

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

▶ **FILE #:** 1-F-17-SP

AGENDA ITEM #: 47

AGENDA DATE: 1/12/2017

▶ **APPLICANT:** DANIEL & KELLI JOBE

OWNER(S):

TAX ID NUMBER: 58 M C 007 & 008

[View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 105 Forestal Dr

▶ **LOCATION:** North side Forestal Dr., east of Tazewell Pike

▶ **APPX. SIZE OF TRACT:** 8000 square feet

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Forestal Dr., a local street with 19' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

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

▶ **PROPOSED PLAN DESIGNATION:** GC (General Commercial)

▶ **EXISTING LAND USE:** Dwelling and garage

▶ **PROPOSED USE:** Boutique shop

EXTENSION OF PLAN DESIGNATION: Yes, extension of GC from the south and west

HISTORY OF REQUESTS: None noted

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

South: Forestal Dr., office, salon / GC

East: House / MDR

West: Dry cleaning business / GC

NEIGHBORHOOD CONTEXT This house is situated on Forestal Dr., just behind a business on Tazewell Pike, zoned C-3. Other businesses are located on properties fronting on Tazewell Pike, also zoned C-3. The neighborhood to the north and east is zoned R-2.

STAFF RECOMMENDATION:

▶ **DENY GC (General Commercial) sector plan designation.**

There is enough commercial property in the area to address the demand. The North City Sector Plan recommends to concentrate commercial uses on nearby N. Broadway. If this change is approved, it raises the

potential of the entire block between Forestal Dr. and McCamey Rd. to be rezoned to commercial.

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 zoning and development pattern for this is well established and appropriate as is.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for medium density residential uses, consistent with the current R-2 zoning. As stated above, approval of commercial use for this subject property could set a precedent to rezone the whole block to commercial. There is sufficient commercial zoning in the area to meet the demand. The North City Sector Plan recommends to concentrate commercial uses along N. Broadway.

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

There has been no change in public/government policy at this time that warrants the requested amendment to the sector plan.

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

No trends in development, population or traffic have emerged that would reveal the need for a plan amendment at this particular location.

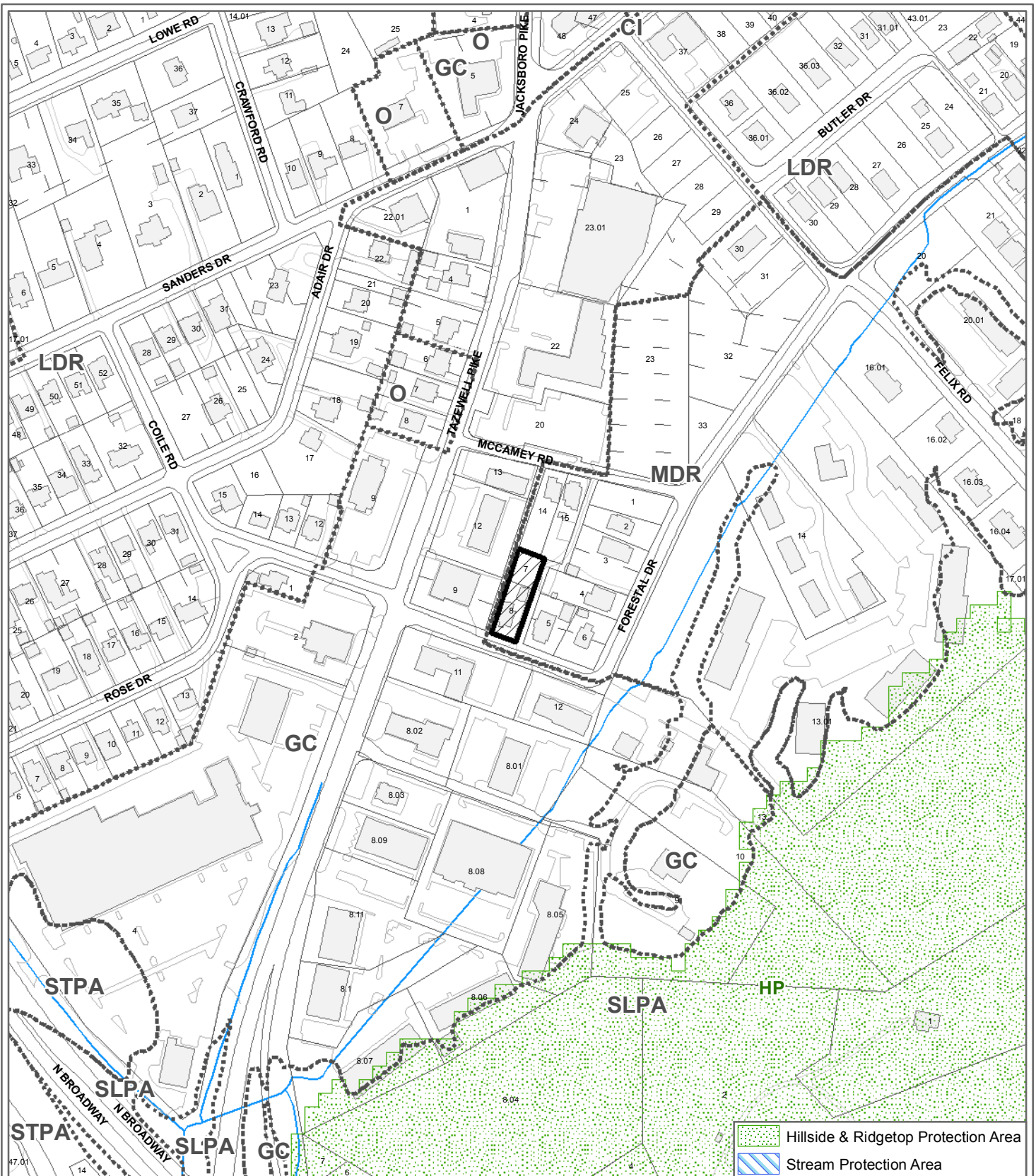
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 2/14/2017 and 2/28/2017. 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.



**1-F-17-SP
NORTH CITY SECTOR PLAN AMENDMENT**

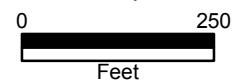
From: MDR (Medium Density Residential)
To: GC (General Commercial)



Petitioner: Jobe, Daniel & Kelli

Map No: 58

Jurisdiction: City



Original Print Date: 12/21/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

North City Sector

REZONING PLAN AMENDMENT

Name of Applicant: Daniel + Kelli Jobe

Date Filed: 1/22/16 Meeting Date: Jan 12, 2017

Application Accepted by: Bmsseum

Fee Amount: File Number: Rezoning

Fee Amount: 0 File Number: Plan Amendment 1-F-16-SP

PROPERTY INFORMATION

Address: 105 Forestal Dr.
General Location: N side Forestal Dr., E of Jazewell Pike

Parcel ID Number(s): 058MC007+00P

Tract Size: 8,000 sq. ft
Existing Land Use: Dwelling + garage
Planning Sector: North City
Growth Policy Plan: Inside City
Census Tract: 43
Traffic Zone: 140

Jurisdiction: City Council 4th District
 County Commission District

Requested Change
REZONING

FROM:

TO:

PLAN AMENDMENT

One Year Plan North City Sector Plan

FROM: MDR

TO: GC

PROPOSED USE OF PROPERTY

Boutique

Density Proposed Units/Acre
Previous Rezoning Requests:

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT
Name: Daniel + Kelli Jobe
Company: 3837 Hollyberry Pr
Address: 105 Forestal Dr
City: Knox State: TN Zip: 37938
Telephone: 865.919.1843
Fax:
E-mail: fringes@comcast.net

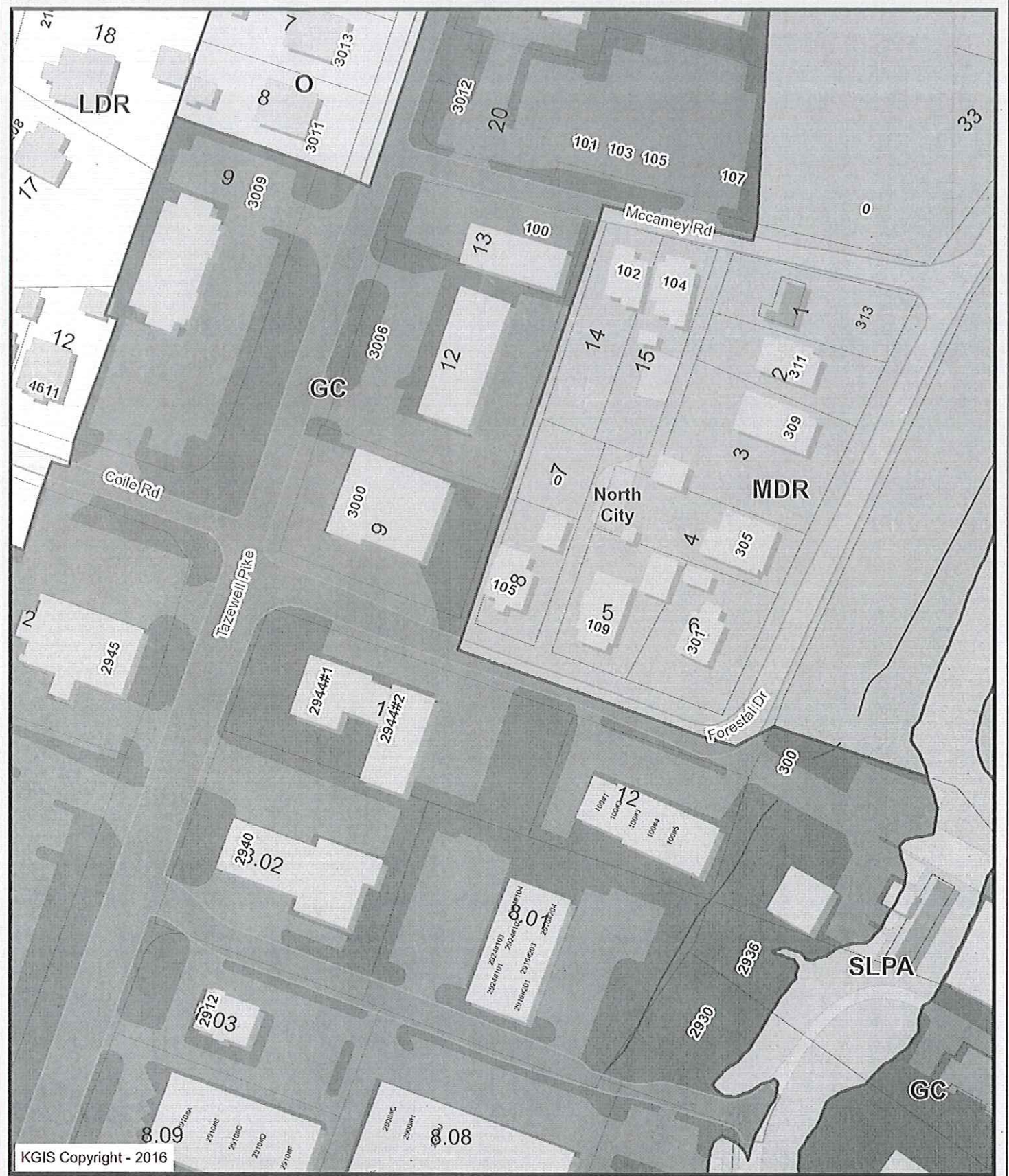
APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
PLEASE PRINT
Name: Kelli Jobe
Company:
Address: 3837 Hollyberry Dr
City: Knox State: TN Zip: 37938
Telephone: 865.919-1843
Fax:
E-mail: fringes@comcast.net

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: Kelli Jobe
Company:
Address: 3837 Hollyberry Dr
City: Knox State: TN Zip: 37938
Telephone: 865.919.1843
E-mail: fringes@comcast.net

SP

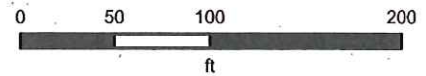


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**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 1-G-17-RZ
1-E-17-PA

AGENDA ITEM #: 47
AGENDA DATE: 1/12/2017

▶ **APPLICANT:** DANIEL & KELLI JOBE
OWNER(S): Daniel & Kelli Jobe

TAX ID NUMBER: 58 M C 007 & 008

[View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 105 Forestal Dr

▶ **LOCATION:** North side Forestal Dr., east of Tazewell Pike

▶ **TRACT INFORMATION:** 8000 square feet.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Forestal Dr., a local street with 19' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-3 (General Commercial)

▶ **EXISTING LAND USE:** Dwelling and garage

▶ **PROPOSED USE:** Boutique shop

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC from the south and west

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: House / MDR / R-2 (General Residential)
South: Forestal Dr., office, salon / GC / C-3 (General Commercial)
East: House / MDR / R-2 (General Residential)
West: Dry cleaning business / GC / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This house is situated on Forestal Dr., just behind a business on Tazewell Pike, zoned C-3. Other businesses are located on properties fronting on Tazewell Pike, also zoned C-3. The neighborhood to the north and east is zoned R-2.

STAFF RECOMMENDATION:

▶ **DENY GC (General Commercial) One Year Plan designation for the site.**

There is enough commercial property in the area to address the demand. The North City Sector Plan recommends to concentrate commercial uses on nearby N. Broadway. If this change is approved, it raises the potential of the entire block between Forestal Dr. and McCamey Rd. to be rezoned to commercial.

► **DENY the rezoning to C-3 (General Commercial), consistent with the denial recommendations for the associated plan amendments.**

There is adequate commercial zoning available in the area to meet demand. The existing transitional zoning pattern is appropriate. Commercial zoning should be located only on properties along Tazewell Pike, not encroach into existing neighborhoods, placing a business right next door to an established residence.

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 medium density residential uses, consistent with the current R-2 zoning. As stated above, approval of commercial use for this subject property could set a precedent to rezone the whole block to commercial. There is sufficient commercial zoning in the area to meet the demand. The North City Sector Plan recommends to concentrate commercial uses along N. Broadway.

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 zoning and development pattern for this is well established and appropriate 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.

Although staff is recommending denial of commercial zoning altogether, if MPC and/or City Council is inclined to support commercial zoning for this property, C-1 (Neighborhood Commercial) would be more appropriate. In order to consider C-1 zoning, the One Year Plan and the North City Sector Plan would have to be amended to NC (Neighborhood Commercial).

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. There is adequate commercial zoning available in the area to meet demand.
2. The North City Sector Plan recommends that commercial zoning be limited to nearby N. Broadway.
3. The existing zoning pattern is appropriate, as it establishes a transition between commercial businesses along Tazewell Pike and residences behind them. New commercial zoning in this area should be limited to sites that have direct access to Tazewell Pike.

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

1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
2. Based on the above general intent, this site is not appropriate for C-3 development, which should not be placed adjacent to an established residential use.

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. If C-3 zoning is approved for this property, it sets a precedent for potentially allowing the entire block between Forestal Dr. and McCamey Rd to be converted to commercial zoning.
2. Allowing commercial use of this property could have a negative impact on the established residence to the east.
3. Forestal Dr. is a local, neighborhood street that should not serve as sole access for a business. Commercial zoning in this area should be limited to properties having frontage on Tazewell Pike.
4. Public water and sewer utilities are available to serve the site.

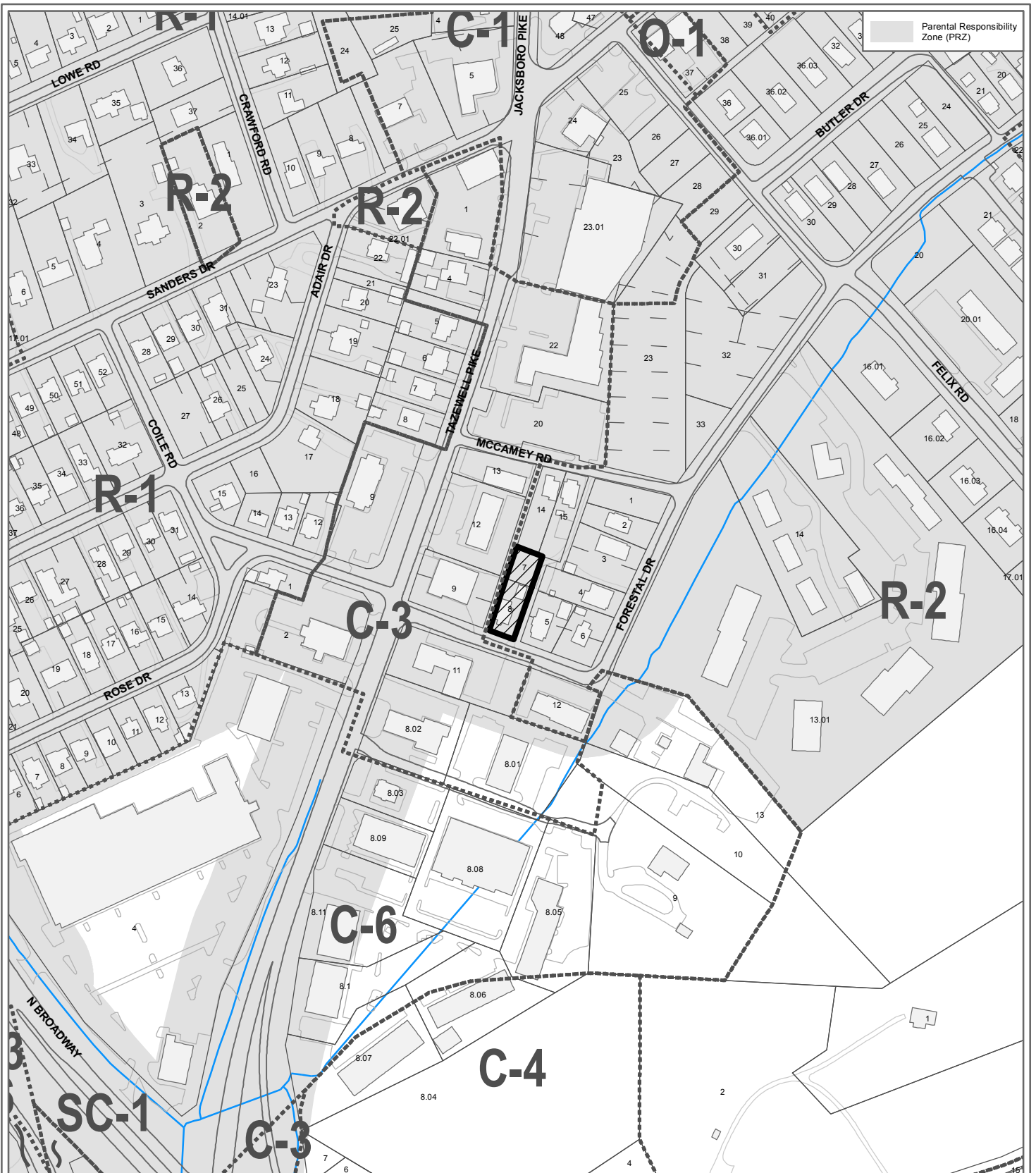
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With approval of the requested One Year Plan amendment to GC, the requested C-3 zoning would be consistent with the plan.
2. With approval of the requested North City Sector Plan amendment to GC, the requested C-3 zoning would be consistent with the sector plan.
3. If C-1 (Neighborhood Commercial) zoning is to be considered, both plans would need to be amended to NC (Neighborhood Commercial)
4. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
5. This current zoning does not present any apparent conflicts with any other adopted plans, and should be maintained.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/14/2017 and 2/28/2017. 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.



**1-G-17-RZ
REZONING**

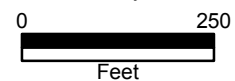
From: R-2 (General Residential)
To: C-3 (General Commercial)



Petitioner: Jobe, Daniel & Kelli

Map No: 58

Jurisdiction: City



Original Print Date: 12/21/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

One Year

REZONING **PLAN AMENDMENT**

Name of Applicant: Daniel & Kelli Jobe
 Date Filed: 1/22/16 Meeting Date: Jan. 12, 2017
 Application Accepted by: Brusseau (1-F-16-SP)
 Fee Amount: \$1000 File Number: Rezoning 1-G-16-RZ
 Fee Amount: \$600 File Number: Plan Amendment 1-E-16-PA

PROPERTY INFORMATION

Address: 105 Forestal Dr.
 General Location: North side Forestal Dr. off Jazewell Pike
 Parcel ID Number(s): 058 MC 007+008
 Tract Size: 8000 sq ft.
 Existing Land Use: Dwelling + garage
 Planning Sector: North City
 Growth Policy Plan: Knoxville (City Limits)
 Census Tract: 43
 Traffic Zone: 140
 Jurisdiction: City Council 4th District
 County Commission _____ District

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT
 Name: Kelli & Daniel Jobe
 Company: _____
 Address: 3837 Hollyberry Dr
 City: Knox State: TN Zip: 37938
 Telephone: 865.919-1843
 Fax: _____
 E-mail: fringes@comcast.net

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
 PLEASE PRINT
 Name: Daniel or Kelli Jobe
 Company: _____
 Address: 3837 Hollyberry Dr
 City: Knox State: TN Zip: 37938
 Telephone: 865.919-1843
 Fax: _____
 E-mail: fringes@comcast.net

Requested Change

REZONING

FROM: R-2
 TO: C-3

PLAN AMENDMENT

One Year Plan _____ Sector Plan
 FROM: MDR
 TO: GC

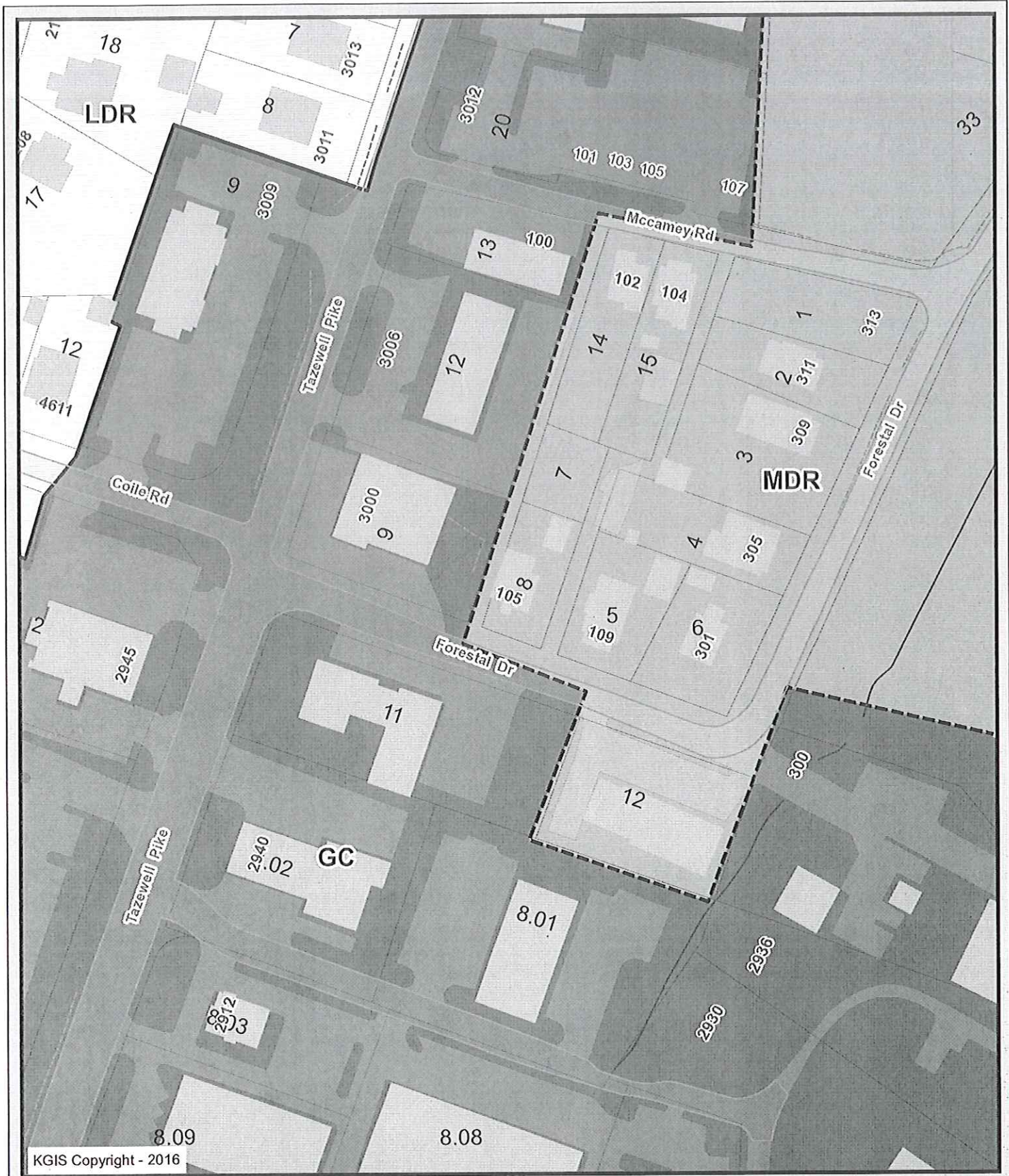
PROPOSED USE OF PROPERTY

Boutique
 Density Proposed _____ Units/Acre
 Previous Rezoning Requests: None noted

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: Kelli Jobe
 Company: _____
 Address: 3837 Hollyberry Dr
 City: Knox State: TN Zip: 37938
 Telephone: 865.919-1843
 E-mail: fringes@comcast.net

OYP

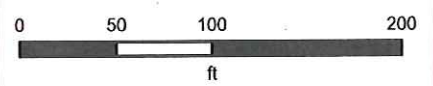


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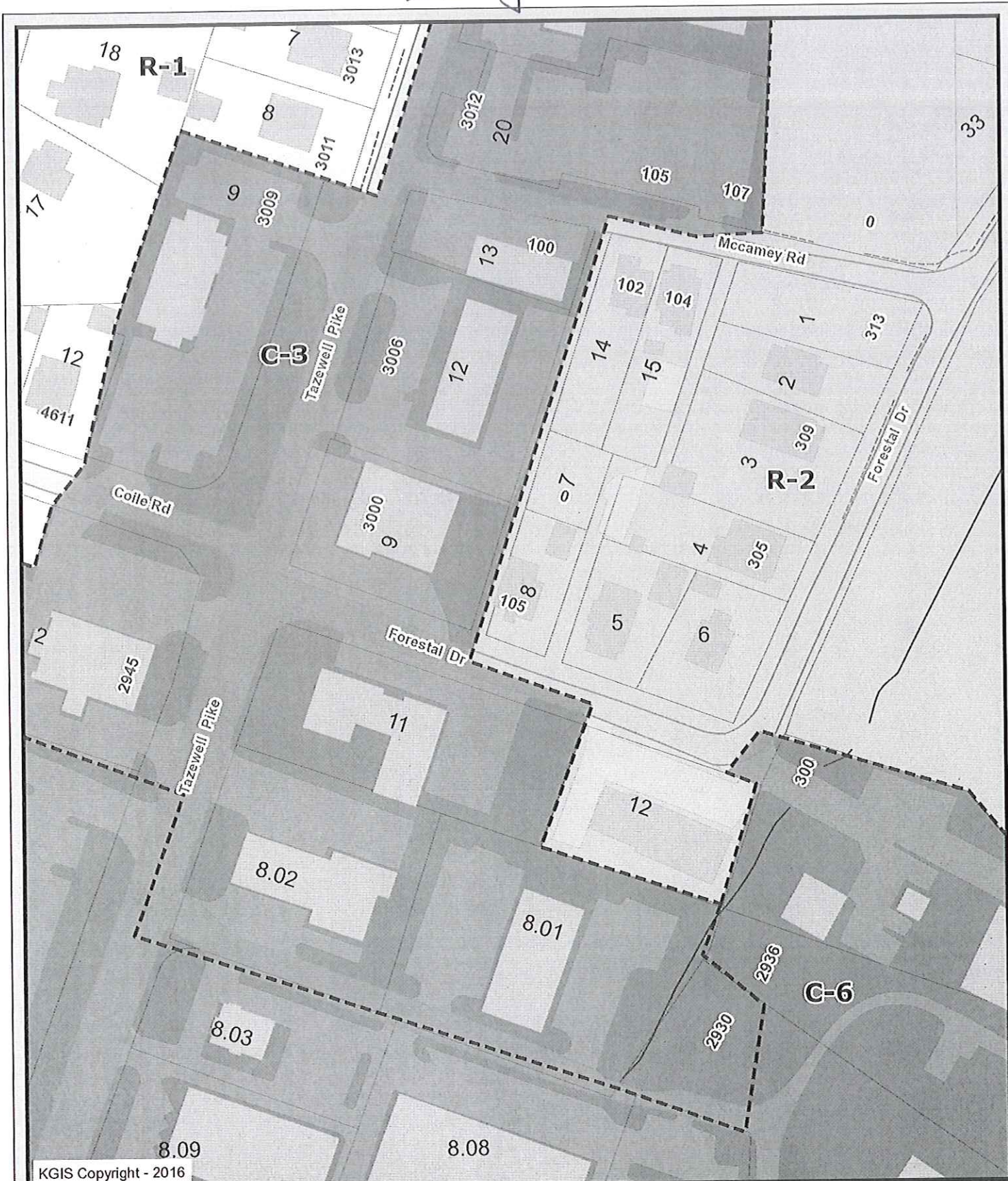
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Zoning

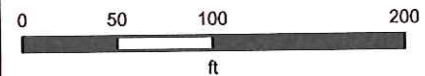


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