

REZONING REPORT

► **FILE #:** 3-B-23-RZ

AGENDA ITEM #: 10

AGENDA DATE: 3/9/2023

► **APPLICANT:** DOWELL SPRINGS COMPANY

OWNER(S): Jerry Bodie White Realty

TAX ID NUMBER: 106 D A 009.14 (PART OF)

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 0 DOWELL SPRINGS BLVD (Part of)

► **LOCATION:** Northern terminus of Dowell Springs Blvd.

► **APPX. SIZE OF TRACT:** 12.2 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Dowell Springs Blvd., a local street with a 22-ft pavement width within a 50-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT ZONING:** OP (Office Park) and HP (Hillside Protection Overlay)

► **ZONING REQUESTED:** RN-5 (General Residential Neighborhood) and HP (Hillside Protection Overlay)

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

►

EXTENSION OF ZONE: Yes

HISTORY OF ZONING: 12-J-97-RZ: A-1/O-1 to O-3/RP-1; 4-AA-94-RZ: A-1 to O-1; 7-D-00-RZ: A-1/O-3/RP-1 to C-6/O-1/O-3/RP-1

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant - RN-5 (General Residential Neighborhood)

South: Public/quasi-public - OP (Office Park)

East: Industrial, office, commercial - I-G (General Industrial)

West: Rural residential, agriculture/forestry/vacant - AG (Agricultural)

NEIGHBORHOOD CONTEXT: This property is at the end of an office park development in an area where there are office, commercial and industrial uses as well as single family and multifamily residential uses to the west.

STAFF RECOMMENDATION:

► **Approve RN-5 (General Residential Neighborhood) and HP (Hillside Protection Overlay) zoning because it is consistent with the sector plan and provides a transition of land use intensities.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E.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. There has been significant and ongoing office and multifamily residential development occurring on properties on or near Dowell Springs Boulevard since the late 1990s.
2. The RN-5 (General Residential Neighborhood) zoning district is a minor extension of RN-5 zoning from the north, and an appropriate zoning consideration at this location.

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

1. The RN-5 zoning district is intended for medium density residential development, including single family, duplex, townhouse and multifamily dwellings. Pocket neighborhoods, consisting of homes clustered around a common area, are also permitted in this district. The zoning ordinance describes how RN-5 can serve as a transition from low density residential neighborhoods to more intensely developed commercial areas.
2. Considering the subject property's location between office and commercial uses to the east and single family and multifamily neighborhoods to the west, RN-5 provides appropriate transition of land use intensities, as intended by the zoning ordinance.

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. Much of the subject property is located in the Hillside Protection (HP) area, though it was predominantly cleared and graded before those protections were adopted. Any future development plan would go through an HP area review to ensure that the proposed disturbance does not exceed the slope analysis disturbance budget in combination with the the existing disturbed area. Stormwater management plans would be also be reviewed by City Engineering at the time of permitting.
2. While it may be uncommon to have a medium density residential development at the end of an office park cul-de-sac, these uses are not inherently incompatible. Dowell Springs Blvd and Old Weisgarber Rd are classified collector street. Both streets have sidewalks, are in excellent condition and are up to contemporary standards in terms of road width and sight distance. Considering the complementary hours of operation for office and residential uses, the proposed residential zoning is not anticipated to have a significant adverse impact on surrounding traffic.

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 consistent with the property's MDR/O (Medium Density Residential/ Office) land use classification in the Northwest County Sector Plan and the One Year Plan.
2. RN-5 zoning is not in conflict with the General Plan, the Growth Policy Plan or any other adopted plans.

