



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

▶ **FILE #:** 5-B-14-RZ
5-A-14-SP

AGENDA ITEM #: 21
AGENDA DATE: 5/8/2014

▶ **APPLICANT:** BRIGHTLAND, LLC
OWNER(S): Roger Brown

TAX ID NUMBER: 104 18801
JURISDICTION: Commission District 6
STREET ADDRESS: 9704 Middlebrook Pike

▶ **LOCATION:** Southwest side Middlebrook Pike, southeast of Lovell Rd.

▶ **TRACT INFORMATION:** 1.37 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 110' 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) & STPA (Stream Protection Area) / RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** O (Office) & STPA (Stream Protection Area) / OB (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Commercial uses

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Middlebrook Pike - Residence / LDR / A (Agricultural)
South: Creek, residence / LDR & STPA / PR (Planned Residential)
East: Vacant land / LDR & STPA / A (Agricultural)
West: Vacant land / LDR, C & STPA / A (Agricultural) and CA (General Business)

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. There are two properties to the northeast on the opposite side of Middlebrook Pike, zoned OB.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #5-A-14-SP, amending the Northwest County Sector Plan to O (Office) and STPA (Stream Protection) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.)**

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 CA zoned area to the west and the residential uses to the south and east.

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

OB zoning is appropriate for this property that is located on a major arterial street and is buffered from adjacent residential uses. The site is located just east of a large area of CA commercial zoning. Establishment of OB zoning at this location provides a transition between commercial and residential uses.

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 consistent with the surrounding land use and zoning pattern. Two similar properties to the northeast, on the north side of Middlebrook Pike, have recently been rezoned OB to convert houses from residential to office uses.

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

A similar property to the northeast was approved for a plan amendment to O and rezoning to OB earlier this year (3-E-14-RZ/3-C-14-SP). The general appropriateness for office uses on the subject property is similar to this previously approved plan amendment.

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

Office uses on this property are appropriate as a transitional area between the CA zoned property to the west and the residential uses to the south and east.

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 zoning for this site starts to create a transitional area between commercial uses to the west and residential uses to the south and east.
4. The subject property is situated between Middlebrook Pike and a creek to the south, which provides a buffer for the residential subdivision to the south.

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.

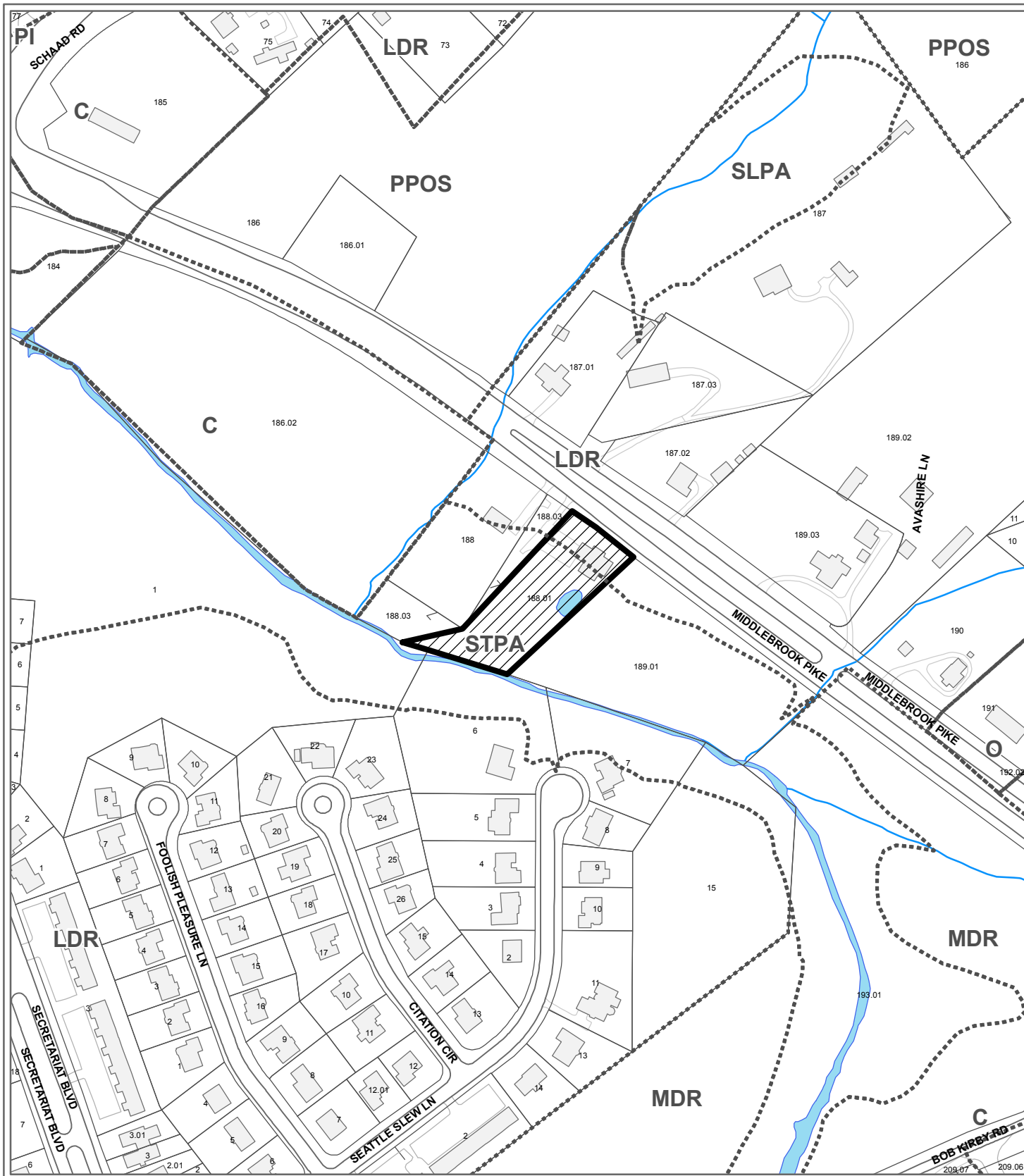
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 6/23/2014. 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.



**5-A-14-SP / 5-B-14-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

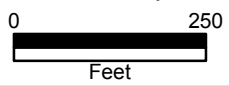
From: LDR (Low Density Residential) & STPA (Stream Protection Area)
 To: O (Office) & STPA (Stream Protection Area)

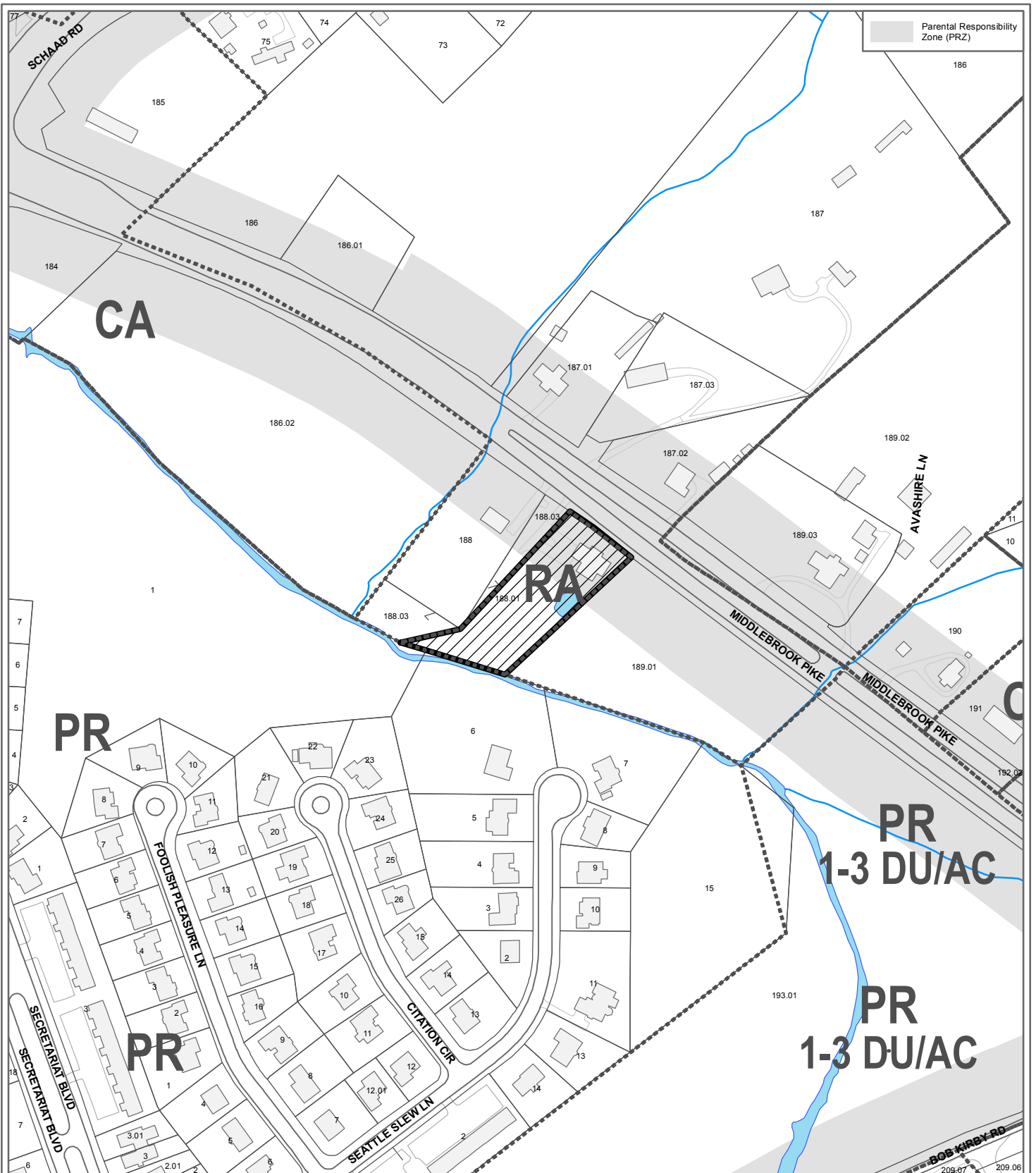


Original Print Date: 4/11/2014 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Brightland, LLC

Map No: 104
 Jurisdiction: County





**5-B-14-RZ
REZONING**

From: RA (Low Density Residential)
To: OB (Office, Medical, and Related Services)



Petitioner: Brightland, LLC

Map No: 104
Jurisdiction: County



Original Print Date: 4/11/2014
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**, Brightland, LLC has submitted an application to amend the Sector Plan from Low Density Residential and Stream Protection to Office and Stream Protection 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 May 8, 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 #5-A-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