



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

FILE #: 10-B-11-RZ
10-A-11-SP

AGENDA ITEM # 28
AGENDA DATE: 10/13/2011

APPLICANT: CELINE NGUYEN
OWNER(S): Celine Nguyen

TAX ID NUMBER: 73 046
JURISDICTION: Commission District 8

LOCATION: Southeast side Strawberry Plains Pike, northeast of Huckleberry Ln.

TRACT INFORMATION: 0.96 acres.

SECTOR PLAN: East County

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

ACCESSIBILITY: Access is via Strawberry Plains Pike, a minor arterial street with 25' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Swan Pond Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)

PROPOSED PLAN DESIGNATION/ZONING: GC (General Commercial) / CB (Business and Manufacturing)

EXISTING LAND USE: Residence

PROPOSED USE: Residence and contractor's office

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, North: Strawberry Plains Pike - Vacant land / MU-SD-EC02 / C-6 (General Commercial Park)

ZONING South: House / LDR / A (Agricultural)

East: House / LDR / A (Agricultural)

West: House / LDR / A (Agricultural)

NEIGHBORHOOD CONTEXT: This parcel is located to the northeast of the Strawberry Plains Pike/I-40 interchange, which is developed with commercial and office uses that currently stop about 400 feet southwest of this site on the southeast side of the street. The subject property is surrounded on three sides by residential uses, zoned A, and is located beyond the 4 lane section of Strawberry Plains Pike.

STAFF RECOMMENDATION:

► **DENY GC (General Commercial) sector plan designation.**

The Knoxville-Knox County General Plan 2032 policies do not warrant the redesignation of this site for commercial uses. The site is completely surrounded by residential uses, and placing a commercial designation on this less than 1 acre site would be incompatible with surrounding land uses and constitutes a spot sector plan amendment.

► **DENY CB (Business & Manufacturing) zoning.**

CB zoning at this location would be an incompatible spot zoning. Surrounding properties would not have the same range of uses that would be allowed on this site.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road improvements have been made recently in the area. Utilities are available in the area, but may need to be extended to serve the site.

ERROR OR OMISSION IN CURRENT PLAN:

The plan appropriately calls for LDR development at this location.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

There have not been significant changes in the area's development pattern that have taken place to justify amendment of the sector plan to commercial or rezoning to CB. The East County Sector Plan was recently updated and did not propose any new land uses for this site.

REZONING REQUIREMENTS:

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

1. No significant changes have occurred in the area that warrant the requested change in zoning.
2. Three sides of the property are developed with rural and low density residential uses, under A zoning. CB zoning would not be compatible with those uses.
3. Staff recognizes that there is significant commercial development and zoning located southwest of the site around the interstate interchange and that there is commercial zoning across the street. However, much of the commercially-zoned property is under-utilized. About 60 acres of vacant C-6 zoned land is available directly across Strawberry Plains Pike from the site. Also, the commercial zoning on the southeast side of Strawberry Plains Pike currently ends about 400 feet to the southwest of the subject property.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CB zoning provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses, or with other uses that require an environment free of noise, odors and congestion.
2. Based on the above description and intent of CB zoning, this property is not appropriate to be rezoned to CB.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Establishment of CB zoning at this location would adversely impact surrounding residential properties.
3. CB zoning allows a wide range of uses that would not be compatible with surrounding land uses and zoning. If this site were approved for CB zoning, it could set a precedent that could lead to future expansion of commercial uses in the area. The applicant should look for a location in an established commercial or industrial area for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the requested amendment to GC, CB zoning would be consistent with the East County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning. The East County Sector Plan was recently updated, with adoption by County Commission on June 27, 2011. The plan proposes that the end of the commercial uses associated with the interchange should be Huckleberry Ln. on this side of Strawberry Plains Pike.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. Approval of this request may lead to future rezoning and plan amendment requests for commercial development in the immediate area, on properties zoned residential or agricultural. The current sector plan proposes low density residential uses and slope protection for this site and all surrounding properties. The closest GC designated area on the sector plan is over 400 feet southwest on the west side of Huckleberry Ln. This site is zoned C-3 and is in the City Limits of Knoxville.

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:

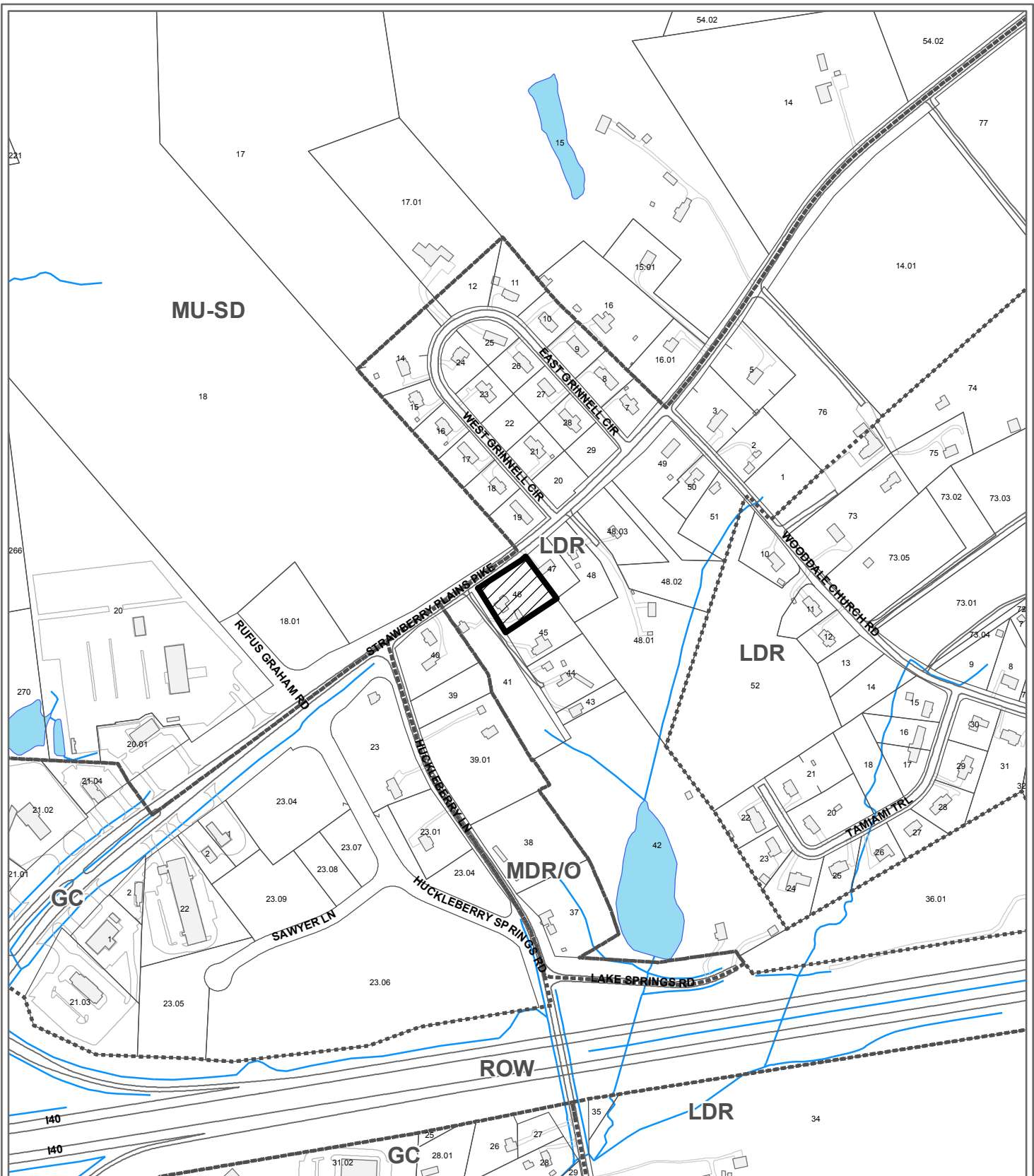
1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.

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 11/21/2011. 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.



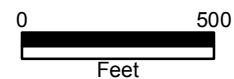
**10-A-11-SP / 10-B-11-RZ
EAST COUNTY SECTOR PLAN AMENDMENT**

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

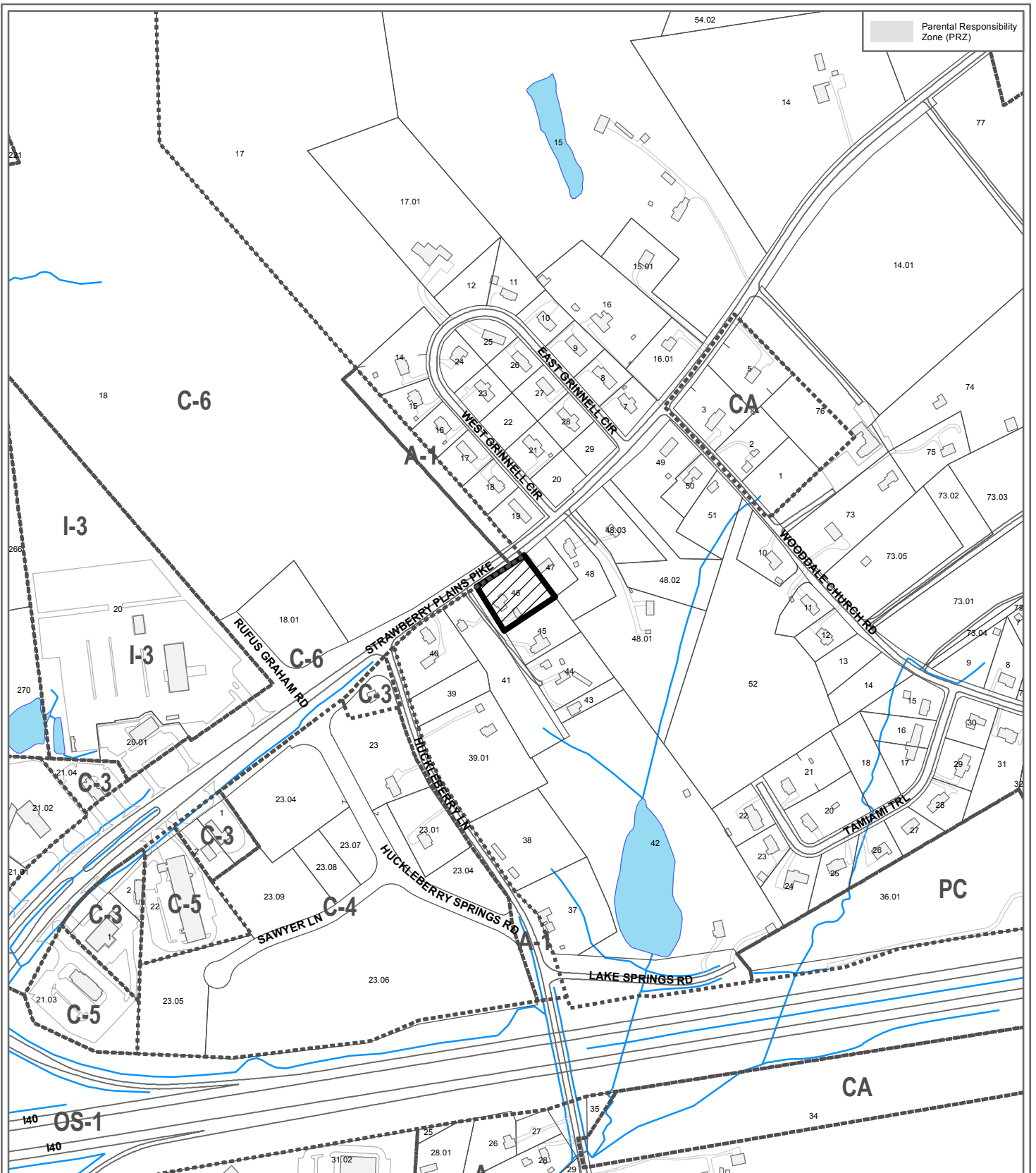


Petitioner: Nguyen, Celine

Map No: 73
Jurisdiction: County



Original Print Date: 9/28/2011 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**10-B-11-RZ
REZONING**

From: A (Agricultural)
To: CB (Business and Manufacturing)



Petitioner: Nguyen, Celine

Map No: 73

Jurisdiction: County



Original Print Date: 9/28/2011
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: Rezoning and plan amendment/rezonings

1 message

Mike Brusseau <mike.brusseau@knoxmpc.org>

Tue, Oct 4, 2011 at 11:32 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <buz.johnson@knoxmpc.org>, Mark Donaldson <mark.donaldson@knoxmpc.org>, Rob Dansereau <robdansereau@yahoo.com>

Opposition letter on10-B-11-RZ/10-A-11-SP

----- Forwarded message -----

From: <jimmyeday@comcast.net>

Date: Tue, Oct 4, 2011 at 10:39 AM

Subject: Rezoning and plan amendment/rezonings

To: michael.brusseau@knoxmpc.org

Mr. Brusseau, per our conversation on Monday, October 3, 2011, I am putting my concerns on Item 28, October 13, 2011 agenda in writing.

This concerns property acquired recently by Celine Nguyen, 7620 Strawberry Plains Pike, Knoxville, TN 37924.

We have three major points of concern:

1. Traffic: This property is situated on a two lane portion of Strawberry Plains Pike. This road is very narrow with multiple wrecks occurring at a point south of said property at the junction of Huckleberry Springs Road and Strawberry Plains Pike. One incident recently occurred was a tractor trailer was pulling onto 7620 Strawberry Plains Pike and had all traffic blocked in both directions. Needless to say that a business of this type would add to the burden of traffic.
2. Environmental Concerns: This purpose that has been explained is that the main purpose of commercial business on this property is to break down large heavy construction equipment. Where would the old gasoline, oil, etc end up on this property? When there was a permanent home in that location there was a major standing water problem on the north side of the lawn. It has not been addressed.
3. Eyesore: This property has gone from a very bad situation to worse. A makeshift fence was thrown up without regard to extended neighbors or value to their property. Then a very large amount of rock was brought it and just dumped without any plan. Now there is a fence that looks like an afterthought for security. This is a definite affront to all that live in this area and have to view it each day.

I want to thank you for your time in speaking with me and please make our wishes known to the panel that will hear this appeal.

Madge and Jim Day
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