# **CASE SUMMARY**

APPLICATION TYPE: REZONING

File Number: 10-H-07-RZ Related File Number:

**Application Filed:** 8/31/2007 **Date of Revision:** 

Applicant: JARED CORBY (SAMUEL J. FURROW)



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### PROPERTY INFORMATION

General Location: Northeast side N. Cherry St., southeast side Cecil Ave.

Other Parcel Info.:

Tax ID Number: 82 B D 011 Jurisdiction: City

Size of Tract: 2.86 acres

Accessibility: Access is via Cecil Ave., a minor arterial street with 28' of pavement width within 60' of right of way, or

N. Cherry St., a 3 lane minor arterial street with 45' of pavement width within 65' of right of way.

#### GENERAL LAND USE INFORMATION

Existing Land Use: Vacant commercial building and vacant land

**Surrounding Land Use:** 

Proposed Use: Warehousing Density:

Sector Plan: East City Sector Plan Designation: Commercial

Growth Policy Plan: Urban Growth Area (Inside City Limits)

Neighborhood Context: The properties on the north side of Cecil Ave. are primarily developed with residential uses under R-1,

R-1A and R-2 zoning, with the exception of a tire sales and market/deli business to the northwest, zoned C-4. On the south side of Cecil Ave. are commercial and industrial uses, zoned C-3, C-4 and I-3.

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

Street: 1918 N Cherry St

Location:

**Proposed Street Name:** 

**Department-Utility Report:** 

Reason:

# ZONING INFORMATION (where applicable)

Current Zoning: I-3 (General Industrial) with conditions

Former Zoning:

**Requested Zoning:** I-3 (General Industrial) with revised conditions

Previous Requests: One year plan was amended and property was rezoned conditional I-3 in 2006 (10-J-06-PA/10-B-06 RZ)

**Extension of Zone:** Yes, I-3 zoning is located to the southeast

History of Zoning: One Year Plan was amended to LI and property was rezoned to I-3 with conditions in 2006 (10-J-06-

PA/10-B-06-RZ).

### PLAN INFORMATION (where applicable)

**Current Plan Category:** 

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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.): APPROVE I-3 (General Industrial) zoning, subject to 2 conditions:

Staff Recomm. (Full):

I-3 is a logical extension of zoning from the southeast and is compatible with surrounding development and zoning. With the conditions below, the impact on residential uses to the northwest should be

and zorning. With the conditions below, the impact of residential uses to the northwest should be

minimized.

1. No vehicular access to the parking areas will be allowed from Cecil Ave. or Gale St. This does not include any easements for access to detention basins, which may be required.

2. The number and types of plantings within the proposed setback areas along Cecil Ave. and Gale St.

shall be consistent with the attached landscaping plan, as provided by the applicant.

Comments:

This site was approved for a One Year Plan amendment to LI and rezoning to I-3 with conditions in 2006 (10-J-06-PA/10-B-06-RZ). When development plans were submitted for review and approval to the Knoxville Department of Engineering, it was determined that condition number 2, which required that the 35 foot setback area adjacent to Cecil Ave. remain undisturbed, was not being met. Detention ponds were being proposed in that area, which would include substantial disturbance in this area. The MPC staff report from 2006, including the original conditions, is attached. The applicant has submitted the attached landscaping plan, which meets the original intent of the conditions, and is acceptable to staff.

#### NEED AND JUSTIFICATION FOR THE PROPOSAL

- 1. Light industrial uses are compatible with the scale and intensity of the surrounding land uses and zoning pattern.
- 2. The requested I-3 zoning will allow this site to be incorporated with the large I-3 zoned property to the southeast for development.
- 3. With the revised conditions included, the impact on residential uses to the northwest should be minimized by providing a landscape buffer along the northwest property line of the site, where the industrial use will face residential uses. These revised conditions meet the same intended purpose as was originally intended.

#### THE EFFECTS OF THE PROPOSAL

- 1. Public water and sewer utilities are available in the area to serve the site.
- 2. The proposal will have no impact on schools and a minimal impact on the street system.
- 3. The recommended I-3 zoning with conditions is compatible with surrounding development and zoning and will have a minimal impact on adjacent properties.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. I-3 zoning is consistent with the City of Knoxville One Year Plan, which proposes light industrial uses for this site.
- 2. The East City Sector Plan proposes commercial uses for this site, which was consistent with the previous C-3 zoning of the site.
- 3. This request may lead to future plan amendment and rezoning requests for light industrial in the area. However, the sector plan and one year plan only support light industrial uses to the south of this site.

MPC Action: Approved MPC Meeting Date: 10/11/2007

**Details of MPC action:**1. No vehicular access to the parking areas will be allowed from Cecil Ave. or Gale St. This does not include any easements for access to detention basins, which may be required.

2. The number and types of plantings within the proposed setback areas along Cecil Ave. and Gale St.

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shall be consistent with the attached landscaping plan, as provided by the applicant.

Summary of MPC action: I-3 (General Industrial) zoning, subject to 2 conditions,

Date of MPC Approval:10/11/2007Date of Denial:Postponements:

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

# LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 11/6/2007 Date of Legislative Action, Second Reading: 11/20/2007

Ordinance Number: Other Ordinance Number References:

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

If "Other":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance:

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