



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

▶ **FILE #:** 1-B-10-SP

AGENDA ITEM #: 40

AGENDA DATE: 1/14/2010

▶ **APPLICANT:** M & T, LLC

OWNER(S): M & T, LLC

TAX ID NUMBER: 69 I A PART OF 027.01 MAP ON FILE AT MPC

JURISDICTION: Council District 5

▶ **LOCATION:** Southeast end Fennel Rd., southeast of Elyria Dr., northeast of Central Avenue Pike

▶ **APPX. SIZE OF TRACT:** 3.4 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Fennel Rd., a local street with 18' of pavement width with 45' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) and HP (Hillside Protection) /

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential) and HP (Hillside Protection)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Duplexes and multi-dwelling residential

EXTENSION OF PLAN DESIGNATION: Yes, extension of MDR from the southeast

HISTORY OF REQUESTS: MPC approved a one year plan amendment to GC and rezoning to C-6 on 7/8/04 (7-I-04-RZ/7-E-04-PA). Staff had recommended denial of both requests.

SURROUNDING LAND USE AND PLAN DESIGNATION:
 North: Houses / LDR / R-2 (General Residential)
 South: Attached residential development / MU (MDR),
 East: Commercial building / LDR
 West: Commercial building / LDR

NEIGHBORHOOD CONTEXT: This area is developed with a mix of low density and medium density residential development under R-2 zoning and some commercial, office and light industrial development under C-3, C-6, O-1, I-2 and I-3 zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 1-B-10-SP, amending the North City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

Medium density residential development is consistent with much of the adjacent development and zoning in the area. There is an established, attached residential development to the southeast of this site. Medium density residential is a less intense land use than the current general commercial proposal.

COMMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No known improvements have been made to the roads or utility facilities in the area. However the proposed use is less intense than the current designated use.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan proposes low density residential uses for this site, not recognizing the current C-6 zoning or the previous R-2 zoning. If adopted, this recommended plan amendment would bring the sector plan into consistency with the One Year Plan and zoning of the property.

CHANGES IN GOVERNMENT POLICY:

The property was formerly zoned R-2, which allows medium density residential development with no plan approval requirement by MPC. If MDR is approved on the sector plan, then a planned residential zone could be established, which is the preferred zoning for residential development.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

The property to the southeast is zoned and developed with medium density residential uses. The Central Avenue Pike corridor has been developing with more intense uses over the years, mainly commercial. This site is located less than a mile from the I-75/Merchant Dr. interstate interchange.

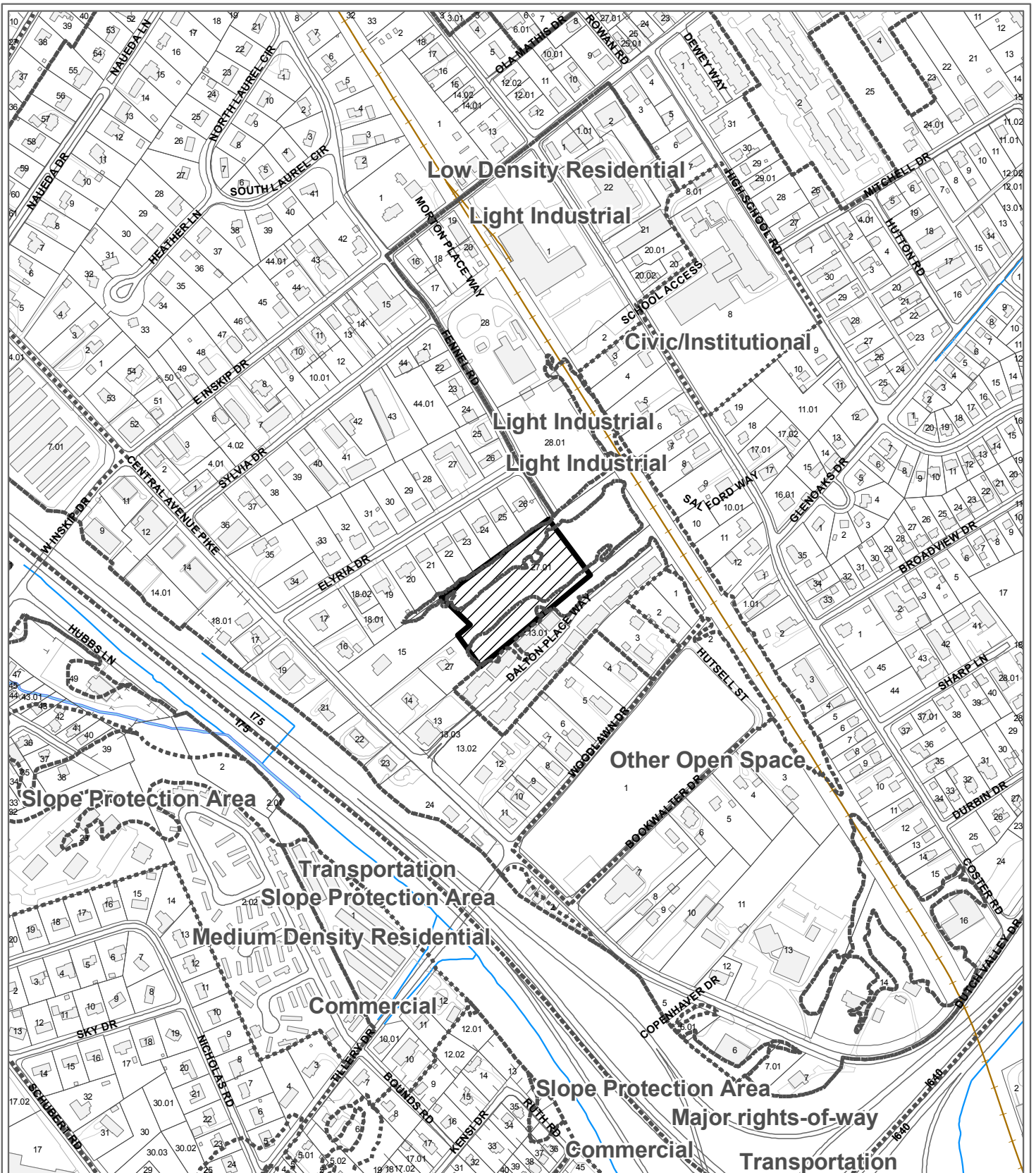
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

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: 14 (public and private school children, ages 5-18 years)

If approved, this item will be forwarded to Knoxville City Council for action on 2/9/2010 and 2/23/2009. 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.



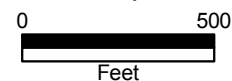
**1-B-10-SP
NORTH CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) and HP (Hillside Protection)
 To: MDR (Medium Density Residential) and HP (Hillside Protection)



Petitioner: M & T, LLC

Map No: 69
 Jurisdiction: City



Original Print Date: 1/6/2010 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTH 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 North 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, the M & T, LLC, has submitted an application to amend the Sector Plan from Low Density Residential to Medium Density Residential, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the North 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 January 14, 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 North City Sector Plan, with its accompanying staff report and map, file #1-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 #: 1-C-10-RZ
1-A-10-PA

AGENDA ITEM #: 40
AGENDA DATE: 1/14/2010

APPLICANT: M & T, LLC
OWNER(S): M & T, LLC

TAX ID NUMBER: 69 I A PART OF 027.01 MAP ON FILE AT MPC
JURISDICTION: Council District 5

LOCATION: Southeast end Fennel Rd., southeast of Elyria Dr., northeast of Central Avenue Pike

TRACT INFORMATION: 3.4 acres.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Fennel Rd., a local street with 18' of pavement width with 45' of right of way.

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

WATERSHED: Second Creek

PRESENT PLAN DESIGNATION/ZONING: GC (General Commercial) / C-6 (General Commercial Park)

PROPOSED PLAN DESIGNATION/ZONING: MDR (Medium Density Residential) / R-2 (General Residential)

EXISTING LAND USE: Vacant land

PROPOSED USE: Duplexes or multi-dwelling residential development

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of MDR from the southeast

HISTORY OF ZONING REQUESTS: MPC approved a one year plan amendment to GC and rezoning to C-6 on 7/8/04 (7-I-04-RZ/7-E-04-PA). Staff had recommended denial of both requests.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Houses / LDR
South: Attached residential development / MU (O, MDR, OS) / R-2 (General Residential)
East: Commercial building / GC / C-6 (General Commercial Park)
West: Commercial building / GC / C-6 (General Commercial Park)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of low density and medium density residential development under R-2 zoning and some commercial, office and light industrial development under C-3, C-6, O-1, I-2 and I-3 zoning.

STAFF RECOMMENDATION:

- ▶ **ADOPT resolution #1-B-10-PA, amending the Knoxville One Year Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the One Year Plan amendment. (See attached Exhibit A.)**

Medium density residential uses are appropriate at this location which is surrounded by a mix of commercial, office and low to medium density residential uses. The site is located less than one mile from an interstate interchange.

- ▶ **RECOMMEND that City Council APPROVE RP-1 (Planned Residential) zoning at a density of up to 16 du/ac. (Applicant requested R-2.)**

RP-1 zoning at the recommended density is more compatible with surrounding development and zoning and is an extension of higher density residential development from the southeast. The site was previously zoned R-2 until it was changed in 2004. R-2 zoning could allow up to 94 units on the property, with no plan review by MPC. RP-1 will allow the opportunity for the review of development plans by MPC.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN

- A. **NEW ROAD OR UTILITY IMPROVEMENTS** - No known improvements have been made to the roads or utility facilities in the area. However the proposed use is less intense than the current designated use.
- B. **ERROR OR OMISSION IN CURRENT PLAN** - The One Year Plan currently proposes general commercial uses for this site. If the recommended plan amendments (1-A-10-PA and 1-B-10-SP) and the rezoning are approved, the plans would all be consistent with the zoning of the property.
- C. **CHANGES IN GOVERNMENT POLICY** - The property was formerly zoned R-2, which allows medium density residential development with no plan approval requirement by MPC. If MDR is approved on the sector plan, then a planned residential zone could be established, which is the preferred zoning for residential development.
- D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - The property to the southeast is zoned and developed with medium density residential uses. The Central Avenue Pike corridor has been developing with more intense uses over the years, mainly commercial. This site is located less than a mile from the I-75/Merchant Dr. interstate interchange.

REZONING REQUIREMENTS:

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

1. RP-1 at the recommended density of up to 16 du/ac is more compatible with the scale and intensity of the surrounding development and zoning pattern than what would be permitted under the requested R-2 zoning. Up to 94 dwelling units would be possible under R-2 zoning. The applicant indicated that they would be proposing 50-55 dwelling units on the subject property, which is a density of about 16 du/ac. This development would be much less intense and more compatible than what could be developed under the previous R-2 zoning of the property.
2. The recommended RP-1 zoning is more appropriate for residential development than the requested R-2 zoning, especially at this location. RP-1 zoning requires plan approval by MPC prior to development of the site. This will give staff the opportunity to review plans and require necessary revisions to maximize compatibility with surrounding uses, such as establishing landscape buffering along the periphery of the site.
3. RP-1 zoning allows the flexibility to orient the development in such a way as to maximize the use of the parcel while providing open space and staying compatible with surrounding development and zoning. Under RP-1 zoning, the developer will have the opportunity to locate structures so as to stay away from the environmentally sensitive and more sloped portions of the site.
4. RP-1 zoning requires use on review approval of a development plan by MPC prior to any construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, landscaping, layout, recreational amenities, open space, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The RP-1 zone, as described in the zoning ordinance, is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential

areas thus established would be characterized by a unified building and site development program, open space for recreation, and provision for commercial, religious, education and cultural facilities which are integrated with the total project by unified architectural and open space treatment. New RP-1 zoning may be created to be developed specifically as a planned unit development.

2. Based on the above general intent, this area is appropriate for RP-1 zoning at the recommended density.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. At the recommended density of up to 16 du/ac, up to 54 dwelling units could be considered. If developed with attached residences, it would generate about 9 school aged children and add about 548 trips to the street system. Under the requested R-2 zoning, up to 94 dwelling units could be considered. If developed with attached residences, it would generate about 16 school aged children and add about 903 trips to the street system.
3. The impact on adjacent properties will be minimized through the required use on review process, where MPC will have the opportunity to review and consider approval of a development plan.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended amendments to the North City Sector Plan and the City of Knoxville One Year Plan to medium density residential, either the requested R-2 zoning or the recommended RP-1 zoning at up to 16 du/ac would be consistent with the plans.
2. Approval of this request could lead to future requests for RP-1 zoning on other parcels in the area. Staff would consider any future requests based on their own merits. The current plans do not propose additional medium density residential uses at this time.

Upon final approval of the rezoning, the developer will be required to submit a concept plan/use on review development plan prior to the property's development. The plan will show the property's proposed lot pattern and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by the City of Knoxville Department of Engineering and MPC staff.

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 903 (average daily vehicle trips)

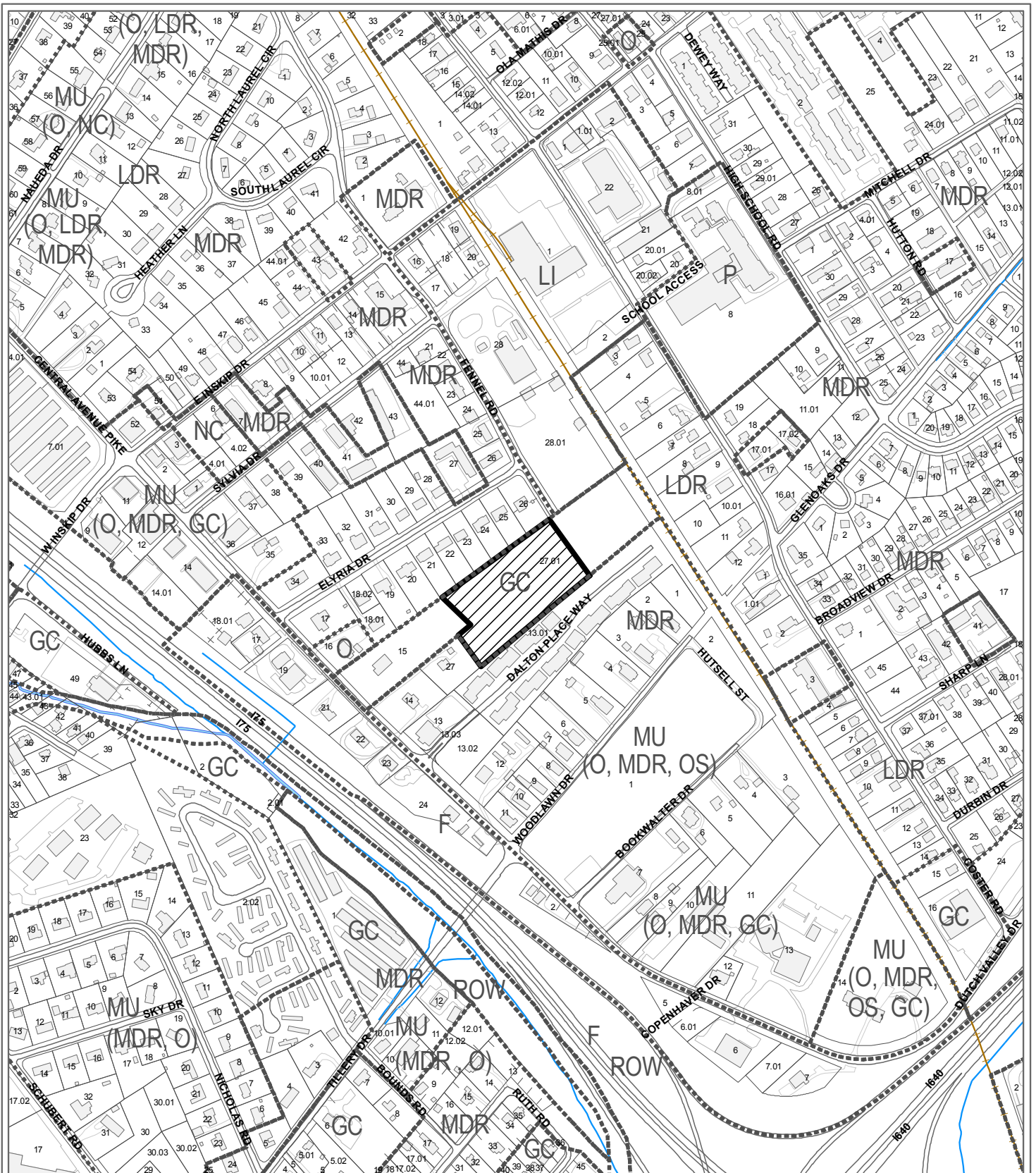
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 16 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Inskip Elementary, Gresham Middle, and Central High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

If approved, this item will be forwarded to Knoxville City Council for action on 2/9/2010 and 2/23/2010. 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.



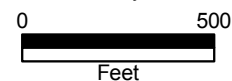
**1-A-10-PA / 1-C-10-RZ
ONE YEAR PLAN AMENDMENT**

From: GC (General Commercial)
To: MDR (Medium Density Residential)

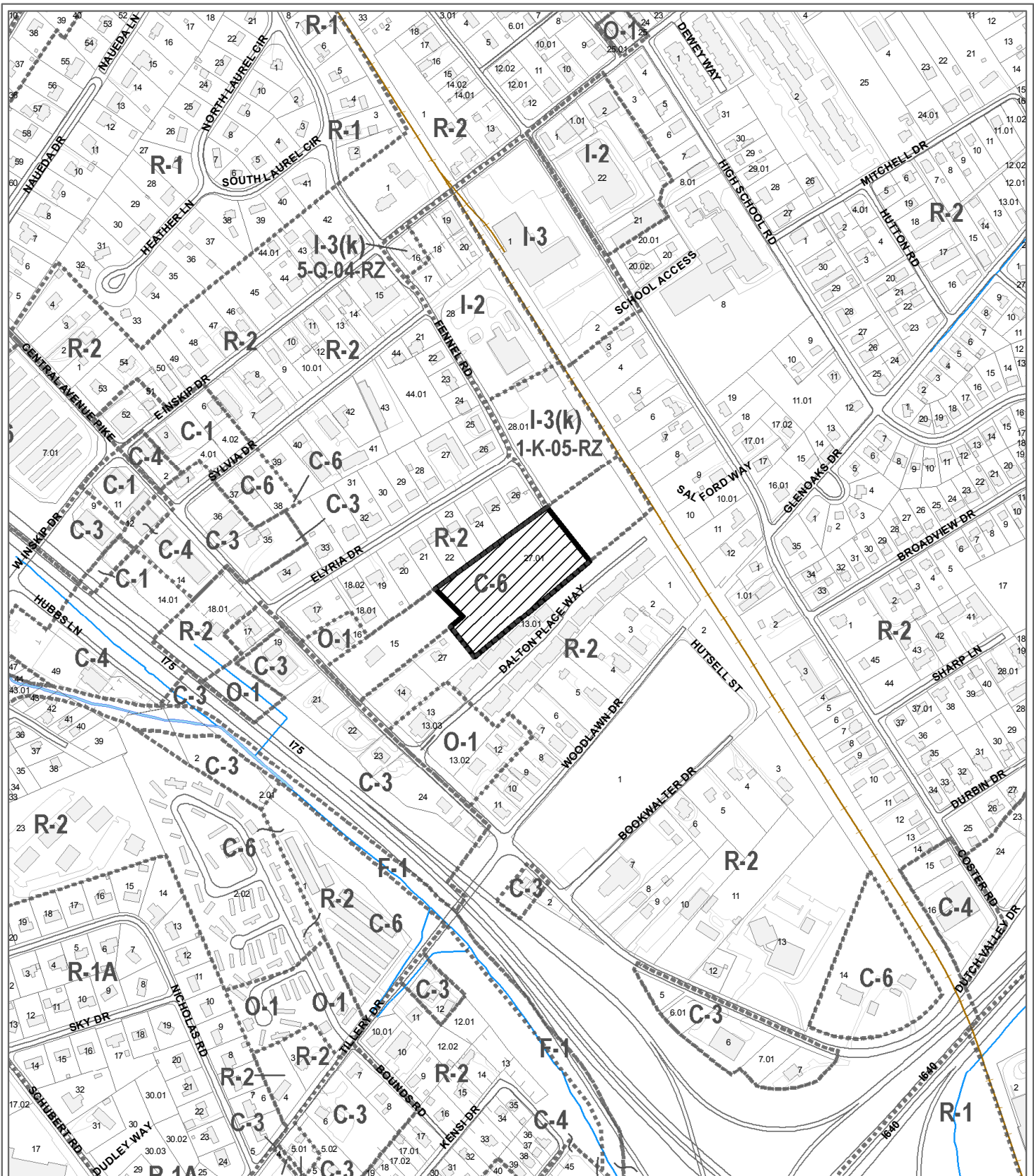


Petitioner: M & T, LLC

Map No: 69
Jurisdiction: City



Original Print Date: 12/23/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



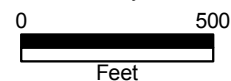
**1-C-10-RZ
REZONING**

From: C-6 (General Commercial Park)
To: R-2 (General Residential)



Petitioner: M & T, LLC

Map No: 69
Jurisdiction: City



Original Print Date: 1/6/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE CITY OF KNOXVILLE ONE YEAR 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 Knoxville One Year 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, M & T, LLC, has submitted an application to amend the One Year Plan from General Commercial to Medium Density Residential for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Knoxville One Year 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 January 14, 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, or revised.

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 Knoxville One Year Plan, as requested, or revised, with its accompanying staff report and map, file #1-A-10-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