

### PLAN AMENDMENT REPORT

► FILE #: 1-A-21-SP AGENDA ITEM #: 13

> AGENDA DATE: 1/14/2021

► APPLICANT: **TIM HOWELL** OWNER(S): Mike Soueid

TAX ID NUMBER: 107 D A 01802 View map on KGIS

JURISDICTION: Council District 6 STREET ADDRESS: 0 Knott Ave.

▶ LOCATION: North of western terminus of Knott Ave., across from Pilkay Rd.

► APPX. SIZE OF TRACT: 2.47 acres SECTOR PLAN: Central City **GROWTH POLICY PLAN:** Within City limits

ACCESSIBILITY: Knott Road is a local road that terminates at Third Creek in front of this

property. It has a pavement width of 16 feet inside a right-of-way that varies

in width from 42 to 64 feet.

UTILITIES: Water Source: Knoxville Utilities Board

> Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

► PRESENT PLAN AND TDR (Traditional Neighborhood Residential) / SP (Stream Protection) / RN-1 (Single-Family Residential Neighborhood) / F (Floodway) **ZONING DESIGNATION:** 

► PROPOSED PLAN **DESIGNATION:** 

HDR (High Density Residential) / SP (Stream Protection)

► EXISTING LAND USE: Agricultural/forestry/vacant

**EXTENSION OF PLAN DESIGNATION:** 

No

**HISTORY OF REQUESTS:** None noted for this property

SURROUNDING LAND USE AND PLAN DESIGNATION:

North: Agricultural/forestry/vacant and

transportation/communications/utilities - O (Office)

Agricultural/forestry/vacant and single family residential - TDR South:

(Traditional Neighborhood Residential)

Agricultural/forestry/vacant and single family residential - TDR East:

(Traditional Neighborhood Residential)

West: Single family residential -MDR (Medium Density Residential) - RN-1

(Single Family Residential) and HP (Hillside Protection)

NEIGHBORHOOD CONTEXT Third Creek runs adjacent to this property and forms a natural barrier visually

and physically from the property to the west. The rest of the surrounding neighborhood is single family residential homes with smaller lots averaging

approximately 5,000 square feet.

#### STAFF RECOMMENDATION:

Deny the HDR (High Density Residential) designation because it is not consistent with surrounding development and the higher density could result in adverse impacts for the surrounding single family neighborhood, and retain the SP (Stream Protection) designation.

#### **COMMENTS:**

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There have been no changes to conditions to warrant amending the land use plan.

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

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

#### AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan regarding this parcel.

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

- 1. The adjacent apartment complex to the west was developed in the early 2000s, so it does not reflect a new trend in development.
- 2. The adjacent apartment complex was zoned R-2 (General Residential) in the previous zoning ordinance, and is designated as MDR (Medium Density Residential) in the Central City Sector Plan and the One Year Plan. MDR caps density at 24 du/ac in the City. The applicant is requesting 40 du/ac, which is almost twice that of the density allowed in the MDR land use class.
- 3. Though the complex is adjacent on the map, it feels separate from the neighborhood housing the requested properties due to the abundant vegetation that provides a physical and visual barrier.

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

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

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/9/2021 and 2/23/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



STREET ADDRESS:

### PLAN AMENDMENT/ REZONING REPORT

► FILE #: 1-A-21-RZ AGENDA ITEM #: 13

1-A-21-PA AGENDA DATE: 1/14/2021

► APPLICANT: TIM HOWELL

OWNER(S): Mike Soueid

TAX ID NUMBER: 107 D A 01802 View map on KGIS

JURISDICTION: Council District 6

► LOCATION: North of western terminus of Knott Ave., across from Pilkay Rd.

► TRACT INFORMATION: 2.47 acres.

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Within City limits

ACCESSIBILITY: Knott Road is a local road that terminates at Third Creek in front of this

property. It has a pavement width of 16 feet inside a right-of-way that varies

in width from 42 to 64 feet.

UTILITIES: Water Source: Knoxville Utilities Board

0 Knott Ave.

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

PRESENT PLAN TDR (Traditional Neighborhood Residential) / SP (Stream Protection) /

DESIGNATION/ZONING: RN-1 (Single-Family Residential Neighborhood) / F (Floodway)

► PROPOSED PLAN HDR (High Density Residential) / SP (Stream Protection) / RN-6 (Multi-

DESIGNATION/ZONING: Family Residential Neighborhood) / F (Floodway)

EXISTING LAND USE: Agricultral/forestry/vacant

▶ DENSITY PROPOSED: 40 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING:

No

HISTORY OF ZONING

REQUESTS:

None noted for this property

SURROUNDING LAND USE,

PLAN DESIGNATION.

North: Agricultural/forestry/vacant and

transportation/communications/utilities - O (Office) - O (Office) and

C-G-1 (General Commercial)

ZONING South: Agricultural/forestry/vacant and single family residential - TDR

(Traditional Neighborhood Residential) - RN-2 (Single Family

Residential)

East: Agricultural/forestry/vacant and single family residential - TDR

(Traditional Neighborhood Residential) - RN-2 (Single Family

Residential)

West: Single family residential -MDR (Medium Density Residential) - RN-1

(Single Family Residential) and HP (Hillside Protection)

NEIGHBORHOOD CONTEXT: Third Creek runs adjacent to this property and forms a natural barrier visually

and physically from the property to the west. The rest of the surrounding neighborhood is single family residential homes with smaller lots averaging

approximately 5,000 square feet.

#### STAFF RECOMMENDATION:

▶ Deny the HDR (High Density Residential) designation because it is not consistent with surrounding development and the higher density could result in adverse impacts for the surrounding single family neighborhood; retain the SP (Stream Protection) designation.

▶ Deny RN-6 (Multi-Family Residential Neighborhood District) zoning because it is not consistent with the surrounding neighborhood and the higher density could result in adverse impacts for the surrounding single family neighborhood, and retain the F (Floodplain Overlay) District.

#### **COMMENTS:**

This request is related to cases 1-B-21-RZ/1-B-21-PA/1-B-21-SP. The combined cases comprise roughly 3-blocks along the eastern boundary of Third Creek at the rear of Marble City neighborhood. The applicant is requesting RN-6 (Multi-Family Residential Neighborhood District) zoning, and plan amendments to the HDR land use class for the Central City Sector Plan and the City's One Year Plan, for all parcels associated with these requests.

The application lists up to 40 dwelling units per acre as the desired density for a development at this location. However, the City's zones do not follow prescribed density but utilize lot size instead. Either calculation method results in a density that is only supported by the HDR (High Density Residential) land use classification.

#### ONE YEAR PLAN AMENDMENT REQUIREMENTS:

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

#### AN ERROR IN THE PLAN:

1. There are no apparent errors in the plan.

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

- 1. There have been no changes to the development pattern or completion of public improvements that would warrant a plan amendment.
- 2. The apartment complex to the west was developed in the early 2000s. And while the complex is adjacent on the map, it feels separate from the neighborhood housing the requested properties due to the abundant vegetation that provides a physical and visual barrier.
- 3. The adjacent apartment complex was zoned R-2 (General Residential) in the previous zoning ordinance, and is designated as MDR (Medium Density Residential) in the Central City Sector Plan and the One Year Plan. MDR caps density at 24 du/ac in the City. The applicant is requesting 40 du/ac, which is almost twice that of the density allowed in the MDR land use class.

#### A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. No change in public policy would warrant a plan amendment to the HDR land use class.

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

1. No new information has become available to reveal the need for a plan amendment.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY GENERALLY:

- 1. There have been no recent, significant changes in this area that would prompt a rezoning.
- 2. The new zoning ordinance created opportunities elsewhere for large apartment developments, which are more appropriate along main thoroughfares served by transit.
- 3. There is an increased need for housing. However, the property is already zoned for residential use and the land could be subdivided into lots consistent in size with the existing neighborhood to meet this demand.

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

- 1. The RN-6 (Multi-Family Residential Neighborhood) District is intended to accommodate high density neighborhoods in the City of Knoxville characterized by a mixture of all housing types including single-family, two-family, townhouse, and multi-family. Limited nonresidential uses that are compatible with the character of the district may also be permitted.
- 2. Rezonings should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

### THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

- 1. RN-6 is one of the most intense residential zones in the City's zoning ordinance and is not in character with the existing surrounding low-density zoning.
- 2. This intensity is not appropriate at the rear of a residential neighborhood where traffic would traverse through the neighborhood to reach the site.
- 3. Number of dwelling units allowed/anticipated by RN-6 zoning on the combined properties of 1-A-21-RZ and 1-B-21-RZ:
  - a. If the rezonings for both related cases were approved, the development could result in 202 dwellings. (All properties combined total 96,891.2 square feet. The RN-6 zone requires a minimum of 5,000 square feet for the first dwelling unit, then 950 square feet for each additional dwelling unit.)
  - b. The application indicates multifamily use with a density of 40 du/ac. That calculation results in 181 units [(2.47 ac + 2.05 ac) x 40 du/ac].
- 4. The type of structures needed to accommodate this many dwellings would likely result in development at a larger scale than that of the surrounding area.
- 5. There is a small apartment complex to the west, but it is across Third Creek, which is heavily vegetated and creates a physical and visual barrier between that development and this neighborhood. The two developments would not feel they were part of the same neighborhood. A multifamily development on this site could have adverse impacts on the property.

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

- 1. The existing TDR (Traditional Neighborhood Residential) designation is characterized by small-lots and sidewalks. As such, the scale of the structures and character of the neighborhood is smaller than could be accommodated under the requested land use, zoning, and density.
- 2. The Central City Sector Plan's current TDR designation does not support RN-6 zoning.
- 3. Plan amendments to HDR (High Density Residential) for both the Central City Sector Plan and the City's One Year Plan would be required for the requested RN-6 zone to be in accordance with the plans.
- 4. The HDR land use classification is out of character with the existing subdivision.
- 5. The parcel does meet all of the criteria for the HDR land use class as specified in the Land Use Classification Table, which is utilized by both the One Year Plan and Central City Sector Plan. The table cites the following criteria for HDR land use:
  - a. On major collector and arterial streets (all streets bordering the proposed developments are local roads; the development is at the rear of an established neighborhood);
  - b. As transitional areas between commercial/office nodes and low density residential areas (the commercial development to the north is along a different roadway, so this development would not function as a transition between the commercial development and the single family residential development);
  - c. Sites with less than 15% slopes (the site meets this criteria; however, a significant portion of the site is in FEMA floodplains);
  - d. Along or near corridors served by transit; densities above 12 du/ac to be served by sidewalks (none of these roadways are served by transit, nor are they served by sidewalks).

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/9/2021 and 2/23/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



## Request to Postpone • Table • Withdraw

REQUEST
⊠ Postpone
Please postpone the above application(s) until:
April 2021
☐ Table  Please table the above application(s).
☐ Withdraw Please withdraw the above application(s).
State reason for request: Potential Change in Zonc & to garner Community Support
Eligible for Fee Refund? Yes No Amount:
Approved by:
I hereby certify that I am the property owner, applicant, or applicant's authorized representative.
Signature:
Name: Timothy J. Howell
Address: 1707 N Ridge Ct
City: Seviero:   Le State: TH Zip: 37862
Telephone: <u>865 - 742-2557</u>
Fax:
E-mail: time tolds 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**

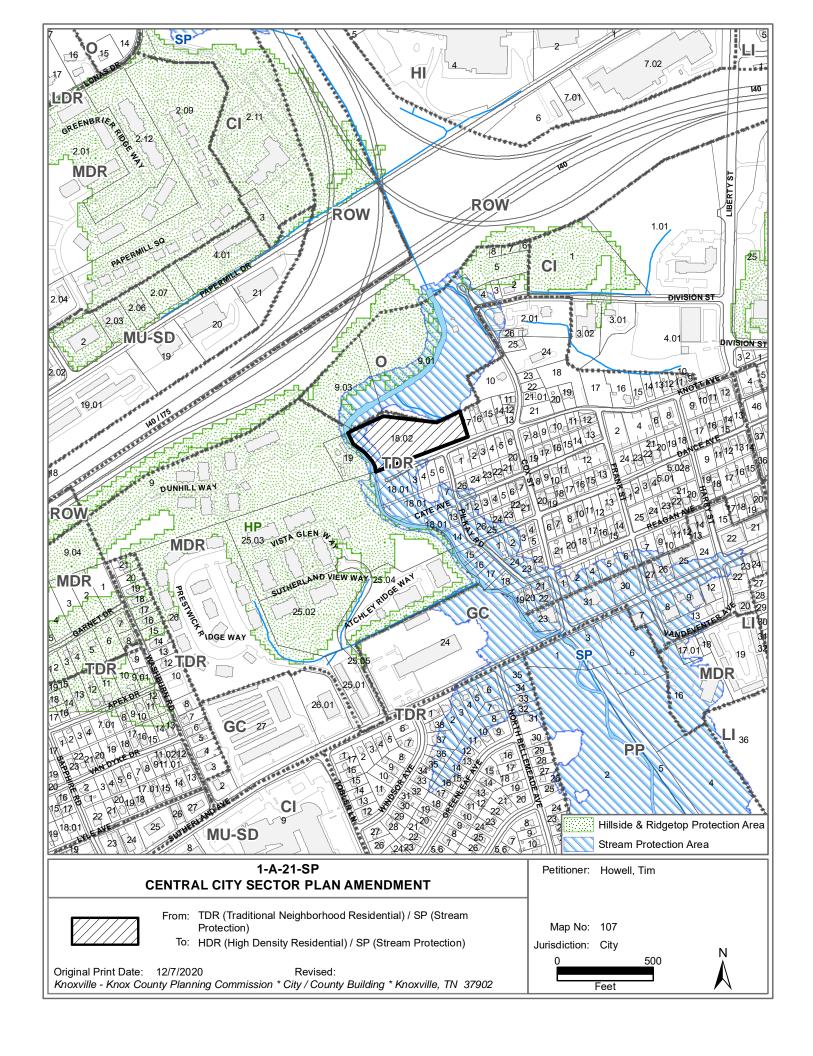
Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

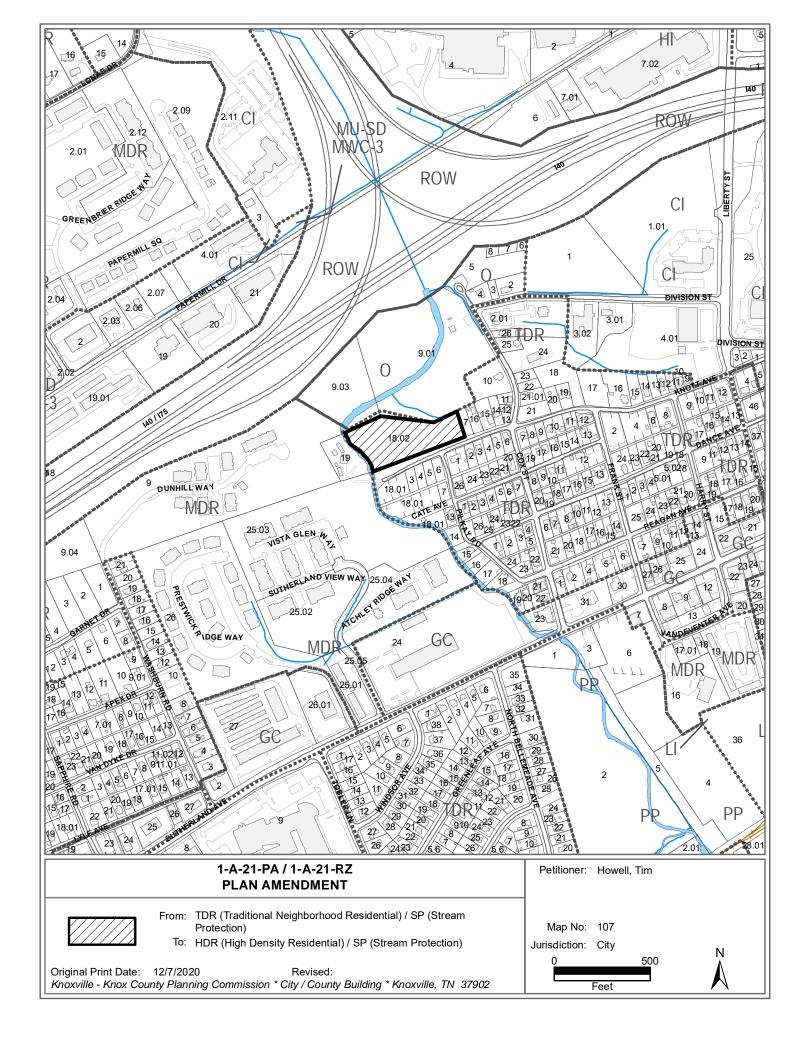
#### WITHDRAWALS

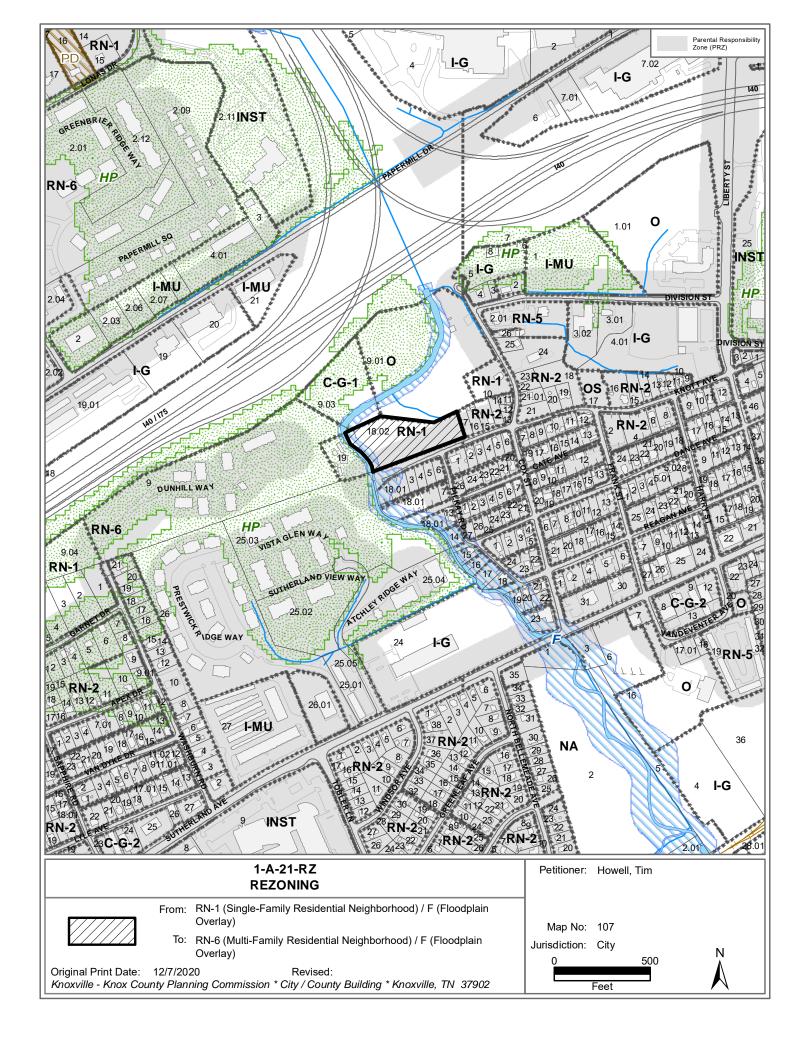
Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

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

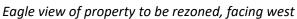
Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.













