

# 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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Knoxville, Tennessee 37902  
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w w w • k n o x m p c • o r g

File Number: 6-C-10-RZ

Related File Number: 11-A-10-SP

Application Filed: 4/26/2010

Date of Revision:

Applicant: CGK, INC.

### PROPERTY INFORMATION

General Location: Southeast side Fox Rd., northeast of Canton Hollow Rd.

Other Parcel Info.:

Tax ID Number: 143 127

Jurisdiction: County

Size of Tract: 3 acres

Accessibility:

### GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land and house

Surrounding Land Use:

Proposed Use: Restaurant and marine rentals

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: 1104 Fox Rd

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

### ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)

Former Zoning:

Requested Zoning: CR (Rural Commercial)

Previous Requests: None noted

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 CR (Rural Commercial) zoning.

Staff Recomm. (Full):

Approval of CR for this site would be a spot rezoning. The site is not located directly on an intersection of collector or arterial streets. The intersection to the west of Fox Rd. and Canton Hollow Rd. could qualify, but it is 350 feet away, is more of a 90 degree turn of a road and name change, and has an ungated railroad crossing just north of the intersection. The traffic from the marina is problematic already, with trailered boats entering and exiting the marina site on an 18 foot wide road. Approval of this request would add more vehicles trips to Fox Rd. and exacerbate the problem.

Comments:

REZONING REQUIREMENTS:

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

1. There have been no substantially changed conditions in this area that would warrant a plan or zoning change for this property. The roads are not wide enough to properly handle the traffic already generated by the marina next door. Rezoning this property to commercial would only exacerbate the problem. The marina has been in place for many years, and its site is zoned Ag. A marina and its accessory uses are uses permitted on review in the Agricultural zone. The applicant has been advised to look into some kind of partnership with the marina in order to conduct his proposed operations under the Agricultural zoning, with an application for use on review development plan approval. The two properties would need to be combined in order to consider a use on review for these new uses as accessory uses to the marina.
2. A rezoning of this site to CR constitutes a spot zoning, giving this applicant the right to use the property for uses not available to neighboring property owners.
3. CR zoning would allow uses that could have a negative impact on both the street system, as well as residential neighbors in the area. If this site is to be developed with commercial uses, it should be proposed as an overall development plan that combines the property with the adjacent Fox Rd. Marina property to the east. A use on review development plan could be considered by MPC for the entire site. This would give staff the opportunity to review a plan and recommend plan revisions/additions to maximize compatibility, safety and efficiency. Staff could also recommend conditions, such as limited hours of operation, reduced lighting, limited access points or landscape buffering. The use on review process also provides the opportunity for public comment at the MPC public meeting. This is not to be construed to mean that staff will necessarily support a use on review request, but it could allow the applicant's proposed use to be considered without requiring a rezoning of the property.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CR zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. This zoning should be placed at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas. The range of permitted uses are limited to those that are generally patronized on a frequent basis by area residents. Development performance standards are provided to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.
2. If the site is approved for the requested CR zoning, staff believes that it could lead to future requests for non-residential zoning in the surrounding area, especially on properties with lake frontage, including those located to the west.
3. The development criteria contained within the CR 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 CR 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.
4. If these requests were to be approved, the applicant should be expected to share in the costs of any road improvements required by Knox County to address traffic concerns related to this site.

#### 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 rural 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 rural commercial use of the subject property could lead to future similar requests in the area, especially on waterfront properties.

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:** Other **Meeting Date:** 11/10/2010

#### Details of Action:

**Summary of Action:** IN THE EVENT THAT COUNTY COMMISSION APPROVES THE SECTOR PLAN CHANGE, APPROVE RURAL COMMERCIAL ZONING SUBJECT TO THE TWO CONDITIONS AS SET FORTH IN THE ALTERNATIVE STAFF RECOMMENDATION.

**Date of Approval:** 11/10/2010 **Date of Denial:** 7/8/2010 **Postponements:** 6/10/2010

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 7/29/2010

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 12/13/2010

**Date of Legislative Action, Second Reading:** 12/20/2010

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Other

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

**If "Other":**

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**Amendments:**

**Amendments:**

9/27/2010 Referred back to MPC with request for Sector Plan Amendment on 9/27/2010

Denied 12/17/2010 (Rescheduled Date)

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**