

▶ **FILE #:** 12-C-15-RZ

AGENDA ITEM #: 35

AGENDA DATE: 12/10/2015

▶ **APPLICANT:** LAND DEVELOPMENT SOLUTIONS

OWNER(S): Regas Properties, LLC

TAX ID NUMBER: 94 E F 02001 & 021

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 301 W Depot Ave

▶ **LOCATION:** Northwest side of W. Depot Ave, southwest side of Williams St.

▶ **APPX. SIZE OF TRACT:** 0.58 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via W. Depot Ave., a local street with 40' of pavement width within 62' of right-of-way, and Williams St., a local street with 34' of pavement width within 48' of right-of-way. The site is also on KAT bus and trolley routes.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** C-3 (General Commercial)

▶ **ZONING REQUESTED:** C-2 (Central Business District)

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

▶ **PROPOSED USE:** Mixed use development (commercial and residential)

EXTENSION OF ZONE: Yes, extension of C-2 from the west, south and east

HISTORY OF ZONING: A portion of the overall property is currently zoned C-2/D-1.

SURROUNDING LAND USE AND ZONING: North: Tire shop and ROW (I-40) / C-3 (General Commercial District)

South: Event center and ROW (Depot Ave) / C-2 (Central Business District) and D-1 (Downtown Design Overlay)

East: Vacant building and ROW (Williams St) / C-2 (Central Business District)

West: Surface parking and office / C-2 (Central Business District) and D-1 (Downtown Design Overlay)

NEIGHBORHOOD CONTEXT: This site is located adjacent to N. Gay Street just north of the railroad track and south of I-40. The area is developed with a mix of uses under C-2 and C-3 zoning. The former Regas Restaurant building is located to the northwest, within this same block, and the Southern Railway and Depot buildings are located to the south of the site, across W. Depot Ave.

STAFF RECOMMENDATION:

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

Approval of the requested C-2 zoning and recommended extension of the D-1 overlay district and associated design guidelines will bring the entire development site under the same zoning regulations. The C-2 proposal

is an extension of zoning from three sides and D-1 overlay is an extension from two sides, and is consistent with the Central City Sector Plan and One Year Plan proposals for the site.

COMMENTS:

On October 21, 2015 the Downtown Design Review Board reviewed and approved a development plan for the site contingent upon City Council approving C-2/D-1 zoning for the property. The rezoning request only involves half of the development site because it is already partially zoned C-2/D-1. If the D-1 overlay is not extended over the entire site it will cause confusion and inconsistency regarding future requests on the site for such things as signage.

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. C-2 zoning for the subject property will allow redevelopment of the site with mixed uses, as proposed by the Central City Sector Plan (2014) and the Magnolia Avenue Corridor Plan (2009).
2. C-2 is an extension of zoning from the west, south and east.
3. The site is located within the MU-CC3 (SOMAG Mixed Use District) of the sector plan which recommends mixed use zoning conditioned upon the applicable design concepts of the Magnolia Avenue Corridor Plan.
4. Extension of the D-1 overlay will provide the necessary design review intended by the recommendations of the Magnolia Avenue Corridor 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 D-1 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 Knoxville Design Guidelines. New construction and certain exterior modifications will require review and approval by the Downtown Design Review Board prior to issuance of building permits.
3. Based on the above general intent, this area is appropriate for the requested C-2 zoning and recommended D-1 overlay.

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 proposal is compatible with the surrounding land uses and zoning pattern.
2. Any new development or other site improvements will be required to receive a Certificate of Appropriateness from the Downtown Design Review Board.
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 OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Central City Sector Plan designates the site within the MU-CC3 mixed use special district which recommends a mix of uses, including office, wholesale and retail commercial, warehousing and light manufacturing, and residential development. The sector plan also recommends zoning be conditioned with the applicable design concepts of the Magnolia Avenue Corridor Plan. The C-2 zoning with the D-1 overlay are consistent with the recommendations of the sector plan.
2. The City of Knoxville One Year Plan designates the site within the same mixed use special district as the sector plan, consistent with C-2 zoning.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 40 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Green Magnet Academy, Vine Middle Magnet, and Austin East High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

If approved, this item will be forwarded to Knoxville City Council for action on 1/5/2016 and 1/19/2016. 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.