

CASE SUMMARY
APPLICATION TYPE: REZONING
ONE YEAR PLAN AMENDMENT



File Number: 1-B-15-RZ **Related File Number:** 1-B-15-PA
Application Filed: 11/13/2014 **Date of Revision:**
Applicant: PATRICK MCINTURFF

PROPERTY INFORMATION

General Location: East side N. Broadway, south side East Glenwood Ave.
Other Parcel Info.:
Tax ID Number: 81 L L 001 **Jurisdiction:** City
Size of Tract: 11200 square feet
Accessibility: Access is via N. Broadway, a major arterial street with 36' of pavement within 60' of right-of-way and E. Glenwood Ave., a minor collector with 28' of pavement within 50' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Commercial
Surrounding Land Use:
Proposed Use: Commercial **Density:**
Sector Plan: Central City **Sector Plan Designation:** Urban Corridor Mixed Use
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 1320 N Broadway
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-3 (General Commercial)
Former Zoning:
Requested Zoning: C-2 (Central Business District)
Previous Requests: None noted
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: GC (General Commercial)
Requested Plan Category: CBD (Central Business District)

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): RECOMMEND that City Council DENY C-2 (Central Business) zoning.

Staff Recomm. (Full): The applicant received approval from the Board of Zoning Appeals in February 2015 to reduce the minimum number of required parking spaces from 50 spaces to 4 spaces to permit the change of use in an existing commercial development in a C-3 (General Commercial).

Comments: 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 property is located within the Urban Corridor Mixed Use District (MU-UC) of the Central City Sector Plan (2014), which recommends a mix of uses, including retail, restaurant, office and residential uses.
2. The property was developed previous to the adoption of the current zoning ordinance and does not conform to the development standards of the C-3 zone.

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 proposed site is beyond the present extent of the downtown area that forms the metropolitan center and is not recommended as an extension of this center in a recent plan or study.

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 C-2 zoning is not compatible with the surrounding scale and intensity of development because it is intended for major mixed-use employment centers with uses that benefit from being within close proximity and shared infrastructure, such as managed parking.
2. The C-2 zoning does not have parking requirements or height restrictions, and has no side and rear setback requirements (including when adjacent to residential uses). This zone is meant for areas where the most intense development is encouraged and where on-street parking or public/private parking facilities are available to either supply part or all of the parking demand for a property. If C-2 zoning is extended along corridors such as Broadway and adequate parking is not required for new development, spillover parking into the adjacent neighborhoods may become a problem and parking management services may need to be provided by the City.
3. The C-2 zone does not have urban design standards and allows development by-right without public review. In the downtown area, the Downtown Design Overlay District (D-1) and associated Downtown Knoxville Design Guidelines were adopted to ensure that new development is compatible with the surrounding area and that basic urban design principles are considered as part of development approval, which is an open public review process. In areas outside of the downtown area, C-2 zoned properties do not have a public development review process and basic urban design principles are not reviewed or required, which could adversely affect neighboring properties.

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

1. The property is located within the Urban Corridor Mixed Use District (MU-UC) of the Central City Sector Plan (2014), which recommends a mix of uses, including retail, restaurant, office and residential

uses. The C-2 zoning will allow the current and proposed retail and service commercial uses, as well as the redevelopment of the building or site for a mix of uses as proposed by the sector plan. The current C-3 (General Commercial District) zoning allows the current and proposed uses but not the residential and vertical mixed-use development as proposed by the sector plan.

2. The MU-UC district recommends adopting new mixed use zoning specifically for this area, such as a Form District or Corridor Overlay District, or a new basic or planned zone that allows mixed use development in small areas or individual lots along urban commercial corridors. The sections from the sector plan regarding these new zoning districts is attached to this report.

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

Action: Denied (Withdrawn) **Meeting Date:** 4/9/2015

Details of Action:

Summary of Action: Withdraw at the request of the applicant

Date of Approval: **Date of Denial:** **Postponements:** 1/8/15

Date of Withdrawal: 4/9/2015 **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: