

# CASE SUMMARY

## APPLICATION TYPE: REZONING

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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400 Main Street  
Knoxville, Tennessee 37902  
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w w w • k n o x m p c • o r g

**File Number:** 8-F-10-RZ                      **Related File Number:** 8-B-10-SP  
**Application Filed:** 6/25/2010              **Date of Revision:**  
**Applicant:** DAMON FALCONNIER, NCARB

### PROPERTY INFORMATION

**General Location:** North side W. Gov. John Sevier Hwy., east of Twin Creek Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 136 112.02                      **Jurisdiction:** County  
**Size of Tract:** 2.12 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** 2,000 sq. ft. metal working shop with no retail sales and minimum required parking (3 spaces)                      **Density:**  
**Sector Plan:** South County                      **Sector Plan Designation:** Low Density Residential  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

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

**Street:** 1765 W Governor John Sevier Hwy  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** CB (Business and Manufacturing)  
**Previous Requests:** None noted  
**Extension of Zone:**  
**History of Zoning:**

### PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

## ***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 CB (Business and Manufacturing) zoning.

Staff Recomm. (Full):

CB zoning at this location would be an incompatible spot zoning. Surrounding properties would not have the same range of uses that would be allowed on this site.

Comments:

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. No significant changes have occurred in the area that warrant the requested change in zoning.
2. The surrounding area is developed with primarily agricultural, rural and low density residential uses, under A zoning. CB zoning would not be compatible with those uses.
3. Staff recognizes that the property has already been cleared, graded and partially developed for the proposed use, and that there is a waste collection facility located to the southwest. The applicant has stated that the owner was under the impression that commercial uses were permissible at the site. The applicant has provided documentation on this as well as on the intended use of the site. However, the proposed use is not allowed under the current A zoning, and establishment of CB zoning would open up the property to a wide range of incompatible uses.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CB zoning provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses, or with other uses that require an environment free of noise, odors and congestion.
2. Based on the above description and intent of CB zoning, this property is not appropriate to be rezoned to CB.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Establishment of CB zoning at this location would adversely impact surrounding residential properties.
3. CB zoning allows a wide range of uses that would not be compatible with surrounding land uses and zoning. If this site were approved for CB zoning, it could set a precedent that could lead to future extension of commercial uses in the area. The applicant should look for a location in an established commercial or light industrial area for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the requested amendment to GC, CB zoning would be consistent with the South 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 in the immediate area, on properties zoned residential or agricultural. The current sector plan proposes low density residential and agricultural/rural residential uses and slope protection for all of the surrounding properties in the immediate area. The closest commercially designated area on the sector plan is about 1,800 feet west on the south side of W. Gov. John Sevier Hwy. This site is zoned CA.

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. New law 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:** 8/12/2010

**Details of Action:**

**Summary of Action:** DENY CB (Business and Manufacturing) zoning.

**Date of Approval:** **Date of Denial:** 8/12/2010 **Postponements:**

**Date of Withdrawal:** **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:**