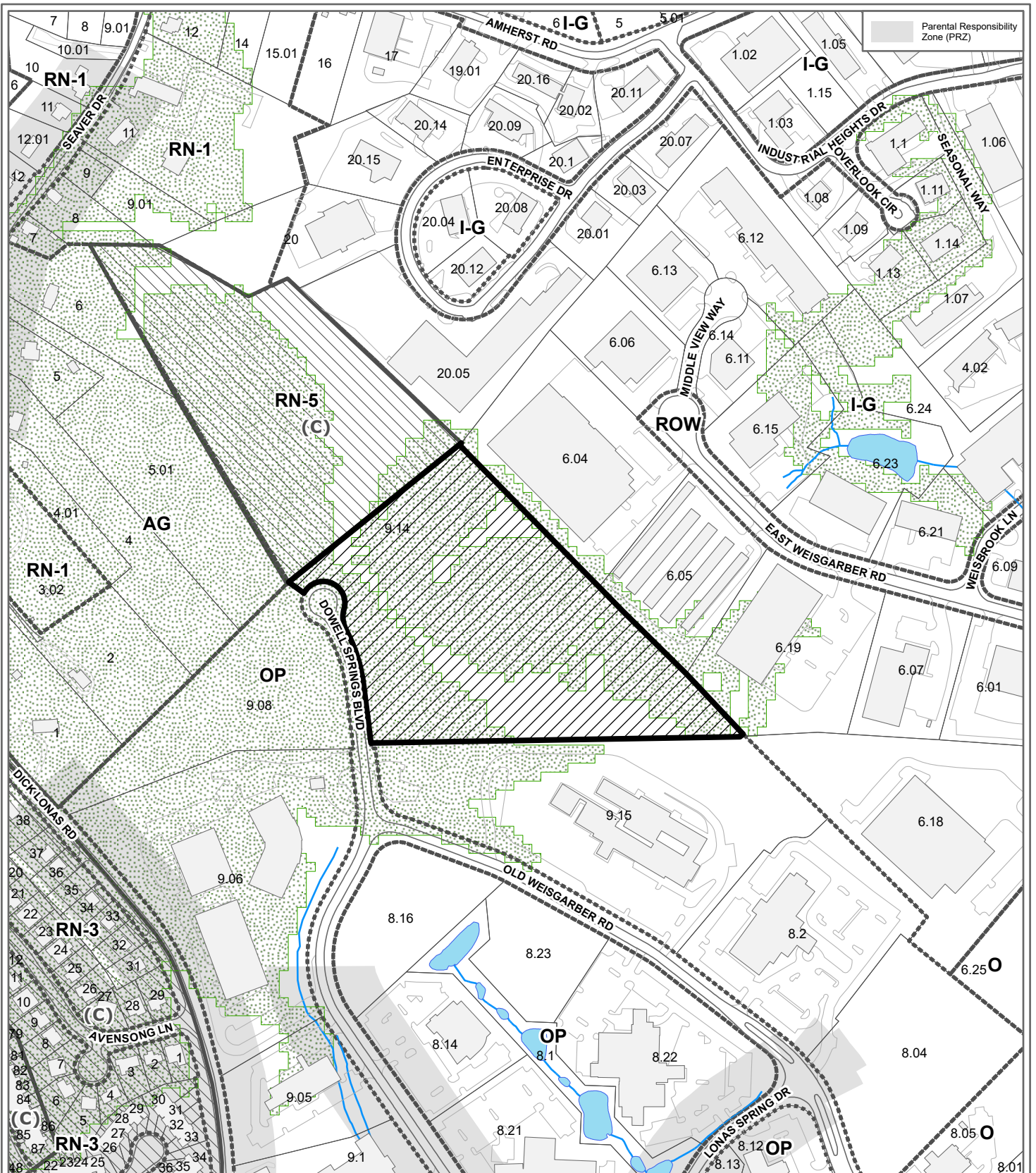
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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.

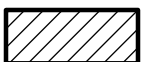
If approved, this item will be forwarded to Knoxville City Council for action on 4/4/2023 and 4/18/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



3-B-23-RZ REZONING

From: OP (Office Park) and HP (Hillside Protection Overlay)

To: RN-5 (General Residential Neighborhood) and HP (Hillside Protection Overlay)



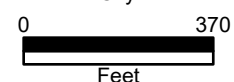
Original Print Date: 2/14/2023
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Dowell Springs Company

Map No: 106

Jurisdiction: City



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	12.44		
Non-Hillside	2.96	N/A	
0-15% Slope	3.55	100%	3.55
15-25% Slope	2.05	50%	1.02
25-40% Slope	2.73	20%	0.55
Greater than 40% Slope	1.15	10%	0.12
Ridgetops			
Hillside Protection (HP) Area	9.48	Recommended disturbance budget within HP Area (acres)	5.23
		Percent of HP Area	0.6

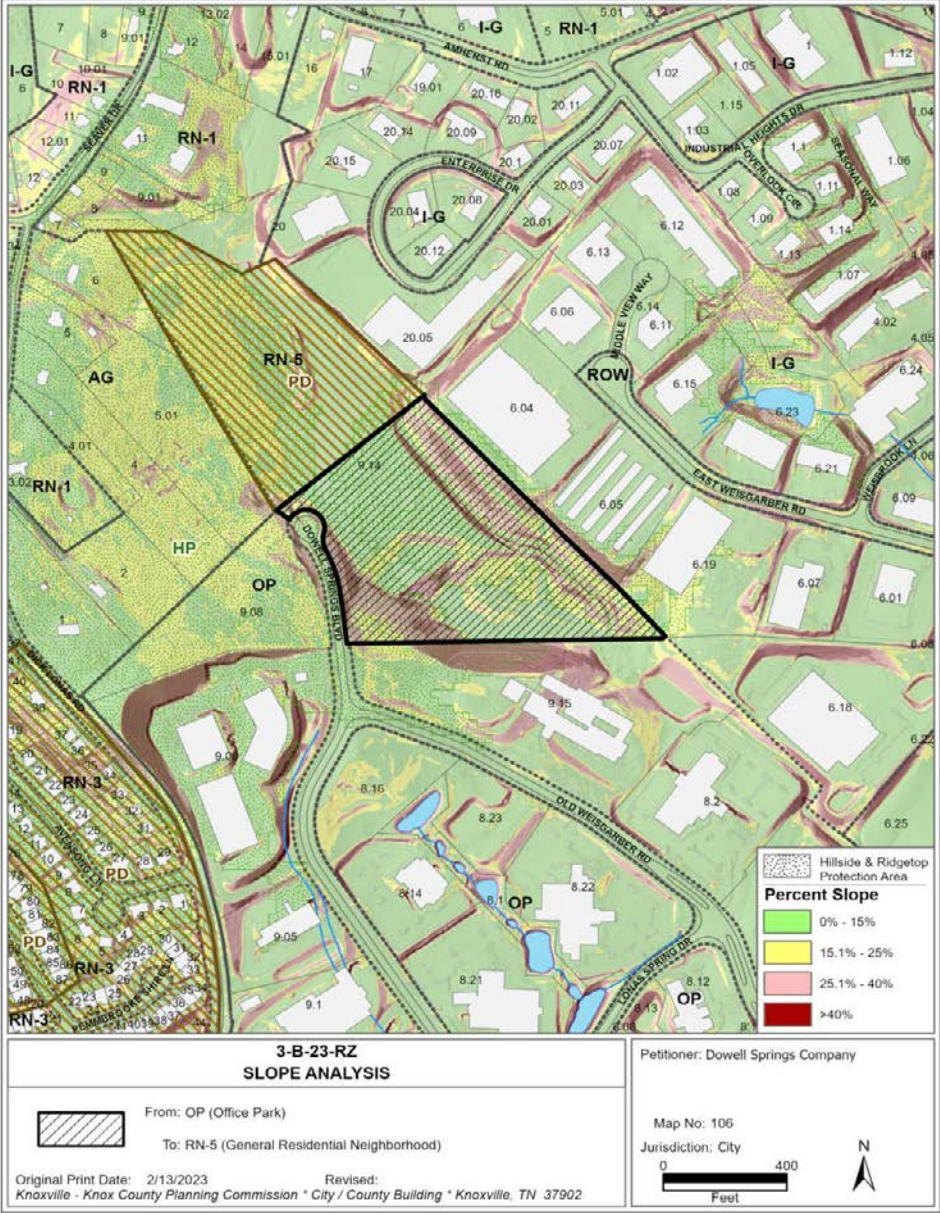


Exhibit A. 3-B-23-RZ Context Images

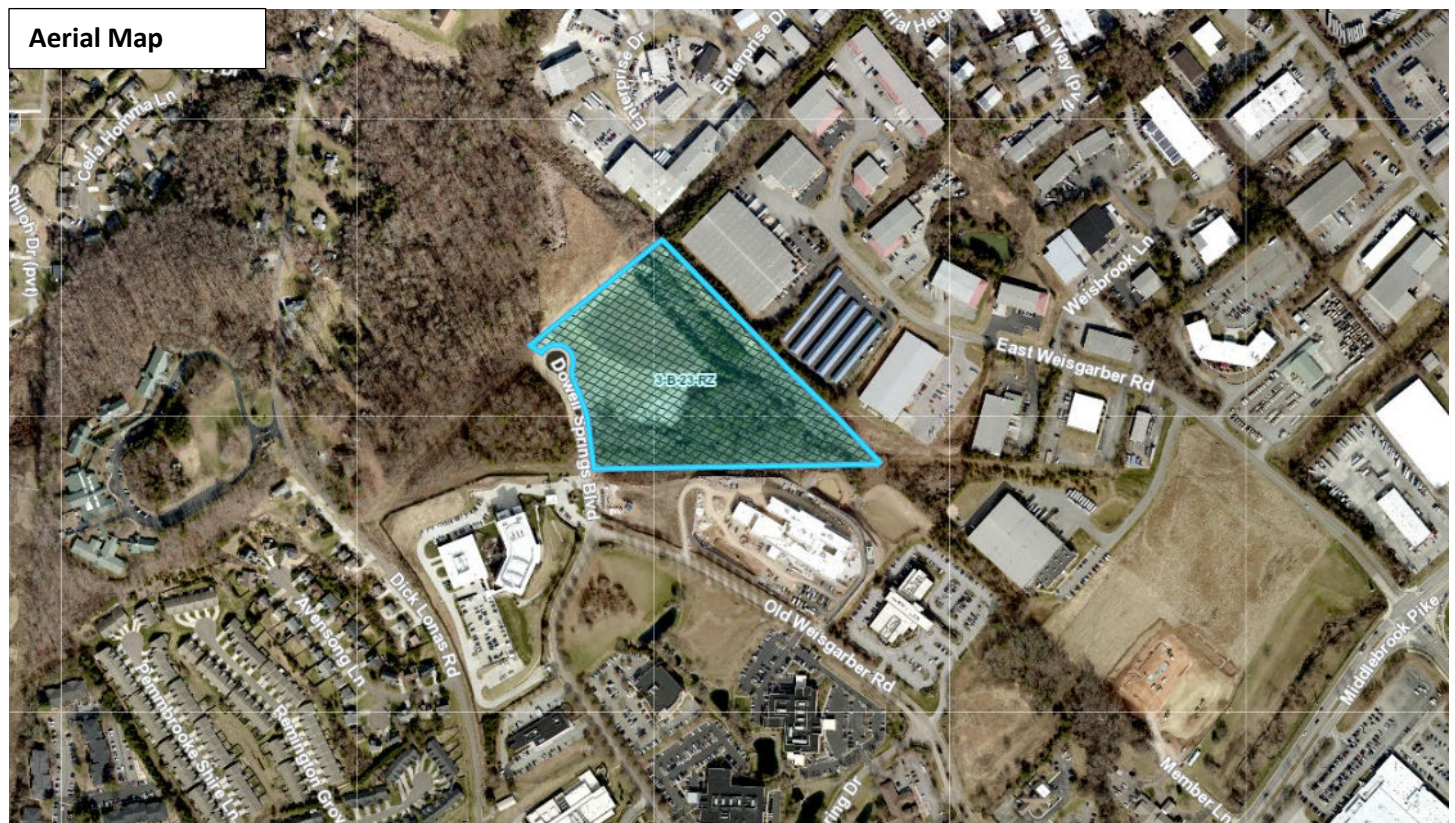
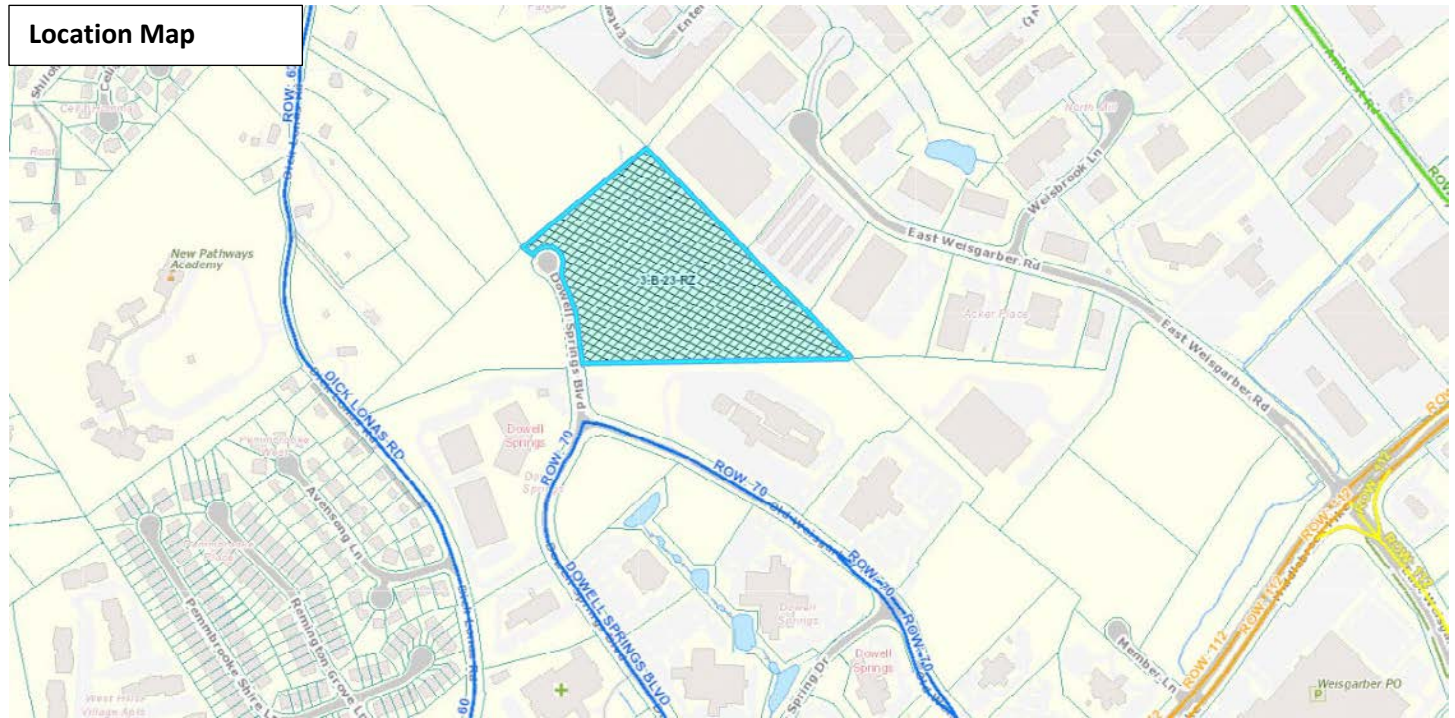
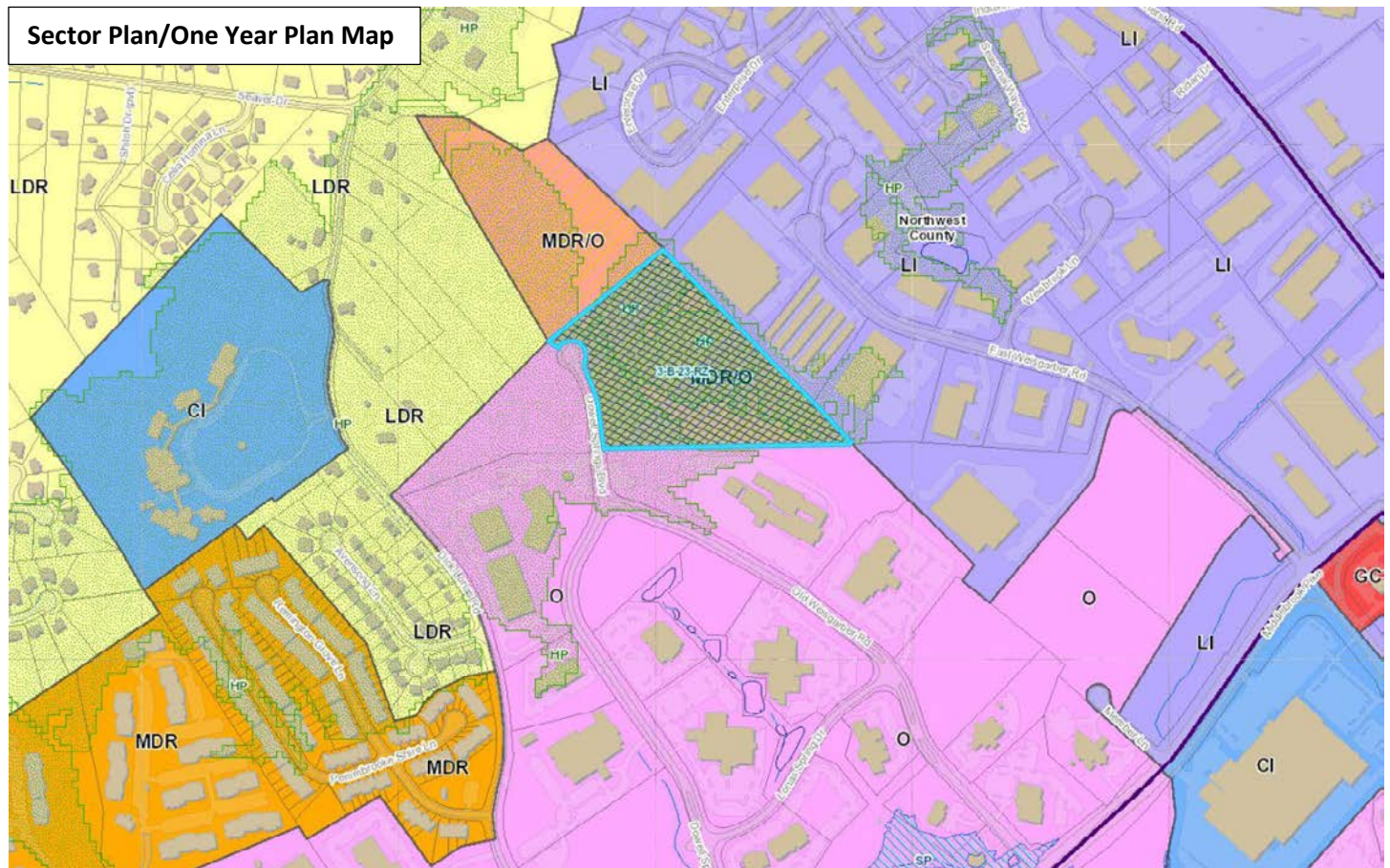
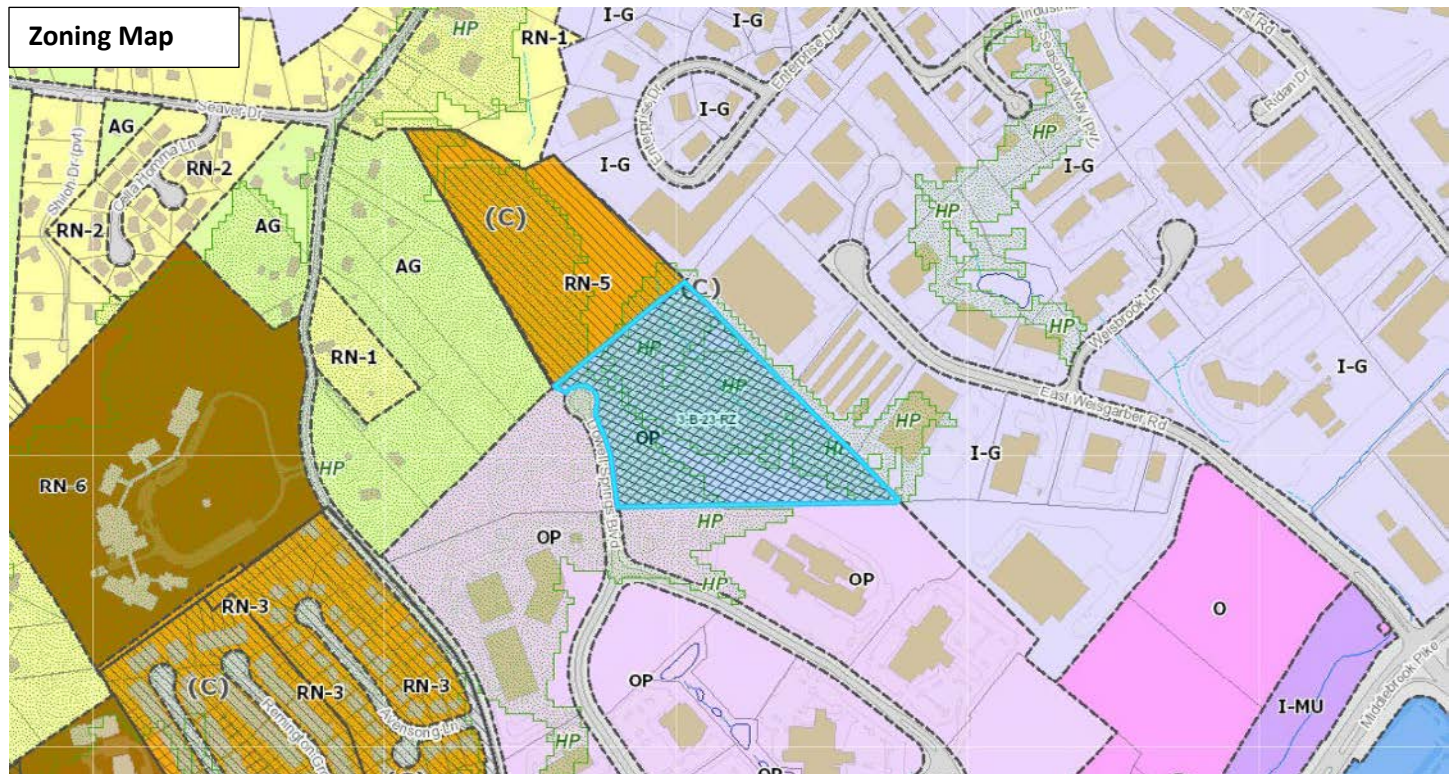


Exhibit A. 3-B-23-RZ Context Images





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

Dowell Springs Company

Applicant Name

Affiliation

1/11/2023

Date Filed

3/9/2023

Meeting Date (if applicable)

3-B-23-RZ

File Number(s)

CORRESPONDENCE

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

Jerry Bodie White Realty

Name / Company

416 Bearden Rd Knoxville TN 37919

Address

865-588-2244 / jbodie@whiterealty.com

Phone / Email

CURRENT PROPERTY INFO

Jerry Bodie White Realty

Owner Name (if different)

416 Bearden Rd Knoxville TN 37919

Owner Address

865-588-2244 / jbodie@whitere

Owner Phone / Email

0 DOWELL SPRINGS BLVD / Part of

Property Address

106 D A 009.14 (part of)

Parcel ID

12.2 acres

Part of Parcel (Y/N)?

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

northern terminus of Dowell Springs Blvd

General Location

☒ City

Council District 3

OP (Office Park) / HP (Hillside Protection Overlay)

Agriculture/Forestry/Vacant Land

☐ County District

Zoning District

Existing Land Use

Northwest County

Planning Sector

MDR/O (Medium Density Residential/Office), HP (Hillside

Sector Plan Land Use Classification

N/A (Within City Limits)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Planned Development ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **RN-5 (General Residential Neighborhood) / HP (Hillside Protection Overlay)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan
Amendment

Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Zoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ COA Checklist (Hillside Protection)
☐ Design Plan Certification (Final Plat)
☐ Site Plan (Development Request)
☐ Traffic Impact Study
☐ Use on Review / Special Use (Concept Plan)

Fee 1

\$1,260.00

Total

Fee 2

Fee 3

AUTHORIZATION

Dowell Springs Company

1/11/2023

Applicant Signature

Please Print

Date

Phone / Email

Jerry Bodie White Realty

1/11/2023

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.



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

Dowell Springs Company

Applicant Name

Affiliation

03/09/2023

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

Jerry Bodie

White Realty

Name

Company

416 Bearden Road

Knoxville

TN

37919

Address

City

State

ZIP

865-588-2244, x101

jbodie@whiterealty.com

Phone

Email

CURRENT PROPERTY INFO

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Dowell Springs Blvd

109-DA-00914

Part of

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
☐ 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 _____

☐ Combine Parcels ☐ Divide Parcel

Unit / Phase Number _____

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☒ Zoning Change

RN-5

Proposed Zoning _____

☐ Plan Amendment Change

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

Fee 2

Fee 3

AUTHORIZATION

Applicant Signature

Dowell Springs Company

Please Print

Date

865-588-2244, x101

jbodie@whiterealty.com

Phone Number

Email

Property Owner Signature

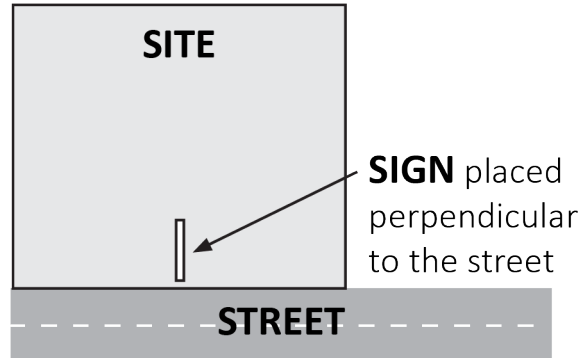
Jerry Bodie, Partner

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.

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 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

☐

Sign posted by Staff

☐

Sign posted by Applicant