



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

▶ **FILE #:** 11-B-16-RZ
11-A-16-SP

AGENDA ITEM #: 31
AGENDA DATE: 11/10/2016

▶ **APPLICANT:** DANIEL AND GRACE E. CASS LIVING TRUST
OWNER(S): Dianne Brown

TAX ID NUMBER: 51 06903 [View map on KGIS](#)
JURISDICTION: Commission District 8
STREET ADDRESS:

▶ **LOCATION:** Southeast side Millertown Pike, northeast side Ellistown Rd.

▶ **TRACT INFORMATION:** 3.81 acres.

SECTOR PLAN: Northeast County
GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)
ACCESSIBILITY: Access is via Millertown Pike, a minor arterial street with 20' of pavement width within 50' of right-of-way, or Ellistown Rd., a major collector street with 20' of pavement width within 40' of right-of-way.
UTILITIES: Water Source: Northeast Knox Utility District
Sewer Source: Knoxville Utilities Board
WATERSHED: Legg Creek

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

▶ **PROPOSED PLAN DESIGNATION/ZONING:** RC (Rural Commercial) / CR (Rural Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Commercial

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of RC designation from the north.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Millertown Pike, vacant retail building, vacant land / RC / CA (General Business) & A (Agricultural)
South: Residence and vacant land / LDR / A (Agricultural)
East: House and vacant land / LDR / A (Agricultural)
West: Ellistown Rd., residences / RC / CA (General Business)

NEIGHBORHOOD CONTEXT: The subject property is located at the southeast corner of the intersection of Millertown Pike and Ellistown Rd, at an established CA-zoned node. Agricultural and rural to low density residential uses are located in the surrounding area, zoned A and PR.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #11-A-16-SP, amending the Northeast County Sector Plan to RC (Rural Commercial) sector plan designation, and recommend the Knox County Commission also approve the sector plan amendment, to make it operative.**

CA zoning is already in place on all four corners of the intersection, so this commercial node is already established. The site's location at the intersection of two arterial streets (rural crossroads) make it appropriate for the establishment of a commercial node. The description of the rural commercial designation specifically states under the location criteria that it should be placed at the intersection of two thoroughfares (arterial or collector roads).

- ▶ **RECOMMEND that County Commission APPROVE CR (Rural Commercial) zoning.**

For this site, CR is the most appropriate commercial zone that is permitted within the Rural Area of the Growth Policy Plan. A one acre site to the north is already zoned CA. This site is located at a rural crossroads, the intersection of two arterial or collector streets, making it appropriate for CR zoning. This area was identified on the Northeast County Sector Plan Update (approved January 25, 2016) as rural commercial crossroads. The majority of the subject property is already designated as RC on the plan. The portion proposed for the plan amendment is a minor, logical extension of the already established RC on most of the parcel.

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 made to Millertown Pike or Ellistown Rd. in the vicinity of this site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The recently updated Northeast County Sector Plan currently proposes rural commercial uses for most of the subject property. The recommended plan amendment is a small, logical extension of that designation to include the entire subject parcel.

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

No changes in government policy impact this proposal. The CA zoned areas around this intersection have been in place for many years, despite the fact that they are not consistent with the current sector plan or Growth Plan proposals for the area. The precedent for commercial in this area has been set, and this minor extension of it is acceptable, as long as the zoning is limited to CR.

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

The adjacent parcel to the north, zoned CA, is developed with a commercial building and all four corners of the intersection have some CA zoning in place. This proposal is a minor extension of commercial use to cover the entire parcel, which due to its location at a rural crossroads intersection, is appropriate for rural 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. CR is the most appropriate commercial zone that can be considered for this site, which is located within the Rural Area designation on the Growth Policy Plan, limiting eligible commercial zones.
2. CR zoning will allow the property to be developed with businesses to serve the commercial needs of the surrounding rural area.
3. Portions of CA zoning is already in place on all four corners of the intersection, so this commercial node is already established. The site's location at the intersection of two arterial streets (rural crossroads) make it appropriate for the establishment of a commercial node. The description of the CR zoning district in the zoning ordinance specifically states in the description that it should be placed at the intersection of arterial and/or collector streets in order to maximize accessibility from surrounding areas.

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

1. The requested CR zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Development performance standards are included to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.
2. Based on the above description, the recommended portion of the site is appropriate for CR 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. Public water is available to serve the site. Sanitary sewer is not currently available in the area, but could be extended, if necessary, to serve this site.
2. The proposal will have no impact on schools, and the traffic impact will depend on the type of uses that are proposed.
3. CR zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.

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 on a small portion of the subject property to RC, CR zoning would be consistent with the Northeast County Sector Plan.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map, which limits the types of commercial and other zones that can be proposed. CR is a zone that may be considered within the Rural Area.
3. The recommended zoning change does not present any apparent conflicts with any other adopted plans.

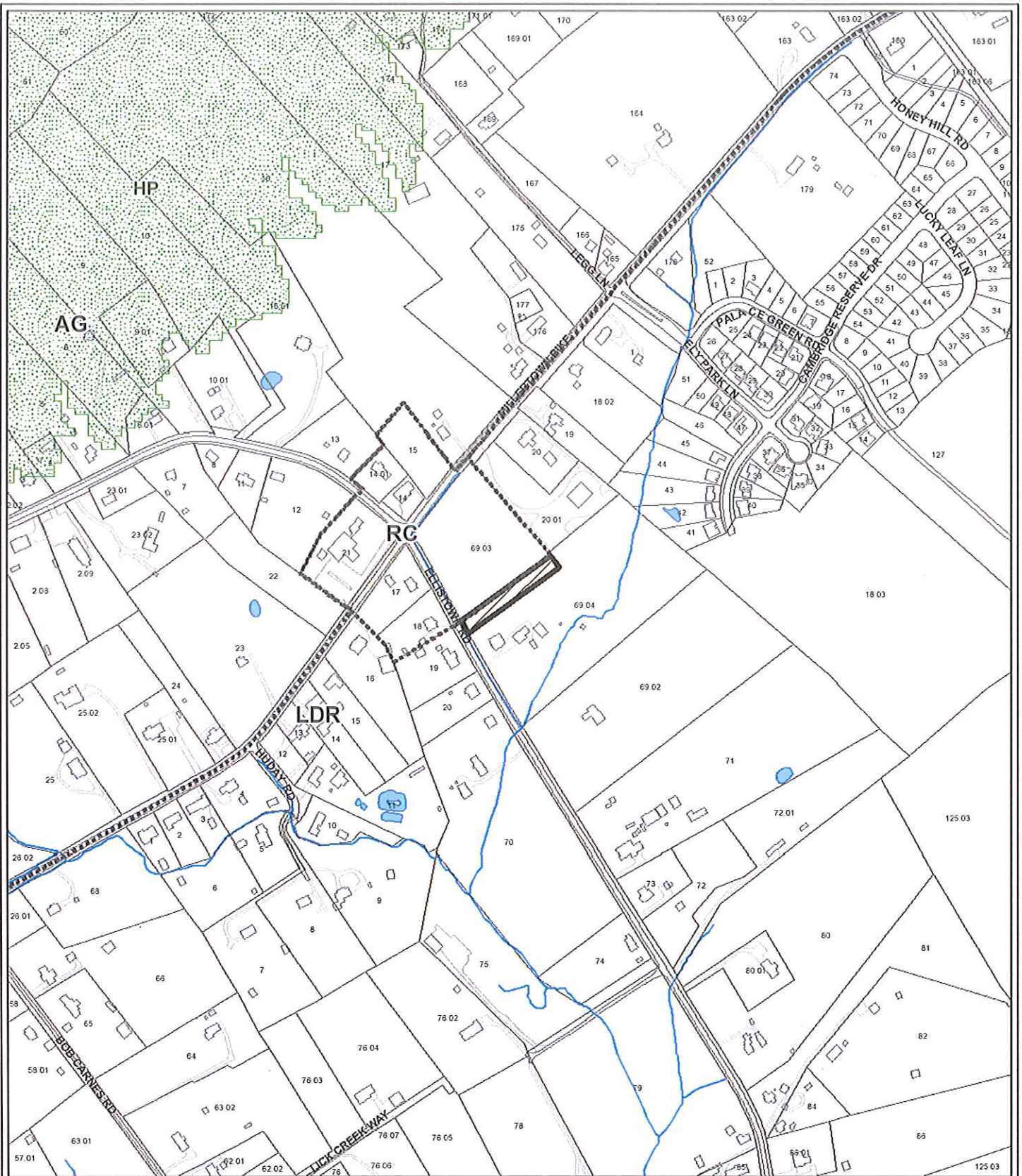
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 12/19/2016. 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.



**11-A-16-SP / 11-B-16-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

Petitioner: Daniel and Grace E. Cass Living Trust



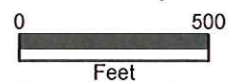
From: LDR (Low Density Residential)

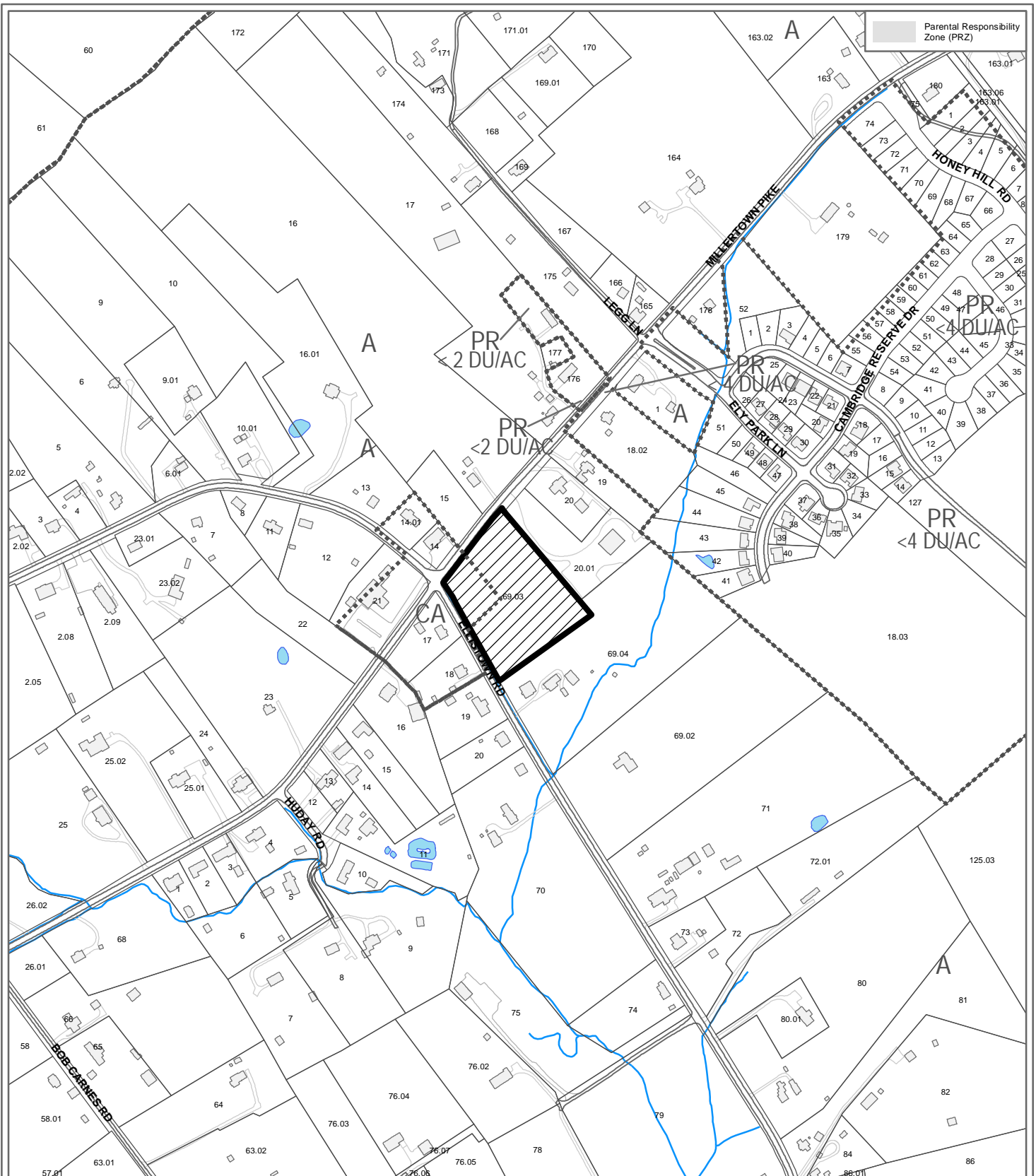
To: RC (Rural Commercial)

