

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 1-A-18-RZ **Related File Number:** 4-J-18-SP
Application Filed: 11/22/2017 **Date of Revision:** 3/20/2018
Applicant: MIKE FRAZIER

PROPERTY INFORMATION

General Location: Northwest side E. Depot Ave., northeast of N. Central St.
Other Parcel Info.:
Tax ID Number: 94 E E 008 **Jurisdiction:** City
Size of Tract: 21300 square feet
Accessibility: Access is via W. Depot Ave., a local street with 44' of pavement width within 60' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant (parking)
Surrounding Land Use:
Proposed Use: Equipment and material storage **Density:**
Sector Plan: Central City **Sector Plan Designation:** MU-SD (MU-CC3)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This area is developed with a mix of uses under C-2, C-3, I-2 and I-3 zoning.

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

Street: 115 E Depot Ave
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-3 (General Commercial)
Former Zoning:
Requested Zoning: C-4 (Highway and Arterial Commercial)
Previous Requests: None noted
Extension of Zone: Yes, extension of I-3 from the east
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

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.:

MPC ACTION AND DISPOSITION

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.):

Staff Recomm. (Full):

1. A minimum 12 foot wide planting strip must be installed along the edge of the E. Depot Ave and along the southwest property line adjacent to the Greyhound Bus Station. Within this area, a minimum Type "B" continuous landscape screen will be required (see attached).

I-3 is a logical extension of zoning from the northeast, is compatible with the scale and intensity of surrounding development and zoning pattern and is consistent with the adopted future land use plans for the area. With the recommended condition, the outdoor storage area will be screened from view from the street, to help minimize the potential negative visual impact of allowable I-3 uses. The recommendation will allow the existing business to expand as needed, while minimizing the impact in this redeveloping area.

C-4 ALTERNATIVE

***At the time this matter was sent back to MPC for reconsideration a majority of the members of City Council voiced support for the applicant's C-4 zoning request. If MPC decides to recommend approval of C-4, staff would recommend that it be forwarded to City Council with two conditions:

1. A minimum 12 foot wide planting strip must be installed along the edge of the E. Depot Ave and along the southwest property line adjacent to the Greyhound Bus Station. Within this area, a minimum Type "B" continuous landscape screen will be required (see attached).
2. Any development/redevelopment of the property shall be subject to approval through the use on review approval by MPC.

C-4 would allow commercial development of the area to continue and would permit the expansion of the business as proposed by the applicant. With use on review approval required for development/redevelopment under C-4 zoning, MPC could ensure that any proposed use is compatible with existing development in the area. The screening requirement would ensure that development of the property is buffered from adjacent properties and the public right-of-way.

Comments:

BACKGROUND

The applicant originally applied for a rezoning to I-3 zoning for the subject property. MPC staff recommended conditional approval of the I-3 zoning with conditions to address the visual impact that could result from the expansion of I-3 zoning in this area. At the January 11, 2018 meeting, after hearing from some opposition, who argued that outdoor storage is not compatible with the vision for the area or with the recent development activity, MPC denied the application. The applicant then appealed MPC's decision to Knoxville City Council. On February 27, 2018, City Council considered the appeal and referred the application back to MPC for consideration of C-4 (Highway & Arterial Commercial) zoning, which would also allow the proposed use of the property. Because C-4 is not consistent with the sector plan, City Council also initiated a sector plan amendment to general commercial. Staff continues to recommend that, with conditions, I-3 zoning is most appropriate for this site, as a logical extension of the zoning from the northeast. It should be noted that more intense I-4 zoning exists on a larger site to the southeast that is also owned by the applicant and used for Knoxville Rail Salvage operations. MPC staff is of the opinion that if a rezoning is to be approved for this site to allow the business operations to continue and expand at their current location, that I-3 zoning with the recommended condition is the preferable option. With this option, it is unnecessary to approve a spot sector plan amendment to GC and a spot rezoning to C-4 for this property alone. The I-3 and I-4 zoning in the area were in place long before the adoption of the updated sector plan. Staff recommends that if the zoning is to be changed to support the applicant's future plans, then conditioned I-3 zoning is the preferable route, because it could be done without an amendment to the sector plan as an extension of existing zoning. The City of Knoxville One Year Plan also proposes the same MU-SD (MU-CC3) mixed use designation as the sector plan. Depending on the final decisions made for this case, MPC staff will address the One Year Plan designation as part of the 2019 One Year Plan update process in early 2019.

The C-4 zoning suggested by City Council would permit the proposed business expansion without an increase in the area zoned for industrial uses. In their discussion, Council was supportive of commercial development including outdoor storage in the area. Reservations were expressed regarding increased industrial zoning in this redeveloping area. Council members acknowledged that C-4 may not be the best fit for the area, but given the choice between C-4 and expansion of industrial zoning in the area, they preferred C-4.

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. I-3 is an extension of commercial zoning from the east.
2. With the recommended condition, I-3 uses are compatible with the surrounding land use and zoning pattern.
3. With the recommended condition, I-3 zoning is appropriate for this site, in order to allow expansion of the existing business while minimizing the impact to the surrounding area.
4. The requested I-3 zoning is consistent with the adopted future land use plans for the area, which designate this site within a Mixed Use - Special District of the Central City Sector Plan. The MU-CC3 district allows consideration of light industrial uses, but encourages consistent front and side yard landscaping in the district (see attached MU-CC3 excerpt from Central City Sector Plan). The recommended condition addresses this sector plan stipulation.

C-4 ALTERNATIVE

1. C-4 is an extension of commercial zoning from the east.
2. With the recommended conditions, C-4 uses would be reviewed to ensure compatibility with the surrounding land use and zoning pattern.
3. With the recommended conditions, C-4 zoning is appropriate for this site, in order to allow expansion of the existing business while minimizing the impact to the surrounding area.
4. With the accompanying sector plan amendment, the C-4 zoning would be consistent with adopted sector plan. The recommended conditions for the C-4 zoning would require consistent front and side yard landscaping, an important design element for this area.

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

1. The requested I-3 (General Industrial) zoning district is established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and for warehousing. These land uses do not depend primarily on frequent personal visits from customers or clients, but usually require good accessibility to major rail, air or street transportation routes. Such uses have some adverse effects on surrounding properties and are not properly associated with, nor compatible with, residential, institutional and retail commercial uses.
2. Based on the above description, this site is appropriate for general industrial use under I-3 zoning, with the recommended zoning condition by staff.

C-4 ALTERNATIVE

1. Among the purposes of the C-4 zone is the provision of locations for a limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building. The business requesting the rezoning requires outdoor display and storage of merchandise. The display and storage of merchandise may be unpleasing to adjacent uses and passers-by. This visual impact can be mitigated with buffering and screening.
2. Based on the above description, this site is appropriate for commercial use under C-4 zoning, with the zoning conditions recommended by staff.

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 recommended I-3 zoning is compatible with the surrounding land uses and zoning pattern.
2. I-3 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing street is adequate to handle any additional traffic generated by allowing light industrial uses on the site.

C-4 ALTERNATIVE

1. The recommended C-4 zoning, with the recommended conditions, is compatible with the surrounding land uses and zoning pattern.
2. C-4 zoning, with the recommended conditions, will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing street is adequate to handle any additional traffic generated by allowing commercial

uses on the site. Any potential traffic impacts of a proposed use could be mitigated during the use on review approval.

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 City of Knoxville One Year Plan and the Central City Sector Plan designate this property as part of a MU-SD (Mixed Use - Special District) CC-3. This designation allows consideration of the I-3 zoning. The recommended condition is included to address design/concept standards to the district from the sector plan.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This recommended I-3 zoning does not present any apparent conflicts with any other adopted plans.

C-4 ALTERNATIVE

1. Amendment of the Central City Sector Plan would make the C-4 zoning compatible with adopted plans. The recommended conditions are included to address design/concept standards for this area as recommended in the sector plan.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This alternate C-4 zoning does not present any apparent conflicts with any other adopted plans.

Action: Approved

Meeting Date: 4/12/2018

Details of Action:

RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning, subject to 1 condition.

1. A screen composed of masonry, wood and landscaping must be installed along all four sides of the property. Within this area, a minimum Type "B" continuous landscape screen will be required (see attached).

Summary of Action:

RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning, subject to 1 condition.

1. A screen composed of masonry, wood and landscaping must be installed along all four sides of the property. Within this area, a minimum Type "B" continuous landscape screen will be required (see attached).

Date of Approval: 4/12/2018

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: ☐ **Action Appealed?:** 1/19/2018

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 5/8/2018

Date of Legislative Action, Second Reading: 5/22/2018

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

2-27-18 Referred back to MPC to consider another zone

Date of Legislative Appeal:

Effective Date of Ordinance: