

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 1-E-21-RZ **Related File Number:**
Application Filed: 11/30/2020 **Date of Revision:**
Applicant: RANDY GUIGNARD / CAFÉ INTERNATIONAL LLC

PROPERTY INFORMATION

General Location: East side of Beverly Rd., north of Greenway Dr.
Other Parcel Info.:
Tax ID Number: 59 00201 & 002 **Jurisdiction:** County
Size of Tract: 78 acres (total)
Accessibility: Beverly Road is a major collector with a pavement width of 21 feet and a right-of-way width of 47.5 feet.

GENERAL LAND USE INFORMATION

Existing Land Use: Agricultural/forestry/vacant
Surrounding Land Use:
Proposed Use: **Density:** 3.22 du/ac (over portion of property not in floodplains or floodway)
Sector Plan: North City **Sector Plan Designation:** LDR (Low Density Residential) / SP (Stream Prote
Growth Policy Plan: Urban Growth Area
Neighborhood Context: The surrounding area contains a mix of industrial and residential uses in the midst of steep slopes and a creek with a floodway and floodplains. There are industrial uses and a railroad to the north, and single-family homes to the northeast and the south. Adjacent residential properties to the south are a variety of lot sizes ranging from over an acre down to 1/3 an acre. A shopping center and funeral home are also in the near vicinity. The upcoming warehouse distribution center is planned for the site of the former East Town Mall.

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

Street: 0 Beverly Rd. & 0 New Beverly Church Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: I (Industrial) / RB (General Residential) / F (Floodway)
Former Zoning:
Requested Zoning: PR (Planned Residential) / F (Floodway)
Previous Requests: 3-D-18-RZ & 12-E-19-RZ
Extension of Zone: No
History of Zoning: PR zone with 5 du/ac requested 03/2018, Planning Commission approved 2.75 du/ac, was withdrawn

before County Commission action. PR zone with up to 3.5 du/ac requested 12/2019, Planning Commission approved, withdrawn before County Commission action.

PLAN INFORMATION (where applicable)

Current Plan Category:

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: Michelle Portier

Staff Recomm. (Abbr.): Approve PR (Planned Residential) zoning with a density of 2.51 du/ac because it is consistent with the North City Sector Plan's LDR designation, and retain the F (Floodway Overlay District).

Staff Recomm. (Full): Conditions:
Staff recommends the following measures to increase safety and preserve sensitive land on the steep slopes and along the creek. The following conditions would apply if the rezoning is approved:

1. Grading of steep slopes should be kept to a minimum per the Hillside and Ridgetop Protection Plan guidelines.
2. Development should not occur in the floodplains or the floodway.
3. The Knoxville Parks and Recreation Department has requested a trail easement on the southern border of the property to encompass proposed walking trails.
4. Housing and development should be clustered on the flatter portion of the property (containing slopes ranging from 0% to 15%) to reduce the amount of land disturbed, protect the retention and filtration capabilities of the property, and mitigate erosion on the steeper slopes on the southern portion of the property.

Comments: GENERAL COMMENTS:

1. This site contains land in a FEMA floodway and floodplains (500-year and 100-year) on the northern portion of the site and a steep slope in the Hillside and Ridgetop Protection Area on the southern portion. The Knox County Stormwater Ordinance defines floodplains and floodways as such:
 - a. Floodplain means any land area susceptible to being inundated by water from any source. Floodplains that have been studied for purposes of flood insurance documentation are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation in the floodplain to a specified flood elevation. The 100-year floodplain is the area subject to inundation during the 100-year flood (i.e., land with a 1% chance of flooding any given year).
 - b. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.
2. The applicant's application states that he is requesting a density of 3.22 du/ac over 61 acres. This reflects the applicant's desire to donate 16 acres of land in the floodway to Legacy Parks, as the actual acreage of both parcels comprising the site is approximately 78 acres. A letter from Legacy Parks considering the proposal was submitted as part of the application in the December 2019 rezoning request and has been included in the application materials of this request. However, since no donation has occurred, the density must be calculated using the overall acreage. Using the total acreage in the calculation yields a density of 2.51 du/ac (78 acres/196 dwellings = 2.51 du/ac).

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE COUNTY GENERALLY:

1. There is an increased need for housing in the County. The proposed rezoning would create an opportunity to meet this need.

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

1. The Knox County Zoning Ordinance describes PR zoning as intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provisions for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.
3. PR zoning would ensure some type of residential development would occur on this property regardless of whether this particular development moved forward.
4. PR zones require Planning Commission review of development plans via the use on review process to ensure compliance with zoning regulations and encourage compliance with the Hillside and Ridgetop Protection Plan.

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. As stated, there is a significant portion of the site in a floodway and floodplains, and flooding has occurred in this area. Flood concerns are handled during the site plan review process, and plans are required to comply with Knox County's Stormwater Department requirements and provide stormwater mitigation measures that ensure flooding is at the same threshold as pre-development levels.
2. A traffic impact analysis will be required. Sight distance and access points would be addressed during the concept plan/use on review process and would be required to meet the requirements of the Knox County Engineering Department.
3. There is a significant amount of property to the north and south that are planned to be undisturbed, and the natural vegetation presence of the creek provide a physical and visual barrier that would help shield the higher density of this development from Beverly Road.

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 requested zoning is consistent with the sector plan's LDR designation, which allows PR zoning with up to 5 du/ac in the Urban Growth Areas of the County.

Action: Approved **Meeting Date:** 1/14/2021

Details of Action:

Summary of Action: Approve PR (Planned Residential) zoning with a density of 2.51 du/ac because it is consistent with the North City Sector Plan's LDR designation, and retain the F (Floodway Overlay District).

Date of Approval: 1/14/2021 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 2/22/2021 **Date of Legislative Action, Second Reading:**

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

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

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

Amendments: **Amendments:**

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