



KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION PLAN AMENDMENT REPORT

► **FILE #:** 4-E-16-SP **AGENDA ITEM #:** 29
POSTPONEMENT(S): 4/14/2016 **AGENDA DATE:** 5/12/2016
► **APPLICANT:** KNOX COUNTY COMMISSION
OWNER(S): James Sternberg

TAX ID NUMBER: 56 E C 007 056-122,12201,12202,12301,12302 [View map on KGIS](#)
(PORTIONS NORTH OF RAILROAD ONLY)

JURISDICTION: Commission District 7

STREET ADDRESS:

► **LOCATION:** Southeast side W. Emory Rd., southwest of Central Avenue Pike

► **APPX. SIZE OF TRACT:** 37 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W. Emory Rd., a major arterial street with 4 lanes and a center turn lane within 80' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

► **PRESENT PLAN AND ZONING DESIGNATION:** MU-CC (Mixed Use Community Commercial), LDR (Low Density Residential) and Stream Protection / A (Agricultural) and TC (Town Center)

► **PROPOSED PLAN DESIGNATION:** GC (General Commercial) and Stream Protection

► **EXISTING LAND USE:** Vacant land and dwellings

► **PROPOSED USE:** Commercial development

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: Redesignated as MU and rezoned TC in 2005 (8-C-05-RZ/8-A-05-SP). MPC recommended MU-CC and partial PC zoning for the site on January 14, 2016 (10-B-15-SP/10-B-15-RZ).

SURROUNDING LAND USE AND PLAN DESIGNATION: North: W. Emory Rd. - Residential subdivisions / LDR
South: Beaver Creek floodway, residential / LDR, STPA
East: Library and veterinary clinic / CI, NC
West: Vacant land / LDR, HP

NEIGHBORHOOD CONTEXT This site is located in an area that is developed with primarily residential uses under A, PR and RA zoning. There is also a large church, library and an animal hospital in the surrounding area.

STAFF RECOMMENDATION:

- **ADOPT RESOLUTION #4-E-16-SP, amending the North County Sector Plan to GC (General Commercial) and recommend Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.), subject to conditions below.**

RECOMMENDED CONDITIONS TO BE PLACED ON THE REZONING:

LANDSCAPING:

1. As the property is developed, the following landscaping shall be installed within six (6) months of the issuance of a final CO (Certificate of Occupancy) for any building(s):
A landscape strip with an average width of 10 feet and a minimum width of 7 feet shall be provided between the development and any street or road, including internal access streets or roads. The landscape strip shall be planted with one large maturing tree per 40 linear feet or one small maturing tree per 30 linear feet. Trees may be grouped provided that the minimum distance between trees is 10 feet and the maximum distance between trees is 60 feet.
2. Parking areas shall be buffered from roads, streets, and adjacent property with a continuous row of shrubs, with a minimum height at maturity of 30 inches and a minimum height when planted of 12 inches, planted in a landscape strip with a minimum width of 5 feet. This buffer may be combined with and located within the street tree planting area described above.
3. Parking areas shall be landscaped with 1 large maturing tree and 2 shrubs per 3,000 square feet of vehicular use area. The trees and shrubs shall be planted in landscape islands with a minimum area of 120 square feet per tree. A minimum of 50% of the required trees shall be located within the parking area and the remainder may be planted in the buffer area on the perimeter of the parking area. Up to 50% of the street trees described above may be counted toward the required parking lot trees.
4. Landscaping of the property can be installed in phases as portions of the property are developed. Landscaping shall be provided on those portions on the property on which the development is located.

CURB CUTS:

Curb cuts providing access to development on the property shall be limited to three (3). One will be located on the eastern side of the property in the location of the existing driveway to the veterinary clinic, one between this drive and the residential-style structures located to the west, and one on the western-most side of the property.

PEDESTRIAN CONNECTIVITY

To assure pedestrian access through the property, the following pedestrian amenities shall be provided as part of the development of the property:

1. A greenway easement shall be provided along Beaver Creek in a location and width acceptable to the Knox County Recreation Department.
2. Pedestrian connections in the form of sidewalks and/or trails shall be provided from the existing sidewalk located along W. Emory Road to the proposed greenway along Beaver Creek.
3. Pedestrian access shall be provided through parking areas to the front/main entrance of the buildings constructed on the property.

BUILDING DESIGN:

In an effort to assure that new buildings constructed on the property are compatible with the character of the Powell community, all new buildings shall be constructed to the following standards:

1. The street facing facades of all buildings shall be constructed of brick, stone, or other high quality masonry material, cementitious siding, or other high quality building material. No vinyl shall be used on the front façade of any building.
2. A minimum of 30% of the first floor of the front facade of all retail buildings shall be windows, doors, or other form of glazing.

PLAN REVIEW

The approval of site and building plans for development of all or any portion of the property shall be through administrative review, with the Metropolitan Planning Commission staff having authority to approve the plans. Development plans may be submitted for all of the property, or any portion of the property if the development is undertaken in a phased manner. Any appeal of staff decisions will be considered by the Metropolitan Planning Commission at a public hearing.

COMMENTS:

Two requests were originally filed by owner James Sternberg for MPC consideration on October 8, 2015. The items were postponed at the request of the applicant until January 14, 2016. At the January 14, 2016 meeting, MPC voted to recommend to County Commission that the entire site north of the railroad tracks be designated as MU-CC on the sector plan and be rezoned to PC to a depth of 500 feet from W. Emory Rd. These MPC recommendations were forwarded to Knox County Commission for final action at their February 22, 2016 meeting. At that meeting, County Commission voted to postpone the rezoning request and initiate a sector plan amendment to GC for the entire site north of the railroad tracks. The sector plan amendment, now with Knox County Commission as the applicant, was referred back to MPC for reconsideration of GC. Once MPC makes a recommendation on this plan amendment, both the plan amendment and rezoning will be reconsidered by Knox County Commission at their earliest possible meeting. Since the sector plan amendment has now been initiated by County Commission, they will have the final authority to vote how they wish on both matters.

The majority of this site is designated for mixed community commercial uses (MU-CC) on the sector plan, with the remainder shown as LDR. The MU-CC designation was placed on most of the property at the time it was rezoned to TC in 2005. It was very clear at the time that the plan was amended only to accommodate the mix of uses allowed under the current TC zoning, along with the development guidelines associated with TC zoning. TC zoning does not allow strip commercial development and requires a development plan that includes a mix of uses, including residential, commercial, offices and open space according to development guidelines provided in the TC zoning district. The applicant has reasonable use of the property under the current plan designation and zoning, but it needs to be marketed for a unified, mixed use Town Center style development. The current MU-CC designation does allow consideration of planned zoning districts, which would include the PC (Planned Commercial) or SC (Shopping Center) zoning districts. However, either of those zones would allow consideration of strip commercial development, which was not the intent of the 2005 sector plan amendment and rezoning to Town Center uses. The property was rezoned at that time for a very specific type of town center development only. However, if CA zoning is to be considered, MPC staff recommends the above conditions in order to place some controls on how the property is eventually developed.

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:

This section of W. Emory Rd. has recently been improved. The widening of this section of W. Emory Rd. was completed prior to 2005, when the subject property was rezoned to TC. The Powell Drive extension further west has now been completed as well.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The general commercial designation is only appropriate if the recommended conditions are tied to the rezoning. The current MU-CC designation placed on most of the subject property in 2005 is appropriate and is not an error or omission.

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

There have been no significant changes that have taken place to justify amendment of the sector plan, as requested. Staff maintains that, without the recommended zoning conditions, general commercial uses are not appropriate at this location. However, with the referral of this request back from Knox County Commission for reconsideration, staff is recommending conditions on the rezoning to CA. To date, general commercial development in the area has been limited to properties to the northeast from the intersection of W. Emory Rd. and Central Avenue Pike to the I-75/Emory Rd. interchange and beyond.

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

The only change in the area that may warrant an amendment to the sector plan is the widening of W. Emory Rd. in front of this site. This was done prior to 2005. A large portion of the site is already designated as MU-CC. The plan was amended to MU-CC for that area in 2005 (8-A-05-SP). It was also rezoned to TC (Town

Center) at that time (8-D-05-RZ).

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 6/27/2016. 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.