

REZONING REPORT

► **FILE #:** 9-A-24-RZ

AGENDA ITEM #: 35

AGENDA DATE: 9/12/2024

► **APPLICANT:** BARNES CAPITAL MANAGEMENT, LLC

OWNER(S): R. Jason Barnes

TAX ID NUMBER: 107 F F 02503, 02401, 024, 022, 021, 020, 02003, 02004, 02101, 02001 [View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 800, 818, 820, 900, 906, 910, 912 HOLLYWOOD RD; 4335, 4341, 4345 APEX DR

► **LOCATION:** East side of Hollywood Rd, north of Sutherland Ave

► **APPX. SIZE OF TRACT:** 3.15 acres

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Hollywood Road, a major collector street with a 28-ft pavement width within a right-of-way ranging from 68 ft to 83 ft. Access is also via Apex Drive, a local street with a 12-ft pavement width within a 12-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: Third Creek

► **PRESENT ZONING:** RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

► **ZONING REQUESTED:** RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

► **EXISTING LAND USE:** Single Family Residential, Agriculture/Forestry/Vacant Land

EXTENSION OF ZONE: There is RN-2 zoning across Apex Dr.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Public/quasi-public land - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

South: Single-family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

East: Single-family residential, agriculture/forestry/vacant land - RN-1 (Single-Family Residential Neighborhood), RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

West: Multifamily residential - RN-6 (C) (Multi-Family Residential Neighborhood) (Previously Approved Planned District), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: The Pond Gap neighborhood has a mix of single family and multifamily neighborhoods. There is a commercial corridor along Sutherland Avenue

STAFF RECOMMENDATION:

- **Approve the RN-2 (Single-Family Residential Neighborhood) district because it is compatible with surrounding development and is supported by existing infrastructure and amenities. The HP (Hillside Protection Overlay) would be retained.**

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. This area of the Pond Gap neighborhood has seen substantial development changes in recent years that support consideration of the proposed increase in residential intensity from the RN-1 (Single-Family Residential Neighborhood) to the RN-2 (Single-Family Residential Neighborhood) district.
2. In 2021, Knoxville's Community Development Corporation (KCDC) built the Flats at Pond Gap apartment community directly across Hollywood Road from the subject property under the RN-6 (Multi-Family Residential Neighborhood) zoning district. A sidewalk was added to the west side of Hollywood Road next to the development, and a well-marked pedestrian crossing was created to connect the new sidewalk to the existing sidewalk on the east side of the road. The new apartments on a formerly vacant lot and the pedestrian improvements activate this section of Hollywood Road, making it feel more like a part of the neighborhood than a thoroughfare.
3. In 2018, Pond Gap Elementary School completed 58,000 sq ft of new construction for facilities including a Special Education suite, a media center, art and music classrooms, and a new gymnasium. This expansion increased school capacity to serve residents in the area.

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

1. The intent of the RN-2 district is to accommodate traditional low density residential neighborhoods, exhibiting a predominant pattern of single-family homes on relatively small lots with smaller setbacks compared to RN-1. Duplexes may be permitted through special-use approval.
2. The subject property is in an area that is consistent with the development pattern of the RN-2 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. Of the 10 contiguous lots included in this rezoning request, 6 of them contain new single-family homes that were developed by the applicant. With RN-2 zoning, these lots could be subdivided to permit 1-2 additional single-family lots. Only 3 of the 10 lots are addressed on Apex Drive and 2 of those have new single-family homes, which limits the number of future units that could access this steep and narrow residential street.
2. The HP (Hillside Protection Overlay) district covers most of the 10 contiguous lots within the subject property for this rezoning. Most of the lots are currently exempt from the HP regulations as single-family lots of record preceding the effective date of the current code (Article 8.9.B.2). However, if any lots were subdivided or developed for two-family dwellings, this exemption would no longer apply. This means that if development permitted by RN-2 zoning were pursued, there may be increased opportunity to enforce land disturbance restrictions. Steep topography and the HP overlay serve as natural and regulatory limiters to the amount of residential intensity that is feasible here.
3. RN-2 zoning is already the predominant district in this area of the Pond Gap neighborhood, and is not anticipated to have any adverse impacts on surrounding properties.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE KNOXVILLE-KNOX COUNTY GENERAL PLAN AND ITS COMPONENT PARTS, INCLUDING ADOPTED SECTOR PLANS, CORRIDOR PLANS, AND RELATED DOCUMENTS.

1. The One Year Plan and West City Sector Plan's land use classification for the subject property is MDR (Medium Density Residential), which permits consideration of residential zoning districts from RN-1 to RN-5 (General Residential).
2. The proposed rezoning is consistent with the General Plan's principle that increased density and a mix of housing types will support neighborhood services, shops, public transit and recreational opportunities. These lots are located within walking distance of all of those amenities.

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:

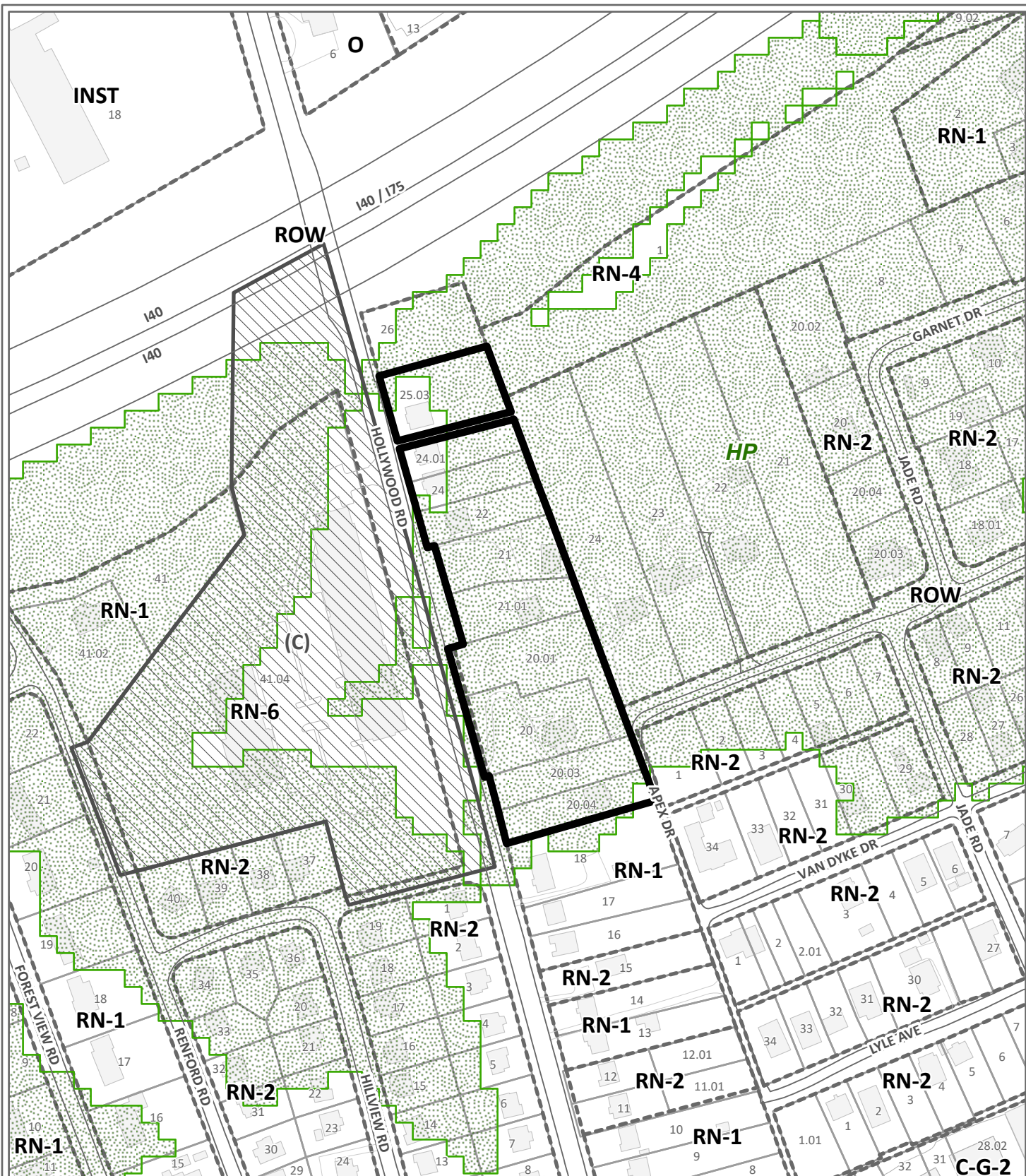
1. The subject property is an urbanized area with adequate utility infrastructure. It is served by sidewalks on Hollywood Road that lead to transit on Sutherland Avenue to the south. Sutherland Avenue is an active, service-oriented commercial corridor that provides pedestrian access to the University of Tennessee sports fields. It is in the Parental Responsibility Zone for both Pond Gap Elementary and West High School. These amenities and infrastructure support more residential development in the area.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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

If approved, this item will be forwarded to Knoxville City Council for action on 10/15/2024 and 10/29/2024. 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

9-A-24-RZ

Petitioner: Barnes Capital Management, LLC



From: RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)
To: RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

Map No: 107

Jurisdiction: City

Original Print Date: 8/8/2024

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

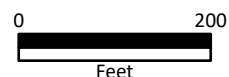
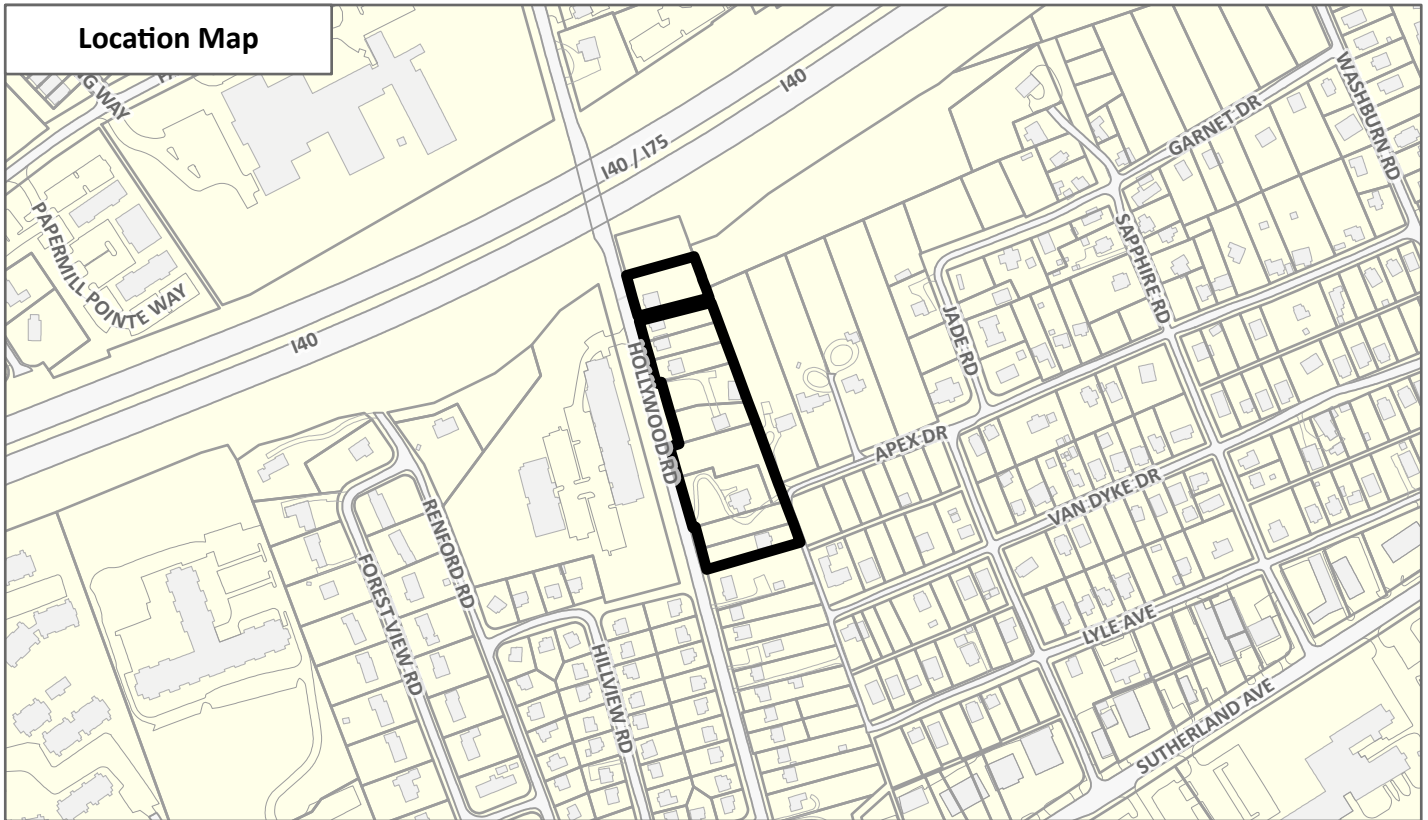


Exhibit A. Contextual Images

Location Map



Aerial Map

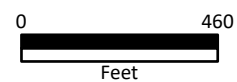


CONTEXTUAL MAPS 1

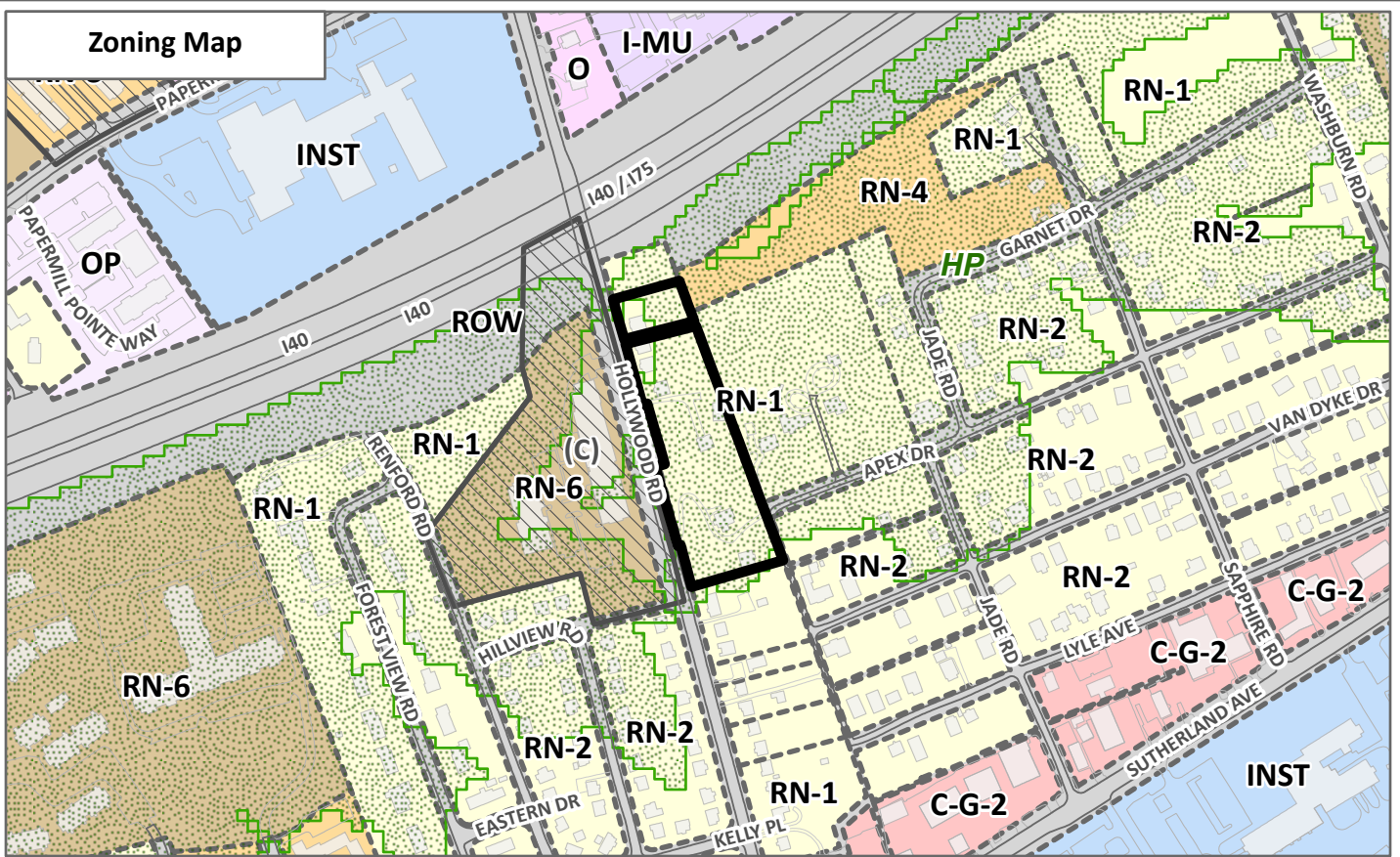
9-A-24-RZ



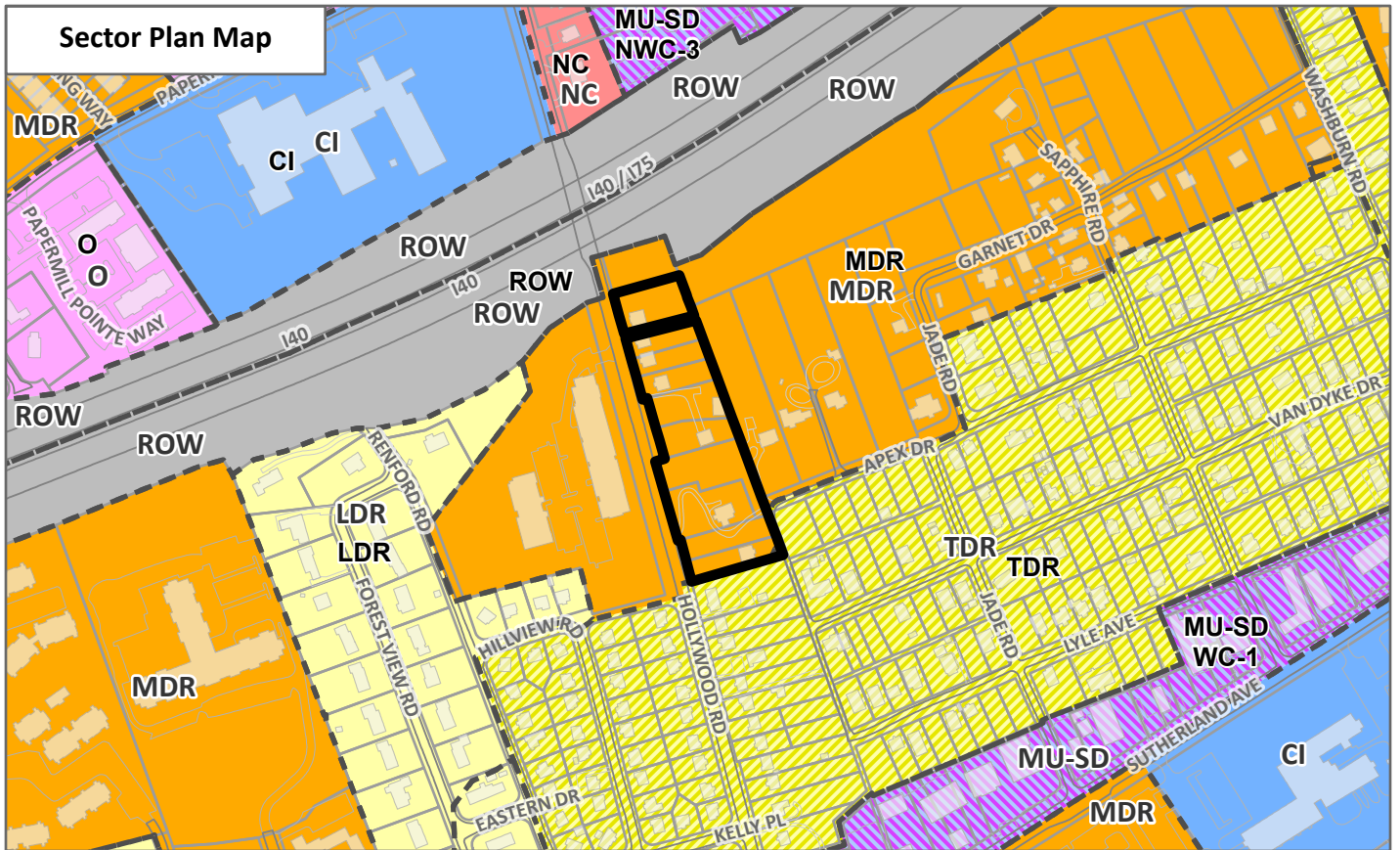
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

