CASE SUMMARY

APPLICATION TYPE: REZONING

NORTHWEST COUNTY SECTOR PLAN AMENDMENT

File Number: 11-A-13-RZ Related File Number: 11-A-13-SP

Application Filed: 9/17/2013 Date of Revision:

Applicant: STEVE HOBBS



Suite 403 • City County Building 4 0 0 M a i n S t r e e t Knoxville, Tennessee 37902 8 6 5 • 2 1 5 • 2 5 0 0 F A X • 2 1 5 • 2 0 6 8 w w w • k n o x m p c • o r g

PROPERTY INFORMATION

General Location: North side Hall Dr., southwest of Dutchtown Rd.

Other Parcel Info.:

Tax ID Number:118180Jurisdiction:County

Size of Tract: 2.7 acres

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: School bus storage yard

Surrounding Land Use:

Proposed Use: School bus storage yard with retail sales Density:

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

Growth Policy Plan: Urban Growth Area (Outside City Limits)

Neighborhood Context:

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

Street: 9925 Hall Dr

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:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)

Requested Plan Category: C (Commercial)

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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.): DENY CA (General Business) zoning.

Staff Recomm. (Full): CA zoning at this location would allow uses that would not be compatible with adjacent residential uses

and would be a spot rezoning.

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. No significant changes have occurred in the area that warrant the requested change in zoning. This site is and always has been zoned Agricultural, despite its long time use for school bus storage.
- 2. The property is surrounded by residential uses and zoning. Establishment of CA zoning at this location would be a spot zoning. It could have a negative impact on neighboring residential uses and possibly establish a precedent leading to additional commercial requests along Hall Dr.
- 3. Staff recognizes that a school bus storage facility has been established at the site, which is not in conformance with the current Agricultural zoning. However, the subject property is not appropriate for CA zoning. A school bus storage facility may be considered as a use on review in the A zoning district, but it could not include retail sales, as desired by the applicant.
- 4. It is staff's understanding that the applicant has been cited by the Knox County Code Administration for a zoning violation for retail sales within the Agricultural zoning district. The applicant was informed that he would need to seek CA zoning in order to allow the retail parts sales to continue.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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, as well as the permitted uses, this property is not appropriate to be rezoned to CA.

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. Establishment of CA zoning at this location could adversely impact nearby residential properties.
- 2. CA zoning allows many uses that would not be compatible with nearby residential land uses and zoning.
- 3. CA zoning is not appropriate along Hall Dr., which is classified as a local street and is intended only for access to agricultural/residential properties.
- 4. Allowing CA zoning at this location would be a spot zoning, allowing intrusion of a wide array of non-residential uses into a low density residential area. There is C-6 commercial zoning to the west, but that property has access to a minor arterial street (Dutchtown Rd.) and a minor collector street (Mabry Hood Rd.)

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. With the requested plan amendment to the commercial land use classification, CA zoning would be consistent with the Northwest 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.

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3. Approval of this request may lead to future rezoning and plan amendment requests for nonresidential development on other properties in the area fronting on Hall Dr.

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 now 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.

Appeal approved CA General Business approved.

Action: Denied Meeting Date: 12/12/2013

Details of Action:

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

Date of Approval: Date of Denial: 12/12/2013 Postponements: 11/14/13 Date of Withdrawal: Withdrawn prior to publication?: Action Appealed?: 1/10/2014

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: **Knox County Commission**

Date of Legislative Action: 2/24/2014 Date of Legislative Action, Second Reading: 5/27/2014

Ordinance Number: Other Ordinance Number References:

Other **Disposition of Case: Disposition of Case, Second Reading:** Approved

If "Other": If "Other":

Amendments: Amendments:

Held until 4-F-14-SP sector plan by County Commission

goes to Commission

Effective Date of Ordinance: Date of Legislative Appeal:

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