



# SPECIAL USE REPORT

▶ **FILE #:** 12-C-20-SU

**AGENDA ITEM #:** 24

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

▶ **APPLICANT:** TAYLOR D. FORRESTER OBO NORTSHORE MARKET INVESTOR LLC

OWNER(S): Northshore Market Investors 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

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

**Vacant**

▶ **EXISTING LAND USE:** Removal of PD (Planned Development) overlay

▶ **PROPOSED USE:**

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: Vacant land - C-R-2 (Regional Commercial) District with PD (Planned Development) overlay on part of the property  
South: Pond and a bank - 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) and C-N (Neighborhood Commercial) Districts with PD (Planned Development) overlay

NEIGHBORHOOD CONTEXT: This was formerly the "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 featuring single family residential, multifamily residential, big box retail and commercial, and small-scale retail and commercial.

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**STAFF RECOMMENDATION:**

► **Approve the request to remove the PD (Planned District) Overlay from this parcel, subject to 2 conditions.**

1. Any future development of this site should retain the boardwalk design and location along the pond per the approved master plan and connect to the existing portion of boardwalk that has been constructed.
2. Installing any road improvements that were required by traffic impact study for the Northshore Town Center development that will be triggered by the additional traffic generated by development on this site, as required by the City of Knoxville Department of Engineering.

With the conditions noted, staff recommends approval of the request to remove the PD Overlay with the exception of the boardwalk along the perimeter of the pond.

**COMMENTS:**

Prior to adoption of the new zoning ordinance, this parcel was zoned TC-1 (Town Center District 1), a former planned district. There are no zoning equivalents in the new zoning ordinance for any of the planned districts, including TC-1, and the property was designated C-R-2 (Regional Commercial) with the adoption of the new zoning ordinance and map.

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.

Plans that were approved under previous planned district requirements remain in place and those properties need to be developed according to their approved master plans. However, the existing development pattern does not follow the master plan as the boundary shapes of the core and peripheral areas do not align with roadways or parcel boundaries (see Exhibit A, Image 2), so the master plan would be difficult to comply with, at best. Additionally, this property has changed hands and the current developer would like to develop this property differently and is requesting to remove the PD master plan from this parcel.

The original developer's master plan was approved in 2004 (see Exhibit A, Images 3 and 4). That plan called for medium density residential around a mixed use core at this location on the site. A later concept plan was approved for the area surrounding the pond and including 2002 Thunderhead Road that proposed individual lots around the pond (Exhibit A, Image 9). The current developers would like to develop this land into multifamily residences with a higher density than originally planned and without the mixed use core. The current plans are more aligned with the original master plan than with the later plan approval of individual lots.

Removal of the PD master plan does not require a replacement plan for approval, and there are no site plans available at this time.

The applicant is also requesting to rezone the property (case # 12-B-20-RZ) from its current C-R-2 District to C-G-3 (General Commercial). If the rezoning passes Planning Commission, it will be heard by City Council on January 12 and 26, 2021. Multifamily dwellings are allowed by right in both the existing C-R zone and in the proposed C-G zone, so if the PD is removed, the site plan would not come back before this board regardless of the rezoning outcome.

**EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE**

1. As stated previously, removal of the PD master plan does not require a new plan to take its place. As such, the development's impact on schools, traffic, infrastructure, and utilities would be determined at the time of site plan review for permitting.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE CITY OF KNOXVILLE ZONING ORDINANCE**

1. Removal of the PD master plan would not cause nonconformance with the City of Knoxville Zoning Ordinance.
2. Proposed plans would be submitted to the City of Knoxville for permitting, and those plans would be required to be in compliance with the City's zoning ordinance and with the standards utilized by each individual department during the plans review process.

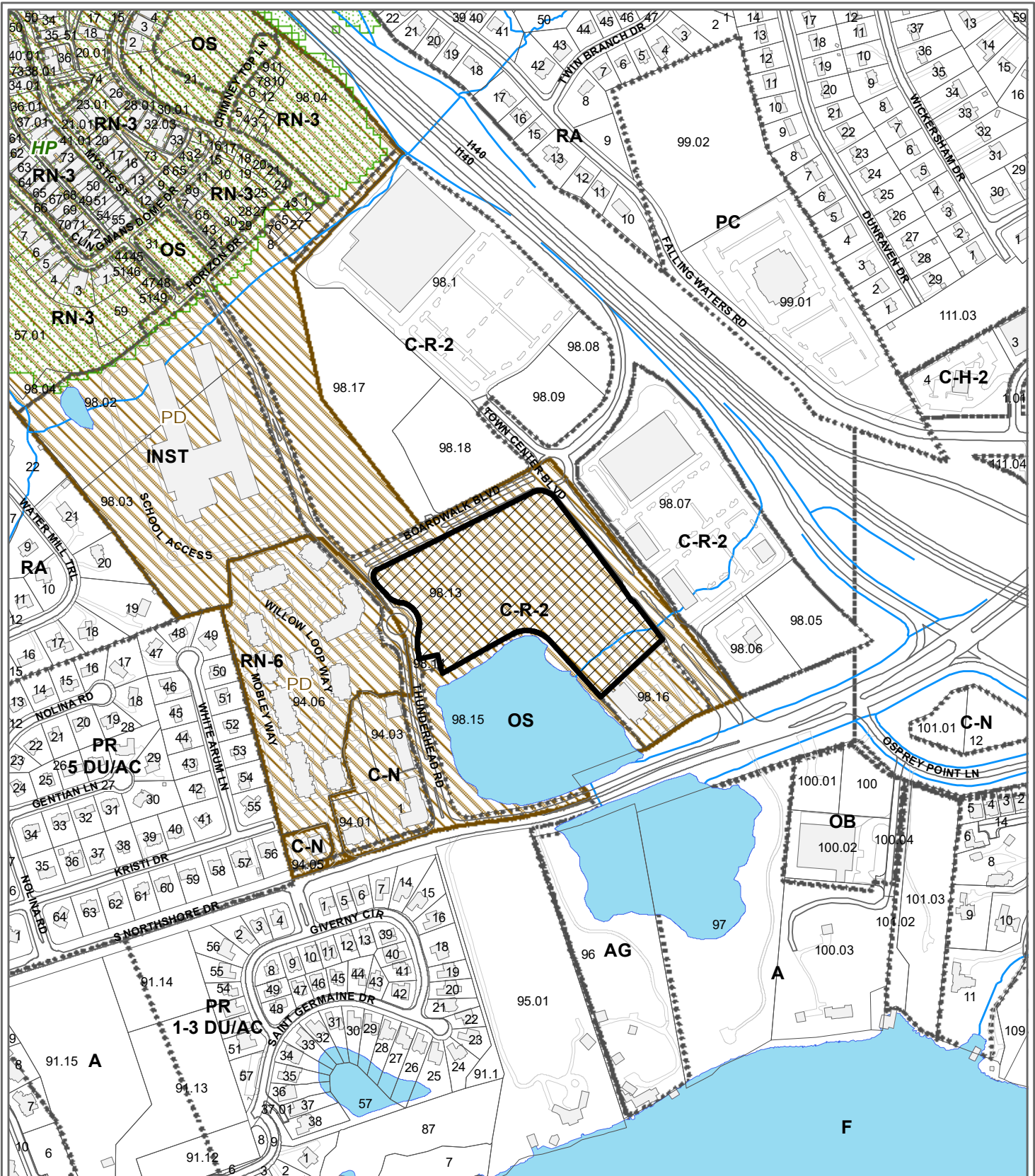
#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan designates this property for MU-CC (Mixed Use-Community Center) uses, the intent of which is moderate intensity development with a variety of housing types and with office and commercial development at the core.
2. Multifamily residential dwellings are allowed within the C-G and C-R zones, which are recommended zones for the existing MU-CC land use classification. These zones do not have a regulated density, so the maximum number of units would be determined by the buildable area, the maximum building height, and the size of each individual unit.
3. The approved master plan cited standards for medium density residential, single family attached land use (allowed in the peripheral areas). The core area had no density limitation but did not allow dwelling units on the ground floor. The plan cited 2,000 square foot lots (or 2,500 on corner lots) as the minimum lot size for medium density residential uses, which would result in around 21 du/ac on this parcel. However, the TC-1 zone limited residential density in the peripheral area to no more than 16 du/ac.
4. The Land Use Classification Table describes medium density residential land use as having between 6 and 24 dwelling units per acre within City limits. For comparison, the MU-CC land use classification does not specify a density but states that it is for moderate intensity development with a variety of housing types and with office and commercial development at the core. Removal of the PD would likely also mean removal of the medium density residential land use, since neither the MU-CC land use nor the C-G-3 zoning caps density. However, this could be added as a condition if the Commission were so inclined.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**12-C-20-SU  
SPECIAL USE**



Removal of PD (Planned Development) overlay in C-R-2 (Regional Commercial)

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

Petitioner: Taylor D. Forrester obo  
 Northshore Market Investor LLC

Map No: 154  
 Jurisdiction: City  
 0 500  
 Feet





Michelle Portier <michelle.portier@knoxplanning.org>

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## Agenda Items: 11 & 24

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**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)

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 **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-C-20-SU

### Exhibit A. Conceptual Images

#### Timeline of Events.

- 2001, May:** Original, smaller scale mixed use development is approved as part of a rezoning of property to TC-1 (Case 4-Q-01-RZ). Plans not available.
- 2004, March:** Master Plan for larger mixed use Northshore Town Center is approved (Case # 3-C-04-UR).
- 2004, December:** Single family residential site plan approved for property at rear of Town Center development (Case # 12-SF-04-C and 12-J-04/UR).
- 2011, March:** Phase II Concept plan (Case # 3-SB-11-C) shifting road configuration and ensuring interior roads meet City's right-of-way standards is approved. This plan revised the street and pedestrian network of the master plan but did not revise the general concept or land use map components of the master plan.
- 2014, April:** Concept plan approved for individual lots on the land surrounding the pond and including what is now 2002 Thunderhead Rd. (Case # 4-SC-14-C).
- 2014, June:** Plat showing subdivision of property surrounding the pond and creating the parcel at 2002 Thunderhead Rd. (Plat # 51008-H2).

*Note: The above list does not include all development plans or plats that have been reviewed or approved by the Planning Commission. The cases listed above either pertain to the Northshore Town Center site as a whole or include 2002 Thunderhead Rd. specifically.*

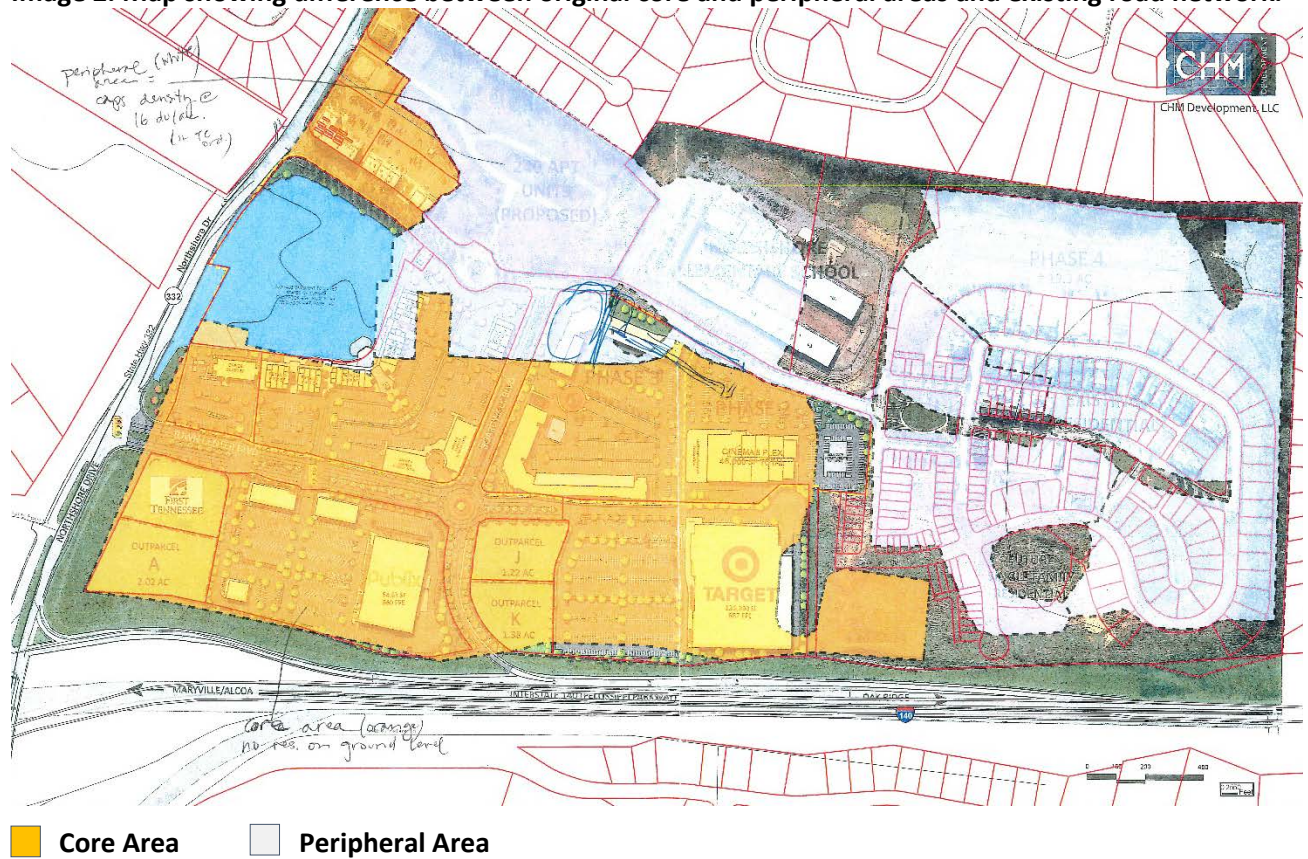
# 12-C-20-SU

## Exhibit A. Conceptual Images

Image 1. Aerial view showing 2002 Thunderhead Rd. within overall Northshore Town Center site.



Image 2. Map showing difference between original core and peripheral areas and existing road network.



**Core Area**      **Peripheral Area**



12-C-20-SU

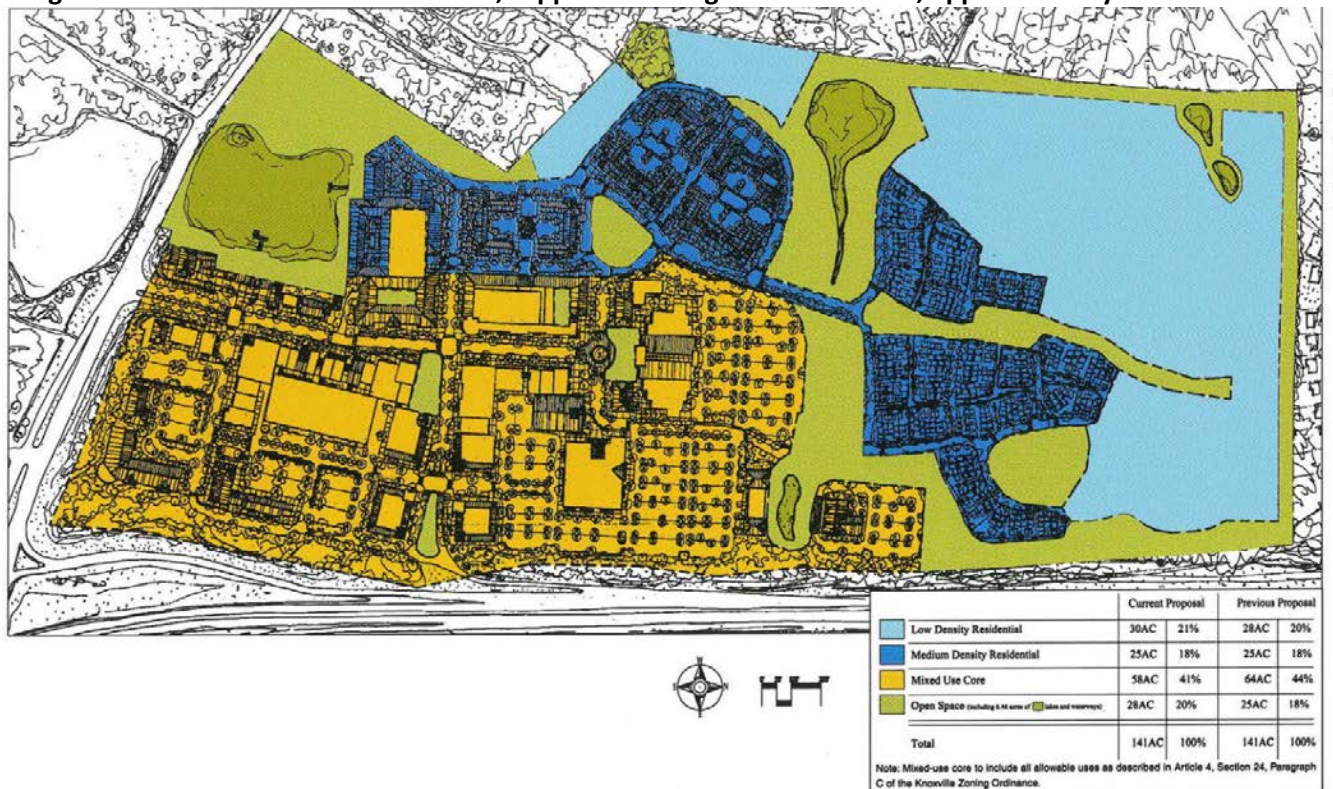
Exhibit A. Conceptual Images

Overall Site Plan from plans approved in early 2004.

Image 3. Illustrative Master Plan, approved early 2004.



Image 4. Planned land use classifications, clipped from original Master Plan, approved early 2004.

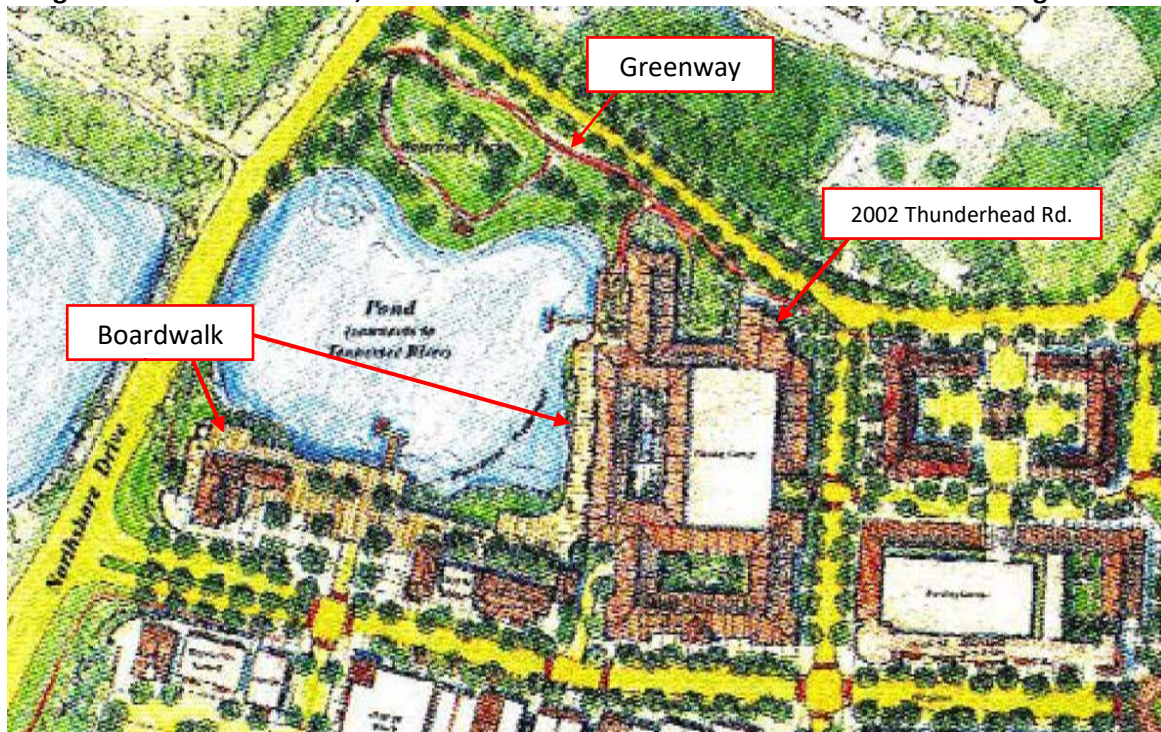


12-C-20-SU

Exhibit A. Conceptual Images

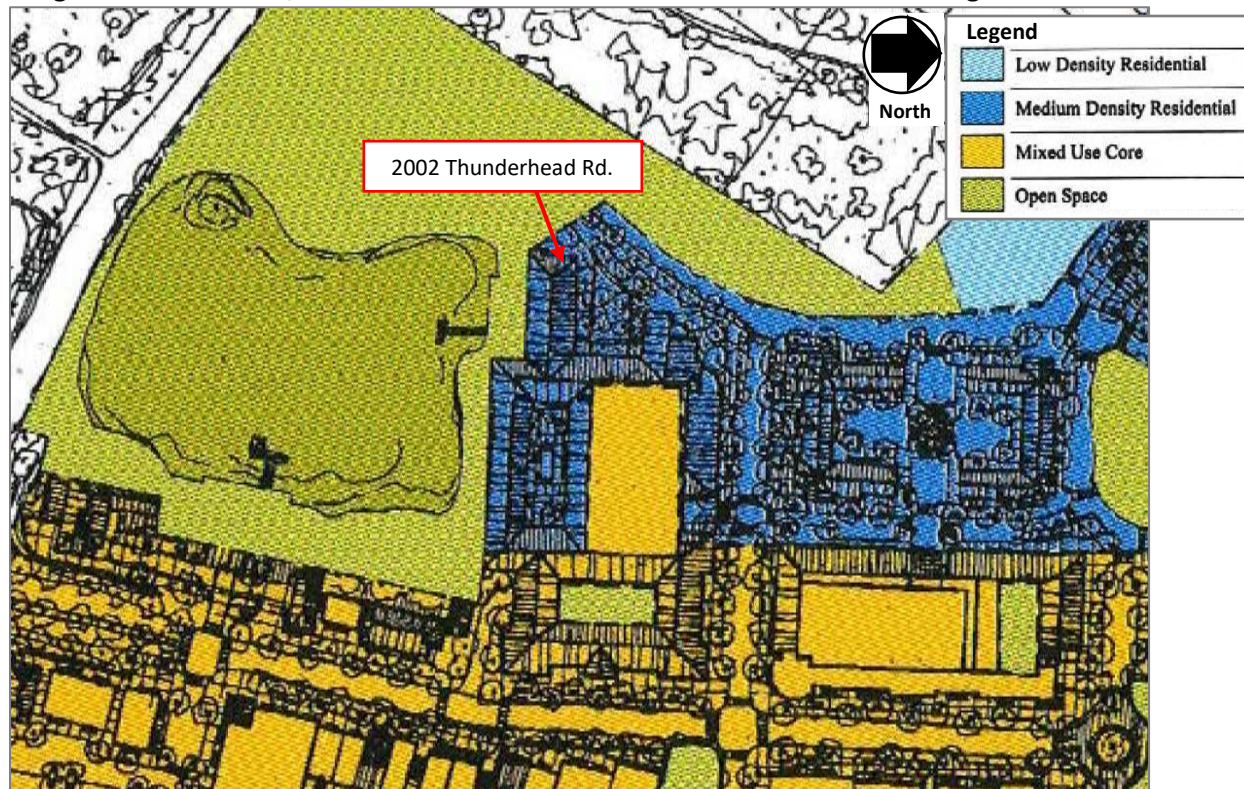
Cropped Site Plan depicting area in question.

Image 5. Illustrated Site Plan, zoomed in on 2002 Thunderhead Road and surrounding area.



Above image shows site amenities in this area, the boardwalk around the pond and the greenway

Image 6. Land Use Plan, zoomed in on 2002 Thunderhead Road and surrounding area.



Above image shows medium density residential around a mixed use core planned for 2002 Thunderhead Rd.

# 12-C-20-SU

## Exhibit A. Conceptual Images

Image 7. 2004 Site plan of single family residential area at rear of Northshore Town Center development.

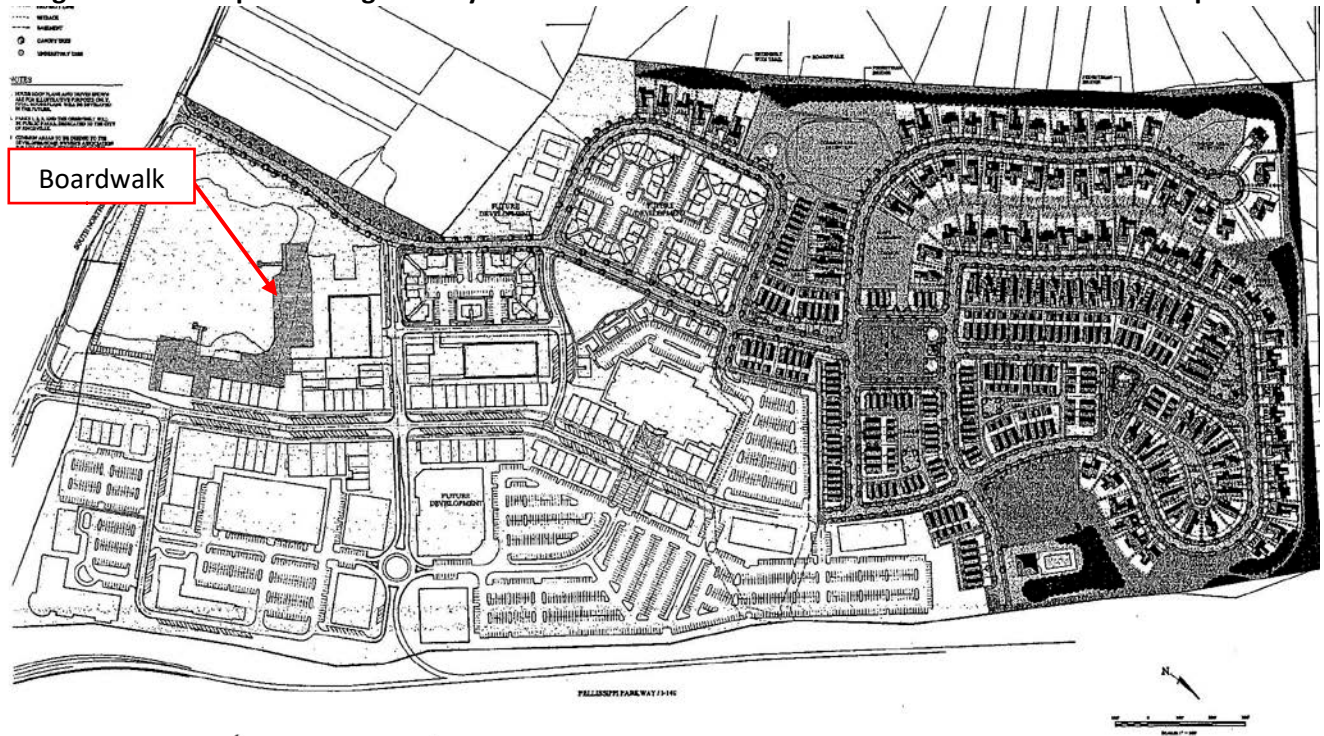
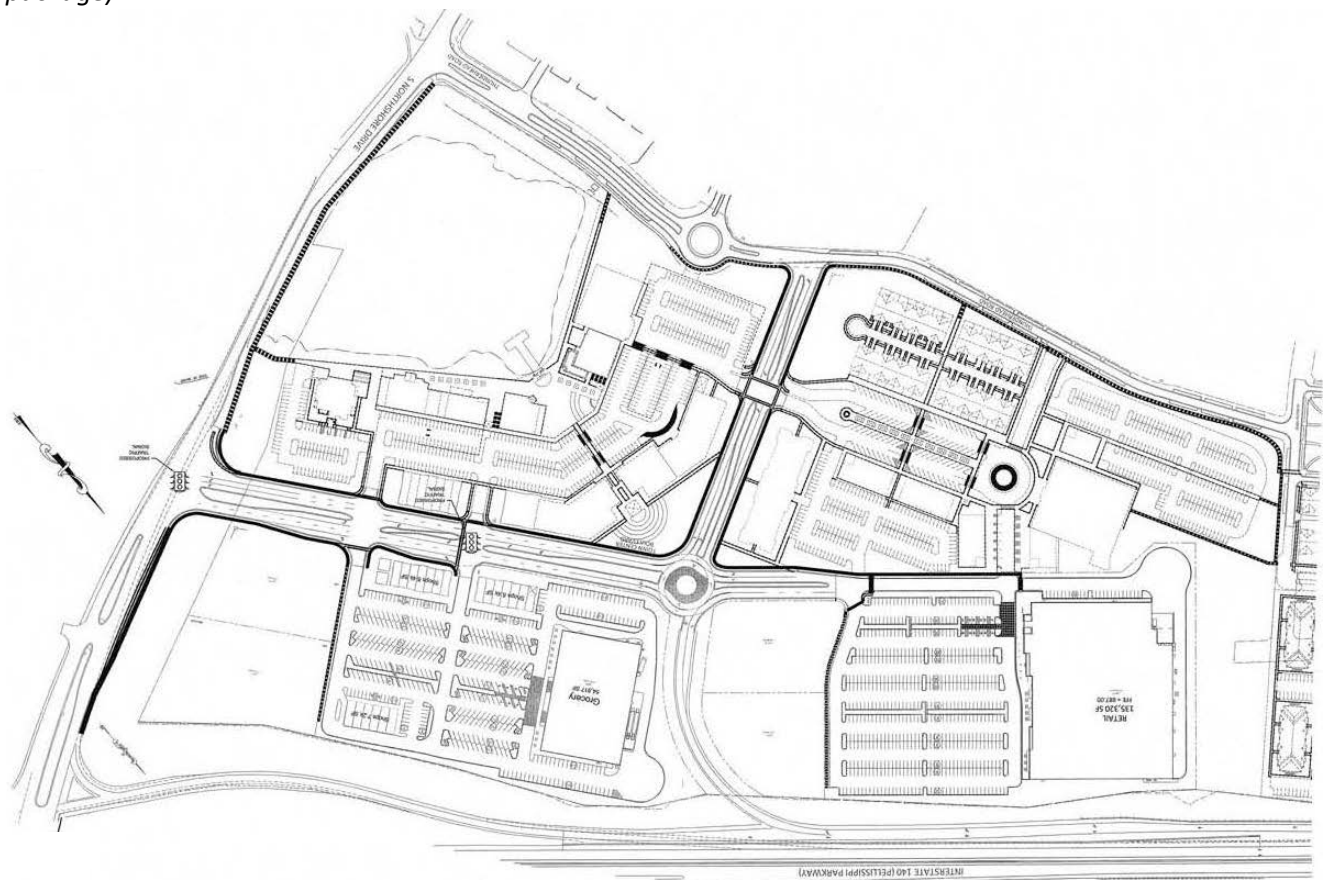


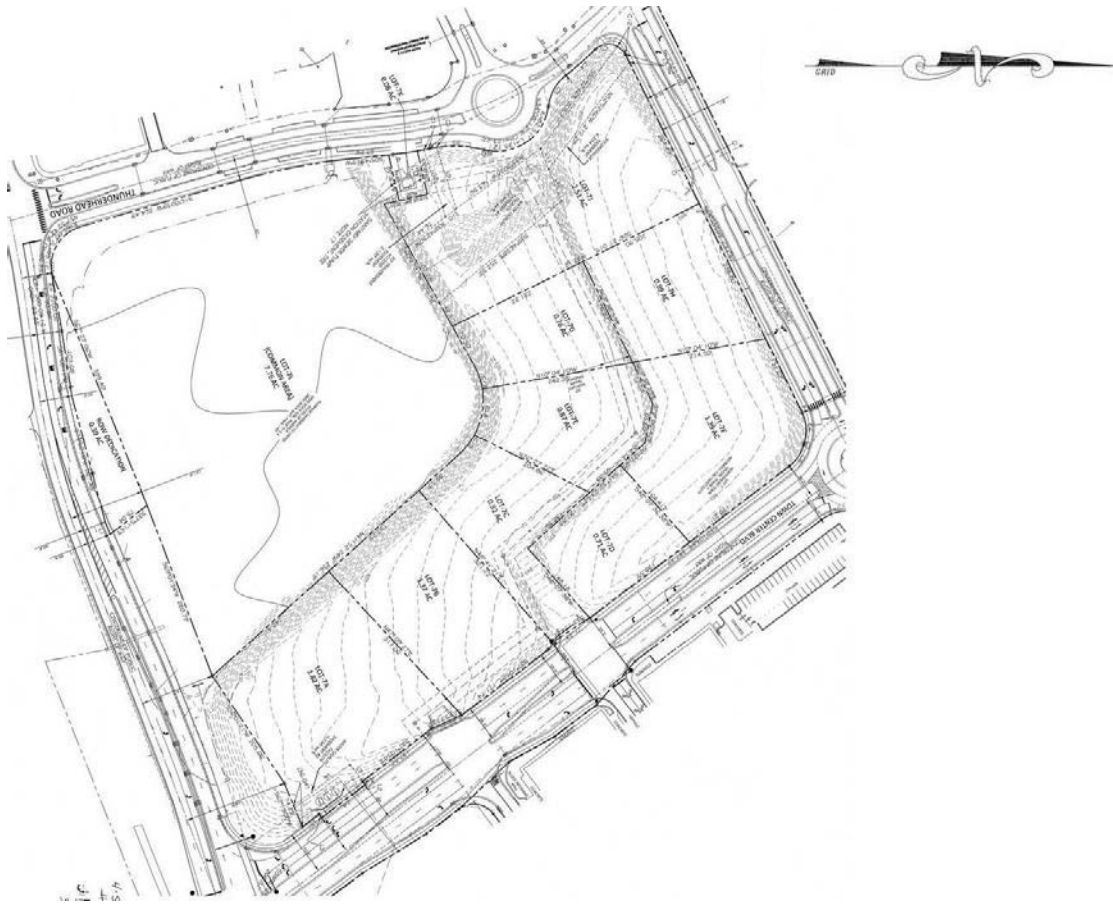
Image 8. 2011 Phase II Pedestrian Site Plan (site plan showing buildings more clearly was not a part of the package).



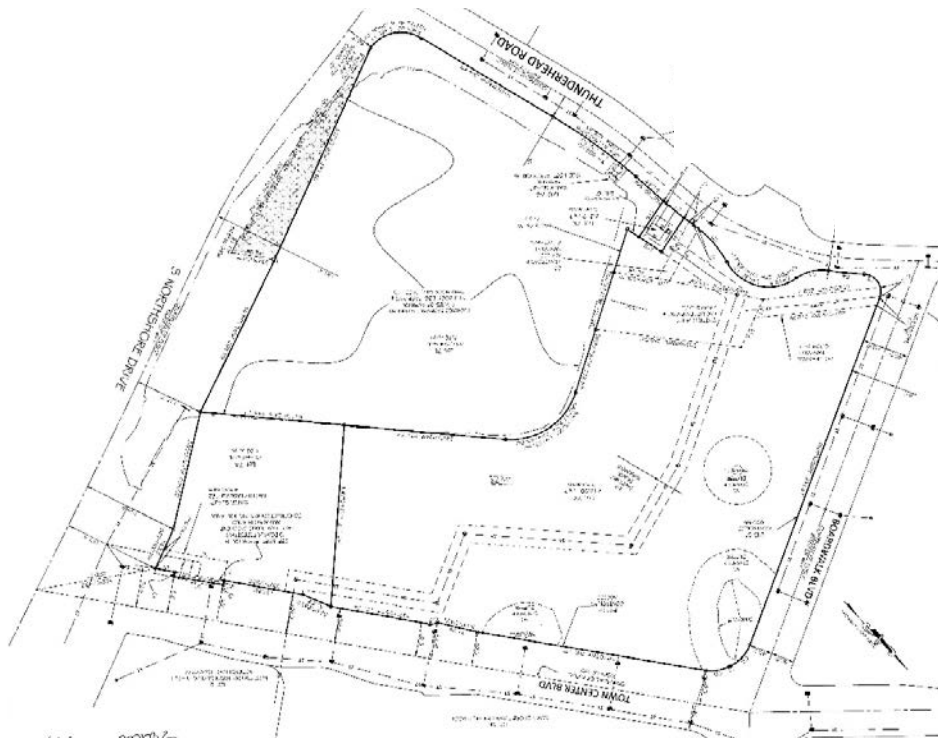
**12-C-20-SU**

**Exhibit A. Conceptual Images**

**Image 9. April 2014 site plan showing individual lots planned for area surrounding pond; specific land use not identified at that time.**



**Image 10. June 2014 plat showing subdivision of land around the pond creating 2002 Thunderhead Rd.**



**12-C-20-SU**

**Exhibit A. Conceptual Images**

**Eagle view showing build out to date.**



**Street view of Thunderhead Rd.**



*Note: Sidewalks terminate at the roundabout*

12-C-20-SU

Exhibit A. Conceptual Images

Eagle view showing the portion of the boardwalk that has been constructed.



Street view of the portion of the boardwalk that has been constructed.





# 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

12/10/2020

12-C-20-5U

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

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

<b>DEVELOPMENT</b>	<input type="checkbox"/> Development Plan <input checked="" type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential		
	<input type="checkbox"/> Home Occupation (specify): _____ <input type="checkbox"/> Other (specify): <u>multi family - Removal of PD (Planned Development) overlay</u>		
<b>SUBDIVISION</b>	<input type="checkbox"/> Proposed Subdivision Name _____		Unit / Phase Number _____
	<input type="checkbox"/> Parcel Change <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel    Total Number of Lots Created: _____		
	<input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Attachments / Additional Requirements _____		
<b>ZONING</b>	<input type="checkbox"/> Zoning Change: _____ Proposed Zoning _____		
	<input type="checkbox"/> Plan Amendment Change: _____ Proposed Plan Designation(s) _____		
	<input type="checkbox"/> Proposed Property Use (specify) _____	Proposed Density (units/acre) _____	Previous Rezoning Requests _____
<input type="checkbox"/> Other (specify): _____			

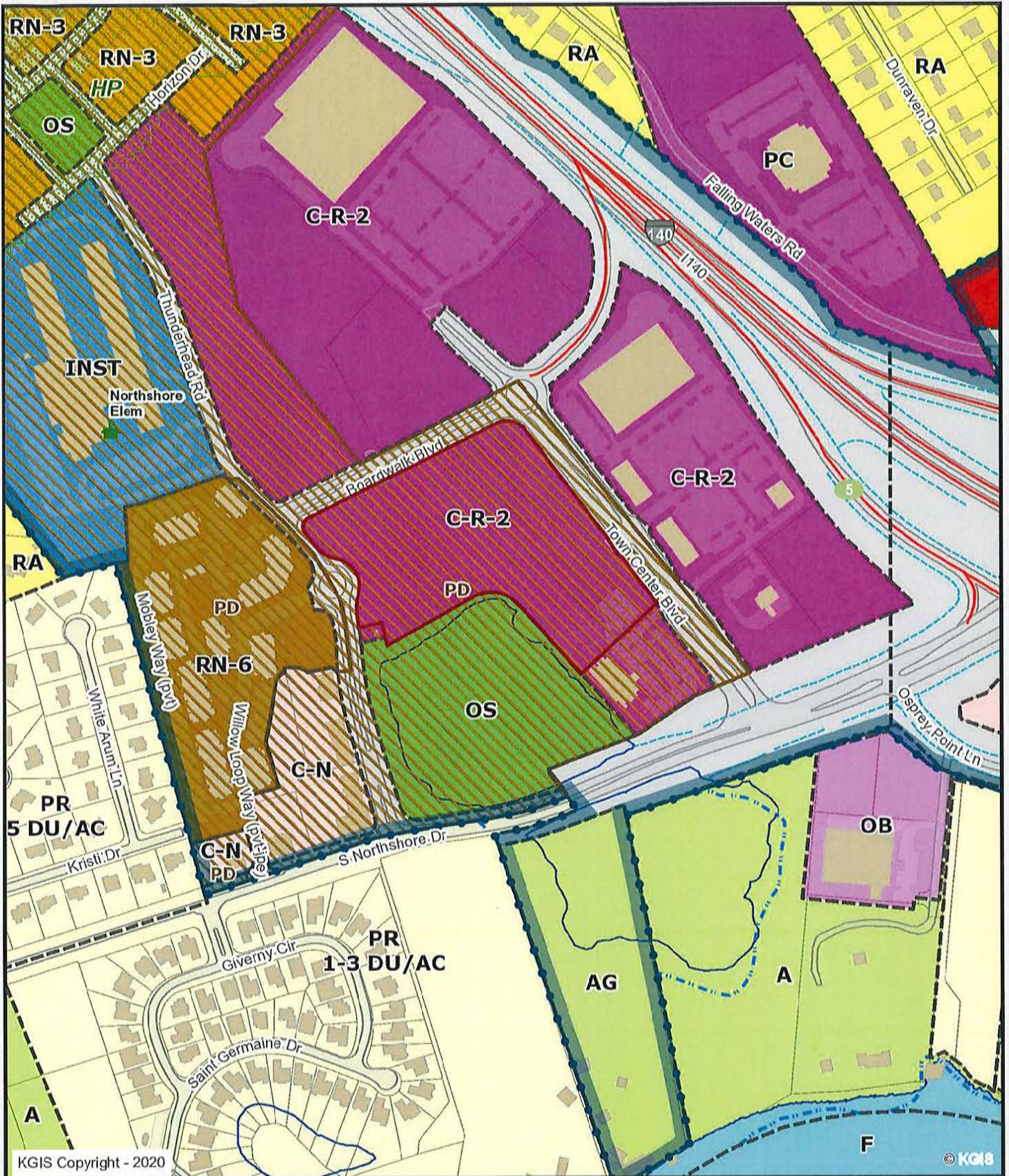
<b>STAFF USE ONLY</b>	<b>PLAT TYPE</b>	<b>FEE 1:</b>	<b>TOTAL:</b>
	<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission <b>ATTACHMENTS</b> <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request <b>ADDITIONAL REQUIREMENTS</b> <input type="checkbox"/> Design Plan Certification ( <i>Final Plat only</i> ) <input type="checkbox"/> Use on Review / Special Use ( <i>Concept Plan only</i> ) <input type="checkbox"/> Traffic Impact Study	\$1,300.00	
		<b>FEE 2:</b>	
		<b>FEE 3:</b>	

## AUTHORIZATION

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

Taylor Forrester <small>Digitally signed by Taylor Forrester          DN: cn=Taylor Forrester, o=Taylor Forrester eUS United States #US United States, email=tforrester@lrwlaw.com, c=US          Date: 2020.10.22 13:51:00-0500</small>	Taylor D. Forrester Please Print	10/26/20 Date
Applicant Signature 865-584-4040 Phone Number	tforrester@lrwlaw.com Email	
 Michelle Portier Staff Signature	Michelle Portier Please Print	10/26/2020 Date





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### Zoning Map

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



### Knoxville - Knox County - KUB Geographic Information System

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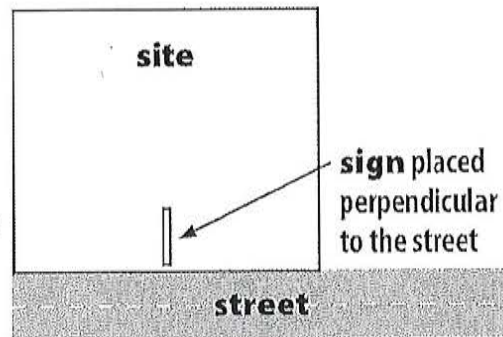
## REQUIRED SIGN POSTING AGREEMENT

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. 25, 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: 665-356-3383 Email: Lmoran3@vols.utk.edu

Date: 10-26-20

File Number: 12-C-20-SU