



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

FILE #: 9-H-09-RZ
9-D-09-SP

AGENDA ITEM #: 38
AGENDA DATE: 9/10/2009

APPLICANT: PALACE PACKAGE STORE, INC.
OWNER(S): CLARENCE MCDOWELL PALACE PACKAGE STORE, INC.

TAX ID NUMBER: 81 H D 001 ADJACENT FORMER INTERCHANGE ROW - MAP ON FILE AT MPC

JURISDICTION: Council District 5

LOCATION: Northeast side Rudy St., northwest side Heiskell Ave., southwest side I-275

TRACT INFORMATION: 0.401 acres.

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Heiskell Ave., a major collector street with 4 lanes within 50' of right of way, or Rudy St., a local street with 26' of pavement width within 50' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

PRESENT PLAN DESIGNATION/ZONING: TR (Transportation) / I-2 (Restricted Manufacturing and Warehousing)

PROPOSED PLAN DESIGNATION/ZONING: C (Commercial) / C-3 (General Commercial) / IH-1 (Infill Housing Overlay)

EXISTING LAND USE: Vacant land

PROPOSED USE: Retail

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of C plan designation and C-3 zoning from the north and west.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Business / C / C-3 (General Commercial) / IH-1 (Infill Housing Overlay)

South: Heiskell Ave. - Business / C / I-3 (General Industrial) / IH-1 (Infill Housing Overlay)

East: I-275 interchange right of way / TR / I-2 (Restricted Manufacturing & Warehousing)

West: Rudy St. - Car wash / C / C-3 (General Commercial) / IH-1 (Infill Housing Overlay)

NEIGHBORHOOD CONTEXT: This area is developed with commercial and light industrial uses, under C-3, I-2 and I-3 zoning.

STAFF RECOMMENDATION:

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

Commercial is a logical extension of the sector plan designation from the north and west. Commercial use of this site is compatible with surrounding development and zoning.

- ▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) / IH-1 (Infill Housing Overlay) zoning.**

The recommended C-3/IH-1 zoning is compatible with surrounding development and zoning and is a logical extension of zoning from the southwest. C-3 uses are appropriate at an interstate interchange.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

The adjacent I-275 interchange has been recently improved. The applicant has obtained this site that was previously TDOT right of way and is asking to extend C-3 zoning from the adjacent property.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan calls for TR (Transportation) uses for the site. But the property is no longer public right of way and is not needed for transportation, so the requested commercial designation is appropriate.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

The change in this case is the fact that the subject property is no longer public right of way and should not be designated as such. The owner of the adjacent C-3 property has asked that the already established C-3 zoning be extended to include this site.

REZONING REQUIREMENTS:

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

1. C-3 is a logical extension of the already established zoning to the north and west of the site.
2. The surrounding area is developed with light industrial and commercial uses. C-3 zoning is compatible with surrounding development and zoning.
3. C-3 zoning allows commercial uses of the site, which is appropriate at an interstate interchange.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested C-3 zone is intended for personal and business services and general retail business.
2. Based on the above description, C-3 is an appropriate zone for this site.
3. The IH-1 overlay will also be extended to include this site, but this will not impact this development. The IH-1 guidelines only apply to residential development.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. C-3 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended amendment to C, the recommended C-3 zoning is consistent with the Central City Sector Plan.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. A One Year Plan amendment by the City of Knoxville accompanies these sector plan amendment and rezoning requests (9-A-09-PA). That request is to amend the One Year Plan from ROW to Mixed Uses, limited to light industrial and general commercial uses. This amendment must also be approved to be consistent with the requested C-3 zoning.

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 Knoxville City Council for action on 10/6/2009 and 10/20/2009. 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.

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE CENTRAL CITY 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 Central City 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 plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Palace Package Store, Inc., has submitted an application to amend the Sector Plan from Transportation to Commercial, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Central City 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 September 10, 2009, after consideration of the staff recommendation and testimony from those persons in support and opposed to the 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 Central City Sector Plan, with its accompanying staff report and map, file #9-D-09-PA.

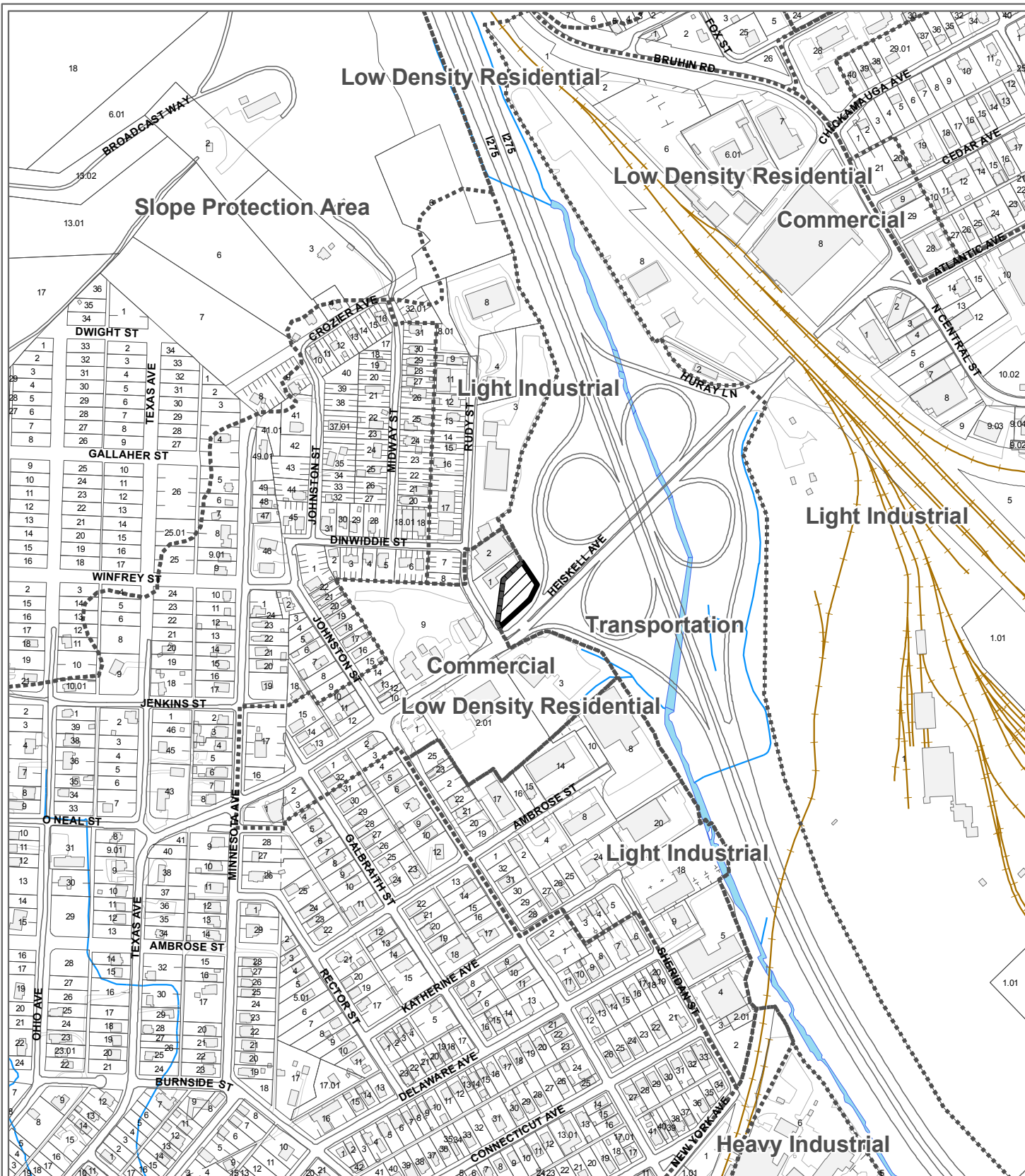
SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



**9-D-09-SP / 9-H-09-RZ
CENTRAL CITY SECTOR PLAN AMENDMENT**

From: TR (Transportation)
To: C (Commercial)



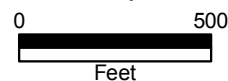
Original Print Date: 8/24/2009
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

