

REZONING REPORT

► **FILE #:** 2-E-21-RZ **AGENDA ITEM #:** 14

POSTPONEMENT(S): 2/11/2021 **AGENDA DATE:** 3/11/2021

► **APPLICANT:** ERICK GARCIA SALAS

OWNER(S): 4821 Broadway LLC

TAX ID NUMBER: 58 N D 042

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 4821 N. Broadway

► **LOCATION:** West side of N. Broadway across from Sanders Dr., north of Adair Dr.

► **APPX. SIZE OF TRACT:** 0.3 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: Within City limits

ACCESSIBILITY: N. Broadway Avenue is a major arterial with a 53-ft pavement width inside a 73-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **PRESENT ZONING:** C-G-2 (General Commercial)

► **ZONING REQUESTED:** C-G-1 (General Commercial)

► **EXISTING LAND USE:** Small commercial strip center

►
EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted for this property

SURROUNDING LAND North: Commercial - C-G-2 (General Commercial)

USE AND ZONING: South: Commercial - C-G-2 (General Commercial)

East: Commercial - C-G-2 (General Commercial)

West: Commercial - C-G-2 (General Commercial)

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.

STAFF RECOMMENDATION:

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

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 4/6/2021 and 4/20/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



2-E-21-RZ REZONING



From: C-G-2 (General Commercial)

To: C-G-1 (General Commercial)

Original Print Date: 1/6/2021

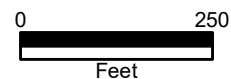
Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Salas, Erick Garcia

Map No: 58

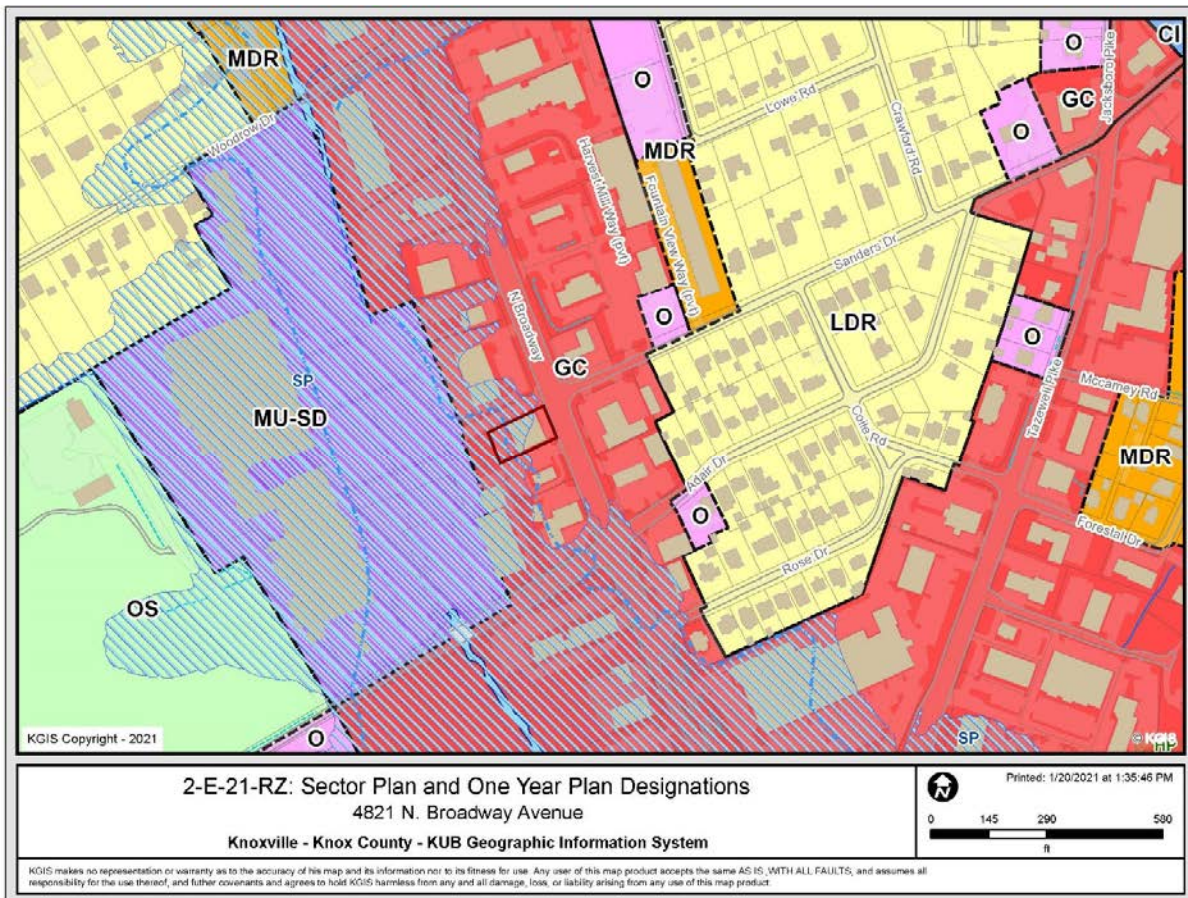
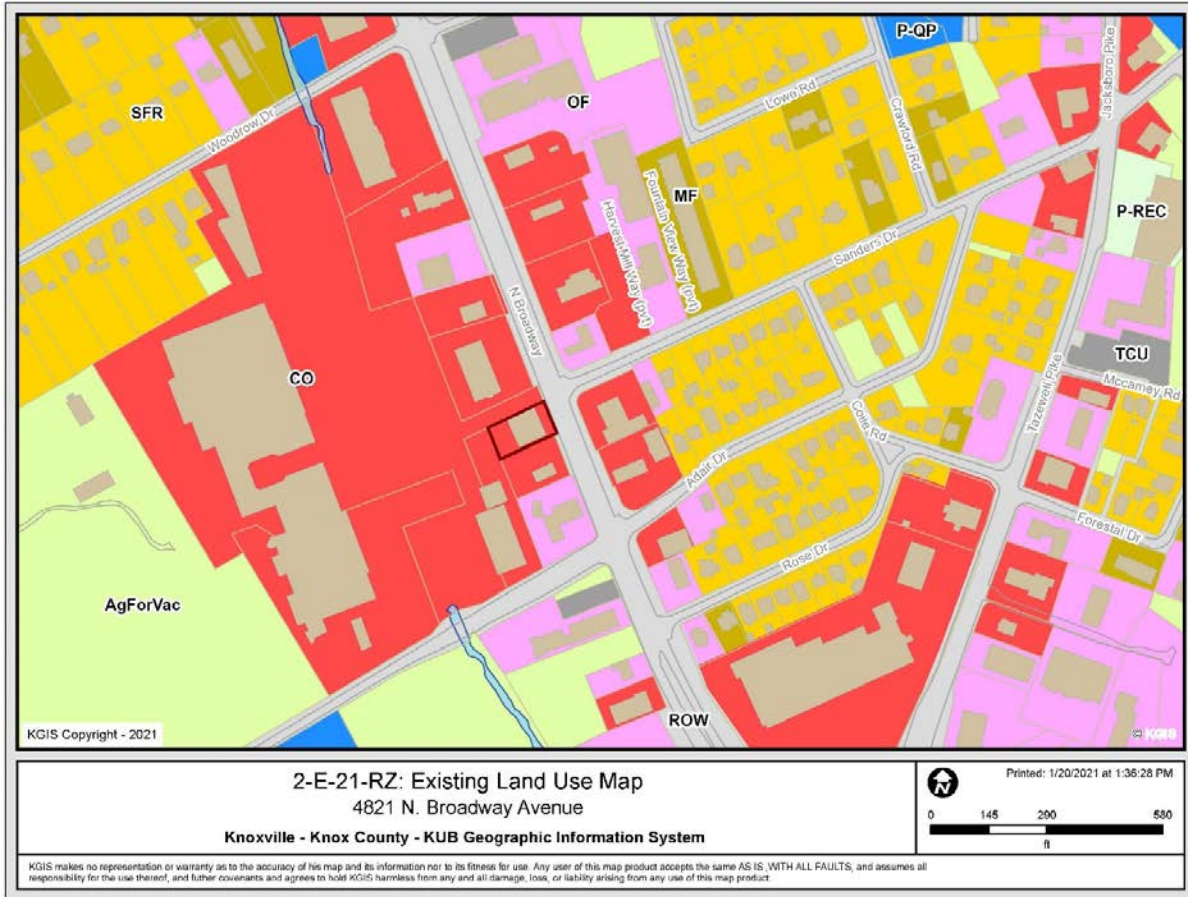
Jurisdiction: City



2-E-21-RZ
EXHIBIT A. Contextual Images

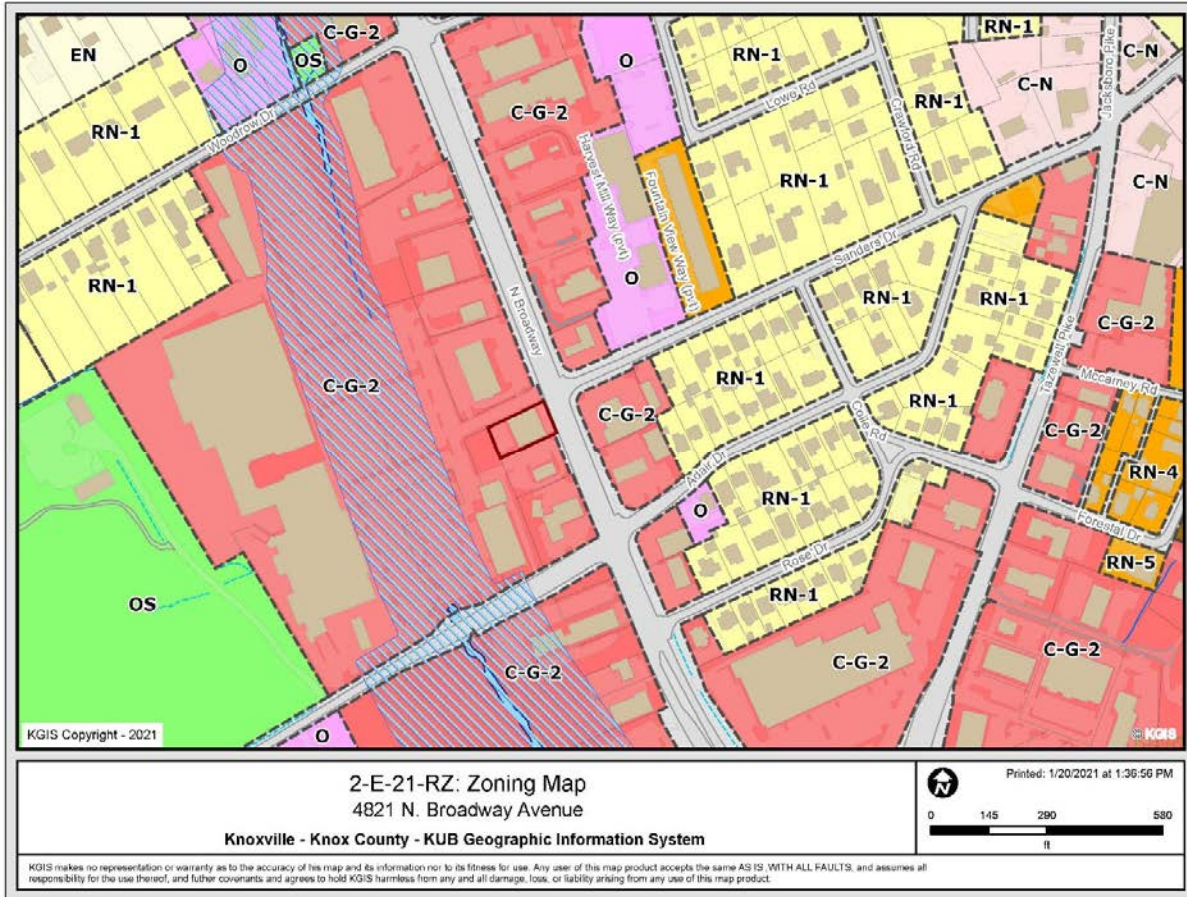


2-E-21-RZ
EXHIBIT A. Contextual Images

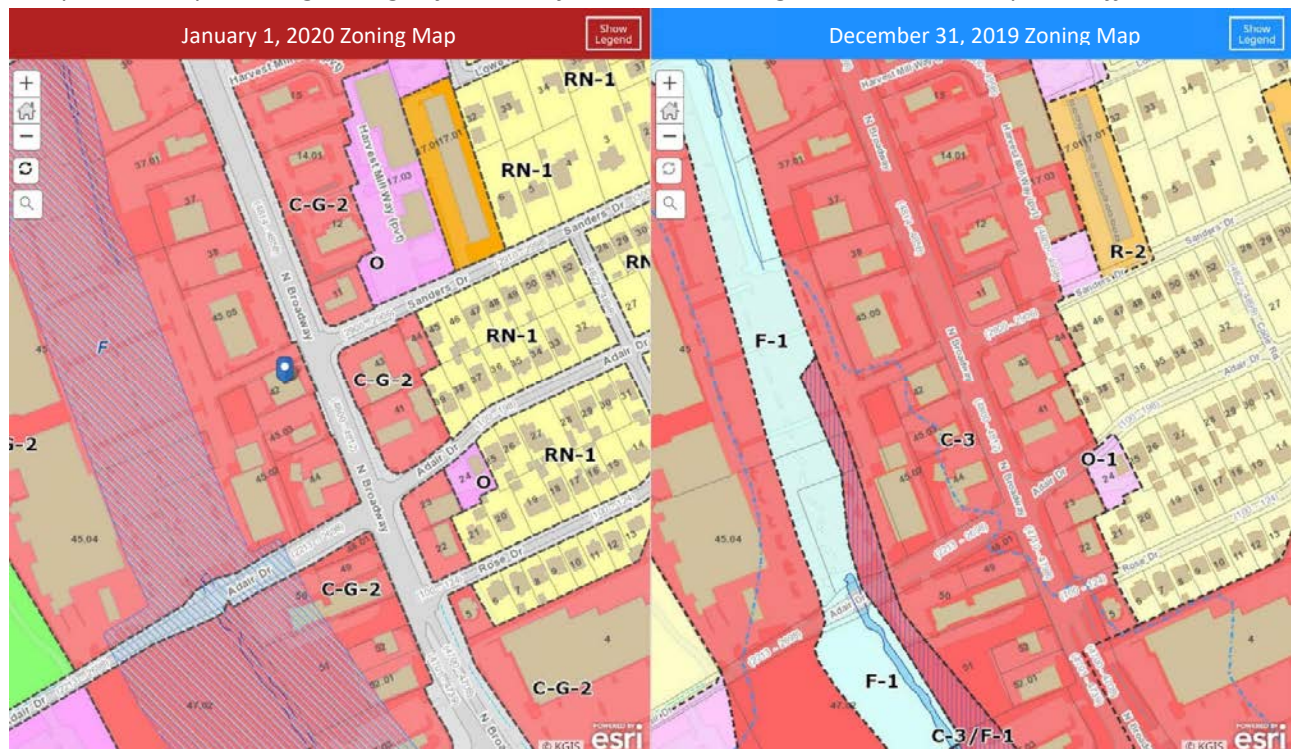


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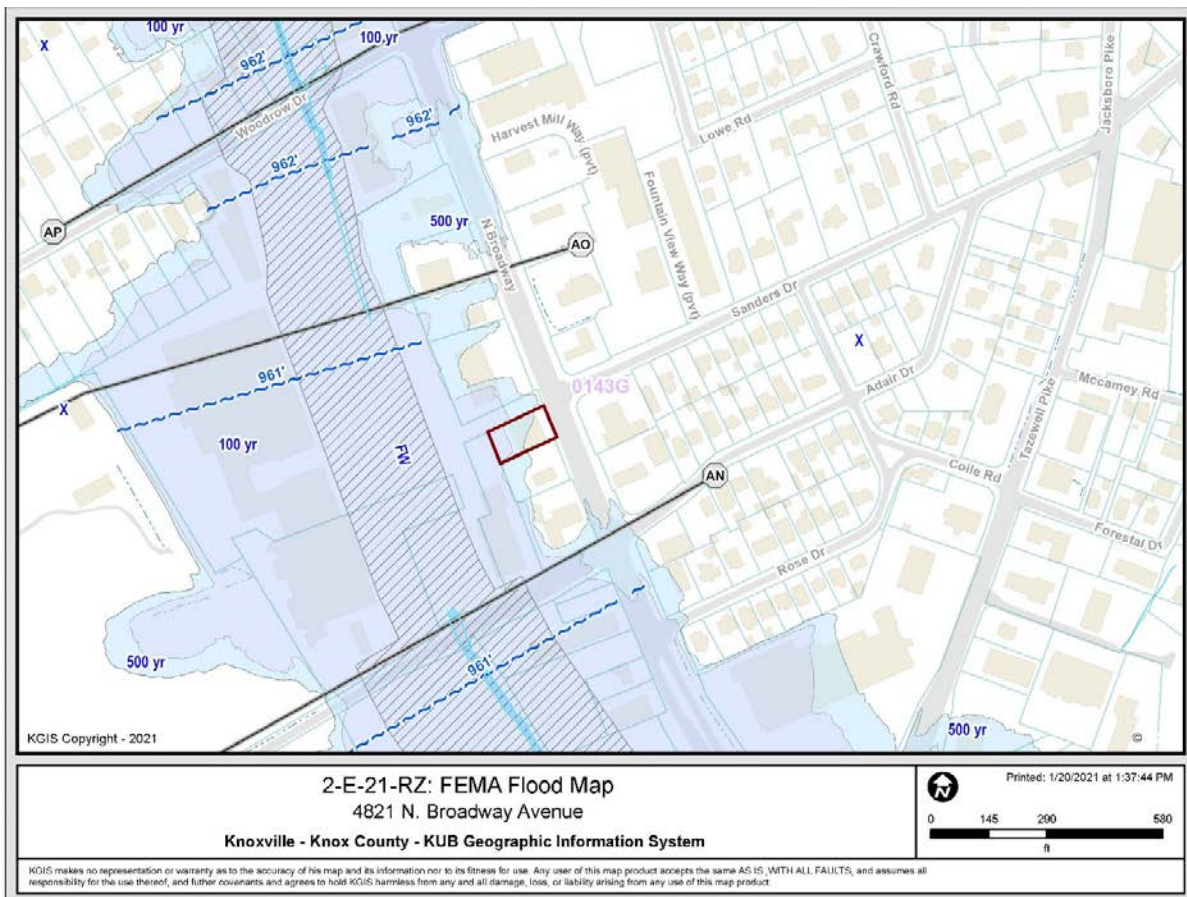
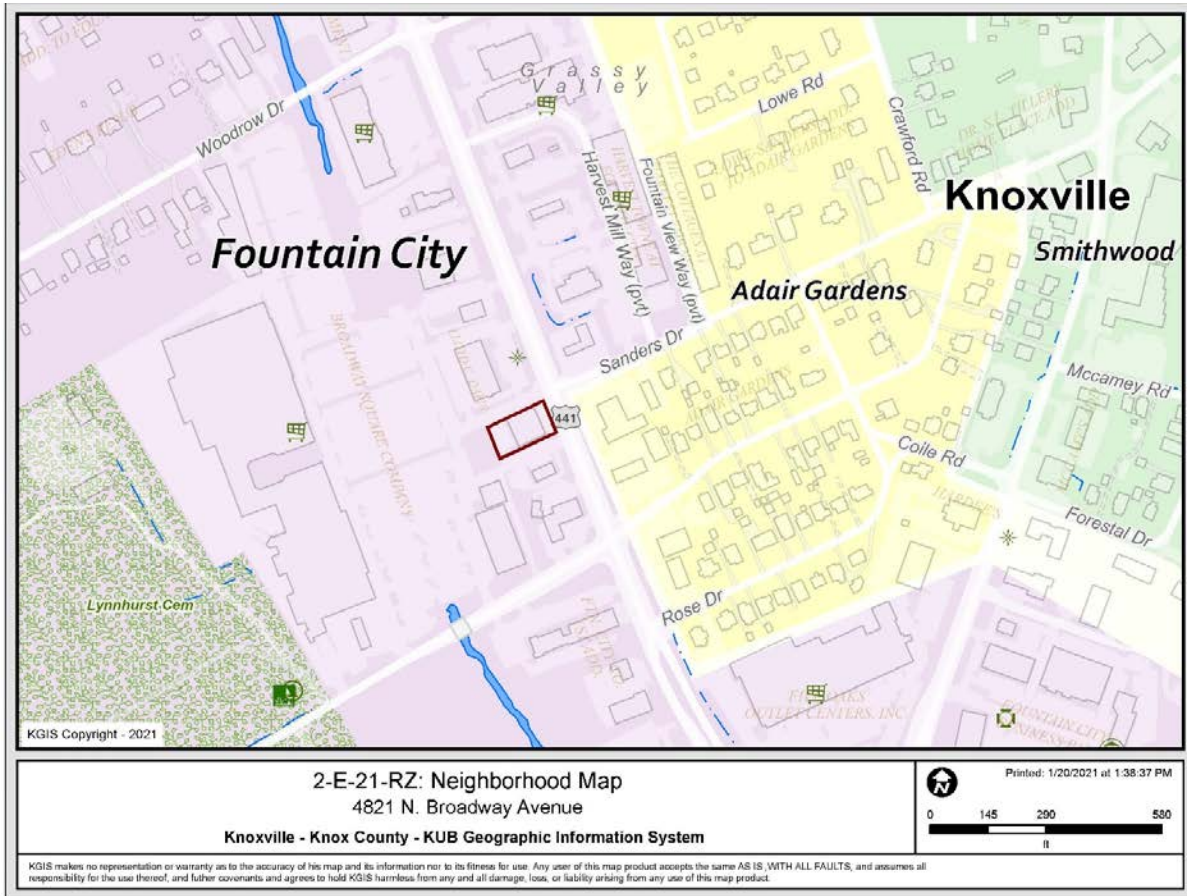
EXHIBIT A. Contextual Images



Comparison map showing zoning before and after the new zoning ordinance and map took effect



2-E-21-RZ
EXHIBIT A. Contextual Images





Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

Erick Garcia Salas

Owner

Applicant Name

December 23, 2020

February 11, 2021

Affiliation

Date Filed

Meeting Date (if applicable)

File Number(s)

2-E-21-RZ

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☒ Engineer ☒ Architect/Landscape Architect
Erick Garcia Salas Contineo Group

Name

755 Commerce Dr Ste 800

Company

Decatur

Ga

30030

Address

404.457.3919

City

erickg@TCG.Engineer

State

ZIP

Phone

Email

CURRENT PROPERTY INFO

4821 Broadway LLC

132 Sherlake Lane Knoxville, TN 37922

865-693-0711

Owner Name (if different)

Owner Address

Owner Phone

4821 N. Broadway ST Knoxville, TN 37918

058ND042

Property Address

Parcel ID

STAFF USE ONLY

W/ 4821 Broadway @ Sanders Dr., north of
General location
Cedar Dr.
5th

Tract Size

.3 acres

Jurisdiction (specify district above)

☒ City ☐ County

Zoning District

C-G-2

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

North City

GC / SP

N/A

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

CO

DEVELOPMENT REQUEST☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA☐ Residential ☐ Non-ResidentialHome Occupation (specify) N/A

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUESTN/A

Related Rezoning File Number

Proposed Subdivision Name

☐ Combine Parcels ☐ Divide Parcel

Unit / Phase Number

Total Number of Lots Created

☐ Other (specify) _____☐ Attachments / Additional Requirements**ZONING REQUEST**☒ Zoning Change C-G-1
Proposed Zoning(comparable zone)

Pending Plat File Number

☐ Plan Amendment Change
Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____**STAFF USE ONLY****PLAT TYPE**☐ Staff Review ☐ Planning Commission**ATTACHMENTS**☐ Property Owners / Option Holders ☐ Variance Request**ADDITIONAL REQUIREMENTS**☐ Design Plan Certification (*Final Plat*)☐ Use on Review / Special Use (*Concept Plan*)☐ Traffic Impact Study☐ COA Checklist (*Hillside Protection*)

Fee 1

0326

~~\$1,000~~ NC

Total

Fee 2

Fee 3

NC

~~\$1,000.00~~**AUTHORIZATION**

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

John C. Osborne

Digitally signed by John C. Osborne
Date: 2020.12.23 16:41:01 -05'00'

John C. Osborne

Dec 23, 2020

Applicant Signature

Please Print

Date

865-207-6479

josborne@fiserinc.com

Phone Number

Email



Michelle Portier

12/28/2020

Staff Signature

Please Print

Date

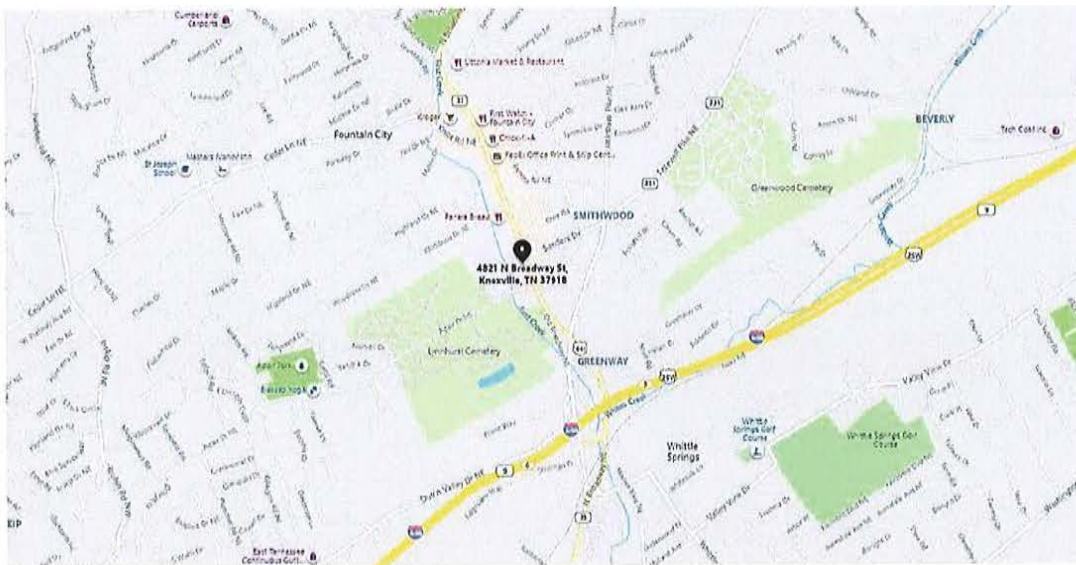
December 29, 2020

Knoxville-Knox County Planning
400 Main Street, Suite 403
Knoxville, Tennessee 37902

Re: Property Re-Zoning from C-G-2 into C-G-1
4821 Broadway Street, Knoxville, TN 37918
Parcel ID: 058ND042
Contineo Project Number 19-345

Attn: Planning Board,

Contineo Group LLC is acting as the Civil Engineer for the current proposed Applicant/Developer of the property.
The scope of work entails construction Proposed development for an oil-change vehicle tenant with its appropriate parking and drive-thru. The property is located at 4821 Broadway Street, Knoxville, TN 37918 and it is currently developed with full access at Broadway Street.



Vicinity Map

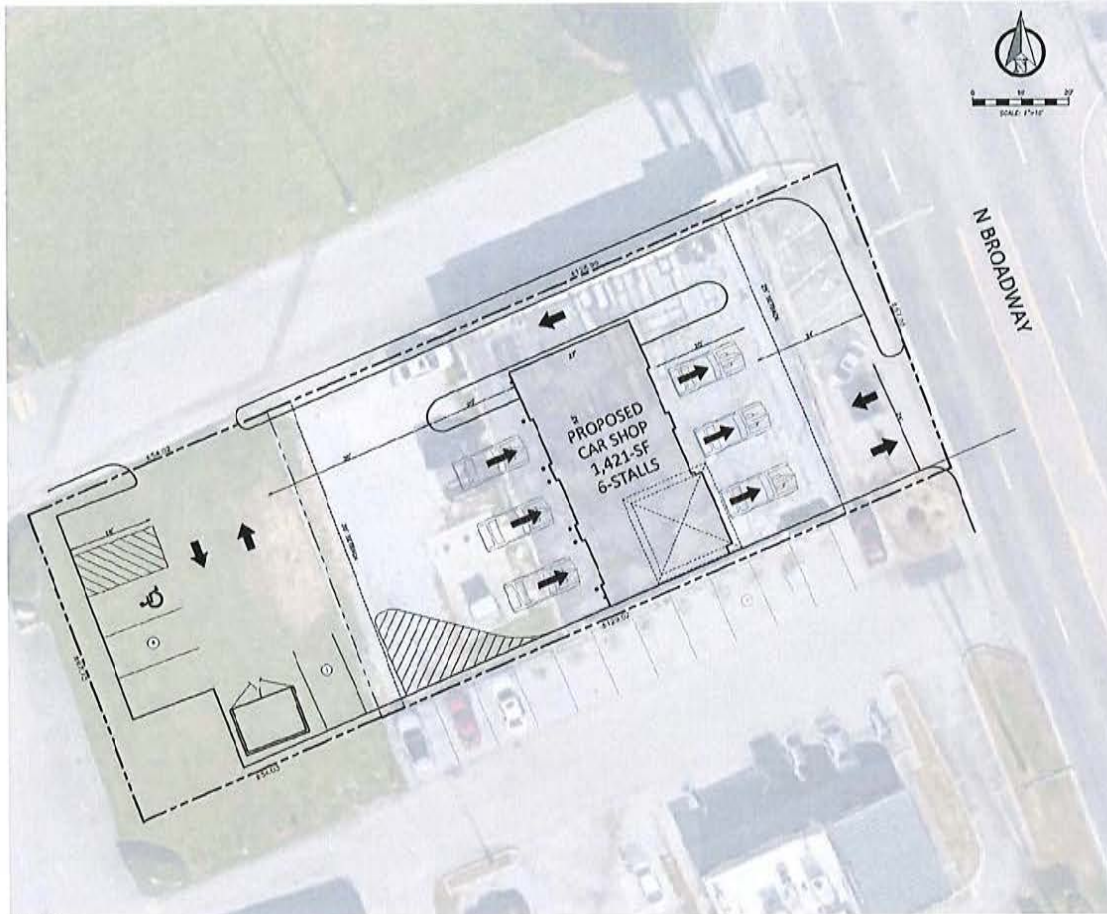
In order for the property to be developed as proposed, we are proposing to re-zone the property from its current designation of **C-G-2**, to a **C-G-1**.

The current zoning limits the use of the property with the Minimum Build-To percentage of the building.
By changing its zoning, the development would be able to accommodate the proposed layout comfortably, while keeping the aesthetic requirements in place.





CONTINEO GROUP



Site Plan

Please accept the corresponding application for Conditional Use, along with all pertinent documents.

Thank you for your efforts on this matter and please let me know if there is anything additional you need.

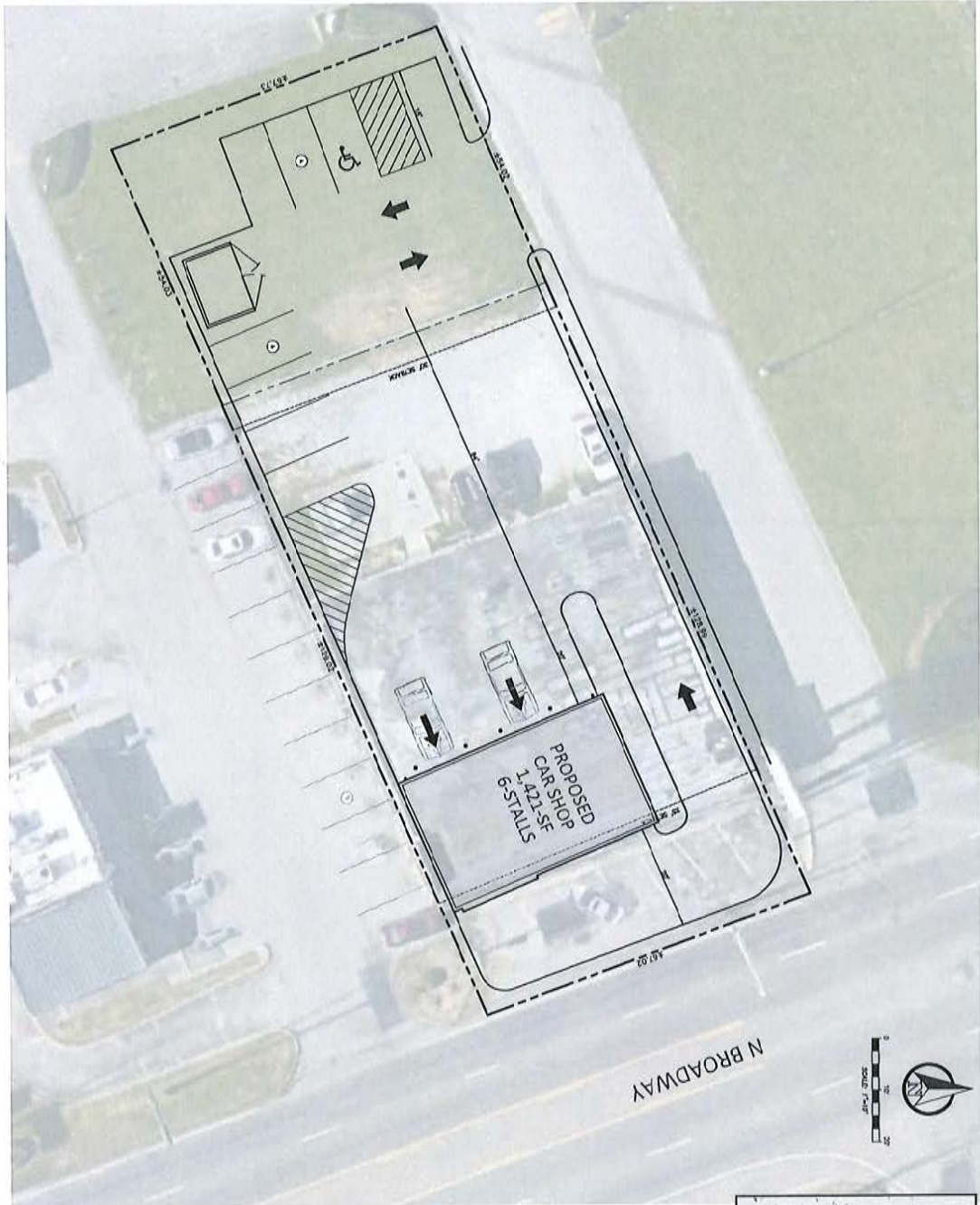
Very truly yours,

Erick Garcia-Salas

Principal

404-457-3919

erickg@thecontineogroup.com



SITE SUMMARY	
OWNER	CONTINIO GROUP
PROJECT NAME	BROADWAY STREET DEVELOPMENT
PROJECT TYPE	RETAIL
TOTAL SITE AREA	1.02 AC
PROPOSED CAR SHOP	1,421-SF
TOTAL BUILDING AREA	1,421-SF
PROPOSED CAR SHOP	8 STALLS
TOTAL BUILDING STORIES	1
PROPOSED CAR SHOP	8 STALLS
TOTAL BUILDING STORIES	1
PROPOSED CAR SHOP	8 STALLS
TOTAL BUILDING STORIES	1
PROPOSED CAR SHOP	8 STALLS
TOTAL BUILDING STORIES	1

PRELIMINARY CONCEPT

THIS PRELIMINARY CONCEPT SHOULD BE TREATED AS A GENERAL REPRESENTATION OF A POSSIBLE DESIGN OPTION. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

#	DATE	REVISIONS

BROADWAY STREET DEVELOPMENT	
ISSUED FOR:	CONCEPT PLAN
JURISDICTION:	CITY OF KNOXVILLE
LOCATION:	4821 N. BROADWAY ST. KNOXVILLE, TN 37918

ALTERMAN
COMMERCIAL REAL ESTATE

2870 PEACHTREE ROAD NW
ATLANTA, GA 30305
TEL: 678.358.7650

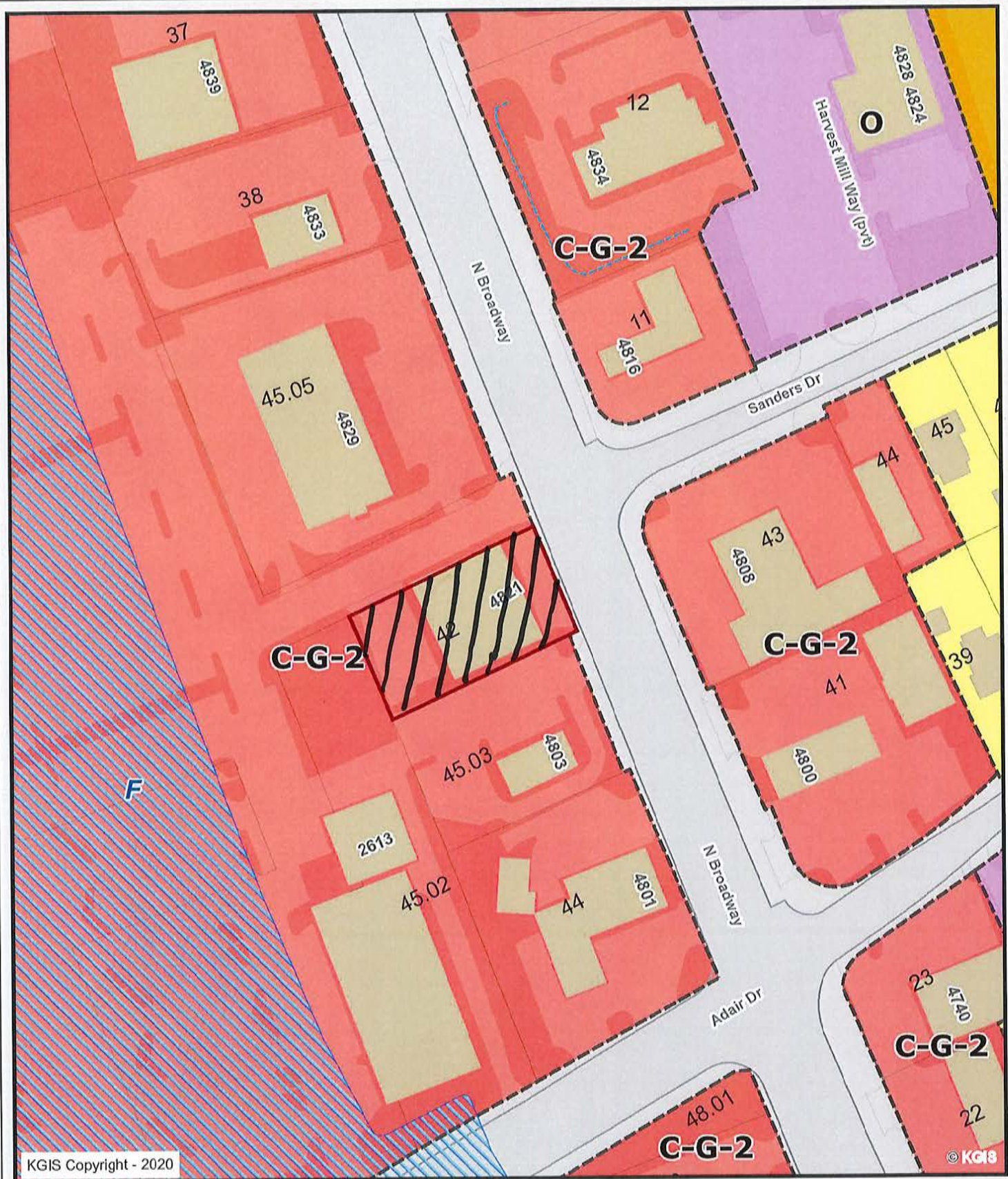
CONTINIO GROUP
755 COMMERCE DRIVE
SUITE 600
DECATUR, GA 30030
678.601.6646
www.fcg-engineer.com

DRAFT

SHEET
C100

CONCEPT
PLAN 10

DRAWN: YAO
CHECK: EGS
JOB NO: 19-345
DATE: 12/18/20



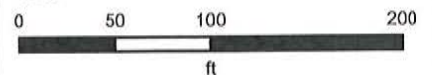
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4821 N. Broadway

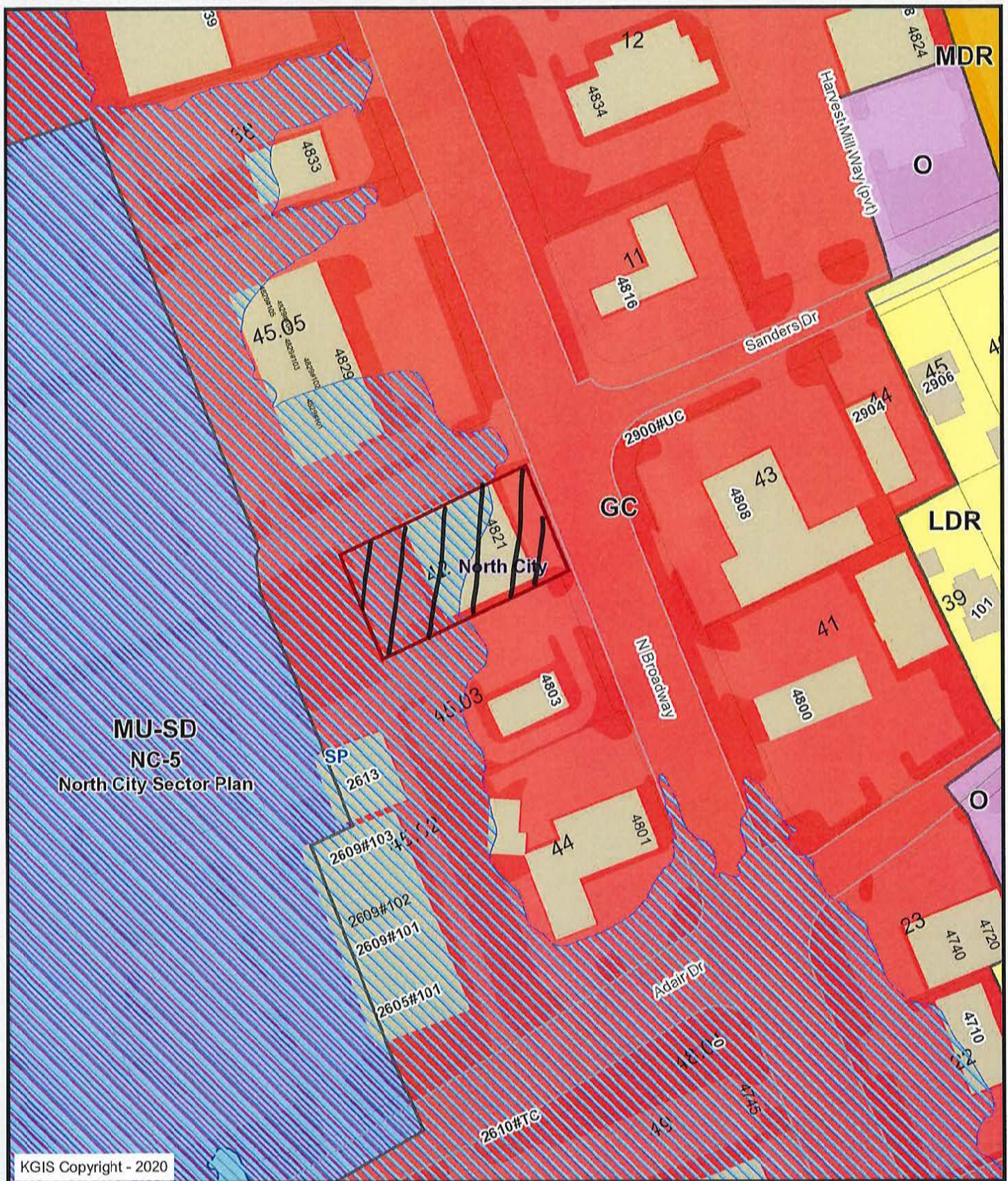
Knoxville - Knox County - KUB Geographic Information System



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4821 N. Broadway

Knoxville - Knox County - KUB Geographic Information System

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