



MEMORANDUM

TO: Metropolitan Planning Commissioners

FROM: Michael A. Brusseau, AICP, Senior Planner
Mark Donaldson, Director

DATE: September 9, 2010

MPC FILE #: 9-F-10-RZ

SUBJECT: Consideration of rezoning all public parks in the City of Knoxville to OS-1 (Open Space Preservation) district

REQUEST:

Resolution R-116-2010, approved by City Council on April 20, 2010, requests that MPC consider the rezoning of all land located within all City parks listed in the Resolution and all park expansion areas from their current zoning classification to OS-1 (Open Space Preservation) district and to consider the placement of conditions on these park lands that would prohibit and restrict the development of residences, marinas or cellular communication towers on these properties.

BACKGROUND:

The City of Knoxville Zoning Ordinance contains the OS-1 (Open Space Preservation) District (see attached). The stated intent of the district is:

to provide area in which the principal use of land is devoted to open space and/or the preservation and protection of park and recreation lands, wilderness areas, beach and shoreline areas, scenic routes, wild and scenic rivers, historical and archeological sites, watersheds and water supply areas, hiking, cycling and equestrian trails and fish and wildlife and their habitats.

Its list of permitted uses and uses permitted on review indicate that its potential use is for private as well as public lands.

The area regulations indicate that the district is clearly intended to be used for large tracts of land with minimal development of manmade structures and features, which would include active park facilities such as playgrounds, ball fields, swimming pools, golf courses, greenways, biking or equestrian trails, campgrounds or marina facilities; or for smaller park lands that are to be left primarily in a natural or undisturbed condition.

The regulation for *maximum lot coverage* (found at Article IV, Section 2.4.2.D(6)) is the primary indicator that the purpose of the OS-1 district is to preserve large tracts in relatively undisturbed condition. It states that all manmade structures or features, excluding earthwork which has been seeded or otherwise returned to its natural condition, shall cover not more than five (5) percent of the lot area. This provision would disqualify the majority of city park lands from consideration for this zone. For example, to have a one acre ball field (a typical football field or small baseball field) in a park it would have to have a total of 20 acres, the balance of which would be undisturbed by manmade features.

In addition the regulations for setbacks and intensity of use indicate its purpose for the preservation of large tracts of land and for its use on private lands that continue their residential and agricultural uses.

ANALYSIS:

A review of zoning ordinances of other cities finds that most cities do not have zone districts specifically devoted to park lands. Some cities have districts similar to the Knoxville OS-1 (Open Space Preservation) district that are intended to preserve and protect large tracts of land in a natural condition for perpetuity or for future use. The predominant manner in which park lands are enabled through zoning is as a permitted use listed in all or most zone districts.

Legislative bodies have means such as land ownership and control of capital budgets that are much more effective than zoning to manage the use of public lands.

Staff has reviewed all City parks greater than 3 acres in size that are not already zoned OS-1 (Open Space Preservation). Based on general knowledge and aerial photos, there are only a small number of parks that clearly meet the intent and purpose of the OS-1 (Open Space Preservation) district. These parks are recommended for rezoning below.

The city could initiate modifications to the OS-1 (Open Space Preservation) district or create a new Park district that better enables park lands suitable for active uses such as playgrounds, ball fields, swimming pools, golf courses, greenways, biking or equestrian trails and camping or marina facilities. Modifications to the OS-1 district regulations needed to make the district more compatible with active parks include the setbacks, intensity of use, and minimum lot coverage regulations.

The current zoning ordinance allows parks as a use permitted on review in many zones, including R-1, R-1A, R-2, R-1EN, R-2, R-3, A-1, RP-1, RP-2, RP-3, TND-1 and TC-1.

The city should initiate modifications to the zoning ordinance to create definitions for open space and parks and specify each as uses permitted on review in all zone districts.

The current OS-1 (Open Space Preservation) district currently lists multi- dwelling structure or developments, marinas, and commercial telecommunication towers as uses permitted on review. Uses on review are approved by the planning commission but may be appealed to City Council. Use on review allows the planning commission and City Council to determine, on a case-by-case basis, the suitability of each of these uses on land that is zoned OS-1. On city land, the legislative body has the ability to manage its lands, primarily through the budgeting process, without rezoning. If a city council desired to implement any of these uses, conditioning the rezoning of city park lands to prohibit the listed uses on review would simply add a step to the use on review process by requiring that the condition of zoning be removed by City Council prior to beginning the use on review process.

STAFF RECOMMENDATION:

Staff recommends that MPC recommend the following to City Council:

1. APPROVE OS-1 (Open Space Preservation) zoning for the following parks:

- Buck Toms Park
- Westview Park
- Riverbluff Wildlife Area
- Loghaven Conservation Area
- Ijams Nature Center (remainder not already zoned OS-1)
- Forks of the River Wildlife Management Area
- Ten Mile Creek Greenway Park
- Turkey Creek Conservation Area
- William Hastie Park

2. That no conditions prohibiting currently listed uses permitted on review be placed on the rezonings.

In addition, staff recommends that MPC recommend to City Council that it initiate an effort to create definitions for open space and parks in the zoning ordinance and add parks as a use permitted on review in all zone districts.

The agenda maps showing the park locations are being created and will be added to the agenda package before the MPC meeting on Thurs., Sept. 9.

Attachments:

- OS-1 zoning district regulations
- City Council resolution from April
- Park spreadsheet

2.4.2 OS-1 Open Space Preservation District

A. General description. This open space preservation district is established to provide areas in which the principal use of land is devoted to open space and/or the preservation and protection of park and recreation lands, wilderness areas, beach and shoreline areas, scenic routes, wild and scenic rivers, historical and archeological sites, watersheds and water supply areas, hiking, cycling and equestrian trails and fish and wildlife and their habitats. Property classified under this district shall meet the criteria set forth in the open space plan approved by the City of Knoxville, and only property so zoned shall be considered as open space for the purposes of property assessment under the "Agricultural, Forest and Open Space Land Act of 1976," provided the other conditions for inclusion under the act are satisfied.

B. Permitted principal and accessory uses and structures. The following uses shall be permitted in the OS-1 open space preservation district:

1. The following agricultural uses: Horticulture, floriculture, forests and woods, home gardens, but not dairying, the commercial raising and maintaining of poultry and other livestock, feedlots, the raising of fur-bearing animals, fish or minnow hatcheries, riding academies, livery or boarding stables or dog kennels.
2. Houses.
3. Park and recreation uses including: Parks, playgrounds, golf courses, cycling, hiking and equestrian trails, parkways, country clubs (excluding primary and accessory structures), hunting preserves, camps and resorts, fishing lakes, scenic routes, wild or scenic rivers or streams.
4. Conservation areas including: Watershed protection areas, public water supply points, lakes and reservoirs, wildlife management areas and significant natural areas.
5. Historic and archeological areas.
6. Accessory uses incidental to the primary use of the property when located on the same lot.

C. Uses permitted on review. The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:

1. Multi-dwelling structures or developments at a maximum gross density of twelve (12) units per acre.
2. Marinas, subject to the requirements set forth in article V, section 3.F.
3. Commercial telecommunications towers.

D. Area regulations. All buildings shall be set back from the street right-of-way lines, and property lines to comply with the following yard requirements:

1. Front yard. The minimum depth of the front yard shall be fifty (50) feet.

2. Side yard. For single-story main and accessory structures side yards shall be no less than twenty (20) feet and an additional four (4) feet shall be provided on each side yard for each additional story or part thereof, for structures exceeding one (1) story.
 3. Rear yard.
 - a. There shall be a rear yard for main buildings of not less than fifty (50) feet.
 - b. Unattached building of accessory use shall not be located closer to any rear lot line than twenty (20) feet.
 4. Lot width. No lot shall be less than two hundred (200) feet wide at the building line.
 5. Intensity of use. No parcel of land shall be reduced in area to provide separate lots or building sites containing less than three (3) acres.
 6. Maximum lot coverage. All manmade structures or features, excluding earthwork which has been seeded or otherwise returned to its natural condition, shall cover not more than five (5) percent of the lot area.
- E. Height regulations. No manmade structure or feature shall exceed thirty-five (35) feet in height, except as provided in article V, section 5 and section 6.
- F. Off-street parking. As regulated in article V, section 7.

(Ord. No. 6391, § 1, 7-26-77; Ord. No. O-190-83, § 1(a)--(e), 11-8-83; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-40-08, § 1, 2-26-08)

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RESOLUTION

RESOLUTION NO. R-116-2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF KNOXVILLE RESPECTFULLY REQUESTING THE METROPOLITAN PLANNING COMMISSION TO CONSIDER A CHANGE TO THE ZONING CLASSIFICATION OF ALL PUBLIC PARKS LOCATED IN THE CITY OF KNOXVILLE TO OS-1 OPEN SPACE PRESERVATION DISTRICT WITH CONDITIONS WHICH PROHIBIT AND RESTRICT THE CONSTRUCTION OF HOUSES, MULTI-DWELLING STRUCTURES OR DEVELOPMENTS, COMMERCIAL MARINAS, COMMUNICATION TOWERS AND, TO THE EXTENT REQUIRED, AMENDING THE ONE YEAR COMPREHENSIVE DEVELOPMENT PLAN AND ZONING PLAN FOR THE CITY OF KNOXVILLE TO AMEND THE CLASSIFICATION OF ALL SUCH PROPERTY TO PUBLIC PARKS AND REFUGES.

RESOLUTION NO: R-116-2010

REQUESTED BY: Councilmember Grieve
PREPARED BY: Council

APPROVED: 04-20-2010

APPROVED AS AN EMERGENCY MEASURE: _____

MINUTE BOOK: 74 PAGE _____

WHEREAS, the City of Knoxville owns various parks located throughout the City, including the parks listed on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, it is the consensus of City Council that public parks within the City of Knoxville should be preserved and expanded for recreational purposes and not converted to other uses; and

WHEREAS, it is the further consensus of City Council that land within public parks should not be sold, leased or otherwise utilized for the construction of housing or office or commercial developments without a formal process and extensive public review and input; and

WHEREAS, requiring the rezoning of the park property and park expansion areas before any change in use from recreational purposes will ensure a formal process and extensive public review and input; and

WHEREAS, the City Council has historically made a special effort to rezone the parks within the City of Knoxville to the OS-1 zone; and

WHEREAS, the City Council desires to preserve and protect the park and recreation lands within City parks, as the parks currently exist and as any park may be expanded pursuant to any agreements for the acquisition of additional land, such as the Agreement Concerning Implementation of Lakeshore Master Plan between the City and the State of Tennessee dated October 15, 1999, as amended (a "Park Expansion Area").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

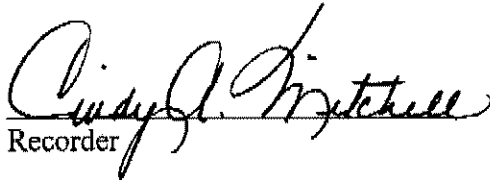
SECTION 1: The Council of the City of Knoxville hereby respectfully requests the Metropolitan Planning Commission to consider rezoning all land located within all City parks listed on Exhibit A attached hereto and incorporated herein by reference (which list does not include World's Fair Park, which was recently rezoned), and all Park Expansion Areas rezoned to OS-1 Open Space, with conditions which prohibit and restrict the development, construction or operation of houses, multi-dwelling structures or developments, commercial marinas or communication towers on such property.

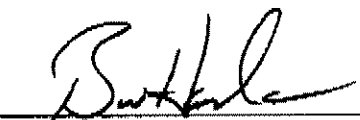
SECTION 2: In the event such rezoning is inconsistent with any One Year Comprehensive Development Plan or Zoning Plan for the City of Knoxville or any other approved plans, the Metropolitan Planning Commission is also requested to take any and all action necessary to amend such plans consistent with the rezoning requested herein.

SECTION 3: The Council hereby requests that the Metropolitan Planning Commission consult with the City Parks and Recreation Department and all non-profit organizations which manage City parks pursuant to agreements with the City to confirm the boundaries of the land included in the City parks and Park Expansion Areas.

SECTION 4: Upon adoption, the City Recorder is hereby respectfully requested and directed to forward a true and correct copy of this Resolution to Mark Donaldson, Executive Director of the Knoxville/Knox County Metropolitan Planning Commission, to make him aware of Council's request with regard to this matter.

SECTION 5: This Resolution shall take effect from and after its passage, the welfare of the City requiring it.


Recorder



Presiding Officer of the Council

EXHIBIT A**LIST OF PARKS**

Adair Park	Knoxville Municipal Golf Course
Alex Haley Heritage Square	Krutch Park
Alice Bell Park/Ballfields	Lakeshore Park
Ashley Nicole Dream Playground	Ledgerwood Park
Babe Ruth Park	Lonsdale Park
Badgett Fields	Malcolm-Martin Park / Ed Cothren Pool
Baxter Avenue Park	Marie Myers Park
Bearden Middle School Ballfields	Market Square
Boright Park	Mary James Park
Buck Toms Park	Mary Vestal Park
Cal Johnson Park	Maynard Glenn Ballfields
Caswell Park	Meadow Circle Park
Cecil Webb Park	Morningside Park
Charter E. Doyle Park	North Hills Park
Christenberry Ballfields	Northwest Middle School Park
Claude Walker Park/Ballfields	Parkridge Park
Danny Mayfield Park	Reed and Baxter Park
Dr. Walter Hardy Park	Rock City Park
Eastport Park	Rocky Hill Ballfields
Ed Cothren Pool	Roseanne Wolf Picnic Area
Edgewood Park	S & J Colquitt Memorial Park
First Creek Park	Sam Duff Memorial Park
Forks of the River WMA	Sam E. Hill Park
Fort Dickerson Park	Scottish Pike Park
Fort Kid	Sequoyah Park
Fountain City Ballfields	Sharp's Ridge Memorial Park
Fountain City Park	Skyline Park
Fourth & Gill Park	Stanley Lippencott Ridge Park
Frajan Campbell Park	Talahi Park
Gary Underwood Park	Tyson Park
Gov. Ned McWherter/Riverside Landing	Union Square Park
Harriet Tubman Park	Victor Ashe Park
Holston-Chilhowee Ballfields	Volunteer Landing Park
Holston River Park	West Hills Park/John Bynon Park
Ijam's Nature Center	Westview Park
Inskip Ballfields	Westwood Park
Inskip Pool & Park	Whitlow-Logan Park
Island Home Park	Whittle Springs Golf Course
James Agee Park	Williams Creek Golf Course
James Smith Park	William Hastie Park
Joe Foster Park	William Powell Park

City of Knoxville Parks

Five Acres or Larger

City Park	Knox Location	Acres	Zone
<u>Adair Park</u>	North 1807 Adair Drive	39	OS-1
<u>Alice Bell Park/Ballfields</u>	North 3511 Alice Bell Road	12	OS-1/R-1
<u>Badgett Fields</u>		25	A-1
<u>Buck Toms Park</u>	West 2110 Richmond Hill	5	R-1A
<u>Caswell Park</u>	East 620 Winona Street	10	R-2
<u>Charter E. Doyle Park</u>	South 5100 W Martin Mill Pike	26	OS-1
<u>Christenberry Ballfields</u>	North 931 Oglewood Avenue	6	R-2/H-1
<u>Eastport Park</u>	East 549 McConnell Street	5	RP-1
<u>First Creek Park</u>	North 1240 Cottage Place	10	OS-1
<u>Forks of the River WMA</u>	East 3518 Island Home Pike	331	OS-1
<u>Fort Dickerson Park</u>	South 3000 Fort Dickerson Road	85	OS-1/H-1
<u>Fountain City Ballfields</u>	North 3701 Ludo Road	15	R-1
<u>Fountain City Park</u>	North 117 Hotel Road	8	R-2
<u>Gary Underwood Park</u>	South 6135 Moore Road	5	R-1
<u>Holston-Chilhowee Ballfields</u>	East 5900 Asheville Highway	14	R-1
<u>Holston River Park</u>	East 3300 Holston Hills Road	44	OS-1
<u>Iiams Nature Center</u>	South 2915 Island Home Avenue	100	R-1
<u>Inskip Ballfields</u>		9	OS-1/ OS-1/F-1
<u>Inskip Pool & Park</u>		12	OS-1

City of Knoxville Parks

Five Acres or Larger

<u>Knoxville Municipal Golf Course</u>	North 3925 Schaad Road	152	OS-1
City Park	Knox Location	Acres	Zone
<u>Lakeshore Park</u>	West 6410 S Northshore Drive	60	O-2
<u>Malcolm-Martin Park / Ed Cothren Pool</u>		17	R-2
<u>Mary Vestal Park</u>	South 401 Maryville Pike	13	OS-1
<u>Maynard Glenn Ballfields</u>	South 2100 McClung Avenue	7	R-1
<u>Morningside Park</u>	East Isabella/Riverside/Hazen	23	OS-1/R-1
<u>Northwest Middle School Park</u>		14	A-1
<u>Rocky Hill Ballfields</u>	West 7633 Alki Lane	18	OS-1
<u>S & J Colquitt Memorial Park</u>		6	OS-1
<u>Sam Duff Memorial Park</u>	South 4060 Chapman Highway	12	OS-1
<u>Sequoayah Park</u>	West 1400 Cherokee Boulevard	87	R-1
<u>Sharp's Ridge Memorial Park</u>	North 329 Sharp's Ridge	111	OS-1
<u>Skyline Park</u>	East 1050 Beaman Lake Road	10	OS-1
<u>Stanley Lippencott Ridge Park</u>	South 600 Lippencott Street	22	OS-1
<u>Tyson Park</u>	West 2351 Kingston Pike	27	OS-1
<u>Victor Ashe Park</u>		115	OS-1
<u>West Hills Park/John Bynon Park</u>	West 7624 Sheffield Drive	14	R-1
<u>Whittle Springs Golf Course</u>	Northeast 3925 Schaad Road	88	OS-1
<u>Williams Creek Golf Course</u>	East	85	R-1

City of Knoxville Parks

Five Acres or Larger

	2335 Dandridge Avenue		
<u>William Hastie Park</u>	South Margaret Road	75	RP-1