

▶ **FILE #:** 1-A-10-RZ **AGENDA ITEM #:** 41
 POSTPONEMENT(S): 1/14/10 **AGENDA DATE:** 3/11/2010

▶ **APPLICANT:** EMORY PLACE PARTNERS, LLC
 OWNER(S): EMORY PLACE PARTNERS

TAX ID NUMBER: 94 D N 004-007
 JURISDICTION: City Council District 6
 ▶ **LOCATION:** Northwest side Emory Place, southwest side N. Central St.
 ▶ **APPX. SIZE OF TRACT:** 0.5 acres
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is via Emory Place, a local street with parking on either side within 100' of right of way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Second Creek

▶ **PRESENT ZONING:** C-3 (General Commercial)
 ▶ **ZONING REQUESTED:** C-2 (Central Business District)
 ▶ **EXISTING LAND USE:** Office, retail, warehouse
 ▶ **PROPOSED USE:** Office, retail, warehouse
 EXTENSION OF ZONE: No
 HISTORY OF ZONING: None noted
 SURROUNDING LAND USE AND ZONING: North: Commercial-office / C-3 (General Commercial)
 South: Emory Place - Parking, commercial, office / C-3 (General Commercial)
 East: N. Central St. - Commercial-office / C-3 (General Commercial)
 West: Commercial-office / C-3 (General Commercial)
 NEIGHBORHOOD CONTEXT: This area is developed with a mix of commercial, office and residential uses under C-2, O-2 and C-3 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-2 (Central Business) zoning.**

C-2 zoning is compatible with the current use of this property as well as with the scale and intensity of surrounding development and zoning. The proposal is consistent with both the One Year Plan and sector plan.

COMMENTS:

This request was postponed in January in order for the 2010 One Year Plan update is to be considered by MPC at this March 11, 2010 meeting prior to this rezoning consideration. As part of this update, staff has proposed that this area, containing the subject property, be updated to be brought into consistency with the Central City Sector Plan, as amended by the Broadway-Central-Emory Place Small Area Plan. This plan designates this area, including the subject property, as a mixed use special district, called "Downtown North," which proposes the requested C-2 zoning. If the One Year Plan update (3-A-10-OYP) is approved on March 11 with this change, a plan amendment is not needed to consider this zoning request.

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. C-2 zoning is compatible with the scale and intensity of the surrounding development and zoning and is an extension of zoning and density from the north and west.
2. Other properties in the area have been rezoned to C-2 as a result of individual requests by property owners in the area.
3. C-2 zoning allows a wider range of uses than C-3, including residential. C-2 is the primary zoning used for downtown business district development. The area containing this site has been identified by the Broadway-Central-Emory Place Small Area Plan as "Downtown North," appropriate for C-2 zoning.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The C-2 zoning district, with complementary office, medical, civic, residential and historical areas, forms the metropolitan center for commercial, financial, professional, governmental and cultural activities. The intent is to protect and improve the central business district for the performance of its primary functions. In addition, uses are discouraged which do not require a central location or would create friction in the performance of functions that should be centralized.
2. Based on the above general intent, this area is appropriate for C-2 zoning.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. The proposal will have no impact on schools and a minimal impact on the street system.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Central City Sector Plan and the City of Knoxville One Year Plan, if approved as recommended by staff in the 2010 Update on this agenda (3-A-10-OYP), both propose mixed uses, including central business uses, for this site, consistent with the proposal.
2. Approval of this request could lead to future requests for C-2 zoning on other parcels in the area. On properties located within the "Downtown North" area of the Broadway-Central-Emory Place Small Area Plan, C-2 is an acceptable zone that can be considered without any required plan amendments.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 4/6/2010 and 4/20/2010. If denied, MPC'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 an MPC decision in the City.

From: Mike Brusseau
To: Betty Jo Mahan
Date: 1/6/2010 11:08:35 AM
Subject: Fwd: FW: Emory Place zoning change

Re: Item 38, 1-A-10-RZ

>>> "L. Duane Grieve" <ldgfaia@grievearchitects.com> 1/6/2010 11:07 AM >>>

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From: L. Duane Grieve [mailto:ldgfaia@grievearchitects.com]
Sent: Wednesday, January 06, 2010 9:34 AM
To: 'mikebrusseau@knoxmpc.org'
Cc: 'thill8231@msn.com'
Subject: Emory Place zoning change

Mike, I have no problem with the zoning request from a C-3 to a C-2 for Emory Place and support the change unconditionally.

L. Duane Grieve, FAIA

Principal