



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

▶ **FILE #:** 1-C-14-SP

AGENDA ITEM #: 25

AGENDA DATE: 1/9/2014

▶ **APPLICANT:** BRAKEBILL NURSING HOMES, INC.

OWNER(S): Brakebill Nursing Homes, Inc.

TAX ID NUMBER: 121 G G PT OF 01601 ZONED R-1

JURISDICTION: Council District 2

STREET ADDRESS: 201 Harley Dr

▶ **LOCATION:** South side Harley Dr., west of Lyons View Pike

▶ **APPX. SIZE OF TRACT:** 0.31 acres

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Harley Dr., a local street with 17-18' of pavement width within 30' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

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

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential)

▶ **EXISTING LAND USE:** Residential

▶ **PROPOSED USE:** Nursing home expansion

EXTENSION OF PLAN DESIGNATION: Yes, extension of MDR from the east

HISTORY OF REQUESTS: None noted

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

South: Vacant land and house / LDR

East: Brakebill Nursing Home / MDR

West: House / LDR

NEIGHBORHOOD CONTEXT This site is located along Harley Dr., behind the Brakebill Nursing Home off Lyons View Pike. Other than the properties at its intersection with Lyons View Pike, the street is developed with low density residential uses under R-1 zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 1-C-14-SP, amending the West City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the amendment. (See attached resolution, Exhibit A.)**

Medium density residential uses will be compatible with the scale and intensity of surrounding development and zoning. The proposal is an extension of MDR from the east and will allow the expansion of that facility onto the subject property.

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 along this section of Harley Dr. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan currently designates the site for LDR (Low Density Residential), consistent with the current R-1 zoning. Amendment of the sector plan designation to MDR and rezoning would bring the sector plan and zoning into consistency.

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

The Brakebill Nursing Home facility has long been established at the location to the east of the subject property. The proposal is a minor extension of that zoning to allow expansion of that facility.

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

The proposal is to extend the established MDR uses from the east to include this site. The adjacent site to the east has been in operation for many years.

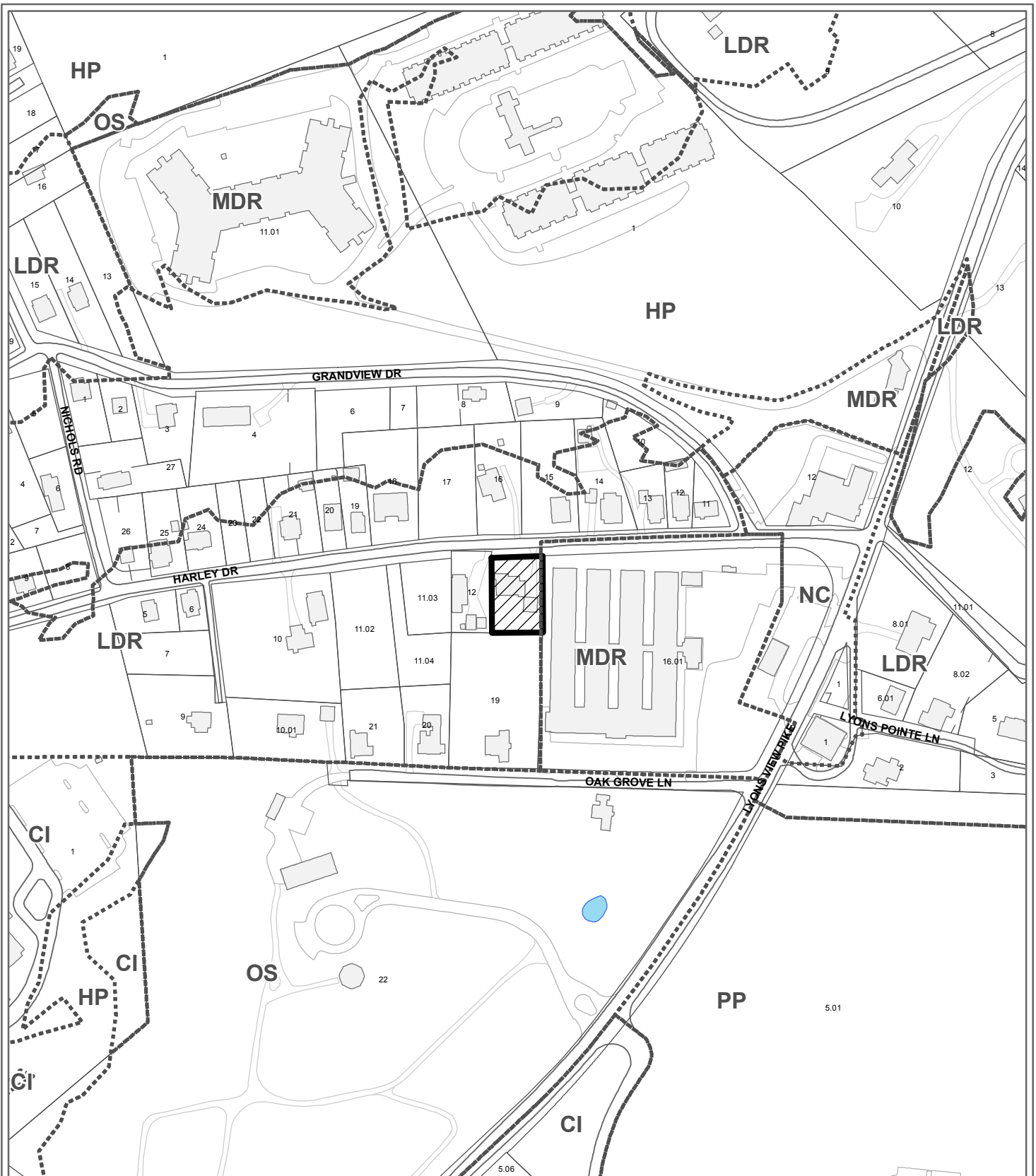
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.



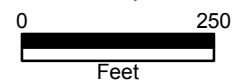
**1-C-14-SP
WEST CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)



Petitioner: Brakebill Nursing Homes, Inc.

Map No: 121
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 WEST 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 West 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, Brakebill Nursing Homes, Inc., has submitted an application to amend the Sector Plan from Low Density Residential to Medium Density Residential, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the West 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 West City Sector Plan, with its accompanying staff report and map, file #1-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

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

▶ **FILE #:** 1-C-14-RZ
 1-C-14-PA

AGENDA ITEM #: 25
AGENDA DATE: 1/9/2014

▶ **APPLICANT:** BRAKEBILL NURSING HOMES, INC.
 OWNER(S): Brakebill Nursing Homes, Inc.

TAX ID NUMBER: 121 G G PT OF 01601ZONED R-1

JURISDICTION: Council District 2

STREET ADDRESS: 201 Harley Dr

▶ **LOCATION:** South side Harley Dr., west of Lyons View Pike

▶ **TRACT INFORMATION:** 0.31 acres.

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Harley Dr., a local street with 17-18' of pavement width within 30' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / R-2 (General Residential)

▶ **EXISTING LAND USE:** Residential

▶ **PROPOSED USE:** Nursing home expansion

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of MDR from the east

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: House / LDR / R-1 (Low Density Residential)
 South: Vacant land and house / LDR / R-1 (Low Density Residential)
 East: Brakebill Nursing Home / MDR / R-2 (General Residential)
 West: House / LDR / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: This site is located along Harley Dr., behind the Brakebill Nursing Home off Lyons View Pike. Other than the properties at its intersection with Lyons View Pike, the street is developed with low density residential uses under R-1 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE MDR (Medium Density Residential) One Year Plan**

designation.

Medium density residential uses will be compatible with the scale and intensity of surrounding development and zoning. The proposal is an extension of MDR from the east and will allow the expansion of that facility onto the subject property.

► **RECOMMEND that City Council APPROVE R-2 (General Residential) zoning, subject to 1 condition:**

1. Use on review development plan approval by MPC will be required prior to any site disturbance.

With the recommended condition above, the proposed rezoning will be compatible with the scale and intensity of the 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 currently designates the large adjacent site for MDR (Medium Density Residential), consistent with its current R-2 zoning. This recommended amendment is a minor extension of that plan designation and zoning to the west.
- 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 along this section of Harley Dr. Public water and sewer utilities are available to serve the site.
- C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - The Brakebill Nursing Home has long been established at the location to the east of the subject property. The proposal is a minor extension of that zoning to allow expansion of that facility.
- 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 land use and zoning pattern to the east has long been established in this area.

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. R-2 zoning for the subject property is a logical, minor extension of zoning from the east.
2. R-2 uses are compatible with the surrounding land use and zoning pattern.
3. The site is located adjacent to a long established nursing home facility, zoned R-2.
4. The recommended zoning condition is to allow for MPC to review a plan for the new development on the subject property. The proposal is to expand the nursing home onto the subject property, which has now been consolidated into the same parcel as the existing nursing home (parcel 01601). The house on the subject property sits about 10-15 feet higher in elevation than the existing nursing home buildings to the east. Also, the site is adjacent to houses on three sides. The recommended use on review condition would help to minimize the potential negative impact on residential neighbors that could result from this nursing home expansion. The use on review will allow the opportunity for MPC staff to address landscape screening, appropriate lighting, access control and other development strategies that will minimize the impact on neighboring properties. It will also provide the opportunity for input from citizens at a public hearing.

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

1. The requested R-2 zoning is a residential district to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are permitted. Some recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each use permitted in this district.
2. Based on the above description, R-2 is an appropriate zone for this site, with the recommended condition by staff.

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. Through the recommended use on review process, MPC can eliminate or minimize any possible negative impacts that may result from the redevelopment of this site.
3. With the recommended condition, R-2 zoning will allow the expansion of the nursing home facility onto the subject property, with development plan approval by MPC as a use on review.

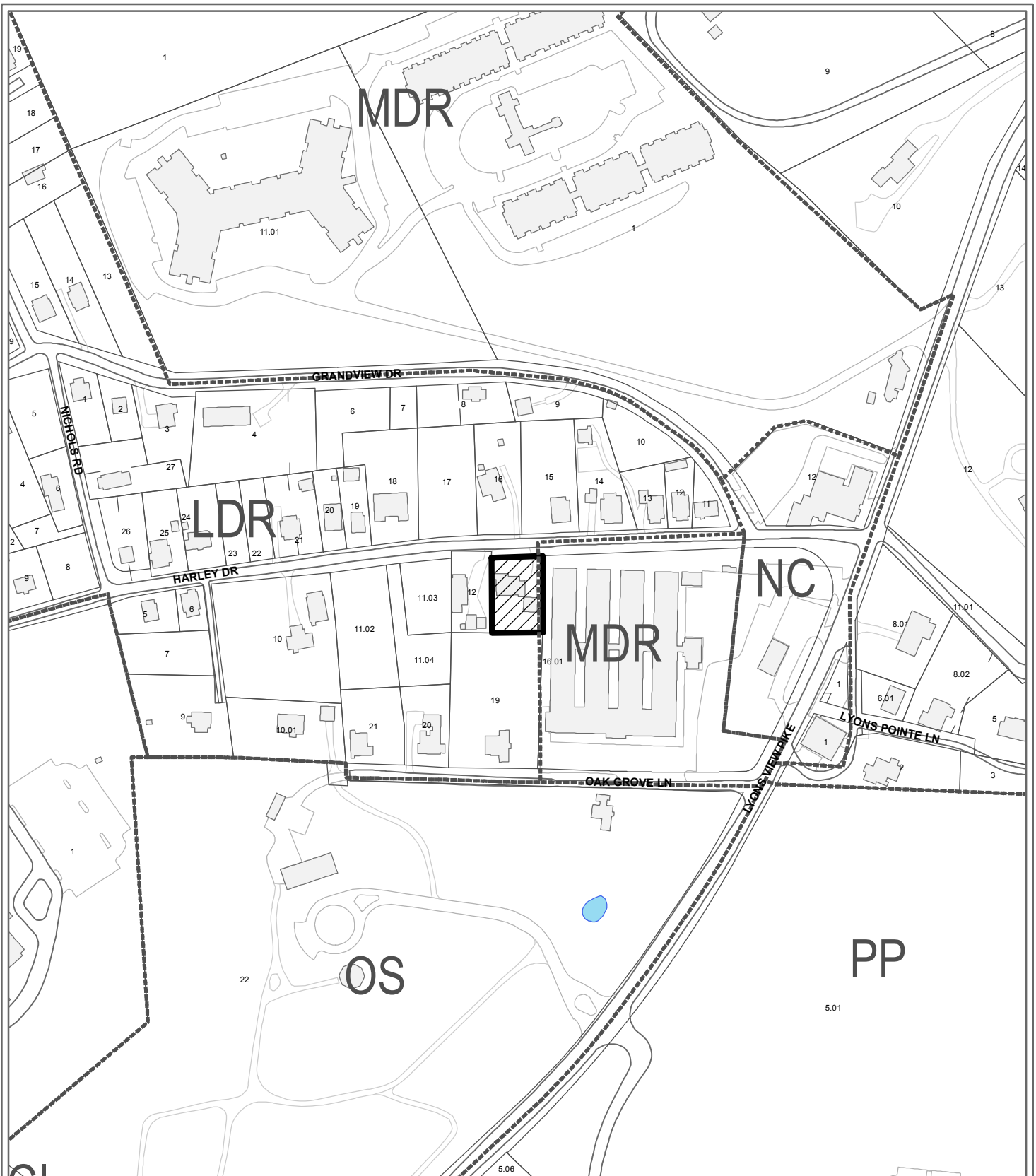
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended amendment to the West City Sector Plan to medium density residential on the accompanying application (1-C-14-SP), R-2 zoning would be consistent with the plan.
2. With the recommended amendment of the City of Knoxville One Year Plan to MDR, the proposed R-2 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.

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

From: LDR (Low Density Residential)

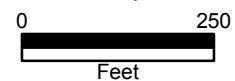
To: MDR (Medium Density Residential)



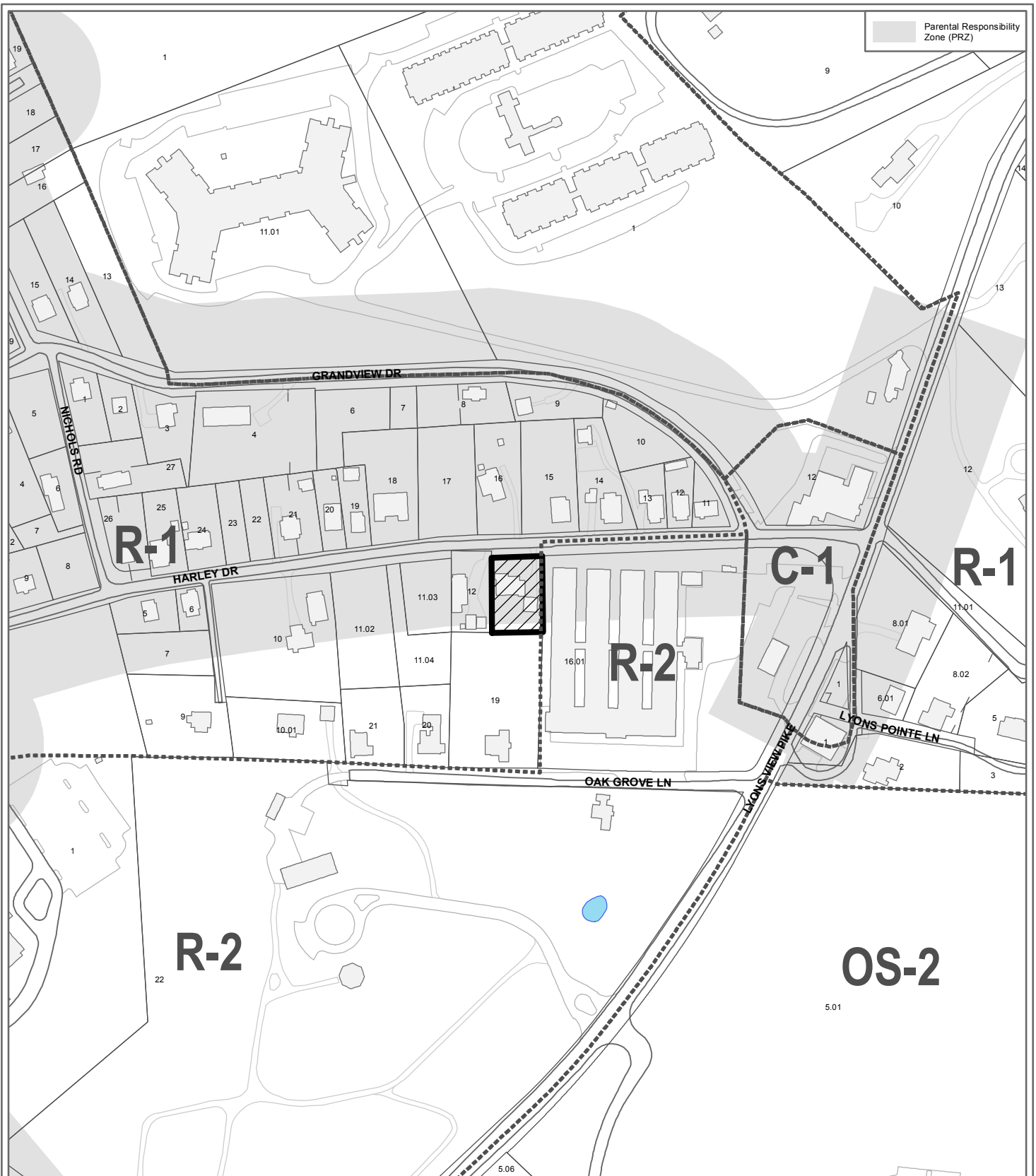
Petitioner: Brakebill Nursing Homes, Inc.

Map No: 121

Jurisdiction: City



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



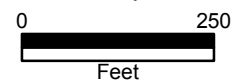
**1-C-14-RZ
REZONING**

From: R-1 (Low Density Residential)
To: R-2 (General Residential)



Petitioner: Brakebill Nursing Homes, Inc.

Map No: 121
Jurisdiction: City



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