



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-B-24-RZ
1-A-24-SP

AGENDA ITEM #: 20
AGENDA DATE: 1/11/2024

▶ **APPLICANT:** ROBERT GREGORY, GREGORY LAND DEVELOPMENT, LLC
OWNER(S): Ronald W. & Sharon B. Todd

TAX ID NUMBER: 46 44 [View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 8721 HEISKELL RD

▶ **LOCATION:** South side of Heiskell Rd, northwest of W Copeland Dr.

▶ **TRACT INFORMATION:** 34.61 acres.

SECTOR PLAN: North County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Heiskell Rd, a minor arterial with a pavement width of 21 ft within a 50-ft right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Bullrun Creek, Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** AG (Agricultural), LDR (Low Density Residential), HP (Hillside Protection) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / PR (Planned Residential)

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

▶ **DENSITY PROPOSED:** up to 3 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, this is an extension of the LDR land use designation. However, this would not be an extension of the PR zone.

HISTORY OF ZONING REQUESTS: None noted.

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 Density Residential), A (Agricultural), HP (Hillside Protection) - A (Agricultural)

West: Agriculture/forestry/vacant land, rural residential - A (Agricultural), HP (Hillside Protection) - A (Agricultural)

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, adopted plans, and surrounding development; subject to one condition.**

1) Any development on the site should be confined within the disturbed portion of the site (as delineated in Exhibit B), to be consistent with the General Plan's development considerations for sites with natural landscape.

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 southwest 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.

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.

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. 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 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. Almost the entire property is within the HP (Hillside Protection) area. A significant vegetated portion of the parcel has been disturbed previously, as mentioned above. The recommended condition of this rezoning approval will restrict any further disturbance to the remaining portion of the property.

3. 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.

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 is recommended for portions of properties with greater than 25% slope (Section 1, Policy 3.3). A density of up to 3 du/ac may be considered in the Rural Area if certain criteria are met (Section 1, Policy 3.5). The density of 2 du/ac is recommended considering the conditions of the site and Heiskell Road, surrounding developments, lack of nearby amenities, and feedback from 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 C).

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

4. The recommended condition of leaving the identified portion of the parcel undisturbed is consistent with the General Plan's development policy 9.2 that encourages development practices to respect the natural landscape, minimizing the loss of trees, woodlands, and wildlife habitat.

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.

If approved, this item will be forwarded to Knox County Commission for action on 2/26/2024. 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

Robert Gregory, Gregory Land Development, LLC

1-5-2024

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

Date of Request

1-11-2024

Scheduled Meeting Date

1-B-24-RZ; 1-A-24-SP

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 2-8-24 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.


Applicant Signature

Benjamin C. Mullins for Robert Gregory

Please Print

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

STAFF ONLY


Staff Signature

SAMIUL HAQUE

Please Print

1.8.2024

Date Paid

No Fee

Eligible for Fee Refund? Yes No

Amount:

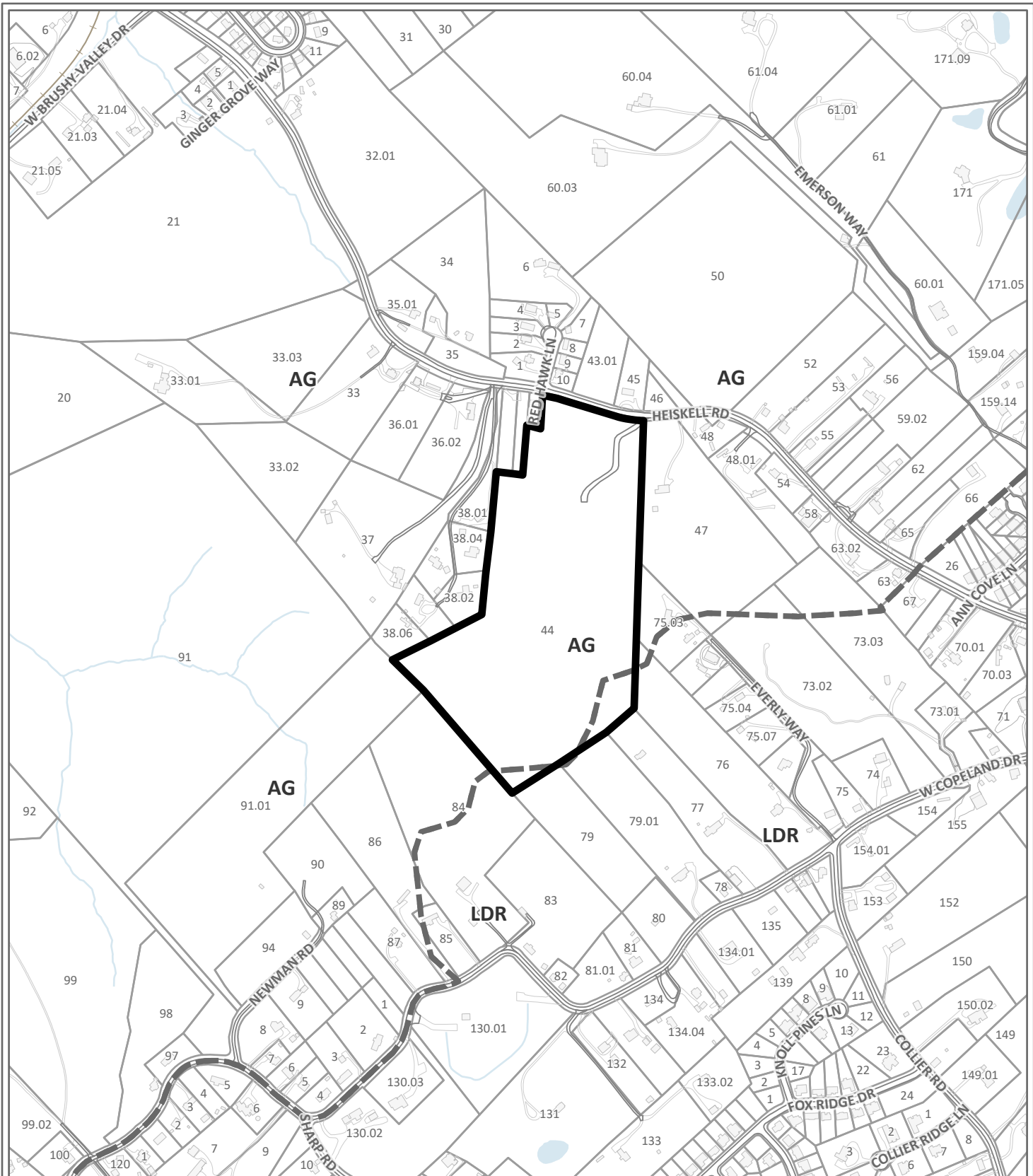
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



**1-A-24-SP
NORTH COUNTY SECTOR PLAN MAP**

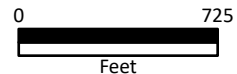


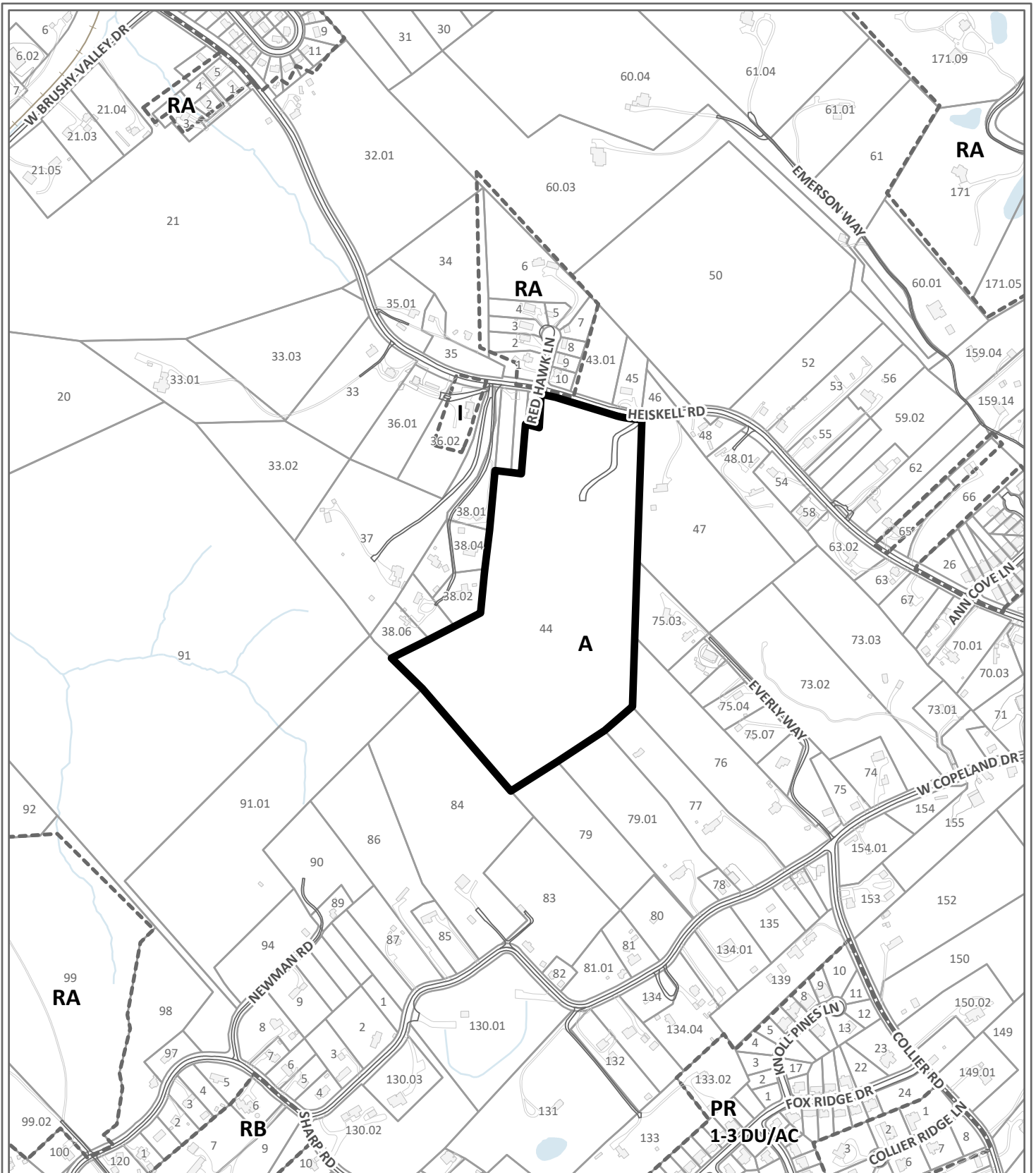
From: LDR (Low Density Residential), AG (Agricultural), HP (Hillside Protection)
To: HP (Hillside Protection); LDR (Low Density Residential)

Original Print Date: 12/7/2023
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Robert Gregory, Gregory Land Development, LLC

Map No: 46
Jurisdiction: County





REZONING

1-B-24-RZ

Petitioner: Robert Gregory, Gregory Land Development, LLC



From: A (Agricultural)
To: PR (Planned Residential)

Map No: 46

Jurisdiction: County

Original Print Date: 12/7/2023
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

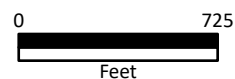
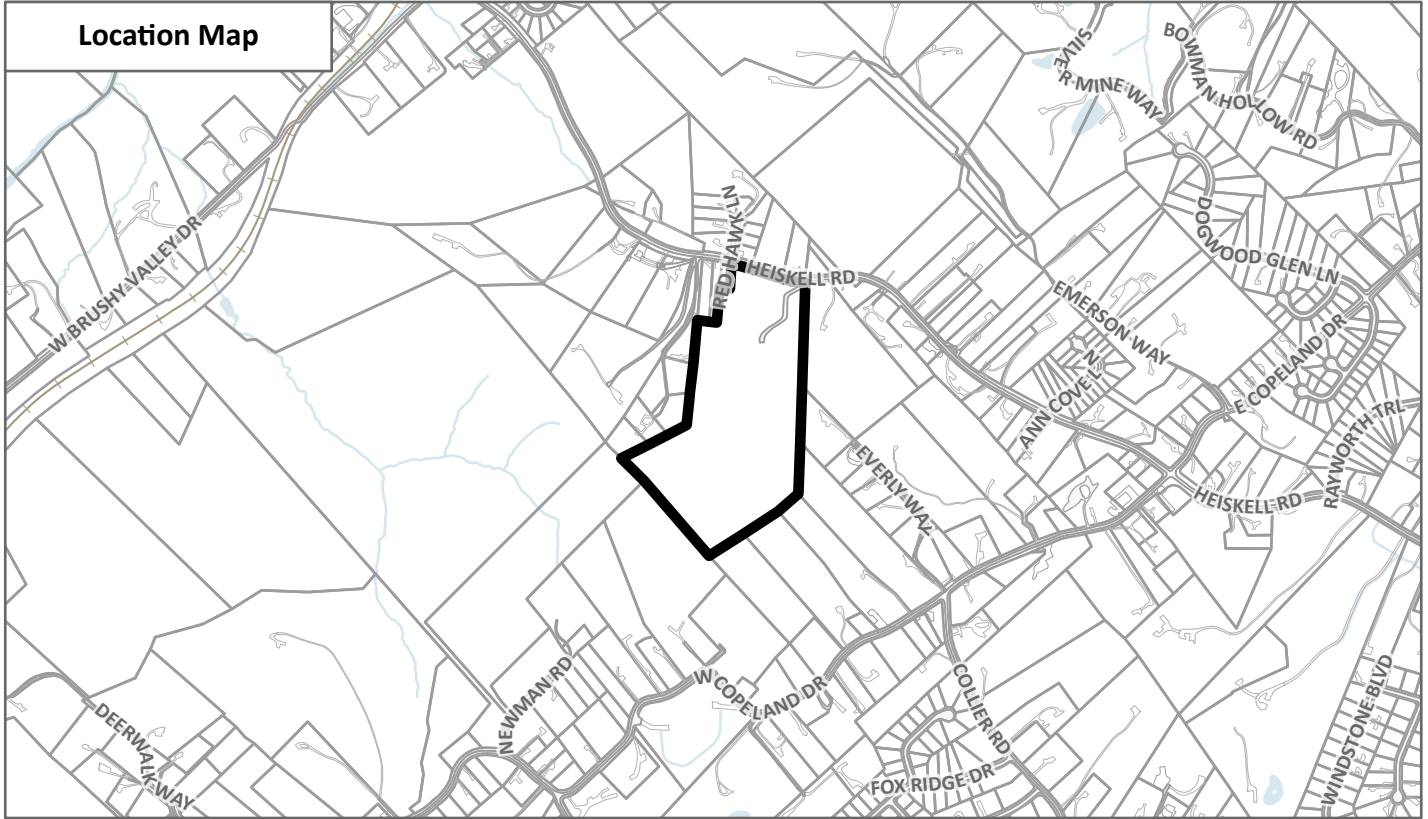
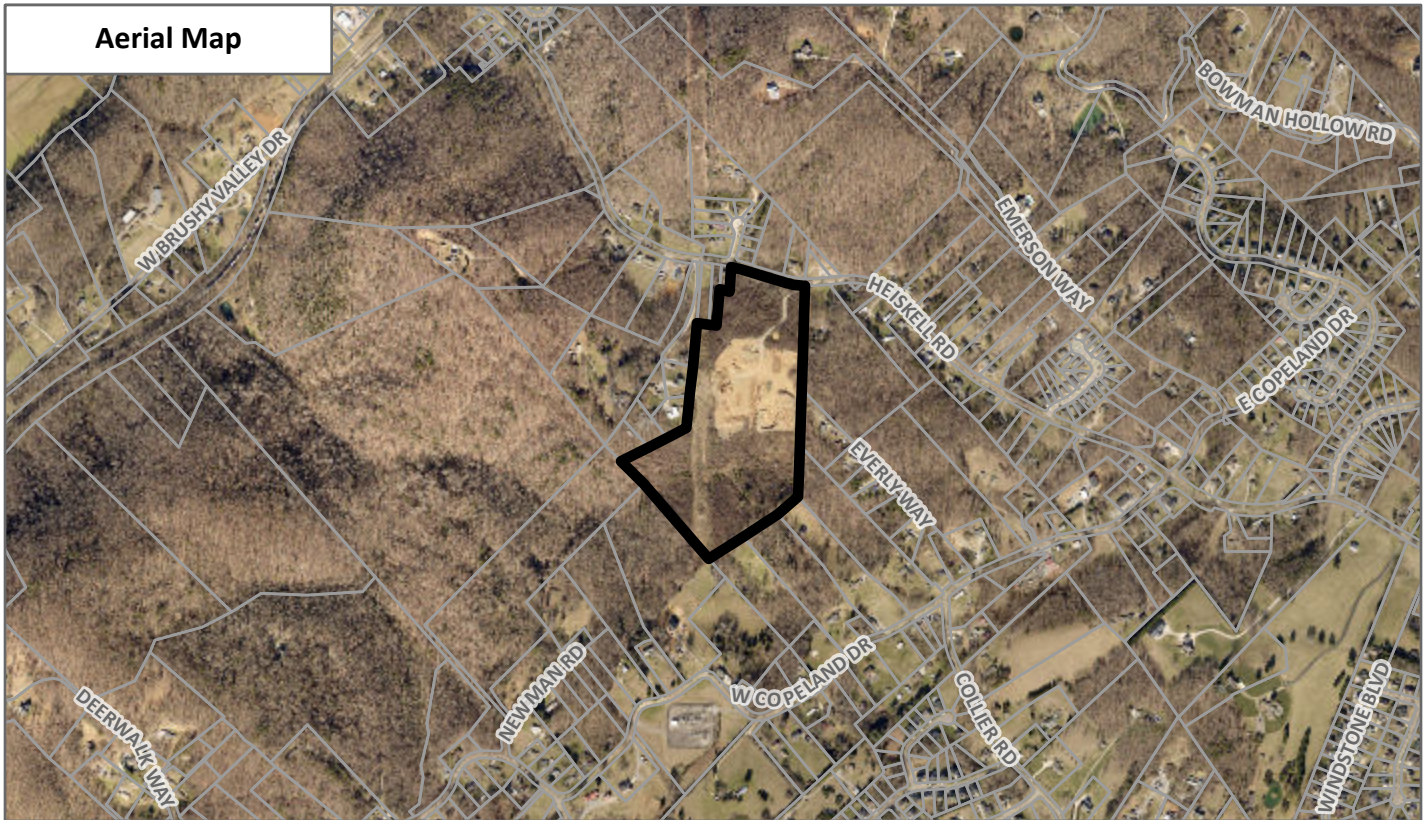


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

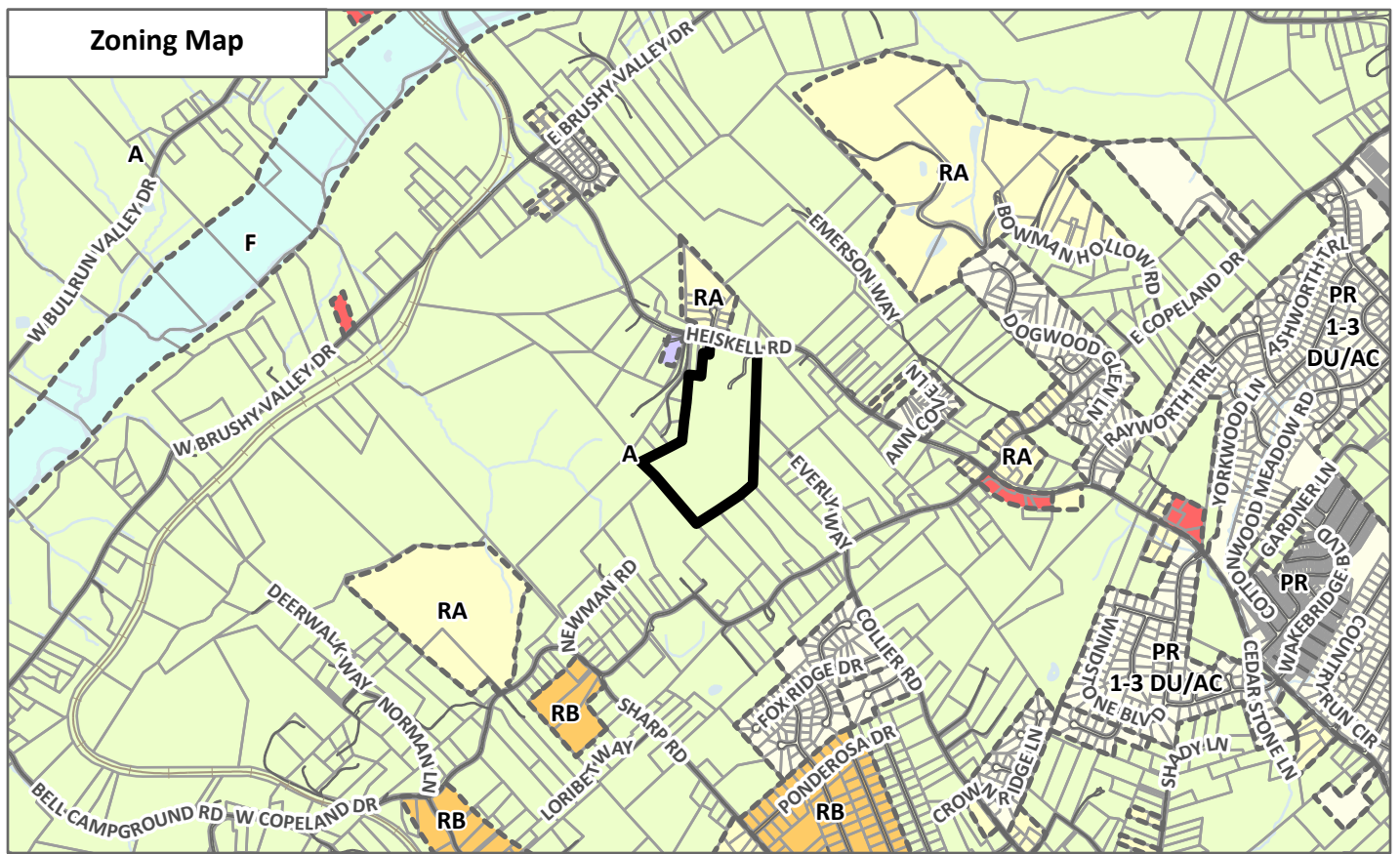
1-A-24-SP / 1-B-24-RZ



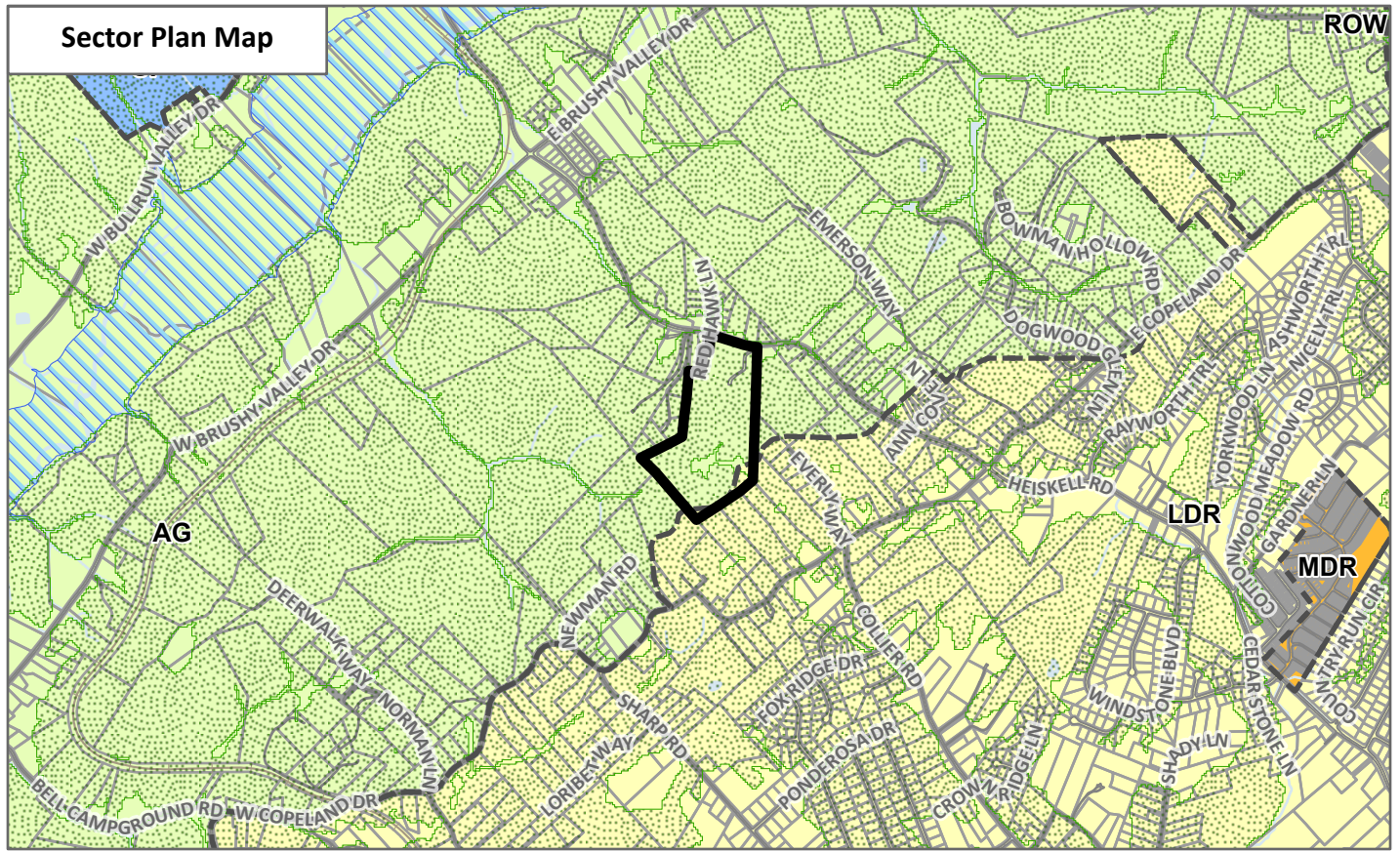
Case boundary



Zoning Map



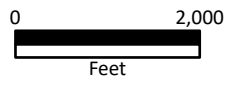
Sector Plan Map



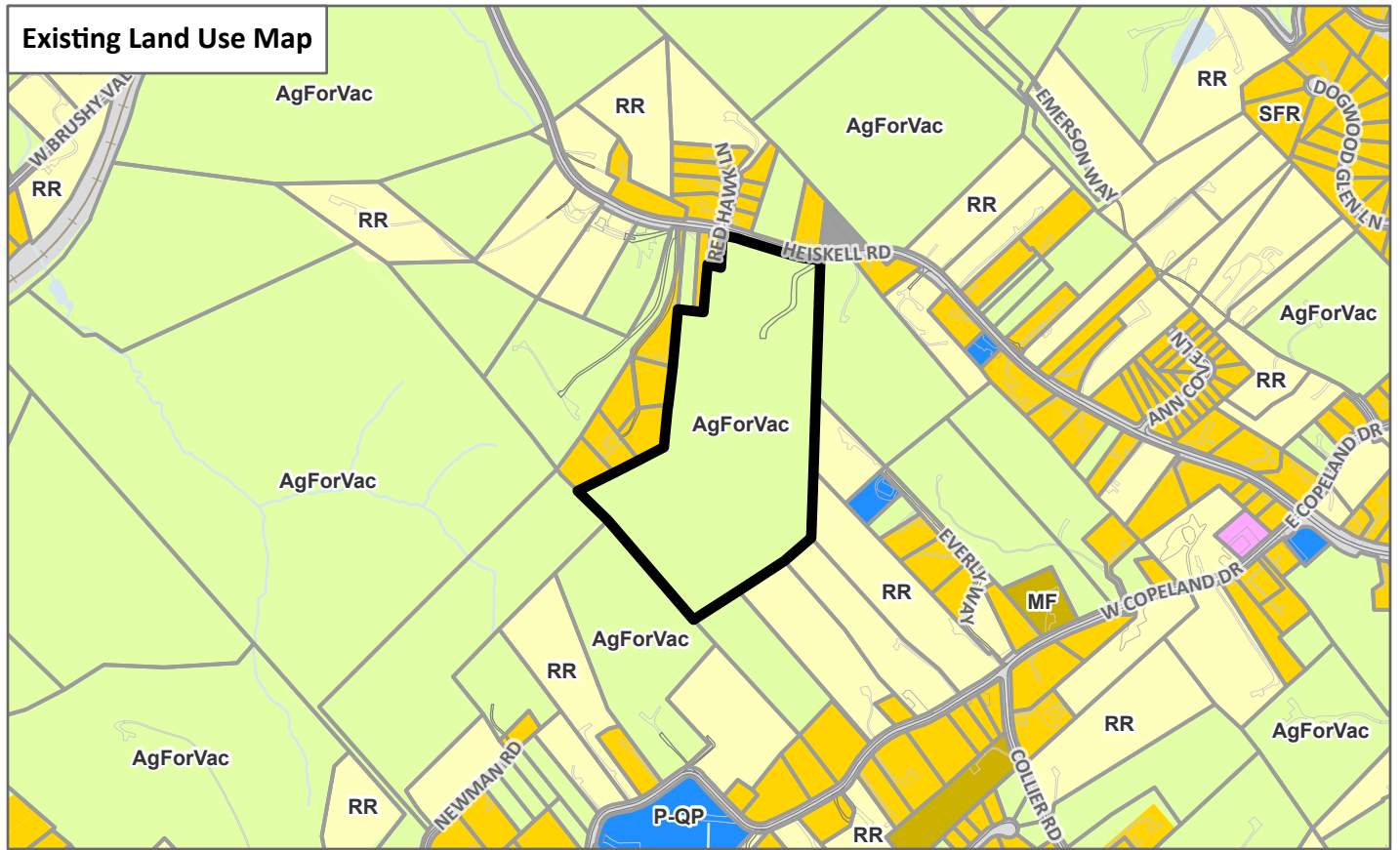
CONTEXTUAL MAPS 2

1-A-24-SP / 1-B-24-RZ

 Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

1-A-24-SP / 1-B-24-RZ



Case boundary



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)	NUMBER OF UNITS
Non-Hillside	1.9	3.00	5.6
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

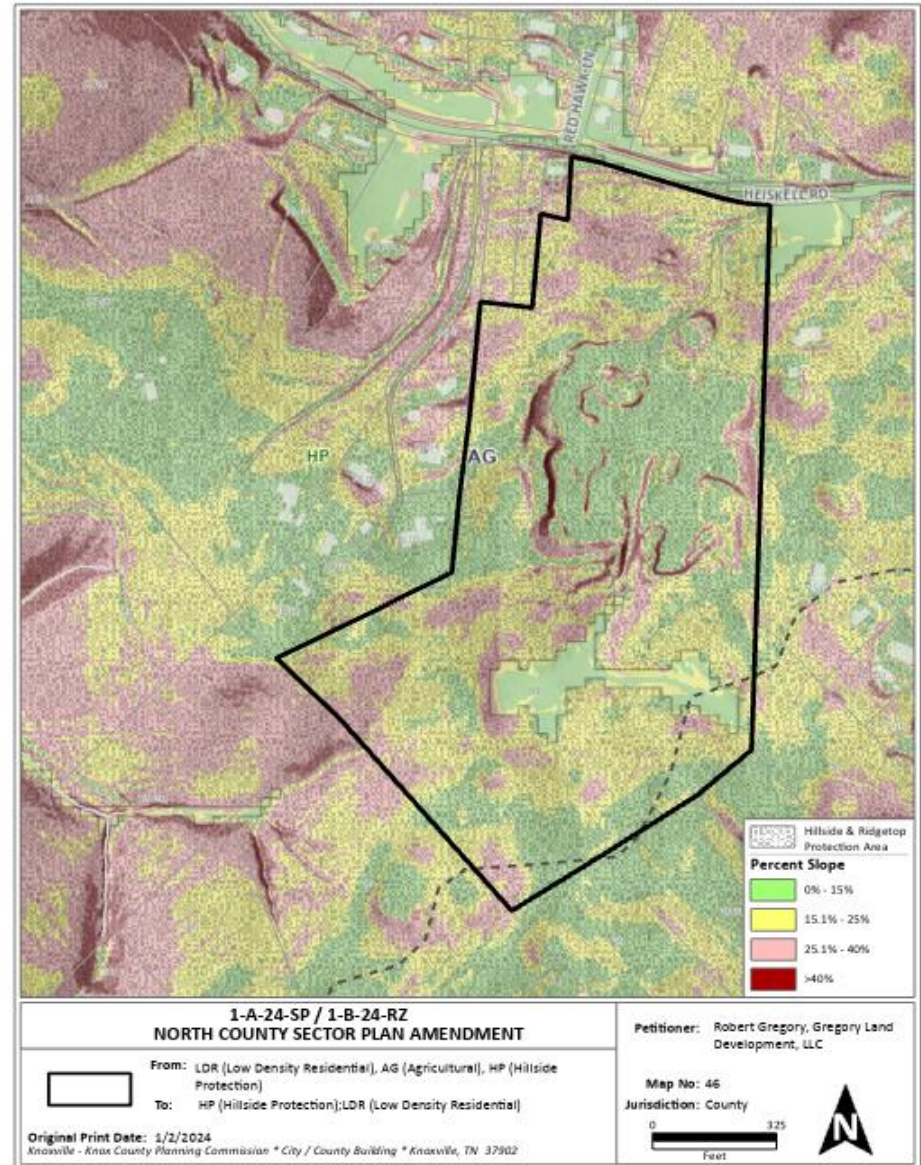
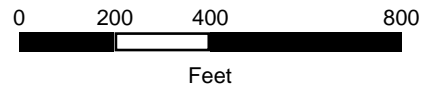




EXHIBIT B
1-A-24-SP / 1-B-24-RZ



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Printed: 1/2/2024 5:05:46 PM



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, Gregory Land Development, 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 be directed to the approved contact listed below.

Robert Gregory Gregory Land Development, LLC

Name / Company

3712 Cunningham Rd Knoxville TN 37918

Address

865-660-4227 / bevans@blackoakcontracting.com

Phone / Email

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

Parcel ID

34.61 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

South side of Heiskell Rd., Northwest of W. Copeland Dr.

General Location

City

Commission District 7

A (Agricultural)

Agriculture/Forestry/Vacant Land

County District

Zoning District

Existing Land Use

North County

Planning Sector

LDR (Low Density Residential), AG (Agricultural), HP (Hills)

Sector Plan Land Use Classification

Rural Area

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	
Total Number of Lots Created	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Pending Plat File Number
Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment	
Proposed Plan Designation(s)	

up to 3 du/ac

Proposed Density (units/acre) Previous Zoning Requests

Additional Information _____

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
\$3,230.50	
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: **Robert Gregory, Gregory Land Development, LLC** Please Print **11/15/2023** Date

Phone / Email

Property Owner Signature: **Ronald W. & Sharon B. Todd** Please Print **11/15/2023** Date



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 Gregory Land Development, LLC

Managing Member

Applicant Name

Affiliation

11/08/2023

January 11, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

1-B-24-RZ
1-A-24-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

Robert Gregory

Gregory Land Development, LLC

Name

Company

3712 Cunningham Road

Knoxville

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

046 044

Property Address

Parcel ID

Halldale Powell Utility

Halldale Powell Utility

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

May 1, 2023

DEVELOPMENT REQUEST

Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non Residential
 Home Occupation (specify) _____

Related City Permit Number(s)

Other (specify) _____

SUBDIVISION REQUEST

Lennox Ridge
 Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number
 Combine Parcels
 Divide Parcel
 115 Condo Lots
 Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change
 ~~5 Units/Ac.~~ **PR (Planned Residential up to 3 du/ac)**
 Proposed Zoning

Pending Plat File Number

Plan Amendment Change
 Proposed Plan Designation(s)
5 Units/AC.
 None

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
0802	\$2,380.50	
Fee 2		
0604	\$850.00	\$3,230.50
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
 Robert Gregory Gregory Land Developer
 11/08/2023
 Please Print
 Date

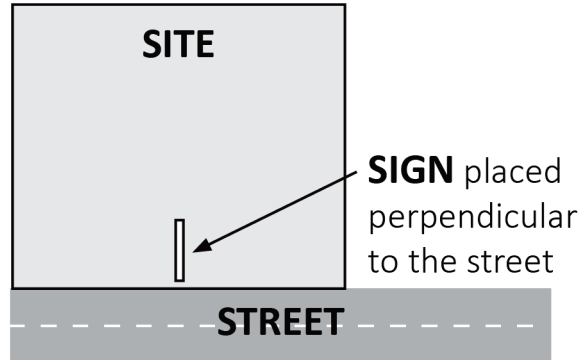
Phone Number
 865-660-4227
 bevans@blackoakcontracting.com

Property Owner Signature
 Email

Sharon B Todd
Ronald W. Todd
 Ronald W. & Sharon B. Todd

Please Print
 Date Paid
 11/15/2023, SG

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

File Number: 1-A-24-RZ & 1-A-24-SP

- Sign posted by Staff
- Sign posted by Applicant