



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

▶ **FILE #:** 8-G-15-RZ
8-D-15-SP

AGENDA ITEM #: 48
AGENDA DATE: 8/13/2015

▶ **APPLICANT:** DAVID HENSLEY
OWNER(S): David Hensley

TAX ID NUMBER: 48 E B 018 PART ZONED RB [View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 6412 Maynardville Pike

▶ **LOCATION:** East side Maynardville Pike, north of Brown Gap Rd.

▶ **TRACT INFORMATION:** 0.3 acres.

SECTOR PLAN: North County

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

ACCESSIBILITY: The site is access via a driveway (closed ROW) with 12' of pavement that crosses the adjacent apartment complex property and then to Maynardville Pike, a major arterial with 4-lanes of travel and a landscaped median within 125' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / RB (General Residential)

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

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Parking for adjacent business at 6428 Maynardville Pike

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS:

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Apartments / RB (General Residential)
South: Houses - Commercial / RB (General Residential) & CA (General Business)
East: Houses - Apartments / RB (General Residential)
West: Commercial / CA (General Business)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of uses, including low and medium density residential, and commercial. The site is between single family houses and an apartment complex, and faces the rear

STAFF RECOMMENDATION:

- ▶ **DENY the request to amend the future land use map of the North County Sector Plan to GC (General Commercial) land use classification.**

GC (General Commercial) not recommended for this property because it will introduce commercial uses surrounded by residential and may lead to additional requests for commercial uses on neighboring properties that also do not have frontage onto Maynardville Pike. The proposed use for the site is the expansion of an existing auto sales business.

- ▶ **DENY the request for CA (General Business) zoning.**

Based on the denial recommendation of the sector plan amendment from Medium Density Residential to General Commercial, the associated rezoning request should be denied. The current RB zoning provides the applicant reasonable use of the property and is compatible with the surrounding uses.

COMMENTS:

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:

1. No significant new roads or utilities have been installed.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. On east side of Maynardville Pike the North County Sector Plan (2012) recommends that GC (General Commercial) land uses for the properties with frontage on Maynardville Pike and MDR (Medium Density Residential) land uses on those that do not.
2. The intent of the sector plan is restrict commercial expansion into the residential areas and to encourage small scale commercial uses. If commercial uses expand into neighboring residential lots, there could be enough acreage to develop a larger scale commercial use that is more appropriate further north on Maynardville Pike in the Halls Crossroads area.
3. The sector plan does not have an obvious or significant error or omission in the plan.

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

1. There have been no changes is government policy to concentrate commercial/retail development in this area.

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

1. There have been no trends in development, population or traffic that warrant reconsideration of the original plan proposal.

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. The subject property currently has a small portion of the property zoned CA (General Business) but the majority of the property is zoned RB (General Residential).
2. The proposed use for the property is the expansion of an existing auto sales business that fronts on Maynardville Pike. While the use of this property for car sales may have less of an impact on neighboring residential, once zoned CA the property can be used for any use within that zone district, many of which could have much more impact on neighboring residential.
3. The current RB zoning is compatible with the surrounding residential development and should be retained.

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

1. CA zoning is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.

2. The proposed expansion of the auto sales business is consistent with the intent of the proposed CA zone.

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. CA zoning will allow the expansion of commercial and retail uses for property without direct access to Maynardville Pike and within a residential area.
2. CA zoning is not compatible with the surrounding residential uses.

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. If the associated sector plan amendment (File # 8-D-15-SP) is denied as recommended by staff, the CA zoning will not be compatible with the current MDR land use designation.

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 required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/28/2015. 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.