

REZONING REPORT

► **FILE #:** 7-J-24-RZ

AGENDA ITEM #: 42

AGENDA DATE: 7/11/2024

► **APPLICANT:** KARM RESTORATION, LLC

OWNER(S): KARM Restoration, LLC

TAX ID NUMBER: 81 D B 01201 (PART OF)

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 2909 N BROADWAY

► **LOCATION:** West side of N. Broadway, north of Olgewood Avenue

► **APPX. SIZE OF TRACT:** 4.18 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via North Broadway Street, a major arterial street with a pavement width of 54-ft within a 74-ft right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **PRESENT ZONING:** O (Office), F (Floodplain Overlay)

► **ZONING REQUESTED:** C-G-2 (General Commercial), F (Floodplain Overlay)

► **EXISTING LAND USE:** Public/Quasi Public Land (Church)

►
EXTENSION OF ZONE: Yes, this is an extension.

HISTORY OF ZONING: None noted

SURROUNDING LAND
USE AND ZONING: North: Multifamily residential - O (Office)

South: Office, public quasi-public (church parking lot) - C-G-2 (General Commercial), F (Floodplain Overlay)

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

West: Single family residential, public quasi-public - RN-2 (Low Density Residential Neighborhood), OS (Open Space), F (Floodplain Overlay)

NEIGHBORHOOD CONTEXT: This property is located in a service-oriented commercial corridor within the Oakwood-Lincoln Park neighborhood. Adjacent to the property on the north side is the Howard House, a historically significant home. The residential uses west of the subject property are separated by trees and a creek.

STAFF RECOMMENDATION:

► **Approve the C-G-2 (General Commercial) district because it is consistent with the surrounding development. The F (Floodplain Overlay) district would be retained.**

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 IS NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY GENERALLY

1. In August 2023, construction on the Atlantic Avenue sidewalk project was completed roughly 363-ft north of the subject property. This project added sidewalks along Atlantic Avenue that connect directly to the existing sidewalks along N Broadway and the subject property.
2. The Broadway corridor is currently under review as part of the Broadway Transit Signal Priority Congestion Mitigation and Air Quality Improvement Project, which will likely lead to transit improvements by Knoxville Area Transit (KAT).

THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSES OF THIS CODE.

1. The C-G-2 (General Commercial) zoning district is intended to promote mixed-use development in a pedestrian-oriented environment and offers flexibility in the creation of integrated commercial, office and residential uses. This stretch of Broadway consists predominantly of properties zoned C-G-2. The uses allowed by C-G-2 are consistent with those already in the area.
2. 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 anticipated to adversely affect the surrounding area which largely consists of commercial and office uses. The residential uses west of the property are separated by a tree line and creek.
2. The subject property is situated on N Broadway, a major arterial street which is considered appropriate for C-G-2 districts per the City's One-Year Plan.
3. The C-G-2 zone has design requirements for site and building design, which should result in more consistent and aesthetically pleasing development along the corridor than may otherwise occur.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE KNOXVILLE-KNOX COUNTY GENERAL PLAN AND ITS COMPONENT PARTS, INCLUDING ADOPTED SECTOR PLANS, CORRIDOR PLANS, AND RELATED DOCUMENTS.

1. The subject property is designated MU-SD, MU-CC7 (Broadway Mixed Use-Special District) in the One Year Plan and Central City Sector Plan. General Commercial districts are recommended for MU-CC7 areas.
2. The MU-CC7 land use classification calls for development that is pedestrian-oriented and allows for a mix of uses. This recommendation aligns with the intent of the C-G-2 district to promote a mix of uses within and along Knoxville's commercial nodes and corridors.

WHETHER ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, STORM 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 rezoning of this site. The area is served by the Knoxville Utility Board (KUB) for water and sewer services.
2. The property is within walking distance (roughly 465-ft) of two KAT bus stops, and is located along KAT route lines.

