

REZONING REPORT

▶ **FILE #:** 12-C-19-RZ

AGENDA ITEM #: 15

AGENDA DATE: 12/12/2019

▶ **APPLICANT:** SHEILA PROFFITT

OWNER(S): Sheila Proffitt

TAX ID NUMBER: 69 E B 03102

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 2739 Mineral Springs Avenue

▶ **LOCATION:** **North side of Mineral Springs Avenue, east of Whittle Springs Road and North Broadway Avenue**

▶ **APPX. SIZE OF TRACT:** 1.37 acres

SECTOR PLAN: East City

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

ACCESSIBILITY: Mineral Springs Avenue is a local road at this location. It has a pavement width of 17.5 feet and a right-of-way width that varies from 52 to 54 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** **O-1 (Office, Medical, and Related Services) & RP-1(Planned Residential**

▶ **ZONING REQUESTED:** **O (Office) in City's new zoning ordinance**

▶ **EXISTING LAND USE:** **Vacant**

▶ **PROPOSED USE:** **Community Center for neighborhood use**

DENSITY PROPOSED: **N/A**

EXTENSION OF ZONE: Yes; O-1 is present to the southwest

HISTORY OF ZONING: The applicant had this property rezoned from RP-1 (Planned Residential) to O-1 (Office, Medical, and Related Services District) in 2006.

SURROUNDING LAND USE AND ZONING: North: Agricultural/Forestry/Vacant - RP-1 (Planned Residential District)

South: Office and Single Family Residential - O-1 (Office, Medical and Related Services District) and RP-1 (Planned Residential District)

East: Single Family Residential - RP-1 (Planned Residential District)

West: Single Family Residential - RP-1 (Planned Residential District)

NEIGHBORHOOD CONTEXT: Mineral Springs Avenue consists of mostly single-family residential uses, though there is a node of office and medical uses at the intersection of Mineral Springs Drive and Whittle Springs Road. These uses include the Helen Ross McNabb Center, a memory management center, a physical therapy center, and a small office complex.

STAFF RECOMMENDATION:

▶ **Deny Office District zoning because it does not meet the location criteria for office zones based on the sector plan's description of that criteria and because it is not compatible with the adjacent residential uses and could have potential negative impacts on the neighborhood.**

COMMENTS:

The applicant had this property rezoned from RP-1 (Planned Residential) to O-1 (Office, Medical, and Related Services District) in 2006. The history of the request is as follows:

1. January 12, 2006: The original request was to zone both properties (the one requested here and the one behind it) to O-1 zoning. It was postponed for 30 days.
2. February, 2006: Planning Commission approved the request, but it was referred back to the Planning Commission by City Council.
3. July 13, 2006: The request came back with O-1 zoning on the front portion of the parcel and RP-1 at the rear. The Planning Commission approved the request.
4. August, 2006: City Council approved it at their meetings on 8/15/2006 and 8/29/2006

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 new zoning ordinance has this property reverting back to a residential zone, designating it as RN-1. The applicant would like to retain the Office zoning at this property.
2. Zoning approvals do not guarantee that new zoning designations will extend into perpetuity.
3. Staff examined this area during the Recode process and found that RN-1 zoning would be more appropriate than the Office zone. Staff stands by that decision and believes the Office zoning to be inappropriate in this location.

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

1. The new zoning ordinance describes the O (Office) District zoning as intended to provide for an environment of low intensity office and service uses, mixed with residential uses. The O District may additionally serve as a transition between single-family residential areas and more intensely developed commercial or industrial areas within the City of Knoxville.
2. However, the Office zone in this particular location does not meet the criteria for Office land use. The sector plan lists the following location criteria for Office land use, the main designation allowing Office zones:
 - a. Low intensity business and professional offices may be transitional uses from commercial or industrial uses to neighborhoods
 - b. Generally level sites (slopes less than 15%)
 - c. Access to major collector or arterial streets, particularly within one-quarter of a mile of such thoroughfares
 - d. Highest intensity office uses should be located in close proximity to arterial/freeway interchanges or served by transit (not applicable in this case)
3. Addressing the points above:
 - a. The immediate adjacent parcels to the east and west are used for single-family residential. Therefore, the Office zone is not being used as a transitional zone between commercial or industrial uses in this instance.
 - b. A significant portion of this parcel contains a slope with a grade greater than 40%. The majority of the parcel is in an HP area. Low density residential zoning would be more appropriate given the slope issues and context of the surrounding neighborhood.
 - c. Whittle Springs Road is a minor arterial, but this parcel is separated from Whittle Springs by 7 parcels with residential uses.
4. The medical and office uses on Mineral Springs Avenue are set closer to the intersection of Whittle Springs Road and Mineral Springs Avenue. The rezone of this parcel made it the only office use on the north side of Mineral Springs Avenue and brought the Office zone deeper into the residential development of this street.

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 July 2006 staff report acknowledges that O-1 zoning can be intrusive to residential uses. Under the Staff Recommendation sentence, it states, "The reduced request is less intrusive to the residential neighborhood [than the previous request for O-1 zoning on both parcels]. The One Year Plan and sector plan propose medium density residential uses for this site."
2. The January 2006 staff report states, under the Effects of the Proposal section, "Approval of the proposed O designation and O-1 zoning will put more traffic on a substandard street and put pressure for other residential property owners along the north side of Mineral Springs Avenue to seek office designation. This will change the character of the established residential development and zoning pattern." To date, the applicant

has not developed the property, so this has not occurred. It is still a possible consequence upon development of the property, however.

3. Both the January and July staff reports state that the rezone request would be an extension of the O-1 zone. This may be a bit of a stretch, as the parcel with the O-1 zone is across the street and terminates at the midpoint of this parcel proposed for rezoning. The office building on that parcel is located at a point further up the street with a parking lot on the residential side of the parcel closer to this property proposed for rezoning.

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 East City Sector Plan was updated in 2014. The parcels on the north side of Mineral Springs Avenue and an area south of the eastern portion of Mineral Springs had been designated MDR (Medium Density Residential) previously. This patch of land was amended to the Low Density Residential designation with that sector plan update, which included 2739 Mineral Springs Avenue.

2. The One Year Plan was consequently amended with the same updates to bring it into agreement with the sector plan.

3. The Low Density Residential zone does not allow Office zoning (nor did the Medium Density Residential designation prior), so these updates resulted in a noncompliance issue.

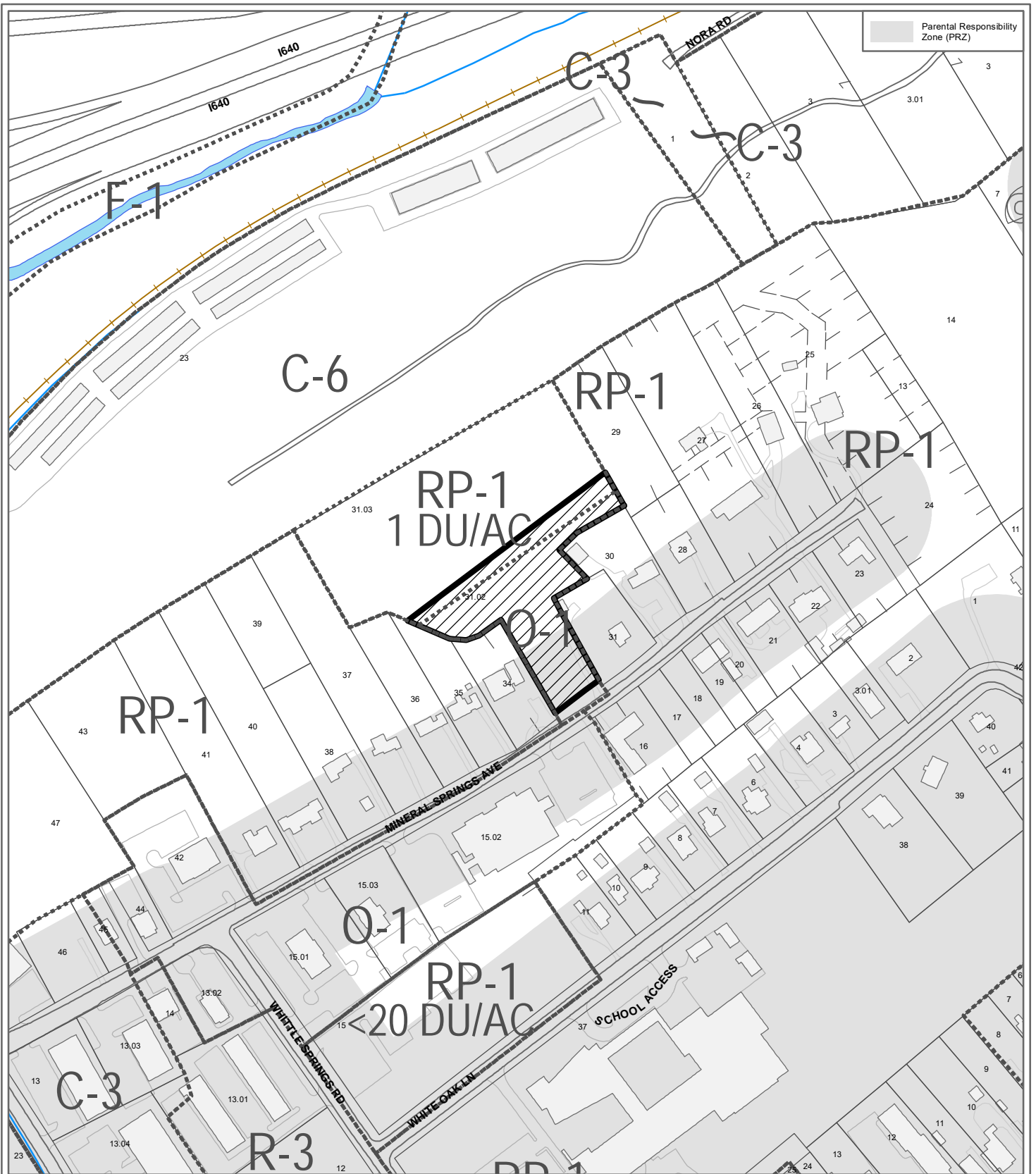
4. Since the applicant is requesting a comparable zone under the new zoning code, staff is not making the applicant seek sector plan or One Year Plan amendments, since she is not responsible for the nonconformance.

5. The property is located in FEMA Flood Zone X, but it is not located in a floodway or a floodplain.

ESTIMATED TRAFFIC IMPACT: Not required.

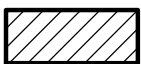
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/14/2020 and 1/28/2020. 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.



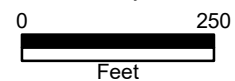
**12-C-19-RZ
REZONING**

Petitioner: Proffitt, Sheila



From: O-1 (Office, Medical, and Related Services) & RP-1(Planned Residential)
To: O (Office) in City's new zoning ordinance

Map No: 69
Jurisdiction: City



Original Print Date: 11/7/2019
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

12-C-19-RZ

EXHIBIT A. Contextual Images



Birds eye view showing surrounding area

12-C-19-RZ

EXHIBIT A. Contextual Images



Street view looking east towards property



Street view looking east towards property (from same vantage point as image above)

12-C-19-RZ

EXHIBIT A. Contextual Images



Street view from eastern edge of property looking east towards dead end of street



Street view from east of property looking west towards Broadway Avenue

12-C-19-RZ

EXHIBIT A. Contextual Images

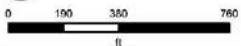


12-C-19-RZ: Location Map
2739 Mineral Springs Avenue

Knoxville - Knox County - KUB Geographic Information System



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12-C-19-RZ: City Ward Map (individual lot lines within parcels)
2739 Mineral Springs Avenue

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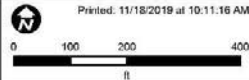
EXHIBIT A. Contextual Images



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12-C-19-RZ: Aerial Map
2739 Mineral Springs Avenue
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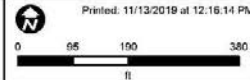
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12-C-19-RZ: Existing Land Use Map
2739 Mineral Springs Avenue
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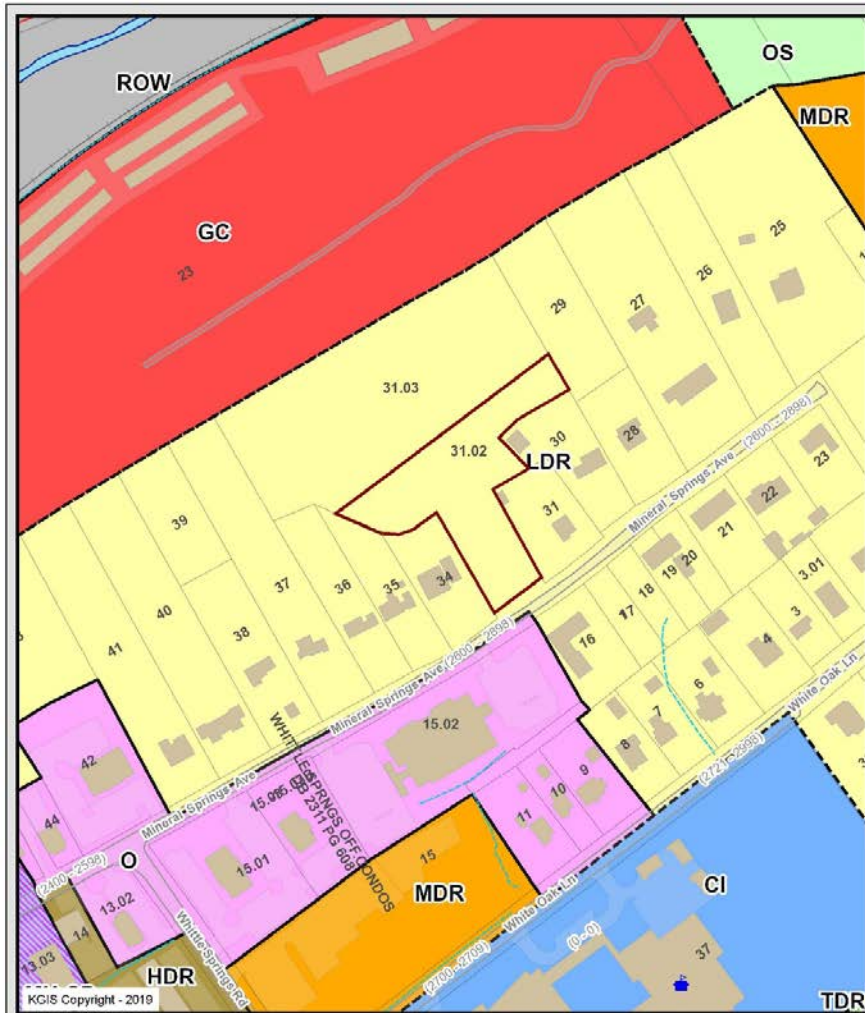


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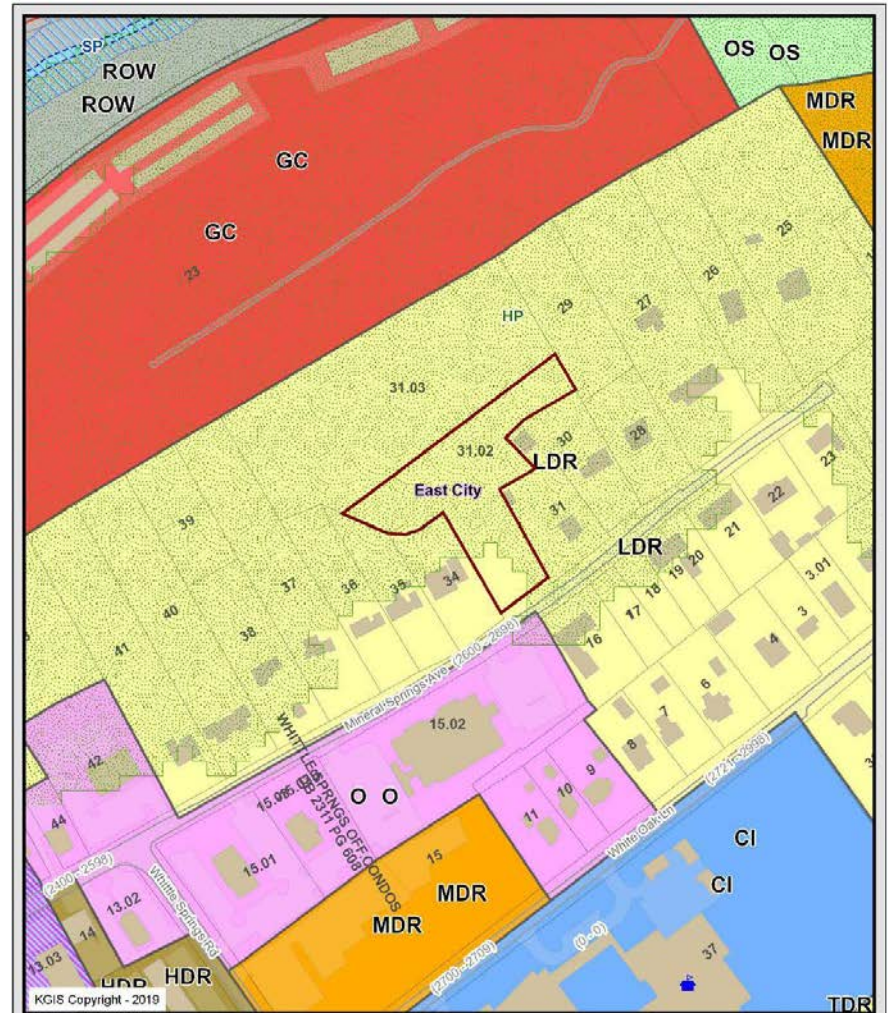
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EXHIBIT A. Contextual Images



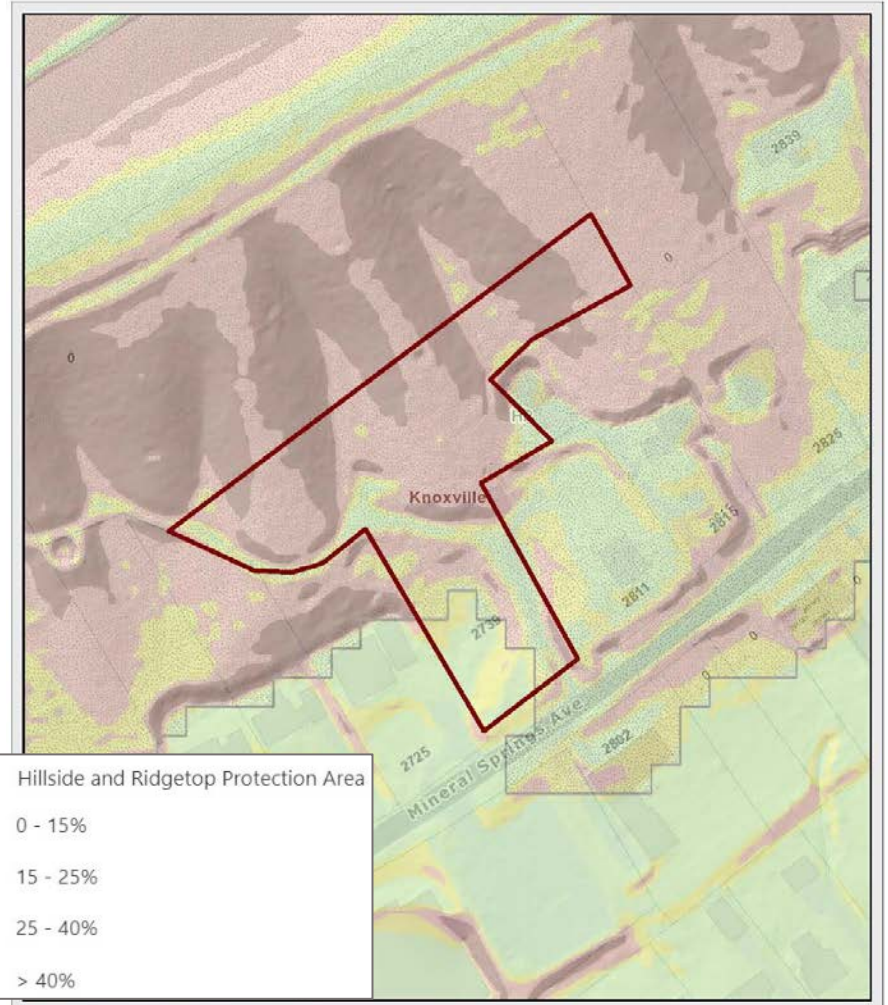
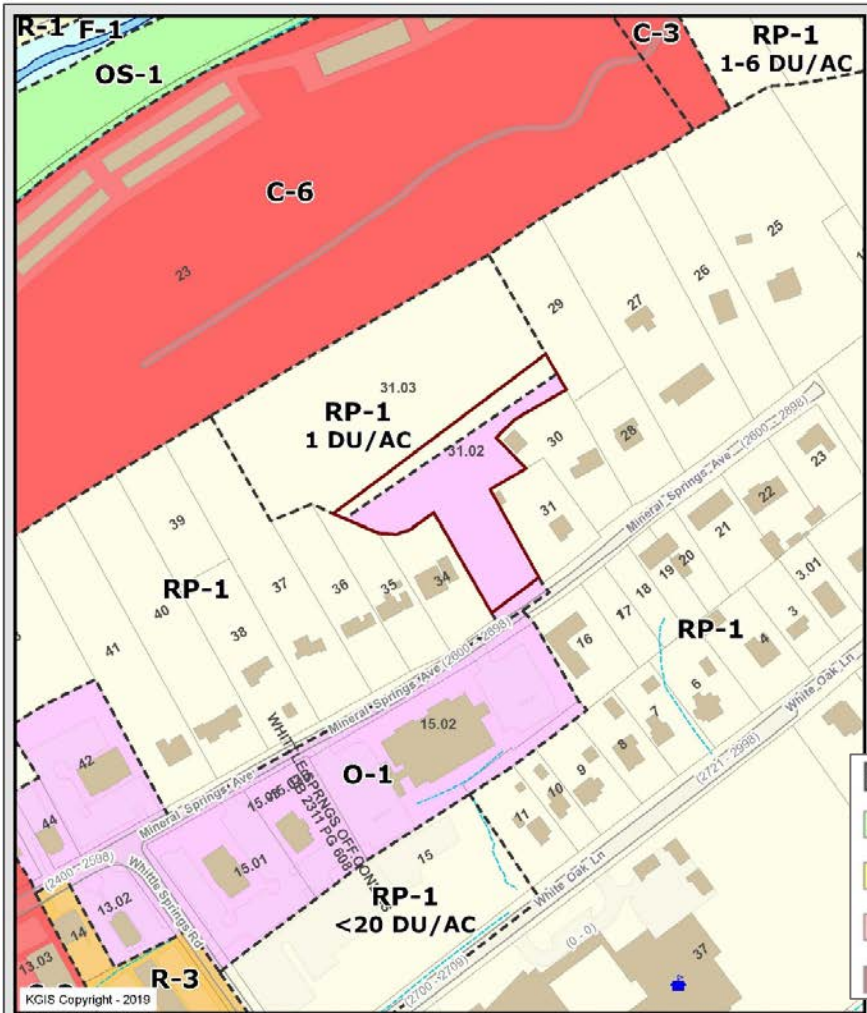
12-C-19-RZ: One Year Plan Map
2739 Mineral Springs Avenue
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0 65 100 380 ft
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12-C-19-RZ: Sector Plan Map
2739 Mineral Springs Avenue
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12-C-19-RZ

EXHIBIT A. Contextual Images



-  Hillside and Ridgetop Protection Area
-  0 - 15%
-  15 - 25%
-  25 - 40%
-  > 40%

12-C-19-RZ: Zoning Map
 2739 Mineral Springs Avenue
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0 95 100 380
ft

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12-C-19-RZ: Hillside and Ridgetop
 2739 Mineral Springs Avenue

0 50 100 200
Feet

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DEVELOPMENT REQUEST

DEVELOPMENT

- Development Plan
- Use on Review / Special Use

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- Rezoning



Shila Proffitt
Applicant

10/25/2019
Date Filed

12/12/2019
Meeting Date (if applicable)

12-C-19-RZ
File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Sheila Proffitt
Name

PO Box 12922
Address

865-579-1514
Phone

Knoxville TN 37912
City State Zip

sproffitt08@comcast.net
Email

CURRENT PROPERTY INFO

Sheila Proffitt
Owner Name (if different)

Same
Owner Address

Same
Owner Phone

2739 Mineral Springs Avenue
Property Address

069 EB 3102
Parcel ID

North Side of Mineral Springs Ave / East of North Broadway
General Location

City Council District 4
Jurisdiction (specify district above)

01 + RPA
Zoning District

East City
Planning Sector

LOR
Sector Plan Land Use Classification

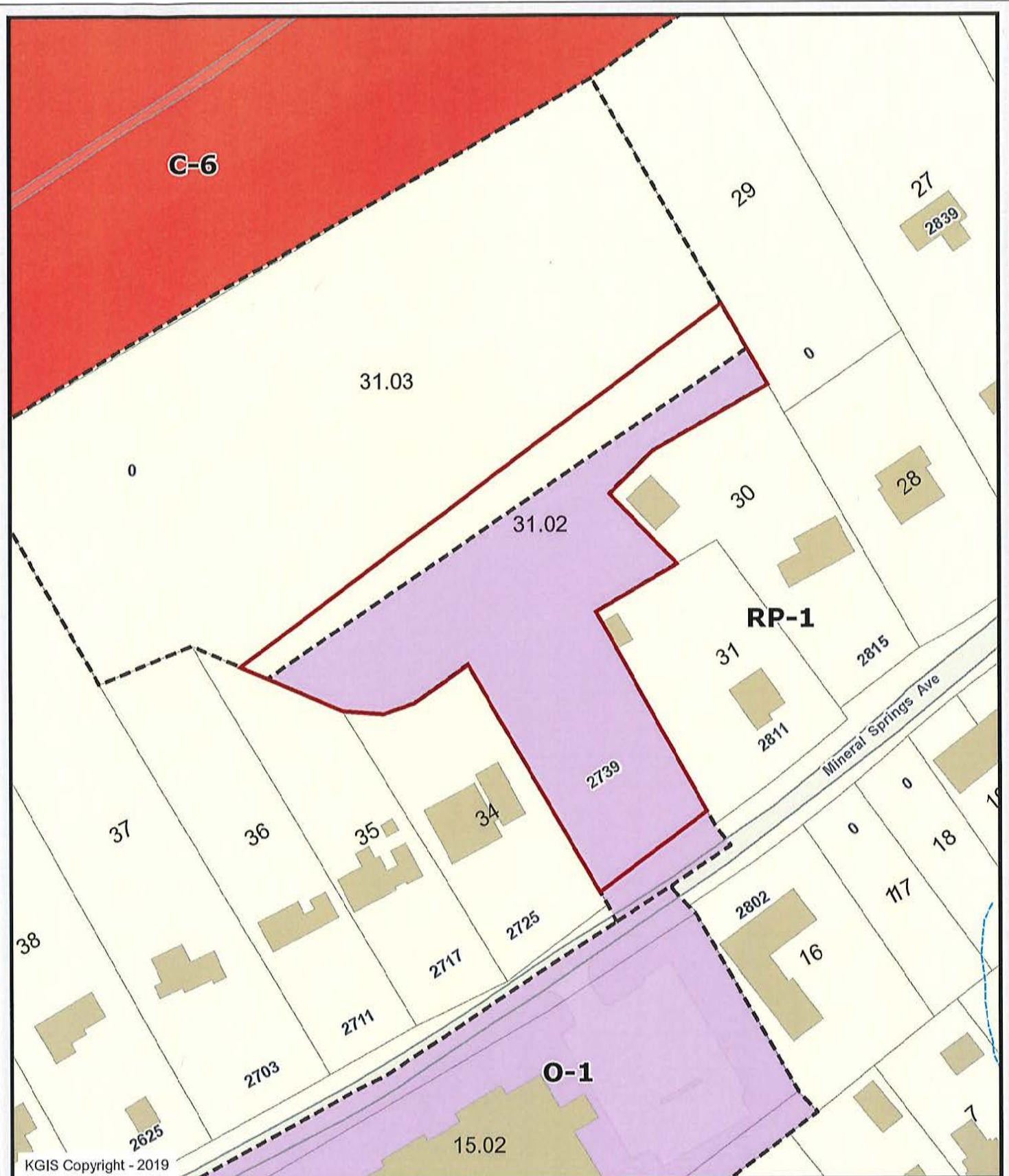
W/E City
Growth Policy Plan Designation

Vacant
Existing Land Use

No
Septic (Y/N)

KUB
Sewer Provider

KUB
Water Provider

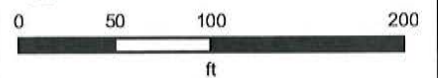


Letter Portrait

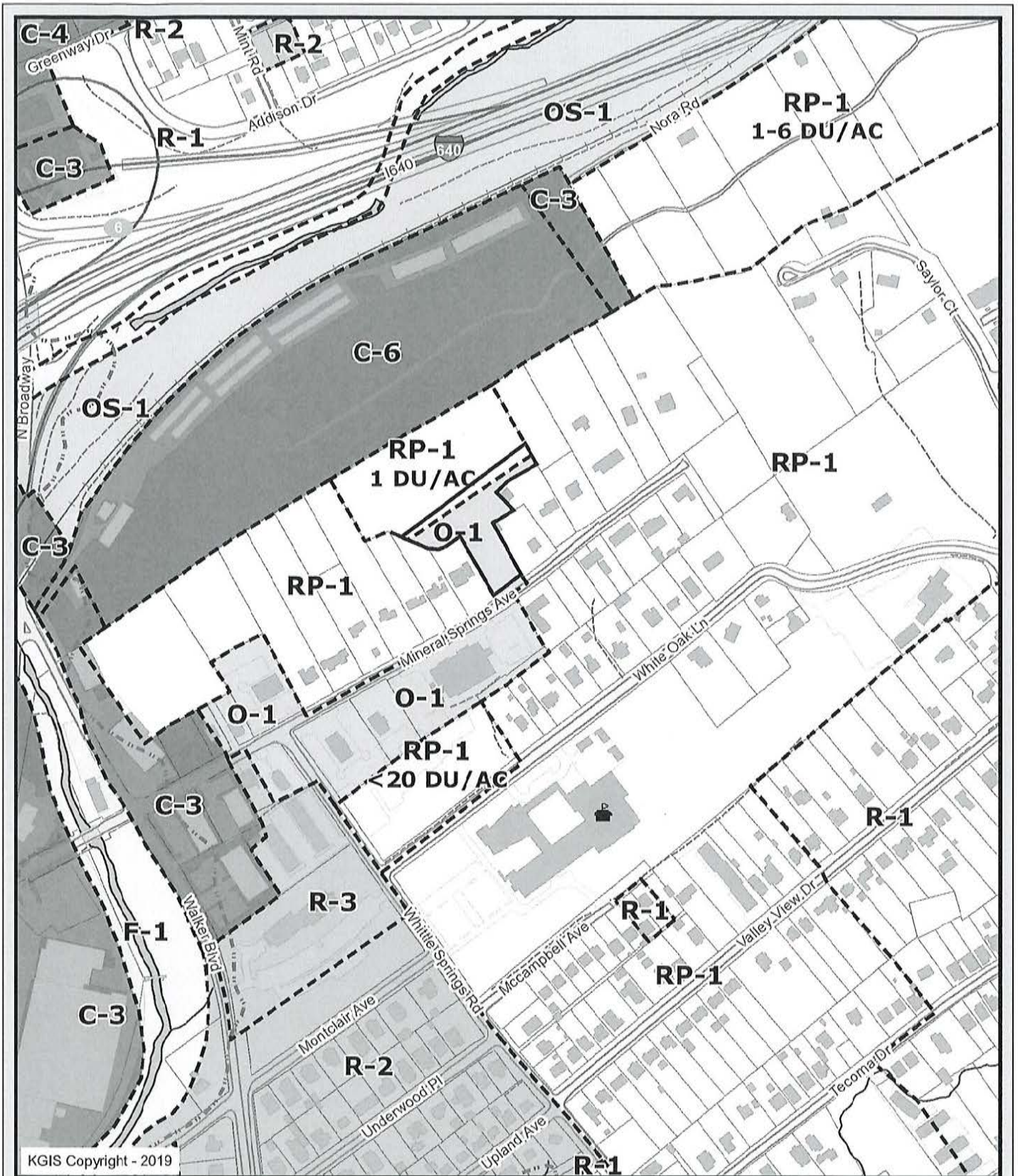
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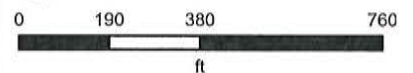
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12-C-19-RZ
Zoning Map

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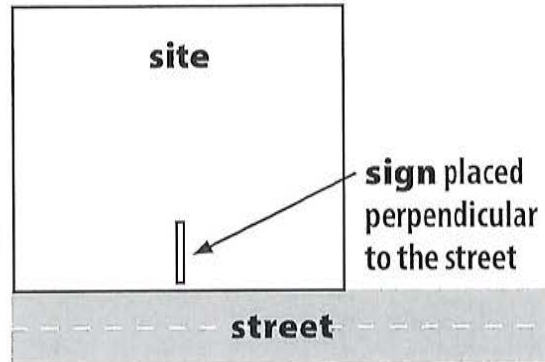
REQUIRED SIGN POSTING AGREEMENT

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 Administrative Rules and Procedures.

At the time of application, 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 Planning 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. Planning 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 Planning Commission 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 Planning Commission 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:

11/27/2019 and 12/13/2019
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Sheila Proffitt

Printed Name: Sheila Proffitt

Phone: 865-579-1514 Email: 59 Sproffitt08@comcast.net

Date: 10/25/2019

File Number: 12-C-19-RZ