



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

FILE #: 3-E-14-RZ
3-C-14-SP

AGENDA ITEM #: 38
AGENDA DATE: 3/13/2014

APPLICANT: MANSOUR HASAN
OWNER(S): Mansour Hasan

TAX ID NUMBER: 104 190
JURISDICTION: Commission District 6
STREET ADDRESS: 9629 Middlebrook Pike

LOCATION: Northeast side Middlebrook Pike, northwest of Bob Kirby Rd.

TRACT INFORMATION: 1.33 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Middlebrook Pike, a major arterial street with 4 lanes and a center median within 115' of right-of-way.

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

WATERSHED: Beaver Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)

PROPOSED PLAN DESIGNATION/ZONING: O (Office) / OB (Office, Medical, and Related Services)

EXISTING LAND USE: House

PROPOSED USE: Day care / medical office

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of O plan designation and OB zoning from the southeast

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residential subdivision / LDR / PR (Planned Residential) at 1-3 du/ac

South: Middlebrook Pike / MDR / PR (Planned Residential) at 1-3 du/ac

East: Vacant land / LDR / PC (Planned Commercial)

West: Developing residential subdivision / LDR / PR (Planned Residential) at up to 5 du/ac

NEIGHBORHOOD CONTEXT: This area is developed primarily with low density residential uses under PR, RA and A zoning. There are commercial areas along Middlebrook Pike to the northwest and southeast of the site, zoned CA and PC. The adjacent property to the southeast is zoned OB, but does not appear to be used as an office.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #3-C-14-SP, amending the Northwest County Sector Plan to O (Office) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.)**

Office uses at this site would be a logical extension of the plan designation from the southeast. Office uses would be compatible with the surrounding land use and zoning pattern. Office use is appropriate at this location because the property is accessed from Middlebrook Pike only. Office use of this and the adjacent site create a transition between the PC zoned area to the southeast and the residential uses to the northwest.

- ▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) zoning.**

OB is a logical extension of zoning from the southeast and is compatible with the scale and intensity of the surrounding development and zoning pattern.

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 Middlebrook Pike in front of this site. However, it is classified as a major arterial street that is sufficient to accommodate office use of the site. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The property is currently designated for low density residential uses, consistent with its current Agricultural zoning. Office for this site is a logical extension of the sector plan designation from the southeast.

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

The property to the southeast was approved for a plan amendment to O and rezoning to OB in 2006 (5-I-06-RZ/5-E-06-SP), establishing an appropriate zoning pattern for these two similar properties (parcels 190 and 191) along Middlebrook Pike.

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

Office uses on this and the adjacent property are appropriate as a transitional area between the PC zoned property to the southeast and the residential uses to the northwest.

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. This site, which is located along Middlebrook Pike, a major arterial street, is appropriate for office uses, as proposed by the applicant.
2. OB zoning will allow uses compatible with surrounding development and zoning.
3. OB is a logical extension of zoning from the southeast and expands the transitional area between commercial and residential uses.

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

1. The requested OB zoning district is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The OB zoning district also allows residential development as permitted by the RB zoning district.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB, as requested.

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. Public water and sanitary sewer are available to serve the site.
2. The impact to the streets and school system will depend on the type of development proposed. Middlebrook Pike is classified as a major arterial street that is sufficient to handle additional traffic that would be generated by uses permitted in the OB zoning district.
3. This proposed amendment of the zoning map will not adversely affect any other part of the County.

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, OB zoning will be consistent with the plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This proposal does not present any apparent conflicts with any other adopted plans.

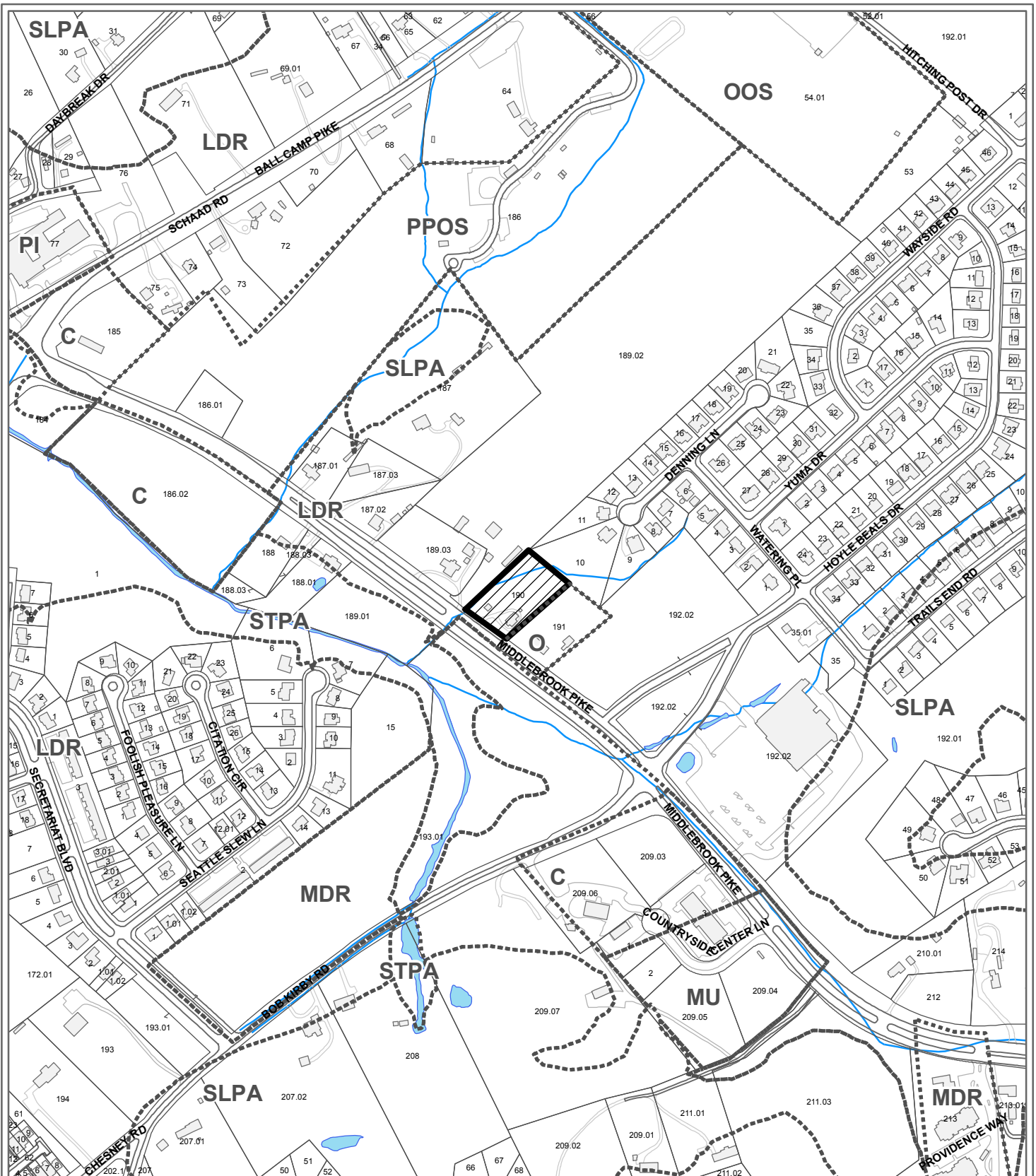
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 4/28/2014. 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.



**3-C-14-SP / 3-E-14-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

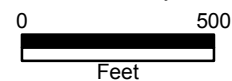


To: O (Office)

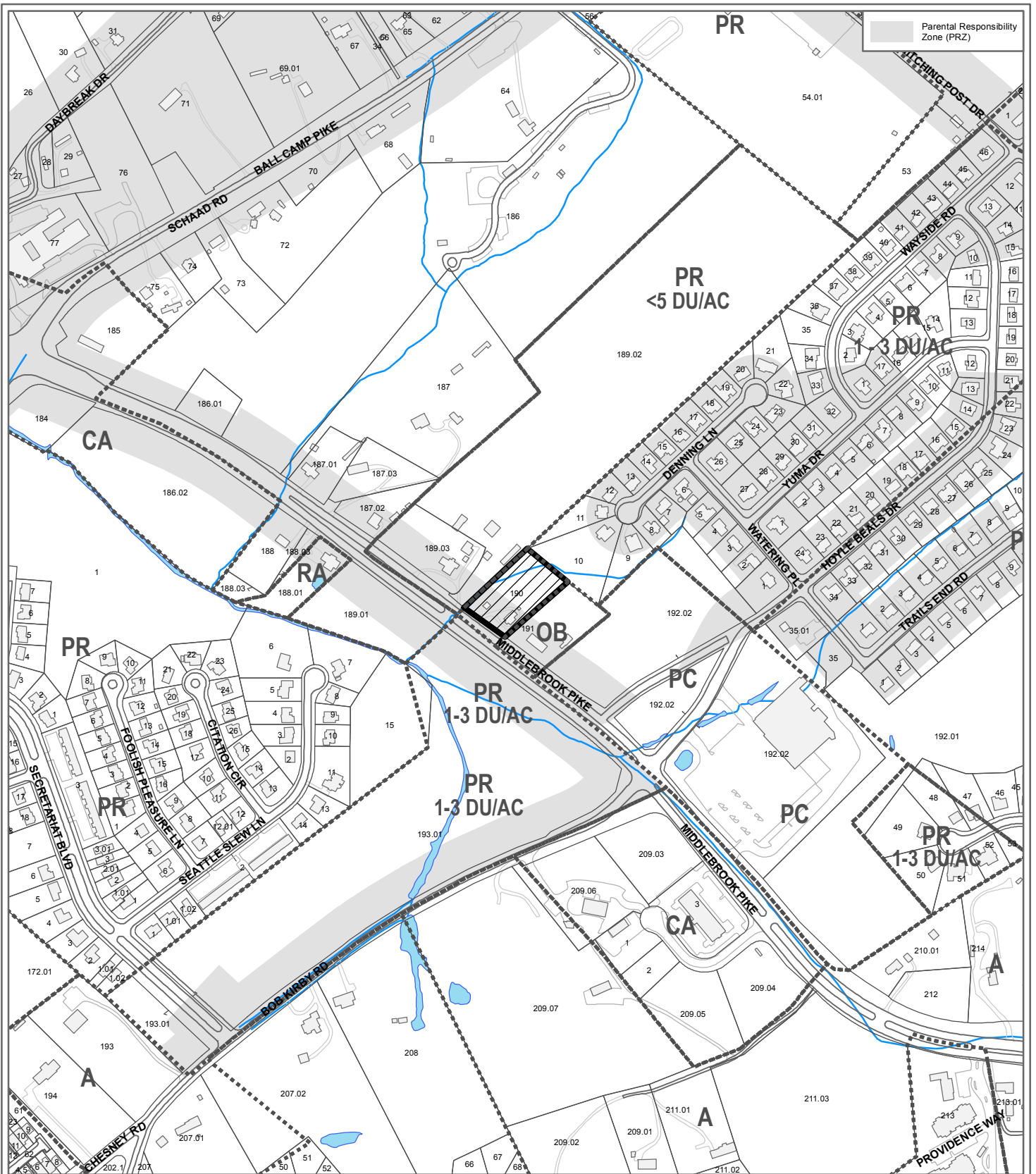
Petitioner: Hasan, Mansour

Map No: 104

Jurisdiction: County



Original Print Date: 2/24/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



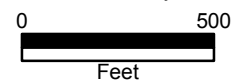
**3-E-14-RZ
REZONING**

Petitioner: Hasan, Mansour



From: A (Agricultural)
To: OB (Office, Medical, and Related Services)

Map No: 104
Jurisdiction: County



Original Print Date: 2/24/2014
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**, Mansour Hasan has submitted an application to amend the Sector Plan from Low Density Residential to Office 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 March 13, 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 #3-C-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