CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

NORTHWEST COUNTY SECTOR PLAN AMENDMENT

File Number: 9-A-09-SP Related File Number: 9-A-09-RZ

Application Filed: 7/10/2009 Date of Revision:

Applicant: JAMES L. MCCLAIN



Suite 403 \bullet City County Building 4 0 0 M a i n S t r e e t Knoxville, Tennessee 37902 8 6 5 \bullet 2 1 5 \bullet 2 5 0 0 F A X \bullet 2 1 5 \bullet 2 0 6 8 w w w \bullet k n o x m p c \bullet o r g

PROPERTY INFORMATION

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

Other Parcel Info.:

Tax ID Number: 104 168 Jurisdiction: County

Size of Tract: 19.44 acres

Accessibility: Current access is via Lovell Rd., a minor arterial street with 20' of pavement width within 50-80' of right

of way. Access could also be gained from Hickey Rd., a local street with 19' of pavement width within

50' of right of way.

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: This area is developed primarily with residential uses under A, PR and RA zoning. The exception is the

subject property, which is developed with a wholesale/retail nursery that also sells irrigation and

landscaping supplies, under A zoning.

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

Street: 2214 Lovell Rd

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: No

History of Zoning: None noted

PLAN INFORMATION (where applicable)

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Current Plan Category: LDR (Low Density Residential) & STPA (Stream Protection Area)

Requested Plan Category: C (Commercial) & STPA (Stream Protection Area)

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 C (Commercial) sector plan designation.

Staff Recomm. (Full): The Knoxville-Knox County General Plan 2033 policies do not warrant the redesignation of this site for

commercial uses. The site is completely surrounded by residential uses, and placing a commercial designation on the 19.44 acre site would be incompatible with surrounding land uses and would

constitute a spot sector plan amendment.

Comments: It is staff's understanding that this use was originally acceptable under A zoning as a nursery which

grew products on-site, but has since grown into a larger, more commercial business. After receiving a complaint and upon a site visit, the Knox County Code Administration Department has deemed the current operation non-conforming with the current A zoning, and advised that it must be rezoned commercial in order to come into compliance. According to the applicant, the current operations have taken place on the site since about 1996. The nursery was established originally sometime in the 1980's. On October 28, 2009, the Knox County Board of Zoning Appeals denied an appeal by the applicant of the Code Administration Department's interpretation that this is a commercial use, requiring commercial zoning. The Knox County Zoning Ordinance does not define agriculture. The applicant argued that the State of Tennessee definition of agriculture could apply to this development. The vote by BZA was 4-4. Five votes would be needed to uphold the appeal, which could have allowed this use to continue in conformance with the current Agricultural zoning.

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No road improvements have been made recently in the area. The current use of this property has been in place since about 1996 under the same road conditions. Utilities are available in the area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan appropriately calls for LDR development at this location.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE

DEVELOPMENT IN CERTAIN AREAS:

No changes have occurred that warrant this sector plan change.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION

OF THE ORIGINAL PLAN PROPOSAL:

Although the current use has been in place for many years under Agricultural zoning, there have not been significant changes that have taken place to justify amendment of the sector plan to commercial

or rezoning to CB.

Action: Denied (Withdrawn) Meeting Date: 3/13/2014

Details of Action:

Summary of Action:

Date of Approval: Postponements: 9/10/09-5/13/10,

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11/14/13

Date of Withdrawal: 3/13/2014 Withdrawn prior to publication?: Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 4/28/2014 Date of Legislative Action, Second Reading:

Ordinance Number: Other Ordinance Number References:

Disposition of Case: Disposition of Case, Second Reading:

If "Other":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance:

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