



SPECIAL USE REPORT

▶ **FILE #:** 12-C-20-SU **AGENDA ITEM #:** 24
 POSTPONEMENT(S): 12/10/2020, 1/14/2021 **AGENDA DATE:** 2/11/2021
 ▶ **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); pending C-G-3 (General Commercial) / Previously approved planned district designation (C) that is requested to be removed.

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Removal of previously approved planned district designation (C) per Article 1.4 and Article 16.2.

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 a previously approved planned district (C) overlay on part of the property

South: Pond and a bank - OS (Open Space) and C-R-2 (Regional Commercial) District with a previously approved planned district (C) overlay

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

West: Multifamily - RN-6 (Multifamily Residential) District with a previously

approved planned district (C) overlay

NEIGHBORHOOD CONTEXT: This area 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.

STAFF RECOMMENDATION:

▶ **Approve the request to remove the previously approved planned district designation 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 a previously approved planned district (C) 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. Per Article 1.4.G., all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval.

Per Article 1.4.G., 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, compliance would be difficult in this case since the existing development pattern does not follow the master plan.

Approved changes to the Northshore Town Center road network resulted in inconsistencies between the road configuration and parcel boundaries on the master plan and the actual build-out of these components since the master plan was not updated with subsequent approved changes. As a result of these modifications to the road network, the location and boundaries of "Core" and "Peripheral" Areas (areas containing a sub-set of residential land uses and densities allowed within their boundaries) as identified on the master plan no longer align with existing roadways or parcel boundaries (see Exhibit A, Image 2).

The original developer's master plan was approved in 2004 (see Exhibit A, Images 3 and 4). That plan called for medium density residential use around a mixed use core at this location on the site. A later concept plan was approved for the area surrounding the pond (including 2002 Thunderhead Road) that proposed individual lots around the pond (Exhibit A, Image 9). The current request is more aligned with the original master plan than with the later plan approved for individual lots.

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).

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

1. Because the uses approved in the master plan (small and large-scale commercial, office, mixed residential) are similar to those of the underlying zoning district, removal of the previously approved planned district designation for this property is not expected to generate negative impacts for the surrounding community.

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

1. Removal of the previously approved plan district designation 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.

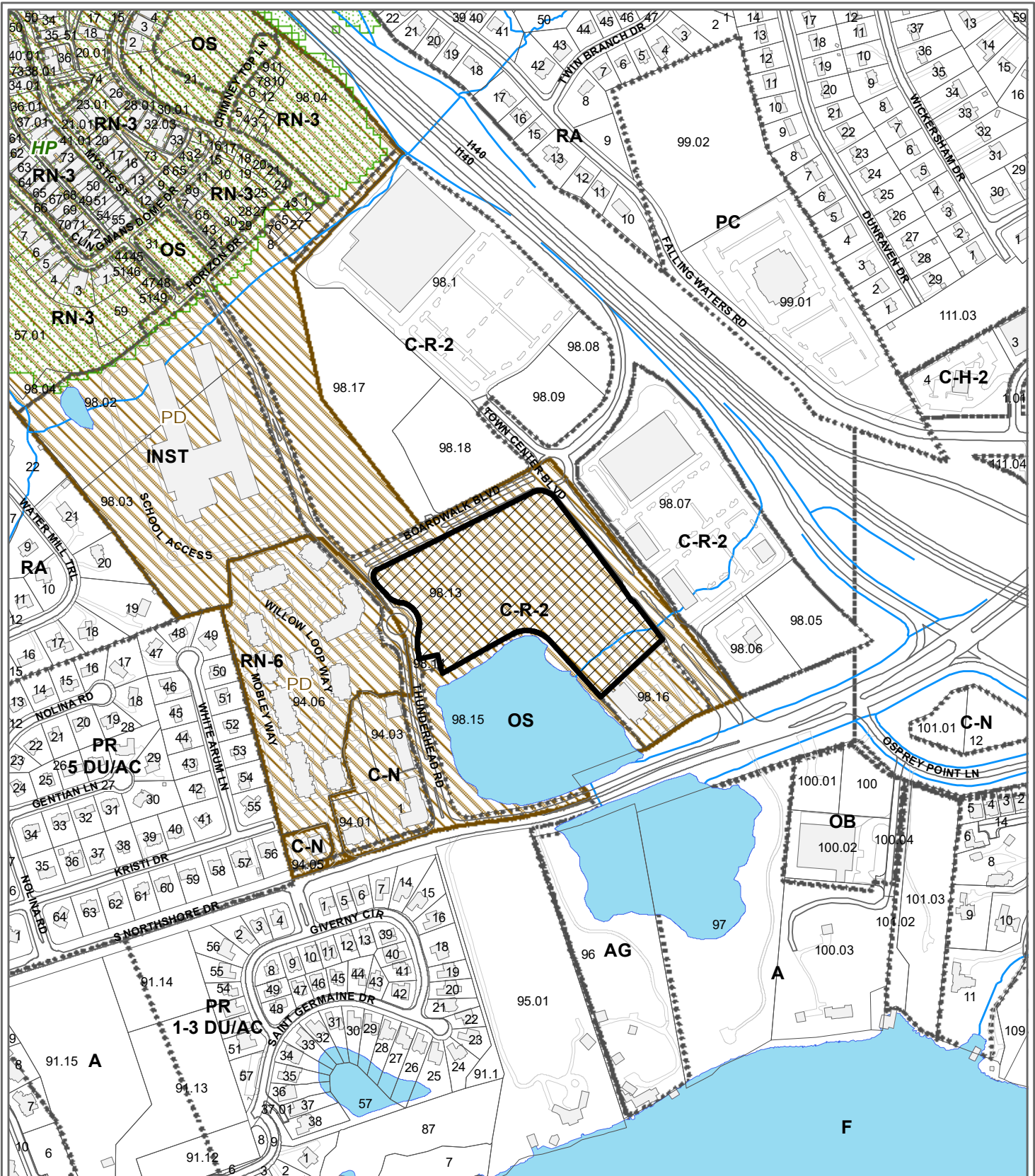
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

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. The requested C-G and existing C-R zones are recommended zones in the MU-CC land use classification.

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





Request to Postpone • Table • Withdraw

Name of Applicant: Taylor Forrester o/b/o Northshore Market Investor, LLC
AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 12-B-20-22; 12-C-20-SU

Date Scheduled for Planning Review: January 14, 2021

Date Request Filed: _____ Request Accepted by: _____

REQUEST

Postpone

Please postpone the above application(s) until:
February 11, 2021
DATE OF FUTURE PUBLIC MEETING

Table

Please table the above application(s).

Withdraw

Please withdraw the above application(s).

State reason for request:

Applicant is requesting an additional 30 day postponement to afford opportunity to engage in discussion with the residents in the Northshore Town Center

Eligible for Fee Refund? Yes No

Amount: _____

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature:

PLEASE PRINT

Name: Taylor D. Forrester

Address: 1111 N. Northshore Dr., Suite 5-700

City: Knoxville State: TN Zip: 37919

Telephone: 865-584-4040

Fax: 865-584-6084

E-mail: TForrester@lrwlaw.com

PLEASE NOTE

Consistent with the guidelines set forth in Planning's *Administrative Rules and Procedures*:

POSTPONEMENTS

Any first time (new) Planning application is eligible for one automatic postponement. This request is for 30 days only and does not require Planning approval if received no later than 3:30 p.m. on the Friday prior to the Planning Commission meeting. All other postponement requests must be acted upon by Planning before they can be officially postponed to a future public meeting.

TABLINGS

Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

WITHDRAWALS

Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.



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

 **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 7th], 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

1111 N. Northshore Drive, Suite S-700 Knoxville, Tennessee 37919-4074
865 584 4040 865 584 6084 fax www.lrwlaw.com

† Of Counsel *Also admitted in New York

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.

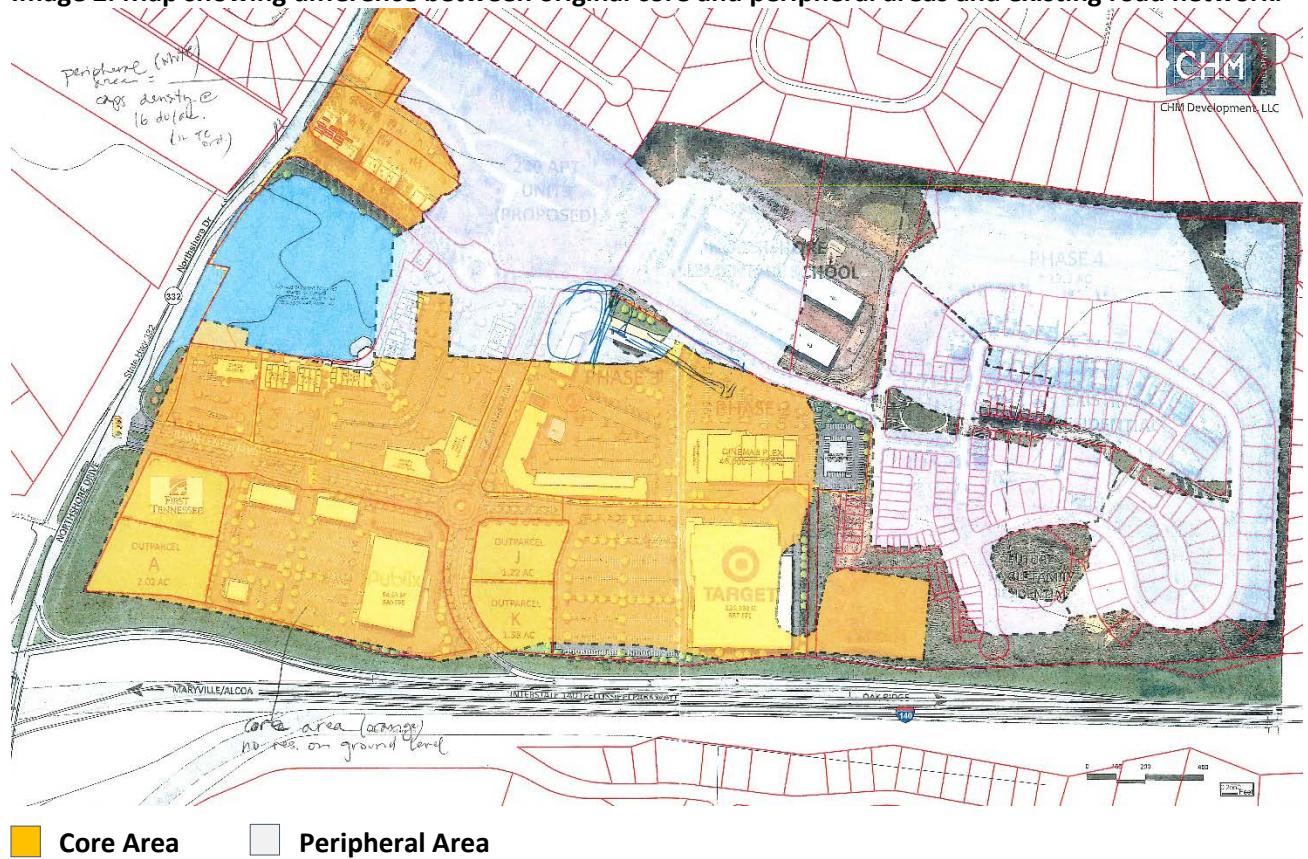
12-C-20-SU

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.



12-C-20-SU

