



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

FILE #: 1-E-09-RZ **AGENDA ITEM #:** 51
 1-D-09-PA (REVISED) **AGENDA DATE:** 3/12/2009

POSTPONEMENT(S): 1/8/09-2/12/09

APPLICANT: THREE HUGHS PROPERTIES, LLC
OWNER(S): BLANE BYWATERS
 THREE HUGHS PROPERTIES, LLC DARRYL HARVEY

TAX ID NUMBER: 69 H C 025 & 025.01

JURISDICTION: Council District 5

LOCATION: Northwest side E. Inskip Dr., northeast of Rowan Rd.

TRACT INFORMATION: 14000 square feet.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via E. Inskip Dr., a major collector street with 24' of pavement width within 50' of right of way, or Rowan Rd., a local street with 18' of pavement width within 50' of right of way.

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)

PROPOSED PLAN DESIGNATION/ZONING: O (Office) / O-1 (Office, Medical & Related Services)

EXISTING LAND USE: Vacant commercial building

PROPOSED USE: Professional office

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: House / LDR / R-2 (General Residential)
 South: E. Inskip Dr. - House, condominiums, building / LDR / R-2 (General Residential)
 East: House / LDR / R-2 (General Residential)
 West: Rowan Rd. - House / LDR / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This area is developed primarily with residential uses under R-2 zoning. However, there are some businesses just to the southwest, zoned I-2 and I-3.

STAFF RECOMMENDATION:

- ▶ **ADOPT resolution #1-D-09-PA, amending the Knoxville One Year Plan to Mixed Uses (Office and Medium Density Residential) for this property. (See attached Exhibit A.)**

A mixed use designation for this property, including office, is compatible with the surrounding development and zoning and is consistent with the established structure type on the corner of Rowan Rd. and E. Inskip Dr., which has been used for non-residential purposes for many years.

- ▶ **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning.**

O-1 zoning is similar in intensity to the current R-2 zoning. It is compatible with development and zoning in the surrounding area.

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 - An O designation and O-1 zoning are consistent with the previous use of the site for professional offices. The building on parcel 25.01 has been a non-conforming office use under R-2 zoning for many years since being annexed into the City in the 1960's. The structure on the site is clearly a non-residential building.

C. CHANGES IN GOVERNMENT POLICY - The North City Sector Plan proposes medium density residential uses for the property, consistent with the current zoning. An O designation on the subject property will accommodate an office zoning to allow medical or professional offices, consistent with the established development pattern of the area that includes both residential and commercial uses. It also would allow the reuse of the commercial type building on-site for office uses.

D. CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS - There are I-2 and I-3 zoned properties about 200 feet to the southwest, that are developed with an auto repair business, laundromat, convenience store, warehouses and a gas station. To the southeast, across E. Inskip Dr., are apartments and condominiums, zoned R-2. A large church is located to the north, along Rowan Rd. All of these uses have an equal or greater intensity as office uses.

REZONING REQUIREMENTS:

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

1. The proposed O designation and O-1 zoning are compatible with the scale and intensity of the surrounding development and zoning pattern.
2. The proposed plan designation and zoning are of similar or less intensity than much of the surrounding development and zoning.
3. There are many adjacent and surrounding properties in the area that are currently developed with commercial, industrial or attached multi-dwelling residential uses. There is also a large church located to the north, zoned R-2, accessed solely from Rowan Rd.
4. The office/commercial building, currently located on the corner parcel (25.01) has been located on this site since prior to the 1960's, when it was annexed into the City limits of Knoxville, and has been used for office purposes for most of the time since then. The proposal would make the zoning consistent with the building type.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The O-1 zone, as described in the zoning ordinance, is intended to provide areas for professional, medical and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
2. Based on the above general intent, this site is appropriate for O-1 development.
3. There is an established office/commercial type building currently located on parcel 25.01. Parcel 25 is developed with a dwelling. Parking for the office building is currently located along Rowan Rd., but could be relocated to the rear of parcel 25 if necessary to meet off-street parking requirements.

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 office use.

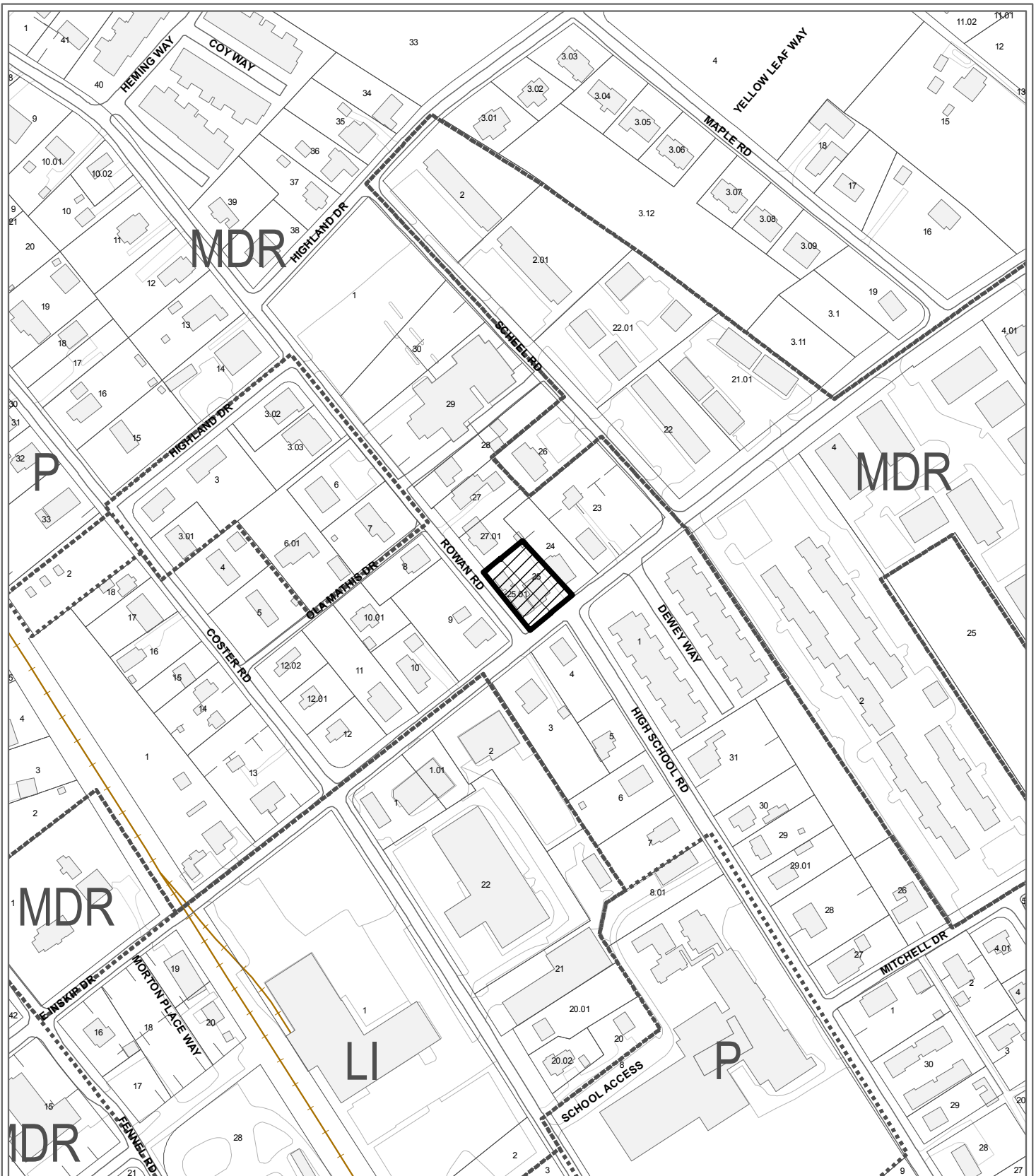
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North City Sector Plan proposes medium density residential uses for this site, consistent with the current R-2 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 office uses in the area. Similar and greater intensity uses are already established on numerous properties in the surrounding area. Each request should be considered on its own merits.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 4/7/2009 and 4/21/2009. 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.



