



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 1-Q-07-RZ **AGENDA ITEM #:** 62
 1-D-07-SP (REVISED) **AGENDA DATE:** 2/8/2007

POSTPONEMENT(S): 1/11/2007

▶ **APPLICANT:** SCOTT DAVIS
 OWNER(S): EAGLE BEND REALTY LLC % SCOTT DAVIS

TAX ID NUMBER: 78 G C 082
 JURISDICTION: Commission District 6

▶ **LOCATION:** Southeast side W. Emory Rd., southwest side Harrell Rd., west side Painter Farm Ln.

▶ **TRACT INFORMATION:** 1.81 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W. Emory Rd., a minor arterial street and Harrell Rd., a major collector street. Each street is a two lane facility with 26' and 20' pavement sections respectively.

UTILITIES: Water Source: West Knox Utility District
 Sewer Source: West Knox Utility District

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) and STPA (Stream Protection) / PR (Planned Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) and STPA (Stream Protection) / CN (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Any use permitted in the CN zone.

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS: Property was zoned PR in 1994. (3-Q-94-RZ)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: W. Emory Rd., residences and businesses / LDR and C / A and CA Commercial

South: Residences and Beaver Creek LDR and STPA / PR and F Floodway

East: Harrell Rd., and residences / STPA and LDR / F and A Agricultural

West: Vacant land and residences / LDR and STPA / PR Residential

NEIGHBORHOOD CONTEXT: This lot is part of a residential subdivision developed under PR zoning, and generally surrounded by other residential uses and an older commercial building to the northeast on property zoned CA.

STAFF RECOMMENDATION:

▶ **APPROVE C (Commercial) designation limited to CN (Neighborhood Commercial) zoning**

Commercial designation of this site limited to CN zoning will permit limited commercial development of this site in a manner compatible with single family subdivision that this site is within. The removal of this 1.8 acres from the PR zone will make the remainder of the subdivision nonconforming as to the maximum 3 unit density established at the zoning of the site

▶ **APPROVE the amended request for CN (Neighborhood Commercial) zoning**

The CN zoning of this site is consistent with the established CA zones to the northeast and property around this busy intersection.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. Under the regulations of the CN zone, limited commercial use of this property can be made compatible with the surrounding residential subdivision development through the zone's building setback, landscaping and screening.
2. The CN zone requires landscape screening and building setback from adjoining residential zones and uses. Commercial development of the property under the requirements of the CN zoning can minimize any adverse impact to the surrounding residential uses.
3. Commercial zoning of this 1.8 acre site will make the remainder of the Painter Farms subdivision non-conforming as to the established maximum density of 3 du/ac.
4. The General plan policies support neighborhood commercial uses at the intersection of arterial and collector streets, and two quadrants of this intersection already have non-residential uses and commercial zoning in place.

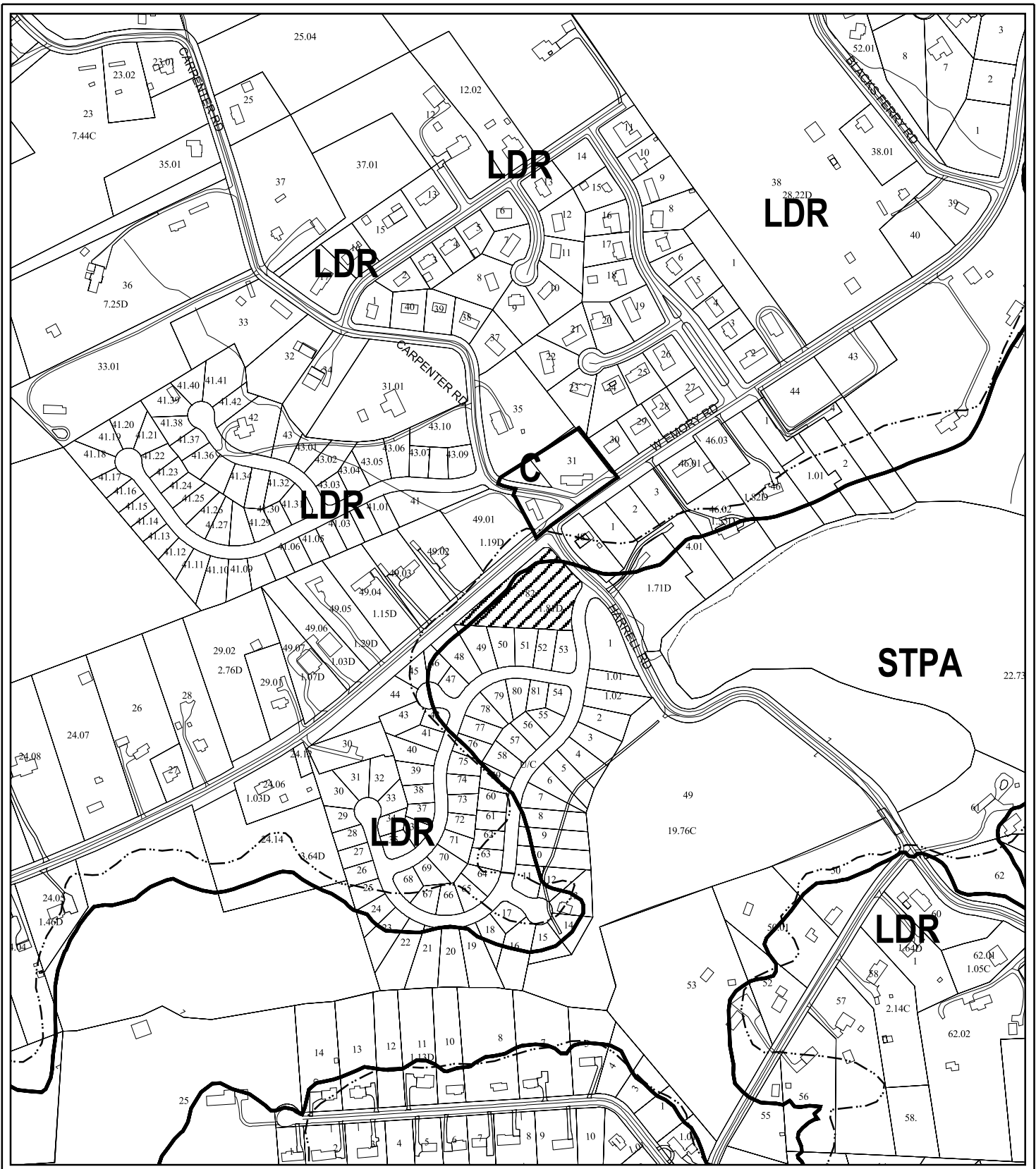
THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available in the area to serve this site.
2. The proposal will have no impact on schools and a minimal impact on streets.


CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the approval of the requested amendment to the Northwest County Sector Plan from low density residential to commercial, a CN rezoning will be consistent with the sector plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may generate similar requests for commercial and CN or CA zoning on the other corner of the W Emory Rd/ Harrell Rd intersection in the future.

If approved, this item will be forwarded to Knox County Commission for action on 3/26/2007. If denied, MPC'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 an MPC decision in the County.



**1-D-07-SP/1-Q-07-RZ
SECTOR PLAN AMENDMENT
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

 From: LDR (Low Density Residential) and STPA (Stream Protection)
To: C (Commercial) and STPA (Stream Protection)

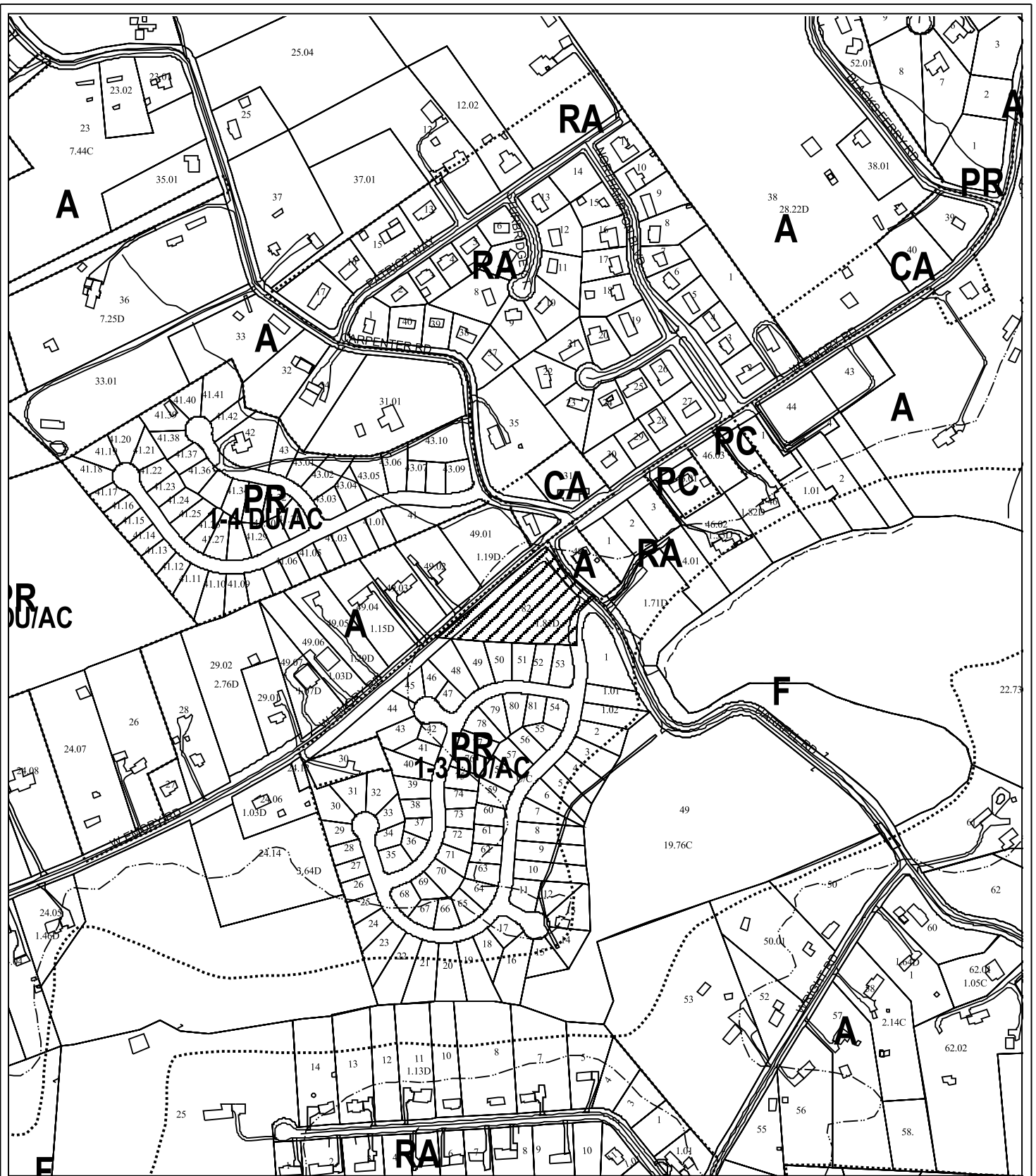
Original Print Date: 01/04/07 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Scott Davis

Map No: 78


Jurisdiction: County





**1-Q-07-RZ
REZONING (REVISED)**

Petitioner: Scott Davis
 Map No: 78
 Jurisdiction: County

 From: PR (Planned Residential)
 To: CN (Neighborhood Commercial)

Original Print Date: 12/27/06 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



PSCD, LLC

Professional Security Consultants & Design, LLC.

6403 West Emory Road
Knoxville, Tennessee 37931
(865) 938-7950 - Phone
(865) 947-2769 - Fax
www.prosecurityconsultants.com

January 10, 2007

Knoxville - Knox County
MPC
Metropolitan Planning Commission
Suite 403 City County Building
400 Main Street
Knoxville, Tennessee 37902

Dear Sir or Madam:

I am writing in response following receipt of the "Notice of Public Hearing" concerning a "Plan Amendment" File Number 1-D-07-SP 1-Q-07-RZ which is a request for rezoning property located at Southeast side W. Emory Road, Southwest side Harrell Road, West side Painter Farm Lane.

I own and operate a small business located at 6403 West Emory Road, which is directly across the street from this parcel of property considered for rezoning. First let me say that I have no issue with the request for rezoning this parcel from PR (Planned Residential) to CA General Business. What I do have issue with concerning the request, is a longstanding traffic issue at the intersection of West Emory Road and Harrell Road.

My business is located at this intersection and the traffic situation is horrific and becoming worse with each passing day. There have been numerous traffic accidents at this intersection during the four years that we have operated at this location. With several involving serious injury and three that I am aware of involved fatalities. One vehicle ended up in our office causing much heartache to avoid an accident at this intersection this past Fall.

If this property is approved for commercial development there has to be something done with the traffic situation. Just within the past 6 month period and with the opening of the "Karr's Connector" which now flows a much higher volume of traffic directly onto West Emory Road 2.0 miles West of this location the wait to for accessing Emory Road from my parking lot has increased substantially, sometimes as much as 20 - 30 minutes during the 7-9AM and 3-6PM periods.

Again let me state that I am not against the rezoning of this parcel of property, because I have commercial property located there, but I do feel that before there is any rezoning done in this area there would need to a traffic study performed and especially following the opening of this new connector route I have asked for help from both Knox County and the State of Tennessee with this issue and have gotten nowhere with either. But this is what I would consider to be a great public safety issue and granting this request as it stands will only add to the issue. Please at this time vote against this request until there is a change in the traffic and safety issues this area presents.

Sincerely,

Michael A. Walker
President / General Manager
Professional Security Consultants & Design, LLC.