

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 2-E-21-RZ **Related File Number:**
Application Filed: 12/28/2020 **Date of Revision:**
Applicant: ERICK GARCIA SALAS

PROPERTY INFORMATION

General Location: West side of N. Broadway across from Sanders Dr., north of Adair Dr.
Other Parcel Info.:
Tax ID Number: 58 N D 042 **Jurisdiction:** City
Size of Tract: 0.3 acres
Accessibility: N. Broadway Avenue is a major arterial with a 53-ft pavement width inside a 73-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Small commercial strip center
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: North City **Sector Plan Designation:** GC (General Commercial) & SP (Stream Protectio
Growth Policy Plan: Within City limits
Neighborhood Context: N. Broadway Avenue is a major commercial corridor. This area is a commercial node near the intersection of N. Broadway Avenue and Adair Drive (a major collector). Tazewell Pike is nearby to the south, Sterchi Cemetery is nearby to the west, and the Adair Gardens Historic Neighborhood is to the east along Sanders and Adair Drives.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 4821 N. Broadway
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-G-2 (General Commercial)
Former Zoning:
Requested Zoning: C-G-1 (General Commercial)
Previous Requests:
Extension of Zone: No
History of Zoning: None noted for this property

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Michelle Portier

Staff Recomm. (Abbr.):

Deny C-G-1 (General Commercial) zoning because it does not meet all the criteria for a rezoning.

Staff Recomm. (Full):

Comments:

The applicant is seeking to put a car repair shop at this location and would like C-G-1 to set the building further back than the C-G-2 zoning allows. The differences between the C-G-1 and C-G-2 zones are the dimensional standards and design standards (C-G-1 has none).

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 allowed uses are the same in all levels of C-G zones. Therefore, the applicant is allowed to build the same types of facilities in any of the zones. The difference is the setbacks, building height, and design standards with which the applicant would need to comply.

2. The difference between dimensional and design standards [§ 5.3, Tables 5.1 and 5.2] of the two zones are as follows:

a. Front Setback and Build-to Zone (note that the build-to zone refers to the percentage of the building's front façade that is required to be in the build-to zone. It is not a percentage of the property's frontage):

i. C-G-1: has no front setback requirements

ii. C-G-2: has a build-to zone, between 0' to 20'

b. Corner side setback standards:

i. C-G-1: no side setback requirement

ii. C-G-2: has a build-to zone, between 0' to 15'

c. Design Standards:

i. C-G-1: has no requirement for design standards

ii. C-G-2: has minimum design standards for façade design, fenestration design, and commercial site design.

3. The C-G (General Commercial) Zoning District is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The C-G 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.

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. A large portion of this property is in FEMA-designated 100- and 500-Year floodplains. The setback build-to zone benefits this property as a new building would be located farther from the floodplains.

2. 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.

3. 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.

4. This rezoning case sets the applicable standards for any future development, not only for this owner/developer.

a. Because the C-G-1 zone has no setback requirements, buildings could be located anywhere on the site.

b. Surrounding properties would be redeveloped under the design and setback standards of C-G-2, so the

lack of standards of C-G-1 in the midst of the C-G-3 has the potential to cause discordant development.

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 North City Sector Plan's current GC (General Commercial) designation supports C-G zoning.

Action: Approved **Meeting Date:** 3/11/2021

Details of Action: The Planning Commission approved C-G-1 (General Commercial) zoning because it is consistent with surrounding development.

Summary of Action: Approve C-G-1 (General Commercial) zoning because it is consistent with surrounding development.

Date of Approval: 3/11/2021 **Date of Denial:** **Postponements:** 2/11/2021

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 4/6/2021 **Date of Legislative Action, Second Reading:** 5/4/2021

Ordinance Number: **Other Ordinance Number References:** O-57-2021

Disposition of Case: Approved **Disposition of Case, Second Reading:** Approved

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**