

# CASE SUMMARY

**APPLICATION TYPE: REZONING**



**File Number:** 4-G-24-RZ      **Related File Number:** 4-D-24-PA  
**Application Filed:** 2/12/2024      **Date of Revision:**  
**Applicant:** GARY KOONTZ

## **PROPERTY INFORMATION**

**General Location:** West of N Broadway, north of Ridgewood Road  
**Other Parcel Info.:**  
**Tax ID Number:** 48 N C 020 01      **Jurisdiction:** City  
**Size of Tract:** 20452 square feet  
**Accessibility:**

## **GENERAL LAND USE INFORMATION**

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:**      **Density:**  
**Sector Plan:** North City      **Sector Plan Designation:** LDR (Low Density Residential), HP (Hillside Protec  
**Growth Policy Plan:** N/A (Within City Limits)  
**Neighborhood Context:**

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

**Street:** 5531 N BROADWAY  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## **ZONING INFORMATION (where applicable)**

**Current Zoning:** RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)  
**Former Zoning:**  
**Requested Zoning:** C-H-2 (Highway Commercial), HP (Hillside Protection Overlay)  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:**

## **PLAN INFORMATION (where applicable)**

**Current Plan Category:** LDR (Low Density Residential), HP (Hillside Protection)  
**Requested Plan Category:** GC (General Commercial), HP (Hillside Protection)

**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:

Samiul Haque

Staff Recomm. (Abbr.):

Approve the C-H-2 (Highway Commercial) district because it is consistent with the recommended land use classification and an extension of this district. The HP (Hillside Protection Overlay) would be retained.

Staff Recomm. (Full):

The HP (Hillside Protection) overlay would be retained.

Comments:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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 have not been any significant changes in the area in recent times. However, this will be an extension of this zoning from the north. Furthermore, the traffic-carrying capacity of this 4-lane arterial street is adequate for the requested commercial land use, as described above.

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

- 1. The C-H-2 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.
- 2. The property is in a commercial corridor with a mix of office and public-quasi public uses, and it meets the proposed district's intent. The subject parcel also meets the dimensional standards of the C-H-2 district.
- 3. 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 CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

- 1. The proposed amendment is not expected to have any significant adverse impact on the surrounding area which has other existing commercial uses.
- 2. The RN-1 zoned property to the south accommodates a church which sits on a higher elevation than the subject property. Grading change and existing vegetation at the rear of the property screens the house to the west.
- 3. Approximately 3,308 sq ft of this 20,452-sq ft property is within the HP (Hillside Protection Overlay) district with less than 25% slopes for almost the entire area within the HP district. Nonetheless, any development on this property would need to meet the HP Overlay district regulations.
- 4. Per Article 12.8 of the City zoning ordinance, a 20-ft Class B landscape buffer yard would be required along the south and west boundaries for any development on the property.

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 proposed rezoning is consistent with the General Plan's Development Policy 8.12, which provides guidelines for commercial growth abutting a residential property. The zoning ordinance requires a Class B buffer yard along the rear and south of the property, as described above.
- 2. The proposed rezoning will be consistent with the recommended GC land use classification of the sector plan and One Year plan.

ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR

ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. N Broadway Avenue is a major arterial street with sidewalk connections in this area. This is an urbanized area with adequate utility infrastructure provided by KUB.
2. The Fountain City Lake Park, Fountain City Ballfields, and Fountain City Elementary, Gresham Middle, and Central High schools are located within 0.5 miles of the subject property.

**Action:** Approved **Meeting Date:** 4/11/2024

**Details of Action:**

**Summary of Action:** Approve the C-H-2 (Highway Commercial) district because it is consistent with the recommended land use classification and an extension of this district. The HP (Hillside Protection Overlay) would be retained.

**Date of Approval:** 4/11/2024 **Date of Denial:** **Postponements:**

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

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 5/14/2024 **Date of Legislative Action, Second Reading:** 5/28/2024

**Ordinance Number:** **Other Ordinance Number References:**

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

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

**Amendments:** **Amendments:**

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