# CASE SUMMARY

### APPLICATION TYPE: REZONING



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Jurisdiction: County

File Number:	9-A-09-RZ
Application Filed:	7/10/2009
Applicant:	JAMES L. MCCLAIN

#### PROPERTY INFORMATION

General Location: Southeast side Lovell Rd., northeast side Hickey Rd.

**Other Parcel Info.:** 

 Tax ID Number:
 104
 168

Size of Tract: 19.44 acres

Accessibility:

#### GENERAL LAND USE INFORMATION

Existing Land Use:	Wholesale/retail nursery, irrigation and landscaping supplies			
Surrounding Land Use:				
Proposed Use:	Wholesale/retail nursery, irrigation and landscaping supplies		Density:	
Sector Plan:	Northwest County	Sector Plan Designation: LDR & STPA		
Growth Policy Plan:	Planned Growth Area			
Neighborhood Context:				

**Related File Number:** 

Date of Revision:

9-A-09-SP

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

2214 Lovell Rd

Location:

Street:

**Proposed Street Name:** 

**Department-Utility Report:** 

Reason:

## ZONING INFORMATION (where applicable)

Current Zoning:A (Agricultural)Former 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 & Manufacturing) zoning.			
Staff Recomm. (Full):	CB zoning at this location would be an incompatible spot zoning.			
Comments:	REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):			
	<ul> <li>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:</li> <li>1. No significant changes have occurred in the area that warrant the requested change in zoning.</li> <li>2. The surrounding area is developed with primarily low density residential uses, under A, PR and RA zoning. CB zoning would not be compatible with those uses.</li> <li>3. Staff recognizes that the property is already used for the proposed wholesale/retail nursery, with sales of irrigation and landscaping supplies. However, this use does not conform with the current A zoning, and establishment of CB zoning would open up the property to a wide range of incompatible uses. An aerial photo of the site is attached to provide an idea of how it is currently developed.</li> <li>4. It is staff's understanding that Lovell Rd., where the site is accessed from, is scheduled to be improved to four lanes at some point in the future. However, this site is still surrounded by residential uses, and the intersecting Hickey Rd. is only classified as a local street, making the location less appropriate for a small commercial node.</li> </ul>			
	<ul> <li>THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:</li> <li>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.</li> <li>2. Based on the above description and intent of CB zoning, this property is not appropriate to be rezoned to CB.</li> </ul>			
	<ul> <li>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:</li> <li>Public water and sewer utilities are available to serve the site.</li> <li>Establishment of CB zoning at this location would adversely impact surrounding residential properties.</li> <li>If CB were approved for this site, it would bring the current use into conformance with zoning. However, it would open up the property to a number of additional uses that would have the potential of further negative impact on surrounding uses.</li> <li>Upon receiving a complaint from an adjacent property owner, the Knox County Code Administration Dept. has assessed the use of this property and determined that the only way to bring the property into conformance with zoning would be to seek rezoning to commercial. Up until that point, no complaints had been received, so the business continued to operate and grow over the years since it was initially established as a nursery in the Agricultural zoning district. An aerial photo is attached to present an idea of how the property is currently being used.</li> </ul>			
	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 amendment to GC, CB zoning would be consistent with the Northwest County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be			

	<ul> <li>maintained for compatibility with surrounding land uses and zoning.</li> <li>2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.</li> <li>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 uses for all of the surrounding properties in the immediate area. The closest commercially designated area on the sector plan is about 2000 feet north along Middlebrook Pike. The closest commercial zoning (CB) is located about 750 feet north along Lovell Rd</li> </ul>					
	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:					
	<ol> <li>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.</li> <li>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.</li> </ol>					
Action:	Denied (Withdrawn)		Meeting Date		: 3/13/2014	
Details of Action:						
Summary of Action:						
Date of Approval:	Da	te of Denial	:	Postponements:	9/10/09-5/13/10 &11/14/13	
Date of Withdrawal:	3/13/2014 Withdrawn prior to publication?: Action Appealed?:					
	LEGISLATIV	/E ACTIO	N AND DISPOSIT	ION		
Legislative Body:						
Date of Legislative Action:	n: 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: