



KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION REZONING REPORT

▶ **FILE #:** 8-C-17-RZ

AGENDA ITEM #: 42

AGENDA DATE: 8/10/2017

▶ **APPLICANT:** HEALTH CARE INITIATIVE OF TN, INC.

OWNER(S): Viren K. Bhandari

TAX ID NUMBER: 81 E L 003 & 004

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 900 E Woodland Ave

▶ **LOCATION:** Southeast side E. Woodland Ave., southwest side Huron St.

▶ **APPX. SIZE OF TRACT:** 0.6 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via E. Woodland Ave., a minor arterial street with 27' of pavement width within 45' of right-of-way, or Huron St., a local street with 28' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** R-1A (Low Density Residential) / IH-1 (Infill Housing Overlay)

▶ **ZONING REQUESTED:** O-1 (Office, Medical, and Related Services) / IH-1 (Infill Housing Overlay)

▶ **EXISTING LAND USE:** Home/office

▶ **PROPOSED USE:** Medical office

EXTENSION OF ZONE: Yes, extension of O-1 from the north

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: E. Woodland Ave., hospital and residences - O-1 (Office, Medical & Related Services) and R-2 (General Residential) / IH-1 (Infill Housing Overlay)

South: Vacant lots - R-1A (Low Density Residential)

East: Huron St., businesses - C-1 (Neighborhood Commercial)

West: Medical offices - R-1A (Low Density Residential) / IH-1

NEIGHBORHOOD CONTEXT: This area is developed with a mix of medical offices, businesses and residential uses under O-1, C-1, R-1, R-1A, R-2 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) / IH-1 (Infill Housing Overlay) zoning.**

O-1 zoning will allow the existing building on site to be used for medical offices, which will be compatible with

the surrounding land uses and zoning pattern. The sector plan and One Year Plan both support office uses at this location.

COMMENTS:

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 allows reasonable use of the property with a similar intensity use as it was previously used. The structure was used as an office in the past.
2. O-1 uses are compatible with the surrounding land use and zoning pattern.
3. The existing building on site has adequate space and parking to accommodate either office or residential use, both of which are permitted by the requested O-1 zoning.
4. The request is consistent with both the sector plan and One Year Plan proposals for the area.

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

1. The recommended 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.
3. The existing IH-1 (Infill Housing Overlay) will be maintained as a zoning overlay on the property. The regulations in the IH-1 overlay district only apply to residential development, so, if rezoned, they will have no impact on the subject property.

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 zoning is compatible with the surrounding land uses and zoning pattern.
2. O-1 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 any additional traffic generated by allowing office uses on the site.

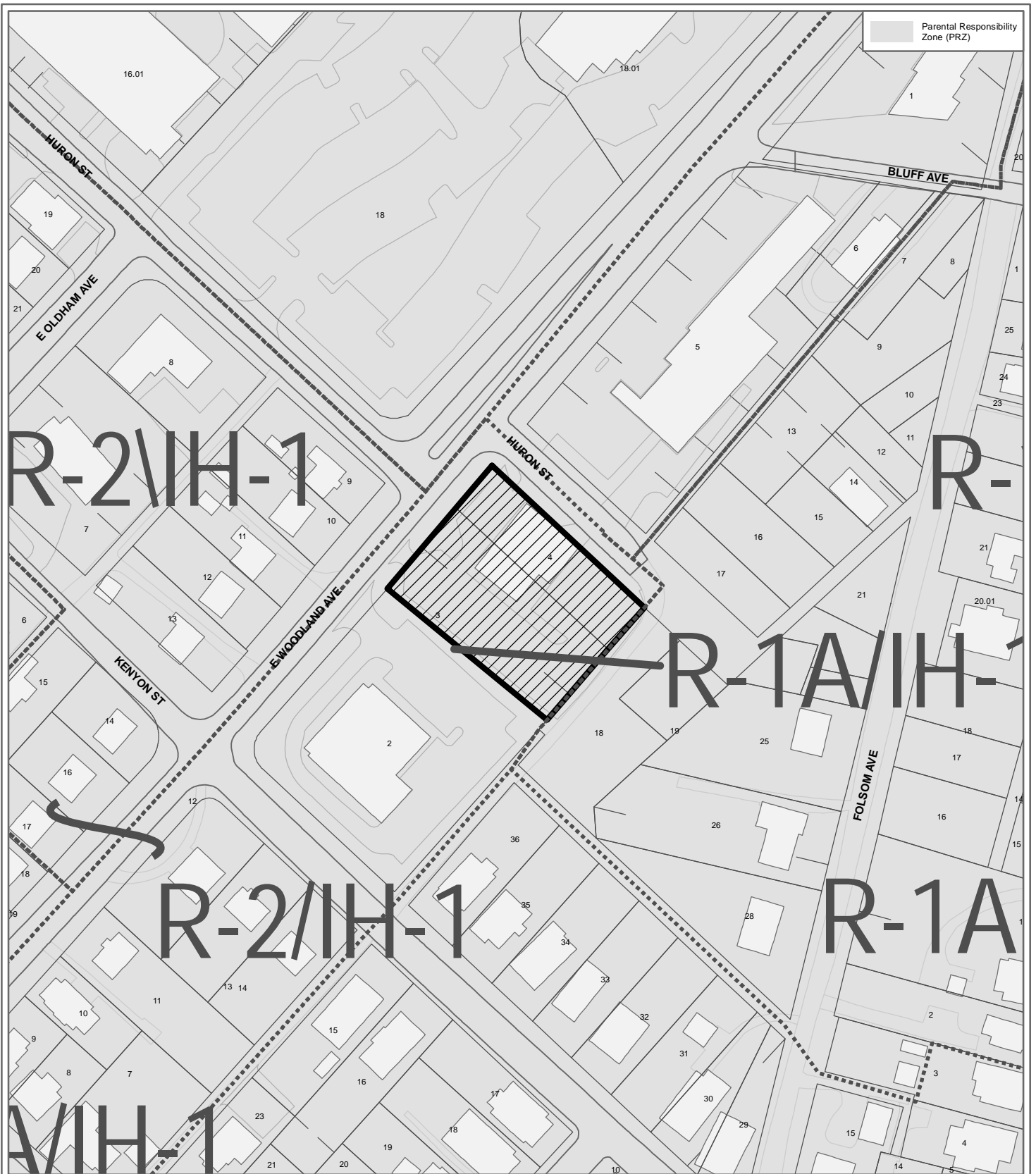
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The City of Knoxville One Year Plan and the Central City sector plan both include this property as part of a mixed use special district (MU-CC8). This particular district specifically calls out office uses as appropriate in this area, so the rezoning proposal is consistent with those plans.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This recommended O-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 9/12/2017 and 9/26/2017. 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.



**8-C-17-RZ
REZONING**

From: R-1A (Low Density Residential) / IH-1 (Infill Housing Overlay)

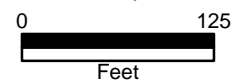
To: O-1 (Office, Medical, and Related Services) / IH-1 (Infill Housing Overlay)



Petitioner: Health Care Initiative of TN, Inc.

Map No: 81

Jurisdiction: City



Original Print Date: 7/18/2017

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

REZONING PLAN AMENDMENT

Name of Applicant: HEALTH CARE INITIATIVE OF TN, inc
Date Filed: 6/27/2017 Meeting Date: 8/10/17
Application Accepted by: Marc Payne
Fee Amount: 1200.00 File Number: Rezoning B-C-17-RZ
Fee Amount: X File Number: Plan Amendment X



PROPERTY INFORMATION
Address: 900 & 818 E Woodland Avenue
General Location: 1/3 E Woodland Avenue
W/3 Huron Street
Parcel ID Number(s): 081EL003
081EL004
Tract Size: 24,423 sq ft +/-
Existing Land Use: Home (previously used as office)
Planning Sector: Central City
Growth Policy Plan: Urban
Census Tract: 66
Traffic Zone: 91
Jurisdiction: City Council 4th District
 County Commission _____ District

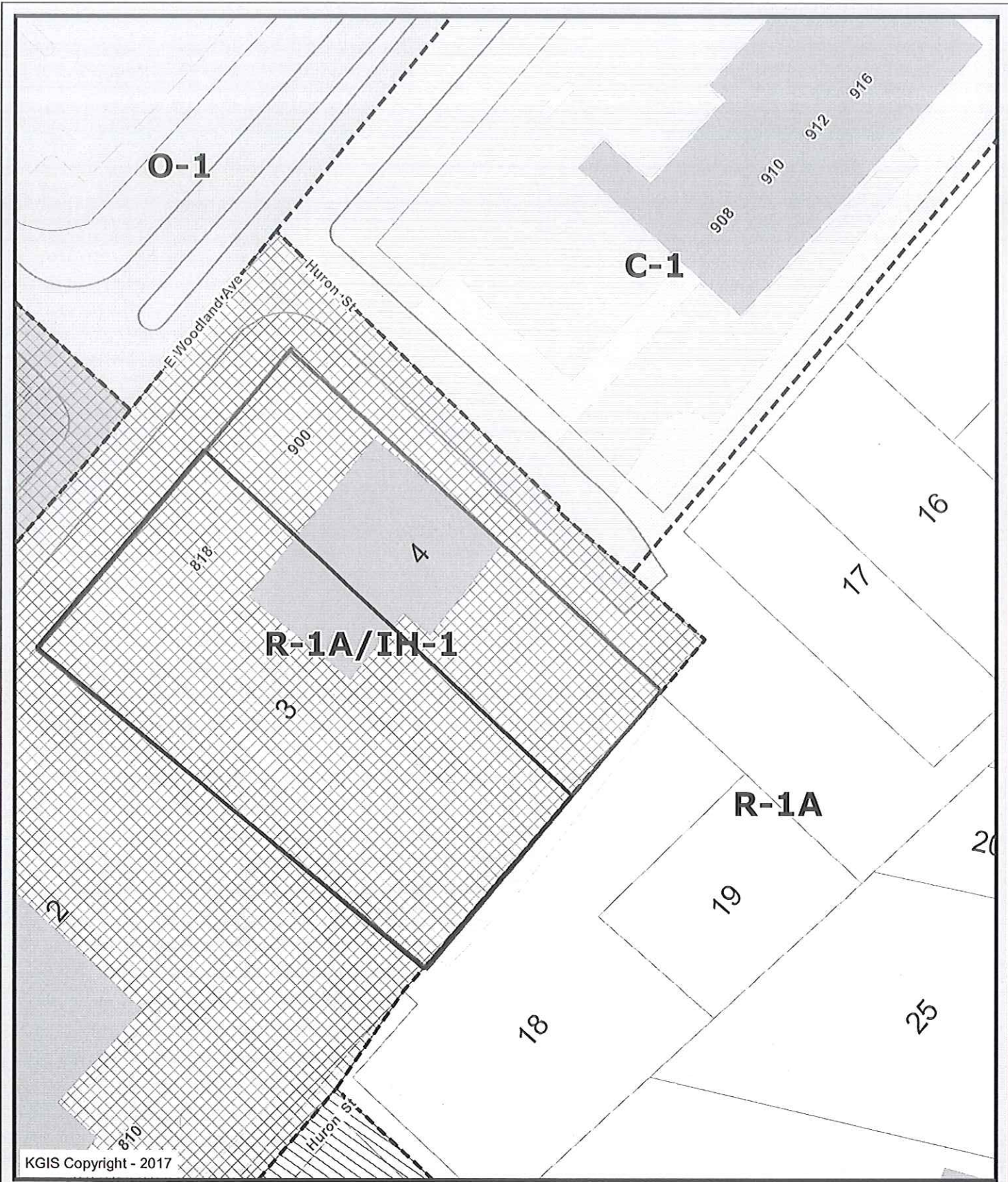
PROPERTY OWNER OPTION HOLDER
PLEASE PRINT
Name: Viren K bhandari
Company: VKB Enterprise
Address: P.O Box 5446
City: Alpharetta State: GA Zip: 30023
Telephone: 865-548-5805
Fax: _____
E-mail: Viren99@yahoo.com

Requested Change
REZONING
FROM: R-1A/IH-1
TO: O-1/IH-1
PLAN AMENDMENT
 One Year Plan _____ Sector Plan
FROM: _____
TO: _____

APPLICATION CORRESPONDENCE
All correspondence relating to this application should be sent to:
PLEASE PRINT
Name: Isaac Wachira
Company: Health Care Initiative of TN, inc
Address: 2424 Sutherland Ave
City: Knoxville State: TN Zip: 37919
Telephone: 865-237-5799
Fax: 865-312-9960
E-mail: Isaacw@cnafrainingknox.com

PROPOSED USE OF PROPERTY
OFFICE FOR Health Care Providers
Density Proposed _____ Units/Acre
Previous Rezoning Requests: _____

APPLICATION AUTHORIZATION
I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.
Signature: [Signature]
PLEASE PRINT
Name: ISAAC WACHIRA
Company: Health Care Initiative of TN, inc
Address: 2424 Sutherland Ave
City: Knoxville State: TN Zip: 37919
Telephone: 865-237-5799
E-mail: Isaacw@cnafrainingknox.com

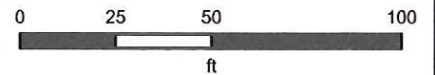


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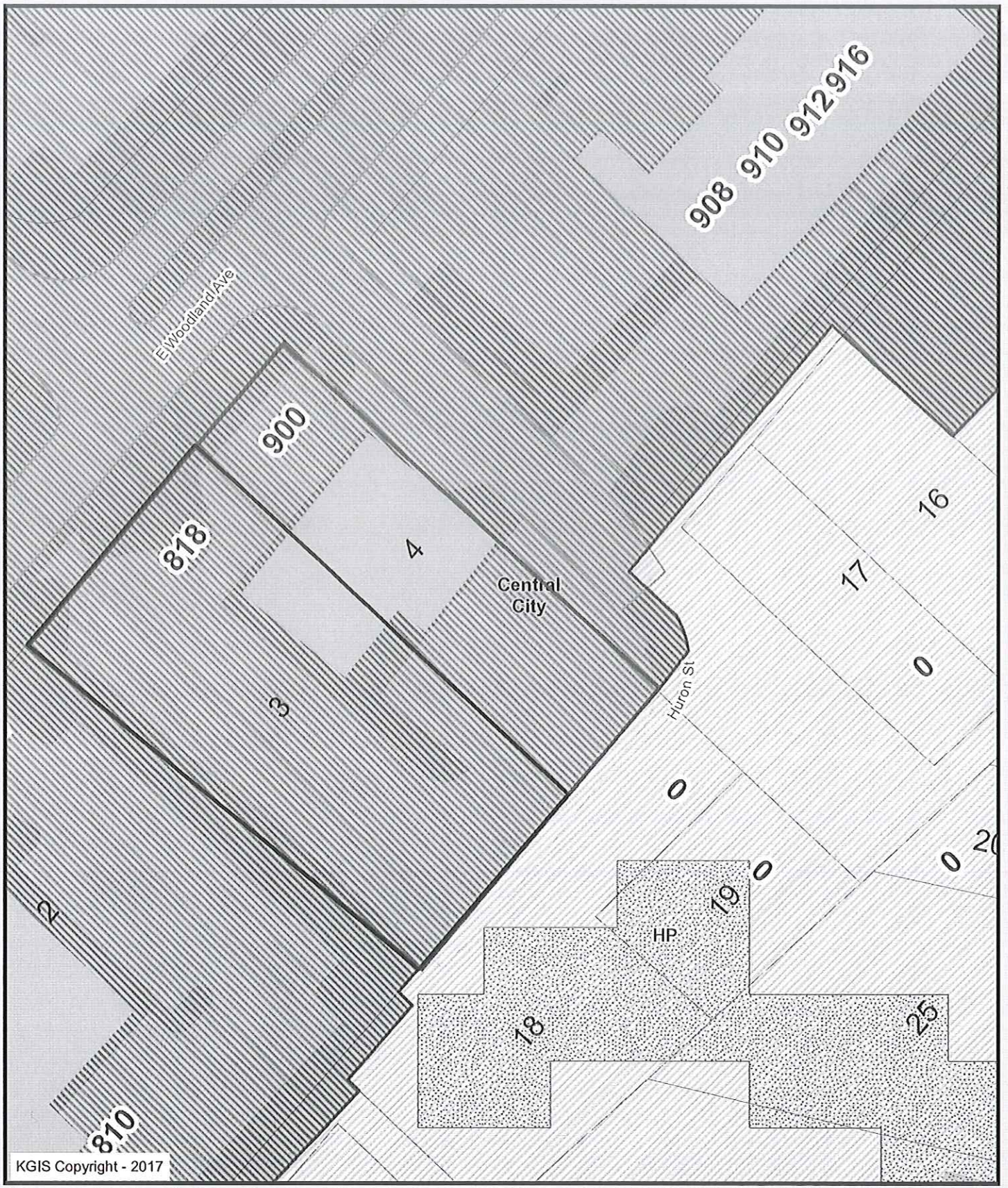
Letter Portrait

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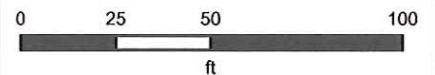


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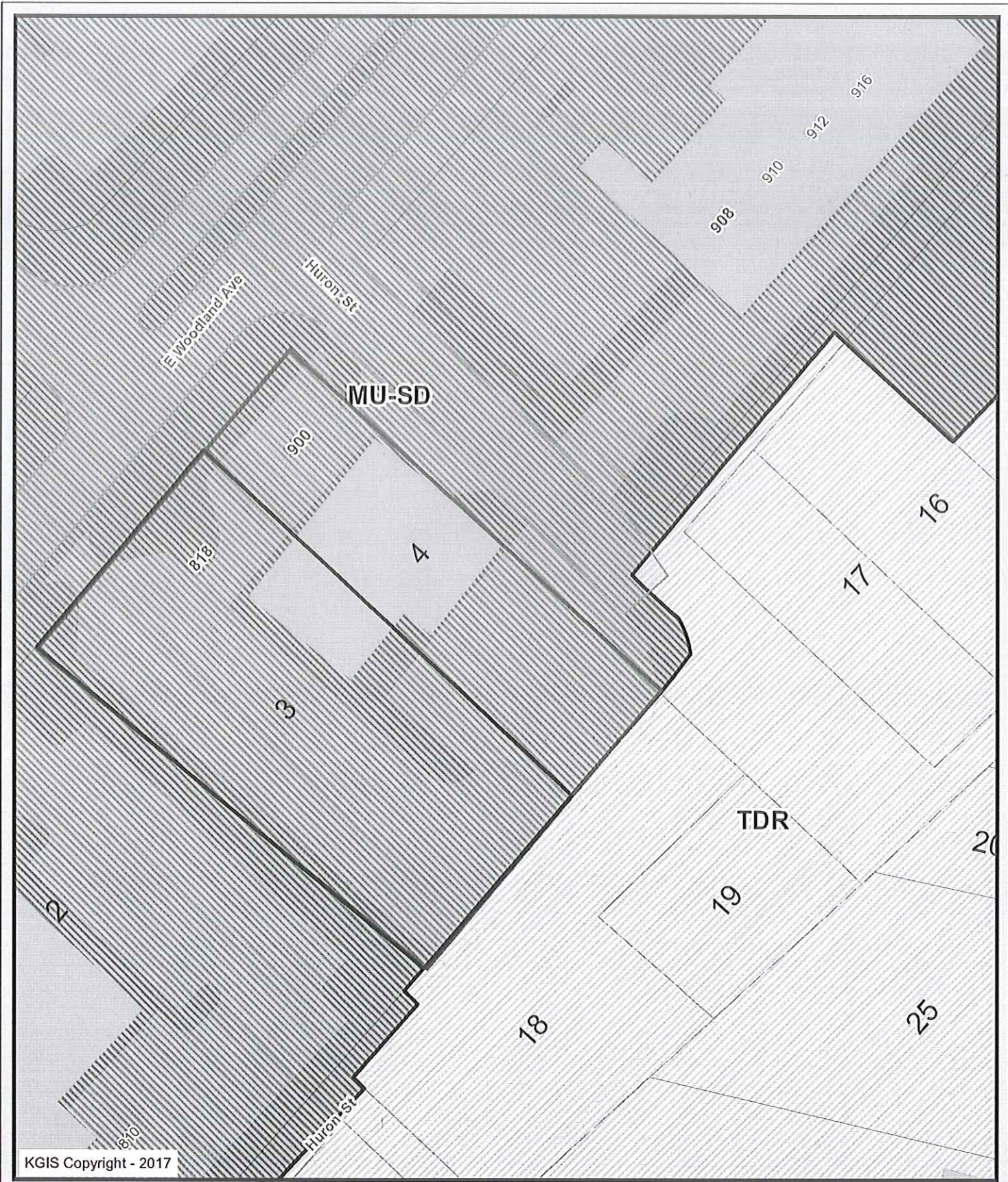
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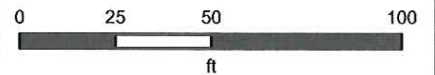


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From: Debbie Watson <debbie.watson@mcb.com>
 To: isaacw@compassionatecarehomehealth.net <isaacw@compassionatecarehomehealth.net>, Isaac W (isaacw@cnatrainingknox.com) <isaacw@cnatrainingknox.com>
 Date: 2017/06/26 16:07

