

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 5-A-21-RZ **Related File Number:**  
**Application Filed:** 2/25/2021 **Date of Revision:**  
**Applicant:** JALAL BOUDARGA

## PROPERTY INFORMATION

**General Location:** East side of Davanna Street, west of Central Avenue and south of W. Woodland Avenue  
**Other Parcel Info.:**  
**Tax ID Number:** 81 N D 015,014,016 & 017 **Jurisdiction:** City  
**Size of Tract:** 0.8 acres  
**Accessibility:** This property is accessed off of Davanna Street, a local road with a 23-ft pavement width inside a right-of-way that varies in length from 60 to 66 ft at this location.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Undeveloped land  
**Surrounding Land Use:**  
**Proposed Use:** **Density:**  
**Sector Plan:** Central City **Sector Plan Designation:** MU-SD / MU CC13  
**Growth Policy Plan:** N/A  
**Neighborhood Context:** These properties are located at the northern edge of the Downtown North neighborhood. It is south of Woodlawn Drive, which is an overpass over Davanna Street, so the two streets are not connected. The area is a mix of industrial properties to the east and residential properties to the south. The commercial properties to the north front Woodlawn Drive near the overpass and are located at the top of the hill from this property.

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

**Street:** 1416 & 0 Davanna Street  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** I-MU (Industrial Mixed-Use)  
**Former Zoning:**  
**Requested Zoning:** C-H-1 (Highway 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-H-1 (General Commercial) zoning because it is not compatible with the surrounding neighborhood and does not meet all of the rezoning requirements.

Staff Recomm. (Full):

Comments:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3:  
THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 GENERALLY:

1. There have been no changes to the area that would warrant a rezoning to the C-H-1 zone.

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

1. The C-H (Highway Commercial) Zoning 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. The C-H District regulations are intended to ensure the mitigation of any potential impacts related to such establishments on neighboring uses. The C-H District is divided into two levels of intensity related to the overall form and design of the development; however, uses are the same across all levels.

a. This location does not meet the stated intent of the C-H District as described above. The C-H zone is

designed to be used on arterial streets already auto-oriented in character. Outdoor storage is not appropriate adjacent to residential uses. Davanna Street and nearby Scott Street to the south are local

roads, and Scott Street is a residential street.

2. 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.

a. Examples of the more intense uses allowed in the C-H zone include gas stations, outdoor storage facilities, car dealerships, vehicle rental facilities, and vehicle service and repair facilities, though this list is not all-inclusive.

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. C-H-1 is adjacent to residential properties but is one of the highest intensity commercial zones. The more intense uses allowed in the C-H-1 zone likely would have an adverse impact on adjacent residential properties. Ideally, the C-H zones and residential zones should not be located adjacent to each other.

2. This property is in the Parental Responsibility Zone of Beaumont Elementary School and Fulton High School, so sidewalks along Davanna Street likely would be required on any development at this location.

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 C-H-1 zone is consistent with the Central City Sector Plan's MU-SD, CC13 (Mixed Use-Special District, Downtown North/I-75 Corridor Redevelopment and Urban Renewal) land use designation.

a. However, that does not mean C-H-1 is appropriate at this location. While any zoning district listed under

each general land use category can be considered, each district listed is not automatically appropriate for

a given property. Planning staff, the Planning Commission, and City Council should recommend and

approve the best zoning district, within the conforming range, for the area. C-H-1 is not the best zoning

district for this area.

**Action:** Denied

**Meeting Date:** 5/13/2021

**Details of Action:**

**Summary of Action:**

Deny C-H-1 (General Commercial) zoning because it is not compatible with the surrounding neighborhood and does not meet all of the rezoning requirements.

**Date of Approval:**

**Date of Denial:** 5/13/2021

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**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:**