

CASE SUMMARY

APPLICATION TYPE: REZONING

NORTHWEST COUNTY SECTOR PLAN AMENDMENT

File Number: 2-D-17-RZ **Related File Number:** 2-B-17-SP
Application Filed: 12/27/2016 **Date of Revision:**
Applicant: CERTIFIED PROPERTIES, LLC

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

PROPERTY INFORMATION

General Location: West side N. Cedar Bluff Rd., north of Dutchtown Rd.
Other Parcel Info.:
Tax ID Number: 119 H F 015 **Jurisdiction:** County
Size of Tract: 1.04 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Office
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: 509 N Cedar Bluff Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: OA (Office Park)
Former Zoning:
Requested Zoning: CN (Neighborhood Commercial)
Previous Requests: 9-L-01-RZ/9-B-01-SP
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)
Requested Plan Category: NC (Neighborhood Commercial)

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, subject to two conditions.

Staff Recomm. (Full):

1. Prior to the establishment of a commercial use of the property, the site must be brought into compliance with all regulations of the CN zoning district.
2. If a drive-thru facility is proposed, it must have access to a shared driveway with parcel 14 to the north. This shared driveway must align with Fox Lonas Dr. on the east side of N. Cedar Bluff Rd. and utilize the existing traffic signal at that location.

With the recommended conditions above, the subject property is appropriate for CN zoning. CN zoning is compatible with the surrounding land uses and zoning pattern in the area, is an extension of CN from the north and is consistent with the recommended sector plan amendment to NC.

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. CN is a logical extension of zoning from the north. It would be ideal if this and parcel 14 to the north are developed together using a shared access drive.
2. CN uses will be compatible with the surrounding land uses and zoning pattern.
3. The applicant does not have a specific proposed use for the site at this time. Many CN uses, including a drive-thru restaurant require use on review approval by MPC. With the recommended conditions, staff is comfortable that the property can be developed in an appropriate and safe manner.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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.
3. The development criteria contained within the CN zone are essential to minimize the impacts to adjacent residential uses and lead to compatible development. Staff is not likely to support any BZA variances to these development standards for this site, especially to the landscaping, setback and signage standards, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.

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. The recommended CN zoning will allow the applicant to develop commercial uses at the site in manner that minimizes possible negative impact to residential areas and maximizes safety.
2. The proposed CN zoning includes many standards for development near residential areas, so should have minimal impact on the surrounding area.
3. Public water and sanitary sewer utilities are available to serve the site.

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 recommended amendment of the Northwest County Sector Plan map to NC, the requested CN zoning is consistent with the sector plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The proposed rezoning is not in conflict with any adopted plans for the area.

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 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:** 2/9/2017

Details of Action:

1. Prior to the establishment of a commercial use of the property, the site must be brought into compliance with all regulations of the CN zoning district.
2. If a drive-thru facility is proposed, it must have access to a shared driveway with parcel 14 to the north. This shared driveway must align with Fox Lonas Dr. on the east side of N. Cedar Bluff Rd. and utilize the existing traffic signal at that location.

Summary of Action: Recommend the Knox County Commission approve CN (Neighborhood Commercial) zoning, subject to two conditions.

Date of Approval: 2/9/2017 **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: 3/27/2017

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: