



KNOXVILLE AREA
ASSOCIATION OF REALTORS®

June 6, 2023

Knoxville-Knox County Planning Commission
400 Main Street
Knoxville, Tennessee 37902

Re: File No. 8-A-22-OA

Dear Commissioners:

The undersigned, members of the Knoxville Area Association of REALTORS® (“KAAR”) Public Policy Committee, express strong support for changes to the C-G-2 and C-G-3 commercial zoning regulations along major arterials designated as state routes.

As background, during the Recode process, members of the Public Stakeholder Advisory Committee raised concerns about challenges related to meeting the build-to percentage and build-to zones for properties zoned C-G-2 and C-G-3 along major corridors, especially properties located along state routes.¹

After careful consideration, KAAR’s Public Policy Committee voted to recommend amending the C-G-2 and C-G-3 commercial zoning regulations to exempt all properties located along state highways from the build-to percentage and build-to zones as required by the Knoxville City Code, Appendix B, Article 5.3 (i.e., Build-to-Zones and Percentages would not apply along state highways).

KAAR generally supports the strategic use of zoning and land use regulations to encourage more pedestrian-friendly environments along the city’s corridors; however, such regulations cannot be developed in an isolated manner and must consider factors that are outside of the city’s control – such as the Tennessee Department of Transportation (“TDOT”) regulations governing the construction of

¹ Brooks, A. & Welch, J. (2022, September 26). *Proposed Updated to Knoxville City Code Appendix B, Zoning Code* [Memorandum]. Knoxville-Knox County Planning.

driveways on state highway rights-of-way.² Per state law, TDOT regulations take precedence over local guidelines, and thus it is incumbent upon the city to ensure its land use regulations are compatible with TDOT standards.

After considering all relevant information, including conversations with affected property owners, the Committee determined that the current build-to requirements for properties zoned C-G-2 and C-G-3 are fundamentally incompatible with TDOT standards. In other words, meeting the build-to percentage and build-to zones while also complying with TDOT regulations make it exceedingly difficult and/or infeasible to redevelop properties along many of the city's major arterials (e.g., Kingston Pike, Chapman Highway, N. Broadway, Asheville Highway, etc.).³

In practice, the application of build-to standards in areas subject to TDOT access standards significantly inhibits corridor redevelopment, creating an incentive for property owners to make only minor improvements to existing buildings in order to retain existing building footprints, which effectively prevents more pedestrian-friendly redevelopment by locking in the status quo. Put another way, property owners are disincentivized from making significant improvements to existing non-conforming buildings because, if they exceed the 50% improvement threshold, they may be required to bring the property into compliance with the city's zoning and stormwater ordinances. These changes can be cost-prohibitive or infeasible without concurrent redevelopment of adjacent sites, especially those with shared parking.

Importantly, the city has previously acknowledged the incompatibility of TDOT standards and pedestrian-oriented redevelopment priorities. The Cumberland Avenue Corridor Project is a prime example. Recognizing that TDOT access standards were a substantial obstacle to pedestrian-friendly redevelopment and reduced traffic volume, the city successfully requested the state route designation be removed from Cumberland Avenue.⁴

This begs an important question: if TDOT standards were an impediment to realizing the vision of the city-led Cumberland Avenue Corridor Project, how is the same not also true of private-led redevelopment along many of the city's major arterials?

² Tennessee Department of Transportation. (2015) *Manual for Constructing Driveway Entrances on State Highways*. https://www.tn.gov/content/dam/tn/tdot/traffic-engineering/2016_Driveway_Rules_Manual.pdf

³ Per the [2018 Major Road Plan](#), major arterials are defined as streets intended to “provide major movement within the area, provide intercommunity connections to the local street system and move through traffic between activity centers. Access control is desirable.”

⁴ TDOT complied with the city's request by shifting the state route designation to the nearby Neyland Drive. Given the lack of alternative routes, it is very unlikely TDOT would agree to remove the state route designation from major state roads such as Chapman Highway and Kingston Pike.

As has been previously discussed, TDOT does provide a mechanism for property owners to seek an exception to TDOT standards. However, exceptions are extremely rare, in part because the standards are designed to maximize safety for both drivers and pedestrians. Additionally, applications for exceptions are considered only quarterly, potentially adding three months or more to a project's timeline.

Moreover, it is important to acknowledge that merely relocating buildings closer to the road – as the build-to standards are intended to do – does not necessarily make an area walkable. Other factors must be considered as well:

- Infrastructure – is there a sidewalk or greenway in close proximity?
- Pedestrian safety – is vehicular traffic required to travel at a safe speed, and are there protected or buffered sidewalks?
- Connectivity – does the area have an adequate mix of both residential and commercial uses for which to walk to and from?

In sum, the current dimensional standards for C-G-2 and C-G-3 significantly inhibit redevelopment along state routes and, if implemented without concurrent public investment in pedestrian infrastructure, will do little to improve walkability. Accordingly, KAAR's Public Policy Committee believes the best solution is to amend the C-G-2 and C-G-3 Commercial Zoning regulations to exempt all properties located along state highways.

As you consider potential changes to the dimensional standards for C-G-2 and C-G-3, our association is committed to working with the city, Knoxville-Knox County Planning, and other stakeholders to find a solution that both enables redevelopment and promotes better walkability along Knoxville's major corridors.

Respectfully,

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