

REZONING REPORT

▶ **FILE #:** 2-E-19-RZ

AGENDA ITEM #: 28

AGENDA DATE: 2/14/2019

▶ **APPLICANT:** RML CONSTRUCTION LLP / RYAN M. HICKEY

OWNER(S): Fain P Kemp Jr TR Pellissippi Properties

TAX ID NUMBER: 103 86

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 0 Solway Rd

▶ **LOCATION:** East of the intersection between Solway Road and Sam Lee Road, adjacent to Pellissippi Parkway.

▶ **APPX. SIZE OF TRACT:** 32.49 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Solway Road, a minor and major collector, with a 21' pavement width within a right-of-way width of 50' to 60'.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** BP (Business and Technology) / TO (Technology Overlay)

▶ **ZONING REQUESTED:** OB (Office, Medical, and Related Services) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant

▶ **PROPOSED USE:** Uses allowed in the OB/TO zones

EXTENSION OF ZONE: Yes, this is an extension of OB/TO zoning to the southwest.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Office - BP (Business and Technology Park) /TO (Technology Overlay)

South: Agriculture/Forestry/Vacant - BP (Business and Technology Park) /TO (Technology Overlay) and OB (Office, Medical, and Related Services) /TO (Technology Overlay)

East: Pellissippi Pkwy ROW - BP (Business and Technology Park) /TO (Technology Overlay)

West: Agriculture/Forestry/Vacant - BP (Business and Technology Park) /TO (Technology Overlay) and A (Agriculture) /TO (Technology Overlay)

NEIGHBORHOOD CONTEXT: This area is a mix of attached, medium density, residential uses, office, and larger undeveloped agricultural and/or forested areas.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) zoning, subject to one condition.**

1. Use on review approval of a development plan will be required by Knoxville-Knox County Planning prior to

any disturbance of the site, including clearing and grading.

With the above condition, this site is appropriate to be rezoned OB, consistent with the recommended land uses in the Mixed Use Special District - Pellissippi State Community College/Beaver Creek (MU-SD NWCO-6) Use on review development plan approval is necessary because of the steep slopes on the property and the need for a greenway easement along Solway Road for the Knox to Oak Ridge Greenway. Avoiding the disturbance of slopes greater than 40 percent will be required as part of use on review approval.

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. The property is surrounded by a mix of residential, office and forested, agricultural lands.
2. The site is located in the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan map.

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

1. The OB zoning district, as stated in the Knox County Zoning Ordinance, 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.
2. The OB zoning district is for business offices, clinics, medical, and dental offices near residential neighborhoods, however, hotels and other supportive land uses are also permitted.

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

1. OB zoning is compatible with the surrounding land uses.
2. OB zoning at this location does not adversely affect the surrounding area or any other part of the county.

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 Northwest County Sector Plan proposes MU-SD (Mixed Use Special District) for this area, and OB is compatible with the designation.
2. The request is consistent and not in conflict with all other plans of Knox County.

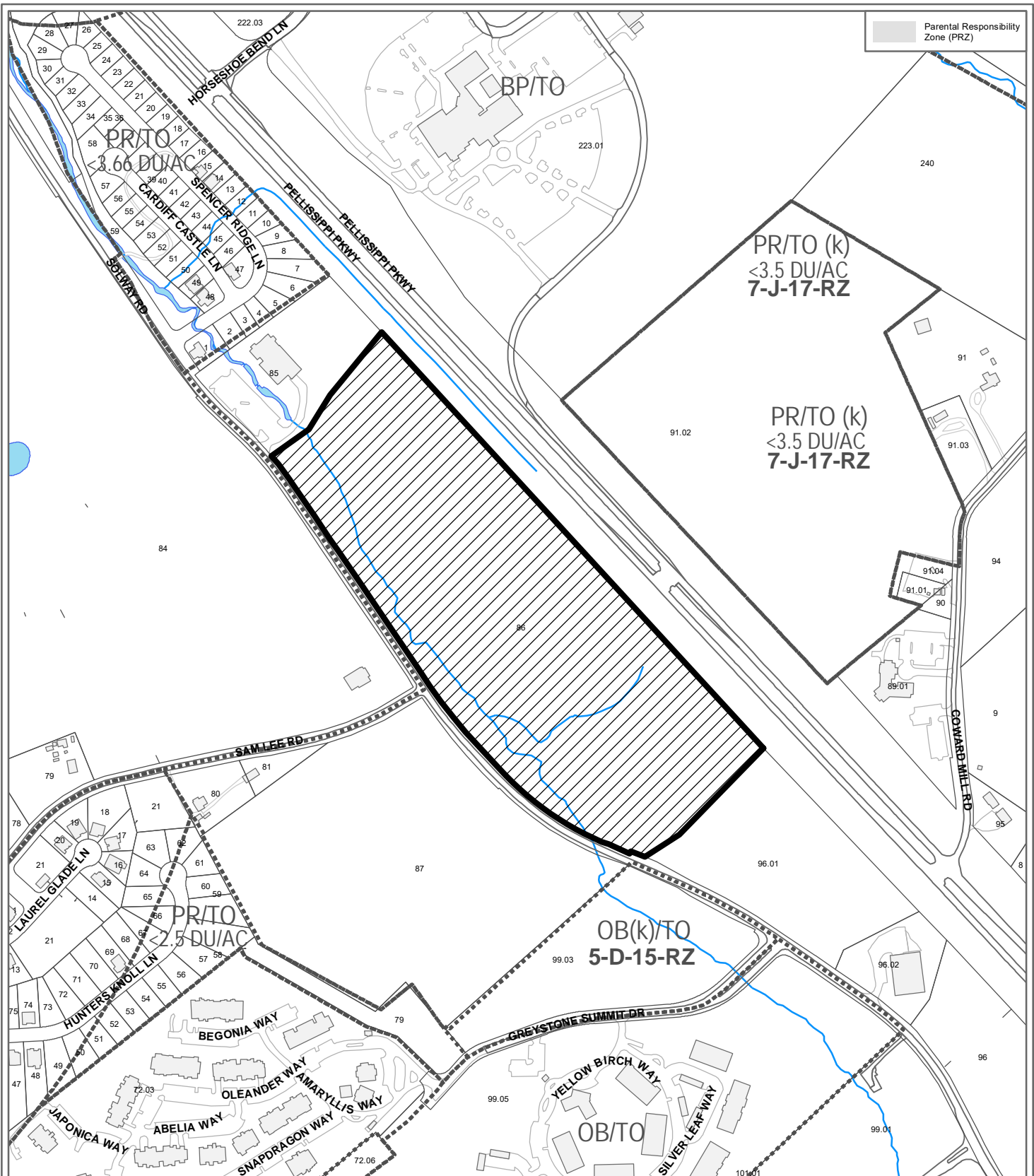
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Hardin Valley Elementary, Hardin Valley Middle, and Hardin Valley Academy.

- School-age population (ages 5–18) is estimated using data from a variety of sources.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 3/25/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**2-E-19-RZ
REZONING**

From: BP (Business and Technology) / TO (Technology Overlay)

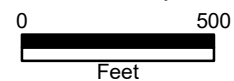
To: OB (Office, Medical, and Related Services) / TO (Technology Overlay)



Petitioner: RML Construction LLP / Ryan M. Hickey

Map No: 103

Jurisdiction: County



Original Print Date: 1/15/2019
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Mixed Use Special District NWCO-6

PELLISSIPPI STATE COMMUNITY COLLEGE/ BEAVER CREEK

This area is located between the north edge of the Pellissippi State campus and Sam Lee Road. It is well positioned to have office or technology park uses, particularly with the “corporate visibility” being located near Pellissippi Parkway (SR 162) and its proximity to the Community College and the proposed Knox to Oak Ridge Greenway. In the 2008 *TTCCA Comprehensive Plan Update* this area was comprised to two separate MU-SDs separated by the proposed State Route 475, since this project has been abandoned, these mixed use districts have been combined. The district has remained largely agricultural in character, however, apartments have developed in the area in the last 6 years.

Recommended Uses

This district is approximately 520 acres in size and would ideally be well-suited for a master plan for phased development including a mix of uses. Office, technology park, clustered housing, and neighborhood commercial uses that are primarily serving the office and technology based uses within the district, as well as the residential components of the district and those adjacent to the district. Clustered housing is also considered to be a logical use, providing a residential location near Pellissippi State, Hardin Valley schools and employment opportunities in the area.

Between Pellissippi Parkway (SR 162) and Solway Road:

- Office (O)
- Technology Park (TP)

Solway Road and Sam Lee Road intersection:

- Technology Park (TP)
- Office (O)
- Low Density Residential (LDR) and Medium Density Residential (MDR)
- Mixed Use Neighborhood Center (MU-NC); also including consideration of Planned Commercial (PC)

North of Sam Lee Road, west of Solway Road and northwest of Greystone Summit Apartments:

- Technology Park (TP)
- Office (O)
- Medium Density/Office (MDR/O)
- Low Density Residential (LDR)

Site Design Guidelines

- Recommendations for building height, clearing, grading, density, revegetation and other principles of the *Knoxville Knox County Hillside and Ridgeway Protection Plan* should be followed.
- The vegetated steep slopes and floodplains adjacent to Beaver Creek should be conserved with any new development in this district.
- Reference the *Tennessee Technology Corridor Development Authority Design Guidelines* for all development within the district (inside the boundaries of the Tennessee Technology Corridor), excluding only low density residential and agricultural uses.
- Street trees should be planted within medians, sidewalk planting strips and wells.

Transportation Improvements

- Sidewalks and pathways from developments to the proposed Knox to Oak Ridge Greenway should be conditioned and right-of-way or easements sought for these connections.

- Continuity, circulation, connectivity in streets, sidewalks and pathways, as well as parking and road access should follow the *Tennessee Technology Corridor Development Authority Design Guidelines*.
- No direct vehicular access to the Pellissippi Parkway (SR 162) should be allowed.
- All components of future development should have interparcel access, with more than one means to reach adjoining streets.
- Consideration for additional road connections between Sam Lee Road to Hardin Valley Road should be addressed and right-of-way acquired as new development is proposed in this district as well.

Community Facilities

- The preferred proposed route for the Knox to Oak Ridge Greenway runs through this district adjacent to Solway Road, and would be an amenity for offices and residents in the area. Easements for this greenway should be sought through this district.
- A greenway along Beaver Creek is also recommended in the *Knoxville-Knox County Park, Recreation and Greenways Plan*.

Greystone Summit apartment development





Dori Caron <dori.caron@knoxplanning.org>

[MPC Comment] Item No. 28 - Rezoning of 0 Solway Rd from BP/TO to OB/TO

Erin R. Luptak <Eluptak@fmsllp.com>
Reply-To: eluptak@fmsllp.com
To: "commission@knoxmpc.org" <commission@knoxmpc.org>
Cc: "Benjamin C. Mullins" <bmullins@fmsllp.com>

Wed, Feb 13, 2019 at 2:11 PM

Good afternoon, MPC Commissioners:

Please find the attached on behalf of Benjamin C. Mullins. Feel free to contact me if you have any questions or if there are any problems with the attachments.

Thank you.

Erin R. Luptak *Legal Assistant*



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

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This message was directed to commission@knoxmpc.org

3 attachments

- Letter to MPC Commissioners - 02.13.19 (01819057xA3857).pdf**
126K
- Rezoning Report (8-B-11-RZ-8-A-11-SP) (01818734xA3857).pdf**
338K
- Rezoning Report (5-D-15-RZ-5-A-15-SP) (01818735xA3857).pdf**
815K

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February 13, 2019

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

Re: Item No. 28 – Rezoning of 0 Solway Rd from BP/TO to OB/TO

Dear MPC Commissioners:

This letter is written on behalf of our client RML Construction LLP, who is the applicant in the above captioned Rezoning request.

RML is requesting rezoning from BP (Business and Technology Park) / TO (Technology Overlay) to OB (Office, Medical, and Related Services) / TO (Technology Overlay) in order to allow it to develop multi-dwelling structures or developments at a density less than twelve (12) dwelling units per acre.

The requested OB zoning is consistent with the General Plan of Knoxville and Knox County and the Northwest County Sector Plan (which proposes MU-SD (Mixed Use Special District) in this area). OB zoning is compatible with this designation. The Rezoning Report done by Staff acknowledges this and the other primary requisites for your approval, such as the fact that the OB zoning is compatible with the surrounding land uses and that OB zoning at this location does not adversely affect the surrounding areas or any part of the county.

Section 5.41.02.A. of the Knox County Zoning Ordinance provides that “[a]ny use permitted and as regulated in the RB, General Residential Zone” is also a Use Permitted in the OB zone. Section 5.12.02.G of the Knox County Code provides a Use Permitted “Multi-dwelling structures or developments, provided that the development density shall be less than twelve (12) dwelling units per acre.” Uses Permitted are different than “Uses permitted on review” in that a separate review and public hearing by this commission is required for uses permitted on review, where that additional level of administrative review is not required by ordinance for uses permitted.

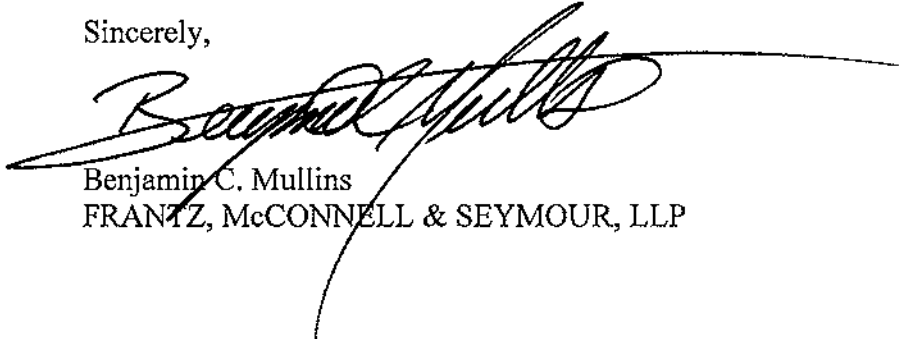
Staff has recommended approval of the rezoning to OB/TO, but with the express condition that Use on Review approval of a development plan will be required by Knoxville-Knox County Planning prior to any disturbance of the site, including clearing and grading. Not only is this not warranted in this case (as the zoning ordinance already contemplates), but the issues Staff raises are relatively common in this area within the proper purview of the County engineers, and shall be addressed by the applicant with them accordingly through the plan review/permitting process), but it is illegal contrary to the public policy and law enacted in the Ordinance.

In effect, requiring a use on review as a condition in this case effectively and illegally amends the zoning ordinance. As long as the uses proposed on the property fall within permitted uses, then this commission cannot legally require the applicant to comply with a provision that exceeds the authority set forth in the Ordinance. If rezoning is approved with the additional provision of requiring a use-on-review for an existing permitted use, then that condition would be unenforceable. As stated above, this rezoning is compatible with the surrounding land use and the General Plan and the Northwest County Sector Plan. Additionally, this Commission has approved rezoning from BP/TO to OB/TO for two separate parcels in the immediate vicinity without requiring a use on review. Copies of Rezoning Reports Attached.

We are mindful that of the fact that approval of the zoning does not end the cooperation and review of any development of the property. The Tennessee Technology Corridor Development Authority approved this rezoning with a condition that a Traffic Study be conducted and submitted to the Knox County Engineering (which the applicant volunteered and agreed to). We have further committed to working with County Engineering on an appropriate grading permit to account for the steeper topography in portions of this parcel. However, the proposed condition is illegal, and concerns raised by staff relating to these issues do not justify the added time, expense and risk that use-on-review condition would place on the applicant.

We request that you follow the approval provided by the TTCDA and positively recommend this rezoning to the Knox County Commission without the condition requiring a use-on-review.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl

cc: Buddy Goodwin, Esq. (via e-mail)
Mr. Ryan Hickey (via e-mail)



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 8-B-11-RZ **AGENDA ITEM #** 27
 8-A-11-SP **AGENDA DATE:** 8/11/2011

▶ **APPLICANT:** WILLIAM H. WHITE
OWNER(S): William H. White

TAX ID NUMBER: 103 099.02 PORTION OF 099 SOUTH OF ROAD
JURISDICTION: Commission District 6

▶ **LOCATION:** Southwest side Solway Rd., southeast side Greystone Summit Dr.

▶ **TRACT INFORMATION:** 32 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Solway Rd., a major collector street with 23' of pavement width within 50' of right-of-way, or Greystone Summit Dr., a local street with 26' of pavement width within 50-80' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** TP (Technology Park) / BP (Business and Technology) / TO (Technology Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** O (Office) / OB (Office, Medical, and Related Services) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Apartment complex

DENSITY PROPOSED: 12 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of OB/TO from the northwest

HISTORY OF ZONING REQUESTS: None noted for this site. Adjacent site to northwest was rezoned OB/TO in 2007 (1-O-07-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, North: Vacant land and apartments - TP, MU, SLPA - BP (Business & Technology Park)/TO (Technology Overlay) and OB (Office & Medical Related Services)/TO

ZONING South: Pellissippi State Community College campus - PI - BP (Business & Technology Park)/TO

East: Solway Rd. - Businesses - TP - BP (Business & Technology Park)/TO

West: Pellissippi State Community College campus - PI - BP (Business & Technology Park)/TO

NEIGHBORHOOD CONTEXT: This property is located just north of the Pellissippi State Community College campus (zoned BP/TO) and east of an existing, gated apartment

community (zoned OB/TO). To the north are agricultural and rural residential uses, zoned A/TO. Pellissippi Parkway is to the northeast.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #8-A-11-SP, amending the Northwest County Sector Plan to O (Office) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

Either medium density residential or office uses, as permitted by the requested OB zoning, would be appropriate on this site, which is located between a community college and an existing apartment complex. The site meets the locational criteria for the O designation in the sector plan, as well as certain criteria for amending the sector plan. The office plan designation must be approved in order to consider OB zoning for the site.

- ▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning.**

OB/TO is a logical extension of zoning from the northwest. The recommended zoning is compatible with surrounding development and zoning.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No known road improvements have occurred on Solway Rd. in this area. However, Greystone Summit Dr., which was recently constructed to serve the adjacent apartment development will help accommodate additional traffic generated by new residential development on this site.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan calls for technology park uses for the site, which would be appropriate for this site. However, this site is equally appropriate for the proposed office or residential development.

CHANGES IN GOVERNMENT POLICY:

This location is in close proximity to the interchange of Pellissippi Parkway and Hardin Valley Rd. and adjacent to a community college in an area appropriate for large scale office or medium density residential development. The approval of OB zoning on the adjacent property for residential development has altered the nature of this particular area away from technology park uses toward college-serving and general residential uses.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

There is a large, gated apartment complex to the northwest of this site, served by Greystone Summit Dr. This established use is appropriate to be located adjacent to a large community college and near a major interchange. The applicant wishes to expand the apartment use to this site.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The applicant proposes to extend the OB/TO zoning east to expand the adjacent apartment development (Greystone Summit).
2. The proposal is an extension of zoning from the northwest and is compatible with surrounding land uses.
3. The proposed zoning change will allow apartment development to serve the adjacent community college, as well as providing a location for offices or medium density residential development in close proximity to a major interchange.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested OB zoning district 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 OB zoning district also allows residential development as permitted by the RB zoning district.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB.
3. Depending on the type of development proposed, site plans may be subject to review and approval of a development plan by the Tennessee Technology Corridor Development Authority (TTCCA), since it is located within the TO overlay. MPC would review a development plan if the proposed residential density

exceeds 12 du/ac.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to the site.
2. At the proposed density of up to 12 du/ac on 32 acres, as reported on the application, up to 384 dwelling units could be proposed for the site. Developed with the proposed multi-dwelling residential units, this would add approximately 3199 trips to the street system and about 89 children to the school system.
3. With the extension of zoning, the impact on surrounding properties should be minimal. The uses permitted under OB zoning are compatible in scale and intensity to surrounding development and zoning.
4. Any plans for the development of the property should keep disturbance of the terrain and existing mature vegetation to a minimum. The open creek channel that crosses the front of the site, parallel to Solway Rd., should also be maintained.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended plan amendment to O (Office), OB zoning is consistent with the Northwest County Sector Plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of OB/TO zoning for this site could lead to future similar requests in the area, which may also require sector plan amendments.
4. Because of the property's location within the TO (Technology Overlay), the TTCDA will need to approve a Certificate of Appropriateness for this rezoning from the TTCDA. This request is scheduled to be considered by TTCDA on Mon., August 8, 2011 (8-A-11-TOR).

