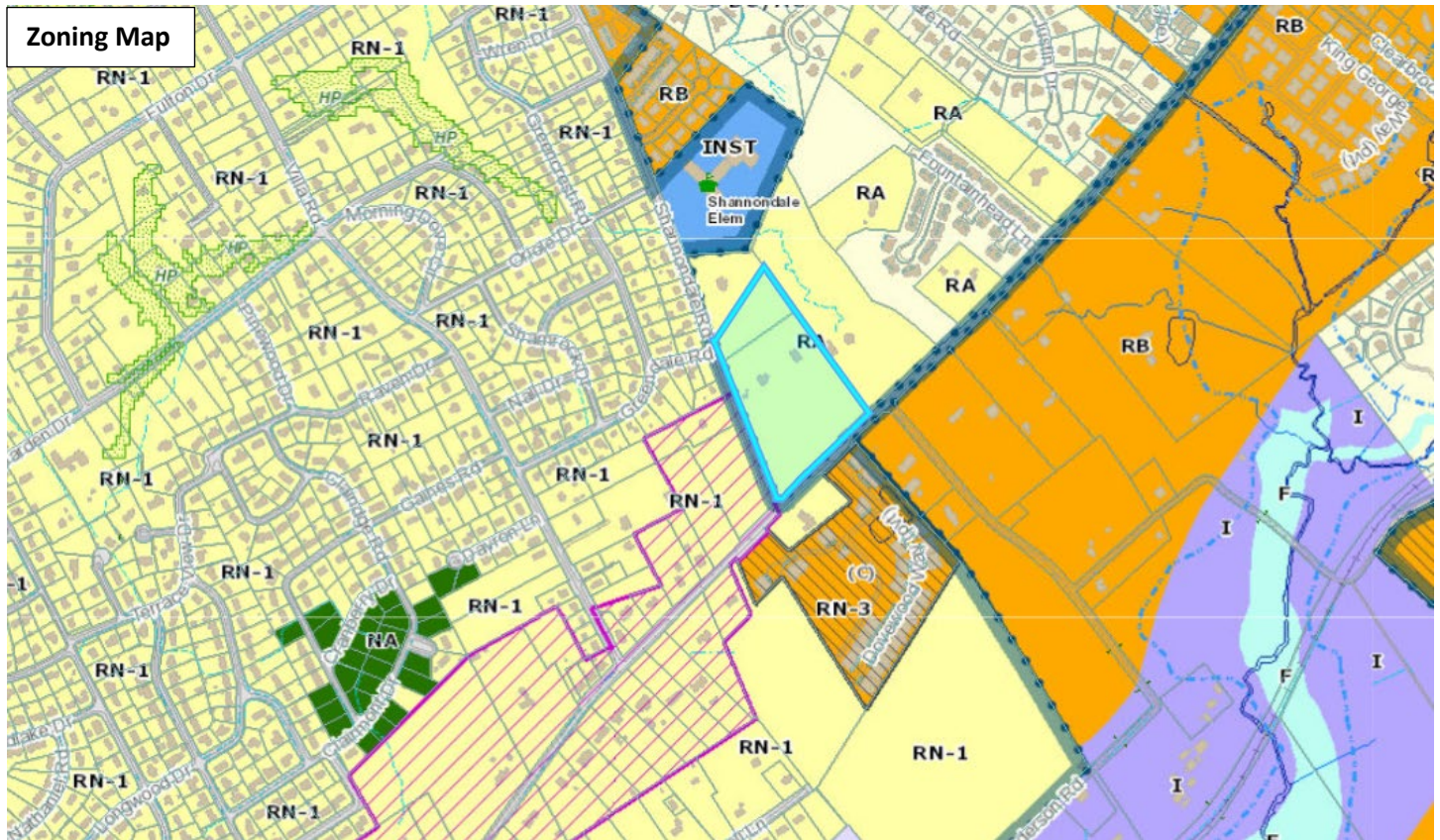
Payee Name

Payee Phone

Payee Address



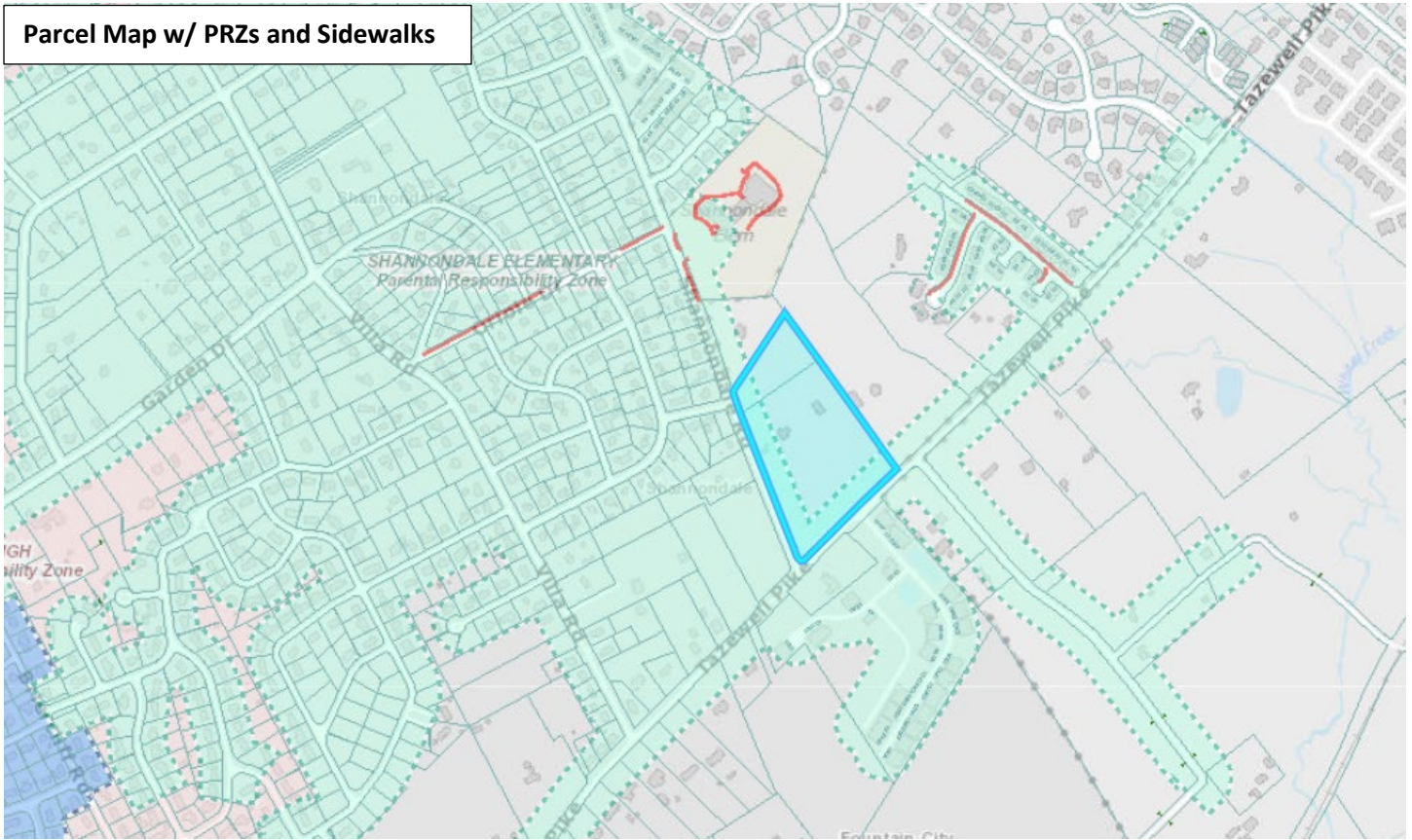
# Exhibit A. 1-K-22-RZ / 1-D-22-SP Contextual Images





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

Parcel Map w/ PRZs and Sidewalks



Parcel Map with 2-ft Contours

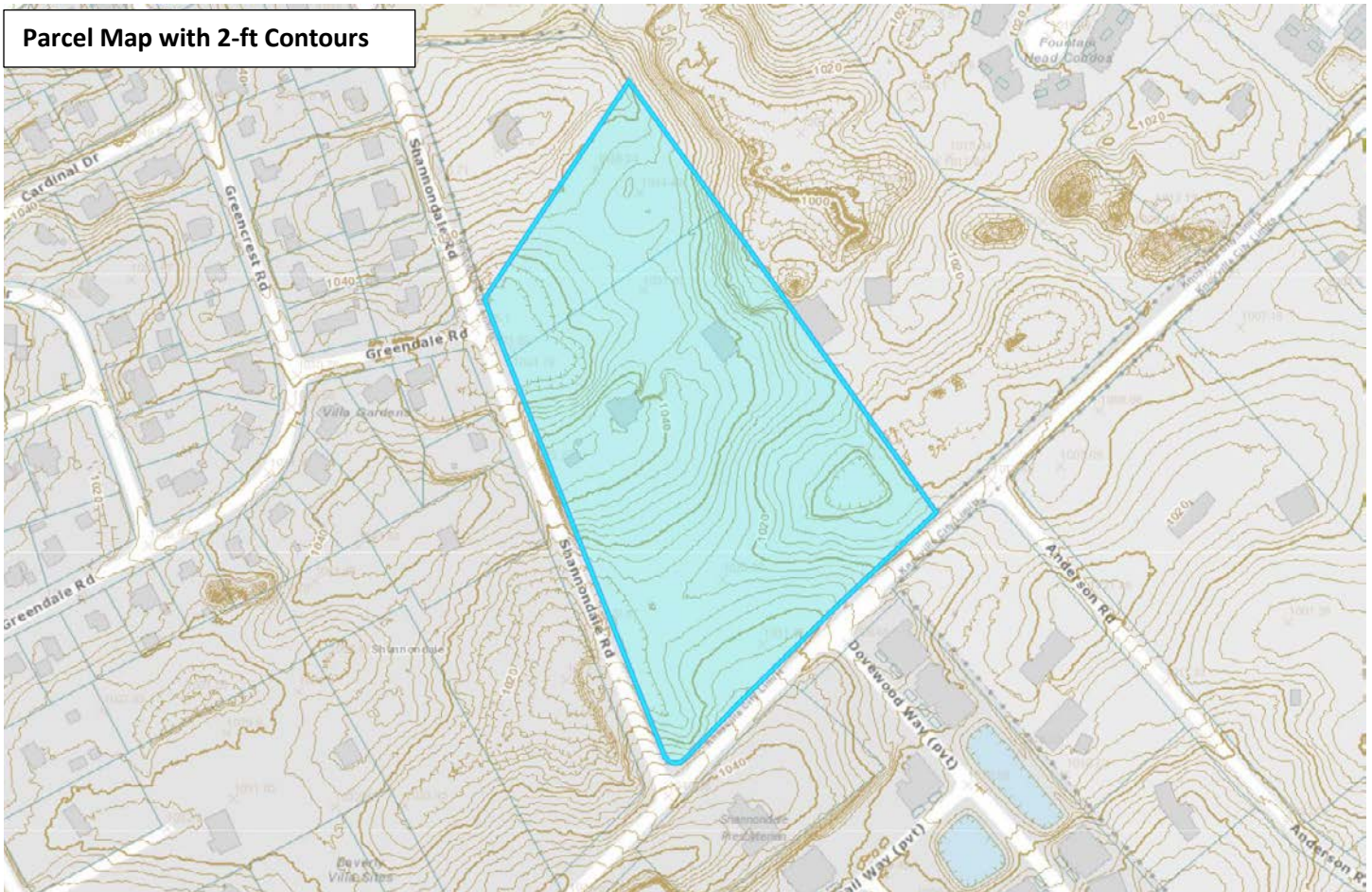




Exhibit A. 1-K-22-RZ / 1-D-22-SP Contextual Images



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



*client-centric & committed to success*

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

*of counsel*  
JASON T. MURPHY

December 30, 2021

*Via e-mail only:*  
[dori.caron@knoxplanning.org](mailto:dori.caron@knoxplanning.org)

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

**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



Revised 2-1-22 BCM



# 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 (REVISED)

Applicant Name

Affiliation

11.29.21  
Date Filed

1/13/2022  
Meeting Date (if applicable)

File Number(s)
<b>1-K-22-RZ</b>
<b>1-D-22-SP</b>

**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 + P.O.E Company

4334 PAPER MILL DR Address      KNOXVILLE City      TN State      37909 ZIP

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

**CURRENT PROPERTY INFO**

<u>LEEB PROPERTIES, LLC</u> Property Owner Name (if different)	<u>P.O. BOX 30366</u> <u>KNOXVILLE, TN 37930</u> Property Owner Address	<u>049 02403</u> <u>049 02404</u> Property Owner Phone
<u>4605 TAZEWELL PIKE</u> <u>OSHANNON DALE RD</u> Property Address	<u>KNOXVILLE TN 37918</u> <u>KNOXVILLE TN 37918</u> Parcel ID	

KUB Sewer Provider      KUB Water Provider      NO Septic (Y/N)

**STAFF USE ONLY**

Northeast side of Tazewell Pike and Shannondale Road General Location      12.81 ac Tract Size

City  County District      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

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

**SUBDIVISION REQUEST**

Proposed Subdivision Name \_\_\_\_\_

Related Rezoning File Number

Combine Parcels  
  Divide Parcel  
 Total Number of Lots Created \_\_\_\_\_

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

**ZONING REQUEST**

Zoning Change

Proposed Zoning RB PR at 5 du/ac BCM  
 Proposed Plan Designation(s) MDR NA BCM

Pending Plat File Number

Plan Amendment Change

NO

Proposed Plan Designation(s)

~~XXX~~ **9-I-88-RZ / 4-AA-96-RZ**

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

**ADDITIONAL REQUIREMENTS**

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

Fee 1	Total
<b>0325 \$1,240.00</b>	<b>\$2,040.00</b>
Fee 2	
<b>0527 \$800.00</b>	
Fee 3	

*David Harbin*

Applicant Signature

DAVID HARBIN

Please Print

11.29.21

Date

865-588-6472

Phone Number

harbin@bhnp.com

Email

- CONTRACT ATTACHED

Property Owner Signature

*Boyd*

Please Print

swm/ 11/29/2021

Date

**EA**  
11/29/2021

2-1-22