

REZONING REPORT

► **FILE #:** 8-L-19-RZ

AGENDA ITEM #: 38

AGENDA DATE: 8/8/2019

► **APPLICANT:** BENJAMIN C. MULLINS / ACADIA HEALTHCARE COMPANY, INC.

OWNER(S): Glen Summer / KOC Building Partners II, LLC

TAX ID NUMBER: 106 D A 00807

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 0 Old Weisgarber Road

► **LOCATION:** Northwest intersection of Lonas Springs Drive & Old Weisgarber Road

► **APPX. SIZE OF TRACT:** 4.51 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: The site is accessed from Old Weisgarber Road, a minor collector with a pavement width of 24 feet and a right-of-way of 62 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT ZONING:** O-3 (Office Park)

► **ZONING REQUESTED:** O-1 (Office, Medical, and Related Services)

► **EXISTING LAND USE:** Agricultural/Forestry/Vacant

► **PROPOSED USE:** Acute psychiatric care facility (hospital for 24-hr monitored care of persons in crisis)

EXTENSION OF ZONE: No

HISTORY OF ZONING: This parcel was rezoned from O-1 (Office, Medical, and Related Services District) to O-3 (Office Park District) in February, 1998 (Case No. 12-J-97-RZ) as part of a number of tracts being rezoned at that time.

SURROUNDING LAND USE AND ZONING: North: Agricultural/Forestry/Vacant - O-3 (Office Park District)

South: Office - O-3 (Office Park District)

East: Office - O-3 (Office Park District)

West: Agricultural/Forestry/Vacant - O-3 (Office Park District)

NEIGHBORHOOD CONTEXT: Old Weisgarber Road is just south of fairly intense commercial uses on Middlebrook Pike. There are warehouses and large office complexes with large surface lots in the area.

STAFF RECOMMENDATION:

► **Approve the requested O-1 (Office, Medical, and Related Services District) zoning.**

Staff recommends approval of the requested O-1 (Office, Medical, and Related Services District) zoning since the parcel was originally zoned O-1 and was rezoned to O-3 (Office Park District) in February, 1998 and recognizing that Old Weisgarber Road has developed with large medical facilities already, and this proposal would require development review.

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. There are no significant recent changes that would warrant a rezoning. However, Old Weisgarber Road has been developed with multiple large medical facilities since the early 2000s.

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

1. This property was originally zoned O-1 and was rezoned to O-3 in February, 1998.
2. The proposed amendment to O-1 zoning is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.

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. O-1 zoning is compatible with the Office Sector Plan designation.
2. Surrounding uses include Knoxville Orthopedic Clinic, ProVision, Southeast Eye Specialists, and Family Care Specialists. All of these are large medical facilities, with which a 24-hour psychiatric care facility would be compatible.
3. Permitted uses on review in this district include hospitals, halfway houses, etc. A 24-hour psychiatric care facility is similar to these uses. Therefore, staff interprets this as a use permitted on review and the site and building plans would require approval from the planning commission.
4. The property is located in FEMA Flood Zone X, but it is not located in a floodway or a floodplain.
5. Portions of this parcel feature a slope with a grade of 25-40%, though not enough of the site to warrant its inclusion in the Hillside and Ridgetop Protection Area. Any adverse affects would be addressed through the development review process since this use requires a use on review.

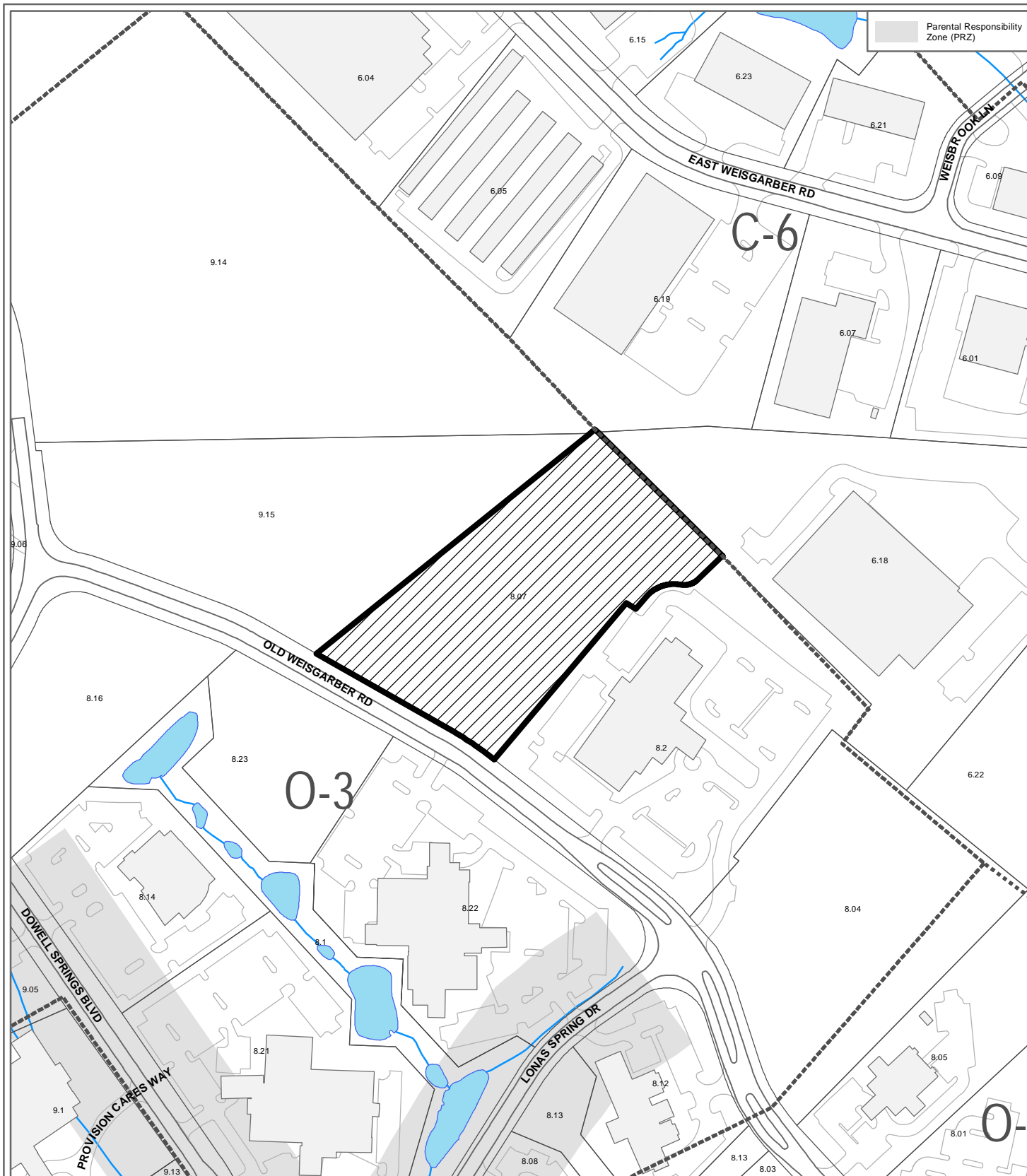
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed amendment is consistent with and not in conflict with any adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

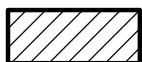
If approved, this item will be forwarded to Knoxville City Council for action on 9/10/2019 and 9/24/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



8-L-19-RZ REZONING

From: O-3 (Office Park)

To: O-1 (Office, Medical, and Related Services)



Petitioner: Mullins / Acadia Healthcare Company, Inc., Benjamin C.

Map No: 106

Jurisdiction: City

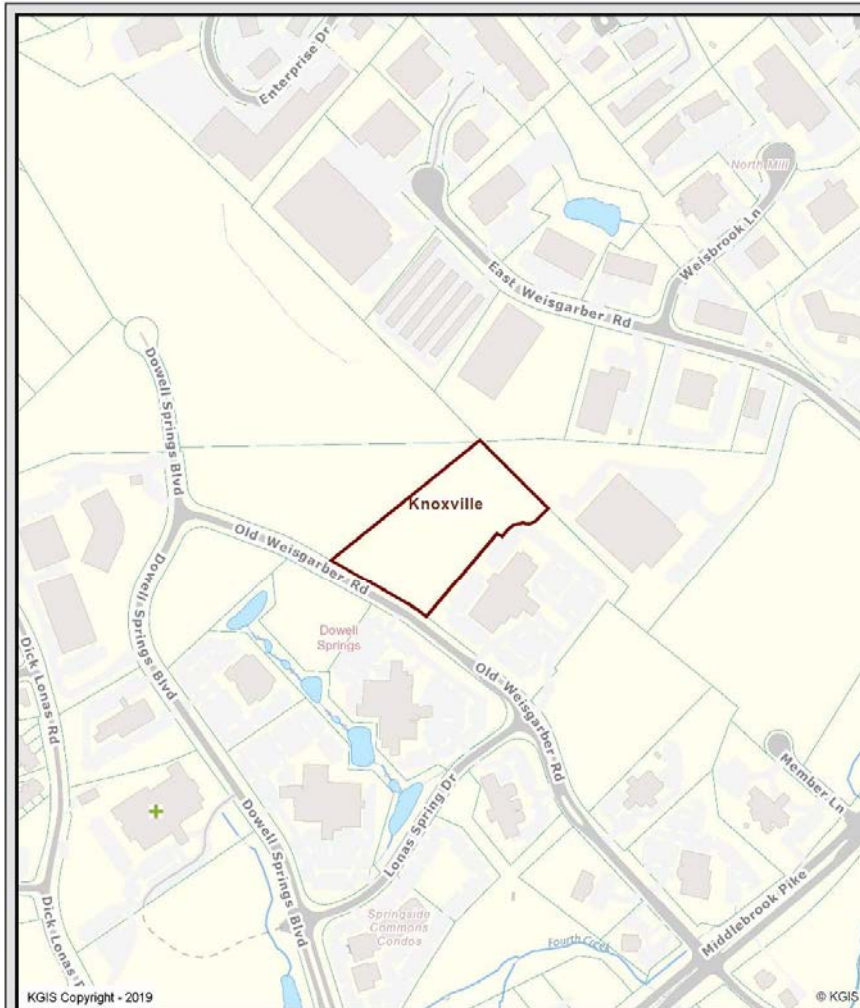


Original Print Date: 7/15/2019
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

8-L-19-RZ

EXHIBIT A. Contextual Images

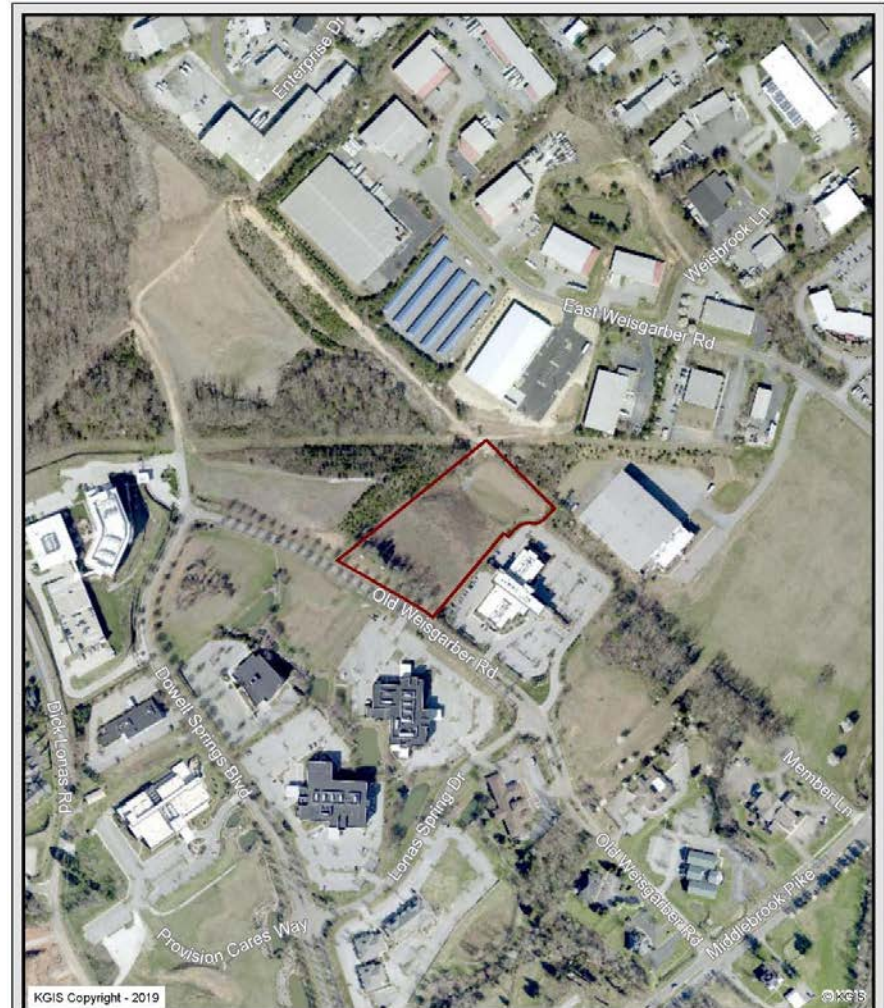


8-L-19-RZ: Location Map
0 Weisgarber Road (north of Middlebrook Pike)

Printed: 7/22/2019 at 9:48:59 AM
0 190 380 760
ft

Knoxville - Knox County - KUB Geographic Information System

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8-L-19-RZ: Aerial Map
0 Weisgarber Road (north of Middlebrook Pike)

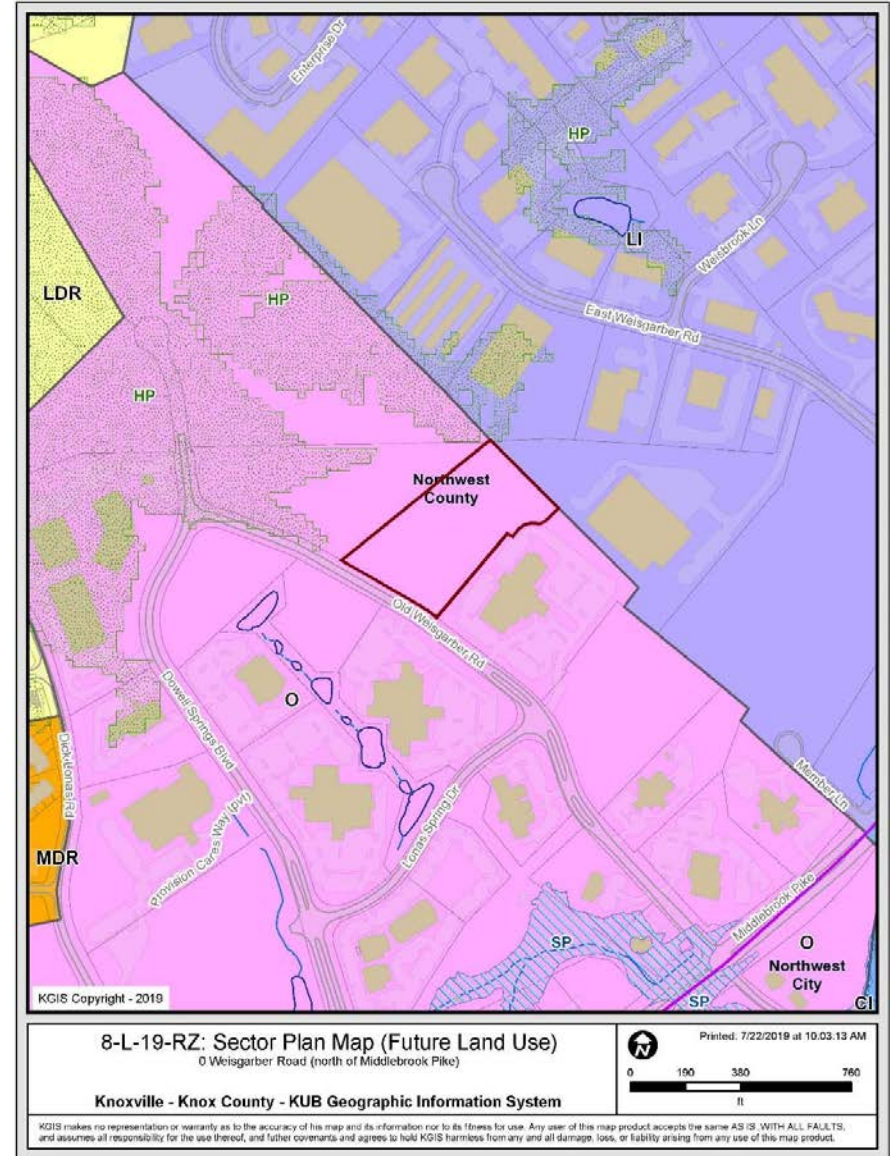
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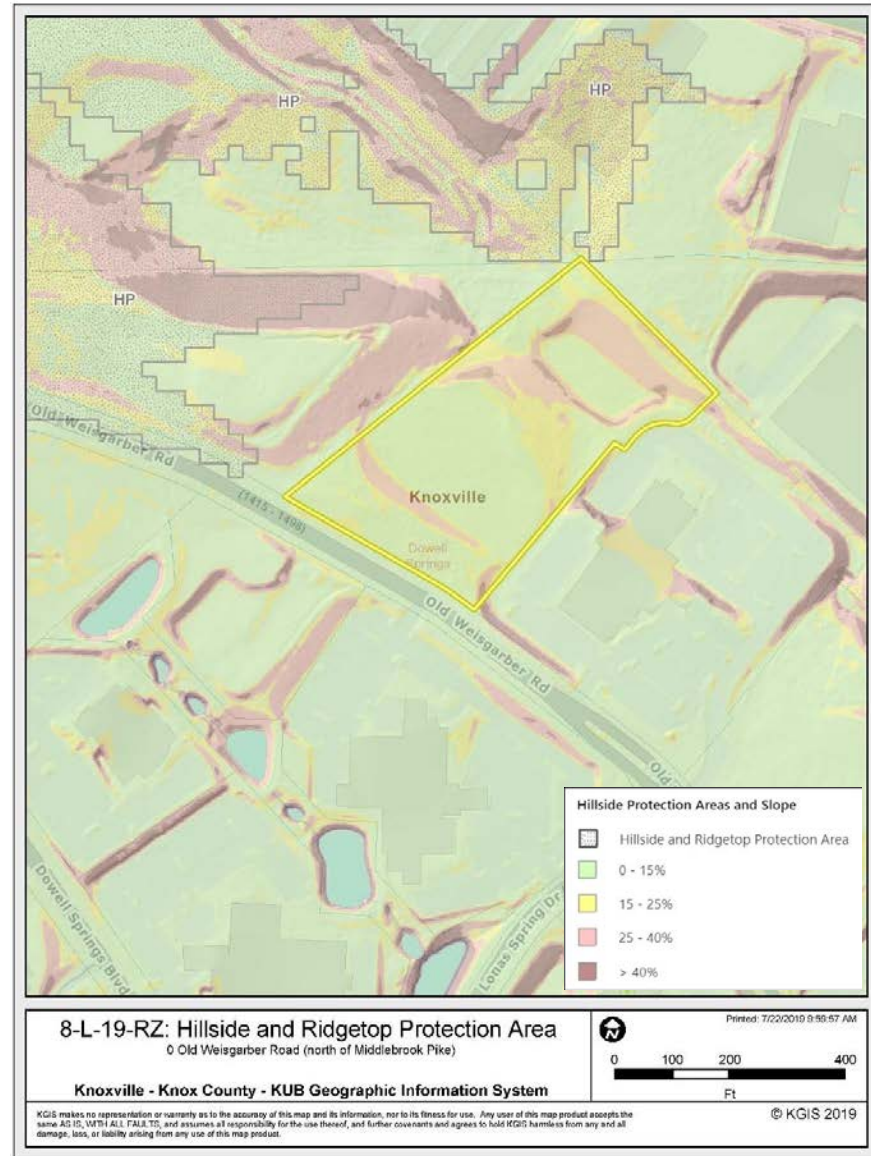
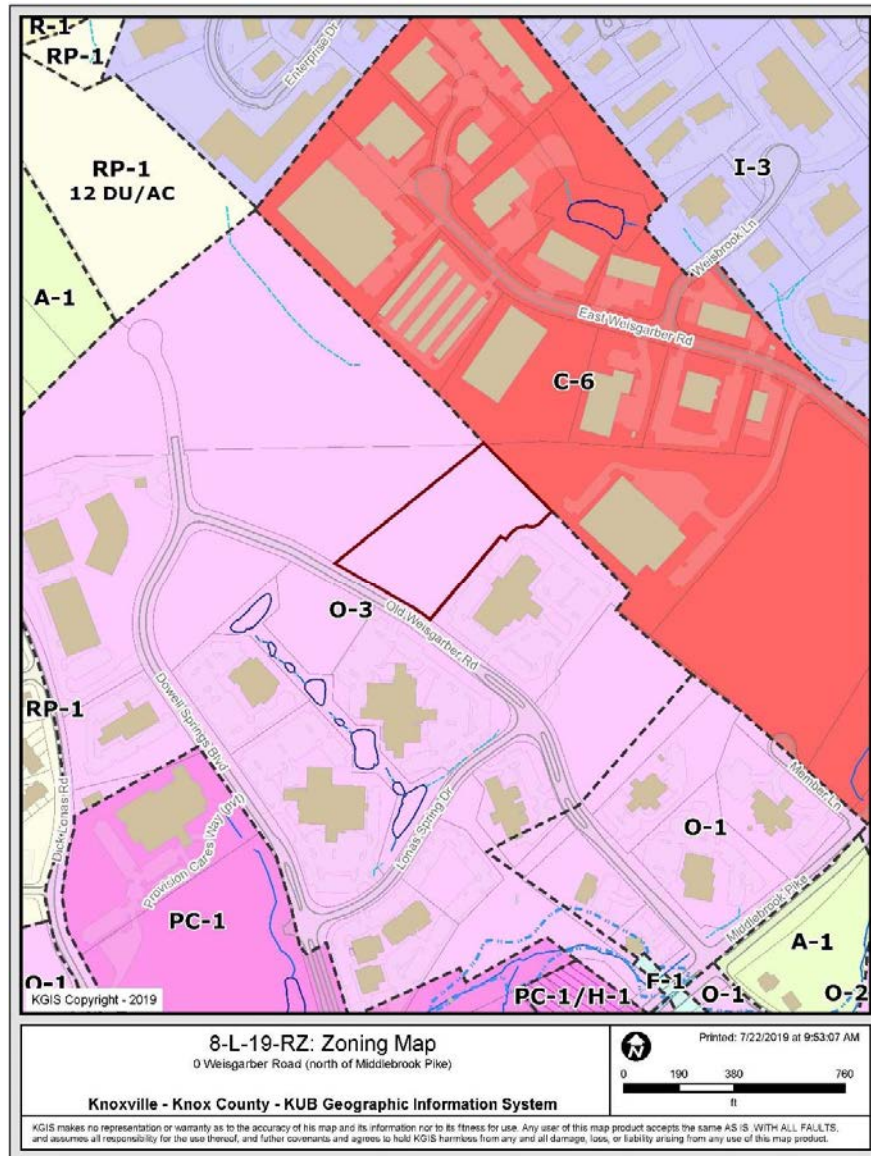
8-L-19-RZ

EXHIBIT A. Contextual Images



8-L-19-RZ

EXHIBIT A. Contextual Images





DEVELOPMENT REQUEST



DEVELOPMENT

- ☐ Development Plan
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☒ Rezoning

June 27, 2019

Date Filed

August 8, 2019

Meeting Date

8-L-19-RZ

File Number(s)

APPLICATION CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☐ Owner ☒ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Benjamin C. Mullins on behalf of

Name

Acadia Healthcare Company, Inc.

Company

550 West Main Street, Suite 500

Address

Knoxville

City

TN

State

37902

Zip

865-546-9321

Phone

bmullins@fmsllp.com

Email

CURRENT PROPERTY INFO

KOC Building Partners II, LLC

c/o Ortho Tennessee PC

Attn: Glen Summer

Owner Name (if different)

256 Fort Sanders West Blvd., Ste. 200

Knoxville, TN 37922

Owner Address

865-392-5241

Owner Phone

0 Old Weisgarber Road, Knoxville TN, 37909

Property Address

106DA00807

Parcel ID

NW of intersection with Lonas Springs Dr. and Old Weisgarber Rd;

General Location

+/- 4.51 Acres

Tract Size

O-3

Zoning District

Vacant

Existing Land Use

Northwest County

Planning Sector

O

Sector Plan Land Use Classification

NA

Growth Policy Plan Designation

District 3

Jurisdiction (specify district above)

- ☒ City Council ☐ County Commission

REQUEST

DEVELOPMENT

☐ Development Plan ☐ Use on Review / Special Use

☐ Residential ☐ Non-Residential

☐ Home Occupation (specify): _____

☐ Other (specify): _____

SUBDIVISION

☐ Proposed Subdivision Name _____ Unit / Phase Number _____

☐ Concept Plans in Planned District or Zone

☐ Parcel Change

☐ Combine Parcels ☐ Divide Parcel Total Number of Lots Created: _____

☐ Other (specify): _____

☐ Attachments / Additional Requirements

ZONING

Acute Psychiatric Health Care Facility

☐ Proposed Property Use (specify) _____ Proposed Density (units/acre) _____ Previous Rezoning Requests _____

☒ Zoning Change ☐ Plan Amendment Change

O-1

Proposed Zoning _____ Proposed Plan Designation(s) _____

☐ Other (specify): _____

STAFF USE ONLY

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (*Final Plat only*)

☐ Use on Review / Special Use (*Concept Plan only*)

☐ Traffic Impact Study

FEE 1:

1,600.00

FEE 2:

FEE 3:

TOTAL:

1600.00

AUTHORIZATION

Staff Signature

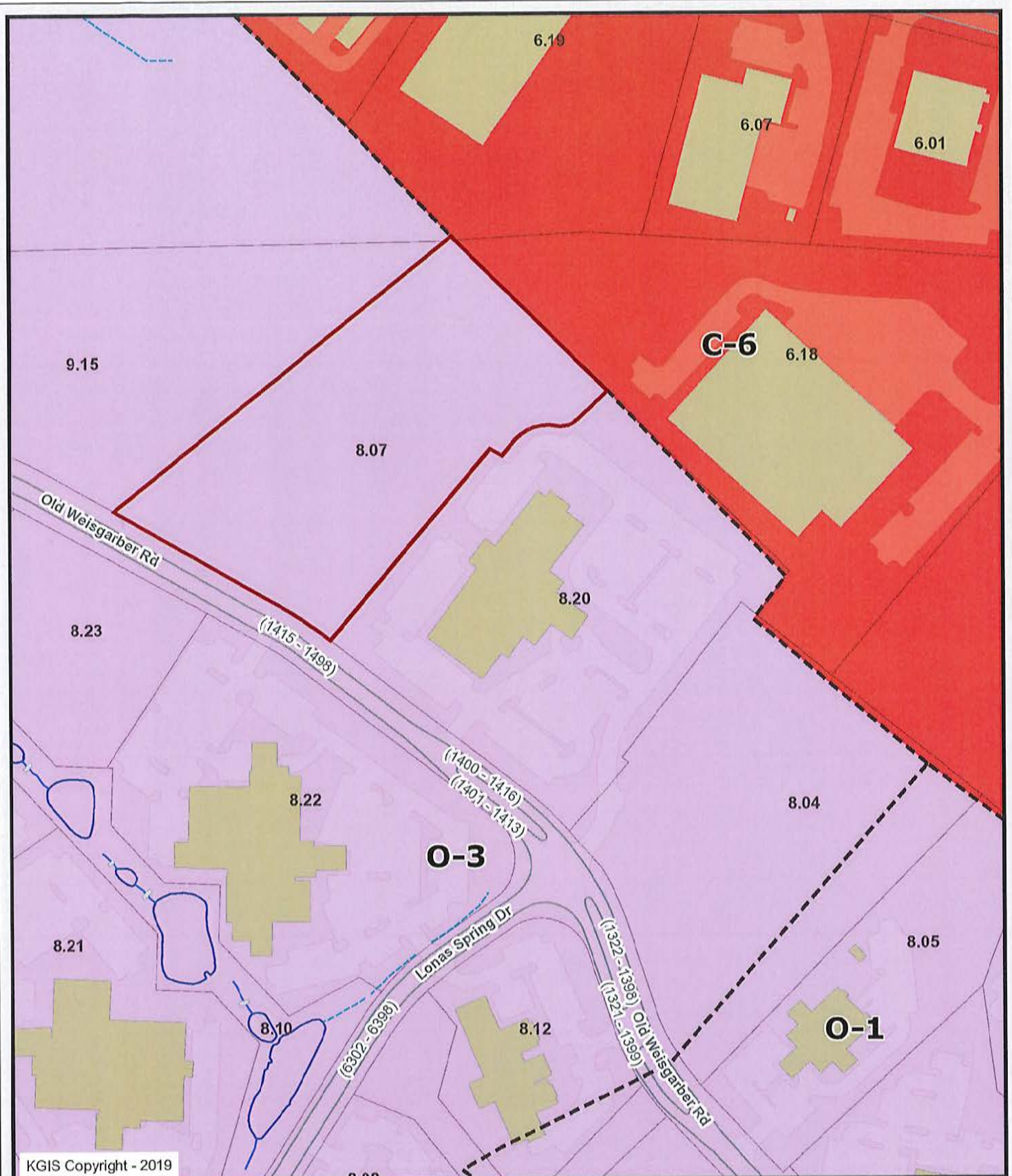
Please Print

Date

Applicant Signature

Please Print

Date

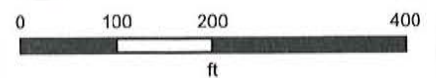


Letter Portrait

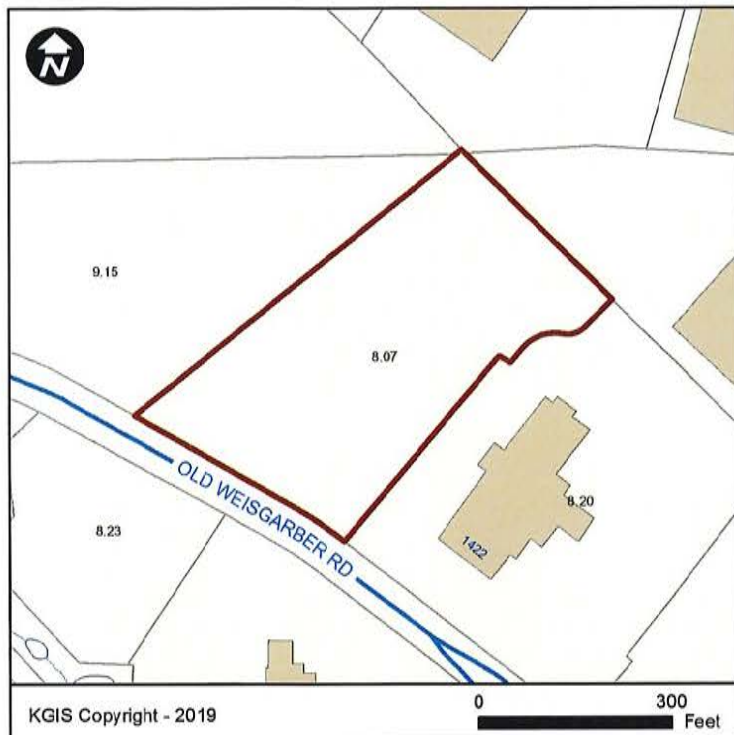
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Parcel 106DA00807 - Property Map and Details Report**Property Information**

Parcel ID:	106DA00807
Location Address:	0 OLD WEISGARBER RD
CLT Map:	106
Insert:	D
Group:	A
Condo Letter:	
Parcel:	8.07
Parcel Type:	
District:	45
Ward:	
City Block:	45406
Subdivision:	DOWELL SPRINGS RESUB
Rec. Acreage:	4.51
Calc. Acreage:	0
Recorded Plat:	20080722 - 0005032
Recorded Deed:	20061019 - 0034311
Deed Type:	Deed:Special Wa
Deed Date:	10/19/2006

Address Information

Site Address: 0 OLD WEISGARBER RD
KNOXVILLE - 37909

Address Type: UNUSED LAND

Site Name:

Owner Information

KOC BUILDING II LLC
260 FORT SANDERS WEST BLVD STE200
KNOXVILLE, TN 37922

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY
City / Township: Knoxville

MPC Information

Census Tract: 46.15
Planning Sector: Northwest County

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 45
Voting Location: Bearden Middle School
1000 FRANCIS RD

TN State House: 18 Martin Daniel
TN State Senate: 7 Richard Briggs
County Commission: 3 Randy Smith

City Council: 3 Seema Singh
School Board: 3 Tony Norman

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

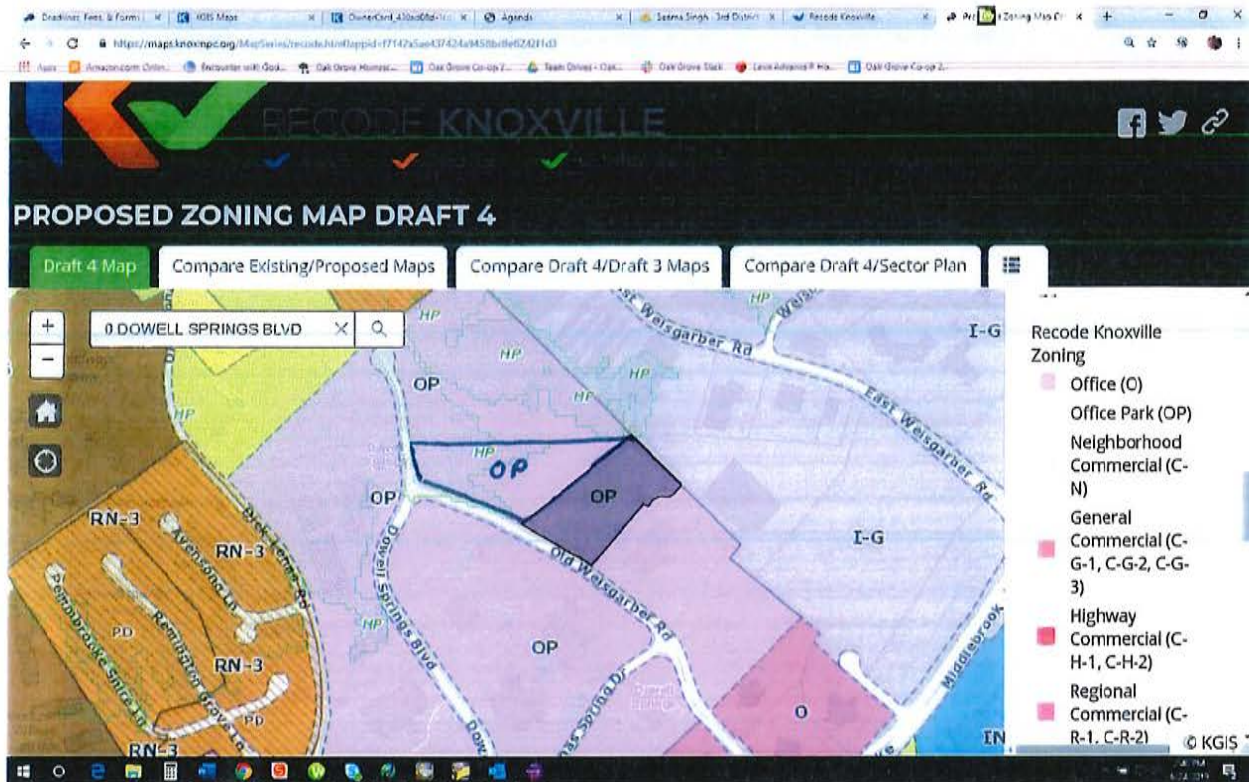
School Zones

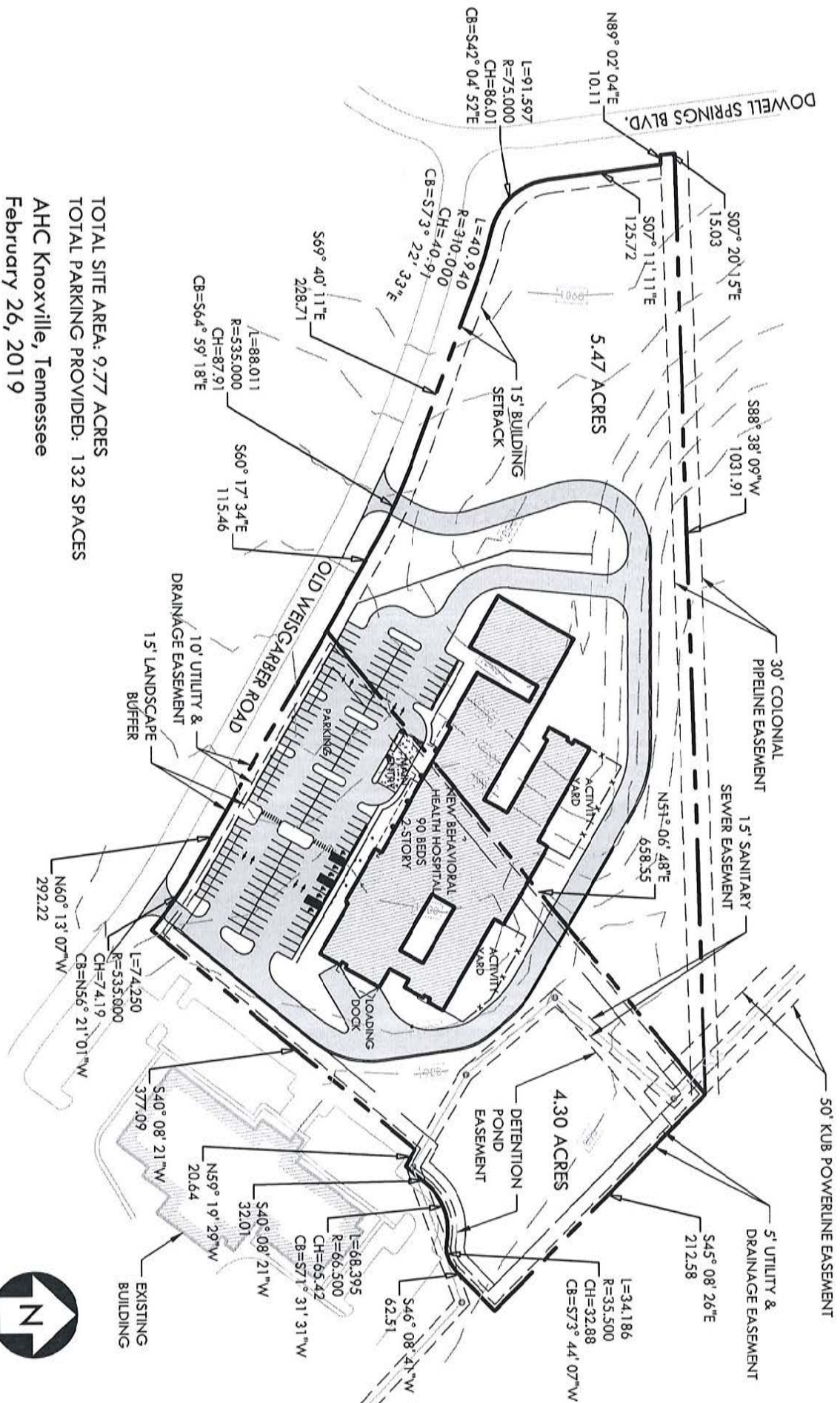
Elementary: BEARDEN ELEMENTARY
Intermediate:
Middle: BEARDEN MIDDLE
High: WEST HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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TOTAL SITE AREA: 9.77 ACRES
TOTAL PARKING PROVIDED: 132 SPACES
AHC Knoxville, Tennessee
February 26, 2019



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

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
RICHARD E. GRAVES
BRITTANY K. COSS



client-centric & committed to success

Email: bmullins@fmsllp.com
Direct Fax: 865-541-4609

June 27, 2019

office 865.546.9321
office fax 865.637.5249

550 W. Main Street
Suite 500
P.O. Box 39
Knoxville, Tennessee
37901

of counsel
IMOGENE A. KING
JASON T. MURPHY
FRANCIS A. CAIN, RET.

fmsllp.com

Knoxville-Knox County Planning
City-County Building, Suite 403
400 Main Street
Knoxville, Tennessee 37902

Attn: Rezoning Application Staff

Re: 0 Dowell Springs Blvd.
Parcel ID No. 106DA00915

0 Old Weisgarber Road
Parcel ID No. 106DA00807

Dear Sir or Madam:

Please find enclosed for your consideration Acadia Healthcare Company, Inc.'s Rezoning Application with respect to the above-referenced parcels (the "Property"). For your ease of reference, I am enclosing along with this Application the following KGIS documents:

1. Property Map and Details Report;
2. proposed Recode zoning designation for the Property; and
3. preliminary site plan for reference only.

This Property is currently vacant and zoned O-3. The rezoning request is to change the Property under the existing code to O-1. Both zoning designations are consistent with the Northwest County Sector Plan, which shows an O (Office) designation for the rezoning.

The purpose for the rezoning is to enable an acute psychiatric healthcare facility to be developed on the two parcels once they are combined. Under the current zoning ordinance, there is no definition of a healthcare facility; however, hospitals are allowed as a use permitted on review in the O-1 zone, but not the O-3 zone. Under the proposed Recode, the Property is proposed to be zoned OP, which would allow a healthcare facility to be placed on the Property as a Special Use. It is my client's intent to secure the current rezoning under the existing ordinance

and then move forward with combining the parcels and applying for a use on review as generally depicted in the preliminary draft site plan which I have provided¹.

We believe this rezoning is consistent with both the Sector Plan and the proposed Recode for these parcels, and we would respectfully request that the Knox County zoning map be amended to change these parcels from O-3 to O-1.

Please feel free to contact me should you have any questions.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl
Enc.

cc: Acadia Healthcare Company, Inc.

¹ I understand that there may need to be variances sought and approved during the use on review process.

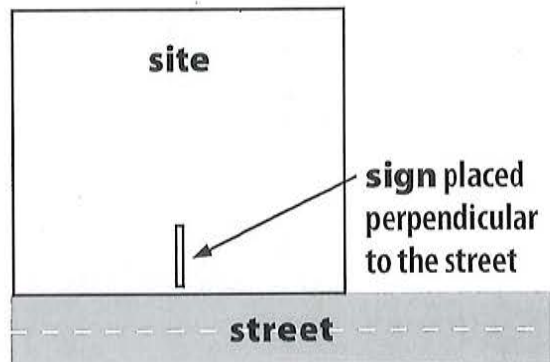
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

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



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:


7/24/19

(15 days before the MPC meeting)

and

8/9/19

(the day after the MPC meeting)

Signature: 

Printed Name: Benjamin C. Mullins

Phone: 865-546-9321

Email: bmullins@fmsllp.com

Date: 6-27-19

MPC File Number: 8-M-19-RZ & 8-L-19-RZ