

▶ **FILE #:** 7-O-16-RZ

AGENDA ITEM #: 41

AGENDA DATE: 7/14/2016

▶ **APPLICANT:** RAJ SOOD
 OWNER(S): Capso Properties, LLC

TAX ID NUMBER: 69 M A 010

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 3515 N Broadway

▶ **LOCATION:** West side N. Broadway, north of Rider Ave.

▶ **APPX. SIZE OF TRACT:** 1.9 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via N. Broadway, a major arterial street with 4 lanes and a center turning lane within 70' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** F-1 (Floodway)

▶ **ZONING REQUESTED:** C-4 (Highway & Arterial Commercial) / F-1 (Floodway)

▶ **EXISTING LAND USE:** Former car sales lot

▶ **PROPOSED USE:** Any use permitted by C-4 zoning

EXTENSION OF ZONE: Yes, extension of C-4 from the south

HISTORY OF ZONING: None noted

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

South: Vacant land, Rider Ave., auto sales / C-4 (Highway & Arterial Commercial)

East: N. Broadway - Residences and park land / R-1 (Low Density Residential) and OS-2 (Parks and Open Space)

West: First Creek, residential / R-2 (General Residential) / IH-1 (Infill Housing Overlay)

NEIGHBORHOOD CONTEXT: This property is located to the west (across N. Broadway) of the entrance to the Emoriland residential neighborhood. On the subject property is a commercial building and paved parking that was the former location of Harry Lane auto sales. To the north and south, along N. Broadway, are commercial businesses, primarily zoned C-3. Behind the businesses along Broadway are residential uses, zoned R-1 and R-2, within the IH-1 and NC-1 overlay districts.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) / F-1 (Floodway) zoning. (Applicant requested C-4/F-1.)**

The majority of the surrounding commercial properties are zoned either C-3 or O-1. Only one small parcel to

the south is zoned C-4. The Central City sector plan supports expansion of C-3 zoning in the area, but not C-4. Automobile sales, which was the previously established use of the site, could still be permitted on site as a legal, non-conforming use, based on a determination by the Knoxville Inspections and Permitting Department. The applicant is requesting C-4 zoning, based on the proposed use of the site for a pawn shop that may have some outdoor display of merchandise during business hours. C-3 zoning is more compatible with the surrounding land uses and zoning pattern and is consistent with the general intent of the Central City Sector Plan.

COMMENTS:

MPC staff is recommending C-3/F-1, rather than the requested C-4/F-1 zoning for better compatibility with the surrounding land uses and development pattern. The site had previously been permitted for auto sales in the F-1 zone, which would still be permitted today. However, the applicant is proposing to change the use to a pawn shop, which would require this rezoning to C-4/F-1. If approved, the result would be that C-4 uses would be permitted on the site, subject to all applicable requirements of the F-1 zoning district. Approval of this request to either C-3 or C-4 will clearly define what types of commercial uses may be permitted on the site.

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-3/F-1 zoning for the subject property is more appropriate for the area, based on the predominant C-3 zoning pattern along N. Broadway. The recommended C-3/F-1 zoning gives the applicant reasonable use of the property for possible redevelopment.
2. C-3 uses are compatible with the surrounding land use and zoning pattern.
3. C-3 uses at this location would be compatible with the surrounding land uses and zoning pattern than the requested C-4.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
2. Based on the above general intent, this site is appropriate for C-3 zoning.
3. The C-4 (Highway & Arterial Commercial) zone is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. It is the intent to provide a location for a limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside of the confines of an enclosed building.
4. With the wide range of commercial uses allowed under C-4, including businesses that could cause negative impacts to adjacent residential uses to the east across N. Broadway, this site is not appropriate for the requested C-4 zoning.
5. The F-1 zoning, and it's associated regulations must be retained on the property, regardless of the zoning that is associated with it.

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 recommended C-3 zoning is compatible with the surrounding land uses and zoning pattern. The requested C-4 zoning allows some uses that would not be compatible with adjacent residential uses and would be out of character with the majority of the commercial zoning in the area.
2. C-3/F-1 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing street is adequate to handle any additional traffic generated by allowing commercial uses on the site. The site is the former location of Harry Lane North Auto Sales.

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. Both the Central City Sector Plan and the City of Knoxville One Year Plan designate this site as part of a mixed use special district MU-SD (CC-7). This district permits consideration of C-3 zoning, but does not specifically mention C-4 as an appropriate zone within the district. Based on the established C-3 pattern on the

majority of the properties fronting on N. Broadway, staff is recommending denial of the requested C-4 zoning, in favor of C-3, which is listed as appropriate for expansion of commercial areas. A description of the MU-SD (CC-7) special district from the recently adopted Central City Sector Plan is attached.

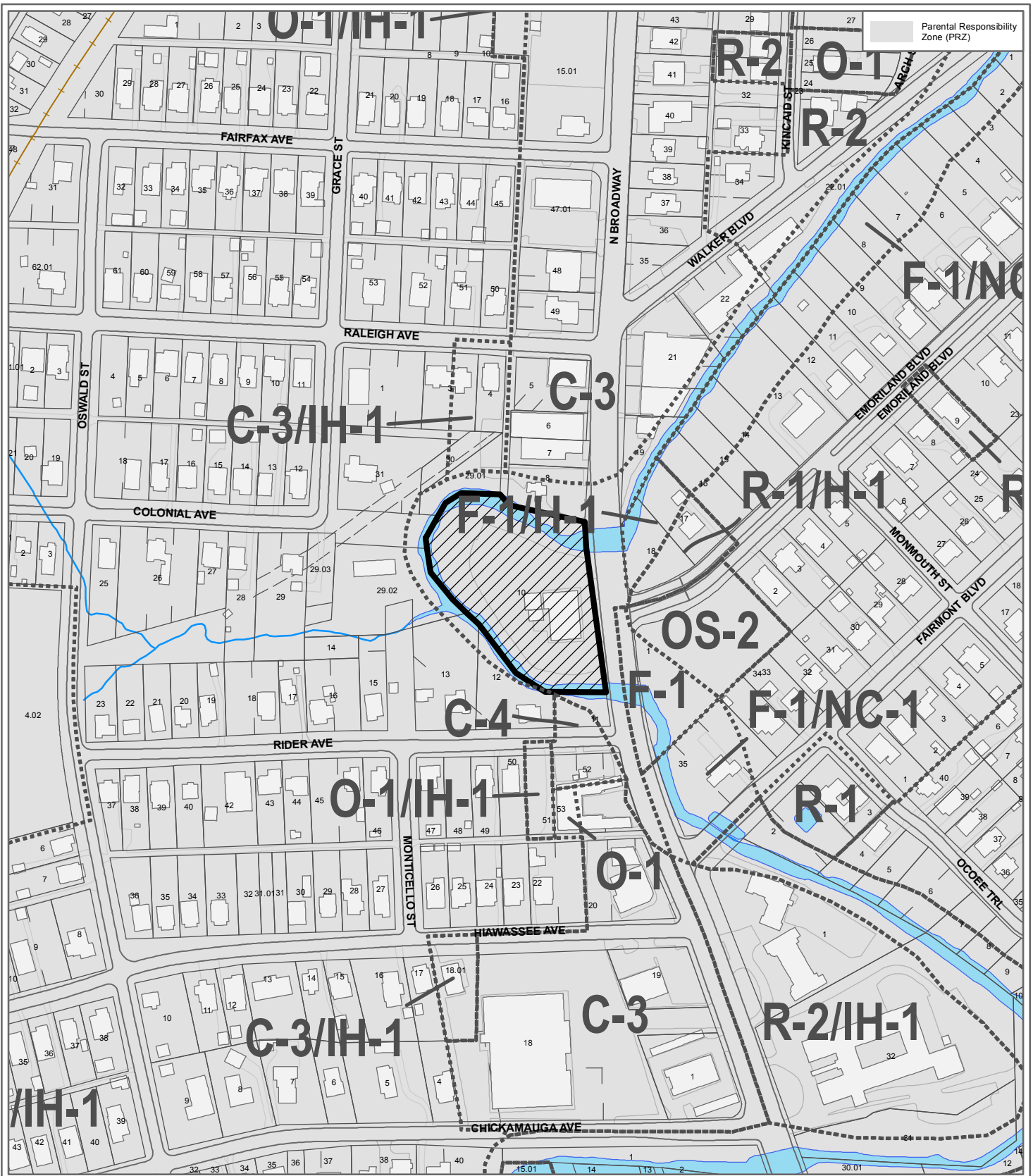
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. This recommended C-3 zoning 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 8/16/2016 and 8/30/2016. 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.



**7-O-16-RZ
REZONING**

From: F-1 (Floodway)

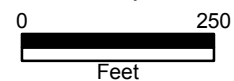
To: C-4 (Highway & Arterial Commercial) / F-1 (Floodway)



Petitioner: Sood, Raj

Map No: 69

Jurisdiction: City

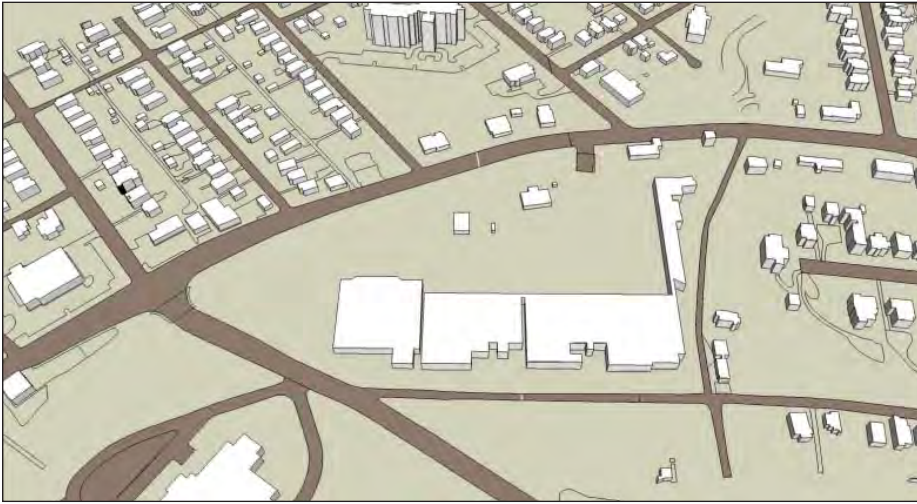


Original Print Date: 6/15/2016

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**MU-CC7:
Broadway Mixed Use District**
(Hall of Fame Drive to I-640)



A visualization of the redevelopment of the Broadway Shopping Center

In 1905, a trolley line was constructed on Broadway, connecting Emory Place to Fountain City. Before WWII, Broadway was mainly a residential corridor. After WWII, with the establishment of the federal highway program, the character of the road changed from a road supporting mass transit, slow travel speeds, shallower setbacks, and neighborhood-serving businesses to a road designed primarily for the automobile with higher travel speeds, large signs, large parking lots in front of strip commercial development, larger setbacks and loss of green space.

Within the boundaries of this district, properties that front both sides of Broadway are fully within the Central City Sector from Hall of Fame Drive to the south side of Washington Pike. When developing new zoning for the Broadway corridor, the recommendations of the *East City Sector Plan* (MPC, 2014) should also be considered for the eastern half of Broadway from Washington Pike to Interstate 640.

Recommended Uses:

A mix of uses should be allowed along Broadway, including residential, office and commercial development. In the long-term, current C-3 General Commercial zoning should be

replaced with design oriented zoning such as a form-based code or corridor overlay district. The concept is to allow mixed-use building forms that are more urban-oriented (for example, multiple stories and small front yard setbacks) and designed to enhance the pedestrian experience. Large shopping centers present opportunities for nodes of more intense development along the corridor. Vertical mixed use may be accommodated for the entire district.

- Community Mixed Use Center (MU-CC)
- Urban Corridor Mixed Use (MU-UC)
- General Commercial (GC)
- Office (O)
- Medium Density Residential (MDR)
- Traditional Neighborhood Residential (TDR)

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. The recommended zoning should address design standards, such as consistent front and side yard landscaping, allowances in a reduction in parking, consistency in building setbacks/ settings, buffers between commercial and adjoining

residential properties, and adherence to adopted plans such as the *Knoxville Street Tree Master Plan* (MPC, 2002). These measures could address the extensive post-1950 strip commercial development that is present today and foster more intensive redevelopment to support transit.

Transportation Improvements

- Develop a corridor plan that creates a new road profile balancing pedestrian, automobile, bicycle, and mass transit needs. Of particular concern for pedestrian connectivity and safety are the Hall of Fame Drive and Interstate 640 interchange areas. Look at access management and signalization.
- Speeding is an issue in some of the adjacent neighborhoods. The specific streets and the solutions for traffic calming need to be addressed through a revised City traffic calming policy.
- Improve KAT service by enhancing amenities and increasing frequency.

Community Facility Improvements

- Extend the First Creek Greenway north to Fulton High School, and then toward Fountain City to link the northern neighborhoods.