Residential

The appraiser contacted us about the zoning of the property we are looking at financing for you. Apparently it is currently zoned R-1A which does not allow for office use. The building was constructed in 1989 and the use has been a legal non-conforming use in the past because it existed before the current zoning. However per Michael Brusseau (Senior Planner at Knox MPC), if the property is vacant for more than 6 months, the non-conforming use is no longer allowed and this property has been vacant for more than 6 months. The sector plan will allow an office use but the property would need to be rezoned before a certificate of occupancy could be granted. Scott Elder (Chief of Zoning & Sign Regulation) at the City of Knoxville should be able to confirm the current zoning status of the building i.e. an office use and indicated that it could be granted as a continuation of the legal non-conforming use. He should be able to tell you if the zoning will need to be changed to allow you to use the building for a general office use and/or if the legal non-conforming status will be able to continue.

It seems that there is a good chance that this can be resolved with a zoning change but, as of the effective date, office use of the subject property is not allowed. The Knox MPC said that getting the zoning change approved would not likely be an issue because office use is allowed in the sector plan but, the fact remains that as of today, office use is not allowed.

In order for the appraiser to complete the appraisal he recommended that you go through the necessary steps to get zoning approval and provide written documentation of a zoning change or letter from the MPC stating that you will be allowed to use the property for office uses.

Please let me know when you have this resolved so that we may have the appraiser complete the appraisal.

Thank you,

MPC Website

MPC

Deborah J. Watson
 Senior Vice President/Relationship Manager
 NMLS ID#649440

Ø 1

1200 Today
Aug 10th 1:30 pm
3rd week
Late Sept
downstairs
July 31st 1000



6101 Kingston Pike
 Knoxville, TN 37919
 (865) 694-5707 Office, (865) 694-5790 Fax
 (865) 548-8871 Cell
<http://www.mcb.com>
 Hometown Service *m* Smart Technology

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Remove center line
Variance outside
For utility and drainage easement
Office medical and related services

Debbie update as below,

I will look into all below information tomorrow

----- Original Message -----

Subject:

Date:2017/06/26 16:07

From:Debbie Watson <debbie.watson@mcb.com>

To:"isaacw@compassionatecarehomehealth.net" <isaacw@compassionatecarehomehealth.net>, "Isaac W (isaacw@cnastrainingknox.com)" <isaacw@cnastrainingknox.com>

The appraiser contacted us about the zoning of the property we are looking at financing for you. Apparently it is currently zoned R-1A which does not allow for office use. The building was constructed in 1989 and the use has been a legal non-conforming use in the past because it existed before the current zoning. However per Michael Brusseau (Senior Planner at Knox MPC), if the property is vacant for more than 6 months, the non-conforming use is no longer allowed and this property has been vacant for more than 6 months. The sector plan will allow an office use but the property would need to be rezoned before a certificate of occupancy could be granted. Scott Elder (Chief of Zoning & Sign Regulation) at the City of Knoxville should be able to confirm the current zoning status of the building i.e. an office use and indicated that it could be granted as a continuation of the legal non-conforming use. He should be able to tell you if the zoning will need to be changed to allow you to use the building for a general office use and/or if the legal non-conforming status will be able to continue.

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Thank you,

Deborah J. Watson

Senior Vice President/Relationship Manager

NMLS ID#649440

Description: Description:
MCB-e-mail

6101 Kingston Pike

Knoxville, TN 37919

(865) 694-5707 Office, (865) 694-5790 Fax

(865) 548-8871 Cell

<http://www.mcb.com>

Hometown Service w Smart Technology



Marc Payne <marc.payne@knoxmpc.org>

Rezoning Information needed

1 message

VirenY <viren99@yahoo.com>

Tue, Jun 27, 2017 at 3:22 PM

To: marc.payne@knoxmpc.org

Cc: Isaac W <isaacw@cnatrainingknox.com>, Aneesh Mittal <mittalwork@gmail.com>


Dear Mr. Payne

I, Viren K Bhandari, the owner of VKB Enterprise of P.O Box 5446 Alpharetta GA 30023.....(770 375 5417) gives the permission and limited rights to Isaac Wachira/owner of Health Care Initiative of TN, Inc. dba Compassionate Care Home Health to request for Rezoning of the said properties located at 818 and 900 East Woodland Ave Knoxville TN 37917 from current zoning of R-1A to O1 to allow the use of these properties for medical offices.

Much appreciated. Please consider this email as my official and formal request.

Sincerely,

Viren K Bhandari

 Rezoning Form.pdf
402K