

▶ **FILE #:** 6-F-18-RZ

AGENDA ITEM #: 39

AGENDA DATE: 6/14/2018

▶ **APPLICANT:** MOUNTAIN VIEW PARTNERS, LP

OWNER(S): R. Wade Ewers

TAX ID NUMBER: 106 D A PART OF 00624 MAP ON FILE AT MPC [View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS:

▶ **LOCATION:** Northwest side Weisbrook Ln., northeast of East Weisgarber Rd.

▶ **APPX. SIZE OF TRACT:** 0.6 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Weisbrook Ln., a local street with 28' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT ZONING:** C-6 (General Commercial Park)

▶ **ZONING REQUESTED:** I-3 (General Industrial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Building expansion for Direct Mail Services at 5911 Weisbrook Ln.

EXTENSION OF ZONE: Yes, extension of I-3 zoning from the east

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Open space / C-6 (General Commercial Park)

South: Weisbrook Ln., supply warehouse / C-6 (General Commercial Park)

East: Direct Mail Services / I-3 (General Industrial)

West: Warehouse / C-6 (General Commercial Park)

NEIGHBORHOOD CONTEXT: This site is located in a business park developed with commercial and light industrial uses under C-6 and I-3 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE I-3 (General Industrial) zoning.**

I-3 is a logical extension of zoning from the east and is consistent with the adopted land use plans for the area.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. I-3 is a logical extension of zoning from the east.
2. I-3 zoning is consistent with the light industrial plan designation of the Northwest County Sector Plan and

the Knoxville One Year Plan.

3. I-3 zoning is appropriate for this site, which is adjacent to other light industrial uses and I-3 zoning.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested I-3 (General Industrial) zoning district is established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and for warehousing. These land uses do not depend primarily on frequent personal visits from customers or clients, but usually require good accessibility to major rail, air or street transportation routes. Such uses have some adverse effects on surrounding properties and are not properly associated with, nor compatible with, residential, institutional and retail commercial uses.
2. Based on the above description, this site is appropriate for general industrial use under I-3 zoning.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The recommended I-3 zoning is compatible with the surrounding land uses and zoning pattern.
2. I-3 zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The property is located in a business park setting that is developed with light industrial and commercial uses.
4. The portion of the parcel proposed to be rezoned is located in a stormwater drainage area. The applicant will have to comply with all requirements of the Knoxville Department of Engineering during the development of the site.

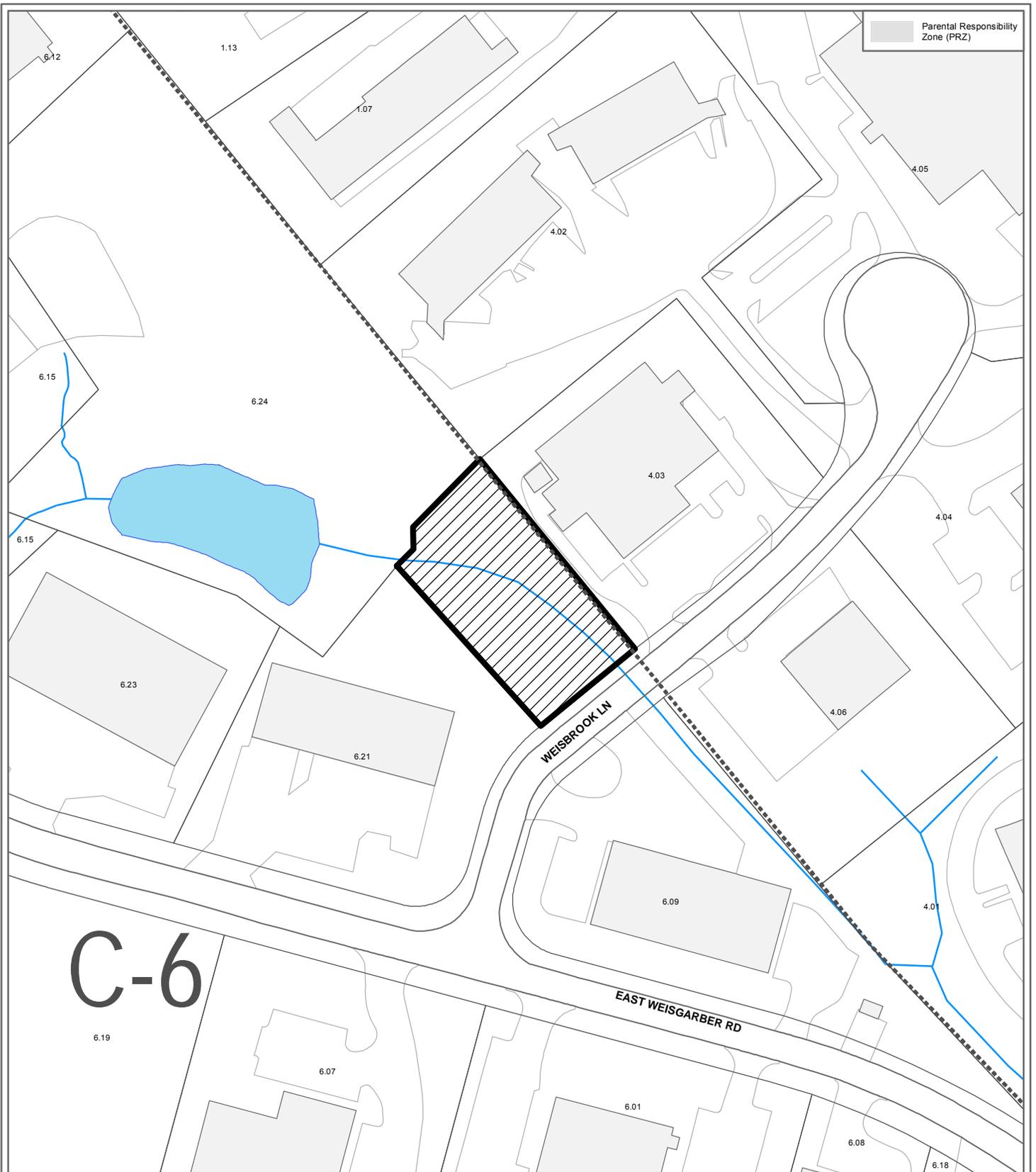
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The City of Knoxville One Year Plan proposes light industrial uses for the site, consistent with I-3 zoning.
2. The Northwest County Sector Plan proposes light industrial uses for the site, consistent with I-3 zoning.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This recommended I-3 zoning does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 7/17/2018 and 7/31/2018. 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 15 days to appeal an MPC decision in the City.



C-6

**6-F-18-RZ
REZONING**

From: C-6 (General Commercial Park)

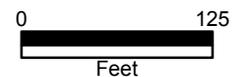
To: I-3 (General Industrial)



Petitioner: Mountain View Partners, LP

Map No: 106

Jurisdiction: City



Original Print Date: 5/14/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

REZONING **PLAN AMENDMENT**

Name of Applicant: MOUNTAIN VIEW PARTNERS, LP

Date Filed: 4/27/2018 Meeting Date: 6/14/18

Application Accepted by: Mike Reynolds

Fee Amount: \$1,000 File Number: Rezoning 0-F-18-RZ

Fee Amount: _____ File Number: Plan Amendment _____



PROPERTY INFORMATION

Address: 0 WEISBROOK LANE
 General Location: WEISBROOK LANE AT EAST WEISBARBER ROAD
 Parcel ID Number(s): 106 DA00624 (PART OF)
 Tract Size: 0.6 AC ±
 Existing Land Use: VACANT
 Planning Sector: NORTHWEST COUNTY
 Growth Policy Plan: N/A
 Census Tract: 46.15
 Traffic Zone: 217
 Jurisdiction: City Council 13 District
 County Commission _____ District

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT
 Name: R. Wade Ewers
 Company: Mountain View Partners LTD Partnership
 Address: 1463 E. Weisgarber Lane
 City: Knoxville State: TN Zip: 37909
 Telephone: 865-450-2000
 Fax: _____
 E-mail: wewers@ritway.com

Requested Change
REZONING

FROM: C-6
 TO: I-3

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT
 Name: CHRIS SHARP
 Company: URBAN ENGINEERING
 Address: 11852 KINGSTON PIKE
 City: KNOXVILLE State: TN Zip: 37934
 Telephone: 966-1924
 Fax: 315-7011
 E-mail: CHRIS@URBAN-ENG.COM

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: _____
 TO: _____

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: R. Wade Ewers

PLEASE PRINT
 Name: R. Wade Ewers
 Company: Mountain View Partners Ltd Partnership
 Address: 1463 E. Weisgarber
 City: Knoxville State: TN Zip: 37909
 Telephone: 865-919-0741
 E-mail: wewers@ritway.com

PROPOSED USE OF PROPERTY

BUILDING EXPANSION FOR DIRECT MAIL SERVICES (5911 WEISBROOK LN)

Density Proposed _____ Units/Acre
 Previous Rezoning Requests: _____



URBAN ENGINEERING, INC.

CIVIL ENGINEERS • LAND PLANNERS • LAND SURVEYORS

April 26, 2018

Knox County / Knoxville MPC
Suite 403, City County Building
400 Main Street
Knoxville, TN 37902

Re: Direct Mail Services (5911 Weisbrook Lane)

Dear Sir or Madam:

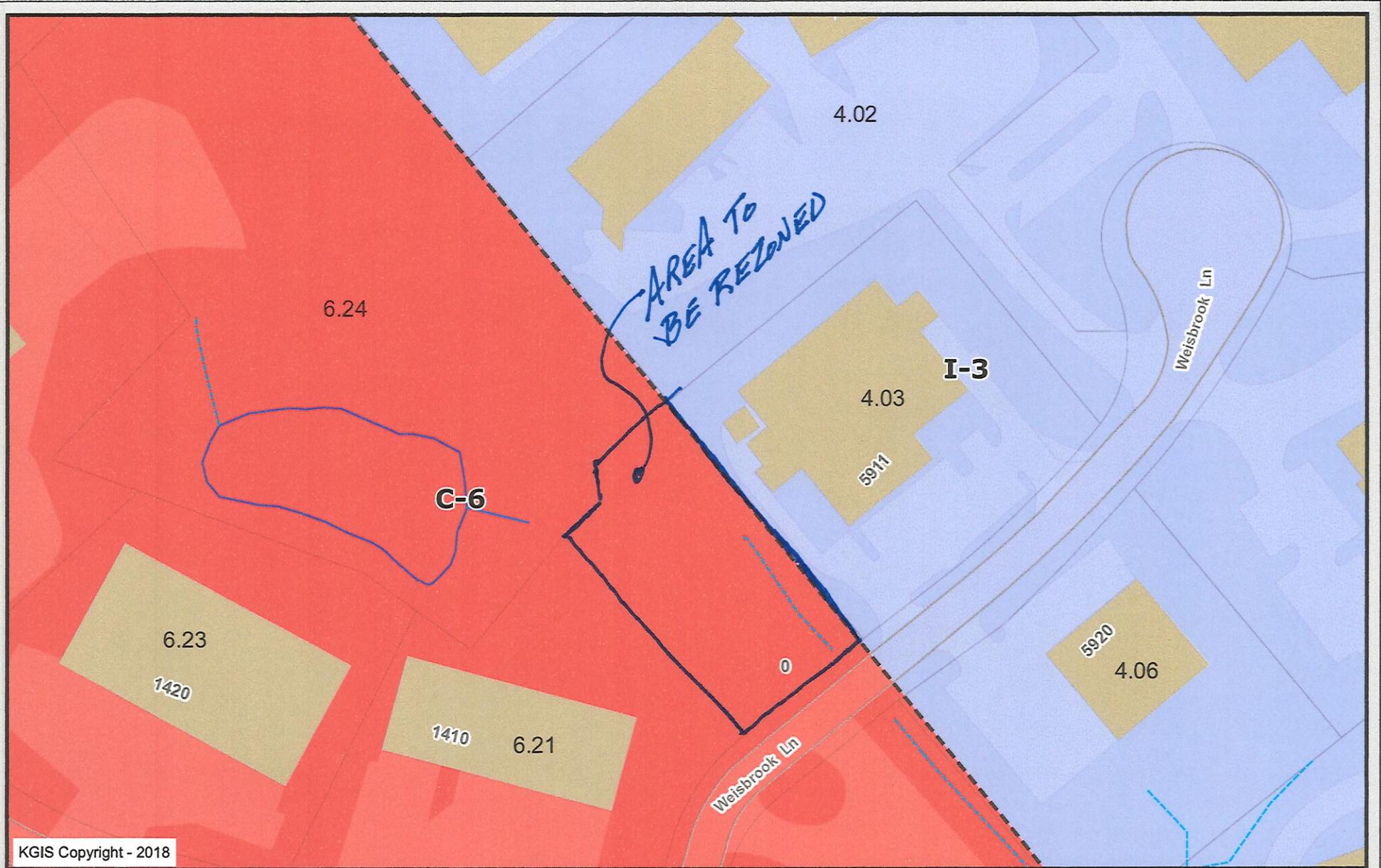
In the near future, Direct Mail Services plans to construct a building addition to accommodate the growth of their business. They are planning on purchasing a portion of Lot 2R-3, Acker Place to accommodate their expansion. Their current property is zoned I-3. The potential purchased land is zoned C-6. We are requesting that the property shown on the attached exhibits be rezoned to I-3, which appropriately fits the nature of the Direct Mail facility's operation.

Please do not hesitate to contact me if you have questions about this letter or attachments.

Sincerely,

Urban Engineering, Inc.

Chris Sharp, P.E.

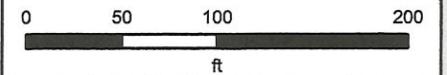


KGIS Copyright - 2018

Direct Mail Services

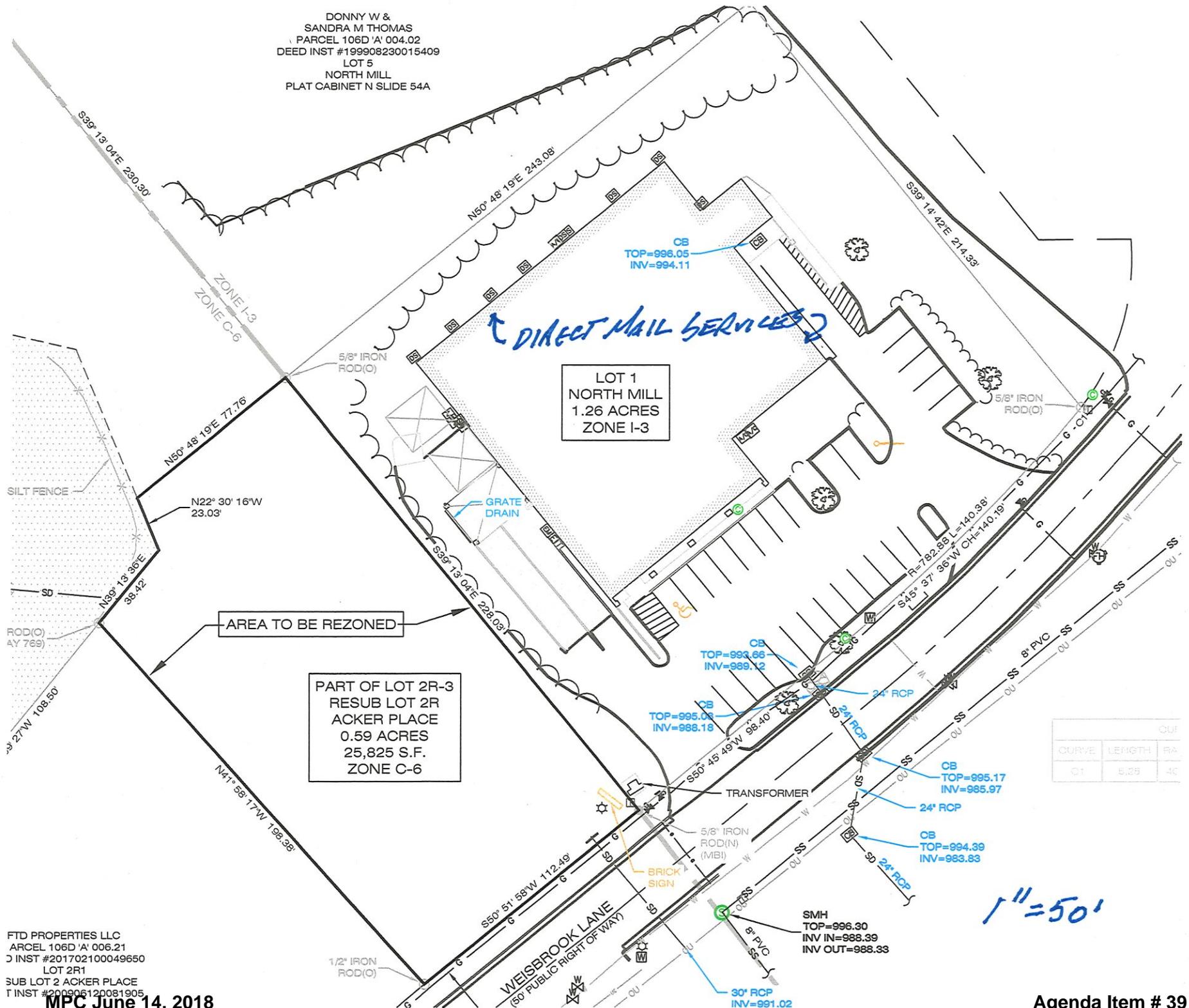
Printed: 4/26/2018 at 4:32:07 PM

Knoxville - Knox County - KUB Geographic Information System



KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS ,WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

DONNY W &
 SANDRA M THOMAS
 PARCEL 106D 'A' 004.02
 DEED INST #199908230015409
 LOT 5
 NORTH MILL
 PLAT CABINET N SLIDE 54A



FTD PROPERTIES LLC
 PARCEL 106D 'A' 006.21
 DEED INST #201702100049650
 LOT 2R1
 SUB LOT 2 ACKER PLACE
 DEED INST #200906120081905

MPC June 14, 2018

Agenda Item # 39

CERTIFICATE OF OWNERSHIP AND GENERAL DEDICATION

I, Ronald Eices, the undersigned owner of the property shown herein, hereby adopt this as my plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that I am the owner in fee simple of the property, and that said property is not encumbered by any mortgages or delinquent taxes. I further certify that all restrictive covenants, if any, which apply to the lots or other shown on the plan or are referred to herein, with copies of the referred to covenants filed with the Knox County Register of Deeds.

Ronald Eices 2-9-10
Owner / Authorized Signature

State of Tennessee, County of Knox
on the 9 day of February, 2010

before me personally appeared Ronald Eices to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Carol Shepherd
My commission expires

GUARANTEE OF COMPLETION OF DRAINAGE SYSTEMS:

I, the undersigned, hereby certify bond or other security has been procured with the appropriate agency to insure completion and establishment of all drainage systems as shown on drainage plans which were approved the 17 day of March, 2010.

Signature: [Signature] Date: 2-10-10

Dept: Eng Title: SEIT

City of Knoxville Department of Engineering

The Department of Engineering hereby approves this plan on this, the 10 day of Feb, 2010.
Stephen J. King
Engineering Director

CERTIFICATION OF FINAL PLAT-CONSTRUCTION COMPLETE

I hereby certify that I am a surveyor licensed to do surveying under the laws of the State of Tennessee. I further certify that this plan and accompanying drawings, documents, and statements conform to all applicable provisions of the Knoxville-Knox County Subdivision Regulations except as has been identified, described and justified in a report filed with the Metropolitan Planning Commission, or for variances for which application has been filed. The indicated monuments were in place on the 4 day of JAN, 2010.

Richard E. Kelly
Surveyor
Tenn. Reg. No. 789

Site Notes

- CORNER MONUMENTS AS SHOWN HEREON
- VERIFY EXACT SIZE, DEPTH AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
- IF UTILITY AND DRAINAGE EASEMENTS INSIDE ALL EXTERIOR BOUNDARY LINES, AND ALONG ROAD RIGHT-OF-WAY, AT EACH SIDE ALL INTERIOR LOT LINES.
- DEED REFERENCES: INSTR. NO. 200606100016383
- PREVIOUS PLAT REFERENCE: INSTR. NO. 200604120081925
- CLT 100D, GROUP A, PARCEL 6.20 OUT OF 10.0 DA-00616
- PROPERTY ZONED: C6 - (GENERAL COMMERCIAL DISTRICT)
- TOTAL AREA: 8.264 ACRES
- TOTAL LOTS: 2
- SURVEYED PROPERTY IS SUBJECT TO ALL APPLICABLE EASEMENTS, SETBACKS, RIGHT-OF-WAYS & RESTRICTIONS OF RECORD OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT HIGHWAY BY PUBLIC RECORDS.
- ACKER PLACE HAS AN EXISTING DETENTION AREA (CITY OF KNOXVILLE DRAINAGE EASEMENT) IN THE EXTREME SOUTHERN LINE OF PARCEL 6.20 LINE BEING COMMON WITH THE NORTH P.C.W. OF MIDDLEBROOK PIKE AND BEING MORE FULLY DESCRIBED IN CAB. M. SLIDE 125-B, 125-C AND 125-D.
- THERE SHALL BE NO BUILDING WITHIN THE KUBS. POWERLINE EASEMENT.
- I HAVE REVIEWED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP AND FOUND THAT THE SURVEYED PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

This is to certify that the subdivision shown hereon is approved subject to the installation of sanitary sewers and treatment facilities and that such installation shall be in accordance with state and local regulations.

2/1/10 Ronnie Nease (SB)
Date
Knox County Health Dept.

Zoning shown on Official Map C-6
Date 2-5-10 By Thoran Rullo

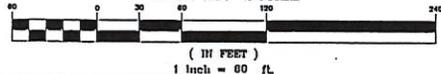
CITY OF KNOXVILLE
SURVEY CONTROL MONUMENT,
0988, 2001
NORTH: 586,105.781
EAST: 2,554,055.974
ELEV: 1060.05 (NGVD23)

Subdivision name and Street names contained herein reviewed and approved
Date February 10, 2010
Shelby G. Mose
Knoxville-Knox County Metropolitan Planning Commission

CITY OF KNOXVILLE
SURVEY CONTROL MONUMENT,
0988, 2001
NORTH: 595,938.180
EAST: 2,554,282.485
ELEV: 1051.21 (NGVD23)

- LEGEND**
- IR (O) - IRON ROD (OLD)
 - IR (N) - IRON ROD (NEW)
 - JUNCTION BOX
 - CATCH BASIN
 - HEADWALL
 - DRAINAGE EASEMENT
 - KUBS POWERLINE EASMT.
 - TRAVERSABLE ACCESS EASMT.

GRAPHIC SCALE



Knox County Page: 1 of 1
REC'D FOR REC 02/10/2010 3:13:45PM
RECORD FEE: \$17.00
R. TAX: \$0.00 T. TAX: \$0.00
201002100052264

IRON ROD (NEW)
SET IN CONCRETE
NORTHING = 595332.8070
EASTING = 2554490.8221

I hereby certify that there are no easements along lot lines that are being released.

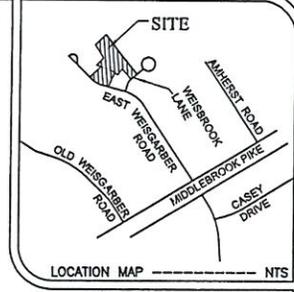
Richard E. Kelly
Surveyor
Tenn. Reg. No. 789

This is to certify that all property taxes and assessments due on this property have been paid.

Signed: Nicola Bato Date: 2/5/10
City Tax Clerk
Signed: Fred Sue a Date: 2/5/10
Knox County Trustee

CIRD NORTH

VOID NORTH BASED ON A BEARING OF S 77° 05' 10" E FROM CITY CONTROL POINT # 6989 TO CORNER. DISTANCES HAVE NOT BEEN REDUCED TO HORIZ.



SHERRY WITT
REGISTER OF DEEDS
KNOX COUNTY

VARIANCES APPROVED AT THE 7/13/89 MPC MEETING
1) RIGHT-OF-WAY WIDTH FROM WEISGARBER ROAD EAST FROM 90' TO 70' AS SHOWN ON PLAT (APPROVED BY MPC 6/8/91).

'OWNER(S) RESPONSIBILITY NOTE'
- The property owner(s) is(are) responsible for maintaining storm water facilities on this property.
- Covenants for permanent maintenance of stormwater facilities: Instr. No. 20081128004750

Certificate of Approval for Recording
This is to certify that the subdivision plat shown hereon and the Composite Design Plan # [redacted] have been found to comply with the Subdivision Regulations of Knoxville and Knox County and with existing official plans, with the exception of any variances and stipulations noted on this plat and in the minutes of the Knoxville-Knox County Metropolitan Planning Commission, the 10 day of Feb, 2010, and that the record plat is hereby approved for recording in the office of the Knox County Register of Deeds.
Signed: Mark D. [Signature]
Secretary

COUNTERSIGNED
KNOX COUNTY PROPERTY ASSESSOR
FEB 10 2010
[Signature]

OWNER
MOUNTAIN VIEW PARTNERS
LIMITED PARTNERSHIP
1461 E WEISGARBER ROAD
KNOXVILLE, TN 37909
865-584-3290



I hereby certify that the survey shown hereon is a category 1 survey and that the ratio of precision of the unadjusted survey is not less than 1:10,000 as shown hereon, no title opinion shown or not apparent in the field may or may not be discovered by a title search by a title insurer.

Richard E. Kelly
Surveyor
Tenn. Reg. No. 789

ZONE C-6, BUILDING SETBACKS
(PLAT CAB. M, SLIDE 125 B, C & D)
25' FRONT SETBACK
60' PERIMPHRY SETBACK

**LeMAY AND ASSOCIATES
CONSULTING ENGINEERS**
PH: (865) 671-0183
FAX: (865) 671-0213
10816 KINGSTON PIKE
KNOXVILLE, TENNESSEE 37934

RESUBDIVISION
LOT NO. 2R

ACKER PLACE

SCALE: 1" = 60'	APPROVED BY: REL	DRAWN BY: GWS
DATE: 08-16-2009	LATEST REVISION DATE: 01-04-2010	
DISTRICT 5 * WARD 45 * CITY BLOCK 45300		
CITY OF KNOXVILLE * KNOX COUNTY * TENNESSEE		
Address: 1410 EAST WEISGARBER RD	DRAWING NO.: 4826-FP3	
CLT 100D, GROUP A, PARCEL 6.20		

45300-2

45300-2

45300-2