



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

▶ **FILE #:** 7-E-18-RZ **AGENDA ITEM #:** 27
7-C-18-SP (REVISED) **AGENDA DATE:** 8/9/2018

POSTPONEMENT(S): 7/12/2018

▶ **APPLICANT:** CRAIG ALLEN
OWNER(S): Craig Allen

TAX ID NUMBER: 144 PART OF 033 & 034 MAP ON FILE AT MPC [View map on KGIS](#)

JURISDICTION: Commission District 5

STREET ADDRESS: 9600 Westland Dr

▶ **LOCATION:** South side Westland Dr., east side I-140

▶ **TRACT INFORMATION:** 4.2 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Westland Dr., a minor arterial street with 30' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Sinking Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) & O (Office) / CA (General Business) & OA (Office Park)

▶ **EXISTING LAND USE:** Houses and vacant land

▶ **PROPOSED USE:** Self-service storage facility

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION,

North: Westland Dr., churches / RP-1 (Planned Residential) and A (Agricultural)

ZONING South: Vacant land / A (Agricultural)

East: Residences / A (Agricultural)

West: Vacant land / A-1 (General Agricultural)

NEIGHBORHOOD CONTEXT: This area along Westland Dr., east of I-140, is developed with low density residential uses and churches, under RP-1, PR and A zoning. To the west of I-140 are low and medium density residential uses, as well as offices and a retail business, zoned CA, OB, PC and PR.

STAFF RECOMMENDATION:

▶ **DENY the requested GC (General Commercial) and O (Office) sector plan designations.**

There are no changes in conditions that would warrant the requested sector plan change. Commercial zoning at and around the I-140/Westland Dr, intersection should be limited to the west side of the interchange, as proposed by the recently adopted Southwest County Sector Plan.

▶ **DENY the rezoning to CA (General Business) and OA (Office Park) zoning, consistent with the denial recommendation for the associated sector plan amendment.**

The requested rezoning to CA and OA is not consistent with the adopted sector plan and would be a spot zoning, allowing uses that are not compatible with surrounding development and zoning.

COMMENTS:

Postponement was necessary at the July 12, 2018 meeting in order for staff to readvertise the requests, since the application was revised from the original. The original request was for CN and OB zoning. The revised request is for CA and OA. CA is a more intense commercial zoning district than CN, so the public notification had to be redone. The plan amendment and rezoning requests have both been readvertised properly and are in order to be heard by MPC on August 9, 2018.

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 new roads or utilities have been introduced in this area to make general commercial development more feasible. Non-residential development has been limited to the western side of the I-140/Westland Dr. interchange, as proposed by the sector plan. The only development that is not low density residential on the east side of the interchange is a church and an assisted living facility now being constructed on the north side of Westland Dr.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for low density residential uses. The Southwest County Sector Plan was just updated in 2016. Knox County Commission adopted the updated sector plan on October 24, 2016. There are no apparent errors in the plan and nothing has significantly changed in the area since the 2016 sector plan adoption to justify amending the sector plan. The current low density residential plan designation for this site is intentional and appropriate.

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

No change in government policy exists to warrant an amendment to the sector plan for the proposed use. If this request is approved, it may establish a policy that would create justification to allow additional non-residential development in the area.

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

There are no apparent trends in this area that would warrant amending the sector plan for general commercial or office uses at this location.

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 is outside of the established commercial and office node proposed by the sector plan to the west of the interchange, so is not appropriate for CA and OA zoning.
2. There is vacant OB zoned property to the west of the interchange, behind Weigel's, that could be developed for office use.
3. There is no justification to amend the sector plan for this property, in order to consider a rezoning to CA, OA or any other non-residential zoning district.

4. CA zoning will allow uses that are not compatible with the surrounding zoning and development pattern. OA zoning may be more compatible with adjacent uses, but is still not consistent with the sector plan.

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. OA zoning is compatible with surrounding residential areas and serves as a transitional area from residential to other less compatible land uses. It allows for various professional, business, medical, dental and governmental offices.
3. Based on the above description and intent and with unused commercial properties nearby, this property is not appropriate to be rezoned to CA and OA, 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. The current low density residential plan designation and Agricultural zoning should be maintained for this property.
2. Allowing general commercial use of this property could have a negative impact on the adjacent residential properties in the area.
3. Public water and sewer utilities are available in the area, but may need to be extended to serve this site.
4. Rezoning of this property is likely to set a precedent that could lead to future pressure for non-residential zoning and development in the area, which is not consistent with the adopted 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. The requested CA and OA zoning districts are not consistent with the sector plan proposal for the property. In order to consider CA or OA zoning, the associated sector plan amendment (7-C-18-SP) would have to be approved. Staff maintains that the subject property should remain designated for low density residential uses, consistent with the recently updated (2016) Southwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The current zoning does not present any apparent conflicts with any adopted plans, and should be maintained.

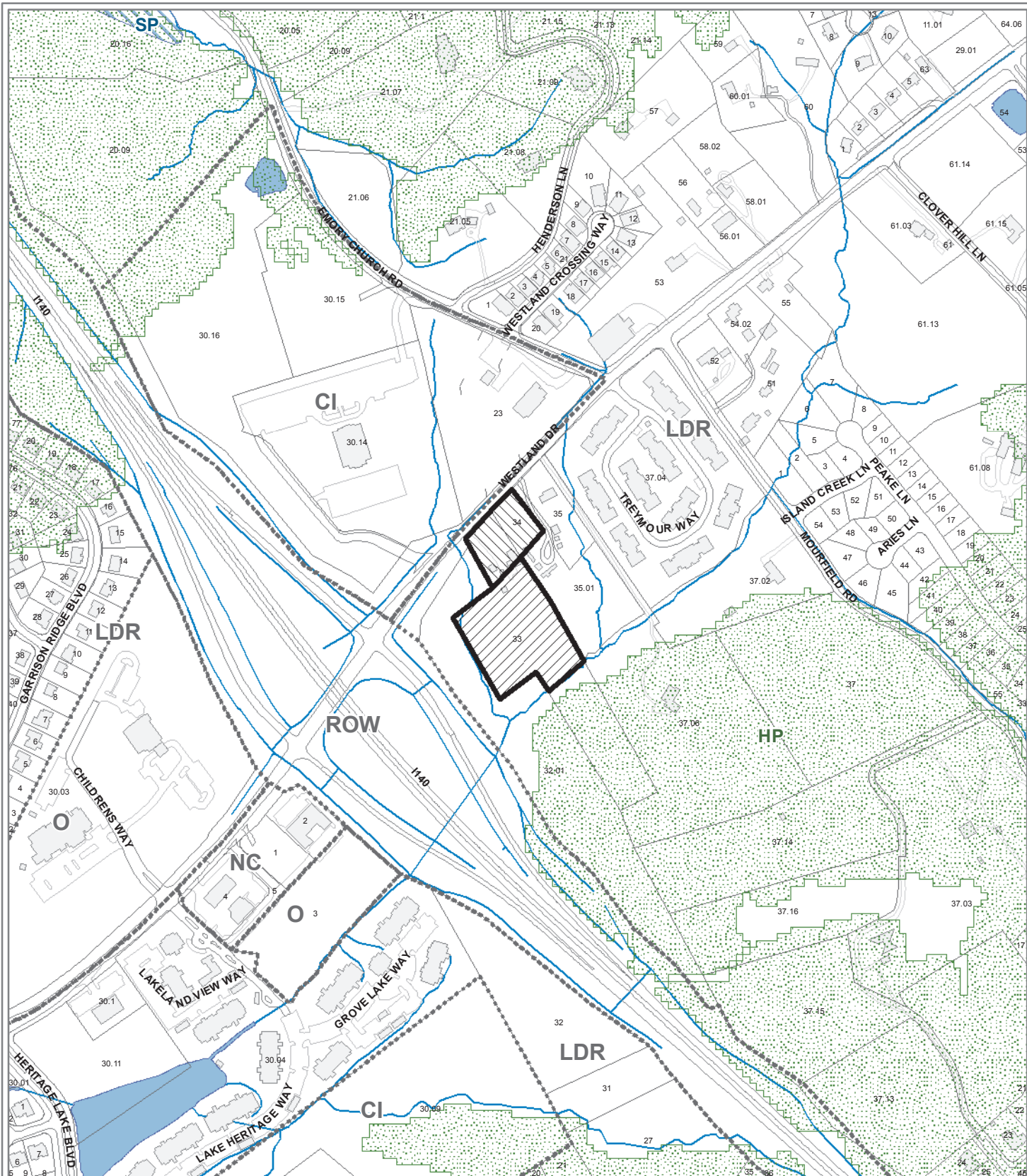
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

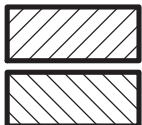
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/24/2018. 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.



**7-C-18-SP / 7-E-18-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**



From: LDR (Low Density Residential)
To: GC (General Commercial)

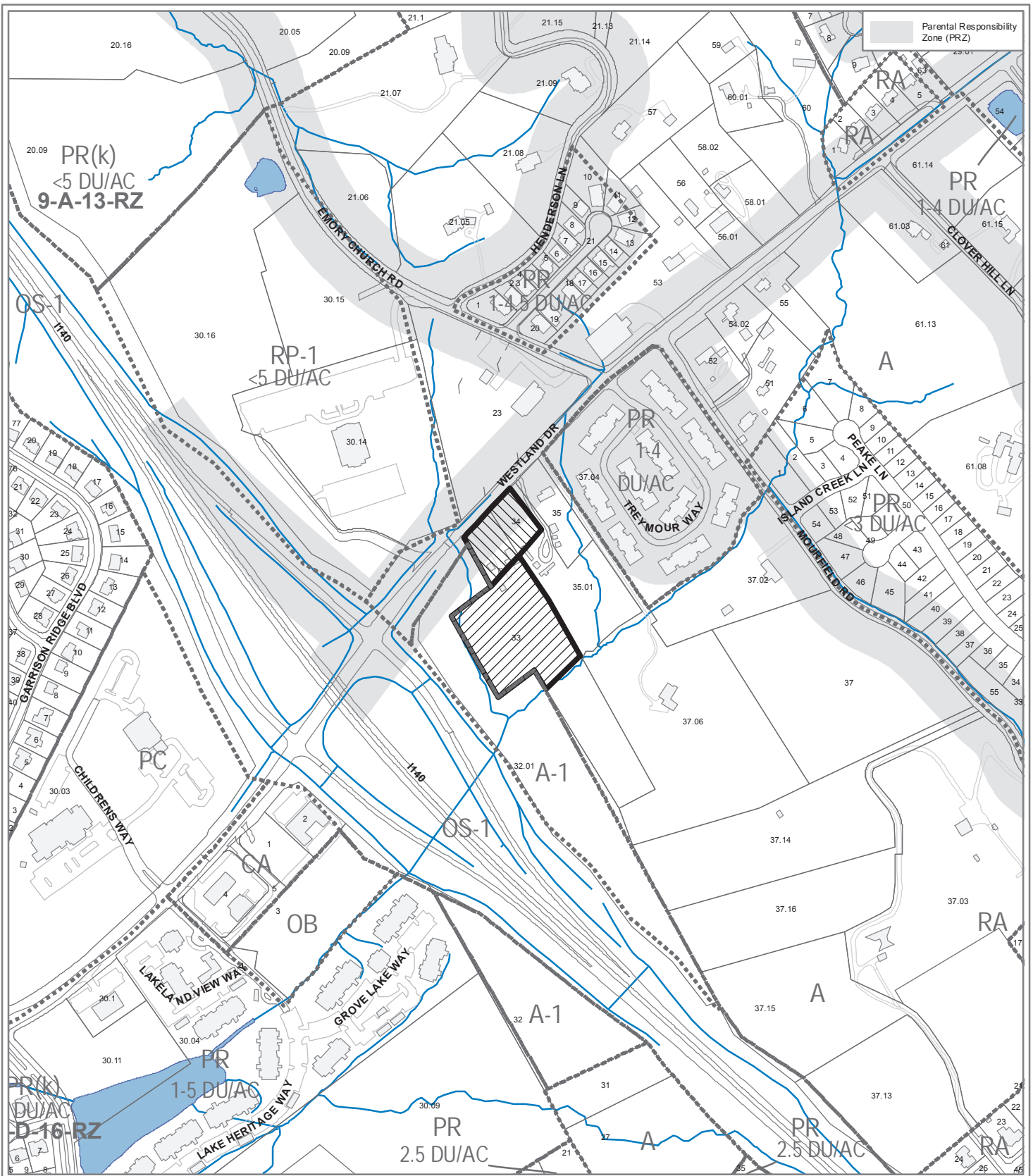
From: LDR (Low Density Residential)
To: O (Office)

Original Print Date: 6/21/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

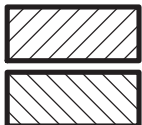
Petitioner: Allen, Craig

Map No: 144
Jurisdiction: County





**7-E-18-RZ
REZONING**



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

From: A (Agricultural)
To: OA (Office Park)

Original Print Date: 6/21/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Allen, Craig

Map No: 144
Jurisdiction: County



REZONING AND PLAN AMENDMENT

REVISED
6/18/18

Date Filed: 5/29/2018
Name of Applicant: CRAIG ALLEN
Meeting Date: 7/12/2018
Application Accepted By: Mike Reynolds
Rezoning File Number: 7-E-18-RZ
Plan Amendment File Number: 7-C-18-SP

PROPERTY INFORMATION

Street Address:
9600 Westland Dr

General Location:
South side Westland Dr., east side I-140

Tract Size: 4.2 acres
Parcel ID: 144 PART OF 033 & 034 MAP ON FILE AT MPC

Existing Land Use:
Houses and vacant land

Planning Sector: Southwest County
Growth Plan: Planned Growth Area
Census Tract(s): 57.11
Traffic Zone(s): 232
Jurisdiction: County Commission District 5

PROPERTY OWNER/OPTION HOLDER

Craig Allen
P.O. Box 10286
Knoxville, TN 37939-0286
Telephone: 865-388-0206 Fax:
Email: reinvest82@aol.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
David Harbin
4334 Papermill Dr
Knoxville, TN 37909
Telephone: 865-588-6472 Fax: 865-588-6473
Email: harbin@bhn-p.com

APPROVAL REQUESTED

Rezoning

FROM:
A (Agricultural)

TO:
CA (General Business) & OA (Office Park)

Plan Amendment

Type: Southwest County Sector Plan Amendment
FROM:
LDR (Low Density Residential)

TO:
GC (General Commercial) & O (Office)

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: 

David Harbin
4334 Papermill Dr
Knoxville, TN 37909
Telephone: 865-588-6472 Fax: 865-588-6473
Email: harbin@bhn-p.com

PROPOSED USE OF PROPERTY

Self-service storage facility

Density Proposed:
Previous Rezoning Requests:
None noted

SIGNATURES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

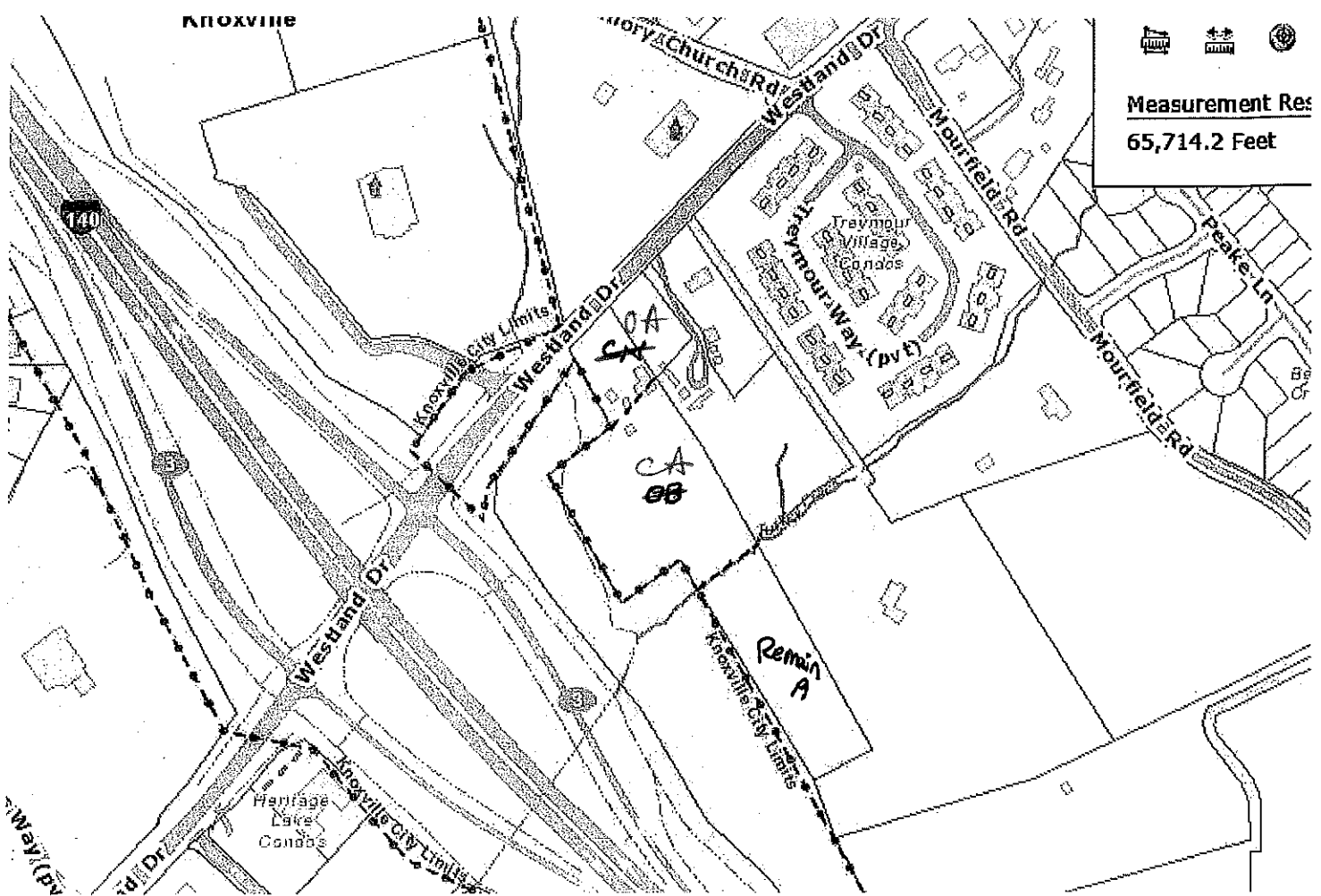
(Please sign in black ink)

Craig Allen

option holder



Measurement Res
65,714.2 Feet



Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

REZONING **PLAN AMENDMENT**

Name of Applicant: Craig Allen

Date Filed: 5/29/18 Meeting Date: 7/12/18

Application Accepted by: Mike Reynolds

Fee Amount: \$1,000⁰⁰ File Number: Rezoning 7-E-18-RZ

Fee Amount: \$600⁰⁰ File Number: Plan Amendment 7-C-18-SP

PROPERTY INFORMATION

Address: 9532 1/2 9600 Westland Drive

General Location: SE side Westland Drive
NE of I-140

Parcel ID Number(s): 144 Parcels 33 1/2 34

Tract Size: 4.2

Existing Land Use: RR 1 SFR

Planning Sector: Southwest County

Growth Policy Plan: Planned Growth

Census Tract: 57.11

Traffic Zone: 232

Jurisdiction: City Council 5TH District
 County Commission _____ District

**Requested Change
REZONING**

FROM: Agriculture

TO: CN 1/2 OB

PLAN AMENDMENT

One Year Plan Southwest County Sector Plan

FROM: LDR

TO: NC 1/2 O

PROPOSED USE OF PROPERTY

self service storage facility

Density Proposed N/A Units/Acre

Previous Rezoning Requests: none known

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: Craig Allen

Company: _____

Address: P.O. Box 10286

City: Knoxville State: TN Zip: 37939-0286

Telephone: 388-0206

Fax: _____

E-mail: reinvest82@aol.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: David Harbin

Company: Batson Himes Nurwell & Poe

Address: 4334 Papermill Dr.

City: Knoxville State: TN Zip: 37909

Telephone: 588-6472

Fax: 588-6473

E-mail: harbin@bhn-p.com

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: David Harbin

PLEASE PRINT

Name: David Harbin

Company: Batson Himes Nurwell & Poe

Address: 4334 Papermill Rd.

City: Knoxville State: TN Zip: 37909

Telephone: 588-6472

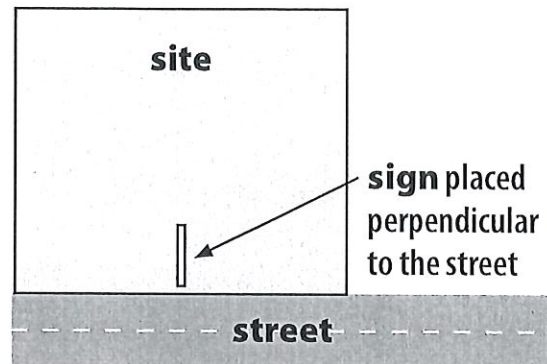
E-mail: 588-6473

REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. MPC staff will provide a sign to post on the property at the time of application.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign must be posted no later than *two weeks prior* to the scheduled MPC or BZA hearing and must remain in place until after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC or BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

I hereby agree to post the sign provided on the subject property on or before

June 27, 2018

consistent with the guidelines provided above; and to *remove the sign within one week after* the MPC or BZA decision.

Signature: _____

Rebecca Riggins

Printed Name: _____

Security Central Storage Grassland

Date: _____

5-29-18

MPC or BZA File Number: _____

7-E-18-RZ

7-C-18-SP