

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

## NORTHEAST COUNTY SECTOR PLAN AMENDMENT

**File Number:** 7-C-12-RZ                      **Related File Number:** 7-E-12-SP  
**Application Filed:** 5/10/2012                      **Date of Revision:**  
**Applicant:** JAMES A. BENNETT AND SPOUSE, TAMMY S. BENNETT

KNOXVILLE • KNOX COUNTY

**M P C**  
METROPOLITAN  
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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:** Northwest side Apache Rd., northwest of Rutledge Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 51 G A 021                      **Jurisdiction:** County  
**Size of Tract:** 1.03 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Automotive repair                      **Density:**  
**Sector Plan:** Northeast County                      **Sector Plan Designation:** Low Density Residential  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:**

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

**Street:** 1825 Apache Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**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.):

DENY CA (General Business) zoning.

Staff Recomm. (Full):

CA zoning at this location would allow uses that would not be compatible with nearby residential uses. Apache Rd. is not appropriate to provide access for a commercial business.

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 in zoning. This site is and always has been zoned Agricultural.
2. The property has access only from Apache Rd., a local, neighborhood street, despite being in close proximity to Rutledge Pike. The property has no frontage on Rutledge Pike.
3. Staff recognizes that there is a commercial business to the south, with access from Rutledge Pike. However, the subject property does not have frontage on Rutledge Pike and is in closer proximity to the residential uses to the east. Staff did not recommend approval of the commercial requests in 2007 for that adjacent property.

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 permitted uses, this property is not appropriate to be rezoned to CA.

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 would adversely impact nearby residential properties.
2. CA zoning allows some uses that would not be compatible with nearby residential land uses and zoning.
3. Allowing CA zoning at this location would be a further intrusion of commercial uses onto a residential neighborhood access road.

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 C land use classification, CA zoning would be consistent with the Northeast County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
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 into the adjacent residential neighborhood, on properties currently zoned A.

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:** 7/12/2012

**Details of Action:**

**Summary of Action:** DENY CA (General Business) zoning.

**Date of Approval:** **Date of Denial:** 7/12/2012 **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 8/13/2012

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 9/24/2012

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

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Denied

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

Appeal Denied - MPC Denial Stands

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**