

► **FILE #:** 4-G-16-RZ

**AGENDA ITEM #:** 27

**AGENDA DATE:** 7/14/2016

► **APPLICANT:** AMERICAN LEGION POST 2 (REFERRED BACK TO MPC BY CITY COUNCIL)

OWNER(S): American Legion Post 2

TAX ID NUMBER: 72 A A 032

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 6520 S Ruggles Ferry Pike

► **LOCATION:** Southeast side S. Ruggles Ferry Pike, south of Asheville Hwy.

► **APPX. SIZE OF TRACT:** 2 acres

SECTOR PLAN: East County

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

ACCESSIBILITY: Access is via S. Ruggles Ferry Pike, a local street with 20' of pavement width within 50' of right-of-way. The site is also in close proximity to Asheville Hwy., a major arterial street with 4 lanes and a center median.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fawver Creek

► **PRESENT ZONING:** R-2 (General Residential)

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

► **EXISTING LAND USE:** American Legion Post 2

► **PROPOSED USE:** Any use permitted by C-4 zoning

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant land, Asheville Hwy. - C-3 (General Commercial)

South: Vacant land - RB (General Residential)

East: House / C-3 (General Commercial)

West: House / RB (General Residential)

NEIGHBORHOOD CONTEXT: Properties fronting along this section of Asheville Hwy. are zoned and developed with commercial uses under CA, CB, C-3 and C-4 zoning. To the south, on properties without Asheville Hwy. frontage, is mostly residential development, zoned A and RB.

**STAFF RECOMMENDATION:**

► **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning. (Applicant requested C-4.)**

O-1 zoning will create a transitional area between commercial uses to the north and residential uses to the south and west. O-1 zoning is compatible with the scale and intensity of surrounding development and zoning pattern. C-4 zoning would allow some uses, such as a drive-through restaurant or an automobile sales lot, that could have significant negative impact on surrounding residential uses. Also, the site has some minor slope constraints that may make it difficult to provide parking for a commercial business, without significant grading.

Office uses require less parking than commercial uses.

**COMMENTS:**

MPC recommended approval of O-1 (Office, Medical & Related Services) zoning at the April 14, 2016 meeting. On May 10, 2016, City Council referred the matter back to MPC for consideration of C-4 zoning. The revised request was readvertised by MPC and placed on this July 14, 2016 agenda for reconsideration. C-4 is a more intense commercial zoning district than the originally requested C-3 zoning, so staff is maintaining it's recommendation for O-1 zoning.

However, if MPC and/or City Council is inclined to approve the requested C-4 zoning, staff would recommend that the following conditions be placed on the rezoning:

1. Only the existing, main building on site may be used for commercial purposes. (See attached aerial photo.)
2. No additional access may be established to the site. Only the existing access drive may be used.
3. A Type 'B' landscape screen must be installed around the parking area. (See attached.)

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. O-1 zoning for the subject property creates a transitional area between commercial uses to the north and residential uses to the south and west. The property has slope constraints and does not have direct access to Asheville Hwy. There is a significant amount of underutilized land in the immediate area that is already zoned for commercial uses. The recommended O-1 zoning gives the applicant reasonable use of the property for possible redevelopment. It also provides flexibility in permitted uses, because it allows both office and attached or detached residential uses.
2. O-1 uses are compatible with the surrounding land use and zoning pattern.
3. The site is about 2 acres, which is enough area to locate office uses and the associated parking on site. The uses allowed under the requested C-4 zoning would require more parking than would office uses, which may be difficult because of the topography of the site. The site also has limited exposure to Asheville Hwy., which is usually desired for commercial uses.
4. Establishing office uses at this location will establish an appropriate stopping point for commercial uses heading south from Asheville Hwy.

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

1. The O-1 zone, as described in the zoning ordinance, is intended to provide areas for professional and business offices and related activities that require separate buildings surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
2. Based on the above general intent, this site is appropriate for O-1 zoning.
3. 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.
4. With the wide range of commercial uses allowed under C-4, including businesses that could cause negative impacts to adjacent residential uses, this site is not appropriate for the requested C-4 zoning.

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 recommended O-1 zoning is compatible with the surrounding land uses and zoning pattern. The requested C-3 zoning allows some uses that would not be compatible with adjacent residential uses.
2. O-1 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing streets are adequate to handle any additional traffic generated by allowing office uses on the site, and the site's location is appropriate for transitional office uses between commercial and residential 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:

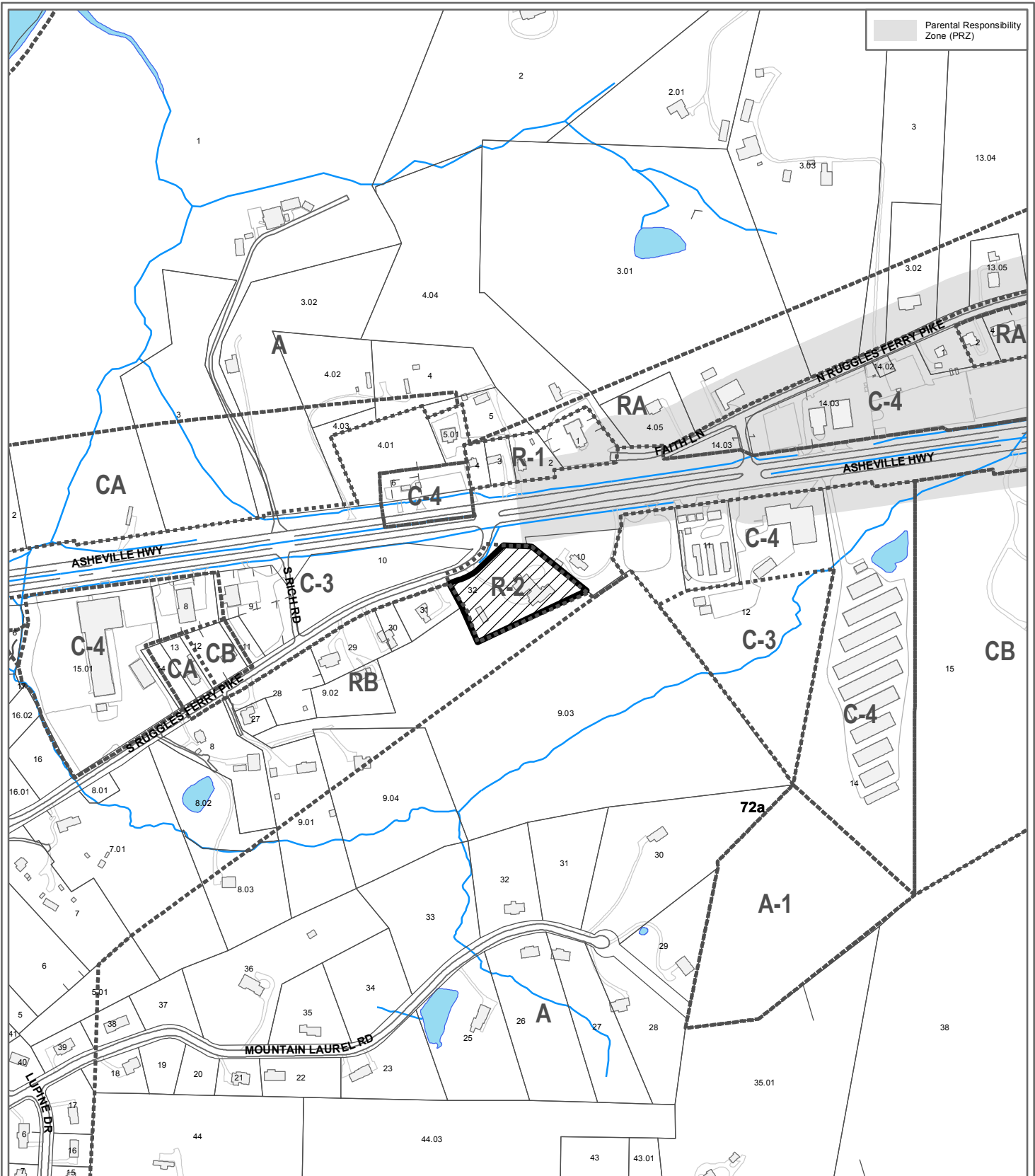
1. Both the East County Sector Plan and the City of Knoxville One Year Plan designate this site as part of a mixed use special district MU-SD (ECO-6). This district permits consideration of either C-3 or O-1 zoning.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. This recommended O-1 zoning 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 8/16/2016 and 8/30/2016. 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.



Parental Responsibility Zone (PRZ)

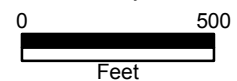
**4-G-16-RZ  
REZONING**

From: R-2 (General Residential)  
To: C-4 (Highway and Arterial Commercial)



Petitioner: American Legion Post 2

Map No: 72  
Jurisdiction: City



Original Print Date: 3/21/2016  
Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

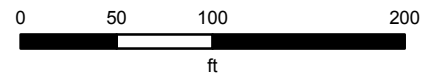


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## Letter Portrait

Printed: 7/5/2016 at 11:45:30 AM

### Knoxville - Knox County - KUB Geographic Information System



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**Type "B" Screen: Continuous**

**APPROPRIATE LOCATION:** Screening parking and loading areas from adjoining residential and office districts

**NOTE:** Landscape buffer strips should be a minimum of 12 feet in width, and sown with grass or ground cover for their full width, allowing for mulch at the base of plantings.

**INTRODUCTION**

Landscape screening reduces the impact of intense development upon adjacent land uses by providing visual separation, reducing the transmission of glare and air pollution, and limiting access. Screening also promotes the aesthetic appeal of a neighborhood and promotes higher property values.

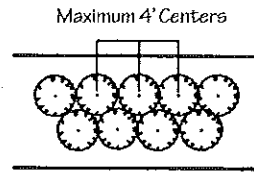
This series of design guidelines defines several types of landscape screen. Each type is applicable to a certain intensity of conflict between adjacent land uses. Each screen type is illustrated by several planting schemes with an equivalent height, density and opacity of landscaping.

MPC uses these guidelines to illustrate desirable levels of screening appropriate to various site planning situations. Creative alternatives which achieve a comparable effect are encouraged.

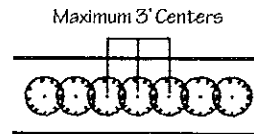
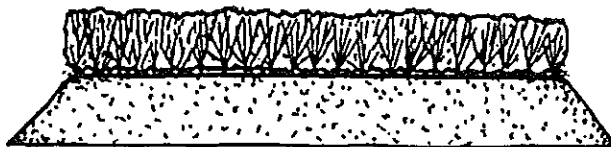
**For more information:**  
 MPC  
 Development Services  
 Suite 403  
 City County Building  
 400 Main Street  
 Knoxville, TN 37902  
 Phone: 865 215-2500  
 Fax: 865 215-2068  
 Web: [www.knoxmpc.org](http://www.knoxmpc.org)

The contents of these guidelines are advisory and are intended to supplement, but not replace, the requirements of the Knoxville Zoning Ordinance and the Knox County Zoning Ordinance.

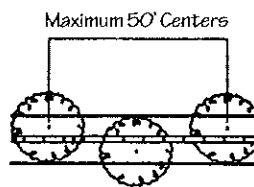
- Two offset rows of evergreen shrubs



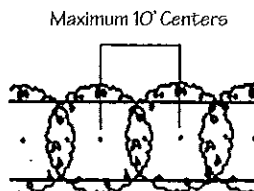
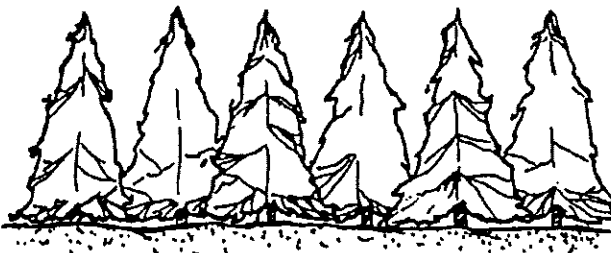
- A continuous row of evergreen shrubs on a 3 ft. high earth berm



- A 5 ft. high masonry wall or timber fence with evergreen trees and low shrubs or climbing vines



- One row of evergreen trees with branches touching the ground



SHRUB HEIGHT  
 Installed: 4 ft.  
 Mature: 6 ft.

SHRUB HEIGHT  
 Installed: 2 ft.  
 Mature: 3 ft.

TREE HEIGHT  
 Installed: 8 ft.  
 Mature: 15 ft.

TREE HEIGHT  
 Installed: 8 ft.  
 Mature: 20 ft.