

▶ **FILE #:** 8-A-15-RZ

AGENDA ITEM #: 42

AGENDA DATE: 8/13/2015

▶ **APPLICANT:** LA CORONA FINE PROPERTIES

OWNER(S): La Corona Fine Properties

TAX ID NUMBER: 94 E H 016

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 107 Commerce Ave

▶ **LOCATION:** North side Commerce Ave., west of S. Central St.

▶ **APPX. SIZE OF TRACT:** 6750 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Commerce Avenue, a local street with 26' of pavement within 48' of right-of-way, and Charles Place, an alley with 15' of pavement within 15' of right-of-way. The site is serviced by multiple KAT bus and trolley routes, and is within close proximity to the main KAT station. The sidewalk adjacent to the property is approximately 6' wide along Commerce Avenue.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** C-3 (General Commercial) / D-1 (Downtown Design Overlay)

▶ **ZONING REQUESTED:** C-2 (Central Business District) / D-1 (Downtown Design Overlay)

▶ **EXISTING LAND USE:** Surface parking lot

▶ **PROPOSED USE:** Mixed uses

EXTENSION OF ZONE: Yes

HISTORY OF ZONING:

SURROUNDING LAND USE AND ZONING: North: Commercial - Office - Residential / C-3 (General Commercial) & D-1 (Downtown Design Overlay)

South: Residential / C-2 (Central Business) & D-1 (Downtown Design Overlay)

East: Parking - Park / C-3 (General Commercial), D-1 (Downtown Design Overlay) & OS-2 (Park & Open Space)

West: Commercial / C-3 (General Commercial) & D-1 (Downtown Design Overlay)

NEIGHBORHOOD CONTEXT: This property is in the downtown core the surrounding area has a mix of residential condos and apartments, and office and commercial uses. The downtown dog park is nearby and the Marble Alley Lofts development is across Commerce Avenue.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-2 (Central Business District) / D-1 (Downtown Design Overlay).**

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.

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 property is located in the Regional Mixed Use Center (MU-RC) which is intended for high intensity mixed use centers that are served by sidewalks and transit systems.
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 property will allow the current parking use, or the redevelopment of the site for a mix of uses.

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 D-1 (Downtown Design Overlay) district is intended to foster attractive and harmonious development and rehabilitation in Downtown Knoxville that reflects the goals of adopted plans and the principles of the downtown design guidelines.
3. The proposal to allow a mix of uses is consistent with the intent and purpose the zoning districts.

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.
3. The proposal will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.

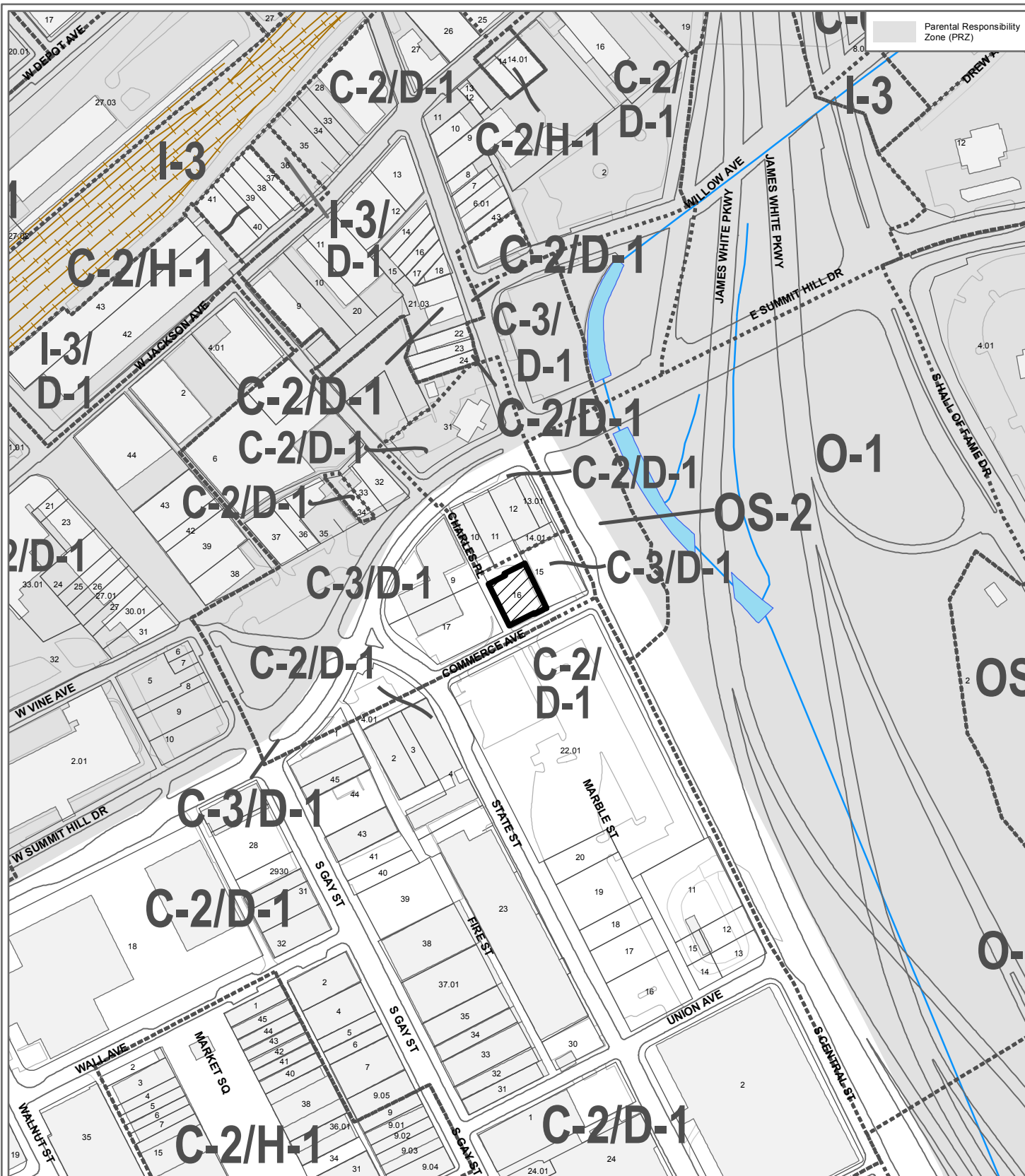
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OR KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Regional Mixed Use Center (MU-RC) land use classification 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.
2. The MU-RC land use classification recommends the C-2 zoning district within the downtown area.
3. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

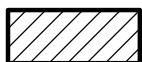
If approved, this item will be forwarded to Knoxville City Council for action on 9/15/2015 and 9/29/2015. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**8-A-15-RZ
REZONING**

From: C-3 (General Commercial) / D-1 (Downtown Design Overlay)

To: C-2 (Central Business District) / D-1 (Downtown Design Overlay)



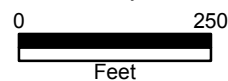
Original Print Date: 7/24/2015
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: La Corona Fine Properties

Map No: 94

Jurisdiction: City



05022-C
 P. 380-C

CERTIFICATE OF OWNERSHIP AND GENERAL DEDICATION
 (I, WE) R. L. Breazeale, III THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREIN HEREBY ADOPT AS MY PLAN OF SUBDIVISION AND DEDICATE THE STREETS AS SHOWN TO THE PUBLIC USE FOREVER AND HEREBY CERTIFY THAT I AM THE OWNER IN FEE SIMPLE OF THE PROPERTY, AND AS PROPERTY OWNER HAVE AN UNRESTRICTED RIGHT TO DEDICATE RIGHT-OF-WAY AND/OR GRANT EASEMENTS AS SHOWN ON THIS PLAN. I FURTHER CERTIFY THAT ALL RESTRICTIVE COVENANTS, IF ANY, WHICH APPLY TO THE LOTS ARE EITHER SHOWN ON THE PLAN OR ARE REFERRED TO THEREON, WITH COPIES OF THE REFERRED TO COVENANTS FILED WITH THE KNOX COUNTY REGISTER OF DEEDS.
R. L. Breazeale, III

