

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

▶ **FILE #:** 1-E-14-SP

AGENDA ITEM #: 29

AGENDA DATE: 1/9/2014

▶ **APPLICANT:** SHANE ADDINGTON

OWNER(S): Robert "Shane" Addington

TAX ID NUMBER: 68 N E 029

JURISDICTION: Council District 5

STREET ADDRESS: 5111 Schubert Rd

▶ **LOCATION:** Southwest side Schubert Rd., southeast of Merchant Dr.

▶ **APPX. SIZE OF TRACT:** 17500 square feet

SECTOR PLAN: Northwest City

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

ACCESSIBILITY: Access is via Schubert Rd., a minor collector street with 20' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

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

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

▶ **EXISTING LAND USE:** Duplex

▶ **PROPOSED USE:** Offices

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Schubert Rd. - House / LDR

South: Shopping center / GC

East: House / LDR

West: Beauty salon / LDR

NEIGHBORHOOD CONTEXT The subject property is located along Schubert Rd., just south of Merchant Dr. Zoning and land uses transition from commercial at Merchant Dr. to office and then residential to the south along Schubert Rd.

STAFF RECOMMENDATION:

▶ **DENY O (Office) sector plan designation.**

Approval of office uses for this site would constitute an unnecessary extension of non-residential uses into a residential neighborhood. The current proposed land use pattern in this area is appropriate and should be maintained. Office uses should end northwest of this site, as currently proposed.

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 made in the vicinity of this site. The development and zoning pattern for this and surrounding sites is established and should be maintained as is.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Northwest City Sector Plan appropriately designates this site for low density residential uses, consistent with the existing use and zoning of the property. The current sector plan proposes that office uses end two properties to the northwest (parcel 26). Staff is of the opinion that this established stopping point for non-residential uses is appropriate and should be maintained.

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

There has been no change in public policy that warrants the requested amendment to the sector plan.

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

There are no apparent trends that warrant an amendment to the sector plan. No new information has become available that would reveal the need for a plan amendment at this particular location.

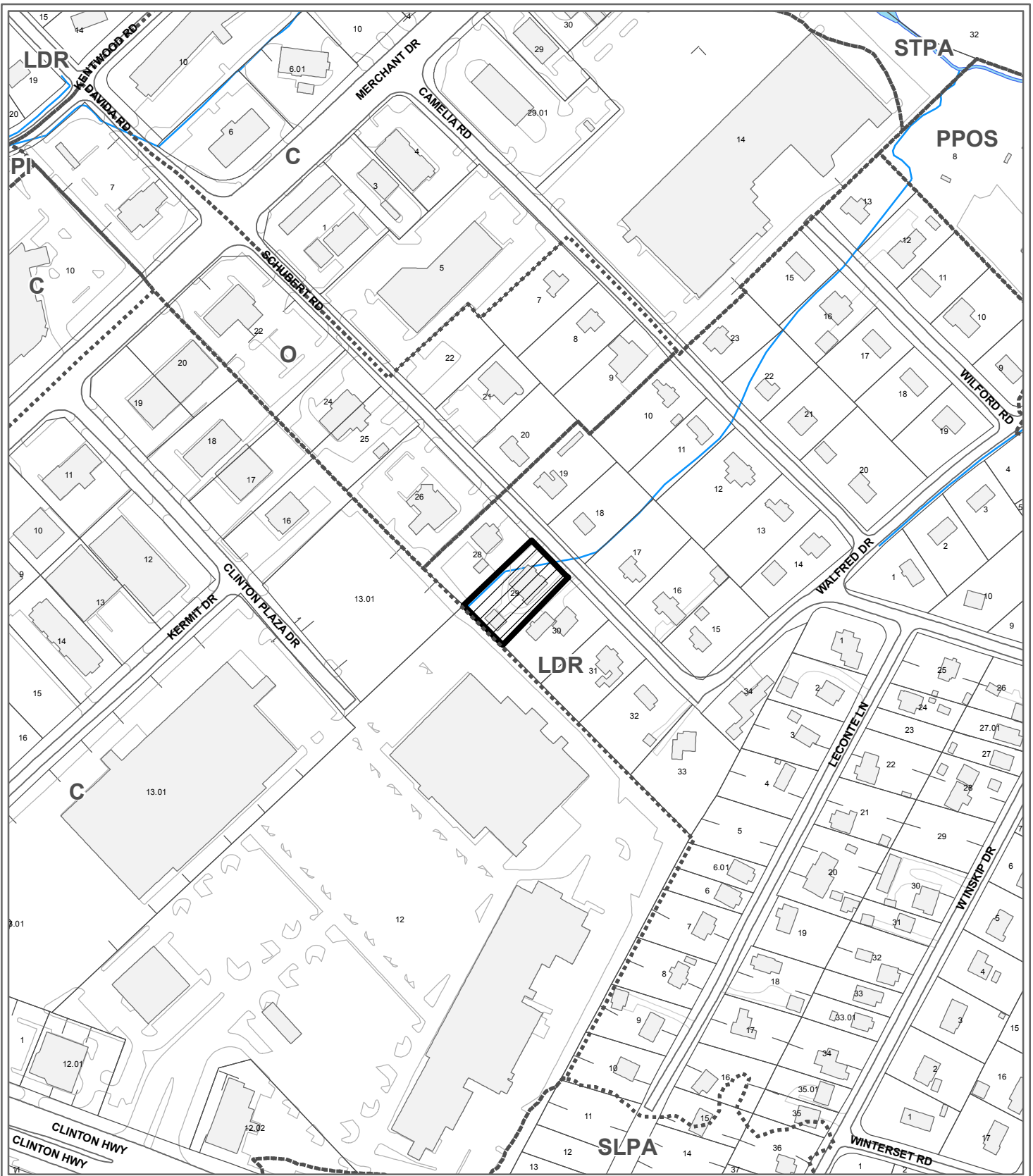
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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-E-14-SP
NORTHWEST CITY SECTOR PLAN AMENDMENT**

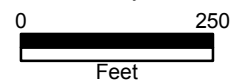
From: LDR (Low Density Residential)
To: O (Office)



Petitioner: Addington, Shane

Map No: 68

Jurisdiction: City



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

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

▶ **FILE #:** 1-G-14-RZ
 1-F-14-PA

AGENDA ITEM #: 29
AGENDA DATE: 1/9/2014

▶ **APPLICANT:** SHANE ADDINGTON
 OWNER(S): Robert "Shane" Addington

TAX ID NUMBER: 68 N E 029

JURISDICTION: Council District 5

STREET ADDRESS: 5111 Schubert Rd

▶ **LOCATION:** Southwest side Schubert Rd., southeast of Merchant Dr.

▶ **TRACT INFORMATION:** 17500 square feet.

SECTOR PLAN: Northwest City

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

ACCESSIBILITY: Access is via Schubert Rd., a minor collector street with 20' of pavement width within 40' 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-1A (Low Density Residential)

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

▶ **EXISTING LAND USE:** Duplex

▶ **PROPOSED USE:** Offices

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of O from the northwest

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Schubert Rd. - House / LDR / R-1 (Low Density Residential)

South: Shopping center / GC / SC-2 (Community Shopping Center)

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

West: Beauty salon / O / O-1 (Office, Medical & Related Services)

NEIGHBORHOOD CONTEXT: The subject property is located along Schubert Rd., just south of Merchant Dr. Zoning and land uses transition from commercial at Merchant Dr. to office and then residential to the south along Schubert Rd.

STAFF RECOMMENDATION:

▶ **DENY O (Office) One Year Plan designation for the site.**

Approval of office uses for this site would constitute an unnecessary extension of non-residential uses into a residential neighborhood. The current proposed land use pattern in this area is appropriate and should be maintained. Office uses should end northwest of this site, as currently proposed.

► **DENY O-1 (Office, Medical & Related Services) zoning.**

O-1 zoning is not consistent with the proposals of the adopted plans for the area, which appropriately call for office uses to end to the northwest of this site. Allowing O-1 zoning to extend further southeast down Schubert Rd. would constitute an unnecessary extension of non-residential uses into a residential neighborhood. The current duplex use and R-1A zoning gives the applicant reasonable use of the property.

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 appropriately designates this site for low density residential uses, consistent with the surrounding residences and zoning. The One Year Plan proposes that office uses end on the property to the northwest (parcel 28). Staff is of the opinion that this established stopping point for non-residential uses is appropriate and should be maintained.

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 made in the vicinity of this site. The development and zoning pattern for this and surrounding sites is established and should be maintained as is.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN -** There has been no change in public policy that warrants the requested amendment to the One Year Plan.

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 that would reveal the need for a plan amendment at this particular location.

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. No significant changes have occurred in the area that warrant the requested change in zoning. This sector of Schubert Rd. is developed with residences from this site to the southeast.
2. The property is surrounded by residential uses and zoning on three sides. The parcel to the northwest of the subject property is zoned O-1, but the adopted land use plans for the area propose that non-residential uses end at that point. Staff maintains that this proposal is appropriate and should be maintained.
3. The subject property is zoned R-1A and developed with a duplex, allowing for reasonable use of the site consistent with the adopted plans for the area.

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 description and intent, as well as the permitted uses, this property is not appropriate to be rezoned to O-1. It is surrounded on three sides by residential uses in an area designated on the adopted plans for residential use only.

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. Establishment of O-1 zoning at this location could adversely impact nearby residential properties, allowing further intrusion of non-residential uses into an established residential neighborhood.
2. O-1 zoning allows many uses that would not be compatible with nearby residential land uses and zoning.
3. Allowing O-1 zoning to extend further southeast down Schubert Rd. would constitute an unnecessary

extension of non-residential uses into a residential neighborhood.

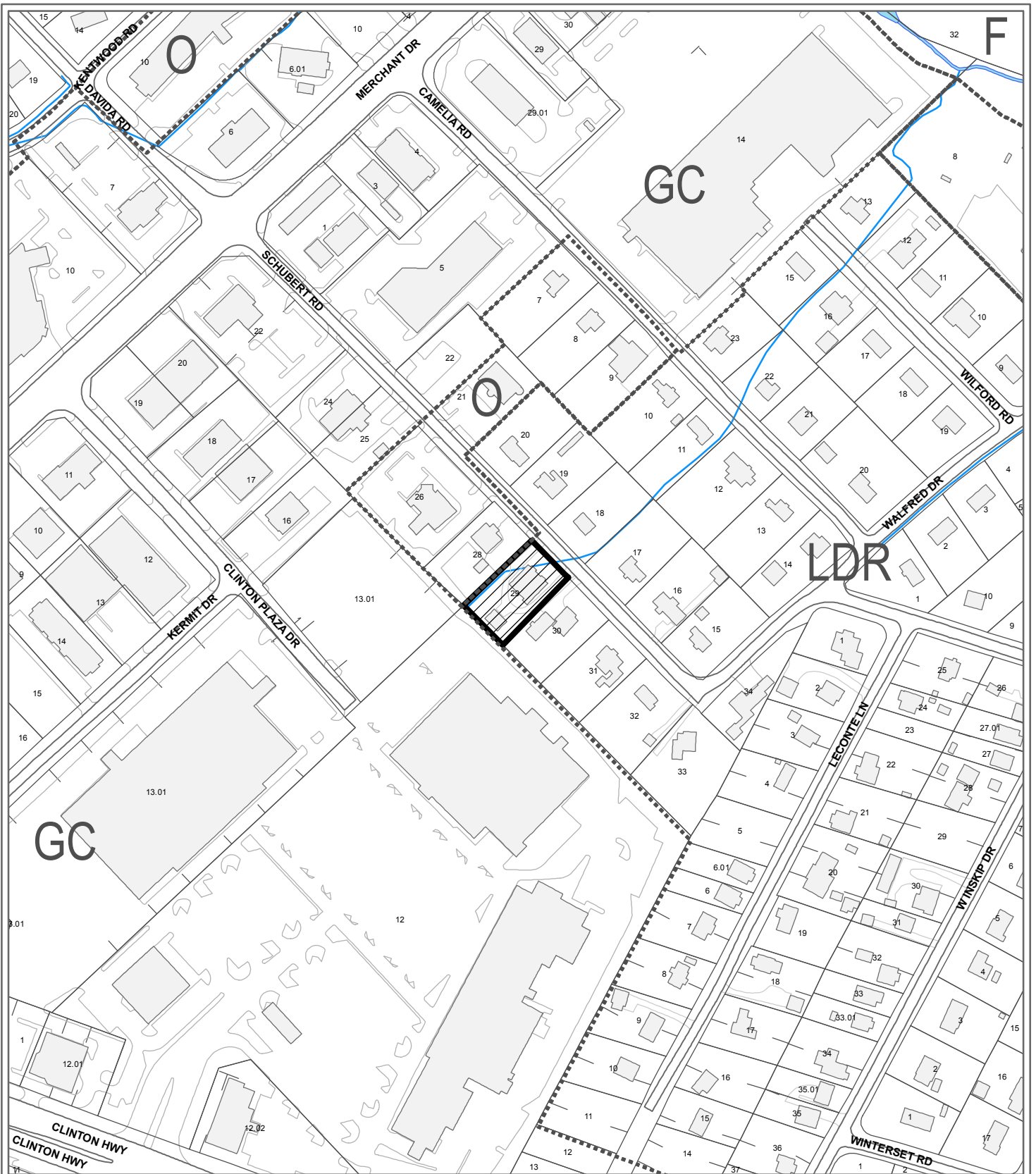
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the requested plan amendment to the office land use classification, O-1 zoning would be consistent with the One Year Plan. However, staff is recommending that the current plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
2. The site is located inside the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. With approval of a Northwest City Sector Plan amendment to office, O-1 zoning would be consistent with the plan. There is an accompanying sector plan amendment request for the site requesting a change from LDR to O (1-E-14-SP). MPC staff is also recommending denial of that request.
4. Approval of this request may lead to future rezoning and plan amendment requests for non-residential development on other properties further southeast along Schubert Rd.

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 2/4/2014. 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-F-14-PA / 1-G-14-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)

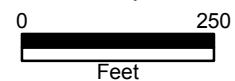
To: O (Office)



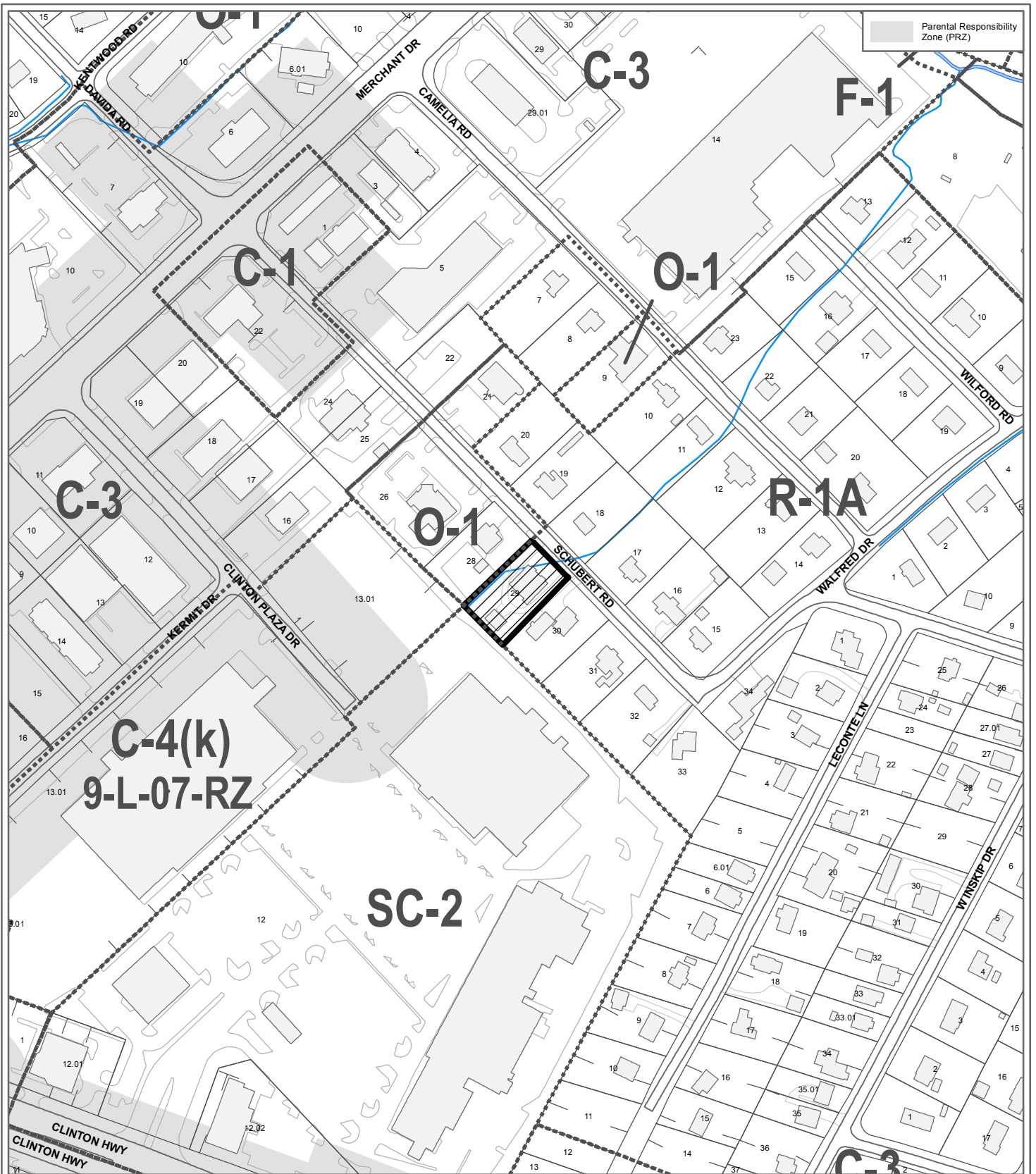
Petitioner: Addington, Shane

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**1-G-14-RZ
REZONING**

From: R-1A (Low Density Residential)

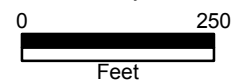
To: O-1 (Office, Medical, and Related Services)



Petitioner: Addington, Shane

Map No: 68

Jurisdiction: City



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