

# REZONING REPORT

► **FILE #:** 2-A-23-RZ

**AGENDA ITEM #:** 9

**AGENDA DATE:** 2/9/2023

► **APPLICANT:** SETH SCHWEITZER

OWNER(S): Shree Ganesh Hospitality LLC & Ephant Group

TAX ID NUMBER: 95 I A 044 [View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 308 S GAY ST

► **LOCATION:** East side of S Gay St, south of W Summit Hill Dr

► **APPX. SIZE OF TRACT:** 9,398 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via S Gay Street, a minor arterial street with a 30-ft pavement width within a 70-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **PRESENT ZONING:** DK-H (Downtown Knoxville)

► **ZONING REQUESTED:** DK-G (Downtown Knoxville)

► **EXISTING LAND USE:** Transportation/Communications/Utilities

►

EXTENSION OF ZONE: Yes

HISTORY OF ZONING: 2-P-07-RZ added the downtown design overlay in 2007

SURROUNDING LAND USE AND ZONING: North: Office - DK-H (Downtown Knoxville Historic Core Subdistrict)

South: Office - DK-H (Downtown Knoxville Historic Core Subdistrict)

East: Wholesale - DK-H (Downtown Knoxville Historic Core Subdistrict)

West: Transportation/communication/utilities - DK-H (Downtown Knoxville Historic Core Subdistrict)

NEIGHBORHOOD CONTEXT: This property is one of the few vacant lots along downtown's S. Gay Street Corridor. It is located in the block south of W. Summit Hill Drive, in between a dentist office and a restaurant. It is part of the Gay Street Commercial Historic District, which contains a mixture of office, retail and residential development.

## STAFF RECOMMENDATION:

► **Approve DK-G (Downtown Knoxville, Grid Subdistrict) zoning because it is compatible with existing zoning in the area, including the requirement to meet standards in the City's Downtown Design Guidelines.**

## COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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. Up until recently, 308 S Gay St. functioned as a parking lot. This is not the best use of land in one of Knoxville's primary cultural corridors, which is surrounded by public parking garages. The proposed rezoning to DK-G (Downtown Knoxville Grid Subdistrict) supports the development potential of the site.
2. Rezoning to DK-G is complementary to the increase in recent downtown residential and commercial development.

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

1. DK-G zoning is intended for intensely developed portions of downtown, with dimensional standards designed to ensure future development maintains pedestrian orientation and a mixed-use environment. This intention aligns with the character of the subject property's location.
2. DK-G and DK-H (Downtown Knoxville Historic Subdistrict) zoning are similar, with two key differences being the maximum allowable height and minimum build-to percentage. DK-G zoning does not have a maximum building height requirement, whereas DK-H zoning limits structures to 125 ft. The DK-G zoning district has a minimum build-to percentage of 80%, and DK-H has a minimum build-to percentage of 100%.

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. Since the property is part of the Gay St. Commercial National Register Historic District, new construction needs to be built in a manner that protects the integrity of adjacent buildings and the historic setting and context. Any proposed development plan for this property will be reviewed by the Design Review Board under both the existing and proposed zoning. This review process will help ensure that future development is appropriate, and will mitigate adverse impacts through application of the development standards for new construction in National Register Historic Districts, contained in the Downtown Design Guidelines.
2. Although DK-G and DK-H have different height requirements, buildings more than 85 ft in height must incorporate an "upper-story setback" in the front façade. This setback of at least 10 ft would occur above the third story and below the seventh story, according to the DK zoning dimensional standards. This helps minimize the visual impact of buildings taller than their surroundings, and supports a consistent visual experience for pedestrians and those driving along the corridor.
3. The property is located in an area that is well-served by parking infrastructure and public transit. Any proposed vehicular access to S. Gay St. will be considered in the design review process required for development of this property.

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 this parcel MU-RC (Mixed Use Regional Center), which is intended for high intensity mixed-use areas.
2. The proposed rezoning is not in conflict with the General Plan or any other adopted plans.

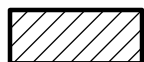
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 3/7/2023 and 3/21/2023. 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.



## 2-A-23-RZ REZONING



From: DK-H (Downtown Knoxville)

To: DK-G (Downtown Knoxville)

Original Print Date: 1/18/2023  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner: Seth Schweitzer

Map No: 95

Jurisdiction: City

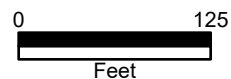
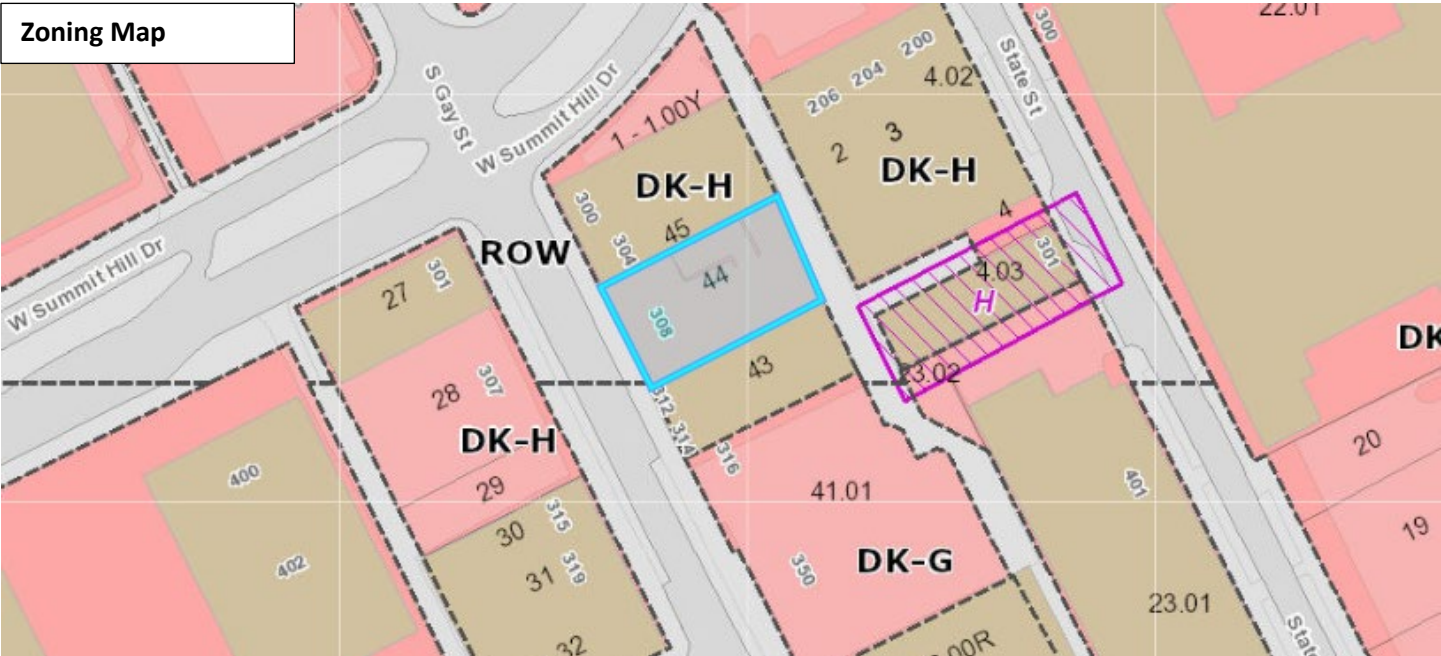


Exhibit A. 2-A-23-RZ Context Images





## Exhibit A. 2-A-23-RZ Context Images



## Exhibit A. 2-A-23-RZ Context Images





# Development Request

## DEVELOPMENT

- ☐ Development Plan  
☐ Planned Development  
☐ Use on Review / Special Use  
☐ Hillside Protection COA

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☐ Plan Amendment  
☐ Sector Plan  
☐ One Year Plan  
☒ Rezoning

**Seth Schweitzer**

Applicant Name

Affiliation

**12/7/2022**

Date Filed

**2/9/2023**

Meeting Date (if applicable)

**2-A-23-RZ**

File Number(s)

## CORRESPONDENCE

*All correspondence related to this application should be directed to the approved contact listed below.*

**Seth Schweitzer OYSK3 Architects**

Name / Company

**1545 Western Ave Ste 100 Knoxville TN 37921**

Address

**865-679-1404 / seth@oysk3architects.com**

Phone / Email

## CURRENT PROPERTY INFO

**Shree Ganesh Hospitality LLC Shree Gan 5335 Central Ave Park Knoxville TN 37912**

Owner Name (if different)

Owner Address

**865-999-7722**

Owner Phone / Email

**308 S GAY ST**

Property Address

**95 I A 044**

Parcel ID

Part of Parcel (Y/N)?

**9398 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**E of S Gay St, south of W Summit Hill Dr**

General Location

☒ City

**Council District 6**

**DK-H (Downtown Knoxville, Historic Core Subdistrict)**

**Transportation/Communications/Utilities**

☐ Count

District

Zoning District

Existing Land Use

**Central City**

Planning Sector

**MU-RC (Mixed Use Regional Center)**

Sector Plan Land Use Classification

**N/A (Within City Limits)**

Growth Policy Plan Designation

## DEVELOPMENT REQUEST

- ☐ Development Plan   ☐ Planned Development   ☐ Use on Review / Special Use  
☐ Hillside Protection COA   ☐ Residential   ☐ Non-residential

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

Related City Permit Number(s)

## SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

## ZONING REQUEST

- ☒ Zoning Change   **DK-G (Downtown Knoxville, Grid District)**  
Proposed Zoning

Pending Plat File Number

- ☐ Plan  
Amendment   Proposed Plan Designation(s)

Proposed Density (units/acre)   Previous Zoning Requests

Additional Information

## STAFF USE ONLY

### PLAT TYPE

- ☐ Staff Review   ☐ Planning Commission

### ATTACHMENTS

- ☐ Property Owners / Option Holders   ☐ Variance Request

### ADDITIONAL REQUIREMENTS

- ☐ COA Checklist (Hillside Protection)  
☐ Design Plan Certification (Final Plat)  
☐ Site Plan (Development Request)  
☐ Traffic Impact Study  
☐ Use on Review / Special Use (Concept Plan)

Fee 1

**\$1,000.00**

Total

Fee 2

Fee 3

## AUTHORIZATION

**Seth Schweitzer**

**12/7/2022**

Applicant Signature

Please Print

Date

Phone / Email

**Shree Ganesh Hospitality LLC   Shree Ganesh Hospitality LLC & Ephat   12/7/2022**

Property Owner Signature

Please Print

Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.





# Development Request

## DEVELOPMENT

- ☐ Development Plan  
☐ Planned Development  
☐ Use on Review / Special Use  
☐ Hillside Protection COA

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☐ Plan Amendment  
☐ SP ☐ OYP  
☒ Rezoning

Seth Schweitzer

Owner's Representative

Applicant Name

Affiliation

December 6, 2022

February 9, 2023

File Number(s)

Date Filed

Meeting Date (if applicable)

## CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☐ Applicant ☐ Property Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☒ Architect/Landscape Architect

Seth Schweitzer

oysk3 architects

Name

Company

1545 Western Avenue, Suite 100

Knoxville

TN

37921

Address

City

State

ZIP

865-679-1404

Seth@oysk3architects.com

Phone

Email

## CURRENT PROPERTY INFO

Shree Ganesh Hospitality LLC & Ephant Gro 5335 Central Avenue

865-999-7722

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

308 S. Gay Street

095IA044

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

General Location

Tract Size

☐ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

## DEVELOPMENT REQUEST

- ☐ Development Plan   ☐ Use on Review / Special Use   ☐ Hillside Protection COA  
☐ Residential   ☐ Non-Residential

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

Related City Permit Number(s)

## SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number   ☐ Combine Parcels   ☐ Divide Parcel

Total Number of Lots Created

☐ Other (specify) \_\_\_\_\_

☐ Attachments / Additional Requirements

Related Rezoning File Number

## ZONING REQUEST

☐ Zoning Change   **DK-G**  
Proposed Zoning

☐ Plan Amendment Change   \_\_\_\_\_  
Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

- ☐ Staff Review   ☐ Planning Commission

### ATTACHMENTS

- ☐ Property Owners / Option Holders   ☐ Variance Request

### ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (*Final Plat*)  
☐ Use on Review / Special Use (*Concept Plan*)  
☐ Traffic Impact Study  
☐ COA Checklist (*Hillside Protection*)

Fee 1	Total
Fee 2	
Fee 3	

## AUTHORIZATION

**Seth Schweitzer**   Digitally signed by Seth Schweitzer  
Date: 2022.12.06 15:41:15 -05'00'

**Seth Schweitzer**

**12/6/22**

Applicant Signature

Please Print

Date

**865-679-1404**

**Seth@oysk3architects.com**

Phone Number

Email



**HD PATEL**

**12/06/2022**

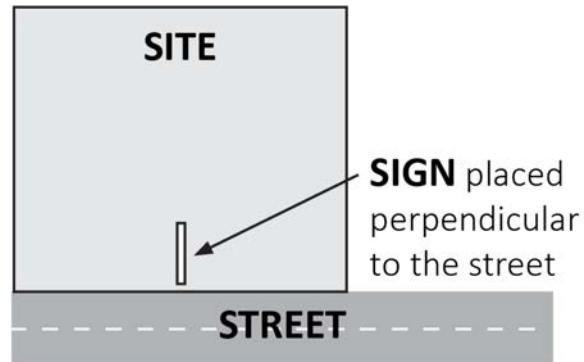
Property Owner Signature

Please Print

Date

*I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.*

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

## LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

***The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:***

\_\_\_\_\_ 1/27/2023 \_\_\_\_\_ and \_\_\_\_\_ 2/10/2023 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Seth Schweitzer

**Date:** 12/7/22

**File Number:** 2-A-23-RZ

☒

Sign posted by Staff

☐

Sign posted by Applicant