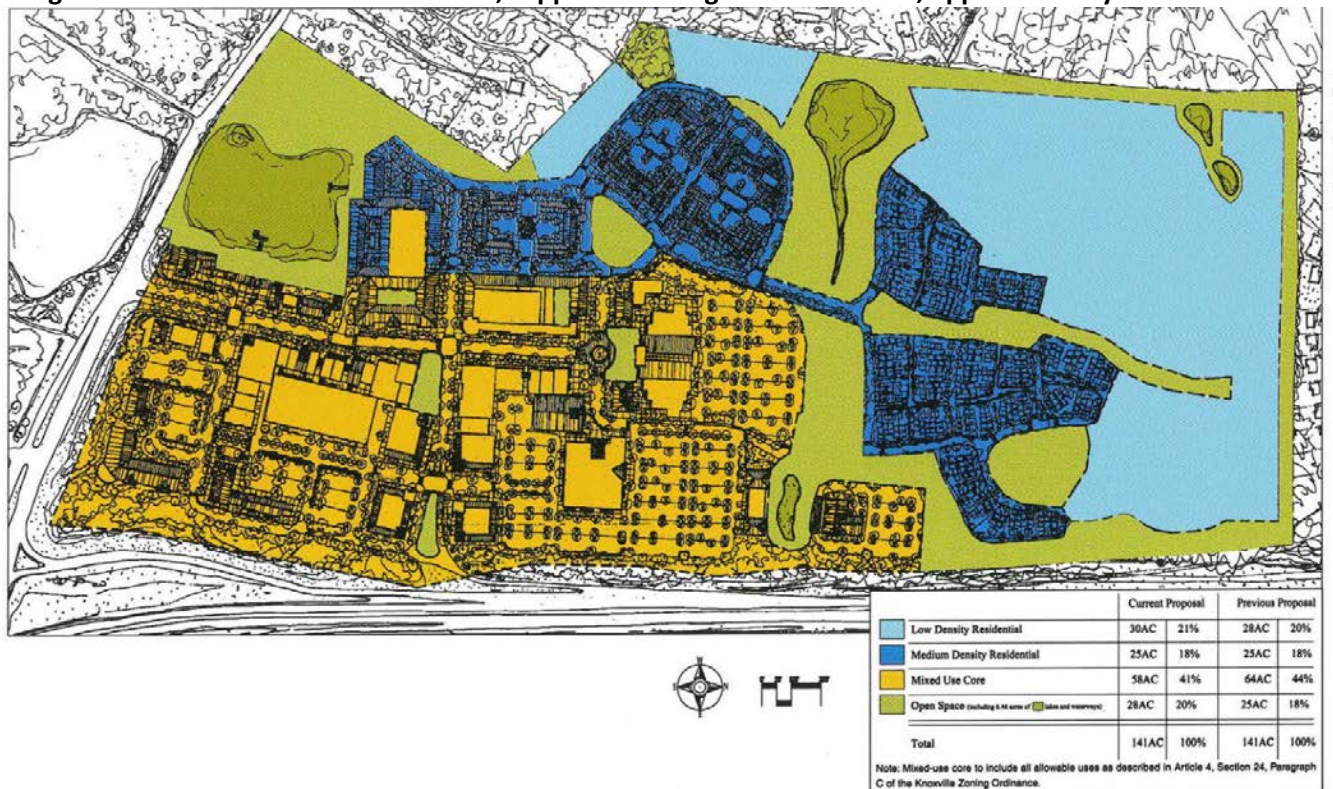
Exhibit A. Conceptual Images

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.

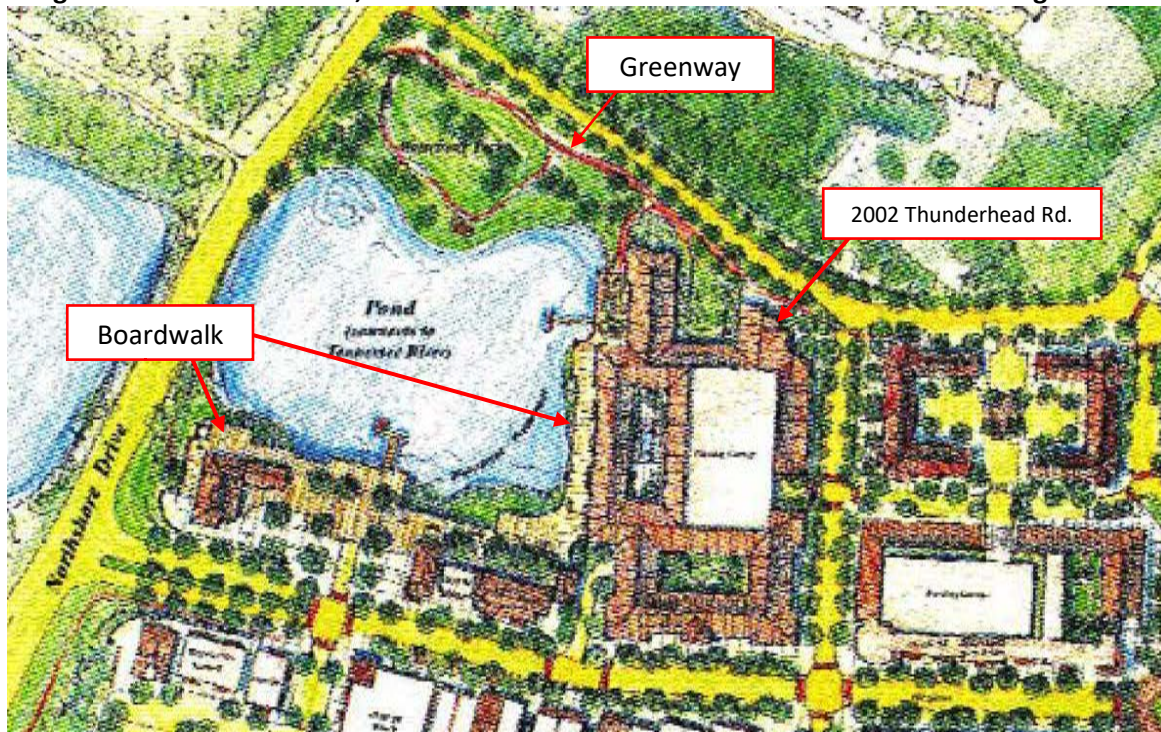


12-C-20-SU

Exhibit A. Conceptual Images

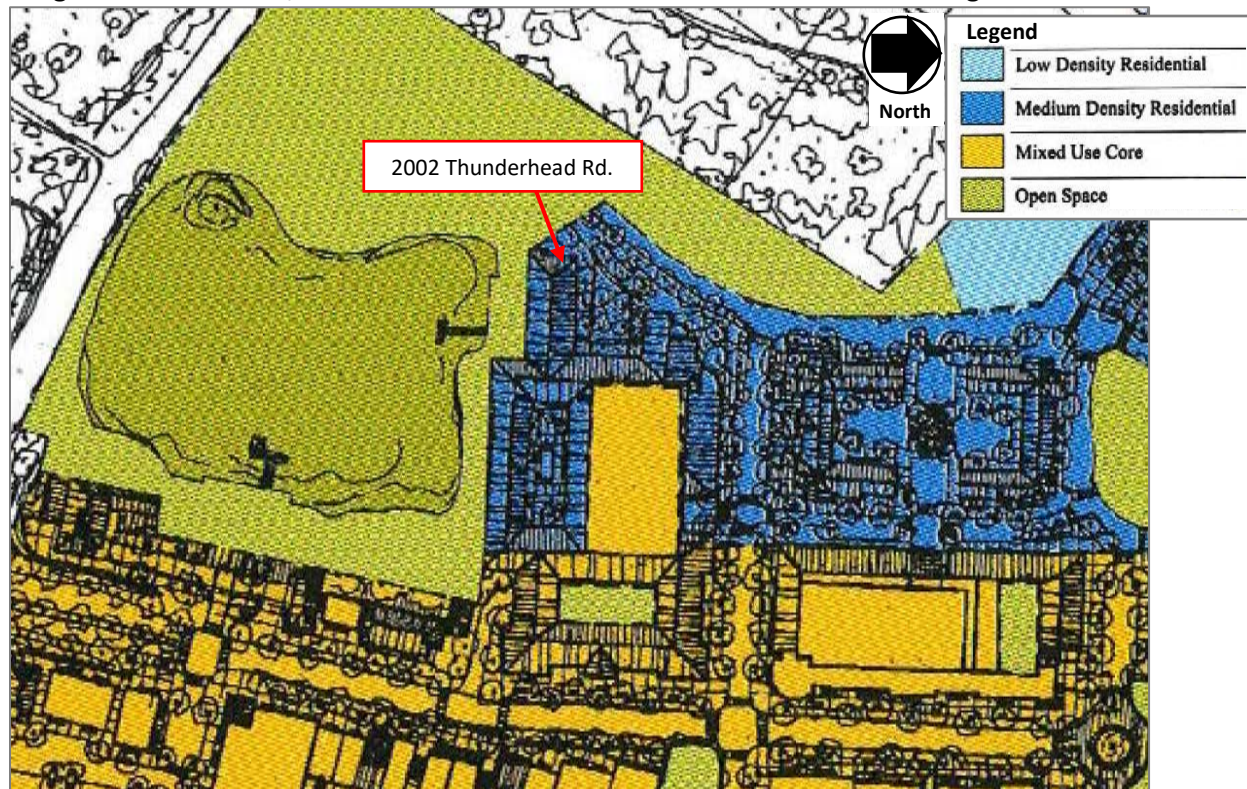
Cropped Site Plan depicting area in question.

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.

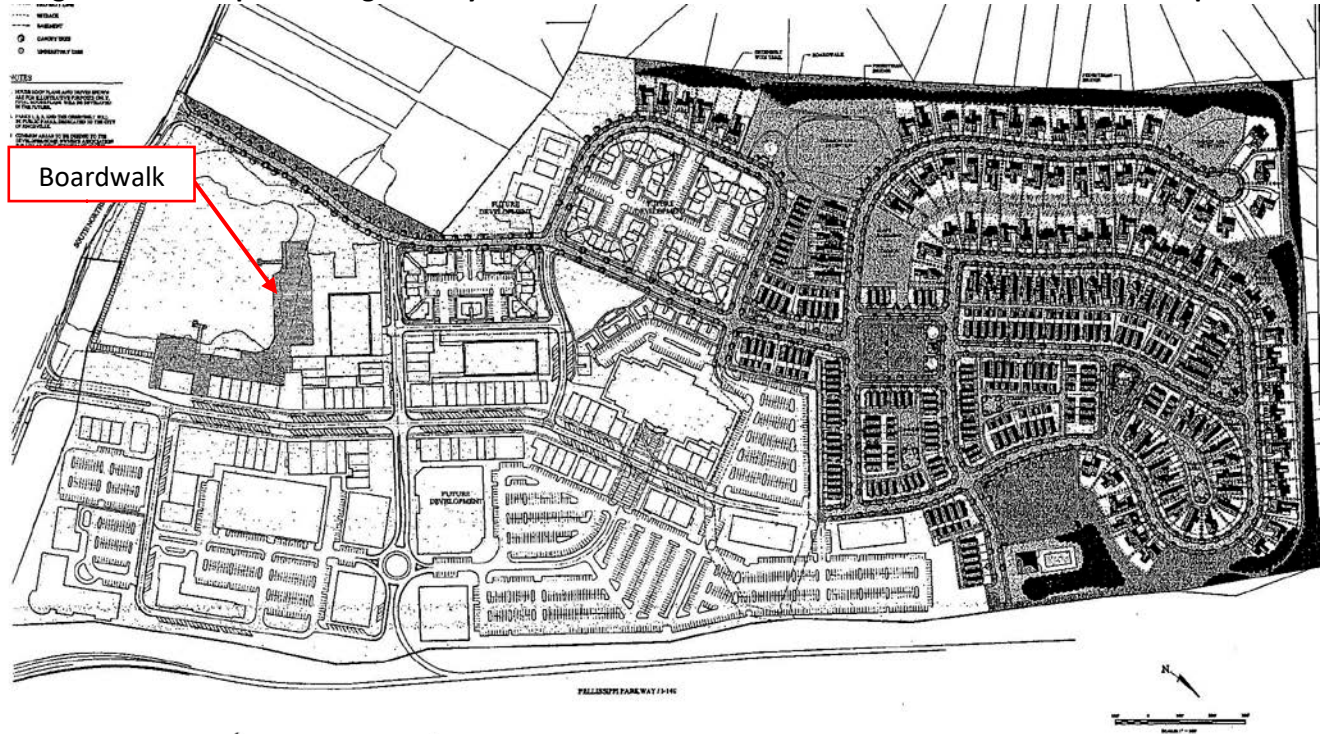
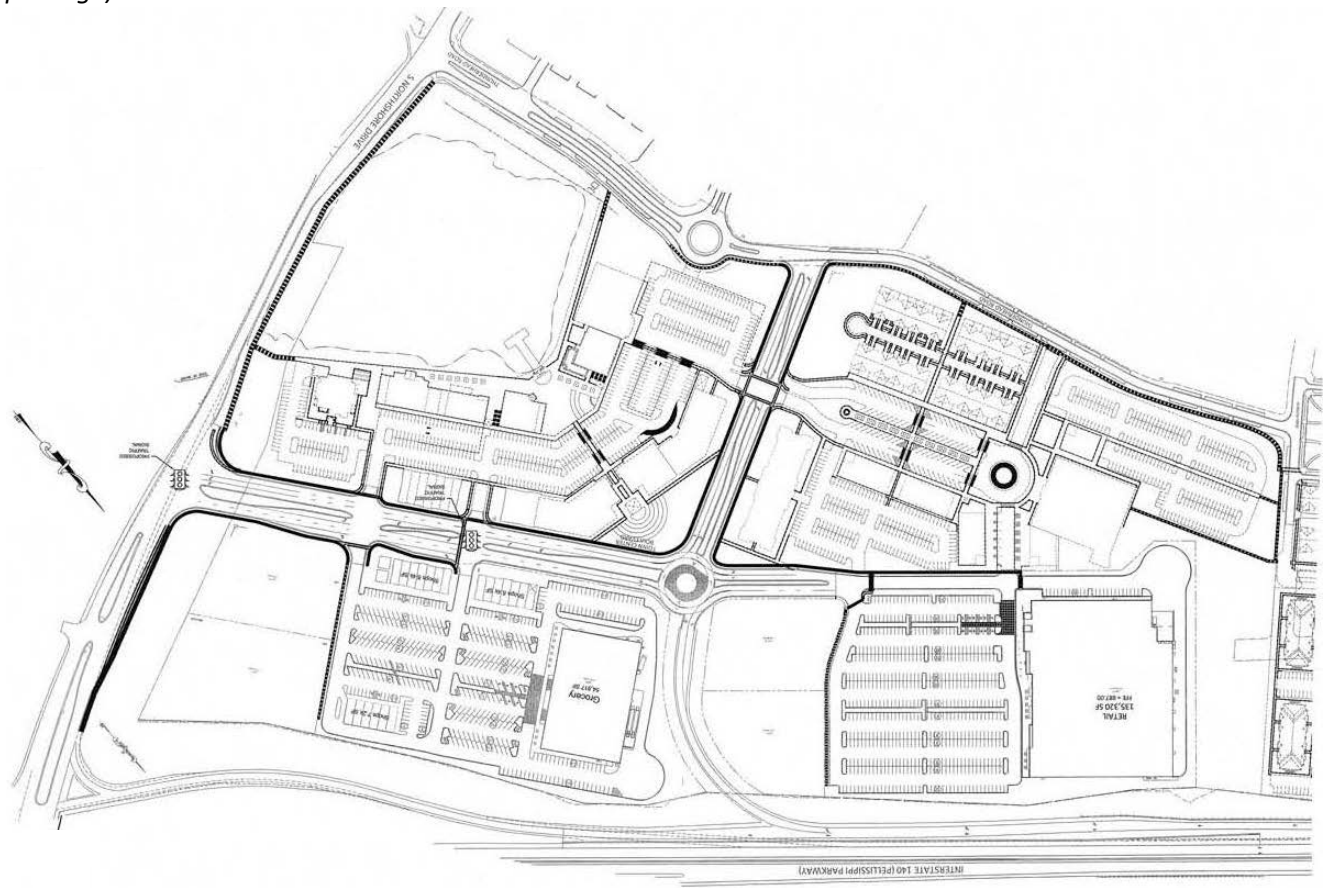


Image 8. 2011 Phase II Pedestrian Site Plan (site plan showing buildings more clearly was not a part of the package).



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.

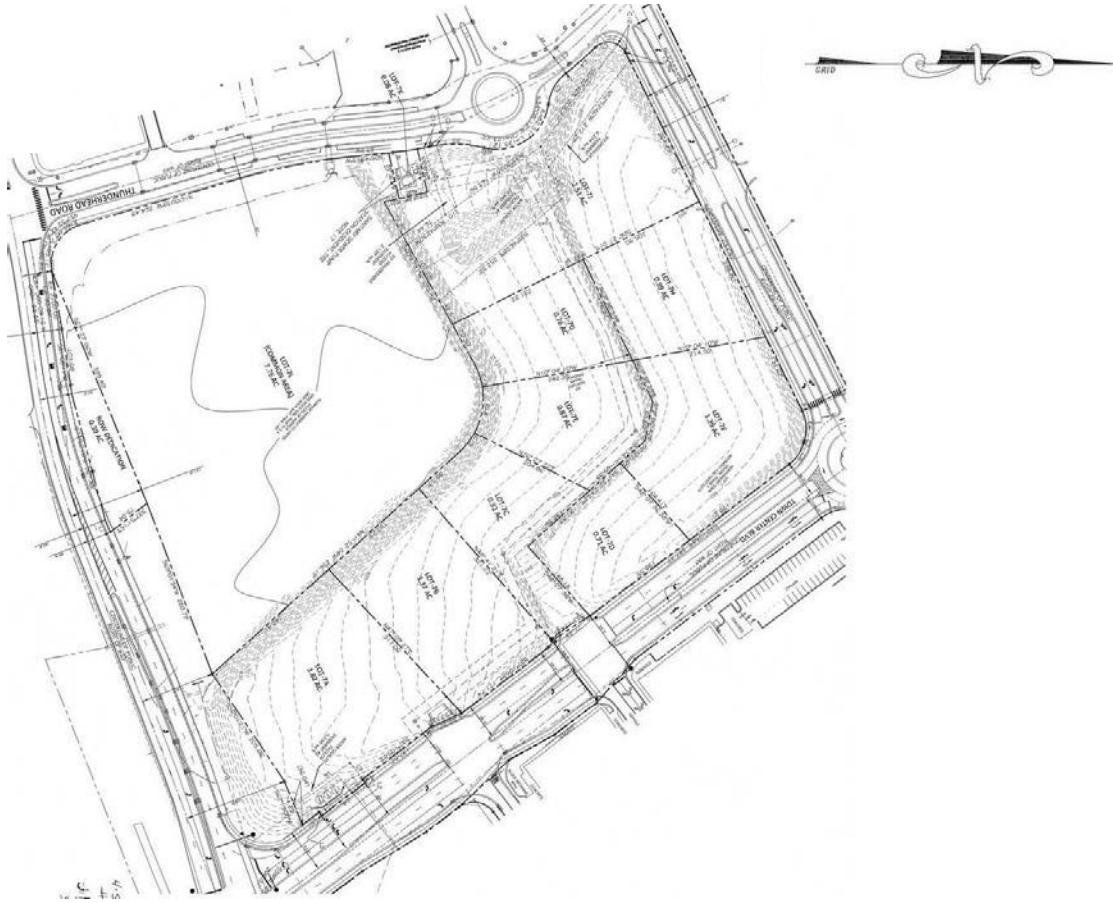
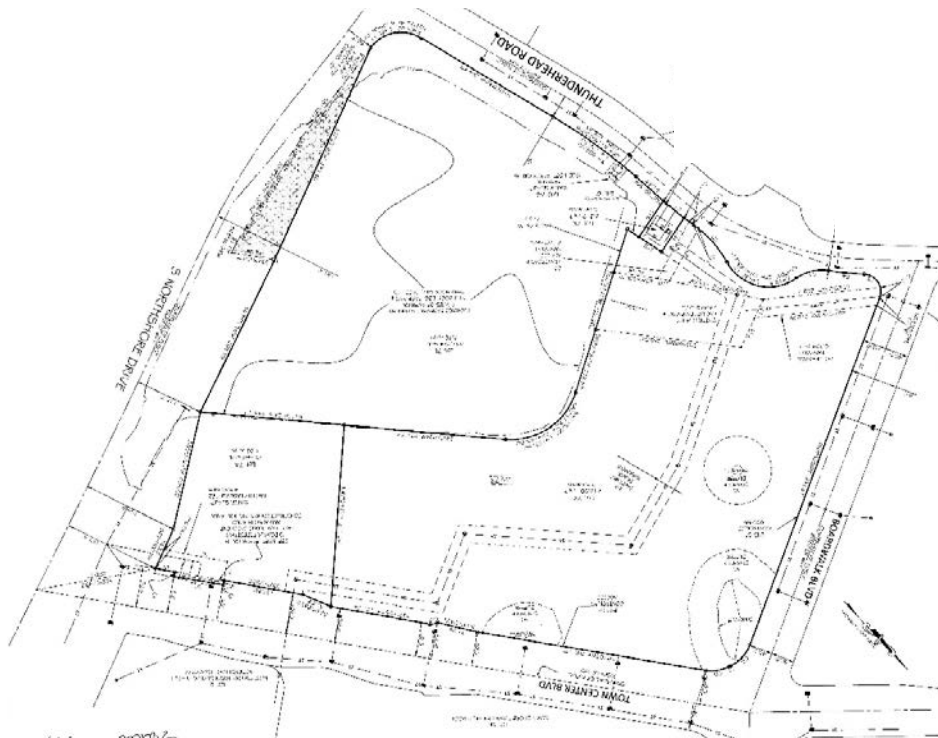


Image 10. June 2014 plat showing subdivision of land around the pond creating 2002 Thunderhead Rd.



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.





Planning

KNOXVILLE | KNOX COUNTY

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

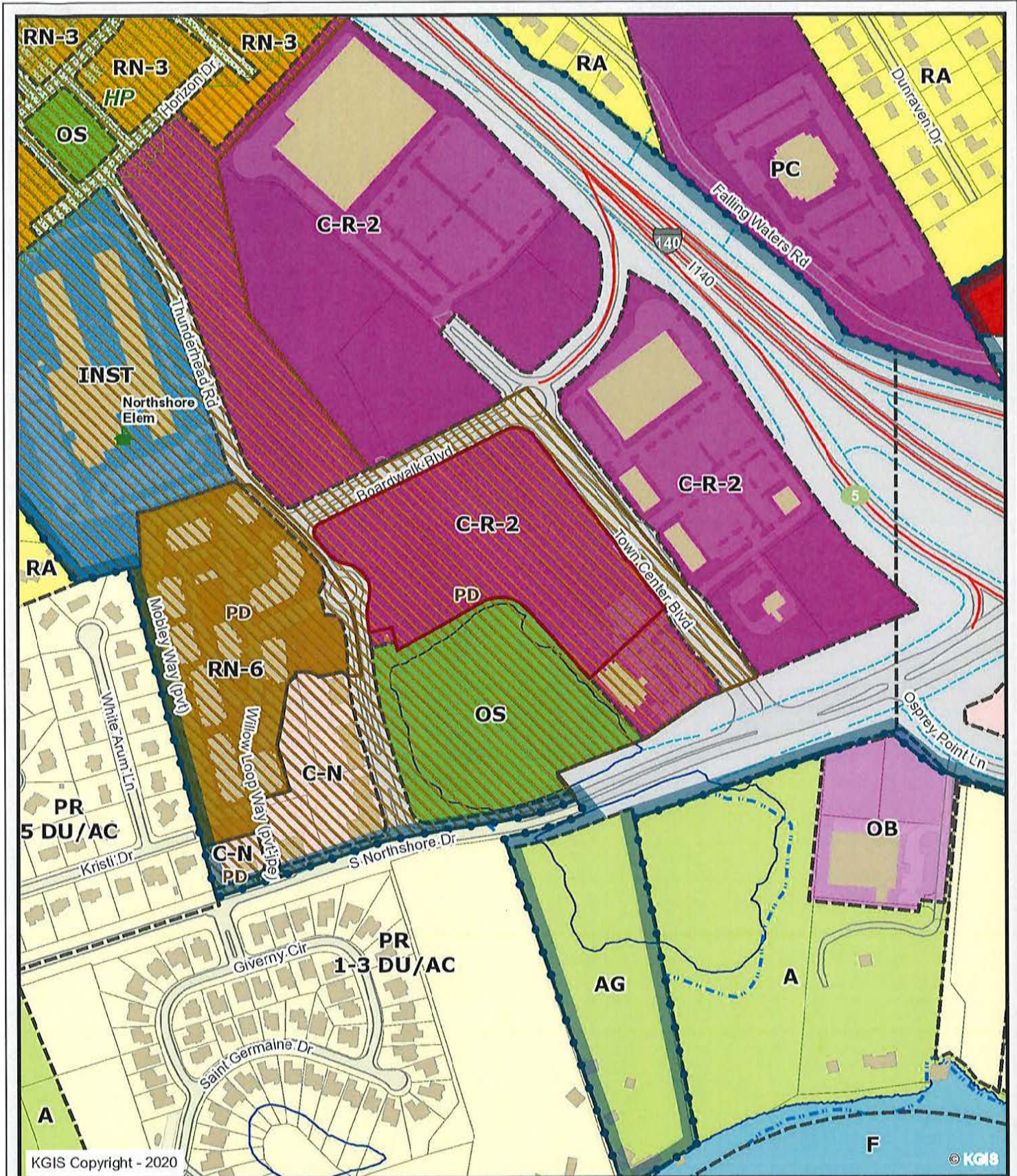
DEVELOPMENT	<input type="checkbox"/> Development Plan <input checked="" type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential		
	<input type="checkbox"/> Home Occupation (specify): _____ <input type="checkbox"/> Other (specify): <u>multi family - Removal of PD (Planned Development) overlay</u>		
SUBDIVISION	<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		
ZONING	<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): _____		

STAFF USE ONLY	PLAT TYPE	FEE 1:	TOTAL:
	<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	\$1,300.00	
	ATTACHMENTS	FEE 2:	
	<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request ADDITIONAL REQUIREMENTS <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	FEE 3:	

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, Location: , Date: 2020.10.22 13:51:05-0500</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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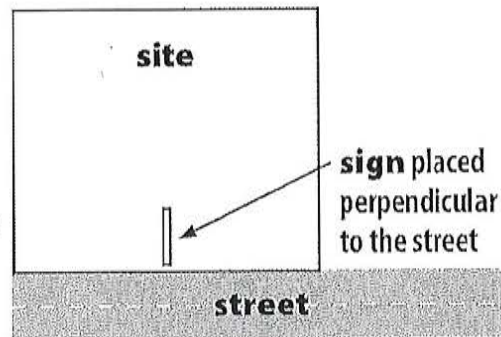
REQUIRED SIGN POSTING AGREEMENT

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