



PLAN AMENDMENT REPORT

▶ **FILE #:** 7-C-19-SP (REVISED) **AGENDA ITEM #:** 14
 POSTPONEMENT(S): 7/11/2019, 8/8/2019 **AGENDA DATE:** 10/10/2019
 ▶ **APPLICANT:** **TM3 PROPERTIES, LLC**
 OWNER(S): Todd Miller / TM3 Properties, LLC

TAX ID NUMBER: 154 L A 012 & 10101 [View map on KGIS](#)
 JURISDICTION: Council District 2
 STREET ADDRESS: 0 Osprey Point Ln
 ▶ **LOCATION:** **South side of South Northshore Drive, north side of Osprey Point Lane**
 ▶ **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 righth-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) /**
 ▶ **PROPOSED PLAN DESIGNATION:** **NC (Neighborhood Commercial)**
 ▶ **EXISTING LAND USE:** **Vacant**
 ▶ **PROPOSED USE:** **Mix of retail, medical, and personal services**
 EXTENSION OF PLAN DESIGNATION: No.
 HISTORY OF REQUESTS: 7-J-12-RZ (A to O), 10-C-17-RZ (O to GC denied)
 SURROUNDING LAND USE AND PLAN DESIGNATION: 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 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 NC (Neighborhood Commercial) sector plan designation.**

No conditions have changed that warrant amendment of the sector plan map for this site. No conditions have changed since the October 2017 application for a sector plan amendment to GC. 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 AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There are no major changes in the general area since the October 2017 sector plan amendment application to warrant reconsideration of the land use plan.

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

1. 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 south side of S. Northshore Dr., west of I-140. No significant changes have occurred since the 2017 sector plan amendment application.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The sector plan designates this site for office uses, consistent with the current O-1 zoning. No errors or omissions in the plan have been identified since the last sector plan amendment application to GC in October of 2017. 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.

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

1. No new information or trends has emerged since the October 2017 review of an application for a sector plan amendment to GC that would reveal the need for a plan amendment at this particular location to allow commercial. 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 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 11/5/2019 and 11/19/2019. 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.



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 7-M-19-RZ **AGENDA ITEM #:** 14
7-C-19-PA (REVISED) **AGENDA DATE:** 10/10/2019

POSTPONEMENT(S): 7/11/2019, 8/8/2019

▶ **APPLICANT:** **TM3 PROPERTIES, LLC**
OWNER(S): Todd Miller / TM3 Properties, LLC

TAX ID NUMBER: 154 L A 012 AND 10101 [View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 0 Osprey Point Lane

▶ **LOCATION:** **South side of S. Northshore Drive, north side of Osprey Point Lane**

▶ **TRACT INFORMATION:** **1.76 acres.**

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via S. Northshore Drive, a major arterial street with 4 lanes and a center median within 300' of right-of-way, or Osprey Point Lane, 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:** **NC (Neighborhood Commercial) / C-1 (Neighborhood Commercial)**

▶ **EXISTING LAND USE:** **Vacant**

▶ **PROPOSED USE:** **Mix of retail, medical, and personal services**

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: 7-J-12-RZ (A-1 to O-1), 10-D-17-RZ (O-1 to C-6 denied)

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

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

NEIGHBORHOOD CONTEXT: This site is located south of Northshore Town Center in the southwest

quadrant of the I-140 / S. Northshore Drive interchange. The area is developed with a mix of residential, office and commercial uses under various city and county zone districts.

STAFF RECOMMENDATION:

▶ **Deny NC (Neighborhood Commercial) One Year Plan designation for the site.**

No conditions have changed that warrant amendment of the One Year Plan map for this site. An application for commercial rezoning was made in 2017 for O (Office) to GC (General Commercial), which was also recommended for denial. 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-1 (Neighborhood Commercial), consistent with the denial recommendations for the associated plan amendments.**

The subject property is not appropriate to be rezoned to C-1, and no changes have occurred since the October 2017 application for rezoning to warrant reconsideration of the staff recommendation for denial of commercial uses. 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 Drive east of I-140 (See Exhibit A).

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 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 updated in 2016, and a prior one year plan amendment application for GC was made in October 2017, which was denied.

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 - Improvements to S. Northshore Drive 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 south side of S. Northshore Drive, west of I-140. No changes to the area have occurred since the denial of the October 2017 One Year Plan Amendment.

C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - There have been no changes in public policy that warrant 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. A denial of a One Year Plan amendment application to GC, reaffirms that no new changes in public policy have occurred.

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. A 2017 application for a one year plan amendment, sector plan amendment and rezoning for commercial uses was reviewed and also recommended for denial.

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-1 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 NC, staff does not support rezoning to C-1, 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-1 zoning is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of retail, service and convenience goods only and to the first floor of a structure. This district is designed for areas where large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood.

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. The applicant has reasonable use of the property under the current O-1 zoning.
2. C-1 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.

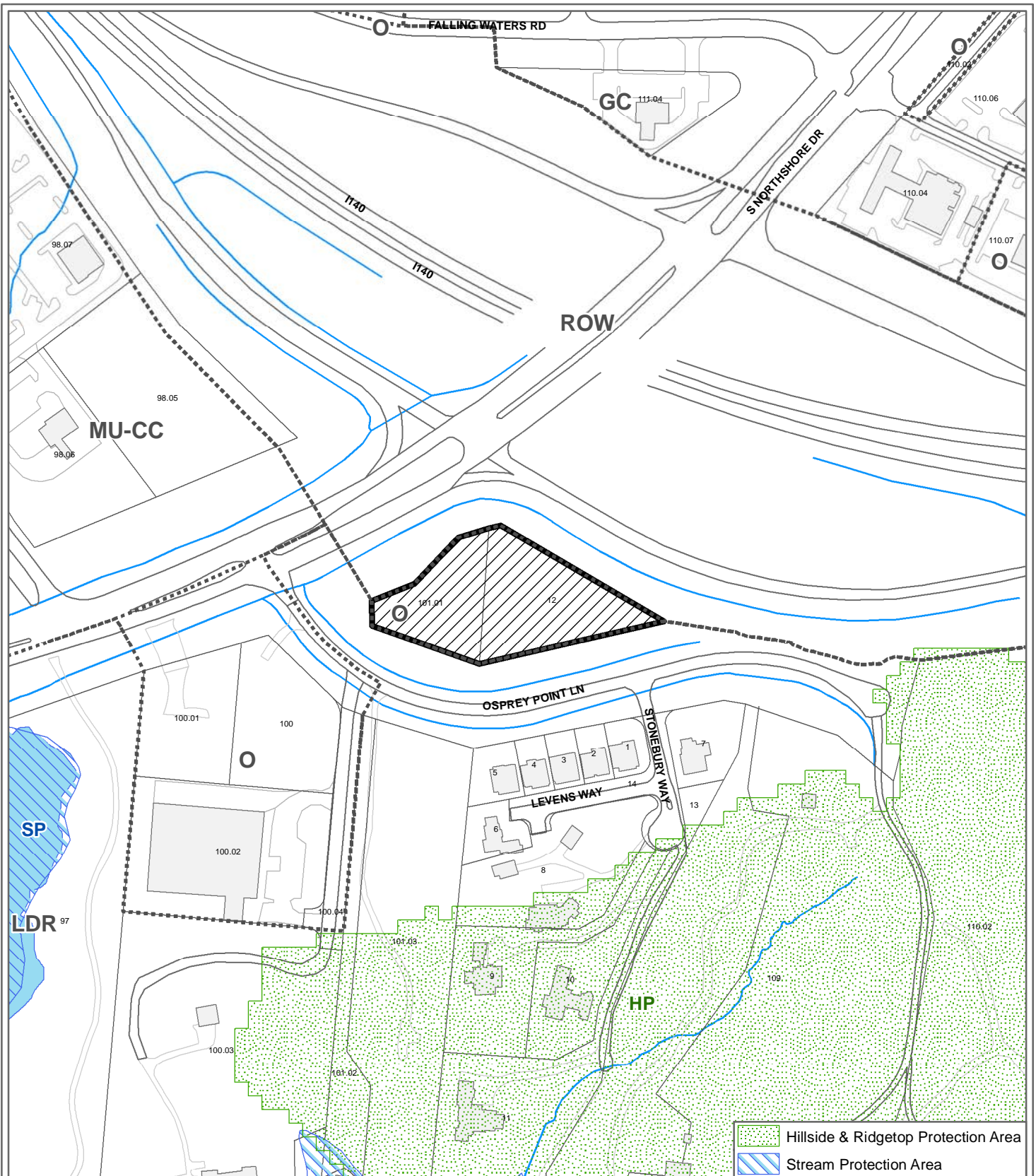
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. Unless amended, the rezoning is not consistent with the One Year Plan or the Southwest Sector Plan.
2. 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 11/5/2019 and 11/19/2019. 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.



**7-C-19-SP
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: O (Office)
To: GC (General Commercial)

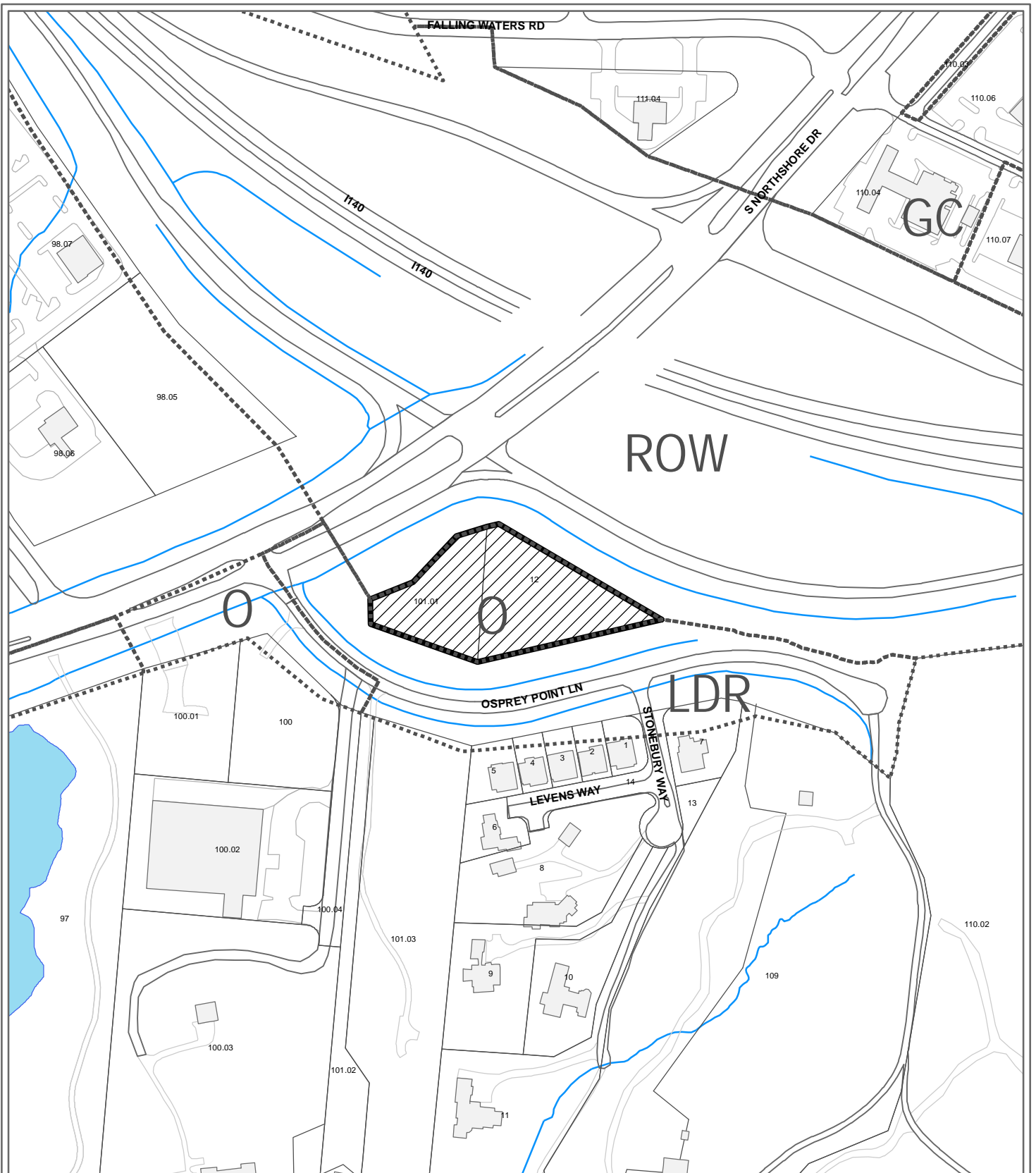


Petitioner: TM3 Properties, LLC

Map No: 154
Jurisdiction: City



Original Print Date: 6/18/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**7-C-19-PA / 7-M-19-RZ
PLAN AMENDMENT**

Petitioner: TM3 Properties, LLC

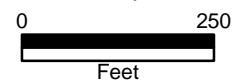


From: O (Office)

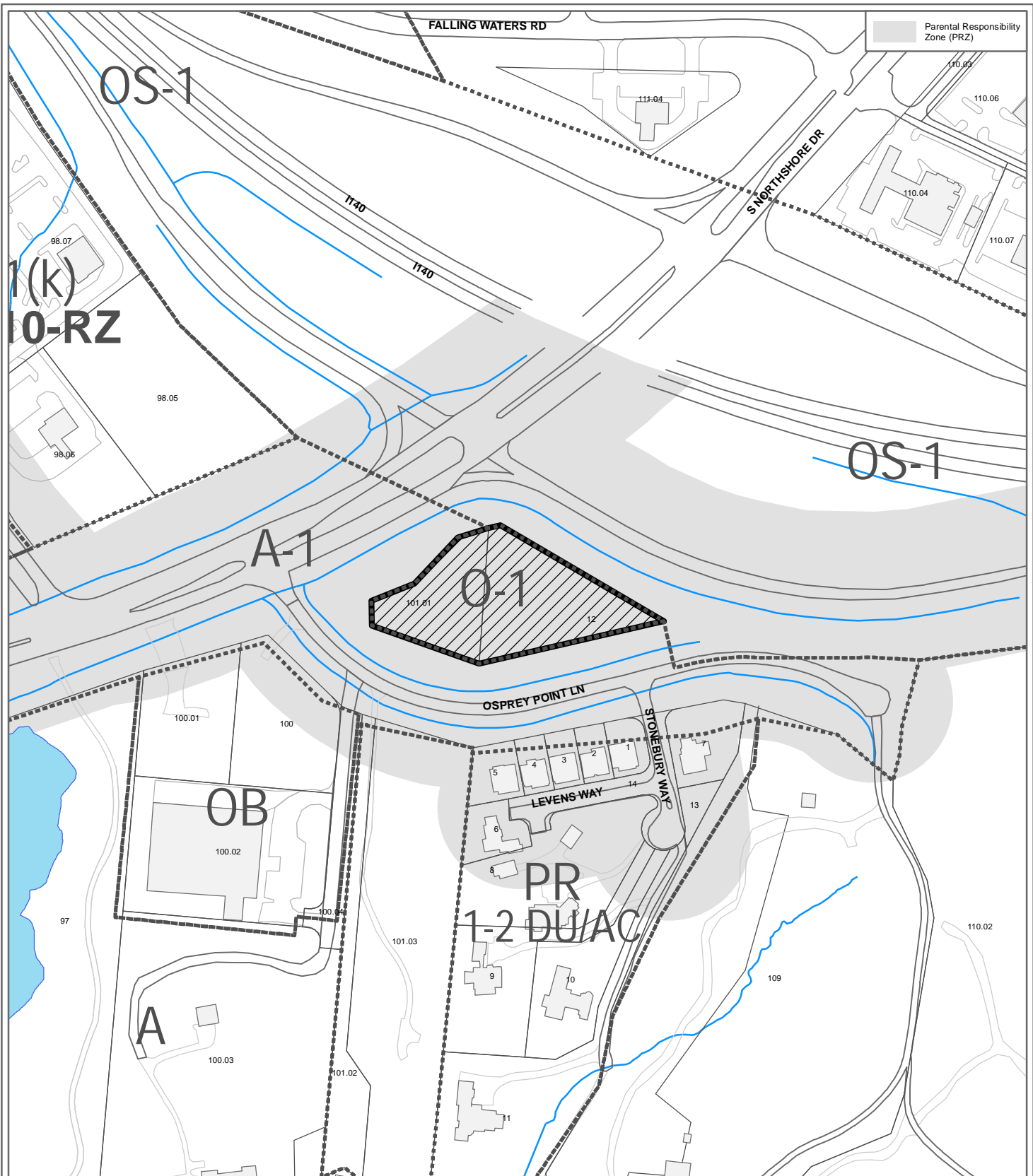
To: GC (General Commercial)

Map No: 154

Jurisdiction: City

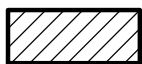


Original Print Date: 6/18/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**7-M-19-RZ
REZONING**

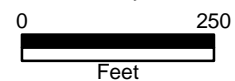
From: O-1 (Office, Medical, and Related Services)
To: C-6 (General Commercial Park)



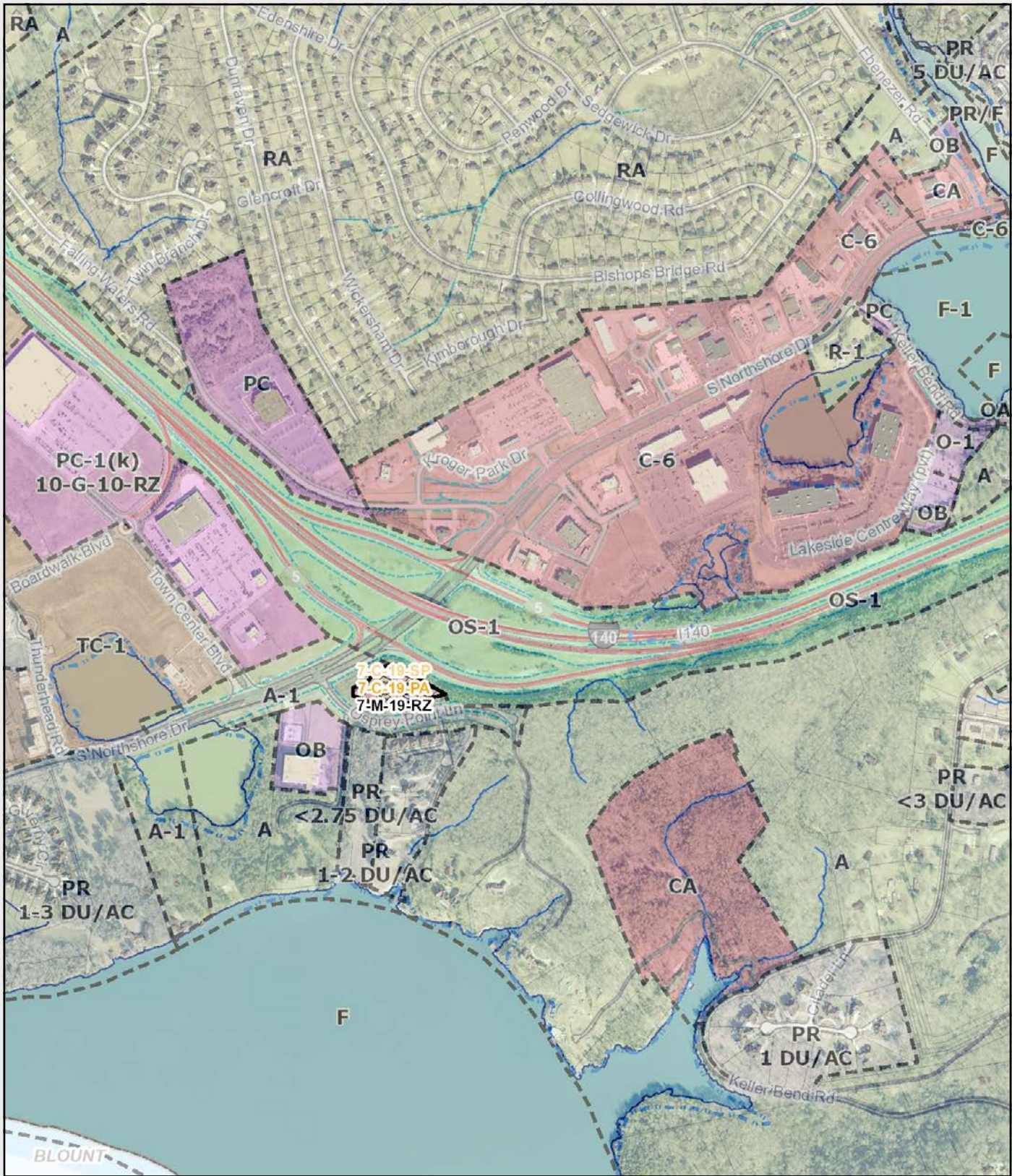
Petitioner: TM3 Properties, LLC

Map No: 154

Jurisdiction: City

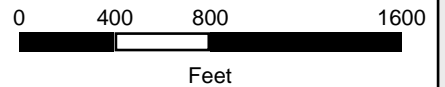


Original Print Date: 6/18/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**Exhibit A. 7-C-19-PA, 7-M-19-RZ &
7-C-19-SP**

2018 aerial photo with current zoning map



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* Revision to request. Case postponed to the Oct 10, 2019 mtg.
No Fee Charged per A. Brooks

REVISED
AUG 29 2019



DEVELOPMENT REQUEST

DEVELOPMENT

- Development Plan
- Use on Review / Special Use

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- Rezoning

TM3 Properties, LLC

Applicant

(Revision Date) 8/29/19

Date Filed

Meeting Date (if applicable)

7-M-19-RZ
7-C-19-PA
7-C-19-SP

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

X TODD MILLER

Name

TM3 PROPERTIES, LLC

Company

X P.O. Box 10667

Address

KNOXVILLE

City

TN

State

37939

Zip

X 865-292-5692

Phone

todd@mwdev.com

Email

CURRENT PROPERTY INFO

X THOMAS TATE

Owner Name (if different)

139 WALLERAVE, MARYVILLE, TN 37803

Owner Address

Owner Phone

X O OSPREY POINT LN

Property Address

154101 & 154LA012

Parcel ID

General Location

Tract Size

Jurisdiction (specify district above) City County

Zoning District

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Existing Land Use

Septic (Y/N)

Sewer Provider



Water Provider

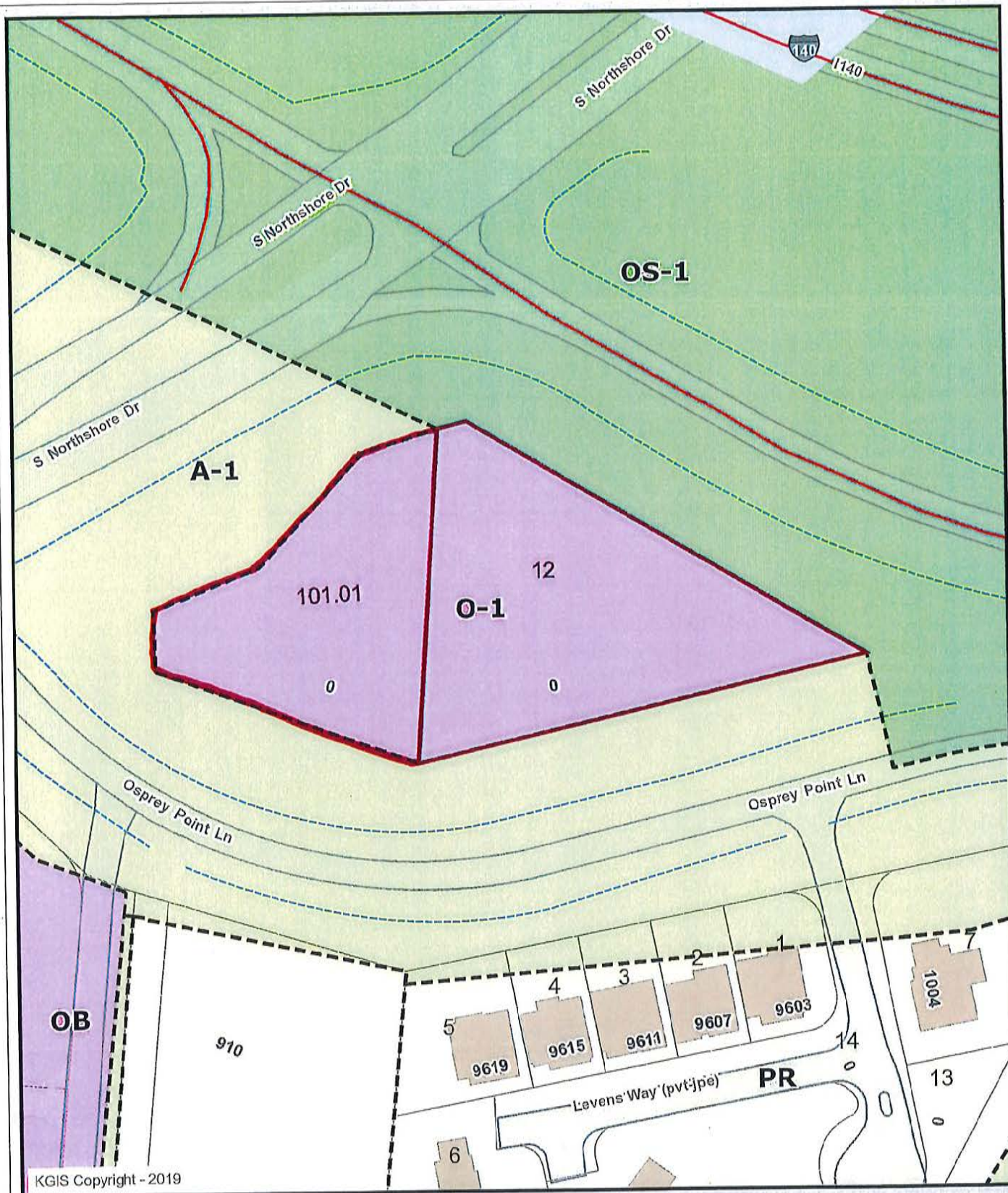
REQUEST

DEVELOPMENT	<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use
	<input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential
	<input type="checkbox"/> Home Occupation (specify): _____
SUBDIVISION	<input type="checkbox"/> Other (specify): _____
	<input type="checkbox"/> Proposed Subdivision Name _____ Unit / Phase Number _____
	<input type="checkbox"/> Parcel Change
	<input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Total Number of Lots Created: _____
	<input type="checkbox"/> Other (specify): _____
ZONING	<input type="checkbox"/> Attachments / Additional Requirements
	<input type="checkbox"/> Zoning Change (Revised request) C-6 revised to C-1 Proposed Zoning _____
	<input type="checkbox"/> Plan Amendment Change: DYP GC revised to NC ; SP GC revised to NC Proposed Plan Designation(s) _____
	<input type="checkbox"/> Proposed Property Use (specify) _____ Proposed Density (units/acre) _____ Previous Rezoning Requests _____
	<input type="checkbox"/> Other (specify): _____

STAFF USE ONLY	PLAT TYPE <input type="checkbox"/> Administrative <input type="checkbox"/> Meeting	FEE 1: N/A	TOTAL: N/A
	ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	FEE 2: N/A	
	ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (Final Plat only) <input type="checkbox"/> Use on Review / Special Use (Concept Plan only) <input type="checkbox"/> Traffic Impact Study	FEE 3: N/A	

AUTHORIZATION

 Staff Signature	 Please Print	<u>8/29/19</u> Date
<u>Todd Miller</u> Applicant Signature	TODD MILLER Please Print	<u>8/29/19</u> Date



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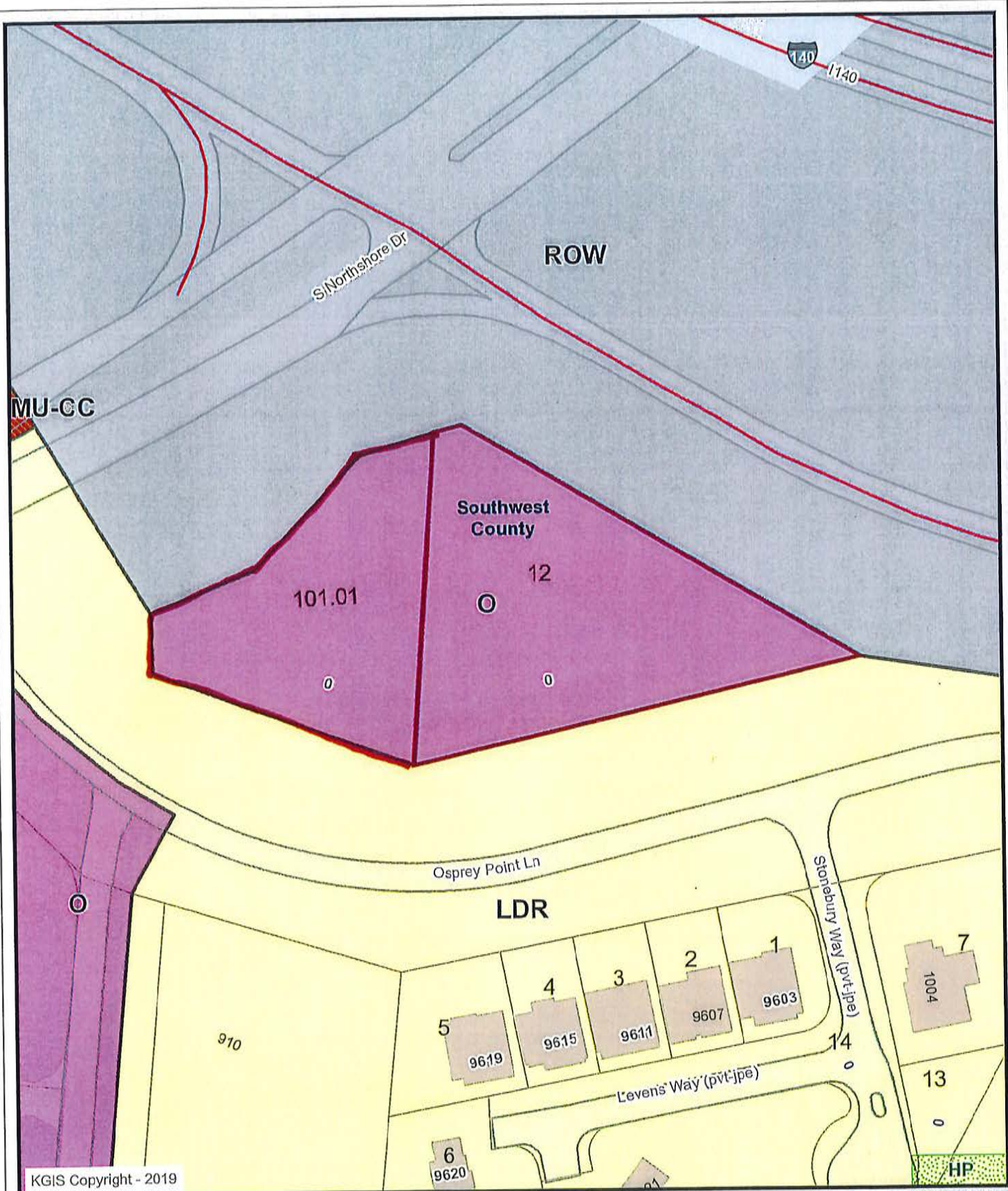
Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

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One Year & Sector Plan

Letter Portrait

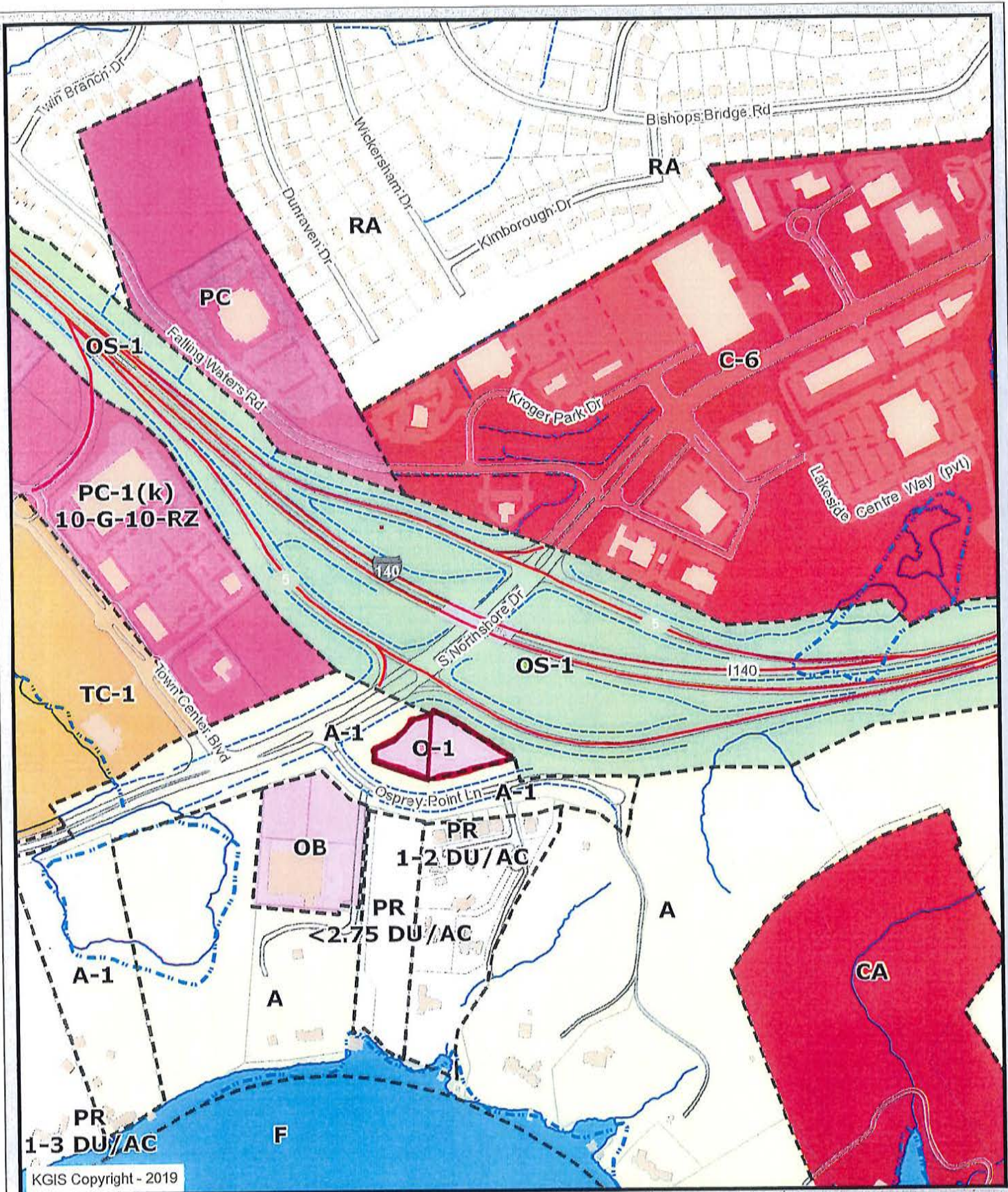
Knoxville - Knox County - KUB Geographic Information System



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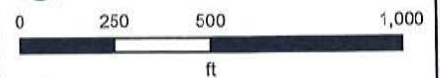


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

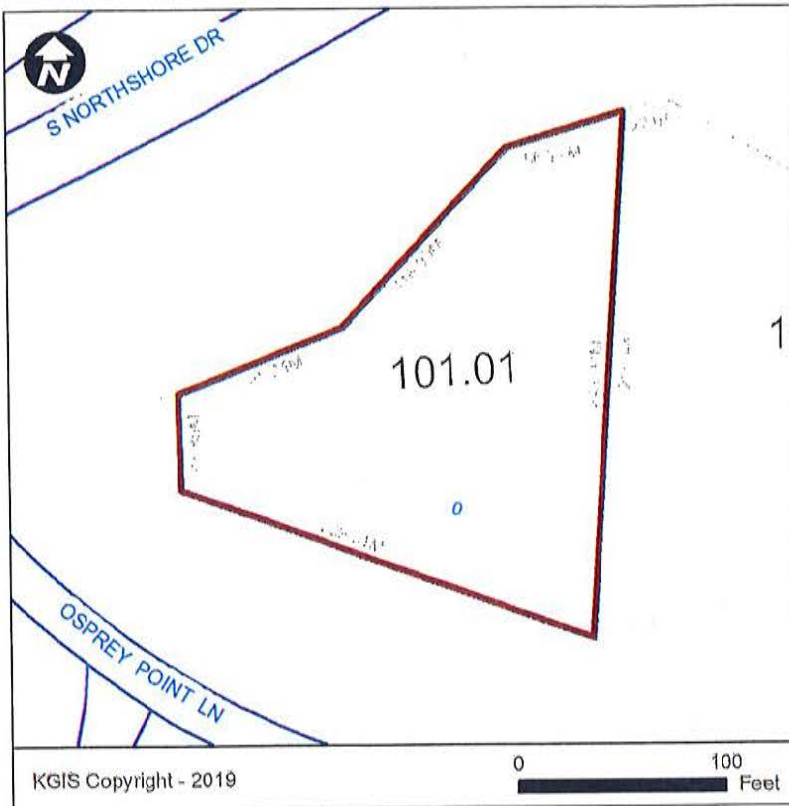


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Parcel 154 10101 - Property Map and Details Report



Property Information

Parcel ID:	154 10101
Location Address:	0 OSPREY POINT LN
CLT Map:	154
Insert:	
Group:	
Condo Letter:	
Parcel:	101.01
Parcel Type:	
District:	51
Ward:	
City Block:	51009
Subdivision:	R HUGH STERCHI ORD NO 0-140-00
Rec. Acreage:	0
Calc. Acreage:	0
Recorded Plat:	18 - 146
Recorded Deed:	20090130 - 0046830
Deed Type:	Legal Document:
Deed Date:	1/30/2009

Address Information

Site Address: 0 OSPREY POINT LN
KNOXVILLE - 37922
Address Type: UNUSED LAND
Site Name:

Owner Information

TATE THOMAS HENLEY & TYRRELL PATTI TATE &
SETZER SHIRLEY TATE
139 WALLER AVE
MARYVILLE, TN 37803

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY
City / Township: Knoxville

MPC Information

Census Tract: 57.10
Planning Sector: Southwest County
Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 69S
Voting Location: Northshore Elementary School
1889 THUNDERHEAD RD
TN State House: 14 Jason Zachary
TN State Senate: 6 Becky Duncan Massey
County Commission: 4 Hugh Nystrom
City Council: 2 Andrew Roberto
School Board: 4 Virginia Babb

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones

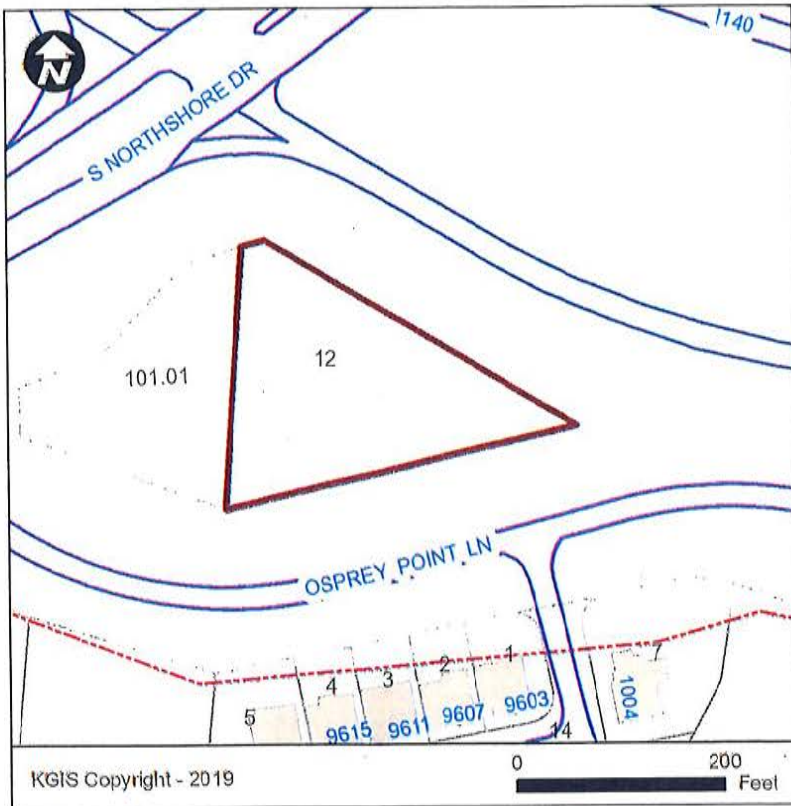
Elementary: NORTSHORE ELEMENTARY
Intermediate:
Middle: WEST VALLEY MIDDLE
High: BEARDEN HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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Parcel 154LA012 - Property Map and Details Report



Property Information

Parcel ID:	154LA012
Location Address:	0 OSPREY POINT LN
CLT Map:	154
Insert:	L
Group:	A
Condo Letter:	
Parcel:	12
Parcel Type:	
District:	51
Ward:	
City Block:	51009
Subdivision:	STONEBURY COURT S/D
Rec. Acreage:	1.02
Calc. Acreage:	0
Recorded Plat:	20041110 - 0039715
Recorded Deed:	20120627 - 0074060
Deed Type:	Deed:Full Coven
Deed Date:	6/27/2012

Address Information

Site Address: 0 OSPREY POINT LN
KNOXVILLE - 37922
Address Type: UNUSED LAND
Site Name:

Owner Information

TATE THOMAS H & SETZER SHIRLEY A & TYRRELL
PATRICIA T
139 WALLER AVE
MARYVILLE, TN 37803

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Voting Location: Northshore Elementary School
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County Commission: 4 Hugh Nystrom
City Council: 2 Andrew Roberto
School Board: 4 Virginia Babb

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School Zones

Elementary: NORTHSHORE ELEMENTARY
Intermediate:
Middle: WEST VALLEY MIDDLE
High: BEARDEN HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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