

REZONING REPORT

► **FILE #:** 5-A-21-RZ

AGENDA ITEM #: 15

AGENDA DATE: 5/13/2021

► **APPLICANT:** JALAL BOUDARGA

OWNER(S): Jalal Boudarga

TAX ID NUMBER: 81 N D 015,014,016 & 017

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 1416 & 0 Davanna Street

► **LOCATION:** East side of Davanna Street, west of Central Avenue and south of W. Woodland Avenue

► **APPX. SIZE OF TRACT:** 0.8 acres

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A

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.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

► **PRESENT ZONING:** I-MU (Industrial Mixed-Use)

► **ZONING REQUESTED:** C-H-1 (Highway Commercial)

► **EXISTING LAND USE:** Undeveloped land

►

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted for this property

SURROUNDING LAND USE AND ZONING: North: Commercial - C-G-2 (General Commercial) District

South: Single family residential and agricultural/forestry/vacant - RN-4 (General Residential Neighborhood) District

East: Commercial - I-MU (Industrial - Mixed Use) District

West: Public-quasi public land - I-MU (Industrial - Mixed Use) District

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.

STAFF RECOMMENDATION:

► **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.**

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. Rezonings 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:

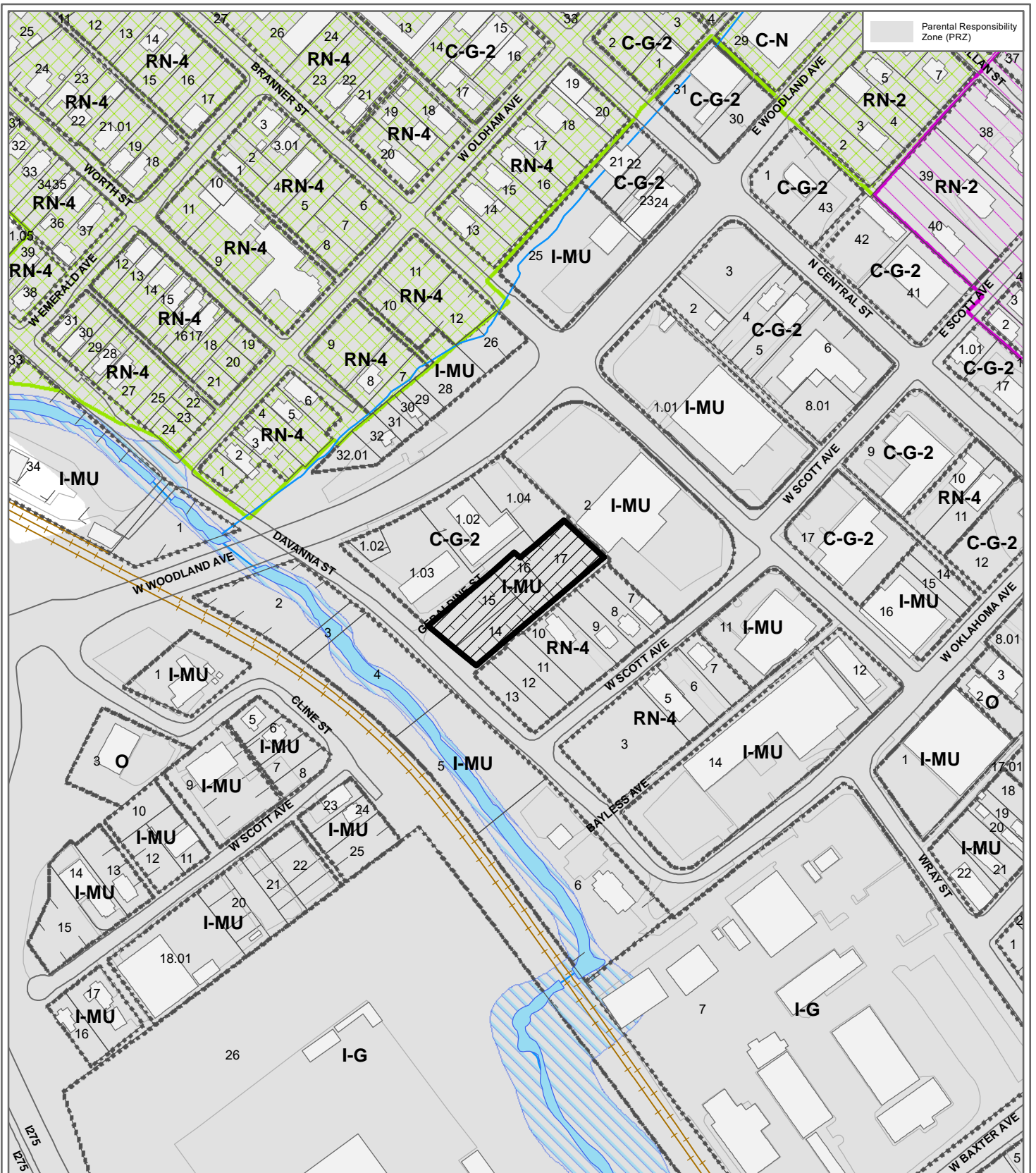
1. The C-H-1 zone is consistent with the Central City Sector Plan's MU-SD, CC13 (Mixed Use-Special District, Downtown North/I-75 Corridor Redevelopment and Urban Renewal) land use designation.

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

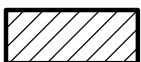
If approved, this item will be forwarded to Knoxville City Council for action on 6/15/2021 and 6/29/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



5-A-21-RZ REZONING

From: I-MU (Industrial Mixed-Use)

To: C-H-1 (Highway Commercial)

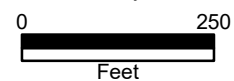


Original Print Date: 4/6/2021
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Boudarga, Jalal

Map No: 81

Jurisdiction: City





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

JALAL BOUDARGA

Applicant Name

Affiliation

2/25/21

Date Filed

5/13/2021

Meeting Date (if applicable)

File Number(s)

5-A-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

JALAL BOUDARGA

Name

Company

2807 Cherokee Peak LN

Address

Knoxville

City

TN

State

37912

ZIP

(865) 548 5951

Phone

JALALBK4695@hotmail.com

Email

CURRENT PROPERTY INFO

same as above

Owner Name (if different)

Owner Address

Owner Phone

1416 + 0 Davanna St.

Property Address

081UD 014, 015, 016, 017

Parcel ID

KUB

Sewer Provider

K. U. B

Water Provider

N

Septic (Y/N)

STAFF USE ONLY

East side of Davanna St., South of W. Woodland Ave ±. 80 acres

General Location

Tract Size

☒ City ☐ County

4th

District

I-MU

Zoning District

Vacant

Existing Land Use

Central

Planning Sector

MU-CC 13

Sector Plan Land Use Classification

N/A

Growth Policy Plan Designation

DEVELOPMENT REQUEST☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

☐ Combine Parcels☐ Divide Parcel

Unit / Phase Number _____

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST☒ Zoning ChangeProposed Zoning C-H-1☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

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

Fee 2

Fee 3

Total

\$1,000

AUTHORIZATION

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

Jamal Boudarca

Applicant Signature

JAMAL BOUDARCA

Please Print

2/25/21

Date

(865)3485951

Phone Number

JAMAL3K625@Hotmail.com

Email

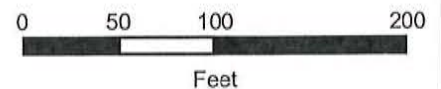
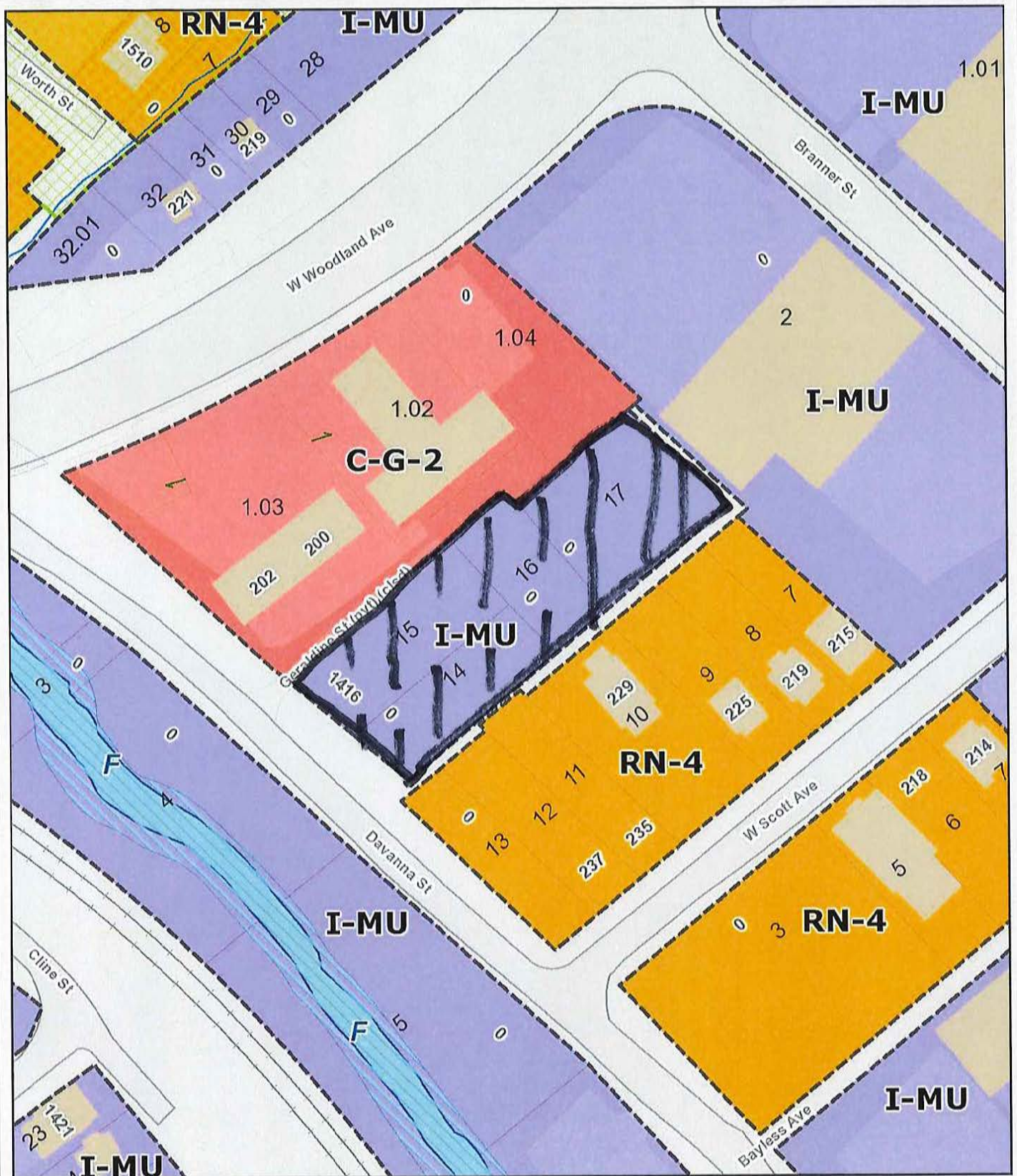
Staff Signature

Michael Reynolds

Please Print

2/25/2021

Date



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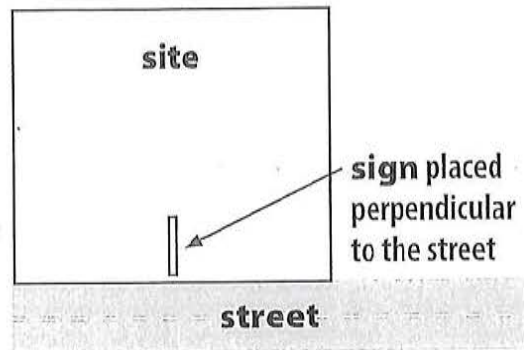
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

4/28/2021 and 5/14/2021
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Jamal Boudarga

Printed Name: JAMAL BOUDARGA

Phone: (865) 248 5951 Email: JAMALBK625@Hotmail.com

Date: 2/25/21

File Number: 5-A-21-RZ