



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

▶ **FILE #:** 7-H-15-RZ

AGENDA ITEM #: 34

7-D-15-PA (REVISED)

AGENDA DATE: 10/8/2015

▶ **APPLICANT:** SMITH-LINDSEY DEVELOPMENT

OWNER(S): Smith-Lindsey Development, LLC

TAX ID NUMBER: 58 E H 020 & 021

[View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 2800 Gibbs Dr

▶ **LOCATION:** South side Gibbs Dr., east side N. Broadway

▶ **TRACT INFORMATION:** 1.62 acres.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is N. Broadway, a major arterial street with 4 lanes and a center turn lane and 52' of pavement width within 90' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) and O (Office) / C-1 (Neighborhood Commercial) and O-1 (Office, Medical & Related Services)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Any use permitted by C-1 and O-1

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of commercial plan designation and zoning from the south

HISTORY OF ZONING REQUESTS: For this site, O designation and O-3 zoning was denied in 1990 (4-I-90-PA/4-O-90-RZ) and GC and C-3 was denied in 1991 (10-A-91-PA/10-A-91-RZ). NC and C-1 was also denied across Gibbs Dr. to north in 1999 (7-G-99-PA/7-K-99-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Gibbs Dr. - House / LDR / R-1 (Low Density Residential)

South: Chick Fil A restaurant / GC / C-3 (General Commercial)

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

West: N. Broadway - Kroger shopping center / MU-SD (NC-6) / PC-1 (Retail & Office Park)

NEIGHBORHOOD CONTEXT: This site is at the southwest corner of Gibbs Dr. and N. Broadway. All properties along Gibbs Dr. have remained zoned R-1 and developed with residential uses. Properties to the north, south and west, fronting on N. Broadway are developed with commercial uses under C-3, C-6 and PC-1.

STAFF RECOMMENDATION:

- ▶ **RECOMMEND that City Council APPROVE O (Office) and NC (Neighborhood Commercial) One Year Plan designations, as requested.**

Staff recognizes that the property is not desirable for residential uses. The proposed plan designations of neighborhood commercial and office create an acceptable land use pattern that will allow reasonable use of the property fronting on N. Broadway but will offer some protection to neighboring residential uses. Office uses, proposed to be placed along Gibbs Dr., would be more compatible with adjacent residential and are not as likely to generate as much traffic or have late business hours. The proposed land use pattern is logical in that it steps down in intensity from the C-3 zoning and development to the southeast to the R-1 zoning and development to the northwest.

- ▶ **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) and C-1 (Neighborhood Commercial) zoning, as requested.**

Staff recommends O-1 and C-1 zoning, consistent with the One Year Plan recommendation. The same reasoning for the plan recommendation listed above applies to the rezoning request. O-1 and C-1 zoning will allow reasonable use of the property while also minimizing the potential negative impact on adjacent residential uses. It is staff's understanding that an agreement has been reached between the Gibbs Drive neighborhood group, Fountain City Town Hall and the developer to support this proposal.

COMMENTS:

The applicant had originally requested C-3 zoning for the entire parcel, with the corresponding One Year Plan and sector plan amendments to general commercial. MPC staff recommended office plan designations and O-1 zoning and MPC approved the staff's recommendation on July 9, 2015. When the items were considered by City Council, the applicant had apparently reached a compromise with adjacent Gibbs Drive homeowners to consider the now proposed split of O-1 and C-1 zoning, with corresponding plan amendments. On September 1, 2015, City Council referred the applications back to MPC for consideration of the revised requests.

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 current One Year Plan proposes low density residential uses for the site, consistent with the current R-1 zoning. This designation has been retained over the years, despite a One Year Plan update each year and several updates to the North City Sector Plan. The current LDR designation is appropriate and is not an error. However, staff recognizes that the site, as currently zoned, has been vacant for many years and is likely not desirable for new residential use. The recommended office and neighborhood commercial plan designations will allow the applicant reasonable use of the site, while minimizing the potential negative impact on adjacent residential uses.

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 N. Broadway or area utilities, but they are adequate to serve the proposed uses. Public water and sewer utilities are available to serve the site.

C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - No changes in government policy apply in this case. MPC has twice recommended against non-residential zoning at this location. Previous public policy, as well as plan updates, have determined that low density residential uses should be maintained at this location. City Council has referred this matter back to MPC for consideration of the revised land use designations, which are more appropriate than the originally requested general commercial designations and C-3 zoning.

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. Other than the redevelopment of the Kroger site to the west and development of Chick Fil A to the south, very little has changed since the previous denials. The

adjacent zoning was C-3 at the time of those denials. With the recommended One Year Plan amendment to office and neighborhood commercial, an area of transition would be established between adjacent general commercial and residential 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. C-1 zoning is appropriate for commercial development backing up to residential uses. O-1 zoning provides reasonable use of the remainder of the property, without introducing intrusive commercial uses directly across from and next to established residential uses.
2. O-1 and C-1 uses are compatible with the surrounding land use and zoning pattern and will establish a transition area between adjacent commercial and residential uses.
3. With the recommended One Year Plan amendment to Office and Neighborhood Commercial and the same recommended amendment to the North City Sector Plan on the associated application (7-E-15-SP), O-1 and C-1 zoning would be consistent with applicable 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. The C-1 zone, as described in the zoning ordinance, is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of retail, service and convenience goods only on the first floor of a structure. This district is designed for areas where large commercial operations are undesirable, but where proprietary stores are useful and desirable for the neighborhood.
3. Based on the above general intent, this site is appropriate for the proposed O-1 and C-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 recommended O-1 and C-1 zoning is compatible with the surrounding land uses and zoning pattern.
2. The proposed 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 additional traffic generated by allowing office and neighborhood commercial uses on this now vacant site.

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 of the North City Sector Plan to Office and Neighborhood Commercial on the associated application (7-E-15-SP), O-1 or C-1 zoning would be consistent with the plan.
2. With the recommended amendment of the City of Knoxville One Year Plan to Office and Neighborhood Commercial, O-1 or C-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. The recommended O-1 and C-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 11/10/2015 and 11/24/2015. 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.