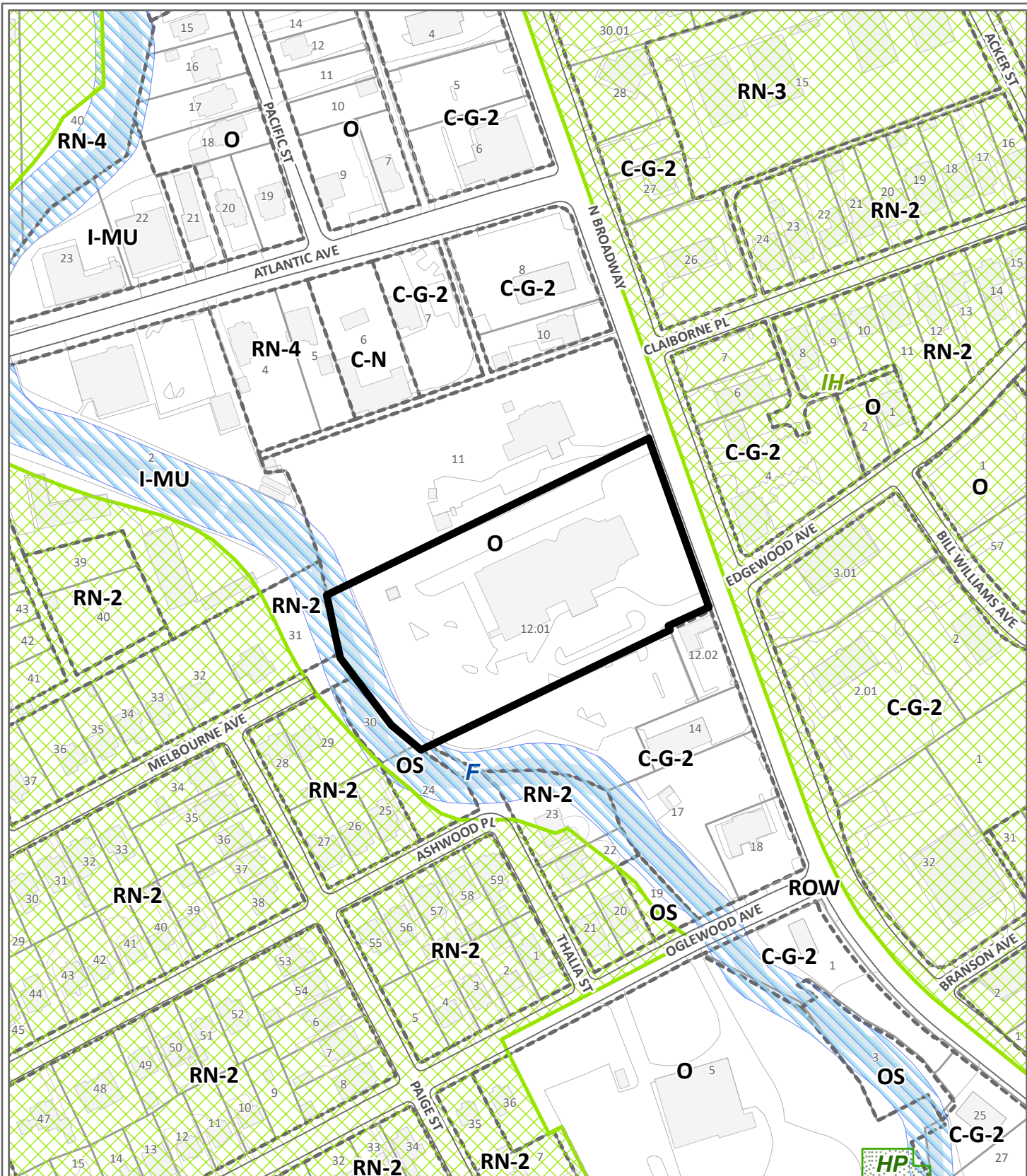
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Christenberry Elementary, Whittle Springs Middle, and Fulton High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knoxville City Council for action on 8/6/2024 and 8/20/2024. 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.



