



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

▶ **FILE #:** 7-E-15-SP (REVISED)

AGENDA ITEM #: 34

AGENDA DATE: 10/8/2015

▶ **APPLICANT:** SMITH-LINDSEY DEVELOPMENT, LLC
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

▶ **APPX. SIZE OF TRACT:** 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 AND ZONING DESIGNATION:** LDR (Low Density Residential) / R-1 (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION:** NC (Neighborhood Commercial) & O (Office)

▶ **EXISTING LAND USE:** Vacant land

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

EXTENSION OF PLAN DESIGNATION: Yes, extension of commercial designation from the southeast

HISTORY OF REQUESTS: No sector plan amendments have been requested for this site

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Gibbs Dr. - House / LDR

South: Chick Fil A restaurant / GC

East: House / LDR

West: N. Broadway - Kroger shopping center / MU-SD (NC-6)

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:

▶ **ADOPT RESOLUTION # 7-E-15-SP, amending the North City Sector Plan to O (Office) and NC (Neighborhood Commercial) and recommend that City Council also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

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.

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 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.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector 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 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 a 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.

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

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.

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. 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.

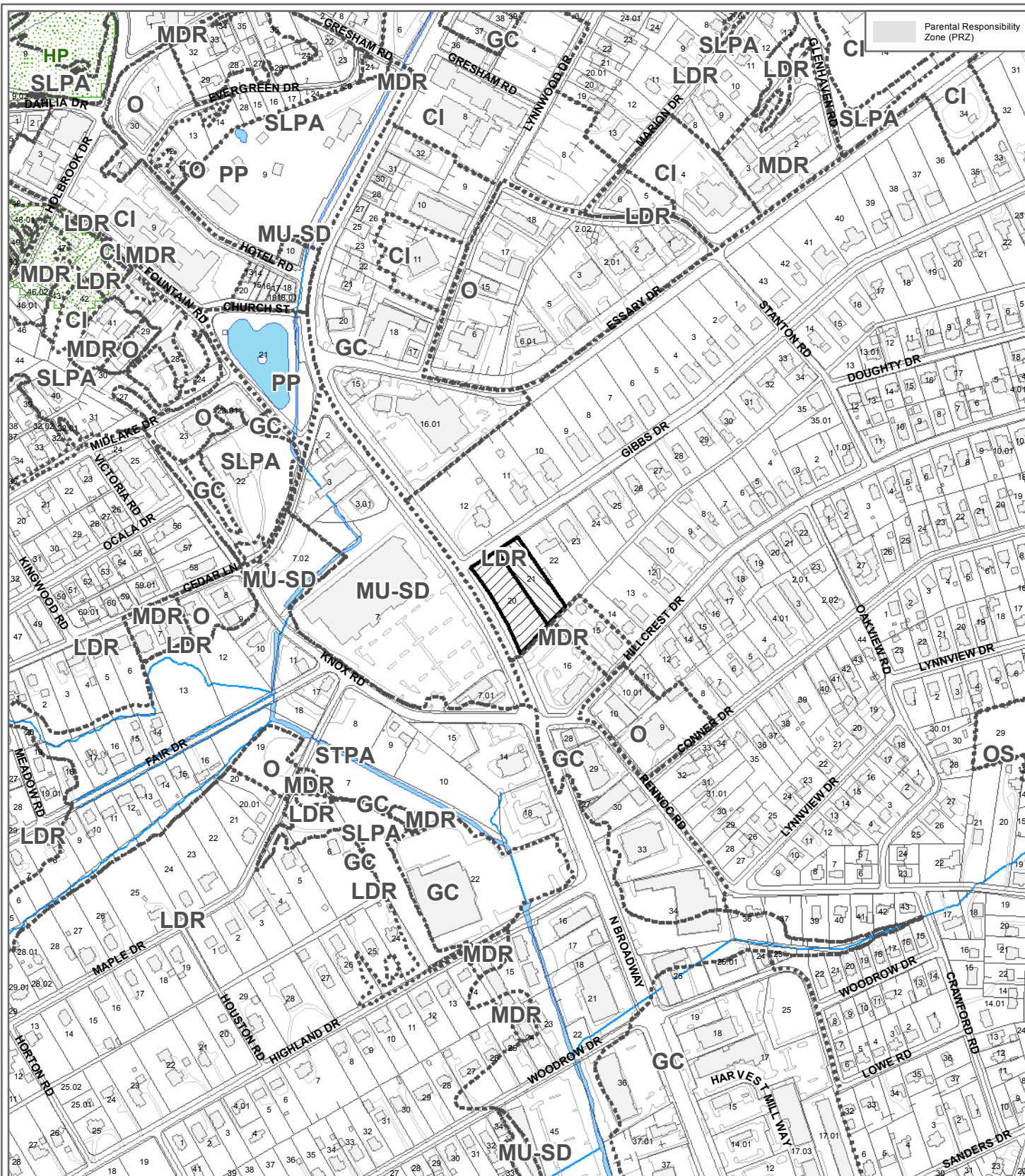
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

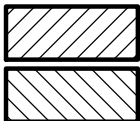
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 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.



7-E-15-SP

SECTOR PLAN AMENDMENT - STAFF RECOMMENDATION



From: LDR (Low Density Residential)
To: NC (Neighborhood Commercial)

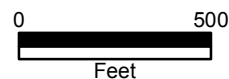
From: LDR (Low Density Residential)
To: O (Office)

Original Print Date: 9/30/2015
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Smith-Lindsey Development

Map No: 58

Jurisdiction: City



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTH 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 North 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, Smith-Lindsey Development, has submitted an application to amend the Sector Plan from Low Density Residential to Office and Neighborhood Commercial, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the North 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 October 8, 2015, 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 North City Sector Plan, with its accompanying staff report and map, file #7-E-15-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 #:** 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.

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.

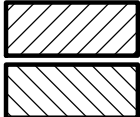
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Parental Responsibility Zone (PRZ)

7-D-15-PA
ONE YEAR PLAN AMENDMENT - STAFF RECOMMENDATION

Petitioner: Smith-Lindsey Development

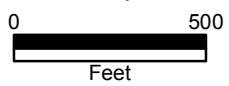


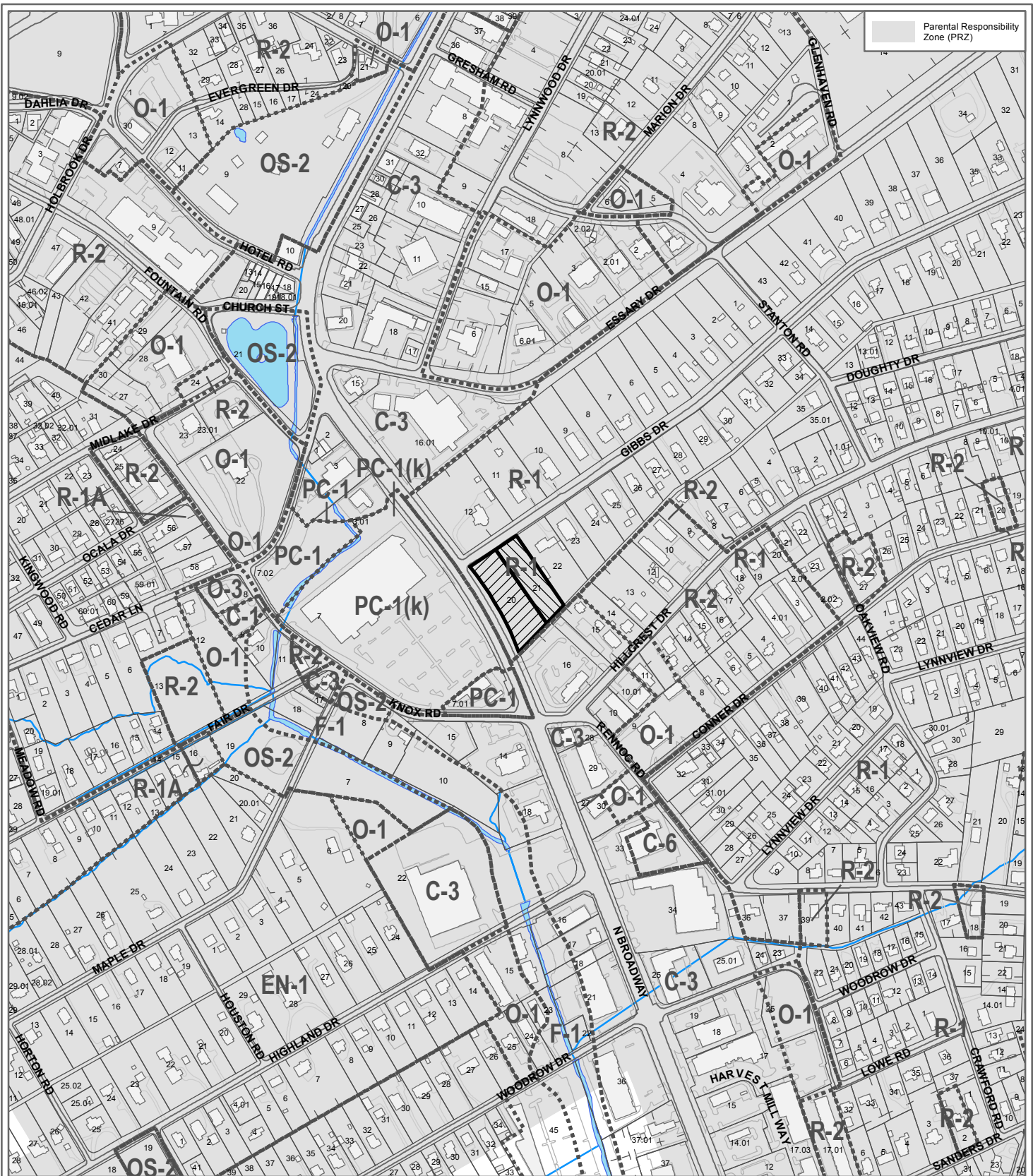
From: LDR (Low Density Residential)
 To: NC (Neighborhood Commercial)

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

Map No: 58
 Jurisdiction: City

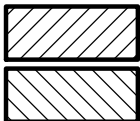
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**7-H-15-RZ
REZONING - STAFF RECOMMENDATION**

Petitioner: Smith-Lindsey Development



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

From: R-1 (Low Density Residential)
To: O-1 (Office, Medical & Related Services)

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