

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 10-S-19-RZ **Related File Number:**
Application Filed: 9/3/2019 **Date of Revision:**
Applicant: CITY OF KNOXVILLE

PROPERTY INFORMATION

General Location: North side of E. Fifth Avenue east of Myrtle Street and west of Holly Street
Other Parcel Info.: This rezoning request also includes 1615 E. Fifth Ave. (082PK035) & 1617 E. Fifth Ave. (082PK034)
Tax ID Number: 82 P K 038, 035, 034 **Jurisdiction:** City
Size of Tract: 1.04 acres
Accessibility: E. Fifth Avenue is a local road at this location. It has a 21-foot pavement width and a 59-foot right-of-way width.

GENERAL LAND USE INFORMATION

Existing Land Use: Public Parks and Refuges; Vacant parcels
Surrounding Land Use:
Proposed Use: Permanent supportive housing - Multifamily **Density:** 47 du/ac
Sector Plan: Central City **Sector Plan Designation:** MU/SD MU-CC\$
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This stretch of East Fifth Avenue forms a transitional area between the residential uses along East Fifth Avenue and the open spaces to the north and the office or commercial uses to the south. Specific uses in the area include Caswell Park (ballfields) to the north, small-lot single-family dwelling units and small apartment buildings to the east and west, and commercial uses to the south. East Magnolia Avenue is two blocks to the south.

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

Street: 1605 E. 5th Avenue, 1615 E. 5th Avenue, and 1617 E. 5th Avenue
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: OS-2 (Park and Open Space)
Former Zoning:
Requested Zoning: RP-3 (Planned Residential)
Previous Requests: Park locations city-wide were rezoned to OS-1 zone upon its revision on 1/11/2011
Extension of Zone: No
History of Zoning: This property was rezoned from O-1 (Office, Medical, and Related Services) to OS-2 (Park and Open Space) in January, 2011, upon creation of that zone. This was part of a citywide rezoning request that encompassed certain city parks and park areas.

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 RP-3 (Planned Residential District) zoning.

Staff Recomm. (Full): Staff recommends approval of the requested RP-3 (Planned Residential District) zoning since it is consistent with the Central City Sector Plan and allows uses similar to those in existence in the neighborhood.

The applicant amended their request at the meeting to RP-1 zoning, and staff supports the RP-1 zoning (allows up to 24 du/ac).

Comments: 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. Volunteer Ministries approached the City of Knoxville about constructing permanent supportive housing on this site. These three parcels are not technically part of Caswell Park; the park is separated from them by a chain link fence.
2. The City has acquiesced to this proposal and is requesting the rezoning change to accommodate multifamily housing.

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

1. The proposed amendment to RP-2 (Planned Residential District) is 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 provision for commercial, religious, education, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, a new RP-1, RP-2, or RP-3 planned residential district may be created to be developed specifically as planned unit development.
2. District regulations shall be as outlined in this section and shall be the same for RP-1, RP-2, and RP-3 districts except for the overall population density permitted in each district. The Population density for the RP-3 district is 80 dwelling units per net acre. The development plan proposes 47 dwelling units on 1.04 acres.
3. Each planned unit development shall be compatible with the surrounding or adjacent districts. Such compatibility shall be determined by the planning commission by review of development plans for the district.
4. All buildings shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet, with two (2) feet additional for each floor above two (2), except that within the Hillside and Ridgetop Protection Area as established by the Hillside and Ridgetop Protection Plan this requirement shall not apply to any periphery boundary setback that is also a front yard setback.
5. Off-street parking will be required to comply with Article V, section 7.
6. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. This property is surrounded by multifamily residential and office uses and is adjacent to Caswell Park. The proposed multifamily use is similar in character with the surrounding area, as there are small apartment buildings and various office uses on E. Fifth Avenue.
2. RP-3 zoning requires Planning Commission review and approval of development plans.

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. RP-3 is compatible with the Central City Sector Plan's MU-SD, MU-CC4 (Mixed Use-Special District, Magnolia Avenue Corridor Plan) land use designation, which bases its recommended uses on the Magnolia Avenue Corridor Plan. The plan specifies the allowed land uses for this area as Office, Medium Density Residential, and Traditional Neighborhood Residential. Medium Density Residential land use states that, "Density above 12 du/ac should be within 1/4 mile of transit service with sidewalk connections to transit service." (Appendix, Medium Density Residential Land Use Designation, Recommended Zones and Programs, p. 68)
2. The Magnolia Avenue Corridor Plan and the Central City Sector Plan contain similar statements regarding land use surrounding Caswell Park. The Magnolia Avenue Corridor Plan states, "...with the park as a centerpiece, higher intensity uses should be fostered along East Fifth Avenue and Woodbine Avenue, taking advantage of this recreation asset." (p. 32). The sector plan states, "With the park as a centerpiece, higher intensity residential and office uses should be fostered along East Fifth Avenue and Woodbine Avenue (west of Winona Street), taking advantage of this recreation asset." The sector plan added "west of Winona Street", making the area on E. Fifth Avenue east of Winona Street ambiguous.
3. Part of this property was included in the Caswell Park Plan in 2001, which was part of the Use on Review approved by the Planning Commission in May, 2001. The plan incorporates the two westernmost parcels as a parking lot with trees. The third parcel was not included and is shown as a residential structure outside the park's parameters. The park has since been completed (see Exhibit B for the concept plan), but the two parcels were never incorporated.
4. This property is in the School Parental Responsibility Zone for Vine Middle Magnet School. Sidewalks are already in place and would be expected to remain with any new development.
5. A portion of land in these properties has slopes ranging from 15% to over 40% but it is not in the HP area.
6. This property is in FEMA Flood Zone X but is not in a floodplain or floodway.

Action: Approved **Meeting Date:** 10/10/2019

Details of Action: APPROVED RP-1 ZONING (the applicant amended their request at the meeting to RP-1 zoning since it is consistent with the One-Year Plan).

Summary of Action: The Planning Commission approved RP-1 (Planned Residential District) zoning with up to 24 du/ac.

Date of Approval: 10/10/2019 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:	Knoxville City Council	Date of Legislative Action, Second Reading:
Date of Legislative Action:	1/28/2020	Other Ordinance Number References:
Ordinance Number:		Disposition of Case, Second Reading:
Disposition of Case:	Withdrawn	If "Other":
If "Other":		Amendments:
Amendments:		Effective Date of Ordinance:
Date of Legislative Appeal:		