

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

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
w w w • k n o x m p c • o r g

File Number: 10-B-15-SP **Related File Number:** 10-B-15-RZ
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: Access is via W. Emory Rd., a major arterial street with 4 lanes and a center turn lane within 80' of right-of-way.

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: This site is located in an area that is developed with primarily residential uses under A, PR and RA zoning. There is also a large church, library and an animal hospital in the surrounding area.

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 / HZ (Historic Overlay)
Former Zoning:
Requested Zoning: CA (General Business), CA/HZ (Historic Overlay) & F (Floodway)
Previous Requests: Zoned TC in 2005 (8-C-05-RZ)
Extension of Zone: Yes, extension of MU-CC plan designation from the northeast. Not an extension of CA zoning
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential), MU-CC (Mixed Use - Community Commercial) with SP (Stream Protection) & HP (Hillside Protection)

Requested Plan Category: GC (General Commercial) with SP (Stream Protection) & HP (Hillside Protection)

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.): DENY the request to amend the future land use map of the North County Sector Plan to GC (General Commercial) land use classification.

Staff Recomm. (Full): The majority of this site is designated for mixed community commercial uses (MU-CC) and on the sector plan, with the remainder shown as LDR. The MU-CC designation was placed on the property at the time it was rezoned to TC in 2005. It was very clear at the time that the plan was amended only to accommodate the mix of uses allowed under the current TC zoning, along with the development guidelines associated with TC zoning. TC zoning does not allow strip commercial development and requires a development plan that includes a mix of uses, including residential, commercial, offices and open space according to development guidelines provided in the TC zoning district. The applicant has reasonable use of the property under the current plan designation and zoning, but it needs to be marketed for a unified, mixed use Town Center style development. The current MU-CC designation does allow consideration of planned zoning districts, which would include the PC (Planned Commercial) or SC (Shopping Center) zoning districts. However, either of those zones would allow consideration of strip commercial development, which was not the intent of the 2005 sector plan amendment and rezoning to Town Center uses. The property was rezoned at that time for a very specific type of town center development only. Also, the area currently designated LDR wraps around three parcels with established residential uses under A zoning. It would not be appropriate to extend commercial uses around these three established residential parcels (056EC008-010). If the site is to be developed with commercial uses, it should be done under a planned zoning district, as allowed under the current MU-CC designation, so MPC can review an overall development plan for the site, avoiding typical strip commercial uses or parcel by parcel development requiring multiple curbcuts.

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:

No known road or utility improvements have been made recently in the area. The widening of this section of W. Emory Rd. was completed prior to 2005, when the subject property was rezoned to TC. The Powell Drive extension further west has now been completed as well.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan currently calls for low density residential (LDR) development for parcel 056EC007 to the southwest. This area requested for the plan amendment from LDR to GC wraps around three parcels with established residential uses in the Agricultural zone. Without inclusion of those three parcels (056EC008-010), general or community commercial uses are not appropriate. If those parcels were included, an extension of the MU-CC designation would be more appropriate, but careful consideration would need to be given to the type of zoning to be placed on the properties. The general commercial designation is not appropriate for any of the subject parcels. The current MU-CC designation placed on most of the subject property in 2005 is appropriate and is not an error or omission.

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

There have been no significant changes that have taken place to justify amendment of the sector plan, as requested. Staff maintains that general commercial uses are not appropriate at this location. General commercial development in the area has been limited to properties to the northeast from the intersection of W. Emory Rd. and Central Avenue Pike to the I-75/Emory Rd. interchange and beyond. Approval of this request would allow commercial zoning to be considered directly across from, to the rear of, and to the side of established residential uses.

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

There are no apparent trends that warrant an amendment to the sector plan. A large portion of the site is already designated as MU-CC, which should be maintained, as is. The plan was amended to MU-CC for that area in 2005 (8-A-05-SP). It was also rezoned to TC (Town Center) at that time (8-D-05-RZ).

Action: Approved **Meeting Date:** 1/14/2016

Details of Action: APPROVE an amendment to the future land use map of the North County Sector Plan to MU-CC (Mixed Use - Community Commercial) land use classification for parcel 056EC007 only.

Summary of Action: Adopt Resolution #10-B-15-SP, amending the North County Sector Plan to MU-CC (Mixed Use - Community Commercial) with SP (Stream Protection) & HP (Hillside Protection) for parcel 056EC007 only and recommend the Knox County Commission also adopt the sector plan amendment.

Date of Approval: 1/14/2016 **Date of Denial:** 1/14/2016 **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: 4/25/2016 **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: Other **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

County Commission initiated their own sector plan amendment 4-E-16-SP

Date of Legislative Appeal: **Effective Date of Ordinance:**