



SPECIAL USE REPORT

▶ **FILE #:** 5-B-21-SU

AGENDA ITEM #: 41

AGENDA DATE: 5/13/2021

▶ **APPLICANT:** ERICK GARCIA SALAS

OWNER(S): 4821 Broadway LLC

TAX ID NUMBER: 58 N D 042 & 04502 (PART OF)

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 4821 N. Broadway & 2613 Adair Dr. (2613 Adair Dr)

▶ **LOCATION:** East side of N. Broadway, north of Adair Dr.

▶ **APPX. SIZE OF TRACT:** 13069 square feet

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via N. Broadway, a major arterial with 65-ft pavement width within 73-87-ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **ZONING:** C-G-1 (General Commercial) & C-G-2 (General Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Vehicle repair/service facility

HISTORY OF ZONING: The property was rezoned from C-G-2 to C-G-1 in May 2021 (2-E-21-RZ).

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

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 is a major commercial corridor. This area is a commercial node near the intersection of N. Broadway 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:

▶ **APPROVE the request for a vehicle repair/service business with three service bays, subject to 8 conditions.**

1. Meeting the requirements of principal use standards for vehicle repair/service businesses (Article 9.3.DD) of the City of Knoxville Zoning Ordinance.
2. Meeting the requirements of Article 13 (Signs) of the City of Knoxville Zoning Ordinance.

3. Installation of landscaping per the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance and the Tree Protection Ordinance (Chapter 14, Article II) of the City of Knoxville Code of Ordinances.
4. Removing or modifying the access to N. Broadway as required by the City of Knoxville Department of Engineering and Tennessee Department of Transportation during permitting.
5. If there is access to N. Broadway, the site plan shall be revised to eliminate conflict between vehicles circulating on-site and vehicles entering and/or exiting the site, with review and approval by Planning Commission staff, City of Knoxville Department of Engineering, and Tennessee Department of Transportation during permitting.
6. Meeting all applicable requirements of the Knoxville Department of Engineering.
7. Meeting all applicable requirements of the Tennessee Department of Transportation.
8. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

With conditions noted above, this request meets the requirements of the C-G-1 zone, the principal use standards for vehicle repair/service businesses, and the criteria for approval of a special use.

COMMENTS:

SUMMARY OF PROPOSAL

This proposal is for a Vehicle Repair/Service business that requires Special Use approval in the C-G-1 (General Commercial) zone. This specific business, Take 5 Oil Change, specializes in oil changes and does not perform general vehicle repair or tire sales. The property was zoned from C-G-2 to C-G-1 on May 4, 2021 (2-E-21-RZ). The property had a small commercial strip building that was recently removed. The rezoning is for the front part of the site only. The rear portion of the site, where the access is shown to the shopping center entrance driveway, is currently a portion of a separate parcel and is zoned C-G-2. This portion of the site is not required to be rezoned because the building is located in the C-G-1 portion of the property.

PRINCIPAL USE STANDARDS

The Take 5 Oil Change business is considered a vehicle repair/service use and must meet the principal use standards of Article 9.3.DD. Because of the quick service nature of this business and not being located next to residential uses, the principal use standards should not impact the daily operations of the business. For example, all vehicle repair and storage of all merchandise must be within the structure, the sale of new or used vehicles is prohibited, and there are limitations on how long a car under repair can be stored on the lot and that they can't be stored on public right-of-way.

SITE PLAN

The applicant is proposing a full access driveway to N. Broadway but the City of Knoxville Department and Engineering and the Tennessee Department of Transportation (TDOT) stated that they will not approve full access at this location because it will have conflicting left turns with vehicles on Sanders Drive turning left (south) on N. Broadway. In addition, if vehicles are allowed to enter the site from N. Broadway, there would be a conflict with vehicles exiting the service bays. Because of the narrowness of the site and the width of the building, vehicles that leave the northern (right) service bay have to make a three-point 180 degree turn to access the driveway to the rear of the lot, and in backing up to make this turn, they could back into vehicles entering the site if the N. Broadway entrance is approved. Alternative access to N. Broadway could be considered, such as right-out only, but this will need to be evaluated further during permitting.

LANDSCAPING

The current paved driving service on the site is very close to 10,000 sqft and if it goes over this amount, the parking lot perimeter landscape yard will be required along the N. Broadway frontage (Section 12.5). The site landscaping standards will apply to this building (Section 12.7) and the City's Tree Protection Ordinance which will require 8 trees per acre. The site landscaping standards will require landscaping along 60% of the linear façade area for the three sides of the building that face a parking lot/vehicular use area. Because of the nature of this business and the design of the building, they will be required to obtain alternative landscape design approval for the east (front) and west (rear) sides of the building.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The One Year Plan and North City Sector Plan designation for this site are GC (General Commercial) which recommends a wide range of retail and service-oriented uses.

B. A portion of the property is also located in the SP (Stream Protection) area that aligns with the FEMA 500-

year floodplain for First Creek. Approximately half of the proposed building is within the 500-year floodplain but it is located entirely out of the 100-year floodplain which is located over the rear half of the site.

C. The proposed oil change business is consistent with the adopted plans.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. 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 intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces. 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.

B. A vehicle repair/service business is typically not considered a pedestrian-oriented use. This property is located in an area that does not have a continuous pedestrian network but as part of this development, a sidewalk will be required along the Broadway frontage and the current open vehicular access along the entire N. Broadway frontage will either be eliminated entirely or greatly reduced.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The buildings that front along N. Broadway in this area are one-story structures on small lots that are setback from the street. The proposed structures compatible with the size and location of buildings in the vicinity.

B. There is no consistent architectural character in the vicinity of the subject site.

C. There are several auto-oriented businesses in this block of N. Broadway, including vehicle repair, gas stations, and drive-through restaurants.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The proposed use is in a standalone building and is not adjacent to sensitive uses, such as residential.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Additional traffic will not be drawn through residential streets because the property has direct access to a major arterial street.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

B. The building is located within the FEMA 500-year floodplain and can meet all associated building standards.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**5-B-21-SU
SPECIAL USE**

Petitioner: Erick Garcia Salas



Vehicle repair/service facility in C-G-1 (General Commercial) pending

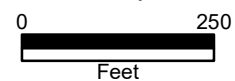
Map No: 58

Jurisdiction: City

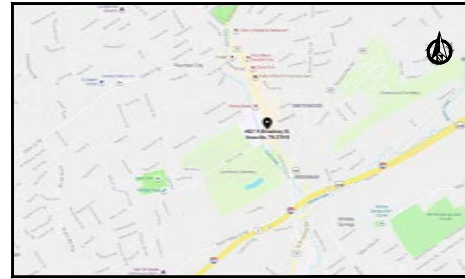
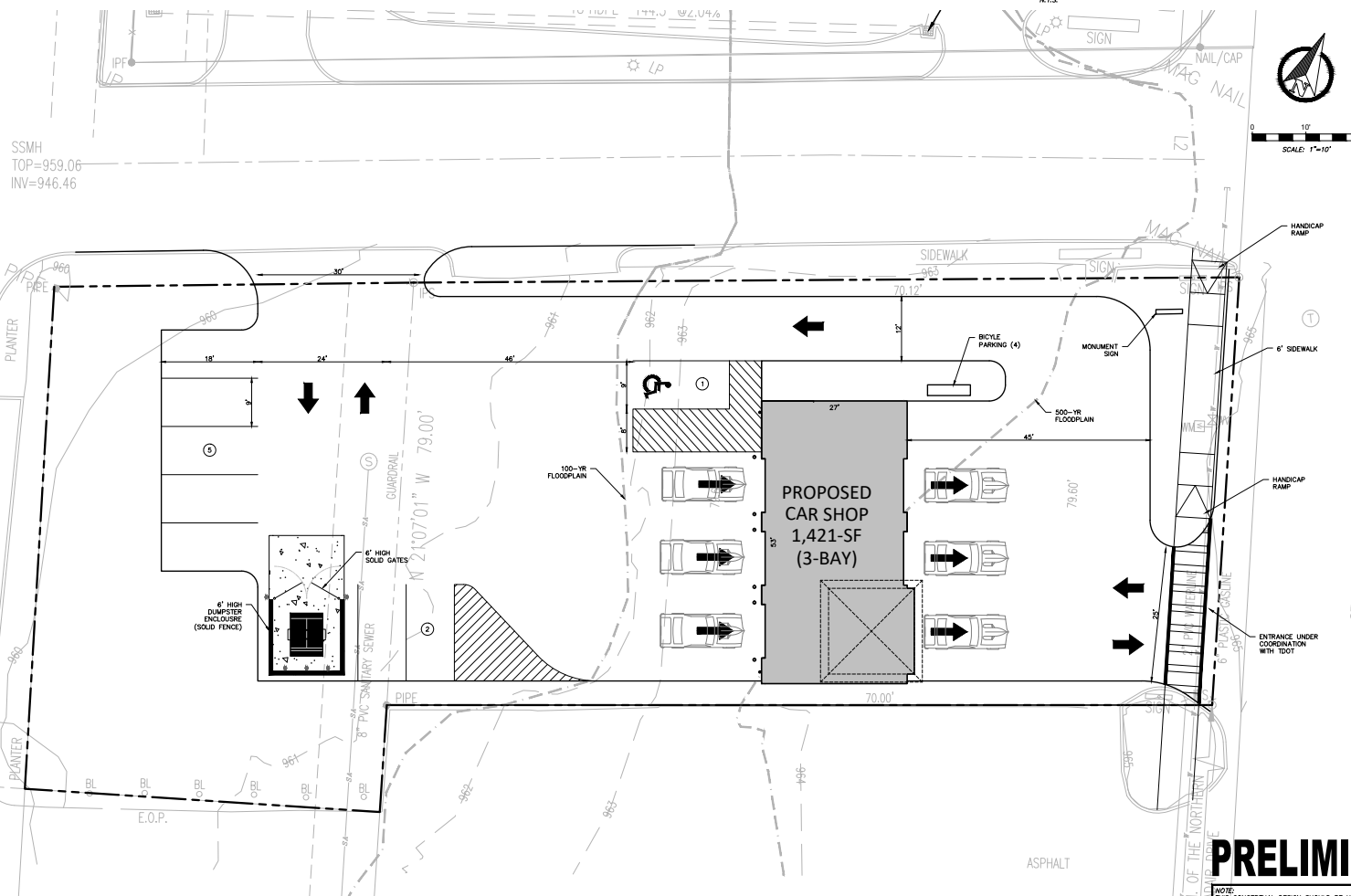
Original Print Date: 4/13/2021

Revised:

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



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SITE SUMMARY

| PROPOSED ZONING DISTRICT | C-0-1 (GENERAL COMMERCIAL) |
|--------------------------|-------------------------------|
| PROPOSED USE | VEHICLE REPAIR (MINOR) |
| TOTAL SITE AREA* | ±18643.56-SF ±0.428-AC |
| TOTAL BUILDING AREA | 1,421-SF |
| PROPOSED SERVICE SHIP | 946-SF |
| FRONT BUILDING SETBACK | 0' |
| SIDE BUILDING SETBACK | 0' |
| REAR BUILDING SETBACK | 0' |
| PARKING STALL DIMENSIONS | 9' X 18' |
| REQUIRED PARKING | 8 |
| PROPOSED PARKING | 8 |

*PROPERTIES HAVE BEEN CONSOLIDATED

PRELIMINARY CONCEPT

NOTE: THIS CONCEPTUAL DESIGN SHOULD BE UTILIZED AS A GRAPHICAL REPRESENTATION OF A POSSIBLE DESIGN CHOICE. THE INFORMATION ON THIS PLAN WAS DESIGNED FROM LIMITED MATERIAL AND HAS ITS INACCURACIES. THEREFORE IT SHOULD NOT BE USED FOR CONSTRUCTION UNTIL ALL APPLICABLE MATERIAL NEEDED HAS BEEN REVIEWED AND INCORPORATED.

5-B-21-SU
4/26/2021

DRAFT

CONTINUED GROUP
7500 WINDYBROOK DRIVE
SUITE 800
DECATUR, GA 30030
678.671.8046
www.continued.com



ALTERMAN
COMMERCIAL REAL ESTATE
2070 PEACHTREE ROAD NW
SUITE 805
ATLANTA, GA 30305
TEL: 678.355.7650

BROADWAY STREET
DEVELOPMENT
ISSUED FOR: 5-B-21-SU - SPECIAL USE PERMIT
JURISDICTION: CITY OF KNOXVILLE
LOCATION: 4821 N. BROADWAY ST.
KNOXVILLE, TN 37918

| # | DATE | REVISIONS |
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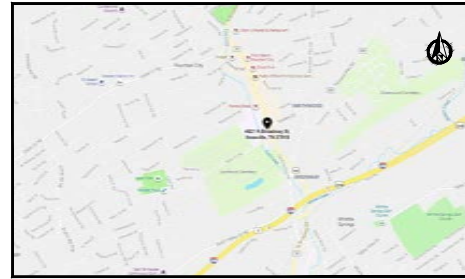
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JOB NO: 19-345
DATE: 04/26/21

CONCEPT
PLAN 11
SHEET C100

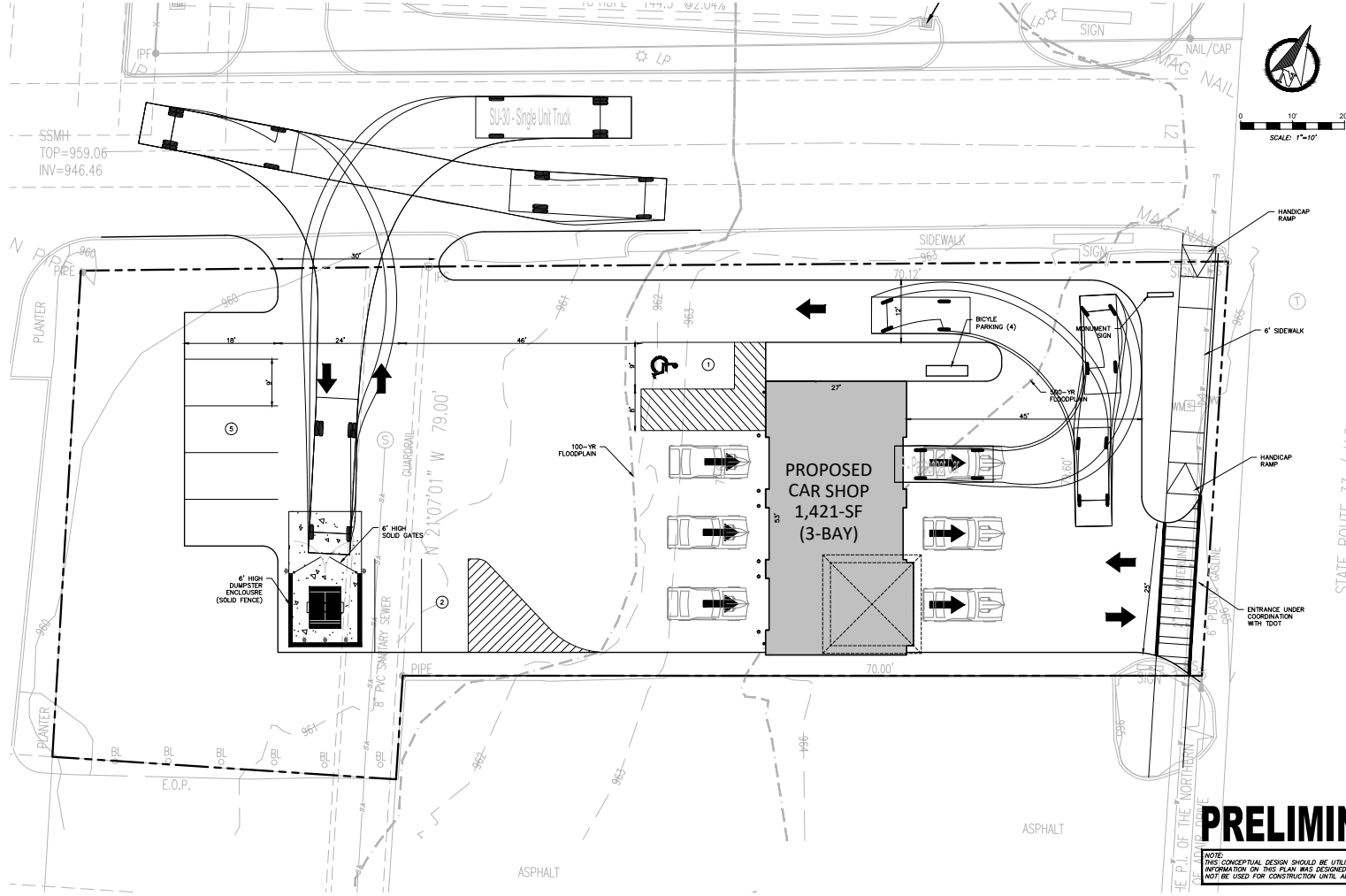
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FEMA MAP
N.T.S.



VICINITY MAP
N.T.S.



| SITE SUMMARY | |
|--------------------------|----------------------------|
| PROPOSED ZONING DISTRICT | C-6-1 (GENERAL COMMERCIAL) |
| PROPOSED USE | VEHICLE REPAIR (MINOR) |
| TOTAL SITE AREA* | ±18643.56-SF ±0.428-AC |
| TOTAL BUILDING AREA | 1,421-SF |
| PROPOSED SERVICE SHIP | 946-SF |
| PROPOSED SERVICE SHIP | 1,421-SF |
| FRONT BUILDING SETBACK | 0' |
| SIDE BUILDING SETBACK | 0' |
| REAR BUILDING SETBACK | 0' |
| PARKING STALL DIMENSIONS | 9' X 18' |
| REQUIRED PARKING | 8 |
| PROPOSED PARKING | 8 |

PARKING BASED ON:
VEHICLE REPAIR (MINOR)
2 SPACES PER BAY (MINIMUM)
4 SPACES PER BAY (MAXIMUM)

*PROPERTIES HAVE BEEN CONSOLIDATED

DRAFT

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BROADWAY STREET
DEVELOPMENT
ISSUED FOR: 5-B-21-SU - SPECIAL USE PERMIT
JURISDICTION: CITY OF KNOXVILLE
LOCATION: 4821 N. BROADWAY ST.
KNOXVILLE, TN 37918

| # | DATE | REVISIONS |
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DRAWN: MAD
CHECKED: EGS
JOB NO: 19-345
DATE: 04/26/21

CONCEPT PLAN 11
SHEET C101

PRELIMINARY CONCEPT

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STATE ROUTE 33 / U.S. 441
NORTH BROADWAY AVE
(PUBLIC, R.O.M. VARIES)

5-B-21-SU
4/26/2021



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

Applicant

Applicant Name

Affiliation

March 23, 2021

May 13, 2021

Date Filed

Meeting Date (if applicable)

File Number(s)

5-B-21-SU

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

Company

755 Commerce Dr Ste 800

Decatur

GA

30030

Address

City

State

ZIP

404.457.3919

erickg@thecontineogroup.com

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 Street, Knoxville, TN 37918

058ND042

Property Address

Parcel ID

City of Knoxville

City of Knoxville

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

East side of N Broadway, due North of Adair Dr

13,069 sq ft +/-

General Location

Tract Size

City County

5th

C-G-2

C-G-1 (pending) CO

District

Zoning District

Existing Land Use

North City

GC (kgis shows F on portion of the lot)

City

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) Oil Change Facility

SUBDIVISION REQUEST

N/A

Related Rezoning File Number

Proposed Subdivision Name

Unit / Phase Number
 Combine Parcels
 Divide Parcel
 Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change

N/A

Pending Plat File Number

Proposed Zoning

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 | Total |
|-----------------|----------|
| 0401 1,500.00 | |
| Fee 2 | |
| Fee 3 | |
| | 1,500.00 |

AUTHORIZATION

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



Erick Garcia Salas

March 23, 2021

Applicant Signature

Please Print

Date

404.457.3919

erickg@thecontineogroup.com

Phone Number

Email

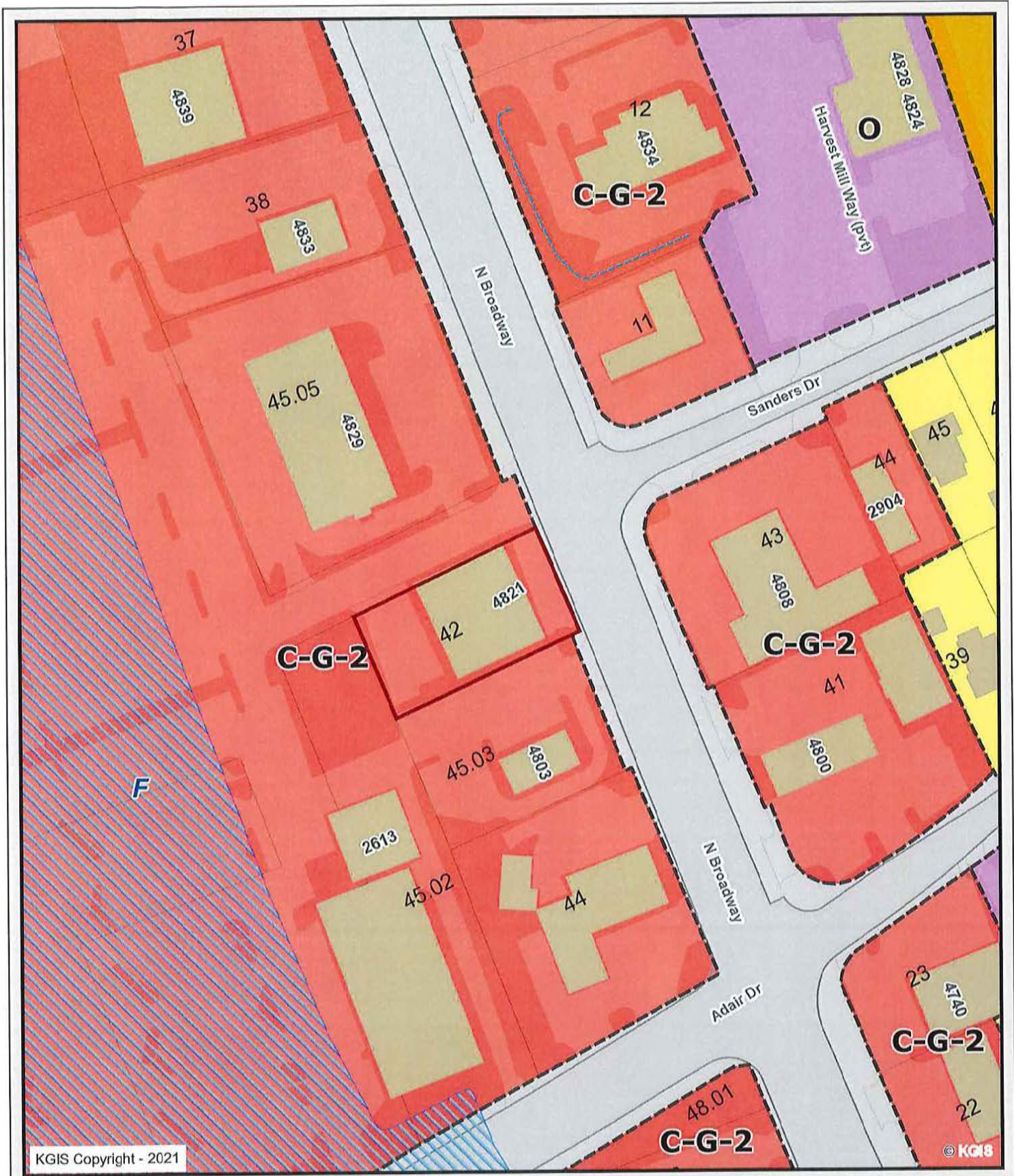

Staff Signature

Marc Payne

March/26/2021

Please Print

Date

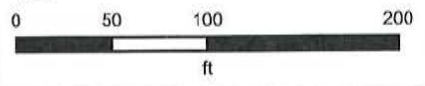


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Letter Portrait

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