

REZONING REPORT

▶ **FILE #:** 4-M-23-RZ

AGENDA ITEM #: 13

AGENDA DATE: 4/13/2023

▶ **APPLICANT:** CRESCENT BEND DEVELOPMENT LLC

OWNER(S): Callahan-Jones Land Company

TAX ID NUMBER: 68 078

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 0 CENTRAL AVENUE PIKE

▶ **LOCATION:** North side of Central Avenue Pike, at northern terminus of Murray Drive

▶ **APPX. SIZE OF TRACT:** 91.24 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Central Avenue Pike, a minor arterial street with a 24-ft pavement width within a 50-ft right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District, Knoxville

Sewer Source: Knoxville Utilities Board, Hallsdale-Powell U

WATERSHED: Knob Fork Creek

▶ **PRESENT ZONING:** AG (General Agricultural), HP (Hillside Protection Overlay)

▶ **ZONING REQUESTED:** RN-6 (Multi-Family Residential Neighborhood);HP (Hillside Protection Overlay)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶
EXTENSION OF ZONE: Yes

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Railroad right-of-way - ROW (Right-of-Way), HP (Hillside Protection Overlay)

South: Public/quasi-public land, office, industry, commercial, single family residential - RN-1 (Single-Family Residential), A (Agricultural), CB (Business & Manufacturing), C-H-1 (Highway Commercial), PC (Planned Commercial), OB

East: Multifamily - RN-6 (Multifamily Residential Neighborhood), HP (Hillside Protection Overlay)

West: Agriculture/forestry/vacant - AG (Agricultural), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: This area has a mix of land uses ranging from multifamily and single family neighborhoods to commercial, office and industrial properties towards Interstate 75.

STAFF RECOMMENDATION:

▶ **Approve RN-6 (Multi-Family Residential Neighborhood) and HP (Hillside Protection Overlay) zoning**

because it is consistent with the sector plan and compatible with surrounding development.

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, 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 located along an arterial road, not far from an interstate interchange and adjacent to existing RN-6 (Multif-Family Residential Neighborhood) zoning. There are service-oriented commercial hubs a short distance in both directions on Central Avenue Pike. Considering the enduring high demand for a range of housing options in the City, RN-6 is an appropriate zoning district for this location.

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

1. The RN-6 zoning district is intended to accommodate high density neighborhoods characterized by a mix of all housing types including single-family, two-family, townhomes, and multifamily. Limited nonresidential uses that are compatible with the character of the area may also be permitted.
2. This request is a minor extension of RN-6 zoning from the east where there is a large multifamily neighborhood. The location and surroundings are appropriate for the types of uses permitted in the RN-6 district.

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. Approximately 2/3 of the subject property is within the HP (Hillside Protection) overlay of the Blackoak Ridge. Most of the slopes are below a 25% grade. The slope analysis provides a disturbance budget maximum of 45.19 acres of the 61.5 acres that are within the HP area. Clearing and grading should not exceed previous disturbance on the site or the disturbance limitation in the slope analysis, whichever is greater.
2. Issues of traffic, road access and stormwater will be reviewed by City Engineering for compliance with best management practices and safety at the time of design review and permitting. This will mitigate adverse impacts in these subject areas.

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 North City Sector Plan's Mixed Use Special District for this area permits medium density residential and office uses. The equivalent land use classification of MDR/O (Medium Density Residential/Office) permits RN-6 zoning as requested. The plan district also describes conservation of steep slopes, which is enforced through the HP overlay.
2. The rezoning is consistent with the property's Urban Growth Area designation in the Growth Policy Plan. This area prioritizes a reasonably compact pattern of development to promote expansion of the Knoxville- Knox County economy and offer a wide range of housing choices.
3. The proposed rezoning aligns with the General Plan's development policy 5.2, which encourages development in areas with excess utility capacity or where utilities may be easily extended. Utility mapping for this area shows water and sewer access to the subject property.

ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. Public infrastructure and utilities in the area are adequate for the development potential of the RN-6 zoning district.

