

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 9-D-10-RZ **Related File Number:** 9-A-10-SP
Application Filed: 7/26/2010 **Date of Revision:** 8/4/2010
Applicant: RON SCOTT JR. OR BEN KIZER

PROPERTY INFORMATION

General Location: Northwest side Guinn Rd., southwest of Oak Ridge Hwy.
Other Parcel Info.: Only parcel 6.02 for sector plan amendment, all portions zoned A for rezoning
Tax ID Number: 89 B A 6.01,6.02,6.03 OTHER: PORTIONS ZONED A **Jurisdiction:** County
Size of Tract: 2.35 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Residence and office
Surrounding Land Use:
Proposed Use: Commercial **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 4905 Guinn Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: CA (General Business)
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 CA (General Business) zoning for parcel 6.02.
RECOMMEND that County Commission APPROVE CA (General Business) zoning for the requested portions of parcels 6.01 and 6.03.

Staff Recomm. (Full): CA zoning is not appropriate for parcel 6.02, because it does not have direct access to Oak Ridge Hwy. and it faces a residential use. Most of parcels 6.01 and 6.03 are already zoned CA and they have direct access to Oak Ridge Hwy. Extension of CA zoning to parcel 6.02 would be an intrusion into the existing neighborhood.

Comments: REZONING REQUIREMENTS:
NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:
1. The portions of parcels 6.01 and 6.03 are appropriate for CA zoning, because the majority of those sites are already zoned CA and they both have direct access to Oak Ridge Hwy.
2. Parcel 6.02 is not appropriate to be rezoned to CA. It is located directly across the street from an established residential use and only has access to Guinn Rd. which is an access road to a residential area.
3. Allowing extension of CA zoning onto parcel 6.02 would permit an intrusion of unlike uses into a residential area.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.
2. Parcel 6.02 is not appropriate for CA zoning, due to the reasons stated in the above section.
3. If the site is approved for the requested CA zoning, staff believes that similar applications may follow in the future along Guinn Rd., leading to further intrusion into the residential area.

THE EFFECTS OF THIS PROPOSAL

1. Public water is available to the site. Sewer utilities are available in the general area, but may have to be extended to serve this site.
2. The proposal would have no impact on schools. Depending on how the property were developed, the street could be negatively impacted with additional traffic generated from a commercial use.
3. Commercial uses can have detrimental impacts on residential properties with the potential for increased noise, lighting, signage and traffic.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan's proposal for low density residential uses is appropriate for parcel 6.02. The Plan should not be amended to allow commercial development at this location. The proposal does not meet any of the general plan criteria regarding changes of conditions warranting amendment of the land use plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Allowing general commercial use of the subject property could lead to future similar requests to the southwest, along Guinn Rd., promoting further intrusion into the existing rural and low density residential area.

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:

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 as Modified

Meeting Date: 9/9/2010

Details of Action:

Summary of Action: APPROVE CA (General Business) zoning for the requested portions of parcels 6.01 and 6.03 and Deny CA for parcel 6.02.

Date of Approval: 9/9/2010

Date of Denial: 9/9/2010

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 1/24/2011

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Denied

Disposition of Case, Second Reading:

If "Other": Postponed 10/25, 11/15, 12/17/2011,

If "Other":

Amendments:

Amendments:

Postponed 10/25, 11/15, 12/17/2011,

Date of Legislative Appeal:

Effective Date of Ordinance: