

▶ **FILE #:** 12-H-14-RZ

AGENDA ITEM #: 32

AGENDA DATE: 12/11/2014

▶ **APPLICANT:** STOVER'S LLC AND HOLSTON PROPERTIES LLC

OWNER(S): Darryl Hartnagle

TAX ID NUMBER: 711 D 018

JURISDICTION: City Council District 6

STREET ADDRESS: 4505 Asheville Hwy

▶ **LOCATION:** North side Asheville Hwy., northeast side N. Burns Rd.

▶ **APPX. SIZE OF TRACT:** 5.37 acres

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Asheville Hwy., a four-lane, median-divided, major arterial street within 110' of right-of-way, or N. Burns Rd., a local street with 25' of pavement width within 30' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

▶ **PRESENT ZONING:** C-3 (General Commercial) & SC-1 (Neighborhood Shopping Center)

▶ **ZONING REQUESTED:** C-4 (Highway and Arterial Commercial)

▶ **EXISTING LAND USE:** Retail sales with outdoor display

▶ **PROPOSED USE:** Continued use for retail sales with outdoor display

EXTENSION OF ZONE: Yes, extension of C-4 from the southwest, across Asheville Hwy.

HISTORY OF ZONING: None noted

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

South: Asheville Hwy. - Businesses / C-3 (General Commercial)

East: Houses and medical office / R-1A (Low Density Residential)

West: N. Burns Rd., Walgreens / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This section of Asheville Hwy. is developed with commercial businesses fronting on the highway, zoned C-3 and SC-1, with residential uses, zoned R-1A, behind them.

STAFF RECOMMENDATION:

▶ **DENY C-4 (Highway & Arterial Commercial) zoning. RECOMMEND that City Council APPROVE C-6 (General Commercial Park) zoning, subject to 1 condition:**

1. An administrative development plan must be submitted and approved by MPC. This plan will be subject to all applicable C-6 requirements, including required landscaping, screening and setback requirements. The plan must be submitted to MPC by the end of January 2015 and all site improvements required per the development plan must be installed prior to May 2015.

With the above recommended conditions, C-6 zoning is an appropriate zone for the continuance of the existing

land use on the property, but will require some site improvements that will enhance the overall appearance of the site. C-6 zoning is compatible with the scale and intensity of surrounding development and zoning pattern. This section of Asheville Hwy. east of Rutledge Pike, does not include C-4 zoning, with the exception of a small portion of the Kroger parking lot to the southwest, which is currently not used for any C-4 specific uses.

COMMENTS:

The subject property is currently used for Stover's, a business that sells various types of household building materials, such as tile, pavers, carpeting, etc. Several of the products are currently displayed outdoors in the front parking lot. In response to a complaint about the property's current use, the Knoxville Plans Review and Inspections Division has determined that the outdoor display of merchandise for sale is not permitted under the property's current C-3 and SC-1 zoning. The applicant was instructed to seek C-4 zoning, which, if approved would bring the existing land uses into conformance with zoning regulations.

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. C-6 zoning for the subject property will allow the continued use of the site as it currently exists. The recommended condition will require a development plan review, with the intent of improving the overall appearance of the site, making it more compatible with surrounding land uses. The current C-3 and SC-1 zoning does not allow outdoor display of merchandise for sale, which is currently occurring on the site.
2. C-6 uses are compatible with the surrounding land use and zoning pattern.
3. The site is already developed with a commercial building that has been there for quite some time. The current business requires outdoor display of merchandise, which is not permitted under the current zoning.

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

1. The requested 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. The recommended C-6 zoning is intended to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas. The following 6 concepts are emphasized in the zoning ordinance: 1) To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas, 2) To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated, 3) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading and landscaping, 4) To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County, 5) To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the C-6 zoning district, and 6) To encourage general commercial activities to locate in areas that have access to a major street system.
3. Based on the above general intents of the above zoning districts, the recommended C-6 zone with a condition, is the most appropriate way to accommodate the current use, while maintaining the existing zoning pattern and improving the site's overall compatibility with surrounding land uses.

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 recommendation is compatible with the surrounding land uses and zoning pattern.
2. The recommendation will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. Asheville Hwy. has adequate capacity to handle traffic generated by C-6 uses, and the site's location is appropriate for commercial uses.

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 designates this site within a Mixed Use Special District (MU-SD EC-2). This particular district does allow consideration of either C-4 or C-6 zoning.
2. The City of Knoxville One Year Plan proposes general commercial uses for the site, consistent with either C-

4 or C-6 zoning.

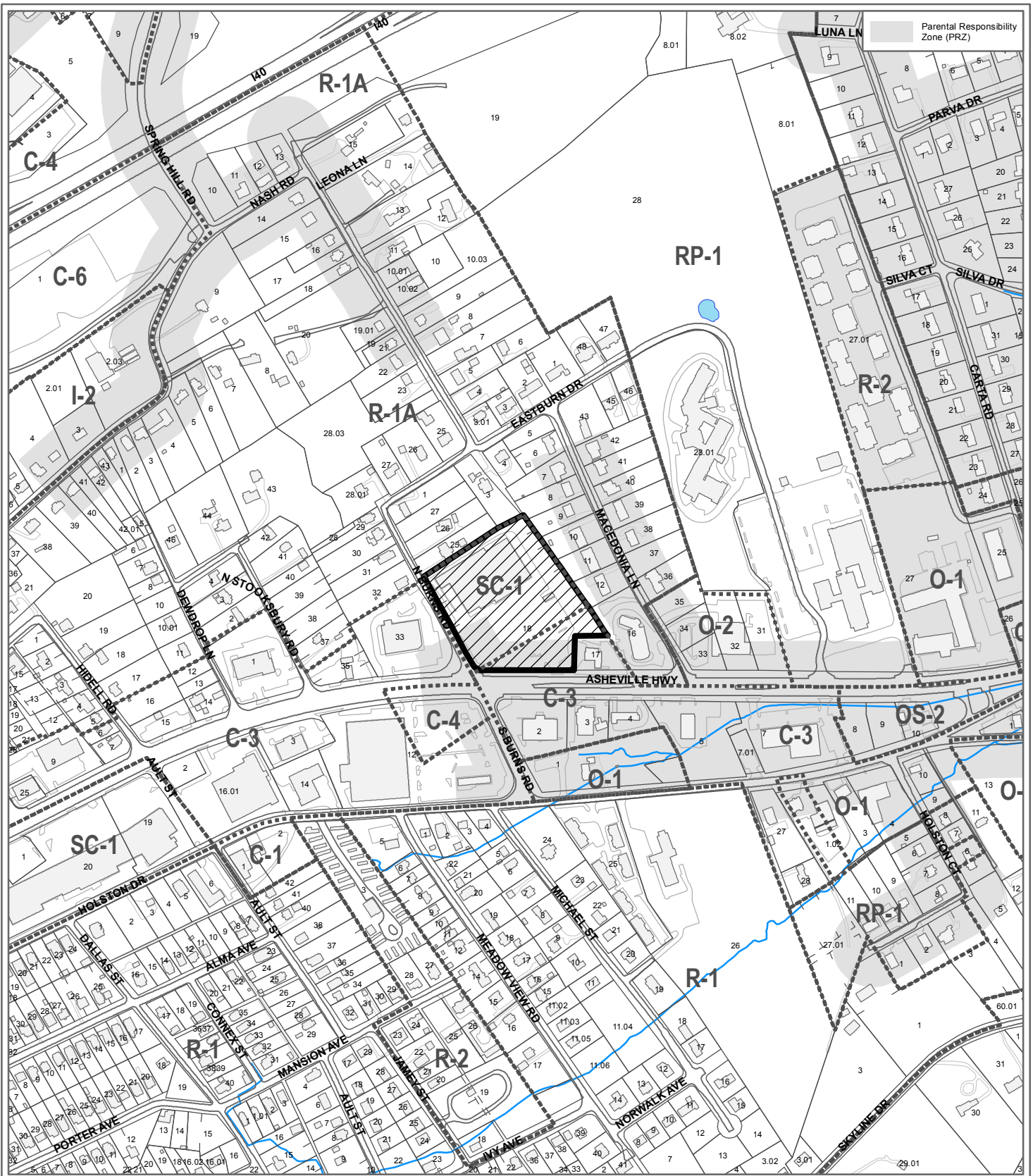
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

4. This proposal does not present any apparent conflicts with any other adopted plans.

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 an MPC decision in the City.



**12-H-14-RZ
REZONING**

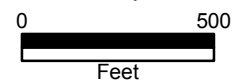
Petitioner: Stover's LLC and Holston Properties LLC



From: C-3 (General Commercial) & SC-1 (Neighborhood Shopping Center)
To: C-4 (Highway and Arterial Commercial)

Map No: 71

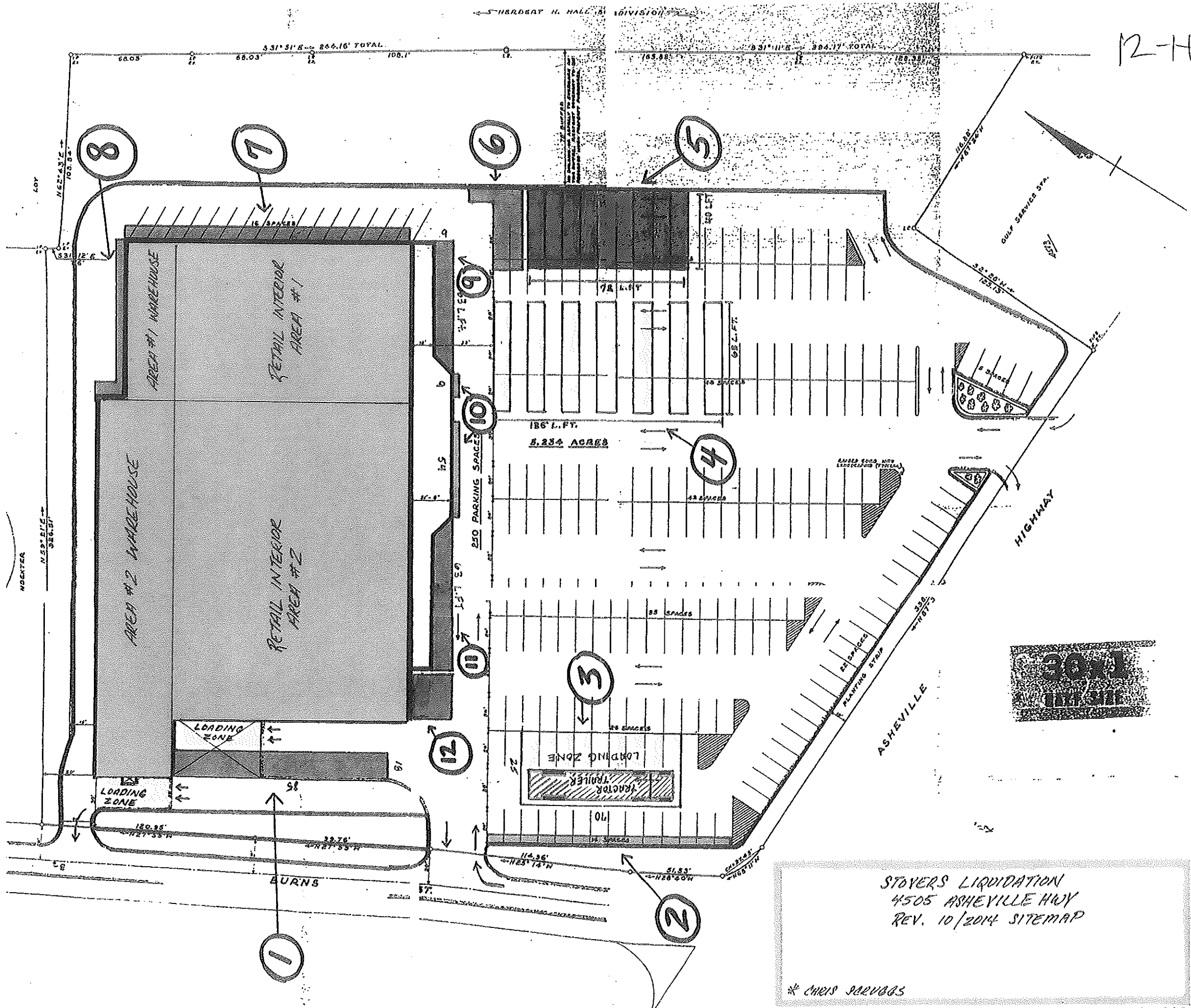
Jurisdiction: City



Original Print Date: 11/24/2014
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

12-H-14-R2



STOVERS LIQUIDATION
 4505 ASHEVILLE HWY
 REV. 10/2014 SITEMAP

* CHRIS SARVOGS

CITY BLOCK NO. 31180 DRAWING NO. 20,660

12-H-14-R2

Stovers Liquidation – 4505 Asheville Highway

Site Map / Exterior Storage & Show Space

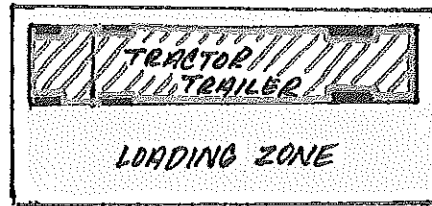
1. Ceramic / Porcelain Tile Pallet Storage Area (Permanent)– 18' x 85' : 1530 sq.ft



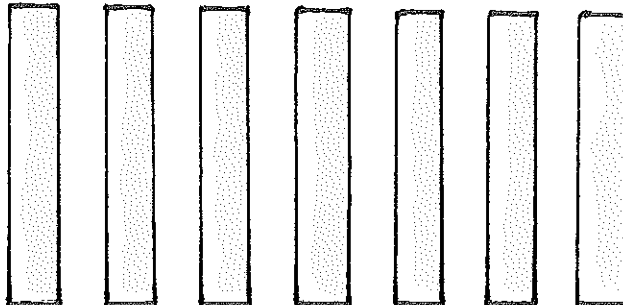
2. Incoming / Outgoing Product Staging Area (Temporary)– 8' x 165' : 1320 sq.ft



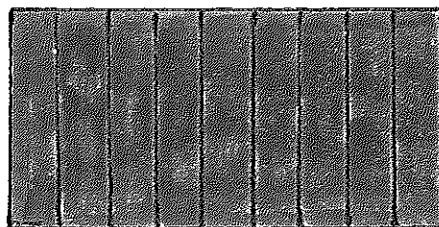
3. Tractor Trailer Docking Area / Stage / Load & Unload (Permanent)
– 25' x 70' : 1750 sq.ft



4. Landscaping Pavers Stones Display / Sale / Load Area (Permanent)
68' x 135' : 9180 sq.ft



5. Shipping Container Storage Area / Full Time Storage (Permanent)
40' x 72' : 2880 sq.ft



- 6. Ceramic / Porcelain Pallet Crate Show Area (Permanent)
24' x 40' : 960 sq.ft



- 7. Area #1 Ceramic / Porcelain Back Stock Storage (Permanent)
10' x 145' : 1450 sq.ft



- 8. Rear General Merchandise Back Stock Storage (Permanent)
8' x 80' : 640 sq.ft



- 9. Retail Ceramic / Porcelain / Building Supplies Show & Sales Area
(Permanent) – 10' x 63' : 630 sq.ft



- 10. Retail Ceramic / Porcelain / Building Supplies Show & Sales Area
(Permanent) – 4' x 63' : 252 sq.ft



- 11. Retail Ceramic / Porcelain / Building Supplies Show & Sales Area
(Permanent) – 10' x 63' : 630 sq.ft



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12. Retail Ceramic / Porcelain / Building Supplies Show & Sales Area
(Permanent) – 20' x 60' : 1200 sq.ft



*TOTAL OUTDOOR STORAGE / SHOW/ RETAIL / LOADING / STAGING /
BACKSTOCK SQUARE FOOTAGE*

22,422 SQ.FT

TOTAL INTERIOR BUILDING SQUARE FOOTAGE

58,000 SQ.FT

*PERCENTAGE OF OVERALL PROPERTY USE FOR BUILDING & EXTERIOR
STORAGE & SHOWSPACE*

36 %

REMAINDER OF PROPERTY USED FOR PARKING / OPEN SPACE

64%