

CASE SUMMARY

APPLICATION TYPE: REZONING

NORTH COUNTY SECTOR PLAN AMENDMENT

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
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File Number: 10-B-15-RZ **Related File Number:** 10-B-15-SP
Application Filed: 8/19/2015 **Date of Revision:** 10/7/2015
Applicant: JAMES STERNBERG

PROPERTY INFORMATION

General Location: Southeast side W. Emory Rd., southwest of Central Avenue Pike
Other Parcel Info.:
Tax ID Number: 56 E C 007 OTHER: 056-122,12201,12202,12301,12302 **Jurisdiction:** County
Size of Tract: 37 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land and dwellings
Surrounding Land Use:
Proposed Use: Commercial development **Density:**
Sector Plan: North County **Sector Plan Designation:** LDR and CC
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural), TC (Town Center), TC (Town Center) / HZ (Historic Overlay) & F (Floodway)
Former Zoning:
Requested Zoning: CA (General Business), CA (General Business) / HZ (Historic Overlay) & F (Floodway)
Previous Requests: Zoned TC in 2005 (8-C-05-RZ)
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential) and MU-CC (Community Commercial)
Requested Plan Category: GC (General Commercial)

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 DENY the request to change the zoning map to CA (General Business).

Staff Recomm. (Full): CA zoning at this location would allow uses that would not be compatible with adjacent residential uses, and not consistent with the intent of the recommended sector plan proposal for the property. The current sector plan proposes MU-CC (Mixed Use Community Commercial) uses for the majority of the subject property. At the time of the plan amendment from LDR to MU-CC in 2005, the understanding was that the property would be zoned TC (Town Center) and developed as a unified, mixed-use, town center development. A preliminary mixed-use development plan, generally meeting TC guidelines, was included in the 2005 agenda package as well. The approval recommendation on the 2005 sector plan amendment even included a condition that the zoning be limited to TC only. The agenda package materials for the 2005 requests are attached. The recommended zoning change was at least partially supported by staff because of the plan provided. In addition, in 2006, a use on review development plan was approved by MPC, under the TC zoning guidelines, for up to 36 attached and detached residential units on the site. The agenda package materials for that case (9-J-06-UR) are also attached. The MU-CC designation is not intended for typical strip commercial development that would be expected in the requested CA or even PC (Planned Commercial) zoning.

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. No significant changes have occurred in the area that warrant the requested change to CA zoning at this location. TC zoning was originally approved with the expectation that the staff would review the design concept to be certain that it establishes a circulation pattern and mix of uses based on TC principles that will provide a development appropriate for this site and compatible with the surrounding area. The purpose of the TC district is to encourage the creation of pedestrian-oriented, small-scale, mixed use developments, providing shopping, employment, housing and business and personal services. Staff maintains the same position it did over 10 years ago that if the site is to be developed with uses other than its previously designated LDR uses, it should be done under the guidelines of the TC zoning district.
2. If the proposed CA zoning is approved for the site, it would open up the site for typical strip commercial development that would be more appropriate at established commercial nodes, such as to the northeast of the site along Emory Rd. The CA zone does not require any plan review by MPC for most uses, so impact on adjacent residential uses could not be appropriately addressed.
3. If MPC and/or Knox County Commission is inclined to approve some type of commercial zoning for the site, PC zoning would be preferred over CA, because it requires plan review by MPC at a public hearing. Also, if approved, commercial zoning should be limited to the north side of the railroad tracks only. The area to the south of the tracks is all within the floodplain for Beaver Creek and should not be developed. If recommended for approval of any type of commercial zoning, staff would recommend including the following two conditions: I. No more than two curbcuts to W. Emory Rd. for entire commercial development. II. Rezoning shall be limited to a depth of 500 feet from the edge of W. Emory Rd. and parcel 056EC007 shall be excluded.

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

1. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.
2. Based on the above description and intent, as well as the uses permitted, this property is not appropriate to be rezoned to CA.
3. The intent of the existing TC (Town Center) zoning is to provide a mix of retail, office and residential uses along with open space and landscaping. The regulations contained within the TC zoning district

would yield a development that is more compatible and appropriate than what could be done under the requested CA zoning, considering the site's location away from established commercial nodes.

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. Establishment of CA zoning at this location could adversely impact nearby residential properties.
2. CA zoning allows many uses that would not be compatible with nearby residential land uses and zoning.
3. Commercial uses in this area should be located to the northeast of the subject property, along W. Emory Rd., within existing CA, C-3 and PC-1 zoned sites. There are several parcels to the northeast along W. Emory Rd. that are already zoned commercial and are either vacant or used for residential purposes.

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 proposed amendment of the North County Sector Plan to GC, the requested CA zoning would be consistent with the sector plan. However, staff is recommending that the current LDR and MU-CC sector plan designations be maintained.
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 rezoning and plan amendment requests for non-residential development on other properties in the area. This is discouraged so as not to create an unplanned strip commercial district along this section of W. Emory Rd.

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 now 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:** 1/14/2016

Details of Action:

Summary of Action: Recommend the Knox County Commission approve PC (Planned Commercial), PC (Planned Commercial/ HZ (Historic Overlay) & F (Floodway) zoning for the entire parcel 056EC007 and the remainder of the site to a depth of 500 feet from W. Emory Road.

Date of Approval: 1/14/2016 **Date of Denial:** **Postponements:** 10/8/15, 12/10/15

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 2/22/2016

Date of Legislative Action, Second Reading: 7/25/2016

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Postponed

Disposition of Case, Second Reading: Approved as Modified

If "Other":

If "Other":

Amendments:

Amendments:

Postponed until sector plan amendment heard 4-E-16-SP

Approved CA, CA/HZ & Floodway limited to portion north of railroad with conditions listed in sector plan 4-E-16-SP

Date of Legislative Appeal:

Effective Date of Ordinance: