

REZONING REPORT

▶ **FILE #:** 12-C-23-RZ

AGENDA ITEM #: 24

AGENDA DATE: 12/14/2023

▶ **APPLICANT:** JENKINS BUILDERS

OWNER(S): Gerry L. Neely

TAX ID NUMBER: 67 148 (PART OF)

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 7311 OLD CLINTON PIKE

▶ **LOCATION:** West side of Old Clinton Pike, north of Peddlebrook Way

▶ **APPX. SIZE OF TRACT:** 0.25 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Old Clinton Pike, a minor collector with an 18-ft pavement width within a 60-ft right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural)

▶ **ZONING REQUESTED:** RB (General Residential)

▶ **EXISTING LAND USE:** Single Family Residential

▶ EXTENSION OF ZONE: Yes, this is an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Rural residential - PR (Planned Residential) up to 16 du/ac

South: Multi-family residential, single family residential - A (Agricultural), PR (Planned Residential) up to 6 du/ac

East: Single family residential - RB (General Residential)

West: Agricultural, forest, vacant - PR (Planned Residential) up to 16 du/ac

NEIGHBORHOOD CONTEXT: This property is in a residential area comprising large to medium sized single-family lots and multifamily subdivisions.

STAFF RECOMMENDATION:

▶ Postpone this application until the January 11, 2024 Planning Commission meeting per the applicant's request.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/22/2024. 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.



Request to Postpone • Table • Withdraw

Jenkins Builders

12-1-23

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

Date of Request

12-14-23

Scheduled Meeting Date

12-C-23-RZ

File Number(s)

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 January 2024 Planning Commission Meeting.

WITHDRAW

WITHDRAW: Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm 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 no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

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.

[Signature]

Applicant Signature

David Harbom

Please Print

588-6472

Phone Number

harbom@bhn-p.com

Email

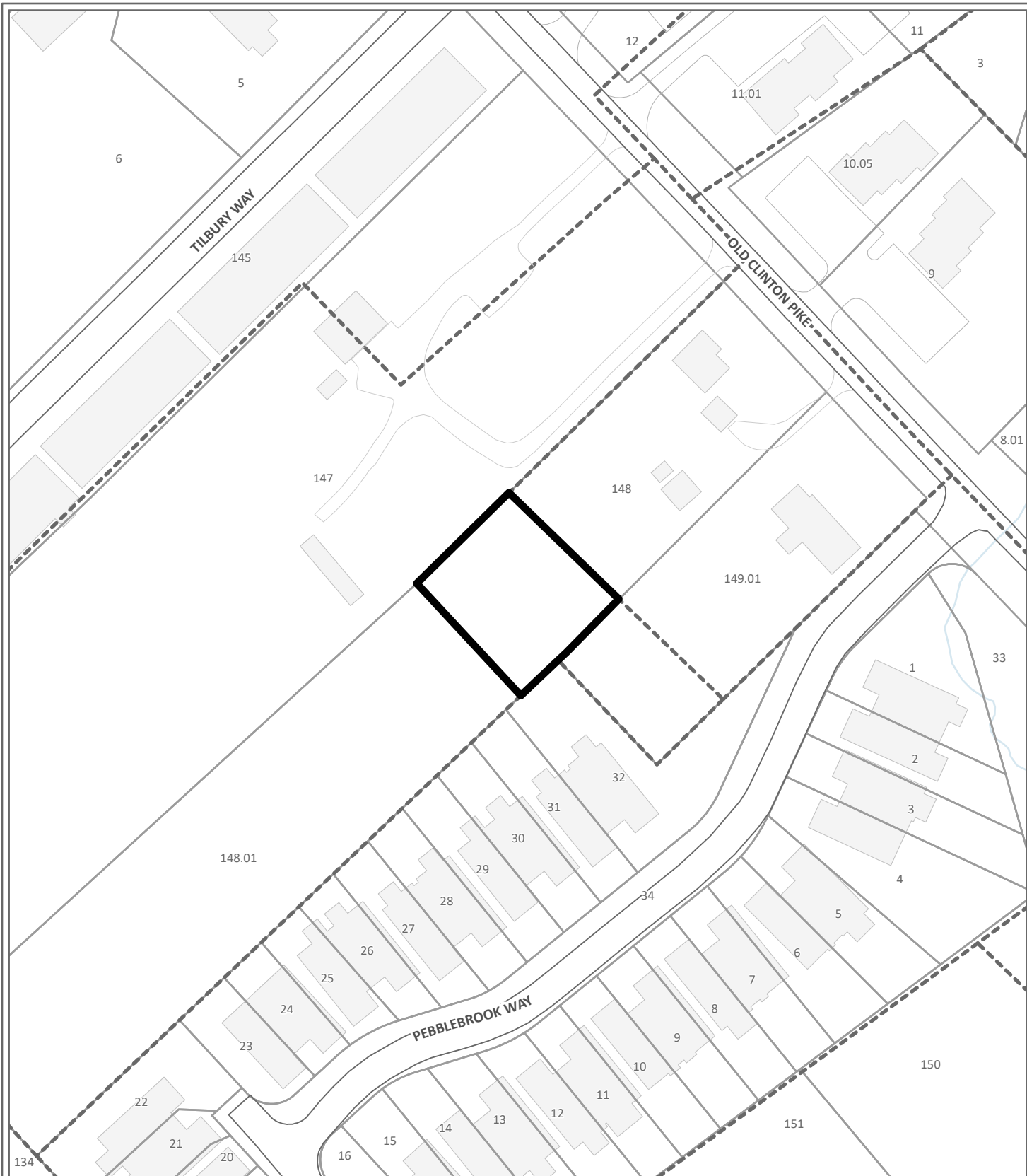
STAFF ONLY

Staff Signature _____ Please Print _____ Date Paid _____ No Fee

Eligible for Fee Refund? Yes No Amount:

Approved by: _____ Date: _____

Payee Name _____ Payee Phone _____ Payee Address _____



REZONING

12-C-23-RZ

Petitioner: Jenkins Builders



From: A (Agricultural), PR (Planned Residential), RB (General Residential)
To:

Map No: 67
Jurisdiction: County

Original Print Date: 11/13/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

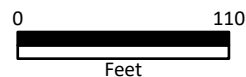
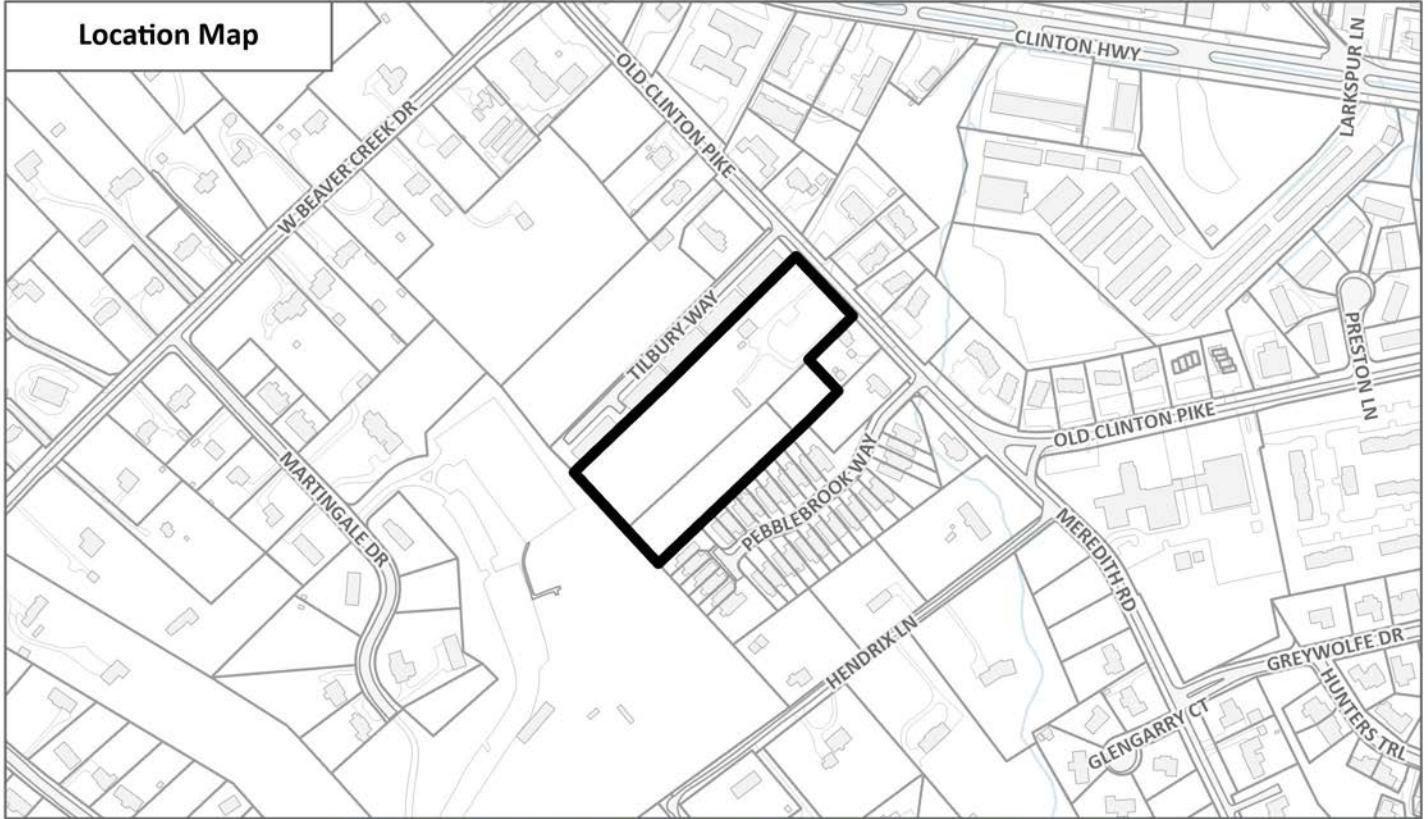


Exhibit A. Contextual Images

Location Map



Aerial Map

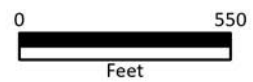


CONTEXTUAL MAPS 1

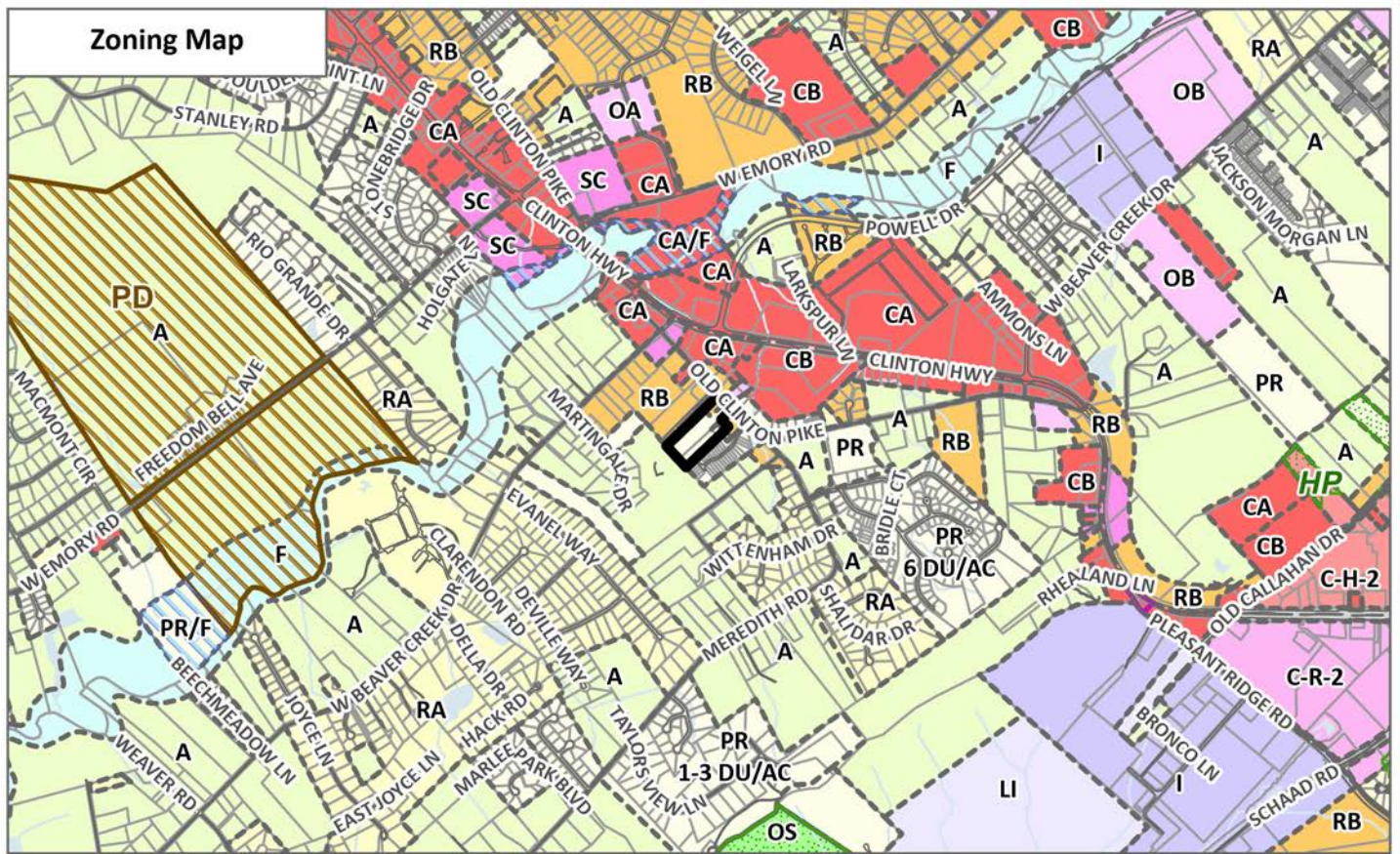
12-C-23-RZ



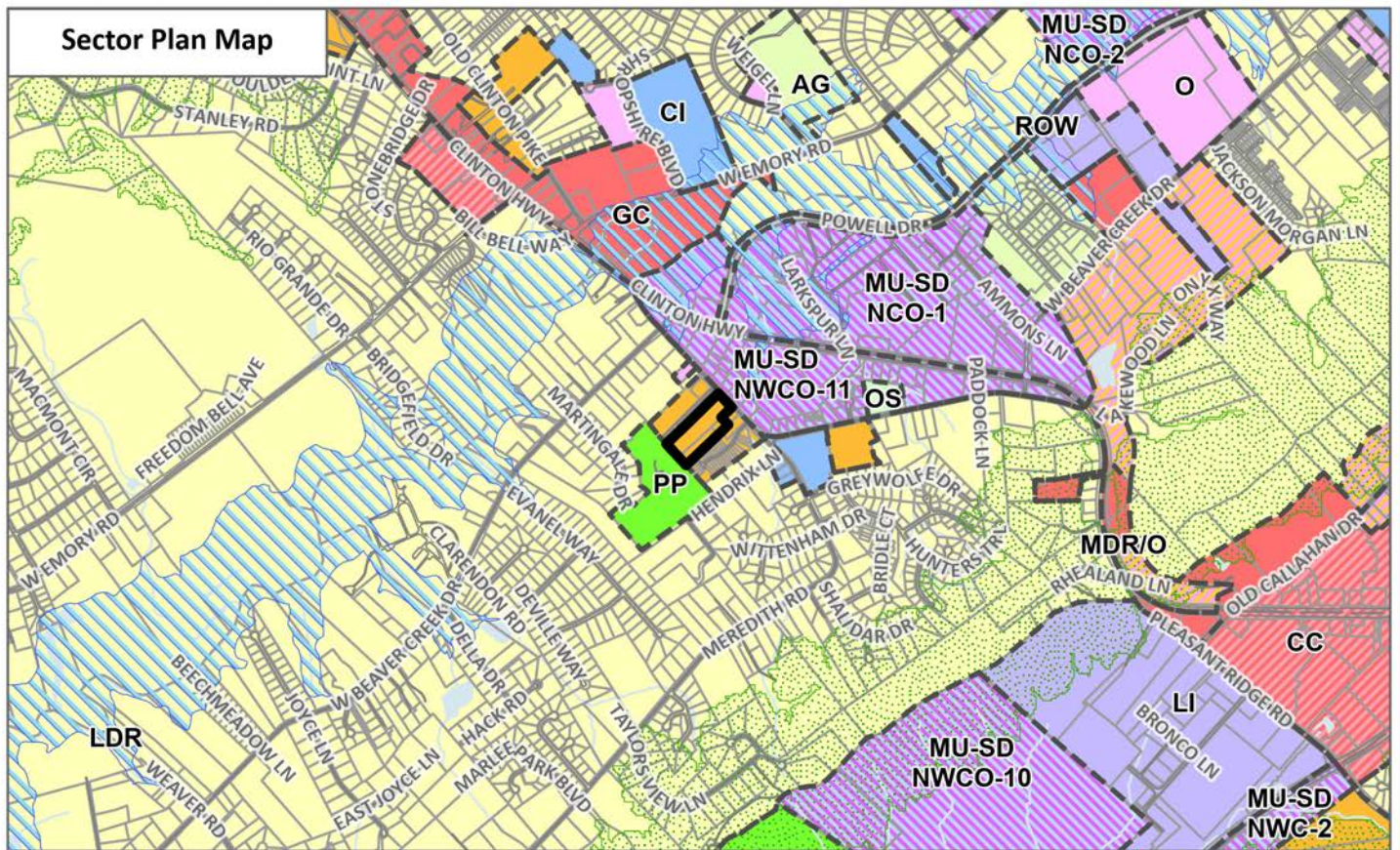
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

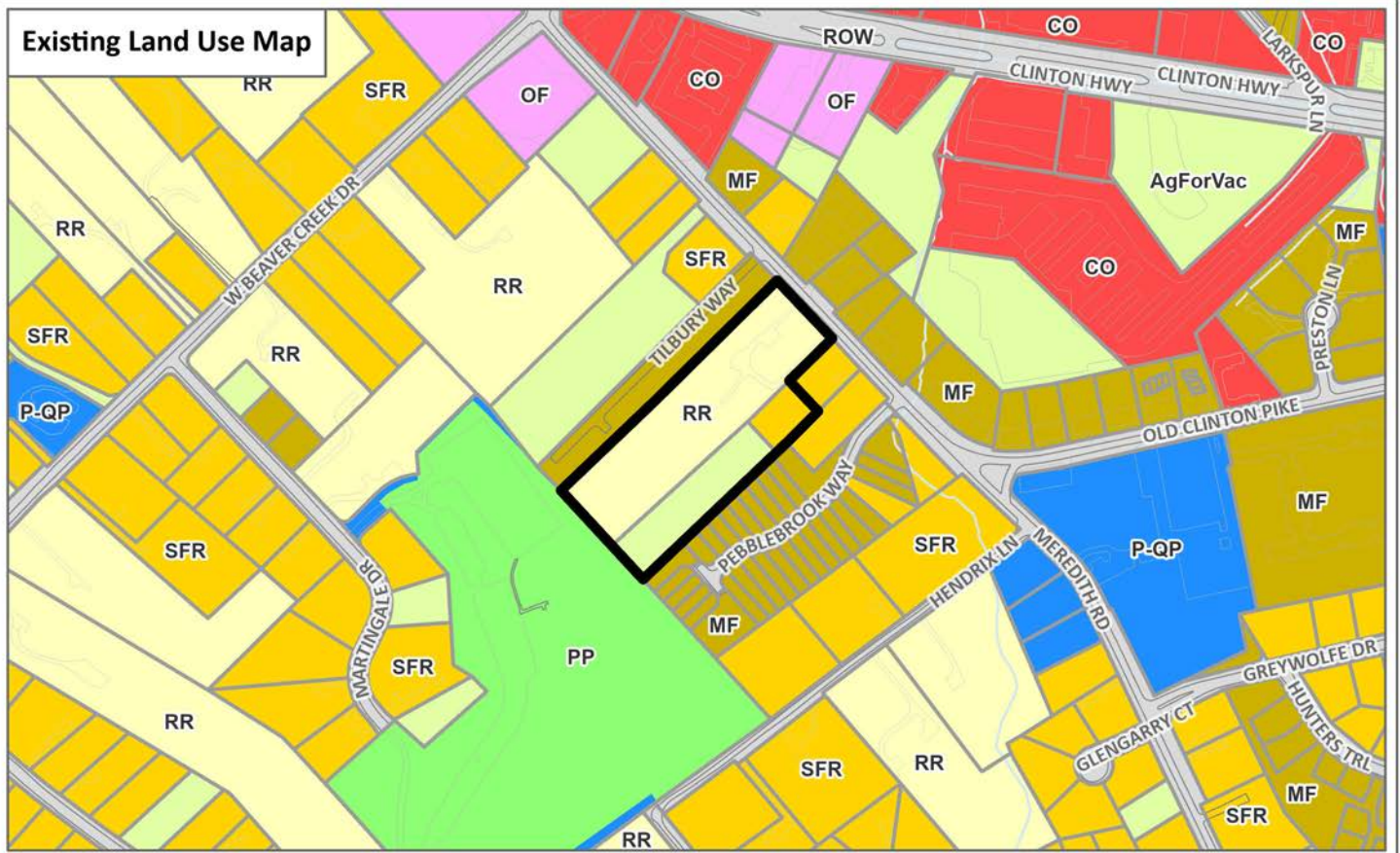
12-C-23-RZ



Case boundary



Existing Land Use Map

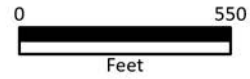


CONTEXTUAL MAPS 3

12-C-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

Jenkins Builders

Applicant Name Affiliation

10/26/2023 **12/14/2023** **12-C-23-RZ**

Date Filed Meeting Date (if applicable) File Number(s)

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

David Harbin Batson, Himes, Norvell and Poe

Name / Company

4334 Papermill Dr. Dr. Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

Gerry L. Neely **7512 Saint Baron Way Powell TN 37849**

Owner Name (if different) Owner Address Owner Phone / Email

7311 CLINTON PIKE

Property Address

67 148 part of **0.82 acres**

Parcel ID Part of Parcel (Y/N)? Tract Size

Hallsdale-Powell Utility District **Hallsdale-Powell Utility District**

Sewer Provider Water Provider Septic (Y/N)

STAFF USE ONLY

West of Old Clinton Pike, north of Peddlebrook Way

General Location

City **Commission District 6** **A (Agricultural), PR (Planned Residential), RB (General Residential)** **Single Family Residential**

County District Zoning District Existing Land Use

Northwest County **MDR (Medium Density Residential)** **Planned Growth Area**

Planning Sector Sector Plan Land Use Classification 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 RB (General Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)
Proposed Density (units/acre) Previous Zoning Requests	
Additional Information Partial Rezoning	

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
\$650.00	
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Jenkins Builders Please Print	10/26/2023 Date
---------------------	---	---------------------------

Phone / Email	Gerry L. Neely Please Print	10/26/2023 Date
Property Owner Signature		



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

Jenkins Builders
Applicant Name

option holder
Affiliation

10/25/23
Date Filed

12/14/23
Meeting Date (if applicable)

File Number(s)

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

Baton Homes Nowell, P.C.
Company

4334 Papermill Dr.
Address

Knoxville
City

TN
State

37909
ZIP

865-588-6472
Phone

harbin@bhn-p.com
Email

CURRENT PROPERTY INFO

Gerry L. Neely
Property Owner Name (if different)

7512 Saint Barn Way
Property Owner Address

Powell TN 37849
Property Owner Phone

7311 Old Clinton Pk
Property Address

671148
Parcel ID

HPUD
Sewer Provider

HPUD
Water Provider

N
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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Combine Parcels
 Divide Parcel
 Total Number of Lots Created _____

- Other (specify) _____
 Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change
 Proposed Zoning RB

Plan Amendment Change
 Proposed Plan Designation(s) _____

Proposed Density (units/acre) N/A
 Previous Rezoning Requests none known

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
Fee 1		
Fee 2		
Fee 3		

AUTHORIZATION

- I declare under penalty of perjury the foregoing is true and correct:
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

David Harbon
 Applicant Signature

David Harbon
 Please Print

10/25/23
 Date

588.6472
 Phone Number

harbon@bhn-p
 Email

[Signature]
 Property Owner Signature

James Jenkins
 Please Print

Date Paid

REAL ESTATE SALES CONTRACT

THIS AGREEMENT entered into by and between Gerry and Cynthia Neely
(Grantors), and Jenkins Builders Inc (Grantees);

WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, receipt and sufficiency of which is hereby acknowledged, and for the sum of One Thousand (1,000⁰⁰) down payment and deposit, Grantors do hereby agree to sell and Grantees agree to purchase certain real property in the 6 Civil District of Knox County, Tennessee, being described as all of Parcel 06714801 as shown in map of record in _____ and Deed Book _____, Page _____, in the Register's Office for Knox County, Tennessee, subject to all restrictions thereon.

The purchase price shall be a total of _____ dollars (\$ _____), and the One Thousand (\$ 1,000⁰⁰) down payment and deposit paid simultaneously with the execution of this contract shall constitute a credit toward the total purchase price.

The parties hereto agree that upon the payment of the total purchase price by Grantees to Grantors, said payment being made within 60 Days, from the date hereof, Grantors shall deliver to Grantees a Warranty Deed conveying title to said property to Grantees.

Property taxes will be prorated as of date of closing.

OTHER TERMS: _____

This is the entire agreement between the parties hereto and any alterations, amendments, additions, or deletions shall be binding on the parties only when in writing signed by all parties to this original agreement.

Gerry Neely 10-17-23
Grantor Date

Cynthia Neely 10-17-23
Grantor Date

by Gerry Neely P.O.A.

[Signature] _____
Grantee Date

Grantee Date

REAL ESTATE SALES CONTRACT

THIS AGREEMENT entered into by and between Gerry and Cynthia Neely and Betty Neely (Grantors), and Jenkins Builders Inc. (Grantees);

WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, receipt and sufficiency of which is hereby acknowledged, and for the sum of Three Thousand (3,000⁰⁰) down payment and deposit, Grantors do hereby agree to sell and Grantees agree to purchase certain real property in the 6th Civil District of Knox County, Tennessee, being described as all of 7321 Old Clinton Pike - Parcel 067147 as shown in map of record in CLT Map 67 and Deed Book _____, Page _____, in the Register's Office for Knox County, Tennessee, subject to all restrictions thereon.

The purchase price shall be a total of _____ dollars (\$ _____ -), and the Three Thousand (\$ 3,000⁰⁰) down payment and deposit paid simultaneously with the execution of this contract shall constitute a credit toward the total purchase price.

The parties hereto agree that upon the payment of the total purchase price by Grantees to Grantors, said payment being made within 60 days, from the date hereof, Grantors shall deliver to Grantees a Warranty Deed conveying title to said property to Grantees.

Property taxes will be prorated as of date of closing.

OTHER TERMS: Includes all of 7321 Old Clinton Pike - 4 Acres
1) Total Sales Price to be _____ per acre based on _____ calculated acreage

This is the entire agreement between the parties hereto and any alterations, amendments, additions, or deletions shall be binding on the parties only when in writing signed by all parties to this original agreement.

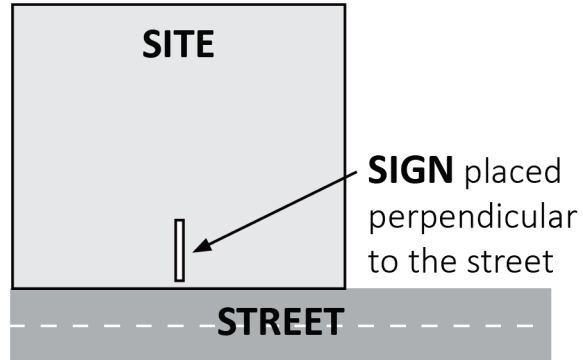
Gerry Neely 10-3-23
Grantor Date

[Signature] 10-3-23
Grantee Date

Cindy Neely by [Signature]
Grantor Date P.O.A.

Grantee Date

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:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Jenkins Builders

Date: 10/26/2023

File Number: 12-C-23-RZ

- Sign posted by Staff
- Sign posted by Applicant