



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 1-A-09-RZ
1-A-09-PA

AGENDA ITEM #: 38
AGENDA DATE: 1/8/2009

APPLICANT: THOMAS TIMM
OWNER(S): THOMAS TIMM

TAX ID NUMBER: 81 K G 003
JURISDICTION: Council District 5

LOCATION: Southeast side E. Oldham Ave., northeast of N. Central St.

TRACT INFORMATION: 1102 square feet.

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via E. Oldham Ave, a local street with 28' of pavement width within 50' of right of way. The property also has frontage on two public alleys, one 15' wide, to the rear, and one 10' wide, to the side.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / R-2 (General Residential) / IH-1 (Infill Housing Overlay)

PROPOSED PLAN DESIGNATION/ZONING: GC (General Commercial) / C-3 (General Commercial) / IH-1 (Infill Housing Overlay)

EXISTING LAND USE: Residence

PROPOSED USE: Office

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC designation from three sides

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: E. Oldham Ave. - Residences / GC / C-3 (General Commercial)/IH-1 (Infill Housing Overlay)

South: Alley - Auto repair business / GC / C-3/IH-1

East: Alley - House / LDR / R-1 (Low Density Residential)/IH-1

West: Parking lot and business / GC / C-4 (Highway & Arterial Commercial)/IH-1

NEIGHBORHOOD CONTEXT: Businesses are developed along N. Central St. under C-3 and C-4 zoning. The residential neighborhood to the northeast is zoned R-1 and R-2 with an IH-1 overlay.

STAFF RECOMMENDATION:

- ▶ **ADOPT resolution #1-A-09-PA, amending the Knoxville One Year Plan to GC (General Commercial) for this property. (See attached Exhibit A.)**

Commercial uses for this site are an extension of the plan designation and use from the southwest and are compatible with the surrounding development pattern.

- ▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) / IH-1 (Infill Housing Overlay) zoning.**

C-3/IH-1 is a logical extension of zoning from the southwest and is compatible with surrounding development and zoning.

COMMENTS:

ONE YEAR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN

- A. **NEW ROAD OR UTILITY IMPROVEMENTS** - The roads are sufficient and the utilities are in place to serve this site.
- B. **ERROR OR OMISSION IN CURRENT PLAN** - A GC designation and C-3 or C-4 zoning are presently shown on the adjacent properties. Changing from an LDR (Low Density Residential) designation to GC for this site squares up the plan designation and zoning lines to a similar depth from N. Central St. as the adjacent properties.
- C. **CHANGES IN GOVERNMENT POLICY** - The Central City Sector Plan proposes commercial use for this property, consistent with the proposal. This site is located within the Urban Growth Area (inside the City) on the Knoxville-Knox County-Farragut Growth Policy Plan map. A GC designation on the subject property will accommodate a commercial zoning to allow a business use consistent with the established development pattern of the area that includes both residential and commercial uses.
- D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - Surrounding properties are zoned and developed commercially, consistent with this proposal. The site has access to E. Oldham Ave., as well as two public alleys, providing sufficient access for commercial development.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

- 1. The proposed GC designation and C-3/IH-1 zoning are compatible with the scale and intensity of the surrounding development and zoning pattern.
- 2. The proposed plan designation and zoning are logical extensions from the southwest.
- 3. There are many adjacent and surrounding properties in the area that are currently designated for commercial uses and zoned C-3 and C-4.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

- 1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail business. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
- 2. Based on the above general intent, this site is appropriate for C-3 development.
- 3. The IH-1 overlay will be retained on the property, but the associated IH-1 regulations only apply to residential development, not to the proposed commercial use. If the residential use on site continues, then IH-1 guidelines would be applied to any future residential improvements.

THE EFFECTS OF THE PROPOSAL:

- 1. Water and sewer utilities are in place to serve this site.
- 2. The proposal would have no impact on schools. The impact to the street system would depend on the type and size of the commercial use.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The Central City Sector Plan proposes commercial uses for this site, consistent with the requested C-3

zoning.

2. This site is located within the Urban Growth Area (inside the City) on the Knoxville-Knox County-Farragut Growth Policy Plan.

3. Approval of these requests may lead to future requests for commercial uses in the area. Commercial uses are already established on numerous properties in the surrounding area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/10/2009 and 2/24/2009. 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.

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE CITY OF KNOXVILLE ONE YEAR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Knoxville One Year Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Thomas Timm has submitted an application to amend the One Year Plan from Low Density Residential to General Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Knoxville One Year Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on January 8, 2009, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Knoxville One Year Plan, with its accompanying, staff report and map, file # 1-A-09-PA.

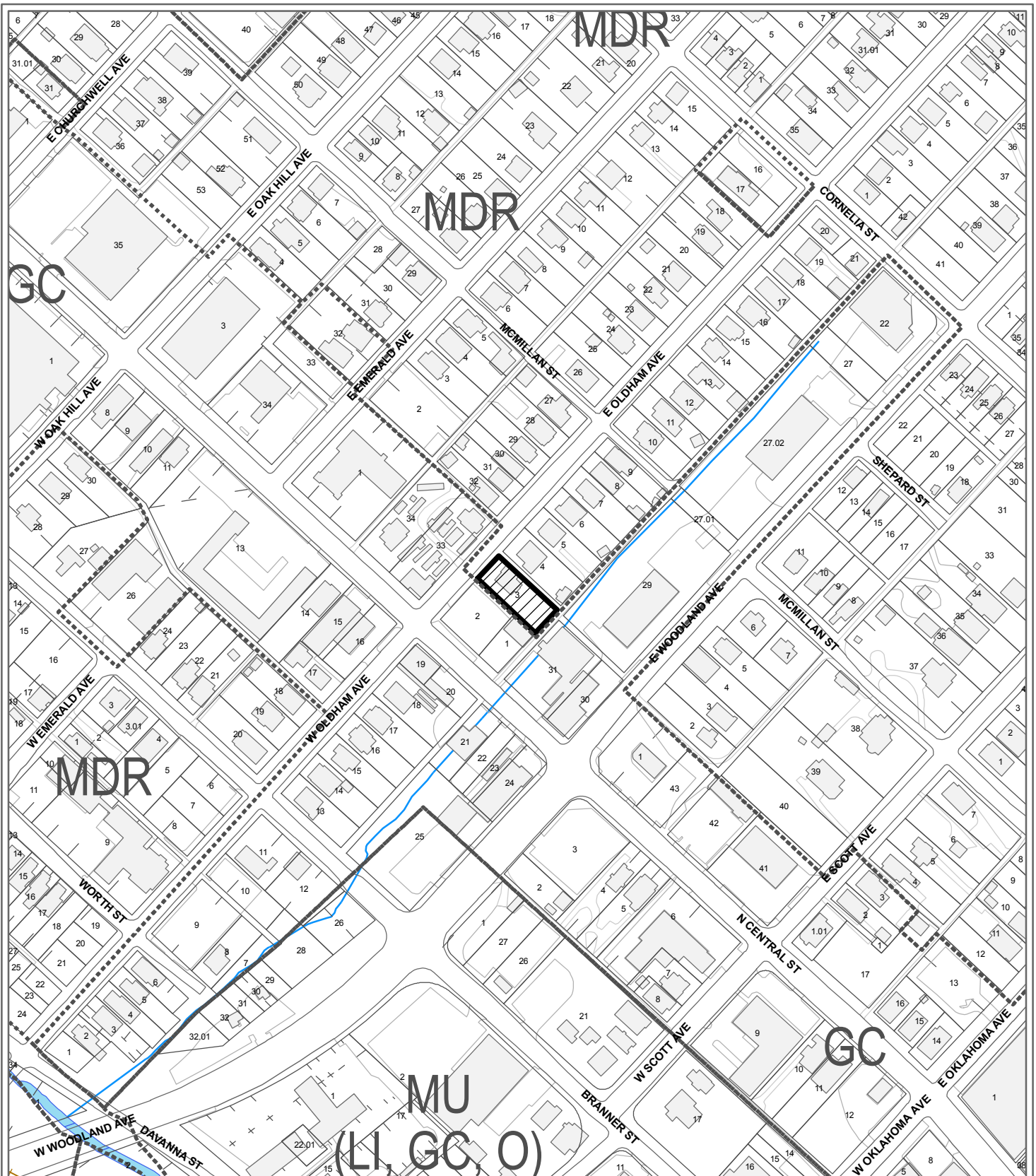
SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

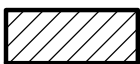
Chairman

Secretary



**1-A-09-PA / 1-A-09-RZ
PLAN AMENDMENT**

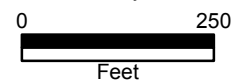
From: LDR (Low Density Residential)
To: GC (General Commercial)



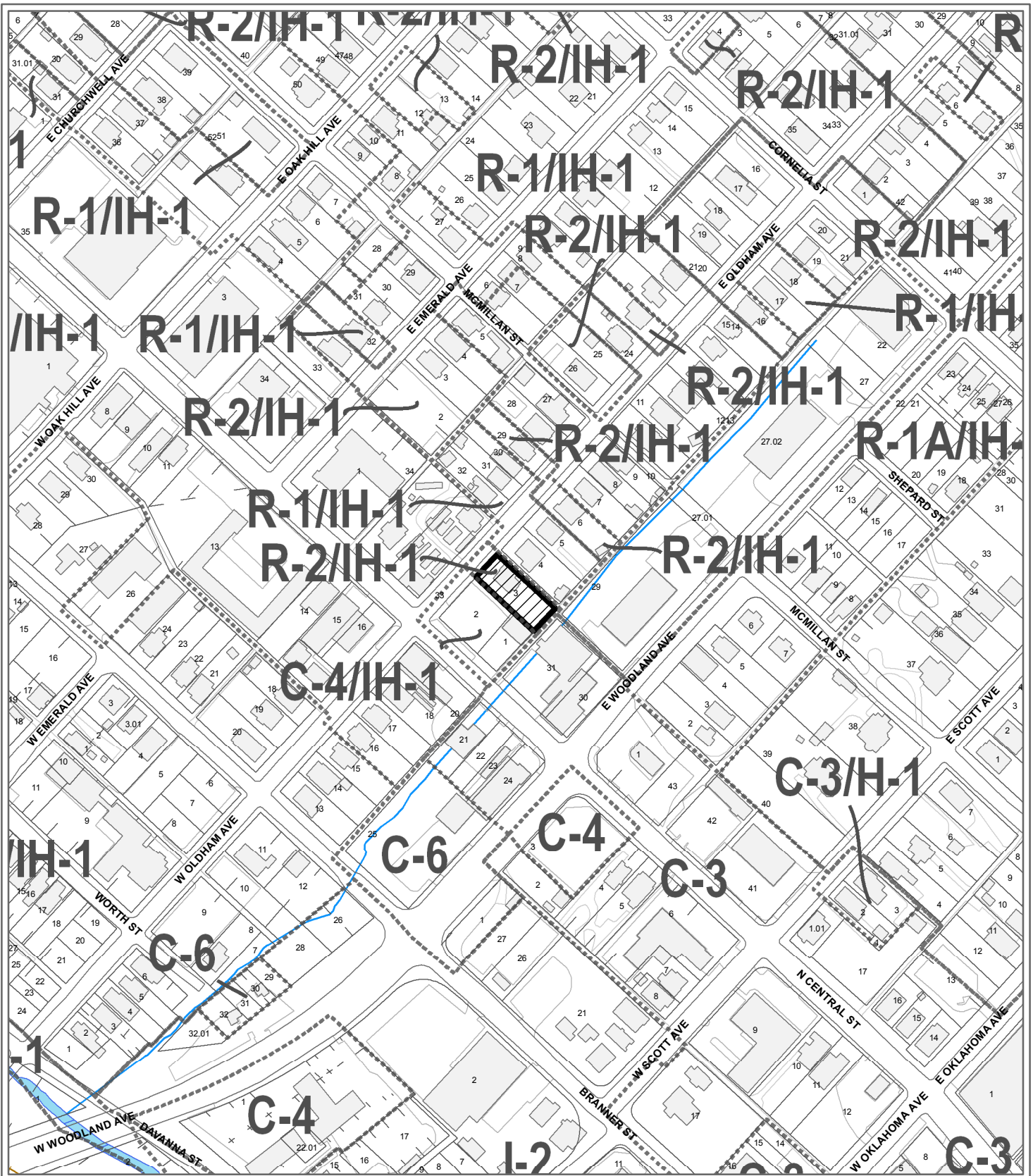
Petitioner: Timm, Thomas

Map No: 81

Jurisdiction: City



Original Print Date: 12/23/2008 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**1-A-09-RZ
REZONING**

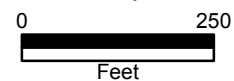
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