



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 10-C-19-RZ **AGENDA ITEM #:** 20
10-C-19-SP (REVISED) **AGENDA DATE:** 10/10/2019

▶ **APPLICANT:** IGOR CHEBAN
OWNER(S): Igor Cheban

TAX ID NUMBER: 67 PARTS OF 207 AND 20703 [View map on KGIS](#)
JURISDICTION: Commission District 6
STREET ADDRESS: 6939 Clinton Highway
▶ **LOCATION:** West side of Clinton Highway, north of Pleasant Ridge Road
▶ **TRACT INFORMATION:** 6.53 acres. Property is in the Hillside Protection Area
SECTOR PLAN: Northwest County
GROWTH POLICY PLAN: Planned Growth Area
ACCESSIBILITY: Access is via Clinton Highway, a 4-lane seperated major arterial with a pavement width of 63 feet and within a right-of-way of 100 feet.
UTILITIES: Water Source: Hallsdale-Powell Utility District
Sewer Source: Hallsdale-Powell Utility District
WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / HP (Hillside Protection) / A (Agricultural) and CB (Business and Manufacturing)
▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / HP (Hillside Protection) / CB (Business and Manufacturing)
▶ **EXISTING LAND USE:** CO (Commercial)
▶ **PROPOSED USE:** Warehouse, Storage for HVAC business
EXTENSION OF PLAN DESIGNATION/ZONING: Across from GC on Clinton Highway
HISTORY OF ZONING REQUESTS: None noted.
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Vacant - LDR/HP
South: Commercial - LDR/HP
East: Commercial - GC/HP
West: Vacant - LDR/HP
NEIGHBORHOOD CONTEXT: This is a small commercial area adjacent to Clinton Highway, characterized by forested, vacant steep slopes surrounding businesses located on the highway.

STAFF RECOMMENDATION:

► **Adopt resolution #10-C-19-SP amending the Northwest County Sector Plan to GC (General Commercial) per attached resolution, Exhibit A.**

The requested GC (General Commercial) sector plan designation is recommended as an obvious omission in the plan. The sector plan update in 2016 should have recognized the existing commercial uses and zoning on the west side of Clinton Highway at this location.

► **Approve PC (Planned Commercial) zoning (Applicant requested CB).**

Staff recommends approval of PC zoning for an approximate 3.2 acre site as demonstrated in Exhibit B. The applicant requested an extension of the existing CB zoning at this location, however, PC zoning is a more appropriate zone because of the steep topography and access concerns along Clinton Highway. The PC zone will provide staff and the Planning Commission with an opportunity to review a development plan for this location.

COMMENTS:

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There are no changes of conditions in the area, however, the area should have been recognized for the existing conditions/uses and zoning in this area during the 2016 Northwest County Sector Plan update.

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

1. There are no new roads or utilities that make development more feasible.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is an obvious error in the Northwest County Sector Plan at this location that should have acknowledged the existing CB zoning and commercial uses on the west side of Clinton Highway at this location, particularly, the flatter, previously graded areas adjacent to the roadway.
2. The North County Sector Plan recognized similar commercial uses on the east side of Clinton Highway at this location and the Northwest County Sector Plan should've reflected the existing conditions on the west side of the highway also.

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

1. There are no new trends in development, population or traffic warranting reconsideration of the original plan proposal.

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 population of the Northwest County Sector remains one of the fastest growing in Knox County.
2. Planned Commercial (PC) zoning will ensure that the development of additional commercial activities at this location will address existing and forecasted conditions at this location.

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. It is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers.

2. A development plan for the planned commercial complex shall be submitted to the planning commission for approval as a use permitted on review.

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 will allow for review of a development plan to ensure that issues may be addressed via the use-on-review process.

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. This PC rezoning is consistent with the accompanying staff recommended plan amendment to GC.

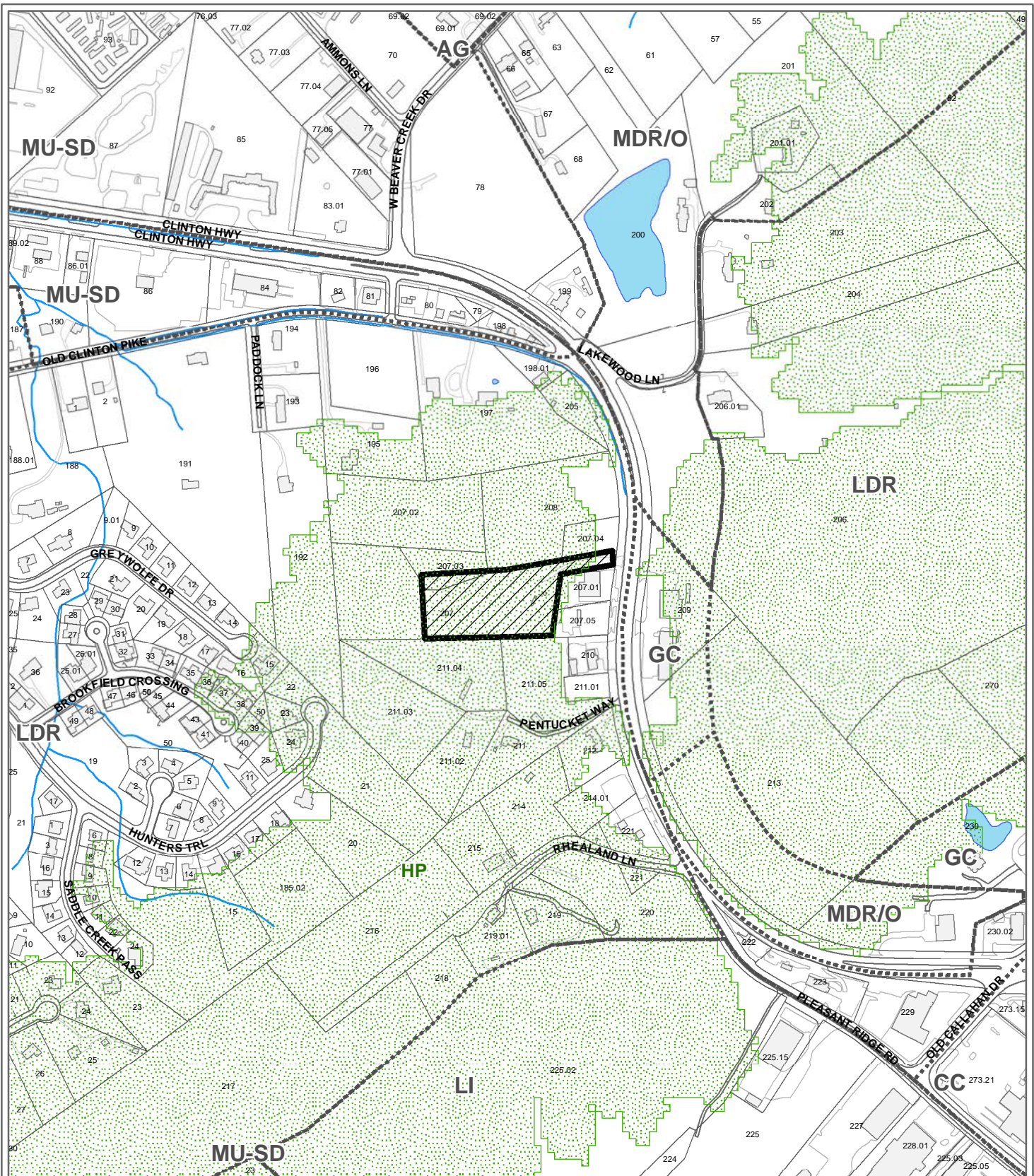
2. This area is within the Planned Growth Area of the Growth Policy Plan.

3. This rezoning is consistent with all 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 11/18/2019. 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.



**10-C-19-SP / 10-C-19-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) / HP (Hillside Protection)
To: GC (General Commercial) / HP (Hillside Protection)



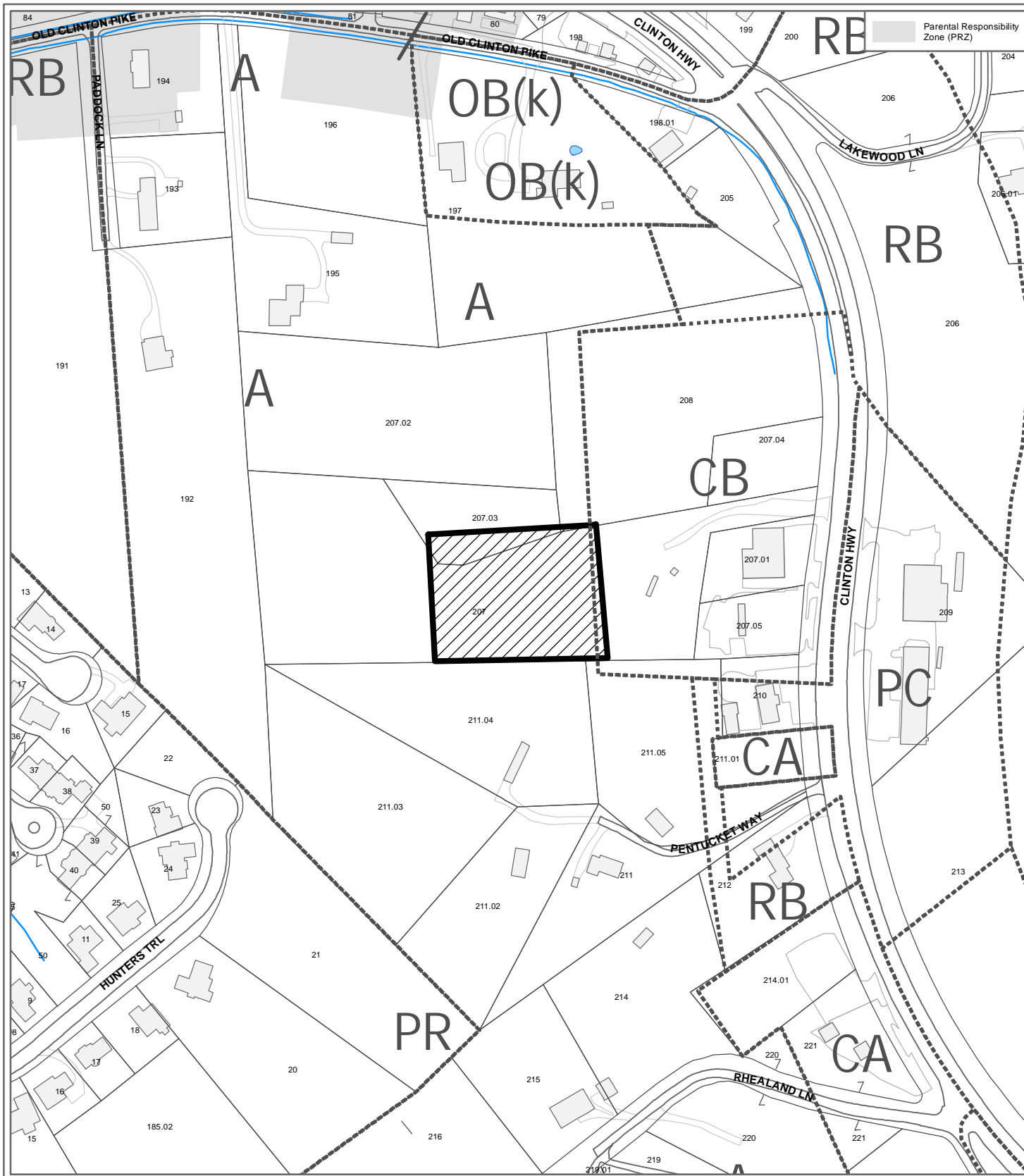
Petitioner: Cheban, Igor

Map No: 67

Jurisdiction: County



Original Print Date: 9/17/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**10-C-19-RZ
REZONING**

From: A (Agricultural) & CB (Business and Manufacturing)
To: CB (Business and Manufacturing)



Petitioner: Cheban, Igor

Map No: 67

Jurisdiction: County



Original Print Date: 9/17/2019 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, Planning staff recommends a revised amendment to amend the Sector Plan from Low Density Residential to General Commercial, for property described in the staff report; 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 October 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 #10-C-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

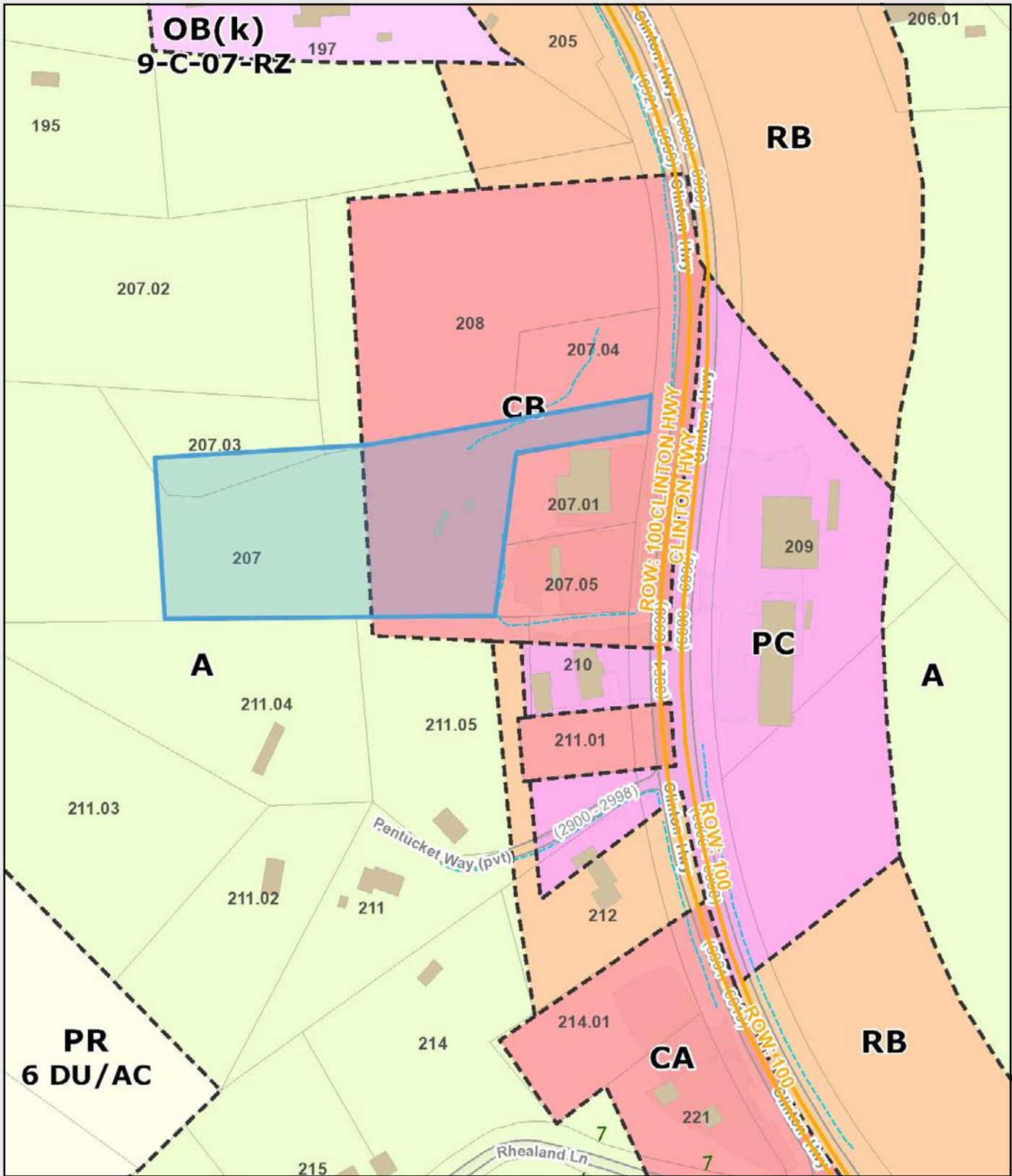
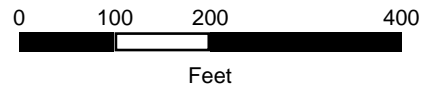


Exhibit B. 10-C-19-RZ
 Staff recommended area for PC zoning



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DEVELOPMENT REQUEST

DEVELOPMENT

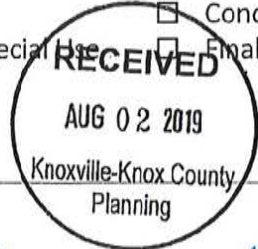
- Development Plan
- Use on Review / Special Use

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- Rezoning



Igor Cheban
Applicant

8-2-19
Date Filed

9/12/2019
Meeting Date (if applicable)

10-C-19-RZ/10-C-19-SP
File Numbers(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Igor Cheban
Name

4505 McKamoy Rd Knoxville TN 37921
Address City State Zip

865 816 4488 1st Choice heat air@gmail.com
Phone Email

CURRENT PROPERTY INFO

Igor Cheban see above 865 816 4488
Owner Name (if different) Owner Address Owner Phone

6939 Clinton Hwy (PART OF) 067 207 & (PART OF) 067 20703
Property Address Parcel ID

on the west side of Clinton Hwy. north of Pleasant Ridge Rd.
General Location

6 A & CB
Jurisdiction (specify district above) City County Zoning District

Northwest County LDR (Low Density Res) Planned Growth
Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation

CO (commercial) No Halsdale-Powell Sewer Halsdale-Powell water
Existing Land Use (in HP area) Septic (Y/N) Sewer Provider Water Provider

*(Tract Size) - parcel 2071 = 5.73 ac.
1.5 ac parcel 20703 = 0.80 ac. 0.20 ac.
(1.7 ac total)*

REQUEST

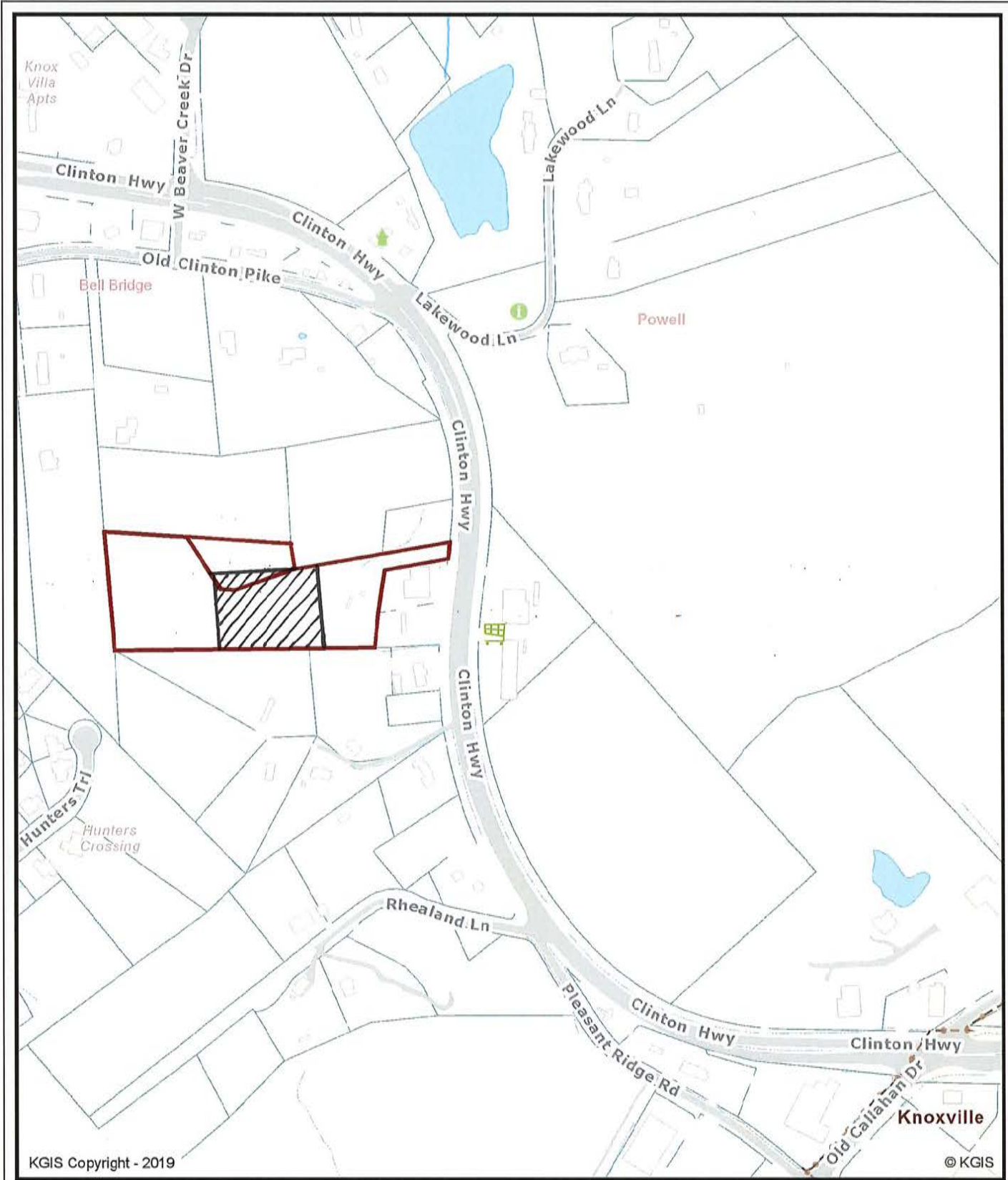
DEVELOPMENT	<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use
	<input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential
	<input type="checkbox"/> Home Occupation (specify): _____
SUBDIVISION	<input type="checkbox"/> Other (specify): _____
	<input type="checkbox"/> Proposed Subdivision Name _____ Unit / Phase Number _____
	<input type="checkbox"/> Parcel Change
	<input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Total Number of Lots Created: _____
ZONING	<input type="checkbox"/> Other (specify): _____
	<input type="checkbox"/> Attachments / Additional Requirements
	<input checked="" type="checkbox"/> Zoning Change: <u>CB (Business & Mfg.)</u> Proposed Zoning
	<input checked="" type="checkbox"/> Plan Amendment Change: <u>General Commercial</u> Proposed Plan Designation(s)
	<input type="checkbox"/> Proposed Property Use (specify) <u>Warehouse, Storage (for HVAC business)</u> <u>n/a</u> <u>n/a</u> Proposed Density (units/acre) Previous Rezoning Requests
<input type="checkbox"/> Other (specify): _____	

STAFF USE ONLY	PLAT TYPE <input type="checkbox"/> Administrative <input type="checkbox"/> Meeting	FEE 1: <u>1000.00</u> 1573.00	TOTAL:
	ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
	ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (Final Plat only) <input type="checkbox"/> Use on Review / Special Use (Concept Plan only) <input type="checkbox"/> Traffic Impact Study	FEE 2: <u>800.00</u>	<u>1800.00</u> 2373.00 <u>2373.00</u>
		FEE 3: <u>2373.00</u>	

AUTHORIZATION

Sherry Michienzi SHERRY MICHIEZI 8-2-19
 Staff Signature Please Print Date

[Signature] Igor Cheban 8-2-19
 Applicant Signature Please Print Date



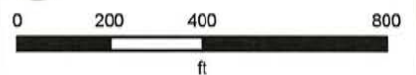
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10-C-19-RZ_10-C-19-SP REVISED APPLICATION
 Rezone Request

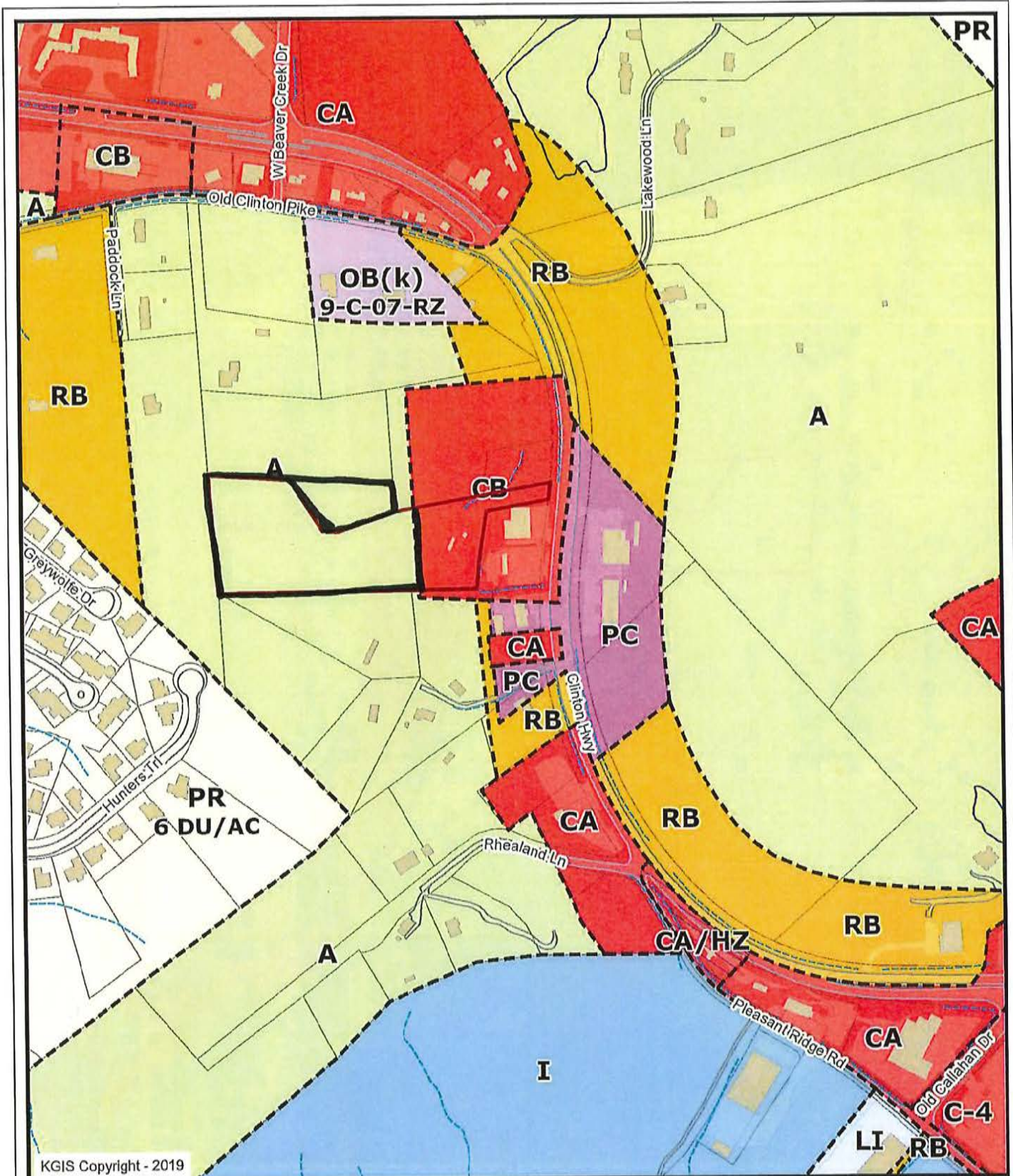


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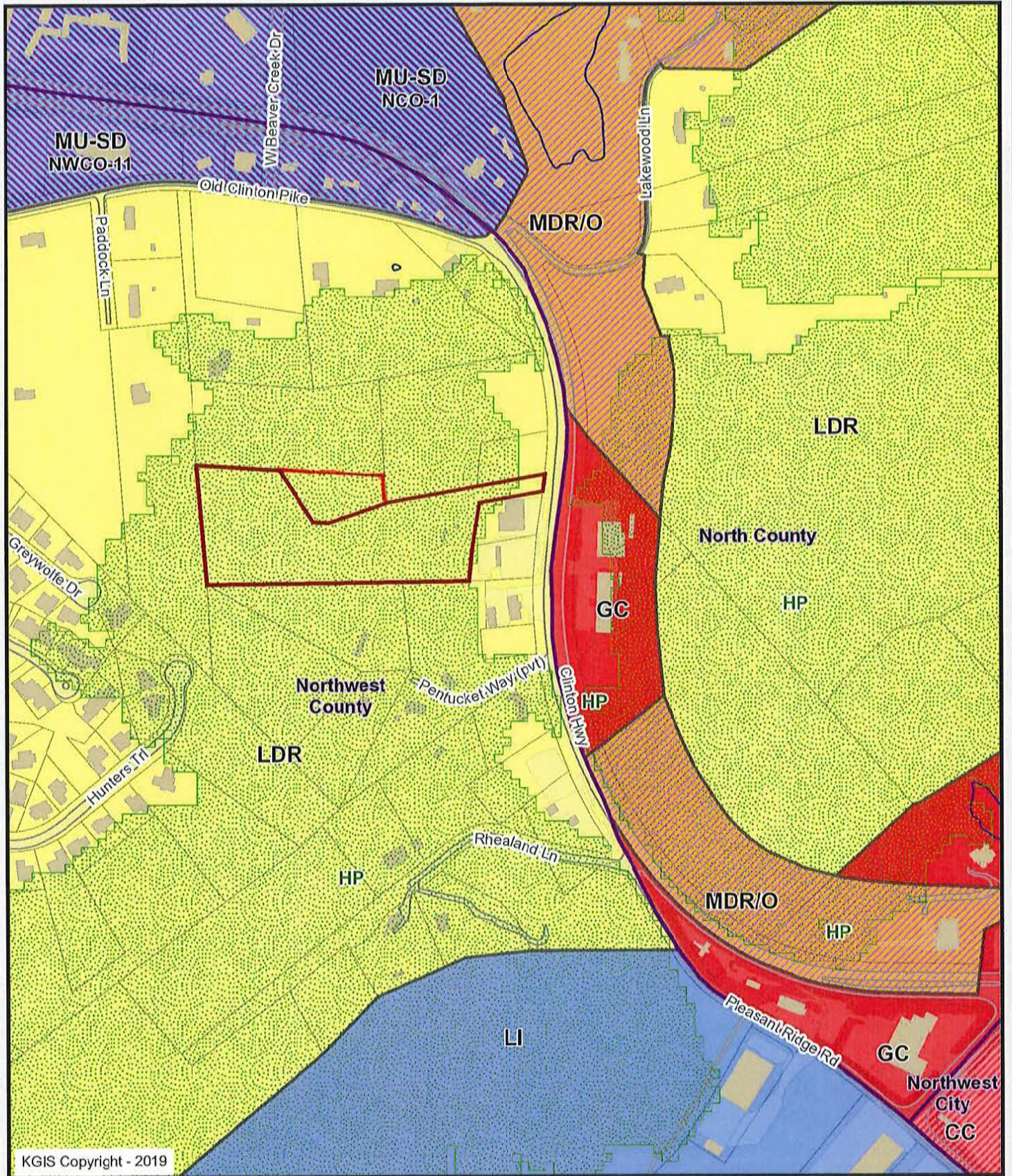


Rezoning

Knoxville - Knox County - KUB Geographic Information System

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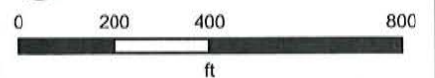
Sector Plan

Knoxville - Knox County - KUB Geographic Information System

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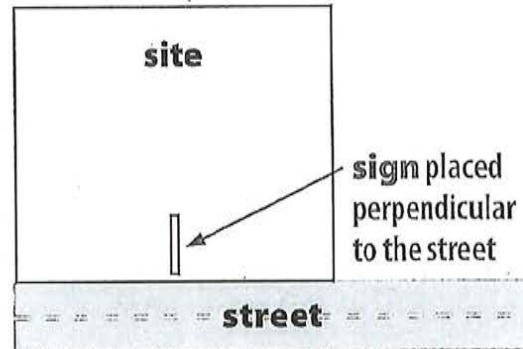
REQUIRED SIGN POSTING AGREEMENT

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:

Wed Sept 25th and Fri Oct 11th
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: _____

Printed Name: Igor Cheban

Phone: _____ Email: _____

Date: 8-2-19

MPC File Number: 10-C-19-RZ 10-C-19-SP