



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

▶ **FILE #:** 12-D-15-RZ
12-C-15-SP

AGENDA ITEM #: 36
AGENDA DATE: 12/10/2015

▶ **APPLICANT:** **TIM AND KIM WEBB**
OWNER(S): Tim and Kim Webb

TAX ID NUMBER: 39 PART OF 199 MAP ON FILE [View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 6130 Tazewell Pike

▶ **LOCATION:** **Southeast side Tazewell Pike, northeast of Ridgeview Rd.**

▶ **TRACT INFORMATION:** **1.2 acres.**

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Tazewell Pike, a major collector street with 21' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **AG/RR (Agricultural/Rural Residential) & SLPA (Slope Protection Area) / A (Agricultural)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **GC (General Commercial) & SLPA (Slope Protection Area) / CA (General Business)**

▶ **EXISTING LAND USE:** **House and garage**

▶ **PROPOSED USE:** **Small business**

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Tazewell Pike, house and business / Ag/RR / A (Agricultural) and CB (Business & Manufacturing)

South: Vacant land / A (Agricultural)

East: Auto repair business / CA (General Business)

West: House / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is primarily developed with agricultural and rural residential uses under A zoning. There is a nearby church, zoned A, and various spots of commercial uses, zoned CA and CB

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #12-C-15-SP, amending the Northeast County Sector Plan to RC (Rural**

Commercial) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.) (Applicant requested GC.)

Commercial zoning is already in place on several sites in the vicinity of the subject property, so this commercial area is already established. However, it is not recognized on the current sector plan.

► **RECOMMEND that County Commission APPROVE CR (Rural Commercial) zoning. (Applicant requested CA.)**

For this site, CR is the most appropriate commercial zone that is permitted within the Rural Area of the Growth Policy Plan. Several sites in the immediate area are already zoned CA or CB and developed with businesses that have been there for many years, so the impact of this zoning change should be minimal.

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 made to Tazewell Pike in the vicinity of this site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Northeast County Sector Plan currently proposes agricultural and rural residential uses for the subject property. However, several nearby properties are zoned CA or CB, most with commercial uses in place, including on the CA-zoned property directly northeast of the subject property, which is a car repair business. There is also an established business to the northwest, across Tazewell Pike, zoned CB. CN and CR are two of the three commercial zones that may be considered in the Rural Area.

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

No changes in government policy impact this proposal. The surrounding CA and CB zoned areas have been in place for many years, despite the fact that they are not consistent with the current sector plan or Growth Plan proposals for the area. The precedent for commercial in this area has been set, and this minor extension of it is acceptable, as long as the zoning is limited to either CN or CR. The existing CA and CB zones were established prior to the Growth Policy Plan or the requirement for sector plan amendments to accompany inconsistent rezoning proposals.

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

There are several CA and CB zoned tracts in the immediate vicinity of the site, many of which are developed with businesses. The trend for a small commercial area along this section of Tazewell Pike has long been 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. CR is the most appropriate commercial zone that can be considered for this site, which is located within the Rural Area designation on the Growth Policy Plan, limiting eligible commercial zones.
2. CR zoning will allow compatible commercial development to occur on this site, consistent with what has occurred on some surrounding parcels.
3. Commercial zoning is already in place on several sites surrounding the subject property, so this commercial area is already established.

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

1. The recommended 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. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Development performance standards are included to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural

character of these areas.

2. The requested CA zoning is not permitted within the Rural Area designation on the Knoxville-Knox County-Farragut Growth Policy Plan, so staff can not support it. CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.

2. Based on the above descriptions and considering the site's location in the Rural Area on the Growth Policy Plan map, the subject property is appropriate for CR 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. Public water is available to serve the site. Sanitary sewer is not currently available in the area, but could 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 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 recommended amendment to RC, CR zoning would be consistent with the Northeast County Sector Plan. The Northeast County sector plan is currently being updated, but no changes are proposed to the future land use designations for this area, leaving it designated for its current Agricultural/Rural Residential uses.

2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map, which limits the types of commercial and other zones that can be proposed. CR is a zone that may be considered within the Rural Area.

3. The recommended zoning change 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 Knox County Commission for action on 1/25/2016. 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.

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHEAST 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 Northeast 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**, Tim and Kim Webb, have submitted an application to amend the Sector Plan from Agricultural/Rural Residential and Slope Protection Area to General Commercial and Slope Protection Area for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northeast 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 December 10, 2015, 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 Northeast County Sector Plan, with its accompanying, staff report and map, file #12-C-15-SP.

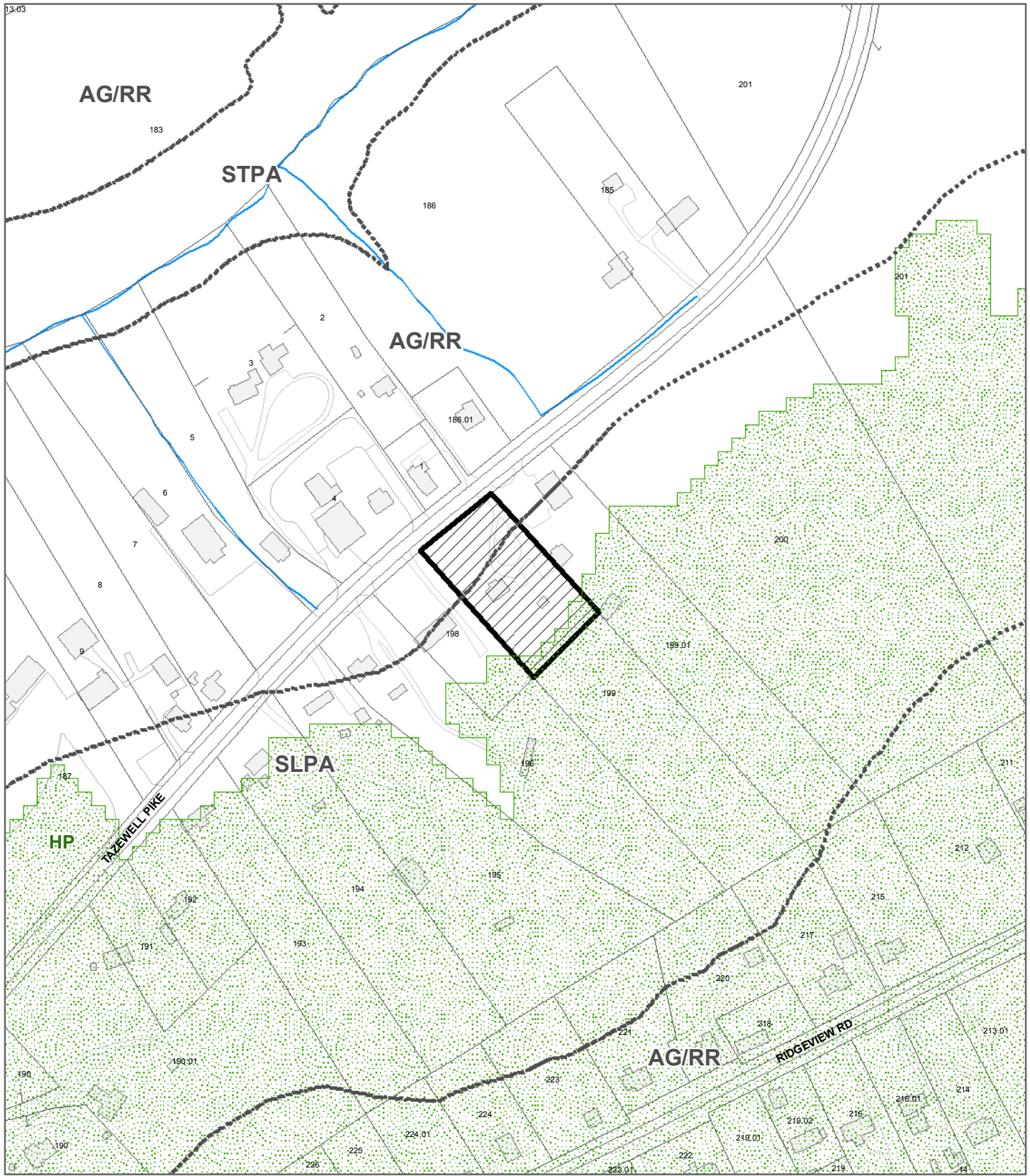
SECTION 2: This Resolution shall take effect upon its approval.

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



**12-C-15-SP / 12-D-15-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

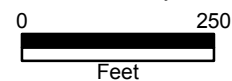


From: AG/RR (Agricultural/Rural Residential) & SLPA (Slope Protection Area)
To: GC (General Commercial) & SLPA (Slope Protection Area)

Petitioner: Webb, Tim and Kim

Map No: 39

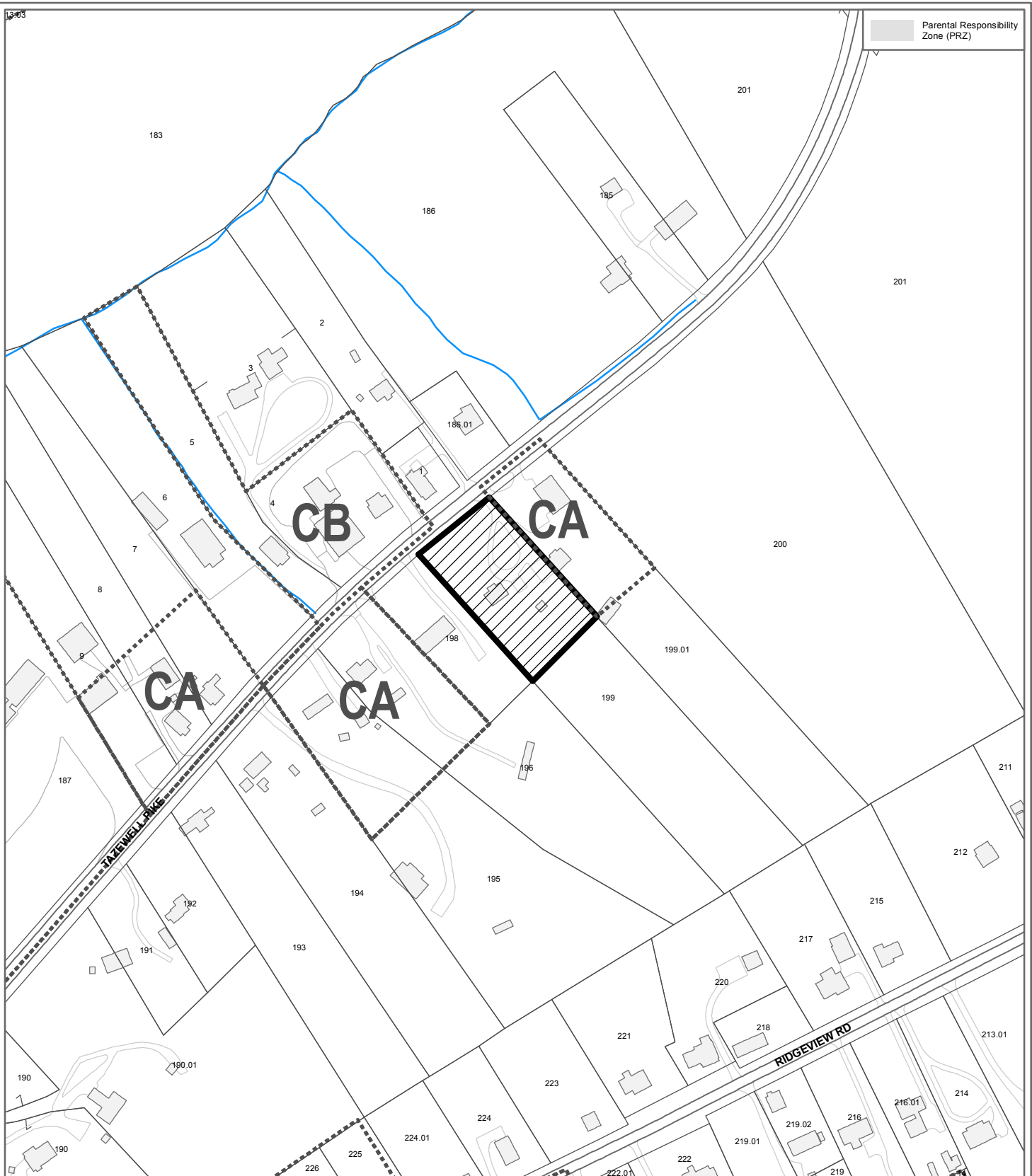
Jurisdiction: County



Original Print Date: 11/20/2015

Revised: 11/23/2015

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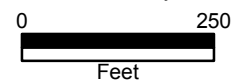
**12-D-15-RZ
REZONING**

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



Petitioner: Webb, Tim and Kim

Map No: 39
Jurisdiction: County



Original Print Date: 11/20/2015 Revised: 11/23/2015
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