

▶ **FILE #:** 4-F-08-RZ

**AGENDA ITEM #:** 51

**AGENDA DATE:** 4/10/2008

▶ **APPLICANT:** WILLIAM BELL

OWNER(S): BELL WILLIAM B

TAX ID NUMBER: 107 N E 007

JURISDICTION: City Council District 2

▶ **LOCATION:** Northwest side Lyons View Pike, northeast side Colony Way

▶ **APPX. SIZE OF TRACT:** 23000 square feet

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Colony Way, a minor collector street with 23' of pavement width within 40' of right of way, or Lyons View Pike, a minor arterial street with 25' of pavement width within 45' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT ZONING:** R-2 (General Residential)

▶ **ZONING REQUESTED:** O-1 (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Professional office

EXTENSION OF ZONE: Yes, extension of O-1 zoning from the northwest

HISTORY OF ZONING: None noted for this site. Due mainly to neighborhood opposition, MPC denied O-1 zoning on the site to the west, across Colony Way, in 2005 (12-O-05-RZ). Staff had recommended conditional approval of the request.

SURROUNDING LAND USE AND ZONING: North: Apartments and businesses / R-2 (General Residential) and C-1 (Neighborhood Commercial)

South: Lyons View Pike - Residence and vacant land, Arrowhead Trail / R-1 (Low Density Residential)

East: Vacant land, commercial / C-3 (General Commercial)

West: Colony Way - Residence / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This site is within a mixed use area of offices and residential uses that have developed under R-1, R-2 and O-1 zoning. Commercial and office zoning and uses are located to the northeast and northwest. Residential development is located to the southeast and southwest.

**STAFF RECOMMENDATION:**

▶ **APPROVE O-1 (Office, Medical & Related Services) zoning, subject to 2 conditions:**

1. Access to the site shall be from Colony Way only.
2. No parking shall be permitted within the front yards along either Colony Way or Lyons View Pike.

O-1 zoning with the above conditions will permit the requested use while maintaining the residential appearance of this arterial streetscape. The sector plan proposes office use for the site and the One Year Plan

proposes mixed uses, limited to office and medium density residential.

**COMMENTS:**

**NEED AND JUSTIFICATION FOR THE PROPOSAL**

1. The conditioned O-1 recommendation is compatible with the scale and intensity of the surrounding land uses and zoning pattern.
2. The request is consistent with both the sector plan and One Year Plan proposals for the property.
3. The proposal is an extension of O-1 zoning from the northwest, across Colony Way. Additionally, the subject property is adjacent to C-3 zoning to the east and C-1 zoning to the north. Office zoning is an appropriate transitional zone between commercial uses to the north and east and residential uses to the south and west.
4. The conditions of the approval will ensure that the proposed office use of the property will minimize the impact on the residential uses to the south and west and maintain the current residential character of the property.
5. Several other properties in this area have transitioned from residential to non-residential uses over the years, and this proposal will continue that trend.
6. The site is adjacent to commercial uses to the north and east along Old Kingston Pike and Kingston Pike. The office use of this property will serve as a transition between those commercial uses and residential uses to the south and west.

**THE EFFECTS OF THE PROPOSAL**

1. Public water and sewer utilities are available to serve the site.
2. The proposal should have a minimal impact on streets and no impact on schools.
3. The recommendation is compatible with surrounding development and will have a minimal impact on adjacent properties.

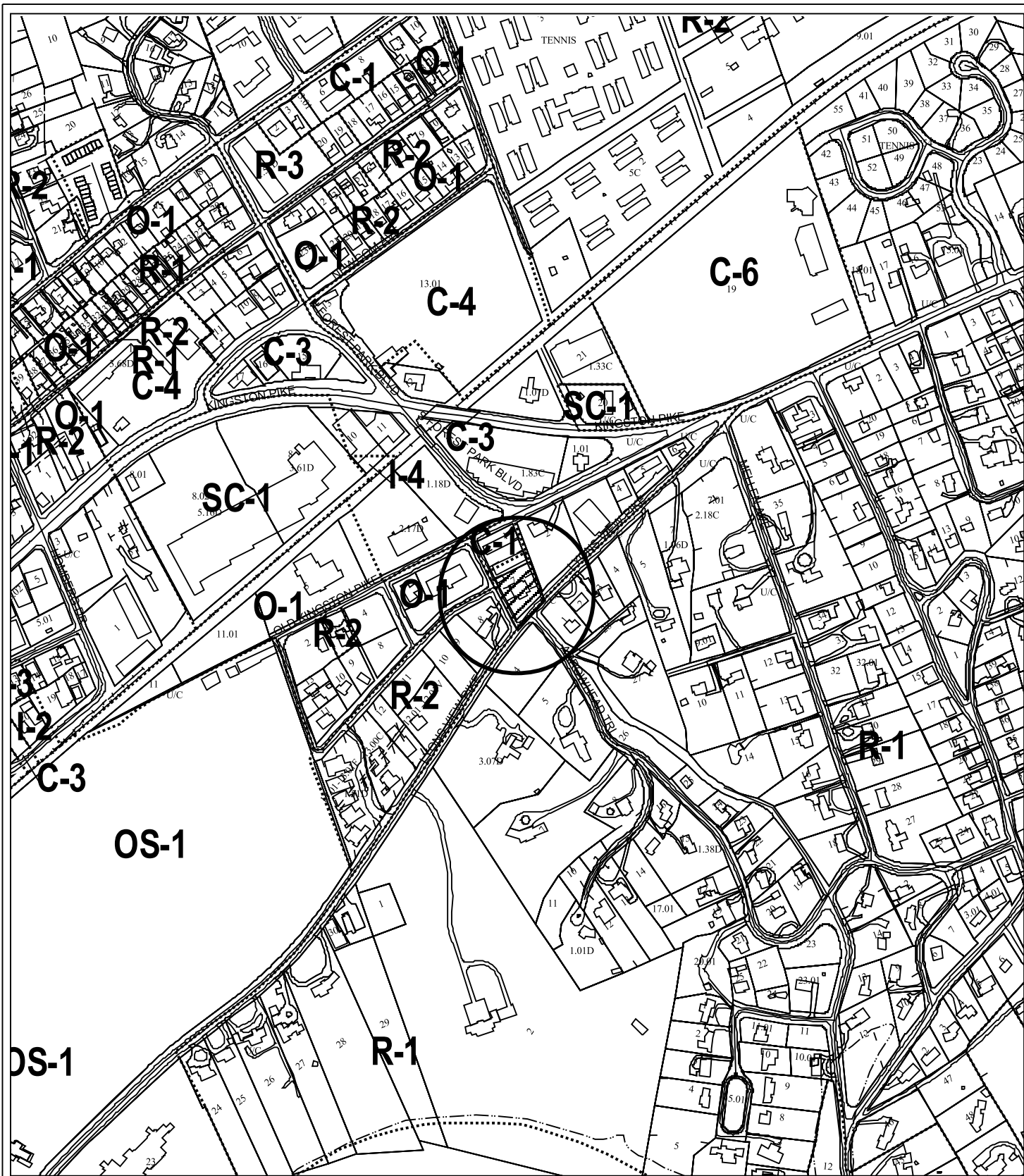
**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The City of Knoxville One Year Plan proposes mixed uses, limited to office and medium density residential, for this site, consistent with O-1 zoning. The One Year Plan proposes the same mixed uses, including office, on the three parcels (8,9,10) directly west of this site, on the opposite side of Colony Way, fronting on Lyons View Pike. These three parcels are also developed with residences on individual lots. Staff would anticipate that if this request is approved, office zoning may also be requested on those parcels. MPC has previously denied a request for O-1 on parcel 8, on the opposite corner of Colony Way and Lyons View Pike, to the west, in 2005, due to neighborhood opposition. Staff had recommended conditional approval of that request. If this request is approved, that site may be once again proposed for O-1 zoning. However, the updated sector plan has now redesignated these sites for low density residential, so staff would not likely support any non-residential zoning requests.
2. The recently updated West City Sector Plan includes this site within a mixed use special district (WC-1), which is referred to as the Bearden Village concept. O-1 zoning is appropriate within this special sector plan district. The previously requested site on the opposite corner was proposed for MDR at the time of the 2005 request, but is now redesignated as LDR, neither of which is consistent with O-1 zoning.
3. This site is located within the Urban Growth Area (inside Knoxville City limits) on the Knoxville-Knox County Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/6/2008 and 5/20/2008. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**4-F-08-RZ  
REZONING**

Petitioner: William Bell

Map No: 107

Jurisdiction: City



From: R-2 (General Residential)  
To: O-1 (Office, Medical, and Related Services)

Original Print Date: 03/27/08    Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

**From:** fred w smith III <f.ws.iii@hotmail.com>  
**To:** <mike.brusseau@knoxmpc.org>  
**Date:** 3/31/2008 9:44:55 AM  
**Subject:** REZONING--4-B-08-RZ (HST )

Dear Mr. Brusseau,

I will appreciate your passing my comments on to the MPC Board prior to the April 10th meeting at which time a hearing will include the above referenced rezoning request at the intersection of Midland Ave, Colony way and Lyons View Pike.

My interest is as a condominium owner in the High Gate development on Lyons View.

I strongly oppose the rezoning request. Lyons View Pike, with very few exceptions, is completely residential from it's intersection with Kingston Pike to it's terminis at Northshore Drive. The exceptions being Cherokee Country Club ( which has been there since 1907 ) and a Bell South building which has little activity.

The intersection where this property is located being Colony Way, Arrowhead Trail and Lyons View Pike is already a dangerous intersection due to the non-alignment of the streets and has been the scene of many multi car accidents in past years. Allowing the building to become a commercial use facility can only lead to an increase in traffic congestion and increased risk to motorists who regularly travel this route.

This problem is in addition to the potential change in the residential aspect of the area.

I will appreciate the Board taking my position into serious consideration.

Regards Fred W. Smith III

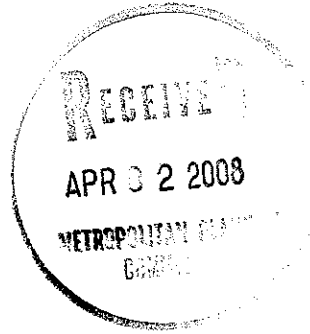
---

Watch "Cause Effect," a show about real people making a real difference. Learn more.  
[http://im.live.com/Messenger/IM/MTV/?source=text\\_watchcause](http://im.live.com/Messenger/IM/MTV/?source=text_watchcause)

April 1, 2008

Metropolitan Planning Commission  
400 Main Street, Suite 403  
Knoxville, TN. 379002

Re: REZONING  
File # 4-F-08-RZ (William Bell)



Becky L. and John Samuel Jacobs  
408 Arrowhead Trail  
Knoxville, TN 37919  
Tel: 865.540.1061  
E-mail: jsamjacobs@hotmail.com

Dear Commissioners,

We are writing to voice our opposition to the proposed rezoning from R-2 to O-1 of the above referenced property on 4633 Lyons View Pike. Our interest is as home-owners living directly across Lyons View Pike. However, our concerns about the proposed rezoning extend to the neighborhood at-large.

In December of 2005, we voiced our concerns about the detrimental effects of commercial "creep" along Lyons View Pike in reference to the proposed zoning variance for the property at 4705 Lyons View Pike (MPC File # 12-0-05-RZ). That property is directly across Colony Way from the property which is the subject of the current application. As you will see from MPC File # 12-0-05-RZ, in addition to our letter of opposition seventy or so of our neighbors signed a petition in opposition to the rezoning of 4705 Lyons View Pike. The MPC ruled against the proposed rezoning of that property to O-1 and set a precedent for that intersection.

There seems to be little difference between the current application and the one denied in 2005, and there have been no changes to the character of the neighborhood that would warrant a different rezoning result. The subject property fronts Lyons View Pike and directly faces an established district of R-1 properties. Nearby is a Historic Overlay property within the Cherokee Country Club that also would be impacted by the proposed zoning and use change. As with our previous opposition, the balanced and attractive R-1 residential environment and historic area along Lyons View Pike continues to be threatened by vehicular traffic traveling along Lyons View and turning at the 4-way intersection of Lyons View, Arrowhead Trail, and Colony Way. We fear that placing an office at this location will increase the traffic congestion at this intersection and encourage other businesses to locate in the area, adding even more to the traffic congestion. This is not speculative. When the subject property recently held as Estate Sale, cars were parked along Lyons View and Colony Way and created difficulty for vehicles traveling on Lyons View and those trying to turn onto or from Colony Way and those attempting to enter or exit or enter Sequoyah Hills via Arrowhead.

To conclude, it is our sincere hope that our neighborhood will retain its true residential character. It gives us no pleasure to be seen to be "meddling" in the affairs of other property owners. We are strong advocates of property rights, and we support, patronize, and encourage local enterprise. Yet, we remain convinced that the long-time property owner or any new owner of 4633 Lyons View Pike can continue to successfully use the property in a manner that is in character with the neighborhood without rezoning to O-1. We appreciate your consideration and urge you to deny their rezoning request.

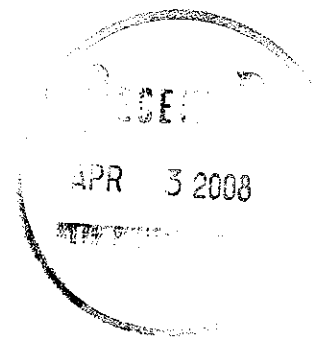
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Becky L. and John Samuel Jacobs".

Becky L. and John Samuel Jacobs

Amelia S Rule  
4618 Lyons View Pike  
Knoxville, TN 37919

Address: 4633 Lyons View Pike (intersection of Lyons View and Colony Way)  
MPC File: # 4-f-08-RZ (William Bell)  
Current Zoning: R-2 (general residential including apartments)  
Requested Zoning: O-1 (office, medical, related services)  
Proposed Use: Professional office  
Hearing: Thursday, April 10 at 1:30 PM in the Main Assembly Room of the City/County Building,  
400 Main Street  
MPC telephone: 215-2500



To The Zoning Commission:

I am writing to voice my opposition to the proposed rezoning from R-2 to O-1 of the above referenced property on 4633 Lyons View Pike. My interest is as a home-owner living directly across Lyons View Pike. However, my concerns about the proposed rezoning extend to the neighborhood at-large as my family members also reside in this neighborhood.

In December of 2005, the neighborhood association voiced our concerns about the detrimental effects of commercial "creep" along Lyons View Pike in reference to the proposed zoning variance for the property at 4705 Lyons View Pike (MPC File # 12-0-05-RZ). That property is directly across Colony Way from the property which is the subject of the current application. As you will see from MPC File # 12-0-05-RZ, in addition to the letter of opposition, seventy or so of our neighbors signed a petition in opposition to the rezoning of 4705 Lyons View Pike. The MPC ruled against the proposed rezoning of that property to O-1 and set a precedent for that intersection

There seems to be little difference between the current application and the one denied in 2005, and there have been no changes to the character of the neighborhood that would warrant a different rezoning result. The subject property fronts Lyons View Pike and directly faces an established district of R-1 properties. Nearby is a Historic Overlay property within the Cherokee Country Club that also would be impacted by the proposed zoning and use change. As with our previous opposition, the balanced and attractive R-1 residential environment and historic area along Lyons View Pike continues to be threatened by vehicular traffic traveling along Lyons View and turning at the 4-way intersection of Lyons View, Arrowhead Trail, and Colony Way. We fear that placing an office at this location will increase the traffic congestion at this intersection and encourage other businesses to locate in the area, adding even more to the traffic congestion. This is not speculative. When the subject property recently held as Estate Sale, cars were parked along Lyons View and Colony Way and created difficulty for vehicles traveling on Lyons View and those trying to turn onto or from Colony Way and those attempting to enter or exit or enter Sequoyah Hills via Arrowhead.

Thank you for your attention to this matter.

Yours Very Truly,

Amelia S. Rule  
Homeowner  
4618 Lyons View Pike  
Knoxville, TN 37919

865-660-1053

Name	Street Address	Tel	Date

### PETITION TO OPPOSE THE REZONING OF 4633 LYONS VIEW PIKE AND TO AMEND THE SECTOR & ONE YEAR DEVELOPMENT PLANS

I oppose the rezoning of the property located at 4633 Lyons View Pike from R-2 to O-1, File Number 4-F-08-RZ. This proposed change would negatively impact the residents of R-1 and R-2 areas that adjoin this property and have a deleterious affect on the residential environment and historic character of the properties along Lyons View Pike. Furthermore, I kindly request the Metropolitan Planning Commission (MPC) amend both the Sector Plan and the One Year Plan in a manner that prevents the "creep" of non-residential properties along Lyons View Pike. There is no need for any further businesses, offices, or commercial development on Lyons View Pike.

Amelia Rule      4618 Lyons View PK      865-660-1053      4-3-08  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date

\_\_\_\_\_  
Name                                  Street Address                                  Tel                                  Date