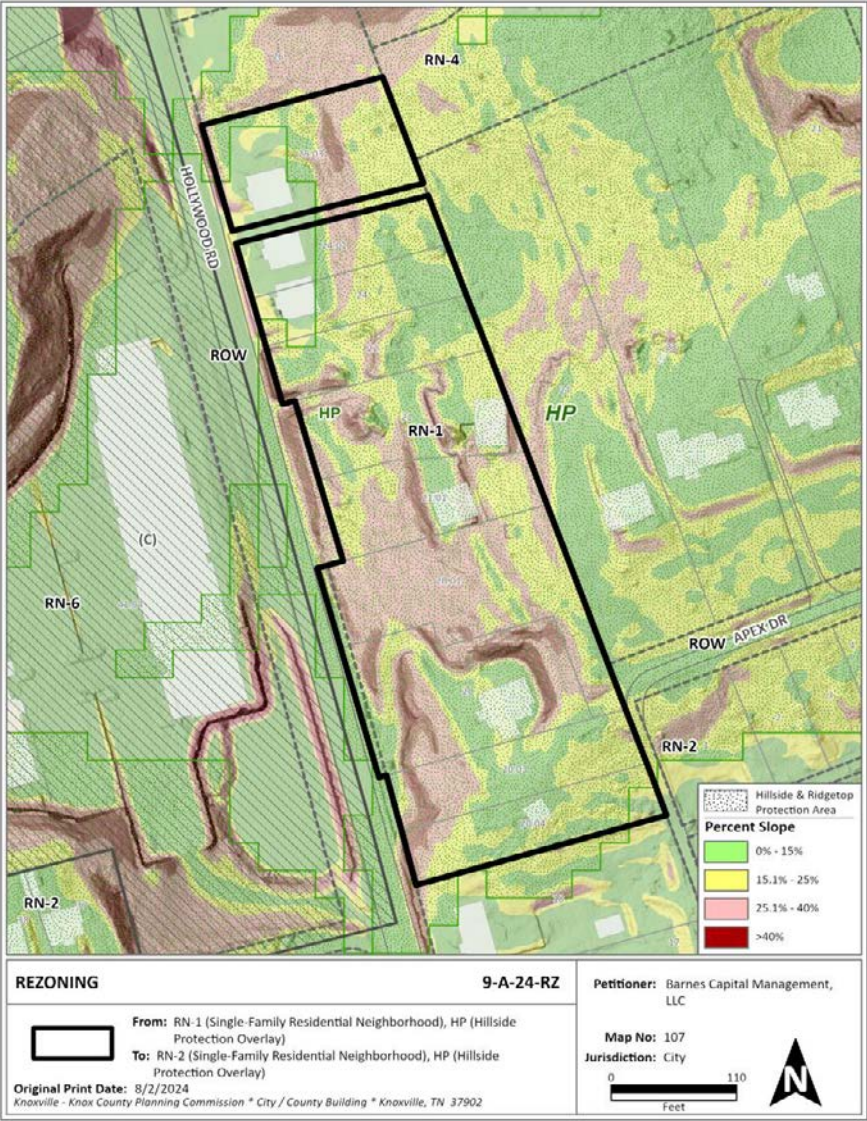
9-A-24-RZ



Case boundary



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	137,179.8	3.1			
Non-Hillside	11,639.4	0.3	N/A		
0-15% Slope	32,977.0	0.8	100%	32,977.0	0.8
15-25% Slope	43,932.4	1.0	50%	21,966.2	0.5
25-40% Slope	37,217.2	0.9	20%	7,443.4	0.2
Greater than 40% Slope	11,413.8	0.3	10%	1,141.4	0.0
Ridgetops					
Hillside Protection (HP) Area	125,540.4	2.9	Recommended disturbance budget within HP Area	63,528.1	1.5
			Percent of HP Area	50.6%	





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

Barnes Capital Management, LLC

Applicant Name

Affiliation

7/5/2024

Date Filed

9/12/2024

Meeting Date (if applicable)

9-A-24-RZ

File Number(s)

CORRESPONDENCE

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

R. Jason Barnes

Name / Company

802 Lovell Road Rd. Knoxville TN 37932

Address

865-599-3515 / barnes4315@yahoo.com

Phone / Email

CURRENT PROPERTY INFO

R. Jason Barnes

Owner Name (if different)

802 Lovell Road Rd. Knoxville TN 37932

Owner Address

865-599-3515 / barnes4315@ya

Owner Phone / Email

800 HOLLYWOOD RD / 818, 820, 900, 906, 910, 912 HOLLYWOOD RD; 4335, 4341, 4345 APEX DR

Property Address

107 F F 02503, 02401,024,022,021, 02101, 02001, 020, 02003, 02

Parcel ID

Part of Parcel (Y/N)?

3.15 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

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-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)**
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.

Barnes Capital Management, LLC

7/5/2024

Applicant Signature

Please Print

Date

Phone / Email

R. Jason Barnes

7/5/2024

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 ☐ OYP
☒ Rezoning

Applicant Name **Barnes Capital Management LLC**

Affiliation

Date Filed **4/18/24**

Meeting Date (if applicable) **September 12, 2024**

File Number(s)

9-A-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

Name **Barnes Capital Management LLC**

Company **R. Jason Barnes**

Address **802 Lovell Road**

City **Knoxville**

State **TN**

ZIP **37932**

Phone **865-599-3515**

Email **barnes4315@yahoo.com**

CURRENT PROPERTY INFO

Property Owner Name (if different) **Barnes Capital Management LLC**

Property Owner Address **802 Lovell Rd Knox, TN 37932**

Property Owner Phone **865-599-3515**

Property Address **10 H Lots (See Attached)**

Parcel ID **(See Attached)**

Sewer Provider **KUB**

Water Provider **KUB**

Septic (Y/N) **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

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 **RN-2**
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

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	

☐ 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. Jason Barnes
Please Print4/18/24
Date

Phone Number

865-599-3515

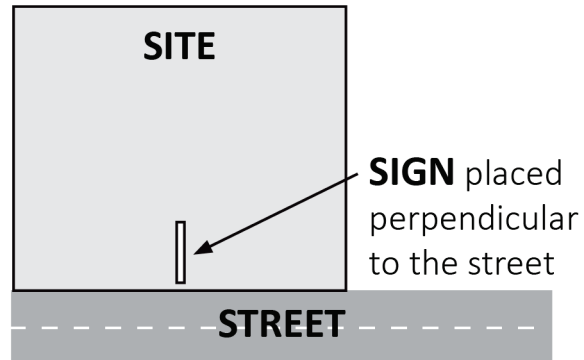
barnes4315@yahoo.com
Email

Property Owner Signature

R. Jason Barnes
Please Print07/03/2024, SG
Date Paid

Property Address	Parcel ID
912 Hollywood Road Knoxville, TN 3719	107FF02503
910 Hollywood Road Knoxville, TN 37919	107FF02401
906 Hollywood Road Knoxville, TN 37919	107FF024
900 Hollywood Road Knoxville, TN 37919	107FF022
820 Hollywood Road Knoxville, TN 37919	107FF021
818 Hollywood Road Knoxville, TN 37919	107FF02101
4335 Apex Drive Knoxville, TN 37919	107FF02001
800 Hollywood Drive Knoxville, TN 37919	107FF020
4341 Apex Drive Knoxville, TN 37919	107FF02003
4345 Apex Drive Knoxville, TN 37919	107FF02004

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:

_____ **08/30/2024** _____ and _____ **09/13/2024** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Barnes Capital Management, LLC

Date: 07/05/2024

File Number: 9-A-24-RZ



Sign posted by Staff



Sign posted by Applicant