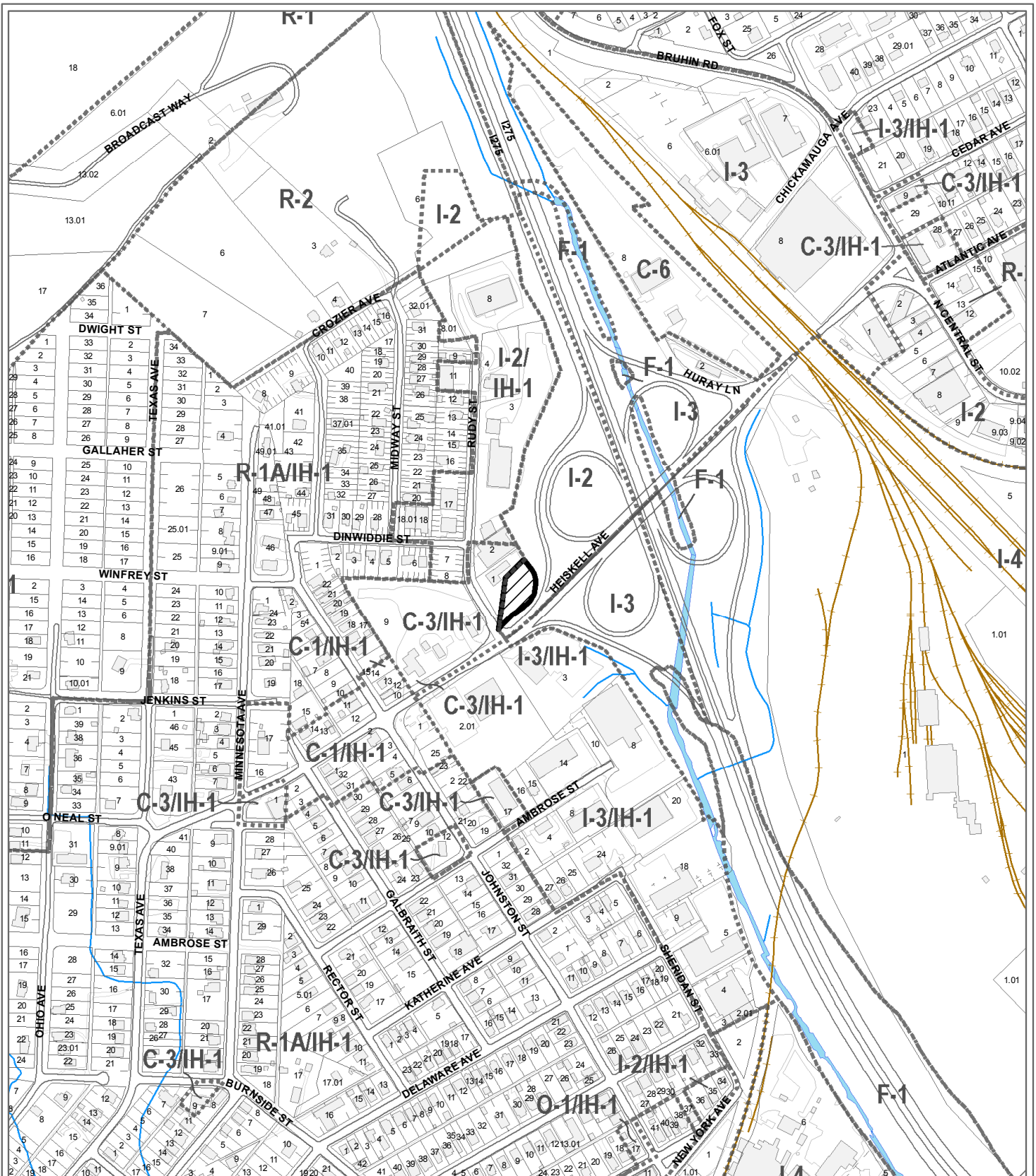
Revised:

Petitioner: Palace Package Store, Inc.

Map No: 81

Jurisdiction: City





**9-H-09-RZ
REZONING**

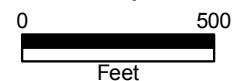
From: I-2 (Restricted Manufacturing and Warehousing)
 To: C-3 (General Commercial) / IH-1 (Infill Housing Overlay)



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Revised: