

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

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File Number: 11-B-09-RZ **Related File Number:** 11-A-09-SP
Application Filed: 9/23/2009 **Date of Revision:**
Applicant: GREEN RIVER HOLDINGS, LLC

PROPERTY INFORMATION

General Location: North side Dutchtown Rd., west side Bob Kirby Rd.
Other Parcel Info.:
Tax ID Number: 118 150 & 155 **Jurisdiction:** County
Size of Tract: 2 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Dwellings
Surrounding Land Use:
Proposed Use: Neighborhood commercial **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** LDR
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 9801 Dutchtown Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: CN (Neighborhood Commercial)
Previous Requests: MPC denied C plan designation and CA zoning in 2008 (6-B-08-SP/6-E-08-RZ).
Extension of Zone:
History of Zoning:

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.):

RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning.

Staff Recomm. (Full):

CN zoning is appropriate at this location to serve residents who live in the vicinity of the site, as well as commuters travelling on either of the two streets at this intersection. CN zoning will allow low impact commercial uses and includes considerable landscaping and other development regulations to minimize the impact on nearby residential areas, as well as improve the aesthetic appeal of the development.

Comments:

REZONING REQUIREMENTS:

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

1. CN zoning is appropriate at this commercial crossroads location at the intersection of collector and arterial streets.
2. The surrounding area is developed with a mix of residential densities, as well as the Webb School of Knoxville Campus. A neighborhood commercial use is appropriate to serve surrounding residents and commuters through the area.
3. The development criteria of the CN zone are much more stringent than those of the CA zone, which was requested and denied by MPC last year. Additionally, since last year, the improvements to Dutchtown Rd, which included the addition of turn lanes on Bob Kirby Rd. at its intersection with Dutchtown Rd., have been completed. These improvements make the site more appropriate for commercial development.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CN zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
2. The subject property clearly fits the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance.

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 and the traffic impact will depend on the type of commercial uses that are established.
3. CN zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. The previously denied CA zoning would allow uses that could have a more negative impact on adjacent residential properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the amendment from LDR to NC, the requested CN zoning would be consistent with the Northwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for neighborhood commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits.

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.

Action: Approved **Meeting Date:** 11/12/2009

Details of Action:

Summary of Action: RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning.

Date of Approval: 11/12/2009 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 1/25/2010

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: