



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

▶ **FILE #:** 7-A-16-SP

AGENDA ITEM #: 28

AGENDA DATE: 7/14/2016

▶ **APPLICANT:** JEDI PHILLIPS

OWNER(S): James Phillips

TAX ID NUMBER: 119 D D 00601

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS:

▶ **LOCATION:** West side N. Gallaher View Rd., south side Manor View Dr.

▶ **APPX. SIZE OF TRACT:** 0.86 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via N. Gallaher View Rd., a minor arterial street with 4 lanes and a center turn lane on 60' of pavement width within 90' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) and STPA (Stream Protection Area) / A-1 (General Agricultural)

▶ **PROPOSED PLAN DESIGNATION:** C (Commercial) and STPA (Stream Protection Area)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Coffee shop with drive thru in a park-like setting

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Vacant land, greenway, apartment complex entrance driveway / STPA

South: Vacant land / STPA

East: Apartments / MDR

West: N. Gallaher View Rd., vacant land, floodway, water tank / LDR & STPA

NEIGHBORHOOD CONTEXT This section of N. Gallaher View Rd. (north of Walker Springs Rd.), is developed primarily with low to medium density residential uses under R-2, RP-1, R-1A and RB zoning. Commercial development is located to the south of Walker Springs Rd. and to the north at the Middlebrook Pike intersection.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #7-A-16-SP, amending the Northwest County Sector Plan to NC (Neighborhood Commercial) and STPA (Stream Protection Area) and recommend that City Council also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.)**

Neighborhood commercial uses are appropriate for the site, considering its size, shape and location. The requested GC designation allows more intense uses that may be problematic at this location. Less intense neighborhood commercial uses are more appropriate at this location and establish a transition/stopping point for commercial uses moving north toward Middlebrook Pike.

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 to N. Gallaher View Rd., but the road capacity is adequate to serve commercial uses. Establishing safe vehicular access to the site could be problematic because of the close proximity to the intersection of Walker Springs Rd. and the entrance driveway to the adjacent apartments. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

There are no apparent errors in the plan. The current plan proposes LDR and STPA for the site, consistent with the current A-1 and F-1 zoning on the site. The site fronts on a four-lane minor arterial street, is adjacent to a Public Greenway, and is situated at the entrance to a large apartment complex. It is reasonable to expect that the property would not be desirable for residential use, but the site is too narrow and is poorly situated for general commercial uses. The recommended neighborhood commercial uses are more appropriate for this site.

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

With the established commercial zoning pattern to the south, neighborhood commercial uses and zoning are appropriate for the subject property as a transitional area between general commercial and residential uses.

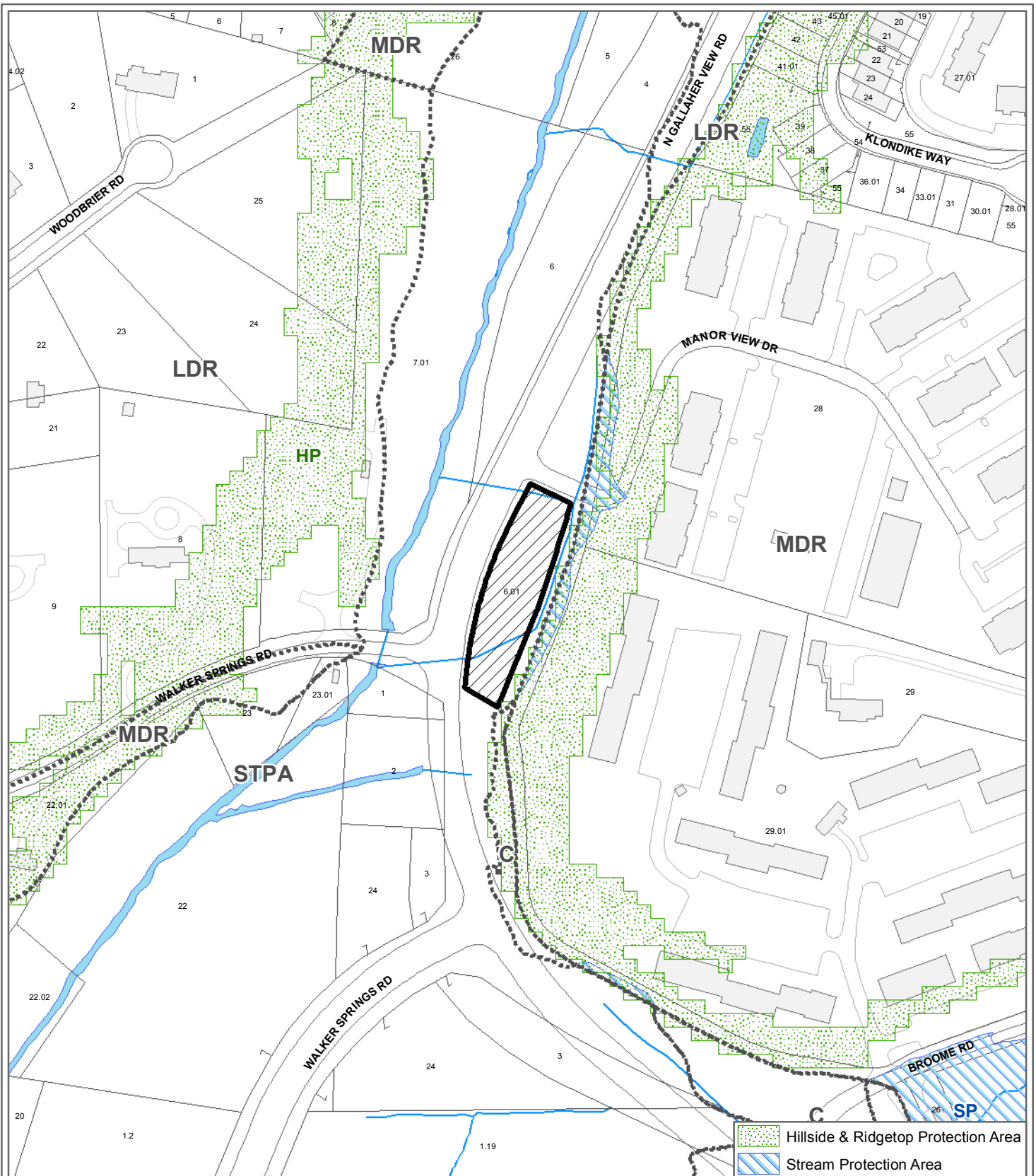
TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

The commercial zoning pattern to the south and residential zoning to the north has long been established in this area, making this site appropriate for transitional neighborhood commercial uses.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/16/2016 and 8/30/2016. 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.



**7-A-16-SP
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

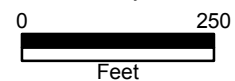
From: LDR (Low Density Residential) and STPA (Stream Protection Area)
To: C (Commercial) and STPA (Stream Protection Area)



Petitioner: Phillips, Jedi

Map No: 119

Jurisdiction: City



Original Print Date: 6/15/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

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

WHEREAS, Jedi Phillips, has submitted an application to amend the Sector Plan from Low Density Residential and Stream Protection to Commercial and Stream Protection, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest 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 14, 2016, 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 Northwest County Sector Plan, with its accompanying staff report and map, file #7-A-16-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 #:** 7-A-16-RZ
7-A-16-PA

AGENDA ITEM #: 28
AGENDA DATE: 7/14/2016

▶ **APPLICANT:** JEDI PHILLIPS
OWNER(S): James Phillips

TAX ID NUMBER: 119 D D 00601
JURISDICTION: Council District 2
STREET ADDRESS:

[View map on KGIS](#)

▶ **LOCATION:** West side N. Gallaher View Rd., south side Manor View Dr.

▶ **TRACT INFORMATION:** 0.86 acres.

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via N. Gallaher View Rd., a minor arterial street with 4 lanes and a center turn lane on 60' of pavement width within 90' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** OS (Open Space) and F (Floodway) / A-1 (General Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) and F (Floodway) / C-3 (General Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Coffee shop with drive thru in park-like setting

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, North: Vacant land, greenway, apartment complex entrance driveway / OS / A-1 (General Agricultural)

ZONING South: Vacant land / GC / C-3 (General Commercial)

East: Apartments / MDR / R-1A (Low Density Residential) and RP-1 (Planned Residential)

West: N. Gallaher View Rd., vacant land, floodway, water tank / F, MDR / F-1 (Floodway) and R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This section of N. Gallaher View Rd. (north of Walker Springs Rd.), is developed primarily with low to medium density residential uses under R-2, RP-1, R-1A and RB zoning. Commercial development is located to the south of Walker Springs Rd. and to the north at the Middlebrook Pike intersection.

STAFF RECOMMENDATION:

- ▶ **RECOMMEND that City Council APPROVE NC (Neighborhood Commercial) and F (Floodway) One Year Plan designation. (Applicant requested GC and F.)**

Neighborhood commercial uses are appropriate for the site, considering its size, shape and location. The requested GC designation allows more intense uses that may be problematic at this location. Less intense neighborhood commercial uses are more appropriate at this location and establish a transition/stopping point for commercial uses moving north toward Middlebrook Pike.

- ▶ **RECOMMEND that City Council APPROVE C-1 (Neighborhood Commercial) and F-1 (Floodway) zoning, subject to 1 condition. (Applicant requested C-3 & F-1.)**

1. A use on review development plan must be reviewed and approved by MPC prior to any development of the site.

With the recommended condition to address access and other site concerns, C-1 zoning will create a transitional area between general commercial uses to the south and residential uses to the north. C-1 zoning is compatible with the scale and intensity of surrounding development and zoning pattern. With the recommended condition, the property is appropriate for C-1 zoning. The site's location, size and shape would make it difficult to develop certain C-3 uses, without the need for numerous variances. The property is a remnant parcel that was reduced significantly in size due to the widening of N. Gallaher View Rd. years ago. Uses allowed under C-1 are less intense in nature and generally require less lot area and parking. The applicant's proposed use of a coffee shop is a use permitted on review in the C-1 zoning district, but a drive-thru facility, as proposed by the applicant, would not be permitted. Staff recognizes that the property is not desirable for residential uses, as it is currently designated. However, without review of a development plan by MPC, staff can not support any type of commercial development of this site. Without the recommended zoning condition, the staff recommendation would be to deny.

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** - There are no apparent errors in the plan. The current plan proposes LDR and STPA for the site, consistent with the current A-1 and F-1 zoning on the site. The site fronts on a four-lane minor arterial street, is adjacent to a Public Greenway, and is situated adjacent to the entrance to a large apartment complex. It is reasonable to expect that the property would not be desirable for residential use, but the site is too narrow and is poorly situated for general commercial uses. The recommended neighborhood commercial uses are more appropriate for this site.
- 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 to N. Gallaher View Rd., but the road capacity is adequate to serve commercial uses. Establishing safe vehicular access to the site could be problematic because of the close proximity to the intersection of Walker Springs Rd. and the entrance driveway to the adjacent apartments. Public water and sewer utilities are available to serve the site.
- C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - With the established commercial zoning pattern to the south, neighborhood commercial uses and zoning are appropriate for the subject property as a transitional area between general commercial and residential uses.
- D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - The commercial zoning pattern to the south and residential zoning to the north has long been established in this area, making this site appropriate for transitional neighborhood commercial 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. C-1 zoning for the subject property creates a transitional area between general commercial uses to the south and residential uses to the north.
- 2. C-1 uses are compatible with the surrounding land use and zoning pattern, and the recommended rezoning to C-1 would afford the applicant reasonable non-residential use of the property.

3. The site is about 0.86 of an acre in size, but is only about 100 feet deep. Much of the site is zoned F-1 (Floodway), where permanent structures will not be permitted. The site's characteristics may make it difficult to develop many C-3 uses, without the need for numerous variances.
4. Establishing C-1 zoning at this location establishes a potential stopping point for non-residential uses heading north toward Middlebrook Pike.

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

1. The C-1 zone, as described in the zoning ordinance, is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of retail, service and convenience goods only on the first floor of a structure. This district is designed for areas for large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood.
2. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
3. Based on the above general intents of the zones, this site is appropriate for C-1 zoning, but less appropriate for C-3 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. With the recommended condition requiring plan review by MPC, staff is comfortable that the site could be developed with a viable use that has minimal adverse affect on surrounding properties or the County as a whole.
2. The uses allowed for consideration under C-1 zoning will be compatible with the surrounding development and zoning pattern.
3. The existing streets are adequate to handle any additional traffic generated by allowing neighborhood commercial uses on the site, and the site's location is appropriate for transitional uses between general commercial and residential uses.
4. Staff's biggest concern with the site is how it will be accessed. Walker Springs Rd. and the entrance to the apartment complex to the east are both in very close proximity to potential access points for this proposal. Care must be taken to establish safe vehicular access to the site from N. Gallaher View Rd., as well as to address floodway and greenway issues. Staff will also expect to see some kind of connection to the Greenway that passes along the east side of the site.

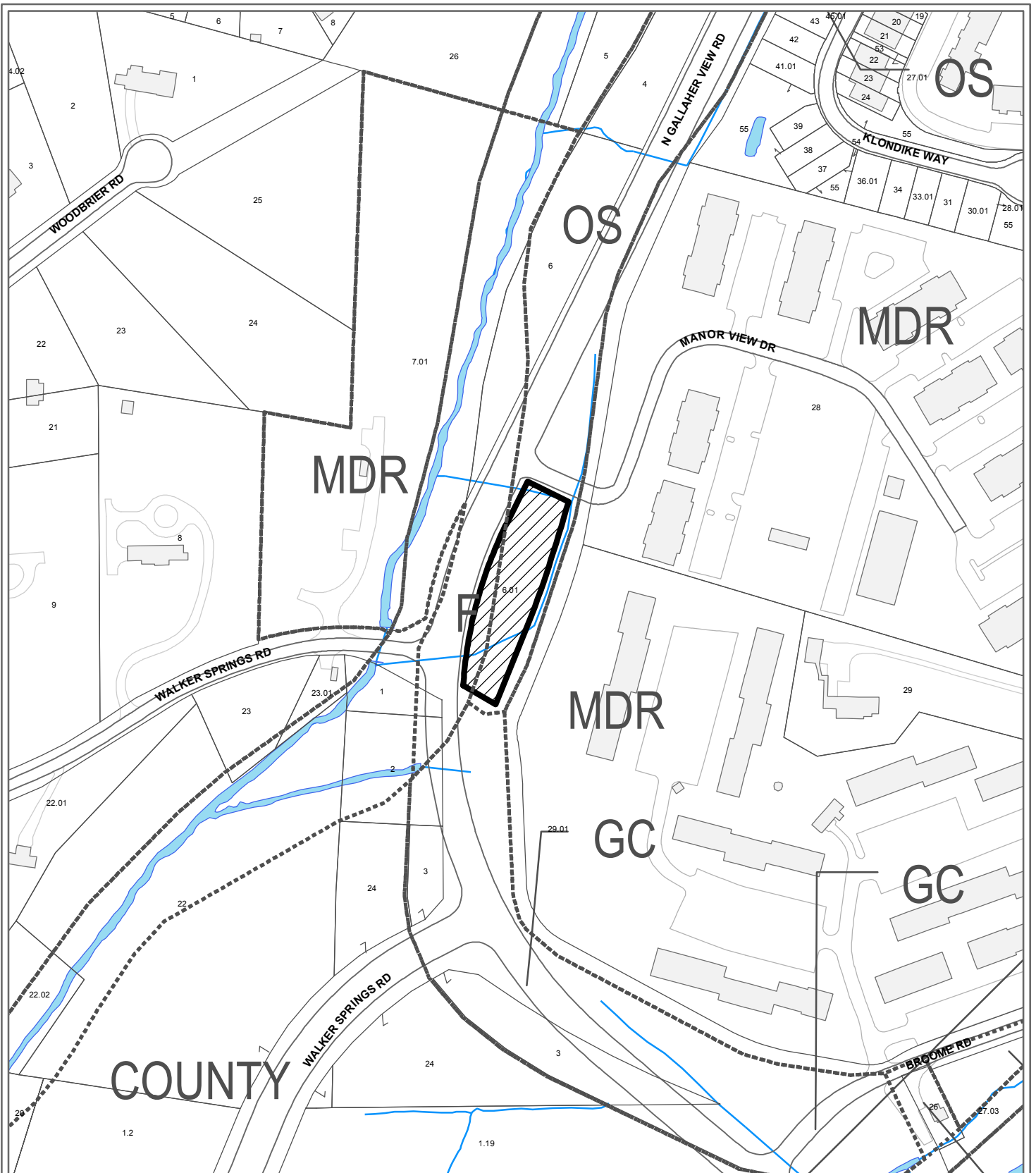
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended amendment to the Northwest County Sector Plan to NC on the accompanying application (7-A-16-SP), C-1 zoning would be consistent with the plan. In order for C-3 zoning to be considered, the plan would have to be amended to GC.
2. With the recommended amendment to the City of Knoxville One Year Plan to NC, C-1 zoning would be consistent with the plan. In order for C-3 zoning to be considered, the plan would have to be amended to GC.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This recommended C-1 zoning, with the condition, does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/16/2016 and 8/30/2016. 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.



**7-A-16-PA / 7-A-16-RZ
PLAN AMENDMENT**

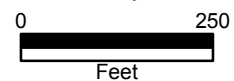
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To: GC (General Commercial) and F (Floodway)



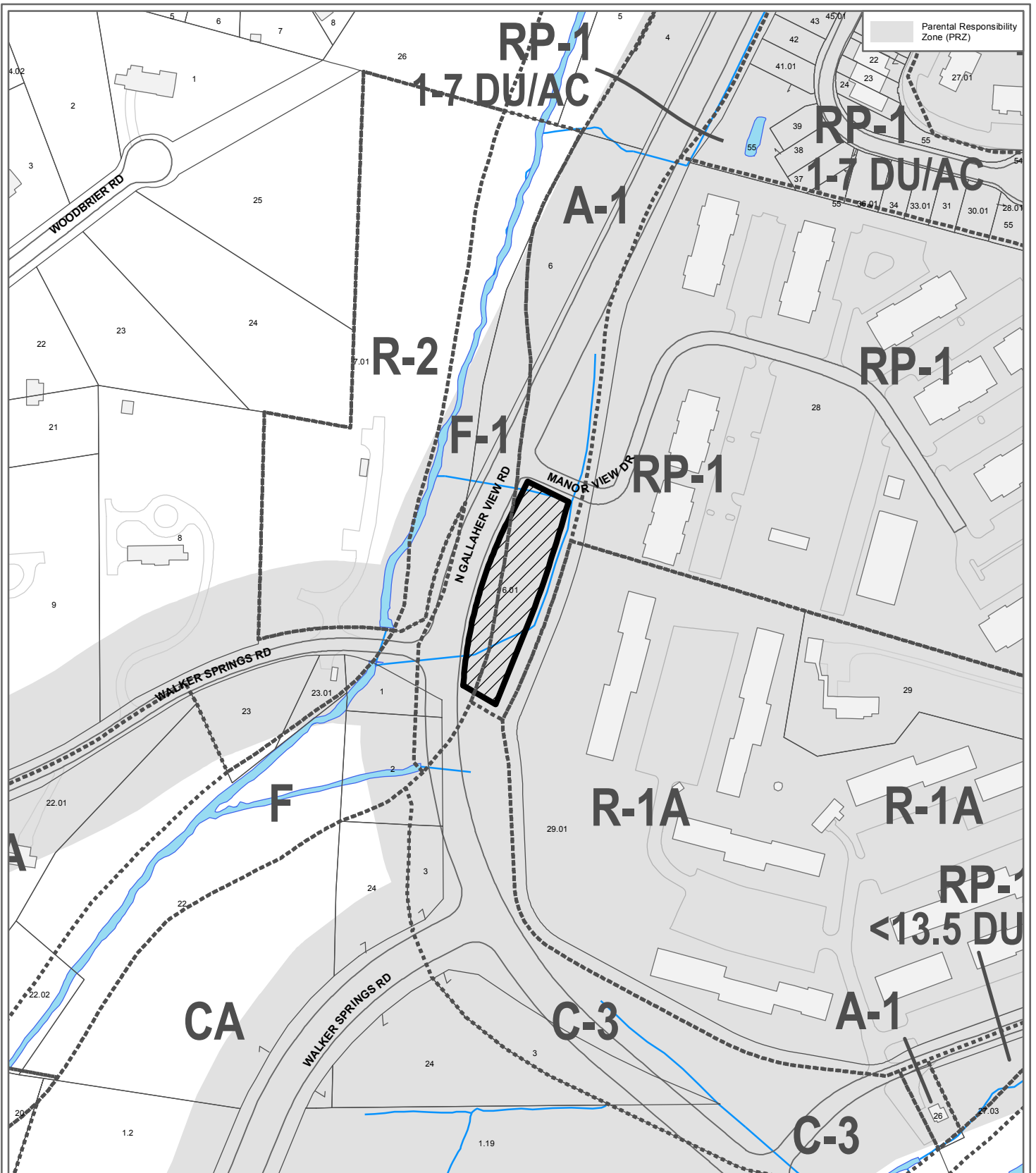
Petitioner: Phillips, Jedi

Map No: 119

Jurisdiction: City



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**7-A-16-RZ
REZONING**

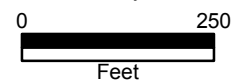
From: A-1 (General Agricultural)
To: C-3 (General Commercial)



Petitioner: Phillips, Jedi

Map No: 119

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