

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

Suite 403 • City County Building
4 0 0 M a i n S t r e e t
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
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File Number: 4-J-18-RZ **Related File Number:** 4-E-18-PA
Application Filed: 2/26/2018 **Date of Revision:**
Applicant: RIYANS LLC

PROPERTY INFORMATION

General Location: Northeast side Thirteenth St., northwest side Bridge Ave.
Other Parcel Info.:
Tax ID Number: 94 L M 027 **Jurisdiction:** City
Size of Tract: 1900 square feet
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Retail market
Surrounding Land Use:
Proposed Use: Package store **Density:**
Sector Plan: Central City **Sector Plan Designation:** MDR
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-3 (High Density Residential) / NC-1 (Neighborhood Conservation Overlay)
Former Zoning:
Requested Zoning: C-3 (General Commercial) / NC-1 (Neighborhood Conservation Overlay)
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) / NC-1 Neighborhood Conservation Overlay), consistent with the denial recommendations for the associated plan amendments.

Staff Recomm. (Full): The subject property is developed with a grocery store (see attached photo) that has operated as a legal non-conforming use for many years under R-3/NC-1 zoning. All adjacent properties are zoned R-3/NC-1 and used for residential purposes. If approved, C-3 at this location would constitute an inappropriate spot zoning.

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. C-3 zoning is not necessary as the property is already developed and currently being used as a legal non-conforming business under its current R-3/NC-1 zoning. The applicant has indicated that the proposed use is for the existing retail market to continue at this location, but the C-3 zoning is being requested in order to allow a package store for liquor sales.
2. The Central City Sector Plan and the City of Knoxville One Year Plan both propose medium density residential uses for this site, consistent with the current R-3/NC-1 zoning.
3. Because there is no justification to amend the sector plan or One Year Plan to GC, staff does not support rezoning to C-3, which would require that the plans be amended to allow commercial zoning.

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 to be rezoned to C-3. There is no justification to amend the applicable future land use plans to GC in order to consider the requested C-3 zoning.
3. The NC-1 (Neighborhood Conversation Overlay) will remain in place, regardless if the base zoning changes.

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 applicant has reasonable use of the property under the current zoning, where the current business is operating as a legal non-conforming use.
2. Public water and sewer utilities are available to serve the site.
3. Approval of this request could lead to expansion of commercial uses at the site, which could potentially increase the impact on surrounding residential property owners.

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 associated Central City Sector Plan amendment to GC (4-H-18-SP), the requested C-3 zoning would be consistent with the sector plan.

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

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

Action: Approved **Meeting Date:** 4/12/2018

Details of Action: APPROVE C-1 (Neighborhood Commercial) / NC-1 Neighborhood Conservation Overlay) zoning.

Summary of Action: C-1 (Neighborhood Commercial) / NC-1 Neighborhood Conservation Overlay)

Date of Approval: 4/12/2018 **Date 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: 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:

Date of Legislative Appeal:

Effective Date of Ordinance: