

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

▶ **FILE #:** 4-E-14-PA

AGENDA ITEM #: 41

AGENDA DATE: 4/10/2014

▶ **APPLICANT:** DALE THOMPSON

OWNER(S): Dale W. Thompson

TAX ID NUMBER: 94 H F 001 & 002

JURISDICTION: Council District 6

STREET ADDRESS: 2233 Keith Ave

▶ **LOCATION:** Northwest side Keith Ave., southeast side Virginia Ave., northeast of Schofield St.

▶ **APPX. SIZE OF TRACT:** 0.3 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Current access to these sites is Keith Ave., a major collector street with 32-35' of pavement width within 60' of right-of-way, or Virginia Ave., a local street with 30' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / R-1A (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION:** GC (General Commercial)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Retail/commercial

EXTENSION OF PLAN DESIGNATION: Yes, extension of GC from the southwest and southeast

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Virginia Ave. - Vacant land / LDR

South: Keith Ave. - Restaurant and market / GC

East: Houses / LDR

West: Businesses / GC

NEIGHBORHOOD CONTEXT This site is located on the edge of an established commercial node at the intersection of Western Ave., Schofield St. and Keith Ave., zoned C-3.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.**

Commercial uses will be compatible with the scale and intensity of surrounding development and zoning. The proposal is consistent with the current sector plan designation for parcel 1. This is a logical extension of

commercial uses to the north, warranted by the encroachment of Western Avenue onto the existing C-3 zoned properties.

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 does not currently recognize the C-3 zoning on parcel 1. GC is a logical extension to parcel 2.

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** - Western Avenue is being realigned to the north and will encroach into the applicant's C-3 zoned properties to the southwest. It appears that most of parking for those established commercial uses will become part of the new Western Ave. right-of-way. Allowing this proposed commercial extension will replace the commercial property that the applicant is losing due to the road project. A rough sketch of the Western Avenue improvement plan in this area is attached. Public water and sewer utilities are available to serve the site.

