

▶ **FILE #:** 1-I-18-RZ

AGENDA ITEM #: 39

AGENDA DATE: 1/11/2018

▶ **APPLICANT:** MICHAEL BRADY INC.

OWNER(S): Smith and Hammaker Enterprise, LLC

TAX ID NUMBER: 95 H C 008

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS:

▶ **LOCATION:** East side Patton St., north of E. Summit Hill Dr.

▶ **APPX. SIZE OF TRACT:** 1.43 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Patton St., a local street with 30' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** C-1 (Neighborhood Commercial)

▶ **ZONING REQUESTED:** C-3 (General Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Data center/office

EXTENSION OF ZONE: Yes, extension of C-3 zoning from the south

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant land / I-2 (Restricted Manufacturing & Warehousing) and R-2 (General Residential)

South: Law Enforcement Credit Union / C-3 (General Commercial)

East: Vacant land / C-3 (General Commercial)

West: Patton St., Weigel's / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This site is located just north of E. Summit Hill Dr., adjacent to Weigel's and a credit union, zoned C-3.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning.**

C-3 is a logical extension of zoning from the south, is compatible with the scale and intensity of surrounding development and zoning pattern and is consistent with the adopted future land use plans for the area.

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-3 is a logical extension of commercial zoning from the south.
2. C-3 uses are compatible with the surrounding land use and zoning pattern.
3. C-3 zoning is appropriate for this site, which is adjacent to other commercial uses and zoning. C-3 zoning is consistent with the proposed future land uses on adopted plans.

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

1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
2. Based on the above general intent, this site is appropriate to be rezoned to C-3.

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 C-3 zoning is compatible with the surrounding land uses and zoning pattern.
2. C-3 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing street is adequate to handle any additional traffic generated by allowing commercial uses on the site.

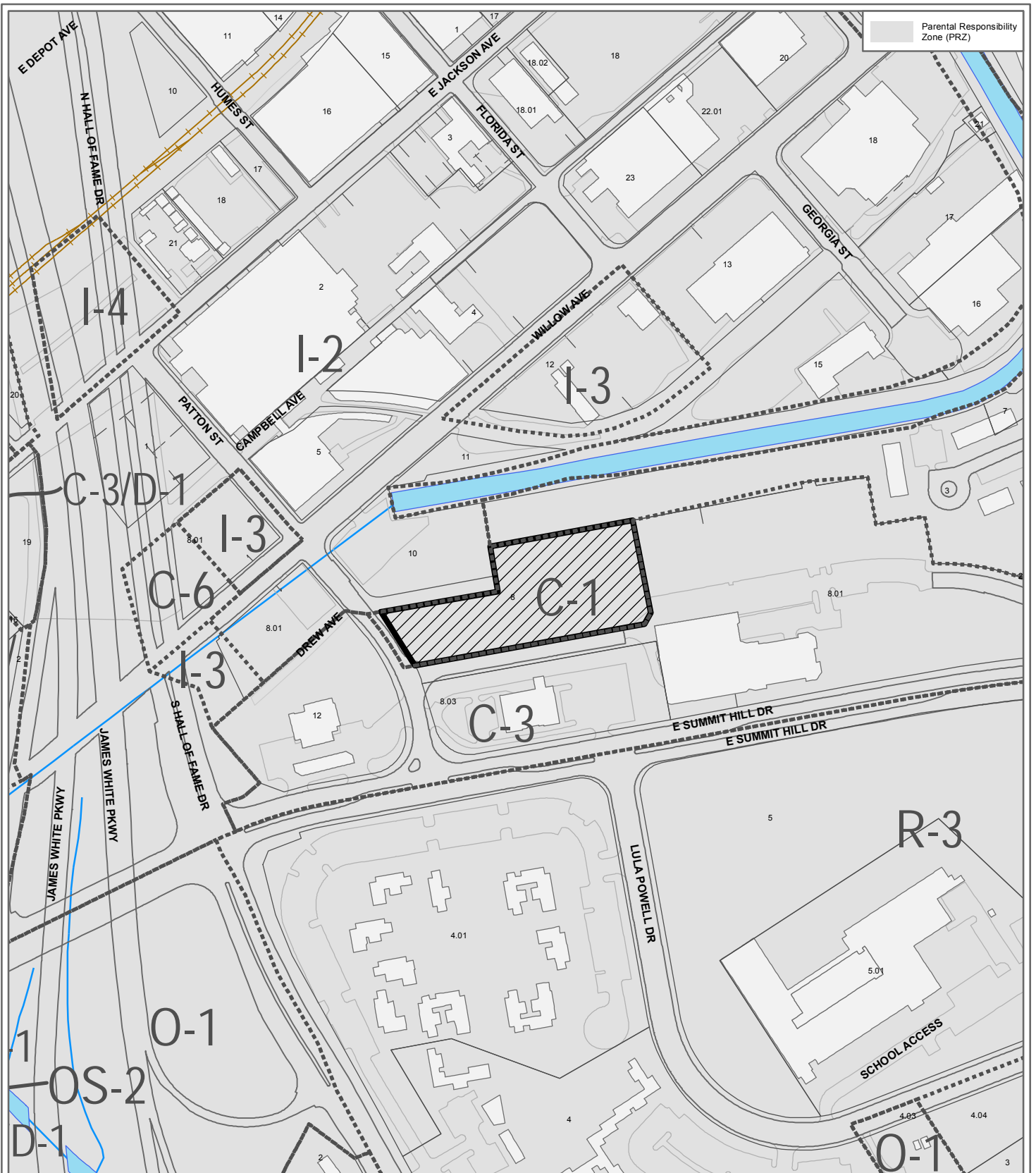
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The City of Knoxville One Year Plan and the Central City Sector Plan designate this property as part of a MU-SD (Mixed Use - Special District) CC-3. This designation allows consideration of the C-3 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 C-3 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 2/13/2018 and 2/27/2018. 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.



**1-18-RZ
REZONING**

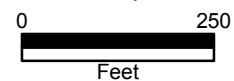
From: C-1 (Neighborhood Commercial)
To: C-3 (General Commercial)



Petitioner: Michael Brady Inc.

Map No: 95

Jurisdiction: City



Original Print Date: 12/18/2017 Revised: 1/3/2018
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

OYP: MU-SD MUCC3



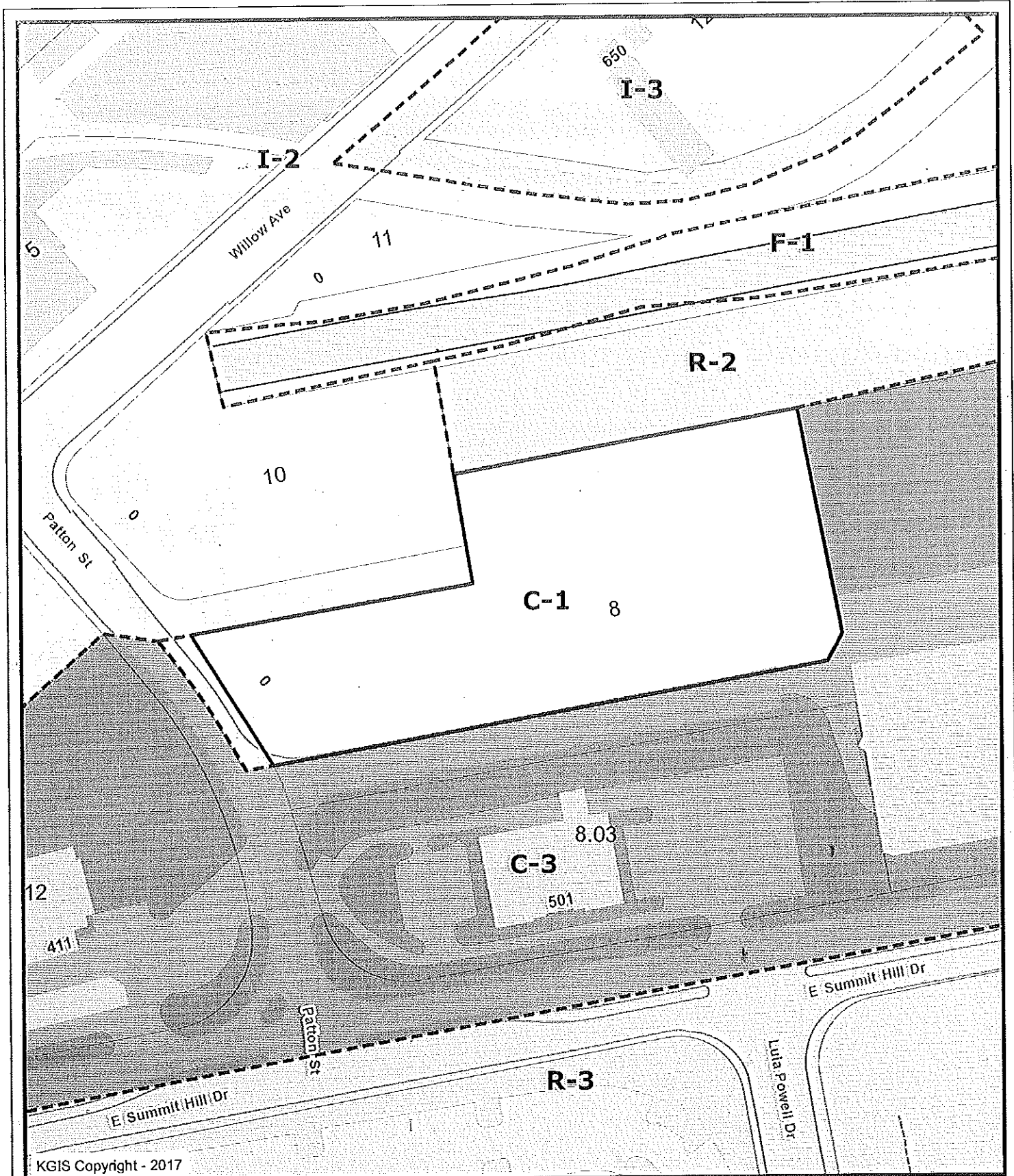
Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
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REZONING PLAN AMENDMENT

Name of Applicant: MBI
Date Filed: 11/30/17 Meeting Date: 11/11/17
Application Accepted by: M. Payne
Fee Amount: 1600.00 File Number: Rezoning 1-I-18-RZ
Fee Amount: X File Number: Plan Amendment X



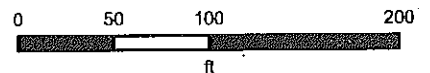
<p>PROPERTY INFORMATION</p> <p>Address: <u>0 Patton street</u> General Location: <u>Patton st near intersection of E summit Hill Drive</u> Parcel ID Number(s): <u>095HC008</u> Tract Size: <u>1.43 Acres</u> Existing Land Use: <u>vacant</u> Planning Sector: <u>MU-SD</u> Growth Policy Plan: <u>Urban</u> Census Tract: <u>68</u> Traffic Zone: <u>161</u> Jurisdiction: <input checked="" type="checkbox"/> City Council <u>6</u> District <input type="checkbox"/> County Commission _____ District</p>	<p><input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> OPTION HOLDER</p> <p>PLEASE PRINT Name: <u>Smith and Hamaker Enterprise, LLC</u> Company: <u>"Same"</u> Address: <u>133 N Broadway</u> City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37912</u> Telephone: <u>864-706-9618</u> Fax: _____ E-mail: <u>Jonathan.Hopkins4@gmail.com</u></p>
<p>Requested Change</p> <p>REZONING</p> <p>FROM: <u>C-1</u> TO: <u>C-3</u></p> <p>PLAN AMENDMENT</p> <p><input type="checkbox"/> One Year Plan <input type="checkbox"/> _____ Sector Plan</p> <p>FROM: _____ TO: _____</p>	<p>APPLICATION CORRESPONDENCE</p> <p>All correspondence relating to this application should be sent to:</p> <p>PLEASE PRINT Name: <u>Alicia McAuley</u> Company: <u>MBI</u> Address: <u>299 N. Weisgarber Rd</u> City: <u>KNOXVILLE</u> State: <u>TN</u> Zip: <u>37919</u> Telephone: <u>(865) 584-0999</u> Fax: <u>(865) 584-5213</u> E-mail: <u>aliciam@mbiarch.com</u></p>
<p>PROPOSED USE OF PROPERTY</p> <p><u>Data center/office</u></p> <p>Density Proposed _____ Units/Acre Previous Rezoning Requests: _____</p>	<p>APPLICATION AUTHORIZATION</p> <p>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.</p> <p>Signature: <u>Alicia McAuley</u> PLEASE PRINT Name: <u>MBI</u> Company: <u>299 N. Weisgarber Rd</u> Address: <u>299 N. Weis</u> City: _____ State: _____ Zip: _____ Telephone: _____ E-mail: _____</p>



Letter Portrait

Printed: 11/30/2017 at 4:01:28 PM

Knoxville - Knox County - KUB Geographic Information System



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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 a sign to post on the property at the time of application.

The sign 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 should be placed along the higher classified street. MPC staff may recommend a preferred location for the sign to be posted at the time of application.

The sign must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the 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 the second sign consistent with the agency's cost of purchasing each sign.

I hereby agree to post the sign provided on the subject property on or before 12/28/17 consistent with the guidelines provided above; and remove the sign within one week after the MPC/BZA decision.

Signature: Marina B. [Signature]

Printed name: MARINA B. [Signature]

MPC/BZA File #: 1-I-18-R2

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