

# CASE SUMMARY

## APPLICATION TYPE: REZONING

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

**File Number:** 1-E-10-RZ                      **Related File Number:** 1-C-10-SP  
**Application Filed:** 11/30/2009                      **Date of Revision:**  
**Applicant:** HUBER PROPERTIES, LLC

### PROPERTY INFORMATION

**General Location:** Southeast side S. Northshore Dr., northeast of Choto Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 162 064    **Jurisdiction:** County  
**Size of Tract:** 3.4 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** House  
**Surrounding Land Use:**  
**Proposed Use:** Neighborhood commercial    **Density:**  
**Sector Plan:** Southwest County                      **Sector Plan Designation:** Low Density Residential  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 12330 S Northshore Dr  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** CN (Neighborhood Commercial)  
**Previous Requests:** None for this site.  
**Extension of Zone:**  
**History of Zoning:**

### PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning, subject to the following 4 conditions.

- Staff Recomm. (Full):
1. Uses within the area of the site depicted on the attached map (Exhibit B), shall be limited to the permitted uses and uses on review marked with an asterisk on the attached copy of the CN zoning district from the Knox County Zoning Ordinance (Exhibit C).
  2. All outdoor site lighting must be full cutoff luminaire, meaning the luminaire/light fixture shall allow no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. Also, lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than this requirement. The maximum number of footcandles at a property line that is adjacent to non-commercial or non-office zoned land shall be 0.5 footcandles. The maximum number of footcandles at a street right of way or a property line that is adjacent to commercial or office zoned land shall be 3.0 footcandles. Lighting and photometric plans must be submitted with development plans to demonstrate that these conditions will be satisfied.
  3. All development shall be subject to a unified architectural plan that meets the intent of the General Plan's village-like appearance, consistent with development policy 9.9 of the Knoxville-Knox County General Plan 2032. All structures must be built using residential materials on the exterior, be compatible with the scale of residential structures in the area. Visible paving should be minimized throughout the development.
  4. Any proposed development shall be subject to MPC approval of a development plan as a use on review. For each individual plan submittal, an overall site plan must also be submitted for the site in its totality. This applies to this site, as well as the adjacent 12 acres already approved for CN zoning by MPC on December 10, 2009.

With the above conditions, CN zoning is appropriate at this location to serve residents who live in the vicinity of the site, as well as commuters travelling on either of the two streets at this intersection. CN zoning will allow low impact commercial uses and includes considerable landscaping and other development regulations to minimize the impact on nearby residential areas, as well as improve the aesthetic appeal of the development. The condition limiting the use of the northeast and southeast portions of the site to selected less intense CN uses will provide a transitional area between commercial and residential areas, as well as establish a stopping point for commercial uses to keep them from extending further down Northshore Dr. or Choto Rd.

Comments:

- REZONING REQUIREMENTS:  
NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:
1. CN zoning is appropriate for this expansion of the commercial crossroads location at the intersection of collector and arterial streets.
  2. The surrounding area has been developing rapidly with residential uses. MPC staff research shows that within 2 miles of this site, 1,321 building permits have been issued for detached houses since the year 2000, as well as 10 condominium units and 5 mobile homes. The closest commercial use to the subject site is about 1.2 miles to the north along Harvey Rd., which is a convenience store with fuel pumps, developed in PR zoning. The next closest commercial uses/zoning are about 2.9 miles to the northeast, on Concord Rd., north of Northshore Dr. Commercial uses/zoning on Kingston Pike to the north are about 3.5 miles to the north of the site. These numbers indicate that establishment of commercial uses at this location would substantially reduce vehicle miles travelled, because area residents would not have to drive as far to obtain certain commercial goods and services that could be offered at this location.
  3. The development criteria of the CN zone allows for commercial development that is compatible with

nearby residential uses. On parcel 19 to the southwest, which is about one acre in size, CA zoning and a commercial plan designation were applied for twice within the last 8 years (12-D-01-RZ/12-A-01-SP and 9-C-04-RZ/9-B-04-SP). In 2001, the CN zone was not available. Staff recommended denial of both requests and the applicant withdrew the requests before they were ever heard by MPC. In 2004, staff recommended approval of a C sector plan designation, limited to CN zoning and approval of the rezoning to CN, rather than the requested CA zoning. These requests were denied by MPC on 9/9/04, due to neighborhood opposition, and there were no appeals filed. Staff maintains its position that CN zoning is appropriate at this intersection. The subject property is larger in size than the one acre site that was previously considered, which will allow more space for increased setbacks and a better landscaping and traffic circulation plan, leading to an overall higher quality development.

#### CONSISTENCY WITH INTENT AND PURPOSE OF THE 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 leading to compatible development. Staff would not support any BZA variances to these development standards for this site, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.

#### THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are established.
3. 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, which are further specified in the above recommended condition 2.
4. 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.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the amendment from LDR to NC, the requested CN zoning would be consistent with the Southwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for neighborhood commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits. Staff would likely not recommend further expansion of neighborhood commercial uses at this time, beyond the approximately 15 acres being considered between these and the upcoming January applications referenced above.
4. The proposal is supported by several development policies of the Knoxville-Knox County General Plan 2032. Several of these policies are listed below, exactly as written in the plan under "Development Policies."
  - 8.2 Locate neighborhood commercial so that it will enhance, rather than hinder, the stability of residential areas.
  - 8.3 Focus on design quality and neighborhood compatibility in reviewing development proposals.
  - 9.9 Encourage village centers as the preferred form of retail development, and use the neighborhood commercial zones to provide day-to-day services near residential areas.
  - 9.11 Locate community-serving commercial areas where they can easily be shared by several neighborhoods.
  - 9.12 Locate day care centers and other neighborhood services at the edges of neighborhoods or in village centers. Locate freestanding day care facilities (those serving six or more children) on the perimeter of residential areas, on arterial or collector streets, in a manner which will not adversely affect surrounding properties.

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. New 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.

**Action:** Approved

**Meeting Date:** 2/11/2010

**Details of Action:**

1. Uses within the area of the site depicted on the attached map (Exhibit B), shall be limited to the permitted uses and uses on review marked with an asterisk on the attached copy of the CN zoning district from the Knox County Zoning Ordinance (Exhibit C).
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**Summary of Action:**

RECOMMEND that County Commission APPROVE CN (k) (Neighborhood Commercial) zoning, subject to the following 4 conditions.

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**Date of Approval:** 2/11/2010

**Date of Denial:**

**Postponements:** 1/14/10

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 3/22/2010

**Ordinance Number:**

**Disposition of Case:** Approved

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Date of Legislative Action, Second Reading:**

**Other Ordinance Number References:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**