

PLAN AMENDMENT REPORT

► FILE #: 1-H-21-SP AGENDA ITEM #: 21

AGENDA DATE: 1/14/2021

► APPLICANT: D.F.S PROPERTIES, LP BY AND THROUGH COUNSEL

OWNER(S): DFS Properties

TAX ID NUMBER: 94 I L 038 <u>View map on KGIS</u>

JURISDICTION: Council District 3

STREET ADDRESS:

► LOCATION: West side of Liberty St., across from Sanderson Rd. and north of

Middlebrook Pk

► APPX. SIZE OF TRACT: 0.53 acres

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Liberty Street is a major collector with a pavement width of 35 feet inside a

right-of-way approximately 57 feet wide.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

PRESENT PLAN AND MDR/O (Medium Density Residential/Office) / RN-1 (Single-Family

ZONING DESIGNATION: Residential Neighborhood)

► PROPOSED PLAN

DESIGNATION:

BP-1(Business Park Type 1)

► EXISTING LAND USE: Single family residential

EXTENSION OF PLAN

DESIGNATION:

No

HISTORY OF REQUESTS: None noted for this property

SURROUNDING LAND USE

AND USE North: Multifamily - MDR/O (Medium Density Residential/Office)

AND PLAN DESIGNATION: South: Agricultural/forestry/vacant and office - BP-1 (Business Park Type 1)

East: Public-quasi public land - MDR/O (Medium Density

Residential/Office)

West: Single family residential - MDR/O (Medium Density

Residential/Office)

NEIGHBORHOOD CONTEXT Properties to the south along and near Middlebrook Pike consist of general

warehousing, commercial, and office uses. The block containing this property is a mix of uses with multifamily dwellings and a church until the

uses transition to single family uses north of Joyce Avenue.

Single family residential dwellings are across the street to the west.

AGENDA ITEM #: 21 FILE #: 1-H-21-SP 12/31/2020 03:49 PM MICHELLE PORTIER PAGE #: 21-1

STAFF RECOMMENDATION:

► Approve the BP-1 (Business Park Type 1) designation because it is consistent with surrounding development and complies with a new City policy when only a secondary use is located on a property.

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. This proposal prompted a new policy concerning access on one lot that would service another lot. Since the applicant is proposing no specific use on this property other than providing driveway access to the adjacent parcel to the southeast and fronting Middlebrook Pike (zoned I-MU), then the primary use would be that of the lot it is servicing. In this case, that is commercial, office, and warehousing, which are not permitted in the existing RN-1 zone.

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

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan regarding this parcel.

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

1. There have been no new trends in development, population, or traffic creating a need to amend the plan, though the requested amendment is consistent with the developed properties to the south along Middlebrook Pike.

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:

- 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.
- 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 2/9/2021 and 2/23/2021. 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.

AGENDA ITEM #: 21 FILE #: 1-H-21-SP 12/31/2020 03:49 PM MICHELLE PORTIER PAGE #: 21-2



PLAN AMENDMENT/ REZONING REPORT

► FILE #: 1-I-21-RZ AGENDA ITEM #: 21

1-F-21-PA AGENDA DATE: 1/14/2021

► APPLICANT: D.F.S PROPERTIES, LP BY AND THROUGH COUNSEL

OWNER(S): DFS Properties

TAX ID NUMBER: 94 I L 038 View map on KGIS

JURISDICTION: Council District 3
STREET ADDRESS: 1712 Liberty St.

► LOCATION: West side of Liberty St. across from Sanderson Rd and north of

Middlebrook Pk

► TRACT INFORMATION: 0.53 acres.

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Within City limits

ACCESSIBILITY: Liberty Street is a major collector with a pavement width of 35 feet inside a

right-of-way approximately 57 feet wide.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

► PRESENT PLAN MDR/O (Medium Density Residential/Office) / RN-1 (Single-Family

DESIGNATION/ZONING: Residential Neighborhood)

► PROPOSED PLAN BP-1 (Business Park Type 1) / I-MU (Industrial Mixed-Use)

DESIGNATION/ZONING:

► EXISTING LAND USE: Single family residential

۲

EXTENSION OF PLAN Yes, BP-1 is adjacent to the southeast; I-MU zoning is adjacent to the

DESIGNATION/ZONING: southeast

HISTORY OF ZONING

No previous plan amendment requests; property was rezoned from R-2

REQUESTS:

(General Residential) to R-1A (Low Density Residential) as part of a larger

rezoning (Case # 8-L-85-RZ) in 1985.

SURROUNDING LAND USE,

PLAN DESIGNATION,

North: Multifamily - MDR/O (Medium Density Residential/Office) - RN-5

(General Residential Neighborhood)

ZONING South: Agricultural/forestry/vacant and office - BP-1 (Business Park Type

1) - O (Office) and I-MU (Industrial-Mixed Use)

East: Public-quasi public land - MDR/O (Medium Density

Residential/Office) - RN-1 (Single Family Residential)

West: Single family residential - MDR/O (Medium Density

Residential/Office) - RN-4 (General Residential Neighborhood)

AGENDA ITEM #: 21 FILE #: 1-F-21-PA 12/31/2020 03:47 PM MICHELLE PORTIER PAGE #: 21-1

NEIGHBORHOOD CONTEXT:

Properties to the south along and near Middlebrook Pike consist of general warehousing, commercial, and office uses. The block containing this property is a mix of uses with multifamily dwellings and a church until the uses transition to single family uses north of Joyce Avenue. Single family residential dwellings are across the street to the west.

STAFF RECOMMENDATION:

- ► Approve the BP-1 (Business Park Type 1) designation because it is consistent with surrounding development and complies with a new City policy when only a secondary use is located on a property.
- ► Approve I-MU (Industrial-Mixed Use) zoning because it is consistent with surrounding development and would not result in adverse impacts.

COMMENTS:

The applicant is seeking to install a driveway on this property as a second access point to the property zoned I-MU and housing a commercial/office/warehouse development that is adjacent to the southeast. Since the lot would have no use other than the driveway, and the driveway serves the I-MU property, the use associated with this property would be the same as that of the I-MU property and would not be allowed in a residential zone

The two properties are to be replatted and combined, which would result in dual zoning as the zoning currently exists. Having one zoning designation on a property is preferable to dual zoning on a lot since it is clearer and provides for more concise and streamlined review of plans.

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:

1. There are no apparent errors in the plan that would warrant a plan amendment.

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:

1. There have been no changes to the development pattern or completion of public improvements that would warrant a plan amendment.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. This proposal prompted a new policy concerning access on one lot that would service another lot. Since the applicant is proposing no specific use on this property other than providing driveway access to the adjacent parcel to the southeast and fronting Middlebrook Pike (zoned I-MU), then the primary use would be that of the lot it is servicing. In this case, that is commercial, office, and warehousing, which are not permitted in the existing RN-1 zone.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. No new information has become available to reveal the need for a 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 GENERALLY:

1. There are no changes to the area that would warrant a rezoning; however, the proposed zone is in character with the area and would be an extension of an existing adjacent zone.

AGENDA ITEM #: 21 FILE #: 1-F-21-PA 12/31/2020 03:47 PM MICHELLE PORTIER PAGE #: 21-2

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

- 1. The I-MU Industrial Mixed-Use Zoning District is intended to provide for a mix of light industrial uses and a variety of compatible commercial uses such as entertainment, amusement and retail establishments. This mix is designed to promote the reuse of older, character giving structures that may no longer be suitable for their original industrial purposes, but that can accommodate a variety of alternative types of uses. Residential uses are also permitted in the I-MU District, both above the ground floor in mixed-use development, and in multifamily dwellings.
- 2. Rezonings should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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

- 1. The size of the property precludes most of the uses allowed in the I-MU zone and is self-limiting.
- 2. Article 12 of the City's zoning ordinance (Landscaping) requires a Class B buffer yard between non-residential and residential zones. This is a 20-ft deep buffer zone along the property line planted with a mix of shrubs, evergreen trees, and shade trees planted at consistent increments as prescribed in the ordinance.
- 3. The multifamily use adjacent to the north would provide a transition between the I-MU zone if it were approved and the RN-1 zone to the north.
- 4. The Subject Parcel is located in close proximity to the Middlebrook Pike industrial corridor and is the only freestanding single-family residence on the east side of this block.

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:

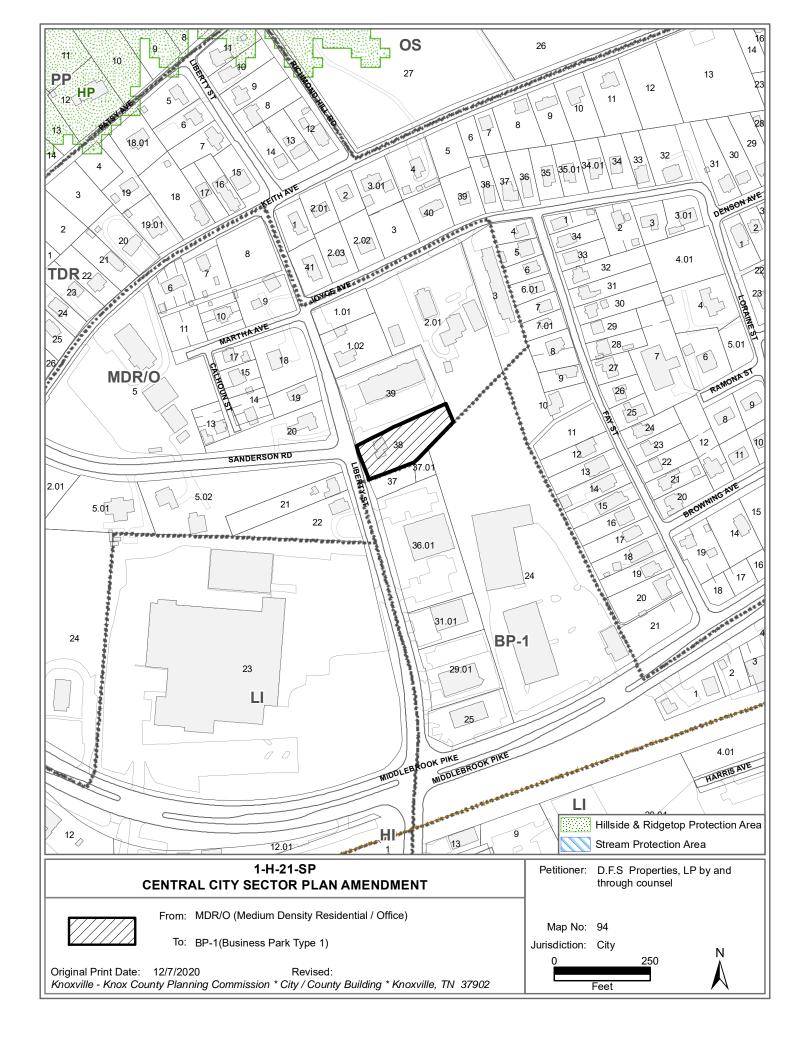
1. The I-MU zone is consistent with the accompanying staff recommended plan amendment to the BP-1 (Business Park Type 1) land use designation.

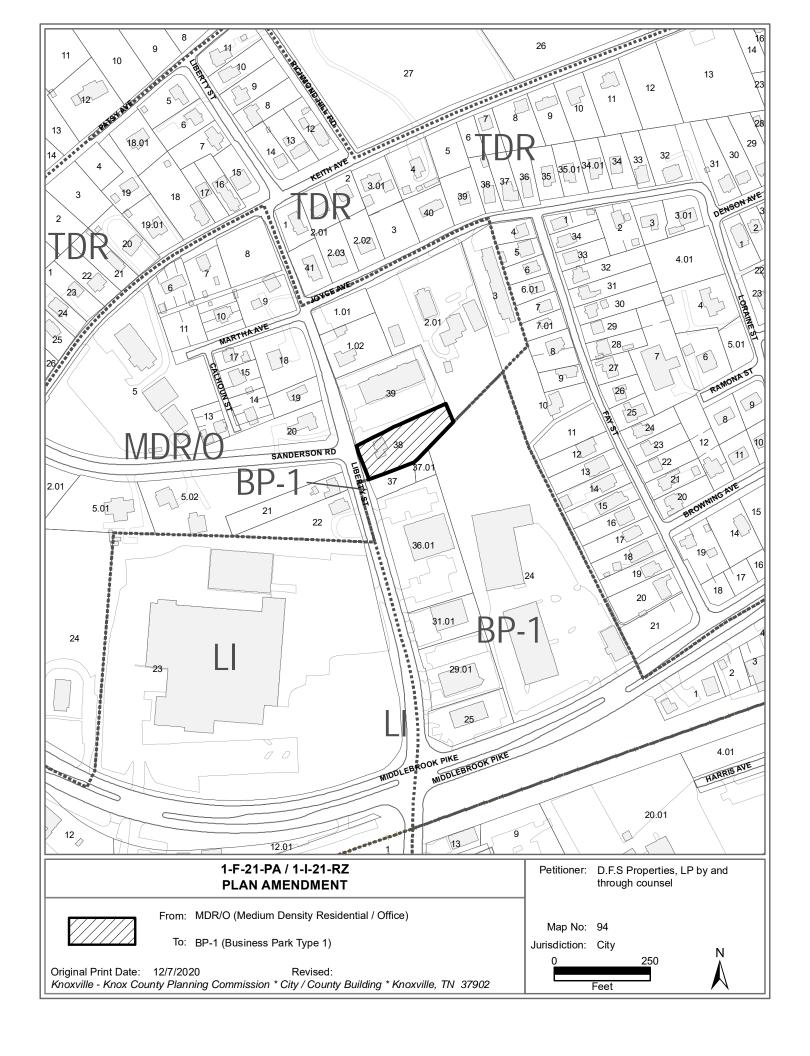
ESTIMATED TRAFFIC IMPACT: Not required.

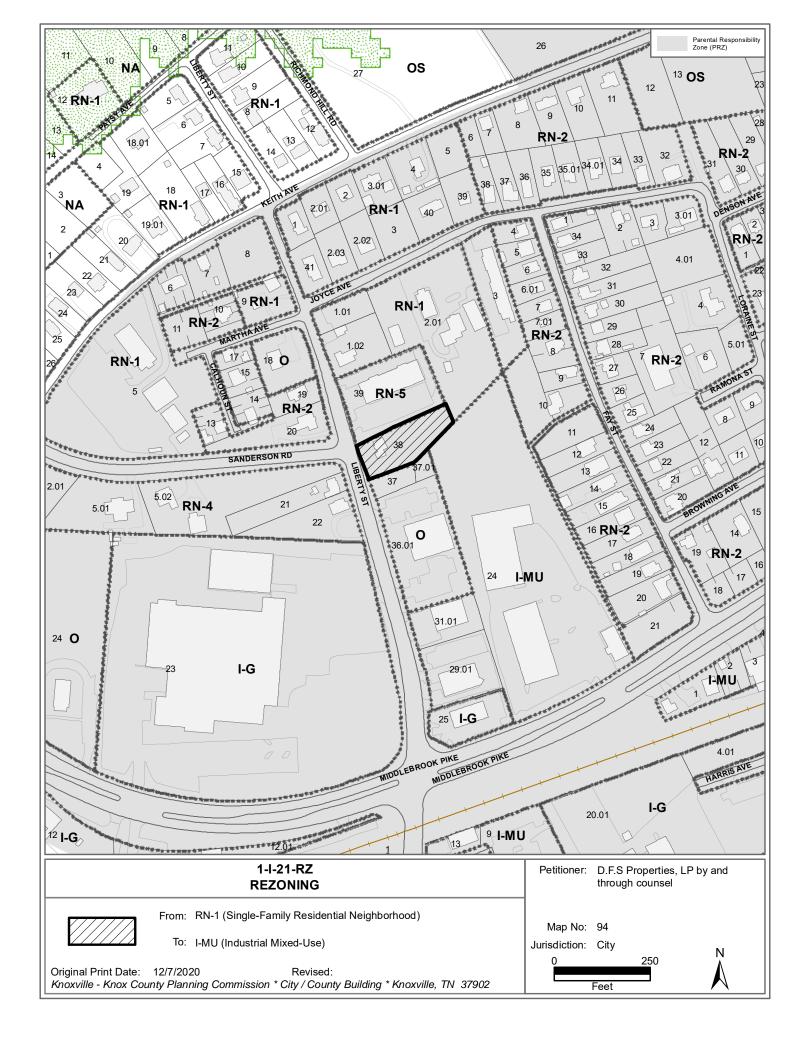
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/9/2021 and 2/23/2021. 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.

AGENDA ITEM #: 21 FILE #: 1-F-21-PA 12/31/2020 03:47 PM MICHELLE PORTIER PAGE #: 21-3







KNOXVILLE-KNOX COUNTY PLANNING COMMISSION A RESOLUTION AMENDING THE CENTRAL 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 Central 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, DFS Properties, LP has submitted an application to amend the Sector Plan from Medium Density Residential to Business Park Type 1 for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Central 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 January 14, 2021, 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:

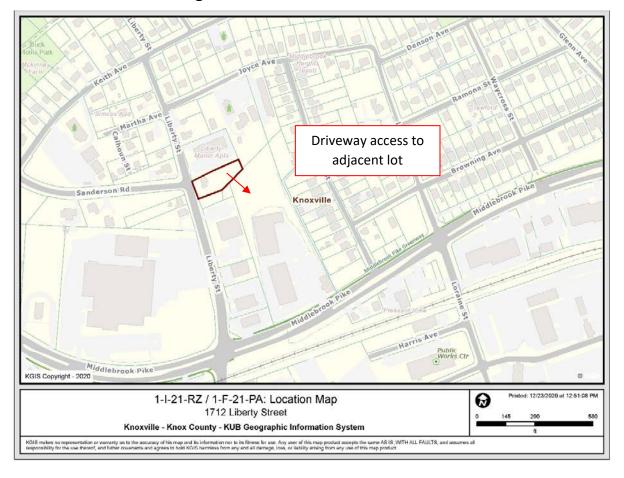
SECTION 1: The Planning Commission hereby adopts the revised amendment to the Central City Sector Plan, with its accompanying staff report and map, file #1-H-21-SP.

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.

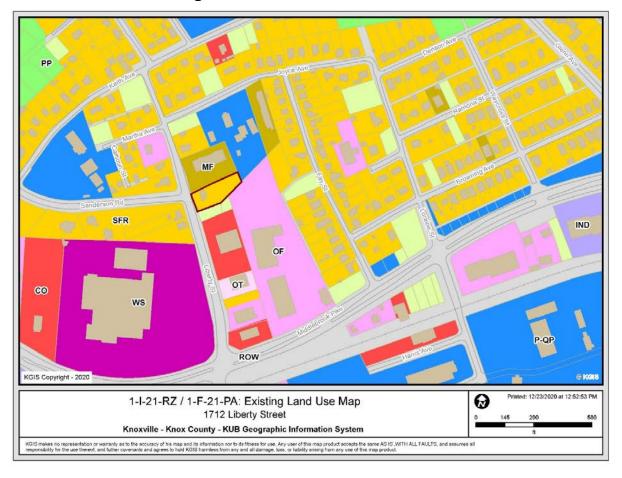
_	Date	<u> </u>	
Chairman		Secretary	

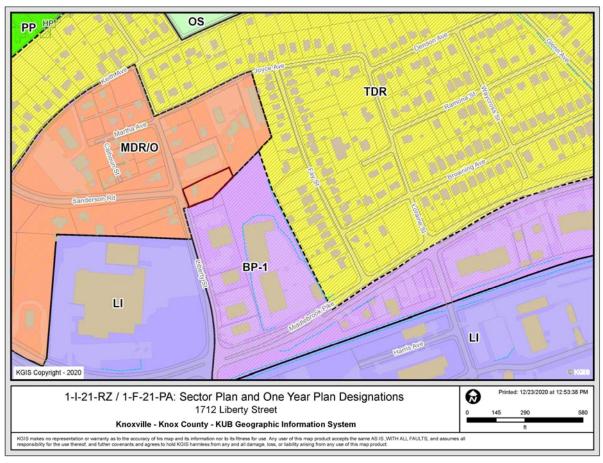
1-I-21-RZ/1-F-21-PA/1-H-21-SP EXHIBIT A. Contextual Images



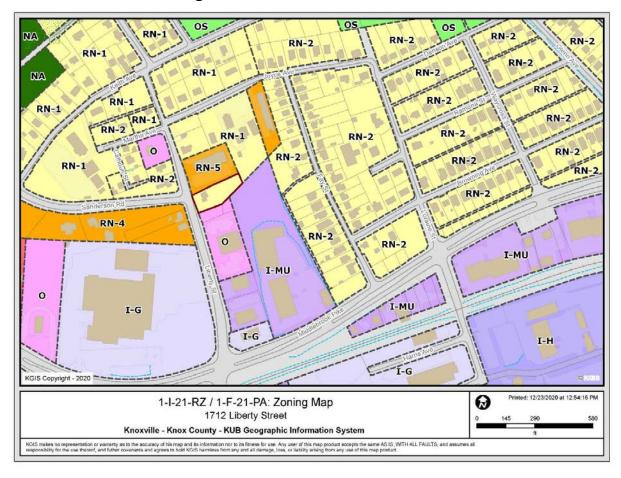


1-I-21-RZ/1-F-21-PA/1-H-21-SP EXHIBIT A. Contextual Images





1-I-21-RZ/1-F-21-PA/1-H-21-SP EXHIBIT A. Contextual Images





Zoning Question

Joshua Frerichs < JFrerichs@knoxvilletn.gov>

Mon, Oct 19, 2020 at 1:29 PM

To: Michelle Portier <michelle.portier@knoxplanning.org>, Curtis Williams <cmwilliams@knoxvilletn.gov>, Joshua Jenkins <jojenkins@knoxvilletn.gov>

Michelle,

I just got work from Bryan Berry and Sco Elder that a policy was made concerning this project. Since the applicant is proposing no use on the RN-1 property other than providing access to the exisng I-MU par cel addressed off Middlebrook Pike then the default use would be what is located off of Middlebrook and therefore not permitted in the RN-1 zoning. Bryan and Scott informed the individual inquiring that the property would need to be rezoned to I-MU.

Joshua T. Frerichs, P.E.
Stormwater Engineer
Plans Review
Department of Engineering

CITY OF KNOXVILLE 400 Main Street, Suite 475 Knoxville, TN 37902 865-215-2798 - Phone

From: Joshua Frerichs < JFrerichs@knoxvilletn.gov>

Sent: Friday, October 16, 2020 10:21 AM

To: Michelle Porer < michelle.portier@knoxplanning.org>; Curs Williams < cmwilliams@knoxvilletn.gov>;

Joshua Jenkins <jojenkins@knoxvilletn.gov>

Subject: Re: Zoning Queson

Michelle,

Thanks for reaching out. Our primary concern with the proposed access is that the driveway would be on a lot with no use. One lotting the two properes would take care of that issue.

Joshua T. Frerichs, P.E.

Stormwater Engineer Plans Review Department of Engineering



CITY OF KNOXVILLE 400 Main Street, Suite 475 Knoxville, TN 37902 865-215-2798 - Phone

From: Michelle Porer < michelle.portier@knoxplanning.org>

Sent: Thursday, October 15, 2020 6:57 AM

To: Curs Williams < cmwilliams@knoxvilletn.gov>; Joshua Jenkins <jojenkins@knoxvilletn.gov>; Joshua Frerichs

<JFrerichs@knoxvilletn.gov>
Subject: Fwd: Zoning Queson

Hi guys,

I have a question regarding a customer's inquiry into providing a 2nd driveway onto a property from a separate property; see email chain and screenshot below for details. They are considering buying the smaller property to provide a second point of access.

We don't see anything in the code regarding the different zones on each (nothing says they would have to rezone). But before getting back with the applicant, we wanted to see if there were any requirements on your end regarding situations like this.

Can you let me know if anything the customer would need to know before buying the second property to provide the second driveway?

Thanks so much! Michelle

----- Forwarded message ------

From: Amy Brooks <amy.brooks@knoxplanning.org>

Date: Tue, Oct 13, 2020 at 5:35 PM Subject: Re: Zoning Question

To: Michelle Portier <michelle.portier@knoxplanning.org>

I don't think there is anything in the Code that states they must rezone. I would ask Curtis what he thinks before responding back to the applicant. There may be something that Engineering requires that we are not aware of in this case.

Amy Brooks, AICP

Planning Services Manager

Interim Executive Director

865-215-4001 (office) 865-679-9020 (cell)



Knoxville-Knox County Planning | KnoxPlanning.org 400 Main Street, Suite 403 | Knoxville, TN 37902

----- Forwarded message ------

From: Michelle Portier <michelle.portier@knoxplanning.org>

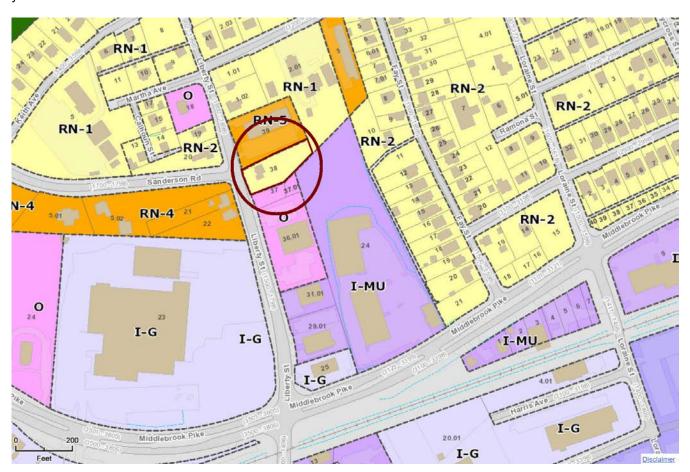
Date: Tue, Oct 13, 2020 at 3:44 PM Subject: Fwd: Zoning Question

To: Amy Brooks <amy.brooks@knoxplanning.org>

Amy,

I spoke with Grayson Schleppegrell this afternoon, and told him I would look into this. His client owns the property zoned I-MU adjacent to the highlighted parcel. They would like to know if the would need to rezone the highlighted parcel from RN-1 to I-MU in order to use it as a driveway onto the I-MU property (they would demo the existing house). There would be no parking associated with it, just the driveway.

My gut says yes, they would have to rezone, but I can't find anything in the zoning ordinance that backs that up. What do you think?



Thanks! Michelle

--

Michelle Portier, AICP Senior Planner 865.215.3821



Knoxville-Knox County Planning | KnoxPlanning.org 400 Main Street, Suite 403 | Knoxville, TN 37902



Existing Land Use

Development Request

DEVELOPMENT SUBDIVISION ZONING Development Plan Concept Plan □ Plan Amendment XI SP XX OYP Planned Development ☐ Final Plat ☐ Use on Review / Special Use Rezoning Hillside Protection COA . D.F.S. Properties, L.P., by and through counsel Owner Affiliation Applicant Name File Number(s) 11/4/2020 1-I-21-RZ, 1-H-21-SP, Meeting Date (If applicable) Date Filed and 1-F-21-PA All correspondence related to this application should be directed to the approved contact listed below. CORRESPONDENCE 📕 Applicant 📋 Owner 📋 Option Holder 🔲 Project Surveyor 🔲 Engineer 🔲 Architect/Landscape Architect Schleppegrell Law, PLLC counsel to Applicant Grayson K. Schleppegrell, esq. Company Knoxville TN 37923 8858 Cedar Springs Lane -City Address 865-313-5903 grayson@gkspllc.com Phone Emall. CURRENT PROPERTY INFO 2950 Middlebrook Pk, Knoxville, TN 37921 865-740-6290 D.F.S. Properties, L.P. Owner Address Owner Phone Owner Name (if different) 1712 Liberty Street, Knoxville, TN, 37921 094IL038 Parcel ID Property Address STAFF USE ONLY West side of Liberty St, across from Sanderson Rd and north of Middlebrook Pk General Location RN-1 (Single Family Residential Neighborhood) Council District 3 Zoning District Jurisdiction (specify district above) City ☐ County Within City limits MDR/O (Medium Density Residential/Office) Central City Sector Plan Land Use Classification Growth Policy Plan Designation Planning Sector KUB Single Family Residence

Septic (Y/N)

Sawer Provider

Water Provider

☐ Development Plan ☐ Use on Review / ☐ Residential ☐ Non-Residential Home Occupation (specify)				y Permit Number(s)	
Other (specify)					
SUBDIVISION REQUEST		•			
				zoning File Number	
Proposed Subdivision Name		Name of the second seco			
Combine Parce	s 🔲 Divide Parcel ———	I Number of Lots C			
Unit / Phase Number		•			
☐ Other (spacify)	44,444 44,444	,, <u></u>			
☐ Attachments / Additional Regulrements					
			Penriling	Plat File Number	
Zoning Change I-MU (Industrial-Mix	æd Use)				
Proposed Zoning			ł	n/a	
X Plan Amendment Change BP-1 (Busin	ess Park Type 1)				
•	n Designation(s)				
8-L-85-RZ as part of a larger request Proposed Density (units/acre)	Previous Rezoning Reques	ts			
Other (specify)					
. Other (spacety)					
STAFF USE ONLY					
PLAT TYPE		Fee 1		Total	
☐ Staff Review ☐ Planning Commiss	ion '	326	\$1,000.00	\$1,600.00	
ATTACHMENTS		Fee 2	<u> </u>	+ 300.00	
Property Owners / Option Holders	Variance Request				
ADDITIONAL REQUIREMENTS		526	\$600.00	1900.00	
Design Plan Certification (Final Plat)	deu l	Fee 3	. J.,,,,,,,		
☐ Use on Review / Special Use (Concept P☐ Traffic Impact Study	ianj	516	\$300.00		
COA Checklist (Hiliside Protection)					
		\			
By signing belo	w, I certify I am the property	owner, applicant o	r the owners authorize	d representative.	
/_ //	Gravson K. Sch	ıleppegrell, esq.	11/	30/29	
Applicant Signature	Please Print	The second secon	Date	-/	
	anaugan (A atau	lle com			
865-313-5903	grayson@gksp	IIIC.COBI			
Phone Number	Email				
Michaela fortig	Michelle Portie	r	11/4/	11/4/2020	
Staff Signature	Please Print		Date	Date	

