

REZONING REPORT

► **FILE #:** 7-N-24-RZ

AGENDA ITEM #: 44

AGENDA DATE: 7/11/2024

► **APPLICANT:** TAYLOR D. FORRESTER

OWNER(S): CAP-TN BEARD LLC

TAX ID NUMBER: 121 B A 014, 013

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 5900, 5902 KINGSTON PIKE

► **LOCATION:** South side of Kingston Pike, west side of Agnes Rd

► **APPX. SIZE OF TRACT:** 0.94 acre

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with a 55-ft pavement width within a 63-ft right-of-way. Access is also via Agnes Road, a local street with a 25-ft pavement width within a 35-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT ZONING:** C-G-3 (General Commercial)

► **ZONING REQUESTED:** C-G-1 (General Commercial)

► **EXISTING LAND USE:** Public/Quasi Public Land, Commercial

►
EXTENSION OF ZONE: Yes, this is an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Commercial - C-G-3 (General Commercial)

South: Commercial - C-G-3 (General Commercial)

East: Commercial - C-G-1 (General Commercial)

West: Office - C-G-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This section of Kingston Pike is characterized by a diverse array of commercial and office uses. There are sidewalks on both sides of the corridor. Bearden High School is nearby to the northeast, and there is a bus stop in front of the subject property.

STAFF RECOMMENDATION:

► **Deny the C-G-1 (General Commercial) district because its dimensional standards and lack of design standards are incompatible with adopted land use plans and surrounding infrastructure and facilities.**

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. The subject property is located on a built-out commercial corridor along Kingston Pike that sees ongoing redevelopment as lots transfer hands to different businesses and service-providers. There have been no substantial changes of conditions that warrant a rezoning from the C-G-3 (General Commercial) district to C-G-1 (General Commercial) district.

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

1. C-G zoning is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The district is divided into three levels of intensity related to the overall form and design of the development, but permitted uses are the same across all levels.

2. The primary distinctions between C-G-1 and C-G-3 zoning are in the districts' pedestrian orientation with their dimensional and design standards. The C-G-1 district does not have any design standards whereas C-G-3 has façade, fenestration and site design standards intended to foster a more pedestrian-supportive environment. With regards to dimensional standards, a principal difference is that C-G-1 does not have any front setback requirements or build-to zone/ percentage requirements like C-G-3 does, which bring buildings closer to the front lot line making them safer and more accessible for foot traffic. The outcome of this distinction is that the requested C-G-1 zone could result in a site layout that sets a building far back from the sidewalk with a parking lot in between.

3. This section of Kingston Pike has sidewalks on both sides, signalized crosswalks, and it is 750 ft from Bearden Elementary School and the Bearden Greenway trail across the street to the northeast. There is a bus stop directly in front of the subject parcel. These conditions do not support a rezoning to a district that enables more auto-centric and less pedestrian-friendly development.

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. While the requested rezoning does not technically require a West City Sector Plan or One Year Plan amendment because they do not distinguish between C-G levels of intensity, the MU-SD, WC-1 (Mixed-Use Special District, Bearden Village) land use classification is not supportive of the proposed rezoning. The sector plan describes how new zoning should include provisions for the relationship of new buildings to the sidewalk/street system and have parking locations that respect the pedestrian orientation that has been envisioned for the area. The MU-SD designation is based on the adopted Bearden Village Opportunities Plan, which provides urban design recommendations. These recommendations include having buildings front and face the sidewalk with parking oriented towards the back. Walkability is a key component of the plan overall.

2. The property's existing C-G-3 zoning district is consistent with the vision of the West City Sector Plan, One Year Plan, and Bearden Village Opportunities Plan. A rezoning to C-G-1 would enable future development that continues the pattern of development the plans are striving to move on from.

3. It is noteworthy that one of the parcels included in this rezoning request is a church. There is a historic cemetery in the rear with tombstones from the late 1800s.

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:

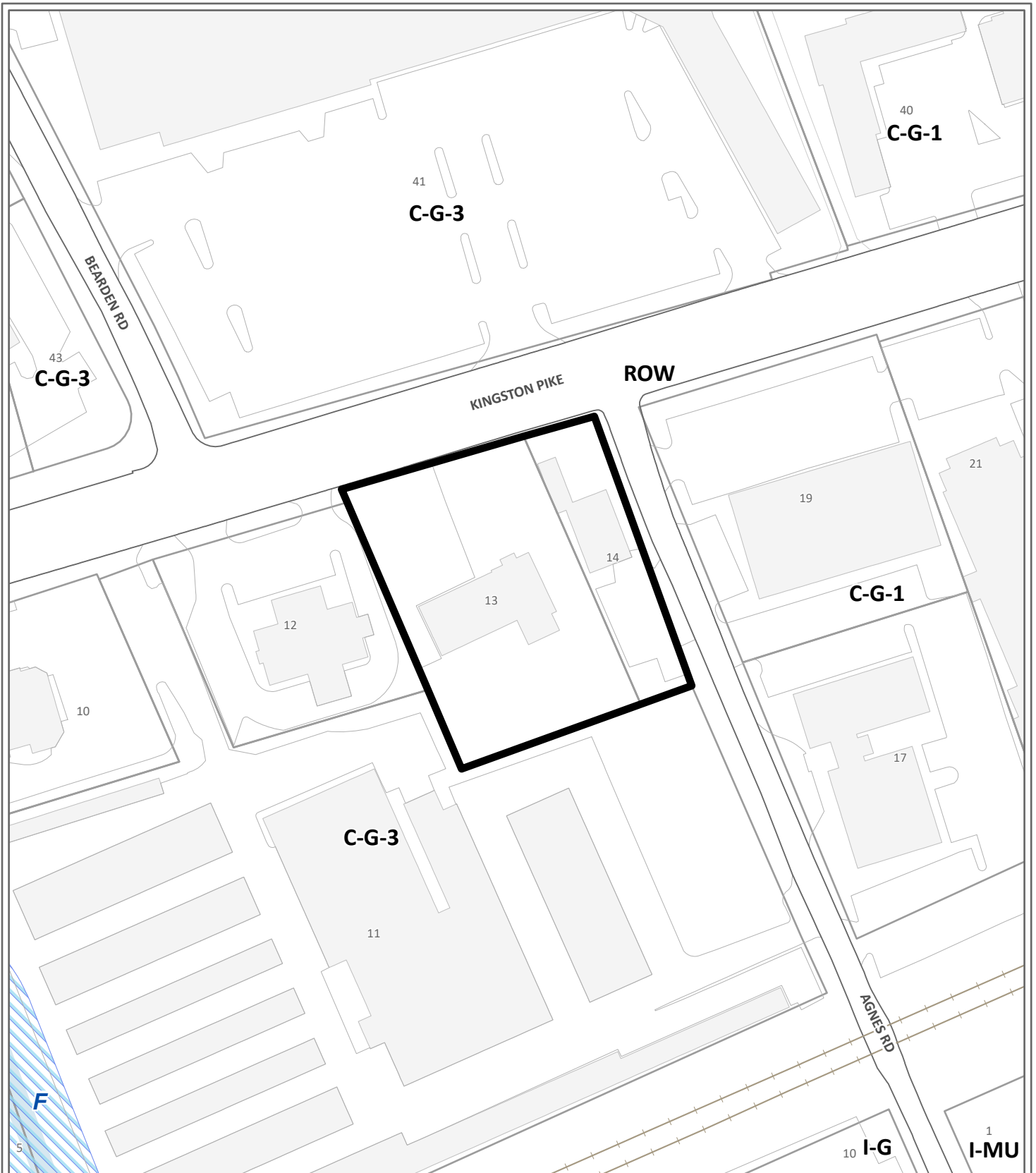
1. This subject property is located in an urbanized area with ample utility, infrastructure and community facility capacity for future development.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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

If approved, this item will be forwarded to Knoxville City Council for action on 8/6/2024 and 8/20/2024. 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

7-N-24-RZ

Petitioner: Taylor D. Forrester



From: C-G-3 (General Commercial)

To: C-G-1 (General Commercial)

Original Print Date: 6/3/2024

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

Map No: 121

Jurisdiction: City

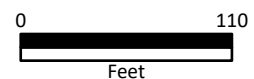
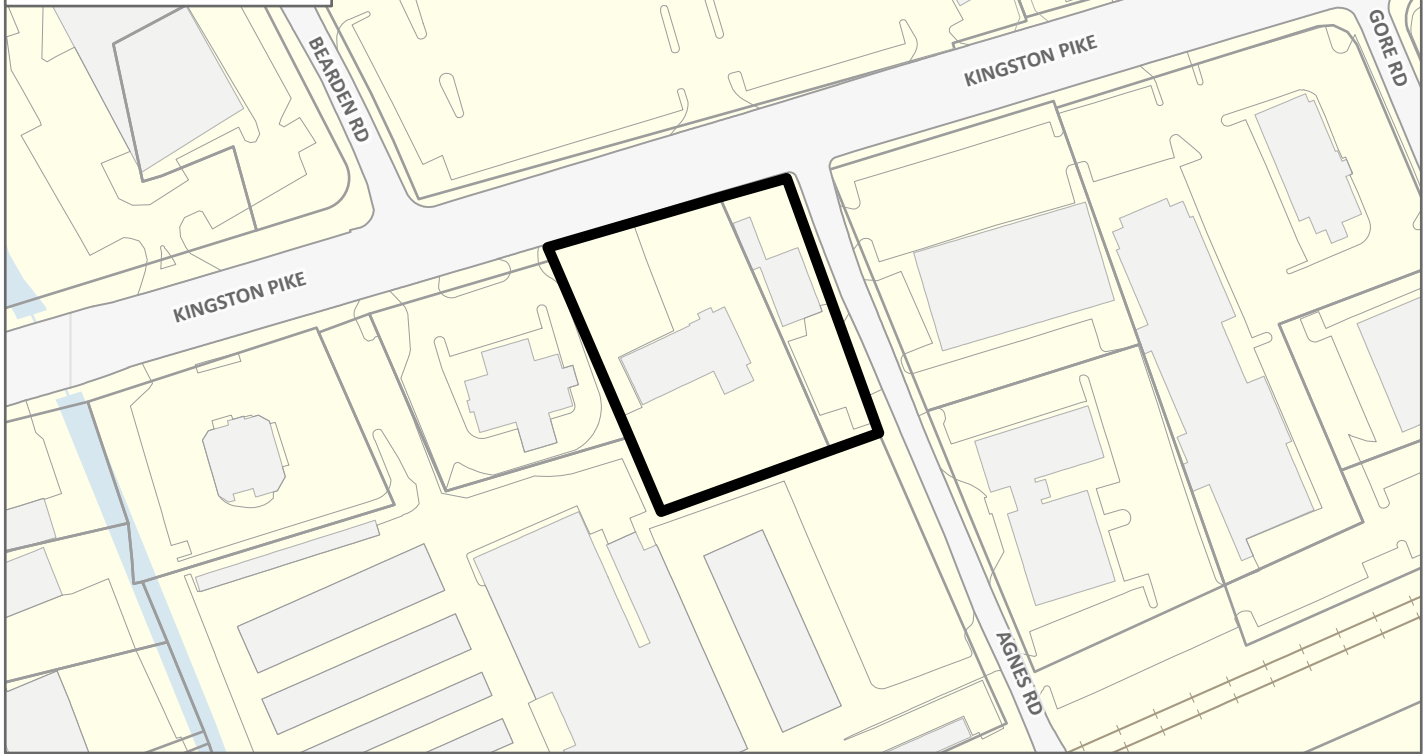


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

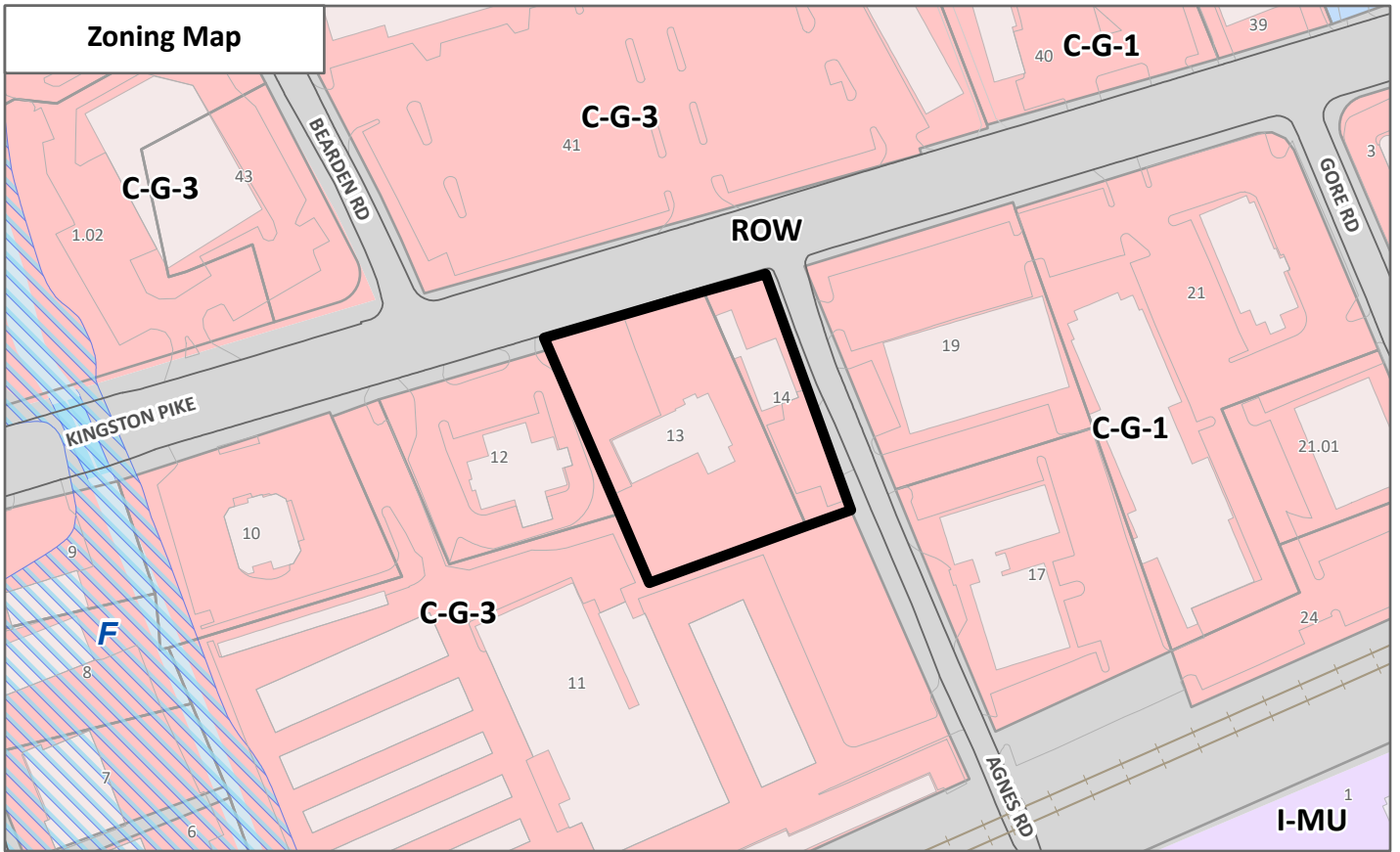
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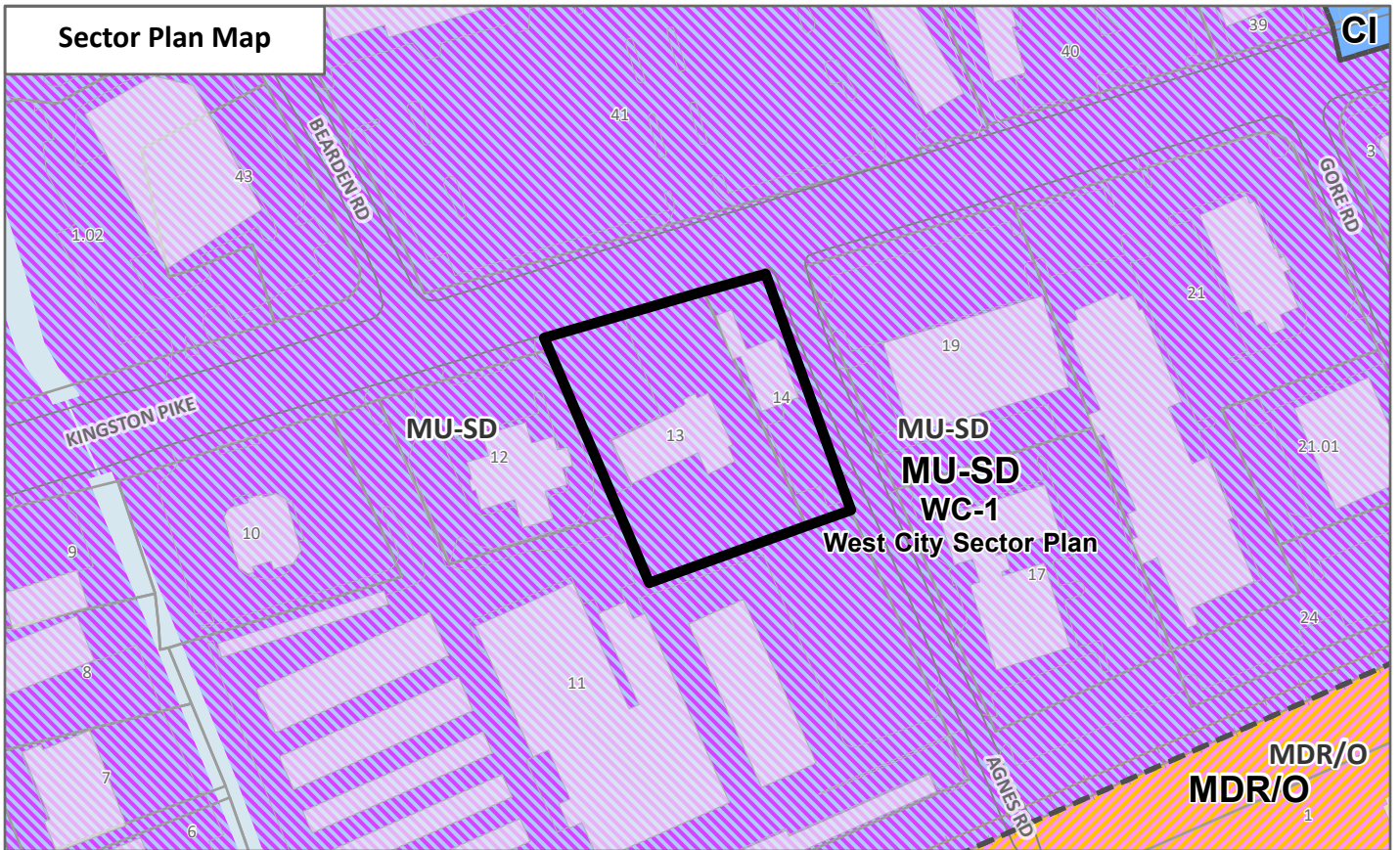
Case boundary



Zoning Map



Sector Plan Map

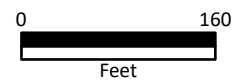


CONTEXTUAL MAPS 2

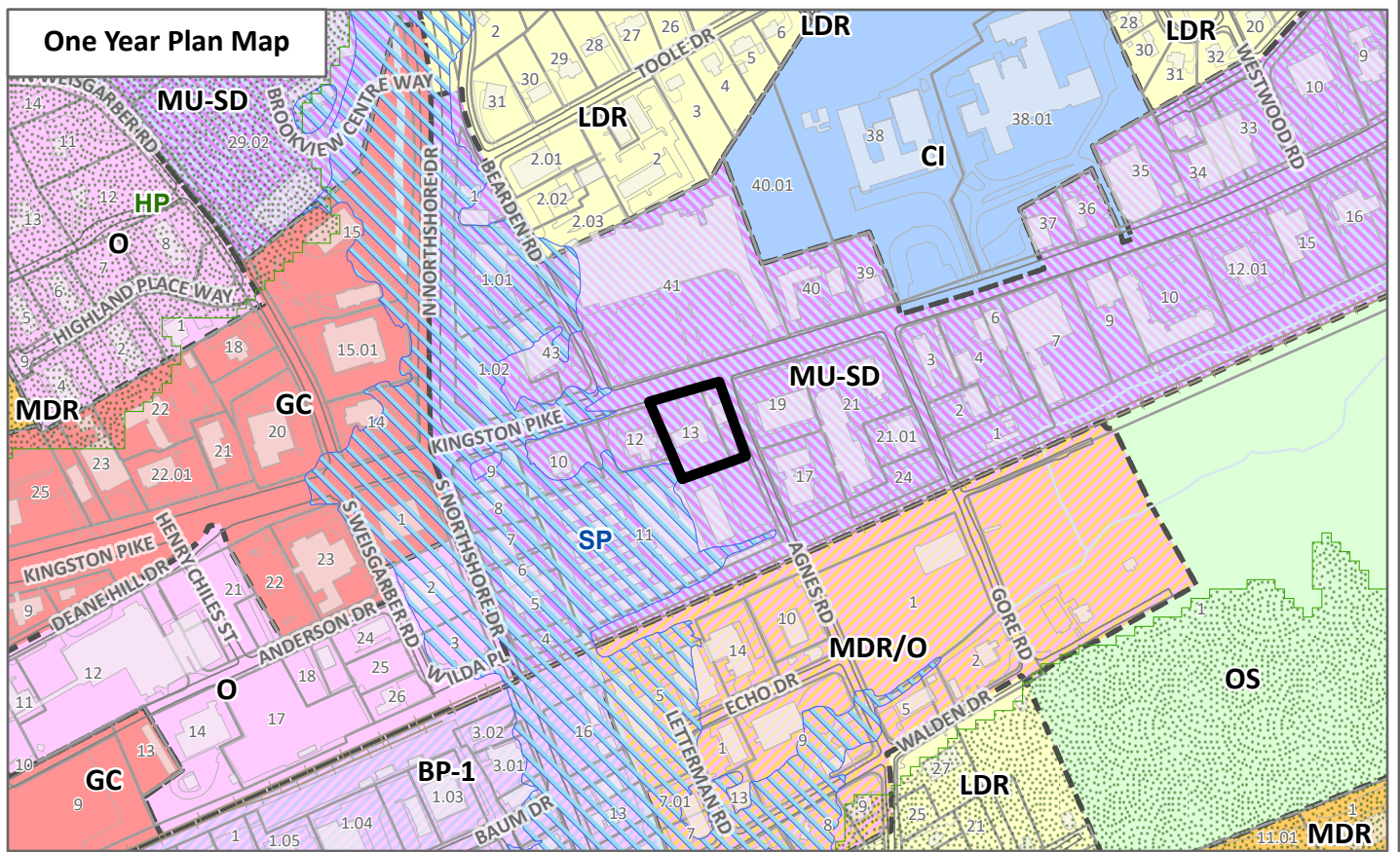
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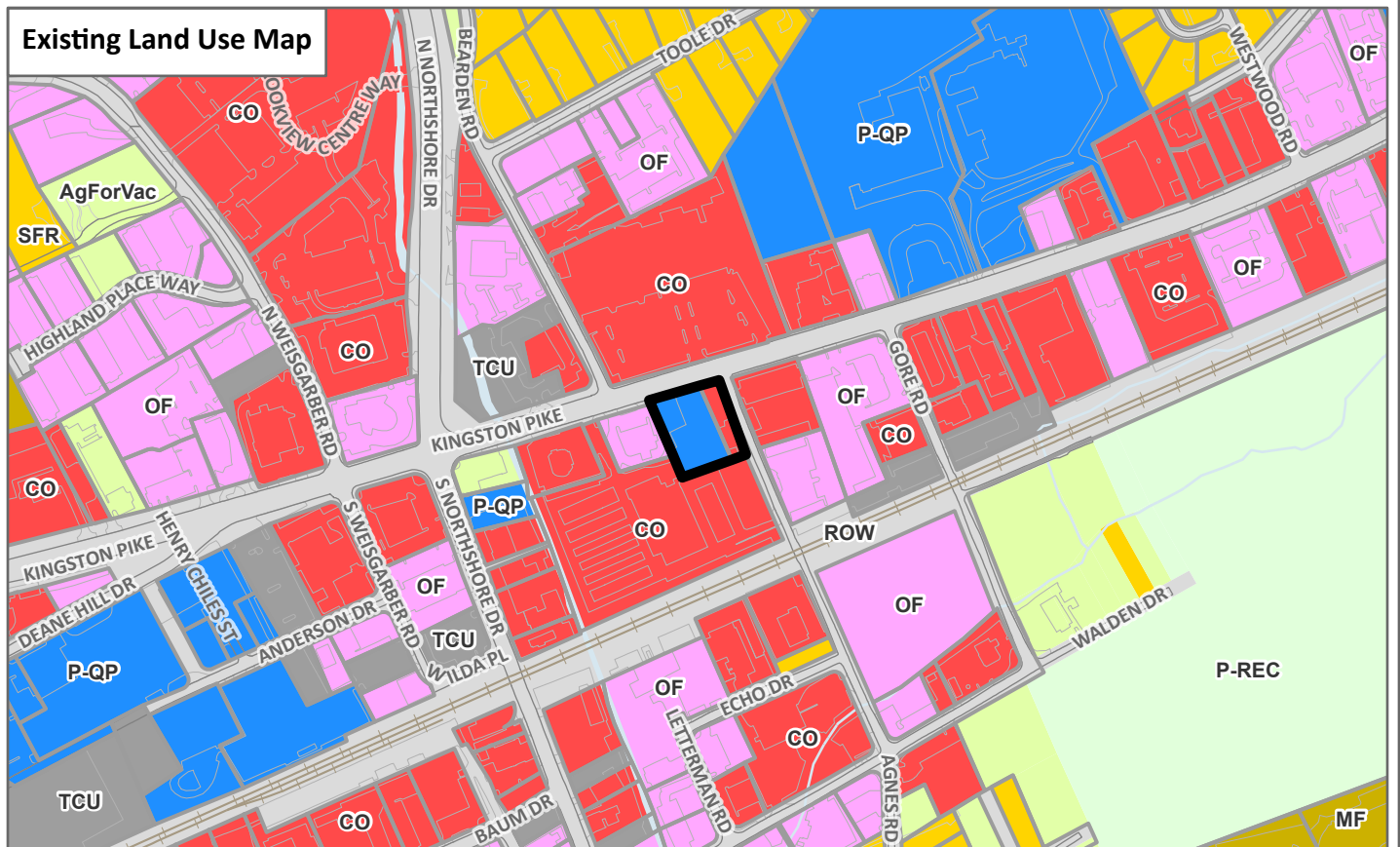
Case boundary



One Year Plan Map



Existing Land Use Map

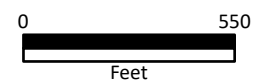


CONTEXTUAL MAPS 3

7-N-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

Taylor D. Forrester

Applicant Name

Affiliation

5/28/2024

Date Filed

7/11/2024

Meeting Date (if applicable)

7-N-24-RZ

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

CAP-TN BEARD LLC

Owner Name (if different)

PO Box 11505

Owner Address

865-660-8669

Owner Phone / Email

5900 KINGSTON PIKE / 5902 KINGSTON PIKE

Property Address

121 B A 014,013

Parcel ID

0.94 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Kingston Pike, west side of Agnes Rd

General Location

☒ City

Council District 2

C-G-3 (General Commercial)

Public/Quasi Public Land, Commercial

☐ County

District

Zoning District

Existing Land Use

West City

MU-SD (Mixed Use Special District)

N/A (Within City Limits)

Planning Sector

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 **C-G-1 (General Commercial)**
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

\$1,000.00

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.

Taylor D. Forrester

5/28/2024

Applicant Signature

Please Print

Date

Phone / Email

CAP-TN BEARD LLC

5/28/2024

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

Taylor D. Forrester

Attorney

Applicant Name		Affiliation
May 23, 2024	July 11, 2024	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, P.C.

Name	Company		
1111 N. Northshore Drive; Suite S-700	Knoxville	TN	37919
Address	City	State	ZIP
865-584-4040	tforrester@lrwlaw.com		
Phone	Email		

CURRENT PROPERTY INFO

CAP-TN Beard, LLC	P.O. Box 11505	865-660-8669
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
5900 & 5902 Kingston Pike	121BA014 & 121BA013	
Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

General Location		Tract Size
<input type="checkbox"/> City <input type="checkbox"/> 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

C-G-1

Proposed Zoning

☐ Plan Amendment Change

Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

Pending Plat File Number

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

Taylor D. Forrester

Applicant Signature

865-584-4040

Phone Number

Taylor D. Forrester

Please Print

tforrester@lrwlaw.com

Email

5/23/24

Date

CAP-TN Beard, LLC

Please Print

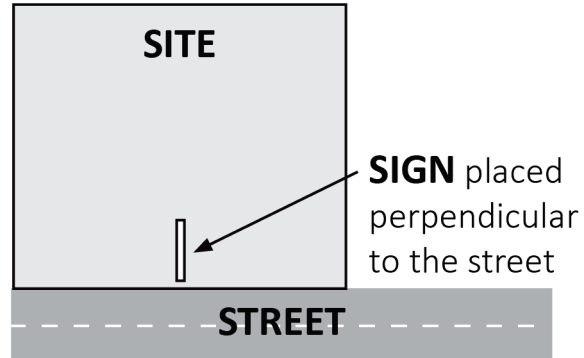
DocuSigned by:

0F3EE728169D4FB...

Property Owner Signature

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:

_____ June 28, 2024 _____ and _____ July 12, 2024 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Taylor D. Forrester

Date: 5/28/2024

File Number: 7-N-24-RZ



Sign posted by Staff



Sign posted by Applicant