

REZONING REPORT

▶ **FILE #:** 6-D-19-RZ **AGENDA ITEM #:** 26
 POSTPONEMENT(S): 6/13/2019 **AGENDA DATE:** 7/11/2019
 ▶ **APPLICANT:** NMI RESIDENTIAL INVESTMENTS, LLC
 OWNER(S): Jim Harrison / NMI Residential Investments, LLC

TAX ID NUMBER: 154 F F 021 154 09804 (PART OF) [View map on KGIS](#)
 JURISDICTION: City Council District 2
 STREET ADDRESS: 0 Chimney Top Ln
 ▶ **LOCATION:** North Side of Clingmans Dome Drive, North of Mystic Street
 ▶ **APPX. SIZE OF TRACT:** 0.75 acres
 SECTOR PLAN: Southwest County
 GROWTH POLICY PLAN: City
 ACCESSIBILITY: Access is via Mystic Street, a local street with a pavement width of 24' feet and a right-of-way width of 50' feet. Access is also via Clingmans Dome Drive, a local street, with a pavement width of 25' feet and a right-of-way width of 51' feet.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Tennessee River

▶ **PRESENT ZONING:** OS-2 (Open Space)
 ▶ **ZONING REQUESTED:** TC-1 (Town Center)
 ▶ **EXISTING LAND USE:** Vacant land
 ▶ **PROPOSED USE:** Detached residential lots
 EXTENSION OF ZONE: Yes
 HISTORY OF ZONING: Rezoning request from OS-2 to TC-1 was withdrawn in 2012 (7-D-12-RZ)
 SURROUNDING LAND USE AND ZONING: North: Vacant land, detached residential / OS-2 (Open Space) & TC-1 (Town Center)
 South: Attached and detached residential / TC-1 (Town Center)
 East: Vacant land / TC-1 (Town Center)
 West: Detached residential / TC-1 (Town Center)
 NEIGHBORHOOD CONTEXT: The Beau Monde Subdivision is the residential neighborhood within the Northshore Town Center mixed use development. The neighborhood is developed with a mix of detached and attached residential units and the commercial portion of the town center is developed with a mix of office and commercial uses, and an apartment complex and an elementary school.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE TC-1 (Town Center) zoning.**
 TC-1 zoning is an extension of the surrounding Beau Monde neighborhood. It is consistent with the sector plan designation and will allow uses compatible with the rest of the neighborhood.

COMMENTS:

This request is to rezone a portion of the land dedicated for open space for the Beau Monde neighborhood from OS-2 to TC-1 with the intent of creating new detached residential lots along the northeast side of Clingsman Dome Dr, consistent with the larger lots to the north on Clingsman Dome Dr. The Beau Monde subdivision is zoned TC-1, the same as the entire Northshore Town Center development when it was originally approved in 2001, however, the TND-1 development standards are used for the residential neighborhood. The TND-1 standards require that 15% of the land, excluding roads, be dedicated for open space and used for recreation, conservation, and beautification. Of this, 7.5% of the open space must be for parks, greens, and squares.

In Exhibit A (attached) the applicant provides an analysis of the required and proposed open space in the Beau Monde neighborhood. The analysis shows the required common open space is 6.35 acres and the proposed common area is 13.37 acres, and the required park area is 3.18 and the proposed park area is 5.02 acres. The majority of the park area is located between I-140 and Clingsman Dr. The developer intends to construct a community clubhouse and pool in this location. The developer has also indicated there may be an opportunity to add park space in another part of the development, but that has not been confirmed yet.

When this development was originally approved, the area of this rezoning was shown on the contour maps as a potential sinkhole but it has later been determined to not be a sinkhole. This may have been the reason the site was originally proposed as a park rather than houses.

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. This site is within the Beau Monde neighborhood that is zoned TC-1. The majority of the existing and proposed open space in the neighborhood is zoned OS-2. The area for rezoning is proposed to be house lots that are consistent with the TC-1 zoning and existing Beau Monde neighborhood.
2. This site was previously believed to be a sinkhole because the topography map showed closed contours. It has been studied and determined to not be a sinkhole which now allows structures to be built in this location.

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

1. TC-1 zone is intended to encourage the creation of pedestrian-oriented, mixed-use urban developments, providing shopping, employment, housing and business and personal services. These developments are intended to promote an efficient, compact land use pattern; encourage use of public transportation; reduce reliance on private automobiles; promote a more functional and attractive community through use of recognized principles of urban design; preserve historic structures and allow developers considerable flexibility in land use and site design. As an incentive, this district offers flexible land use and development standards. A high level of attention to site and building design is required to promote attractive, functional development that is more compatible with residential development than other commercial zoning districts.
2. Additionally, the TND-1 zone, which the Beau Monde neighborhood uses as base standards, is intended to foster the development of comprehensively planned, pedestrian-oriented neighborhoods. This is to be accomplished by promoting a variety of land uses, housing types, and density, and by requiring skillful architectural and landscape design in creating buildings and open spaces. This district is also created to avoid the negative impacts of suburban sprawl by minimizing infrastructure costs, traffic congestion, and environmental degradation.
3. The applicant has demonstrated the remaining open space neighborhood is more than the minimum required by the zoning.
4. The TC-1 zone and the use of the TND-1 standards and the adopted Northshore Town Center development standards are appropriate for this site.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. Public water and sanitary sewer utilities are available to serve the site.
2. Development of the site with residential uses that are consistent with the Beau Monde neighborhood is appropriate.

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 Southwest County Sector Plan proposes MU-CC (Community Mixed Use Center) uses for this property, consistent with TC-1 zoning.
2. The site is located within the City limits on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 66 (average daily vehicle trips)

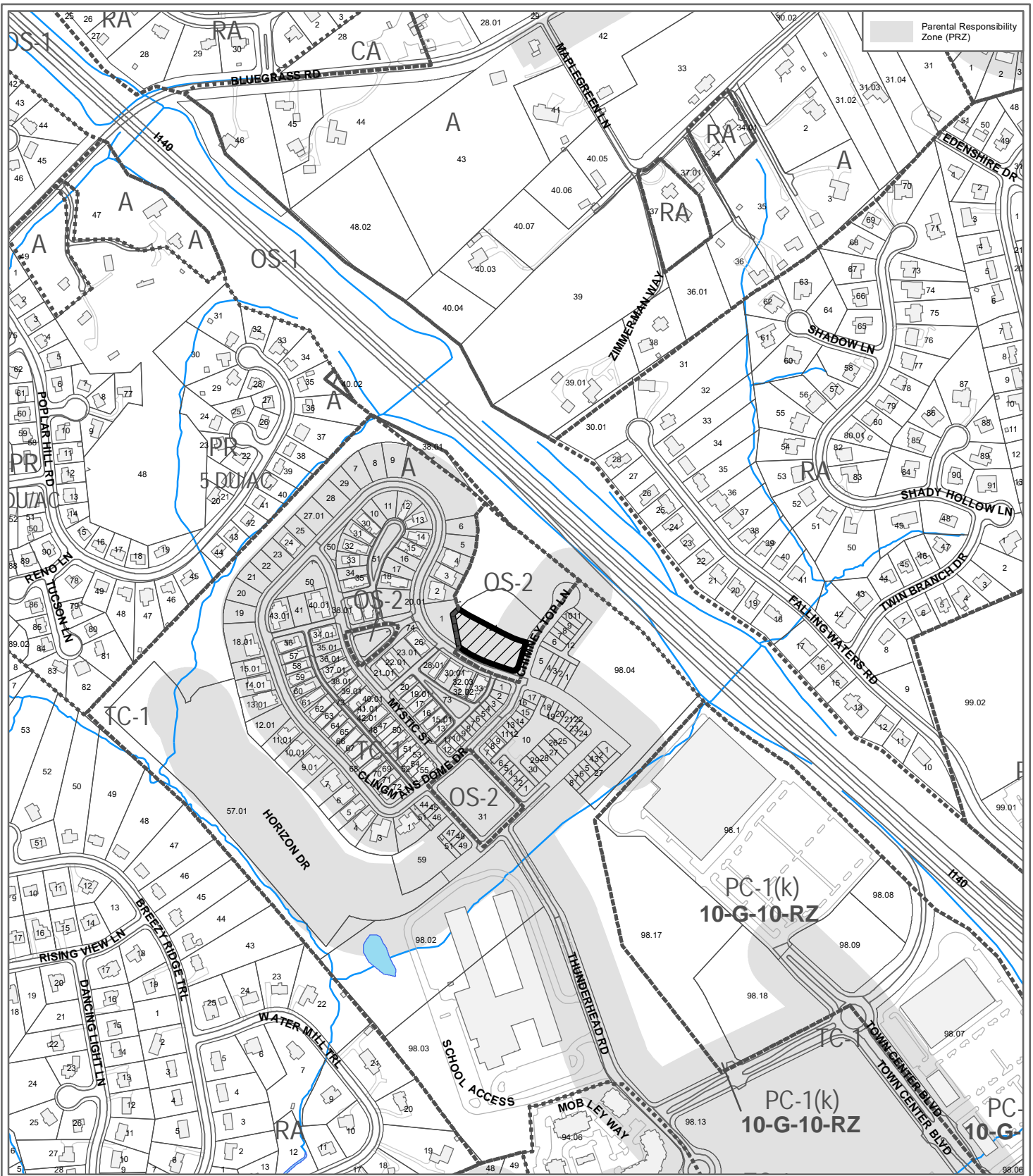
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 2 (public school children, grades K-12)

Schools affected by this proposal: Northshore Elementary, West Valley Middle, and Bearden 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 Knoxville City Council for action on 8/13/2019 and 8/27/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.



Parental Responsibility Zone (PRZ)

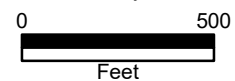
**6-D-19-RZ
REZONING**

From: OS-2 (Open Space)
To: TC-1 (Town Center)

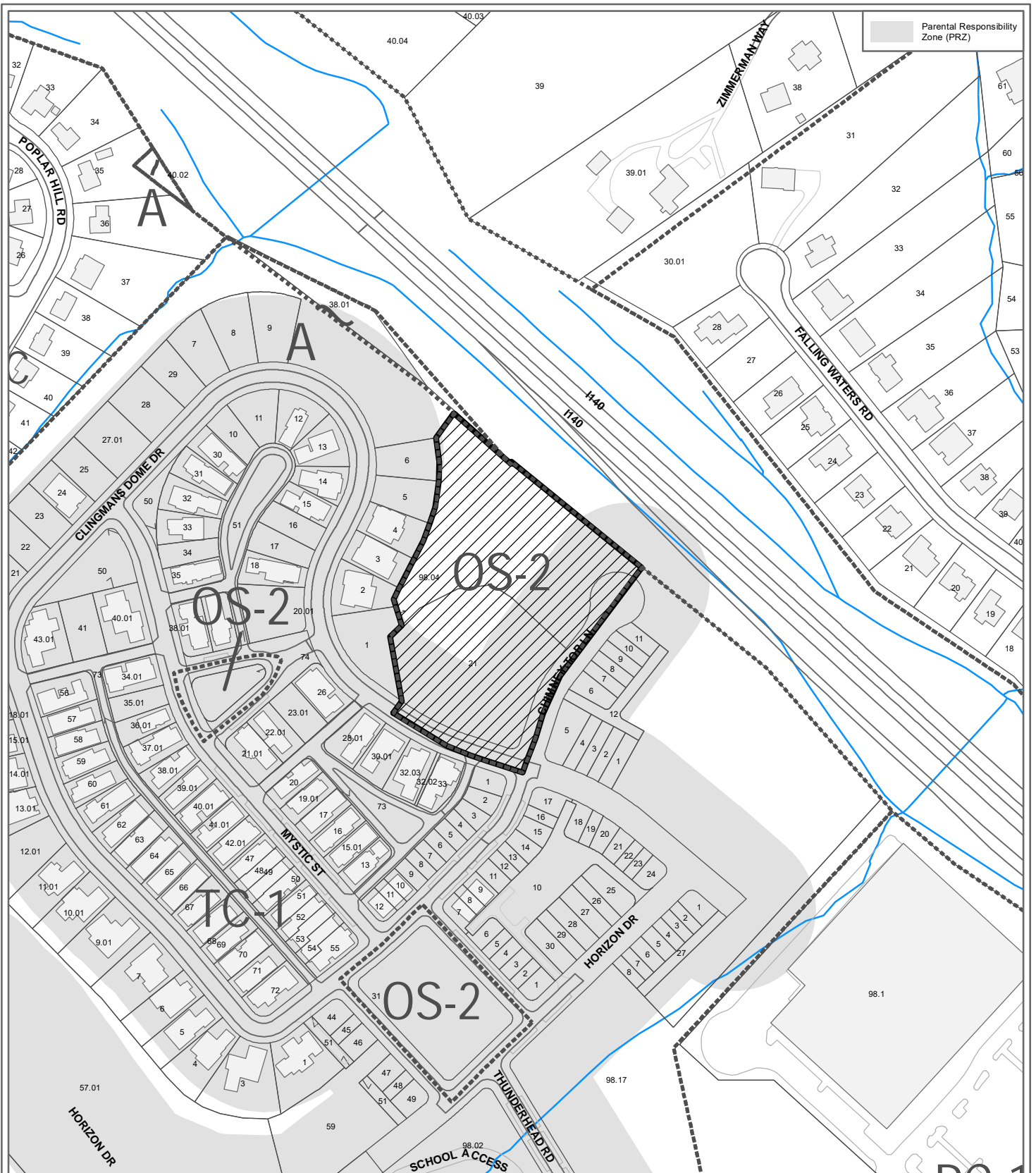


Petitioner: NMI Residential Investments, LLC

Map No: 154
Jurisdiction: City



Original Print Date: 5/16/2019
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



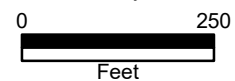
**6-D-19-RZ
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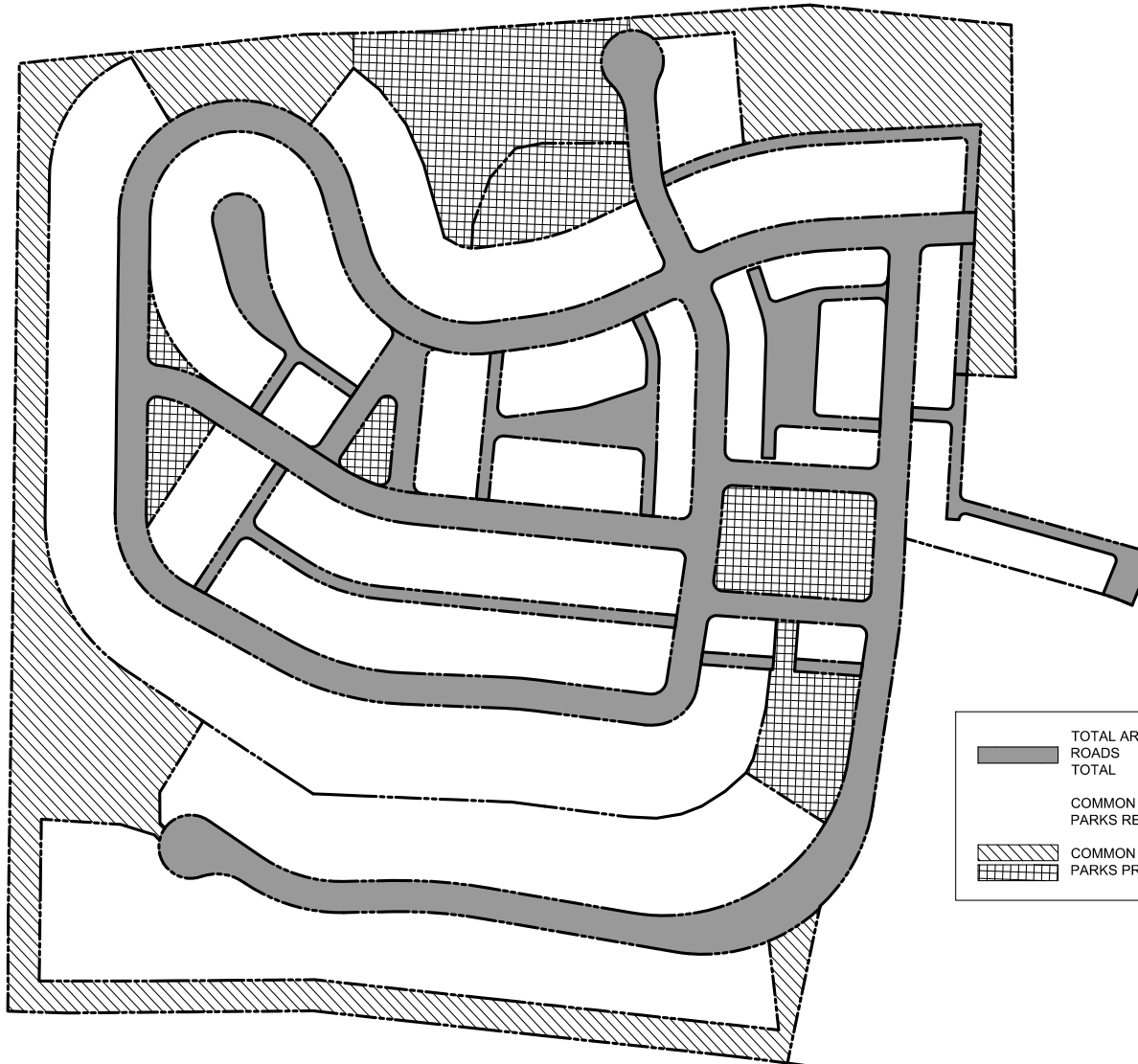
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Map No: 154
Jurisdiction: City



