

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

▶ **FILE #:** 7-D-16-SP

AGENDA ITEM #: 34

AGENDA DATE: 7/14/2016

▶ **APPLICANT:** DAVID KERNS

OWNER(S): David C. Kerns

TAX ID NUMBER: 109 H A 011, 012 & 013

[View map on KGIS](#)

JURISDICTION: Commission District 9

STREET ADDRESS:

▶ **LOCATION:** Southwest side Palmer St., southeast of Hawthorne Ave.

▶ **APPX. SIZE OF TRACT:** 0.7 acres

SECTOR PLAN: South City

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

ACCESSIBILITY: Access is via Palmer St., a local street with 19' of pavement width within 30' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / R-2 (General Residential)

▶ **PROPOSED PLAN DESIGNATION:** MU-SD (MU-SC4 - Chapman Hwy mixed use district)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Any use permitted in C-3 zoning district

EXTENSION OF PLAN DESIGNATION: Yes, extension of MU-SD (SC-4) designation from the east.

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Retail shop and vacant land / LDR with HP

South: Vacant land and house / LDR with HP

East: Restaurants / MU-SD (SC-4)

West: Residences and vacant land / LDR with HP

NEIGHBORHOOD CONTEXT This property is located just west of Chapman Hwy. and the commercial uses that front on it, zoned C-4. To the west of the subject property are primarily residential uses, zoned R-2.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #7-D-16-SP, amending the South City Sector Plan to MU-SD (SC-4: Chapman Highway District) and recommend that City Council also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.)**

The recommended sector plan amendment is a logical extension of the designation from the east. The mixed

use special district MU-SD (SC-4: Chapman Highway District) is appropriate to be extended to include the subject property. The SC-4 mixed use special district allows consideration of either C-3 or O-1 zoning.

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 Palmer Rd., but the road capacity is adequate to serve office uses. Commercial uses and zoning should be limited to properties fronting on Chapman Hwy. 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. Staff recognizes that the subject property is directly adjacent to the rear of two restaurants that front on Chapman Hwy., making the site less desirable for typical residential development. A minor expansion of the MU-SD (SC-4) plan designation is appropriate for this site, which is in close proximity to other non-residential uses.

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

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

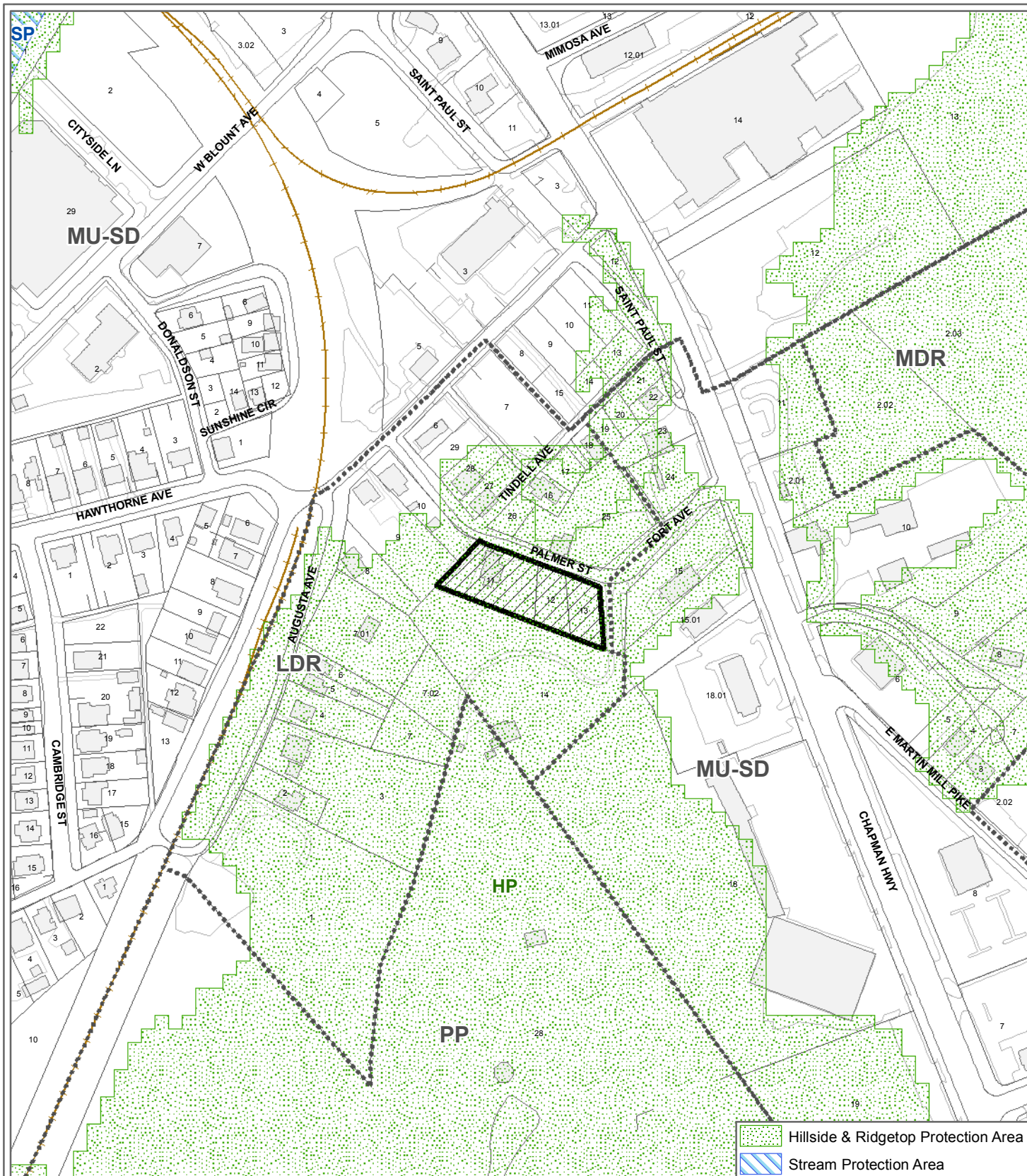
TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:



The commercial zoning pattern to the east and residential zoning to the west has long been established in this area, making this site appropriate for transitional office uses. The recommended MU-SD (SC-4) plan designation allows consideration of O-1 or C-3 zoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

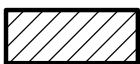
If approved, this item will be forwarded to for action on . If denied, MPC's action is final, unless the action to deny is appealed to . The date of the appeal hearing will depend on when the appeal application is filed. Appellants have to appeal an MPC decision in the City.



 Hillside & Ridgetop Protection Area
 Stream Protection Area

**7-D-16-SP
SOUTH CITY SECTOR PLAN AMENDMENT**

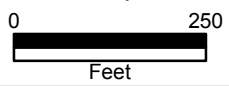
From: LDR (Low Density Residential)
 To: MU-SD (MU-SC4 - Chapman Hwy mixed use district)



Petitioner: Kerns, David

Map No: 109
 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 SOUTH 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 South 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, David Kerns, has submitted an application to amend the Sector Plan from Low Density Residential with Hillside Protection to Mixed-Use Special District (SC-4) with Hillside Protection, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the South 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 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 South City Sector Plan, with its accompanying staff report and map, file #7-D-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-G-16-RZ
7-D-16-PA

AGENDA ITEM #: 34
AGENDA DATE: 7/14/2016

▶ **APPLICANT:** DAVID KERNS
OWNER(S): David C. Kerns

TAX ID NUMBER: 109 H A 011, 012 & 013

[View map on KGIS](#)

JURISDICTION: Council District 1

STREET ADDRESS:

▶ **LOCATION:** Southwest side Palmer St., southeast of Hawthorne Ave.

▶ **TRACT INFORMATION:** 0.7 acres.

SECTOR PLAN: South City

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

ACCESSIBILITY: Access is via Palmer St., a local street with 19' of pavement width within 30' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

▶ **PRESENT PLAN DESIGNATION/ZONING:** SWMUD-2 (South Waterfront Mixed Use District II) / R-2 (General Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MU-SD (MU-SC4 - Chapman Hwy mixed use district) / C-3 (General Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Uses permitted in C-3 zoning district

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, North: Retail shop and vacant land / SWMUD-2 / C-4 (Highway & Arterial Commercial) and R-2 (General Residential)

ZONING South: Vacant land and house / SWMUD-2 / R-2 (General Residential)

East: Restaurants / SWMUD-2 / C-4 (Highway & Arterial Commercial)

West: Residences and vacant land / SWMUD-2 / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This property is located just west of Chapman Hwy. and the commercial uses that front on it, zoned C-4. To the west of the subject property are primarily residential uses, zoned R-2.

STAFF RECOMMENDATION:

- ▶ **RECOMMEND that City Council APPROVE MU-SD (SC-4: Chapman Highway District) One Year Plan designation.**

The SC-4 mixed use special district that is reflected on the sector plan along Chapman Hwy. is appropriate to be extended to the west to include this property. The current SWMUD-2 (South Waterfront Mixed Use District-2) designation only allows consideration of planned zoning districts. This property is too small to be developed under the existing planned zoning districts. The SC-4 mixed use special district allows consideration of either C-3 or O-1 zoning.

- ▶ **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning. (Applicant requested C-3.)**

The recommended O-1 zoning is compatible with the scale and intensity of the surrounding development and zoning pattern. O-1 zoning allows residential and office uses that would be compatible with all surrounding land uses. O-1 zoning of this site creates a transitional area between the commercial uses to the east and the residential uses to the west.

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 SWMUD-2 district was established in order to ensure that all new development be subject to plan approval by MPC. Therefore, only planned zoning districts may be requested in order to be consistent with the plan. The three parcels included in this request are very small, adding up to a total area of less than 1 acre. This area is not large enough to meet the regulations of the existing planned zoning districts. Staff recognizes that the subject property is directly adjacent to the rear of two restaurants that front on Chapman Hwy., making the site less desirable for typical residential development. A minor expansion of the MU-SD (SC-4) plan designation is appropriate for this site, which is in close proximity to other non-residential uses.

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 Palmer Rd., but the road capacity is adequate to serve office uses. Commercial uses and zoning should be limited to properties fronting on Chapman Hwy. 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 east, office 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 east and residential zoning to the west has long been established in this area, making this site appropriate for transitional office uses. The recommended MU-SD (SC-4) plan designation allows consideration of O-1 or C-3 zoning.

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. O-1 zoning for the subject property creates a transitional area between commercial uses to the east and residential uses to the west.
2. O-1 uses are compatible with the surrounding land use and zoning pattern, and the recommended rezoning to O-1 would afford the applicant reasonable use of the property. The O-1 zoning district allows a mix of both office uses and medium density residential uses, similar to the existing R-2 zoning on the site. The O-1 zoning district also allows uses such as a hotel, assisted living facility, veterinary clinic or a church as a use on review.
3. The site is relatively small for most commercial uses, which require more parking than office uses. If developed with commercial uses, it is likely that numerous variances would be required.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

APPLICABLE ZONING ORDINANCE:

1. The O-1 zone, as described in the zoning ordinance, is intended to provide areas for professional and business offices and related activities that require separate buildings surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
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 O-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. Staff is comfortable that the site could be developed with a viable O-1 use that has minimal adverse affect on surrounding properties or the County as a whole.
2. The uses allowed for consideration under O-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 office use of the site, and the site's location is appropriate for transitional uses between general commercial and residential uses.

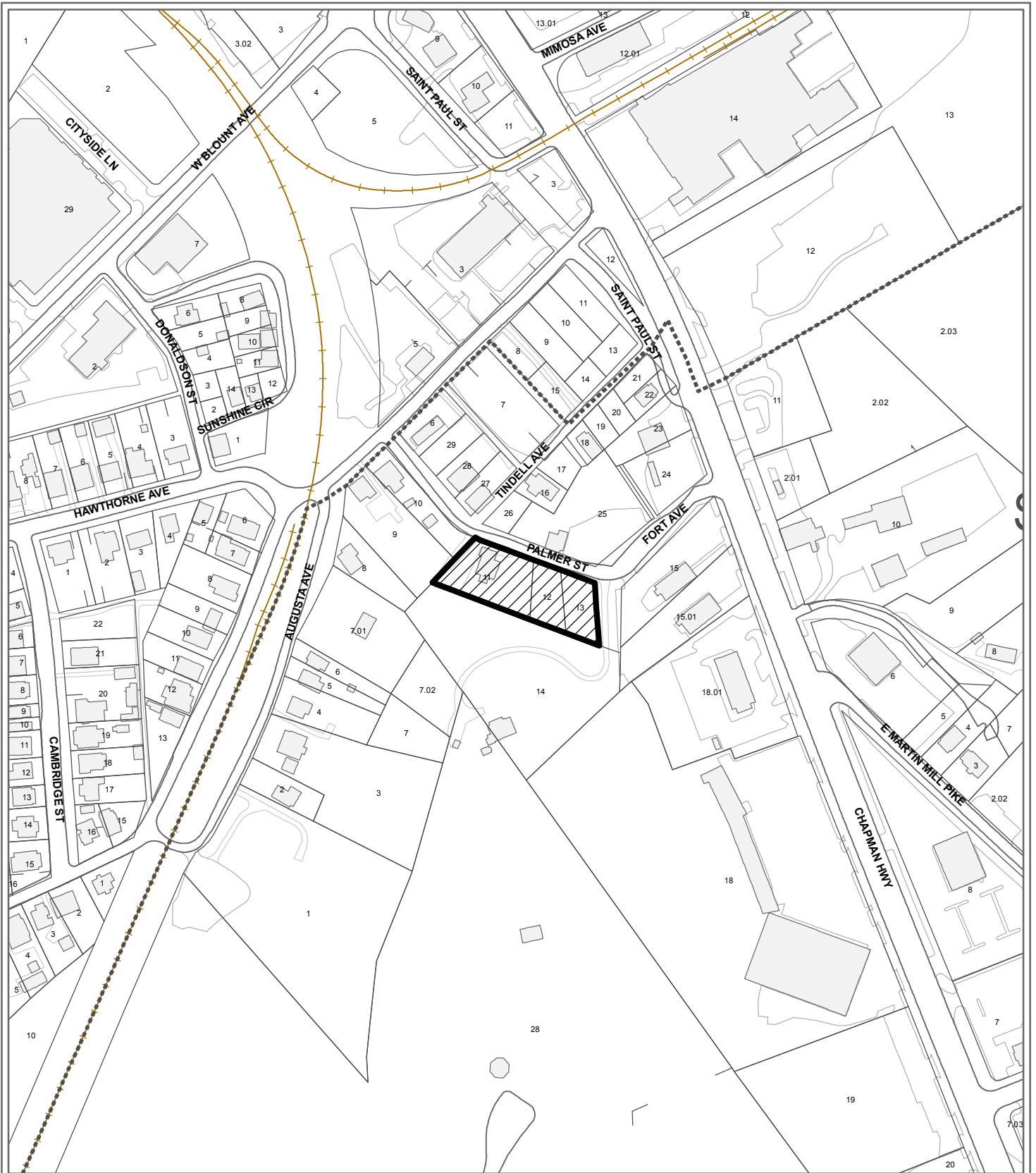
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended amendment to the South City Sector Plan to MU-SD (SC-4) on the accompanying application (7-D-16-SP), O-1 zoning would be consistent with the plan.
2. With the recommended amendment to the City of Knoxville One Year Plan to MU-SD (SC-4), O-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. The recommended O-1 zoning does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

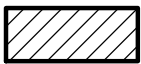
ESTIMATED STUDENT YIELD: Not applicable.

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-D-16-PA / 7-G-16-RZ
PLAN AMENDMENT**

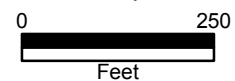
From: SWMUD-2 (South Waterfront Mixed Use District II)
To: MU-SD (MU-SC4 - Chapman Hwy mixed use district)



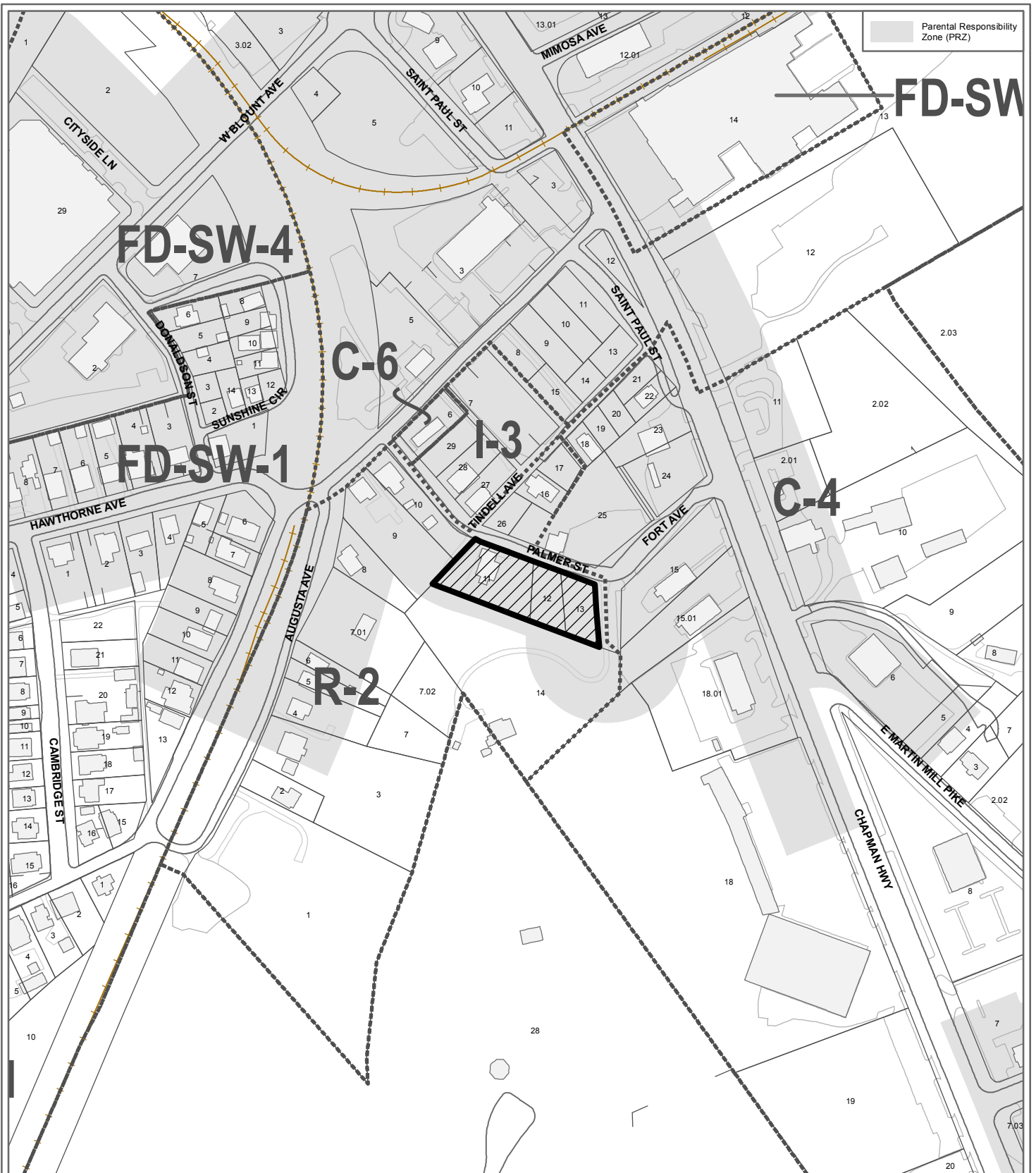
Petitioner: Kerns, David

Map No: 109

Jurisdiction: City



Original Print Date: 6/15/2016 Revised:
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**7-G-16-RZ
REZONING**

From: R-2 (General Residential)

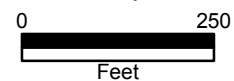
To: C-3 (General Commercial)



Petitioner: Kerns, David

Map No: 109

Jurisdiction: City



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