

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 6-D-19-RZ                      **Related File Number:**  
**Application Filed:** 4/22/2019                      **Date of Revision:**  
**Applicant:** NMI RESIDENTIAL INVESTMENTS, LLC

## PROPERTY INFORMATION

**General Location:** North Side of Clingmans Dome Drive, North of Mystic Street  
**Other Parcel Info.:** Rezoning request for part of 15409804 is for portion zoned OS-2  
**Tax ID Number:** 154 F F 021 OTHER: 154 09804 (PART OF)                      **Jurisdiction:** City  
**Size of Tract:** 0.75 acres  
**Accessibility:** Access is via Mystic Street, a local street with a pavement width of 24' feet and a right-of-way width of 50' feet. Access is also via Clingmans Dome Drive, a local street, with a pavement width of 25' feet and a right-of-way width of 51' feet.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Detached residential lots                      **Density:**  
**Sector Plan:** Southwest County                      **Sector Plan Designation:** MU-CC (Community Mixed Use Center)  
**Growth Policy Plan:** City  
**Neighborhood Context:** The Beau Monde Subdivision is the residential neighborhood within the Northshore Town Center mixed use development. The neighborhood is developed with a mix of detached and attached residential units and the commercial portion of the town center is developed with a mix of office and commercial uses, and an apartment complex and an elementary school.

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

**Street:** 0 Chimney Top Ln  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** OS-2 (Open Space)  
**Former Zoning:** TC-1 (Town Center)  
**Requested Zoning:** TC-1 (Town Center)  
**Previous Requests:**  
**Extension of Zone:** Yes  
**History of Zoning:** Rezoning request from OS-2 to TC-1 was withdrawn in 2012 (7-D-12-RZ)

## 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:** Mike Reynolds

**Staff Recomm. (Abbr.):** RECOMMEND that City Council APPROVE TC-1 (Town Center) zoning.

**Staff Recomm. (Full):** TC-1 zoning is an extension of the surrounding Beau Monde neighborhood. It is consistent with the sector plan designation and will allow uses compatible with the rest of the neighborhood.

**Comments:** This request is to rezone a portion of the land dedicated for open space for the Beau Monde neighborhood from OS-2 to TC-1 with the intent of creating new detached residential lots along the northeast side of Clingsman Dome Dr, consistent with the larger lots to the north on Clingsman Dome Dr. The Beau Monde subdivision is zoned TC-1, the same as the entire Northshore Town Center development when it was originally approved in 2001, however, the TND-1 development standards are used for the residential neighborhood. The TND-1 standards require that 15% of the land, excluding roads, be dedicated for open space and used for recreation, conservation, and beautification. Of this, 7.5% of the open space must be for parks, greens, and squares.

In Exhibit A (attached) the applicant provides an analysis of the required and proposed open space in the Beau Monde neighborhood. The analysis shows the required common open space is 6.35 acres and the proposed common area is 13.37 acres, and the required park area is 3.18 and the proposed park area is 5.02 acres. The majority of the park area is located between I-140 and Clingsman Dr. The developer intends to construct a community clubhouse and pool in this location. The developer has also indicated there may be an opportunity to add park space in another part of the development, but that has not been confirmed yet.

When this development was originally approved, the area of this rezoning was shown on the contour maps as a potential sinkhole but it has later been determined to not be a sinkhole. This may have been the reason the site was originally proposed as a park rather than houses.

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 CITY/COUNTY GENERALLY:

1. This site is within the Beau Monde neighborhood that is zoned TC-1. The majority of the existing and proposed open space in the neighborhood is zoned OS-2. The area for rezoning is proposed to be house lots that are consistent with the TC-1 zoning and existing Beau Monde neighborhood.
2. This site was previously believed to be a sinkhole because the topography map showed closed contours. It has been studied and determined to not be a sinkhole which now allows structures to be built in this location.

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

1. TC-1 zone is intended to encourage the creation of pedestrian-oriented, mixed-use urban developments, providing shopping, employment, housing and business and personal services. These developments are intended to promote an efficient, compact land use pattern; encourage use of public transportation; reduce reliance on private automobiles; promote a more functional and attractive community through use of recognized principles of urban design; preserve historic structures and allow developers considerable flexibility in land use and site design. As an incentive, this district offers flexible land use and development standards. A high level of attention to site and building design is

required to promote attractive, functional development that is more compatible with residential development than other commercial zoning districts.

2. Additionally, the TND-1 zone, which the Beau Monde neighborhood uses as base standards, is intended to foster the development of comprehensively planned, pedestrian-oriented neighborhoods. This is to be accomplished by promoting a variety of land uses, housing types, and density, and by requiring skillful architectural and landscape design in creating buildings and open spaces. This district is also created to avoid the negative impacts of suburban sprawl by minimizing infrastructure costs, traffic congestion, and environmental degradation.

3. The applicant has demonstrated the remaining open space neighborhood is more than the minimum required by the zoning.

4. The TC-1 zone and the use of the TND-1 standards and the adopted Northshore Town Center development standards are appropriate for this site.

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. Public water and sanitary sewer utilities are available to serve the site.

2. Development of the site with residential uses that are consistent with the Beau Monde neighborhood is appropriate.

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 Southwest County Sector Plan proposes MU-CC (Community Mixed Use Center) uses for this property, consistent with TC-1 zoning.

2. The site is located within the City limits on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. This proposal does not present any apparent conflicts with any other adopted plans.

**Action:** Approved **Meeting Date:** 7/11/2019

**Details of Action:**

**Summary of Action:** RECOMMEND that City Council APPROVE TC-1 (Town Center) zoning.

**Date of Approval:** 7/11/2019 **Date of Denial:** **Postponements:** 6/13/2019

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

## LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 8/13/2019 **Date of Legislative Action, Second Reading:** 8/27/2019

**Ordinance Number:** **Other Ordinance Number References:** O-121-2019

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

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

**Amendments:** **Amendments:**

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