

# CASE SUMMARY

APPLICATION TYPE: REZONING

ONE YEAR PLAN AMENDMENT



**File Number:** 7-M-19-RZ                      **Related File Number:** 7-C-19-PA  
**Application Filed:** 5/29/2019              **Date of Revision:** 8/28/2019  
**Applicant:** TM3 PROPERTIES, LLC

## PROPERTY INFORMATION

**General Location:** South side of South Northshore Drive, north side of Osprey Point Lane.  
**Other Parcel Info.:**  
**Tax ID Number:** 154 L A 012 & 10101                      **Jurisdiction:** City  
**Size of Tract:** 1.76 acres  
**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant  
**Surrounding Land Use:**  
**Proposed Use:** Mix of retail, medical, personal services, etc.                      **Density:**  
**Sector Plan:** Southwest County              **Sector Plan Designation:** O (Office)  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:**

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

**Street:** 0 OspreyPoint Ln  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** O-1 (Office, Medical, and Related Services)  
**Former Zoning:**  
**Requested Zoning:** C-1 (Neighborhood Commercial)  
**Previous Requests:** 8-Z-00RZ, 1-U-04-RZ, 7-J-12-RZ, 10-D-17-RZ  
**Extension of Zone:**  
**History of Zoning:**

## PLAN INFORMATION (where applicable)

**Current Plan Category:** O (Office)  
**Requested Plan Category:** NC (Neighborhood Commercial)

**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:

Liz Albertson

Staff Recomm. (Abbr.):

Deny the rezoning to C-1 (Neighborhood Commercial), consistent with the denial recommendations for the associated plan amendments.

Staff Recomm. (Full):

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:

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.

Action: Approved

Meeting Date: 10/10/2019

**Details of Action:** Planning Commission recommends approval of C-1 (Neighborhood Commercial) zoning for the site with a vote of 9-2.  
**Summary of Action:** Planning Commission recommended approval of C-1 (Neighborhood Commercial) zoning for the site with a vote of 9-2.  
**Date of Approval:** 10/10/2019      **Date of Denial:**      **Postponements:** 7/11 & 8/8/19  
**Date of Withdrawal:**      **Withdrawn prior to publication?:**  **Action Appealed?:**

### ***LEGISLATIVE ACTION AND DISPOSITION***

<b>Legislative Body:</b>	Knoxville City Council	<b>Date of Legislative Action, Second Reading:</b>	12/3/2019
<b>Date of Legislative Action:</b>	11/19/2019	<b>Other Ordinance Number References:</b>	O-175-2019
<b>Ordinance Number:</b>		<b>Disposition of Case, Second Reading:</b>	Approved
<b>Disposition of Case:</b>	Approved	<b>If "Other":</b>	
<b>If "Other":</b>	postponed until 11/19	<b>Amendments:</b>	
<b>Amendments:</b>		<b>Effective Date of Ordinance:</b>	
<b>Date of Legislative Appeal:</b>			