

# REZONING REPORT

▶ **FILE #:** 12-B-20-RZ

**AGENDA ITEM #:** 11

**AGENDA DATE:** 12/10/2020

▶ **APPLICANT:** TAYLOR FORRESTER OBO NORTSHORE MARKET INVESTOR, LLC  
**OWNER(S):** Northshore Market Investor, LLC

**TAX ID NUMBER:** 154 09813 [View map on KGIS](#)

**JURISDICTION:** City Council District 2

**STREET ADDRESS:** 2002 Thunderhead Rd.

▶ **LOCATION:** **East side of Thunderhead Rd., West side of Town Center Blvd., South side of Boardwalk Blvd.**

▶ **APPX. SIZE OF TRACT:** **9.53 acres**

**SECTOR PLAN:** Southwest County

**GROWTH POLICY PLAN:** Within City limits

**ACCESSIBILITY:** Access would be off of Town Center Boulevard or Broadway Boulevard. Town Center Boulevard is a local road with a pavement width of approximately 22 feet in each direction of travel inside a 105-foot right-of-way. Broadway Boulevard is a local road and has a pavement width of 11 feet in each direction of travel inside an 80-foot right-of-way.

**UTILITIES:** Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

**WATERSHED:** Tennessee River

▶ **PRESENT ZONING:** **C-R-2 (Regional Commercial)\*** This property includes a previously approved planned district designation (PD) that was requested to be removed earlier in the meeting.

▶ **ZONING REQUESTED:** **C-G-3 (General Commercial)**

▶ **EXISTING LAND USE:** **Vacant land**

▶ **DENSITY PROPOSED:** **N/A**

**EXTENSION OF ZONE:** No

**HISTORY OF ZONING:** A rezoning request from RA (Low Density Residential) and A (Agricultural) to CA (General Business) was denied in 1989 (2-I-89-RZ), the property was zoned R-1 upon its annexation in 2000 (6-AA-00-RZ), and rezoned from R-1 to TC-1 in 2001 (4-Q-01-RZ).

**SURROUNDING LAND USE AND ZONING:**

North: Agricultural/forestry/vacant - C-R-2 (Regional Commercial) District

South: Pond and office - OS (Open Space) and C-R-2 (Regional Commercial) District with PD (Planned Development) overlay

East: Commercial - C-R-2 (Regional Commercial) District

West: Multifamily and commercial - RN-6 (Multifamily Residential) District with PD (Planned Development) overlay

**NEIGHBORHOOD CONTEXT:** This was formerly the TC-1 (Town Center) zone prior to the adoption of the new zoning ordinance. It is a mixed use node near the intersection of S. Northshore and Pellissippi Parkway containing single family residential, multifamily residential, big box and small scale retail, and commercial uses.

**STAFF RECOMMENDATION:**

- ▶ **Approve C-G-3 (General Commercial) zoning because it would allow development more consistent with the surrounding area.**

**COMMENTS:**

This area was zoned TC-1 (Town Center District 1) prior to adoption of the new zoning ordinance on January 1, 2020. There is no zoning equivalent to TC-1 in the new zoning ordinance, and the properties in this area were rezoned to C-R-2, likely because the zone's intent was the closest to the site design and land uses of the approved master plan.

Since TC-1 was a planned district, development plans were required to meet the District's standards and obtain Planning Commission approval. The new zoning map now depicts a parcel with an approved plan in any of the former planned districts as a PD (Planned District) and treats it much like a parcel in an overlay district. The applicant has requested to remove the PD (Planned District) designation from this property in a separate request. If that request is denied and the PD (Planned District) designation remains on the property, the former TC-1 zoning and Northshore Town Center master plan would still be effective.

**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 GENERALLY:

1. Due to the differences between the dimensional requirements of the previous TC-1 and newly adopted C-R-2 zone (see Exhibit B), sites constructed under C-R-2 zoning would not be consistent with the surrounding development with regard to setbacks. The C-G-3 dimensional requirements are closer to the master plan's setbacks for medium density residential development and would promote development more consistent with the surrounding area on this parcel.
2. Approved changes to the Northshore Town Center road network resulted in inconsistencies between the road configuration and parcel boundaries of the master plan and the actual build-out since the master plan was not updated with that approval.

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

1. The proposed amendment to C-G (General Commercial) zoning is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The C-G District is intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces. The CG District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.
2. 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 CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The uses allowed in the C-G zones are very similar to, though slightly less intense than, those allowed in the C-R zones. Therefore, no adverse impacts are expected from rezoning this property to C-G-3.
2. The C-G-3 zone has site design and building design standards (Section 5.4) similar to those of C-R-2, so no adverse impacts stemming from the difference in zones are expected from the design of the site or buildings.
3. Dimensional standards for development in the C-G-3 and C-R-2 zones are similar, but slightly different (see Exhibit B).
4. The requested C-G-3 zone is more compatible with the residential and institutional uses to the west than the existing C-R-2 zone.

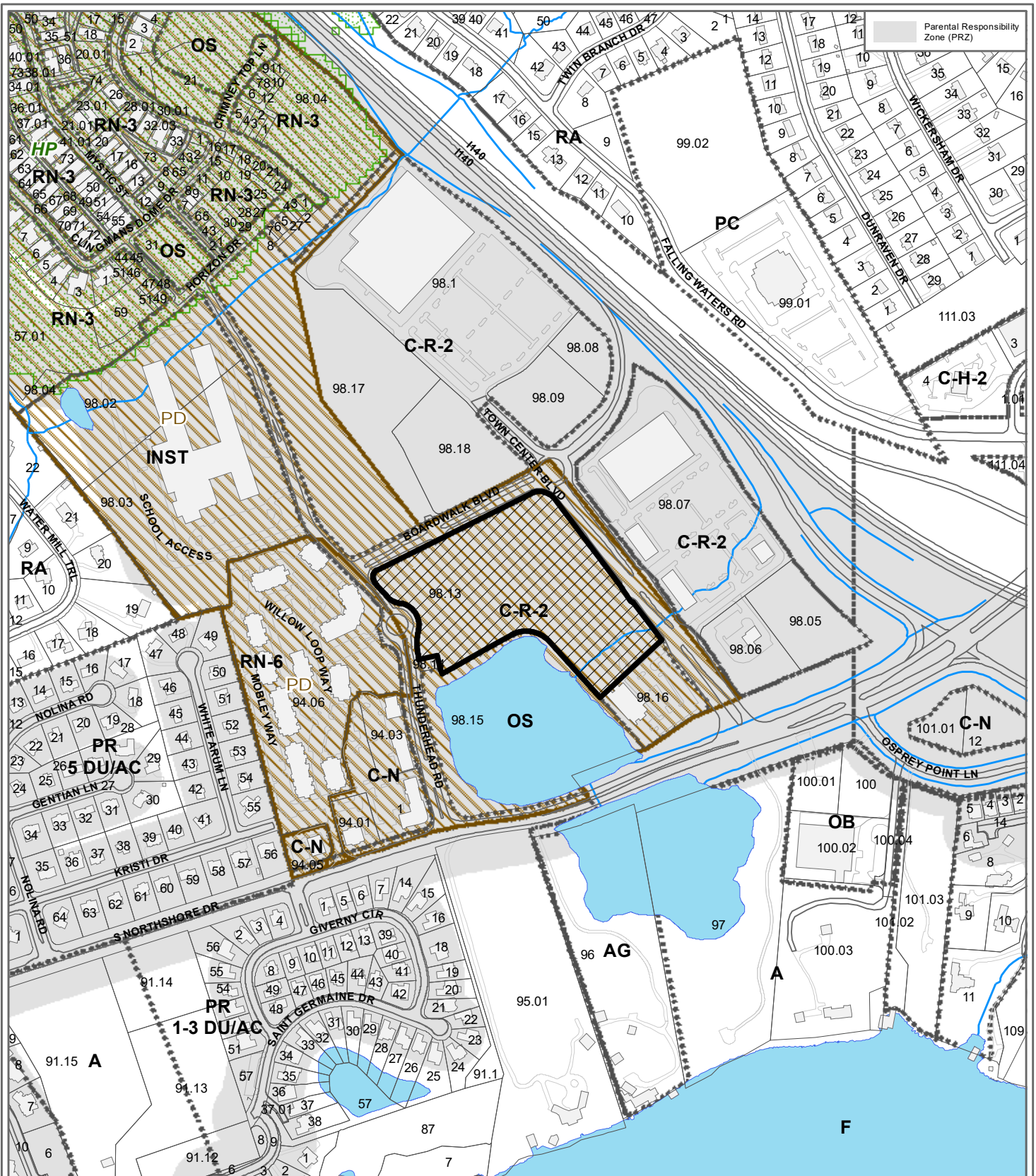
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The C-G-3 zone is consistent with the Southwest County Sector Plan's MU-CC (Mixed Use-Community Center) land use designation, which allows C-G zoning.
2. The MU-CC designation does not allow C-R zoning, so rezoning this property would bring these properties into compliance with the sector plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/12/2021 and 1/26/2021. 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.



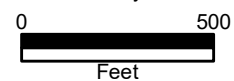
**12-B-20-RZ  
REZONING**

From: C-R-2 (Regional Commercial)  
To: C-G-3 (General Commercial)



Petitioner: Forrester obo Northshore  
Market Investor, LLC, Taylor

Map No: 154  
Jurisdiction: City



Original Print Date: 11/6/2020 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902



Michelle Portier <michelle.portier@knoxplanning.org>

---

## Agenda Items: 11 & 24

---

**Taylor Forrester** <tforrester@lrwlaw.com>  
To: Michelle Portier <michelle.portier@knoxplanning.org>

Tue, Dec 8, 2020 at 4:43 PM

Michelle,

We met with several NTC residents last night via Zoom to discuss. The residents asked for 30 days to discuss the proposed development in further detail, and the applicant is agreeable. Attached is the letter I uploaded to the Planning Commission website. I am emailing a copy to Debbie Stevens (who participated in the meeting last night).

TAYLOR D. FORRESTER



1111 N. Northshore Drive, Suite S-700


Knoxville, Tennessee 37919

(865) 584-4040

(865) 584-6084 fax

[www.lrwlaw.com](http://www.lrwlaw.com)

---

 **2020.12.8 - Ltr to MPC - 30 day postponement.pdf**  
58K

David Wilson Long  
Dennis B. Ragsdale  
John B. Waters III  
J. Michael Ivens  
J. Randolph Miller  
Garrett P. Swartwood  
Jennifer Milligan Swindle\*  
Lee A. Popkin  
W. Michael Baisley  
Kyle A. Baisley



Long, Ragsdale & Waters, P.C.  
ATTORNEYS AT LAW

Taylor D. Forrester  
Alexander O. Waters  
Oliver D. Adams  
William D. Edwards  
J. Scott Griswold  
Mycol E. Scott  
C. Paul Harrison†  
Christopher A. Hall†

John B. Waters, Jr. (1929-2018)  
R. Louis Crossley, Jr. (1953-2019)

December 8, 2020

Knoxville-Knox Planning Commission  
City-County Building, Suite 403  
400 Main Street  
Knoxville, TN 37902

Re: Agenda Item No. 11 – File No. 12-B-20-RZ  
Agenda Item No. 24 – File No. 12-C-20-SU  
Taylor Forrester on behalf of Northshore Market Investor, LLC

Dear Commissioners:

I represent the applicant, Northshore Market Investor, LLC, in the above referenced Agenda Items that are presently scheduled for consideration on Thursday, December 10, 2020. We are requesting a 30 day postponement and ask that these matters be reset to the January 14, 2021 meeting.

We were able to participate in a meeting with several residents of the Northshore Town Center via Zoom on Monday evening [December 7<sup>th</sup>], to discuss the proposed development for the property at issue. The applicant and these residents want to further the discussions related to the proposed development and believe a 30 day postponement will be productive.

As such, on behalf of the applicant please postpone these matters for 30 days.

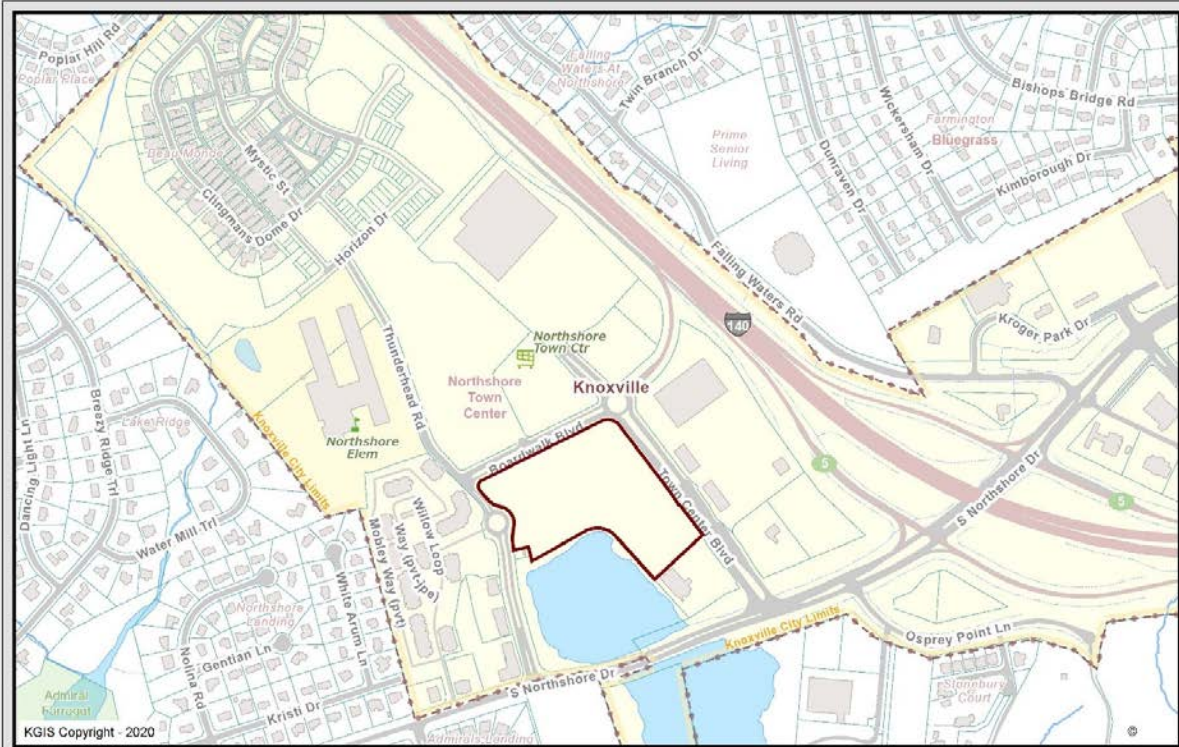
Respectfully yours,

LONG, RAGSDALE & WATERS, P.C.

By: \_\_\_\_\_

Taylor D. Forrester

**12-B-20-RZ**  
**EXHIBIT A. Contextual Images**



**12-B-20-RZ: Location Map**  
**2002 Thunderhead Road**  
**Knoxville - Knox County - KUB Geographic Information System**

Printed: 11/24/2020 at 3:43:10 PM

0 270 540 1,080  
ft

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



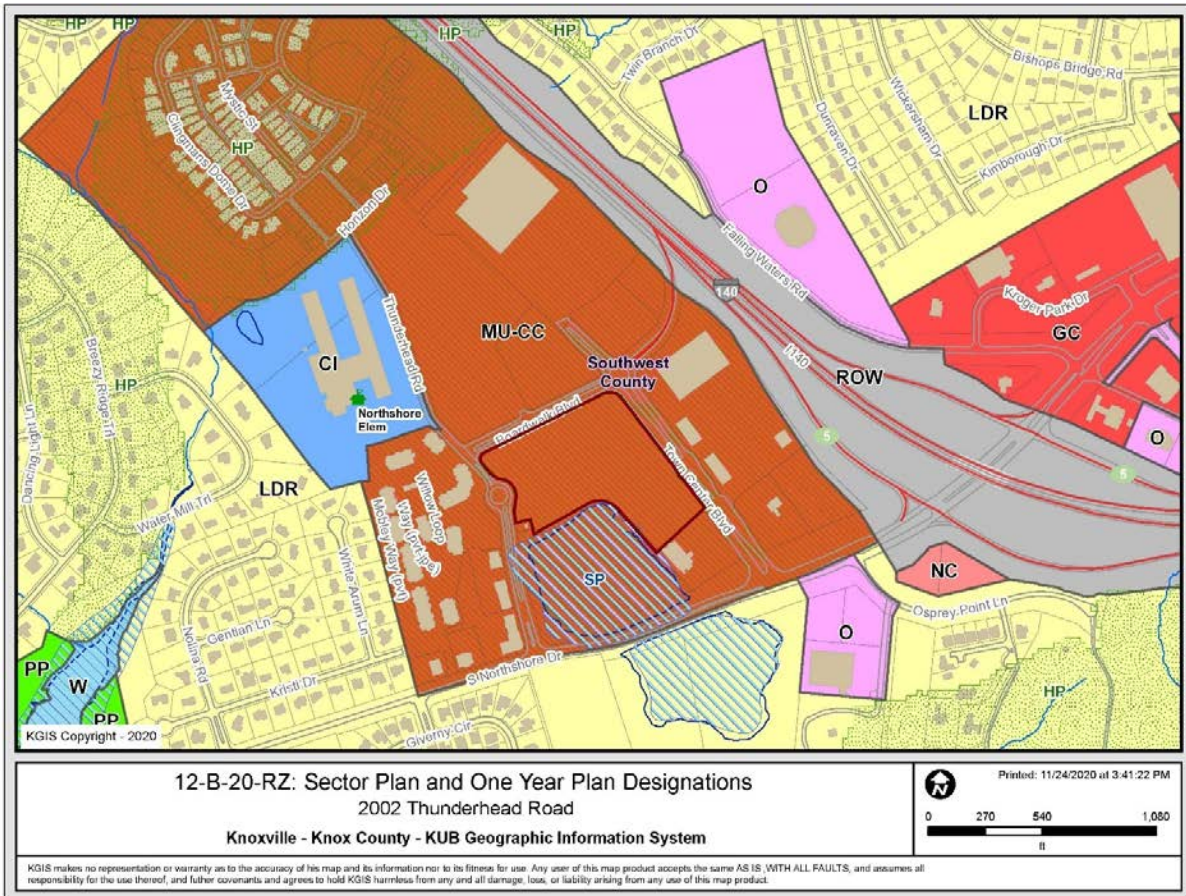
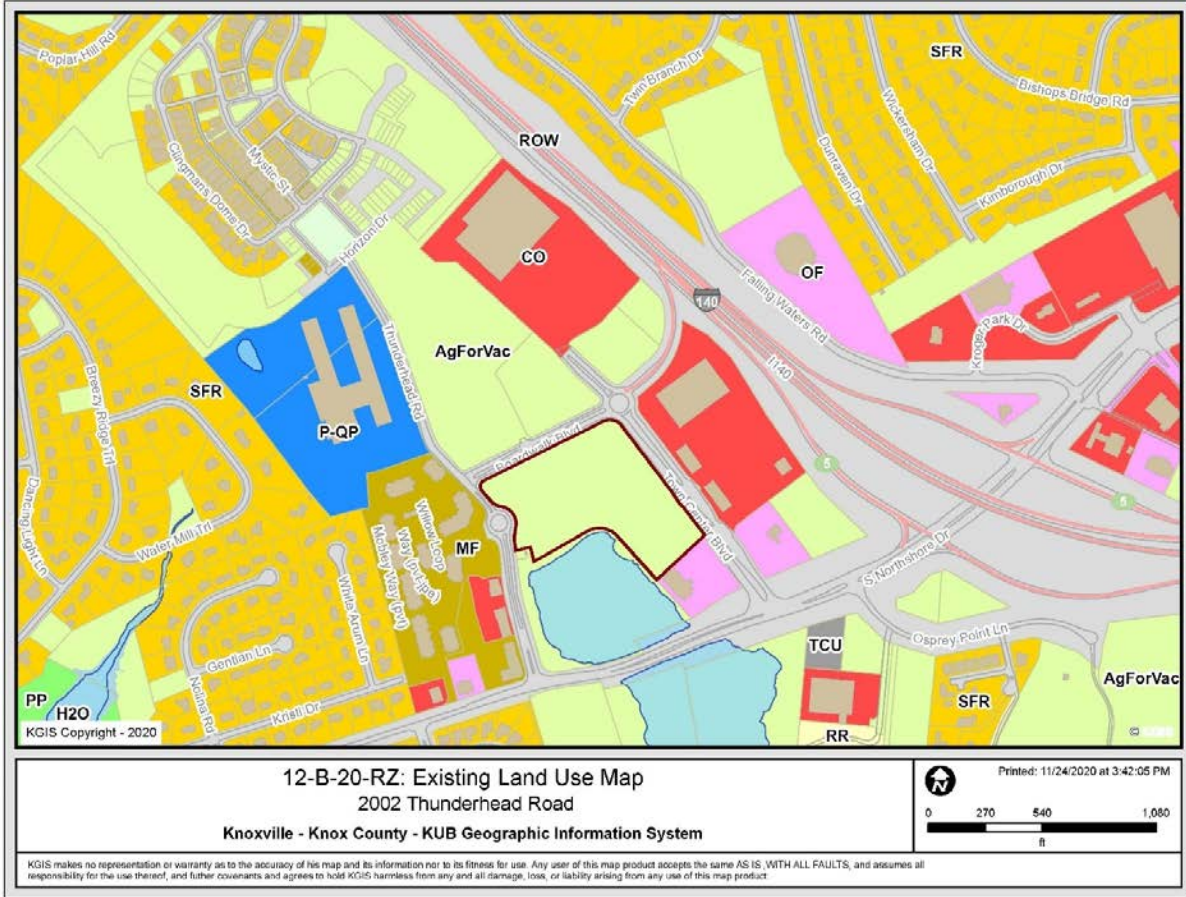
**12-B-20-RZ: Aerial Map**  
**2002 Thunderhead Road**  
**Knoxville - Knox County - KUB Geographic Information System**

Printed: 11/24/2020 at 3:30:12 PM

0 270 540 1,080  
ft

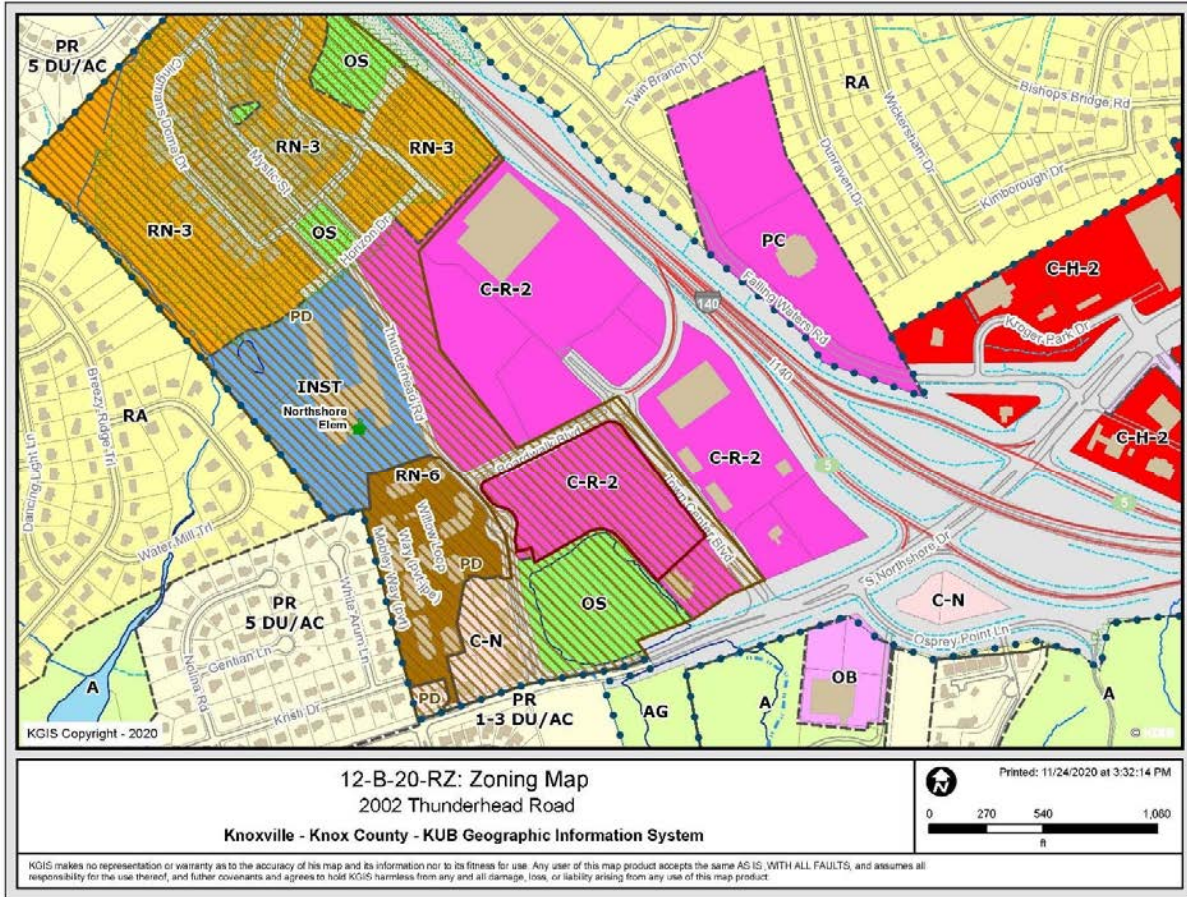
KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

**12-B-20-RZ**  
**EXHIBIT A. Contextual Images**

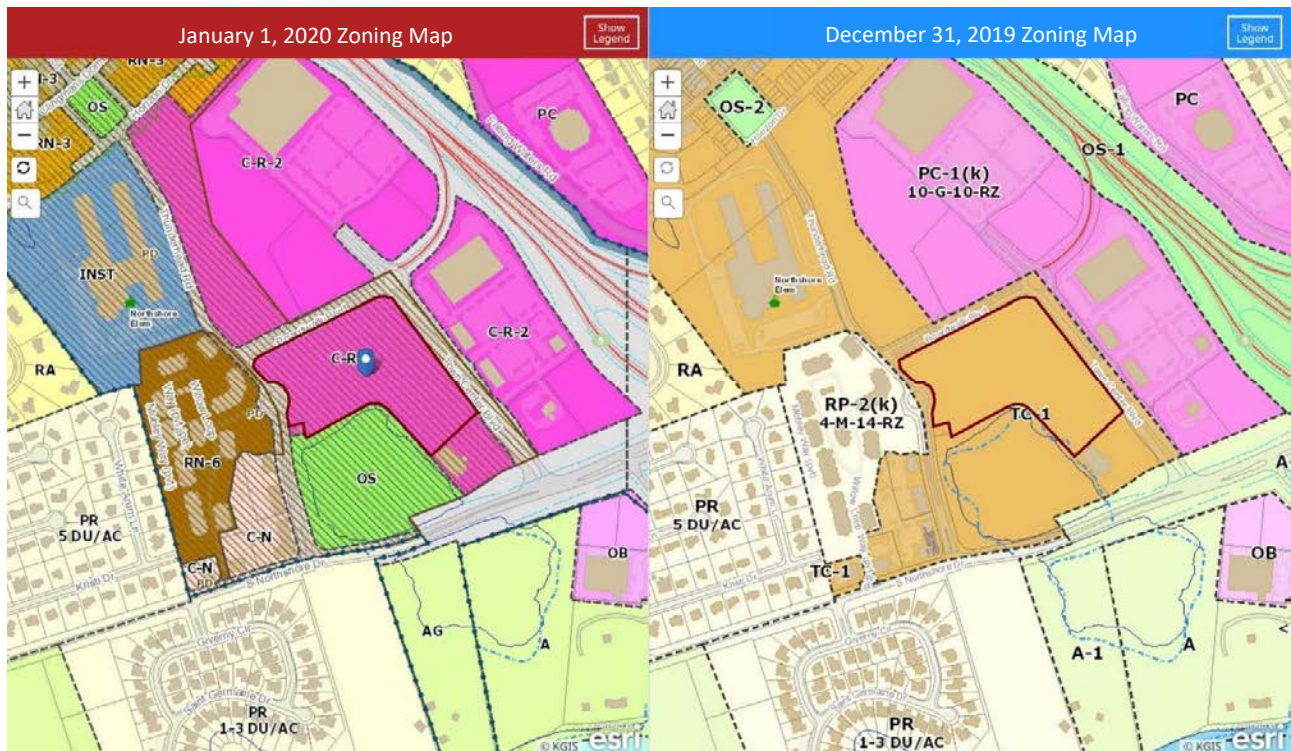




# 12-B-20-RZ EXHIBIT A. Contextual Images



Comparison map showing zoning before and after the new zoning ordinance and map took effect



**12-B-20-RZ**

**Exhibit B. Zoning Comparison**

<b>Comparison of the Dimensional Standards of the Previous, Existing, and Requested Districts</b>			
	<b>TC-1 Previous Zone</b>	<b>C-R-2 Existing Zone</b>	<b>C-G-3 Requested Zone</b>
<b>Bulk</b>			
<b>Minimum Lot Area</b>	N/A (only the size of district regulated)	15,000sf	None
<b>Minimum Lot Width</b>	N/A (only the size of district regulated)	80'	None
<b>Maximum Gross Floor Area (Nonresidential Uses Only)</b>		N/A	N/A
<b>Maximum Building Height</b>	2-story minimum; 35' or 2.5 stories at the edge of the district	90'; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line	Unlimited; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line
<b>Setbacks</b>			
<b>Minimum Front Setback</b>	To be determined by master plan, see below	20'	Build-To Zone: 0' to 20'
<b>Minimum Build-To Percentage</b>	N/A	N/A	70%
<b>Minimum Interior Side Setback</b>	0'	10', unless abutting a residential district, then 35'	None, unless abutting a residential district, then 20'
<b>Minimum Corner Side Setback</b>	To be determined by master plan, see below	20'	Build-To Zone: 0' to 15'
<b>Minimum Build-To Percentage</b>	N/A	N/A	60%
<b>Minimum Rear Setback</b>	To be determined by master plan, see below	10', unless abutting a residential district, then 30'	None, unless abutting a residential district, then 25'

<b>Approved Master Plan's Dimensional Standards for Medium Residential Development</b>	
	<b>Single Family Attached - Medium Density Residential</b>
<b>Minimum Lot Size</b>	2,000 sq ft., 2,500 sq ft. on corner lot.
<b>Maximum Lot Size</b>	4,000 sq ft.
<b>Minimum Lot Width</b>	20' interior lot, 25' on corner lot
<b>Maximum Height</b>	2-1/2 Stories / 35'
<b>Minimum Height</b>	1 story / 12'
<b>Maximum Front Yard Setback</b>	10' to habitable portion of the house.
<b>Minimum Front Yard Setback</b>	5' to nearest habitable portion of house.
<b>Minimum Street Side Yard Setback</b>	5'
<b>Minimum Interior Side Yard Setback</b>	0'
<b>Minimum Rear Yard Setbacks, Main Building</b>	25'
<b>Minimum Rear Yard Setbacks, Accessory Buildings</b>	5'
<b>Maximum Building Coverage</b>	70% of lot area
<b>Maximum Impervious Cover</b>	90% of lot area
<b>Minimum Raised Foundation</b>	18"



# DEVELOPMENT REQUEST

## DEVELOPMENT

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

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
- Rezoning

Taylor D. Forrester o/b/o Northshore Market Investor LLC

Attorney

Applicant Name

Affiliation

10/26/2020  
Date Filed

12/10/2020  
Meeting Date (if applicable)

12-B-20-RZ  
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

Taylor D. Forrester

Long, Ragsdale & Waters, P.C.

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

Zip

865-584-4040

tforrester@lrwlaw.com

Phone

Email

## CURRENT PROPERTY INFO

Northshore Market Investor LLC

6312 Kingston Pike, Ste C, Knoxville, TN

Owner Name (if different)

Owner Address

Owner Phone

2002 Thunderhead Road

154 09813

Property Address

Parcel ID

East side of Town Center Blvd, south side of Boardwalk Blvd.

9.53 acres

General Location

Tract Size

2nd District

C-R-2

Jurisdiction (specify district above)

- City
- County

Zoning District

Southwest County

MU-CC

N/A (within city limits)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Vacant

N

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 Change: C-G-3  
Proposed Zoning \_\_\_\_\_

Plan Amendment Change: \_\_\_\_\_  
Proposed Plan Designation(s) \_\_\_\_\_

ZONING

Proposed Property Use (specify) \_\_\_\_\_ Proposed Density (units/acre) \_\_\_\_\_ Previous Rezoning Requests \_\_\_\_\_

Other (specify): \_\_\_\_\_

STAFF USE ONLY

**PLAT TYPE**

Staff Review     Planning Commission

*(code 0327)*

**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:

\$1,950.00

**TOTAL:**

\$1950-

FEE 2:

FEE 3:

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

Taylor Forrester

Digitally signed by Taylor Forrester  
 DN: cn=Taylor Forrester, o=US United States (US) United States, email=Taylor Forrester, c=US  
 Reason: I am the author of this document  
 Location:  
 Date: 2020.01.22 13:51:00.00

Taylor D. Forrester

10/26/20

Applicant Signature

Please Print

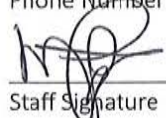
Date

865-584-4040

tforrester@lrwlaw.com

Phone Number

Email



Michelle Portier

10/26/2020

Staff Signature

Please Print

Date

David Wilson Long  
Dennis B. Ragsdale  
John B. Waters III  
J. Michael Ivens  
J. Randolph Miller  
Garrett P. Swartwood  
Jennifer Milligan Swindle\*  
Lee A. Popkin  
W. Michael Baisley  
Kyle A. Baisley

Taylor D. Forrester  
Alexander O. Waters  
Oliver D. Adams  
William D. Edwards  
J. Scott Griswold  
Mycol E. Scott  
C. Paul Harrison†  
Christopher A. Hall†

John B. Waters, Jr. (1929-2018)  
R. Louis Crossley, Jr. (1953-2019)

## MEMORANDUM

TO: Knoxville-Knox Planning Commission

FROM: Taylor D. Forrester

RE: Development Request by Taylor D. Forrester o/b/o Northshore Market Investor LLC for property located at 2002 Thunderhead Road Parcel 154 09813 ("Property")

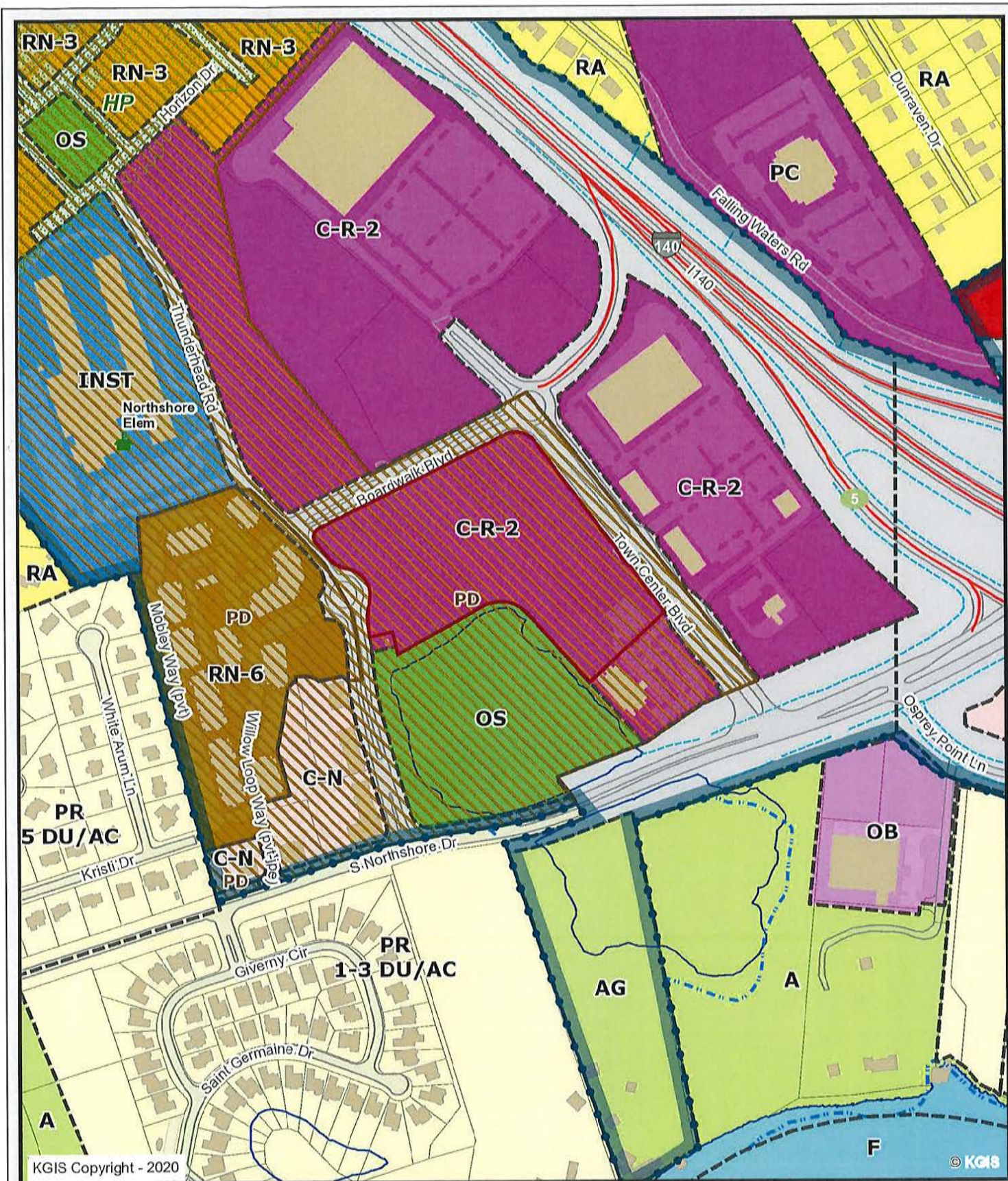
DATE: October 26, 2020

---

Dear Professional Staff,

We are requesting relief from the Planned Development Overlay for the Property because the Northshore Town Center Master Plan is not consistent with the development within the Northshore Town Center. Per the Master Plan a portion of the Property was to be used for Medium Density Residential and the other portion was located in the Mixed Core. The majority of the developments within the Northshore Town Center have not been development in accordance with the Master Plan. The proposed use for the Property is multi-family. Being required to adhere to the Planned Development Overlay/Master Plan, would either preclude or disrupt the proposed development.

The stated reasons are not intended to be an exhaustive list, and the applicant reserves the right to supplement.



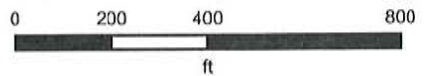
KGIS Copyright - 2020

© KGIS

### Zoning Map



Printed: 10/26/2020 at 4:05:10 PM



Knoxville - Knox County - KUB Geographic Information System

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

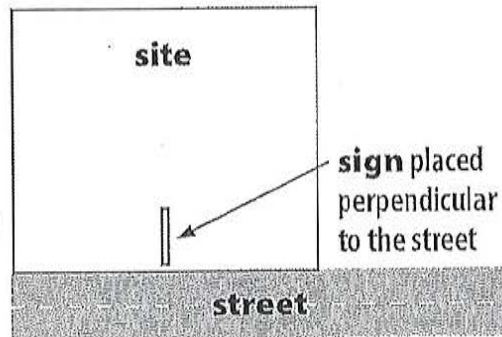
## REQUIRED SIGN POSTING AGREEMENT

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

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

### LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.



### TIMING

The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

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

Nov. 29, 2020 and Dec. 11, 2020  
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: Louis Moran III

Phone: 865-356-3383 Email: Lmoran3@vols.utk.edu

Date: 10-26-20

File Number: 12-B-20-RZ