



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

▶ **FILE #:** 7-A-12-SP

AGENDA ITEM #: 15

AGENDA DATE: 7/12/2012

▶ **APPLICANT:** METROPOLITAN PLANNING COMMISSION

OWNER(S): City of Knoxville

TAX ID NUMBER: 169 M B 001

JURISDICTION: Council District 4

▶ **LOCATION:** East side N. Broadway, south side Emoriland Blvd.

▶ **APPX. SIZE OF TRACT:** 1.1 acres

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Emoriland Blvd., a local street with 2 lanes and a center median within 65' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** C (Commercial) / C-3 (General Commercial) & F-1 (Floodway)

▶ **PROPOSED PLAN DESIGNATION:** PP (Public Parks and Refuges)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Park / open space

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Emoriland Blvd. - House / C / C-3 (General Commercial)/H-1 (Historic Overlay)

South: Residences / LDR / R-1 (Low Density Residential)/NC-1 (Neighborhood Conservation Overlay)

East: Residence / LDR / R-1 (Low Density Residential)/NC-1

West: N. Broadway - Businesses / C / C-3 (General Commercial) and F-1 (Floodway)

NEIGHBORHOOD CONTEXT This property is at the entrance to the Emoriland residential subdivision from N. Broadway. The subdivision is zoned R-1/NC-1.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 7-A-12-SP, amending the East City Sector Plan to PP (Public Parks and Refuges) and recommend that City Council also approve the sector plan amendment to make it operative. (See attached resolution, Exhibit A.)**

This amendment will bring the sector plan into consistency with the current and proposed future use of the

publicly-owned subject property. PP uses would be compatible with the surrounding land uses and zoning pattern. Rezoning and One Year Plan amendment applications accompany this application (7-A-12-RZ/7-A-12-PA).

COMMENTS:

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 N. Broadway or Emoriland Blvd. The City of Knoxville recently completed a stormwater improvement project that included the purchase of this property and the demolition of the former Pizza Hut restaurant that was on site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current One Year Plan proposes general commercial uses for this area, consistent with the current C-3 zoning and the previous use as a restaurant. The City of Knoxville now owns the property and has no intention of developing on it. Staff has recommended amending the plan to 'public parks and refuges', as this designation is consistent with both the existing and proposed use of the property involved.

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

No changes in government policy impact this proposal. The City decided to eliminate the business and parking lot that were previously located on the site in order to assist with a stormwater improvement project.

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

This site has been zoned C-3 for general commercial uses for many years, but now that the City owns it and intends to keep it as open space, a public parks and refuges designation is appropriate.

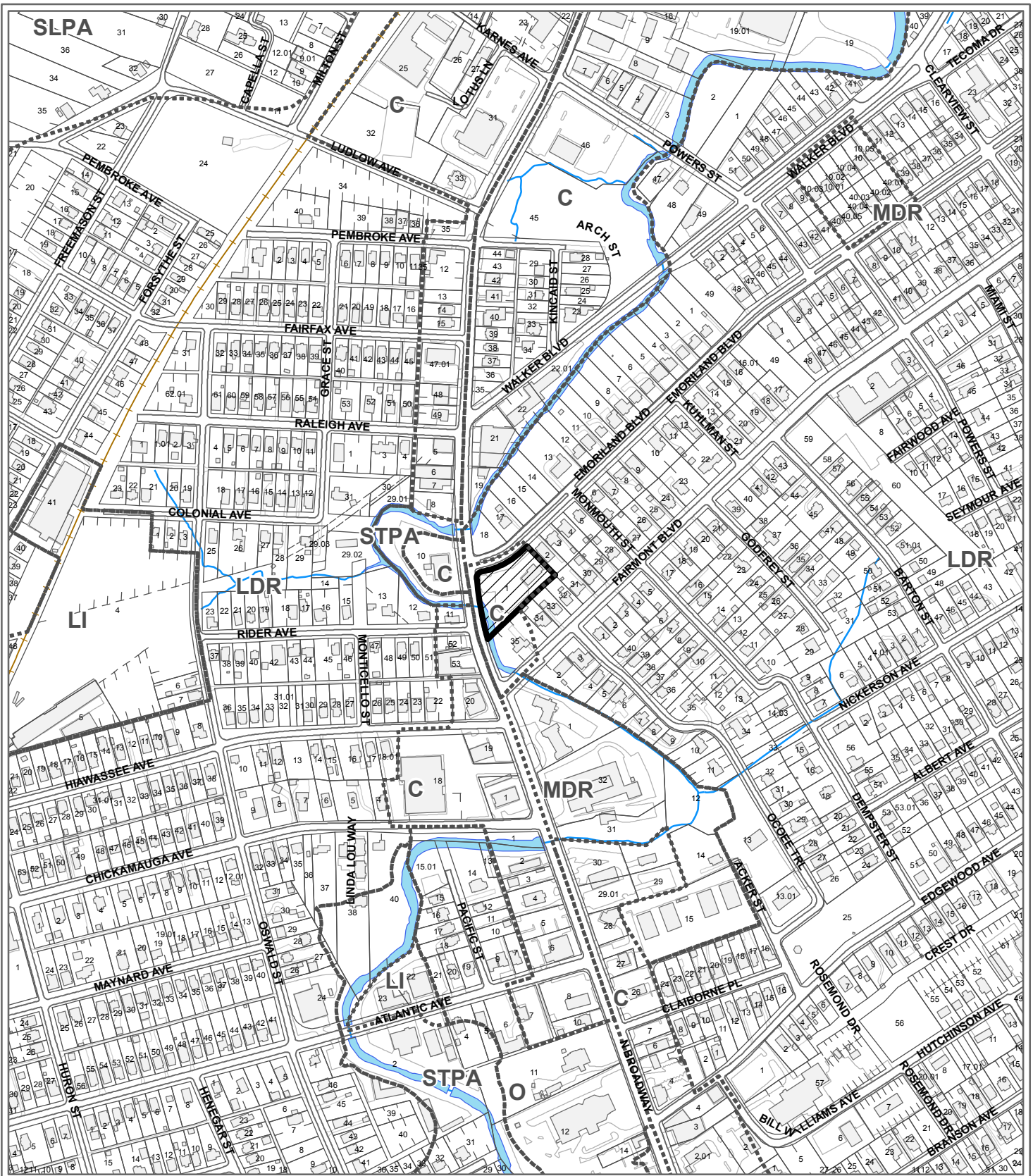
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 Knoxville City Council for action on 8/7/2012 and 8/21/2012. 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.



**7-A-12-SP
EAST CITY SECTOR PLAN AMENDMENT**

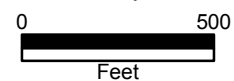
From: C (Commercial)
To: PP (Public Parks and Refuges)



Petitioner: Metropolitan Planning Commission

Map No: 169
Jurisdiction: City

Original Print Date: 6/22/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE EAST 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 East 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**, the Metropolitan Planning Commission, has submitted an application to amend the Sector Plan from Commercial to Public Parks and Refuges, for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the East 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 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 East City Sector Plan, with its accompanying staff report and map, file #7-A-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



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

FILE #: 7-A-12-RZ
7-A-12-PA

AGENDA ITEM #: 15
AGENDA DATE: 7/12/2012

APPLICANT: METROPOLITAN PLANNING COMMISSION
OWNER(S): City of Knoxville

TAX ID NUMBER: 69 M B 001
JURISDICTION: Council District 4

LOCATION: East side N. Broadway, south side Emoriland Blvd.

TRACT INFORMATION: 1.1 acres.

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Emoriland Blvd., a local street with 2 lanes and a center median within 65' of right-of-way.

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

WATERSHED: First Creek

PRESENT PLAN DESIGNATION/ZONING: GC (General Commercial) & F (Floodway) / C-3 (General Commercial) & F-1 (Floodway)

PROPOSED PLAN DESIGNATION/ZONING: PP (Public Parks and Refuges) & F (Floodway) / OS-2 (Park and Open Space District) & F-1 (Floodway)

EXISTING LAND USE: Vacant land

PROPOSED USE: Park/open space

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, North: Emoriland Blvd. - House / GC / C-3 (General Commercial)/H-1 (Historic Overlay)

ZONING South: Residences / LDR / R-1 (Low Density Residential)/NC-1 (Neighborhood Conservation Overlay)

East: Residence / LDR / R-1 (Low Density Residential)/NC-1

West: N. Broadway - Businesses / GC / C-3 (General Commercial) and F-1 (Floodway)

NEIGHBORHOOD CONTEXT: This property is at the entrance to the Emoriland residential subdivision from N. Broadway. The subdivision is zoned R-1/NC-1.

STAFF RECOMMENDATION:

RECOMMEND that City Council APPROVE PP (Public Parks and Refuges) and F (Floodway) One Year Plan designation.

The City of Knoxville now owns this former restaurant site and has no intent to develop new commercial uses. This amendment will bring the One Year Plan into consistency with the current and proposed future public, open space use of the subject property.

► **RECOMMEND that City Council APPROVE OS-2 (Park and Open Space District) & F-1 (Floodway) zoning.**

The OS-2 and F-1 zones are appropriate for this site, considering it is publicly owned and is planned to remain as undeveloped open space.

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 been made to N. Broadway or Emoriland Blvd. The City of Knoxville recent completed a stormwater improvement project that included the purchase of this property and the demolition of the former Pizza Hut restaurant that was on site.

B. ERROR OR OMISSION IN CURRENT PLAN - The current One Year Plan proposes general commercial uses for this area, consistent with the current C-3 zoning and the previous use as a restaurant. The City of Knoxville now owns the property and has no intention of developing on it. Staff has recommended amending the plan to 'public parks and refuges', as this designation is consistent with both the existing and proposed use of the property involved.

C. CHANGES IN GOVERNMENT POLICY - No changes in government policy impact this proposal. The City decided to eliminate the business and parking lot that were previously located on the site as part of a stormwater improvement project.

D. CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS - This site has been zoned C-3 for general commercial uses for many years, but now that the City owns it and intends to keep it as open space, a public parks and refuges designation is appropriate.

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. OS-2 zoning is consistent with the existing and proposed use as public open space.
2. The subject property is undeveloped open space, consistent with the requested OS-2 zoning.
3. This site was zoned C-3 for general commercial uses for many years, but now that the restaurant is gone and the property has transferred to public ownership, OS-2 is the more appropriate zone..

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

1. The requested OS-2 zoning is established to create, preserve and enhance land accessible to the public as permanent space to meet the active park and recreational needs of the population. The district is intended to provide for both improved and unimproved park and recreation lands. Facilities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, recreationla fields, ball-fields, sport courts, dog parks and associated accessory facilities such as recreation and community centers, administrative offices, parking areas and restrooms. The district is also intended to accommodate buildings of a public nature such as museums, libraries, police, fire or EMS stations. The district is consistent with and intended to implement the Park, Public Institutional, Open Space and Environmental Protection land use classifications of Knoxville-Knox County General Plan 2033 and the Knoxville-Knox County Park, Recreation and Greenways Plan, or successor documents.
2. Based on the above description, OS-2 is an appropriate zone for this site.

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. The potential negative impact will be reduced with the rezoning to the much less intense OS-2 zoning.
2. The proposal will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.

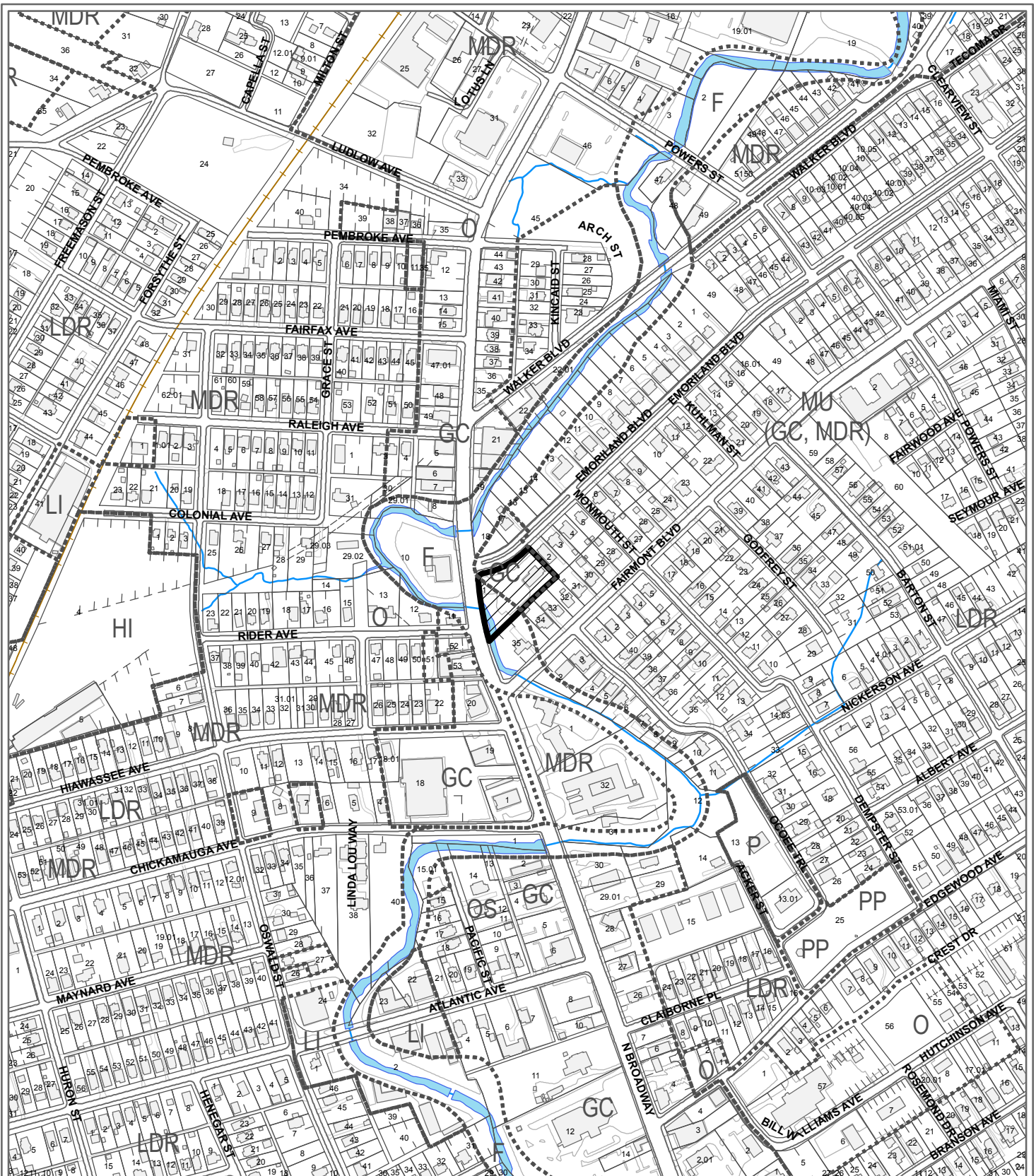
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the proposed amendment to PP, OS-2 zoning is consistent with the City of Knoxville One Year Plan.
2. There is an associated request to amend the East City Sector Plan (7-A-12-SP) from C to PP for this site, which is consistent with OS-2 zoning.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/7/2012 and 8/21/2012. 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.



**7-A-12-PA / 7-A-12-RZ
PLAN AMENDMENT**

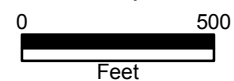
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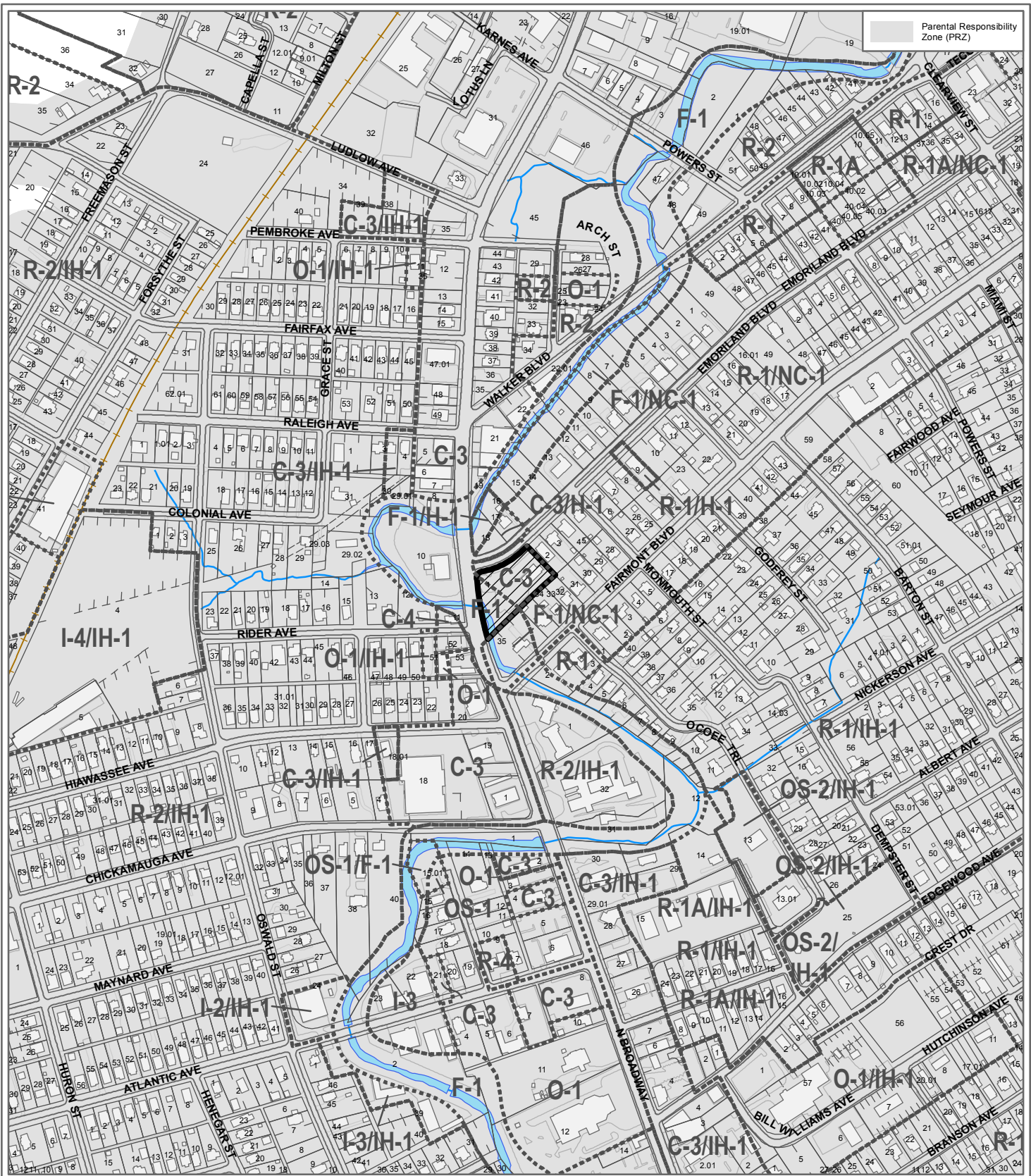
Petitioner: Metropolitan Planning Commission

Map No: 69

Jurisdiction: City



Original Print Date: 6/22/2012
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**7-A-12-RZ
REZONING**

From: C-3 (General Commercial) & F-1 (Floodway)
To: OS-2 (Park and Open Space District) & F-1 (Floodway)

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