



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 8-F-10-RZ
8-B-10-SP

AGENDA ITEM #: 45
AGENDA DATE: 8/12/2010

APPLICANT: DAMON FALCONNIER, NCARB
OWNER(S): RAY TROY WORLEY JACQUELINE

TAX ID NUMBER: 136 112.02
JURISDICTION: Commission District 9

LOCATION: North side W. Gov. John Sevier Hwy., east of Twin Creek Rd.

TRACT INFORMATION: 2.12 acres.

SECTOR PLAN: South County
GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via W. Gov. John Sevier Hwy., a three-lane major arterial street with 40' of pavement width within 200' of right-of-way.

UTILITIES: Water Source: N/A
Sewer Source: Knox-Chapman Utility District

WATERSHED: Stock Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)

PROPOSED PLAN DESIGNATION/ZONING: GC (General Commercial) / CB (Business and Manufacturing)

EXISTING LAND USE: Vacant land

PROPOSED USE: 2,000 sq. ft. metal working shop with no retail sales and minimum required parking (3 spaces).

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Vacant land / SLPA (Slope Protection) / A (Agricultural)
South: W. Gov. John Sevier Hwy. - Vacant land and County Solid Waste Collection facility / LDR (Low Density Residential) / A (Agricultural)
East: Residence and vacant land / LDR (Low Density Residential) / A (Agricultural)
West: Vacant land / LDR (Low Density Residential) / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is sparsely developed with agricultural and some rural to low density residential uses under A zoning. There is a Knox County Recycling and Household Waste Drop Off Center located southwest of the site, zoned A. The entrance to this facility is located about 500 feet from the subject property on the opposite side of W. Gov. John Sevier Hwy.

STAFF RECOMMENDATION:

▶ **DENY GC (General Commercial) sector plan designation.**

The Knoxville-Knox County General Plan 2032 policies do not warrant the redesignation of this site for commercial uses. The site is completely surrounded by residential uses, and placing a commercial designation on the 2.12 acre site would be incompatible with surrounding land uses and constitutes a spot sector plan amendment.

▶ **DENY CB (Business and Manufacturing) zoning.**

CB zoning at this location would be an incompatible spot zoning. Surrounding properties would not have the same range of uses that would be allowed on this site.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road improvements have been made recently in the area. Utilities are available in the area, but may need to be extended to serve the site.

ERROR OR OMISSION IN CURRENT PLAN:

The plan appropriately calls for LDR development at this location.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

The only change in development pattern in this area is that there is a Knox County Recycling and Household Waste Drop Off Center to the southwest of the site on the opposite side of the highway, which was developed under Agricultural zoning. No zoning change was required. It is staff's opinion that there have not been significant changes that have taken place to justify amendment of the sector plan to commercial or rezoning to CB.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. No significant changes have occurred in the area that warrant the requested change in zoning.
2. The surrounding area is developed with primarily agricultural, rural and low density residential uses, under A zoning. CB zoning would not be compatible with those uses.
3. Staff recognizes that the property has already been cleared, graded and partially developed for the proposed use, and that there is a waste collection facility located to the southwest. The applicant has stated that the owner was under the impression that commercial uses were permissible at the site. The applicant has provide documentation on this as well as on the intended use of the site. However, the proposed use is not allowed under the current A zoning, and establishment of CB zoning would open up the property to a wide range of incompatible uses.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CB zoning provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses, or with other uses that require an environment free of noise, odors and congestion.
2. Based on the above description and intent of CB zoning, this property is not appropriate to be rezoned to CB.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Establishment of CB zoning at this location would adversely impact surrounding residential properties.
3. CB zoning allows a wide range of uses that would not be compatible with surrounding land uses and zoning. If this site were approved for CB zoning, it could set a precedent that could lead to future extension of commercial uses in the area. The applicant should look for a location in an established commercial or light industrial area for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the requested amendment to GC, CB zoning would be consistent with the South County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future rezoning and plan amendment requests for commercial development in the immediate area, on properties zoned residential or agricultural. The current sector plan proposes low density residential and agricultural/rural residential uses and slope protection for all of the surrounding properties in the immediate area. The closest commercially designated area on the sector plan is about 1,800 feet west on the south side of W. Gov. John Sevier Hwy. This site is zoned CA.

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. New 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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/27/2010. If denied, MPC'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 an MPC decision in the County.