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Knoxville-Knox County Planning Commission
400 Main Street, Suite 403
Knoxville, TN 37902

RE: 824 Melrose Place (a/k/a Tyson House)
File Nos.: 7-K-24-RZ; 7-E-24-PA; 7-E-24-SP

Dear Commissioners:

I represent the University of Tennessee ("University") in regard to the above-captioned files. An option holder, represented by Benjamin C. Mullins, has proposed rezoning the above property ("Property") from the Office zone ("O") to the Lake Avenue zone ("CU-1") which is part of the Cumberland Avenue Zoning District ("Cumberland District"). In turn, the applicant has also requested amending the plan to include the Property in the Cumberland District. It is our understanding that the option holder plans to construct a ten-story, privately-operated high-rise for student housing and simultaneously request a parking variance to provide no on-site parking. This rezone and plan amendment request is inconsistent with the plan for this area, fails to satisfy the conditions for rezoning under the Code, and would have significant detrimental effects on the neighboring University. The rezoning and plan amendment requests should be denied, and this letter serves to provide you with a brief overview of the reasons for that denial.

CHARACTER OF THE CUMBERLAND DISTRICT

The Property is currently zoned O and is not included in the Cumberland District. The Cumberland District is bordered to the south by Lake Avenue and to the east by Melrose Place. **The Property is located to the east of Melrose Place and is outside of**

the bounds of the Cumberland District. The Property is bounded on the north, east, and south by University property, which is zoned Institutional, and is bounded on the west by Melrose Place, the easternmost boundary of the Cumberland District. The Property is fully designated as Civic/Institutional in the 2024 One Year Plan. Thus, this Property is within the footprint of the University's campus and not the Cumberland District. It should not be included in, or zoned as if it were in the Cumberland District. The Cumberland District was laid out with clear geometric boundaries and forms a rectangular area from Volunteer Boulevard to Melrose Place to encompass what has historically been recognized as the Cumberland Avenue Corridor or "The Strip." This property is outside of that historical boundary and the boundary developed by the Cumberland District, but is very much within the University footprint. There is no valid reason to include it in the Cumberland District.

Rezoning the property from O to CU-1 would completely undermine the purpose of the CU-1 zone. Section 7.2.1(C)(1) of the zoning code states "CU-1 serves as a transition between Cumberland Avenue and the University of Tennessee" The Property is within the University footprint and designated as Civic/Institutional within the 2024 One Year Plan. Allowing what is supposed to be a transition zone between Cumberland Avenue and the University to enter the University's campus contravenes the purpose of a transition and inappropriately expands the Cumberland District into the University footprint. Because the option holder's request conflicts with the intent and purposes of the Code and the plan for this area, it fails to satisfy the conditions for amendment under the Code and must be denied.

EFFECT ON THE UNIVERSITY

In addition to eliminating the transition between Cumberland Avenue and the University, there will be other detrimental effects on the University if the Property is allowed to be included in the Cumberland District and rezoned CU-1. First, the CU-1 zone allows for construction of buildings up to ten stories as opposed to the O zone which only allows four story buildings. Construction of a ten-story student housing facility within the University footprint would introduce new and significant pedestrian and vehicle traffic onto an already congested campus, especially if there is no onsite parking at the Property. Further, the University would not be able to restrict who lives at the Property, which would allow non-students to live within the University footprint who are not subject to University housing rules, background checks, or other security measures important to campus safety.

Second, the University's Master Plan produced in June 2023 designates the area behind the Baker Center for Public Policy as a site for development of new academic buildings to support both the Baker School of Public Policy and Haslam College of

Business. The Master Plan contemplates redevelopment of the campus area surrounding the Property to create an interdisciplinary cluster centered around business, policy, international studies, and student success. Massey Hall, the only student housing building in this area, located directly to the east of the Property, has been designated for demolition in furtherance of this plan. Inclusion of this Property in the Cumberland District with a resulting high-rise, privately operated residential development will undermine the University's Master Plan, and the University's ability to develop academic buildings to support its academic mission, all of which supports the region and state's economic and workforce development needs.

Lastly, construction of a ten-story building by a third party not overseen by the University would pose safety and logistical risks to the University community. Melrose Place is a high-traffic pedestrian corridor for students accessing classes and housing. The University has experience managing construction projects to minimize impact on operations and students as well as the ability to manage campus operations. The Haslam College of Business building project serves as a current example. This project, separated from 824 Melrose Place only by Massey Hall, required significant oversight and planning by the University, including adjustments to the "T" bus service, vehicle and pedestrian traffic patterns, and neighboring building occupants to limit disruptions to academic, research, and event activities. This and other contractors for university projects rely heavily on direction from campus operations to minimize any construction related disruptions. A third-party developer lacks that knowledge and experience at the campus and would pose disruption and safety risks.

OTHER CONSIDERATIONS

There is ample space within the existing boundaries of the Cumberland District for high-rise student housing without placing this development inside the University footprint. Hundreds of new beds are under development in the Cumberland District and other areas near campus. It is not necessary to go beyond the bounds of the Cumberland District to meet off-campus housing needs.

The University should manage all housing within the campus institutional border, and this housing should be limited to students, if for no other reason than safety and security of the university community. The University has avoided developing the Fort Sanders neighborhood to respect the historic nature of Fort Sanders. The University asks that The Planning Commission honor the University's ability to manage development within its institutional zone.

CONCLUSION

For these reasons, the Property should not be included in the Cumberland District or rezoned to CU-1. The bounds of the Cumberland District are historic in nature, as are

the bounds of the University. Including this Property in the Cumberland District would bleed the Cumberland District into the University footprint. Further, rezoning the Property as CU-1 would undermine the purpose of the CU-1 zone, to serve as a transition between Cumberland Avenue and the University. This amendment and rezone would undermine the long-term goals of the University as well as the safety and operations of the University community. We respectfully request you deny the request to include the Property in the Cumberland District and the request to rezone it to CU-1.

Sincerely,

HODGES, DOUGHTY & CARSON



Wayne A. Kline
Attorney for The University of Tennessee

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