



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Agenda Item #33, 4-A-20-OA

1 message

Lauren Rider <lrider@knoxvilletn.gov>

Thu, Sep 10, 2020 at 3:30 AM

Reply-To: lrider@knoxvilletn.gov

To: "amy.brooks@knoxplanning.org" <amy.brooks@knoxplanning.org>, Stephanie Welch <swelch@knoxvilletn.gov>, "commission@knoxplanning.org" <commission@knoxplanning.org>

Cc: "Robert B. Frost Jr. (rfrost@adhknox.com)" <rfrost@adhknox.com>

Director Brooks and Planning Commissioners:

My apologies for the last minute explanation. I just had a chance to watch your Tuesday Agenda Review meeting. As a council member that played a role in sending this back to MPC, I want to send an explanation and comments on Agenda Item #33. I'll do the best I can to remain brief. Four quick points:

- First, a round of thanks to the staff that have re-tooled this much needed amendment after several meetings and a workshop. As much as anyone, I would like to see the transition rules amended and corrected.
- The Transition Rule is necessary to honor previously approved Plans for the previous zoning designations of RP, SC, PC, I, BP, TC, TND that include higher agreed upon standards between neighboring property owners.
- **The Transition Rule should be reasonable to apply and clearly refer to the criteria applicable to those zones it is upholding.**
- Planned Districts have no correlation to the "new" Planned Development. That's the error we can all agree to correct in the Transition Rule.

When Council considered and passed Recode in 2019, in a commitment to the public, property owners, and their time spent ironing out past agreements, **it was important to include Transition rules that honored previously approved Plans for the previous zoning designations of RP, SC, PC, I, BP, TC, TND.** These zones were applied to vacant or redeveloping parcels and, at the time, these Planned Districts were a tool to get a higher standard of development in consideration of neighboring properties: a holistic view to include screening, landscaping, loading dock locations, dumpsters, signs or other site negotiations. Prior to Recode, we didn't have a minimum base of standards. Now, we have a minimum set of standards to cover most needs. BUT- it's important to note- those are minimum standards, not a ceiling. Thus the Transition Rules - so important, they are found in Article 1 of the current zoning code (the document formerly known as Recode).

To uphold or remove those approved, sometimes negotiated development approvals, we needed a process. Transition Rules. Unfortunately, what was passed errantly referred anyone needing a change to their previously approved planned district (RP, SC, PC, etc) to follow a new process called 'Planned Development.' That is unnecessary and doesn't meet the need. And, the fact that both use the word 'Planned' in their name has caused immense confusion. **Planned Districts have nothing in common with Planned Development. Thus, I will not mention "Planned Development" again in this email (no need to discuss one with the other).**

Often, the "Previously Approved Planned District" had agreed upon conditions that the developer and neighboring property owners ironed out (sometimes amicably). Examples as to why the Transition Rule is warranted, higher standards agreed to in approvals:

- https://agenda.knoxmpc.org/packages/1-E-17-UR_pkg.pdf neighbors **negotiated lower sign** with development [Culver's Restaurant] (sign code is the minimum standard)
- <https://www.kgis.org/CaseSummaries/9-D-19-UR.pdf> negotiated condition of **75 foot buffer next to residential zoned neighborhood**
- <https://agenda.knoxmpc.org/2018/august/8-SC-18-C.pdf> 4th City district - neighborhood and developer had extensive meetings to **agree to conditions regarding retention pond and density.**
- Attached PDF - MPC Agenda item 7-M-08-RZ, Council Ordinance 0-181-08 Kroger -Ftn City, Developer worked with neighborhood to include many components in current code, and a **smaller, single sign due to surrounding residential**

These agreements are important to the neighboring property owners and a public notice should be required to 'opt out.'

The Transition Rules define the process. **The only edit I will now speak to is - clarity of nomenclature. The proposed language in the revisions is unclear in comparing 'Special Use' with the past "Use on Review".** It may be acceptable to use the current "Special Use" application form to apply for changes, but can we more clearly state the "Use on Review" procedures detailed in the previous regulations are pertinent?

- old code Appendix B, Article IV, Section 3... Administrative Procedure for a Planned Residential Development detailed for each district https://library.municode.com/tn/knoxville/codes/code_of_ordinances/344548?nodeId=APXBZORE_ARTIVSPDIRE_S3PLDEDI
- Use on Review: https://library.municode.com/tn/knoxville/codes/code_of_ordinances/344548?nodeId=APXBZORE_ARTVIIADEN_S5PRCOSUDEPLUSREWISOWAZODIOVDIOTDIREDEREPL

On Page 4 for this agenda item, 1.4- Transition Rules, G.1. ... "are subject to all plans, regulations, and/or conditions of their approval." To make that statement true, **we must clearly refer to the Use on Review Administrative procedures that detail criteria for approval.** Special Use as detailed in Article 16.2 of the current code is brief and only speaks to 'Uses.'

The details for Use on Review from the 'Regulations' in effect at the time of the plans approval are pertinent to the approved plan. You can't have one without the other.

Thank you for your time on short notice,

Lauren Rider
Knoxville City Council
4th District
Cell 865-964-3905

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This message was directed to commission@knoxplanning.org

 **CityWide_Imaging - REC-ORDINANCES - O-181-08.pdf**
919K

ORDINANCE

ORDINANCE NO: 0-181-08

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND ORDINANCE NO. 3369, KNOWN AND CITED AS "THE ZONING ORDINANCE OF THE CITY OF KNOXVILLE, TENNESSEE," SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED ON THE SOUTHWEST SIDE OF N. BROADWAY, NORTHEAST SIDE OF KNOX ROAD, FROM SC-1, NEIGHBORHOOD SHOPPING CENTER DISTRICT TO PC-1, RETAIL AND OFFICE PARK DISTRICT, SUBJECT TO TWO CONDITIONS, THE KROGER CO., APPLICANT. (7-M-08-RZ)

ORDINANCE NO: 0-181-08
REQUESTED BY: MPC
PREPARED BY: Law
APPROVED AS TO FORM AND CORRECTNESS:

Director of Law
FINANCIAL IMPACT STATEMENT:

Director of Finance
APPROVED ON 1ST 08-12-2008
READING:
APPROVED ON 2ND
READING: 08-26-2008
APPROVED AS AN EMERGENCY MEASURE:

MINUTE BOOK 72 PAGE

WHEREAS, the Kroger Co. filed Application No. 7-M-08-RZ with the Metropolitan Planning Commission to have property located on the southwest side of N. Broadway, northeast side of Knox Road, be rezoned from SC-1, Neighborhood Shopping Center District to PC-1, Retail and Office Park District; and

WHEREAS, at its July 10, 2008 meeting, the Metropolitan Planning Commission recommended to Knoxville City Council that the request to change the classification be approved subject to the following two conditions: (1) no clearing,

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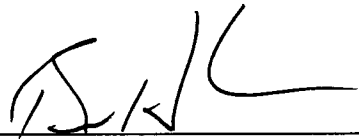
1 grading, building demolition, tree removal or other site preparation shall occur at the site
2 until after a Use on Review development plan has been approved by the Metropolitan
3 Planning Commission, and (2) the development plan will be expected to address bicycle
4 and pedestrian access to and within the site, which may include installation of a
5 sidewalk along N. Broadway; and

6 **WHEREAS**, a public notice on the hearing of this petition was published in
7 the Knoxville News Sentinel on June 27, 2008, and notice for the City Council meeting
8 on August 12, 2008 was published in the Knoxville News Sentinel on July 18, 2008.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE**
10 **CITY OF KNOXVILLE:**

11 **SECTION 1:** "The Zoning Ordinance of the City of Knoxville, Tennessee,"
12 being Ordinance No. 3369, be and the same is hereby amended, so as to change the
13 classification of property described as being located on the southwest side of N.
14 Broadway, northeast of Knox Road, TAX ID No. 58 K C 007, Fifth District, North City
15 Sector, from SC-1, Neighborhood Shopping Center District to PC-1, Retail and Office
16 Park District, subject to the following two conditions: (1) no clearing, grading, building
17 demolition, tree removal or other site preparation shall occur at the site until after a Use
18 on Review development plan has been approved by the Metropolitan Planning
19 Commission, and (2) the development plan will be expected to address bicycle and
20 pedestrian access to and within the site, which may include installation of a sidewalk
21 along N. Broadway.
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1 **SECTION 2:** This Ordinance shall take effect seventeen (17) days from
2 and after its passage, the welfare of the City requiring it.

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7 Presiding Officer of the Council

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8 Recorder



KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
REZONING REPORT

FILE #: 7-M-08-RZ

AGENDA ITEM #: 57

AGENDA DATE: 7/10/2008

APPLICANT: THE KROGER CO.
OWNER(S): BROADWAY LEVCAL LLC

TAX ID NUMBER: 58 K C 007

JURISDICTION: City Council District 5

LOCATION: Southwest side N. Broadway, northeast side Knox Rd.

APPX. SIZE OF TRACT: 7.658 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via N. Broadway, a five-lane major arterial street within 95' of right of way, or Knox Rd., a minor collector street with 33' of pavement width within 50' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

PRESENT ZONING: SC-1 (Neighborhood Shopping Center)

ZONING REQUESTED: PC-1 (Retail and Office Park)

EXISTING LAND USE: Vacant commercial building (formerly Target)

PROPOSED USE: Kroger food store

EXTENSION OF ZONE: No

HISTORY OF ZONING: A request for C-3 zoning was withdrawn at City Council in 2006. PC-1 zoning had been recommended by staff and approved by MPC. (9-N-06-RZ)

SURROUNDING LAND USE AND ZONING: North: Bank and parking / C-3 (General Commercial) and SC-1 (Neighborhood Shopping Center)

South: Sonic / SC-1 (Neighborhood Shopping Center)

East: N. Broadway - Houses / R-1 (Low Density Residential)

West: Knox Rd. - Business and church / C-3 (General Commercial) and R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This developed site is located on N. Broadway within the Fountain City commercial area, developed under various commercial zones.

STAFF RECOMMENDATION:

APPROVE PC-1 (Retail & Office Park) zoning, subject to 2 conditions:

- 1. No clearing, grading, building demolition, tree removal or other site preparation shall occur at the site until after a use on review development plan has been approved by MPC.
2. The development plan will be expected to address bicycle and pedestrian access to and within the site, which may include installation of a sidewalk along N. Broadway.

With the recommended conditions, PC-1 zoning is compatible with surrounding zoning and development, consistent with the sector plan proposal for the site and requires use on review plan approval prior to redevelopment of the site.

COMMENTS:

This site is currently developed with an 80,000 square foot commercial building (formerly Target) with parking and landscaping. The Kroger Co. is seeking to redevelop the site with a supermarket. The intent is to demolish the old building and build a new one of approximately the same size and on approximately the same building footprint. The applicant has provided staff with a preliminary site plan and proposed building elevations for the project. Reduced copies of these documents are attached.

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The proposal is compatible with the scale and intensity of the surrounding land uses and zoning patterns.
2. PC-1 zoning is compatible with other properties in the immediate area that are zoned SC-1, C-3 & O-1.
3. The PC-1 zone requires use on review approval of the development plan prior to construction. This will give MPC staff the opportunity to review plans and address issues such as access, setbacks, landscaping, lighting layout, and traffic circulation, as well as other development concerns. More importantly, PC-1 zoning would allow staff to adequately address the impact on surrounding residential properties, and provide the opportunity for review by the general public. The applicant will also be expected to meet the general guidelines for development from the recently adopted North City Sector Plan. The site is designated as a mixed use special district (NC-6) on the sector plan as well as the One Year Plan. The two recommended conditions are included based on discussions that took place within the community as part of the North City Sector Plan update process.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have no impact on schools.
3. Based on the proposed use of a 79,599 square foot supermarket, the project will generate 8,876 trips per day, which warrants the need for a Level III traffic impact study. This will need to be submitted along with the development plans at the time of use on review application.
4. Regarding access to the subject property and traffic impact, since the previous tenant was a big box retailer, this property should be able to accommodate more intensive traffic circulation patterns. As part of the use on review process, staff may request relocation or removal of proposed curb cuts. The site fronts on N. Broadway, a major arterial street and Knox Rd., a minor collector street, so it should be able to handle traffic generated under PC-1 development. The site was used for a Target store for many years.
5. The recommended PC-1 zoning is compatible with surrounding development and will have minimal impact on adjacent properties. Potential impacts to adjacent residences can be addressed through the required use on review process.
6. The applicant will be expected to address how the building's exterior design will complement surrounding development. The design of the elevations facing N. Broadway and Knox Rd. will be of particular interest.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

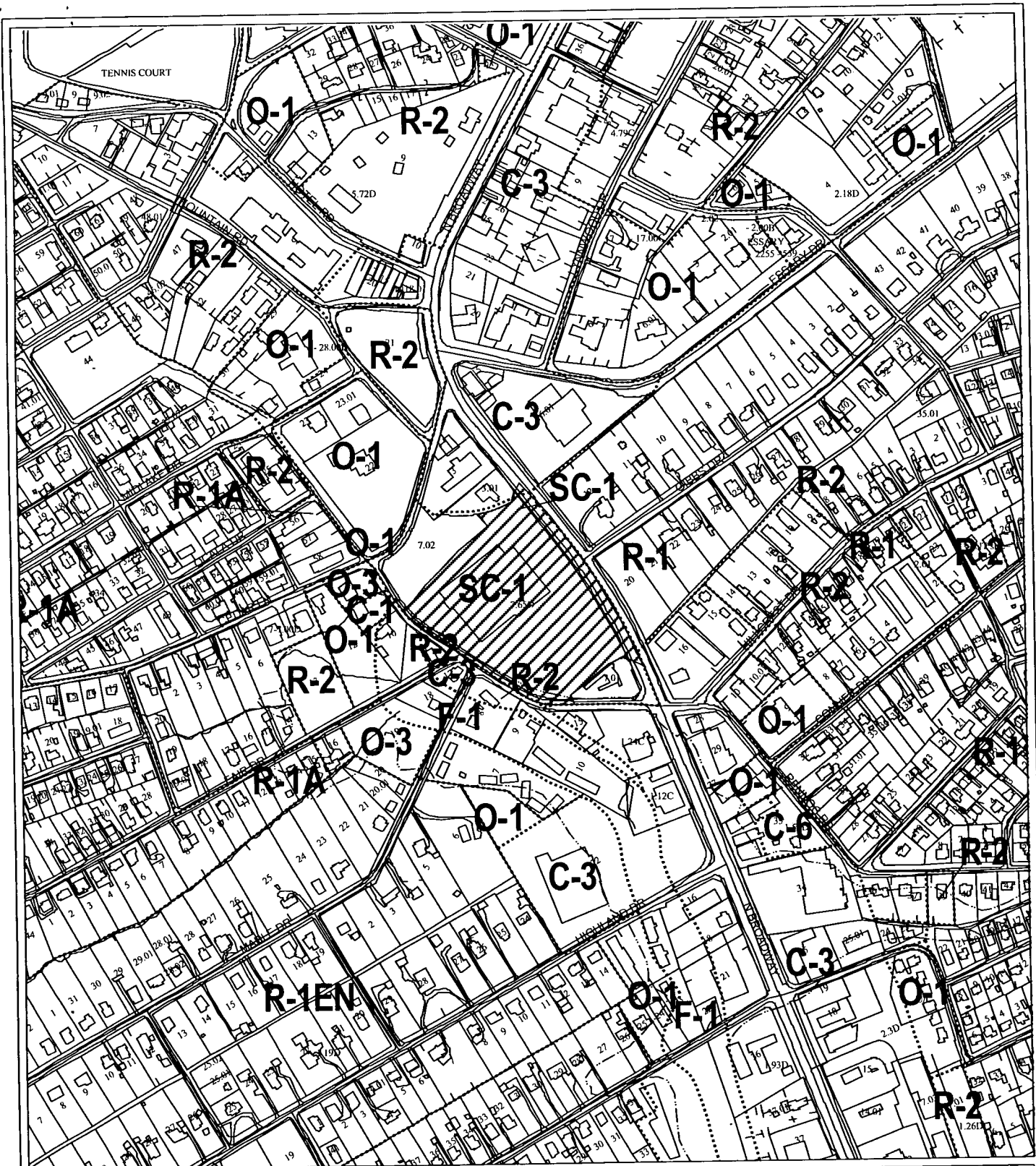
1. PC-1 zoning is compatible with the City of Knoxville One Year Plan and the recently updated North City Sector Plan, which both designate this site as a mixed use special district (NC-6). The NC-6 designation lists PC-1 as the recommended zoning for this site.
2. This request may lead to future rezoning requests in the immediate area, as this property and others are located within the Fountain City commercial area along N. Broadway.
3. Sometime in the next few months, MPC staff may initiate a general rezoning from SC-1 to PC-1 on parcel 7.01 to the south and parcel 7.02 to the north of the site, in order to eliminate the remnant SC-1 zoning, which is inappropriate for these sites, considering the uses and size of these parcels. This will also bring the entire NC-6 designated area into consistency with the One Year Plan and sector plan.

ESTIMATED TRAFFIC IMPACT 8876 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/12/2008 and 8/26/2008. If denied, MPC'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 an MPC decision in the City.



**7-M-08-RZ
REZONING**



From: SC-1 (Neighborhood Shopping Center)
To: PC-1 (Retail and Office Park)

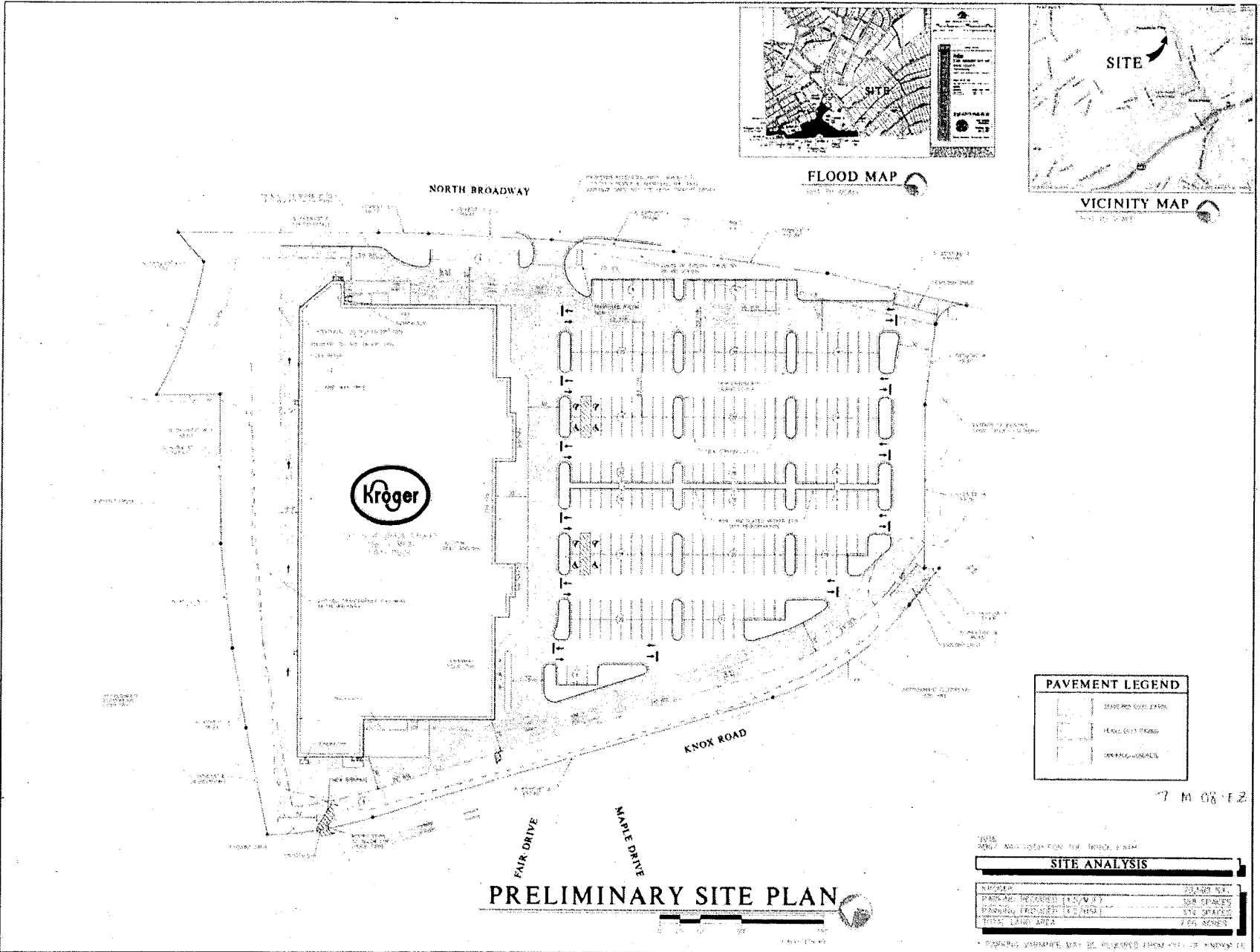
Original Print Date: 06/19/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: The Kroger Co.

Map No: 58

Jurisdiction: City





LEAD PLANNING
LANDSCAPE ARCHITECTURE
LANDSCAPE ARCHITECTS
205 N. MAIN STREET
KNOXVILLE, TENNESSEE 37903
PHONE: 615.594.2444
FAX: 615.594.2444
www.paulsonmitchell.com

PAULSON MITCHELL
INCORPORATED



STORE 698
2775 PARKLAP DRIVE
THE BENTLEY
WARD 07
OF 4 BLOCK 1740
KNOXVILLE, TENNESSEE

FOR THE
THE KROGER COMPANY
2775 PARKLAP DRIVE
KNOXVILLE, TENNESSEE 37903
TEL: 615-594-7400

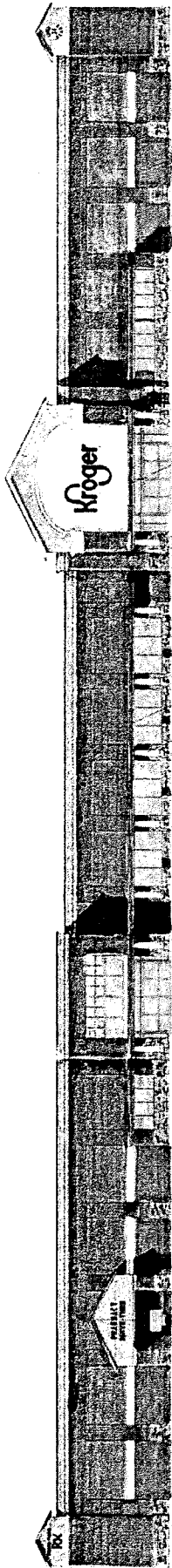
REVISIONS

NO.	DATE	DESCRIPTION

200704 134.dwg 06/04/08

PRELIMINARY SITE PLAN PS.4

ROOF



WULF ROBERISON LOIA ROOF
 ARCHITECTS
 1000 N. W. 10th St., Suite 100
 Ft. Lauderdale, FL 33304

**Knoxville, TN Kroger
 GA-698**



Minutes (Unapproved)

July 10, 2008

The Metropolitan Planning Commission met in regular session on July 10, 2008 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

- | | | |
|-------------------------------|---|----------------------|
| Mr. Trey Benefield, Chair | | Mr. Stan Johnson |
| Mr. Robert Anders, Vice Chair | | Mr. Michael Kane |
| Mr. Bart Carey | | Mr. Robert Lobetti |
| Ms. Laura Cole | A | Ms. Rebecca Longmire |
| Mr. Art Clancy | A | Mr. Nick Pavlis |
| Mr. Herbert Donaldson | | Mr. Jack Sharp |
| ** Mr. George Ewart | | Mr. Wes Stowers |
| Mr. Dick Graf | | |

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

Ms. Donna Buckman: Ridgecrest Drive. On item 57 I have comments. We are in support of the PC-1, but we are very thankful that Kroger has already been meeting with the people in the community and want them to continue their efforts to accommodate pedestrian and non vehicle traffic in the area.

- * **57. THE KROGER CO.** **7-M-08-RZ**
 Southwest side N. Broadway, northeast side Knox Rd., Council District 5. Rezoning from SC-1 (Neighborhood Shopping Center) to PC-1 (Retail and Office Park).

STAFF RECOMMENDATION: Approve PC-1 (Retail & Office Park) zoning, subject to 2 conditions:

1. No clearing, grading, building demolition, tree removal or other site preparation shall occur at the site until after a use on review development plan has been approved by MPC.
2. The development plan will be expected to address bicycle and pedestrian access to and within the site, which may include installation of a sidewalk along N. Broadway

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEM 15. MOTION CARRIED 13-0. APPROVED.

REZONING **PLAN AMENDMENT**

Name of Applicant: THE KROGER CO.

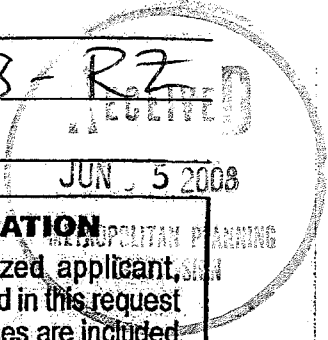
Date Filed: 6/5/08 Meeting Date: 7/10/08

Application Accepted by: BRUSSEAU

Fee Amount: \$1184 File Number: Rezoning 7-M-08-RZ

Fee Amount: _____ File Number: Plan Amendment _____

JUN 5 2008



PROPERTY INFORMATION

Address: 5201 NORTH BROADWAY

General Location: SW CORNER OF
NORTH BROADWAY & KNOX ROAD
(VACANT TARGET BLDG.)

Tract Size: 7.658 ACRES

Tax Identification Number: 058 KC 007

Existing Land Use: Vacant comm. bldg.

Planning Sector: North City

Growth Policy Plan: Inside City

Census Tract: 41

Traffic Zone: 204

Jurisdiction: City Council 5th District
 County Commission _____ District

Requested Change

REZONING

FROM: SC-1

TO: PC-1

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: _____

TO: _____

PROPOSED USE OF PROPERTY

KROGER FOOD STORE

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

9-N-06-RZ

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose names are included on the back of this form.

Signature: [Signature]
Date: 6/4/08

PLEASE PRINT
Name: Tim McNameara

Company: THE KROGER CO.

Address: 2175 PAULDALE DRIVE

City: ATLANTA State: GA Zip: 30345

Telephone: 770-496-7431

Fax: 770-496-5331

E-mail: tim.mcnamara@Kroger.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be directed to:

PLEASE PRINT
Name: ALI DAUGHTRY

Company: PAULSON MITCHELL, INC.

Address: 85-A HILL STREET, SUITE 200

City: ROSWELL State: GA Zip: 30075

Telephone: 770-650-7685 ext. 215

Fax: 770-650-7684

E-mail: adaughtry@paulsonmitchell.com

PUBLIC NOTICE

The following amendments to the Zoning Ordinance of the City of Knoxville will be considered by the City Council on August 12, 2008, at 7:00 p.m. in the Main Assembly Room, City County Building, 400 Main Street, Knoxville, TN. Data pertinent to these items may be seen in the office of the Metropolitan Planning Commission (MPC), Fourth Fl., of the City-County Bldg., Main St., Knoxville, TN. If you need assistance or accommodation for a disability, please contact the City ADA coordinator at 215-2104.

Zoning Ordinance

Amendments to the City of Knoxville Zoning Ordinance reorganizing Article 4 (Specific Zoning Districts) and Article 7 (Administration and Enforcement). MPC Recommendation: Approve.

Amendments to the City of Knoxville Zoning Ordinance, Article 4, Section 26, D-1 Downtown Design Overlay District, requiring a Certificate of Appropriateness for demolitions and adding staff approvals for demolitions. MPC Recommendation: Approve.

KNOX COUNTY COMMISSION - Amendments to the Knox County Zoning Ordinance to reorganize Industrial permitted uses. MPC Recommendation: Approve.

Street Closures

GERDAU AMERISTEEL - Request closure of unnamed alley between Badgett Dr. and southwest boundary line of parcels 081PP008 and 081PP024, Council District 5. MPC Recommendation: Approve subject to the requested easements and connection of the remainder of the alley to Connecticut Ave.

GERDAU AMERISTEEL - Request closure of Badgett Dr. between Louisiana Ave. and eastern boundary line of parcels 094AA00101 and 081PP001, Council District 5. MPC Recommendation: Approve the closure, subject to the requested easements and conditions requested by City Engineering.

GERDAU AMERISTEEL - Request closure of Louisiana Ave. between Sherman St. and southwest terminus at railroad tracks, Council District 5. MPC Recommendation: Approve the closure, subject to the requested easements and conditions requested by City Engineering.

GERDAU AMERISTEEL - Request closure of Tennessee Ave. between Western Ave. and Schafeld St., Council District 5. MPC Recommendation: Approve the physical closure of this street section, subject to the requested easements, but not the relinquishing of the ownership of any of the ROW until the completion of the Western Ave. improvements.

CITY OF KNOXVILLE - Request closure of E Church Ave. between northern strip of right-of-way west of S. Hall of Fame Dr and east side of James White Parkway, Council District 6. MPC Recommendation: Approve.

Rezoning/Plans

KELLY NICHOLS - Southeast side Washington Pike, southwest of Mill Rd., Council District 4. Rezoning from R-1 (Low Density Residential) to C-1 (Neighborhood Commercial). MPC Recommendation: Approve.

PRIORITY HEALTHCARE SERVICES OF TENNESSEE - Northeast side Liberty St., northwest of Middlebrook Pike, Council District 3. One Year Plan Amendment from LI (Light Industrial) to MU (Mixed Uses) (O, MDR) and Rezoning from I-2 (Restricted Manufacturing and Warehousing) & R-2 (General Residential) to O-1 (Office, Medical, and Related Services). MPC Recommendation: Approve.

STEPHEN T. BLANKENSHIP - South side Chambliss Ave., west side Lebanon St., Council District 2. Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services). MPC Recommendation: Approve.

GERDAU AMERISTEEL - East side Myrdese Ave., north of Western Ave., Council District 5. One Year Plan Amendment from LI (Light Industrial), P (Public Institution) and MDR (Medium Density Residential) to HI (Heavy Industrial) and Rezoning from I-3 (General Industrial) and I-3 / IH-1 (Infill Housing Overlay) to I-4 (Heavy Industrial) and I-4 / IH-1 (Infill Housing Overlay). MPC Recommendation: Approve.

GERDAU AMERISTEEL - Northwest side Louisiana Ave., southwest side Sherman St., northeast side Badgett Dr., Council District 5. One Year Plan Amendment from LDR (Low Density Residential) to HI (Heavy Industrial) and Rezoning from R-1A (Low Density Residential) / IH-1 (Infill Housing Overlay) to I-4 (Heavy Industrial) / IH-1 (Infill Housing Overlay). MPC Recommendation: Approve HI and I-4(k)/IH-1 subject to 2 conditions.

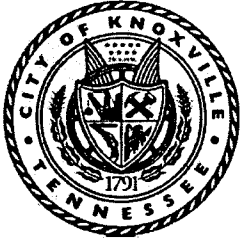
TODD KENNEDY - Northeast side Cherokee Trl., northwest of Edington Rd., Council District 1. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential). MPC Recommendation: Approve RP-1 at a density up to 3.5 du/ac with a maximum of 80 bedrooms total.

SHAN WILCOX - Northeast side Western Ave., northwest of John May Dr., Council District 3. Rezoning from O-1 (Office, Medical, and Related Services) to C-3 (General Commercial). MPC Recommendation: Approve.

THE KROGER CO. - Southwest side N. Broadway, northeast side Knox Rd., Council District 5. Rezoning from SC-1 (Neighborhood Shopping Center) to PC-1 (Retail and Office Park). MPC Recommendation: Approve PC-1 (k) subject to 2 conditions.

Amendments to the Major Road Plan to change Loves Creek Road, north of Millertown Pike to a major collector. Council District 4 and Commission District 2. MPC Recommendation: Approve.

Amendments to the Downtown Knoxville Design Guidelines adding a Demolition and Removal of Building Features section, a Promenade District for signs, and other modifications. MPC Recommendation: Approve.



CITY OF KNOXVILLE, TENNESSEE
CITY COUNCIL
AGENDA INFORMATION SHEET



AGENDA DATE: Tuesday, August 12, 2008
DEPARTMENT: Metropolitan Planning Commission
EXEC. DIRECTOR: Mark Donaldson, 215-3758

AGENDA SUMMARY

An Ordinance for Rezoning from SC-1 (Neighborhood Shopping Center) to PC-1 (Retail & Office Park) subject to 2 conditions, property located Southwest side N. Broadway, northeast side Knox Rd., The Kroger Co. Applicant. (File No. 7-M-08-RZ)

COUNCIL DISTRICT(S) AFFECTED

The proposed rezoning is located in Council District 5.

BACKGROUND

The applicant requested rezoning to PC-1 (Retail and Office Park). This site is currently developed with an 80,000 square foot commercial building (formerly Target) with parking and landscaping. The Kroger Co. is seeking to redevelop the site with a supermarket. The intent is to demolish the old building and build a new one of approximately the same size and on approximately the same building footprint. The applicant has provided staff with a preliminary site plan and proposed building elevations for the project. Reduced copies of these documents are attached.

With the recommended conditions below, PC-1 zoning is compatible with surrounding zoning and development, consistent with the sector plan proposal for the site and requires use on review plan approval prior to redevelopment of the site.

1. No clearing, grading, building demolition, tree removal or other site preparation shall occur at the site until after a use on review development plan has been approved by MPC.
2. The development plan will be expected to address bicycle and pedestrian access to and within the site, which may include installation of a sidewalk along N. Broadway.

OPTIONS

1. Approve First Reading
2. Approve on Emergency
3. Deny
4. Postpone for future consideration

RECOMMENDATION

The Metropolitan Planning Commission recommended PC-1 (Retail & Office Park) subject to 2 conditions by a vote of 13-0 (Consent).

ESTIMATED PROJECT SCHEDULE

Not applicable.

PRIOR ACTION/REVIEW

Ads Published

MPC Meeting	7/10/2008	Published ad on 6/27/2008
Knoxville City Council	8/12/2008	Published ad on 7/18/2008

FISCAL INFORMATION

Not applicable.

ATTACHMENTS

MPC Staff Report.

Respectfully submitted:

Ewing M. Johnson
Deputy Director



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Item 33, File No. 4-A-20-OA---Transition Rules

1 message

Carlene Malone <carlene.malone@gmail.com>

Fri, Sep 4, 2020 at 12:39 PM

Reply-To: carlene.malone@gmail.com

To: Commission <commission@knoxplanning.org>, Amy Brooks <amy.brooks@knoxplanning.org>


Please see attached.
Thank you.
Carlene Malone, 865-687-8148

--

"To abandon facts is to abandon freedom...If nothing is true, then all is spectacle.
The biggest wallet pays for the most blinding lights."
[-Timothy Snyder, *On Tyranny*]

--

This message was directed to commission@knoxplanning.org

2 attachments **TRANSITION--SHORT INTRO.docx**

21K

 **Transition Rule--Sept. pc draft.docx**

145K

MEMO

TO: Planning Commissioners, Amy Brooks, Interim Executive Director,
Stephanie Welch, City Administration

FROM: Carlene Malone

DATE: 9-4-20

RE: 9-10-20, PC Meeting, **Item No. 33, File No. 4-A-20-OA**, Transition Rules

Dear Commissioners:

Please amend the **Transition Rules, 1.4. G.**, so that the Use on Review process, **not** the Special Use process, continues to be followed when reviewing changes, revisions, and modifications to plans and/or conditions placed on previously approved planned districts.

I have attached Requested Changes to the draft ordinance language that would be necessary in order to accomplish this.

To be clear, I am in full agreement with using the Special Use Review process to remove the previously approved status from specific properties.

HISTORY: As you know, all planned districts (RP-1, PC-1, SC-1, etc.) in the former City Zoning were deleted with the adoption of the new (Recode) City Zoning Ordinance. At the request of the public, the **Transition Rules, Article 1.4. G.**, regarding previously approved planned districts, were included in the Recode Ordinance to provide continuity for the existing planned districts.

I greatly appreciate the improvements made to the earlier drafts of the changes proposed to **Transition Rules, Article 1.4. G.**, regarding previously approved planned districts. However, for reasons provided below, I remained convinced that the Use on Review process, **not** the Special Use review process, should continue to be followed when reviewing changes,

revisions, and modifications to plans and/or conditions placed on previously approved planned districts.

REASONS:

- The "Use on Review" process was in place when each of the previously approved properties was zoned to a planned district and it was the process used to review and approve the Development Plans for the planned districts.
- The provisions of the "Use on Review" process were written specifically for the review of Development Plans in planned districts. The "Special Use" review process does not include the review of "Development Plans". It focuses on the review of uses only.
- The "Use on Review" process is an integral part of each previously-approved planned district. Clear language specific to the review and approval process of Development Plans is included in the pre-Recode zoning ordinance for each planned district, including **Section 3.1**, Planned Residential (RP-1, 2, 3); **Section 3.2**, Shopping Center-1 (SC-1); **Section 3.3**, Shopping Center-2 and 3 (SC-2, 3); **Section 3.4**, Planned Commercial-1 (PC-1); **Section 3.5**, Planned Commercial-2 (PC-2); **Section 3.9**, Industrial-1 (I-1); **Section 3.10**, Business and Technology Park-1,(BP-1); **Section 3.11**, Traditional Neighborhood District-1, (TND-1); **Section 3.12**, Town Center-1 (TC-1).

Please see two examples provided below for Planned Residential and Traditional Neighborhood Districts.

Continuing to apply the "Use on Review process" rather than the "Special Use process" to changes, revisions, modifications to plans and/or conditions placed on previously approved planned districts only, would make clear that all of the "Administrative Procedures..." for each of the previously approved planned districts remain in effect. It is important to all parties that the "Administration Procedures..." be clear. (Please see

the examples below, especially Sec. G. 2 and I. 2. This applies to all of the previously approved planned districts).

QUESTIONS:

1. Planned Residential Development: Do sections G. 2. a., b., c., d., continue to apply under "Special Use review" rather than "Use on Review"?

Do sections G. 3, G. 4, G. 5 and G. 6, continue to apply?

2. Traditional Neighborhood Districts: Do I. 2. a., b., c., d., continue to apply under "Special Use review" rather than "Use on Review"?

Do sections I. 3., I. 4., I. 5., I. 6., I. 7., continue to apply?

- Substituting the "Special Use" process for the "Use on Review" process establishes a piecemeal approach to regulating the previously-approved planned district. It would require that some sections of a previously-approved planned district's ordinance be applied, while other sections of the same ordinance not be applied. **(See examples below.)**
- The "Use on Review" process remains today the process used by the Planning Commission to review Development Plans for planned districts in Knox County, outside the City. The process is still in use and is familiar to developers.

Thank you for considering this request.

Yours truly,

Carlene V. Malone, 865-687-8148

EXAMPLE 1: ARTICLE IV, SECTION 3.1, G., PLANNED RESIDENTIAL DEVELOPMENT

NOTE: Article VII, Section 5 refers to Use on Review.

"G. *Administrative procedure for a planned residential development.*

1. The planning commission may recommend establishment of an RP-1, RP-2, or RP-3 district or an application may be made to the planning commission for rezoning to RP-1, RP-2, or RP-3 in accordance with the regulations set forth in article VII, section 6, of this ordinance.
2. No building permit shall be issued for development of any property within an RP-1, RP-2, or RP-3 district until a written application for review and approval of the development plan has been filed with the planning commission. Said application shall be made in conformity with **article VII, section 5**, of this ordinance and shall be accompanied by the following information:
 - a. The application must be accompanied by an overall development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, school sites, and other open spaces, with such other pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements different from those ordinarily applicable under this ordinance.
 - b. Where several buildings are to be constructed, architectural sketches and data should be provided to insure an aesthetically acceptable design for all buildings.
 - c. Application for an apartment development shall include a general architectural layout and design showing the number and size of apartments, the location and extent of public facilities, and a description of the type of construction.
 - d. The proposed development plan shall be prepared by a recognized architect, landscape architect, or engineer.
3. The planning commission shall renew the proposed development and may give approval, request modification, or reject the proposed development:
 - a. The planning commission shall review the conformity of proposed development recognizing principles of civic design, land use planning and landscape architecture.
 - b. The planning commission may impose conditions regarding layout, circulation and performance of the proposed development, and may require that appropriate deed restriction be filed.
 - c. The tract or parcel of land involved must be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.
 - d. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood, and must provide standards of open space and areas for parking adequate for the occupancy proposed. It must include provisions for recreation areas to meet the needs of the anticipated population.
 - e. No building permit shall be issued until the development plan is approved by the planning commission. No occupancy permit shall be issued until the building inspector has determined that the project as constructed meets all the requirements of the approved plan.
4. Minor revisions or adjustments to the structural footprints of approved development plans may be approved by the MPC executive director or designee provided such changes:
 - Do not alter the basic relationship of the proposed development to adjacent property;
 - Do not alter the uses permitted;
 - Do not increase the maximum density;
 - Do not increase the amount of off-street parking; and
 - Do not reduce the minimum yards or setbacks.

Such requests shall be accompanied by an amended overall plan which clearly indicates all revisions, additions, and modifications.

5. The planning commission shall approve revisions or deviations that increase intensity of the development, or substantially alters the structural arrangement of the approved development plan that can not meet the above requirements. Such applications shall be made in accordance with article VII, section 5, of this ordinance and shall be accompanied by an amended overall plan which clearly indicates all revisions, additions, and modifications.
6. Applications for variance from approved development plans shall not be considered by the city board of zoning appeals."

EXAMPLE 2: ARTICLE IV, SECTION 3.11, I, TRADITIONAL NEIGHBORHOOD DEVELOPMENT

- "I. Administrative procedure for traditional neighborhood development (TND-1) district.
 1. The planning commission may recommend establishment of a TND district or an application may be made to the planning commission for rezoning of a TND district in accordance with the regulations set forth in article VII, section 6, of this ordinance.
 2. No building permit shall be issued for development of any property within a TND district until development plan has been approved by the planning commission. Said application shall be made in conformity with **article VII, section 5** of this ordinance and shall be accompanied by the following information:
 - a. The application must include an overall development plan showing the land uses, squares, parks, and other open spaces, lighting and the layout of all modes of travel and the features of the natural environment that will be preserved. A phased development plan, outlining the creation of roads, sidewalks, lighting, open space, utility and other infrastructure and the sequence of land development, is required. Prototypical drawings and plans shall be included showing the footprints for the types of residential units and accessory structures, and section and plan views of streets and other modes of travel. Site plans and improvements shall be submitted for the common open space, including buildings, court spaces and other structural improvements which are proposed for parks, squares, greens or plazas. Other pertinent information may be required to determine the contemplated arrangement or use(s) which makes it desirable to apply regulations and requirements different from those ordinarily applicable under this ordinance.
 - b. Design guidelines: In order to achieve harmonious design throughout the traditional neighborhood development district, architectural design guidelines for the residential, commercial, office, civic and institutional uses shall be submitted to the Planning Commission and used in creating the development. Guidelines shall include: (1) a pattern book, outlining the building types and architectural styles, or (2) an illustrated guidebook, outlining the architectural features of the proposed development, including exterior surfaces, building height and transitions in stories, roof design and roofing material, porch design, window and door design, and (3) guidelines for applicable landscaping, walls and fencing, parking, building locations on lots, and related provisions which are pertinent to the developer's project.
 - c. The proposed development plan shall be prepared by a recognized architect, planner, landscape architect or urban designer (recognized in this section shall refer to individuals who are licensed, certified or registered to practice their profession). The planning commission may request additional information prepared by a recognized landscape architect, planner, or engineer regarding components of the development plan.
 - d. To ensure architectural compatibility as the neighborhood develops, a covenant shall be created by the developer, noting that lots will be developed in keeping with the architectural

design guidelines, and that an architect shall be retained to review and make decisions regarding the building plans.

3. The planning commission shall review the proposed development and may give approval, request modification, or reject the proposed development.
 - a. The planning commission shall review the conformity of proposed development, recognizing principles of traditional neighborhood development, urban design, land use planning and landscape architecture. The planning commission publication, "Traditional Neighborhood Development Principles," may be used in evaluating TND proposals. *New Urbanism: Comprehensive Report and Best Practices Guide* (3rd or subsequent editions) may also be used in evaluating proposals.
 - b. The planning commission may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.
 - c. The tract or parcel of land involved must be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.
 - d. The proposed development must be designed to produce an environment of stable and desirable character which is in harmony with surrounding neighborhoods.
 - e. No building permit shall be issued until the development plan is approved by the planning commission. No occupancy permit shall be issued until the building inspector has determined that the project as constructed meets all the requirements of the approved plan.
 - f. In reviewing the development plan, the planning commission may:
 1. Approve setbacks that are greater than those outlined in subsection D (area regulations), should the commission find that topographic or other physical limitation inhibits compliance with the setback requirements;
 2. Approve smaller setbacks and lot sizes in view of innovative design (recognized in the planning commission's TND guidelines or *New Urbanism: Comprehensive Report and Best Practices Guide*, published by New Urban News, or subsequent publications that the commission recognizes to guide TND design review), provided that an equal or greater amount of open space, such as a court yard, green or common, is provided adjacent to the smaller lots (the calculation of this open space is the total of differences between the minimum lot size four thousand (4,000) and the proposed lot sizes).
4. No substantial revision or deviation from the approved development plan shall be made without prior approval of the planning commission. MPC staff may approve minor changes, including the location of buildings in relation to the area regulations if the change is in keeping with the intent of the design guidelines or other documents submitted with the development plan.
5. The planning commission may approve revisions to an approved development plan upon written application for review and approval. Such application shall be made in accordance with article VII, section 5, of this ordinance and shall be accompanied by an amended overall plan which clearly indicates all revisions, additions, and modifications.
6. The planning commission staff shall be responsible for the administration of the design section 20. guidelines.
7. Application for review and approval of WCF shall be subject to the provisions of article V, section 20.

Changes proposed to:

Article 1.4.

Article 3.1.

Article 14.1 and 14.2.

Article 16.2.

ARTICLE 1 – TITLE, PURPOSE, AND APPLICABILITY

1.4 - TRANSITION RULES

[...] G. Previously Approved Planned Districts

1. As of the effective date of this Code, all previously approved planned districts of RP-1, RP-2, RP-3, PC-1, PC-2, SC-1, SC-2, SC-3, I-1, BP-1, TND-1, and TC-1 remain in effect and are subject to all plans, regulations, and/or conditions of their approval.
2. ~~These developments are subject to the Planned Development (PD) amendment and/or development approval procedures, as applicable, of this Code.~~
3. ~~For the purposes of the Zoning Map, existing planned districts may be indicated as planned developments (PD).~~
2. For the purposes of the Zoning Map, previously approved planned districts will be designated with a “(C)”.
3. Any changes to a previously approved planned district, or request to remove the planned district designation from a property shall be made through the Special Use process in Article 16.2.

[...]

(Ord. No. [O-38-2020](#), § 1, 2-25-20; Ord. No. [O-87-2020](#), § 1, 5-19-20)

ARTICLE 3 – ZONING DISTRICTS AND ZONING MAP

3.1 - ZONING DISTRICTS

In order to carry out the purpose and intent of this Code, the City is divided into the following zoning districts:

A. **Residential Districts**

[...]

B. **Commercial and Office Districts**

[...]

C. **Industrial Districts**

[...]

D. **Form-Based Code Districts**

[...]

E. **Special Purpose and Overlay Districts**

AG Agricultural Zoning District

INST Institutional Zoning District

OS Parks and Open Space Zoning District

NA Natural Areas Zoning District

H Historic Overlay Zoning District

NC Neighborhood Conservation Overlay Zoning District

IH Infill Housing Overlay Zoning District

TO-1 Technology Park Overlay Zoning District

HP Hillside Protection Overlay Zoning District

F Floodplain Overlay Zoning District

(C) Planned Districts under Article 1.4.G.

ARTICLE 14 – CODE ADMINISTRATORS

14.1 - CITY COUNCIL POWERS

The City Council has the following specific powers pursuant to this Code:

- A. To make final decisions on zoning text and map amendment applications.
- B. To make final decisions on preliminary plans of planned development applications.
- C. To hear appeals on decisions of the Knoxville-Knox County Planning Commission and the Board of Zoning Appeals.
- D. **To make final decisions on requests to remove a previously approved planned district designation from the official map and all associated plans, regulations, and conditions from a property.**

14.2 - KNOXVILLE-KNOX COUNTY PLANNING COMMISSION POWERS

The Knoxville-Knox County Planning Commission has the following powers pursuant to this Code:

- A. To make recommendations to the City Council on zoning text and map amendment applications.

- B. To make final decisions on special use applications, including requests to modify the requirements of any plans and/or conditions placed on properties during the special use review process except as applicable under Article 16.2.D.3.
- C. To make final decisions on special use applications for previously approved planned districts, to modify or remove the requirements of any plans or conditions placed on the properties.
- D. To hear appeals on decisions of the Design Review Board.
- E. To hear appeals on decisions of the Infill Housing Review Committee.
- F. To make recommendations to the City Council on preliminary plans for planned development applications and final decisions on final plans for planned development.
- G. In addition, Knoxville-Knox County Planning staff will make final decisions on site plan review applications as follows:
 - 1. Site plan review applications in the EN District.
 - 2. Site plan review applications for townhouse and multi-family dwellings in the RN-4 District per Section 4.2.B.2.
- H. To make recommendations to the City Council on requests to remove a previously approved planned district designation from a property on the zoning map, and thereby removing the previously approved planned district status, including removing all requirements of any plans or conditions.

**1. REQUESTED CHANGE: ARTICLE 14.2 C. REPLACE IN ITS ENTIRETY WITH:
 "C. TO MAKE FINAL DECISIONS ON USE ON REVIEW APPLICATIONS FOR
 PREVIOUSLY APPROVED PLANNED DISTRICTS ONLY, TO MODIFY OR
 REMOVE THE REQUIREMENTS OF ANY PLANS OR CONDITIONS PLACED
 ON THE PROPERTIES."**

ARTICLE 16 – ZONING APPLICATIONS

16.2 - SPECIAL USE REVIEW

A. Purpose

This Code is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, are potentially incompatible with existing development, or because the effects of such uses cannot be foreseen. **B. Initiation**

- 1. A property owner in the City, or his/her designee, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

2. For the purpose of this section, special use applications include requests for previously approved planned district properties to modify and/or remove requirements of any plans or conditions placed on properties, or requests to remove the planned district designation from the zoning map.

**2. REQUESTED CHANGE: ARTICLE 16.2., A. 2., REPLACE IN ITS ENTIRETY WITH:
"2. FOR THE PURPOSE OF THIS SECTION, SPECIAL USE APPLICATIONS INCLUDE REQUESTS TO REMOVE THE PLANNED DISTRICT DESIGNATION FROM A SPECIFIC PREVIOUSLY APPROVED PLANNED DISTRICT PROPERTY AND TO REMOVE THE PLANNED DISTRICT DESIGNATION FROM THE ZONING MAP."**

"REQUESTS TO MODIFY AND/OR REMOVE REQUIREMENTS OF ANY PLANS OR CONDITIONS PLACED ON PREVIOUSLY APPROVED PLANNED DISTRICTS ONLY, SHALL USE THE USE ON REVIEW PROCESS AS SPECIFIED IN EACH PREVIOUSLY APPROVED PLANNED DISTRICT."

C. Authorization

The Knoxville-Knox County Planning Commission will take formal action on special use applications.

D. Procedure

An application for a special use must be filed with the Knoxville-Knox County Planning staff. An application. Once it is determined that the application is complete, the staff will schedule the application for consideration by the Knoxville-Knox County Planning Commission.

1. Upon receipt of a complete application, the Knoxville-Knox County Planning Commission will consider the special use at a public hearing.
2. The Knoxville-Knox County Planning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. Except as provided in 16.2.D.3 below, the Knoxville-Knox County Planning Commission must either approve, approve with conditions, or deny the special use application.
3. Applications to remove the planned district designation from the zoning map are subject to review by the Planning Commission, which shall recommend that the City Council approve or deny the application.
4. The City Council will hold a public hearing on the application following receipt of the Knoxville-Knox County Planning Commission recommendation. The City Council must approve or deny the application. If approved, the zoning district standards shall apply.

E. Conditions

1. Conditions placed upon the special use related to the physical development of the site must be shown on the site plan. A statement must be submitted with the site plan indicating any conditions placed upon the operation of the special use.
2. Prior to final approval of the special use by the Knoxville-Knox County Planning Commission, the proposed conditions must be sent to City staff and Knoxville-Knox County Planning staff for review and recommendation. The Knoxville-Knox County Planning Commission may approve the special use with conditions after receipt of the staff recommendation.
3. A revised site plan showing all required conditions must be submitted prior to issuance of a building permit and/or required licenses.

F. Standards

1. The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The proposed special use must meet all of the following criteria which Knoxville-Knox County Planning will support with documented findings.
2. The Knoxville-Knox County Planning Commission, in the exercise of its administrative judgment, will be guided by adopted plans and policies, including the General Plan and the One-Year Plan, and by the following general standards:
 - a. The use is consistent with adopted plans and policies, including the General Plan and the One-Year Plan.
 - b. The use is in harmony with the general purpose and intent of this Zoning Code.
 - c. The use is compatible with the character of the neighborhood where it is proposed, and with the size and location of buildings in the vicinity.
 - d. The use will not significantly injure the value of adjacent property or by noise, lights, fumes, odors, vibration, traffic, congestion, or other impacts detract from the immediate environment.
 - e. The use is not of a nature or so located as to draw substantial additional traffic through residential streets.
 - f. The nature of development in the surrounding area is not such as to pose a potential hazard to the proposed use or to create an undesirable environment for the proposed use.

G. Requests for Modifications ~~to Approved Special Uses~~

1. Any modifications to the conditions of approval for a previously approved special use must be resubmitted as a new special use application.
2. Any modifications to the conditions of development within a previously approved planned district must be submitted as a new special use application following the procedure in D.1 and D.2. of this Article.

H. Appeals

Anyone aggrieved by a final determination of the Knoxville-Knox County Planning Commission may file an appeal in accordance with Section 16.12.

