

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

ONE YEAR PLAN AMENDMENT



File Number: 7-B-21-PA **Related File Number:** 7-E-21-RZ
Application Filed: 5/20/2021 **Date of Revision:** 7/12/2021
Applicant: DEAN PRESTON SMITH

PROPERTY INFORMATION

General Location: Southeast side of the intersection of Westland Drive and Pellissippi Parkway
Other Parcel Info.:
Tax ID Number: 144 03201 (PART OF) **Jurisdiction:** City
Size of Tract: 1.05 acres
Accessibility: Westland Drive is a minor arterial with a 55-ft pavement width, including a turn lane and median, within an 88-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/forestry/vacant
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** LDR (Low Density Residential) / HP (Hillside Prote
Growth Policy Plan: N/A (within City limits)
Neighborhood Context: This property abuts the Westland Drive/Pellissippi Parkway interchange and its western boundary runs along Pellissippi Parkway the length of the property. Commercial and office uses front Westland Drive with detached single family houses on large lots behind those properties and adjacent to this property on the east.

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

Street: 9608 Westland Dr.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: AG (Agricultural) / HP (Hillside Protection Overlay)
Former Zoning:
Requested Zoning: O (Office) / HP (Hillside Protection Overlay)
Previous Requests:
Extension of Zone: No
History of Zoning: Five previous rezoning cases were denied (7-G-95-RZ, 6-M-97-RZ, 2-A-98-RZ, 8-B-99-RZ, 5-J-00-RZ); property annexed in 2000 and zoned General Agricultural (12-D-00-RZ); property rezoned to C-4 with plan amendments to GC in March 2019 (10-B-18-RZ)

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential) / HP (Hillside Protection)

Requested Plan Category: O (Office) / HP (Hillside Protection)

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 the One Year Plan amendment to the O (Office) land use classification because it does not meet any of the requirements for a plan amendment.

Staff Recomm. (Full):

Comments: The applicant is requesting to rezone a portion of the property to the O (Office) zone. The front portion of the property was rezoned to C-H-1 in March 2019. The requested zoning would accommodate a separate, additional use beyond what will eventually be included in the commercially zoned segment.

A brief zoning history:

1. Case 7-G-95-RZ, requesting to rezone from A (Agricultural) to CA (General Business) was denied.
2. Case 6-M-97-RZ, requesting to rezone from A (Agricultural) to RA (Low Density Residential) was denied.
3. Case 2-A-98-RZ, requesting to rezone from A (Agricultural) to CA (General Business) with 3.5 du/ac and PR (Planned Residential) with 5 du/ac was denied.
4. Case 8-B-99-RZ, requesting to rezone from A (Agricultural) to CA (General Business) and OA (Office Park) was denied.
5. Case 5-J-00-RZ, requesting to rezone from A (Agricultural) to OB (Office, Medical and Related Services) was denied.
6. Property annexed in 2000 and zoned General Agricultural (Case 12-D-00-RZ).
7. Case 10-B-18-RZ, requesting to rezone the front portion of the property from A (Agricultural) to C-4 (Highway and Arterial Commercial) was approved in March 2019 with plan amendments to the GC (General Commercial) land use classification approved for the same portion of the property (Cases 10-A-18-PA and 1-B-19-SP).

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 amending the plan.

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. The development pattern has changed recently along Westland Drive, as parcels have been developed or are being developed from vacant land to office or commercial uses. However, that pattern is along Westland Drive only and does not extend as far back as the land for which this rezoning is requested. The proposed request expands the boundary of nonresidential zoning and land use classes deeper into the parcel beyond where these designations transition into residential properties on adjacent properties.
2. As stated previously, the northern portion of this parcel was rezoned to the C-4 (Highway and Arterial Commercial) zone in March 2019 with corresponding plan amendments. However, the rear boundary of that rezoning aligned with the rear boundary of other office and commercial zones along the southern side of Westland Drive. Staff believes the current commercial zoning on the property is the appropriate point at which to discontinue nonresidential zoning deeper into the parcel. If the

rezoning of this parcel were enough to warrant the requested Office zoning, the same could be said of possible future rezonings deeper into the property.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There has been no change in public policy that would trigger the need for a plan amendment.

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.

ADDITIONAL CONSIDERATIONS:

1. One of the location criteria for the Office land use class is to be located on generally level sites. This criteria is not met, as the portion of the property requested for rezoning is partially in the HP (Hillside Protection Overlay) District and has slopes above 15%. Additionally, with the two streams present on the property, there are slopes alongside the streambeds, and these are outside of the HP area.

Action: Approved **Meeting Date:** 8/12/2021

Details of Action:

Summary of Action: Approve the One Year Plan amendment to the O (Office) land use classification because of a change in conditions due to the construction of a self-storage facility next door.

Date of Approval: 8/12/2021 **Date of Denial:** **Postponements:** 7/8/2021

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 9/7/2021

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Denied

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: