

# BOARD OF ZONING APPEALS APPLICATION

Click on [Meeting Schedule](#), [Deadlines and Fees](#) for information on submitting an application to be heard at a monthly Board meeting.

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Ben Mullins obo HUB On Campus Develop.	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address 550 West Main St., Suite 500	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Knoxville, TN 37902	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number 865-546-9321	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email bmullins@fmsllp.com		Other <input type="checkbox"/>

**THIS IS A REQUEST FOR:**

<input checked="" type="checkbox"/> Zoning Variance (Building Permit Denied)	<input checked="" type="checkbox"/> Extension of Non-Conforming Use/or Structure
<input type="checkbox"/> Appeal of Administrative Official's Decision	<input type="checkbox"/> Map Interpretation

**PROPERTY INFORMATION**

Street Address Building 2: 2001 and 2017 Cumberland	City, State, Zip Knoxville, TN 37916
See KGIS.org for Parcel # 108CC023 and 108CC024 City Council District 1	and Zoning District CU-2

**VARIANCE REQUIREMENTS**

**City of Knoxville Zoning Ordinance Article 16, Section 16.3**  
 The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.  
 The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

**DESCRIPTION OF APPEAL**

Describe your project and why you need variances.  
 Applicant seeks to develop an assemblage of properties into a mixed-use housing project comprised of 4 separate buildings over multiple existing parcels. Additional information on project attached hereto.

Building 2 Variances:

- Article 7.2.2.B.3.A: The building height/story maximum is 90' and 8 stories. The proposed height of Building is 115' with 10 stories.
- Article 7.0.3.1.3: Elevator or stairway access to roof cannot exceed the maximum building height by more than 10'. 15' is the proposed height for these building elements.
- Article 7.2.3.B.2.A: 0' to 10' Build-to Zone is required on Cumberland Avenue. Administrative discretion up to 10% is allowed. A 17' setback at the western-most retail tenant is proposed.
- Article 7.2.3.B.2.H: Ground level parking is required to be setback a minimum of 10' rear property line. The proposed plans show parking located up to the property line.

Describe hardship conditions that apply to this variance.  
 Site specific constraints i.e., topography, geotech limits, and small lot configuration make strict compliance with the height and setback requirements unreasonable As more fully stated in the attached letter, if this property were on a flat plane these variances would not be required. These variances are the minimum adjustment necessary for the reasonable use.

**APPLICANT AUTHORIZATION**

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE  DATE 7-18-2022

File #



# BOARD OF ZONING APPEALS APPLICATION

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

Is a plat required?    Yes     No

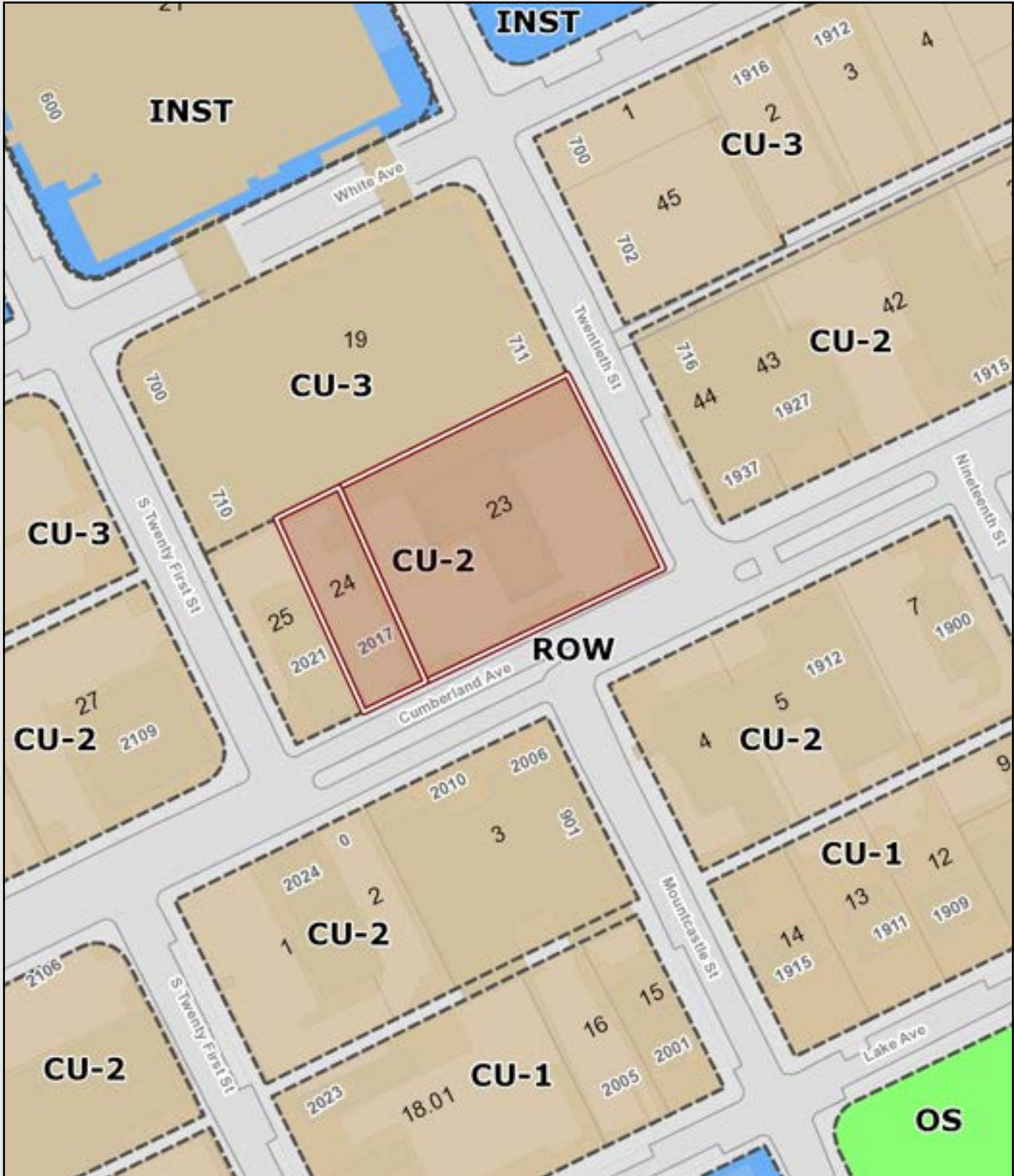
Small Lot of record?

**VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):**

*(This area is intentionally left blank for the applicant to provide variance request details and ordinance citations.)*

**PROJECT INFORMATION**

Date Filed	Fee Amount
Council District	BZA Meeting Date
<b>PLANS REVIEWER</b>	<b>DATE</b>



2001 & 2017 CUMBERLAND

8-J-22-VA

BEN MULLINS



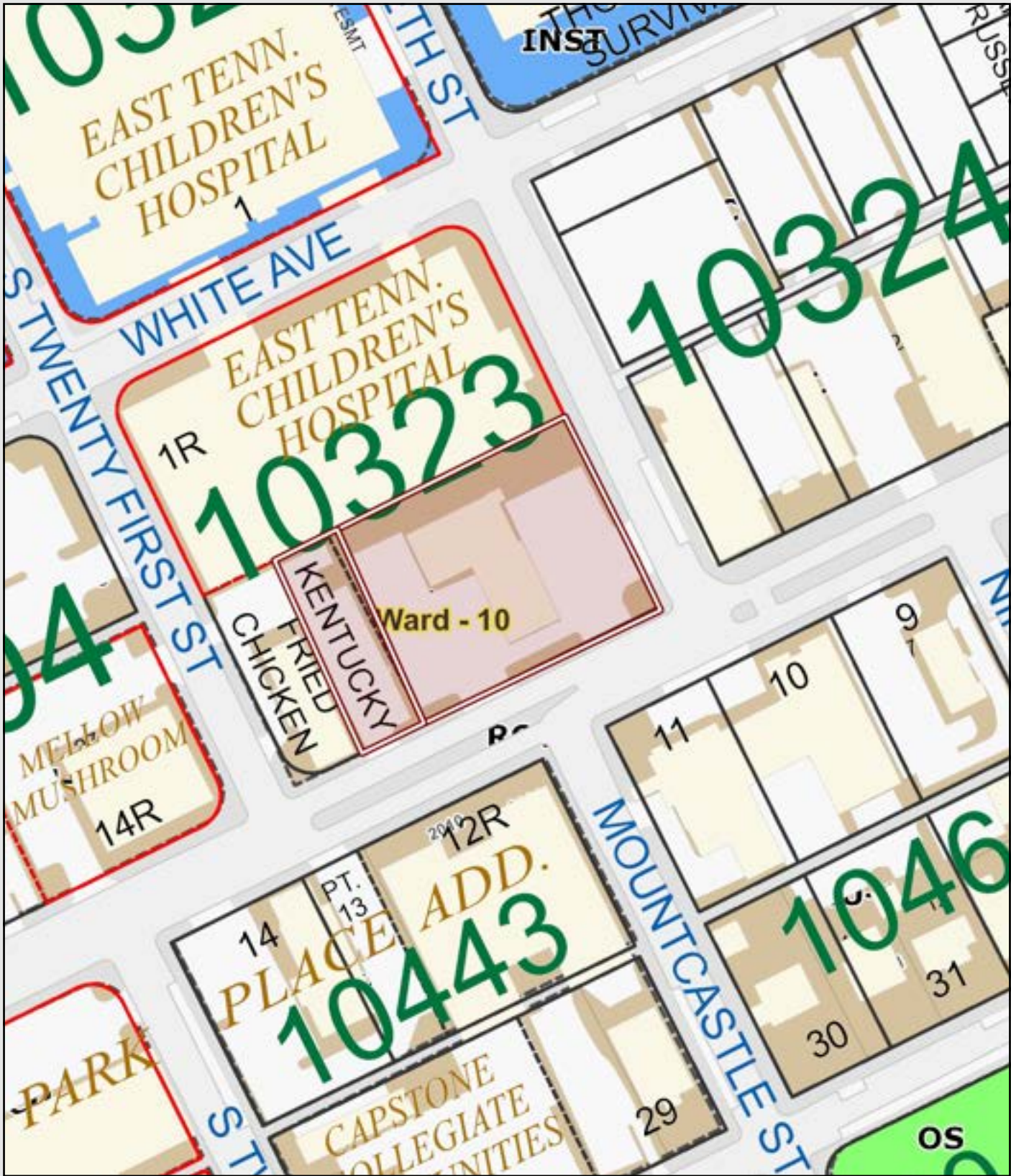
0 50 100 200



Feet

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2001 & 2017 CUMBERLAND

8-J-22-VA

BEN MULLINS

0 50 100 200



Feet





## 2001 & 2017 CUMBERLAND

8-J-22-VA

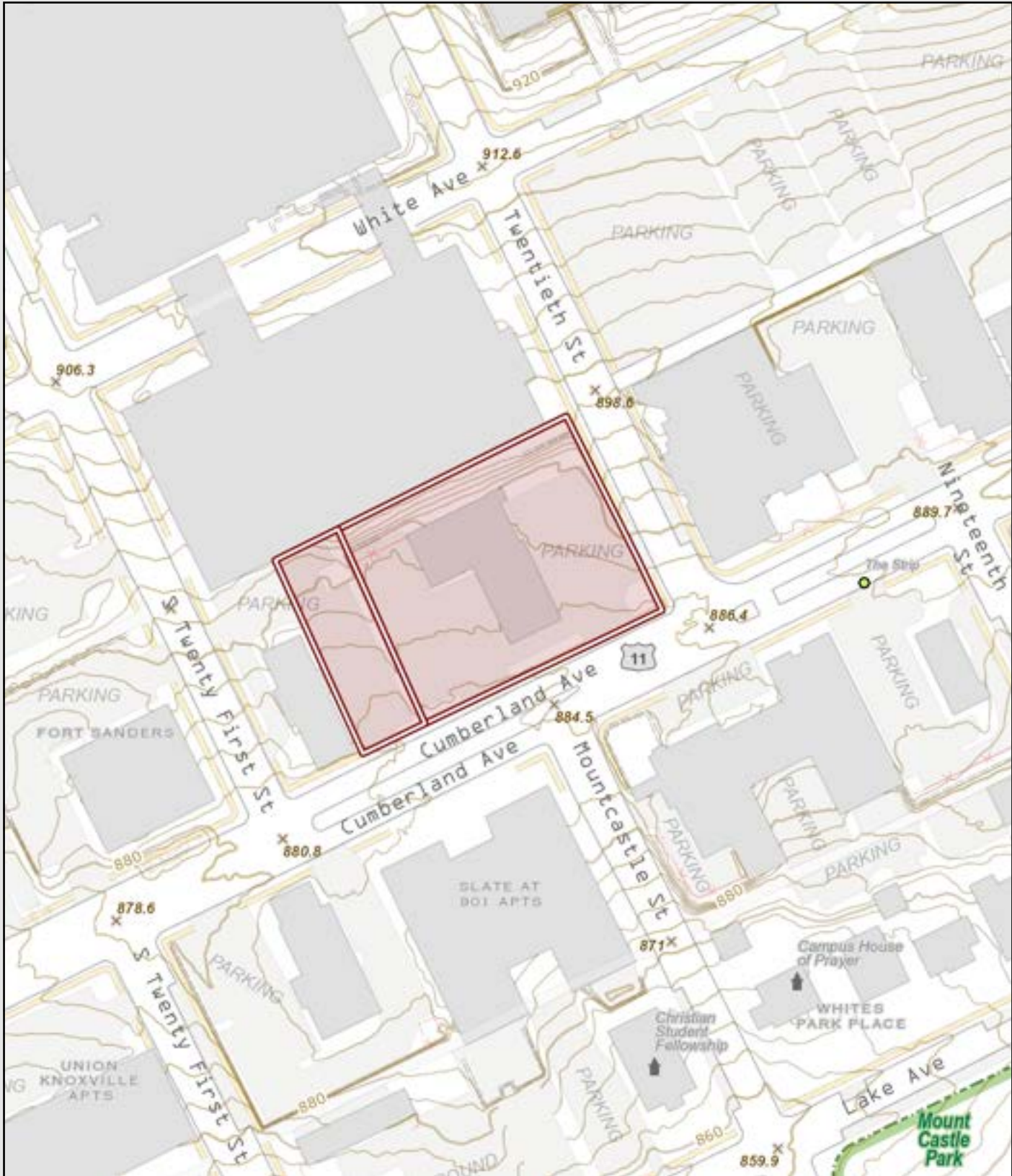
BEN MULLINS

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Feet





## 2001 & 2017 CUMBERLAND

8-J-22-VA

BEN MULLINS

0 50 100 200



Feet

# HUB ON CAMPUS KNOXVILLE DEVELOPMENT

## BZA SUBMITTAL PROPOSED VARIANCE REQUEST

JULY 18, 2022

SHEET	TITLE
A00	COVER SHEET
A01	AERIAL DEVELOPMENT VIEW LOOKING EAST
A02	AERIAL DEVELOPMENT VIEW LOOKING NORTH
A03	AERIAL DEVELOPMENT PLAN
A04	BUILDING 1 SITE PLAN
A05	BUILDING 1 PROJECT DATA
A06	BUILDING 1 CUMBERLAND AVE ELEVATION
A07	BUILDING 1 19TH ST ELEVATION
A08	BUILDING 1 20TH ST ELEVATION
A09	BUILDING 1 WHITE AVE ELEVATION
A10	BUILDING 1 CUMBERLAND AVE PERSPECTIVES
A11	BUILDING 2 SITE PLAN
A12	BUILDING 2 PROJECT DATA
A13	BUILDING 2 CUMBERLAND AVE ELEVATION
A14	BUILDING 2 20TH ST ELEVATION
A15	BUILDING 2 WEST ELEVATION
A16	BUILDING 2 NORTH ELEVATION
A17	BUILDING 2 CUMBERLAND AVE PERSPECTIVES
A18	BUILDING 3 SITE PLAN
A19	BUILDING 3 PROJECT DATA
A20	BUILDING 3 CUMBERLAND AVE ELEVATION
A21	BUILDING 3 21ST ST ELEVATION
A22	BUILDING 3 WEST ELEVATION
A23	BUILDING 3 ALLEY ELEVATION
A24	BUILDING 3 PERSPECTIVES
A25	BUILDING 4 SITE PLAN
A26	BUILDING 4 PROJECT DATA
A27	BUILDING 4 CUMBERLAND AVE ELEVATION
A28	BUILDING 4 19TH ST ELEVATION
A29	BUILDING 4 MOUNTCASTLE ST ELEVATION
A30	BUILDING 4 ALLEY, LAKE AVE ELEVATION
A31	BUILDING 4 PERSPECTIVES
A32	DEVELOPMENT PARKING ANALYSIS

HUB ON CAMPUS KNOXVILLE DEVELOPMENT

1900, 1901, 2001, 2109 CUMBERLAND AVE KNOXVILLE, TN 37918

ORILL DESIGN STUDIO, LLC - ARCHITECT  
128 HIGHTOWER TRAIL, ATLANTA, GEORGIA 30358

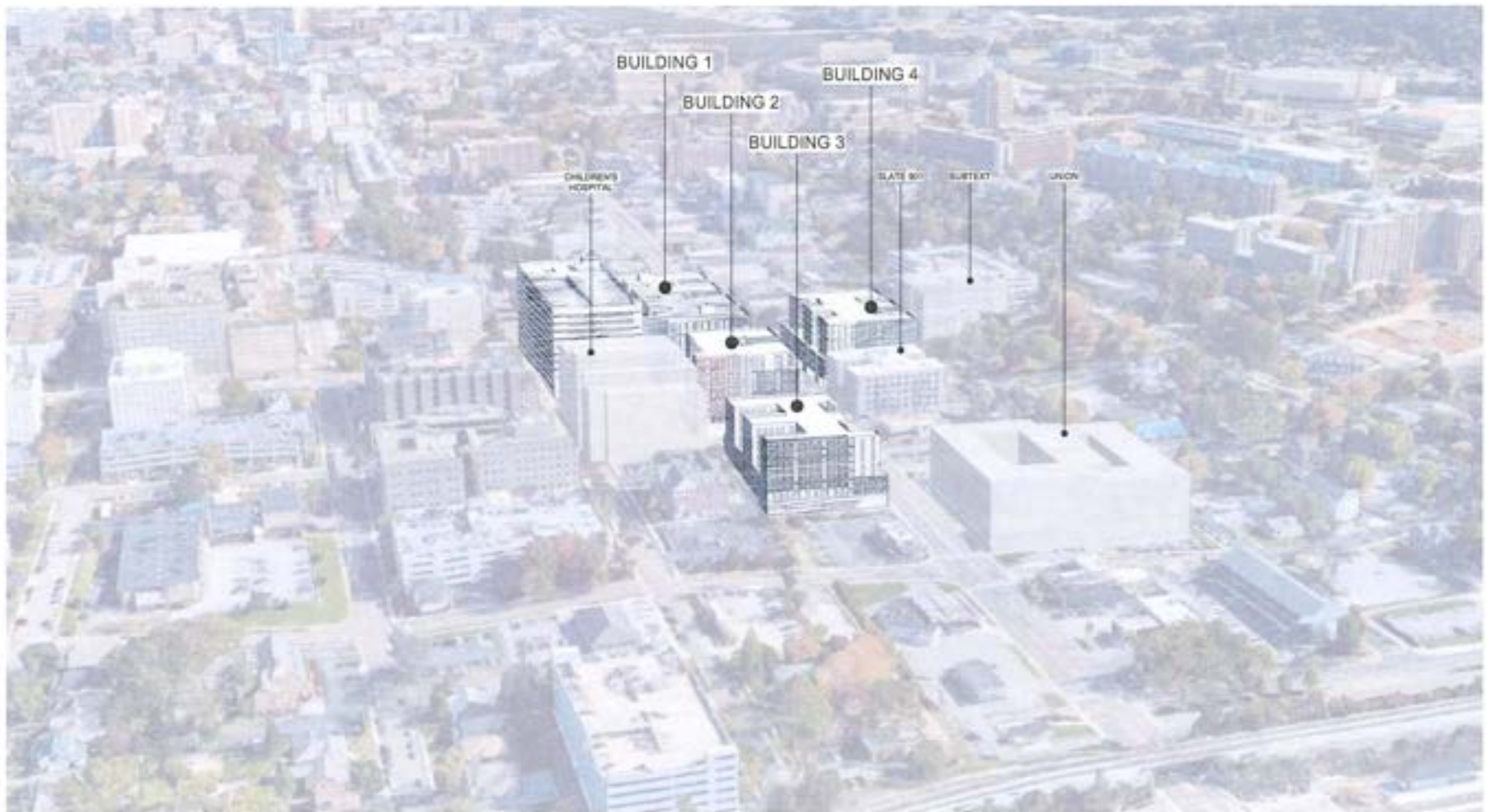
ANTONOVIC ASSOCIATES - SENIOR ARCHITECT  
224 WEST FURCH STREET, CHICAGO, IL 60604

COBE KNOXVILLE CUMBERLAND, LLC - OWNER  
1943 NORTH MILWAUKEE AVENUE, CHICAGO, IL 60647

COVER SHEET | A00

BZA SUBMITTAL | JULY 18, 2022





**HUB ON CAMPUS KNOXVILLE DEVELOPMENT**

1900, 1901, 2001, 2109 CUMBERLAND AVE KNOXVILLE, TN 37916

**AERIAL DEVELOPMENT VIEW LOOKING EAST | A01**

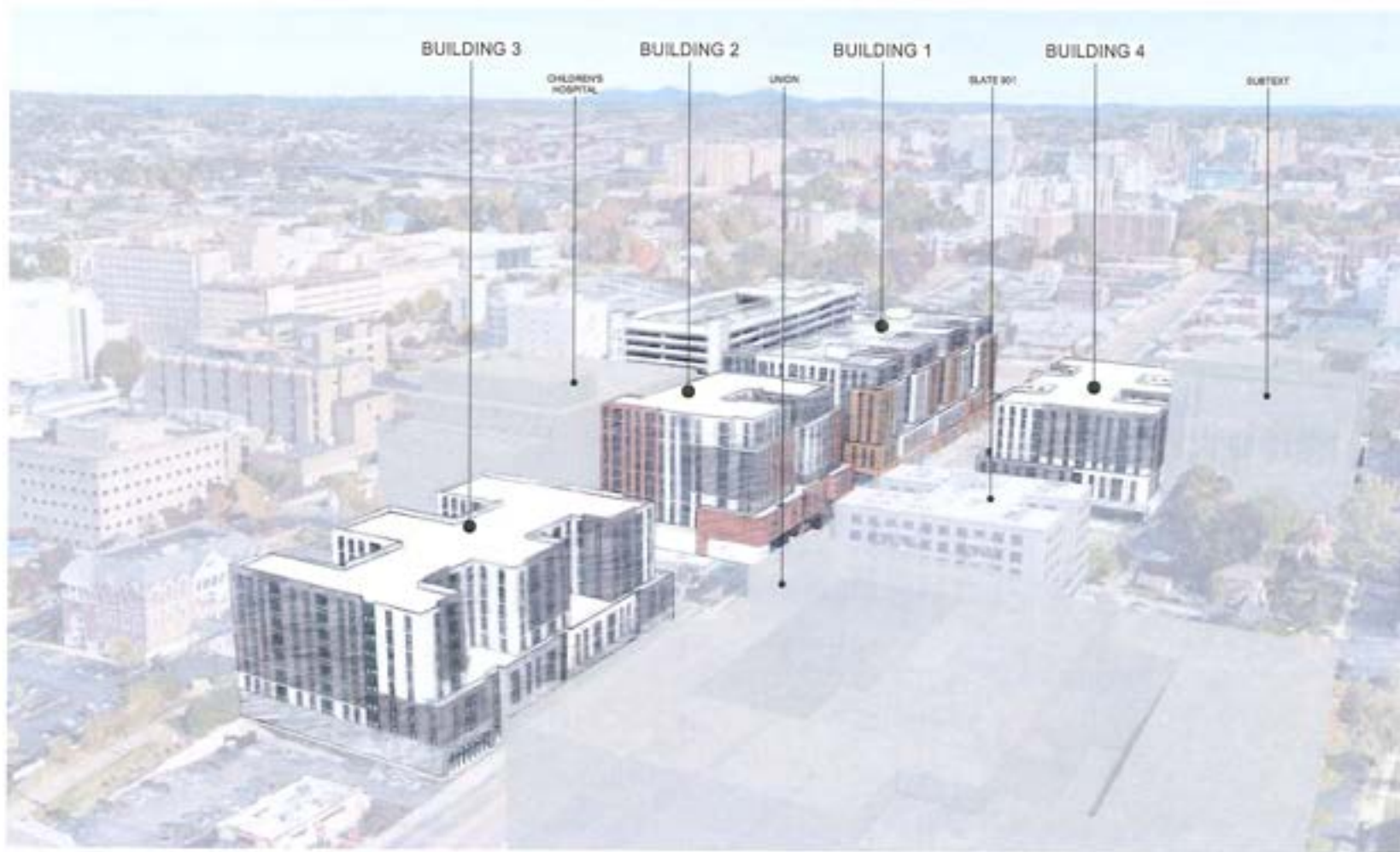
**BZA SUBMITTAL | JULY 18, 2022**

DMELL DESIGN STUDIO, LLC - ARCHITECT  
1205 HIGHTOWER TRAIL, ATLANTA, GEORGIA 30338

ANTUNOVICH ASSOCIATES - DESIGN ARCHITECT  
234 WEST WILSON STREET, CHICAGO, IL 60604

CORE KNOXVILLE CUMBERLAND, LLC - OWNER  
190 NORTH MILWAUKEE AVENUE, CHICAGO, IL 60647





**HUB ON CAMPUS KNOXVILLE DEVELOPMENT**

1900, 1901, 2001, 2109 CUMBERLAND AVE KNOXVILLE, TN 37916

SMELL DESIGN STUDIO, LLC - ARCHITECT  
130 HICKORY TRAIL, ATLANTA, GEORGIA 30309

ARTWORTH ASSOCIATES - DESIGN ARCHITECT  
24 WEST HURON STREET, CHICAGO, IL 60604

OMRE KNOXVILLE CUMBERLAND, LLC - OWNER  
160 NORTH BURNHAMME AVENUE, CHICAGO, IL 60647

AERIAL DEVELOPMENT VIEW LOOKING NORTH | A02

BZA SUBMITTAL | JULY 18, 2022



**HUB ON CAMPUS KNOXVILLE DEVELOPMENT**

1900, 1901, 2001, 2109 CUMBERLAND AVE KNOXVILLE, TN 37918

SMILL DESIGN STUDIO, LLC - ARCHITECT  
128 HIGHTOWER TRAIL, ATLANTA, GEORGIA 30339

INTUITIVE ASSOCIATES - SENIOR ARCHITECT  
224 WEST HURON STREET, CHICAGO, IL 60601

CORE KNOXVILLE CUMBERLAND, LLC - OWNER  
1443 NORTH WELLS AVE, CHICAGO, IL 60647

**AERIAL DEVELOPMENT PLAN | A03**

**BZA SUBMITTAL | JULY 18, 2022**





**BUILDING 2**  
Zoning Summary for the parcels at  
2001 - Cumberland Ave., Knoxville, TN

Zoning: Cumberland Ave. District  
Subdistrict: CU-2 Cumberland Avenue Corridor District (Cumberland Ave.)  
Plan: Cumberland Ave. Corridor Plan (Form District)  
Area: 192.5 ft. x 150 ft. (28, 875 sf)

	Required/Permitted (CU-2)		Required/Permitted (CU-2)
<b>HEIGHT</b>	(8) stories max. (90 ft.) / (10) stories (115') proposed (2) stories min. (24.5') Height measured from Cumberland	<b>UPPER LEVEL SETBACKS</b>	Side (primary): 10 ft. Side (street): 10 ft.  Cumberland Ave. is a Primary street Stepback above 2 <sup>nd</sup> or 3 <sup>rd</sup> Floor
<b>FLOOR HEIGHTS</b>	Ground Floor: 12 ft. min. (floor to ceiling) Upper Floor: 9 ft. min. (floor to ceiling)	<b>STREET-SCAPE</b>	20th Street: 5 ft. Sidewalk + 5 ft. planting zone Tree Lean / Tree Grate Tree Spacing: 30 ft. O.C. avg.
<b>USES</b>	Residential units: Upper Floor only Lobby & Amenity spaces allowed on the Ground Floor Retail Spaces: Ground/Upper Floor Outdoor Amenity: 10% min. (provided at rooftop terrace)	<b>ENTRANCE LOCATION</b>	Required off Primary street 50 ft. max. entrance spacing
<b>BUILD TO ZONE</b>	Cumberland: 0 ft. min./10 ft. max. Side Street: 0 ft. min./12 ft. max. Rear Lot Line: n/a	<b>OFF-STREET PARKING</b>	Accommodate in surface lots and/or structured parking Parking setback: Cumberland: 30 ft. min. Side (street): 10 ft. min. Side (int.): 0 ft. / 5 ft. min. Rear (alley): 0 ft. / 5 ft. min. Or behind fully enclosed spaces
<b>LOWER FLOOR SETBACKS</b>	Cumberland: 0 ft. min. Rear (alley): 5 ft. min. Side (interior): 0 ft. / 5 ft. min. Side (street): 0 ft. min. Cumberland Ave. is a Primary street	<b>PARKING BASE RATIOS (MIN.)</b>	Efficiency Unit 1.0/OU 1 Bedroom 1.0/OU 2 Bedroom 1.5/OU 3 Bedroom 2.0/OU 4+ Bedroom 2.5/OU Guest Parking 0.125/OU Retail Uses 3/1,000 of gfa
<b>PARKING SETBACKS</b>	Cumberland: 30 ft. min. Side (street): 10 ft. min. Side (int.): 0 ft. / 5 ft. min. Rear (alley): 0 ft. / 5 ft. min. Applies to First Floor only.	<b>BIKE PARKING</b>	Up to 2 BR Units: 0.5/OU Additional Bedrooms 0.25/Br 20% Short-term / 80% Long-term Retail Uses: 1 per 2,500 SF of GFA; 4 min 80% Short-term / 20% Long-term
		<b>PARKING METRICS</b>	Standard Stairs: 90-degree stall depth: 17.5 ft. 90-degree stall width: 9 ft. Compact Stairs: (20% max.) 90-degree stall depth: 15.5 ft. 90-degree stall width: 8 ft. Aisle Width: 1-way Aisle width: 26 ft. 2-way Aisle width: 26 ft.
		<b>LOADING</b>	50 + residential units 1 space 20,000-100,000 of GFA Comm. 1 space 12 ft. W x 35 ft. L x 15 ft. H

BUILDING 2				
Address	2001 Cumberland, Knoxville, TN			
Site Area	0.66 Acres (28,875 sf)			
Zoning	CU-2			
Existing Zoning	CU-2			
Proposed Zoning	CU-2			
Zoning Subcategory	CU-2			
<b>Summary</b>				
Total Units	148			
Total Beds	462			
<b>Unit Mix</b>	<b>Units</b>	<b>%</b>	<b>Parking Counts</b>	<b>Ratio</b>
Studio / 1 Bedroom	38	26%	Studio / 1 Bedroom	38
1 Bedroom	66	45%	1 Bedroom	66
2 Bedrooms	31	21%	2 Bedrooms	32
3 Bedrooms	34	23%	3 Bedrooms	35
4 Bedrooms	38	26%	4 Bedrooms	40
<b>Total</b>	<b>148</b>	<b>100%</b>	<b>Structural</b>	<b>218</b>
			Guest Parking	34
			<b>Total</b>	<b>252</b>
Parking Ratio	1.76			

P.A.A. - PARKING			
Required Vehicle Parking	Required	Provided	Required / Provided
Unit 1 Bedroom	1	1	1
2 Bedrooms	1.5	2	1.33
3 Bedrooms	2	2	1
4+ Bedrooms	2.5	2	0.8
Guest parking	0.125	0.23	1.84

**HUB ON CAMPUS KNOXVILLE, BUILDING 2**

2001 CUMBERLAND AVE  
KNOXVILLE, TN 37916

DRILL DESIGN STUDIO, LLC - ARCHITECT  
124 HIGHTOWER TRAIL, ATLANTA, GEORGIA 30308

BATAKOVICH ASSOCIATES - DESIGN ARCHITECT  
24 WEST WORTH STREET, CHICAGO, IL 60604

CORE KNOXVILLE CUMBERLAND, LLC - OWNER  
160 NORTH MILWAUKEE AVENUE, CHICAGO, IL 60647

PROJECT DATA | A12  
BZA SUBMITTAL | JULY 18, 2022





GENERAL NOTES:  
 1. PROJECT TO MEET OR EXCEED 1ST FLOOR  
 TRANSPARENCY CALCULATIONS PER ARTICLE 7.0.3.D



**HUB ON CAMPUS KNOXVILLE, BUILDING 2**

2001 CUMBERLAND AVE  
 KNOXVILLE, TN 37916

ORILL DESIGN STUDIOS, LLC - ARCHITECT  
 1281 NIGHTOWER TRAIL, ATLANTA, GEORGIA 30308

INTUITIVOR ASSOCIATES - SCHEMA ARCHITECT  
 224 WEST HURON STREET, CHICAGO, IL 60604

CDM KNOXVILLE CUMBERLAND, LLC - OWNER  
 140 NORTH WELLS AVENUE, CHICAGO, IL 60607

CUMBERLAND ELEVATION | A13

BZA SUBMITTAL | JULY 18, 2022



GENERAL NOTES:

1. PROJECT TO MEET OR EXCEED 1ST FLOOR TRANSPARENCY CALCULATIONS PER ARTICLE 7.0.3.D



**HUB ON CAMPUS KNOXVILLE, BUILDING 2**

2001 CUMBERLAND AVE  
KNOXVILLE, TN 37916

SMILL BERRY STUDIO LLC - ARCHITECT  
128 HIGHTOWER TRAIL, ATLANTA, GEORGIA 30308

ANTUNOVICH ASSOCIATES - SENIOR ARCHITECT  
24 WEST HUNON STREET, CHICAGO, IL 60604

CORE KNOXVILLE CUMBERLAND LLC - OWNER  
140 NORTH WILBURNE AVENUE, CHICAGO, IL 60647

20TH STREET ELEVATION | A14  
BZA SUBMITTAL | JULY 18, 2022







**HUB ON CAMPUS KNOXVILLE, BUILDING 2**

2001 CUMBERLAND AVE  
KNOXVILLE, TN 37916

SMELL DESIGN STUDIO, LLC - ARCHITECT  
126 HIGHTOWER TRAIL, ATLANTA, GEORGIA 30309

ANTONOVICH ASSOCIATES - DESIGN ARCHITECT  
24 WEST HURON STREET, CHICAGO IL 60604

SOBE KNOXVILLE CUMBERLAND, LLC - OWNER  
1843 NORTH WILKINSON AVENUE, CHICAGO, IL 60647

**NORTH ELEVATION | A16**  
**BZA SUBMITTAL | JULY 18, 2022**





VIEW EAST DOWN CUMBERLAND



VIEW NORTHEAST AT PROPOSED STRUCTURE

**HUB ON CAMPUS KNOXVILLE, BUILDING 2**

2001 CUMBERLAND AVE  
KNOXVILLE, TN 37916

SNELL BENDIS STUDIO, LLC - ARCHITECT  
128 HIGHTOWER TRAIL, ATLANTA, GEORGIA 30309

ANTUNOVICH ASSOCIATES - DESIGN ARCHITECT  
201 WEST MURKIN STREET, CHICAGO, IL 60604

EDGE KNOXVILLE CUMBERLAND, LLC - OWNER  
1842 NORTH WILSON AVENUE, CHICAGO, IL 60647

CUMBERLAND AVE PERSPECTIVES | A17

BZA SUBMITTAL | JULY 18, 2022

**Unit Mix Table**

Unit Type	Building 1	Building 2	Building 3	Building 4	Total
Studio	27	7			139
1 bedroom	54	31	49	56	85
2 bedrooms	38	65	49	98	250
3 bedrooms	23	11	21	15	70
4 bedrooms	157	14	35	54	260
5 bedrooms	14	18	14	14	60
<b>Total</b>	<b>313</b>	<b>146</b>	<b>168</b>	<b>237</b>	<b>864</b>
<b>Parking Ratio (Required)</b>	<b>2.08</b>	<b>1.76</b>	<b>1.84</b>	<b>1.83</b>	<b>1.91</b>
<b>Parking Ratio (Provided)</b>	<b>5.85</b>	<b>0.16</b>	<b>0.26</b>	<b>0.43</b>	<b>2.32</b>

**Required Parking**

Unit Type	Building 1	Building 2	Building 3	Building 4	Total
Studio	27	7			139
1 bedroom	54	31	49	56	85
2 bedrooms	57	98	74	147	375
3 bedrooms	46	22	42	30	140
4 bedrooms	393	35	88	135	650
5 bedrooms	35	45	35	35	150
<b>Subtotal</b>	<b>612</b>	<b>238</b>	<b>288</b>	<b>403</b>	<b>1540</b>
<b>Guest Parking</b>	<b>40</b>	<b>19</b>	<b>21</b>	<b>30</b>	<b>110</b>
<b>Total</b>	<b>652</b>	<b>257</b>	<b>309</b>	<b>433</b>	<b>1650</b>

**Parking Provided**

Unit Type	Building 1	Building 2	Building 3	Building 4	Total
PreCast	1780				1780
CIP at grade	52	24	43	102	221
<b>Total</b>	<b>1832</b>	<b>24</b>	<b>43</b>	<b>102</b>	<b>2001</b>

**HUB ON CAMPUS KNOXVILLE DEVELOPMENT**

1800, 1901, 2001, 2109 CUMBERLAND AVE KNOXVILLE, TN 37916

**DEVELOPMENT PARKING ANALYSIS | A32**

BZA SUBMITTAL | JULY 18, 2022

DWELL DESIGN STUDIO, LLC - ARCHITECT  
128 HUNTERTON TOWER, ATLANTA, GEORGIA 30308ANTUNOVICH ASSOCIATES - DESIGN ARCHITECT  
20 WEST HURON STREET, CHICAGO IL 60604ONE KNOXVILLE CUMBERLAND, LLC - OWNER  
140 NORTH WILSON AVENUE, CHICAGO IL 60607



ROBERT L. KAHN  
REGGIE E. KEATON  
DONALD D. HOWELL  
DEBRA L. FULTON  
MICHAEL W. EWELL  
JOHN M. LAWHORN  
JAMES E. WAGNER  
BEVERLY D. NELMS  
MARY ELIZABETH MADDOX  
BENJAMIN C. MULLINS  
RICHARD T. SCRUGHAM, JR.  
MATTHEW A. GROSSMAN  
KEVIN A. DEAN  
DANIEL P. ZYDEL  
SHARON H. KIM  
RICHARD E. GRAVES  
REBEKAH P. HARBIN



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ARTHUR G. SEYMOUR, JR.  
(1945 - 2019)

Email: [bmullins@fmllp.com](mailto:bmullins@fmllp.com)  
Direct Fax: 865-541-4609

July 18, 2022

**City of Knoxville Board of Zoning Appeals**  
City County Building  
400 Main Street, Room 475  
Knoxville, TN 37902

**CC: via e-mail:**

[jscobee@knoxvilletn.gov](mailto:jscobee@knoxvilletn.gov)  
[BBerry@knoxvilletn.gov](mailto:BBerry@knoxvilletn.gov)

Re: Variance applications for Property Assemblage of Cumberland, Nineteenth, Twentieth, White, and Lake Ave.

I represent the Applicant Core Knoxville Cumberland, LLC who seeks to develop an assemblage of properties into four buildings along Cumberland Ave., Nineteenth, St., Twentieth St., White Ave., and Lake Ave, the HUB On Campus Knoxville Development. As such, four (4) separate variance applications have been contemporaneously filed with this letter (each addressing the variances required for a separate building). Also attached as **Exhibit A** are the current site plans and conceptual drawings for the project including detailed layouts and unit/parking ratios for all 4 buildings. Applicant is working in concert with the City, and Covenant Health to collaboratively and thoughtfully re-develop large sections of Cumberland Ave. Highlighting this collaborative effort, we anticipate that Covenant Health and Children's Hospital will be providing letters of support for our requested variances.

**General Property Information:**

The project includes four buildings – Building 1: comprising the city block between 19<sup>th</sup> and 20<sup>th</sup> and bounded by Cumberland and White Avenue; Building 2: combining 2001 and 2017 Cumberland Ave. (the Rocky Top Market property); Building 3: 2109 and 2121 Cumberland (the Mellow Mushroom and Cook-Out office/Insomnia Cookies property); and Building 4: properties between 20<sup>th</sup> and Mountcastle on Cumberland (extending down to a portion 1901 Lake Ave.)

### **Building 1:**

Building 1 will serve as the focal point of the entire development for all four (4) buildings and house most of the residential parking serving the entire project. The portion of Building 1 which fronts Cumberland Avenue will house all the residential units as well as approximately 16,000 square feet of contiguous commercial space fronting Cumberland Ave along the first floor for Building 1. The Portion of Building 1 which fronts White Avenue will provide all code-compliant parking for Building 1, 2, 3 and 4 in one centrally located garage ("Central Garage") between 19<sup>th</sup>/20<sup>th</sup> on White which will be connected to the residential portion of Building 1 by bridging across the alley between White and Cumberland. This will aggregate the parking for all four (4) buildings in one location off the Cumberland strip and purposefully remove residential automobile ingress/egress from congesting the main throughfare on Cumberland Avenue. In addition, removing residential garage parking on Cumberland Avenue results in the Applicant's ability to maximize the retail footprint along Cumberland; further activating the street and creating contiguous retail space suitable for a national big/medium-box brand tenant(s).

The Central Garage is being developed in partnership with Covenant Health and will be home to dedicated parking stalls for both Fort Sanders and Children's Hospital employees and staff. Covenant Health requires more parking in the Fort Sanders neighborhood to continue to grow and serve the community. Covenant Health currently owns two surface parking lots providing only 60 parking stalls. These surface lots will be incorporated into the Central Garage. Covenant will own, as part of a condominium interest in Building 1, 212 dedicated parking stalls on the lower levels of the Central Garage (with an entrance off 20<sup>th</sup> street). The 212 parking stalls represent a material amount of the parking stalls that can be built on the Covenant property, providing nearly 3.5 times as many stalls as Covenant currently has access to. In addition, Children's Hospital currently leases approximately 45 stalls from the Garlington Trust parcel (PID 108CD045). The Applicant is purchasing the Garlington parcel outright. In an effort to facilitate the long-term growth of Children's Hospital, the Applicant has offered to provide approximately 85 to 90 parking spaces to Children's Hospital (doubling their current parking). In total, the Applicant will dedicate 297 parking stalls in the Central Garage for Fort Sanders and Children's Hospital, which is nearly three times what Fort Sanders and Children's Hospital currently control.

Building 1 will have 10 levels and approximately 313 units. As shown on page A5 of **Exhibit A**, approximately 26% of the units will be studio/one-bedroom and another 12% of the units will be two-bedroom. It will have app. 16,000 sf of commercially available space, 10,000 sq. ft. interior leasing and amenities and roughly 10,000 sf of outdoor amenities, including a rooftop pool and amenity. It will have one floor of parking at grade to the alley but below grade relative to White Avenue an effort to create a flat plane across the site.

### **Building 2:**

Building 2, to be located at 2001 and 2107 Cumberland Avenue, is the current location for the Rocky Top Market/Shell Station. As a gas station, the current use is underutilized relative to the underlying zoning the site is situated on. To re-develop this prominent corner, a condominium unit on the ground floor of Building 2 will be created for the benefit of Taco Bell (which will be



relocated from its current location across the street at 1900 Cumberland Ave.), accompanied by a dedicated drive-thru on the ground floor of Building 2, in a space typically programed as parking. Moreover, there will be additional commercial space available for rent on the ground floor. As further discussed, regarding Building 4 below, Taco Bell was unwilling to relocate from its existing site on a prominent corner along Cumberland without a ground floor drive-thru in its new location. The accommodations made to Taco Bell by providing a drive-thru, eliminates the ability to provide additional at grade and below level residential parking on-site and is further justification for the Central Parking garage located in Building 1.

Building 2 will have 10 levels, and approximately 146 units. As shown on page A12 of **Exhibit A** approximately 26% of the units will be studio/one-bedroom units and another 45% of the units will be two-bedroom units. It will have 5,500 sf of commercially available space, and 4,000 sq. ft. interior leasing and amenities. Building 2 occupants will share use of outdoor amenities at Building 1.

### **Building 3:**

Building 3, the location of the current Mellow Mushroom Property and Cook-Out office/Insomnia Cookies, will be a mixed-use development of approximately 2,400 sq. ft. of commercial property along its frontage with Cumberland Ave., and residential property on floors 2 through 8. It have eight (8) levels approximately 168 units. And 68,000 sq. ft. of interior leasing and amenities.

### **Building 4:**

Building 4 is the location of the current Taco Bell, Panera, Uptown Bar and Grill, Tennessee Farmhouse Fraternity and the property previously owned by Bob Lattimer. It will be a mixed-use development of approximately 5,000 sq. ft. of commercial property along its frontage with Cumberland Ave., and residential property on the upper floors. Building 4 will further extend down 19<sup>th</sup> Street and have frontage on Lake Ave.

Building 4 will have eight (8) levels approximately 237 units. It will have 5,000 sf of commercially available space, 6,300 sq. ft. interior leasing and amenities.

The entire project will provide a diversity of housing units that could equally accommodate students, University staff, of employees and staff of the adjacent hospitals or others desiring to live along Cumberland Ave.

### **Community Benefit and Investment:**

The Applicant has been working for several months with both the city administration and the Plans, Review and Inspection Department to collectively develop the plan before you. The Cumberland Avenue Form based code was adopted in conjunction with the Cumberland Avenue Corridor Project to encourage mixed uses of commercial and higher density residential

development along with increased pedestrian interaction with the businesses along Cumberland Avenue. We understand that it is critical to honor this vision for this area as expressed both in the Code and Cumberland Avenue Corridor Project. We believe these plans successfully blends the unifying vision of these policies and the regulations of the form-based code while allowing some relief from the strict application of the zoning ordinance because of site specific conditions.

This project will be a transformative development for the west end of Cumberland Avenue, and serve the public benefit by:

- (i) Providing parking for the development's residents, patrons of new commercial businesses, hospital employees and hospital patients (including 212 permanent parking spots to be owned by Covenant Hospital and 85 parking stalls leased to Children's Hospital);
- (ii) Providing much needed housing options to a growing student and workforce population in the Cumberland Avenue corridor;
- (iii) Redeveloping and repurposing stretches blighted and underutilized property on Cumberland Avenue, specifically key corners at northwest 19<sup>th</sup> Street and Cumberland, southwest 19<sup>th</sup> and Cumberland, northeast and northwest 20<sup>th</sup> and Cumberland, and northwest 21<sup>st</sup> and Cumberland, which are some of the most visible portions of the Cumberland strip;
- (iv) Introducing additional new and modern commercial space(s) along Cumberland Avenue that will generate additional sales tax to the City, and improve the user experience on the Cumberland strip, activating Cumberland Avenue and enhancing pedestrian interaction along one the most important thoroughfares in Knoxville;
- (v) Removing a stand-alone Taco-Bell and its drive-thru from a prominent location along Cumberland Avenue and allow for the highest-and-best use at this location by constructing Building 4 in exchange for relocating the Taco Bell into the ground floor of Building 2; and
- (vi) Advancing the over-arching goals of the *Cumberland Avenue Improvement Project*.

#### **Variations and Hardship Justification:**

In order to accomplish this vision of both the Form Based Code and the Cumberland Avenue Corridor Improvement Project, and due to the site-specific constraints of the property, the following fourteen (14) variations are required for this project to go forward:

#### **BUILDING 1 (RESIDENTIAL) VARIANCE REQUESTS**

1. **Article 7.2.2.B.3.A:** The building height/story maximum is 90' and 8 stories. The proposed height of the Building is 115' with 10 stories.



2. **Article 7.2.2.B.3.C:** A 10' setback above the 2nd or 3rd story is required. The proposed 10' setback on 19th Street and 20<sup>th</sup> Street begins above the 1<sup>st</sup> floor.
3. **Article 11.7.B-Table 11-5:** Driveways must be a minimum of 100' from Cumberland Avenue's edge of pavement. The proposed driveway on 20th Street is 92'-5" from Cumberland Avenue's edge of pavement.

#### **BUILDING 1 (PARKING STRUCTURE) VARIANCE REQUESTS**

4. **Article 7.2.3.C.3.A:** The building height/story maximum is 90' and 8 stories. The proposed building height is 105 feet with 10 stories.
5. **Article 7.0.3.I.3:** Elevator or stairway access to roof cannot exceed the maximum building height by more than 10'. 16'-6" is the proposed height for these building elements.
6. **Article 7.2.3.C.4.D:** Vehicular entrances are required on Primary Street. The proposed vehicular entrances are shown on 19<sup>th</sup> Street and 20 Street
7. **Article 7.2.3.C.4.D:** The primary street facing entrances on White Avenue are required to be provided every 100'. The proposed plan provides entries on White Street at the elevators and stairs at the ends of the building.
8. **Article 11.7.B-Table 11-5:** Driveways on 19<sup>th</sup> Street and 20<sup>th</sup> Street must be a minimum of 50' from White Avenue's edge of pavement. The proposed driveway on 19th Street is 38'-7" from White Avenue's edge of pavement. The proposed driveway on 20<sup>th</sup> Street is 40'-3" from the White Avenue edge of pavement.

#### **BUILDING 2 VARIANCE REQUESTS**

1. **Article 7.2.2.B.3.A:** The building height/story maximum is 90' and 8 stories. The proposed height of Building is 115' with 10 stories.
2. **Article 7.0.3.I.3:** Elevator or stairway access to roof cannot exceed the maximum building height by more than 10'. 15' is the proposed height for these building elements.
3. **Article 7.2.3.B.2.A:** 0' to 10' Build-to Zone is required on Cumberland Avenue. Administrative discretion up to 10% is allowed. A 17' setback at the western-most retail tenant is proposed.
4. **Article 7.2.3.B.2.H:** Ground level parking is required to be setback a minimum of 10' rear property line. The proposed plans show parking located up to the property line.

### **BUILDING 3 VARIANCE REQUESTS**

1. **Article 7.2.3.B.3.E:** A 9' floor to ceiling height is required at the upper floors of the building. The plans propose an 8'-8" floor to ceiling height at the upper floors.

### **BUILDING 4 VARIANCE REQUESTS**

1. **Article 7.2.3.B.3.E:** A 9' floor to ceiling height is required at the upper floors of the building. The plans propose an 8'-8" floor to ceiling height at the upper floors.

Each of these requests will be addressed in-kind; however, in general the properties are each beset with severe topographical constraints. Moreover, as evidenced by the attached geotechnical information, the karst topography and poor soil conditions on the site make significant subterranean construction unreasonable. To the extent possible, grading will be limited to create a flat building pad for the properties, and to utilize best efforts to avoid subsidence and foundation issues. There will not be any additional below grade stories except to accommodate parking at Building 1 by going one level down in an attempt to create a flat plane along the alley and create more efficient driveway as well as useable space conditions along both the Cumberland and White Avenue frontages.

### **BUILDING 1 (RESIDENTIAL) VARIANCE REQUESTS**

1. **Increase the maximum permitted building height on the Residential portion of Building 1 from 90 feet and 8 stories to 115 feet and 10 stories above the average grade elevations fronting Cumberland Avenue per Article 7.2.3.B.3A.**

The portion of Building 1 that fronts on Cumberland Ave. is zoned CU-2. This zone allows a maximum height of 90 feet and 8 stories. Due to the grade changes on the site and subsurface conditions that restrict subsurface excavation we are requesting a variance of 25 feet in height, to 115 feet, and an additional 2 stories, for 10 stories in total. The maximum allowable height in the Cumberland Avenue form-based code is 120 feet (CU-1). This request of a 25-foot variance is also in line with past precedent for other similar projects along Cumberland Avenue.

The height for the residential portion of Building 1 is measured from the average grade plane from Cumberland Avenue. The configuration and topography of the site necessitate this variance. For instance, at the intersection of 20<sup>th</sup> and White, the elevation is 911 feet. As you go south, along 20<sup>th</sup> St., the site dramatically slopes downwards such that at the intersection of 20<sup>th</sup> and Cumberland the elevation is 888 feet (or approximately 2 stories) lower than the corner of 20<sup>th</sup> and White. Similarly, from the corner of 19<sup>th</sup> and White to the corner of 19<sup>th</sup> and Cumberland, there is an elevation drop of 32 (or approximately 3 stories). Additionally, there are plans to span the Alley between Cumberland and White to connect the parking garage and rooftop



amenities of Building 1 with the residential and commercial units of Building 1. These variances allow: (i) for the dedication of the lower levels of the parking garage, or almost 300 stalls to be built specifically for Ft. Sanders Hospital and East Tennessee Children's Hospital and (ii) the stories to align to promote interconnectivity between these two portions of the building. This interconnectivity is critical as residents are parking on the higher levels of the garage to accommodate the parking dedication to Ft. Sanders Hospital and East Tennessee Children's Hospital and, in addition, there will be a substantial portion of the first floor of the residential portion of Building 1 dedicated to commercial retail (and its attendant parking) to promote and improve the pedestrian engagement and commercial vibrancy of this block's frontage with Cumberland Ave. Finally, as mentioned above, our preliminary geotechnical information informs us that due to the karst soil conditions along Cumberland Avenue, there is an increased risk of encountering sinkholes or other poor soil conditions as excavation increases.

We have mitigated the visual impact of this variance by setting back the residential building along Cumberland by 5 feet at level 8 along the Cumberland Ave. frontage. As a result, the additional height will not be visible from the street-front.

**2. Allow a 10' setback along Cumberland Avenue to begin above the 1st floor per Article 7.2.2.B.3.C:**

Per Article 7.2.2.B.3.C of the form-based code, Buildings must have a 10-foot setback away from the primary street it faces; however, that requirement only applies to stories above the second or third stories. In other words, the code prohibits this setback from first occurring after the first story absent a variance. The apparent justification is to simultaneously maintain and promote pedestrian engagement along the street frontage but reduce the perceived impact from the building height by forcing the building back at the upper levels to maintain open air and separation from adjacent buildings. Normally a developer would want to design its building to not setback until the code requires, i.e., after the third-story, as this allows them more square footage, and potentially more units, along the second and third stories; however, due to the configuration of the lot assemblage, the intervening alley between Cumberland and White, and the significant grade change along both east/west and north/south of the lot, the building simply cannot align while meeting the commercial requirements of the code along the first floor. Because of these site-specific constraints, creating a taller first floor and then stepping back the building following the first story, allows the buildings to align while working with the natural topography of the site.

The loss of square footage along the second and third stories is therefore necessary. It also serves as an additional justification for the height variance in addition to the aesthetic function of minimizing the perceived height of the building.

**3. Reduce the minimum driveway distance on 20<sup>th</sup> Street from Cumberland Avenue's edge of pavement from 100 feet to 92 feet and 5 inches.**

The lot is constrained by both the topography and the configuration of the lot as bisected by the existing alley. In order to work with the existing grade, the necessary driveway entrance to the on-site commercial parking lot requires the driveway entrance from 20<sup>th</sup> street to be pushed closer to Cumberland Avenue by 7 feet and 7 inches. The applicant has discussed this variance with the City Engineering department, and they have no concerns about this minor deviation from the requirements of the zoning ordinance.

#### **BUILDING 1 PARKING STRUCTURE VARIANCE REQUESTS**

- 4. Increase the maximum permitted building height on the Parking Garage portion of Building 1 from 90 feet and 8 stories to 105 feet and 10 stories above the average grade elevations fronting White per Article 7.2.3.B.3A.**

The Parking Garage portion of Building 1, which fronts White Avenue is zoned CU-3. This zone allows a maximum height of 90 feet and 8 stories. Due to the grade changes on the site and subsurface conditions that restrict subsurface excavation we are requesting a variance of 15' in height to 105 and an additional 2 stories for 10 stories in total. The maximum allowable height in the Cumberland Avenue form-based code is 120 feet (CU-1). This request of a 15-foot variance is also in line with past precedent for other similar projects along Cumberland Avenue. Finally, as mentioned above, our preliminary geotechnical information informs us that due to the karst soil conditions along Cumberland Avenue, there is an increased risk of encountering sinkholes or other poor soil conditions as excavation increases.

The height for the Parking Garage portion of Building 1 is measured from the average grade plane from White Avenue. The configuration and topography of the site necessitate this variance. As discussed in the justification for the height variance for the residential portion of Building 1, there is a 2-story grade change along 20<sup>th</sup> Street and a 3-story grade change along 19<sup>th</sup> Street. Additionally, there are plans to span the Alley between Cumberland and White to connect the parking garage and rooftop amenities of Building 1 with the residential and commercial units of Building 1. This additional height allows the applicant to align the stories of the two buildings that are separated by the alley while maintaining the necessary commercial parking serving the business that will front Cumberland Avenue. As mentioned above, there will be a significant investment in commercial property along the first floor of the residential building, and there must be dedicated parking for these commercial spaces and requires the dedication of the portion of this block north of the alley and south of White to be dedicated to serve the residential parking needs.

The additional height further allows us to dedicate a material portion of the lower levels of the garage to our direct neighbors to the north and northwest Covenant Hospital and Children's Hospital. This pushes our parking to the higher floors of the garage; however, this parking partnership with the applicant, Covenant Health, and Children's Hospital is essential to replace surface parking with a more efficient garage without their being any reduction, and in fact a net increase, of parking to these essential health-care institutions so they can continue to efficiently



serve the needs of the community. Both Covenant Hospital and Children's Hospital, will be providing letters of support for our development.

**5. Increase the allowed height of the elevator/stair/mechanical overrun on Building 1 from 10ft to 16ft 6 inches per Article 7.03.I.3.**

Additionally, for the same hardship justifications noted above, we are requesting a variance for the allowed height of the elevator/stair/mechanical overruns to increase the allowed height encroachment from 10 feet to 16 feet 6 inches. These overruns are for accessory (non-occupied) structures that will not exceed more than 25% of the roof area. In addition to providing accessible access to the roof top area, extending the elevator and stair to the roof will allow safe access to the roof for mechanical maintenance and fire department access. This variance is further necessitated by attempting to minimize the overall required height variance of the building.

