

# CASE SUMMARY

## APPLICATION TYPE: REZONING

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

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

**File Number:** 10-A-11-RZ                      **Related File Number:**  
**Application Filed:** 8/4/2011                      **Date of Revision:**  
**Applicant:** HARDIN VALLEY CHURCH OF CHRIST

### PROPERTY INFORMATION

**General Location:** North side Hardin Valley Rd., southwest of Steele Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 117 00644 OTHER: PORTION ZONED A                      **Jurisdiction:** County  
**Size of Tract:** 5 acres  
**Accessibility:** Access is via Hardin Valley Rd., a minor arterial street with 23' of pavement width within 85' of right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Church activities                      **Density:**  
**Sector Plan:** Northwest County                      **Sector Plan Designation:** Mixed Uses  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** To the east of the site are a few commercial businesses and two schools, zoned CA and I. To the west are residential uses, zoned A.

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

**Street:** 11515 Hardin Valley Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** CA (General Business)  
**Previous Requests:** None noted  
**Extension of Zone:** Yes  
**History of Zoning:** None noted

### 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.:

## **MPC ACTION AND DISPOSITION**

**Planner In Charge:** Michael Brusseau

**Staff Recomm. (Abbr.):** DENY CA (General Business) zoning.

**Staff Recomm. (Full):** The site is designated as Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan. CA zoning is not permitted in the Rural Area.

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

1. Because of the Rural Area designation on the Growth Policy Plan, staff can not recommend approval of CA zoning, as it is not permitted in that area.
2. The only commercial zone that staff could recommend in accordance with Growth Plan policies would be CR (Rural Commercial), but that zone does not permit churches.
3. The applicant has stated that the reason for the CA request is to allow the attached sign for the church that has already been established on the site. The current agricultural zoning allows a much smaller sign.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.
2. Based on the above description and intent of CA zoning, this property may or may not be appropriate to be rezoned to CA. However, CA zoning is not permitted in the Rural Area of the Growth Policy Plan.

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 CA zoning at this location could adversely impact adjacent residential properties to the west.
3. CA zoning allows a wide range of uses that would not be compatible with land uses and zoning to the west. If this site were approved for CA zoning, it could set a precedent that could lead to future extension of commercial uses further west in to the Rural Area. Commercial uses should be limited to the properties directly adjacent to the Steele Rd./Hardin Valley Rd. intersection.
4. If CA zoning is approved, a sign of up to about 450 square feet would be permitted at a height of up to 50 feet, with a required setback of 10 feet from the property line, and few restrictions on type of illumination. Under the current A zoning, a sign of up to 50 square feet and up to 8 feet in height may be permitted, with a required setback of 25 feet, and may have only indirect illumination. The applicant is proposing a sign of approximately 160 square feet in area with a total height of 19.75 feet (see attached) to be located along Hardin Valley Rd. in the current A zone. The proposed sign includes an electronic message board, which may not be permitted because it would be within 300 feet of the A zoning across the street. Also, the sign itself may be limited to indirect illumination, even in the CA zone. Article 3, Section 3.90.02, D of the Knox County Zoning Ordinance states that "no illuminated sign shall be permitted within three hundred feet of property zoned RA, RAE, PR, RB, A and E unless such sign is so designed that it does not shine or reflect its own illumination rays onto such property." The church also owns property with frontage on Steele Rd., that is zoned CA where a larger sign could be constructed with fewer limitations. However, the church access drive has already been constructed to Hardin Valley Rd. An aerial photograph of the property is attached.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes mixed uses for this site. If CA were allowable in the Rural Area, it would be consistent with the sector plan.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map (see attached). The northeast property line of the subject property is the division between the Rural Area and the Planned Growth Area. Even though CA would be an extension of zoning from the

northeast, CA is not allowed with the Rural Area.

3. Approval of this request may lead to future rezoning requests for commercial development further west, on properties zoned agricultural.

**Action:** Denied

**Meeting Date:** 10/13/2011

**Details of Action:**

**Summary of Action:** DENY CA (General Business) zoning.

**Date of Approval:**

**Date of Denial:** 10/13/2011

**Postponements:**

**Date of Withdrawal:**

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

## ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:**

**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:**