



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

FILE #: 9-A-12-RZ
12-B-12-SP

AGENDA ITEM #: 21
AGENDA DATE: 12/13/2012

APPLICANT: KNOX COUNTY COMMISSION
OWNER(S): Jack M. Walker

TAX ID NUMBER: 6 M B 00303 PORTION ZONED RB
JURISDICTION: Commission District 8

LOCATION: Northeast side Tillett Ln., northeast of Corryton Rd.

TRACT INFORMATION: 1.5 acres.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Tillett Ln., a local street with 15' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Luttrell-Blaine-Corryton Utility District
Sewer Source: N/A

WATERSHED: Flat Creek

PRESENT PLAN DESIGNATION/ZONING: AG/RR (Agricultural/Rural Residential) and NC (Neighborhood Commercial) / RB (General Residential)

PROPOSED PLAN DESIGNATION/ZONING: RC (Rural Commercial) / CR (Rural Commercial)

EXISTING LAND USE: Commercial

PROPOSED USE: Commercial use

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

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residences / NC, AG-RR / RB (General Residential)
South: Business and vacant land / AG-RR / CA (General Business) & RB (General Residential)
East: Dwelling and vacant land / AG-RR / RB (General Residential) & A (Agricultural)
West: Corryton Rd. - Business and dwelling / NC / CA (General Business)

NEIGHBORHOOD CONTEXT: This site is located at the east end of a short CA zoned strip of land in Corryton between Corryton-Luttrell Rd. and Tillett Ln. The area is surrounded by residential development and vacant land, zoned RB.

STAFF RECOMMENDATION:

ADOPT RESOLUTION #12-A-12-SP, amending the Northeast County Sector Plan to RC (Rural Commercial) for a portion of the site and recommend the Knox County Commission also approve the

sector plan amendment, to make it operative. (See resolution, Exhibit A.)

Staff recommends approval of the RC sector plan designation for a portion of the site (see attached MPC staff recommendation map). The remaining, easternmost portion of the site, which is recommended to be excluded from the plan amendment, is too narrow for viable rural commercial development and is too close to an existing residence to the north to allow for adequate building setbacks and landscape buffering, as required in the CR zone.

► **RECOMMEND that County Commission APPROVE CR (Rural Commercial) zoning on the recommended portion of the site (See attached MPC recommendation map).**

For this site, CR is the most appropriate commercial zone that is permitted within the Rural Area of the Growth Policy Plan. A large portion of the subject parcel is already zoned CA and developed with a business, part of which is in an RB zoned area. The sector plan already proposes neighborhood commercial uses for the portion of the site that is recommended for approval of CR zoning.

COMMENTS:

This sector plan amendment was approved by MPC, as recommended by staff, on September 13, 2012. On October 22, 2012, Knox County Commission referred the rezoning back to MPC for reconsideration. The original sector plan amendment requested by Jack Walker was withdrawn and the same sector plan amendment was initiated by the Knox County Commission. The requests will automatically be forwarded back to County Commission for final action in January. At that meeting, Knox County Commission will be able to amend the sector if they choose to do so. The only way a sector plan amendment may be approved by a body other than MPC is if the application is initiated by them, as is the case here. Staff maintains its same position from the September 13 meeting that the panhandle not be changed to allow commercial uses.

One option for the applicant would be to negotiate a land swap with the adjacent property owner of parcel 3.02. That property also has a panhandle of similar size to the north of the subject property that would be much more appropriate for commercial uses. It is directly adjacent to existing commercial uses to the south and does not extend into an agricultural/residential area, close to existing residential uses. A map is attached showing the two portions of property that could potentially be swapped.

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known improvements have been made to Tillett Ln. or Corryton Rd. in the vicinity of this site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Northeast County Sector Plan proposes NC (Neighborhood Commercial) uses for most of this subject property and for a stretch of land to the west, on the north side of Corryton Rd. The requested RC designator is similar in intensity to NC and is equally appropriate in this primarily rural area. The Growth Policy Plan designates this area as Rural Area. CN and CR are two of the three commercial zones that may be considered in the Rural Area.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

No changes in government policy impact this proposal. The CA zoned area to the west of this site has been in place for many years, despite the fact that it is not consistent with the current sector plan or Growth Plan proposals for the area. The precedent for commercial in this area has been set, and this minor extension of it is acceptable, as it is already designated for NC uses, which are of similar intensity as RC uses.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

The remainder of the site to the west, zoned CA, is developed with a business. This proposal is an extension of that use to the entire parcel. Staff is recommending approval of RC uses on the entire parcel except for the approximately 70' wide panhandle in the easternmost portion of the site.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR

CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. CR is the most appropriate commercial zone that can be considered for this site, which is located within the Rural Area designation on the Growth Policy Plan, limiting eligible commercial zones.
2. CR zoning will allow expansion of the existing commercial use onto the subject property.
3. CR zoning is not recommended to be extended onto the approximately 70' wide panhandle that makes up the easternmost portion of the site. That width is not large enough to allow for commercial development, in addition to the screening that will be required between it and the adjacent residential zones. There is a residence that is located about 60' north of the panhandle portion of the site. The CR zone requires substantial landscape screening along its perimeter.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested CR zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Development performance standards are included to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.
2. Based on the above description, the recommended portion of the site is appropriate for CR zoning.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. Public water is available to serve the site. Sanitary sewer is not currently available in the area, but could be extended, if necessary, to serve this site.
2. The proposal will have no impact on schools, and the traffic impact will depend on the type of uses that are proposed.
3. CR zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended amendment of the NC area to RC, CR zoning would be consistent with the Northeast County Sector Plan. Staff recommends that the panhandle in the eastern portion of the site, which is designated as Ag/RR on the sector plan and zoned RB, remain unchanged.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map, which limits the types of commercial and other zones that can be proposed. CR is a zone that may be considered within the Rural Area.
3. The recommended zoning change does not present any apparent conflicts with any other adopted plans.

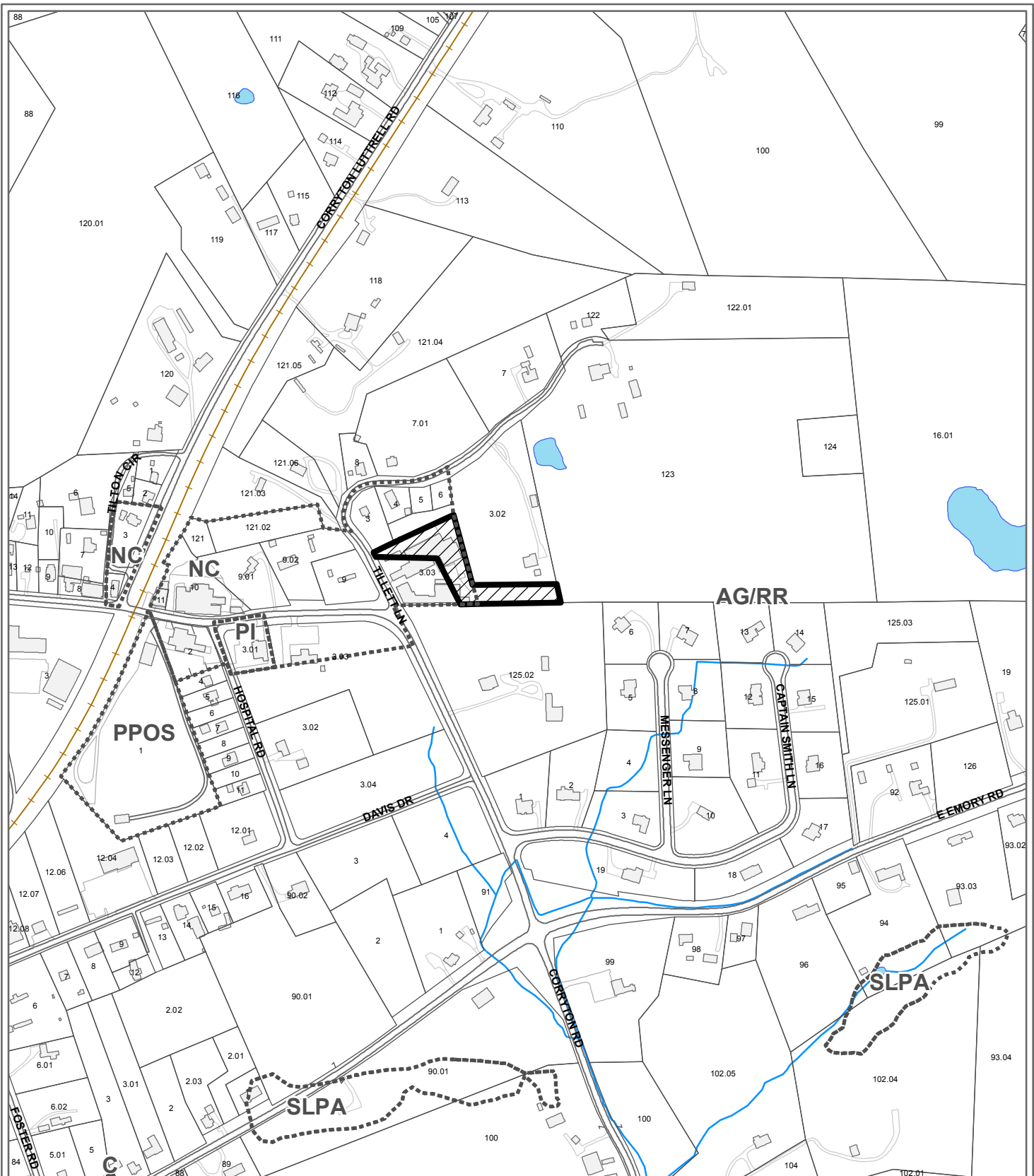
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

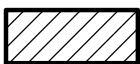
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/28/2013. 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.



**12-B-12-SP / 9-A-12-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

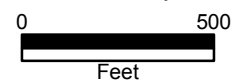
From: AG/RR (Agricultural/Rural Residential) and NC (Neighborhood Commercial)
To: RC (Rural Commercial)



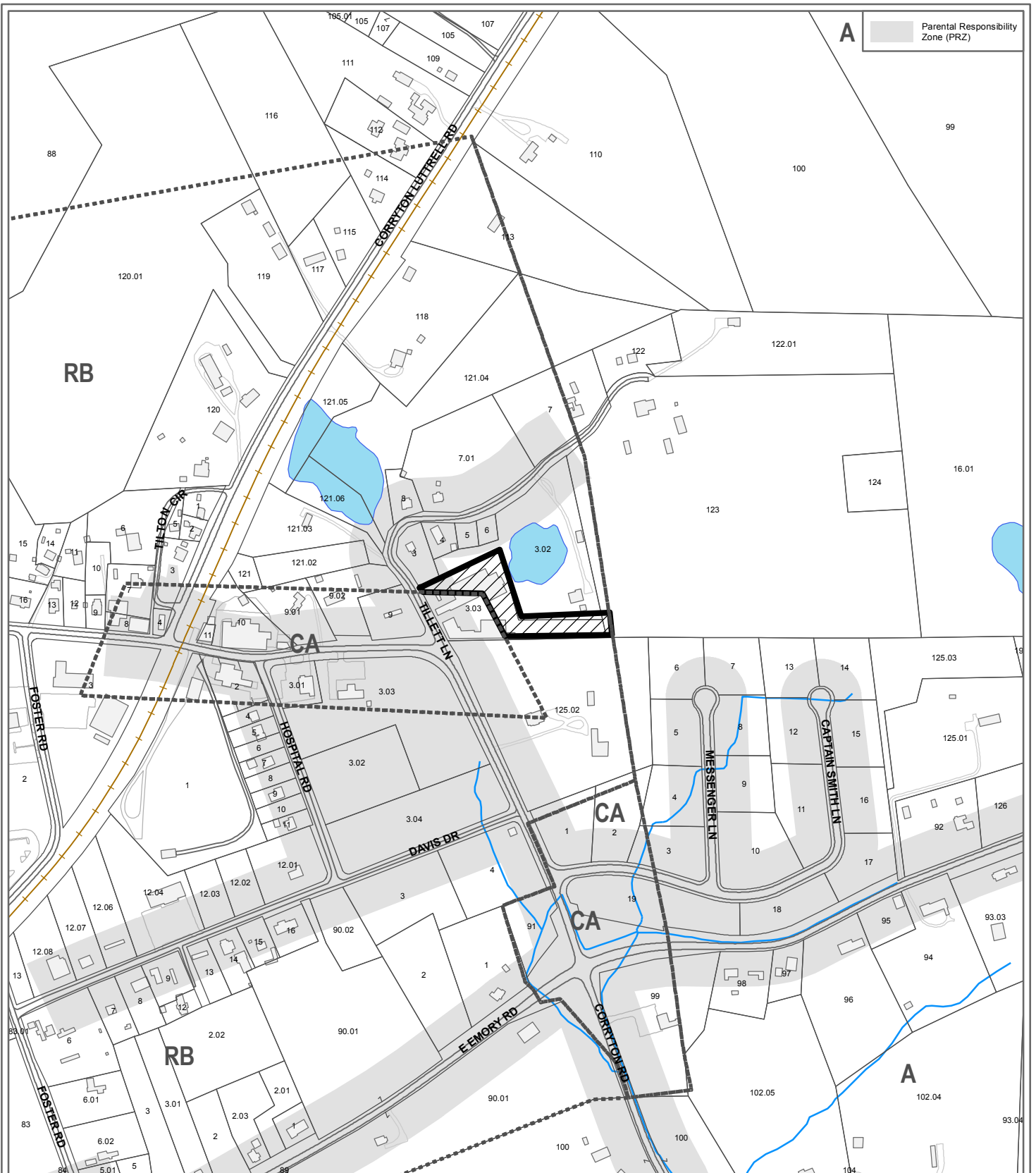
Petitioner: Knox County Commission

Map No: 6

Jurisdiction: County



Original Print Date: 11/19/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



A Parental Responsibility Zone (PRZ)

**9-A-12-RZ
REZONING**

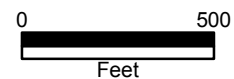
From: RB (General Residential)
To: CR (Rural Commercial)

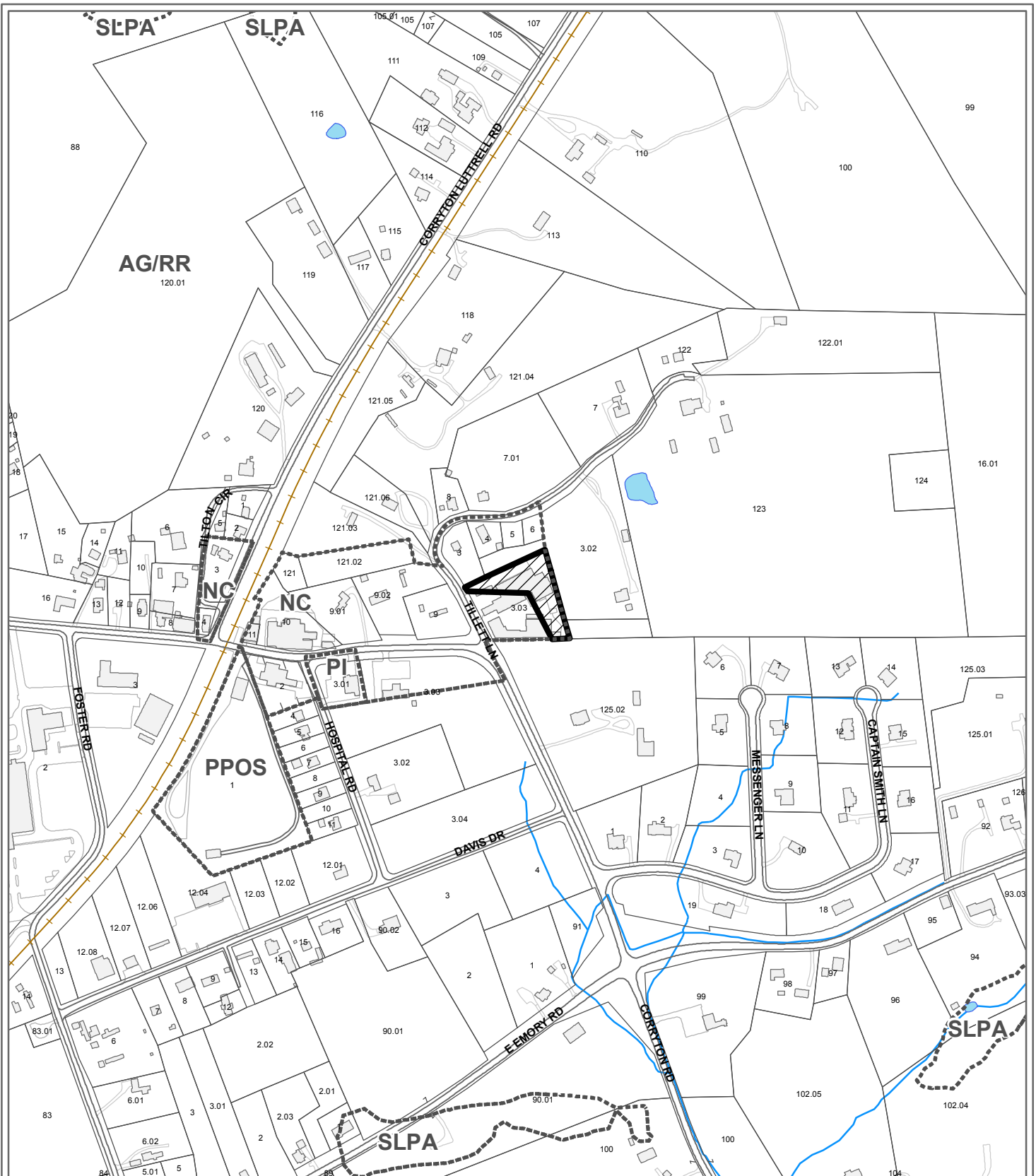


Petitioner: Walker, Jack

Map No: 6
Jurisdiction: County

Original Print Date: 8/22/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**12-B-12-SP / 9-A-12-RZ MPC STAFF RECOMMENDATION
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

Petitioner: Knox County Commission

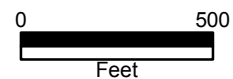


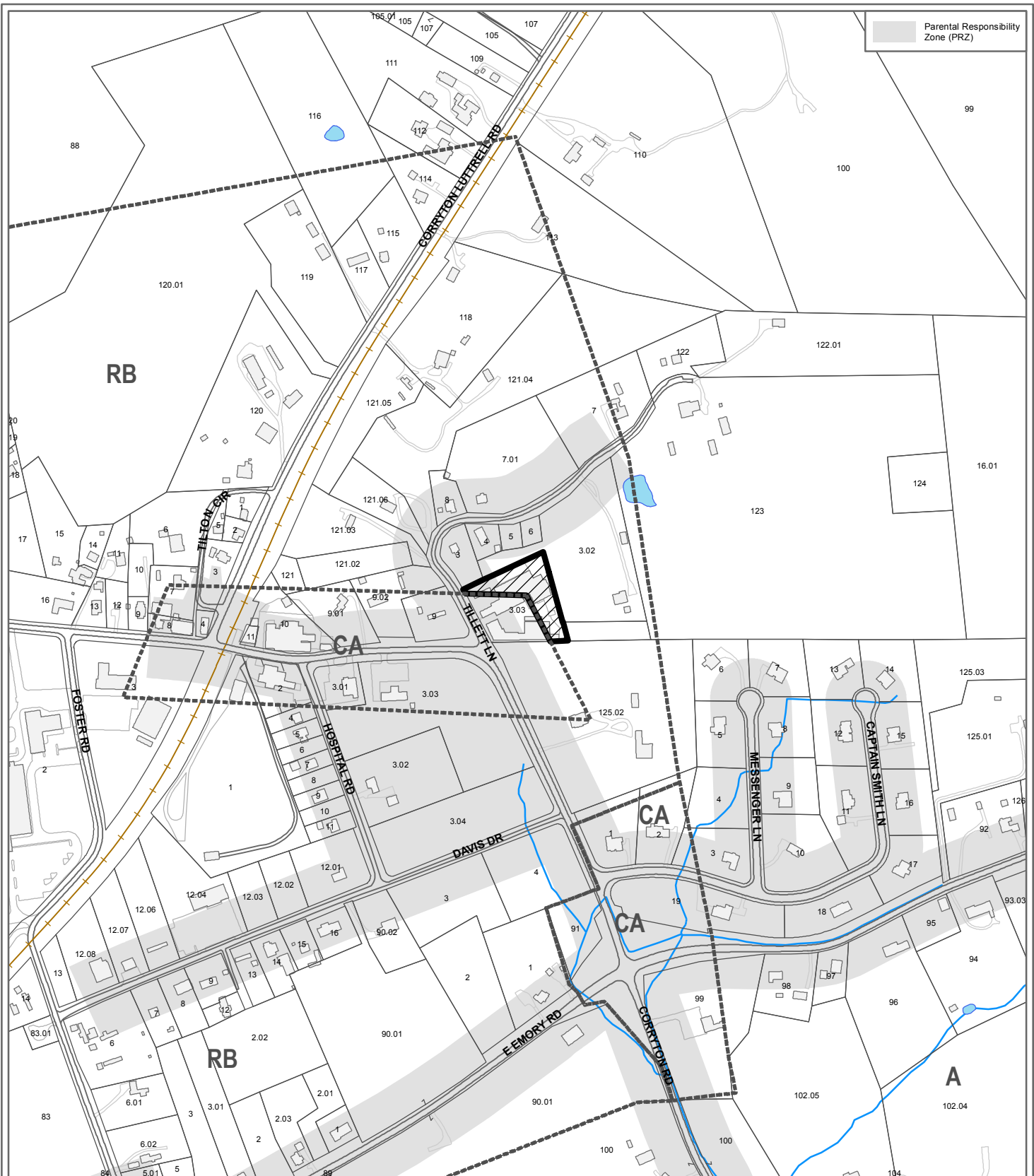
From: AG/RR (Agricultural/Rural Residential) and NC (Neighborhood Commercial)
To: RC (Rural Commercial)

Map No: 6

Jurisdiction: County

Original Print Date: 12/5/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





Parental Responsibility Zone (PRZ)

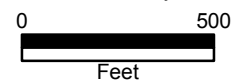
**9-A-12-RZ MPC STAFF RECOMMENDATION
REZONING**

From: RB (General Residential)
To: CR (Rural Commercial)



Petitioner: Walker, Jack

Map No: 6
Jurisdiction: County



Original Print Date: 9/5/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHEAST 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 Northeast 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, Knox County Commission, has submitted an application to amend the Sector Plan from Neighborhood Commercial and Agricultural/Rural Residential to Rural Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northeast 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 December 13, 2012, 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 Northeast County Sector Plan, with its accompanying, staff report and map, file #12-A-12-SP.

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

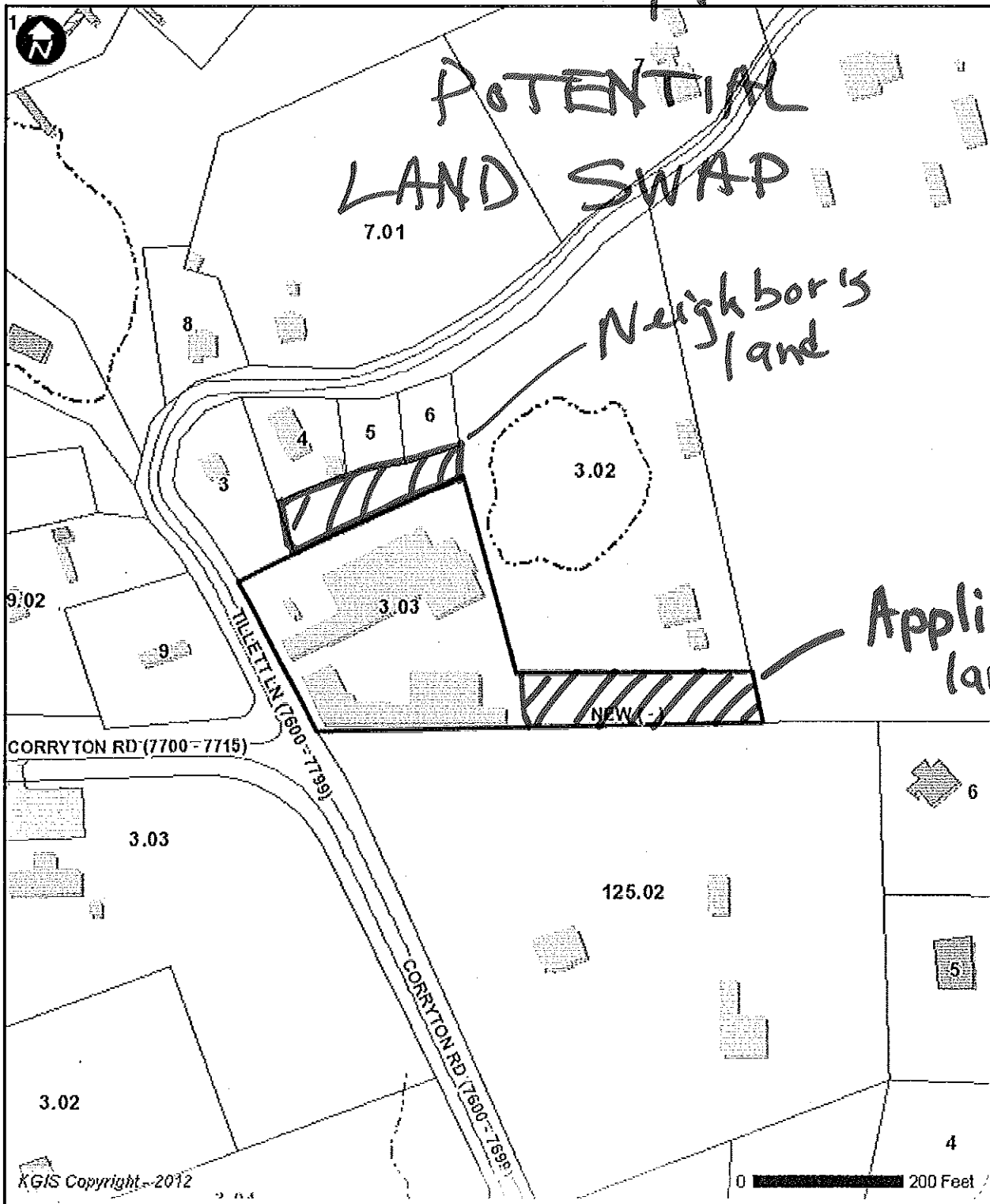
SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

Item 21 - 12-B-12-SR/9-A-12-RZ



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

Fwd: Rezoning at NE side of Tillett lane

1 message

Michael Brusseau <mike.brusseau@knoxmpc.org>
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Tue, Sep 11, 2012 at 8:38 AM

Re: Item 31

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

From: **Kim Ingram** <kfingram1116@gmail.com>

Date: Mon, Sep 10, 2012 at 8:15 PM

Subject: Rezoning at NE side of Tillett lane

To: "michael.brusseau@knoxmpc.org" <michael.brusseau@knoxmpc.org>

We agree with the staff recommendation. We think any more commercial would not be to the benefit of the residents. This also could lead to more commercial which we do not want. We do not believe our roads are equipped for more traffic and there is children in the neighborhood. This strip of land lies between 2 residents of which one is ours. We do not want this 50 feet from our back door. Strangers on this property worries us. Mr Walker already using it to dump piles of rock, piles of dirt, scrape metal, old fences and a Hugh burn pile. He sets his fires and left them. This is also a great concern to us. I don't think any of you would want this in your back door. It's no fun trying to enjoy your Saturday on the deck and have to smell whatever he's burning or hear his bobcat running .Thanks for listening to our voice. Tony and Kim Ingram

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Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902
Phone: (865) 215-2500
Fax: (865) 215-2068
www.knoxmpc.org

9-A-12-RZ - cor - Tillett

9-11-12

Metropolitan Planning Commission
attn. Michael Bruseau

Reference: 9A-12-RZ Jack Walker request for
re-zoning.

We object to the re-zoning of
the Pan Handle just south &
behind the home of Tony & Kim Ingram.

Thanks -

Lynn Tillett

7728 Tillett Ln,
Corryton TN
39721