

# REZONING REPORT

▶ **FILE #:** 12-E-19-RZ

**AGENDA ITEM #:** 17

**AGENDA DATE:** 12/12/2019

▶ **APPLICANT:** RANDY GUIGNARD / CAFÉ INTERNATIONAL, LLC

OWNER(S): Randy Guignard

TAX ID NUMBER: 59 002 AND 59 00201

[View map on KGIS](#)

JURISDICTION: County Commission District 2

STREET ADDRESS: 0 Beverly Road and 0 New Beverly Baptist Church Road

▶ **LOCATION:** **East side Beverly Road, east of the terminus of Washington Pike, north of I-640**

▶ **APPX. SIZE OF TRACT:** **80.37 acres total**

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Beverly Road is a major collector with a pavement width of 21 feet and a right-of-way width of 47.5 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

▶ **PRESENT ZONING:** **I (Industrial), RB (General Residential), and F (Floodway)**

▶ **ZONING REQUESTED:** **PR (Planned Residential) and F (Floodway)**

▶ **EXISTING LAND USE:** **Vacant**

▶ **PROPOSED USE:** **210 attached dwelling units**

**DENSITY PROPOSED:** **3.5 du/ac**

EXTENSION OF ZONE: No

HISTORY OF ZONING: The applicant requested rezoning to PR with 5 du/ac in March 2018. The Planning Commission recommended approval of PR zoning with up to 2.75 du/ac to the County Commission. The application was withdrawn before County Commission action.

SURROUNDING LAND USE AND ZONING:

North: Industrial and Agricultural/Forestry/Vacant - I-3 (General Industrial District)

South: Single Family Residential, Rural Residential, Agricultural/Forestry/Vacant, and Industrial - RB (General Residential) and A (Agricultural)

East: Agricultural/Forestry/Vacant - RB (General Residential), I (General Industrial District) and F (Floodway District)

West: Agricultural/Forestry/Vacant - I-3 (General Industrial District) and F-1 (Floodway District)

NEIGHBORHOOD CONTEXT: The surrounding area contains a mix of industrial and residential uses in the midst of steep slopes and a creek with a floodway and associated floodplains. There are industrial uses and a railroad to the north. Single-family homes are northeast and south of this development. Properties adjacent to the south are a variety of sizes ranging from over an acre down

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**STAFF RECOMMENDATION:**

- ▶ **Approve PR (Planned Residential) zoning with a density of 2.53 du/ac because it is consistent with the North City Sector Plan's LDR designation and because the proposed development meets the intent of PR zoning.**

**COMMENTS:**

**STAFF RECOMMENDATIONS:**

Staff recommends the following measures to increase safety and preserve sensitive land on the steep slopes and along the creek.

1. Eliminate the two clusters of units closest to the entry (seven units total, 1-4 and 208-210).
2. Extend the boulevard to increase safety at the development entry in lieu of a second access point; the length of the boulevard will be determined during the development review process.
3. Grading of steep slopes shall be kept to a minimum per the Hillside and Ridgetop Protection Plan guidelines
4. Development shall not occur in the floodplains or the floodway.
5. The Knoxville Parks and Recreation Department has requested a trail easement on the southern border of the property to encompass the proposed trails, which the department would like to connect to Adair Park and New Harvest Park via an east/west ridgeline trail at a future time. The exact location would be determined during the site plan review process.

**DESCRIPTION OF PROPOSED DEVELOPMENT AND SITE:**

1. This site contains land in a FEMA floodway and floodplains (500-year and 100-year) on the northern portion of the site and a steep slope in the Hillside and Ridgetop Protection Area on the southern portion.
2. If the rezoning is approved, this property as proposed would become a cluster development with 210 lots contained in the central portion of the site between the floodplains and the hillside (see Exhibit A Contextual Images). The development will leave the southeastern portion of the site largely undisturbed; the undisturbed area is planned to begin approximately 12 feet from the lots proposed on the concept plan.
3. The applicant is donating 16 acres of land in the floodplain to Legacy Parks, and a letter from Legacy Parks accepting the land was submitted as part of the application. The development will not encompass the FEMA floodway or floodplains and will leave these areas undisturbed.
4. As proposed, the development will provide a deep buffer of existing vegetation on the hill leading up to the single-family detached homes to the south.
5. There is a walking trail proposed for the perimeter of the remaining property.
6. As proposed, the lot lines are situated approximately 50 feet farther from the HP area on the southeastern side of the site than the previous site plan submitted in 2018.
7. The development will utilize permeable pavers for the internal roads

**ADDITIONAL INFORMATION / NEIGHBORHOOD CONCERNS:**

1. Staff has received documentation from neighbors regarding potential flooding. A date-stamped series of photographs (taken on February 23, 2019) was submitted to illustrate flooding in the area – it should be noted that this was a significant storm event that broke several records. However, it is staff's understanding that some degree of flooding does occur somewhat regularly. This assumption is based on the preliminary hydrology report by Dr. Smoot, also submitted as part of this documentation package.
2. Other stated concerns of residents concern the sight distance to the south and the size and condition of the bridge across Whites Creek, which does not have guard rails. The width of the bridge is such that it cannot accommodate two-directional travel when a tractor trailer truck is crossing; cars approaching from the opposite direction must wait for it to cross. To the south, the road has a sharp curve around a high ridge and has no shoulder, creating a possible safety concern with regard to the entry point of this development.

**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. There is an increased need for housing in the County. The proposed development would help to meet this need.

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

1. The Knox County Zoning Ordinance describes PR zoning as intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space

for recreation and provisions for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

2. The proposed development meets the criteria for PR zoning, which is aimed at fostering creative developments that preserve environmental features and incorporate creative design practices in their response to the unique demands of these sites.
3. However, 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. PR zoning would ensure some type of residential development would occur on this property regardless of whether this particular development moved forward.

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. Floodway/floodplains:
  - a. Leaving the floodway and floodplain areas undisturbed gives the water bodies room to spread out and slow down after a major rain event and can also preserve aesthetic views and natural habitats. Keeping structures and roads out of these areas helps protect new development from flooding, which is more likely to occur in a floodplain.
  - b. The developer will need to work with Knox County's Stormwater Department and provide stormwater mitigation measures that meet the County's requirements and mitigate potential impacts of building so close to a floodplain.
  - c. Utilizing permeable pavers for the roadways allows stormwater to penetrate into the soil and use the existing natural infiltration system. Using permeable surfaces lessens the impact of development on stormwater systems.
2. Traffic/Transportation:
  - a. The County requires two access points for developments exceeding 150 lots. In instances where developments of this size have occurred without room for multiple access points, developments have featured boulevards at their entries to increase safety at the development entrance. This may be required during the development review process, and it is a staff recommendation to incorporate since this development will likely have over 150 lots and only one point of access.
  - b. To maximize sight lines, the new development entry will be immediately south of where the existing entry is located. The speed limit on this stretch of road is 30 mph, so the required sight distance is 300 feet. Due to comments made by nearby residents, staff is concerned about safety with regard to the speed people may actually travel coming around that corner and those slowing down to turn into this development. A spot speed study may be required as part of the development review process.
  - c. A level 1 traffic study is underway, the results of which are pending but should be utilized to inform the development plan.
3. Surrounding development and density:
  - a. The proposed development yields a density of 2.61 du/ac (210 lots on 80.37 acres).
  - b. Staff is recommending a maximum density of 2.53 du/ac (203 lots on 80.37 acres).
  - c. Staff used the total acreage from both parcels in calculating the density. The 16 acres donated to Legacy Parks was not subtracted from the total acreage as that could be seen as a penalty for the land donation and staff does not want to deter future developments from donating land that could be beneficial to the community.
  - d. The slope analysis resulted in a density of 2.47 du/ac, which would yield 152.2 du/ac
  - e. The immediate surrounding development has developed as large-lot, detached, single-family residential uses. Attached housing and lots of this size are out of character for the area. However, since there is a significant amount of property to the north and south that are planned to be undisturbed, the natural vegetation will help shield the higher density of this development from view.
4. Cluster development benefits:
  - a. Less land disturbance, so there are fewer environmental impacts.
  - b. Utility infrastructure is concentrated, so there is less, which results in reduced energy consumption
  - c. There is also less transportation-related infrastructure.
  - d. Preservation of open space can protect scenic views.
5. Development plan review and compliance:
  - a. PR zones require Planning Commission review of development plans via the use on review process to ensure compliance with zoning regulations and any conditions that may be attached to rezonings.
  - b. PR zoning also ensures the Hillside and Ridgetop Protection Plan stipulations are met.
6. Proximity to utilities, schools, and amenities:
  - a. Water and sewer are available for connections.
  - b. Central High School is less than 2 miles away.
  - c. Gresham Middle School is less than 3 miles away.
  - d. Shannondale Elementary School is less than 2 miles away.

- e. There are also two private schools near Gresham Middle School (Garden Montessori school and Antioch Christian Academy).
- f. New Harvest Park is nearby.

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 requested zoning is consistent with the sector plan's LDR designation, which allows PR zoning with up to 5 du/ac in the Urban Growth Areas of the County.
2. PR zoning review will ensure the Hillside and Ridgetop Protection Plan stipulations are met.
3. The development will not encompass the FEMA floodway or floodplains and will leave these areas undisturbed. The development will need to meet Knox County's stormwater requirements.

ESTIMATED TRAFFIC IMPACT: 1859 (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.

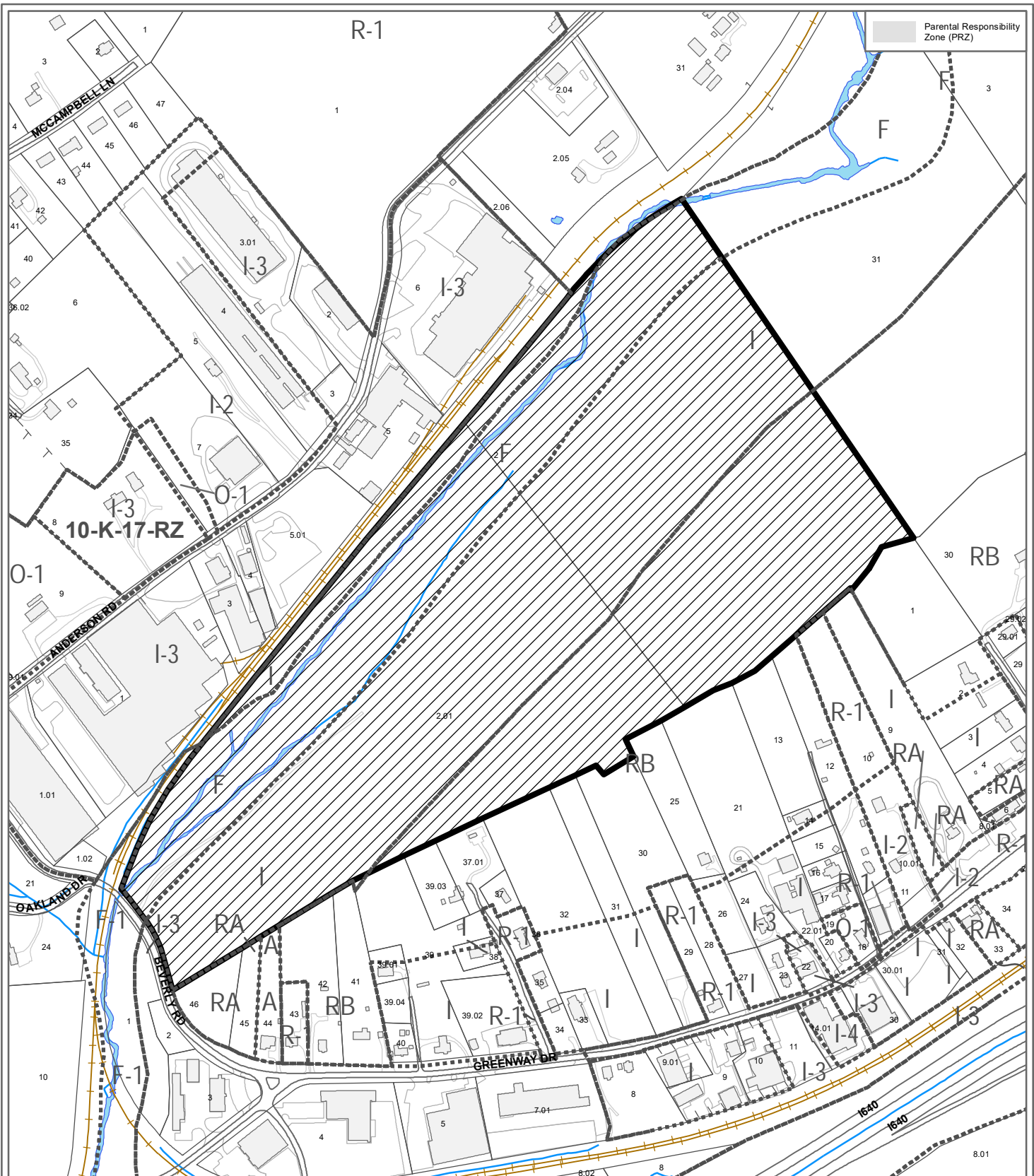
ESTIMATED STUDENT YIELD: 5 (public school children, grades K-12)

Schools affected by this proposal: Shannondale 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 Knox County Commission for action on 1/27/2020. 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.





**12-E-19-RZ  
REZONING**

From: I (Industrial), RB (General Residential) & F (Floodway)  
To: PR (Planned Residential)



Petitioner: Guignard / Café International, LLC, Randy

Map No: 59

Jurisdiction: County

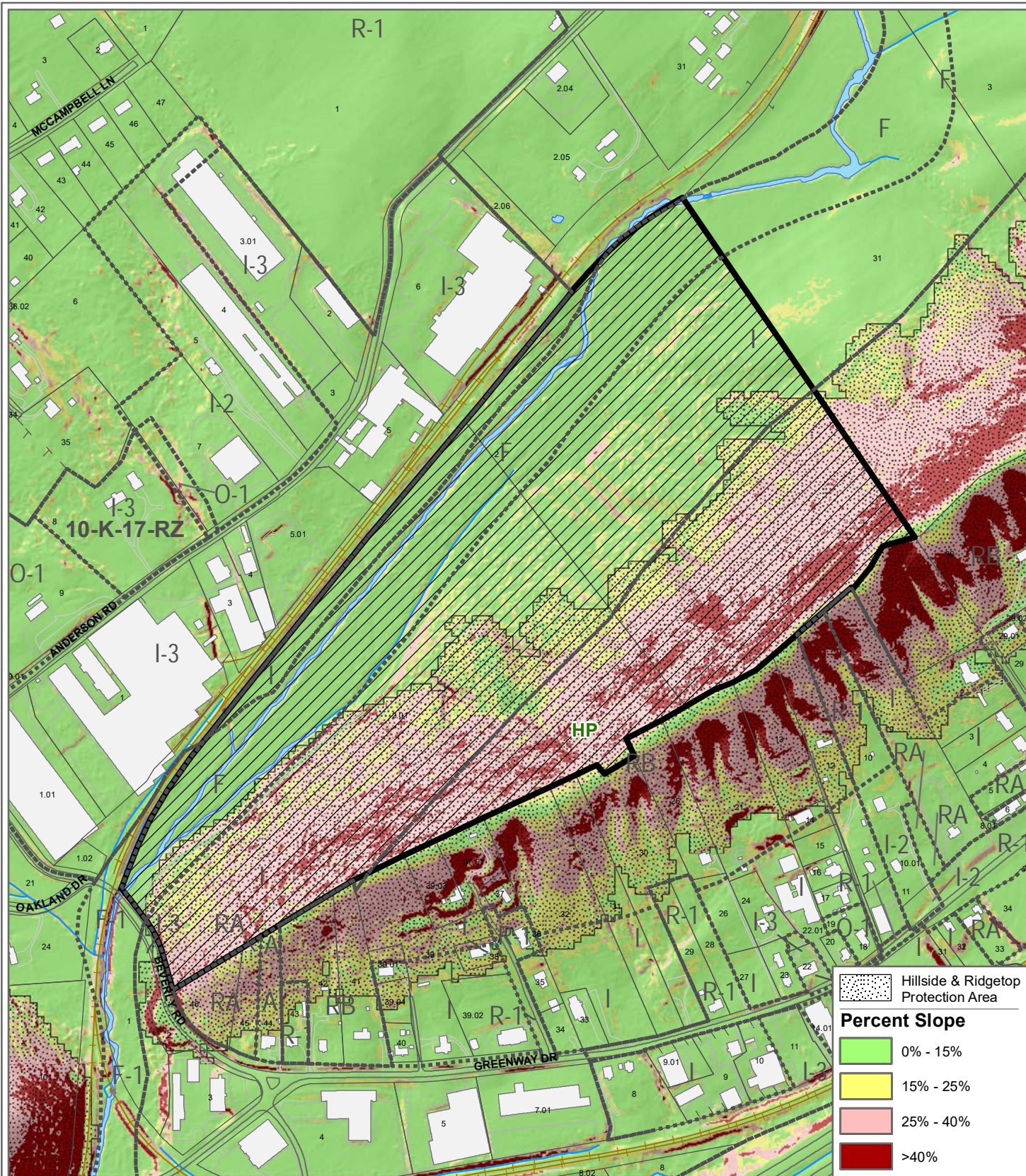


Original Print Date: 11/7/2019  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:



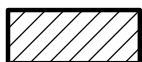




**12-E-19-RZ  
REZONING - SLOPE ANALYSIS**

From: I (Industrial), RB (General Residential) & F (Floodway)

To: PR (Planned Residential)

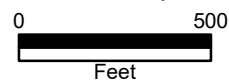


Original Print Date: 11/22/2019      Revised: \_\_\_\_\_  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Guignard / Café International, LLC, Randy

Map No: 59

Jurisdiction: County









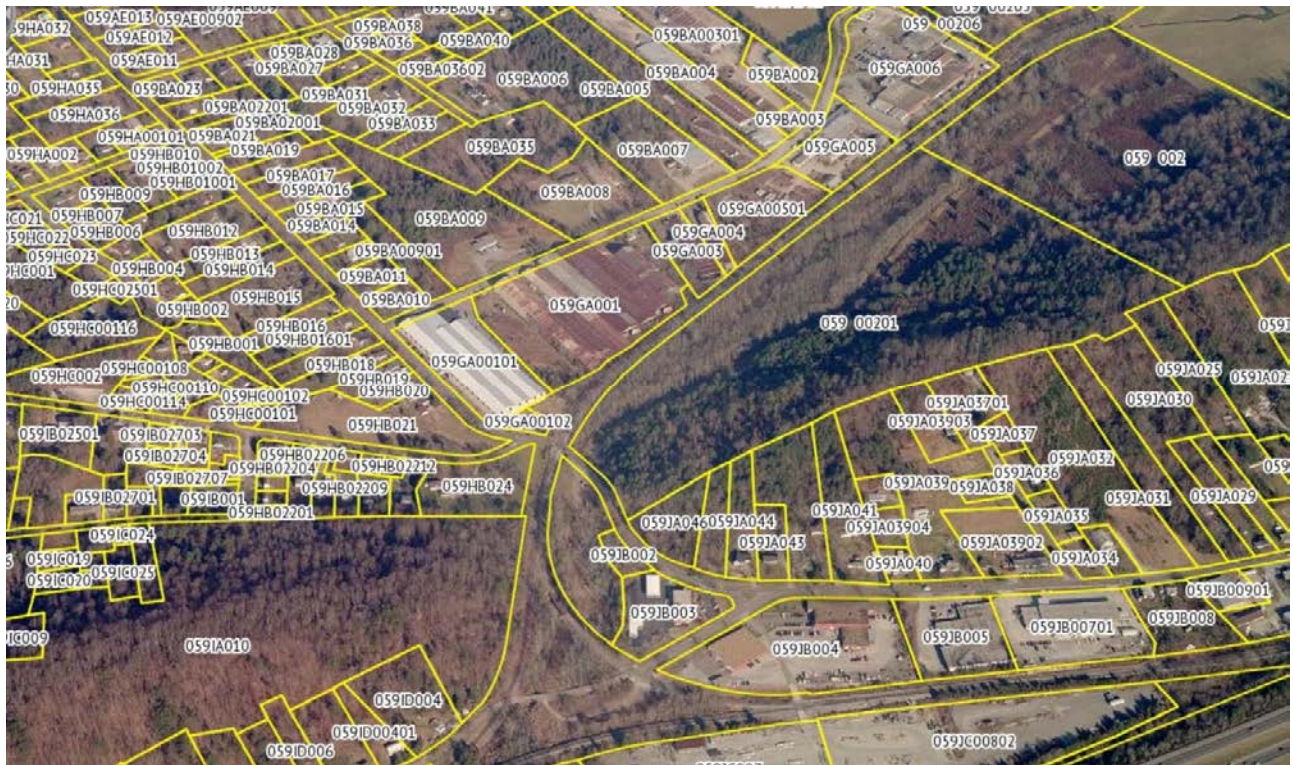
# 12-E-19-RZ

## EXHIBIT A. Contextual Images

Birds Eye View of the property

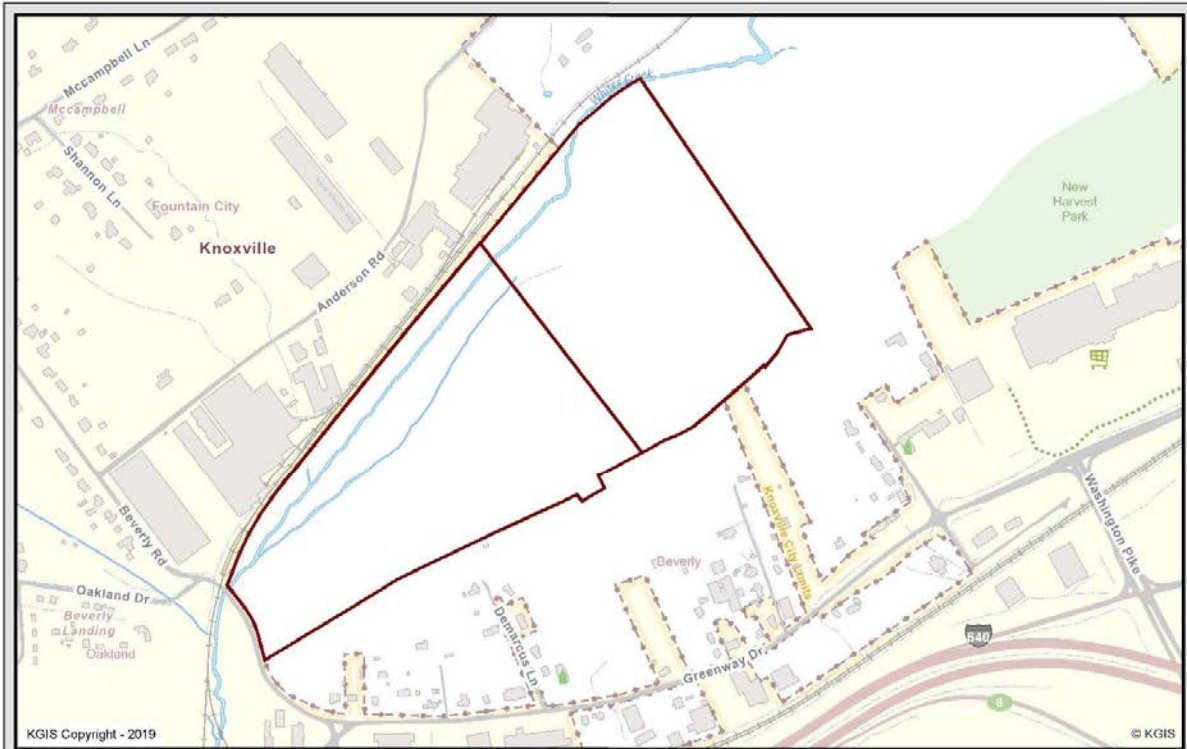


Birds Eye View with parcel lines for context





**12-E-19-RZ**  
**EXHIBIT A. Contextual Images**



**12-E-19-RZ: Location Map**  
 0 Beverly Road and 0 New Beverly Baptist Church Road

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

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0 205 570 1,140  
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**12-E-19-RZ: Aerial Map**  
 0 Beverly Road and 0 New Beverly Baptist Church Road

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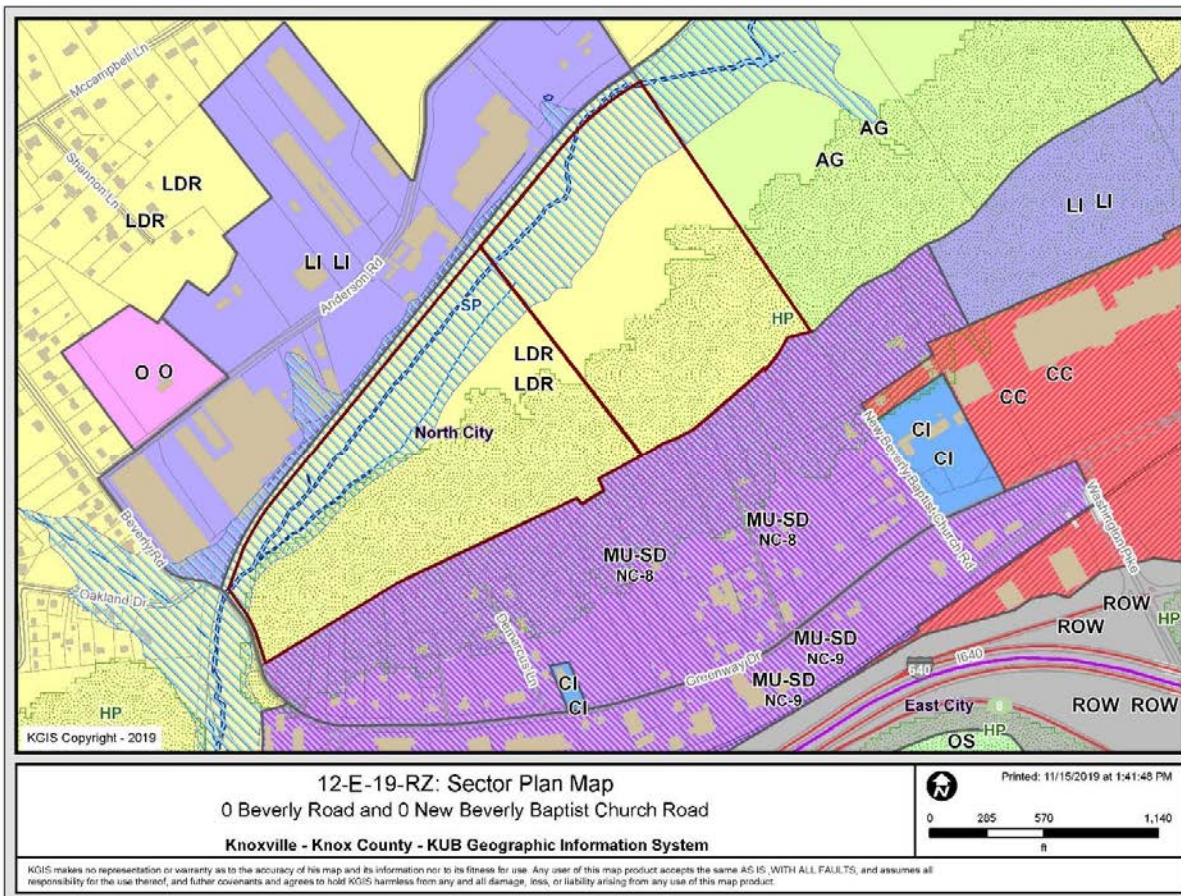
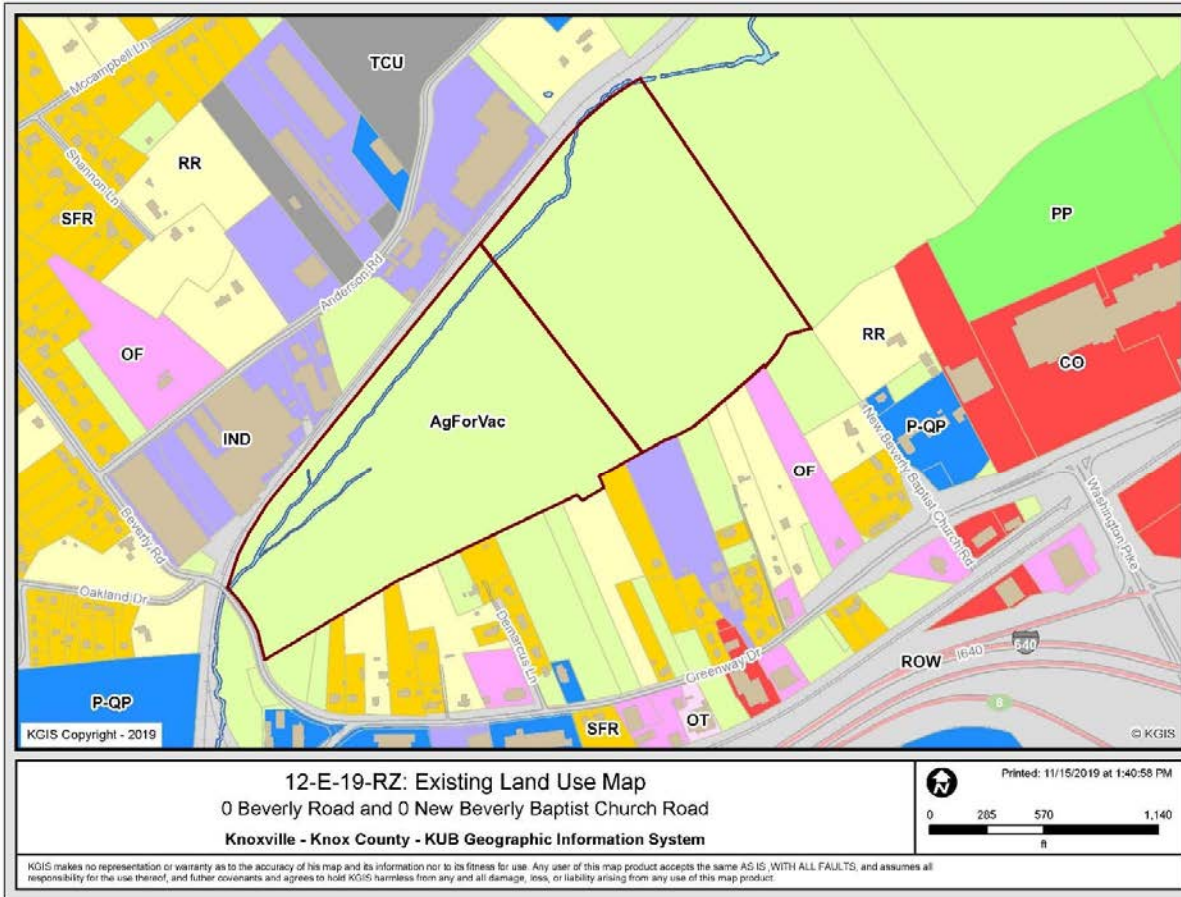
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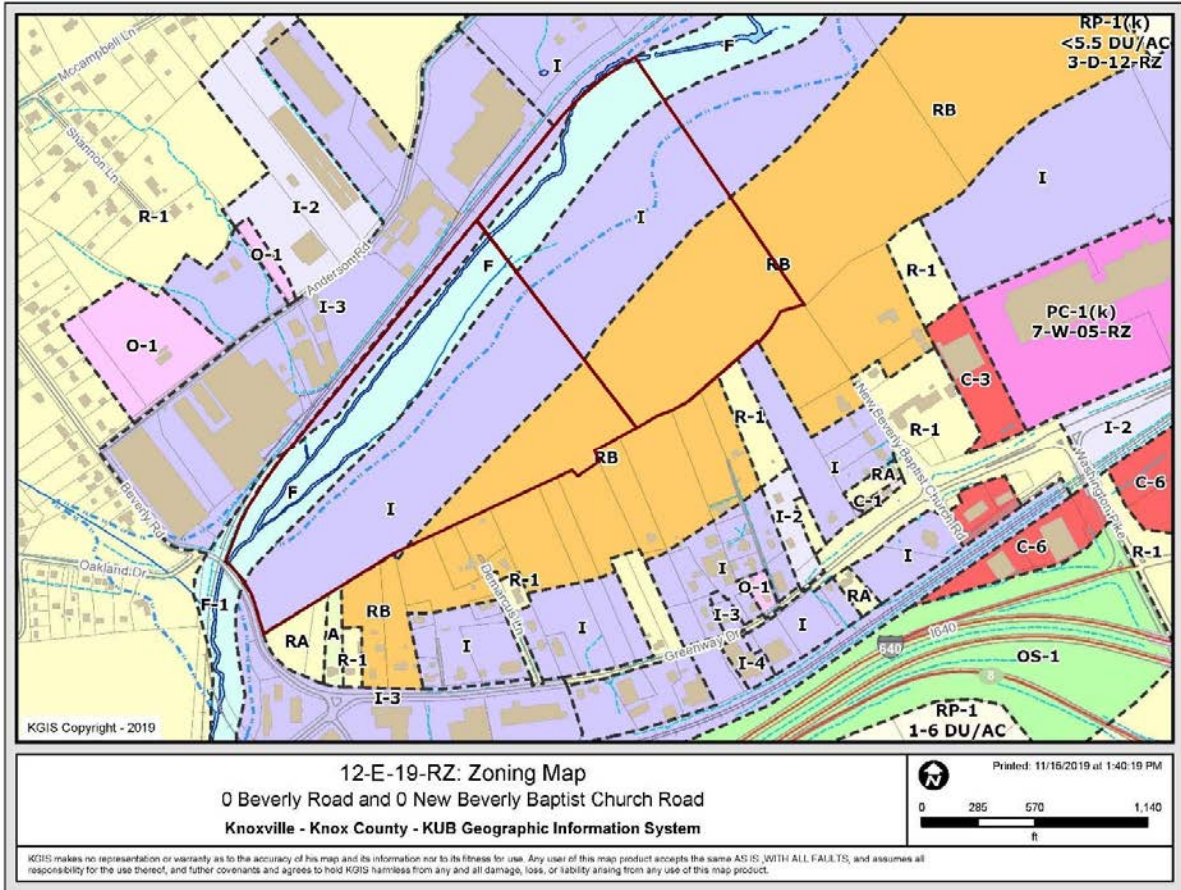


**12-E-19-RZ**  
**EXHIBIT A. Contextual Images**

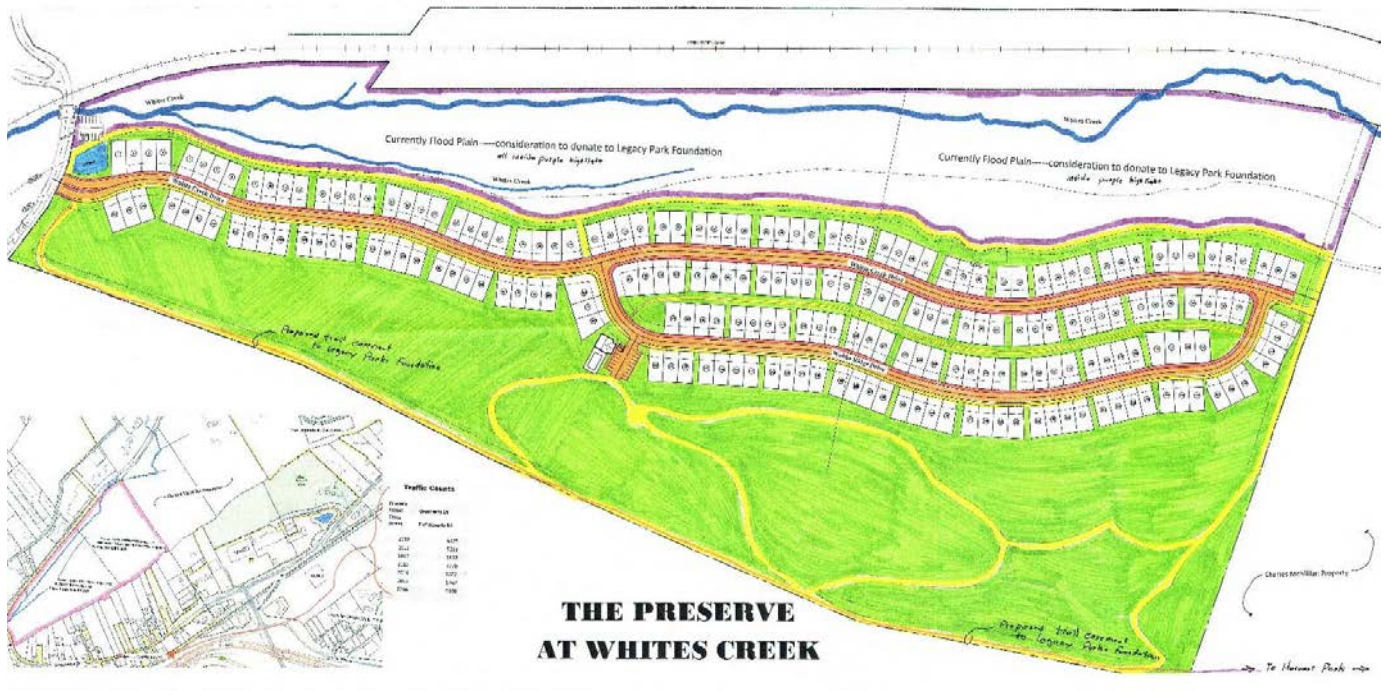




# 12-E-19-RZ EXHIBIT A. Contextual Images

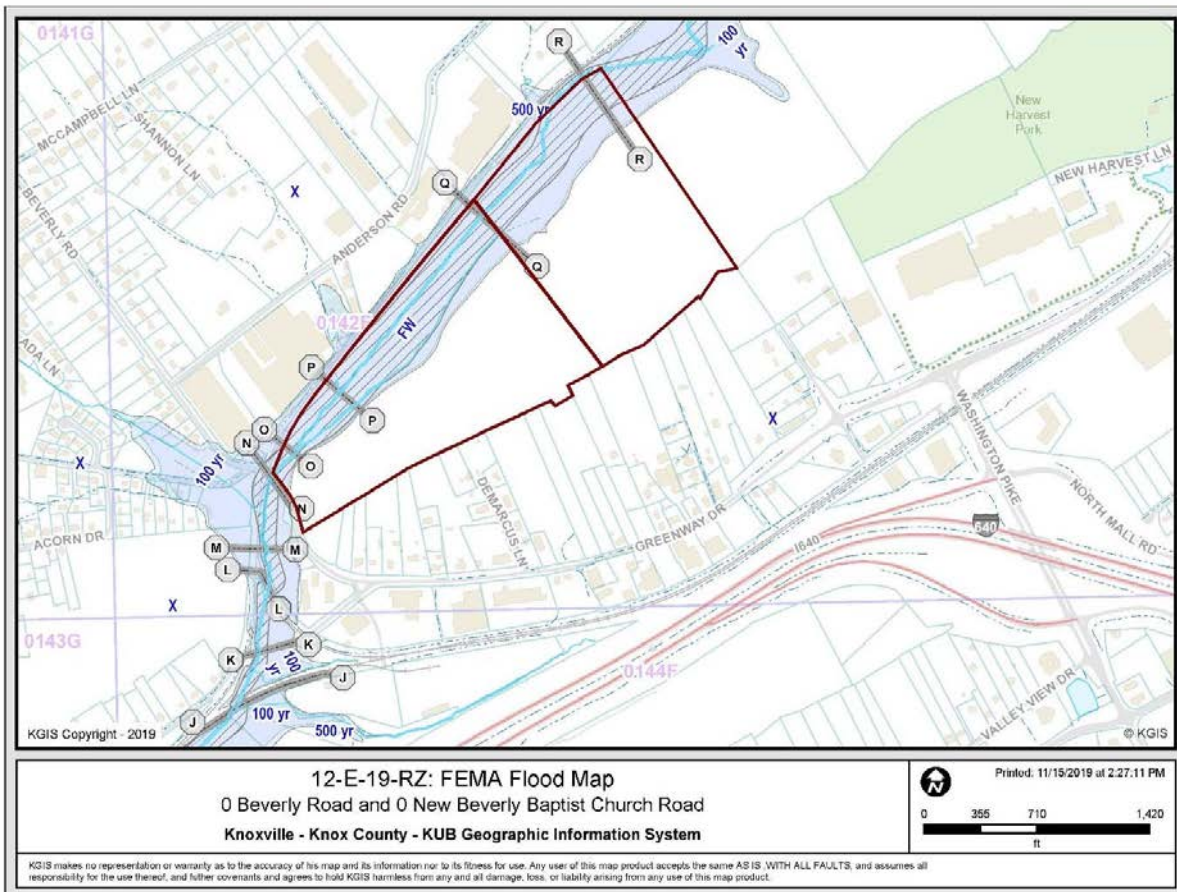
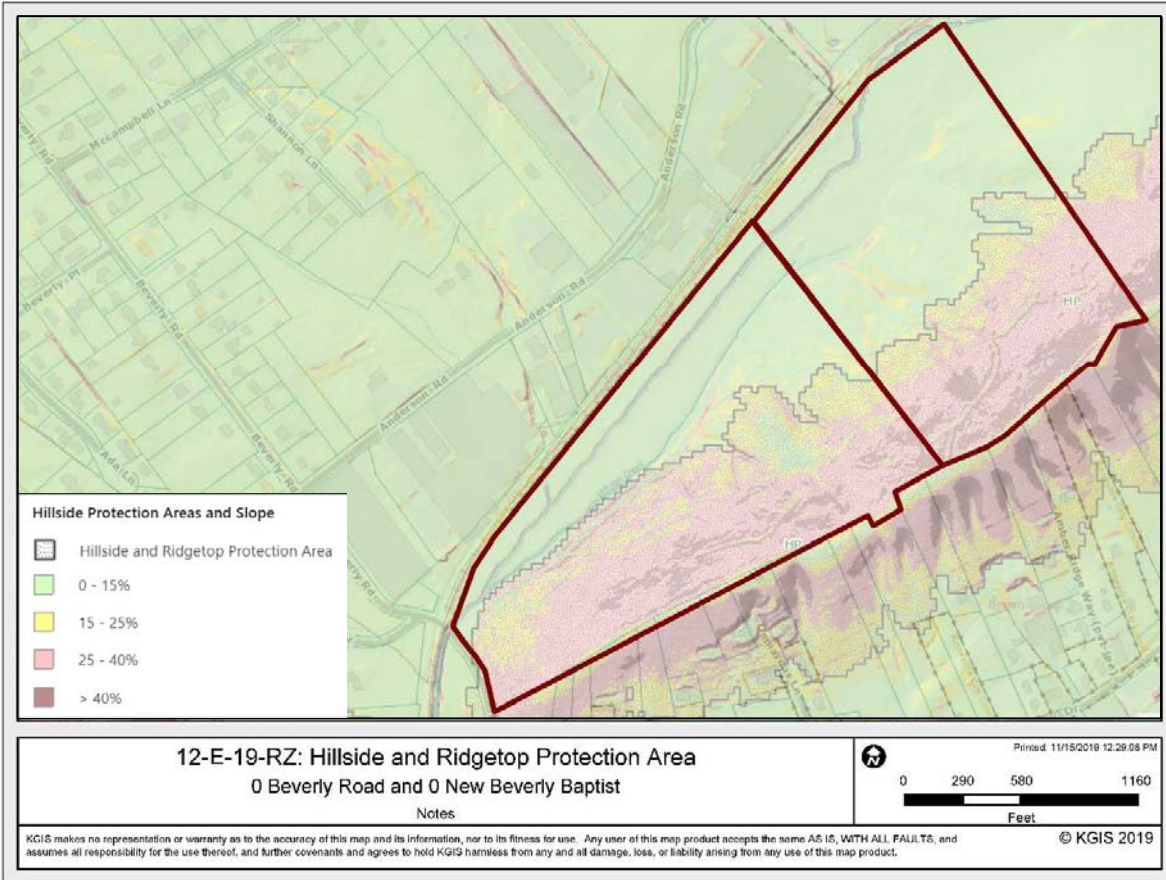


## Concept Plan





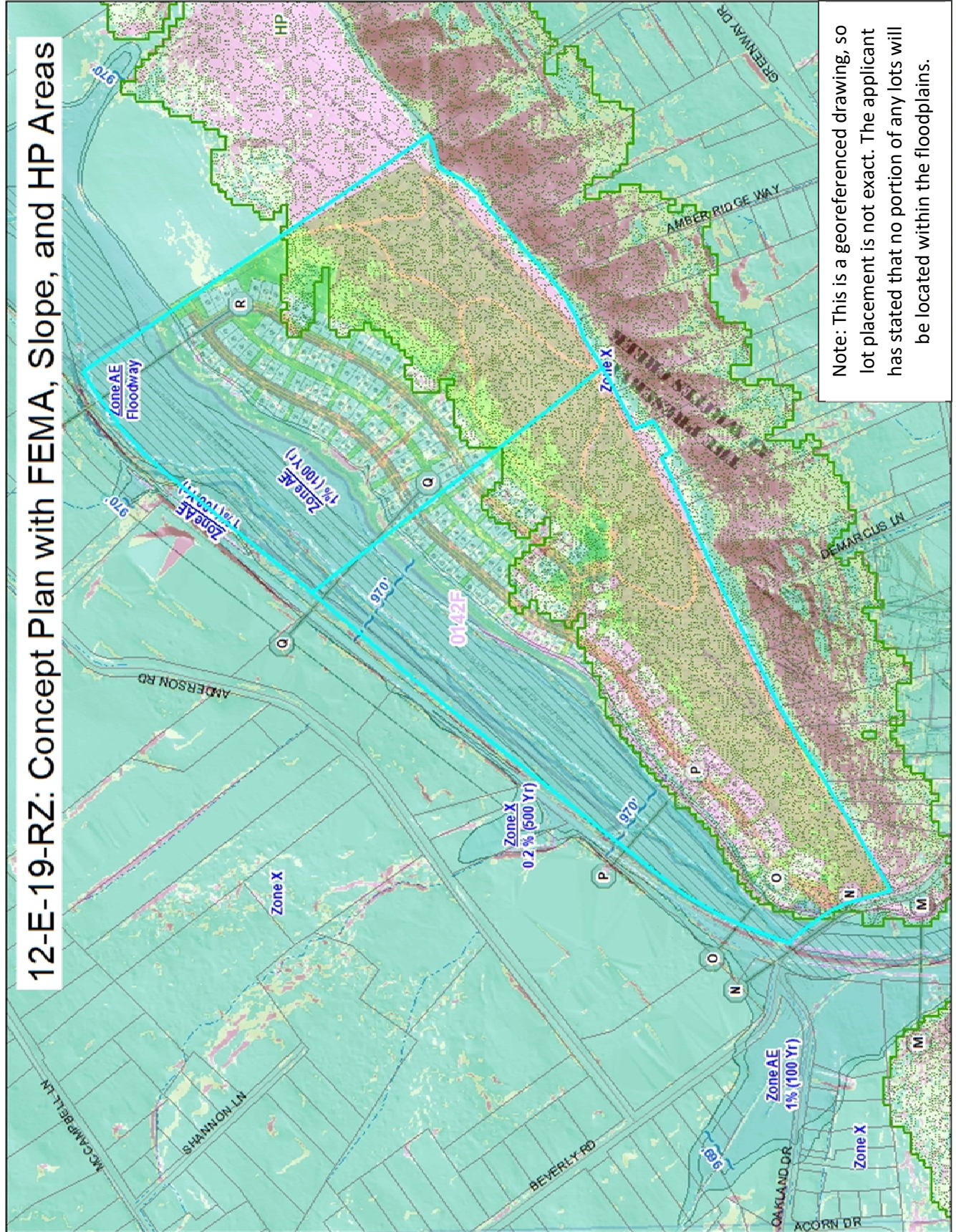
**12-E-19-RZ**  
**EXHIBIT A. Contextual Images**





12-E-19-RZ

EXHIBIT A. Contextual Images





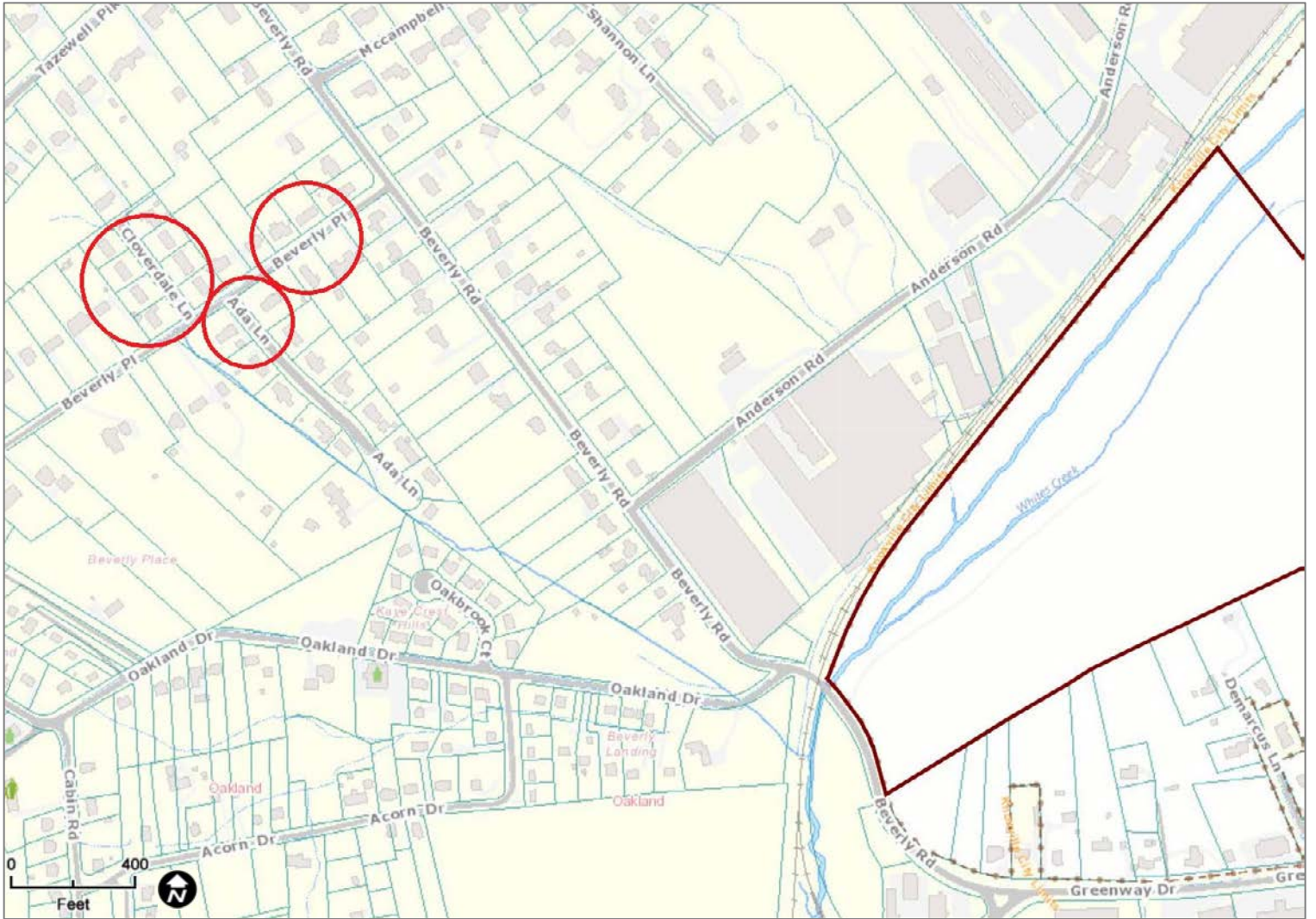




12-E-19-RZ

EXHIBIT A. Contextual Images

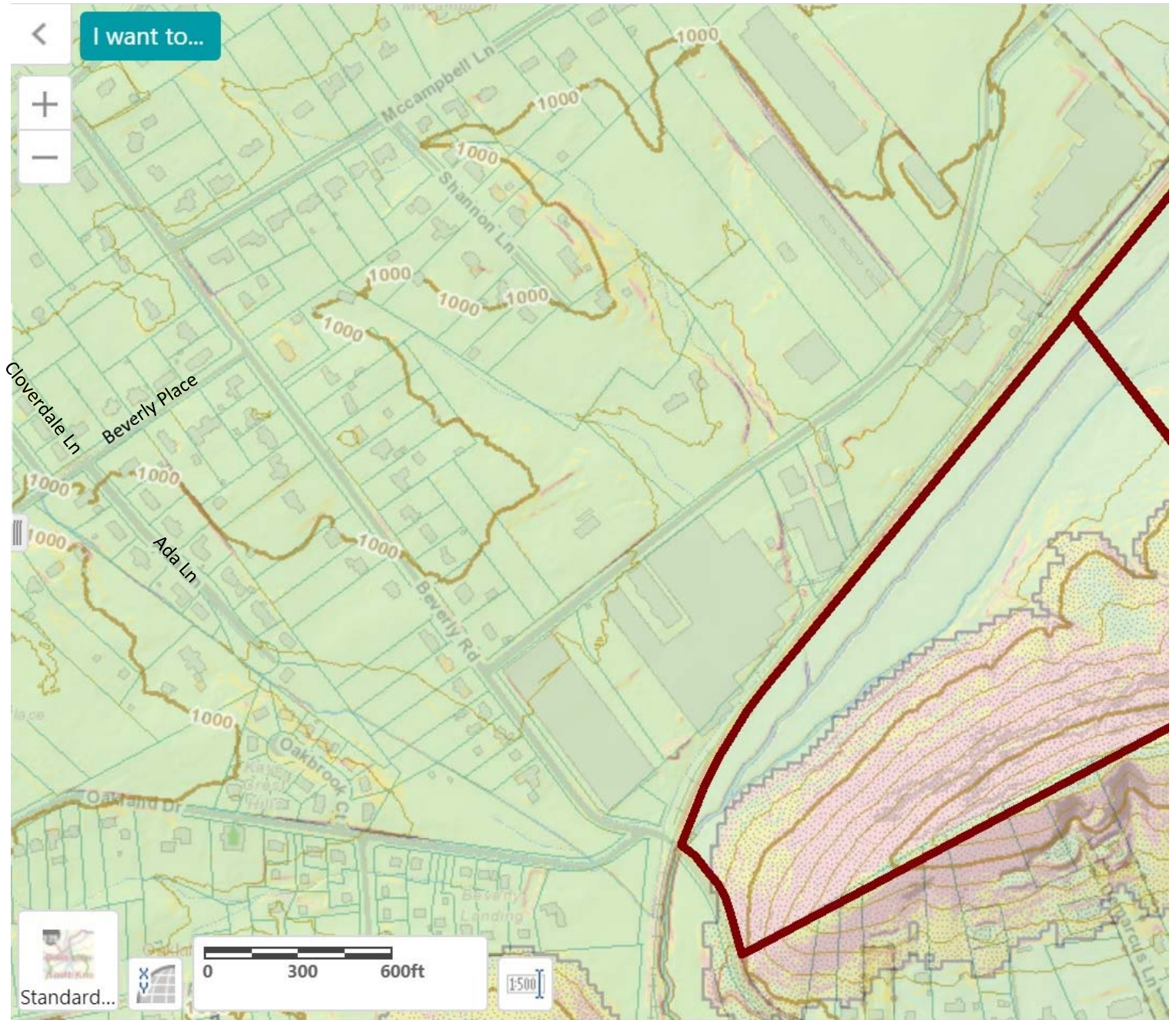
Roads mentioned in the preliminary hydrology and drainage report from Dr. Smoot



12-E-19-RZ

EXHIBIT A. Contextual Images

Slope related to streets in hydrology report





**Legend:**

- Original Rezoning Request (3-D-18-RZ)
- Current Rezoning Request



**12-E-19-RZ**

**The Preserve at Whites Creek**

The former submission for rezoning was 3-D-18-RZ at the March 2018 meeting. It was approved 9-5 by the planning commission but was pulled at the county commission meeting.

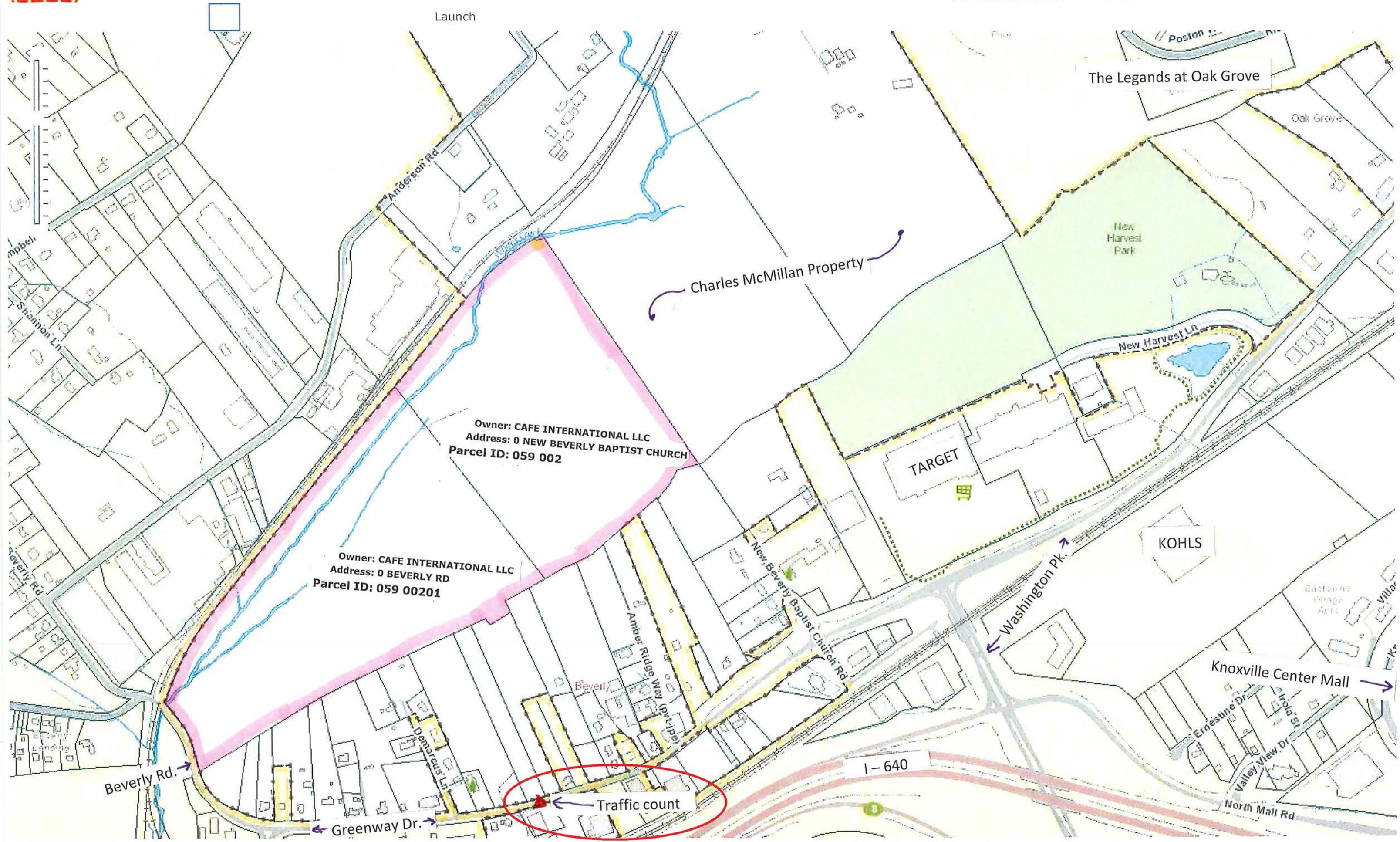
Red line on drawing indicates the former outside property lines and shows the new property lines being more out of the hill side and completely out of the flood plane.



# Map Showing Location of Traffic Count

Search By:  Address  Parcel  Owner  Place  Other

Enter Address:



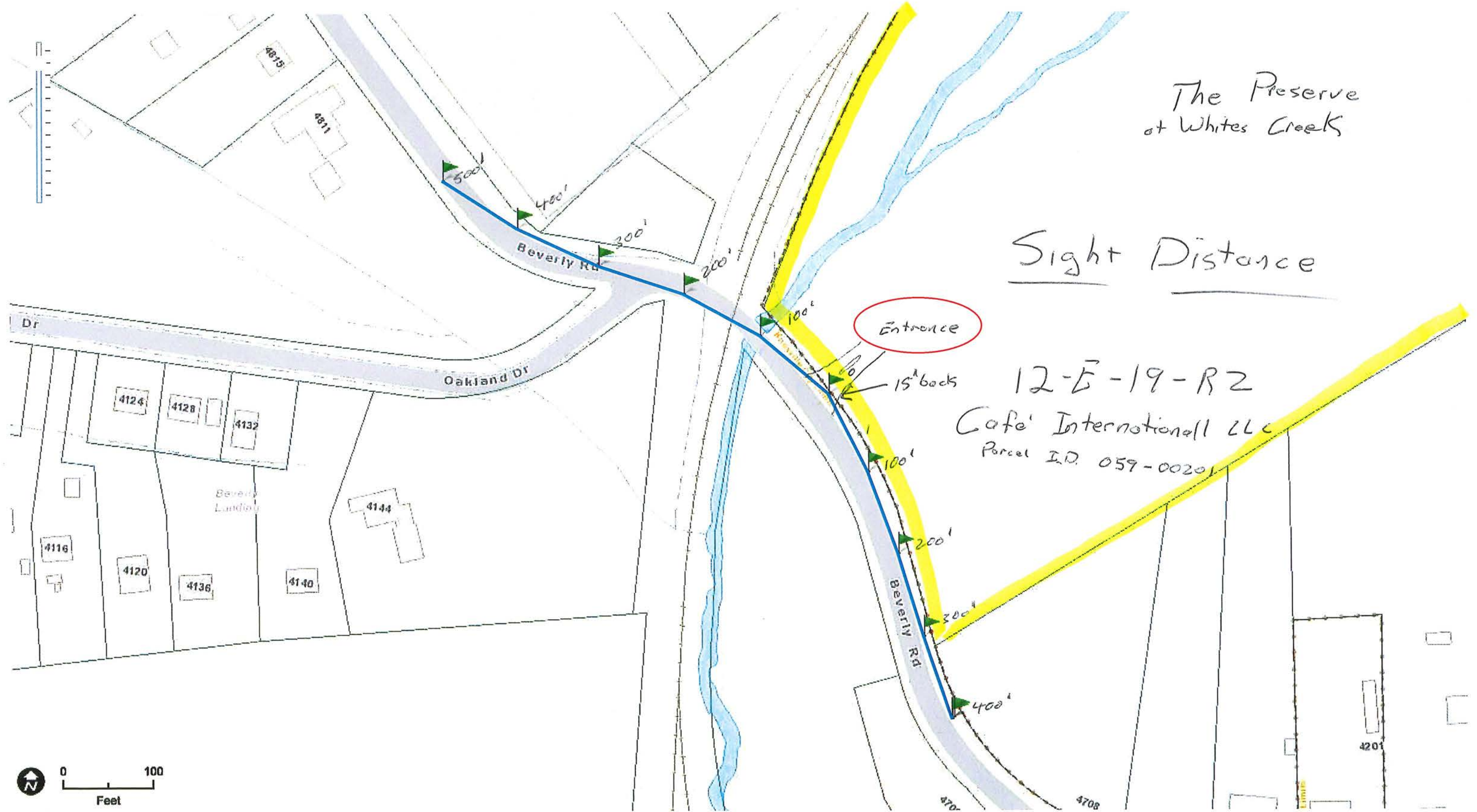


### Map Showing Sight Distances from Intended Entrance Point

The Preserve  
at Whites Creek

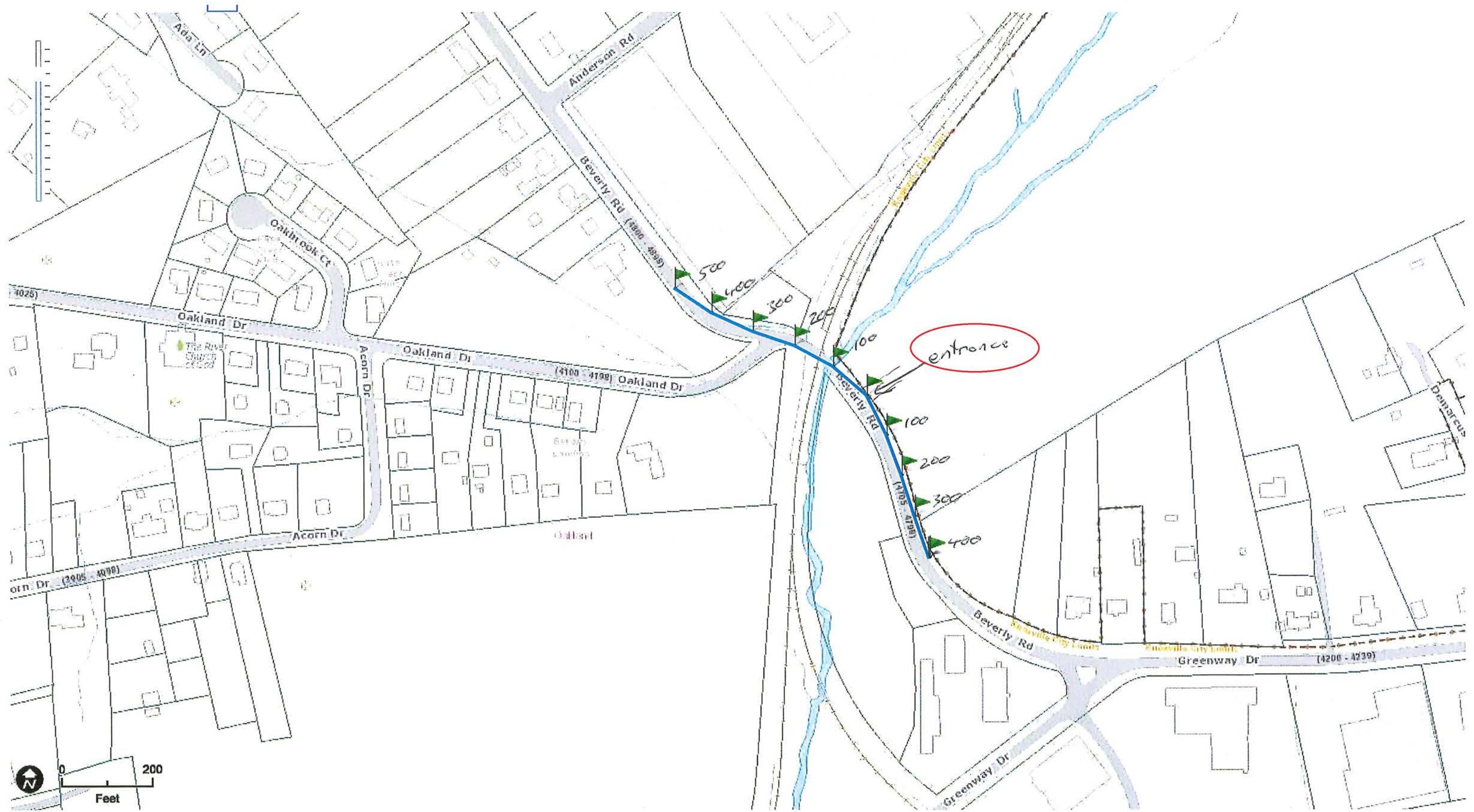
Sight Distance

12-E-19-R2  
Cafe' Internationell LLC  
Parcel I.D. 059-00201



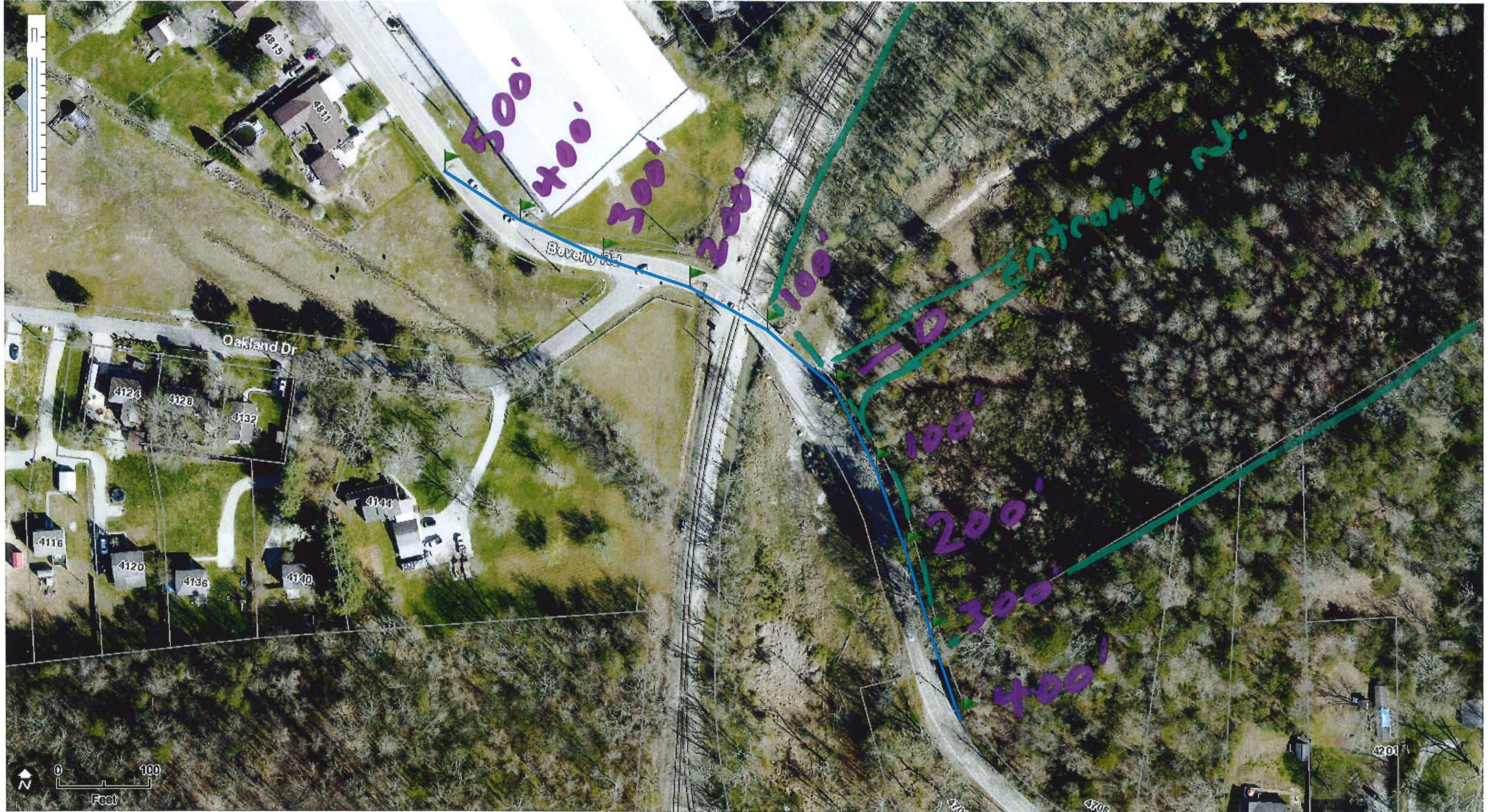


### Map Showing Sight Distances from Intended Entrance Point





### Aerial Map Showing Sight Distances from Intended Entrance Point





Aerial Map Showing Lot Depths and Right-of-Way Distances Across Parcel

McMillon



The Preserve @ Whites Creek

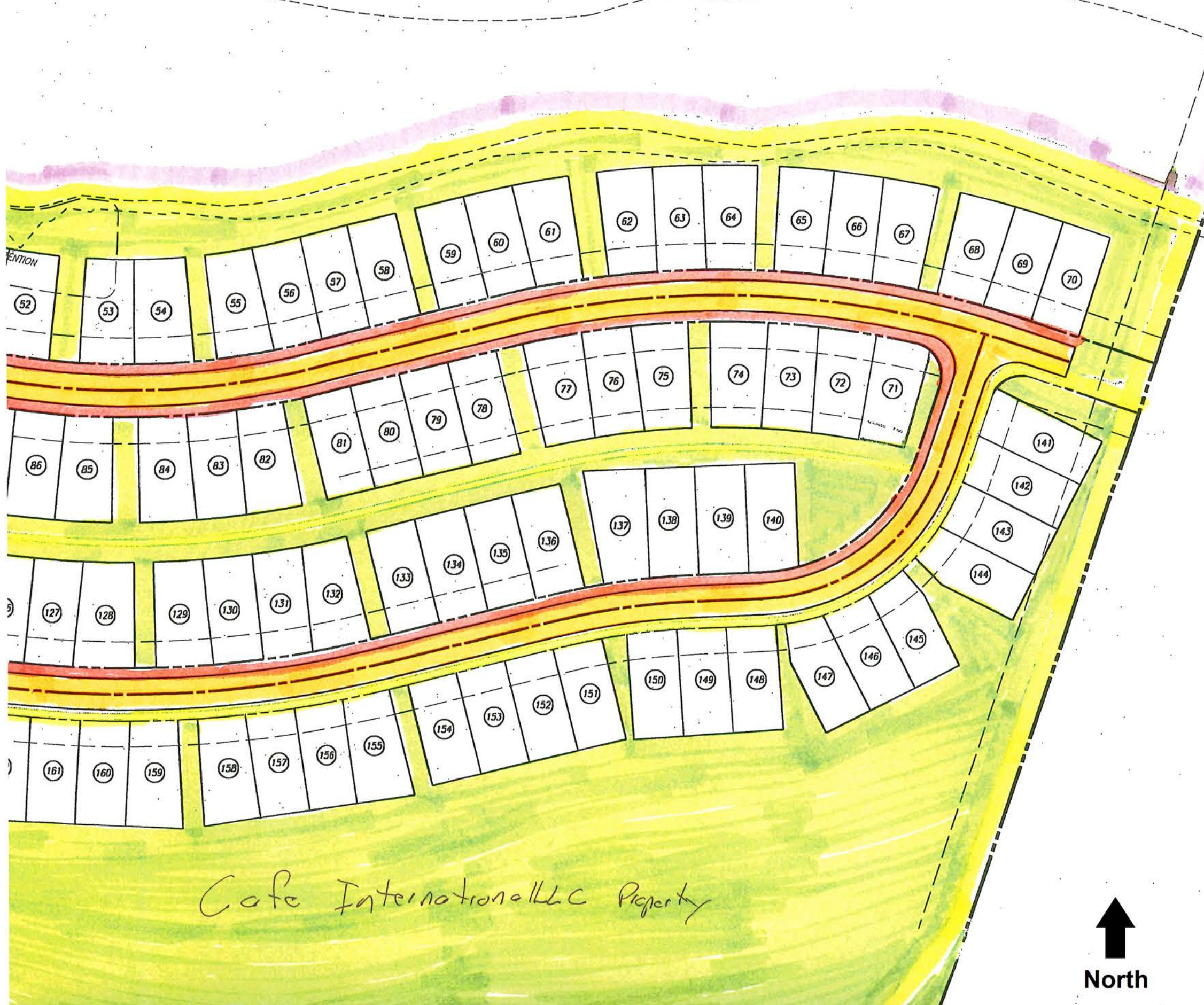
Cafe International





Proposed Legacy Parks area

# Partial Map Showing Layout of Lots and Rights-of-Way



McMillon Property

Cafe International LLC Property

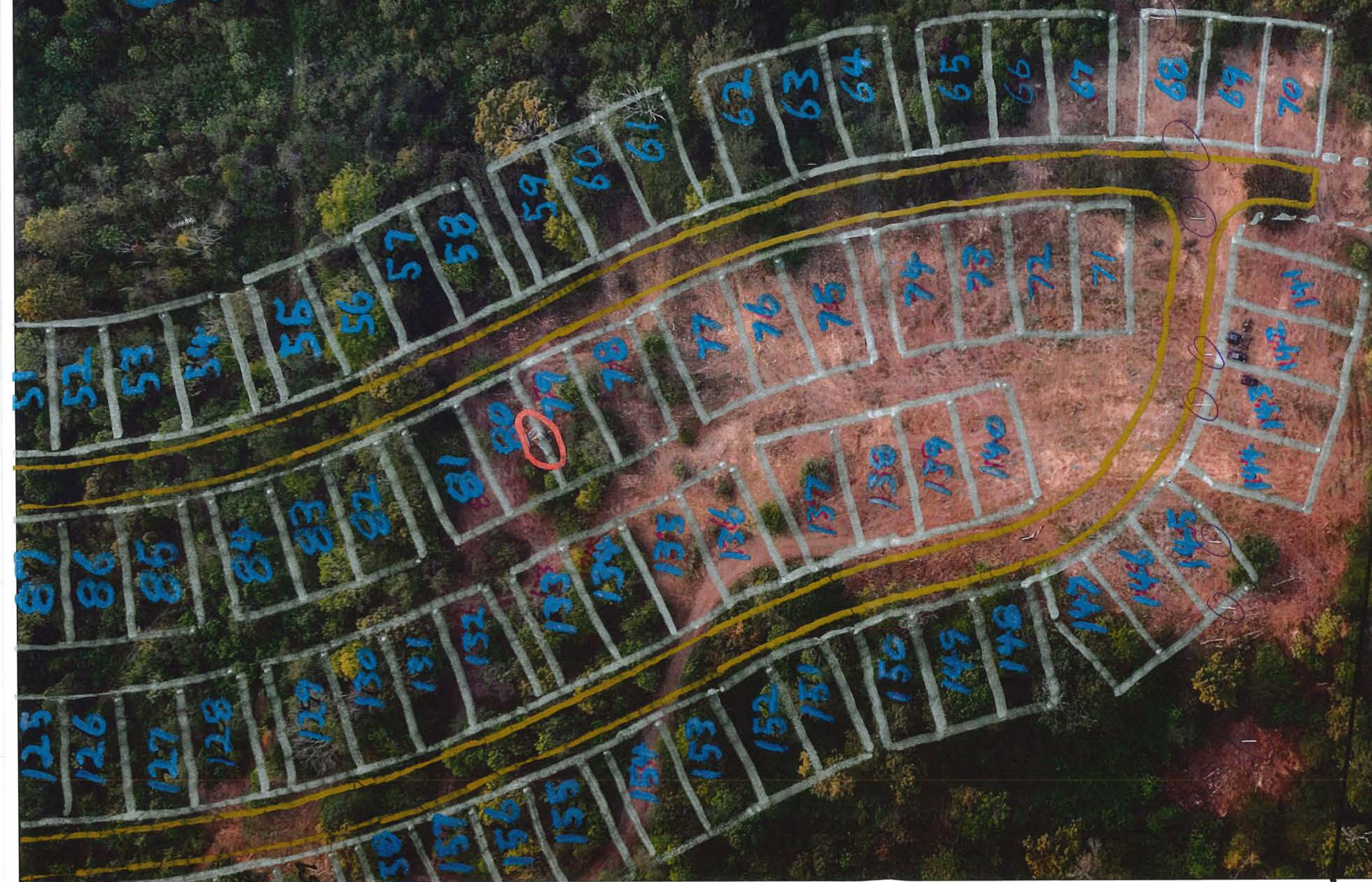




Aerial Map Showing Layout of Lots and Rights-of-Way

Cofo. International

McMillan



North



**Aerial Map Showing Markers Indicating Locations of Lots and Rights-of-Way**





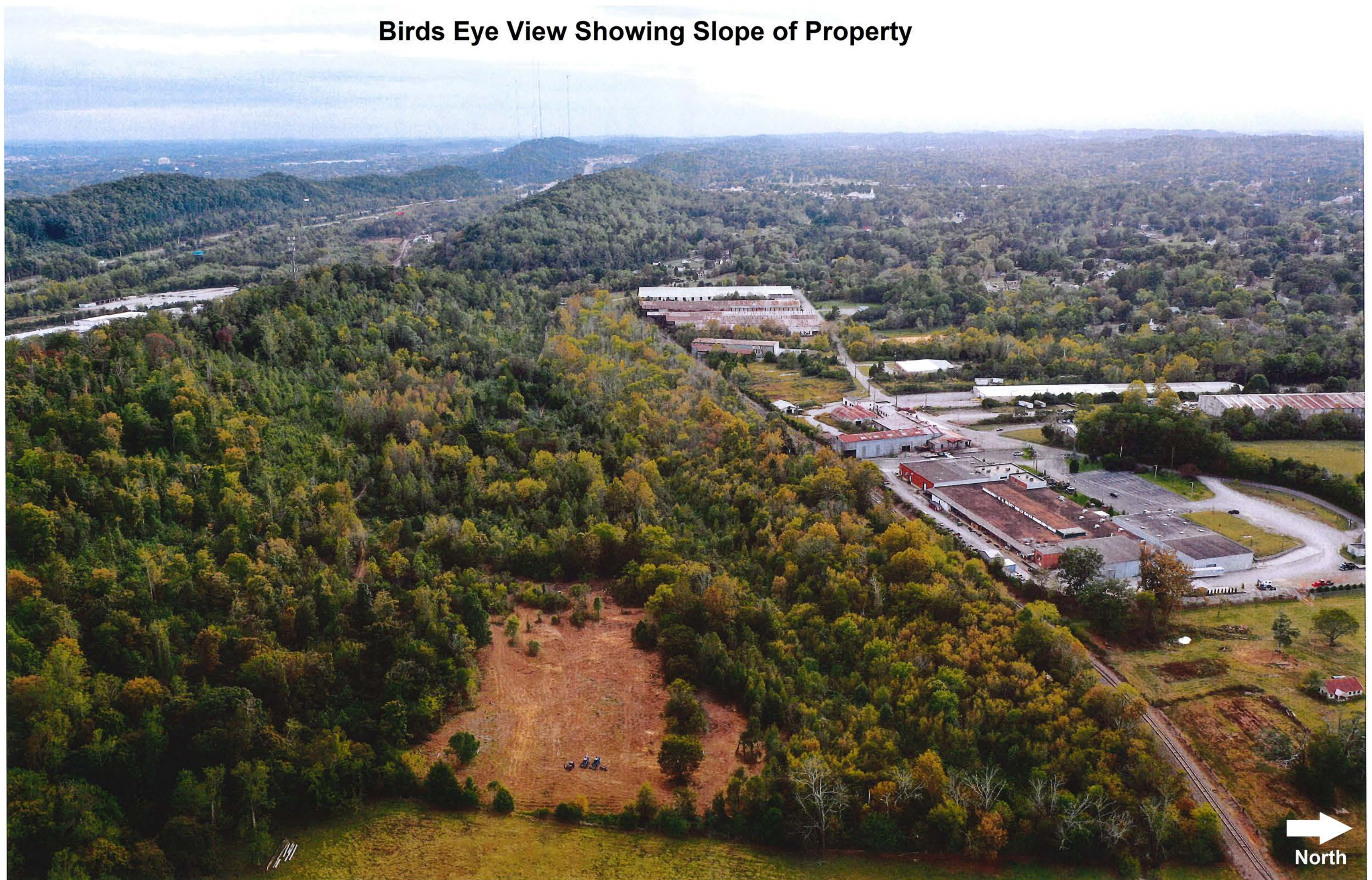
Birds Eye View of Property Showing Slope of Property



North



# Birds Eye View Showing Slope of Property



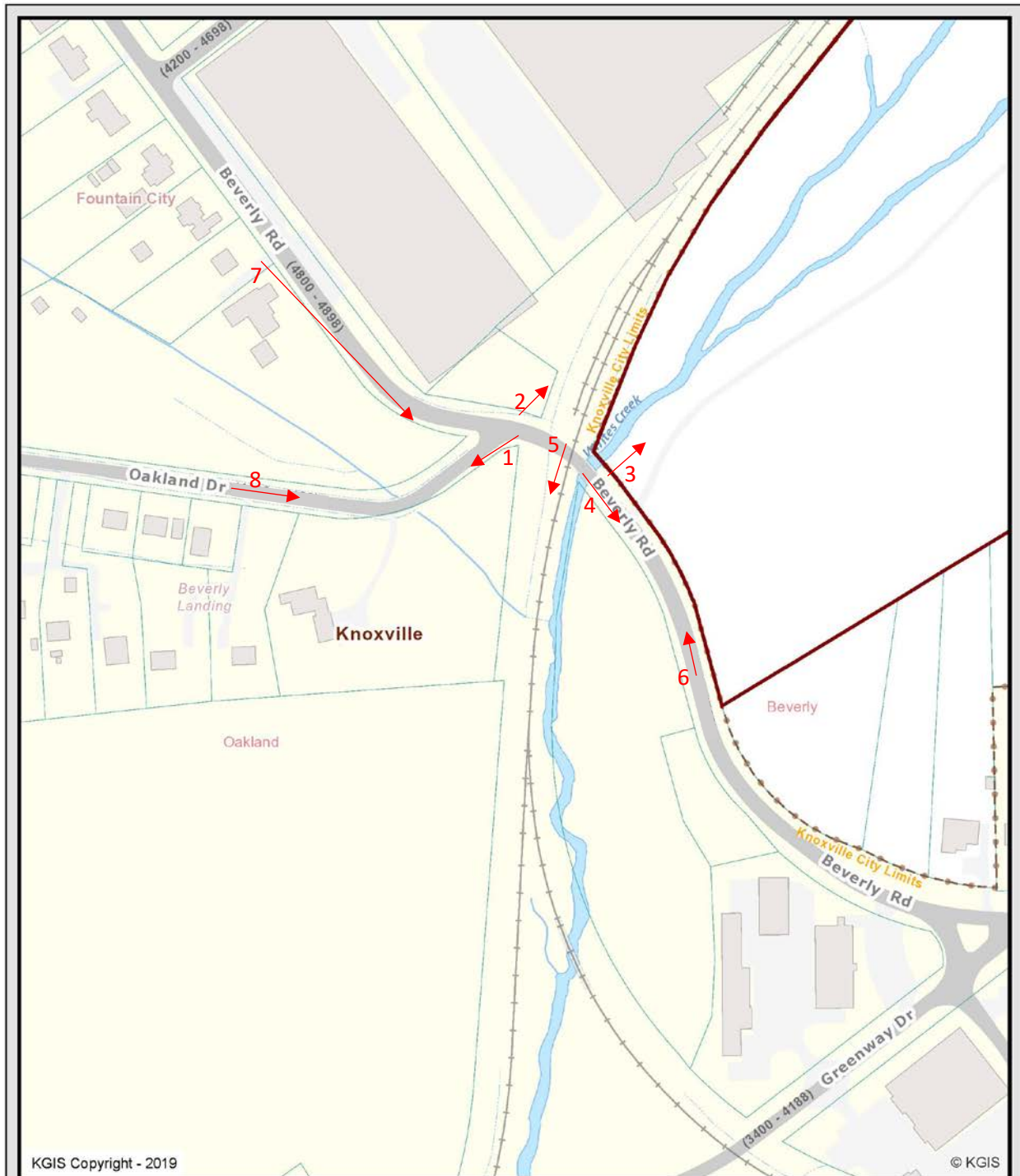
North



# 12-E-19-RZ

## Exhibit C. Photos from Neighbors

Legend Maps Showing Vantage Points of Submitted Photographs.

