

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

## NORTHWEST COUNTY SECTOR PLAN AMENDMENT

**File Number:** 3-D-16-RZ      **Related File Number:** 3-D-16-SP  
**Application Filed:** 1/25/2016      **Date of Revision:**  
**Applicant:** RICHARD DEFRANCISCO

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 Lovell Rd., south of Yarnell Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 118 H A 035 OTHER: PART OF 118HA034 (MAP ON FILE      **Jurisdiction:** County  
**Size of Tract:** 3.1 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** House and vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Automobile repair      **Density:**  
**Sector Plan:** Northwest County      **Sector Plan Designation:** LDR with HP  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

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

**Street:** 1229 Lovell Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural) / TO (Technology Overlay)  
**Former Zoning:**  
**Requested Zoning:** CA (General Business) / TO (Technology Overlay)  
**Previous Requests:** None noted  
**Extension of Zone:**  
**History of Zoning:**

### PLAN INFORMATION (where applicable)

**Current Plan Category:** LDR (Low Density Residential)  
**Requested Plan Category:** C (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 PC (Planned Commercial) / TO (Technology Overlay) zoning. (Applicant requested CA/TO.)

**Staff Recomm. (Full):** Commercial uses are appropriate at this location, if developed under the recommended PC/TO zoning. The proposal is an extension of PC/TO zoning from the north. PC zoning will allow MPC to review a development plan for the site, at which time staff may recommend appropriate landscaping, lighting, access and signage in order to retain maximize compatibility with surrounding land uses. The requested CA zoning would not require any plan review by MPC. The applicant has excluded a 130 feet wide buffer area along the northwest portion of the site from the rezoning request. This area will remain zoned A/TO, providing sufficient separation between the proposed commercial uses and the established residential uses along Mercury Dr. to the northwest.

**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. There are a mix of uses in the surrounding area, all of which would be compatible with commercial uses. An animal hospital and a convenience store/gas station are located on the same side of Lovell Rd. to the north of the site.
2. The site is accessed from Lovell Rd., a minor arterial street, with sufficient capacity to support commercial development.
3. With the recommended approval of the associated plan amendment (3-D-16-SP), this rezoning proposal is consistent with the Northwest County Sector Plan, as amended by the TTCDA Comprehensive Development Plan.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested PC zoning allows commercial uses, but site plans are subject to MPC review and approval as a use on review development plan prior to issuance of building permits.
2. Based on the property's location just south of other PC/TO zoned properties, the proposed rezoning is clearly compatible with the surrounding development and zoning pattern.
3. The property is located within the TO (Technology Overlay). Because of this overlay, the Tennessee Technology Development Corridor Development Authority (TTCDA) must issue a Certificate of Appropriateness for both the rezoning and the development plan. The TTCDA board is scheduled to consider the Certificate of Appropriateness for the rezoning at their monthly meeting on March 29, 2016.

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. Public water and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Establishment of PC zoning at this location would have little to no adverse impact on surrounding properties.
3. The site has access to Lovell Rd., a minor arterial street with sufficient capacity to handle additional traffic that would be generated by commercial use of this site.
4. This proposed amendment of the zoning map will not adversely affect any other part of the County.

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 to the Northwest County Sector Plan to C (Commercial), either

- the recommended PC/TO zoning or the proposed CA/TO zoning could be considered.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
  3. This proposal does not present any apparent conflicts with any other adopted plans.

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:** 3/10/2016

**Details of Action:** RECOMMEND that County Commission APPROVE CA (General Business) / TO (Technology Overlay) zoning, subject to one condition.  
 1. Proposed development will be subject to use on review approval by MPC.

**Summary of Action:** Recommend the Knox County Commission approve CA (General Business) / TO (Technology Overlay) zoning, subject to the condition that any proposed development shall be subject to MPC approval of a development plan as a use on review.

**Date of Approval:** 3/10/2016 **Date of Denial:** **Postponements:**

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

### **LEGISLATIVE ACTION AND DISPOSITION**

<b>Legislative Body:</b>	Knox County Commission	<b>Date of Legislative Action, Second Reading:</b>
<b>Date of Legislative Action:</b>	4/25/2016	<b>Other Ordinance Number References:</b>
<b>Ordinance Number:</b>		<b>Disposition of Case, Second Reading:</b>
<b>Disposition of Case:</b>	Approved	<b>If "Other":</b>
<b>If "Other":</b>		<b>Amendments:</b>
<b>Amendments:</b>		<b>Effective Date of Ordinance:</b>
<b>Date of Legislative Appeal:</b>		