

► **FILE #:** 2-D-18-RZ **AGENDA ITEM #:** 37
 POSTPONEMENT(S): 2/8/18-3/8/18 **AGENDA DATE:** 4/12/2018
 ► **APPLICANT:** FORT SANDERS PARTNERS
 OWNER(S): Arthur G. Seymour, Jr.

TAX ID NUMBER: 48 N B PART OF 01201 PORTION ZONED C-6 (K) [View map on KGIS](#)
 ONLY

JURISDICTION: City Council District 4

STREET ADDRESS:

► **LOCATION:** Northwest side N. Broadway, south of Curtis Ln.

► **APPX. SIZE OF TRACT:** 4.3 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN:

ACCESSIBILITY: Access is via N. Broadway, a major arterial street with 4 lanes and a center median within 120' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **PRESENT ZONING:** C-6 (General Commercial Park) with conditions

► **ZONING REQUESTED:** C-6 (General Commercial Park) with no or revised conditions

► **EXISTING LAND USE:** Vacant land

► **PROPOSED USE:** Any use permitted in the C-6 zoning district

EXTENSION OF ZONE: Yes, the site is already zoned C-6 with conditions

HISTORY OF ZONING: Property was rezoned from C-3 to C-6 with conditions in 2003 (1-J-03-RZ).

SURROUNDING LAND USE AND ZONING: North: Residence and vacant land / OS-1 (Open Space), EN-1 (Established Neighborhood) and R-1 (Low Density Residential)

South: Businesses / C-3 (General Commercial)

East: N. Broadway, residences and businesses / C-3 (General Commercial) and R-1 (Low Density Residential)

West: Vacant land / OS-1 (Open Space)

NEIGHBORHOOD CONTEXT: This site is located along N. Broadway, which is generally developed with commercial uses under C-3 zoning. Residential uses are generally located behind the commercial businesses, but there are a few that have direct frontage on N. Broadway. The residential uses in the area are zoned EN-1, R-1 and R-2.

STAFF RECOMMENDATION:

► **POSTPONE to the June 14, 2018 meeting, at the request of the applicant.**

Staff received an emailed request to postpone from the applicant on March 27, 2018.

COMMENTS:

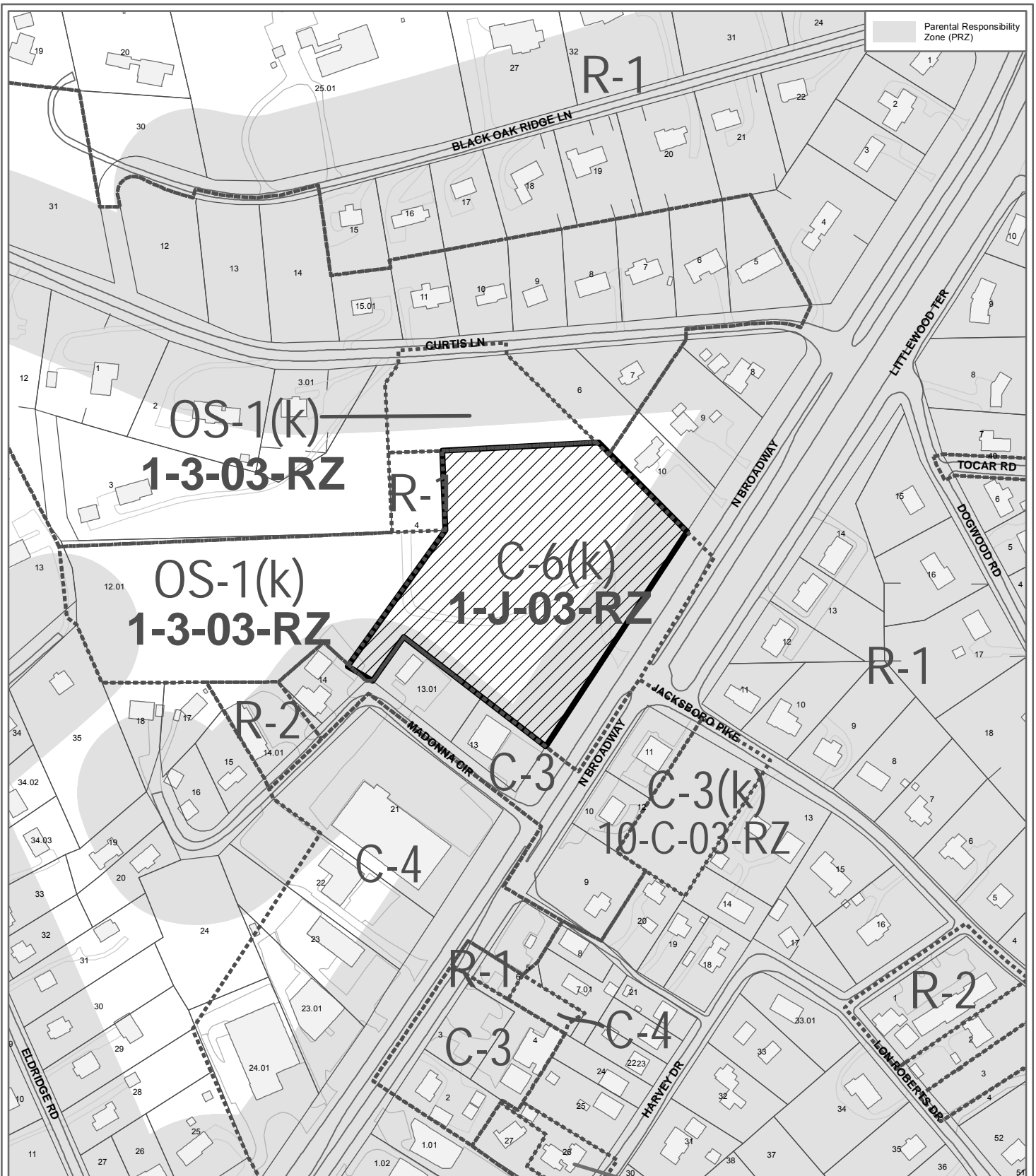
The applicant is postponing in order to work with the City of Knoxville and TDOT to determine whether the

installation of a new traffic signal at the intersection of Jacksboro Pike and N. Broadway is still warranted, as referenced in existing zoning conditions 2 and 3. (See attached case summary from 2003 rezoning.)

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/8/2018 and 5/22/2018. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the City.



**2-D-18-RZ
REZONING**

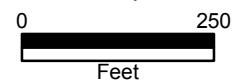
From: C-6 (General Commercial Park) with conditions
 To: C-6 (General Commercial Park)



Petitioner: Fort Sanders Partners

Map No: 48

Jurisdiction: City



Original Print Date: 1/16/2018 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

CASE SUMMARY

APPLICATION TYPE: REZONING

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 1-J-03-RZ **Related File Number:** 1-D-03-PA
Application Filed: 12/10/2002 **Date of Revision:**
Applicant: JESS PROPERTIES

PROPERTY INFORMATION

General Location: West side N Broadway, south of Curtis Ln.
Other Parcel Info.:
Tax ID Number: 48 N B 5, 11 OTHER: 12 FOR ZONING ONLY **Jurisdiction:** City
Size of Tract: 4 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Residence and vacant land
Surrounding Land Use:
Proposed Use: Retail **Density:**
Sector Plan: North City **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

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

Street: 5901 N Broadway
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1 (Single Family Residential)
Former Zoning:
Requested Zoning: C-3 (General Commercial)
Previous Requests: Property was denied Office and O-1 zoning n 1990's
Extension of Zone:
History of Zoning:

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: Ken Pruitt

Staff Recomm. (Abbr.): APPROVE C-6 (General Commercial Park) zoning (applicant has requested C-3 zoning), consistent with the recommendation to approve the plan amendment and subject to the following conditions:

Staff Recomm. (Full):

1. Uses for the property shall be limited to those permitted under C-3 zoning.
2. Access to the site from N. Broadway shall be limited to the intersection of N. Broadway and Jacksboro Pike, the location of a proposed traffic signal.
3. An occupancy permit for the first completed building on the property shall not be issued until a proposed traffic signal for the N. Broadway/Jacksboro Pike intersection has been installed and has been made operational.
4. Regarding free-standing signs, the property shall be limited to one monument sign for the N. Broadway frontage, subject to the requirements of the Knoxville Zoning Ordinance.

With the above conditions, the subject property can be developed commercially, with minimal impact on nearby properties and the area road network. The C-6 zone requires site plan review by the MPC staff, which provides the opportunity to develop a plan that addresses building placement, property access and circulation, and buffer treatments for neighboring properties.

Comments: NEED AND JUSTIFICATION FOR THE PROPOSAL

1. This predominantly vacant site is at the north end of a commercial strip along N. Broadway that terminates at Jacksboro Pike. Commercial properties to the south and east have been developed under C-3 and C-4 zoning.
2. The property abuts a stable, low density residential area to the west, which is accessed by Curtis Lane, Ridgewood Road, and Eldridge Road.
3. Previous requests for General Commercial and C-4 zoning were denied for this location in 1995. At that time, the property involved was larger and extended further into the stable residential area to the west than what is now proposed. The C-3 zone is also less intense than C-4, which allows automobile sales and other uses that require outdoor display of merchandise. The C-6 zone, as recommended, requires staff review and approval of a site plan that can address how the property is to be developed.

EFFECT OF THE PROPOSAL

1. Additional demands on sewer and water services should be minimal, and there should be no demands on area school capacity. The city has proposed to signalize the N. Broadway/Jacksboro Pike intersection during the 2004-2005 fiscal year, and the applicant has expressed the willingness to participate in the cost of this improvement. (See attached memos from the applicant and City Engineering regarding the traffic signal.)
2. This request for commercial zoning fronts on N. Broadway. A buffer of residentially zoned property will remain between this site and other residential properties to the west and north. A site plan can be developed under C-6 zoning that can minimize the impacts of commercial development on adjacent and nearby properties.
3. The C-6 zone will help to stabilize the north end of this commercial strip that extends from the south. Vacant property to the north of this site is limited, so commercial development beyond this point is not anticipated and should not be encouraged.

CONFORMITY OF THE PROPOSAL WITH ADOPTED PLANS

1. The North City Sector Plan designates this property primarily for low density residential development. Slope protection is shown along the property's western edge. Rezoning this site to commercial would be a logical extension of commercial zoning from the south and east.
2. This proposal is consistent with the current level of sewer and water services, and no additional demands will be placed on area schools. The city has proposed a traffic signal at the N. Broadway/Jacksboro Pike intersection, and the applicant is willing to participate in the installation.

3. Commercial development beyond this point should not be encouraged. Development under C-6 should result in this site becoming the new terminus for commercial development extending from the south.

Action: Approved as Modified

Meeting Date: 6/12/2003

Details of Action: Revised by applicant adding the following two conditions:1) That the front part of the property be rezoned C-6 with access only to Broadway and no access to Madonna Circle or Curtis Lane. And 2) That the back portion of the property be rezoned Open Space (the applicant will record a conservation easement on this property after closing on the property.

Summary of Action: APPROVE C-6 (General Commercial Park) and OS-1 (Open Space Preservation) subject to 6 conditions (as revised by the applicant)*

Date of Approval: 6/12/2003

Date of Denial:

Postponements: 1/9/2003-2/13/2003

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: City Council

Date of Legislative Action: 7/8/2003

Date of Legislative Action, Second Reading: 7/22/2003

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance:

2-D-18-RZ - PP-3-8-18



Sherry Michienzi <sherry.michienzi@knoxmpc.org>



[MPC Comment] Fwd: Ft. Sanders Partners (2-D-18-RZ)

1 message

Michael Brusseau <mike.brusseau@knoxmpc.org>
Reply-To: mike.brusseau@knoxmpc.org
To: Commission <commission@knoxmpc.org>

Mon, Feb 26, 2018 at 4:01 PM

Request to postpone item # 20 (2-D-18-RZ) Fort Sanders Partners to the April 12 MPC meeting.

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

From: Arthur G. Seymour, Jr. <ajseymour@fmsllp.com>
Date: Mon, Feb 26, 2018 at 3:19 PM
Subject: RE: Ft. Sanders Partners (2-D-18-RZ)
To: Michael Brusseau <mike.brusseau@knoxmpc.org>

Please postpone 1 month

Arthur G. Seymour, Jr. Attorney



550 W. Main Street, Suite 500 | P.O. Box 39 | Knoxville, Tennessee 37901
phone: 865.546.9321 | fax: 865.637.5249 | email: ajseymour@fmsllp.com



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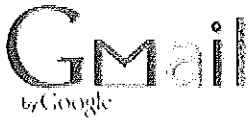
For additional information about Frantz, McConnell & Seymour, LLP, including a list of attorneys, please visit our website at www.fmsllp.com

From: Michael Brusseau [mailto:mike.brusseau@knoxmpc.org]
Sent: Monday, February 26, 2018 2:35 PM
To: Arthur G. Seymour, Jr. <ajseymour@fmsllp.com>
Subject: Ft. Sanders Partners (2-D-18-RZ)

Arthur,

Any word on this? Do you intend to request postponement? Need to finish draft report by tomorrow. Thanks.

2-D-18-RZ-PP-2-8-18



Sherry Michienzi <sherry.michienzi@knoxmpc.org>



[MPC Comment] Fwd: Fort Sanders

2 messages

Michael Brusseau <mike.brusseau@knoxmpc.org>

Reply-To: mike.brusseau@knoxmpc.org

To: Commission <commission@knoxmpc.org>

Fri, Jan 26, 2018 at 10:56 AM

Request from Arthur Seymour Jr. for 30 day postponement on item 30 (2-D-18-RZ) - Fort Sanders Partners

Qualifies for automatic postponement in Jan.

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

From: Arthur G. Seymour, Jr. <ajseymour@fmsllp.com>

Date: Fri, Jan 26, 2018 at 10:31 AM

Subject: Fort Sanders

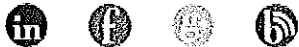
To: Michael Brusseau <mike.brusseau@knoxmpc.org>

Please postpone to next meeting

Arthur G. Seymour, Jr. Attorney



550 W. Main Street, Suite 500 | P.O. Box 39 | Knoxville, Tennessee 37901
phone: 865.546.9321 | fax: 865.637.5249 | email: ajseymour@fmsllp.com



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Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902

REZONING **PLAN AMENDMENT**

Name of Applicant: Fort Sanders Partners

Date Filed: 12/27/2017 Meeting Date: 2/8/2018

Application Accepted by: Mike Reynolds

Fee Amount: \$1000.⁰⁰ File Number: Rezoning 2-D-18-RZ

Fee Amount: _____ File Number: Plan Amendment _____



PROPERTY INFORMATION

Address: 5805 N. Broadway

General Location: West side N. Broadway, South of Curtis Ln.

Parcel ID Number(s): 048 UB 012.01 (part of)

Tract Size: 4.3 acres

Existing Land Use: Vacant

Planning Sector: North City

Growth Policy Plan: Inside city

Census Tract: 50

Traffic Zone: 202

Jurisdiction: City Council 4 District
 County Commission _____ District

Requested Change

REZONING

FROM: C-6(k)

TO: C-6

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: _____

TO: _____

PROPOSED USE OF PROPERTY

Uses allowed in the C-6 district

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT Name: NETTIE G. SEYMOUR

Company: PROVIZOR CONSULTING SERVICES

Address: P.O. BOX 35

City: KNOXVILLE State: TN Zip: 37901

Telephone: 546-9321

Fax: _____

E-mail: _____

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT Name: same as above

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Fax: _____

E-mail: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: [Signature]

PLEASE PRINT Name: same as above

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-mail: _____



REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. When applicable, MPC staff will provide a sign to post on the property at the time of application.

The sign must be posted in a location that is clearly visible from the nearest adjacent street. If the property has more than one street frontage, then the sign should be placed along the higher classified street. MPC staff may recommend a preferred location for the sign to be posted at the time of application.

The sign must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC/BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) are lost or stolen and need to be replaced, then the applicant will be responsible for picking up a new sign from the MPC offices. The applicant will be charged a replacement fee for the second sign consistent with the agency's cost of purchasing each sign.

I hereby agree to post the sign provided on the subject property on or before Jan 24, 2018 consistent with the guidelines provided above; and remove the sign within one week after the MPC/BZA decision.

Signature: _____

Printed name: _____

Joe H. McCracken

MPC/BZA File #: _____

2-D-18-RZ

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