

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

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File Number: 7-A-16-RZ **Related File Number:** 7-A-16-PA
Application Filed: 4/20/2016 **Date of Revision:**
Applicant: JEDI PHILLIPS

PROPERTY INFORMATION

General Location: West side N. Gallaher View Rd., south side Manor View Dr.
Other Parcel Info.:
Tax ID Number: 119 D D 00601 **Jurisdiction:** City
Size of Tract: 0.86 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Coffee shop with drive thru in park-like setting **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** STPA
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: A-1 (General Agricultural)
Former Zoning:
Requested Zoning: C-3 (General Commercial)
Previous Requests: None noted
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: OS (Open Space) and F (Floodway)
Requested Plan Category: GC (General Commercial) and F (Floodway)

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.):

RECOMMEND that City Council APPROVE C-1 (Neighborhood Commercial) and F-1 (Floodway) zoning, subject to 1 condition. (Applicant requested C-3 & F-1.)

Staff Recomm. (Full):

1. A use on review development plan must be reviewed and approved by MPC prior to any development of the site.

With the recommended condition to address access and other site concerns, C-1 zoning will create a transitional area between general commercial uses to the south and residential uses to the north. C-1 zoning is compatible with the scale and intensity of surrounding development and zoning pattern. With the recommended condition, the property is appropriate for C-1 zoning. The site's location, size and shape would make it difficult to develop certain C-3 uses, without the need for numerous variances. The property is a remnant parcel that was reduced significantly in size due to the widening of N. Gallaher View Rd. years ago. Uses allowed under C-1 are less intense in nature and generally require less lot area and parking. The applicant's proposed use of a coffee shop is a use permitted on review in the C-1 zoning district, but a drive-thru facility, as proposed by the applicant, would not be permitted. Staff recognizes that the property is not desirable for residential uses, as it is currently designated. However, without review of a development plan by MPC, staff can not support any type of commercial development of this site. Without the recommended zoning condition, the staff recommendation would be to deny.

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-1 zoning for the subject property creates a transitional area between general commercial uses to the south and residential uses to the north.
2. C-1 uses are compatible with the surrounding land use and zoning pattern, and the recommended rezoning to C-1 would afford the applicant reasonable non-residential use of the property.
3. The site is about 0.86 of an acre in size, but is only about 100 feet deep. Much of the site is zoned F-1 (Floodway), where permanent structures will not be permitted. The site's characteristics may make it difficult to develop many C-3 uses, without the need for numerous variances.
4. Establishing C-1 zoning at this location establishes a potential stopping point for non-residential uses heading north toward Middlebrook Pike.

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

1. The C-1 zone, as described in the zoning ordinance, is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of retail, service and convenience goods only on the first floor of a structure. This district is designed for areas for large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood.
2. 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.
3. Based on the above general intents of the zones, this site is appropriate for C-1 zoning, but less appropriate for C-3 zoning.

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. With the recommended condition requiring plan review by MPC, staff is comfortable that the site could be developed with a viable use that has minimal adverse affect on surrounding properties or the County as a whole.
2. The uses allowed for consideration under C-1 zoning will be compatible with the surrounding development and zoning pattern.
3. The existing streets are adequate to handle any additional traffic generated by allowing neighborhood commercial uses on the site, and the site's location is appropriate for transitional uses between general commercial and residential uses.
4. Staff's biggest concern with the site is how it will be accessed. Walker Springs Rd. and the entrance to the apartment complex to the east are both in very close proximity to potential access points for this proposal. Care must be taken to establish safe vehicular access to the site from N. Gallaher View Rd., as well as to address floodway and greenway issues. Staff will also expect to see some kind of connection to the Greenway that passes along the east side of the site.

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 the recommended amendment to the Northwest County Sector Plan to NC on the accompanying application (7-A-16-SP), C-1 zoning would be consistent with the plan. In order for C-3 zoning to be considered, the plan would have to be amended to GC.
2. With the recommended amendment to the City of Knoxville One Year Plan to NC, C-1 zoning would be consistent with the plan. In order for C-3 zoning to be considered, the plan would have to be amended to GC.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This recommended C-1 zoning, with the condition, does not present any apparent conflicts with any other adopted plans.

Action: Approved **Meeting Date:** 7/14/2016
Details of Action: C-3 (General Commercial) and F-1 (Floodway) zoning, subject to 1 condition.
Summary of Action: C-3 (General Commercial) and F-1 (Floodway) zoning, subject to 1 condition.
Date of Approval: 7/14/2016 **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: 8/16/2016 **Date of Legislative Action, Second Reading:** 8/30/2016
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:**