

REZONING REPORT

▶ **FILE #:** 12-B-20-RZ **AGENDA ITEM #:** 12
 POSTPONEMENT(S): 12/10/2020 **AGENDA DATE:** 1/14/2021
 ▶ **APPLICANT:** TAYLOR FORRESTER OBO NORTSHORE MARKET INVESTOR, LLC
 OWNER(S): Northshore Market Investor, 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

▶ **PRESENT ZONING:** C-R-2 (Regional Commercial) / Previously approved planned district designation
 ▶ **ZONING REQUESTED:** C-G-3 (General Commercial)
 ▶ **EXISTING LAND USE:** Vacant land
 ▶ **DENSITY PROPOSED:** N/A
 EXTENSION OF ZONE: No
 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 (Town Center District 1) in 2001 (4-Q-01-RZ).
 SURROUNDING LAND USE AND ZONING: North: Agricultural/forestry/vacant - C-R-2 (Regional Commercial) District with PD (Planned District) overlay on part of the property
 South: Pond and office - OS (Open Space) and C-R-2 (Regional Commercial) District with PD (Planned District) overlay
 Commercial - C-R-2 (Regional Commercial) District
 East:
 West: Multifamily - RN-6 (Multifamily Residential) District with PD (Planned District) overlay
 NEIGHBORHOOD CONTEXT: This was formerly the TC-1 (Town Center) zone prior to the adoption of the new zoning ordinance. It is a mixed use node near the intersection of S. Northshore and Pellissippi Parkway containing single family residential, multifamily residential, big box and small scale retail, and commercial uses.

STAFF RECOMMENDATION:

- ▶ **Approve C-G-3 (General Commercial) zoning because it would allow development more consistent with the surrounding area.**

*This property includes a previously approved planned district designation (PD) that was requested to be removed earlier in the meeting.

COMMENTS:

This area was zoned TC-1 (Town Center District 1) prior to adoption of the new zoning ordinance on January 1, 2020. There is no zoning equivalent to TC-1 in the new zoning ordinance, and the properties in this area were rezoned to C-R-2, likely because the zone's intent was the closest to the site design and land uses of the approved master plan. However, the master plan for this site has remained in effect.

The new zoning map now identifies parcels with an approved plan in any of the former planned districts and they are treated like a parcel in an overlay district. The applicant has requested to remove the overlay designation from this property in a separate request. If that request is denied and the PD (Planned District) designation remains on the property, the former TC-1 zoning and Northshore Town Center master plan would still be effective.

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. Due to the differences between the dimensional requirements of the previous TC-1 and newly adopted C-R-2 zone (see Exhibit B), sites constructed under C-R-2 zoning would not be consistent with the surrounding development with regard to setbacks. The C-G-3 dimensional requirements are closer to the master plan's setbacks for medium density residential development and would promote development more consistent with the surrounding area on this parcel.
2. Approved changes to the Northshore Town Center road network resulted in inconsistencies between the road configuration and parcel boundaries of the master plan and the actual build-out since the master plan was not updated with that approval.

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

1. The proposed amendment to C-G (General Commercial) zoning is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The C-G District is intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces. The CG District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.
2. Rezoning 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.
 - a. However, for clarification purposes, staff notes that multifamily developments are allowed by right in the existing C-R-2 zone and the requested C-G-3 zone.
 - b. Other uses allowed in the C-G zones are very similar to, though slightly less intense than, those allowed in the C-R zones.

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. Since the allowed uses in the C-G and C-R zones are very similar (with C-G being slightly less intense), no adverse impacts are expected from rezoning this property to C-G-3.
2. The C-G-3 zone has site design and building design standards (Section 5.4) similar to those of C-R-2, so no adverse impacts stemming from the difference in zones are expected from the design of the site or buildings.
3. Dimensional standards for development in the C-G-3 and C-R-2 zones are similar, but slightly different (see Exhibit B).
4. The requested C-G-3 zone is more compatible with the residential development to the west than the existing C-R-2 zone in terms of the built-out pattern of development. The buildings are closer to the street like the build-to zone required in the C-G-3 zone.

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 C-G-3 zone is consistent with the Southwest County Sector Plan's MU-CC (Mixed Use-Community

Center) land use designation, which allows C-G zoning.

2. The MU-CC designation does not allow C-R zoning, so rezoning this property would bring these properties into compliance with the sector plan.

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: 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: [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

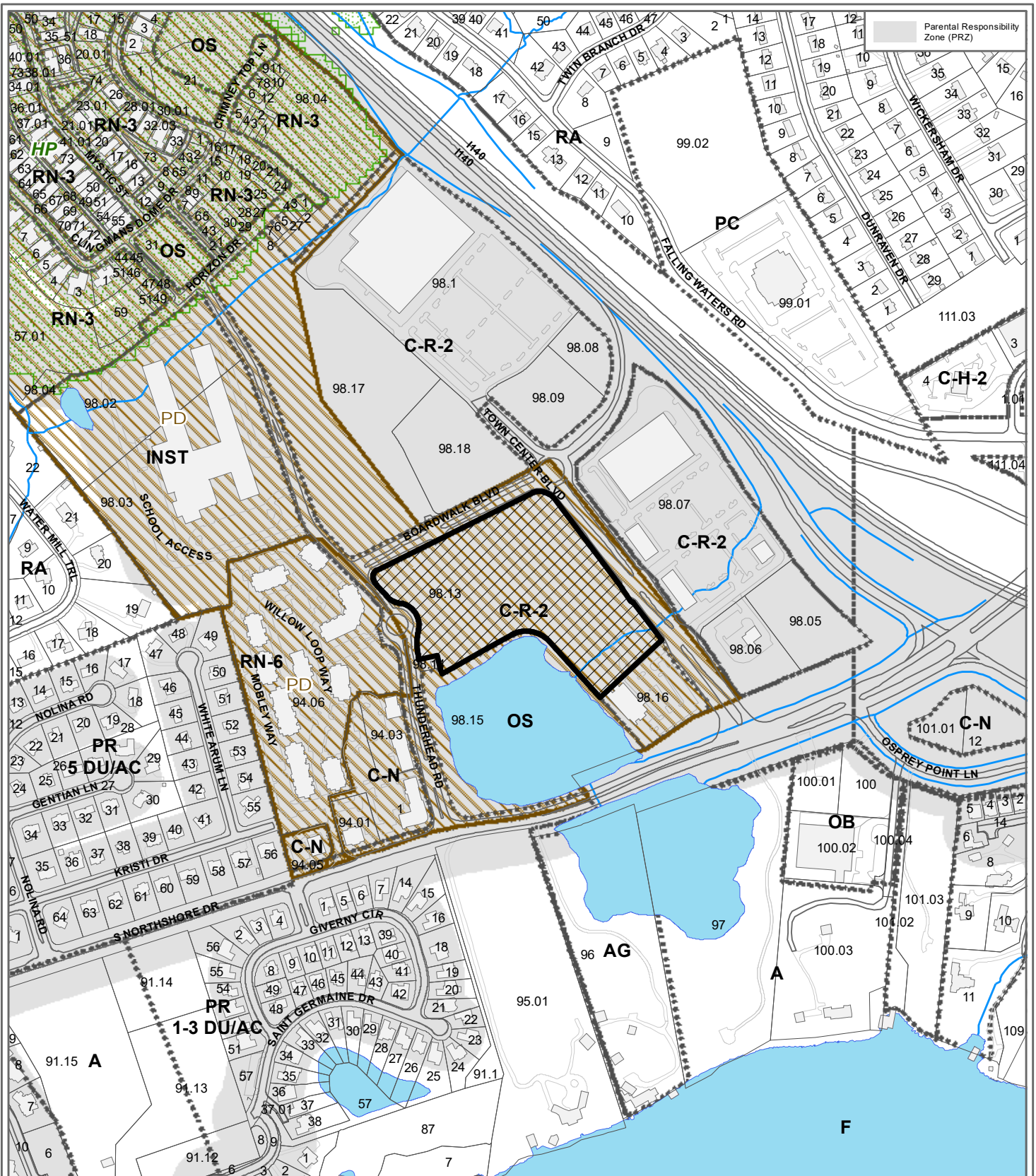
Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

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.



Parental Responsibility Zone (PRZ)

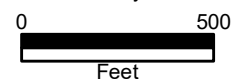
**12-B-20-RZ
REZONING**

From: C-R-2 (Regional Commercial)
To: C-G-3 (General Commercial)



Petitioner: Forrester obo Northshore Market Investor, LLC, Taylor

Map No: 154
Jurisdiction: City



Original Print Date: 11/6/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



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.

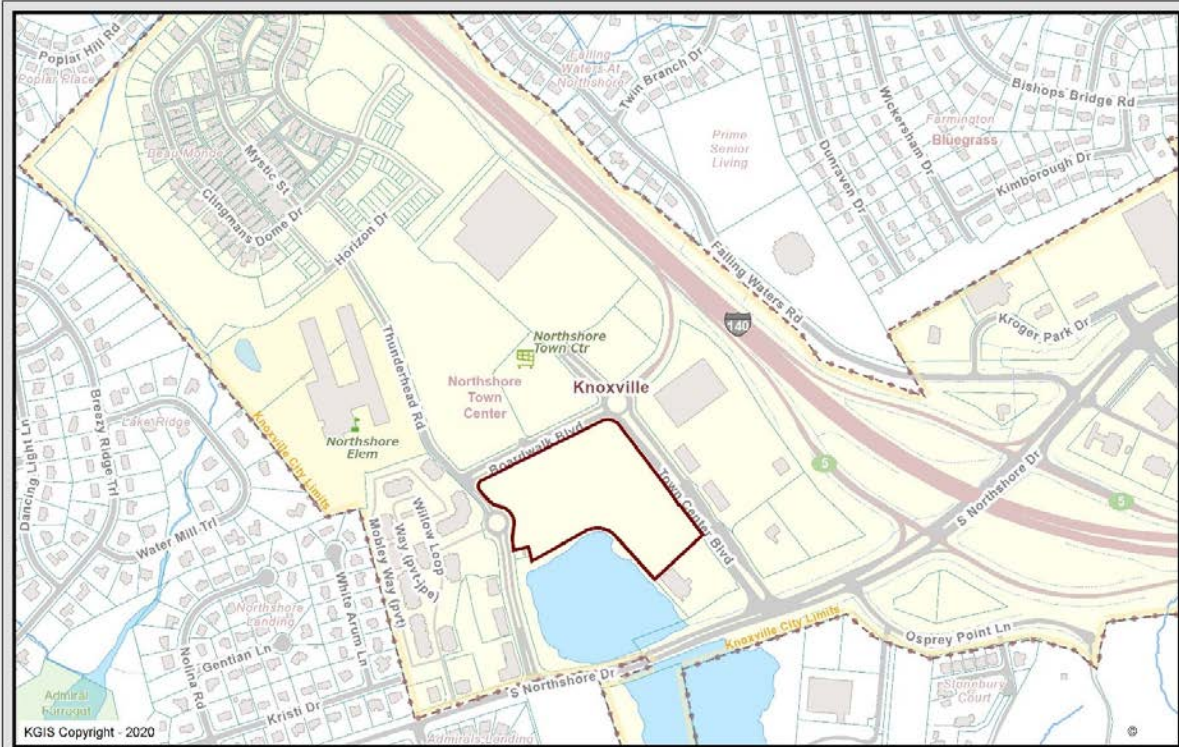
Respectfully yours,

LONG, RAGSDALE & WATERS, P.C.

By:


Taylor D. Forrester

12-B-20-RZ
EXHIBIT A. Contextual Images



12-B-20-RZ: Location Map
2002 Thunderhead Road
Knoxville - Knox County - KUB Geographic Information System

Printed: 11/24/2020 at 3:43:10 PM

0 270 540 1,080
ft

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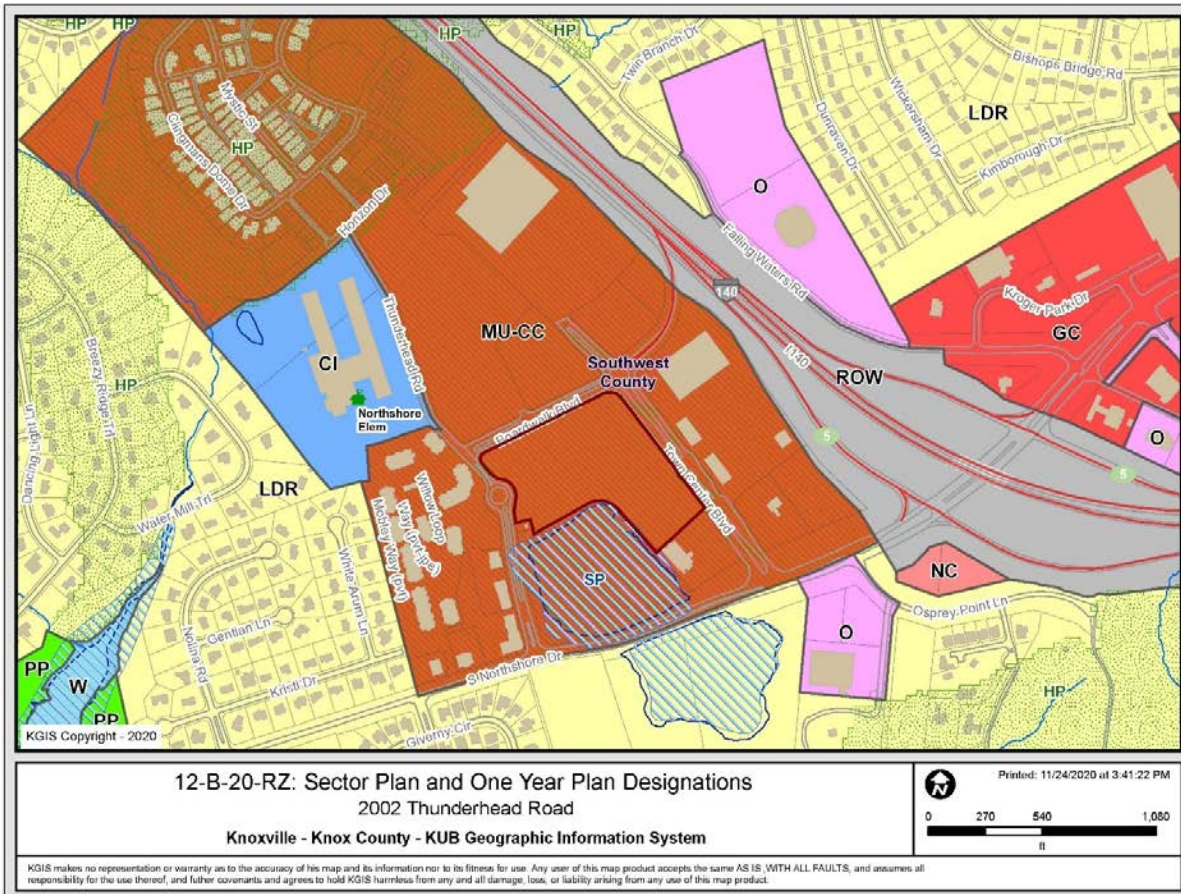
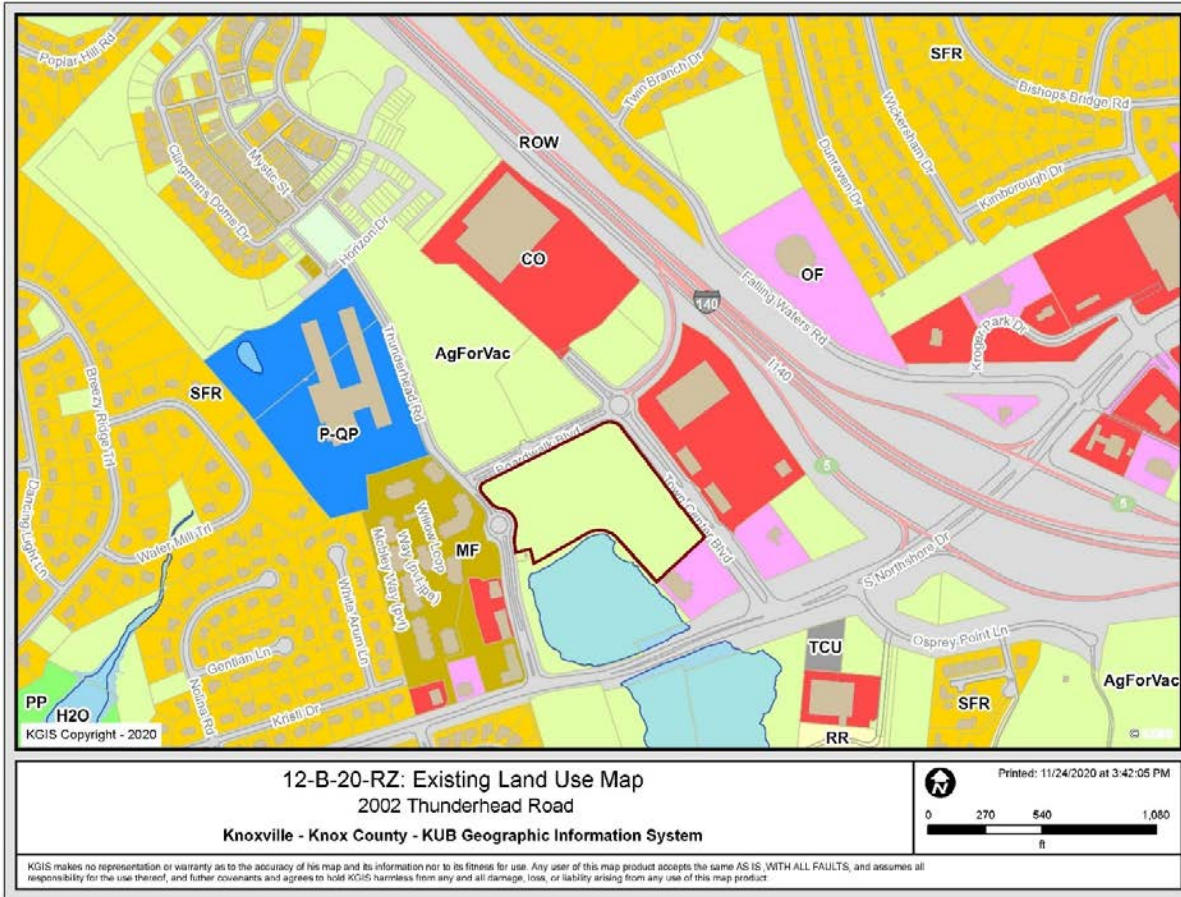
12-B-20-RZ: Aerial Map
2002 Thunderhead Road
Knoxville - Knox County - KUB Geographic Information System

Printed: 11/24/2020 at 3:30:12 PM

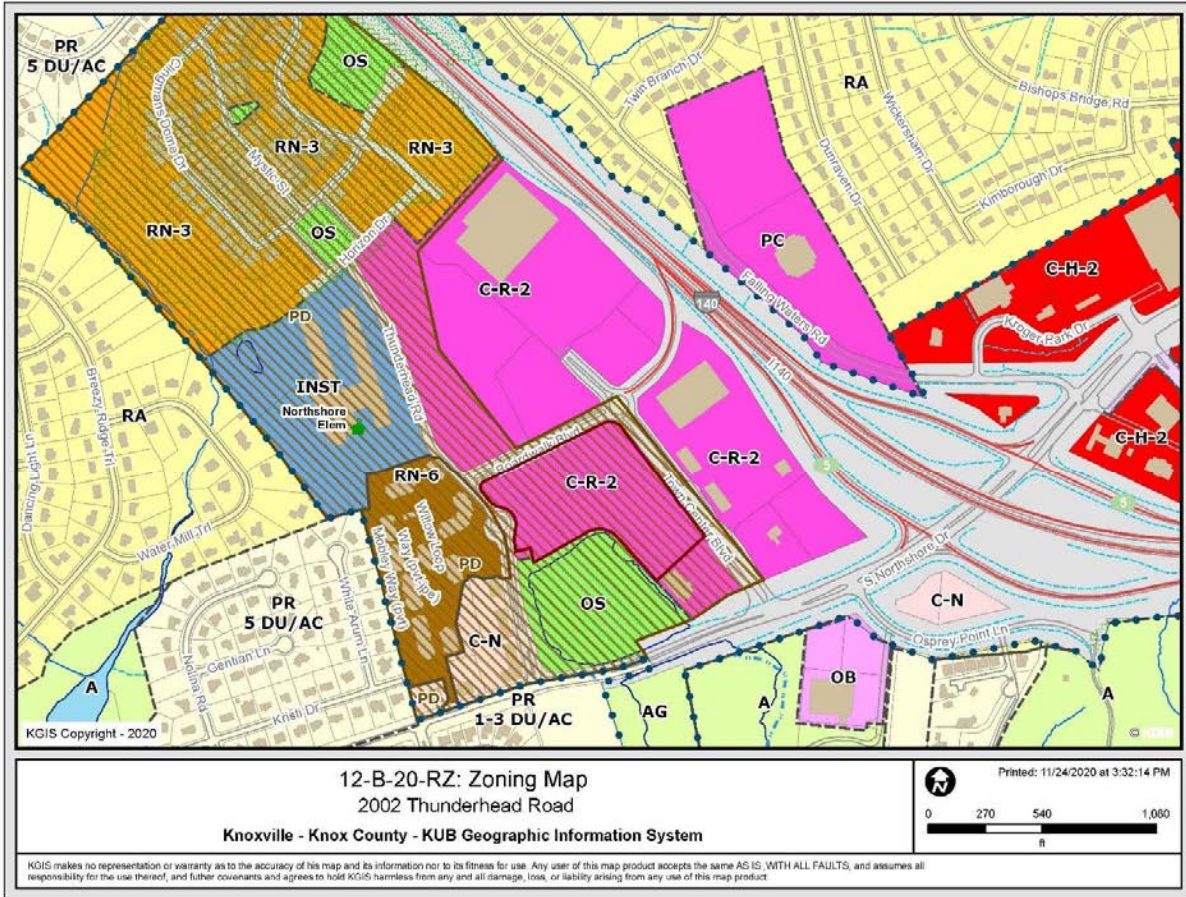
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ft

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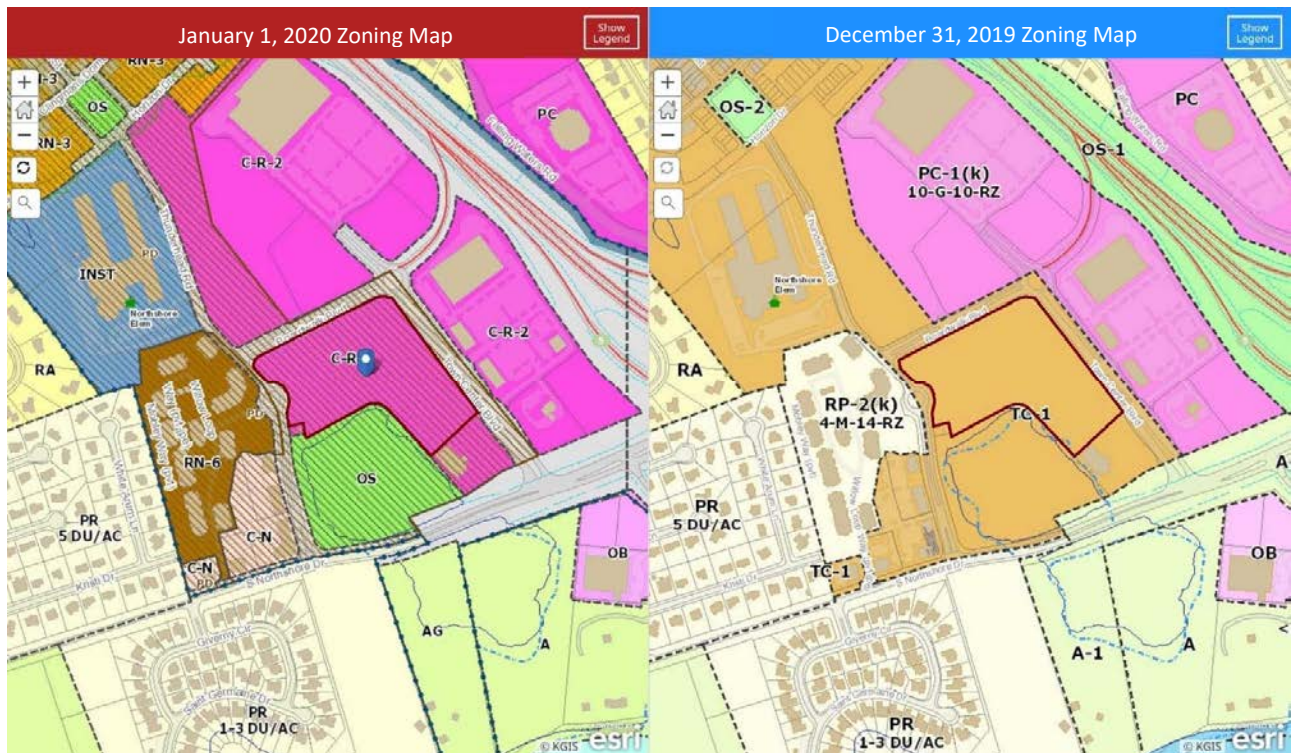
12-B-20-RZ
EXHIBIT A. Contextual Images



12-B-20-RZ EXHIBIT A. Contextual Images



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



12-B-20-RZ

Exhibit B. Zoning Comparison

Comparison of the Dimensional Standards of the Previous, Existing, and Requested Districts			
	TC-1 Previous Zone	C-R-2 Existing Zone	C-G-3 Requested Zone
Bulk			
Minimum Lot Area	N/A (only the size of district regulated)	15,000sf	None
Minimum Lot Width	N/A (only the size of district regulated)	80'	None
Maximum Gross Floor Area (Nonresidential Uses Only)		N/A	N/A
Maximum Building Height	2-story minimum; 35' or 2.5 stories at the edge of the district	90'; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line	Unlimited; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line
Setbacks			
Minimum Front Setback	To be determined by master plan, see below	20'	Build-To Zone: 0' to 20'
Minimum Build-To Percentage	N/A	N/A	70%
Minimum Interior Side Setback	0'	10', unless abutting a residential district, then 35'	None, unless abutting a residential district, then 20'
Minimum Corner Side Setback	To be determined by master plan, see below	20'	Build-To Zone: 0' to 15'
Minimum Build-To Percentage	N/A	N/A	60%
Minimum Rear Setback	To be determined by master plan, see below	10', unless abutting a residential district, then 30'	None, unless abutting a residential district, then 25'

Approved Master Plan's Dimensional Standards for Medium Residential Development	
	Single Family Attached - Medium Density Residential
Minimum Lot Size	2,000 sq ft., 2,500 sq ft. on corner lot.
Maximum Lot Size	4,000 sq ft.
Minimum Lot Width	20' interior lot, 25' on corner lot
Maximum Height	2-1/2 Stories / 35'
Minimum Height	1 story / 12'
Maximum Front Yard Setback	10' to habitable portion of the house.
Minimum Front Yard Setback	5' to nearest habitable portion of house.
Minimum Street Side Yard Setback	5'
Minimum Interior Side Yard Setback	0'
Minimum Rear Yard Setbacks, Main Building	25'
Minimum Rear Yard Setbacks, Accessory Buildings	5'
Maximum Building Coverage	70% of lot area
Maximum Impervious Cover	90% of lot area
Minimum Raised Foundation	18"

12-B-20-RZ

Exhibit B. Zoning Comparison

Comparison of the Dimensional Standards of the Previous, Existing, and Requested Districts			
	TC-1 Previous Zone	C-R-2 Existing Zone	C-G-3 Requested Zone
Bulk			
Minimum Lot Area	N/A (only the size of district regulated)	15,000sf	None
Minimum Lot Width	N/A (only the size of district regulated)	80'	None
Maximum Gross Floor Area (Nonresidential Uses Only)		N/A	N/A
Maximum Building Height	2-story minimum; 35' or 2.5 stories at the edge of the district	90'; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line	Unlimited; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line
Setbacks			
Minimum Front Setback	To be determined by master plan, see below	20'	Build-To Zone: 0' to 20'
Minimum Build-To Percentage	N/A	N/A	70%
Minimum Interior Side Setback	0'	10', unless abutting a residential district, then 35'	None, unless abutting a residential district, then 20'
Minimum Corner Side Setback	To be determined by master plan, see below	20'	Build-To Zone: 0' to 15'
Minimum Build-To Percentage	N/A	N/A	60%
Minimum Rear Setback	To be determined by master plan, see below	10', unless abutting a residential district, then 30'	None, unless abutting a residential district, then 25'

Approved Master Plan's Dimensional Standards for Medium Residential Development	
	Single Family Attached - Medium Density Residential
Minimum Lot Size	2,000 sq ft., 2,500 sq ft. on corner lot.
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Minimum Interior Side Yard Setback	0'
Minimum Rear Yard Setbacks, Main Building	25'
Minimum Rear Yard Setbacks, Accessory Buildings	5'
Maximum Building Coverage	70% of lot area
Maximum Impervious Cover	90% of lot area
Minimum Raised Foundation	18"



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
Date Filed

12/10/2020
Meeting Date (if applicable)

12-B-20-RZ
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 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): _____		
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 checked="" type="checkbox"/> Zoning Change: <u>C-G-3</u> 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 <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	(code 0327)	FEE 1: \$1,950.00	TOTAL: \$1950-
	ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		FEE 2:	
	ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (Final Plat only) <input type="checkbox"/> Use on Review / Special Use (Concept Plan only) <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=US United States (42) United States, email=tforrester@lrwlaw.com, c=US Reason: I am the author of this document Location: Date: 2020-01-22 13:51:00-0800</small>	Taylor D. Forrester Please Print tforrester@lrwlaw.com	10/26/20 Date
Applicant Signature 865-584-4040 Phone Number	Email Michelle Portier Please Print	Date 10/26/2020
 Staff Signature	Michelle Portier Please Print	10/26/2020 Date

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

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)

MEMORANDUM

TO: Knoxville-Knox Planning Commission

FROM: Taylor D. Forrester

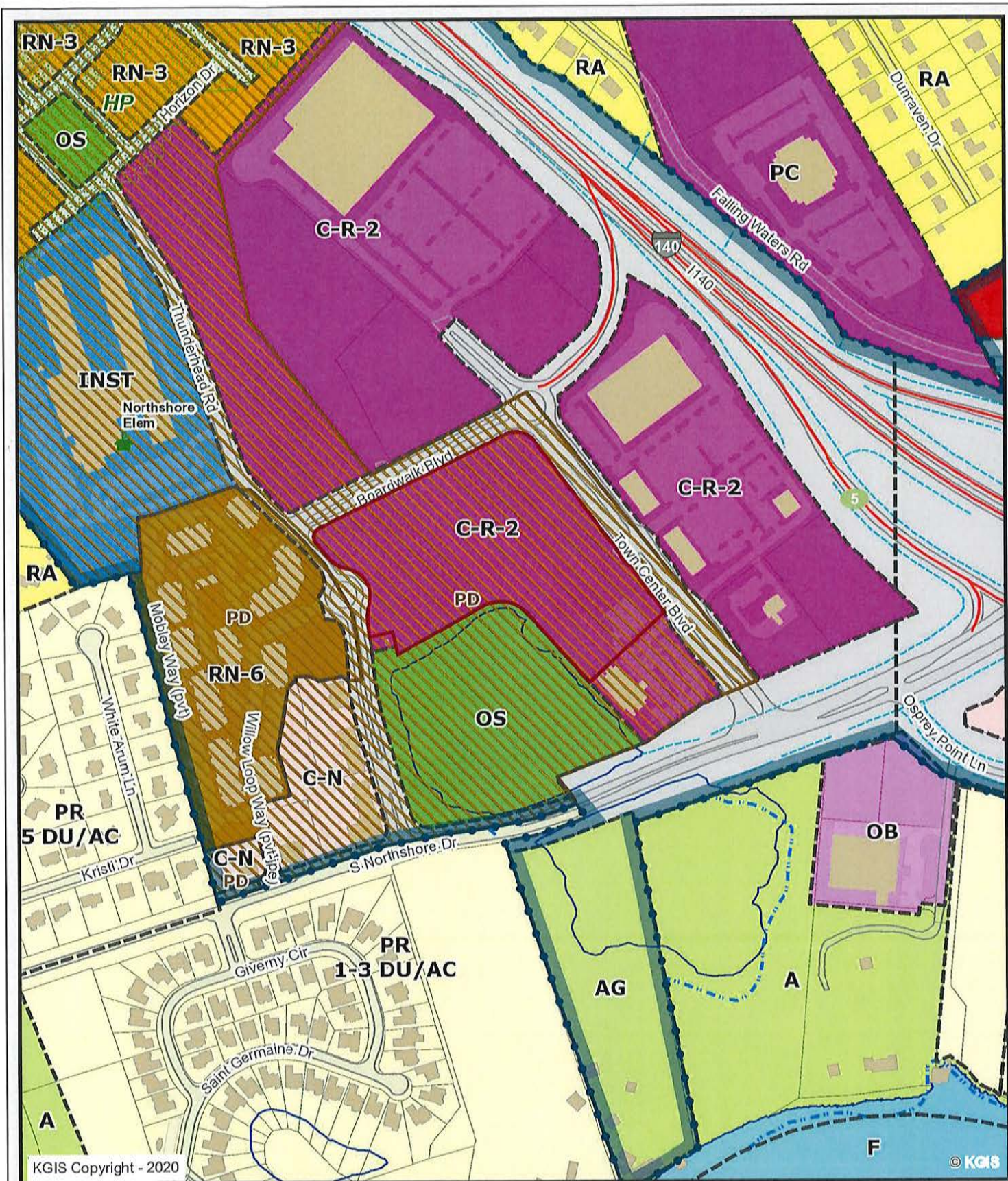
RE: Development Request by Taylor D. Forrester o/b/o Northshore Market Investor LLC for property located at 2002 Thunderhead Road Parcel 154 09813 ("Property")

DATE: October 26, 2020

Dear Professional Staff,

We are requesting relief from the Planned Development Overlay for the Property because the Northshore Town Center Master Plan is not consistent with the development within the Northshore Town Center. Per the Master Plan a portion of the Property was to be used for Medium Density Residential and the other portion was located in the Mixed Core. The majority of the developments within the Northshore Town Center have not been development in accordance with the Master Plan. The proposed use for the Property is multi-family. Being required to adhere to the Planned Development Overlay/Master Plan, would either preclude or disrupt the proposed development.

The stated reasons are not intended to be an exhaustive list, and the applicant reserves the right to supplement.

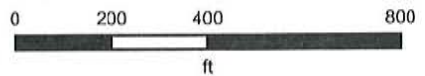


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Zoning Map

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Knoxville - Knox County - KUB Geographic Information System

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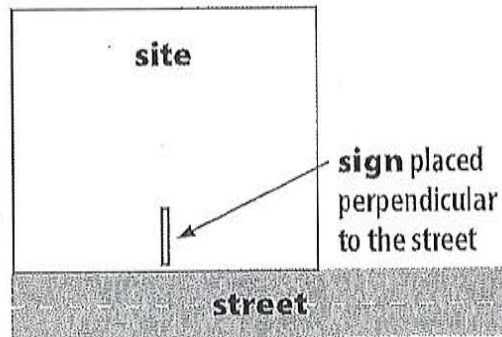
REQUIRED SIGN POSTING AGREEMENT

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. 29, 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: 865-356-3383 Email: Lmoran3@vols.utk.edu

Date: 10-26-20

File Number: 12-B-20-RZ