



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

▶ **FILE #:** 2-D-17-RZ
2-B-17-SP

AGENDA ITEM #: 43
AGENDA DATE: 2/9/2017

▶ **APPLICANT:** CERTIFIED PROPERTIES, LLC
OWNER(S): William C. Slagle

TAX ID NUMBER: 119 H F 015 [View map on KGIS](#)

JURISDICTION: Commission District 3

STREET ADDRESS: 509 N Cedar Bluff Rd

▶ **LOCATION:** West side N. Cedar Bluff Rd., north of Dutchtown Rd.

▶ **TRACT INFORMATION:** 1.04 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via N. Cedar Bluff Rd., a major arterial street with 4 lanes and a center turning lane within 110' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Turkey Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / OA (Office Park)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / CN (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Neighborhood commercial

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of NC plan designation and CN zoning from the north

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: House / NC / CN (Neighborhood Commercial)
South: Offices / LDR / OB (Office, Medical & Related Services)
East: N. Cedar Bluff Rd., vacant land / OS / RP-1 (Planned Residential) at 12 du/ac
West: Residence / LDR / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area north and west of the intersection of Dutchtown Rd. and N. Cedar Bluff Rd. is developed with office uses along Cedar Bluff Rd. and residences to their rear, zoned OA, OB, CN, RA and A.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #2-B-17-SP, amending the Northwest County Sector Plan to NC (Neighborhood**

Commercial) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)

The NC plan designation for the subject property is a logical extension of NC from the north, is compatible with the surrounding land uses and zoning and is consistent with the recommended amendment to the sector plan.

► **RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning, subject to two conditions.**

1. Prior to the establishment of a commercial use of the property, the site must be brought into compliance with all regulations of the CN zoning district.
2. If a drive-thru facility is proposed, it must have access to a shared driveway with parcel 14 to the north. This shared driveway must align with Fox Lonas Dr. on the east side of N. Cedar Bluff Rd. and utilize the existing traffic signal at that location.

With the recommended conditions above, the subject property is appropriate for CN zoning. CN zoning is compatible with the surrounding land uses and zoning pattern in the area, is an extension of CN from the north and is consistent with the recommended sector plan amendment to NC.

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 recently to N. Cedar Bluff Rd., but it is a major arterial street capable of handling the additional traffic that will be generated with commercial use of the site. The site is already has access to water and sewer utilities.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan proposes low density residential uses for the site, which is not consistent with the current OA zoning of the site. The three parcels in the northwest quadrant of the Cedar Bluff Rd./Dutchtown Rd. intersection should all be designated for either office or neighborhood commercial uses. Currently, the parcel to the north is designated as NC, but the other two are LDR. These properties are not appropriate or desirable for low density residential use.

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

Considering the current OA, OB and CN zoning of the subject property and the properties to the north and south, it is apparent that non-residential development of these sites is supported by Knox County.

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

The site's location near a major intersection along a high-traffic, commercialized, major arterial street make it more suitable for office or commercial uses, rather than the current LDR uses proposed.

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. CN is a logical extension of zoning from the north. It would be ideal if this and parcel 14 to the north are developed together using a shared access drive.
2. CN uses will be compatible with the surrounding land uses and zoning pattern.
3. The applicant does not have a specific proposed use for the site at this time. Many CN uses, including a drive-thru restaurant require use on review approval by MPC. With the recommended conditions, staff is comfortable that the property can be developed in an appropriate and safe manner.

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

1. The requested CN zoning district provides the opportunity to locate limited retail and service uses in a

manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

2. The subject property clearly fits the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance.

3. The development criteria contained within the CN zone are essential to minimize the impacts to adjacent residential uses and lead to compatible development. Staff is not likely to support any BZA variances to these development standards for this site, especially to the landscaping, setback and signage standards, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.

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 recommended CN zoning will allow the applicant to develop commercial uses at the site in manner that minimizes possible negative impact to residential areas and maximizes safety.

2. The proposed CN zoning includes many standards for development near residential areas, so should have minimal impact on the surrounding area.

3. Public water and sanitary sewer utilities are available to serve the site.

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 of the Northwest County Sector Plan map to NC, the requested CN zoning is consistent with the sector plan.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. The proposed rezoning is not in conflict with any adopted plans for the area.

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:

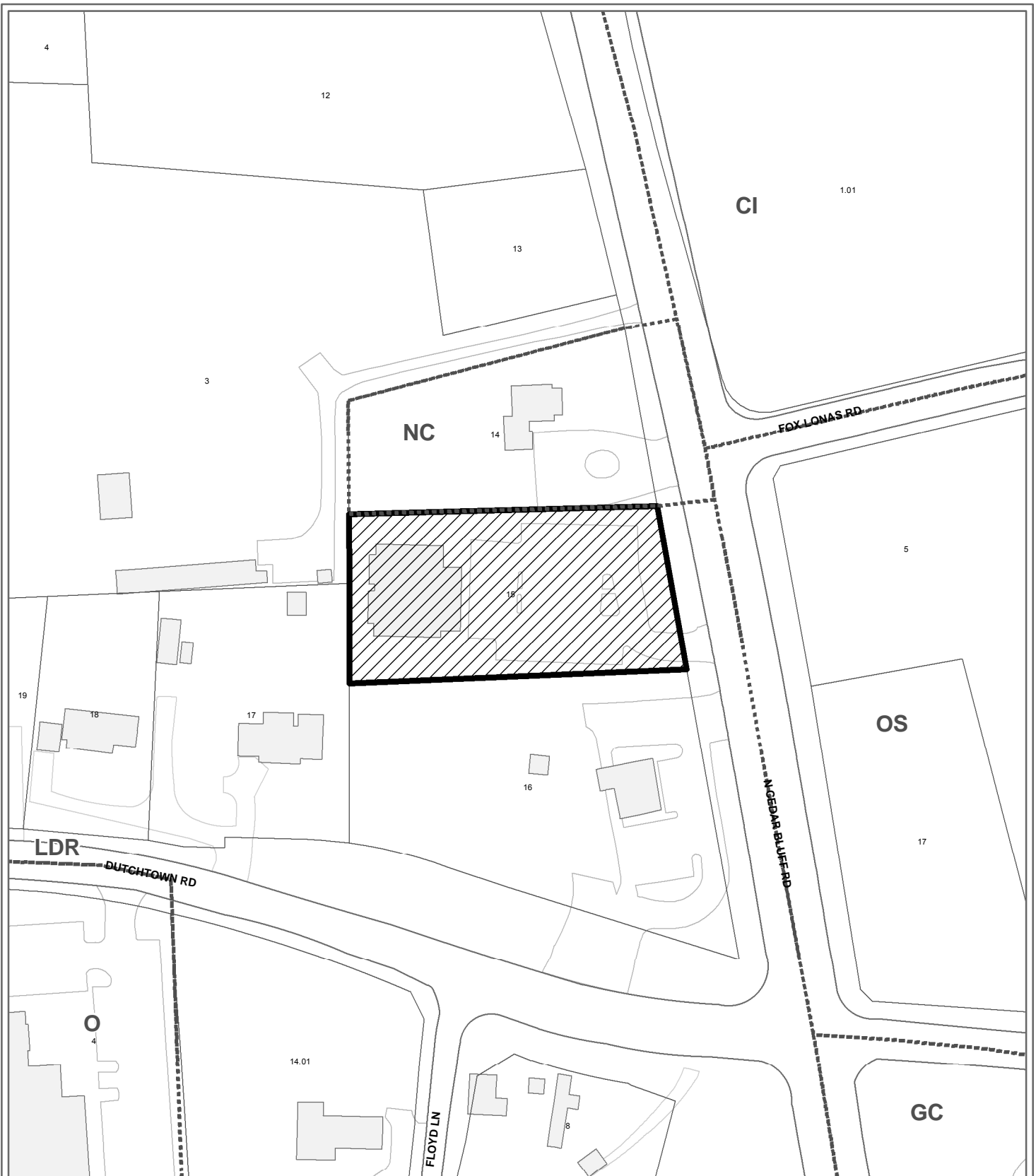
1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.

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 3/27/2017. 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.



**2-B-17-SP / 2-D-17-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: NC (Neighborhood Commercial)



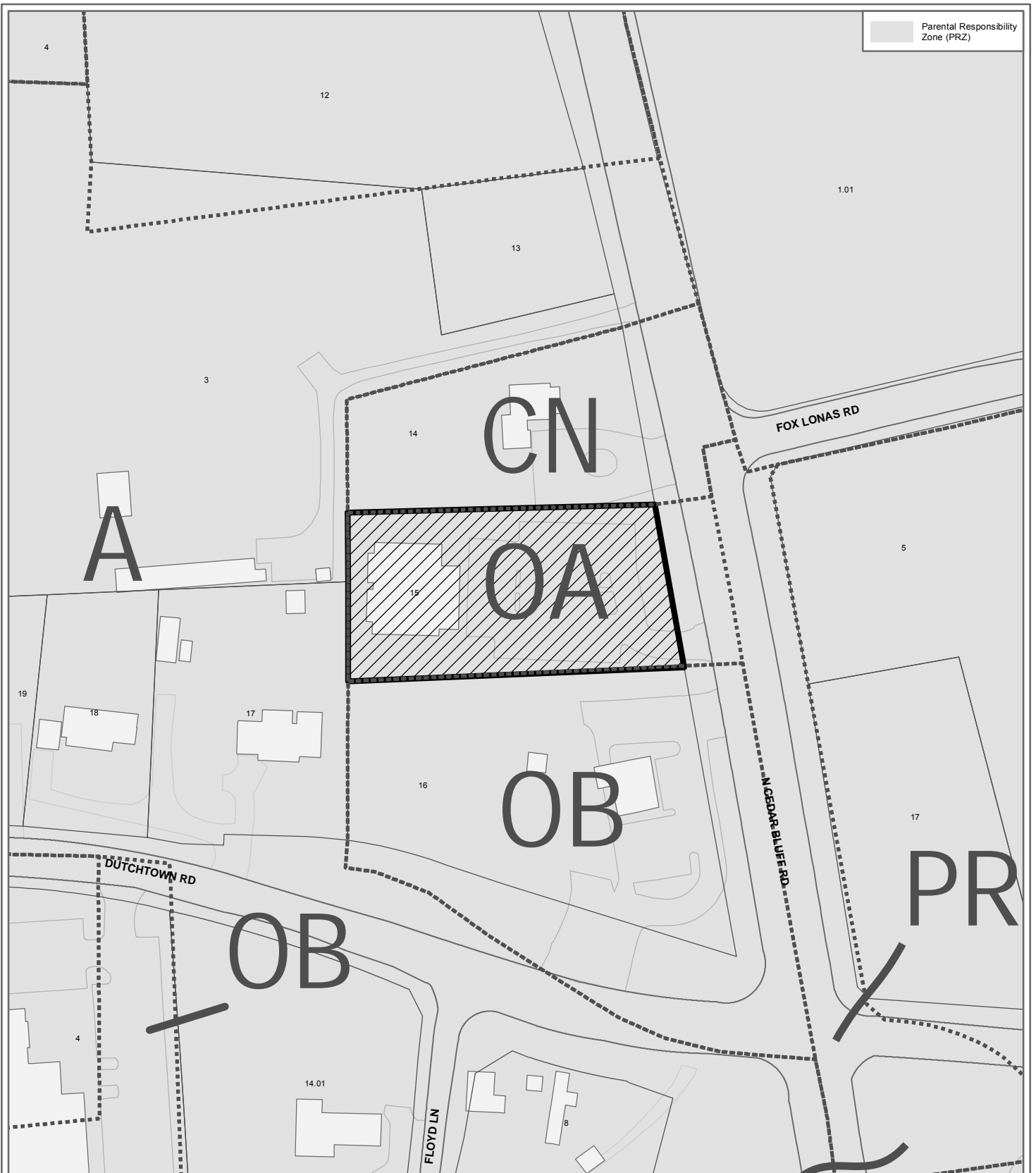
Petitioner: Certified Properties, LLC

Map No: 119

Jurisdiction: County



Original Print Date: 1/17/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**2-D-17-RZ
REZONING**

From: OA (Office Park)
To: CN (Neighborhood Commercial)



Petitioner: Certified Properties, LLC

Map No: 119

Jurisdiction: County



Original Print Date: 1/17/2017 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, Certified Properties, LLC, has submitted an application to amend the Sector Plan from Low Density Residential to Neighborhood 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 February 9, 2017, 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 #2-B-17-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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

REZONING PLAN AMENDMENT

Name of Applicant: CERTIFIED PROPERTIES, LLC

Date Filed: 12/27/16 Meeting Date: 02/09/17

Application Accepted by: M. Payne

Fee Amount: \$1,000 File Number: Rezoning 2-D-17-RZ

Fee Amount: 600.00 File Number: Plan Amendment 2-B-17-SP



PROPERTY INFORMATION

Address: 509 N CEDAR BLUFF ROAD

General Location: WEST SIDE OF N CEDAR BLUFF RD
SOUTH OF FOX LONAS ROAD

Parcel ID Number(s): 119HF015

Tract Size: 1.04 ACRES

Existing Land Use: OFFICE

Planning Sector: NORTHWEST COUNTY

Growth Policy Plan: Planned

Census Tract: 46.11

Traffic Zone: 249

Jurisdiction: City Council _____ District
 County Commission 3 District

Requested Change

REZONING

FROM: OA

TO: CN

PLAN AMENDMENT

One Year Plan Northwest County Sector Plan

FROM: LDR

TO: NC

PROPOSED USE OF PROPERTY

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: WILLIAM SLAGLE

Company: CERTIFIED PROPERTIES, LLC

Address: 5731 LYONS VIEW PIKE, SUITE 209

City: KNOXVILLE State: TN Zip: 37919

Telephone: (865) 719-6505

Fax: (865) 584-3998

E-mail: CHIP@CERTIFIEDPROPERTIESLLC.COM

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: JOHN R. ANDERSON, P.E.

Company: SITE, INC.

Address: 10215 TECHNOLOGY DR, STE 304

City: KNOXVILLE State: TN Zip: 37932

Telephone: (865) 777-4165

Fax: _____

E-mail: janderson@site-incorporated.com

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: [Signature]

PLEASE PRINT

Name: WILLIAM SLAGLE

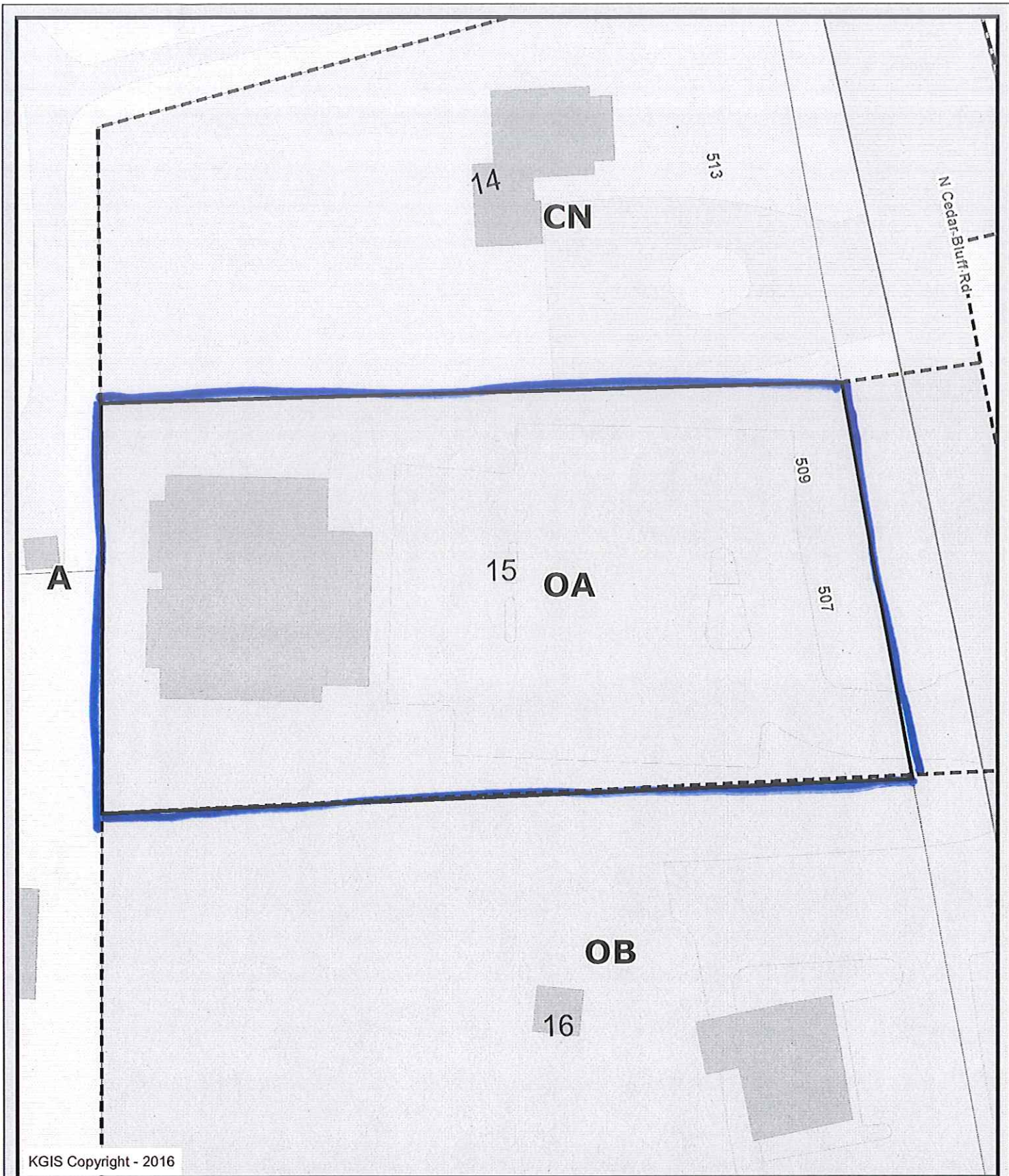
Company: CERTIFIED PROPERTIES, LLC

Address: 5731 LYONS VIEW PIKE, SUITE 209

City: KNOXVILLE State: TN Zip: 37919

Telephone: (865) 719-6505

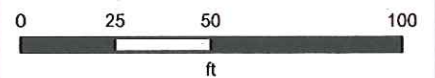
E-mail: CHIP@CERTIFIEDPROPERTIESLLC.COM



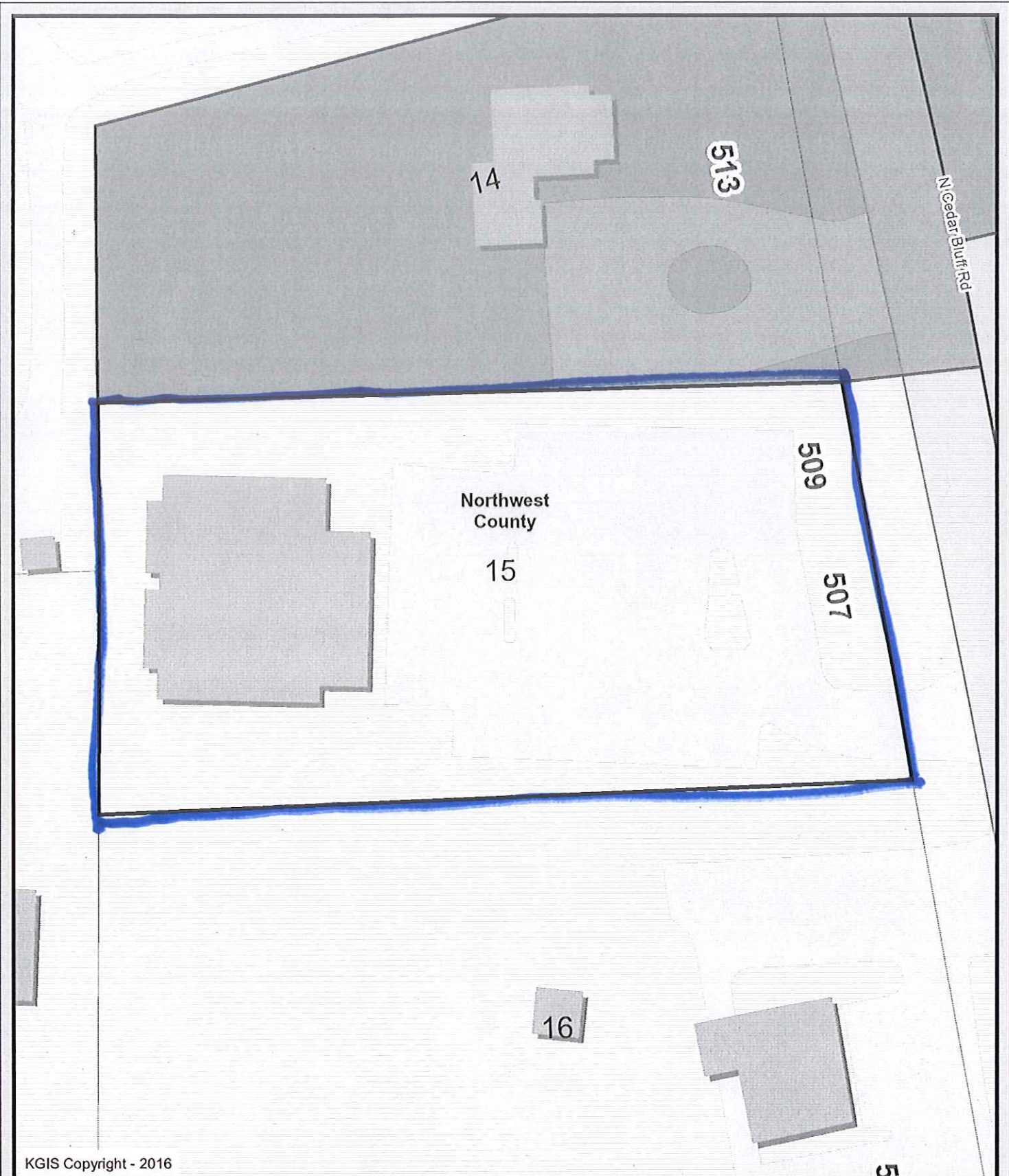
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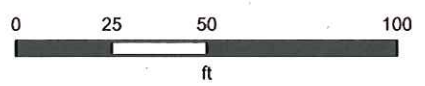


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