

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

► **FILE #:** 10-H-17-RZ
10-D-17-PA

AGENDA ITEM #: 48
AGENDA DATE: 10/12/2017

► **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:

► **DENY GC (General Commercial) One Year Plan designation.**

The commercial zoning and use to the south is an appropriate stopping point for commercial uses heading north on Central Avenue Pike. The adjacent property to the south is designation MDR (Medium Density Residential) and LDR (Low Density Residential) on the One Year Plan, same as the subject property. The subject property is non-contiguous to the large GC (General Commercial) designated area to the south, however, there is thin area designated GC designated to the west that is between Knob Creek and the interstate that is essentially unusable because of access issues and the land is fully within the creek floodway and 100 year flood zone.

Staff would support amending the One Year Plan to MDR/O (Medium Density Residential/Office) outside of the F (Floodway) designation, which would be consistent with the North County Sector Plan.

► **DENY the rezoning to C-4 (Highway and Arterial Commercial), consistent with the denial recommendations for the associated plan amendments.**

The extent of the existing commercial zoned district to the south is an appropriate stopping point for such zoning as recommended by the One Year Plan and North County Sector Plan. If the subject property were rezoned C-4, or another commercial zone, it would leapfrog the adjacent property to the south that is zoned R-2 (General Residential) and A-1 (Agricultural). Central Avenue Pike is a two lane street that would most likely require improvements if high traffic commercial uses are allowed along it. Staff would support rezoning the property to O-1 (Office, Medical, and Related Services) if the One Year Plan is amended to allow MDR/O uses to be consistent with the Sector Plan. The O-1 zone would allow office uses, as well as residential uses allowed by the R-2 zone.

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 appropriately designates this site for medium and low density residential uses, consistent with the current R-2 and A-1 zoning. Approval of general commercial use for this subject property could set a precedent to rezone parcels further north along Central Avenue Pike. The road is two lanes in this section, similar to most of its length, would most likely require upgrades if the subject property, and other nearby properties, are converted to commercial uses. The North County Sector Plan recommends medium density residential and office uses for the site. Staff would support amending the One Year Plan to MDR/O to allow office uses on the site in addition to the residential uses.

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. If the Planning Commission or City Council believes that GC uses are appropriate for the subject site, this stretch of Central Avenue Pike should be reviewed further to determine if the land use recommendations for the area need to be updated.

C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - There has been no public policy changes that would support GC uses on this site.

D. NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT - The North County Sector Plan was adopted in 2012 and recommends MDR/O for the subject property. This would not allow the requested GC but would allow an amendment to MDR/O which allows office uses as well as residential.

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 One Year Plan recommends medium density residential zoning for the front part of the property, which is approximately the area outside of the Knob Creek floodplain, and low density residential zoning for the remaining portion of the property that is within the floodplain and floodway.
2. The North County Sector Plan recommends that medium density residential and office zoning for the entire property. Staff would support office and medium density residential zoning at this location.
3. A zoning pattern consistent with the One Year Plan and Sector Plan recommendations are appropriate along this portion of Central Avenue Pike.

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

1. The 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.
2. Based on the above general intent, this site may not be appropriate for C-4 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. If C-4 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 updated to reflect this new land use pattern.
2. Public water and 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 approval of the requested One Year Plan amendment to GC, the requested C-4 zoning would be consistent with the plan.
2. With approval of the requested North County Sector Plan amendment to GC, the requested C-4 zoning would 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. This current zoning does not present any apparent conflicts with any other adopted plans, and should be maintained.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 11/7/2017 and 11/21/2017. 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.