

# 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  
F A X • 215 • 2068  
www.knoxmpc.org

**File Number:** 11-G-01-RZ                      **Related File Number:**  
**Application Filed:** 10/15/2001              **Date of Revision:**  
**Applicant:** DALLAS W. MONDAY, SR.  
**Owner:**

### PROPERTY INFORMATION

**General Location:** North & south sides of Asheville Hwy., northeast of Strawberry Plains Pk.  
**Other Parcel Info.:**  
**Tax ID Number:** 62 L C 1 & 2                      **Jurisdiction:** County  
**Size of Tract:** 0.25 acres  
**Accessibility:** Access is via Asheville Hwy. a four lane, median divided, major arterial street.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Big D's Road House  
**Surrounding Land Use:**  
**Proposed Use:** Adult oriented establishment (nude dancing)                      **Density:**  
**Sector Plan:** East County                      **Sector Plan Designation:**  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This site is part of the commercial node around the intersection of Andrew Johnson Hwy. and Asheville Hwy. that has developed within CA, OB and I zones.

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

**Street:** 8737 Asheville Highway  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** CA (General Business)  
**Former Zoning:**  
**Requested Zoning:** CH (Highway Commercial)  
**Previous Requests:** None noted  
**Extension of Zone:** No  
**History of Zoning:** None noted

### PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

Surveyor:

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:                      kp

Staff Recomm. (Abbr.):                  DENY CH (Highway Commercial) zoning

Staff Recomm. (Full):                  Although the sector plan proposes commercial uses at this location at the edge of a designated "town center", the plan does not recommend the CH zone for future development. It is questionable that the proposed use of the property as an adult oriented establishment with nude dancing, which would have to be approved as a use on review, could meet the location requirements of the zoning ordinance for use on review approval. The property's CA zone offers the owner reasonable uses that would be consistent with the commercial designation at this location.

Comments:                                  The subject property is located at the intersection of two major arterial roads, which would be suitable for highway commercial uses. The sector plan, however, does not recommend CH zoning for commercial development in this area. The proposed use of the property as an adult oriented establishment with nude dancing would not be appropriate at this location, which is at the edge of a designated "town center" in the East Sector Plan. Because adult oriented establishments can have a negative impact on the surrounding community, with the potential for higher crime rates, increased traffic volumes, and a decline in nearby residential conditions, the zoning ordinance requires that such uses be treated as uses on review and describes minimum criteria for their approval. (See attached section from the ordinance.) Because of the property's location near established residential development, several schools, public recreation facilities, and a proposed greenway, it is questionable that the proposed use could be approved, consistent with these criteria. Furthermore, the property appears to be located within 500 ft. of an agricultural zone, which would prohibit the sale of beer for on-site consumption. An adult oriented establishment with nude dancing at this location would be detrimental to the future of this area near a healthy and vibrant town center for the Carter Community.

MPC Action:                                  Denied (Withdrawn)

MPC Meeting Date: 11/8/2001

Details of MPC action:

Summary of MPC action:

Date of MPC Approval:

Date of Denial:

Postponements:

Date of Withdrawal:                      11/8/2001

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: