

# REZONING REPORT

▶ **FILE #:** 11-J-20-RZ

**AGENDA ITEM #:** 21

**AGENDA DATE:** 11/12/2020

▶ **APPLICANT:** **ACRE KINGSTON PIKE T5 LLC**  
**OWNER(S):** Wheeler E F Jr. & William D. McSpadden

**TAX ID NUMBER:** 120 J A 008 [View map on KGIS](#)

**JURISDICTION:** City Council District 2

**STREET ADDRESS:** 8002 Kingston Pk.

▶ **LOCATION:** **South side of Kingston Pike, west side of Winston Road**

▶ **APPX. SIZE OF TRACT:**

**SECTOR PLAN:** West City

**GROWTH POLICY PLAN:** Within City Limits

**ACCESSIBILITY:** Kingston Pike is a major arterial with a pavement width of 56 ft inside a 92-ft right-of-way.

**UTILITIES:** Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

**WATERSHED:** Ten Mile Creek

▶ **PRESENT ZONING:** **C-G-3 (General Commercial)**

▶ **ZONING REQUESTED:** **C-H-2 (Highway Commercial)**

▶ **EXISTING LAND USE:** **Kar Kare Muffler Shop Center**

▶ **DENSITY PROPOSED:** **N/A**

**EXTENSION OF ZONE:** C-H-2 is across Kingston Pike

**HISTORY OF ZONING:** None noted for this property

**SURROUNDING LAND USE AND ZONING:** North: Commercial - C-H-2 (Highway Commercial) District

South: Office - C-G-3 (General Commercial) District

East: Commercial - C-G-3 (General Commercial) District

West: Commercial - C-G-3 (General Commercial) District

**NEIGHBORHOOD CONTEXT:** This is a major commercial corridor with retail, business, financial institutions, and professional services uses along the street. The shopping center containing Barnes and Noble and the former Toys-R-Us is across the street.

**STAFF RECOMMENDATION:**

▶ **Deny C-H-2 (General Commercial) zoning because it is inconsistent with zoning on the south side of Kingston Pike and because it allows uses that are incompatible with the existing uses south of Kingston Pike in this area.**

**COMMENTS:**

This property was zoned C-4 (Highway and Arterial Commercial District) prior to the adoption of the new zoning

ordinance and map on January 1, 2020. The applicant is seeking the comparable zone to C-4, which is C-H (Highway Commercial), requesting the C-H-2 zone specifically. The C-H-2 zone has site and building design requirements.

This property was rezoned to C-G-3 (General Commercial) in the new zoning map along with a swath of other properties on the south side of Kingston Pike. Rezoning these properties to the C-G-3 zone creates a transition down from the more intense C-H zoning on the north side of Kingston Pike to the less intense residential zoning to the south on Ray Mears Boulevard. C-G zoning reflects the existing commercial uses along Ray Mears Boulevard and in the Downtown West Shopping Center.

The uses the applicant plans for this property are allowed in the C-G zone. Both uses would require special use approval, so the site plan would require approval by the Planning Commission. The setbacks would make site design more challenging, but would not impede the intended development on the property.

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. There are no substantial changes to the area that would warrant a rezoning.

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

1. The C-H Highway Commercial Zoning District is intended to accommodate higher-intensity commercial uses of a predominantly auto-oriented character, including retail, rental, and service establishments of a more intense commercial character including those requiring permanent outdoor service or storage areas. The C-H District regulations are intended to ensure the mitigation of any potential impacts related to such establishments on neighboring uses. The C-H District is divided into two levels of intensity related to the overall form and design of the development; however, uses are the same across all levels.

2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the 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 intent of the C-H zoning as described above is not compatible with this part of Kingston Pike, where vehicle sales and other similar uses would not be compatible with the area.

2. Rezoning this property to C-H-2 would give it the highest intensity commercial zoning available, which would be more intense than the other commercial zoning on the south side of Kingston Pike. It would also be discordant with the residential uses on the south side of Ray Mears Boulevard.

3. Rezoning this property to the C-H zone sets a precedent for the C-H zone on the south side of Kingston Pike and could spur additional rezoning requests to C-H zones.

4. C-G-3 zoning is predominant on the south side of Kingston Pike in this area, so preserving the C-G zoning retains consistency with the other properties on the south side of Kingston Pike.

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 West City Sector Plan's current GC (General Commercial) designation supports C-H zoning. However, as mentioned above, the C-H zone would not be appropriate at this location.

2. The sector plan shows the properties along Ray Mears Boulevard and in Downtown West to be designated MU-SD, WC-3 (Mixed Use-Special District, Downtown West). This designation calls for an urban mixed-use district including vertical mixed use and pedestrian-oriented development with new blocks to break up the existing development. The C-G-3 zone is more compatible with that mixed use plan than C-H zoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 12/15/2020 and 1/12/2021. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.