

# CASE SUMMARY

**APPLICATION TYPE: REZONING**



**File Number:** 5-B-19-RZ                      **Related File Number:**  
**Application Filed:** 3/20/2019                      **Date of Revision:**  
**Applicant:** BRIAN EWERS / DOLLAR & EWERS ARCHITECTURE

## **PROPERTY INFORMATION**

**General Location:** Southwest side of Lamar Street, Southeast side of 3rd Avenue  
**Other Parcel Info.:**  
**Tax ID Number:** 94 D K 002                      **Jurisdiction:** City  
**Size of Tract:** 15163 square feet  
**Accessibility:** Access is via Lamar Street, a local street with 40' of pavement within 56' of right-of-way, and Third Ave., a local street with 36' of pavement within 60' of right-of-way.

## **GENERAL LAND USE INFORMATION**

**Existing Land Use:** Office  
**Surrounding Land Use:**  
**Proposed Use:** Mixed use - potential food service, mercantile or business on ground level, residence 2nd level                      **Density:**  
**Sector Plan:** Central City                      **Sector Plan Designation:** MU-SD, MU-CC1  
**Growth Policy Plan:** City  
**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.

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

**Street:** 621 Lamar St  
**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**Previous Requests:** 1-P-05-RZ, Approved /MPC 1-13-05; Approved / Council 2-15-05; Denied / Council 3-1-05 - Withdrawn  
**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**History of Zoning:** C-6 zoning was proposed for the property in 2005 but was withdrawn prior to City Council action (1-P-05-RZ).

## **PLAN INFORMATION (where applicable)**

**Current Plan Category:**

Requested Plan Category:

**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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

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

Staff Recomm. (Full):

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.

**Action:** Approved **Meeting Date:** 5/9/2019

**Details of Action:**

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

**Date of Approval:** 5/9/2019

**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:** 6/4/2019

**Date of Legislative Action, Second Reading:** 6/18/2019

**Ordinance Number:**

**Other Ordinance Number References:** O-95-2019

**Disposition of Case:** Approved

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

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**