

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

▶ **FILE #:** 7-B-11-SP

AGENDA ITEM # 32

AGENDA DATE: 7/14/2011

▶ **APPLICANT:** JHS LIMITED PARTNERSHIP

OWNER(S): David Harbin

TAX ID NUMBER: 94 A A 032

JURISDICTION: Council District 5

▶ **LOCATION:** North side Western Ave., west of Mynderse Ave.

▶ **APPX. SIZE OF TRACT:** 1.725 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Western Ave., a major arterial street with 2 lanes and 23' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LI (Light Industrial) / I-2 (Restricted Manufacturing and Warehousing)

▶ **PROPOSED PLAN DESIGNATION:** C (Commercial)

▶ **EXISTING LAND USE:** Warehouse/store

▶ **PROPOSED USE:** Retail sales with outdoor displays

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Lumber, materials yard / LI / I-2 (Restricted Manufacturing & Warehousing)

South: Western Ave. - Textile and trucking business / LI / I-3 (General Industrial)

East: Retail, service business / LI / I-2 (Restricted Manufacturing & Warehousing)

West: Auto repair business and warehouses / LI / C-3 (General Commercial) and I-2 (Restricted Manufacturing & Warehousing)

NEIGHBORHOOD CONTEXT This area is developed with a mix of light industrial, general industrial, commercial, residential and office uses, within various zoning districts.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #7-B-11-SP, amending the Central City Sector Plan to C (Commercial) and recommend that Knoxville City Council also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

Commercial use of this site is compatible with surrounding development and zoning.

COMMENTS:

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, recently. But, Western Ave. is scheduled for reconstruction from Texas Ave. to Major Ave. The attached TDOT report anticipates that this work should begin within the next five years or less.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan proposes light industrial uses for this site, which is consistent with the current I-2 zoning. The proposed amendment will bring the plan into consistency with the proposed C-4 zoning.

CHANGES IN GOVERNMENT POLICY:

This is an area that is already developed with a mix of uses, which are appropriate along a major arterial street such as Western Ave. The commercial uses of this site will have a minimal impact on surrounding properties.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

This site is already zoned I-2 (Restricted Manufacturing & Warehousing). There are four properties to the west that are zoned either C-3 or C-4, and much of the surrounding development is retail in nature, including a vacuum sales and service business, fireplace sales and service, retail furniture store and a trophy sales store to the east, all zoned I-2. These businesses may not conform with their existing I-2 zoning, which does not permit retail uses.

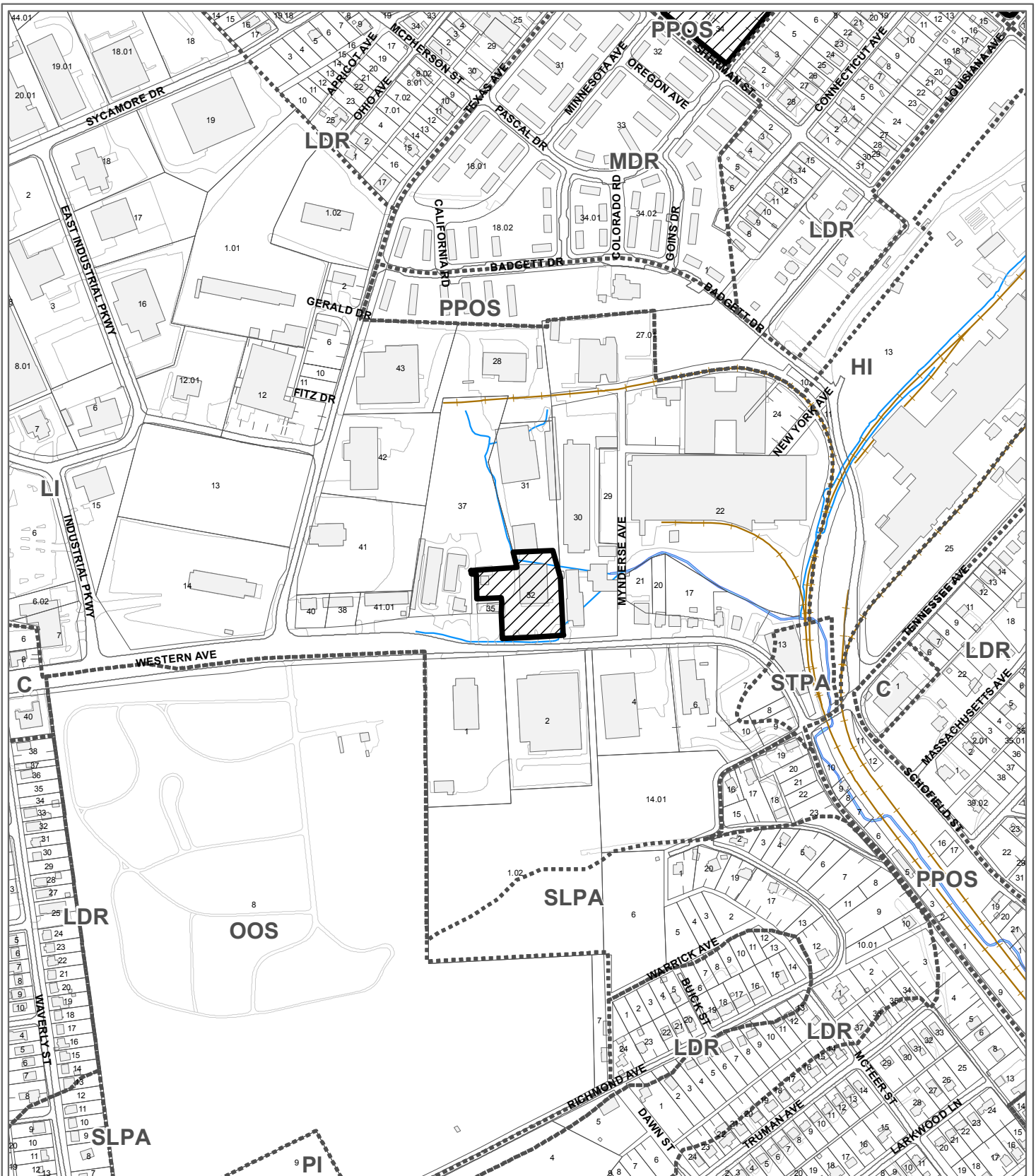
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

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 8/9/2011 and 8/23/2011. 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.



**7-B-11-SP
CENTRAL CITY SECTOR PLAN AMENDMENT**

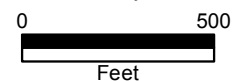
From: LI (Light Industrial)
To: C (Commercial)



Petitioner: JHS Limited Partnership

Map No: 94

Jurisdiction: City



Original Print Date: 6/29/2011 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**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, JHS Limited Partnership, 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 July 14, 2011, 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 #7-B-11-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

**TENNESSEE DEPARTMENT OF TRANSPORTATION
TOP MANAGEMENT REPORT**

2/4/2011

KNOX		
SR-62		LENGTH: 0.8
WESTERN AVENUE, FROM TEXAS AVENUE TO MAJOR AVENUE IN KNOXVILLE		
TYPE OF WORK	Reconstruction	

REGION : 1 PIN: 101204 00

LOCATION BUDGET YR	
PE BUDGET YR	01/02
ROW BUDGET YR	10/11
CONST BUDGET YR	
PAVING BUDGET YR	

TURN-IN DATE 10/05/2011

SURVEY	Consultants	APR RECEIVED	<input checked="" type="checkbox"/>
DESIGN	Consultants	LOCAL PARTICIPATION	<input type="checkbox"/>
ROW	State Acquire	QUALIFY FOR FEDERAL AID	<input checked="" type="checkbox"/>

TRACTS/FR/BR/NPR	100/005/06/00	<input type="checkbox"/>
COMMITMENTS		<input type="checkbox"/>
FEDERAL OVERSIGHT	TDOT	
ENV. DOC. TYPE	EA / FONSI	

POA / POC	Mike Russell
MANAGER OF SCHEDULE	Mike Russell
CE MANAGER 2	Michael Agnew
DESIGN MANAGER	Ataur Rahman
DESIGNER	
LOCATION	Headquarters

Phase	Federal Number	State Number	Auth. Date
PE-D	STP-62(25)	47023-1257-14	06/19/02
ROW	HPP/STP-62(34)	47023-2261-14	11/13/09

Activity ID	Activity Description	Start Date	U	C	Dur (Days)	Est. Comp. Date
250	OBTAIN FHWA APPROVAL OF DRAFT ENV DOCUMENT	04/12/05	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	04/12/05
260	HOLD NEPA HEARING	04/27/06	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	04/27/06
300	OBTAIN FHWA APPROVAL OF FINAL ENV DOCUMENT	08/12/09	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	08/12/09
335	CONDUCT GROUND SURVEY	07/01/02	<input type="checkbox"/>	<input checked="" type="checkbox"/>	72	09/10/02
340	PREPARE PLANS FOR GRADE APP. ENV. BOUNDARIES	09/13/02	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	09/13/02
355	PREPARE PRELIMINARY PLANS	01/01/03	<input type="checkbox"/>	<input checked="" type="checkbox"/>	62	03/03/03
375	CONDUCT PRELIMINARY FIELD REVIEW	03/05/03	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	03/05/03
400	HOLD DESIGN MEETING	10/04/07	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	10/04/07
535	PREPARE ROW PLANS	12/26/07	<input type="checkbox"/>	<input checked="" type="checkbox"/>	97	03/31/08
540	CONDUCT ROW FIELD REVIEW	05/08/08	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	05/08/08
600	DISTRIBUTE FINAL ROW AND / OR UTILITY PLANS	12/23/09	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	12/23/09
615	APPRAISE PROPERTY	03/29/10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	396	04/29/11
625	ACQUIRE PROPERTY	08/27/10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	302	06/24/11
680	OBTAIN WATER QUALITY PERMITS	04/27/11	<input type="checkbox"/>	<input type="checkbox"/>	168	10/12/11

Project Consultants
Neel Schaffer E0701 field surveys, prel & ROW plans.
Neel-Schaffer



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

▶ **FILE #:** 7-C-11-RZ
7-A-11-PA

AGENDA ITEM # 32
AGENDA DATE: 7/14/2011

▶ **APPLICANT:** JHS LIMITED PARTNERSHIP
OWNER(S): David Harbin

TAX ID NUMBER: 94 A A 032
JURISDICTION: Council District 5

▶ **LOCATION:** North side Western Ave., west of Mynderse Ave.

▶ **TRACT INFORMATION:** 1.725 acres.

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Western Ave., a major arterial street with 2 lanes and 23' of pavement width within 60' of right-of-way.

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

WATERSHED: Third Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LI (Light Industrial) / I-2 (Restricted Manufacturing and Warehousing)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-4 (Highway and Arterial Commercial)

▶ **EXISTING LAND USE:** Warehouse/store

▶ **PROPOSED USE:** Retail sales with outdoor displays

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Lumber, materials yard / LI / I-2 (Restricted Manufacturing & Warehousing)
South: Western Ave. - Textile and trucking business / LI / I-3 (General Industrial)
East: Retail, service business / LI / I-2 (Restricted Manufacturing & Warehousing)
West: Auto repair business and warehouses / LI / C-3 (General Commercial) and I-2 (Restricted Manufacturing & Warehousing)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of light industrial, general industrial, commercial, residential and office uses, within various zoning districts.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.**

General commercial uses are appropriate at this location which is in an area of mixed uses, including commercial under C-3, C-4 and I-2 zoning.

► **RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning.**

C-4 is an extension of commercial zoning from the west and is consistent with some of the retail uses already established in the area. C-4 uses would be compatible with the surrounding land uses and zoning pattern.

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 occurred to the streets directly adjacent to this site, recently. But, Western Ave. is scheduled for reconstruction from Texas Ave. to Major Ave. The attached TDOT report anticipates that this work should begin within the next five years or less.

B. **ERROR OR OMISSION IN CURRENT PLAN** - The current One Year Plan proposes light industrial uses for this site, which is consistent with the current I-2 zoning. The proposed amendment will bring the plan into consistency with the proposed C-4 zoning.

C. **CHANGES IN GOVERNMENT POLICY** - This is an area that is already developed with a mix of uses, which are appropriate along a major arterial street such as Western Ave. The commercial uses of this site will have a minimal impact on surrounding properties.

D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - This site is already zoned I-2 (Restricted Manufacturing & Warehousing). There are four properties to the west that are zoned either C-3 or C-4, and much of the surrounding development is retail in nature, including a vacuum sales and service business, fireplace sales and service, retail furniture store and a trophy sales store to the east, all zoned I-2. These businesses may not conform with their existing I-2 zoning, which does not permit retail uses.

REZONING REQUIREMENTS:

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

1. The proposal is compatible with the scale and intensity of the surrounding land uses and zoning pattern.
2. C-3 and C-4 zoning is in place on several properties in the immediate area including the adjacent property to the west.
3. The site is located in an area of mixed uses, where a wide range of uses could be accommodated.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The C-4 (Highway & Arterial Commercial) zone, is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. It is the intent to provide a location for a limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside of the confines of an enclosed building.
2. Based on the above general intent, this site is appropriate for C-4 development. Several nearby businesses, including the car repair shop to the west (zoned C-3) and four properties further west (zoned C-4) have established commercial uses.

THE EFFECTS OF THE PROPOSAL:

1. Public water and sewer utilities are available to serve the site.
2. The proposal would have a minimal impact on streets and no impact on schools. The impact on the streets will depend on the type of development proposed. Western Ave. is scheduled to be improved in this section within the next 5 years.
3. The recommendation is compatible with surrounding development and will have a minimal impact on the adjacent properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS:

1. With the recommended amendment to the City of Knoxville One Year Plan, C-4 zoning would be consistent with the plan.
2. With the recommended amendment to the Central City Sector Plan, C-4 zoning would be consistent with the plan.
3. This site is located within the Urban Growth Area (inside City limits) on the Knoxville-Knox County Growth

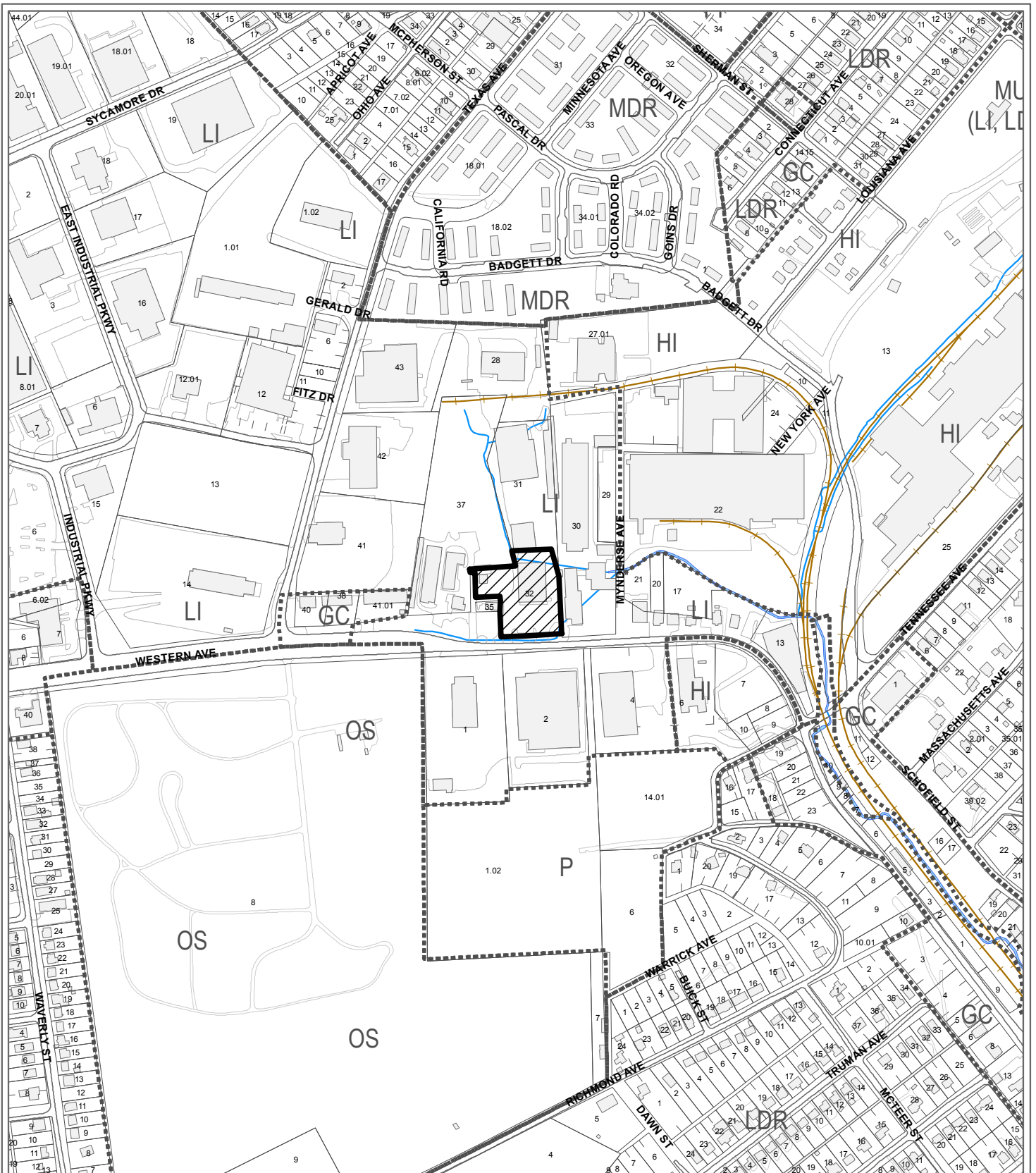
Policy Plan map.

4. This request could lead to future requests for C-4 zoning in the area, which would also need accompanying plan amendments, if designated for light industrial. This area should be considered for a mixed use plan designation during the next update of the Central City Sector Plan.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/9/2011 and 8/23/2011. 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.



**7-A-11-PA / 7-C-11-RZ
PLAN AMENDMENT**

From: LI (Light Industrial)

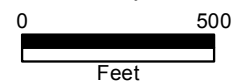
To: GC (General Commercial)



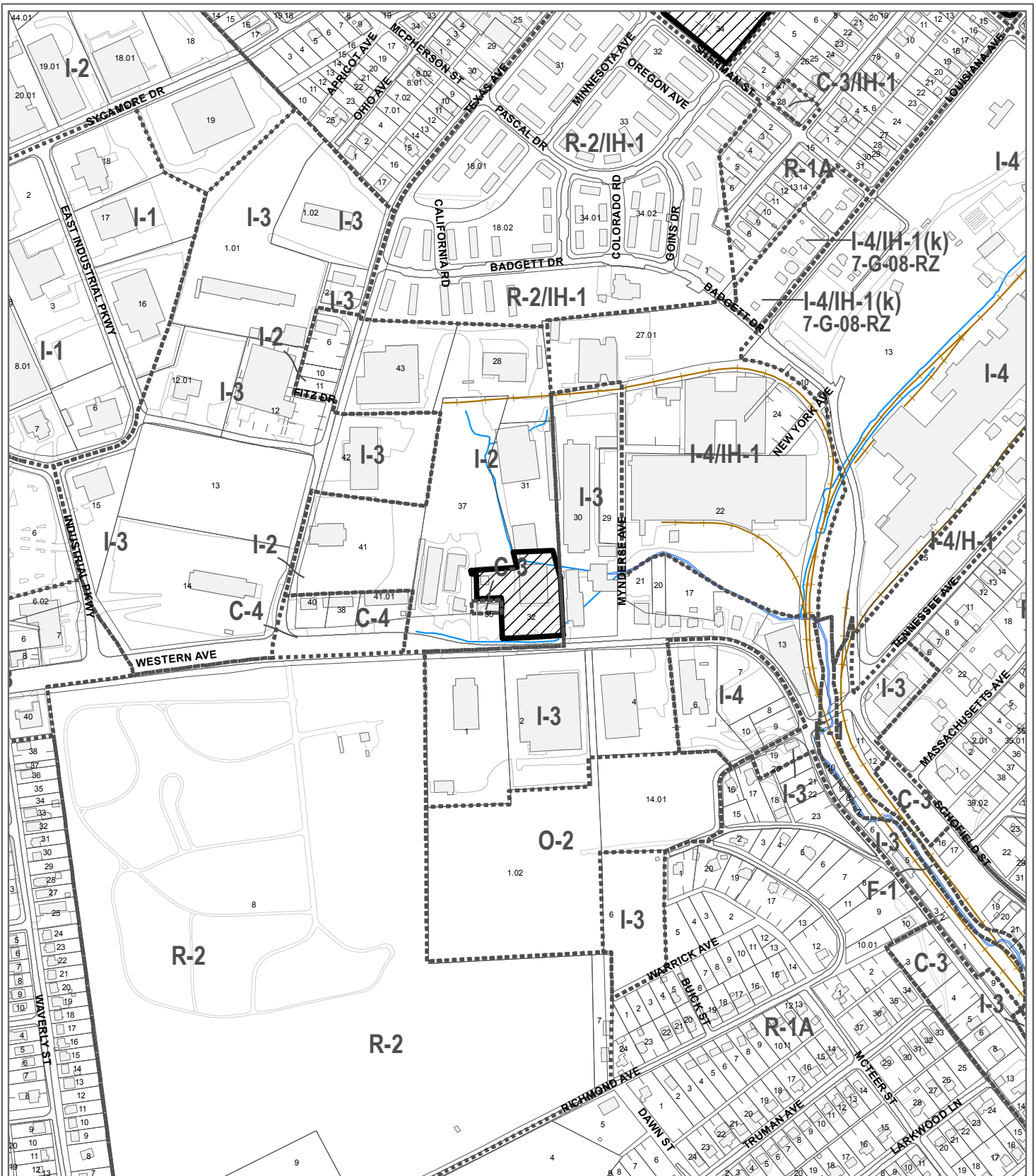
Petitioner: JHS Limited Partnership

Map No: 94

Jurisdiction: City



Original Print Date: 6/22/2011 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**7-C-11-RZ
REZONING**

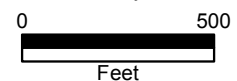
From: I-2 (Restricted Manufacturing and Warehousing)
To: C-4 (Highway and Arterial Commercial)



Petitioner: JHS Limited Partnership

Map No: 94

Jurisdiction: City



Original Print Date: 6/29/2011
Revised:
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