



MEMORANDUM

TO: Knoxville-Knox County Planning Commission
FROM: Jessie Hillman, Principal Planner
DATE: July 13, 2023
SUBJECT: **7-B-23-OB** Agenda Item #27
Article 3.2.C. Administrative Mapping Errors - Administrative map error correction for parcel ID 071IB019 at 534 N Burns Street

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission, under Article 3.2.C of the City of Knoxville Zoning Ordinance, remove the (C) designation for parcel 071IB019 to correct a map error as evidenced on the attached map (Exhibit A).

BACKGROUND:

The (C) designation on the zoning map indicates the presence of a previously approved planned district per Article 1.4.G. This designation was applied upon the effective date of the current zoning ordinance on January 1, 2020. The purpose of this designation is to provide a visual cue that plans may have been approved for the parcels with this designation prior to the adoption of the current code.

Under Transition Rules, Article 1.4.G, all previously approved planned districts were to remain in effect, subject to all plans, regulations, and conditions of their approval after the current zoning code became effective. The code goes on to say that changes to a previously approved planned district, or request to remove a planned district, shall be made through the special use process.

There are some instances where the (C) designation has been applied, but no plans were ever submitted or approved for the property. Therefore, there are no previous plans or conditions placed on those properties. In these instances, the City has determined that the planned district designation can be removed per Article 3.2.C, and the property can be developed according to the standards of the current zoning. This determination is reflected in the attached memo from the Zoning Code Administrator.

SUBJECT PROPERTY:

An administrative map error was discovered when reviewing parcel 0711B019 located at 534 N Burns Street. This parcel is part of a larger area that was previously zoned RP-1 (Planned Residential). The majority of this area is now zoned RN-1 with a (C) designation.

Prior to the adoption of the new zoning ordinance, this property never had an approved plan associated with it. The use on review case 6-C-95-UR located within the subject parcel boundary was for the development of a telecommunication tower, and is not tied to an RP-1 district development plan.



Code Interpretation

DATE: July 11, 2023
FROM: Peter Ahrens, Zoning Code Administrator
TO: Amy Brooks, Executive Director, Knoxville-Knox County Planning
RE: Previously Approved Planned Districts

Ms. Brooks,

You asked me to make a Zoning Code interpretation regarding the following question: when a property does not have a development plan approved by the Planning Commission on file, how can the property owner remove from the Zoning Map the "(C)" designation for previously approved planned districts?

Our current Zoning Code at Article 1.4.G, Transition Rules, states:

G. Previously Approved Planned Districts

1. As of the effective date of this Code, all previously approved planned districts of RP-1, RP-2, RP-3, PC-1, PC-2, SC-1, SC-2, SC-3, I-1, BP-1, TND-1, and TC-1 remain in effect and are subject to all plans, regulations, and/or conditions of their approval.
2. For the purposes of the Zoning Map, previously approved planned districts will be designated with a "(C)."
3. Any changes to a previously approved planned district, or request to remove the planned district designation from a property shall be made through the special use process in Section 16.2.

The prior Zoning Code at Article IV.3.0, Planned Development Districts – General Provisions, stated as follows:

3.0. General Provisions

Planned development districts allow development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the basic district provisions of this article. As part of the zoning approval process, public review and metropolitan planning commission approval of development plans are required prior to any development. The planned development district may permit a greater mixing of land uses not easily accomplished by the application of basic district boundaries, or a framework for coordinating

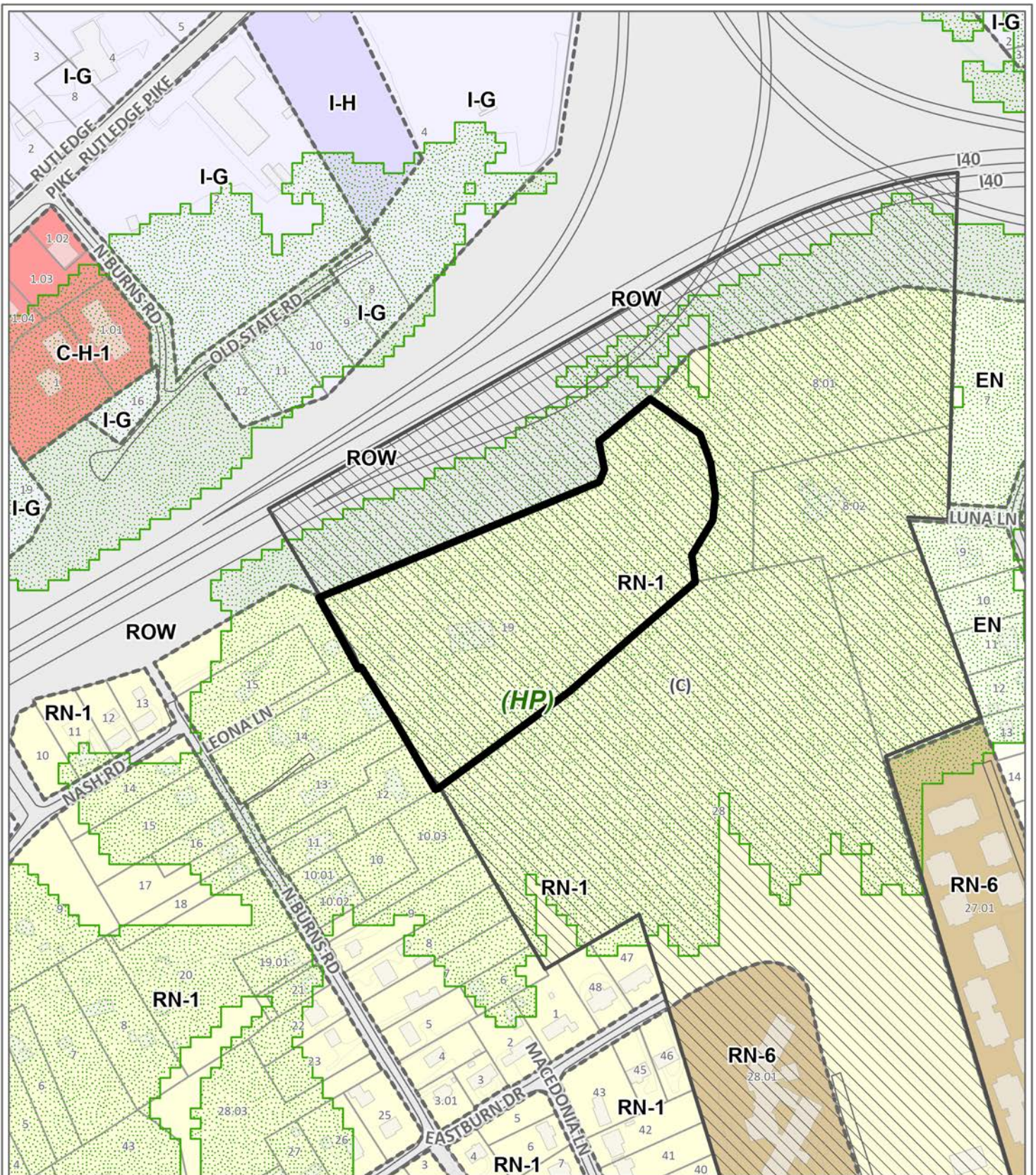
the development of land with the provision of an adequate roadway system or essential utilities and public services. In return, the planned development district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

Properties that had a previously approved planned district in place under the old Zoning Code were required to have a development plan approved in order for the owner to be able to take advantage of the flexibility a planned district offered. If a property owner did not get a development plan approved by the Planning Commission, the planned district designation on the official Zoning Map should not have been carried over to the new Zoning Map, which went into effect on January 1, 2020. In these cases, the appropriate way to remove the planned district designation on the official Zoning Map is through the administrative mapping error process under Article 3.2.C. of the current Zoning Code. Appeals of this Code interpretation may be initiated under Article 16.9.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Ahrens", written in a cursive style.

Peter M. Ahrens
Zoning Administrator



OTHER BUSINESS

7-B-23-OB

Petitioner: Knoxville-Knox County Planning



Proposed administrative map error correction and modification to the Official Zoning Map to properly address an administrative error and remove the previously approved planned district (C) designation for property located at 534 N. Burns Rd.

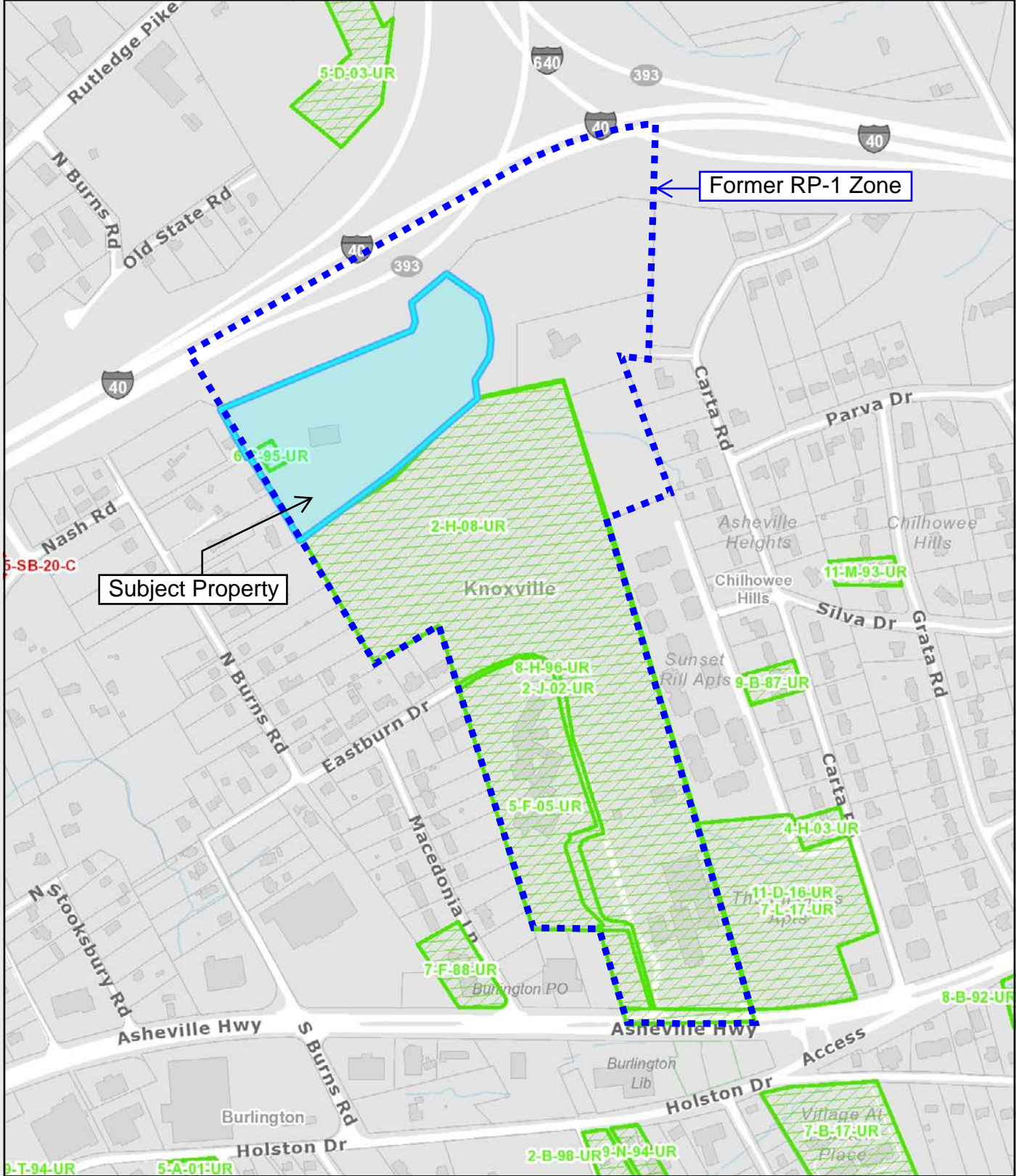
Map No: 071

Jurisdiction: City

Original Print Date: 6/20/2023

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





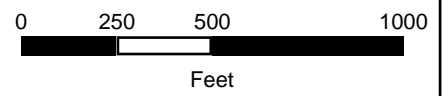
Subject Property

Former RP-1 Zone

7-B-23-OB

Exhibit A

534 North Burns Road



KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2023

Printed: 7/5/2023 11:51:24 AM