

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

▶ **FILE #:** 6-C-11-RZ **AGENDA ITEM #** 24
 6-B-11-SP **AGENDA DATE:** 6/9/2011

▶ **APPLICANT:** CUS, LLC
 OWNER(S): S & E Properties

TAX ID NUMBER: 104 08602

JURISDICTION: Commission District 6

▶ **LOCATION:** South side Hardin Valley Rd., east of Bertelkamp Ln.

▶ **TRACT INFORMATION:** 1.6 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Hardin Valley Rd., a minor arterial street with 4 lanes and a center median within 210-220' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office) & SLPA (Slope Protection Area) / RA (Low Density Residential) and CA (General Business)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) & SLPA (Slope Protection Area) / CA (General Business)

▶ **EXISTING LAND USE:** Daycare

▶ **PROPOSED USE:** Commercial development

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of C designation and CA zoning from the west

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Hardin Valley Rd. - Self-storage facility / LI / LI (Light Industrial)
 South: Vacant land / SLPA / RA (Low Density Residential)

East: House / TP & SLPA / CA (General Business)

West: D-1 Sports, medical office / C & SLPA / CA (General Business)

NEIGHBORHOOD CONTEXT: The properties fronting on the south side of Hardin Valley Rd. in this area have been developed with a mix of office, commercial and low to medium density residential uses under A, RA, OA, CA, PC and PR zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #6-B-11-SP, amending the Northwest County Sector Plan to C (Commercial) and SLPA (Slope Protection Area) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

The proposed plan amendment is an extension of the commercial plan designation from the west. A commercial designation will allow the applicant to request CA zoning for the property. The site meets the locational criteria for the C designation in the sector plan, as well as certain criteria for amending the sector plan. The commercial plan designation must be approved in order to consider CA zoning for the site.

► **RECOMMEND that County Commission APPROVE CA (General Business) zoning to a depth of 200 feet from the right-of-way and OA (Office Park) zoning on the remainder of the site.**

CA is a logical extension of zoning from the east and west. The recommended OA zoning for the rear of the property will allow reasonable use of the steeper sloped area with less intense uses. Both recommended zones are compatible with surrounding development and zoning.

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, but Hardin Valley Rd. is a minor arterial street capable of handling the traffic generated from the proposed use of the site. The subject property is located about one mile east of the interchange with Pellissippi Pkwy.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan proposes office uses and slope protection for this site. The slope protection area will not be amended with this application. The commercial is an extension of the plan designation from the west. There is also commercial zoning to the east of the site that is not recognized on the sector plan.

CHANGES IN GOVERNMENT POLICY:

Several rezonings to commercial have been approved in this general area in recent years. The site on the west side of the subject property is designated as commercial on the sector plan and zoned CA. It has been recently developed with D-1 Sports Facility and a medical office.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

Commercial development has been approved on several sites on the south side of Hardin Valley Rd. A significant amount of commercial zoning has also been approved on the north side. There is development pressure for commercial in this area because of the proximity to the interchange with Pellissippi Pkwy. to the west. Also, there has been significant residential development in this area over the last 10-15 years.

REZONING REQUIREMENTS:

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

1. Staff recommends the less intense OA zoning for the rear portion of the site, within the slope protection area. This area is characterized by steeper slopes that should not be developed with more intense commercial uses that generally require more grading for parking and building footprints. A topography map is attached showing the slopes within the rear portion of the site. The recommended OA zoning in the rear portion of the site allows the applicant reasonable use of the property.
2. The proposal is an extension of CA zoning from the east and west and is compatible with surrounding land uses.
3. This site is currently developed with a child day care facility under the current Agricultural zoning, which already generates more traffic than a standard residential use.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials. The recommended OA zoning for the rear portion of the site is intended to provide for orderly development of office parks. The zone is compatible with surrounding residential areas and serves as a transitional area from residential to other less compatible land uses.
2. Based on the above descriptions of the recommended zoning districts, the subject property is appropriate to be rezoned to CA and OA zoning.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to the site.
2. The proposal would have no impact on schools and a minimal impact on streets. The recommended zones are compatible with the surrounding land uses and zoning.
3. The impact to surrounding properties will be minimal.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended plan amendment to Commercial, CA zoning is consistent with the Northwest County Sector Plan. The recommended OA zoning is consistent with the sector plan proposal for the property.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of commercial zoning for this site could lead to future similar requests in the area, which would also require sector plan amendments.

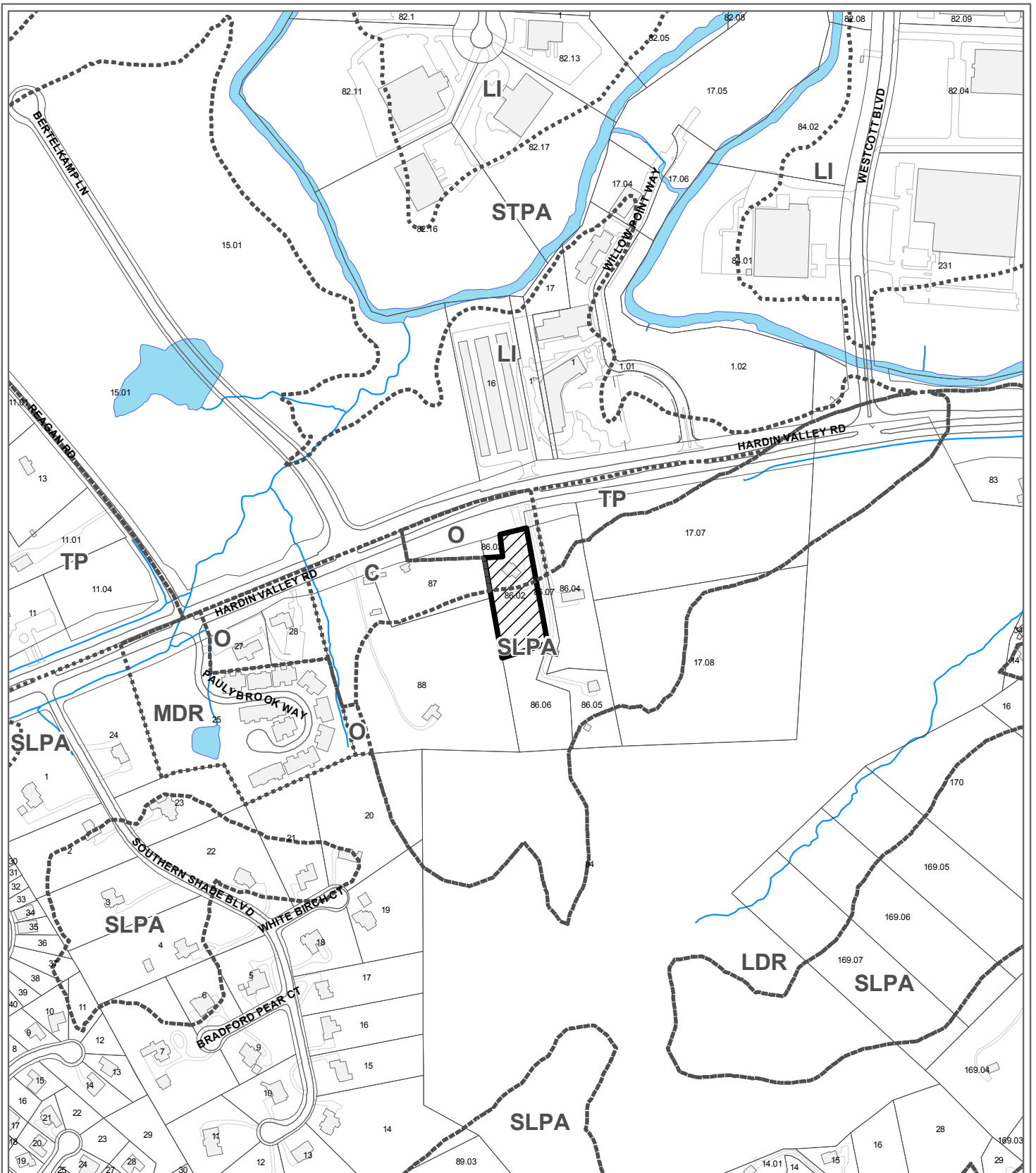
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

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 7/25/2011. 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.



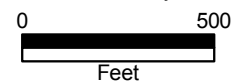
**6-B-11-SP / 6-C-11-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: O (Office) & SLPA (Slope Protection Area)
To: C (Commercial) & SLPA (Slope Protection Area)

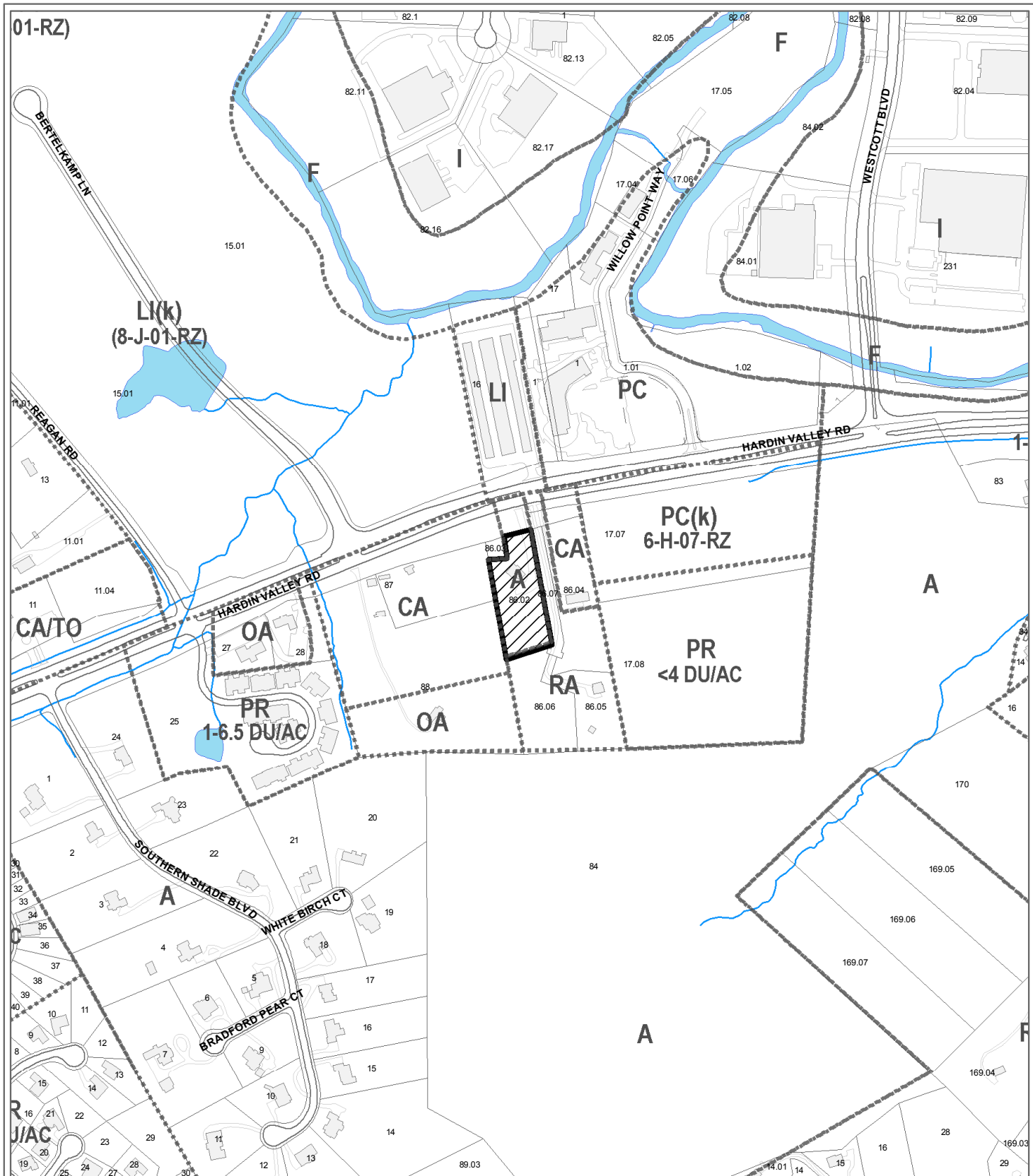


Petitioner: CUS, LLC

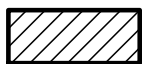
Map No: 104
Jurisdiction: County



Original Print Date: 5/19/2011 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**6-C-11-RZ
REZONING**



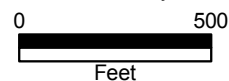
From: A (Agricultural)
To: CA (General Business)

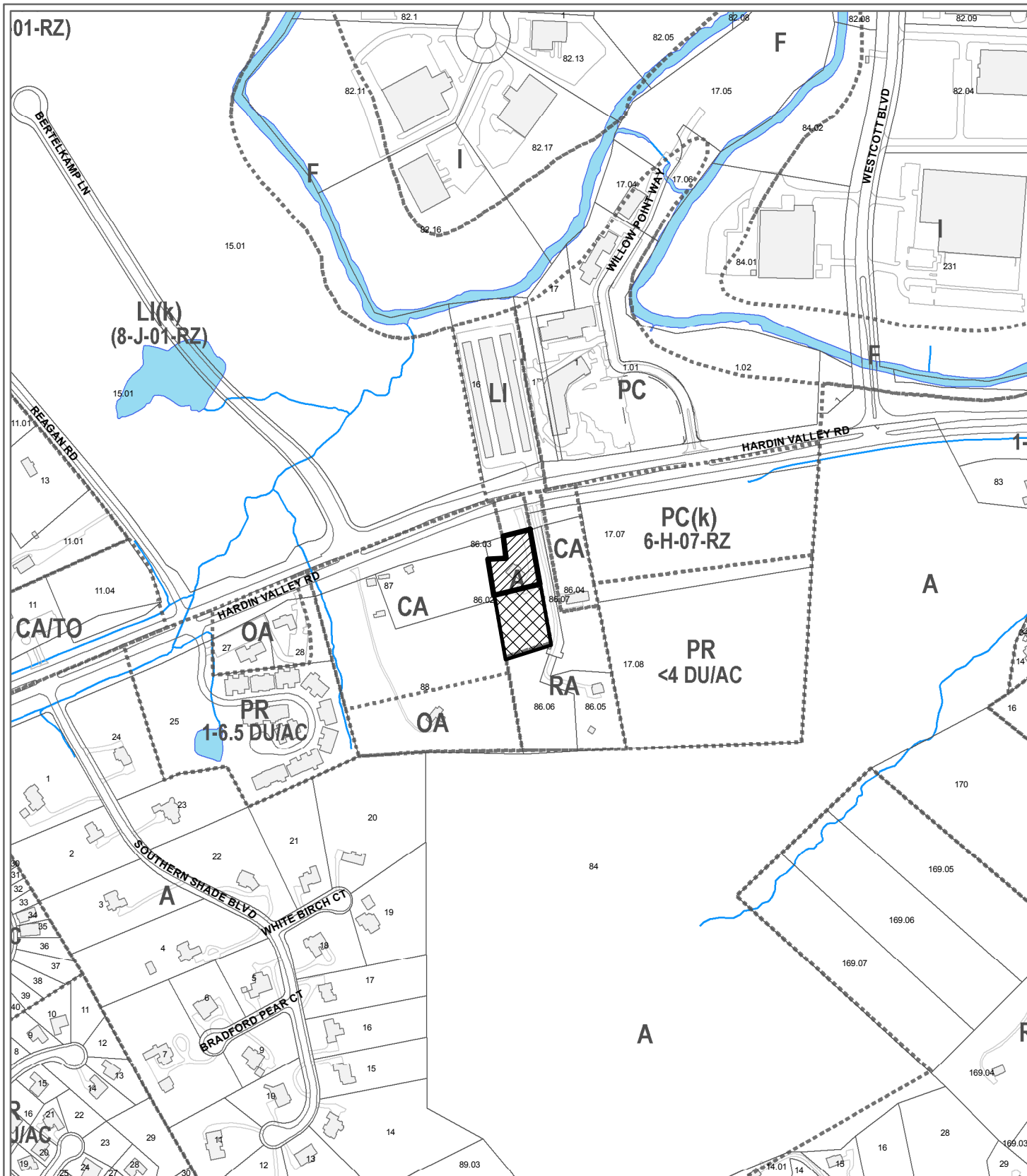
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Revised:

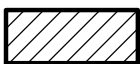

Petitioner: CUS, LLC

Map No: 104
Jurisdiction: County





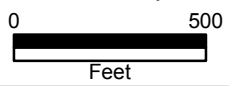
**6-C-11-RZ
REZONING (Staff Recommendation)**

- | | | | |
|---|---------------------------|---|------------------------|
|  | From: A (Agricultural) |  | From: A (Agricultural) |
| | To: CA (General Business) | | To: OA (Office Park) |

Original Print Date: 6/2/2011 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: CUS, LLC

Map No: 104
 Jurisdiction: County



**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**, CUS, LLC, has submitted an application to amend the Sector Plan from Office and Slope Protection to Commercial and Slope Protection 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 June 9, 2011, 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 #6-B-11-SP.

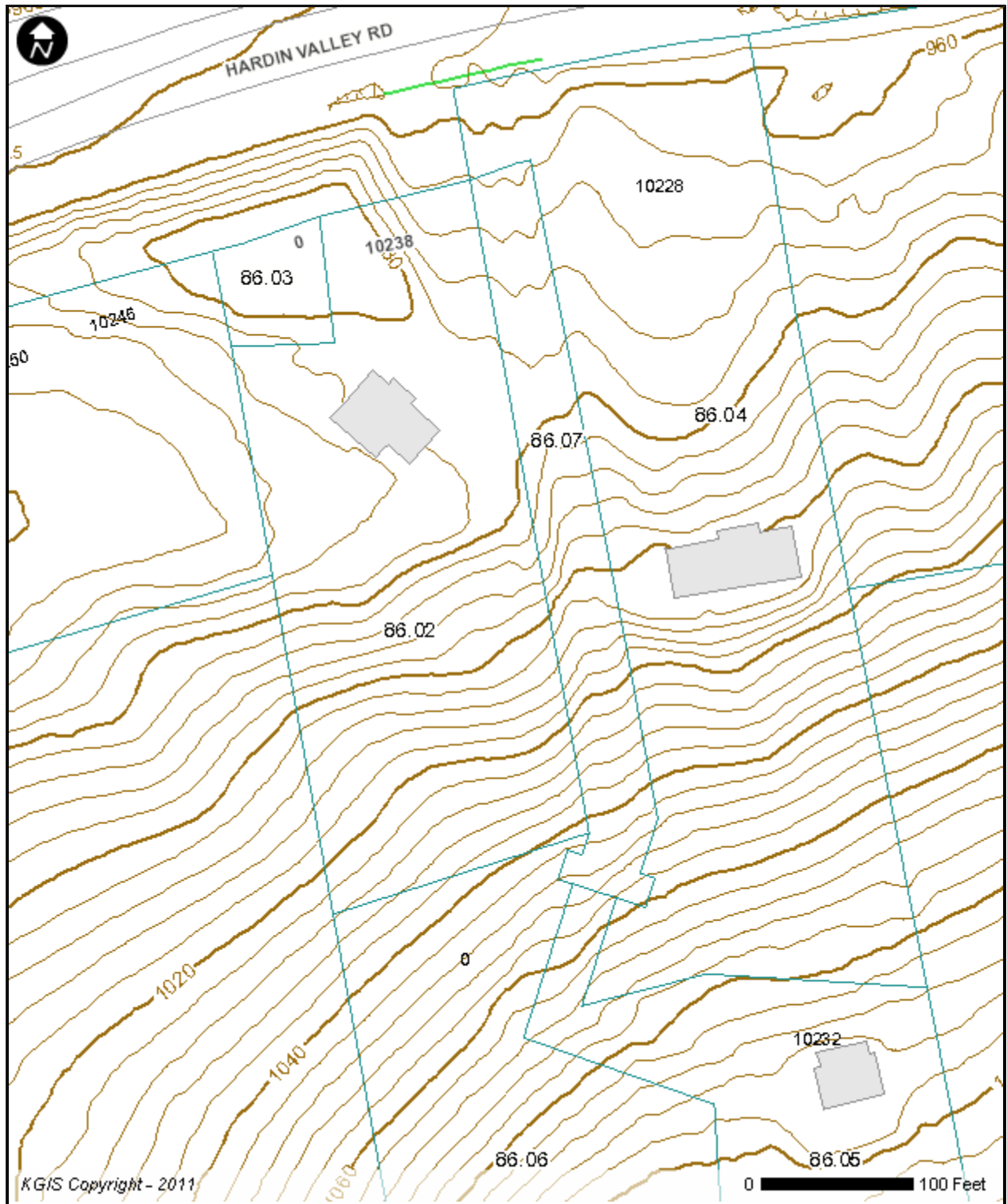
SECTION 2: This Resolution shall take effect upon its approval.

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



6-C-11-RZ / 6-B-11-SP

[CUS, LLC]

[Topography]

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