

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

▶ **FILE #:** 4-A-18-SP

AGENDA ITEM #: 39

AGENDA DATE: 4/12/2018

▶ **APPLICANT:** JERRY BRIDGES

OWNER(S): Jerry Bridges

TAX ID NUMBER: 81 F A 036

[View map on KGIS](#)

JURISDICTION: Council District 5

STREET ADDRESS: 432 E Morelia Ave

▶ **LOCATION:** Southeast side E. Morelia Ave., southwest side Harvey St.

▶ **APPX. SIZE OF TRACT:** 0.4 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via E. Morelia Ave., a minor collector street with 32' of pavement width within 50' of right-of-way, or Harvey St., a minor collector street with 30' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** TDR (Traditional Neighborhood Residential) / R-2 (General Residential) / IH-1 (Infill Housing Overlay)

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

▶ **EXISTING LAND USE:** Plumbing business

▶ **PROPOSED USE:** Plumbing business

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: A plan amendment to GC was denied by MPC in 1987 (7-E-18-PA). See attached documents

SURROUNDING LAND USE AND PLAN DESIGNATION:
 North: E. Morelia Ave., houses - TDR
 South: House and vacant lot - TDR
 East: Harvey St., houses - TDR
 West: House - TDR

NEIGHBORHOOD CONTEXT The subject property is located within a residential neighborhood, zoned R-2/IH-1. There is an industrial area to the north, zoned I-3.

STAFF RECOMMENDATION:

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

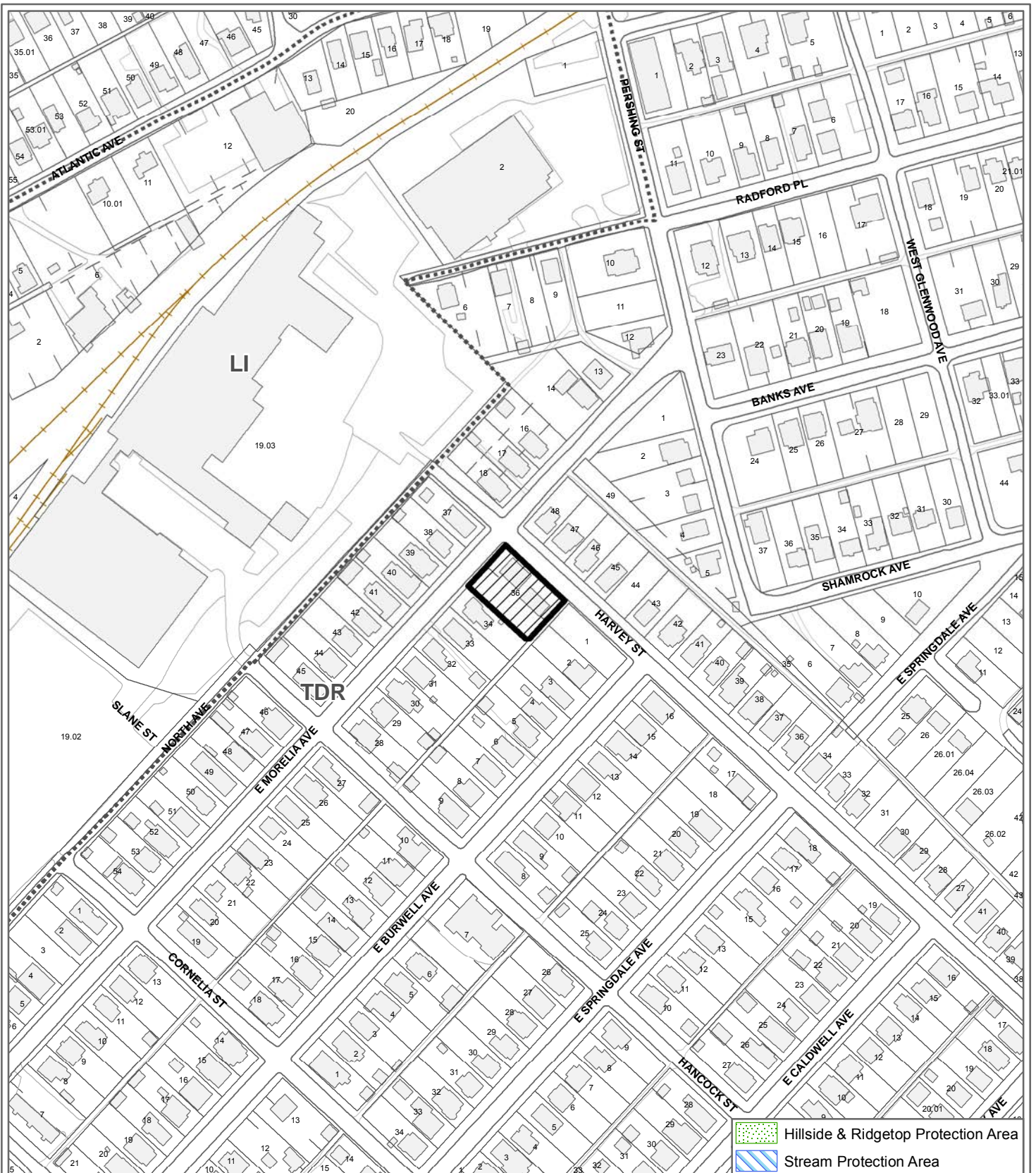
No conditions have changed that warrant amendment of the sector plan map for this site. The current R-2/IH-1 zoning is consistent with the plan and gives the applicant reasonable use of the property, which has already

been operating as a legal non-conforming business since at least the 1980's. Approval of this request would represent a spot plan amendment with no reasonable justification to warrant the change.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/8/2018 and 5/22/2018. 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.



**4-A-18-SP
CENTRAL CITY SECTOR PLAN AMENDMENT**

From: TDR (Traditional Neighborhood Residential)

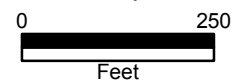
To: GC (General Commercial)



Petitioner: Bridges, Jerry

Map No: 81

Jurisdiction: City



Original Print Date: 3/12/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

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

▶ **FILE #:** 4-B-18-RZ
 4-A-18-PA

AGENDA ITEM #: 39
AGENDA DATE: 4/12/2018

▶ **APPLICANT:** JERRY BRIDGES
 OWNER(S): Jerry Bridges

TAX ID NUMBER: 81 F A 036 [View map on KGIS](#)

JURISDICTION: Council District 5

STREET ADDRESS: 432 E Morelia Ave

▶ **LOCATION:** Southeast side E. Morelia Ave., southwest side Harvey St.

▶ **TRACT INFORMATION:** 0.4 acres.

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via E. Morelia Ave., a minor collector street with 32' of pavement width within 50' of right-of-way, or Harvey St., a minor collector street with 30' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** TDR (Traditional Neighborhood Residential) / R-2 (General Residential) / IH-1 (Infill Housing Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-3 (General Commercial) / IH-1 (Infill Housing Overlay)

▶ **EXISTING LAND USE:** Plumbing company

▶ **PROPOSED USE:** Plumbing company

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: A plan amendment to GC was denied by MPC in 1987 (7-E-18-PA). See attached documents

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: E. Morelia Ave., houses - TDR - R-2 (General Residential) / IH-1 (Infill Housing Overlay)

South: House and vacant lot - TDR - R-2 (General Residential) / IH-1

East: Harvey St., houses - TDR - R-2 (General Residential) / IH-1

West: House - TDR - R-2 (General Residential) / IH-1

NEIGHBORHOOD CONTEXT: The subject property is located within a residential neighborhood, zoned R-2/IH-1. There is an industrial area to the north, zoned I-3.

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 R-2/IH-1 zoning is consistent with the One Year Plan and gives the applicant reasonable use of the property, which has already been operating as a legal non-conforming business since at least the 1980's. Approval of this request would represent a spot plan amendment with no reasonable justification to warrant the change.

► **DENY the rezoning to C-3 (General Commercial) / IH-1 (Infill Housing Overlay), consistent with the denial recommendations for the associated plan amendments.**

The subject property is developed with a commercial building (see attached photo) that has operated as a legal non-conforming use for many years under R-2/IH-1 zoning. All adjacent properties are zoned R-2/IH-1 and used for residential purposes. If approved, C-3 at this location would constitute an inappropriate spot zoning.

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 TDR (Traditional Neighborhood) uses, consistent with the current R-2/IH-1 zoning. This site is located in the middle of an established neighborhood that is consistently zoned R-2/IH-1.

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 area 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. MPC denied the same request to a GC plan designation in 1987 (7-E-87-PA) and the basic conditions in the area have not changed.

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.

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-3 zoning is not necessary as the property is already developed and currently being used as a legal non-conforming business under its current R-2/IH-1 zoning. The applicant has indicated that the proposed use is for the existing plumbing business to continue at this location.

2. The Central City Sector Plan and the City of Knoxville One Year Plan both propose TDR uses for this site, consistent with the current R-2/IH-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-3, which would require that the plans be amended to allow commercial zoning.

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 to be rezoned to C-3. There is no justification to amend the applicable future land use plans to GC in order to consider the requested C-3 zoning.

3. The IH-1 (Infill Housing Overlay) will remain in place, regardless if the base zoning changes. The IH-1 development guidelines only apply to residential uses.

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 zoning, where the current business is operating as a legal non-conforming use.
2. Public water and sewer utilities are available to serve the site.
3. Approval of this request could lead to expansion of commercial uses at the site, which could potentially increase the impact on surrounding residential property owners.

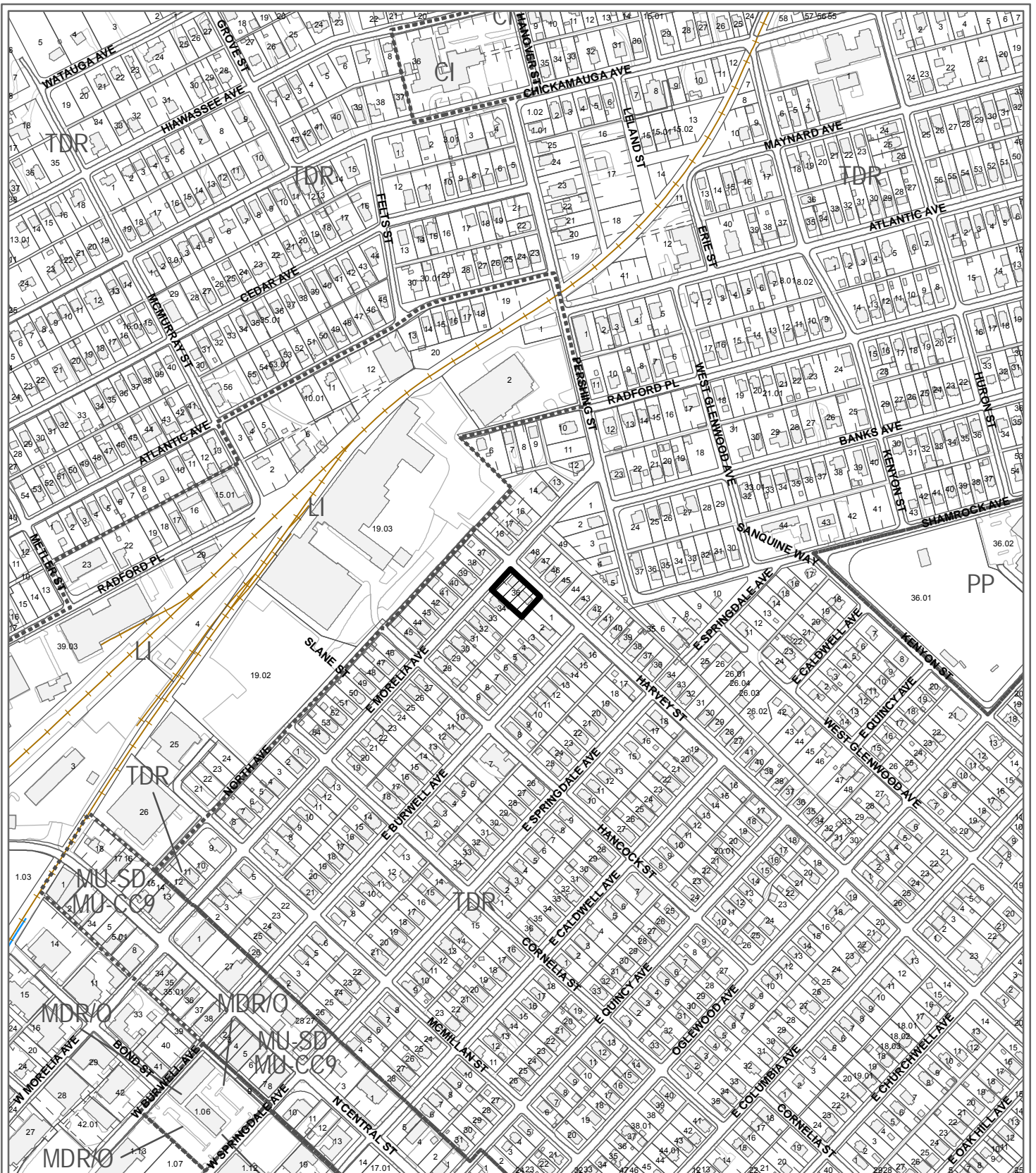
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

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 associated Central City Sector Plan amendment to GC (4-A-18-SP), the requested C-3 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 adopted plans, and should be maintained.

ESTIMATED TRAFFIC IMPACT: Not required.

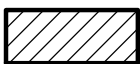
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/8/2018 and 5/22/2018. 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.



**4-A-18-PA / 4-B-18-RZ
PLAN AMENDMENT**

Petitioner: Bridges, Jerry

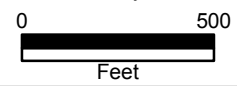


From: TDR (Traditional Neighborhood Residential)
To: GC (General Commercial)

Map No: 81

Jurisdiction: City

Original Print Date: 3/12/2018
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





2599 Harvey St

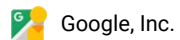
432 E. Morelia Ave.



Google

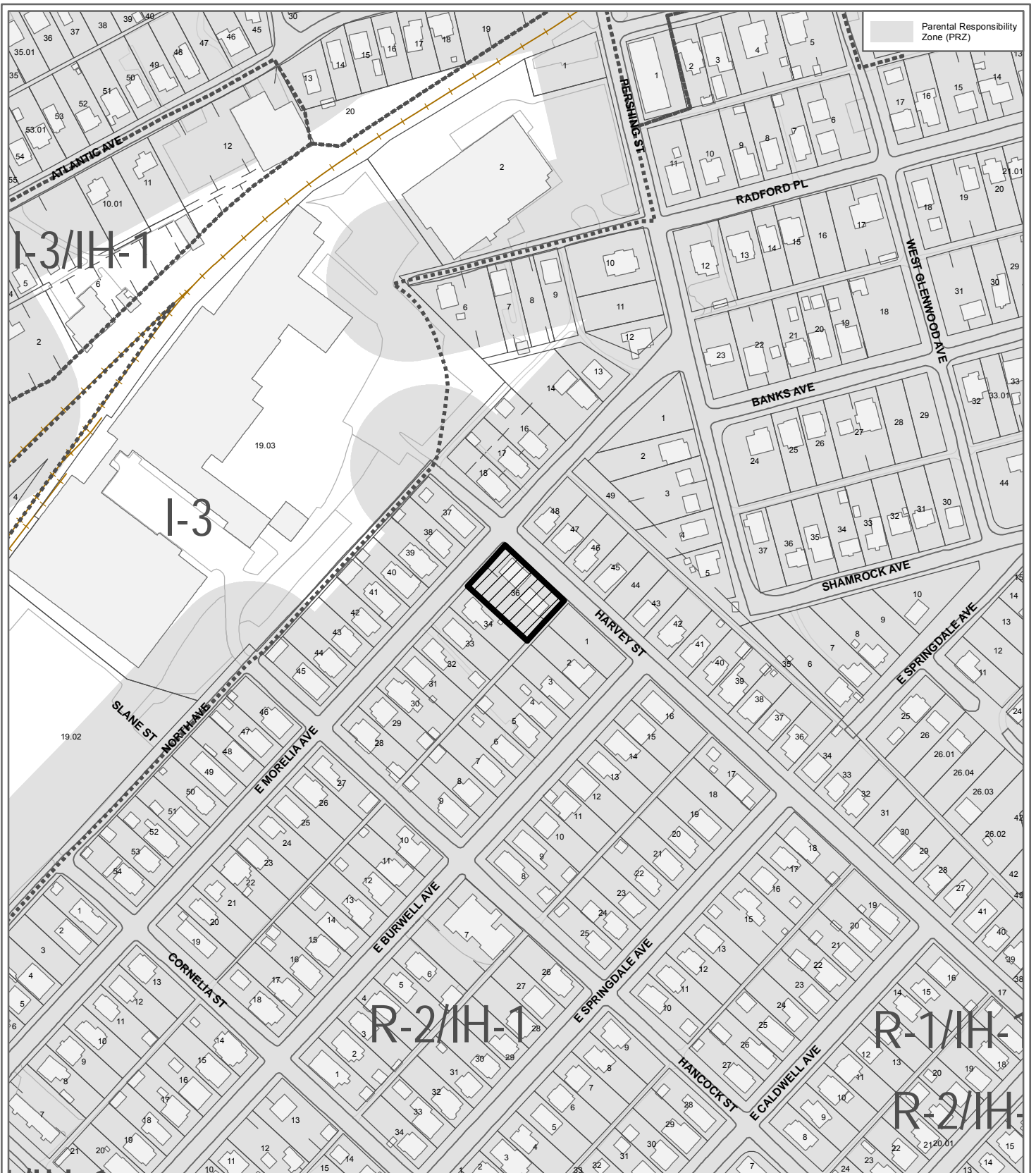
Waldo ©DreamWorks Distribution Limited. All rights reserved. Image capture: Nov 2015 © 2018 Google

Knoxville, Tennessee



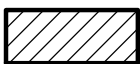
Street View - Nov 2015





**4-B-18-RZ
REZONING**

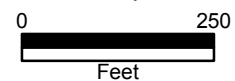
From: R-2 (General Residential) / IH-1 (Infill Housing Overlay)
To: C-3 (General Commercial) / IH-1 (Infill Housing Overlay)



Petitioner: Bridges, Jerry

Map No: 81

Jurisdiction: City



Original Print Date: 3/12/2018
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

KNOXVILLE ONE YEAR PLAN AMENDMENT STUDY

APPLICANT METRO-PAINTING FILE NO. 7-E-87-PA

OWNER X LIVES ON PROPERTY _____ COUNCILMANIC DISTRICT 5

General Location of Property Affected:

Southeast side Morelia Ave., southwest side Harvey St.

Change Requested: From LDR, Low Density Residential to GC, General Commercial

Applicant's Reason for Request: Needed for proposed use of site

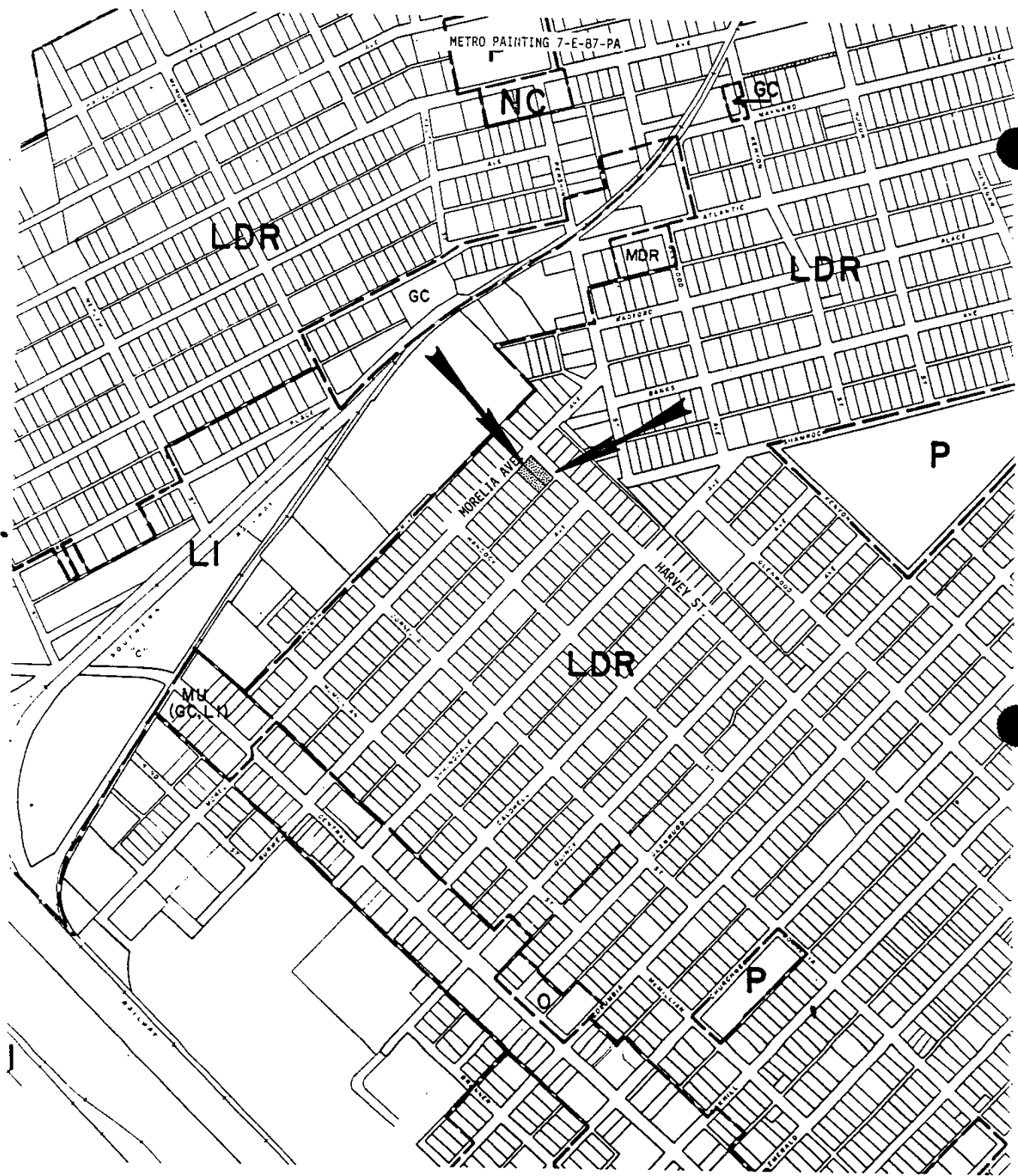
Proposed Use: Commercial paint business expansion

Text Change Requested: None required

CONSIDERATIONS:


1. The existing One Year Plan proposes low density residential development in this area with light industrial activities to the northwest of the site.
2. The predominant use in the area is single-family dwellings. The site has a commercial building on it and has been operating as a non-conforming use for years.
3. Access is via Morelia Ave., a local street and Harvey St., a collector facility with 50' ROWs.
5. All urban services are available to the site.


STAFF RECOMMENDATION DENY the amendment. Although the business expansion proposed is small in scale, it does require general commercial zoning. This would be out of character with the surrounding uses and does not conform with the policies of the Central Sector Plan or General Plan 2000 for the location of general commercial uses.




PLAN AMENDMENT

PLAN One Year

 FROM LDR, LOW DENSITY RESIDENTIAL TO GC, GENERAL COMMERCIAL






JURISDICTION

CITY X

COUNTY _____

Petitioner:
 METRO-PAINTING
 File No: 7-E-87-PA

0 400
 Feet



Metropolitan Planning Commission City-County Building Knoxville, Tennessee 37902 521-2500

MOTION CARRIED 10-2. ONE YEAR PLAN AMENDMENT APPROVED TO GC, GENERAL COMMERCIAL.

MOTION AND SECOND WAS MADE TO APPROVE REZONING AS REQUESTED BY PETITIONER. MOTION CARRIED 11-1. PETITION APPROVED TO C-3, GENERAL COMMERCIAL DISTRICT.

* * * * *

7-E-87-PA - METRO-PAINTING - NORTH SIDE MORELIA AVE., SOUTHWEST SIDE HARVEY ST. - Request approval of One Year Plan amendment from LDR, Low Density Residential to GC, General Commercial. Fronting appx. 100' southeast Morelia Ave., fronting appx. 150' southwest side southwest Harvey St., southwest appx. 150', southeast appx. 100', 17th Ward, 5th Councilmanic District, City Block 17-221, parcels 35 and 36, CLT Map 81, St. Mary's Small Area Plan.

STAFF RECOMMENDATION DENY the amendment. Although the business expansion proposed is small in scale, it does require general commercial zoning. This would be out of character with the surrounding uses and does not conform with the policies of the Central Sector Plan or General Plan 2000 for the location of general commercial uses.

Mr. Rutherford stated a letter from the President of the Oakwood/Lincoln Park Neighborhood Association had been received in opposition to this request.

Ms. Bonnie Sanders, resident of the area, stated the neighbors wished this property to remain low density residential; most of the residents had lived in this area for 25 to 30 years; traffic was extremely heavy and there was a dangerous corner where many wrecks had occurred; they had worked hard for their homes and wanted to stay in them; they did not want commercial zoning.

Four persons in the audience stood in opposition to this request.

Mr. Jerry Traxler, representing this request, stated this was next to a business; an old house had been torn down and they now parked their vehicles on it; that was probably all they will do on the property but wanted the commercial zoning.

MOTION AND SECOND WAS MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. PETITION DENIED.

* * * * *

7-F-87-PA - JIM SHELTON - SOUTHWEST SIDE GAYVIEW DR., EAST AND WEST SIDES JERRY AVE., WEST SIDE YELLOWJACKET RD. - Request approval of One Year Plan amendment from LDR,

REZONING

PLAN AMENDMENT

Name of Applicant: Jerry Bridges

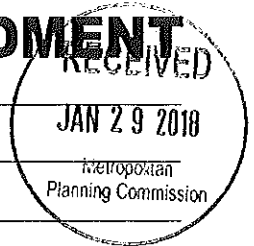
Date Filed: 1/29/2018

Meeting Date: 4/12/2018

Application Accepted by: M. Payne

Fee Amount: 1000.00 File Number: Rezoning 4-B-18-RZ

Fee Amount: 600.00 File Number: Plan Amendment 4-A-18-PA (4-A-18-5P)



PROPERTY INFORMATION

Address: 432 E. Morelia Ave., Knoxville, TN 37917

General Location: See attached Ex. 1 (KGIS Property Details and Map Report)

Parcel ID Number(s): 081FA036

Tract Size: .4 Acres, approx.

Existing Land Use: Buckner Plumbing

Planning Sector: Central City

Growth Policy Plan: Inside City

Census Tract: 15

Traffic Zone: 93

Jurisdiction: City Council 5th District
 County Commission _____ District

Requested Change

REZONING

FROM: R-2

TO: C-3

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: TDR

TO: GC

PROPOSED USE OF PROPERTY

Buckner Plumbing - Plumbing company with 20 employees

Density Proposed 1 Units/Acre

Previous Rezoning Requests: none

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Jerry Bridges

Company: _____

Address: 9018 Andersonville Pike

City: Powell State: TN Zip: 37849

Telephone: _____

Fax: _____

E-mail: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: T. Scott Jones, Attorney

Company: Banks and Jones

Address: 2125 Middlebrook Pike

City: Knoxville State: TN Zip: 37921

Telephone: (865) 546-2141

Fax: (865) 546-5777

E-mail: tscottjones@banksandjones.com

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: T. Scott Jones Attorney for Petitioner Jerry Bridges

PLEASE PRINT

Name: T. Scott Jones Atty. for Petitioner Jerry Bridges

Company: Banks and Jones Attorneys

Address: 2125 Middlebrook Pike

City: Knoxville State: TN Zip: 37921

Telephone: 865-546-2141

E-mail: tscottjones@banksandjones.com

REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. When applicable, MPC staff will provide the sign(s) to post on the subject property at the time of application.

The sign(s) must be posted in a location that is clearly visible from the nearest adjacent street. If the property has more than one street frontage, then the sign(s) should be placed along the higher classified street. MPC staff may recommend a preferred location for the sign(s) to be posted at the time of application.

The sign(s) must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the meeting. The applicant is responsible for ensuring that the signs remain posted throughout the two-week period prior to the public hearing. Failure to maintain the signs during this time period may be cause for postponement of the application until the next scheduled meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC/BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) are lost or stolen and need to be replaced, then the applicant will be responsible for picking up a new sign from the MPC offices. The applicant will be charged a replacement fee for additional sign(s) consistent with the agency's cost of purchasing each sign.

I hereby agree to post the sign(s) provided on the subject property on or before 3/28/18, consistent with the guidelines provided above; and remove the sign(s) within one week after the MPC/BZA public hearing.

Signature: TH

Printed name: T. J. Jones Attorney

Date: 3-29-18

MPC/BZA File #: 4-B-18-RZ, 4A-18-PA, A-A-18-SP