



Agenda Item # 5

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Director

MEETING DATE: February 8, 2007

SUBJECT: Amendments to the **City of Knoxville Zoning Ordinance** to establish form based zoning regulations for the South Waterfront Mixed Use Area, including the creation of SW1, SW2, SW3, SW4, SW5, SW6, and SW7 districts, and to revise related zoning text and references for definitions, signs, parking and landscaping, loading and storage, lighting, legal nonconformities and other related requirements and standards. 10-B-06-OA

STAFF RECOMMENDATION:

APPROVE amendments to the City of Knoxville Zoning Ordinance in two motions:

- a. To amend Article 3, establishing South Waterfront Districts, SW 1 through SW 7 and Article 4, adding as Section 27 the South Waterfront Form Based Development Code; and
- b. To amend Articles 2, 5, 6 and 7, amending certain definitions, supplementary regulations, references to non-conforming buildings, structures and uses of land and administrative and enforcement requirements related to the South Waterfront Form Based Development Code.

COMMENTS:

See attached staff report.



CITY OF KNOXVILLE, TENNESSEE

**METROPOLITAN
PLANNING COMMISSION**

AGENDA INFORMATION SHEET

AGENDA DATE: February 8, 2007

DEPARTMENT: South Waterfront Development

SR. DEPT. DIRECTOR: Dave Hill, Senior Director

AGENDA CAPTION

Consider recommending adoption of an ordinance of the Council of the City of Knoxville to amend Articles 3 and 4 of the City of Knoxville Zoning Ordinance, establishing South Waterfront Zoning Districts SW1 through SW7, adding the "South Waterfront Form Based Development Code", and amending the City of Knoxville Zoning Map by creating a map inset for the "South Waterfront Regulating Plan".

COUNCIL DISTRICT (S) AFFECTED

The Knoxville South Waterfront project area affected by the proposed zoning amendments is located in the First District, represented by Councilman Joe Hultquist. The redevelopment envisioned for the South Waterfront will have citywide impact.

UPDATE SINCE JANUARY 11TH MPC POSTPONEMENT

Following the January 11th MPC postponement of the South Waterfront Form Based Code, a South Waterfront Oversight Committee meeting was held on January 31st to discuss outstanding issues. As a result, Draft #6 of the proposed code is enclosed for MPC review. Several issues, including maximum building heights, maximum floor area, maximum lot size, maximum off-street parking requirements, proposed street alignments, and the River Buffer Setback were discussed by the Oversight Committee. The Oversight Committee recommended with near unanimous consent of the 18 members present that the consultant recommendations be accepted. Only two modifications were approved – the addition of a review process designed to address the reconstruction or expansion of nonconforming industrial structures as part of the Alternative Compliance requirements (Sections 2.7.1 and 2.7.8) and an adjustment of maximum parking requirements for the SW3, SW4, and SW5 zones from 2 spaces per 1,000 square feet of floor area to 3 spaces per 1,000 square feet of floor area.

The consensus of the Oversight Committee appeared to demonstrate a firm commitment to the planning and public involvement process dedicated over the last 1½ years to develop the South Waterfront Vision Plan and Action Plan, and several members felt that options such as the Alternative Compliance procedures or the forthcoming SW8 zone would provide flexibility to address property owner concerns. An annual evaluation of the code is required 1 year from the date of adoption, and the Oversight Committee mentioned this review as another opportunity to adjust the code if some of the standards do not operate as envisioned.

Draft #6 contains all of the revisions presented to the Commission on January 11th, summarized as follows:

- **SW1 Zone**
For the SW1 zone, a new standard should be added to the offstreet parking requirements, requiring a minimum of one (1) parking space per
- **SW3, SW4, SW5, SW6 and SW7 Zones**
The Property Development Standards for the SW3, SW4, SW5, SW6 and SW7 Zones, under “Footprint / Floor Plate” will add to each of the maximum square footage standards the following clause – *“This standard does not apply to the foot print / floor plate used for structured parking.”*
- **Streetscape Standards**
A note will be added to Section 6, Streetscape Standards, containing the following sentence for all street sections: *“Location and provision of some or all streetscape elements is subject to detailed design.”*
- **River Buffer Setback**
For all SW zones, delete all references to the 100-year floodplain line with respect to the River Buffer Setback.

BACKGROUND

Efforts to plan for and implement a redevelopment strategy for the Knoxville South Waterfront began in January 2005, when a Feasibility Study was commissioned to determine if a large scale approach would be economically realistic. Since that time, an extensive planning process accompanied by frequent public involvement opportunities, a market analysis, and several technical studies was completed through adoption of the Vision Plan in April 2006. The Action Plan, adopted in September 2006, recommended several implementation actions. One of the first steps was to create a Tax Increment Financing (TIF) District to support the financing of planned public improvement projects, which was accomplished in September 2006.

The proposed South Waterfront Form Based Development Code is a second step considered to be crucial to the success of Vision Plan implementation. The proposed code is intended to replace existing zoning, much of which currently allows industrial uses. As opposed to “Euclidean-based” zoning districts structured to regulated land use, the proposed code recognizes seven different “character areas” and encourages a mix of uses while at the same time regulating building form and streetscape design. The basis for setting zoning district boundaries and appropriate street sections is found in the “Regulating Plan”, which is included in the proposed code.

From June 2006, when the first “Pocket Guide” was provided to describe the proposed code conceptually, through December 2006, several public meetings, South Waterfront Oversight Committee meetings, and two City Council workshops have been held to discuss the proposed code. Many changes have been made in response to citizen and property owners comments, and with few exceptions, the proposed code appears to be well-supported by the public.

Acknowledging the relative newness of form based zoning as a regulatory tool, the proposed ordinance contains a provision requiring a performance analysis to be submitted to the City Council one year after the effective date of the proposed code. This provision will give affected property

owners and residents an opportunity to review the adopted code within a reasonable timeframe after it takes effect.

OPTIONS

The Commission may elect to recommend adoption of the proposed ordinance, recommend adoption with amendments, postpone for further consideration, or vote to recommend denial.

RECOMMENDATION

The Mayor's administration recommends adoption of the ordinance. Considerable time and effort has been dedicated to proper public review and revision of the proposed code, and consensus for adoption appears to be strong.

ESTIMATED PROJECT SCHEDULE

The tentative schedule for formal adoption of the Knoxville South Waterfront Form Based Development Code is:

January 11, 2007	Metropolitan Planning Commission (postponement)
February 8, 2007	Metropolitan Planning Commission
February 13, 2007	Knoxville City Council (1 st Reading)
February 27, 2007	Knoxville City Council (2 nd Reading)
March 16, 2006	Effective Date of Knoxville South Waterfront Development Code (if adopted)

PRIOR ACTION/REVIEW

The Knoxville South Waterfront Feasibility Study was completed in April 2005. The Knoxville South Waterfront Vision Plan was adopted in April 2006. The Knoxville South Waterfront Action Plan and the Knoxville South Waterfront Redevelopment and Urban Renewal Plan (establishing a TIF district) were both adopted in September 2006.

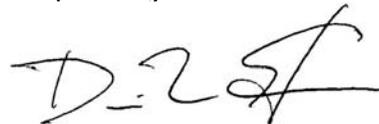
FISCAL INFORMATION

The adopted Vision Plan is intended to accommodate approximately \$815 million in private redevelopment, most of which is not permitted by current zoning regulations.

ATTACHMENTS

Draft Ordinance
Proposed Knoxville South Waterfront Form Based Development Code

Respectfully submitted:



Dave Hill
Senior Director

DRAFT

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND ARTICLES 3 AND 4 OF THE CITY OF KNOXVILLE ZONING ORDINANCE, ESTABLISHING SOUTH WATERFRONT ZONING DISTRICTS SW1 THROUGH SW7, ADDING THE "SOUTH WATERFRONT FORM BASED DEVELOPMENT CODE", AND AMENDING THE CITY OF KNOXVILLE ZONING MAP BY CREATING A MAP INSET FOR THE "SOUTH WATERFRONT REGULATING PLAN".

ORDINANCE NO: _____

REQUESTED BY: _____

PREPARED BY: _____

ADOPTED ON 1ST
READING: _____

ADOPTED ON 2ND
READING: _____

ADOPTED AS AN
EMERGENCY
MEASURE: _____

MINUTE BOOK _____ PAGE _____

WHEREAS, the Knoxville South Waterfront, characterized as the area between James White Parkway extending west to the railroad bridge near Neyland Stadium, has experienced recent development interest; and

WHEREAS, in April 2005, a Knoxville South Waterfront Feasibility Study was completed and concluded that public investment in a coordinated plan was justified and provided guidance for the structure and format of the vision and action plan; and

WHEREAS, from October 2005 through April 2006, an extensive planning process was undertaken to determine the future of the Knoxville South Waterfront, including the hiring of a professional consultant team, the performance of a series of working visits to collect information and technical data, conduct interviews, meet with the South Waterfront Oversight Committee, and hold three public workshops; and

DRAFT

WHEREAS, the Knoxville South Waterfront Vision Plan public involvement process enabled interested citizens to contribute, review, provide comments, and gain access to plan progress, which led to extensive citizen participation, consensus, and support; and

WHEREAS, the Knoxville South Waterfront Vision Plan established a sound and logical framework for South Waterfront redevelopment and public improvements to guide coordinated and high quality revitalization, strengthen downtown Knoxville's role as a regional center, provide new residential, employment, recreational, and entertainment opportunities, and improve Knoxville's tax base to the benefit of all citizens; and

WHEREAS, the Knoxville South Waterfront Vision Plan was adopted as per Resolution R-136-06 by the Knoxville City Council on April 25, 2006; and

WHEREAS, on January 17, 2006, the Knoxville City Council adopted Ordinance 0-12-06 amending the City of Knoxville One-Year Plan creating the "South Waterfront Mixed Use District" as a new land use classification and district designation in anticipation of completion of the South Waterfront Vision Plan; and

WHEREAS, the Knoxville South Waterfront Action Plan was adopted as per Resolution R-343-06 by the Knoxville City Council on September 12, 2006 to provide specific guidance in the interest of implementing the adopted Vision Plan over the next twenty years; and

WHEREAS, one of the first Vision Plan implementation actions taken was the adoption of the Knoxville South Waterfront Redevelopment and Urban Renewal Plan by the Knoxville City Council as per Resolution R-357-06, providing for the establishment of a tax increment financing district to support the construction of planned public improvements; and

WHEREAS, since April 2006, implementation of the Vision Plan has been acknowledged as being dependent on revisions to land use regulations to permit private redevelopment and construction of public improvements that preserve and enhance the physical characteristics of the area; and

WHEREAS, an extensive series of public meetings, South Waterfront Oversight Committee meetings, and Knoxville City Council workshops facilitated proper public review and revisions of new form-based development regulations for the South Waterfront; and

WHEREAS, these form-based development regulations are authorized by Tenn. Code Ann. § 13-7-201 because they regulate the location, height, bulk, number of stories and size of building and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces and the density of population in furtherance of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; and

WHEREAS, these form-based development regulations further advance the purpose of the City's zoning regulations in promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants and in maintaining and stabilizing the value of property in the South Waterfront area; and

WHEREAS, joint public notice of the proposed ordinance amendments to be heard by the Metropolitan Planning Commission on January 11, 2007 and the Knoxville City Council on

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January 14, 2007 and January 30, 2007 was published in the Knoxville News Sentinel on December 29, 2007, and the same public notice was mailed to property owners within the affected area, and

WHEREAS, the Metropolitan Planning Commission recommended approval of the proposed ordinance amendments on January 11, 2007, and

WHEREAS, the South Waterfront Form Based Development Code and Regulating Plan are considered essentially complete and constitute tools critical to the implementation of the South Waterfront Vision Plan and are recommended in the South Waterfront Action Plan,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE AS FOLLOWS:

SECTION 1: The City of Knoxville Zoning Ordinance, Article 3, Section 1, "ESTABLISHMENT OF ZONING DISTRICTS", is hereby amended to add:

SOUTH WATERFRONT DISTRICTS

- SW-1 Old Sevier and Scottish Pike
- SW-2 River Road, Goose Creek ROW and Island Home Avenue
- SW-3 Sevier Avenue
- SW-4 City View, Campus Cove and Quay Village
- SW-5 Bell Tower Walk
- SW-6 Henley Gateway
- SW-7 Waterfront Marketplace

SECTION 2: The City of Knoxville Zoning Ordinance, Article 3, Section 2, "ZONING MAP", is hereby amended, directing the Metropolitan Planning Commission to reflect the Knoxville South Waterfront Regulating Plan as an inset map and made part of the "Comprehensive City of Knoxville Zoning Map", held on file and available for public inspection in the office of the Metropolitan Planning Commission.

SECTION 3: The City of Knoxville Zoning Ordinance, Article 4, "SPECIFIC DISTRICT REGULATIONS", is hereby amended by creating a new Section 27 titled "SW1 – SW7 South Waterfront Districts", and by adding the regulations contained in the Knoxville South Waterfront Form Based Development Code, a copy of which is hereby attached.

SECTION 4: One year from the effective date of this ordinance, the Knoxville Council will be provided a performance assessment of the adopted South Waterfront Form Based Development Code, including recommendations for amendments.

SECTION 5: This Ordinance shall take effect seventeen (17) days from and after its passage, the welfare of the city requiring it.

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Presiding Officer of the Council

City Recorder

[Attachment: Knoxville South Waterfront Form Based Development Code]



CITY OF KNOXVILLE, TENNESSEE

**METROPOLITAN
PLANNING COMMISSION**

AGENDA INFORMATION SHEET

AGENDA DATE: January 11, 2007
DEPARTMENT: South Waterfront Development
SR. DEPT. DIRECTOR: Dave Hill, Senior Director

AGENDA CAPTION

Consider recommending adoption of an Ordinance of the Council of the City of Knoxville amending Articles 2, 5, 6, and 7 of the City of Knoxville Zoning Ordinance, amending certain definitions, supplementary regulations, references to non-conforming buildings, structures and uses of land, and administration and enforcement requirements related to the South Waterfront Form Based Development Code.

COUNCIL DISTRICT (S) AFFECTED

The Knoxville South Waterfront project area affected by the proposed zoning amendments is located in the First District, represented by Councilman Joe Hultquist. The redevelopment envisioned for the South Waterfront will have citywide impact.

BACKGROUND

The proposed ordinance is one of several measures needed to establish consistency between the Knoxville South Waterfront Form Based Code and other land development regulations adopted by the City of Knoxville. The amendments are intended to be considered after the Form Based Code has been adopted.

Several amendments to the city's zoning ordinance are proposed for one of two reasons – the revision is needed to clarify a provision that has a bearing on the future use of the South Waterfront Code, or a specific reference needs to be added to ensure that the South Waterfront Code can be properly administered and enforced.

OPTIONS

The Commission may elect to recommend adoption of the proposed ordinance, recommend adoption with amendments, postpone for further consideration, or vote to recommend denial.

RECOMMENDATION

The Mayor's administration recommends adoption of the ordinance, pending adoption of the Knoxville South Waterfront Form Based Development Code.

ESTIMATED PROJECT SCHEDULE

The tentative schedule for formal adoption of the Knoxville South Waterfront Form Based Development Code and related ordinance amendments is:

January 11, 2007 Metropolitan Planning Commission
January 16, 2007 Knoxville City Council (1st Reading)
January 30, 2007 Knoxville City Council (2nd Reading)
February 16, 2006 Effective Date of Knoxville South Waterfront Development Code

PRIOR ACTION/REVIEW

The Knoxville South Waterfront Feasibility Study was completed in April 2005. The Knoxville South Waterfront Vision Plan was adopted in April 2006. The Knoxville South Waterfront Action Plan and the Knoxville South Waterfront Redevelopment and Urban Renewal Plan (establishing a TIF district) were both adopted in September 2006.

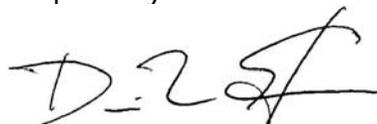
FISCAL INFORMATION

The adopted Vision Plan is intended to accommodate approximately \$815 million in private redevelopment, most of which is not permitted by current zoning regulations.

ATTACHMENTS

Draft Ordinance

Respectfully submitted:



Dave Hill
Senior Director

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE AMENDING THE KNOXVILLE CITY CODE, APPENDIX B, "ZONING REGULATIONS", ARTICLES 2, 5, 6, AND 7 REVISING AND ADDING CERTAIN DEFINITIONS, AMENDING CERTAIN SUPPLEMENTARY REGULATIONS RELATED TO THE SOUTH WATERFRONT AND OTHER SPECIFIC ZONE DISTRICTS, CLARIFYING REFERENCES TO NON-CONFORMING BUILDINGS, STRUCTURES AND USES OF LAND, AND ADDING ADMINISTRATION AND ENFORCEMENT REQUIREMENTS RELATED TO DEVELOPMENT REVIEW WITHIN THE SOUTH WATERFRONT ZONING DISTRICTS.

ORDINANCE NO: _____

REQUESTED BY: _____

PREPARED BY: _____

ADOPTED ON 1ST
READING: _____

ADOPTED ON 2ND
READING: _____

ADOPTED AS AN
EMERGENCY
MEASURE: _____

MINUTE BOOK _____ PAGE _____

WHEREAS, the Knoxville South Waterfront, characterized as the area between James White Parkway extending west to the railroad bridge near Neyland Stadium, has experienced recent development interest; and

WHEREAS, in April 2005, a Knoxville South Waterfront Feasibility Study was completed

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and concluded that public investment in a coordinated plan was justified and provided guidance for the structure and format of the vision and action plan; and

WHEREAS, from October 2005 through April 2006, an extensive planning process was undertaken to determine the future of the Knoxville South Waterfront, including the hiring of a professional consultant team, the performance of a series of working visits to collect information and technical data, conduct interviews, meet with the South Waterfront Oversight Committee, and hold three public workshops; and

WHEREAS, the Knoxville South Waterfront Vision Plan public involvement process enabled interested citizens to contribute, review, provide comments, and gain access to plan progress, which led to extensive citizen participation, consensus, and support; and

WHEREAS, the Knoxville South Waterfront Vision Plan established a sound and logical framework for South Waterfront redevelopment and public improvements to guide coordinated and high quality revitalization, strengthen downtown Knoxville's role as a regional center, provide new residential, employment, recreational, and entertainment opportunities, and improve Knoxville's tax base to the benefit of all citizens; and

WHEREAS, the Knoxville South Waterfront Vision Plan was adopted as per Resolution R-136-06 by the Knoxville City Council on April 25, 2006; and

WHEREAS, on January 17, 2006, the Knoxville City Council adopted Ordinance 0-12-06 amending the City of Knoxville One-Year Plan creating the "South Waterfront Mixed Use District" as a new land use classification and district designation in anticipation of completion of the South Waterfront Vision Plan; and

WHEREAS, the Knoxville South Waterfront Action Plan was adopted as per Resolution R-343-06 by the Knoxville City Council on September 12, 2006 to provide specific guidance in the interest of implementing the adopted Vision Plan over the next twenty years; and

WHEREAS, one of the first Vision Plan implementation actions taken was the adoption of the Knoxville South Waterfront Redevelopment and Urban Renewal Plan by the Knoxville City Council as per Resolution R-357-06, providing for the establishment of a tax increment financing district to support the construction of planned public improvements; and

WHEREAS, since April 2006, implementation of the Vision Plan has been acknowledged as being dependent on revisions to land use regulations to permit private redevelopment and construction of public improvements; and

WHEREAS, an extensive series of public meetings, South Waterfront Oversight Committee meetings, and Knoxville City Council workshops facilitated proper public review and revisions of new form-based development regulations for the South Waterfront; and

WHEREAS, the process of drafting the new form-based development regulations for the South Waterfront necessarily involved a review of the existing City of Knoxville Zoning Ordinance, and based on such review, it was determined that amendments to Articles 2, 5, 6, and 7 of the City of Knoxville Zoning Ordinance are necessary to revise and add certain definitions, to amend certain supplementary regulations related to the South Waterfront and

other specific zone districts, to amend Article 6 "Non-Conforming Buildings, Structures, and Uses of Land" clarifying that the provisions are subject to state law, and to add new administration and enforcement requirements relating to development review within the South Waterfront zoning districts.

WHEREAS, joint public notice of the proposed ordinance amendments to be heard by the Metropolitan Planning Commission on January 11, 2007 and the Knoxville City Council on January 14, 2007 and January 30, 2007 was published in the Knoxville News Sentinel on December 29, 2007, and the same public notice was mailed to property owners within the affected area, and

WHEREAS, the Metropolitan Planning Commission recommended approval of the proposed ordinance amendments on January 11, 2007, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE AS FOLLOWS:

SECTION 1: The Knoxville City Code, Appendix B, "Zoning Regulations", Article 2, "DEFINITIONS", is hereby amended as follows:

The following definitions are hereby deleted:

BUILDABLE AREA OF A LOT - That portion of a lot bounded by the required rear and side yards and the building setback line.

BUILD-TO LINE - A line running parallel to a street to which the front of buildings are sited.

FLOOR AREA RATIO - The relationship between the number of square feet of floor area in buildings and number of square feet of lot area.

FRONTAGE - All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

RIGHT-OF-WAY - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

STREET - A public thoroughfare (street, avenue, boulevard, lane) or space more than twenty feet in width which has been dedicated or deemed to be for public use.

STREET FRONTAGE - The lineal distance, measured horizontally and in feet, along that portion of the property adjacent to a street or highway.

The following definitions are hereby added, in proper alphabetical order:

BUILDABLE AREA – The area of the lot that building(s) may occupy. The buildable area sets the limits of the building footprint now and in the future – additions to structures must be within the designated area.

BUILDING LINE, REQUIRED – The building shall be built to the required building line (RBL) as shown on the regulating plan. The RBL is a requirement, not a permissive minimum as is a set back. The RBL for each site is shown on the applicable regulating plan. The minimum length of building that is required to be built to the RBL is shown on the appropriate building envelope standard.

FLOOR to AREA RATIO (FAR) – The ratio of building area to parcel area. FAR is calculated by adding all of the areas of each floor of the building together and dividing by the gross area of the parcel on which the building is sited.

FRONTAGE – The relationship of the building to a public way. The frontage line refers to the front setback line which may also be the required build to line (RBL). The private frontage is the area between the building and the private property line. The public frontage is the area between the private property line and vehicular lanes.

RIGHT-OF-WAY - An area used as a public way, measured from boundary line to boundary line, which may also accommodate public utilities.

STREET - The entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel.

STREET FRONTAGE – The lot line coincident with the RBL or that portion of the building that is coincident with the RBL as required by the code. The lineal distance is measured horizontally and in feet.

The following definition is hereby amended, as noted in bold italics:

PEDESTRIAN PLAZA - An area devoted strictly to pedestrian use which provides access to two or more businesses. Such space shall be surfaced with material generally used for pedestrian traffic and available to the general public during hours which adjoining establishments are open for business. Indoor pedestrian plazas used to meet requirements of this ordinance shall have a minimum width of fifteen feet. ***A pedestrian plaza may also be called a COURTYARD, CIVIC GREEN, or SQUARE.***

SECTION 2: The Knoxville City Code, Appendix B, “Zoning Regulations”, Article 5, “SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS”, is hereby amended by adding the following language as noted in bold italics or deleting the following language shown as strike through text:

Article 5, Section 1, second paragraph, page 5.1-1, is hereby amended to read:

"All uses permitted in **South Waterfront Zoning Districts**, the Planned Industrial Parks, Restricted Manufacturing and Warehousing, General Industrial, and Heavy Industrial District, whether such use is permitted as a principal use or as an accessory use, shall be subject to these standards; evidence of ability to comply shall be required prior to the issuance of a building permit or a certificate of occupancy, and continued compliance shall be required during operation of such uses and activities."

Article 5, Section 1.B., first sentence, page 5.1-2, is hereby amended to read:

"The following regulations shall apply to all Industrial ~~Districts~~ **uses**:"

Article 5, Section 1.B.1., second paragraph, directly below the table on page 5.1-2, is hereby amended to read:

"Where any Industrial ~~District~~ **use** adjoins a district permitting residences the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six decibels from the maximum permitted level in the table.

Article 5, Section 7.A., page 5.7-1, is hereby amended by adding the following sentences directly under Section 7.A, "OFF-STREET PARKING REQUIREMENTS":

"These regulations are applicable in zone districts without specific off-street parking requirements exclusive to the zone district. If specifically provided, the requirements in Article 4 shall prevail."

Article 5, Section 7.B., page 5.7-16, is hereby amended by adding the following sentences directly under Section 7.B, "ACCESS AND DRIVEWAY REQUIREMENTS":

"These regulations are applicable in zone districts without specific access and driveway requirements exclusive to the zone district. If specifically provided, the requirements in Article 4 shall prevail."

Article 5, Section 9.A., page 5.9-1, is hereby amended to read:

"Except in Neighborhood and Community Shopping Center Districts which are regulated in Article 4, Sections 12 and 13 **and South Waterfront Zoning Districts which are regulated in Article 4, Section 27**, on-street loading and unloading space shall be provided as follows:"

Article 5, Section 10, page 5.10-1, is hereby amended by adding the following sentences directly under Section 10, "SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES":

"These regulations are applicable in zone districts without specific sign, billboard and other advertising structure requirements exclusive to the zone district. If specifically provided, the requirements in Article 4 shall prevail."

Article 5, Section 17, page 5.17-1, is hereby amended by adding the following sentence directly under Section 17, "LIGHTING":

"Additional regulations as specified in Article 4 for specific zone districts shall apply."

SECTION 3: The Knoxville City Code, Appendix B, "Zoning Regulations", Article 6, "NON-CONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND", is hereby amended by adding the following sentence at the beginning of the Article:

"Land uses which existed legally upon the effective date of a zoning change, but which are not in conformance with all the applicable provisions of the adopted or amended zoning regulation, shall be subject to the provisions of this section to the fullest extent permitted by state law."

SECTION 4: The Knoxville City Code, Appendix B, "Zoning Regulations", Article 7, "ADMINISTRATION AND ENFORCEMENT", is hereby amended by adding the following language as noted in bold italics:

Article 7, Section 5 is hereby renamed to "PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW ***AND DEVELOPMENT WITHIN SOUTH WATERFRONT ZONING DISTRICTS***"

A new Article 7, Section 5.C, with the following language to be added:

"C. DEVELOPMENT REVIEW PROCESS WITHIN SOUTH WATERFRONT ZONING DISTRICTS

All development within South Waterfront Zoning Districts shall comply with the review procedures as specified in Article 4, Section 27, Part 1 (Administration)."

SECTION 5: This Ordinance shall take effect seventeen (17) days from and after its passage, the welfare of the city requiring it.

Presiding Officer of the Council

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¶
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City Recorder

SHEPPEARD, SWANSON & MYNATT, PLC

ATTORNEYS AT LAW

616 W. HILL AVENUE

KNOXVILLE, TENNESSEE 37902

SARAH Y SHEPPEARD††

CHARLES W. SWANSON†

WILLIAM A. MYNATT, JR.†

†CERTIFIED CIVIL TRIAL SPECIALIST
*SUPREME COURT RULE 31 MEDIATOR

MAILING ADDRESS
POST OFFICE BOX 2149
KNOXVILLE, TENNESSEE 37901-2149

TELEPHONE (865) 546-3653
FACSIMILE (865) 637-7300



January 10, 2007

Mr. Mark Donaldson
Executive Director
Metropolitan Planning Commission
400 Main Street, 4th Floor
City/County Building
Knoxville, TN 37901

Re: South Waterfront Development Code

Dear Mr. Donaldson:

I am writing this letter to you on behalf of my client, City Councilmember Joe Hultquist. As you know, of course, Councilman Hultquist is the Councilmember who represents the First Councilmanic District which includes the area which is encompassed by the proposed South Waterfront Development Code. The South Waterfront Development Code currently is scheduled to be heard on the Metropolitan Planning Commission agenda at the January 11, 2007, meeting.

On behalf of Councilman Hultquist, I would like to request that the members of the Metropolitan Planning Commission consider a very minor amendment to the proposal as submitted. That minor amendment would involve adding to the territory encompassed by district SW-6 a parcel of property located on Blount Avenue immediately west of the Norfolk Southern Railroad tracks, which is more specifically designated as Parcel Number 108 EA 002. This minor alteration to the SW-6 boundary line would expand the SW-6 Henley Gateway District so as to frame the rail line as well as Chapman Highway.

I would appreciate it very much if you would raise this proposed minor alteration to the SW-6 District with the members of the Metropolitan Planning Commission for their consideration at the January 11 meeting. Of course, I understand that raising this issue for the Commissioners' consideration does not imply that either you or the members of your professional staff necessarily will endorse this amendment. As usual, I am sure that you and the members of your staff will give the Commissioners the benefit of your best objective thoughts and advice on the proposed amendment although, obviously, Mr. Hultquist's preference would be that you find the rationale for including this additional parcel as persuasive and in the best overall interest of creating an excellent

South Waterfront Development Code.

If you have any questions or if you desire further information concerning any of the foregoing, please do not hesitate to contact me. Thank you very much for your anticipated courtesy and cooperation in this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Charles W. Swanson", with a long horizontal flourish extending to the right.

Charles W. Swanson

CWS/akm

cc: Councilmember Joe Hultquist

We are concerned about zoning changes that could allow high density multi family homes next door. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	REASON I CAN'T OFTEN COME TO MEETINGS
JUNIOR LEVIN	2717 Blount Ave		WORK
Kyla + George Davis	2709 Blount Ave		WORK
Matthew Davis	2709 Blount Ave		work
A Brett Spaulding	2701 Blount	573-5900	work
Tessa Ventura	2701 Blount Ave	573-5900	work
Sybil Caughon	2526 Blount ave	573-7339	WORK
Raymond Young	2504 Blount Ave		
STAY WATSON	2320 W. Blount Ave	573-9229	WORK
Swendolyn Tadgott	2308 Blount Ave.	579-5137	Retired
Keona Crisp Grayson			Retired

We are concerned about zoning changes that could allow high density multi family homes next door. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	REASON I CAN'T OFTEN COME TO MEETINGS
Betty G. Hansen	2529 Blount Ave.	573-5173	Timing, example MPC 1:30 pm.
Walter D. Warren	2529 Blount Ave	573-5173	
Jerry Brown	2615 Blount	573-6027	
Larry Currie	2638 W Blount	684-9318	
Kendall	318 Redwine		
George Parvate	611 Redwine	405-91017	
Marilyn Pleasant	289 W Blount	384-5458	

We are concerned about zoning changes that could allow high density multi family homes next door. Please take steps to ensure that the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	REASON I CAN'T OFTEN COME TO MEETINGS
James Eamon	2804 Scottish Pl	57609-9052	Work
Lived Here	15 YRS		
HELEN NESS	2816 SCOTTISH PL	-	I DON'T DRIVE
I've BEEN HERE ALL MY LIFE			
Mary & Paul Woban	2907 Scottish Pike	573-0571	SICKNESS
HUSBAND HAS LIVED HERE SINCE AGE OF 13 NOW 70 YEARS OLD			
Barbara Davidson	2911 Scottish Pike		Baby seat, don't drive
I have lived here 46 yrs. My son at 2910 Scottish Pike. don't			
Paul Davidson	2911 Scottish Pike		Don't want to sell WORK TO LIVE
I have been here lived here 45 yrs.			
This is a good neighborhood I want to keep it like that			
Don't want to ruin it with any more condos			

We are concerned about zoning changes that could allow high density multi family homes next door. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	REASON I CAN'T OFTEN COME TO MEETINGS
Kim Murphy	2811 Scottish PK	258-1784	I'm Handicapped dont get out much
This house has been in my family 4 ever			
Debbie Davick 2810 Scottish PK			take care of Mother
Janeth Harper	2809 W Belmont Ave	579-0080	I work nights
This is a nice neighborhood if more apartment are built there will be trouble more traffic more displacement			

We are concerned about zoning changes that could allow high density multi family homes next door. Please take steps to make sure the South waterfront neighborhoods will keep their character.

REASON I CAN'T OFTEN COME TO MEETINGS

NAME

ADDRESS

PHONE

Sickness don't want to be
Bothered
I work !!

Randy Hurst (BY PD) 2908 Scottish Pike

Ferris Keffer 2815 Scottish PK

SPM 2813 "

Adrian Hill 2902 Scottish PK

To much work

don't see why want to run as of t

RICHARD B BECKER 208 PINE PK

We are concerned about zoning changes that could allow high density multi family homes next door. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME ADDRESS PHONE REASON I CAN'T OFTEN COME TO MEETINGS

Bess Newton 511 M. MOSA AVE 300-6667 work-related

There are lots of families and owners on M. MOSA AVE, and until now, we haven't felt that our street would be negatively affected, we'll be at the next meeting!

William McNeill 603 AUGUSTA AVE 310-5044 work-related

MARSHIA OLSON 601 AUGUSTA AVE 577-1234

1. We are concerned with the loss of our properties and their value due to the increased Right-Of-Ways (ROW) on Phillips Ave, Langford, Claude, Barber, Dixie and the alley ways.

2. We are also concerned about zoning changes that could allow high-density multi family homes next door and uncontrolled parking and parking garages.

Please take steps to make sure the south waterfront neighborhoods will keep their small town neighborhood atmosphere.

NAME ADDRESS PHONE REASON I CAN'T OFTEN COME TO MEETINGS

Sherry Waldman 804 Phillips Ave 573-1227 work found

Comment: Please see attached sheet

Chris - work hours

Chris + Branda Diles 804 Phillips Ave 573-1227

Branda - have 2 small children that have homework every night

Comments: I have small children and do not want their yard taken away and do not want more traffic going up and down our street.

Dixie not safe.

Comments: Mrs. Jeanette S. Winter 573-7619 607 Phillips Ave -

it is not fair to widen Phillips Ave - all the houses in the same house own blocks, and if they did that - it would take all my trees in front.

Comments

1. We are concerned with the loss of our properties and their value due to the increased Right-Of-Ways (ROW) on Phillips Ave, Langford, Claude, Barber, Dixie and the alley ways.
2. We are also concerned about zoning changes that could allow high-density multi family homes next door and uncontrolled parking and parking garages.

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NAME	ADDRESS	PHONE	REASON I CAN'T OFTEN COME TO MEETINGS
D. Graham Byars	907 Sevier	573-7474	
Comment:	Very concerned about allow ROW and Sevier Ave. Plans (only two lanes of moving traffic with two parking lanes - how would emergency vehicles negotiate this give it is also a mess route & has significant traffic		
Comments:			
Comments			

1. We are concerned with the loss of our properties and their value due to the increased Right-Of-Ways (ROW) on Phillips Ave, Langford, Claude, Barber, Dixie and the alley ways.

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Please take steps to make sure the south waterfront neighborhoods will keep their small town neighborhood atmosphere.

NAME

ADDRESS

PHONE

REASON I CAN'T OFTEN COME TO MEETINGS
I DO NOT HEAR WELL - WHEN I ATTEND

MEETINGS I DO NOT HEAR ONE WORD SPOKEN

Jewel Hill Davis

704 PHILLIPS AVE.

573-6817

Comments:

A. W. Davis 704 PHILLIPS AVE

573-6817

HOMEBOUND FOR OXYGEN

Comments:

JARA ROWLAND 104 PHILLIPS AVE

573-6817

Comments:

Elbert J. Davis 704 Phillips

573-6817

Comments Specifically why does the alley & Phillips Ave need to be

widened

Handwritten notes:
Phillips
Langford
Claude
Barber
Dixie
5
Langford
Phillips
Langford
Claude
Barber
Dixie

1. We are concerned with the loss of our properties and their value due to the increased Right-Of-Ways (ROW) on Phillips Ave, Langford, Claude, Barber, Dixie and the alley ways.

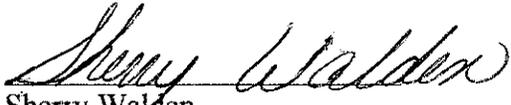
2. We are also concerned about zoning changes that could allow high-density multi family homes next door and uncontrolled parking and parking garages.

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NAME	ADDRESS	PHONE	REASON I CAN'T OFTEN COME TO MEETINGS
Judy Long	805 Phillips Ave	579-0404	previous commitments
Comment: I don't see any reason why Phillips Avenue or the alley between Phillips + Sevier Avenue need to be expanded! Thru traffic does not need either.			
Patricia Abner	807 Phillips Ave	609-7313	always come
Comments: want to see thru roads depend on below the yard & curbs			
Comments:			
Comments:			
Comments:			

January 10, 2007

The neighborhood of Phillips Ave. does not need wider streets to encourage more traffic flow. There are several children in the neighborhood and they deserve a safe yard to play in with less traffic. This is a residential area in which families have a vested interest. To widen the streets most of the older trees will be destroyed and will take away from the ambiance of the neighborhood. It seems senseless to build an area around a natural resource such as the river and destroy everything else with concrete and steel. If we wanted a West Knoxville feel to our homes and community I'm sure that's where we all would have chosen to live.


Sherry Walden

We are concerned about zoning changes that could allow high density multi family buildings displacing existing residences in the South Waterfront area. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	E-MAIL
John Stewart	6611 Rudge Rd Lane	37909	584-3534

Comment _____

Rev John Hill 714 Wesley Rd. 37909 Knoxville, TN 584-4357

Don Robinson 1709 White Pine Circle Knoxville TN 363-0808

comment _____

Bill Moore 1111 Gratz St. 37907 Knoxville, TN 523-7946

John Lockup 8945 Shallowford R. 37923 jrlockey516@hotmail.com 690-3127

John T. Randle 1318 No. Buena 37912 687-9060

comment Robert A. Randle 1918 N. Buena " varh@renvux.net "

PAT CHASTAIN Pat Chastain 603 Galbraith Rd ptandjoe@prodigy.net 690-3526

comment This is an longstanding community that should be upgraded not destroyed

JOEL CARROLL " "

We are concerned about zoning changes that could allow high density multi family buildings displacing existing residences in the South Waterfront area. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	E-MAIL
Julie Welker	307 Maple Loop	579-9799	Ladyvolsfan023@Comcast.net

Comment _____

Angie Tucker	307 Maple Loop	579-9799	TinzyTucker53@Comcast.net
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comment _____

Libby Johnson	441 Cates St	983-5234	
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comment please Preserve neighborhoods - long established - we need citizens to speak out against unfair development in an already established neighborhood

comment _____

comment _____

We are concerned about zoning changes that could allow high density multi family buildings displacing existing residences in the South Waterfront area. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	E-MAIL
Margaret S. Lela	2142 Chambers Blvd	865 505-5741	telefax@bellsouth.net
Christine Childs	2004 Banks Rd	773-5151	chr.ssyrc23@hotmail.com
Sally C Woods	37918 6001 Nottingham Rd.	865 687-2701	Sallywoods@mintspring.com
comment	Please do not destroy the South Waterfront Culture.		
comment			

We are concerned about zoning changes that could allow high density multi family buildings displacing existing residences in the South Waterfront area. Please take steps to make sure the South waterfront neighborhoods will keep their character.

NAME	ADDRESS	PHONE	E-MAIL
Rick Held	212 Mansfield	579-6222	rickheld@bellsouth.net

Comment _____

Nancy Andrews 5416 Springlax Circle 534-3125 nlandrws05@hotmail.com
 comment Keeping our neighborhoods preserved will only enhance the city & country in the long ~~run~~ run.

Terry Faulkner 4178 Ridgeway Ln 584-3659 tfaulkne@UTK.EDU
 comment _____

Charles Faulkner 4172 Ridgeway Ln 584-3659 cfaulkner@utk.edu
 comment Please help preserve single family neighborhoods

Alice Wershing 1605 Sundrop Dr 584 4741 AWershing@aol.com
~~George Reynolds~~ George Reynolds 4415 W Sunset Rd 375141

E-MAIL COMMENTS RECEIVED

Dave, I regret that I will be out of the country for the January 10-11 meetings relating to the Waterfront.

Current neighborhood concerns seem to be mainly two:

- 1) The definition of height limits and how the roofing style affects the number of allowable stories--that is, doing whatever is needed to preserve the viewshed of current property owners.
- 2) We do not want Phillips included in the streetscape definitions--that is, not widened--because there is not room to have sidewalks without taking much of our tiny yards and several massive trees. The same goes for Langford, although it could be widened in the direction of the river. Widening these two streets would be terrible for our property.

Patti, I hope you concur on this. Chime in if not.

Thank you, Dave, for your excellent facilitation of this difficult process.

Jenny Arthur

Mr. Hill-

Greetings- my name is David A. McDaniel. I live in and own the house at 703 Phillips Ave., and own the one at 701 Phillips Ave. I'm the guy that came out to meet you and Patty Berrier a few weeks back when you were walking around our neighborhood. I really appreciate the service that you and Joe Hultquist are rendering to the city and our neighborhood. I just wanted to send you a brief note to give you my thoughts on the process as it stands now. If I have a concern, it's that we won't go far enough in this thing. Folks in this neighborhood aren't known for being overly visionary. And for the record, just between you and I, Martha Olsen and Patty Berrier do not necessarily speak for me. I think that the form based codes as they are presently outlined are far too restrictive, and will do more harm than good in the long run. I mean, really-- a view of the river is not a civil right. If it was, I'd be knocking on the Conley's door to get them to clean out the fence row which currently totally obstructs my view of the river 6-7 months of the year. I think that restricting construction to a maximum of 35 ft. would choke out a lot of valuable development. I appreciate the basic idea behind the forms based zoning, and am in agreement with it, but I think the city and our neighborhood would be better served to let the market take its course, which is what ultimately will drive this whole thing anyway. I respect Martha and Patty and they are certainly entitled to their opinions, but again, I want to emphasize that they don't necessarily speak for me. When you look around this neighborhood, and if you're really objective about it, how much of it really should be preserved anyway? How many homes/buildings really have any architectural or historical value? Not many. Neither of my houses fit that criteria. And while I am not lobbying for the wanton destruction of this neighborhood, I'm not sure that it's preservation in its present state, untouched, is desirable or realistic either. I personally believe that many of these folks who guard their property like crazy and who are the most vocal in opposition to this process will sell in a heartbeat when the market does what it must eventually do. When the money shows up on their front porch, I really believe the rules will change, and quickly. One more thing. Let us not forget what we have here. Has it ever entered your mind (surely it has) that you can get on a boat here in downtown Knoxville and go to any port of call in the world? Think of the possibilities! Where else can you get on a boat in the American heartland and go to Amsterdam? Sydney? Jakarta? Hong Kong? You can get there from here! If you have the boat and the money, anyway. Dave, that's HUGE!! I hope that as this process unfolds, our maritime possibilities will be taken into account, and stewarded wisely. I didn't intend to be so verbose, but it's difficult to get a word in edgewise at the meetings, usually. Again, I really appreciate all you're doing for us, and look forward to talking with you again soon.

David A. McDaniel

Dave,

In reviewing the Streetscape Standards of the Form Based Development Code (FBDC) Draft (Section 5) I have a few comments about the Utilities requirements for each of the designated streetscape types. Several of the streets are required to have "All underground" utilities, but nowhere in the document are underground utilities defined. I believe it is the intent of the design standards to require any new construction to have underground services from the KUB distribution and collection systems but to allow existing homes and business to retain their existing services. As we discussed in our meeting with you and Gavin some months ago, it will be very expensive to underground the existing overhead electric facilities that presently serve the customers, both along the public roads (City responsibility) and the service lines that connect the customer's homes and businesses to the distribution system (customer's responsibility). I think at a minimum clarification language needs to be included to define what is meant by underground utilities so future business and residents clearly understand what is required of them.

Another issue that was discussed during some of the Committee meetings was the location of the utility meters. With the requirement that buildings be placed very close to the property line with a maximum setback of 10' the presence of gas and electric meters on the front facade of buildings would be visually distracting and could also interfere with pedestrian traffic. Is it the intent that these services be provided at the rear of any new building? Moving the utility services to the rear will impact the owner's initial cost of service but will result in a much neater street view. Under Section 4, Property Development, External Elements, each of the areas has a section titled "External Mechanical Units, Electric Units & Rain Barrels" that could possible expanded to address utility connections. Although I am representing KUB's interest in reviewing these documents I would also recommend that any provisions also include all other utilities including but not limited to telephone, internet, cable TV, satellites, etc.

I will be attending the Committee meeting tomorrow afternoon and will be glad to discuss these issues with you in greater detail.

Mike Patterson
KUB, Manager Systems Operations

It seems to me, but perhaps I am over simplifying, that if the folks on Phillips don't want sidewalks right away (maybe down the road they will feel differently) the City can find plenty of other places to spend the infrastructure money.

IMO Langford does need to be widened - but on the river side. And yes, there is a big drop off there. But my engineer husband assures me that the road widening can still be done on that side.

My real question is - are these things that need to be resolved in the form-based code? Or are they other elements of the plan that can be resolved separately? I think the latter but perhaps I am wrong.

Rachel Craig

Honestly I don't think most people want sidewalks on Phillips at all, But we do want the road fixed because of water run-off. And curbs might actually stop people from parking in their front yard even though they have a whole street in front of their house to park. Our street on the 800 block of Phillips has major problems with parking because parking was not enforced for the two multi family houses on this block.

So yes, Phillips home owners have a right to have the road finally redone properly not with paving more asphalt over old asphalt.

But taking any more property will basically make the lots useless and God forbid anything major were to happen if the lots became more non-conforming since FBC is not going to do much to protect the residential.

It may be that FBC is not where the ROW needs to be resolved, but I don't think we are safe if it is not defined in FBC. I do understand that things can change over time, but to widen the street at anytime now or in the future will ruin the residential neighborhood. How will people be able to infill with a house or build a house? So the only thing that can occur is to take several lots and put them together, (is this not what the developers want to do, cheap land for sell) which then makes the neighborhood no longer a neighborhood but a high density condo area.

I just heard that there is no parking required for any SW at all, SW1, 2, 3... that someone can build or remodel and not have to make sure they have parking for the units that they have added. Dave correct me if I am wrong please. This is a real blunder when it come to SW1. Hey! This will really preserve the neighborhood now. Yes I am being sarcastic. Can anyone explain why there are no restrictions in SW1? There are restrictions in the current code for parking.

See, at the last council workshop before Christmas some of us questioned why FBC was not being written to make non-conforming lots conforming. We also brought up infill housing. Some council members think the current zoning/code should just be incorporated and variances applied for. So why there are the current parking rules not incorporated into FBC?

I am grateful to hear Jim's thoughts on the widening of Langford, but still don't know why it has to be done behind the 700, 800 and 900 blocks. I may regret this, but behind the 600 block the road needs to be reopened, but still not with a ROW of 50'.

I hope to see you at the meeting tomorrow evening at 5:30. And hope to see all council members and the community. I have to say I am ashamed of the lack of a crowd, but people are burned out. I am there myself.

Patti Berrier

Dave,

This is a quick note in support of the South Waterfront Development Code that will be considered by the MPC tomorrow (January 11). While not perfect, the code is very good. It also includes provisions for flexibility. It is needed now for the South Waterfront. I hope the MPC will support it.

Best regards,

Mary English
Member, South Waterfront Oversight Committee

Dave,

Thanks for collecting comments to send to MPC. Here's mine.

For the last 18 months, I have been privileged to represent the south Knoxville Community onf the South Waterfront Oversight Committee. The City, the consultants, the Oversight Committee, property owners, community members, business owners, regulators, and other stakeholders have been working on the Form Based Code for the south waterfront for many months now. The product that's on the current MPC agenda

represents a real consensus of all the stakeholders, although of course not every individual agrees with every single element of the code.

I urge you to pass the code without amendments. We know it will need tweaking after we have some experience with it, and the mechanisms are in place for making that happen. Amending the code on the fly would mean bypassing the open, transparent public process that all of us have been so committed to.

I also urge you to approve the code tomorrow. A postponement would not be in the public interest.

As you know, there is a Use on Review request on your agenda (#88) for a key piece of property in the waterfront district. This application was filed under the current codes, and unfortunately does not conform either with the new codes or with the Vision Plan as adopted by City Council. So there will be opposition to this request.

There are several more projects in the pipeline. The developers need a code to take to their lenders. If we don't get this code in place soon, they may choose to file applications under the existing code, and then we will have a very messy situation on our hands.

In summary, I hope you will support passage of the Form Based Code tomorrow. Thanks for your time.

Rachel Craig
2222 Island Home Blvd.
Member, South Waterfront Oversight Committee

January 10, 2007

Mr. Dave Hill
Senior Director, South Waterfront Development
City County Building, 400 Main Street, Room 503
Knoxville, TN 37902

Dear Dave:

Thank you for offering to share this letter before the meeting tomorrow morning. I am, first and foremost, excited about the South Knoxville Waterfront Development. My optimism began when I first heard about it and continues even now, following the Neighborhood meeting tonight. I would say, that due to that optimism, along with other important life circumstances, I have not been as active as I typically am when it comes to such important issues. In my naivete regarding zoning regulations, I was admittedly not paying attention as closely as I should have been as the form-based zoning discussions began. Receiving the letter in the mail was actually my first clue that big changes were happening, and that my neighborhood was affected.

So, for a week, I have been learning as much as possible, and I still have a long way to go. This doesn't even include talking to my neighbors to see if they understand the situation. You see, I live in a very interesting part of this development, Mimosa Avenue. According to the Regulating Plan, we are currently zoned in SW3, or Sevier Avenue (pale yellow). I live on a street full of houses, not businesses. These are mostly single-family homes, with front porches, with children that play in the yard, back gardens, yard sales, etc. We quite a variety--including some lovely students, public library employees, senior citizens, and the occasional professional hockey players that rent homes on Mimosa--but we all have one thing in common--we have not been coming to the meetings, and our neighborhood is slated to be zoned as SW3, or commercially/mixed use.

I understand the "Main Street" idea, the store fronts, the shops--I love that!! But that is not my street, that is a concept for Sevier Avenue--one street over. The planners have accidentally missed the mark on this one, and I'm devastated that I was not at a meeting to help them understand the nature of our street, which seems to be included in this zoning plan simply because it is between Sevier Avenue and the railroad track that borders this development on the south.

I'm feeling torn, on one hand excited for the changes that are happening, and so glad to be so close to them. On the other hand, I am frighteningly close to the changes. I love my street full of families in their homes, and these zoning regulations do NOT support these homes. Although I understand we are zoned R-3, we live a reality of individual homes, plus one two-story condominium. We live in a reality of back gardens, front yards, and children playing in them, which these regulations do NOT support. One could not even rebuild a home like I have, which is a beautifully maintained 1918 Arts and Crafts bungalow--according to the SW3 zoning regulations that are proposed today.

I hope to be at the meeting today, but if I am not able to make it because of work-related issues, I just ask that you take this letter into account, on behalf of my neighbors and I, and to simply do what you can--your best. I ask that you continue to be open to discussion in the upcoming year, for I plan to be more involved in the South Knoxville Waterfront Development.

Thank for taking the time to read this, and thank you Dave for leading the meeting so diplomatically. I hope that Knoxville can truly be a model in form-based zoning for the rest of the country to follow. Being a model most certainly involves leading in a way that takes every street into account, as a unique entity, which Mimosa Avenue surely is.

Kind regards,
Bess Newton

Dave-

Great to meet you last night. Thanks for facilitating the process of public involvement in this project. It seems a task that demands a great deal of endurance and patience; so thank you for taking the time to consider these comments. To place in writing the substance of our conversation concerning the Mimosa Avenue area:

This area is currently slated to be zoned SW3. While it is clear that the corridor immediately adjacent to Sevier Ave is within the intent of SW3, the Mimosa neighborhood is better suited to SW1. This four-block cluster is by far the largest contiguous residential area in the entire rezoning plan that is not SW1.

At the Jan 10, 2007 meeting, the primary argument for this area to be SW3 was the rail right-of-way which would potentially become a light rail line. Yet there is a planned light rail directly adjacent to a much larger section of SW1 in the Scottish Pike area. Additionally, if we plan to have commercial use at the Mimosa portion of the right-of-way, then is it planned/hoped that the current right-of-way residents near Mimosa sell their property so it can be redeveloped?

What do we hope to achieve by zoning this neighborhood as SW3?

Is SW3 is apropos to this area:

- How many of the houses in the Mimosa neighborhood are currently in compliance with SW3?
- How many are 50' tall?
- How many approach 80% coverage?
- What are the implications of a SW3 Mimosa?
- Is SW3 likely to preserve the character of this area or diminish it?

Of particular concern is the apartment complex one lot west of 511 Mimosa Ave. The property is much larger than others in the area. Once the current structure is removed and this lot is redeveloped, the minimum requirements of SW3 would essentially mandate a building of imposing scale, even if it was a single family residence. In fact SW3 would demand a structure with a significantly greater footprint than the current building on the site (which we all can agree is an eyesore), and would encourage it to be a taller one. Please take a moment to consider the 10' build-to line, 75% frontage, and other minimum requirements of SW3. Because of these requirements, even the best-case scenario is completely inappropriate for this area. And once a developer

is held to these standards, how much more likely are they to place something far closer to the apocalyptic outcome?

This could easily occur in the short term as the apartment building's removal has already been specifically stated as a goal. This means that waiting a year to refine the zoning of this neighborhood may not be soon enough to prevent this from happening.

As this is the only lot in the four-block cluster (as far as I am aware) that faces this problem imminently, Bess Newton (511 Mimosa Ave) stands to be disproportionately affected by the implementation of SW3 on Mimosa. Therefore I propose that although general neighborhood feedback is currently low, Ms. Newton's input be given greater consideration. Additionally, if the intent of the process is to determine what residents would like to do with their neighborhoods, who has come forward to say they actually want SW3 in this area?

Although Ms. Newton would be affected heavily in the short term, once the lot in question has been redeveloped in accordance with SW3, it would lower incentive to preserve and improve current residences in the remainder of the Mimosa area. This would be a wedge that would likely diminish the neighborhood in the long term, and rather than encourage mixed use, would gradually convert the area to one of commercial focus. This sets a poor precedent that would discourage other homeowners in the vicinity including those not in the current rezoning plan. A unique residential area that is within short walking distance to downtown could eventually be lost.

Options:

- Make the Mimosa area SW1
- At the very least SW2 could be implemented to ameliorate the impact of redevelopment and discrepancy of scale.
- In the absence of a change in zoning status, there should be a specific limitation on the apartment complex lot during the one year "probationary" period.
- If this plan can be modified after a year - why can't we take a conservative stance and zone this as SW1 to begin with? This would allow for further reflection and input.

In summary: SW3 is inappropriate for the Mimosa neighborhood as SW3 fails to honor its essence. Rather, the neighborhood is in keeping in every way with all SW1 areas in the zoning plan and should immediately be implemented as such. While rethinking this plan after a year is necessary, it may be too late in this particular case. If SW1 cannot be immediately applied to this neighborhood, some stop gap measure should be taken to temporarily suspend the possible redevelopment of the apartment building lot until appropriate reflection can take place

Thank you for your efforts and consideration.

Sincerely,

Edward Richardson

2225 Spence PL
Knoxville, TN 37920
865.368.2483

Dave,

I am just now getting excited about the South Knoxville waterfront. I've lived in South Knoxville for 30 of my 41 years as well as attended South Knoxville Elementary across the street from the meeting place, as a child and I played on the streets we are discussing. It's really nice to see something really big and potentially fantastic occur on our humble lil' banks. I attended the meeting last night on the fly and just about had to pry myself away. I was fascinated.

I'll be as honest and to the point I can. I feel this development is a grand idea, albeit probably a bit aggressive in terms of growth and goals. I also feel this new zoning plan makes a lot of sense even though most of my fellow "riverrats" (a historic term for us folks on the south bank of Knoxville) don't seem to understand that it appears to me to be truly protecting their neighborhoods better than they are now and that the city and the designers seem to be working towards. It appears to me that zoning per scale and proportion instead of usage is brilliant. The non-boulevard shopping/commercial development down Sevier is also wonderful and I think in the end will be very much appreciated.

What bothers me is the dividing up of all the zones for the most part seem to truly respect the intact portions of residential. When in college I lived on Miller Avenue just south of Mimosa Avenue. That area is just as much full and thriving as is Phillips yet seems to be in the SW3 zone. The strip that runs along Sevier should indeed be zoned as you have it but to inately take that strip of houses behind it goes against all the beautiful arguments the team made in protecting those same types of houses on Phillips. I feel it would only be fair to protect those homes by making them SW1 as well leaving Sevier itself to grow in its commercial path as it needs.

I no longer live down there, I live further down Chapman Highway so this development shouldn't affect me. I'm now an architect that works downtown and still live in good ole South Knoxville. I fully understand the direction taken and how the planners came to many of their decisions...most of which I thoroughly feel will do nothing but make things much, much better for South Knoxville AND Knoxville. Please keep in mind however, when the South Knoxville connector was built I watched house after house, street after street, of my childhood, disappear for that road. A road which was intended to support the neighborhoods they were tearing down and the lives it tore up. Still today, it's rarely used. (personally I'd like to see all large vehicle traffic be required to take the connector to help control congestion downtown-but that's another directive) I'm in total support of the work you guys are doing and am nothing but impressed thus far. All I ask is that the team and the city not lose sight of indigenous populations rights to enjoy this development as much as possible and not lose sight of that right as the people who've been keeping house there literally for decades.

I'll definitely now be at all meetings not occurring during office hours. Thank you guys sooo much for all the work and honestly the guts to stand up in front of a neighborhood that sees changes in coming in waves.

Brian Pittman
137 W. Ford Valley Road
Knoxville, Tennessee 37920

PS. In all my desire to relate all my thoughts I left out my primary request. I feel it would be only fair and overall beneficial to retain all existing cohesive residential in a SW1 zone. Meaning the existing area behind the South Knoxville Baptist around Mimosa feels inappropriate to be opened up to 'all possibilities'.

Dave,

As follow up to last evening's meeting, Mr. Gill was indicating that if a (commercial/industrial) legal non-conforming use lost over 50% of their property due to a casualty loss, they would not be able to reconstruct their facilities and continue to operate as a non-conforming use. You indicated you would ask the City Law Dept and get their opinion and provide to Mr. Gill.

Would you please provide me with the response as well? Marathon's opinion is that we could rebuild. Further, taking it a step further, it is our opinion that we could destroy the present facilities and reconstruct new facilities to conduct our business without the presence of any casualty incident. A gain, if you could let me know the City's Law Department thinking on the above, it would be appreciated.

Thanks,
Jon E. Stansbery, Marathon Petroleum