



MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Buz Johnson
DATE: February 4, 2013
SUBJECT: Amendments to the Knoxville Zoning Ordinance to Allow Consideration of the BP-1 (Business and Technology Park) District Outside the TO-1 (Technology Overlay) District, Revise the List of Permitted Uses/Uses on Review and Revise Other Related Sections as Appropriate (2-A-13-OA)

STAFF RECOMMENDATION:

Approve the amendments to the BP-1 (Business and Technology Park) District, as described.

BACKGROUND:

In response to discussions with City of Knoxville administrative staff and representatives from the Cherokee Farm Development Corporation, the MPC staff has prepared the following amendments to the BP-1 (Business and Technology Park) District. The Cherokee Farm Development Corporation is responsible for the development of a science and technology research campus on the 200-acre University of Tennessee property known as Cherokee Farm. Currently, the property is zoned A-1 (General Agricultural), which does not allow redevelopment of the site as proposed. Rezoning of the property to an appropriate classification will be necessary to allow for development of what will be known as Cherokee Farm: The Innovation Campus.

The BP-1 district, because it promotes technology based business park development, would be an appropriate zone for the Cherokee Farm property. The zone includes a broad list of uses related to technology research and development, standards that promote development in a park- or campus-like setting, and provisions for review of a master plan by the Planning Commission. However, the district does not allow the consideration of BP-1 zoning beyond the confines of the TO-1 (Technology Overlay) District, which is exclusively situated along a short stretch of Pellissippi Parkway, north of I-40/75. The primary change that needs to be made to the BP-1 district is the removal of this restriction, which prohibits the consideration of this kind of development at what could be appropriate locations throughout Knoxville.

PROPOSAL:

In summary, the following amendments are proposed, with the intent of providing more flexibility in the use of the BP-1 zone and the application of design and development standards to foster sound and attractive research and business park projects:

- Removal of the restriction on rezoning property to BP-1 in locations outside the TO-1 (Technology Overlay.) **(Art. IV, Sec. 3.10, A.)**
- Clarification of the kinds of uses that would be allowed under BP-1, including the addition of hotels and motels as permitted uses. **(Art. IV, Sec. 3.10, C., (1), (12).)**
- Clarification that any residential use would be permitted as a use on review in a BP-1 district. **(Art. IV, Sec. 3.10, D. 1.)**
- Removal of specific requirements for front, side and rear yard setbacks, except when the rear yard setback coincides with the peripheral boundary. The Planning Commission would determine these requirements. **(Art. IV, Sec. 3.10, E.)**
- Removal of the specific requirements for maximum lot coverage and building height. Again, these would be determined by the Planning Commission. **(Art. IV, Sec. 3.10, F.)**
- Removal of the requirement that parking not be allowed in the required side yard. **(Art. IV, Sec. 3.10, J.)**
- Addition of a provision for the approval of a master site plan for properties with twenty (20) acres or more that would allow for the staff approval of individual sites within the development if consistent with the approved master plan. **(Art. IV, Sec. 3.10, L.)**
- Clarification that BP-1 projects must comply with the performance standards outlined under Article V, Section 1, of the zoning ordinance. **(Art. IV, Sec. 3.10, M. (2) and Art. V., Sec. 1)**

EXHIBITS:

- **Exhibit A: Article IV, Section 3.10, as amended.**
- **Exhibit B: Article V, Section 1, as amended.**

New language is **bold and underlined**; old language is ~~**bold and struck through**~~.

EXHIBIT A

AMEND ARTICLE IV, SECTION 3.10, AS FOLLOWS:

3.10 BP-1 Business and Technology Park District

A. *General description.* This zone is intended to provide for a wide range of uses including professional, business, governmental, and medical offices and uses that rely on advanced scientific and engineering capability. It is intended to provide sites for the location of such enterprises in an attractive, park-like setting. To this end, development is limited to a low concentration; external effects are limited; and access road improvements, utility distribution, landscaping, buildings and other improvements shall be complementary and so designed as to enhance the natural environment. It is the intent of the provisions of this section to establish a district in which research facilities, pilot plants, prototype production facilities, and manufacturing operations requiring a high degree of scientific input will be permitted. It is the intent of this section that manufacturing operations permitted should be those requiring the application of research knowledge and activity continually or recurrently and as an integral part of the manufacturing process in contrast to such application only initially or infrequently as in the case of mass production operations. It is the intent of this section that manufacturing operations permitted shall be those in which the input of science, technology, research, and other forms of concepts or ideas constitutes per unit of product a major element of value added by manufacture.

~~**The BP-1 zone shall be located only in the technology overlay district, subject to the jurisdiction and development review of the Tennessee Technology Corridor Development Authority.**~~

B. *Minimum size of zone.* In order to achieve the above intent an area of sufficient size to permit a spacious design and coordinated arrangement of buildings and facilities is necessary. Therefore, no BP-1 business and technology park district may be created which has an area of less than five (5) acres.

C. *Uses permitted.* The following uses may be permitted by approval of a development plan that indicates they are within the intent of this zone as described in paragraph A. above and that they comply with the development standards of paragraph **E. M.** These performance standards, like all other provisions of this ordinance, are continuing obligations and all uses must continue to operate in compliance with the standards.

- (1) Professional, business, governmental and medical offices in which no activity is carried on catering to retail trade with [the] general public, and no stock of goods is maintained for sale to customers, **except as may be allowed under paragraph C.(10) of this section.**
- (2) Hospitals, clinics, medical and dental offices, and veterinary clinics.
- (3) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders.
- (4) Research, experimental or testing laboratories.
- (5) The manufacturing, compounding, processing, packaging, treatment or fabrication of ceramics, instruments, optical goods and pharmaceuticals.
- (6) The manufacturing, compounding, assembling or treatment of articles of merchandise from prepared materials.
- (7) Utility substations, easements, transportation rights-of-way and alleys.
- (8) Commercial telecommunications towers, when located on the site of a substation owned or leased by an electric utility company or district.
- (9) Other assembly or limited manufacturing uses, of a similar nature, when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the planning commission.
- (10) Retail commercial uses may be approved as part of the overall development proposal, subject to the following conditions:
 - a. Minimum parcel size for the total development plan shall be twenty (20) acres.
 - b. Retail uses shall not exceed ten (10) percent of the total floor areas of the approved development plan.
 - c. Only the following retail uses shall be permitted, provided that there shall be no sales, display or storage of merchandise outside of a fully enclosed building:
 1. Banks and credit unions.
 2. Barber shops and beauty salons.
 3. Book stores.
 4. Camera and photography supply stores, including film processing.
 5. Clothing stores.
 6. Drug stores.
 7. Dry cleaners.
 8. Employment services.
 9. Florists.
 10. Food stores, including convenience stores without gasoline pumps.
 11. Gift stores.
 12. Toy stores.
 13. Jewelers.
 14. Restaurants, without drive-through facilities.

15. Sales of office supplies, office equipment, and computers.
16. Sporting goods stores.
17. Accessory uses customarily incidental to any of the above uses, including commercial and recreational uses associated with and maintained primarily for the uses permitted above.

d. Building permits for retail commercial development may not be issued until certificates of occupancy have been granted for nonretail uses equal to ten (10) percent of the total floor area of the approved development.

(11) Order processing centers for goods or services, including television home shopping networks, call centers and internet and catalog order processing centers, corporate and business offices, order fulfillment operations and related receiving, warehousing and distribution of goods for sale to customers and incidental on-premises sales subject to the following conditions:

- a. Floor areas devoted to on-premises, over-the-counter sales to walk-in customers, shall not exceed ten (10) percent of the total floor area of the approved development plan.
- b. On-premises sales may be permitted at special events no more than five times during any calendar year.

(12) Hotels and motels, subject to the standards and requirements of paragraph C.(10.) of this section.

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any obnoxious dust or smoke, or noxious odor or fumes outside of the building housing the operation or produce any noise level occurring on the adjacent street. Operations shall cause no radiation or radioactivity at any exterior wall and no electrical radiation that affects any operation or equipment other than those of the creator of the radiation. All storage shall be confined to the interior of buildings.

~~In addition to the requirements of this district, the development guidelines of the Tennessee Technology Corridor Development Authority will be applied to any proposals.~~

D. *Uses permitted on review.* The following uses may be permitted by the metropolitan planning commission as a use on review in accordance with the provisions of this section and of article V, section 3 and article VII, section 5 of this ordinance:

1. **New houses Residential uses.**
2. Commercial telecommunications towers.

E. *Area requirements.* The following requirements shall apply to all parcels within a BP-1 business and technology park district and to all uses permitted in this zone:

1. *Peripheral boundary.* All buildings or structures shall be set back from the peripheral boundary of a BP-1 business and technology park district not less than fifty (50) feet.

~~2. *Front yard.* All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet.~~

~~3. *Side yard.* No building shall be located closer than forty (40) feet to a side yard lot line.~~

~~4. *Rear yard.* No building shall be located closer than thirty (30) feet to the rear lot line. The depth of any rear yard which abuts a residential district shall be not less than fifty (50) feet, provided, however, that no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.~~

2. *Front, side and rear yard.* Front, side and rear yard setbacks shall be determined by the planning commission, except that a rear yard setback shall be fifty (50) feet where such yard coincides with the peripheral boundary setback.

3. *Minimum lot size.* The minimum lot size shall be one (1) acre.

F. *Maximum lot coverage and height of building.* ~~The maximum area of site permitted to be covered by structures shall be governed by a ground area coverage (GAC) ratio, and the height of structures shall be governed by a floor area ratio (FAR). The GAC is defined as the number of square feet of ground area covered by the building, divided by the square feet of lot area. The FAR is defined as the number of square feet of lot area. The GAC and FAR for any area zoned BP-1 business and technology park district shall be established at the time of zoning or site plan review upon a recommendation of the planning commission that takes into account the topography, size, accessibility and surroundings of the site and planning policy for the area. In no case shall the GAC exceed twenty five one hundredths (0.25) nor shall the FAR exceed thirty one hundredths (0.30). The maximum lot coverage and height of building shall be determined by the planning commission.~~

G. *Landscaping regulations.* The following requirements shall apply in this zone:

(1) *Required yard.* Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in such a manner as to provide a park-like setting for the district.

(2) *Parking areas.* Parking areas shall contain five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area. Parking areas located closer than fifty (50) feet to public rights-of-way or adjacent property lines shall be

screened by evergreen planting that will obtain a minimum height of five (5) feet at maturity. For each five thousand (5,000) square feet of parking area a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

H. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

I. *Signs.* In a BP-1 business and technology park district, the following regulations shall apply:

(1) Each development shall be limited to one (1) freestanding sign of not more than one hundred (100) square feet and not exceeding six (6) feet in height. For double-faced signs, a maximum of fifty (50) square feet will be permitted per side.

(2) One (1) face [flat] sign will be permitted per building at one (1) square foot of sign space for each foot of building road frontage up to a maximum of one hundred (100) square feet per building. Sign shall not project above parapet wall.

(3) Additional signs may be permitted if approved by the planning commission provided that scale drawings of the signs indicate they will not detract from the attractive, park-like character of the zone; and that the development plan clearly shows that because of unusual topography, building locations and relationships or developments with multiple structures, additional signs are essential to inform and direct the public.

(4) No sign may have flashing, intermittent or animated illumination.

J. *Off-street parking.* As regulated in article V, section ~~8~~ 7, except that parking shall not be permitted in the required front yard, ~~or the required side yards.~~

K. *Application procedures for BP-1 business and technology park developments.* Within the BP-1 business and technology park district zone no building or structure shall be erected or altered until and unless there shall have been filed with and approved by the planning commission a written application for approval of a plan for the contemplated development within said district. The application shall be accompanied with the following information:

(1) A description of all operations proposed in sufficient detail to show that the proposed uses are within the intent of the BP-1 business and technology park district as described in A. above and to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety, and welfare of the area.

- (2) A development plan indicating the following: location of present and proposed buildings, loading docks, driveways, parking lots, other accessory uses, existing wooded areas, proposed landscaping, and trash disposal areas.
- (3) Preliminary architectural plans for the proposed building or buildings.
- (4) An estimate of the maximum number of employees contemplated for the proposed development and the number of employees per shift.
- (5) A storm drainage plan which includes accurate existing and proposed watercourses; the system of open channels, pipes, culverts, drains, inlets, catchbasins, and similar facilities designed to handle stormwater in times of rainstorms, the calculations used in the design of such systems and the easements required in the construction and maintenance of the drainage system and meeting all requirements of city engineering.
- (6) Other engineering and architectural plans for the handling of any problems of the type outlined in the above paragraphs, including a designation of sewers to be used and necessary plans for controlling smoke or other nuisances.
- (7) Any other information the planning commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing public services to the area. All sewage disposal systems and land requirements for such systems must be approved before a building permit is issued.

L. Approval of individual site plans after approval of overall development plan. The metropolitan planning commission may approve an overall development plan for a business park comprising an area of twenty (20) acres or more, subject to administrative review and approval of plans for development of individual sites or parcels within the park by the MPC staff.

(1) In lieu of site specific plans, as referenced in paragraph (K.), the overall development plan shall provide design standards for landscaping and architectural features in sufficient detail to allow the planning commission to determine that the development would comply with the intent of the BP-1 business and technology park zone.

(2) After reviewing plans for specific sites, the staff may approve any site plan that complies with the above-referenced design standards, the overall development plan approved by the planning commission, and the requirements of the City of Knoxville zoning and subdivision regulations. MPC staff decisions may be appealed to the planning commission. Anyone aggrieved by a decision of the planning commission may appeal such decision to the city council, pursuant to article VII, section 5 and section 6, of these regulations.

E. M. Standards for approval. The metropolitan planning commission shall approve, approve with conditions, or deny the development plan based on the following standards:

- (1) Roads, driveways, parking lots and curb cuts are designed so as to promote safe and efficient movement of vehicular traffic.
- (2) The development will comply with all applicable requirements of the performance standards ~~for commercial and industrial uses~~ , **as described under** (article V, section 1).
- (3) The development will comply with all dimensional and area requirements and requirements for landscaping, parking, signs and utilities contained in this section.

EXHIBIT B

AMEND ARTICLE V, SECTION 1 (PERFORMANCE STANDARDS), AS FOLLOWS:

The purpose of this section is to establish regulations and standards for the installation and operation of industrial uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted. Further, this section prescribes procedures and methods of measurements of industrial characteristics subject to the performance standards established hereunder.

All uses permitted in South Waterfront Zoning Districts, the Planned Industrial, Restricted Manufacturing and Warehousing, General Industrial, ~~and~~ Heavy Industrial, and Business and Technology Park Districts, whether such use is permitted as a principal use or as an accessory use, shall be subject to these standards; evidence of ability to comply shall be required prior to the issuance of a building permit or a certificate of occupancy, and continued compliance shall be required during the operation of such uses and activities.