

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

▶ **FILE #:** 7-A-14-RZ
 7-A-14-SP

AGENDA ITEM #: 23
AGENDA DATE: 7/10/2014

▶ **APPLICANT:** **JMB INVESTMENT CO. LLC**
 OWNER(S): Schaad Brown Real Estate / JMB Investment Co. LLC

TAX ID NUMBER: 126 15301
 JURISDICTION: Commission District 9
 STREET ADDRESS: 2200 Kimberlin Heights Rd

▶ **LOCATION:** **South side Kimberlin Heights Rd., southeast of Boling Ln.**

▶ **TRACT INFORMATION:** **1.19 acres.**

SECTOR PLAN: South County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Kimberlin Heights Rd., a minor arterial street with 20' of pavement width within 50-65' of right-of-way.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Gap Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **AG (Agricultural) / A (Agricultural)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **C (Commercial) / CA (General Business)**

▶ **EXISTING LAND USE:** **Residence**

▶ **PROPOSED USE:** **General retail**

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Kimberlin Heights Rd. - Vacant land / Ag / A (Agricultural)
 South: Vacant land, ridge / Ag / A (Agricultural)

East: House / Ag / A (Agricultural)

West: Convenience store, gas station / Ag / CA (General Business)

NEIGHBORHOOD CONTEXT: This area is predominantly developed with agricultural and rural residential uses under A zoning. However, there is a small commercial node established adjacent to the subject property to the west, zoned CA. To the northwest, on the opposite side of Kimberlin Heights Rd., there is a fire station for Seymour Volunteer Fire Department, zoned A.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #7-A-14-SP, amending the South County Sector Plan to RC (Rural Commercial) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.) (Applicant requested C-Commercial.)**

The recommendation is an extension of the already established commercial node to the west. The Knoxville-Knox County-Farragut Growth Policy Plan map designates this site within the Rural Area. Since a commercial node is already established to the west, rural commercial uses would be appropriate for the subject property.

- ▶ **RECOMMEND that County Commission APPROVE CR (Rural Commercial) zoning. (Applicant requested CA-General Business zoning.)**

CR zoning is appropriate at this location to serve residents who live in the vicinity of the site, as well as commuters travelling on Kimberlin Heights Rd. CR zoning will allow limited retail and service uses to be developed on the site. The zone includes considerable landscaping and other development performance standards to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of the area.

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:

Staff is not aware of any recent road or utility improvements in the area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan calls for agricultural uses for the site. However, there is a small commercial node already established to the west, zoned CA, that is not recognized on the sector plan.

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

This location, within the Rural Area on the Growth Policy Plan, is appropriate for rural commercial uses. The requested CA zoning is not permitted within the Rural Area, but CR (Rural Commercial) zoning is. Since CA zoning and a business are already established to the west, allowing rural commercial use for this site would constitute a minor expansion of this small commercial node.

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

A commercial business is located to the west and a fire station is to the northwest, establishing this small area as a node for non-residential/agricultural uses.

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. CR zoning is appropriate at this small, established commercial node in the Rural Area.
2. The surrounding area is developed with a mix of agricultural and rural residential uses. Rural commercial uses are appropriate to serve surrounding residents and commuters through the area.
3. With the performance standards included in the CR zone, the proposal is compatible with the surrounding development and zoning pattern.

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

1. The requested CR zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should be placed on properties that are located at or near intersections of

arterial and/or collector streets in order to maximize accessibility from surrounding areas. The range of permitted uses is limited to those that are generally patronized on a frequent basis by area residents. Development performance standards are provided to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.

2. The subject property fits the criteria spelled out in the above general description of the CR zone from the Knox County Zoning Ordinance.

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. Public water is available to serve the site. Sanitary sewer is available in the area, but may have to be extended, if necessary, to serve this site.
2. The proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are proposed.
3. CR zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.

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 amendment from Ag to RC, the requested CR zoning would be consistent with the South County Sector Plan.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map. CR zoning is an acceptable zone for consideration within the Rural Area.
3. Approval of these requests could lead to future requests for rural commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits.

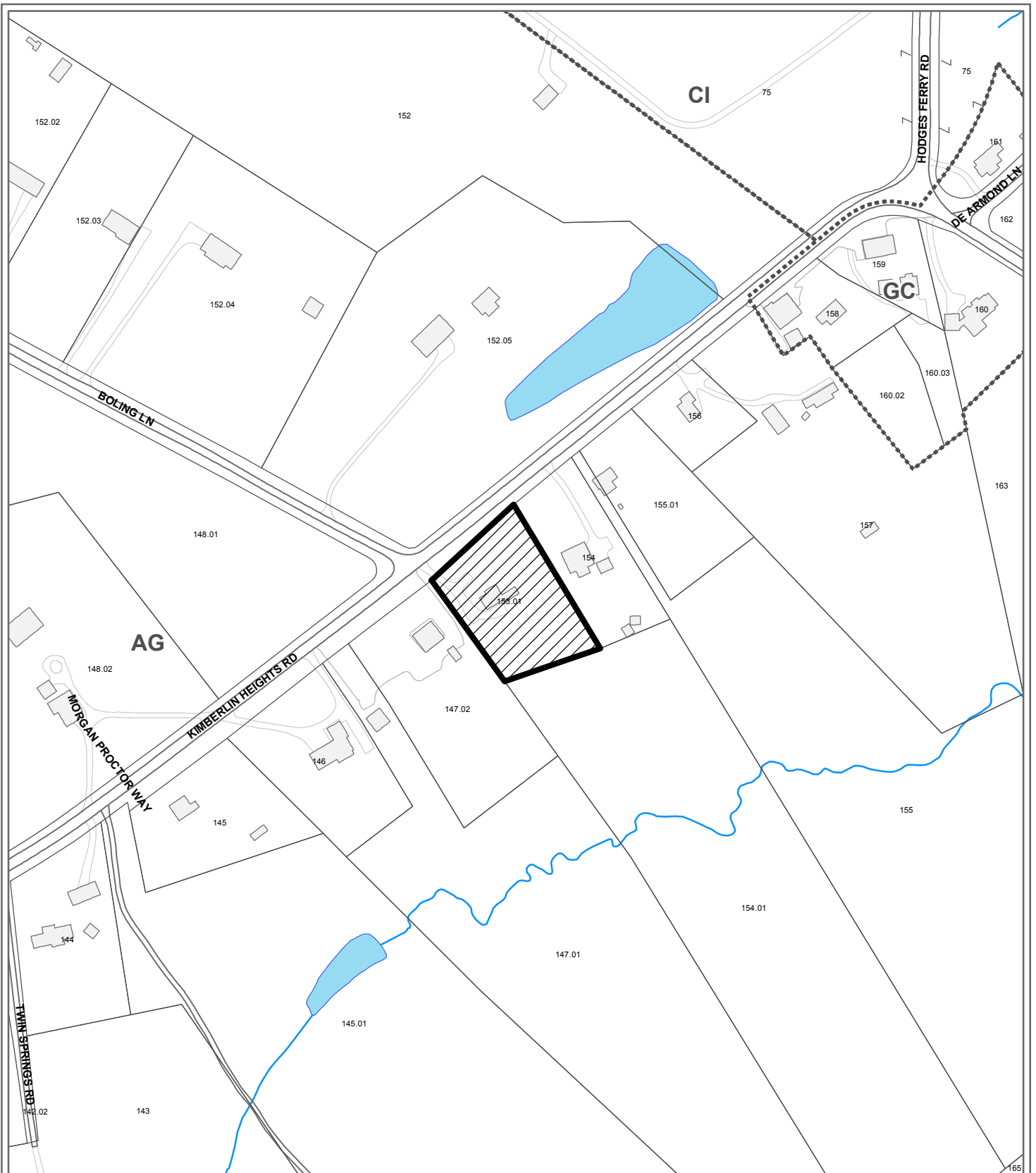
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 8/25/2014. 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.



**7-A-14-SP / 7-A-14-RZ
SOUTH COUNTY SECTOR PLAN AMENDMENT**

Petitioner: JMB Investment Co. LLC

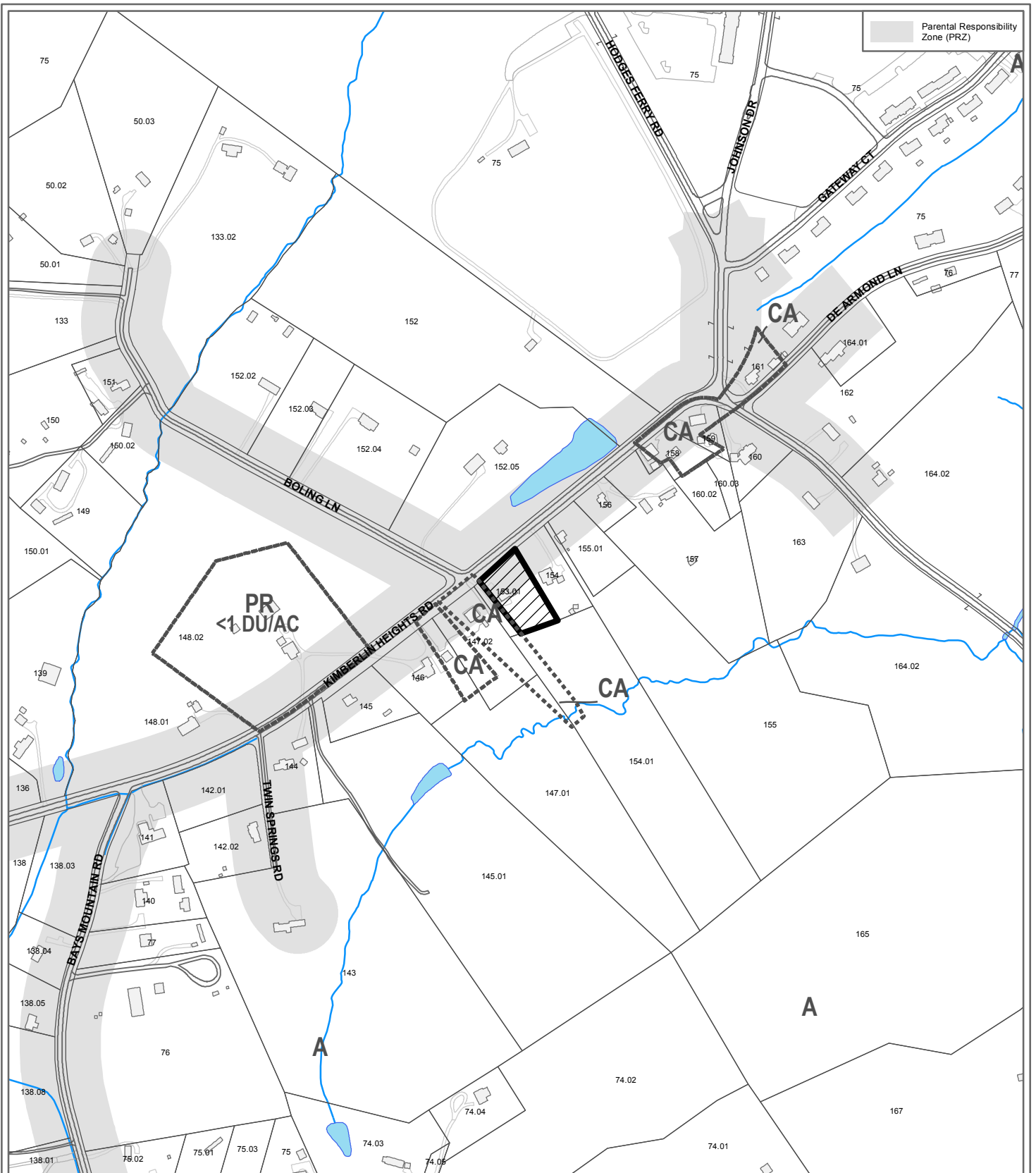


From: AG (Agricultural)
To: C (Commercial)

Map No: 126
Jurisdiction: County



Original Print Date: 6/23/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**7-A-14-RZ
REZONING**

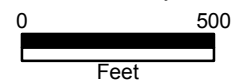
From: A (Agricultural)
To: CA (General Business)



Petitioner: JMB Investment Co. LLC

Map No: 126

Jurisdiction: County



Original Print Date: 6/23/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

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

WHEREAS, JMB Investment Co. LLC, has submitted an application to amend the Sector Plan from Agricultural to Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the South 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 July 10, 2014, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector 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 South County Sector Plan, with its accompanying, staff report and map, file #7-A-14-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary