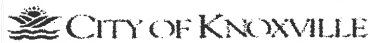


File #

4-C-20-VA



BOARD OF ZONING APPEALS APPLICATION

Click on **Meeting Schedule, Deadlines and Fees** for information on submitting an application to be heard at a monthly Board meeting.

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name: <u>DOUG WHITE</u>	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address: <u>Wisteria View Way</u>	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip: <u>Knoxville, TN 37914</u>	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number: <u>865-617-9266</u>	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email: <u>whitedoug2@gmail.com</u>		Other: Zoning Decision <input checked="" type="checkbox"/>

THIS IS A REQUEST FOR:

- | | |
|--|---|
| <input type="checkbox"/> Zoning Variance (Building Permit Denied) | <input type="checkbox"/> Extension of Non-Conforming Use/or Structure |
| <input checked="" type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

Street Address 7040 Strawberry Plain Pike City, State, Zip: Knoxville, TN 37914
 See KGIS.org for Parcel #: 084043 and Zoning District: C-6

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 7, Section 2

The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

DESCRIPTION OF APPEAL

Describe your project and why you need variances.

The subject property includes both a section off Strawberry Plains Pike zoned I-3 and a smaller section directly on the road zoned C-6. Estes Trucking plan to develop a truck terminal on the combined property. In 2019 a request was made on behalf of Estes to have the C-6 parcel rezoned as I-3. The request was turned down by the Metropolitan Planning Commission. The requester appealed to the City Council, and that appeal was rejected by the City Council unanimously. Estes has proceeded with its plans to put a truck terminal on the property, and apparently plan to have tractors (trucks) parked on the C-6 parcel. That decision was apparently made because of a decision by Peter Ahrens and with concurrence by Gerald Green that tractor parking could "encroach into the C-6 portion" as long it was behind employee parking. See Attachment A for the email correspondence of June 3, 2019 between Mr. Ahrens and Mr. Green of regarding this issue.

See attached one page for a continued explanation of why allowing such tractor parking should not be allowed.

Describe hardship conditions that apply to this variance.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE

DATE

3-13-2020

**BOARD OF ZONING APPEALS APPLICATION*********OFFICE USE ONLY*******Is a plat required? Yes ☐ No ☒Small Lot of record? ☐**VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):**

Estes Trucking submitted building plans in December 2019 to the City of Knoxville proposing to construct a trucking terminal at 7040 Strawberry Plains Pike. Approximately 6.5 acres of the property that fronts along Strawberry Plains Pike was zoned C-6 under the former City zoning ordinance, while the remaining 30 acres were zoned I-3 (Industrial). The site plan provided by Estes shows the trucking office, dock, shop, and trailers to be constructed and located on the I-3 portion of the property. The C-6 portion of the parcel would provide employee parking along with tractor parking.

A determination was made by Peter Ahrens, City of Knoxville's Plans Review and Inspections Director regarding the interpretation of a permitted use in the former C-6 General Commercial Park Zoning District. One of the permitted uses in the C-6 was to, "Allow automobile, marine craft, and truck sales and service, including the sales and service of any accessories." The interpretation made was truck sales on a C-6 zoned parcel would allow for the parking and display of tractor trucks seeing as the zoning ordinance did not regulate the size or type of trucks in the C-6 District. The applicant is proposing to only park tractor trucks on the C-6 portion of the property. All operations regarding the trucking company would take place in the I-3 zoned portion of the property.

PROJECT INFORMATION

Date Filed 3-13-2020

Fee Amount \$250

Council District 4

BZA Meeting Date 4-16-2020

PLANS REVIEWER

Bryan Berry

DATE

3/17/2020

This is a continuation of a Board of Zoning Appeals Application submitted by Destin A. LeBlanc regarding C-6 Zoning of 7050 Strawberry Plains Pike, Knoxville, TN 37914, Parcel # 084043.

Allowing "tractor parking" within the C-6 zoning as long as the tractors are parked behind employee parking, or for that matter for any reason, is inconsistent with the limitations of C-6 which states in Section F.1.b:

*"Required parking spaces shall be available for the parking of an operable **passenger automobile of customers, patrons and employees only** and shall not be rented, leased or assigned to any other person or organization. **No parking of trucks** or other equipment on wheels or tracks or the conduct of any business activity **shall be permitted on the required parking spaces.**"* [Emphasis added]

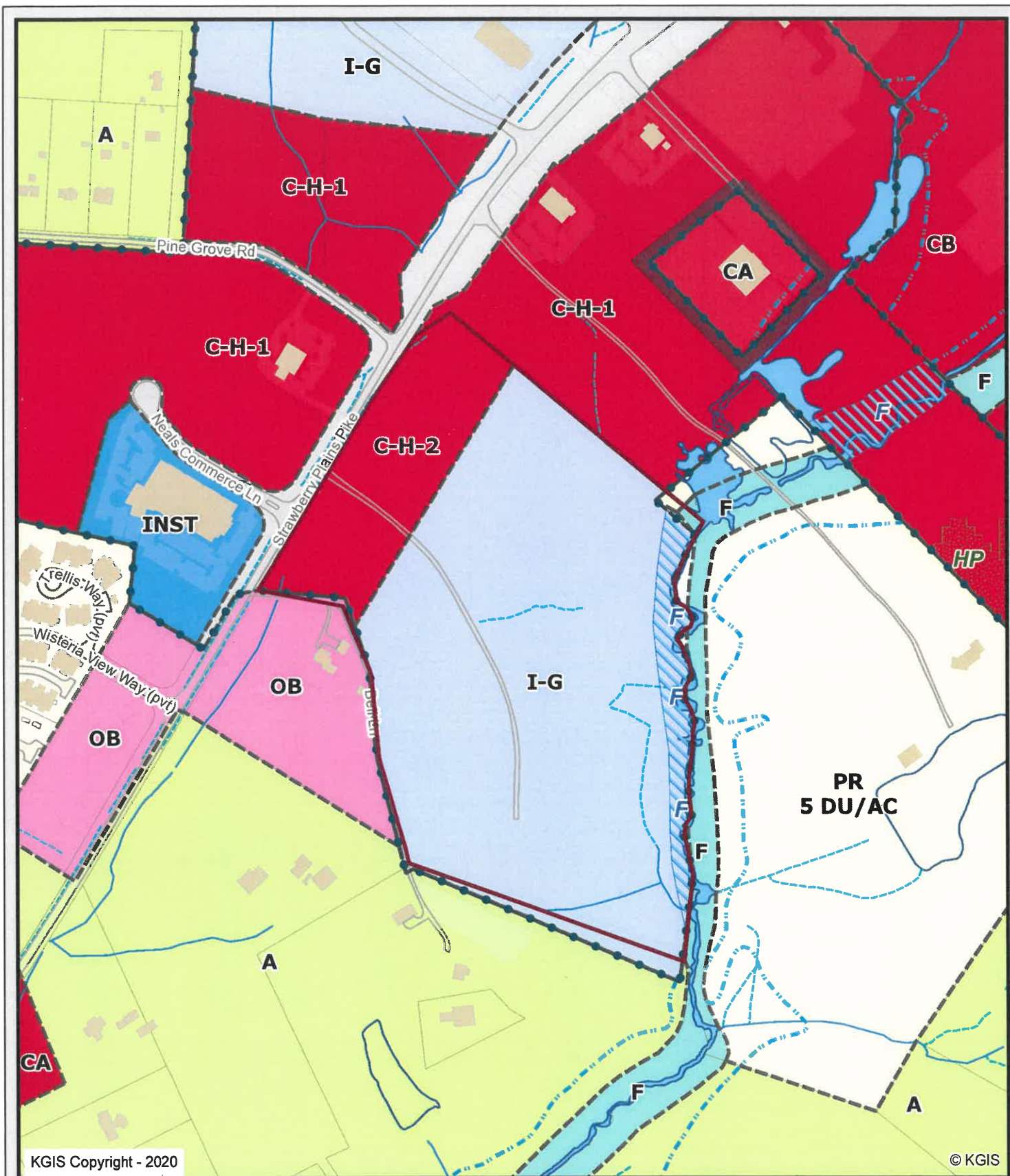
C-6 also states that "Automobile, marine craft, and truck sales and service, including the sales and service of any accessories" is allowed in C-6. The plain meaning of that statement is that it covers situations where trucks are both sold and serviced, much like an auto dealership that both sells and services cars. Unless Estes is planning something unusual, the truck terminal is not there to "sell and service" tractors or trucks. Further, "truck sales and service" is allowed in C-6 with the caveat that such use "may be permitted as a part of a commercial park development *only* when they are found to be *compatible with each other and surrounding uses* by the metropolitan planning commission staff". Such use of the C-6 parcel is *not compatible* with the condominium complex that I live in down the street from the subject property (and immediately adjacent to the TBI building), nor with the residential property next to Bell Lane .

It is interesting that in the appeal of the rezoning of the C-6 parcel at the City Council Meeting of April 3, 2019, Mr. John Brock, an attorney presenting Primos Land stated that the reason for the trucking company to have the C-6 parcel rezoned to I-3 was that truck parking was "prohibited" under C-6 (that statement is available Council meeting tape at the time point of approximately 45 minutes). It appears the Estes Trucking, after failing to having the parcel rezoned by the MPC and then failing in its rezoning appeal to the City Council, is trying its best to circumvent the clear zoning ordinances.

Allowing parking of tractors (trucks) for other reasons in C-6 should be a violation of zoning. Certainly employees should be able to park their pickup trucks in the C-6 zoning, but parking of tractors in that C-6 zoning is not appropriate and not consistent with C-6.

Certainly a truck terminal is permitted on I-3, but truck parking should not be allowed on the C-6 parcel.

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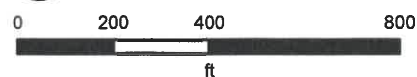
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7040 Strawberry Plains Pike
Doug White

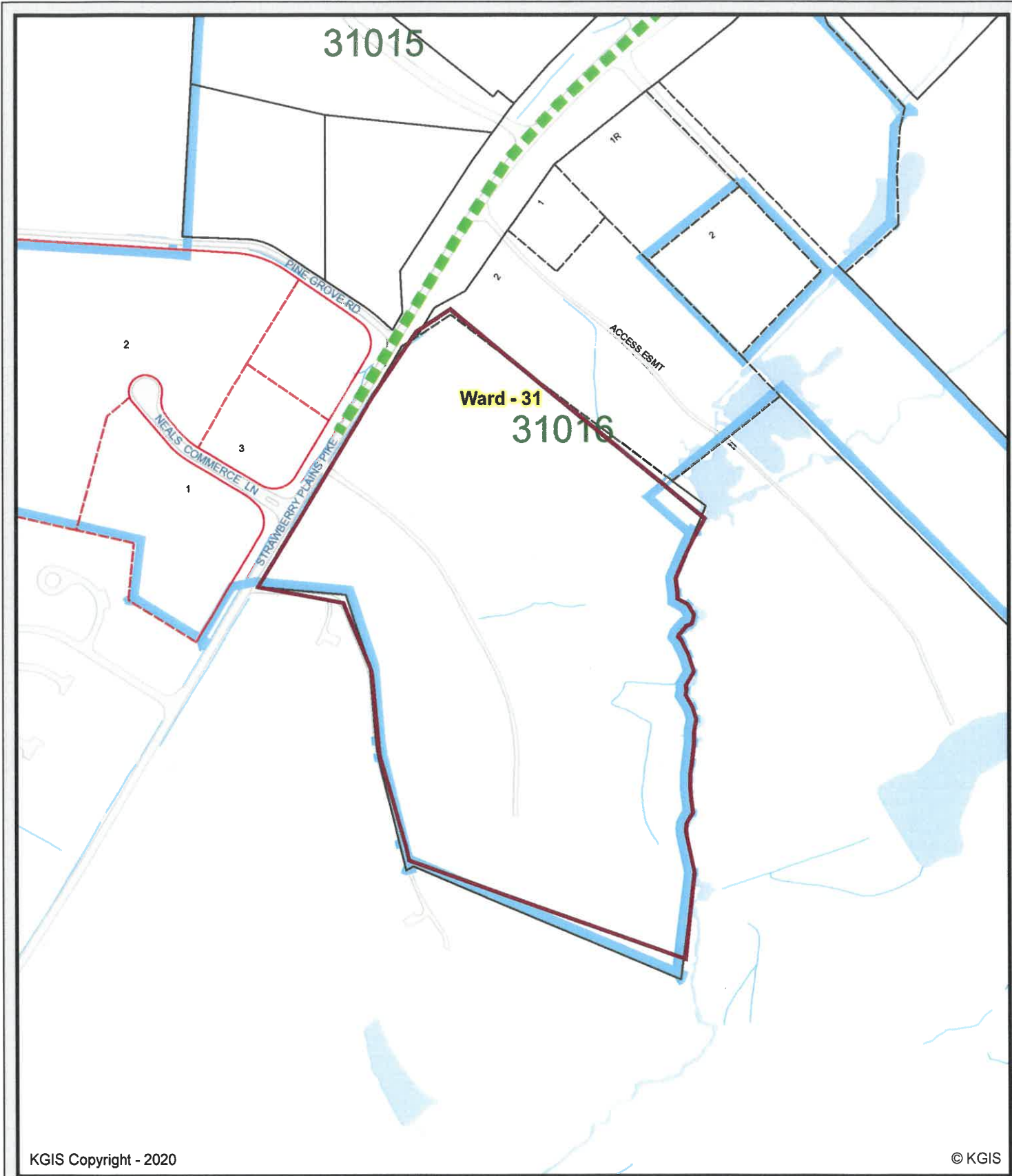
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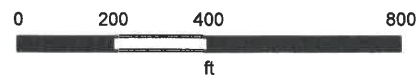
4-C-20-VA

7040 Strawberry Plains Pike
Doug White

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7040 Strawberry Plains Pike
Doug White

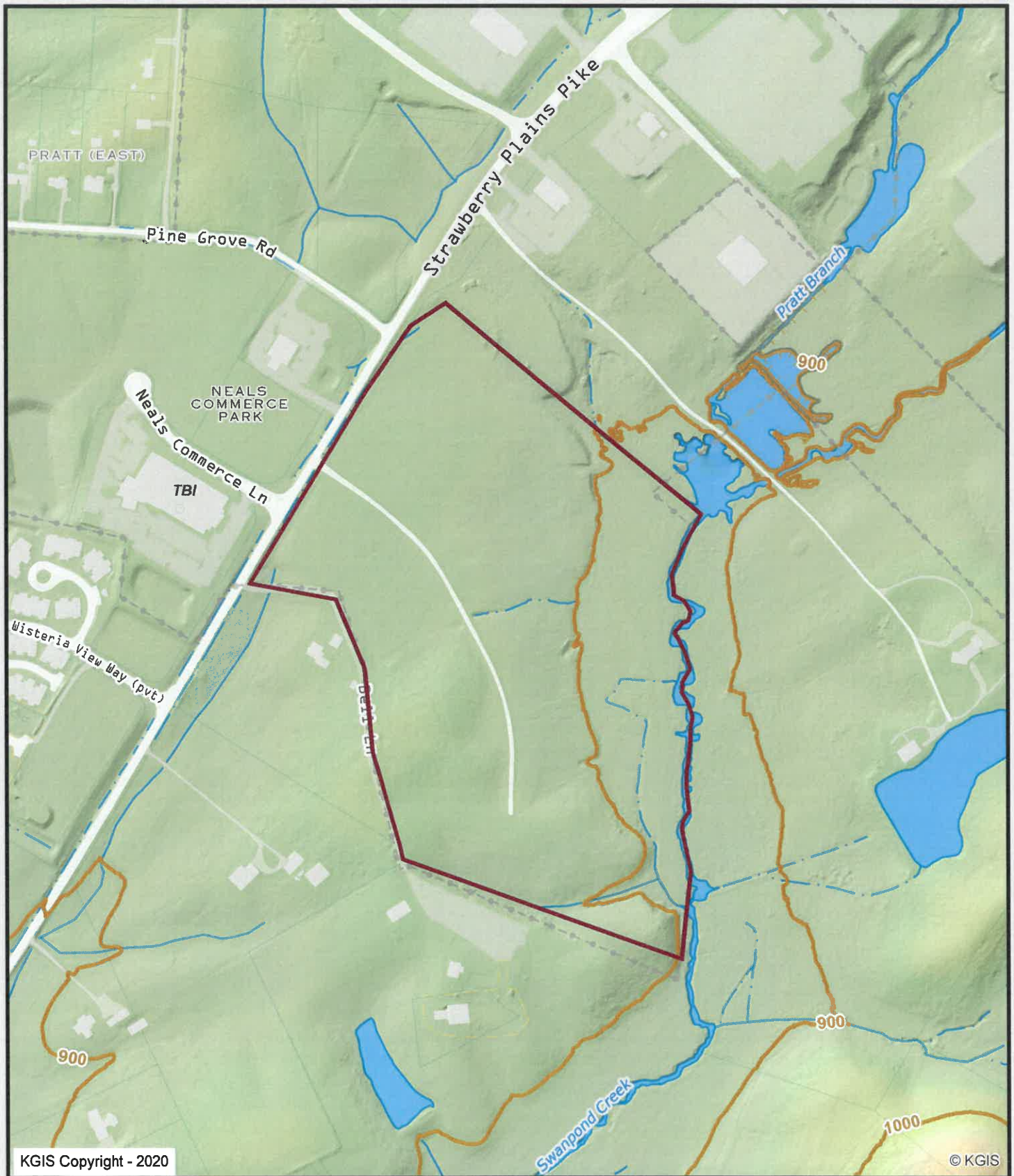
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4-C-20-VA

7040 Strawberry Plains Pike
Doug White

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Juliana LeClair

From: Peter Ahrens
Sent: Monday, March 23, 2020 11:46 AM
To: Juliana LeClair
Cc: amy.brooks@knoxplanning.org; Gerald Green (gerald.green@knoxplanning.org); Bryan Berry
Subject: FW: Split zoning at Strawberry Plains

Juliana,

Please include this full e-mail chain in the BZA packet.

Peter Ahrens
Director of Plans Review & Building Inspections
City of Knoxville
400 W Main St Suite 475
Knoxville, TN 37902
Office: [865-215-3938](tel:865-215-3938)

From: Gerald Green [mailto:gerald.green@knoxplanning.org]
Sent: Monday, June 03, 2019 4:33 PM
To: Peter Ahrens
Cc: Scott Elder; Christina Magrans
Subject: Re: Split zoning at Strawberry Plains

I concur. The setback and landscaping required by the C-6 zoning will provide the buffer desired by the Planning Commission. Requiring the tractor parking to be located behind the employee parking will ensure that the buffer desired by the Planning Commission is provided.

Gerald

Gerald Green AICP
Executive Director
Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902
865.215.3758

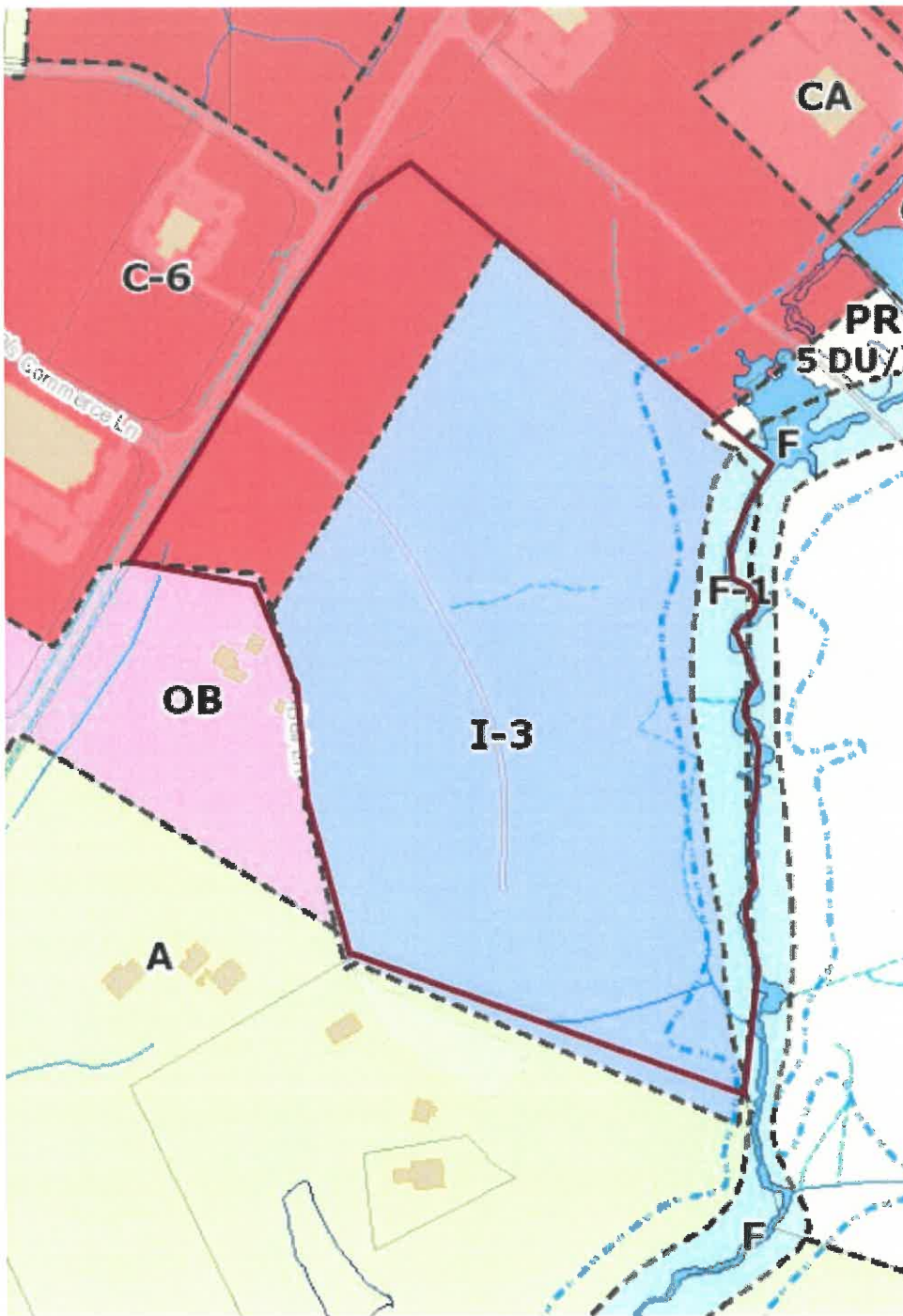


On Mon, Jun 3, 2019 at 3:34 PM Peter Ahrens <pahrens@knoxvilletn.gov> wrote:

Gerald,

I wanted to Follow up to our conversation today discussing the proposed trucking terminal facility at Strawberry Plains. My thoughts are that as long as the terminal operations (loading, unloading, trailer connection / disconnection, etc.) are performed in the I-3 district, then employee and tractor parking may encroach into the C-6 portion of the district. My thought process is that C-6 allows for truck sales and service, wholesaling and warehousing which are tractor trailer intensive.

Do you concur?



Peter Ahrens

Director of Plans Review & Building Inspections

City of Knoxville

400 W Main St Suite 475

Knoxville, TN 37902

Office: [865-215-3938](tel:865-215-3938)



Notes



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4-C-20-V A

2.2.9. - C-6 general commercial park district.

- A. *Legislative purpose, intent and application.* The legislative purpose, intent and application of the general commercial park development [district] are as follows:
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 following subsections.
 6. To encourage general commercial activities to locate in areas that have access to a major street system.
- B. *Permitted uses in a general commercial park development.* The following uses may be permitted as a part of a commercial park development only when they are found to be compatible with each other and surrounding uses by the metropolitan planning commission staff:
1. Any permitted use in the C-3 General Commercial District, unless otherwise noted in this section.
 2. Wholesaling and warehousing.
 3. Business services.
 4. Public and private schools, colleges and universities, and business and vocational schools not involving operations of an industrial nature.
 5. Light industries that can comply with the performance standards as set forth in this section.
 6. **Automobile, marine craft, and truck sales and service, including the sales and service of any accessories.**
 7. Signs, as regulated by article V, section 10.
 8. Public, private and commercial athletic facilities, including facilities for training and instruction.
 9. Self-service storage facilities, subject to the requirements of article V, section 3.F.7.
 10. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
 - a. No other halfway house located within one (1) mile of this site.
 - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
 - c. The use shall comply with all applicable city, state, and federal codes and regulations.
 - d. The site shall be within one thousand (1,000) feet of an established transit route.
 - e. Signs identifying a use as a halfway house are not permitted.
 - f. The city police department must be provided with a written notification of the use prior to its occupancy.
 11. Personal gardens.
 12. Community gardens.
 13. Market gardens.
 14. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.*
1. Marinas, subject to the requirements set forth in article V, section 3.F.
 2. Private day nurseries and kindergartens, as regulated in article V, section 3.
 3. Halfway houses with greater than five (5) persons subject to the following standards:
 - a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
 - b. The use shall comply with all applicable city, state, and federal codes and regulations.

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- c. The site shall be within one thousand (1,000) feet of an established transit route.
 - d. Signs identifying a use as a halfway house are not permitted.
 - e. The city police department must be provided with a written notification of the use prior to its occupancy.
 - 4. Funeral establishments.
 - 5. Craft breweries, distilleries and wineries.
 - 6. Craft bakeries.
 - 7. Alternative financial services as regulated by article V, section 26.
 - 8. Multi-dwelling structure, either as a single use or as part of a mixed use development, as regulated by article V, section 3.F.15
- D. *Area regulations.*
- 1. *Floor area ratio.* The following maximum floor area ratios shall be applied in the general commercial park:
 - One-story structures: 0.50 FAR.
 - Two-story structures: 1.00 FAR.
 - Three-story structures: 1.50 FAR.
 - Four-story structures: 2.00 FAR.

For each additional story above four, add twenty-five one-hundredths (0.25) to the floor area ratio.
 - 2. *Area and open space requirements.*
 - a. *Front yard.* All buildings shall [be] set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
 - b. *Side yard.* All buildings shall have a side yard of not less than twenty (20) feet in depth, except the depth of a side yard which abuts a residential district shall not be less than sixty (60) feet.
 - c. *Rear yard.* The depth of a rear yard where buildings are to be serviced from the rear shall be a minimum of thirty (30) feet, except the depth of a rear yard which abuts a residential district shall not be less than sixty (60) feet. In all other cases, a rear yard is not required.
- E. *Landscaping requirements.* The following provisions shall be applied in general commercial park development:
- 1. *Front yard.* The required front yard shall be landscaped or left in natural vegetation. Such landscaping or vegetation shall at all times be maintained in a satisfactory manner.
 - 2. *Rear and side yards.* A landscaped strip, with a minimum depth of fifteen (15) feet, shall be maintained where the rear or side yard abuts residential zoning. Landscaped areas abutting residential zoning shall include either evergreen or deciduous plantings that shall be designed and installed in a manner deemed appropriate by the metropolitan planning commission staff. These plantings shall obtain a minimum height of eight (8) feet within a period of one year. All other side and rear yards shall be landscaped in a manner deemed appropriate by the metropolitan planning commission staff.
 - 3. *Parking areas.*
 - a. Parking areas shall contain a minimum of five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet or fraction thereof of paved parking area. For each increase of one (1) percent over the minimum area of landscaping required, the total number of required parking spaces may be reduced by one (1) percent. The reduction in the number of required parking spaces, however, shall not exceed ten (10) percent.
 - b. All parking areas shall be screened by evergreen planting that will obtain a minimum height of eight (8) feet within a period of one (1) year where the parking area abuts a residential zone.
 - c. For each five thousand (5,000) square feet of parking area, a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.
 - 4. *Open spaces.* That area designated as open space situated between the site boundary and the nearest building line shall be landscaped or left to remain in natural vegetation.

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For each five thousand (5,000) square feet of open space a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

5. *Loading and service areas.* Loading, service and outdoor storage areas shall be screened with evergreen planting that shall obtain a minimum height of five (5) feet within a one-year period.
- F. *Required off-street parking, loading and vehicular access locations.* The following regulations shall apply to general commercial park development:
 1. *Required off-street parking and loading.* As regulated by use in article V, section 7 of the Knoxville zoning ordinance:
 - a. The parking area of any general commercial park development shall be so laid out as to provide systematic and orderly circulation, traffic separation devices, and parking stalls in accordance with good traffic engineering practice and planning practices.
 - b. Required parking spaces shall be available for the parking of an operable passenger automobile of customers, patrons and employees only and shall not be rented, leased or assigned to any other person or organization. No parking of trucks or other equipment on wheels or tracks or the conduct of any business activity shall be permitted on the required parking spaces.
 - c. Required parking spaces not within a garage or other structure may be located within the required side or rear yards.
 - d. Ingress and egress to required parking area may be through the required front yard. This is not to be construed to mean that parking is permitted within the required front yard.
 2. *Loading regulations.* Loading berths may be located in the required rear yard or side yard and must be directly accessible to main structures. Loading berths not so located will be considered as fulfilling the requirements of this section if evidence is presented to show that loading activities can take place without moving materials on sidewalk or street area, and in no case for a distance in excess of three hundred (300) feet.
 3. *Vehicular access locations.* Vehicular access locations shall be provided so that vehicles entering or departing the commercial development site shall do so only at such locations. Elsewhere along the property lines of said commercial development site, a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the metropolitan planning commission staff and director of traffic engineering. A traffic access and impact study may be required, subject to the requirements of the administrative rules and procedures of the metropolitan planning commission.
 - a. No vehicular access location serving a general commercial park development site shall be:
 - (1) Within seventy-five (75) feet of the intersection of street right-of-way lines, bounding, in part, the same commercial development site.
 - (2) Within two hundred fifty (250) feet of any interchange ramp. Such distance shall be measured from a point where the centerline of the ramp intersects with the edge of the pavement of the travelway of the intersecting street.
- G. *Performance standards.* Any activity included in a general commercial park development shall comply with the performance standards contained in article V, section 1. In the case of conflict between the performance standards set forth herein and any rules or regulations adopted by any other governmental agency, the most restrictive shall apply.
- H. *Outdoor storage and display.* All outdoor storage facilities are prohibited in any general commercial park development. This provision shall not be construed to exclude the outdoor display of new or used automotive vehicles for sale or rent, or the incidental display of goods or chattels for sale or rent in a commercial planned unit development by an establishment having activities that occur principally within a building. However, if outdoor display is required, it cannot be within the required front yard.
- I. *Utilities.* All utility transformers serving each use shall be located within the individual buildings. Utility transmission lines serving individual uses shall be placed underground.
- J. *Outdoor lighting.* Any outdoor lighting shall be installed in accordance with the requirements of article V, section 17.

4-6-20-VA

K. *Administration.*

1. Prior to any building permits being issued, a development plan must be submitted to the planning staff for approval and appropriate signatures certifying such approval has been affixed to the plan. The development plan is to be used by the staff to insure that it is in conformance with the regulations contained within this section.
2. The development plan must include the following:
 - a. The existing topographic character of the land.
 - b. The location of major thoroughfares.
 - c. A map showing street systems, parcel lines, the use of adjacent properties, and access points for adjacent properties.
 - d. An off-street parking and loading plan.
 - e. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the park.
 - f. A landscaping plan.
 - g. The location and height of all outdoor lighting.
3. If after review of the proposed development plan by the planning staff, the applicant feels he has been aggrieved, he may appeal the decision of the planning staff to the metropolitan planning commission.

(Ord. No. O-121-83, § 1(D), 8-2-83; Ord. No. O-483-92, § 1(C)(9), 11-24-92; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-49-97, § 1, 1-28-97; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-322-97, § 1, 7-29-97; Ord. No. O-476-98, § 1, 9-8-98; Ord. No. O-425-02, § 1, 10-29-02; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-188-07, § 1, 8-28-07; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-9-2015, § 4, 1-20-15; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. No. O-116-2016, § 1, 7-19-16; Ord. No. O-205-2017, § 1, 9-26-17; Ord. O-227-2017, § 1, 10-24-17)

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10215 Technology Drive, Suite 304
Knoxville, TN 37932
(865) 777-4160
www.site-incorporated.com

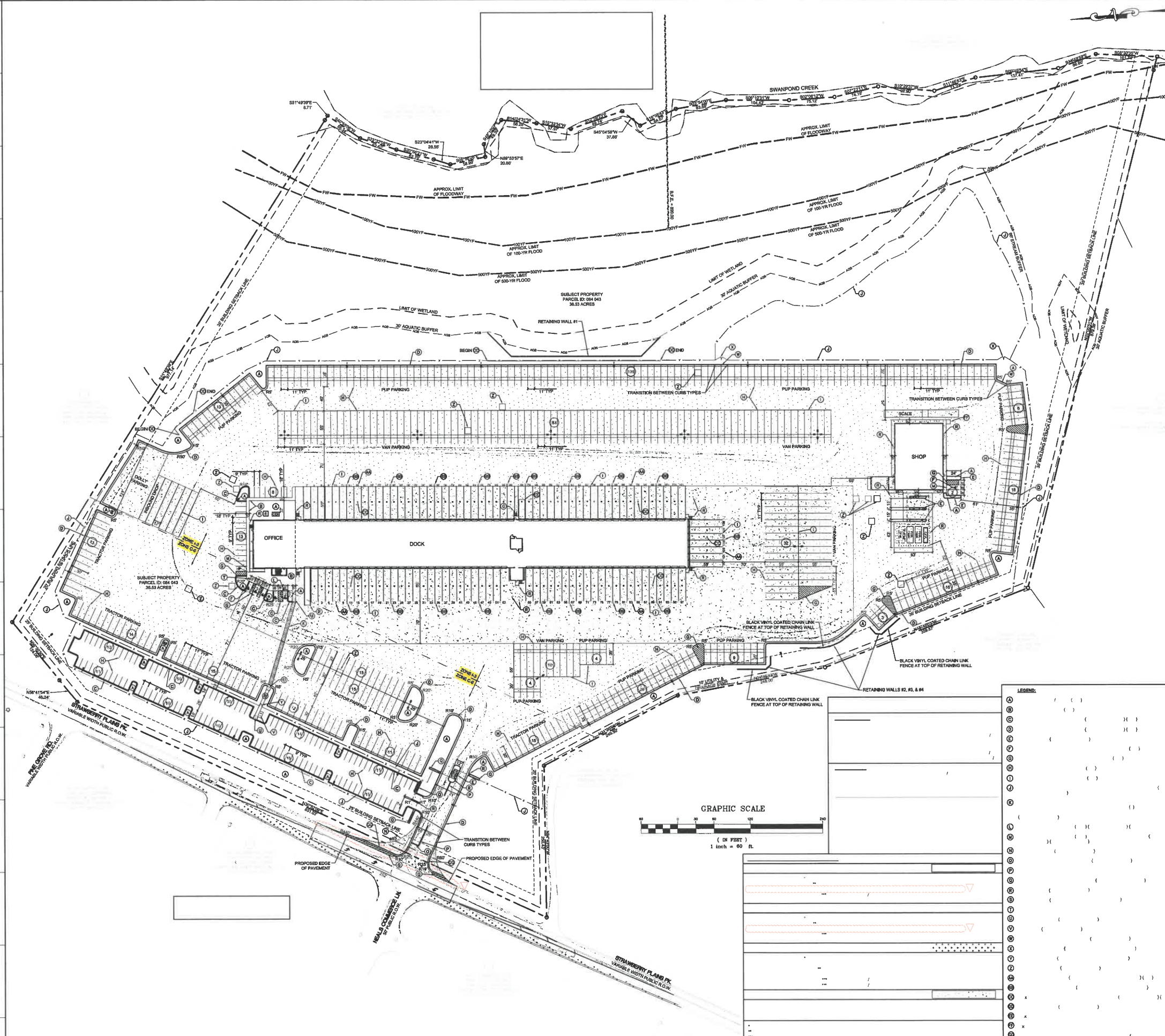


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