



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

▶ **FILE #:** 11-B-09-RZ
11-A-09-SP

AGENDA ITEM #: 40
AGENDA DATE: 11/12/2009

▶ **APPLICANT:** GREEN RIVER HOLDINGS, LLC
OWNER(S): GREEN RIVER HOLDINGS, LLC

TAX ID NUMBER: 118 150 & 155
JURISDICTION: Commission District 5

▶ **LOCATION:** North side Dutchtown Rd., west side Bob Kirby Rd.

▶ **TRACT INFORMATION:** 2 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Dutchtown Rd., a minor arterial street with 3 lanes and 35' of pavement width within 75' of right of way, or Bob Kirby Rd., a minor collector street with 35' of pavement width within 75' of right of way.

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

WATERSHED: Turkey Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / CN (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Dwellings

▶ **PROPOSED USE:** Neighborhood commercial

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: MPC denied a sector plan amendment to C and rezoning to CA for this property on July 10, 2008.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: House / LDR / A (Agricultural)
South: Dutchtown Rd. - Houses / LDR / A (Agricultural)
East: Bob Kirby Rd. - Vacant lot / LDR / A (Agricultural)
West: House / LDR / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with mostly residential uses under A, PR, RA and RB zoning, which includes a mobile home park to the southwest. The Webb School of Knoxville campus is located to the southeast of the site.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #11-A-09-SP, amending the Northwest County Sector Plan to NC (Neighborhood Commercial) and recommend that Knox County Commission also adopt the sector plan amendment.**

(See attached resolution, Exhibit A.)

► **RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning.**

CN zoning is appropriate at this location to serve residents who live in the vicinity of the site, as well as commuters travelling on either of the two streets at this intersection. CN zoning will allow low impact commercial uses and includes considerable landscaping and other development regulations to minimize the impact on nearby residential areas, as well as improve the aesthetic appeal of the development.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

Dutchtown Rd. was recently improved to three lanes in this section. This work was completed within the last year or so. Utilities are available in the area.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan calls for low density residential use for the site. However, this site is located at the intersection of a collector and arterial street, which makes it a viable location for a small commercial node.

CHANGES IN GOVERNMENT POLICY:

This location at an intersection is appropriate for neighborhood commercial uses. The requested CN zone is intended to allow lower impact neighborhood serving commercial uses. Being located at the intersection, two points of access may be gained to the site from the arterial or collector street. This site is a typical situation for establishment of a commercial crossroads.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

With the recent improvements to Dutchtown Rd., it is expected that there may be some pressure to rezone some properties to commercial. This location, because it is at the intersection of a collector and arterial street, is appropriate for the establishment of a small commercial node.

REZONING REQUIREMENTS:

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

1. CN zoning is appropriate at this commercial crossroads location at the intersection of collector and arterial streets.
2. The surrounding area is developed with a mix of residential densities, as well as the Webb School of Knoxville Campus. A neighborhood commercial use is appropriate to serve surrounding residents and commuters through the area.
3. The development criteria of the CN zone are much more stringent than those of the CA zone, which was requested and denied by MPC last year. Additionally, since last year, the improvements to Dutchtown Rd, which included the addition of turn lanes on Bob Kirby Rd. at its intersection with Dutchtown Rd., have been completed. These improvements make the site more appropriate for commercial development.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CN zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
2. The subject property clearly fits the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are established.
3. CN zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. The previously denied CA zoning would allow uses that could have a more negative impact on adjacent residential properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the amendment from LDR to NC, the requested CN zoning would be consistent with the Northwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for neighborhood commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 12/21/2009. 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.

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR 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 Northwest County Sector 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, Green River Holdings, LLC, has submitted an application to amend the Sector Plan from Low Density Residential to Neighborhood Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of an amendment to the Northwest County Sector Plan, 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 November 12, 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 the subject property, as requested, and/or amended.

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 Northwest County Sector Plan, with its accompanying staff report and map, file #11-A-09-SP.

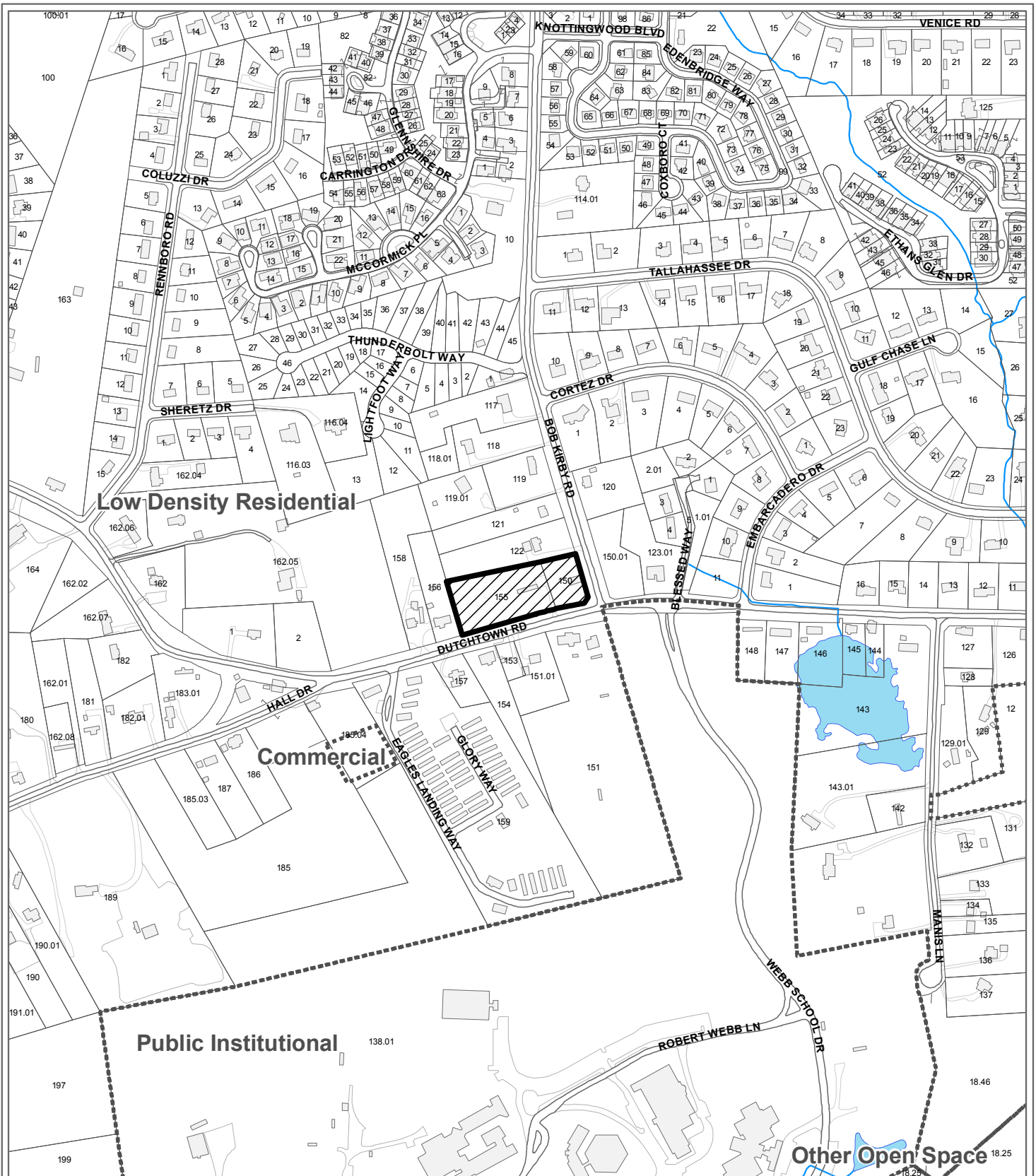
SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that the Commission of Knox County likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



**11-A-09-SP / 11-B-09-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

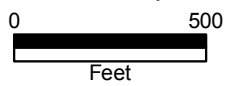
From: LDR (Low Density Residential)
To: NC (Neighborhood Commercial)

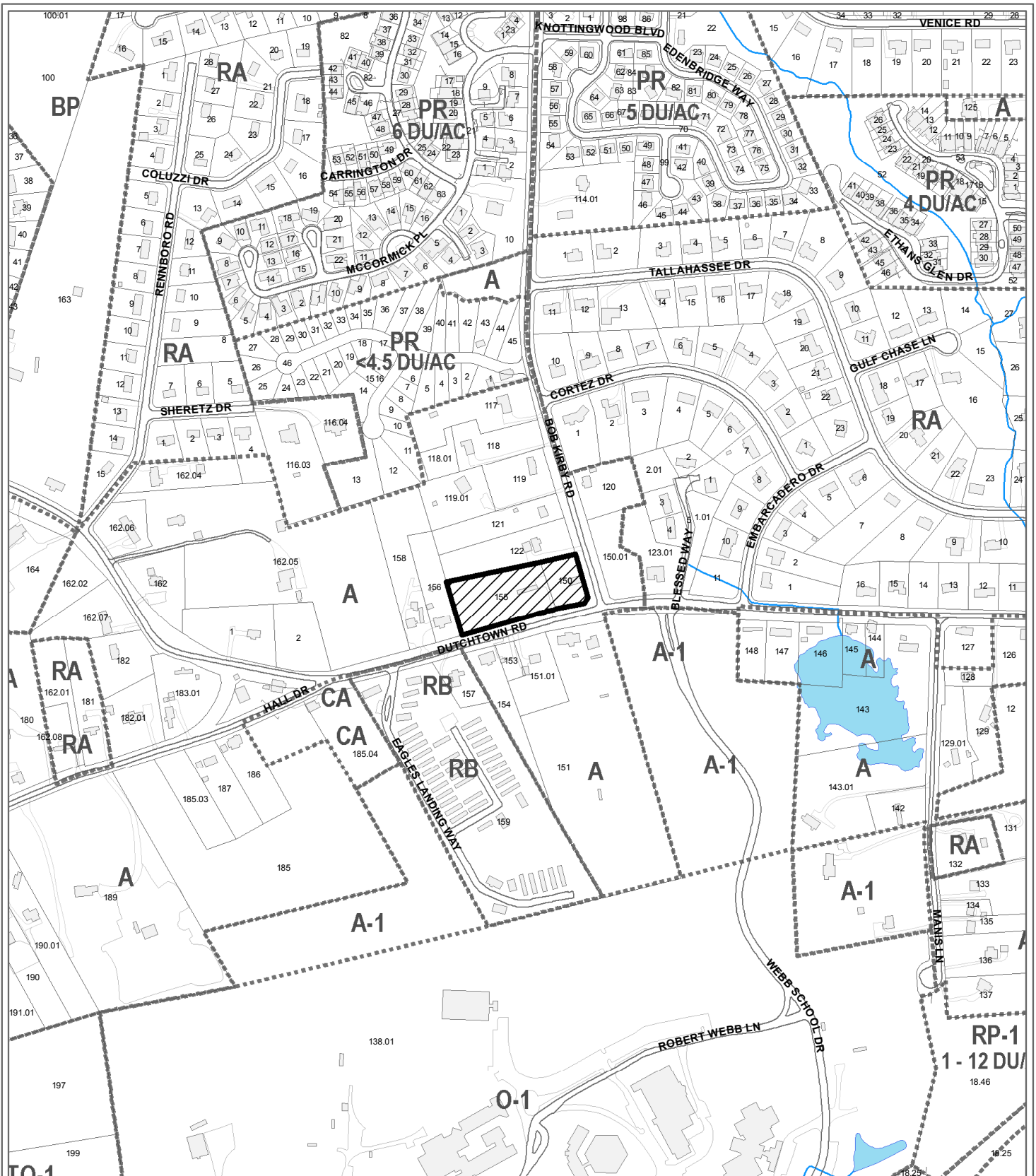


Original Print Date: 10/26/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Green River Holdings, LLC

Map No: 118
Jurisdiction: County





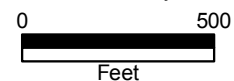
**11-B-09-RZ
REZONING**

From: A (Agricultural)
To: CN (Neighborhood Commercial)



Petitioner: Green River Holdings, LLC

Map No: 118
Jurisdiction: County



Original Print Date: 10/26/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

From: <btchaffin@comcast.net>
To: <mark.donaldson@knoxmpc.org>
Date: 11/4/2009 3:27:15 PM
Subject: Nov 12 Rezoning Requests

Hello,

Re: * applications #11-B-09-RZ & 11-A-09-SP

I am writing to express my opposition to the requested change in rezoning on the applications as stated above.* It is my understanding that no plan has been filed for these requests.* The residents of this area strongly feel that the area can not handle additional traffic nor further congestion that a commercial enterprise might bring.* The corner of Bob Kirby Road at Dutchtown Road carries traffic from several school zones in addition to being situated inside the zone for Webb School.* Additionally, Bob Kirby is a highly populated residential neighborhood that already burdens the narrow Bob Kirby Road.* The recent addition of Hampton Court on Bob Kirby has created "blind hill entrances" that will fall very close to this 2-4 acre tract.

Further, because this is a quiet residential neighborhood with lots of children, we would ask that it remain so.* There will be plenty of commercial activity at Pellissippi Parkway and Dutchtown without burdening Bob Kirby as well.* And, there is plenty of commercial activity at Cedar Bluff - a mere 1 mile away.

I am a taxpayer and 12-year resident of The Clusters at Greywood Crossing.* I am*unable to attend the Nov. 12th meeting and so ask that my opposition be counted via email.

Regards,

Bonnie T.* Chaffin

10058 McCormick Place*