

# CASE SUMMARY

## APPLICATION TYPE: PLAN AMENDMENT

### ONE YEAR PLAN AMENDMENT

**File Number:** 7-A-04-PA                      **Related File Number:** 5-L-04-RZ  
**Application Filed:** 6/9/2004                      **Date of Revision:**  
**Applicant:** OVERHOLT HOLDINGS, LLC & RONALD WATKINS  
**Owner:**

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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## PROPERTY INFORMATION

**General Location:** West side N. Weisgarber Rd, north side Nightingale Ln.  
**Other Parcel Info.:**  
**Tax ID Number:** 106 M C 001                      **Jurisdiction:** City  
**Size of Tract:** 1.37 acres  
**Accessibility:** Access is via N. Weisgarber Rd ., a four lane minor arterial street.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Garden center/ greenhouse                      **Density:**  
**Sector Plan:** Northwest City                      **Sector Plan Designation:**  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** This vacant site is in an area of apartments and office uses that have developed under RP-1 and O-1 zones. Third Creek extends through the property from north to south within a defined floodway.

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

**Street:**  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** O-1 (Office, Medical, and Related Services) and F-1 (Floodway)  
**Former Zoning:**  
**Requested Zoning:** C-4 (Highway and Arterial Commercial) and F-1 (Floodway)  
**Previous Requests:** None noted  
**Extension of Zone:** No  
**History of Zoning:** Property was zoned O-1 in 1990.

## PLAN INFORMATION (where applicable)

**Current Plan Category:** O (Office) and F (Floodway)  
**Requested Plan Category:** GC (General Commercial) and F (Floodway)

## SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

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: Ken Pruitt

Staff Recomm. (Abbr.): DENY GC (General Commercial) designation

Staff Recomm. (Full): General commercial designation of this site would significantly change the character of this area from office, and residential uses to commercial use and open the area to other similar requests in the future. The sector plan and One Year Plan propose medium density, office and floodway use for this site.

Comments: NEED AND JUSTIFICATION FOR THE PROPOSAL  
1. The proposed General Commercial designation and C-4 zoning are not consistent with the surrounding, established office and residential development pattern and would be an intrusion into the neighborhood.  
2. The One Year Plan's current proposal for Office and Floodway uses on the east side of N Weisgarber Rd. is appropriate and should not be changed for this site.  
3. Allowing commercial uses at this location would bring additional noise and traffic, including more turning movements at this intersection, although it can be assumed that the applicant wants to take advantage of the new access to I-40/75 near this location. The C-4 zone would be more appropriate at locations that are well-established with commercial uses that allow outdoor storage of merchandise for sale. Currently, no such commercial uses exist north of I-40/75 in this area

### THE EFFECTS OF THE PROPOSAL

1. Water and sewer utilities are in place to serve this site.
2. The proposal would have no impact on schools. However, the streets would be negatively impacted with additional traffic generated from a commercial use.
- 3 The adjoining apartment development to the west could be negatively impacted by the lights noise and extended hours of operation of a business on this site.

### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest City Sector Plan's proposal for office uses is appropriate for this site. The Plan should not be amended to allow commercial development at this location.
2. This site is located within the Urban Growth (inside the city) Area of the Knoxville-Knox County-Farragut Growth Policy Plan.
3. Allowing commercial use of the subject property could lead to future requests for other commercial uses along the N. Weisgarber Rd., promoting further intrusion into the existing neighborhood.

MPC Action: Denied (Withdrawn)

MPC Meeting Date: 7/8/2004

Details of MPC action:

Summary of MPC action:

Date of MPC Approval:

Date of Denial:

Postponements:

Date of Withdrawal: 7/8/2004

Withdrawn prior to publication?:  Action Appealed?:

## LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 8/3/2004

Date of Legislative Action, Second Reading: 8/17/2004

Ordinance Number:

Other Ordinance Number References:

**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**