

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE • KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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**File Number:** 2-B-12-UR                      **Related File Number:**  
**Application Filed:** 12/17/2011              **Date of Revision:**  
**Applicant:** HATCHER HILL PROPERTIES, LLC TIM HILL

## PROPERTY INFORMATION

**General Location:** Northwest side of Sutherland Ave., southwest side of N. Concord St.  
**Other Parcel Info.:**  
**Tax ID Number:** 94 O E 016                      **Jurisdiction:** City  
**Size of Tract:** 0.84 acres  
**Accessibility:** Access is via N. Concord St., a local street with 32' of pavement width within a 50' of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Parking lot  
**Surrounding Land Use:**  
**Proposed Use:** Multi-dwelling apartments                      **Density:**  
**Sector Plan:** Central City                      **Sector Plan Designation:** Office  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** This area is developed with commercial, light/heavy industrial and office uses under C-3, C-6, O-1, I-2 and I-4 zoning.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 2201 Sutherland Ave  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** O-1 (Office, Medical, and Related Services)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** O-1 rezoning approved on second reading by the City of Knoxville on December 13, 2011.

## PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

## **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

## **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

## **MPC ACTION AND DISPOSITION**

**Planner In Charge:** Tom Brechko

**Staff Recomm. (Abbr.):** APPROVE the request for up 42 multi-dwelling units as shown on the development plan subject to 9 conditions.

**Staff Recomm. (Full):**

1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Paving the alley that serves this development site between N. Concord St. and Portland St. to the specifications and standards as required by the Knoxville Department of Engineering prior to a certificate of occupancy being issued for the development.
4. As required by the Knoxville Department of Engineering, submitting a traffic analysis of the ability of the alley and local streets to handle the traffic that will be generated by the proposed development for their review and approval.
5. Installing any signage for access to the site as may be required by the Knoxville Department of Engineering.
6. Meeting all applicable requirements of the Knoxville Department of Engineering.
7. Obtaining any additional variances from the Knoxville Board of Zoning Appeals (BZA) for the proposed development.
8. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permits for the facility.
9. Meeting all applicable requirements of the Knoxville City Arborist

With the conditions noted, this plan meets the requirements for approval within an O-1 (Office, Medical, and Related Services) district and the criteria for approval of a use on review.

**Comments:** The applicant is proposing to redevelop a former parking lot site located at the intersection of Sutherland Ave. and N. Concord St. into an apartment development with a total of 42 residential units.

The Planning Commission considered the request to change the zoning of this site from C-6 (General Commercial Park) to O-1 (Office, Medical, and Related Services) on October 13, 2011. The Planning Commission recommended approval with Knoxville City Council approving the rezoning on second reading on December 13, 2011. The O-1 zoning district allows consideration of multi-dwelling development through the use on review process.

The applicant is proposing a three-level multi-dwelling apartment building over a one level parking garage. Since the site slopes downhill from Sutherland Ave. to the alley, the apartment design will be three levels for the apartments along the front building line along Sutherland Ave. with the four levels (which includes the garage level and access to the alley) fronting along the alley. Vehicular access for the site is restricted to the alley access off of N. Concord St. A total of 49 parking spaces will be located in the parking garage with an additional 24 spaces having direct access off of the alley.

The applicant will be required to pave the alley between N. Concord St. and Portland St. to the specifications and standards as required by the Knoxville Department of Engineering. The Knoxville Department of Engineering has also required that the applicant submit a traffic analysis of the ability of the alley and local streets to handle the traffic that will be generated by the proposed development.

The applicant had requested and obtained approval of four variances from the Knoxville Board of Zoning Appeals (BZA) on October 20, 2011 (see attached BZA Decision sheet). There were three variances for front and side yard setbacks and a variance to reduce the minimum required lot area with parking contained within a structure to 35,960 square feet. A variance was granted for a reduction of the front yard setback along Sutherland Ave. to 5' from the street right-of-way. Since the Knoxville Utilities Board had installed a major gas line along this right-of-way line in 2010, landscaping along this street frontage with larger landscaping is severely restricted.

In review of the proposed development plan it has been determined that at least two additional variances would be required. The maximum lot coverage permitted under the R-2 zoning is 30% of the lot area. As proposed, the building would cover approximately 55% of the lot area which would require a variance. The second variance is for useable open space. With 42 units, 16,800 square feet of useable open space is required. As proposed, there is approximately 2000 square feet of useable open space.

#### EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. Public water and sewer utilities are available to serve the site.
2. The surrounding area is developed with residential, office, light industrial and commercial uses. The O-1 zoning and proposed apartment development is compatible with surrounding development and zoning.
3. The proposed apartment development is appropriate at this location along a minor arterial street and it is located in fairly close proximity to office and other multi-dwelling development, as well as the University of Tennessee campus.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions and approved variances, the proposal meets all requirements of the O-1 and R-2 zoning districts as well as the general criteria for approval of a use-on-review.
2. While the general description section for the R-2 General Residential District identifies it as a district for medium population density, one of the variances granted for the proposed site plan allows for development of the site with a 42 unit apartment complex at a density of approximately 50 du/ac.
3. The proposed development is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan, Sector Plan and One Year Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The proposal is compatible with the character of the neighborhood where it is proposed. The use should not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas since the development is located adjacent to a minor arterial street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The O-1 zoning is consistent with the office designation of the adopted One Year Plan and the Central City Sector Plan. The O-1 zoning allows consideration of multi-dwelling housing developments as regulated in the R-2 (General Residential) district.
2. The site is located within the Urban Growth Area (Inside the City Limits) of the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 2/9/2012

- Details of Action:**
1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
  3. Paving the alley that serves this development site between N. Concord St. and Portland St. to the specifications and standards as required by the Knoxville Department of Engineering prior to a certificate of occupancy being issued for the development.
  4. As required by the Knoxville Department of Engineering, submitting a traffic analysis of the ability of the alley and local streets to handle the traffic that will be generated by the proposed development for their review and approval.
  5. Installing any signage for access to the site as may be required by the Knoxville Department of Engineering.
  6. Meeting all applicable requirements of the Knoxville Department of Engineering.
  7. Obtaining any additional variances from the Knoxville Board of Zoning Appeals (BZA) for the proposed development.
  8. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permits for the facility.
  9. Meeting all applicable requirements of the Knoxville City Arborist
  10. "An alternative development plan may be considered that would change the access drive that serves the site to a two-way design, changing the 10 45 degree angled parking spaces to 5 parallel spaces subject to obtaining any required variances and approval from MPC and City Engineering staff. If approved conditions 3 & 4 would be replaced by a condition that any required modification to the alley are subject to approval by the City of Knoxville Department of Engineering." (added at MPC meeting 2-9-12)

With the conditions noted, this plan meets the requirements for approval within an O-1 (Office, Medical,

and Related Services) district and the criteria for approval of a use on review.

**Summary of Action:** APPROVE the request for up 42 multi-dwelling units as shown on the development plan subject to 10 conditions.

**Date of Approval:** 2/9/2012

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:** 3/8/2012

## ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 4/3/2012

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Other

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

Appeal failed due to lack of motion - approval stands

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**