

PLANNING COMMISSION CASE REPORT

Case Number: 2015-033

PC Meeting Date: 03-09-15

Applicant Request**Rezone from M-1 Manufacturing Zone to C-3 Central Business Zone**

Property Location:	216 Market Street
Property Owner:	JUMP GP/Jasmin Patel
Applicant:	Passpointe Engineering/Jan Pass

Project Description

- The applicant is proposing to demolish the existing liquor store building and construct a new building for the liquor store.
- The first floor will be retail and the partial second floor will accommodate the company's offices.
- The applicant's site plan proposes a one- and two-story building to be located up to the sidewalk at the corner of 3rd Street and Market Street, on the southern half of the site, with 21 on-site parking spaces on the northern half of the site.

Site Analysis**Site Description**

- The one half-acre site is located on the northeast corner of Market Street and 3rd Street.
- Access: Currently, access to the site is from Market Street.
- Development form: The current building on this site is one-story in height. There are two-story buildings adjacent to this site on the north end of the same block. Across Market Street to the west is a series of one-story buildings approximately 20 feet in height (the Old Carta Bus Barns). On the opposite corner to the south is a two-level parking structure. Adjacent to the rear and located on a hill east of the site are eight three-story townhomes. A retaining wall separates the subject property from the townhomes.
- Land Uses: There is a mixture of residential and non-residential uses within a 1,000-foot radius of the site.

Zoning History

- The site is currently zoned M-1 Manufacturing.
- The C-3 Central Business Zone adjoins the site to the north, south, and west. The R-4 Special Zone adjoins the site to the east.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The M-1 Manufacturing Zone permits most non-residential uses and requires a 25-foot front building setback and a 10-foot side building setback. The M-1 Zone also requires a 25-foot side and rear setback if it adjoins a residential zone as determined by the Zoning Enforcement division of the Land Development Office (423-643-5800).
- The C-3 Central Business Zone permits many non-residential uses, residential uses, and requires urban building heights and urban building setbacks.
- The Downtown Plan (adopted by City Council in 2004) makes no specific land use recommendation for this site but does support a mix of uses and site and building design that contributes to the downtown urban development form.

Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan as it includes both retail and office uses and at least a portion of the building is 2-story.
- The proposed use is compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed structure does not raise concerns regarding location, lighting, or height.

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- The proposal would be an extension of an existing zone.

Staff Recommendation

Approve, subject to the following conditions:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than 2 units, and excluding all interior renovations:

(1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.

(2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.

(3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

(1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

(1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.

B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.

C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the Riverwalk.

3. Height Requirements.

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- A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.
- B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be seventy-five (75) feet.

4. Access to sites and buildings.

- A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.
- B. Alleys, where they exist, shall be used as the principal vehicular access.
- C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- D. Shared drives should be used wherever possible.
- E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

- A. New off-street parking shall not be permitted between a building and the primary street frontage.
- B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:
 - (1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
 - (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.
- C. Garages for new residential dwellings shall be located behind the primary building.
- D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:
 - (1) Proximity to transit stops

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- (2) Provision of bicycle facilities
- (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
- (4) Type of uses and hours of operation
- (5) Square footage of commercial uses or number of residential units
- (6) Fire Department access

6. Street Frontage.

A. Where a street edge is required, it shall be provided as follows:

- (1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:
 - a. Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - b. A decorative metal fence with landscaping a minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or
 - c. An evergreen hedge, with a minimum height at maturity of 3 feet.
 - d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- (2) Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.
- (3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
- (4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

7. Landscape Buffer

- A. A 20-foot undisturbed landscape buffer of the existing vegetation shall be maintained along the eastern side of the property.