

▶ **FILE #:** 8-A-13-RZ

**AGENDA ITEM #:** 37

**AGENDA DATE:** 8/8/2013

▶ **APPLICANT:** STARBOARD

OWNER(S): STARBOARD PROPERTIES THREE LLC

TAX ID NUMBER: 108 C D 02302

JURISDICTION: City Council District 1

▶ **LOCATION:** Southwest side S. Seventeenth St., southeast side White Ave.

▶ **APPX. SIZE OF TRACT:** 0.3 acres

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via S. Seventeenth St., a minor arterial street with 38' of pavement width within 65' of right-of-way, or via White Ave., a local street with 28' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT ZONING:** C-3 (General Commercial)

▶ **ZONING REQUESTED:** C-7 (Pedestrian Commercial)

▶ **EXISTING LAND USE:** Restaurant

▶ **PROPOSED USE:** Mixed use - Retail/apartments

EXTENSION OF ZONE: Yes, extension of C-7 from the north, south and west

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: White Ave. - Parking / C-7 (Pedestrian Commercial)

South: Restaurant, retail and parking / C-7 (Pedestrian Commercial)

East: S. Seventeenth St. - UT Residence Hall / O-2 (Civic & Institutional)

West: Parking / C-7 (Pedestrian Commercial)

NEIGHBORHOOD CONTEXT: This site is located just north of Cumberland Ave., which is developed primarily with businesses serving UT students and is zoned C-7. A large residence hall is located to the east, zoned O-2. The Ft. Sanders neighborhood is to the north.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that City Council APPROVE C-7 (Pedestrian Commercial) zoning.**

C-7 is a logical extension of zoning from three sides and will allow development that is compatible in scale and intensity to the surrounding development and zoning pattern. The proposal is consistent with both the One Year Plan and sector plan proposals for the property.

**COMMENTS:**

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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/COUNTY GENERALLY:

1. C-7 zoning is consistent with both the sector plan and One Year Plan designations for the property.
2. C-7 uses will be compatible with the surrounding land uses and zoning pattern.
3. C-7 is a logical extension of zoning from three sides and will allow compatible development.

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

1. The only C-7 zoning in the City is located in this area along Cumberland Ave., between Seventeenth St. and Volunteer Blvd. C-7 zoning is established to provide for a mixed use area responsive to the needs of persons associated with the university, nearby hospitals and persons living in the surrounding neighborhood. The district will also provide a unique shopping, working and living area for a greater clientele looking for merchandise and service associated with a university environment. This district is designed to accommodate pedestrian-oriented uses and has design guidelines to achieve multi-modal transportation and building siting, use and height standards.
2. Based on the above description, C-7 is an appropriate zone for this site.
3. The City of Knoxville is currently in the process of developing a form-based zoning code to be applied in the Cumberland Avenue corridor, primarily where the C-7 zoning district currently exists. It is anticipated that this proposed mixed use development will be reviewed prior to the implementation of the form code.
4. The current C-7 zoning requires approval of plans by the C-7 design review board, which meets once a month. The design review board is responsible for reviewing and approving elevations and site plans for public and private improvements, according to the adopted design guidelines for the district. It will also be expected that the applicant conform as closely as possible with the guidelines of the draft version of the form code. Building and occupancy permits may not be issued until the design review board has found that the plans meet the adopted criteria of the board.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. C-7 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
2. The impact on the street system will depend on the type of development proposed. A restaurant has been operated from this location for many years, so traffic impact should be minimal.
3. C-7 zoning requires that the design review board review and approve elevations and site plans for public and private improvements within the C-7 zoning district.
4. Public water and sewer utilities are available to serve the site.

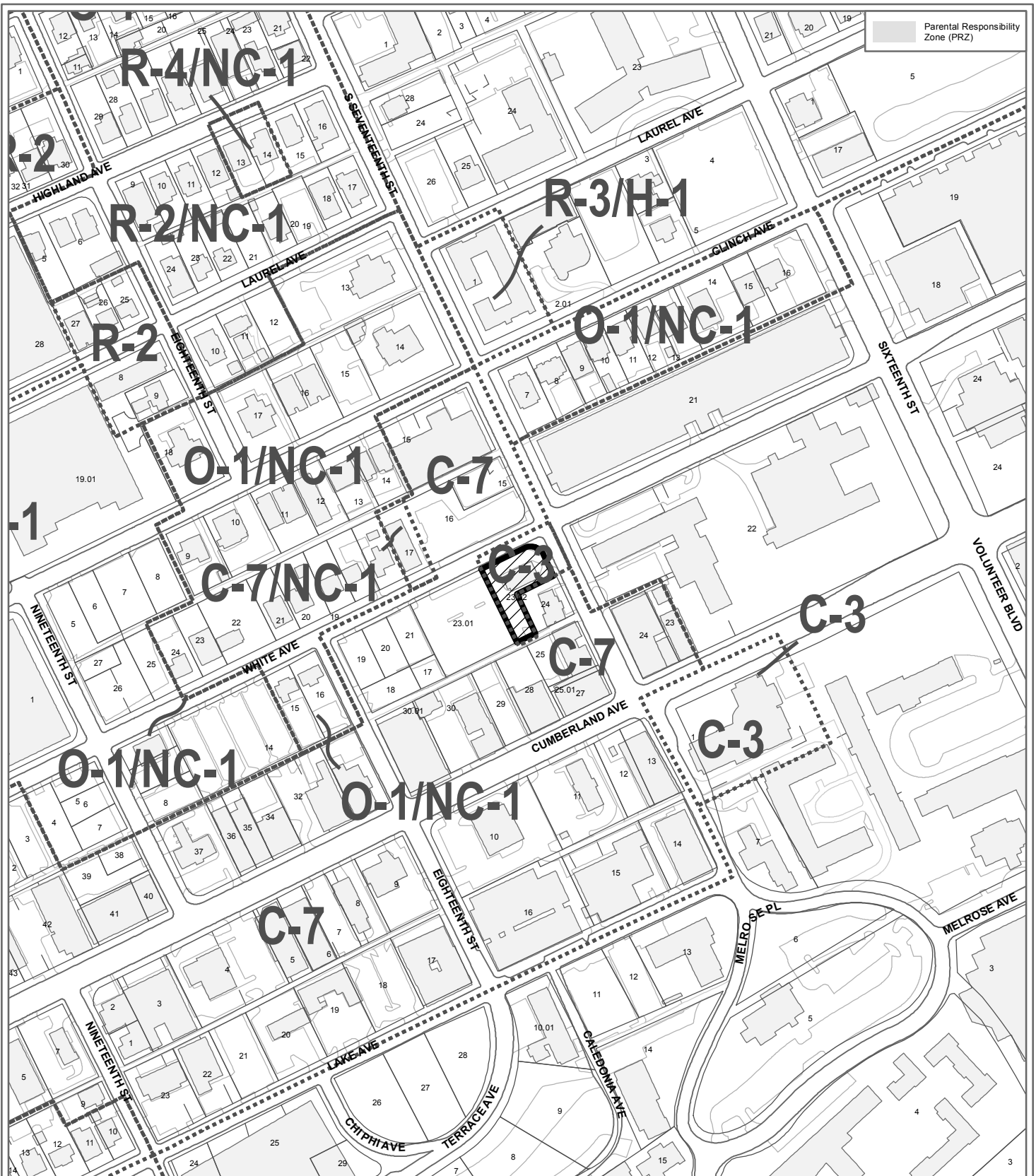
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The City of Knoxville One Year Plan designates this site within a mixed use special district, consistent with the proposed C-7 zoning.
2. The Central City Sector Plan designates this site for mixed uses, consistent with the proposed C-7 zoning.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 9/3/2013 and 9/17/2013. 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.



**8-A-13-RZ  
REZONING**

From: C-3 (General Commercial)  
To: C-7 (Pedestrian Commercial)



Petitioner: Starboard

Map No: 108

Jurisdiction: City



Original Print Date: 7/19/2013 Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902