SPECIAL USE REPORT

FILE #: 12-C-20-SU  AGENDA ITEM #: 24
AGENDA DATE: 12/10/2020

APPLICANT: TAYLOR D. FORRESTER OBO NORTHSHORE MARKET INVESTOR LLC
OWNER(S): Northshore Market Investors LLC

TAX ID NUMBER: 154 09813
JURISDICTION: City Council District 2
STREET ADDRESS: 2002 Thunderhead Rd.

LOCATION: East side of Thunderhead Rd., West side of Town Center Blvd., South side of Boardwalk Blvd.

APPX. SIZE OF TRACT: 9.53 acres
SECTOR PLAN: Southwest County
GROWTH POLICY PLAN: Within City limits
ACCESSIBILITY: Access would be off of Town Center Boulevard or Broadway Boulevard. Town Center Boulevard is a local road with a pavement width of approximately 22 feet in each direction of travel inside a 105-foot right-of-way. Broadway Boulevard is a local road and has a pavement width of 11 feet in each direction of travel inside an 80-foot right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Tennessee River

ZONING: C-R-2 (Regional Commercial) *This property includes a previously approved planned district designation (PD) that is requested to be removed.

EXISTING LAND USE: Removal of PD (Planned Development) overlay

PROPOSED USE:

HISTORY OF ZONING: A rezoning request from RA (Low Density Residential) and A (Agricultural) to CA (General Business) was denied in 1989 (2-I-89-RZ), the property was zoned R-1 upon its annexation in 2000 (6-AA-00-RZ), and rezoned from R-1to TC-1 in 2001 (4-Q-01-RZ).

SURROUNDING LAND USE AND ZONING:

North: Vacant land - C-R-2 (Regional Commercial) District with PD (Planned Development) overlay on part of the property
South: Pond and a bank - OS (Open Space) and C-R-2 (Regional Commercial) District with PD (Planned Development) overlay
East: Commercial - C-R-2 (Regional Commercial) District
West: Multifamily and commercial - RN-6 (Multifamily Residential) and C-N (Neighborood Commercial) Districts with PD (Planned Development) overlay

View map on KGIS

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TENNESEE RIVER

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MICHELLE PORTIER
NEIGHBORHOOD CONTEXT: This was formerly the “Town Center” zone prior to the adoption of the new zoning ordinance. It is a mixed use node near the intersection of S. Northshore and Pellissippi Parkway featuring single family residential, multifamily residential, big box retail and commercial, and small-scale retail and commercial.

STAFF RECOMMENDATION:

► Approve the request to remove the PD (Planned District) Overlay from this parcel, subject to 2 conditions.

1. Any future development of this site should retain the boardwalk design and location along the pond per the approved master plan and connect to the existing portion of boardwalk that has been constructed.
2. Installing any road improvements that were required by traffic impact study for the Northshore Town Center development that will be triggered by the additional traffic generated by development on this site, as required by the City of Knoxville Department of Engineering.

With the conditions noted, staff recommends approval of the request to remove the PD Overlay with the exception of the boardwalk along the perimeter of the pond.

COMMENTS:

Prior to adoption of the new zoning ordinance, this parcel was zoned TC-1 (Town Center District 1), a former planned district. There are no zoning equivalents in the new zoning ordinance for any of the planned districts, including TC-1, and the property was designated C-R-2 (Regional Commercial) with the adoption of the new zoning ordinance and map.

Since TC-1 was a planned district, development plans were required to meet the District’s standards and obtain Planning Commission approval. The new zoning map now depicts a parcel with an approved plan in any of the former planned districts as a PD (Planned District) and treats it much like a parcel in an overlay district.

Plans that were approved under previous planned district requirements remain in place and those properties need to be developed according to their approved master plans. However, the existing development pattern does not follow the master plan as the boundary shapes of the core and peripheral areas do not align with roadways or parcel boundaries (see Exhibit A, Image 2), so the master plan would be difficult to comply with, at best. Additionally, this property has changed hands and the current developer would like to develop this property differently and is requesting to remove the PD master plan from this parcel.

The original developer’s master plan was approved in 2004 (see Exhibit A, Images 3 and 4). That plan called for medium density residential around a mixed use core at this location on the site. A later concept plan was approved for the area surrounding the pond and including 2002 Thunderhead Road that proposed individual lots around the pond (Exhibit A, Image 9). The current developers would like to develop this land into multifamily residences with a higher density than originally planned and without the mixed use core. The current plans are more aligned with the original master plan than with the later plan approval of individual lots.

Removal of the PD master plan does not require a replacement plan for approval, and there are no site plans available at this time.

The applicant is also requesting to rezone the property (case # 12-B-20-RZ) from its current C-R-2 District to C-G-3 (General Commercial). If the rezoning passes Planning Commission, it will be heard by City Council on January 12 and 26, 2021. Multifamily dwellings are allowed by right in both the existing C-R zone and in the proposed C-G zone, so if the PD is removed, the site plan would not come back before this board regardless of the rezoning outcome.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. As stated previously, removal of the PD master plan does not require a new plan to take its place. As such, the development’s impact on schools, traffic, infrastructure, and utilities would be determined at the time of site plan review for permitting.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE CITY OF KNOXVILLE ZONING ORDINANCE
1. Removal of the PD master plan would not cause nonconformance with the City of Knoxville Zoning Ordinance.
2. Proposed plans would be submitted to the City of Knoxville for permitting, and those plans would be required to be in compliance with the City’s zoning ordinance and with the standards utilized by each individual department during the plans review process.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan designates this property for MU-CC (Mixed Use-Community Center) uses, the intent of which is moderate intensity development with a variety of housing types and with office and commercial development at the core.
2. Multifamily residential dwellings are allowed within the C-G and C-R zones, which are recommended zones for the existing MU-CC land use classification. These zones do not have a regulated density, so the maximum number of units would be determined by the buildable area, the maximum building height, and the size of each individual unit.
3. The approved master plan cited standards for medium density residential, single family attached land use (allowed in the peripheral areas). The core area had no density limitation but did not allow dwelling units on the ground floor. The plan cited 2,000 square foot lots (or 2,500 on corner lots) as the minimum lot size for medium density residential uses, which would result in around 21 du/ac on this parcel. However, the TC-1 zone limited residential density in the peripheral area to no more than 16 du/ac.
4. The Land Use Classification Table describes medium density residential land use as having between 6 and 24 dwelling units per acre within City limits. For comparison, the MU-CC land use classification does not specify a density but states that it is for moderate intensity development with a variety of housing types and with office and commercial development at the core. Removal of the PD would likely also mean removal of the medium density residential land use, since neither the MU-CC land use nor the C-G-3 zoning caps density. However, this could be added as a condition if the Commission were so inclined.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission’s approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.
Commercial) Removal of PD (Planned Development) overlay in C-R-2 (Regional Commercial)

Petitioner: Taylor D. Forrester obo Northshore Market Investor LLC

Map No: 154

Jurisdiction: City

Original Print Date: 11/6/2020
Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902
Timeline of Events.

2001, May: Original, smaller scale mixed use development is approved as part of a rezoning of property to TC-1 (Case 4-Q-01-RZ). Plans not available.

2004, March: Master Plan for larger mixed use Northshore Town Center is approved (Case # 3-C-04-UR).

2004, December: Single family residential site plan approved for property at rear of Town Center development (Case # 12-SF-04-C and 12-J-04/UR).

2011, March: Phase II Concept plan (Case # 3-SB-11-C) shifting road configuration and ensuring interior roads meet City’s right-of-way standards is approved. This plan revised the street and pedestrian network of the master plan but did not revise the general concept or land use map components of the master plan.

2014, April: Concept plan approved for individual lots on the land surrounding the pond and including what is now 2002 Thunderhead Rd. (Case # 4-SC-14-C).

2014, June: Plat showing subdivision of property surrounding the pond and creating the parcel at 2002 Thunderhead Rd. (Plat # 51008-H2).

Note: The above list does not include all development plans or plats that have been reviewed or approved by the Planning Commission. The cases listed above either pertain to the Northshore Town Center site as a whole or include 2002 Thunderhead Rd. specifically.
Exhibit A. Conceptual Images

Image 1. Aerial view showing 2002 Thunderhead Rd. within overall Northshore Town Center site.

Image 2. Map showing difference between original core and peripheral areas and existing road network.

Core Area    Peripheral Area
Exhibit A. Conceptual Images

Overall Site Plan from plans approved in early 2004.


Exhibit A. Conceptual Images

Cropped Site Plan depicting area in question.

Image 5. Illustrated Site Plan, zoomed in on 2002 Thunderhead Road and surrounding area.

![Illustrated Site Plan with annotations](https://via.placeholder.com/150)

Above image shows site amenities in this area, the boardwalk around the pond and the greenway.


![Land Use Plan with annotations](https://via.placeholder.com/150)

Above image shows medium density residential around a mixed use core planned for 2002 Thunderhead Rd.
Image 7. 2004 Site plan of single family residential area at rear of Northshore Town Center development.

Image 8. 2011 Phase II Pedestrian Site Plan (site plan showing buildings more clearly was not a part of the package).
12-C-20-SU

Exhibit A. Conceptual Images

Image 9. April 2014 site plan showing individual lots planned for area surrounding pond; specific land use not identified at that time.

Image 10. June 2014 plat showing subdivision of land around the pond creating 2002 Thunderhead Rd.
Exhibit A. Conceptual Images

Eagle view showing build out to date.

Street view of Thunderhead Rd.

Note: Sidewalks terminate at the roundabout
Exhibit A. Conceptual Images

Eagle view showing the portion of the boardwalk that has been constructed.

Street view of the portion of the boardwalk that has been constructed.
## DEVELOPMENT REQUEST

### DEVELOPMENT
- [ ] Development Plan
- [ ] Planned Development
- [ ] Use on Review / Special Use

### SUBDIVISION
- [ ] Concept Plan
- [ ] Final Plat

### ZONING
- [ ] Plan Amendment
- [ ] Rezoning

Taylor D. Forrester o/b/o Northshore Market Investor LLC

**Applicant Name**

**Date Filed**

**Meeting Date (if applicable)**

**File Numbers(s)**

**10-26-2020**

**12-10-2020**

**12-6-20-5U**

**Attorney**

### CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- [ ] Applicant
- [ ] Owner
- [ ] Option Holder
- [ ] Project Surveyor
- [ ] Engineer
- [ ] Architect/Landscape Architect

**Taylor D. Forrester**

**Company**

**Name**

**Address**

**City**

**State**

**Zip**

**Phone**

**Email**

865-584-4040

tforrester@lrwlaw.com

### CURRENT PROPERTY INFO

Taylor D. Forrester

**Name**

1111 N. Northshore Drive, Suite S-700

**Address**

Knoxville

**City**

TN

**State**

37919

**Zip**

**Owner Name (if different)**

**Owner Address**

2002 Thunderhead Road

**Owner Phone**

154 09813

**Property Address**

East side of Town Center Blvd.

**Parcel ID**

South side of Boardwalk Blvd.

9.53 acres

**General Location**

**Tract Size**

**2nd District**

C-R-2

**Jurisdiction (specify district above)**

- [ ] City
- [ ] County

**Southwest County**

MU-CC

**Zoning District**

N/A (Within City Limits)

**Planning Sector**

**Sector Plan Land Use Classification**

**Growth Policy Plan Designation**

**Vacant***

N

KUB

KUB

**Existing Land Use**

Septic (Y/N)

**Sewer Provider**

**Water Provider**
REQUEST

Development Plan [ ] Use on Review / Special Use
[ ] Residential [ ] Non-Residential

Home Occupation (specify):
[ ] Other (specify):

Proposed Subdivision Name

Parcel Change
[ ] Combine Parcels [ ] Divide Parcel Total Number of Lots Created:

[ ] Other (specify):

Attachments / Additional Requirements

Zoning Change:
Proposed Zoning

Plan Amendment Change:
Proposed Plan Designation(s)

Proposed Property Use (specify)
Proposed Density (units/acre)
Previous Rezoning Requests

[ ] Other (specify):

PLAT TYPE
[ ] Staff Review [ ] Planning Commission

ATTACHMENTS
[ ] Property Owners / Option Holders [ ] Variance Request

ADDITIONAL REQUIREMENTS
[ ] Design Plan Certification (Final Plat only)
[ ] Use on Review / Special Use (Concept Plan only)
[ ] Traffic Impact Study

FEE 1: $1,300.00
FEE 2: 
FEE 3: 
TOTAL: 

AUTHORIZATION
By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Taylor Forrester
Applicant Signature
865-584-4040

Taylor D. Forrester
Please Print
Date

tforrester@lrwlaw.com

Michelle Portier
Staff Signature

please Print
Date

[Signature]

REQUIRED SIGN POSTING AGREEMENT
For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of $10 for each replacement sign.

LOCATION AND VISIBILITY
The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING
The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

Nov. 25, 2020 and Dec. 11, 2020
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: ____________________________
Printed Name: Louis Moran
Phone: 665-756-3383 Email: Lmoran3@vbic.wv.gov
Date: 10-16-20
File Number: 12-C-20-SN

REVISED MARCH 2019