

▶ **FILE #:** 4-D-18-RZ

AGENDA ITEM #: 41

AGENDA DATE: 4/12/2018

▶ **APPLICANT:** BILL PETTY FOR DWAYNE LAY

OWNER(S): Dwayne Lay

TAX ID NUMBER: 81 B K 021

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 105 Cedar Ave

▶ **LOCATION:** East side Bruhin Rd., north side Cedar Ave.

▶ **APPX. SIZE OF TRACT:** 0.6 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Bruhin Rd., a minor arterial street with 36' of pavement width within 65' of right-of-way, or Cedar Ave., a local street with 24' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT ZONING:** R-2 (General Residential) / IH-1 (Infill Housing Overlay)

▶ **ZONING REQUESTED:** C-6 (General Commercial Park) / IH-1 (Infill Housing Overlay)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Warehouse

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residences - I-3 (General Residential) / IH-1 (Infill Housing Overlay) and R-2 (General Residential) / IH-1

South: Cedar Ave., business - C-3 (General Commercial) / IH-1

East: Residence - R-2 (General Residential) / IH-1

West: Bruhin Rd., manufacturing business - I-3 (General Industrial) / IH-1

NEIGHBORHOOD CONTEXT: This area is developed with a mix of industrial, commercial and residential uses under I-1, I-2, I-3, C-3 and R-2 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-6 (General Commercial Park) / IH-1 (Infill Housing Overlay) zoning.**

The requested C-6 zoning is consistent with both the One Year Plan and sector plan proposals for the property and is consistent with the surrounding development pattern. C-6 zoning will allow office and commercial uses on the site, in addition to some light industrial uses. C-6 uses will be compatible with the surrounding land uses and zoning pattern. C-6 zoning also requires administrative plan review and approval by MPC staff prior to issuance of building permits for any new construction.

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. C-6 zoning is consistent with both the sector plan and One Year Plan designations for the property.
2. C-6 uses will be compatible with the surrounding land uses and zoning pattern.
3. C-6 zoning is appropriate for this site, which is adjacent to other commercial and light industrial uses and zoning, and has access to a minor arterial street.

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

1. The requested 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.
2. Based on the above description, C-6 is an appropriate zone for this site. C-6 zoning will allow office and commercial uses on the site, in addition to some light industrial uses. C-6 zoning also requires administrative plan review and approval by MPC staff prior to issuance of building permits.
3. The IH-1 Infill Housing Overlay will remain in place regardless of the change to the base zoning. The IH-1 guidelines apply to residential development only, so will not impact this proposal.

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. C-6 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
2. The impact on the street system will depend on the type of development proposed.
3. C-6 zoning requires administrative plan review and approval by MPC staff prior to issuance of building permits for new construction, building expansion or major site improvements.
4. Public water and sewer utilities are available to serve the site.

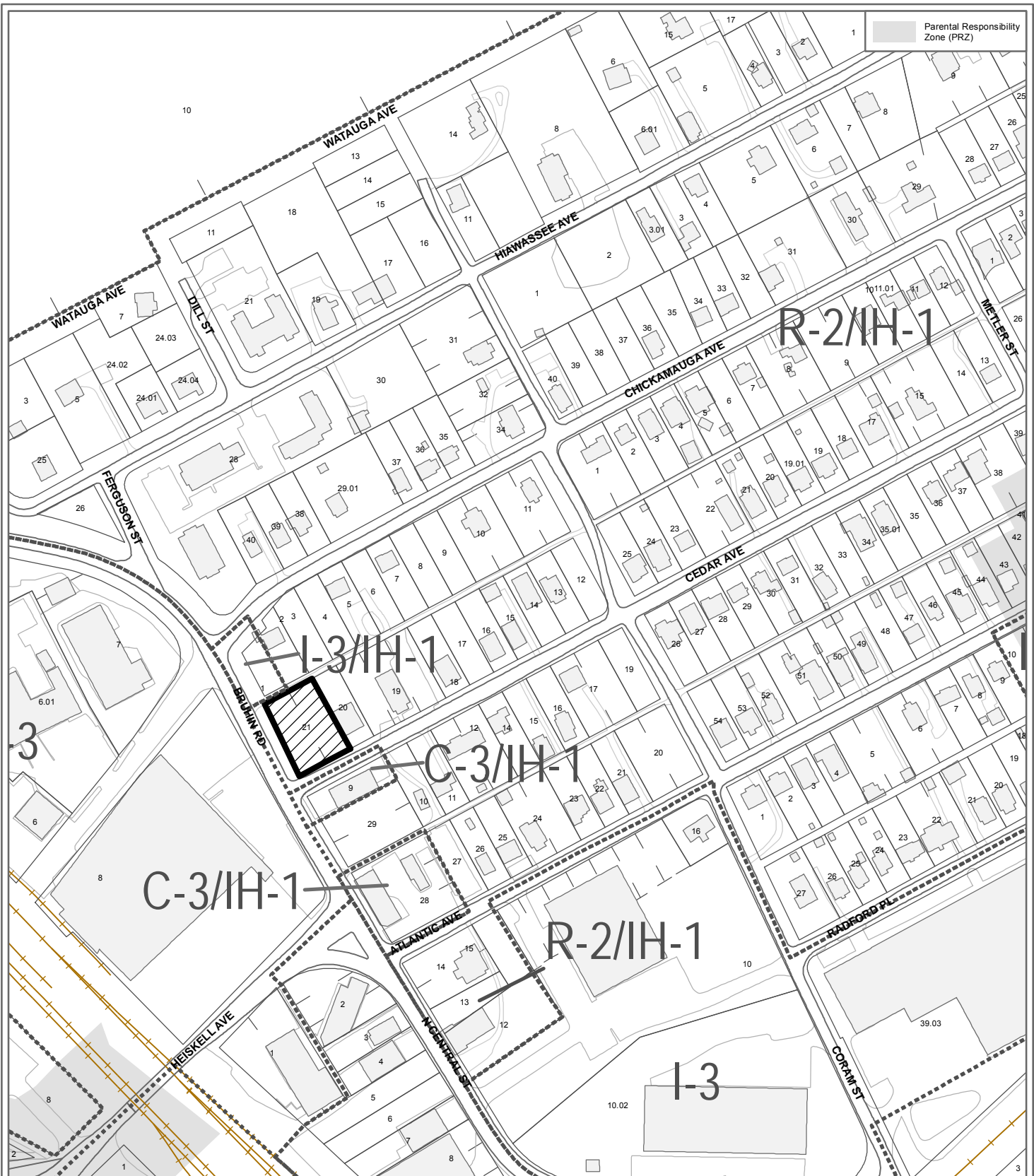
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Central City Sector Plan proposes GC (General Commercial) uses for this site, consistent with the proposed C-6 zoning.
2. The City of Knoxville One Year Plan proposes GC (General Commercial) uses for this site, consistent with the proposed C-6 zoning district.
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 5/8/2018 and 5/22/2018. 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.



**4-D-18-RZ
REZONING**

From: R-2 (General Residential)/ IH-1 (Infill Housing Overlay)

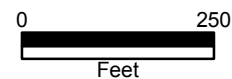
To: C-6 (General Commercial Park)/ IH-1 (Infill Housing Overlay)



Petitioner: Bill Petty for Dwayne Lay

Map No: 81

Jurisdiction: City



Original Print Date: 3/19/2018
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised: 3/21/2018

REZONING PLAN AMENDMENT

Name of Applicant: Bill Petty for Dwane Lay

Date Filed: 1/29/2018 Meeting Date: 4/12/2018

Application Accepted by: M. Payne

Fee Amount: 1,000.00 File Number: Rezoning 4-D-18-RZ

Fee Amount: X File Number: Plan Amendment X



PROPERTY INFORMATION

Address: 105 Cedar Avenue

General Location: E/S Bruhin Rd
N/S Cedar Ave

Parcel ID Number(s): 081BK021

Tract Size: 0.6

Existing Land Use: Vacant

Planning Sector: Central City

Growth Policy Plan: City

Census Tract: 29

Traffic Zone: 1A

Jurisdiction: City Council _____ District
 County Commission _____ District

Requested Change

REZONING

FROM: R-2

TO: C-6

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: N/A

TO: _____

PROPOSED USE OF PROPERTY

Warehouse

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: Dwane Lay

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Fax: _____

E-mail: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Bill W. Petty

Company: Pratt Aycock

Address: 705 Gate Lane, Suite 202

City: Knoxville State: TN Zip: 37909

Telephone: 865-769-6969

Fax: 865-622-9541

E-mail: bpetty@prattaycock.com

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: [Signature]

PLEASE PRINT

Name: Dwane E. Lay

Company: _____

Address: 135 Chickamauga Avenue

City: Knoxville State: TN Zip: 37917

Telephone: 865-525-4119

E-mail: _____

REQUIRED SIGN POSTING AGREEMENT FORM


For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. When applicable, MPC staff will provide the sign(s) to post on the subject property at the time of application.

The sign(s) must be posted in a location that is clearly visible from the nearest adjacent street. If the property has more than one street frontage, then the sign(s) should be placed along the higher classified street. MPC staff may recommend a preferred location for the sign(s) to be posted at the time of application.

The sign(s) must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the meeting. The applicant is responsible for ensuring that the signs remain posted throughout the two-week period prior to the public hearing. Failure to maintain the signs during this time period may be cause for postponement of the application until the next scheduled meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC/BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) are lost or stolen and need to be replaced, then the applicant will be responsible for picking up a new sign from the MPC offices. The applicant will be charged a replacement fee for additional sign(s) consistent with the agency's cost of purchasing each sign.

I hereby agree to post the sign(s) provided on the subject property on or before March 28th 2018 consistent with the guidelines provided above; and remove the sign(s) within one week after the MPC/BZA public hearing.

Signature: 
Printed name: Bill Petty for Duane Kay
Date: 1-29-18
MPC/BZA File #: 4-D-18-RZ