

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

NORTHWEST COUNTY SECTOR PLAN AMENDMENT



File Number: 6-D-19-SP Related File Number: 6-L-19-RZ
Application Filed: 4/29/2019 Date of Revision:
Applicant: BENJAMIN C. MULLINS KADUNZA LTD, LLC

PROPERTY INFORMATION

General Location: Northeast corner of intersection of Schaad Road and Johnson Road
Other Parcel Info.:
Tax ID Number: 92 01201 **Jurisdiction:** County
Size of Tract: 2.69 acres
Accessibility: Access is via Johnson Road, a local street, with a pavement width of 15.5' within a right-of-way width of 50' feet. Access is also via Schaad Road, a 4-lane median separated minor arterial with a pavement width of 100' feet within a right of way width of 112' feet.

GENERAL LAND USE INFORMATION

Existing Land Use: Rural Residential
Surrounding Land Use:
Proposed Use: BMW and Mini service and repair **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** NC (Neighborhood Commercial)
Growth Policy Plan: Urban Growth Area
Neighborhood Context: This area is primarily single family residential, rural residential and agriculture/forestry/vacant lands. It is in close proximity to Amherst Elementary School and identified as a neighborhood commercial node on the sector plan.

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

Street: 3216 Johnson Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: PC (Planned Commercial)
Previous Requests:
Extension of Zone: No GC/PC in area.
History of Zoning: None noted.

PLAN INFORMATION (where applicable)

Current Plan Category: NC (Neighborhood Commercial)

Requested Plan Category: GC (General 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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Liz Albertson

Staff Recomm. (Abbr.): DENY the sector plan amendment to GC (General Commercial).

Staff Recomm. (Full): Staff recommends denial of the sector plan amendment to GC because the area is surrounded by rural residential and single family residential uses and the existing designation of NC (Neighborhood Commercial) allows consideration of commercial zones with uses that are more compatible with the surrounding neighborhood.

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There are no changes warranting amendment of the land use plan, the sector plan designation of NC (Neighborhood Commercial) allows consideration of commercial uses, without the intensity of those allowed by the requested GC (General Commercial) sector plan designation.

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

1. No new roads or utilities have been introduced into this area since the Northwest County Sector Plan was adopted in 2016.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is no obvious or significant error or omission in the Northwest County Sector Plan for this area.
2. There is not existing commercial at this area, which is a location criteria for consideration of GC (General Commercial).

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

1. There are no new trends that warrant reconsideration of the original plan proposal of NC (Neighborhood Commercial) for this 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. 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: Denied

Meeting Date: 6/13/2019

Details of Action:

Summary of Action: DENY the sector plan amendment to GC (General Commercial).

Date of Approval:

Date of Denial: 7/11/2019

Postponements: 6/13/2019

Date of Withdrawal:

Withdrawn prior to publication?: Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action: 3/30/2020

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Other

Disposition of Case, Second Reading:

If "Other": Appeal of associated denied rezoning withdrawn by applicant via letter 3.6.20

If "Other":

Amendments:

Amendments:

Appeal of associated denied rezoning withdrawn by applicant via letter 3.6.20

Date of Legislative Appeal:

Effective Date of Ordinance: