



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 3-D-19-RZ
3-A-19-SP

AGENDA ITEM #: 28
AGENDA DATE: 3/14/2019

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

TAX ID NUMBER: 137 PARTS OF 197, 203.01

[View map on KGIS](#)

JURISDICTION: Commission District 9

STREET ADDRESS: 0 Chapman Hwy

▶ **LOCATION:** Northeast of Chapman Hwy., Northwest of E. Governor John Sevier Hwy

▶ **TRACT INFORMATION:** 6.9 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 East 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), LDR (Low Density Residential) & HP (Hillside & Ridgetop Protection Area) / A (Agricultural)

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

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

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

EXTENSION OF PLAN DESIGNATION/ZONING:

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:

- ▶ **POSTPONE the plan amendment to the April 11, 2019 meeting, as per the applicant's request. DENY the request for GC (General Commercial) sector plan designation.**

POSTPONE the plan amendment to the April 11, 2019 meeting, as per the applicant's request.

The existing sector plan designation of MDR/O (Medium Density Residential/Office) and LDR (Low Density Residential) creates a transition buffer between the existing GC (General Commercial) corridor along Chapman Highway the adjacent low density residential neighborhoods to the north. The areas also fall within the (HP) Hillside and Ridgetop Protection area with slopes 25-40 percent and greater than 40 percent. Extensions of GC are not recommended, as per the South County Sector Plan, because of the adverse effects on traffic-carrying capacity, safety and environmental impacts.

- ▶ **POSTPONE the rezoning to the April 11, 2019 meeting, as per the applicant's request. DENY CA (General Business) zoning.**

POSTPONE the rezoning to the April 11, 2019 meeting, as per the applicant's request. CA zoning at this location would be incompatible with the adjacent RA Low Density Residential) zoning and the steep slopes in this area. Adjacent properties would be adversely affected by possible range of uses allowed in the CA zone district.

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. The current plan shows these parcels for MDR/O (Medium Density Residential/Office) and LDR (Low Density Residential)

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

There was no obvious error or omission when the South County Sector Plan was updated in 2013. Public policy has not shifted to allow for an extension of GC (General Commercial).

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

There are no apparent trends 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 for the City of Knoxville on the Growth Policy Plan and is proposed for Medium Density Residential/Office uses on the sector plan, inconsistent with the proposal.
2. The proposed CA (General Business) zoning is not compatible with the scale and intensity of the adjacent low density residential zoning and uses.

3. The area and surrounding zone districts have not changed substantially since the adoption of the 2012 South County 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 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.
2. The range of uses allowed in the CA zone and lack of buffering and landscaping standards when adjacent to residential uses does not provide for adequate protections for adjacent residential uses.

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. CA zoning is not compatible with the surrounding development and will have 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, not consistent with the requested CA zoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 4/22/2019. 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.