



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

Fwd: MPC Meeting FEB. 9, 2012 COMMENT

1 message

Sarah Powell <sarah.powell@knoxmpc.org>

Thu, Feb 2, 2012 at 3:46 PM

To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>, "Brechko, Tom" <tom.brechko@knoxmpc.org>

Betty Jo: I am forwarding to you for the agenda package.

Tom: I am forwarding to you because Mr. Cadmus requests to be contacted.

SP

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

From: <LeftRoamin@aol.com>

Date: Thu, Feb 2, 2012 at 2:01 PM

Subject: MPC Meeting FEB. 9, 2012 COMMENT

To: contact@knoxmpc.org

MPC MEETING ADGENDA

MEETING DATE: 02/09/2012

SECTION: USES ON REVIEW

ITEM NUMBER: 25

TITLE: HATCHER HILL PROPERTIES, LLC TIM HILL 2-B-12-UR

Northwest side of Sutherland Ave., southwest side of N. Concord St. Proposed use: Multi-dwelling apartments in O-1 (Office, Medical, and Related Services) District. Council District 6.

COMMENT:

On August 25,2011, Hatcher Hill Properties, LLC applied for a Rezoning from C-6 to O-1 on the property in question. At that time, the Applicant clearly stated that the "PROPOSED USE OF PROPERTY" was for "42 (Forty-two) Apartment Units" (MPC File Number: Rezoning 10-H-11-RZ).

The Rezoning requested by Hatcher Hill Properties, LLC was granted at the October 13, 2011 MPC Meeting over my objections at that meeting. My objection was based on the overall plan (Mr. Donaldson later informed me that my argument was unseasonable because "the MPC was only voting on a Rezoning issue, which was proper, and not (the larger issue which I was objecting to) the number of apartment units listed on the Hatcher Hill Rezoning Application".

My argument has now finally come to fruition. The MPC's own One Year Plan states "Future zoning changes must conform to the plan." This includes "Processing of the general zoning's by city sectors and as requested by property owners within the defined "general zoning" areas (One Year Plan , Pg. 5). The construction of that directive is certainly broad enough to cover this particular situation.

Also: "The Charter - Article VIII, Section 801 - requires that future zoning in the city conform to the community's comprehensive development plans. Previously, plans were guides for zoning, but conformance to the plans was not legally required." The following O-1 Zoning Ordinance "Multi-dwelling" provisions are surely encompassed in

those plans.

There are four types of Multi-dwelling Residential Land Use Classifications within the Knoxville, Tennessee city limits. Under the One Year Plan (Appendix C, LAND USE CLASSIFICATIONS, Pg. 91), those Plan Classifications are:

- 1.) LOW DENSITY RESIDENTIAL ... "less than 6 dwellings per acre" including "attached condominiums".
- 2.) MEDIUM DENSITY RESIDENTIAL "6 to 24 dwelling units per acre" including "R-2 Zoning Programs".
- 3.) HIGH DENSITY RESIDENTIAL "at densities greater than 24 dwelling units per acre.
- 4.) MEDIUM DENSITY RESIDENTIAL / OFFICE: "Office and medium residential uses" "Location Criteria: See Medium Density Residential".

While I must agree that the property in question has been approved by the MPC for a Zoning Change from C-6 to O-1 and the MPC does have the authority to grant a Use On Review for any "permitted" Use On Review under the newly acquired O-1 Zoning designation, the **HIGH DENSITY RESIDENTIAL** Multi-dwelling use which Hatcher Hill Properties, LLC is now seeking from the MPC under the Use On Review process **IS NOT A PERMITTED Multi-dwelling USE** under the O-1 Zoning Ordinance, therefore the Use On Review now sought by Hatcher Hill Properties, LLC **MUST BE DENIED**.

However, I also don't believe that it's within the MPC's authority to conduct an up or down vote on whether or not to abide by an O-1 Zoning Ordinance provision that is already clearly on the books, because to do so would be, in essence, an abuse of authority. I would much rather see "Item No. 25" removed from the February 9, 2011 MPC Meeting Agenda altogether.

I would appreciate it very much if someone from the MPC would give me some feedback on this COMMENT by at least Monday afternoon (02/6/2012), so I may plan ahead for the February 9 MPC Meeting.

Thank you,

Richard Cadmus (Property Owner 2315 Sutherland Ave.)
8863 Happy Hollow Road
Lenoir City, TN 37771

[865-643-3911](tel:865-643-3911)
leftroamin@aol.com



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

**Fwd: ADDITIONAL COMMENT: HATCHER HILL PROPERTIES, LLC
TIM HILL 2-B-12-UR**

1 message

Sarah Powell <sarah.powell@knoxmpc.org>

Mon, Feb 6, 2012 at 3:36 PM

To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>, "Brechko, Tom" <tom.brechko@knoxmpc.org>

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

From: <leftroamin@aol.com>

Date: Mon, Feb 6, 2012 at 3:26 PM

Subject: ADDITIONAL COMMENT: HATCHER HILL PROPERTIES, LLC TIM HILL 2-B-12-UR

To: contact@knoxmpc.org**COMMENT****MPC MEETING ADGENDA****MEETING DATE:** 02/09/2012**SECTION:** USES ON REVIEW**ITEM NUMBER:** 25**TITLE:** HATCHER HILL PROPERTIES, LLC TIM HILL 2-B-12-UR

Northwest side of Sutherland Ave., southwest side of N. Concord St. Proposed use: Multi-dwelling apartments in O-1 (Office, Medical, and Related Services) District. Council District 6.

RE: Additional Comments

Dear [MPC](#) Commissioners,

It has occurred to me that the R-2 USE-ON-REVIEW (Item #25) issue you are about to vote on at the Feb. 9 meeting bears absolutely no resemblance to the C-6 to O-1 rezoning issue on this matter which was addressed at the last [MPC](#) Meeting I attended (Oct. 13, 2011). I apologize for not presenting my argument in a concise and cogent manner at that meeting. This was due in part, to my ignorance of the "process" and exactly what Mr. Tim Hill ([Hatcher](#)-Hill Properties, [LLC](#)) was attempting to accomplish or, his "end game" if you will. Although I completely disagree with his project plan as presented, I don't fault him for his motives.

What I fail to understand now is the Planning Commission's motives and logic. Why the Commission would put 5 or more million dollars worth of potentially good building planning revenue at risk for potentially 3 million dollars worth of extremely questionable building planning is beyond my comprehension. Especially when the City Of Knoxville would get the 3 million dollars worth of the good

planning revenue benefit either way if the Planning Commission just followed their own [developement](#) policies and then made the right choices accordingly.

In my previous comment (emailed to the [MPC](#) Comment site Feb. 3) I failed to mention that although the "Staff Recommendation" states that "*access for the site is restricted to the alley access off of [N. Concord St.](#)" and "*the alley is designed for one way access from [N. Concord St.](#) to Portland St. (east to west)" unfortunately, the "Staff" is mistaken. The alley in question, which provides a "legal" right-of-way for myself and other property owners in the neighborhood, has never been used as a "one-way alley". Furthermore, due to the semi-truck and trailer requirements I personally have at my ([C-6](#)) commercial building which incorporates two loading docks (one facing east and one facing north) next to the [Hatcher-Hill, LLC](#) property, the alley MUST NOT be designated as "one-way" in the future. Even large single-axle straight trucks (the kind used for most local furniture and big-screen TV deliveries to apartment complexes) cannot negotiate the turn at the intersection between the alley and Portland St. (in either direction). I personally bring a tractor and trailer to my property for maintenance about once a month and I MUST enter AND leave the alley through the Concord St. intersection in order to get to my property. Be assured that this is not an issue which can be easily worked around by just putting up some "One-Way" signs in the alley, thereby denying me of the future right of reasonable access to my commercial property. This which is one of those rights that anyone in my position is legally entitled to.**

At the October 13, 2011 [MPC](#) meeting, I didn't really get a chance to respond to comments made by Commissioner George [Ewart](#), Commissioner Carey and Commissioner Art [Clancey](#). Maybe it's best that I didn't, because at the time, they were talking about one thing ([C-6](#) to O-1) and I was talking about a completely different issue ([C-6](#) to High Density Residential ... i.e. 42 Apartments on .84 acres of land requiring approved variances that would make a Chinese ghetto Real-Estate developer blush). Everybody should be on the same page at this stage of the process, so I've copied those Commissioner's comments from the Oct. 13 [MPC](#) Meeting Minutes and I'd like to address them now (in italics):

[MPC](#) Minutes pg. 28+29

[Cadmus](#): I think I made my point. Again I request that you either postpone or deny this.

George [Ewart](#): After reviewing this and this is kind of down the road from where I kind of hang out, there are 14 zones on this map that we got. O-1 is one of them and O-1 is kind of there are a lot of areas in here that are predominantly O-1. I just don't see a problem with it. I think it will blend in with the [C-6](#) across the street. I just don't have a problem with this. I just don't understand where you are coming from as far as multiple zones in there because, hurting because he got from I to O to Open Space, [C-6](#). I kind of agree with this. I make a motion that we approve O-1 office zoning.

[Cadmus](#): Was that rhetorical?

Anders: Yes it is rhetorical.

Mr. [Ewart](#), according to "The Knoxville-Knox County General Plan, DEVELOPMENT POLICIES 10.9 (pg.

68), it should be your goal as an [MPC](#) Commissioner to "Avoid creating zoning boundaries that result in unlike uses directly facing each other". The proposed apartment complex will "blend in" with absolutely nothing currently in the neighborhood. If this is right down the road from where you "kind of hang out", then you must be well aware of how many house's along Sutherland Avenue that [KCDC](#) bought-up and tore-down when the City widened the road leading up to the intersection of Concord & Sutherland Ave. This was done in an effort to PREVENT people from having to live immediately up against a busy 4-lane downtown connector route. At one time, Cherokee Mills was right up against the street too (I believe it was called [Shamut](#) Ave.) but thanks to good planning policies and adherence to zoning set-back ordinances and building density policies, that bad situation was corrected. I don't disagree with "multiple zones" , I disagree with ill-conceived ideas that are designed to make a quick buck and the short-sighted bad planning decisions that are required to get those bad ideas approved.

MOTION ([EWART](#)) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Carey: Addressing the issue of possible cookie cutter or spot zone, this is consistent with our one year plan and our sector plan for this area. That use, I won't disagree with you that you feel like your values might be hurt. This seems like this is an upscale project that might enhance the value of the property.

[Cadmus](#): My point is that the property is not big enough for that.

Also Mr. Carey, you are referring to O-1 being consistent with the One Year Plan, but the One Year Plan is NOT consistent with a High Density Multi-Dwelling use in O-1 Zoning. I have no idea which Sector Plan you are referring to since the Staff Recommendation has this project listed as being in the West Sector Plan, which is wrong. The Central City Sector Plan (which is were this property is located) does encourage consideration to "office rezoning", but a High Density Multi-Family Dwelling project certainly does NOT fit THAT plan either, and will actually prevent at least two acres of true "office rezoning" that the Sector Plan calls for from ever happening. The ONLY property value that will be enhanced by this "upscale project" (your words ... not mine) is the property in question. Over-building on a commercial lot is NEVER a recipe for success in any neighborhood, unless you happen to be the person cooking the ordinances.

Carey: He has to deal with those issues himself.

Obviously not, Mr. Carey, or I wouldn't be here today. If you would just take a moment to look at your ([MPC](#)'s) own Knoxville-Knox County General Plan, DEVELOPMENT POLICIES 11.2 (pg. 68+69), you would realize that the project which [Hatcher-Hill, LLC](#) is actually proposing IS NOT suitable for this area and certainly not for this particular piece of property. If it's the money you're worried about, then don't worry. If someone has 3 million dollars to do the wrong thing, then they will definitely have the same amount of money to do the right thing. It just so happens that it is your mandate to see to it that people do the right thing and nothing less.

Art Clancy: This is rhetorical. Mr. [Cadmus](#) this isn't spot zoning and it is not a fight about money. It is a fight about land use and what is the best use of the piece of property. Whereas you may look at that as everybody has an opinion, we made a decision based on what is around it, what is a good use for the piece of property after we have looked at it and see what is there, and what could be there; and

that is what we make our decisions on. It is not a fight about money. It is a fight about property use. It is a decision based on the best use of a piece of property.

You're partially right, Mr. Clancy, this is a fight about land use and what is the best use for property in the neighborhood that I lived in and raised two kids in from birth until they were six and seven years old respectively. Whereas you may have "looked" at this property, you certainly haven't actually "seen" this property as I have for the last 25 years. Everybody's opinion counts for something, but if you think that means that everybody's opinion is equal it's not. In order to make an intelligent decision about anything, sometimes "looking" is just not enough. Sometimes you actually have to live in a situation to really know what you're talking about. Sometimes what you don't see is just as important or even more important to the decision making process than what you do see. If you don't believe me, just ask anyone who's stepped on a rattlesnake if, given the chance, they wouldn't have done something differently.

Since this is a "fight about property use" and "a decision based on the best use of a piece of property", just what exactly are you basing your decision on, and who exactly are you making that decision for? I'm sure you realize that this is not just about you and me and Mr. Hill. We are not the 42 family households that have to actually live with your decision. By now, I trust you have the [Hatcher-Hill, LLC](#) artist cad rendering of the "Sutherland Apartments". Please look at the front elevation of the building rendering and tell me what you don't see. My guess is that you don't see any noise. You also don't see any big rigs with fully loaded 52 foot trailers going down Sutherland Ave. approximately ten feet away from every man, woman and child trying to sleep at night on that side of the building (courtesy of the [BZA's](#) questionably thought-out 5 foot zoning set-back variance). You certainly must realize that there are two rather larger truck terminals in fairly close proximity to this project (one on Concord and one on Sutherland) and each of those establishments move freight at night. When I worked late at night in my building (which is further away from the street than this proposed apt. complex) sometimes it sounded like I had an office in the infield at the Atomic Speedway. But I'm sure this is no concern of yours or mine because after all we don't live there. Right?

Here are one or two more things you probably don't see in that picture. Do you see that ugly DOT Guardrail blocking the view of all of the first floor windows? No? Well look at the elevation of those bottom floor windows the ones that run along street level for 270 feet. Of course, since you've "looked at this" and you were quick to second Mr. [Ewart's](#) Motion to approve the "Staff Recommendation", you MUST realize that this project is being built along a traffic "bottle-neck" that reduces the road width going east to west. Since you didn't see any guardrails, how long do you suppose it will be before you see a tanker truck forced off the road and directly into the first floor row of apartments ... [hmmmm](#)? Gee. Let's hope that wasn't gasoline!

You see Mr. Clancy, I don't think that you or anyone else on the Planning Commission has thought this plan out as well as you think you have. The reason none of the above can or is likely to happen is because we have zoning ordinances designed not only for aesthetic purposes, but also to protect us from ourselves. If we allow those protections to be stripped away, that's when all hell breaks loose. I don't believe either of us want that. Do you?

Please vote to Deny this Use-On-Review.

Respectfully submitted,

Richard [Cadmus](#)
02/06/2011

To see what is right, and not to do it, is want of courage or of principle.

[Confucius](#)

Chinese philosopher & reformer (551 BC - 479 BC)
