

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 PLAN AMENDMENT REPORT**

▶ **FILE #:** 7-F-13-SP

AGENDA ITEM #: 32

AGENDA DATE: 7/11/2013

▶ **APPLICANT:** HARB-WHITE PROPERTIES, LLC

OWNER(S): Dan Harb

TAX ID NUMBER: 119 L A 01601

JURISDICTION: Council District 2

▶ **LOCATION:** Southwest side Bridgewater Rd., north side I-40/75

▶ **APPX. SIZE OF TRACT:** 6.75 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Bridgewater Rd., a major collector street with 4 lanes and a center median within 80-90' of right-of-way, or Comstock Rd., a local street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** MDR/O (Medium Density Residential/Office) / O-1 (Office, Medical, and Related Services)

▶ **PROPOSED PLAN DESIGNATION:** C (Commercial)

▶ **EXISTING LAND USE:** Various uses

▶ **PROPOSED USE:** Various uses (see attached letter dated May 28, 2013)

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: Sector and One Year Plan amendments to MDR/O and rezoning to O-1 were approved in 2012 (7-F-12-RZ/7-D-12-PA/7-C-12-SP).

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Vacant land and house / MDR and STPA

South: I-40 right-of-way / TR

East: Bridgewater Rd. - Houses, vacant land and apartments / MDR

West: Offices under construction / MDR

NEIGHBORHOOD CONTEXT This section of Bridgewater Rd., situated between I-40/75 and Ten Mile Creek, has a church and a few houses, zoned R-1, RA and R-2. The C-6 zoned land to the west is currently being developed.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 7-F-13-SP, amending the Northwest County Sector Plan to C (Commercial) and recommend that City Council also approve the sector plan amendment to make it operative. (See attached resolution, Exhibit A.)**

Commercial uses for this site represent an extension of the developing commercial uses from the west. The site is located near an I-40 interchange and fronts directly on Bridgewater Rd., which is classified as a major collector street.

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 improvements have been recently made to any of the roads surrounding this site. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Northwest County Sector Plan currently designates the site for medium density residential and office uses, consistent with the current O-1 zoning. The site to the west is currently zoned C-6 and is further off of Bridgewater Rd. than the subject property. This site is more appropriate for commercial uses because of its frontage on Bridgewater Rd., near the I-40 interchange.

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

With the approval of C-6 zoning on the site to the west by MPC and City Council, the precedent was set to allow commercial use of this site.

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

The general trend County-wide is to locate commercial uses at or near interstate interchanges. Also, the site to the west being zoned C-6 set a precedent to allow commercial zoning on this site also.

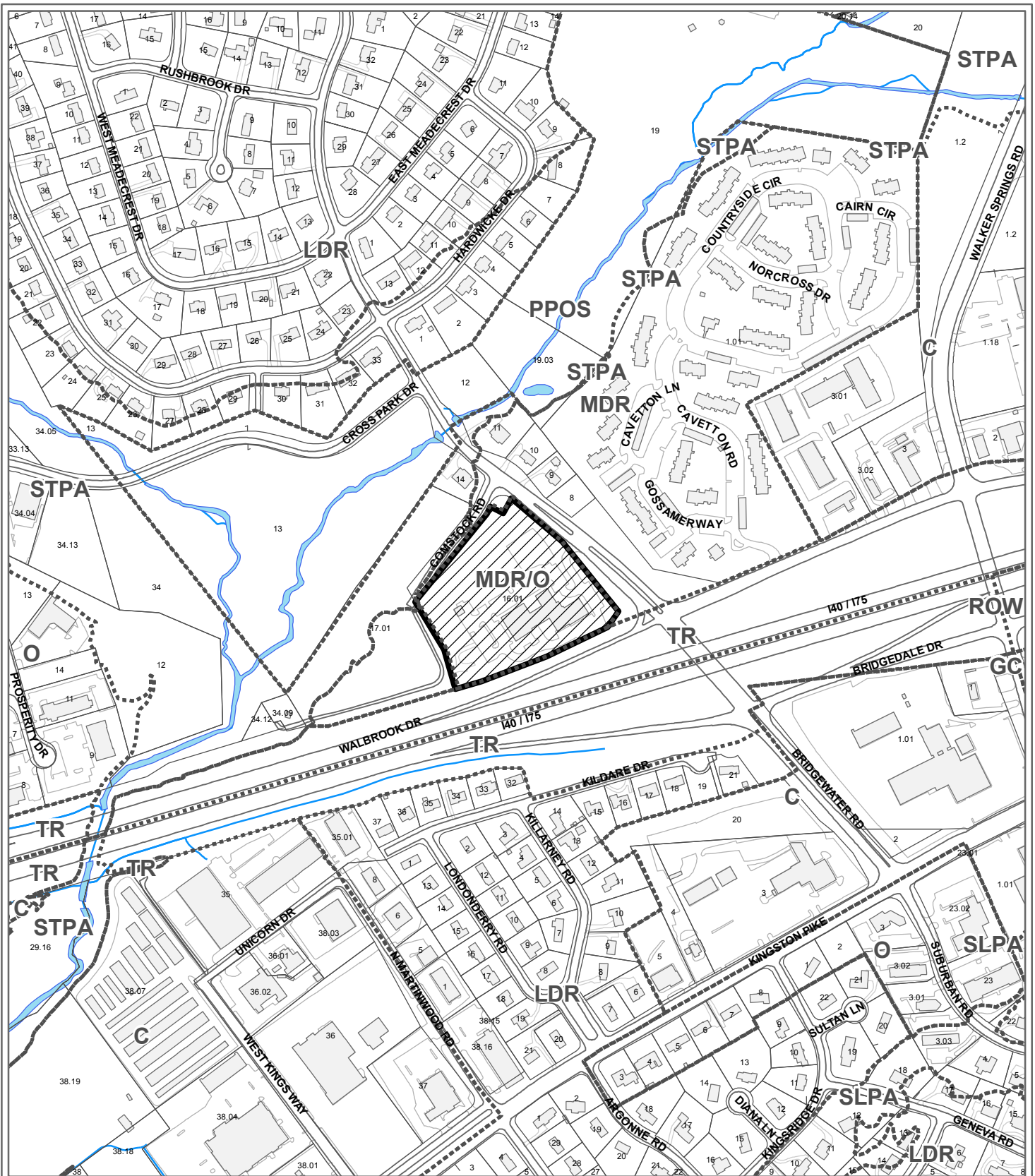
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/6/2013 and 8/20/2013. 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.



**7-F-13-SP
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

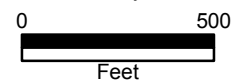
From: MDR/O (Medium Density Residential/Office)
To: C (Commercial)



Petitioner: Harb-White Properties, LLC

Map No: 119
Jurisdiction: City

Original Print Date: 6/27/2013
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

***WHEREAS**, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and*

***WHEREAS**, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and*

***WHEREAS**, Harb-White Properties has submitted an application to amend the Sector Plan from Medium Density Residential and Office to Commercial, for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and*

***WHEREAS**, the Metropolitan Planning Commission, at its regularly scheduled public hearing on July 11, 2013, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.*

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying staff report and map, file #7-F-13-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 7-J-13-RZ
7-E-13-PA

AGENDA ITEM #: 32
AGENDA DATE: 7/11/2013

▶ **APPLICANT:** HARB-WHITE PROPERTIES, LLC
OWNER(S): Dan Harb

TAX ID NUMBER: 119 L A 01601
JURISDICTION: Council District 2

▶ **LOCATION:** Southwest side Bridgewater Rd., north side of I-40/75

▶ **TRACT INFORMATION:** 6.75 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Bridgewater Rd., a major collector street with 4 lanes and a center median within 80-90' of right-of-way, or Comstock Rd., a local street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR/O (Medium Density Residential/Office) / O-1 (Office, Medical, and Related Services)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-6 (General Commercial Park)

▶ **EXISTING LAND USE:** Various uses

▶ **PROPOSED USE:** Various uses (see attached letter dated Mar 28, 2013).

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC from the west

HISTORY OF ZONING REQUESTS: Sector and One Year Plan amendments to MDR/O and rezoning to O-1 were approved in 2012 (7-F-12-RZ/7-D-12-PA/7-C-12-SP).

SURROUNDING LAND USE, PLAN DESIGNATION, North: Vacant land and house / GC and COUNTY / C-6 (General Commercial Park) & RA (Low Density Residential)

ZONING South: I-40 right-of-way / ROW / C-3 (General Commercial)

East: Bridgewater Rd. - Houses, vacant land and apartments / MDR / R-1 (Low Density Residential) & R-2 (General Residential)

West: Offices under construction / GC / C-6 (General Commercial Park)

NEIGHBORHOOD CONTEXT: This section of Bridgewater Rd., situated between I-40/75 and Ten Mile Creek, has a church and a few houses, zoned R-1, RA and R-2. The C-6 zoned land to the west is currently being developed.

STAFF RECOMMENDATION:

► **RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.**

General commercial uses for this site represent an extension of the developing commercial uses from the west. The site is located near an I-40 interchange and fronts directly on Bridgewater Rd., which is classified as a major collector street.

► **RECOMMEND that City Council APPROVE PC-1 (Retail and Office Park) zoning. (Applicant requested C-6.)**

PC-1 zoning will allow flexibility of uses, as long as a use on review development plan is approved by MPC. It is not clear whether the applicant's list of proposed uses (attached) can be accommodated in the C-6 zoning district. Also, the PC-1 zone requires that MPC approve a development plan prior to development. As part of this review, staff can address issues such as lighting and landscape screening, that would minimize the impact on adjacent residential uses to the north and east.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The One Year Plan currently designates the site for medium density residential and office uses, consistent with the current O-1 zoning. The site to the west is currently designated GC and zoned C-6 and is further off of Bridgewater Rd. than the subject property. This site is more appropriate for commercial uses because of its frontage on Bridgewater Rd., near the I-40 interchange.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - No known improvements have been recently made to any of the roads surrounding this site. Public water and sewer utilities are available to serve the site.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - With the approval of C-6 zoning on the site to the west by MPC and City Council, the precedent was set to allow commercial use of this site. The proposal is a logical extension of that plan designation to the east.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - No new information has become available to reveal the need for a plan amendment.

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 recommendation is compatible with the scale and intensity of the surrounding land uses and zoning pattern. PC-1 zoning is preferable to C-6 because it allows more flexibility in uses and requires development approval by MPC, in order to address neighborhood compatibility concerns.
2. PC-1 is a logical extension of commercial zoning from the west. The subject property is more appropriate for commercial zoning than the property to the west.
3. PC-1 zoning requires site plan approval by MPC as a use on review prior to development. As part of this review, MPC and City Engineering staff can address issues such as landscape screening, site lighting, traffic circulation, drainage and other potential development concerns. It will also give the opportunity for public comment at a public hearing.

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

1. The PC-1 (Retail & Office Park) zoning district is established to provide for the unified development of uses ranging from retail stores and services such as are found in neighborhood shopping centers and community shopping centers to businesses and professional offices. In the interest of promoting orderly design and development, the district regulations emphasize rational placement of activities, traffic and pedestrian circulation, access and parking, loading, landscaping and the mitigation of adverse off-site impacts.
2. Based on the above general intent, this site is appropriate for PC-1 zoning.
3. The requested C-6 zoning does not clearly allow the mix of uses proposed by the applicant. (See

attached.) PC-1 zoning will allow the uses, as long as a development plan is approved by MPC that clearly identifies the mix of uses proposed. Also, the C-6 zone does not require any site plan review by MPC at a public hearing, only an administrative review by MPC staff.

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. The recommendation is compatible with surrounding development and will have a minimal impact on adjacent properties.
2. Approval of PC-1 zoning and approval of a use on review development plan will allow the mix of uses proposed by the applicant. There will be no impact on schools, and a minimal impact on the street system.
3. Public water and sewer utilities are in place to serve the site.

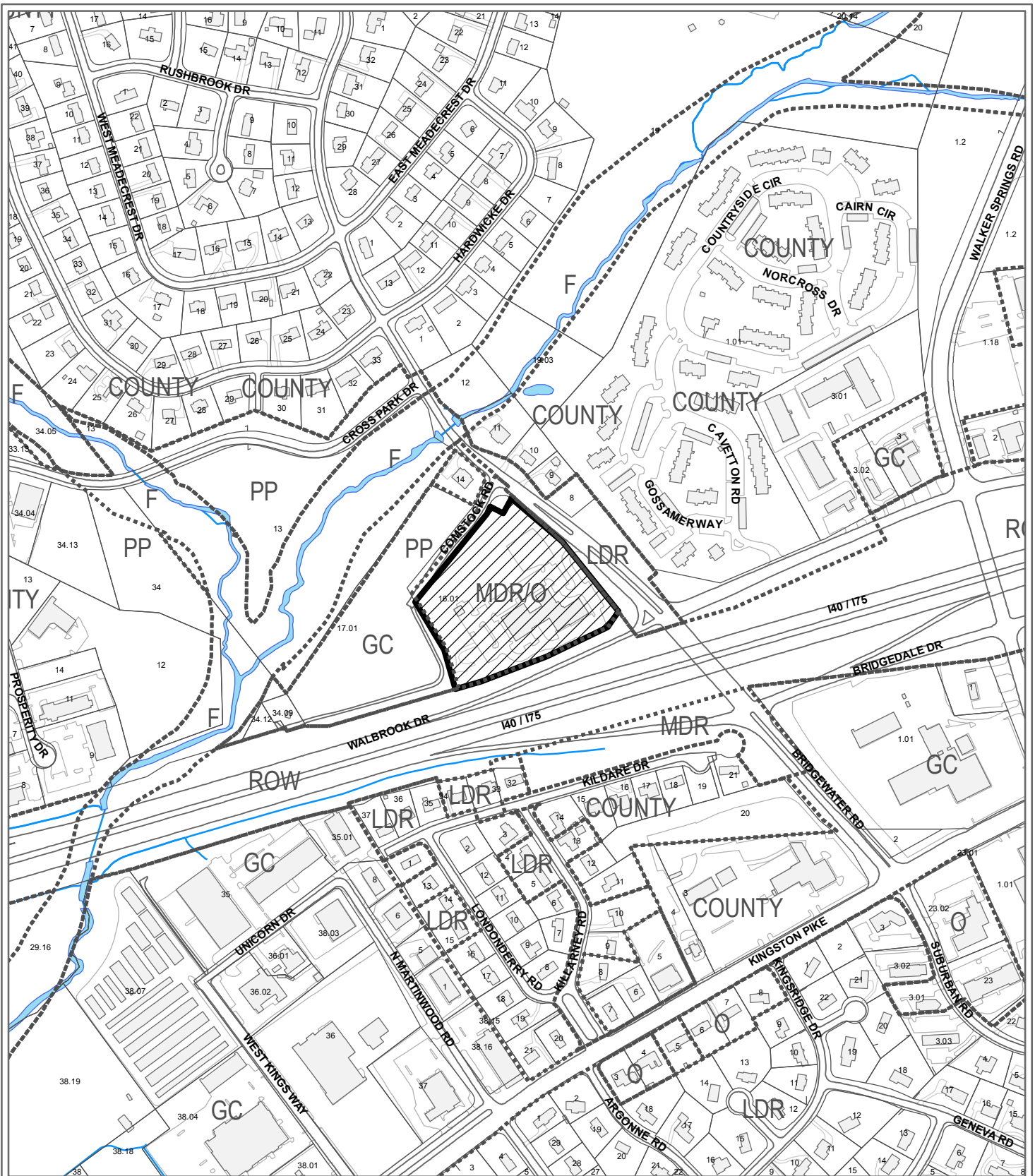
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With approval of the One Year Plan amendment to GC, C-6 or PC-1 zoning would be consistent with the plan.
2. With approval of the Northwest County Sector Plan amendment to commercial, C-6 or PC-1 zoning would be consistent with the plan. There is an accompanying sector plan amendment request for the site requesting a change from MDR/O to C (7-F-13-SP).
3. The site is located within the Urban Growth Area (inside Knoxville City limits) on the Knoxville-Knox County Farragut Growth Policy Plan map.
4. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/6/2013 and 8/20/2013. 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.



**7-E-13-PA / 7-J-13-RZ
PLAN AMENDMENT**

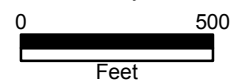
From: MDR/O (Medium Density Residential/Office)
To: GC (General Commercial)

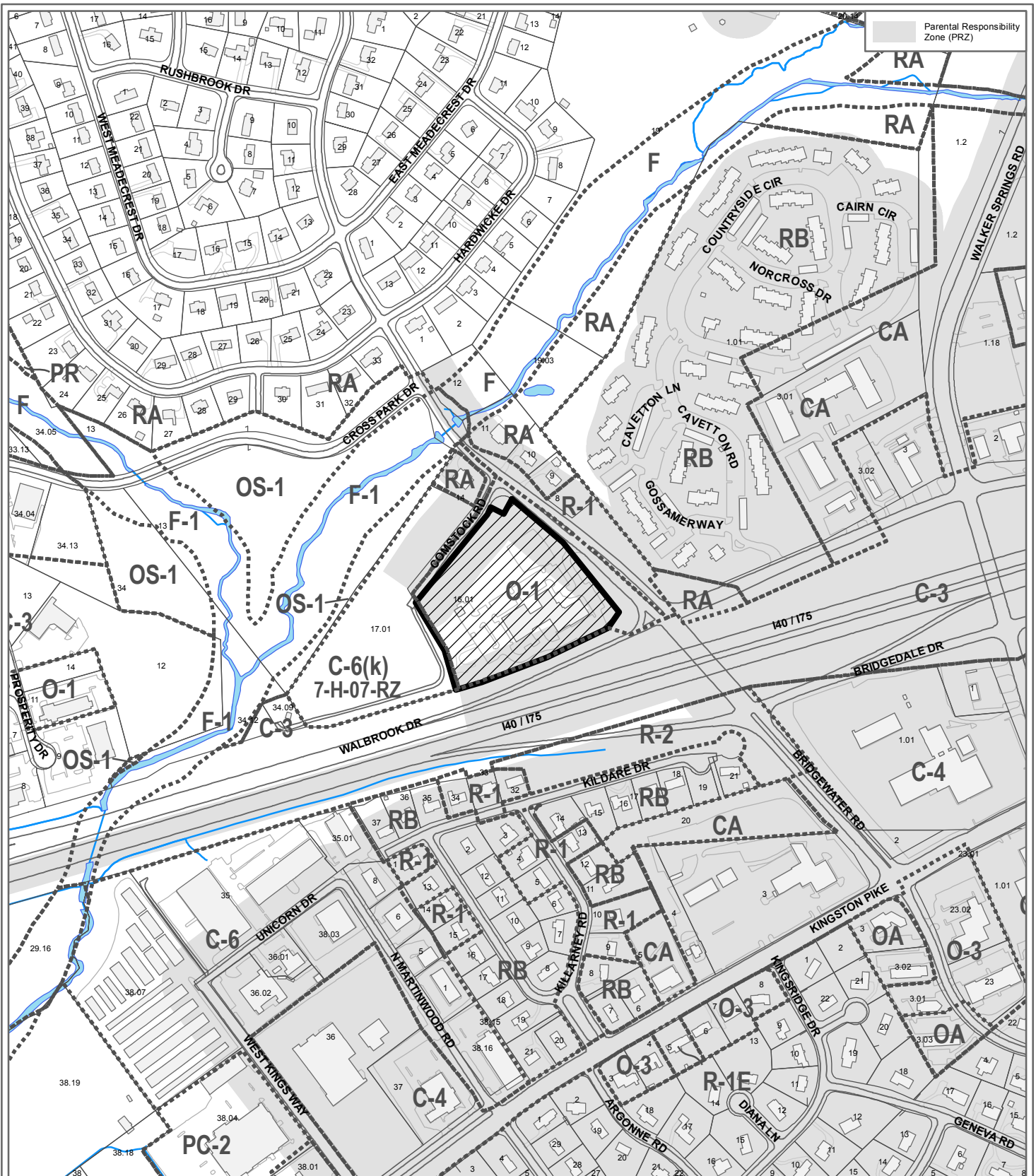


Petitioner: Harb-White Properties, LLC

Map No: 119
Jurisdiction: City

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**7-J-13-RZ
REZONING**

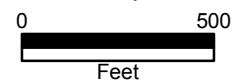
From: O-1 (Office, Medical and Related Services)
To: C-6 (General Commercial Park)



Petitioner: Harb-White Properties, LLC

Map No: 119

Jurisdiction: City



May 28, 2013

C-6 Proposed Uses

Bridgewater Place

205 Bridgewater Road

Knoxville, TN

Church/Religious Use

Athletic facility

Social Organizations

Meeting Groups

Small Music Events or Plays

Weddings and Receptions

Family Gatherings

Offices

Daycare

Education/School, both private and public

Community Organization

City or County Community/Recreation Use

Outside Fields:

Athletics Fields

Corporate/Social Gatherings/Picnics