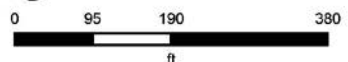


12-E-19-RZ: Correspondence Photo Locations  
0 Beverly Road and 0 New Beverly Baptist Church Road

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## Exhibit C. Photos from Neighbors



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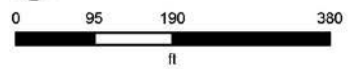
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12-E-19-RZ: Correspondence Photo Locations  
0 Beverly Road and 0 New Beverly Baptist Church Road

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02/23/2019 13:23

Photo 1 on Legend Map





Street view image from same vantage point as photo 1 submitted by neighboring resident





02/23/2019 13:15

Photo 2 on Legend Map





Street view image from same vantage point as photo 2 submitted by neighboring resident





SPEED  
LIMIT  
30  
UNLESS POSTED  
OTHERWISE

02/23/2019 13:16

Photo 3 on Legend Map





Street view image from same vantage point as photo 3 submitted by neighboring resident





02/23/2019 13:16

Photo 4 on Legend Map





Street view image from same vantage point as photo 4 submitted by neighboring resident





02/23/2019 13:23

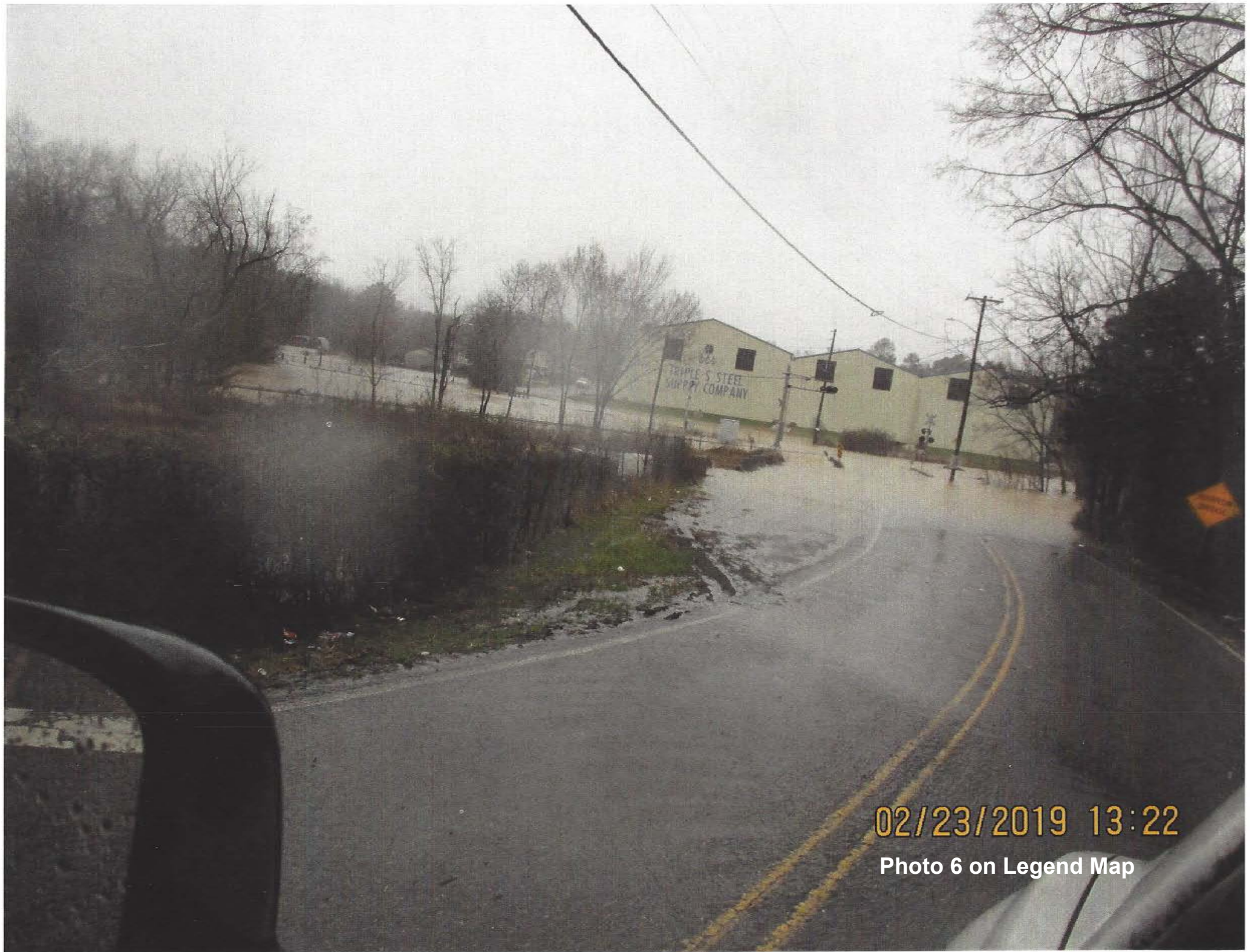
Photo 5 on Legend Map





Street view image from same vantage point as photo 5 submitted by neighboring resident





02/23/2019 13:22

Photo 6 on Legend Map





Street view image from same vantage point as photo 6 submitted by neighboring resident



DO NOT  
ENTER



02/23/2019 13:39

Photo 7 on Legend Map





Street view image from same vantage point as photo 7 submitted by neighboring resident





02/23/2019 13:30

Photo 8 on Legend Map





Street view image from same vantage point as photo 8 submitted by neighboring resident





# DEVELOPMENT REQUEST

## DEVELOPMENT

- Development Plan
- Use on Review / Special Use

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
- Rezoning



Cafe International - *Randy Guignard*

Applicant

10/28/2019

December 12, 2019

*12-E-19-RZ*

Date Filed

Meeting Date (if applicable)

File Numbers(s)

## CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

John King, *Attorney*

Lewis Thomason

Name

Company

620 Market Street

Knoxville

TN

37902

Address

City

State

Zip

865-546-4646

jking@lewisthomason.com

Phone

Email

## CURRENT PROPERTY INFO

Cafe International-Randy Guignard

5408 Fountain Gate Rd., Knoxville

865-244-8050

Owner Name (if different)

Owner Address

Owner Phone

0 Beverly Rd

059-002 and 059-00201

Property Address

Parcel ID

E side Beverly Rd., north of Greenway Rd.

78 ac (17 ac floodway)

General Location

Tract Size

2nd Commission District

I, RB and F

Jurisdiction (specify district above)  City  County

Zoning District

North City

LDR and F with HP

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Vacant land

N

KUB

KUB

Existing Land Use

Septic (Y/N)

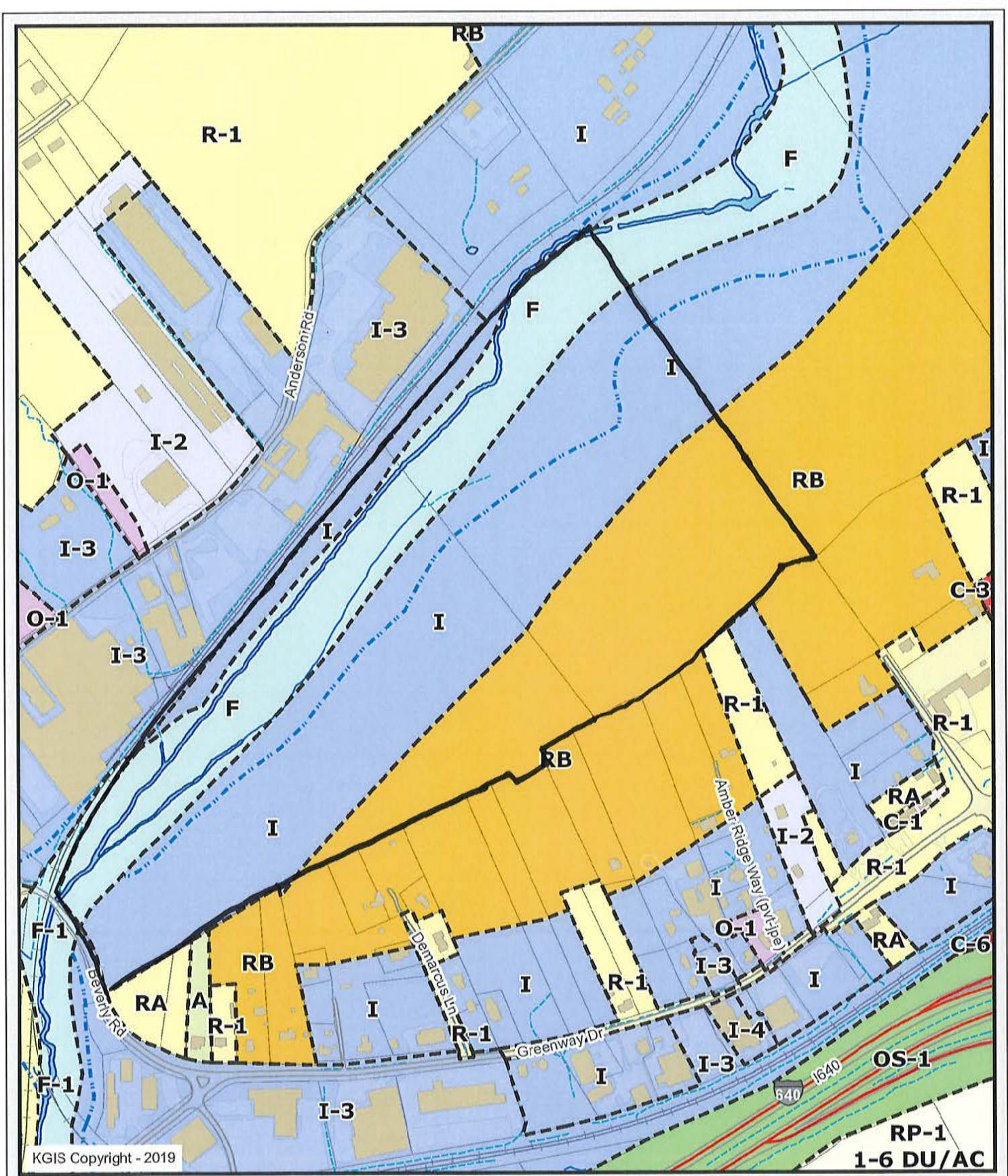
Sewer Provider

Water Provider







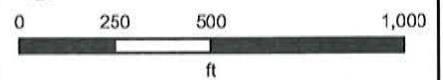


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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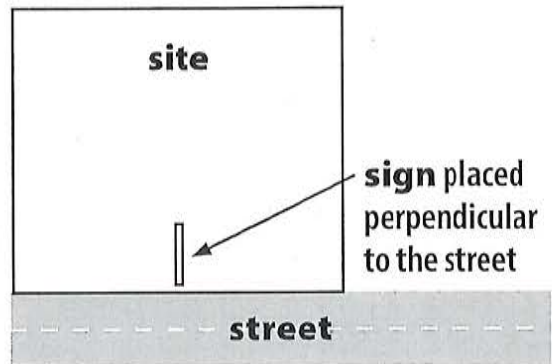
## REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

### LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

Nov. 27th (Wed) and Dec 13th (Fri)  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: *John K. King*

Printed Name: John K. King

Phone: 865-546-4646 Email: jking@lewis-thomason.com

Date: 10-28-19

File Number: 12-E-19-RZ