

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

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-I-08-UR  
**Application Filed:** 1/14/2008  
**Applicant:** CHERYL F. CRUZE

**Related File Number:**  
**Date of Revision:**

## PROPERTY INFORMATION

**General Location:** Southwest side of Voltz Ln., north side of Kodak Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 98 116.04 **Jurisdiction:** County  
**Size of Tract:** 10.5 acres  
**Accessibility:** Access is via Kodak Rd., a major collector street with a 20' pavement width within a 100' right-of-way, and Voltz Ln., a local street with an 18' pavement width within a 40' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant  
**Surrounding Land Use:**  
**Proposed Use:** Retail sale of on-site agricultural products (Art. 5.22.03. W. of the Knox County Zoning Ordinance). **Density:**  
**Sector Plan:** East County **Sector Plan Designation:** AG/RR  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** This site is located in a section of the county that is predominantly agricultural with residences located on large lots.

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

**Street:**  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** None noted

## 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: Kelley Schlitz

Staff Recomm. (Abbr.): APPROVE the request for a 2,500 square foot retail store for on-site sale of agricultural products, subject to the following 10 conditions:

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Health Dept.
  2. Meeting all applicable requirements of the Knox County Dept. of Engineering & Public Works.
  3. Meeting all applicable requirements of the Knox County Zoning Ordinance, (Art. 5.22.03, W.1-7).
  4. The retail store, parking and related facilities cannot exceed 4 acres in size.
  5. Any alterations to the approved site plan and stipulations for operation will require a revised use on review.
  6. Eliminating the southern driveway on the proposed site plan (staff is only recommending approval of one driveway entrance onto Voltz Ln.).
  7. Obtaining a variance from the Knox County Board of Zoning Appeals to reduce the required number of parking spaces.
  8. Two, indirectly illuminated signs, not exceeding 12 sq. ft. (or one sign not exceeding 24 sq. ft.) will be permitted (Art. 3.90.06).
  9. Installing a pervious parking surface.
  10. Adhering to all attached plans and stipulations for operation of a retail store for on-site sale of agricultural products.

With the conditions noted above, this request meets the requirements for approval of a retail store for on-site sale of agricultural products in the A zone and other criteria for a use permitted on review.

Comments: The applicant currently owns and operates a commercial dairy farm on over 500 acres on the north and south sides of Kodak Rd. The applicant is proposing to construct a 2,500 square foot retail store for sale of ice cream on a portion of their property (parcel #116.04). According to the Knox County Zoning Ordinance, retail sales of agricultural products produced on-site is a use that is permitted on review as long as the request meets all of the following requirements: the sales area cannot exceed 4 acres; the sales area shall be incidental to the principal agricultural uses; the majority of retail inventory is grown on site; and the retail operation is screened from adjoining properties. The proposed retail store, parking and related facilities are less than 4 acres in size and the sale of ice cream is incidental to the site's principle agricultural use which is a dairy farm. In addition, the ice cream will be made from milk that will be produced on-site. Finally, the impact on adjoining property owners will be lessened by the architectural design of the proposed store, which is compatible with the rural residential character of the area, and the fact that the 2,500 sq. ft. structure will be located on a 10.5 acre site.

In order to further preserve the rural agricultural character of the area, staff has recommended that the applicant obtain a variance from the Knox County Board of Zoning Appeals to reduce the required number of parking spaces from 20 spaces to 10 spaces. The current parking requirements fail to differentiate between the various types of retail uses. According to staff, the proposed retail farm store will not demand the same amount of parking as more intense retail uses, and would therefore, support a variance to this requirement. Staff has also required that pervious materials be used for the parking area instead of an impervious surface.

**EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE**

1. The proposal will have no impact on schools.
2. Voltz Ln. provides adequate sight distance in both directions from the proposed access drive.
3. According to the Knox County Health Dept, the applicant will be required to provide septic services to the proposed retail store. All other utilities are available to serve the site.
4. The exterior façade of the proposed retail store is compatible with surrounding rural residential and

agricultural uses.

5. The proposed retail store is on a 10.5 acre lot and is setback approximately 250' off Kodak Rd.

6. The proposed use will generate additional traffic onto Voltz Ln. However, current road conditions are capable of accommodating anticipated traffic.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE**

1. The proposed retail store is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan which both support agricultural and rural residential uses. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the area where it is proposed, which is primarily agricultural. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

2. The proposal meets all relevant requirements of the A zoning district and a use on review.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The proposal is consistent with the intent of the French Broad River Corridor Study (2003) which emphasizes the protection of the rural heritage and the rural economy along the French Board Corridor.

2. The East County Sector Plan proposes agricultural/rural residential uses for this site.

3. The site is located within the Rural Area of the Knoxville-Knox County-Farragut Growth Policy Plan.

**MPC Action:**

Approved

**MPC Meeting Date:** 2/14/2008

**Details of MPC action:**

1. Meeting all applicable requirements of the Knox County Health Dept.
2. Meeting all applicable requirements of the Knox County Dept. of Engineering & Public Works.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance, (Art. 5.22.03, W.1-7).
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9. Installing a pervious parking surface.
10. Adhering to all attached plans and stipulations for operation of a retail store for on-site sale of agricultural products.

With the conditions noted above, this request meets the requirements for approval of a retail store for on-site sale of agricultural products in the A zone and other criteria for a use permitted on review.

**Summary of MPC action:**

APPROVE the request for a 2,500 square foot retail store for on-site sale of agricultural products, subject to the following 10 conditions:

**Date of MPC Approval:**

2/14/2008

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

Knox County Board of Zoning Appeals

**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:**