Original Print Date: 5/16/2019
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Exhibit A



	TOTAL AREA	2,391,665.66sf = 54.91ac
	ROADS	-546,841.20sf = 12.55ac
	TOTAL	1,844,824.46sf = 42.35ac
	COMMON AREA REQUIRED (15%)	276,723.67sf = 6.35ac
	PARKS REQUIRED (7.5%)	138,361.83sf = 3.18ac
	COMMON AREA PROVIDED	582,604.03sf = 13.37ac
	PARKS PROVIDED	218,508.77sf = 5.02ac

6-D-19-RZ
Received: 6/28/2019

Area Exhibit

Northshore Town Center
Clingmans Dome Drive & Chimney Top Lane
Knoxville, Tennessee
NMI Residential Investments, LLC

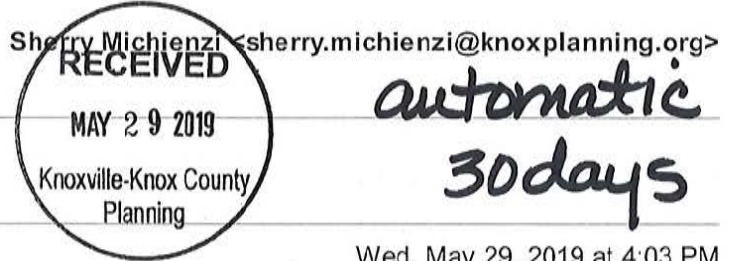
DRAWN BY:	RME	DATE:	06/28/19
CHECKED BY:	JRA	FILE:	1758 CD Rezoning
REVISIONS			
NO.	DATE	COMMENTS	

RZ-2



SITE
INCORPORATED
Civil Engineers ♦ Surveyors

10215 Technology Drive, Suite 304 Knoxville, TN 37932
Phone: (865) 777-4100 www.siteincorporated.com



6-SA-19-C and 6-D-19-RZ

1 message

Mike Reynolds <mike.reynolds@knoxplanning.org> Wed, May 29, 2019 at 4:03 PM
To: Sherry Michienzi <sherry.michienzi@knoxplanning.org>, Dori Caron <dori.caron@knoxplanning.org>, Laura Edmonds <laura.edmonds@knoxplanning.org>
Cc: Amy Brooks <amy.brooks@knoxplanning.org>

Postponement request for two separate applications, 6-SA-19-C and 6-D-19-RZ, until the July 11, 2019 Planning Commission meeting.

----- Forwarded message -----

From: **Ryan Estabrooks** <ryan@site-incorporated.com>
Date: Wed, May 29, 2019 at 3:45 PM
Subject: RE: NTC - Review
To: Mike Reynolds <mike.reynolds@knoxplanning.org>
Cc: John Anderson <janderson@site-incorporated.com>, Grant Berry <gberry@site-incorporated.com>

Mike,

Thank you for reaching back out to us. We would like to postpone both cases 6-SA-19-C and 6-D-19-RZ a month.

