

**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 O-1 (Office, Medical & Related Services) zoning. (Applicant requested C-6.)**

O-1 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 O-1 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 O-1 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 C-6 zoning is intended to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas. The following 6 concepts are emphasized in the zoning ordinance: 1) To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas, 2) To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated, 3) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading and landscaping, 4) To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County, 5) To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the C-6 zoning district, and 6) To encourage general commercial activities to locate in areas that have access to a major street system.
2. The recommended O-1 zone, as described in the zoning ordinance, is intended to provide areas for

professional and business offices and related activities that require separate buildings surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.

3. Based on the above general intents, this site is more appropriate for O-1 zoning than for the requested C-6 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. O-1 zoning is consistent with the current sector plan proposal for the property.
3. Rezoning to O-1 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 O-1 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.

Upon final approval of the rezoning, the developer will be required to submit a development plan for MPC consideration of use on review approval prior to the property's development. The plan will show the property's proposed development, landscaping and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

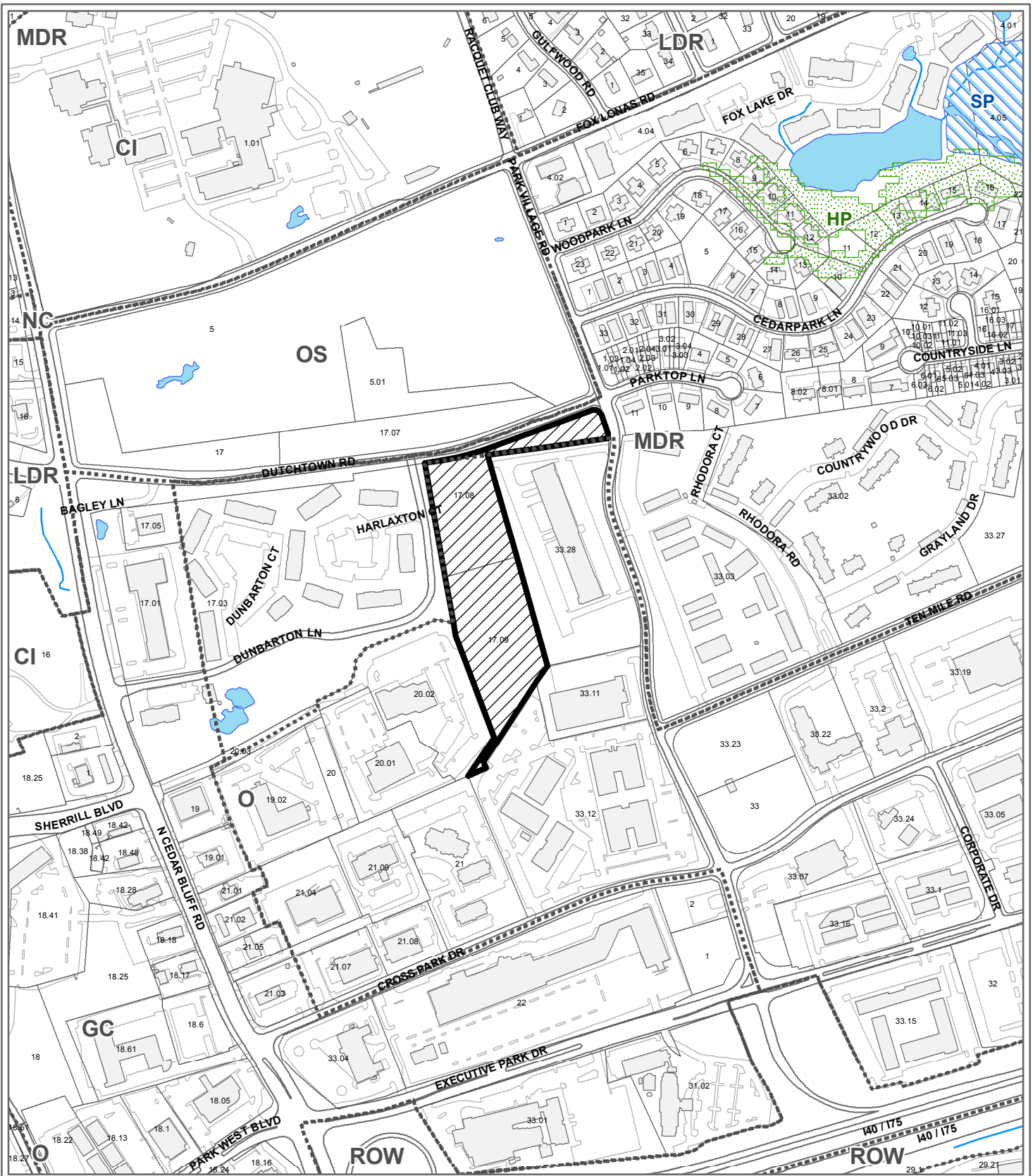
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law provides for two methods to amend the plan at TCA 13-3-304:

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.



**4-B-17-SP / 4-C-17-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: MDR (Medium Density Residential) and O (Office)
To: GC (General Commercial)

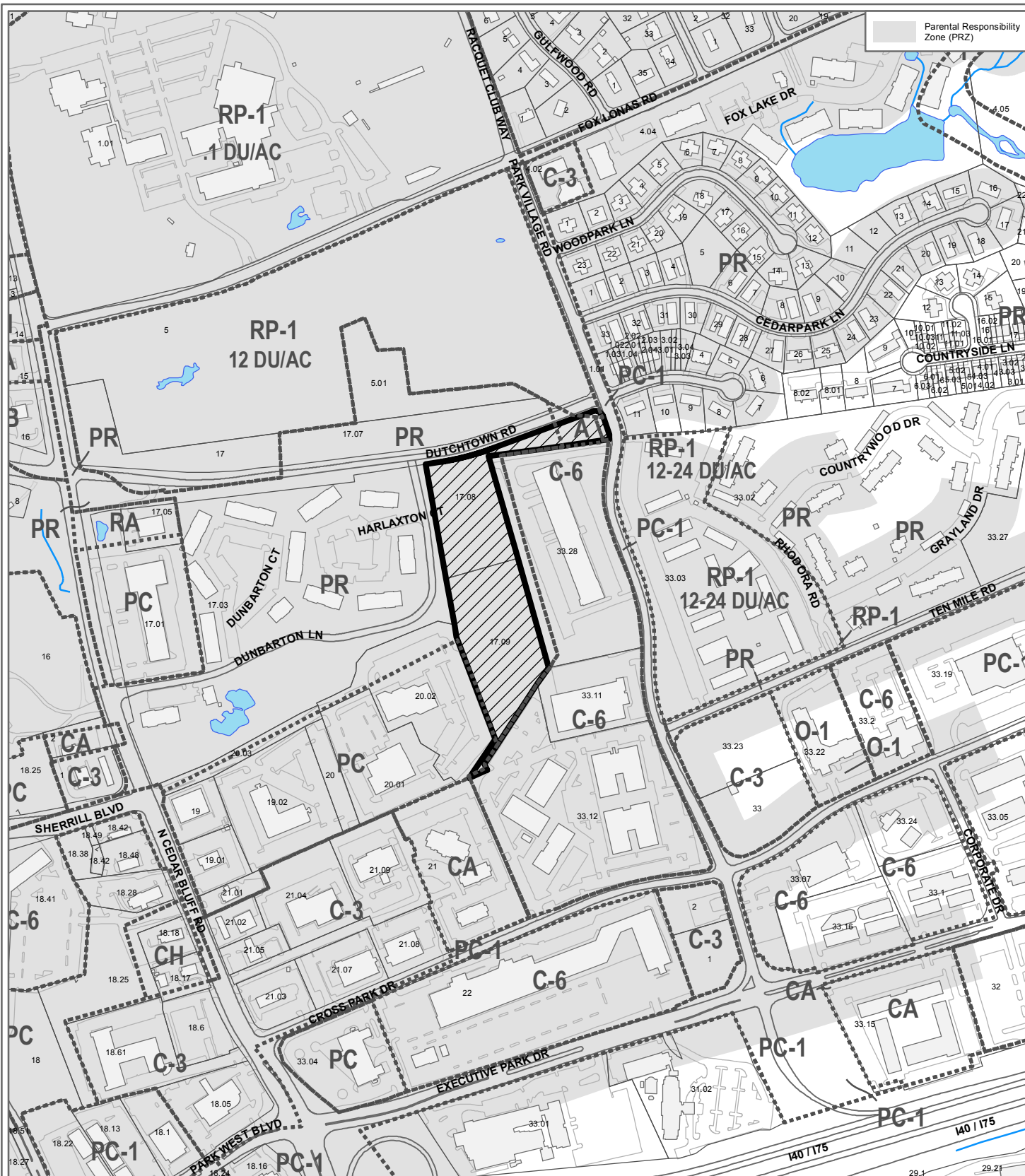


Original Print Date: 3/14/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: BRD Realty, LLC

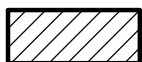
Map No: 119
Jurisdiction: County





**4-C-17-RZ
REZONING**

From: PR (Planned Residential) and A (Agricultural)
To: PC (Planned Commercial)



Original Print Date: 3/14/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: BRD Realty, LLC

Map No: 119
Jurisdiction: County



[X] REZONING [] PLAN AMENDMENT

Name of Applicant: Dan Barnett BRD Realty, LLC
Date Filed: 2/21/2017 Meeting Date: 4/13/2017
Application Accepted by: M. Payne
Fee Amount: 950.00 File Number: Rezoning 4-B-17-RZ
Fee Amount: 800.00 File Number: Plan Amendment 4-B-17-5P



PROPERTY INFORMATION

Address: DUNBARTON LN
General Location: CORNER OF DUNBARTON LAND & PARK VILLAGES DRIVE
Parcel ID Number(s): 119-01208 & 119-0709
Tract Size: 3.114 Ac + 3.582 Ac = 6.70
Existing Land Use: AG VACANT
Planning Sector: 0
Growth Policy Plan: URBAN
Census Tract: 46.10
Traffic Zone: 220
Jurisdiction: [] City Council [X] County Commission 3rd District

[X] PROPERTY OWNER [] OPTION HOLDER

PLEASE PRINT
Name: DAN BARNETT
Company: BRD REALTY, LLC
Address: 2035 LAKESIDE CENTRE WAY #110
City: KNOXVILLE State: TN Zip: 37922
Telephone: (865) 719-1455
Fax: (865) 470-4869
E-mail: d.barnett@blueridgecos.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
PLEASE PRINT
Name: DAN BARNETT
Company: BLUE RIDGE DEVELOPMENT, LLC
Address: 2035 LAKESIDE CENTRE WAY #110
City: KNOXVILLE State: TN Zip: 37922
Telephone: (865) 719-1455
Fax: (865) 470-4869
E-mail: d.barnett@blueridgecos.com

Requested Change REZONING

FROM: PR
TO: PC

PLAN AMENDMENT

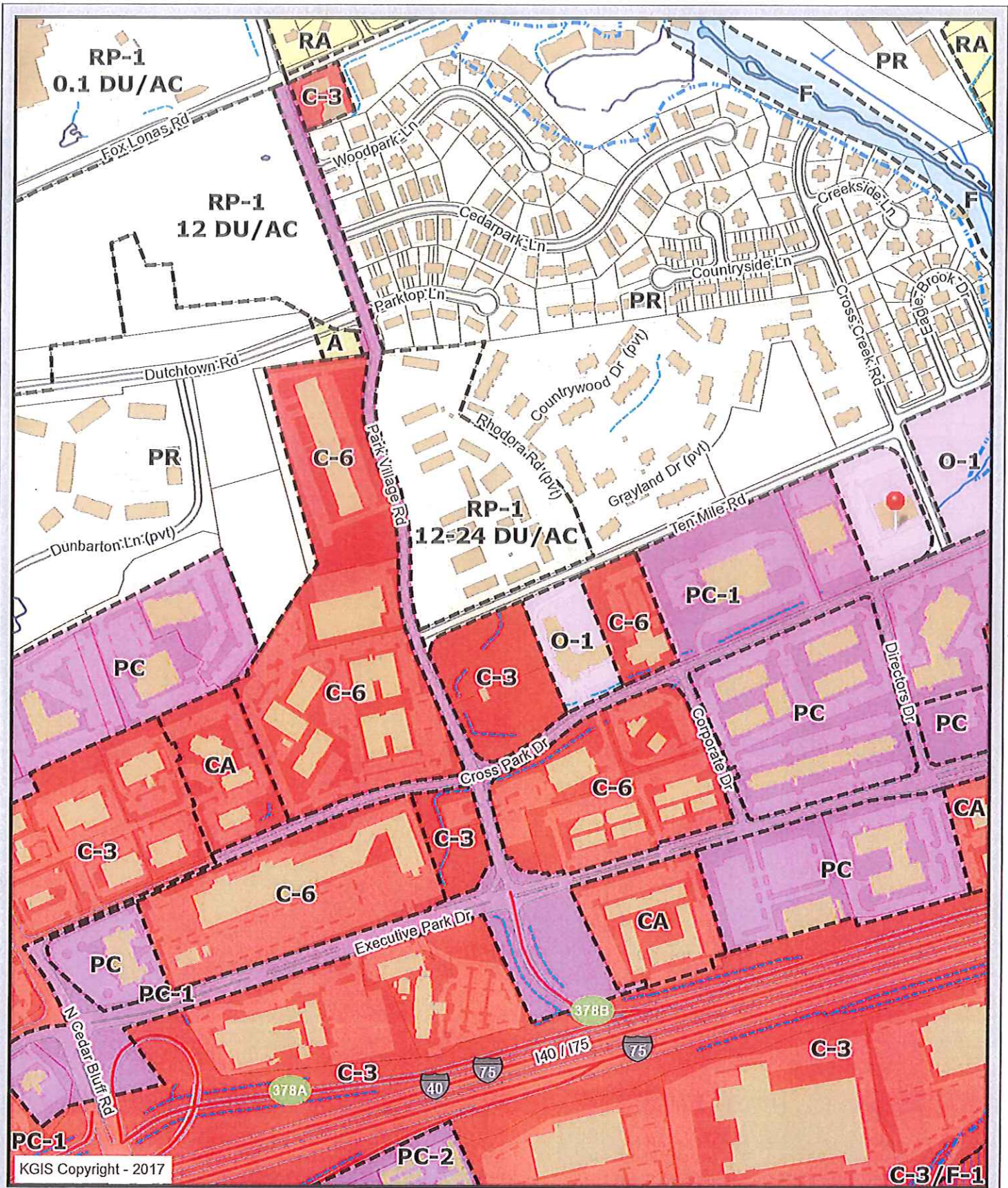
[] One Year Plan [X] NW County Sector Plan
FROM: MDR, D
TO: GC

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.
Signature: Dan Barnett
PLEASE PRINT
Name: DAN BARNETT
Company: BLUE RIDGE DEVELOPMENT, LLC
Address: 2035 LAKESIDE CENTRE WAY #110
City: KNOXVILLE State: TN Zip: 37922
Telephone: (865) 719-1455
E-mail: d.barnett@blueridgecos.com

PROPOSED USE OF PROPERTY

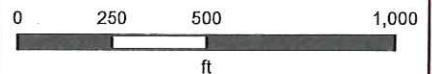
OFFICE OR OFFICE/
WAREHOUSE
Density Proposed NA Units/Acre
Previous Rezoning Requests: NA



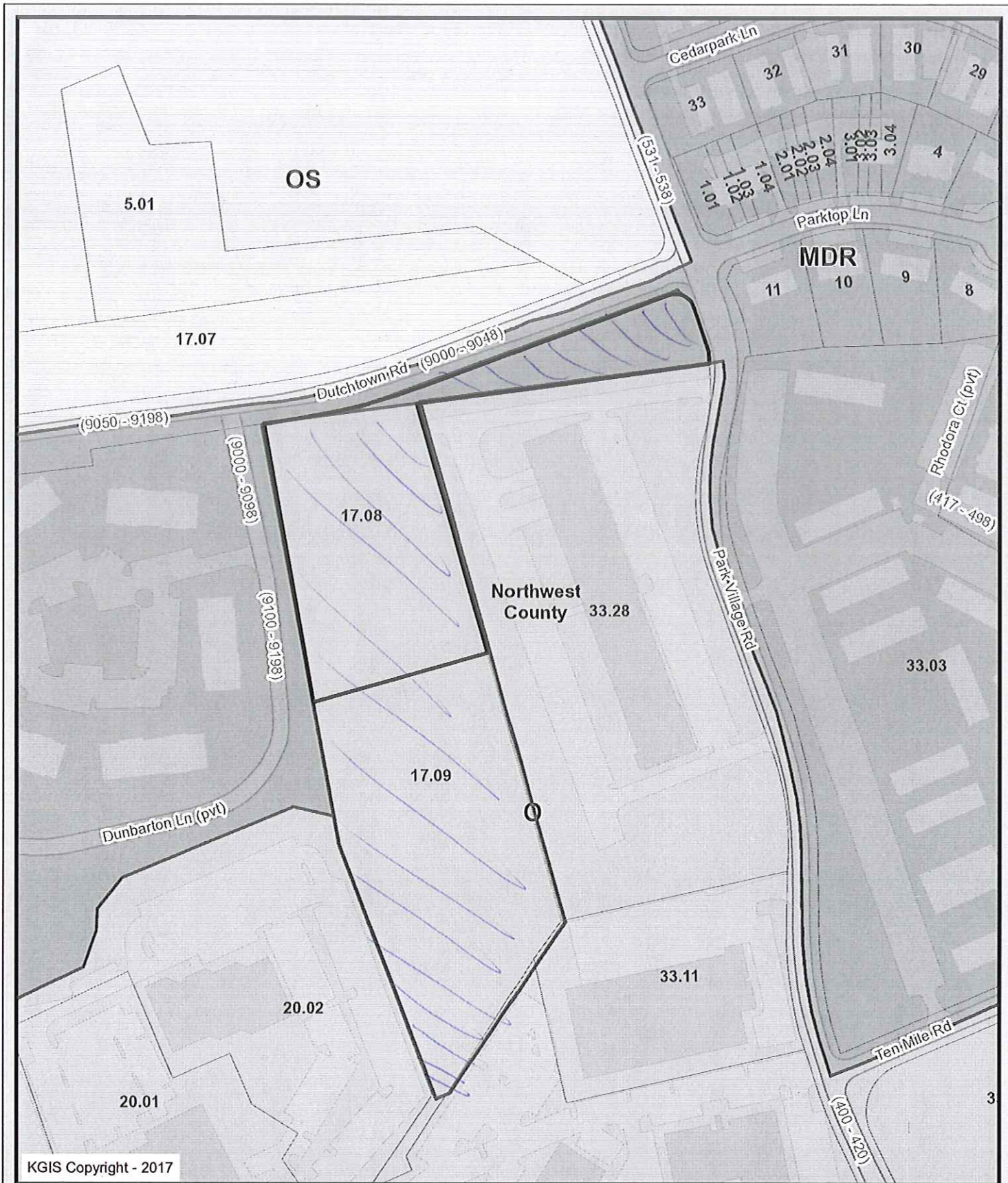
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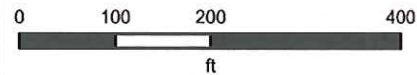
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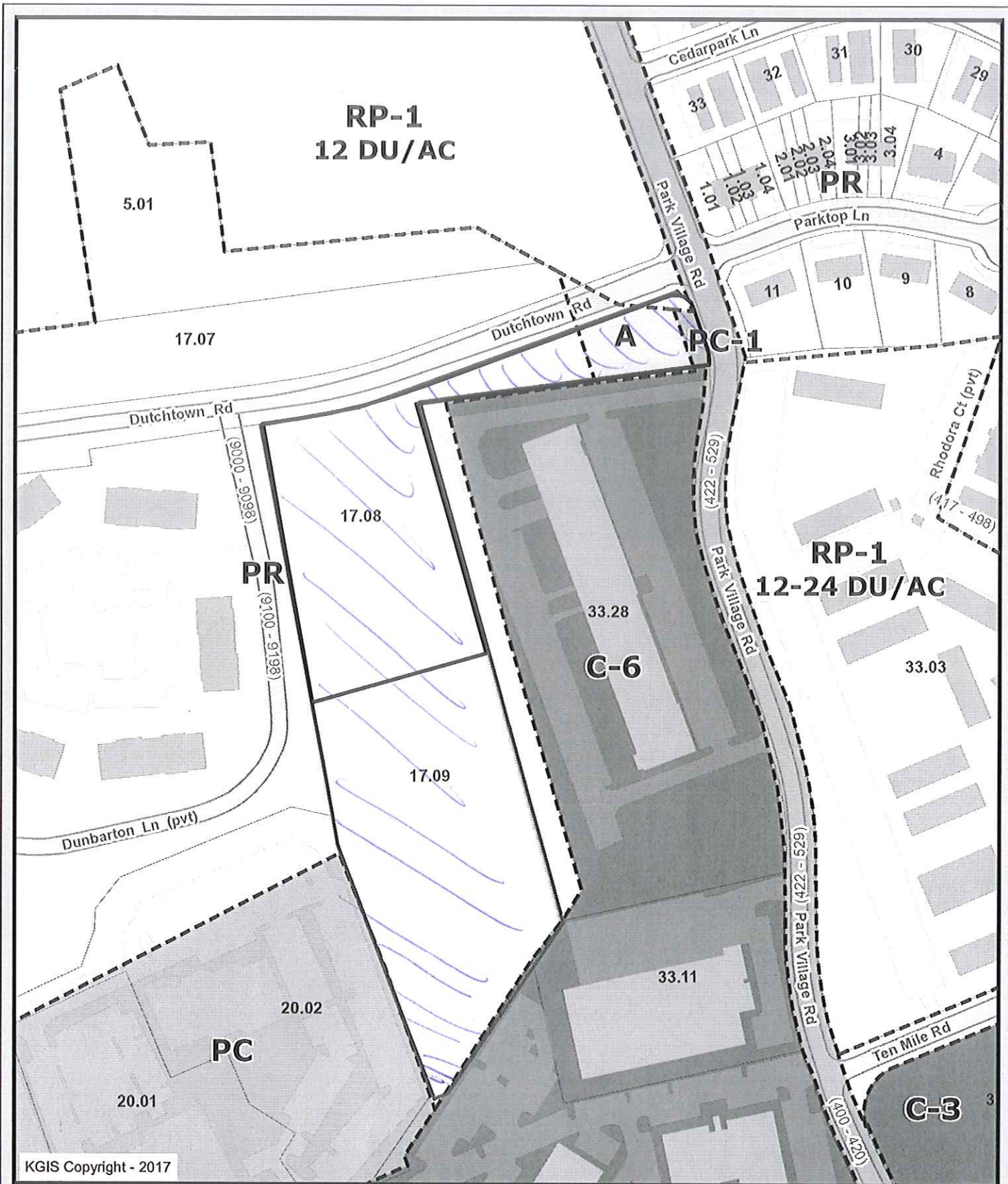
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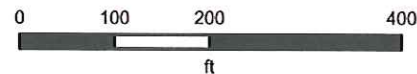


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