# **CASE SUMMARY**

# APPLICATION TYPE: REZONING

#### SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

File Number: 10-D-20-RZ Related File Number: 10-C-20-SP

**Application Filed:** 8/17/2020 **Date of Revision:** 

Applicant: DANIEL D. & KIMBERLY OVERBEY



### PROPERTY INFORMATION

**General Location:** At southeast quadrant of the roundabout intersection of Choto Road and S. Northshore Drive

Other Parcel Info.:

Tax ID Number: 162 M C 019 Jurisdiction: County

Size of Tract: 1.01 acres

Accessibility: This property has frontage on S. Northshore Drive and Choto Road, S. Northshore Drive is a minor

arterial with a payement width of 20.2 feet inside a right-of-way of 88 ft. Choto Road is a minor collector

with a pavement width of 20.9 ft inside a right-of-way of 60 ft.

# **GENERAL LAND USE INFORMATION**

Existing Land Use: Vacant land

**Surrounding Land Use:** 

Proposed Use: Density:

Sector Plan: Southwest County Sector Plan Designation: LDR (Low Density Residential)

Growth Policy Plan: Planned Growth Area

**Neighborhood Context:** This is a suburban area consisting of predominantly single family detached houses. There is a

commercial node across the street at the northeast quadrant of the Choto Road/S. Northshore Drive

intersection.

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 1615 Choto Rd.

Location:

**Proposed Street Name:** 

**Department-Utility Report:** 

Reason:

# ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)

Former Zoning:

Requested Zoning: CN (Neighborhood Commercial)

**Previous Requests:** 12-D-01-RZ, 9-C-04-RZ, 5-H-10-RZ, 3-E-16-RZ

**Extension of Zone:** Yes, C-N zoning is across the Choto Road to the north

History of Zoning: Several rezoning requests have been denied since 2001: Case # 12-D-01-RZ (from A to CA), Case # 9-

C-04-RZ (from A to CA), Case # 5-H-10-RZ (A to CN), and Case # 3-E-16-RZ (from A to OA)

# PLAN INFORMATION (where applicable)

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Current Plan Category: LDR (Low Density Residential)

Requested Plan Category: NC (Neighborhood Commercial)

## SUBDIVISION INFORMATION (where applicable)

**Subdivision Name:** 

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

### OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

# PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Deny C-N zoning for because it is not consistent with the Southwest County Sector Plan.

Staff Recomm. (Full):

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. There are no recent substantial changes to the conditions that would warrant a rezoning. It's been almost a decade since the property across the street developed with commercial uses. It was rezoned in 2010 then developed in 2011.

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

- 1. The CN (Neighborhood Commercial) zone provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
- 2. Rezonings should be based on the entire range of uses allowed within a zone to ensure that any development proposed at a future time would be compatible with the surrounding land uses.
  3. Despite the definition cited in number 1 above, the CN zone allows some uses not compatible with the surrounding residential neighborhood. For example, the zoning ordinance refers to NAICS (North American Industry Classification System) codes and includes NAICS 621 and NAICS 532, both of which include some uses that would not be appropriate. NAICS 621 (Ambulatory Health Care Services) includes freestanding ambulatory surgical and emergency centers, ambulance centers, and organ and blood banks. NAICS 532, which includes truck, utility trailer, and RV leasing, and leasing of commercial and industrial machinery and equipment.

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 rezoning and plan amendment requests would allow uses that could have adverse impacts on the adjacent residential neighborhood should they be approved, especially due to the size of the parcel. There would be limited opportunity to mitigate these impacts due to the small size of the parcel and its close proximity to residential lots.

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. CN zoning is not compatible with the Southwest County Sector Plan's LDR (Low Density

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Residential) land use designation and would require a plan amendment. However, the intent of the CN land use classification is to provide pockets of Neighborhood Commercial in strategic areas rather than an extension of CN land use in a strip along arterials. The CN zoning and land use amendments on the parcels to the north were adjacent to large parcels zoned Agricultural at the time. The surrounding adjacent neighborhood came after the commercial development.

Action: Approved Meeting Date: 11/12/2020

**Details of Action:** The Planning Commission approved CN zoning citing a change in development pattern following a new

condominium complex to the northeast of this site.

Summary of Action: The Planning Commission approved CN zoning citing a change in development pattern following a

new condominium complex to the northeast of this site.

Date of Approval: 11/12/2020 Date of Denial: Postponements: 10/8/2020

Date of Withdrawal: Withdrawn prior to publication?: ☐ Action Appealed?:

# LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 12/21/2020 Date of Legislative Action, Second Reading:

Ordinance Number: Other Ordinance Number References:

Disposition of Case: Approved Disposition of Case, Second Reading:

If "Other":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance:

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