Thanks,

Ryan M. Estabrooks, PE

SITE, Incorporated

10215 Technology Drive, Suite 304

Knoxville, TN 37932

Phone: (865) 777-4160

Direct: (865) 777-4167

Fax: (865) 777-4189

From: Mike Reynolds [mailto:mike.reynolds@knoxplanning.org]
Sent: Wednesday, May 29, 2019 2:59 PM
To: Grant Berry <gberry@site-incorporated.com>; Ryan Estabrooks <ryan@site-incorporated.com>
Subject: Re: NTC - Review

REZONING **PLAN AMENDMENT**

Name of Applicant: NMI Residential Investments, LLC

Date Filed: 04/22/2019 Meeting Date: 06/13/2019

Application Accepted by: M Payne

Fee Amount: \$600.00 File Number: Rezoning 6-D-19-RZ

Fee Amount: # File Number: Plan Amendment #

PROPERTY INFORMATION

Address: North Quadrant of Clingmans Dome Dr & Chimney Top Ln.

General Location: Located in the residential portion of Northshore Town Center.

1/2 Clingmans Dome Dr over N Mystic St

Parcel ID Number(s): 154FF021 & (15409804 (pt of))

Tract Size: 0.75 Acres

Existing Land Use: AgForVac

Planning Sector: Southwest County

Growth Policy Plan: _____

Census Tract: 57.09

Traffic Zone: 233 (2000)

Jurisdiction: City Council 51 2 District
 County Commission _____ District

Requested Change
REZONING

FROM: OS-2

TO: TC-1

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: #

TO: #

PROPOSED USE OF PROPERTY

Single Family Residential

Density Proposed # Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Jim Harrison

Company: NMI Residential Investments, LLC

Address: 6312 Kingston Pike, Suite C

City: Knoxville State: TN Zip: 37919

Telephone: (865) 588-5171

Fax: (865) 588-6051

E-mail: jharrison@chmlc.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Ryan M. Estabrooks, P.E.

Company: SITE, Incorporated

Address: 10215 Technology Drive, Suite 304

City: Knoxville State: TN Zip: 37932

Telephone: (865) 777-4160

Fax: (865) 777-4189

E-mail: ryan@site-incorporated.com

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: Jim Harrison

PLEASE PRINT

Name: Jim Harrison

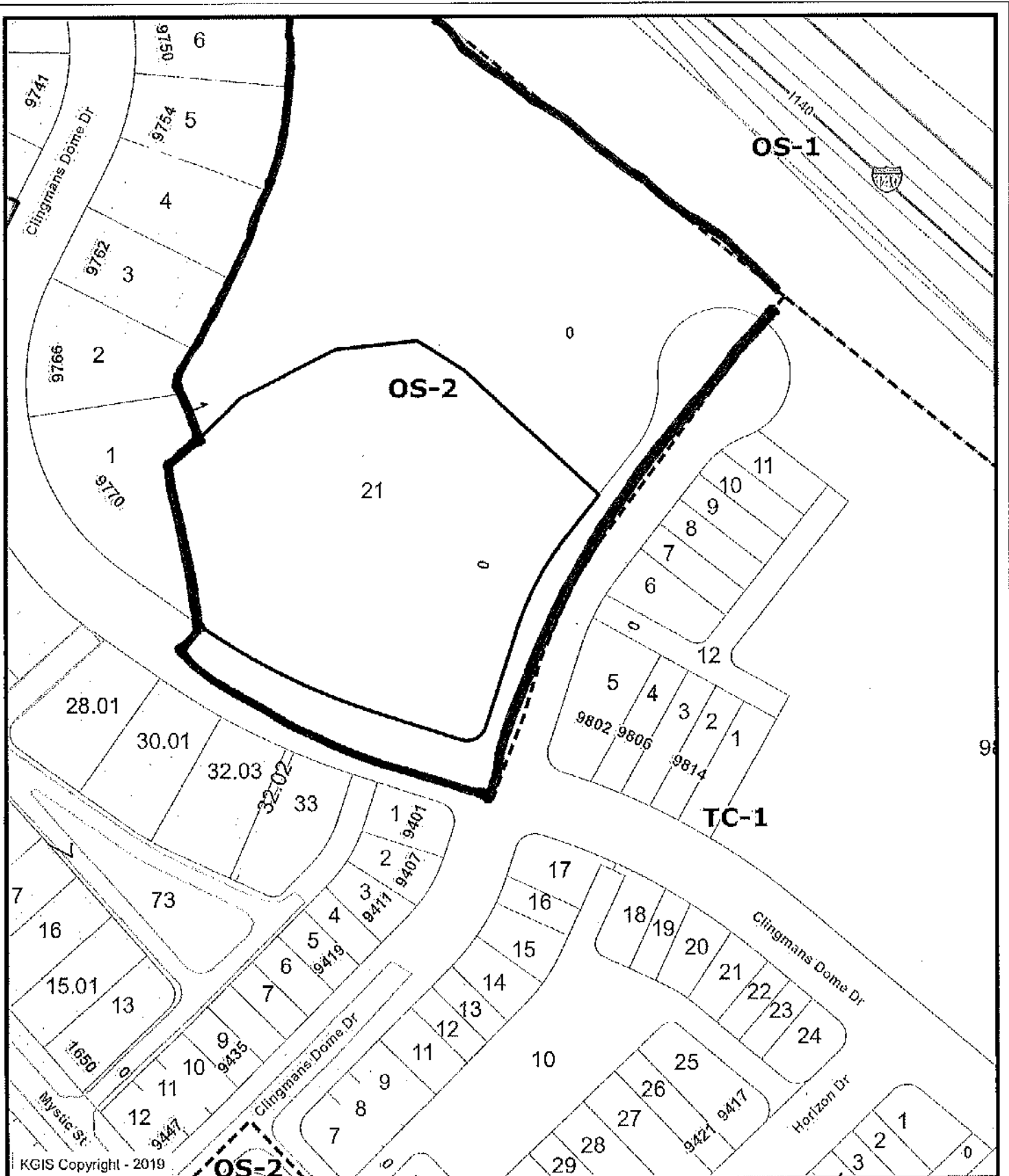
Company: NMI Residential Investments, LLC

Address: 6312 Kingston Pike, Suite C

City: Knoxville State: TN Zip: 37919

Telephone: (865) 588-5171

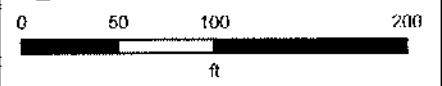
E-mail: jharrison@chmlc.com



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Letter Portrait

Printed: 4/22/2019 at 1:27:23 PM



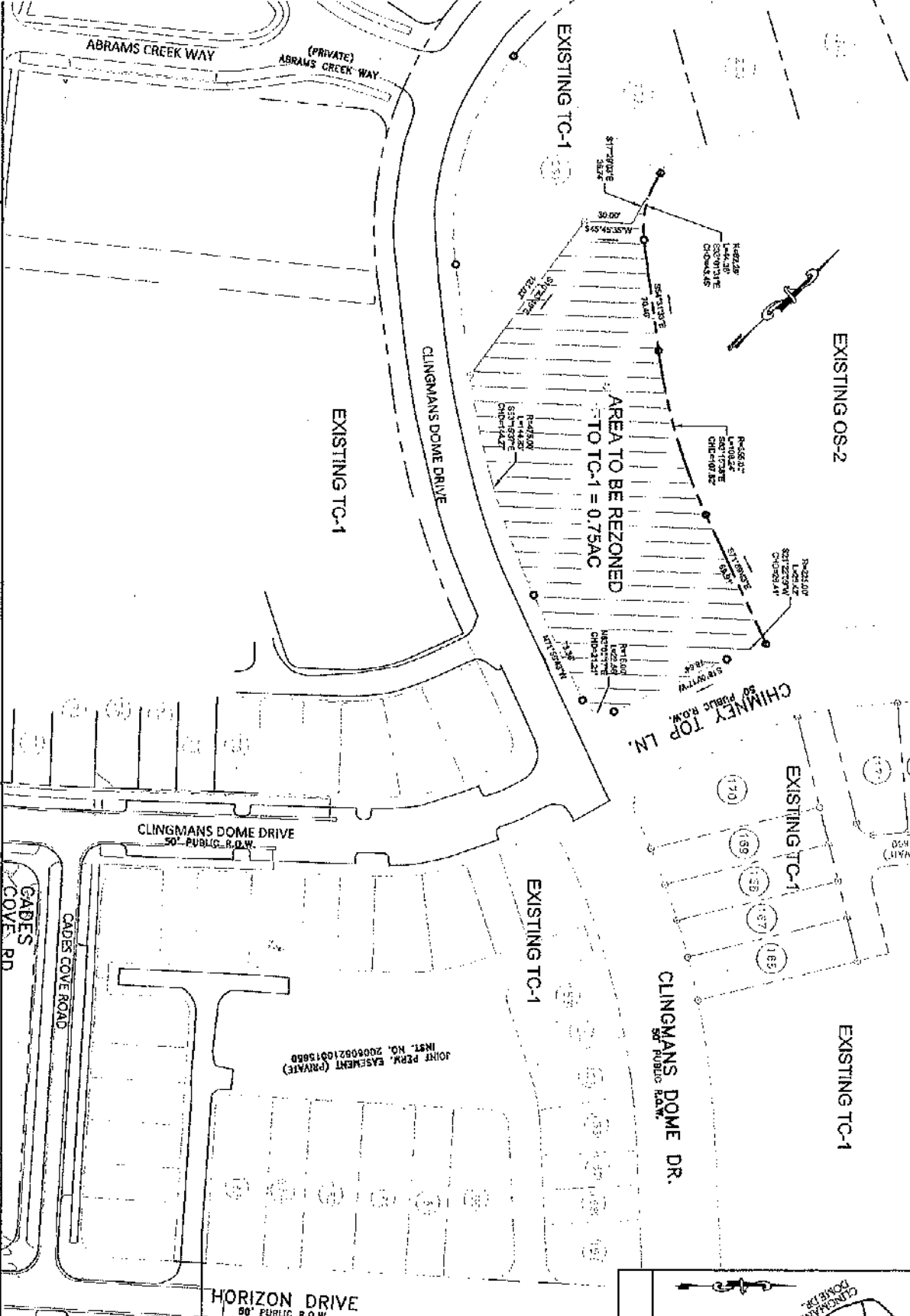
Knoxville - Knox County - KUB Geographic Information System

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www.siteconsultants.com

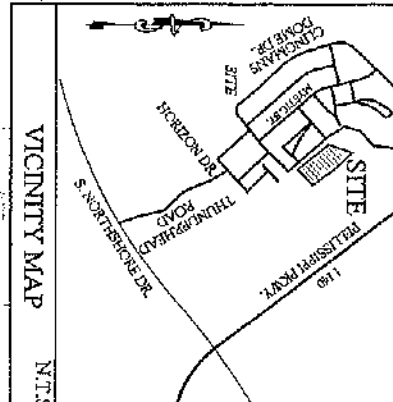
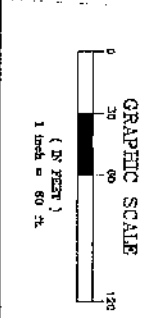


Re zoning Exhibit
Northshore Town Center
Clingmans Dome Drive & Chimney Top Lane
Knoxville, Tennessee
NMI Residential Investments, LLC

6-D-19-RZ
4/22/19

NO.	DATE	REVISIONS
1	04/22/19	PREPARED BY JAW FOR THE TNS DO (MAYOR)
2		REVISIONS
3		COMMENTS

RZ-1



JOINT PERM. EASEMENT (PRIVATE)
INST. NO. 200609210015650

JOINT PERM. EASEMENT (PRIVATE)
INST. NO. 200609210015650

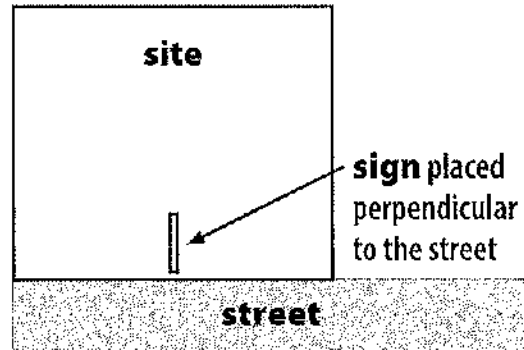
REQUIRED SIGN POSTING AGREEMENT

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:

5/29/19 and 6/14/19
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Ryan Estabrooks

Printed Name: Ryan Estabrooks

Phone: 865-777-4167 Email: ryan@site-incorporated.com

Date: 4/22/19

File Number: 6-D-19-RZ