

▶ **FILE #:** 1-B-14-SP

**AGENDA ITEM #:** 24

**AGENDA DATE:** 1/9/2014

▶ **APPLICANT:** NANCY UPCHURCH

OWNER(S): Nancy Upchurch

TAX ID NUMBER: 123 A C 024

JURISDICTION: Council District 1

STREET ADDRESS: 301 Higgins Ave

▶ **LOCATION:** North side Higgins Ave., southwest side Tomlinson St., northwest of Young High Pike

▶ **APPX. SIZE OF TRACT:** 0.4 acres

SECTOR PLAN: South City

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

ACCESSIBILITY: Access is via Tomlinson St., a local street with 22' of pavement width within 40' of right-of-way, or Higgins Ave., a local street with 15' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Goose Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / R-2 (General Residential)

▶ **PROPOSED PLAN DESIGNATION:** O (Office)

▶ **EXISTING LAND USE:** Offices

▶ **PROPOSED USE:** Vacant building

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: House / LDR

South: Higgins Ave. - House / LDR

East: Tomlinson St. - Houses / LDR

West: House / LDR

NEIGHBORHOOD CONTEXT This area is developed with residential uses under R-1A and R-2 zoning. To the east, along Young High Pike toward Chapman Hwy., there is C-3 zoning with businesses.

**STAFF RECOMMENDATION:**

▶ **ADOPT RESOLUTION # 1-B-14-SP, amending the South City Sector Plan to O (Office) and recommend that City Council also adopt the amendment. (See attached resolution, Exhibit A.)**

Office uses will be compatible with the scale and intensity of surrounding development and zoning. The site is already developed with an office/commercial building, and there is C-3 zoning to the east. Establishment of office uses at this location will serve as a transition between current and future commercial uses to the east along Young High Pike and residential uses to the west.

**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 proposed office uses. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan does not recognize the C-3 zoning to the east along Young High Pike. However, that C-3 zoning is in place and is appropriate along Young High Pike, which is a major collector street, within a commercial node to the east at the intersection with Chapman Hwy., a major arterial street. If the C-3 zoned area was reflected on the plan, the subject property would be a logical location for transitional office uses, as proposed.

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

With establishment of C-3 zoning to the east, office uses and zoning are appropriate for the subject property as a transitional area between commercial and residential uses.

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

No new trends have emerged to justify the need for a plan amendment. The C-3 zoning pattern to the east has long been established in this area, making this site appropriate for transitional office uses.

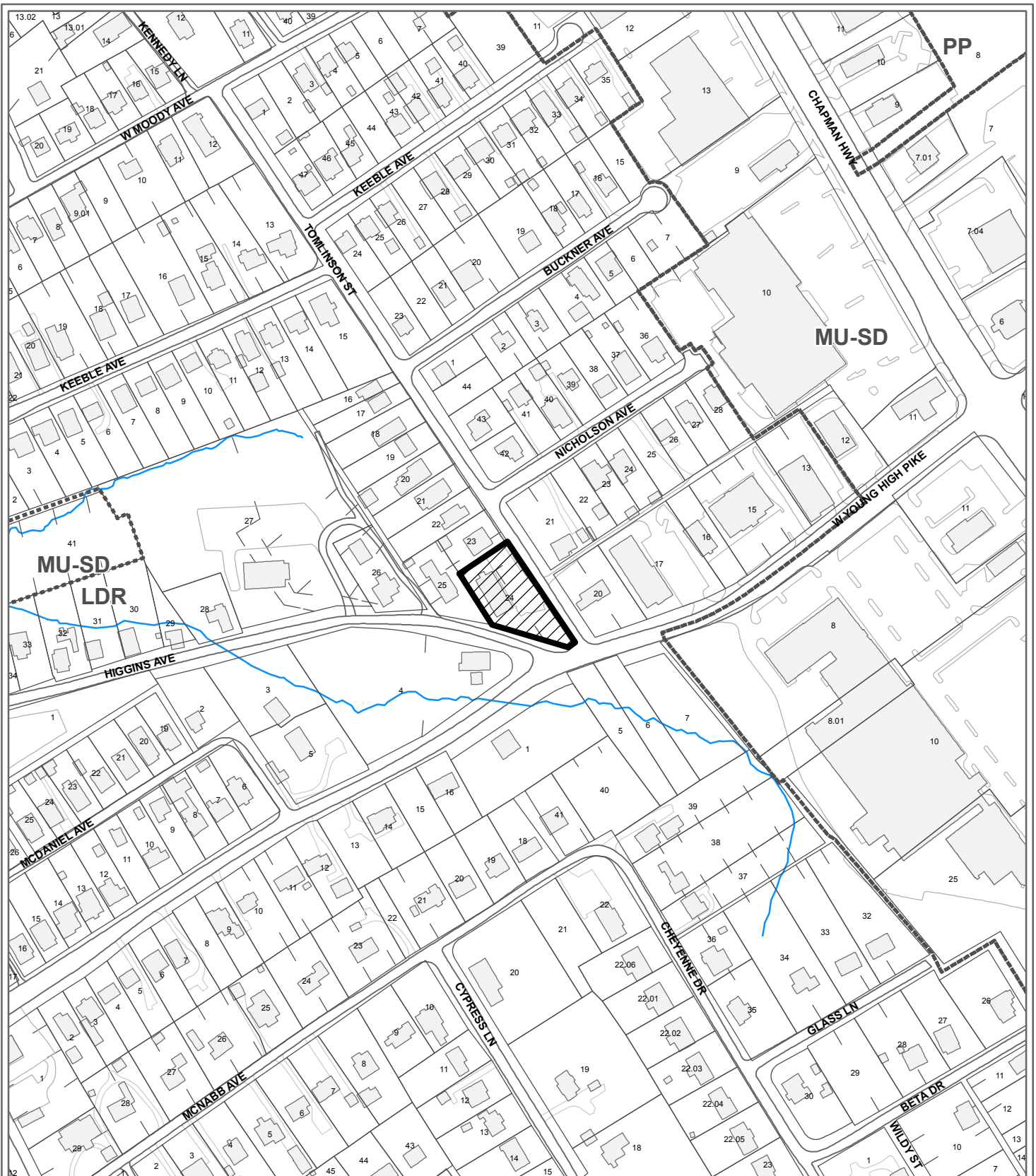
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 2/4/2014 and 2/18/2014. 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.



**1-B-14-SP  
SOUTH CITY SECTOR PLAN AMENDMENT**

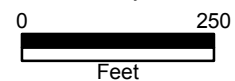
From: LDR (Low Density Residential)  
To: O (Office)



Petitioner: Upchurch, Nancy

Map No: 123

Jurisdiction: City



Original Print Date: 12/20/2013      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY  
METROPOLITAN PLANNING COMMISSION  
A RESOLUTION AMENDING THE SOUTH 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 South 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**, Nancy Upchurch, has submitted an application to amend the Sector 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 South 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 January 9, 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 South City Sector Plan, with its accompanying staff report and map, file #1-B-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



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

**FILE #:** 1-B-14-RZ  
1-B-14-PA

**AGENDA ITEM #:** 24  
**AGENDA DATE:** 1/9/2014

**APPLICANT:** NANCY UPCHURCH  
**OWNER(S):** Nancy Upchurch

**TAX ID NUMBER:** 123 A C 024  
**JURISDICTION:** Council District 1  
**STREET ADDRESS:** 301 Higgins Ave

**LOCATION:** North side Higgins Ave., southwest side Tomlinson St., northwest of Young High Pike

**TRACT INFORMATION:** 0.4 acres.  
**SECTOR PLAN:** South City  
**GROWTH POLICY PLAN:** Urban Growth Area (Inside City Limits)  
**ACCESSIBILITY:** Access is via Tomlinson St., a local street with 22' of pavement width within 40' of right-of-way, or Higgins Ave., a local street with 15' of pavement width within 45' of right-of-way.  
**UTILITIES:** Water Source: Knoxville Utilities Board  
Sewer Source: Knoxville Utilities Board  
**WATERSHED:** Goose Creek

**PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / R-2 (General Residential)

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

**EXISTING LAND USE:** Vacant building

**PROPOSED USE:** Offices

**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: Higgins Ave. - House / LDR / R-1A (Low Density Residential)  
East: Tomlinson St. - Houses / LDR / R-2 (General Residential) and C-3 (General Commercial)  
West: House / LDR / R-2 (General Residential)

**NEIGHBORHOOD CONTEXT:** This area is developed with residential uses under R-1A and R-2 zoning. To the east, along Young High Pike toward Chapman Hwy., there is C-3 zoning with businesses.

**STAFF RECOMMENDATION:**

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

Office uses will be compatible with the scale and intensity of surrounding development and zoning. The site is already developed with an office/commercial building, and there is C-3 zoning to the east. Establishment of office uses at this location will serve as a transition between current and future commercial uses to the east along Young High Pike and residential uses to the west.

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

O-1 zoning will create a transitional area between commercial uses to the east and residential uses to the west. O-1 zoning is compatible with the the scale and intensity of surrounding development and zoning pattern

**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** - The One Year Plan does not recognize the C-3 zoning to the east along Young High Pike. However, that C-3 zoning is in place and is appropriate along Young High Pike, which is a major collector street, within a commercial node to the east at the intersection with Chapman Hwy., a major arterial street. If the C-3 zoned area was reflected on the plan, the subject property would be a logical location for transitional office uses, as proposed.

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 proposed office uses. Public water and sewer utilities are available to serve the site.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - With establishment of C-3 zoning to the east, office uses and zoning are appropriate for the subject property as a transitional area between commercial and 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 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 east and residential uses to the west.
2. O-1 uses are compatible with the surrounding land use and zoning pattern.
3. The site is already developed with a commercial/office building that has been there for quite some time. It is currently vacant and for sale. O-1 zoning will allow more flexibility in finding potential users for the site.

**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.

**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 proposal is compatible with the surrounding land uses and zoning pattern.
2. The proposal 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.

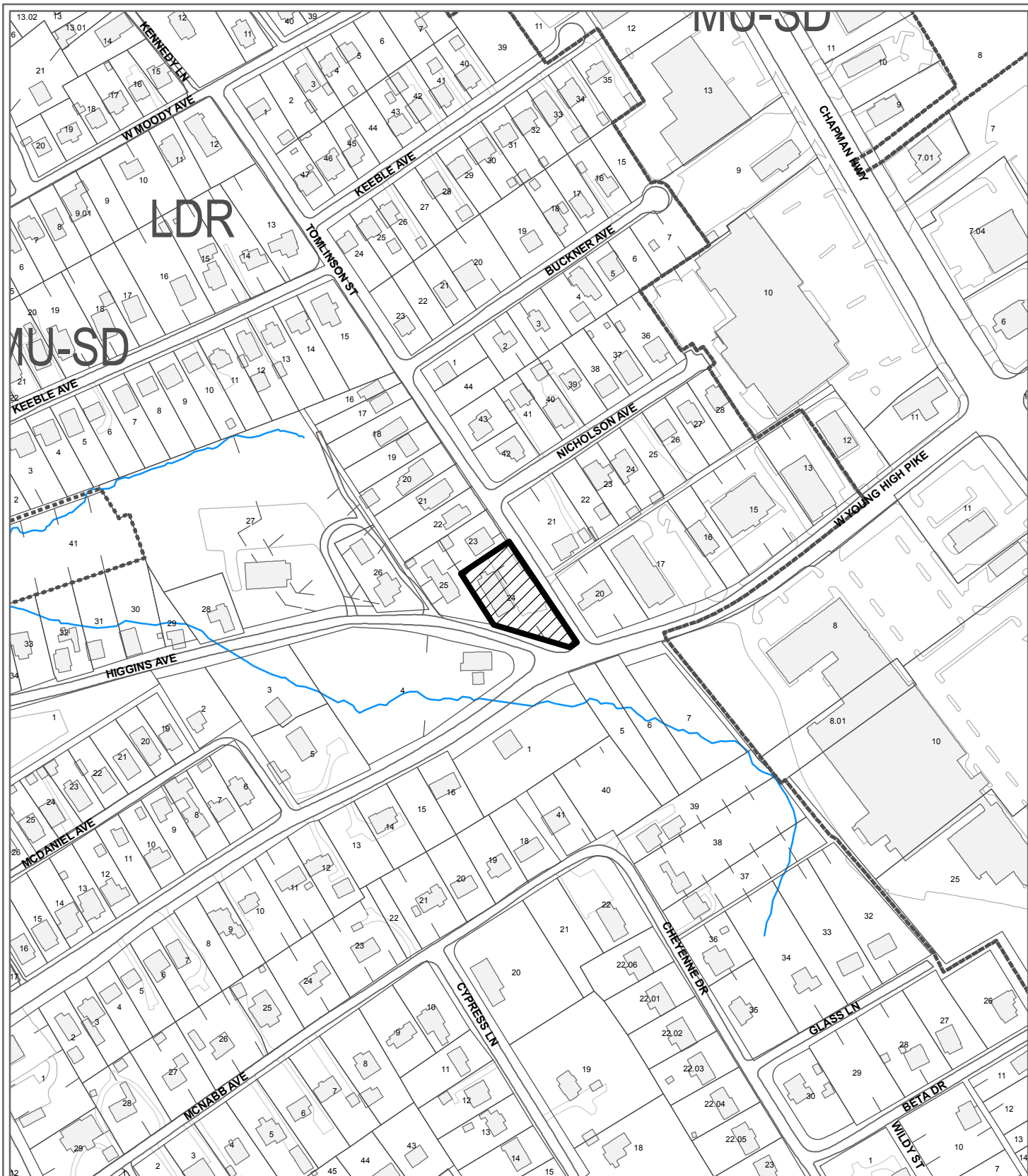
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended amendment to the South City Sector Plan to office on the accompanying applicatio (1-B-14-SP), O-1 zoning would be consistent with the plan.
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.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

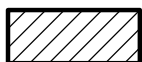
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**1-B-14-PA / 1-B-14-RZ  
PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: O (Office)

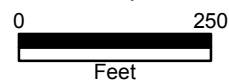


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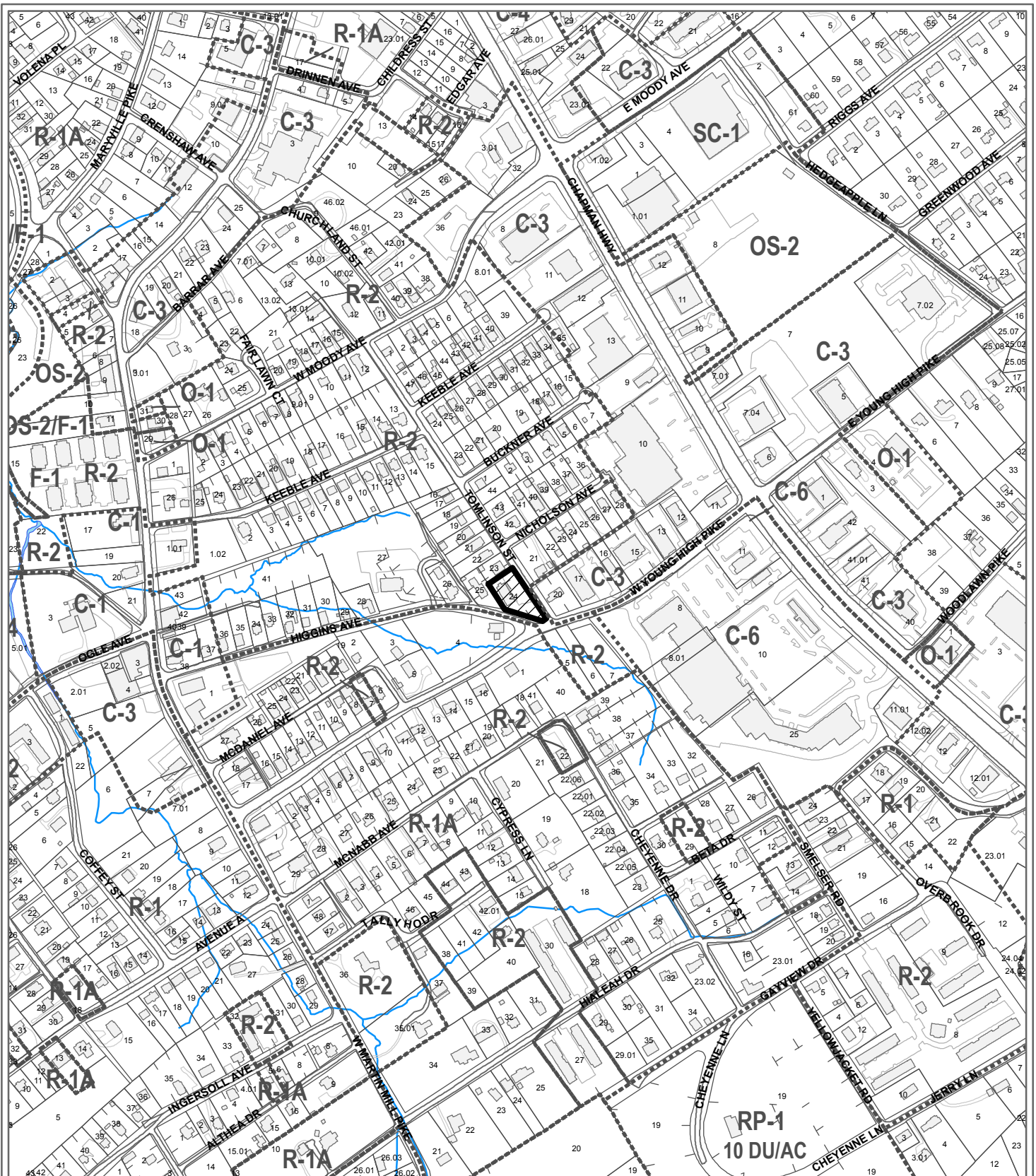
Petitioner: Upchurch, Nancy

Map No: 123

Jurisdiction: City







**1-B-14-RZ  
REZONING**

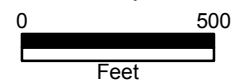
From: R-2 (Medium Density Residential)  
To: O-1 (Office, Medical, and Related Services)



Petitioner: Upchurch, Nancy

Map No: 123

Jurisdiction: City



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