

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

▶ **FILE #:** 10-B-10-SP (REVISED) **AGENDA ITEM #** 32
 POSTPONEMENT(S): 10/14/10-11/10/10 **AGENDA DATE:** 12/9/2010
 ▶ **APPLICANT:** TENNESSEE LAND INVESTMENT PROPERTIES, LLC
 OWNER(S): TENNESSEE LAND INVESTMENT PROPERTIES LLC

TAX ID NUMBER: 71 I A 001, 027 & 028

JURISDICTION: Council District 6

▶ **LOCATION:** Northeast side Pelham Rd., southwest side Spring Hill Rd., east of Rutledge Pike

▶ **APPX. SIZE OF TRACT:** 14.8 acres

SECTOR PLAN: East City

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

ACCESSIBILITY: Access to the subject property is from Pelham Rd., a local street with 17' of pavement width within 50' of right-of-way, or from Spring Hill Rd, a local street with 28' of pavement width within 100' of right-of-way, which goes under I-40 and connects to Rutledge Pike to the north.

UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** MDR (Medium Density Residential) and LDR (Low Density Residential) / R-2 (General Residential)

▶ **PROPOSED PLAN DESIGNATION:** LI (Light Industrial)

▶ **EXISTING LAND USE:** Mobile homes and construction equipment display

▶ **PROPOSED USE:** Warehousing, light industrial, business park

EXTENSION OF PLAN DESIGNATION: No, the current sector plan does not reflect light industrial, even on the I-3 zoned property to the northeast.

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: I-40 right-of-way, ramps / TR / R-2 (General Residential) and I-3 (General Industrial)

South: Residences and businesses / LI & LDR / R-1A (Low Density Residential)

East: Spring Hill Rd. - Residences / LDR / R-1A (Low Density Residential)

West: Businesses / C / C-3 (General Commercial) and C-6 (General Commercial Park)

NEIGHBORHOOD CONTEXT This area is developed with a mix of residential, commercial and light industrial uses under R-1A, C-3, C-6, I-2 and I-3 zoning. The subject property is developed with a mobile home park and a construction equipment display area, zoned R-2 and I-3.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION # 10-B-10-SP, amending the East City Sector Plan to LI (Light Industrial) and recommend that City Council 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.

COMMENTS:

The applicant has revised the request to include parcels 1 and 28, which are currently proposed for low and medium density residential uses on the sector plan. The applicant is now requesting that all three parcels (14.8 acres) be amended on the sector plan to allow LI (Light Industrial) uses. C-6 zoning may be considered under the LI designation. A One Year Plan amendment and rezoning proposal accompany this sector plan amendment (10-D-10-RZ/10-C-10-PA).

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No known improvements have occurred to the streets directly adjacent to this site. But, by adding parcels 1 and 28 to the request, access is gained to Spring Hill Rd. on the east side of the site, which is preferable to Pelham Rd. on the west side of the site.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan proposes low and medium density residential uses for this site, which is in conflict with the current I-3 zoning on parcels 1 and 28. The proposed amendment will bring the plan into consistency with the zoning.

CHANGES IN GOVERNMENT POLICY:

The property has more than 1500 feet of I-40 frontage, is near the interchange with Rutledge Pike and is near other industrial and commercial zoning. These three factors make this site viable for light industrial/commercial use.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

Most of this site is already zoned I-3 (General Industrial), which is of similar intensity to surrounding uses. This site's frontage on the interstate and its proximity to an interchange make it suitable for a light industrial plan designation. The precedent has already been set in this area for uses similar to the proposal.

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.

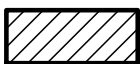
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/11/2011 and 1/25/2011. 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.



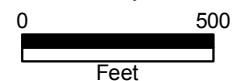
**10-B-10-SP
EAST CITY SECTOR PLAN AMENDMENT**



From: MDR (Medium Density Residential) and LDR (Low Density Residential)
To: LI (Light Industrial)

Petitioner: Tennessee Land Investment Properties, LLC

Map No: 71
Jurisdiction: City



Original Print Date: 9/23/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE EAST 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 East 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, Tennessee Land Investment Properties, LLC, has submitted an application to amend the Sector Plan from Low and Medium Density Residential to Light Industrial, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the East 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 December 9, 2010, 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 East City Sector Plan, with its accompanying staff report and map, file #10-B-10-SP.

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



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

FILE #: 10-D-10-RZ **AGENDA ITEM #** 32
10-C-10-PA (REVISED) **AGENDA DATE:** 12/9/2010

POSTPONEMENT(S): 10/14/10-11/10/10

APPLICANT: TENNESSEE LAND INVESTMENT PROPERTIES, LLC
OWNER(S): TENNESSEE LAND INVESTMENT PROPERTIES LLC

TAX ID NUMBER: 711A 001, 027 & 028 PA ON PARCEL 27 ONLY

JURISDICTION: Council District 6

LOCATION: Northeast side Pelham Rd., southwest side Spring Hill Rd., east of Rutledge Pike

TRACT INFORMATION: 14.8 acres.

SECTOR PLAN: East City

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

ACCESSIBILITY: Access to the subject property is from Pelham Rd., a local street with 17' of pavement width within 50' of right-of-way, or from Spring Hill Rd, a local street with 28' of pavement width within 100' of right-of-way, which goes under I-40 and connects to Rutledge Pike to the north.

UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

PRESENT PLAN DESIGNATION/ZONING: MDR (Medium Density Residential) / R-2 (General Residential) and I-3 (General Industrial)

PROPOSED PLAN DESIGNATION/ZONING: LI (Light Industrial) / C-6 (General Commercial Park)

EXISTING LAND USE: Mobile homes and construction equipment display

PROPOSED USE: Warehousing, light industrial, business park

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of LI designation from the northeast

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: I-40 right-of-way, ramps / ROW / R-2 (General Residential) and I-3 (General Industrial)

South: Residences and businesses / LDR / R-1A (Low Density Residential)

East: Spring Hill Rd. - Residences / LDR / R-1A (Low Density Residential)

West: Businesses / GC / C-3 (General Commercial) and C-6 (General Commercial Park)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of residential, commercial and light

industrial uses under R-1A, C-3, C-6, I-2 and I-3 zoning. The subject property is developed with a mobile home park and a construction equipment display area, zoned R-2 and I-3.

STAFF RECOMMENDATION:

► **RECOMMEND that City Council APPROVE LI (Light Industrial) One Year Plan designation.**

Light industrial uses for parcel 27 is an extension of the plan designation from the east and are compatible with the surrounding land use and zoning pattern.

► **RECOMMEND that City Council APPROVE C-6 (General Commercial Park) zoning.**

C-6 zoning is appropriate within the light industrial land use designations, as recommended. C-6 zoning will allow commercial uses on the site, in addition to some light industrial uses that are already permitted in the I-3 zoned area. C-6 uses will be compatible with the surrounding land uses and zoning pattern. C-6 zoning also requires administrative plan review and approval by MPC staff prior to issuance of building permits.

COMMENTS:

This One Year Plan amendment request has not been revised since the original application. It only applies to the westernmost parcel 27. Parcels 1 and 28 are already designated for light industrial uses, consistent with their I-3 zoning. There is also a sector plan amendment request that accompanies these requests (10-B-10-SP).

ONE YEAR PLAN AMENDMENT 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 - The plan currently proposes medium density residential uses at this location, consistent with the R-2 zoning and mobile home park use of the site. The applicant intends to redevelop the site with some light industrial use. The proposed amendment is an extension of the existing light industrial plan designation from the northeast.
- C. CHANGES IN GOVERNMENT POLICY - The One Year Plan should be amended to reflect the future use of the area as light industrial, and to be consistent with the sector plan. This land, which is directly adjacent to an I-40 interchange ramp is not appropriate for residential use.
- D. CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS - The subject area has been occupied by residential uses for some time, but is surrounded by I-40 or non-residential uses and zoning on three sides.

REZONING COMMENTS:

All three subject parcels are under the same ownership. Two parcels are currently zoned I-3 and the westernmost parcel is R-2. The applicant has expressed interest in establishing the same zoning on all three parcels, which led to the original I-3 request on parcel 27 only. However, staff had concerns about accessing the site from Pelham Rd. and would like to have some form of required development plan review before the entire site is developed. A good deal of clearing and grading has already occurred on the site. The current access to the site from Spring Hill Rd. to the east is desirable, at least until some improvements could be made to the Pelham Rd. access on the west side of the site. Staff also has some concerns about protecting the steeper slopes on the property. After meeting with staff, the applicant agreed to revise the request to seek C-6 zoning on all three parcels that he owns, which is about 14.8 acres.

C-6 (General Commercial Park) zoning can be considered under the existing and proposed LI plan designations. C-6 zoning requires an administrative site plan review by MPC staff prior to development.

REZONING REQUIREMENTS:

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

- 1. C-6 zoning is appropriate within the light industrial land use designations, as recommended.
- 2. C-6 uses will be compatible with the surrounding land uses and zoning pattern.
- 3. C-6 zoning is appropriate for this site, which has over 1500 feet of frontage on I-40 and is just east of the Rutledge Pike interchange.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested C-6 zoning is intended to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas. The following 6 concepts are emphasized in the zoning ordinance: 1) To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas, 2) To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated, 3) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading and landscaping, 4) To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County, 5) To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the C-6 zoning district, and 6)) To encourage general commercial activities to locate in areas that have access to a major street system.
2. Based on the above description, C-6 is an appropriate zone for this site. C-6 zoning will allow commercial uses on the site, in addition to some light industrial uses that are already permitted in the I-3 zoned area. C-6 zoning also requires administrative plan review and approval by MPC staff prior to issuance of building permits.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. C-6 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. The impact on the street system will depend on the type of development proposed.
4. C-6 zoning requires administrative plan review and approval by MPC staff prior to issuance of building permits. Access to the property and potential impacts on nearby steep slopes can be assessed through plan review.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended amendment to LI, the recommended C-6 zoning is consistent with the City of Knoxville One Year Plan.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. An East City Sector Plan amendment accompanies these One Year Plan amendment and rezoning requests (10-B-10-SP). That request is to amend the sector plan from low and medium density residential to light industrial. This amendment must also be approved to be consistent with the requested C-6 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 1/11/2011 and 1/25/2011. 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.



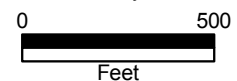
**10-C-10-PA/10-D-10-RZ
KNOXVILLE ONE YEAR PLAN AMENDMENT**

From: MDR (Medium Density Residential)
 To: LI (Light Industrial)

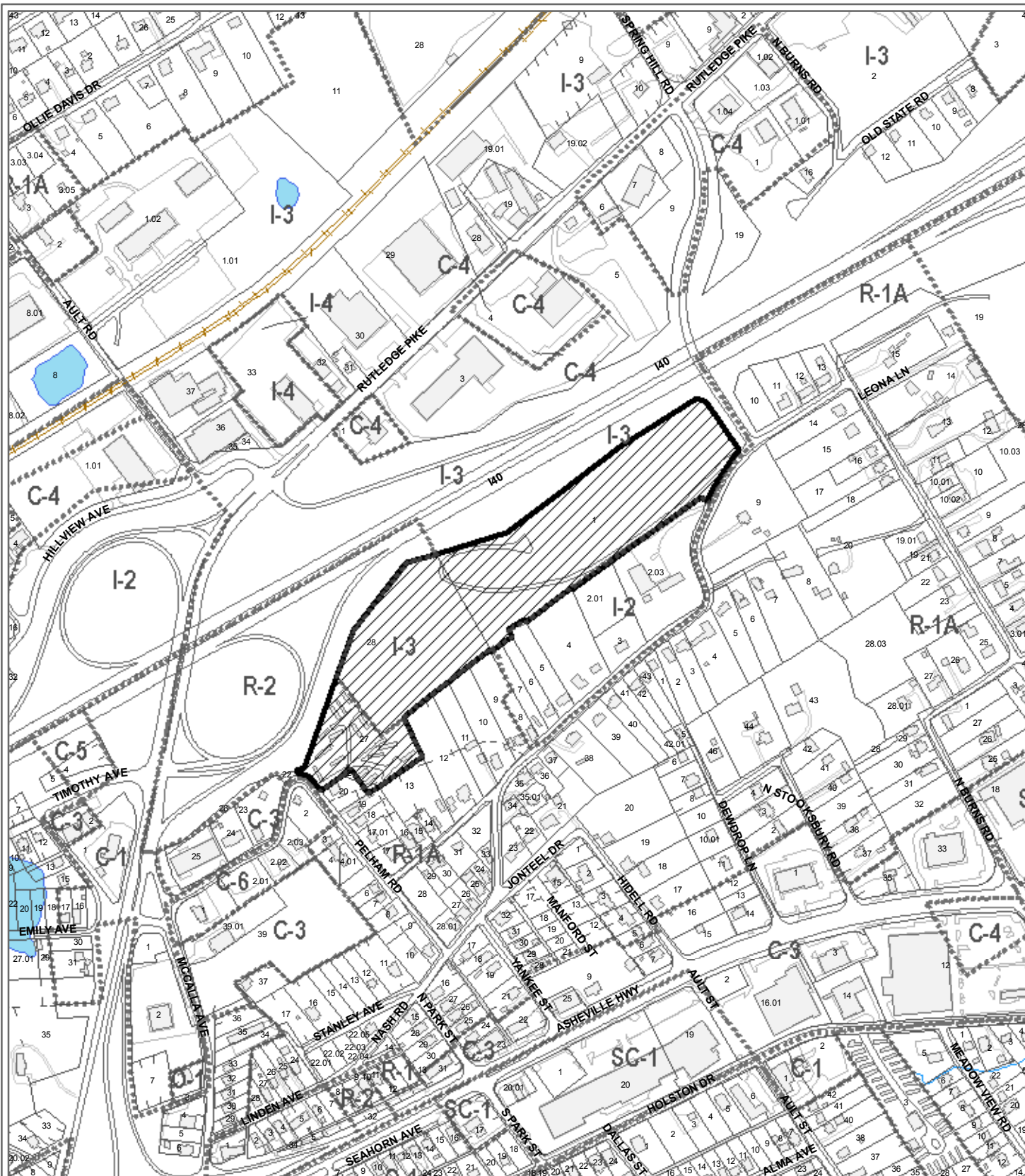


Petitioner: Tennessee Land Investment Properties, LLC

Map No: 71
 Jurisdiction: City



Original Print Date: 9/21/2010
 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**10-D-10-RZ
REZONING**

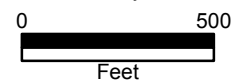
From: R-2 (General Residential) and I-3 (General Industrial)
To: C-6 (General Commercial Park)



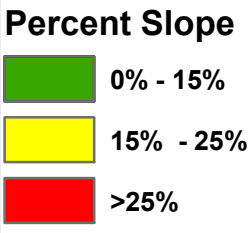
Petitioner: Tennessee Land Investment Properties, LLC

Map No: 71

Jurisdiction: City

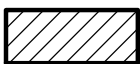


Original Print Date: 9/22/2010 Revised: 10/26/2010
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**10-D-10-RZ
REZONING - SLOPE ANALYSIS**

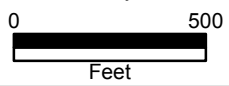
From: R-2 (General Residential) and I-3 (General Industrial)
To: C-6 (General Commercial Park)



Original Print Date: 11/4/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Tennessee Land Investment Properties, LLC

Map No: 71
Jurisdiction: City



10-D-10-RZ Slope Analysis

Slope	GridCode	COUNT	Sum_Acres	Percentage
0-15%	1	14912	8.5583	55.59%
15-25%	2	3344	1.9192	12.47%
>25%	3	8571	4.9191	31.95%
Total Acres			15.3966	100.00%