

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

► **FILE #:** 3-A-16-RZ

**AGENDA ITEM #:** 26

3-A-16-SP

**AGENDA DATE:** 3/10/2016

► **APPLICANT:** CALLOWAY HUNT REAL ESTATE LLC

OWNER(S): Tommy Hunt

TAX ID NUMBER: 67 142 & 105

[View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 7332 Old Clinton Pike

► **LOCATION:** Northeast side of Old Clinton Pike, southeast of W. Beaver Creek Dr.

► **TRACT INFORMATION:** 0.6 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Old Clinton Pike., a minor collector street with 19' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

► **PRESENT PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / RB (General Residential)

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

► **EXISTING LAND USE:** Houses

► **PROPOSED USE:** Convenience store with fuel pumps and restaurant use.

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS: One of the two parcels was rezoned from RB to CA in 1999, however, a sector plan amendment was not made at that time and is part of this request.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Carwash and vacant property / CA (General Business)

South: House and vacant property / CA (General Business) and RB (General Residential)

East: Multi family residential and Office / CA (General Business) and RB (General Residential)

West: Convenience store with fuel pumps / CA (General Business)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of uses, including residential, office, and commercial uses.

## STAFF RECOMMENDATION:

► **ADOPT RESOLUTION #3-A-16-SP, amending the Northwest County Sector Plan from MDR (Medium**

**Density Residential) to C (Commercial) and recommend that Knox County Commission also adopt the sector plan amendment.**

Commercial uses for this site would be a logical extension of the adjacent plan designation from the north, where an office/commercial corridor is established along Clinton Highway. In addition, one of the two subject properties is currently zoned CA (General Business) and this amendment will bring the sector plan into conformity with the zoning. The proposed plan amendment is justified and is compatible with the surrounding land uses and zoning pattern.

► **RECOMMEND that County Commission APPROVE CA (General Business) zoning.**

CA zoning is consistent with the Growth Policy Plan and sector plan, if amended as recommended.

**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:

1. Water and sewer utilities are available to this site.
2. The new Powell Drive intersects with Clinton Highway directly to the north these properties. If combined with the adjacent properties to the north, they would have access from both Clinton Highway and Old Clinton Pike.

□

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. When the North County Sector Plan was updated in 2012, the opposite side of Clinton Highway was designated a special mixed use district (MU-SD NCO-1) that allows office, light manufacturing, commercial and residential uses. The Northwest County Sector Plan is in the process of being updated and currently proposes a similar mix of land uses where the subject properties are located, including commercial uses.
2. Of the two subject properties, the southeast property (7328 Old Clinton Pike) was zoned CA in 1999, before the Northwest County Sector Plan was last amended; however, the property was designated MDR (medium density residential), most likely because the use of the property remained residential. Extending the C (commercial) land use designation to include both properties is justified because if not, the other property (7332 Old Clinton Pike) could be surrounded by commercial uses on all four sides.

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

1. The proposed land use is consistent with the policies of the Growth Policy Plan and General Plan, to concentrate commercial development in existing nodes.

□

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

1. The new Powell Drive intersects with Clinton Highway directly to the north these properties. If combined with the adjacent properties to the north, they would have access from both Clinton Highway and Old Clinton Pike.

□

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.

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. The new Powell Drive intersects with Clinton Highway directly to the north these properties. If combined with

the adjacent properties to the north, they would have access from both Clinton Highway and Old Clinton Pike.

2. The surrounding area along Clinton Highway is a commercial node that has been experiencing redevelopment of older commercial properties. The proposal is a logical extension of the adjacent CA zoning from the north, west and south.
3. The property at 7332 Old Clinton Pike has CA zoning surrounding it to the west, east, and north; and partially to the south.

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

1. CA zoning is intended for general retail business and services but not for manufacturing or for processing materials other than farm products.
2. If developed under the CA zoning, the site can be developed in such a way to be compatible and consistent with nearby development in the area.

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. The subject properties front on Old Clinton Pike, a two lane minor collector, which can support the addition of commercial uses in this location.
2. The property at 7332 Old Clinton Pike has CA zoning surrounding it to the west, east, and north; and partially to the south.

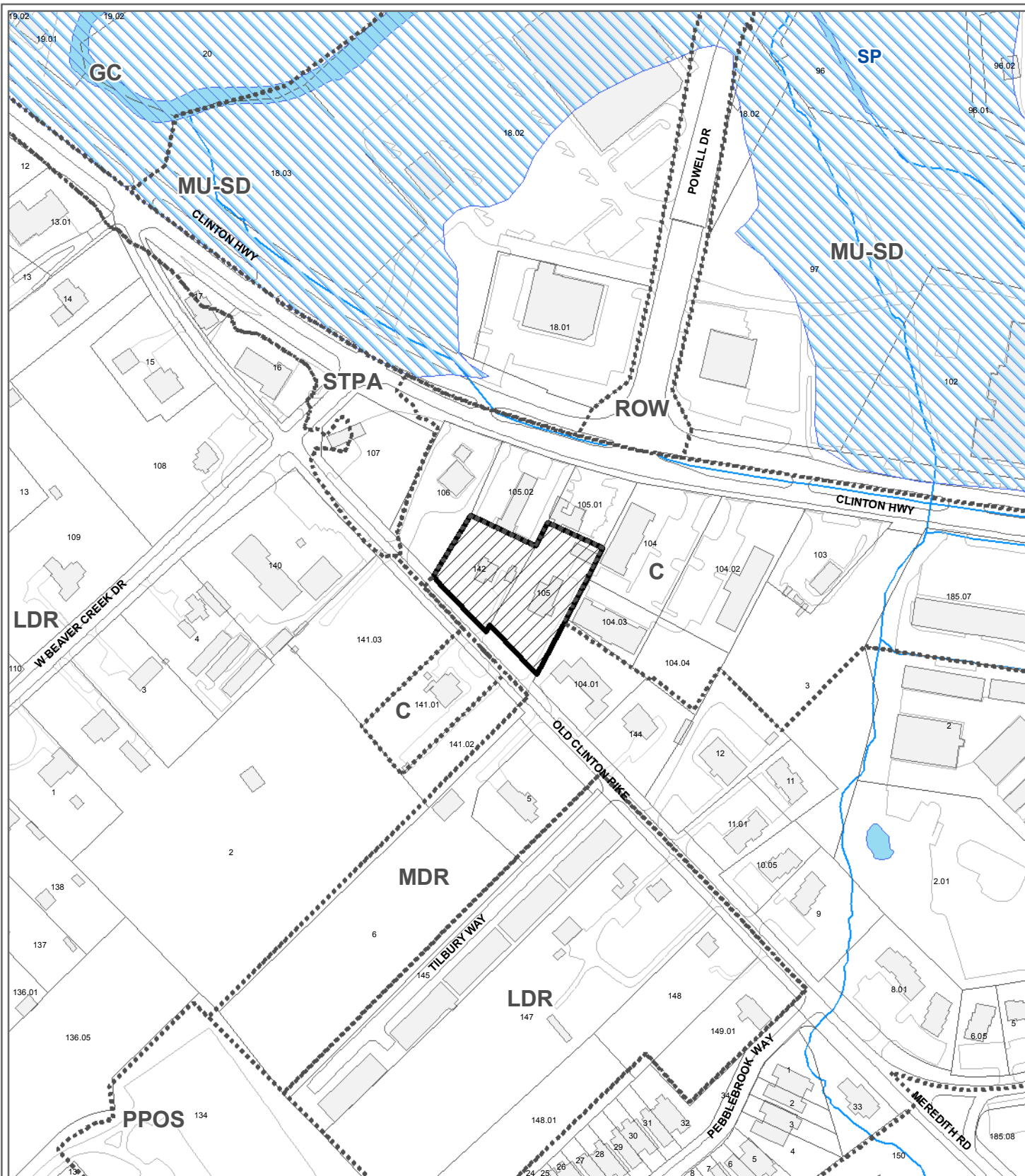
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. If the amendment to the Northwest County Sector Plan is approved, changing the land use designation from MDR (medium density residential) to C (commercial) as recommended, the proposed CA zoning and retail/restaurant uses will be consistent with the General Plan, including any of its elements.
2. Approval of this request could lead to future requests for CA zoning in this area.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 4/25/2016. 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.



**3-A-16-SP / 3-A-16-RZ  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: MDR (Medium Density Residential)

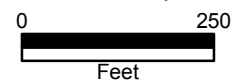


To: C (Commercial)

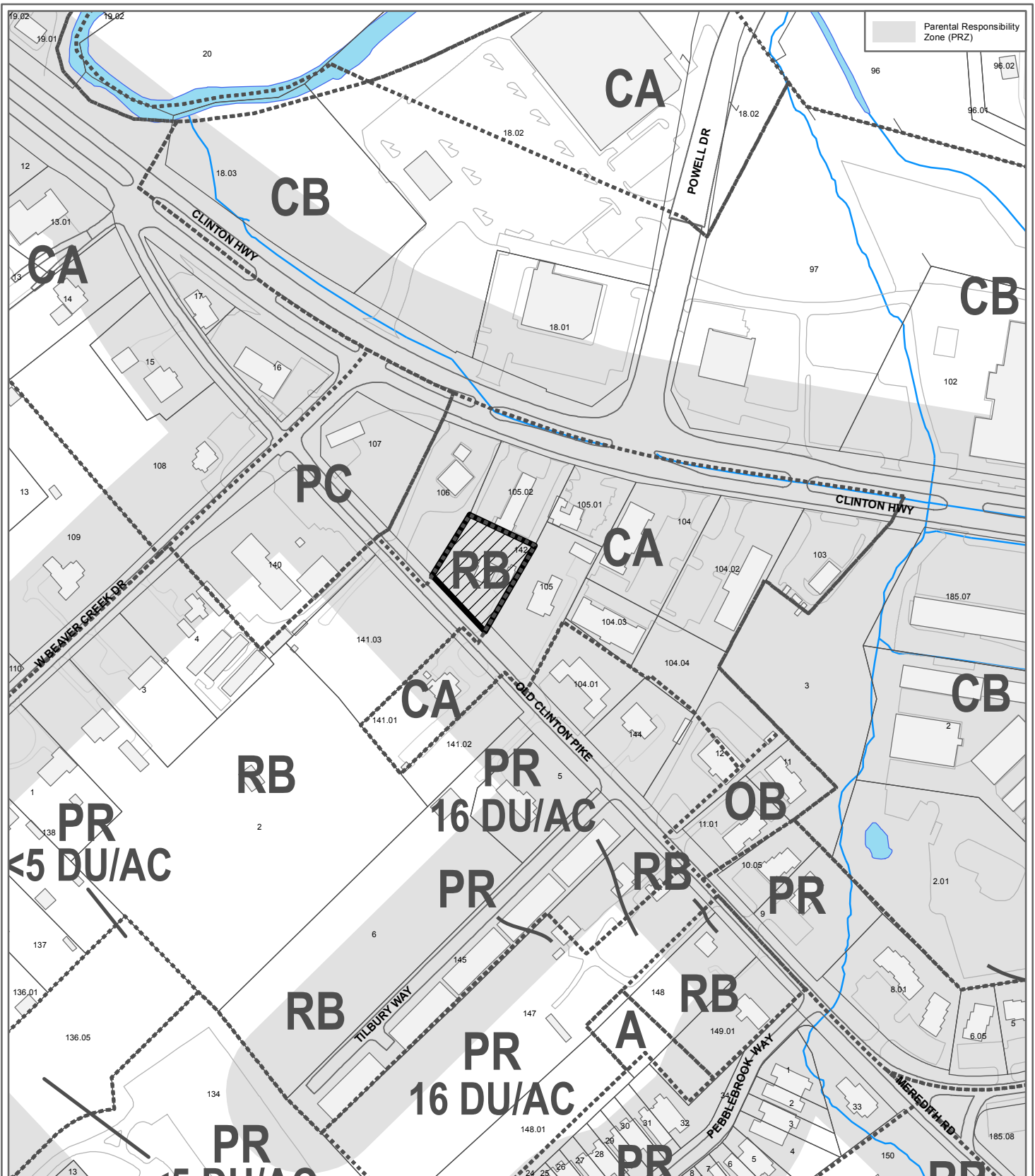
Petitioner: Calloway Hunt Real Estate LLC

Map No: 67

Jurisdiction: County



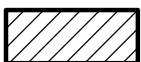
Original Print Date: 2/22/2016      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



### 3-A-16-RZ REZONING

From: RB (General Residential)

To: CA (General Business)



Original Print Date: 2/22/2016 Revised: 3/2/2016  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Calloway Hunt Real Estate LLC

Map No: 67

Jurisdiction: County

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**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**, Calloway Hunt Real Estate LLC, has submitted an application to amend the Sector Plan from Medium Density Residential (MDR) to Commercial (C), 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 March 10, 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 #3-A-16-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.

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Date

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Chairman

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Secretary