



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

▶ **FILE #:** 8-A-10-RZ **AGENDA ITEM #** 27
8-A-10-SP **AGENDA DATE:** 9/9/2010

POSTPONEMENT(S): 8/12/10

▶ **APPLICANT:** JOE G. TATE
OWNER(S): PJT LLC

TAX ID NUMBER: 90 D B 024
JURISDICTION: Commission District 6

▶ **LOCATION:** South side Oak Ridge Hwy., east side Meadowrun Ln.

▶ **TRACT INFORMATION:** 0.92 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Oak Ridge Hwy., a major arterial street with 32' of pavement width within 100' of right-of-way, or Meadowrun Ln., a local street with 18' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: West Knox Utility District
Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / OA (Office Park)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** Office/beauty salon

▶ **PROPOSED USE:** Commercial use

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: MPC approved same requests on 7/13/06 (7-B-06-RZ/7-A-06-SP). County Commission then denied the requests on 10/23/06.

SURROUNDING LAND USE, PLAN DESIGNATION, North: Oak Ridge Hwy. - Karns Elementary / Public Institutional / CA (General Business)

ZONING South: Residence / LDR / RA (Low Density Residential)

East: Child day care facility / LDR / CA (General Business)

West: Meadowrun Ln. - Child day care facility and residence / O, LDR / OA (Office Park) and RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: The site is surrounded by a variety of land uses, including office, commercial, residential and two schools, under OA, OB, CA, A and RA zoning.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION # 8-A-10-SP, amending the Northwest County Sector Plan to O (Office) and recommend that County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.) (Applicant requested GC.)**

Amending the plan to office for this site will bring the sector plan into conformance with the existing OA zoning. The plan currently designates the site as LDR. The sector plan does not recognize the CA zoning to the east of the site, which is developed with a child daycare facility that could be permitted without commercial zoning. Commercial uses should be isolated to the west of this site around the intersection of Oak Ridge Hwy. and Byington Beaver Ridge Rd., or at other appropriate commercial nodes where collector or arterial streets intersect with Oak Ridge Hwy. Approval of commercial land uses at this location could lead to future extension of those uses further east along Oak Ridge Hwy. or to the south into an established neighborhood. The current office designation is appropriate as a transitional designation between the arterial highway and the residential neighborhood to the south.

- ▶ **DENY CA (General Business) zoning.**

Approval of CA zoning for this site is not appropriate or necessary. There are numerous sites in the immediate area that are zoned CA but are under utilized for commercial purposes. The property directly east of the site is zoned CA, but has uses that could be permitted under office zoning. Approval of CA zoning for this site would allow commercial uses of this site, which would not be compatible with surrounding office, residential and institutional uses, under various zones.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road or utility improvements have been made recently in the area.

ERROR OR OMISSION IN CURRENT PLAN:

The plan currently calls for low density residential development at this site. However, the site is zoned OA. The recommended plan amendment will bring this site into consistency with the designation and zoning of the adjacent property to the west on the opposite side of Meadowrun Ln. Approval of commercial uses for this site could lead to future intrusion of non-residential uses to the south into an established neighborhood.

CHANGES IN GOVERNMENT POLICY:

The Knox County Commission denied these same requests for this site in 2006 (7-B-06-RZ/7-A-06-SP). MPC staff had recommended approval of the requests and MPC voted to approve them. No changes have occurred since the previous requests that warrant this sector plan change.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

No changes have occurred that warrant this sector plan change.

REZONING REQUIREMENTS:

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

1. Nothing has changed in the area since the denial of these requests in 2006.
2. A rezoning of this site to CA would allow this site to be developed with incompatible commercial uses.
3. The site is located at the entrance to a residential street. Staff believes the current OA zoning is most appropriate for this site and should be retained. The property to the west, on the opposite side of Meadowrun Ln., is also zoned OA. Commercial uses are more appropriate at intersections of collector or arterial streets, not at this intersection of a local street that provides sole access to a residential neighborhood.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zoning district is for general retail businesses and services, but not for manufacturing or for processing materials.
2. This location, at the entrance of a neighborhood, is not appropriate for CA uses. The applicant has reasonable use of the property under the current, more appropriate OA zoning. There are numerous properties in the area that are already zoned CA for retail businesses and services.

THE EFFECTS OF THIS PROPOSAL

1. Public water is available to the site. Sewer utilities are available in the general area, but may have to be

extended to serve this site.

2. The proposal would have no impact on schools. Depending on how the property were developed, the streets could be negatively impacted with additional traffic generated from a commercial use.
3. Commercial uses can have detrimental impacts on residential properties with the potential for increased noise, lighting, signage and traffic.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. Staff is recommending that the Northwest County Sector Plan be amended to office for this site, consistent with the OA zoning currently in place. In order to consider the requested CA zoning, the sector plan would have to be amended to C (Commercial). Office is an extension of the plan designation from the west.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for commercial uses and zoning in the area, which could lead to an undesirable strip commercial pattern along this section of Oak Ridge Hwy.

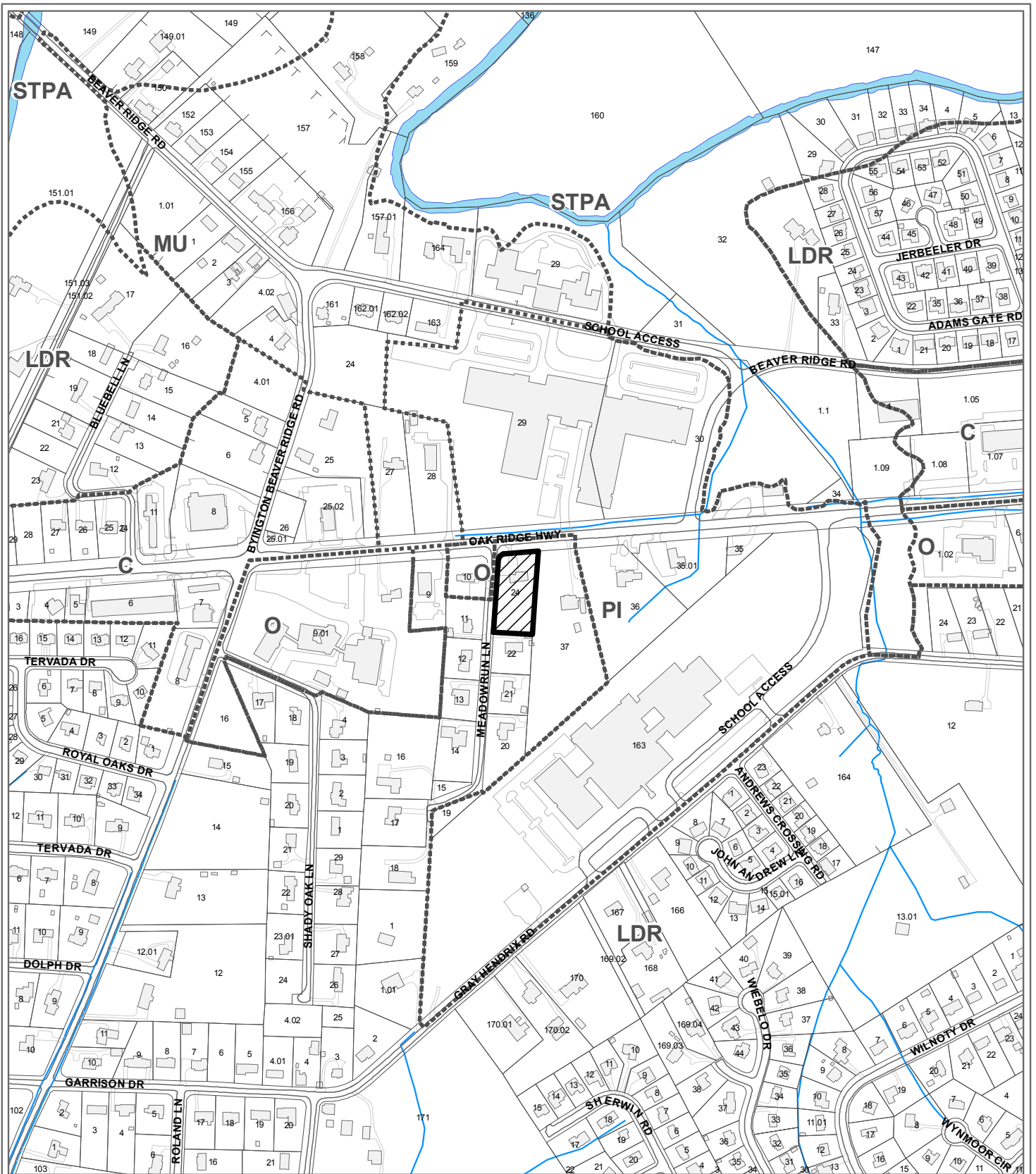
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

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 Knox County Commission for action on 10/25/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**8-A-10-SP / 8-A-10-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: GC (General Commercial)



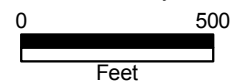
Original Print Date: 7/20/2010
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

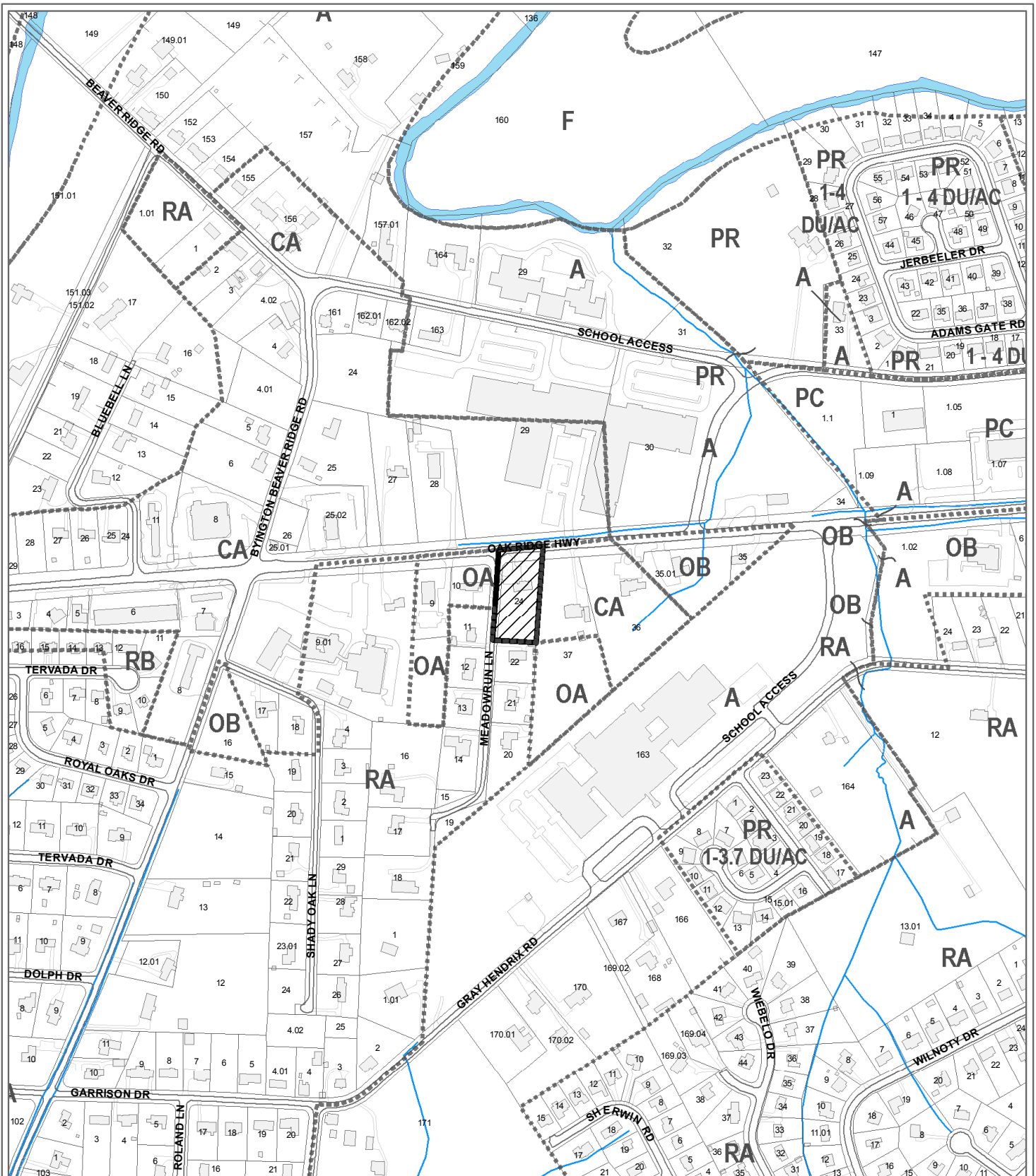
Revised:

Petitioner: Tate, Joe G.

Map No: 90

Jurisdiction: County





**8-A-10-RZ
REZONING**

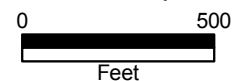
From: OA (Office Park)
To: CA (General Business)



Petitioner: Tate, Joe G.

Map No: 90

Jurisdiction: County



Original Print Date: 7/20/2010
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

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

***WHEREAS**, Joe G. Tate, has submitted an application to amend the Sector Plan from Low Density Residential to General Commercial for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest 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 September 9, 2010, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector 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 Northwest County Sector Plan, with its accompanying, staff report and map, file #8-A-10-SP.

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

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

Date

Chairman

Secretary