STATE OF TENNESSEE, COUNTY OF KNOX
 ON THIS 1 DAY OF MARCH 19 99, BEFORE ME PERSONALLY APPEARED R. L. Breazeale, III TO ME KNOWN (OR PROVED) TO BE THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON (OR PERSONS) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE (OR SHE OR THEY) EXECUTED THE SAME AS HIS (OR HIS OR THEIR) FREE ACT AND DEED.
Samuel E. Parrell, Jr.
 CLERK'S SIGNATURE & SEAL

MY COMMISSION EXPIRES 6-2-2001

THIS IS TO CERTIFY THAT ALL PROPERTY TAXES AND ASSESSMENTS DUE ON THIS PROPERTY HAVE BEEN PAID
 CITY: SIGNED Maryann Stiles DATE 3-2-99
 COUNTY: SIGNED Mike Love DATE 3/2/99
 ZONING SHOWN ON OFFICIAL MAP R-3
 DATE 3/2/99 BY Surveyor
 CERTIFICATION OF CATEGORY AND ACCURACY OF SURVEY
 I HEREBY CERTIFY THAT THIS CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON
 SURVEYOR Stanley E. Hinds TENN. REG. NO. 987

CERTIFICATION OF FINAL PLAT - CONSTRUCTION COMPLETE
 I HEREBY CERTIFY THAT I AM A SURVEYOR, LICENSED TO DO SURVEYING UNDER THE LAWS OF THE STATE OF TENNESSEE. I FURTHER CERTIFY THAT THIS PLAN AND ACCOMPANYING DRAWING, DOCUMENTS, AND STATEMENT CONFORM TO ALL APPLICABLE PROVISIONS OF THE KNOXVILLE/KNOX COUNTY SUBDIVISION REGULATIONS EXCEPT AS HAS BEEN ITEMIZED DESCRIBED AND JUSTIFIED IN A REPORT FILED WITH THE METROPOLITAN PLANNING COMMISSION, OR FOR VARIANCES FOR WHICH ATTIFICATION HAS BEEN FILED. THE INDICATED MONUMENTS WERE IN PLACE ON THE 22 DAY OF SEPTEMBER, 1998
 SURVEYOR Stanley E. Hinds
 TENNESSEE CERTIFICATE NO. 987

THIS IS TO CERTIFY THAT THE SUBDIVISION SHOWN HEREON IS APPROVED SUBJECT TO THE INSTALLATION OF SANITARY SEWERS AND TREATMENT FACILITIES AND THAT SUCH INSTALLATION SHALL BE IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
 DATE 3-7-99 Mark E. Jones (P)
 KNOX COUNTY HEALTH DEPARTMENT

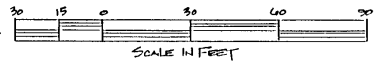
THIS IS TO CERTIFY THAT THERE ARE NO RECORDED DRAINAGE OR UTILITY EASEMENTS ON LOT LINES BEING ELIMINATED ON THIS SUBDIVISION PLAT.
 DATE 12-28-98 SIGNATURE Samuel E. Parrell, Jr.

"I hereby certify that the foregoing is a true copy and that said document was approved by the Dept. of Engineering of the City of Knoxville on the 15th day of March 19 99"
Samuel E. Parrell, Jr.
 Director, Dept. of Engineering

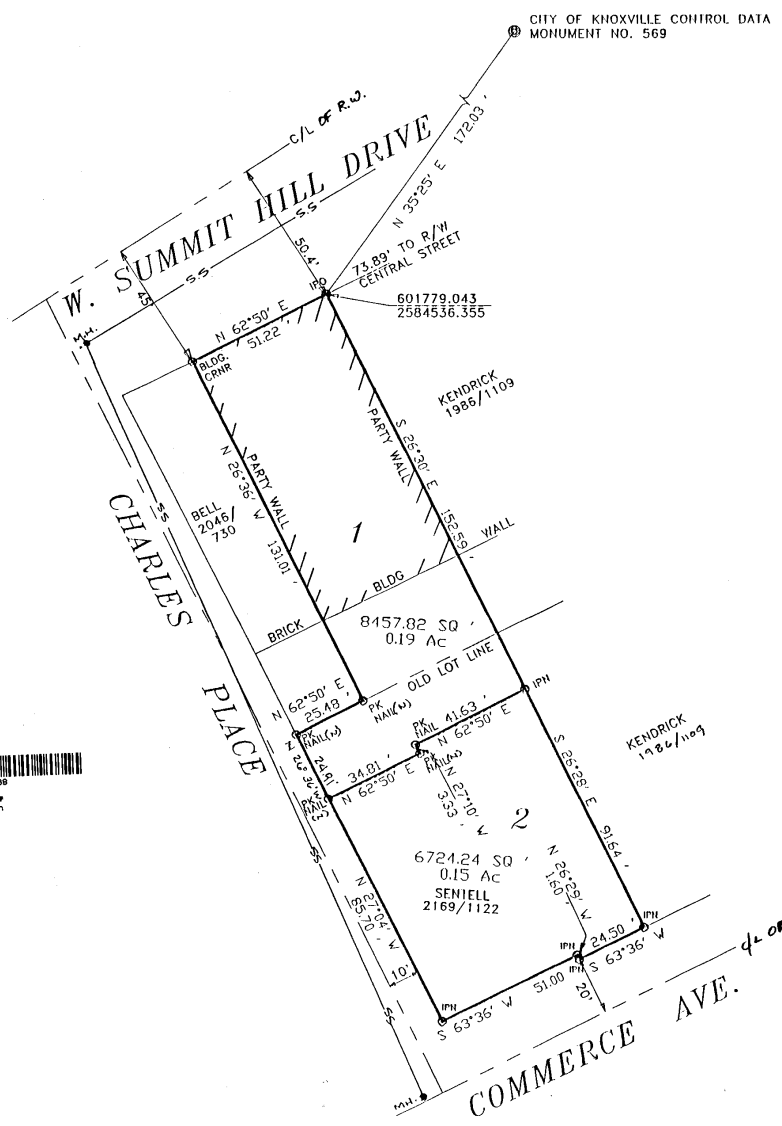
SUBDIVISION NAME AND STREET NAMES CONTAINED HEREIN REVIEWED AND APPROVED.
 DATE: 0302-99
 BY: Stanley E. Hinds
 KNOXVILLE, KNOX COUNTY METROPOLITAN PLANNING COMMISSION



INST: 92731 CAR: P SLIDE: 380C
 REC'D FOR REC 05/27/1999 11:49:30 AMX CO. TN
 RECORD FEE: \$ 10.00
 MORTGAGE TAX: \$ 0.00 TRANSFER TAX: \$ 0.00

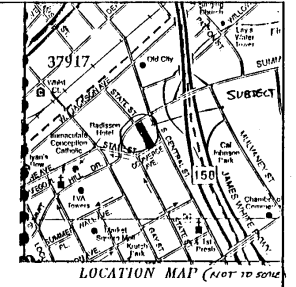


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P. 380-C

- NOTES:
- IRON PINS AT EACH CORNER.
 - 10' UTILITY AND DRAINAGE INSIDE ALL BOUNDARY AND ROAD LINES, 5' INSIDE ALL OTHER LOT LINES, EXCEPT UNDER BUILDINGS PLUS ANY OTHER EASEMENTS SHOWN.
 - 2 LOTS EQUALING 0.24 ACRES
 - VARiances and Easements from 2-5' to 20' of Commerce Ave. Approved by M.P.C. on March 11, 1999



COUNTERSIGNED
 MAY 27 1999
 PARK M. (PARKER) STRADER
 KNOX COUNTY
 PROPERTY ASSESSOR
 BY: CS

3V2-99		M650802 BJ	
PROPERTY OF RON BREAZEALE, TERRY MOLNAR & HOWARD SENTELL III			
DISTRICT 2 WARD 6		COUNTY KNOX	
W.D. 2169 PG. 1122			
C.L.T. MAP 94E-II-11 & 16		CITY BLOCK 05022	
SCALE: 1" = 30'		DATE: 12-28-98	
HINDS & PATTERSON SURVEYING CO. 4601 CHAMBLISS AVE. KNOXVILLE, TN. 423-588-9799		JOB NO. 9812056	

05022-C

Agenda Item # 42