

PLAN AMENDMENT REPORT

► FILE #: 1-B-21-SP	AGENDA ITEM #: 14
	AGENDA DATE: 1/14/2021
► APPLICANT:	TIM HOWELL
OWNER(S):	Mike Soueid
TAX ID NUMBER:	107 D A 01801 107DJ003-007 & 107DJ013 View map on KGIS
JURISDICTION:	Council District 6
STREET ADDRESS:	0 Knott Ave., 0 Pilkay Rd. & 3415 Pilkay Rd.
► LOCATION:	South of Knott Ave., west of Pilkay Rd.
► APPX. SIZE OF TRACT:	2.05 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 ZONING DESIGNATION:	TDR (Traditional Neighborhood Residential) / SP (Stream Protection) / RN-2 (Single-Family Residential Neighborhood) / F (Floodway)
PROPOSED PLAN DESIGNATION:	HDR (High Density Residential) / SP (Stream Protection)
	HDR (High Density Residential) / SP (Stream Protection) Agricultural/forestry/vacant
DESIGNATION:	
 DESIGNATION: EXISTING LAND USE: EXTENSION OF PLAN 	Agricultural/forestry/vacant
 DESIGNATION: EXISTING LAND USE: EXTENSION OF PLAN DESIGNATION: 	Agricultural/forestry/vacant
DESIGNATION: EXISTING LAND USE: EXTENSION OF PLAN DESIGNATION: HISTORY OF REQUESTS: SURROUNDING LAND USE	Agricultural/forestry/vacant No None noted for this property North: Agricultural/forestry/vacant - TDR (Traditional Neighborhood
DESIGNATION: EXISTING LAND USE: EXTENSION OF PLAN DESIGNATION: HISTORY OF REQUESTS: SURROUNDING LAND USE	Agricultural/forestry/vacant No None noted for this property North: Agricultural/forestry/vacant - TDR (Traditional Neighborhood Residential) and SP)Stream Protection South: Agricultural/forestry/vacant - TDR (Traditional Neighborhood
DESIGNATION: EXISTING LAND USE: EXTENSION OF PLAN DESIGNATION: HISTORY OF REQUESTS: SURROUNDING LAND USE	Agricultural/forestry/vacant No None noted for this property North: Agricultural/forestry/vacant - TDR (Traditional Neighborhood Residential) and SP)Stream Protection South: Agricultural/forestry/vacant - TDR (Traditional Neighborhood Residential) and SP)Stream Protection East: Agricultural/forestry/vacant and single family residential - TDR
DESIGNATION: • EXISTING LAND USE: EXTENSION OF PLAN DESIGNATION: HISTORY OF REQUESTS: SURROUNDING LAND USE	Agricultural/forestry/vacant No None noted for this property North: Agricultural/forestry/vacant - TDR (Traditional Neighborhood Residential) and SP)Stream Protection South: Agricultural/forestry/vacant - TDR (Traditional Neighborhood Residential) and SP)Stream Protection East: Agricultural/forestry/vacant and single family residential - TDR (Traditional Neighborhood Residential) and SP)Stream Protection West: Third Creek and Multifamily Residential - MDR (Medium Density

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.



PLAN AMENDMENT/ REZONING REPORT

۲	FILE #: 1-B-2	1-RZ								A	GEND/	A ITE	EM #:	14
	1-B-2	1-PA								A	SEND/	A DA	TE:	1/14/2021
•	APPLICANT:		ТІМ НО	WELL										
	OWNER(S):		Mike Sc	bueid										
	TAX ID NUMBE	R:	107 D A	01801	1(07DJ0	03-00	7, & 1	07DJ(013		V	iew ma	ap on KGIS
	JURISDICTION:		Council	District 6	6									
	STREET ADDR	ESS:	0 Knott	Ave, 0 Pil	lika	y Rd.,	& 341	5 Pilk	ay Rd					
۲	LOCATION:		South o	of Knott A	Ave	e., we	st of F	Pilkay	Rd.					
۲	TRACT INFORM	IATION:	2.05 ac	res.										
	SECTOR PLAN:		Central	City										
	GROWTH POLI	CY PLAN:	Within C	City limits	5									
	ACCESSIBILITY	<u>.</u>	property	oad is a lo y. It has a from 42 t	a pa	iveme	nt widt							f this hat varies
	UTILITIES:		Water S	Source:	Kr	noxvill	e Utilit	ies Bo	bard					
			Sewer S	Source:	Kr	noxvill	e Utilit	ies Bo	bard					
	WATERSHED:		Third C	reek										
•	PRESENT PLAN DESIGNATIO		•	raditiona Single-Fa		-					•			
۲	PROPOSED PL			ligh Dens Resident								ction	n) / RN-	∙6 (Multi-
۲	EXISTING LAND	D USE:	Agricul	tural/fore	est	ry/vac	ant							
•	DENSITY PROP	POSED:	40 du/a	C										
	EXTENSION OF DESIGNATION		No											
	HISTORY OF ZO REQUESTS:	ONING	None no	oted for th	his	prope	rty							
	SURROUNDING PLAN DESIGN		North:	Agricultu Residen Residen	ntial	l) and								
	ZONING		South:	Agricultu Residen Residen	ntial	l) and								
			East:	Agricultu (Traditio RN-2 (S	ona	l Neig	hborho	ood R	esider					TDR Protection -

	West: Third Creek and Multifamily Residential - MDR (Medium Density Residential) and SP (Stream Protection) - F (Floodway) and RN-6 (Multifamily Residential Neighborhood)
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.
- 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-A-21-RZ/1-A-21-PA/1-A-21-SP. The combined cases comprise roughly 3blocks 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.

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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).

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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

Name of Applicant: Tim Howell AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

-21p	AL	-B-	215	ρ	_
, ,	1-B	-21	RZ	1-B-21	PA

Date Scheduled for Planning Review: /-/4-202]

Original File Number(s): 1-A-ZI-SP, I-A-ZI-RZ, I-A

Date Request Filed: 1/8/2/

Request Accepted by: _

REQUEST

Postpone Please postpone the above application(s) until:

April 2021 DATE OF FUTURE PUBLIC MEETING

Table Please table the above application(s).

Withdraw Please withdraw the above application(s).

State reason for request:

Potential Change in ZONL & to garner community support

Eligible for Fee Refund? Amount:	Yes	□ No
Approved by:		
Date:		

APPLICATION AUTHORIZATION

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

Signature:

PLEASE PRINT

Name: Timothy J. Howell

Address: 1707 N Ridge Ct

City: Sevierville State: TN Zip: 37862

Telephone: 865-742-2557

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

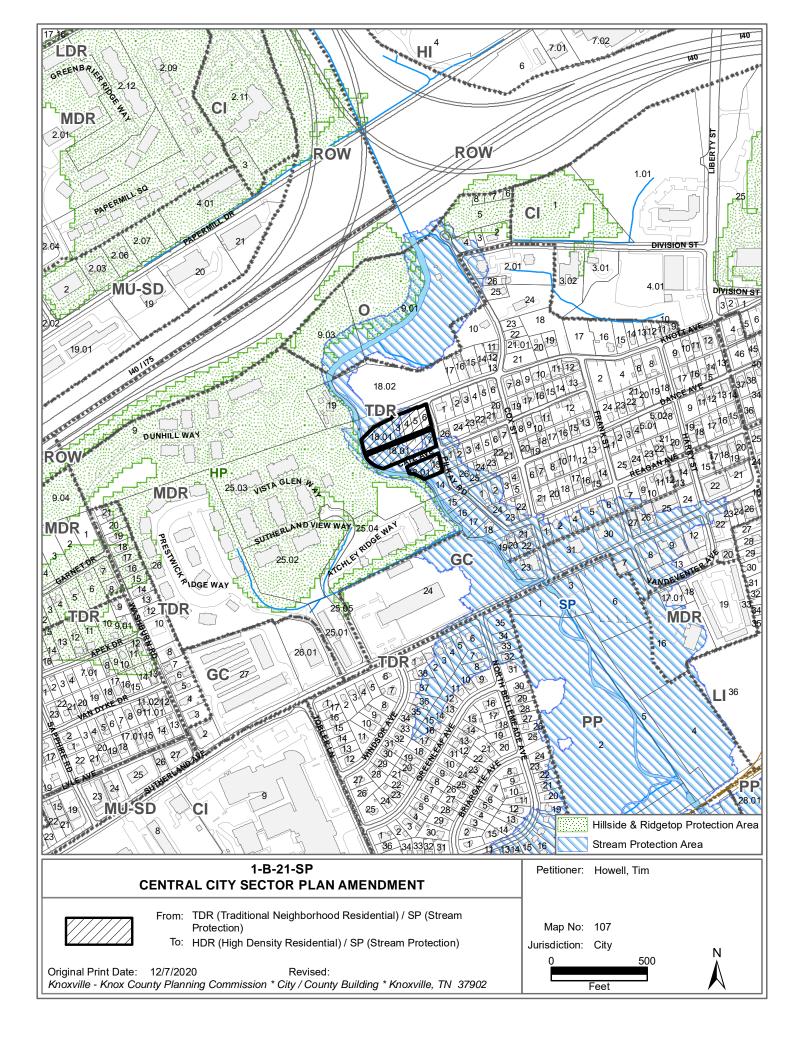
Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

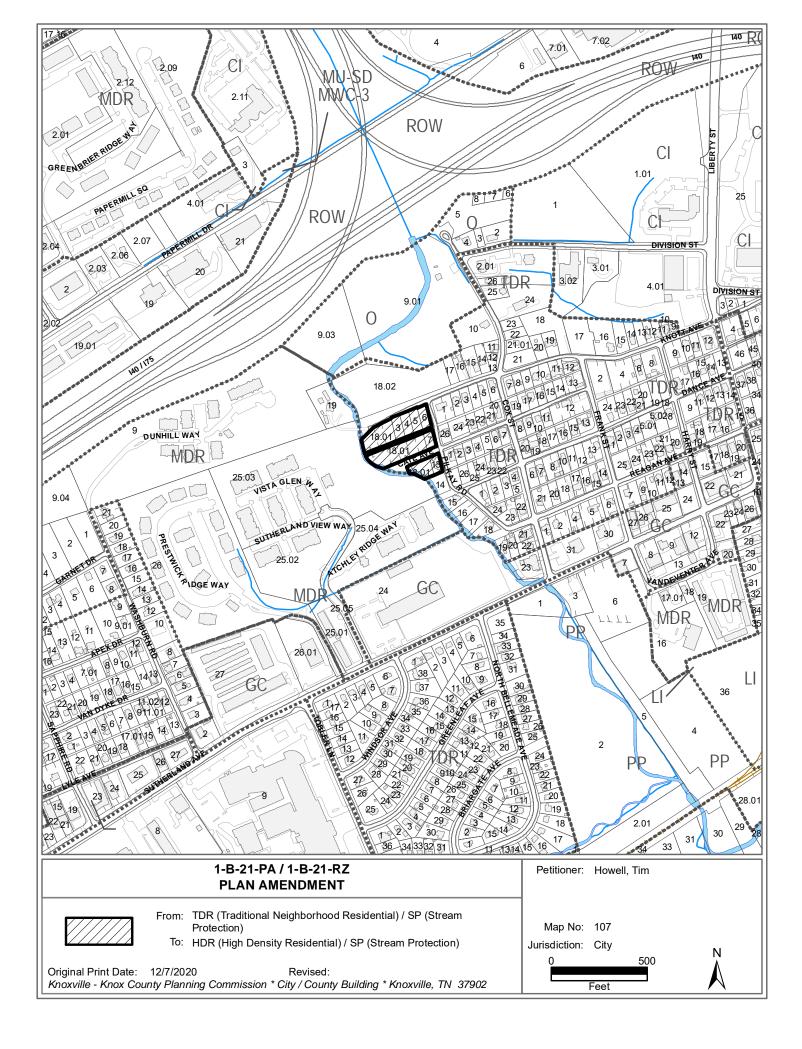
WITHDRAWALS

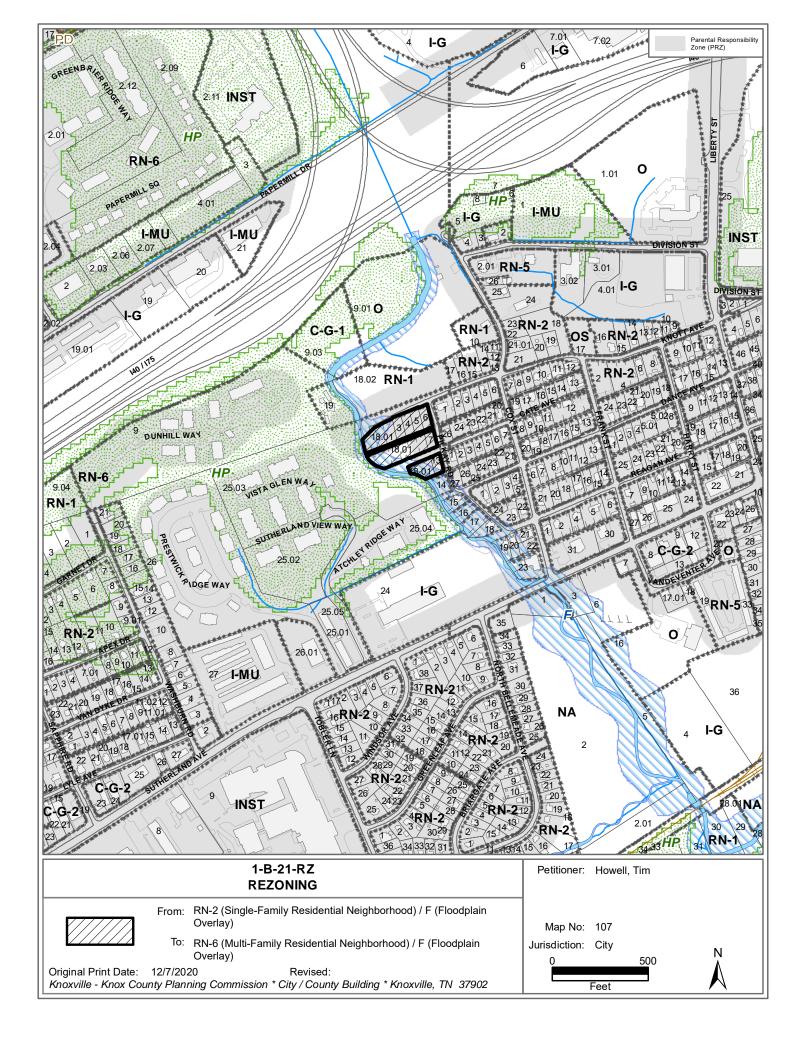
Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

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.





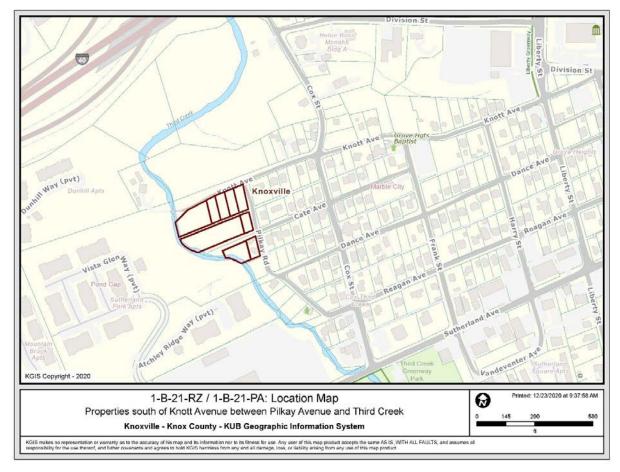


Street view from Pilkay Rd. at intersection with undeveloped portion of Cate Ave leading towards Third Creek

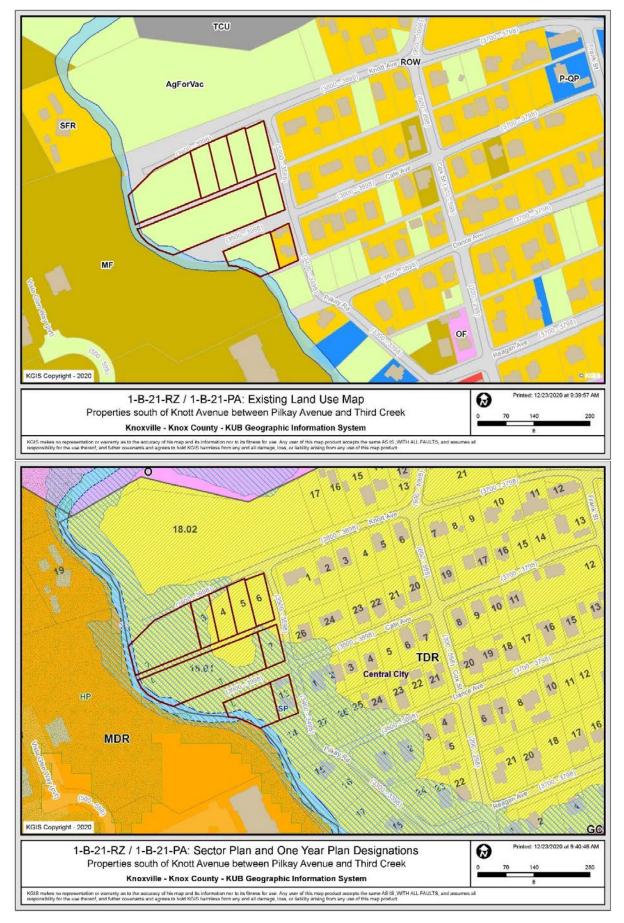


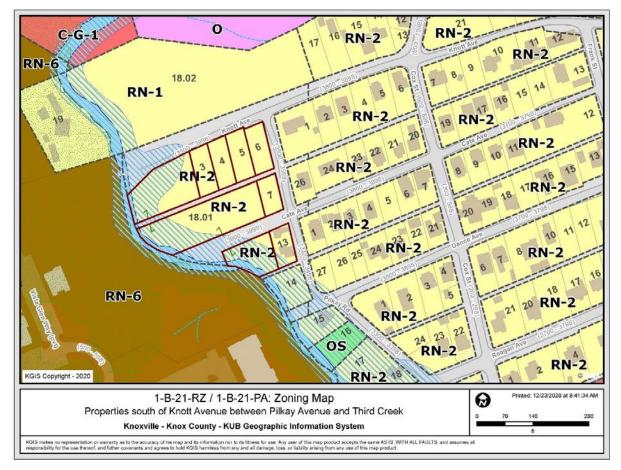
Eagle view showing context of neighborhood, facing west





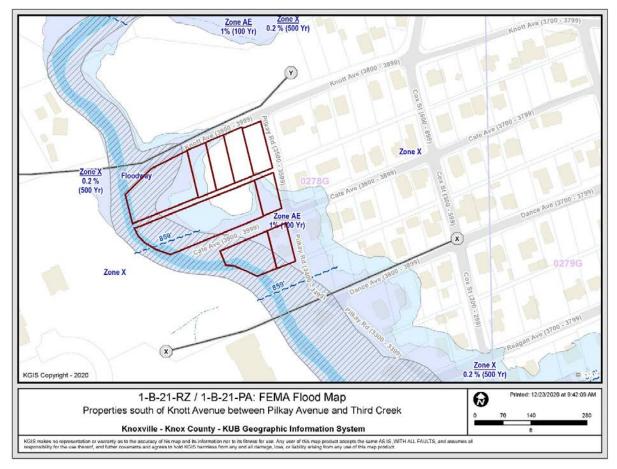






Comparison map showing zoning before and after the new zoning ordinance and map took effect





Addressing Department Review and Comments



File #: 1-B-21-RZDate Submitted:Tax Parcel ID: 107DA01802Review Type: RezoningSubdivision: n/aUnit or Phase:Owner/Applicant: Timothy HowellPhone:Surveyor: Timothy J HowellOffice: 865.742.2557Company: TN Land Development ServicesCell:Email: tim@tnlds.comFax: 865.674.8118

Visit our website: <u>http://www.knoxplanning.org/addressing</u> 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	
Note:	1-A-21-RZ and 1-B-21-RZ need different names for safety reasons	
	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 RE development		ZONING
Planning KNOXVILLE I KNOX COUNTY	 Development Plan Planned Development Use on Review / Special Use 	Concept PlanFinal Plat	Plan AmendmentRezoning
Tim Howell		Surv	eyor/representative
Applicant Name		Affiliat	ion
8/15/2020	1/14/2021	1-B-21-RZ / 1-	B-21-PA / 1-B-21-SP
Date Filed	Meeting Date (if applicable)	File Nu	umbers(s)
CORRESPONDENCE	2		
CORRESPONDENCE	-23		

🗋 Applicant 📋 Owner 📋	Option Holder 🛛 📕 Project Surveyor	📙 Engineer 🔲 .	Architect/Landscap	e Architect	
Timothy J Howell	Tennessee Land Development Services				
Name		Company			_
1707 N Ridge Ct		Sevierville	TN	37862	
Address		City	State	Zip	
865-742-2557	tim@tnlds.com				
Phone	Email				

CURRENT PROPERTY INFO

6687 Girazo	a Cir, Boca Raton, FL 3	3433 561-271-8800	
Owner Addres	S	Owner Phone	
0 Knott Ave, 0 Pilkay Rd, and 3415 Pilkay Rd		107DA01801 & 107DJ003-007, & 107DJ013	
	Parcel ID		
South of Knott Ave and West of Pilkay Rd		approximately 2.05 ac cumulatively	
	a sa ka na ankara A a biyo sa sa s	Tract Size	
	RN-2		
ity 🔲 County	Zoning District	4. 1997 - Santa Maria, 1997 - Santa Santa Santa 1997 - Santa	
TDR		Within City limits	
Sector Plan Land Use Classification		Growth Policy Plan Designation	
Ν	КИВ	KUB	
Septic (Y/N)	Sewer Provider	Water Provider	
	Owner Addres Pilkay Rd ay Rd ity □ County TDR Sector Plan Land Use Cl N	Parcel ID appl appl RN-2 ity □ County Zoning District TDR Sector Plan Land Use Classification N KUB	

REQUEST

DEVELOPMENT	 Development Plan Use on Review / Special Use Residential Non-Residential Home Occupation (specify): Other (specify): 			
SUBDIVISION	 Proposed Subdivision Name Parcel Change Combine Parcels Divide Parcel Total Number of Lots Created:	Unit / Phase Number		
SONING	 Zoning Change: RN-6 (Multifamily Residential Neighborhood) Proposed Zoning Plan Amendment Change: TDR to HDR (High Density Residential) for One Year Plan and Sector Plan Proposed Plan Designation(s) approximately 40 units/acre None noted for this property Proposed Density (units/acre) Previous Rezoning Requests Other (specify): 			

FEE 1: TOTAL: PLAT TYPE \$600.00 □ Staff Review □ Planning Commission \$1500.00 STAFF USE ONLY **ATTACHMENTS FEE 2:** Property Owners / Option Holders
Variance Request \$600.00 ADDITIONAL REQUIREMENTS Design Plan Certification (Final Plat only) FEE 3: Use on Review / Special Use (Concept Plan only) \$300.00 □ Traffic Impact Study

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

Digitally signed by Timothy J Howell Date: 2020.09.01 08:07:36 -04'00'	Timothy Howell	9/1/2020
Applicant Signature	Please Print	Date
(865) 742-2557	tim@tnlds.com	
Phone Number	Email	
Michele Botig	Michelle Portier	9/1/2020
Staff Signature	Please Print	Date

