

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

▶ **FILE #:** 10-C-17-SP

AGENDA ITEM #: 44

AGENDA DATE: 10/12/2017

▶ **APPLICANT:** LEESMAN ENGINEERING TIM DWYER

OWNER(S): Slate Ridge Holdings

TAX ID NUMBER: 154 L A 012, 154-10101

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS:

▶ **LOCATION:** South side S. Northshore Dr., north side Osprey Point Ln.

▶ **APPX. SIZE OF TRACT:** 1.76 acres

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with 4 lanes and a center median within 300' of right-of-way, or Osprey Pointe Ln., a local street with 22' of pavement width within 150' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

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

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

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Tire Discounters automobile service business

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: Property was rezoned O-1 and redesignated for office uses in 2012 (7-J-12-RZ/7-F-12-PA)

SURROUNDING LAND USE AND PLAN DESIGNATION: North: S. Northshore Dr., I-140 right-of-way / ROW

South: Osprey Pointe Ln., residences / LDR

East: I-140 right-of-way / ROW

West: Osprey Pointe Ln., office and indoor storage facility / O

NEIGHBORHOOD CONTEXT This site is located south of the Northshore Town Center in the southwest quadrant of the I-140 / S.Northshore Dr. interchange. The area is developed with a mix of residential, office and commercial uses under various City and County zoning districts.

STAFF RECOMMENDATION:

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

No conditions have changed that warrant amendment of the sector plan map for this site. The current O-1 zoning is consistent with the sector plan and gives the applicant reasonable use of the property. The sector plan was amended in 2012 to allow office uses and this should be maintained. Office use of this site creates an appropriate transition area between commercial uses to the north and residential uses to the south.

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:

Improvements to S. Northshore Dr. were recently made to accommodate the Northshore Town Center development to the north. However, these improvements do not change the future land use proposal for this site. The zoning and development pattern for this area is established and appropriate as is. Commercial uses in this area need to be limited to the Town Center and other commercially zoned areas east of I-140. There is currently no commercial zoning on the side of S. Northshore Dr., east of I-140.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for office uses, consistent with the current O-1 zoning. Office uses are appropriate at this location as a transition between commercial uses and I-140 to the north and east and residential uses to the south. The Southwest County Sector Plan was recently updated in 2016. City Council adopted the updated sector plan on October 24, 2016.

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. The update of the Southwest County Sector Plan in 2016 continued to maintain that office uses are most appropriate for this site.

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

No new information or trends have emerged that would reveal the need for a plan amendment at this particular location. This site was reviewed and approved for office uses in 2012 and the update of the Southwest County Sector Plan maintained that designation for this site based on the information that was available during those reviews.

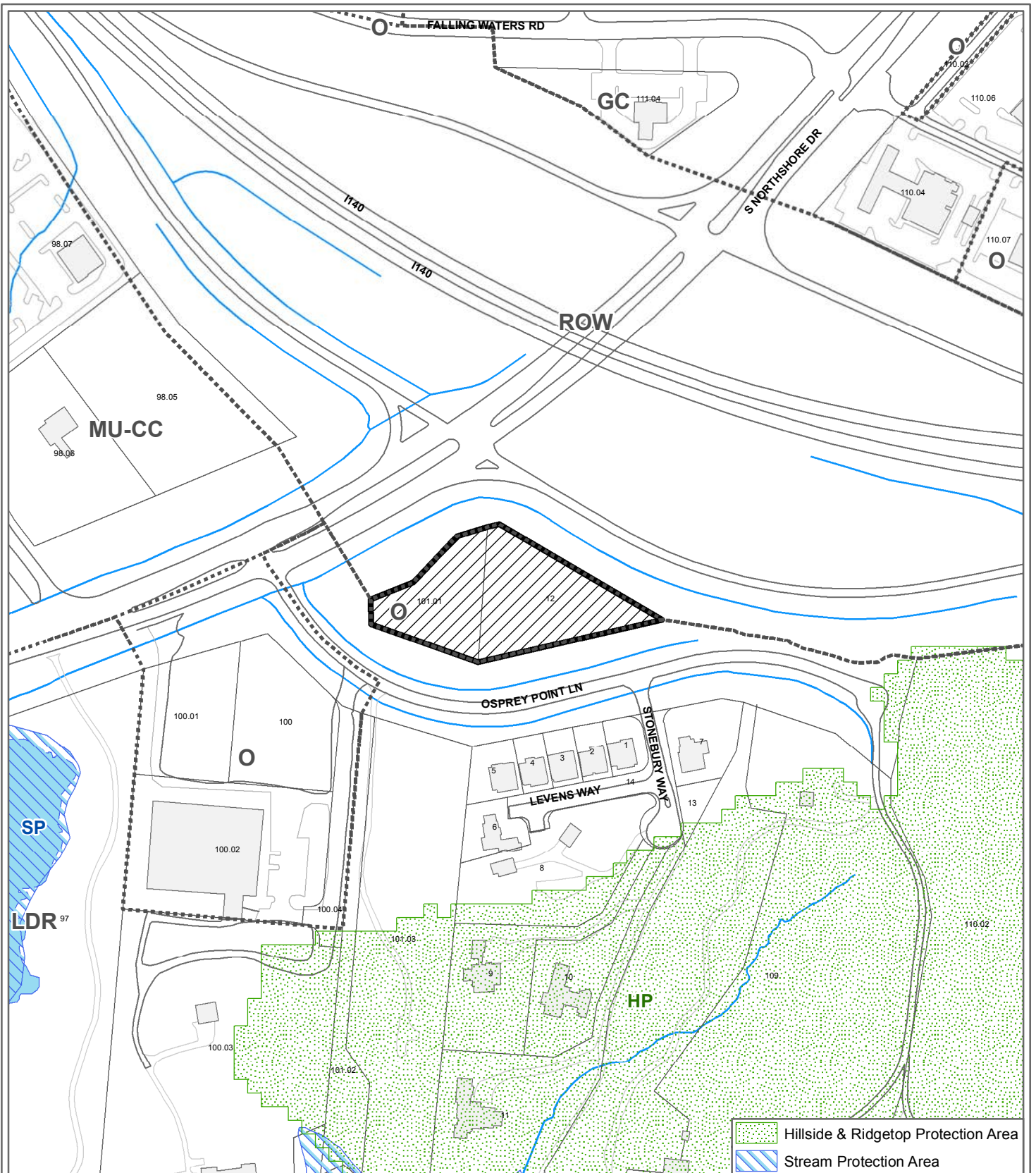
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:



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.

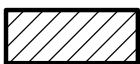
If approved, this item will be forwarded to Knoxville City Council for action on 11/7/2017 and 11/21/2017. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



 Hillside & Ridgetop Protection Area
 Stream Protection Area

10-C-17-SP
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

From: O (Office)

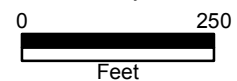


To: GC (General Commercial)

Petitioner: Leesman Engineering, Tim Dwyer

Map No: 154

Jurisdiction: City



Original Print Date: 9/20/2017 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

OYP: 0

SP: 0

KNOXVILLE-KNOX COUNTY
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 METROPOLITAN
 PLANNING
 COMMISSION
 TENNESSEE
 Suite 403 • City County Building
 400 Main Street
 Knoxville, Tennessee 37902
 865 • 215 • 2500
 FAX • 215 • 2068
 www.knoxmpc.org

REZONING **PLAN AMENDMENT**

Name of Applicant: Leesman Engineering Tim Dyer
 Date Filed: 8/10/17 Meeting Date: 10/12/2017
 Application Accepted by: Marc Payne
 Fee Amount: \$1,000.00 File Number: Rezoning 10-D-17-RZ
 Fee Amount: \$600.00 File Number: Plan Amendment 10-C-17-5P
Sector + Plan# 10-C-17-PA



PROPERTY INFORMATION

Address: 0 OSPREY Pointe cove
 General Location: Northshore, osprey point
Southwest corner of intersection

Parcel ID Number(s): 154 10101
154 LA012

Tract Size: 1.76 Acres

Existing Land Use: Vacant

Planning Sector: Southwest County

Growth Policy Plan: Urban

Census Tract: 57.10

Traffic Zone: 177

Jurisdiction: City Council 2 District
 County Commission _____ District

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Robert Oestreich

Company: State Ridge Holdings

Address: one East 4th street 4th floor

City: Cincinnati State: OH Zip: 45202

Telephone: 513 618-7308

Fax: _____

E-mail: r.oestreich@tirediscounters.com

Requested Change

REZONING

FROM: 0-1

TO: ~~3~~ C-6 MMB 8/31/17

PLAN AMENDMENT

One Year Plan Southwest Sector Plan

FROM: 0

TO: GL

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Tim Dyer

Company: Leesman Engineering

Address: 4820 Glenway Ave

City: Cincinnati State: OH Zip: 45238

Telephone: 513 702-0571

Fax: _____

E-mail: email@leesmanengineering.com

PROPOSED USE OF PROPERTY

Tire Discounters Retail

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: _____

PLEASE PRINT

Name: Tim Dyer

Company: Leesman Engineering

Address: 4820 Glenway Ave

City: Cincinnati State: OH Zip: 45238

Telephone: 513 702-0571

E-mail: email@leesmanengineering.com



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

▶ **FILE #:** 10-D-17-RZ
10-C-17-PA

AGENDA ITEM #: 44
AGENDA DATE: 10/12/2017

▶ **APPLICANT:** TIM DWYER LEESMAN ENGINEERING
OWNER(S): Slate Ridge Holdings

TAX ID NUMBER: 154 L A 012, 154-10101

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS:

▶ **LOCATION:** South side S. Northshore Dr., north side Osprey Point Ln.

▶ **TRACT INFORMATION:** 1.76 acres.

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with 4 lanes and a center median within 300' of right-of-way, or Osprey Pointe Ln., a local street with 22' of pavement width within 150' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-6 (General Commercial Park)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Tire Discounters automobile service business

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Property was rezoned O-1 and redesignated for office uses in 2012 (7-J-12-RZ/7-F-12-PA)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: S. Northshore Dr., I-140 right-of-way / ROW / OS-1 (Open Space Preservation)

South: Osprey Pointe Ln., residences / LDR / A-1 (General Agricultural) and PR (Planned Residential)

East: I-140 right-of-way / ROW / OS-1 (Open Space Preservation)

West: Osprey Pointe Ln., office and indoor storage facility / COUNTY / OB (Office, Medical & Related Services)

NEIGHBORHOOD CONTEXT: This site is located south of the Northshore Town Center in the southwest quadrant of the I-140 / S.Northshore Dr. interchange. The area is developed with a mix of residential, office and commercial uses under various City and County zoning districts.

STAFF RECOMMENDATION:

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

No conditions have changed that warrant amendment of the One Year Plan map for this site. The current O-1 zoning is consistent with the sector plan and gives the applicant reasonable use of the property, which is currently undeveloped. The plan was amended in 2012 to allow office uses and this should be maintained. Office use of this site creates an appropriate transition area between commercial uses to the north and residential uses to the south.

► **DENY the rezoning to C-6 (General Commercial Park), consistent with the denial recommendations for the associated plan amendments.**

The subject property is not appropriate to be rezoned to C-6. The current O-1 zoning has established a sufficient transitional area between commercial uses and I-140 and adjacent residential uses. O-1 zoning provides the applicant reasonable use of the property. Commercial uses in the area should be established in the Town Center to the north or in the commercially zoned area along S. Northshore Dr. east of I-140.

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 office uses, consistent with the current O-1 zoning. Office uses are appropriate at this location as a transition between commercial uses and I-140 to the north and east and residential uses to the south. The Southwest County Sector Plan was recently updated in 2016. City Council adopted the updated sector plan on October 24, 2016.

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 -

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. The update of the Southwest County Sector Plan in 2016 continued to maintain that office uses are most appropriate for this site.

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. This site was reviewed and approved for office uses in 2012 and the update of the Southwest County Sector Plan maintained that designation for this site based on the information that was available during those reviews.

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-6 zoning for this site would allow uses that may not be compatible with adjacent residential uses to the south.
2. The Southwest County Sector Plan and the City of Knoxville One Year Plan both propose office uses for this site, consistent with the current O-1 zoning.
3. Because there is no justification to amend the sector plan or One Year Plan to GC, staff does not support rezoning to C-6, which would require that the plans be amended to allow commercial zoning.
4. The current transitional O-1 zoning for this site is appropriate and should be maintained as a transitional area between commercial and residential uses.

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

1. The requested C-6 zoning is intended to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas. The following 6 concepts are emphasized in the zoning ordinance: 1) To encourage the clustering of commercial activities within areas specifically designed to

accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas, 2) To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated, 3) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading and landscaping, 4) To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County, 5) To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the C-6 zoning district, and 6) To encourage general commercial activities to locate in areas that have access to a major street system.

2. Based on the above general intent, this site is not appropriate for C-6 zoning. C-6 allows more intense uses than O-1 zoning, which may have a negative impact on the adjacent residential uses to the south.

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 applicant has reasonable use of the property under the current O-1 zoning.
2. C-6 zoning allows uses that may create negative impacts on residential properties to the south. Office uses generally have less traffic, activity and noise and usually have shorter hours of operation than commercial uses.
3. Public water and sewer utilities are available to serve the site.

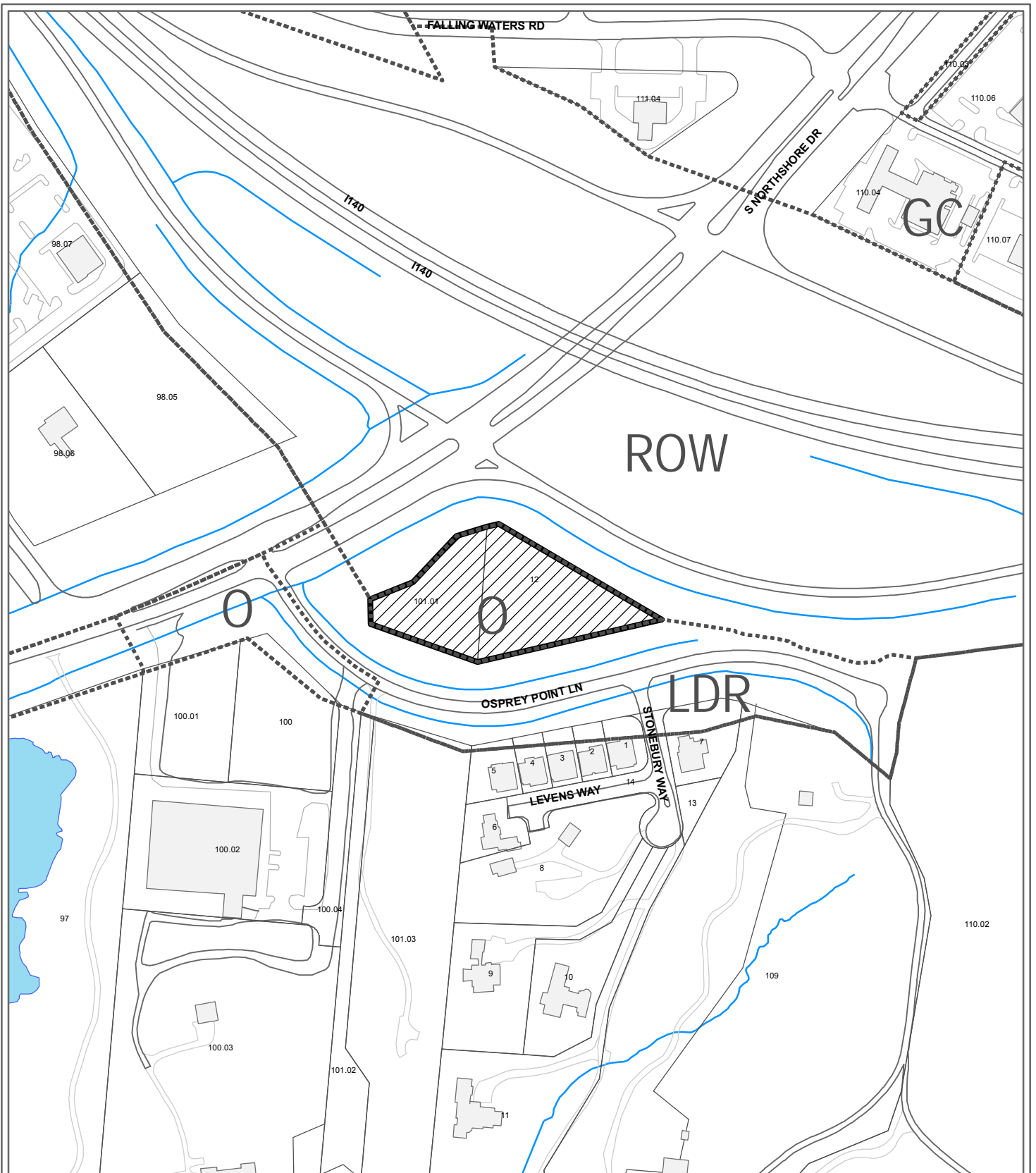
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With approval of the requested One Year Plan amendment to GC, the requested C-6 zoning would be consistent with the plan.
2. With approval of the associated Southwest County Sector Plan amendment to GC (10-C-17-SP), the requested C-6 zoning would be consistent with the sector plan.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This current zoning does not present any apparent conflicts with any 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 11/7/2017 and 11/21/2017. 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.



**10-C-17-PA / 10-D-17-RZ
PLAN AMENDMENT**

From: O (Office)

To: GC (General Commercial)



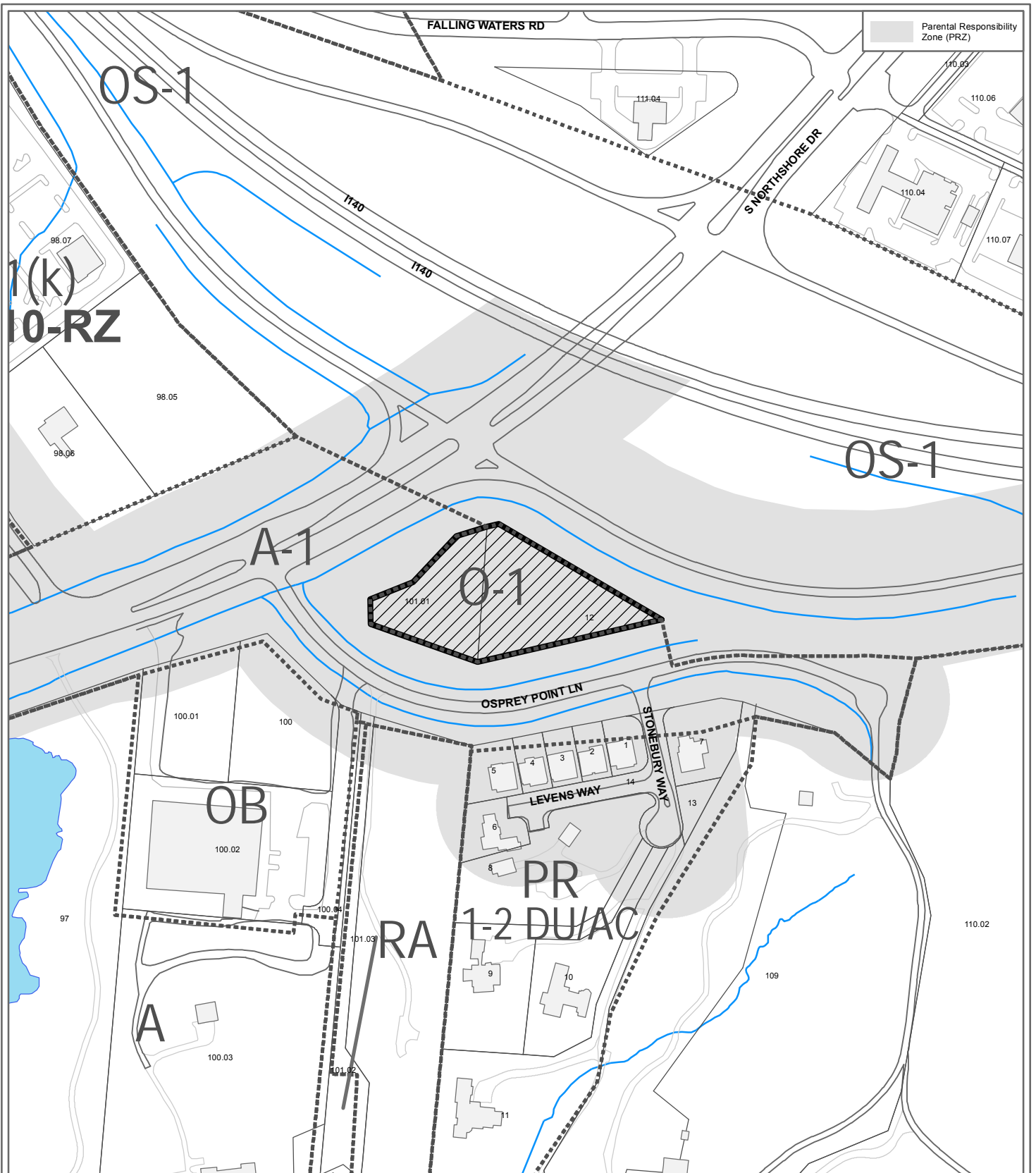
Petitioner: Leesman Engineering, Tim Dwyer

Map No: 154

Jurisdiction: City



Original Print Date: 9/19/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



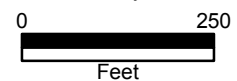
**10-D-17-RZ
REZONING**

From: O-1 (Office, Medical, and Related Services)
To: C-6 (General Commercial Park)



Petitioner: Leesman Engineering, Tim Dwyer

Map No: 154
Jurisdiction: City



Original Print Date: 9/19/2017 Revised:
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OYP: 0

SP: 0

KNOXVILLE-KNOX COUNTY
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 COMMISSION
 TENNESSEE
 Suite 403 • City County Building
 400 Main Street
 Knoxville, Tennessee 37902
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 FAX • 215 • 2068
 www.knoxmpc.org

REZONING **PLAN AMENDMENT**

Name of Applicant: Leesman Engineering Tim Dyer
 Date Filed: 8/10/17 Meeting Date: 10/12/2017
 Application Accepted by: Marc Payne
 Fee Amount: \$1,000.00 File Number: Rezoning 10-D-17-RZ
 Fee Amount: \$600.00 File Number: Plan Amendment 10-C-17-5P
Sector + Plan# 10-C-17-PA



PROPERTY INFORMATION

Address: 0 OSPREY Pointe cove
 General Location: Northshore, osprey point
Southwest corner of intersection

Parcel ID Number(s): 154 10101
154 LA012

Tract Size: 1.76 Acres

Existing Land Use: Vacant

Planning Sector: Southwest County

Growth Policy Plan: Urban

Census Tract: 57.10

Traffic Zone: 177

Jurisdiction: City Council 2 District
 County Commission _____ District

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Robert Oestreich

Company: State Ridge Holdings

Address: one East 4th street 4th floor

City: Cincinnati State: OH Zip: 45202

Telephone: 513 618-7308

Fax: _____

E-mail: r.oestreich@tirediscounters.com

Requested Change

REZONING

FROM: 0-1

TO: ~~3~~ C-6 MMB 8/31/17

PLAN AMENDMENT

One Year Plan Southwest Sector Plan

FROM: 0

TO: GL

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

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Company: Leesman Engineering

Address: 4820 Glenway Ave

City: Cincinnati State: OH Zip: 45238

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Fax: _____

E-mail: email@leesmanengineering.com

PROPOSED USE OF PROPERTY

Tire Discounters Retail

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: _____

PLEASE PRINT

Name: Tim Dyer

Company: Leesman Engineering

Address: 4820 Glenway Ave

City: Cincinnati State: OH Zip: 45238

Telephone: 513 702-0571

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