

CASE SUMMARY

APPLICATION TYPE: REZONING

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: 5-H-10-RZ **Related File Number:** 5-E-10-SP
Application Filed: 3/29/2010 **Date of Revision:**
Applicant: LAUREL INVESTMENTS, LLC

PROPERTY INFORMATION

General Location: Southwest side Choto Rd., southeast side S. Northshore Dr.
Other Parcel Info.:
Tax ID Number: 162 M C 019 **Jurisdiction:** County
Size of Tract: 1 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Commercial building **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 1615 Choto Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: CN (Neighborhood Commercial)
Previous Requests: 12-D-01-RZ/12-A-01-SP and 9-C-04-RZ/9-B-04-SP
Extension of Zone:
History of Zoning:

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: Michael Brusseau

Staff Recomm. (Abbr.): DENY CN (Neighborhood Commercial) zoning.

Staff Recomm. (Full): A large site to the northeast was approved for conditional CN zoning earlier this year, and is yet to be developed. The subject property is small in size to adequately meet the CN development standards and establish appropriate buffering to the adjacent residence to the southeast. In addition, access may be problematic as there can be no access to S. Northshore Dr. and access to Choto Rd. would have to be placed between S. Northshore Dr. and Choto Mill Ln., with minimal spacing possible, creating a potentially dangerous traffic situation. Knox County is also considering improvements to the intersection of Choto Rd. and S. Northshore Dr., which may include construction of a roundabout. This property could be impacted further by that project.

Comments:

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. Requests for commercial designation and CA zoning for this site were denied by MPC on September 9, 2004. At that time, staff had recommended approval of NC designation and CN zoning as an alternative to C and CA. However, now that the CN is established to the northeast on a larger, more appropriate site, the justification for more CN zoning no longer exists.
2. Because of the small size of the site, staff feels that it may be difficult to meet the requirements of the CN zoning district. Also, access to Choto Rd. may be problematic because of the close proximity to S. Northshore Dr. and Choto Mill Ln.
3. Approval of this site for commercial uses would permit incompatible businesses directly adjacent to an established residence. There is not likely enough space for adequate buffering between the two uses. The conceptual site plan submitted by the applicant shows the back of the commercial building located directly adjacent to the first house on the right side of Choto Mill Ln.

CONSISTENCY WITH INTENT AND PURPOSE OF THE 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 some of the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance. However, the small size of the site and its close proximity directly adjacent to an established residence make it less appropriate.
3. If the site is approved for the requested CN zoning, staff believes that variances may be needed to meet the requirements of the CN zoning district. The development criteria contained within the CN zone are essential to minimize the impacts to adjacent residential uses and lead to compatible development. Staff would not support any BZA variances to these development standards for this site, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.

THE EFFECTS OF THIS PROPOSAL

1. Public water is available to the site. Sewer utilities are available in the general area, but may have to be extended to serve this site.
2. The proposal would have no impact on schools. Depending on how the property were developed, the street could be negatively impacted with additional traffic generated from a commercial use.
3. Commercial uses can have detrimental impacts on residential properties with the potential for increased noise, lighting, signage and traffic.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan's proposal for low density residential uses is appropriate for this site. The Plan should not be amended to allow neighborhood commercial development at this location. The proposal does not meet any of the general plan criteria regarding changes of conditions warranting amendment of the land use plan.

2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. Allowing neighborhood commercial use of the subject property could lead to future similar requests to the southwest, along S. Northshore Dr., promoting further intrusion into the existing rural and low density residential 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. New 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: Denied **Meeting Date:** 6/10/2010

Details of Action:

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

Date of Approval: **Date of Denial:** 6/10/2010 **Postponements:** 5/13/2010

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:** 7/7/2010

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 8/23/2010 **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: Denied **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Appeal denied. Denial stands.

Date of Legislative Appeal: **Effective Date of Ordinance:**