

REZONING REPORT

► **FILE #:** 1-E-21-RZ

AGENDA ITEM #: 17

AGENDA DATE: 1/14/2021

► **APPLICANT:** RANDY GUIGNARD / CAFÉ INTERNATIONAL LLC

OWNER(S): Café International

TAX ID NUMBER: 59 00201 & 002

[View map on KGIS](#)

JURISDICTION: County Commission District 2

STREET ADDRESS: 0 Beverly Rd. & 0 New Beverly Church Rd.

► **LOCATION:** East side of Beverly Rd., north of Greenway Dr.

► **APPX. SIZE OF TRACT:** 78 acres (total)

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Beverly Road is a major collector with a pavement width of 21 feet and a right-of-way width of 47.5 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

► **PRESENT ZONING:** I (Industrial) / RB (General Residential) / F (Floodway)

► **ZONING REQUESTED:** PR (Planned Residential) / F (Floodway)

► **EXISTING LAND USE:** Agricultural/forestry/vacant

► **DENSITY PROPOSED:** 3.22 du/ac (over portion of property not in floodplains or floodway)

EXTENSION OF ZONE: No

HISTORY OF ZONING: 03/2018: PR zone with up to 5 du/ac requested, Planning Commission approved 2.75 du/ac, withdrawn before County Commission action.
12/2019: PR zone with up to 3.5 du/ac requested, Planning Commission approved up to 210 dwellings, withdrawn before County Commission action.

SURROUNDING LAND USE AND ZONING: North: Industrial and Agricultural/Forestry/Vacant - I-G (General Industrial District)

South: Single family residential, Rural residential, agricultural/forestry/vacant, and industrial - RB (General Residential), RA) Low Density Residential), and A (Agricultural)

East: Agricultural/forestry/vacant - RB (General Residential), I (General Industrial District) and F (Floodway District)

West: Agricultural/forestry/vacant - I-G (General Industrial District), HP (Hillside Protection Overlay) and F (Floodplain Overlay District) 1 (Floodway District)

NEIGHBORHOOD CONTEXT: The surrounding area contains a mix of industrial and residential uses in the midst of steep slopes and a creek with a floodway and floodplains. There are industrial uses and a railroad to the north, and single-family homes to the northeast and the south. Adjacent residential properties to the south are a variety of lot sizes ranging from over an acre down to 1/3 an acre. A

STAFF RECOMMENDATION:

- **Approve PR (Planned Residential) zoning with a density of 2.51 du/ac because it is consistent with the North City Sector Plan's LDR designation, and retain the F (Floodway Overlay District).**

Staff recommends the following measures to increase safety and preserve sensitive land on the steep slopes and along the creek. The following conditions would apply if the rezoning is approved:

1. Grading of steep slopes should be kept to a minimum per the Hillside and Ridgetop Protection Plan guidelines.
2. Development should not occur in the floodplains or the floodway.
3. The Knoxville Parks and Recreation Department has requested a trail easement on the southern border of the property to encompass proposed walking trails.
4. Housing and development should be clustered on the flatter portion of the property (containing slopes ranging from 0% to 15%) to reduce the amount of land disturbed, protect the retention and filtration capabilities of the property, and mitigate erosion on the steeper slopes on the southern portion of the property.

COMMENTS:

GENERAL COMMENTS:

1. This site contains land in a FEMA floodway and floodplains (500-year and 100-year) on the northern portion of the site and a steep slope in the Hillside and Ridgetop Protection Area on the southern portion. The Knox County Stormwater Ordinance defines floodplains and floodways as such:
 - a. Floodplain means any land area susceptible to being inundated by water from any source. Floodplains that have been studied for purposes of flood insurance documentation are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation in the floodplain to a specified flood elevation. The 100-year floodplain is the area subject to inundation during the 100-year flood (i.e., land with a 1% chance of flooding any given year).
 - b. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.
2. The applicant's application states that he is requesting a density of 3.22 du/ac over 61 acres. This reflects the applicant's desire to donate 16 acres of land in the floodway to Legacy Parks, as the actual acreage of both parcels comprising the site is approximately 78 acres. A letter from Legacy Parks considering the proposal was submitted as part of the application in the December 2019 rezoning request and has been included in the application materials of this request. However, since no donation has occurred, the density must be calculated using the overall acreage. Using the total acreage in the calculation yields a density of 2.51 du/ac (78 acres/196 dwellings = 2.51 du/ac).

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 COUNTY GENERALLY:

1. There is an increased need for housing in the County. The proposed rezoning would create an opportunity to meet this need.

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

1. The Knox County Zoning Ordinance describes PR zoning as intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provisions for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.
3. PR zoning would ensure some type of residential development would occur on this property regardless of whether this particular development moved forward.
4. PR zones require Planning Commission review of development plans via the use on review process to ensure compliance with zoning regulations and encourage compliance with the Hillside and Ridgetop Protection Plan.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY,

NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. As stated, there is a significant portion of the site in a floodway and floodplains, and flooding has occurred in this area. Flood concerns are handled during the site plan review process, and plans are required to comply with Knox County's Stormwater Department requirements and provide stormwater mitigation measures that ensure flooding is at the same threshold as pre-development levels.

2. A traffic impact analysis will be required. Sight distance and access points would be addressed during the concept plan/use on review process and would be required to meet the requirements of the Knox County Engineering Department.

3. There is a significant amount of property to the north and south that are planned to be undisturbed, and the natural vegetation presence of the creek provide a physical and visual barrier that would help shield the higher density of this development from Beverly Road.

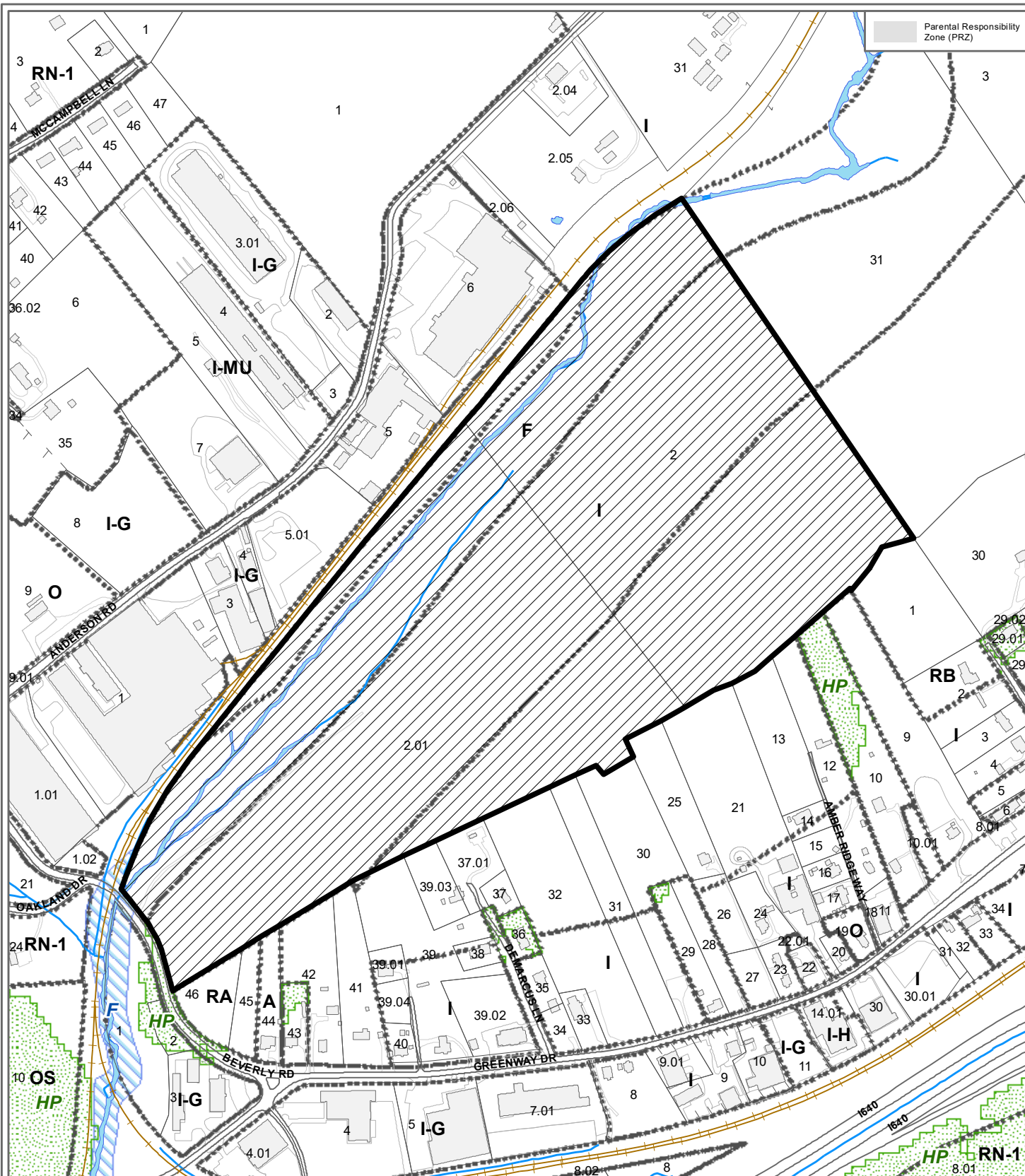
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The requested zoning is consistent with the sector plan's LDR designation, which allows PR zoning with up to 5 du/ac in the Urban Growth Areas of the County.

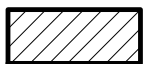
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/22/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



1-E-21-RZ REZONING



From: I (Industrial) / RB (General Residential) / F (Floodway)

To: PR (Planned Residential) / F (Floodway)

Original Print Date: 12/7/2020
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Guignard / Café International
LLC, Randy

Map No: 59
Jurisdiction: County

0 500
Feet



CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	21.96	5.00	109.8
0-15% Slope	2.56	5.00	12.8
15-25% Slope	8.63	2.00	17.3
25-40% Slope	22.22	0.50	11.1
Greater than 40% Slope	6.17	0.20	1.2
Ridgetops	0		0.0
Subtotal: Sloped Land	39.58		42.4
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	61.54	2.47	152.2
Proposed Density (Applicant)	61.54	5.00	307.7

From Hillside & Ridgetop Protection Plan, page 33

LOW DENSITY AND RURAL RESIDENTIAL USES**Density and Land Disturbance Guidelines**

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines
for Recommendations on Changes to the Zoning Map and Development Plan/
Concept Plan Review within the Hillside and Ridgetop Protection Area
that is within the Urban Growth and the Planned Growth Area

Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

dua: dwelling units per acre

* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knoxville ridges are so varied (see pages 8 - 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

The Knoxville Knox County Hillside and Ridgetop Protection Plan — 33

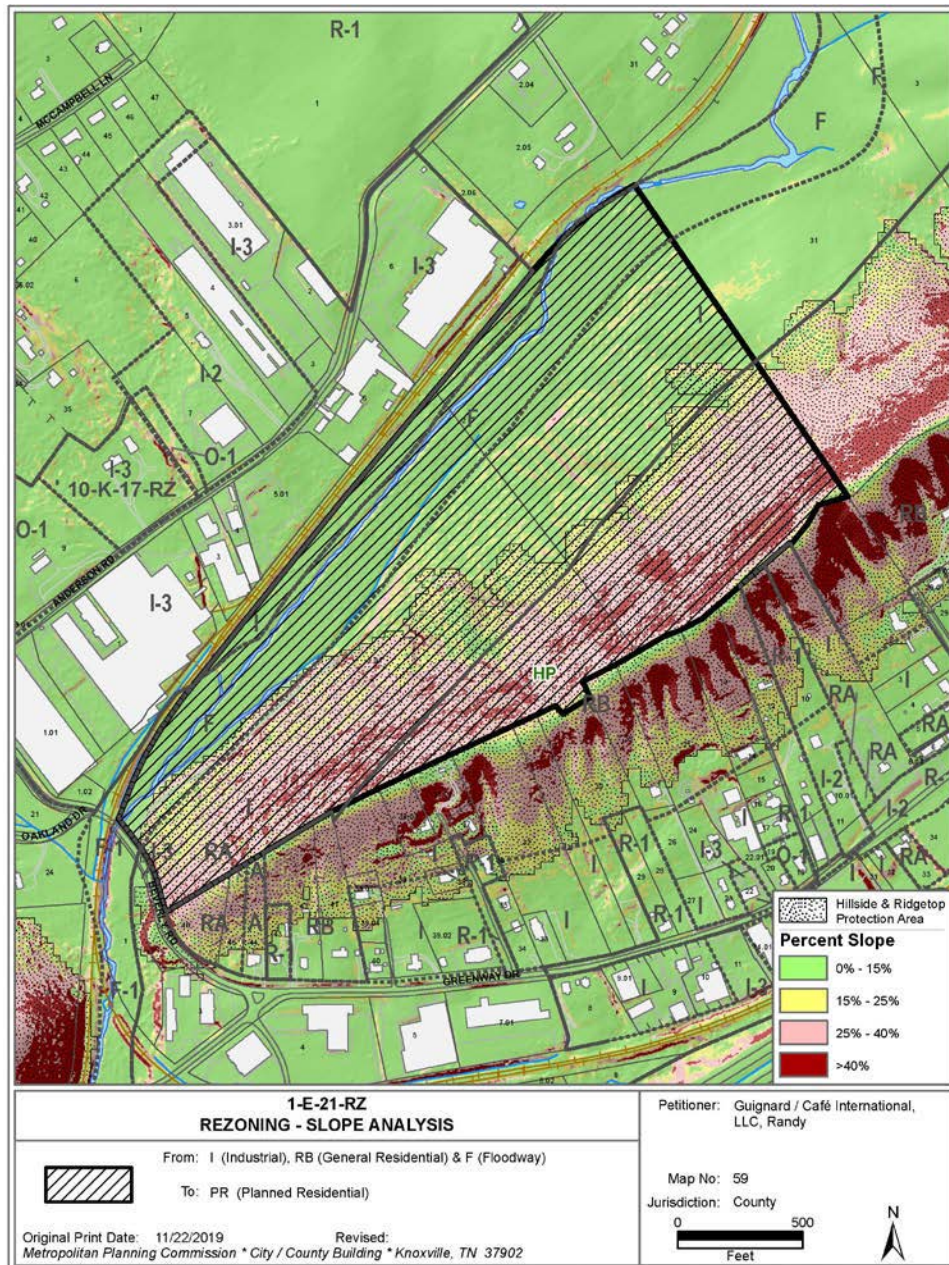


EXHIBIT A. Contextual Images

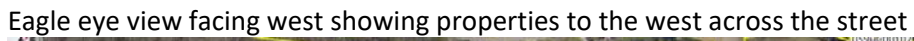
Eagle eye view facing north



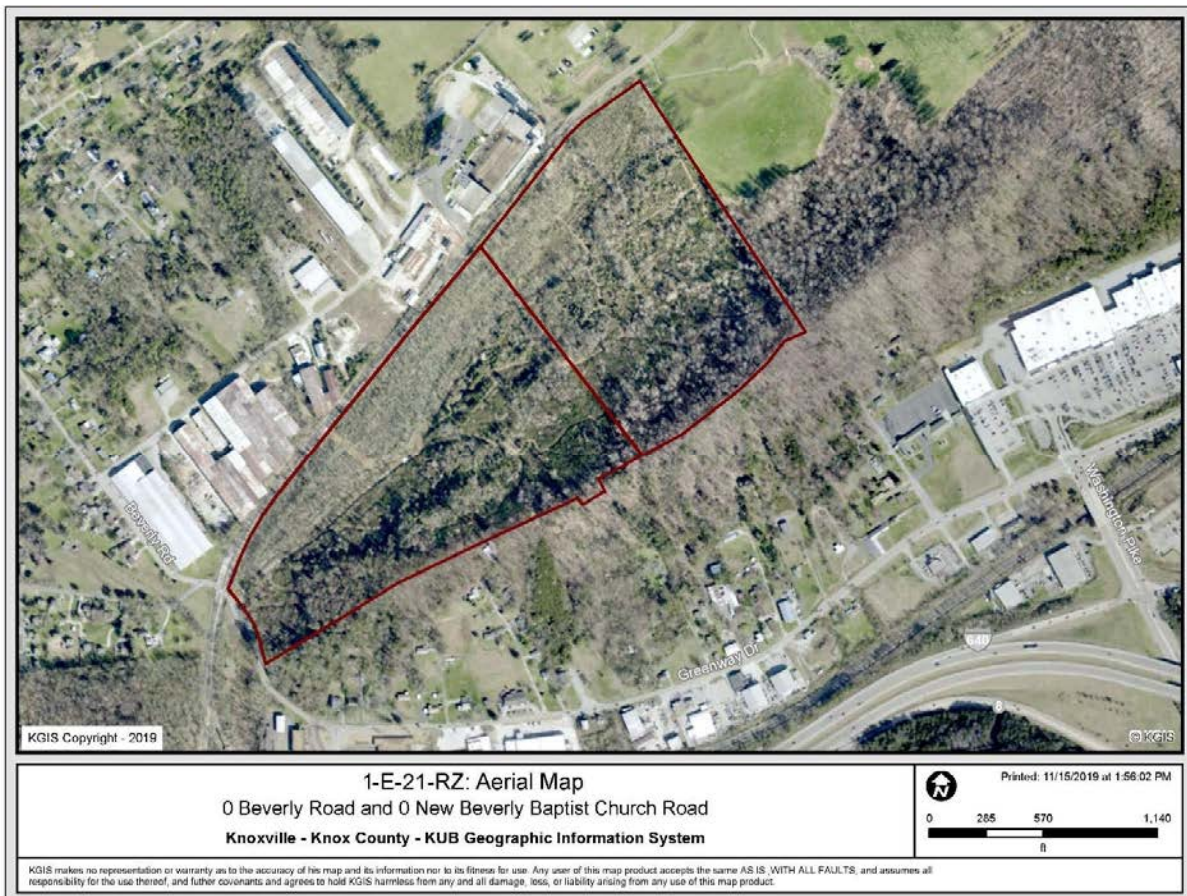
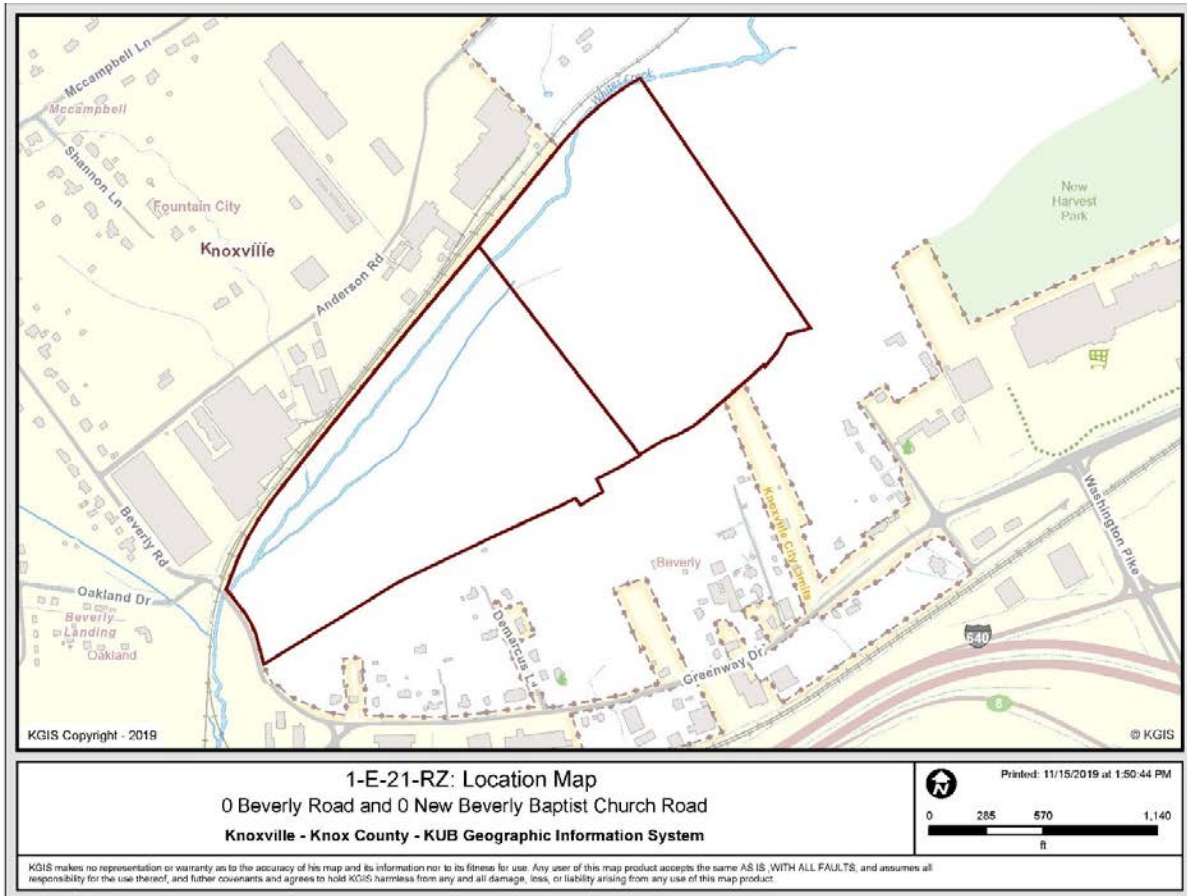
Eagle eye view facing south



Eagle eye view facing west showing properties to the north and south along the sides of the image

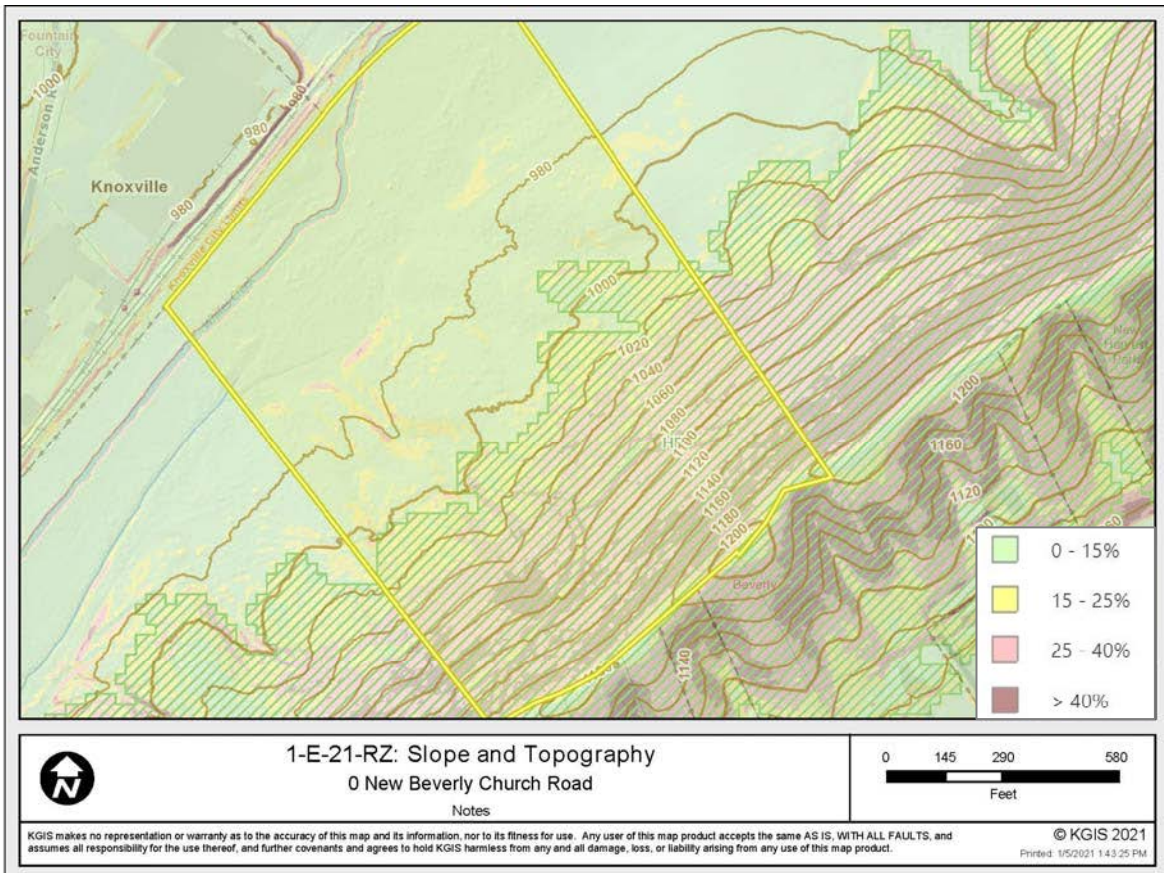
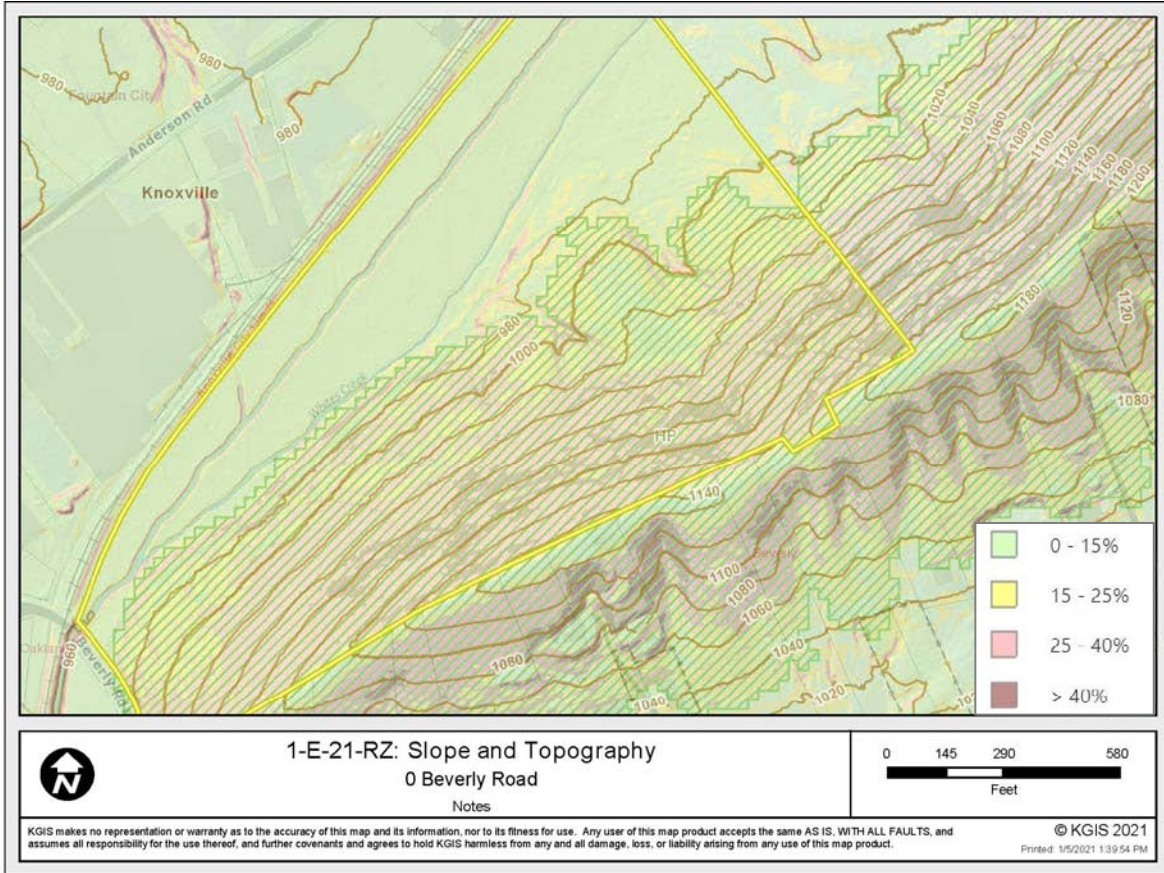


1-E-21-RZ
EXHIBIT A. Contextual Images



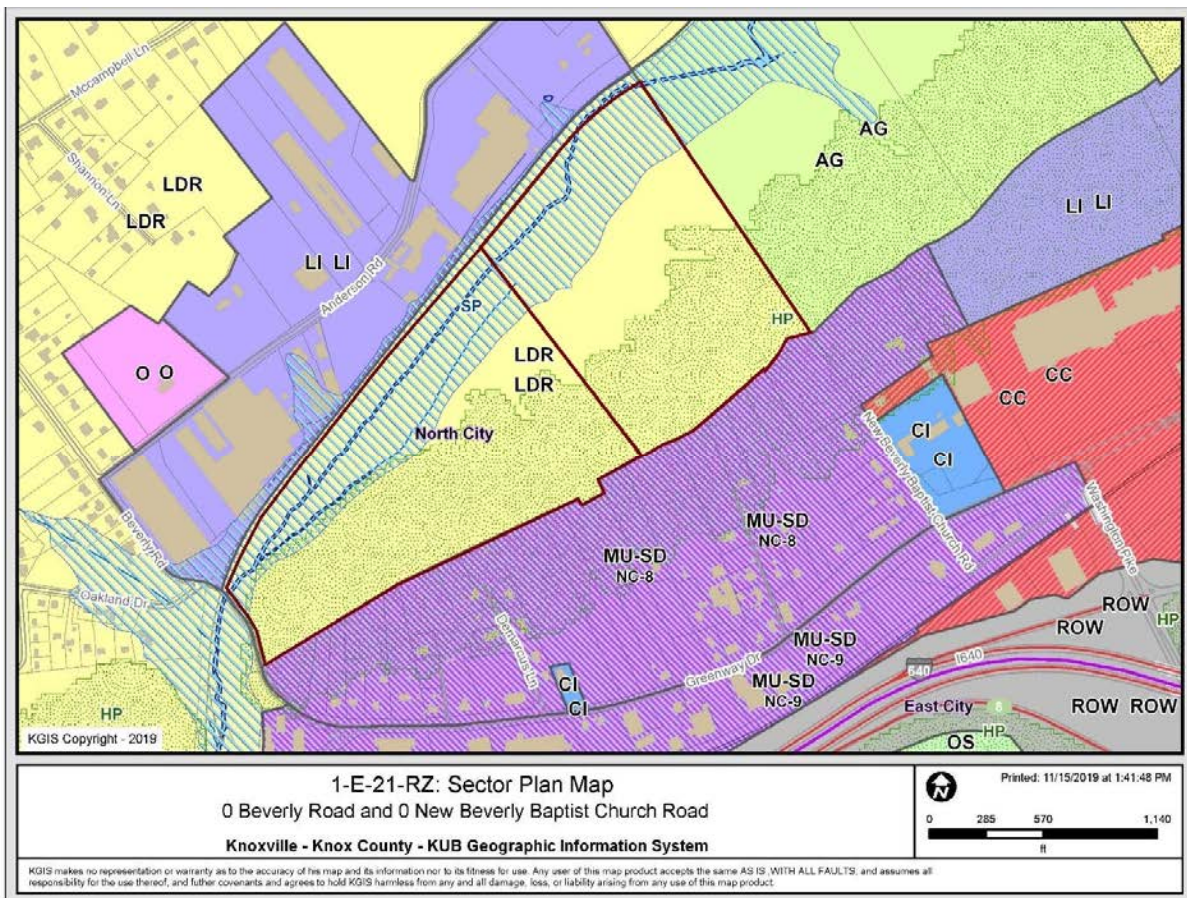
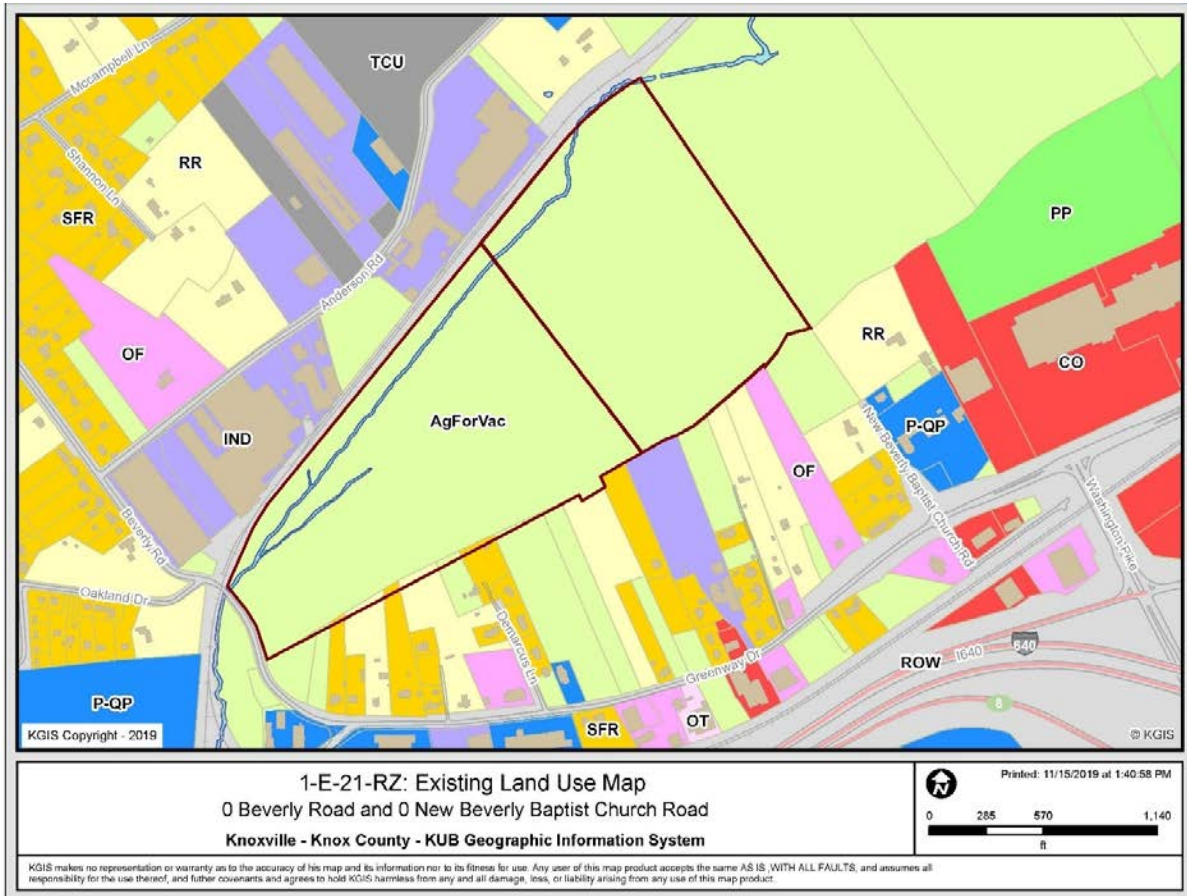
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EXHIBIT A. Contextual Images



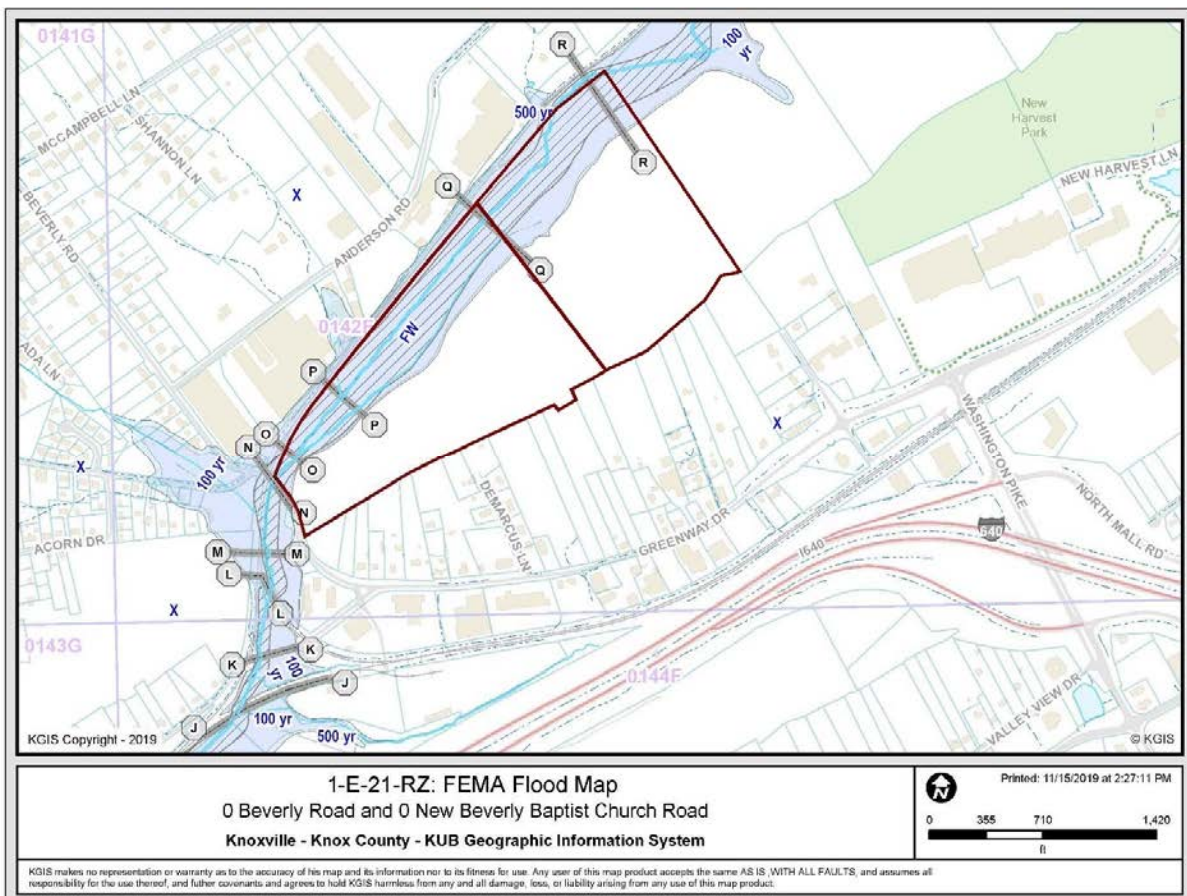
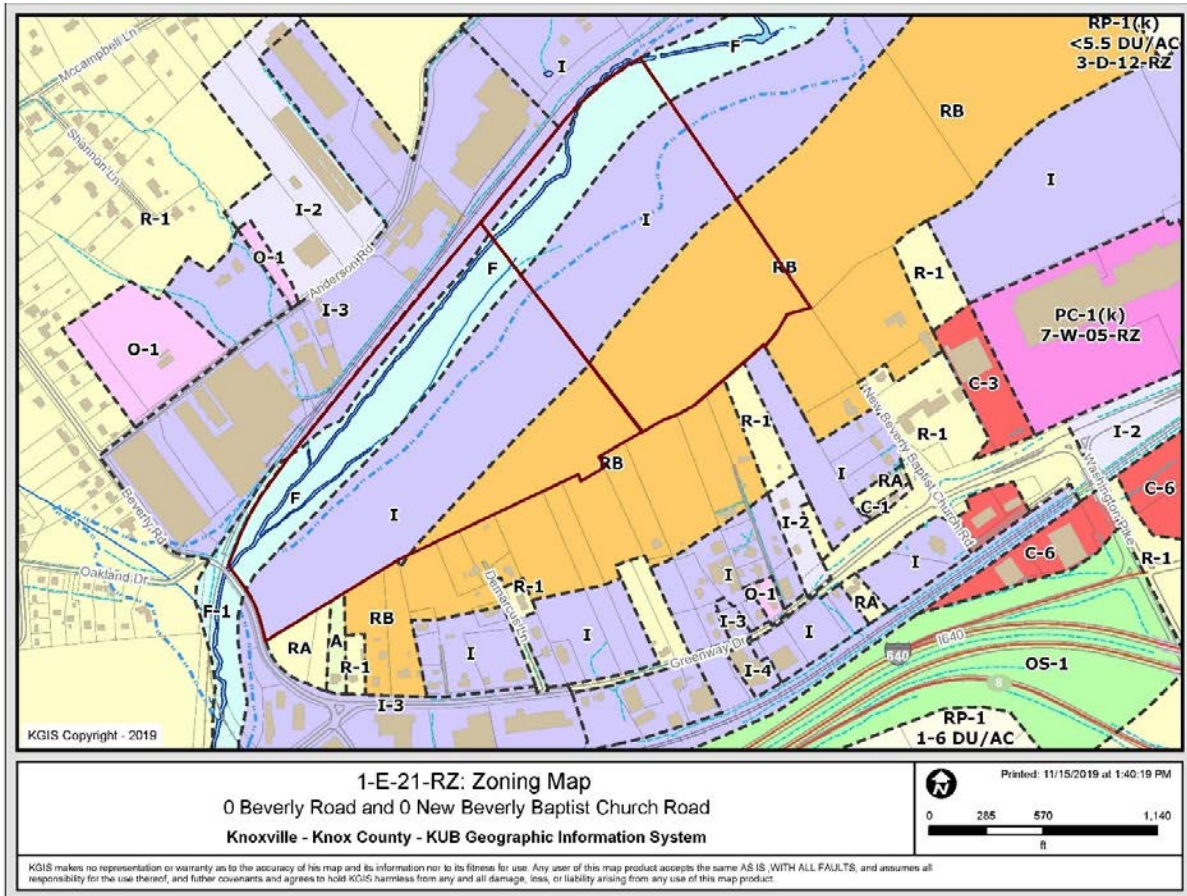
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EXHIBIT A. Contextual Images



1-E-21-RZ

EXHIBIT A. Contextual Images

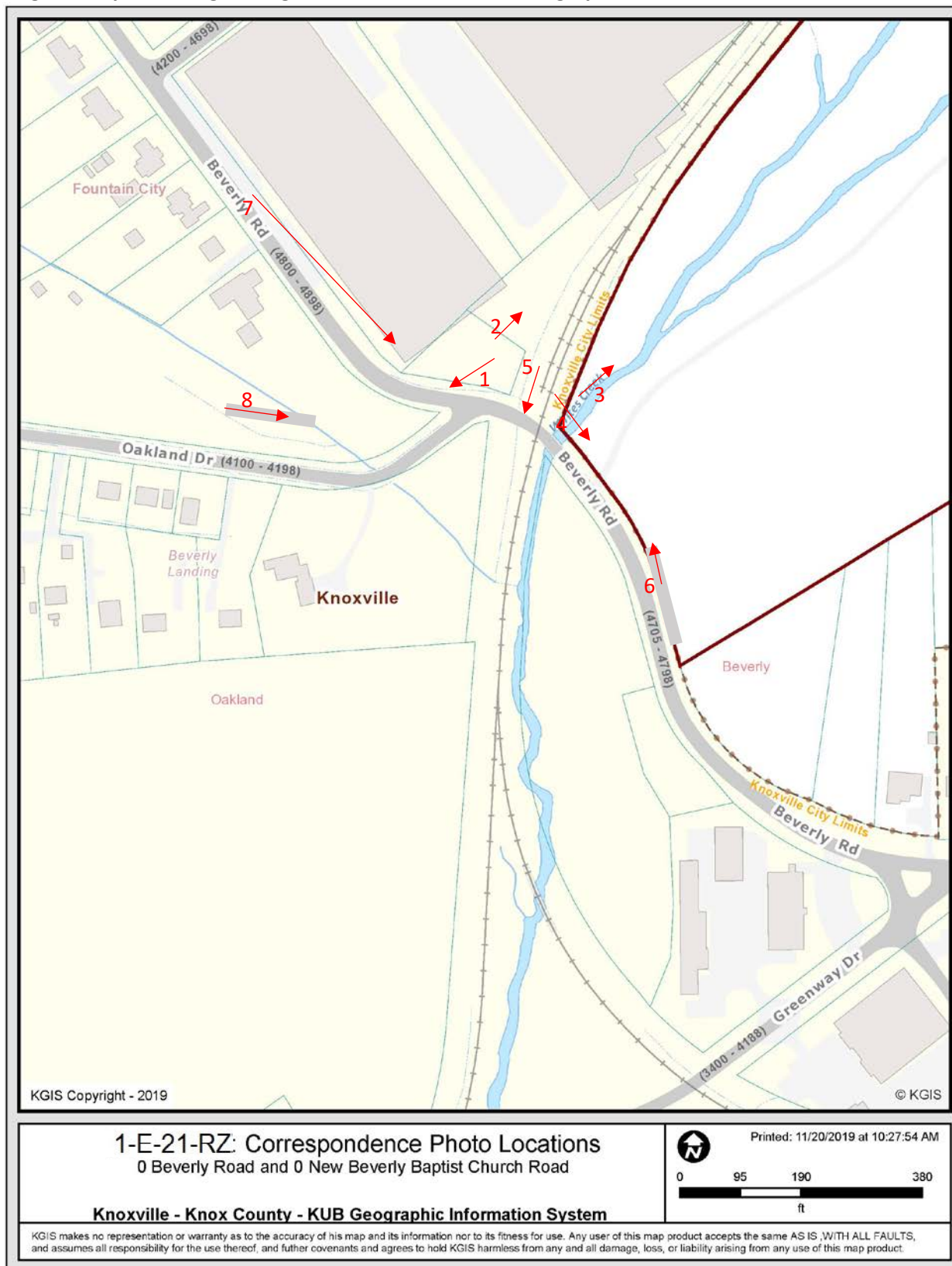


1-E-21-RZ

Exhibit B. Photos from Neighbors

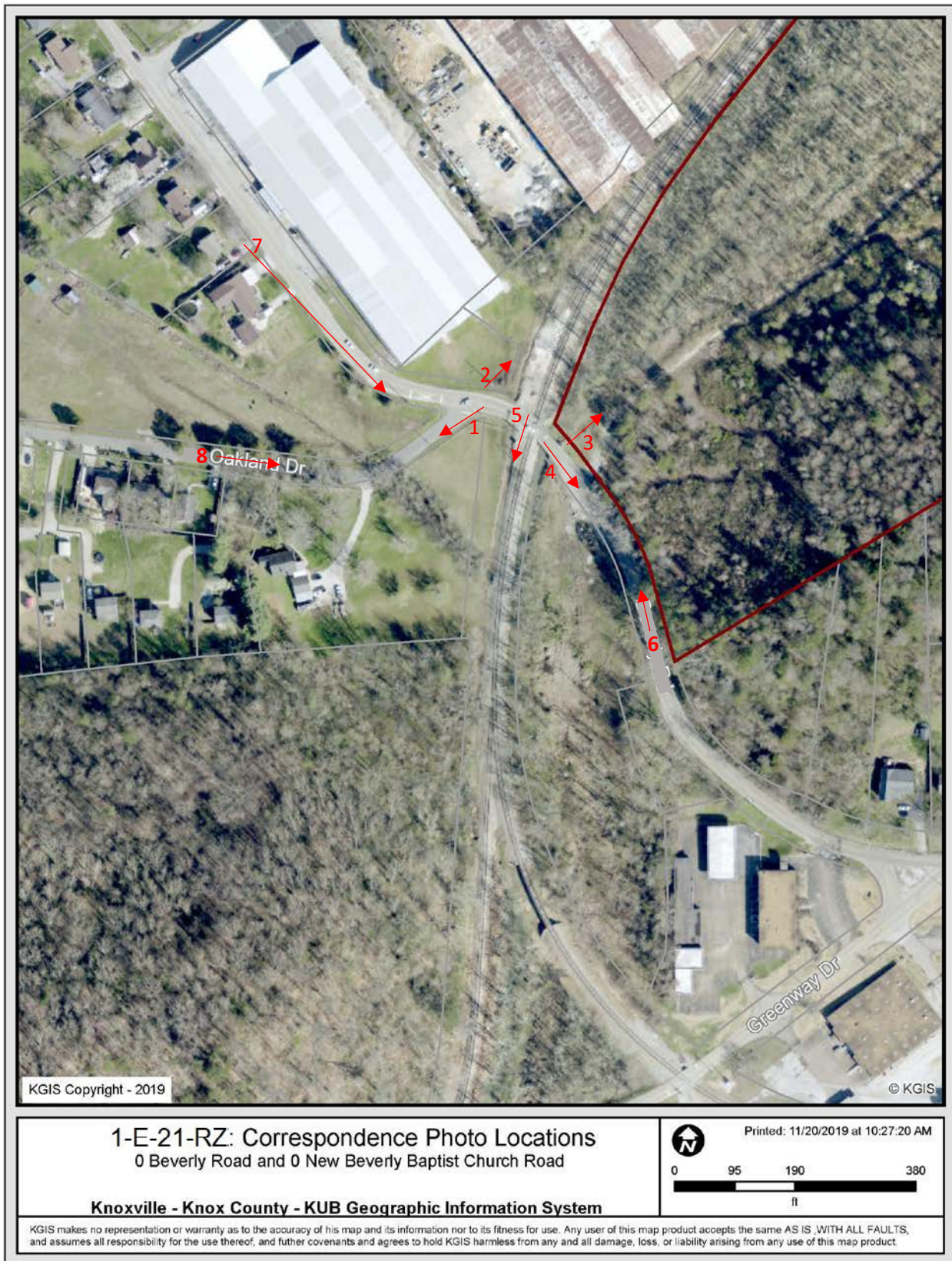
It should be noted that the flood photographs in this exhibit are from a major flood event in February 2019 that broke several records and are therefore not indicative of normal rain events. However, it is staff's understanding that some degree of flooding does occur somewhat regularly.

Legend Maps Showing Vantage Points of Submitted Photographs, for context.



1-E-21-RZ

Exhibit B. Photos from Neighbors





02/23/2019 13:23

Photo 1 on Legend Map



Beverly Rd
Knoxville, Tennessee
View on Google Maps

Street view image from same vantage point as photo 1 submitted by neighboring resident

Google



02/23/2019 13:15

Photo 2 on Legend Map

Beverly Rd
Knoxville, Tennessee
[View on Google Maps](#)



Street view image from same vantage point as photo 2 submitted by neighboring resident



02/23/2019 13:16

Photo 3 on Legend Map



Street view image from same vantage point as photo 3 submitted by neighboring resident



02/23/2019 13:16

Photo 4 on Legend Map

4798 Beverly Rd
Knoxville, Tennessee
[View on Google Maps](#)



Street view image from same vantage point as photo 4 submitted by neighboring resident

Google

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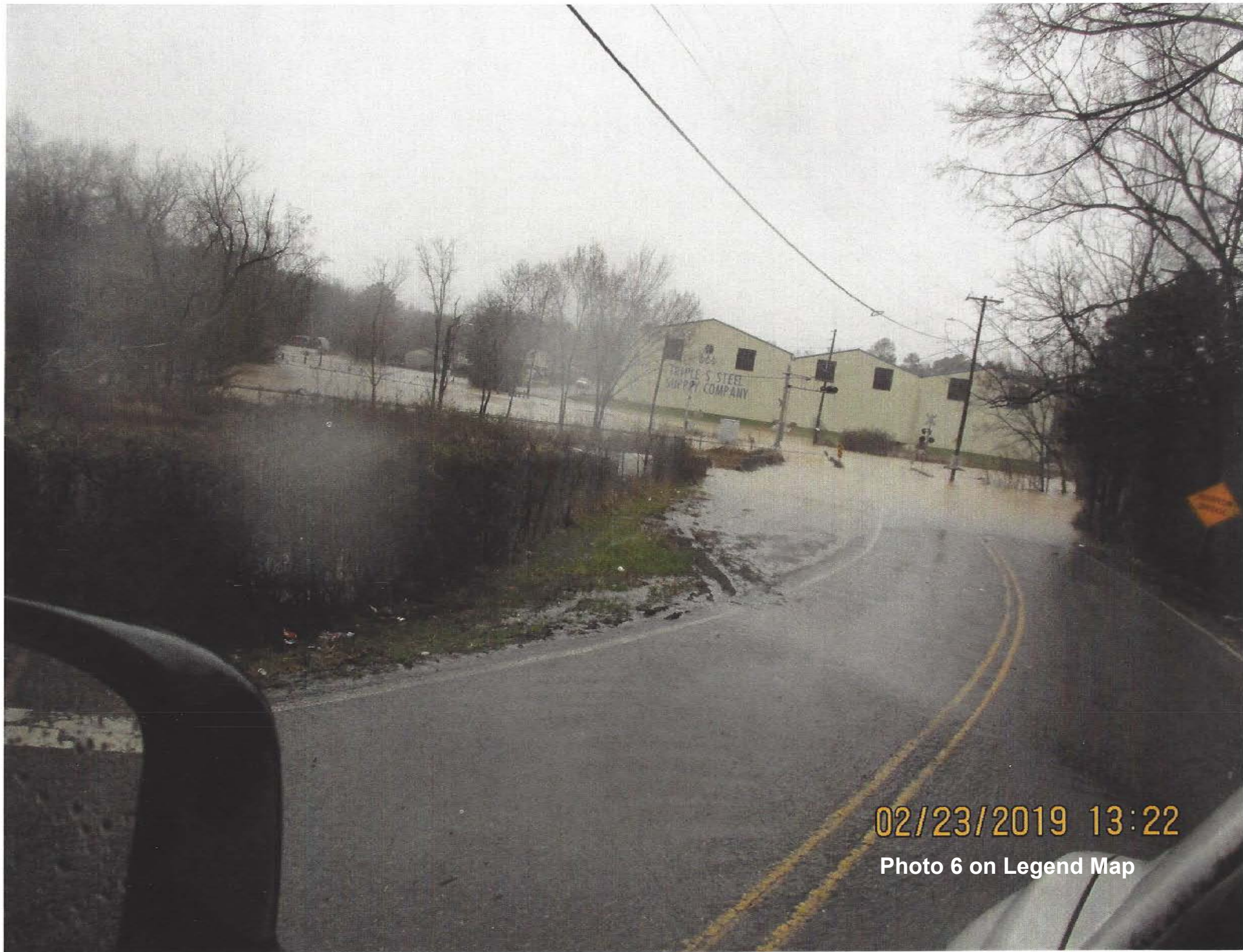


02/23/2019 13:23

Photo 5 on Legend Map



Street view image from same vantage point as photo 5 submitted by neighboring resident



02/23/2019 13:22

Photo 6 on Legend Map

4798 Beverly Rd
Knoxville, Tennessee
View on Google Maps



Street view image from same vantage point as photo 6 submitted by neighboring resident

Google

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02/23/2019 13:39

Photo 7 on Legend Map



4827 Beverly Rd
Knoxville, Tennessee
[View on Google Maps](#)

Street view image from same vantage point as photo 7 submitted by neighboring resident

Google



02/23/2019 13:30

Photo 8 on Legend Map



Street view image from same vantage point as photo 8 submitted by neighboring resident



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

Randy Guignard Cafe International LLC

Applicant Name

Affiliation

11-27-2020

1-14-2021

File Number(s)

Date Filed

Meeting Date (if applicable)

1-E-21-RZ

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

Randy Guignard

Cafe International LLC

Name

Company

5408 Fountaingate Rd.

Knoxville

Tn

37918

Address

City

State

ZIP

865 244 8050

randy@fourseasonscorp.com

Phone

Email

CURRENT PROPERTY INFO

Cafe International LLC

5408 Fountaingate Rd.

865 244 8050

Owner Name (if different)

Owner Address

Owner Phone

0 Beverly Rd / 0 New Beverly church Rd.

059-002 and 059-00201

Property Address

Parcel ID

STAFF USE ONLY

E side Beverly Rd., North of Greenway Dr.

78 ac (17 ac floodway)

General Location

Tract Size

2nd commission district

I, RB, and F

Jurisdiction (specify district above)

☐ City ☒ County

Zoning District

North City

SP, and HP
LDR and F with HP

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Vacant Land

N

KUB

KUB

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

- ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

- ☒ Zoning Change **PR (Planned Residential)**
Proposed Zoning _____

☐ Plan Amendment Change _____

Proposed Plan Designation(s)

196 dwelling units on 61 acres = 3.22 du ac

MPC approved LDR and F on 3-8-18 (3-A-18-SP)

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

* 3-A-18-RZ and 12-E-19-RZ

Pending Plat File Number

STAFF USE ONLY**PLAT TYPE**

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (*Final Plat*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1		Total
0325	\$4,500	\$4,500
Fee 2		
Fee 3		

AUTHORIZATION

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

Applicant Signature

Randy Guignard

Please Print

11-27-2020

Date

865 244 8050

randy@fourseasonscorp.com

Phone Number

Email

Michelle Portier

Michelle Portier

Please Print

11/30/2020

Date



Initial Indication of Interest Letter

September 10, 2019

To Whom It May Concern;

Legacy Parks Foundation ("Legacy Parks") is engaged in initial conversations with Randy Guignard and Cafe International, LLC (collectively, "Developer"), regarding the donation by Developer of approximately 16 acres of property ("Subject Property") within The Preserve at Whites Creek, a proposed development on Beverly Road in North Knoxville (parcel ID numbers parcels 059-002 and 059 002 201) and the grant of a trail easement over the remainder of the development property ("Trail Easement"). The current proposal being entertained by Legacy Parks is that Legacy Parks would establish a public park on the Subject Property and that the Trail Easement would connect to existing trail systems, all of which also would be open to the public.

Please be advised that Legacy Parks has expressed to the Developer preliminary interest in accepting the donation of the Subject Property and Trail Easement for such purposes, provided that the Developer and Legacy Parks reach mutual agreement as to the identification of the Subject Property and location of the Trail Easement and certain yet to be established conditions which will be required to be satisfied by Developer prior to Legacy Parks' acceptance of such donation and grant.

The letter is informational purposes only, as discussions are on-going. Nothing contained herein shall be deemed to create any obligation of any kind on the part of Legacy Parks or the Developer. Any and all binding agreements concerning the subject of this letter, if any shall exist in the future, shall be embodied in a separate agreement(s) between Legacy Parks and the Developer, and until such agreement has been executed and delivered by both such parties, no such binding agreements shall exist. Neither Legacy Parks nor the Developer, nor any other person shall be entitled to rely upon any representation contained herein as the basis for any claim against Legacy Parks or the Developer pertaining to the matters referenced herein or otherwise.

If you have any questions concerning the above or Legacy Parks' involvement, please do not hesitate to

Sincerely,

Carol Evans
Executive Director

Board of Directors

Cathy Ackermann
John Becker
Steven Brewington
Rebecca Bryant
Bart Carey

Nick Collett

Dave Collins
Sheryl Ely
Thomas Ford
Duane Grieve
Jenny Hines

Marv House

Larsen Jay
Will Johnson
Blair Kline
Thomas Krajewski
Teresa Levey

David Long

Bill Mason
Jeremmy Nelson
Don Parnell
Cecilia Petersen
Joe Petre

Ken Rueter

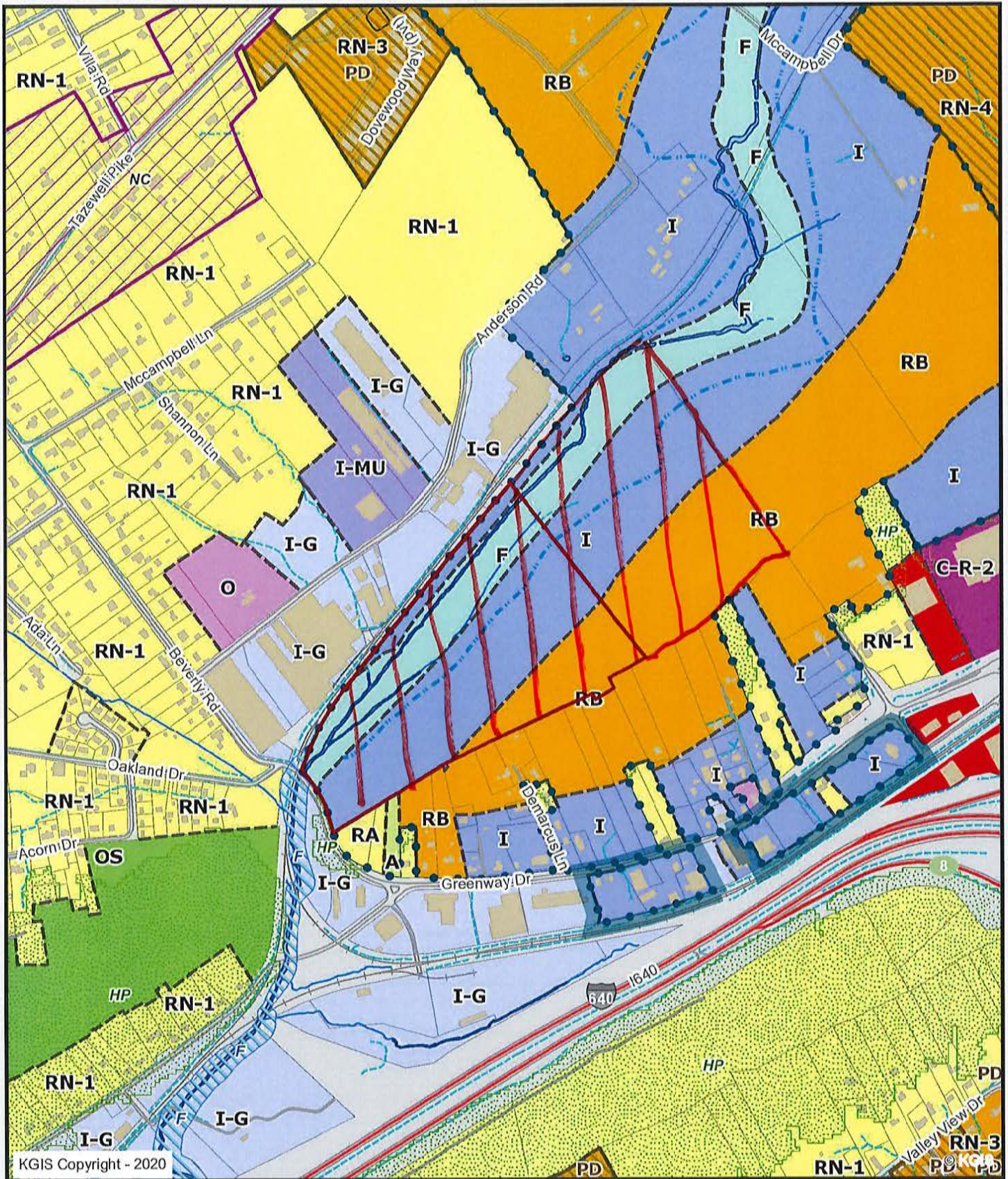
Will Skelton
Marshall Stair
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Paul White
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Pete Claussen
Steve Fritts
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Missy Kane
Mark Mamantov

David Martin

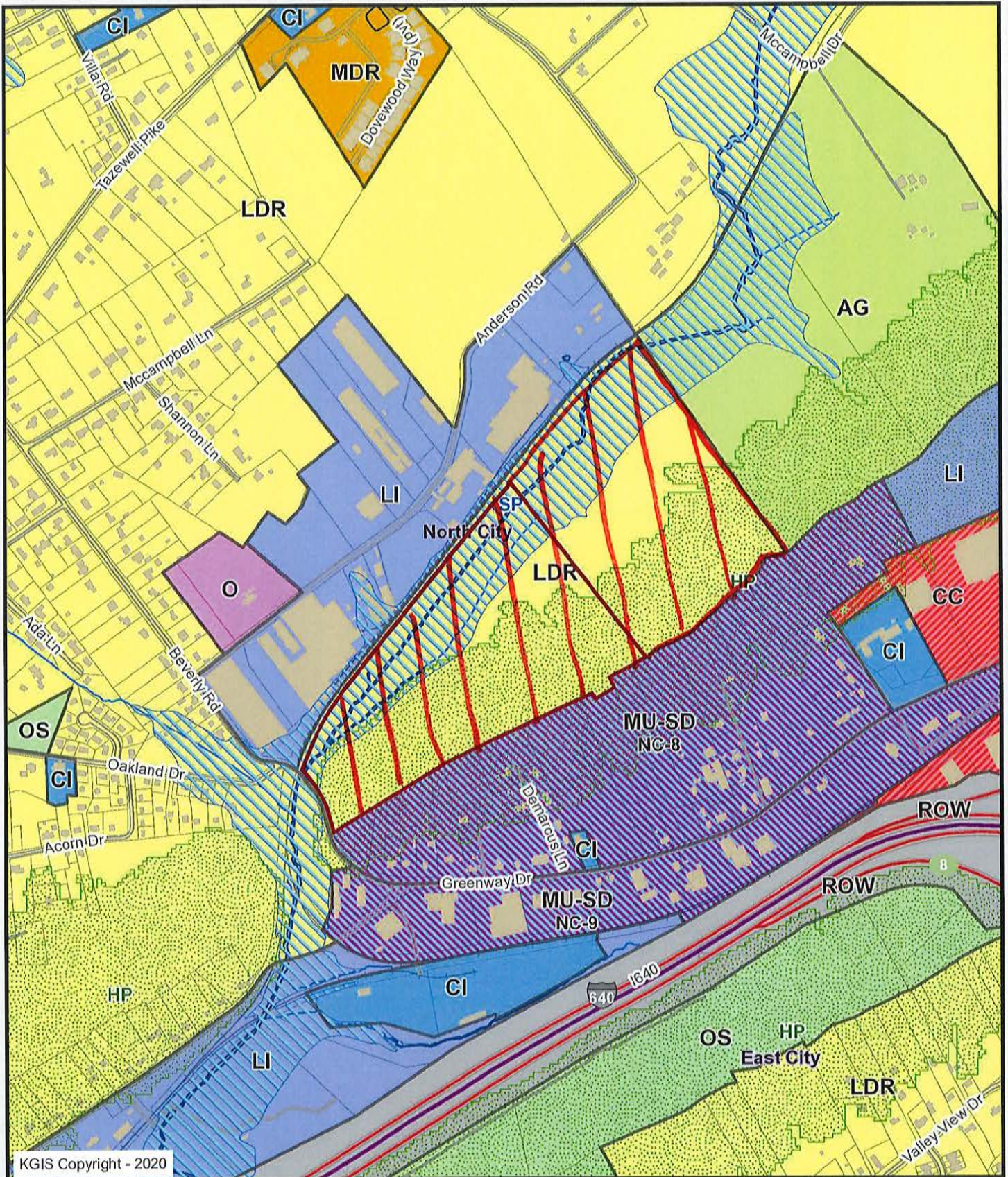
Sharon Miller Pryse
Tommy Schumpert
Susan Richardson Williams



Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

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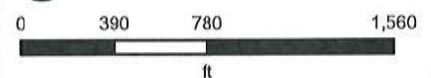


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 11/30/2020 at 8:28:58 AM



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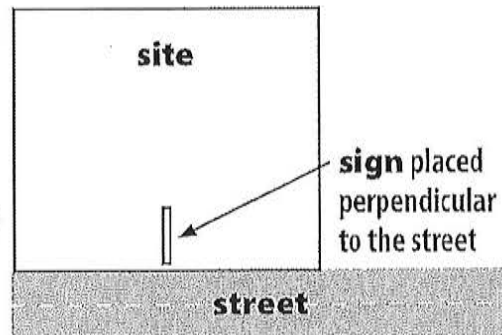
REQUIRED SIGN POSTING AGREEMENT

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:

_____ and _____
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: _____

Printed Name: Randy Guignard

Phone: 865-244-8050 Email: randy@fourseasonscorp.com

Date: 11/30/20

File Number: _____