

▶ **FILE #:** 10-E-13-RZ

**AGENDA ITEM #:** 25

**AGENDA DATE:** 10/10/2013

▶ **APPLICANT:** FMC EAST KNOX, LLC

OWNER(S): FMC East Knox, LLC

TAX ID NUMBER: 82 J K 02501

JURISDICTION: City Council District 6

▶ **LOCATION:** Northwest side E. Magnolia Ave., southwest of N. Cherry St.

▶ **APPX. SIZE OF TRACT:** 1.28 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via E. Magnolia Ave., a major arterial street with 4 lanes and a center median within 100' of right-of-way. There is also an unnamed alley to the rear of the property with 15' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Williams Creek

▶ **PRESENT ZONING:** O-1 (Office, Medical, and Related Services)

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

▶ **EXISTING LAND USE:** Medical facility

▶ **PROPOSED USE:** Dialysis facility or any use permitted in the C-3 zone

EXTENSION OF ZONE: Yes , extension of C-3 from the south and east

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Alley, houses / R-1A (Low Density Residential)

South: E. Magnolia Ave. - Businesses / C-3 (General Commercial)

East: Convenience store, carwash, service station / C-3 (General Commercial)

West: Church / O-1 (Office, Medical & Related Services)

NEIGHBORHOOD CONTEXT: The properties fronting on E. Magnolia Ave. are developed with primarily commercial uses under C-3 zoning, with some office uses to the southwest, zoned O-1. To the rear of the businesses are residential uses, zoned R-1A and R-2.

**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 two 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 major arterial street 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 an extension of zoning from two sides.
4. A portion of the subject parcel is already zoned C-3, so this proposal will establish consistent C-3 zoning on the entire site.

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. The applicant has indicated that the proposed use is for a medical clinic.
2. The proposal is compatible with surrounding development and zoning, so the impact on adjacent properties should be minimal. Commercial or office zoning and uses are located on three sides of the subject property.
3. The area is developed primarily with commercial and office uses 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.

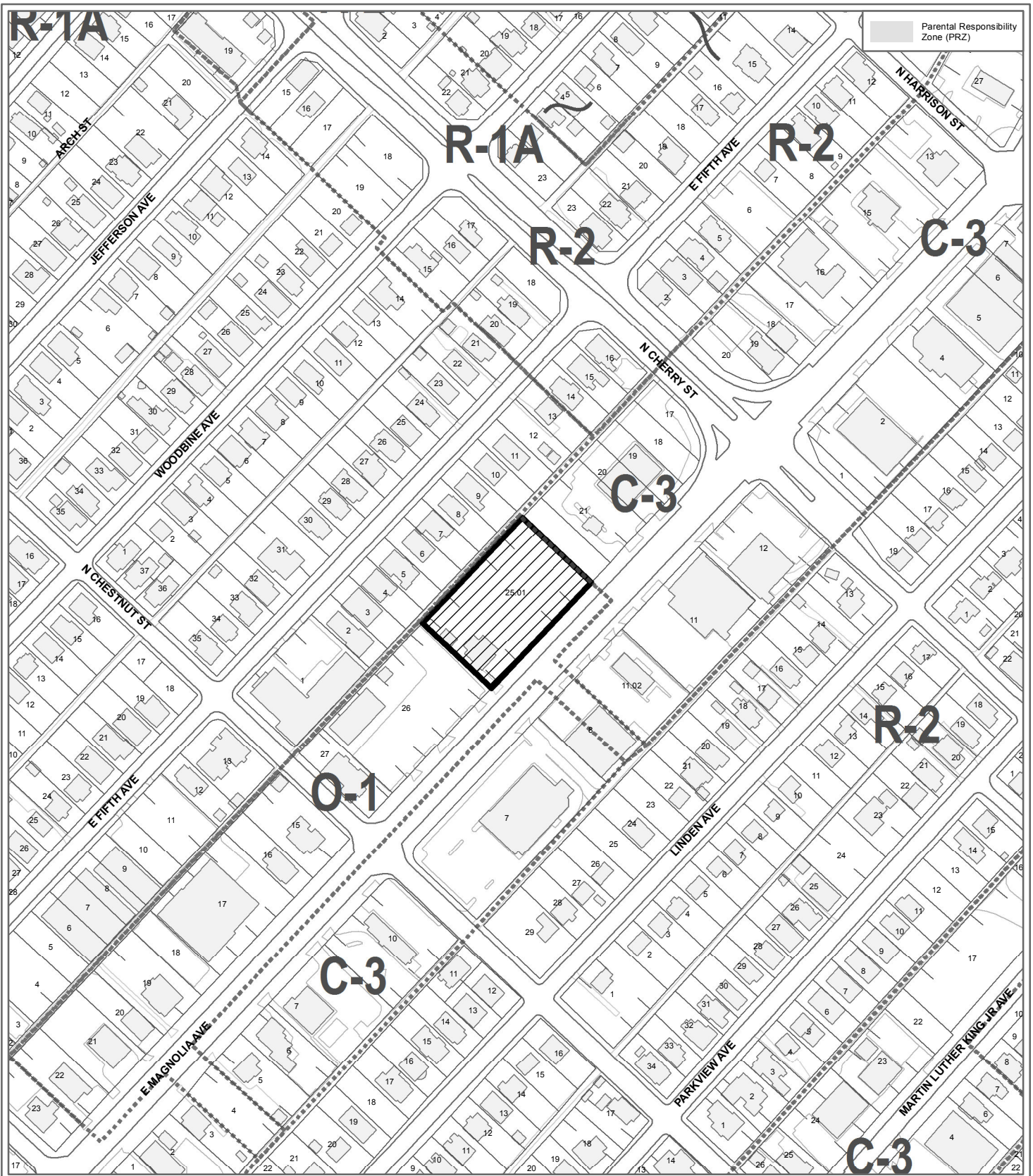
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Central City Sector Plan proposes mixed uses for this site, consistent with the proposed C-3 zoning.
2. The City of Knoxville One Year Plan proposes mixed 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 11/12/2013 and 11/26/2013. 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.



**10-E-13-RZ  
REZONING**

From: O-1 (Office, Medical, and Related Services)

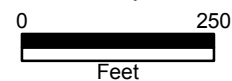
To: C-3 (General Commercial)



Petitioner: FMC East Knox, LLC

Map No: 82

Jurisdiction: City



Original Print Date: 9/25/2013      Revised: 9/30/2013  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902