



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

▶ **FILE #:** 7-C-14-SP **AGENDA ITEM #:** 34  
POSTPONEMENT(S): 7/10/14 **AGENDA DATE:** 8/14/2014  
▶ **APPLICANT:** **CARL H. LANSDEN**  
OWNER(S): Carl H. Lansden

---

TAX ID NUMBER: 71 J F 028  
JURISDICTION: Council District 4  
STREET ADDRESS: 5315 Asheville Hwy  
▶ **LOCATION:** **Northwest side Asheville Hwy., west side Nokomis Rd.**  
▶ **APPX. SIZE OF TRACT:** **1.5 acres**  
SECTOR PLAN: East City  
GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
ACCESSIBILITY: Access is via Asheville Hwy., a major arterial street with 4 lanes and a center median within 110' of right-of-way, or Nokomis Rd., a local street with 15' of pavement width within 40' of right-of-way.  
UTILITIES: Water Source: Knoxville Utilities Board  
Sewer Source: Knoxville Utilities Board  
WATERSHED: Love Creek

---

▶ **PRESENT PLAN AND ZONING DESIGNATION:** **LDR (Low Density Residential) / R-1 (Low Density Residential)**  
▶ **PROPOSED PLAN DESIGNATION:** **C (Commercial)**  
▶ **EXISTING LAND USE:** **Residence**  
▶ **PROPOSED USE:** **Any use permitted in the C-3 zone**  
EXTENSION OF PLAN DESIGNATION: No  
HISTORY OF REQUESTS: In 2005, there were requests for an office plan designation and O-1 zoning (4-A-05-PA/4-A-05-RZ), but the requests were withdrawn prior to MPC and City Council consideration.  
SURROUNDING LAND USE AND PLAN DESIGNATION: North: Houses / LDR  
South: Asheville Hwy. - Vacant land and house / LDR & C  
East: Nokomis Rd. - Vacant lot / LDR  
West: House / LDR  
NEIGHBORHOOD CONTEXT This property is part of the Chilhowee Hills neighborhood, developed with low density residential uses and zoned R-1. There are some commercial uses to the southeast and east, near the Asheville Hwy. / I-40 interchange, zoned C-1 and C-3.

**STAFF RECOMMENDATION:**

- ▶ **ADOPT RESOLUTION #7-C-14-SP, amending the East City Sector Plan to O (Office) and recommend that Knoxville City Council also adopt the sector plan amendment. (See attached resolution, Exhibit A.) (Applicant requested C-Commercial.)**

Office uses will be compatible with the scale and intensity of surrounding development and zoning. The site fronts on Asheville Hwy., a major arterial street, and is in the vicinity of several commercially zoned sites west of the Asheville Hwy./I-40 interchange, including C-1 zoning directly south. The site is adjacent to other low density residential uses, which could be negatively impacted by commercial uses. Office uses are more appropriate to be placed in close proximity to residential uses.

**COMMENTS:**

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known improvements have been recently made to any of the access streets to the site, but they are adequate to serve the recommended office uses. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

There are no apparent errors in the plan. The current plan proposes LDR uses for the site, consistent with the current R-1 zoning and residential dwelling on the property.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

With the established commercial zoning pattern to the south and east, office uses and zoning are appropriate for the subject property as a transitional area between commercial and residential uses. Fronting on a four lane major arterial highway, the subject property may not be attractive for low density residential uses.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

No new information has become available to reveal the need for a plan amendment. However, the C-3 zoning pattern to the east and C-1 zoning to the south has long been established in this area, making this site appropriate for transitional office uses.

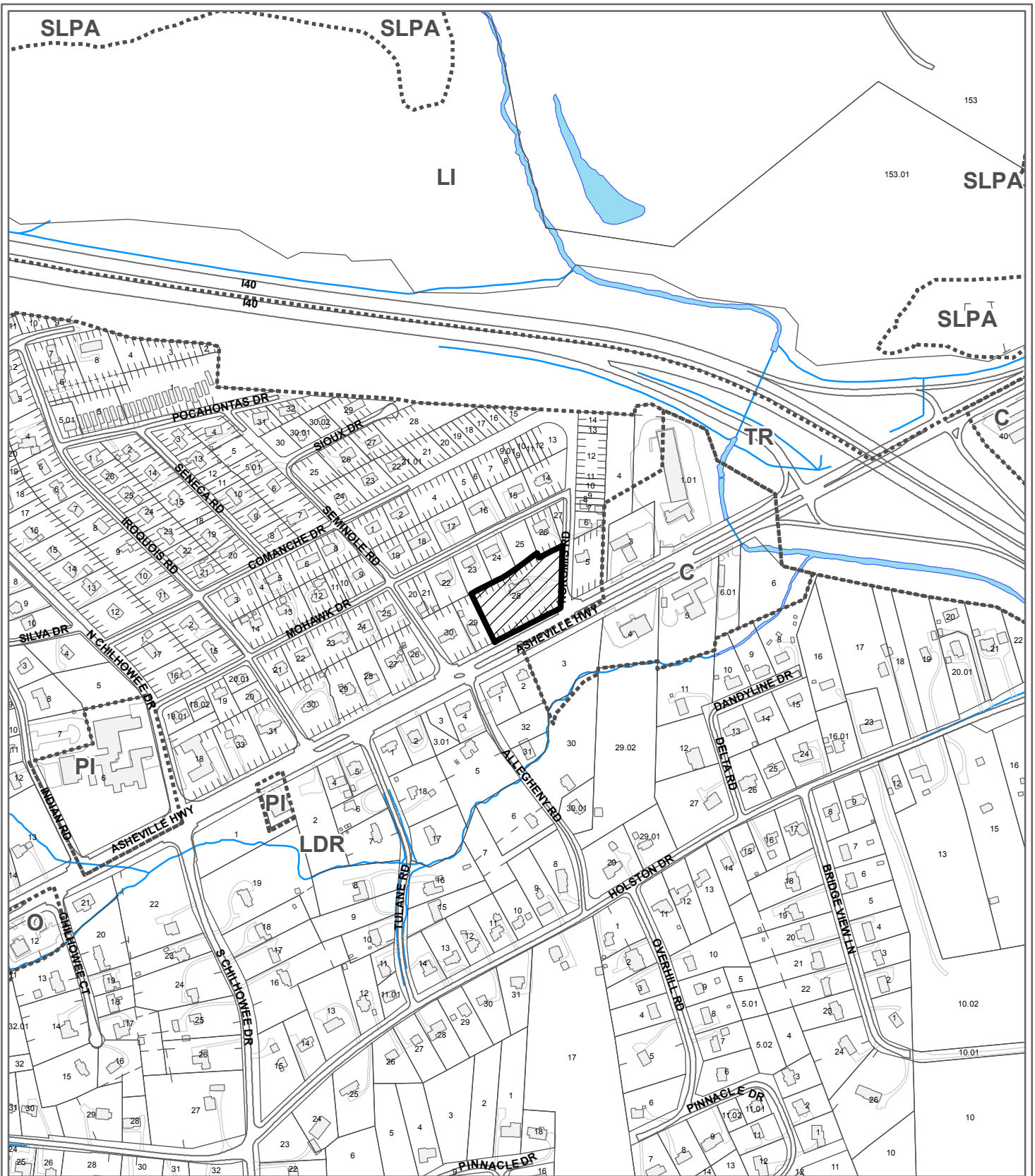
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 9/16/2014 and 9/30/2014. 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



**7-C-14-SP  
EAST CITY SECTOR PLAN AMENDMENT**

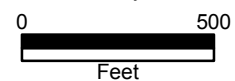
From: LDR (Low Density Residential)  
To: C (Commercial)



Petitioner: Lansden, Carl H.

Map No: 71

Jurisdiction: City



Original Print Date: 6/23/2014      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY  
METROPOLITAN PLANNING COMMISSION  
A RESOLUTION AMENDING THE EAST CITY SECTOR 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 East City Sector 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**, Carl H. Lansden, has submitted an application to amend the Sector Plan from LDR (Low Density Residential) to C (Commercial), for property described in the application; and

**WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the East City Sector 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 August 14, 2014, 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 East City Sector Plan, with its accompanying staff report and map, file #7-C-14-SP.*

*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

7-C-14-RZ



08/05/2014

Re: Rezoning of 5315 Asheville Hwy.

To whom it may concern,

I support any efforts in the rezoning of 5315 Asheville Hwy. Unlike some of the current area residence, which may only spend a few seconds driving through this area, I've actually witnessed the day to day activities over the past eleven months. It is very disturbing. I've watched drug users & dealers, prostitutes, and panhandlers blanket this area. They're not confined to the I-40 eastbound off ramp or to the recently demoted "Relax Inn". I've watched them spread through Lee's Market and to the adjoining neighborhood. The residence in the adjoining homes may not realize it, but the drug users do pass out in there yards, panhandlers search around homes, and prostitutes do their business (especially on Nokomis Dr., Mohawk Dr., and Seminole Rd.). And yes, It gets pretty violent at times.

Being in real estate since 1986 I've witness bad areas spread with ease, while good areas struggle to maintain. I've seen good homeowners leave a declining area, fail to sell there home and in a desperation move rent it or abandon it. The older homes in question have no historic value that I know of and most are not that economically desirable for an update or remodel.

Since the subject area is on a path of decline, why not at least make an attempt to improve the situation. Improve one of Knoxville's few East I-40 / North I-75 exits. There's not but a handful of these exits and I'm sure travelers and the local residence will approve.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Daugherty, Jr.", written in black ink.

Carl Daugherty, Jr.  
East End Liquor Shoppe



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

▶ **FILE #:** 7-C-14-RZ  
7-B-14-PA

**AGENDA ITEM #:** 34  
**AGENDA DATE:** 8/14/2014

POSTPONEMENT(S): 7/10/14

▶ **APPLICANT:** **CARL H. LANSDEN**  
**OWNER(S):** Carl H. Lansden

---

**TAX ID NUMBER:** 71 J F 028  
**JURISDICTION:** Council District 4  
**STREET ADDRESS:** 5315 Asheville Hwy

▶ **LOCATION:** **Northwest side Asheville Hwy., west side Nokomis Rd.**

▶ **TRACT INFORMATION:** **1.5 acres.**

**SECTOR PLAN:** East City

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

**ACCESSIBILITY:** Access is via Asheville Hwy., a major arterial street with 4 lanes and a center median within 110' of right-of-way, or Nokomis Rd., a local street with 15' of pavement width within 40' of right-of-way.

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

**WATERSHED:** Love Creek

---

▶ **PRESENT PLAN DESIGNATION/ZONING:** **LDR (Low Density Residential) / R-1 (Low Density Residential)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **GC (General Commercial) / C-3 (General Commercial)**

▶ **EXISTING LAND USE:** **Residence**

▶ **PROPOSED USE:** **Any use permitted in C-3 zoning**

**EXTENSION OF PLAN DESIGNATION/ZONING:** No

**HISTORY OF ZONING REQUESTS:** In 2005, there were requests for an office plan designation and O-1 zoning (4-A-05-PA/4-A-05-RZ), but the requests were withdrawn prior to MPC and City Council consideration.

**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**  
North: Houses / LDR / R-1 (Low Density Residential)  
South: Asheville Hwy. - Vacant land and house / LDR & GC / R-1 (Low Density Residential) and C-1 (Neighborhood Commercial)  
East: Nokomis Rd. - Vacant lot / LDR / R-1 (Low Density Residential)  
West: House / LDR / R-1 (Low Density Residential)

**NEIGHBORHOOD CONTEXT:** This property is part of the Chilhowee Hills neighborhood, developed with low density residential uses and zoned R-1. There are some commercial uses to the southeast and east, near the Asheville Hwy. / I-40 interchange, zoned C-1 and C-3.

---

**STAFF RECOMMENDATION:**

► **RECOMMEND that City Council APPROVE O (Office) One Year Plan designation. (Applicant requested GC.)**

Office uses will be compatible with the scale and intensity of surrounding development and zoning. The site fronts on Asheville Hwy., a major arterial street, and is in the vicinity of several commercially zoned sites west of the Asheville Hwy./I-40 interchange, including C-1 zoning directly south. The site is adjacent to other low density residential uses, which could be negatively impacted by commercial uses. Office uses are more appropriate to be placed in close proximity to residential uses.

