

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

▶ **FILE #:** 11-C-09-RZ **AGENDA ITEM #** 35
 1-A-10-SP **AGENDA DATE:** 1/14/2010

▶ **APPLICANT:** THIS AND THAT / MPC
OWNER(S): CHRISTINE A. TAYLOR

TAX ID NUMBER: 93 L G PART OF 025 MAP ON FILE AT MPC
JURISDICTION: Council District 3

▶ **LOCATION:** Northeast side Middlebrook Pike, east side Keith Ave.
 ▶ **TRACT INFORMATION:** 6854 square feet.
SECTOR PLAN: Central City
GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
ACCESSIBILITY: Access is via Middlebrook Pike, a major arterial street with four lanes and a center median within 110' of right of way in this section.
UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
WATERSHED: Third Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LI (Light Industrial) / R-2 (General Residential)
 ▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) / C-3 (General Commercial) or C-6 (General Commercial Park)
 ▶ **EXISTING LAND USE:** Commercial building
 ▶ **PROPOSED USE:** Used furniture/antique store
EXTENSION OF PLAN DESIGNATION/ZONING: No
HISTORY OF ZONING REQUESTS: None noted
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: House / LI & O / R-2 (General Residential)
 South: Middlebrook Pike - FedEx Ground distribution facility / LI / I-3 (General Residential)
 East: House / LI / R-2 (General Residential)
 West: Keith Ave. dead end and cemetery / PPOS / R-2 (General Residential)
NEIGHBORHOOD CONTEXT: This section of Middlebrook Pike is developed with office, commercial, light industrial and residential uses under O-1, C-3, I-3 and R-2 zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #1-A-10-SP, amending the Central City Sector Plan to MU (Mixed Uses) (as depicted on the attached MPC staff recommendation map) 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.

► **RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning.**

C-3 zoning is consistent with the current One Year Plan proposal and the recommended sector plan proposal for the property and is compatible with surrounding development.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

The site is located along Middlebrook Pike, a major arterial street with sufficient capacity to handle any additional traffic that this proposal would allow.

ERROR OR OMISSION IN CURRENT PLAN:

The One Year Plan calls for GC (General Commercial) uses for the site, consistent with the proposed C-3 zoning. But, the current sector plan does not call for commercial use of the site. Staff has recommended that the entire area of parcels 24 and 25 be redesignated to allow mixed uses. The area containing the subject property would allow consideration of commercial zoning. The recommended mixed use area would be limited to office, light industrial or medium density residential in the northern section, and limited to office, light industrial, medium density residential and commercial in the southern section along Middlebrook Pike. (SEE ATTACHED MPC STAFF RECOMMENDATION MAP.)

CHANGES IN GOVERNMENT POLICY:

The area recommended for plan amendment is surrounded by properties already designated for office, commercial and light industrial uses. The surrounding properties are currently zoned R-2 (General Residential). The recommended mixed use designation will open up the two parcels for varied uses, all of which would be compatible with the surrounding development and zoning pattern.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

The subject property is located along Middlebrook Pike, a major arterial street with heavy traffic volumes. There is a Fed Ex Ground facility across the street and a Pepsi distributor to the east of the site. The subject property is adjacent to a cemetery to the west and a church to the east. The Pepsi facility is located just east of the church. The subject property is already bounded by uses which will not be impacted by its commercial use.

REZONING REQUIREMENTS:

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

1. C-3 zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.
2. C-3 zoning allows the continued use of the building for retail sales and brings it into conformance with zoning. However, outdoor display of merchandise will not be permitted in the C-3 zoning district.
3. Staff recommends amending the sector plan to Mixed Uses, limited to light industrial, medium density residential, office and commercial for the area containing the subject property. The One Year Plan proposes general commercial uses. C-3 zoning is consistent with both of those proposals.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
2. Based on the above general intent, this site is appropriate for C-3 development.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. The proposal would have no impact on schools and a minimal impact on the street system.
3. The proposed zoning is similar in scale and intensity to the surrounding development and zoning pattern, so the impact on adjacent properties should be minimal.

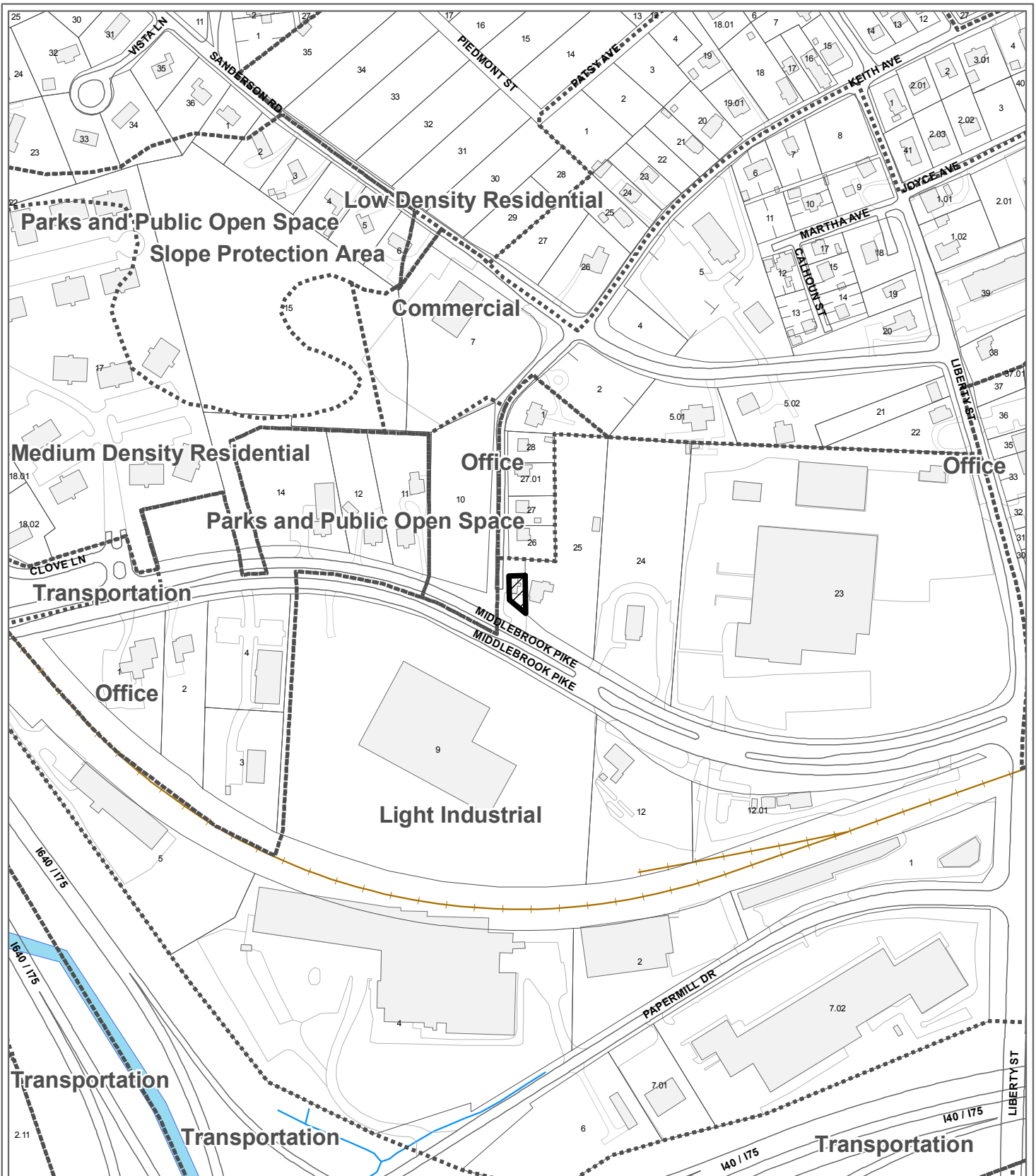
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended plan amendment, C-3 zoning is consistent with the Central City Sector Plan.
2. The One Year Plan proposes general commercial uses, consistent with the proposal.
3. This site is located within the Urban Growth Area (inside the City) on the Knoxville-Knox County-Farragut Growth Policy Plan.
4. Approval of this request could lead to future requests for C-3 or other zoning, consistent with the adopted plans for the area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

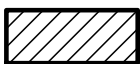
ESTIMATED STUDENT YIELD: Not applicable.

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-SP / 11-C-09-RZ
CENTRAL CITY SECTOR PLAN AMENDMENT**

From: LI (Light Industrial)
To: C (Commercial)

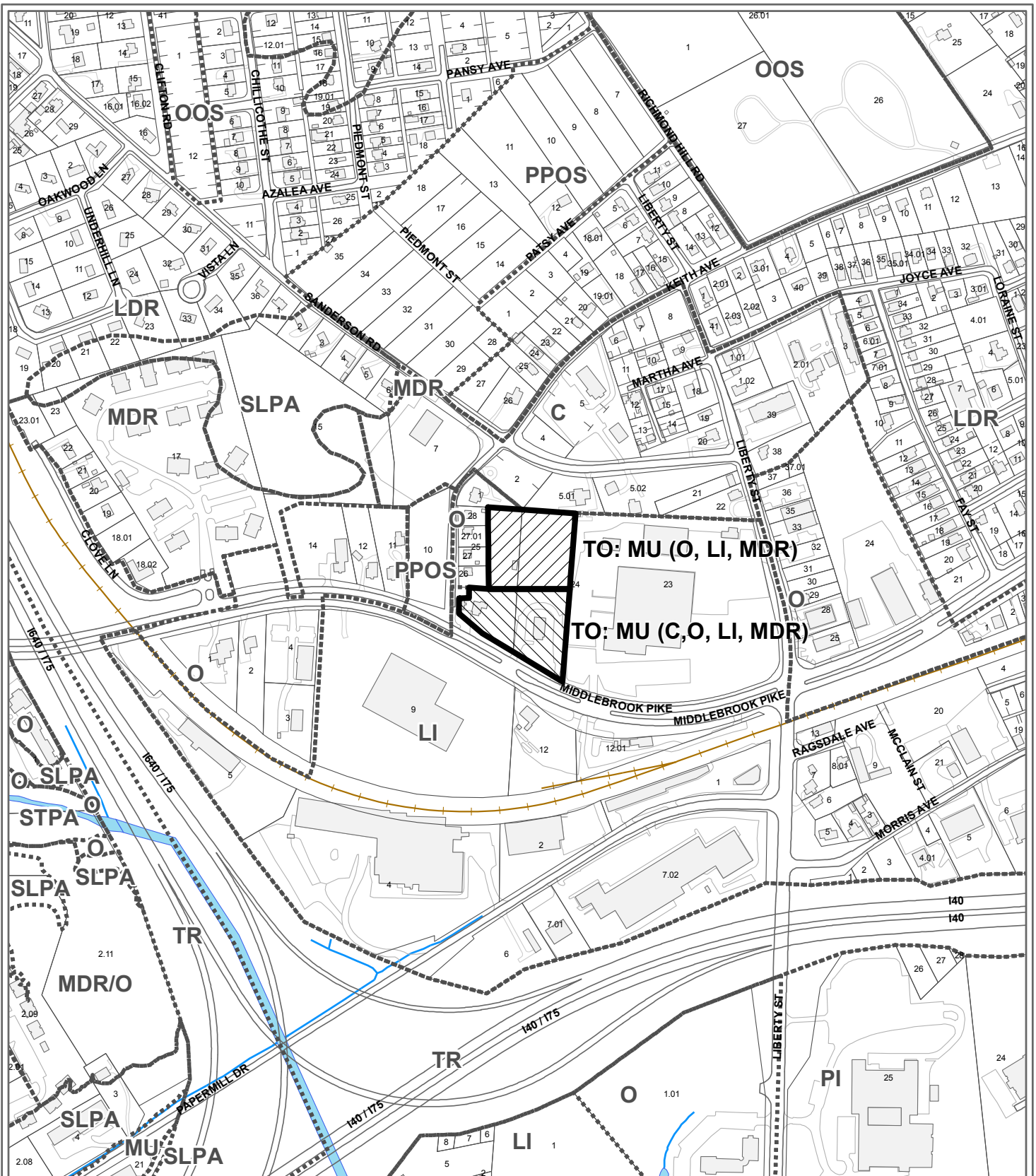


Petitioner: This and That / MPC

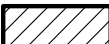

Map No: 93
Jurisdiction: City

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





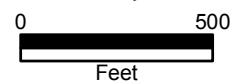
**1-A-10-SP / 11-C-09-RZ - MPC STAFF RECOMMENDATION
CENTRAL CITY SECTOR PLAN AMENDMENT**

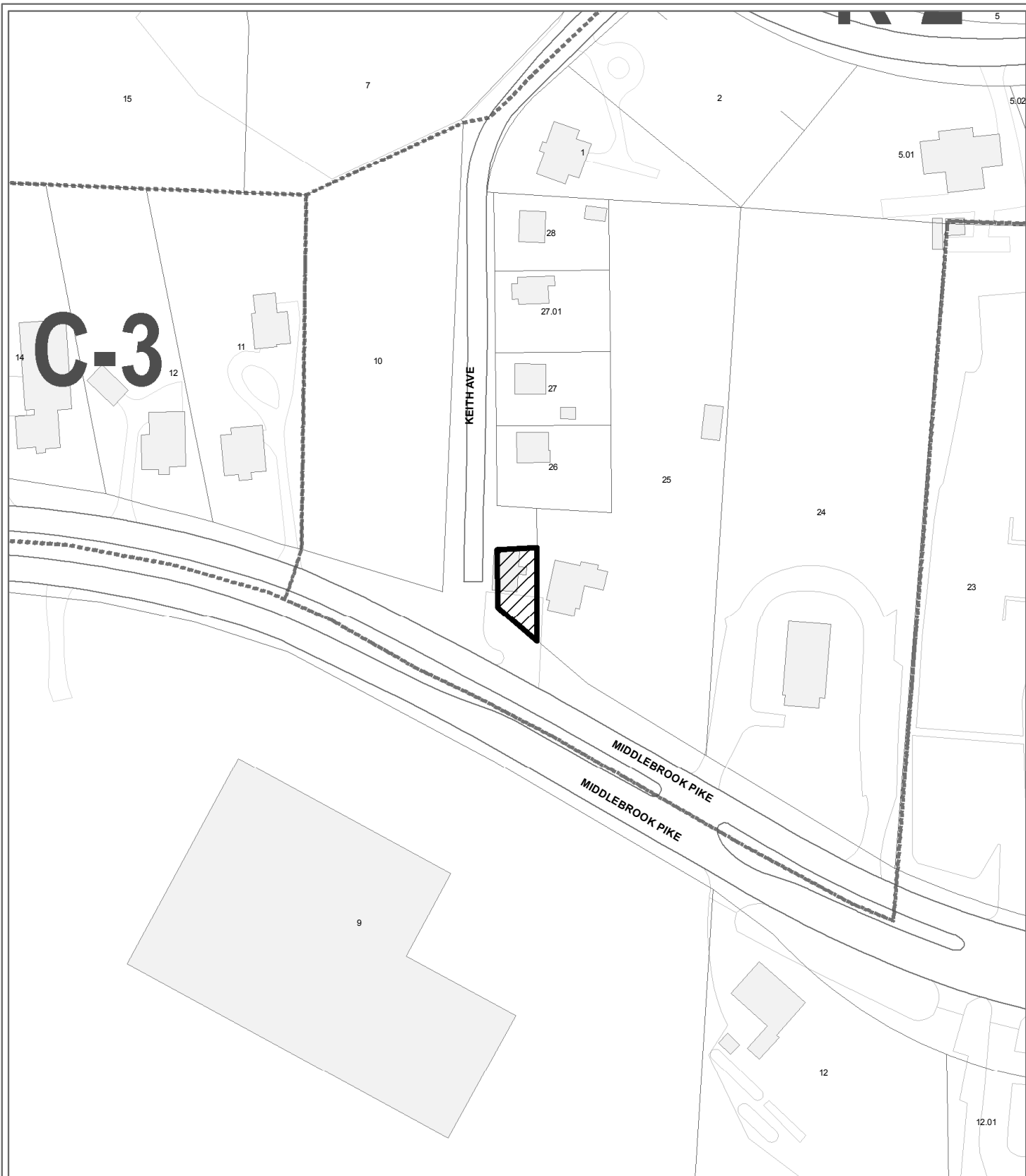
- From: LI (Light Industrial)
-  To: MU (O, LI, MDR)
-  To: MU (C, O, LI, MDR)

Original Print Date: 1/7/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: This and That / MPC

Map No: 93
Jurisdiction: City





**11-C-09-RZ
REZONING**

From: R-2 (General Residential)

To: C-3 (General Commercial) or C-6 (General Commercial Park)



Original Print Date: 10/26/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: This and That

Map No: 93

Jurisdiction: 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, the Metropolitan Planning Commission, has submitted an application to amend the Sector Plan from Light Industrial 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 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 Central City Sector Plan, with its accompanying staff report and map, file #1-A-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