



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

▶ **FILE #:** 3-D-16-RZ
3-D-16-SP

AGENDA ITEM #: 29
AGENDA DATE: 3/10/2016

▶ **APPLICANT:** RICHARD DEFRANCISCO
OWNER(S): Richard DeFrancisco

TAX ID NUMBER: 118 H A 035 PART OF 118HA034 (MAP ON FILE) [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 1229 Lovell Rd

▶ **LOCATION:** West side Lovell Rd., south of Yarnell Rd.

▶ **TRACT INFORMATION:** 3.1 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Lovell Rd., a minor arterial street with 4 lanes and a center turn lane on 60' of pavement width within 100' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Hickory Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural) / TO (Technology Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) / CA (General Business) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** House and vacant land

▶ **PROPOSED USE:** Automobile repair

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Vacant parcel, animal hospital, residences - O, LDR - A (Agricultural)/TO (Technology Overlay) and PC (Planned Commercial)/TO

South: Developing apartment complex - MDR - PR (Planned Residential)/TO at up to 5.6 du/ac

East: Lovell Rd., vacant land - O - OB (Office, Medical & Related Services)/TO

West: Residences - LDR - A (Agricultural)/TO

NEIGHBORHOOD CONTEXT: The properties fronting along this section of Lovell Rd. between Yarnell Rd. and Snyder Rd. are zoned and developed with residential, commercial and office uses, under PC, A, PR and OB zoning, all within the TO overlay.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #3-D-16-SP, amending the Northwest County Sector Plan to C (Commercial) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.)**

Commercial use of the subject property, if limited to PC zoning, is appropriate for this site. The site is located along a minor arterial street and is just south of other commercially developed land.

- ▶ **RECOMMEND that County Commission APPROVE PC (Planned Commercial) / TO (Technology Overlay) zoning. (Applicant requested CA/TO.)**

Commercial uses are appropriate at this location, if developed under the recommended PC/TO zoning. The proposal is an extension of PC/TO zoning from the north. PC zoning will allow MPC to review a development plan for the site, at which time staff may recommend appropriate landscaping, lighting, access and signage in order to retain maximize compatibility with surrounding land uses. The requested CA zoning would not require any plan review by MPC. The applicant has excluded a 130 feet wide buffer area along the northwest portion of the site from the rezoning request. This area will remain zoned A/TO, providing sufficient separation between the proposed commercial uses and the established residential uses along Mercury Dr. to the northwest.

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:

Several road improvements have been made recently in the area, including the widening of Lovell Rd. and improvements to the intersection of Lovell Rd. and Yarnell Rd. Commercial uses and zoning have been established to the north of the site and this proposal is an extension of those uses.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan now proposes low density residential uses for the site, consistent with the current A/TO zoning. There is no error or omission in the plan, but consideration of commercial uses on this site are appropriate, considering surrounding development and zoning, and the property's frontage on a minor arterial street just south of an interchange with Pellissippi Parkway.

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

With previous approvals of commercial zoning and development in the area to the north, a pattern has been established to concentrate commercial development in the area.

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

A trend of commercial development has been established to the north of the site since road and intersection improvements were made. This proposal continues that trend.

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. There are a mix of uses in the surrounding area, all of which would be compatible with commercial uses. An animal hospital and a convenience store/gas station are located on the same side of Lovell Rd. to the north of the site.
2. The site is accessed from Lovell Rd., a minor arterial street, with sufficient capacity to support commercial development.
3. With the recommended approval of the associated plan amendment (3-D-16-SP), this rezoning proposal is consistent with the Northwest County Sector Plan, as amended by the TTCDA Comprehensive Development Plan.

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

1. The requested PC zoning allows commercial uses, but site plans are subject to MPC review and approval as a use on review development plan prior to issuance of building permits.
2. Based on the property's location just south of other PC/TO zoned properties, the proposed rezoning is clearly compatible with the surrounding development and zoning pattern.
3. The property is located within the TO (Technology Overlay). Because of this overlay, the Tennessee Technology Development Corridor Development Authority (TTCDA) must issue a Certificate of Appropriateness for both the rezoning and the development plan. The TTCDA board is scheduled to consider the Certificate of Appropriateness for the rezoning at their monthly meeting on March 29, 2016.

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 and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Establishment of PC zoning at this location would have little to no adverse impact on surrounding properties.
3. The site has access to Lovell Rd., a minor arterial street with sufficient capacity to handle additional traffic that would be generated by commercial use of this site.
4. This proposed amendment of the zoning map will not adversely affect any other part of the County.

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 C (Commerical), either the recommended PC/TO zoning or the proposed CA/TO zoning could be considered.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This proposal does not present any apparent conflicts with any other adopted plans.

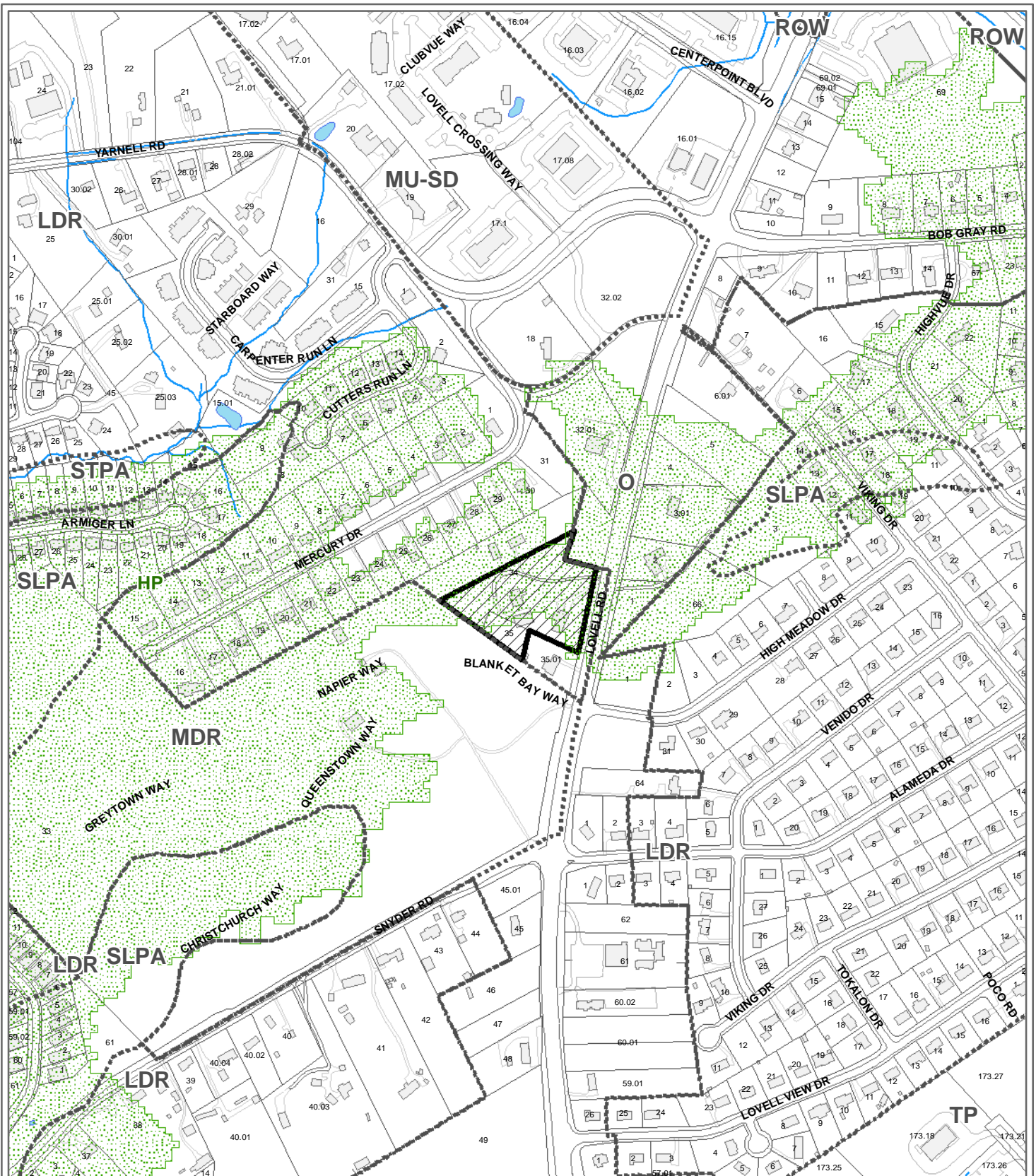
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law provides for two methods to amend the plan at TCA 13-3-304:

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

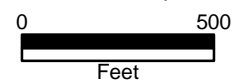
From: LDR (Low Density Residential)
To: C (Commercial)

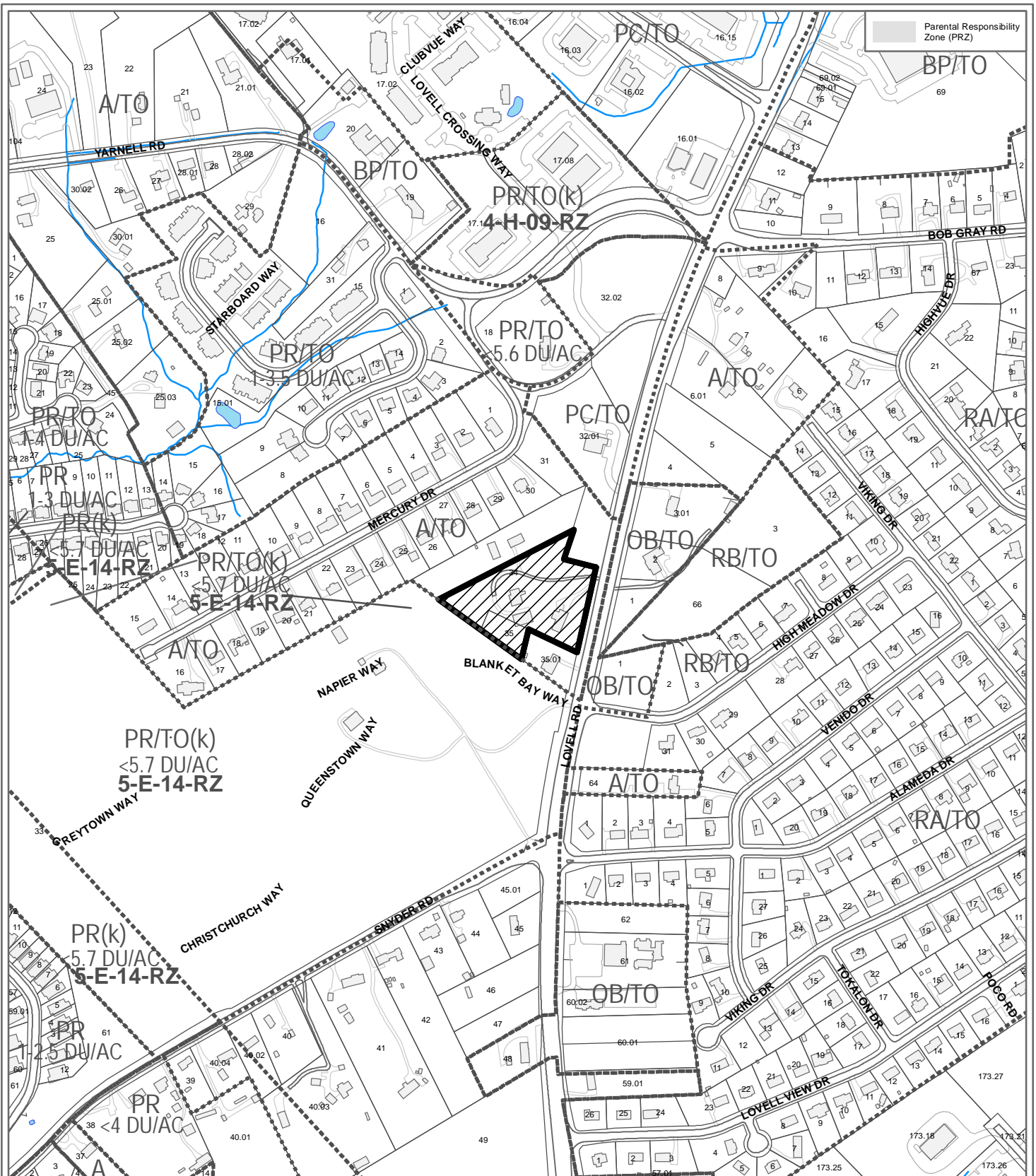


Petitioner: DeFrancisco, Richard

Map No: 118
Jurisdiction: County

Original Print Date: 2/23/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**3-D-16-RZ
REZONING**

From: A (Agricultural) / TO (Technology Overlay)
 To: CA (General Business) / TO (Technology Overlay)



Petitioner: DeFrancisco, Richard

Map No: 118

Jurisdiction: County



Original Print Date: 2/23/2016 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, Richard DeFrancisco, has submitted an application to amend the Sector Plan from Low Density Residential to Commercial, 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-D-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.

Date

Chairman

Secretary

3-D-16-RZ/3-D-16-ST

3-A-16-TOR



CERTIFICATION OF CATEGORY AND ACCURACY OF SURVEY
I HEREBY CERTIFY THAT THIS CATEGORY 1, SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON.
SURVEYOR STANLEY E. HINDS, BOOK PER. NO. 1122.

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED AND OTHER DOCUMENTS FURNISHED BY THE ATTORNEY, THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN THOSE SHOWN AND THAT THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEY FOR SYNCHRONICITY LLC
DIST. 6 WARD _____ CITY OF _____ COUNTY KNOX
ADDRESS 1229 LOVELL ROAD
LOT NO. _____ BLOCK _____ UNIT _____
S/D _____
INSTR. 201512220037644 SCALE 1"= 100' DATE 1-29 2016
JOB NO. _____ ORDERED BY: INDEP.



HINDS SURVEYING CO.
3555 WINDY J FARMS DR. LOUISVILLE, TN 37777
PH. 588-9799 FAX. 233-3393
WWW.HINDSSURVEYING.COM

3-D-16-R2/3-D-16-SP
3-A-16-TOR

Michael Jay Beeler
1221 Lovell Road
Knoxville, TN 37932

Knox County Metropolitan Planning Commission
City County Building Suite 403
400 Main Street
Knoxville, TN 37902

Re: Rezoning Application for 1229 Lovell Road

Dear MPC Board:

I am the owner of the property of 1221 Lovell Road, which is next door to the 1229 Lovell Road, the property in question. I have reviewed the plans for the property and agree with the improvements that will be made. I am very glad the property is going to be cleaned up and support the change in zoning.

Sincerely,



Michael Jay Beeler

3-D-16-R2/3-D-16-SP

3-A-16-TOR

