

PLAN INFORMATION (where applicable)

Current Plan Category: MU-RC (Regional Mixed Use Center)

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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Approve the request to remove the previously approved planned district (C) designation from this parcel.

Staff Recomm. (Full): 1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

With the conditions noted, this plan meets the requirements for removal of the previously approved planned district designation and the other criteria for approval of a special use.

Comments: Prior to adoption of the new zoning code, the property was zoned PC-2 (k) (Retail and Distribution Park District, with a condition) as of a 2018 rezoning case (Case 5-B-18-RZ). The former PC-2 zoning allowed flexibility in the types of commercial uses that could be considered (ranging from those found in regional shopping centers to those found in distribution/light warehousing parks). The condition was for the Planning Commission to approve a use-on-review development plan prior to the permitting process to establish a new use on the site.

Upon the adoption of the new City Zoning Ordinance on January 1, 2020, this property was assigned the I-MU (Industrial-Mixed Use) District but retained the previously approved planned district (C) designation. Per Article 1.4.G. (Previously Approved Planned Districts) of the City of Knoxville Zoning Ordinance, all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval. The previously approved plans for this PC-2 District consisted of reusing a vacant retail building (former Toys R Us) for a warehouse/distribution business specializing in rubber products.

If the former PC- 2 zoning is removed from the site, the existing I-MU zoning would apply to any proposed development. Before plans can be approved for a change to the site or use, the “C” designation must be removed from the site via approval of a special use.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the One Year Plan, and by the following general standards:

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. Removal of the previous planned district is not a use in and of itself. The land where the C designation exists would be subdivided and developed, and the determination of the use in the zone and its consistency with the One Year Plan and North City Sector Plan would be applicable at that time.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The City of Knoxville Zoning Ordinance describes the I-MU General Industrial Zoning District as intended to “provide for a mix of light industrial uses and a variety of compatible commercial uses such as entertainment, amusement and retail establishments. This mix is designed to promote the reuse of older, character-giving structures that may no longer be suitable for their original industrial purposes, but that can accommodate a variety of alternative types of uses...”

B. Removal of the previously approved plan district designation would not cause nonconformance with the City of Knoxville Zoning Ordinance.

C. Any proposed development will be required to be consistent with the general purpose and intent of the zoning code.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. This special use request is for the removal of a former planned district designation that exists on a side parcel at the former site of Knoxville Center Mall. Since the request is not for a specific use, it is not out of compliance with this section of the zoning ordinance.

B. The suitability of the intended use will be determined as such time as a use is put forward.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. Removal of the previous planned district is not a use in and of itself. As such, the removal of the designation will not significantly injure the value of adjacent property.

B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Removal of the previous planned district is not a use in and of itself. As such, the removal of the designation will not draw traffic.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future development anticipated to occur on this site.

If approved, this item will be forwarded to Knoxville City Council for action on 9/6/2022 and 9/20/2022.

If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.

Action: Approved **Meeting Date:** 8/11/2022

Details of Action:

Summary of Action: Approve the request to remove the previously approved planned district (C) designation from this parcel.

Date of Approval: 8/11/2022 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action: 9/6/2022 **Date of Legislative Action, Second Reading:** 9/20/2022

Ordinance Number: **Other Ordinance Number References:** O-126-2022

Disposition of Case: Approved **Disposition of Case, Second Reading:** Approved

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**