

CASE SUMMARY

APPLICATION TYPE: PLANNED DEVELOPMENT



File Number: 12-A-24-PD **Related File Number:**
Application Filed: 10/28/2024 **Date of Revision:**
Applicant: HEYOH DESIGN & DEVELOPMENT

PROPERTY INFORMATION

General Location: North side of Delrose Dr, south side of Brooks Ave, west side of Riverside Rd
Other Parcel Info.:
Tax ID Number: 82 M C 02603,037 **Jurisdiction:** City
Size of Tract: 31.34 acres
Accessibility: Access is via Delrose Drive, a major collector street with a 23-ft pavement width within a 40-ft right-of-way. Access is also via Brooks Avenue, a minor arterial street with a 21-ft pavement width within a 42-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land, Rural Residential
Surrounding Land Use:
Proposed Use: Preliminary plan for a residential development **Density:**
Planning Sector: East City **Plan Designation:** LDR (Low Density Residential), MDR (Medium Density Residential)
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context: This area of East Knoxville is predominantly comprised of single family homes. There is a small multifamily community nearby to the southeast. Williams Creek Golf Course is located to the west and a landfill is located to the southeast. Sarah Moore Greene Elementary School and the Knoxville Botanical Gardens and Arboretum are nearby to the north.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 2805 DELROSE DR
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-1 (Single-Family Residential Neighborhood), RN-4 (General Residential Neighborhood), HP (Hillside Protection Overlay)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: A rezoning to the RN-4 district was approved for most of the subject property in response to a request for the RN-6 district in March of 2024 (1-I-24-RZ). A rezoning request for RP-1 (Planned Residential) with a proposed density of 12 du/ac was denied per staff recommendation in 2003 (4-J-03-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential), MDR (Medium Density Residential), HP (Hillside Ridgeline Protection)

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed: **No. of Lots Approved:** 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Jessie Hillman

Staff Recomm. (Abbr.): Deny the Planned Development because the project does not provide public benefits that are commensurate with the zoning exceptions requested.

Staff Recomm. (Full):

Comments: COMMENTS:

The purpose of a Planned Development is to encourage and allow more creative and flexible development of land than is possible under district zoning regulations. It should only be applied to further those applications that provide compensating amenities and benefits to the City and neighborhood. Standards for a Planned Development are codified in subsequent sections of Article 16.7.

This staff report consists of five sections -- Project Background, Project Description, Zoning Exceptions, Community Benefits, and Criteria for Approval of a Planned Development.

--PROJECT BACKGROUND--

This case was postponed 60 days in May by the Planning Commission to allow time for feedback from Commissioners to be incorporated. Recommendations by the Planning Commission included consolidating the public recreational amenities so that they were clearly distinguished from private amenities; moving the public park space closer to Delrose Drive to be more visible and welcoming; providing a maintenance agreement to ensure the public recreational components are independently maintained in perpetuity for public use; reducing the number of parking spaces; and reducing the scale and height of the residential development to be more compatible with the surrounding residential context.

--PROJECT DESCRIPTION--

Heyoh Design + Development is proposing the construction of a 620-unit residential development called Cardinal Place on an approximately 31.34-acre site comprised of 2805 Delrose Drive and 0 Riverside Road (Parcel IDs # 082MC02603 and 037). The dwelling unit composition would be an estimated 480 multifamily units in five, four-story apartment buildings located towards the center of the subject property with 140 townhouse units within the north and southwest areas of the property. There would be two two-way access points on Delrose Drive to the south, and two pedestrian-exclusive access points on Brooks Avenue to the north and Riverside Road to the east

In response to the Planning Commission's comments in May, the applicant redesigned the public amenities into a cluster of park space that includes six pickleball courts, a dog park, a playground, community garden and a natural park. The public parks have their own dedicated parking lot that provides bike parking, a bike repair station, and EV charging stations. This park space has been moved closer to Delrose Drive just past a reduced and vegetated stormwater management area, and renderings have been included to show how the park area would appear from the street. The ratio of

townhouse to apartment units was adjusted from 80 and 570 to 140 and 480 respectively, with a total unit reduction from 650 to 620. Another change to the design is the removal of vehicular access to Riverside Road, a local residential street with approximately 17 feet of pavement width. The plan package notes that the recreational amenities will be privately maintained but provides no further detail or assurance on a maintenance agreement.

--ZONING EXCEPTION--

Per Article 16.7.D.2, exceptions from district regulations may be granted for planned developments if the exceptions:

- a. Enhance the overall merit of the planned development.
- b. Promote the objectives of both the City and the development.
- c. Enhance the quality of the design of the structures and the site plan.
- d. Will not cause excessive adverse impact on neighboring properties.
- e. Are compatible with the adopted Knoxville-Knox County General Plan and its component parts, including adopted sector plans, corridor plans, and related documents.
- f. Provide a public benefit to the City.

This development proposal includes 13 requested exceptions from the RN-4 (General Residential Neighborhood) and RN-1 (Single-Family Residential Neighborhood) zoning districts. Many of these requests would facilitate development more aligned with what would be allowed in the RN-5 (General Residential Neighborhood) or RN-6 (Multi-Family Residential Neighborhood) zoning districts and is more intensive than surrounding land uses.

The exception requests are listed below by zoning district.

For the larger parcel, zoned RN-4:

- 1) Remove Special Use review for townhouse and/or multifamily residential development in the RN-4 zoning district (Article 4.2.B: Residential Neighborhoods Districts - Uses and Table 4-1: RN-4 Development Types)
- 2) Reduce the minimum lot area for the townhouse use in the RN-4 district from 3,000 square feet to 2,600 square feet. (Table 4-2: Residential District Dimensional Standards).
- 3) Remove the 40,000 square foot maximum lot area limit for multifamily developments in the RN-4 district (Table 4-2: Residential District Dimensional Standards).
- 4) Increase the maximum height of multifamily buildings from 45 feet to 65 feet in the RN-4 district (Table 4-2: Residential District Dimensional Standards).
- 5) Change the RN-4 district minimum interior side setback standard from 12 feet or 15% of lot width, whichever is greater, to that of RN-6, which stipulates 12 feet plus 1-foot additional setback for each 2 feet of building height over 35 feet (Table 4-2: Residential District Dimensional Standards).

For the smaller property, zoned RN-1:

- 6) Allow the use of a townhouse dwelling in the RN-1 district (Article 9: Uses and Table 9-1: Use Matrix).
- 7) Permit a minimum lot area of 3,000 square feet per townhouse dwelling unit in the RN-1 district. (Table 4-2: Residential District Dimensional Standards).
- 8) Increase the maximum impervious surface coverage from 40% to 70% in the RN-1 district (Table 4-2: Residential District Dimensional Standards).
- 9) Permit a minimum front setback of 10 feet, or the average of the blockface, whichever is less, in the RN-1 district (Table 4-2 Residential District Dimensional Standards).
- 10) Reduce the minimum interior side setback in RN-1 from 8 feet or 15% of lot width, whichever is less, and in no case less than 20 feet combined to 0 feet. (Table 4-2 Residential District Dimensional

Standards).

11) Remove the minimum rear setback standard so that it is not applicable to the RN-1 zoned area of the subject property. (Table 4-2 Residential District Dimensional Standards).

12) Permit more than one principal building per lot in an RN-1 district (Article 10.1.A General Development Requirements - Number of Structures on Lot and Article 9.1.D: General Use Regulations).

For the entire development:

13) Allow unlimited use of aluminum, steel or metal sidings as a primary surface finish material (more than 15% limit) on any façade of a multifamily or townhouse building (Article 9.3.1 Principal Use Standards for Multi-Family or Townhouse Dwellings).

--COMMUNITY BENEFITS--

Per Article 16.7.D.3, an exception to zoning district regulations cannot be granted unless the applicant demonstrates a substantial benefit to the City. The proposal enumerates 21 benefits that are organized according to 3 categories: Community and Recreation; Environmental and Preservation; and Infrastructure, Access and Mobility. The benefits are listed below with staff review and analysis following within each theme.

1) Community and Recreation: The applicant lists the following aspects of the plan as recreational amenities intended for use by the general public or as benefits the City and neighborhood.

- A playground
- A natural park & play area
- A dog park
- A community garden
- 6 Pickleball courts
- Walking paths
- Individually sold townhouse units
- Townhouse locations around the edge of the development providing a transition of residential intensity

Staff Analysis:

The walking path throughout Cardinal Place provides a recreational amenity for its residents, but it does not currently improve connectivity to any place except within the development itself. The only pedestrian access point that connects to existing sidewalk infrastructure is the Brooks Avenue entrance, and it is located very far from the cluster of public park spaces.

The plan package provides little detail on how the recreational amenities would be physically or financially maintained for public use in perpetuity. Should membership fees be charged, this would become more of a business enterprise than a public benefit. Without a binding maintenance plan, as requested by the Planning Commission, there is no way to ensure any of these amenities would function in a way that supports and promotes their use by the public. The City has no intention of maintaining these recreational amenities for the developer. There is also no assurance that they would not result in a for-profit venture and therefore more of a commercial use.

The development of townhouses does not merit further consideration as a public benefit. The use of a townhouse is already attainable through the RN-4 zoning district, and its location and market-rate sale does not meet the characteristics of a community benefit described in the Planned Development Article.

Similarly, a transition of residential intensity is not a public benefit as intended by the Planned Development Article, and this transition would not exist without the extent of multifamily development

proposed by the applicant.

2) Environment and Conservation: The applicant credits the site design with several environmental benefits.

- Green space and better preservation of natural grade than allowed with the RN-4 maximum lot size for multifamily development
- An increase in sustainability through building efficiency via more units per building.
- At least 75% of the building footprint will have white roofs, which reduces the energy required to cool buildings
- Conservation of approximately 3.5 acres of existing trees and rock outcroppings
- Strategic tree removal and retention, to the extent that it is feasible, on approximately 3.5 acres
- Reforestation throughout the site to reduce trees loss
- A 35-ft natural buffer between the development and adjacent residential lots

Staff Analysis: Many of the benefits described in this section rely on the argument that development under the RN-4 zoning district would necessarily be more impervious, auto-centric, discouraging of greenspace, and would result in less efficient residential buildings. This is based on the alternative scenario provided that shows how much the land would need to be subdivided for the extent of multifamily development being pursued by the applicant. While the RN-4 district dimensional standards are not intended for the scale and massing of multifamily development proposed, that does not mean the zoning district hampers conservation or sustainable building design. To the contrary, the RN-4 district actively promotes greenspace with the pocket neighborhood design standards in Article 4.5. Additionally, the density of the residential buildings themselves should not be considered a public benefit as they represent more dwelling units and therefore more profit for the development.

While it is laudable that the developer intends to preserve approximately 3.5 acres of the approximately 31.3-acre parcel (a 1/2-acre reduction from the previous plan), the development also proposes 143 more parking spaces than is required with the property's transit route proximity reduction. The proposal also includes a request for an impervious surface increase from 40% to 70% in the RN-1-zoned portion of this site. With the proposed 3.5 acres of "strategic tree removal and retention" areas, there is no assurance on the quantity of trees that would be preserved. It is possible no trees would be considered viable in those areas with the intensity of development proposed. This critique also applies to the noted reforestation benefit, as there is no quantifiable measure provided to verify adequate tree plantings will occur. Some level of reforestation will likely be required in response to clearing and grading the property per the Tree Protection Ordinance standards.

This is a greenfield development that is entirely comprised of mature forest. The City of Knoxville recently adopted the Urban Forest Master Plan, which sets a goal to increase the City's tree canopy from 38% to 40% by 2040. This context runs counter to the argument that these zoning exceptions are necessary for the sake of environmental conservation.

3) Infrastructure, Access and Mobility:

Proposal: Multimodal connectivity and accessibility are emphasized within this category.

-Walking paths within the development are mentioned again in this theme as a mobility benefit because the paths connect to existing sidewalk infrastructure on Brooks Avenue. The paths also connect to Delrose Drive and Riverside Road, which currently have no sidewalk infrastructure.

- Provision of parking spaces for the public park and recreational spaces
- Installation of a bike repair station and covered bike parking above the required minimum and near the public park space
- Installation of Electronic Vehicle (EV) charging locations throughout the development, including in the public park area and near the sidewalk on Brooks Avenue
- 2% of the residential units will be made Accessible, meaning the homes will be designed for

immediate, full wheelchair access and usability. An additional 8% of the units will be Type A units, meaning they include features for potential future accessibility needs, but may not be fully accessible upon initial occupancy. The minimum requirement by law is that 2% of the dwellings be Type A units.

- Creation of parking, signage and pedestrian access via the internal walking path to the Williams-Masterson Cemetery, which is a small private family cemetery adjacent to the proposed development on Delrose Drive

Staff Analysis: The walking paths internal to the development are described as a way to connect Brooks Avenue, Riverside Road and Delrose Drive, yet there is only existing sidewalk infrastructure on the north side of Brooks Avenue to connect to, which would require a mid-block crosswalk. Parking spaces for community use of the park areas are listed as a benefit, though if these amenities were deemed to be public parks, adequate parking would be required at permitting. The EV charging and bike repair stations would be most convenient for the future residents of the Cardinal Place development, not the general public. The provision of more Accessible and Type A units than is required provides for a more inclusive environment, but it is also an aspect of the development that could be accomplished through the RN-4 standards. Providing internal pedestrian access to the private Williams-Masterson cemetery, which contains 6 graves, is of unknown benefit to the City. This family cemetery has no historic designations and has not been nominated for inclusion in the National Register of Historic Places.

PURSUANT TO ARTICLE 16.7.E.3.e, THE RECOMMENDATION OF THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION AND DECISION OF THE CITY COUNCIL MUST MAKE A FINDING THAT THE FOLLOWING STANDARDS FOR A PLANNED DEVELOPMENT HAVE BEEN MET:

A. THE PROPOSED PLANNED DEVELOPMENT MEETS THE PURPOSE OF A PLANNED DEVELOPMENT (Article 16.7.A):

1. The first sentence of the Planned Development article states that exceptions from zoning regulations should only be applied to projects that provide compensating amenities and benefits to the City and neighborhood. The City's stance, as detailed in the attached letter from Knoxville's Urban Design and Development team (Exhibit A), is that the listed amenities of the proposed development do not provide a substantial public benefit warranting the requested exceptions from the zoning code. Absent the City's endorsement of the described benefits, this application does not meet the intent of the Planned Development process.

2. Page 19 of the proposed Cardinal Place plan provides an unrealistic alternative development scenario of what the site could look like if it was developed under RN-4 zoning. The scenario takes issue with the RN-4 district's maximum lot area of 40,000 square feet for multifamily development, and it demonstrates the amount of subdividing that would be required if the property was developed with that use exclusively. This site plan is a misrepresentation of the wide range of housing forms and layouts that could be considered under this district, which include single-family and duplex dwellings, townhouses (which do not have a maximum lot area), and small-scale multifamily buildings. Pocket neighborhoods are defined as a cluster of dwellings around a common courtyard stewarded by residents, and this is also a development form permitted in the RN-4 district. The RN-4 standards do not necessitate more auto-centric development as presented. This scenario would be recommended for denial by staff if it came through Special Use review, which is the required review process under RN-4 for multifamily developments of this scale. The RN-4 district is simply not intended for the intensity of multifamily development proposed.

3. 2805 Delrose Drive was rezoned to RN-4 in 2024 in response to a rezoning request from the RN-1 to the RN-6 zoning district. The applicant accepted the alternative zoning recommendation by staff, and RN-4 was approved by the Planning Commission and City Council. The basis for a less intensive rezoning than originally requested, as described in the report for case 1-I-24-RZ, was that RN-4 zoning balanced housing need and residential amenities of the location with the predominantly single-family and forested context surrounding the property. This Planned Development application pursues the maximum building height and interior side setback standards of the RN-6 zoning district. This entire proposed development could be permitted by right under the RN-6 zone. Thus, this application appears to utilize the Planned Development process to contractually rezone the property and circumvent a land use decision made by the Planning Commission and City Council. This approach compromises the integrity of the Planned Development process. This context is counter to the first standard for zoning exceptions to be granted, which is that it improve the overall merit of the Planned Development.

4. The Planned Development process is intended to provide zoning flexibility for projects that are architecturally and environmentally innovative and provide public benefits to the City. If this project is approved when the City administration has determined the benefits are inadequate, it could set a

precedent that leads to the Planned Development process being utilized as an alternative means for obtaining more development intensity after being denied a rezoning by the City Council or a zoning variance by the Board of Zoning Appeals.

B. THE PROPOSED PLANNED DEVELOPMENT WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE VICINITY.

1. The RN-4 district was voted upon and approved for this property because it was deemed to be more appropriate than the requested RN-6 district. While the proposed unit count is far below what could be permitted by right in the RN-6 zone, the scale and massing of the multifamily buildings are more akin to an RN-6-style development. This intensity of development is not in harmony with the surrounding residential context, which is primarily comprised of larger, wooded lots.

C. THE PROPOSED PLANNED DEVELOPMENT WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY.

1. The intensity of a 620-unit residential development will likely have an accelerating effect on the development of surrounding properties, many of which are sparsely developed and forested.

D. THERE IS PROVISION FOR ADEQUATE UTILITIES AND INFRASTRUCTURE, DRAINAGE, OFFSTREET PARKING AND LOADING, PEDESTRIAN ACCESS, AND ALL OTHER NECESSARY FACILITIES

1. The appendix of the Cardinal Place plan package reflects adequate utility infrastructure for more residential intensity at this location.

2. The stormwater management facilities were drastically reduced to accommodate the revised site plan since postponement. The feasibility of these reduced detention facilities would be verified in the final plan and permitting phases. If the reduced detention facilities require enlargement after approval of this Planned Development, a revised Planned Development may be required depending on the size of the enlargement. Article 16.7.F.1 provides a list of minor modifications that would require Planning Commission approval, and 16.7.F.2 provides a list of major modifications that would require Planning Commission and City Council approval. Enlargement of a detention basin is of a similar nature to the provisions listed and would warrant an updated approval under one of these modification standards.

E. THERE IS PROVISION FOR ADEQUATE VEHICULAR INGRESS AND EGRESS DESIGNED TO MINIMIZE TRAFFIC CONGESTION UPON PUBLIC STREETS. THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION AND/OR CITY COUNCIL MAY REQUIRE A TRAFFIC STUDY TO PROVIDE EVIDENCE THAT THE CIRCULATION SYSTEM IS ADEQUATE.

1. The applicant did not update the traffic impact study to reflect the new unit count and removal of Riverside Road access. The original study estimated that the construction of 570 apartments and 80 townhouses would generate 5,076 ADT (average daily traffic) at full build-out and occupancy, which is more than the estimated 4,920 ADT with the updated unit count. The study indicated that the Cardinal Place development would cause minimal delays and traffic queues. A key recommendation in the study is for the developer to construct a center turn lane on Delrose Drive for the access points there. A well-marked pedestrian crosswalk is also recommended for the mid-block connection of the proposed walking path to the existing sidewalk across Brooks Avenue.

2. The traffic study notes existing intersections near the proposed development that are vulnerable to traffic conflicts and should be improved by the City. These intersections would be further strained by the influx of traffic stemming from this development, though the developer would not be responsible for supporting such capital improvements.

F. THE LOCATION AND ARRANGEMENT OF STRUCTURES, PARKING AREAS, WALKS, LANDSCAPE, LIGHTING, AND OTHER SITE DESIGN ELEMENTS AND THE USES ARE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD AND ADJACENT LAND USES.

1. The proposed Cardinal Place development is far more intensive than the surrounding neighborhood

and adjacent residential uses. It is a level of development that was deemed inappropriate when this property was rezoned to RN-4 instead of the requested RN-6 zoning district. The request for building heights as high as 65 feet is incompatible with the surrounding scale of residential development.

2. A lighting plan would be required in the final plan phase to ensure that illumination does not create a nuisance for neighboring properties.

Action: Withdrawn **Meeting Date:** 7/10/2025

Details of Action:

Summary of Action:

Date of Approval: **Date of Denial:** **Postponements:** 12/12/2024,
2/13/2025,
3/13/2025, 5/8/2025

Date of Withdrawal: 7/9/2026 **Withdrawn prior to publication?:** ☐ **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 6/10/2025 **Date of Legislative Action, Second Reading:** 6/24/2025

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**