



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Planning - Agenda item #33 - 3-A-19-OA - support of the revised Knox County Planned Development Ordinance

Kevin Murphy <murphysprings@gmail.com>
Reply-To: murphysprings@gmail.com
To: Commission <commission@knoxplanning.org>
Cc: etcpa@etcpa.info

Wed, Nov 13, 2019 at 11:41 AM

Dear Planning Commissioners and Staff,

On behalf of the Knox County Planning Alliance (KCPA), I would like to express our support for the revised Planned Development Ordinance.

We appreciate County Commission listening to our concerns and taking a look at our decisions, and sending it back for consideration of those suggestions. Director Greene convened a working group that included neighborhood advocates, planning commissioners, and developers to discuss these suggestions, and we had an excellent, collaborative, and respectful working session. We are grateful for the input all parties had in this, and to the staff (Gerald Greene, Liz Albertson, and Amy Brooks specifically) for their help in updating and revising it.

We believe the updated proposed Planned Development ordinance is much improved and a good fit for Knox County, and we encourage Knoxville / Knox County Planning Commission to send this to County Commission with a recommendation to adopt it.

We are sure there will be tweaks and further improvements in the future as we learn more about how it will be used, and we look forward to sharing ideas and perspectives. KCPA is heartened that this review process was very collaborative, and appreciate everybody that participated in it.

Sincerely,

--Kevin

Kevin Murphy, Chair, Knox County Planning Alliance

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This message was directed to commission@knoxplanning.org



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] 3-A-19-OA

Gerald Green <gerald.green@knoxplanning.org>

Tue, Nov 5, 2019 at 5:47 PM

Reply-To: gerald.green@knoxplanning.org

To: Tom Chester <tchester51@gmail.com>

Cc: Commission <commission@knoxplanning.org>, commission@knoxcounty.org, Liz Albertson <liz.albertson@knoxplanning.org>, Tom Brechko <tom.brechko@knoxplanning.org>

Tom,

Thanks for your email and for your comments regarding the proposed ordinance amendment. Attached are a copy of your comments with staff responses and a copy of the revised Planned Development amendment.

Please let me know if you have any questions.

Regards,
Gerald

Gerald Green AICP

Executive Director

Knoxville-Knox County Planning | KnoxPlanning.org

400 Main Street, Suite 403 | Knoxville, TN 37902

865.215.3758



[Quoted text hidden]

2 attachments**Tom Chester Comments_2019-11-01.docx**

32K

**Planned Development_2019-11-05.docx**

51K

Tom Chester Comments – Planned Development Ordinance

We acknowledge the diligence and responsiveness to input in the review and revisions of the Planned Development ordinance amendment, 3-A-19-OA, which is scheduled to be considered at the Nov. 14 Planning meeting.

Its history and purpose are matters of public record, and we won't recount them here. We appreciate the engagement, transparency of process and willingness of all the parties noted above in listening to citizens across Knox County. All are necessary partners in the crafting of an amendment that will be forward looking at land uses that are efficient, progressive, appropriate, growth positive and protective of the general welfare of our communities.

In that spirit, we have reviewed the Oct. 9, 2019, Planned Development draft that will be presented at the Planning meeting and offer some thoughts, suggestions and questions that could be considered when this legislation is brought forward.

--In the 6.80.01 Purpose section introduction, the wording "must demonstrate a creative approach to the design of the property...." is NOT carried forward in subsection B and should be for compatibility. The subsection wording is "Encourage a creative approach...." We suggest that "encourage" be stricken and replaced with "demonstrate" for uniformity and consistency. **Staff is amenable to this revision but will ask for direction from the Planning Commission.**

--In subsections F and H of 6.80.01 Purpose, we suggest striking the word "encourage" and replacing it with the word "require." The components addressed in each of these sections need more than encouragement; they are needed and necessary for the very reasons outlined in each subsection. **Maintaining the current wording clearly states the intent of the ordinance while not creating thresholds that cannot be achieved. We do not want to make it impossible for good projects that may not be able to meet these requirements but would provide other benefits. Through the review and approval process, staff, the Planning Commission, and the County Commission can evaluate the merits of the proposal and weigh its effectiveness in meeting the purpose of the Planned Development process.**

--In the 6.80.02 Initiation section, paragraph two, "The Planning Commission or the Knox County Commission may also initiate a Planned Development proposal." How would that work? Could that section be expanded with a succinct example and explanation of the process? **The addition of this provision was the request of community. Given that the applicant would have to control the property on which the planned development is proposed and would have to prepare plans for the development, the likelihood of the Planning Commission or the County Commission initiating a proposal is remote. This provision provides for that option in the event that either body wishes to initiate a planned development request.**

--In the 6.80.04 Exceptions from District Regulations section, subsection C, item 6, we suggest striking the word "may" in the proposed revision and inserting the word "shall." In order to "deliver significant community benefits (6.80.01 Purpose)" these amenities should be public use. **Based upon input provided by the stakeholder committee, a phrase was added to this provision stating the amenities may be open to the public. In certain cases, the requirement that the amenities be open to the public may discourage the provision of the amenities.**

--In the 6.80.05 Procedure section introduction, shouldn't the word "optional" be stricken and replaced with "mandatory" concept plan review? That would be compatible with subsection B, Concept Plan, "...the applicant shall present a concept plan..... for the purpose of obtaining information and guidance prior to formal application." Effectively, that purpose is a review and is mandatory. **Correction made thanks for catching this.**

--In the 6.80.6 Modifications to Approved Final Plans section, subsection A, Minor Modifications, item 6 suggests striking no more than 20% and changing to no more than 50% alteration of any final grade of the originally planned grade. That seems like a dramatic increase in the percentage of alteration of the final grade, particularly when grade affects slope stabilization and surface runoff drainage of storm water. Could you explain that increase and would Knox County Engineering and Public Works monitor and evaluate the potential impact of such a change? **This change was made at the request of the stakeholder committee. Approval of the modification in the final grade would be subject to approval by Planning and Engineering & Public Works staff, who would review closely the impact of the proposed change in the final grade for impacts related to slope stabilization and surface runoff of storm water. Staff would have the authority, and the responsibility, to not approve any change in the final grade that would have adverse impacts.**

Respectfully,
Tom and Sharon Chester
Keep the Urban Wilderness Peaceful

Knox County Zoning Code Amendment
Planned Development
11-05-2019
DRAFT

Insert the following as Section 6.80 of the Knox County Zoning Code

6.80 – Planned Development Approval

6.80.01. Authority Delegated to County Commission

The County Commission of Knox County is hereby delegated the authority to grant exceptions to the use and dimensional standards of the zoning district in which a proposed plan development is to be located, in accordance with the procedures set forth below.

6.80.02. Purpose

The Planned Development approval process provides an optional process for approval of projects that may not fit within the bounds of the standard zoning districts established by this Code. Planned developments (PD) are intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should be applied to further those applications that provide compensating amenities to Knox County. In return, the Planned Development provisions require a high standard for the protection and preservation of environmentally sensitive lands, well planned living, working, and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. Plans submitted for approval as provided for by this process must demonstrate a creative approach to the design of the project and the development of the property. The design team shall be capable of presenting a creative project that will deliver significant community benefits. The underlying zoning district dimensional, design, and use regulations apply to a PD unless specifically modified through the approval process. Through the flexibility of the planned development technique, a PD is intended to:

- A. Encourage flexibility in the development of land and in the design of structures.
- B. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Code.
- C. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
- D. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
- E. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
- F. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
- G. Facilitate the implementation of the adopted Knoxville-Knox County General Plan and its component parts, including adopted sector plans, corridor plans, and related documents.
- H. Encourage land use that benefits the surrounding community and is compatible with existing and planned uses of the surrounding area.

6.80.02. Initiation

The entire property proposed for the planned development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals shall bind all owners.

The Planning Commission or the Knox County Commission may also initiate a Planned Development proposal.

6.80.03. Authorization

- A.** A planned development is authorized in all zoning districts and parcels located in the Planned Growth Area. A planned development is not authorized in the Rural Area.
- B.** A planned development shall be a minimum of ten (10) acres. The calculation of acreage shall exclude area(s) covered with permanent bodies of water (lakes, rivers, streams), excluding farm ponds.
- C.** A planned development approval must be granted in accordance with the procedures and standards of this section. Unless waivers of underlying regulations are specifically approved as part of the planned development approval, the requirements of the underlying district apply.
- D.** Planned development approval is separate from subdivision approval. PD approval may be granted first, whereby subdivision approval would be granted subsequently in compliance with the approved lot layout design.

6.80.04. Exceptions From District Regulations

- A.** A planned development is subject to the underlying district dimensional, design, and use regulations unless an exception is specifically granted. The Knoxville-Knox County Planning Commission may recommend and the Knox County Commission may grant exceptions to the zoning district dimensional, design, and use regulations where a planned development is located.
- B.** Exceptions from district regulations may be granted for planned developments if the exceptions provide any all of, ~~but not limited to~~ the following benefits:
 - 1. Enhance the overall merit of the planned development;
 - 2. Promote the objectives of both Knox County and the development;
 - 3. Enhance the quality of the design of the structures and the site plan;
 - 4. Will not cause excessive adverse impact on neighboring properties;
 - 5. Further the goals of the adopted Knoxville-Knox County General Plan and its component parts, including adopted sector plans, corridor plans, and related documents; and
 - 6. Provide a public benefit to Knox County, as described below.
- C.** The underlying zoning district dimensional, design, and use regulations apply, unless an exception is granted as part of the planned development approval. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the Knox County community. Planned developments shall demonstrate significant benefits to the community, as identified and validated during the review of the project. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:
 - 1. Community gathering spaces and amenities including plazas, public art, formal gardens, places to congregate, and pedestrian facilities.
 - 2. Improvement of existing on-site and off-site infrastructure.

3. Use of sustainable design and architecture, such as green roofs, white roofs and other energy efficient design concepts, new building technologies, and approval of buildings and developments that meet established standards such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, etc.
4. Preservation of existing environmental features, including protections for steep slopes (15% or more slope).
5. Preservation of historic features and adaptive reuse of existing buildings.
6. New open space and recreational amenities such as useable recreational open space, including parks and playgrounds, natural water features and conservation areas, walking trails, dog parks, and similar recreational features, which may be open to the public.
7. Affordable housing set-asides provided that the affordable housing meets the standards for affordability such that the cost of the housing does not exceed 30% of the Knox County median income.
8. Senior housing set-asides.
9. Land set-aside for public facilities such as schools, libraries, emergency services, etc.

D. Exceptions to the underlying dimensional and design standards of this ordinance must equal or exceed the standard objectives of this ordinance, and not impair the reasonable long-term use of other properties in fulfillment of the land use goals and policies of the Knox County General Plan. Alternate dimensional and design standards may be approved for a Planned Development in lieu of the following standards as set forth in this ordinance:

1. Setback and building height standards
2. Street setback standards
3. Lot size standards
4. Landscape buffer standards

Approval of alternate dimensional and design standards for portions of a Planned Development located along the perimeter (periphery) of a Planned Development shall assure compatibility with the abutting land use and provide for a reasonable transition between intensity of development and types of land use.

E. Exceptions to underlying zoning use regulations may be approved provided the approval of the preliminary plan is based upon a finding that the proposed land uses are arranged and designed in a manner that does not unreasonably impair the long term use, as established by the Knox County General Plan, of properties adjoining the planned development. In making a request for an exception to the underlying zoning use regulations, the applicant(s) for a Planned Development approval shall identify the exceptions requested and provide a justification for each exception. In approving an exception to the underlying zoning use regulations, the County Commission shall identify the justification for such approval. The approval by the County Commission of an exception to the underlying zoning use regulations may constitute an amendment to the Sector Plan for the area in which the Planned Development is proposed.

6.80.5. Procedure

The following procedures, requirements, restrictions, and conditions are required. The approval of a planned development includes a pre-application consultation, ~~optional~~ **mandatory** concept plan review, preliminary plan approval, and final plan approval.

A. Pre-Application Consultation

1. Prior to formal submittal of an application, a pre-application meeting with the Knoxville-Knox County Planning ~~and Knox County Engineering and Public Works~~ staff is required.
2. At a pre-application meeting, the applicant shall provide information as to the location of the proposed planned development, the proposed uses, proposed improvements, including the public benefits and amenities, anticipated exceptions to this Code, and any other information necessary to explain the planned development.
3. The purpose of such pre-application meeting is to make advice and assistance available to the applicant before preparation of the concept plan, so that the applicant may determine whether the proposed planned development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed planned development aligns with the adopted land use policies of Knox County.
4. The pre-application meeting does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the Planning staff are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

B. ~~Optional~~ Concept Plan

Before submitting a formal application for a planned development, the applicant ~~may~~ **shall** present a concept plan before the Planning Commission, ~~at his/her option~~, for the purpose of obtaining information and guidance prior to formal application.

1. The concept plan will be presented at a regular meeting of the Planning Commission. At minimum, the concept plan must consist of the following:
 - a. A plan (or plans) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site, landscape and buffer area, and approaches to be employed for stormwater management.
 - b. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
2. The Planning Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning Commission is in no way binding with respect to any official action the Planning Commission or County Commission may take on the subsequent formal application. ~~The review of the concept plan is not a public hearing~~. No decision will be made on the application.
3. Mailed and posted notice is required for the meeting at which the concept plan is to be presented.

C. Preliminary Plan

1. Action by Planning Staff

An application for a preliminary plan for a planned development must be filed with the Planning staff. Once it is determined that the application is complete, the Planning staff will schedule the application for consideration by the Planning Commission.

2. Action by Planning Commission

- a. Upon receipt of a complete application, the Planning Commission will consider the preliminary plan at its regular monthly meeting and shall hold a public hearing to receive comment on the plan.
- b. The Planning Commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning

Commission must recommend either approval, approval with conditions and/or modifications, or denial of the preliminary plan.

c. Following the close of the public hearing, the Planning Commission will forward its recommendation to the County Commission.

3. Action by Knox County Commission

a. The County Commission will hold a public hearing on the preliminary plan upon receipt of the Planning Commission recommendation, and must approve, approve with conditions and/or modifications, or deny the preliminary plan.

b. The County Commission must finally act upon the application within 120 days of the final decision of the Planning Commission public hearing. Failure to act within 120 days means the application is denied.

c. If exceptions to the dimensional, design, or use standards of the underlying zone are granted by the County Commission, the justification for the exceptions shall be stated.

4. Conditions

The Planning Commission may recommend, and the County Commission may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

5. Approval Standards

The recommendation of the Planning Commission and decision of the County Commission must make a finding that the following standards for a planned development have been met.

a. The proposed planned development meets the purpose of a planned development.

b. The proposed planned development will not be injurious to the use and enjoyment of other property in the vicinity.

c. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property.

d. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. In this case, adequate shall mean capable of meeting the identified needs of the proposed development.

e. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. The Planning Commission and/or County Commission may require a traffic study to provide evidence that the circulation system is adequate. There is provision of utilities and drainage of adequate capacity to serve the proposed development based upon the preliminary plan. The plan shall provide a preliminary identification of any proposed improvements to existing streets, off-site utility systems or the drainage network considered necessary to support the proposed scope of development, with intended assignments of responsibility for providing those improvements.

f. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, and the uses are compatible with the surrounding neighborhood and adjacent land uses.

g. One or more of the following design professionals shall certify direct involvement in the preparation of the preliminary plan: architect, civil engineer, landscape architect, urban planner.

h. Full identification, description and supporting rationale for any proposed exception from the underlying zoning district design, dimensional, and/or use standards.

i. The proposed planned development is designed in a manner that affords an opportunity for eventual implementation of the Knoxville-Knox County Park, Recreation and Greenways Plan. The preliminary plan shall take all reasonable measures to protect the visual and

operational integrity of an existing or proposed greenway corridor by means of sensitive orientation and placement of improvements to the land, and the protection of mature vegetation and natural land forms.

j. All reasonable measures shall be taken to incorporate known features of historical and/or archaeological significance into the design and development of a planned development in a manner that contributes to the protection and preservation of those features. Historical shall mean the property is located within a locally designated historic district, is identified as an individually designated local historic property, is listed on the National Register of Historic Properties, or is listed on the Knox County Survey of Historic Properties.

6. Expiration

a. The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within three years after the date the Knox County Commission grants preliminary plan approval. As part of the County Commission approval of the preliminary plan, the County Commission may extend this period of time by granting an extension of up to an additional two years. The County Commission also may extend this period of validity through approval of a phasing plan where the validity period is longer than three years for the Planned Development.

b. An extension of this three-year period may also be granted by the Knox County Commission if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

D. Final Plan

Following the approval of the preliminary plan, an application for a final plan for a planned development must be filed with the Planning staff.

1. Action by Planning Staff

The Planning staff and Knox County Engineering and Public Works staff will review the final plan upon receipt of the complete final plan application and take the following action:

a. If the final plan is in substantial compliance with the approved preliminary plan, the Planning staff will approve the final plan. The Planning staff shall certify that the final plan is in substantial conformance with the previously filed preliminary plan.

b. If the final plan is not in substantial conformance with the approved preliminary plan, the Planning staff must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Planning staff with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Planning staff render a decision to be forwarded to the Planning Commission. In such case, the Planning staff will recommend to the Planning Commission that the final plan be denied. If denied by the Planning Commission, the applicant may reapply by submitting a new preliminary plan.

2. Effect of Approval

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Code and constitutes grounds for revocation of all approvals granted for the planned development.

3. Expiration

a. The final plan approval expires if a building permit has not been issued within three years after the date of final plan approval. As part of the Planning staff approval of the final plan,

the Planning Commission may approve a phasing plan where the validity period is longer than three years for the planned development. The phasing plan must be presented as part of the preliminary plan submittal and approved as part of the preliminary plan approval

b. An extension of this three-year validity period may be granted by the Planning Commission prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval. The validity period for the final plan cannot be extended for a period greater than three years. Consideration of a request for extension of the validity period will be at a public hearing.

6.80.6. Modifications to Approved Final Plans

No adjustments may be made to the approved final plan, except upon application to the Planning Commission in accordance with the following.

A. Minor Modifications

The Planning and Knox County Engineering & Public Works staff may approve the following minor modifications to an approved final plan when it is determined by the Planning and Knox County Engineering & Public Works staff that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Planning and Knox County Engineering & Public Works staff may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the Planning Commission. When calculating percentages, all fractions are rounded up to the nearest whole number.

1. An increase or decrease in building height of up to 10%.
2. An increase or decrease in building coverage up to 10%.
3. A change ~~of~~ in the internal location of walkways, vehicle circulation ways, and parking areas ~~over ten (10) feet and up to twenty (20) feet provided the locations of access point connections to public roads and rights-of-way are not changed.~~
4. An increase or decrease in the number of parking spaces of up to ten (10) percent of the parking spaces.
5. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Code and any conditions of the final plan approval.
6. Altering any final grade by no more than ~~20%~~ 50% of the originally planned grade.

B. Major Modifications

1. The Planning Commission may approve any other changes to an approved final plan that do not qualify as a minor modification. In addition, any of the following are considered major modifications:
 - a. Any request for an extension of time of the approved final plan.
 - b. Changes to any conditions imposed as part of the approved final plan.
 - c. Reductions or alterations in the approved public benefit and amenities to be provided.
 - d. Any development action that does not comply with zoning district regulations.
2. All major modifications to the final plan must be approved by the Planning Commission. Public notice of the Planning Commission meeting at which a request for a major modification is to be considered is required. The Planning Commission may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned development, respond to changes in

conditions that have occurred since the final plan was approved, and/or respond to changes in adopted **City County** land use policies.

3. Upon review of the proposed major modifications, the Planning Commission may determine that the proposed modifications constitute a new planned development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section.

6.80.7. Appeal

A. Preliminary Plan

Anyone aggrieved by a final order or judgement of the Knox County Commission on a preliminary plan may have such order or judgement reviewed by the courts as provided by law.

B. Final Plan

Planning staff decisions on final plans may be appealed to the Planning Commission.

**[Planning Commission Comment] 3-A-19-OA**

1 message

Tom Chester <tchester51@gmail.com>

Thu, Oct 31, 2019 at 9:57 PM

Reply-To: tchester51@gmail.com

To: commission@knoxplanning.org, commission@knoxcounty.org, Gerald Green <gerald.green@knoxplanning.org>, Liz Albertson <liz.albertson@knoxplanning.org>, tom.brechko@knoxplanning.org, tchester51 <tchester51@gmail.com>

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Tom and Sharon Chester
Keep the Urban Wilderness Peaceful

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