



MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Buz Johnson
DATE: July 6, 2011
SUBJECT: Proposed changes to the TO-1 (Technology Overlay) zone reflecting changes to the TTCDA Enabling Act – **7-A-11-OA**

STAFF RECOMMENDATION:

APPROVE amendments, as proposed by staff.

BACKGROUND:

The Tennessee General Assembly recently adopted and the Governor signed into law changes to the 1983 enabling legislation creating the Tennessee Technology Corridor Development Authority. These changes, which were approved by the Tennessee Technology Corridor Development Authority, MPC, City Council and County Commission in late 2009, include procedural revisions, changes to the selection process for TTCDA board members, and revisions affecting the types of development that can be reviewed by the TTCDA and MPC. Consistent with state law, the Knox County Commission ratified these changes on second reading at their June 27, 2011, monthly meeting.

COMMENTS:

The staff recommends two amendments to the Knoxville Zoning Ordinance that will make operative changes in the enabling legislation dealing with project review and consideration and appeals of TTCDA actions. The first amendment will allow for the consideration of medium and high density residential developments within the Technology Overlay zone. The MPC/TTCDA staff has determined that apartment and condominium developments can have as much impact on the environment and surrounding development pattern as office, technology based and commercial projects. As a result, such projects should be reviewed to ensure their compatibility with the surrounding area and other uses within the overlay.

The second amendment will extend the amount of time the TTCDA board has to approve or deny a request. Previously, the 60-day window for taking action on an application began with the filing of the application. Now the 60-day period will begin when the application first appears on the board's agenda. This will allow for one postponement in case the board feels that more time is needed to consider a request.

The final amendment will add a provision in the TO-1 district to allow for the consideration of appeals of TTCDA actions by the Knoxville City Council. Previously, such appeals, regardless of whether or not they dealt with city or county property, were considered by the Knox County Commission. This change will make it clear that all city-related appeals will now be considered by the city's legislative body.

ATTACHMENT:

Exhibit A provides the proposed language for the three ordinance amendments.

**PROPOSED CHANGES TO THE KNOXVILLE ZONING ORDINANCE
REFLECTING CHANGES TO THE TTCDA ENABLING LEGISLATION**

Article 4, Section 5.3 TO-1 Technology Overlay Zone

5.3 (H.2.b.) Certificate of Appropriateness

All ~~R~~Residential structures when such structures are located within subdivisions approved by local planning commissions or otherwise permitted by the general law. **Medium and high density residential developments, as defined by the Knoxville-Knox County General Plan, or its successors, shall not be exempt.**

5.3 (I) Application Procedures

.....Design Guidelines. The TTCDA shall, within a reasonable time period but in no case more than 60 days following ~~submission of~~ **initial consideration of an application by the TTCDA meeting in regular session**, grant a certificate of appropriateness with or without attached conditions, or deny the certificate, and shall state in writing its reason for approval or denial. Failure by the TTCDA.....

5.3 (L) Appeal of TTCDA Actions

Any interested party who is aggrieved by any action of the TTCDA including the approval or denial of a certificate of appropriateness may appeal its decision to the Knoxville City Council by filing an appeal on the designated form and paying such filing fees as may be required within thirty days of the action of the TTCDA. The action that is appealed may be overruled by an affirmative majority vote of the Knoxville City Council. All appeals shall be heard within 60 days of filing of application for appeal. Appeal from the action of the Knoxville City Council shall be by writ of certiorari as provided in the general law and shall be filed within 30 days of such action.