



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

▶ **FILE #:** 4-C-17-RZ
4-B-17-SP

AGENDA ITEM #: 50
AGENDA DATE: 4/13/2017

▶ **APPLICANT:** BRD REALTY, LLC
OWNER(S): BRD Realty, LLC

TAX ID NUMBER: 119 01708 & 01709
JURISDICTION: Commission District 3
STREET ADDRESS:

[View map on KGIS](#)

▶ **LOCATION:** South side Dutchtown Rd., east side Dunbarton Ln.

▶ **TRACT INFORMATION:** 6.7 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Dutchtown Rd., a minor arterial street with 20' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek and Turkey Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) and O (Office) / PR (Planned Residential) and A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / PC (Planned Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Office / warehouse

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Vacant land / OS / RP-1 (Planned Residential) at 12 du/ac

South: Business / O / C-6 (General Commercial Park)

East: Office warehouse / O / C-6 (General Commercial Park)

West: Apartments / MDR / PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of residential, office and commercial uses under PR, RP-1, PC, C-3, CA and C-6 zoning.

STAFF RECOMMENDATION:

▶ **DENY GC (General Commercial) sector plan designation.**

The current office designation is appropriate for this site, as it creates a transitional buffer between residential

uses to the west and commercial uses to the east. Office zoning gives the applicant reasonable use of the property, while maintaining consistency with the sector plan.

► **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) zoning. (Applicant requested PC.)**

OB zoning allows reasonable use of the property, while maintaining the appropriate transitional area between residential and non-residential uses, as proposed by the recently updated sector plan.

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 occurred recently in this area. An update of the Northwest County Sector Plan was just adopted by County Commission in 2016.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

No obvious or significant errors or omissions in the recently adopted Northwest County Sector Plan are identifiable. This property is appropriately designated for transitional office uses only.

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

There has been no change in public/government policy that warrants the requested amendment to the sector plan.

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

No trends in development, population or traffic have been identified that would warrant reconsideration of the recently adopted Northwest County Sector Plan proposal for this 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. The proposed rezoning is not appropriate at this location. It is not consistent with the current sector plan proposal and staff finds that the sector plan amendment request is not warranted based on the established criteria to be met for recommending approval of a sector plan amendment.
2. The recommended OB zoning will allow professional offices, medium density residential uses, as well as various other uses that allow reasonable use of the property.
3. Rezoning the site to OB maintains the transitional use between residential and non-residential uses, as proposed by the current sector plan.

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

1. The requested PC zoning is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.
2. The recommended 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.
3. Based on the above general intents, this site is more appropriate for OB zoning than for the requested PC zoning.

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. Establishment of commercial uses at this location could have a negative impact on the established residential development to the west. Office uses are much more compatible with residential, as they generally create less traffic, noise and light and have shorter hours of operation, generally during daytime hours only.

2. OB zoning is consistent with the current sector plan proposal for the property.
3. Rezoning to OB maintains the transitional area, as proposed by the sector plan.

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. Staff is recommending denial of the proposed amendment to the Northwest County Sector Plan map to GC. Staff maintains that the plan amendment does not meet the criteria to warrant an amendment to the sector plan.
2. The recommended OB zoning is consistent with the recently adopted Northwest County Sector Plan.
3. The site is located in the Urban Growth boundary of Knoxville on the Knoxville-Knox County Growth Policy Plan.
3. The staff's recommendations do 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 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 5/22/2017. 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.