



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 10-A-09-RZ
10-A-09-SP

AGENDA ITEM #: 34
AGENDA DATE: 1/14/2010

APPLICANT: BULLDOG DEVELOPMENT (REFERRED BACK BY COUNTY COMMISSION)

OWNER(S): EPPERLY FAMILY PARTNERSHIP

TAX ID NUMBER: 72 111
JURISDICTION: Commission District 8

LOCATION: Southeast side Hammer Rd., north side I-40, southwest of Union School Rd.

TRACT INFORMATION: 9.6 acres.

SECTOR PLAN: East County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Hammer Rd., a major collector street with 18' of pavement width within 50' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Holston and French Broad

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)

PROPOSED PLAN DESIGNATION/ZONING: C (Commercial) / CA (General Business)

EXISTING LAND USE: Vacant

PROPOSED USE: Storage facility

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Staff and MPC recommended denial of the same requests on June 12, 2008 (6-G-08-RZ/6-D-08-SP).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residences / LDR / A (Agricultural)
South: I-40 right of way / TR / OS-1 (Open Space)
East: Residences / LDR / A (Agricultural)
West: Residences and billboard / LDR / A (Agricultural) and CB (Business & Manufacturing)

NEIGHBORHOOD CONTEXT: This area is developed with rural residential uses under A zoning. There is a billboard located on the adjacent parcel to the west within a small CB zoned area.

STAFF RECOMMENDATION:

▶ **DENY C (Commercial) sector plan designation.**

Commercial use of this property would be out of character with surrounding land uses and zoning and would be a spot sector plan amendment. Additionally, the proposal does not meet any of the general plan criteria regarding changes of conditions warranting amendment of the land use plan.

▶ **DENY CA (General Business) zoning.**

CA zoning allows uses that would be out of character with surrounding development and zoning.

COMMENTS:

MPC staff had previously recommended denial of these requests and MPC voted to deny both requests at the October 8, 2009 meeting. The applicant appealed MPC's decisions on both applications. The Knox County Commission, at its November 16, 2009 meeting, referred the items back to MPC for further consideration. MPC staff has reconsidered the merits of sector plan application and maintains its recommendation to deny. The site clearly does not meet any of the general plan criteria regarding changes of conditions warranting amendment of the land use plan. With the recommended denial of the sector plan amendment to commercial, the requested CA zoning can not be considered.

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road or utility improvements have been made recently in the area.

ERROR OR OMISSION IN CURRENT PLAN:

The plan appropriately calls for LDR development at this location. Approval of commercial at this location would be a spot sector plan amendment. The small CB zoned parcel to the west is not recognized as commercial on the sector plan. It was rezoned CB for placement of a billboard before sector plan amendments were required to accompany rezoning requests.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change. These same requests were recommended for denial by MPC on June 12, 2008.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

No significant changes have occurred to justify amendment of the sector plan to commercial or rezoning to CA.

REZONING REQUIREMENTS:

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 requested change in zoning. These same requests were recommended for denial by MPC on June 12, 2008 by a vote of 9 to 4. Nothing has changed in the surrounding area since then. Staff had recommended denial and there was opposition to the requests at that time.
2. The surrounding area is developed with primarily agricultural and rural residential uses, under A zoning. CA zoning would not be compatible with those uses.
3. Approval of this site for commercial uses would permit incompatible businesses in close proximity to residential uses.
4. The small CB zoned site to the west was rezoned specifically for a billboard many years ago, prior to sector plan amendments being required with rezoning requests. A billboard does exist on the adjacent site. If the subject property were approved for CA zoning, a billboard would be a permitted use on this site also. However the County has a separation requirement of 1,000 feet between billboards along the interstate. There is not enough interstate frontage available along this site to construct one on the subject property, unless a variance is approved to allow less than the required 1,000 feet separation. There is also some CA zoning to the east of the site, along the interstate, which was also zoned specifically for billboards, prior to sector plan amendment requirements.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zoning is for general retail businesses and services, but not for manufacturing or for processing materials. The proposed storage facility may be considered as a use on review in the CA zone.
2. Based on the above description and intent of CA zoning, this property is not appropriate to be rezoned to

CA, because of compatibility concerns with surrounding residential land uses.

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 East County Sector Plan's proposal for low density residential uses is appropriate for this site. 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 Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Allowing commercial use of the subject property could lead to future requests for commercial in the area, promoting further intrusion into the existing rural residential area.

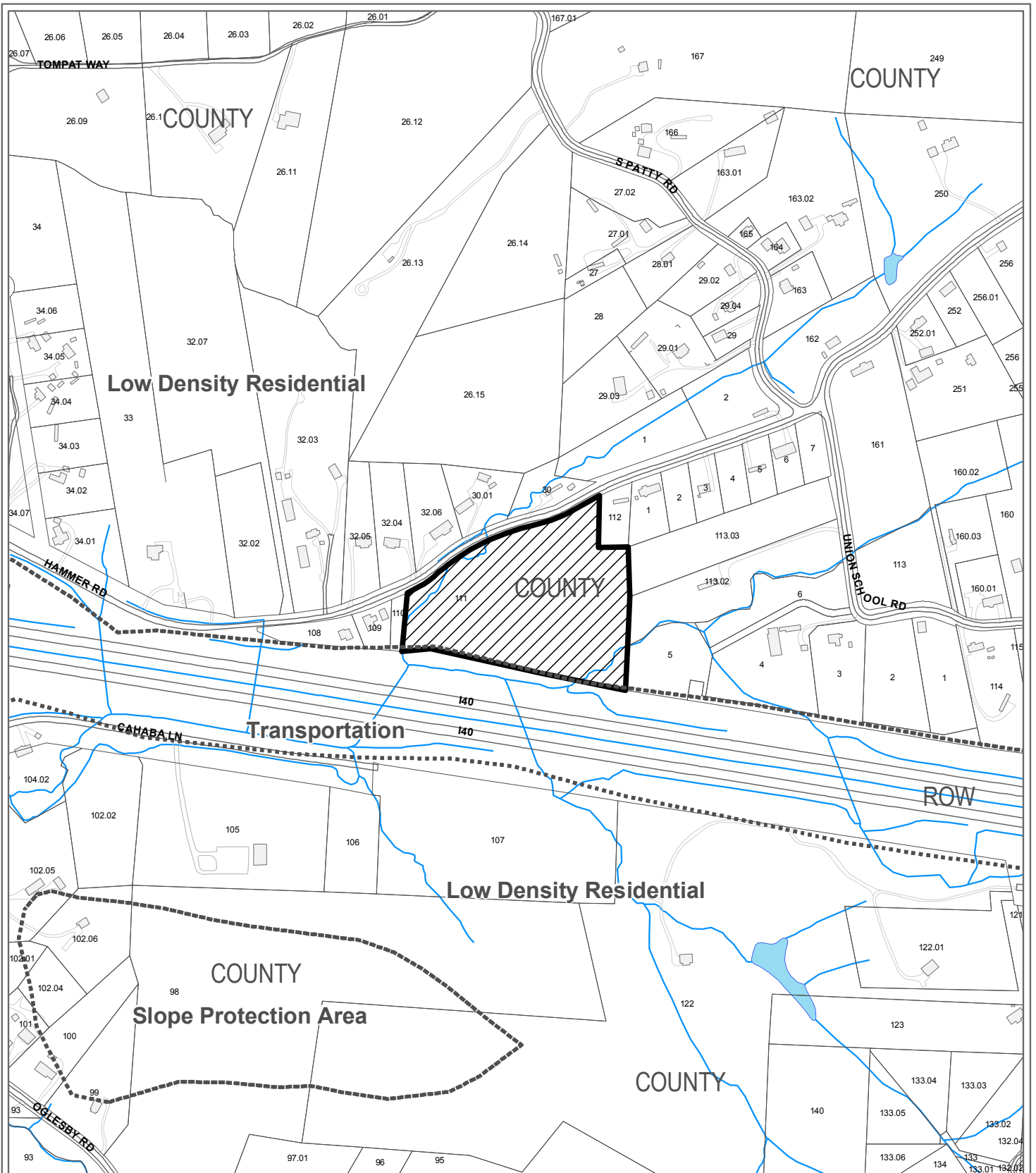
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/22/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



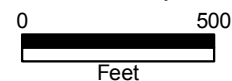
**10-A-09-SP / 10-A-09-RZ
EAST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)
To: C (Commercial)

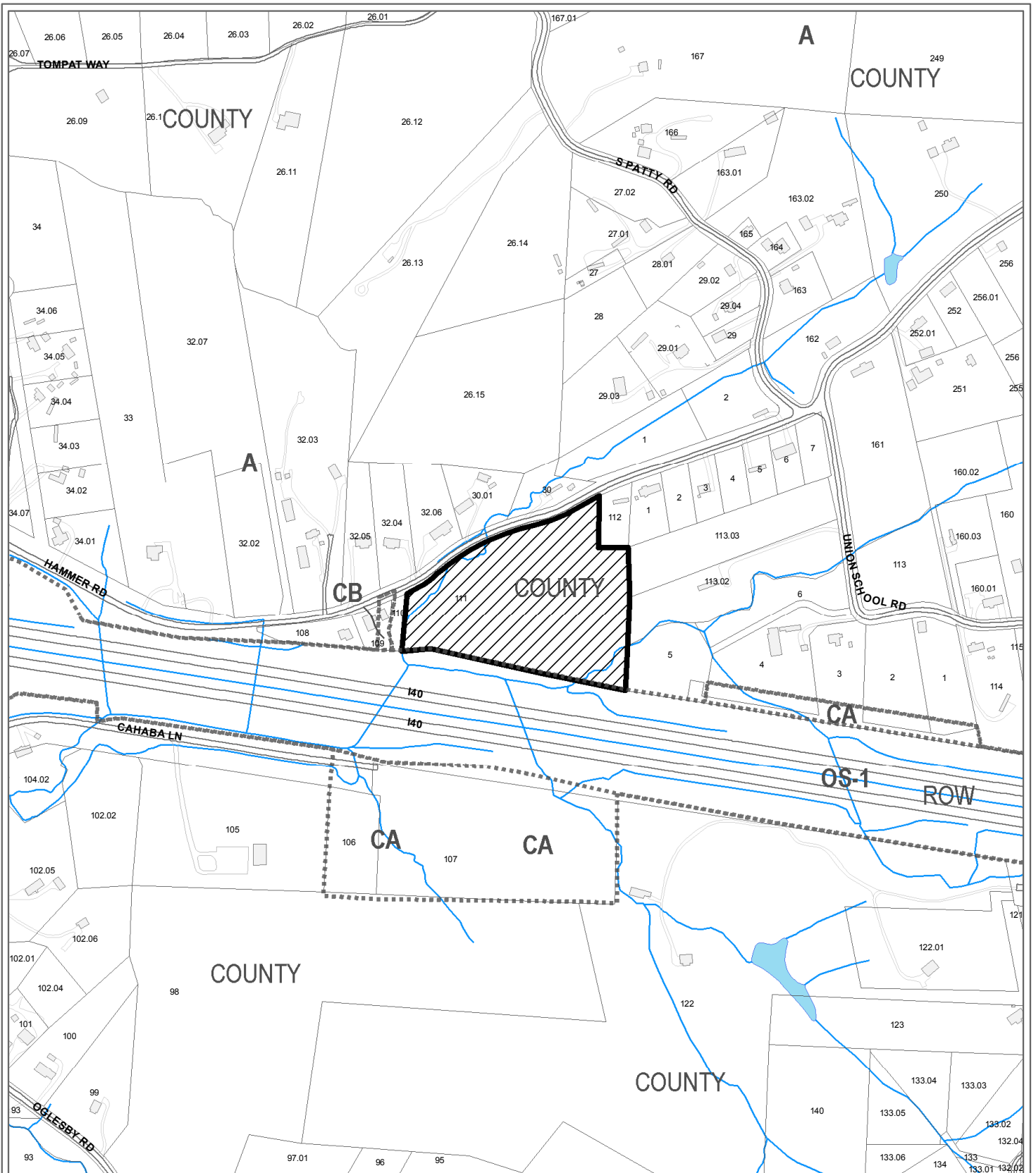


Petitioner: Bulldog Development

Map No: 72
Jurisdiction: County



Original Print Date: 9/22/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



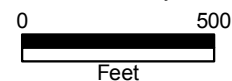
**10-A-09-RZ
REZONING**

From: A (Agricultural)
To: CA (General Business)



Petitioner: Bulldog Development

Map No: 72
Jurisdiction: County



Original Print Date: 9/22/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Summary of persons signing individual petitions to Deny the rezoning request of Bulldog Development, 10-A-09-SP & 10-A-09-RZ (Copy of petition attached)

1	Julie Pratt	519 Patty Road	Knoxville, TN 37924
2	Stephen & Linda Cheek	6825 Hammer Road	Knoxville, TN 37924
3	Alma Murphy	6823 Hammer Road	Knoxville, TN 37924
4	Kasgy Tyson		
5	John Palmer	6721 Hammer Road	
6	Thomas A. Bond	6739 Hammer Road	Knoxville, TN 37924
7	Helen Shults	6515 Hammer Road	
8	Wynona McGhee	6513 Hammer Road	
9	Teresa Disney	6900 Hammer Road	Knoxville, TN 37924
10	Maynard D. Disney	6900 Hammer Road	Knoxville, TN 37924
11	Evelyn DeMarcus	6920 Hammer Road	
12	Kay Inman	7000 Hammer Road	
13	Burney Inman	7000 Hammer Road	
14	Cheryl Lewelling		
15	Ray Lewelling Jr		
16	Jessie Lewelling		
17	Kenneth R. Lewelling Sr.		
18	Katrina Lee	1109 Union School Road	Knoxville, TN 37914
19	Boyd D. Pratt	519 Patty Road	Knoxville, TN 37924
20	Jesse Thompson	7220 Hammer Road	Knoxville, TN 37924
21	Brenda Sellers	7011 Hammer Road	Knoxville, TN 37924
22	Virginia Pratt	515 Patty Road	Knoxville, TN 37924
23	Sue Lee	1009 Union School Road	Knoxville, TN 37914
24	Sylvia Smith	511 Patty Road	Knoxville, TN 37924
25	Wanda Delaney		
26	Clay Freeman	1101 Union School Road	Knoxville, TN 37914
27	Beth Lee	1109 Union School Road	Knoxville, TN 37914
28	Becky Branson		
29	Virginia Lee	6912 Pike Grove Road	Knoxville, TN 37914
30	Terry Branson		
31	Shirley Hardwick	5853 E John Sevier Highway	Knoxville, TN 37924
32	Betty Pratt	416 Patty Road	Knoxville, TN 37924
33	Wilma Gann		
34	Sharon Province		
35	Melissa Breeden	517 Patty Road	Knoxville, TN 37924
36	Chris Lee	1109 Union School Road	Knoxville, TN 37914
37	Boyd Pratt	515 Patty Road	Knoxville, TN 37924
38	Paul L. Selleres	7011 Hammer Road	Knoxville, TN 37924
39	Ray Lee	1009 Union School Road	Knoxville, TN 37914

REQUEST FOR REZONING DENIAL

#31

We would like to respectfully request that the rezoning requests below be **denied**. Rezoning to commercial is **not** consistent with the area and would be detrimental to our residential neighborhood and area. We do not agree with this request for spot zoning

This was denied last year and we request it to be denied again.

There have been no significant changes to warrant this request for rezoning. This is an agricultural and residential area CA zoning is totally incompatible. The East County Sector Plan's proposal for low density residential is appropriate for this area 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. Changing the zoning would promote further intrusion into the existing rural residential area.

Please **DENY** the request for rezoning. Our community is counting on you.

I am **against** the rezoning request of Bulldog Development.

Please **DENY** Agenda Item 31: 10-A-09-RZ
10-A-09-SP

Julie Kratt
NAME

519 Patty Rd

Knoxville, TN 37924