

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

► FILE #: 1-F-10-RZ AGENDA ITEM #: 34

> 1-D-10-SP AGENDA DATE: 2/11/2010

POSTPONEMENT(S): 1/14/10

▶ APPLICANT: CITY OF KNOXVILLE

OWNER(S): VICTOR FIRST CENTURY BANK

FIRST NATIONAL BANK

NATIONAL BANK OF TENNESSEE

TAX ID NUMBER: 49 084.085.085.01&092.01 PT OF 093.01 ZONED SC-1, 092.03.

092.05, 092.06, 092.07

JURISDICTION: Council District 4

▶ LOCATION: North, south and west sides Washington Pike, north side McCampbell

Dr., southwest and southeast of Murphy Rd.

► TRACT INFORMATION: 34 acres.

SECTOR PLAN: Northeast County

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

ACCESSIBILITY: Primary access to all properties is from Washington Pike, a minor arterial

street with 20-35' of pavement width within 50-75' of right of way.

UTILITIES: Water Source: **Knoxville Utilities Board**

> Sewer Source: **Knoxville Utilities Board**

WATERSHED: Whites Creek and Love Creek

► PRESENT PLAN

NC (Neighborhood Commercial) and GC (General Commercial) / SC-1 (Neighborhood Shopping Center), C-3 (General Commercial) and C-4 **DESIGNATION/ZONING:**

(Highway & Arterial Commercial) with conditions

PROPOSED PLAN

DESIGNATION/ZONING:

GC (General Commercial) / PC-1 (Retail and Office Park)

EXISTING LAND USE: Vacant land and residential

PROPOSED USE: Commercial

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC from adjacent property along McCampbell Dr.

HISTORY OF ZONING

REQUESTS:

Some of the subject parcels have been involved in plan amendments and

rezonings before and after annexation into the City

SURROUNDING LAND USE,

PLAN DESIGNATION,

North: Vacant land / LDR and Stream Protection / A (Agricultural) and I

(Industrial)

ZONING

South:

Residences / LDR / RA (Low Density Residential) and PR (Planned

Residential)

East: Vacant land and house / LDR / A (Agricultural)

Vacant land / LDR / RP-1 (Planned Residential) @ 1-5 du/ac West:

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STAFF RECOMMENDATION:

▶ ADOPT RESOLUTION #1-D-10-SP, amending the Northeast County Sector Plan to NC (Neighborhood Commercial) for parcels 84, 85 and 85.01 only, and recommend that City Council also adopt the sector plan amendment. (See attached resolution, Exhibit A.)

The remainder of the subject parcels are already designated as NC on the sector plan, which should be retained. Neighborhood commercial is more appropriate for these parcels, all of which are in close proximity to residential uses.

- ► RECOMMEND that City Council APPROVE SC-1 (Neighborhood Shopping Center) zoning, subject to 3 conditions. (Original request was for PC-1.)
 - 1. No clearing or grading of any portions of the sites shall occur prior to use on review development plan approval by MPC.
 - 2. Parcels 92.03, 92.05, 92.06 and 92.07 shall be limited to C-3 uses, plus a self-service storage facility as a use permitted on review.
 - 3. A full landscaping plan, a lighting and photometric plan, and architectural elevations of all buildings must be submitted as part of the use on review development plan package.

With the above conditions, the recommended SC-1 zoning will allow commercial development of the sites with required development plan approval by MPC prior to construction or disturbance of the land.

COMMENTS:

Neighborhood commercial is the most appropriate designation for these parcels, which are all in close proximity to residential uses. The original application listed GC (General Commercial) as the proposed plan designation, because it would be required to consider PC-1 zoning. But, the majority of the parcels are already designated as NC, which should be retained. SC-1 is an acceptable zoning district within the NC plan designation. SC-1 is also a planned zone that requires plan approval by MPC prior to any construction, similar to PC-1.

Knoxville City Council requested that MPC consider rezoning the subject parcels to PC-1, which required a sector plan amendment to GC. The City of Knoxville One Year Plan already proposes GC (General Commercial) uses for the sites, so no One Year Plan amendment was necessary. However, this area will likely be studied as part of the 2010 One Year Plan Update, which will be on MPC's March agenda. In looking at the PC-1 zoning, staff determined that the sites may be too small for PC-1 zoning. SC-1 is more appropriate for smaller sites, especially when in close proximity to residential uses. The PC-1 zone requires a 50 foot peripheral boundary setback and is recommended for sites of no less than 5 acres. The SC-1 zone has smaller setbacks and is appropriate for sites that are less than 5 acres. Only one of the subject parcels (the westernmost tract) is over 5 acres currently. Parcels would have to be combined to create tracts of larger than 5 acres. The general description of the SC-1 zone in the zoning ordinance is as follows: "This commercial district is intended for a unified grouping, in one (1) or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the neighborhood shopping center be developed as a unit, with adequate of street parking space for customers and employees, and with appropriate landscaping and screening materials."

SC-1, like PC-1, requires use on review approval of a development plan prior to any construction. The recommended condition above will also prevent any disturbance of the land prior to the plan approval. This will provide the opportunity for staff to review a plan and address issues such as traffic circulation, landscaping, layout, screening, drainage, lighting, building architecture and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

Some of the concerns that MPC staff will consider in reviewing development plans are lighting, noise, preservation of existing vegetation, installation of new landscaping/screening, hours of operation, traffic circulation and building architectural styles. All development should be planned in such a way to be as compatible as possible with surrounding residential uses.

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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:

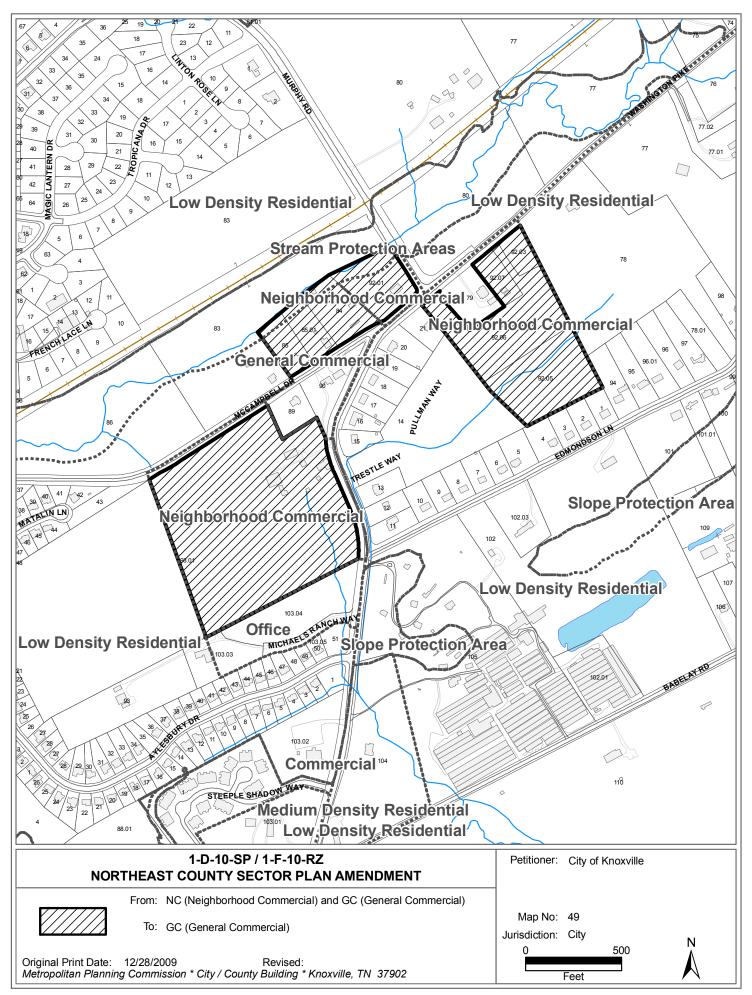
- 1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- 2. The Legislative Body may also initiate an amendment and transmit the amendment 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.

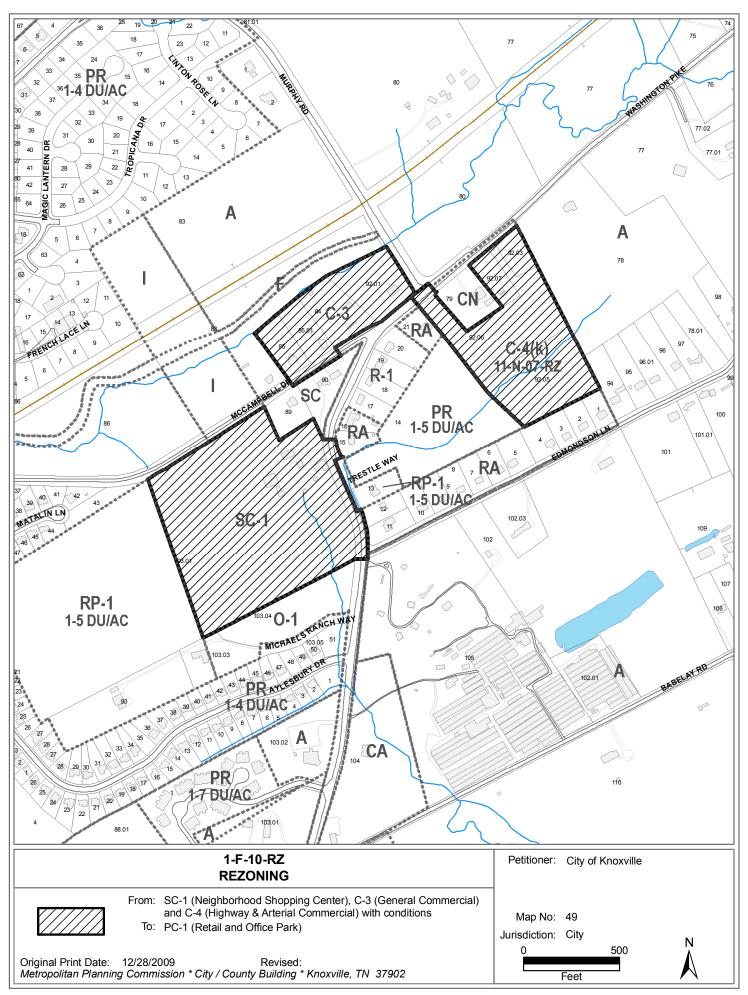
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 3/9/2010 and 3/23/2010. 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.

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KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION A RESOLUTION AMENDING THE NORTHEAST 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 Northeast 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 plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, the City of Knoxville, has submitted an application to amend the Sector Plan from Neighborhood Commercial to General Commercial, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northeast 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 February 11, 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 Northeast County Sector Plan, with its accompanying staff report and map, file #1-D-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	

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From:
              Rebecca Longmire <rebeccalongmire@hotmail.com>
To:
              <gewart@georgeewart.com>, <mark.donaldson@knoxmpc.org>,
<bartcarey@comcast.net>, <rlcraig@uset.net>, <artclancy3@gmail.com>,
<makane1@bellsouth.net>, <wstowers@stowerscat.com>, <srwise@wrpctn.com>,
<tbernefield@benefieldrichters.com>, <ubailey@esper.com>, <anders@holstongases.com>,
<s.johnson692@gmail.com>, <buz.johnson@knoxmpc.org>, <cole5137@bellsouth.net>,
<nathan.j.kelly@gmail.com>, <bettyjo.mahan@knoxmpc.org>
Date:
              1/8/2010 2:57:57 PM
Subject:
              FW: Murphy Road/Washington Pike Rezoning
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I didn't know if you all had gotten this info too, so I thought I'd pass it along.

Rebecca Longmire

Don't worry about when the storm will be over - learn to dance in the rain.

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> Date: Thu, 7 Jan 2010 14:23:22 -0500
> From: lisa@aobe.com
> To: neknox@neknox.org
> Subject: Murphy Road/Washington Pike Rezoning
> Hello Neighbors,
> Hope you had a great holiday and are looking forward to a wonderful New
> Year!
> There will be a meeting on Monday, January 11th, 2009 at 6:00 pm at the
> offices of Jerry Tipton, which is next door to Ritta Elementary School,
> about a rezoning of several of the Murphy Road/Washington Pike parcels
> that were formerly or currently owned by Victor Jernigan.
> If you travel on Washington Pike, this concerns you!
> These properties were originally zoned NC (Neighborhood Commercial) when
> they were in the county, but when they got annexed into the city, the
> zoning became C-3, which does NOT require a Use on Review and is much
> less restrictive.
>
> We are asking MPC to rezone these properties to a commercial zoning that
> provides for a Use on Review and will put some restrictions on what can
> be done with the property. MPC is probably going to recommend SC-1
> (Shopping Center) for the LeCoultre farm and properties along Washington
> Pike and PC-1 for the properties beside Weigels.
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> Mr. Jernigan opposes the rezoning because he wants the the property to
> be as unrestricted as possible.
> Kevin Murphy, who is restoring the old Murphy home (white house on
> Murphy Road and Washington Pike beside the RR tracks) has some ideas
> about restrictions he would like to see placed on the property to
> minimize the negative impact on the neighbors with regard to lighting,
> noise, landscaping, boundaries, etc. We will discuss these ideas at the
> meeting.
> We hope to have some MPC staff and/or city council persons at the
> meeting, so it is important that we have a good turnout to show concern
> about these developments.
> As you know, traffic is a terrible problem in the Washington Pike area
> and there are NO plans to make any road improvements in the near future.
> We need to fight to make sure that we are not in total gridlock by the
> time these developments happen. Mr. Jernigan had promised us that none
> of these developments would happen until the road improvements came, but
> because many of these properties are now in bankruptcy, that is no
> longer the case.
> Please come to this meeting to hear about the proposed rezoning so that
> you can help us at MPC and later at City Council.
> Thanks,
> Lisa
> ------
> Lisa Starbuck
> President
> Northeast Knox Preservation Assn.
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Today. Tomorrow. Together

P. O. Box 159 • 1780 North Broad Street, Tazewell, TN 37879 • Phone: (423) 626-7261 • Fax: (423) 626-1627 www.fcbtn.com

January 7, 2010

Knoxville-Knox County Metropolitan Planning Commission Suite 403 City County Building 400 Main Street Knoxville, TN 37902

Attn: Ms. Betty Jo Mahan

Re: January 14, 2009, MPC Agenda Item No. 43 (1-D-10-SP and 1-F-10-RZ)

Dear Ms. Mahan:

With regard to the proposed rezoning of acreage located along Washington Pike as identified in Agenda Item No. 43 for the January MPC meeting, First Century Bank acquired ownership of approximately forty-two acres of the affected property by foreclosure sale approximately 30 days ago. The Bank has begun its analysis of how to best market the property, and would like an opportunity to review and understand the implications of the proposed sector plan change and rezoning as part of that analysis, and perhaps offer input to the Planning Commission, as a property owner.

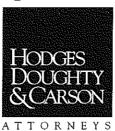
This letter constitutes our request that the Plan Amendment and Rezoning Applications be postponed for a period of thirty (30) days, so that we can more fully participate in the process.

Thank you for your consideration.

Sincerely, FIRST CENTURY BAN

Teresa Walker

1-D-10-SP_ 1-F-10-RZ_ CURHDC



DALTON I TOWNSEND
ROY L. AARON
DEAN B. FARMER
DAVID N WEDEKIND
ALBERT J. HARB
EDWARD G WHITE II
THOMAS H DICKENSON
J WILLIAM COLEY
J. MICHAEL HAYNES
T. KENAN SMITH
WAYNE A KLINE
HIRAM G TIPTON
B. CHASE KIBLER
CHRISTOPHER D. HEAGERTY
KRISTI M. DAVIS
JOSHUA M BALL
JOSHUA J BOND

LISA J HAIL
KANDI R YEAGER
E. MICHAEL BREZINA III
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WESLEY D STONE
ALICIA COTTRELL
W MICHAEL BAISLEY

OF COUNSEL

ROBERT R. CAMPBELL

JOHN W WHEELER

JULIA S HOWARD

RETIRED

JONATHAN H. BURNETT

DAVID E SMITH

DOUGLAS L. DUTTON

WILLIAM F ALLEY JR

J H HODGES (1896-1983) J H DOUGHTY (1903-1987) RICHARD L CARSON (1912-1980) JOHN P DAVIS JR (1923-1977)



January 11, 2010

Direct Line: (865) 292-2243

E-Mail Address: TDickenson@HDCLaw Com

Knoxville-Knox County Metropolitan Planning Commission Suite 403 City County Building 400 Main Street Knoxville, TN 37902

Attn: Ms Betty Jo Mahan

RE: January 14, 2009, MPC Agenda Item No 43 (1-D-10-SP and 1-F-10-RZ)

Dear Ms Mahan:

With regard to the proposed rezoning of acreage located near or along Washington Pike and identified in Agenda Item No 43 for the January MPC meeting, National Bank of Tennessee acquired ownership of property of Coventry Creek, LLC by virtue of a foreclosure sale conducted on January 5, 2010, and just recently learned about a rezoning request relating to the property. The Bank is determining how to best market the property, and would like an opportunity to review and understand the implications of the proposed sector plan change and rezoning as part of that analysis. If warranted, the Bank would offer input on the proposed change

This letter constitutes the Bank's request that the Plan Amendment and Rezoning Applications be postponed for a period of at least thirty (30) days, so that we can more fully participate in the process

Thank you for your consideration

Yours truly,

HODGES, DOUGHTY & CARSON

Thomas H. Dickenson

THD/sm

Q:\Sharon\National Bank\Coventry Creek\010710 Planning Commission Itr doc

cc: William E. Newman

