



PLAN AMENDMENT REPORT

▶ **FILE #:** 4-C-19-SP

AGENDA ITEM #: 36

AGENDA DATE: 4/11/2019

▶ **APPLICANT:** EASTWOOD, LLC
OWNER(S): David Melbarvis / Eastwood, LLC

TAX ID NUMBER: 71 P D PART OF 00104 [View map on KGIS](#)
JURISDICTION: Council District 6
STREET ADDRESS: 4662 Holston Dr
▶ **LOCATION:** South side of Holston Drive, South of Asheville Highway
▶ **APPX. SIZE OF TRACT:** 1.07 acres
SECTOR PLAN: East City
GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
ACCESSIBILITY: Access is via Holston Drive, a minor collector, with a 40' pavement width within a right-of-way width of 75' feet.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Love Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / O-1 (Office, Medical, and Related Services)
▶ **PROPOSED PLAN DESIGNATION:** MU-SD, EC-2
▶ **EXISTING LAND USE:** Office
▶ **PROPOSED USE:** Uses allowed in C-3 zone
EXTENSION OF PLAN DESIGNATION: Yes, this is an extension of the existing MU-SD, EC-2 district that already is on half of the parcel.
HISTORY OF REQUESTS:
SURROUNDING LAND USE AND PLAN DESIGNATION: North: Public/quasi-public - CI (Civic Institutional)
South: Multifamily - LDR (Low Density Residential)
East: Commercial - MU-SD (Mixed Use Special District)
West: Multifamily - LDR (Low Density Residential)
NEIGHBORHOOD CONTEXT The corridor of Holston Drive/Asheville Highway along this section is comprised primarily of a mix of office, commercial, multi-family residential and public uses.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #4-C-19-SP, amending the East City Sector Plan to MU-SD, EC-2 (Mixed Use Special District) designation and recommend that City Council also adopt the sector plan amendment (see attached resolution, Exhibit A.)**

This requested plan amendment is to extend the existing mixed-use special district (MU-SD EC-2) as part of the East City Sector Plan to the entirety of the parcel. This property has an existing commercial/office building that is bisected down the middle of the structure by two different land use plan designations. Staff recommends extending the existing MU-SD, EC-2 (Mixed Use Special District) for the East City Sector Plan to entirety of this parcel.

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. No major changes have occurred since the last update of the East City Sector Plan.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. There are no new roads or utilities that have been introduced into this area since the adoption of the East City Sector Plan.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The East City Sector Plan should have recognized the parcel lines and existing structures and included the entirety of the parcel in the MU-SD, EC-2 designation.

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

1. There are no new trends warranting reconsideration of the East City Sector Plan.

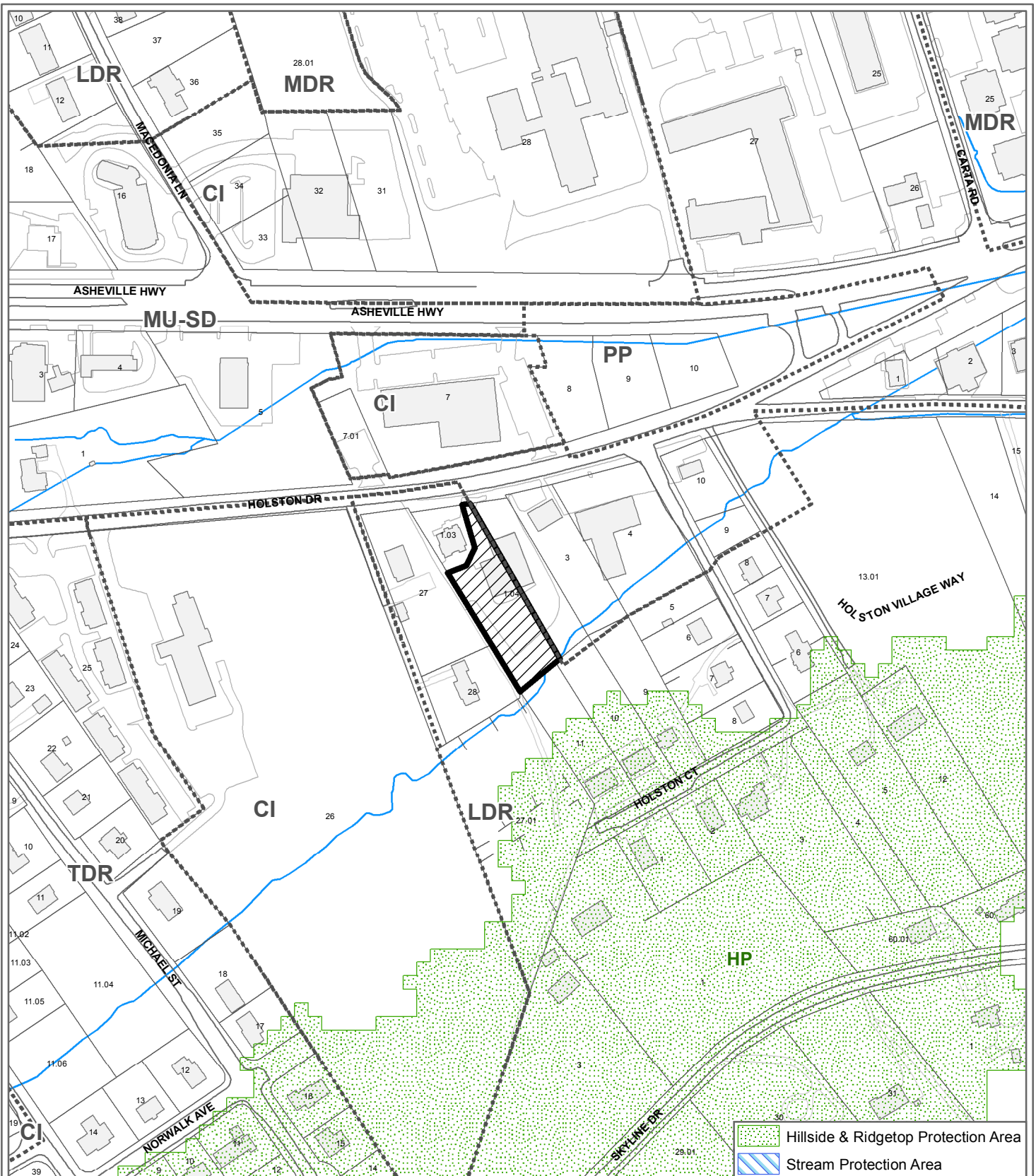
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law provides for two methods to amend the plan at TCA 13-3-304:

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.

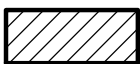
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to for action on . If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to . The date of the appeal hearing will depend on when the appeal application is filed. Appellants have to appeal a Planning Commission decision in the City.



**4-C-19-SP
EAST CITY SECTOR PLAN AMENDMENT**

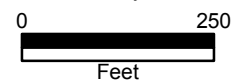
From: LDR (Low Density Residential)
To: MU-SD, EC-2



Petitioner: Eastwood, LLC

Map No: 71

Jurisdiction: City



Original Print Date: 3/18/2019 Revised: 3/20/2019
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE EAST CITY SECTOR PLAN***

WHEREAS, the Knoxville-Knox County 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 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 Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the East 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, Eastwood, LLC, has submitted an application to amend the Sector Plan from Low Density Residential to Mixed Use Special District, for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the East 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 Planning Commission, at its regularly scheduled public hearing on April 11, 2019, 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 PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the East City Sector Plan, with its accompanying staff report and map, file #4-C-19-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



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-H-19-RZ **AGENDA ITEM #:** 36
 4-B-19-PA **AGENDA DATE:** 4/11/2019

▶ **APPLICANT:** EASTWOOD, LLC
 OWNER(S): David Melbarvis / Eastwood, LLC

TAX ID NUMBER: 71 P D PART OF 001.04 [View map on KGIS](#)

JURISDICTION: Council District 6

STREET ADDRESS: 4662 Holston Dr

▶ **LOCATION:** South side of Holston Drive, south of Asheville Highway

▶ **TRACT INFORMATION:** 1.07 acres. The rezoning, sector plan amendment & one year plan amendment involves only the part of parcel 071PD00104 (0.53 acres) on the west side zoned O-1 (Office, Medical & Related Services). One Year Plan and Sector plan shows LDR (Low Denisty Residential)

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Holston Drive, a minor collector, with a 40' pavement width within a right-of-way width of 75' feet.

UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MU-SD, EC-2 (Mixed Use Special District) / C-3 (General Commercial)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Allowed uses in C-3 Zone.

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, this is an extension of the existing MU-SD, EC-2 district that already is on half of the parcel.

HISTORY OF ZONING REQUESTS:

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Public/quasi-public - CI (Civic Institutional)
 South: Multifamily - LDR (Low Density Residential)
 East: Commercial - MU-SD (Mixed Use Special District)
 West: Multifamily - LDR (Low Density Residential)

NEIGHBORHOOD CONTEXT: The corridor of Holston Drive/Asheville Highway along this section is comprised primarily of a mix of office, commercial, multi-family residential and public uses.

STAFF RECOMMENDATION:

- ▶ **RECOMMEND that City Council APPROVE MU-SD, EC-2 (Mixed Use Special District) as the One Year Plan land use designation.**

This requested plan amendment is to extend the existing mixed-use special district (MU-SD EC-2) as part of the One Year Plan to the entirety of the parcel. This property has an existing commercial/office building that is bisected down the middle of the structure by two different land use plan designations. Staff recommends extending the existing MU-SD, EC-2 (Mixed Use Special District) for the One Year Plan to entirety of this parcel.

- ▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning.**

Staff recommends approval of requested C-3 zoning, which is compatible with the requested plan amendment to MU-SD, EC-2 (Mixed Use Special District) land use designation for this property. The adjacent properties with frontage on Holston Drive are currently zoned C-3.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these).

AN ERROR IN THE PLAN - The One Year Plan should have recognized the parcel lines and existing structures and included the entirety of the parcel in the MU-SD, EC-2 designation.

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 - There are no major changes in this area.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - There has not be a change in public policy since the adoption of the One Year Plan.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT- There have been no new plans or studies available which reveals the need for the plan amendment.

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. The property is located within the existing city limits of the Growth Policy Plan.
2. The East City Sector designates the surrounding area as part of a MU-SD (Mixed Use Special District), EC-2, which includes a mix of commercial development, office and residential uses.

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

1. The proposed amendment to C-3 zoning is for personal and business services and general retail business. Districts in this category are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. Regulations are designed to guide future change so as to discourage formation of future commercial districts with high vacancy and blight, 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.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL AND DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. C-3 zoning is compatible with the proposed MU-SD, EC-2 sector plan and one year plan designations.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE

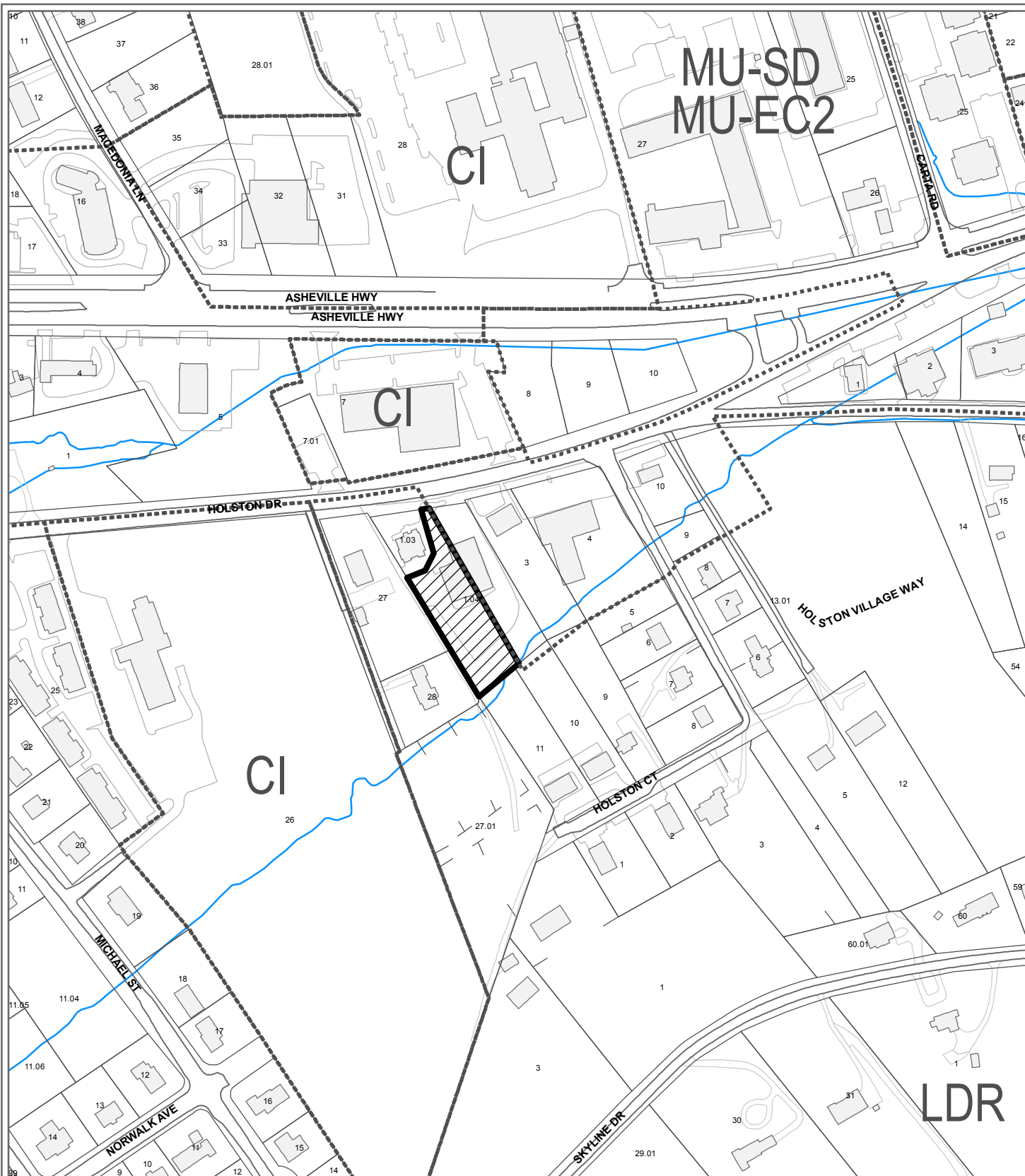
GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The recommended amendment for the East City Sector Plan and One Year Plan to MU-SD, EC-2 (Mixed Use Special District) makes the proposed rezoning consistent with the land use plan and all other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

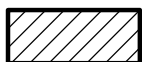
If approved, this item will be forwarded to Knoxville City Council for action on 5/7/2019 and 5/21/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**4-B-19-PA / 4-H-19-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)

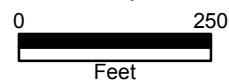
To: MU-SD, EC-2

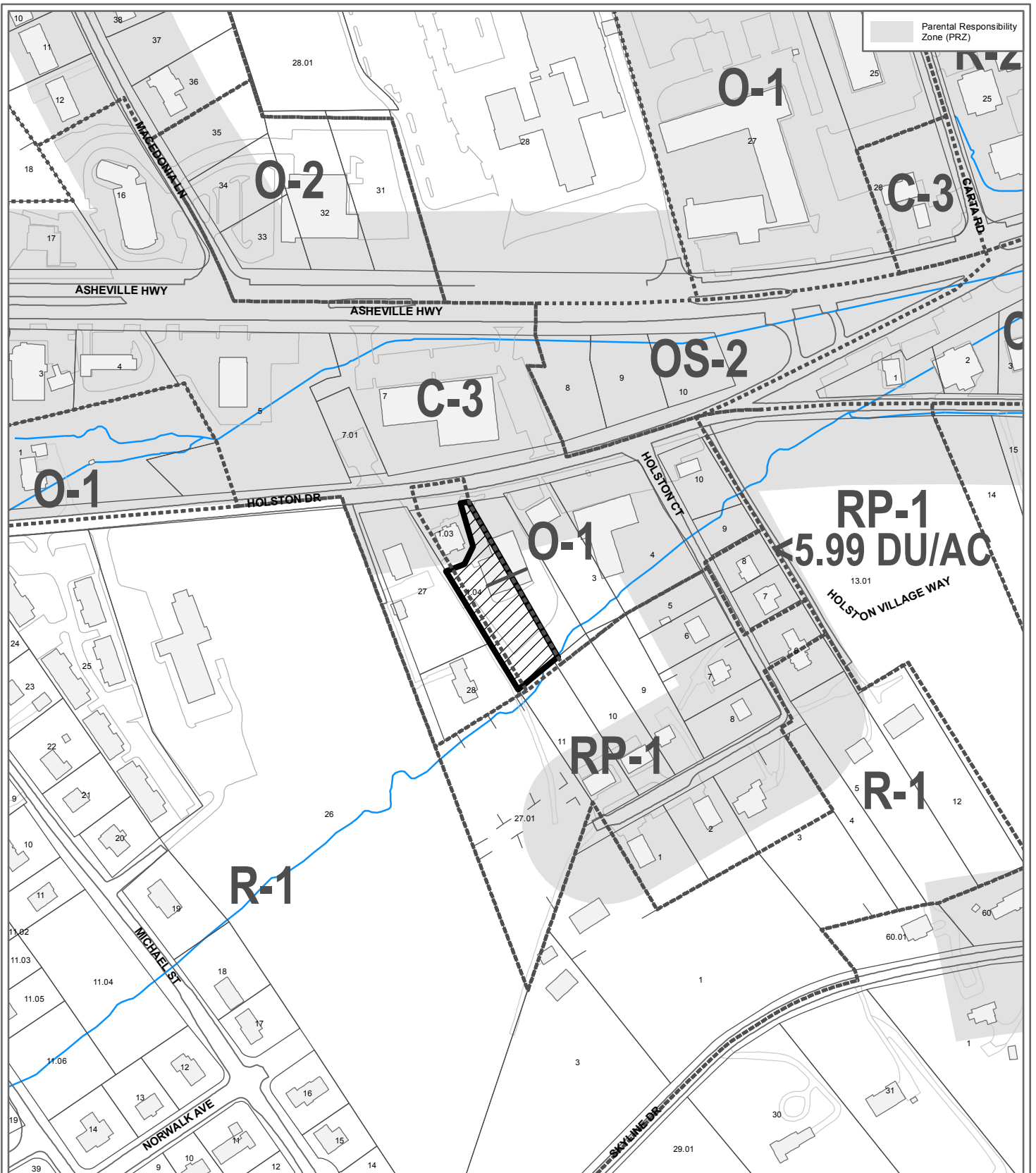


Petitioner: Eastwood, LLC

Map No: 71

Jurisdiction: City





**4-H-19-RZ
REZONING**

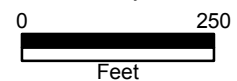
From: O-1 (Office, Medical, and Related Services)
To: C-3 (General Commercial)



Petitioner: Eastwood, LLC

Map No: 71

Jurisdiction: City



Original Print Date: 3/18/2019 Revised: 3/20/2019
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

REZONING

PLAN AMENDMENT

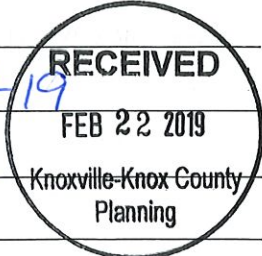
Name of Applicant: Eastwood, LLC

Date Filed: 2-22-19 Meeting Date: 4-11-19

Application Accepted by: Sherry Michieniz

Fee Amount: _____ File Number: Rezoning _____

Fee Amount: 0 File Number: Plan Amendment 4-C-19-SP



PROPERTY INFORMATION

Address: 4662 Holston Drive

General Location: S/S Holston Drive south of Asheville Hwy

Parcel ID Number(s): 071P000104

Tract Size: 1.07 acre

Existing Land Use: office

Planning Sector: East City

Growth Policy Plan: _____

Census Tract: 32

Traffic Zone: 73

Jurisdiction: City Council 6 District
 County Commission _____ District

Requested Change

REZONING

FROM: _____

TO: _____

PLAN AMENDMENT

One Year Plan Sector Plan

FROM: LDR

TO: MU-SD, EC-2

PROPOSED USE OF PROPERTY

uses allowed in C-3 zone

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: Dave Melbards

Company: Eastwood LLC

Address: PO Box 1205

City: Kodak State: TN Zip: 37764

Telephone: 865-248-2872

Fax: _____

E-mail: 4662 Holston Dr @ Gmail.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: SAME

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Fax: _____

E-mail: _____

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: SAME

PLEASE PRINT
Name: [Signature]

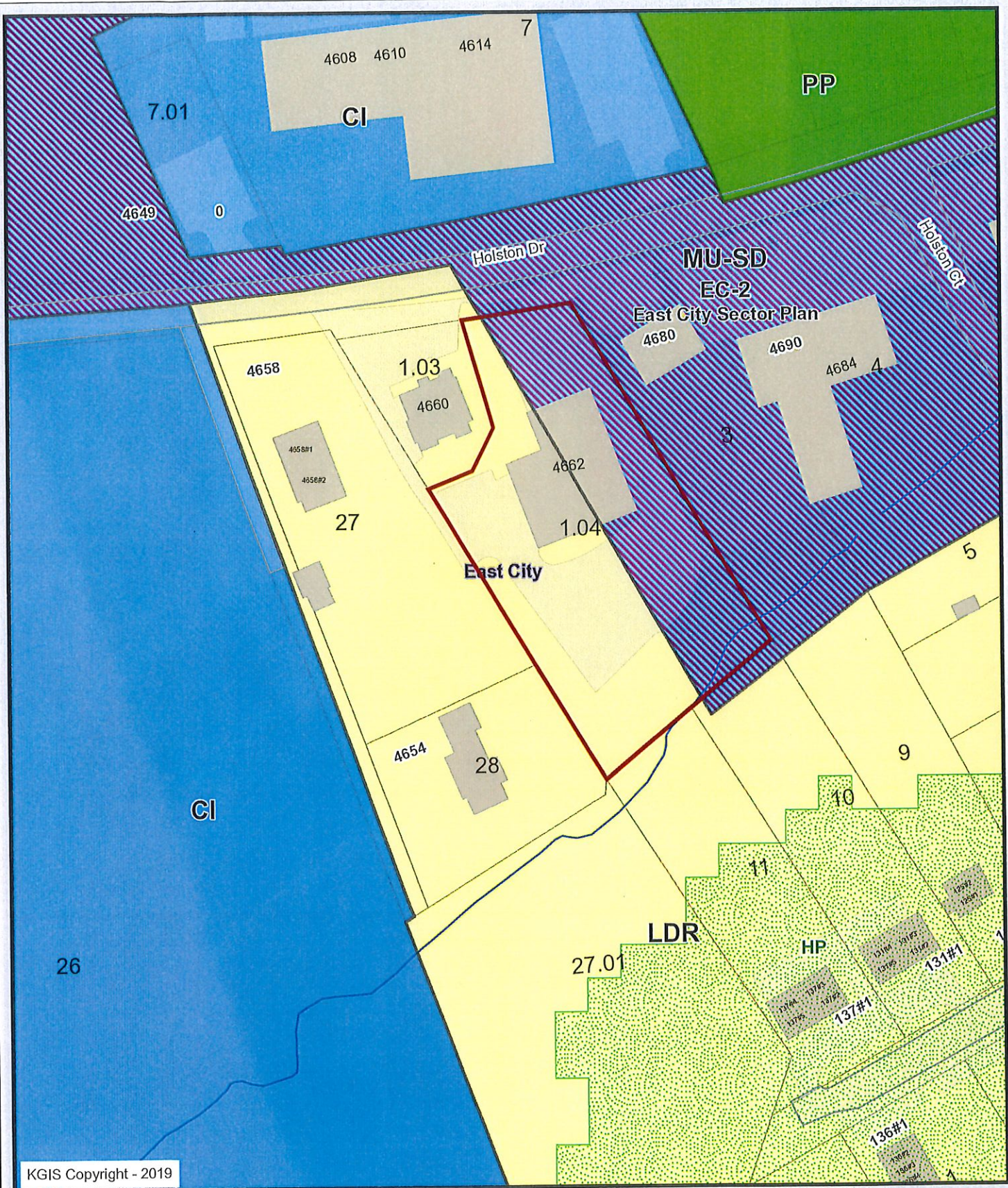
Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-mail: _____



