



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 4-A-06-PA
4-A-06-RZ

AGENDA ITEM #: 57
AGENDA DATE: 4/13/2006

APPLICANT: J.V. DOAN
OWNER(S): DOAN JR J V & BETTY B

TAX ID NUMBER: 82 A D PART OF 005 MAP ON FILE AT MPC
JURISDICTION: Council District 4

LOCATION: Northwest side Cecil Ave., southwest side Citrus St.

TRACT INFORMATION: 1.38 .

SECTOR PLAN: East City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Cecil Ave., a minor arterial street with 28' of pavement width within 60' of right of way, or Citrus St., a local street with 21' of pavement width within 50' of right of way. There is also an unnamed, unimproved, 20' wide right of way along the southwest side of the site.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

PRESENT PLAN DESIGNATION/ZONING: MDR (Medium Density Residential) & NC (Neighborhood Commercial) / R-2 (General Residential) & C-1 (Neighborhood Commercial)

PROPOSED PLAN DESIGNATION/ZONING: GC (General Commercial) / C-3 (General Commercial)

EXISTING LAND USE: Tire sales, market and deli

PROPOSED USE: Tire sales, market and deli

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC and C-3 from the southeast.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING:
North: Multi-family residential / MDR / R-2 (General Residential)
South: Cecil Ave. - Commercial building / GC / C-4 (Highway & Arterial Commercial)
East: Citrus St. - Dwellings / LDR / R-1A (Low Density Residential)
West: Dwellings / LDR / R-1A (Low Density Residential)

NEIGHBORHOOD CONTEXT: With the exception of the subject property, the properties on the north side of Cecil Ave. are developed with residential uses under R-1,R-1A and R-2 zoning. On the south side of Cecil Ave. are commercial and industrial uses, zoned C-3, C-4 and I-3.

STAFF RECOMMENDATION:

APPROVE NC (Neighborhood Commercial) one year plan designation for the entire site. (Applicant requested GC.)

NC for the entire site is an extension of the existing plan designation on the southeast portion of the site. NC is

more compatible with the residential uses located around the site than the requested GC. GC should be maintained only on the south side of Cecil Ave.

► **APPROVE C-1 (Neighborhood Commercial) zoning for the entire site. (Applicant requested C-3.)**

C-1 zoning is more compatible with the surrounding residential uses and is an extension of the existing C-1 zoning on the southeast portion of the site.

COMMENTS:

These applications were accepted by MPC staff with no application fees because of an apparent mapping error. The applicant produced documentation that showed that the site was rezoned C-1 in 1965, but the maps were not updated correctly, showing only a portion of the intended area as C-1. Within the C-1 zoned portion of the site is a laundromat and a deli/market. Both of these uses are allowed in the C-1 zone. However, there is also a tire sales and automobile service/repair business located on the site. The existing zones on the site, R-2 and C-1, do not allow this use, which is the purpose of these applications. The Knoxville Building Inspection Bureau has determined that in order to subdivide the property as the applicant wants to do, a rezoning to C-3 would have to be approved in order to bring the tire business into compliance. They also indicated that the tire business and Laundromat building additions on the site were constructed illegally with no building permits. The City of Knoxville Codes Enforcement officer that was involved with this property indicated that the tire business would not necessarily be in compliance under C-3 zoning, because they currently store equipment and inventory outside and work on vehicles outside of the building, which is not allowed under C-3 zoning. C-4 zoning would likely be required for the business to continue operating as it does today.

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. Neighborhood commercial uses are compatible with the scale and intensity of the surrounding land uses and zoning pattern. Uses allowed under C-3 zoning would not be compatible.
2. NC and C-1 are extensions of the neighborhood commercial use and zoning from the southeast.
3. Approval of C-3 zoning for this entire site would be an intrusion into the residential area north of Cecil Ave. and would not be consistent with the sector plan and One Year Plan proposals for the property.
4. Limiting the site to neighborhood commercial uses and C-1 zoning is more appropriate for this site and is a logical extension of the zoning that was approved in 1965.

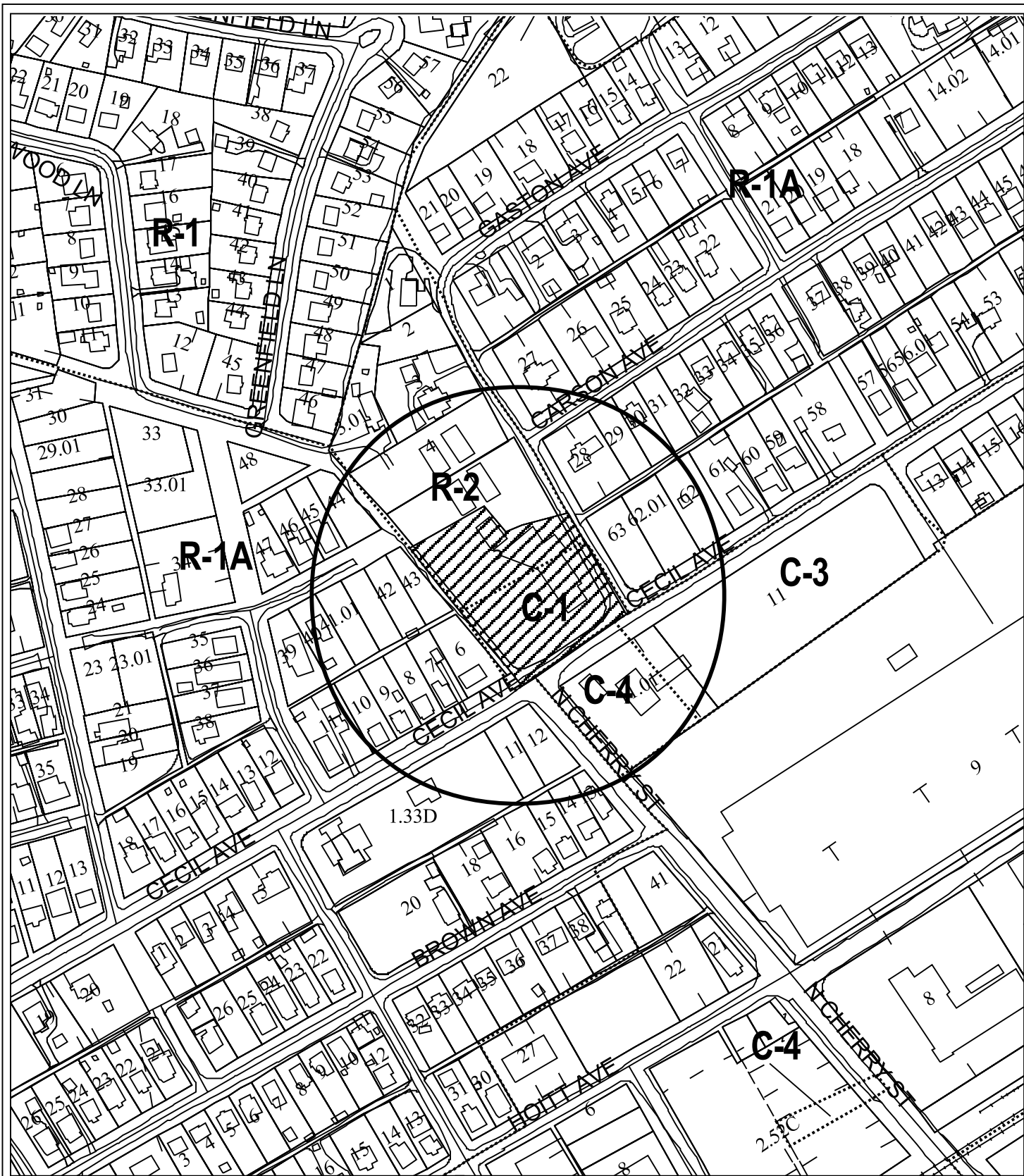
THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available in the area to serve the site.
2. The proposal will have no impact on schools and a minimal impact on the street system.
3. The recommended C-1 zoning is compatible with surrounding residential development and zoning and will have a minimal impact on adjacent properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The East City Sector Plan proposes commercial and medium density residential uses for this site.
2. With the recommended amendment to NC (General Commercial) for the entire site, C-1 zoning is consistent with the City of Knoxville One Year Plan.
3. This request may lead to future plan amendment and rezoning requests for commercial in the area. However, neither the sector plan nor the one year plan support commercial uses on the north side of Cecil Ave., except for on the front portion of this site.

If approved, this item will be forwarded to Knoxville City Council for action on 5/9/2006 and 5/23/2006. If denied, MPC'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 an MPC decision in the City.



**4-A-06-RZ
REZONING**



From: R-2 (General Residential) & C-1 (Neighborhood Commercial)
To: C-3 (General Commercial)

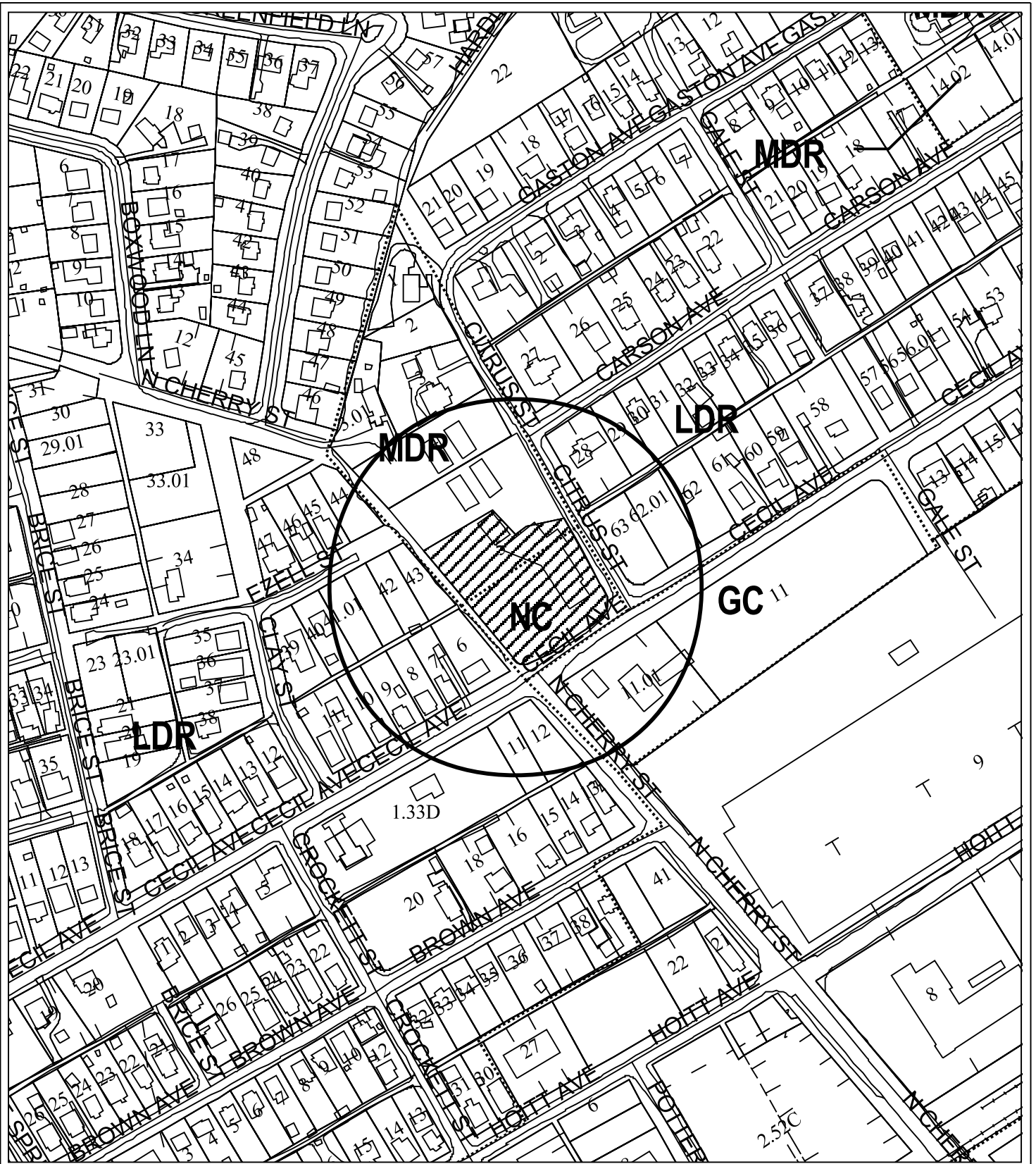
Original Print Date: 03/23/06 Revised: 03/30/06
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: J.V. Doan

Map No: 82

Jurisdiction: City





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 PLAN AMENDMENT

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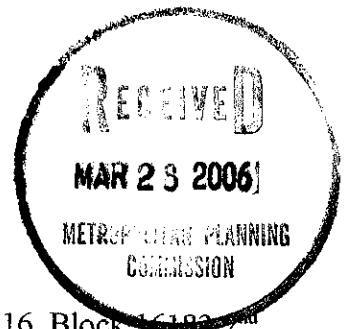
From: MDR (Medium Density Residential)
 & NC (Neighborhood Commercial)
 To: GC (General Commercial)

Original Print Date: 03/24/06 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



Man
1-SN-06-F
4-A-06-RZ
4-A-06-PA

2328 Vincinda Circle
Knoxville, Tn. 37924
March 20, 2006



Mark,

I'm attempting to resubdivide Lot 1R in the W.M. McNeely Addition Ward 16, Block 16183-2nd Civil District
The address is 2539 Cecil Street.

Lot 1R has two 4-plex apartments--3 buildings occupied by David's Tires and one building occupied by Doan's Market and Deli.

We have applied for an amendment to the City of Knoxville's one year plan, and requesting rezoning of Lot 1-R. We are requesting use designation from NC and MDR to GC, and rezoning from C-1 and R-2 to C-3, for that portion of 1R occupied by David's Tires and Doan's Market and Deli. We're requesting this to enable us to resubdivide Lot 1R.

The portion now occupied by David's Tires is now zoned R-2. It was zoned C-1 April 8, 1965 by Ordinance No. 3369, (copy enclosed). We think this was changed back to R-2 zoning sometime in the 1980's.

The portion occupied by David's Tires was built in 1965. Building permits (7-1-65) Permit #24084 and 10-1-65 permit #23978. The buildings have been occupied by David's Tires since October 1984.

The building occupied by Doan's Market & Deli was built 9-1-61 and was operated by my father until he retired. Our son has operated the market and deli since 1983. The 4-plex apartments were built in April 1963 and July 5, 1969.

We are requesting the rezoning to enable us to subdivide lot 1-R to Lot 1R1 now occupied by Doan's Market and Deli and to Lot 1R2 now occupied by David's Tires and to Lot 1R3 occupied by two 4-plex apartments.

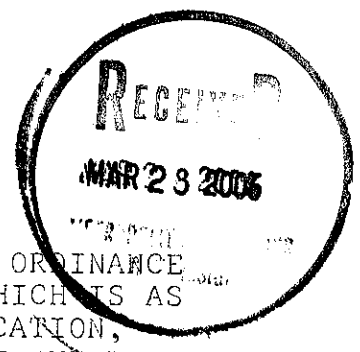
We are requesting to resubdivide to enable us to deed the market and deli to our son and to enable us to sell the two 4 plex apartments.

We appreciate any consideration you can give in this matter.

J.V. Doan

A handwritten signature in cursive script that reads "J.V. Doan".

ORDINANCE NO. 3770



AN EMERGENCY ORDINANCE TO AMEND THE ZONING ORDINANCE BEING ORDINANCE NO. 3369, THE CAPTION OF WHICH IS AS FOLLOWS: "AN ORDINANCE TO REGULATE THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF THE LOT WHICH MAY BE OCCUPIED, THE SIZES OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY RESIDENCE, RECREATION PUBLIC ACTIVITIES AND OTHER PURPOSES; AND FOR SUCH PURPOSES TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OR ZONES OF SUCH NUMBER, SHAPE AND AREA AS IT MAY DETERMINE, AND REGULATE THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USES OF BUILDINGS AND STRUCTURES AND THE USE OF LAND; TO PRESCRIBE PENALTY FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT; TO REPEAL ORDINANCE NO. 123, AND ALL AMENDMENTS THERETO, THE CAPTION OF WHICH ORDINANCE NO. 123, IS AS FOLLOWS: 'AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES THE SIZE OF YARDS AND OTHER OPEN SPACES, AND THE DENSITY OF POPULATION, AND FOR SAID PURPOSES TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT.'" SO AS TO CHANGE THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED HEREIN FROM RESIDENTIAL "R-2 to COMMERCIAL "C-1" CLASSIFICATION.

WHEREAS, a request was presented to the Metropolitan Planning Commission by J. V. DOAN, JR. to have certain property rezoned in the manner hereinafter provided, and

WHEREAS, hearing on this request was held at the regular meeting on April 8, 1965, and

WHEREAS, the Planning Commission, after said hearing, voted unanimously to recommend to Council that the change in classification be made, and

WHEREAS, a public notice on the hearing of this petition was published in the Knoxville News-Sentinel on March 23, 1965 and for the City Council Meeting on May 4, 1965, and notice was published in the Knoxville Journal on April 13, 1965, however, Council considered and approved the rezoning classification at a Special Meeting on April 9, 1965.

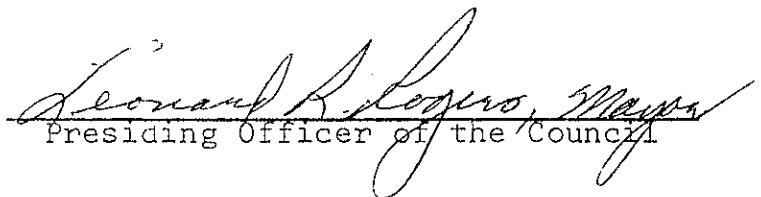
WHEREAS, an emergency exists in that it is necessary for the immediate preservation of the public peace, property, health and safety for this Ordinance to become effective immediately upon its passage.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: That the Zoning Ordinance, being Ordinance No. 3369, the caption of which is quoted in the caption of this Ordinance be and the same is hereby amended, so as to change the classification of the following described property in the 16th Ward from Residential "R-2" to Commercial "C-1" classification, which property is more particularly described as follows:

"LOCATED in the 16th Ward of the City of Knoxville, fronting 120 feet on the west side of Citrus Street by an average depth of 250 feet and being 150 feet north of Cecil Avenue; Lots 1 and 2, City Block 16-183."

SECTION 2: BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after its passage, the welfare of the City requiring it.


Presiding Officer of the Council


Recorder