

# REZONING REPORT

▶ **FILE #:** 5-B-19-RZ

**AGENDA ITEM #:** 22

**AGENDA DATE:** 5/9/2019

▶ **APPLICANT:** BRIAN EWERS / DOLLAR & EWERS ARCHITECTURE

OWNER(S): Christian Kunz

TAX ID NUMBER: 94 D K 002

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 621 Lamar St

▶ **LOCATION:** Southwest side of Lamar Street, Southeast side of 3rd Avenue

▶ **APPX. SIZE OF TRACT:** 15163 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: City

ACCESSIBILITY: Access is via Lamar Street, a local street with 40' of pavement within 56' of right-of-way, and Thirsd Ave., a local street with 36' of pavement within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

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

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

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Mixed use - potential food service, mercantile or business on ground level, residence 2nd level

EXTENSION OF ZONE: No

HISTORY OF ZONING: C-6 zoning was proposed for the property in 2005 but was withdrawn prior to City Council action (1-P-05-RZ).

SURROUNDING LAND USE AND ZONING: North: Dwellings, Church, parking lot / C-3 (General Commercial) & R-1A (Low Density Residential)

South: Businesses / C-3 (General Commercial) & R-1A (Low Density Residential)

East: Business, vacant lots, parking / C-3 (General Commercial)

West: Business, parking lot / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This area is developed with a variety of residential, office, commercial, and institutional uses, adjacent to the Historic Fourth and Gill neighborhood and Emory Place.

## STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-2 (Central Business) zoning, subject to one condition.**

1. Development plan approval by the Planning Commission shall be required through the use-on-review process before issuance of any building permits when a new building, and/or addition to the existing building with floor area of 2,000 square feet or more, are proposed. The construction of a patio, deck, walk in cooler,

loading dock or other similar structure that does not add conditioned space shall not require development plan approval by the Planning Commission. The "Mixed-Use Development Guidelines" of the Broadway, Central, Emory Place Small Area Plan shall be used to determine if the proposed development is compatible with the surrounding area (see Exhibit A).

**COMMENTS:**

In the absence of an alternative mixed use zoning district that is appropriate outside of the downtown core, the C-2 (Central Business District) zone has been the default district to allow the continued use or renovation of older structures, or redevelopment of property, near downtown without the need for setback and parking variances. The C-2 zone allows nearly unlimited development intensities to take advantage of downtown infrastructure synergies such as structured and on-street parking, compact mix of uses and a pedestrian friendly environment. Outside of downtown, the intensity of development allowed could quickly overwhelm the existing infrastructure and have negative impacts on neighboring uses such as residential neighborhoods. New mixed use zoning should be developed for areas outside of the downtown core, as recommended in the Central City Sector Plan (2014).

**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 properties are located within the MU-CC1 (Broadway-Central-Emory Place Small Area Plan) land use classification that recommends mixed use development, including retail, restaurants, office and residential uses.
2. With the recommended condition, 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.
3. C-2 zoning for the subject properties will allow redevelopment of the building or site for the mix of uses proposed by the applicant.

**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. With the recommended condition, staff contends that the C-2 zone is appropriate for this location.

**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 uses allowed within the C-2 zone district is compatible with the surrounding land uses and zoning, however, the intensity of development allowed is not; such as unlimited height and no parking requirement.
2. The Broadway-Central-Emory Place Small Area Plan and the Central City Sector Plan recommend that form based (or design based) zoning be developed for this area but that is not yet available. Appendix 3 of the Broadway-Central-Emory Place Small Area Plan, "Mixed-Use Development Guidelines", provides some basic urban design standards that should be followed if the property is redeveloped with a new structure or has a substantial addition. Planning Commission staff recommends that any new building or large addition (2,000 sqft or larger) must have a development plan approved by the Planning Commission to ensure the development meets some basic urban design standards to enhance the walkability of the area.

**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 properties are located within the MU-CC1 (Broadway-Central-Emory Place Small Area Plan) land use classification of the One Year Plan and Central City Sector Plan (2014), which recommend a mix of uses, including retail, restaurants, office and residential uses. Commercial cores should be created at points (nodes) along these corridors, allowing a vertical mix of uses. Such nodes should not be more than four blocks long. The center of the commercial core (node) in the Downtown North area could be considered the Broadway and Central St. intersection and the subject site is one block from this intersection.
2. The Central City Sector Plan recommends adopting new mixed use zoning specifically for this area, such as

a Form District or Corridor Overlay District. The C-2 zoning with the recommended condition meets the intent of the land use recommendation while protecting the historic development pattern of the area and the adjacent residential houses.

3. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: 132 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 6/4/2019 and 6/18/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.



**5-B-19-RZ  
REZONING**

From: C-3 (General Commercial)

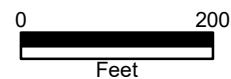
To: C-2 (Central Business District)



Petitioner: Ewers / Dollar & Ewers  
Architecture, Brian

Map No: 94

Jurisdiction: City



Original Print Date: 4/17/2019  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

# Appendix 3: Mixed-Use Development Guidelines

## **Purpose:**

1. Accommodate mixed-use buildings with shops, restaurants, and office uses on the ground floor with office or residential on upper floors; single-purpose uses such as office buildings, apartments and townhouses are also possible within the district.
2. Encourage development, in at least a portion of the district, that exhibits the design characteristics of pedestrian-oriented, storefront-style shopping streets;
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

## **Location principles**

The district must be located:

1. in an area served by sidewalks or where sidewalks are constructed as part of the development;
2. where transit services are available within 500 feet of the site;
3. on sites that are free of environmental contaminants;
4. on land identified in Sector or One Year Plans as places for commercial, office or industrial uses.

## **Allowed uses**

### **Residential**

Most of the residential uses should be permitted: multi-unit residential, detached houses, row houses and dwelling units above the ground floor. However, the number of detached houses should be limited and located to the edges of the district in order to create a density high enough to help support some commercial activities.

### **Office**

Most types of office uses are appropriate. Offices can be located in vertical mixed-use buildings or in separate office buildings.

### **Commercial**

Most commercial activities that are not of a “Big Box” dimension are appropriate. Supermarkets and similar large-scale commercial use might be considered with “liner uses,” such as shops and restaurants.

Commercial uses linked to cars, such as vehicle sales, gas stations and drive-through restaurants, are not appropriate in the district. Vehicle repair and parts sales may be possible under certain design parameters (for example, garage door entrances to the side or rear of the establishment).

### **Public and civic**

Most public or civic uses should be permitted, including cultural exhibits and libraries, parks and recreation, postal service, public safety and services, religious assembly and day care.

## **Development characteristics**

### **Density/intensity of use**

If mixed-use buildings are desired, such buildings should be rewarded with more flexible development standards. For example, fewer off-street parking spaces should be required for commercial development when sidewalks and transit services are available in the surrounding area, allowing “footprints” for other buildings.

### **Setbacks**

Several types of “build-to” lines should be established for development in the district. Buildings with retail uses on the ground floor should have little or no setback, unless a setback is required for outdoor seating or a display area, or eventual sidewalk widening.



*Setbacks are allowed if they are used to create a pedestrian-friendly activity, such as outdoor seating. Photo by Dan Burden.*

Office buildings should have a setback of 0 to 10 feet, depending on the setting: (1) when a “main street” is being created, little or no setback is appropriate; (2) when office buildings are created away a commercial core, a setback of up to 10 feet is appropriate in order to create a landscaped buffer between the pedestrian activity on the sidewalk and the office activity. A residential building with dwelling units on the ground floor can have a setback from 5 to 15 feet in order to create a landscaped area, separating the public space from the private activities of the building. This setback can be used for a small private garden, or for a stair leading to the porch or the entrance. In this setting, ground floor residential is usually slightly above or below grade for additional privacy.

The appropriate minimum rear setback will depend on lot and development patterns in the area. If an alley abuts the rear of the mixed-use lot, no rear setback may be necessary. If the mixed-use lot abuts the rear property line of residential lots, the building should be setback from rear property lines in order to protect the privacy and open feeling expected within residential rear yards.

### Building height

The buildings should usually have two to four stories. One-story buildings should be avoided, as should buildings higher than four stories, particularly when such buildings are adjacent to low-density residential areas.



*Buildings should usually have from two to four stories*

### Commercial building design

**Transparency of windows:** All windows on the ground floor façade or on the side of commercial buildings should be transparent and allow views of indoor space or product display areas. Bulkheads, the sign board and door and window frames are the only features that should be solids in the façade. Blank walls should be avoided.

**Doors and entrances:** Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used. Every building should have at least one entrance that does not require passage through a parking lot or garage to gain access.

### Parking

On-street parking should be required within such districts.

No off-street parking is required for non-residential uses, unless such uses exceed a certain surface of gross floor area (5,000 sq feet, for example, in which case off-street parking must be provided for the floor area in excess of the 5,000 square feet). Off-street parking credits, especially for retail uses, should be taken into account when there are sidewalks around the development for a distance up to one-quarter mile and when there is transit accessible. As little as one-half of the off-street commercial parking listed in the supplemental zoning regulations can be required in those circumstances.

Off-street parking must be provided to the rear of the main building, or on the side. Parking surfaces must be well designed with human-scaled lighting and landscaping. When the parking lot is visible from the public right-of-way or residential zoning districts, it should be “screened” from the sidewalk or alleys (using wrought iron-like fences and landscaping) and from upper-story uses (using trees, dispersed evenly throughout the parking area at a ratio of one tree per 10 parking spaces). There should be some “transparency” to keep “eyes” on the parking lot for safety reasons.

Parking lots can be uncomfortably warm on summer days. Plants can have a significant moderating effect on the heat

and other uncomfortable aspects of the “microclimate” of parking lots. Planting small trees providing a natural canopy helps moderate summer temperatures, more than does a planting of small ornamentals. Dividing large lots into smaller “rooms” (that can be called “pocket parking”), separated by planted buffers, makes parking lots more visually acceptable and reduces their scale.

Shared parking: Where parking demands peak during different times of the day, parking should be shared (for example, if a church is located next to an office building).

### **Driveway access**

Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats. They should be exceptions in mixed-use districts. No curb cuts should be allowed for lots that abut an alley.

### **Open spaces and related amenities**

**Site design:** Building entrances, parking areas, private and public open spaces, and pathways should be accentuated with appropriate features such as landscaping and pavement treatment. Public art should be encouraged. Such features should be placed or designed in such a manner that the view into the area is not obscured. Utilities that cannot be placed underground should be relocated in alleys or on the back side of buildings, in order to improve the appearance of the streets.

**Residential amenities:** Residential uses should accommodate space devoted to outdoor enjoyment, with public or private spaces being part of a formula to realize this objective. Such space can be patios, courts or balconies that are designed as a component of the residential architecture or as a park, green, square or plaza within the district.

### **Lighting**

Light fixtures (those not attached to buildings) should be affixed to a decorative pole, which may be of metal, fiberglass, or concrete. Wooden poles should be avoided.



**REZONING**       **PLAN AMENDMENT**

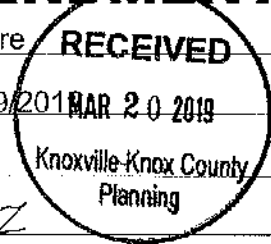
Name of Applicant: Brian Ewers - Dollar & Ewers Architecture

Date Filed: 03/25/2019 Meeting Date: 05/09/2019

Application Accepted by: M. Payne

Fee Amount: 1000.00 File Number: Rezoning 5-B-19-RZ

Fee Amount:     File Number: Plan Amendment    



**PROPERTY INFORMATION**

Address: 621 Lamar Street

General Location: SE/S  
SW/S Lamar St. & 3rd Avenue

Parcel ID Number(s): 094DK002  
City Block 07081

Tract Size: 16,500 sq. ft. +/-

Existing Land Use: Commercial C-3

Planning Sector: Central City

Growth Policy Plan: City

Census Tract: 66

Traffic Zone: 48

Jurisdiction:  City Council 4 District  
 County Commission 2 District

**Requested Change**  
**REZONING**

FROM: C-3

TO: C-2

**PLAN AMENDMENT**

One Year Plan         Sector Plan

FROM: N/A

TO: N/A

**PROPOSED USE OF PROPERTY**

Owner plans to redevelop as mixed use -  
potential food service, mercantile or business  
on ground level, residential 2nd level.

Density Proposed     Units/Acre

Previous Rezoning Requests:    

**PROPERTY OWNER**     **OPTION HOLDER**

PLEASE PRINT

Name: Christian Kunz

Company:    

Address: 12816 Stahl Drive

City: Knoxville State: TN Zip: 37934

Telephone: (865) 321 3932

Fax:    

E-mail: kunzc@gmail.com

**APPLICATION CORRESPONDENCE**

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Brian Ewers, AIA

Company: Dollar & Ewers Architecture Inc.

Address: 111 E. Jackson Ave, Suite 101

City: Knoxville State: TN Zip: 37915

Telephone: (865) 546-9374

Fax:    

E-mail: bewers@dollar-ewers.com

**APPLICATION AUTHORIZATION**

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: [Signature]

PLEASE PRINT

Name: Brian Ewers

Company: Dollar & Ewers Architecture Inc.

Address: 111 E. Jackson Ave, Suite 101

City: Knoxville State: TN Zip: 37915

Telephone: (865) 546-9374

E-mail: bewers@dollar-ewers.com



**R-1A/H-1**

**C-3**

Third Ave

Lamar St

Central St

19.01

19

626

16

15

14

620

618

616

7

608

24

622

23

614

22

19

609

617

615

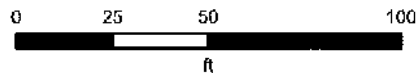
01

KGIS Copyright - 2019

### Letter Portrait



Printed: 3/21/2019 at 3:49:21 PM



**Knoxville - Knox County - KUB Geographic Information System**

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

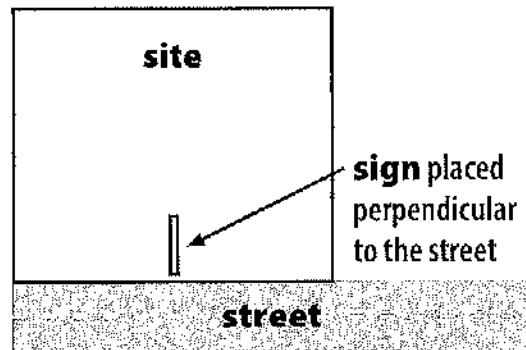
## REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

### LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.



### TIMING

The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

4/24/19 and 5/9/19  
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Brian Ewers

Printed Name: BRIAN EWERS

Phone: (865) 546-9574 Email: BEWERS@DOLLAR-EWERS.COM

Date: 03/21/2019

File Number: 5-B-19-RZ



March 21, 2019

**Knoxville – Knox County Planning**  
City-County Building Suite 403  
400 Main Street  
Knoxville TN, 37902

Re: Supplemental Information regarding Rezoning Request, 621 Lamar Street

To Whom It May Concern-

We are requesting a Rezoning for the property at 621 Lamar Street, Knoxville TN 37917, from (current) C-3 to (proposed) C-2. In consideration for this Rezoning, please consider the following information:

- The neighborhood and surrounding areas are a mix of C-2 and C-3 properties (see attached zoning map). Therefore, the proposed change in zoning does not allow for a change of character to the neighborhood, nor does it create an allowance for a new type of property use not already allowed in the neighborhood.
- Property does not have enough space on site to allow for the addition or development of new parking. Existing parking spaces do not meet current design guidelines (inadequate distance to back out before entering street) or required number of parking spaces. The change to a C-2 would remove this new parking requirement. This is the primary reason for our request to change zoning.
- In our research of ReCode Knoxville regulations, which we understand has not been approved, we found that this neighborhood would be changed to a Zone DK-E, which under proposed documents does not have a requirement for on-site parking: *'DK-E Downtown Edge Subdistrict The DK-E Downtown Edge Subdistrict is intended to address areas of transition between the higher intensity environment of the Downtown and adjacent smaller-scale mixed-use areas. The DK-E Subdistrict facilitates mixed use development with standards that focus on compatibility with adjacent development. The DK District is exempt from required parking.'* In essence, C-2 (proposed zone change) matches requirements of future ReCode DK-E.

Thank you for your consideration. We welcome any questions or comments on the issues listed.

Sincerely,

Dollar & Ewers Architecture, Inc.

A handwritten signature in black ink, appearing to read 'Brian K. Ewers', is written over the typed name.

Brian K. Ewers, AIA, LEED AP  
President