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## MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: March 13, 2014

SUBJECT: Amendment to the City of Knoxville Zoning Ordinance providing a corridor overlay zone district at Article IV, Section 5.6. 5-A-13-OA

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### REQUEST

At the May 2013 MPC meeting staff initiated a proposed amendment to the City of Knoxville Zoning Ordinance to add a new corridor overlay zone district at Article IV, Section 5.6. City Council subsequently conducted a workshop, considered the proposed district at a Council meeting and then referred it back to MPC with several suggested changes. After making changes to address the issues identified by City Council, MPC recommended approval of a revised amendment at its November 2013 meeting. City Council considered the revised amendment in January 2014 and referred it back to MPC with four additional issues.

### BACKGROUND

The need for this type of overlay district was discussed in recently adopted East County, South County and South City sector plan updates. This approach was also discussed by the City administration and City Council members for the Washington Pike corridor which will soon undergo significant improvement and for the Chapman Highway corridor in light of the recent action terminating the continuation of the James White Parkway.

This overlay district would allow the consideration and approval of corridor specific development standards that could be tailored to the characteristics of any specific highway corridor and reflect the consideration and input of planners, property owners and interested citizens through an approved plan for the corridor.

### ANALYSIS

City Council in January listed four preferences for consideration by the planning commission:

1. Approval of development projects within the corridor overlay district should be made by a board, committee or commission rather than by staff.
  2. There should be a higher level of consensus from property ownership within the proposed corridor overlay boundary than the 51% threshold in the previous draft.
  3. There should be a larger minimum area required to create a district than the 5 acres proposed in the previous draft.
  4. Any corridor specific alternative standards should not be allowed to change maximum requirements established elsewhere in the zoning regulations.
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Approval Authority. This version of the amendment requires development plan approval by the planning commission for any new development within a corridor overlay district. MPC staff does not support the creation of a new board, committee or commission for this purpose. The planning commission is best positioned and fully capable of this sort of review. Staff should be allowed to approve minor adjustments to approved plans as currently provided for in the planned residential districts and in several of the overlay districts.

Minimum indication of consensus. Somewhere between 51% and 100% there is a number that will give City Council comfort that there is some agreement from property owners to create a new corridor overlay. The previous version established 51% of property owners or land area owned as the minimum acceptable level. This version of the amendment requires acceptance of the corridor plan and proposed standards by 60% of the owners and owners of 60% of the land within the proposed boundary as a minimum threshold.

Minimum area of land within corridor boundary. This version proposes the same 5 acre minimum of area as the previous version. The character of corridors often changes from block to block (N. Central Street and Happy Holler is an example) and five acres represents a fairly typical pattern of block development with properties of 150 feet of depth on both sides of a 660 foot long block. Staff considered larger areas but settled on the 5 acre size as a minimum threshold.

Maximum standards not to be changed. The primary purpose of the overlay district is to create a method to approve alternative development standards from those already in place, many of which pose a barrier to redevelopment in a manner that is desired. City Council expressed a desire to keep all previously established maximum standards in place. Because amendments to the sign regulations are currently being discussed by Council, maximum detached sign height and sign area were mentioned as examples of existing regulations that should not be changed through a corridor overlay district. There aren't a lot of maximum requirements established in the zoning regulations, but there are examples of other maximum regulations that pose serious barriers to redevelopment, particularly along the city's more urban corridors. Here are a couple of examples in which providing an alternative maximum standard could foster more redevelopment in places that can support development at a higher intensity:

- The maximum lot coverage requirement in the C-3 zone district is 75%. Achieving this standard would prevent redevelopment in the manner of many of our urban corridors, such as along N. Central and portions of Kingston Pike in Bearden.
- The maximum floor area ratio in the C-4 zone district is 1.6 : 1. This would allow only a two story building on 80 percent of a lot, or a three story building on little more than half a lot.
- Maximum lot coverage in the O-1 district is 35%. This promotes a suburban development pattern and many of the city's corridors are currently developed in a more urban pattern.
- Maximum height of buildings, except for a specified list of uses, in the O-1 zone district is 45 feet. This prevents a privately developed office building from developing in the same manner as a public office building in this district.

Three options are provided to address the issue of alternative maximum standards: 1) specify that all standards are subject to alteration; 2) specify that all maximum standards are off the table for consideration of alternative standards; and 3) specify only sign height and sign area as standards that cannot be changed.

## **STAFF RECOMMENDATION**

Staff recommends that the planning commission recommend to City Council approval of the proposed new corridor overlay zone district as shown in Exhibit A, with Option 1 regarding alternative standards.

## **EXHIBITS**

- Exhibit A
- Options 1, 2 and 3

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5.6 CO-1 Corridor Overlay District

A. *General Description.* Within the City of Knoxville are many roadway corridors that are very significant because they serve as important gateways to the City and its neighborhoods. These corridors also serve as valuable amenities and assets to the City, its residents and its economy. The intent of this section is to preserve, enhance and sustain the value of these corridors and hereby authorize the establishment of corridor overlay districts.

The purpose of these corridor overlay districts is to provide a method to implement the corridor-specific recommendations of approved corridor plans by establishing alternative or additional development standards that achieve the goals and objectives expressed in these plans. These corridor-specific development standards may go beyond single property ownership and underlying zone district boundaries and the standards currently established in the underlying districts.

B. *Overlay area and boundaries.* Corridor overlay districts shall generally include both sides of a roadway except when one side is not located within the City of Knoxville or the area is already subject to another overlay district. The minimum area within a district shall be five (5) acres, except that City Council may approve districts smaller than five (5) acres when findings are made within an accepted corridor plan to justify a smaller area.

C. *Council approved plan for each corridor required.* A corridor overlay district may be added to the zoning map with the adoption of an ordinance by City Council. The ordinance creating a corridor overlay district shall be accompanied by a corridor plan which establishes the boundaries of the district, establishes why the area within the district is worthy of special attention, documents recommendations for future development within the district and establishes corridor specific development standards to implement those recommendations. Such corridor specific development standards may provide alternative standards to those currently in place in the underlying districts or supplement other standards currently established in the zoning ordinance.

D. *District initiation procedures.*

1. The process to establish a corridor overlay district on the zoning map shall be initiated by a resolution passed by City Council.
2. Such resolution shall instruct the staff of the Metropolitan Planning Commission to prepare a corridor district plan, including necessary land use and other background studies.
3. All property owners within the proposed corridor district and adjacent areas shall be provided an opportunity through public meetings organized by MPC staff to

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participate in drafting the plan, proposed recommendations and subsequent corridor specific development standards. Upon completion of the plan, documentation of approval of the plan by sixty (60) percent of the owners of property within the district and by owners of no less than sixty (60) percent of the land represented within the proposed corridor boundary shall be made a part of the plan.

E. *Applicability.*

1. Permitted uses. All permitted uses, prohibited uses, or uses permitted on review in the underlying districts shall be unaffected by the presence of the overlay district.
2. Standards. All single dwelling residences (houses), two family residences (duplexes) and agricultural uses shall be exempt from the development standards of the corridor overlay district and shall comply with the requirements of the underlying zone district in which they are located. The corridor overlay district standards shall apply to all other uses as follows:
  - a. All development standards established by the underlying basic district shall apply to property included in the corridor overlay district unless alternative development standards are provided in this section.

Option 1
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Alternative corridor specific standards may modify minimum or maximum requirements established for the underlying districts or any applicable supplemental regulations established in Article V of this ordinance.
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- b. Properties located in the corridor overlay district shall also be subject to any additional corridor specific development standards, not applicable outside the corridor overlay district, as provided in this section.
- c. In cases where development standards established by the underlying district and the corridor overlay district are inconsistent, the requirements of the corridor overlay district shall apply.

F. *Overlay district development standards.* The corridor specific development standards for a CO-1 overlay district may include the following elements:

1. Building and related development characteristics, including building orientation, outdoor loading and storage, building and roofing materials and sidewalks;
2. Lot characteristics, including setbacks and lot coverage;
3. Landscaping and lighting;
4. Parking, access and stormwater management;
5. Signs; and
6. Other features that may be unique to the corridor.

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F. *Map Designation.*

1. The corridor overlay districts shall be established as overlay districts to underlying basic and planned development zone districts established in Article IV, Section 2, and Article IV, Section 3 of the Zoning Ordinance.
2. The corridor overlay district shall be established by approval of an ordinance by City Council. Such ordinance shall include a map of the overlay district boundaries, the corridor plan, and corridor specific development standards, which shall be codified in subsequent subsections of this section of the zoning ordinance. For example, the map and standards for the first established corridor overlay district shall be codified as section 5.6.1 of this section and carry a zoning map suffix of CO-1.1., the second shall be 5.6.2 and CO-1.2, and so on.
3. The designation on the zoning map for the corridor overlay district shall consist of the underlying zone district symbol and the overlay district symbol (CO-1), accompanied by a sequential number to distinguish among different corridor districts, i.e., C-3/CO-1.1, PC-1/CO-1.2, etc..

G. *Administration.*

1. No building permit for development of applicable property shall be issued until a written application for review and approval of a development plan has been filed with the planning commission. The land that is the subject of the development plan may be either in one ownership or the subject of an application filed jointly by the owners of all property included with the proposed development plan. Approval of a development plan is not required for those activities that constitute ordinary maintenance and repair of the building or site using the same or similar material and design.
2. Such application shall be made in conformity with Article VII, Section 5 of this ordinance and shall be accompanied by a development plan showing the proposed development site and buildings in sufficient content to demonstrate compliance with all the applicable standards of the corridor overlay district.
3. The planning commission shall review the proposed development and may approve, deny, or approve the development plan subject to conditions or modifications, in accordance with the following:
  - a. The planning commission shall review the proposed development plan for conformity with underlying district and approved corridor specific development standards.
  - b. The planning commission may impose conditions regarding layout, circulation, and performance of the proposed development, recognizing principles of civic design, land use planning and landscape architecture.

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- c. Prior to issuance of a building permit by the City a development plan shall be approved by the planning commission; and no occupancy permit shall be issued until the building official has determined that the development as constructed meets all the requirements of the approved development plan.
4. Site preparation, including, but not limited to, any grading or clearing of natural features, is prohibited until a development plan has been approved.
5. Minor revisions or adjustments to an approved development plan may be approved by the MPC executive director or designee, provided such requests shall be accompanied by an amended development plan which clearly indicates all revisions, additions and modifications, and provided such changes:
  - a. Do not alter the basic orientation and access of the proposed development to adjacent property;
  - b. Do not increase the floor area by an amount greater than ten (10) percent of the previously approved development plan;
  - c. Do not increase the amount of off-street parking by an amount greater than ten (10) percent of the previously approved development plan; and
  - d. Do not reduce the yards and setbacks as established by the previously approved development plan.
6. The planning commission shall approve any revisions or deviations that cannot meet the standards for minor revisions or adjustments set forth in Section 5.6(G)(5) and that substantially alter intensity and/or the arrangement of the approved development plan that cannot meet the standards for minor revisions or adjustments. Such applications shall be made in accordance with Article VII, Section 5 of this ordinance and shall be accompanied by an amended development plan which clearly indicates all revisions, additions, and modifications.
7. Applications for variances from dimensional requirements that are part of an approved development plan shall not be considered by the City's Board of Zoning Appeals. Any requests for variances of dimensional requirements shall be made to and acted upon by the City's Board of Zoning Appeals prior to consideration of a development plan by the planning commission.

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At Proposed Section 5.6(E)(2)(a)

Option 1

Alternative corridor specific standards may modify minimum and maximum requirements established for the underlying districts or any applicable supplemental regulations established in Article V of this ordinance.

Option 2

Alternative corridor specific standards may modify minimum requirements established for the underlying districts or any minimum applicable supplemental regulations established in Article V or this ordinance, but shall not modify any maximum requirements established elsewhere in this ordinance.

Option 3

Alternative corridor specific standards may modify minimum and maximum requirements established for the underlying districts or any applicable supplemental regulations established in Article V of this ordinance, except that the maximum height of signs or maximum allowed sign area for detached signs as established in Article V, Section 10 of this ordinance shall not be modified.

#5

To: MPC Commissioners

From: Community Forum, Sue Mauer, Chairperson

Re: November 14, 2013 MPC meeting:

Agenda Item #5, MPC File # 5-A-13-OA Corridor Overlay Zone District  
Agenda Item #7, MPC File # 11-A-13-OA Small Breweries, Wineries, and  
Distilleries

Date: November 13, 2013

Dear Commissioners:

Community Forum is an organization that includes representatives from neighborhoods in Knoxville and Knox County.

The members of the Community Forum unanimously voted to communicate to you their concerns regarding two amendments to the Knoxville Zoning Ordinance, specifically Agenda Item #5, (An Amendment to the City of Knoxville Zoning Ordinance providing a Corridor Overlay Zone District); and Agenda Item #7, (Revisions to the Proposed Amendment to the City of Knoxville Zoning Ordinance regarding definitions and Standards for Small Breweries, Wineries and Distilleries.)

Corridor Overlay Zone District: Agenda Item #5, MPC File #5-A-13-OA

We do not oppose corridor overlays. Our concerns are limited to Article F, Administration. The proposed review process establishes a private review process with the Director of MPC deciding whether or not a "development plan" meets the corridor specific "development standards."

All other overlay districts in the City of Knoxville provide for a public process, including a board, commission or authority that reviews the proposal and approves or denies a Certificate of Appropriateness.

The importance of the review and approval process must be recognized. The review process is where words are translated into real structures and the vision for the corridor is realized or not. The failure to include a public body and public meeting as part of a review process means that the first notice a neighbor might have that a proposal was submitted and reviewed might well be when a bulldozer arrives at the site and begins moving dirt.

Under the proposed private review process, the interested parties are denied an opportunity to give input and to gain understanding. Additionally, since the absence of a public hearing means an absence of any public notice, the public is denied any real



opportunity to appeal any decision. If the public does not know a proposal has been submitted, or that a proposal is being reviewed, or has been approved, how can the public file an appeal?

We request that the Corridor Overlay be amended to include the formation of an appropriate public body to review corridor development proposals.

Small Breweries, wineries and distilleries: Agenda Item #7, MPC File #7-A-13-OA

We request that "Brewpubs" be deleted from the C-1, Neighborhood Commercial District, as a Use on Review. (Article IV, Section 2.2.4, C, 4).

The General description of the C-1 District states: "This district is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of retail, service and convenience goods only and to the first floor of a structure. This district is designed for areas where large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood."

As an example of the intent of the C-1 District, Uses permitted, B 7, specifies that a self-service laundry is limited to 4,000 square feet of gross floor area and further states, "no variance to such maximum floor area shall be granted."

How does a Brewpub with an allowable area of 5,000 square feet, devoted just to the production of malt liquors, fit with the intent of the C-1 District and limitations imposed on other uses?

Please be aware of the fact that C-1 Districts have been placed in our neighborhoods based on the intent of the district. For instance, there are existing C-1 Districts in the middle of Sequoyah Hills, at the Jacksboro Pike/Tazewell Pike corner in the Fountain City community, on Lyons View Pike at Lakeshore Park, etc.

Do you think it is appropriate to have a large "Brewpub" in each of these locations?

Thank you for considering our requests.

Sincerely,

Ms. Sue Mauer  
Chairperson, Community Forum  
8824 Farmington Dr.  
Knoxville, TN 37923  
690-0269

cc: Knoxville City Council