

# REZONING REPORT

▶ **FILE #:** 4-J-23-RZ

**AGENDA ITEM #:** 11

**AGENDA DATE:** 4/13/2023

▶ **APPLICANT:** ROBERT GREGORY

OWNER(S): Robert Gregory Beaver Creek Development, LLC

TAX ID NUMBER: 68 075

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 0 CENTRAL AVENUE PIKE

▶ **LOCATION:** East side of Central Avenue Pk, north of Dry Gap Pk

▶ **APPX. SIZE OF TRACT:** 31.38 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Central Avenue Pike, a local road with a pavement width of 21-ft within a right-of-way width of 50-ft.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Knob Fork Creek

▶ **PRESENT ZONING:** AG (General Agricultural), HP (Hillside Protection Overlay)

▶ **ZONING REQUESTED:** RN-3 (General Residential Neighborhood), HP (Hillside Protection Overlay)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶  
EXTENSION OF ZONE: No

HISTORY OF ZONING: This property was assigned the to A-1 (General Agricultural) and F-1 (Floodway) zones upon its annexation in 2002.

SURROUNDING LAND USE AND ZONING: North: Public/Quasi Public Land, multi family - PC (Planned Commercial) in Knox County and AG (Agriculture), F (Floodway), and HP (Hillside Protection Overlay) in the City

South: Single family residential, Agriculture/Forestry/Vacant - AG (Agriculture) & HP (Hillside Protection Overlay) in the City

East: Single family residential, rural residential - RA (Low Density Residential) in Knox County

West: Single family residential, rural residential, commercial - A (Agricultural), OB (Office, Medical, and Related Services), PC (Planned Commercial) in Knox County

NEIGHBORHOOD CONTEXT: This site is located along an arterial road not far from an interstate interchange. This stretch of Central Avenue Pike contains a mix of uses, including commercial and office developments single family detached residential subdivisions on moderate hillside slopes.

**STAFF RECOMMENDATION:**

► **Approve RN-3 (General Residential Neighborhood) and HP (Hillside Protection Overlay) zoning approval because it is consistent with the surrounding development and sector plan.**

**COMMENTS:**

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3: THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY GENERALLY:

1. RN-3 zoning is consistent with the medium density residential recommendations of the MU-NC1 (Mixed Use-North City 1) plan designation of the North City Sector Plan and the Knoxville One Year Plan.
2. RN-3 zoning is appropriate for this site, as the parcels is located along an arterial road near a mix of commercial, office, and single and multi-family residential uses.

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

1. The RN-3 General Residential Neighborhood Zoning District is intended to accommodate medium density residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Townhouse dwellings may be allowed by special use approval to facilitate a more urban development form. Limited nonresidential uses that are compatible with the character of the district may also be permitted.
2. 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 development.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. 24.8 acres of the parcel are within the HP (Hillside Protection) overlay. The slope analysis identifies a disturbance limit of 14.17 acres within the HP area. Historical aerials show that some of the site has been previously disturbed, though not the steeper sloped section towards the center of the parcel, as shown in Exhibit B. Any new/additional disturbance shall not exceed the previously-disturbed area or the maximum land disturbance permitted in the slope analysis, whichever is greater.
2. RN-3 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the City.
3. Central Ave Pike is classified as minor arterial street, adequate to handle any additional traffic generated by medium density residential uses on the site.

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 City of Knoxville One Year Plan proposes medium density residential and/or office uses for the site, consistent with RN-3 zoning.
2. The North City Sector Plan proposes medium density residential and/or office uses for the site, consistent with RN-3 zoning.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This recommended RN-3 zoning does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 2867 (average daily vehicle trips)

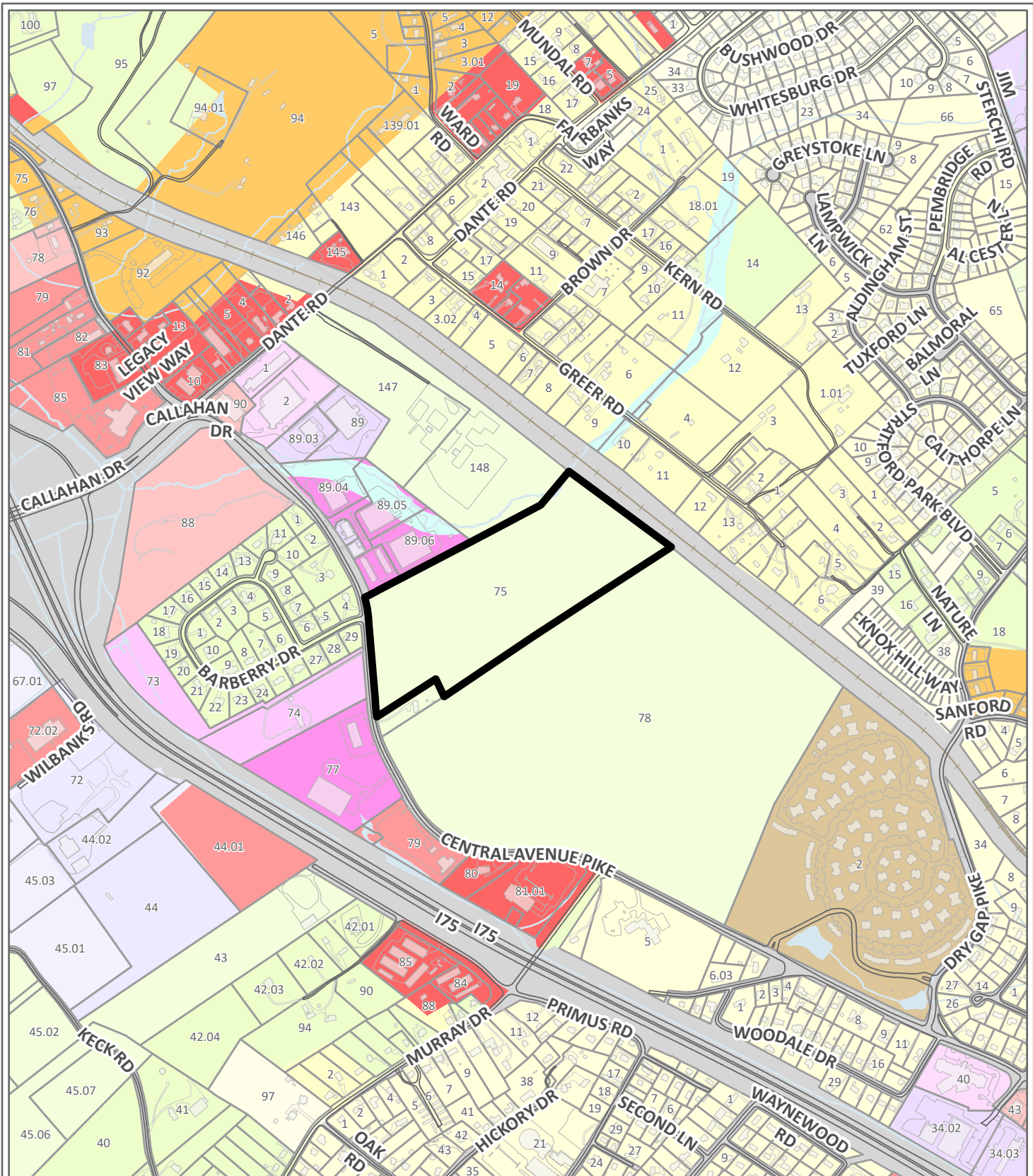
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 29 (public school children, grades K-12)

Schools affected by this proposal: Sterchi 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 Knoxville City Council for action on 5/16/2023 and 5/30/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**REZONING**

**4-J-23-RZ**

**Petitioner:** Robert Gregory



**From:** AG (General Agricultural), HP (Hillside Protection Overlay)

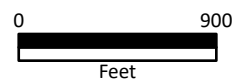
**To:** RN-3 (General Residential Neighborhood), HP (Hillside Protection Overlay)

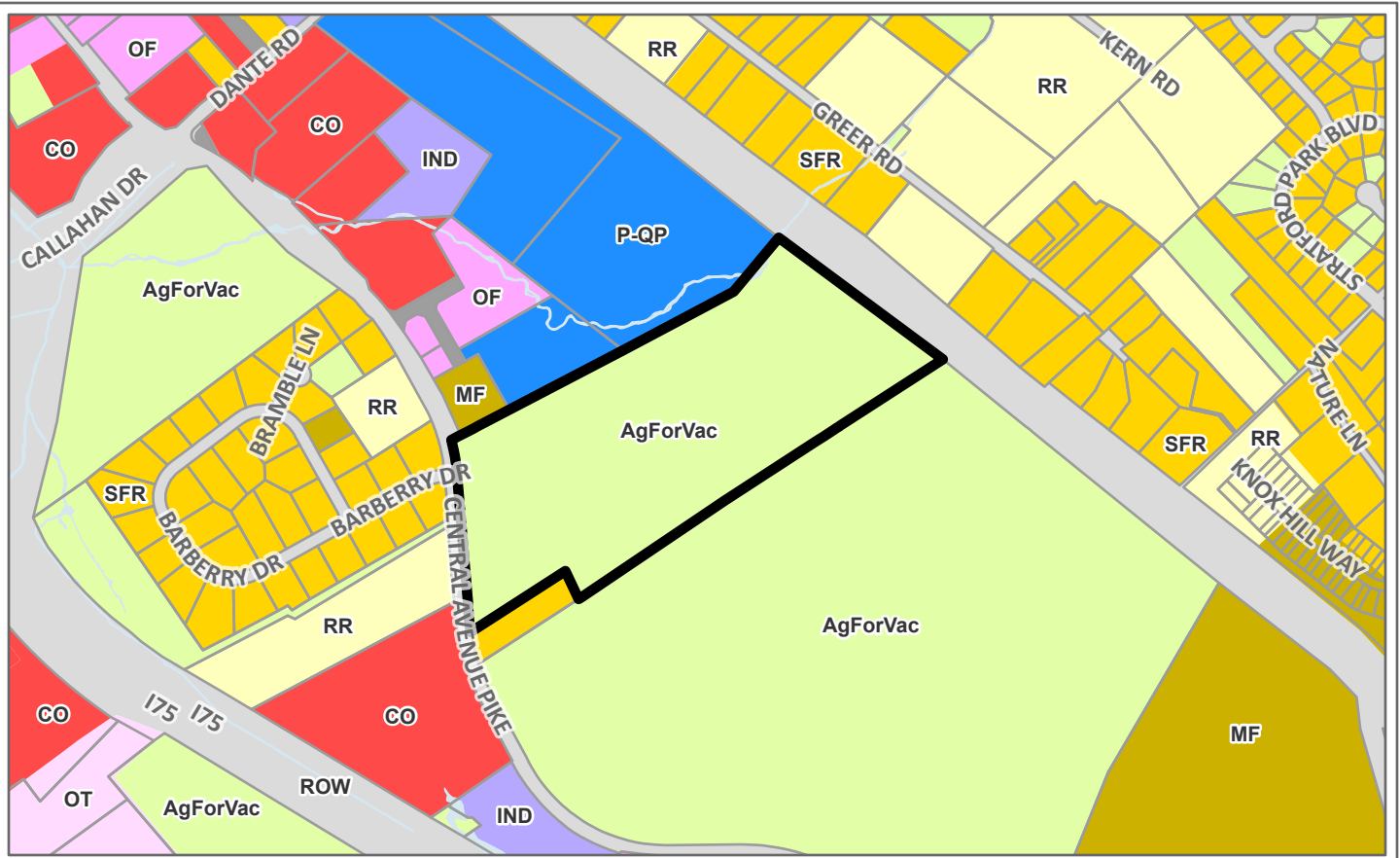
**Map No:** 68

**Jurisdiction:** City

**Original Print Date:** 4/4/2023

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



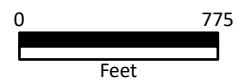


**Existing Land Use and Aerial Maps**

**4-J-23-RZ**



Case boundary





# Development Request

## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - Sector Plan
  - One Year Plan
- Rezoning

**Robert Gregory**

Applicant Name

Affiliation

**2/23/2023**

Date Filed

**4/13/2023**

Meeting Date (if applicable)

**4-J-23-RZ**

File Number(s)

## CORRESPONDENCE

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

**Bill Evans Black Oak Contracting**

Name / Company

**3712 Cunningham Rd Knoxville TN 37918**

Address

**865-660-4227 / bevans@blackoakcontracting.com**

Phone / Email

## CURRENT PROPERTY INFO

**Robert Gregory Beaver Creek Developm**

Owner Name (if different)

**3712 Cunningham Rd Knoxville TN 37918**

Owner Address

**865-318-2629**

Owner Phone / Email

**0 CENTRAL AVENUE PIKE**

Property Address

**68 075**

Parcel ID

**31.38 acres**

Tract Size

Part of Parcel (Y/N)?

**Hallsdale-Powell Utility District**

Sewer Provider

**Hallsdale-Powell Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**East side of Central Avenue Pk, north of Dry Gap Pk**

General Location

City

**Council District 5**

**AG (General Agricultural), HP (Hillside Protection Overlay)**

**Agriculture/Forestry/Vacant Land**

County District

Zoning District

Existing Land Use

**North City**

Planning Sector

**MU-SD (Mixed Use Special District), HP (Hillside Protectio**

Sector Plan Land Use Classification

**Urban Growth Area (Inside City Limits)**

Growth Policy Plan Designation

## 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 <b>RN-3 (General Residential Neighborhood), HP (Hillside Protection Overlay)</b>	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)
Proposed Density (units/acre)    Previous Zoning Requests	
Additional Information _____	

## STAFF USE ONLY

<b>PLAT TYPE</b> <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
<b>ATTACHMENTS</b> <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	<b>\$2,219.00</b>	
<b>ADDITIONAL REQUIREMENTS</b> <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	Fee 2	
	Fee 3	

## AUTHORIZATION

<b>Robert Gregory</b>	<b>2/23/2023</b>
Applicant Signature	Date
Please Print	

<b>Robert Gregory Beaver Creek Development, LLC</b>	<b>2/23/2023</b>
Property Owner Signature	Date
Please Print	

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



# 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 Gregory (Beaver Creek Development, LLC)

Managing Member

Applicant Name

Affiliation

02/22/2023

April 13, 2023

File Number(s)

Date Filed

Meeting Date (if applicable)

## 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

Robert Gregory

Beaver Creek Development, LLC

Name

Company

3712 Cunningham Road

Knoxville

TN

37918

Address

City

State

ZIP

865-660-4227

bevans@blackoakcontracting.com

Phone

Email

## CURRENT PROPERTY INFO

Robert Gregory

3712 Cunningham Rd

865-318-2629

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Central Avenue Pike Knoxville, TN

068 075

Property Address

Parcel ID

Hallsdale Powell Utility District

Hallsdale Powell Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

General Location

Tract Size

City  County

District

Zoning District

Existing Land Use

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   **Rn-3**  
Proposed Zoning

Plan Amendment Change   Proposed Plan Designation(s)

**6 dua/acre**   **None**  
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
Fee 2	
Fee 3	

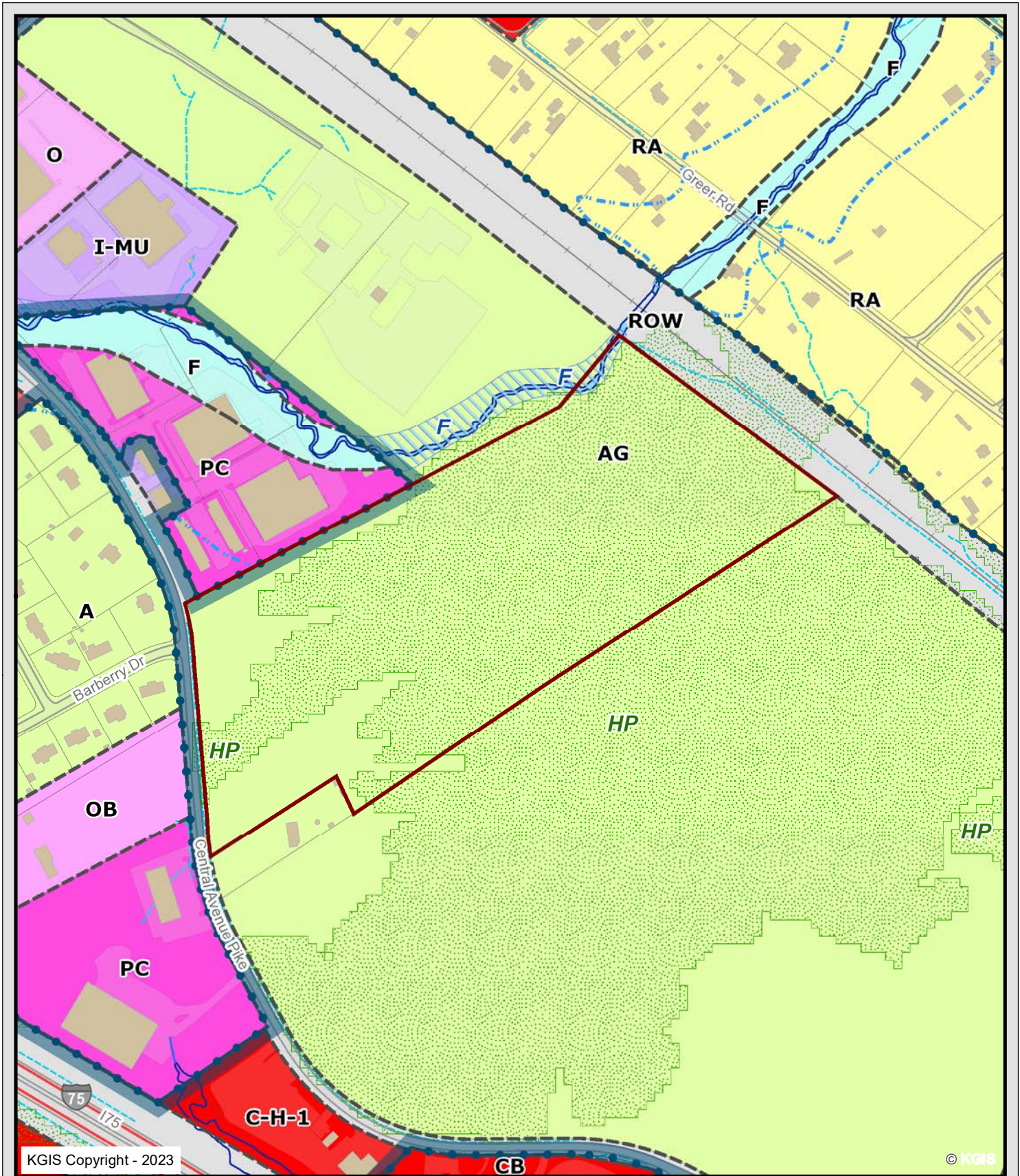
## AUTHORIZATION

Applicant Signature   **Robert Gregory (Beaver Creek Developer)**   **02/22/2023**  
Please Print   Date

Phone Number   **865-660-4227**   **rgregory@blackoakcontracting.com**  
Email

Property Owner Signature   **Robert Gregory (Option Holder)**   **02/22/2023**  
Please Print   Date

*I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.*



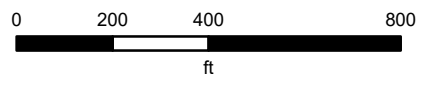
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### Zoning Map



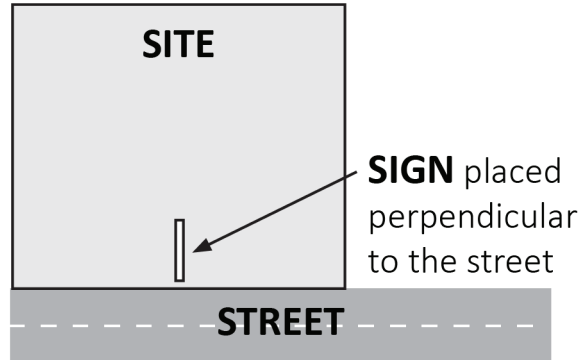
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**Knoxville - Knox County - KUB Geographic Information System**

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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:*

\_\_\_\_\_ 3/31/2023 \_\_\_\_\_ and \_\_\_\_\_ 4/14/2023 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Robert Gregoty

Date: 2/23/2023

File Number: 4-J-23-RZ

- Sign posted by Staff
- Sign posted by Applicant