

▶ **FILE #:** 12-A-14-RZ

AGENDA ITEM #: 25

AGENDA DATE: 12/11/2014

▶ **APPLICANT:** JERRY GREEN
 OWNER(S): TOOLE ROGER WM & RICHARD LEE

TAX ID NUMBER: 121 B G 016
 JURISDICTION: City Council District 2
 STREET ADDRESS: 204 S Northshore Dr

▶ **LOCATION:** East side S. Northshore Dr., south of Kingston Pike

▶ **APPX. SIZE OF TRACT:** 0.7 acres

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

ACCESSIBILITY: Access is via S. Northshore Dr., a 4-lane, major arterial street with 38' of pavement width within 60' of right-of-way.

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

WATERSHED: Fourth Creek

▶ **PRESENT ZONING:** F-1 (Floodway)

▶ **ZONING REQUESTED:** C-4 (Highway and Arterial Commercial) / F-1 (Floodway)

▶ **EXISTING LAND USE:** Commercial

▶ **PROPOSED USE:** Commercial

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING:
 North: Elevated railroad right-of-way / F-1 (Floodway)
 South: Transmission repair business / F-1 (Floodway)
 East: Fourth Creek and business park / F-1 (Floodway) and I-3 (General Industrial)
 West: S. Northshore Dr. - Businesses / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This section of S. Northshore Dr. is developed with various types of businesses and offices, under C-3, F-1 and C-4 zoning.

STAFF RECOMMENDATION:

▶ **DENY C-4 (Highway & Arterial Commercial) / F-1 (Floodway) zoning.**

The property owner has reasonable use of the property under the current zoning, without introducing C-4 uses into the area.

COMMENTS:

The applicant is currently displaying automobiles for sale on the subject property, and has for several years. The Knoxville Plans Review and Inspections Division has declared that, despite being zoned F-1, the subject property may currently be used for C-3 uses, consistent with the zoning to the west, across S. Northshore Dr. It is also staff's understanding that C-4 uses are permitted on the parcels to the south (14 and 15), which are owned by the applicant and where the transmission repair business is located. If this is the case, then vehicles

may be displayed for sale on the parcels to the south. Upon receiving a complaint about the vehicles being displayed for sale on the subject property, the City Inspections department determined that in order for that use to be brought into zoning conformance, this rezoning application will be necessary to allow C-4 uses on the subject property. The F-1 zone allows for a limited rezoning, which states that any property in the F-1 zoning district may be rezoned to any other zoning classification, provided, however, that such rezoning, if otherwise appropriate, shall be granted subject to all requirements, conditions and regulations relating to grading, filling, drainage and general site preparation established by and placed on said property by MPC, City Engineering or City Council. The requested C-4/F-1 zoning will allow the C-4 uses, while keeping the F-1 regulations in place.

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. No significant changes have occurred in the area that warrant the requested change in zoning. Staff recognizes that the site is and has been used for display of automobiles for sale. However, this is not reason to endorse the non-conforming uses with approval of an inappropriate C-4/F-1 zoning.
2. This site is currently zoned F-1, with allowance for C-3 uses, which allows reasonable use of the site, consistent with most of the surrounding properties in the area. The current F-1 zoning, with C-3 use allowance, is a less intense commercial zone than the requested C-4/F-1 zoning.
3. This section of S. Northshore Dr. is not appropriate for C-4 uses. The majority of surrounding zoning is C-3 or F-1. C-4 zoning and uses should be reserved for larger, highway-type, major arterial streets, such as Clinton Hwy., Kingston Pike, Parkside Dr. or Chapman Hwy, where sufficient C-4 zoning is already established.
4. The applicant has reasonable use of the property as it is currently zoned. If automobile sales are necessary, they can be displayed on the applicant's property to the south.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The C-4 (Highway & Arterial Commercial) zone is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. It is the intent to provide a location for a limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside of the confines of an enclosed building.
2. Based on the above description and intent, as well as the permitted uses, this property is not appropriate to be rezoned to C-4.
3. The F-1 zoning, and it's associated regulations must be retained on the property, regardless whether C-4 uses are permitted or not.

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. Allowing C-4 uses at this location is not appropriate. This section of S. Northshore Dr. is not the type of street intended to support C-4 zoning.
2. C-4 zoning would allow many uses that would be less compatible with adjacent land uses and zoning. The current zoning is more appropriate for this property, considering its characteristics, access and location.
3. The current F-1 zoning, with C-3 use allowance, allows reasonable commercial use of the property without increasing the potential impact on adjacent properties.

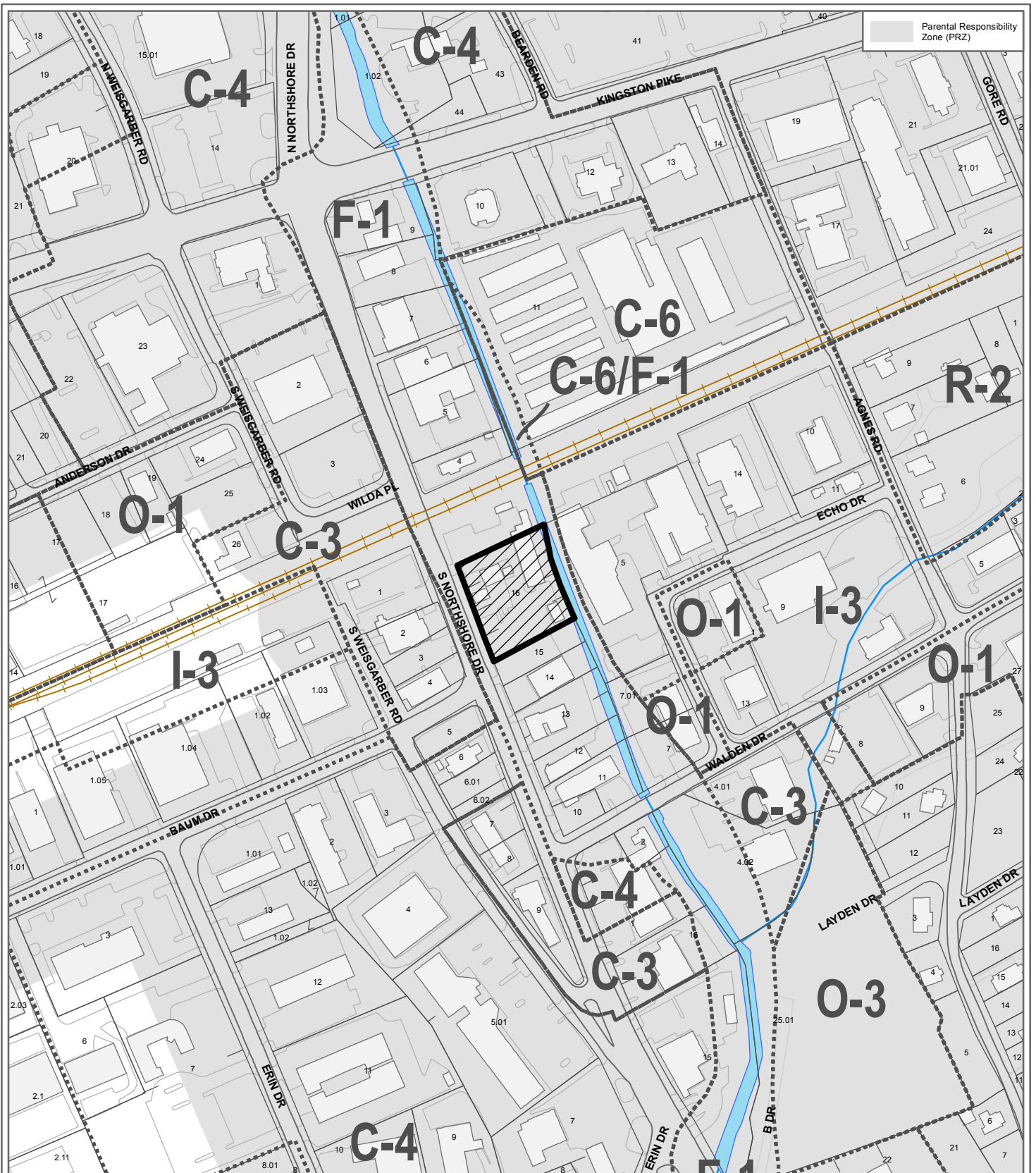
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The West City Sector Plan and Knoxville One Year Plan propose Stream Protection and Floodway for the site, which is consistent with the current F-1 zoning. As long as the F-1 zoning is maintained, the request is consistent with these plans.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

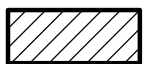
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/6/2015 and 1/20/2015. 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 a decision to City.



**12-A-14-RZ
REZONING**

Petitioner: Green, Jerry

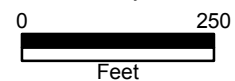


From: F-1 (Floodway)

To: C-4 (Highway and Arterial Commercial) / F-1 (Floodway)

Map No: 121

Jurisdiction: City



Original Print Date: 11/24/2014

Revised:

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