Map No: 51

Jurisdiction: County

Original Print Date: 11/2/2016 Revised: 11/3/2016
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**11-B-16-RZ
REZONING**

From: A (Agricultural) & RA (Low Density Residential)
To: CR (Rural Commercial)



Petitioner: Daniel and Grace E. Cass Living Trust

Map No: 51

Jurisdiction: County



Original Print Date: 10/19/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHEAST 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 Northeast 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, Daniel and Grace E. Cass Living Trust, has submitted an application to amend the Sector Plan from Low Density Residential to Rural Commercial, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northeast 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 November 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 Northeast County Sector Plan, with its accompanying staff report and map, file #11-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.

Date

Chairman

Secretary

REZONING PLAN AMENDMENT

Name of Applicant: Daniel & Grace E. Cass Revoc. Trust Living Dianne Brown, Trustee David Cass, Trustee

Date Filed: 9/20/2016 Meeting Date: 11/10/2016

Application Accepted by: Marc Payne

Fee Amount: 1,000.00 File Number: Rezoning 11-B-16-RZ

Fee Amount: 600.00 File Number: Plan Amendment 11-A-16-SP



PROPERTY INFORMATION
Address: Millertown Ellistown Rd.
General Location: 3/4 INTERSECTION OF Ellistown Rd. & MILLERTOWN PIKE
Parcel ID Number(s): 051 06903
Tract Size: 3.81 ac
Existing Land Use: VACANT
Planning Sector: NORTHEAST COUNTY
Growth Policy Plan: URBAN
Census Tract: 52.02
Traffic Zone: 134
Jurisdiction: [X] County Commission 8th District

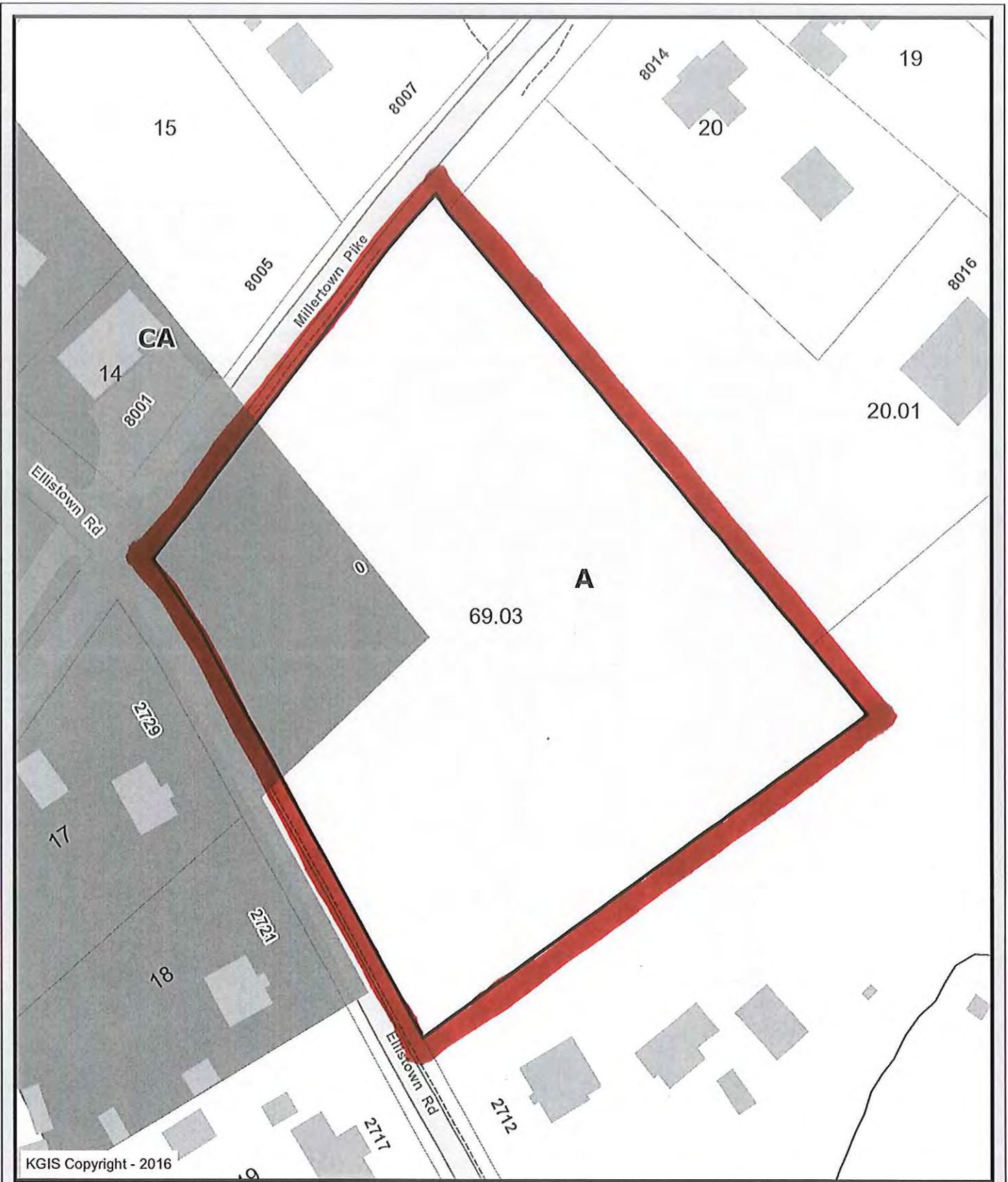
PROPERTY OWNER OPTION HOLDER
PLEASE PRINT Name: Dianne Brown, Trustee
Company:
Address: 7018 Rising Rd
City: Knoxville State: TN Zip: 37924
Telephone: 865-591-0643
Fax: 865-522-6814
E-mail: casbrown1@att.net

APPLICATION CORRESPONDENCE
PLEASE PRINT Name: Dianne Brown
Company:
Address: 7018 Rising Rd
City: Knoxville State: TN Zip: 37924
Telephone: 865-591-0643
Fax:
E-mail:

Requested Change REZONING
FROM: CA/A
TO: CR
PLAN AMENDMENT
[] One Year Plan [X] NORTHEAST Sector Plan
FROM: RC/LOR
TO: ROR RC

APPLICATION AUTHORIZATION
I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.
Signature: Dianne Brown
PLEASE PRINT Name: Dianne Brown
Company:
Address: 7018 Rising Rd.
City: Knoxville State: TN Zip: 37924
Telephone: 865-591-0643
E-mail: casbrown1@att.net

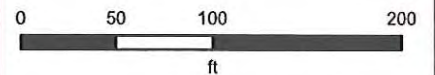
PROPOSED USE OF PROPERTY
COMMERCIAL
Density Proposed Units/Acre
Previous Rezoning Requests:



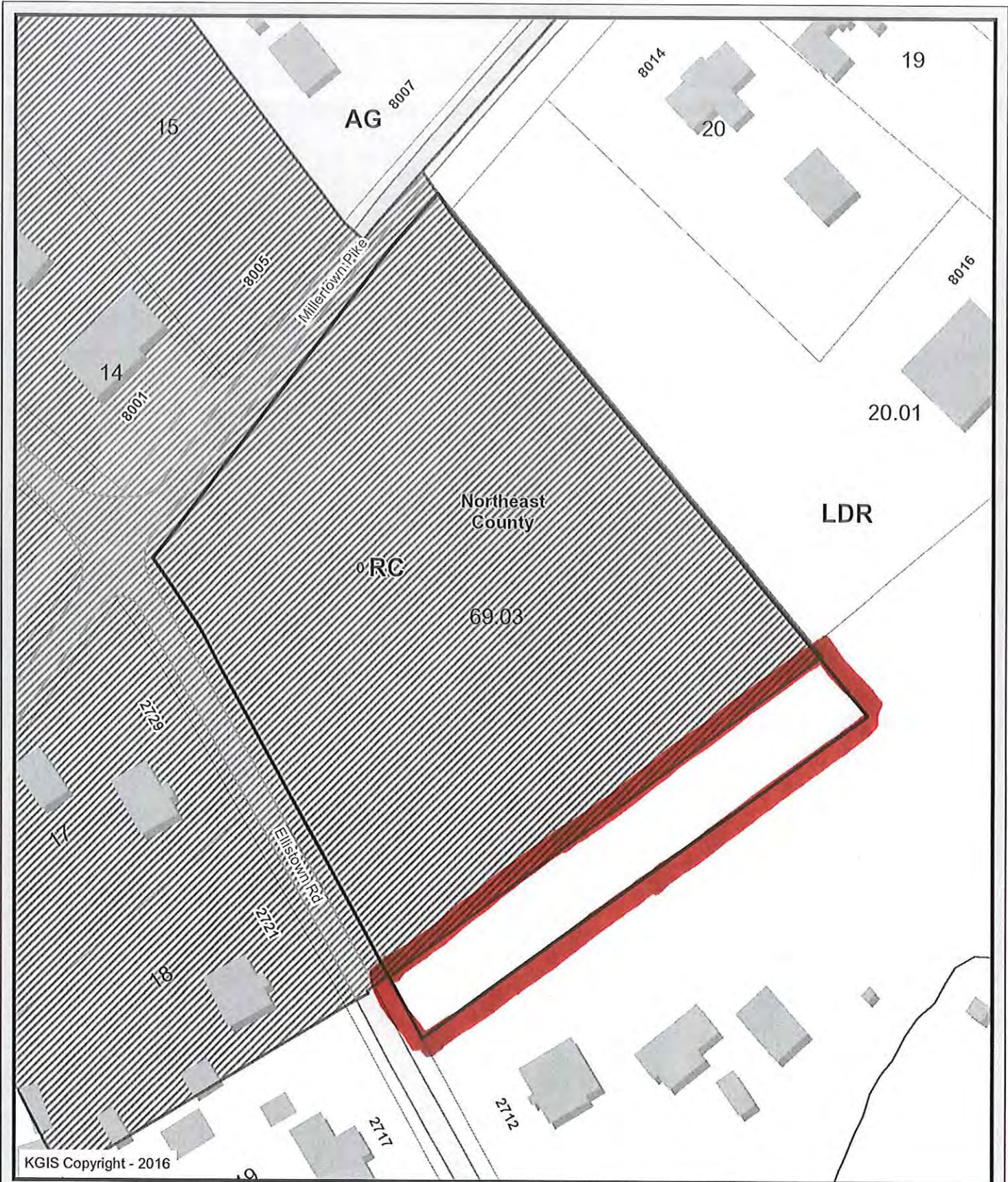
Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

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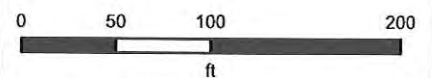
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