



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

▶ **FILE #:** 7-C-12-RZ  
7-E-12-SP

**AGENDA ITEM #:** 17  
**AGENDA DATE:** 7/12/2012

▶ **APPLICANT:** JAMES A. BENNETT AND SPOUSE, TAMMY S. BENNETT  
**OWNER(S):** James A. Bennett

**TAX ID NUMBER:** 51 G A 021  
**JURISDICTION:** Commission District 8

▶ **LOCATION:** Northwest side Apache Rd., northwest of Rutledge Pike

▶ **TRACT INFORMATION:** 1.03 acres.

**SECTOR PLAN:** Northeast County

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

**ACCESSIBILITY:** Access is from Apache Rd., a local street with 27' of pavement width within 50' of right-of-way.

**UTILITIES:** Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

**WATERSHED:** Legg Creek

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

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

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Automotive repair

**EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, extension of C from the south

**HISTORY OF ZONING REQUESTS:** None noted for this site. County Commission approved C and CA on site to south, on appeal, in 2007 (4-E-07-RZ/4-C-07-SP).

**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**  
North: Vacant land / LDR / A (Agricultural)  
South: RV sales business / C / CA (General Business) with conditions

East: Accessory building / LDR / A (Agricultural)

West: Vacant land / LDR / I (Industrial)

**NEIGHBORHOOD CONTEXT:** This site is located along a local street that provides access from Rutledge Pike to a residential neighborhood to the east, zoned A. There is an RV sales business to the south, zoned CA, that has direct access to Rutledge Pike. Two industrial businesses are located to the west, having access to Rutledge Pike, and zoned I.

**STAFF RECOMMENDATION:**

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

This site has access only to Apache Rd., a local street that provides access from Rutledge Pike into the neighborhood to the east. The site is not appropriate for commercial development, due to its limited access and close proximity to a residential neighborhood.

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

CA zoning at this location would allow uses that would not be compatible with nearby residential uses. Apache Rd. is not appropriate to provide access for a commercial business.

**COMMENTS:**

**BACKGROUND**

It is staff's understanding that an auto repair business has already been established on the subject property. The applicant is seeking rezoning to CA in order to bring the business into zoning compliance. The CA zoning proposal also requires a sector plan amendment to commercial. There is no zoning history on the subject property. It has always been zoned Agricultural. In 2007, the site to the south, which is currently occupied by an RV sales business, was approved for a C sector plan designation and conditional CA zoning. Staff and MPC had recommended denial of the requests on 4/12/2007, but the decision was appealed to Knox County Commission. Commission approved the appeal, establishing CA zoning on the site, with the following conditions: eliminating any possibility of access to Apache Rd. and providing fencing and planting 20% of property with trees. Upon field review of the site, it appears that a fence has been placed along the perimeter of the property and there is no access to Apache Rd. However, staff did not observe any trees planted on the entire site. That site has direct access to Rutledge Pike, making it more suitable for commercial development than the subject property.

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No road improvements have been made recently to Apache Rd. or Rutledge Pike. Apache Rd. is a local, neighborhood-serving street that is not appropriate to provide access to commercial development.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan appropriately calls for LDR development at this location.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

There have not been significant changes that have taken place to justify amendment of the sector plan. Despite County Commission's conditional approval of a C sector plan amendment and CA zoning on the site to the south, MPC and staff had recommended denial of the requests. Staff maintains that commercial uses are not appropriate along Apache Rd., especially on this site, which does not have direct access to Rutledge Pike.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

There are no apparent trends that warrant an amendment to the sector plan.

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. No significant changes have occurred in the area that warrant the requested change in zoning. This site is and always has been zoned Agricultural.
2. The property has access only from Apache Rd., a local, neighborhood street, despite being in close proximity to Rutledge Pike. The property has no frontage on Rutledge Pike.
3. Staff recognizes that there is a commercial business to the south, with access from Rutledge Pike. However, the subject property does not have frontage on Rutledge Pike and is in closer proximity to the residential uses to the east. Staff did not recommend approval of the commercial requests in 2007 for that adjacent property.

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

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.
2. Based on the above description and intent, as well as the permitted uses, this property is not appropriate to be rezoned to CA.

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. Establishment of CA zoning at this location would adversely impact nearby residential properties.
2. CA zoning allows some uses that would not be compatible with nearby residential land uses and zoning.
3. Allowing CA zoning at this location would be a further intrusion of commercial uses onto a residential neighborhood access road.

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 requested plan amendment to the C land use classification, CA zoning would be consistent with the Northeast County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and 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 rezoning and plan amendment requests for non-residential development into the adjacent residential neighborhood, on properties currently zoned A.

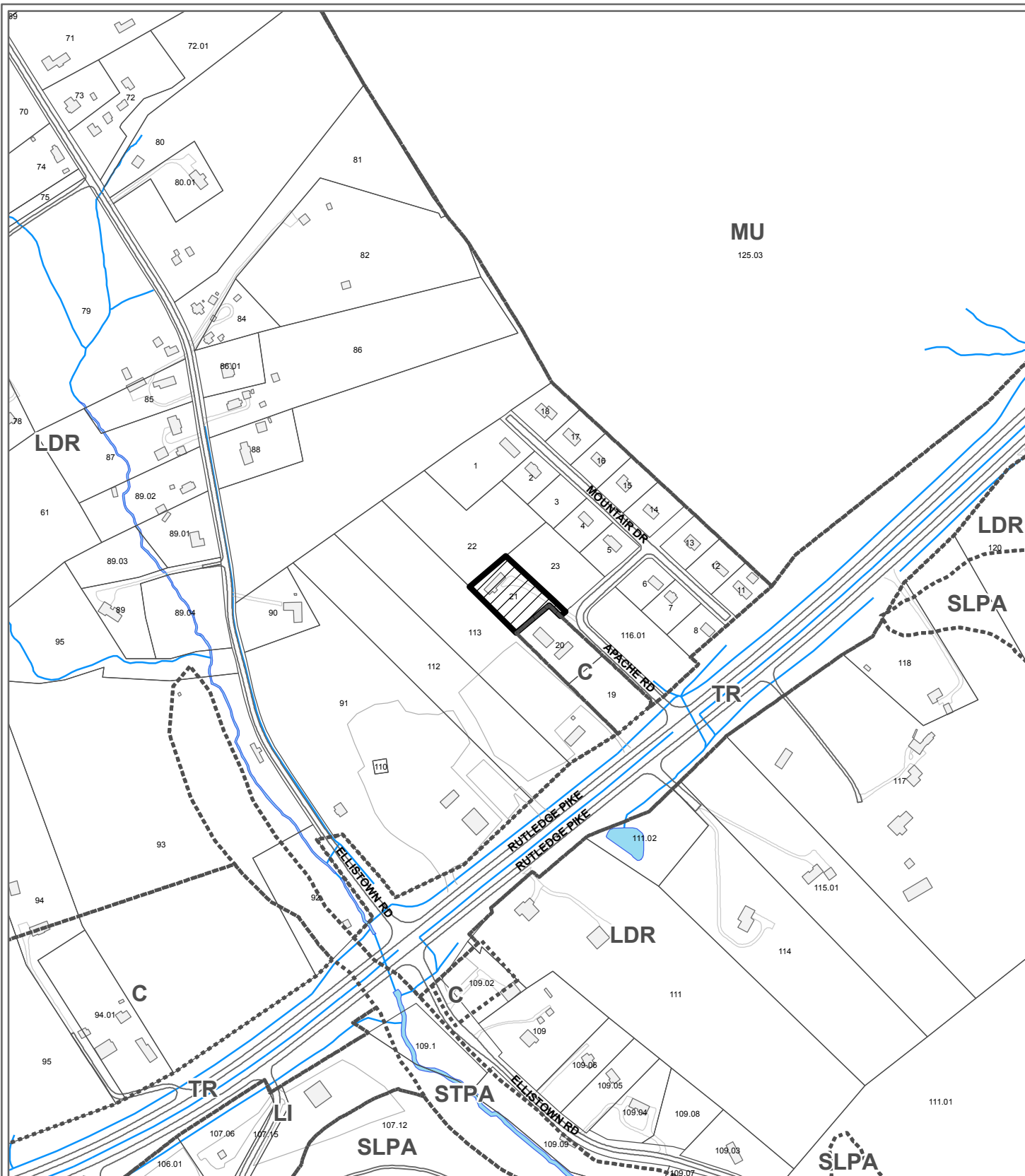
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

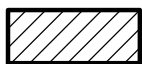
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 8/27/2012. 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.



**7-E-12-SP / 7-C-12-RZ  
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

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

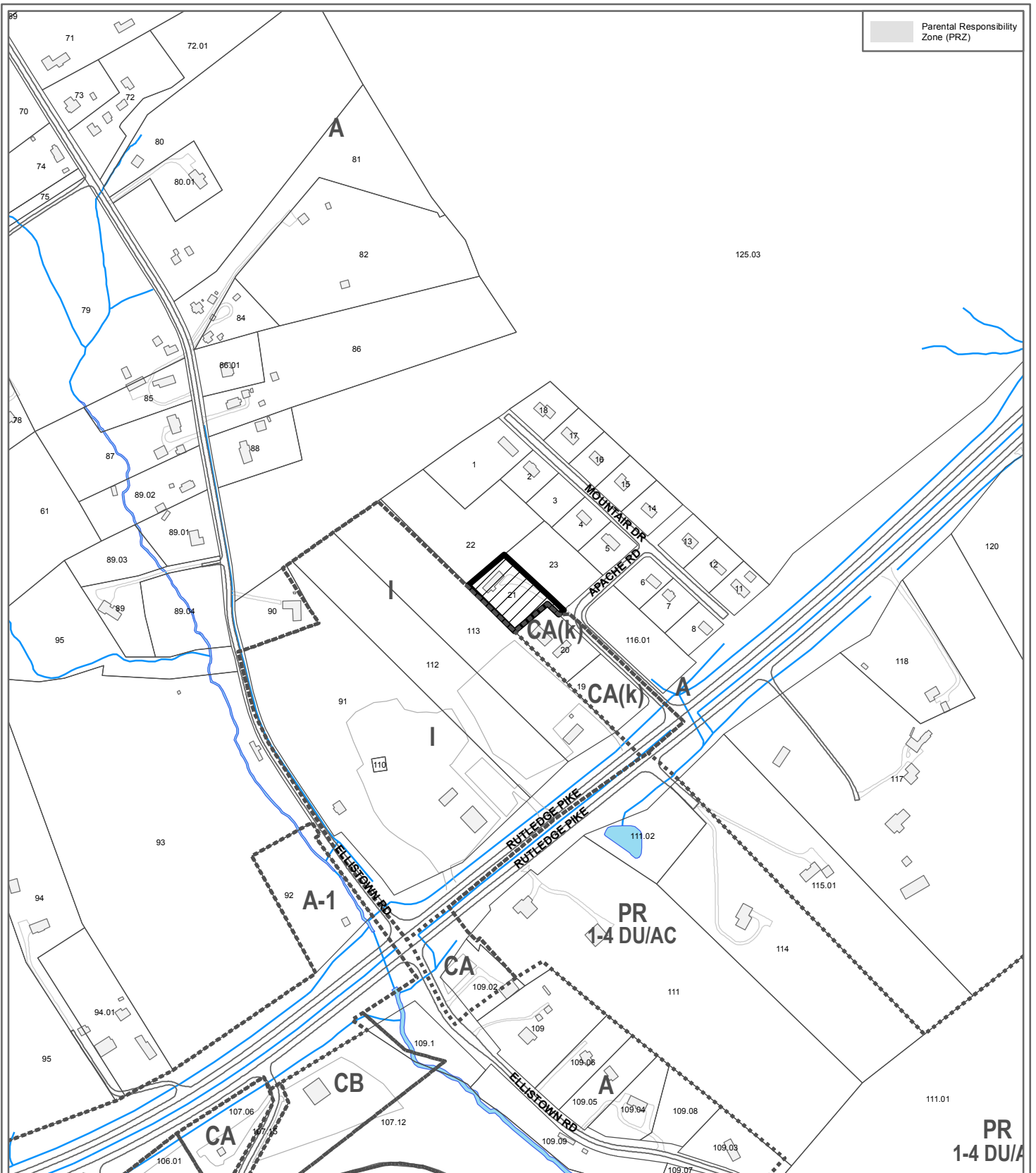


Original Print Date: 6/27/2012      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: James A. Bennett and spouse,  
Tammy S. Bennett

Map No: 51  
Jurisdiction: County

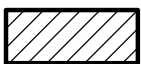




Parental Responsibility Zone (PRZ)

**7-C-12-RZ  
REZONING**

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



Petitioner: James A. Bennett and spouse,  
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