

▶ **FILE #:** 4-O-18-RZ

**AGENDA ITEM #:** 52

**AGENDA DATE:** 4/12/2018

▶ **APPLICANT:** DANIEL MERCADO

OWNER(S): Daniel Mercado

TAX ID NUMBER: 94 I A 005,006&039

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 3211 Joyce Ave

▶ **LOCATION:** North side Joyce Ave, south side Keith Ave., east of Liberty St.

▶ **APPX. SIZE OF TRACT:** 0.6 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Keith Ave., a major collector street with 24' of pavement width within 45' of right-of-way, or Joyce Ln., a local street with 20' of pavement width within 30-50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT ZONING:** R-1A (Low Density Residential)

▶ **ZONING REQUESTED:** R-2 (General Residential)

▶ **EXISTING LAND USE:** One house

▶ **PROPOSED USE:** Multi-dwelling attached residence

EXTENSION OF ZONE: Yes, extension of R-2 zoning from the north and south

HISTORY OF ZONING: In 1989, the City of Knoxville initiated a general rezoning from R-2 to R-1A for 47 acres in this neighborhood, which included the subject property (1-I-89-RZ). This request was approved by MPC and City Council. (See attached MPC report.)

SURROUNDING LAND USE AND ZONING: North: Keith Ave., vacant land / R-2 (General Residential)

South: Joyce Ave., apartments / R-2 (General Residential)

East: Detached dwellings / R-1A (Low Density Residential)

West: Detached dwellings / R-1A (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is developed primarily with detached dwellings under R-1A zoning. There are a few apartments in the area, zoned R-2.

**STAFF RECOMMENDATION:**

▶ **DENY R-2 (General Residential) zoning.**

Although the property was previously zoned R-2, a 1989 general rezoning to R-1A brought the zoning into conformance with the plan, which, at the time proposed low density residential. The current plan proposes TDR (Traditional Neighborhood), which allows consideration of R-2 zoning. The current R-1A zoning also conforms with the TDR plan designations on the property, is appropriate for the area, and allows reasonable use of the site for future development. Since Keith Ave. is classified as a major collector street, attached multi-family development may be considered by MPC as a use on review. Duplexes are also permitted in the

current R-1A zone. The applicant may pursue a use on review for the proposed multi-dwelling use without the need to change the zoning to R-2.

**COMMENTS:**

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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. Conditions remain relatively unchanged in the area since the 1989 rezoning to R-1A, so the proposed rezoning to R-2 is not warranted.
2. R-2 uses are not compatible with the majority of the surrounding land uses and zoning pattern, which consists primarily of detached dwellings on individual lots.
3. The current R-1A zoning allows reasonable use of the site for future development. Because of the site's frontage on Keith Ave., which is classified as a major collector street, apartments may be considered by MPC as a use on review. The use on review will allow the opportunity for MPC staff to address landscape screening, appropriate lighting, access control and other development strategies that will minimize the impact on neighboring properties. It will also provide the opportunity for input from citizens at a public hearing.

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

1. The requested R-2 zoning is a residential district to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are permitted. Some recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each use permitted in this district.
2. Based on the above description, R-2 is not an appropriate zone for this site.

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 R-2 zoning is not compatible with the most of the surrounding land uses and zoning pattern.
2. Without MPC development plan review, there are few regulations under R-2 to maximize compatibility with surrounding land uses. Through the recommended use on review process, MPC can eliminate or minimize any possible negative impacts that may result from the development of this site.

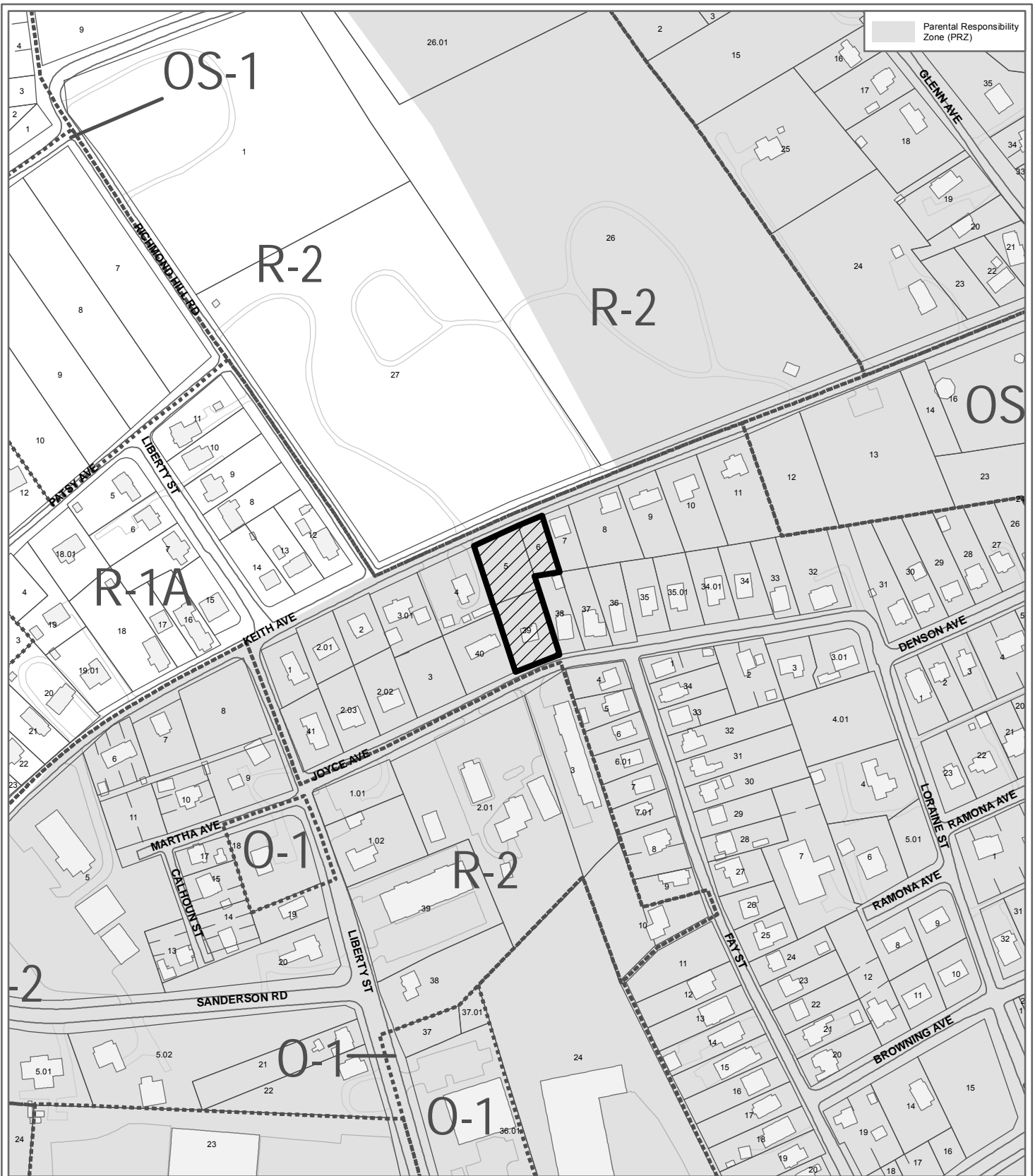
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Central City Sector Plan and the Knoxville One Year Plan propose TDR (Traditional Neighborhood) uses for the site, which allows consideration of R-2 zoning.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. R-1A zoning is consistent with adopted plans and allows reasonable use of the property for future development.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/8/2018 and 5/22/2018. If denied, MPC'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 an MPC decision in the City.



**4-O-18-RZ  
REZONING**

From: R-1A (Low Density Residential)

To: R-2 (General Residential)



Petitioner: Mercado, Daniel

Map No: 94

Jurisdiction: City



Original Print Date: 3/19/2018

Revised:

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

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
REZONING REPORT

Jurisdiction: City X Councilmanic Dist. 3 County \_\_\_\_\_ Commission Dist. \_\_\_\_\_

FILE NO. 1-I-89-RZ

MEETING DATE 1-12-89

NAME OF APPLICANT CITY OF KNOXVILLE

LOCATION North side Middlebrook Pk., south side Keith Ave., west side Glenn St., East s Liberty St.

PRESENT ZONING R-2, General Residential District MAP NO. 94

ZONING REQUESTED R-1A, Low Density Residential District

EXISTING LAND USE Residential subdivision

APPX. SIZE OF TRACT 47 acres EXTENSION OF ZONE Yes

PROPOSED USE Single-family subdivision DENSITY PROPOSED \_\_\_\_\_

HISTORY OF ZONING None noted

DESCRIPTION OF PROPERTY: Fronting appx. 1690' north side Middlebrook Pk., fronting appx. 11630' south side Keith Ave., fronting appx. 1340' west side Glenn St., fronting appx. 250' east side Liberty St., fronting appx. 500' north side Joyce Ave., 23rd Ward, 3rd Councilmanic District, part of City Block 23-420, 23-543, 23-563, all of City Blocks 23-501, 23-302, 23-523, 23-541, 23-561, 23-521, 23-524, 23-542, 23-562, CLT Map 94, MLB Small Area Plan.

SURROUNDING LAND USE AND ZONING: Property in the area is zoned R-1A and R-2 residential, I-2 and I-3 industrial and C-6 and C-1 commercial. Development in the area consists of light manufacturing, wholesaling, retailing and residential.

ACCESSIBILITY:

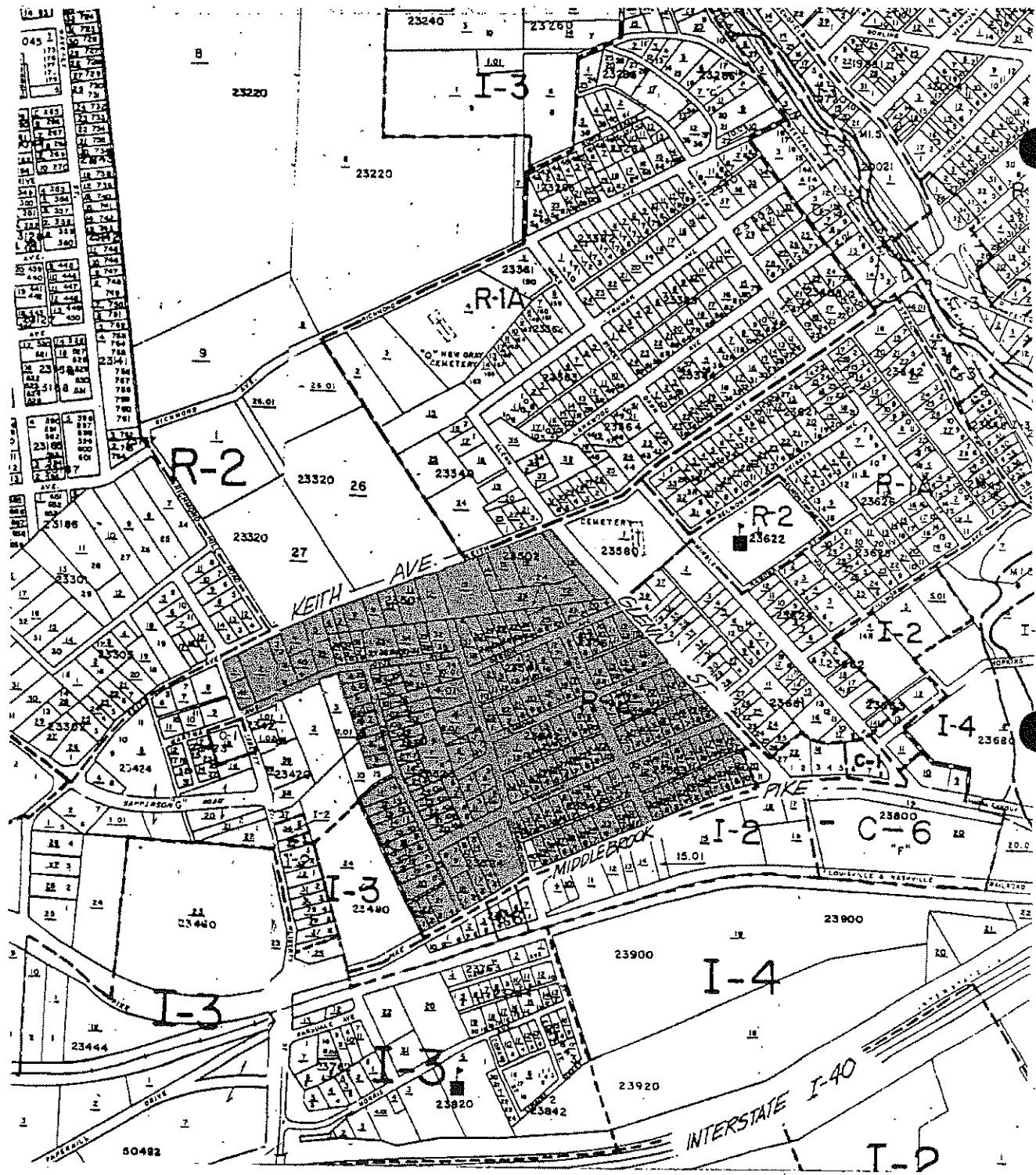
Access is via local streets through the neighborhood which feed to Keith Ave., a collector street and Middlebrook Pk., an arterial street.

UTILITIES: Water Source KUB Pipe Size 6'




Sewer Source KUB Pipe Size 8"

STAFF RECOMMENDATION: APPROVE because the request is consistent with other zoning and the types of residential development found in the area and the adopted One Year Plan which proposes low density development for this area.

NOTE: City Council passed a resolution Nov. 15, 1988 requesting that MPC undertake this action. The area listed as general rezoning #GR-39 in the 1988 One Year Plan has been studied. Staff has determined the most appropriate boundaries, attempting to define a homogeneous area and exclude development that would be made non-conforming.



**ZONING**  
PROPOSED USE

 FROM R-2, GENERAL RESIDENTIAL DISTRICT TO R-1A, LOW DENSITY RESIDENTIAL DISTRICT  
  


JURISDICTION  
 CITY \_\_\_\_\_  
 COUNTY \_\_\_\_\_

Petitioner:  
 CITY OF KNOXVILLE  
 File No: I-I-88-RZ  
 CLT-94

0 400  
 Feet

N

Metropolitan Planning Commission City-County Building Knoxville, Tennessee 37902 521-2500

**REZONING**       **PLAN AMENDMENT**

Name of Applicant: Daniel Mercado

Date Filed: 2-26-18      Meeting Date: April 12, 2018

Application Accepted by: Amy Brooks

Fee Amount: \$500.00      File Number: Rezoning 4-0-18-RZ

Fee Amount: NA      File Number: Plan Amendment NA



**PROPERTY INFORMATION**

Address: 3211 Joyce Ave, 37100  
 General Location: Keith Ave. L. 3926  
Keith Ave. N/S Joyce Ave  
515 Keith Ave.

Parcel ID Number(s): 094IA039,  
094IA005, 094IA006

Tract Size: \_\_\_\_\_  
 Existing Land Use: SFR  
 Planning Sector: Central  
 Growth Policy Plan: \_\_\_\_\_  
 Census Tract: \_\_\_\_\_  
 Traffic Zone: \_\_\_\_\_

Jurisdiction:  City Council 3<sup>rd</sup> District  
 County Commission 1<sup>st</sup> District

**PROPERTY OWNER**     **OPTION HOLDER**

PLEASE PRINT  
 Name: Daniel Mercado  
 Company: \_\_\_\_\_  
 Address: 8716 Cranwood Dr  
 City: Knoxville State: TN Zip: 37923  
 Telephone: 865 617 1502  
 Fax: 865 691  
 E-mail: see below

**Requested Change**

**REZONING**

FROM: R-1A  
 TO: R2

**PLAN AMENDMENT**

One Year Plan     \_\_\_\_\_ Sector Plan

FROM: \_\_\_\_\_  
 TO: \_\_\_\_\_

**APPLICATION CORRESPONDENCE**

All correspondence relating to this application should be sent to:

PLEASE PRINT  
 Name: see above  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**PROPOSED USE OF PROPERTY**

Build multi Family home

Density Proposed \_\_\_\_\_ Units/Acre  
 Previous Rezoning Requests: No

**APPLICATION AUTHORIZATION**

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: [Signature]  
 PLEASE PRINT  
 Name: Daniel Mercado  
 Company: \_\_\_\_\_  
 Address: 8716 Cranwood Dr  
 City: Knoxville State: TN Zip: 37923  
 Telephone: 865 617 1502  
 E-mail: Dmrc@construction.com



FEB 08 2018

ADDRESS NEW OWNER(S) AS FOLLOWS:  
Daniel Mercado  
8716 Cranwood Drive  
Knoxville, TN 37923

SEND TAX BILLS TO:  
Daniel Mercado  
SAME

BY JOHN R. WHITEHEAD

MAP-PARCEL NUMBER  
094I-A-005 &  
094I-A-006

M/S

3210 Keith Ave  
O Keith Ave

**WARRANTY DEED**

THIS INDENTURE, made this 12 day of February, 2018 between **MICHAEL K. HYDE**, married, a resident of Knox County, Tennessee ("Grantor") and **DANIEL MERCADO**, married, and **JORGE E. MERCADO**, married, residents of Knox County, Tennessee (collectively "Grantee"),

FOR AND IN CONSIDERATION OF \$1.00 and other good and valuable consideration, the receipt and legal sufficiency of all of which are hereby acknowledged, the Grantor has this day bargained, sold, transferred, and conveyed and by these presents does bargain, sell, transfer and convey unto the Grantee the following said real property, to wit:

**TRACT ONE:**

SITUATED in District No. Five (5) (Formerly Eight) of Knox County, Tennessee, and within the 23rd Ward of the City of Knoxville, Tennessee, fronting 85 feet on the South side of Keith Avenue (formerly Middlebrook Pike), and being more fully described as follows:

BEGINNING at a White Oak tree at Northwest Corner of Robinson (formerly Harrison Reynolds Property) in the South line of Keith Avenue; thence in a Westerly direction with the South line of Keith Avenue, 85 feet to a stake; thence in a Southerly direction and at the right angle to Keith Avenue, 123 feet to a stake; thence in a Easterly direction on a line parallel with South line of Keith Avenue, 85 feet to a Stake; thence in a Northerly direction with Robinson's line and on a line parallel with the second line herein, 123 feet to the South line of Keith Avenue, the Point of Beginning. Designated as Number 684 West Keith Street, Knoxville, Tennessee, and the new number being 3210.

BEING the same property conveyed to Michael K. Hyde by Warranty Deed of record in Deed Book 1855, Page 717 in the Register's Office for Knox County, Tennessee, dated May 16, 1985 and recorded on July 29, 1985, Correction of Deed recorded in Deed Book 1938, Page 0151.

**TRACT TWO:**

SITUATED in District No. Five (5) Formerly of Knox County, Tennessee, and within the 23rd Ward of the City of Knoxville, Tennessee, and being more fully described as follows:

Beginning at a stake in the Southern line of Keith Street (formerly Hall Town Road), said beginning point being at the Northeasterly corner of the C. E. Stringfield lot; thence in Southerly direction with the said C. E. Stringfield lot, 95 feet thence in an Easterly or Northeasterly direction, 50 feet to a stake in the W.N. Butcher line; thence in a Northerly direction with the Westerly line of said W.N. Butcher's lot, 115 feet to the Southerly line Keith Street, thence in a Westerly direction or Northwesterly direction with the Southerly line of Keith Street, 50 feet to the Point of Beginning and being improved with a dwelling known and designated as Number 684 West Keith Street, Knoxville, Tennessee, and the new number being 3206.

BEING the same property conveyed to Michael K. Hyde by Warranty Deed of record in Deed Book 1855, Page 715 in the Register's Office for Knox County, Tennessee, dated May 16, 1985 and recorded on July 29, 1985, Correction of Deed recorded in Deed Book 1938, Page 0148.



THIS CONVEYANCE IS SUBJECT to Knox County, Tennessee taxes for the current year, which are prorated between the parties hereto.

With the hereditaments and appurtenances thereunto appertaining, hereby releasing all claims to homestead and dower therein. **TO HAVE AND TO HOLD THE** aforesaid real estate to the Grantee, their successors and assigns in fee simple forever.

Grantor covenants that Grantor, for Grantor and for Grantor's heirs, executors and administrators, is lawfully seized and possessed of said real estate, has full power and lawful authority to sell and convey the same; that the title thereto is free, clear and unencumbered except as aforesaid; and, Grantor will forever warrant and defend the same against lawful claims of all persons whomsoever.

The Grantors herein make oath that the above described property has never been used by Grantor or Grantors' respective spouses as their principal residence or homestead.

WHENEVER used, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has hereunder set Grantor's hand and seal as of the date first recited above.

Michael K. Hyde (L.S.)  
MICHAEL K. HYDE

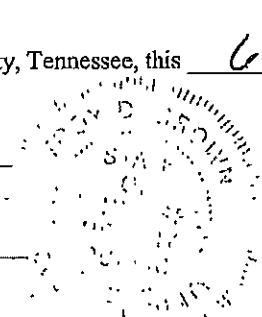
STATE OF TENNESSEE  
COUNTY OF KNOX

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Michael K. Hyde, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged he executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal, at office in Knox County, Tennessee, this 6<sup>th</sup> day of February, 2018.

[Signature]  
Notary Public

My Commission Expires: 2/2/20



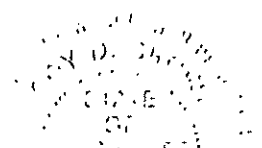
I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or the value of the property transferred, whichever is greater, is \$12,000.00, which amount is equal to or greater than the amount which property transferred would command at a fair and voluntary sale.

[Signature]  
Affiant/Grantee

Subscribed and sworn to before me this 6<sup>th</sup> day of February, 2018.

[Signature]  
Notary Public

My commission expires: 2/2/20



## REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. When applicable, MPC staff will provide the sign(s) to post on the subject property at the time of application.

The sign(s) must be posted in a location that is clearly visible from the nearest adjacent street. If the property has more than one street frontage, then the sign(s) should be placed along the higher classified street. MPC staff may recommend a preferred location for the sign(s) to be posted at the time of application.

The sign(s) must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the meeting. The applicant is responsible for ensuring that the signs remain posted throughout the two-week period prior to the public hearing. Failure to maintain the signs during this time period may be cause for postponement of the application until the next scheduled meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC/BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) are lost or stolen and need to be replaced, then the applicant will be responsible for picking up a new sign from the MPC offices. The applicant will be charged a replacement fee for additional sign(s) consistent with the agency's cost of purchasing each sign.

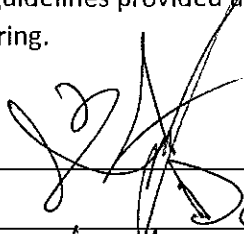
I hereby agree to post the sign(s) provided on the subject property on or before March 28, 2018 consistent with the guidelines provided above; and remove the sign(s) within one week after the MPC/BZA public hearing.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Date: \_\_\_\_\_

MPC/BZA File #: \_\_\_\_\_

  
Daniel Mercado  
2/26/18  
4-0-18-RZ

2 signs issued  
one for Keith Ave, one for Joyce