

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

▶ **FILE #:** 1-A-14-SP

AGENDA ITEM #: 23

AGENDA DATE: 1/9/2014

▶ **APPLICANT:** KENNETH R. LAY

OWNER(S): Kenneth R. Lay

TAX ID NUMBER: 69 P B 006

JURISDICTION: Council District 5

STREET ADDRESS: 4109 Central Avenue Pike

▶ **LOCATION:** Southwest side Central Avenue Pike, southeast of Bookwalter Dr.

▶ **APPX. SIZE OF TRACT:** 1 acres

SECTOR PLAN: North City

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

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

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** MU-SD (MU-NC14) / C-3 (General Commercial)

▶ **PROPOSED PLAN DESIGNATION:** MU-SD (MU-NC14) with C-4 (Highway & Arterial Commercial)

▶ **EXISTING LAND USE:** Auction house

▶ **PROPOSED USE:** Auction house

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Central Avenue Pike - Church, house / MU-SD (MU-NC-15)

South: Interstate right-of-way / ROW

East: Business / MU-SD (MU-NC-15)

West: Vacant land / MU-SD (MU-NC-15)

NEIGHBORHOOD CONTEXT This area is developed with a mix of uses, including residential, commercial and churches, under C-3, C-6, C-4 and R-2 zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 1-A-14-SP, amending the North City Sector Plan to MU-SD (Mixed Use Special District) MU-NC15, including C-4 zoning, and recommend that City Council also adopt the amendment. (See attached resolution, Exhibit A.)**

Limited C-4 uses will be compatible with the scale and intensity of surrounding development and zoning. The property is located along a minor arterial street and backs up to I-75 right-of-way, making it appropriate for

most C-4 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 recently made along this section of Central Avenue Pike. 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 this site within a mixed use special district (MU-NC15) of the North City Sector Plan. This particular special district allows consideration of RP-1, O-1, C-3 and C-6 zoning, consistent with its current C-3 designation. However, due to the property's location within a relatively isolated area between and interstate and a major arterial street, it is not inappropriate for limited C-4 zoning.

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

No specific change in public policy has occurred to warrant this requested plan amendment. The Knoxville Inspections and Permitting Department has deemed that the current and proposed use of an auction house is not in conformance with C-3 zoning, and requires C-4 zoning.

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

No new information has become available to reveal the need for a plan amendment. The commercial land use and zoning pattern in the area is already established.

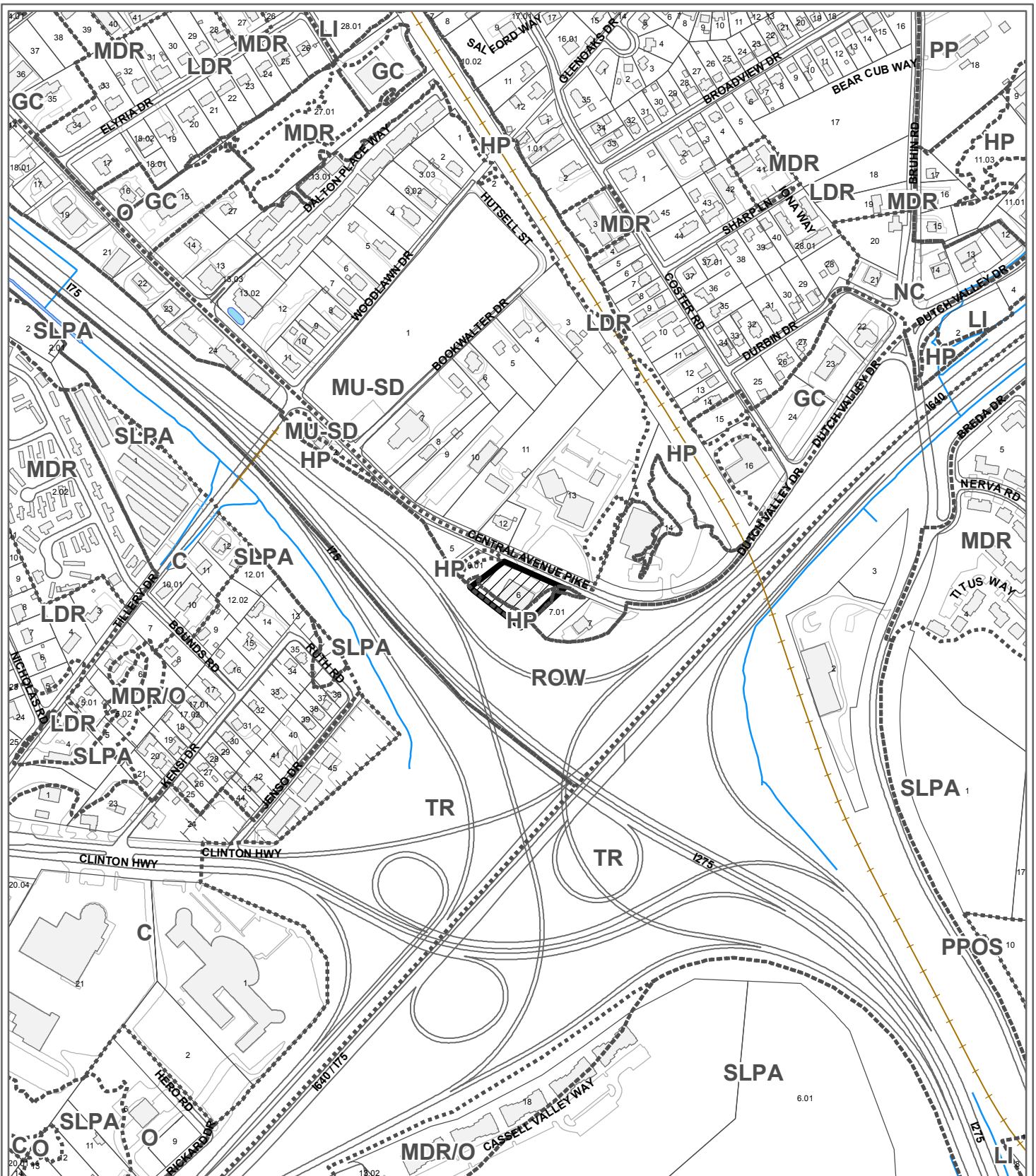
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 2/4/2014 and 2/18/2014. 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.



**1-A-14-SP
NORTH CITY SECTOR PLAN AMENDMENT**

From: MU-SD (MU-NC14)

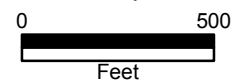
To: MU-SD (MU-NC14) with C-4 (Highway & Arterial Commercial)



Petitioner: Lay, Kenneth R.

Map No: 69

Jurisdiction: City



Original Print Date: 12/20/2013

Revised:

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

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTH 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 North 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, Kenneth R. Lay, has submitted an application to amend the Sector Plan from MU-SD (MU-NC14) to MU-SD (MU-NC14) with C-4 (Highway & Arterial Commercial) zoning, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the North 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 January 9, 2014, 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 North City Sector Plan, with its accompanying staff report and map, file #1-A-14-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 #:** 1-A-14-RZ
 1-A-14-PA

AGENDA ITEM #: 23
AGENDA DATE: 1/9/2014

▶ **APPLICANT:** KENNETH R. LAY
 OWNER(S): Kenneth R. Lay

TAX ID NUMBER: 69 P B 006
 JURISDICTION: Council District 5
 STREET ADDRESS: 4109 Central Avenue Pike
 ▶ **LOCATION:** Southwest side Central Avenue Pike, southeast of Bookwalter Dr.
 ▶ **TRACT INFORMATION:** 1 acres.
 SECTOR PLAN: North City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is via Central Avenue Pike, a minor arterial street with 24' of pavement width within 60' of right-of-way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Second Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MU-SD (MU-NC14) / C-3 (General Commercial)
 ▶ **PROPOSED PLAN DESIGNATION/ZONING:** MU-SD (MU-NC14) with C-4 (Highway & Arterial Commercial) / C-4 (Highway and Arterial Commercial)
 ▶ **EXISTING LAND USE:** Auction house
 ▶ **PROPOSED USE:** Auction house
 EXTENSION OF PLAN DESIGNATION/ZONING: No
 HISTORY OF ZONING REQUESTS: None noted
 SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Central Avenue Pike - Church, house / MU-SD (MU-NC-15) / R-2 (General Residential)
 South: Interstate right-of-way / ROW / R-2 (General Residential)
 East: Business / MU-SD (MU-NC-15) / C-3 (General Commercial)
 West: Vacant land / MU-SD (MU-NC-15) / C-3 (General Commercial)
 NEIGHBORHOOD CONTEXT: This area is developed with a mix of uses, including residential, commercial and churches, under C-3, C-6, C-4 and R-2 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE MU-SD (Mixed Use Special District) MU-NC15, including C-4 (Highway & Arterial Commercial) zoning, One Year Plan designation.**

Limited C-4 uses will be compatible with the scale and intensity of surrounding development and zoning. The property is located along a minor arterial street and backs up to I-75 right-of-way, making it appropriate for most C-4 uses.

► **RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning, subject to 1 condition:**

1. Sales or rentals of automobiles or any other type of vehicle, equipment or implement, which requires outdoor display/storage is prohibited.

With the above recommended condition, the requested C-4 zoning would be compatible with the surrounding development and zoning pattern.

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 this site within a mixed use special district (MU-NC15) of the North City Sector Plan. This particular special district allows consideration of RP-1, O-1, C-3 and C-6 zoning, consistent with its current C-3 designation. However, due to the property's location within a relatively isolated area between and interstate and a major arterial street, it is not inappropriate for limited C-4 zoning.

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 recently made along this section of Central Avenue Pike. Public water and sewer utilities are available to serve the site.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - No specific change in public policy has occurred to warrant this requested plan amendment. The Knoxville Inspections and Permitting Department has deemed that the current and proposed use of an auction house is not in conformance with C-3 zoning, and requires C-4 zoning.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - No new information has become available to reveal the need for a plan amendment. The commercial land use and zoning pattern in the area is already established.

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-4 zoning is compatible with the scale and intensity of the surrounding development and zoning pattern in the area.
2. The property is located between a major arterial street and an interstate and is adjacent to other commercially-zoned properties.
3. With the recommended condition, C-4 zoning is appropriate for this site.

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

1. The C-4 (Highway & Arterial Commercial) zone is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. It is the intent to provide a location for a limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside of the confines of an enclosed building.
2. Based on the above general intent, this site is appropriate for C-4 development, with the exception of uses that require outdoor displays and storage.

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 will have no impact on schools, and the traffic impact will depend on the type of use that is proposed.
2. Conditioned C-4 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.

3. Public water and sanitary sewer utilities are available to serve the site.

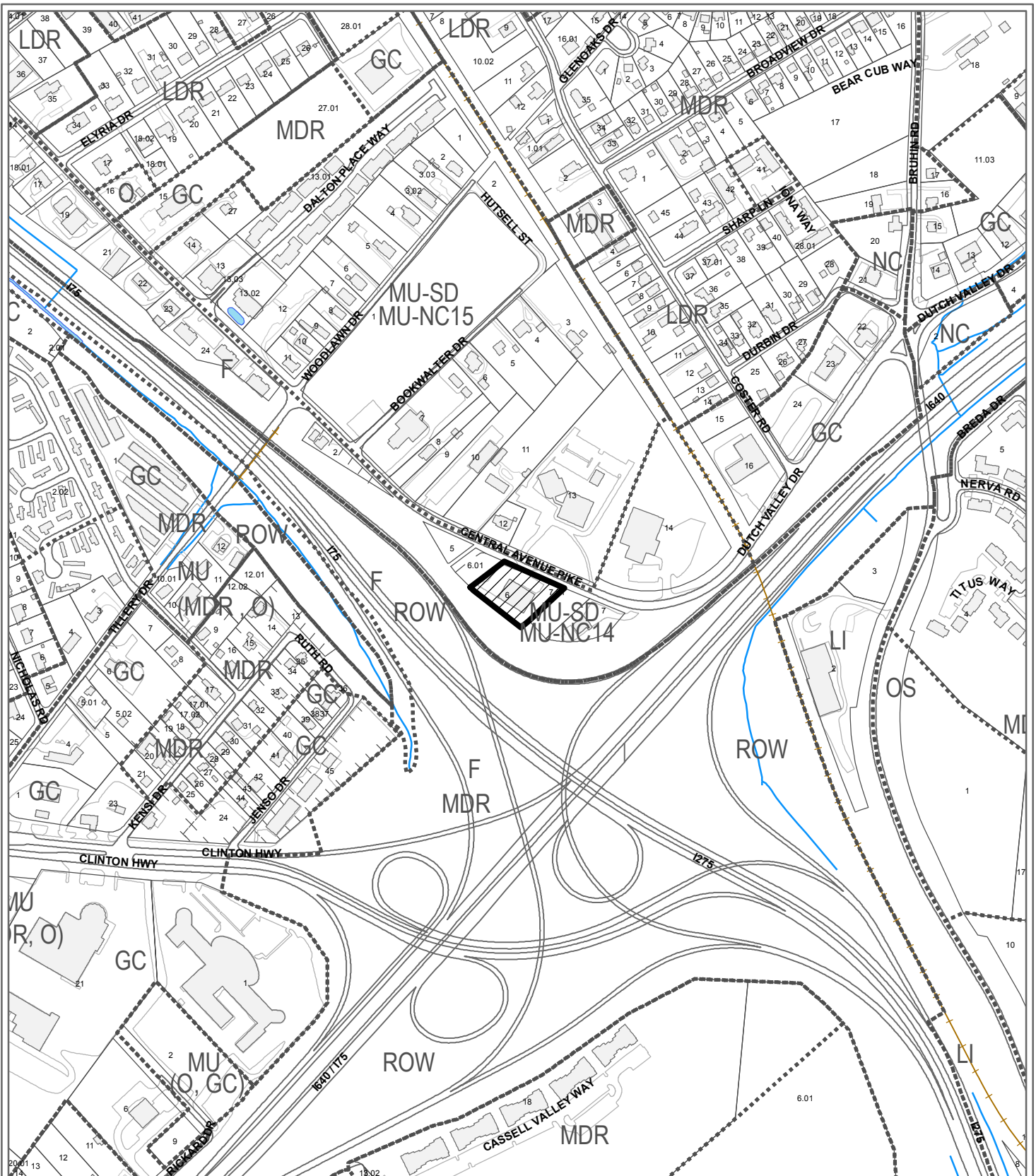
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended amendment to the North City Sector Plan to MU-SD (MU-NC15), including C-4, on the accompanying application (1-A-14-SP), C-4 zoning would be consistent with the plan.
2. With the recommended plan amendment to MU-SD (MU-NC15), including C-4, the requested C-4 zoning is consistent with the One Year Plan.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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**1-A-14-PA / 1-A-14-RZ
PLAN AMENDMENT**

From: MU-SD (MU-NC14)

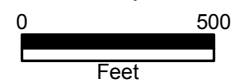
To: MU-SD (MU-NC14) with C-4 (Highway & Arterial Commercial)



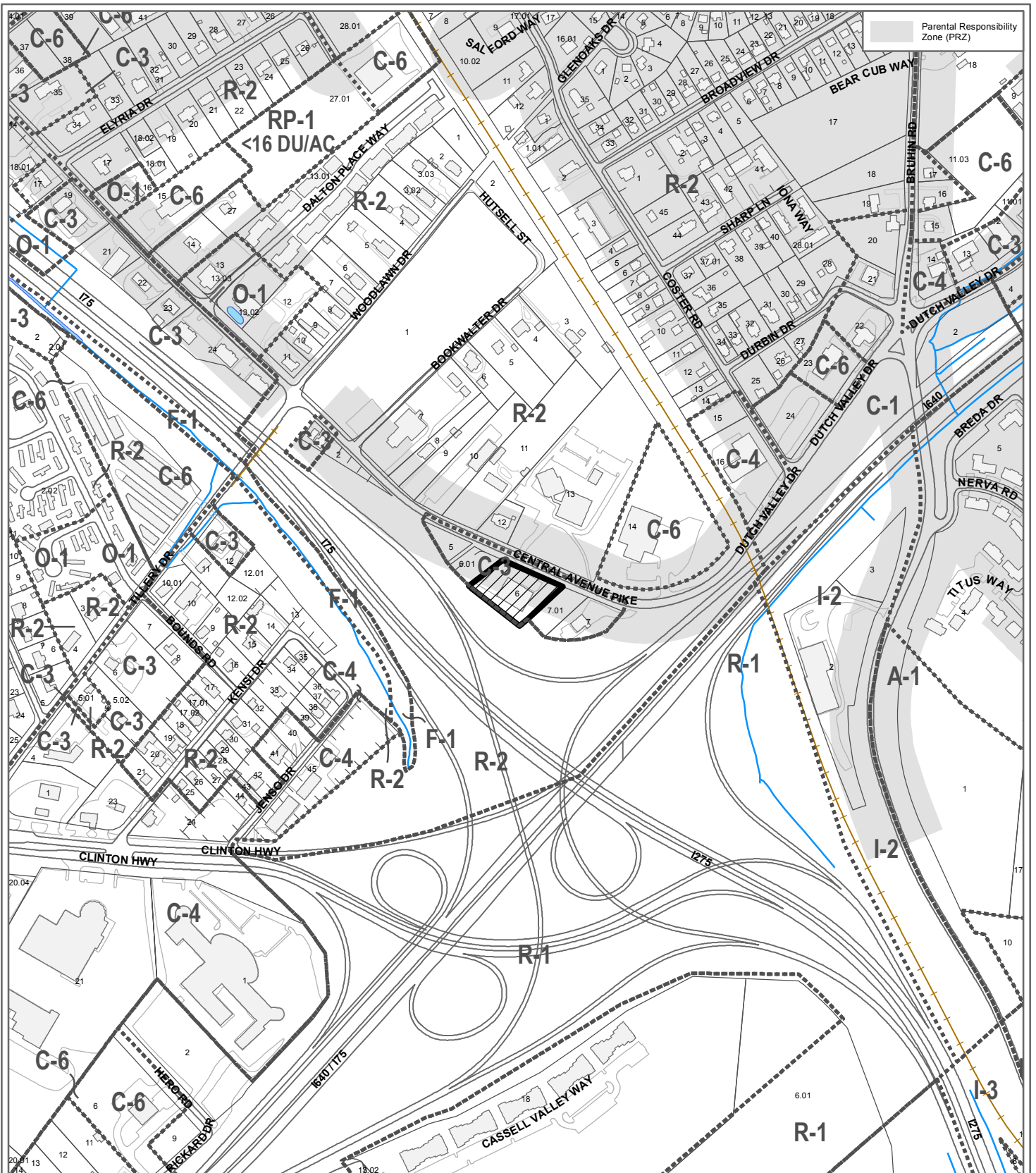
Petitioner: Lay, Kenneth R.

Map No: 69

Jurisdiction: City



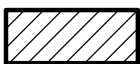
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Parental Responsibility Zone (PRZ)

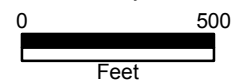
**1-A-14-RZ
REZONING**

From: C-3 (General Commercial)
To: C-4 (Highway and Arterial Commercial)



Petitioner: Lay, Kenneth R.

Map No: 69
Jurisdiction: City



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