# **CASE SUMMARY**

APPLICATION TYPE: REZONING

File Number: 1-D-09-RZ Related File Number: 1-A-09-SP

**Application Filed:** 11/5/2008 **Date of Revision:** 

Applicant: BLUE SKY INVESTMENTS



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## PROPERTY INFORMATION

General Location: Southeast side Lovell Rd. southwest side Hickey Rd.

Other Parcel Info.:

Tax ID Number: 104 164 Jurisdiction: County

Size of Tract: 1 acres

Accessibility:

## **GENERAL LAND USE INFORMATION**

Existing Land Use: House

**Surrounding Land Use:** 

Proposed Use: Any use permitted by CA zone. Density:

Sector Plan: Northwest County Sector Plan Designation: Low Density Residential

Growth Policy Plan: Planned Growth Area

**Neighborhood Context:** 

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

Street: 2022 Lovell Rd.

Location:

Proposed Street Name:

**Department-Utility Report:** 

Reason:

## **ZONING INFORMATION (where applicable)**

Current Zoning: RA (Low Density Residential)

Former Zoning:

Requested Zoning: CA (General Business)

Previous Requests: None noted

Extension of Zone:

**History of Zoning:** 

## PLAN INFORMATION (where applicable)

**Current Plan Category:** 

**Requested Plan Category:** 

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## 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.:

#### MPC ACTION AND DISPOSITION

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): RECOMMEND the DENIAL of CA (General Business) zoning, based on the recommended denial of the

sector plan amendment.

Staff Recomm. (Full): Commercial zoning and uses on this site would have an adverse impact on adjoining residential uses

and would be out of character with the sector plan proposal for low density residential land uses in the

area. CA at this location would be a classic spot zoning.

Comments: REZONING REQUIREMENTS:

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

COUNTY GENERALLY:

1. The subject property has A or PR zoning on all sides and is adjacent to residential development on three sides which would be adversely impacted by commercial uses that would be permitted under the proposed CA (General Business) zoning.

- 2. A commercial designation and CA zoning on this site would be giving this property owner a more intensive use for their property that is out of character with the surrounding residential uses and zoning, as well as what is proposed for this area by the adopted plan. Approval of this request would constitute a spot zoning of this property.
- 3. There is a large retail nursery/landscaping business to the northeast of this site, that was developed under A zoning. This business was originally established as a nursery, growing all materials on site, but has developed into a large scale retail business. Based on the zoning ordinance's current Agricultural regulations, this business would be nonconforming. But, this business is not zoned commercial, and it would not be appropriate to establish commercial zoning on the subject property that is surrounded otherwise by residential development and zoning.

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

- 1. The CA zone, as stated in the zoning ordinance, is for general retail businesses and services, but not for manufacturing or for processing materials other than farm products.
- 2. CA zoning would allow uses that would have a negative impact on adjacent residential uses.
- 3. The site is approximately a half acre in size, which is relatively small for a typical commercial development. There may be issues in meeting the required building setbacks and providing required parking for the development.

#### THE EFFECTS OF THIS PROPOSAL

- 1. Public water and sewer utilities are available to serve the site.
- 2. The proposal will have no impact on schools. The impact to streets would depend on the type and size of commercial use developed.
- 3. Approval of the requested sector plan amendment and rezoning may lead to additional non-residential uses being requested in the area, leading to strip commercial development along Lovell Rd., which would be an intrusion into a primarily residential area.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS:

- 1. The Northwest County Sector Plan proposes LDR (Low Density Residential) uses for the site. The requested sector plan amendment to C (Commercial) is required in order to approve CA zoning for this site.
- 2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan map.
- 3. It is expected that the approval of this plan amendment and rezoning would lead to additional, similar requests in this area.

MPC Action: Denied MPC Meeting Date: 1/8/2009

**Details of MPC action:** 

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Summary of MPC action: DENIAL of CA (General Business)

Date of MPC Approval: Date of Denial: 1/8/2009 Postponements:

Date of Withdrawal: Withdrawn prior to publication?: Action Appealed?: 2/5/2009

## LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 4/27/2009 Date of Legislative Action, Second Reading:

Ordinance Number: Other Ordinance Number References:

Disposition of Case: Denied Disposition of Case, Second Reading:

If "Other":

Amendments: Amendments:

Denial stands

Date of Legislative Appeal: Effective Date of Ordinance:

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