

CASE SUMMARY
APPLICATION TYPE: REZONING
ONE YEAR PLAN AMENDMENT

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 1-G-17-RZ **Related File Number:** 1-E-17-PA
Application Filed: 11/22/2016 **Date of Revision:**
Applicant: DANIEL & KELLI JOBE

PROPERTY INFORMATION

General Location: North side Forestal Dr., east of Tazewell Pike
Other Parcel Info.:
Tax ID Number: 58 M C 007 & 008 **Jurisdiction:** City
Size of Tract: 8000 square feet
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Dwelling and garage
Surrounding Land Use:
Proposed Use: Boutique shop **Density:**
Sector Plan: North City **Sector Plan Designation:** MDR
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

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

Street: 105 Forestal Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-2 (General Residential)
Former Zoning:
Requested Zoning: C-3 (General Commercial)
Previous Requests: None noted
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: MDR (Medium Density Residential)
Requested Plan Category: GC (General 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.:

MPC ACTION AND DISPOSITION

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): DENY the rezoning to C-3 (General Commercial), consistent with the denial recommendations for the associated plan amendments.

Staff Recomm. (Full): There is adequate commercial zoning available in the area to meet demand. The existing transitional zoning pattern is appropriate. Commercial zoning should be located only on properties along Tazewell Pike, not encroach into existing neighborhoods, placing a business right next door to an established residence.

Comments: Although staff is recommending denial of commercial zoning altogether, if MPC and/or City Council is inclined to support commercial zoning for this property, C-1 (Neighborhood Commercial) would be more appropriate. In order to consider C-1 zoning, the One Year Plan and the North City Sector Plan would have to be amended to NC (Neighborhood Commercial).

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 is adequate commercial zoning available in the area to meet demand.
2. The North City Sector Plan recommends that commercial zoning be limited to nearby N. Broadway.
3. The existing zoning pattern is appropriate, as it establishes a transition between commercial businesses along Tazewell Pike and residences behind them. New commercial zoning in this area should be limited to sites that have direct access to Tazewell Pike.

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

1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
2. Based on the above general intent, this site is not appropriate for C-3 development, which should not be placed adjacent to an established residential use.

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. If C-3 zoning is approved for this property, it sets a precedent for potentially allowing the entire block between Forestal Dr. and McCamey Rd to be converted to commercial zoning.
2. Allowing commercial use of this property could have a negative impact on the established residence to the east.
3. Forestal Dr. is a local, neighborhood street that should not serve as sole access for a business. Commercial zoning in this area should be limited to properties having frontage on Tazewell Pike.
4. Public water and sewer utilities are available to serve the site.

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 approval of the requested One Year Plan amendment to GC, the requested C-3 zoning would be consistent with the plan.
2. With approval of the requested North City Sector Plan amendment to GC, the requested C-3 zoning

would be consistent with the sector plan.

3. If C-1 (Neighborhood Commercial) zoning is to be considered, both plans would need to be amended to NC (Neighborhood Commercial)

4. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

5. This current zoning does not present any apparent conflicts with any other adopted plans, and should be maintained.

Action: Denied

Meeting Date: 1/12/2017

Details of Action:

Summary of Action: DENY the rezoning to C-3 (General Commercial), consistent with the denial recommendations for the associated plan amendments.

Date of Approval:

Date of Denial: 1/12/2017

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:** 1/20/2017

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 2/28/2017

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Denied

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Appeal denied. Denial stands.

Date of Legislative Appeal:

Effective Date of Ordinance: