

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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File Number: 9-A-11-RZ
Application Filed: 7/7/2011
Applicant: FRED LANGLEY

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: Northwest side Dutchtown Rd., southwest side Simmons Rd.
Other Parcel Info.:
Tax ID Number: 131 PART OF 068 OTHER: PORTION ZONED CB/TO **Jurisdiction:** County
Size of Tract: 10 acres
Accessibility: Access is via Dutchtown Rd., a local street with 20' of pavement width within 45' of right-of-way, or Simmons Rd., a local street with 38' of pavement width within 60' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Mulch business **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** Light Industrial
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area is developed primarily with manufacturing and service-oriented businesses under CB, BP/TO, PC/TO and CB/TO zoning.

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: CB (Business and Manufacturing) / TO (Technology Overlay)
Former Zoning:
Requested Zoning: CB (Business and Manufacturing)
Previous Requests: None noted
Extension of Zone: Yes, extension of CB from the west
History of Zoning: None noted

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. Retain the current CB zoning with the TO (Technology Overlay).

Staff Recomm. (Full):

The permitted uses would be the same generally, regardless of the TO overlay. But, without the overlay, the tract would not be subject to review by the TTCDA board, in an area where development has been guided by the TTCDA Design Guidelines.

Comments:

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 removal of the TO overlay.
2. Properties on three of four sides have the extra protection of the TO overlay. There are no valid reasons to remove the TO overlay from this property, based on the requirements of the Knox County Zoning Ordinance. (See attached Art. 6, Sect. 6.31.01)
3. Earlier this year, the Tennessee Technology Corridor Development Authority (TTCDA) approved a Certificate of Appropriateness (5-A-11-TOB) for a development plan proposing a commercial mulching operation on the site. Any alternative plans or redevelopment of the site will require another approval. As of the date of this report, no development has occurred on the site. The approved plan for the mulching operation included provision for landscaping and signage that will make it more compatible with surrounding existing and future development.
4. A decision to remove the TO overlay from any site should be based only on legitimate planning and zoning principles consistent with the zoning ordinance. Before any property is removed from the overlay, an overall assessment of the area within the Technology Corridor should be conducted to determine the advantages and disadvantages of such removal and what the long term impacts could be on the corridor's development pattern.

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. The TO overlay is established to provide for physical development review within the Tennessee Technology Corridor area of Knox County by TTCDA. Within the TO zone, no base zoning may be changed, no variance from the provisions of the zoning ordinance may be granted and no building or grading permit may be issued prior to the issuance of a Certificate of Appropriateness by the TTCDA.
3. Based on the above descriptions and intents, this property's current CB/TO zoning should be retained.

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. Removal of the TO zoning overlay at this location could adversely impact surrounding properties, that are subject to review by the TTCDA. Surrounding properties could be adversely impacted by a lower standard of development on the subject property, if it were to be redeveloped with more intense uses at a later date.
3. If this proposal is approved, the site could be developed without any oversight from the TTCDA, while adjacent properties would be subject to TTCDA review.
4. Much of the Technology Corridor was designated with the TO overlay as a means to encourage a higher standard of design for new developments or uses undergoing redevelopment. The property is located in an older portion of the Technology Corridor that has benefitted from the Design Review imposed by the TTCDA. Over the years, application of the TTCDA Design Guidelines in this area has resulted in a gradual improvement to the built environment. Rather than hinder development, the TO

overlay has experienced over 5 million square feet of new and redeveloped space since 1983.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes light industrial uses for the site, consistent with either CB or CB/TO 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 requests to remove the TO overlay from other properties in the area. This could set a bad precedent for the future of the Technology Overlay area.
4. Because of the property's location within the TO (Technology Overlay), the TTCDA will need to approve a Certificate of Appropriateness for this rezoning from the TTCDA. This request is scheduled to be considered by TTCDA at their Monday, November 7, 2011 meeting (9-A-11-TOR).

Action: Denied **Meeting Date:** 12/8/2011

Details of Action:

Summary of Action: DENY CB (Business & Manufacturing) zoning. Retain the current CB zoning with the TO (Technology Overlay).

Date of Approval: **Date of Denial:** 12/8/2011 **Postponements:** 9/8/11-11/10/11

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:**