

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

HILLSIDE AND RIDGETOP PROTECTION PLAN DATED NOVEMBER 2011

File Number: 12-A-11-SAP Related File Number:
Application Filed: 10/24/2011 Date of Revision:
Applicant: KNOX COUNTY COMMISSION AND KNOXVILLE CITY COUNCIL

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

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400 Main Street
Knoxville, Tennessee 37902
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F A X • 215 • 2068
www.knoxmpc.org

PROPERTY INFORMATION

General Location:
Other Parcel Info.:
Tax ID Number: 9999 9999 Jurisdiction: City and County
Size of Tract:
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: Density:
Sector Plan: Sector Plan Designation:
Growth Policy Plan:
Neighborhood Context:

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

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

ZONING INFORMATION (where applicable)

Current Zoning:
Former Zoning:
Requested Zoning:
Previous Requests:
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: Mark Donaldson

Staff Recomm. (Abbr.):

Staff Recomm. (Full): Staff recommends that the planning commission approve the version of the Hillside and Ridgetop Protection Plan dated November 2011 as initiated by Knoxville City Council and that Knox County Commission consider removing the amendment to the plan added on November 21st or, as an alternative, replace the amendment with the language provided as Exhibit B.

Comments:

REQUEST

MPC has been requested by Knox County Commission and Knoxville City Council to review and consider the revised Hillside and Ridgetop Protection Plan dated November 2011 as an amendment to the Knoxville-Knox County General Plan 2033, in accordance with the process described in state law at T.C.A. § 13-3-304(b)(2) allowing legislative bodies to initiate general plan amendments.

BACKGROUND

MPC adopted a version of the Hillside and Ridgetop Protection Plan dated December 2010 and requested that Knox County Commission and Knoxville City Council approve the plan in order to make it operative pursuant to T.C.A. § 13-3-304(b)(1)(A). Knox County Commission voted not to approve the plan and asked that City Council join them in a series of facilitated meetings to try to reach consensus on a revised plan that both could initiate as a plan amendment. At the conclusion of these meetings on November 10, 2011, a consensus was achieved on a plan agreeable to those in attendance at the meeting and MPC staff was instructed to facilitate this plan amendment process. The bound copy of the plan dated November 2011, with several yellow pages is the version of the plan agreed upon at that meeting.

When County Commission considered a resolution to initiate the plan at its November 21st meeting, an amendment to the plan was introduced and approved. See Exhibit A. At its meeting on November 29th City Council approved the version of the plan as it was agreed upon at the November 10th joint meeting of the two bodies, without any amendments.

State law requires that the legislative bodies forward any general plan amendments they initiate to the planning commission for its review and consideration, but does not compel any compliance with planning commission recommendations. Planning Commission may approve, not approve or transmit the plan back to the legislative bodies with no recommendation.

ANALYSIS

The revised plan includes several modifications from the December 2010 plan, as adopted by MPC:

- The preface has been modified to reflect the facilitated meeting process and provide language recognizing the need for flexibility when applying the plan policies and principles to specific land development proposals.
- Several tables have been modified to condense the number of slope categories and add language concerning how the plan is to be used when reviewing specific requests.
- Section 3 has been added to demonstrate how the plan is to be implemented.
- Appendix I has been added to create a checklist for future actions.

The Knox County amendment was approved with the stated intent to clarify the nature of the plan and its legal status. It is my opinion that the amendment is unnecessary. The revisions to the plan resulting from the facilitated meetings achieved consensus on the plan by addressing the role of the plan and how the plan will be used as a framework for land use decisions, while providing flexibility to deal with site specific situations.

I believe the amendment actually makes more uncertain any outcomes a property owner may expect during the development review process by providing an explicit statement that the recommendations of the plan are not binding, and any development expectation is left entirely to the legislative body to

determine. It also attempts to make the plan advisory only, thus removing it from the standard of state law that land use decisions must be consistent with approved plans. It also attempts to extend the same language to any comparable provisions in the adopted General Plan and sector plans, thus reducing the expectation that future decisions will be made consistent with previously adopted plans and policies.

MPC staff has drafted alternative language that could be used in lieu of the County's amendment if the planning commission feels that something is necessary. See EXHIBIT A.

Action: Other **Meeting Date:** 12/8/2011

Details of Action: Transmit the plan back to County Commission with no recommendation

Summary of Action: Transmit the plan back to County Commission with no recommendation

Date of Approval: **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 1/23/2012

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved as Modified

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Approved with Briggs paragraph deleting references to City of Knoxville

Date of Legislative Appeal:

Effective Date of Ordinance: