

CASE SUMMARY

APPLICATION TYPE: REZONING

NORTH 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-G-15-RZ

Related File Number: 8-D-15-SP

Application Filed: 6/24/2015

Date of Revision:

Applicant: DAVID HENSLEY

PROPERTY INFORMATION

General Location: East side Maynardville Pike, north of Brown Gap Rd.

Other Parcel Info.:

Tax ID Number: 48 E B 018 OTHER: PART ZONED RB

Jurisdiction: County

Size of Tract: 0.3 acres

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land

Surrounding Land Use:

Proposed Use: Parking for adjacent business at 6428 Maynardville Pike

Density:

Sector Plan: North County **Sector Plan Designation:** MDR

Growth Policy Plan: Urban Growth Area (Outside City Limits)

Neighborhood Context:

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

Street: 6412 Maynardville Pike

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RB (General Residential)

Former Zoning:

Requested Zoning: CA (General Business)

Previous Requests: None noted

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: MDR (Medium 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: Mike Reynolds

Staff Recomm. (Abbr.): DENY the request for CA (General Business) zoning.

Staff Recomm. (Full): Based on the denial recommendation of the sector plan amendment from Medium Density Residential to General Commercial, the associated rezoning request should be denied. The current RB zoning provides the applicant reasonable use of the property and is compatible with the surrounding uses.

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. The subject property currently has a small portion of the property zoned CA (General Business) but the majority of the property is zoned RB (General Residential).
2. The proposed use for the property is the expansion of an existing auto sales business that fronts on Maynardville Pike. While the use of this property for car sales may have less of an impact on neighboring residential, once zoned CA the property can be used for any use within that zone district, many of which could have much more impact on neighboring residential.
3. The current RB zoning is compatible with the surrounding residential development and should be retained.

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

1. CA zoning is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.
2. The proposed expansion of the auto sales business is consistent with the intent of the proposed CA zone.

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. CA zoning will allow the expansion of commercial and retail uses for property without direct access to Maynardville Pike and within a residential area.
2. CA zoning is not compatible with the surrounding residential uses.

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. If the associated sector plan amendment (File # 8-D-15-SP) is denied as recommended by staff, the CA zoning will not be compatible with the current MDR land use designation.

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

Meeting Date: 8/13/2015

Details of Action:

Summary of Action: DENY the request for CA (General Business) zoning.

Date of Approval:

Date of Denial: 8/13/2015

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: