

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

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File Number: 9-A-10-RZ **Related File Number:**
Application Filed: 7/6/2010 **Date of Revision:**
Applicant: THIS AND THAT ANTIQUES

PROPERTY INFORMATION

General Location: Northeast side Middlebrook Pike, east side Keith Ave.
Other Parcel Info.:
Tax ID Number: 93 L G 025 **Jurisdiction:** City
Size of Tract: 0.06 acres
Accessibility: Access is via Middlebrook Pike, a major arterial street with four lanes and a center median within 110' of right of way in this section.

GENERAL LAND USE INFORMATION

Existing Land Use: Antique shop
Surrounding Land Use:
Proposed Use: Antique shop **Density:**
Sector Plan: Central City **Sector Plan Designation:** Mixed Uses
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This section of Middlebrook Pike is developed with office, commercial, light industrial and residential uses under O-1, C-3, I-3 and R-2 zoning.

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

Street: 3605 Middlebrook Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-2 (General Residential)
Former Zoning:
Requested Zoning: C-4 (Highway and Arterial Commercial)
Previous Requests: Site was previously denied for C-6 zoning by City Council on 2/9/10 (11-C-09-RZ).
Extension of Zone: No
History of Zoning: C-6 zoning was denied for this site by City Council on 2/9/10 (11-C-09-RZ).

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-6 (General Commercial Park) zoning. (Applicant requested C-4.)

Staff Recomm. (Full):

C-6 zoning is consistent with the current One Year Plan and sector plan proposals for the property and is compatible with surrounding development. The requested C-4 zoning would open up the property to uses which may be less desirable at this location. C-6 zoning also requires administrative site plan approval by MPC staff prior to any new development, redevelopment or expansion of the current structure or use on the site. This applicant originally filed to rezone this property to C-6 in 2009 (11-C-09-RZ). It was considered by MPC at the November 12, 2009 meeting, but was postponed in order for staff to consider C-3 zoning instead of C-6. C-3 zoning required a sector plan amendment to commercial to accompany the zoning application, which was filed for the January 2010 meeting (1-A-10-SP). At the January 14, 2010 meeting, MPC approved a mixed use sector plan designation that includes commercial for the site and recommended that City Council approve C-6 zoning for the site. However, the applicant failed to appear at City Council on February 9, 2010 and the rezoning failed due to lack of a motion, leaving the property zoned R-2. The applicant has stated that she was in the hospital at the time of that meeting and did not request that Council postpone the matter. The applicant still wishes to pursue commercial zoning on the property and has requested C-4 zoning this time, in order not to violate the one year rule, which states that the same zoning may not be requested within one year from the date of a denial. Since C-3 and C-6 zoning had already been advertised for the site, C-4 was the next choice. The applicant has stated that she is fine with the recommended C-6 zoning, which is what she originally requested in 2009.

Comments:

This applicant originally filed to rezone this property to C-6 in 2009 (11-C-09-RZ). It was considered by MPC at the November 12, 2009 meeting, but was postponed in order for staff to consider C-3 zoning instead of C-6. C-3 zoning required a sector plan amendment to commercial to accompany the zoning application, which was filed for the January 2010 meeting (1-A-10-SP). At the January 14, 2010 meeting, MPC approved a mixed use sector plan designation that includes commercial for the site and recommended that City Council approve C-6 zoning for the site. However, the applicant failed to appear at City Council on February 9, 2010 and the rezoning failed due to lack of a motion, leaving the property zoned R-2. The applicant has stated that she was in the hospital at the time of that meeting and did not request that Council postpone the matter. The applicant still wishes to pursue commercial zoning on the property and has requested C-4 zoning this time, in order not to violate the one year rule, which states that the same zoning may not be requested within one year from the date of a denial. Since C-3 and C-6 zoning had already been advertised for the site, C-4 was the next choice. The applicant has stated that she is fine with the recommended C-6 zoning, which is what she originally requested in 2009.

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. C-6 zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.
2. C-6 zoning allows the continued use of the building for retail sales and brings it into conformance with zoning and will allow outdoor display of merchandise while the business is open, as desired by the applicant.
3. C-6 zoning is consistent with both the One Year Plan and sector plan proposals for the site.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The C-6 zone allows C-3 uses plus some warehousing and other light industries. It also allows vehicle sales and service, and self-service storage facilities. The zone allows outdoor storage and display, as long as it is not within the required front yard setback area. Any redevelopment of the site or expansion of the existing structure will require administrative site plan approval by MPC staff. A change in use may also require the development plan review.

2. Based on the above general intent, this site is appropriate for C-6 zoning, as it is surrounded by similar and greater intensity uses to what is permitted under C-6 zoning.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. The proposal would have no impact on schools and a minimal impact on the street system.
3. The proposed zoning is similar in scale and intensity to the surrounding development and zoning pattern, so the impact on adjacent properties should be minimal.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. C-6 zoning is consistent with the Central City Sector Plan, which proposes mixed uses, limited to commercial, office, light industrial and medium density residential uses.
2. The One Year Plan proposes general commercial uses, consistent with the proposal.
3. This site is located within the Urban Growth Area (inside the City) on the Knoxville-Knox County-Farragut Growth Policy Plan.
4. Approval of this request could lead to future requests for C-4, C-6 or other zoning, consistent with the adopted plans for the area.

Action: Approved **Meeting Date:** 9/9/2010
Details of Action: RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning. (Applicant requested C-4.)
Summary of Action: C-3 (General Commercial)
Date of Approval: 9/9/2010 **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, Second Reading:	11/30/2010
Date of Legislative Action:	11/16/2010	Other Ordinance Number References:	
Ordinance Number:		Disposition of Case, Second Reading:	Approved as Modified
Disposition of Case:	Approved as Modified	If "Other":	
If "Other":	Postponed until 11/16/2010	Amendments:	
Amendments:	Approved C-6 with restrictions limiting 7 items within 10 feet of the building	Effective Date of Ordinance:	
Date of Legislative Appeal:			