

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

▶ **FILE #:** 1-D-14-RZ
 1-D-14-SP

AGENDA ITEM #: 26
AGENDA DATE: 1/9/2014

▶ **APPLICANT:** ORLINO BALDONADO
 OWNER(S): Orlino Baldonado

TAX ID NUMBER: 104 00602
 JURISDICTION: Commission District 6
 STREET ADDRESS: 10513 Hardin Valley Rd

▶ **LOCATION:** North side Hardin Valley Rd., east of Cherahala Blvd.

▶ **TRACT INFORMATION:** 1 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Hardin Valley Rd., a 4-lane, median-divided, minor arterial street within 190-200' of right-of-way.

UTILITIES: Water Source: West Knox Utility District
 Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** TP (Technology Park) / BP (Business and Technology) / TO (Technology Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** Residential

▶ **PROPOSED USE:** Commercial uses

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of CA/TO from the southwest

HISTORY OF ZONING REQUESTS: Same plan amendment and rezoning was approved for site to the southwest in 2013 (7-B-13-SP/7-E-13-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION,
 ZONING North: Vacant land / BP (Business & Technology Park) / TO (Technology Overlay)

South: Business and vacant land / GC / CA (General Business) / TO (Technology Overlay)

East: Vacant land and business offices / BP (Business & Technology Park) / TO

West: Vacant land and businesses / CA (General Business) / TO and BP (Business & Technology Park) / TO

NEIGHBORHOOD CONTEXT: This area is developed with commercial and business park uses, under BP, CA and PC zoning. There is residential development to the east, zoned PR and RA. The subject and adjacent properties are all within the technological

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #1-D-14-SP, amending the Northwest County Sector Plan to GC (General Commercial) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.)**

General commercial uses for this site would be an extension of those uses from the southwest.

- ▶ **RECOMMEND that County Commission APPROVE CA (General Business) / TO (Technology Overlay) zoning.**

CA/TO zoning is an extension of zoning from the southwest and continues the trend for commercial development on the north side of this section of Hardin Valley Rd.

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 made recently to Hardin Valley Rd. Hardin Valley Rd. is a minor arterial street with four lanes, capable of serving additional traffic that would be generated by commercial development of this site. Water and sanitary sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan proposes general commercial uses to the southwest of this site. This proposal represents a logical extension of that designation to the east. General commercial uses may be appropriate for additional sites to the east, but would need to stop short of the residential subdivision at Hardin Farms Lane

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

Numerous applications for commercial plan designations and zoning have been supported by MPC, TTCDA and Knox County Commission between Pellissippi Parkway and this site along the north side of Hardin Valley Rd. This proposal continues that trend.

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

The trend for properties fronting on the north side of this section of Hardin Valley Rd. has been for commercial uses. Residential development in the area has increased in recent years, prompting the demand for more commercial development.

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. CA/TO zoning is compatible with the scale and intensity of the surrounding development and zoning pattern in the area.
2. The proposed CA/TO zoning is a logical extension of zoning from the southwest.
3. This proposal continues the trend for commercial zoning along the north side of this section of Hardin Valley Rd.
4. This proposed amendment of the zoning map will not adversely affect any other part of the County, and the site plan approval required by the Tennessee Technology Corridor Development Authority (TTCDA) provides that no direct or indirect adverse effects will result from the change of zoning.

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

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.

2. Based on the above description and intent of CA zoning, this property is appropriate to be rezoned to CA, as requested.
3. Site plans will be subject to review and approval of a development plan by the Tennessee Technology Corridor Development Authority (TTCDA), since it is located within the TO overlay.

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 proposal will have no impact on schools, and the traffic impact will depend on the type of use that is proposed.
2. CA zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. Public water and sanitary sewer utilities are available to serve the site.
4. The TO overlay zone, which will be retained on the zoning, will require the review of a development plan and approval of a Certificate of Appropriateness by TTCDA prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, landscaping, layout, signage, drainage and other potential development concerns. It will also give the opportunity for public comment at the TTCDA meeting.

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 recommended amendment to the Northwest County Sector Plan to general commercial, the requested CA zoning is consistent with the sector plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The proposal does not present any apparent conflicts with any other adopted plans.
4. Because of the property's location within the TO overlay, a Certificate of Appropriateness for the rezoning must also be approved by TTCDA. This request is scheduled to be considered by TTCDA on January 6, 2014 (1-A-14-TOR).

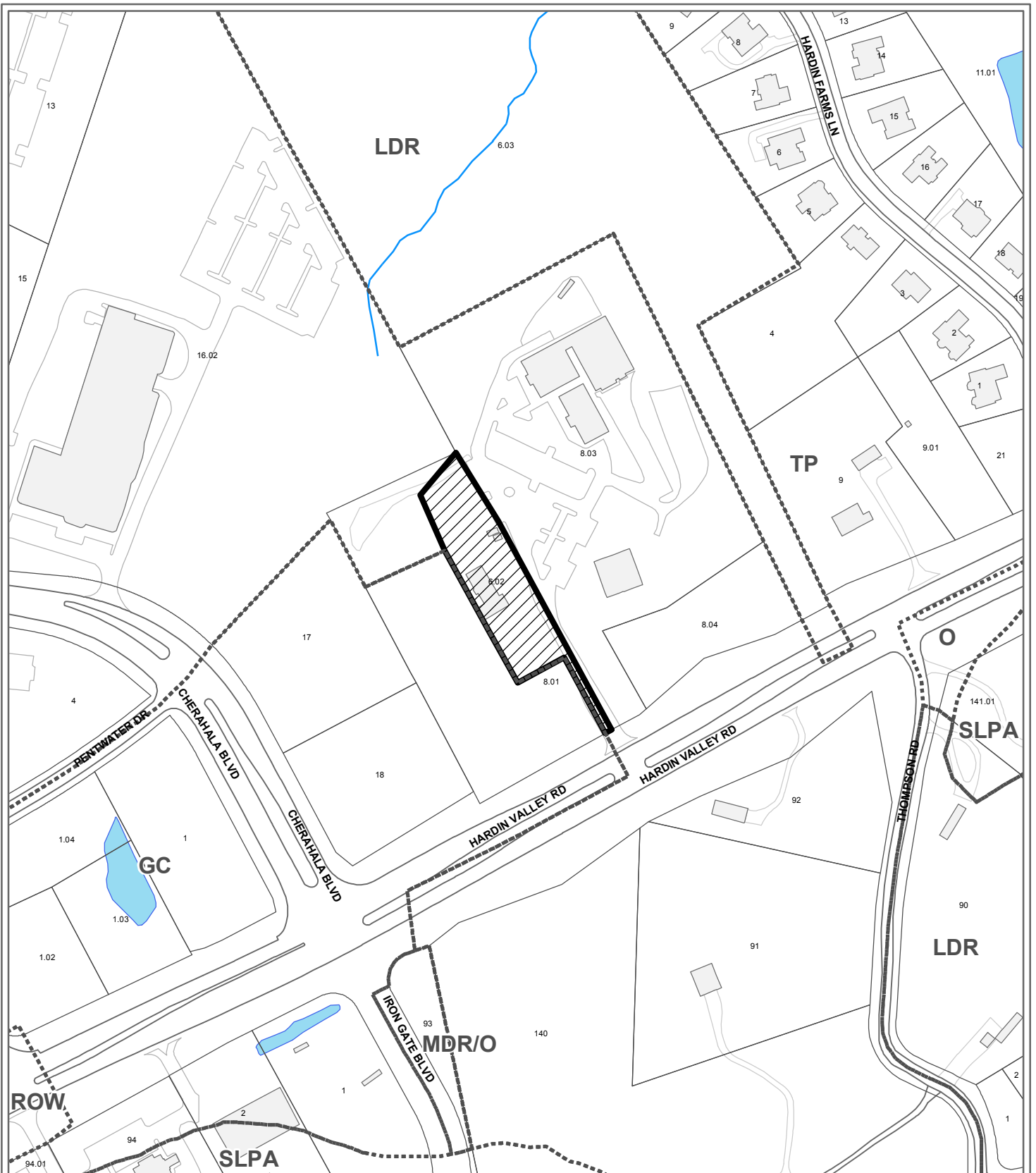
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/24/2014. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**1-D-14-SP / 1-D-14-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: TP (Technology Park)
To: GC (General Commercial)

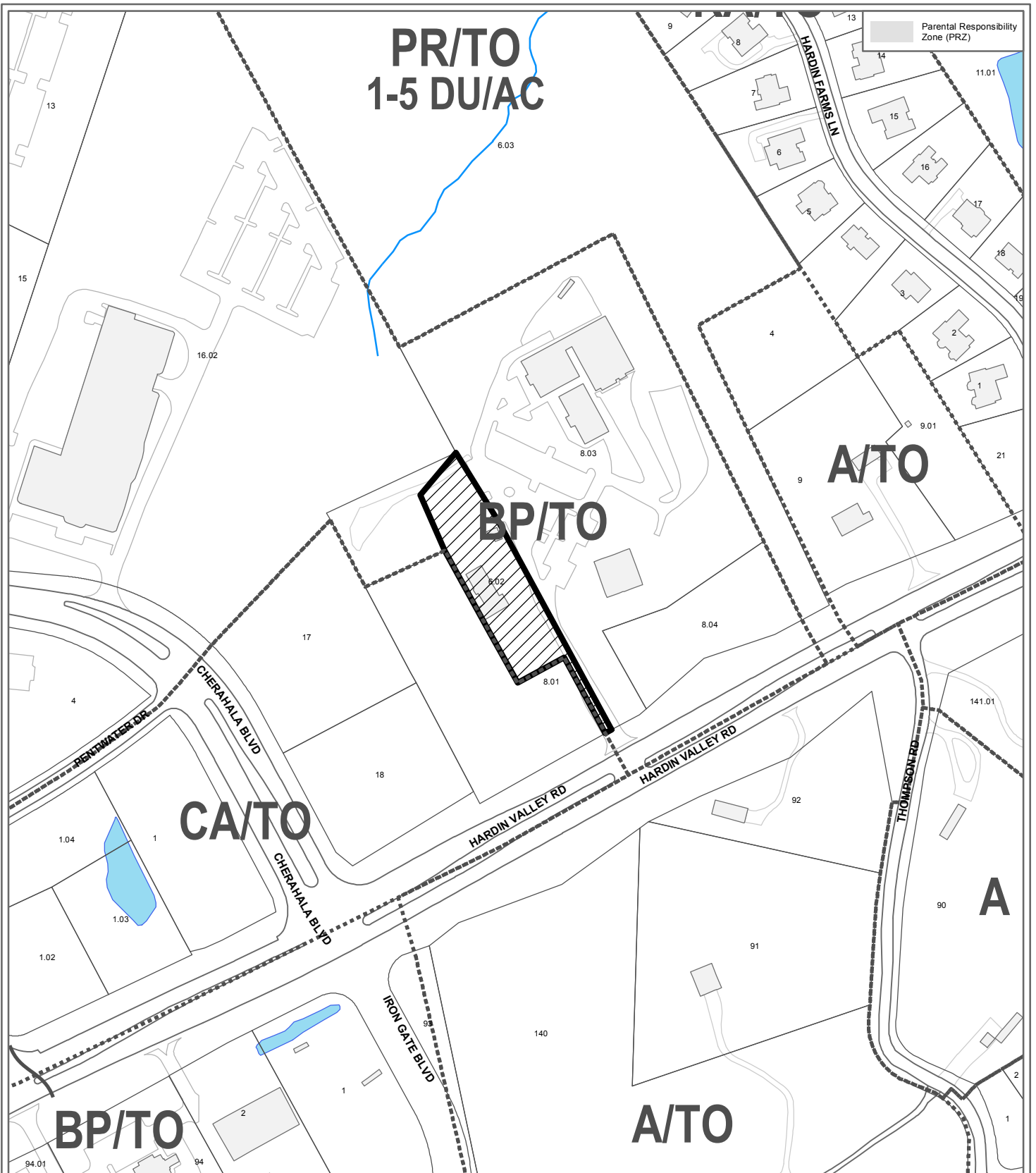


Petitioner: Baldonado, Orlino

Map No: 104
Jurisdiction: County

Original Print Date: 12/20/2013 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





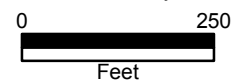
**1-D-14-RZ
REZONING**

From: BP (Business and Technology) / TO (Technology Overlay)
 To: CA (General Business) / TO (Technology Overlay)



Petitioner: Baldonado, Orlino

Map No: 104
 Jurisdiction: County



Original Print Date: 12/20/2013 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 sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Orlino Baldonado, has submitted an application to amend the Sector Plan from Business and Technology Park to General 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 January 9, 2014, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector 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 #1-D-14-SP.

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

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

Date

Chairman

Secretary