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT 3199 (average daily vehicle trips)

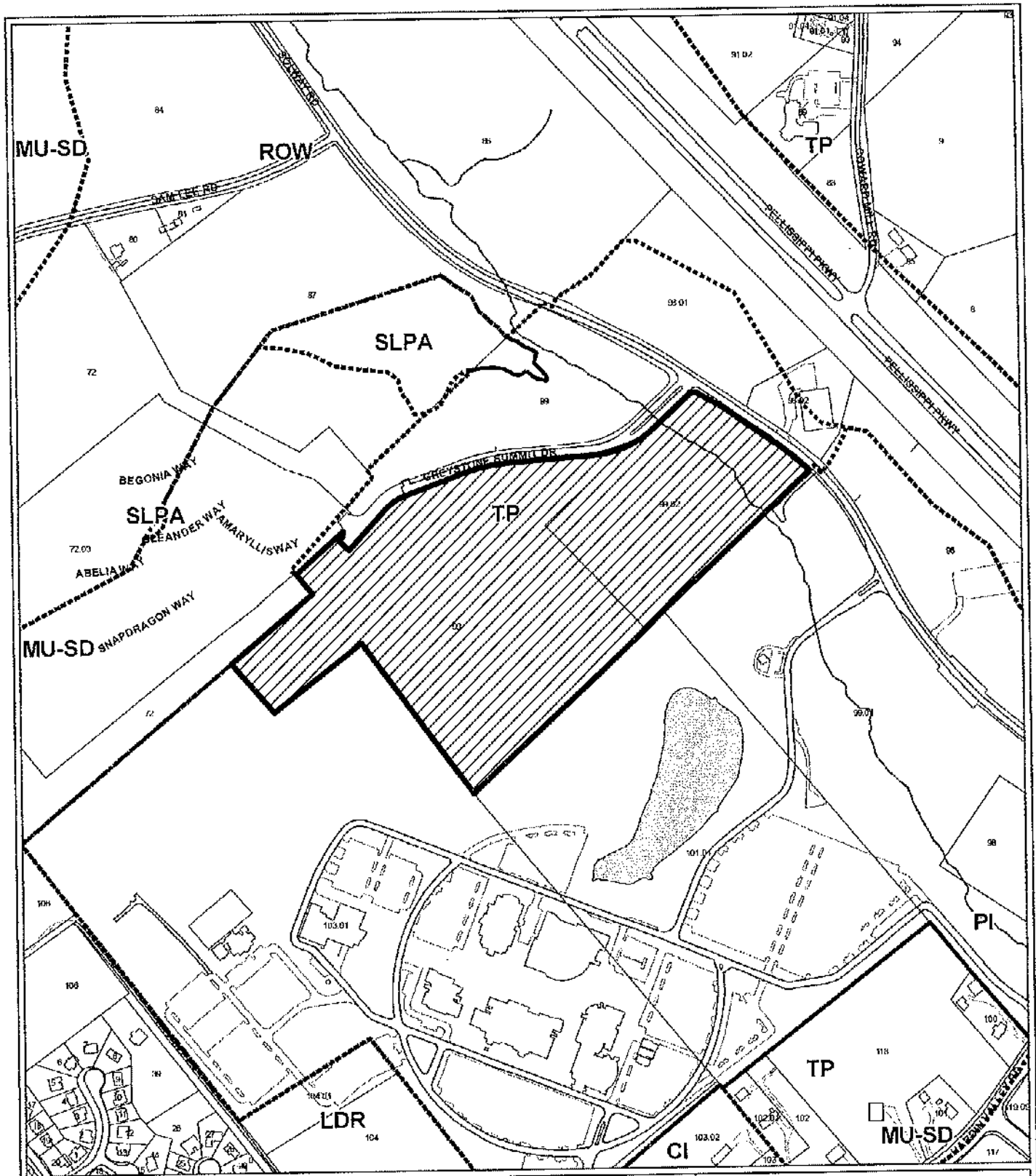
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 89 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Hardin Valley Elementary, Karns Middle, and Hardin Valley Academy.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

If approved, this item will be forwarded to Knox County Commission for action on 9/26/2011. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. 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 County.



**8-A-11-SP / 8-B-11-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: TP (Technology Park)
To: O (Office)



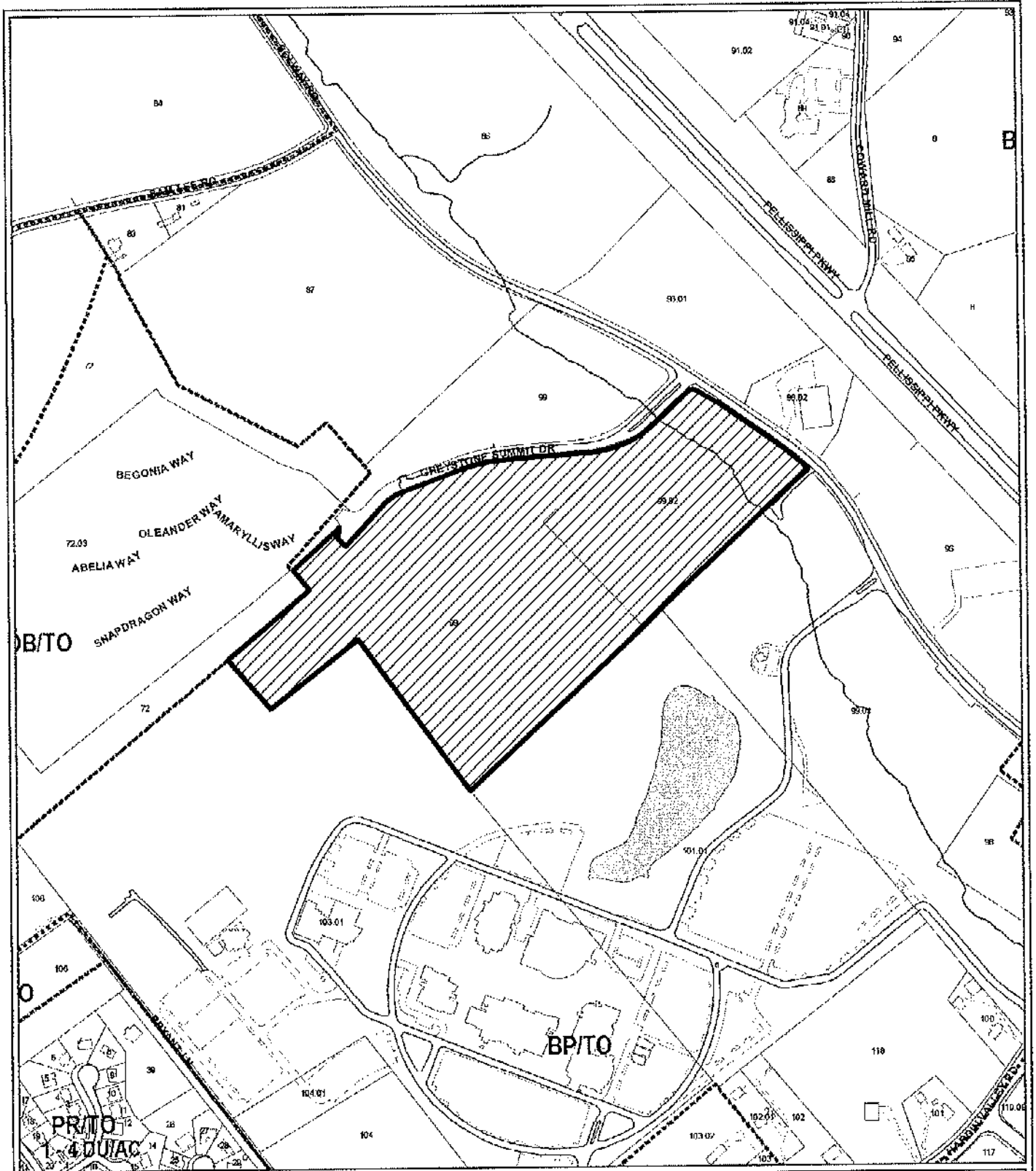
Petitioner: White, William H.

Map No: 103
Jurisdiction: County

0 500
Feet



Original Print Date: 7/27/2011 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**8-B-11-RZ
REZONING**

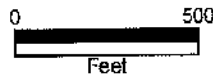


From: BP (Business and Technology) / TO (Technology Overlay)
 To: OB (Office, Medical, and Related Services) / TO (Technology Overlay)

Original Print Date: 7/27/2011 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: White, William H.

Map No: 103
 Jurisdiction: County



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

***WHEREAS**, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and*

***WHEREAS**, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and*

***WHEREAS**, William H. White, has submitted an application to amend the Sector Plan from Technology Park to Office for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and*

***WHEREAS**, the Metropolitan Planning Commission, at its regularly scheduled public hearing on August 11, 2011, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.*

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying, staff report and map, file #8-A -11-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 5-D-15-RZ
5-A-15-SP

AGENDA ITEM #: 27
AGENDA DATE: 5/14/2015

▶ **APPLICANT:** J. ED CAMPBELL
OWNER(S): J. Ed Campbell, Jr.

TAX ID NUMBER: 103 09903 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS:

▶ **LOCATION:** North side Greystone Summit Dr., southwest side Solway Rd.

▶ **TRACT INFORMATION:** 8 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Solway Rd., a major collector street with 21' of pavement width within 60' of right-of-way., or Greystone Summit Dr., a local street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** TP (Technology Park) / BP (Business and Technology) / TO (Technology Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** O (Office) / OB (Office, Medical, and Related Services) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Apartments or any use permitted

DENSITY PROPOSED: 12 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of Office plan designation from the south and OB zoning from the south and west.

HISTORY OF ZONING REQUESTS: None noted for this site. Adjacent sites were rezoned OB in 2007 and 2011.

SURROUNDING LAND USE, PLAN DESIGNATION, North: Vacant land - MU-SD(NW-Co6) & SLPA - BP (Business & Technology Park) / TO (Technology Overlay)

ZONING South: Greystone Summit Dr., apartments - O - OB (Office, Medical & Related Services) / TO

East: Solway Rd., vacant land - TP - BP (Business & Technology Park) / TO (Technology Overlay)

West: Apartments - MU-SD(NW-Co6) - OB (Office, Medical & Related Services) / TO

NEIGHBORHOOD CONTEXT: This area, just north of the Pellissippi State Community College campus, has been developed with apartments under OB/TO zoning.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #5-A-15-SP, amending the Northwest County Sector Plan to MDR/O (Medium Density Residential/Office) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

Either medium density residential or office uses, as permitted by the requested OB zoning, would be appropriate on this site, which is located adjacent to a community college and an existing apartment complex. The site meets the locational criteria for the MDR/O designation in the sector plan, as well as certain criteria for amending the sector plan. The MDR/O plan designation must be approved in order to consider OB zoning for the site.

- ▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning, subject to one condition.**

1. In the northeastern portion of the site, between the on-site creek and Solway Rd., a 30-foot wide greenway easement must be provided.

With the recommended condition, OB/TO is a logical extension of zoning from the northwest. The recommended zoning is compatible with surrounding development and zoning.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known road improvements have occurred on Solway Rd. in this area. However, Greystone Summit Dr., which was constructed to serve the adjacent apartment development will help accommodate additional traffic generated by new residential development on this site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan calls for technology park uses for the site, which would be appropriate for this site. However, this site is equally appropriate for the proposed office or residential development.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

This location is in close proximity to the interchange of Pellissippi Parkway and Hardin Valley Rd. and adjacent to a community college in an area appropriate for large scale office or medium density residential development. The approval of OB zoning on the adjacent property for residential development has altered the nature of this particular area away from technology park uses and toward college-serving and general residential uses.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

There is a large, gated apartment complex to the northwest of this site, served by Greystone Summit Dr. This established use is appropriate to be located adjacent to a large community college and near a major interchange. The applicant wishes to expand the apartment use to this site.

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. The applicant proposes to extend the OB/TO zoning north and east to expand the adjacent apartment development (Greystone Summit).
2. The proposal is an extension of zoning from the south and west and is compatible with surrounding land uses.
3. The proposed zoning change will allow apartment development to serve the adjacent community college, as well as providing a location for offices or medium density residential development in close proximity to a major interchange.

4. The recommended condition by staff is in order to preserve the needed public access easement for a segment of the Knox to Oak Ridge Greenway, which is proposed for the future to further connect the system of greenways in the area. The proposed greenway location along the west side of Solway Rd. is shown on the attached map provided by the Knox County Greenways Coordinator.

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

1. The requested OB zoning district 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 OB zoning district also allows residential development as permitted by the RB zoning district.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB.
3. Depending on the type of development proposed, site plans may be subject to review and approval of a development plan by the Tennessee Technology Corridor Development Authority (TTCDA), since it is located within the TO overlay. MPC would review a development plan if the proposed residential density exceeds 12 du/ac.

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. Public water and sewer utilities are available to the site.
2. With the extension of zoning, the impact on surrounding properties should be minimal. The uses permitted under OB zoning are compatible in scale and intensity to surrounding development and zoning.
3. Any plans for the development of the property should keep disturbance of the terrain and existing mature vegetation to a minimum. The open creek channel that crosses the front of the site, parallel to Solway Rd., should also be maintained.
4. OB/TO zoning is appropriate for this site and will not adversely affect any adjacent properties or other parts of the County.

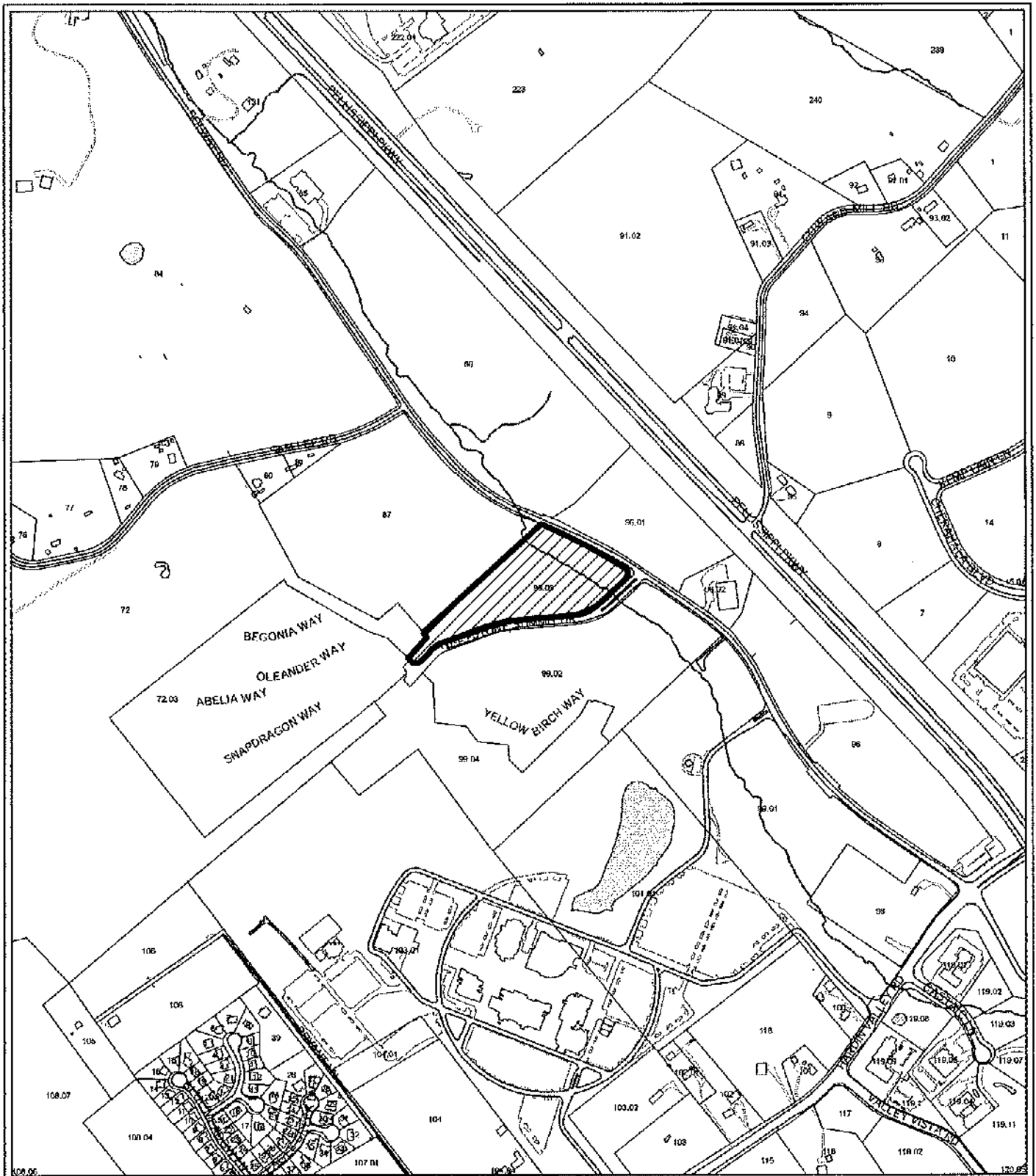
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended plan amendment to MDR/O (Medium Density Residential/Office), OB/TO zoning is consistent with the Northwest County Sector Plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of OB/TO zoning for this site could lead to future similar requests in the area, which may also require sector plan amendments.
4. Because of the property's location within the TO (Technology Overlay), the TTCDA will need to approve a Certificate of Appropriateness for this rezoning from the TTCDA. This request is scheduled to be considered by TTCDA on Mon., May 11, 2015 (5-C-15-TOR).

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 6/22/2015. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. 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 County.



**5-A-15-SP / 5-D-15-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: TP (Technology Park) & SLPA (Slope Protection Area)

To: O (Office) & SLPA (Slope Protection Area)

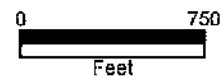


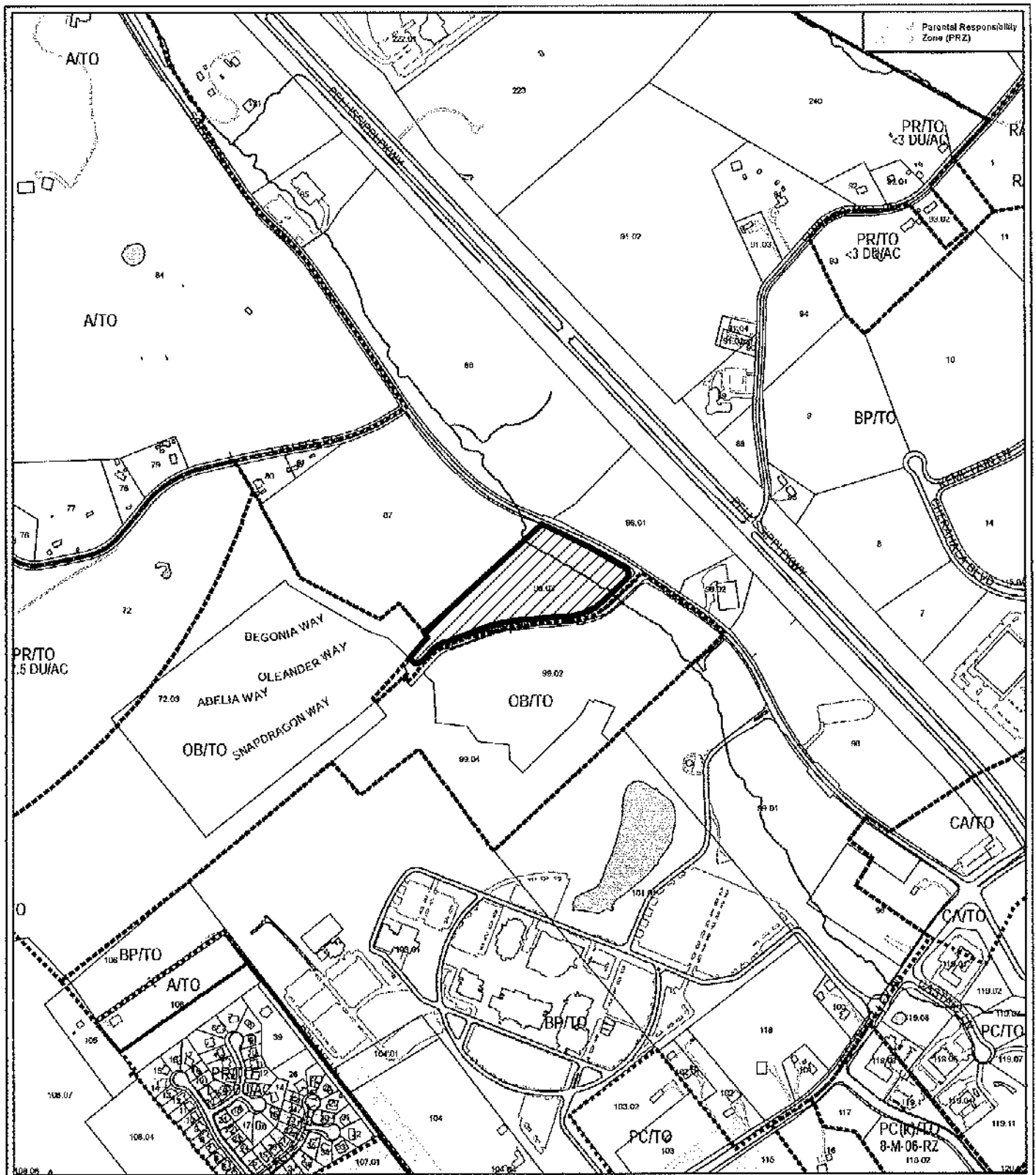
Original Print Date: 4/27/2015 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Campbell, J. Ed

Map No: 103

Jurisdiction: County





**5-D-15-RZ
REZONING**

From: BP (Business and Technology) / TO (Technology Overlay)

To: OB (Office, Medical, and Related Services) / TO (Technology Overlay)



Petitioner: Campbell, J. Ed

Map No: 103

Jurisdiction: County



Original Print Date: 4/27/2015 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, J. Ed Campbell, has submitted an application to amend the Sector Plan from Technology Park to Office, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on May 14, 2015, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying staff report and map, file #5-A-15-SP.

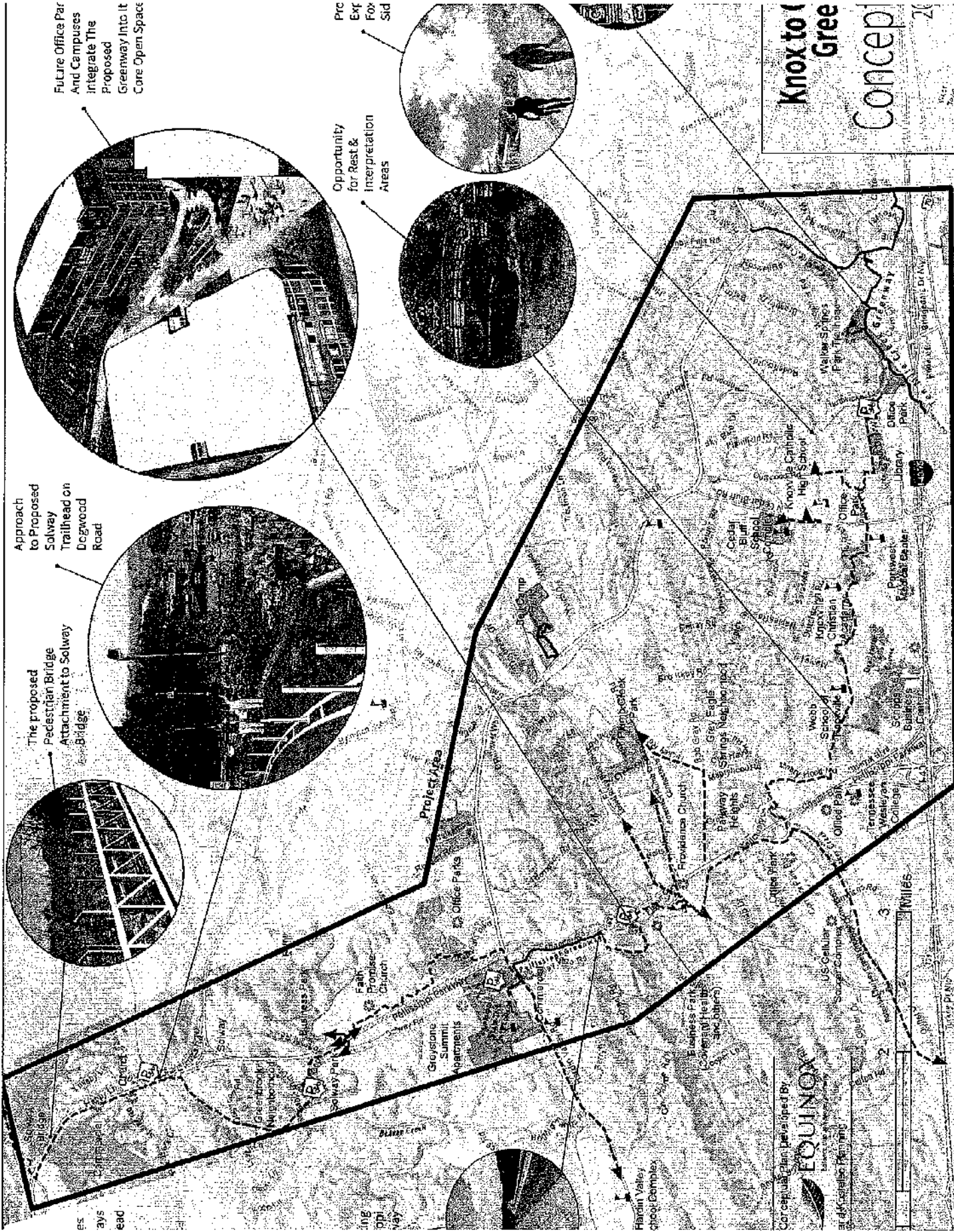
SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



Knox to Green Concept

Approach to Proposed Solway Trailhead on Degwood Road

The proposed Pedestrian Bridge Attachment to Solway Bridge

Future Office Parks And Campuses Integrate The Proposed Greenway Into It Core Open Space

Opportunity for Rest & Interpretation Areas

Pr
Ex
Fo
Sid

Concept Plan Developed By
EQUINOX
Urban & Environmental Planning

0 1 2 3 Miles

Tennessee Technology Corridor Development Authority
Board of Commissioners Meeting Minutes

May 11, 2015

Page 3

The motion was adopted unanimously.

5-C-15-TOR J. ED CAMPBELL

Staff Recommendation:

APPROVE Certificate of Appropriateness for rezoning to OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning, subject to one condition.

1. In the northeastern portion of the site, between the on-site creek and Solway Rd., a 30-foot wide greenway easement must be provided.

Mike Brusseau presented the staff report and rationale behind the recommendation.

Ed Brantley made a motion to approve the Certificate of Appropriateness for rezoning.
Anthony Wise seconded the motion.
The motion was adopted unanimously.

4. OTHER BUSINESS

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:41 pm.

Prepared by Betty Jo Mahan.

Approved by: David Collins, Chair

Attested to by:

REZONING **PLAN AMENDMENT**

Name of Applicant: Rmk Construction LLP / RYAN M. HICKEY

Date Filed: 12/28/18 Meeting Date: 2/14/19

Application Accepted by: Thomas Brecher

Fee Amount: 4,000.00 File Number: Rezoning 2-E-19-RZ

Fee Amount: — File Number: Plan Amendment —

PROPERTY INFORMATION

Address: 0 Solway Rd.

General Location: EAST OF Sam Lee / Solway Intersection

Parcel ID Number(s): 103 086

Tract Size: 32.49

Existing Land Use: VACANT

Planning Sector: Northwest County

Growth Policy Plan: PLANNED GROWTH

Census Tract: 59.07

Traffic Zone: 226

Jurisdiction: City Council _____ District
 County Commission 6th District

Requested Change

REZONING

FROM: BP / TO

TO: OB / TO

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: _____

TO: _____

PROPOSED USE OF PROPERTY

OB / TO

Density Proposed _____ Units/Acre

Previous Rezoning Requests: NONE KNOWN

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: RYAN M. HICKEY

Company: Rmk Construction LLP

Address: 1914 Pinnacle Pointe Way

City: Knoxville State: TN Zip: 37922

Telephone: 865-985-6705

Fax: _____

E-mail: rthickey@ballhomes.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: RYAN M. HICKEY

Company: Rmk Construction LLP

Address: 1914 Pinnacle Pointe Way

City: Knoxville State: TN Zip: 37922

Telephone: 865-985-6705

Fax: _____

E-mail: rthickey@ballhomes.com

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: RYAN M. HICKEY

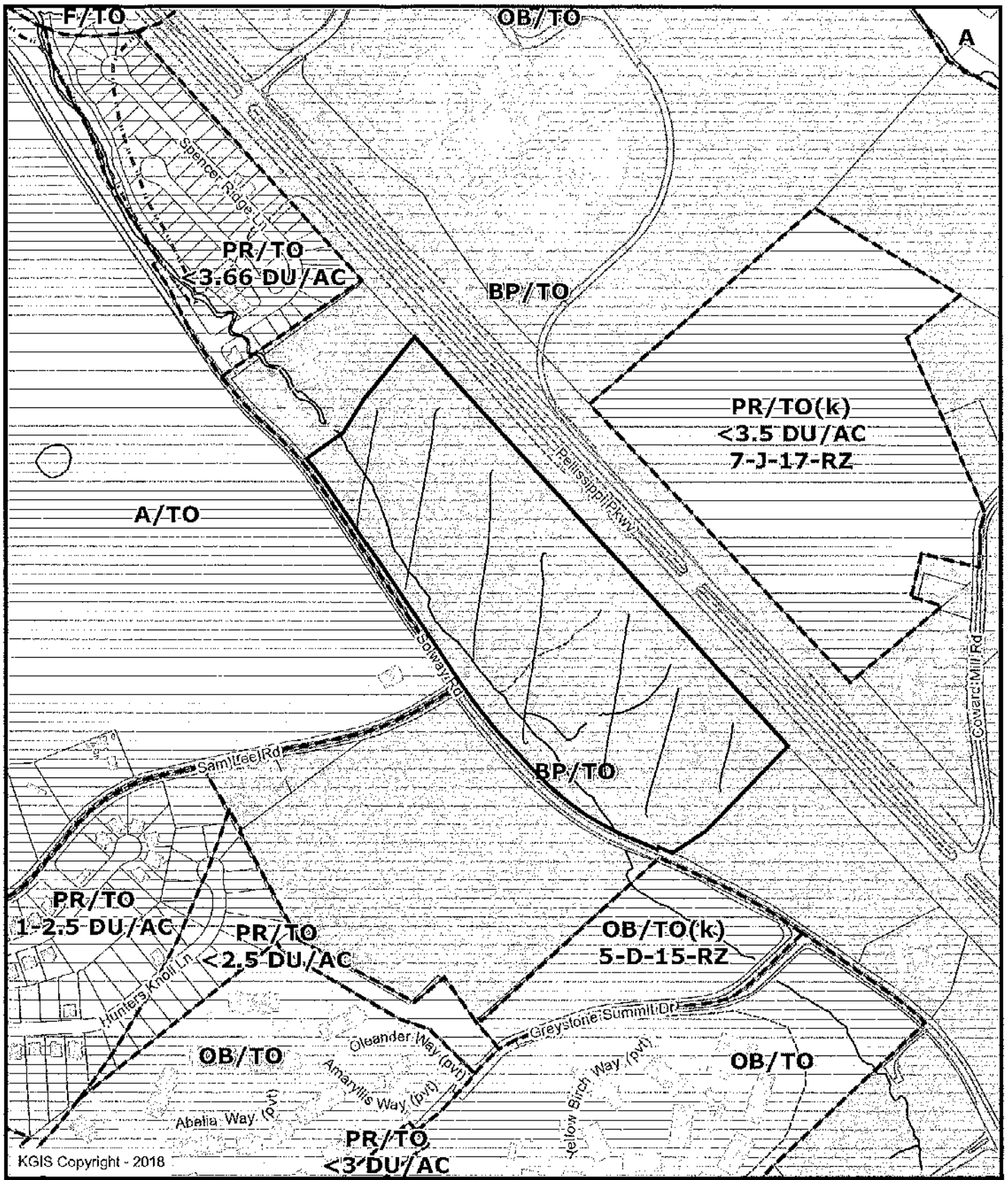
Company: Rmk Construction LLP

Address: 1914 Pinnacle Pointe Way

City: Knoxville State: TN Zip: 37922

Telephone: 865-985-6705

E-mail: rthickey@ballhomes.com

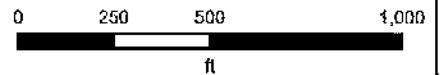


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Printed: 12/28/2018 at 9:28:38 AM



Knoxville - Knox County - KUB Geographic Information System

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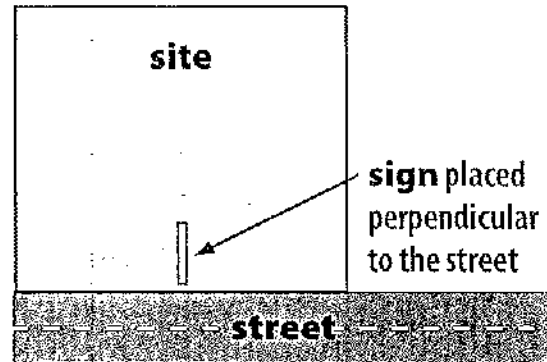
REQUIRED SIGN POSTING AGREEMENT

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:

January 30, 2019 and February 15, 2019
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: 

Printed Name: Ryan M. Hickey

Phone: 865-985-6705 Email: rhickey@bullhones.com

Date: 12/28/18

MPC File Number: 2-E-19-R2