



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

FILE #: 1-F-12-RZ **AGENDA ITEM #** 20
 1-B-12-SP **AGENDA DATE:** 1/12/2012

APPLICANT: UNIVERSITY COMMONS, LLC
OWNER(S): Miles E. Cullom, Jr.

TAX ID NUMBER: 108 F B 001
JURISDICTION: Council District 1

LOCATION: South side Kingston Pike, west of Volunteer Blvd.
TRACT INFORMATION: 12.1 acres.
SECTOR PLAN: Central City
GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
ACCESSIBILITY: Current access is from Kingston Pike, a major arterial street with four-lanes within 100' 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) & STPA (Stream Protection Area) / RP-3 (Planned Residential)
PROPOSED PLAN DESIGNATION/ZONING: C (Commercial) & STPA (Stream Protection Area) / C-3 (General Commercial)
EXISTING LAND USE: Vacant
PROPOSED USE: Retail and restaurant uses. General commercial development
EXTENSION OF PLAN DESIGNATION/ZONING: No
HISTORY OF ZONING REQUESTS: The One Year Plan was amended from LI to MU (O, GC, HDR) and the zoning was changed from O-2 to RP-3 in 2008 (12-D-08-RZ/12-A-08-PA).
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Kingston Pike - Tyson Park / PPOS / OS-2 (Park & Open Space)
 South: Greenway and UT campus / PPOS & PI / O-2 (Civic & Institutional)
 East: Railroad R-O-W / LI / O-2 (Civic & Institutional)
 West: UT campus and Alcoa Hwy. R-O-W / PI & TR / O-2 (Civic & Institutional)
NEIGHBORHOOD CONTEXT: This site is located on the western end of the Cumberland Ave. strip and the UT campus across from Tyson Park on the east side of the Alcoa Hwy./Kingston Pike interchange. Commercial uses are to the east along the strip and civic and institutional uses surround the rest of the site. Tyson Park is to the north and railroad switchyards are to the south. Surrounding zoning primarily consists of O-2, C-7, I-3 and OS-2.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 1-A-12-SP, amending the Central City Sector Plan to C (Commercial) and STPA (Stream Protection) and recommend that City Council also adopt the amendment. (See attached resolution, Exhibit A.)**

Commercial development is consistent with the adjacent land uses and zoning in the area. The proposal is consistent with the One Year Plan proposal for the property, which calls for mixed uses, including general commercial.

▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning with one condition.**

1. The site must have at least one other vehicular access point to a street other than Kingston Pike.

With the recommended condition, C-3 zoning is appropriate for this site, which is located in a mixed use area. The proposal is compatible with the scale and intensity of surrounding development. C-3 is consistent with the current City of Knoxville One Year Plan.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No major road improvements have occurred recently in this area. Utilities are in place to serve the site.

ERROR OR OMISSION IN CURRENT PLAN:

The subject property is so located that it may be appropriate for a mix of uses. The adjacent land uses include the UT campus, commercial development, a park, and railroad and highway right-of-way.

CHANGES IN GOVERNMENT POLICY:

No changes in government policy impact this request. This site was approved for a One Year Plan amendment from LI to MU (O, GC, HDR) and a rezoning from O-2 (Civic & Institutional) to RP-3 (Planned Residential) in 2008 (12-D-08-RZ/12-A-08-PA). Those applications were filed by the Knoxville City Council.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

The site is located west and north of the UT campus at the western end of the Cumberland Ave. strip. It is located along a major arterial street in a high traffic area. Commercial development would be compatible with the surrounding area.

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.

REZONING REQUIREMENTS:

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

1. C-3 zoning is compatible with the scale and intensity of the surrounding development and zoning.
2. The proposal is consistent with the recommended amendment to the Sector Plan and the current One Year Plan proposal.
3. C-3 zoning is appropriate at this location, with access to a major arterial street in a high traffic mixed use area and creation of a second access point for safe and efficient traffic circulation.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of

general commercial activities.

2. Based on the above general intent, this site is appropriate for C-3 development.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. The proposal will have no impact on schools. With the recommended condition for two vehicular access points to separate streets, the street system should be adequate to serve the proposed commercial development. The amount of traffic generation will depend on the type of commercial development proposed.
3. If approved, C-3 zoning will allow commercial development of the property. Prior to filing, the applicants had several meetings with MPC and City of Knoxville officials and it was generally agreed that C-3 is the most appropriate zone for the proposed development.
4. With the recommended zoning condition, the development will result in the creation of a second vehicular access point to a street other than Kingston Pike, likely Joe Johnson Dr. The traffic impact study submitted for the development recommends some additional improvements to surrounding streets to improve traffic circulation, which should be implemented as the site develops.

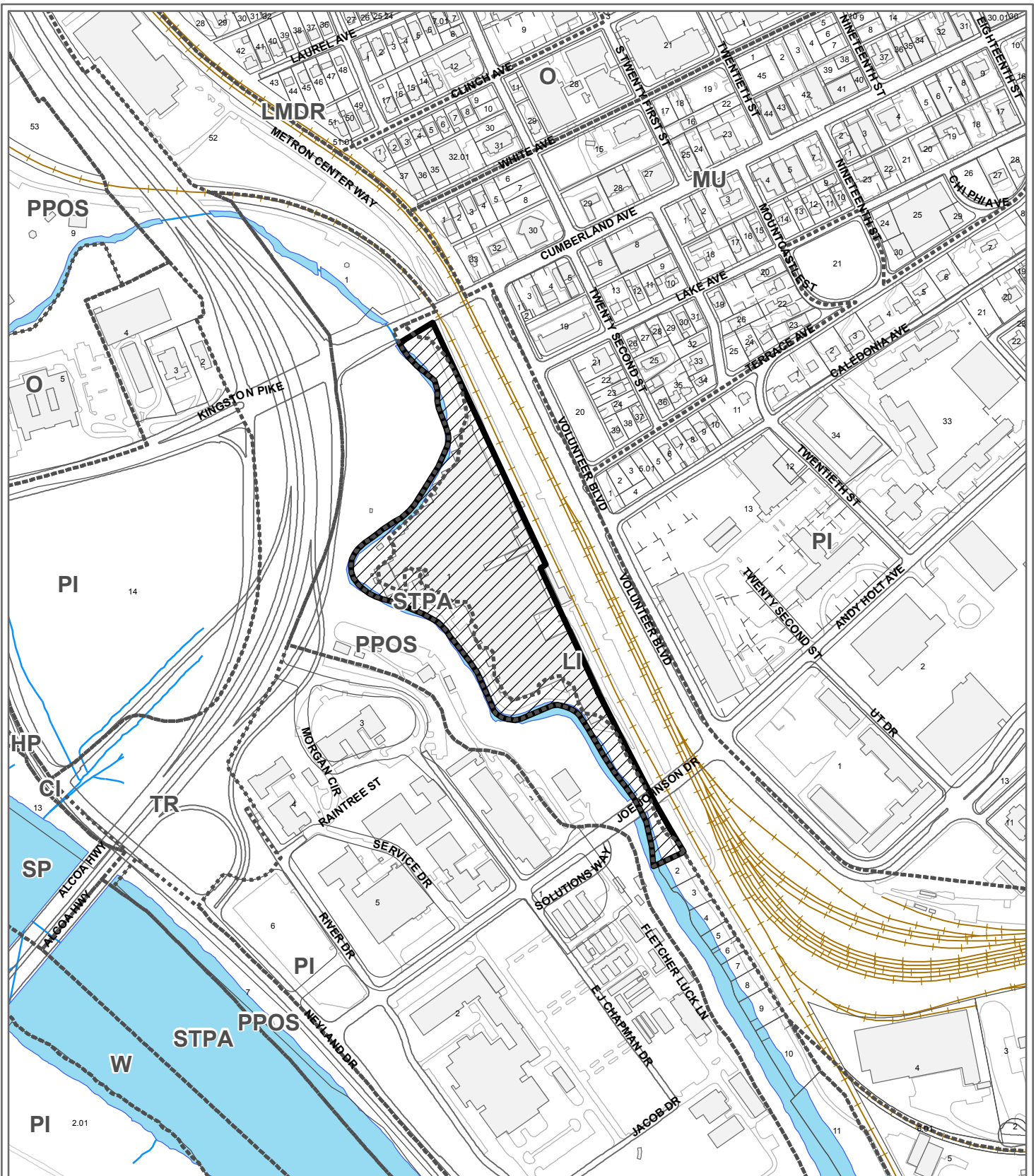
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended amendment to commercial, the proposed C-3 zoning is consistent with the Central City Sector Plan.
2. C-3 zoning is consistent with the City of Knoxville One Year Plan, which designates the site for mixed uses, limited to office, general commercial or high density residential.
3. Approval of this request is not likely to lead to future requests for C-3 zoning on other parcels in the area, as most surrounding properties are already fully developed.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/7/2012 and 2/21/2012. 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.



**1-B-12-SP
CENTRAL CITY SECTOR PLAN AMENDMENT**

From: LI (Light Industrial) & STPA (Stream Protection Area)
To: C (Commercial) & STPA (Stream Protection Area)



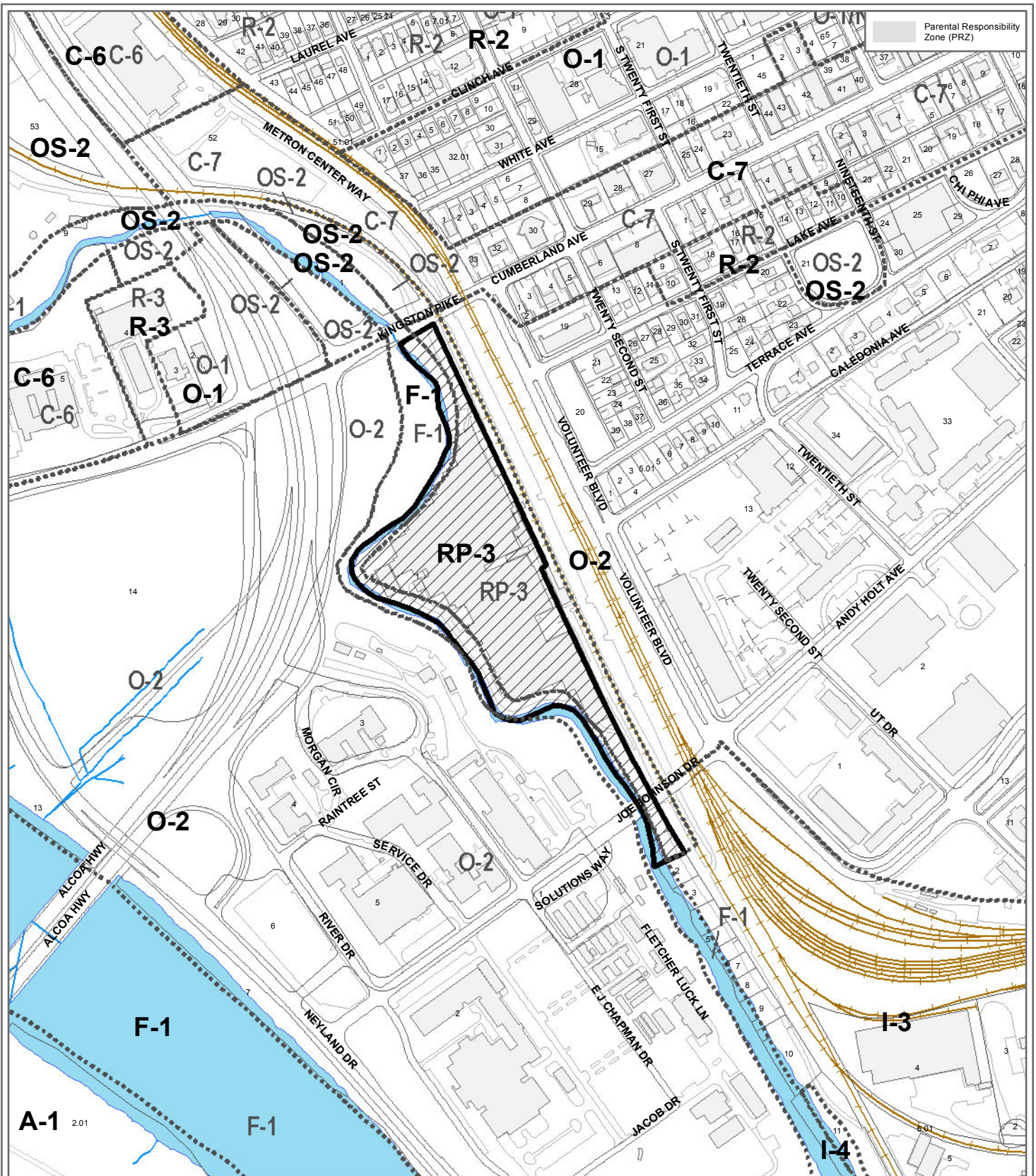
Petitioner: University Commons, LLC

Map No: 108

Jurisdiction: City

Original Print Date: 12/30/2011 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**1-F-12-RZ
REZONING**

From: RP-3 (Planned Residential)
To: C-3 (General Commercial)



Petitioner: University Commons, LLC

Map No: 108
Jurisdiction: City

Original Print Date: 12/14/2011 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**, University Commons, LLC, has submitted an application to amend the Sector Plan from Light Industrial and Stream Protection to Commercial and Stream Protection, 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 January 12, 2012, 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 #1-B-12-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