

**COMMUNITY FORUM--RESPONSE--RECODE KNOXVILLE--SUPPLEMENT 2: MAY 17, 2018**

**TOPIC 14: OFFICE ZONING DISTRICT**

**ISSUES PRESENTED:** 1. Should the O-1, Office, Medical and Related Services District, in our present zoning ordinance become a commercial zoning district as proposed in Recode, O, Office District?

2. Should Restaurants and Retail Goods Establishments, **not presently permitted** in the existing O-1 zoning district, be permitted principal uses in the proposed O, Office Districts?

3. Would the proposed O, Office District effectively serve as a **"transition between single-family residential areas and more intensely developed commercial or industrial areas"** if Restaurants and Retail Goods Establishments of any size, are permitted principal uses?

4. Do Restaurants and Retail Goods Establishments produce the same impact on neighboring properties as offices do regarding noise, odors, traffic generation, hours of operation, lighting, and general activity level?

5. Given the locations in our community of existing O-1 districts, often situated between sensitive areas such as residential neighborhoods and commercial areas, is the proposed O District, including the proposed Restaurant and Retail Goods Establishment uses, a reasonable substitute for the existing O-1 zoning district?

6. What is the rationale for this significant change between our existing O-1 District and the proposed O District?

7. Should Restaurants and Retail Goods Establishments be principal permitted uses in **every zoning district except** the Residential districts and the I-H, Heavy Industrial, AG, Agricultural, OS, Open Space, and NA, Natural Areas, as proposed in the Recode draft?

Restaurants and Retail Goods Establishments are proposed as principal permitted uses in: **All Commercial Zoning Districts** (O Office, C-N Neighborhood Commercial, C-G General Commercial, C-H Highway Commercial, C-R Regional Commercial, DK Downtown Knoxville, CU Cumberland Avenue, SW South Waterfront); **Four of the five proposed Industrial Zoning Districts** (IOP Industrial Office Park, I-MU Industrial Mixed-Use, I-RD research and Development; I-G General Industrial, but not I-H Heavy Industrial Zoning District); **All Special Purpose Zoning Districts** (AG General Agriculture, OS Parks and Open Space, NA Natural Area).

8. Are the standards that must be met in order to get approval for additional Maximum Gross Floor Area, sufficiently clear and meaningful to justify any increase in size?

**Article 5, 5.1, Purpose Statements, A, O, Office Zoning District, page 5-1, states: "*The O Office Zoning District is intended to provide for an environment of residential uses mixed with low intensity office, service, and retail uses. The O District may additionally serve as a transition between single-family residential areas and more intensely developed commercial or industrial areas within the City of Knoxville.*"**

**Article 9, 9.2, Use Matrix,** lists, among other uses, Restaurants, Retail Goods Establishments and Animal Care Facilities--Small Animal (with outdoor exercise areas), as permitted principal uses in the proposed O District.

**Article 5, 5.3, page 5-3, Table 5-1, Commercial Districts Dimensional Standards,** provides for a **Minimum Lot Area of 10,000 square feet** and a **Maximum Gross Floor Area**

**(Nonresidential uses Only) of 5,000 square feet.** However, the **Maximum Gross Floor Area may be increased** if the standards of Section **5.3.B**, are met.

Article 5, 5.3. B., page 5-2, states: **"B. In the O and C-N Districts, nonresidential development is limited to the maximum gross floor area indicated in Table 5-1. Additional gross floor area may be permitted if, during the site plan review, it is found that the development meets the following standards:**

- 1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.**
- 2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.**
- 3. The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design must minimize potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists."**

Article 15, 15.5, page 15-8 to 15-11, provides for Site Plan Review. It is unclear which of the possible "appropriate review and approval authorities" would review a request to increase the size of a permitted principal use. However, based on **Article 13, 13.4, B., page 13-1**, it appears that the Zoning Administrator would decide whether or not to allow an increase in the Maximum Gross Floor Area of, for instance, a Restaurant or General Retail Establishment, at a specific site.

**COMMENT:** The existing O-1, Office, Medical and Related Services District is proposed to be replaced with the O-Office District. The proposed O District would allow uses such as Restaurants, Retail Goods Establishments and Animal Care Facilities--Small Animals, including outdoor exercise areas. These uses have **not been permitted uses in the existing O-1 zoning district. See proposed ordinance Article 9, 9.2, Use Matrix; Existing Ordinance Article IV, 2, 2.2.1.**

**The proposed uses are contrary to the stated purpose of the proposed O Office Zoning District.** Restaurants, Animal Care Facilities with outdoor exercise areas, and Retail Goods Establishments, are **not "low intensity office, service, and retail uses."**

The Maximum Square Footage limitation provides little protection to adjoining property owners. Many fast-food restaurants are less than the stated 5,000 square foot limitation. Fast food restaurants are among the highest traffic generators per square foot of any use. And, as noted above, the maximum square-foot floor area can be increased without any stated limits. The proposed standards that must be met in order to increase Maximum Gross Floor Area are highly subjective, inadequate and meaningless in justifying an increase in gross floor area. This is especially true in the absence of any limit on the potential increase.

Given the present locations of Office-1 zoning in our community and their use as buffers, the inclusion of Restaurants and Retail Goods Establishments as proposed in O Office Zoning District, would be detrimental to surrounding properties.

Citizens supported rezonings to the existing O-1, Office, Medical and Related Services. Neighborhoods relied on the non-commercial nature of the O-1 District and the uses permitted in the district. They relied on the assurances from both planners and elected officials,

that the stated purpose of the O-1 District, to serve as a transition zone between residential uses and more intense commercial uses, made O-1 zoning a proper zone next to their homes. As a result, many of the O-1 sites face, or abut, residential areas and/or are located in sensitive areas where commercial activity would not be desirable.

Areas of Knoxville where existing O-1 zoning has been located include: Bearden Rd/Toole Dr, Sutherland Ave/Forest Heights, Old Weisgarber, East Weisgarber, Middlebrook Pike, hillside behind Fountain City Lake.

**REQUESTS:** 1. Delete Restaurants and Retail Goods Establishments from the proposed O-Office District.  
2. Maintain an actual office district in our zoning code.  
3. Allow only indoor pet services and require sound proofing and climate control.  
4. Most of the uses and dimensional standards for the proposed C-N, Neighborhood Commercial are the same as for the proposed O-Office District. Existing O-1 areas where uses such as Restaurants and Retail Goods Establishments are appropriate, should be considered for rezoning to C-N.