

▶ **FILE #:** 2-D-18-RZ **AGENDA ITEM #:** 35  
 POSTPONEMENT(S): 2/8/18-8/9/2018 **AGENDA DATE:** 9/13/2018  
 ▶ **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:**

▶ **RECOMMEND that City Council APPROVE the removal of the zoning conditions on the C-6 (General Commercial Park) zoned portion of the subject property.**

Two of the four previous rezoning conditions approved in 2003 were related to the required installation of a traffic signal at the intersection of Jacksboro Pike and N. Broadway. The applicant has submitted a traffic impact study that analyzed the intersection and concluded that the traffic signal is not warranted at this time.

MPC and City Engineering staffs concur with the findings of the study, so staff is recommending that the condition be removed.

**COMMENTS:**

Another condition from 2003 was to limit the uses to uses permitted in the C-3 zone. The City of Knoxville Law Department has opined that conditions that limit uses are not appropriate, so that condition is recommended to be removed as well. The final condition was related to signage. This condition was included prior to the update of the City's sign ordinance. Staff is of the opinion that the permissible signage under the new sign code would be appropriate at this location, eliminating the need for that condition as well.

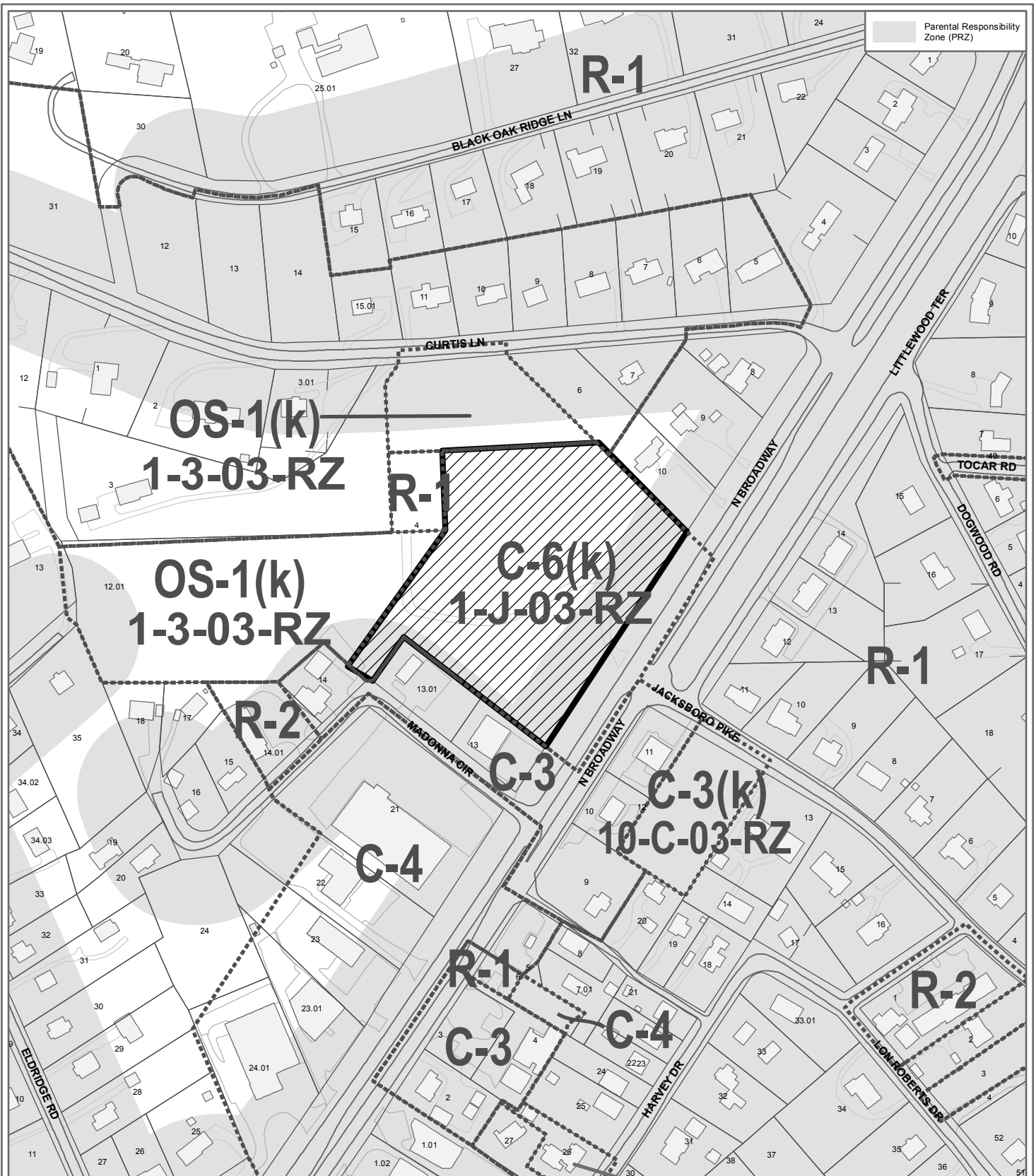
The applicant has postponed this request since February, 2018, in order to work with the City of Knoxville and TDOT to determine whether the installation of a new traffic signal at the intersection of Jacksboro Pike and N. Broadway is still warranted, as referenced in existing zoning conditions 2 and 3. (See attached case summary from 2003 rezoning.) A traffic impact study by Cannon & Cannon, dated August 24, 2018, analyzing the need for a traffic signal at the intersection, was submitted and reviewed by MPC and City staff to reassess whether or not the signal is needed. Staff agrees with the conclusion of the study that the traffic signal is not warranted at this time. The section of the traffic impact study that includes the traffic signal warrant analysis and staff comments/responses is attached.

The City of Knoxville One Year Plan was amended in 2003 to allow GC (General Commercial) uses on the site, consistent with the existing C-6 zoning. C-6 zoning requires administrative plan review and approval by MPC staff prior to issuance of building permits for new construction, building expansion or major site improvements. As part of this review, the developer will be expected to meet requirements of TDOT, MPC and City Engineering staffs in regards to access to the site and other necessary improvements.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 10/9/2018 and 10/23/2018. 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.



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

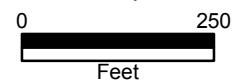
From: C-6 (General Commercial Park) with conditions  
 To: C-6 (General Commercial Park)



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



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APPENDIX D – MPC/KNOX COUNTY/TDOT REVIEW COMMENTS

Date: August 24, 2018

Project Name: North Broadway at Jacksboro Pike Commercial Development  
Traffic Impact Study Review (2-D-18-RZ)

To: MPC, Knox County and TDOT

From: Alan L. Childers, P.E.

Subject: TIS Comment Response Jacksboro Pike Commercial Development  
Review Comments Dated August 21, 2018

Dear MPC, Knox County and TDOT Staff:

The following comment responses are submitted in order to address comments dated August 21, 2018:

**Reviewer Comment 1:** On page 1 and 14, the turn-lane recommendations should use TDOT design standards for vehicle storage and tapers.

a. Change the STOP sign size to 36 inch.

Response: TDOT standards for vehicle storage and tapers were used.  
a) The stop size is for the site driveway, not the northbound Jacksboro Pike approach. A 30 inch sign is therefore appropriate.

**Reviewer Comment 2:** On page 3, there is no preliminary site plan included with Figure 2. "Under Development" is spelled wrong.

Response: A project site plan is not available for this project and will be developed later when the final site use is identified. It is possible that an updated traffic study will be required at that time. The spelling error has been corrected.

**Reviewer Comment 3:** On page 7, revise "Appendix B" to "Appendix C" to reflect what is in the Appendix.

Response: The requested revision has been made.

**Reviewer Comment 4:** Legends are needed for Figures 5, 6, and 7.

Response: The requested legends have been added to the figures..

**Reviewer Comment 5:** On page 9, revise "Appendix" to say "Appendix B".

Response: The requested revision has been made.

**Reviewer Comment 6:** On page 13 under Sight Distance Assessment, use TDOT Intersection Sight Distance 4-Lane Divided highway drawing (RD01-SD-5). What are the requirements and what was the achieved sight distance at this access?

Response: The Sight Distance Assessment section has been rewritten as requested.

**Reviewer Comment 7:** The study recommends an acceleration lane going NB on N Broadway, but it is not in the recommendations section of this report.

Response: The study refers to an **existing** acceleration lane going NB on N Broadway. It does not recommend any additional acceleration lanes.

**Reviewer Comment 8:** Figure 8 on page 15, needs to include more detail like lane markings for direction of travel and dimensions of turn lanes. Also, can SU-30 trucks make the right turn from Jacksboro Pike to NB on N Broadway?

Response: Figure 8 is a schematic drawing intended to illustrate how the site access will function. It is not a design drawing. The figure has been modified to clarify its purpose and to clarify the associated recommendations. These modifications include making the proposed island in the southeast corner a painted island, not a raised island. This change is to ensure accommodation of SU-30 and larger vehicles around this tight corner.

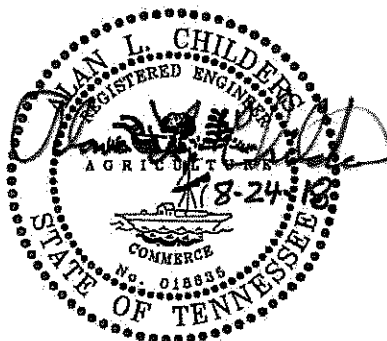
**Reviewer Comment 9:** The review team recommends placing pavement markings to not block the intersection of Littlewood Terrace with Jacksboro Pike since it is so close to the intersection with N Broadway.

Response: A stop bar and "Do Not Block Intersection" sign are currently in place at this location. This intersection approach (south) is opposite the project site and will carry very little site related traffic, thus not significantly impacting the current situation. Therefore, any change to these markings should be the responsibility of the City of Knoxville.

**Reviewer Comment 10:** Please provide a signal warrant analysis for this intersection.

Response: A signal warrant analysis has been included with the traffic data that is available from this study.

Please do not hesitate to contact us if you have questions or require additional information.



# 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:**



Sherry Michienzi <sherry.michienzi@knoxmpc.org>

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

3 messages

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

Tue, Jul 24, 2018 at 10:20 AM

Postponement request on 2-D-18-RZ.

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

From: **Arthur G. Seymour, Jr.** <ajseymour@fmsllp.com>  
Date: Tue, Jul 24, 2018 at 10:17 AM  
Subject: RE: Ft Sanders Partners (2-D-18-RZ)  
To: Michael Brusseau <mike.brusseau@knoxmpc.org>

Please postpone to 9/13

Thank you

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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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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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

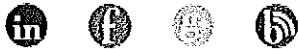
To: Michael Brusseau <mike.brusseau@knoxmpc.org>

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

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

Name: NATHAN C. SEYMOUR

Company: PROVIZ DE CONSTRUCTION

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:

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:

Name: SAME AS ABOVE

Company:

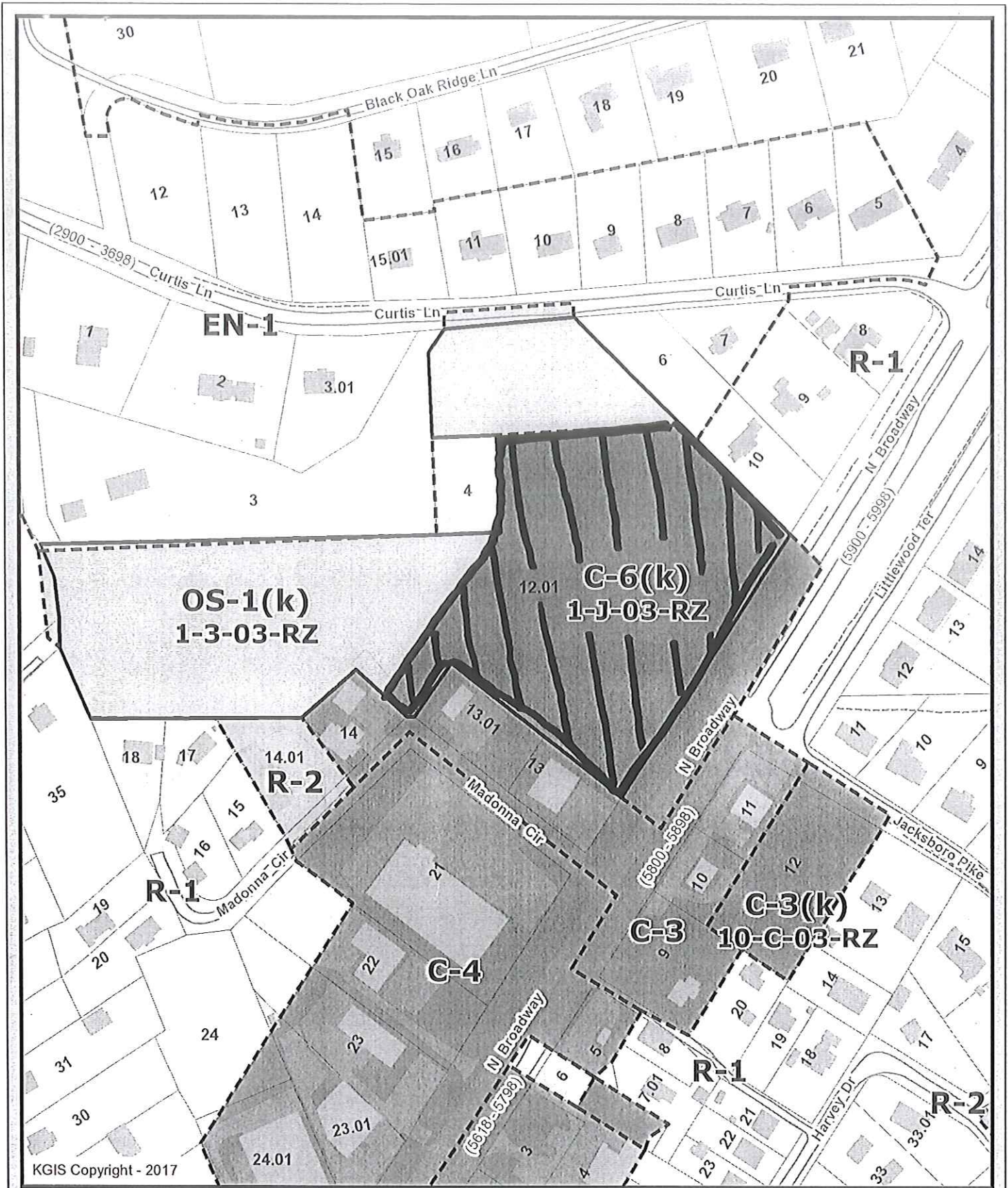
Address:

City: State: Zip:

Telephone:

E-mail:



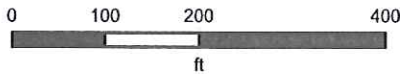


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## REQUIRED SIGN POSTING AGREEMENT FORM


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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Knoxville, Tennessee 37902  
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