

# 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

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
w w w • k n o x m p c • o r g

**File Number:** 6-K-08-RZ      **Related File Number:** 6-G-08-SP  
**Application Filed:** 5/5/2008      **Date of Revision:**  
**Applicant:** TYLER FARRIS

### PROPERTY INFORMATION

**General Location:** Southeast side Yarnell Rd., northeast of Carmichael Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 117 091 (FRONT 2 ACRES ONLY)    **OTHER:** MAP ON FILE    **Jurisdiction:** County  
**Size of Tract:** 2 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Excavation business  
**Surrounding Land Use:**  
**Proposed Use:** Excavation business      **Density:**  
**Sector Plan:** Northwest County      **Sector Plan Designation:** Ag/RR  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:**

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

**Street:** 11130 Yarnell Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** I (Industrial)  
**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 I (Industrial) zoning.

Staff Recomm. (Full):

Industrial zoning for this site would be an inappropriate spot zoning, giving this property owner development rights that none of the adjacent property owners has. Additionally, this site is located within the Rural Area on the Growth Policy Plan. I zoning is not permitted within areas designated as Rural Area.

Comments:

There is an excavating business located at this site, which is not permitted under the existing A zoning. Someone filed a complaint to the Knox County Code Administration Department about this property, which led to this request. The County's codes enforcement officer informed the applicant that a rezoning to I would be necessary for this business operation to continue as it currently exists. The applicant chose to seek this rezoning, rather than immediately cease the operations at this location. At the time of staff's site visit, there were some large trucks parked on the site, along with three trailers, one with a large piece of construction equipment on it. Almost the entire front and east side of the site was a gravel parking area. The structures on site appear to be used as an office and additional storage. There was also a small sign with the business name and phone number located along Yarnell Rd. It should be noted that staff also observed a business sign located at 11027 Yarnell Rd. on the north side of the street, east of the subject property, also zoned Agricultural. The sign advertised a welding and fabrication business. If this type of business operation is taking place on that site, that would also be in violation of the zoning ordinance.

### **NEED AND JUSTIFICATION FOR THE PROPOSAL**

1. The proposal is not consistent with the established low density and rural residential pattern in this area.
2. The sector plan's current proposal for low density residential uses on the both sides of Yarnell Rd. is appropriate and should not be changed for this site only. The request is an inappropriate spot plan amendment and rezoning that, if approved, would give this property owner development rights that none of the surrounding property owners has.
3. Allowing industrial zoning to be established at this site would allow incompatible uses in close proximity to residential areas. This business should be located in an area where the appropriate zoning is already in place.

### **THE EFFECTS OF THE 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 an industrial use.
3. Industrial 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 Northwest County Sector Plan's proposal for agricultural and rural residential uses is appropriate for this site. The Plan should not be amended to legitimize industrial use 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 Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map. Industrial zoning is not permitted within the Rural Area. There are no zones that are permitted for consideration within the Rural Area that would work to bring this site into conformance with the zoning ordinance. The staff informed the applicant that it could not recommend approval of this request, based on the Growth Policy Plan policies, but since Industrial was the only zone that would bring the operation into compliance, the applicant opted to proceed anyway, and staff had to accept the application.
3. Allowing industrial use of the subject property could lead to future requests for non-residential uses

in the area, promoting further intrusion into the existing residential area.

**MPC Action:**

Denied

**MPC Meeting Date:** 7/10/2008

**Details of MPC action:**

**Summary of MPC action:** DENY I (Industrial) zoning.

**Date of MPC Approval:**

**Date of Denial:** 7/10/2008

**Postponements:** 6/12/2008

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:**

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**