

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT CENTRAL CITY SECTOR 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: 4-J-18-SP **Related File Number:** 1-A-18-RZ
Application Filed: 3/9/2018 **Date of Revision:**
Applicant: KNOXVILLE CITY COUNCIL

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 just north of the Old City 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: No
History of Zoning: Rezoning request for I-3 was denied by MPC on January 11, 2018 (1-A-18-RZ). Decision was appealed to City Council and referred back to MPC for consideration of C-4 zoning.

PLAN INFORMATION (where applicable)

Current Plan Category: MU-SD (Mixed Use Special District) (MU-CC3)
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 GC (General Commercial) sector plan designation.

Staff Recomm. (Full):

This particular MU-SD (MU-CC3) mixed use special district within the Central City Sector Plan specifically excludes GC (General Commercial) uses from the list of recommended land uses. See attached excerpt from the sector plan containing the description of the MU-CC3 special district. Approval of GC for this site would be a spot sector plan amendment that is not warranted based on the criteria for amendments of the sector plan.

City Council reviewed the initial rezoning request of I-3 for this property, which was denied by MPC, upon appeal from the applicant. After reviewing the rezoning request and hearing from the applicant, City Council directed MPC and City staff to consider C-4 zoning of the property as an alternative to the requested I-3 zoning. It was the opinion of Council that C-4 zoning would permit the expansion of an existing business without increasing the industrial zoning in the area, which is transitioning from industrial uses to mixed uses. Commercial uses in this area are permitted in zoning designations identified in the MU-SD (MU-CC3) land use classification but outdoor storage is not permitted by the identified zoning. City Council has determined that the existing business is a viable enterprise that is appropriately located and should be permitted to expand. The business contributes to the vitality of the area and Council is of the opinion that the use, with outdoor storage, is appropriate in this location. While the GC sector plan designation would be a spot sector plan amendment, the City Council is responsible for setting policy for the City of Knoxville. Thus, the change in the planning policy document as directed by City Council is an appropriate action.

C-4 ALTERNATIVE

***If MPC wishes to recommend approval of the C-4 zoning, the City Council initiated amendment to the Central City Sector Plan from MU-SD (MU-CC3) to GC must also be recommended for approval.

Comments:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No new roads or utilities have been introduced in this area to make general commercial development more feasible.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for a mix of uses, excluding commercial. The Central City Sector Plan was updated less than four years ago in 2014. City Council adopted the updated sector plan on September 30, 2014.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

The discussion by City Council of the development occurring in this area, and the desire to encourage more commercial uses to locate in this area, indicated a shift in the government policy regarding the type of development envisioned for the area. In their discussion, Council expressed the desire to permit a wide variety of commercial uses, including uses with outdoor storage, as part of the mixed use development occurring in this former industrial area.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

Development activity in the area around the subject property has increased since the adoption of the sector plan. Recent development encompasses a variety of uses, ranging from residential to entertainment to light manufacturing. City Council has indicated that commercial uses, with outdoor

storage, are an appropriate addition to this mix of uses.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

Action: Approved **Meeting Date:** 4/12/2018
Details of Action: APPROVE GC (General Commercial) sector plan designation.
Summary of Action: Approve GC (General Commercial) sector plan designation.
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:**