

# CASE SUMMARY

APPLICATION TYPE: OTHER BUSINESS

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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File Number: 3-A-09-OB                      Related File Number:  
Application Filed: 2/13/2009              Date of Revision:  
Applicant: MAC AND BARBARA WILHOIT, LLC

## PROPERTY INFORMATION

General Location:  
Other Parcel Info.:  
Tax ID Number: 999 999                      Jurisdiction:  
Size of Tract:  
Accessibility:

## GENERAL LAND USE INFORMATION

Existing Land Use:  
Surrounding Land Use:  
Proposed Use:                                      Density:  
Sector Plan:                                      Sector Plan Designation:  
Growth Policy Plan:  
Neighborhood Context:

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason: Use determination to allow a pharmacy in the OB (Office, Medical, and Related Services) District

## ZONING INFORMATION (where applicable)

Current Zoning:  
Former Zoning:  
Requested Zoning:  
Previous Requests:  
Extension of Zone:  
History of Zoning:

## PLAN INFORMATION (where applicable)

Current Plan Category:  
Requested Plan Category:

## **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

## **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.: Use determination to allow a pharmacy in the OB (Office, Medical, and Related Services) District

## **MPC ACTION AND DISPOSITION**

Planner In Charge:

Staff Recomm. (Abbr.):

Approve as a permitted use within the OB district a neighborhood pharmacy, with restrictions as below:

Staff Recomm. (Full):

approve as a permitted use within the Office, Medical and Related Services (OB) zone district a neighborhood pharmacy, with a majority of sales and floor area devoted to the dispensing, compounding and sale of prescription and non-prescription drugs, and the sale or rental of other medical equipment, supplies or services, and total developed floor area less than 5,000 square feet.

Authority:

Permitted uses within the Office, Medical and Related Services (OB) zone district include, at 5.41.02 (O): Other uses similar in character to those enumerated above, and which in the opinion of the Planning Commission will not be injurious to the zone.

Background:

Applicant proposes to build a neighborhood pharmacy in an OB zone district. Such a neighborhood pharmacy would have a majority of its sales and floor area devoted to prescriptions and other medical services. It would have less than 5,000 square feet of floor area.

Applicant has asked the Planning Commission to determine that a neighborhood pharmacy is similar in character to other uses allowed within the zone district and will not be injurious to the zone.

The general description of the OB zone district is described at 5.41.01 and is as follows:

This zone is intended to provide areas for professional and business offices and related activities that require separate building and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized compact locations for business offices, clinics, medical and dental offices near residential neighborhoods.

Uses permitted are described at 5.41.02 and include apartments, professional and business offices, hospitals, clinics, medical and dental offices, hotels, motels, banks, colleges and commercial parking lots or garages.

The term neighborhood pharmacy is not used elsewhere in the Knox County Zoning Ordinance as a permitted or prohibited use.

Criteria of Evaluation.

Section 5.41.02(O) requires two determinations by the Planning Commission in order to find that a proposed use may be permitted:

- The proposed use must be found to be similar in character to other allowed uses; and
- The proposed use must be found to be not injurious to the zone.

Similarity of character could further be analyzed in these ways:

- Comparing the actual proposed use to other allowed uses;
- Comparing the impact as described by intensity of users and vehicles of the proposed use to other allowed uses.

Analysis.

The OB district is intended to centralize medical uses and office and professional services together near residential neighborhoods. The neighborhood pharmacy sales and services could be viewed as accessory to the medical uses allowed within the district. The on-site medical services provided within the pharmacy also augment the other medical services that are allowed in the district. A neighborhood

pharmacy seems complementary and similar to a hospital or medical clinic.

The impact of a neighborhood pharmacy would be no greater than the impact of a hospital, large office building or bank, college or commercial parking structure in terms of the vehicles and users attracted to the site. In fact, because a neighborhood pharmacy is closely associated with many of the allowed uses within the district (hospitals, elderly housing, medical clinics and offices) its location in close proximity to these uses may result in less transportation impact to the district and elsewhere in the community. A neighborhood pharmacy does not appear to be injurious to the intent of the zone district and potential uses within the zone.

Findings:

- 1) Staff finds that a neighborhood pharmacy, with a majority of its sales and floor area devoted to prescriptions and other medical goods and services, is similar in character to other allowed uses within the OB zone district.
- 2) Staff finds that the impact of a neighborhood pharmacy is comparable to other allowed uses within the OB district and will not be injurious to the zone district.

**Comments:**

**MPC Action:** Approved

**MPC Meeting Date:** 3/12/2009

**Details of MPC action:**

**Summary of MPC action:** Approve as a permitted use within the OB district a neighborhood pharmacy, with restrictions as below:

**Date of MPC Approval:** 3/12/2009

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**