



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

FILE #: 9-D-10-RZ **AGENDA ITEM #** 31
 9-A-10-SP (REVISED) **AGENDA DATE:** 9/9/2010

APPLICANT: RON SCOTT JR. OR BEN KIZER
 OWNER(S): ARWOOD DONALD C & JANA M
 MARSH PROPERTIES LLC ATTN CHRIS MARSH
 WISHAM MARK & LEIGH ANN

TAX ID NUMBER: 89 B A 6.01,6.02,6.03 PORTIONS ZONED A
 JURISDICTION: Commission District 6

LOCATION: Northwest side Guinn Rd., southwest of Oak Ridge Hwy.
TRACT INFORMATION: 2.35 acres. Only parcel 6.02 for sector plan amendment, all portions zoned A for rezoning
 SECTOR PLAN: Northwest County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: Parcel 6.02 is accessed from Guinn Rd. only, a minor collector street with 19' of pavement width within 40' of right-of-way. The other two parcels can be accessed from Guinn Rd., or from Oak Ridge Hwy., a major arterial street with 4 lanes and a center median within 115-170' of right-of-way.
 UTILITIES: Water Source: West Knox Utility District
 Sewer Source: West Knox Utility District
 WATERSHED: Clinch River

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)
PROPOSED PLAN DESIGNATION/ZONING: C (Commercial) / CA (General Business)
EXISTING LAND USE: Residence and office
PROPOSED USE: Commercial
 EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of C designation and CA zoning from the northeast
 HISTORY OF ZONING REQUESTS: None noted
 SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Gas station, convenience store / C / CA (General Business)
 South: Residence / LDR / OA (Office Park)
 East: Guinn Rd. - Residence / C, LDR / CA (General Business) and RA (Low Density Residential)
 West: Vacant land / C, LDR / CA (General Business) and A (Agricultural)
 NEIGHBORHOOD CONTEXT: The area to the northeast of the site along Oak Ridge Hwy. is developed with commercial uses under CA and PC zoning. To the southwest are

STAFF RECOMMENDATION:

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

The commercial designation should not be extended further down Guinn Rd. The site is located directly across from an established residence, and extending the commercial designation to this site would be an intrusion into the neighborhood, increasing the chances for future requests to extend the commercial designation further down Guinn Rd. Only parcel 6.02 is requested for the plan amendment, as the portions of parcels 6.01 and 6.03 are already designated commercial. Parcel 6.02 does not have direct access to Oak Ridge Hwy., which makes it less appropriate for commercial development.

▶ **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.

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:

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 for parcel 6.02. The site is situated across from a residential use and zone and does not have access to Oak Ridge Hwy., so staff recommends that the current sector plan designation be maintained for this parcel.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change. Parcel 6 to the southwest was rezoned to OA in 1993 (6-E-93-RZ). This rezoning occurred prior to sector plan amendments being required, and therefore, is not recognized on the Northwest County Sector Plan.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

There are no changes in the area to justify amendment of the sector plan for this site. There is a considerable amount of unused land to the north and east of the site that is already designated for commercial uses.

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:

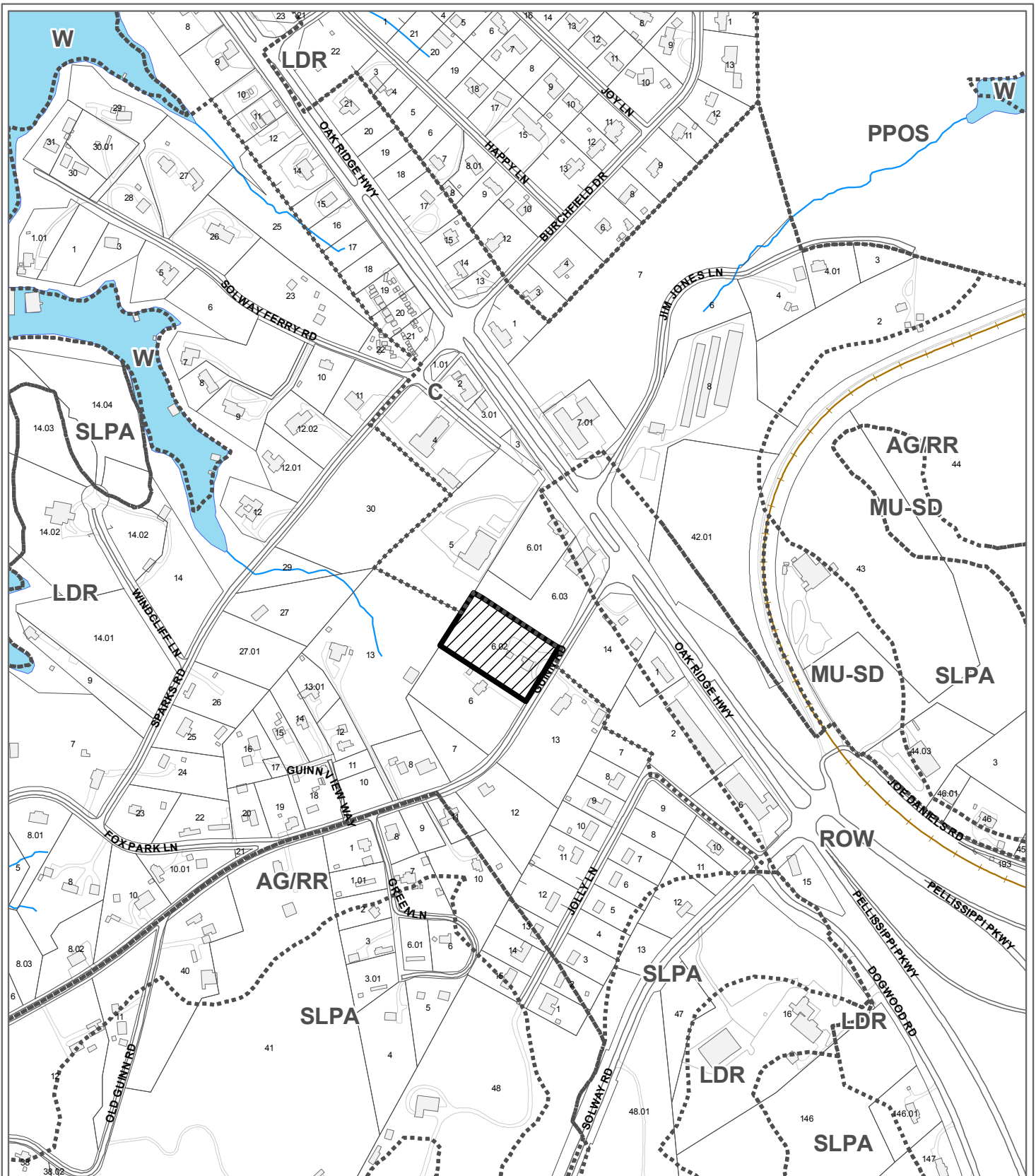
1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 10/25/2010. 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.



**9-A-10-SP / 9-D-10-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

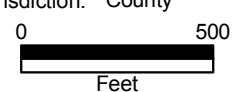
From: LDR (Low Density Residential)
To: C (Commercial)

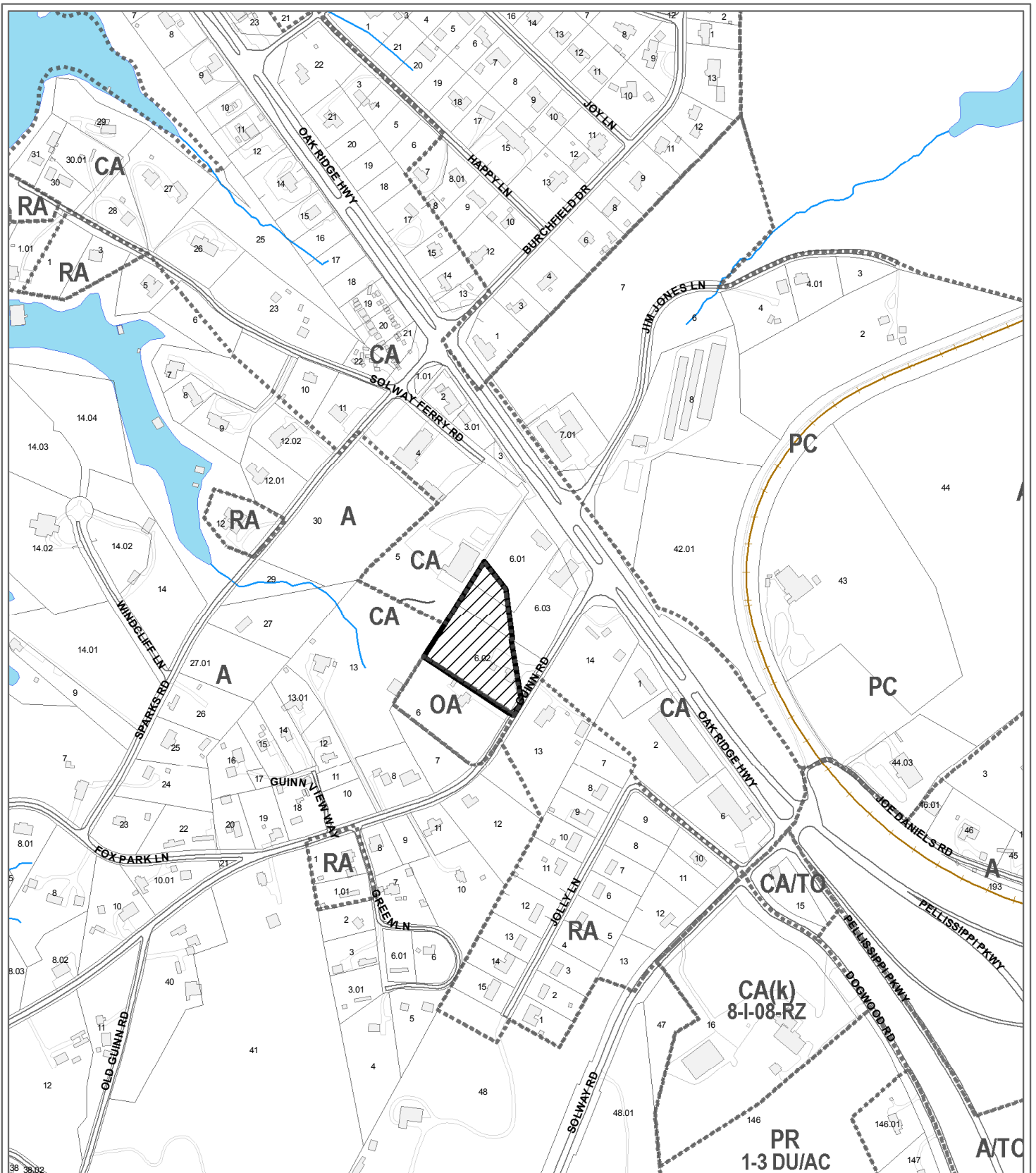


Petitioner: Ron Scott Jr. or Ben Kizer

Map No: 89
Jurisdiction: County

Original Print Date: 8/23/2010 Revised: 9/1/2010
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





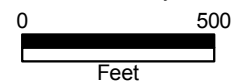
**9-D-10-RZ
REZONING**

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



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