

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

**SOUTH 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:** 9-C-16-RZ                      **Related File Number:** 9-A-16-SP  
**Application Filed:** 7/19/2016              **Date of Revision:**  
**Applicant:** LECONTE EQUITIES GROUP, LLC

## PROPERTY INFORMATION

**General Location:** Northwest side E. Governor John Sevier Hwy., north of Chapman Hwy.  
**Other Parcel Info.:**  
**Tax ID Number:** 137 210                      **Jurisdiction:** County  
**Size of Tract:** 6.65 acres  
**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Commercial/retail                      **Density:**  
**Sector Plan:** South County                      **Sector Plan Designation:** MDR/O  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:**

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

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

## ZONING INFORMATION (where applicable)

**Current Zoning:** OB (Office, Medical, and Related Services)  
**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/O (Medium Density Residential and Office)  
**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:** Michael Brusseau

**Staff Recomm. (Abbr.):** RECOMMEND that County Commission APPROVE PC (Planned Commercial) zoning, subject to 1 condition. (Applicant requested CA.)

**Staff Recomm. (Full):** 1. No clearing or grading of the site may be permitted until after the approval of a use on review development plan by MPC.

Commercial use of the subject property, if limited to PC zoning with the condition, is appropriate for this site. The site is located along a major arterial street and is just north of other commercially developed land. PC is recommended rather than CA so that MPC can review a development plan and address issues such as access and buffering to adjacent residential uses. The condition is included because the site is heavily wooded and staff would like the opportunity to recommend the preservation of some vegetation, as deemed appropriate for buffering and other aesthetic purposes. CA zoning would allow a wide range of uses with no public review of a plan.

**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. There is a large commercial development to the south of the site. Commercial zoning for the subject property is an extension of that zoning and development to the north.
2. The site is accessed from E. Governor John Sevier Hwy., a major arterial street, with sufficient capacity to support commercial development.
3. With the recommended approval of the associated plan amendment (9-A-16-SP), this rezoning proposal is consistent with the South County Sector Plan.

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

1. Based on the property's location just north of other commercially zoned properties, the proposed rezoning is clearly compatible with the surrounding development and zoning pattern.
2. The recommended PC zoning will allow the property to be developed with commercial uses, while giving the opportunity for MPC and public review of a specific site plan prior to development. The applicant will need to pursue use on review approval of a plan by MPC before proceeding with development.

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. Public water and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Establishment of PC zoning at this location would have little to no adverse impact on surrounding properties. The requested CA zoning would potentially lead to more negative impact on adjacent residential areas, if not adequately buffered.
3. The site has access to E. Governor John Sevier Hwy., a major arterial street with sufficient capacity to handle additional traffic that would be generated by commercial use of this site. Under the recommended PC zoning, MPC and Knox County Engineering Staff would have the opportunity to review the access to the site with the objective of minimizing traffic conflicts and maximizing safety. If possible, it would be preferable to access the subject property through the adjacent commercial site to the southwest, leading to Chapman Hwy., where curbcuts are already established. If access must come directly from E. Gov. John Sevier Hwy., then it will likely need to be located directly across the highway from where the existing Chapman Hwy. access road is located on the south side. A traffic impact study may also be required to be submitted with the use on review plan, if deemed necessary by MPC and Engineering staff.

4. This proposed amendment of the zoning map will not adversely affect any other part of the County.

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 recommended amendment to the South County Sector Plan to GC (General Commercial), either the recommended PC zoning or the proposed CA zoning could be considered.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The recommended PC zoning does not present any apparent conflicts with any other adopted plans.

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 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:** Approved **Meeting Date:** 9/8/2016

**Details of Action:**

**Summary of Action:** Recommend the Knox County Commission approve PC (Planned Commercial) zoning, subject to 1 condition.

**Date of Approval:** 9/8/2016 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 10/24/2016 **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** Approved **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**