**6. Eliminate the required entrance off White Avenue and allow primary access to be on 19<sup>th</sup> Street and 20<sup>th</sup> Street per Article 7.2.3.C.4.D.**

The code provides that vehicular entrances are required on a "Primary Street" (i.e. Cumberland or White). Given the large assemblage which constitutes the entire 1900 block of Cumberland Avenue and White Avenue, and the topographical changes that run both north/south and east/west, it's not reasonable to have vehicular access off White and meet the minimum parking requirements demanded by the code. By providing access off both 19<sup>th</sup> and 20<sup>th</sup>, the traffic flow of the building utilizes the changing topography of the site and minimizes other potential variances. Moreover, White is one-way and allowing for and the proposed vehicular entrances are shown on 19<sup>th</sup> Street and 20 Street create a safer traffic pattern and help minimize pedestrian/Vehicle conflict.

Lastly, Covenant has requested that the residential traffic associated with our development access the garage off 19<sup>th</sup> street thereby utilizing White Avenue as a "buffer" between the flows of traffic. This coincides with Covenant's request that its parking access occur off 20<sup>th</sup> Street. Finally, the 20<sup>th</sup> Street access will also serve Children's hospital providing for more convenient dedicated access to parking for hospital patients, their families and staff.

**7. Article 7.2.3.C.4.D: The primary street facing pedestrian entrances on White Avenue are required to be provided every 100 feet. The proposed plan provides entries on White Street at the elevators and stairs at the ends of the building which spans a distance of 350 feet.**

Similarly, given the large assemblage which constitutes the entire 1900 block of Cumberland Avenue and White Avenue, and the topographical changes that run both north/south and east/west, it's not reasonable to have pedestrian access to White Avenue every 100 feet as required by Code and still meet the minimum parking requirements demanded by the code.



Limiting pedestrian access to the elevator/stair pillars allows for the garage to continue to work with the existing topography and minimize pedestrian conflict with traffic entering the garage.

- 8. Reduce the minimum driveway distance on 19<sup>th</sup> Street and 20<sup>th</sup> Street from White Avenue's edge of pavement from 50 feet to 38 feet 7 inches and 40 feet and 3 inches per Article 11.7.B-Table 11-5.:**

Similar to the request to reduce the minimum driveway width from the Cumberland Avenue, and in order to work with the existing grade, the necessary driveway entrance to the on-site commercial parking lot requires the driveway entrances from 19<sup>th</sup> and 20<sup>th</sup> street to be pushed closer to White Avenue by [11 feet 5 inches] and [9 feet 9 inches] respectively. The applicant has discussed this variance with the City Engineering department, and they have no concerns about this minor deviation from the requirements of the zoning ordinance.

### **BUILDING 2 VARIANCE REQUESTS**

- 1. Increase the maximum permitted building height on Building 2 from 90 feet and 8 stories to 115 feet and 10 stories above the average grade elevations fronting Cumberland Avenue per Article 7.2.3.B.3A.**

Building 2 is also zoned CU-2 with a maximum height of 90 feet and 8 stories. As with Building 1, due to the grade changes on the site and subsurface conditions that restrict subsurface excavation; we are requesting a variance of 25' in height to 115' total and an additional 2 stories for 10 stories total.

For Building 2, the average grade plane along Cumberland Ave. is 885. The configuration and topography of the site necessitate this variance. For instance, at the southeast corner of Children's Hospital (the northeast corner of the property line), the elevation is 899 feet. As you go south, along 20<sup>th</sup> St., the slopes downwards such that at the intersection of 20<sup>th</sup> and Cumberland the elevation is 886 feet (or approximately 1 story) lower than the corner northeast corner of the property. Finally, as before our preliminary geotechnical information informs us that due to the karst soil conditions along Cumberland Avenue, there is an increased risk of encountering sinkholes or other poor soil conditions as excavation increases.

Relocating Taco Bell (1900 Cumberland) into the ground floor of Building 2 allows for the re-development of an underutilized site located at the corner of SW 19<sup>th</sup> Street and Cumberland Avenue. By housing a new Taco Bell (and the drive thru) at this location, the property further loses the ability to provide at-grade and subterranean parking, and materially reduces the ability to provide substantial ground-floor amenities.

As with Building 1, the visual impact of this variance has been mitigated by setting back both buildings along Cumberland by 5 feet at level 8 along the Cumberland Ave. frontage. As a result, the additional height will not be visible from the street-frontage.

**2. Increase the allowed height of the elevator/stair/mechanical overrun on Building 2 from 10 feet to 15 feet per Article 7.03.I.3.**

For the same reasons requested for Building 1, we are requesting a variance for the allowed height of the elevator/stair/mechanical overruns to increase the allowed height encroachment from 10 feet to 15 feet. These overruns are for accessory (non-occupied) structures that will not exceed more than 25% of the roof area. In addition to providing accessible access to the roof top area, extending the elevator and stair to the roof will allow safe access to the roof for mechanical maintenance and fire department access. This variance is further necessitated by attempting to minimize the overall required height variance of the building.

**3. Reduce the required Build-to Zone allowance from a maximum 10 feet to 17 feet along the westernmost corner of the proposed commercial space.**

Article 7.2.3.B.2.A requires a minimum 0-foot Build-to Zone and a Maximum 10-foot Build to Zone for structures facing Cumberland Avenue. The majority of the proposed building can meet this requirement; however, due to the topography of the site, the relatively small square footage of the lot, and the other surface parking and drive-aisle requirements of the code, a portion of the building on the Southwest corner must be set back an additional 7 feet outside the maximum Build-to Zone allowance. This is outside the waiver allowance the zoning administrator has in the Form District.

**4. Reduce the rear surface parking setback from 10 feet to 0 feet per Article 7.2.3.B.2.H:**

Ground level parking is required to be setback a minimum of 10' rear property line. The proposed plans show parking located up to the property line to the rear. This is required due to the existing grade changes, the relatively small lot configuration, and the need to conform with other sections of the form-based code. The reduction in the setback would not have any adverse impact on the neighboring property (Children's Hospital) to the north as it is limited to at-grade parking and would require a cut into the existing hill and the construction of a retaining wall.

**BUILDING 3 AND BUILDING 4 VARIANCE REQUESTS**

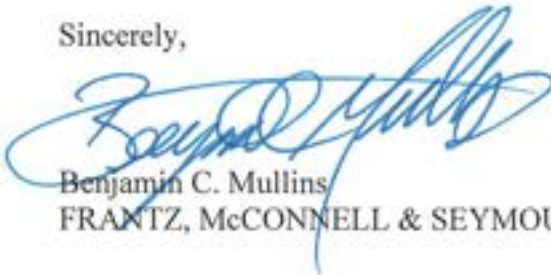
**1. Reduce the residential minimum story height on Buildings 3 and 4 from 9 feet to 8 feet and 8 inches per Articles 7.2.3(A) and 7.2.3(B)**

Buildings 3 and 4 are beset with the similar geotechnical and topographical challenges as the other buildings. For example, with Building 3 there is an approximate 13-foot elevation change

from the property's northeastern corner to its southeastern corner. With Building 4, there is an approximate 17' drop in elevation from the corner of 19<sup>th</sup> and Cumberland and the corner of 19<sup>th</sup> and Lake). And unlike Buildings 1, 2, and 3, Building 4 is a very irregular shaped property making a code-compliant design extremely unrealistic. However, instead of asking for additional height and stories (as the impact of Covenant and Children's Hospital parking along with a drive-thru for Taco Bell is not a mitigating factor for Buildings 3 and 4), the variance requested is to reduce the minimum story height by 4 inches (from 9 feet to 8 ft and 8 inches). This constriction would have little effect on the function or aesthetics of the development, nor would it add to the intensity or density of the development (as both building 3 and 4 will have 8 floors as contemplated in the code), but it would allow the property to be developed without further adding height along the south frontage of Cumberland Ave. Without this adjustment, and given the slope of the site, Buildings 3 and 4 would not be able to achieve 8 stories. It is noteworthy that Building 4 will be significantly less prominent than the 126' profile of the planned Subtext development along Lake and Mountcastle Street.

We will be prepared to address these items in more detail at the upcoming meeting, and we look forward to answering any questions you may have at that time.

Sincerely,



Benjamin C. Mullins  
FRANTZ, McCONNELL & SEYMOUR, LLP