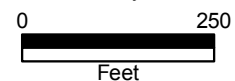
**1-D-09-PA / 1-E-09-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: O (Office)

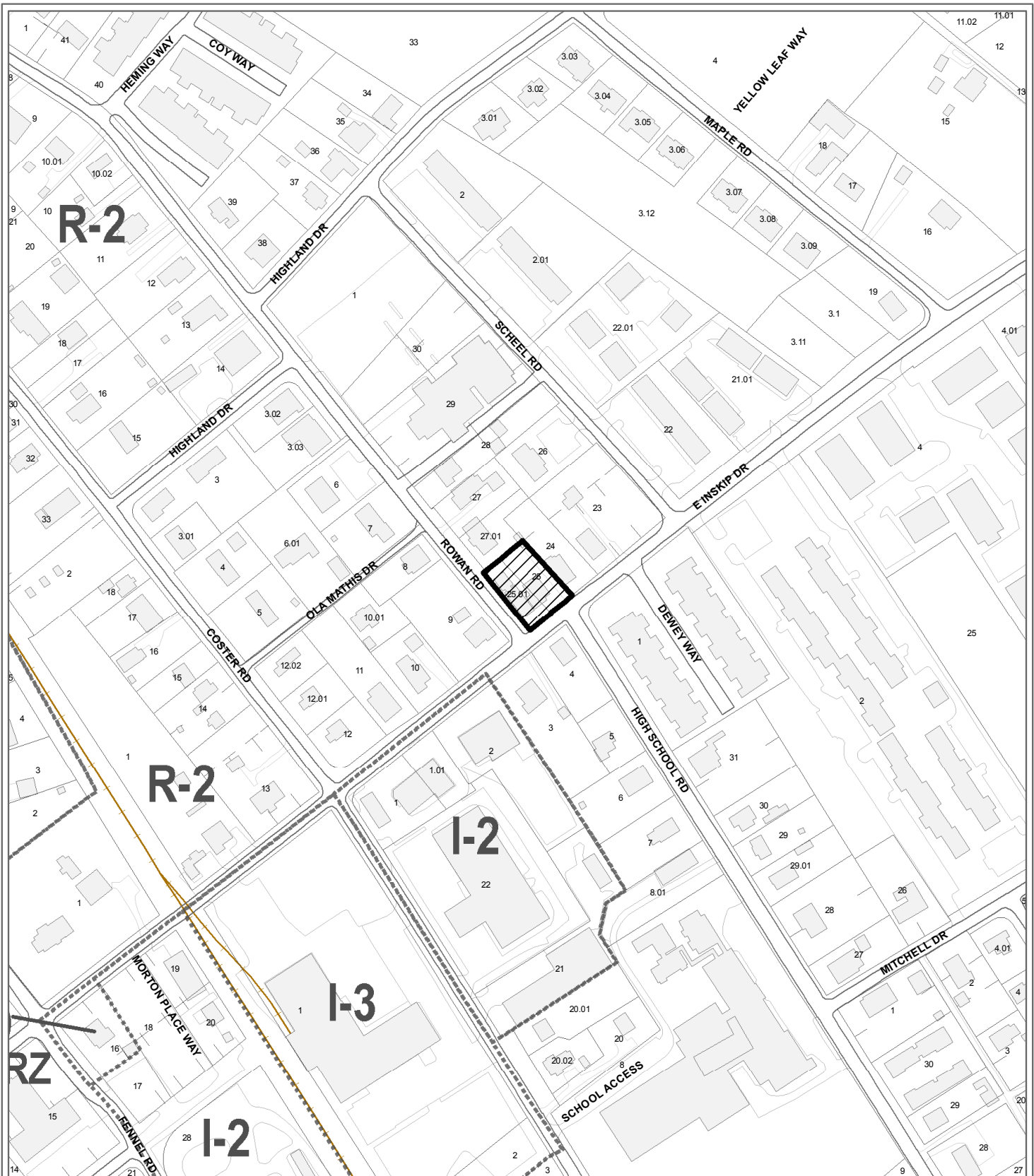


Petitioner: Three Hughs Properties, LLC

Map No: 69
Jurisdiction: City

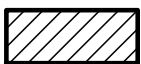


Original Print Date: 12/23/2008 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



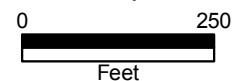
**1-E-09-RZ
REZONING**

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



Petitioner: Three Hughs Properties, LLC

Map No: 69
Jurisdiction: City



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

**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 plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Three Hughs Properties, LLC, has submitted an application to amend the One Year Plan from Low Density Residential to Office 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, from Low Density Residential to Mixed Uses (Office, Medium Density Residential), 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 March 12, 2009, after consideration of the staff recommendation and testimony from those persons in support and opposed to the 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-D-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

Jonathan

I will meet you tomorrow at 5:00.

George A. Ewart, AIA

George Armour Ewart, Architect

404 Bearden Park Circle

Knoxville, TN 37919

O 865.602.7771

F 865.602.7742

www.georgeewart.com

From: Jonathan Schmutz [<mailto:JonathanS@mbiarch.com>]
Sent: Tuesday, February 10, 2009 10:50 AM
To: tbenefield@benefieldrichters.com; anders@holstongases.com;
ubailey@esper.com; bartcarey@comcast.net; avc524@aol.com;
cole5137@bellsouth.net; gewart@georgeewart.com; grafhomes@aol.com;
s.johnson692@gmail.com; makane1@bellsouth.net; rebeccalongmire@hotmail.com;
npavlis@chartercom.com; wstowers@stowerscat.com
Cc: love2ride@bellsouth.net
Subject: 502 E. Inskip Drive

Dear Commissioners,

I have been a resident on Inskip Drive for six years. I have watched a once quiet by street become a major Cedar Lane bypass. Anyone who has used Inskip drive can recognize that it was not designed to handle the amount of traffic barreling down its lanes each day. The speeding cars and 18 wheelers using this street is not my largest concern. Most of the children

living in the area either walk to school or at least walk to the bus stop. Inskip does not have sidewalks which put several children's lives in danger when they are going or coming from school. The property on this month's agenda just happens to be a bus stop for the middle school. Several homeowners in the area met with Bob Becker last month on this site. After experiencing the magnitude of traffic, he suggested that each one of you come out to the property and experience the traffic first hand for yourselves. I invite each one of you to meet me on site between 3 and 5:30 tomorrow Wed. 11th. Public safety has to be a major factor when considering the rezoning of a property because this affects the entire neighborhood.

40. THREE HUGHS PROPERTIES, LLC (REVISED)

Northwest side E. Inskip Dr., northeast of Rowan Rd., Council

District 5.

a. One Year Plan Amendment 1-D-09-PA

From LDR (Low Density Residential) to O (Office).

b. Rezoning 1-E-09-RZ

From R-2 (General Residential) to O-1 (Office, Medical & Related Services).

If you have any question please feel free to contact me. Thank you for your time.

Jonathan Schmutz

Project Manager

Michael Brady Inc

299 N. Weisgarber Rd. (865) 584-0999 phone

From: Mike Brusseau
To: Betty Jo Mahan
Date: 2/12/2009 10:43:23 AM
Subject: Fwd: FW: 502 E. Inskip Drive

>>> "George Ewart" <gewart@georgeewart.com> 2/11/2009 4:18 PM >>>

George A. Ewart, AIA

George Armour Ewart, Architect

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From: love2ride@bellsouth.net [mailto:love2ride@bellsouth.net]

Sent: Tuesday, February 10, 2009 7:36 PM

To: Neighborhood Watch; Jonathan Schmutz; tbenefield@benefieldrichters.com;
anders@holstongases.com; ubailey@esper.com; bartcarey@comcast.net;
avc524@aol.com; cole5137@bellsouth.net; gewart@georgeewart.com;
grafhomes@aol.com; s.johnson692@gmail.com; makane1@bellsouth.net;
rebeccalongmire@hotmail.com; npavlis@chartercom.com; wstowers@stowerscat.com

Subject: Re: 502 E. Inskip Drive

Importance: High

I, too, am a resident of the Inskip/Bruhlin/Highland/Adair area. I am very concerned with the rezoning possibility of the property at 502 E. Inskip Drive. There are homes adjacent to this property AND it is in a school zone. The traffic at this intersection is "alarming" to say the least. If this property is rezoned then we are opening up this entire area to be rezoned for offices, etc. THIS IS A NEIGHBORHOOD AND SCHOOL ZONE. Please

visit this area and access the situation. Our neighborhoods deserve better.

Also, on another note, the property next to the Inskip Food Mart is currently in litigation. It is zoned industrial and the auto body/transmission BUSINESS has been operating OUT OF ZONE for 18 months.

I have personally attended MPC/BZA meetings regarding this property and the issues at hand here. Our neighborhood has changed since this business has been allowed to practice! Again, this is not an area for more traffic/people. It it a NEIGHBORHOOD!

I will look forward to a reply from each of you.

Sincerely,

Beth Nelson

----- Original message from "Jonathan Schmutz"
<JonathanS@mbiarch.com>: -----

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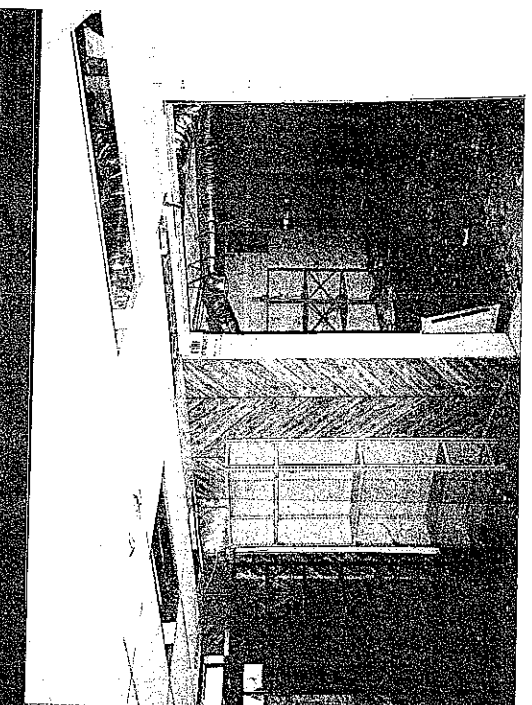
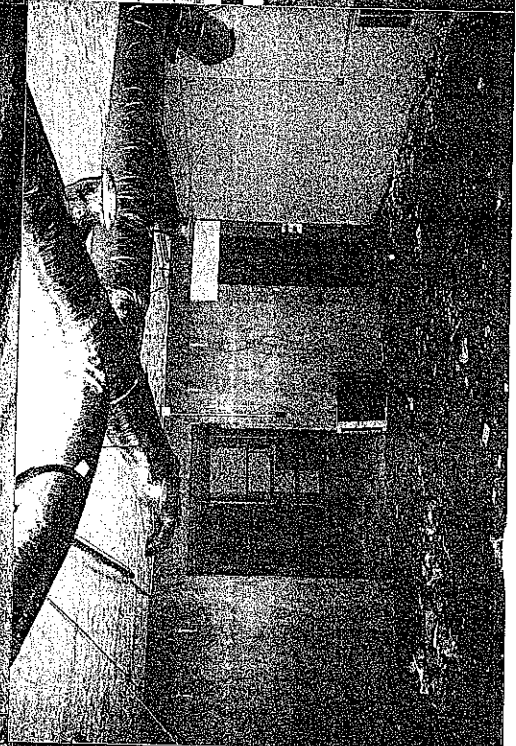
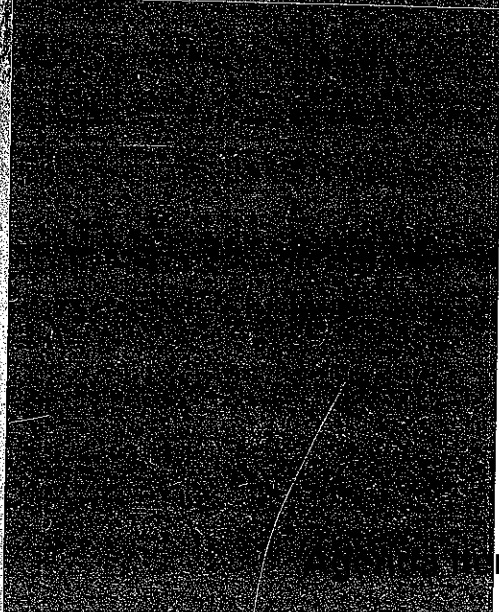
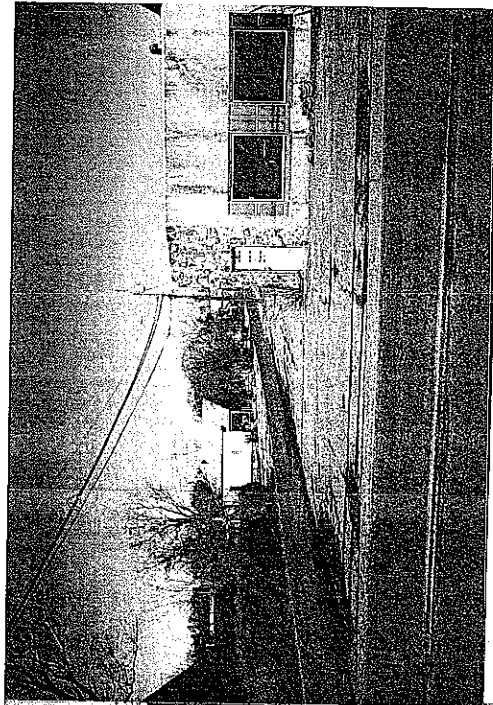
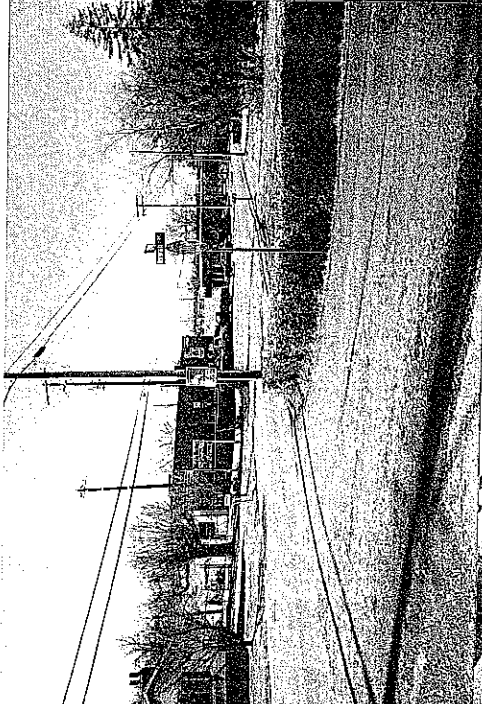
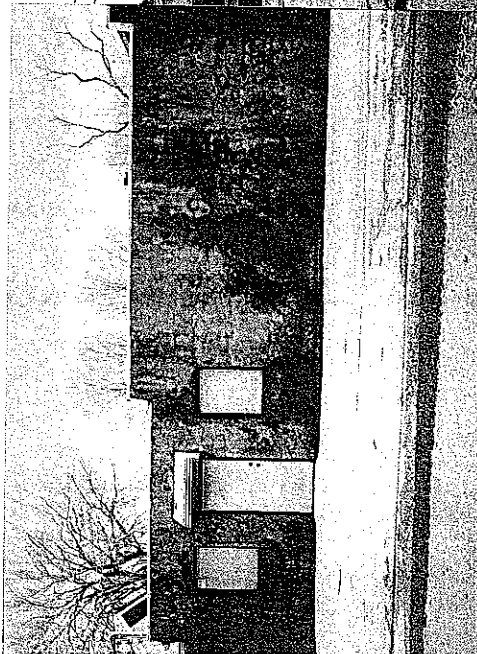
299 N. Weisgarber Rd. (865) 584-0999 phone

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MPC March 12, 2009

enda Item 40 Three Hughs Property



enda Item # 51