

CASE SUMMARY

APPLICATION TYPE: REZONING

SOUTH COUNTY SECTOR PLAN AMENDMENT

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: 2-F-14-RZ **Related File Number:** 2-A-14-SP
Application Filed: 12/26/2013 **Date of Revision:**
Applicant: ANNE ELIZABETH KEY

PROPERTY INFORMATION

General Location: Northwest side Maryville Pike, south of Rudder Rd.
Other Parcel Info.:
Tax ID Number: 135 N B 011 **Jurisdiction:** County
Size of Tract: 0.7 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Residential
Surrounding Land Use:
Proposed Use: Produce stand **Density:**
Sector Plan: South County **Sector Plan Designation:** LDR
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 2815 Maryville Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RB (General Residential)
Former Zoning:
Requested Zoning: CN (Neighborhood Commercial)
Previous Requests: None noted
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.): DENY CN (Neighborhood Commercial) zoning.

Staff Recomm. (Full): CN zoning at this location would allow uses that would not be compatible with adjacent residential uses and would be a spot rezoning. There is underutilized CA zoning to the north and a large node of commercial zoning to the south. The proposed use of a produce stand is not necessarily a concern for staff. The concern is the location of the site in the middle of a residential stretch of development and zoning, which is not appropriate to allow commercial uses.

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 located in the middle of a stretch of residential development and zoning along Maryville Pike.
2. The property is surrounded by residential uses and zoning. Establishment of CN 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 Maryville Pike, inconsistent with the sector plan proposal for the area.
3. There are about 2.5 acres of established CA zoning to the north of the site, which is underutilized for commercial purposes. This commercial zoning is sufficient to allow businesses that may be needed in the area. There is also an established commercial node to the south at the intersection of Maryville Pike and W. Gov. John Sevier Hwy.

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 the recurring shopping and personal 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. Based on the above description, intent and locational criteria, the subject property is not appropriate for CN zoning.

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 CN zoning at this location could adversely impact nearby residential properties and could lead to future requests for additional commercial zoning in the area.
2. CN zoning is not appropriate to be placed along this residential stretch of Maryville Pike. It could be more appropriate if the site were located at an intersection, but that is not the case here.
3. Allowing CN zoning at this location would be a spot zoning, allowing intrusion of non-residential uses into a low density residential area. There is CA commercial zoning nearby to the north and to the south at W. Gov. John Sevier Hwy. where commercial uses may be established without any plan amendments or zoning changes.

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 neighborhood commercial land use classification, CN zoning would be consistent with the South 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.
3. Approval of this request may lead to future rezoning and plan amendment requests for non-residential development on other properties in the area fronting on Maryville Pike.

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.

Action: Denied **Meeting Date:** 2/13/2014

Details of Action:

Summary of Action: DENY CN (Neighborhood Commercial) zoning.

Date of Approval: **Date of Denial:** 2/13/2014 **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:**