► **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning. (Applicant requested C-3.)**

O-1 zoning will create a transitional area between commercial uses to the south and east and residential uses to the north and west. O-1 zoning is compatible with the the scale and intensity of surrounding development and zoning pattern. C-3 zoning would allow some uses, such as a drive-through restaurant, that could have significant negative impact on surrounding residential uses.

**COMMENTS:**

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

- A. AN ERROR IN THE PLAN - There are no apparent errors in the plan. The current plan proposes LDR uses for the site, consistent with the current R-1 zoning and residential dwelling on the property.
- B. A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA - No known improvements have been recently made to any of the access streets to the site, but they are adequate to serve the recommended office uses. Public water and sewer utilities are available to serve the site.
- C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - With the established commercial zoning pattern to the south and east, office uses and zoning are appropriate for the subject property as a transitional area between commercial and residential uses. Fronting on a four lane major arterial highway, the subject property may not be desirable for low density residential uses.
- D. NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT - No new information has become available to reveal the need for a plan amendment. The C-3 zoning pattern to the east and C-1 zoning to the south has long been established in this area, making this site appropriate for transitional office uses.

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. O-1 zoning for the subject property creates a transitional area between commercial uses to the south and east and residential uses to the north and west. Since the property fronts on a major arterial street and is in close proximity to commercial development and zoning to the south and east at the interchange, the property is less desirable for residential uses.
- 2. O-1 uses are compatible with the surrounding land use and zoning pattern.
- 3. The site is about 1.5 acres, which is enough area to locate office uses and the associated parking on site.
- 4. Establishing office uses at this location will establish an appropriate stopping point for commercial uses heading west from the Asheville Hwy./ I-40 interchange.

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

- 1. The O-1 zone, as described in the zoning ordinance, is intended to provide areas for professional and business offices and related activities that require separate buildings 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 zoning.
- 3. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. 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.

4. With the wide range of commercial uses allowed under C-3, including businesses that could cause negative impacts to adjacent residential uses, this site is not appropriate for the requested C-3 zoning.

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. The recommended O-1 zoning is compatible with the surrounding land uses and zoning pattern. The requested C-3 zoning allows some uses that would not be compatible with adjacent residential uses.
2. O-1 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing streets are adequate to handle any additional traffic generated by allowing office uses on the site, and the site's location is appropriate for transitional office uses between commercial and residential uses.

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:

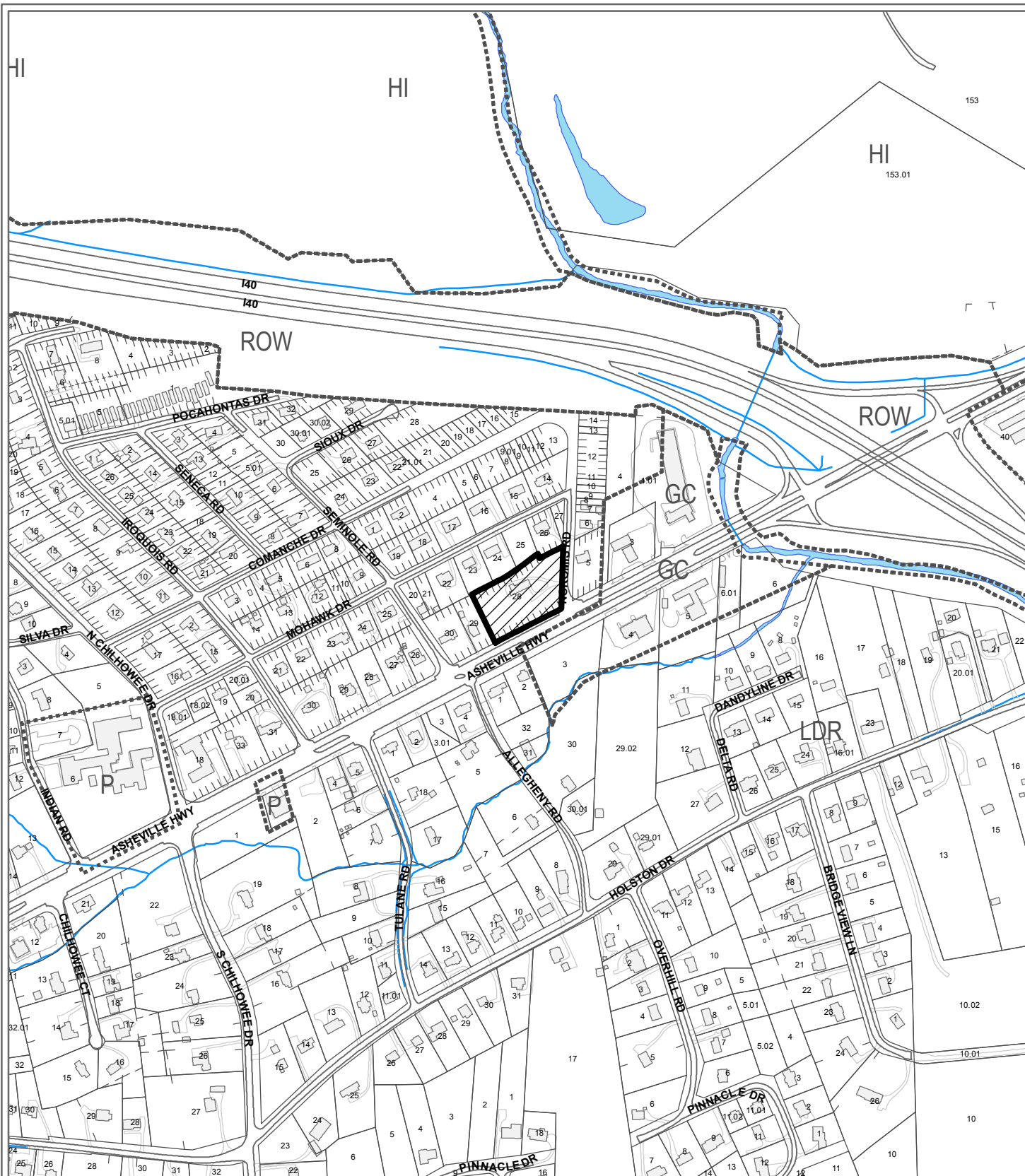
1. With the recommended amendment to the East City Sector Plan to office on the accompanying application (7-C-14-SP), O-1 zoning would be consistent with the plan. In order for the requested C-3 zoning to be considered the sector plan would have to be amended to the C (Commercial) designation.
2. With the recommended amendment of the City of Knoxville One Year Plan to O, the proposed O-1 zoning would be consistent with the plan. In order for the requested C-3 zoning to be considered the One Year Plan would have to be amended to the GC (General Commercial) designation.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This recommended O-1 zoning does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 9/16/2014 and 9/30/2014. 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.





**7-B-14-PA / 7-C-14-RZ  
PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: GC (General Commercial)

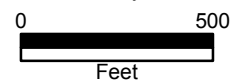


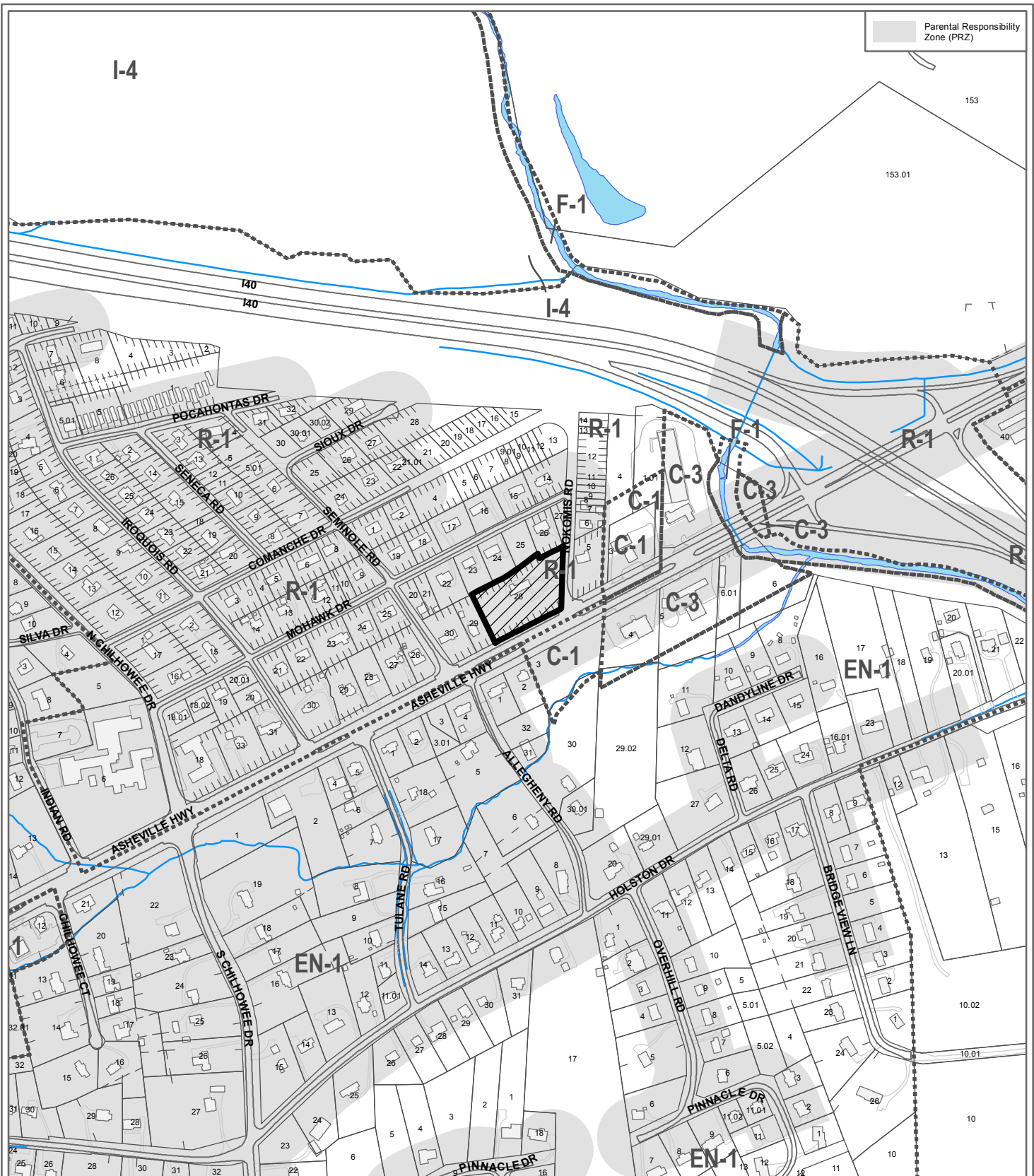
Original Print Date: 6/23/2014      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Lansden, Carl H.

Map No: 71

Jurisdiction: City





**7-C-14-RZ  
REZONING**

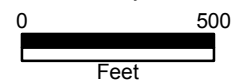
From: R-1 (Low Density Residential)  
To: C-3 (General Commercial)



Petitioner: Lansden, Carl H.

Map No: 71

Jurisdiction: City



Original Print Date: 6/23/2014  
Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

7-C-14-RZ



08/05/2014

Re: Rezoning of 5315 Asheville Hwy.

To whom it may concern,

I support any efforts in the rezoning of 5315 Asheville Hwy. Unlike some of the current area residence, which may only spend a few seconds driving through this area, I've actually witnessed the day to day activities over the past eleven months. It is very disturbing. I've watched drug users & dealers, prostitutes, and panhandlers blanket this area. They're not confined to the I-40 eastbound off ramp or to the recently demoted "Relax Inn". I've watched them spread through Lee's Market and to the adjoining neighborhood. The residence in the adjoining homes may not realize it, but the drug users do pass out in there yards, panhandlers search around homes, and prostitutes do their business (especially on Nokomis Dr., Mohawk Dr., and Seminole Rd.). And yes, It gets pretty violent at times.

Being in real estate since 1986 I've witness bad areas spread with ease, while good areas struggle to maintain. I've seen good homeowners leave a declining area, fail to sell there home and in a desperation move rent it or abandon it. The older homes in question have no historic value that I know of and most are not that economically desirable for an update or remodel.

Since the subject area is on a path of decline, why not at least make an attempt to improve the situation. Improve one of Knoxville's few East I-40 / North I-75 exits. There's not but a handful of these exits and I'm sure travelers and the local residence will approve.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Daugherty, Jr.", written over a dotted line.

Carl Daugherty, Jr.  
East End Liquor Shoppe