

SPECIAL USE REPORT

► FILE #: 5-F-23-SU AGENDA ITEM #: 16

> AGENDA DATE: 5/11/2023

► APPLICANT: **CARBON RIVERS, INC.**

OWNER(S): Jimmy Singh BIR Investments, LLC

TAX ID NUMBER: 94 A A 031.01 View map on KGIS

JURISDICTION: City Council District 5 STREET ADDRESS: 2635 WESTERN AVE

► LOCATION: West side of Mynderse Ave, north of Western Ave

► APPX. SIZE OF TRACT: **7.61 acres** SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Mynderse Ave, a local street with a 40-ft pavement width within

a 74-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

> Sewer Source: Knoxville Utilities Board

WATERSHED: East Fork

ZONING: I-MU (Industrial Mixed-Use) EXISTING LAND USE: Industrial (Manufacturing)

PROPOSED USE: Outdoor storage yard, secondary use

HISTORY OF ZONING: Partially rezoned from I-3 to I-2 in 2017, to be consistent with the remainder

of the property (6-E-17-RZ).

SURROUNDING LAND North: Mutli-family -- RN-5 (General Residential Neighborhood), IH (Infill **USE AND ZONING:**

Housing Overlay)

South: Commercial, Western Ave -- C-H-1 (Highway Commercial), I-MU

(Industrial Mixed-Use)

East: Industrial -- I-H (Heavy Industrial), IH (Infill Housing)

Warehouse, Commercial -- I-MU (Industrial Mixed-Use), I-G West:

(General Industrial)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of commercial and light to heavy industrial

uses, under C-H-1, I-MU, I-G, and I-H zones, and multi-family residential to

the north in the RN-5 zone.

STAFF RECOMMENDATION:

Approve the request for an outdoor storage yard as a secondary use, subject to 5 conditions.

1. Providing a Class B Buffer Yard along the north lot line as required by the City of Knoxville Zoning Ordinance (Article 12.8 - Buffer Yards).

2. Meeting the requirements of Article 11 (Off-Street Parking) of the City of Knoxville Zoning Ordinance.

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- 3. Meeting all applicable requirements of the City of Knoxville Department of Plans Review and Inspections.
- 4. Meeting all applicable requirements of the City of Knoxville Department of Engineering.
- 5. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

With the conditions noted above, this request meets the requirements of the I-MU zone, the buffer yard standards, and the criteria for approval of a special use.

COMMENTS:

The applicant is currently operating on the site and storing materials to process (recycle). The applicant has stated that once the materials have been processed, they intend to cease operations at this location and remediate the site.

The property is zoned I-MU (Industrial Mixed-Use), allowing an outdoor storage yard for secondary use with Special Use approval. Outdoor storage yards have principal use standards but they only apply if the property has commercial zoning (Article 9.3.CC).

However, the zoning ordinance also requires a Class B Buffer Yard when a nonresidential district abuts a residential district (Article 12.8). The buffer yard is 20 ft wide and requires one evergreen tree every 20 ft, one shade tree every 30 ft, and one shrub every 3 ft (50% evergreen). To the north is the Lonsdale Homes residential community.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

- 1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE YEAR PLAN.
- A. The One Year Plan and Central City Sector Plan land use designation for this site is LI (Light Industrial).
- B. The LI land use designation recommends industrial uses in the I-MU, I-RD, and I-G zone districts.
- C. The land use designation emphasizes that substantial landscaped buffers are expected between uses of lesser intensity, particularly residential, office and agricultural uses. A Class B Buffer Yard is required along the north property line, which abuts a residential development.
- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.
- A. The I-MU zoning district is intended to provide for a mix of light industrial uses and a variety of compatible commercial uses such as entertainment, amusement and retail establishments.
- B. With the recommended conditions, the outdoor storage yard for secondary use meets the requirements of the City of Knoxville Zoning Ordinance.
- 3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.
- A. According to aerials, the subject site has been used for industrial purposes since at least 1969, and the industrial uses to the east have been there since at least 1935.
- B. With the required landscaped buffer yard, the outdoor storage yard is compatible with the neighborhood where it is proposed.
- 4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.
- A. The proposed use is required to comply with Article 10 of the City of Knoxville Zoning Ordinance, which regulates impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other noxious concerns are regulated in Section 10.5.
- 5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.
- A. The subject site only has access to Mynderse Ave, which only leads to Western Avenue.
- 6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.
- A. There are no known uses in the vicinity that could be a potential hazard or create an undesirable environment for the proposed use on this site.

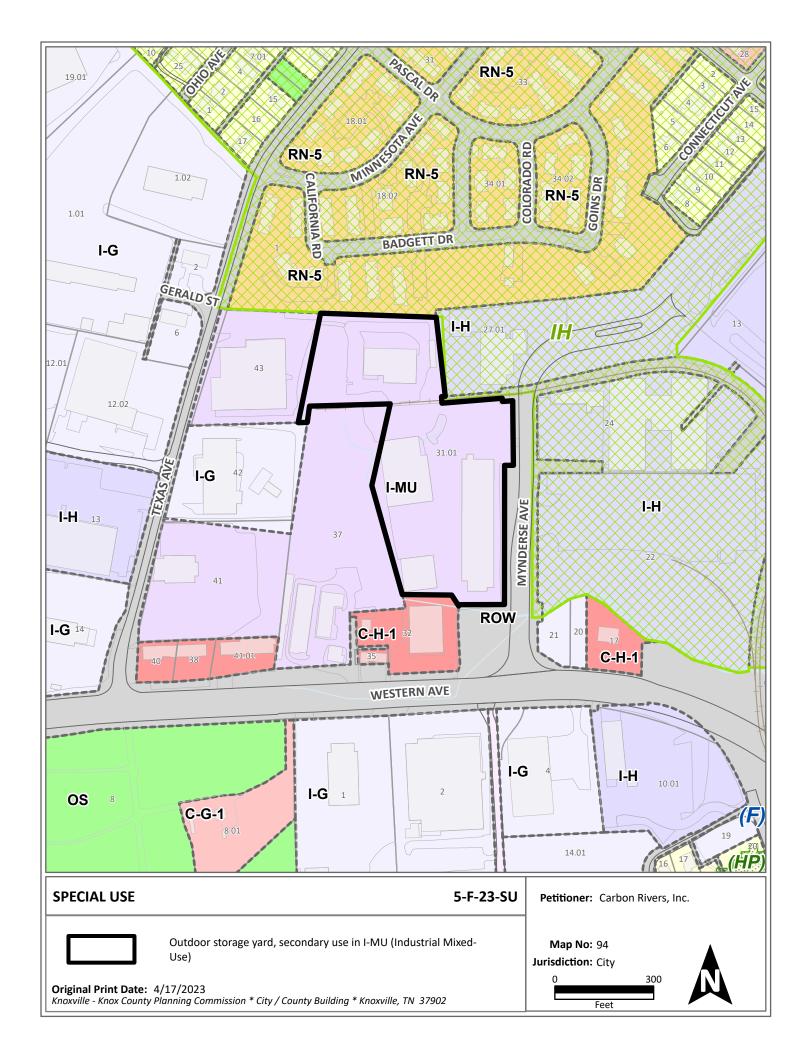
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ESTIMATED TRAFFIC IMPACT: Not required.

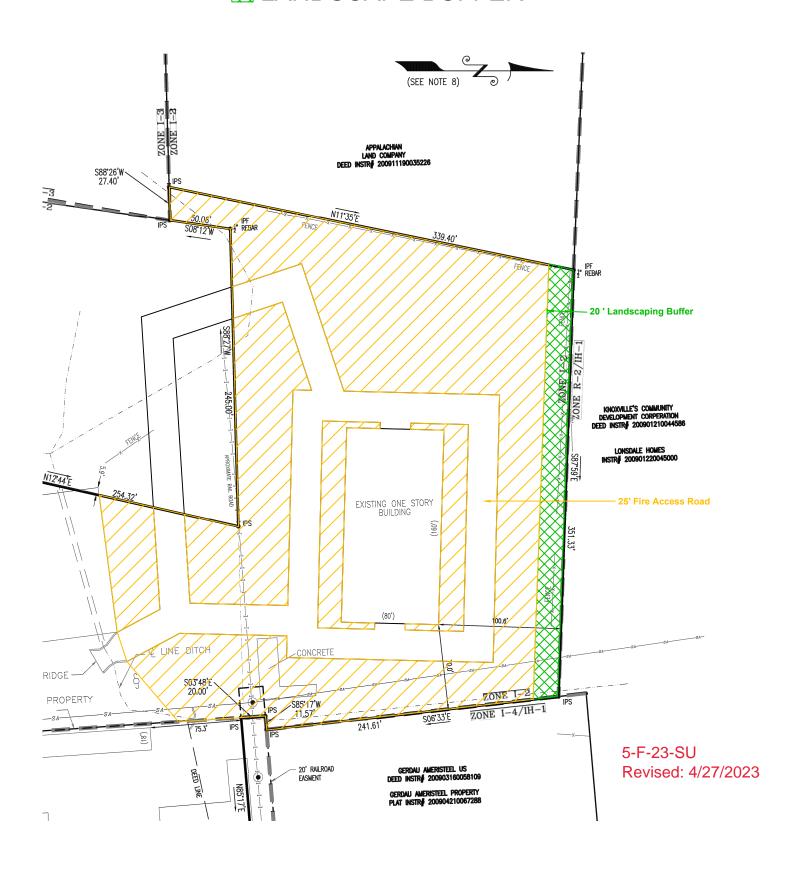
ESTIMATED STUDENT YIELD: Not applicable.

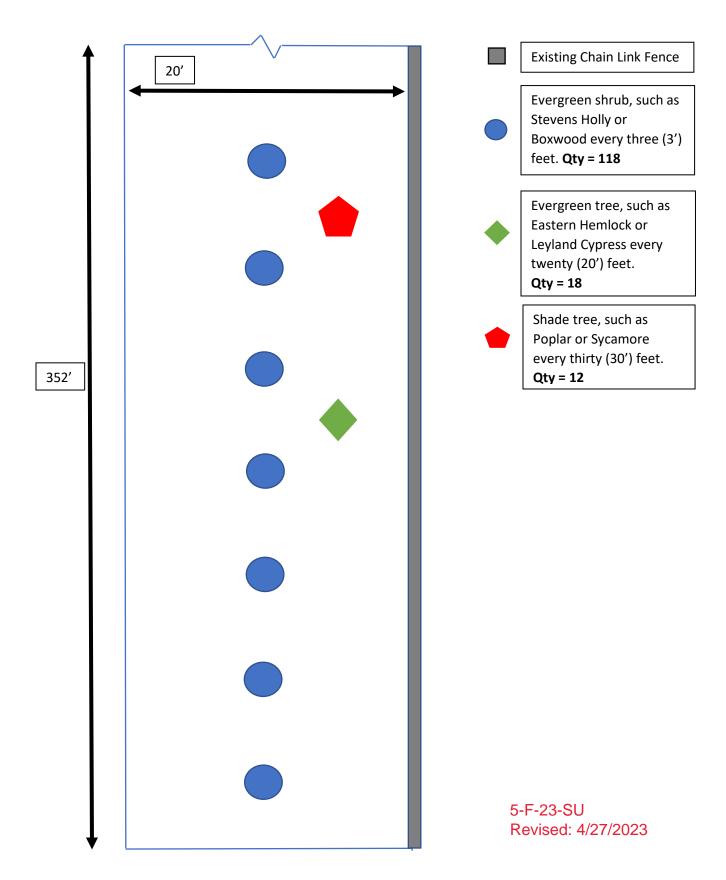
The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed.

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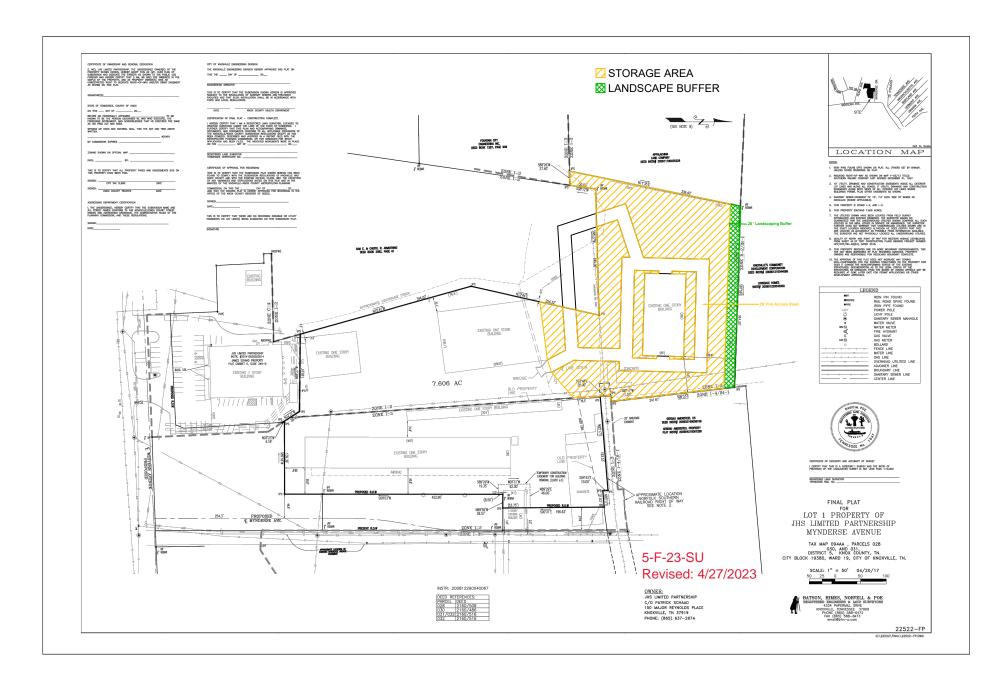


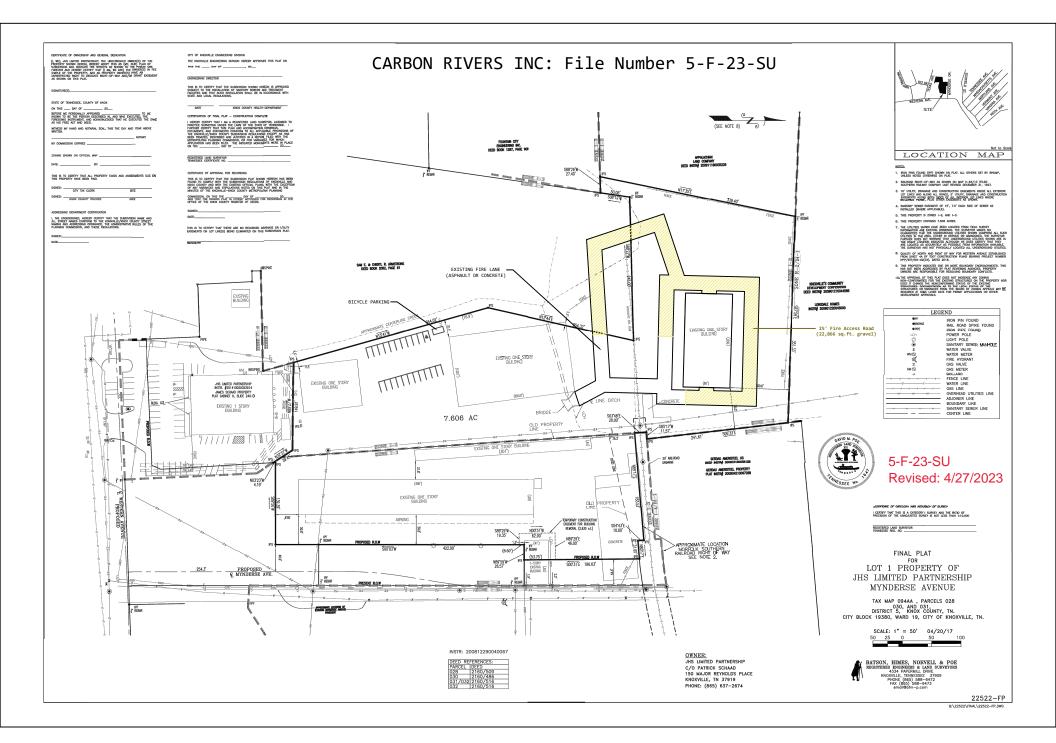
✓ STORAGE AREA⋈ LANDSCAPE BUFFER





File Number: 5-F-23-SU







Development Request

	DEVELOPMENT	SUBDIVISION	ZONING
Plannir KNOXVILLE I KNOX COUNT	☐ Development Plan ☐ Planned Development ☑ Use on Review / Special Use ☐ Hillside Protection COA	☐ Concept Plan ☐ Final Plat	☐ Plan Amendment☐ Sector Plan☐ One Year Plan☐ Rezoning
Carbon Rivers, Inc.			
Applicant Name		Affiliatio	n
3/27/2023	5/11/2023	5-F-23-SU	
Date Filed	Meeting Date (if applicable)	File Number(s)	
CORRESPONDENCE	All correspondence related to this application s	hould be directed to the app	roved contact listed below.
Bailey French Carbon River	s, Inc.		
Name / Company			
2409 Sycamore Dr Knoxville	e TN 37921		
Address			
865-607-5211 / bailey.frend	ch@carbonrivers.com		
Phone / Email			
CURRENT PROPERTY	INFO		
Jimmy Singh BIR Investmer	nts, LLC 2225 Sycamore Dr Knoxville TN 3	37921 54	0-980-7530
Owner Name (if different)	Owner Address	Ow	ner Phone / Email
2635 WESTERN AVE			
Property Address			
94 A A 031.01		7.6	1 acres
Parcel ID	Part of F	Parcel (Y/N)? Tra	ict Size
Knoxville Utilities Board	Knoxville Utilities I	Board	
Sewer Provider	Water Provider		Septic (Y/N)
STAFF USE ONLY			
West side of Mynderse Ave	e, north of Western Ave		
General Location			
✓ City Council District 5	I-MU (Industrial Mixed-Use)	Industrial	(Manufacturing)
County District	Zoning District	Existing La	•
Central City	LI (Light Industrial)	N/A (With	in City Limits)
Planning Sector	Sector Plan Land Use Classification		licy Plan Designation

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DEVELOPMENT REQUEST			
☐ Development Plan ☐ Plann	ed Development 📝 Use on Review / S	Special Use	Related City Permit Number(
☐ Hillside Protection COA	☐ Residential [Non-residential	
Home Occupation (specify)			
Other (specify) Outdoor storage	yard, secondary use		
SUBDIVSION REQUEST			
			Related Rezoning File Number
Proposed Subdivision Name			
Unit / Phase Number	Total Nu	ımber of Lots Created	.
Additional Information			
☐ Attachments / Additional Requi	irements		
ZONING REQUEST			
☐ Zoning Change			Pending Plat File Number
Proposed Zon	ing	_	_
☐ Plan			
Amendment Proposed Pla	an Designation(s)		.1
	Previous Zoning Requests		
Additional Information			
STAFF USE ONLY			
PLAT TYPE		Fee 1	Total
Staff Review Planning	g Commission	\$1,600.00	
ATTACHMENTS			
Property Owners / Option Hold		Fee 2	
ADDITIONAL REQUIREMEN COA Checklist (Hillside Protection			
☐ Design Plan Certification (Final		Fee 3	
✓ Site Plan (Development Reques	st)		
☐ Traffic Impact Study			
Use on Review / Special Use (Co	oncept Plan)		
AUTHORIZATION			
	Carbon Rivers, Inc.		3/27/2023
Applicant Signature	Please Print		Date
Phone / Email			
	Jimmy Singh BIR Investments, LLC		3/27/2023
Property Owner Signature	Please Print		Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.

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Development Request
DEVELOPMENT SUBDIVISION ZO

ZONING

Planning KNOXVILLE I KNOX COUNTY	·		□ Conce □ Final P		□ Plan Am □ SF □ Rezonin _§	P 🗆 OYP
Carbon Rivers, Inc.				Lesse	ee	
Applicant Name				Affiliat	ion	
3/27/2023	5/11/2023				File	e Number(s)
Date Filed	Meeting Date (if ap	plicable)				
CORRESPONDENCE All	correspondence related to th	is application sh	ould be direct	ted to the ap	oproved contact l	isted below.
■ Applicant □ Property Owner	☐ Option Holder ☐ P	roject Surveyor	☐ Enginee	r 🗌 Arch	itect/Landscape	Architect
Bailey French		Carbor	n Rivers, Inc	С.		
Name		Compan	У			
2409 Sycamore Drive		Knoxvi	lle	TN	379	21
Address		City		State	ZIP	
865-607-5211	bailey.french@carbonrivers.com					
Phone	Email					
CURRENT PROPERTY INFO						
BIR Investments, LLC.	2225 Sycamore Drive			540-980-7530		30
Property Owner Name (if different)) Property Owner Address				Property Own	er Phone
2635 Western Avenue	094AA-03101					
Property Address	Parcel ID					
N/A	N/A					N
Sewer Provider	Water Provider					Septic (Y/N
STAFF USE ONLY						
West side of Mynderse Ave, n	orth of Western Ave			7 61	acres	
General Location				7.61 acres Tract Size		
☑ City ☐ County 5th	I-MU		Industri	al		
District	Zoning District		Existing La	nd Use		
Central City	LI (Light Industrial)			N/A		
Planning Sector	Sector Plan Land Use Classification			Growth Policy Plan Designation		

DEVELOPMENT REQUEST				
Development Plan Use on Review / Special Use Hillside Protection COA Residential Non-Residential come Occupation (specify)		Relat	ed City Permit Number(s)	
Other (specify)	ary use as outdoor storage			
SUBDIVISION REQUEST				
			Relat	ed Rezoning File Number
Proposed Subdivision Name				
Unit / Phase Number ☐ Combine Pard	cels Divide Parcel Total Nui	mber of Lots Crea	ated	
☐ Other (specify)				
☐ Attachments / Additional Requirements				
ZONING REQUEST				
			Pe	nding Plat File Number
☐ Zoning Change Proposed Zoning				
☐ Plan Amendment Change				
Proposed P	an Designation(s)			
Proposed Density (units/acre)	Previous Rezoning Requests			
☐ Other (specify)				
STAFF USE ONLY				
PLAT TYPE		Fee 1		Total
☐ Staff Review ☐ Planning Commissi	on		Special Use nonresident	
ATTACHMENTS		Fee 2	nomesideni	
☐ Property Owners / Option Holders ☐	Variance Request			\$1,600
ADDITIONAL REQUIREMENTS				, , , , , , , ,
□ Design Plan Certification (Final Plat)□ Use on Review / Special Use (Concept Plan)		Fee 3		
☐ Traffic Impact Study	unj			
☐ COA Checklist (Hillside Protection)				
AUTHORIZATION				
Bailey French	Carbon Rivers, Inc.	(Bailey Frer		7/2023
Applicant Signature	Please Print			Date
865-607-5211	bailey.french@cark	onrivers.com		
Phone Number	Email			
Jimmy Singh	Jimmy Singh			7/2023
Property Owner Signature	Please Print			Date

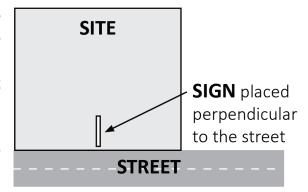
I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.



Sign Posting & Removal Requirement

Revised April 2021

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

April 28, 2023	and	May 12, 2023
(applicant or staff to post sign)		(applicant to remove sign)
Applicant Name: Carbon Rivers, Inc.		
Date: 3/27/2023		Sign posted by Staff
File Number: 5-F-23-SU		Sign posted by Applicant