

▶ **FILE #:** 10-E-18-RZ **AGENDA ITEM #:** 27
 POSTPONEMENT(S): 11/8/2018 **AGENDA DATE:** 11/8/2018
 ▶ **APPLICANT:** ELIZABETH CUNNINGHAM / TRI-STAR PARTNERSHIP BYRD
 OWNER(S): Elizabeth Cunningham / Tri-Star Partnership

TAX ID NUMBER: 711 D 016 [View map on KGIS](#)
 JURISDICTION: City Council District 6
 STREET ADDRESS: 4529 Asheville Hwy
 ▶ **LOCATION:** North side Asheville Highway, west of Macedonia Ln.
 ▶ **APPX. SIZE OF TRACT:** 1.16 acres
 SECTOR PLAN: East City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is off of Macedonia Ln, a local street, via Asheville Highway, a 4-lane median divided major arterial with a right-of-way width of 115' feet and a pavement width of 65' feet.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Love Creek

▶ **PRESENT ZONING:** R-1A (Low Density Residential)
 ▶ **ZONING REQUESTED:** C-3 (General Commercial)
 ▶ **EXISTING LAND USE:** Office
 ▶ **PROPOSED USE:** Commercial
 EXTENSION OF ZONE: This is an extension of the C-3 (General Commercial) zoning adjacent to the east and south of the site.
 HISTORY OF ZONING: 7-F-88-UR: Expansion of an existing medical clinic
 SURROUNDING LAND USE AND ZONING: North: Single family residential / R-1A (Low Density Residential)
 South: Office / C-3 (General Commercial)
 East: Commercial / C-3 (General Commercial) and C-6 (General Commercial Park)
 West: Post office / O-2 (Civic and Institutional)
 NEIGHBORHOOD CONTEXT: The area to the north of site is primarily a single family residential neighborhood, with a transition to office and commercial uses along the Asheville Highway corridor.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial)**
 C-3 is an extension of the surrounding C-3 zoning, and adjacent commercial and office uses. This area is part of a Mixed Use Special District in the East City Sector Plan that recommends a range of uses including, residential, office and commercial development.

COMMENTS:

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 property is located within the City of Knoxville along a major arterial, Asheville Highway.
2. The proposed C-3 (General Commercial) is compatible with the scale and intensity of the adjacent commercial and office uses.
3. The area and surrounding zone districts have not changed substantially since the adoption of the 2014 East City Sector Plan.

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

1. The proposed amendment to C-3 allows a range of uses for personal and business services and general retail business. Districts in this category are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands.
2. More intense commercial uses in this zone district would require a use on review approval of a development plan by MPC prior to construction. This would provide the opportunity for staff to review the plan and address potential development concerns.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL AND DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. C-3 zoning is compatible with the surrounding development.
2. The sector plan for this area recommends this type of zone district as part of the Mixed Use Special district proposed for Asheville Highway.

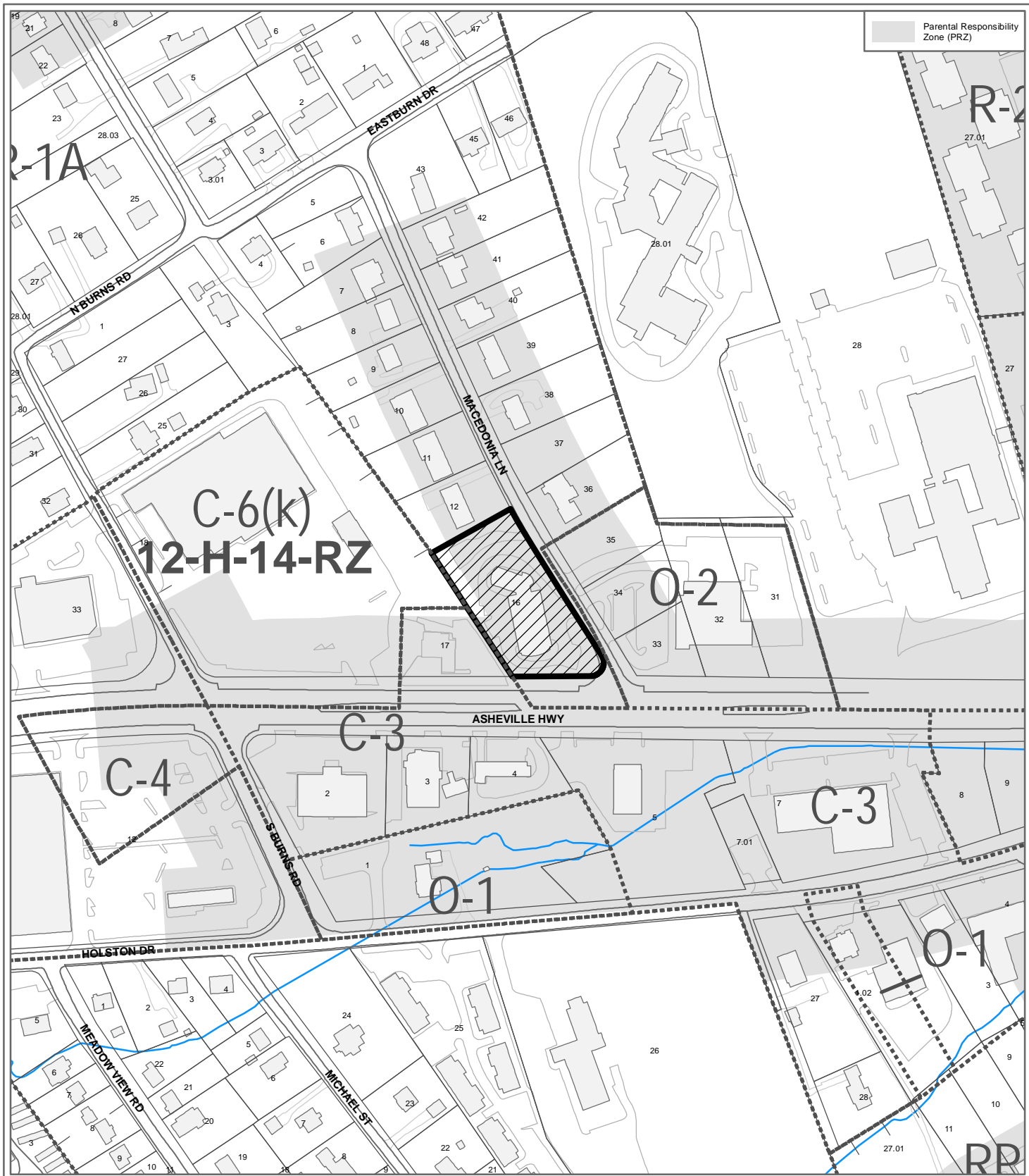
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The East City Sector Plan proposes a Mixed Use Special District for this area of Asheville Highway, which allows for a range of uses and zone districts, including C-3.
2. This recommended 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 12/4/2018 and 12/18/2018. 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.



**10-E-18-RZ
REZONING**

From: R-1A (Low Density Residential)

To: C-3 (General Commercial)



Petitioner: Cunningham / Tri-Star
Partnership, Elizabeth, Byrd

Map No: 71

Jurisdiction: City



Original Print Date: 9/17/2018
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

10-E-18-RZ_PP 10-11-18

OCT

2 2018

NOVEMBER 2018

MPC METROPOLITAN PLANNING COMMISSION

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

Request to Postpone Table Withdraw

Name of Applicant: TRI-Star Partners (Elizabeth Cunningham) AS IT APPEARS ON THE CURRENT MPC AGENDA

Original File Number(s): 10-E-18-RZ

Date Scheduled for MPC Review: Oct 11, 2018

Date Request Filed: Aug 27, 2018 Accepted by: Brusseau

REQUEST

[X] Postpone Please postpone the above application(s) until:

30 days

[] Table Please table the above application(s).

[] Withdraw Please withdraw the above application(s).

State reason for request:

We had a request from a neighbor located near our building not for sure why he was wanting us to but we agreed.

Eligible for Fee Refund? [] Yes [] No

Amount: _____

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: [Signature]

PLEASE PRINT

Name: Elizabeth (Libbie) Cunningham

Address: 107 Lerchen Rd

City: Kingston State: TN Zip: 37763

Telephone: 865-924-8635

Fax: _____

E-mail: Cunningham2315@bellsouth.net

PLEASE NOTE

Consistent with the guidelines set forth in MPC Administrative Rules and Procedures:



POSTPONEMENTS

Any first time (new) MPC application is eligible for one automatic postponement. This request is for 30 days only and does not require MPC approval if received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. All other postponement requests must be acted upon by MPC before they can be officially postponed to a future MPC public meeting.

TABLINGS

Any item requested for tabling must be acted upon by MPC before it can be officially tabled.

WITHDRAWALS

Any MPC item is eligible for automatic withdrawal. A request for withdrawal must be received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. Withdrawal requests that do not meet these guidelines must be acted upon by MPC before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received by MPC prior to public notice. This request must be approved by either the Executive Director, or the Development Services Manager. Applications may be withdrawn after this time, but without fee refund.

ORP/SP: MO-SD (Ec-2) GC uses OR

N side Asheville/1/2 Hwy W side Macedonia Ln.

KNOXVILLE-KNOX COUNTY

M P C

METROPOLITAN PLANNING COMMISSION

T E N N E S S E E

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: Elizabeth Byrd Cunningham

Date Filed: 8/27/18 Meeting Date: Oct 11, 2018

Application Accepted by: Brisseau

Fee Amount: \$1000 File Number: Rezoning 10-E-18-KZ

Fee Amount: _____ File Number: Plan Amendment _____

PROPERTY INFORMATION

Address: 4529 Asheville Hwy

General Location: off T-40E to Asheville Hwy Exit on Right approx. 1 mile or less on Right

Parcel ID Number(s): 0711D016

Tract Size: 1.16 Medical Pediatric

Existing Land Use: Office Business

Planning Sector: East City

Growth Policy Plan: Inside City

Census Tract: 32

Traffic Zone: 65 74 6th

Jurisdiction: City Council Knoxville District
 County Commission Knox District

Requested Change

REZONING

FROM: R1

TO: C-3

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: _____

TO: _____

PROPOSED USE OF PROPERTY

Commercial

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

7-F-88UR None noted

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT Name: Elizabeth Byrd Cunningham

Company: TRI-Star Partnership

Address: _____

City: _____ State: _____ Zip: _____

Telephone: 865-924-8635

Fax: _____

E-mail: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT Name: Same as above

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Fax: _____

E-mail: _____

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: Elizabeth Byrd Cunningham

PLEASE PRINT Name: Elizabeth Cunningham

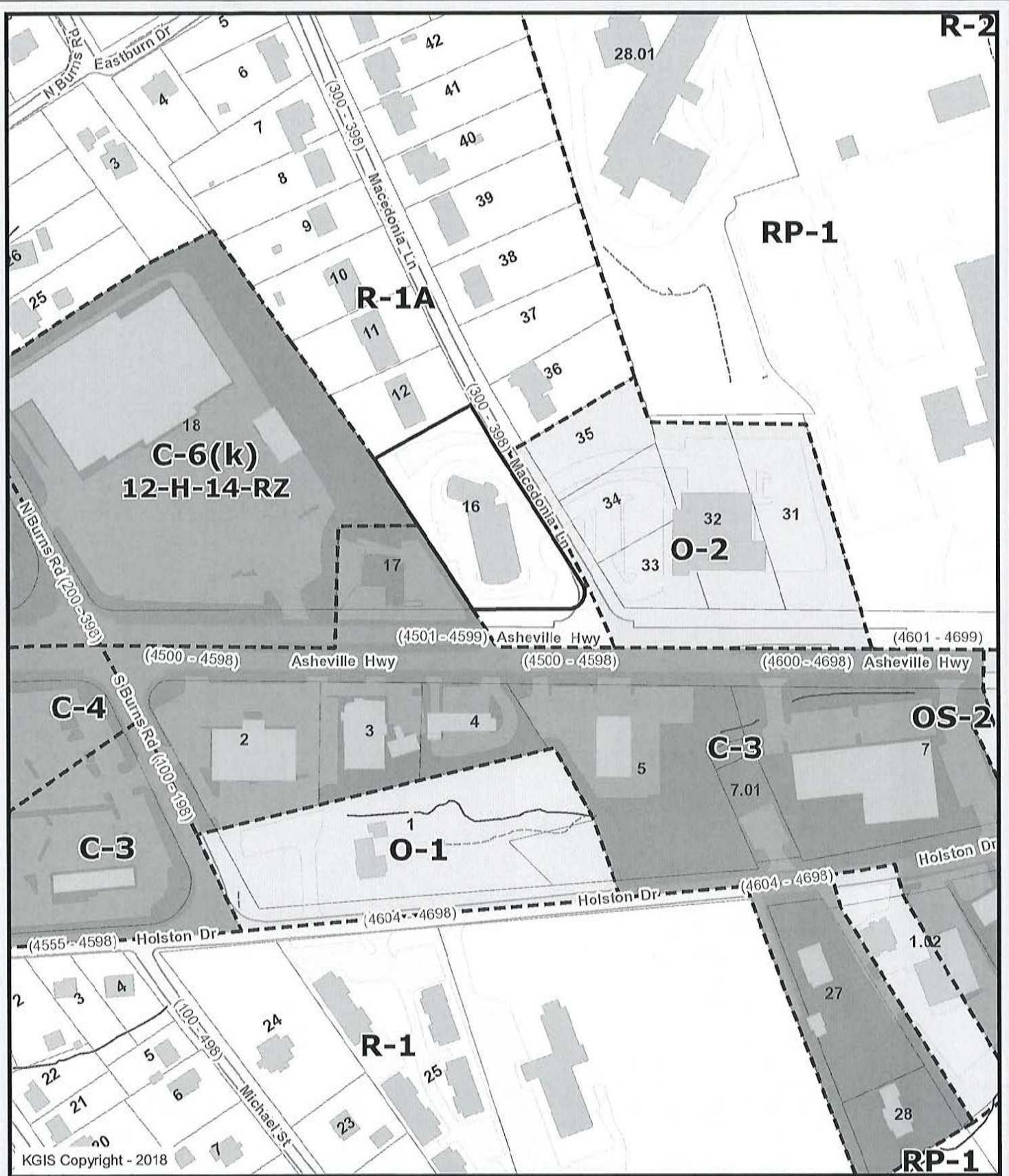
Company: TRI-Star Partnership

Address: 4529 Asheville Hwy

City: Knox State: TN Zip: 37914

Telephone: _____

E-mail: _____



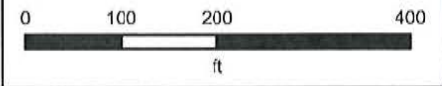
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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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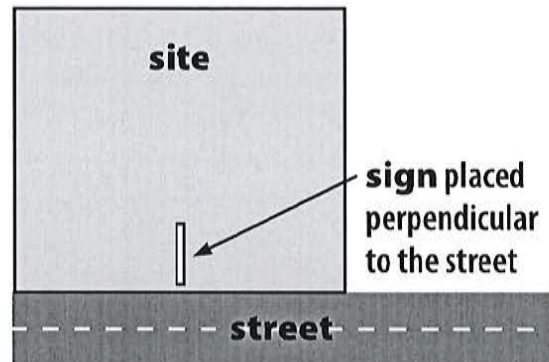
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

Sept. 26, 2018 and Oct 12, 2018
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: Elizabeth Byrd Cunningham

Printed Name: Elizabeth Byrd Cunningham

Phone: 865-924-8635 Email: Cunningham2315@bellsouth.net

Date: Aug 27, 2018

MPC File Number: 10-E-18-RZ