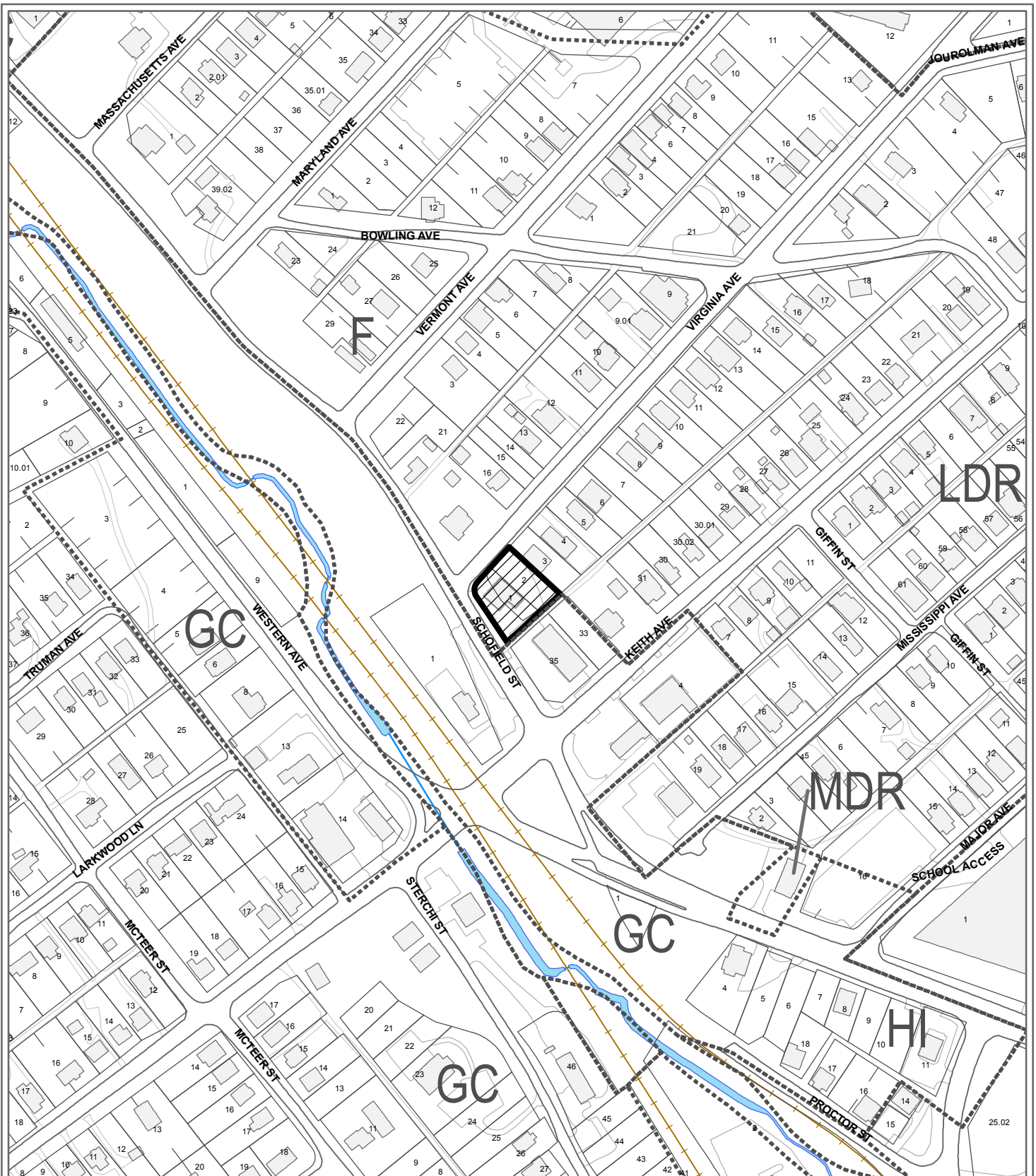
C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - The adjacent commercial node at Keith Ave. and Western Ave. is well-established. The proposed extension of commercial uses to the northeast is reasonable to maintain enough land for the established businesses and parking.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - The adjacent property to the southwest is zoned commercial and developed with businesses, so commercial use of this site would be a compatible extension of that use. The sector plan already proposes commercial uses for parcel 1 and staff is recommending approval of commercial for parcel 2. The associated sector plan amendment and rezoning requests are also on this agenda (4-D-14-SP/4-L-14-RZ).

ESTIMATED TRAFFIC IMPACT: Not required.

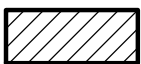
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/13/2014 and 5/27/2014. 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-E-14-PA
KNOXVILLE ONE YEAR PLAN AMENDMENT**

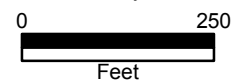
From: LDR (Low Density Residential)
To: GC (General Commercial)



Petitioner: Thompson, Dale

Map No: 94

Jurisdiction: City



Original Print Date: 3/25/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

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

▶ **FILE #:** 4-L-14-RZ
 4-D-14-SP

AGENDA ITEM #: 41
AGENDA DATE: 4/10/2014

▶ **APPLICANT:** DALE THOMPSON
 OWNER(S): Dale W. Thompson

TAX ID NUMBER: 94 H F 002 & 033
 JURISDICTION: Council District 6
 STREET ADDRESS: 2233 Keith Ave

▶ **LOCATION:** Northwest side Keith Ave., southeast side Virginia Ave., northeast of Schofield St.

▶ **TRACT INFORMATION:** 0.3 acres.

SECTOR PLAN: Central City

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

ACCESSIBILITY: Current access to these sites is Keith Ave., a major collector street with 32-35' of pavement width within 60' of right-of-way, or Virginia Ave., a local street with 30' of pavement width within 50' of right-of-way.

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

WATERSHED: Third Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / R-1A (Low Density Residential)

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

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Retail/commercial

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of C from the southwest

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Virginia Ave. - Vacant land / LDR / R-1A (Low Density Residential)
 South: Keith Ave. - Restaurant and market / C / C-3 (General Commercial)
 East: Houses / LDR / R-1A (Low Density Residential)
 West: Businesses / C / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This site is located on the edge of an established commercial node at the intersection of Western Ave., Schofield St. and Keith Ave., zoned C-3.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 4-D-14-SP, amending the Central City Sector Plan to C (Commercial) and**

recommend that City Council also adopt the amendment. (See attached resolution, Exhibit A.)

Commercial uses will be compatible with the scale and intensity of surrounding development and zoning. The proposal is consistent with the current One Year Plan designation for parcel 33. This is a logical extension of commercial uses to the northeast.

► **RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning.**

C-3 is a logical extension of zoning from the southwest and is justified because of the Western Avenue realignment, which will encroach into the applicant's commercial parking lot to the southwest. Approval of C-3 zoning for this site will allow the parking for the existing businesses onto the subject property.

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:

Western Avenue is being realigned to the north and will encroach into the applicant's C-3 zoned properties to the southwest. It appears that most of parking for those established commercial uses will become part of the new Western Ave. right-of-way. Allowing this proposed commercial extension will replace the commercial property that the applicant is losing due to the road project. A rough sketch of the Western Avenue improvement plan in this area is attached. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan currently designates the two sites to the southwest for commercial uses. Because of the Western Avenue realignment to the north, it is reasonable to extend commercial uses one lot to the northeast, as proposed, to replace the commercial area that will become part of the Western Avenue right-of-way in the near future.

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

The adjacent commercial node at Keith Ave. and Western Ave. is well-established. The proposed extension of commercial uses to the northeast is reasonable to maintain enough land for the established businesses and parking.

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

The adjacent property to the southwest is zoned commercial and developed with businesses, so commercial use of this site would be a compatible extension of that use.

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. C-3 zoning for the subject property is an extension of commercial zoning from the southwest.
2. C-3 zoning uses are compatible with the surrounding land use and zoning pattern.
3. The site is located next to established commercial uses along the north side of Schofield St.
4. The applicant also owns the two C-3 zoned properties to the southwest. The Western Avenue improvements currently underway include a realignment of the right-of-way to the north. The new right-of-way will encroach into the applicant's C-3 zoned parking area in front of those businesses. Approval of this rezoning to C-3 will essentially replace the C-3 zoned property that the applicant will lose due to the road realignment. A rough sketch of the Western Avenue improvement plan in this area is attached.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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 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 proposal is a minor expansion of an existing commercial node at Keith Ave. and Western Ave, that should not negatively impact surrounding properties. The general character of the area will not change as a result of this proposal.
2. The proposal is compatible with the surrounding land uses and zoning pattern.
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 amendment to the Central City Sector Plan to general commercial, C-3 zoning would be consistent with the plan.
2. The City of Knoxville One Year Plan proposes commercial uses for parcel 33, consistent with C-3 zoning. Parcels 1 and 2 are currently designated for low density residential uses. The applicant has submitted a related request for a One Year Plan amendment to commercial on parcels 1 and 2 (4-E-14-PA). Parcel 1 is already zoned C-3, so the plan amendment would bring the zoning into conformance with the plan. Staff is also recommending approval of the requested One Year Plan amendment.
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.

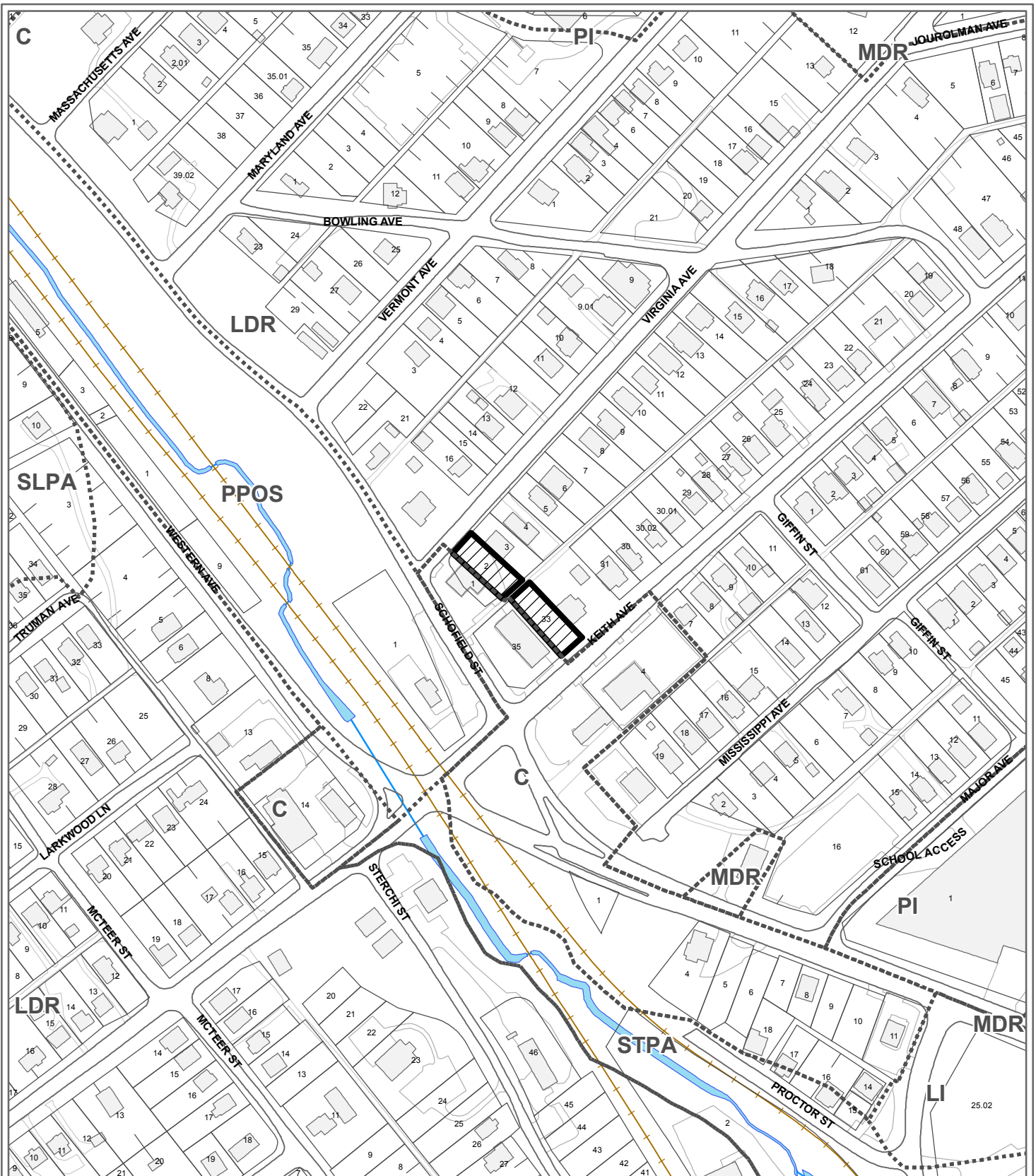
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/13/2014 and 5/27/2014. 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-14-SP / 4-L-14-RZ
CENTRAL CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

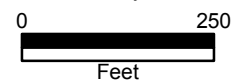


To: C (Commercial)

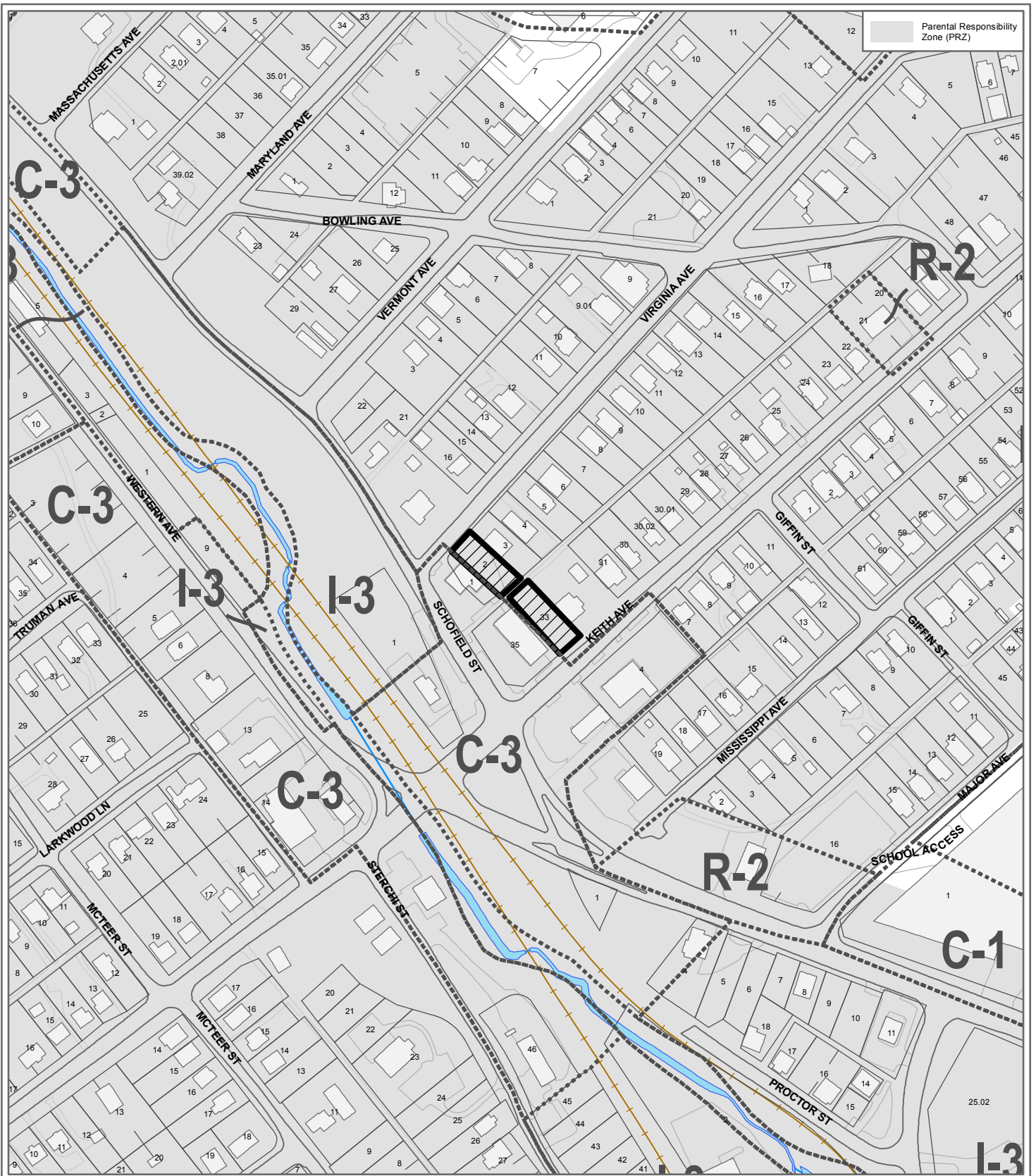
Petitioner: Thompson, Dale

Map No: 94

Jurisdiction: City

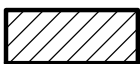


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**4-L-14-RZ
REZONING**

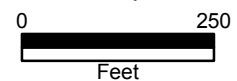
From: R-1A (Low Density Residential)
To: C-3 (General Commercial)



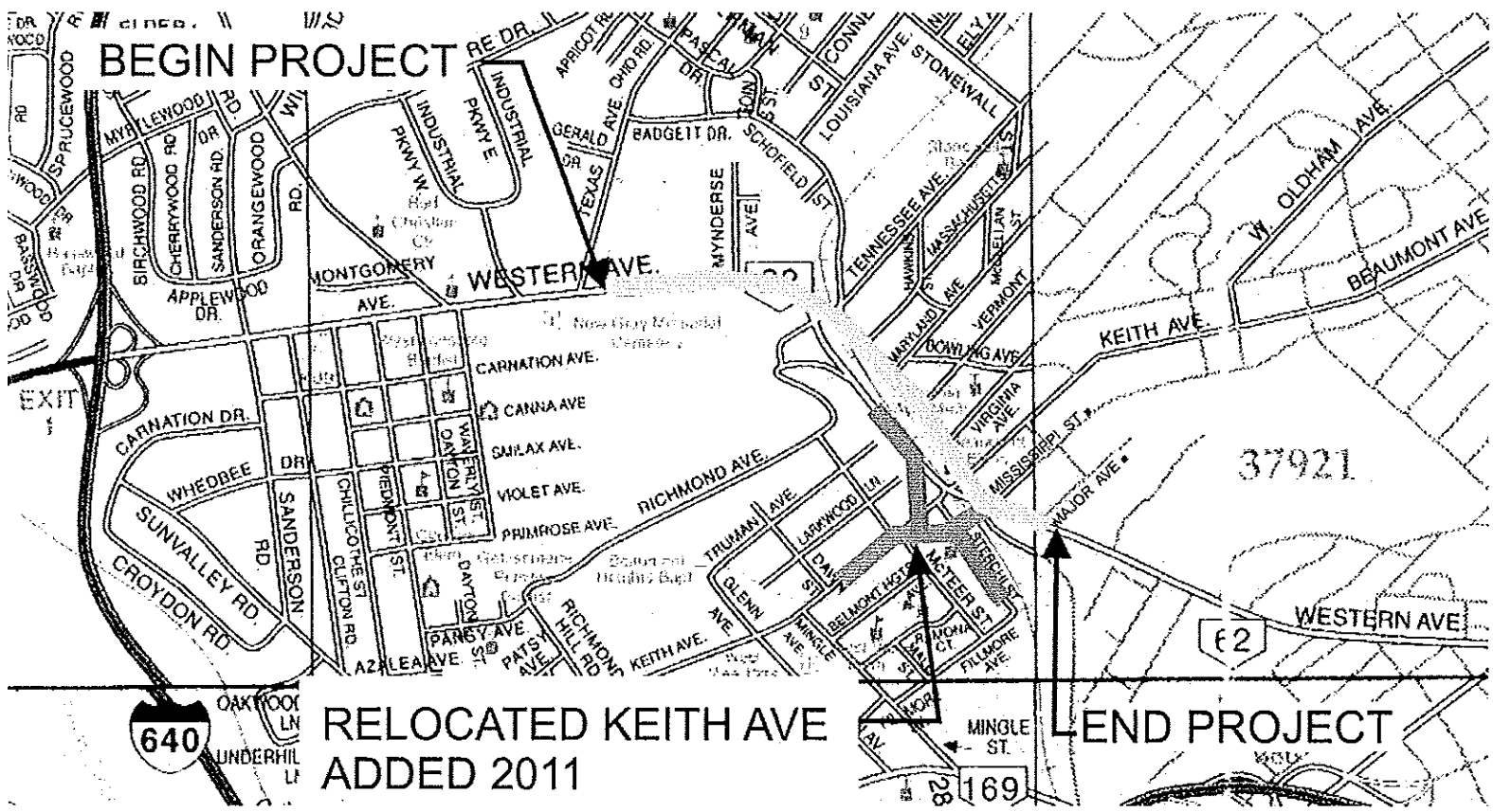
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BEGIN PROJECT

RELOCATED KEITH AVE
ADDED 2011

END PROJECT