Aerial map showing vegetation at creek blocking view of apartments to the west

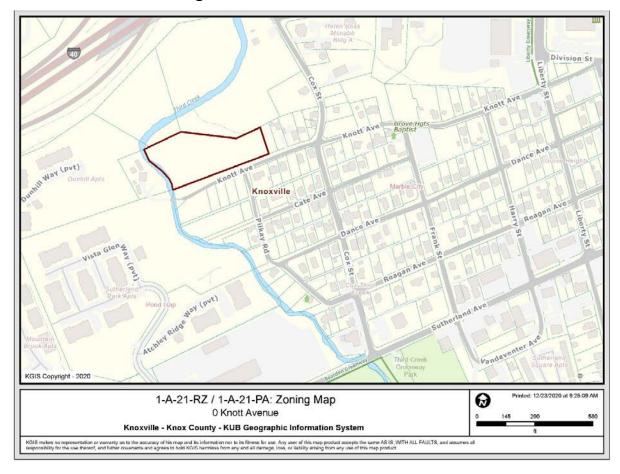


Street view of the terminus of Knott Avenue at Third Creek, vegetation blocks view of apartments beyond.

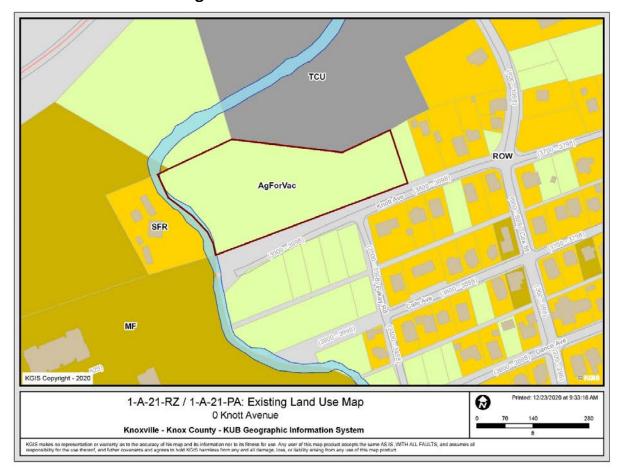


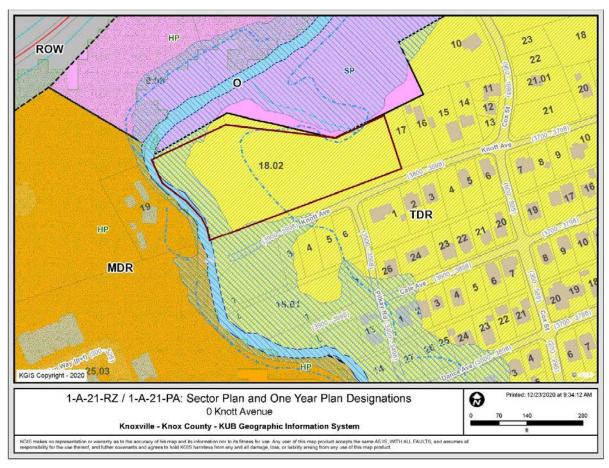
Street view of residential properties along Knott Avenue approaching site

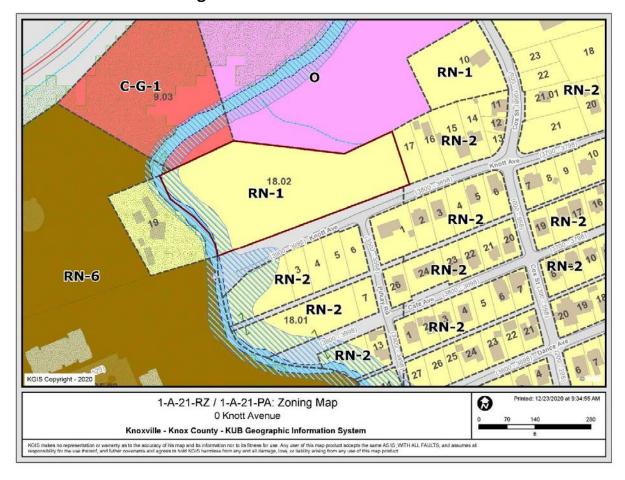




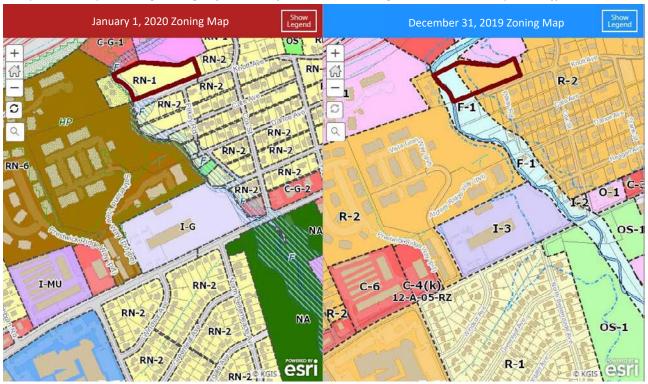


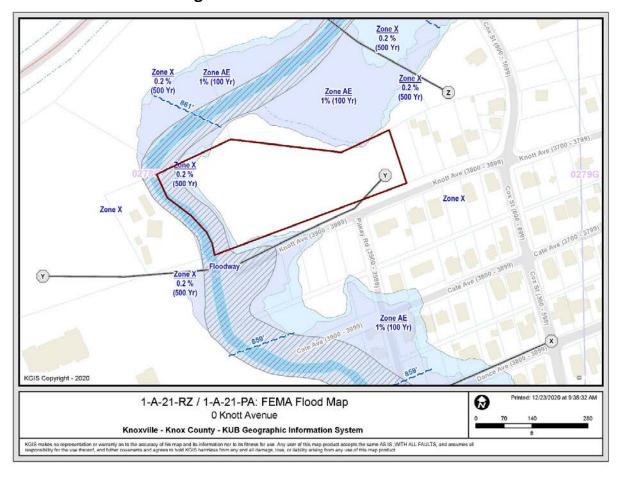






Comparison map showing zoning before and after the new zoning ordinance and map took effect





### **Addressing Department Review and Comments**

**Date Submitted:** 

Unit or Phase:

Phone:

Cell:

Review Type: Rezoning

Office: 865.742.2557

400 Main Street Suite 403

Knoxville, TN 37902 P: 865.215.2507 F: 865.215.2237

File #: 1-A-21-RZ

Tax Parcel ID: 107DA01802

**Subdivision:** n/a

Owner/Applicant: Timothy Howell

**Surveyor:** Timothy J Howell

**Company:** TN Land Development Services

Email: tim@tnlds.com Fax: 865.674.8118

Visit our website: http://www.knoxplanning.org/addressing for a list of existing and available street names.

All subdivision and street names must conform to the Knoxville/Knox County Street Uniform Naming and Addressing Ordinance, Subdivision Regulations and the Administrative Rules of the Planning Commission.

Proposed and/or Existing Subdivision or Street Names	Results of Review, Corrections, and Comments (date subdivision or street name reserved)	Approved, Pending, Denied, Revise, Note
Proposed Apartments	If approved Apartments may need a development name and a road name	
	Submit proposed names in writing for review	
	Unresolved addressing issues may delay building permits.	Note
	Address(es) will be assigned after the final plat is recorded.	Note
	A site plan and/or floor plans will be required for addressing purposes.	Note
	Applicable addressing fee will apply to 5 or more address assignments if applicable	Note
	Developer must contact the Post Office to establish mail service at 865.558.4581 IF APPLICABLE	Note
	If private ROW serves 6 or more dwellings/lots, it must be named per the subdivision regulations	Note
	If private ROW is named, owner/developer is responsible for installing a street sign	Note

Comments may be modified based on new information from updated plans, field reviews or other agencies.

Andrea Kupfer (865.215.3797)	Donna Hill (865.215.3872)	Reviewed by
andrea.kupfer@knoxplanning.org	donna.hill@knoxplanning.org	12.15.2020



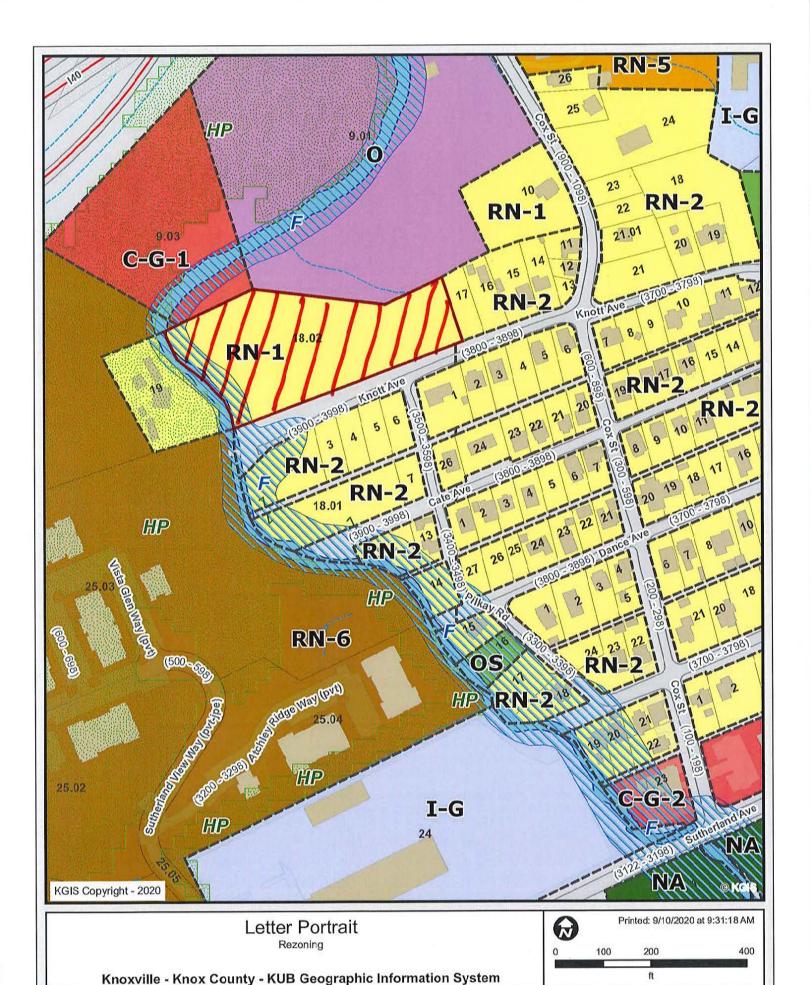
### DEVELOPMENT REQUEST

DEVELOPMENT		SUBDIVISION	SUBDIVISION ZONII		
Planning KNOX COUNTY	<ul><li>□ Development Plan</li><li>□ Planned Developme</li><li>□ Use on Review / Specific Plan</li></ul>	ent 🗆 Final F	pt Plan Plat	<ul><li>Plan Amendmer</li><li>Rezoning</li></ul>	
Γim Howell			Surveyo	or/representative	
pplicant Name			Affiliation		
3/15/2020	1/14//2021	1-A-2	1-A-21-RZ / 1-A-21-PA / 1-A-21-SP		
Pate Filed	Meeting Date (if appli	icable)	File Numbers(s)		
CORRESPONDENCE All correspondence related to this Applicant	200 T MY Serve			ape Architect	
Timothy J Howell	Tennessee Land Development Services			t Services	
lame		Company			
1707 N Ridge Ct		Sevierville	TN	37862	
Address		City	State	Zip	
865-742-2557	tim@tnlds.com				
Phone	Email				
CURRENT PROPERTY				F.5.1 37.1 0000	
Mike Soueid	6687 Girazda Cir, Boca Raton, Fl			561-271-8800	
Owner Name (if different)	Owner Addre			Owner Phone	
0 Knott Ave	107DA01802				
roperty Address	Parcel ID				
North of western terminus o	rth of western terminus of Knott Ave		2.47		
ieneral Location			Tract Size		
6th District		RN-1	W.		
urisdiction (specify district above	) 🔳 City 🔲 County	Zoning Distric	t		
Central City	TDR		Within City limits		
lanning Sector	Sector Plan Land Use Classification		Growth Policy Plan Designation		
Vacant land	N	кив	KU	В	
existing Land Use	Septic (Y/N)	Sewer Provider	Wat	er Provider	

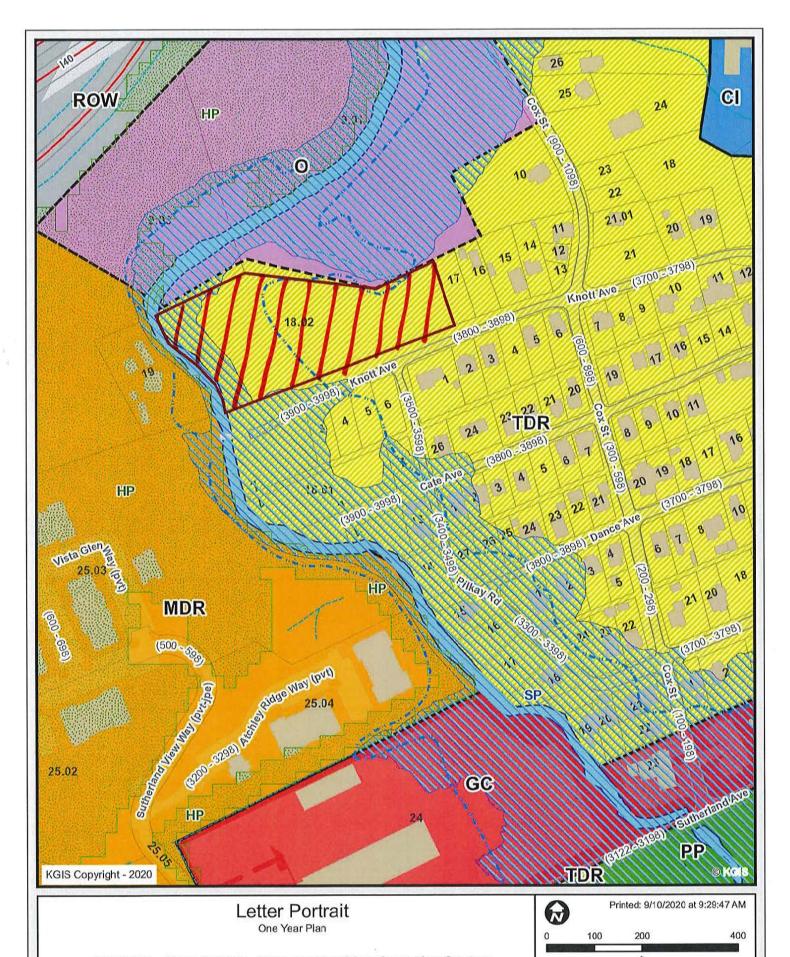
### **REQUEST**

Staff Signature

DEVELOPMENT	☐ Development Plan ☐ Use on Review / Sp	ecial Use		
DEVEL	☐ Home Occupation (specify): ☐ Other (specify): ☐	,		
SUBDIVISION	<ul> <li>□ Proposed Subdivision Name</li> <li>□ Parcel Change</li> <li>□ Combine Parcels</li> <li>□ Divide Parcel</li> <li>□ Other (specify):</li> <li>□ Attachments / Additional Requirements</li> </ul>	Total Number of Lots		z / Phase Number
ZONING	Proposed Zoning  Proposed Zoning  TDR to HDR ( Proposed Plan I  approximately 40 units/acre  Proposed Density (units/acre)		equests	r Plan
STAFF USE ONLY	PLAT TYPE  Staff Review Planning Commission  ATTACHMENTS Property Owners / Option Holders Val  ADDITIONAL REQUIREMENTS Design Plan Certification (Final Plat only) Use on Review / Special Use (Concept Plan Traffic Impact Study		\$600.00 \$600.00 \$600.00 \$600.00 \$600.00 \$600.00 \$600.00	<b>TOTAL:</b> \$1500.00
	AUTHORIZATION By signing below, I of Digitally signed by Timothy J Howell Date: 2020.09.01 08:07:52 -04'00' Applicant Signature  (865) 742-2557	certify I am the property owr Timothy Howell Please Print tim@tnlds.com		
	Phone Number  Michele Portis  Staff Signature	Email Michelle Portier Please Print	9/1/2 Date	020



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Knoxville - Knox County - KUB Geographic Information System

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