

▶ **FILE #:** 3-I-14-RZ

**AGENDA ITEM #:** 42

**AGENDA DATE:** 3/13/2014

▶ **APPLICANT:** SHEPHERD OF THE HILLS LUTHERAN CHURCH

OWNER(S): Dale W. Anderson

TAX ID NUMBER: 118 17702

JURISDICTION: City Council District 2

STREET ADDRESS: 10231 Sherrill Blvd

▶ **LOCATION:** Northeast side Sherrill Blvd., south of Dutchtown Rd.

▶ **APPX. SIZE OF TRACT:** 2.4 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Sherrill Blvd., a major collector street with 4 lanes within the large right-of-way of Pellissippi Parkway.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Turkey Creek

▶ **PRESENT ZONING:** BP-1 (Business and Technology Park) / TO-1 (Technology Overlay)

▶ **ZONING REQUESTED:** C-6 (General Commercial Park) / TO-1 (Technology Overlay)

▶ **EXISTING LAND USE:** Church

▶ **PROPOSED USE:** Church with child day care facility

EXTENSION OF ZONE: Yes, extension of C-6/TO-1 from three sides

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant land - C-6 (General Commercial Park) / TO-1 (Technology Overlay)

South: Vacant land - C-6 (General Commercial Park) / TO-1 (Technology Overlay)

East: Vacant land - C-6 (General Commercial Park) / TO-1 (Technology Overlay)

West: Sherrill Blvd. and Pellissippi Parkway - BP-1 (Business and Technology Park) / TO-1

NEIGHBORHOOD CONTEXT: This site is located adjacent to the developing Century Park Business Park, southeast of the Dutchtown Rd./Pellissippi Parkway interchange, zoned C-6/TO-1. Pellissippi Parkway is located to the west of the site.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that City Council APPROVE C-6 (General Commercial Park) / TO-1 (Technology Park) zoning.**

C-6/TO-1 for the subject property is an extension of zoning from three sides and is consistent with the applicable plan designations for the area. The current use of the property for a church is a legal, non-conforming use under current BP-1 zoning, and will remain as such under the proposed C-6 zoning. C-6 zoning is requested to allow consideration of a child day care center as a use on review, which is not permitted in the current BP-1 zone.

**COMMENTS:**

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-6/TO-1 zoning is consistent with both the sector plan and One Year Plan designations for the property.
2. C-6/TO-1 uses will be compatible with the surrounding land uses and zoning pattern.
3. C-6/TO-1 zoning is appropriate for this site, which is adjacent to a developing business park in the C-6 zone, and has access to a major collector street.
4. C-6/TO-1 is a logical extension of zoning from three sides. Approval of this rezoning will eliminate the one remaining BP-1 zoned area among a large C-6 zoned area.

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

1. The requested C-6 zoning is intended to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas. The following 6 concepts are emphasized in the zoning ordinance: 1) To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas, 2) To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated, 3) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading and landscaping, 4) To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County, 5) To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the C-6 zoning district, and 6) To encourage general commercial activities to locate in areas that have access to a major street system.
2. Based on the above description, C-6 is an appropriate zone for this site. C-6 zoning requires administrative plan review and approval by MPC staff prior to issuance of building permits.
3. The TO-1 zoning overlay will remain on the property. This means that new development will be subject to approval of a Certificate of Appropriateness from the Tennessee Technology Corridor Development Authority (TTCDA).

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. C-6/TO-1 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
2. The impact on the street system will depend on the type of development proposed. A church is currently located on the site. The applicant proposes to develop a child day care center associated with the church.
3. C-6 zoning requires administrative plan review and approval by MPC staff prior to issuance of building permits for new construction, building expansion or major site improvements.
4. Public water and sewer utilities are available to serve the site.

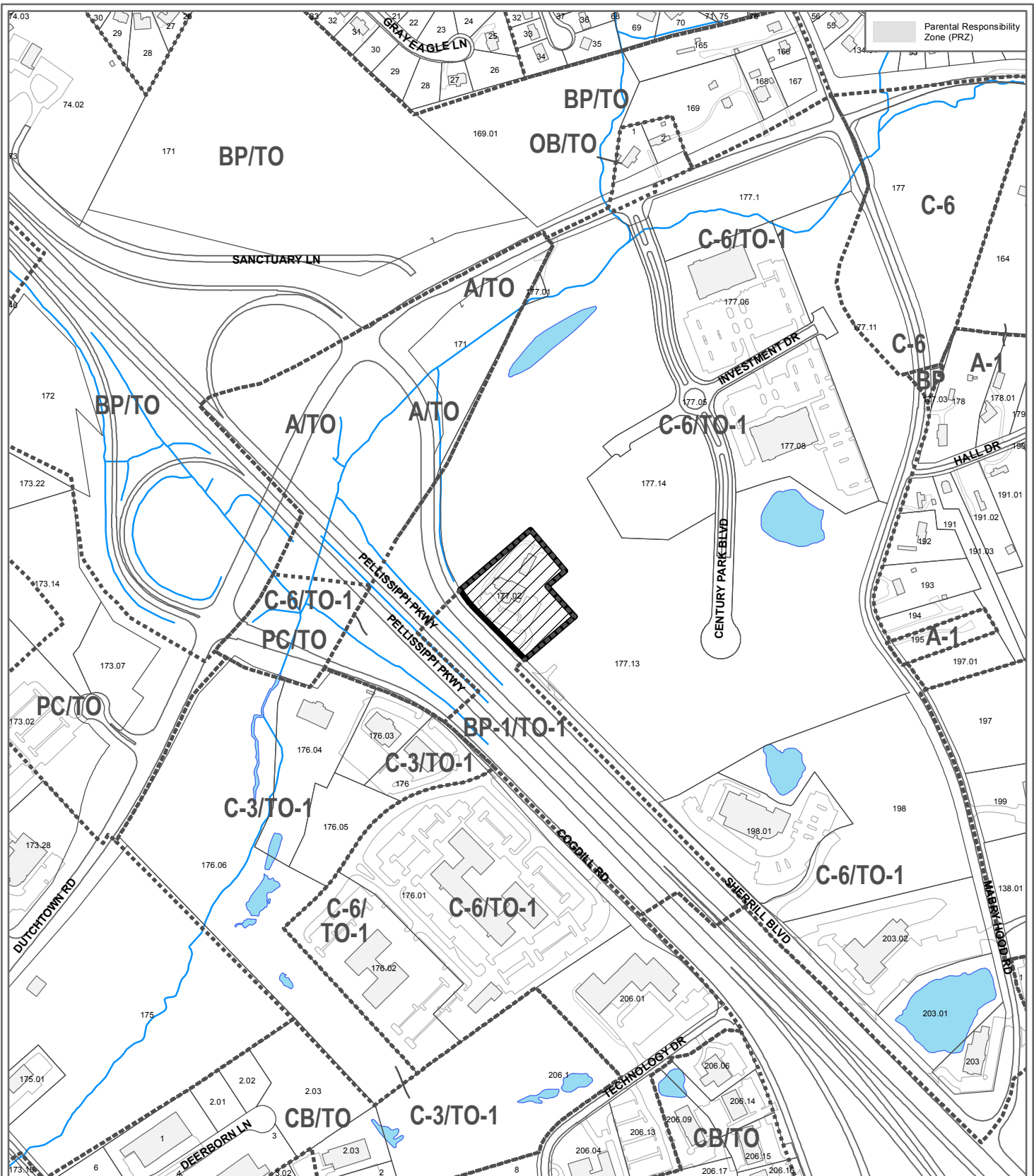
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. Both the City of Knoxville One Year Plan and the Northwest County sector plan designate this site within a mixed use special district where C-6 zoning is an acceptable zoning district to be considered.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This proposal does not present any apparent conflicts with any other adopted plans.
4. Because of the property's location within the TO-1 (Technology Overlay), this rezoning request will require the approval of a Certificate of Appropriateness from the TTCDA. TTCDA is scheduled to consider this request at their meeting on 3/10/14. The TTCDA file number is 3-A-14-TOR.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 4/15/2014 and 4/29/2014. 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 a decision.



**3-I-14-RZ  
REZONING**

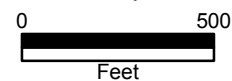
From: BP-1 (Business and Technology Park) / TO-1 (Technology Overlay)  
To: C-6 (General Commercial Park) / TO-1 (Technology Overlay)



Petitioner: Shepherd of the Hills Lutheran Church

Map No: 118

Jurisdiction: City



Original Print Date: 2/24/2014  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised: