



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

▶ **FILE #:** 5-D-16-RZ
5-B-16-SP

AGENDA ITEM #: 35
AGENDA DATE: 5/12/2016

▶ **APPLICANT:** FIRAS MISHU
OWNER(S): JNC Surveying & Mapping

TAX ID NUMBER: 90 050 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 8321 Oak Ridge Hwy

▶ **LOCATION:** South side Oak Ridge Hwy., east side Byington Solway Rd.

▶ **TRACT INFORMATION:** 2.63 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Oak Ridge Hwy., a major arterial street with 22' of pavement width within 100' 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) & SLPA (Slope Protection Area) / A (Agricultural) and CA (General Business)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) & SLPA (Slope Protection Area) / CA (General Business)

▶ **EXISTING LAND USE:** Gravel parking for adjacent business

▶ **PROPOSED USE:** Expansion of adjacent business

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Oak Ridge Hwy. - Vacant land / Ag-RR / PR (Planned Residential)
South: Vacant land / LDR & SLPA / A (Agricultural)
East: Vacant land / LDR & STPA / OS (Open Space)
West: Existing business / LDR & SLPA / CA (General Business)

NEIGHBORHOOD CONTEXT: This intersection of Oak Ridge Hwy. and Byington Solway Rd. has been established as a small commercial node with the existing business on site, zoned CA. Surrounding land uses are agricultural and low density residential, zoned A, RA, RB and PR.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #5-B-16-SP, amending the Northwest County Sector Plan to C (Commercial) and**

recommend the Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.)

The majority of the site is already zoned CA, which is not recognized on the current sector plan. The associated zoning request is a minor extension of CA zoning to the east to cover entire parcel. The recommended sector plan amendment to C will recognize the established CA zoning and commercial use of the site.

► **RECOMMEND that County Commission APPROVE CA (General Business) zoning.**

The zoning recommendation is consistent with the recommended sector plan amendment to C for the entire parcel. The C plan designation is recommended for the entire parcel owned by the applicant, most of which is already zoned CA commercial. CA is a logical extension of zoning from the west. The commercial use of the site is already established.

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 road or utility improvements have been made recently in this area. However, utilities are in place and Oak Ridge Hwy. is a major arterial street that is adequate to handle traffic that will be generated by continued commercial use of this site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan now proposes low density residential uses and slope protection for the site, which is not consistent with the current CA zoning on the majority of the site. There is not necessarily an error or omission in the plan, but consideration of commercial uses on this site is appropriate, considering it's current development and zoning, and the property's frontage on a major arterial street.

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

With the previous approval of CA zoning and development on the majority of the site, the precedent has been established to allow commercial use of the site.

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

CA zoning is already established on the majority of the site. The site has been developed with a commercial business. Approval of this plan amendment will recognize the trend of commercial use of the site.

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 is a logical extension of commercial zoning from the west and will allow compatible uses to the surrounding development pattern.
2. The majority of the subject parcel is already zoned CA. The applicant is requesting CA zoning to establish the same and proper zoning on the entire parcel, which is entirely used for commercial purposes.

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

1. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.
2. Based on the above description and intent, the remainder of this property is appropriate to be rezoned to CA, 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. CA zoning is appropriate for this site and will not adversely affect any adjacent properties or other parts of

the County.

2. The extension of CA zoning over this entire site is appropriate in this small commercial node at an intersection of collector and arterial streets.

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 plan amendment to the general commercial land use classification, CA zoning would be consistent with the Northwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Staff has not identified any conflicts with other adopted plans.

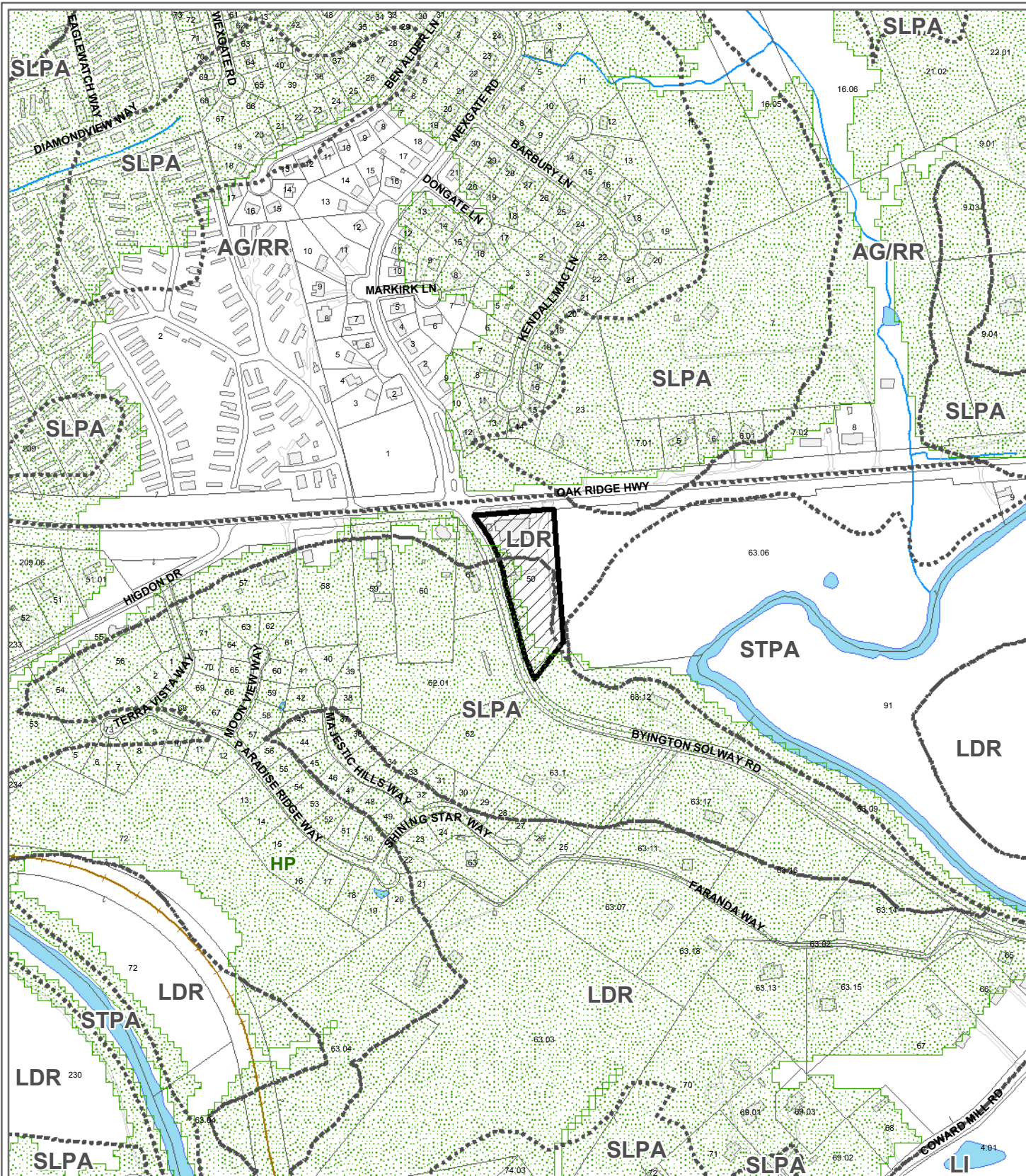
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 6/27/2016. 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-B-16-SP / 5-D-16-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) & SLPA (Slope Protection Area)
To: C (Commercial) & SLPA (Slope Protection Area)

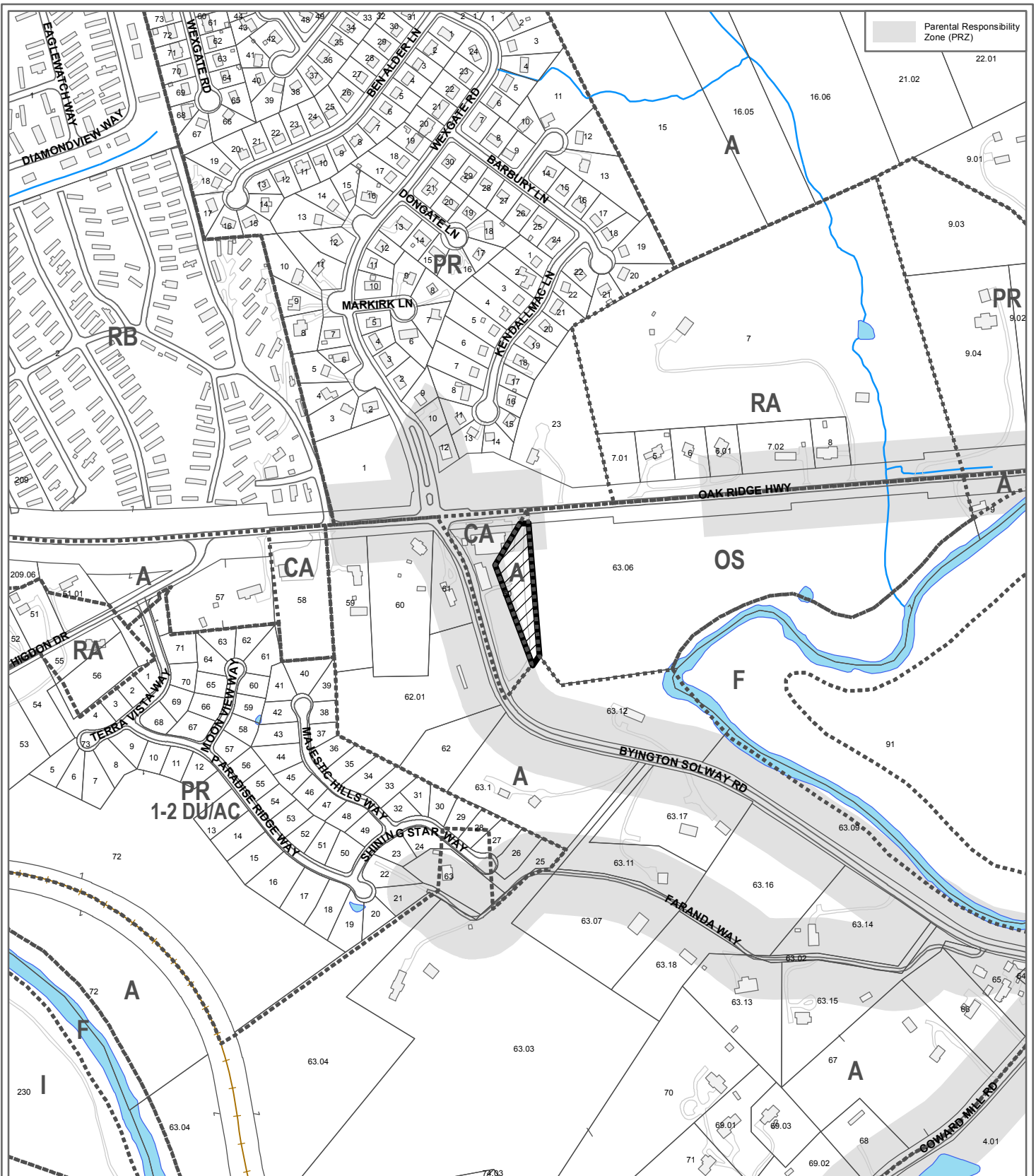


Original Print Date: 4/18/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Mishu, Firas

Map No: 90
Jurisdiction: County





**5-D-16-RZ
REZONING**

From: A (Agricultural)
To: CA (General Business)



Petitioner: Mishu, Firas

Map No: 90
Jurisdiction: County



Original Print Date: 4/18/2016 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**, Firas Mishu, has submitted an application to amend the Sector Plan from Low Density Residential 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 May 12, 2016, 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 #5-B-16-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