



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 3-D-19-RZ **AGENDA ITEM #:** 20
3-A-19-SP (REVISED) **AGENDA DATE:** 5/9/2019

POSTPONEMENT(S): 3/14/2019, 4/11/2019

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

TAX ID NUMBER: 137 PART OF 197 [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:** 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 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) & 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:

- ▶ **ADOPT RESOLUTION # 3-A-18-SP, amending the South County Sector Plan to GC (General Commercial) and recommend that County Commission also adopt the sector plan amendment. (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 extension of GC into the MDR/O designated area is recommended because minimal impacts are anticipated by this minor revision in the sector plan land use designations for the area.

- ▶ **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 not 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), but an amendment to GC (General Commercial) is also being requested with application.

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 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 the requested sector plan amendment is for GC (General Commercial) uses on the sector plan.
2. The proposed minor extension of CA (General Business) zoning is compatible with the scale and intensity of the adjacent low density residential zoning and uses because the majority of the parcel adjacent to the residential neighborhood remains A (Agriculture).

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 6/24/2019. 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.