

# REZONING REPORT

► **FILE #:** 11-L-20-RZ

**AGENDA ITEM #:** 23

**AGENDA DATE:** 11/12/2020

► **APPLICANT:** **GEORGE S. TATE**

OWNER(S): Dr. George Vick / Ivy Dog, LLC

TAX ID NUMBER: 81 E H 019

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 817 E. Oldham Ave.

► **LOCATION:** **Northeast side of E. Oldham Avenue, southwest side of Huron Street**

► **APPX. SIZE OF TRACT:** **0.2 acres**

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Within City limits

ACCESSIBILITY: This property is accessed from E. Oldham Avenue, Huron Street, and the alley that runs behind the property midblock.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **PRESENT ZONING:** **RN-4 (General Residential Neighborhood) and IH-1 (Infill Overlay) Districts**

► **ZONING REQUESTED:** **O (Office) and IH-1 (Infill Overlay) Districts**

► **EXISTING LAND USE:** **formerly a medical office, vacant**

► **DENSITY PROPOSED:** **N/A**

EXTENSION OF ZONE: Yes, the O (Office) is north of this property on the other side of the alley

HISTORY OF ZONING: The I-H overlay was applied to this area in 2007 upon its creation (Case 2-Q-07-RZ)

SURROUNDING LAND USE AND ZONING: North: Surface parking lot - O (Office) District

South: Office in repurposes house - RN-4 (General Residential Neighborhood) District

East: Former site of St. Mary's Hospital - INST (Institutional) District

West: Single family residential - RN-4 (General Residential Neighborhood) District

NEIGHBORHOOD CONTEXT: This property is located in the North Knoxville neighborhood across the street from the former Saint Mary's Hospital/Tennova Healthcare site. Kenyan Street to the southwest marks the difference in uses in the area. To the east of Kenyan Street is the former hospital site, Fulton High School, Fulton Centennial Park, surface parking for the hospital, and other mixed uses. To the west of Kenyan Street, single family houses are the predominant use. There are a few single family homes on this block mixed in with the houses that were converted into office uses.

## STAFF RECOMMENDATION:

- ▶ **Approve O (Office) zoning because it is consistent with the Central City Sector Plan's land use designation and would provide a transition between the Institutional land use to the northeast and the residential uses to the southwest.**

**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 former site of Saint Mary's Hospital is across the street to the northeast. Most of the buildings in the former hospital complex are being demolished and cleared so the site can be developed as a safety complex for the City of Knoxville. As such, medical offices are not as in demand in this area and the building on this property is vacant.

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

1. The O (Office) zone is intended to provide for an environment of low intensity office and service uses, mixed with residential uses. The O District may additionally serve as a transition between single-family residential areas and more intensely developed commercial or industrial areas within the City of Knoxville.  
2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. An additional property with Office zoning in this area should not have any adverse impacts, directly nor indirectly. The proposed Office zoning would be a transition from the Institutional zoning to the northeast and the residential zoning adjacent to the west. Office zoning is also adjacent to the northwest and southeast, setting a precedent for the Office zone on this block.

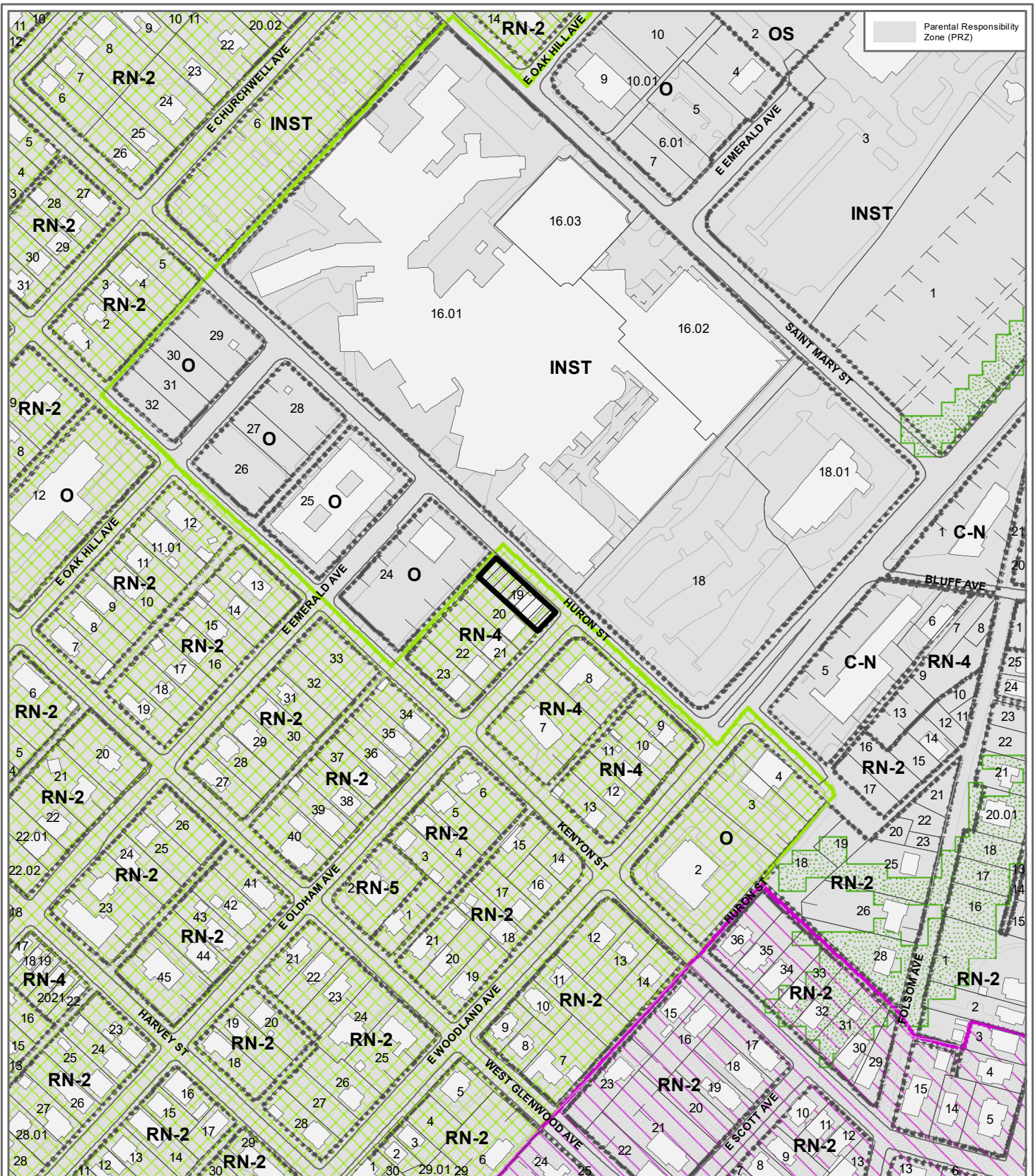
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. Office zoning is consistent with the Central City Sector Plan's MU-SD, CC8 (Medical Center Mixed Use) designation, which contains an option for which land use designations would be appropriate if the hospital operations were scaled back. Office uses are one of the uses stipulated to be used in this area.

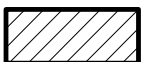
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 12/15/2020 and 1/12/2021. 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.



# **11-L-20-RZ REZONING**

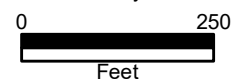


From: RN-4 (General Residential Neighborhood) and IH-1 (Infill Overlay) Districts  
To: O (Office) and IH-1 (Infill Overlay) Districts

Original Print Date: 10/20/2020 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: S. Tate, George

Map No: 81  
Jurisdiction: City





**11-L-20-RZ**

**EXHIBIT A. Contextual Images**

*View from E. Oldham Avenue*



*View from Huron Street*



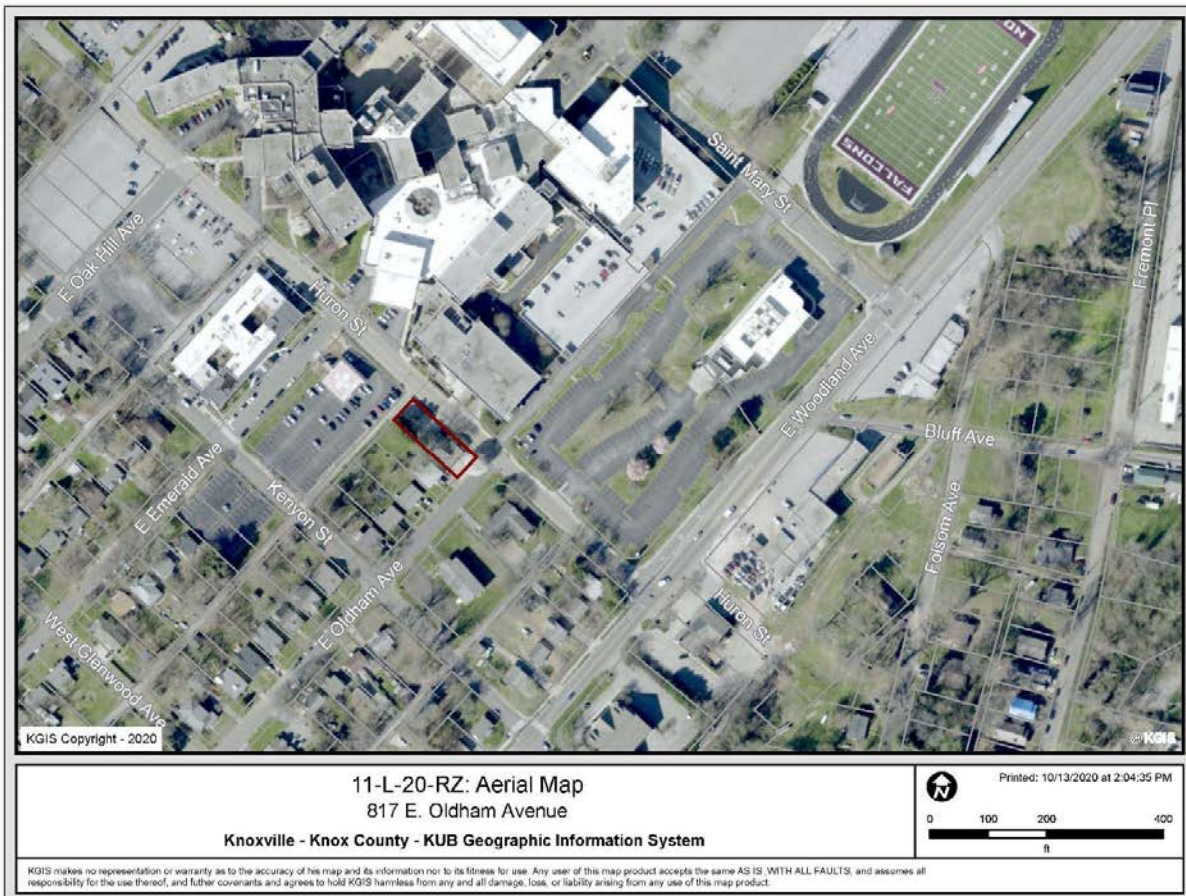
*Eagle view of area*





11-L-20-RZ

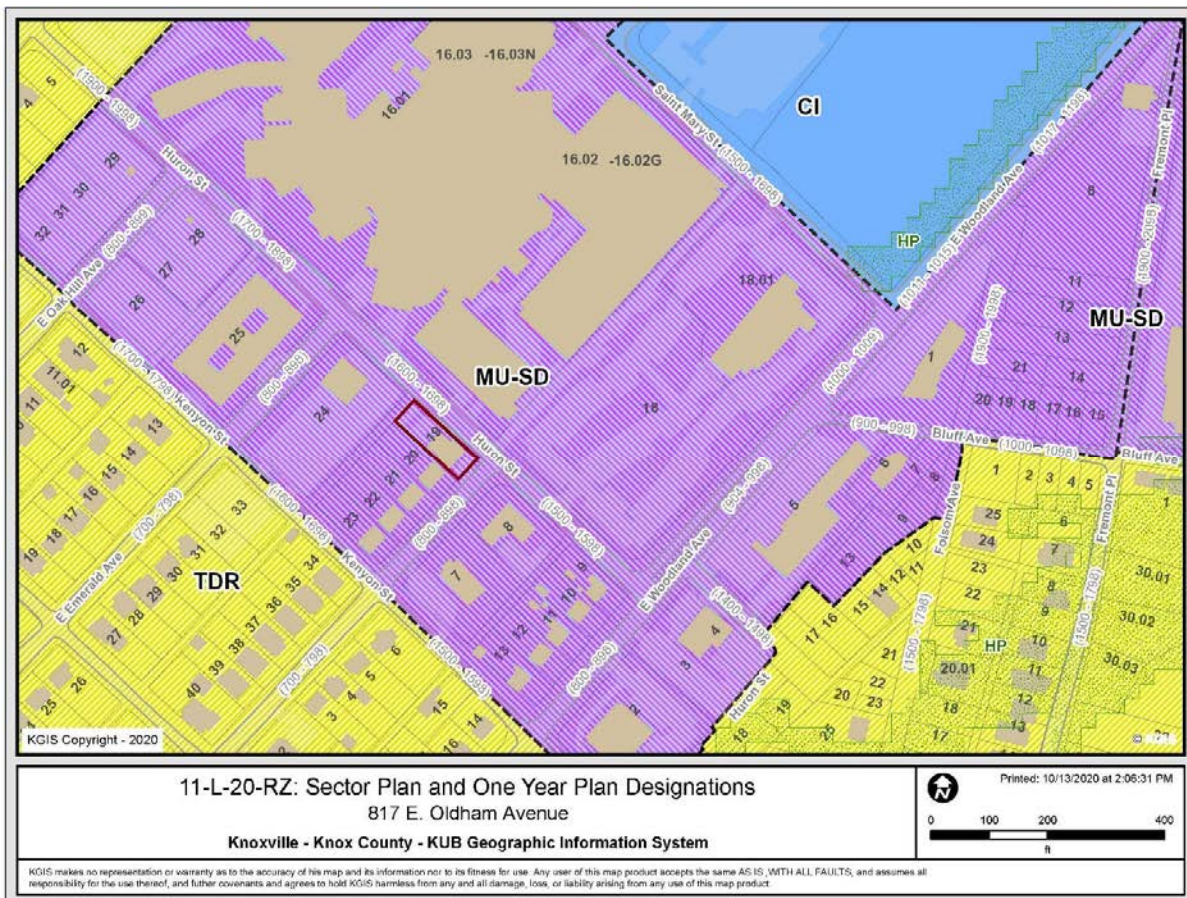
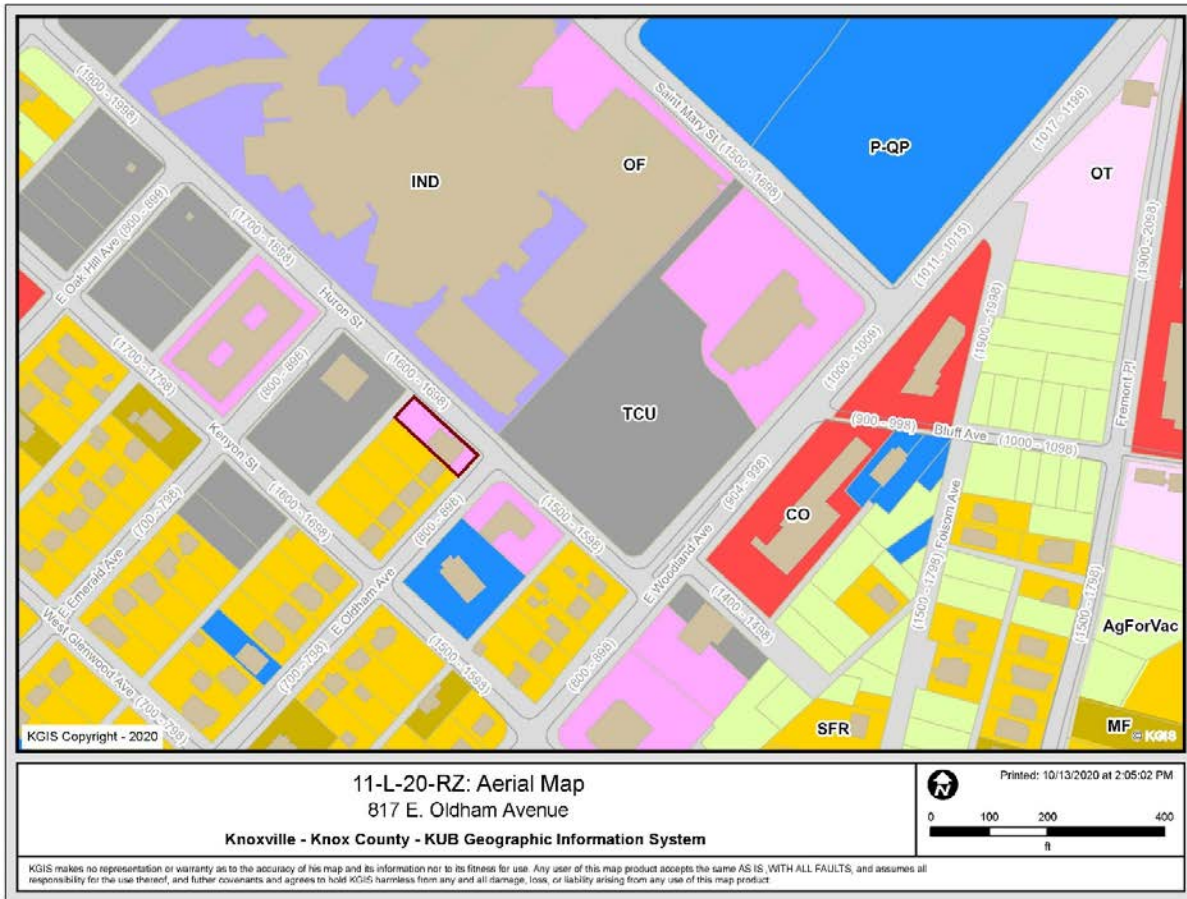
EXHIBIT A. Contextual Images





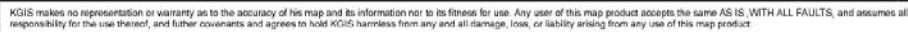
## 11-L-20-RZ

### EXHIBIT A. Contextual Images





## EXHIBIT A. Contextual Images





# Development Request

## DEVELOPMENT

- ☐ Development Plan  
☐ Planned Development  
☐ Use on Review / Special Use  
☐ Hillside Protection COA

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☐ Plan Amendment  
☐ SP ☐ OYP  
☒ Rezoning

Ivy Dog, LLC

Owner

Applicant Name

Affiliation

9/25/2020

11/12/2020

File Number(s)

Date Filed

Meeting Date (if applicable)

11-L-20-RZ

## CORRESPONDENCE

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

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

George S. Tate, Applicant/ George Vick, Owner

NAI Koella | RM Moore

Name

Company

255 N Peters Road

Knoxville

TN

37923

Address

City

State

ZIP

865-806-6517 cell

state@koellamoore.com / drvick@bellsouth.net

Phone

Email

## CURRENT PROPERTY INFO

Ivy Dog, LLC (Dr. George Vick)

501 19th Street, Ste 304, Knoxville 37916 (865) 567-4473

Owner Name (if different)

Owner Address

Owner Phone

817 E Oldham Ave

081EH019

Property Address

Parcel ID

## STAFF USE ONLY

NE/S of E Oldham Ave, SW/S Huron St.

0.2 acres

General Location

Tract Size

5th

Jurisdiction (specify district above)

☒ City ☐ County

Zoning District

Central City

MU-SD/MU-SD

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

OF

KUB

KUB

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider



**DEVELOPMENT REQUEST**

- ☐ Development Plan   ☐ Use on Review / Special Use   ☐ Hillside Protection COA  
☐ Residential   ☐ Non-Residential

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

Related City Permit Number(s)

**SUBDIVISION REQUEST**

Proposed Subdivision Name \_\_\_\_\_

Unit / Phase Number \_\_\_\_\_

☐ Combine Parcels☐ Divide Parcel

Total Number of Lots Created \_\_\_\_\_

☐ Other (specify) \_\_\_\_\_☐ Attachments / Additional Requirements

Related Rezoning File Number

**ZONING REQUEST**☒ Zoning Change

O

Proposed Zoning \_\_\_\_\_

☐ Plan Amendment Change

Proposed Plan Designation(s) \_\_\_\_\_

Pending Plat File Number

Proposed Density (units/acre) \_\_\_\_\_

Previous Rezoning Requests \_\_\_\_\_

☐ Other (specify) \_\_\_\_\_**STAFF USE ONLY****PLAT TYPE**

- ☐ Staff Review   ☐ Planning Commission

**ATTACHMENTS**

- ☐ Property Owners / Option Holders   ☐ Variance Request

**ADDITIONAL REQUIREMENTS**

- ☐ Design Plan Certification (Final Plat)  
☐ Use on Review / Special Use (Concept Plan)  
☐ Traffic Impact Study  
☐ COA Checklist (Hillside Protection)

Fee 1

0326 | 1000.00

Fee 2

Fee 3

Total

#1000.00

**AUTHORIZATION**

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

George S. Tate, Jr. Digitally signed by George S. Tate, Jr.  
Date: 2020.09.25 14:38:29 -04'00'

George S. Tate

9/25/2020

Applicant Signature

Please Print

Date

865-806-6517

state@koellamoore.com / drvick@bellsouth.net

Phone Number

Email

Staff Signature

Please Print

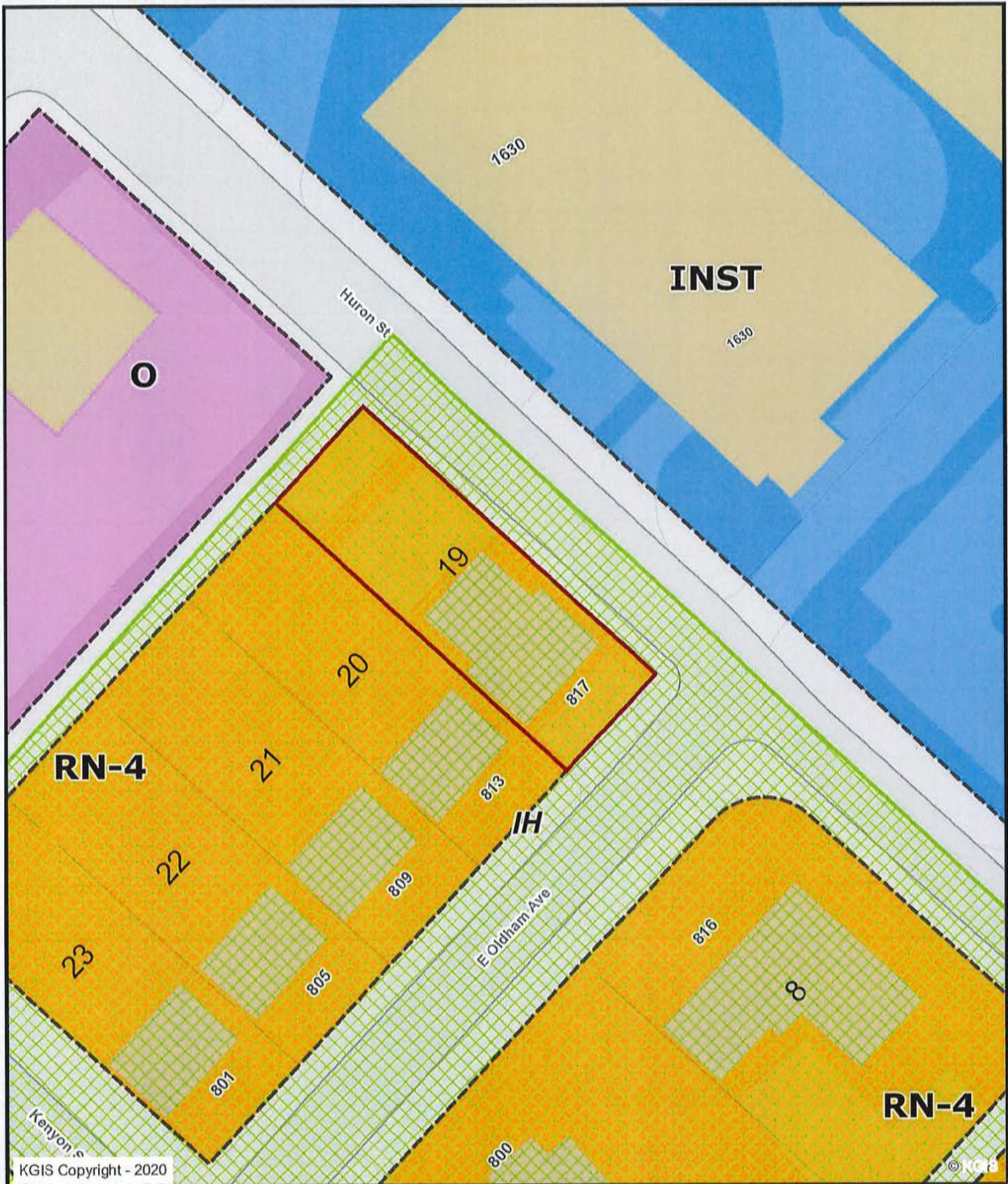
Date

Sherry Muchien

SHERRY MUCHIEN

9-25-20



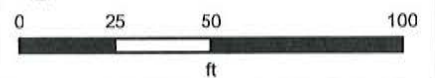


## Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 9/28/2020 at 9:09:37 AM



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Ivy Dog, LLC  
501 19th Street, Ste 304  
Knoxville, TN 37916

September 25, 2020

Knoxville / Knox County Planning  
Via email

RE: Rezoning Request for 817 E. Oldham Avenue

To Whom it May Concern,

Please find attached a rezoning request for 817 E. Oldham Avenue. I have owned this property since 2001. At great expense, I renovated the building to serve as the home of my medical practice, and subsequently used the property for that purpose for 18 years, being adjacent to Physician's Regional Medical Center (formerly St. Mary's Hospital). In my practice as an OB/GYN specialist, it is important that my office be contiguous with an operating hospital. Upon the closure of Physicians Regional Medical Center, I was forced to relocate my practice close to another hospital. Since that time, I have had the 817 E Oldham Ave property listed for sale and we have actively been seeking a buyer.

When I bought the property in 2001, it was zoned residential, but a variance had been granted to permit medical office for this location. There has been a medical office at this location for many years (at least back to 1989), prior to my ownership. Of course, the desirability of the location for a medical practice is no longer the same as when the hospital was operating. The greatest interest in the property has been for general office use since the hospital closure. Additionally, the improvements on the property are far better suited for general office, than for residential use. I have been approached by a party that desires to relocate their financial services firm to this property. This use seems to be very compatible with the improvements that are on the site, and with the character of the neighborhood, especially with the Knoxville Safety Center being developed directly across the street. I feel that the proposed office use of this property is ideal as a transition between the institutional use of the Safety Center project and the surrounding neighborhood.

Upon investigating the new RN-4 zoning, under ReCode Knoxville, I discovered that it will not permit any other office use of the property, and for this reason have been advised that re-zoning is the only path. It has also come to my attention property owners have one year to apply for rezoning after the adoption of ReCode with fees waived if they were assigned to a zone that is not consistent with the nature of their property, in my case an office building in RN-4 zoning. I am submitting this request with the application fee of \$1,000, but with hope there will be consideration in the waiving of the fee.

I seek your approval on the re-zoning to O (Office) and thank you for your careful consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Dr. George Vick".

Dr. George Vick

Managing Member, Ivy Dog, LLC

## KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION

ALL OWNERS OF ALL PROPERTY INVOLVED OR HOLDERS OF OPTIONS ON SAME MUST SIGN OR THEIR NAMES MUST BE LISTED WHETHER APPLICATION IS FILED BY LEGAL REPRESENTATIVE, HOLDER OF OPTIONS OR OWNER.

## REQUEST FOR USE PERMITTED ON REVIEW

JAN 13 1989

METROPOLITAN PLANNING  
COMMISSION(Jurisdiction: City: X: Councilmanic Dist. 5: County: \_\_\_\_\_ Commission Dist. \_\_\_\_\_)NAME OF APPLICANT DR. TERRY ADAMSFILE NO. 2-B-89-112GENERAL PROPERTY LOCATION Southwest side Huron St.DATE FILED 1-12-89Northwest side Oldham Ave

FEE PAID \_\_\_\_\_

ZONING MAP NO. 81STREET ADDRESS IF AVAILABLE 815 Oldham AveZONING DISTRICT R-2

DENSITY PROPOSED (Res. \_\_\_\_\_ D.U. AC)

SMALL AREA PLAN St. Mary's

APPX. SIZE OF TRACT \_\_\_\_\_ AC \_\_\_\_\_ SQ. FT.

## DESCRIPTION OF PROPERTY:

City Block 17-682Lots 19

City Block \_\_\_\_\_

Lots \_\_\_\_\_

Other FRONTING APPROX 150' SW/S HURON ST FRONTING APPROX 50' NW/S OLDHAM AVE BY A DEPTH SW/S APPROX 150'USE REQUESTED NW/S APPROX 50'

APPROVAL OF DEVELOPMENT PLANS IN PLANNED DISTRICT OR ZONE \_\_\_\_\_

APPROVAL OF MOBILE HOME PARK DEVELOPMENT PLAN \_\_\_\_\_

APPROVAL OF HOME OCCUPATION \_\_\_\_\_

OCCUPATION REQUESTED \_\_\_\_\_

OTHER \* Medical Facility in R-2 District

(Be specific)

## ACCOMPANYING MATERIALS

DEVELOPMENT PLAN \_\_\_\_\_

SITE PLAN X

OFF-STREET PARKING PLAN \_\_\_\_\_

FLOOR PLANS \_\_\_\_\_

LANDSCAPE PLANS \_\_\_\_\_

RESTRICTIVE COVENANTS \_\_\_\_\_

AFFIDAVIT \_\_\_\_\_

ALL OWNERS OF ALL PROPERTY INVOLVED OR HOLDERS OF OPTION ON SAME MUST SIGN, OR NAMES BE LISTED

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Owner: \_\_\_\_\_

Holder of Option \_\_\_\_\_

Terry Lee Adams MD1810 Wailor AveKnoxville, TN 37921

(If additional space is required, use back of form or attach signatures)

## CERTIFICATION OF SIGNATURES

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Terry Lee Adams MD1810 Wailor Ave Knoxville, TN 37921522-7681

I hereby certify that all owners of all property involved in this requestor holders of options on same, have signed, or are listed above.

REPRESENTATIVE \_\_\_\_\_

FIRM - TITLE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Terry Lee Adams MDSurgeon522-7681

I hereby certify that I am the representative for all owners of property involved in this request and/or holders of options on same.

ACCEPTED BY: PNC



zoning of the site and surrounding development found in the area.

Mr. Hubbs stated there is a swimming pool and community activity there; it would be desirable to have a pedestrian walkway at sometime to the swimming pool.

Mr. Charles V. Welden, Jr., applicant, stated there is a gentlemen's agreement that neither the east or west will be used for an access.

Mr. Brown Ayres, property owner, stated Mr. Welden will build apartments; there is no plan to have access from the apartments to Crouch Road or Shelbourn Drive; action had been taken by the Planning Commission to close off Marjorie Lane; the official file shows Marjorie Lane closed by the City Council on November 1985; they had bought the property in the Spring of 1985; he felt MPC had been misled on this; he would be back to undo that.

MOTION AND SECOND WAS MADE TO APPROVE STAFF RECOMMENDATION.  
MOTION CARRIED 9-0. PETITION APPROVED.

\* \* \* \* \*

USE ON REVIEW - NEW

2-A-89-UR - CRAIG ALLEN - NORTH OF BOB GRAY RD., WEST DEADEND WINDING WAY RD. - Request approval of development plans in a Planned Residential Zone.

This matter was postponed earlier to the April 13, 1989 MPC meeting.

\* \* \* \* \*

X 2-B-89-UR - DR. TERRY ADAMS - SOUTHWEST SIDE HURON ST., NORTH-WEST SIDE OLDHAM AVE. - Request approval of medical facility in an R-2, General Residential District. Fronting appx. 150' southwest side Huron St., fronting appx. 50' northwest side Oldham Ave. by a depth southwest side appx. 150', northwest side appx. 50', 17th Ward, 5th Councilmanic District, City Block 17-682, parcel 19, CLT Map 81, St. Mary's

Minutes  
2/9/89

Small Area Plan.

STAFF RECOMMENDATION APPROVE subject to meeting all requirements of the zoning ordinance because the request is consistent with other medical related activity found in the area.

MOTION AND SECOND WAS MADE TO APPROVE STAFF RECOMMENDATION.  
MOTION CARRIED 9-0. PETITION APPROVED.

\* \* \* \* \*

2-C-89-UR - JERRY G. JULIAN - SOUTHEAST SIDE CUNNINGHAM RD., WEST OF FOUNTAINCREST DR. - Request approval of development plans in a Planned Residential Zone. Fronting appx. 356' southeast side Cunningham Rd., southwest side depth appx. 412', southeast side depth appx. 36' and 39', northeast side depth appx. 185' and 279', located appx. 325' west of South Fountaincrest Dr., parcel 22.01, CLT Map 38, Beaver Creek



Sherry Michienzi &lt;sherry.michienzi@knoxplanning.org&gt;

**[Planning Applications] Message from "RNP002673F6F4EC"**

2 messages


info@drvick.com &lt;info@drvick.com&gt;

Fri, Sep 25, 2020 at 3:57 PM

To: applications@knoxplanning.org

This E-mail was sent from "RNP002673F6F4EC" (MP 4055).

Scan Date: 09.25.2020 15:57:41 (-0400)

Queries to: [info@drvick.com](mailto:info@drvick.com) 20200925155741832.pdf  
132K

Sherry Michienzi &lt;sherry.michienzi@knoxplanning.org&gt;

Mon, Sep 28, 2020 at 11:55 AM

To: info@drvick.com

Cc: Planning Applications &lt;applications@knoxplanning.org&gt;

Dr. Vick,

A copy of your completed application is attached. The fee will be \$1000.00 because the zoning is comparable to the former city zoning. This property was granted a Use On Review on 02/09/89 by the Metropolitan Planning Commission to have a Medical Facility in an R-2 District. The zoning remained the same.

I've left a voicemail message with your representative, listed as the correspondent on your application, but I haven't heard back from him. Today is the deadline for our November 12th meeting. Please contact our office for payment. Payment can be made by emailing an image of your completed check or by calling **865-215-3193**

I also attached a copy of the documentation from 1989 for your records.


Sherry Michienzi  
Planning Technician  
865-215-2505



Knoxville-Knox County Planning | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902

[Quoted text hidden]

2 attachments

 2-B-89-UR.pdf



9/28/2020

Knoxville - Knox County Planning Mail - [Planning Applications] Message from "RNP002673F6F4EC"

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**11-L-20-RZ.pdf**

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