

## MEMORANDUM



### Agenda Item #6

**Date:** August 3, 2017  
**To:** Planning Commission  
**From:** Gerald Green AICP, Executive Director  
**Subject:** Residential Uses in C-3 and C-6 - 3-B-17-OA

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MPC staff has revised the proposed amendment to the City of Knoxville's zoning ordinance that identifies multi-dwelling structures as a use permitted on review in the C-3 zoning district to include the C-6 zoning district. The revised amendment would allow multi-dwelling structures as use permitted on review in both the C-3 and C-6 districts and establishes review and approval standards for the use. Residential uses currently are prohibited in most of the City's commercial districts. The proposed ordinance amendment would permit dwelling units to be developed in the C-3 and C-6 zoning districts, either in a separate structure or as part of a mixed use development. The proposed standards address the location on a parcel of the structure with dwelling units, establish minimum design standards, and require screening when the structure abuts a residential district. By allowing this use in the C-6 district as well as the C-3 district, the amendment would provide the opportunity to provide housing in many of the City's commercial areas. Because the approval is through the use on review process, the Metropolitan Planning Commission could determine whether the use is appropriate in the proposed location. A growing interest in developing residential uses along the City's highway corridors prompted the drafting of the ordinance amendment. The goal of the amendment is to permit the development of residential uses along these corridors, thereby enlivening the corridors and strengthening the businesses along them and the adjacent neighborhoods. MPC staff recommends approval of the proposed amendment to the C-3 and C-6 zoning districts to allow multi-dwelling structures as a use permitted on review and establishing standards for the use.

If you have any questions, comments, or would like additional information, please feel free to contact me by email at [gerald.green@knoxmpc.org](mailto:gerald.green@knoxmpc.org) or phone at 215-3758.

Multi-Dwelling Structures as Use on Review

C3 General Commercial District

C6 General Commercial Park District

DRAFT 07/26/17

Revised to identify multi-dwelling structures as a use permitted on review in the C-6 General Commercial Park District

Sec. 2.2.6 C-3 General Commercial District, Amend subsection C, *Uses permitted on review*, by adding a new item 10

*C. Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:

10. Multi-dwelling structure, either as a single use or as part of a mixed use development, as regulated by article V, section 3.F.15

Sec. 2.2.9 C-6 General Commercial Park District, Amend subsection C, *Uses permitted on review*, by adding a new item 9

*C. Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:

9. Multi-dwelling structure, either as a single use or as part of a mixed use development, as regulated by article V, section 3.F.15

Article V, Add Section 3.F.15:

15. – Development standards for multi-dwelling structures in the C-3 and C-6 zoning districts

a. Setbacks/build-to lines

1. Maximum Setback. New buildings that include dwelling unit(s) shall have a maximum setback of 70 feet from the street right-of-way of the primary (fronting) street.
2. Within an Existing Development. If dwelling unit(s) are in a new building within a development with existing buildings and/or is part of a unified development, the new building shall not be setback any farther from the right-of-way of the primary (fronting) street than the existing buildings. In cases where the setback of existing buildings varies, the setback of the new building shall be no greater than the average of the setbacks of the existing buildings. If the new building has porches or stoops as a means of access dwelling units, the building may vary from the setback line up to five (5) feet. In cases where there is not adequate area in front of or to the side of existing buildings for a new building, the Metropolitan Planning Commission may permit the new building to be located to the rear of the existing buildings as part of the use on review approval.
3. Front Setbacks. Buildings that have a setback of less than fifteen (15) feet and that exceed one hundred (100) feet in length shall have variation (articulation) in their façade through the provision of a forecourt, plaza, patio, or other means. Such variation shall have a minimum depth of ten (10) feet and shall be equal to not less than ten (10) percent of the total length of the front façade. Any one area of variation shall be no more than thirty-five (35) feet in width

and depth. The variation may be distributed in more than one (1) location but no area of variation shall have an area of less than one hundred (100) square feet.

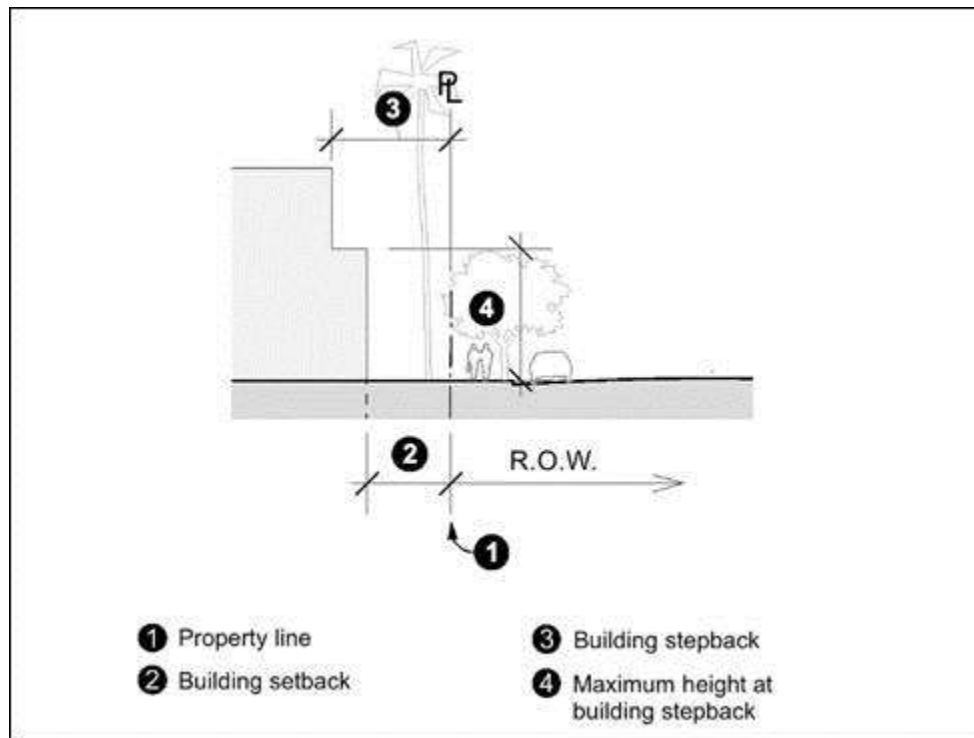
b. Corner Lots

1. Setbacks. On corner lots the building must be located at the street corner respecting setback standards, treating both streets as primary streets.
2. Transparency. Those buildings located on a corner lot shall treat both street facing facades as primary elevations for the purposes of meeting the transparency requirements set forth in subsection d. of this section.

c. Building height

New buildings in which dwelling unit(s) are located shall have a minimum height of two (2) stories and a maximum height of ninety (90) feet. The MPC shall evaluate the compatibility of the proposed height with the character of the surrounding development. Any buildings with a setback of less than fifteen (15) feet from a street right-of-way and exceeding three (3) stories in height shall have a stepback with a depth of at least fifteen (15) feet that begins above the first floor but below the fourth floor on the street fronting facade(s). The stepback shall continue to the top of the building.

Figure 1: Building Stepback



d. Transparency

The first floor primary (street facing) elevation of any building with dwelling units shall have a minimum transparency of thirty (30) percent. All other floors on the primary elevation shall have a minimum transparency of twenty-five (25) percent. The ground floor windows must allow views into the ground story for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). Buildings located on a double

frontage lot shall treat the street facing facades with customer or tenant entrance(s) as primary facades.

e. Building Orientation

The primary elevation of any building with dwelling unit(s) shall be orientated towards the primary (fronting) street. The MPC staff shall determine which street or streets are primary streets based on the following:

- The pedestrian orientation of the street;
- The established building orientation of the block;
- The street parallel to an alley within the block;
- The street that the lot takes its address from; and
- The street with the highest street classification.

f. Entrances

Buildings with dwelling unit(s) shall have at least one (1) pedestrian entrance for every seventy-five (75) feet of length along the primary facade(s), with no more than one hundred (100) feet between entrances. Distance shall be measured from the nearest edge of the door frame to the nearest edge of the adjacent door frame.

g. Pedestrian connections

New buildings that include dwelling unit(s) shall provide safe pedestrian access connecting main entrances of buildings, establishments, or uses on a site with all other such entrances and with access points including parking, streets, sidewalks, and transit stops. The pedestrian facilities must be an easily discernable walkway or multi-use path. If the cost of providing pedestrian access on the site exceeds twenty (20) percent of the project cost, the Metropolitan Planning Commission may approve a reduction in the pedestrian facilities and/or approve alternatives.

h. Building materials

On new buildings that include dwelling unit(s), plain face masonry block or vinyl shall not be used on any elevation and EIFS shall not be used on or below the first level (story) above grade and shall not constitute more than twenty-five (25) percent of any facade.

i. Building massing and articulation

Cumulative blank wall areas of more than thirty (30) percent of the total wall area on any facade shall be prohibited. Blank wall areas are areas that do not include windows or doors, columns, pilasters, or other articulation greater than twelve (12) inches in depth or a substantive material change (paint color is not a material change).

j. Streetscape

The street facing frontage of a building that includes dwelling unit(s) shall incorporate landscaping, street furniture, and/or art to create a pleasing pedestrian environment. At a minimum, street trees (large maturing deciduous with a minimum height of 30 feet at maturity) shall be planted at a ratio of one (1) tree per thirty-three (33) feet of frontage. Trees may be grouped together but shall have a minimum spacing of fifteen (15) feet. Trees shall be a minimum 2 inch caliper at planting. All landscaping shall be installed and maintained in accordance with this subsection.

k. Transition zone

1. New buildings that include dwelling unit(s) shall be setback a minimum of twenty (20) feet from abutting residentially zoned properties. Within this setback zone a landscaped buffer with a minimum width of twenty (20) feet shall be provided. The buffer shall be planted with a minimum of four (4) large maturing deciduous trees (minimum 2 inch caliper at planting), two (2) small maturing trees (deciduous or evergreen, minimum 1 ½ inch caliper or height of six (6) feet measured from ground level to top of tree at planting), and ten (10) shrubs per 100 linear feet.

2. New buildings that include dwelling unit(s) shall be setback a minimum of twenty (20) feet from a street or alley right-of-way if the right-of-way abuts residentially zoned property. Gardens, garages (no dwelling units shall be located in the garage), and playgrounds may be located within this setback zone provided they comply with the requirements set forth in Article V, section 6. Garages shall be an accessory use to the dwelling unit(s), shall be used only for storage of vehicles and related items, and shall have a maximum height of twenty-five (25) feet.
3. Facilities serving commercial uses, such as surface parking, stormwater facilities, and outdoor dining areas, shall be located no closer than twenty (20) feet to the residentially zoned property.
4. New buildings that include dwelling unit(s) and that are located within the area beginning at a point twenty (20) feet from the property line of the residentially zoned property (the edge of the setback zone) and extending to a point fifty (50) feet from the property line of the residentially zoned property shall have a maximum height of three (3) stories or forty (40) feet.

**l. Parking**

Off-street parking shall be provided as required by Article V, section 7. Structured parking located on the ground floor shall be set back a minimum of thirty (30) feet from the front of the building.

**m. Open Space**

Open space shall be provided on the lot on which the dwelling units are located and shall be available for use by occupants of the dwelling units. The amount of required open space shall be a minimum of five (5) percent and shall not exceed fifteen (15) percent of the land area developed with residential uses and supporting those uses, such as parking areas. The open space shall be provided in accordance with the "Outdoor Amenity Space" standards of article 4, section 4.0.3.G (Form Districts – General Provisions).

**n. Density**

There shall be no maximum density established for dwelling units in the C-3 zoning district. The density shall be determined by the MPC as part of the Use on Review approval.

**o. Exceptions**

The Metropolitan Planning Commission shall have authority to grant exceptions from the standards set forth in this section and approve an alternative design when warranted by site characteristics, physical limitations, or other unusual conditions.

ARTHUR G. SEYMOUR, JR.  
ROBERT L. KAHN  
REGGIE E. KEATON  
DONALD D. HOWELL  
DEBRA L. FULTON  
MICHAEL W. EWELL  
JOHN M. LAWHORN  
JAMES E. WAGNER  
BEVERLY D. NELMS  
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July 12, 2017

*Via e-mail*

Mr. Gerald Green  
**Metropolitan Planning Commission**  
Suite 403, City County Building  
400 Main Street  
Knoxville, TN 37902

Re: Agenda Item No. 7

Dear Gerald:

This letter is written on behalf of the owners of the Western Plaza Shopping Center.

The above proposed ordinance would allow consideration of residential as a Use on Review in the C-3 zone. Western Plaza is zoned C-6, while most properties in Bearden are probably zoned C-3. Western Plaza has been zoned C-6 since 1984. Prior to that, it was zoned SC-1.

In 2015, City Council passed a Resolution, a copy of which is enclosed, requesting the MPC to study commercial properties within the Bearden Village Opportunities Plan so as to allow residential uses mixed with commercial. As I recall, the specific impetus for this Resolution was to allow residential uses at Western Plaza, which was being redeveloped. Councilman Grieve requested the Resolution so that the redevelopment of Western Plaza would allow consideration of residential uses. I am sending a copy of this letter to Councilman Grieve to allow him to correct my recollection if it is wrong.

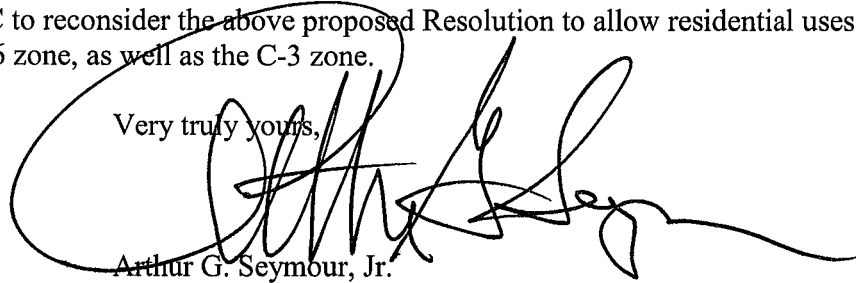
Although C-6 has different parameters than the C-3 zone, it appears to me that allowing residential uses in a C-6 zone as a Use on Review would be appropriate and would allow Western Plaza and other C-6 zoned properties to allow mixed uses under appropriate circumstances.

I understand from your memo you have suggested that Western Plaza look at rezoning from C-6 to C-3. I have not evaluated the consequences of that in depth, but I think it would be very difficult to do in view of loan agreements, etc.

Mr. Gerald Green  
*In re: Agenda Item No. 7*  
July 12, 2017  
2 | Page

I would urge the MPC to reconsider the above proposed Resolution to allow residential uses as a Use on Review in the C-6 zone, as well as the C-3 zone.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'Arthur G. Seymour, Jr.', is written over the 'Very truly yours,' text.

Arthur G. Seymour, Jr.  
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:lbb  
Enc.

cc: Vice-Mayor Duane Grieve (*via e-mail*)  
MPC Commissioners (*via e-mail*)

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**RESOLUTION**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KNOXVILLE RESPECTFULLY REQUESTING THE METROPOLITAN PLANNING COMMISSION TO CONSIDER AND MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING THE POSSIBLE CHANGE TO THE ZONING CLASSIFICATION OF CERTAIN COMMERCIAL PROPERTIES FRONTING ON KINGSTON PIKE AND WITHIN THE AREA DEFINED BY THE BEARDEN OPPORTUNTIES PLAN TO ALLOW RESIDENTIAL DEVELOPMENT AND OFFICE DEVELOPMENT ON THE SAME SITES AND, TO THE EXTENT REQUIRED, AMENDING THE ONE YEAR COMPREHENSIVE DEVELOPMENT PLAN AND ZONING PLAN FOR THE CITY OF KNOXVILLE TO AMEND THE CLASSIFICATION OF SUCH PROPERTY, IF NECESSARY.

RESOLUTION NO: R-38-2015

REQUESTED BY: Grieve

PREPARED BY: Council

APPROVED: 02-03-2015

APPROVED AS AN EMERGENCY MEASURE: \_\_\_\_\_

MINUTE BOOK: 79 PAGE \_\_\_\_\_

**WHEREAS**, the majority of the area located in the Bearden Village Opportunities Plan is located within the 2<sup>nd</sup> District of the City of Knoxville; and

**WHEREAS**, certain large commercial properties located within the Bearden Village Opportunities Plan are presently zoned commercial; and

**WHEREAS**, there is an interest in possibly further developing said commercial properties to allow residential development and office development on the same sites; and



**WHEREAS**, unfortunately no zoning classification presently exists which would allow on a single piece of property commercial, residential and office development in the area defined by the Bearden Village Opportunities Plan; and

**WHEREAS**, the City Council desires to study and consider possible changes to the zoning classification within the area defined by the Bearden Village Opportunities Plan for commercial properties.

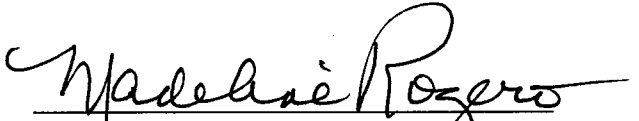
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KNOXVILLE:**

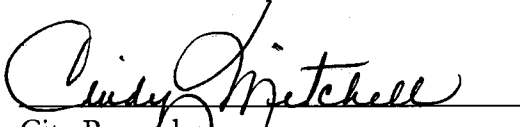
**SECTION 1:** The Council of the City of Knoxville hereby respectfully requests the Metropolitan Planning Commission to consider and make a recommendation to City Council with regard to potentially creating, changing or amending zoning classifications for commercial properties located in the area defined by the Bearden Village Opportunities Plan to allow residential development and office development on those sites.

**SECTION 2:** In the event such change to the zoning classification is inconsistent with any One Year Comprehensive Development Plan or zoning plan for the City of Knoxville, or any other approved plans, the Metropolitan Planning Commission is also respectfully requested to take such action necessary to amend such plans consistent with the study requested herein.

**SECTION 3:** Upon adoption, the City Recorder is hereby respectfully requested and directed to forward a true and correct copy this Resolution to Dan Kelly, Knoxville/Knox County Metropolitan Planning Commission, to make him aware of Council's request with regard to this matter.

**SECTION 4:** This Resolution shall take effect from and after its passage, the welfare of the City requiring it.

  
Presiding Officer of the Council

  
City Recorder



CITY OF KNOXVILLE, TENNESSEE

City Council

AGENDA INFORMATION SHEET

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**AGENDA DATE:** February 3, 2015

**DEPARTMENT:** Legislative

**DIRECTOR:** City Council

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**AGENDA SUMMARY** A Resolution respectfully requesting the Metropolitan Planning Commission to consider and make a recommendation to City Council regarding the possible change to the zoning classification of certain commercial properties fronting on Kingston Pike and within the area defined by the Bearden Opportunities Plan to allow residential development and office development on the same sites and, to the extent required, amending the One Year Comprehensive Development Plan and Zoning Plan for the City of Knoxville to amend the classification of such property, if necessary.

**COUNCIL DISTRICT(S) AFFECTED**

Council District 2

**BACKGROUND**

Requested by Councilmember Grieve

This Resolution begins the process of asking MPC to study and make a recommendation to City Council at a later date.

**OPTIONS**

Approve or Deny

**RECOMMENDATION**

Support the resolution

**ESTIMATED PROJECT SCHEDULE**

**PRIOR ACTION/REVIEW**

**FISCAL INFORMATION**

**ATTACHMENTS:**

- Resolution - Bearden Village Opportunities Plan (DOC)

<b>RESULT:</b>	<b>APPROVED [8 TO 0]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders
<b>AWAY:</b>	Nick Pavlis



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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## [MPC Comment] Fwd: C3 General Commercial District Amendment

1 message

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**Gerald Green** <gerald.green@knoxmpc.org>  
Reply-To: gerald.green@knoxmpc.org  
To: Planning Commissioners <commission@knoxmpc.org>

Thu, Jul 13, 2017 at 8:28 AM

FYI

**Gerald Green AICP**  
Executive Director  
Knoxville-Knox County  
Metropolitan Planning Commission  
400 Main Street, Suite 403  
Knoxville, TN 37902  
[865.215.3758](tel:865.215.3758)  
[gerald.green@knoxmpc.org](mailto:gerald.green@knoxmpc.org)

----- Forwarded message -----

From: **sandy gillespie** <[sandyg222@hotmail.com](mailto:sandyg222@hotmail.com)>  
Date: Thu, Jul 13, 2017 at 12:17 AM  
Subject: C3 General Commercial District Amendment  
To: "[gerald.green@knoxmpc.org](mailto:gerald.green@knoxmpc.org)" <[gerald.green@knoxmpc.org](mailto:gerald.green@knoxmpc.org)>  
Cc: TERESA FAULKNER <[terryfaulk@bellsouth.net](mailto:terryfaulk@bellsouth.net)>

Gerald,

The Kingston Pike-Sequoyah Hills Association along with the Bearden Village Council strongly support the "Multi-Dwelling Structures As Use on Review C3 General Commercial District" amendment.

We greatly appreciate the time and work that you and the MPC staff put into drafting this Amendment.

Sincerely,

Sandy Gillespie

President, Kingston Pike-Sequoyah Hills Association

Vice-President, Bearden Village Council

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)