



PLAN AMENDMENT REPORT

▶ **FILE #:** 4-E-24-SP

AGENDA ITEM #: 43

AGENDA DATE: 4/11/2024

▶ **APPLICANT:** GARY KOONTZ
OWNER(S): William Varner Sr.

TAX ID NUMBER: 48 N C 020 01 [View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 5531 N BROADWAY

▶ **LOCATION:** West side of N Broadway, north of Ridgewood Road

▶ **APPX. SIZE OF TRACT:** 20452 square feet

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via N Broadway Avenue, a major arterial with a 63-ft pavement width within a 94-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential), HP (Hillside Protection) / RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

▶ **PROPOSED PLAN DESIGNATION:** GC (General Commercial), HP (Hillside Protection)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

EXTENSION OF PLAN DESIGNATION: Yes, this is an extension from the north side.

HISTORY OF REQUESTS: 9-E-81-RZ: Rezone request from R-1 (Low Density Residential) to C-1 ((Neighborhood Commercial) was denied in 1981; 10-E-95-RZ: Rezone request from R-1 to C-1 was denied in 1995; 2-F-98-RZ: R-1 to C-4 (Highway and Arterial Commercial) was denied in 1998; 7-B-99-RZ: R-1 to C-4 was tabled in 1999.

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Office - GC (General Commercial), LDR (Low Density Residential), HP (Hillside Protection)

South: Public/quasi-public land (church) - CI (Civic Institutional)

East: Commercial, multifamily - GC (General Commercial), MDR (Medium Density Residential)

West: Single family residential - LDR (Low Density Residential), HP (Hillside Protection)

NEIGHBORHOOD CONTEXT This stretch of N Broadway Avenue is in the Fountain City area and contains a mix of uses including commercial businesses, offices, and single and

multifamily residential. To the south, N Broadway Avenue becomes a major commercial corridor.

STAFF RECOMMENDATION:

- **Approve the sector plan amendment to the GC (General Commercial) land use classification because this is an extension of this classification and compatible with the surrounding development conditions. The HP (Hillside Protection) designation would be retained.**

COMMENTS:

PURSUANT TO THE GENERAL PLAN, PLANNING FRAMEWORK CHAPTER, THE PLANNING COMMISSION RESERVES THE AUTHORITY TO RECOMMEND LAND USE PLAN CHANGES BASED ON SUBSTANTIALLY CHANGED CONDITIONS. SUBSTANTIALLY CHANGED CONDITIONS INCLUDE (may meet any of these):

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. No known new roads or utilities have been introduced to this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no apparent errors or omissions in the North City Sector Plan with regard to the subject property. However, the GC classification can be considered here since this will be an extension of this classification from the north side.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS.

1. There are no known changes in government policy pertaining to this area. However, approval of the GC district for this area served by KUB and KAT would be consistent with the General Plan's development policy 5.2 that encourages development to be concentrated in areas with adequate utilities and infrastructure.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. This section of N Broadway Avenue has a mix of commercial, office, public-quasi public uses with a few residential uses mixed in. Further south, N Broadway Avenue becomes a major commercial corridor. The annual average daily traffic count (AADT) for this corridor was between 29,000 to 35,000 during 2020-22, and the traffic-carrying capacity of this 4-lane arterial street is adequate for the requested commercial land use.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/14/2024 and 5/28/2024. 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.



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-G-24-RZ
4-D-24-PA

AGENDA ITEM #: 43
AGENDA DATE: 4/11/2024

▶ **APPLICANT:** GARY KOONTZ
OWNER(S): William Varner Sr.

TAX ID NUMBER: 48 N C 020 01 [View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 5531 N BROADWAY

▶ **LOCATION:** West of N Broadway, north of Ridgewood Road

▶ **TRACT INFORMATION:** 20452 square feet.

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via N Broadway Avenue, a major arterial with a 63-ft pavement width within a 94-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial), HP (Hillside Protection) / C-H-2 (Highway Commercial), HP (Hillside Protection Overlay)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, this is an extension of the zone and the land use classification.

HISTORY OF ZONING REQUESTS: 9-E-81-RZ: Rezone request from R-1 (Low Density Residential) to C-1 ((Neighborhood Commercial) was denied in 1981; 10-E-95-RZ: Rezone request from R-1 to C-1 was denied in 1995; 2-F-98-RZ: R-1 to C-4 (Highway and Arterial Commercial) was denied in 1998; 7-B-99-RZ: R-1 to C-4 was tabled in 1999.

SURROUNDING LAND USE, PLAN DESIGNATION, North: Office - GC (General Commercial), LDR (Low Density Residential), HP (Hillside Protection) - C-H-2 (General Commercial), HP (Hillside Protection Overlay)

ZONING South: Public/quasi-public land (church) - CI (Civic Institutional) - RN-1 (Single-Family Residential)

East: Commercial, multifamily - GC (General Commercial), MDR (Medium Density Residential) - C-H-2 (General Commercial), RN-5 (General Residential Neighborhood), HP (Hillside Protection)

Overlay)

West: Single family residential - LDR (Low Density Residential) - RN-1 (Single-Family Residential), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: This stretch of N Broadway Avenue is in the Fountain City area and contains a mix of uses including commercial businesses, offices, and single and multifamily residential. To the south, N Broadway Avenue becomes a major commercial corridor.

STAFF RECOMMENDATION:

- ▶ **Approve the One Year Plan amendment to the GC (General Commercial) land use classification because it is an extension of this classification and compatible with the surrounding development conditions. The HP (Hillside Protection) designation would be retained.**

- ▶ **Approve the C-H-2 (Highway Commercial) district because it is consistent with the recommended land use classification and an extension of this district. The HP (Hillside Protection Overlay) would be retained.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ONE YEAR PLAN, CHAPTER 1, PLAN AMENDMENT, ONE OF THE FOLLOWING CRITERIA MUST BE MET FOR ALL ONE YEAR PLAN AMENDMENTS (may meet any of these):

AN ERROR IN THE PLAN:

1. There are no apparent errors or omissions in the One Year Plan with regards to the subject property. However, the GC classification can be considered here since this will be an extension of this classification from the north side.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

1. While it is not a significant change in the development pattern, this section of N Broadway Avenue has a mix of commercial, office, public-quasi public uses with a few residential uses mixed in. Further south, N Broadway Avenue becomes a major commercial corridor. The annual average daily traffic count (AADT) for this corridor was between 29,000 to 35,000 during 2020-22, and the traffic-carrying capacity of this 4-lane arterial street is adequate for the requested commercial land use.

CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There are no known public policy changes pertaining to the subject property and its land use designation.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. There are no new studies or plans specific to this area or the GC land use that apply to this request.

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. There have not been any significant changes in the area in recent times. However, this will be an extension of this zoning from the north. Furthermore, the traffic-carrying capacity of this 4-lane arterial street is adequate for the requested commercial land use, as described above.

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

1. The C-H-2 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.

2. The property is in a commercial corridor with a mix of office and public-quasi public uses, and it meets the proposed district's intent. The subject parcel also meets the dimensional standards of the C-H-2 district.

3. 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.

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. The proposed amendment is not expected to have any significant adverse impact on the surrounding area which has other existing commercial uses.

2. The RN-1 zoned property to the south accommodates a church which sits on a higher elevation than the subject property. Grading change and existing vegetation at the rear of the property screens the house to the west.

3. Approximately 3,308 sq ft of this 20,452-sq ft property is within the HP (Hillside Protection Overlay) district with less than 25% slopes for almost the entire area within the HP district. Nonetheless, any development on this property would need to meet the HP Overlay district regulations.

4. Per Article 12.8 of the City zoning ordinance, a 20-ft Class B landscape buffer yard would be required along the south and west boundaries for any development on the property.

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 proposed rezoning is consistent with the General Plan's Development Policy 8.12, which provides guidelines for commercial growth abutting a residential property. The zoning ordinance requires a Class B buffer yard along the rear and south of the property, as described above.

2. The proposed rezoning will be consistent with the recommended GC land use classification of the sector plan and One Year plan.

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. N Broadway Avenue is a major arterial street with sidewalk connections in this area. This is an urbanized area with adequate utility infrastructure provided by KUB.

2. The Fountain City Lake Park, Fountain City Ballfields, and Fountain City Elementary, Gresham Middle, and Central High schools are located within 0.5 miles of the subject property.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/14/2024 and 5/28/2024. 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.