



AGENDA ITEM #: 5

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Ken Pruitt, Assistant Development Services Manager

DATE: Tuesday, July 03, 2007

SUBJECT: Amendments to Article 4, Section 11b, C-7 Pedestrian Commercial District, and associated sections of the Knoxville Zoning Ordinance creating design guidelines for the Cumberland Avenue C-7 area

5-C-07-OA

STAFF RECOMMENDATION:

APPROVE the amendments

BACKGROUND:

At the request of City Council, the proposed amendment was referred back to MPC and has been revised to provide that appeals of the Design Review Board are to be heard by the Metropolitan Planning Commission.

The Cumberland Avenue Corridor Design Guidelines and the proposed amendments to the C-7 Pedestrian Commercial District regulations will implement the land development principles of the recently adopted Cumberland Avenue Corridor Study within the C-7 Pedestrian Commercial District. These amendments will allow the control of new development within the C-7 District until a form based zone is developed for the larger geographic study area.

Proposed amendments to Article 4, Section 11b, C-7 (Pedestrian Commercial) District of the Knoxville Zoning Ordinance for the Cumberland Avenue C-7 area and creating The Cumberland Avenue Corridor Design Guidelines.

New language is bolded
Deleted language is struck-through

Article 4

SECTION 11b
C-7 PEDESTRIAN COMMERCIAL DISTRICT

A. GENERAL DESCRIPTION:

The Pedestrian Commercial District is established to provide for a ~~commercial~~ **mixed use** area responsive to the needs of persons associated with the University, **nearby hospitals**, and persons living in **the high density housing** surrounding the University ~~neighborhood~~. The district will also provide a unique shopping, **working and living** area for a greater clientele looking for merchandise and service associated with a university environment. This district is designed to accommodate ~~a clientele that is more~~ **pedestrian-oriented uses and has design guidelines to achieve multi-modal transportation and building siting, use and height standards** ~~than the typical clientele in other areas of the community.~~

B. USES PERMITTED:

The following uses shall be permitted in the C-7 Pedestrian Commercial District:

1. Art and craft studio.
2. Business and professional school.
3. Retail sales within enclosed buildings. However, there may be incidental, temporary outside display and sale of merchandise normally sold by the business at the following times:
 - a. Special sales events endorsed by the Cumberland Avenue Merchants Association.
 - b. University of Tennessee home football game weekends.
 - c. For five consecutive days beginning two days prior to U.T. fall and spring semester registration.
4. Office (business and professional)
5. Eating and drinking establishments

6. Motels and hotels, rooming and boarding houses
7. Dry cleaning and laundry pickup
8. Coin operated laundry and dry cleaning
9. Barber and beauty shop
10. Shoe repair
11. Photography Service
12. Printing
13. Bicycle repair
14. Seamstress
15. Financial institutions
16. Theater (indoors)
17. Dwelling units on the second floor and above
18. Recycling collection facility as an accessory use only as regulated by Article 5, Section 18, B.

C. USES PERMITTED ON REVIEW:

The following use may be permitted on review by the Planning Commission in accordance with provisions contained in Article 7, Section 5:

1. Gasoline service stations.
2. Dwelling units on the first floor and below.
3. Automobile wash self service.
4. Class "C" commercial parking lots and parking garages.
5. Commercial telecommunications towers.
6. Garage parking on the ground floor.

D. AREA REGULATIONS:

**See The Cumberland Avenue Corridor Design Guidelines
(www.knoxmpc.org/cumberland).**

Landscaping Regulations:

- ~~—Landscape areas containing live vegetation shall be provided on the site equal to five percent of the gross leasable area (GLA) of the building.~~

Pedestrian Plaza Regulations:

- ~~—Pedestrian plazas shall be provided on each site equal to ten percent of the gross leasable area of the building(s) on the site. Such plaza space may include stairs that provide public access to business establishments.~~

E HEIGHT REGULATIONS:

See The Cumberland Avenue Corridor Design Guidelines (www.knoxmpc.org/cumberland).

~~No building or structure shall exceed eight stories or ninety feet in height except as provided in Article 5, Section 5.~~

F. OFF-STREET PARKING REGULATIONS:

Dwelling units shall meet the off-street parking required by Article 5 Section 7 A. 3.

All other permitted uses, none required.

G. OFF-STREET LOADING REGULATIONS:

Loading requirements shall be provided as required by Article 5, Section 9 of this ordinance **and The Cumberland Avenue Corridor Design Guidelines (www.knoxmpc.org/cumberland).**

H. OCCUPANCY PERMIT REGULATIONS:

Within the C-7 District, Certificates of Occupancy shall be required when the use, tenant, name of business, or owner of any existing building changes and/or before any newly constructed building is occupied.

I. ADMINISTRATION:

A Design Review Board shall be elected within any C-7 District. Such board shall consist of five members with not less than two being merchants in the area. Board members shall be comprised of, and elected by residents, property owners or leases within the district with each business license, recorded parcel of land, and dwelling unit having one vote. Terms of office shall be four years with vacancies filled by appointments by the design review board with such appointees serving until the next annual election, at which time a replacement shall be elected for the unexpired term. All members shall serve without

compensation. The annual meeting at which eligible voters elect members to the board shall be held in August of each year.

Constitution of Design Review Board shall be accomplished by election of five members with each elected to serve either one, two, three, four or five years with their successors elected to serve full four year terms. Such election shall be held within sixty days of creation of a C-7 Commercial District.

The Design Review Board shall establish by-laws which shall include establishment of a regular meeting date. Such meetings shall be open to the public with notice of time and place published in a local paper with general circulation in the area.

The Design Review Board shall have assistance from the staff of the Planning Commission in performing its functions. Publication costs and other authorized expenditures shall be paid by the Planning Commission.

The Review Board shall have the following responsibilities:

1. **Review and approve elevation and site plans for public and private improvements, according to adopted design guidelines for the District.**

~~Establish criteria for reviewing plans of pedestrian plazas, parking areas, landscape areas and signs.~~

- ~~2. Develop and maintain a design for an open space network within the C-7 District that will serve as the basis for coordination of pedestrian plazas, parking areas, landscape areas and signs.~~

- ~~3. Review all site plans for pedestrian plazas, parking areas, landscape areas, and signs, and to approve or deny such plans. Any denial shall be accompanied with a written statement specifying reasons for denial. Such denial shall be based on non-conformance with adopted criteria.~~

~~Criteria for reviewing site plans, and the open space network design scheme established by the Board shall be placed on file with the City Building Inspection Department within six months from the date the Board is appointed.~~

No building or occupancy permits shall be issued until the Design Review Board has found and reported in writing to the City Building Inspection Department that the plans meet the adopted criteria of the Board. However, until design criteria is adopted the Board approval shall be based on the district regulations only. Failure of the Design Review Board to act upon any plan within thirty days of submittal shall be deemed approval of the plan and the building permit shall be issued upon demand. **Metropolitan Planning Commission staff may approve minor projects that meet the adopted guidelines, including signs and interior and exterior renovation plans.**

Any person aggrieved by any decision of the Design Review Board may appeal its decision by filing a petition with the **Metropolitan Planning Commission** ~~City of Knoxville Board of Zoning Appeals~~ within thirty days from the date of the Board's action. Appeal from the **Metropolitan Planning Commission** ~~City of Knoxville Board of Zoning Appeals~~ shall be as provided by Section 135, of the Knoxville City Charter.

