

▶ **FILE #:** 2-C-13-RZ

AGENDA ITEM #: 19

AGENDA DATE: 2/14/2013

▶ **APPLICANT:** CARPENTERS CHAPEL CHURCH

OWNER(S): Carpenters Chapel Inc.

TAX ID NUMBER: 89 B D PT. OF 01602 MAP ON FILE AT MPC

JURISDICTION: County Commission District 6

▶ **LOCATION:** Southwest side Dogwood Rd., southeast side Solway Rd.

▶ **APPX. SIZE OF TRACT:** 4 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Dogwood Rd., a local street with 23' of pavement width within the large Pellissippi Parkway right-of-way, or Solway Rd., a minor collector street with 24' of pavement width within 70' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Clinch River

▶ **PRESENT ZONING:** CA (General Business) with conditions

▶ **ZONING REQUESTED:** CA (General Business)

▶ **EXISTING LAND USE:** Church

▶ **PROPOSED USE:** Office/warehouse

EXTENSION OF ZONE: Site is already zoned CA, but with conditions

HISTORY OF ZONING: MPC approved a sector plan amendment to commercial and rezoning to CA, with conditions, on 11/13/08 (8-I-08-RZ/8-E-08-SP).

SURROUNDING LAND USE AND ZONING: North: Solway Rd. - Dwellings / RA (Low Density Residential)

South: Vacant land and church / CA (General Business) with conditions and PR (Planned Residential) @ 1-3 du/ac

East: Vacant land, business, Dogwood Rd. and Pellissippi Parkway right-of-way / CA (General Business) with conditions, CA/TO and A/TO

West: Vacant land / Agricultural

NEIGHBORHOOD CONTEXT: This area is located just west of the Pellissippi Parkway and Oak Ridge Hwy. interchange. Solway Rd. is primarily developed with agricultural and rural residential uses under A zoning. There is some commercial development located to the north and east, on properties that front on Oak Ridge Hwy.

STAFF RECOMMENDATION:

▶ **DENY the removal of the conditions on the current CA (General Business) zoning.**

The condition to limit the commercial use of this site to uses allowed in the A (Agricultural) zone and a non-profit thrift store associated with Carpenter's Chapel Church is still valid. Conditions have not changed in the area since the property was rezoned to conditional CA in 2007. MPC staff had recommended denial of CA zoning at that time, but the conditional zoning was recommended by MPC and approved by Knox County Commission. Staff's position on this matter has not changed.

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. This site, although it is located near Oak Ridge Hwy., does not have direct access to it. It's access is from Dogwood Rd. or Solway Rd. only, both of which are smaller streets that provide access into agricultural and residential areas. The two access streets are not suitable to provide access to unrestricted commercial development. Furthermore, the access to Solway Rd. from Oak Ridge Hwy., where most of the traffic would come from, is very dangerous. This site is not an appropriate location for more intense commercial development.
2. Approval of unconditioned CA zoning at this location would place incompatible commercial uses adjacent to established and future residential uses. The adjacent unconditioned CA zoning and uses to the north and east have minimal adverse impact on nearby residential uses. But approval of unconditioned CA at this site extends the commercial boundary south and west across Solway Rd. and Dogwood Rd. The current boundary between unconditioned CA and residential uses is appropriate.
3. The current conditioned CA zoning and limited commercial use of the site by the church and the location of the church itself currently establish a good transition between residential and non-residential uses in the area. The conditioned CA zoning limits the commercial use of the site to a very specific and less intense commercial use than would be permitted in the proposed unconditioned CA zoning. It also limits the commercial use to something associated with the church, who owns the site.

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. Staff is of the opinion that this site is not appropriate for unconditioned CA uses, because of access and compatibility concerns.

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. The impact of this proposal would depend on the type of commercial development proposed. Certain uses could have a negative impact on the streets and adjacent properties.
2. Approval of unconditioned CA zoning would open up the possibility of a significant number of potentially non-compatible and inappropriate uses being developed at this site.
3. Public water and sanitary sewer utilities are available to serve the site. No other area of the County will be impacted by this rezoning request.

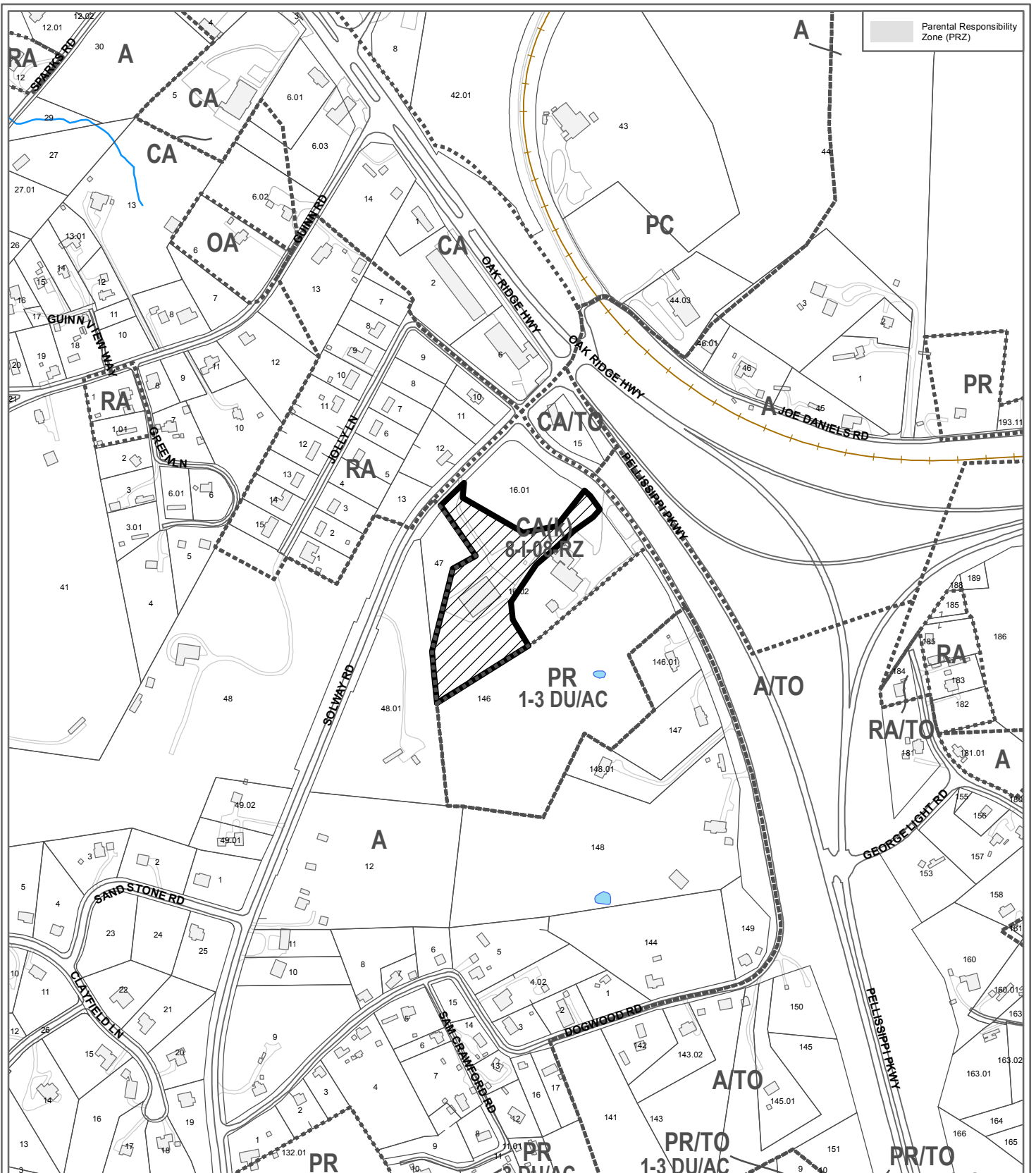
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest County Sector Plan was amended in 2007 to allow consideration of CA zoning and commercial uses for this property. The associated rezoning was approved for limited commercial under CA zoning. The zoning condition limits the use of the site to uses permitted in the A zone and a non-profit thrift store associated with Carpenter's Chapel Church. This is a very specific use that was approved in order to try to accommodate the needs and desires of the church at that time.
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 could lead to future requests for commercial plan designations and zoning, which would not be consistent with the future land use proposals of the sector plan. The conditioned CA zoning and the church, as they currently exist, provide a transitional area between non-residential uses to the north and east and agricultural/residential uses to the south and west.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 3/25/2013. 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.



**2-C-13-RZ
REZONING**

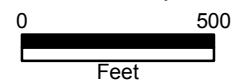
From: CA (General Business) with conditions
 To: CA (General Business)



Petitioner: Carpenters Chapel Church

Map No: 89

Jurisdiction: County



Original Print Date: 1/30/2013
 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902











