



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

▶ **FILE #:** 10-H-17-RZ
10-D-17-PA

AGENDA ITEM #: 38
AGENDA DATE: 12/14/2017

▶ **APPLICANT:** GARY KOONTZ
OWNER(S): Gary Koontz

TAX ID NUMBER: 57 078 [View map on KGIS](#)

JURISDICTION: Council District 5

STREET ADDRESS: 6907 Central Avenue Pike

▶ **LOCATION:** West side Central Avenue Pike, north of Callahan Dr.

▶ **TRACT INFORMATION:** 5.18 acres.

SECTOR PLAN: North County

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

ACCESSIBILITY: Access is via Central Avenue Pike, a minor arterial street with 22' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Knob Fork Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential), LDR (Low Density Residential) & F (Floodway) / R-2 (General Residential), A-1 (General Agricultural) & F-1 (Floodway)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) & F (Floodway) / C-4 (Highway and Arterial Commercial) & F-1 (Floodway)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Any use permitted in C-4 zoning district

EXTENSION OF PLAN DESIGNATION/ZONING: Extension of GC for narrow properties along the interstate but not for properties along Central Avenue Pike

HISTORY OF ZONING REQUESTS:

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Retail, houses / C-3 (General Commercial), RB (General Residential), A (Agricultural)

South: Vacant land, commercial / R-2 (General Residential), A-1 (Agricultural), C-3 (General Commercial), C-4 (Highway & Arterial Commercial)

East: House / RB (General Residential)

West: Knob Fork Creek, vacant land, I-75 ROW / F-1 (Floodway), C-4 (Highway & Arterial Commercial)

NEIGHBORHOOD CONTEXT: This section of Central Ave. Pike has a triangular shaped land area bordered by railroad right-of-way to the east, and Knob Creek and I-75 to the west. It is developed with older homes, church, office and commercial uses

developed under R-2, RB, A-1, A, C-3, C-4, CA, and CB zones. The commercial uses are predominantly located around the Callahan Drive intersection.

STAFF RECOMMENDATION:

► **RECOMMEND that City Council APPROVE GC (General Commercial) and F (Floodway) One Year Plan designations.**

In October 2017, the Metropolitan Planning Commission (MPC) denied the requested amendment to the OYP and the applicant subsequently appealed the decision to City Council. The application was referred back to MPC by City Council to reconsider amending the OYP to GC (General Commercial). MPC staff previously recommended denial of the requested amendment because it is inconsistent with the adopted plans and because the subject property is not contiguous with the larger commercial area to the south. Staff also commented that if City Council approves a OYP amendment for this property, the land use recommendations for this area should also be updated to reflect this change in policy. Staff is now recommending approval of GC for the subject property and reiterating the need to reconsider the OYP and Sector Plan designations along this stretch of Central Avenue Pike. This could be considered as part of the annual update the OYP in early 2018.

► **RECOMMEND that City Council APPROVE C-3 (General Commercial) and F-1 (Floodway) zoning, subject to 1 condition (Applicant requested C-4).**

1. A use on review development plan must be reviewed and approved by MPC prior to any development of the site.

With the recommended condition and the associated One Year Plan and Sector Plan amendments, C-3 zoning is appropriate for the subject property.

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 - The One Year Plan (OYP) currently designates this site MDR (Medium Density Residential) for the first 200' of depth, and LDR (Low Density Residential) and F (Floodway) on the remainder, consistent with the current R-2, A-1 and F-1 zoning. There is no known error in the plan.

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 made in the vicinity of this site.

C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - City Council referred the application back to MPC for reconsideration of GC (General Commercial) for this site.

D. NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT - The OYP recommends MDR and LDR land uses and the North County Sector Plan, adopted in 2012, recommends MDR/O for the subject property. There have been no other adopted plans since that recommend different land uses.

Staff is recommending C-3 zoning because it is more appropriate for this location. The intended use for the property is allowed in C-3 and the applicant is in agreement with the staff zoning recommendation and the condition that use on review be required for any development of the site.

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. With approval of the associated One Year Plan and Sector Plan amendments, the C-3 zoning will be consistent with the new development policy for this area.

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

1. The requested C-4 zone, as described in the zoning ordinance, is intended to "provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. Typical uses offer accommodations and services to motorists, contain certain specialized retail outlets, or provide commercial amusement enterprises. It is the intent to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building."
2. The recommended C-3 zone, as described in the zoning ordinance, is intended to "include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. 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 intent statements, C-3 zoning is more appropriate because the commercial development will be displacing residential development and will better preserve the carrying capacity of Central Avenue Pike.

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. If C-3 zoning is approved for this property, it sets a precedent for potentially allowing further encroachment of commercial uses along Central Avenue Pike to the north and the surrounding area should be reviewed to determine if the land use plans should be amended to reflect this new land use pattern.
2. Public water and sewer utilities are available to serve the site.
3. Use on review approval for any development of the site is recommended as a condition to ensure that proper access control is obtained and that the floodplain to the rear of the property is protected.

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 approval of the requested One Year Plan amendment to GC, the requested C-3 zoning will be consistent with the plan.
2. With approval of the requested North County Sector Plan amendment to GC, the requested C-3 zoning will be consistent with the sector plan.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. The proposed 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 1/16/2018 and 1/30/2018. 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.