REZONING

7-J-24-RZ



From: O (Office), F (Floodplain Overlay)

To: C-G-2 (General Commercial), F (Floodplain Overlay)

Original Print Date: 6/5/2024

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

Petitioner: KARM Restoration, LLC

Map No: 81

Jurisdiction: City

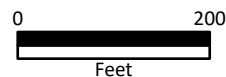
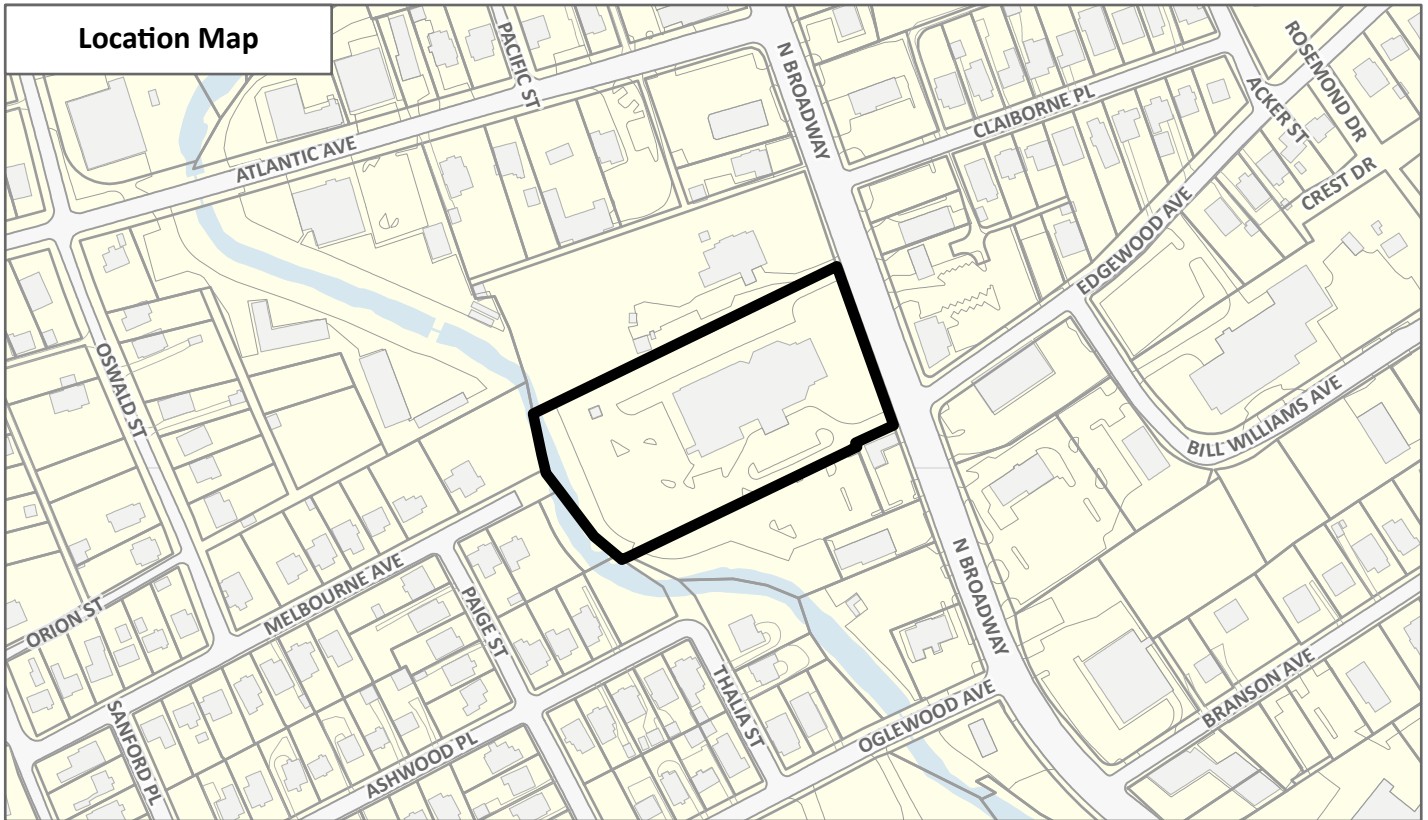


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

7-J-24-RZ

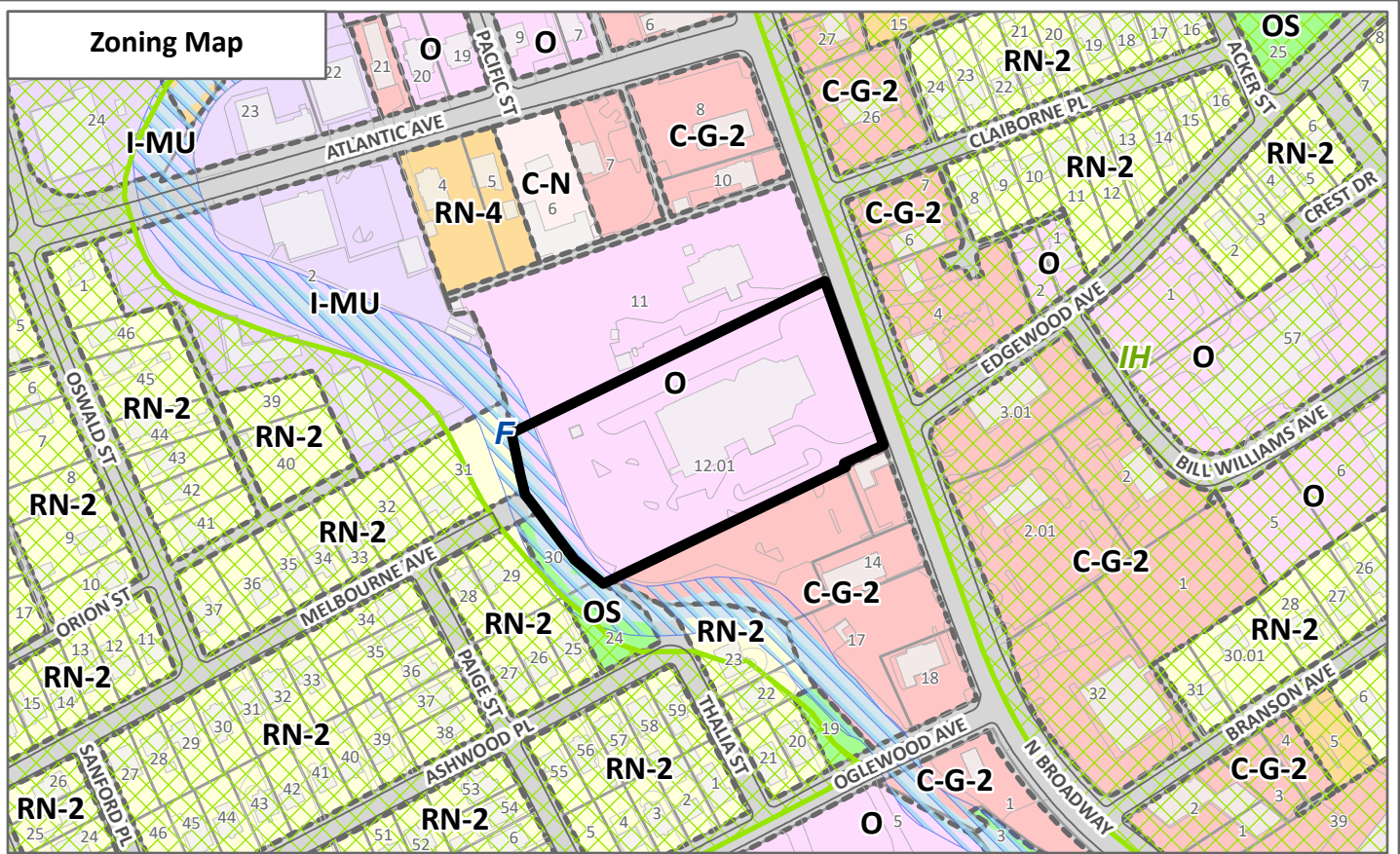


Case boundary

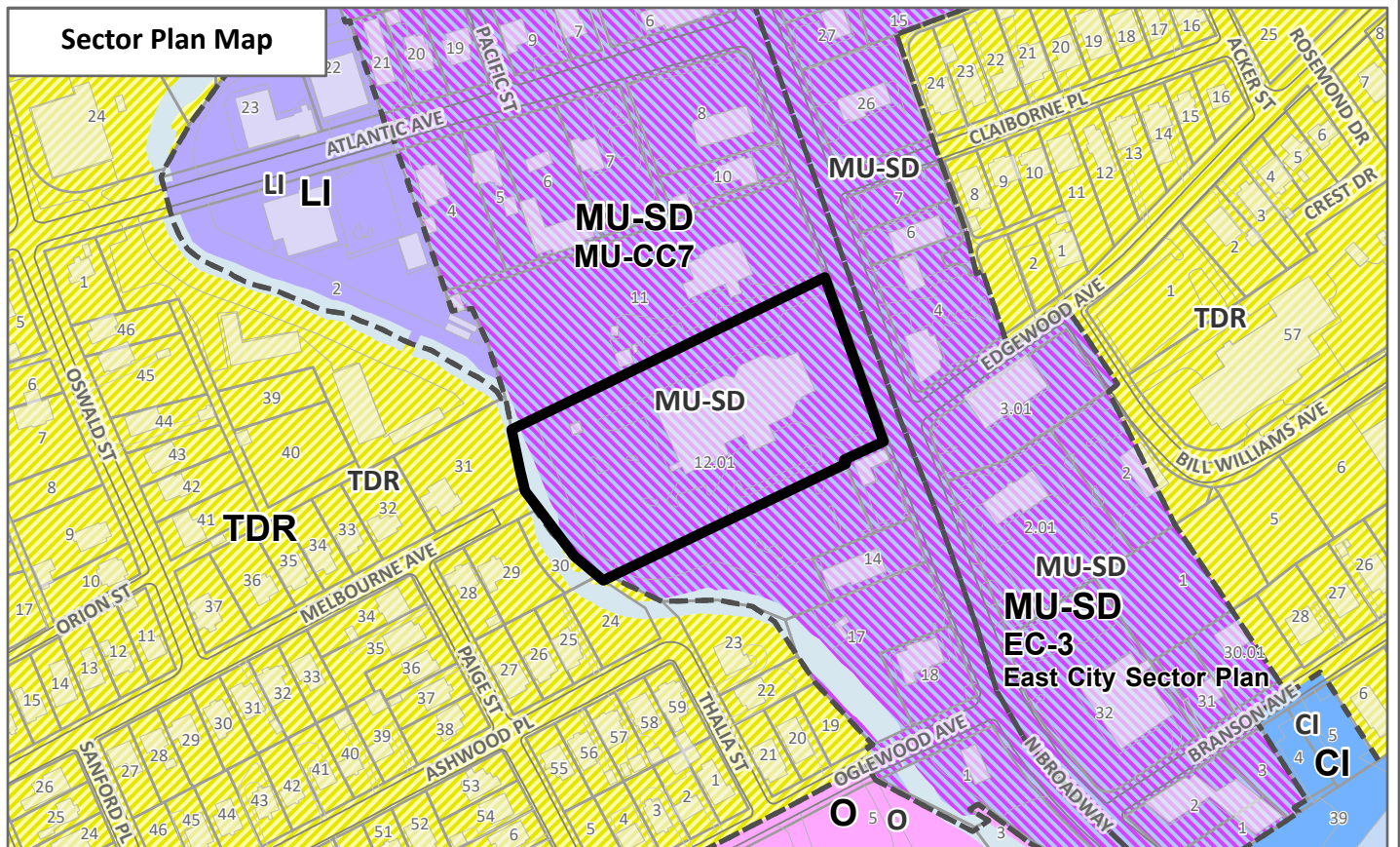
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Feet



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

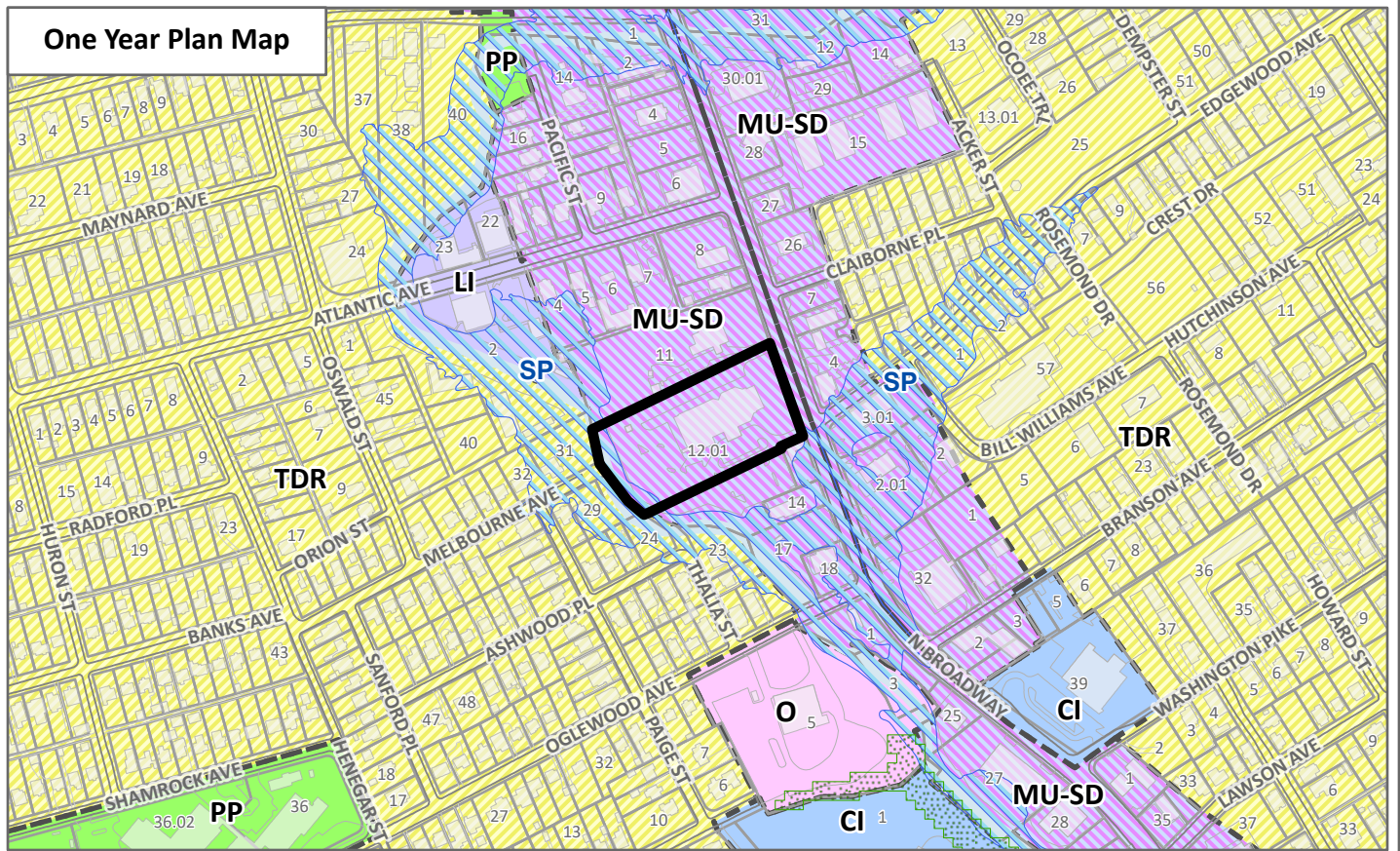
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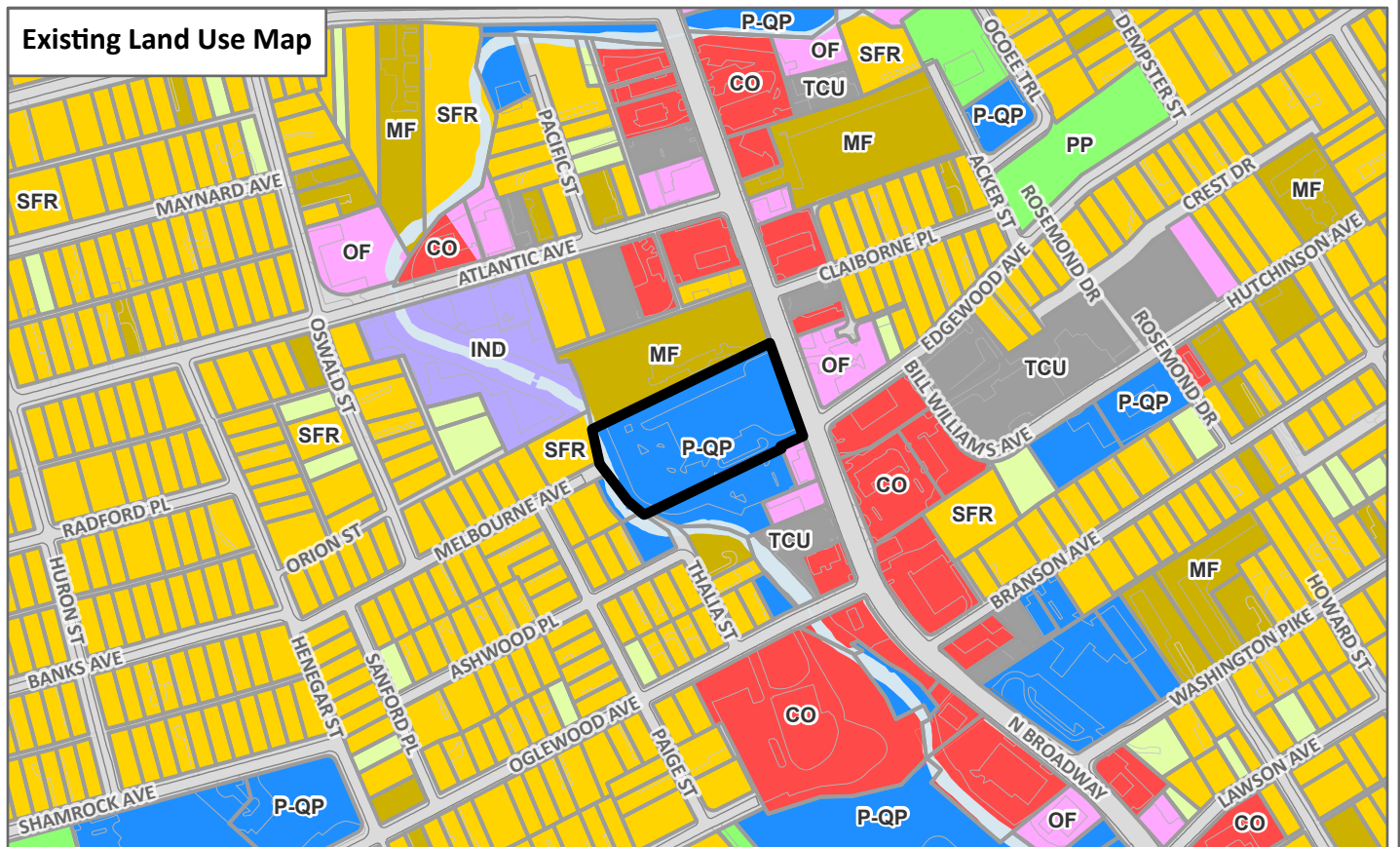
Case boundary



One Year Plan Map



Existing Land Use Map



CONTEXTUAL MAPS 3

7-J-24-RZ



Case boundary





Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

KARM Restoration, LLC

Applicant Name

Affiliation

5/24/2024

Date Filed

7/11/2024

Meeting Date (if applicable)

7-J-24-RZ

File Number(s)

CORRESPONDENCE

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

Benjamin C. Mullins Frantz, McConnell and Seymour, LLP

Name / Company

550 W. Main St. St. Suite 500 Knoxville TN 37902

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

KARM Restoration, LLC

Owner Name (if different)

418 N Broadway Knoxville TN 37902

Owner Address

865-673-6540

Owner Phone / Email

2909 N BROADWAY

Property Address

81 D B 01201 (part of)

Parcel ID

4.18 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of N. Broadway, north of Olgewood Avenue

General Location

☒ City

Council District 5

O (Office), F (Floodplain Overlay)

Public/Quasi Public Land (Church)

☐ County District

Zoning District

Existing Land Use

Central City

P-QP-Public/Quasi Public Land

N/A (Within City Limits)

Planning Sector

Land Use (City)/Place Type (County)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Planned Development ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **C-G-2 (General Commercial), F (Floodplain Overlay)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Rezoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request
☐ Amendment Request (Comprehensive Plan)

ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1

\$1,000.00

Total

Fee 2

Fee 3

AUTHORIZATION

- ☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

KARM Restoration, LLC

5/24/2024

Applicant Signature

Please Print

Date

Phone / Email

KARM Restoration, LLC

5/24/2024

Property Owner Signature

Please Print

Date



Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ PA
☒ Rezoning

KARM Restoration, LLC

Owner/Applicant

Applicant Name

Affiliation

05/23/2024

July 11, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

7-J-24-RZ

CORRESPONDENCE

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

- ☒ Applicant ☐ Property Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37902

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

418 N. Broadway Knoxville TN 37919

865-673-6540

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2909 N. Broadway

081DB01201

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

E of N Broadway near intersection of Edgewood Ave., N of Oglewood

~4.18 Acres

General Location

Tract Size

5

O and C-G-2

P-QP

☒ City ☐ County

District

Zoning District

Existing Land Use

Central City

MU-SD (MU-CC7)

NA (In City)

Planning Sector

Land Use / Place Type
CITY COUNTY

Growth Policy Plan Designation

April 2024

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 _____

Unit / Phase Number _____

☐ Combine Parcels

☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____

☐ Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

☒ Zoning Change

C-G-2 for the entirety of the Property

Proposed Zoning

☐ 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

☐ Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (*Concept Plan*)

☐ Traffic Impact Study

☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

AUTHORIZATION

☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

KARM Restoration, LLC

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

05/24/2024, SG

Property Owner Signature

Karm Restoration, LLC

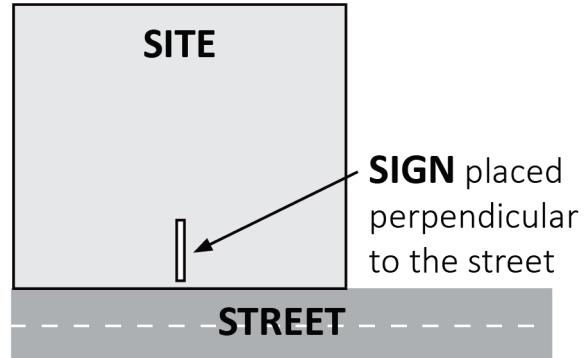
Please Print

Date Paid

5/23/24

5/23/24

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ **06/28/2024** _____ and _____ **07/12/2024** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: KARM Restoration, LLC

Date: 05/24/2024

File Number: 7-J-24-RZ



Sign posted by Staff



Sign posted by Applicant