

▶ **FILE #:** 7-K-13-RZ

AGENDA ITEM #: 33

AGENDA DATE: 7/11/2013

▶ **APPLICANT:** AZIZ KHERANI

OWNER(S): Aziz Kherani

TAX ID NUMBER: 82 B F 001 PORTION ZONED I-3

JURISDICTION: City Council District 6

▶ **LOCATION:** Northeast side N. Cherry St., northwest of I-40

▶ **APPX. SIZE OF TRACT:** 0.7 acres

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via N. Cherry St., a minor arterial street with 48' of pavement width within 100' of right-of-way.

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

WATERSHED: Love Creek

▶ **PRESENT ZONING:** I-3 (General Industrial)

▶ **ZONING REQUESTED:** C-3 (General Commercial)

▶ **EXISTING LAND USE:** Convenience store

▶ **PROPOSED USE:** Any use permitted under C-3 zoning

EXTENSION OF ZONE: Yes, extension of C-3 from all sides

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Gas station, convenience store / C-3 (General Commercial)

South: Billboard, I-40 right-of-way / C-3 (General Commercial)

East: Motel, restaurant / C-3 (General Commercial)

West: N. Cherry St. - Gas station, convenience store / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This area north of the Cherry St./I-40 interchange is developed with commercial and light industrial uses under I-3 and C-3 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning.**

C-3 zoning is consistent with both the One Year Plan and sector plan proposals for the property and is an extension of C-3 zoning from all sides.

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. The proposed C-3 zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.

2. The location of the property along a minor arterial street at an interstate interchange makes it appropriate for C-3 uses.
3. The proposal is consistent with the One Year and sector plan proposals for the site, and C-3 is a logical extension of zoning from all sides.

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 development.

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 proposal would have no impact on schools. The impact on the street system would depend on the type of commercial development proposed. Water and sewer utilities are in place to serve the site.
2. The proposal is compatible with surrounding development and zoning, so the impact on adjacent properties should be minimal. Commercial or light industrial zoning and uses are located on all sides of the subject property.
3. The area is developed primarily with commercial and light industrial businesses which will not be negatively impacted by commercial development of this site. No other area of the County will be impacted by this rezoning request.

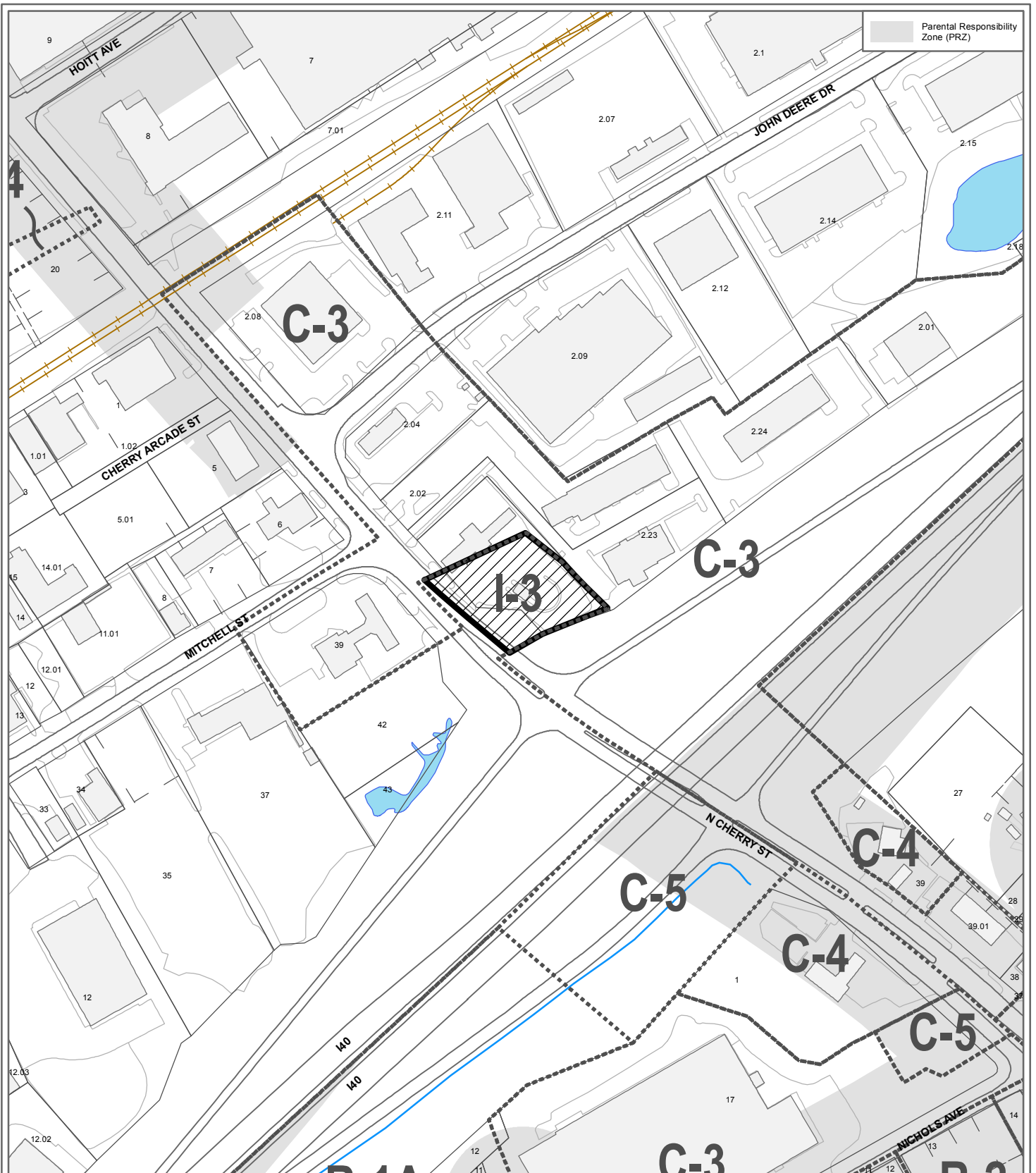
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The East City Sector Plan proposes commercial uses for this site, consistent with the proposed C-3 zoning.
2. The City of Knoxville One Year Plan proposes Mixed Uses, limited to general commercial and light industrial uses, consistent with C-3 zoning.
3. The site is located within the City of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. The proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

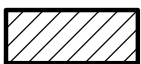
If approved, this item will be forwarded to Knoxville City Council for action on 8/6/2013 and 8/20/2013. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**7-K-13-RZ
REZONING**

From: I-3 (General Industrial)

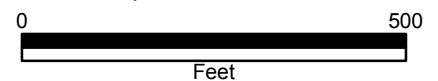
To: C-3 (General Commercial)



Petitioner: Kherani, Aziz

Map No: 82

Jurisdiction: City



Original Print Date: 6/27/2013

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902