

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 11-J-20-RZ                      **Related File Number:**  
**Application Filed:** 9/28/2020              **Date of Revision:** 11/6/2020  
**Applicant:** ACRE KINGSTON PIKE T5 LLC

## PROPERTY INFORMATION

**General Location:** South side of Kingston Pike, west side of Winston Road  
**Other Parcel Info.:**  
**Tax ID Number:** 120 J A 008                      **Jurisdiction:** City  
**Size of Tract:** 22500 square feet  
**Accessibility:** Kingston Pike is a major arterial with a pavement width of 56 ft inside a 92-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Kar Kare Muffler Shop Center  
**Surrounding Land Use:**  
**Proposed Use:**    **Density:** N/A  
**Sector Plan:** West City                      **Sector Plan Designation:** GC (General Commercial)  
**Growth Policy Plan:** Within City Limits  
**Neighborhood Context:** This is a major commercial corridor with retail, business, financial institutions, and professional services uses along the street. The shopping center containing Barnes and Noble and the former Toys-R-Us is across the street.

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

**Street:** 8002 Kingston Pk.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-G-3 (General Commercial)  
**Former Zoning:**  
**Requested Zoning:** C-G-1 (General Commercial)  
**Previous Requests:** N/A  
**Extension of Zone:** No  
**History of Zoning:** None noted for this property

## 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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Michelle Portier

Staff Recomm. (Abbr.):

Deny C-G-1 (General Commercial) zoning because it is not consistent with surrounding zoning and would set a precedent for a lesser level of C-G zoning in this area.

Staff Recomm. (Full):

Comments:

This property was zoned C-4 (Highway and Arterial Commercial District) prior to the adoption of the new zoning ordinance and map on January 1, 2020. The property was rezoned to C-G-3 (General Commercial) in the new zoning map along with a swath of other properties on the south side of Kingston Pike to create a transition down from the more intense C-H (Highway Commercial) zoning on the north side of Kingston Pike to the less intense residential zoning to the south on Ray Mears Boulevard. C-G-3 zoning reflects the existing commercial uses along Ray Mears Boulevard and in the Downtown West Shopping Center.

The applicant is seeking to put two separate vehicular-oriented businesses on this parcel, which is rather small (approximately half an acre). Due to the more restrictive setback requirements in C-G-3 (referenced below), the applicant is seeking C-G-1.

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 changes to the development in the area that would warrant a rezoning.

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

1. The CG District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.

2. Because the uses are the same in the C-G-1 and C-G-3 zones, consideration of the rezoning is in regards to the dimensional and design standards of the two zones, since these standards are where the differences lie.

a. The C-G-1 has no front setback requirements, while the C-G-3 zone has a build-to zone (between 0' to 20') for both Kingston Pike and Winston Road [Article 5, Section 5.3, Table 5.1].

b. The C-G-1 zone has no requirement for design standards, while the C-G-3 zone has minimum design standards for façade design, fenestration design, and commercial site design [Article 5, Section 5.4, Table 5-2].

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. Since the allowed uses are the same for all C-G zones, no adverse impacts, specific to the uses, are anticipated from the lesser level of C-G-1 zoning.

2. However, the zoning ordinance was adopted recently and the zones set for this area intentionally required design standards and smaller setbacks to move buildings closer to the street and parking to the rear as new development occurred. Due to the lack of design requirements in the C-G-1 zone, a square metal building could be built and would be in compliance with zoning. Because the C-G-1 zone has no setback requirements, buildings could be located anywhere on the site. Surrounding properties would be redeveloped under the design and setback standards of C-G-3, so the lack of standards of C-G-1 in the midst of the C-G-3 has the potential to cause discordant development.

3. The applicant is proposing uses for this site that are allowed as a special use within the C-G zones, so the site plan will require Planning Commission approval regardless of the zoning outcome. The new site plan layout and building design will be determined by the zoning.

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 West City Sector Plan's current GC (General Commercial) designation supports C-G zoning.
2. The sector plan's MU-SD, WC-3 (Mixed Use-Special District, Downtown West) designation is adjacent to the south and wraps around the West Hills at Montvue neighborhood. The sector plan calls for a pedestrian-oriented, urban mixed use area with sidewalks, new city blocks in some areas, and buildings set closer to the street to provide a more walkable area near a residential area.

**Action:** Denied **Meeting Date:** 1/14/2021

**Details of Action:**

**Summary of Action:** Deny C-G-1 (General Commercial) zoning because it is not consistent with surrounding zoning and would set a precedent for a lesser level of C-G zoning in this area.

**Date of Approval:** **Date of Denial:** 1/14/2021 **Postponements:** 11/12/2020, 12/10/2020

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 1/15/2021

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 2/9/2021 **Date of Legislative Action, Second Reading:** 2/23/2021

**Ordinance Number:** **Other Ordinance Number References:** O-24-2021

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

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**