

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 12-C-19-RZ **Related File Number:**
Application Filed: 10/25/2019 **Date of Revision:**
Applicant: SHEILA PROFFITT

PROPERTY INFORMATION

General Location: North side of Mineral Springs Avenue, east of Whittle Springs Road and North Broadway Avenue
Other Parcel Info.:
Tax ID Number: 69 E B 03102 **Jurisdiction:** City
Size of Tract: 1.37 acres
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.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Community Center for neighborhood use **Density:** N/A
Sector Plan: East City **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
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.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 2739 Mineral Springs Avenue
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: O-1 (Office, Medical, and Related Services) & RP-1(Planned Residential)
Former Zoning: RP-1 (Planned Residential) prior to rezoning in 2006
Requested Zoning: O (Office) in City's new zoning ordinance
Previous Requests: Rezoned from RP-1 (Planned Residential) to O-1 (Office, Medical, Related Services), File # 1-7-06-RZ
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.

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Michelle Portier

Staff Recomm. (Abbr.):

Deny Office District zoning because it does not meet the location criteria for office zones and because it is not compatible with the adjacent residential uses and could have potential negative impacts on the neighborhood.

Staff Recomm. (Full):

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.

Action: Denied

Meeting Date: 12/12/2019

Details of Action:

Summary of Action:

The Planning Commission denied the Office District zoning request 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.

Date of Approval:

Date of Denial: 12/12/2019

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Ordinance Number:

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: