

# PLAN AMENDMENT/ REZONING REPORT

KNOXVILLE I KNOX COUNTY		
► FILE #: 1-B-24-RZ		AGENDA ITEM #: 26
1-A-24-SP		AGENDA DATE: 2/8/2024
POSTPONEMENT(S):	1/11/20	24
APPLICANT:	ROBE	RT GREGORY, GREGORY LAND DEVELOPMENT, LLC
OWNER(S):	Ronald	W. & Sharon B. Todd
TAX ID NUMBER:	46 44	View map on KGIS
JURISDICTION:	Commi	ssion District 7
STREET ADDRESS:	8721 H	EISKELL RD
LOCATION:	South	side of Heiskell Rd, northwest of W Copeland Dr.
► TRACT INFORMATION:	34.61 a	cres.
SECTOR PLAN:	North C	county
GROWTH POLICY PLAN:	Rural A	rea
ACCESSIBILITY:		is via Heiskell Rd, a minor arterial with a pavement width of 21 ft 50-ft right-of-way.
UTILITIES:	Water S	Source: Hallsdale-Powell Utility District
	Sewer	Source: Hallsdale-Powell Utility District
WATERSHED:	Bullrun	Creek, Beaver Creek
PRESENT PLAN DESIGNATION/ZONING:		ricultural), LDR (Low Density Residential), HP (Hillside ion) / A (Agricultural)
PROPOSED PLAN DESIGNATION/ZONING:	LDR (L Reside	ow Density Residential), HP (Hillside Protection) / PR (Planned ntial)
EXISTING LAND USE:	Agricu	ture/Forestry/Vacant Land
DENSITY PROPOSED:	up to 3	du/ac
EXTENSION OF PLAN DESIGNATION/ZONING:		s is an extension of the LDR land use designation. However, this ot be an extension of the PR zone.
HISTORY OF ZONING REQUESTS:	None n	oted.
SURROUNDING LAND USE, PLAN DESIGNATION,	North:	Agriculture/forestry/vacant land, single family residential - AG (Agricultural), HP (Hillside Protection) - A (Agricultural), RA (Low Density Residential)
ZONING	South:	Agriculture/forestry/vacant land, rural residential - LDR (Low Density Residential), HP (Hillside Protection) - A (Agricultural)
	East:	Agriculture/forestry/vacant land, single family residential - LDR (Low
	Last.	Density Residential), A (Agricultural), HP (Hillside Protection) - A (Agricultural)
	West:	

NEIGHBORHOOD CONTEXT:

This area is characterized by low density residential dwellings and undeveloped forested lands.

#### STAFF RECOMMENDATION:

Approve the LDR (Low Density Residential) land use classification for the AG (Agricultural) designated portion of the parcel because it is compatible with surrounding development and is an extension of this classification.

The HP (Hillside Protection) designation would be retained.

Approve the PR (Planned Residential) zone with up to 2 du/ac because it is consistent with the recommended LDR land use and surrounding development.

#### COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN: 1. Since the 2000s, several vacant/forested parcels and underutilized lots have been converted to residential development along Heiskell Road and E Copeland Drive.

2. There is a sliver of LDR land use along the southeast boundary of this property. The proposed amendment will be an extension of this land use classification from the southeast side.

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

1. No known improvements have been made recently to Heiskell Road close to this site. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN: 1. There are no apparent errors or omissions in the North County Sector Plan with regards to the requested LDR classification here.

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

1. The surrounding lands with the AG classification have developed as single family residential and rural residential uses under A and RA zone. The proposed LDR classification will be consistent with the surrounding land uses and zoning.

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 COUNTY GENERALLY: 1. Since the 2000s, several vacant/forested parcels and underutilized lots have been converted to residential development in the area.

2. A significant vegetated portion of the parcel has been disturbed since the property was used as a source of fill material for the Kroger Marketplace on E Emory Road, approximately 2.5 miles to the southeast.

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

1. The PR zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems.

2. Approximately 7.9 acres of 34.6-acre property has a slope greater than 25 percent along with a few closed contours. Furthermore, there is a 150-ft wide TVA easement on the west portion of this property. The PR zone is an appropriate consideration in this context because it enables development to be concentrated away from the TVA easement and steep slopes.

3. Houses, duplexes, and multi-dwelling structures and developments are permitted in the PR zone along with some nonresidential uses. At the recommended density of 2 du/ac, a maximum of 69 dwelling units could be built.

4. Rezonings 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 land uses.

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. The proposed rezoning at the recommended density of 2 du/ac will be compatible with the surrounding low density residential development along Heiskell Rd.

2. Any development under the PR zone would be subject to a Development Plan approval by the Planning Commission to ensure that the development does not have any significant adverse effects.

3. Almost the entire property is within the HP (Hillside Protection) area. However, the parcel has been disturbed previously, as mentioned above.

4. The blue-line stream along the front of the property will be subject to Knox County Stormwater Ordinance regulations and an appropriate buffer shall be provided during the Development Plan phase.

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 Growth Policy Plan describes a maximum density of 1 du per 2 acres for portions of properties with greater than 25% slope (Policy 3.3), though a density of up to 3 du/ac may be considered in the Rural Area if certain criteria are met (Policy 3.5). Planning is recommending a density of 2 du/ac considering the conditions of the site and Heiskell Road, surrounding developments, lack of nearby amenities, and feedback from the Knox County Engineering and Public Works department.

2. The recommended density is consistent with the slope analysis conducted based on the Hillside & Ridgetop Protection Plan (Exhibit B).

3. The proposed PR zone is consistent with the recommended LDR land use classification amendment to the North County Sector Plan.

ESTIMATED TRAFFIC IMPACT: 980 (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: 44 (public school children, grades K-12)

Schools affected by this proposal: Copper Ridge Elementary, Powell Middle, and Powell 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.

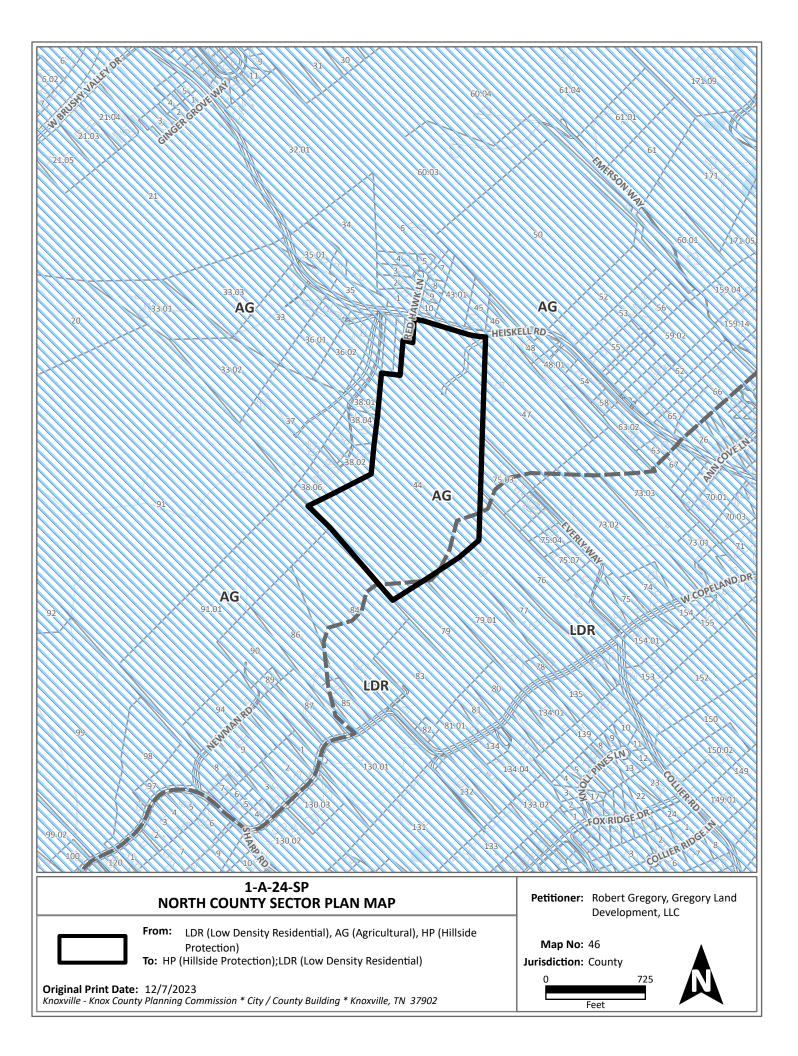
• Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.

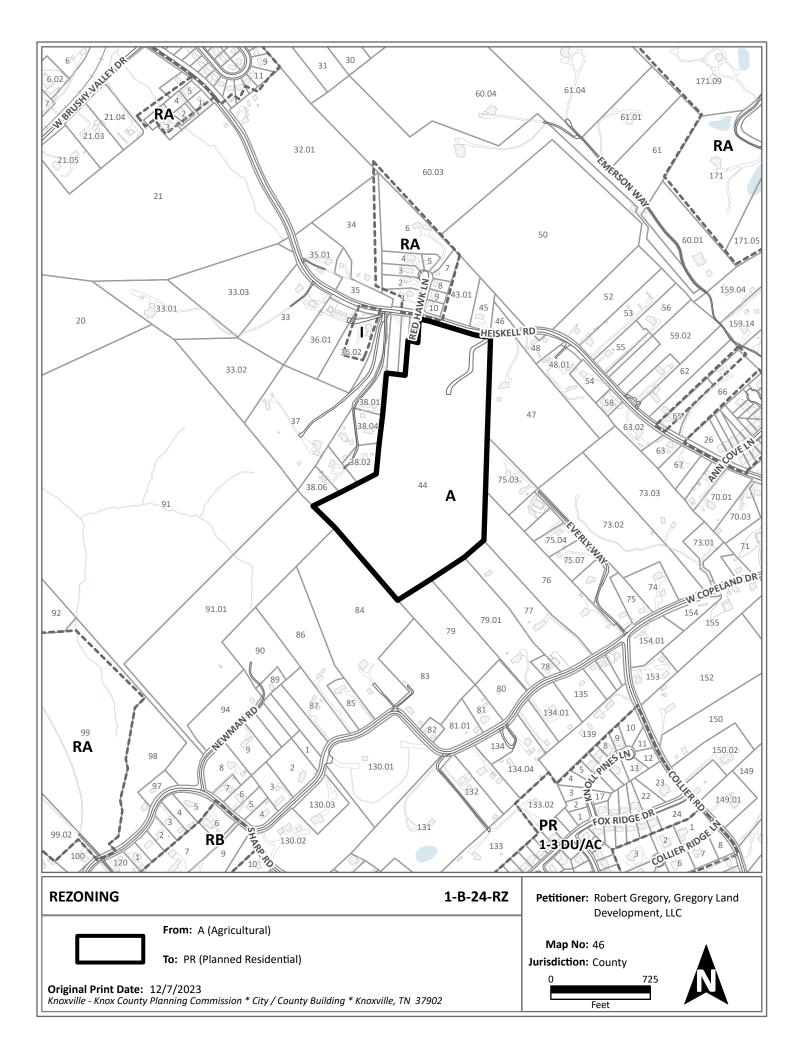
• Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

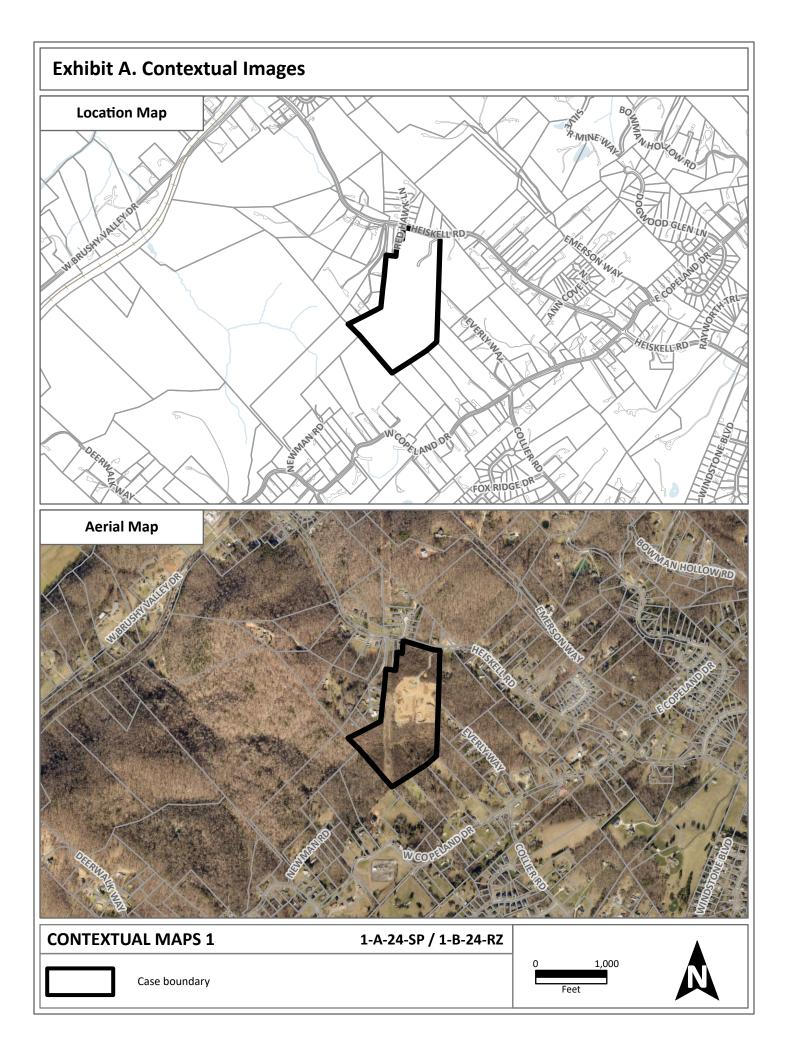
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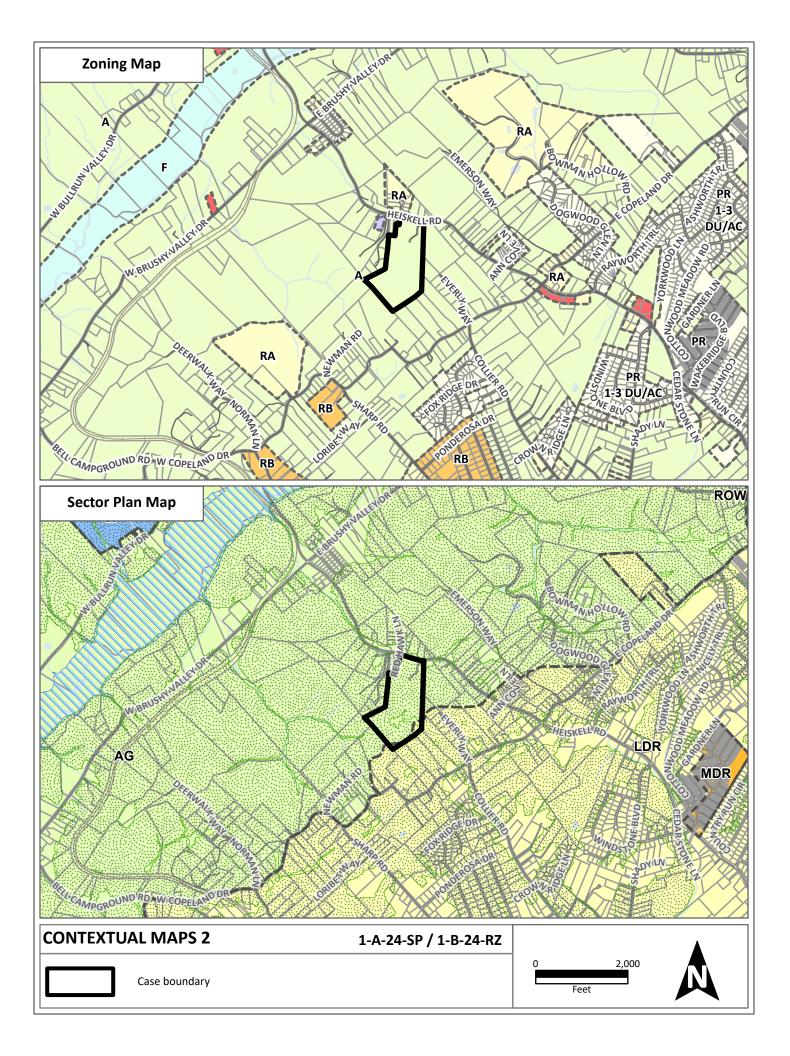
If approved, this item will be forwarded to Knox County Commission for action on 3/25/2024. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.

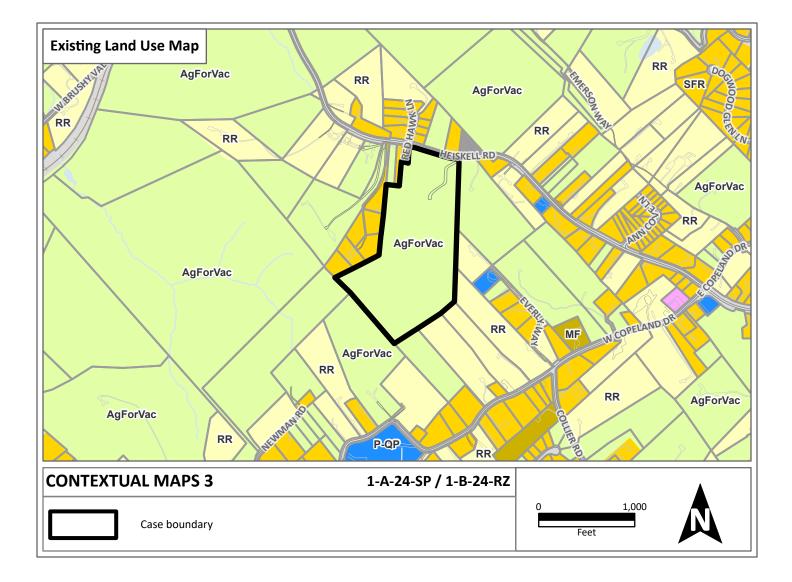
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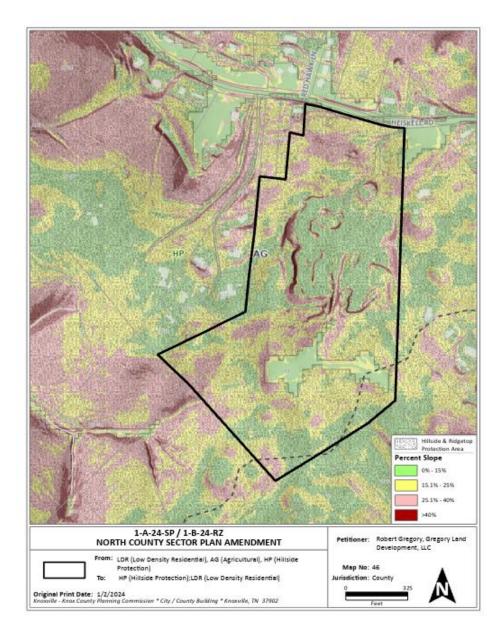




#### EXHIBIT B Staff - Slope Analysis Case: 1-B-24-RZ

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	34.6		
Non-Hillside	1.9	N/A	
0-15% Slope	11.2	100%	11.2
15-25% Slope	13.7	50%	6.8
25-40% Slope	6.8	20%	1.4
Greater than 40% Slope	1.1	10%	0.1
Ridgetops			
Hillside Protection (HP) Area	32.7	Recommended disturbance budget within HP Area (acres)	19.5
		Percent of HP Area	59.5%

CATEGORY	ACRES	RECOMMENDED MAXIMUM DENSITY (Dwelling Units / Acre) 3.00	NUMBER OF UNITS
0-15% Slope	11.2	3.00	33.5
15-25% Slope	13.7	2.00	27.4
25-40% Slope	6.8	0.50	3.4
Greater than 40% Slope	1.1	0.20	0.2
Ridgetops	0.0	0.00	0.0
Subtotal: Sloped Land	32.7		64.5
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	34.6	2.03	70.1
Requested Density (Applicant)		3.0	103.8



#### KNOXVILLE-KNOX COUNTY PLANNING COMMISSION A RESOLUTION AMENDING THE NORTH COUNTY SECTOR PLAN

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

**WHEREAS**, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

**WHEREAS**, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the North County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Robert Gregory, Gregory Land Development, LLC has submitted an application to amend the Sector Plan from AG (Agricultural) to LDR (Low Density Residential) for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the North County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing on February 8, 2024, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

### *NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:*

SECTION 1: The Planning Commission hereby adopts the revised amendment to the North County Sector Plan, with its accompanying staff report and map, file #1-A-24-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



# **Request to** Postpone · Table · Withdraw

Planning	Robert Gregory, Gregory L	and Development, LLC	1-5-2024
KNOXVILLE   KNOX COUNTY	Applicant Name (as it appears on	the current Planning Commission agenda)	Date of Request
1-11-2024			File Number(s)
Scheduled Meeting Date		1-B-24-RZ; 1-A-24-SP	
POSTPONE			
the week prior to the Planning	Commission meeting. All request	request is received in writing and paid is must be acted upon by the Planning ement. If payment is not received by t	Commission, except new
SELECT ONE: I 30 days 6	0 days 🔲 90 days		
Postpone the above application(s)	until the 2-8-24	Planning Com	mission Meeting.
WITHDRAW			
week prior to the Planning Con Applicants are eligible for a refu	nmission meeting. Requests made und only if a written request for wi	request is received in writing no later after this deadline must be acted on b thdrawal is received no later than close red by the Executive Director or Planni	y the Planning Commission. e of business 2 business days
TABLE		*The refund check will be	mailed to the original payee.
no fee to table or untable an ite	em.	Planning Commission before it can be erty owner, and/or the owners authori	
Korental 1	Benja	min C. Mullins for Robert Grego	ory
Applicant Signature	Please	Print	
865-546-9321	bmul	lins@fmsllp.com	
Phone Number	Email		
STAFF ONLY			
samial Haque	SAMIUL	HAQUE 1.8.	2024 🛛 No Fee
Staff Signature	Please Print	Date P	
Eligible for Fee Refund? 🔲 Yes [	No Amount:		
Approved by:		Date:	
Payee Name	Payee Phone	Payee Address	

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# **Development Request**

#### DEVELOPMENT

Development Plan

Planned Development

□ Hillside Protection COA

Use on Review / Special Use

#### **SUBDIVISION**

Concept Plan 🗌 Final Plat

#### ✓ Plan Amendment Sector Plan One Year Plan

✓ Rezoning

ZONING

Robert Gregory, Gregory Land Dev	elopment, LLC	
Applicant Name		Affiliation
11/15/2023	1/11/2024	1-B-24-RZ / 1-A-24-SP
Date Filed	Meeting Date (if applicable)	File Number(s)
CORRESPONDENCE	All correspondence related to this application should l	be directed to the approved contact listed below.
Robert Gregory Gregory Land Deve	elopment, LLC	
Name / Company		
3712 Cunningham Rd Knoxville TN	37918	
Address		
865-660-4227 / bevans@blackoak	contracting.com	
Phone / Email	0	
CURRENT PROPERTY INFO		
Ronald W. & Sharon B. Todd	911 Mehaffey Rd Powell TN 37849	865-945-3296
Owner Name (if different)	Owner Address	Owner Phone / Email
8721 HEISKELL RD		
Property Address		
46 44		34.61 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		
South side of Heiskell Rd., Northw	est of W. Copeland Dr.	
General Location	•	

City	Commission District 7	A (Agricultural)	Agriculture/Forestry/Vacant Land
✓County	District	Zoning District	Existing Land Use
North Cou	unty LD	R (Low Density Residential), AG (Agricultural), HP (Hills	Rural Area

DEVELOPMENT REQUE	ST					
Development Plan Pl	lanned Development	🗌 Use on Rev	iew / Special Use		Related City Per	rmit Number(s)
Hillside Protection COA		🗌 Residential	🗌 Non-residentia	al		
Home Occupation (specify)						
Other (specify)						
SUBDIVSION REQUEST						
					Related Rezoni	ng File Number
Proposed Subdivision Name						
Unit / Phase Number		То	otal Number of Lots Cre	ated		
Additional Information						
Attachments / Additional R	equirements					
ZONING REQUEST						
Zoning Change <b>PR (Plann</b>	ed Residential)				Pending Plat	File Number
Proposed	Zoning					
🖌 Plan						
Amendment Propose	d Plan Designation(s)			<b>I</b>		
up to 3 du/ac						
Proposed Density (units/acre)	Previous Zoning Re	quests				
Additional Information						
STAFF USE ONLY						
			Fee	1		Total
	ning Commission		\$3,2	230.50		
ATTACHMENTS	Holders 🗌 Variar	ice Request	Fee	2		
ADDITIONAL REQUIREM				L		
COA Checklist (Hillside Prot						
Design Plan Certification (Fi			Fee	3		
<ul> <li>Site Plan (Development Rec</li> <li>Traffic Impact Study</li> </ul>	juest)					
Use on Review / Special Use	e (Concept Plan)					
AUTHORIZATION						
□ I declare under penalty of pe	rjury the foregoing is tr	ue and correct: 1) H	le/she/it is the owner of	the prope	erty, AND 2) the a	application and
all associated materials are b				- 1 1-	,, <u> </u>	• P
Applicant Cigneture			nd Development, LLC			1/15/2023
Applicant Signature	Please Prin	IL			D	ate
Phone / Email						
	Ronald W.	& Sharon B. Tod	d		1	1/15/2023
Property Owner Signature	Please Prin	it				ate

Property Owner Signature

P	lanning	

# **Development Request**

### DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- □ Hillside Protection COA
- SUBDIVISION Concept Plan Final Plat

#### ZONING

Managing Member

Plan Amendment
SP OYP

Rezoning

### Robert Gregory Gregory Land Development, LLC

pplicant Name	Affilia	Affiliation			
11/08/2023	January 11, 2024		File Number		
Date Filed	Meeting Date (if applicable)		1-B-24-RZ 1-A-24-SP		
CORRESPONDENCE All corr	espondence related to this application sho				
Applicant Property Owner Robert Gregory	Option Holder Deroject Surveyor Dengineer Architect/Landscape Architect Gregory Land Development, LLC				
Name	Company				
3712 Cunningham Road	Knoxvill	e TN.	37918		
Address	City	State	ZIP		
865-660-4227	bevans@blackoakcontracting.comR				
Phone	Email				
CURRENT PROPERTY INFO					
Ronald W. & Sharon B. Todd	911 Mehaffey Rd. Powell, TN. 37849		865-945-3296		
Property Owner Name (if different)	Property Owner Address		Property Owner Phone		
8721 Heiskell Road Powell, TN.	37849 0	046 044			
Property Address	Parcel ID				
Halldale Powell Utility	Hallsdale Powell Utility		N		
Sewer Provider	Water Provider		Septic (Y/N)		
STAFF USE ONLY					
General Location	Tract S		e		
City County District	Zoning District	Existing Land Use	Use		
Planning Sector	Sector Plan Land Use Classification Growt		wth Policy Plan Designation		

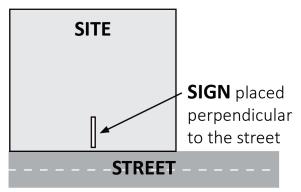
DEVELOPMENT REQUEST					Related City Permit Number(	
Development Plan 🔄 Use on Review / Special Use 🔲 Hillside Protection COA			1			
Residential Non-Residential	Residential Non-Residential					
Iome Occupation (specify)						
Other (specify)						
SUBDIVISION REQUEST				Related	Rezoning File Numbe	
Lennox Ridge						
Proposed Subdivision Name		115 Condo L	ots			
	Divide Parcel T	otal Number of Lots C	Created	1		
Other (specify)						
Attachments / Additional Requirements						
ZONING REQUEST				2	- Plat File Number	
The second of the second se	PR (Planned Residential up to 3 du/ac				Pending Plat File Number	
Zoning Change     Proposed Zoning						
Plan Amendment Change Proposed Plan Des	signation(s)					
5 UNILS/AC.	one					
Proposed Density (units/acre) Pre	evious Rezoning Requ	ests				
Other (specify)						
STAFF USE ONLY						
PLAT TYPE		Fee 1			Total	
Staff Review Planning Commission		0802	0802 \$2,380.50			
ATTACHMENTS		Fee 2				
Property Owners / Option Holders Varian	nce Request	0604	\$850	.00	\$3,230.50	
ADDITIONAL REQUIREMENTS		0001			<i><b>Q</b></i> <b>QQQQQQQQQQQQQ</b>	
Design Plan Certification (Final Plat)     Use on Review / Special Use (Concept Plan)		Fee 3				
Traffic Impact Study			1			
COA Checklist (Hillside Protection)					1	
AUTHORIZATION						
AUTHORIZATION  I declare under penalty of perjury the foregoing is 1) He/she/it is the owner of the property AND 2) The	e application and all as	sociated materials are b Dry Gregory Land				
Applicant Signature	Please Print			Date		
865-660-4227	bevans@blac	koakcontracting.	com			
Phone Number 1 a D	Email					
14. 17 9 1						
12 In liter all	Ronald W. &	Sharon B. Todd		11/1	5/2023, SG	



# Sign Posting & Removal Requirement

Revised April 2021

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:

12/29/2023	and	01/12/2024			
(applicant or staff to post sign)		(applicant to remove sign)			
Applicant Name: Robert Gregory					
Date: 11/15/2023		Sign posted by Staff			
File Number: 1-A-24-RZ & 1-A-24-SP		Sign posted by Applicant			