

CASE SUMMARY

APPLICATION TYPE: REZONING

SOUTHWEST COUNTY SECTOR PLAN AMENDMENT



File Number: 7-E-18-RZ **Related File Number:** 7-C-18-SP
Application Filed: 5/29/2018 **Date of Revision:** 6/18/2018
Applicant: CRAIG ALLEN

PROPERTY INFORMATION

General Location: South side Westland Dr., east side I-140
Other Parcel Info.:
Tax ID Number: 144 PART OF 033 & 034 OTHER: MAP ON FILE AT MP **Jurisdiction:** County
Size of Tract: 4.2 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Houses and vacant land
Surrounding Land Use:
Proposed Use: Self-service storage facility **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** LDR
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 9600 Westland Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: CA (General Business) & OA (Office Park)
Previous Requests: None noted
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)
Requested Plan Category: GC (General Commercial) & O (Office)

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:

Michael Brusseau

Staff Recomm. (Abbr.):

DENY the rezoning to CA (General Business) and OA (Office Park) zoning, consistent with the denial recommendation for the associated sector plan amendment.

Staff Recomm. (Full):

The requested rezoning to CA and OA is not consistent with the adopted sector plan and would be a spot zoning, allowing uses that are not compatible with surrounding development and zoning.

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. This site is outside of the established commercial and office node proposed by the sector plan to the west of the interchange, so is not appropriate for CA and OA zoning.
2. There is vacant OB zoned property to the west of the interchange, behind Weigel's, that could be developed for office use.
3. There is no justification to amend the sector plan for this property, in order to consider a rezoning to CA, OA or any other non-residential zoning district.
4. CA zoning will allow uses that are not compatible with the surrounding zoning and development pattern. OA zoning may be more compatible with adjacent uses, but is still not consistent with the sector plan.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.
2. OA zoning is compatible with surrounding residential areas and serves as a transitional area from residential to other less compatible land uses. It allows for various professional, business, medical, dental and governmental offices.
3. Based on the above description and intent and with unused commercial properties nearby, this property is not appropriate to be rezoned to CA and OA, as requested.

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. The current low density residential plan designation and Agricultural zoning should be maintained for this property.
2. Allowing general commercial use of this property could have a negative impact on the adjacent residential properties in the area.
3. Public water and sewer utilities are available in the area, but may need to be extended to serve this site.
4. Rezoning of this property is likely to set a precedent that could lead to future pressure for non-residential zoning and development in the area, which is not consistent with the adopted sector plan.

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. The requested CA and OA zoning districts are not consistent with the sector plan proposal for the property. In order to consider CA or OA zoning, the associated sector plan amendment (7-C-18-SP) would have to be approved. Staff maintains that the subject property should remain designated for low density residential uses, consistent with the recently updated (2016) Southwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The current zoning does not present any apparent conflicts with any adopted plans, and should be

maintained.

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: Approved **Meeting Date:** 8/9/2018

Details of Action: APPROVE the rezoning to CA (General Business) and OA (Office Park) zoning, consistent with the recommended approval of the associated sector plan amendment.

Summary of Action: APPROVE the rezoning to CA (General Business) and OA (Office Park) zoning, consistent with the recommended approval of the associated sector plan amendment.

Date of Approval: 8/9/2018 **Date of Denial:** **Postponements:** 7/12/2018

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 9/24/2018 **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

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

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**