

# 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:** 6-B-14-RZ

**Related File Number:** 6-A-14-SP

**Application Filed:** 4/25/2014

**Date of Revision:**

**Applicant:** PATRICK TRACY

## PROPERTY INFORMATION

**General Location:** South side Topside Rd., west side Maryville Pike

**Other Parcel Info.:**

**Tax ID Number:** 147 PART OF 06701 OTHER: PORTIONS NOT ZONED **Jurisdiction:** County

**Size of Tract:** 3.4 acres

**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial building

**Surrounding Land Use:**

**Proposed Use:** General commercial

**Density:**

**Sector Plan:** South County **Sector Plan Designation:** Low Density Residential

**Growth Policy Plan:** Planned Growth Area

**Neighborhood Context:**

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

**Street:** 3106 Topside Rd

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural) & RB (General Residential)

**Former Zoning:**

**Requested Zoning:** CA (General Business)

**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 DENY the request to change the zoning map to CA (General Business).

Staff Recomm. (Full):

If the planning commission finds that a zoning change is warranted at this location, staff recommends that MPC recommend to County Commission to approve CN (Neighborhood Commercial) and RA (Low Density Residential), as shown on attached 'MPC Staff Recommendation' map. (Applicant requested CA (General Business) zoning for entire site.)

CA zoning at this location would allow uses that would not be compatible with adjacent residential uses and is not consistent with the recommended sector plan proposal for the property. The CN and RA zones are recommended as an alternative to denial of any change. CN zoning is intended to be located in residential areas at intersections of collector and arterial streets, as is the case here. The strip of RA zoning is recommended to provide a buffer between the proposed commercial uses on the subject property and adjacent residential uses to the west along Topside Rd., and is consistent with the current sector plan designation. The recommended CN and RA zones give the applicant reasonable use of the property, while minimizing the impact to adjacent residential properties.

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 to CA zoning at this location. The location of the subject property does make it appropriate for CN zoning with a 75 foot wide residential buffer along the west side, recommended for RA zoning.
2. With the exception of the small convenience store to the east, the property is surrounded by residential uses and zoning. Expansion of the CA zoning to the subject 3.4 acre subject property is not necessary or appropriate. It could have a negative impact on neighboring residential uses and possibly establish a precedent leading to additional commercial requests in the area, especially to the south along Maryville Pike.
3. Staff recognizes that there are commercial uses established on the site, which do not conform with the current A or RB zoning. However, the subject property is not appropriate to be rezoned CA, which would be needed to bring the current use into compliance with zoning. The recommended CN zoning is not likely to accommodate the current use of the site, which appears to be an auto repair business located in a large metal building constructed on site.
4. The sector plan does not recognize the small CA zoned area to the east. However, the sector plan does recommend commercial uses for approximately 14 acres of land to the north, which is already zoned CA or PC. Within this area, there is undeveloped CA or PC zoned land that would be a preferable location for general commercial uses, rather than establishing additional CA zoning that is not needed or appropriate for the area.

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

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.
2. Based on the above description and intent, as well as the uses permitted, this property is not appropriate to be rezoned to CA.
3. The recommended alternative 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 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.

4. The subject property fits the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance.

5. The development criteria contained within the CN zone are essential to minimize the impacts to adjacent residential uses and lead to compatible development. Staff is not likely to support any BZA variances to these development standards for this site, especially to the landscaping, setback and signage standards, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.

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. The proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are established.

2. CN zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. Also, the CN zone requires substantial landscaping throughout the perimeter of the site and parking areas, requires sidewalks to connect with adjacent neighborhoods, permits only indirectly illuminated, monument signs and contains regulations to prevent site lighting spillover to adjacent properties. The requested CA zoning allows a much wider range of commercial uses and has very little as far as development criteria to lessen the negative impact on surrounding residential uses.

3. Many uses allowed within the CN zone, such as restaurants, fueling stations (with or without convenience stores), child day care centers and any use which includes drive-through or drive-in facilities, requires use on review approval by MPC prior to construction. This will provide the opportunity for MPC and County Engineering staff to review the plan and address issues such as traffic circulation, layout, access, landscaping, drainage and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

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 CA zoning at this location could adversely impact nearby residential properties.

2. CA zoning allows many uses that would not be compatible with nearby residential land uses and zoning.

3. Commercial uses in this area should be located to the north of the subject property, within the existing CA/PC zoned area at the intersection of Maryville Pike and W. Governor John Sevier Hwy.

4. CN zoning and the development criteria that it contains would minimize the impacts of commercial development to the surrounding residential areas.

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 commercial land use classification, CA zoning would be consistent with the South County Sector Plan. However, staff is recommending that if the sector plan and zoning maps are amended, it should be to neighborhood commercial on the plan and CN zoning to allow less intense commercial uses on the subject property. Further, staff is recommending that the current LDR designation be maintained on the westernmost 75 feet of the site and to rezone that area to RA, rather than the current RB zoning, which allows multi-dwelling development at up 12 du/ac without any MPC review required.

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, especially on properties to the south 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:** 6/12/2014

**Details of Action:**

**Summary of Action:** RECOMMEND the Knox County Commission DENY the request to change the zoning map to CA (General Business).

**Date of Approval:**

**Date of Denial:** 6/12/2014

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:** 7/10/2014

***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 8/25/2014

**Date of Legislative Action, Second Reading:** 1/26/2015

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Postponed

**Disposition of Case, Second Reading:** Denied (Withdrawn)

**If "Other":** Postponed in August to 11-17-14, PP TO 1-26-15

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**