

# REZONING REPORT

► **FILE #:** 10-S-19-RZ

**AGENDA ITEM #:** 36

**AGENDA DATE:** 10/10/2019

► **APPLICANT:** CITY OF KNOXVILLE

OWNER(S): City of Knoxville

TAX ID NUMBER: 82 P K 038, 035, 034

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 1605 E. 5th Avenue, 1615 E. 5th Avenue, and 1617 E. 5th Avenue

► **LOCATION:** North side of E. Fifth Avenue east of Myrtle Street and west of Holly Street

► **APPX. SIZE OF TRACT:** 1.04 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: E. Fifth Avenue is a local road at this location. It has a 21-foot pavement width and a 59-foot right-of-way width.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **PRESENT ZONING:** OS-2 (Park and Open Space)

► **ZONING REQUESTED:** RP-3 (Planned Residential)

► **EXISTING LAND USE:** Public Parks and Refuges; Vacant parcels

► **PROPOSED USE:** Permanent supportive housing - Multifamily

**DENSITY PROPOSED:** 47 du/ac

EXTENSION OF ZONE: No

HISTORY OF ZONING: This property was rezoned from O-1 (Office, Medical, and Related Services) to OS-2 (Park and Open Space) in January, 2011, upon creation of that zone. This was part of a citywide rezoning request that encompassed certain city parks and park areas.

SURROUNDING LAND USE AND ZONING: North: Public Parks and Refuges - OS-2 (Park and Open Space District)

South: Office - O-1 (Office, Medical, and Related Services District)

East: SingleFamily Residential and Multifamily Residential - O-1 (Office, Medical, and Related Services District)

West: Public/Quasi-Public - O-1 (Office, Medical, and Related Services District)

NEIGHBORHOOD CONTEXT: This stretch of East Fifth Avenue forms a transitional area between the residential uses along East Fifth Avenue and the open spaces to the north and the office or commercial uses to the south. Specific uses in the area include Caswell Park (ballfields) to the north, small-lot single-family dwelling units and small apartment buildings to the east and west, and commercial uses to the south. East Magnolia Avenue is two blocks to the south.

## STAFF RECOMMENDATION:

### ► Approve RP-3 (Planned Residential District) zoning.

Staff recommends approval of the requested RP-3 (Planned Residential District) zoning since it is consistent with the Central City Sector Plan and allows uses similar to those in existence in the neighborhood.

## 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. Volunteer Ministries approached the City of Knoxville about constructing permanent supportive housing on this site. These three parcels are not technically part of Caswell Park; the park is separated from them by a chain link fence.
2. The City has acquiesced to this proposal and is requesting the rezoning change to accommodate multifamily housing.

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

1. The proposed amendment to RP-2 (Planned Residential District) is 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 provision for commercial, religious, education, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, a new RP-1, RP-2, or RP-3 planned residential district may be created to be developed specifically as planned unit development.
2. District regulations shall be as outlined in this section and shall be the same for RP-1, RP-2, and RP-3 districts except for the overall population density permitted in each district. The Population density for the RP-3 district is 80 dwelling units per net acre. The development plan proposes 47 dwelling units on 1.04 acres.
3. Each planned unit development shall be compatible with the surrounding or adjacent districts. Such compatibility shall be determined by the planning commission by review of development plans for the district.
4. All buildings shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet, with two (2) feet additional for each floor above two (2), except that within the Hillside and Ridgetop Protection Area as established by the Hillside and Ridgetop Protection Plan this requirement shall not apply to any periphery boundary setback that is also a front yard setback.
5. Off-street parking will be required to comply with Article V, section 7.
6. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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

1. This property is surrounded by multifamily residential and office uses and is adjacent to Caswell Park. The proposed multifamily use is similar in character with the surrounding area.
2. RP-3 zoning requires Planning Commission review and approval of development plans.

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. RP-3 is compatible with the Central City Sector Plan's MU-SD, MU-CC4 (Mixed Use-Special District, Magnolia Avenue Corridor Plan) land use designation, which bases its recommended uses on the Magnolia Avenue Corridor Plan. The plan specifies the allowed land uses for this area as Office, Medium Density Residential, and Traditional Neighborhood Residential. Medium Density Residential land use states that, "Density above 12 du/ac should be within 1/4 mile of transit service with sidewalk connections to transit service." (Appendix, Medium Density Residential Land Use Designation, Recommended Zones and Programs, p. 68)
2. The Magnolia Avenue Corridor Plan and the Central City Sector Plan contain similar statements regarding land use surrounding Caswell Park. The Magnolia Avenue Corridor Plan states, "...with the park as a centerpiece, higher intensity uses should be fostered along East Fifth Avenue and Woodbine Avenue, taking advantage of this recreation asset" (p. 32). The sector plan states, "With the park as a centerpiece, higher intensity residential and office uses should be fostered along East Fifth Avenue and Woodbine Avenue (west of Winona Street), taking advantage of this recreational asset." The sector plan added the verbiage, "west of Winona Street", making its intent for the area on E. Fifth Avenue east of Winona Street ambiguous.
3. Part of this property was included in the Caswell Park Plan in 2001, which was part of the Use on Review

approved by the Planning Commission in May, 2001. The plan incorporates the two westernmost parcels as a parking lot with trees. The third parcel was not included and is shown as a residential structure outside the park's parameters. The park has since been completed (see Exhibit B for the concept plan), but the two parcels were never incorporated.

4. This property is in the School Parental Responsibility Zone for Vine Middle Magnet School. Sidewalks are already in place and would be expected to remain with any new development.

5. A portion of land in these properties has slopes ranging from 15% to over 40% but it is not in the HP area.

6. This property is in FEMA Flood Zone X but is not in a floodplain or floodway.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 1 (public school children, grades K-12)

Schools affected by this proposal: Christenberry Elementary, Vine Middle Magnet, and Austin East 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.

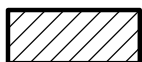
If approved, this item will be forwarded to Knoxville City Council for action on 11/5/2019 and 11/19/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



# **10-S-19-RZ REZONING**

From: OS-2 (Open Space)

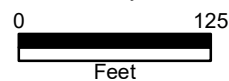
To: RP-3 (Planned Residential)



Petitioner: City of Knoxville

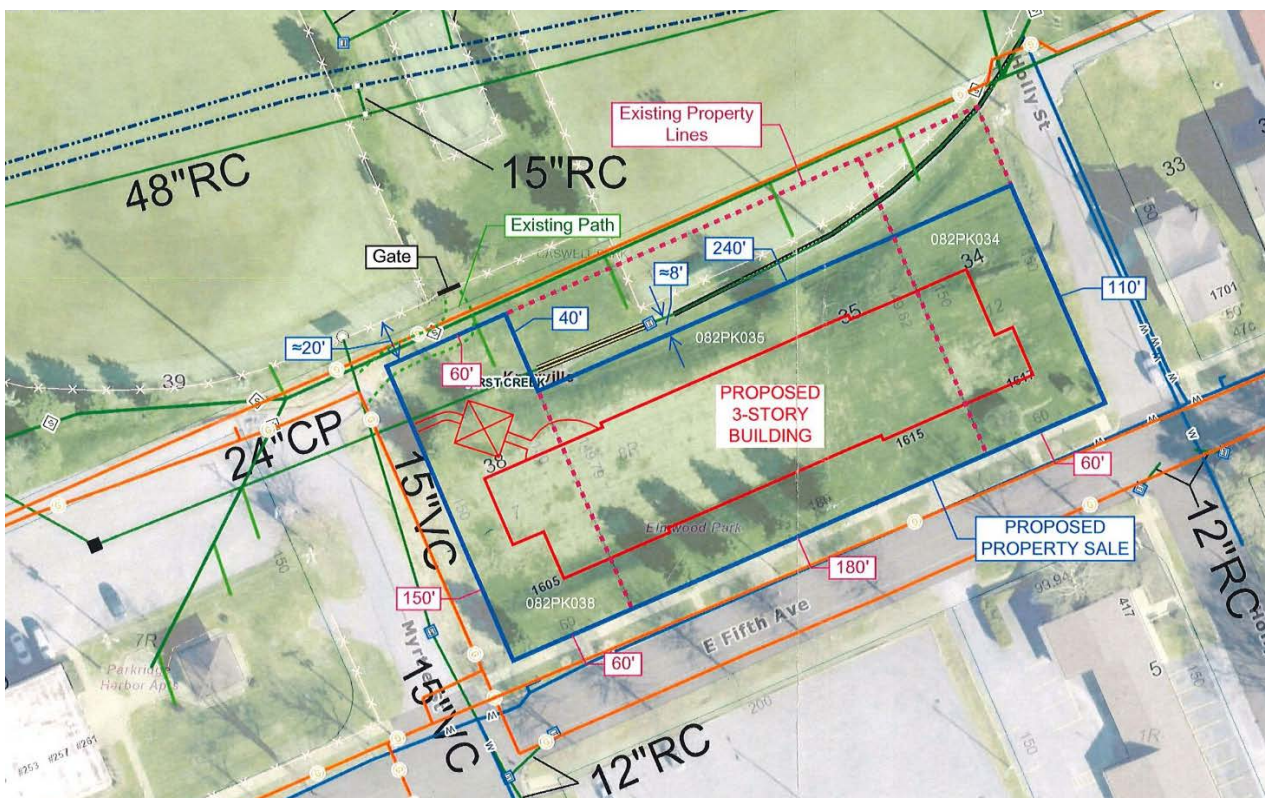
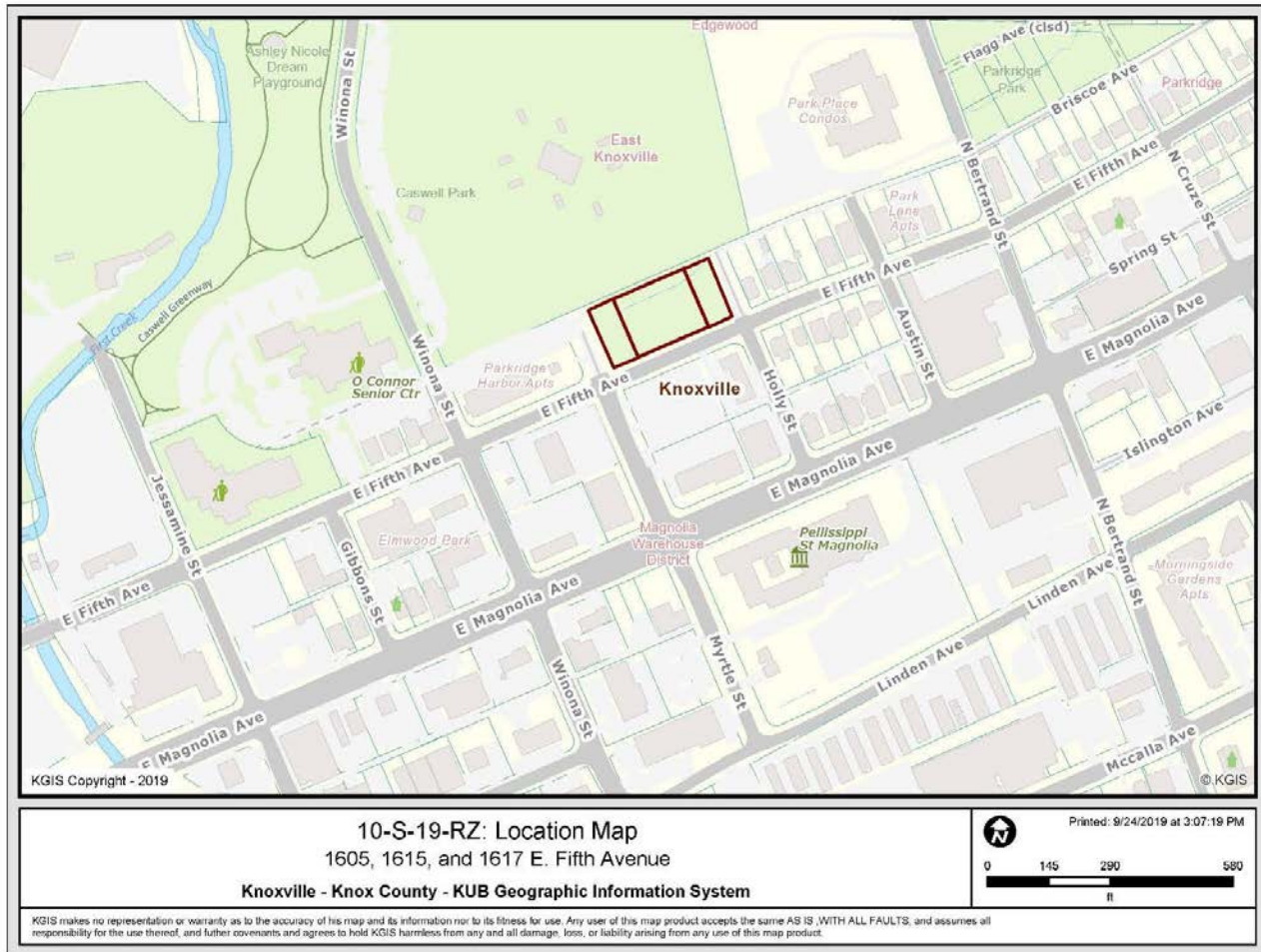
Map No: 82

Jurisdiction: City



Original Print Date: 9/17/2019  
Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

## EXHIBIT A. Contextual Images



Map showing revised property line (blue) and proposed building footprint (red)

10-S-19-RZ

EXHIBIT A. Contextual Images



*Street view from Myrtle Street (western end of property)*



*Street view from the western end of property on E. Fifth Avenue*

10-S-19-RZ

EXHIBIT A. Contextual Images



*Street view from mid-block on E. Fifth Avenue*



*Street view from eastern end of property on E. Fifth Avenue*

10-S-19-RZ

EXHIBIT A. Contextual Images



*Street view from dead-end of Holly Street (eastern end of property)*



*Birds eye view showing context of neighborhood*

10-S-19-RZ

EXHIBIT A. Contextual Images

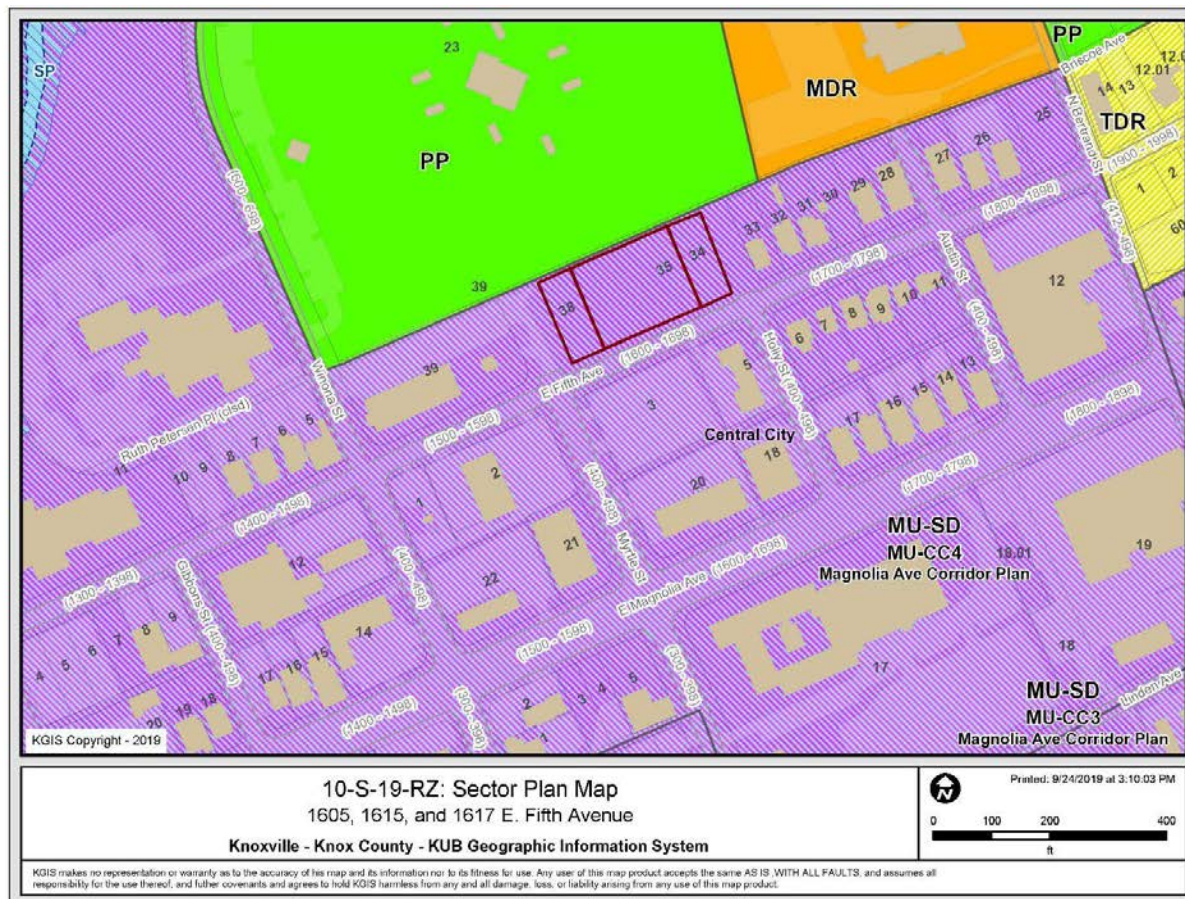


*Birds eye view of property*



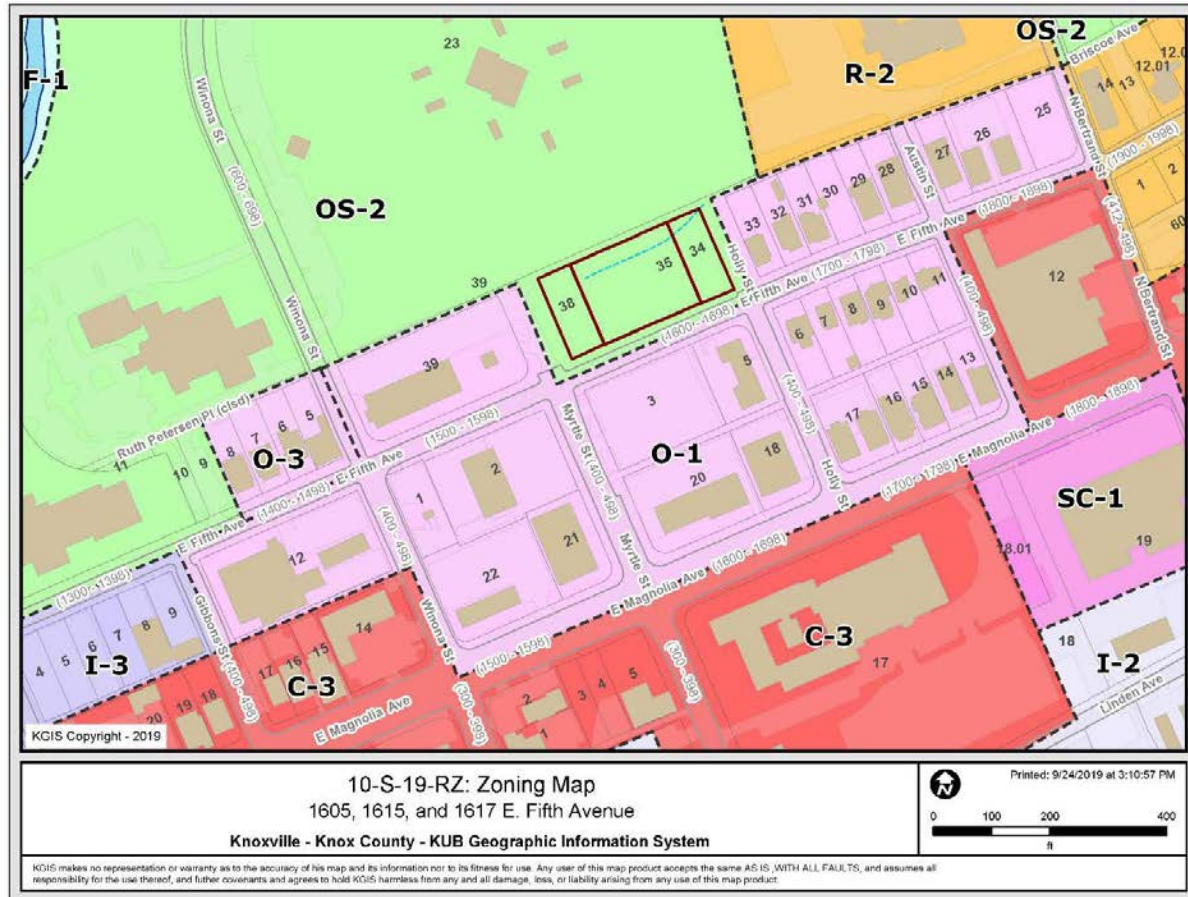
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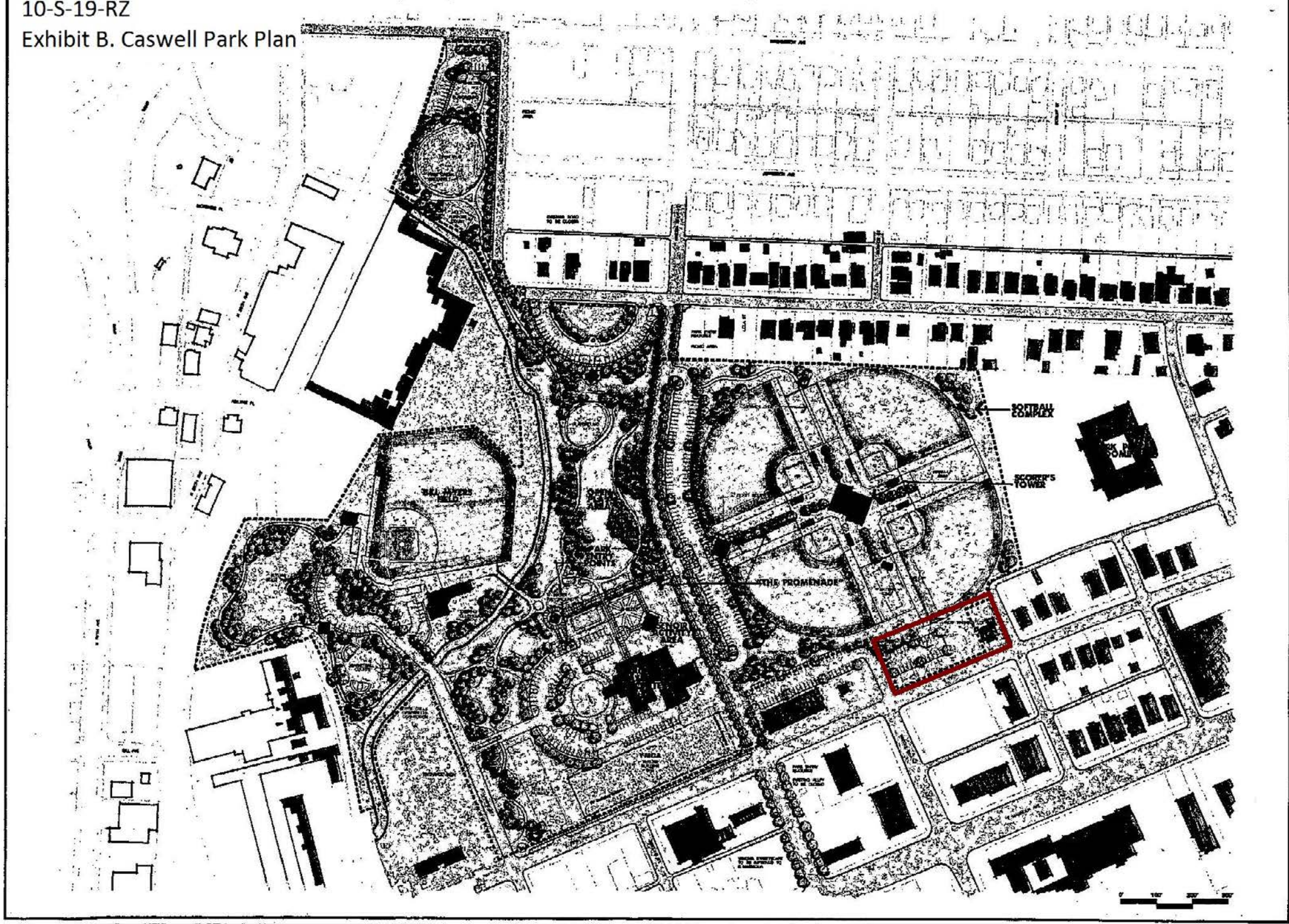
## EXHIBIT A. Contextual Images



# 10-S-19-RZ

## EXHIBIT A. Contextual Images





**CASWELL PARK**

Knoxville, Tennessee - March 2001

**BWSC** BRUCE WATKINS & SONS, INC.  
ETMC

Exhibit C. Previous Zoning of Caswell Park



12-D-10-RZ (Caswell Park)  
REZONING



From: R-1A (Low Density Residential), R-2 (General Residential District),  
O-1 (Office, Medical, and Related Services),  
O-2 (Civic and Institutional), I-3 (General Industrial)

To: OS-2 (Parks and Open Space)

Original Print Date: 12/2/2010

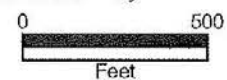
Revised:

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

Petitioner: Knoxville City Council

Map No: 82

Jurisdiction: City





## DEVELOPMENT REQUEST

RECEIVED

SEP 03 2019

### DEVELOPMENT

- ☐ Development Plan  
☐ Use on Review / Special Use

### SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

### ZONING

- ☐ Knoxville-Knox County  
☐ Plan Amendment  
☒ Rezoning

City of Knoxville

Applicant

9/3/19

October 10, 2019

10-5-19-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

Becky Wade, Community Development Director

City of Knoxville

Name

Company

400 Main St

Knoxville

TN

37902

Address

City

State

Zip

865-215-2865

bwade@knoxvillekn.gov

Phone

Email

## CURRENT PROPERTY INFO

City of Knoxville

400 Main St

PO Box 1631 Knoxville, TN 37901

Owner Name (if different)

Owner Address

Owner Phone

1. 1605, 2. 1615 and 3. 1617 E Fifth Ave.

1. 082PK038, 2. 082PK035 and 3. 082PK034

Property Address N/S E Fifth Ave., w/s Holly St.

Parcel ID

East Knoxville, north of Magnolia Ave. E/s of Myrtle St.

~ 1 acre

General Location

Tract Size

City of Knoxville

OS-2

Jurisdiction (specify district above)

☒ City ☐ County

Zoning District

Central City - 46

MU/SD MU-CC4

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

vacant land

KUB

KUB

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

# REQUEST

DEVELOPMENT

☐ Development Plan ☐ Use on Review / Special Use

☐ Residential ☐ Non-Residential

☐ Home Occupation (specify): \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

SUBDIVISION

☐ Proposed Subdivision Name \_\_\_\_\_

Unit / Phase Number \_\_\_\_\_

☐ Parcel Change

☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

☐ Attachments / Additional Requirements

ZONING

☒ Zoning Change: **RP-3 (See attached) Re-zoning within the blue boundary on attached map.**  
Proposed Zoning \_\_\_\_\_

☐ Plan Amendment Change: \_\_\_\_\_

Proposed Plan Designation(s) \_\_\_\_\_

**Permanent supportive housing - multi-family 47**

☒ Proposed Property Use (specify) \_\_\_\_\_

Proposed Density (units/acre) \_\_\_\_\_

Previous Rezoning Requests \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

STAFF USE ONLY

## PLAT TYPE

☐ Staff Review ☐ Planning Commission

## ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

## ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (*Final Plat only*)

☐ Use on Review / Special Use (*Concept Plan only*)

☐ Traffic Impact Study

FEE 1:

*N/C*

TOTAL:

FEE 2:

FEE 3:

*0*

# AUTHORIZATION

*Sherry Michienzi*  
Staff Signature

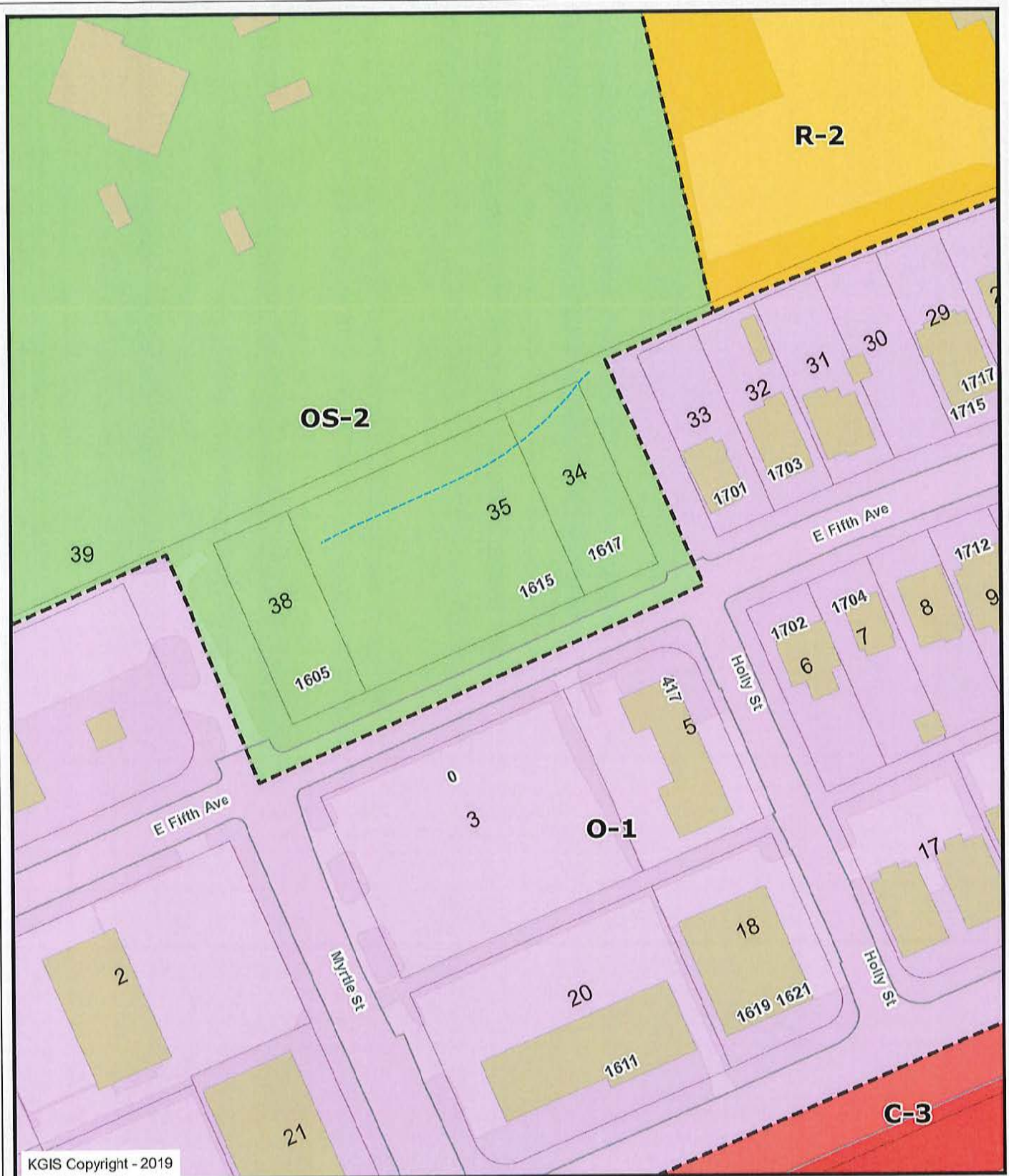
**SHERRY MICHIEZI**  
Please Print

\_\_\_\_\_  
Date

*Becky Wade*  
Applicant Signature

**Becky Wade**  
Please Print

**9/3/19**  
Date

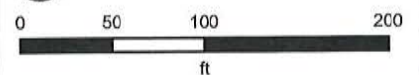


## Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



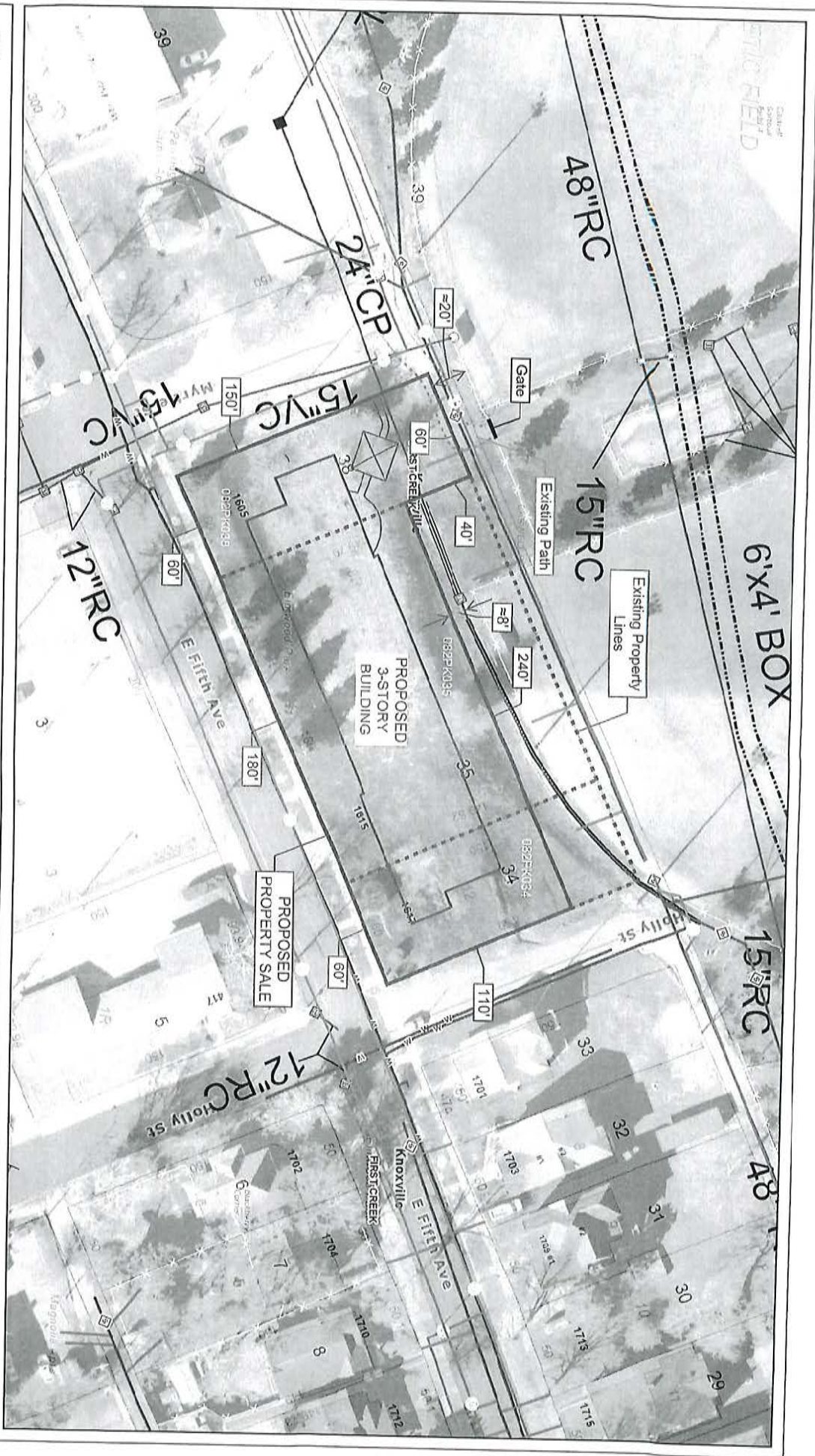
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Phone: 815.2015.3445 FAX



**PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE**  
**MAP DEPARTMENT - OWNERSHIP CARD**

Source: KGIS

ACTIVE      NORMAL

09/03/2019

District	Map	Insert	Group	Parcel	Ward	Property Location		
	82	P	K	38	15	1605 E FIFTH AVE		
Subdivision				Block	Lot	Plat	Dimensions ( shown in ft. )	Acreage
ELMWOOD ADDN PT 8				19-	7-	<u>3-120</u>	60 X 150	0.00 - A.C. Deeded
								0.00 - A.C. Calculated
Owner				Sale Date	Book	Page	Sale Price	Mailing Address
DAVIS L LYNN				11/15/1989	<u>1994</u>	75	\$ 79,900	1605 E FIFTH AVE KNOXVILLE, TN 37915
				1/11/1991	<u>2035</u>	543		
CITY OF KNOXVILLE				8/31/2000	<u>20000913</u>	0018467	\$ 100,000	PO BOX 1631 KNOXVILLE, TN 37901

**Remarks**

ATTRIBUTES FROM NCR LOADER

*Parent Parcel*

*Parent Instrument Number*

*Previous Parcel ( Split From )*

*Next Parcel ( Merged Into )*

**PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE**  
**MAP DEPARTMENT - OWNERSHIP CARD**

Source: KGIS

ACTIVE      NORMAL

09/03/2019

District	Map	Insert	Group	Parcel	Ward	Property Location		
	82	P	K	35	15	1615 E FIFTH AVE		
Subdivision				Block	Lot	Plat	Dimensions ( shown in ft. )	Acreage
ELMWOOD RESUB				19-	8R-	<u>L 72-C</u>	180 X 149.79 X IRR	0.00 - A.C. Deeded
								0.00 - A.C. Calculated
Owner				Sale Date	Book	Page	Sale Price	Mailing Address
FRANKLIN ESTA RUTH STOGNER				11/3/1990	<u>2046</u>	457		2328 PARKWAY DR KNOXVILLE, TN 37918
CITY OF KNOXVILLE				2/7/2001	<u>20010207</u>	0051398	\$ 90,000	P OO BOX 1631 681 KNOXVILLE, TN 37901

**Remarks**

ATTRIBUTES FROM NCR LOADER

Parent Parcel	Parent Instrument Number
Previous Parcel ( Split From )	Next Parcel ( Merged Into )

**PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE**  
**MAP DEPARTMENT - OWNERSHIP CARD**

Source: KGIS

ACTIVE      NORMAL

09/03/2019

District	Map	Insert	Group	Parcel	Ward	Property Location		
	82	P	K	34	15	1617 E FIFTH AVE		
Subdivision				Block	Lot	Plat	Dimensions ( shown in ft. )	Acreage
ELMWOOD PT 11				19-	12-	<u>3-120</u>	60 X 150	0.00 - A.C. Deeded
								0.00 - A.C. Calculated
Owner				Sale Date	Book	Page	Sale Price	Mailing Address
BARHAM JAMES L & LEVERTA H				11/1/1977	<u>1626</u>	388	\$ 17,000	1617 E 5TH AVE KNOXVILLE, TN 37917
CITY OF KNOXVILLE				8/30/2001	<u>20010831</u>	0017403	\$ 47,000	PO BOX 1631 KNOXVILLE, TN 37901

**Remarks**

ATTRIBUTES FROM NCR LOADER

Parent Parcel	Parent Instrument Number
Previous Parcel ( Split From )	Next Parcel ( Merged Into )

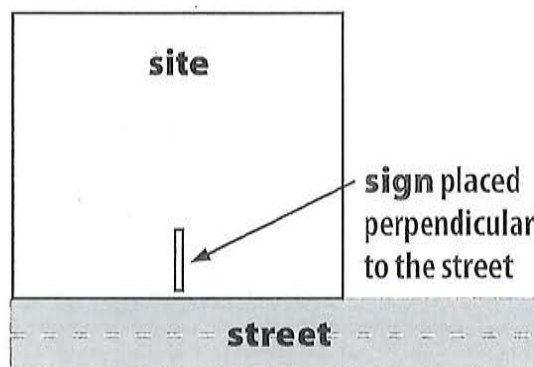
## REQUIRED SIGN POSTING AGREEMENT

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 MPC Administrative Rules and Procedures.

At the time of application, MPC 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 MPC 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. MPC 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 MPC 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 MPC 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:

Sept 25 (Wed) and Oct 11th (Fri)  
(15 days before the MPC meeting) (the day after the MPC meeting)

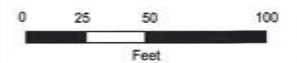
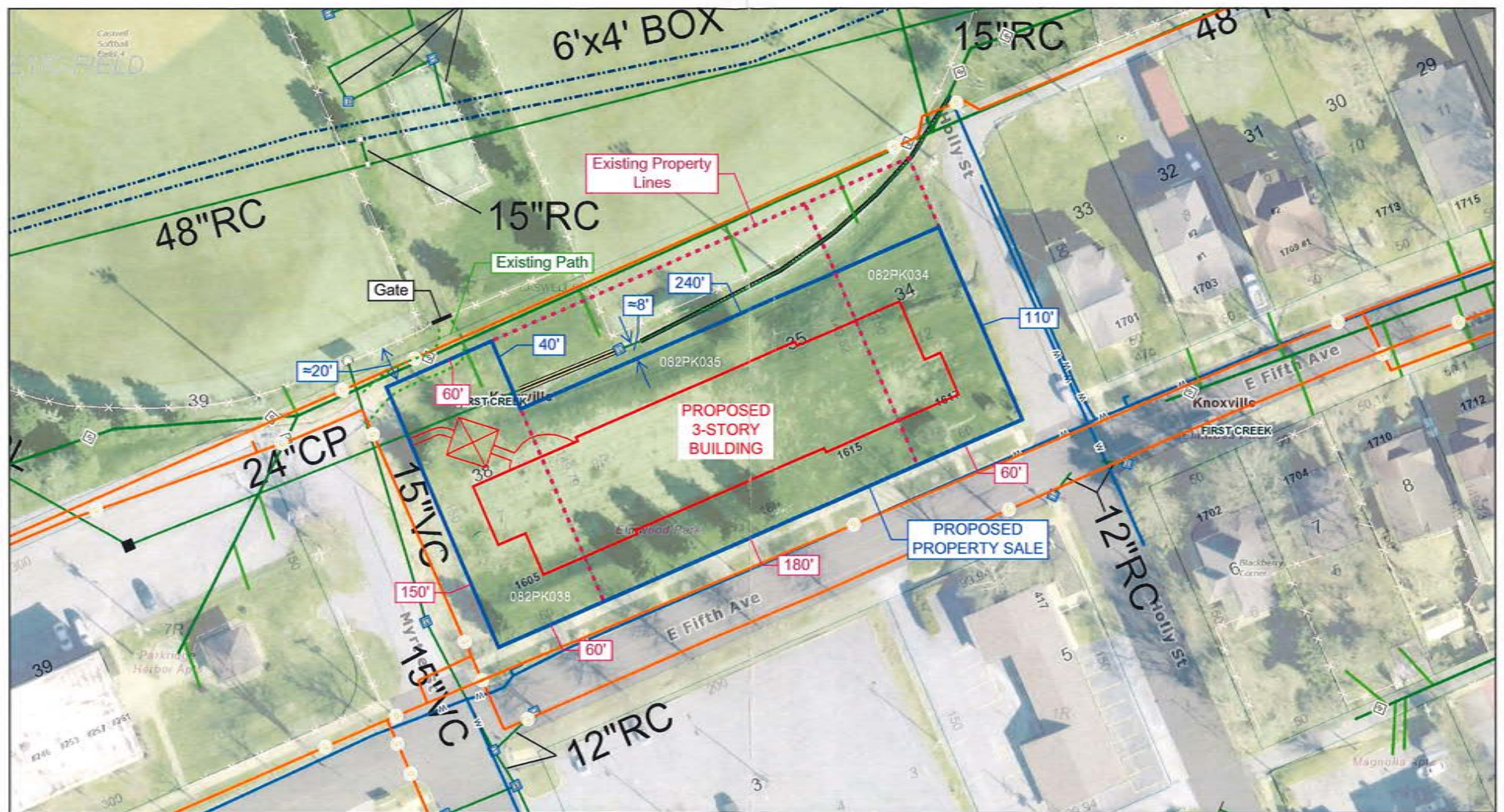
Signature: Becky Wade Becky Wade

Printed Name: Community Development Director

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Date: 9-3-19

MPC File Number: 10-5-19-RZ



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