



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

▶ **FILE #:** 11-B-12-RZ
11-A-12-SP

AGENDA ITEM #: 19
AGENDA DATE: 11/8/2012

▶ **APPLICANT:** HARRIGAN CONSTRUCTION COMPANY, LLC
OWNER(S): Kenneth Harrigan

TAX ID NUMBER: 107 D J 02501
JURISDICTION: Council District 6

▶ **LOCATION:** Northwest side Sutherland Ave., southwest side Sutherland View Way

▶ **TRACT INFORMATION:** 1.05 acres.

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Sutherland Ave., a minor arterial street with 34' of pavement width within 80' 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) / C-3 (General Commercial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / R-2 (General Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Apartments (24 unit complex)

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of MDR plan designation and R-2 zoning from the north.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Apartments / MDR-O / R-2 (General Residential)
South: Sutherland Ave. - Detached houses / LDR / R-1 (Low Density Residential)
East: Trucking company / LI / I-3 (General Industrial)
West: Retail store / LI / C-4 (Highway & Arterial Commercial) (K)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of uses including attached and detached residential, retail, light industrial and a school, under R-1, R-2, C-3, C-4, C-6 and I-3 zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #11-A-12-SP, amending the Central City Sector Plan to MDR (Medium Density Residential) and recommend that Knoxville City Council also approve the sector plan amendment, to**

make it operative. (See resolution, Exhibit A.)

A medium density residential sector plan designation is appropriate for the subject property. MDR is consistent with the development and zoning to the north and in the surrounding area.

► **RECOMMEND that City Council APPROVE R-2 (General Residential) zoning.**

R-2 is a logical extension of zoning from the north and is consistent with the One Year Plan proposal for the site.

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 recently to any of the streets accessing this site. However, the access streets are all sufficient to provide access to medium density apartment development, similar to the uses to the north accessed from the same streets.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current One Year Plan proposes mixed uses, including general commercial and medium density residential, consistent with the proposed R-2 zoning. The Central City Sector Plan proposes light industrial uses, consistent with the adjacent I-3 zoning and the former zoning of this site.

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

Numerous apartment developments have occurred in this area, under R-2 zoning, including the large area directly north of this site. Previous zoning decisions have determined that this is an area that is suitable to concentrate apartment development and R-2 zoning.

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

This site is situated between two access drives for apartment development to the north, making the site appropriate for similar development.

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. R-2 zoning will allow the subject property to be developed with medium density apartments, consistent with adjacent land uses and zoning to the north.
2. R-2 is a logical extension of zoning from the north, where two large apartment complexes are located.
3. Under R-2 zoning, the site can be developed in such a way to be compatible and consistent with surrounding development and zoning.

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

1. The requested R-2 zoning is a residential district to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are permitted. Some recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each use permitted in this district.
2. Based on the above description, R-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 applicant proposes to develop the site with apartments under R-2 zoning, which is an extension of land use and zoning from the north.
2. This area has been developed with medium density residential apartment projects for many years, so the

proposed zoning and use of this site is compatible with the surrounding area and will have very minimal impact.
3. 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 recommended plan amendment to MDR, the proposed R-2 zoning would be consistent with the Central City Sector Plan.
2. The City of Knoxville One Year Plan proposes mixed uses, limited to medium density residential or general commercial uses, consistent with R-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.

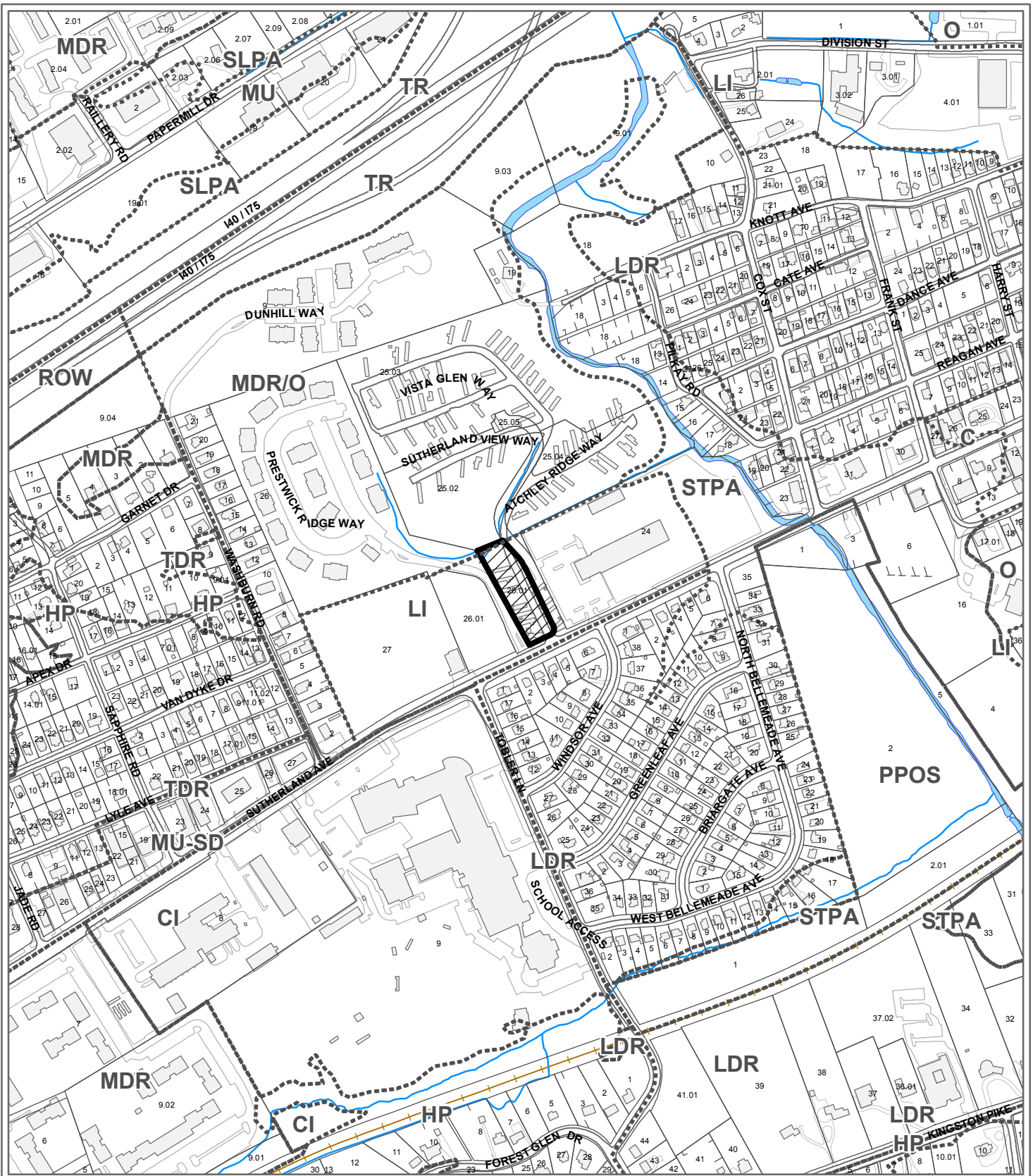
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 12/11/2012 and 12/20/2012. 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.



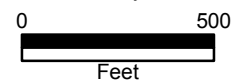
**11-A-12-SP / 11-B-12-RZ
CENTRAL CITY SECTOR PLAN AMENDMENT**



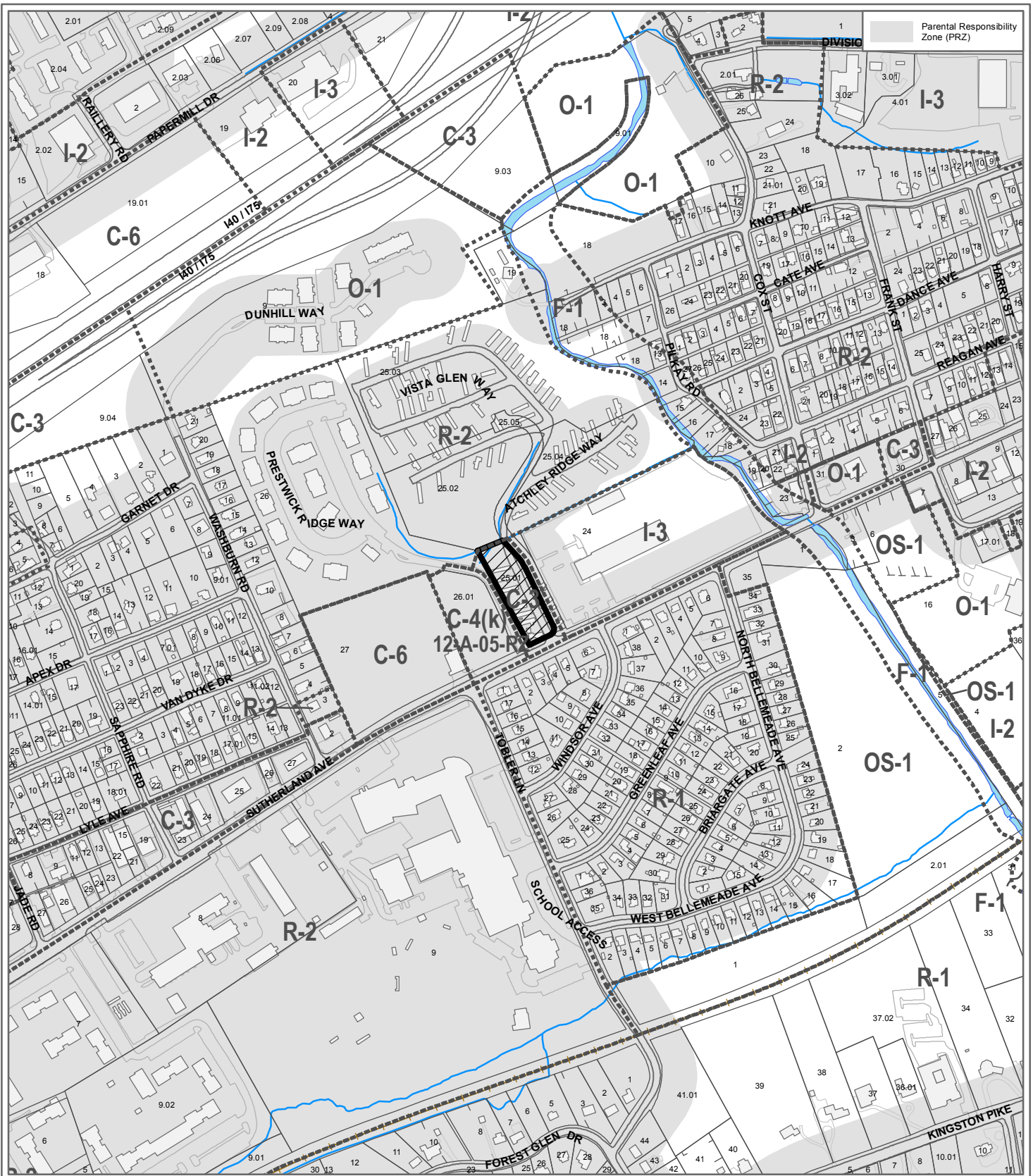
From: LI (Light Industrial)
To: MDR (Medium Density Residential)

Petitioner: Harrigan Construction Company, LLC

Map No: 107
Jurisdiction: City



Original Print Date: 10/25/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



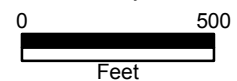
**11-B-12-RZ
REZONING**

From: C-3 (General Commercial)
To: R-2 (General Residential)



Petitioner: Harrigan Construction Company, LLC

Map No: 107
Jurisdiction: City



Original Print Date: 10/25/2012 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, Harrigan Construction Company, LLC, has submitted an application to amend the Sector Plan from Light Industrial to Medium Density Residential, 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 November 8, 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 #11-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