

CASE SUMMARY

APPLICATION TYPE: REZONING

NORTH COUNTY SECTOR PLAN AMENDMENT

File Number: 8-D-15-RZ **Related File Number:** 8-A-15-SP
Application Filed: 6/15/2015 **Date of Revision:**
Applicant: NORTHSIDE CHURCH OF CHRIST

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
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www.knoxmpc.org

PROPERTY INFORMATION

General Location: Southwest side Bishop Rd., northwest of E. Emory Rd.
Other Parcel Info.:
Tax ID Number: 47 07515 **Jurisdiction:** County
Size of Tract: 2.77 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Church
Surrounding Land Use:
Proposed Use: Commercial **Density:**
Sector Plan: North County **Sector Plan Designation:** LDR
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 7615 Bishop Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: PC (Planned Commercial)
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)

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.):

RECOMMEND that County Commission DENY the request to change the zoning map to PC (Planned Commercial).

Staff Recomm. (Full):

PC zoning at this location would allow uses that would not be compatible with adjacent residential uses and is not consistent with the recommended sector plan proposal for the property. The current sector plan proposal for this area, which is recommended to be maintained, is appropriate in that it uses a natural creek as a boundary between residential and non-residential uses. The current plan also proposes limiting commercial uses to properties that have direct access to E. Emory Rd., which this property does not.

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 to PC zoning at this location.
2. Despite being developed with a church in a metal, commercial-looking building, this property is not appropriate for commercial uses. The site could continue to be utilized for a church.
3. The creek along the southern property line of the subject property is an appropriate boundary between residential and non-residential uses, and should be maintained.
4. In this area, the sector plan recommends that commercial uses be limited to parcels that have direct access to E. Emory Rd. The subject property has access only to Bishop Rd., which is zoned and developed exclusively with agricultural and residential uses.

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

1. The requested PC zoning district is intended for a unified grouping of commercial buildings that do not require a central business district location. Commercial uses should not be placed directly across from residential uses, regardless of which type of commercial zoning is requested.
2. Based on the above description and intent, as well as the uses permitted, this property is not appropriate to be rezoned to PC.
3. The PC zone does require use on review approval of a development plan prior to construction.

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 PC zoning at this location could adversely impact nearby residential properties.
2. PC zoning allows many uses that would not be compatible with nearby residential land uses and zoning.
3. Commercial uses in this area should be located to the south of the subject property, on the opposite side of the creek, within the existing CA/PC zoned area with access to E. Emory Rd. There is at least one parcel, directly south of the subject property, that is vacant and already zoned PC.

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 proposed amendment of the North County Sector Plan to GC, the requested PC zoning would be consistent with the sector plan. However, staff is recommending that the current LDR sector plan designation be maintained.
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 on other properties in the area, especially on properties to the north fronting on Bishop 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: 8/13/2015

Details of Action:

Summary of Action:

Date of Approval:

Date of Denial:

Postponements:

Date of Withdrawal: 8/13/2015

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: