



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

▶ **FILE #:** 4-B-13-SP

AGENDA ITEM #: 20

AGENDA DATE: 4/11/2013

▶ **APPLICANT:** JOHN A. MCCAY

OWNER(S): John A. McCay

TAX ID NUMBER: 70 M F 007

JURISDICTION: Council District 6

▶ **LOCATION:** Southeast side Linden Ave., southwest of Nash Rd.

▶ **APPX. SIZE OF TRACT:** 11175 square feet

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Linden Ave., a local street with 19' of pavement width within 35 of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

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

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential)

▶ **EXISTING LAND USE:** Vacant lot

▶ **PROPOSED USE:** Detached dwelling

EXTENSION OF PLAN DESIGNATION: Yes, extension of residential designation from the north

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Linden Ave. - House / LDR

South: Asheville Hwy. right-of-way / C, TR

East: House / GC

West: House / GC

NEIGHBORHOOD CONTEXT With the exception of a car wash to the west, the properties on this street are developed with houses, under C-3 and R-2 zoning. Asheville Hwy. to the south is primarily developed with commercial uses, under C-3 zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 4-B-13-SP, amending the East City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the amendment. (See attached resolution, Exhibit A.)**

Medium density residential uses will be compatible with the scale and intensity of surrounding development and zoning. The site is located along Linden Ave., a local residential street with no direct access to Asheville

Hwy., so is more appropriate for residential development than commercial as it is currently zoned.

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 any of the roads surrounding this site. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The property is currently designated for general commercial uses, consistent with the current C-3 zoning. However, the site is located along Linden Ave., a local residential street with no direct access to Asheville Hwy., so is more appropriate for residential development than commercial as it is currently zoned.

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

This section of Linden Ave. is primarily developed with residential uses, under R-2 or C-3 zoning, with the exception of a car wash to the west, which has access to Asheville Hwy. C-3 uses should generally not be located where the only access is from a local residential street, as is the case here.

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

Despite being zoned for many years for commercial uses, no commercial development has occurred at this location. The established residential uses have remained and, because of the access only from a local residential street, the land use designation should be changed to reflect the uses and some zoning of the surrounding area.

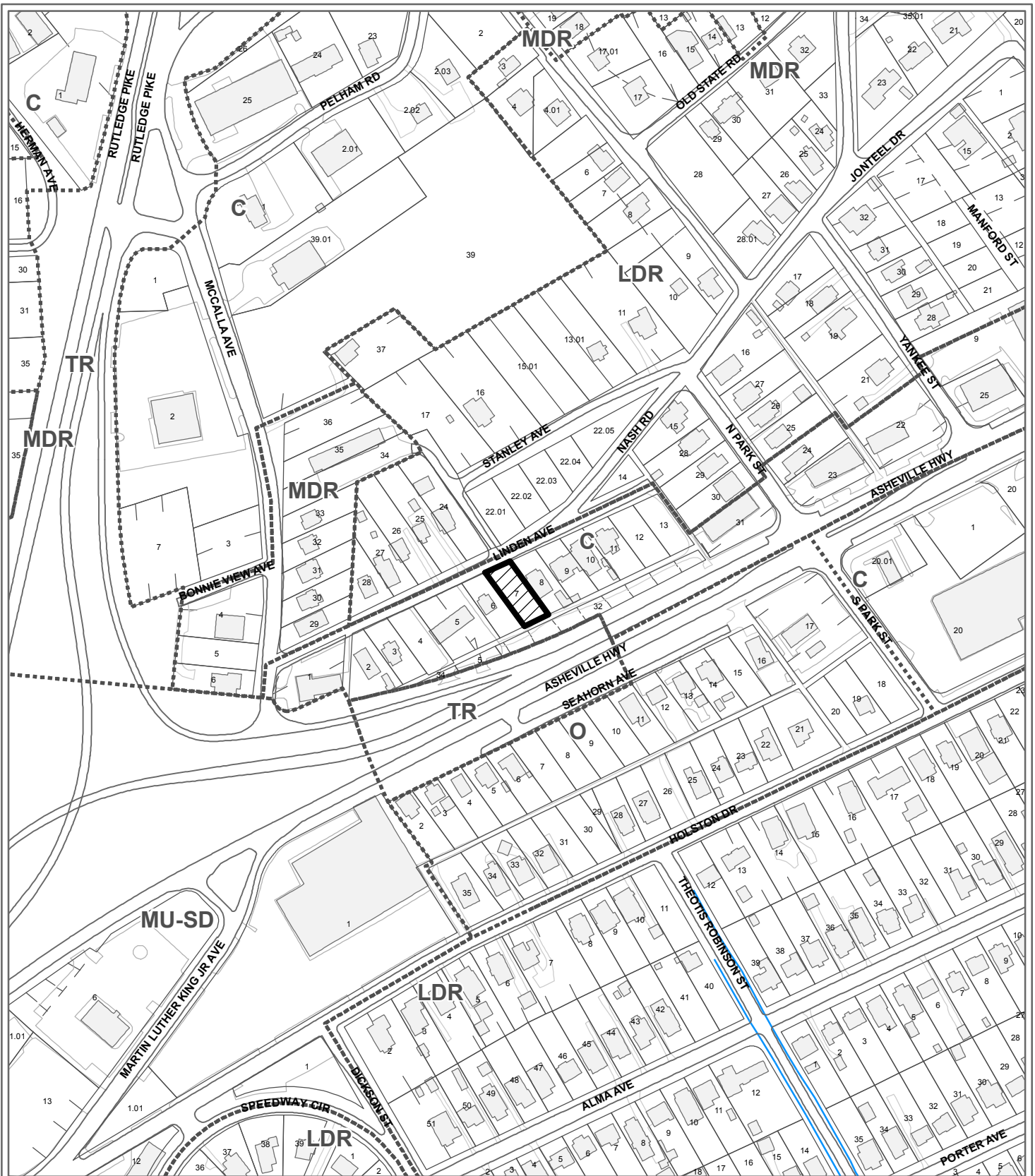
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 5/14/2013 and 5/28/2013. 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.



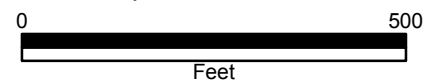
**4-B-13-SP
EAST CITY SECTOR PLAN AMENDMENT**

From: C (Commercial)
To: MDR (Medium Density Residential)



Petitioner: McCay, John A.

Map No: 70
Jurisdiction: City



Original Print Date: 3/25/2013 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**, John A. McCay has submitted an application to amend the Sector Plan from General Commercial 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 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 April 11, 2013, 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 #4-B-13-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 #: 4-C-13-RZ
4-C-13-PA

AGENDA ITEM #: 20
AGENDA DATE: 4/11/2013

APPLICANT: JOHN MCCAY
OWNER(S): John A. McCay

TAX ID NUMBER: 70 M F 007
JURISDICTION: Council District 6

LOCATION: Southeast side Linden Ave., southwest of Nash Rd.

TRACT INFORMATION: 11175 square feet.

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Linden Ave., a local street with 19' of pavement width within 35 of right-of-way.

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

WATERSHED: Love Creek

PRESENT PLAN DESIGNATION/ZONING: GC (General Commercial) / C-3 (General Commercial)

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

EXISTING LAND USE: Vacant lot

PROPOSED USE: Detached dwelling

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of residential designation from the north

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Linden Ave. - House / LDR / R-1A (Low Density Residential)
South: Asheville Hwy. right-of-way / GC, MU / C-3 (General Commercial) and O-1 (Office, Medical & Related Services)
East: House / GC / R-2 (General Residential)
West: House / GC / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: With the exception of a car wash to the west, the properties on this street are developed with houses, under C-3 and R-2 zoning. Asheville Hwy. to the south is primarily developed with commercial uses, under C-3 zoning.

STAFF RECOMMENDATION:

RECOMMEND that City Council APPROVE MDR (Medium Density Residential) One Year Plan designation.

Medium density residential uses will be compatible with the scale and intensity of surrounding development and zoning. The site is located along Linden Ave., a local residential street with no direct access to Asheville Hwy, so is more appropriate for residential development than commercial as it is currently zoned.

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

R-2 zoning is consistent with the scale and intensity of the surrounding development and zoning pattern and is a logical extension of R-2 zoning from the east.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The property is currently designated for general commercial uses, consistent with the current C-3 zoning. However, the site is located along Linden Ave., a local residential street with no direct access to Asheville Hwy, so is more appropriate for residential development than commercial as it is currently zoned.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - No known improvements have been made to any of the roads surrounding this site. Public water and sewer utilities are available to serve the site.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - This section of Linden Ave. is primarily developed with residential uses, under R-2 or C-3 zoning, with the exception of a car wash to the west, which has access to Asheville Hwy. C-3 uses should generally not be located where the only access is from a local residential street, as is the case here.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - There is no new information known that would have an impact on this plan amendment request.

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 improved for residential use, consistent with adjacent land uses.
2. There are five other parcels in this section of Linden Ave. that are currently zoned residential. There are three R-2-zoned properties abutting the site to the east and two vacant, R-1 zoned properties further to the east.
3. Under R-2 zoning, the site can be developed with residential uses, as proposed, which could not be done under the current C-3 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 construct a detached dwelling on the site under R-2 zoning.
2. The lot is currently vacant, but there are existing houses on either side of the property.

3. The proposal will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.

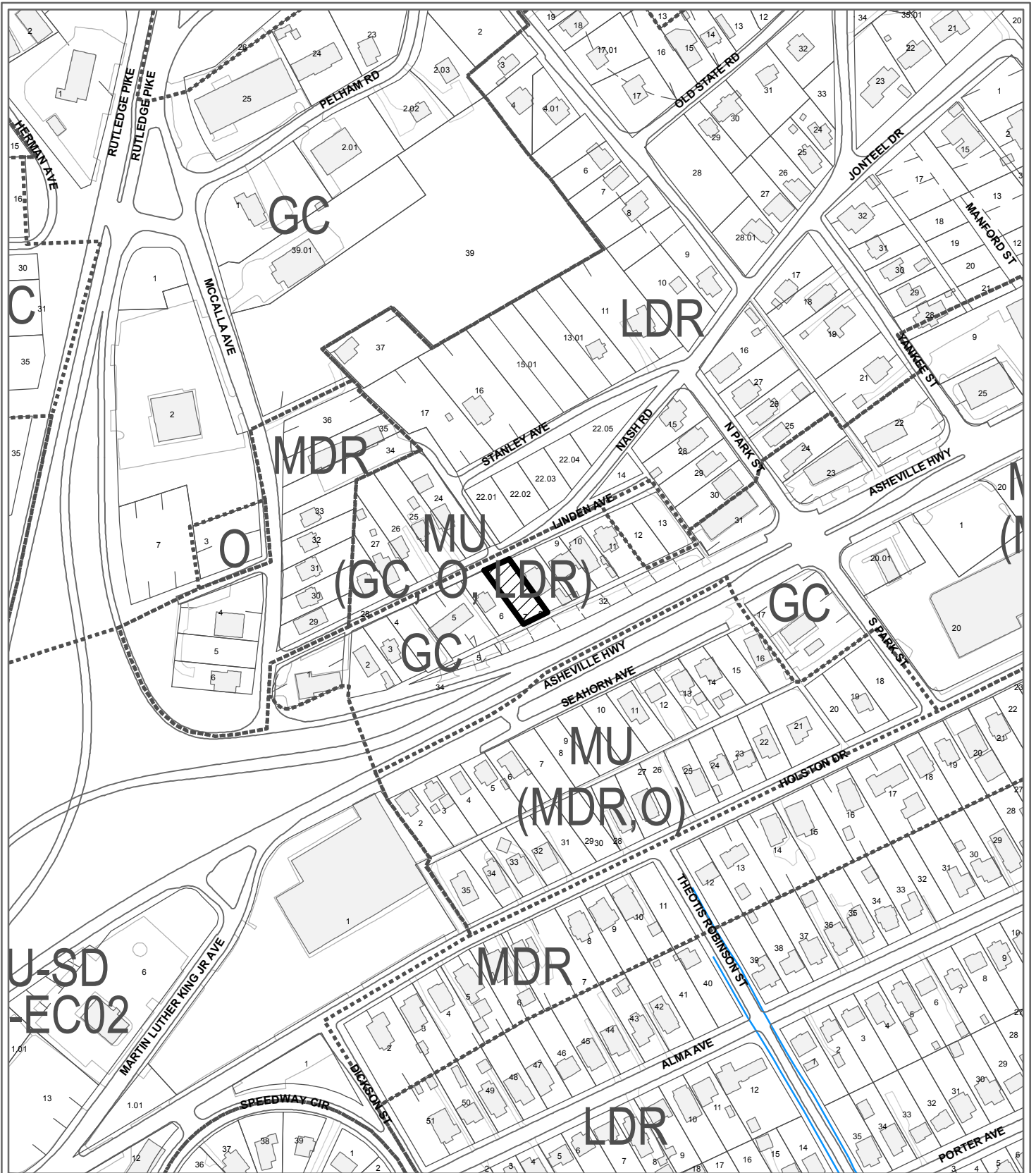
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. There is an associated application on this agenda (4-B-13-SP), requesting an amendment of the East City Sector Plan from general commercial to medium density residential. If approved as requested, R-2 zoning would be consistent with the sector plan.
2. With the recommended amendment of the City of Knoxville One Year Plan to medium density residential, the recommended R-2 zoning would be consistent with the plan.
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 5/14/2013 and 5/28/2013. 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.



**4-C-13-PA / 4-C-13-RZ
PLAN AMENDMENT**

From: GC (General Commercial)
To: MDR (Medium Density Residential)

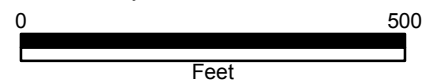


Petitioner: McCay, John

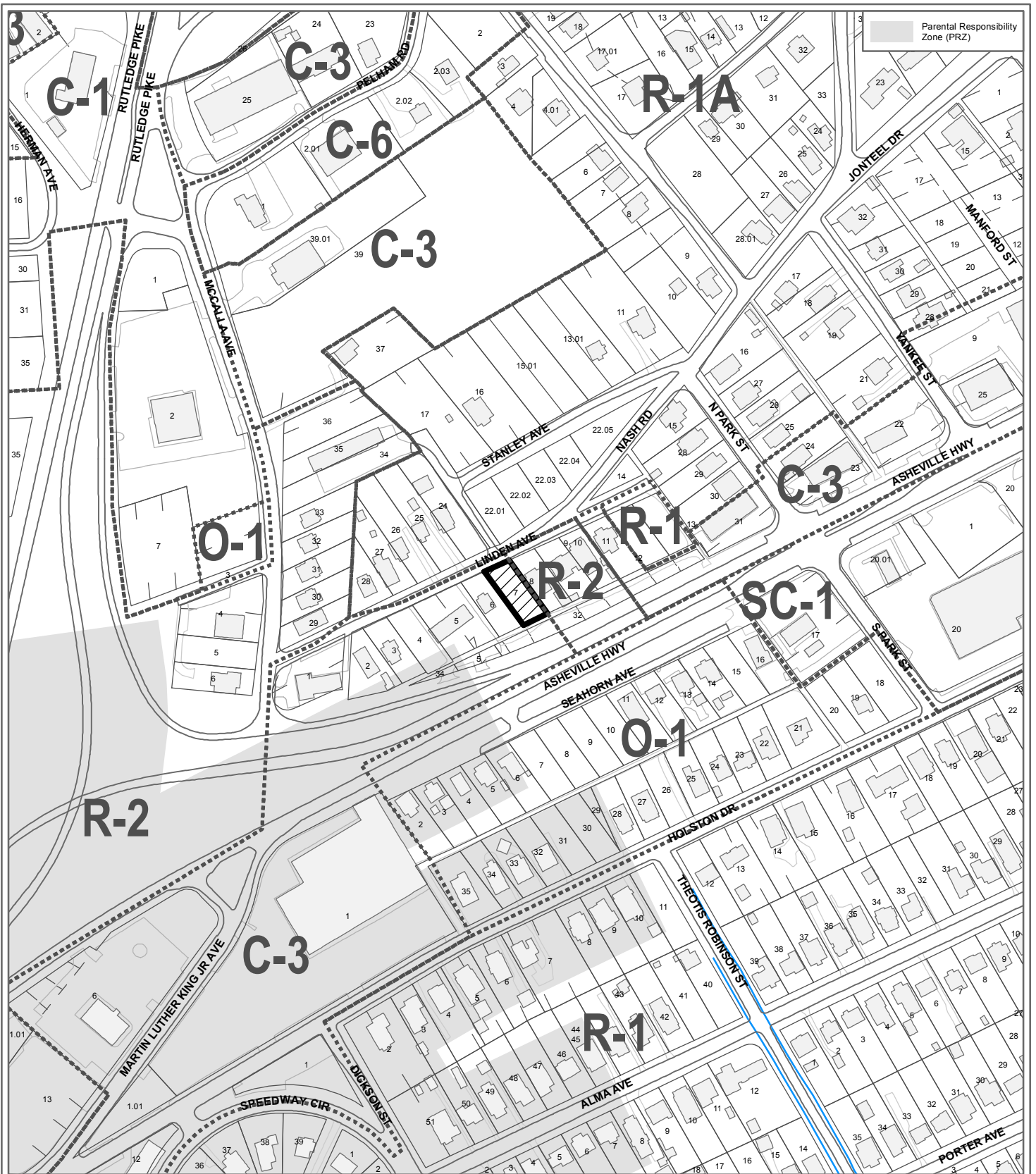


Map No: 70

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**4-C-13-RZ
REZONING**

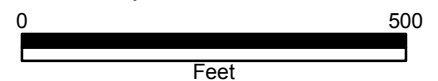
From: C-3 (General Commercial)
To: R-2 (General Residential)



Petitioner: McCay, John

Map No: 70

Jurisdiction: City



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