

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

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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www.knoxmpc.org

File Number: 7-M-06-UR **Related File Number:**
Application Filed: 6/8/2006 **Date of Revision:**
Applicant: CITY OF KNOXVILLE
Owner:

PROPERTY INFORMATION

General Location: West side of N. Broadway, north of Ridgewood Rd.
Other Parcel Info.:
Tax ID Number: 48 N C 20 & 20.01 **Jurisdiction:** City
Size of Tract: 0.46 acres
Accessibility: Access is via N. Broadway, a four lane major arterial street.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Remove Parcel 20.01 from use-on-review approval for the church on the adjacent parcel to the south. **Density:** NA
Sector Plan: North City **Sector Plan Designation:** LDR
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: Strip commercial uses are found along N. Broadway. A church adjoins the site to the south, and single family residences are located to the west of this site.

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

Street: 5531 N Broadway
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1 (Single Family Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

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: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request to remove parcel 20.01 from the previously approved development plan for the adjoining church subject to 3 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Health Department
2. Meeting all applicable requirements of the Knoxville Engineering Division.
3. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the R-1 district and the other criteria for approval of a use-on-review.

Comments: The applicant is requesting that parcel 20.01 be deleted from the previously approved use on review for the adjoining church to the south. In 1995, a development plan was approved for the church. At that time what is now parcel 20.01 was part of the parcel subject to the use-on-review that was granted for the church. It was shown as a wooded portion of the site, and it was noted that the existing vegetation was to be retained. Subsequently, the church divided the site and sold Mr. Varner what is now parcel 20.01.

In 1999, a use on review request was approved by the Planning Commission to remove parcel 20.01 from the previously approved development plan. On appeal, the City Council denied the request to eliminate this property from the plan. Mr. Varner appealed their decision and was instructed by the court to bring the request back through the process.

On August 8, 2002, the Planning Commission considered a second request to remove this parcel from the previously approved development plan. At that time Staff had recommended approval of the request. By a vote of 6-5 the request was denied by the Planning Commission. The Planning Commission's action was appealed to City Council. City Council denied the appeal. Litigation is still pending on this case.

The site is currently zoned R-1 (Single Family Residential). Removing this site from the previously approved development plan does not change the zoning of the property. The staff recommends approval of this amended plan because both the church site and Mr. Varner's residentially zoned site meet the requirements of the Knoxville Zoning Ordinance.

MPC Action: Denied (Withdrawn)

MPC Meeting Date: 7/13/2006

Details of MPC action:

Summary of MPC action:

Date of MPC Approval:

Date of Denial:

Postponements:

Date of Withdrawal: 7/13/2006

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

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":

Amendments:

Date of Legislative Appeal:

If "Other":

Amendments:

Effective Date of Ordinance: