



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 1-B-15-RZ **AGENDA ITEM #:** 24
1-B-15-PA **AGENDA DATE:** 4/9/2015

POSTPONEMENT(S): 1/8/15

▶ **APPLICANT:** PATRICK MCINTURFF
OWNER(S): Patrick McInturff

TAX ID NUMBER: 81 L L 001 [View map on KGIS](#)

JURISDICTION: Council District 4

STREET ADDRESS: 1320 N Broadway

▶ **LOCATION:** East side N. Broadway, south side E. Glenwood Ave.

▶ **TRACT INFORMATION:** 11200 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 with 36' of pavement within 60' of right-of-way and E. Glenwood Ave., a minor collector with 28' of pavement within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-3 (General Commercial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** CBD (Central Business District) / C-2 (Central Business District)

▶ **EXISTING LAND USE:** Commercial

▶ **PROPOSED USE:** Commercial

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS:

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Retail / GC (General Commercial)
South: Office / O (Office)
East: House / GC (General Commercial)
West: Church / O (Office)

NEIGHBORHOOD CONTEXT: This site is located along N. Broadway in an area that is developed with a mix of uses including commercial, office, quasi-public, and low and medium density residential uses. The intersection of Broadway and E. Glenwood Avenue, where this property is located, has historically been a neighborhood serving commercial node.

STAFF RECOMMENDATION:

► **RECOMMEND that City Council DENY CBD (Central Business District) One Year Plan designation.**

The applicant received approval from the Board of Zoning Appeals in February 2015 to reduce the minimum number of required parking spaces from 50 spaces to 4 spaces to permit the change of use in an existing commercial development in a C-3 (General Commercial).

► **RECOMMEND that City Council DENY C-2 (Central Business) zoning.**

The applicant received approval from the Board of Zoning Appeals in February 2015 to reduce the minimum number of required parking spaces from 50 spaces to 4 spaces to permit the change of use in an existing commercial development in a C-3 (General Commercial).

COMMENTS:

The choice of proposing a CBD designation and C-2 zoning appears to be related to the need for greater flexibility when re-using existing structures in developed urban areas of the city. Requirements related to off-street parking and setbacks create obstacles when new uses are proposed for existing developed properties that have little or no additional space. MPC staff recognizes the positive aspects related to re-use of existing structures and fully supports the proposed property uses. However, C-2 zoning, which eliminates off-street parking requirements, is considered more appropriate in the downtown where other parking facilities are available. Approval of the C-2 zoning for the subject property may not create parking demand spillover into adjacent neighborhoods in and of itself, but may set a precedent for similar requests whose cumulative impacts may cause neighborhood parking problems. Other zoning tools noted below may be more appropriate for transitional areas (now experiencing renewed investment interest) located between downtown Knoxville and inner ring neighborhoods, typically located along the commercial corridors.

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

- A. AN ERROR IN THE PLAN - No known errors in the plan.
- B. A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA - No known improvements have been recently made to N. Broadway, E. Glenwood or area utilities, but they are adequate to serve retail and service commercial uses. Public water and sewer utilities are available to serve the site.
- C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - No changes in government policy apply in this case.
- D. NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT - The Central City Sector Plan (2014) proposes a mix of retail, restaurants, office and residential uses, with periodic nodes allowing vertical mix of uses. Retail and commercial uses are allowed in the current GC (General Commercial) designation of the One Year Plan and are consistent with the use of the property. The GC designation is not consistent with the recommendation to allow residential uses or vertical mixed-use development.

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 property is located within the Urban Corridor Mixed Use District (MU-UC) of the Central City Sector Plan (2014), which recommends a mix of uses, including retail, restaurant, office and residential uses.
2. The property was developed previous to the adoption of the current zoning ordinance and does not conform to the development standards of the C-3 zone.

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 proposed site is beyond the present extent of the downtown area that forms the metropolitan center and is not recommended as an extension of this center in a recent plan or study.

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 not compatible with the surrounding scale and intensity of development because it is intended for major mixed-use employment centers with uses that benefit from being within close proximity and shared infrastructure, such as managed parking.
2. The C-2 zoning does not have parking requirements or height restrictions, and has no side and rear setback requirements (including when adjacent to residential uses). This zone is meant for areas where the most intense development is encouraged and where on-street parking or public/private parking facilities are available to either supply part or all of the parking demand for a property. If C-2 zoning is extended along corridors such as Broadway and adequate parking is not required for new development, spillover parking into the adjacent neighborhoods may become a problem and parking management services may need to be provided by the City.
3. The C-2 zone does not have urban design standards and allows development by-right without public review. In the downtown area, the Downtown Design Overlay District (D-1) and associated Downtown Knoxville Design Guidelines were adopted to ensure that new development is compatible with the surrounding area and that basic urban design principles are considered as part of development approval, which is an open public review process. In areas outside of the downtown area, C-2 zoned properties do not have a public development review process and basic urban design principles are not reviewed or required, which could adversely affect neighboring properties.

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 property is located within the Urban Corridor Mixed Use District (MU-UC) of the Central City Sector Plan (2014), which recommends a mix of uses, including retail, restaurant, office and residential uses. The C-2 zoning will allow the current and proposed retail and service commercial uses, as well as the redevelopment of the building or site for a mix of uses as proposed by the sector plan. The current C-3 (General Commercial District) zoning allows the current and proposed uses but not the residential and vertical mixed-use development as proposed by the sector plan.
2. The MU-UC district 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. The sections from the sector plan regarding these new zoning districts is attached to this report.
3. 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 5/12/2015 and 5/26/2015. 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.



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] 1320 Broadway

1 message

patrick mcinturff <pmcinturff@gmail.com>

Fri, Jan 23, 2015 at 11:04 AM

Reply-To: pmcinturff@gmail.com

To: commission@knoxmpc.org

Cc: Jennie <jenniemcinturff@gmail.com>, "DGuinnjr@aol.com" <dguinnjr@aol.com>

Commissioners,

Thank you very much for considering my zoning change proposal.

I submitted a parking variance request and will be on the February BZA agenda. The Plans Review and Inspections department spent a great deal of time helping me write and submit the variance application. MPC staff has also been helpful. I am hopeful for the outcome.

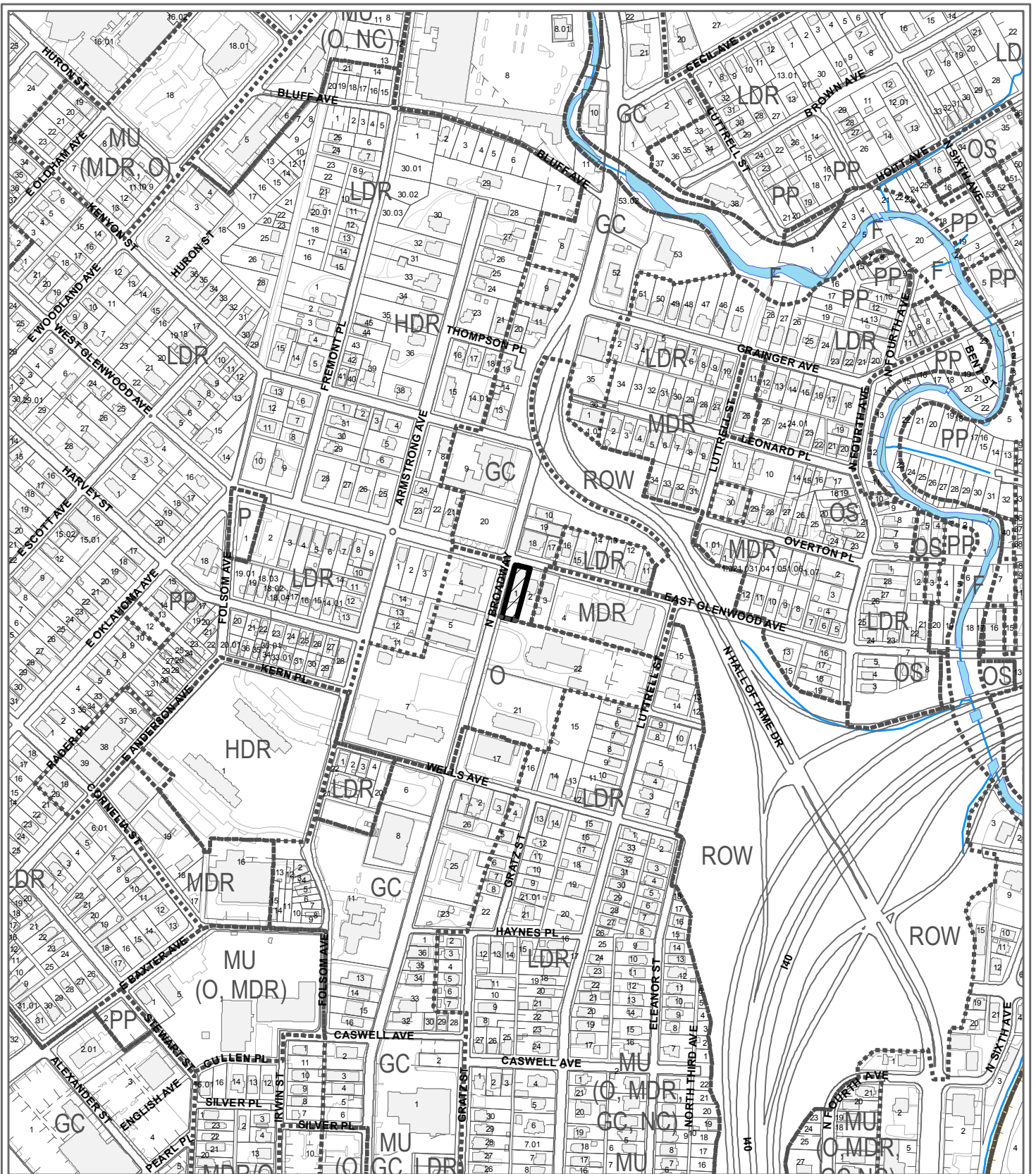
Thank you for working with me.

Patrick McInturff
926 Gratz St

[865.803.4442](tel:865.803.4442)

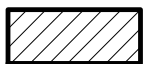
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This message was directed to commission@knoxmpc.org



**1-B-15-RZ / 1-B-15-PA
PLAN AMENDMENT**

Petitioner: McInturff, Patrick



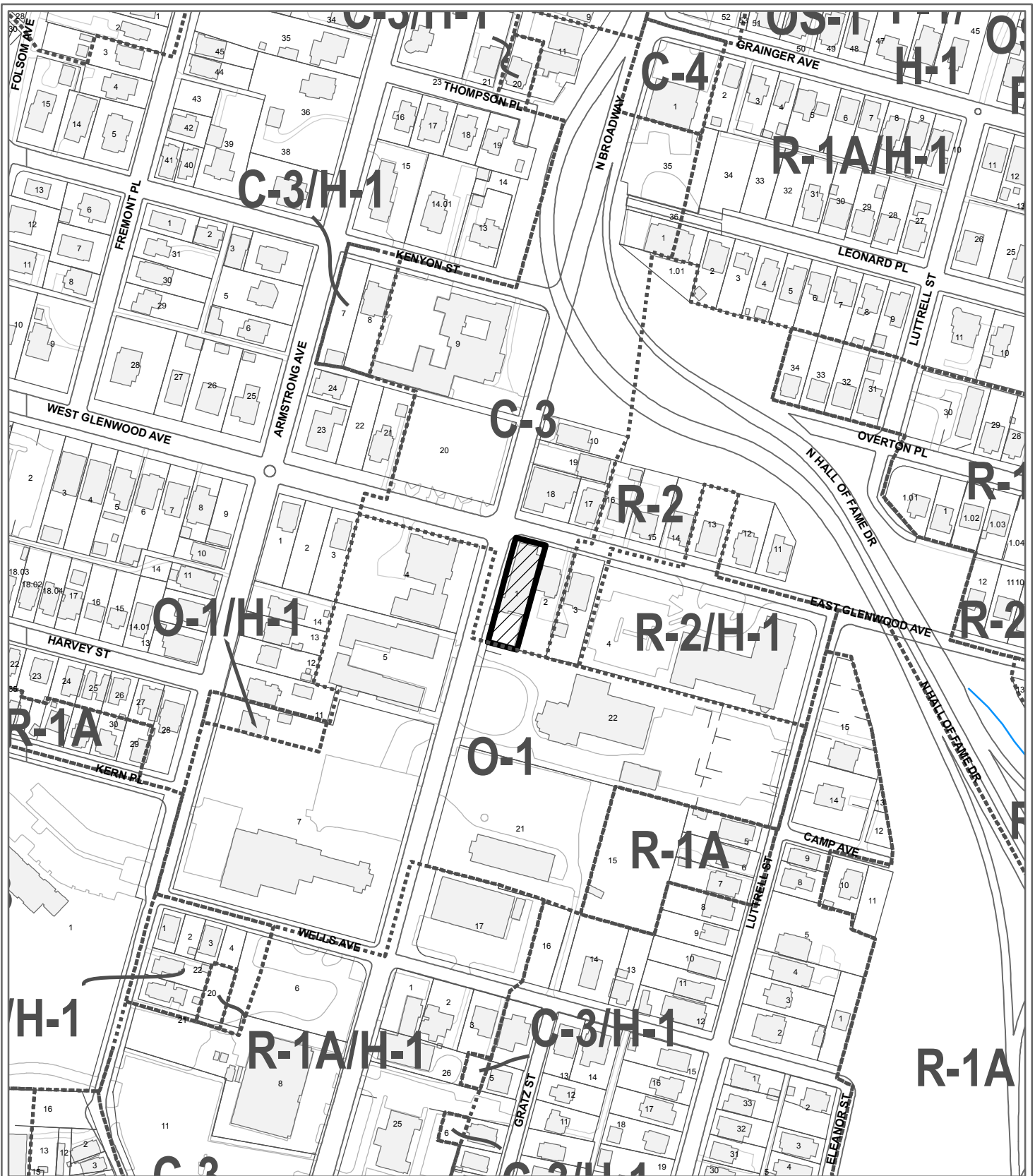
From: GC (General Commercial)
To: CBD (Central Business District)

Map No: 81

Jurisdiction: City

Original Print Date: 12/22/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**1-B-15-RZ
REZONING**

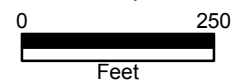
From: C-3 (General Commercial)
To: C-2 (Central Business District)



Petitioner: McInturff, Patrick

Map No: 81

Jurisdiction: City



Original Print Date: 12/22/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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

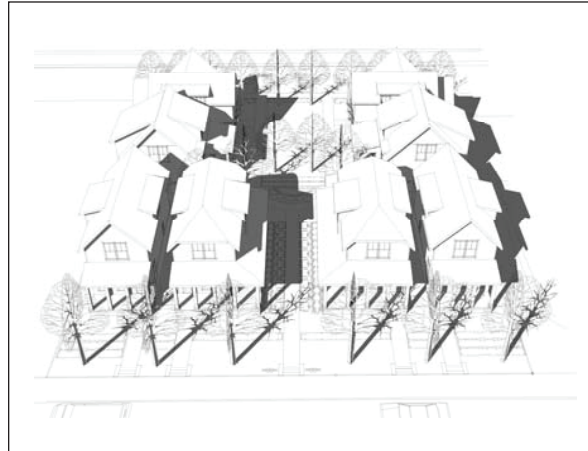


Illustration of courtyard development

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.