

▶ **FILE #:** 12-D-14-RZ

**AGENDA ITEM #:** 28

**AGENDA DATE:** 12/11/2014

▶ **APPLICANT:** HARB'S CARPET CENTER

OWNER(S): Johnny Harb

TAX ID NUMBER: 94 D N 009,010&01101

JURISDICTION: City Council District 6

STREET ADDRESS: 608 N Broadway

▶ **LOCATION:** East side N. Broadway, north side Emory Place.

▶ **APPX. SIZE OF TRACT:** 28250 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via N. Broadway, a major arterial street 46' of pavement within 60' of right-of-way and an alleyway that stretches between N. Broadway and N. Central Street. This site is serviced by five KAT routes.

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:** Business

▶ **PROPOSED USE:** Commercial

EXTENSION OF ZONE: Yes

HISTORY OF ZONING: None notes.

SURROUNDING LAND USE AND ZONING: North: Commercial / C-3 (General Commercial)

South: Church / C-3 (General Commercial)

East: Commercial - Office / C-3 (General Commercial) & C-2 (Central Business)

West: Commercial / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This area is developed with a variety of residential, office, commercial, and institutional uses under the C-3 and C-2 zoning.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that City Council APPROVE C-2 (Central Business) zoning, subject to one condition.**

1. If a new building is proposed, either in the location of an existing building or surface parking lot, use-on-review approval by MPC shall be required before issuance of any building permits, subject to Appendix 3 (Mixed-Use Development Guidelines) of the Broadway, Central, Emory Place Small Area Plan (2007).

**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. The properties are located within the Downtown North Mixed Use District (MU-CC1) of the Central City Sector Plan (2014), which recommends a mix of uses, including residential, office and commercial development. The MU-CC1 section of the plan is attached to this report.
2. C-2 (Central Business) district zoning is compatible with the surrounding land uses and zoning. Other properties in the area have been rezoned C-2 in recent years, consistent with approved land use plans for the area.
3. C-2 zoning for the subject properties will allow the current business use, or the redevelopment of the buildings or site for mixed uses, as proposed by the sector plan.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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. The MU-CC1 district is described as being an extension of downtown to include areas around Emory Place, in which these properties are located.

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. The C-2 zoning is compatible with the surrounding land uses and zoning pattern.
2. The C-2 zoning is compatible with the surrounding scale and intensity of development if it is conditioned upon Appendix 3 (Mixed-Use Development Guidelines) of the Broadway, Central, Emory Place Small Area Plan (2007), as recommended by staff. The C-2 zone allows intensity of development beyond the existing built environment of the Emory Place area and does not have urban design standards to ensure the compatibility new development.
3. The proposal will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.

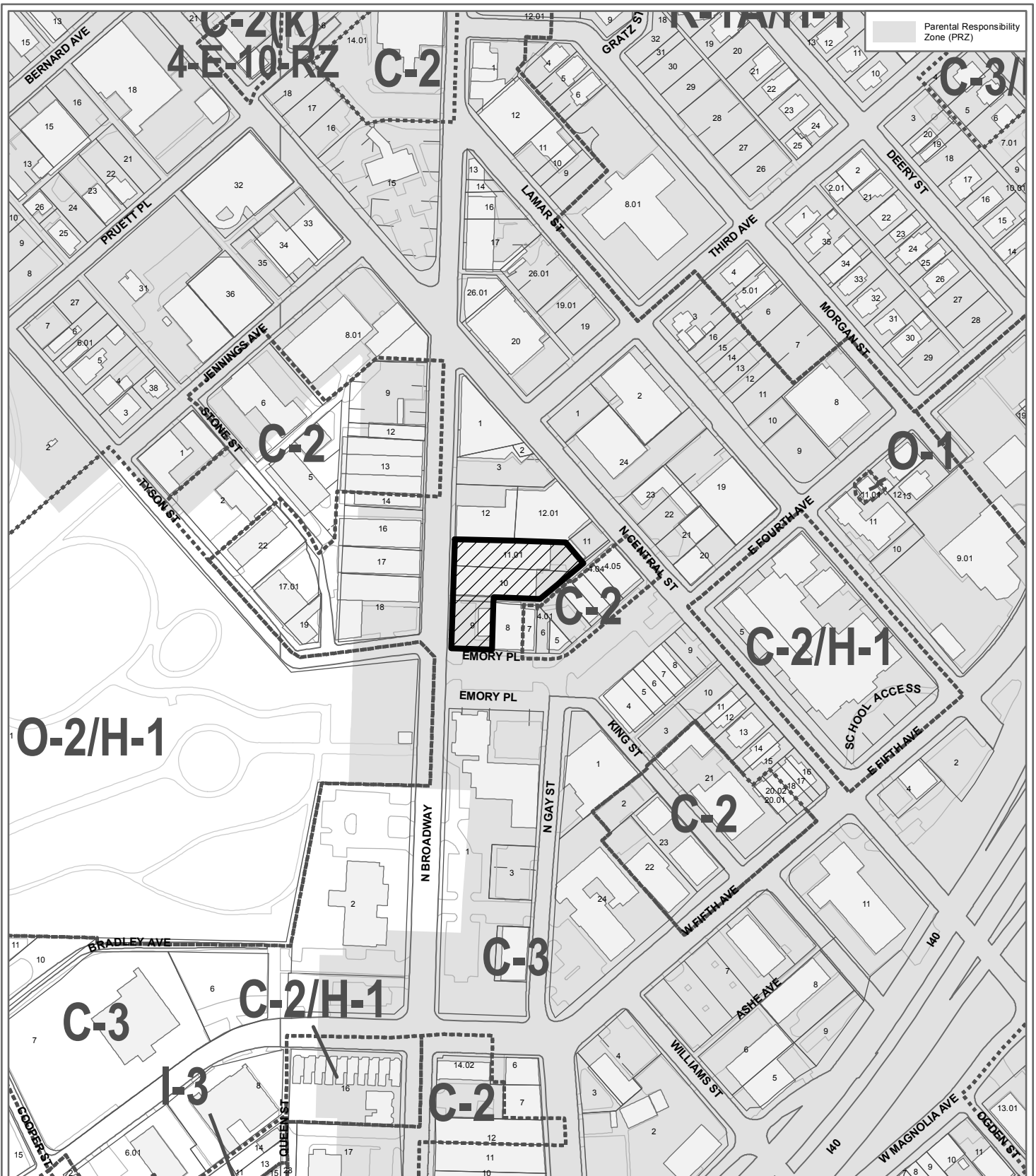
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OR KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Downtown North Mixed Use District (MU-CC1) of the Central City Sector Plan recommends several land use classifications that can be considered. The land use classifications applicable for this review should have general descriptions and location criteria that are compatible with the proposed site.
2. The MU-CC1 district allows consideration of the Regional Mixed Use Center (MU-RC) land use classification which states, among other things, that the district should be served by sidewalks and transit systems and located on a major arterial, adjacent to an Interstate highway or adjacent to downtown, and the location does not include auto and truck-oriented uses. This proposal is compatible with the general description and location criteria of the MU-RC.
3. The MU-RC land use classification specifically recommends an adapted C-2 zoning district for the 'Downtown North' area. If such a zone has not been adopted the sector plan recommends conditioning rezonings with the 'Mixed-Use Development Guidelines' (Appendix 3) of the Broadway, Central, Emory Place Small Area Plan. These guidelines have been attached to this report.
4. The Central City Sector Plan recommends adopting new mixed use zoning specifically for this area, such as a Form District or Corridor Overlay District, or a new basic or planned zone that allows mixed use development in small areas or individual lots along urban commercial corridors where a form district or corridor overlay district are not anticipated in the near term or feasible because of location and size. The sections from the sector plan regarding these new zoning districts is attached to this report.
5. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/6/2015 and 1/20/2015. 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.



**12-D-14-RZ  
REZONING**

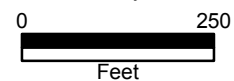
From: C-3 (General Commercial)  
To: C-2 (Central Business District)



Petitioner: Harb's Carpet Center

Map No: 94

Jurisdiction: City

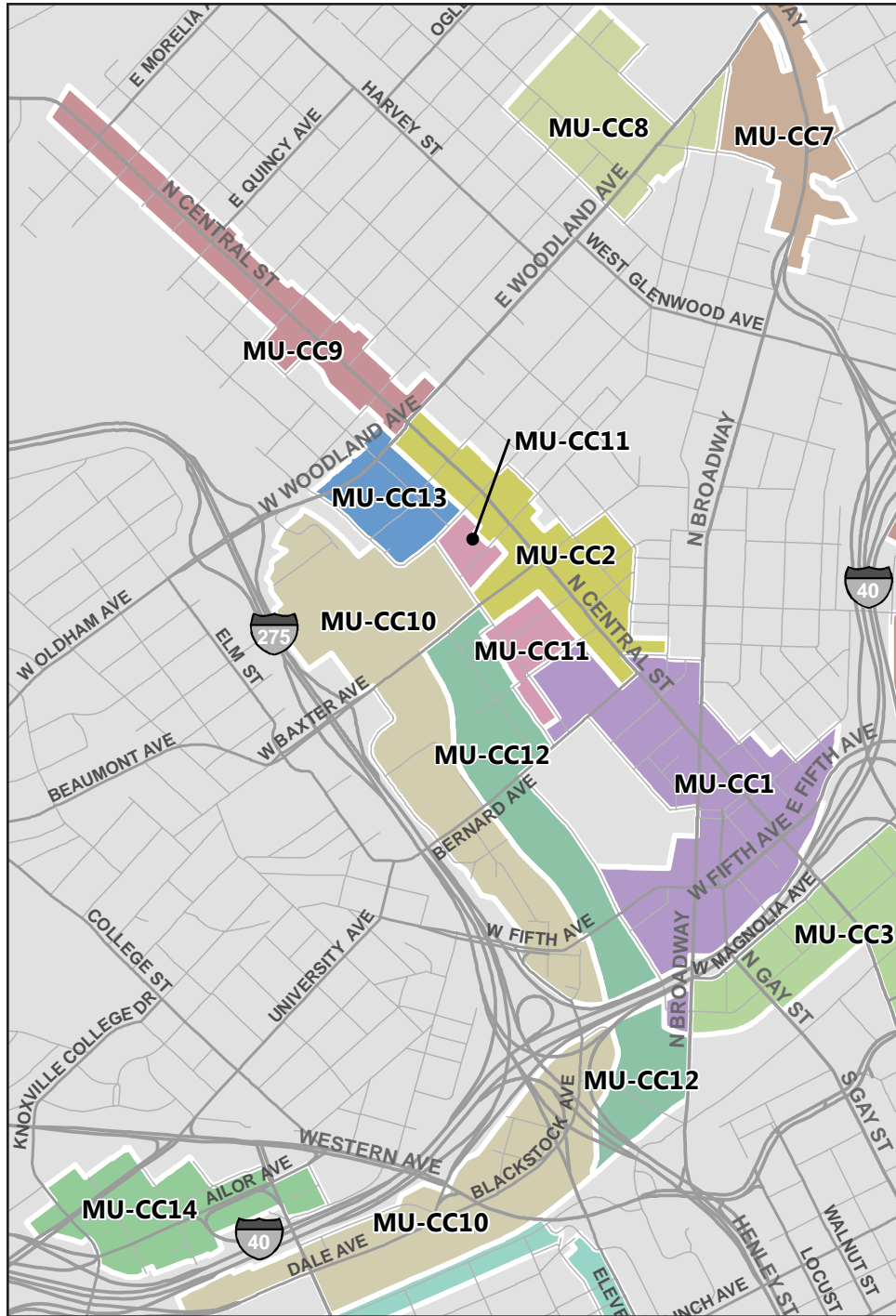


Original Print Date: 11/24/2014      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

**SPECIAL LAND USE DISTRICTS**

There are several areas that are capable of sustaining different mixes of land uses. In other words, a broad brush of proposing only one land use may not be prudent in view of changing conditions and the dynamics of the local economy. All of the following districts are well located in terms of good transportation and infrastructure. In addition, several districts incorporate recommendations from adopted “small area plans” (see Appendix D). Each district lists the recommended uses and zoning.

NOTE:  
The following land use recommendations should be consistent with the land use classifications, including location criteria, as listed in Appendix B.



**BROADWAY-CENTRAL-EMORY PLACE CORRIDOR**

These mixed use districts were created with the adoption of the *Broadway-Central-Emory Place Small Area Plan*, (MPC, 2007)), which was developed in conjunction with the *I-275/North Central Street Corridor Study* (MPC, 2007) and the *Downtown North/I-275 Redevelopment and Urban Renewal Plan* (KCDC, 2007).

The plan recommendations are organized based on three major components:

- Extending the downtown area northward
- Creating a mixed-use environment and better design along the Central Street corridor
- Improving the commercial character of Broadway

In 2009-10, the City established a steering committee and hired a consultant to further develop the concepts from the small area plan resulting in illustrative streetscape plans for North Central Street and North Gay Street. Many of the transportation recommendations are being implemented using the ‘road diet’ (also referred to as ‘complete streets’) concepts to reallocate underutilized roadway to allow the installation of street trees, on-street parking and bike lanes.

The adoption of a new zoning district that allows a mix of uses, such as a form-based code or corridor overlay, has yet to be accomplished and should be the primary focus moving forward. As the reuse of existing buildings continue and new buildings are developed, the availability of parking should be evaluated to ensure adjacent residential districts are not adversely affected.



## MU-CC1:

### Downtown North Mixed Use District

The Downtown North district is an extension of downtown to include areas around Emory Place. As part of this plan, the MU-CC1 district is being extended to include the properties of a similar nature north of the Central Street and Broadway intersection that are currently in the MU-CC2 (North Central Street Corridor) district. This area is bounded by Broadway, Bearden Place and Bernard Avenue.

### Recommended Uses

A mix of uses should be allowed for the entire district, including residential, office and commercial development. The concept is to allow mixed-use building forms that are more urban-oriented (for example, multiple stories with small or no front yard setbacks) and designed to enhance the pedestrian experience. Along local streets the scale of buildings and uses should be compatible with adjacent residential uses.

- Regional Mixed Use Center (MU-RC)
- Urban Corridor Mixed Use (MU-UC,
- Office (O)
- Medium Density Residential (MDR)
- Traditional Neighborhood Residential (TDR)
- General Commercial (GC) uses can also be considered on side streets where these uses currently exist, such as Jennings Avenue and Bearden Place.

### Recommended Zoning

Form District or Corridor Overlay District zoning should be developed for the area. Basic and Planned Development district zones that allow a “recommended use”, or mix of these uses, for this district can be considered and should be conditioned with the applicable “Development characteristics” of Appendix 3 (Mixed-Use Development Guidelines) in the *Broadway-Central-Emory Place Small Area Plan*. The development characteristics include guidelines for building setbacks and height, commercial building design, parking, driveway access, open space, and lighting.



*Broadway and North Central Street could be transformed with the reuse/renovation of existing structures and complimentary infill development.*



### Transportation Improvements

- Continue to implement the concepts presented in the *Downtown North Streetscape Project* (City of Knoxville, 2010) schematic designs.
- Make all major streets a ‘complete street’ that is designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and bus riders of all ages and abilities.
- Consolidate curb-cuts as redevelopment occurs.
- Enhance the pedestrian gateways to downtown, particularly under I-40.
- Enhance KAT service by frequency and amenities.

# Appendix 3: Mixed-Use Development Guidelines

## **Purpose:**

1. Accommodate mixed-use buildings with shops, restaurants, and office uses on the ground floor with office or residential on upper floors; single-purpose uses such as office buildings, apartments and townhouses are also possible within the district.
2. Encourage development, in at least a portion of the district, that exhibits the design characteristics of pedestrian-oriented, storefront-style shopping streets;
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

## **Location principles**

The district must be located:

1. in an area served by sidewalks or where sidewalks are constructed as part of the development;
2. where transit services are available within 500 feet of the site;
3. on sites that are free of environmental contaminants;
4. on land identified in Sector or One Year Plans as places for commercial, office or industrial uses.

## **Allowed uses**

### **Residential**

Most of the residential uses should be permitted: multi-unit residential, detached houses, row houses and dwelling units above the ground floor. However, the number of detached houses should be limited and located to the edges of the district in order to create a density high enough to help support some commercial activities.

### **Office**

Most types of office uses are appropriate. Offices can be located in vertical mixed-use buildings or in separate office buildings.

### **Commercial**

Most commercial activities that are not of a “Big Box” dimension are appropriate. Supermarkets and similar large-scale commercial use might be considered with “liner uses,” such as shops and restaurants.

Commercial uses linked to cars, such as vehicle sales, gas stations and drive-through restaurants, are not appropriate in the district. Vehicle repair and parts sales may be possible under certain design parameters (for example, garage door entrances to the side or rear of the establishment).

### **Public and civic**

Most public or civic uses should be permitted, including cultural exhibits and libraries, parks and recreation, postal service, public safety and services, religious assembly and day care.

## **Development characteristics**

### **Density/intensity of use**

If mixed-use buildings are desired, such buildings should be rewarded with more flexible development standards. For example, fewer off-street parking spaces should be required for commercial development when sidewalks and transit services are available in the surrounding area, allowing “footprints” for other buildings.

### **Setbacks**

Several types of “build-to” lines should be established for development in the district. Buildings with retail uses on the ground floor should have little or no setback, unless a setback is required for outdoor seating or a display area, or eventual sidewalk widening.



*Setbacks are allowed if they are used to create a pedestrian-friendly activity, such as outdoor seating. Photo by Dan Burden.*



Office buildings should have a setback of 0 to 10 feet, depending on the setting: (1) when a “main street” is being created, little or no setback is appropriate; (2) when office buildings are created away a commercial core, a setback of up to 10 feet is appropriate in order to create a landscaped buffer between the pedestrian activity on the sidewalk and the office activity. A residential building with dwelling units on the ground floor can have a setback from 5 to 15 feet in order to create a landscaped area, separating the public space from the private activities of the building. This setback can be used for a small private garden, or for a stair leading to the porch or the entrance. In this setting, ground floor residential is usually slightly above or below grade for additional privacy.

The appropriate minimum rear setback will depend on lot and development patterns in the area. If an alley abuts the rear of the mixed-use lot, no rear setback may be necessary. If the mixed-use lot abuts the rear property line of residential lots, the building should be setback from rear property lines in order to protect the privacy and open feeling expected within residential rear yards.

### Building height

The buildings should usually have two to four stories. One-story buildings should be avoided, as should buildings higher than four stories, particularly when such buildings are adjacent to low-density residential areas.



*Buildings should usually have from two to four stories*

### Commercial building design

**Transparency of windows:** All windows on the ground floor façade or on the side of commercial buildings should be transparent and allow views of indoor space or product display areas. Bulkheads, the sign board and door and window frames are the only features that should be solids in the façade. Blank walls should be avoided.

**Doors and entrances:** Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used. Every building should have at least one entrance that does not require passage through a parking lot or garage to gain access.

### Parking

On-street parking should be required within such districts.

No off-street parking is required for non-residential uses, unless such uses exceed a certain surface of gross floor area (5,000 sq feet, for example, in which case off-street parking must be provided for the floor area in excess of the 5,000 square feet). Off-street parking credits, especially for retail uses, should be taken into account when there are sidewalks around the development for a distance up to one-quarter mile and when there is transit accessible. As little as one-half of the off-street commercial parking listed in the supplemental zoning regulations can be required in those circumstances.

Off-street parking must be provided to the rear of the main building, or on the side. Parking surfaces must be well designed with human-scaled lighting and landscaping. When the parking lot is visible from the public right-of-way or residential zoning districts, it should be “screened” from the sidewalk or alleys (using wrought iron-like fences and landscaping) and from upper-story uses (using trees, dispersed evenly throughout the parking area at a ratio of one tree per 10 parking spaces). There should be some “transparency” to keep “eyes” on the parking lot for safety reasons.

Parking lots can be uncomfortably warm on summer days. Plants can have a significant moderating effect on the heat

and other uncomfortable aspects of the “microclimate” of parking lots. Planting small trees providing a natural canopy helps moderate summer temperatures, more than does a planting of small ornamentals. Dividing large lots into smaller “rooms” (that can be called “pocket parking”), separated by planted buffers, makes parking lots more visually acceptable and reduces their scale.

Shared parking: Where parking demands peak during different times of the day, parking should be shared (for example, if a church is located next to an office building).

### **Driveway access**

Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats. They should be exceptions in mixed-use districts. No curb cuts should be allowed for lots that abut an alley.

### **Open spaces and related amenities**

**Site design:** Building entrances, parking areas, private and public open spaces, and pathways should be accentuated with appropriate features such as landscaping and pavement treatment. Public art should be encouraged. Such features should be placed or designed in such a manner that the view into the area is not obscured. Utilities that cannot be placed underground should be relocated in alleys or on the back side of buildings, in order to improve the appearance of the streets.

**Residential amenities:** Residential uses should accommodate space devoted to outdoor enjoyment, with public or private spaces being part of a formula to realize this objective. Such space can be patios, courts or balconies that are designed as a component of the residential architecture or as a park, green, square or plaza within the district.

### **Lighting**

Light fixtures (those not attached to buildings) should be affixed to a decorative pole, which may be of metal, fiberglass, or concrete. Wooden poles should be avoided.





The Northeast Waterfront is an appropriate location for mixed-use development, like the image at right from the Knoxville South Waterfront Vision Plan that depicts development on the other side of the river.

### Northeast Waterfront

(former General Shale Brick plant area)

The Northeast Waterfront includes the industrial areas along the Tennessee River, below the James White Parkway Bridge; the majority of which is the former General Shale Brick site that is currently owned by the Knoxville Utilities Board. The area has historically been used for industrial purposes because it has various transportation options for bulk cargo, including barge, rail and truck; and is adjacent to workforce

housing. While the site is viable for continued industrial use, there is potential to allow a mix of uses similar to that in the South Waterfront Form District across the river. In addition, McWherter Landing Park could be extended along the river where the proposed greenway is shown on the Community Facilities Plan map, whether the land use changes or not.

## OTHER OPPORTUNITIES

### Corridor Overlay District (CO-1)

Through community input in the sector plan update process, MPC staff heard that people are concerned with establishing better design standards on the major commercial corridors within the Central City Sector. Furthermore, the recent corridor plans for Broadway, North Central Street, Magnolia Avenue and Martin Luther King, Jr. Avenue address these same design concerns. In response to these concerns, MPC staff recommends the adoption of a new Corridor Overlay District (CO-1).

The purpose of this district is to enable the designation of certain roadway corridors with an overlay zone district. This will supplement the regulations found elsewhere in the zoning ordinance so as to conserve natural, historic, and aesthetic features, provide better access management, and provide appropriate screening and buffering of vehicle parking and loading areas. The intent of the overlay district is to:

- Promote the health, safety and welfare of the community
- Promote the safe and efficient movement for all modes of travel, including motorized vehicles, bicycles, and pedestrians
- Create a sense of place that is aesthetically pleasing and environmentally sustainable
- Establish consistent and harmonious design standards for development
- Building and related development characteristics
- Lot characteristics, including setbacks/lot coverage
- Landscaping and lighting
- Access management
- Stormwater management
- Signs
- Other features that may be unique to the corridor

A separate public input process would be used for each corridor allowing for multiple overlay standards. This would help address the uniqueness of Knoxville's corridors, including, but not limited to: Broadway, Magnolia Avenue, Martin Luther King, Jr. Avenue, North Central Street and Whittle Springs Road.

The guidelines/standards for a CO-1 overlay district may include the following elements:



Landscaping and sign control (like the above monument sign) are key elements of corridor design standards.

### Heart of Knoxville Residential District (R-1HK)

Through community input in the sector plan update process, MPC staff heard that people are concerned with establishing better design standards within their neighborhoods. In response to this concern, MPC staff is recommending the adoption of a new residential zoning district called the Heart of Knoxville Residential District (R-1HK). This is a zoning district intended for Heart of Knoxville neighborhoods, defined as Knoxville's pre-1950s neighborhoods found within Interstate 640.

Today's current zoning districts predominantly found within these neighborhoods (R-1, R-1A and R-2) do not recognize their small lot patterns. In addition, the current zoning does not address design standards, sometimes resulting in incompatible development within these neighborhoods.

Examples of incompatible development include shallow roof pitch and orientation, absence of porches, and no front door or windows facing the street. The design standards within R-1HK address these design elements.

The adoption of R-1HK would give these neighborhoods a tool to:

- Promote neighborhood stability and facilitate housing development
- Strengthen desirable physical features and design characteristics, and a neighborhood's identity, charm and flavor
- Enhance pedestrian-oriented streets
- Prevent blight, caused by incompatible and insensitive development
- Promote and retain affordable housing
- Encourage the harmonious, orderly and efficient growth and redevelopment in older Knoxville neighborhoods

The new zoning district is intended to regulate new houses, duplexes, and multi-dwelling structures. The opportunity to do better infill development on existing and smaller lots, and courtyard development are offered by this zone. It includes design standards and principles that are not present in our current zones, and having these in place would enhance the physical attributes of neighborhoods.

These standards and principles include:

- Use on review for multi-dwelling structures
- Provisions to allow for accessory dwelling units
- Provisions to allow courtyard development
- When there is no usable alley, parking must be 20 feet beyond the front façade
- On-street parking may fulfill parking requirement
- Exteriors of residential structures would need to be made of brick, clapboard-like material, stone, or wood-like shingles
- Street facing elevations must contain 25% doors and windows
- Porches or stoops when 75% or more of the surrounding structures has them

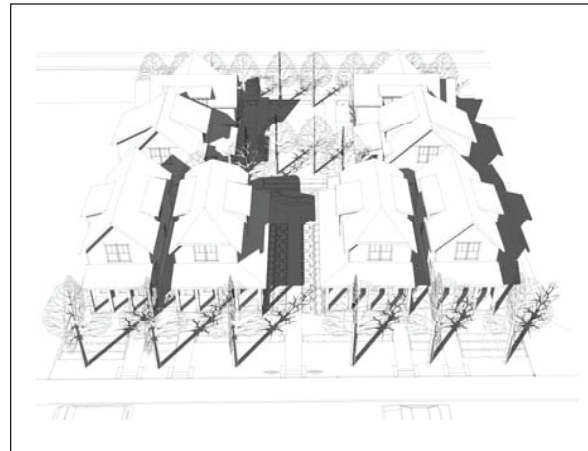


Illustration of courtyard development

These standards were developed using the *Heart of Knoxville Infill Housing Guidelines*. Those guidelines have been used by the City's infill housing programs and Infill Housing Overlay districts (IH-1), found within Lonsdale, Oakwood Lincoln Park, and Edgewood Park neighborhoods. The R-1HK zone uses the same design principles, but instead of separate guidelines, the principles have been standardized into the new base zone.

### New Mixed-Use Basic or Planned Zone District(s)

The Central City Sector is the most intensely developed area in Knoxville with a complex land use pattern requiring special zoning that allows different, yet compatible uses to be within close proximity. With few exceptions, the current zoning ordinance is meant to separate uses and create large setbacks/buffers, without acknowledgement to how the design of the development affects the surrounding urban fabric.

Many of the "special mixed use districts" try to meet this need by recommending the following: 1) condition existing zones to require certain design standards, which is neither ideal for encouraging appropriate development nor easy to administer by the City; or 2) create new design-based zoning districts. Recently, form and overlay zoning districts have been the primary method for creating codes with design standards (such as the South Waterfront and Cumberland Avenue Form Districts, and the Downtown Design Overlay District). While these codes are very effective, they are specific to a location and cannot be easily translated and used in other areas. In addition, because of the complexity of creating and adopting the design standards, they may only be viable for a portion of a proposed mixed use district and the extended timeframe for adopting these regulations may stifle development proposals that meet the intent of the plan in the meantime.

A new zone (or set of zones) should be created that can be requested on a site specific basis and that meets the site design and use needs of the proposed mixed use districts. These zones should have development standards that allow vertical mixed-use development, similar to how the proposed Heart of Knoxville Residential District (R-1HK) has development standards for residential uses. This new zoning should be intended for commercial corridors with a high level of transit service, which are appropriate for larger, higher intensity development; and neighborhood corner stores or commercial nodes, which are appropriate for smaller, lower intensity development. The design standards and uses permitted within the Traditional Neighborhood Development (TND-1) and Town Center (TC-1) could be used as a basis for developing the new zoning code(s).





*Mixed-use developments of this scale are appropriate for many urban corridors.*



*Small, neighborhood-oriented commercial uses can be more closely integrated with residential areas.*

In addition, the current C-7 (pedestrian commercial district) zone, which was specifically created for the Cumberland Avenue “strip”, is no longer used and could be repurposed to allow mixed-use development along other urban corridors. The C-7 district had design guidelines and a review board, which could be replaced with similar development standards and, if needed, “development plan” review by the Metropolitan Planning Commission to ensure compatibility with surrounding uses.