

# REZONING REPORT

► **FILE #:** 8-F-24-RZ

**AGENDA ITEM #:** 13

**AGENDA DATE:** 8/8/2024

► **APPLICANT:** R. BENTLEY MARLOW

OWNER(S): 1224 Callaway LLC

TAX ID NUMBER: 94 F Q 015

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 1224 CALLAWAY ST

► **LOCATION:** Southwest side of Callaway St, southeast of University Ave

► **APPX. SIZE OF TRACT:** 3,371 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Callaway Street, a local street with a 29-ft pavement width within a 40-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: Second Creek

► **PRESENT ZONING:** RN-2 (Single-Family Residential Neighborhood)

► **ZONING REQUESTED:** RN-4 (General Residential Neighborhood)

► **EXISTING LAND USE:** Single Family Residential

►  
EXTENSION OF ZONE: Yes, this is a minor extension of the RN-4 zoning district from the southeast.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single-family residential - RN-2 (Single-Family Residential Neighborhood)

South: Multifamily residential - RN-2 (Single-Family Residential Neighborhood)

East: Single-family residential - RN-4 (General Residential Neighborhood)

West: Single-family residential - RN-2 (Single-Family Residential Neighborhood)

NEIGHBORHOOD CONTEXT: This area of the Mechanicsville neighborhood is comprised of single-family and multifamily homes.

## STAFF RECOMMENDATION:

► **Deny the RN-4 (General Residential Neighborhood) district because the property does not meet the intent of the RN-4 district.**

## COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, 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 have been no significant changes in this area of the Mechanicsville neighborhood that warrant consideration of the proposed rezoning from the RN-2 (Single-Family Residential Neighborhood) to the RN-4 (General Residential Neighborhood) district on Callaway Street. The only notable change in the local built environment is a property facing University Avenue at the end of the subject property's block that was renovated under the C-N (Neighborhood Commercial) zoning district and marketed as a multifamily rental property by the applicant.
2. In 2023, a rezoning from RN-2 to RN-4 was approved per staff recommendation at 1216 Callaway Street adjacent to the subject property (7-H-23-RZ). However, there are several aspects of that property that differ from this case. The adjacent lot is more than double in size and width than the subject property. With an area of 10,114 sq ft and a width of 75 ft, it meets the dimensional standards for a variety of housing forms under the RN-4 district. By contrast, the subject property has an area of 3,371 sq ft and a width of 25 ft, which does not meet the dimensional standards for any of the dwelling forms permissible in the RN-4 district. The lot is considered a 'Nonconforming Lot of Record' per Article 17.3 of the zoning ordinance, and this permits development that does not meet the minimum lot size and/or width standards. However, it is not the recommendation of staff that nonconforming development potential be increased with a more intensive rezoning.
3. One major policy change that occurred within the past year is a zoning ordinance amendment to include Middle Housing standards, which permit a wider range of house-scale multifamily developments for properties within the TDR (Traditional Neighborhood Residential) land use classification. The subject property is in a TDR area, and more intensive development than what is standard for RN-2 zoning could be pursued.

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

1. The intent of the RN-4 district is to accommodate mixed medium density residential development. Single-family and duplex dwellings are permitted by right, and townhouse and low-rise multifamily dwellings are allowed with staff-level or special use approval, depending on the number of units. 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.
2. While the Mechanicsville neighborhood does have a mix of residential forms, the previously described constraints with the subject property's size would typically prohibit the range of dwellings intended by the RN-4 district. Under the Middle Housing standards, a key difference between the current and requested zoning district is that a large townhouse or multiplex development could be considered under RN-4 zoning. Pursuing a Middle Housing development under RN-4 would require BZA variances for building depth and potentially setbacks as well, and there is precedent for such approvals. Considering these circumstances, rezoning this property could permit development that is grossly more intensive than what is intended for a lot this size.

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. Mechanicsville is one of the oldest neighborhoods in the City of Knoxville, and the subject property is part of an area that is included in the National Register of Historic Places. Since 2016, the applicant has purchased most of the properties on the subject property's block. Continuing to upzone these lots could lead to development that diminishes the character of the neighborhood's Victorian and early 20th century shotgun houses, and potentially risks this area of Mechanicsville's historic designation.

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. This property is in an urbanized area with adequate utility infrastructure and public facilities to accommodate future development. However, it is noteworthy that off-street parking is a challenge with how these lots were originally developed, and most residents park on the street. An ongoing trend of increasing residential zoning intensity could contribute to street parking shortages.

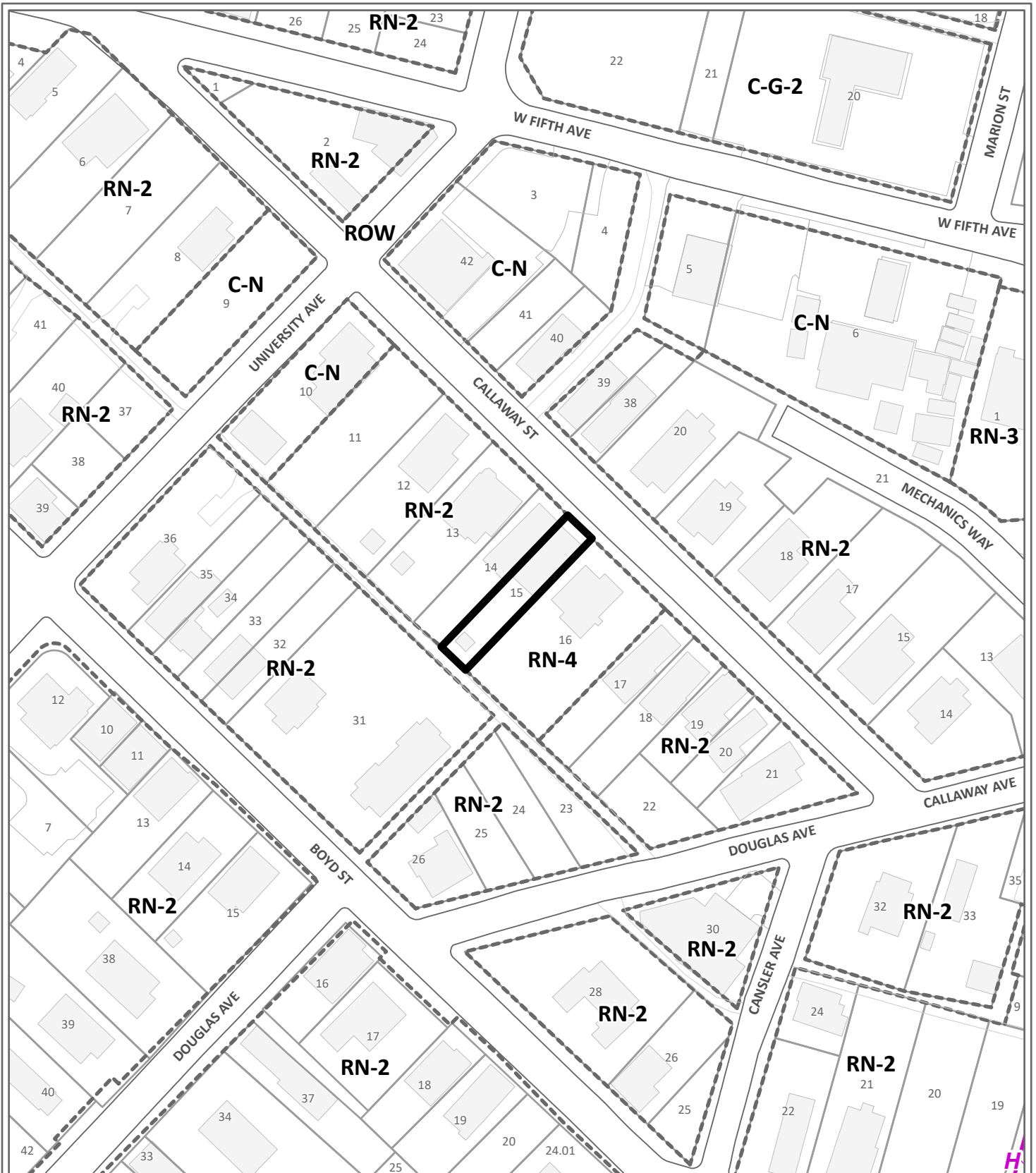
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Maynard Elementary, Bearden Middle, and Fulton 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 9/3/2024 and 9/17/2024. 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.



## REZONING

**8-F-24-RZ**



**From:** RN-2 (Single-Family Residential Neighborhood)

**To:** RN-4 (General Residential Neighborhood)

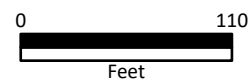
**Original Print Date:** 7/10/2024

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

**Petitioner:** R. Bentley Marlow

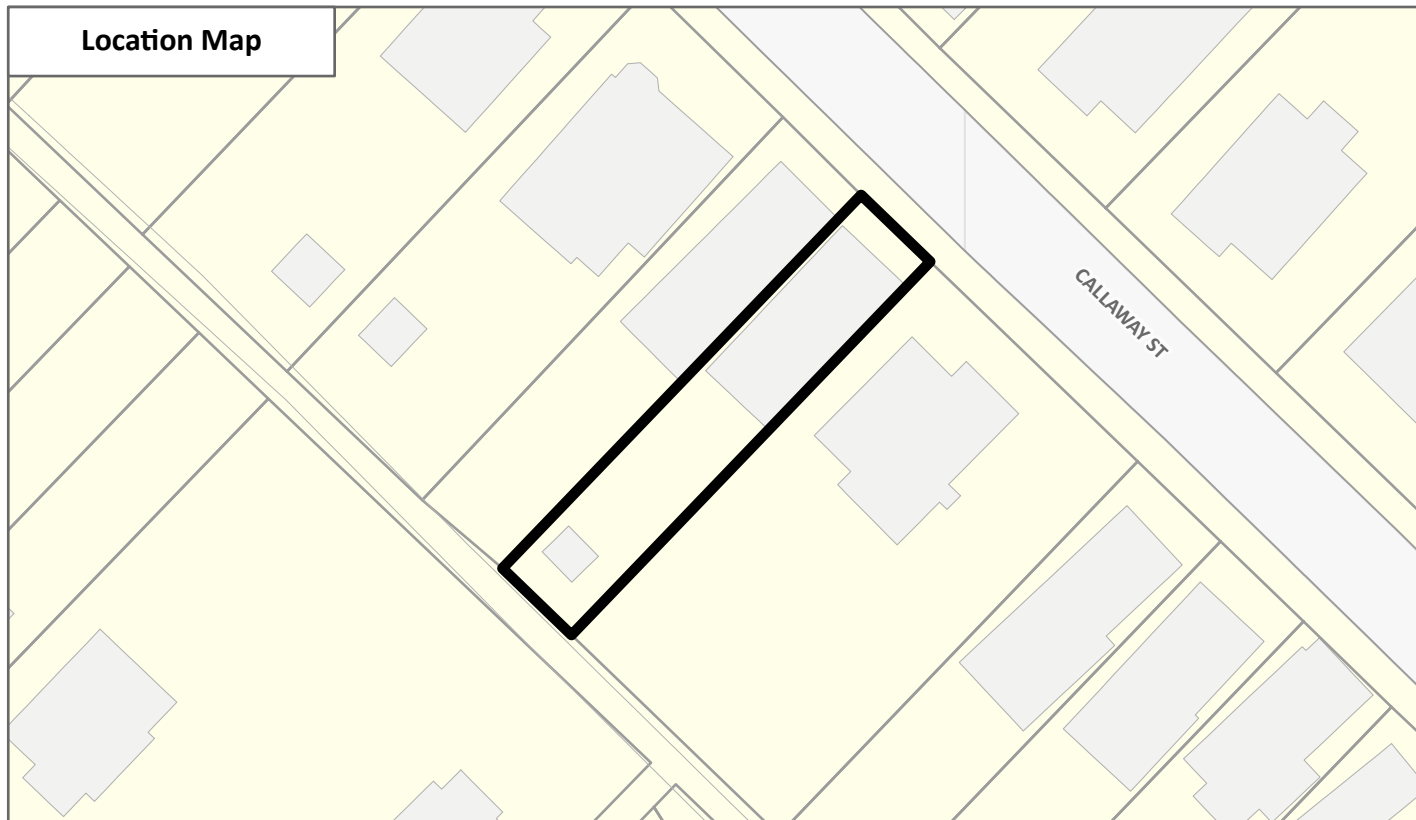
**Map No:** 94

**Jurisdiction:** City



## Exhibit A. Contextual Images

Location Map



Aerial Map

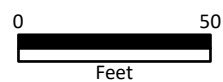


CONTEXTUAL MAPS 1

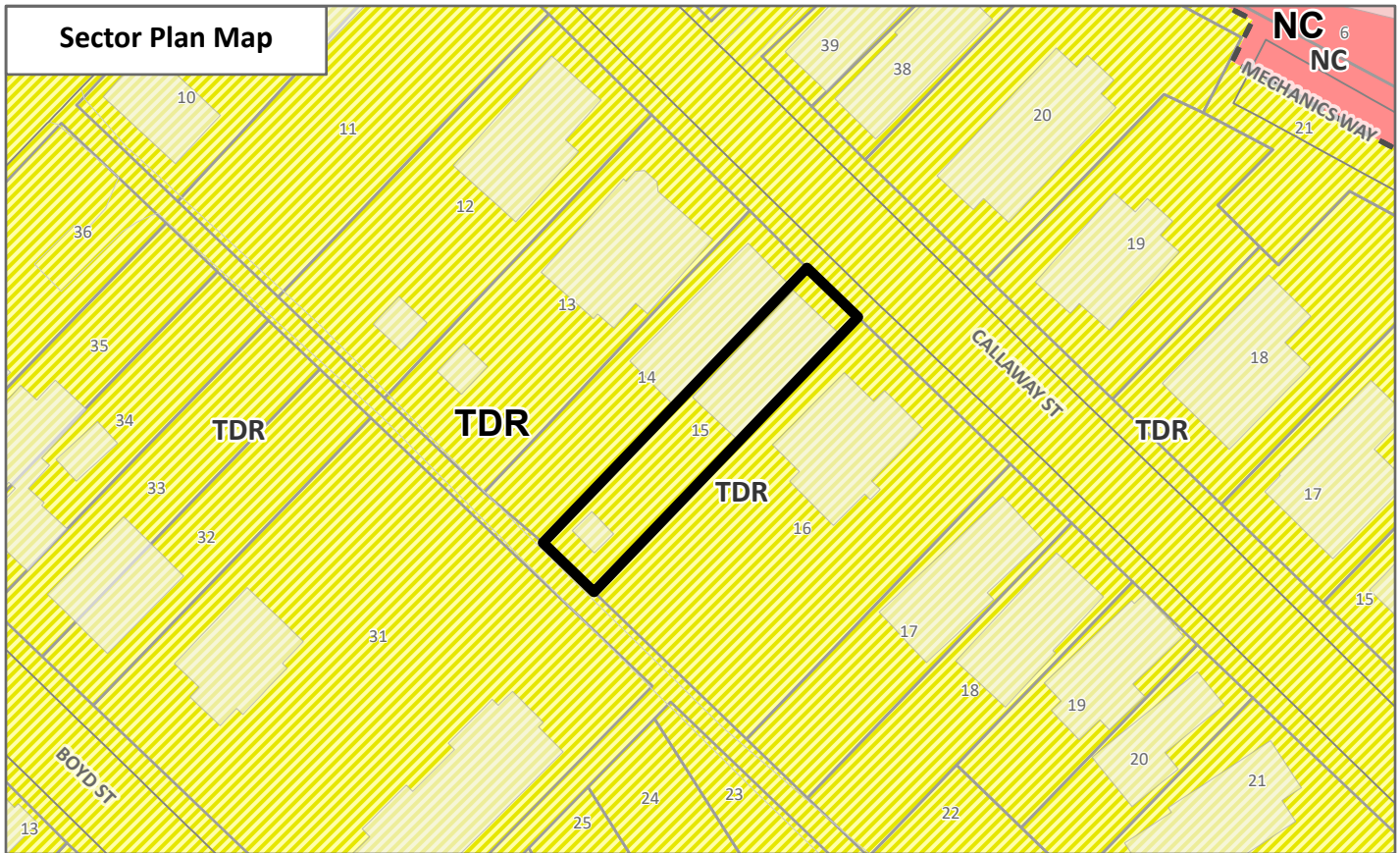
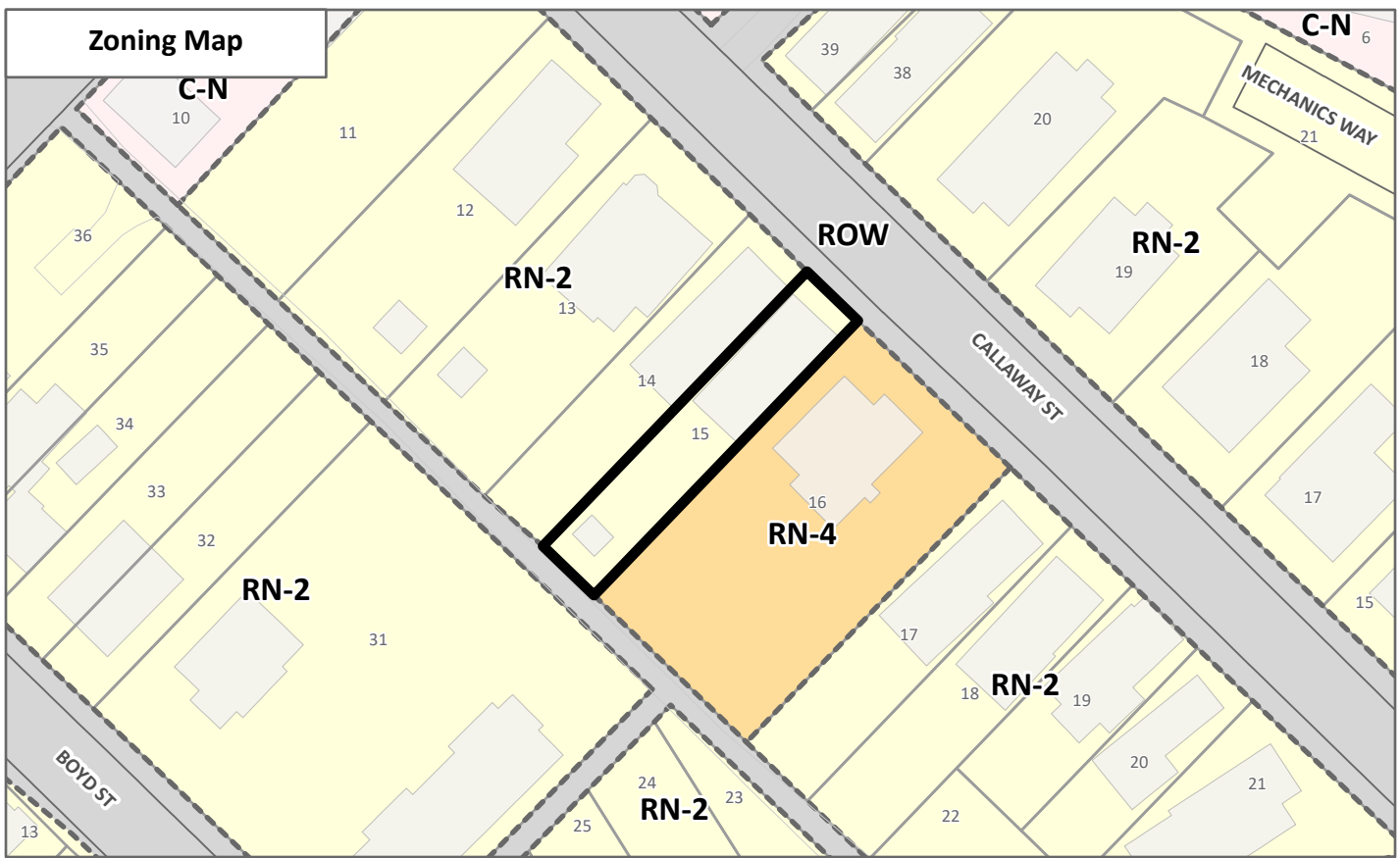
8-F-24-RZ



Case boundary








**CONTEXTUAL MAPS 2** **8-F-24-RZ**

 Case boundary

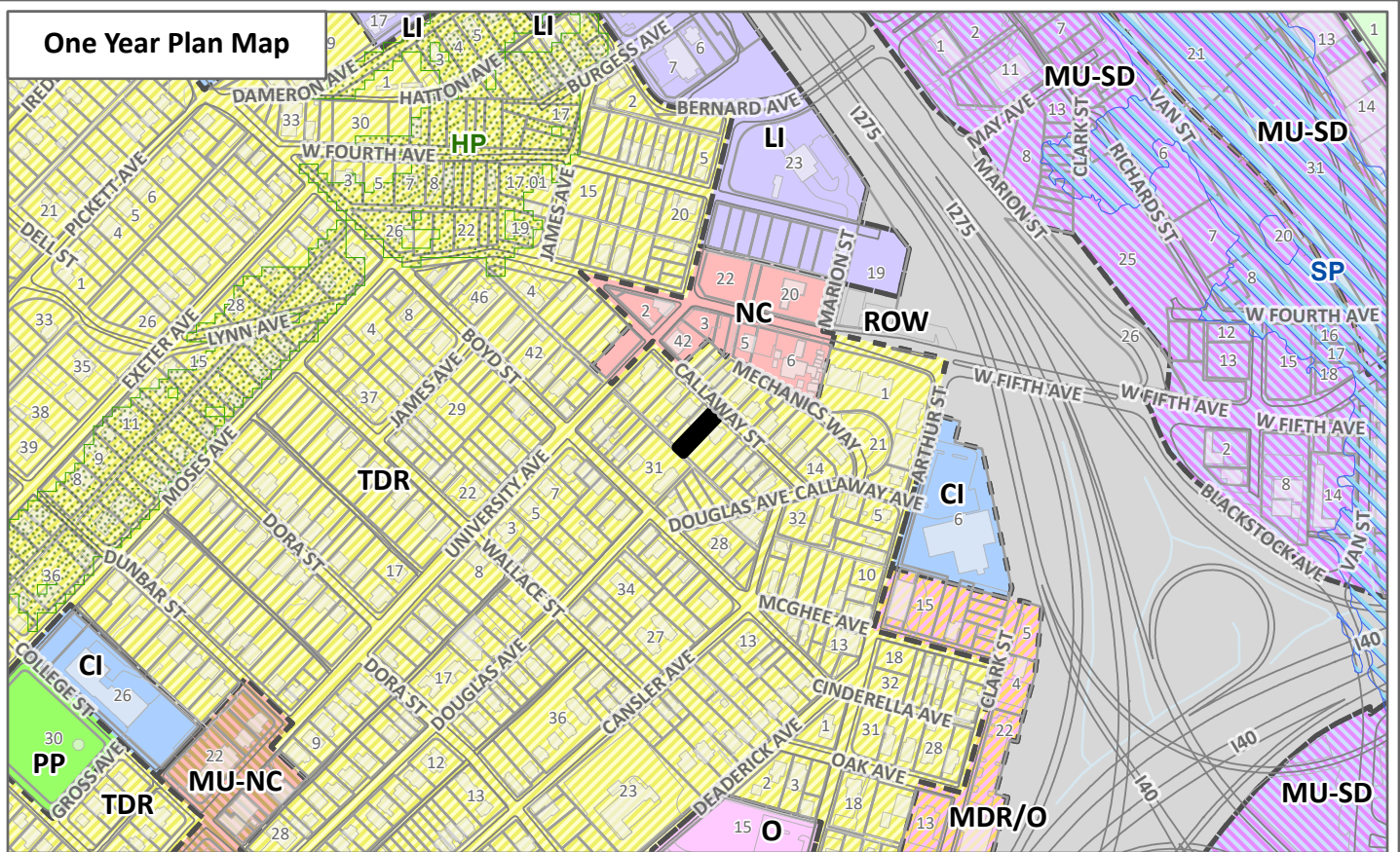


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Feet

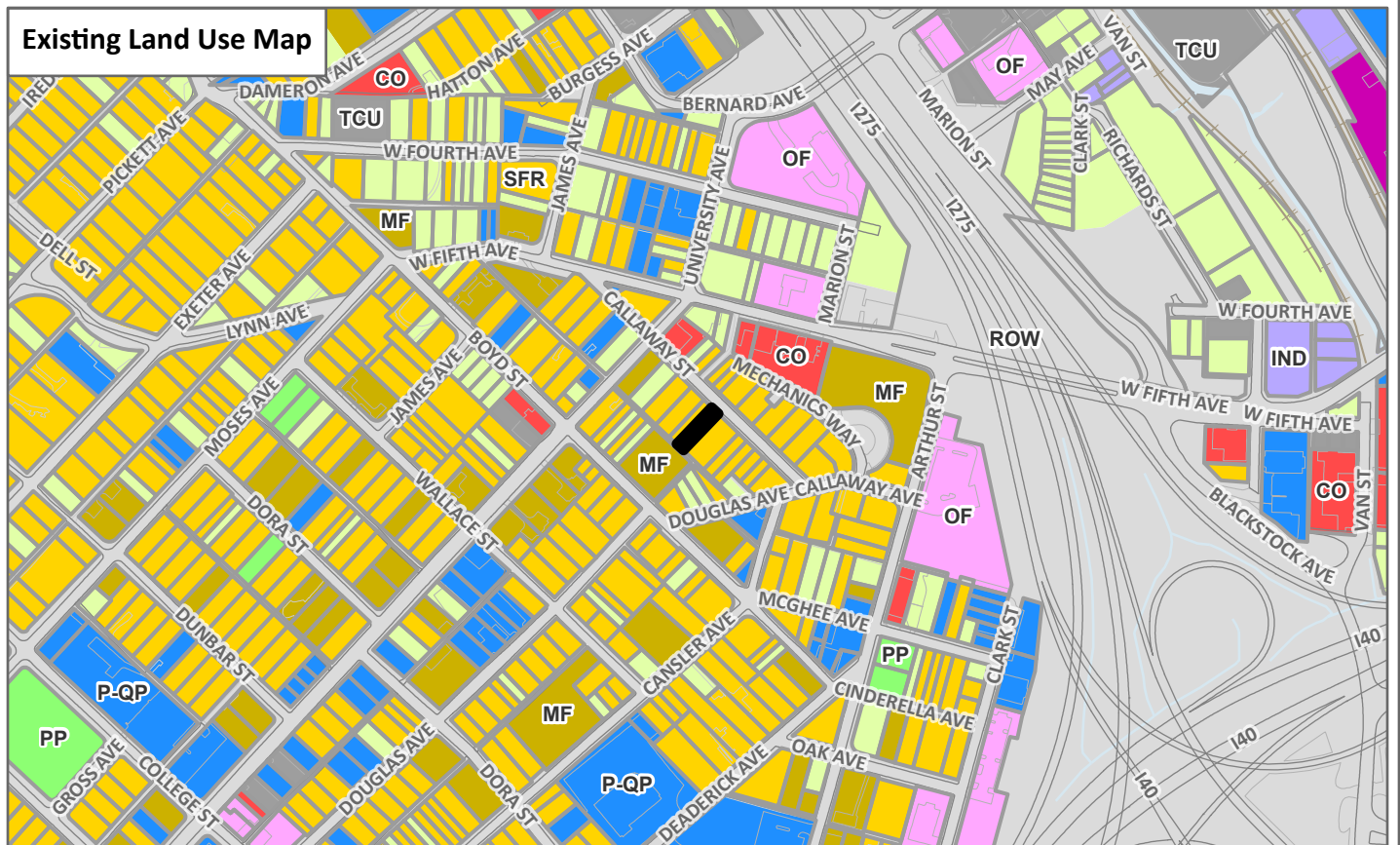


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**One Year Plan Map**



**Existing Land Use Map**

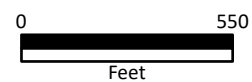


**CONTEXTUAL MAPS 3**

**8-F-24-RZ**



Case boundary







# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☒ Rezoning  
☐ Plan Amendment  
☐ Sector Plan  
☐ City OYP / County Comp Plan

**R. Bentley Marlow**

Applicant Name

Affiliation

**6/13/2024**

Date Filed

**8/8/2024**

Meeting Date (if applicable)

**8-F-24-RZ**

File Number(s)

## CORRESPONDENCE

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

**R. Bentley Marlow**

Name / Company

**322 Douglas Ave. Ave. Knoxville TN 37921**

Address

**865-607-4357 / rbentleymarlow@gmail.com**

Phone / Email

## CURRENT PROPERTY INFO

**1224 Callaway LLC**

Owner Name (if different)

**322 Douglas Ave Knoxville TN 37921**

Owner Address

**865-607-4357**

Owner Phone / Email

**1224 CALLAWAY ST**

Property Address

**94 F Q 015**

Parcel ID

**3371 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**West side of Callaway St, south of University Ave**

General Location

☒ City

**Council District 6**

**RN-2 (Single-Family Residential Neighborhood)**

**Single Family Residential**

☐ County District

Zoning District

Existing Land Use

**TDR (Traditional Neighborhood Residential)**

Land Use (City)/Place Type (County)

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-4 (General Residential Neighborhood)**  
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment    Proposed Plan Designation(s)

Proposed Density (units/acre)    Previous Rezoning Requests

Additional Information

## STAFF USE ONLY

### PLAT TYPE

- ☐ Staff Review    ☐ Planning Commission

### ATTACHMENTS

- ☐ Property Owners / Option Holders    ☐ Variance Request  
☐ Amendment Request (Comprehensive Plan)

### ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)  
☐ Traffic Impact Study  
☐ COA Checklist (Hillside Protection)

Fee 1

**\$650.00**

Total

Fee 2

Fee 3

## AUTHORIZATION

- ☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

**R. Bentley Marlow**

**6/13/2024**

Applicant Signature

Please Print

Date

Phone / Email

**1224 Callaway LLC**

**6/13/2024**

Property Owner Signature

Please Print

Date



# Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
- ☐ Final Plat

ZONING

- ☐ Plan Amendment
  - ☐ SP
  - ☐ PA
- ☒ Rezoning

R. Bentley Marlow

Owner

Applicant Name

Affiliation

12 June 2024

8 August 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

8-F-24-RZ

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

R. Bentley Marlow

Marlow Builders, Inc. / Marlow Properties, LLC

Name

Company

322 Douglas Avenue

Knoxville

Tennessee

37921-4813

Address

City

State

ZIP

(865) 607-4357

rbentleymarlow@gmail.com

Phone

Email

CURRENT PROPERTY INFO

1224 Callaway LLC

322 Douglas Avenue

(865) 607-4357

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1224 Callaway Street

094FQ015

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

3,371 sf / .077 acres

General Location

Tract Size

6

RN2

TDR

- ☒ City
- ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Land Use / Place Type  
CITY COUNTY

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   **RN4**  
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  
☐ Amendment Request (*Comprehensive Plan*)

### ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (*Concept Plan*)  
☐ Traffic Impact Study  
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

## AUTHORIZATION

☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

  
Applicant Signature

R. Bentley Marlow

12 June 2024

Please Print

Date

(865) 607-4357

rbentleymarlow@gmail.com

Phone Number

Email

  
Property Owner Signature

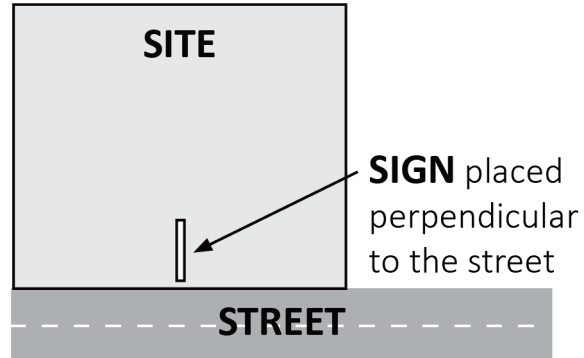
R. Bentley Marlow

06/13/2024, sg

Please Print

Date Paid

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:*

\_\_\_\_\_ **07/26/2024** \_\_\_\_\_ and \_\_\_\_\_ **08/09/2024** \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** R. Bentley Marlow

**Date:** 06/13/2024

**File Number:** 8-F-24-RZ



Sign posted by Staff



Sign posted by Applicant