



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 3-D-19-RZ **AGENDA ITEM #:** 24
3-A-19-SP (REVISED) **AGENDA DATE:** 8/8/2019

POSTPONEMENT(S): 3/14/19, 4/11/19, 5/9/19

▶ **APPLICANT:** **NADER MUBARAK**
OWNER(S): Nader Mubarak

TAX ID NUMBER: 137 197 (PART OF) [View map on KGIS](#)

JURISDICTION: Commission District 9

STREET ADDRESS: 0 Chapman Highway

▶ **LOCATION:** **Northeast of Chapman Highway, northwest of E. Governor John Sevier Highway**

▶ **TRACT INFORMATION:** **0.64 acres.**

SECTOR PLAN: South County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Chapman Highway, a major arterial, with a pavement width of 77' feet within a 115' feet right of way. Access is also off E. Norton Road, a local street with a pavement width of 17' feet within a 50' foot right of way.

UTILITIES: Water Source: Knox-Chapman Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Stock Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **MDR/O (Medium Density Residential and Office) / HP (Hillside Protection) / A (Agricultural)**

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

▶ **EXISTING LAND USE:** **Agriculture / Forestry / Vacant**

▶ **PROPOSED USE:** **Any use allowed in CA zone**

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, a minor extension of the CA zoned corridor along Chapman Highway

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Single family residential, Agriculture/Forestry/Vacant - LDR, GC

South: Commercial - GC

East: Agriculture/Forestry Vacant - GC

West: Commercial - GC

NEIGHBORHOOD CONTEXT: The area abuts the commercial corridor of Chapman Highway, as well as the low density residential neighborhood of South Ridge Heights to the north.

STAFF RECOMMENDATION:

► **Adopt Resolution # 3-A-18-SP, amending the South County Sector Plan to GC (General Commercial). (See attached resolution, Exhibit A.)**

On April 16, 2019, the applicant modified their request to a smaller area that is approximately 0.64 acres immediately adjacent the existing sector plan designation of the GC (General Commercial) corridor along Chapman Highway. This minor extension of GC, could be considered a omission in the plan, on a small portion of the parcel that allows for commercial development of the property. This still allows for retention of the existing transistional land use designation of MDR/O (Medium Density Residential/Office) on the parcel between the commercial corridor and the residential neighborhood.

► **Approve CA (General Business) zoning, subject to one condition.**

On April 16, 2019, the applicant modified their request to a smaller area that is approximately 0.64 acres immediately adjacent the existing CA zoning along Chapman Highway. A minor extension of the existing CA zoning at this location would not negatively impact the adjacent RA (Low Density Residential) zoning because the majority of the parcel's A (Agricultural) remains on the parcel adjacent to the majority of residential neighborhood zoned RA (Low Density Residential). Staff recommends approval of CA zoning on the property subject to one condition:

1. Clearing and grading of steep slopes adjacent to the residential properties should be avoided to prevent further erosion of the embankment.

COMMENTS:

SECTOR PLAN AMENDMENT 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 additional utilities have been introduced in this area since the adoption of the 2012 South County Sector Plan.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

Historically, the existing GC designation along Chapman Highway in this section was drawn to designate an area 200' feet out from the highway right-of-way to create opportunities for commercial development. This minor extension of GC on a small portion of the parcel allows for commercial development of the property, while still protecting the existing transistion land use designation of MDR/O on the parcel between the commercial corridor and the residential neighborhood.

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

There are no apparent new trends in development, population growth or traffic in this area that would warrant amending the sector plan.

State law regarding amendments of the general plan (which includes 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.

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 property is located in the Urban Growth Boundary on the Growth Policy Plan and the requested sector plan amendment is for GC (General Commercial) uses on the sector plan.

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

1. The proposed amendment to CA zoning is limited to a minor extension on the parcel, which allows for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL AND DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. This minor extension of CA zoning is compatible with the surrounding development and will have minimal impacts on the adjacent low density residential properties.

2. The site is located within the Urban Growth Boundary on the Knoxville-Knox County-Farragut Growth Policy Plan map.

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 South County Sector Plan proposes medium density residential and office uses and low density residential uses for this property, but an amendment for GC (General Commercial) for this extension has also been requested, making this proposal consistent with and not in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/23/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the County.

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTH COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County 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 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 Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the South 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, Nader Mubarak has submitted an application to amend the Sector Plan from Medium Density Residential/Office and Hillside & Ridgetop Protection Area to General Commercial and Hillside & Ridgetop Protection Area, for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the South 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 Planning Commission, at its regularly scheduled public hearing on August 8, 2019, 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 PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the South County Sector Plan, with its accompanying staff report and map, file #3-A-19-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

3-D-19-RZ - 3-A-19-SP - PP - 5-9-19

BATSON, HIMES, NORVELL & POE
REGISTERED ENGINEERS AND LAND SURVEYORS
4334 Papermill Road
Knoxville, Tennessee 37909
Phone (865) 588-6472
Fax (865) 588-6473

- request -
90 day



May 7, 2019

Ms. Liz Albertson:
Knoxville MPC

Dear Ms. Albertson:

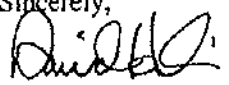
We request the following at the May 9, 2019 Knoxville-Knox County Planning (KKCP) meeting:

Please postpone consideration of the following rezoning/sector plan change request:

- Nader Mubarak - Chapman Highway (3-D-19-RZ & 3-A-19-SP)

until the August 8, 2019 KKCP meeting.

Thank you for your assistance.

Sincerely,

David Harbin PE, RLS

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: NADER MUBARAK

Date Filed: 1/28/19 Meeting Date: 3/14/19

Application Accepted by: Sherry Mchenzi

Fee Amount: 1000⁰⁰ File Number: Rezoning 3-D-19-RZ - revised

Fee Amount: 600⁰⁰ File Number: Plan Amendment 3-A-19-SP - revised

PROPERTY INFORMATION

Address: 0 CHAPMAN HWY

General Location: NORTHEAST OF CHAPMAN HWY, NORTHWEST OF E GOV JOHN SEVIER HWY

Parcel ID Number(s): 137¹⁹⁷, 203.01

Tract Size: 6.90

Existing Land Use: Ag for Vac

Planning Sector: SOUTH COUNTY

Growth Policy Plan: URBAN GROWTH

Census Tract: 55.01

Traffic Zone: 124

Jurisdiction: City Council _____ District
 County Commission 9th District

Requested Change REZONING

FROM: AG

TO: CA

PLAN AMENDMENT

One Year Plan SOUTH COUNTY Sector Plan

FROM: MDR/0

TO: GC

PROPOSED USE OF PROPERTY

ANY USE IN THE CA ZONE

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: NADER MUBARAK

Company: _____

Address: 1260 ARBOR BROOKE DRIVE

City: KNOXVILLE State: TN Zip: 37922

Telephone: 865-392-5807

Fax: _____

E-mail: ned@mortgageoptions.in

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: DAVID HARBIN

Company: BATSON, HIMES, NORVELL & POE

Address: 4334 PAPER MILL DRIVE

City: KNOXVILLE State: TN Zip: 37909

Telephone: (865) 588-6472

Fax: _____

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

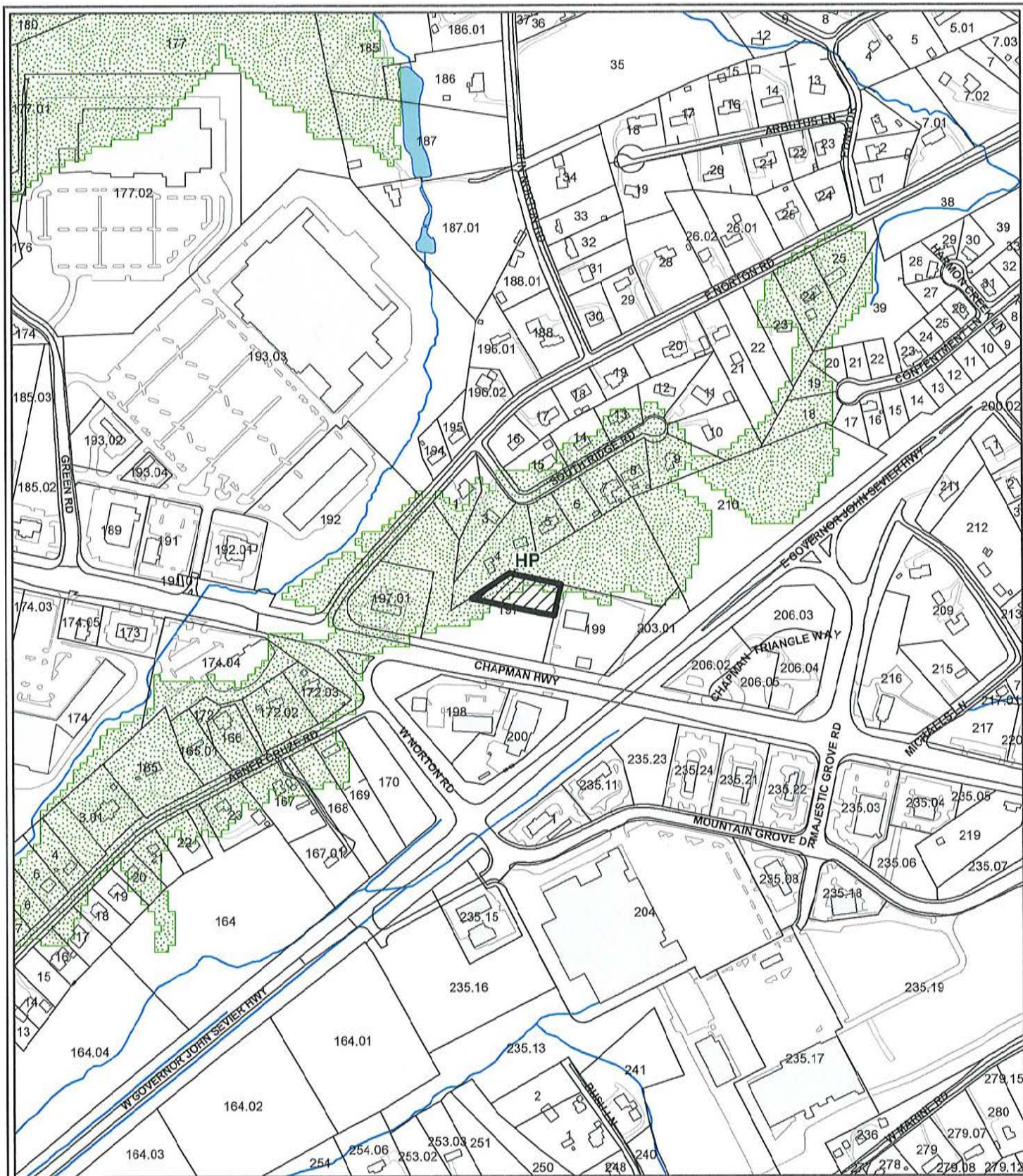
Company: BATSON, HIMES, NORVELL & POE

Address: 4334 PAPER MILL DRIVE

City: KNOXVILLE State: TN Zip: 37909

Telephone: (865) 588-6472

E-mail: harbin@bhn-p.com



**3-A-19-SP / 3-D-19-RZ Applicant
SOUTH COUNTY SECTOR PLAN AMENDMENT**



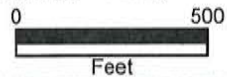
From: MDR/O (Medium Density Residential and Office), LDR (Low Density Residential) & HP (Hillside & Ridgetop Protection Area)
To: GC (General Commercial) & HP (Hillside & Ridgetop Protection Area)

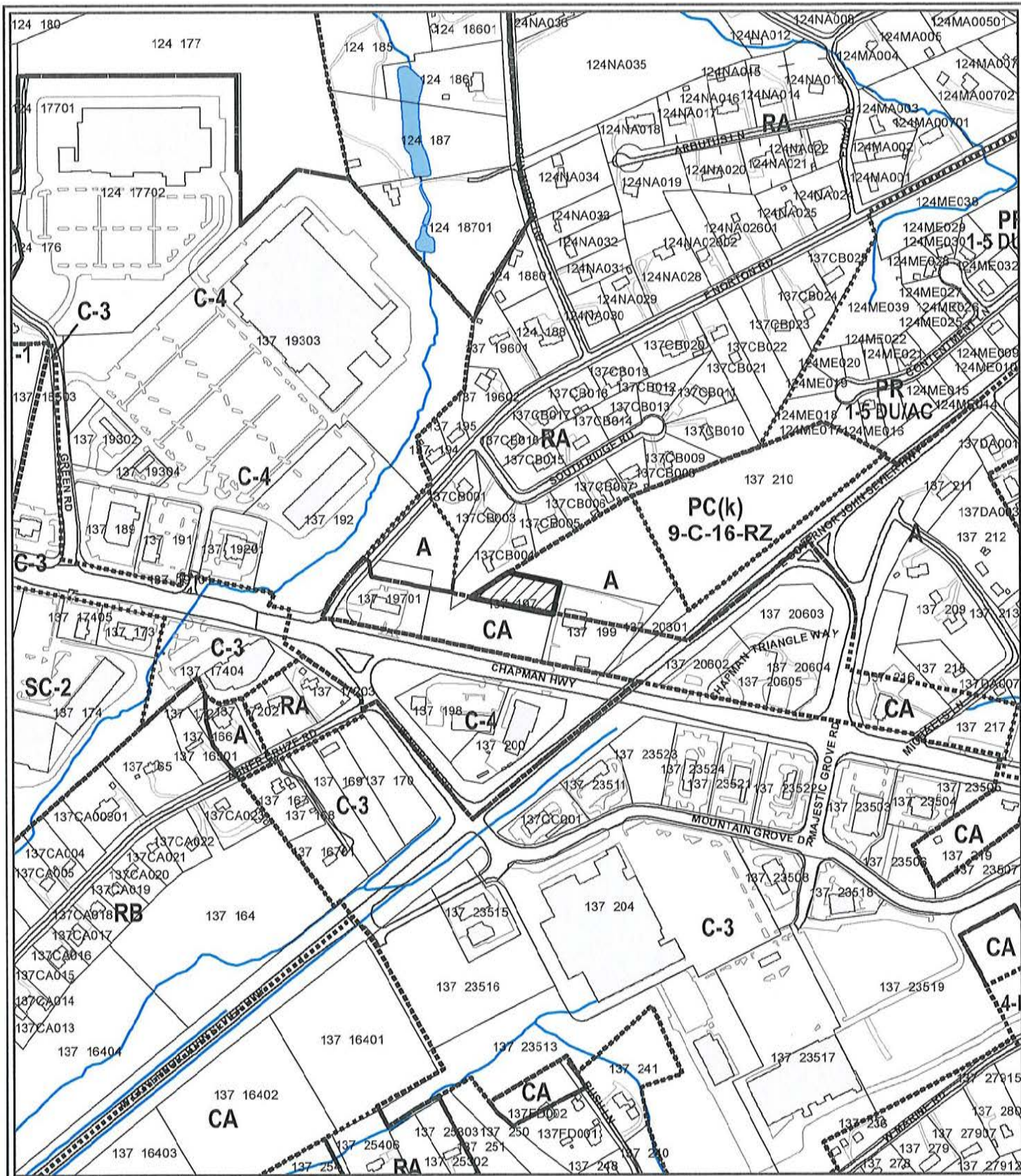
Petitioner: Mubarak, Nader

Map No: 137

Jurisdiction: County

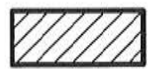
Original Print Date: 4/17/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**3-D-19-RZ
REZONING**

Petitioner: Mubarak, Nader



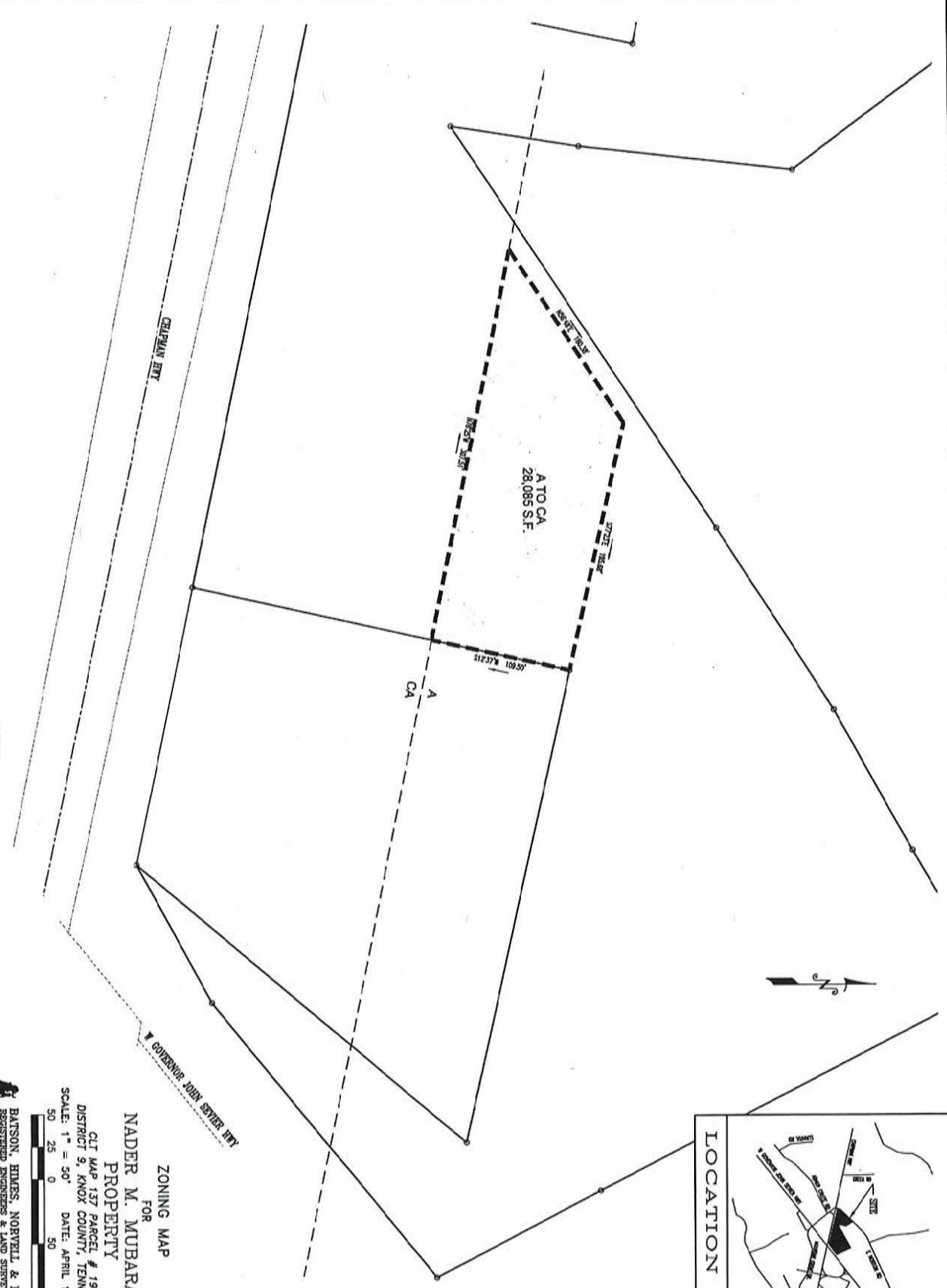
From: A (Agricultural)
To: CA (General Business)

Original Print Date: 4/17/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 137
Jurisdiction: County

0 500
Feet





ZONING MAP
FOR
NADER M. MUBARAK
PROPERTY

CLT MAP 137 PARCEL # 197
DISTRICT 9, ANOKA COUNTY, TENNESSEE
SCALE: 1" = 50' DATE: APRIL 16, 2019

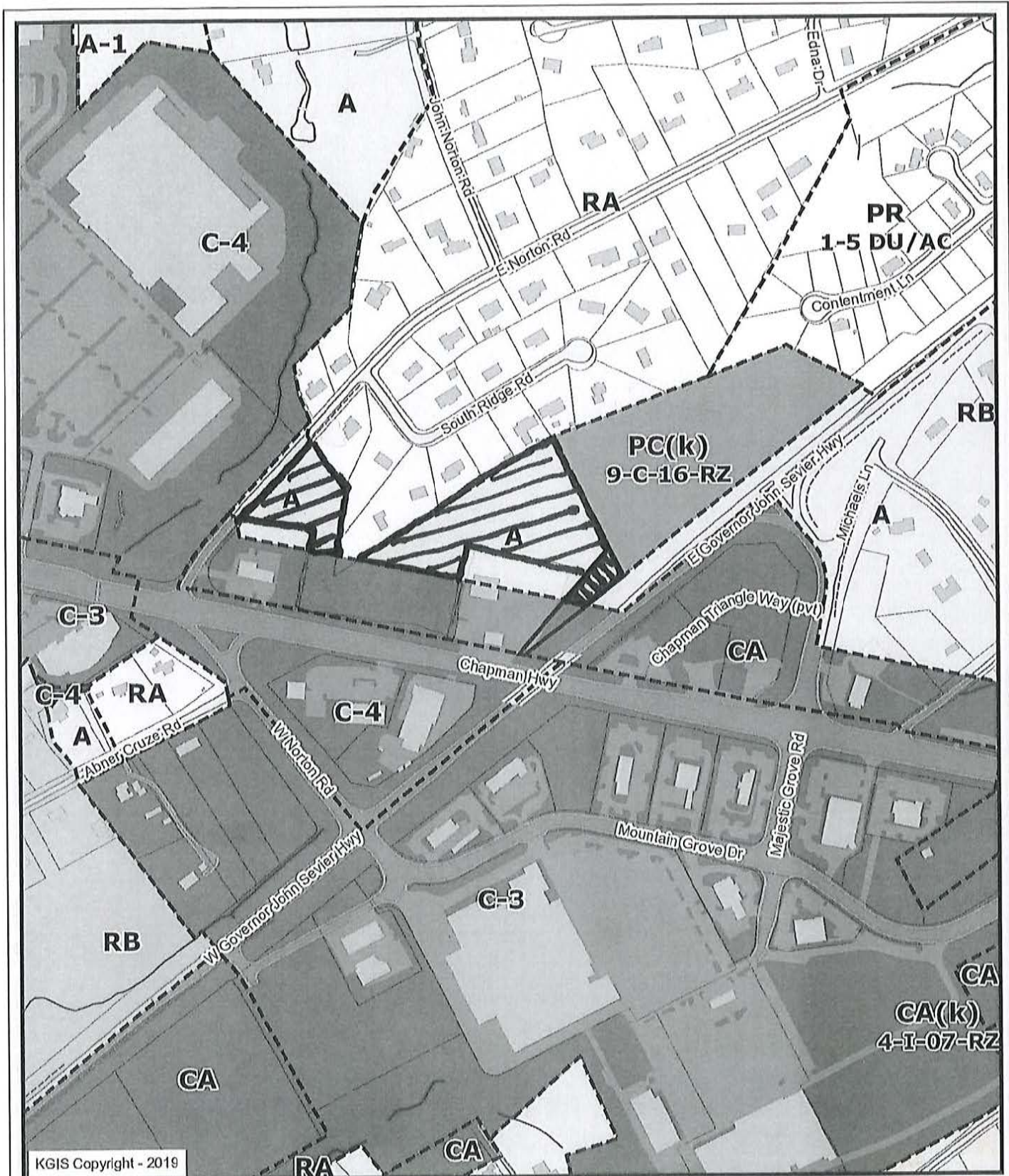


BATSON, HIMES, NORVELL & POE
REGISTERED ENGINEERS & LAND SURVEYORS
1000 PACEWOOD DRIVE
KNOXVILLE, TENNESSEE 37909
PHONE: (865) 588-6472
FAX: (865) 588-6473
email@bnp-rc.com

OWNER
NADER M. MUBARAK
CHAPMAN HWY & E GOVERNOR JOHN SEVIER HWY
KNOXVILLE, TENNESSEE
PHONE: (865)

REFERENCE DEEDS: INSTR. # 201501130037625
INSTR. # 200409020020341

original request



Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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original request



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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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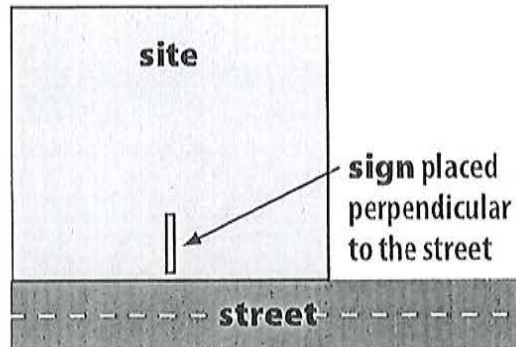
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. 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.

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(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

Feb 27th

and

March 15th

(15 days before the MPC meeting)

(the day after the MPC meeting)

Signature: Kathy P. M. M.

Printed Name: Nadar Mubarak

Phone: 865-588-6472 Email: _____

Date: 1-28-19

MPC File Number: 3-D-19-RZ | 3-A-19-SP

BATSON, HIMES, NORVELL & POE

REGISTERED ENGINEERS AND LAND SURVEYORS

4334 Papermill Road

Knoxville, Tennessee 37909

Phone (865) 588-6472

Fax (865) 588-6473

April 9, 2019

Ms. Liz Albertson:
Knoxville MPC

Dear Ms. Albertson:

We request the following at the April 11, 2019 Knoxville-Knox County Planning (KKCP) meeting:

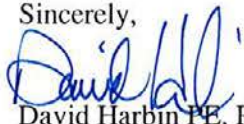
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until the May 9, 2019 KKCP meeting.

Thank you for your assistance.

Sincerely,



David Harbin PE, RLS

3-D-19-RZ- 3-A-19-SP- PP- 3-14-19

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REGISTERED ENGINEERS AND LAND SURVEYORS
4334 Papermill Road
Knoxville, Tennessee 37909
Phone (865) 588-6472
Fax (865) 588-6473

30 day
- requested -

March 13, 2019



Ms. Liz Albertson:
Knoxville MPC

Dear Ms. Albertson:

We request the following at the March 14, 2019 Knoxville-Knox County Planning (KKCP) meeting:

Please postpone consideration of the following rezoning/sector plan change request:

- Nader Mubarak – Chapman Highway (3-D-19-RZ & 3-A-19-SP)

until the April 11, 2019 KKCP meeting.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Harbin".

David Harbin PE, RLS