



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

FILE #: 2-F-14-RZ
2-A-14-SP

AGENDA ITEM #: 33
AGENDA DATE: 2/13/2014

APPLICANT: ANNE ELIZABETH KEY
OWNER(S): Anne Elizabeth Key

TAX ID NUMBER: 135 N B 011
JURISDICTION: Commission District 9
STREET ADDRESS: 2815 Maryville Pike

LOCATION: Northwest side Maryville Pike, south of Rudder Rd.

TRACT INFORMATION: 0.7 acres.

SECTOR PLAN: South County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Maryville Pike, a minor arterial street with 24' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Knob Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / RB (General Residential)

PROPOSED PLAN DESIGNATION/ZONING: NC (Neighborhood Commercial) / CN (Neighborhood Commercial)

EXISTING LAND USE: Residential

PROPOSED USE: Produce stand

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Vacant parcel / RB (General Residential)

South: House / RB (General Residential)

East: Maryville Pike - Vacant parcel / RB (General Residential)

West: House / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with residential and agricultural uses under A and RB zoning. There is some CA (General Business) zoning to the north, but there are no apparent commercial uses located there.

STAFF RECOMMENDATION:

DENY NC (Neighborhood Commercial) sector plan designation.

The Knoxville-Knox County General Plan 2032 policies do not warrant the redesignation of this site for neighborhood commercial uses. The site is completely surrounded by residential uses, and placing a commercial designation on the 0.7 acre site would be incompatible with surrounding land uses and would constitute a spot sector plan amendment. There is some established CA zoning located less than 400 feet to the north that is unused.

► **DENY CN (Neighborhood Commercial) zoning.**

CN zoning at this location would allow uses that would not be compatible with adjacent residential uses and would be a spot rezoning. There is underutilized CA zoning to the north and a large node of commercial zoning to the south. The proposed use of a produce stand is not necessarily a concern for staff. The concern is the location of the site in the middle of a residential stretch of development and zoning, which is not appropriate to allow commercial 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 road improvements have been made recently in the area. Maryville Pike, which is classified as a minor arterial street, and is sufficient to provide access for commercial uses. However, commercial uses should be located within commercial nodes at intersections with other collector or arterial streets. This site is located in the middle of a section of residential uses, zoned RB on the west side of Maryville Pike.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan appropriately calls for low density residential (LDR) development at this location. This property is located within a large area of LDR designated and developed land. Approval of any type of commercial uses for this site would be a spot sector plan amendment.

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

There have not been significant changes that have taken place to justify amendment of the sector plan. Staff maintains that commercial uses are not appropriate along this section of Maryville Pike. Approval of these requests could lead to additional requests for commercial uses in the future on properties fronting on Maryville Pike.

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

There are no apparent trends that warrant an amendment to the sector plan. There is existing CA zoning less than 400 feet to the north of the site at the intersection Maryville Pike and Rudder Rd. that is underutilized and could accommodate any commercial uses that may be needed in the area. This CA zoned area is not recognized on the sector plan and was established prior to sector plan amendments being required for consideration of inconsistent zoning districts.

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. No significant changes have occurred in the area that warrant the requested change in zoning. This site is located in the middle of a stretch of residential development and zoning along Maryville Pike.
2. The property is surrounded by residential uses and zoning. Establishment of CN zoning at this location would be a spot zoning. It could have a negative impact on neighboring residential uses and possibly establish a precedent leading to additional commercial requests along Maryville Pike, inconsistent with the sector plan proposal for the area.
3. There are about 2.5 acres of established CA zoning to the north of the site, which is underutilized for commercial purposes. This commercial zoning is sufficient to allow businesses that may be needed in the area. There is also an established commercial node to the south at the intersection of Maryville Pike and W. Gov. John Sevier Hwy.

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

1. The requested CN zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
2. Based on the above description, intent and locational criteria, the subject property is not appropriate for CN 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. Establishment of CN zoning at this location could adversely impact nearby residential properties and could lead to future requests for additional commercial zoning in the area.
2. CN zoning is not appropriate to be placed along this residential stretch of Maryville Pike. It could be more appropriate if the site were located at an intersection, but that is not the case here.
3. Allowing CN zoning at this location would be a spot zoning, allowing intrusion of non-residential uses into a low density residential area. There is CA commercial zoning nearby to the north and to the south at W. Gov. John Sevier Hwy. where commercial uses may be established without any plan amendments or zoning changes.

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 requested plan amendment to the neighborhood commercial land use classification, CN zoning would be consistent with the South County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future rezoning and plan amendment requests for non-residential development on other properties in the area fronting on Maryville Pike.

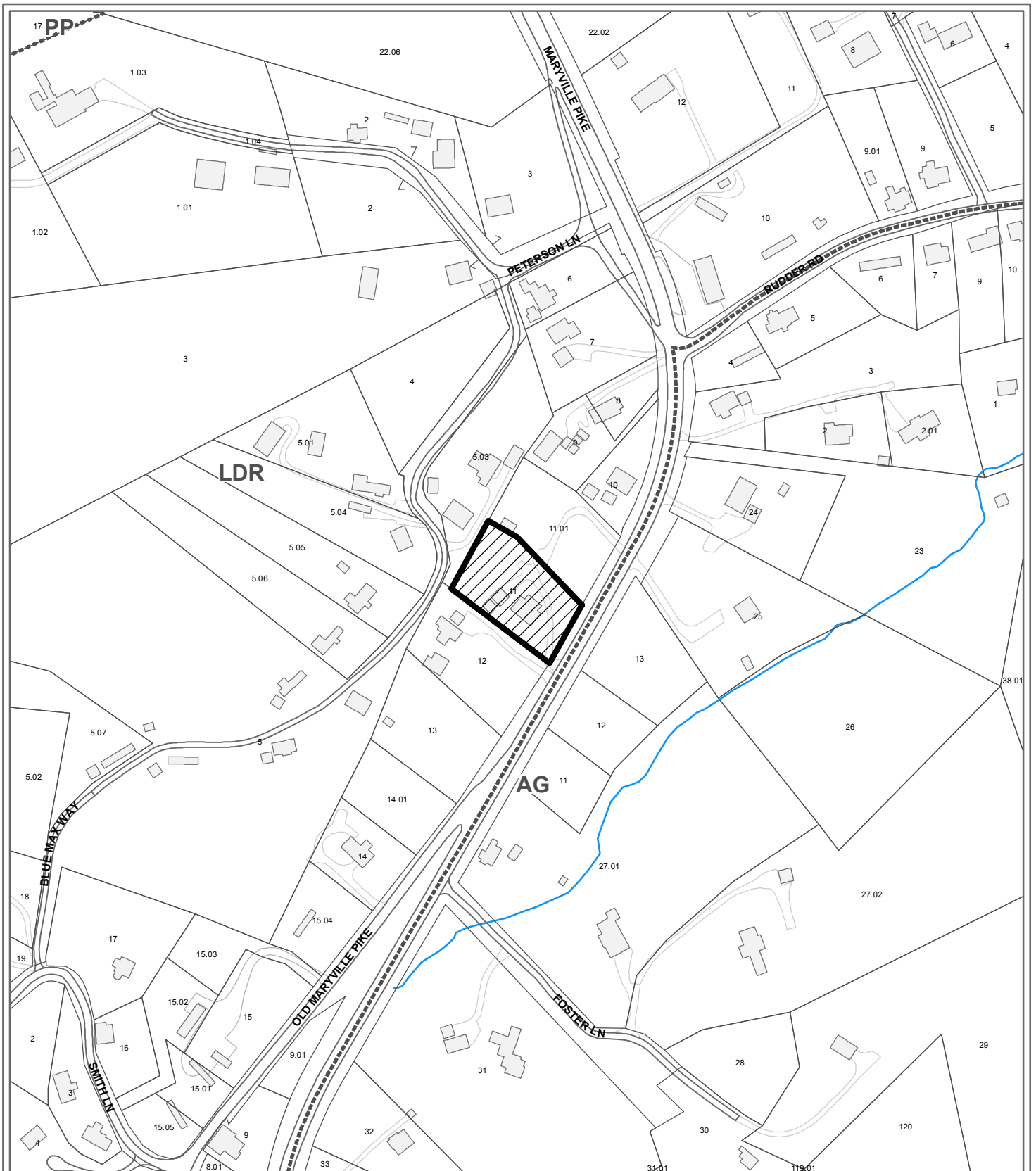
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 Knox County Commission for action on 3/24/2014. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**2-A-14-SP / 2-F-14-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: NC (Neighborhood Commercial)



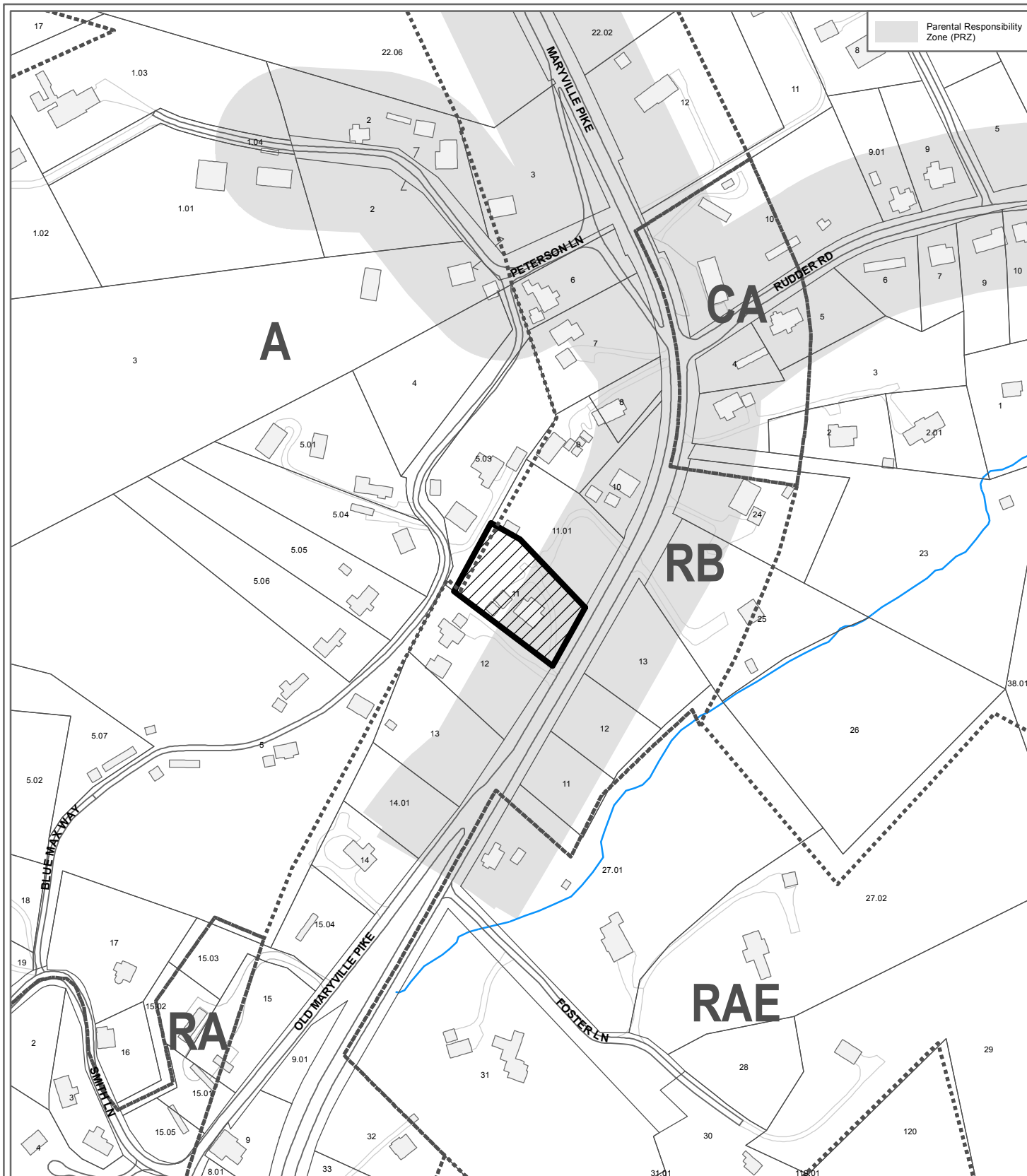
Petitioner: Key, Anne Elizabeth

Map No: 135

Jurisdiction: County



Original Print Date: 1/23/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**2-F-14-RZ
REZONING**

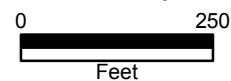
From: RB (General Residential)
To: CN (Neighborhood Commercial)



Original Print Date: 1/23/2014
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Key, Anne Elizabeth

Map No: 135
Jurisdiction: County





changing zoning from rb to nc on Maryville Pike

1 message

Todd Shelton <olepopup@comcast.net>

Thu, Feb 6, 2014 at 11:45 AM

To: bettyjo.mahan@knoxmpc.org

Cc: jacifryxell@hotmail.com, Jaci Fryxell <jaci.fryxell@gmail.com>

Hello, I would like to express concern about a request to change the zoning on a piece of property on Maryville Pike just north just before the intersection of Maryville Pike and Ole Maryville Pike. The change is to change from RB to NC. We live at 3111 Foster Lane, 37920. We have lived here some 37 years and enjoy the predominantly residential zoning around us and along Maryville Pike.

There is plenty of opportunity for commercial development on John Sevier nearby and even some old store fronts down Maryville Pike.

We are opposed to the zoning change because we want the character and personality of Maryville Pike to remain residential with the exceptions of churches and schools. That is what is in now and we do not want to start some chain reaction that will affect all of the residential area. We also are concerned about the proximity of the request to intersections and on a road that has a blind curve right next to it on Maryville Pike. Vehicles entering and exiting a commercial market would be hazardous.

I appreciate you attention,

Todd Shelton



about rezoning our neighborhood: starting with 2815 Maryville Pike

1 message

James Sessions <sessions5@icloud.com>

Thu, Feb 6, 2014 at 1:51 PM

To: bettyjo.mahan@knoxmpc.org

Cc: Todd Shelton <olepopup@comcast.net>, Gerald Fryxell <fryxell.ceibs@gmail.com>

We are homeowners and residents of 3117 Foster Lane. Foster Lane is a short dead-end lane just a short distance from 2815 Maryville Pike.

We are strongly opposed to this rezoning request.

The only exit from our Lane is onto Maryville Pike right at the junction of Maryville Pike and Old Maryville Pike, and between two large, blind curves, one in each direction, and with little to no shoulder on either side. It is a highly unforgiving stretch of road, and it has not been unusual for us to be waked in the night by flashing blue lights as police work to extricate another motorist from trouble. This property asking to be rezoned is right between all of this.

We already have a dangerous situation leaving and coming home. Neighbors and our family have already been hit on this section of Maryville Pike.

More congestion will certainly make it more dangerous.

In addition, this rezoning would degrade the character of our community. We are a neighborhood - we are families living here for nearly 40 years.

We have children and grandchildren coming off of Maryville Pike onto Foster Lane many times a day. It is not a commercial area (except for some land across the way that has begun to look like a trailer park, which is of concern to many folks around here.) The allowing of commercial enterprise in this dangerous section of Maryville Pike and just across the street will change far too much for the well-being of this neighborhood, allowing a type of encroachment into residential areas that would be truly destructive for those making their homes here.

Our neighbors at 2836 Maryville Pike also strongly oppose this rezoning request.

Jim Sessions and Fran Ansley
3117 Foster Lane
Knoxville, Tennessee 37920



(no subject)

1 message

Jaci Fryxell <jaci.fryxell@gmail.com>

Thu, Feb 6, 2014 at 3:19 PM

To: bettyjo.mahan@knoxmpc.org

I am a resident of 3116 Foster Lane which is a short dead end lane off Maryville PK. It enters almost exactly across from the intersection with Old Maryville Pike.

This letter is written in opposition to the rezoning request.

My opposition is based on the following:

- 1) Safety
Current entry from Foster Lane to Maryville Pike can be dangerous because it is located between two curves. There is little or no shoulder on Maryville Pike. Any business in the area would increase traffic entering an area that already has complications.
- 2) We have been residents here for 27 years and are happy with the quiet environment. Traffic has increased over the years, but we are grateful for a lack of business congestion in the immediate environment. We would like it to remain so.
- 3) Another concern is in regard to the type/style of business that might actually be built. I feel as almost any commercial activity would decrease our resale value. Once rezoning has taken place we lose control of maintain a family/residential neighborhood.

I am very interested in attending the hearing and would appreciate notification of any changes.

Thank you for your consideration,

Jacquelyn Mary Fryxell



Rezoning request for 2815 Maryville PK from RB to NC

1 message

Gerald Fryxell <fryxell.ceibs@gmail.com>

Thu, Feb 6, 2014 at 12:25 PM

To: bettyjo.mahan@knoxmpc.org

Cc: jim.sessions@comcast.net, olepopup@comcast.net

I'm a resident at 3116 Foster Lane which is a quiet dead end lane a few hundred yards south of the property reference above. I am strongly opposed to this rezoning request for the following reasons.

SAFETY

The intersection of Foster LN, Maryville PK and Old Maryville PK is complex and has been the scene of frequent accidents. There is a curve in the road here which exacerbates the problem. I, and the neighbors I have discussed this with, are of the opinion that more frequent traffic coming out of 2815 would only make this problem worse without additional road work.

NEIGHBORHOOD "CHARACTER"

Foster Lane and its surrounds is a bucolic setting which whose character would be undermined by commercial activity. It's my understanding that the new owner of this property owns a large swath of property along Maryville PK and extending down Old Maryville PK and our concern is that this request could be the beginning of additional commercial expansion which would more profoundly change the quality of life for the residents here.

TRUST

While I do not personally know the owner of this property and cannot judge his or her character, I am concerned about alternate uses of this property once it is rezoned. I say this mainly on the basis of what may (or may not) be current zoning violations at 2923 Old Maryville Pike which seems to be zoned residential based on what I can get from KGIS records, but is taking on the character of a mobile home park. Currently there are 5 or 6 mobile homes and/or manufactured housing on this one property. This is in addition to another (substandard?) mobile home on an adjoining lot. Mostly these are rented with ample turnover which constitutes a commercial activity in its own right. Based on this history of development I'm concerned that, once rezoned, the property will actually be used for the stated purpose.

Gerald E Fryxell
3116 Foster Lane
Knoxville, TN
865