



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

▶ **FILE #:** 7-J-18-RZ
7-E-18-SP

AGENDA ITEM #: 41
AGENDA DATE: 7/12/2018

▶ **APPLICANT:** HSIHHAO LIAO
OWNER(S): Hsinhao Liao

TAX ID NUMBER: 105 O C 028 [View map on KGIS](#)

JURISDICTION: Commission District 3

STREET ADDRESS: 9036 Middlebrook Pike

▶ **LOCATION:** **South side Middlebrook Pike, east of Andrewbrook Ln.**

▶ **TRACT INFORMATION:** **3.16 acres.**

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Middlebrook Pike, a major arterial street with 4 lanes and a center median within 100' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **O (Office) / OB (Office, Medical, and Related Services) & CA (General Business)**

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

▶ **EXISTING LAND USE:** **Commercial**

▶ **PROPOSED USE:** **Retail**

EXTENSION OF PLAN DESIGNATION/ZONING: Not an extension of GC, but would be an extension of NC from the west

HISTORY OF ZONING REQUESTS: Property was rezoned from RA to current CA and OB in 2000 (9-J-00-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Middlebrook Pike, residences / LDR / RA (Low Density Residential)
South: Residential and funeral home parking / O, LDR / OB (Office, Medical & Related Services) and CA (General Business)
East: Funeral home / O / OB (Office, Medical & Related Services)
West: Business and condominiums / NC, MDR / CA (General Business) and OB (Office, Medical & Related Services)

NEIGHBORHOOD CONTEXT: This area of Middlebrook Pike is developed with a mix of office, residential and commercial uses, under OB, RA, RB, PR and CA zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #7-J-18-SP, amending the Northwest County Sector Plan to NC (Neighborhood**

Commercial), as shown on attached map, and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)

Staff is recommending that the NC designation to the west be extended to the front portion of the subject property, consistent with the attached 'MPC Staff Recommendation' map. Approval of the requested GC plan designation would be an inappropriate, spot plan amendment. Because of the adjacent residential uses to the west and the established zoning pattern in place, NC is the most appropriate designation to allow commercial use of the existing building on site, as well as allow future development or redevelopment on the portion of the site nearest to Middlebrook Pike. Commercial uses are not appropriate to be extended all the way to the rear of the site, because of the adjacent residential uses to the west.

► **RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning on the portion of the site shown on the attached 'MPC Staff Recommendation' map. (Applicant requested CA on the entire site.)**

The recommended CN zoning is consistent with the recommended sector plan amendment to NC on the accompanying application. CN zoning will allow reasonable use of the front portion of the site for commercial uses, while maintaining the rear of the site as OB zoning, which is more compatible with adjacent residential uses, than commercial zoning would be.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

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

The recent update of the Northwest County Sector Plan in August of 2016 included the establishment of a Neighborhood Commercial (NC) area to the west of the site. The recommended plan amendment would be a logical extension of that designation into an area that is already partially zoned commercial.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

Staff is not aware of any significant road or utility improvements in the area, but the existing Middlebrook Pike is adequate to handle additional traffic that would be generated by neighborhood commercial development of the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The subject property has a commercial building located on it, in an area of the site that is already zoned CA. So, commercial use of the site has been established. This recommended plan amendment will recognize the current use of the site. The current sector plan does not recognize the commercial use and zoning currently on the site.

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

Middlebrook Pike is adequate to handle additional traffic from commercial development of the site. Commercial uses are already established to the west of the site, and the subject property contains a commercial building that is already zoned CA.

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 requested zoning for the subject property is a logical extension of commercial zoning from the west.
2. The recommended CN zoning will allow lower intensity commercial uses that allow reasonable use of the site without undue negative impact on adjacent residential uses. The remainder of the site will remain zoned OB, which allows uses that would be more compatible with adjacent uses.
3. CN zoning for this site is consistent with the scale and intensity of the surrounding development and zoning pattern.

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

1. The recommended CN zoning district provides the opportunity to locate limited retail and service uses in a

manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

2. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.

3. Based on the above description, this site is more appropriate for the recommended CN zoning than the requested CA 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. With the recommended sector plan amendment to NC, the recommended CN zoning is consistent with the sector plan.

2. CN is a logical extension of commercial zoning from the west.

3. CN will allow commercial uses on the site, but the CN development criteria and limited uses will minimize the potential negative impacts on adjacent residential uses.

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 approval of an amendment to the Northwest County Sector Plan map to NC, within which the recommended CN zoning is compatible.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

3. This proposal does 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:

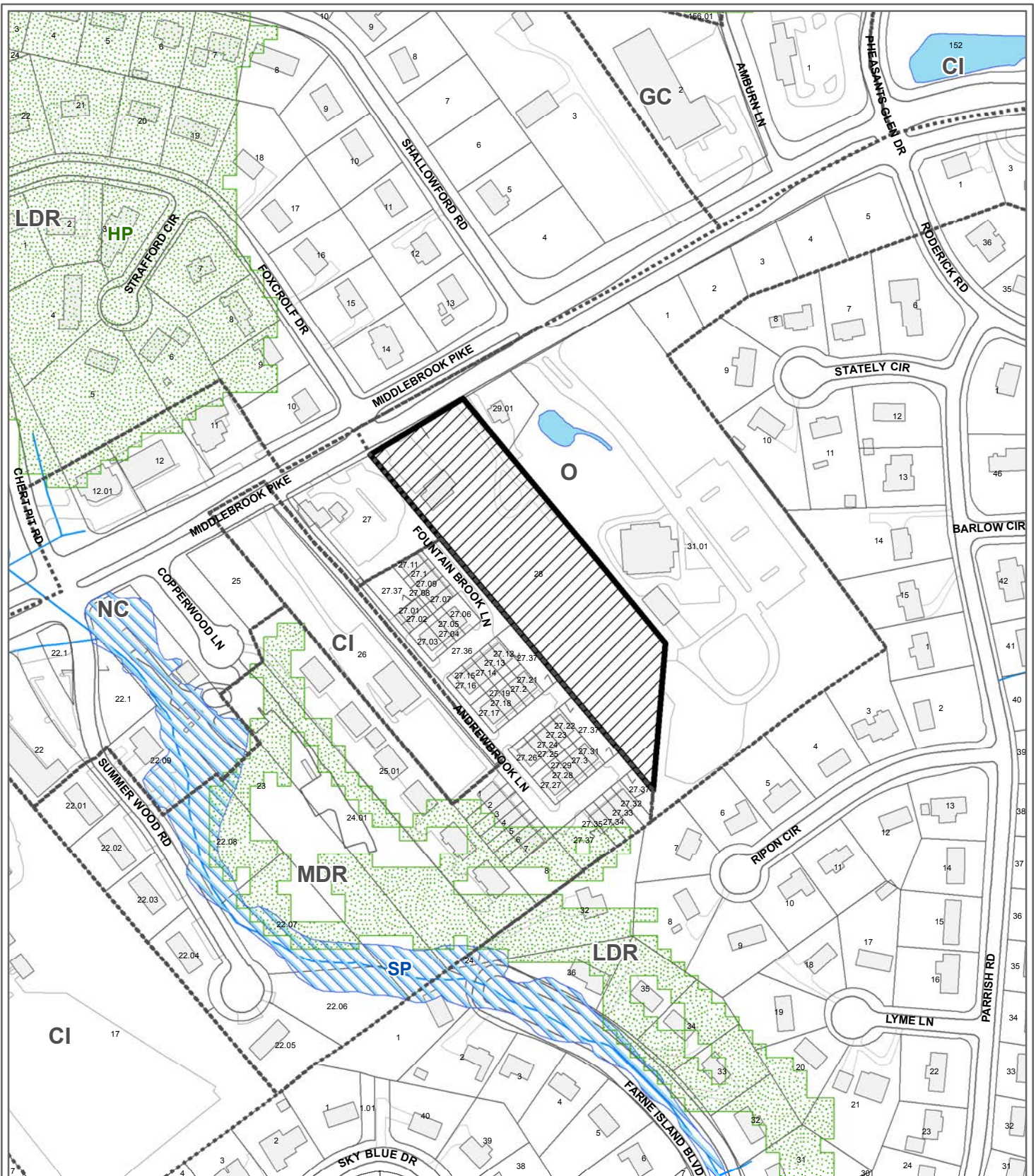
1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.

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.

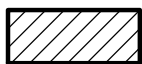
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 8/27/2018. 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-E-18-SP / 7-J-18-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

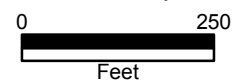
From: O (Office)
To: GC (General Commercial)

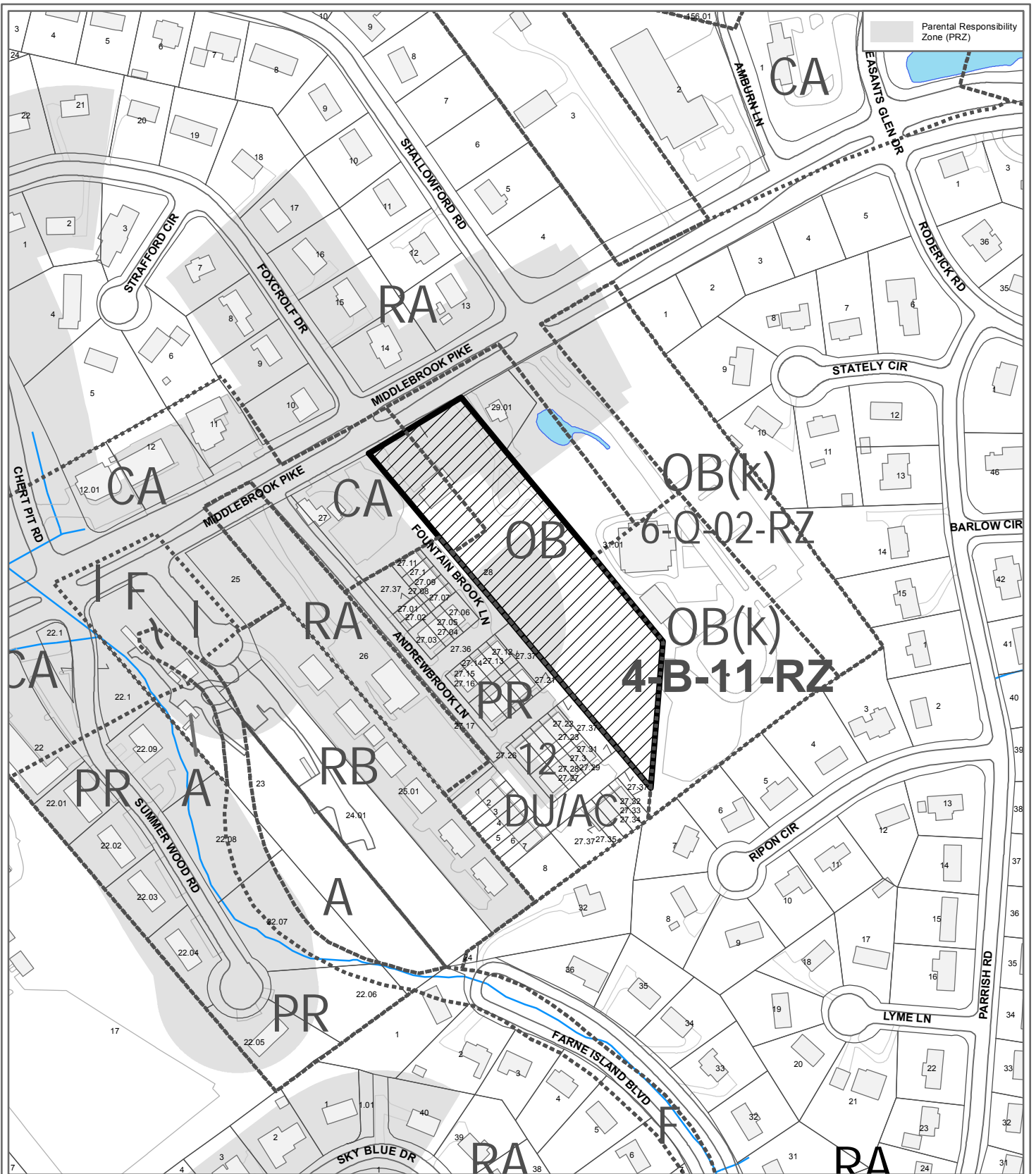


Petitioner: Liao, Hsinhao

Map No: 105
Jurisdiction: County

Original Print Date: 6/20/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**7-J-18-RZ
REZONING**

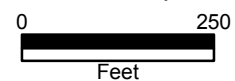
From: OB (Office, Medical, and Related Services) & CA (General Business)
To: CA (General Business)



Petitioner: Liao, Hsinhao

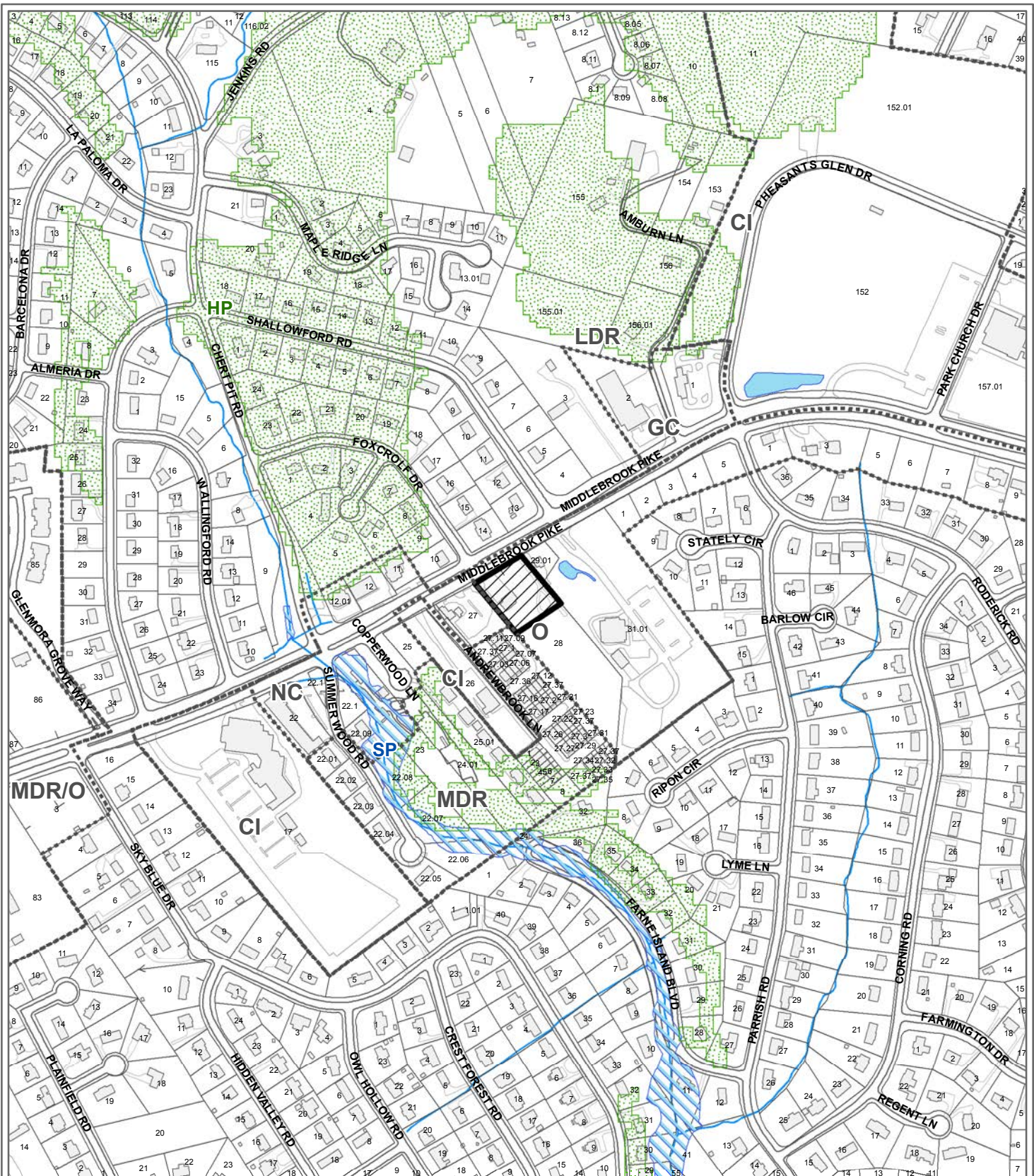
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Original Print Date: 6/20/2018
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Revised:



**7-E-18-SP / 7-J-18-RZ MPC STAFF RECOMMENDATION
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

Petitioner: Liao, Hsinhao



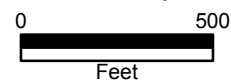
From: O (Office)

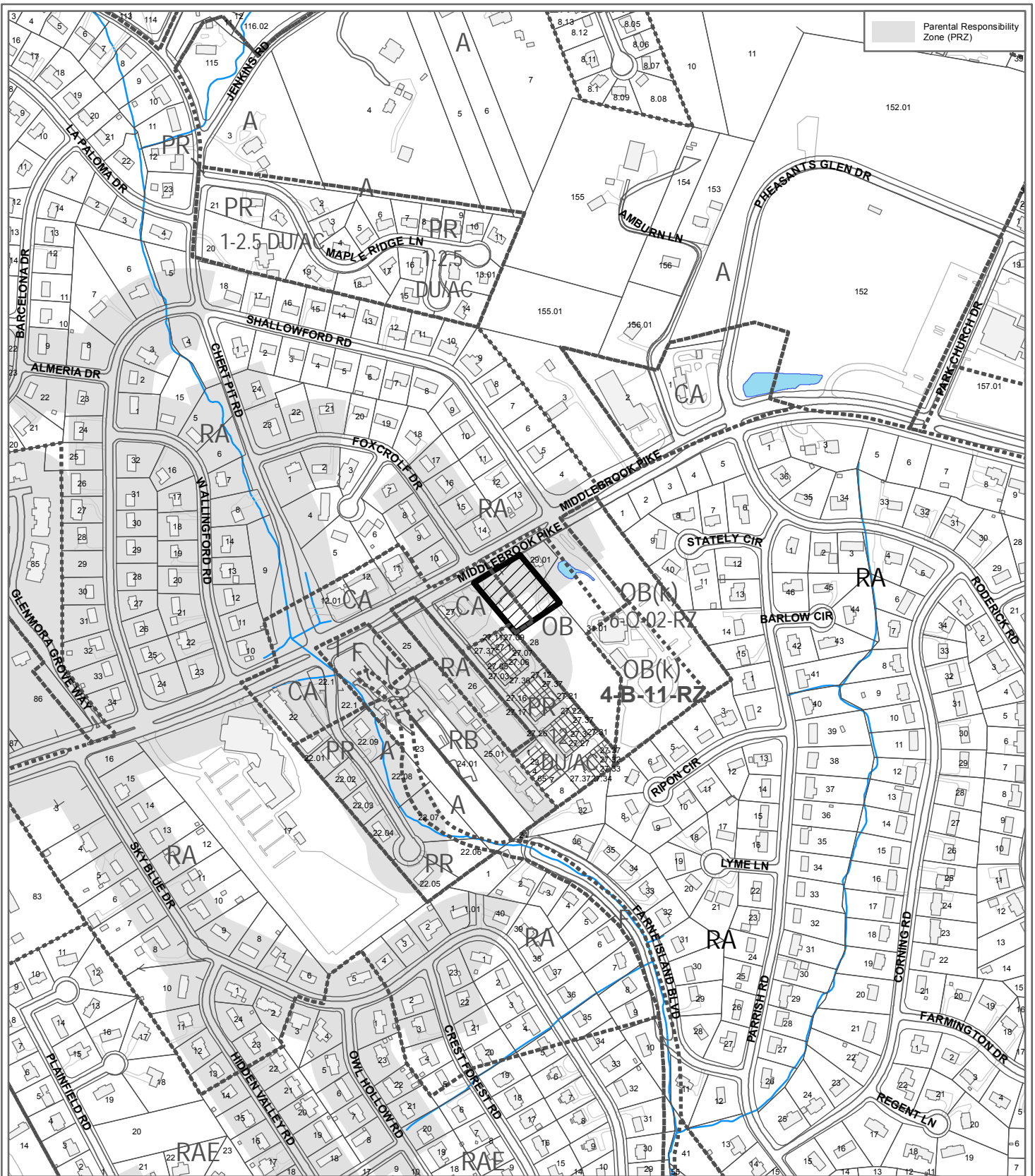
To: NC (Neighborhood Commercial)

Map No: 105

Jurisdiction: County

Original Print Date: 7/5/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**7-J-18-RZ MPC STAFF RECOMMENDATION
REZONING**

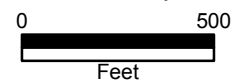
From: OB (Office, Medical, and Related Services) & CA (General Business)
To: CN (Neighborhood Commercial)



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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, Hsinhao Liao, has submitted an application to amend the Sector Plan from Office to General 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 July 12, 2018, 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 #7-E-18-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

