

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 5-A-24-RZ

Related File Number:

Application Filed: 3/1/2024

Date of Revision:

Applicant: JIMMY BRINIAS

PROPERTY INFORMATION

General Location: West side of Old Broadway Ave, north side of Dutch Valley Dr

Other Parcel Info.:

Tax ID Number: 69 D A 015 02

Jurisdiction: City

Size of Tract: 1.31 acres

Accessibility: Access is via Old Broadway Avenue, a local street with a 25-ft pavement width within a right-of-way ranging from 28 to 48 ft. Access is also via Dutch Valley Drive, a minor arterial street with a 35-ft pavement width within a 660-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land

Surrounding Land Use:

Proposed Use:

Density:

Planning Sector: North City

Plan Designation: GC (General Commercial), SP (Stream Protection)

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

Neighborhood Context: This area is comprised of commercial, warehousing and office uses near the intersection of Old Broadway Avenue and Dutch Valley Drive, and the interchange of N Broadway and Interstate 640.

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

Street: 4657 OLD BROADWAY

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: I-MU (Industrial Mixed-Use)

Former Zoning:

Requested Zoning: C-G-1 (General Commercial)

Previous Requests:

Extension of Zone: No, but there is C-G-2 (General Commercial) zoning nearby across Old Broadway.

History of Zoning: In 2002, this property was included in an approved rezoning from I-2 (Restricted Manufacturing & Warehousing) to C-6 (General Commercial Park) (5-C-02-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: GC (General Commercial), SP (Stream Protection)

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.): Approve the C-G-1 (General Commercial) district because it is consistent with surrounding development and brings zoning into compliance with the sector plan.

Staff Recomm. (Full):

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. Up until 2016, the subject property was the site of an automobile collision repair shop with a two-story triplex dwelling along the northeast edge, separated by a fence. In 2018, a capital improvement project was begun to reconfigure Dutch Valley Road and its intersection with Old Broadway. The subject property was reduced to approximately half its size and the auto repair shop was demolished to accommodate this new section of Dutch Valley Road. The triplex was later demolished, and the property now functions as an overflow parking lot for a restaurant across the street.
- 2. Although the property's current I-MU (Industrial Mixed-Use) zoning district is shared by adjacent properties, the existing land uses in this area are predominantly commercial. The requested rezoning from I-MU to the C-G-1 (General Commercial) district is consistent with surrounding development and physical changes to the property that influenced its conversion to a parking lot, a permitted use in the C-G-1 zone.

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

- 1. The existing I-MU zoning is intended to promote the reuse of older character-giving structures that may no longer be suitable for their original industrial purposes. The subject property primarily functioned as a commercial business before its structure was demolished, and its zoning prior to the adoption of the current code was the C-6 (Commercial Park) district.
- 2. The C-G-1 district is intended for a mix of retail, personal service, office and residential uses along commercial nodes and corridors in a pedestrian-oriented environment. This area is a commercial node with new sidewalks and additional sidewalks being constructed along Old Broadway. This context is more consistent with the requested C-G-1 district as described in the zoning code.

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 no adverse impacts anticipated to occur with the proposed rezoning. The C-G-1 district is compatible with surrounding development and a continuation of how the property has historically functioned.

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 current I-MU zoning is in conflict with the GC (General Commercial) land use classification in the North City Sector Plan and the One Year Plan. A rezoning to C-G-1 would bring the property into compliance with the future land use map.
- 2. The proposed rezoning is not in conflict with development policies in the General Plan, or any other adopted plans.

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. This is an urbanized area with ample utility and facility infrastructure to support a return to commercial zoning on this site.

Action: Approved **Meeting Date:** 5/9/2024
Details of Action:
Summary of Action: Approve the C-G-1 (General Commercial) district because it is consistent with surrounding development and brings zoning into compliance with the sector plan.
Date of Approval: 5/9/2024 **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, Second Reading:	6/25/2024
Date of Legislative Action:	6/11/2024	Other Ordinance Number References:	O-86-2024
Ordinance Number:		Disposition of Case, Second Reading:	Approved
Disposition of Case:	Approved	If "Other":	
If "Other":		Amendments:	
Amendments:		Effective Date of Ordinance:	
Date of Legislative Appeal:			