

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

▶ **FILE #:** 6-C-10-RZ  
 6-A-10-SP

**AGENDA ITEM #** 28  
**AGENDA DATE:** 6/10/2010

▶ **APPLICANT:** CGK, INC.  
 OWNER(S): CHAD KENNEDY

TAX ID NUMBER: 143 127  
 JURISDICTION: Commission District 5

▶ **LOCATION:** Southeast side Fox Rd., northeast of Canton Hollow Rd.

▶ **TRACT INFORMATION:** 3 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Fox Rd., a major collector street with 18' of pavement width within 100' of railroad and street right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Sinking Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) and STPA (Stream Protection Area) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** RC (Rural Commercial) and STPA (Stream Protection Area) / CR (Rural Commercial)

▶ **EXISTING LAND USE:** Vacant land and house

▶ **PROPOSED USE:** Restaurant and marine rentals

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING  
 North: Fox Rd., railroad tracks, residences / RA (Low Density Residential)  
 South: Lake / STPA / F (Floodway)

East: Fox Rd. Marina / LDR / A (Agricultural)

West: Lake and residence / LDR / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed primarily with residences under A, RA, PR and RB zoning. There is a church nearby and Fox Rd. marina is adjacent to the east, zoned A.

**STAFF RECOMMENDATION:**

▶ **DENY RC (Rural Commercial) sector plan designation.**

The site does not meet any of the criteria of the Knoxville-Knox County General Plan 2032 for changes of conditions warranting amendment of the land use plan. The request is a spot sector plan amendment.

► **DENY CR (Rural Commercial) zoning.**

Approval of CR for this site would be a spot rezoning. The site is not located directly on an intersection of collector or arterial streets. The intersection to the west of Fox Rd. and Canton Hollow Rd. could qualify, but it is 350 feet away, is more of a 90 degree turn of a road and name change, and has an ungated railroad crossing just north of the intersection. The traffic from the marina is problematic already, with trailered boats entering and exiting the marina site on an 18 foot wide road. Approval of this request would add more vehicles trips to Fox Rd. and exasperbate the problem.

**COMMENTS:**

**SECTOR PLAN REQUIREMENTS:**

**CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:**

**NEW ROAD OR UTILITY IMPROVEMENTS:**

No road or utility improvements have been made recently in the area.

**ERROR OR OMISSION IN CURRENT PLAN:**

The plan appropriately calls for LDR development at this location, consistent with the surrounding zoning.

Approval of RC uses for this site would be a spot sector plan amendment.

**CHANGES IN GOVERNMENT POLICY:**

No changes have occurred that warrant this sector plan change.

**CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:**

No changes have occurred that warrant this sector plan change.

**REZONING REQUIREMENTS:**

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

1. There have been no substantially changed conditions in this area that would warrant a plan or zoning change for this property. The roads are not wide enough to properly handle the traffic already generated by the marina next door. Rezoning this property to commercial would only exasperbate the problem. The marina has been in place for many years, and its site is zoned Ag. A marina and its accessory uses are uses permitted on review in the Agricultural zone. The applicant has been advised to look into some kind of partnership with the marina in order to conduct his proposed operations under the Agricultural zoning, with an application for use on review development plan approval. The two properties would need to be combined in order to consider a use on review for these new uses as accessory uses to the marina.
2. A rezoning of this site to CR constitutes a spot zoning, giving this applicant the right to use the property for uses not available to neighboring property owners.
3. CR zoning would allow uses that could have a negative impact on both the street system, as well as residential neighbors in the area. If this site is to be developed with commercial uses, it should be proposed as an overall development plan that combines the property with the adjacent Fox Rd. Marina property to the east. A use on review development plan could be considered by MPC for the entire site. This would give staff the opportunity to review a plan and recommend plan revisions/additions to maximize compatibility, safety and efficiency. Staff could also recommend conditions, such as limited hours of operation, reduced lighting, limited access points or landscape buffering. The use on review process also provides the opportunity for public comment at the MPC public meeting. This is not to be construed to mean that staff will necessarily support a use on review request, but it could allow the applicant's proposed use to be considered without requiring a rezoning of the property.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:**

1. The requested CR zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. This zoning should be placed at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas. The range of permitted uses are limited to those that are generally patronized on a frequent basis by area residents. Development performance standards are provided to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.
2. If the site is approved for the requested CR zoning, staff believes that it could lead to future requests for non-residential zoning in the surrounding area, especially on properties with lake frontage.

**THE EFFECTS OF THIS PROPOSAL**

1. Public water is available to the site. Sewer utilities are available in the general area, but may have to be extended to serve this site.

2. The proposal would have no impact on schools. Depending on how the property were developed, the street could be negatively impacted with additional traffic generated from a commercial use.
3. Commercial uses can have detrimental impacts on residential properties with the potential for increased noise, lighting, signage and traffic.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan's proposal for low density residential uses is appropriate for this site. The Plan should not be amended to allow rural commercial development at this location. The proposal does not meet any of the general plan criteria regarding changes of conditions warranting amendment of the land use plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Allowing rural commercial use of the subject property could lead to future similar requests in the area, especially on waterfront properties.

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 7/26/2010. 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.