

# CASE SUMMARY

**APPLICATION TYPE: REZONING**



**File Number:** 4-P-23-RZ

**Related File Number:** 4-G-23-PA

**Application Filed:** 2/27/2023

**Date of Revision:**

**Applicant:** VICTOR JERNIGAN

## PROPERTY INFORMATION

**General Location:** North of Sutherland Ave and East of Victory St

**Other Parcel Info.:**

**Tax ID Number:** 108 A C 018,017

**Jurisdiction:** City

**Size of Tract:** 17010 square feet

**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Single Family Residential

**Surrounding Land Use:**

**Proposed Use:**

**Density:**

**Sector Plan:** Central City

**Sector Plan Designation:** MDR/O (Medium Density Residential/Office)

**Growth Policy Plan:** N/A (Within City Limits)

**Neighborhood Context:**

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

**Street:** 522 VICTORY ST

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** RN-4 (General Residential Neighborhood)

**Former Zoning:**

**Requested Zoning:** C-G-2 (General Commercial)

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:**

## PLAN INFORMATION (where applicable)

**Current Plan Category:** MDR/O (Medium Density Residential/Office)

**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: Jessie Hillman

Staff Recomm. (Abbr.): Deny the C-G-2 (General Commercial) zoning district because it is an intensive encroachment into a residential area.

Staff Recomm. (Full):

Comments: PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, SUBSECTIONS 1-3, 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 been no considerable changes to the area around the subject property or the City in general that make an extension of C-G-2 (General Commercial) zoning necessary.

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

1. The C-G-2 zoning district is intended primarily for indoor commercial uses, with residential and office uses being permitted as well.

2. The subject property is adjacent to and across from low density residences. The property is accessed by a small, local residential street with limited capacity for commercial traffic. C-G-2 would be an inappropriate encroachment into this residential area.

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. There are several uses permitted by right in the C-G-2 zoning district that could have an adverse impact on the occupied homes along Victory Avenue. Such uses include liquor and retail establishments that could cause traffic, light and noise nuisances for adjacent residents.

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 from RN-4 (General Residential Neighborhood) to C-G-2 is inconsistent with the MDR/O land use classification in the Central City Sector Plan and the One Year Plan.

2. The extension of the C-G-2 district at this location conflicts with the General Plan's development policy 8.4 to protect residential areas from encroaching commercial development and other incompatible uses.

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. Adequate public infrastructure exists in the area.

Action: Approved

Meeting Date: 6/8/2023

Details of Action: Approve rezoning to C-G-2 (General Commercial).

Summary of Action: Approve rezoning to C-G-2 (General Commercial).

Date of Approval: 6/8/2023

Date of Denial:

Postponements: 4/13/2023

Date of Withdrawal:

Withdrawn prior to publication?: ☐ Action Appealed?:

## ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 7/25/2023

**Ordinance Number:**

**Disposition of Case:** Approved

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Date of Legislative Action, Second Reading:** 8/8/2023

**Other Ordinance Number References:** O-115-2023

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

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**