# CASE SUMMARY

KNOXVILLE·KNOX COUNTY

PLANNING COMMISSION

Suite 403 • City County Building

400 Main Street

APPLICATION TYPE: OTHER BUSINESS

**Related File Number:** 

Date of Revision:

File Number:

Application Filed:

Current Plan Category: Requested Plan Category:

5-A-06-OB

4/17/2006

Knoxville, Tennessee 37902 Applicant: JERRY GREEN 8 6 5 • 2 1 5 • 2 5 0 0 F A X • 2 1 5 • 2 0 6 8 Owner: www•knoxmpc•org PROPERTY INFORMATION **General Location:** Other Parcel Info.: 999 999 Tax ID Number: Jurisdiction: Size of Tract: Accessibility: GENERAL LAND USE INFORMATION **Existing Land Use: Surrounding Land Use: Proposed Use:** Density: Sector Plan: **Sector Plan Designation: Growth Policy Plan: Neighborhood Context:** ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable) Street: Location: **Proposed Street Name: Department-Utility Report:** Use Determination: Used car lot in the C-4 (Highway & Arterial Commercial) and F-1 (Floodway) districts Reason: **ZONING INFORMATION (where applicable) Current Zoning:** Former Zoning: Requested Zoning: **Previous Requests: Extension of Zone: History of Zoning:** PLAN INFORMATION (where applicable)

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#### SUBDIVISION INFORMATION (where applicable)

**Subdivision Name:** 

Surveyor:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

## OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: Use Determination: Used car lot in the C-4 (Highway & Arterial Commercial) and F-1 (Floodway) districts

#### MPC ACTION AND DISPOSITION

Planner In Charge: Ken Pruitt

Staff Recomm. (Abbr.): DENY request for use determination to allow used car sales in the F-1 zone.

Staff Recomm. (Full):

Mr. Jerry Green has requested that MPC determine that used car sales are a permitted use for property located on the east side of S. Northshore Dr., south of Kingston Pike and north of Walden Dr. The subject property is zoned F-1 (Floodway) and includes two lots, with a total of approximately .4 of an acre. Other properties to the north and south of the subject property are zoned F-1 and developed with a variety of uses. Properties zoned C-4 (Highway & Arterial Commercial) are located across from the property on the west side of S. Northshore Dr. The subject property includes an auto repair service on one lot and parking on the other.

As late as June, 1981, the subject property was zoned C-3 (General Commercial) and F-1 (Floodway). Since that time, the subject property, as well as the other properties in the immediate area, with frontage along the east side of S. Northshore Dr., were rezoned entirely to F-1 in response to floodway concerns along Fourth Creek. Fourth Creek is located to the east of the subject property.

This request has been made pursuant to Article 4, Section 19.B., of the Knoxville Zoning Ordinance, which lists the following as permitted uses for F-1 zones located adjacent to a commercial district:

4. Other similar uses accessory to those permitted in the adjoining district subject to Planning Commission approval as a Use Permitted on Review.

The property's F-1 zone is adjacent to C-4 zoning from the east side of S. Northshore Dr., although the subject property does not abut C-4 zoning. The C-4 zone permits used car sales as a primary use.

- Mr. Green maintains that at some point in the past, the subject property included a used car sales business. However, Mr. Green's request should not be approved for the following reasons:
- 1) Used care sales cannot be approved under the requirements of the F-1 zone. The F-1 zone includes a limited number of permitted uses, in addition to those uses that the Planning Commission determines to be "similar uses accessory to those permitted in the adjoining district." Used car sales is permitted in the C-4 zone as a primary use. Regarding the subject request, used car sales would be a primary use of the property, and not an accessory use. For used car sales to be an accessory use, there would have to be a primary use on the same lot. (See attached definition for accessory use from the zoning ordinance.)
- 2) No confirmation has been submitted to the city's Plans Review section that there has ever been a used car sales operation on the subject property, which would give some credibility to the applicant's request.
- 3) Although the language of the F-1 zone is not specific, it can be argued that the intent of the zoning ordinance is to allow consideration of a limited number of uses on properties split by the F-1 and another more intense zone. In this case, the subject property is entirely within the F-1 zone and is completely separated from the C-4 zone by S. Northshore Dr.
- 4) It is unclear as to whether or not Mr. Green has an owership interest in either of the lots that are the subject of this request, which may make his application inappropiate. Current ownership records indicate that a Mr. Larry F. Green owns one lot (121BG015), while Ruth F. Toole owns the other lot (121BG014).
- 5) Office space and handicapped-accessible restrooms would have to be provided on any lot where

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used car sales are proposed. Currently, one of the two subject lots does not include these facilities. In order for this lot to be used for used car sales, the lot would have to be combined with the second lot with the intent of using the exsting building for offices and restrooms. Otherwise, a building permit could not be issued for the vacant lot, since it is located in the F-1 zone.

The most appropriate action for Mr. Green to take at this point is to seek rezoning of the subject property to allow the proposed used car sales after obtaining approval from the current owner(s) to proceed. This might involve an examination of the floodway along Fourth Creek to determine if all, or part of the F-1 properties, should be rezoned to another classification. The applicant's current request is not appropriate, given the requirements of the Knoxville Zoning Ordinance.

Comments:

MPC Action: Approved as Modified MPC Meeting Date: 5/11/2006

**Details of MPC action:** 

**Summary of MPC action:** Approve Auto Sales as an accessory use of the existing transmission business

Date of MPC Approval: 5/11/2006 Date of Denial: Postponements:

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

## LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: MPC

Date of Legislative Action: Date of Legislative Action, Second Reading:

Ordinance Number: Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance:

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