



PLAN AMENDMENT REPORT

► **FILE #:** 4-A-20-SP

AGENDA ITEM #: 20

AGENDA DATE: 4/9/2020

► **APPLICANT:** CITY OF KNOXVILLE

OWNER(S): City of Knoxville

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

[View map on KGIS](#)

JURISDICTION: Council District 6

STREET ADDRESS: 0 E. Fifth Ave.

► **LOCATION:** North side of E. Fifth Ave. from Holly St. to Myrtle St.

► **APPX. SIZE OF TRACT:** 9158 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: E. Fifth Avenue is a local road with a pavement width of approximately 21 ft. and a right-of-way width of approximately 58.5 ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **PRESENT PLAN AND ZONING DESIGNATION:** MU-SD (Mixed Use Special District) MU-CC4 / OS (Parks and Open Space)

► **PROPOSED PLAN DESIGNATION:** OS (Open Space)

► **EXISTING LAND USE:** Vacant parcels

EXTENSION OF PLAN DESIGNATION:

HISTORY OF REQUESTS: Property was rezoned from O-1 (Office, Medical, and Related Services) to OS-2 (Park and Open Space) in 01/11, upon creation of that zone. A rezone request from OS-2 to RP-3 (Planned Res) was withdrawn at the City Council meeting on 1/28/20.

SURROUNDING LAND USE AND PLAN DESIGNATION:

North: Public parks - PP (Public Parks and Refuges)

South: Office and other uses - MU-SD CC4 (Mixed Use-Special District, Magnolia Gateways)

East: Single family residential and multifamily residential - MU-SD CC4 (Mixed Use-Special District, Magnolia Gateways)

West: Public/quasi-public land - MU-SD CC4 (Mixed Use-Special District, Magnolia Gateways)

NEIGHBORHOOD CONTEXT This area is a mix of uses including 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

STAFF RECOMMENDATION:

- ▶ **Adopt Resolution #4-A-20-SP, amending this parcel in the Central City Sector Plan map to the OS (Open Space) designation to make the Central City Sector Plan consistent with the zoning.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. Before she left office, Mayor Rogero requested of the Parks and Recreation Department to incorporate the three parcels into Caswell Park and to work with neighborhood residents and program the space to complement existing park amenities at Caswell Park and nearby Parkridge Park. Her letter to residents indicated Mayor Kincannon's agreement with this compromise.
2. Per the above statement, planning staff anticipates the open space will be incorporated into Caswell Park sometime in the near future.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are a lot of discrepancies between the various plans, which causes confusion as to whether this land belongs to the park system. Some plans show the parcels as part of Caswell Park and some do not. This amendment will bring the One Year Plan into alignment with other plans that show this land as part of Caswell Park.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. Myrtle Street has been closed, and the entirety of the right-of-way deeded to Volunteer Ministry Center (VMC). Consequently, VMC no longer needs these 3 parcels and the previous rezoning request has been withdrawn.
2. The public has used this land as an open park and has vehemently expressed their wish for it to remain open space.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/5/2020 and 5/19/2020. 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.



PLAN AMENDMENT REPORT

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UTILITIES: Water Source: Knoxville Utilities Board

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► **PRESENT PLAN AND ZONING DESIGNATION:** MU-SD CC-4 (Mixed Use-Special District, Magnolia Gateways) / OS (Parks and Open Space)

► **PROPOSED PLAN DESIGNATION:** OS (Open Space)

► **EXISTING LAND USE:** Vacant parcels

EXTENSION OF PLAN DESIGNATION: Yes

HISTORY OF REQUESTS: Property was rezoned from O-1 (Office, Medical, and Related Services) to OS-2 (Park and Open Space) in 01/11, upon creation of that zone. A rezone request from OS-2 to RP-3 (Planned Res) was withdrawn at the City Council meeting on 1/28/20.

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Public parks - PP (Public Parks and Refuges)
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NEIGHBORHOOD CONTEXT This area is a mix of uses including 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

STAFF RECOMMENDATION:

- **Approve the OS (Open Space) designation to make the One Year Plan consistent with the zoning.**

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

AN ERROR IN THE PLAN:

1. There are a lot of discrepancies between the various plans, which causes confusion as to whether this land belongs to the park system. Some plans show the parcels as part of Caswell Park and some do not. This amendment will bring the One Year Plan into alignment with other plans that show this land as part of Caswell Park.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

1. Myrtle Street has been closed, and the entirety of the right-of-way deeded to Volunteer Ministry Center (VMC). Consequently, VMC no longer needs these 3 parcels and the previous rezoning request has been withdrawn.
2. The public has used this land as an open park and has vehemently expressed their wish for it to remain open space.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. Before she left office, Mayor Rogero requested of the Parks and Recreation Department to incorporate the three parcels into Caswell Park and to work with neighborhood residents and program the space to complement existing park amenities at Caswell Park and nearby Parkridge Park. Her letter to residents indicated Mayor Kincannon's agreement with this compromise.

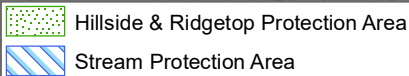
NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. Per the above statement, planning staff anticipates the open space will be incorporated into Caswell Park sometime in the near future.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/5/2020 and 5/19/2020. 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.



Petitioner: City of Knoxville

Map No:

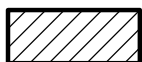
Jurisdiction: City





**4-A-20-PA
KNOXVILLE ONE YEAR PLAN AMENDMENT**

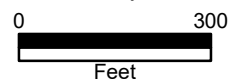
From: MU-SD, CC-4 (Mixed Use-Special District, Magnolia Gateways)
To: OS (Open Space)



Original Print Date: 3/16/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: City of Knoxville

Map No: 82
Jurisdiction: City



***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE CENTRAL CITY SECTOR PLAN***

***WHEREAS**, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and*

***WHEREAS**, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Central City Sector Plan, consistent with the requirements of the General Plan; and*

***WHEREAS**, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and*

***WHEREAS**, the City of Knoxville has submitted an application to amend the Sector Plan from Mixed Use-Special District, Magnolia Gateways to Open Space, for property described in the application; and*

***WHEREAS**, the Planning Commission staff recommends approval of a revised amendment to the Central City Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and*

***WHEREAS**, the Planning Commission, at its regularly scheduled public hearing on April 9, 2020, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.*

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Central City Sector Plan, with its accompanying staff report and map, file #4-A-20-SP.

SECTION 2: This Resolution shall take effect upon its approval.

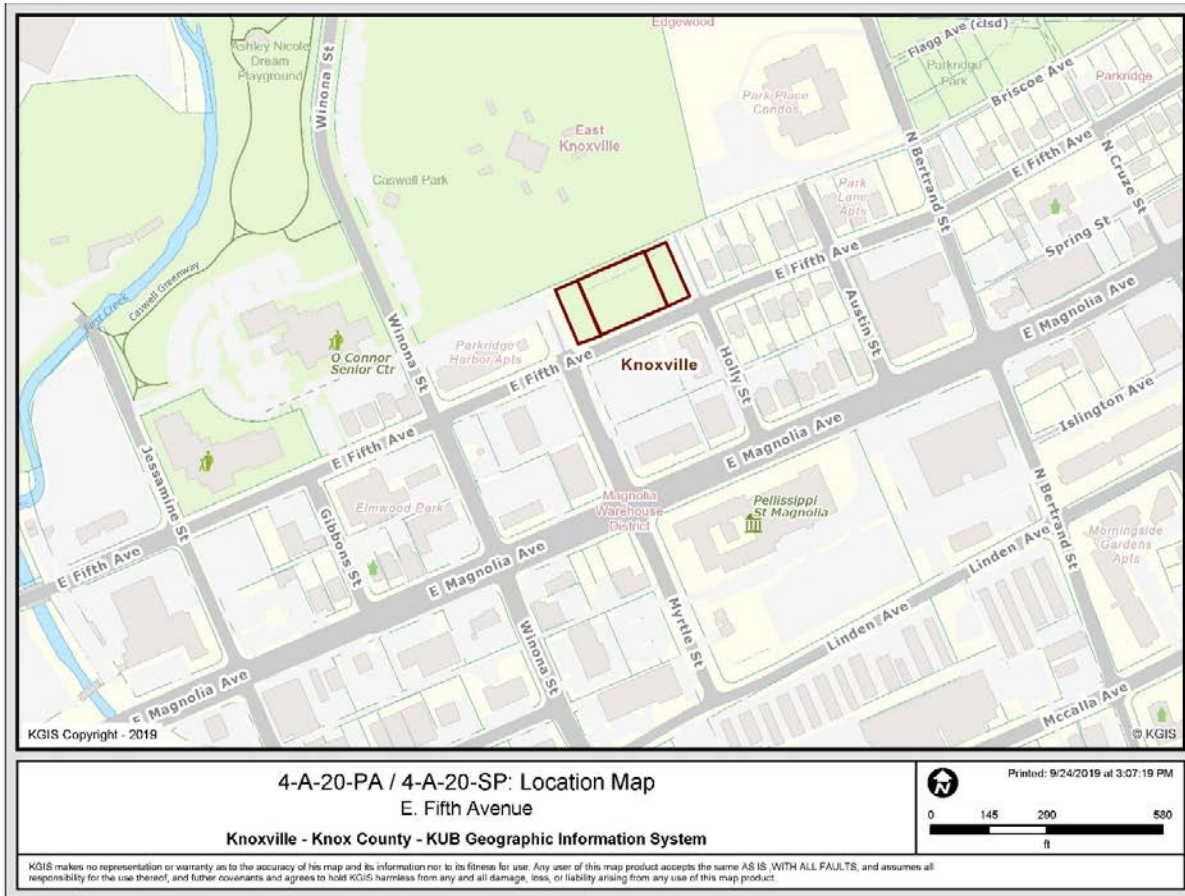
SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

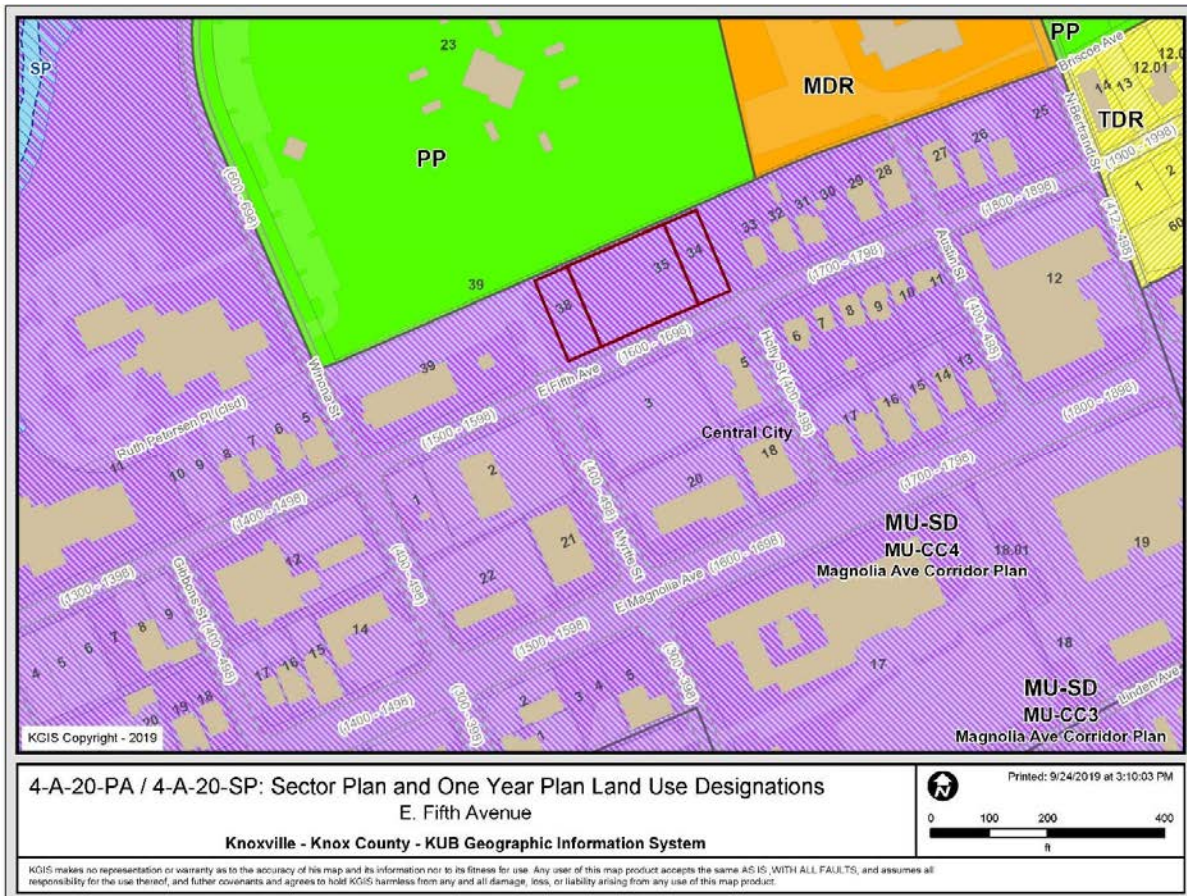
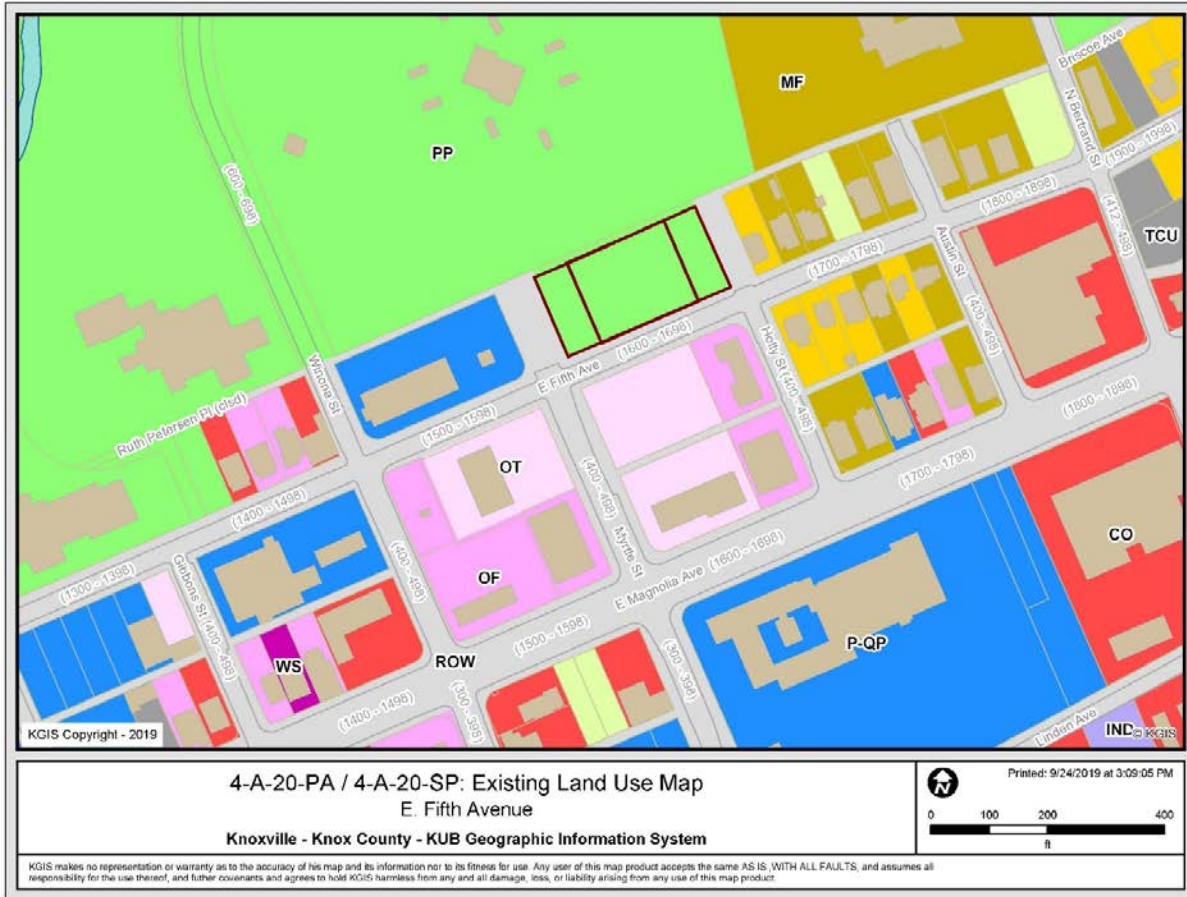
Chairman

Secretary

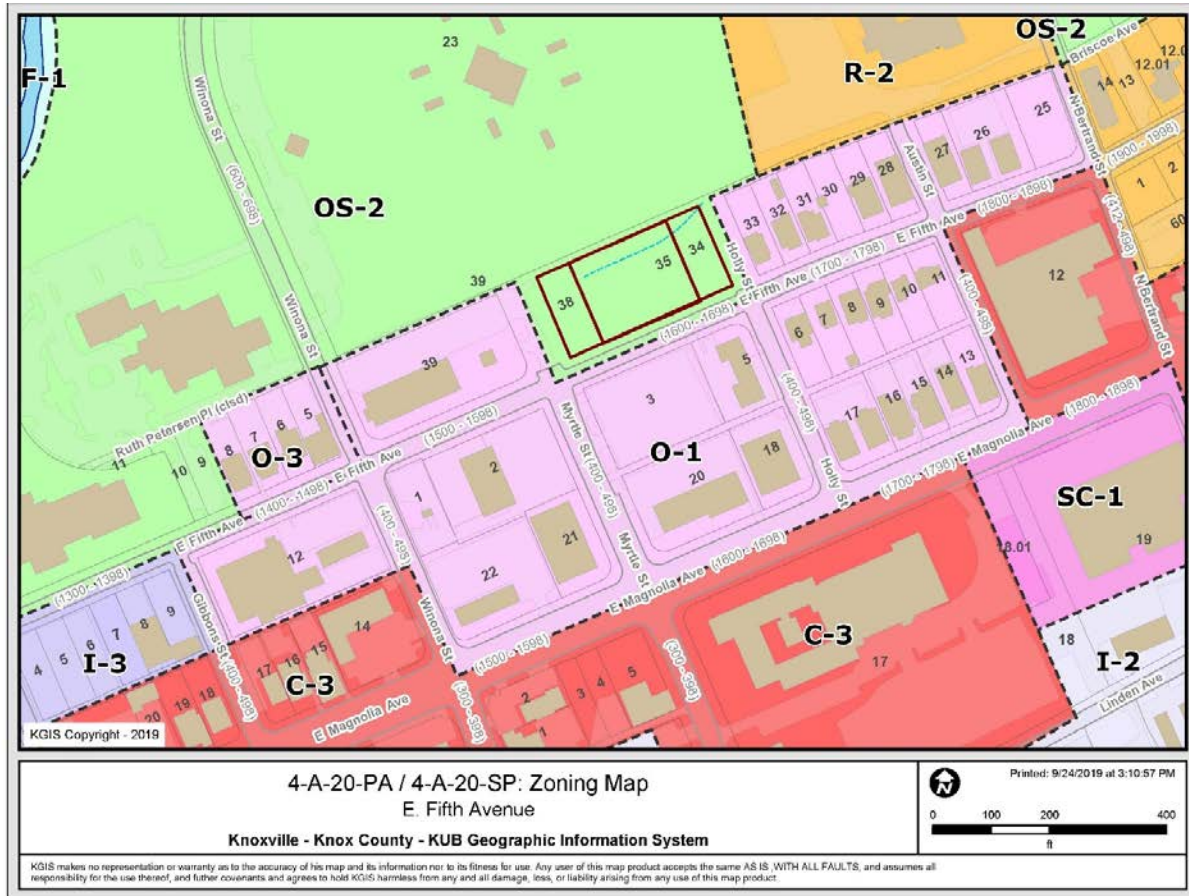
4-A-20-PA/4-A-20-SP
EXHIBIT A. Contextual Images



4-A-20-PA/4-A-20-SP
EXHIBIT A. Contextual Images



4-A-20-PA/4-A-20-SP
EXHIBIT A. Contextual Images



PARKRIDGE COMMUNITY ORGANIZATION

AT HOME WITH DIVERSITY

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LETTER FROM MAYOR RE: CITY PARCELS ON FIFTH AVENUE AND VMC

December 12, 2019

MADELINE ROGERO

8:35 AM, Dec 12

to Parkridge, Gwen, William, Becky, Sheryl

Dear Lynne,

I am writing you to follow-up on my email of September 3, 2019 in which I explained our plans to proceed with supporting VMC's request to build permanent supportive housing on three city-owned parcels at 1605, 1615, and 1617 East Fifth Avenue to complement their planned purchase of the building at 1501 E. Fifth which is presently owned by Positively Living (PL). Anticipated City action involved the rezoning of these parcels and the closure of Myrtle Street.

In the last few months we have continued to discuss these plans and heard from Knoxville residents about both the need for permanent supportive housing and the neighborhood's desire to maintain the existing green space. I appreciate the suggestion by some Parkridge residents that VMC build their new units on the existing PL property and the land acquired through the Myrtle St closure. This seems like a reasonable compromise.

As a result, I asked VMC and they agreed to consider designs for expansion only on the existing Positively Living site and the land that would become available to them with the closure of Myrtle Street. Meanwhile, VMC is proceeding with their due diligence on the Positively Living property in anticipation of purchasing the site in January 2020.

Given this, the City will request that the rezoning of the 3 city-owned parcels on Fifth Avenue be withdrawn when it appears on the Council agenda again on January 28, 2020 (per Council's postponement action on November 5th).

The City also will recommend to City Council that they approve the closure of Myrtle Street when it appears on the agenda again on February 11, 2020, and that the right-of-way in its entirety be deeded to VMC. VMC will then seek the appropriate rezoning to allow them to increase their number of housing units at this newly expanded property site.

Meanwhile, I will request that Knoxville – Knox County Planning amend the Central City Sector Plan and One Year Plan for the three city-owned parcels on Fifth Ave to reflect the City's intention that the city properties remain as open space. [As you know, Sector Plans provide guidance on anticipated land use and development over a 15-year period. Since 2003, the Central City Sector Plan has recommended that these three parcels be developed for Mixed Use / Medium Density Residential (MU-SD/MU CC-4)].

I will also request that the Central City Sector Plan and One Year Plan be amended to allow the expanded PL/VMC property to be developed at an appropriate increase in density.

I have instructed Sheryl Ely, Director of Parks and Recreation, to incorporate the 3 city parcels into the programming of Caswell Park (<https://bit.ly/2t30fCA>) and to work with the neighborhood to program the space to complement existing park amenities at Caswell Park and nearby Parkridge Park.

I am hopeful that this compromise will reflect the City's continued commitment to permanent supportive housing and, along with the great news on the proposed redevelopment of the Standard Knitting Mill site, will underscore the importance of the Parkridge neighborhood and the City's commitment to its future.

I have reviewed this correspondence with Councilwoman Gwen McKenzie and with Mayor-elect Indya Kincannon and they both expressed appreciation for this reasonable compromise.

Please let me know if you have any questions or recommendations.

Sincerely,

Madeline Rogero

Mayor Madeline Rogero

City of Knoxville

400 Main Street, Suite 691

Knoxville, TN 37902

mrogero@knoxvilletn.gov

Executive Assistant: Ms. Terry Alexander

TerryAlexander@knoxvilletn.gov

865-215-3643 Office

www.knoxvilletn.gov



DEVELOPMENT REQUEST



DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Plan Amendment
☐ Rezoning

Becky Wade
Applicant Name

1/7/20
Date Filed

April 9
March 14, 2020
Meeting Date (if applicable)

City of Knoxville
Affiliation
4-A-20-PA*
4-A-20-SP
File Number(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
Name

City of Knoxville
Company

400 Main St.
Address

Knoxville
City

TN
State

37902
Zip

215-2322
Phone

bwade@knoxville.tn.gov
Email

CURRENT PROPERTY INFO

City of Knoxville
Owner Name (if different)

Owner Address

Owner Phone

O E. Fifth Ave
Property Address

082PK038

082PK034

082PK035

Parcel ID

N/E Fifth, W 1st St

45,285

E. Fifth @ Myrtle St.
General Location

approx 9,158.25 sq ft.
Tract Size
total

6
Jurisdiction (specify district above)

☒ City ☐ County

OS
Zoning District

Central City
Planning Sector

MU-SD, MU-CCH
Sector Plan Land Use Classification

N/A
Growth Policy Plan Designation

vacant
Existing Land Use

Septic (Y/N)

KUB
Sewer Provider

KUB
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: _____

Proposed Zoning

☒ Plan Amendment Change: OS

Proposed Plan Designation(s)

☐ 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:

05161 0

FEE 2:

05161 0

FEE 3:

TOTAL:

0

AUTHORIZATION By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Becky Wade
Applicant Signature

Becky Wade
Please Print

1/7/20
Date

215-2322
Phone Number

bwade@knoxvilletn.gov
Email

Sherry Muchienzi
Staff Signature

Sherry Muchienzi
Please Print

1-7-20
Date

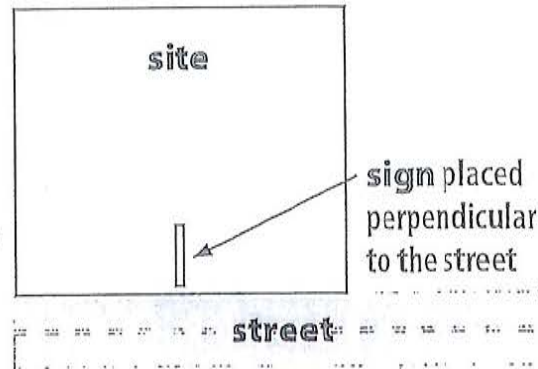
REQUIRED SIGN POSTING AGREEMENT

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:

March 25 (Wed) and April 10 (Fri)
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Becky Wade

Printed Name: City of Knoxville - Becky Wade

Phone: 215-2322 Email: bwade@knoxvilletn.gov

Date: 1-7-20

File Number: 4-A-20-PA & 4-A-20-SP