

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

▶ **FILE #:** 1-A-18-RZ
 4-J-18-SP

AGENDA ITEM #: 36
AGENDA DATE: 4/12/2018

▶ **APPLICANT:** KNOXVILLE CITY COUNCIL
 OWNER(S): Mike and Betsy Frazier

TAX ID NUMBER: 94 E E 008 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 115 E Depot Ave

▶ **LOCATION:** Northwest side E. Depot Ave., northeast of N. Central St.

▶ **TRACT INFORMATION:** 21300 square feet.

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via W. Depot Ave., a local street with 44' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MU-SD (Mixed Use Special District) (MU-CC3) / C-3 (General Commercial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-4 (Highway and Arterial Commercial)

▶ **EXISTING LAND USE:** Vacant (parking)

▶ **PROPOSED USE:** Equipment and material storage

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Rezoning request for I-3 was denied by MPC on January 11, 2018 (1-A-18-RZ). Decision was appealed to City Council and referred back to MPC for consideration of C-4 zoning.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Greyhound bus station / C-3 (General Commercial)
 South: E. Depot Ave., warehouse building / I-2 (Restricted Manufacturing & Warehousing)
 East: Knox Rail Salvage storage yard / I-3 (General Industrial)
 West: Greyhound bus station / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This area just north of the Old City is developed with a mix of uses under C-2, C-3, I-2 and I-3 zoning.

STAFF RECOMMENDATION:

▶ **DENY GC (General Commercial) sector plan designation.**

This particular MU-SD (MU-CC3) mixed use special district within the Central City Sector Plan specifically excludes GC (General Commercial) uses from the list of recommended land uses. See attached excerpt from the sector plan containing the description of the MU-CC3 special district. Approval of GC for this site would be a spot sector plan amendment that is not warranted based on the criteria for amendments of the sector plan.

► **RECOMMEND that City Council APPROVE I-3 (General Industrial) zoning, subject to 1 condition. (Applicant requested C-4.)**

1. A minimum 12 foot wide planting strip must be installed along the edge of the E. Depot Ave and along the southwest property line adjacent to the Greyhound Bus Station. Within this area, a minimum Type "B" continuous landscape screen will be required (see attached).

I-3 is a logical extension of zoning from the northeast, is compatible with the scale and intensity of surrounding development and zoning pattern and is consistent with the adopted future land use plans for the area. With the recommended condition, the outdoor storage area will be screened from view from the street, to help minimize the potential negative visual impact of allowable I-3 uses. The recommendation will allow the existing business to expand as needed, while minimizing the impact in this redeveloping area.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No new roads or utilities have been introduced in this area to make general commercial development more feasible.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan appropriately designates this site for for a mix of uses, excluding commercial. The Central City Sector Plan was updated less than four years ago in 2014. City Council adopted the updated sector plan on September 30, 2014.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

There has been no change in public policy that warrants the requested amendment to the sector plan. The update of the Central City sector plan maintains that a mix of uses, not including commercial are appropriate for this area.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

No new information or trends have emerged that would reveal the need for a plan amendment at this particular location.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

BACKGROUND

The applicant originally applied for a rezoning to I-3 zoning for the subject property. MPC staff recommended conditional approval of the I-3 zoning with conditions to address the visual impact that could result from the expansion of I-3 zoning in this area. At the January 11, 2018 meeting, after hearing from some opposition, MPC denied the application. The applicant then appealed MPC's decision to Knoxville City Council. On

February 27, 2018, City Council considered the appeal and referred the application back to MPC for consideration of C-4 (Highway & Arterial Commercial) zoning, which would also allow the proposed use of the property. Because C-4 is not consistent with the sector plan, City Council also initiated a sector plan amendment to general commercial. Staff continues to maintain that, with conditions, I-3 zoning is most appropriate for this site, as a logical extension of the zoning from the northeast. It should be noted that more intense I-4 zoning exists on a larger site to the southeast that is also owned by the applicant and used for Knoxville Rail Salvage operations. MPC staff is of the opinion that if a rezoning is to be approved for this site to allow the business operations to continue and expand at their current location, that I-3 zoning with the recommended conditions is the preferable option. It is unnecessary and illogical to approve a spot sector plan amendment to GC and a spot rezoning to C-4 for this property alone. The I-3 and I-4 zoning in the area were in place long before the adoption of the updated sector plan. Staff is of the opinion that if the zoning is to be changed to support the applicant's future plans, then conditioned I-3 zoning is the preferable route, because it could be done without an unwarranted amendment to the sector plan as a logical extension of existing zoning. Otherwise, the application should be denied. The City of Knoxville One Year Plan also proposes the same MU-SD (MU-CC3) mixed use designation as the sector plan. Depending on the final decisions made for this case, MPC staff will address the One Year Plan designation as part of the 2019 One Year Plan update process in early 2019.

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. I-3 is a logical extension of commercial zoning from the east.
2. With the recommended condition, I-3 uses are compatible with the surrounding land use and zoning pattern.
3. With the recommended condition, I-3 zoning is appropriate for this site, in order to allow expansion of the existing business while minimizing the impact to the surrounding area.
4. The requested I-3 zoning is consistent with the adopted future land use plans for the area, which designate this site within a Mixed Use - Special District of the Central City Sector Plan. The MU-CC3 district allows consideration of light industrial uses, but encourages consistent front and side yard landscaping in the district (see attached MU-CC3 excerpt from Central City Sector Plan). The recommended condition addresses this sector plan stipulation.

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

1. The requested I-3 (General Industrial) zoning district is established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and for warehousing. These land uses do not depend primarily on frequent personal visits from customers or clients, but usually require good accessibility to major rail, air or street transportation routes. Such uses have some adverse effects on surrounding properties and are not properly associated with, nor compatible with, residential, institutional and retail commercial uses.
2. Based on the above description, this site is appropriate for general industrial use under I-3 zoning, with the recommended zoning condition by staff.

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 I-3 zoning is compatible with the surrounding land uses and zoning pattern.
2. I-3 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 light industrial uses on the site.

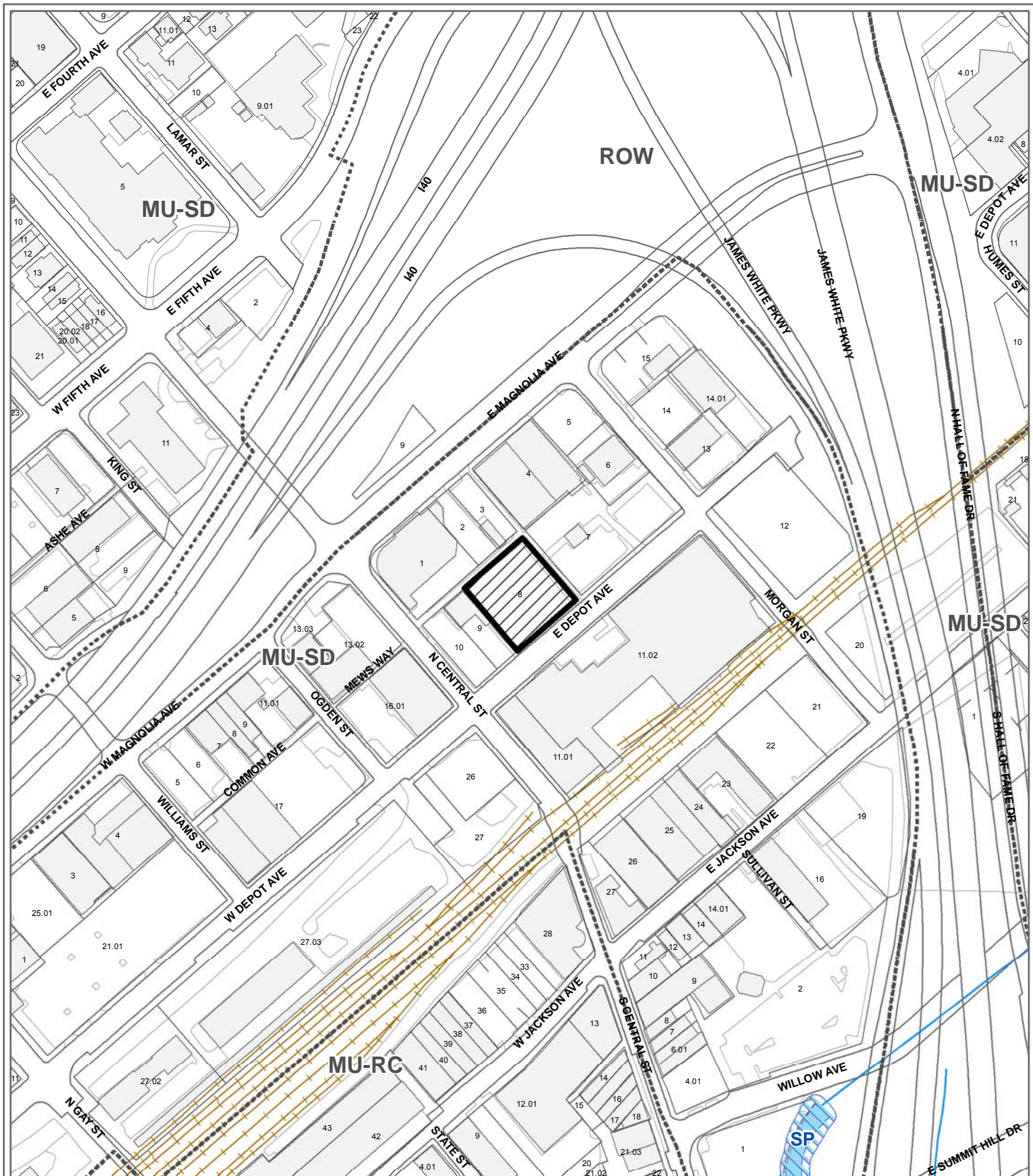
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The City of Knoxville One Year Plan and the Central City Sector Plan designate this property as part of a MU-SD (Mixed Use - Special District) CC-3. This designation allows consideration of the I-3 zoning. The recommended condition is included to address design/concept standards to the district from the sector plan.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This recommended I-3 zoning does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

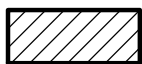
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/8/2018 and 5/22/2018. 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.



4-J-18-SP / 1-A-18-RZ
CENTRAL CITY SECTOR PLAN AMENDMENT

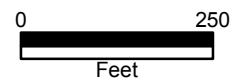
From: MU-SD (Mixed Use Special District) (MU-CC3)
 To: GC (General Commercial)



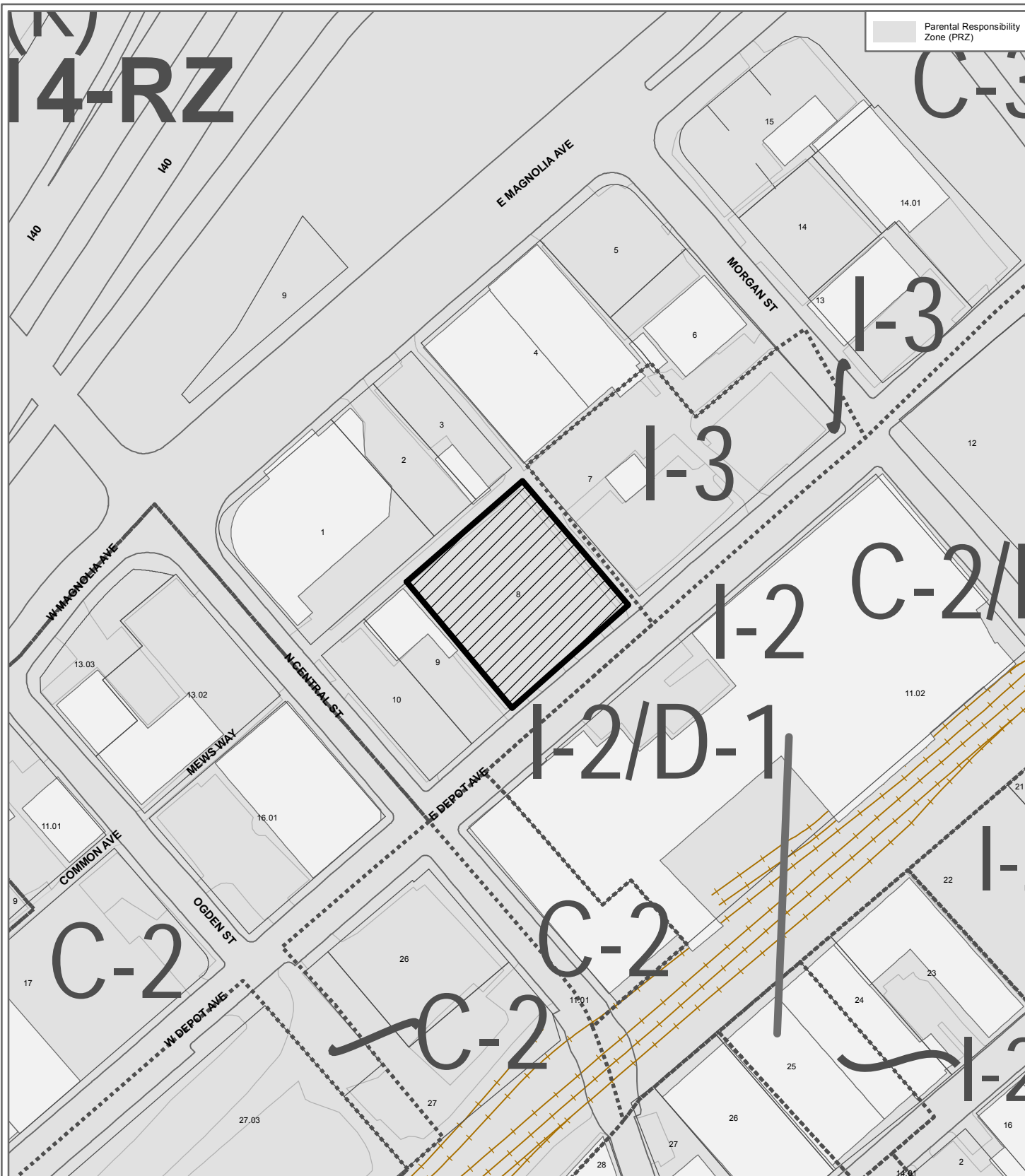
Petitioner: Knoxville City Council

Map No: 94

Jurisdiction: City



Original Print Date: 3/19/2018 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



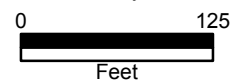
**1-A-18-RZ (Revised)
REZONING**

From: C-3 (General Commercial)
To: C-4 (Highway and Arterial Commercial)



Petitioner: Frazier, Mike

Map No: 94
Jurisdiction: City



Original Print Date: 12/18/2017 Revised: 3/21/2018
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Magnolia Avenue Corridor

The purpose of the *Magnolia Avenue Corridor Plan* (MPC, 2009) is to create opportunities to enhance development along Magnolia Avenue. It focuses on mixed-use development, encouraging the renovation/reuse of existing structures, developing a ‘complete streets’ improvement strategy for Magnolia Avenue, and improving the parks and greenways within the corridor.

Since the adoption of the corridor plan, the City has hired consultants to study various recommendations in detail to provide a path to implementation, including:

- *Magnolia Avenue Streetscapes Project* (draft 2014)
The study makes recommendations for implementing the streetscape and ‘complete streets’ concepts on a ‘model block’ for which the rest of the corridor could follow.
- *Greenway Corridor Feasibility Study Project* (underway)
This is a detailed study for approximately twelve greenway corridors, including extensions of First Creek Greenway north and south from Caswell Park and a connection of First Creek and Second Creek Greenways.
- *Bicycle Facilities Plan* (draft 2014)
This is a comprehensive plan for bicycle connections with on-street bicycle facilities, such as bike land and shared lanes, as the primary focus. Greenway trails are recommended where on-street facilities are not feasible or generally not recommended.

A form-based zoning code has been drafted and the concepts are referenced in the *Magnolia Avenue Corridor Plan* (MPC, 2009). These concepts should be consulted to condition rezoning requests to further the intent of the plan, or as a new form-based and overlay district zoning is developed.

Plans to reference for additional information:

- *Magnolia Avenue Corridor Plan* (MPC, 2009)
- *Magnolia Avenue Warehouse District Redevelopment and Urban Renewal Plan* (KCDC, 2011)

MU-CC3: SOMAG Mixed Use District

The South of Magnolia Avenue (SOMAG) district includes the northern edge of Downtown, East Summit Hill Drive, portions of the Old City, and the warehouse district south of Magnolia. As part of this plan, the MU-CC3 district is being extended to include the properties of a similar nature that front on both sides of McCalla Avenue and the south side of Linden Avenue, from Winona Street to Bertrand Street.

Recommended Uses

A mix of land use should be allowed, including office, wholesale and retail commercial, warehousing and light manufacturing, and residential development. Along East Summit Hill Drive, office, medium to high density residential and institutional uses are appropriate. The concept is to allow mixed-use building forms that are more urban-oriented (for example, multiple stories with small or no front yard setbacks) and designed to enhance the pedestrian experience. Vertical mixed use may be accommodated.

- Regional Mixed Use Center (MU-RC)
- Light Industrial (LI)
- Office (O)
- High Density Residential (HDR)
- Medium Density Residential (MDR)

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 and should be conditioned with the applicable design concepts in the *Magnolia Avenue Corridor Plan* (MPC, 2009).

Such design concepts/standards may include, but are not limited to:

- Consistent front and side yard landscaping
- Allowances in a reduction in parking
- Consistency in building setbacks/settings
- Buffers between commercial and adjoining residential properties
- Adherence to adopted plans

Transportation Improvements

- On-street parking should be marked and provided throughout the area. Willow Avenue, for example, is used by employees for on-street parking and could be striped for diagonal parking.
- The Gateway Projects streetscape improvement concepts for Gay, Williams and Central Street from the *Magnolia Avenue Corridor Plan* (MPC, 2009)

THE GATEWAY PROJECTS

The City has worked with the Tennessee Department of Transportation on improving the Gay, Williams and Central Street gateways to provide security and enhance the aesthetics under I-40. Landscaping, lighting and signs should be part of this program and should be compatible from one block to another. Street trees should be planted in bulb-outs that define and protect on-street parking areas.

Magnolia Avenue Corridor Plan
MPC 2009



AIA captured the potential for the Williams Street gateway.

Community Facility Improvements

- First Creek Greenway rails-to-trails concept from the *Magnolia Avenue Corridor Plan* (MPC, 2009)



FIRST CREEK GREENWAY

The First Creek Greenway forms the eastern edge of the SOMAG focus area. A significant portion of the greenway will be realized by the SmartFIX40 improvements. The greenway will be a recreational and transportation asset to this gateway and nearby neighborhoods. AIA provided a vision of the greenway and potential redevelopment along the creek.

Magnolia Avenue Corridor Plan
MPC 2009



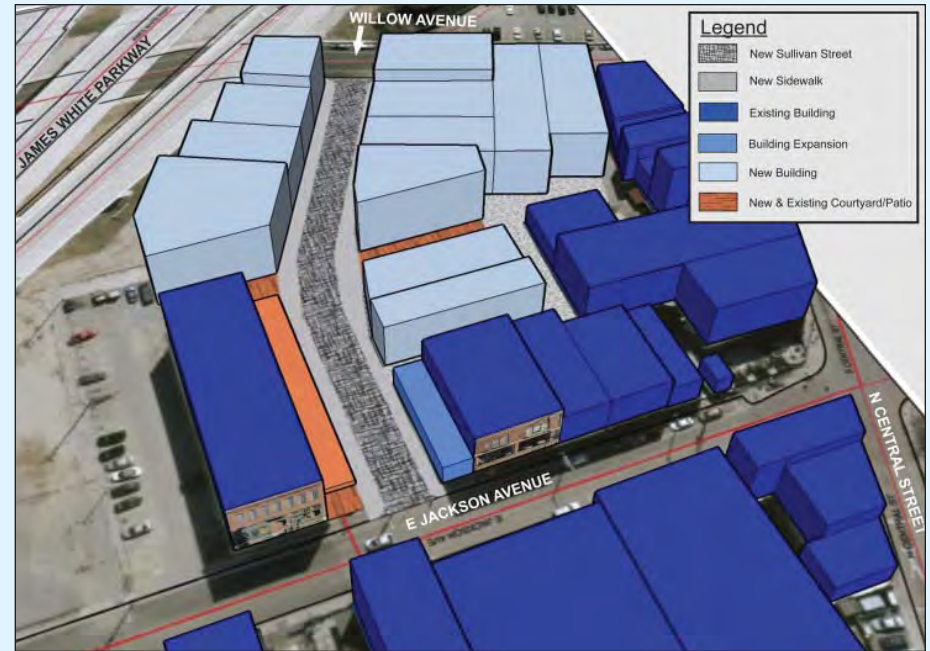
Other Improvements

- New Sullivan Street cross-street connection concept from the *Magnolia Avenue Corridor Plan* (MPC, 2009)
- The supplemental zoning regulations should be amended to allow a district parking program with shared parking under I-40, James White Parkway and Hall of Fame Drive viaducts and on-street parking. The intent is that the district parking plan would be recognized by MPC and City Council as the program serving existing and future development in the Downtown North/Old City area, and reduce the need for required off-street parking.
- The City's *Façade Improvement Program* should be used to improve the area's historic buildings. The U.S. Secretary of Interiors Standards for Rehabilitation should be used to ensure that the historic character of the area is not jeopardized.

NEW SULLIVAN STREET

The concept for the re-creation of Sullivan Street, was proposed a decade ago, when the area's merchants worked with the City to adopt the Old City Master Plan. There would be several advantages in making a street connection between Jackson Avenue and Willow Avenue: foremost would be new development opportunities, which would line the street with a mix of commercial and residential uses. Perhaps equally important is the creation of better pedestrian flow around the Old City, enabling people to walk

along a new block without going through neglected, largely empty spaces. Cooperation with adjacent merchants and the Southern Railroad, which once used the parcel along Willow Avenue as a rail siding, will be key to redevelopment. The new parking under the viaducts can reasonably meet many of the parking demands for new development in this area.



Magnolia Avenue Corridor Plan
MPC 2009



DESIGN CONCEPT FOR NEW SULLIVAN STREET

1. Preserved buildings
2. Patio to be extended
3. New cobble-like street
4. Sidewalks and bollards
5. New buildings lining the street
6. Potential expansion or outdoor eating