

# CASE SUMMARY

## APPLICATION TYPE: GOVERNMENTAL REZONING

File Number: 2-H-06-RZ

Related File Number:

Application Filed: 1/13/2006

Date of Revision:

Applicant: KNOXVILLE CITY COUNCIL (CHARLES SWANSON) (REFERRED BACK TO MPC)

Owner:

### PROPERTY INFORMATION

**General Location:** East & west sides Scenic Dr from Kingston Pk south to Oakhurst Dr; northwest & southeast sides Scenic from Oakhurst to Blows Ferry Rd; east side Southgate Rd from Scenic to Sagwa Dr; north & south sides Blows Ferry from Scenic north to Alta Vista Way

**Other Parcel Info.:** Parcels: 107LC001.01 & 024-025.01; 107LE001, 001.01, 023-26; 107MD017-022; 121DC026-043 & 044-045; 107ME001 & 037-042; 107MF001-018, 019.01, & 021; 121DD001-013; 121DE001-002;

**Tax ID Number:** 107 L F 018-023 OTHER: 121DK001; 121DM003; 121DA0 **Jurisdiction:** City

**Size of Tract:** 98 acres

**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Single family residential

**Surrounding Land Use:**

**Proposed Use:** Same

**Density:**

**Sector Plan:** West City **Sector Plan Designation:** Residential

**Growth Policy Plan:** Urban Growth Area

**Neighborhood Context:** Properties are located primarily along Scenic Drive in the Sequoyah Hills neighborhood, surrounded by single family residential uses, with Ft. Loudon Lake on the southwest.

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

**Street:**

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** R-1 (Single Family Residential)

**Former Zoning:**

**Requested Zoning:** R-1 (Single Family Residential)/NC-1 (Neighborhood Conservation Overlay) and Approve Design Guidelines

**Previous Requests:** None noted

**Extension of Zone:** No

**History of Zoning:** None noted

### PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

### **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

Surveyor:

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

Variances Requested:

S/D Name Change:

### **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

### **MPC ACTION AND DISPOSITION**

**Planner In Charge:** Ann Bennett

**Staff Recomm. (Abbr.):** APPROVE Scenic Drive NC-1 (Neighborhood Conservation Overlay) and Design Guidelines.

**Staff Recomm. (Full):** On Tuesday, June 6, the Knoxville City Council recognized an effort made by some Scenic Drive property owners seeking to avoid having their properties included in a Neighborhood Conservation Overlay. This group of owners signed "Notice of Intent" documents agreeing to restrict their individual properties with deed restrictions in exchange for being removed from the proposed NC-1 designation. City Council then referred the rezoning petition it had filed on behalf of the Sequoyah Hills neighborhood/Scenic Drive to MPC for reconsideration, finding that the exclusion of thirty-three properties from the original petition substantially altered the rezoning request, and merited additional review by MPC.

The Scenic Drive area of Sequoyah Hills neighborhood has been approved by the Knoxville Historic Zoning Commission as an area of historical and architectural significance. The Historic Zoning Commission (HZC) review was requested by Knoxville City Council.

**Comments:** On Tuesday, June 6, the Knoxville City Council recognized an effort made by some Scenic Drive property owners seeking to avoid having their properties included in a Neighborhood Conservation Overlay. This group of owners signed "Notice of Intent" documents agreeing to restrict their individual properties with deed restrictions in exchange for being removed from the proposed NC-1 designation. City Council then referred the rezoning petition it had filed on behalf of the Sequoyah Hills neighborhood/Scenic Drive to MPC for reconsideration, finding that the exclusion of thirty-three properties from the original petition substantially altered the rezoning request, and merited additional review by MPC.

Scenic Drive is considered architecturally and historically significant as a result of its setting, the architectural of its individual components and its history of settlement.

Scenic Drive, one of the primary entrances into the Sequoyah Hills neighborhood, is in an area that was annexed by Knoxville in 1917, when it was still called Logan Road; it was first recorded as Scenic Drive in the 1921 City Directory. Southgate, named for a "south gate" that provided access to a large landholding, and Blow's Ferry, a road to a ferry landing maintained by Peter Blow, are two additional streets included in the designation.

The setting of individual homes along Scenic Drive respects the varying topographic relief found through the length of the street, which is particularly evident in the large lots and setbacks found in the middle and southern sections of the street. Notable architects and architectural styles include the revival styles of the early 20th century (Colonial Revival, Tudor Revival, Neoclassical), by such architects as Barber & McMurray, Bauman and Bauman and Francis Painter, as well as a particularly notable house in the Art Deco style, one of very few in Knoxville, designed by Elizabeth Dunlap, a landscape architect. Other notable styles include contemporary, Ranch, and Craftsman examples, built by recognized master craftsman and contractors. Former residents that add to the historical significance of the street include former Mayors, attorneys, industrial innovators and leaders in cultural, civic and religious endeavors.

A Neighborhood Conservation Overlay is a form of historic designation available to residents in Knoxville. The enabling legislation for enacting this form of designation appears in TCA13-7-401 et

seq., which in 13-7-404 defines historic districts as a "geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development.

The Knoxville Zoning Ordinance, Article 4, Section 22, which provides that the designated areas must be at least ten acres in size, also requires that a general pattern of development (including buildings) should have been established before 1950, and that an area should have unifying characteristics that create an identifiable character, setting and association.

Four alternatives should be considered in determining what course the designation of Scenic Drive as a Neighborhood Conversation Overlay should take.

Alternative 1: Recommend the originally proposed boundaries, because they contain the area that best reflects the significant architectural and historical evolution of this section of Sequoyah Hills.

Alternative 2: Recommend the originally proposed boundaries, excluding the parcels that were omitted by adopted City Council resolution on June 6, 2006. This alternative has several disadvantages. Alternative 2 would result in a discontinuous district. Designating an urban district that excludes parcels with buildings and settings of consistent age and character does not appear to meet the definition of continuity contained in the state enabling legislation, nor does it meet the provisions of the Knoxville Zoning Ordinance calling for unifying characteristics to create an identifiable character. It thwarts the objectives of the larger community in recognizing and protecting a grouping of buildings that reflect the architecture, settlement patterns and history of a significant part of their community.

Alternative 3: Recommend a revised version of the originally proposed Scenic Drive NC-1 Overlay, which would still allow for a contiguous grouping of buildings along Scenic Drive. The area proposed for designation could be reduced in size to include a majority of those property owners who wish to pursue a Neighborhood Conservation Overlay. This could include areas along Scenic Drive beginning at Scenic's intersection with Navajo Road and continues east and north to Scenic's intersection with Kenilworth Drive. Thirty-eight properties could be included in this alternative area, and according to the information submitted by those opposed to designation, nine of those owners are opposed to the designation, leaving an rate of support of 76%. This reduced boundary would exclude 12 owners at each end of the larger Scenic Drive boundaries who have indicated support for the overlay.

Alternative 4: Recommend that no designation occur on Scenic Drive at this time. This alternative leaves a significant historic resource without the protection of designation, and rejects the concentrated effort of a number of property owners who desire designation. However, it does have the advantage of avoiding the creation of a discontinuous district that fails to offer the protection which neighborhood conversation overlays are intended to confer.

**MPC Action:** Approved

**MPC Meeting Date:** 7/13/2006

**Details of MPC action:**

**Summary of MPC action:** R-1 (Single Family Residential)/NC-1 (Neighborhood Conservation Overlay) and Design Guidelines for properties included in Alternate 2, which excludes the parcels omitted by City Council resolution on June 6, 2006,

**Date of MPC Approval:** 7/13/2006

**Date of Denial:**

**Postponements:** 2/9/2006

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 8/15/2006

**Date of Legislative Action, Second Reading:** 9/26/2006

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Approved First Reading

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

**If "Other":** Postponed 8/29,

**If "Other":**

**Amendments:**

**Amendments:**

Reconsidered with reduced area

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**