



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

▶ **FILE #:** 9-E-09-RZ
9-C-09-SP

AGENDA ITEM #: 34
AGENDA DATE: 9/10/2009

▶ **APPLICANT:** JOAN AND TOMMY GRINDSTAFF
OWNER(S): GRINDSTAFF JOAN

TAX ID NUMBER: 47 PORTION OF 140 MAP ON FILE AT MPC
JURISDICTION: Commission District 7

▶ **LOCATION:** Southwest side E. Emory Rd., northeast of Dry Gap Pike
▶ **TRACT INFORMATION:** 2.6 acres.
SECTOR PLAN: North County
GROWTH POLICY PLAN: Planned Growth Area
ACCESSIBILITY: Access is via E. Emory Rd., a major arterial street with 4 lanes and center turn lane within 65' to 75' of right of way.
UTILITIES: Water Source: Hallsdale-Powell Utility District
Sewer Source: Hallsdale-Powell Utility District
WATERSHED: Beaver Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Any use permitted in the CA zone

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of commercial from the northwest

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: E. Emory Rd. - Residential subdivision / LDR / PR (Planned Residential) @ up to 3 du/ac
South: Condominiums and Elementary School / LDR and MDR / PR (Planned Residential) at up to 10 du/ac and A (Agricultural)
East: School access drive / LDR / A (Agricultural)
West: Vacant lot and Weigel's / C / CA (General Business)

NEIGHBORHOOD CONTEXT: The area to the southwest at the intersection of E. Emory Rd. and Dry Gap Pike has been developed into a commercial node under CA zoning. Brickey McCloud Elementary School, condos and a Boys and Girls Club are located to the south, under A and PR zoning. To the north and east are low density residential uses, zoned A, PR and RA.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION # 9-C-09-SP, amending the Southwest County Sector Plan to O (Office) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.) (Applicant requested C-Commercial)**

The requested sector plan amendment to commercial is not appropriate at this location. However, office uses would establish a transition between commercial and residential uses and create a stopping point for commercial uses heading east down E. Emory Rd.

- ▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) zoning. (Applicant requested CA.)**

The recommended OB zoning recommendation is compatible with surrounding development and zoning, is consistent with the recommended O designation, and would give the applicant reasonable use of the property, while not extending commercial uses any further east on E. Emory Rd. OB zoning is a transitional zone between the CA zoning to the west and residential development to the east.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

E. Emory Rd. has recently been improved to a 4 lane facility, making the subject property more viable for non-residential use. Water and sewer 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, but proposes commercial use to the west, with no transition area between the commercial and residential use.

CHANGES IN GOVERNMENT POLICY:

Staff maintains that the current stopping point for commercial is appropriate. Offices are generally considered a good transitional use between residential and commercial uses, making this site a logical location for office use.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

With the recent improvements to E. Emory Rd., it is expected that there may be some pressure to rezone some properties to commercial. However, this property, which is at the edge of the Dry Gap Pike commercial node, is ideal for office uses, which steps down the development intensity into the residential area to the east. There is currently a vacant commercial property between the subject property and the Weigel's to the west. Staff feels that the commercial node at Dry Gap Pike is sufficient as is, and that this office transition will establish a definite stopping point for the commercial heading east. To the east of this site, along E. Emory Rd, are nothing but residential uses and zoning all the way to Norris Freeway, which is almost 3 miles away.

REZONING REQUIREMENTS:

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

1. OB will establish a transitional zone between the CA to the west and the residential zones to the east.
2. The surrounding area is developed with low and medium density residential and commercial uses. OB zoning gives the applicant reasonable use of the property without further extending commercial closer to residential uses.
3. OB zoning is warranted because the site is adjacent to commercial zoning. However, the requested CA zoning is an unnecessary extension of commercial into a residential area. There is a vacant property CA zoned property directly west of this site.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zone is intended for general retail business and services, but not for manufacturing or for processing materials. OB zoning is intended to provide areas for professional and business offices and related activities that require separate buildings surrounded by landscaped yards and open areas. Further, OB provides centralized, compact locations for business offices, clinics, medical and dental offices near residential neighborhoods.
2. OB is a better zone for the subject property than CA, because of the adjacent residential development to the north and south of the site. However, further extension of office zoning east of this site may not be appropriate and should be considered on its own merits.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. OB zoning is compatible with surrounding development and should have a minimal impact on adjacent

properties. CA zoning would allow uses that could have a more negative impact on adjacent residential properties, as well as increase traffic volumes that could have a negative impact on the nearby school, regarding safety and circulation.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended amendment to O, the recommended OB zoning is consistent with the North County Sector Plan. The sector plan would have to be amended to C in order to consider rezoning it to the requested CA zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

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 10/26/2009. 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 NORTH 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 North 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, Joan and Tommy Grindstaff, has submitted an application to amend the Sector Plan from Low Density Residential to Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the North County Sector Plan to Office, 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 September 10, 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 North County Sector Plan, with its accompanying staff report and map, file #9-C-09-SP.

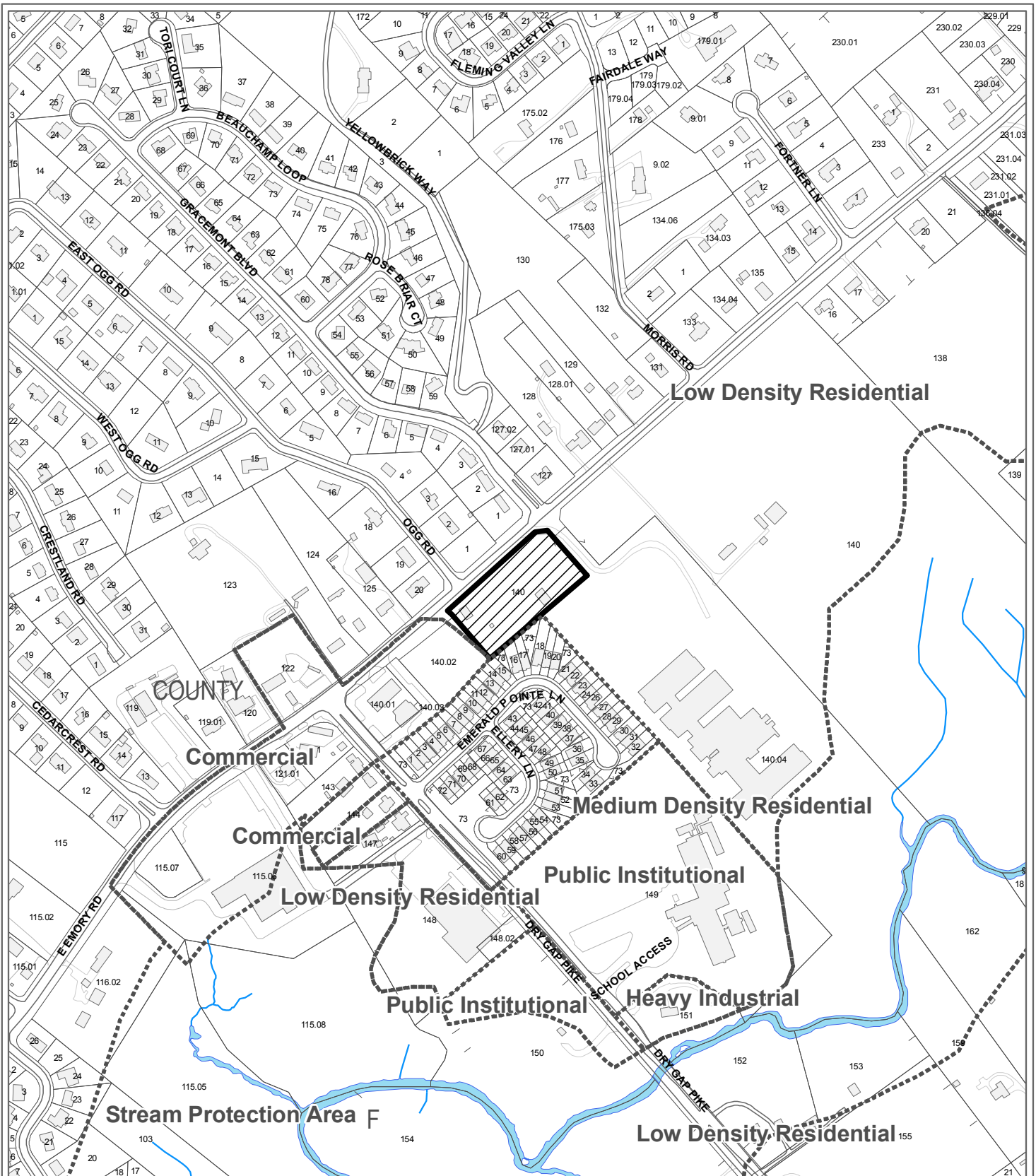
SECTION 2: This Resolution shall take effect upon its approval.

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



**9-C-09-SP / 9-E-09-RZ
NORTH COUNTY SECTOR PLAN AMENDMENT**

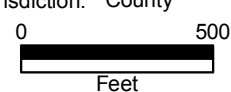
From: LDR (Low Density Residential)
To: C (Commercial)

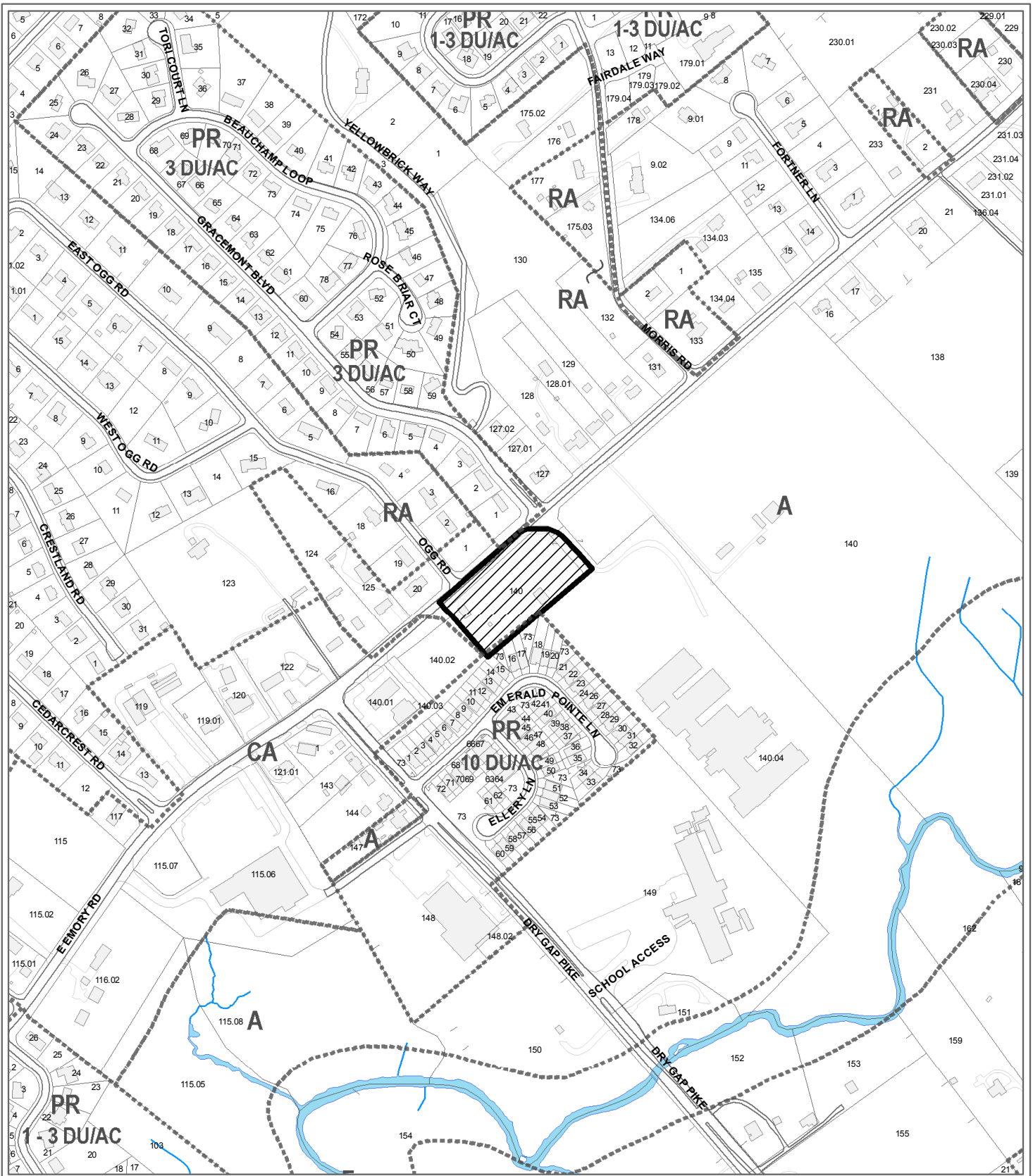


Petitioner: Grindstaff, Joan and Tommy

Map No: 47
Jurisdiction: County

Original Print Date: 8/24/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**9-E-09-RZ
REZONING**

From: A (Agricultural)
To: CA (General Business)



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Jurisdiction: County

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