



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 9-B-19-RZ **AGENDA ITEM #:** 21
9-B-19-SP **AGENDA DATE:** 9/12/2019

▶ **APPLICANT:** AUTUMN CARE, LLC
OWNER(S): Peter Falk / Autumn Care, LLC

TAX ID NUMBER: 90 E B 017 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 3229 Shady Oak Ln.

▶ **LOCATION:** South side of Shady Oak Lane, east of Byington Beaver Ridge Road

▶ **TRACT INFORMATION:** 0.7 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Shady Oak Lane, a local street, with a pavement width of 15.1 feet and a right-of-way width of 50 feet.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / CA (General Business)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** O (Office) / OB (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** SFR (Single Family Residential)

▶ **PROPOSED USE:** Expansion of existing assisted living facility

EXTENSION OF PLAN DESIGNATION/ZONING: No.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Public, Quasi-Public, Church - CI

South: Single family residential - MDR

East: Single family residential - MDR

West: Multi-family residential / assisted living - MU-NC

NEIGHBORHOOD CONTEXT: The area is near the Karns Crossroads neighborhood commercial node. The site is adjacent to a church and within 350 feet of Oak Ridge Highway. The surrounding area consists primarily of single family residential transitioning to commercial closer to the highway corridor.

STAFF RECOMMENDATION:

► **Adopt resolution #9-B-19-SP amending the Northwest County Sector Plan to MDR/O (Medium Density Residential/Office) per attached resolution, Exhibit A. (Applicant requested O).**

The requested MDR/O (Medium Density Residential/Office) sector plan designation is recommended as an obvious omission in the plan. The sector plan update in 2016 should have provided a transitional land use designation to allow medium density residential and office uses, since an existing assisted living facility is part of the area, and it sits between the single family residential neighborhoods and the Karns Crossroads neighborhood commercial district along Oak Ridge Highway.

► **Approve the OB (Office, Medical and Related Services) zoning.**

Staff recommends approval of the change from CA to OB zoning to accommodate expansion of the assisted living facility. The OB zone district provides for a better transition zone between the more intense commercially zoned corridor along Oak Ridge Highway and the lesser intense land uses of single family residential neighborhoods 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 changes of conditions in the area 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:

1. There are no new roads or utilities that make development more feasible.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is an obvious error in the Northwest County Sector Plan at this location that should have acknowledged the recent changes from LDR to O in 2016 for adjacent parcel # 090EB015 and the previous change from LDR to O for the existing assisted living facility location on parcel # 090EB016 in 2007.
2. The adjacent office uses, if recognized in the 2016 sector plan update, would have provided for an MDR/O designation for this area to account for the existing office uses and recently changed OB zoning.
3. This request is an obvious extension of the unrecognized MDR/O land use plan classification to accommodate additional transitional land uses from the commercial corridor along Oak Ridge Highway back to the single family residential areas to the south of the highway.

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

1. There are no new trends in development, population or traffic warranting reconsideration of the original plan proposal.

State law regarding amendments of the general plan (which includes 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.

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 population of the Northwest County Sector remains one of the fastest growing in Knox County.
2. As the baby boomer population ages into their late 50s to 70s, the need for assisted living continues to rise, with this age group accounting for approximately 30 percent of the overall population.
3. The need for a variety of housing types also continues to grow as the population increases in this sector.

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

1. This zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods.
2. This location separates existing commercial zoning from the residential neighborhood 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. This rezoning will not adversely affect any other part of the county.

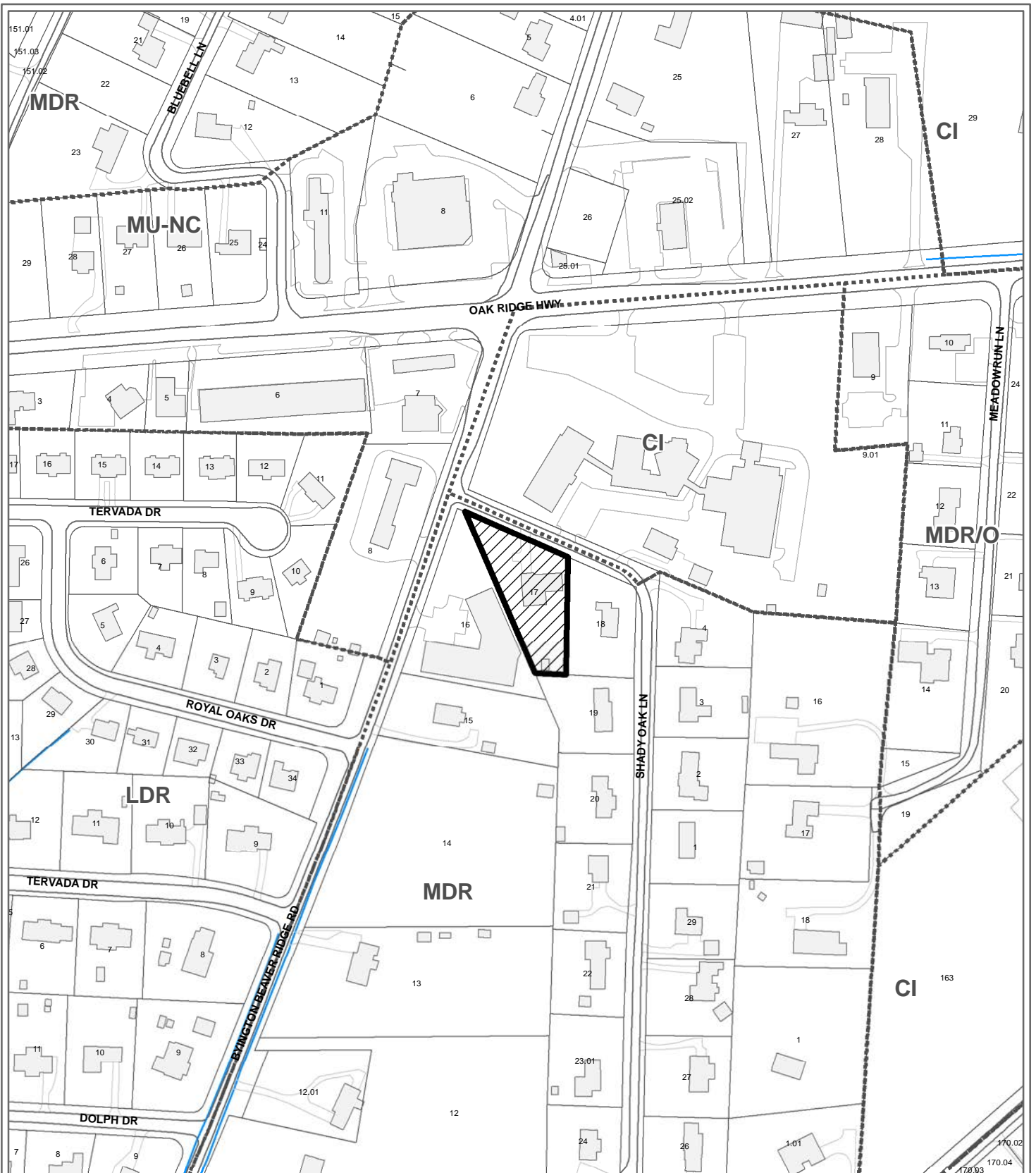
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. This OB rezoning is consistent with the accompanying staff recommended plan amendment to MDR/O.
2. The transitional buffer created by this OB zoning is supported by the existing commercial zoning along Oak Ridge Highway and the single family residential zoning to the south.
3. This area is within the Planned Growth Area of the Growth Policy Plan.
4. This rezoning is consistent with all other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 10/28/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



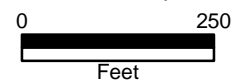
**9-B-19-SP / 9-B-19-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: MDR (Medium Density Residential)
To: O (Office)

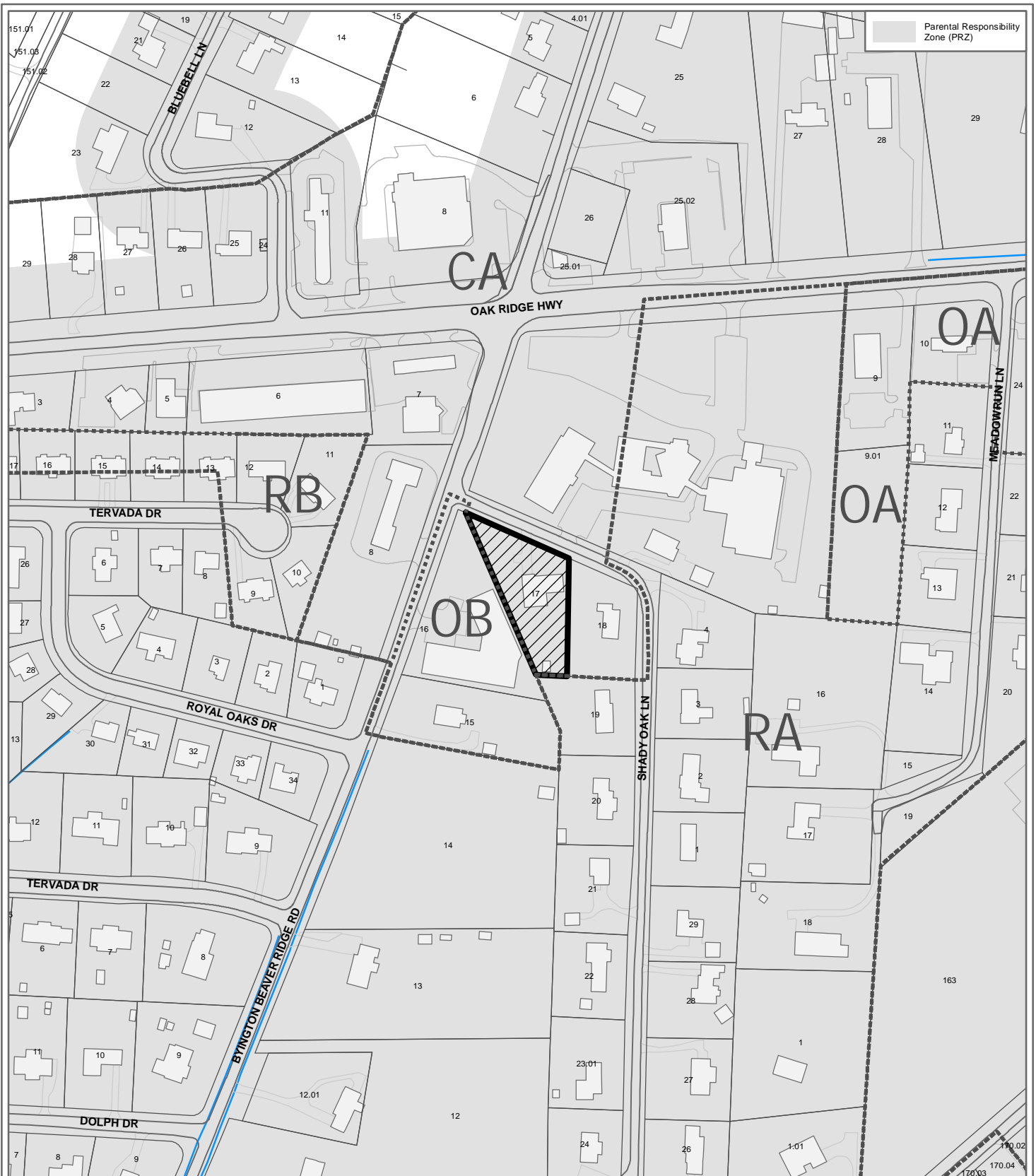


Petitioner: Autumn Care, LLC

Map No: 90
Jurisdiction: County



Original Print Date: 8/19/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**9-B-19-RZ
REZONING**

From: CA (General Business)

To: OB (Office, Medical, and Related Services)



Petitioner: Autumn Care, LLC

Map No: 90

Jurisdiction: County



Original Print Date: 8/19/2019

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY 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 Northwest County 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, Autumn Care, LLC, has submitted an application to amend the Sector Plan from Medium Density Residential to Office, for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Northwest County 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 September 12, 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 METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying staff report and map, file #9-B-19-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



DEVELOPMENT REQUEST

DEVELOPMENT

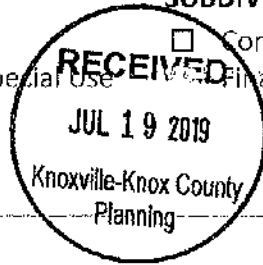
Development Plan
 Use on Review / Special Use

SUBDIVISION

Concept Plan
 Final Plat

ZONING

Plan Amendment
 Rezoning



Autumn Care LLC

Applicant

~~7/7/19~~ 7-19-19

9/12/19

Meeting Date (if applicable)

9-13-19-RZ / 9-13-19-SP

Date Filed

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

Peter Falk

Autumn Care LLC

Name

Company

9122 Linksvue Drive

Knoxville

TN

37922

Address

City

State

Zip

865-680-3009

autumncare@comcast.net

Phone

Email

CURRENT PROPERTY INFO

Autumn Care LLC

9122 Linksvue Drive, Knoxville, TN 379 865-680-3009

Owner Name (if different)

Owner Address

Owner Phone

3229 Shady Oak Lane, Knoxville, TN 37931

090EB017

Property Address

Parcel ID

Corner Byington Beaver Ridge Road & Shady Oak Lane

210' x 328' (.7 acres)

General Location

s/s Shady Oak Ln

Tract Size

Knox County MPC

East of Byington Beaver Ridge Rd

WB

CA

Jurisdiction (specify district above)

City County

Zoning District

Northwest County

MDR

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

1- Family SFR

N

West Knox Utility

WKUD

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

REQUEST

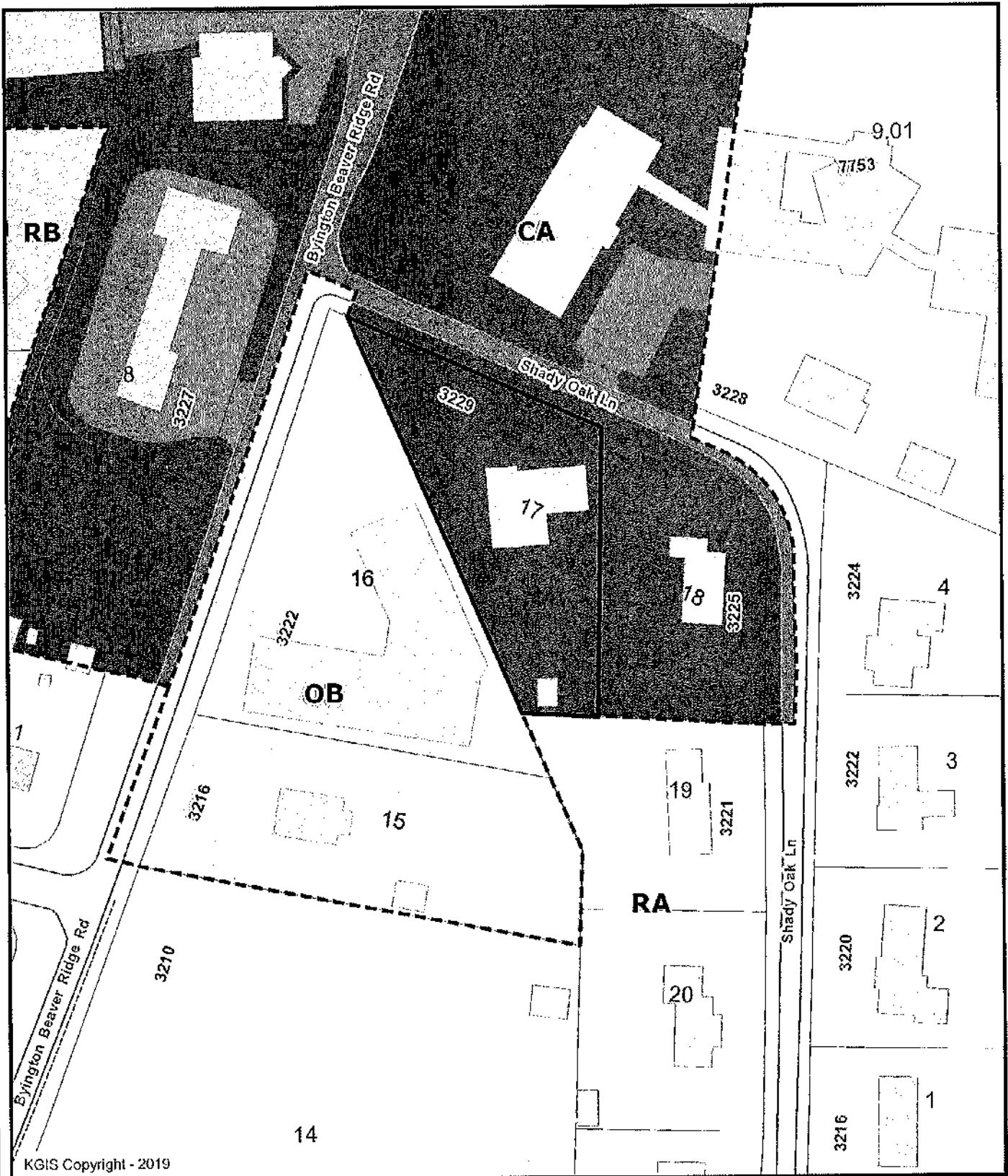
DEVELOPMENT	<input type="checkbox"/> Development Plan Use on Review / Special Use <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential <input type="checkbox"/> Home Occupation (specify): _____ <input type="checkbox"/> Other (specify): Assisted Living expansion for Autumn Care LLC
SUBDIVISION	Autumn Care LLC Phase 2 <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): _____ <input type="checkbox"/> Attachments / Additional Requirements
ZONING	<input checked="" type="checkbox"/> Zoning Change: Residential to OB for Assisted Living OB Proposed Zoning <input checked="" type="checkbox"/> Plan Amendment Change: MDR to O Proposed Plan Designation(s) Assisted Living expansion for Autumn Care LLC N/A <input checked="" 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: 1000⁰⁰	TOTAL: 1600⁰⁰
	ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	FEE 2: 600⁰⁰	
	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:	

AUTHORIZATION

Sherry Michienzi Sherry Michienzi 7/19/19
 Staff Signature Please Print Date

Peter Falk Digitally signed by Peter Falk
Date: 2019.07.19 10:28:35 -04'00' **Peter Falk** **7/19/19**
 Applicant Signature Please Print Date

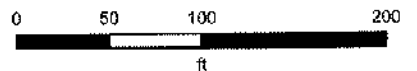


3229 Shady Oak Lane

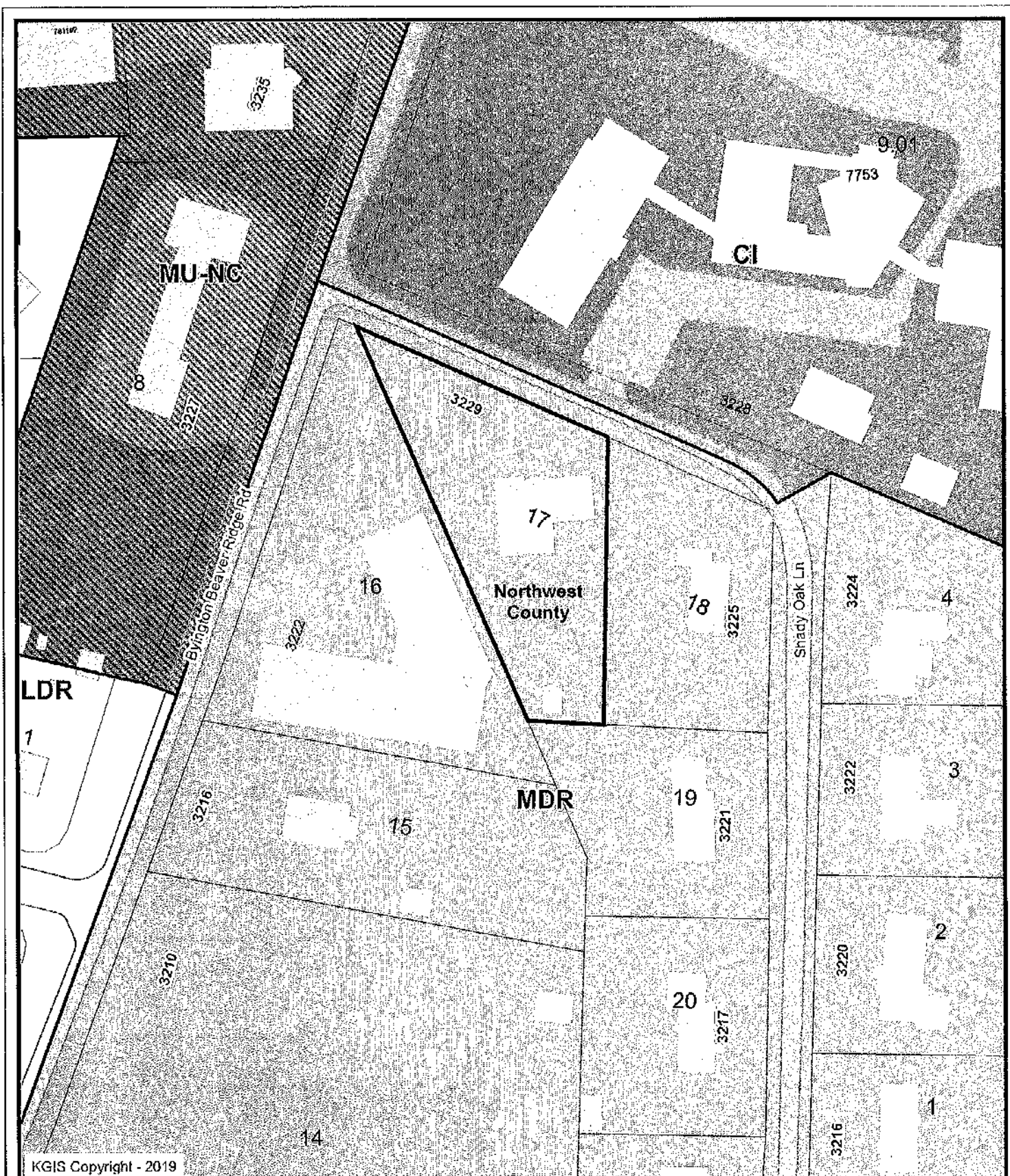
Knoxville - Knox County - KUB Geographic Information System



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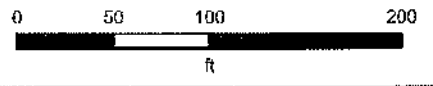


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3229 Shady Oak Lane



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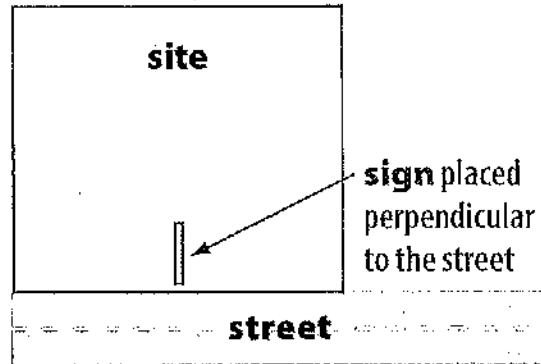
REQUIRED SIGN POSTING AGREEMENT

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 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:

Aug 28th (Wed) and Sept 13th (Fri)
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature:

Printed Name: Peter Falk

Phone: 680-3009 Email: autumncare@comcast.net

Date: 7/19/19

MPC File Number: 9-B-19-RZ | 9-B-19-SP