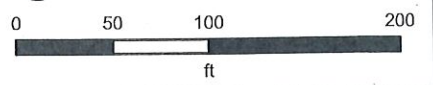
KGIS Copyright - 2019

Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 2/22/2019 at 12:23:55 PM



KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

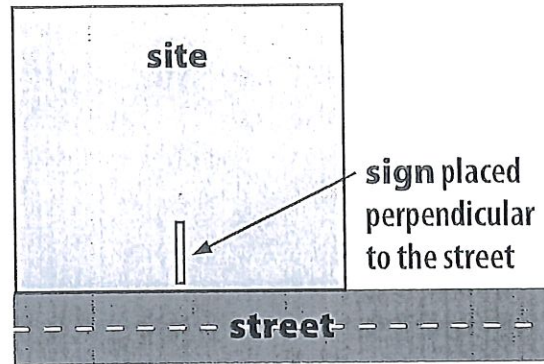
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

March 27th (Wed) and April 12th (Fri)
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: _____

Printed Name: _____

Phone: _____

Email: 41662holstondr@gmail.com

Date: _____

MPC File Number: _____

4-H-19-RZ, 4-B-19-PA, 4-C-19-SP

REZONING PLAN AMENDMENT

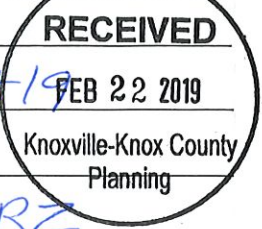
Name of Applicant: Eastwood, LLC

Date Filed: 2-22-19 Meeting Date: 4-11-19

Application Accepted by: Sherry Michienzi

Fee Amount: 1000.00 File Number: Rezoning 4-H-19-RZ

Fee Amount: 600.00 File Number: Plan Amendment 4-B-19-PA



PROPERTY INFORMATION

Address: 4662 Holston Drive

General Location: S/S Holston Drive
south of Asheville Hwy
pt of

Parcel ID Number(s): 071P000104

Tract Size: 1.07 acre

Existing Land Use: OFFICE

Planning Sector: East City

Growth Policy Plan: _____

Census Tract: 32

Traffic Zone: 73

Jurisdiction: City Council 6 District
 County Commission _____ District

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: David Melbardis

Company: Eastwood LLC

Address: PO Box 1205

City: Kodak State: TN Zip: 37764

Telephone: 865-248-2872

Fax: _____

E-mail: 4662 Holston Dr@gmail.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Fax: _____

E-mail: _____

Requested Change

REZONING

FROM: O-1

TO: C-3

PLAN AMENDMENT

One Year Plan Sector Plan

FROM: LDR

TO: MU-SD, EC-2

PROPOSED USE OF PROPERTY

uses allowed in C-3 zone

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: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-mail: _____

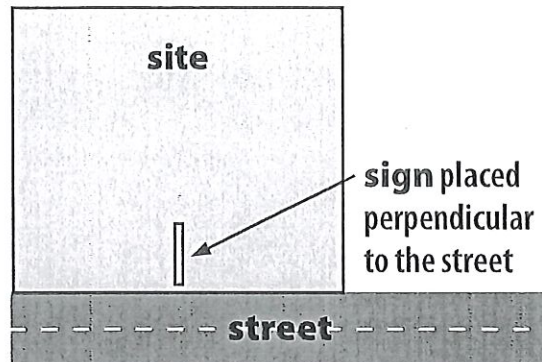
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

March 27th (Wed) and April 12th (Fri)
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: _____

Printed Name: Eastwood, LLC

Phone: 865-248-2872

Email: 4662holstondr@gmail.com

Date: 2-22-19

MPC File Number: 4-H-19-RZ, 4-B-19-PA, 4-C-19-SP