

CASE SUMMARY

APPLICATION TYPE: REZONING

NORTHWEST COUNTY SECTOR PLAN AMENDMENT



File Number: 7-J-18-RZ **Related File Number:** 7-E-18-SP
Application Filed: 6/4/2018 **Date of Revision:**
Applicant: HSINHAO LIAO

PROPERTY INFORMATION

General Location: South side Middlebrook Pike, east of Andrewbrook Ln.
Other Parcel Info.:
Tax ID Number: 105 O C 028 **Jurisdiction:** County
Size of Tract: 3.16 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Commercial
Surrounding Land Use:
Proposed Use: Retail **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** O (Office)
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 9036 Middlebrook Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: OB (Office, Medical, and Related Services) & CA (General Business)
Former Zoning:
Requested Zoning: CA (General Business)
Previous Requests: RA to CA & OB in 2000 (9-J-00-RZ)
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: O (Office)
Requested Plan Category: GC (General Commercial)

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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Michael Brusseau

Staff Recomm. (Abbr.):

RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning on the portion of the site shown on the attached 'MPC Staff Recommendation' map. (Applicant requested CA on the entire site.)

Staff Recomm. (Full):

The recommended CN zoning is consistent with the recommended sector plan amendment to NC on the accompanying application. CN zoning will allow reasonable use of the front portion of the site for commercial uses, while maintaining the rear of the site as OB zoning, which is more compatible with adjacent residential uses, than commercial zoning would be.

Comments:

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 requested zoning for the subject property is a logical extension of commercial zoning from the west.
2. The recommended CN zoning will allow lower intensity commercial uses that allow reasonable use of the site without undue negative impact on adjacent residential uses. The remainder of the site will remain zoned OB, which allows uses that would be more compatible with adjacent uses.
3. CN zoning for this site is consistent with the scale and intensity of the surrounding development and zoning pattern.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The recommended CN zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
2. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.
3. Based on the above description, this site is more appropriate for the recommended CN zoning than the requested CA zoning.

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. With the recommended sector plan amendment to NC, the recommended CN zoning is consistent with the sector plan.
2. CN is a logical extension of commercial zoning from the west.
3. CN will allow commercial uses on the site, but the CN development criteria and limited uses will minimize the potential negative impacts on adjacent residential uses.

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. Staff is recommending approval of an amendment to the Northwest County Sector Plan map to NC, within which the recommended CN zoning is compatible.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth

Policy Plan.

3. This proposal does not present any apparent conflicts with any other adopted plans.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law 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.

Action: Approved **Meeting Date:** 7/12/2018

Details of Action:

Summary of Action: Recommend the Knox County Commission APPROVE CN (Neighborhood Commercial) zoning on the portion of the site shown on the attached 'MPC Recommendation' map.

Date of Approval: 7/12/2018 **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: 8/27/2018

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: