

CASE SUMMARY

APPLICATION TYPE: REZONING

SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

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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File Number: 8-B-13-RZ **Related File Number:** 8-A-13-SP
Application Filed: 6/21/2013 **Date of Revision:**
Applicant: JACOB DUNAWAY

PROPERTY INFORMATION

General Location: East side Ebenezer Rd., east of Highbridge Dr.
Other Parcel Info.:
Tax ID Number: 144 088 **Jurisdiction:** County
Size of Tract: 0.8 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Landscaping business
Surrounding Land Use:
Proposed Use: Landscaping business office, parking of commercial vehicles and equipment **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 1402 Ebenezer 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 adjacent residential uses and would be a spot rezoning.

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 is surrounded by residential uses and zoning. Establishment of CA zoning at this location would be a spot zoning. It could have a negative impact on neighboring residential uses and possibly establish a precedent leading to additional commercial requests along this section of Ebenezer Rd.
3. Staff recognizes that a landscaping business has been established at the site, which is not in conformance with the current Agricultural zoning. However, the subject property is not appropriate for CA zoning, which allows a wide range of commercial uses that would negatively impact surrounding properties.
4. It is staff's understanding that the applicant has been cited by the Knox County Code Administration for a zoning violation for operating a non-conforming business in the Agricultural zoning district. These applications have been filed in response to that citation and, if approved as requested, the current operations would be in conformance with zoning. Upon a site visit, staff observed that a house is located on the property with a heavily vegetated front yard. On the north side and east rear of the property is a driveway and large parking area that appears to be used for the storage of commercial vehicles and equipment (see attached aerial photo of the site.)

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 many uses that would not be compatible with nearby residential land uses and zoning.
3. Allowing CA zoning at this location would be a spot zoning, allowing intrusion of commercial uses into a low density residential area.
4. There is a vacant CA zoned property about a half-mile to the south on the west side of Ebenezer Rd., south of Bluegrass Rd. This would be an appropriate location for the proposed business to relocate in the same general area.

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 Southwest 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 commercial development on other properties in the area fronting on Ebenezer Rd.

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 (Withdrawn) **Meeting Date:** 9/12/2013

Details of Action:

Summary of Action:

Date of Approval: **Date of Denial:** **Postponements:** 8/8/13

Date of Withdrawal: 9/12/2013 **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:**

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