

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

▶ **FILE #:** 11-C-17-RZ
 11-A-17-SP

AGENDA ITEM #: 34
AGENDA DATE: 11/9/2017

▶ **APPLICANT:** JACQUETTA SCATES
 OWNER(S): Jacquetta Scates

TAX ID NUMBER: 118 012 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 1610 Lovell Rd

▶ **LOCATION:** Southeast side Lovell Rd., southeast of Schaeffer Rd.

▶ **TRACT INFORMATION:** 5.12 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Lovell Rd., a minor arterial street with 3 to 4 travel lanes within 120-170' of right-of-way, or Schaeffer Rd. a local street with 23' of pavement width within 50-90' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR/O (Medium Density Residential and Office) / PR (Planned Residential) / TO (Technology Overlay)

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

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Retail

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC plan designation from the southwest

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Lovell Rd., residential and office - MDR/O - CA (General Business) / TO (Technology Overlay)

South: Detached residences - MDR - PR (Planned Residential) / TO at 1-5 du/ac

East: Detached residences - MDR - PR (Planned Residential) / TO at 1-5 du/ac

West: Gas station, convenience store - GC - CA (General Business) / TO

NEIGHBORHOOD CONTEXT: This area is developed with commercial and office uses around the Lovell Rd./Pellissippi Pkwy. Interchange, under CA, OB, PC and BP zoning. The subject property is at the northeast edge of the commercial area where the land uses transition to residential along Lovell Rd., under PR, A and RA

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #11-A-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.) (Applicant requested GC.)**

Neighborhood commercial (NC) uses will allow reasonable use of the property, which is suitable for non-residential uses. The NC designation will limit the zoning to the more appropriate and lower impact CN zoning. Considering the adjacent residential uses to the rear and side of the subject property, the increased landscaping and setback requirements of the CN zone are necessary to minimize the potential impact from commercial development of the site.

- ▶ **RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning, consistent with the sector plan recommendation, subject to 1 condition. (Applicant requested CA.)**

1. No vehicular access shall be permitted to Lovell Rd.

With the recommended condition, CN zoning is recommended instead of CA because of adjacent residential development, which could be negatively impacted by CA development. The condition is included because the site has access to Schaeffer Rd. and additional access to Lovell Rd. would be too close to the adjacent Lovell Rd. access drives directly to the southwest and northeast of the site. The wide range of permitted uses and the lack of proper development standards in the CA zone make it inappropriate for CA zoning. CN zoning will allow reasonable development of the site with more appropriate uses and with better standards to lead to a quality, more aesthetically pleasing commercial development, where impacts to neighboring residential uses can be minimized.

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:

Lovell Rd. has been improved to three or four lanes in this section. Utilities are available in the area. With the commercial development of the Lovell Rd./Pellissippi Pkwy. interchange, and the road improvements, this site is less desirable for residential uses, as currently proposed.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan calls for low density residential use for the site. However, this site is adjacent to interchange commercial development in a high traffic area along Lovell Rd., making it less desirable for residential uses and feasible for commercial development.

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

This location is appropriate for neighborhood commercial uses. The recommended CN zone is intended to allow lower impact neighborhood serving commercial uses in close proximity to residential areas. In this case, the CN zoning will serve as a transitional area between higher intensity CA uses to the southwest and low density residential uses to the northeast.

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

With the improvements to Lovell Rd. and the heavy impact of the nearby interchange., it is expected that there may be some pressure to rezone some properties to commercial. This location is appropriate for the establishment of a small neighborhood commercial development.

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. The recommended CN zoning is appropriate to allow compatible commercial development of the site.
2. The CN zone provides more effective landscape screening, setbacks and other development standards to lead to a lower impact development adjacent to residential uses.
3. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

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

1. The recommended 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.
4. The requested CA zoning allows too wide a range of uses with inadequate development standards for this property.

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 proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are established.
2. CN zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. Also, the CN zone requires substantial landscaping throughout the perimeter of the site and parking areas, requires sidewalks to connect with adjacent neighborhoods, permits only indirectly illuminated, monument signs and contains criteria to prevent site lighting spillover to adjacent properties.
3. Many uses allowed within the CN zone, such as restaurants, fueling stations (with or without convenience stores), child day care centers and any use which includes drive-through or drive-in facilities, requires use on review approval by MPC prior to construction. This will provide the opportunity for MPC and County Engineering staff to review the plan and address issues such as traffic circulation, layout, access, landscaping, drainage and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.
4. Public water and sewer utilities are available to serve the site.
5. No other area of the County will be impacted by this rezoning request.

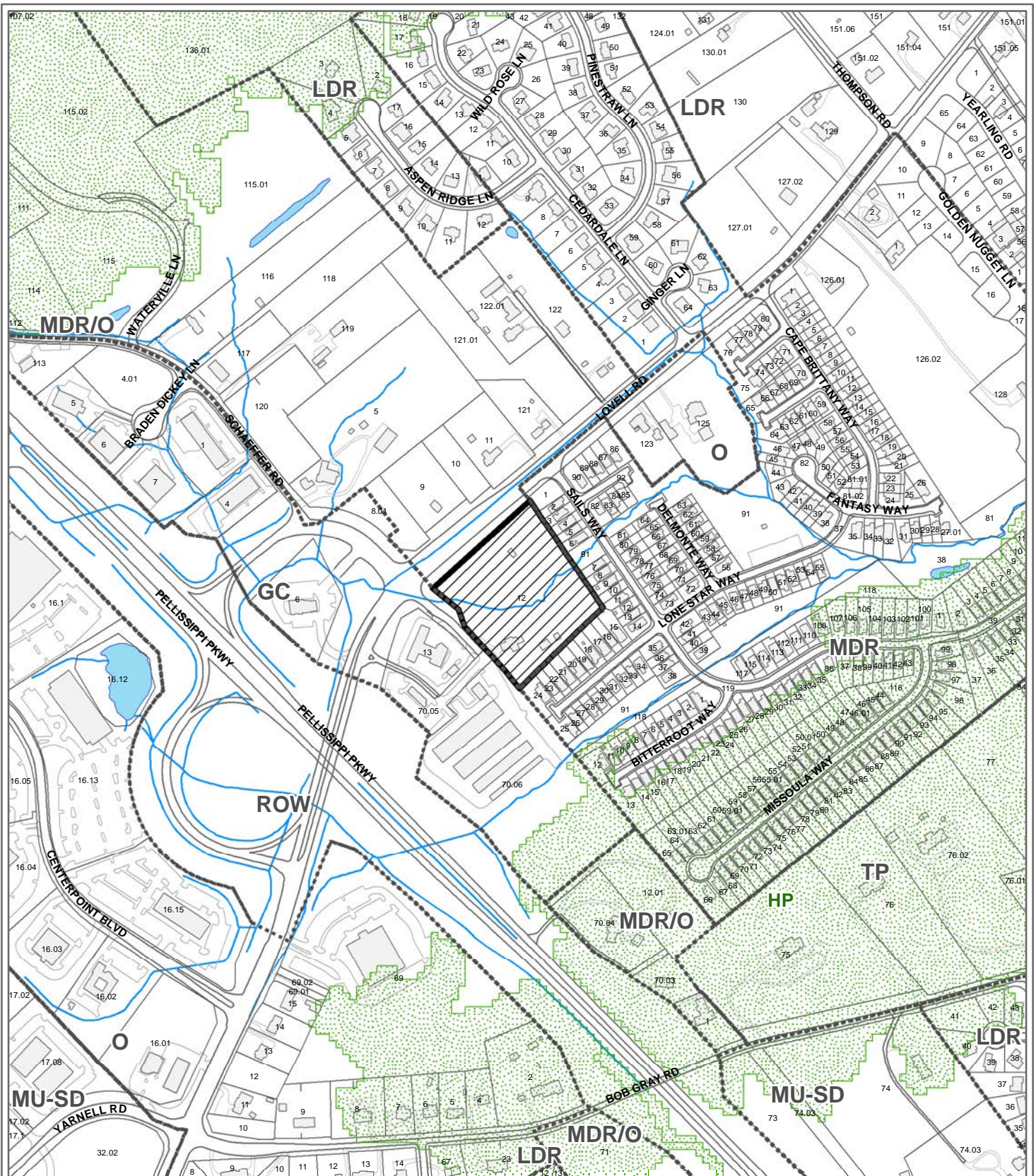
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest County Sector Plan currently proposes low density residential uses for the site. With the recommended plan amendment to NC, CN zoning would be consistent with the sector plan. In order to consider CA zoning, the sector plan would need to be amended to GC (General Commercial).
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future requests for CA or CN zoning on surrounding properties. However, any future requests on adjacent properties would also require an amendment to the sector plan, as most surrounding property to the northeast is designated for low density residential uses.
4. The proposal 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 Knox County Commission for action on 12/18/2017. 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.



**11-A-17-SP / 11-C-17-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: MDR/O (Medium Density Residential and Office)
To: GC (General Commercial)

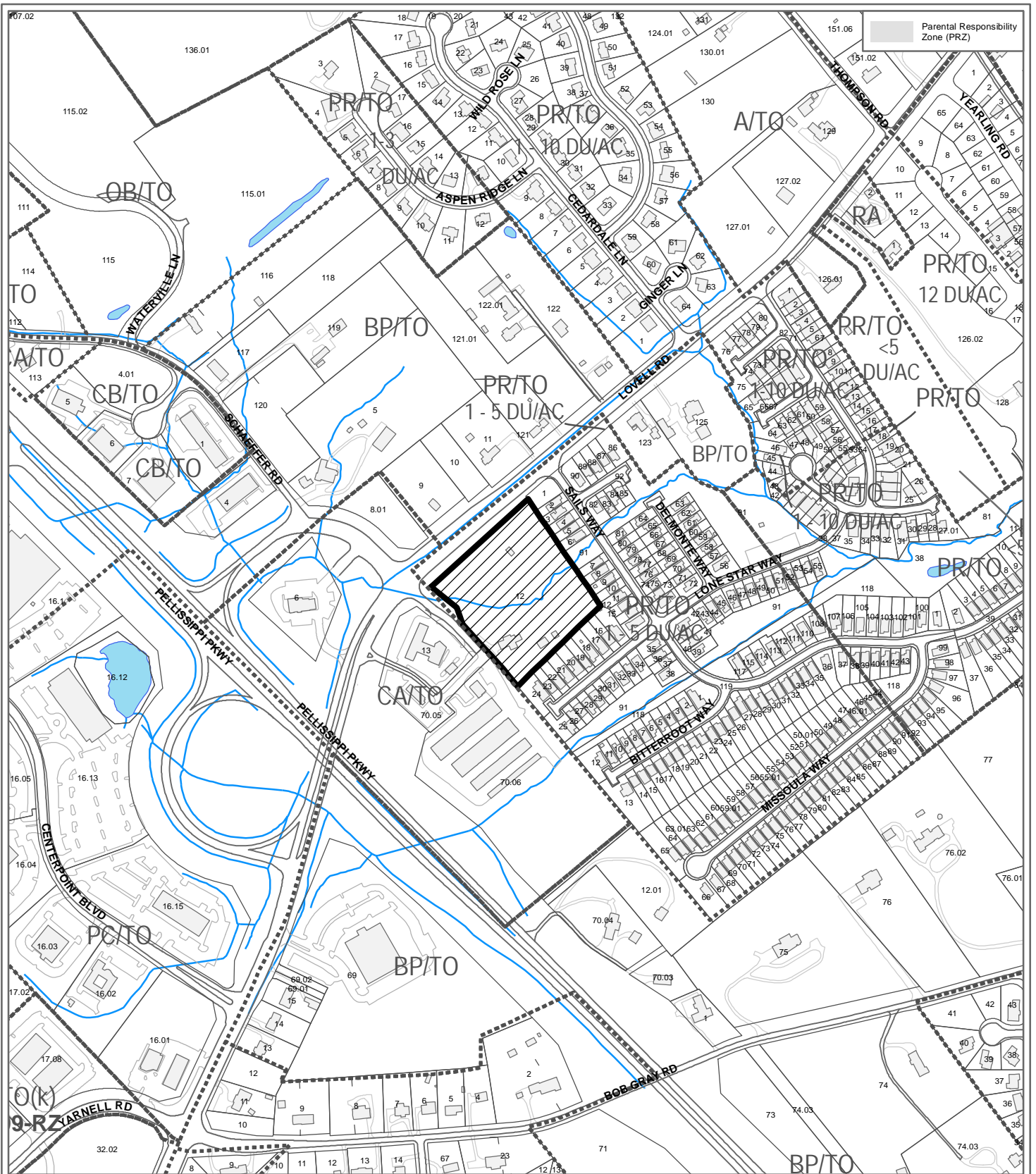


Petitioner: Scates, Jacquetta

Map No: 118
Jurisdiction: County

Original Print Date: 10/17/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**11-C-17-RZ
REZONING**

From: PR (Planned Residential) / TO (Technology Overlay)
 To: CA (General Business) / TO (Technology Overlay)



Petitioner: Scates, Jacquetta

Map No: 118
 Jurisdiction: County



Original Print Date: 10/17/2017 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, Jacquetta Scates, has submitted an application to amend the Sector Plan from Low Density Residential to General 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 November 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 #11-A-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

REZONING PLAN AMENDMENT

Name of Applicant: JACQUENTA SCATTELY Date Filed: 9/25/17 Meeting Date: November 9, 2017 Application Accepted by: Brusseau Fee Amount: \$1512 File Number: Rezoning 11-C-17-RZ Fee Amount: \$800 File Number: Plan Amendment 11-A-17-SP



PROPERTY INFORMATION

Address: 1610 LOUVELL RD General Location: SE side Lovell Rd. SE of Schaeffer Rd. Parcel ID Number(s): 118 012 Tract Size: 5.12 ACRES Existing Land Use: VACANT Planning Sector: NEW COUNTY Growth Policy Plan: PLANNED GROWTH Census Tract: 59.03 Traffic Zone: 229 Jurisdiction: [X] County Commission 607 District

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT Name: JACQUENTA SCATTELY Company: Address: 21 DUKY GATE City: ATLANTA State: GA Zip: 30342 Telephone: Fax: E-mail:

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to: PLEASE PRINT Name: ARTHUR G. SHELCOVITZ Company: FRENCH, McCORMICK & SHELCOVITZ Address: P.O. Box 39 City: KNOXVILLE State: TN Zip: 37901 Telephone: 546-9321 Fax: 637-5249 E-mail: ATSKYWOOD@FUSLLP.COM

Requested Change

REZONING

FROM: PR10 TO: CA10

PLAN AMENDMENT

[X] One Year Plan [] Sector Plan FROM: MDP/O TO: GC

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: SAND AS ABOVE Company: Address: City: State: Zip: Telephone: E-mail:

PROPOSED USE OF PROPERTY

AR10

Density Proposed Units/Acre Previous Rezoning Requests: None noted

NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

Please Print or Type in Black Ink: (If more space is required attach additional sheet.)

Name	Address	City	State	Zip	Owner	Option
Jacquetta Sates					<input checked="" type="checkbox"/>	



EXCLUSIVE LISTING FOR SALE AGREEMENT

FOR AND IN CONSIDERATION of your agreeing to make an effort to find a buyer, I/we hereby employ and grant [REDACTED] of Knoxville, Tennessee ("Agent"), the sole and exclusive and irrevocable right for a period commencing on the 11 day of August, 2017, and expiring on the 11 day of August, 2018.

Situated and lying in Knox County, State of Tennessee containing approximately 5.12 acres, and being further known as 1610 Lovell Road, Parcel ID 118 012. See Exhibit "A" attached hereto and made a part of this Agreement for further description.

1. **Selling Price.** The selling price of the real property to be sold is [REDACTED] on the following terms: cash at closing or terms acceptable to Seller.
2. **Right to Sell.** I/We hereby grant the Agent the sole, exclusive and irrevocable right to sell the property and on the terms referred to herein, or at such other price or terms to which I/we may consent. Agent is hereby authorized to hold in escrow in a trust account any earnest money and/or deposits received in connection with any sales agreements, to be disbursed pursuant to the terms of this Agreement.
3. **Agency.** Agent will promote and be an advocate for my interests in contacts with prospective buyers and/or their agents and in any transactions involving the property. I understand that Agent will also establish agency relationships with other sellers and that Agent, through its sales associates may also establish agency relationships with prospective buyers. In these instances, Agent would be the exclusive agent of one or more clients.
4. **Extension of Term.** If an agreement between a prospective Buyer and Seller, including but not limited to a Real Estate Sales Contract, a binding letter of intent for the acquisition of the Property, or any other transaction contemplated hereunder is executed by all necessary parties, and if said agreement or transaction is revoked, rescinded or otherwise terminated, then the Term of this Agreement shall be extended by the number of calendar days during which said failed transaction was in effect. The maximum extension permitted hereunder shall be the number of days remaining in the Term from the date the subject transaction's contract document was executed. Notwithstanding the foregoing, this Agreement shall expire in all cases no later than three (3) months after the