



PLAN AMENDMENT REPORT

▶ **FILE #:** 4-I-22-SP

AGENDA ITEM #: 24

AGENDA DATE: 4/14/2022

▶ **APPLICANT:** DKLEVY PLLC
OWNER(S): 610 Northshore LLC

TAX ID NUMBER: 121 G C 02501 [View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 0 S. Northshore Dr.

▶ **LOCATION:** East side of S. Northshore Drive, west of Agnes Road

▶ **APPX. SIZE OF TRACT:** 4 acres

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with 58-ft of pavement width within 110-ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** O (Office) & HP (Hillside Protection) & SP (Stream Protection) / O (Office) & HP (Hillside Protection) & F (Floodplain Overlay)

▶ **PROPOSED PLAN DESIGNATION:** MDR/O (Medium Density Residential/Office) & HP (Hillside Protection) & SP (Stream Protection)

▶ **EXISTING LAND USE:** Agriculture/forestry/vacant

EXTENSION OF PLAN DESIGNATION: Yes - MDR/O is adjacent to the north.

HISTORY OF REQUESTS: 3-P-96-RZ: R-2 to R-1, 10-A-99-RZ: R-1 to O-3, 10-G-04-RZ: O-3 to O-1, 12-M-02-RZ: O-1 to O-3

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Office / MDR/O (Medium Density Residential/Office) & SP (Stream Protection)

South: Multi-family, Agriculture/forestry/vacant, Single family residential / MDR (Medium Density Residential) & HP (Hillside Protection)

East: Single-family residential, Agriculture/forestry/vacant / BP-1 (Business Park Type 1) & SP (Stream Protection)

West: Office / LDR (Low Density Residential) & HP (Hillside Protection)

NEIGHBORHOOD CONTEXT This area along S. Northshore Drive consists of a mix of commercial and office uses and some multifamily, adjacent to a single family residential neighborhood on the east side of the road.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to MDR/O (Medium Density Residential/Office) & HP (Hillside Protection) & SP (Stream Protection) because it is a transitional land use classification between commercial and single-family residential.**

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. This area has been designated for office uses since the late 1990s, however, it has remained undeveloped. This parcel is a buffer between the single-family residential neighborhood to the east and the commercial corridor along S. Northshore Drive.
2. Allowing expansion of multi-family residential and office at this location continues the transitional land use buffer between more intensive uses along the roadway and the single family neighborhood.

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

1. The subject property is within 1/3 of a mile of the intersection with S. Northshore Drive and Kingston Pike. In late 2025, project letting for intersection improvements including additional turn lanes and/or storage lengths on all approaches at the intersection are slated to begin. TDOT notes that the project will include access management and pedestrian facility improvements up to adjacent intersections in each direction as well as replacing the existing bridge over Fourth Creek.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There isn't a obvious or significant error or omission in the sector plan. However, the sector plan could have considered MDR/O originally to allow for additional development options that are also transisitional in nature, like multifamily and office.

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

1. Increasing residential housing options that are served by transit continues to be a trend in development to help alleviate traffic congestion.
2. A transportation impact study may be required during permitting and the increased residential density provided as part of development and coordinated with area improvements in the transportation network including the intersection of Kingston Pike and S.Northshore Drive.

ESTIMATED TRAFFIC IMPACT: 1562 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 15 (public school children, grades K-12)

Schools affected by this proposal: Bearden Elementary, Bearden Middle, and West High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knoxville City Council for action on 5/17/2022 and 5/31/2022. 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 #:** 4-Q-22-RZ
4-C-22-PA

AGENDA ITEM #: 24
AGENDA DATE: 4/14/2022

▶ **APPLICANT:** DKLEVY PLLC
OWNER(S): 610 Northshore LLC

TAX ID NUMBER: 121 G C 02501 [View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 0 S. Northshore Dr.

▶ **LOCATION:** East side of S. Northshore Drive, west of Agnes Road

▶ **TRACT INFORMATION:** 4 acres.

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with 58-ft of pavement width within 110-ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office) & HP (Hillside Protection) & SP (Stream Protection) / O (Office) & HP (Hillside Protection) & F (Floodplain Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR/O (Medium Density Residential/Office) & HP (Hillside Protection) & SP (Stream Protection) / RN-6 (Multi-Family Residential Neighborhood) & HP (Hillside Protection) & F (Floodplain Overlay)

▶ **EXISTING LAND USE:** Agriculture/forestry/vacant

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, MDR/O is adjacent to the north.

HISTORY OF ZONING REQUESTS: 3-P-96-RZ: R-2 to R-1, 10-A-99-RZ: R-1 to O-3, 10-G-04-RZ: O-3 to O-1, 12-M-02-RZ: O-1 to O-3

SURROUNDING LAND USE, PLAN DESIGNATION, North: Office / MDR/O (Medium Density Residential/Office) & SP (Stream Protection) / C-G-2 (General Commercial) & F (Floodway Overlay)

ZONING South: Multi-family, Agriculture/forestry/vacant, Single-family residential / MDR (Medium Density Residential) & HP (Hillside Protection) / RN-3 (General Residential Neighborhood) & HP (Hillside Protection Overlay)

East: Single-family residential, Agriculture/forestry/vacant / BP-1 (Business Park Type 1) & SP (Stream Protection) / RN-1 (Single-Family Residential Neighborhood) & HP (Hillside Protection Overlay)

West: Office / LDR (Low Density Residential) & HP (Hillside Protection) / RN-2 (Single-Family Residential Neighborhood) & HP (Hillside Protection Overlay) & F (Floodway)

NEIGHBORHOOD CONTEXT: This area along S. Northshore Drive consists of a mix of commercial and office uses and some multifamily, adjacent to a single-family residential neighborhood on the east side of the road.

STAFF RECOMMENDATION:

- ▶ **Approve the One Year Plan amendment to MDR/O (Medium Density Residential/Office), HP (Hillside Protection) and SP (Steam Protection) because it is also a transitional land use classification and appropriate for this area.**

- ▶ **Approve RN-6 (Multi-Family Residential Neighborhood), HP (Hillside Protection Overlay) and F (Floodplain Overlay) zoning because forthcoming improvements to the Kingston Pike/Northshore Drive interchange will accommodate additional development in this area.**

COMMENTS:

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

AN ERROR IN THE PLAN:

1. There is no error in the One Year 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. The subject property is within 1/3 of a mile of the intersection with S. Northshore Drive and Kingston Pike. In late 2025, project letting for intersection improvements including additional turn lanes and/or storage lengths on all approaches at the intersection are slated to begin. TDOT notes that the project will include access management and pedestrian facility improvements up to adjacent intersections in each direction as well as replacing the existing bridge over Fourth Creek.

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. However, this amendment would allow for additional residential development opportunity along a corridor served by transit.

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

1. In 1996, this area was downzoned from R-2, which allowed multi-family to R-1 as part of a larger rezoning that included the adjacent built out single-family residential neighborhood. In 1999, the area was then rezoned to an office zone district, then an office park district. Office and commercial uses continue to be viable along the corridor of South Northshore. This parcel is between the existing commercial and office corridor and adjacent to a single-family residential neighborhood to the east.
2. This plan amendment allows for additional multifamily development opportunity at this location, which is similar in function and impact to office uses, which the area is currently designated in the One Year Plan. This amendment maintains a transitional land use classification between the more intensive uses along the corridor and the single-family residential neighborhood.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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

1. The subject property is within 1/3 of a mile of the intersection with S. Northshore Drive and Kingston Pike. In late 2025, project letting for intersection improvements including additional turn lanes and/or storage lengths on all approaches at the intersection are slated to begin. TDOT notes that the project will include access management and pedestrian facility improvements up to adjacent intersections in each direction as well as replacing the existing bridge over Fourth Creek.

2. The commercial and office corridor along South Northshore Drive remains viable and continues to be serviced by transit.
3. Previous non-residential development efforts of this parcel have failed and this rezoning would allow for additional multi-family residential development along a corridor served by transit, while providing a buffer land use to the adjacent single-family residential neighborhood.

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

1. The RN-6 Multi-Family Residential Neighborhood Zoning District permits a mixture of all housing types including single-family, two-family, townhouse, and multi-family, which are land uses suitable for this transitional area.

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. This property has been previously cleared and graded and a retaining wall has been constructed on the property. A transportation impact study will likely be required by City of Knoxville as part of the permitting review process for a multi-family residential development at this location.
2. The adjacency to a transit route lessens the overall impact of vehicle trips at this location.
3. The subject property falls within the corridor for the Fourth Creek Greenway, any future development at this location should work with the City of Knoxville regarding greenway improvements (See Exhibit B).

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 proposed rezoning is compatible with the recommended One Year Plan amendment to MDR/O (Medium Density Residential/Office) & F (Floodway) & HP (Hillside Protection) Overlays and Sector Plan amendment to MDR/O (Medium Density Residential/Office) & F (Floodway) & HP (Hillside Protection) Overlays and is not in conflict with any adopted plans.

ESTIMATED TRAFFIC IMPACT: 1562 (average daily vehicle trips)

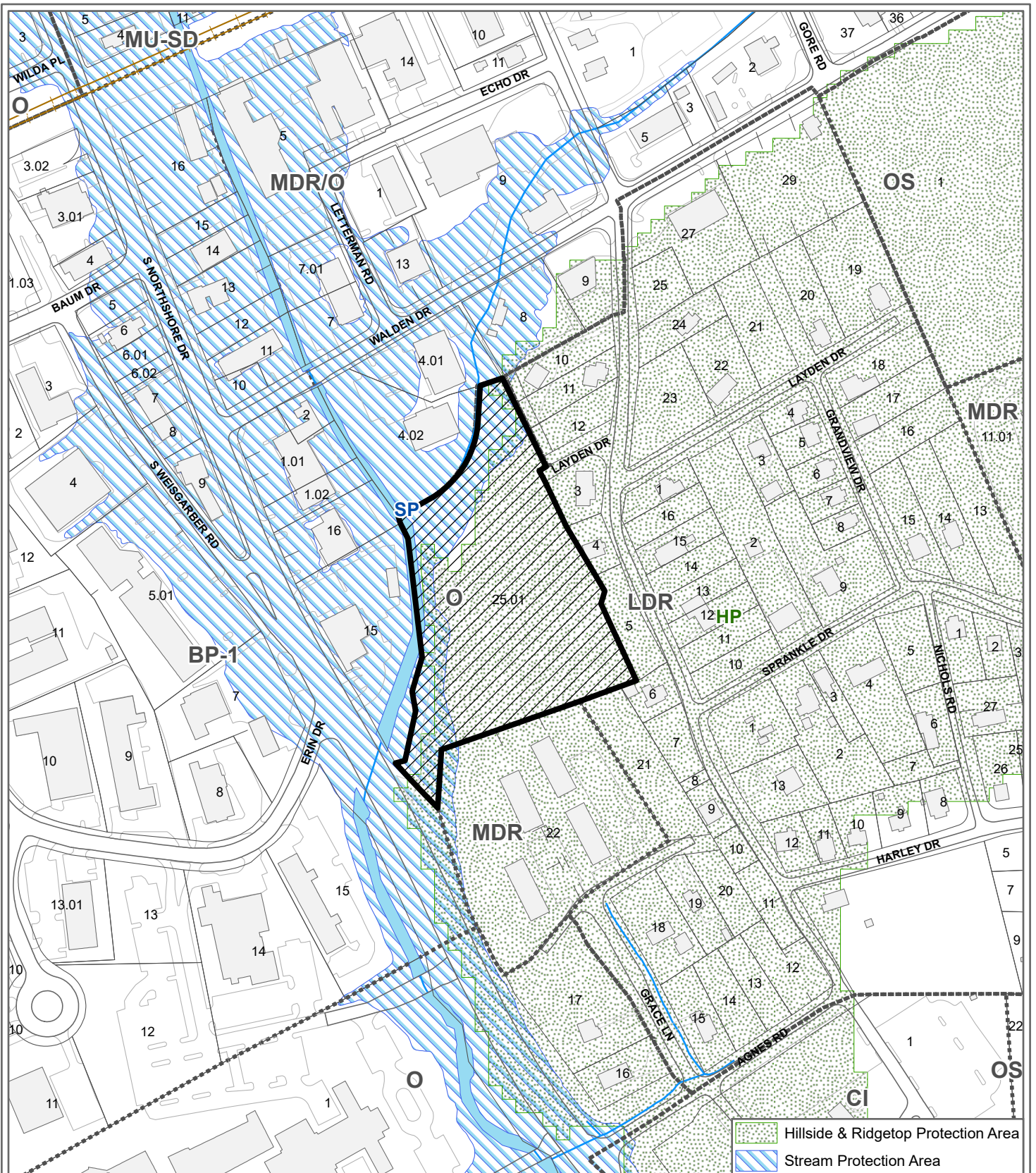
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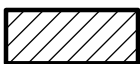


 Hillside & Ridgetop Protection Area
 Stream Protection Area

4-I-22-SP
WEST CITY SECTOR PLAN AMENDMENT

From: O (Office) & HP (Hillside Protection) & SP (Stream Protection)

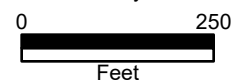
To: MDR/O (Medium Density Residential/Office) & HP (Hillside Protection) & SP (Stream Protection)



Petitioner: DKLEVY Plc

Map No: 121

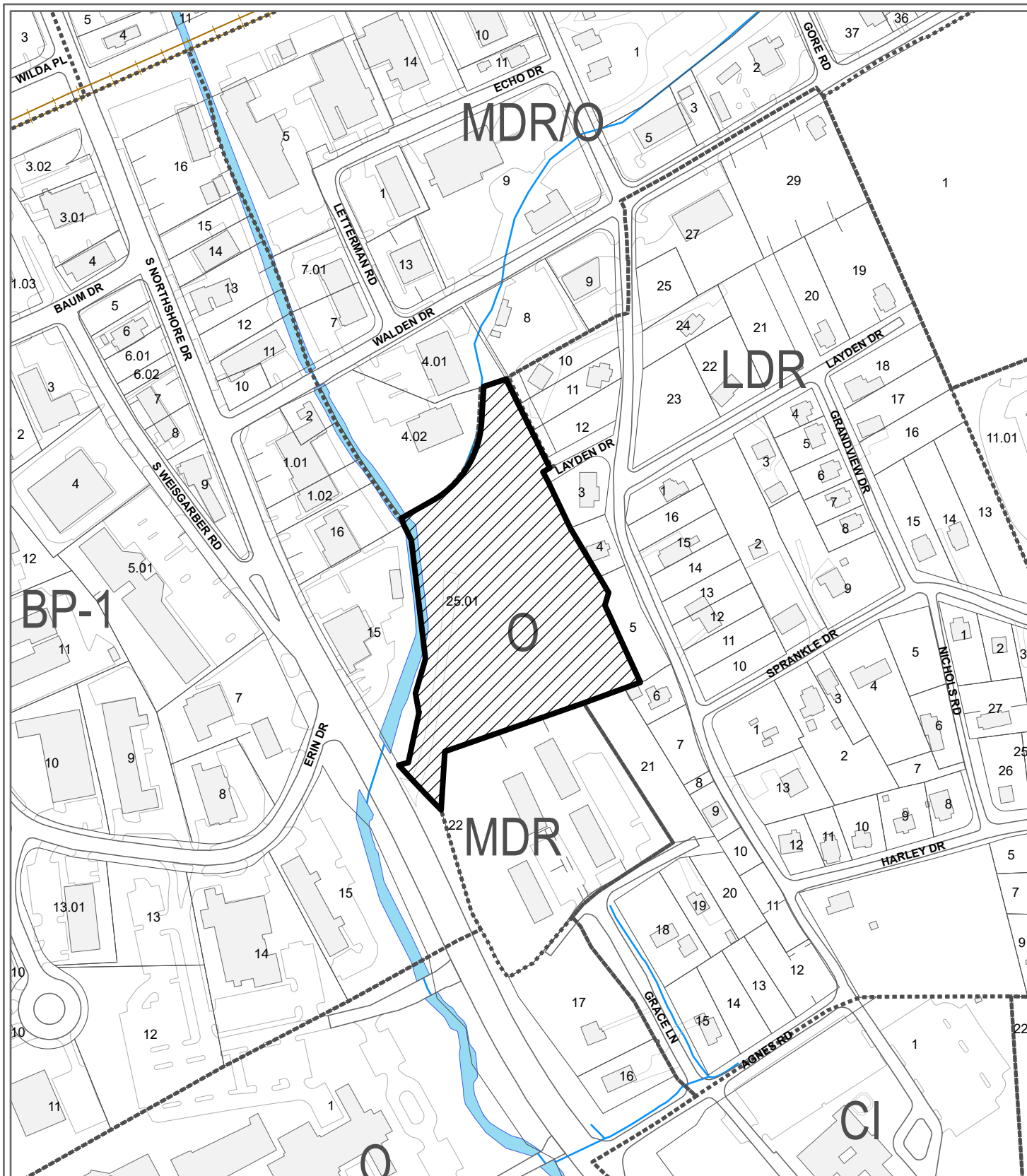
Jurisdiction: City



Original Print Date: 3/7/2022

Revised:

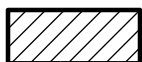
Knoxville - Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902



**4-C-22-PA / 4-Q-22-RZ
PLAN AMENDMENT**

From: O (Office) & HP (Hillside Protection) & SP (Stream Protection)

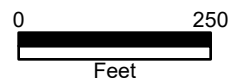
To: MDR/O (Medium Density Residential/Office) & HP (Hillside Protection) & SP (Stream Protection)



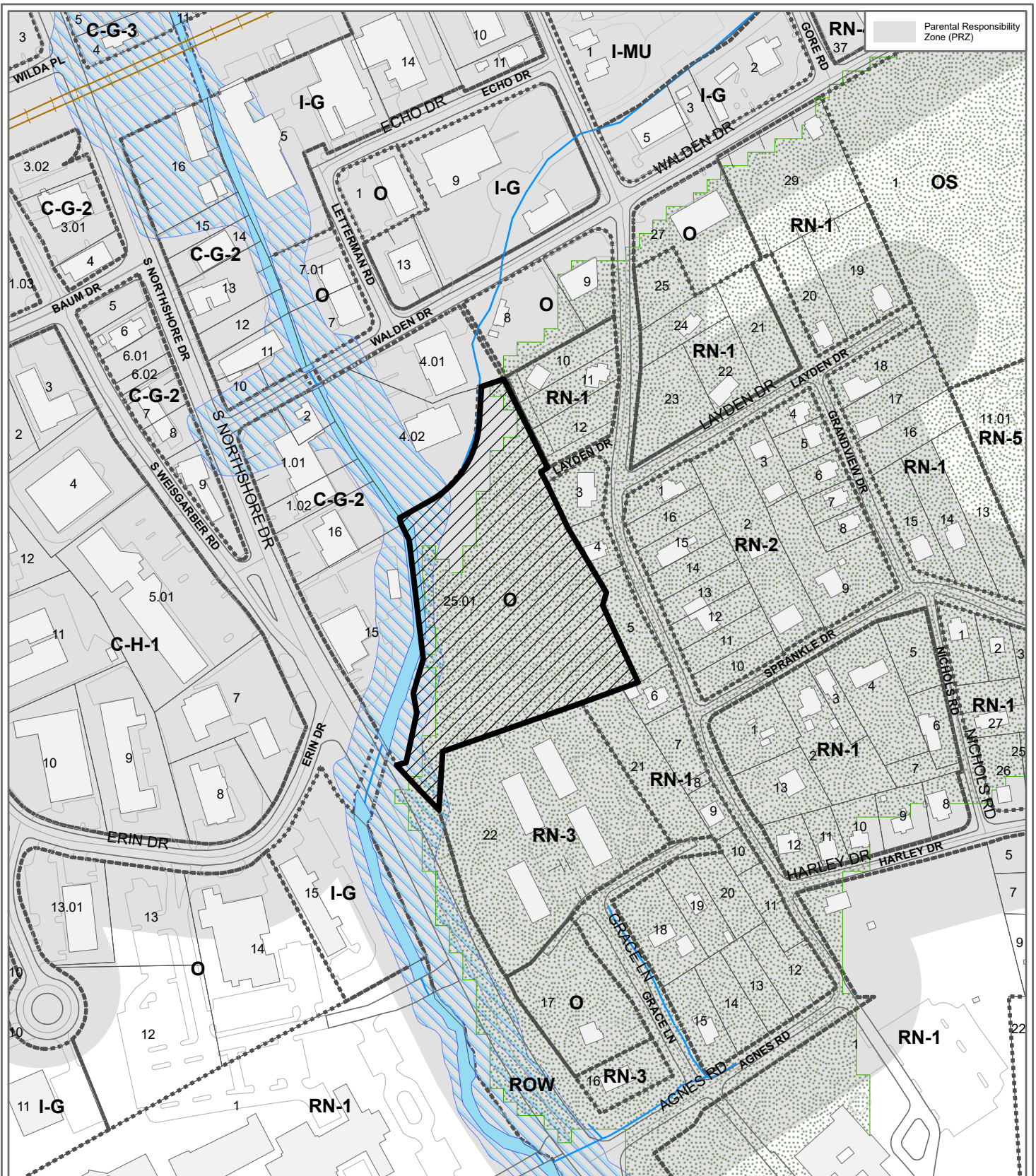
Petitioner: DKLEVY Plc

Map No: 121

Jurisdiction: City



Original Print Date: 3/7/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



**4-Q-22-RZ
REZONING**

From: O (Office) & HP (Hillside Protection) & SP (Stream Protection)

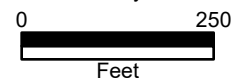
To: RN-6 (Multi-Family Residential Neighborhood) & HP (Hillside Protection) & SP (Stream Protection)



Petitioner: DKLEVY Plc

Map No: 121

Jurisdiction: City



Original Print Date: 3/7/2022

Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE WEST CITY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the West City Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, DKLEVY PLLC has submitted an application for an amendment to the West City Sector Plan for property described in the application; and

WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from Office & Hillside Protection Overlay and Stream Protection Overlay to Medium Density Residential/Office & Hillside Protection Overlay and Stream Protection Overlay consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing on April 14, 2022, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the West City Sector Plan, with its accompanying staff report and map, file #4-I-21-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	0.79	100%	0.8
0-15% Slope	1.29	100%	1.3
15-25% Slope	0.48	50%	0.2
25-40% Slope	0.88	20%	0.2
Greater than 40% Slope	0.53	10%	0.1
Ridgetops	0		
Subtotal: Sloped Land	3.18	<i>Recommended disturbance budget within Hillside Protection Area (acres)</i>	1.8
Total Acreage	3.97		2.5

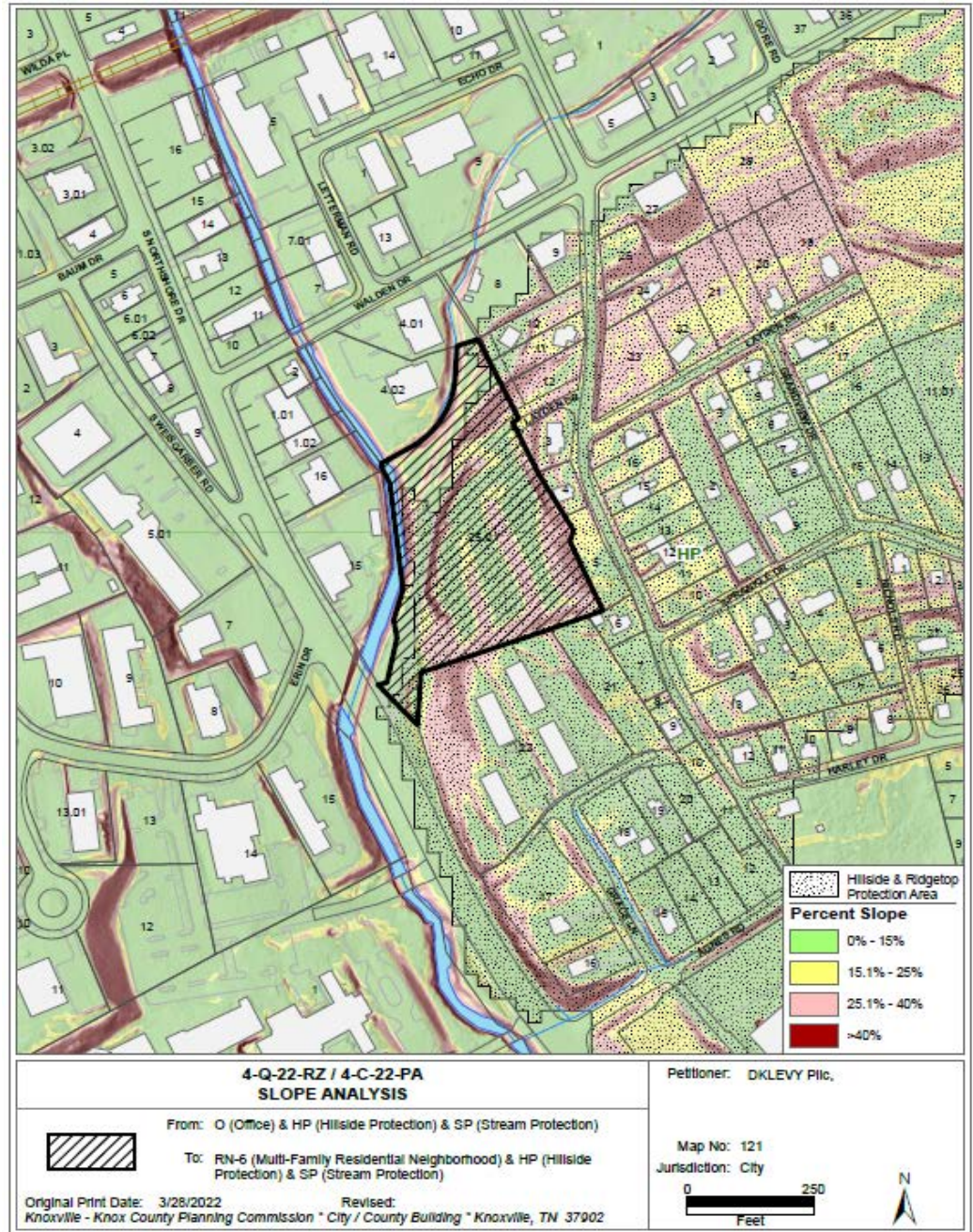


Exhibit A. 4-Q-22-RZ / 4-C-22-PA / 4-I-22-SP Contextual Images

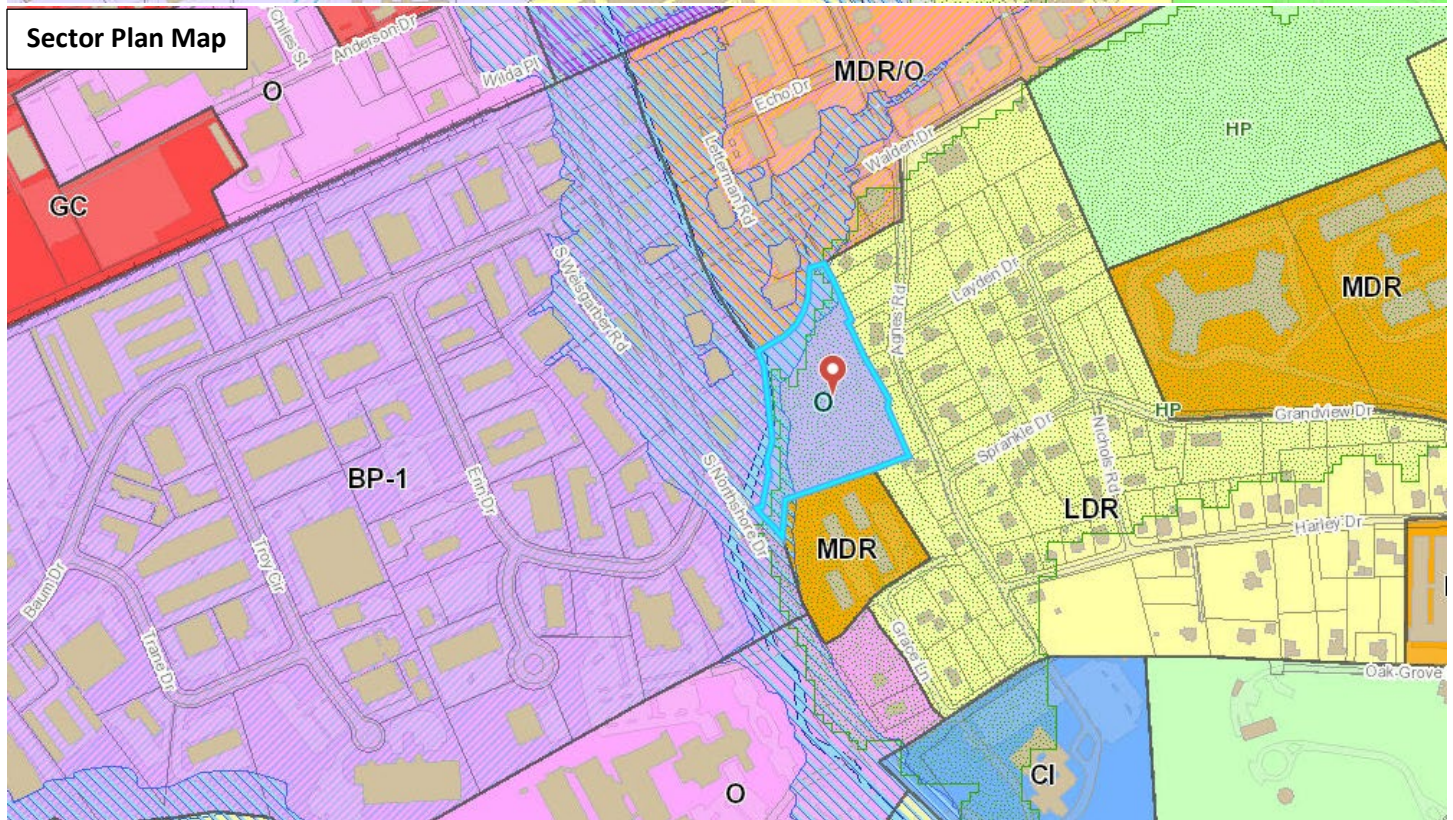
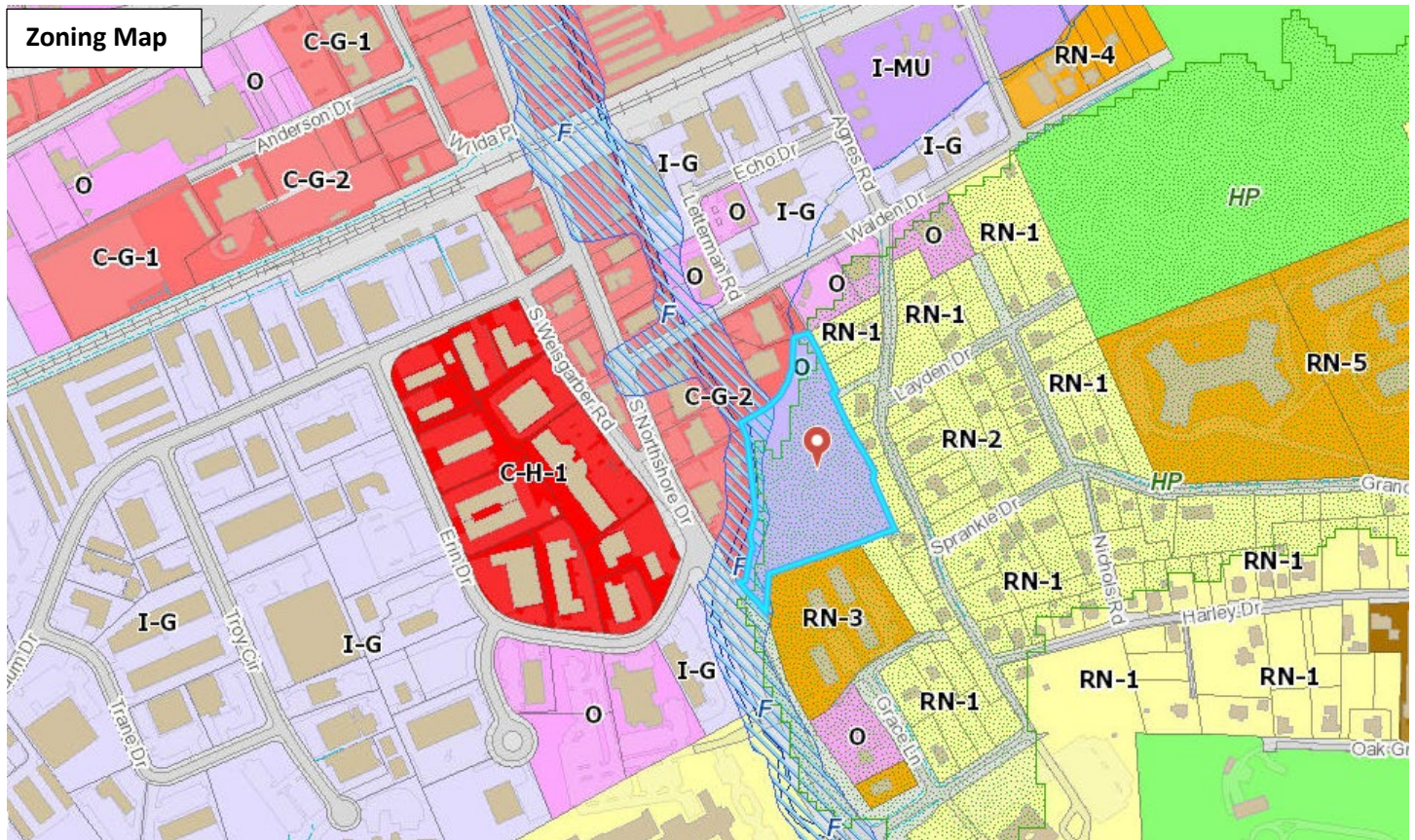
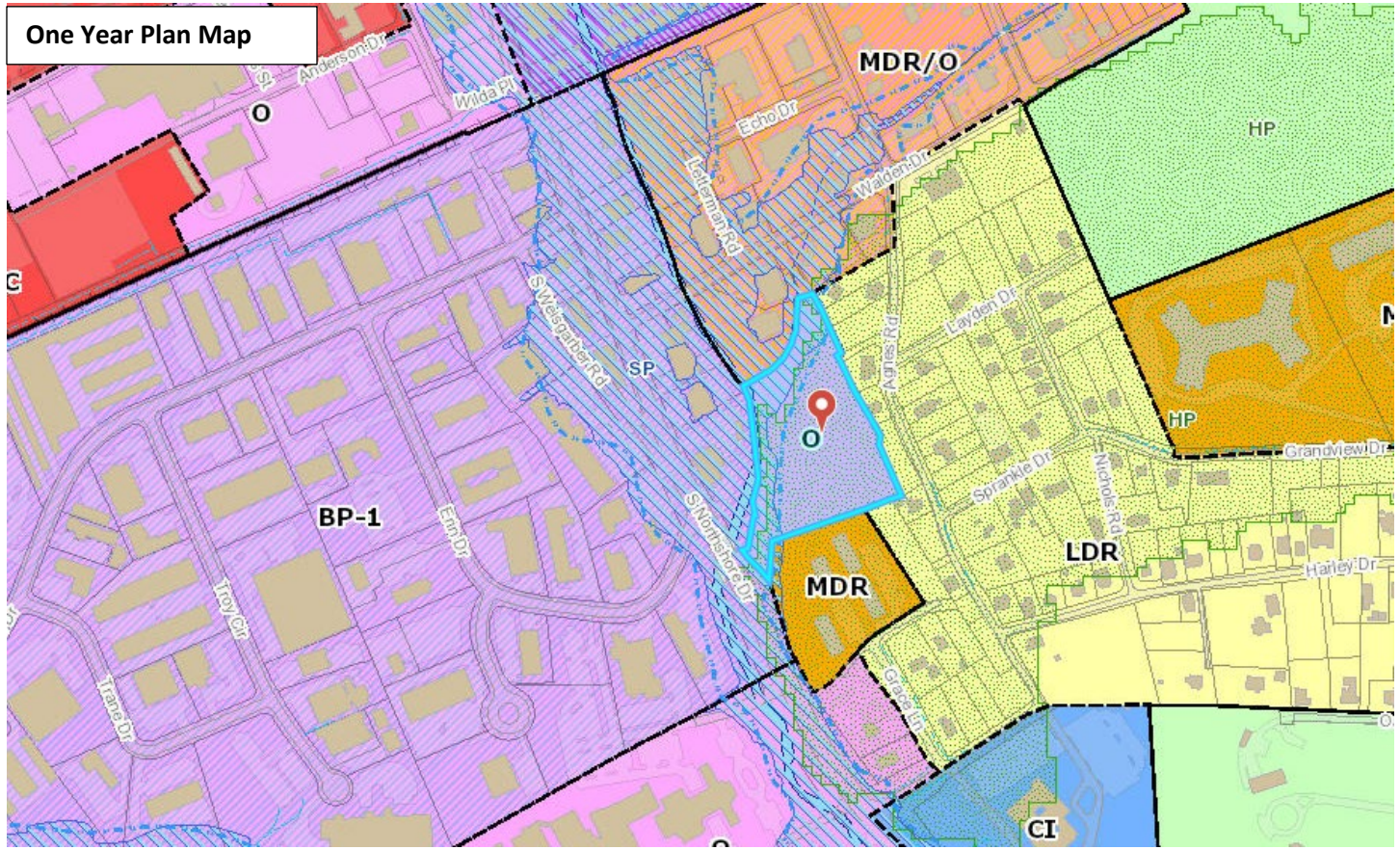


Exhibit A. 4-Q-22-RZ / 4-C-22-PA / 4-I-22-SP Contextual Images





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

DKLEVY pllc

Architect

Applicant Name

Affiliation

02.28.2022

April 14th, 2022

File Number(s)

Date Filed

Meeting Date (if applicable)

4-Q-22-RZ
4-C-22-PA
4-I-22-SP

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Daniel Levy

DKLEVY pllc

Name

Company

3523 Maloney Road

Knoxville

TN

37920

Address

City

State

ZIP

865-474-9264

dlevy@dklevy.com

Phone

Email

CURRENT PROPERTY INFO

610 NORTSHORE LLC

610 NORTSHORE LLC 300 LETTERMAN RD 865-805-9684

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 S NORTSHORE DR

121GC02501

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

East side of S Northshore Dr, west of Anges Rd.

4

General Location

Tract Size

2

O & HP / F

Ag/For/Vac

City County

District

Zoning District

Existing Land Use

West City

O /HP /SP

inside 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-6 & HP / F**
 Proposed Zoning

Plan Amendment Change **MDR/O / HP / SP**
 Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

Other (specify) _____

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
0324	\$600	\$1,500
Fee 2		
0516	\$600	
Fee 3		
0526	\$300	

AUTHORIZATION


 Applicant Signature

DKLEVY pllc

02.28.2022

Please Print

Date

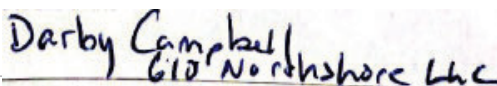
865-474-9264

DLEVY@DKLEVY.COM

Phone Number

Email


 Property Owner Signature


 Please Print

02.28.2022

Date

Levan King Cranston

3/1/22 swm

Exhibit A. 4-Q-22-RZ / 4-C-22-PA / 4-I-22-SP Contextual Images



04/29/2016

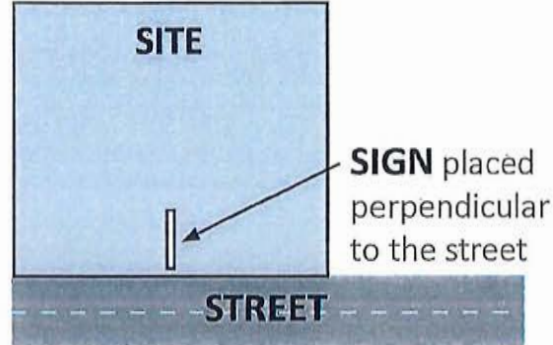


CORRIDOR CONCEPT - CORRIDOR C
WEISGARBER GREENWAY AND BEARDEN GREENWAY TO LAKESHORE GREENWAY
CITY OF KNOXVILLE



C1.0
CORRIDOR CONCEPT

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:

March 30, 2022 and April 15, 2022
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: DK LEVY, PLLC

Date: 3/1/2022

File Number: 4-Q-22-RZ
4-C-22-PA
4-I-22-SP

Sign posted by Staff
 Sign posted by Applicant