

REZONING REPORT

► **FILE #:** 11-J-20-RZ (REVISED) **AGENDA ITEM #:** 10

POSTPONEMENT(S): 11/12/2020, 12/10/2020

AGENDA DATE: 1/14/2021

► **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:** 22500 square feet

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-G-1 (General Commercial)

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

► **DENSITY PROPOSED:** N/A

EXTENSION OF ZONE: No

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-G-1 (General Commercial) zoning because it is not consistent with surrounding zoning and would set a precedent for a lesser level of C-G zoning 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 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 to create a transition down from the more intense C-H (Highway Commercial) zoning on the north side of Kingston Pike to the less intense residential zoning to the south on Ray Mears Boulevard. C-G-3 zoning reflects the existing commercial uses along Ray Mears Boulevard and in the Downtown West Shopping Center.

The applicant is seeking to put two separate vehicular-oriented businesses on this parcel, which is rather small with an area of approximately 22,500 square feet. Due to the more restrictive setback requirements in the existing C-G-3 zone (referenced below), the applicant is seeking C-G-1.

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 changes to the development in 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 CG District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.
2. Because the uses are the same in the C-G-1 and C-G-3 zones, consideration of the rezoning is in regards to the dimensional and design standards of the two zones, since these standards are where the differences lie.
 - a. The C-G-1 has no front setback requirements, while the C-G-3 zone has a build-to zone (between 0' to 20') for both Kingston Pike and Winston Road [Article 5, Section 5.3, Table 5.1].
 - b. The C-G-1 zone has no requirement for design standards, while the C-G-3 zone has minimum design standards for façade design, fenestration design, and commercial site design [Article 5, Section 5.4, Table 5-2].

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. Since the allowed uses are the same for all C-G zones, no adverse impacts, specific to the uses, are anticipated from the lesser level of C-G-1 zoning.
2. However, the zoning ordinance was adopted recently and the zones set for this area intentionally required design standards and smaller setbacks to move buildings closer to the street and parking to the rear as new development occurred. Due to the lack of design requirements in the C-G-1 zone, a square metal building could be built and would be in compliance with zoning. Because the C-G-1 zone has no setback requirements, buildings could be located anywhere on the site. Surrounding properties would be redeveloped under the design and setback standards of C-G-3, so the lack of standards of C-G-1 in the midst of the C-G-3 has the potential to cause discordant development.
3. The applicant is proposing uses for this site that are allowed as a special use within the C-G zones, so the site plan will require Planning Commission approval regardless of the zoning outcome. The new site plan layout and building design will be determined by the zoning.

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-G zoning.
2. The sector plan's MU-SD, WC-3 (Mixed Use-Special District, Downtown West) designation is adjacent to the south and wraps around the West Hills at Montvue neighborhood. The sector plan calls for a pedestrian-oriented, urban mixed use area with sidewalks, new city blocks in some areas, and buildings set closer to the street to provide a more walkable area near a residential area.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/9/2021 and 2/23/2021. 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.



11-J-20-RZ REZONING

From: C-G-3 (General Commercial)

To: C-H-2 (Highway Commercial)



Original Print Date: 10/20/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Acre Kingston Pike T5 LLC

Map No: 120

Jurisdiction: City





Request to Postpone • Table • Withdraw

Name of Applicant: ACRE KINGSTON PILE TS, LLC

AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 11-J-20-RZ

Date Scheduled for Planning Review: 12/10/20

Date Request Filed: 12/7/20

Request Accepted by: MP/Am

REQUEST

☒ **Postpone**

Please postpone the above application(s) until:

JANUARY 14th, 2021

DATE OF FUTURE PUBLIC MEETING

☐ **Table**

Please table the above application(s).

☐ **Withdraw**

Please withdraw the above application(s).

State reason for request:

We need additional time for renderings and site plan updates to be completed.

Eligible for Fee Refund? ☐ Yes ☒ No

Amount: \$50.00

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: *Eric Brown*

PLEASE PRINT

Name: ERIC BROWN

Address: 3384 Peachtree Rd NE, Ste 650

City: Atlanta State: GA Zip: 30326

Telephone: (404) 556-4336

Fax: _____

E-mail: eric.brown@franklinst.com

PLEASE NOTE

Consistent with the guidelines set forth in Planning's Administrative Rules and Procedures:

POSTPONEMENTS

Any first time (new) Planning application is eligible for one automatic postponement. This request is for 30 days only and does not require Planning approval if received no later than 3:30 p.m. on the Friday prior to the Planning Commission meeting. All other postponement requests must be acted upon by Planning before they can be officially postponed to a future public meeting.

TABLINGS

Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

WITHDRAWALS

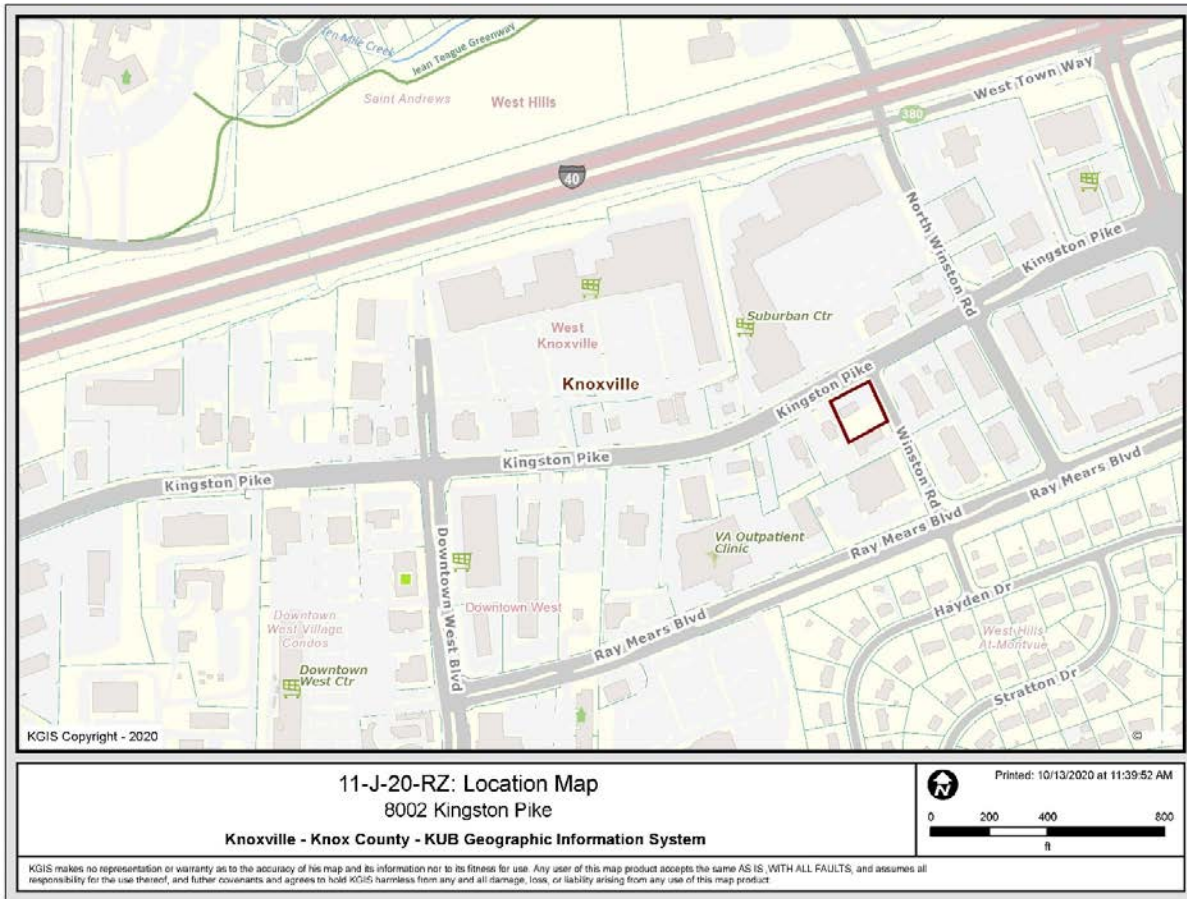
Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.

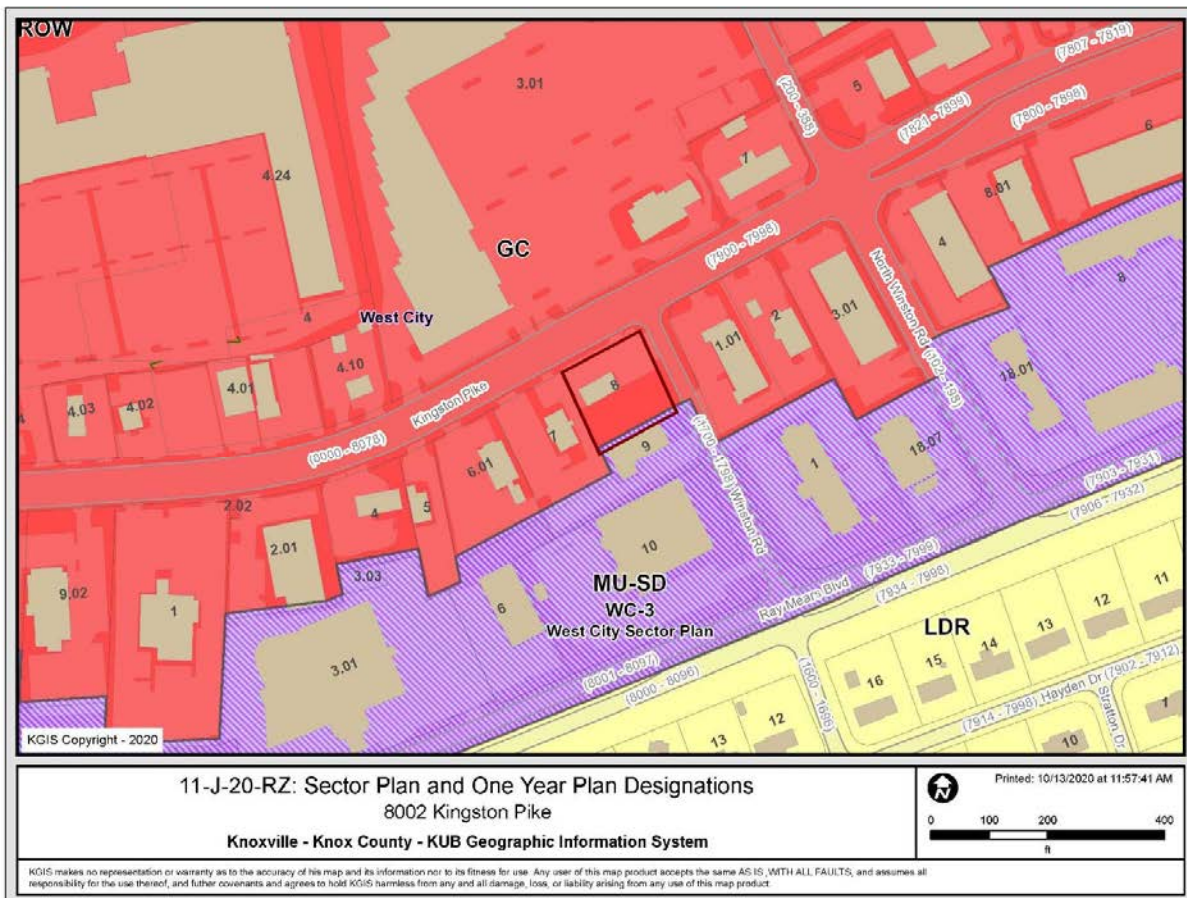
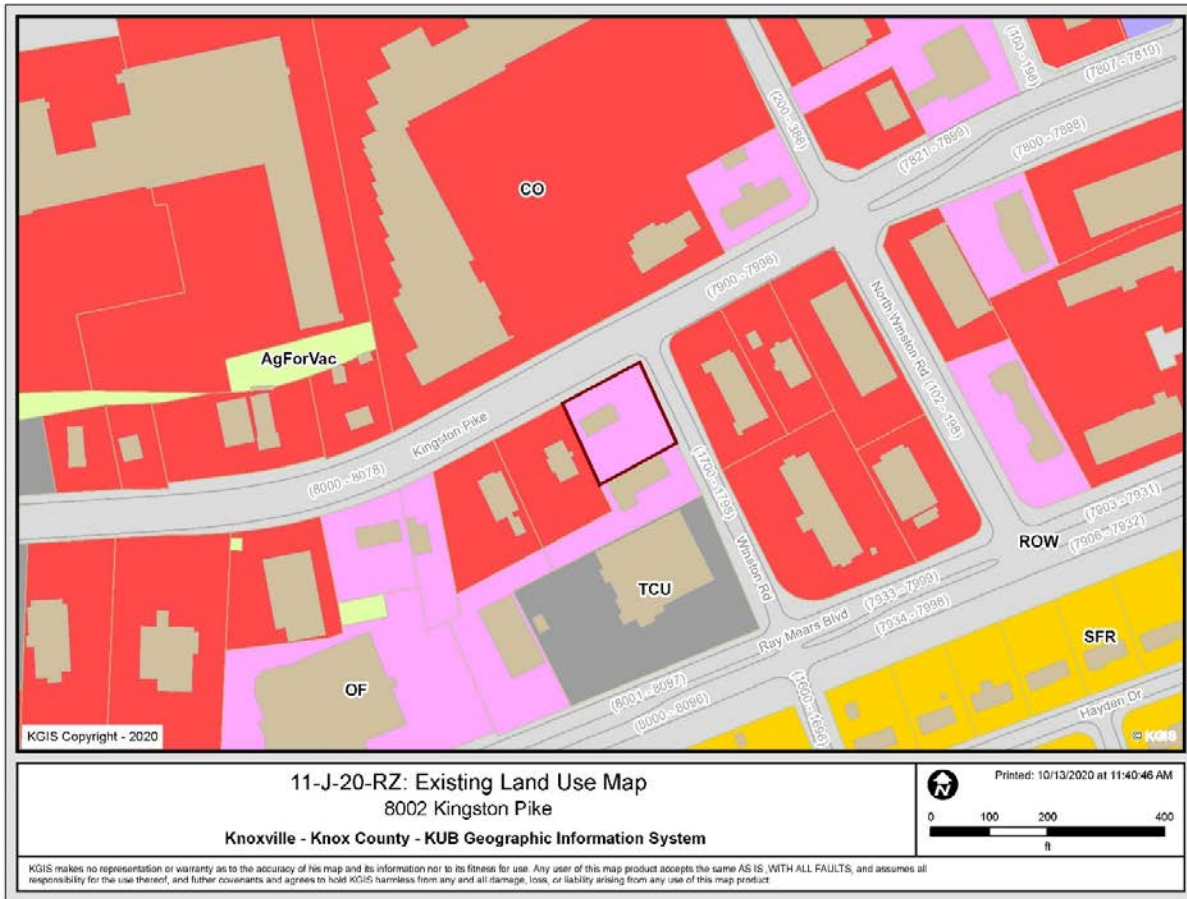
11-J-20-RZ

EXHIBIT A. Contextual Images



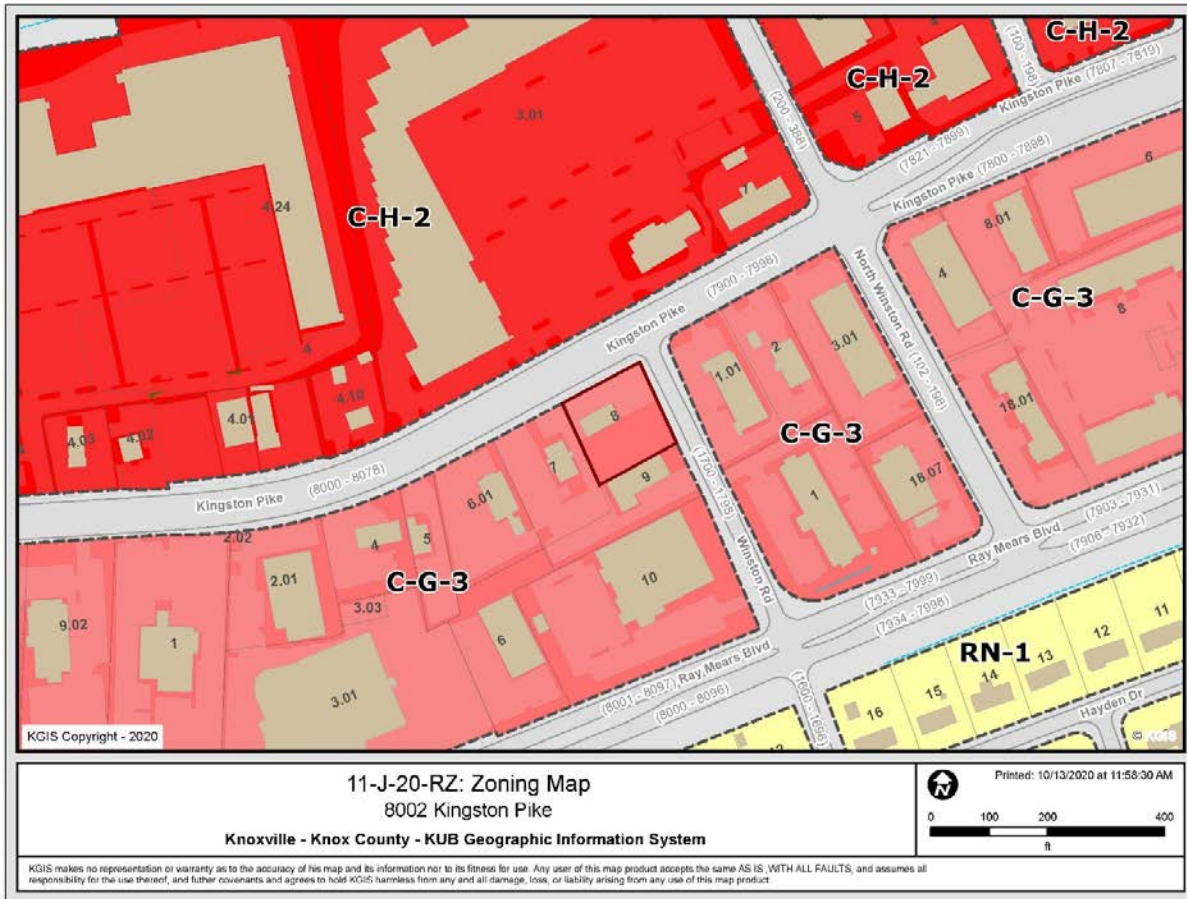
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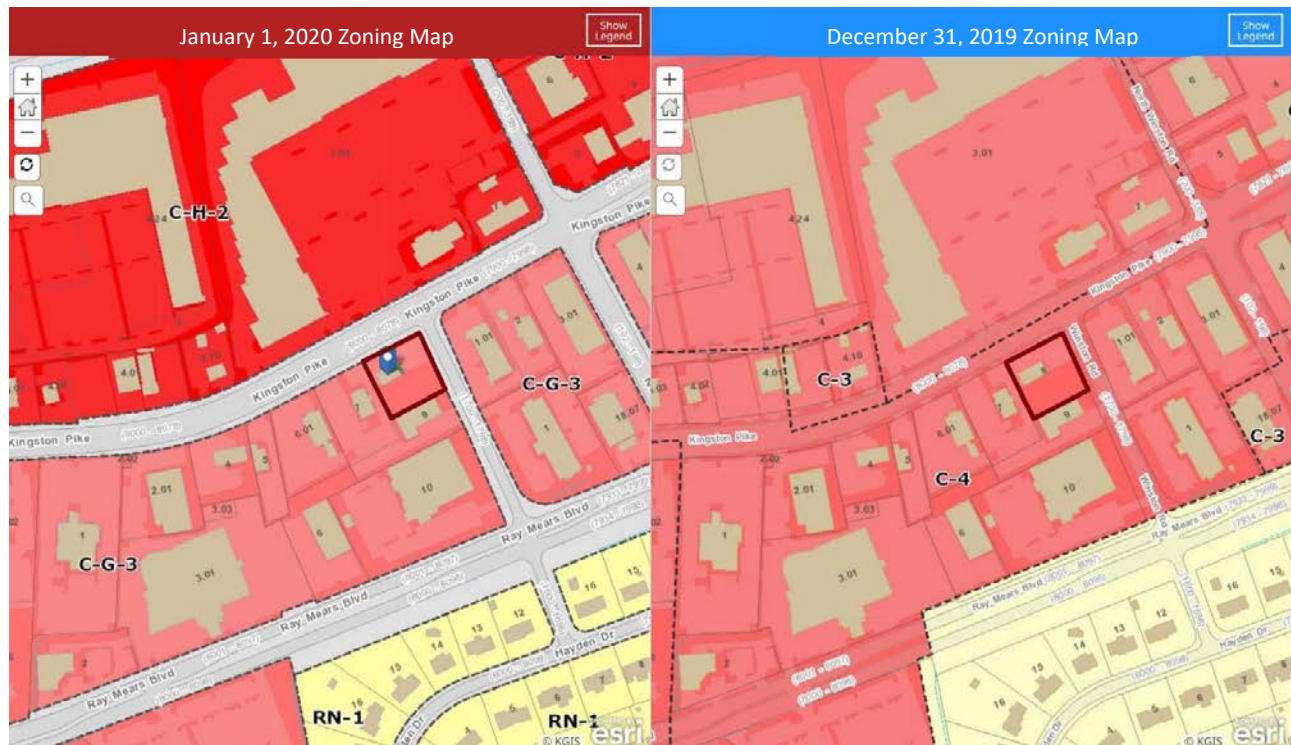


11-J-20-RZ

EXHIBIT A. Contextual Images



Comparison map showing zoning before and after the new zoning ordinance and map took effect



- (1) Download and fill out this form at your convenience. (2) Sign the application digitally (or print, sign, and scan).
(3) Either print the completed form and bring it to the Knoxville-Knox County Planning offices
or email it to applications@knoxplanning.org.



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

ACRE KINGSTON PIKE T5 LLC

DEVELOPER

Applicant Name

Affiliation

9-17-2020

11-9-2020

11/12/2020

11-J-20-RZ

File Number(s)

Date Filed

Meeting Date (if applicable)

Revised

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☐ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☒ Engineer ☐ Architect/Landscape Architect

Theo Stone

Atwell

Name

Company

1255 lakes parkway building 100 suite 120

lawrenceville

ga

30043

Address

City

State

ZIP

770-789-6415

tstone@atwell-group.com

Phone

Email

CURRENT PROPERTY INFO

WHEELER E F JR & WILLIAM D MCSPADDEN PO BOX 400 JACKSBORO TN 37757

865.567.3065

Owner Name (if different)

Owner Address

Owner Phone

8002 KINGSTON PIKE

120JA008

Property Address

Parcel ID

STAFF USE ONLY

3/5 Kingston Pike w/5 Winston Rd

General Location

150' x 150'

Tract Size

2nd

Jurisdiction (specify district above)

☒ City ☐ County

C-G-3

Zoning District

West City

Planning Sector

GC

Sector Plan Land Use Classification

City

Growth Policy Plan Designation

1 structure w/parking

Existing Land Use

N

Septic (Y/N)

KUB

Sewer Provider

KUB

Water Provider

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential Home Occupation (specify) _____ Other (specify) _____	Related City Permit Number(s)
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SUBDIVISION REQUEST

Proposed Subdivision Name _____ Unit / Phase Number _____ <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Total Number of Lots Created _____ <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Attachments / Additional Requirements	Related Rezoning File Number
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ZONING REQUEST

** This is a comparative Zoning Request.*

<input checked="" type="checkbox"/> Zoning Change _____ C-G-1 <i>(circled)</i> Proposed Zoning <input type="checkbox"/> Plan Amendment Change _____ Proposed Plan Designation(s) NONE	Pending Plat File Number
Proposed Density (units/acre) _____ <input type="checkbox"/> Other (specify) _____	Previous Rezoning Requests _____

STAFF USE ONLY**PLAT TYPE**

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (Final Plat)
☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1	0326	1,000.00	N/c	Total
Fee 2			N/c	
Fee 3			N/c	\$1,000.00

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

(Signature)

Applicant Signature

Michael Alterman

9-17-20

Please Print

Date

678-358-7650

michael@altermancommerical.com

Phone Number

Email

(Signature)

(Signature)
Please Print

9/25/20
Date

PAID



Letter Portrait
11-J-20-RZ
9/25/2020

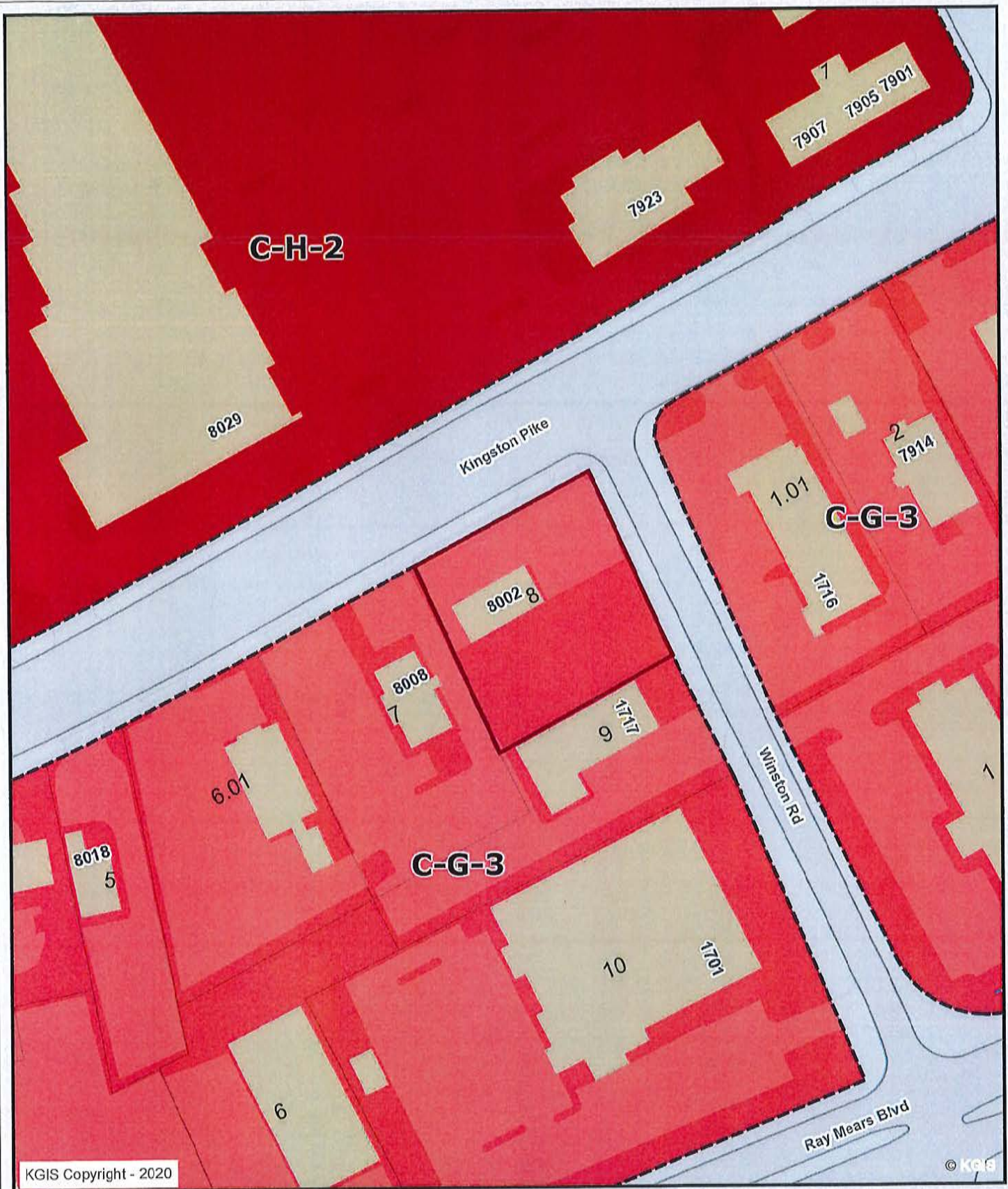
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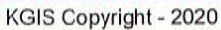
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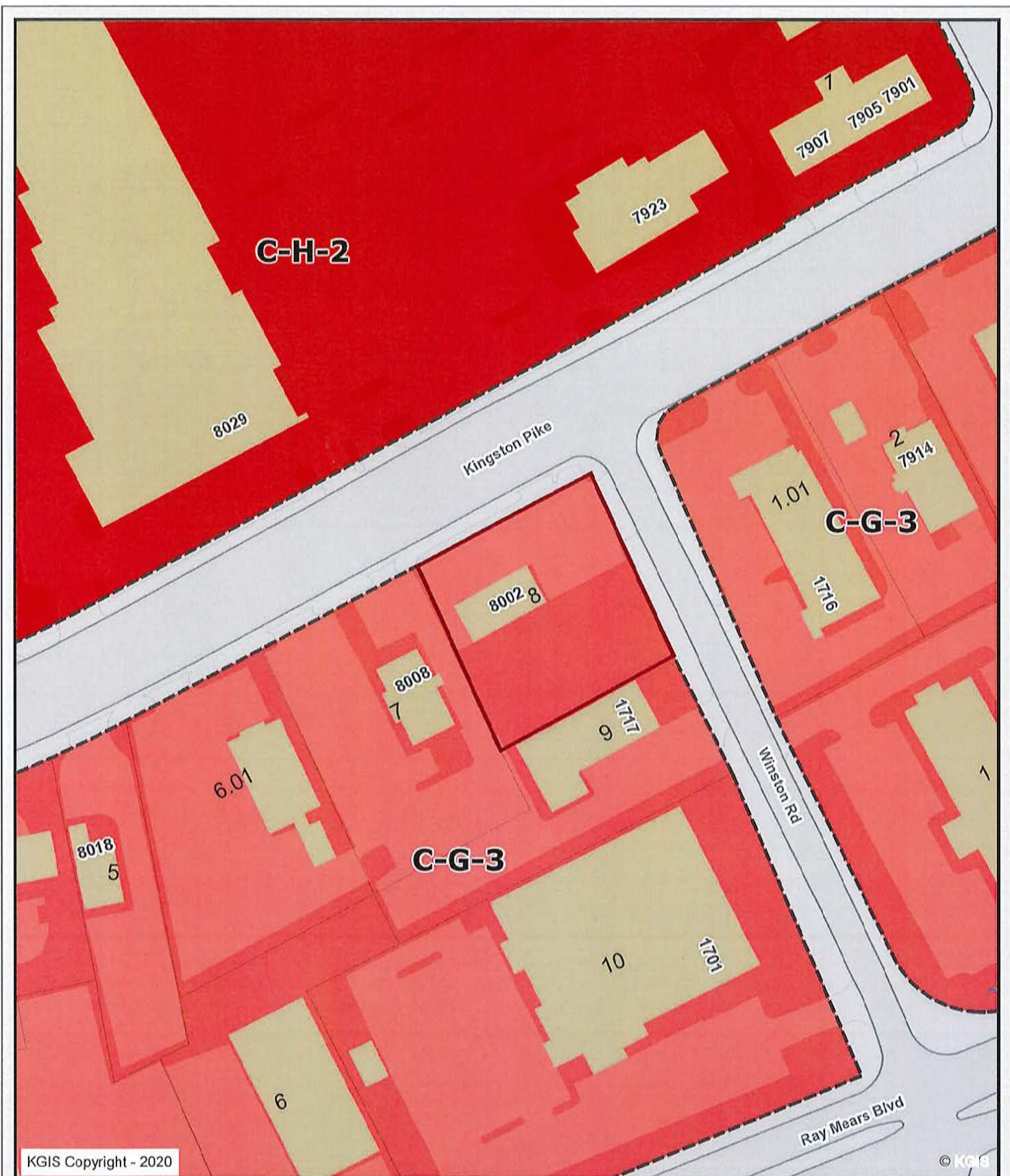
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A horizontal number line is shown with tick marks at 0, 50, 100, and 200. The segment between 50 and 100 is shaded gray. Below the line, the unit "ft" is indicated.

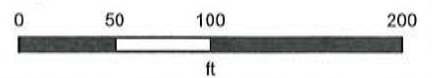


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