



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

▶ **FILE #:** 11-F-17-RZ
11-B-17-SP

AGENDA ITEM #: 37
AGENDA DATE: 11/9/2017

▶ **APPLICANT:** BENCHMARK ASSOCIATES, INC.
OWNER(S): Shane and Robin Reed

TAX ID NUMBER: 104 092 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 10500 Hardin Valley Dr

▶ **LOCATION:** Southeast side Hardin Valley Rd., west side Thompson Rd.

▶ **TRACT INFORMATION:** 2 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Thompson Rd., a minor collector street with 22' of pavement width within 50' of right-of-way, or Hardin Valley Rd., a minor arterial street with 4 lanes and a center median within 185-235' of right-of-way. There is a median break on Hardin Valley Rd. at the Thompson Rd. intersection.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** TP (Technology Park) / A (Agricultural) / TO (Technology Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Commercial development

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Hardin Valley Rd., offices - TP - BP (Business & Technology Park) / TO (Technology Overlay)

South: Vacant land - TP - A (Agricultural) / TO

East: Thompson Rd., vacant land - O, LDR - CA (General Business) and A (Agricultural)

West: Vacant land - TP - A (Agricultural) / TO

NEIGHBORHOOD CONTEXT: This area is primarily developed with a mix of office and commercial uses, mostly on the north side of Hardin Valley Rd., zoned CA, PC, OB and BP. The south side is developed primarily with residential uses, under PR, RA and A zoning.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION # 11-B-17-SP, amending the Northwest County Sector Plan to O (Office) and recommend that County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.) (Applicant requested GC.)**

Staff recognizes that the property may not be desirable for residential uses, but there is adequate CA zoning to the east that is undeveloped. Office uses would be more compatible with nearby residential uses and are not as likely to generate as much traffic or have late business hours. An office designation would allow consideration of OB zoning, which would allow the listed, proposed use of a medical office or any number of other similar uses, giving the applicant reasonable use of the property.

- ▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning. (Applicant requested CA/TO.)**

Staff recommends OB/TO zoning, rather than the requested CA/TO, consistent with the sector plan recommendation. The same reasoning for the plan recommendation listed above applies to the rezoning request. OB zoning will allow reasonable use of the property for a professional/medical office, bank, beauty salon, residence(s) or other allowable use within the OB zoning district.

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 recently made to Hardin Valley Rd. or area utilities, but they are adequate to serve the proposed commercial or the recommended office uses. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan proposes technology park uses for the site. However, this site is only about 2 acres in size, which is too small to support the intended type of development typically found in a technology park. BP (Business & Technology Park) zoning has large setback requirements and is intended to support technology based businesses in a park setting. This site is not appropriate for BP zoning or the requested CA zoning, so staff is recommending office uses as a reasonable alternative. The recommended office plan designation will allow the applicant reasonable use of the site, while minimizing the potential negative impact on nearby residential uses accessed from Thompson Rd.

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

No changes in government policy apply in this case.

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

As this section of Hardin Valley Rd. has developed with non-residential uses, this site has become less desirable for residential uses, as currently used. The site is too small for typical BP development, as it is currently zoned. With the recommended sector plan amendment to office, the property may be considered for OB zoning and development, which would be compatible with surrounding development and zoning.

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. OB zoning provides reasonable use of the property, without introducing intrusive commercial uses at the entrance to an established residential area along Thompson Rd.
2. OB uses are compatible with the surrounding land use and zoning pattern.
3. With the recommended Northwest County Sector Plan amendment to Office on the associated application (11-B-17-SP), OB zoning would be consistent with applicable adopted plans for the area.

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

1. 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.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB, as requested.
3. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.
4. Depending on the type of development proposed, site plans may be subject to review and approval of a development plan by the Tennessee Technology Corridor Development Authority (TTCDA), since it is located within the TO overlay. The TO overlay will remain, regardless of any change in the base 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. The recommended OB zoning is compatible with the surrounding land uses and zoning pattern.
2. OB zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing streets are adequate to handle additional traffic generated by allowing office or commercial uses on this site.

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 of the Northwest County Sector Plan to Office, OB/TO zoning would be consistent with the plan. The plan would need to be amended to GC to allow consideration of the requested CA/TO zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The recommended OB zoning does not present any apparent conflicts with any other adopted plans.
4. Because of the property's location within the TO (Technology Overlay), the TTCDA will need to approve a Certificate of Appropriateness for this rezoning from the TTCDA. This request is scheduled to be considered by TTCDA on Mon., November 6, 2017 (11-D-17-TOR).

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 12/18/2017. 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.