# **CASE SUMMARY**

### APPLICATION TYPE: USE ON REVIEW

File Number: 5-U-01-UR Related File Number:

**Application Filed:** 5/3/2001 **Date of Revision:** 

Applicant: CHARLES C. BURKS, JR.

Owner:



Suite 403 • City County Building 4 0 0 Main Street Knoxville, Tennessee 37902 8 6 5 • 2 1 5 • 2 5 0 0 FAX•2 1 5 • 2 0 6 8 www•knoxmpc•org

### PROPERTY INFORMATION

**General Location:** South side Dutch Valley Drive, west of Plummer Road.

Other Parcel Info.:

Tax ID Number: 69 J C 021 Jurisdiction: City

Size of Tract: 5.4 acres

Accessibility: Access is via Dutch Valley Drive, a minor arterial street, with 21ft. of pavement within a 40 ft. right-of-

way.

#### **GENERAL LAND USE INFORMATION**

**Existing Land Use:** Storage lot for used cars and trucks

**Surrounding Land Use:** 

Proposed Use: Permitted use determination to allow auto sales, leasing, servicing and Density: Not applicable

repair in the I-3 zone.

Sector Plan: North City Sector Plan Designation: Light industrial

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

Neighborhood Context: The subject property is an area that includes both single and multi-family development, light industrial,

and office uses.

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

Street: 1116 Dutch Valley Dr

Location:

**Proposed Street Name:** 

**Department-Utility Report:** 

Reason:

# ZONING INFORMATION (where applicable)

Current Zoning: I-3 (General Industrial)

Former Zoning:

Requested Zoning:

**Previous Requests:** 

**Extension of Zone:** 

**History of Zoning:** Use on review for permitted use determination was denied in 12/98 (5-D-98-UR).

## PLAN INFORMATION (where applicable)

**Current Plan Category:** 

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**Requested Plan Category:** 

### 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.:

#### MPC ACTION AND DISPOSITION

Planner In Charge:

Staff Recomm. (Full):

Summary of MPC action:

Staff Recomm. (Abbr.): APPROVE the permitted use determination that automobile sales, leasing, servicing and repair can be

conducted on the subject property in an I-3 zone, subject to the following conditions:

1. Meeting all relevant requirements of the Knoxville Zoning Ordinance. 2. Meeting all relevant requirements of the Knoxville Department of Engineering.

3. Meeting all relevant requirements of the Knox County Health Department.

4. Approval will become invalid with the transfer of the property from the current owner, Mr. Robert Toole.

5. No business signs identifying the site as an auto sales, leasing, service or repair facility shall be permitted.

With the conditions noted, this request meets the requirements for approval of a permitted use

determination.

Comments: Mr. Charles C. Burks, Jr., representing Mr. Bobby Toole, has requested that the Planning Commission

make a permitted use determination to allow the "sales, leasing, servicing and repair" of automobiles on property zoned I-3 (General Industrial). The I-3 zone, as recently amended, allows the Planning Commission to consider all the listed permitted uses to determine if other uses should also be

permitted.

The Planning Commission denied Mr. Toole's request to sell used vehicles from the subject property in 1998 (12-D-98-UR). The sale of used vehicles was deemed to be a retail use not in keeping with the nature of the other uses in the I-3 zone. MPC's decision was appealed to City Council, which denied the appeal. The case is now in Chancery Court on appeal from City Council. Since that time, the Knoxville Zoining Ordinance has been amended to allow "truck sales, leasing, servicing and repair" in the I-3 zone. Mr. Burks is contending that automobile sales are similar to truck sales and that this request should be approved.

A condition has been included such that the approval will be invalidated upon transfer of the property from Mr. Toole, the owner. Also, no sign identifying this as an auto sales, leasing, servicing and repair facility will be permitted. This will reduce the impact that drive-in trade might have on the area on the north side of Dutch Valley Drive, which is predominantly single- and multi-family residential.

MPC Meeting Date: 5/10/2001 MPC Action: Approved

**Details of MPC action:** 1. Meeting all relevant requirements of the Knoxville Zoning Ordinance.

- 2. Meeting all relevant requirements of the Knoxville Department of Engineering.
- 3. Meeting all relevant requirements of the Knox County Health Department.
- 4. Approval will become invalid with the transfer of the property from the current owner, Mr. Robert Toole.

5. No business signs identifying the site as an auto sales, leasing, service or repair facility shall be permitted.

With the conditions noted, this request meets the requirements for approval of a permitted use

determination.

APPROVE the permitted use determination that automobile sales, leasing, servicing and repair can be conducted on the subject property in an I-3 zone, subject to 5 conditions

Date of MPC Approval: 5/10/2001 Date of Denial: Postponements:

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

Legislative Body:	
Date of Legislative Action:	Date of Legislative Action, Second Reading:
Ordinance Number:	Other Ordinance Number References:
Disposition of Case:	Disposition of Case, Second Reading:
If "Other":	If "Other":
Amendments:	Amendments:
Date of Legislative Appeal:	Effective Date of Ordinance:

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