



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-H-19-RZ **AGENDA ITEM #:** 29
1-F-19-SP **AGENDA DATE:** 1/10/2019

▶ **APPLICANT:** MARK BIALIK GBS ENGINEERING
OWNER(S): Tom Glenn / Glenn Properties, LLC

TAX ID NUMBER: 104 C B 049 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 0 Hardin Valley Dr

▶ **LOCATION:** North side of Hardin Valley Rd., North of Windflower Way.

▶ **TRACT INFORMATION:** 3.86 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Hardin Valley Rd., a 4 lane, median divided, a major arterial, within a 100' to 170' right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office) / STPA (Stream Protection Area) / PR (Planned Residential) & F (Floodway)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / STPA (Stream Protection Area) / PC (Planned Commercial) & F (Floodway)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Retail Parking

EXTENSION OF PLAN DESIGNATION/ZONING:

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Single family residential / MDR (Medium Density Residential)
South: Multi-family residential and forested vacant land / LDR (Low Density Residential) and MDR (Medium Density Residential)
East: Single family residential / MDR (Medium Density Residential)
West: Office / GC (General Commercial)

NEIGHBORHOOD CONTEXT: The area is comprised of a mix of office, multi-family and single family residential uses adjacent to forested areas with steep slopes and the Westbridge Business Park.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #1-F-19-SP, amending the Northwest County Sector Plan to GC General Commercial) and STPA (Stream Protection Area) and recommend that Knox County Commission also adopt the sector plan amendment (see attached resolution, Exhibit A).**

The requested GC and STPA sector plan designation is recommended as an extension of the existing GC and STPA designation adjacent to the west side of the property.

- ▶ **RECOMMEND that County Commission APPROVE PC (Planned Commercial) and F (Floodway) zoning.**

PC zoning and F zoning is compatible with the adjacent PC zoning and F zoning to the west of the site, and consistent with the recommended sector plan amendment to GC.

COMMENTS:

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

A recent plan amendment (8-A-17-SP) on an adjacent parcel to accommodate a hardware store changed the sector plan to permit GC land use designation warrants amending the land use plan to encourage development of the adjacent site.

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

Hardin Valley Rd. is a 4-lane minor arterial street with center median, and is capable of handling the additional traffic that would be generated with commercial development of the site. Utilities are available in the area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

There is no obvious or significant error or omission in the plan.

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

This location of the business park and other commercial uses to the west have established a pattern along Hardin Valley Rd. This recommended plan amendment is an extension of that pattern of development.

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

Several commercial uses have been developed along this section of Hardin Valley Rd., under both CA and PC zoning. This location is appropriate for the establishment of a small commercial development.

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 CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The PC zone is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.
2. The requested PC zone is consistent with the adjacent PC zoned property to the west.

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 PC zoning district is for office, commercial services and light distribution centers.
2. It requires site plan review and complies with the requirements of the Knoxville-Knox County-Farragut Growth Policy Plan.

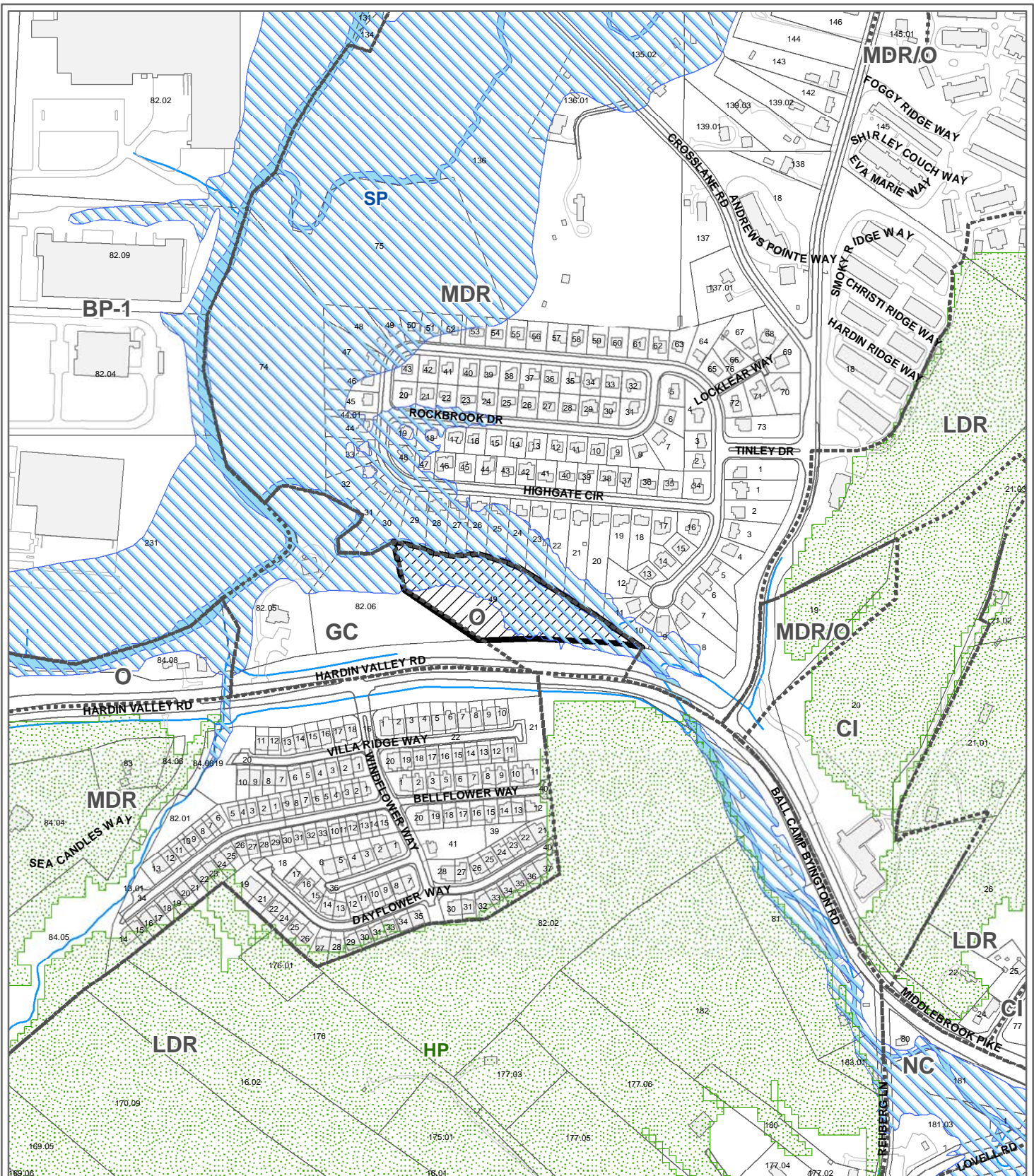
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. PC zoning is compatible with the surrounding land uses.
2. The PC zoning requires use on review approval of a development plan by Knoxville-Knox County Planning prior to construction. This will provide the opportunity for staff to review the plan and address issues related to the design. It will also give the opportunity for public comment at the Knoxville-Knox County Planning meeting.
3. Protection of any creeks or streams that exist on the property may also be addressed through the PC use on review process.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/25/2019. 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 City.



**1-F-19-SP / 1-H-19-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

From: O (Office) / STPA (Stream Protection Area)
To: GC (General Commercial) / STPA (Stream Protection Area)



Petitioner: Bialik, Mark, GBS Engineering

Map No: 104

Jurisdiction: City



Original Print Date: 12/12/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

*KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST 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 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, Mark Bialik, GBS Engineering, has submitted an application to amend the Sector Plan from Office and Stream Protection Area to General Commercial and Stream Protection Area, for property described in the application; and

WHEREAS, the 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 Planning Commission, at its regularly scheduled public hearing on January 10, 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 Northwest County Sector Plan, with its accompanying staff report and map, file #1-F-19-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

+ 60% = \$2,560

KNOXVILLE-KNOX COUNTY

M P C

METROPOLITAN PLANNING COMMISSION

T E N N E S S E E

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: Mark A. Biaix, PE (GBS ENGINEERING)

Date Filed: 11/29/18 Meeting Date: 1/10/18

Application Accepted by: James Reed

Fee Amount: \$1,000 File Number: Rezoning 1-H-19-RZ

Fee Amount: \$600 File Number: Plan Amendment 1-F-19-SP

PROPERTY INFORMATION

Address: 0 Hardin Valley Rd

General Location: North side of Hardin Valley Rd. North of Windflower Way

Parcel ID Number(s): 104 CB 949

Tract Size: 4.86 Ac

Existing Land Use: Ag/E or Vac

Planning Sector: Northwest County

Growth Policy Plan: Planned Growth

Census Tract: 59.08

Traffic Zone: 216

Jurisdiction: City Council _____ District
 County Commission 6 District

Requested Change

REZONING

FROM: PR

TO: PC/E

PLAN AMENDMENT

One Year Plan Office _____ Sector Plan

FROM: 0

TO: PC/E GC

PROPOSED USE OF PROPERTY

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: Tom Glenn

Company: Glenn Kroy Properties, LLC

Address: 4921 Hwy 58

City: CHATTANOOGA State: TN Zip: 37416

Telephone: 423-662-5513

Fax: _____

E-mail: tglenne@eldershardware.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Mark A. Biaix

Company: GBS ENGINEERING

Address: 1313 KALMIA RD

City: KNOXVILLE State: TN Zip: 37909

Telephone: 566-0105

Fax: 888-485-1005

E-mail: mark@gbs-eng.net

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: Mark A. Biaix

PLEASE PRINT

Name: Mark A. Biaix

Company: GBS ENGINEERING

Address: 1313 KALMIA RD

City: KNOXVILLE State: TN Zip: 37909

Telephone: 566-0105

E-mail: mark@gbs-eng.net



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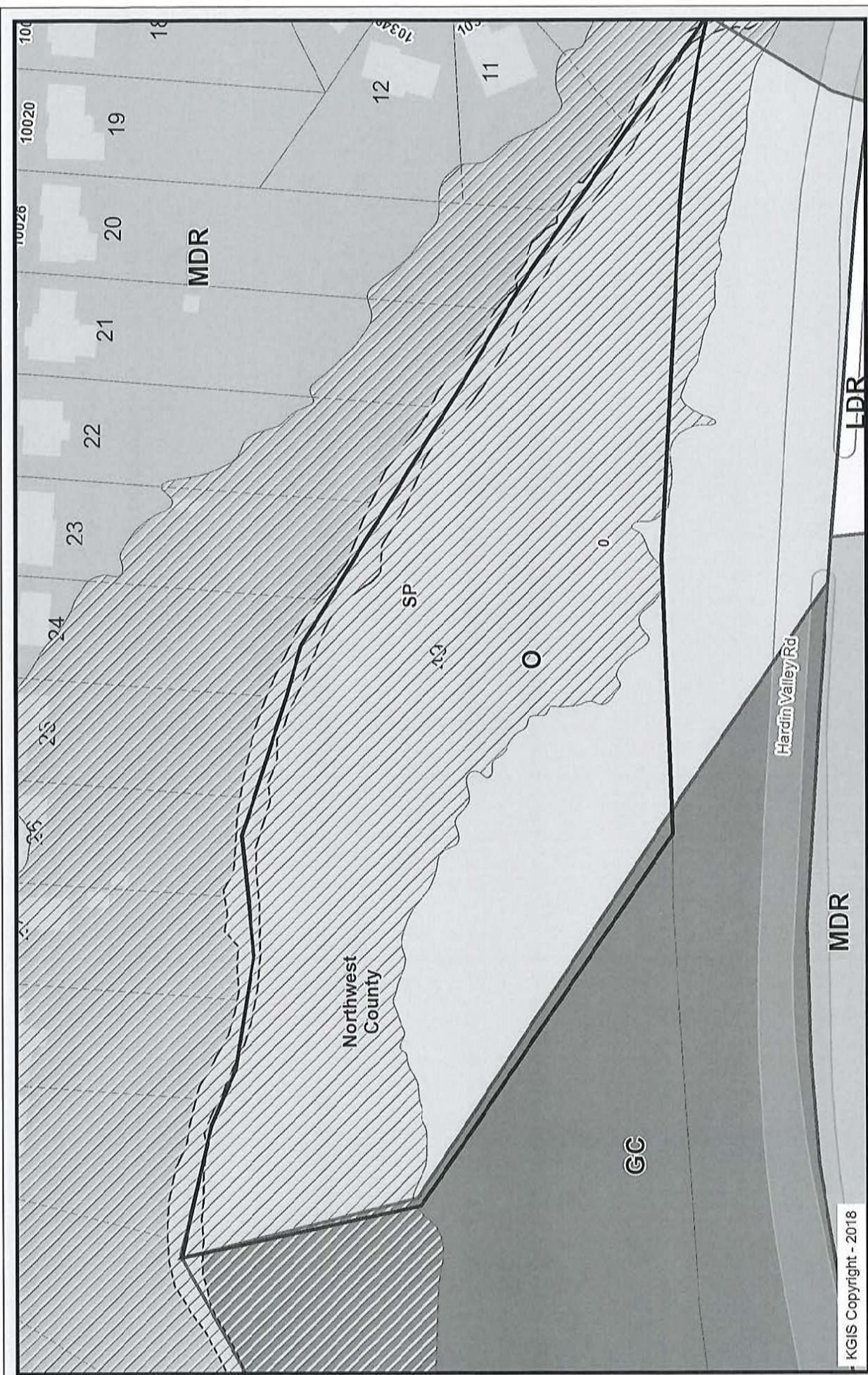
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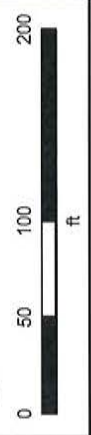
Letter Landscape

Knoxville - Knox County - KUB Geographic Information System

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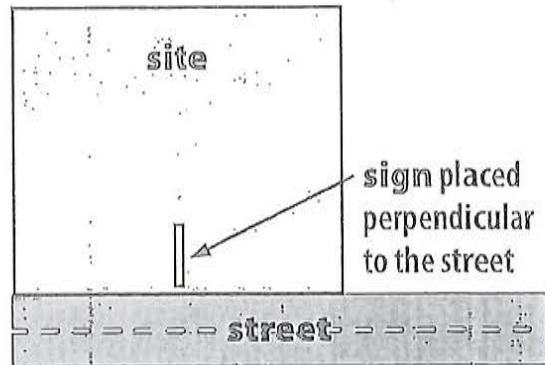
REQUIRED SIGN POSTING AGREEMENT

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:

December 26, 2018 and January 11, 2019
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: Mark A. Biaix

Printed Name: MARK A. BIAIX

Phone: 566-0185 Email: mark@gps-eng.net

Date: 11/29/18

MPC File Number: 1-H-19-RZ / 1-F-19-SP