ESTIMATED TRAFFIC IMPACT: 0 (average daily vehicle trips)

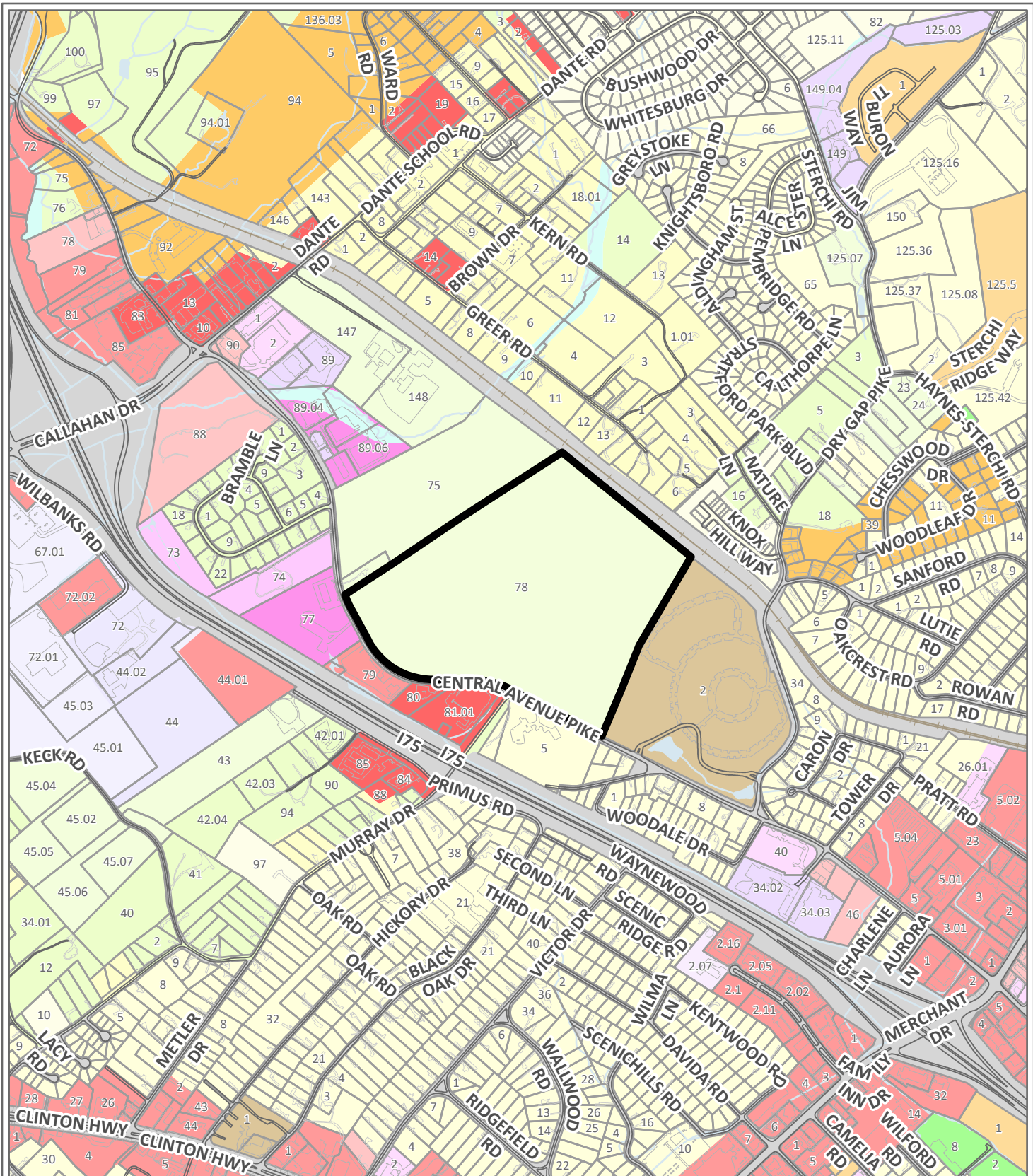
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: Not applicable.

Schools affected by this proposal: Sterchi Elementary, Gresham Middle, and Central 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 5/16/2023 and 5/30/2023. 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.



ZONING MAP

4-M-23-RZ

Petitioner: Crescent Bend Development LLC



From: AG (General Agricultural), HP (Hillside Protection Overlay)

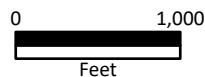
To: RN-6 (Multi-Family Residential Neighborhood);HP (Hillside Protection Overlay)

Map No: 68

Jurisdiction: City

Original Print Date: 4/4/2023

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





Request to Postpone • Table • Withdraw

Crescent Bend Development LLC

4/7/2023

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

April 13, 2023

Scheduled Meeting Date

4-M-23-RZ

File Number(s)

POSTPONE

POSTPONE: All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: 30 days 60 days 90 days

Postpone the above application(s) until the May 11, 2023 Planning Commission Meeting.

WITHDRAW

WITHDRAW: Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

TABLE: Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

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

Taylor D. Forrester

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, email=gtd@lrwlaw.com, o=LRW Law Firm, ou=LRW Law Firm, c=US
Reason: I am the author of this document
Location: Knoxville, TN
Date: 2023.04.07 13:52:00

Taylor D. Forrester

Applicant Signature

Please Print

865-584-4040

tforrester@lrwlaw.com

Phone Number

Email

STAFF ONLY

Michael Reynolds

Digitally signed by Michael Reynolds
Date: 2023.04.10 08:23:01 -04'00'

Michael Reynolds

No Fee

Staff Signature

Please Print

Date Paid

Eligible for Fee Refund? Yes No

Amount:

Approved by:

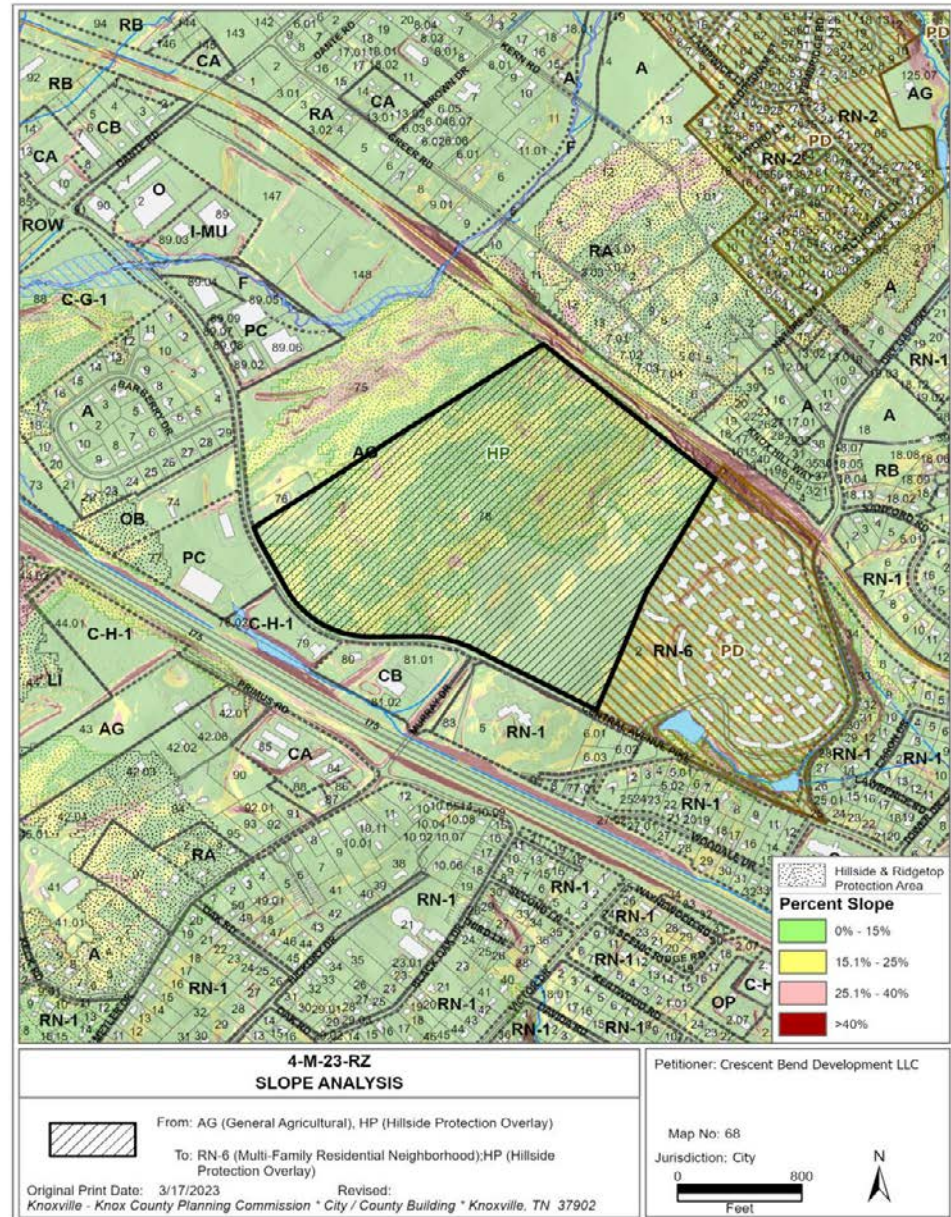
Date:

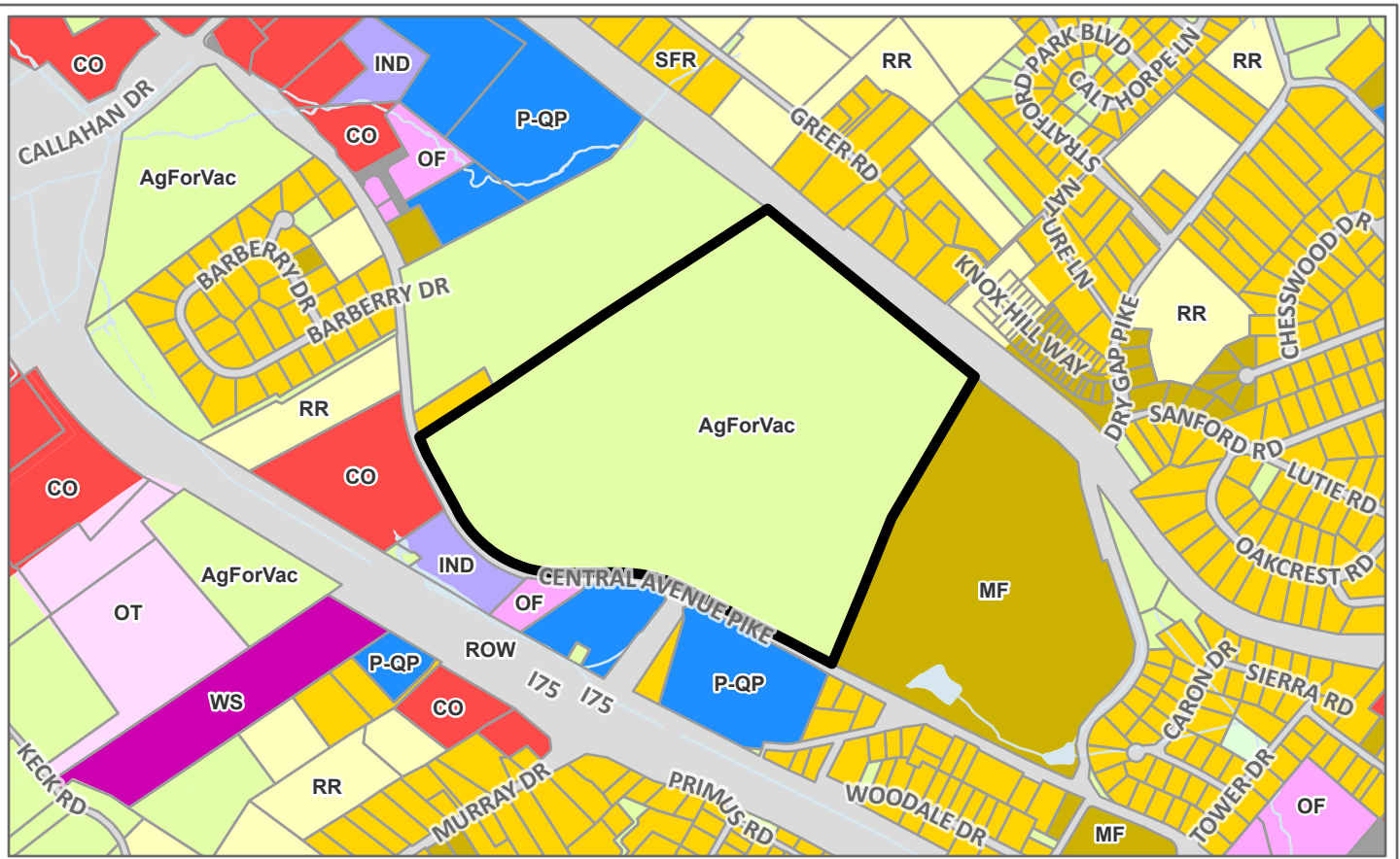
Payee Name

Payee Phone

Payee Address

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	91.19		
Non-Hillside	29.69	N/A	
0-15% Slope	30.52	100%	30.52
15-25% Slope	28.31	50%	14.16
25-40% Slope	2.49	20%	0.50
Greater than 40% Slope	0.18	10%	0.02
Ridgetops			
Hillside Protection (HP) Area	61.50	Recommended disturbance budget within HP Area (acres)	45.19
		Percent of HP Area	0.73



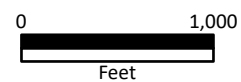


Existing Land Use and Aerial Maps

4-M-23-RZ



Case boundary



LAND USE CLASSIFICATIONS

The following classifications are an abbreviated form of the sector plan land use classification system and reflect the designations on the Land Use Plan map.

Mixed Use Special Districts (Sector designation, MU, and reference number): Areas designated to address urban design, pedestrian and transit-oriented development and vertical mixed use in specific circumstances. In this plan, these areas are designated as Mixed Use-North City# (MU-NC#).

MU-NC1: Slope Protection Area, Low Density Residential, Medium Density Residential and/or Office	
<p>Location: <i>East side of Central Avenue Pike, north of Steeplechase Apartments</i> Because these parcels are located along an arterial road, not far from an interstate interchange and next to existing medium density residential these land uses are proposed to foster conservation of the steep slopes, recognizing that the flatter portions of the site should be used for the most intense uses.</p>	<p>Recommended Zoning: Planned Residential, Office Park (O-3) or other zoning requiring site plan review</p>
MU-NC2: Office and Neighborhood Commercial	
<p>Location: <i>North side of Shasta Drive</i> This area is experiencing significant development pressure from commercial properties facing Merchant Drive which have been developed on shallow lots. Concerns were raised about the impact of commercial uses on the existing neighborhoods. This district will require a buffer, including landscaping, at the rear of the commercial properties that could be a linear park space or deeded open space. Additionally, no commercial access should be allowed from or to Shasta Drive – all commercial traffic will access these parcels from Merchant Drive.</p>	<p>Recommended Zoning: Neighborhood Commercial (C-1) and Office (O-1) with buffer provisions</p>
MU-NC3: Low Density Residential, Medium Density Residential and/or Residential-Office	
<p>Location: <i>South side of Shasta Drive</i> In view of the relatively small lot sizes and the existing housing, this mix of uses is proposed to foster conservation of the existing residential while allowing office uses that would have complementary design standards to the residential units of this street.</p>	<p>Recommended Zoning: Low Density Residential (R-1), General Residential District (R-2) and new residential office zone</p>
MU-NC4: Slope Protection Area, Civic/Institutional, Low Density Residential, Medium Density Residential and/or Residential-Office	
<p>Location: <i>North side of Dutch Valley Road (one lot deep), west of Plummer Road</i> This area acts as a transition space between the low density residential uses to the north and the light industrial and commercial uses to the south of Dutch Valley Road. Design standard for residential office use should be adopted and implemented in order to preserve and promote the residential character of this area, including pitched roofs, front doors facing the street, parking to the side or rear with a landscape buffer. Additionally, slope protection, civic and institutional uses, low density and medium density residential are proposed to promote this area as a transition from low density residential to industrial uses.</p>	<p>Recommended Zoning: Low Density Residential (R-1A), Planned Residential District (RP-1, at up to 12 dwelling units per acre) and new residential-office zone</p>
MU-NC5: Stream Protection Area, Medium Density Residential, Office, Commercial and/or Civic Institutional	
<p>Location: <i>Current shopping center between Adair Drive and Woodrow Drive</i> This area is appropriate for a vertical mixed use development or center. It is located on a major arterial and major collector road and has transit service near by on Broadway. Residential densities of 12 to 24 dwelling units/acre are appropriate within the area and could be accommodated as apartments above retail or office. The surrounding land uses is primarily low or medium density residential. The buildings of this center should be designed to form a transition from high intensity commercial uses along Broadway to lower intensity residential uses. Additionally, a unique opportunity would be to “daylight” First Creek by removing the asphalt parking lot over the Creek and provide vegetation and viewing areas for this mixed use development.</p>	<p>Recommended Zoning: A design- or form-based zoning code</p>



Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Crescent Bend Development LLC

Applicant Name

Affiliation

2/24/2023

4/13/2023

4-M-23-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

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

Taylor D. Forrester Long, Ragsdale and Waters, PC

Name / Company

1111 N. Northshore Dr. Dr. Suite S-700 Knoxville TN 37919

Address

865-584-4040 / tforrester@lrwlaw.com

Phone / Email

CURRENT PROPERTY INFO

Callahan-Jones Land Company

PO Box 9539 Knoxville TN 37940

Owner Name (if different)

Owner Address

Owner Phone / Email

0 CENTRAL AVENUE PIKE

Property Address

68 078

91.24 acres

Parcel ID

Part of Parcel (Y/N)?

Tract Size

Knoxville Utilities Board, Hallsdale-Powell U

Hallsdale-Powell Utility District, Knoxville

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Central Avenue Pike, at northern terminus of Murray Drive

General Location

City

Council District 5

AG (General Agricultural), HP (Hillside Protection Overlay)

Agriculture/Forestry/Vacant Land

County District

Zoning District

Existing Land Use

North City

MU-SD (Mixed Use Special District), HP (Hillside Protectio

Urban Growth Area (Inside City Limits)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change RN-6 (Multi-Family Residential Neighborhood);HP (Hillside Protection Over	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Zoning Requests	
Additional Information	

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	\$5,000.00	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	Fee 2	
	Fee 3	

AUTHORIZATION

Applicant Signature	Crescent Bend Development LLC Please Print	2/24/2023 Date
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Phone / Email	Callahan-Jones Land Company Please Print	2/24/2023 Date
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I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



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

Crescent Bend Development

Owner

Applicant Name

Affiliation

April 13, 2023

File Number(s)

Date Filed

Meeting Date (if applicable)

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

Taylor D. Forrester

Long, Ragsdale & Waters, PC

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

965-584-4040

TForrester@lrwlaw.com

Phone

Email

CURRENT PROPERTY INFO

Callahan-Jones Land Company

P.O. Box 9539, Knoxville, TN 37940

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Central Avenue Pike

068 078

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential Home Occupation (specify) _____ Other (specify) _____	Related City Permit Number(s)
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SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number <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 REQUEST

<input checked="" type="checkbox"/> Zoning Change RN-6 Proposed Zoning _____ <input type="checkbox"/> Plan Amendment Change Proposed Plan Designation(s) _____	Pending Plat File Number
Proposed Density (units/acre) _____	Previous Rezoning Requests _____
<input type="checkbox"/> Other (specify) _____	

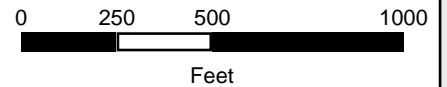
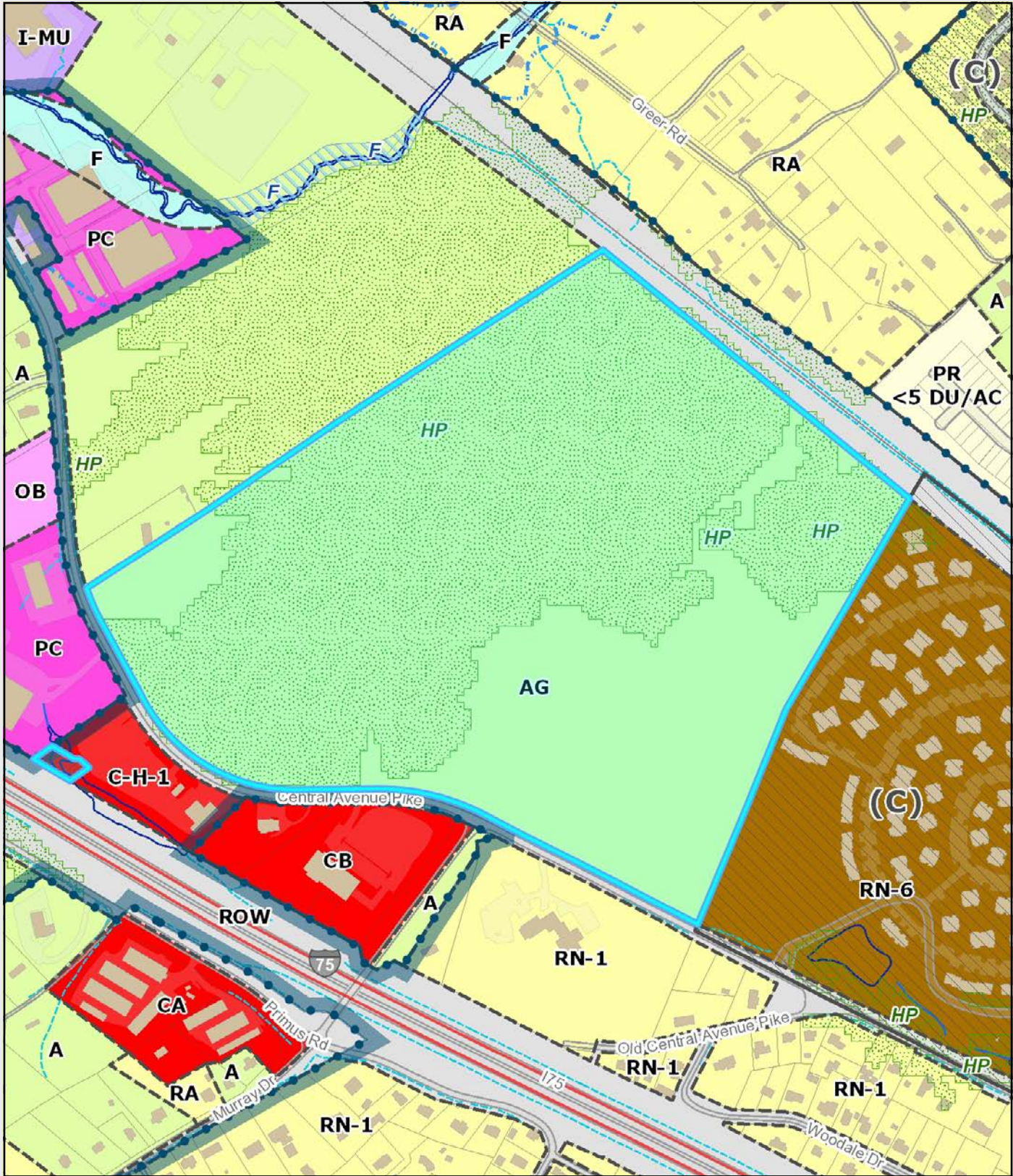
STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Use on Review / Special Use (Concept Plan) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist (Hillside Protection)	<table border="1"> <tr> <td>Fee 1</td> <td rowspan="3">Total</td> </tr> <tr> <td>Fee 2</td> </tr> <tr> <td>Fee 3</td> </tr> </table>	Fee 1	Total	Fee 2	Fee 3
Fee 1	Total				
Fee 2					
Fee 3					

AUTHORIZATION

	Crescent Bend Development	2/24/23
Applicant Signature	Please Print	Date
865-444-2145	pjmurphy@crescentbenddev.com	
Phone Number	Email	
	Callahan - Jones Land Co.	2/24/2023
Property Owner Signature	Please Print	Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.

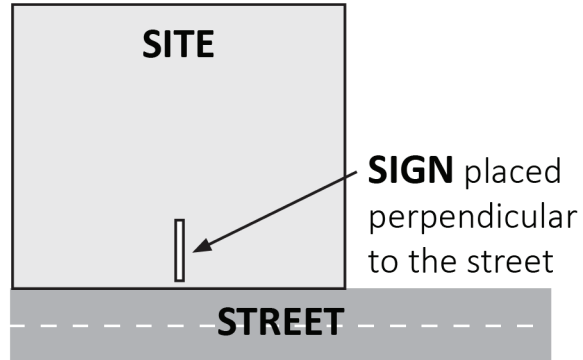


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, 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:

_____ March 31, 2023 _____ and _____ April 14, 2023 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Crescent Bend Development LLC

Date: 2/24/2023

File Number: 4-M-23-RZ



Sign posted by Staff



Sign posted by Applicant