

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT NORTHWEST 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: 4-F-14-SP **Related File Number:**
Application Filed: 3/4/2014 **Date of Revision:**
Applicant: KNOX COUNTY COMMISSION

PROPERTY INFORMATION

General Location: North side Hall Drive, east of Mabry Hood Road
Other Parcel Info.:
Tax ID Number: 118 180 **Jurisdiction:** County
Size of Tract: 2.7 acres
Accessibility: Access is via Hall Drive, a local street with 18 ft. of pavement width, within 50 ft. of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Residential
Surrounding Land Use:
Proposed Use: School bus storage yard with retail sales **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context: This area is developed primarily with residential uses under A or RA zoning. The subject property has an existing school bus storage yard. There is a church to the north, with access from Dutchtown Road. To the south, there is a junkyard, with some school bus storage, zoned Agricultural.

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

Street: 9925 Hall Dr
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: No
History of Zoning: None noted for this site.

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: Buz Johnson

Staff Recomm. (Abbr.): DENY C (Commercial) sector plan designation.

Staff Recomm. (Full): The policies of the Knoxville-Knox County General Plan 2033 do not warrant the redesignation of this site for commercial uses. The site is completely surrounded by residential uses. Placing a commercial designation on the 2.7-acre site would allow uses that would be incompatible with the scale and intensity of surrounding development and constitute a "spot" sector plan amendment.

Comments: This sector plan amendment request was previously considered by MPC at the December 12, 2013, meeting as file #11-A-13-SP, along with a rezoning request for CA (General Business). The applicant of record at that time was Steve Hobbs. The Planning Commission denied the sector plan amendment and recommended denial of rezoning, based in part on the staff recommendation for denial. Consistent with state law, the applicant could not appeal MPC's decision to deny the plan amendment, but could appeal the rezoning, which he did. County Commission heard the rezoning appeal at their February meeting, including testimony from the staff, as well as from the applicant and his attorney. Again consistent with state law, County Commission voted to initiate their own sector plan amendment request for a C (Commercial) plan designation and send it back to MPC for consideration.

A large school bus storage yard is located on the subject property (see attached aerial photo), which is not a permitted use under the current A (Agricultural) zoning. However, according to the applicant, the use of the property for bus storage has been deemed legal and non-conforming by Knox County. The attached report from the Knox County Department of Code Administration confirms that the bus storage lot has been there since 1975 and is therefore "grandfathered", since it is pre-existing before 1991. However, after receiving a complaint, the Codes Department discovered that he was selling buses and bus parts from the site, which is not permitted. He was informed that he would need to seek CA zoning in order to allow the continued retail sales on the property, which resulted in the submission of sector plan and rezoning applications. "Storage of school buses under contract to a public or private school system" is a use permitted on review in the A zoning district, subject to development criteria in Article 3, Section 3.54 of the Knox County Zoning Ordinance. This would not include the retail sales of buses or bus parts. This site has never been approved for school bus storage via the use on review process in the A zone.

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No road improvements have been made recently in the area. Hall Dr., which is classified as a local street, is intended only for access to agricultural/residential properties, not for access to commercial uses. Utilities are available in the area, but may need to be extended to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan appropriately calls for low density residential (LDR) development at this location. This property is located within a large area of LDR designated and developed land. Approval of commercial uses for this site would be a "spot" sector plan amendment.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

There have been no significant changes that have taken place to justify amendment of the sector plan. Staff maintains that commercial uses are not appropriate along this section of Hall Dr. Approval

of these requests could lead to additional requests for commercial uses in the future on properties fronting on Hall Dr.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

There are no apparent trends that warrant an amendment to the sector plan. There is a large site to the south, across Hall Dr., that is being used as a junkyard (see second attached aerial photo). There are also some school buses parked on that site. The existing zoning on that property is also A (Agricultural). Neither a school bus storage yard nor a junkyard are permitted uses in the A zoning district, so those uses are illegal. The Code Administration Department has not received complaints about that property, so no action has been taken to address that situation. (It has been noted previously that there may be other illegal commercial uses in the surrounding area on properties not appropriately zoned. As such, staff is of the opinion that this is not a justification to amend the sector plan and does not represent an established trend in the area.)

ALTERNATE CONSIDERATION:

The staff maintains its original recommendation that this request to allow consideration of a zoning classification allowing retail sales related to bus storage should be denied. The property owner has reasonable use of the property for bus storage only. If the Planning Commission is inclined to approve the plan amendment, the staff would recommend that the entire area bounded by Mabry Hood Road, Hall Road and Dutchtown Road be studied to determine the appropriateness of establishing a larger area for either commercial development, or for mixed uses that could include residential, office and commercial uses. Changing the designation of this small tract should be considered only in a broader context and after careful study of the impacts such a change would have on the surrounding area. Otherwise, the sector plan change, as well as the companion rezoning, would be nothing more than "spot" revisions, and this should be avoided.

Action: Denied **Meeting Date:** 4/10/2014

Details of Action:

Summary of Action: DENY C (Commercial) sector plan designation.

Date of Approval: **Date of Denial:** 4/10/2014 **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 5/27/2014

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:

See 11-A-13-RZ for associated rezoning

Date of Legislative Appeal:

Effective Date of Ordinance: