



PLAN AMENDMENT REPORT

► **FILE #:** 10-K-21-SP

AGENDA ITEM #: 22

AGENDA DATE: 10/14/2021

► **APPLICANT:** NACI CORPORATION / REUBEN MITCHELL
OWNER(S): JB & H Group

TAX ID NUMBER: 83 001

[View map on KGIS](#)

JURISDICTION: Council District 6

STREET ADDRESS: 0 Marble Hill Blvd.

► **LOCATION:** **Along Marble Hill Boulevard south of Delrose Drive, north of Riverside Drive, and west of Holston Hills Road**

► **APPX. SIZE OF TRACT:** **22.38 acres**

SECTOR PLAN: East City

GROWTH POLICY PLAN: N/A (Within City limits)

ACCESSIBILITY: Marble Hill Boulevard is a private road with a 20-ft pavement width inside a 41-ft right-of-way. Marble Hill is unstriped.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Holston and French Broad and Williams Creek

► **PRESENT PLAN AND ZONING DESIGNATION:** **LDR (Low Density Residential) / HP (Hillside Protection) / RN-1 (Single-Family Residential Neighborhood) / HP (Hillside Protection Overlay)**

► **PROPOSED PLAN DESIGNATION:** **MDR (Medium Density Residential) / HP (Hillside Protection)**

► **EXISTING LAND USE:** **Vacant land**

EXTENSION OF PLAN DESIGNATION: Yes, the MDR land use classification is adjacent to the north

HISTORY OF REQUESTS: The property was zoned R-1 upon its annexation in 1992 (Case 2-K-92-R).

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Single family residential, agricultural/forestry/vacant, multifamily, and public/quasi-public land - LDR (Low Density Residential), MDR (Medium Density Residential), and HP (Hillside Protection Area)

South: Agricultural/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection)

East: Mining and landfills - OS (Open Space) and HP (Hillside Protection)

West: Agricultural/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection)

NEIGHBORHOOD CONTEXT This property is located behind a row of single family detached houses that front Delrose Drive. Historical aerials show the houses are older housing stock constructed between 1935 and 1953. A demolition landfill is adjacent to the east.

STAFF RECOMMENDATION:

- ▶ **Deny the East City Sector Plan amendment to the MDR (Medium Density Residential) land use classification because it does not meet any of the criteria for a plan amendment.**

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 has been no change of conditions warranting an amendment of 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.

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

1. As cited in other staff reports, there is an increased demand for housing, particularly in areas served by transit and near commercial nodes. There is a KAT stop to the north on Brooks Avenue, but the area is rural in character and is not near any commercial nodes. Multifamily development at the intensity proposed by the applicant is not in character with the surrounding area.
2. The MDR (Medium Density Residential) land use class is adjacent to the east. That property was annexed into the City and developed with a complex of duplexes in 1992. The property was zoned R-2 (General Residential) in the previous zoning ordinance. The R-2 zone was widely used across the city at that time and allowed a broad mix of residential uses. This broad application of the R-2 zone was problematic, allowing uses by right that could be potentially incompatible with adjacent properties depending on the character of the area. The new zoning ordinance takes greater care in assigning where mixed residential uses occur together. It follows a more fine-grained approach and allows planning staff to ensure greater compatibility between zones than the previous zoning ordinance allowed.
3. There is existing RB (General Residential, County) zoning and RN-5 (General Residential, City) zoning in the properties fronting Riverside Drive to the south. These properties front Riverside Drive and Holston Hills Road, both of which are classified as collectors.

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 11/16/2021 and 11/30/2021. 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

► **FILE #:** 10-P-21-RZ
10-H-21-PA

AGENDA ITEM #: 22
AGENDA DATE: 10/14/2021

► **APPLICANT:** NACI CORPORATION / REUBEN MITCHELL
OWNER(S): JB & H Group

TAX ID NUMBER: 83 001 [View map on KGIS](#)
JURISDICTION: Council District 6
STREET ADDRESS: 0 Marble Hill Blvd.
► **LOCATION:** **Along Marble Hill Boulevard south of Delrose Drive, north of Riverside Drive, and west of Holston Hills Road**
► **TRACT INFORMATION:** **22.38 acres.**
SECTOR PLAN: East City
GROWTH POLICY PLAN: N/A (Within City limits)
ACCESSIBILITY: Marble Hill Boulevard is a private road with a 20-ft pavement width inside a 41-ft right-of-way. Marble Hill is unstriped.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Holston and French Broad and Williams Creek

► **PRESENT PLAN DESIGNATION/ZONING:** **LDR (Low Density Residential) / HP (Hillside Protection) / RN-1 (Single-Family Residential Neighborhood) / HP (Hillside Protection Overlay)**
► **PROPOSED PLAN DESIGNATION/ZONING:** **MDR (Medium Density Residential) / HP (Hillside Protection) / RN-4 (General Residential Neighborhood) / HP (Hillside Protection Overlay)**
► **EXISTING LAND USE:** **Vacant land**

►
EXTENSION OF PLAN DESIGNATION/ZONING: The MDR land use classification is adjacent to the north; the RN-4 District is not adjacent
HISTORY OF ZONING REQUESTS: The property was zoned R-1 upon its annexation in 1992 (Case 2-K-92-R).
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Single family residential, agricultural/forestry/vacant, multifamily, public/quasi-public land - LDR (Low Density Residential), MDR (Medium Density Residential), HP (Hillside Protection) - RN-1 (Single-Family Residential Neighborhood), RN-3, HP
South: Agricultural/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection) - RB (General Residential)
East: Mining and landfills - OS (Open Space) and HP (Hillside Protection) - RN-1 (Single-Family Residential Neighborhood) and HP (Hillside Protection Overlay) Districts

West: Agricultural/forestry/vacant - LDR (Low Density Residential) and HP (Hillside Protection) - RN-1 (Single-Family Residential Neighborhood) and HP (Hillside Protection Overlay) Districts

NEIGHBORHOOD CONTEXT: This property is located behind a row of single family detached houses that front Delrose Drive. Historical aerials show the houses are older housing stock constructed between 1935 and 1953. A demolition landfill is adjacent to the east.

STAFF RECOMMENDATION:

- ▶ **Deny the One Year Plan amendment to the MDR (Medium Density Residential) land use classification because it does not meet any of the criteria for a plan amendment.**
- ▶ **Deny RN-4 (General Residential) zoning because it does not meet all of the criteria for a rezoning.**

COMMENTS:

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 that would warrant amending 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 has been no change in the development pattern that would trigger the need for a plan amendment.
2. The MDR (Medium Density Residential) land use class is adjacent to the east. That property was annexed into the City and developed with a complex of duplexes in 1992. The property was zoned R-2 (General Residential) in the previous zoning ordinance. The R-2 zone was widely used across the city at that time and allowed a broad mix of residential uses. This broad application of the R-2 zone was problematic, allowing uses by right that could be potentially incompatible with adjacent properties depending on the character of the area. The new zoning ordinance takes greater care in assigning where mixed residential uses occur together. It follows a more fine-grained approach and allows planning staff to ensure greater compatibility between zones than the previous zoning ordinance allowed.
3. There is existing RB (General Residential, County) zoning and RN-5 (General Residential, City) zoning in the properties fronting Riverside Drive to the south. These properties front Riverside Drive and Holston Hills Road, both of which are classified as collectors.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There has been no change in public policy that would trigger the need for a plan amendment.

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.
2. As cited in other staff reports, there is an increased demand for housing, particularly in areas served by transit and near commercial nodes. There is a KAT stop to the north on Brooks Avenue, but the area is rural in character and is not near any commercial nodes. Multifamily development at the intensity proposed by the applicant is not in character with the surrounding area.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 has been no change in conditions to warrant an amendment of the sector plan to the MDR land use.

2. There is an increased demand for housing, particularly in areas served by transit and near commercial nodes. There is a KAT stop to the north on Brooks Avenue, but the area is rural in character and is not near any commercial nodes. Multifamily development at the intensity proposed by the applicant is not in character with the surrounding area.

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

1. The RN-4 (General Residential Neighborhood) District is intended to accommodate mixed medium density residential development within the City of Knoxville. Single-family, two-family, and townhouse dwelling residential development is permitted with low-rise multi-family dwellings and new development forms such as pocket neighborhoods allowed by review and in some cases with special use approval. The RN-4 District is intended to be applied to neighborhoods that are characterized by such mixed residential development, or that have been identified as areas where such development would be suitable in the future. Limited nonresidential uses that are compatible with the character of the district may also be permitted.
2. The RN-4 zone has a maximum lot size of 40,000 square feet, which this property exceeds at 22.38 acres. The applicant is proposing apartments, so subdivision is not likely. Approving this rezoning to RN-4 would create a nonconforming lot size in the RN-4 zoning district.
3. 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.

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. There is no RN-4 zoning in the vicinity. There is RN-5 to the southeast. However, much of the RN-5 property remains developed, and the majority of the site is in the HP area with significant slope over 25% over a large portion of the property.
2. This property was annexed into the city as part of a larger swathe of land in 1992 and assigned the R-2 (General Residential) zone, which is the comparable zone to RN-5 zone in the new zoning code. The adjacent RN-3 property was developed with a complex of duplexes following that annexation; this portion of the property was never developed.
3. The R-2 (General Residential) zone was widely used across the city at that time and allowed a broad mix of residential uses. This broad application of the R-2 zone allowed uses by right that could be potentially incompatible with adjacent properties depending on the character of the area. The new zoning ordinance takes greater care in assigning where mixed residential uses occur together. It follows a more fine-grained approach and allows planning staff to ensure greater compatibility between zones than the previous zoning ordinance allowed.
4. The applicant has stated they would like a density of 12 du/ac (equates to 268 dwellings). However, the City's zoning ordinance no longer regulates density as a function of du/ac, instead using dimensional standards as a means to determine the number of dwellings that could be accommodated
5. In looking at the maximum number of dwelling units that could be built with the requested RN-4 zone, using rudimentary calculations involving the minimum lot area of 2,000 square feet per multifamily dwelling, the maximum number of dwellings that could be built is 487, and the property would have to be subdivided accordingly to meet the maximum lot area allowed in RN-4.

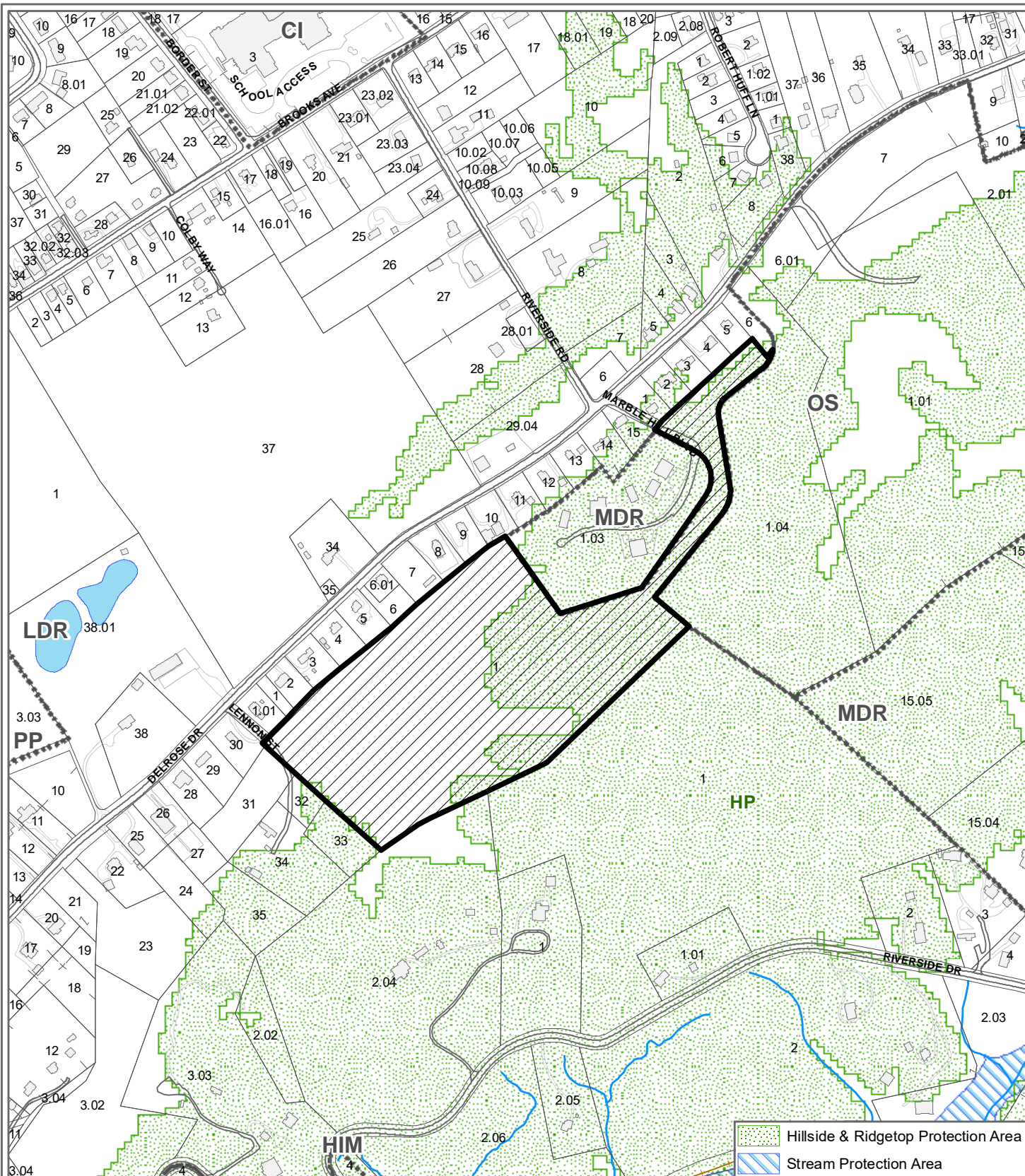
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The requested RN-4 zoning would require a plan amendment to the MDR (Medium Density Residential) land use class, for which denial is recommended.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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10-K-21-SP **EAST CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) / HP (Hillside Protection)
 To: MDR (Medium Density Residential) / HP (Hillside Protection)



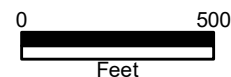
Original Print Date: 9/9/2021
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

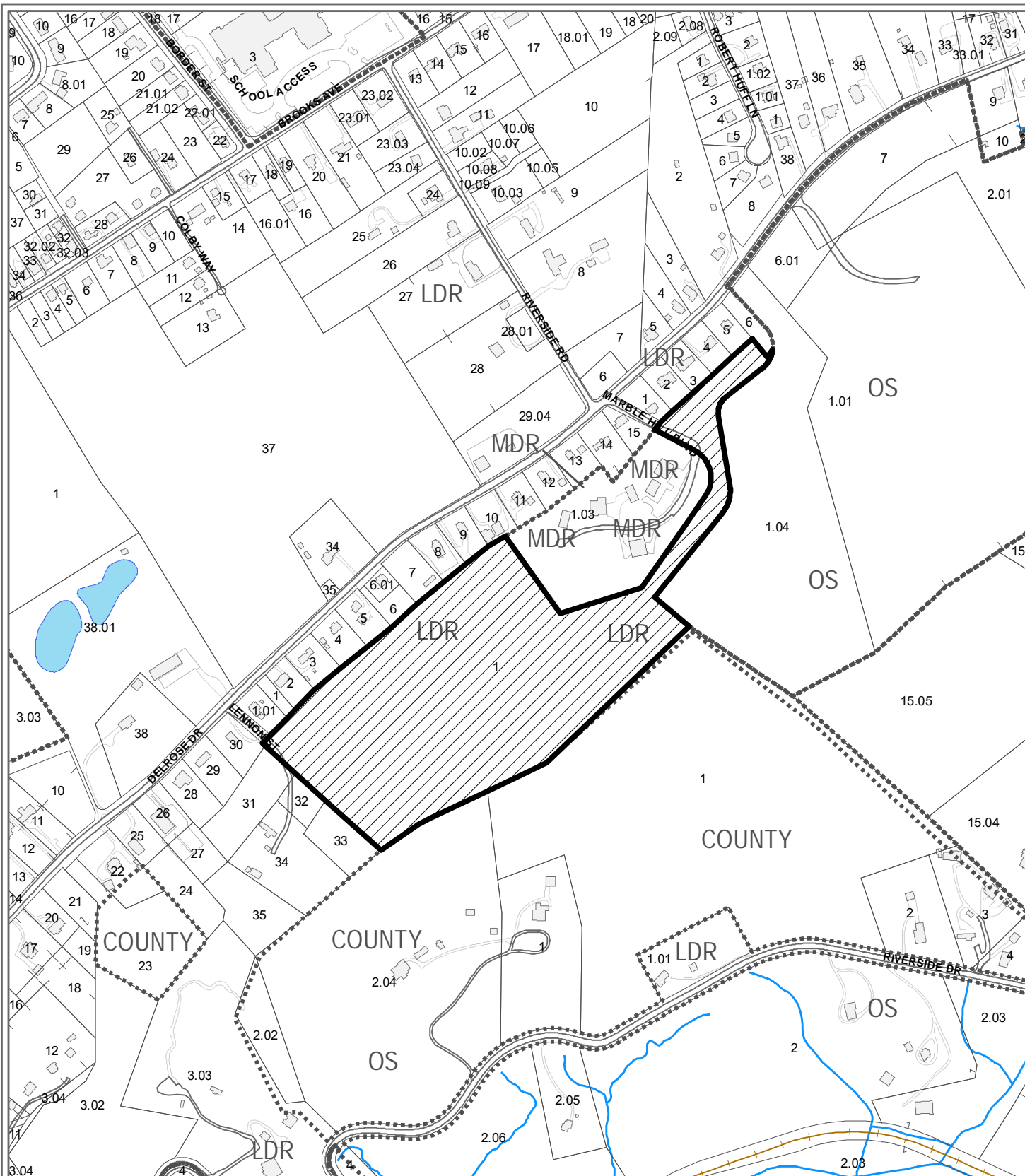
Revised:

Petitioner: NACI Corporation / Reuben Mitchell

Map No: 83

Jurisdiction: City





**10-H-21-PA / 10-P-21-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential) / HP (Hillside Protection)

To: MDR (Medium Density Residential) / HP (Hillside Protection)



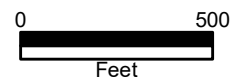
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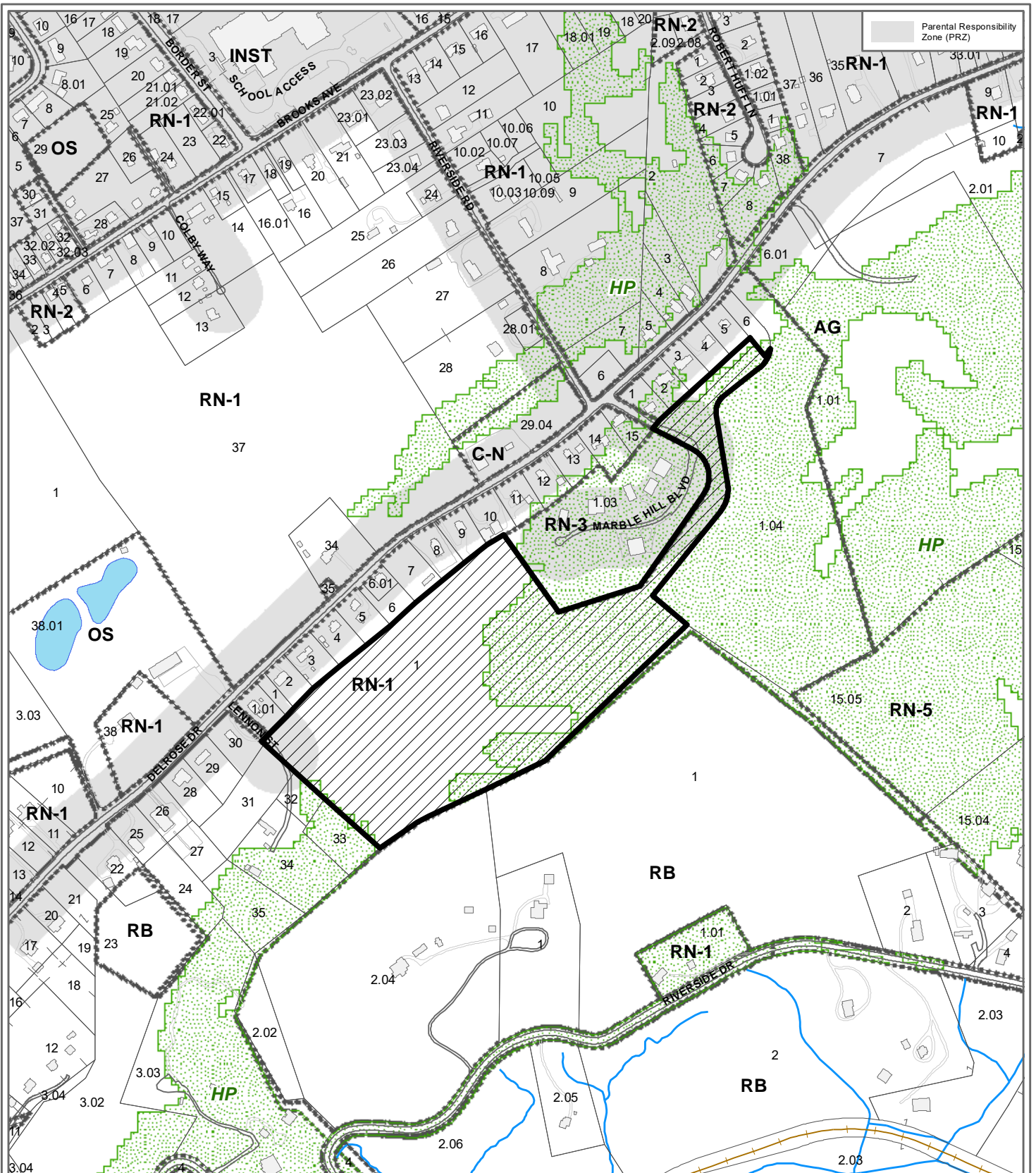
Revised:

Petitioner: NACI Corporation / Reuben Mitchell

Map No: 83

Jurisdiction: City





10-P-21-RZ REZONING



From: RN-1 (Single-Family Residential Neighborhood) / HP (Hillside Protection)
To: RN-4 (General Residential Neighborhood) / HP (Hillside Protection)

Original Print Date: 9/9/2021
Revised:
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

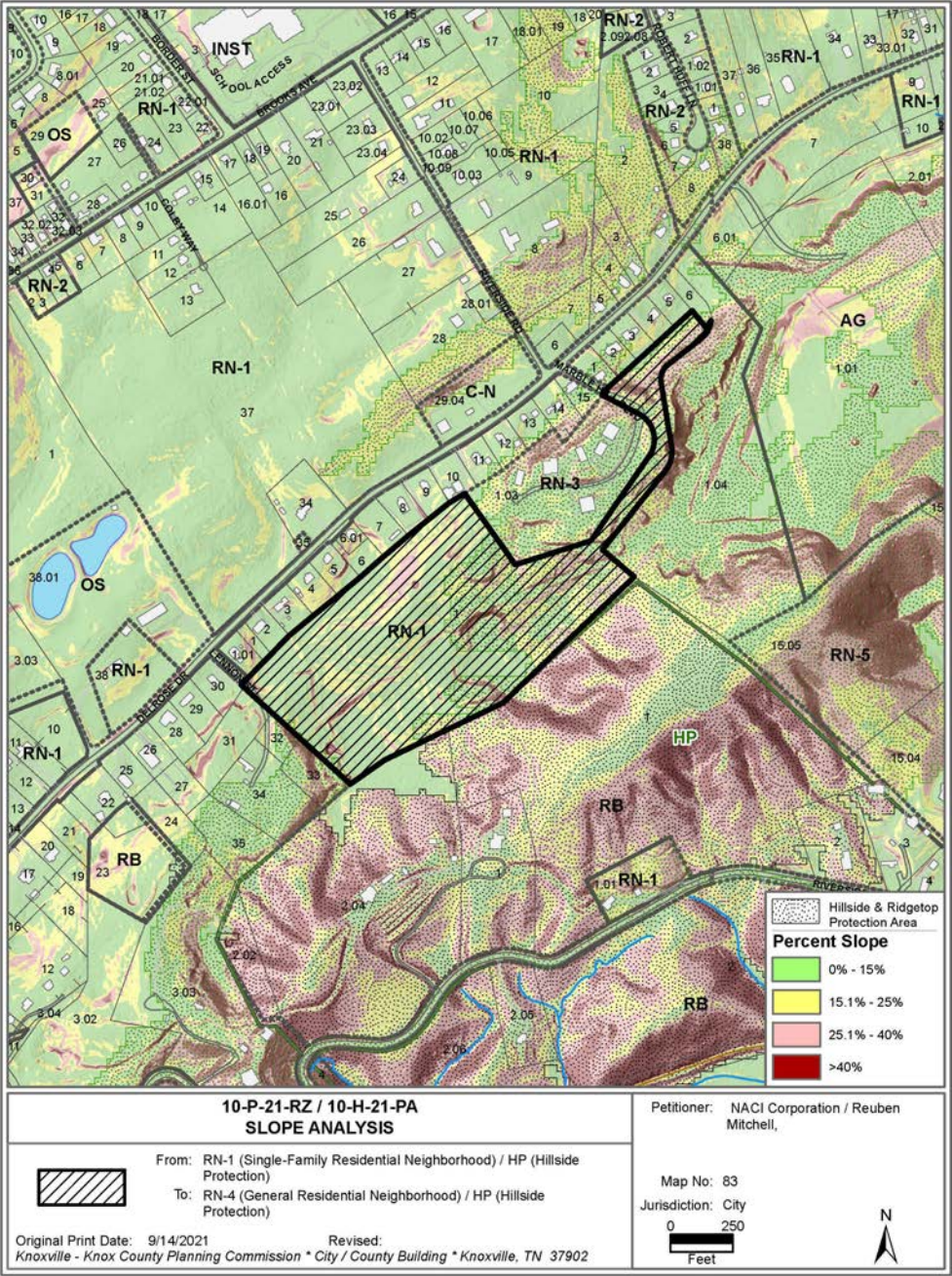
Petitioner: NACI Corporation / Reuben Mitchell

Map No: 83
Jurisdiction: City

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Feet



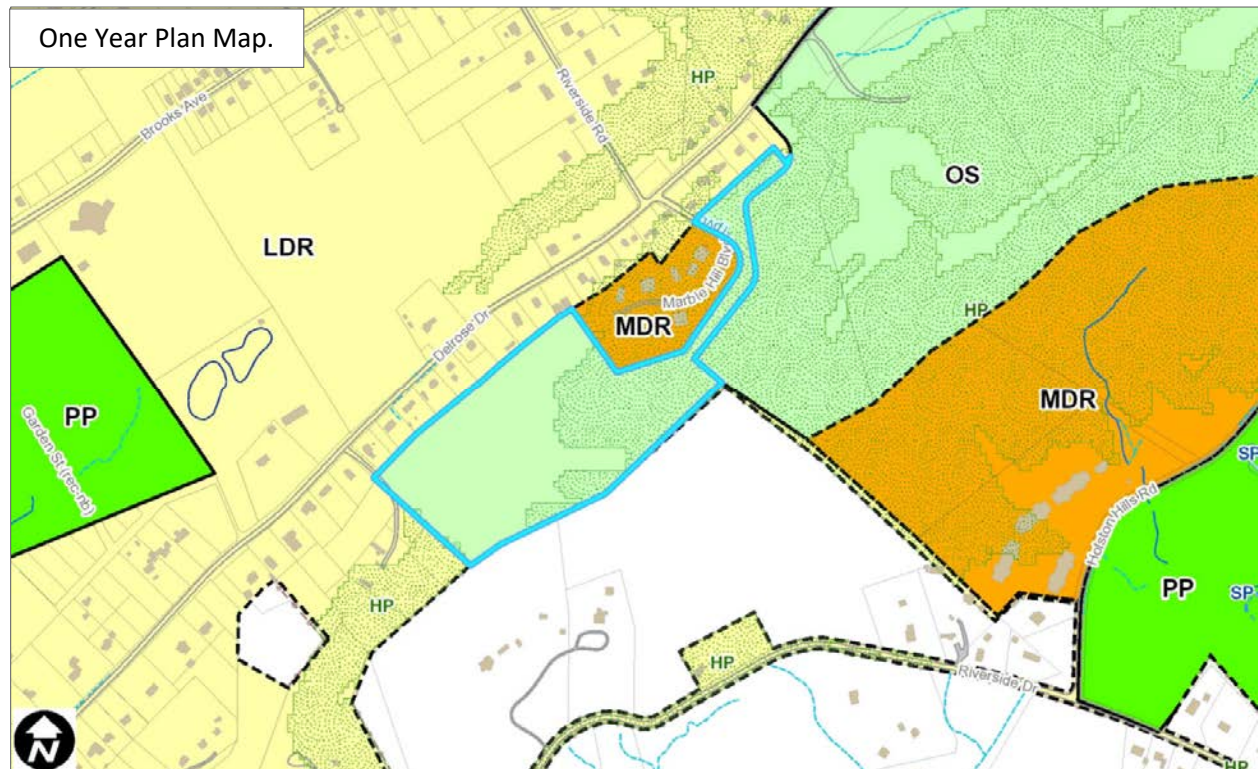
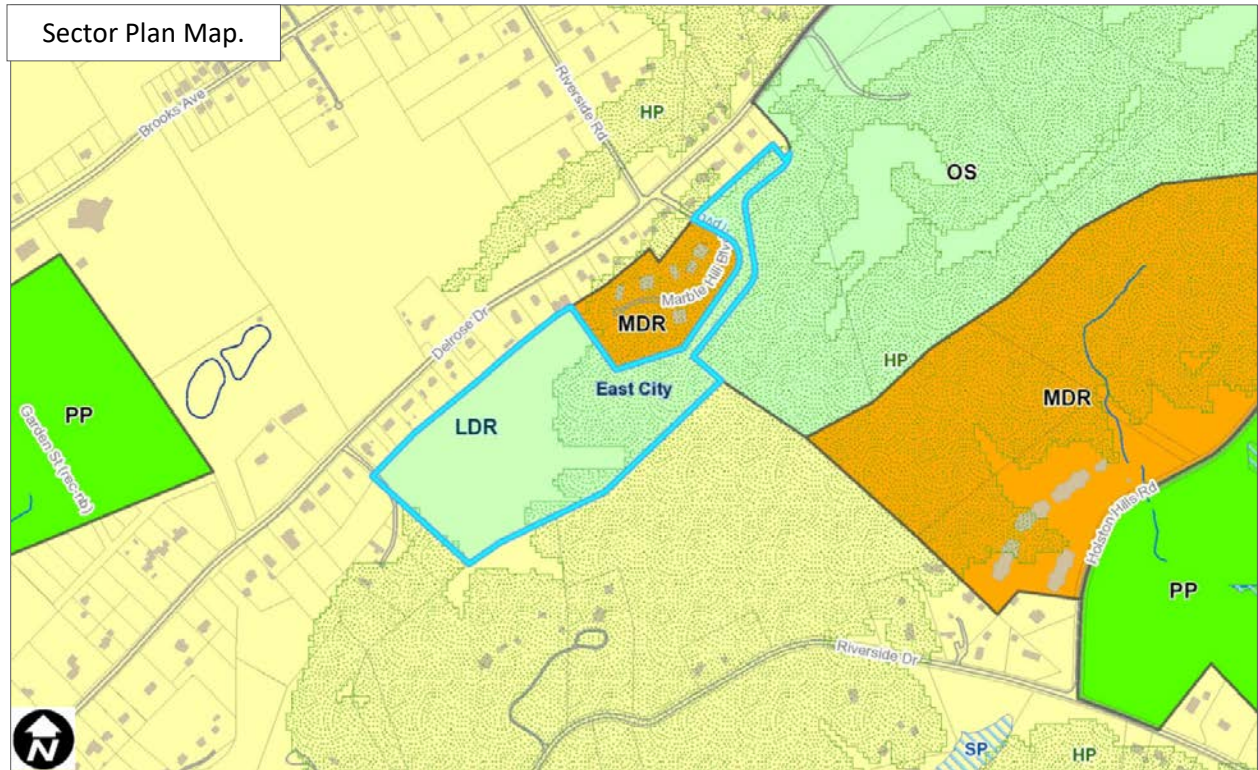
CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	13.01	100%	13.01
0-15% Slope	3.39	100%	3.39
15-25% Slope	2.79	50%	1.40
25-40% Slope	2.13	20%	0.43
Greater than 40% Slope	0.87	10%	0.09
Ridgetops	0		
Subtotal: Sloped Land	9.18	Recommended disturbance budget within Hillside Protection Area (acres)	5.3
Total Acreage	22.19		18.31



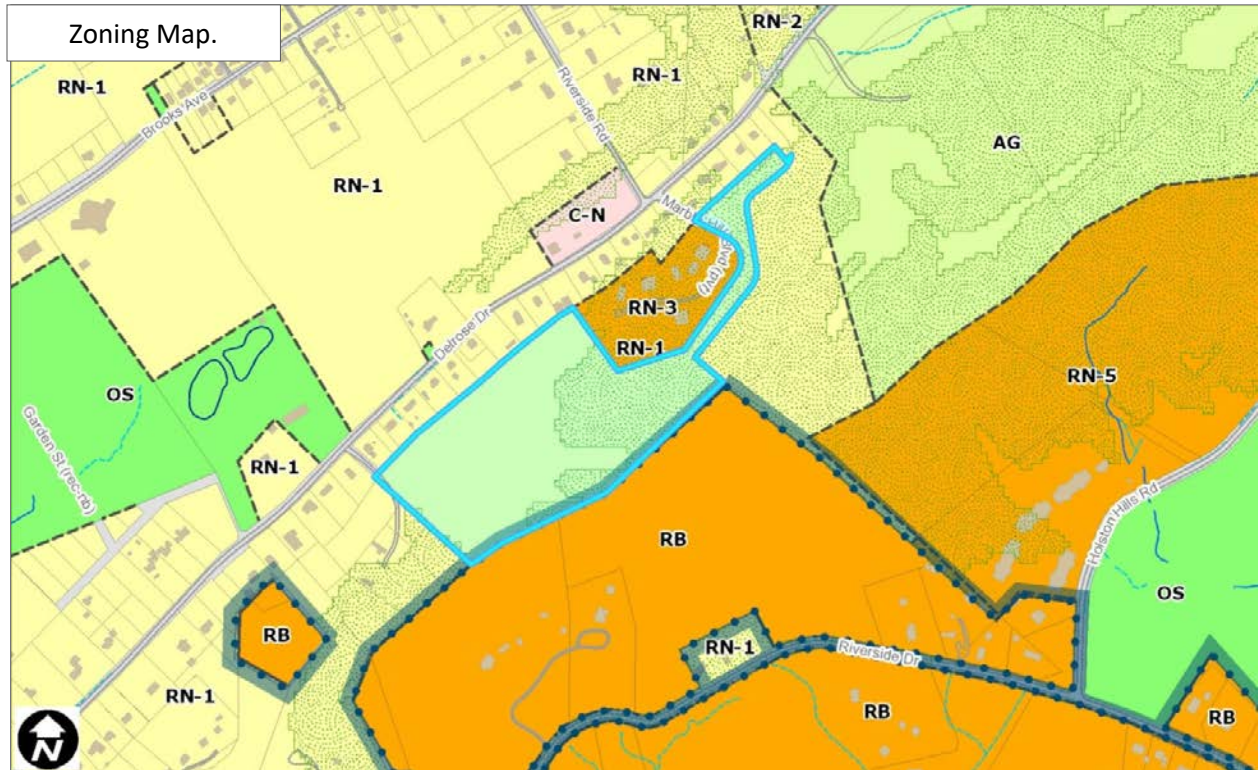
10-P-21-RZ/10-H-21-PA/10-K-21-SP
EXHIBIT A. Contextual Images



10-P-21-RZ/10-H-21-PA/10-K-21-SP
EXHIBIT A. Contextual Images



10-P-21-RZ/10-H-21-PA/10-K-21-SP
EXHIBIT A. Contextual Images





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

NACI Corporation/Reuben Mitchell

Applicant Name

10/14

Affiliation

7/15/2021

10/11/2021

Date Filed

Meeting Date (if applicable)

10-P-21-RZ
10-H-21-PA
10-K-21-SP

File Number(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

Kanika White

NACI Corp/Casjanic Development, LP

Name

Company

2439 E 5th Ave

Knoxville

TN

37917

Address

City

State

ZIP

865-216-4957

kbwhite77@yahoo.com

Phone

Email

CURRENT PROPERTY INFO

JB & H Group

4620 Weaver Pike, Bluff City TN 37618

Owner Name (if different)

Owner Address

Owner Phone

0 Marble Hill Blvd

083 001

Delrose Dr, Knoxville TN 37914

Property Address

Parcel ID

KUB

KUB

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Along Marble Hill Blvd south of the intersection of Delrose Dr and Riverside Rd

22.38 acres

General Location

Tract Size

☒ City ☐ County

6th

RN-1 / HP

Vacant land

District

Zoning District

Existing Land Use

East City

LDR / HP

N/A (within City limits)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

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 **RN-4 & HP**
Proposed Zoning

☒ Plan Amendment Change **Medium Density Residential & HP**
Proposed Plan Designation(s)

12 units/acre

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

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 \$2,819.00
0325	\$1619.00	
Fee 2		
0517	\$800	
Fee 3		
0527	\$400	

AUTHORIZATION

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

*Reuben Mitchell*dotloop verified
07/15/21 6:55 PM EDT
R4PE-FUUG-VFVB-VRIM

NACI Corporation/Reuben Mitchell

7/15/2021

Applicant Signature

Please Print

Date

865-824-6185

nacicorp@outlook.com

Phone Number

Email

paid 8/30/2021 ak

Michelle Portier

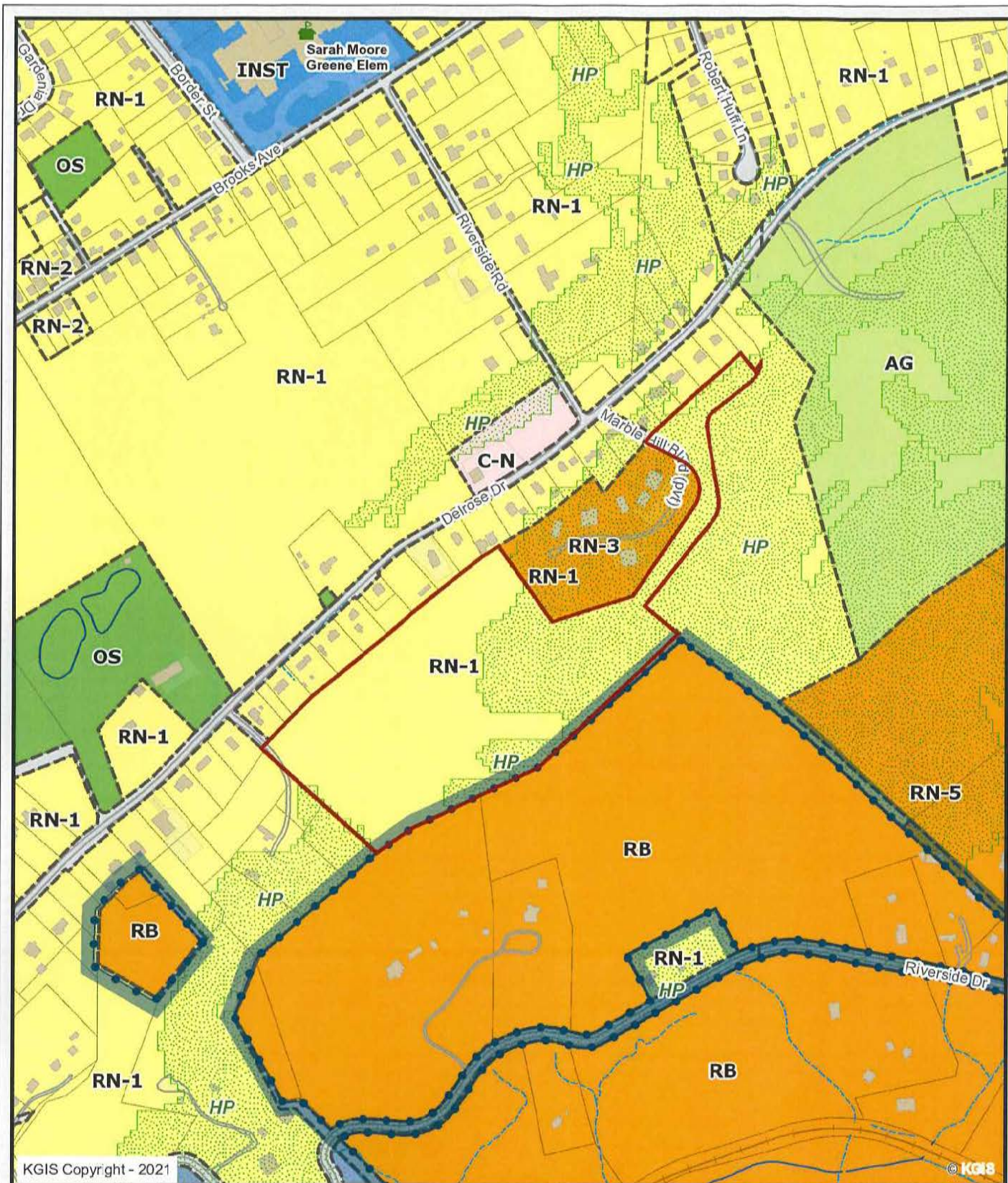
Michelle Portier

7/16/2021

Staff Signature

Please Print

Date

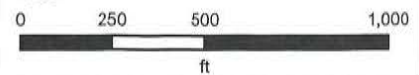


Zoning Map

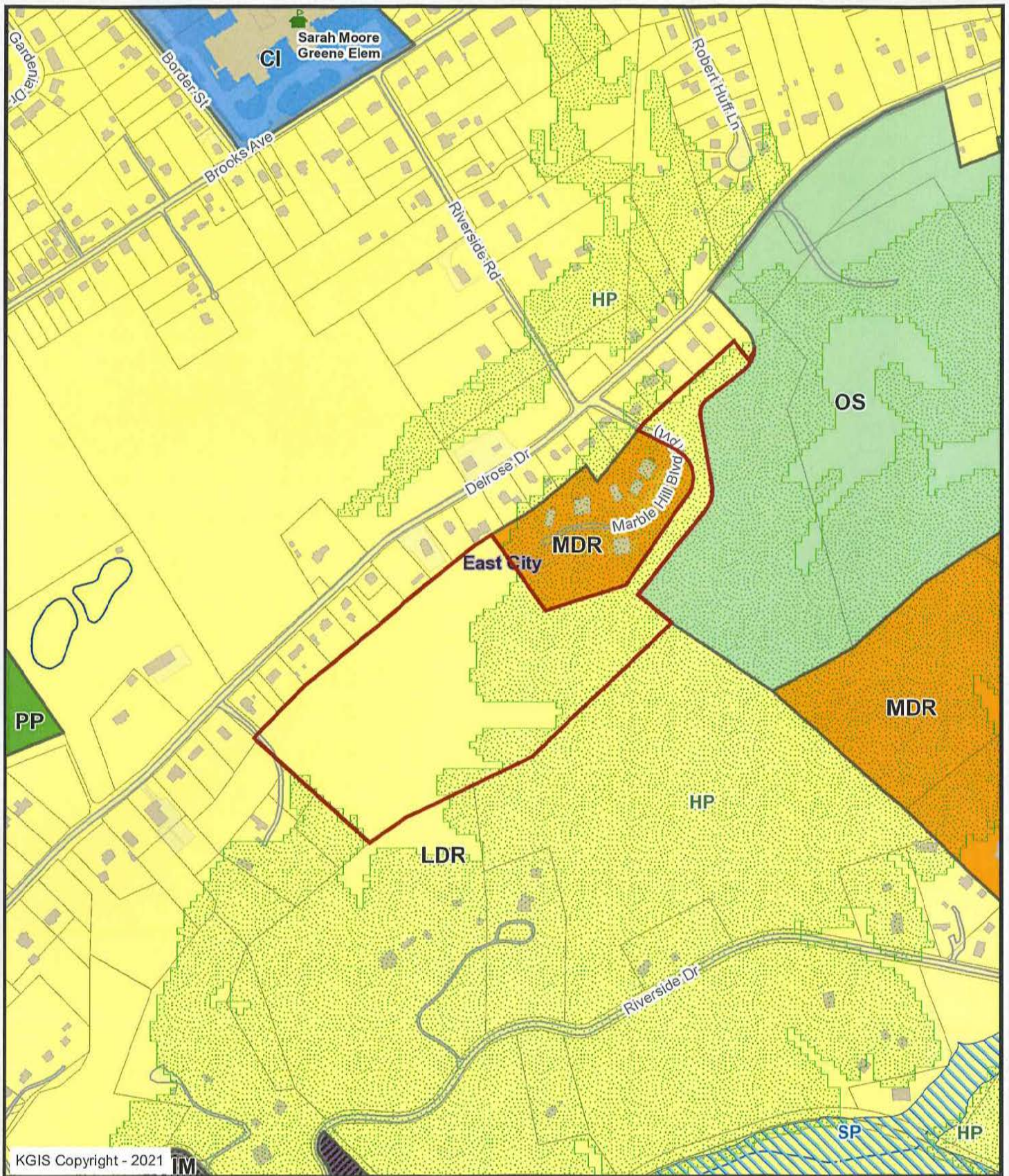
Knoxville - Knox County - KUB Geographic Information System



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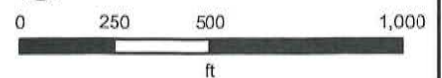


Sector Plan Map

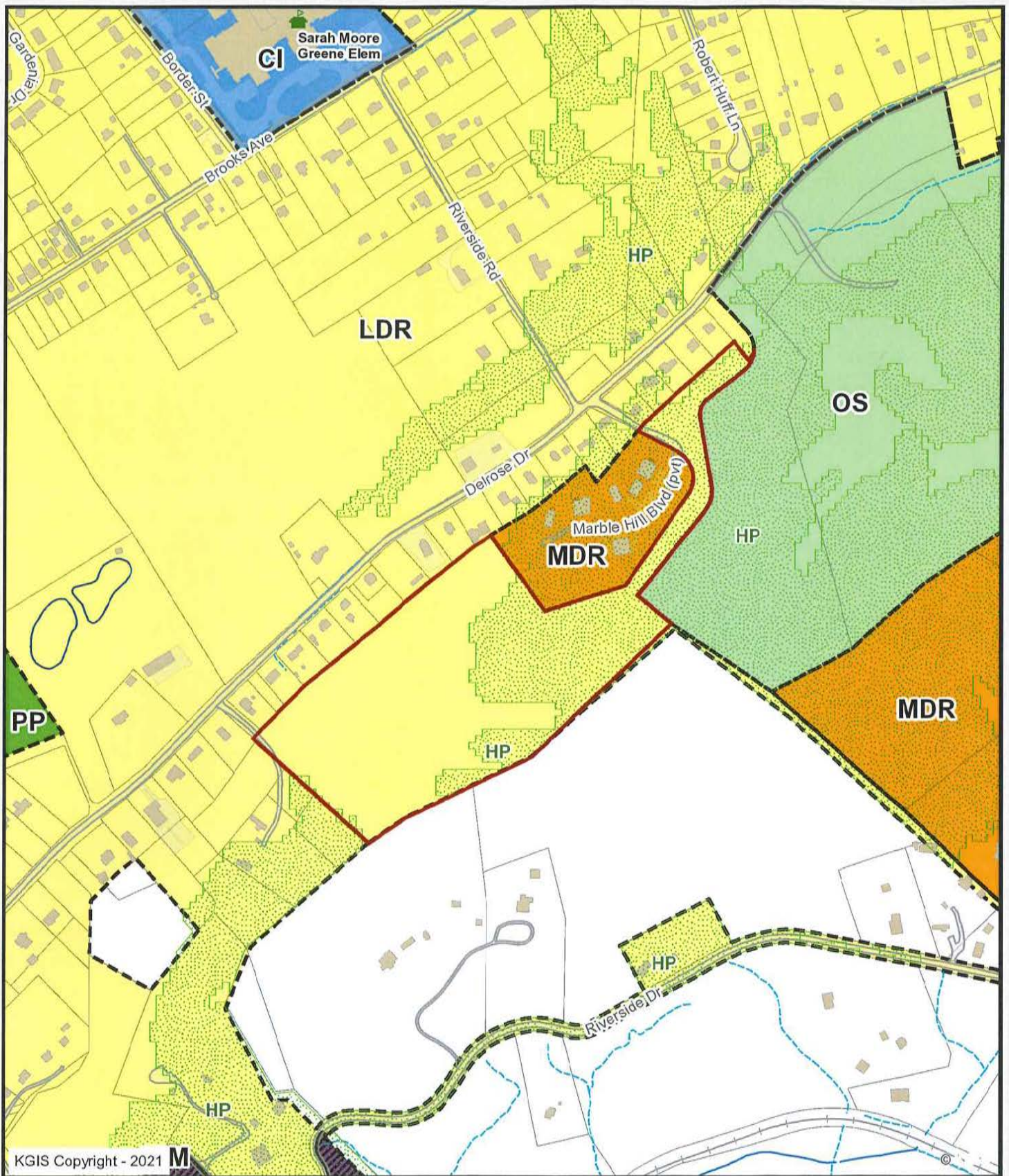
Knoxville - Knox County - KUB Geographic Information System



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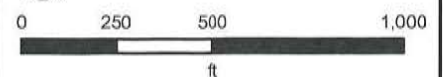


One Year Plan Map

Knoxville - Knox County - KUB Geographic Information System

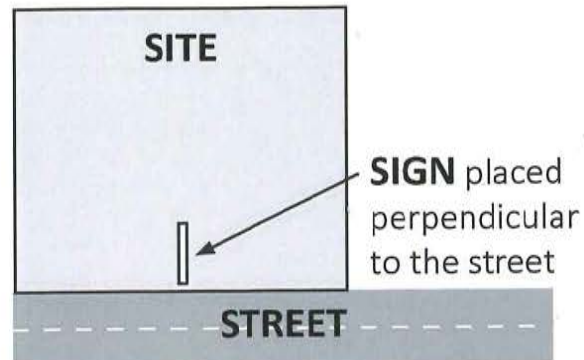


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ and _____
 September 29, 2021 October 15, 2021
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: NACI Corporation

Date: 8/30/2021

File Number: 10-P-21-RZ, 10-H-21-PA, 10-K-21-SP



Sign posted by Staff



Sign posted by Applicant