

CASE SUMMARY

APPLICATION TYPE: PLANNED DEVELOPMENT



File Number: 11-A-21-PD **Related File Number:**
Application Filed: 9/28/2021 **Date of Revision:**
Applicant: DOUG KIRCHHOFER / RR LAND LLC

PROPERTY INFORMATION

General Location: Generally bounded to the north by E. Jackson Avenue, to the east by Florida Street, on the west by Hall of Fame Drive and to the south of First Creek

Other Parcel Info.:

Tax ID Number: 0 MULTIPLE (SEE ATTACHED) **Jurisdiction:** City

Size of Tract: 21.5 acres

Accessibility: In its final stage, the project will have frontage along E. Jackson Avenue, Florida Street, and a private drive that is yet to be created. E. Jackson Avenue and Florida Street are both classified as a local road. E. Jackson currently has a 23-ft pavement width inside a 47-ft wide right-of-way. Florida currently has a 28-ft right-of-way inside a 32-ft right-of-way north of Willow Avenue, and a 35-ft pavement width inside a 43-ft wide right-of-way south of Willow Avenue.

GENERAL LAND USE INFORMATION

Existing Land Use: Warehouses and vacant land

Surrounding Land Use:

Proposed Use: Multi-use stadium / mixed use planned development with associated commercial uses **Density:**

Sector Plan: Central City **Sector Plan Designation:** MU-SD (Mixed Use Special District) (MU-CC3) & H

Growth Policy Plan: N/A (Within City limits)

Neighborhood Context: The parcels comprising the project area are located east of the Old City across from the James White Parkway and S. Hall of Fame Drive viaducts and next to First Creek to the south. This is an under-utilized area surrounded by warehouse buildings.

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

Street: Multiple addresses (see attached)

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: I-MU (Industrial Mixed-Use), I-G (General Industrial), & HP (Hillside Protection Overlay)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: None noted

if they were fully set out verbatim. To the extent there is a conflict or ambiguity between the terms of any of the Project Documents, and notwithstanding anything to the contrary in the foregoing documents, the order of priority listed below will be used for purposes of resolving the conflict or ambiguity:

1. The Approved Final Plan;
2. The Approved Preliminary Plan, Planning File No. 9-A-21-PD, attached as Exhibit A;
3. The City of Knoxville Zoning Code.

Comments:

PROJECT DESCRIPTION

GEM Development Group is proposing a multi-use stadium, mixed-use development under the Planned Development section of the Zoning Ordinance (Section 16.7). The applicant has stated that, "...the site will consist of a public multi-purpose sports stadium along with privately developed mixed-use buildings. The mixed-use buildings on site are anticipated to house apartment units, condominiums, retail space, and office space. Additional retail space facing Jackson Avenue is anticipated within the Multi-Use Stadium [parcel]. The proposed Multi-Use Stadium will serve as the home of a local minor league baseball team, a local professional soccer team, and also serve as a downtown destination site for hosting concerts and other outdoor entertainment events. In addition to the public nature of the Stadium, the proposed development will provide other public amenities such as new public plaza(s) and new pedestrian-oriented streetscapes along the surrounding rights of way."

The project is expected to be constructed in two or more phases. Phase 1 will include the buildings south of E. Jackson Avenue, including the actual stadium. The property north of E. Jackson Avenue will be a surface parking lot in phase 1. Phase 2 will include a large building fronting E. Jackson Avenue on the north. This building will house a large retail establishment (planned for a grocer, but tenants are as of yet undetermined) and a parking garage and will take the place of the surface parking lot. See Exhibit C.0 (Planned Development- Final Plan-Phase Diagram) for more information on the properties included in Phases 1 and 2.

SITE DESCRIPTION

The site is located in the Magnolia Warehouse District, east of The Old City. It encompasses the property between S Hall of Fame Drive and Florida Street from east to west, with a couple of parcels outside of those bounds. From north to south, it encompasses property between the railroad tracks above E Jackson Avenue and First Creek.

The surrounding development primarily consists of warehouse buildings, most of which are one-story structures. The area has an industrial, warehouse district atmosphere and does not include a lot of pedestrian activity. Some of the buildings in the area are in various states of disrepair with boarded-up windows.

Outside of the Old City across the viaducts, the nearest residences are currently located on Henrietta Avenue, backing up to Harriet Tubman Street. The Austin Homes housing development by Knoxville Community Development Corporation (KCDC) is currently underway and will be located across First Creek to the south.

ROAD NETWORK

Several modifications to the road network are proposed where the planned development is to be located. A traffic impact study has been submitted that describes road modifications that will occur, as well as detailing some preliminary recommendations. In addition to those described in the traffic impact study, the following modifications have been requested:

1. Patton Street -- Closure between Willow Avenue and E. Jackson Avenue; the roadway would be reconfigured as a private drive.
2. Campbell Avenue -- Closure from S. Hall of Fame Drive on the west to Florida Street.
3. Willow Avenue -- Closure between Patton Street and Florida Street to be incorporated as part of the stadium property. Willow Avenue will become non-contiguous after construction, so one section of it will need to be renamed in accordance with Article II, Section 5 (Street or Subdivision Name Change Application) of the Knoxville-Knox County Planning Commission Administrative Rules and Procedures.
4. Humes Street -- Closure between the railroad and E. Jackson Avenue (during Phase 2).

These changes are not part of the scope of the planned development approval but will be required to comply with all City of Knoxville Engineering standards. More detail about other proposed changes can be found in the draft Traffic Impact Study submitted as part of this application.

A preliminary circulation and operations plan has been submitted per the preliminary plan and will be reassessed in the future if needed (Appendix G.4).

APPROVED EXCEPTIONS FROM DISTRICT REGULATIONS AND CONFORMANCE TO THE PRELIMINARY PLAN

The following exceptions to the underlying dimensional, design, and use standards were recommended by the Planning Commission and approved by the City Council on October 5, 2021 as part of the preliminary plan for the multi-use stadium / mixed use planned development. Please refer to the Project Summary provided by the applicant for information on the rationale and justification for each of the exceptions listed (beginning on p. 8). The zoning ordinance articles referenced for each topic below correspond to the organization of the Project Summary.

Items for which no exception was granted are required to comply with I-MU zoning standards and the other articles of the zoning ordinance as appropriate. Items for which an exception were granted are reviewed for substantial conformance below. Under each exception is verification that the proposal is in substantial conformance with the approved preliminary plan.

1. Uses. As tenants are identified they will be evaluated according to the approved preliminary plan. Two of the proposed uses are allowed as a special use inside the Planned Development per the approved preliminary plan. See Staff Report Appendix A for evaluation of the items below as a special use.
 - a. The stadium is considered an "outdoor amusement facility" (Articles 6.2 and 9.3), which is allowed as a special use.
 - b. The surface parking lot proposed for phase 1 north of Jackson Avenue is also allowed as a special use.
2. Dimensional Standards (Article 6.3). All proposed heights are below the maximum building height of 175 ft allowed for the planned development.
 - a. Building form is yet to be finalized, and a range of building heights are proposed for each building. The height range is specified in the Building Data Summary on Exhibit D.8 (Building Coverage Per Lot) and is shown on the building height dimensions in Exhibits E.1 through E.5 as follows:
 - Stadium (excluding playing field): 36 ft to 52 ft proposed
 - Building A: 90 ft to 132 ft proposed
 - Building B: 74 ft to 89 ft proposed
 - Building C: 74 ft to 89 ft proposed
 - b. The mixed use buildings surrounding the stadium will be located on their own lots. The proposal is in compliance with the planned development 0-ft. side and rear setbacks. A Concept Plan will be required if 6 or more lots are proposed.
 - c. The build-to zone has been depicted on the site plans which illustrates compliance with the front setback build-to zone requirements. A build-to percentage specifies the percentage of the building façade that must be located within a build-to line or build-to zone. Plazas and other open space features are counted as meeting the build-to percentage.
3. Design Standards (Article 6.4). One exception was requested from the design standards, for repeating patterns or materials to repeat every 100 ft. (6.4.A). Compliance will be verified during permitting.
 - a. The precise placement of various materials on the elevations is not as significant as the repetition and fenestration percentage when reviewing for compliance at this stage. Since the proposed materials will be required to meet the standards of the zoning ordinance and preliminary plan, the specific location of these materials can be determined as part of the permitting process.
4. Exterior Lighting (Article 10.2).
 - a. A lighting plan was submitted for the stadium. The photometric plan for the stadium shows the light levels at 0 footcandles (fc) at the rights-of-way lines (10.2.B.1).
 - b. Lighting for the mixed use buildings surrounding the stadium will be submitted at a future date in accordance with the exception granted in the preliminary plan (10.2.A) allowing lighting plans to be submitted at a future time.
 - c. Proposed fixtures meet the exceptions granted in the preliminary plan (10.2.B).
 - d. Lighting plans list the mounting height and pole height to be 110 ft or below. (10.2.C.3.a).
 - e. Flashing or flickering lights (10.2.D.1).
 - The LED screens will feature flashing and flickering lights. These are primarily internal to the site and an exception was granted during the preliminary plan.

- There is also the potential for flashing and flickering lights in the stadium, as the “Show Light Entertainment Package” is a standard feature with Musco Lighting Company (stadium lighting provider) for the LED light fixtures. The stadium lights will have the ability to be programmed to flash or flicker. The lighting consultant has stated that the lighting intensity of these lights would not exceed what has been provided in the analysis in Exhibit C.6 (Photometric Calculations). However, the stadium lighting should only be programmed to allow flashing and flickering during approved and permitted special events.
- f. With regard to glare on nearby roadways, the stadium light fixtures in the northwestern corner of the stadium will be visible from the intersection of Willow Avenue and S. Hall of Fame Drive. A note from the lighting consultant stating that, “a glare impact study has been conducted and showed that the glare impact level at the intersection of E. Summit Hill Dr. and S. Hall of Fame Dr. is 0 candela. As a point of reference, a candela level between 25,000 and 75,000 candela is equivalent to the high beam headlights of a car. A candela level of 500 or less is equivalent to a 100W incandescent light bulb.”
- g. No searchlights, laser source lights, or similar high-intensity lights (10.2.D.2) are proposed at this time. These would be requested for special events on a case-by-case basis to be permitted through the City of Knoxville.
- h. If not listed in the preliminary plan exceptions above, any exterior lighting proposed must also meet zoning ordinance requirements. For example, the proposed stadium lighting fixtures will be shielded to meet Articles 10.2.B.6 and 7.
- 5. Accessory Uses and Structures (Article 10.3).
 - a. Flag pole locations are yet to be finalized; however, the project proposes up to 11 flag poles to be located within the stadium and public plazas. This is in compliance with the preliminary plans, which granted an exception from the flag pole maximum of 3 poles for a site.
 - b. No other accessory structures associated with the approved exceptions were proposed. Proposal of any additional accessory uses and structures (Article 10.3) would be a modification to the final plan and would be reviewed at such time of submittal in accordance with Article 16.7.F as either a major or minor modification. For example, an additional ticket booth is an additional accessory use that could be proposed at a future time.
- 6. Required Off-Street Parking (Article 11.4). No off-street parking is required for the multi-use stadium; residential parking in the multi-use buildings will be required to comply with the zoning ordinance (11.4.A). No exceptions from the zoning ordinance requirements have been requested for residential parking, so it is not part of the planned development and would be reviewed at the time of permitting. Vehicular and bicycle parking will be submitted during the permitting process.
- 7. Access and Driveway Design (Article 11.7). The proposal does not exceed the maximum number of driveways allowed by the lot sizes, and the development was granted exceptions from the corner clearance requirements.
- 8. Master Sign Plans for Unified Developments (Article 13.7). A master sign plan will be submitted at a later date.
- 9. Required Off-Street Loading Spaces (Article 11.10).
 - a. The mixed-use buildings are not required to provide off-street loading spaces. No loading areas are shown on the plans for the mixed use buildings (Buildings A, B, and C), and this is in compliance with the exception eliminating this requirement for those buildings.
 - b. No exceptions have been requested for stadium event loading and unloading. Loading and unloading for stadium activities would occur along the private right-of-way on the west and/or off of the south entrance of Florida Street. The intent is to close the private right-of-way for large event loading and unloading for the stadium, and/or to use the driveway off of Florida Street. Neither is a loading space designated with striping or other markers; however, both areas exceed the loading dock dimensional requirements of Article 11.10.D of the zoning ordinance.

ZONING ORDINANCE REQUIREMENTS: I-MU (INDUSTRIAL-MIXED USE) DISTRICT AND LANDSCAPING

The following are standards for which no exceptions were requested. Under each criterion is verification that the proposal is in compliance with the zoning ordinance.

1. Building and Site Design (Article 6.4, Table 6-2). No exceptions were sought for the following standards, and the project proposal meets the zoning ordinance requirements for the I-MU zone.
 - a. The proposed fenestration meets the 30% minimum required at ground level and the 15% minimum required for upper levels. This is noted in the Fenestration Design Table on Exhibits E.1 through E.5 and is depicted on the elevations.

- b. The proposal meets commercial site design requirements for pedestrian access as sidewalks are provided from the public rights-of-way and walkways are provided throughout the stadium area.
 - c. No surface parking is proposed between the building and the front lot line.
2. Landscaping (Article 12). No exceptions were sought for this Article. An Alternative Landscape Design will be submitted meeting the requirements of Article 12.2.D.

ADDITIONAL MEASURES

1. Building Coverage: Neither the I-MU zone nor the preliminary plan have any requirements for building coverage. However, per Article 16.7.F (Modifications to Approved Plans), if a modification to a plan resulted in a difference to the building coverage, it would require another round of approvals. A change to the building coverage on a lot amounting to less than 10% would require Planning Commission approval; a change to the building coverage greater than 10% would require City Council approval. Therefore, a range of building coverage is proposed to reduce the need for later approvals by the Planning Commission or City Council for items that have not yet been finalized, but that would not affect the overall planned development.
- a. Stadium (excluding playing field): 20-26% proposed
 - b. Building A: 60%-100% proposed
 - c. Building B: 75%-100% proposed
 - d. Building C: 75%-100% proposed

The proposal is in compliance with the preliminary plan of the planned development and with the other dimensional and design standards of the I-MU (Industrial-Mixed Use) district and no nonconformities were identified by staff as part of this review.

If the final plan is approved by the Planning Commission, the application will go forward to City Council for consideration of an amendment to the official zoning map to add the PD (Planned Development) designation.

APPENDIX A.1 SPECIAL USE EVALUATION FOR STADIUM AS AN OUTDOOR AMUSEMENT FACILITY

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The One Year Plan and Central City Sector Plan both have this property designated as MU-SD, CC3 (Mixed Use-Special District, SoMag) which allows consideration of the MU-RC (Mixed Use-Regional Center) and LI (Light Industrial) land use classes. MU-RC is described as intended for the highest intensity mixed use centers and should be serviced by sidewalks, transit systems, and on major arterials. An outdoor amusement facility would meet this description, and the proposed development meets all of the listed criteria associated with MU-RC. And the LI land use class allows the I-MU base zone, which in turn allows outdoor recreational facilities as a special use regardless of whether a Planned Development (PD) designation is in place.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

- A. Both the original I-MU (Industrial-Mixed Use) base zoning and the approved preliminary plan allow outdoor amusement facilities as a special use.
- B. The approved preliminary plan contains exceptions with which the applicant must comply.
- C. The proposal meets all requirements of the Planned Development, as well as other criteria for approval of a special use.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The project summary was approved as part of the preliminary plan and goes into great detail regarding the surrounding area and the public benefits anticipated by the proposed stadium development. The project summary has been submitted with the final plan to provide guidance for plan review. Refer to the "Site Description" section of the staff report and the "Public Benefit" section on p. 4 of the Project Summary for more information.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The development would be required to comply with the Article 10 of the City of Knoxville Zoning Ordinance standards for the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5. All aspects of the zoning ordinance shall apply unless an exception has been granted and a special event permit

issued, if applicable.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Additional traffic will not be drawn through residential streets because the project is bordered by nonresidential streets and is just off of S. Hall of Fame Drive, a major arterial.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

APPENDIX A.2 SPECIAL USE EVALUATION FOR A SURFACE PARKING LOT (PHASE 1, NORTH SIDE OF E. JACKSON AVENUE)

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The One Year Plan and Central City Sector Plan both have this property designated as MU-SD, CC3 (Mixed Use-Special District, SoMag) which allows consideration of the MU-RC (Mixed Use-Regional Center) and LI (Light Industrial) land use classes.

B. The SoMag District is part of the Magnolia Avenue Corridor Plan. The plan recommends a mix of uses, including vertical mixed-use buildings, multi-level structures, office, institutional, and residential uses. The historic forms of the Old City, specifically buildings with front doors next to the sidewalk, are encouraged in the SoMag District, with the exception of Summit Hill Drive, where buildings should be set farther back.

C. In recognition of the opportunity for a denser, more urban network similar to what is found in the Old City, the plan recommends underground parking and parking structures in the Summit Hill area, as well as placing parking lots to the side and rear of buildings. However, the surface parking lot proposed in Phase 1 is a stand-alone use. Staff believes a surface parking lot is not out of character with the area as an extension of the Old City, which also has surface parking lots.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The original I-MU (Industrial-Mixed Use) base zoning allows surface parking lots as a special use, and the approved preliminary plan for the stadium project added parking lots as a special use.

B. The approved preliminary plan contains exceptions with which the applicant must comply.

C. The proposal meets all requirements of the Planned Development, as well as other criteria for approval of a special use.

D. A landscape plan for the parking lot will be required that must comply with the zoning ordinance.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The surface parking lot on the north side of E. Jackson Avenue is proposed for Phase 1 only. Building G is proposed for the site as part of Phase 2. During the interim, the parking lot will also function as a staging area. Due to the size of the project and construction necessary, a staging area will provide relief from construction vehicles parking in the street in addition to the staging functions that will occur.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The development would be required to comply with the Article 10 of the City of Knoxville Zoning Ordinance standards for the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5. All aspects of the zoning ordinance shall apply unless an exception has been granted and a special event permit issued, if applicable.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Additional traffic will not be drawn through residential streets because the project is bordered by nonresidential streets and is just off of S. Hall of Fame Drive, a major arterial.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE

ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

Action: Approved with Conditions **Meeting Date:** 11/10/2021

Details of Action:

Summary of Action: Approve the final plan for the multi-use stadium/mixed-use planned development because it is in substantial compliance with the approved preliminary plan (9-A-21-PD), subject to 12 conditions.

Recommend that City Council amend the zoning map to add the PD (Planned Development) designation for those properties identified in Exhibit C.0 (Planned Development- Final Plan-Phase Diagram) as Phase 1.

Date of Approval: 11/10/2021 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 12/14/2021 **Date of Legislative Action, Second Reading:** 1/11/2022

Ordinance Number: **Other Ordinance Number References:** O-9-2022

Disposition of Case: Approved **Disposition of Case, Second Reading:** Approved

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**