

CASE SUMMARY

APPLICATION TYPE: REZONING

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
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

File Number: 7-O-16-RZ **Related File Number:**
Application Filed: 6/7/2016 **Date of Revision:**
Applicant: RAJ SOOD

PROPERTY INFORMATION

General Location: West side N. Broadway, north of Rider Ave.
Other Parcel Info.:
Tax ID Number: 69 M A 010 **Jurisdiction:** City
Size of Tract: 1.9 acres
Accessibility: Access is via N. Broadway, a major arterial street with 4 lanes and a center turning lane within 70' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Former car sales lot
Surrounding Land Use:
Proposed Use: Any use permitted by C-4 zoning **Density:**
Sector Plan: Central City **Sector Plan Designation:** MU-SD (MU-CC7)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This property is located to the west (across N. Broadway) of the entrance to the Emoriland residential neighborhood. On the subject property is a commercial building and paved parking that was the former location of Harry Lane auto sales. To the north and south, along N. Broadway, are commercial businesses, primarily zoned C-3. Behind the businesses along Broadway are residential uses, zoned R-1 and R-2, within the IH-1 and NC-1 overlay districts.

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

Street: 3515 N Broadway
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: F-1 (Floodway)
Former Zoning:
Requested Zoning: C-4 (Highway & Arterial Commercial) / F-1 (Floodway)
Previous Requests: None noted
Extension of Zone: Yes, extension of C-4 from the south
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

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-3 (General Commercial) / F-1 (Floodway) zoning. (Applicant requested C-4/F-1.)

Staff Recomm. (Full): The majority of the surrounding commercial properties are zoned either C-3 or O-1. Only one small parcel to the south is zoned C-4. The Central City sector plan supports expansion of C-3 zoning in the area, but not C-4. Automobile sales, which was the previously established use of the site, could still be permitted on site as a legal, non-conforming use, based on a determination by the Knoxville Inspections and Permitting Department. The applicant is requesting C-4 zoning, based on the proposed use of the site for a pawn shop that may have some outdoor display of merchandise during business hours. C-3 zoning is more compatible with the surrounding land uses and zoning pattern and is consistent with the general intent of the Central City Sector Plan.

Comments: MPC staff is recommending C-3/F-1, rather than the requested C-4/F-1 zoning for better compatibility with the surrounding land uses and development pattern. The site had previously been permitted for auto sales in the F-1 zone, which would still be permitted today. However, the applicant is proposing to change the use to a pawn shop, which would require this rezoning to C-4/F-1. If approved, the result would be that C-4 uses would be permitted on the site, subject to all applicable requirements of the F-1 zoning district. Approval of this request to either C-3 or C-4 will clearly define what types of commercial uses may be permitted on the site.

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/F-1 zoning for the subject property is more appropriate for the area, based on the predominant C-3 zoning pattern along N. Broadway. The recommended C-3/F-1 zoning gives the applicant reasonable use of the property for possible redevelopment.
2. C-3 uses are compatible with the surrounding land use and zoning pattern.
3. C-3 uses at this location would be compatible with the surrounding land uses and zoning pattern than the requested C-4.

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 appropriate for C-3 zoning.
3. The C-4 (Highway & Arterial Commercial) zone is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. It is the intent to provide a location for a limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside of the confines of an enclosed building.
4. With the wide range of commercial uses allowed under C-4, including businesses that could cause

negative impacts to adjacent residential uses to the east across N. Broadway, this site is not appropriate for the requested C-4 zoning.

5. The F-1 zoning, and it's associated regulations must be retained on the property, regardless of the zoning that is associated with it.

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 recommended C-3 zoning is compatible with the surrounding land uses and zoning pattern. The requested C-4 zoning allows some uses that would not be compatible with adjacent residential uses and would be out of character with the majority of the commercial zoning in the area.
2. C-3/F-1 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing street is adequate to handle any additional traffic generated by allowing commercial uses on the site. The site is the former location of Harry Lane North Auto Sales.

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. Both the Central City Sector Plan and the City of Knoxville One Year Plan designate this site as part of a mixed use special district MU-SD (CC-7). This district permits consideration of C-3 zoning, but does not specifically mention C-4 as an appropriate zone within the district. Based on the established C-3 pattern on the majority of the properties fronting on N. Broadway, staff is recommending denial of the requested C-4 zoning, in favor of C-3, which is listed as appropriate for expansion of commercial areas. A description of the MU-SD (CC-7) special district from the recently adopted Central City Sector Plan is attached.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This recommended C-3 zoning does not present any apparent conflicts with any other adopted plans.

Action: Approved **Meeting Date:** 7/14/2016

Details of Action:

Summary of Action: C-3 (General Commercial) / F-1 (Floodway)

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:**