

► **FILE #:** 4-D-13-SP

AGENDA ITEM #: 22

AGENDA DATE: 4/11/2013

► **APPLICANT:** KNOX COUNTY
OWNER(S): Tim Burchett Knox County Mayor

TAX ID NUMBER: 106 K B 02602(NC) AND 02603(O)

JURISDICTION: Council District 3

► **LOCATION:** North side Middlebrook Pike, east side Francis Rd.

► **APPX. SIZE OF TRACT:** 2.73 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Middlebrook Pike, a 4-lane, major arterial street with center median within 105-115' of right-of-way, or Francis Rd., a median-divided, minor arterial street with turning lanes within 100-115' of right-of-way in the section adjacent to the subject property.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT PLAN AND ZONING DESIGNATION:** PI (Public Institutional) / R-1 (Low Density Residential) and R-1A (Low Density Residential)

► **PROPOSED PLAN DESIGNATION:** NC (Neighborhood Commercial) and O (Office)

► **EXISTING LAND USE:** Dwelling and vacant land

► **PROPOSED USE:** Neighborhood commercial, residential and/or office for house. Existing house is to be preserved.

EXTENSION OF PLAN DESIGNATION: Yes, extension of commercial from the west. Not an extension of O designation.

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Bearden Middle School campus / PI

South: Middlebrook Pike - Church / PI

East: Bearden Middle School campus / PI

West: Francis Rd. - Gas/convenience store / GC

NEIGHBORHOOD CONTEXT The area around this intersection is developed with a mix of uses, including a school, church, businesses and residences, under various zoning districts.

STAFF RECOMMENDATION:

► **ADOPT RESOLUTION # 4-D-13-SP, amending the Northwest County Sector Plan to O (Office) and recommend that City Council also adopt the amendment. (See attached resolution, Exhibit A.) (Applicant requested NC for corner parcel 26.02.)**

The site is appropriate for office uses, as recommended. The applicant requested neighborhood commercial for the corner parcel (26.02), but limited access presents issues with the location of a commercial business at

this location. Office or residential uses, as permitted by O-1 zoning, generate less traffic and are therefore more appropriate at this location. The site's location at the intersection of two arterial streets make it appropriate for consideration of non-residential uses.

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 in the vicinity of this site. The existing infrastructure supports the recommended office development. However, the limited access from the two fronting streets caused by the center medians, makes the site less appropriate for the neighborhood commercial uses requested for the corner parcel (26.02). Also, the location of curbcuts, especially along Francis Rd. could be problematic, considering the site's proximity to the traffic signal controlled adjacent intersection. Ideally, one curbcut into the site should be established along Middlebrook Pike at the far east side of the subject property. Turning movements into the site will be severely limited under the current conditions. Therefore, staff recommends less intense office uses, which will allow reasonable use of the site, while limiting the number of new vehicle trips generated.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector currently designates the site for PI (Public Institutional) uses, consistent with the adjacent school's plan designation. However, this site is not part of the school property and is eligible to be developed privately, so it should be changed to a non-public land use designation.

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

No change in public policy impacts this proposal.

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

The subject property is not part of the adjacent school campus, so should not be designated as a P (Public Institution) use. The property's location at the intersection of two arterial streets and its distance away from residential uses make it appropriate for non-residential development.

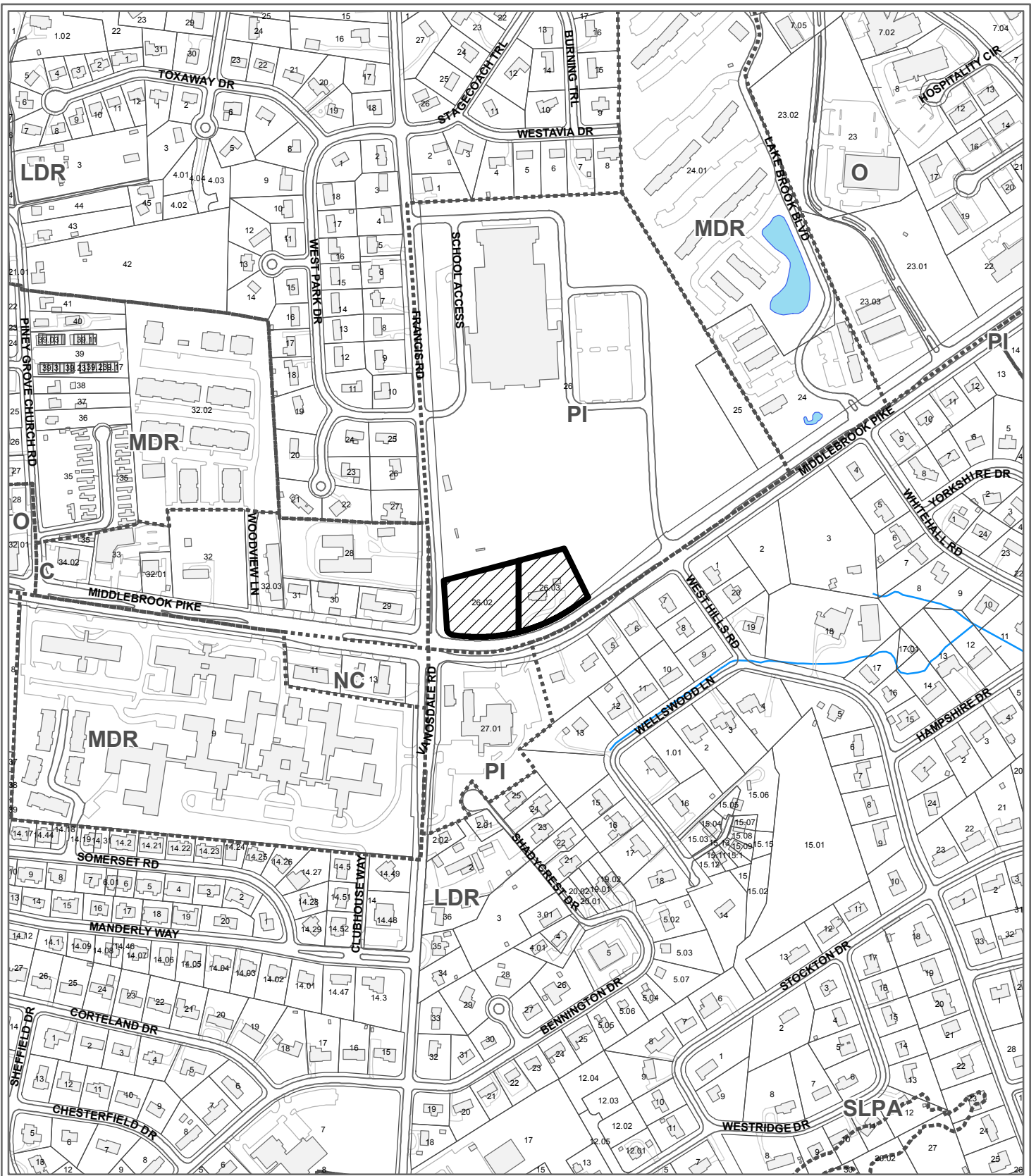
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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-D-13-SP
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: PI (Public Institutional)

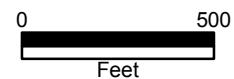
To: NC (Neighborhood Commercial) and O (Office)



Petitioner: Knox County

Map No: 106

Jurisdiction: City



Original Print Date: 3/22/2013

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST 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 Northwest 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 plans initiated by the Planning Commission or in response to applications from property owners; and*

***WHEREAS**, Knox County has submitted an application to amend the Sector Plan from Public Institutional to Neighborhood Commercial and Office, for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest 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 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 Northwest County Sector Plan, with its accompanying staff report and map, file #4-D-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-E-13-RZ
4-D-13-PA

AGENDA ITEM #: 22
AGENDA DATE: 4/11/2013

▶ **APPLICANT:** KNOX COUNTY
OWNER(S): Tim Burchett Knox County Mayor

TAX ID NUMBER: 106 K B 02602(NC) & 02603(O)
JURISDICTION: Council District 3

▶ **LOCATION:** North side Middlebrook Pike, east side Francis Rd.

▶ **TRACT INFORMATION:** 2.73 acres.

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Middlebrook Pike, a 4-lane, major arterial street with center median within 105-115' of right-of-way, or Francis Rd., a median-divided, minor arterial street with turning lanes within 100-115' of right-of-way in the section adjacent to the subject property.

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

WATERSHED: Fourth Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** P (Public Institution) / R-1 (Low Density Residential) and R-1A (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) and O (Office) / C-1 (Neighborhood Commercial) and O-1 (Office, Medical & Related Services)

▶ **EXISTING LAND USE:** Dwelling and vacant land

▶ **PROPOSED USE:** Neighborhood commercial, residential and/or office for house. Existing house is to be preserved.

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of NC from the west. Not an extension of O designation.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Bearden Middle School campus / P / OS-2 (Park and Open Space)
South: Middelbrook Pike - Church / LDR / R-1 (Low Density Residential)
East: Bearden Middle School campus / P / R-1 (Low Density Residential)
West: Francis Rd. - Gas/convenience store / NC / C-1 (Neighborhood Commercial)

NEIGHBORHOOD CONTEXT: The area around this intersection is developed with a mix of uses, including a school, church, businesses and residences, under various zoning districts.

STAFF RECOMMENDATION:

- ▶ **RECOMMEND that City Council APPROVE O (Office) One Year Plan designation on entire site. (Applicant requested NC on parcel 26.02)**

The site is appropriate for office uses, as recommended. The applicant requested neighborhood commercial for the corner parcel (26.02), but limited access presents issues with the location of a commercial business at this location. Office or residential uses, as permitted by O-1 zoning, generate less traffic and are therefore more appropriate at this location. The site's location at the intersection of two arterial streets make it appropriate for consideration of limited non-residential uses.

- ▶ **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning for the entire site. (Applicant requested C-1 zoning on the corner parcel (26.02)).**

Staff recommends rezoning the entire site O-1, rather than rezoning the corner parcel to C-1, as requested, because of access issues. O-1 zoning will allow less intense and reasonable office or residential use of the site. The existing historic house on site, which is proposed by the applicant to be preserved, could be converted into an office use, if so desired. Also, there are underutilized sites at this intersection that are already zoned C-1 and could be developed with businesses. There is no need to rezone another property for commercial uses at this time.

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 One Year Plan currently designates the site for P (Public Institution) uses, consistent with the adjacent school's plan designation. However, this site is not part of the school property and is eligible to be developed privately, so it should be changed to a non-public land use designation.

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 in the vicinity of this site. The existing infrastructure supports the recommended office development. However, the limited access from the two fronting streets caused by the center medians, makes the site less appropriate for the neighborhood commercial uses requested for the corner parcel (26.02). Also, the location of curbcuts, especially along Francis Rd. could be problematic, considering the site's proximity to the traffic signal controlled adjacent intersection. Ideally, one curbcut into the site should be established along Middlebrook Pike at the far east side of the subject property. Turning movements into the site will be severely limited under the current conditions. Therefore, staff recommends less intense office uses, which will allow reasonable use of the site, while limiting the number of new vehicle trips generated.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - No change in public policy impacts this proposal.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - Other than the fact that the subject property is not part of the adjacent school campus, so should not be designated as a P (Public Institution) use, there is no new information that impacts this proposal.

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. The recommended O-1 zoning for the entire site gives the applicant reasonable non-residential use of the site.
2. O-1 zoning is appropriate at this site, which is located at the intersection of two arterial streets and is surrounded by a school campus. The requested C-1 zoning for the corner parcel would also be appropriate if the access was not so limited.
3. O-1 zoning will allow new office development on the corner and allow the existing structure to be converted

to office use. The zoning would also allow residential development, subject to the regulations of the R-2 zoning district.

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

1. The O-1 zone, as described in the zoning ordinance, is intended to provide areas for professional and business offices and related activities that require separate buildings surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
2. Based on the above general intent, this site is appropriate for O-1 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. The recommended O-1 zoning is compatible with the surrounding land uses and zoning pattern.
2. O-1 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. Additional traffic generation will depend on the type of development proposed, but the number of trips should be significantly less under the recommended O-1 zoning, compared to the requested C-1 zoning on the corner parcel.

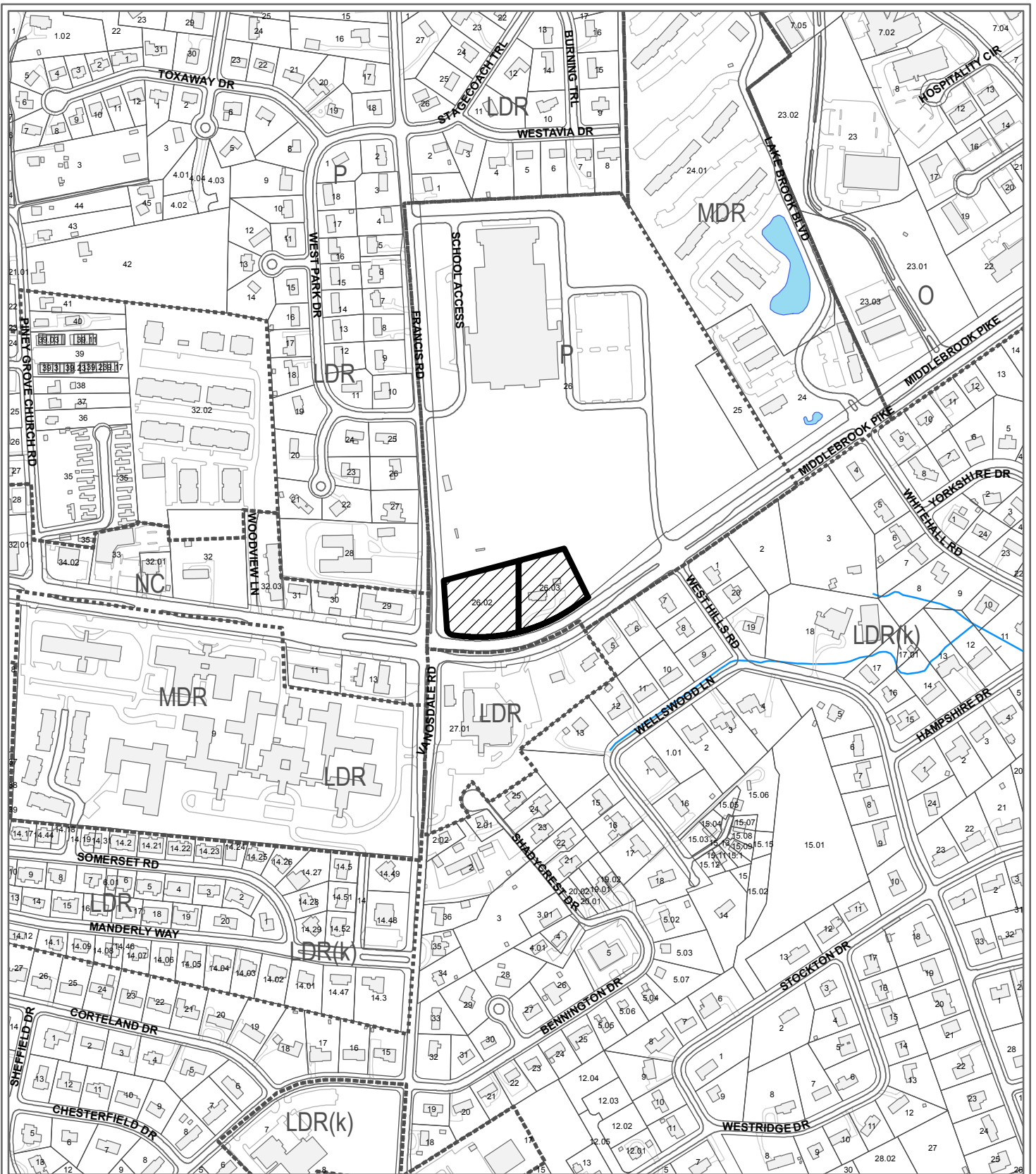
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. There is an associated application on this agenda (4-D-13-SP), requesting an amendment of the Northwest County Sector Plan from Public Institutional to neighborhood commercial and office. If approved as requested C-1 and O-1 zoning would be consistent with the sector plan.
2. With the recommended amendment of the City of Knoxville One Year Plan to office, the recommended O-1 zoning would be consistent with the plan. If C-1 zoning is to be considered for the corner parcel, that portion of the site would have to be amended to NC (Neighborhood Commercial) on 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-D-13-PA / 4-E-13-RZ
PLAN AMENDMENT**

From: P (Public Institution)



To: NC (Neighborhood Commercial) and O (Office)

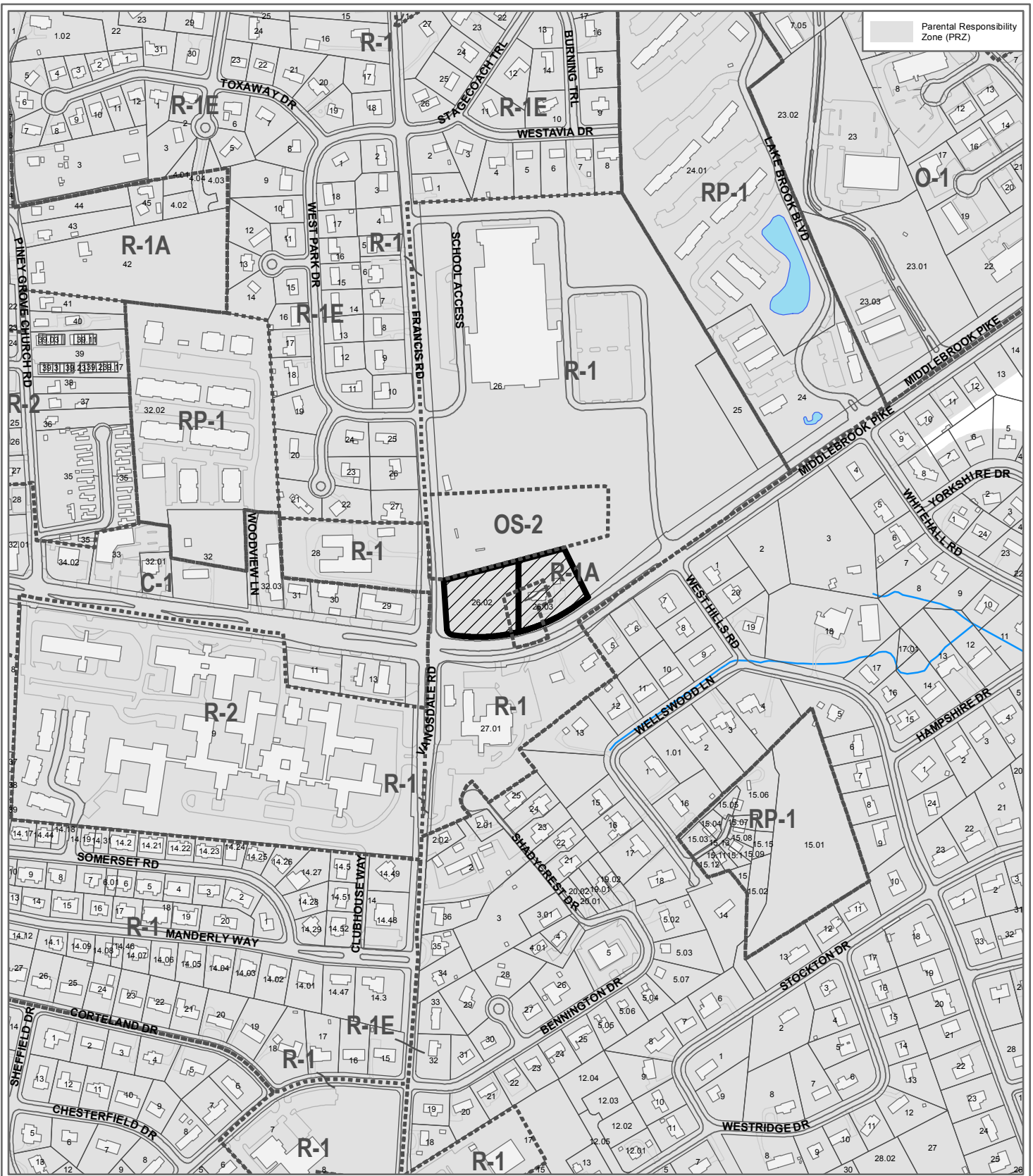
Petitioner: Knox County

Map No: 106

Jurisdiction: City



Original Print Date: 3/26/2013
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



Parental Responsibility Zone (PRZ)

**4-E-13-RZ
REZONING**

From: R-1 (Low Density Residential) and R-1A (Low Density Residential)

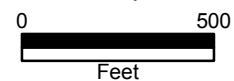
To: C-1 (Neighborhood Commercial) and O-1 (Office, Medical & Related Services)



Petitioner: Knox County

Map No: 106

Jurisdiction: City



Original Print Date: 3/25/2013
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised: