



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

▶ **FILE #:** 4-A-09-RZ
4-A-09-PA

AGENDA ITEM #: 40
AGENDA DATE: 4/9/2009

▶ **APPLICANT:** GARY MITCHELL
OWNER(S): TERAZ INVESTMENT PROPERTIES, LLC

TAX ID NUMBER: 94 L A 024.01
JURISDICTION: Council District 6

▶ **LOCATION:** Southeast side Blackstock Ave., north side Western Ave., west side Ramsey St.

▶ **TRACT INFORMATION:** 0.93 acres.

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Blackstock Ave., a two lane local street with a 32' pavement width within a 50' right-of-way

UTILITIES: Water Source: KUB
Sewer Source: KUB

WATERSHED: Second Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MU (Mixed Uses) (Heavy Industrial - HI, General Commercial - GC) / C-3 (General Commercial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MU (Mixed Uses) (LI, GC, Central Business District - CBD) / C-2 (Central Business District)

▶ **EXISTING LAND USE:** Club and restaurant

▶ **PROPOSED USE:** Club and restaurant

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS: Property was approved for Mixed Use (LI,GC) uses and rezoned to C-3 in 2007

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Vacant land and commercial buildings/ LI/ I-3 Industrial
South: Western Avenue viaduct /LI/I-3 Industrial
East: Vacant land and railroad / MU (LI/GC/CBD)/ C-3 Commercial
West: Businesses /LI / I-2 and I-3 Industrial

NEIGHBORHOOD CONTEXT: This property is within an older industrial area that developed under I-2, I-3 and I-4 zones and has had conversions to retail businesses in recent years based on rezoning some of the area to C-3.

STAFF RECOMMENDATION:

▶ **ADOPT resolution #4-A-09-PA, amending the Knoxville One Year Plan to Mixed Uses ((LI/GC/CBD)) for this property. (See attached Exhibit A.)**

Including the CBD designation in this mixed use designation is a logical expansion across the railroad from the east and will permit C-2 zoning which allows a wider range of business uses for redevelopment in this area.

► **RECOMMEND that City Council APPROVE C-2 (Central Business District) zoning.**

C-2 is a logical expansion of Central Business District zoning from the southeast and is compatible with surrounding development and zoning. Although the current use of the property will continue, the C-2 zone allows a wider range of appropriate business uses which may help with the redevelopment of this area in our current difficult economy

COMMENTS:

ONE YEAR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN

A. **NEW ROAD OR UTILITY IMPROVEMENTS** - The roads are sufficient and the utilities are in place to serve this site.

B. **ERROR OR OMISSION IN CURRENT PLAN** - This represents an expansion of the Mixed use category to include the CBD designation and C-2 zoning beyond what is presently shown southeast of the railroad right-of-way. Including a CBD land use designation in the MU Mixed Use (LI/GC) categories for this site expands the plan designations and potential for the C-2 rezoning line to include this site and adjacent properties east and below Western Ave. and southeast of the I-40 right-of-way.

C. **CHANGES IN GOVERNMENT POLICY** - The Central City Sector Plan proposes LI for this site although the One Year Plan was recently amended to MU (LI/GC) for this property. This site is located within the Urban Growth Area (inside the City) on the Knoxville-Knox County-Farragut Growth Policy Plan map. Adding CBD to the MU designation on the subject property will accommodate C-2 zoning to allow a business use consistent with the established and proposed development pattern of the area that includes both industrial and commercial uses. The C-2 zone allows a wider range of appropriate business uses which may help with the redevelopment for this area in our current difficult economy

D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - Surrounding properties are zoned and developed both industrially and commercially, consistent with this proposal. The site has access to Blackstock Ave., providing sufficient access for commercial development.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The proposed MU designation and C-2 zoning are compatible with the scale and intensity of the surrounding development and zoning pattern.
2. The proposed plan designation and zoning are logical extensions from the southeast.
3. There are many adjacent and surrounding properties in the area that are currently designated for CBD commercial uses and zoned C-2.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The C-2 zone, as described in the zoning ordinance, is for the central core of the city that includes this area. This zoning category is intended to include areas where higher intensity commercial development has displaced or is displacing industrial development, or is moving in on vacant land. Further, the regulations are designed to guide future change and facilitate redevelopment so as to discourage formation of future industrial/commercial slums. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of central business commercial activities within the central core of the community.
2. Based on the above general intent, this site is appropriate for C-2 development.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. The proposal would have no impact on schools. The impact to the street system would depend on the type and size of the commercial use.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Central City Sector Plan proposes LI uses for this site and needs to be amended with the One Year Plan to a Mixed Use designation.
2. This site is located within the Urban Growth Area (inside the City) on the Knoxville-Knox County-Farragut

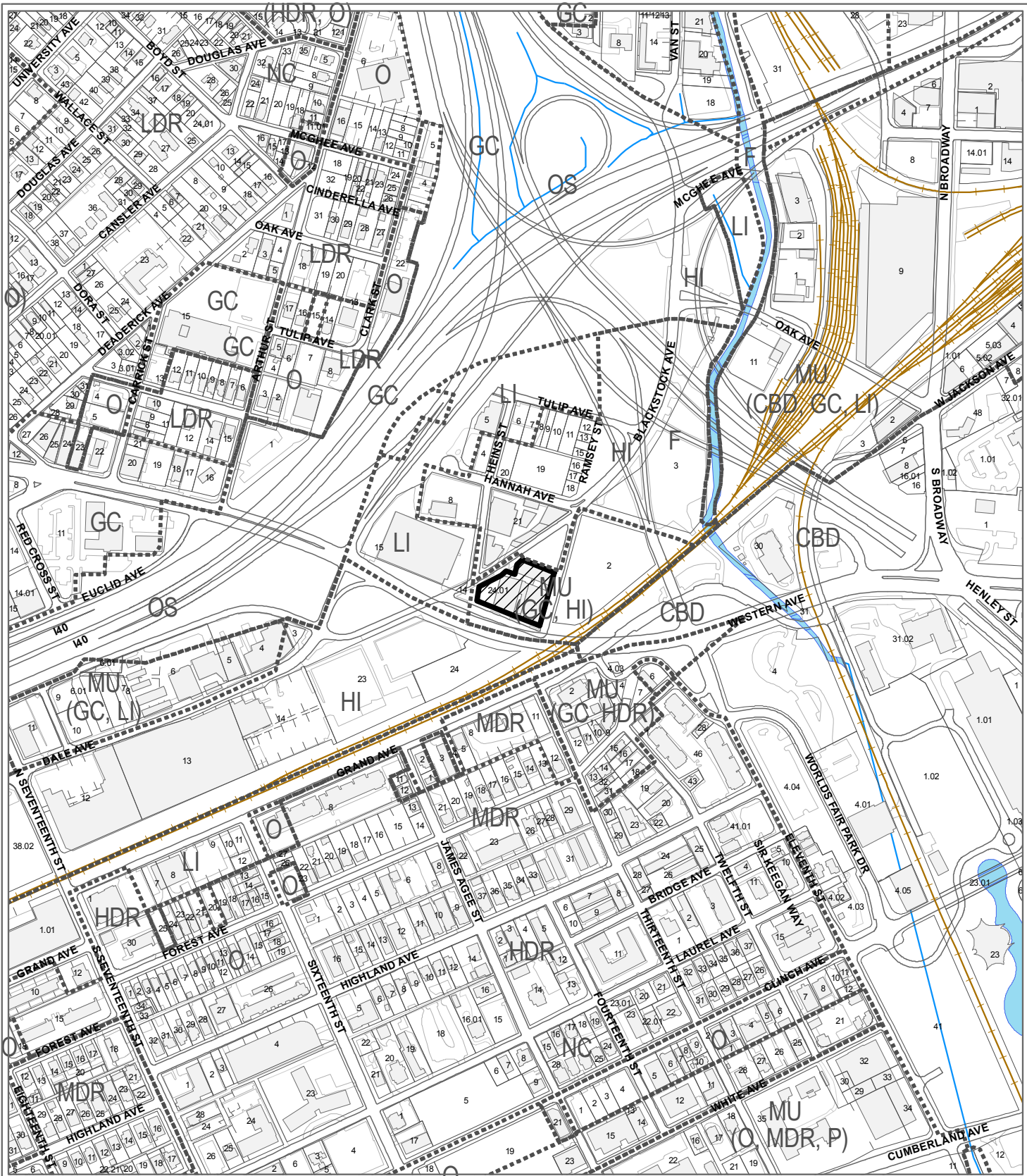
Growth Policy Plan.

3. Approval of these requests may lead to future requests for commercial uses in the area. Commercial uses are already established on numerous properties in the surrounding area.

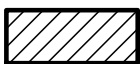
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/5/2009 and 5/19/2009. If denied, MPC'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 an MPC decision in the City.



**4-A-09-PA / 4-A-09-RZ
PLAN AMENDMENT**

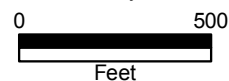


From: MU (Mixed Uses) (Heavy Industrial - HI, General Commercial - GC)
To: MU (Mixed Uses) (LI, GC, Central Business District - CBD)

Original Print Date: 3/27/2009
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Mitchell, Gary

Map No: 94
Jurisdiction: City



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE CITY OF KNOXVILLE ONE YEAR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan 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 Metropolitan 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 Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Knoxville One Year 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 sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, GARY MITCHELL, has submitted an application to amend the One Year Plan from Mixed Use (MU) (HI, GC) to MU (LI, GC, CBD) for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Knoxville One Year Plan for MU (LI, GC, CBD) 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 Metropolitan Planning Commission, at its regularly scheduled public hearing on April 9, 2009, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for MU (LI, GC, CBD) for the subject property,

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Knoxville One Year Plan, with its accompanying, staff report and map, file # 4-A-09- PA.

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

Chairman

Secretary