



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

▶ **FILE #:** 4-E-16-RZ
4-C-16-PA

AGENDA ITEM #: 38
AGENDA DATE: 4/14/2016

▶ **APPLICANT:** FENTON NISSAN
OWNER(S): Fenton Nissan

TAX ID NUMBER: 80 D B 013 [View map on KGIS](#)

JURISDICTION: Council District 5

STREET ADDRESS: 4515 Clinton Hwy

▶ **LOCATION:** South side Clinton Hwy., west of Tillery Rd.

▶ **TRACT INFORMATION:** 1.2 acres.

SECTOR PLAN: Northwest City

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

ACCESSIBILITY: Access to the adjacent business is from Clinton Hwy., a 4-lane, median divided, major arterial street within 150' of right-of-way. Access could also be gained from Tillery Rd., a minor collector street with 19' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / R-1 (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-4 (Highway and Arterial Commercial)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Automobile parking

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC plan designation and C-4 zoning from the north

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Fenton Nissan auto dealership / GC / C-4 (Highway & Arterial Commercial)

South: Tillery Rd. - Tanglewood Apartments / MDR / R-1A (Low Density Residential)

East: Used car lot / GC / C-4 (Highway & Arterial Commercial)

West: Used car lot / GC / C-4 (Highway & Arterial Commercial)

NEIGHBORHOOD CONTEXT: Properties along this section Clinton Hwy. are developed with commercial uses under C-3 and C-4 zoning. To the south, behind the commercial uses, are low to medium density residential uses, under R-1 and R-1A zoning.

STAFF RECOMMENDATION:

► **RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.**

General commercial use of this site is an extension from the north and would be compatible with the surrounding land uses and zoning pattern.

► **RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning, subject to 4 conditions.**

1. A minimum 15 foot wide vegetated strip must be maintained along the rear (south) property line, on the north side of Tillery Rd, as well as the east and west property lines, where adjacent to R-1 zoning. Within this vegetated strip, a Type "A" landscape screen (see attached) must be installed. Existing vegetation may be used as part of the screening, but the screening must be made continuous along the three property lines. The approximate distance along property lines where the landscape screen is required will be 655 feet.
2. No vehicular access may be taken from Tillery Rd.
3. No exterior loudspeakers shall be used in conjunction with the C-4 business.
4. A photometric lighting plan for the area to be rezoned must be submitted for review as part of the permitting process. This plan should clearly indicate that there will be no spillover of light onto adjacent residential properties.

With the above conditions, the impact of the extension of C-4 zoning will be minimized. The proposal is consistent with the current sector plan and the recommended amendment to the One Year Plan.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The plan currently proposes low density residential uses at this location, consistent with the R-1 zoning. The applicant intends to expand the auto dealership operations to the south onto this property, which they own. The proposed amendment is consistent with nearby areas designated GC. The Northwest City Sector Plan already proposes commercial uses for this site (see attached sector plan map).

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - No known improvements have been recently made along these sections of Clinton Hwy. or Tillery Rd. However, the roads are sufficient and the utilities are in place to serve this site.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - The plan has designated this site for LDR uses for quite some time, consistent with the R-1 zoning of the site. However, the sector plan proposes commercial uses all the way back to Tillery Rd. Approval of this request will bring the two plans into consistency with each other.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - The recently updated Northwest City Sector Plan proposes GC uses on the subject property all the way back to Tillery Rd. If this plan amendment is approved, then the two land use plans will be consistent.

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. With the recommended conditions, the proposal is compatible with the scale and intensity of the surrounding land uses and zoning pattern.
2. C-4 zoning is in place on most of the properties to the north. This proposal is a logical extension of that pattern.
3. The proposal is consistent with both the sector plan and recommended One Year Plan proposals for the site.

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 general intent, and with the recommended condition, this site is appropriate for C-4 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 a minimal impact on streets and no impact on schools. The impact on the streets will depend on the type of development proposed. Clinton Hwy. is a major arterial street capable of handling the additional traffic that may be generated under C-4 zoning.
2. The proposal is compatible with surrounding development and will have a minimal impact on the adjacent properties.
3. Public water and sewer utilities are available to serve the site. C-4 zoning is consistent with other zoning and density in the immediate area and will not adversely affect any other part of the County.

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 Northwest City Sector Plan proposes general commercial uses for the site, consistent with the requested C-4 zoning.
2. With the recommended amendment of the Knoxville One Year Plan to GC on the associated request (4-C-16-PA), C-4 zoning is consistent with that plan.
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 5/10/2016 and 5/24/2016. 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.