

REZONING REPORT

► **FILE #:** 10-H-21-RZ

AGENDA ITEM #: 15

AGENDA DATE: 10/14/2021

► **APPLICANT:** BRAND PROPERTIES

OWNER(S): Pellissippi Dutchtown GP

TAX ID NUMBER: 118 17716

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 10209 Sherrill Blvd.

► **LOCATION:** South end of Century Park Boulevard, northeast side of Sherrill Boulevard, west side of Mabry Hood Road

► **APPX. SIZE OF TRACT:** 23.65 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: N/A (Within City limits)

ACCESSIBILITY: This property has frontage on Century Park Boulevard, Sherrill Boulevard, and Mabry Hood Road. Century Park Boulevard is a local road with a 51-ft pavement width and a landscaped median inside a 73-ft right-of-way. Sherrill Boulevard is a major collector with a 47-ft pavement width with 2 travel lanes in each direction inside the Pellissippi Parkway right-of-way. Mabry Hood Road is a minor collector with an 18-ft pavement width inside a 56-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Turkey Creek

► **PRESENT ZONING:** OP (Office Park) / TO-1 (Technology Overlay)

► **ZONING REQUESTED:** C-G-3 (General Commercial) / TO-1 (Technology Overlay)

► **EXISTING LAND USE:** Vacant land

► **EXTENSION OF ZONE:** No

HISTORY OF ZONING: Rezoned from C-4 (Highway and Arterial Commercial) to C-6 (General Commercial Park) in 2003 (Case 8-D-03-RZ)

SURROUNDING LAND USE AND ZONING:

North: Office, agricultural/forestry/vacant, and public-quasi public land - OP (Office Park) District and TO-1 (Technology Overlay) Districts

South: Office (Phoenix University) and agricultural/forestry/vacant - OP (Office Park) and TO-1 (Technology Overlay) Districts

East: Single family residential and agricultural/forestry/vacant - AG (Agricultural) District in the City and A (Agricultural) zone in the County

West: Pellissippi Parkway

NEIGHBORHOOD CONTEXT: The area in general consists of mostly office uses and vacant land. Single family homes lie to the east on the other side of Mabry Hood Road. The University of Phoenix is adjacent to the south on Sherrill Boulevard.

STAFF RECOMMENDATION:

- **Approve C-G-3 (General Commercial) / TO-1 (Technology Overlay) zoning because it is in compliance with the Northwest County Sector Plan's land use designation and is not expected to cause any adverse impacts.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3: THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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. Demand for housing has increased significantly, particular for properties close to major employment centers. This property is surrounded by possible employment centers, including nearby offices on Century Park Boulevard, University of Phoenix to the south, and additional commercial and office establishments on the other side of Pellissippi Parkway.

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

1. The proposed amendment to C-G (General Commercial) zoning is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The C-G District is intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces.
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.
3. Those uses with the potential to be incompatible are allowed as special uses, which would provide opportunities to address potential conflicts.
4. Per Article 8.8.H of the City's Zoning Ordinance, a certificate of appropriateness from the Tennessee Technology Corridor Development Authority (TTCDA) is required for all rezonings in the TO-1 (Technology Overlay) District. This rezoning request is on the October 11, 2021 TTCDA meeting agenda (Case 10-A-21-TOR). Planning staff can provide confirmation of its approval after that date.

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. This property is surrounded by office parks to the north, University of Phoenix to the south, and commercial properties to the south. No adverse impacts are expected for these properties as they are of a business nature.
2. The property fronts two collectors – Sherrill Boulevard is a major collector to the west, and Mabry Hood Road is a minor collector to the east. Traffic therefore will come from these two roads or from Century Park Boulevard, which is developed with office parks, and not through side residential streets.
3. The City's landscaping requirements, and the more stringent design requirements of the TTCDA, will help mitigate any adverse impacts related to site or building design on the residential properties across Mabry Hood Road. Additionally, the eastern portion of the site contains steeper slopes and a pond, and is therefore less likely to be developed with buildings.

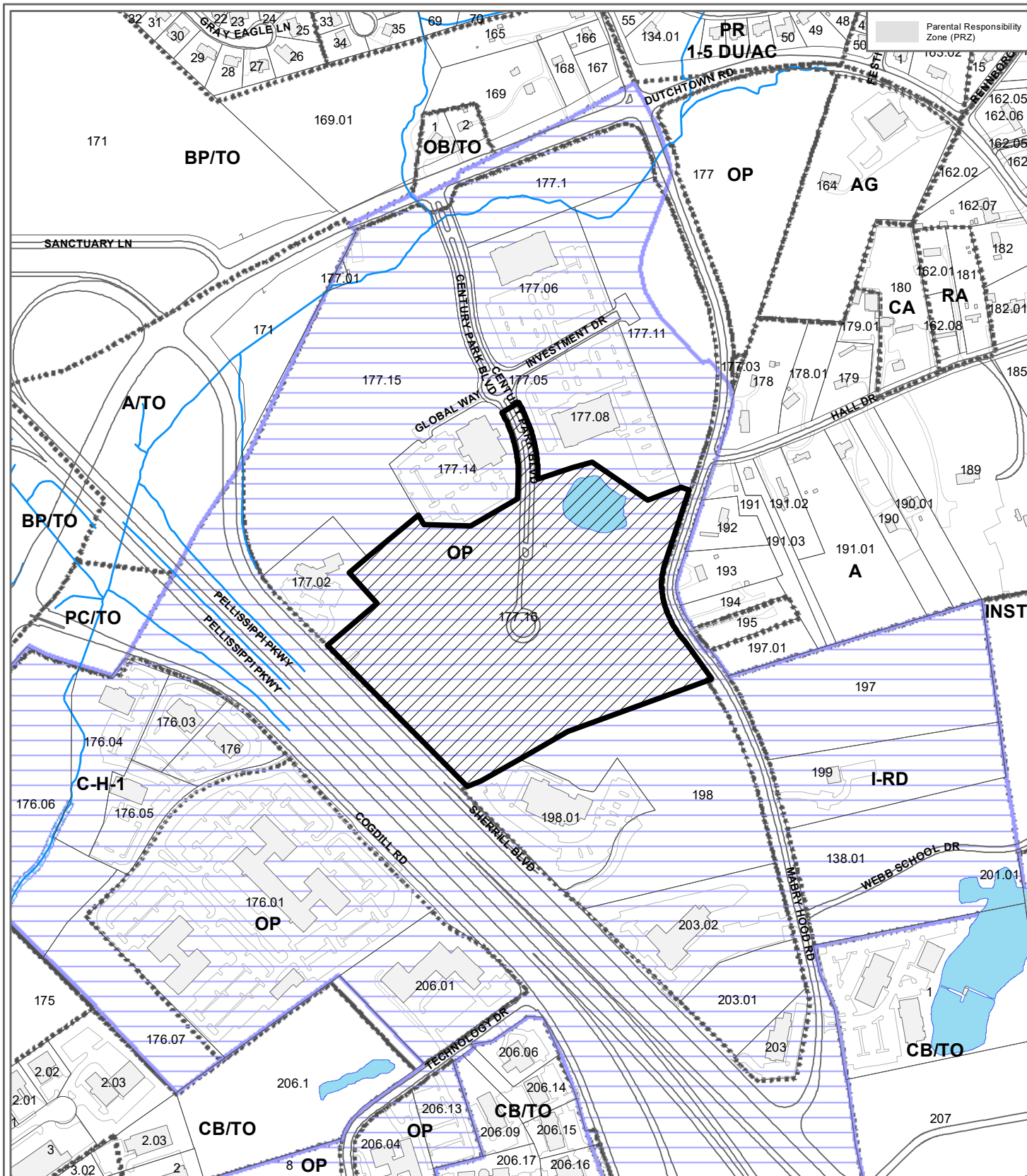
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The C-G-3 zone is consistent with the Northwest County Sector Plan's MU-SD, NWCO-2 (Mixed Use-Special District, Century Park) land use designation. This designation allows several land use classes, one of which is the MU-CC (Mixed Use-Community Center) designation, which allows C-G zoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 11/16/2021 and 11/30/2021. 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.



10-H-21-RZ REZONING

From: OP (Office Park) / TO (Technology Overlay)

To: C-G-3 (General Commercial) / TO (Technology Overlay)



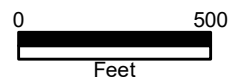
Original Print Date: 9/8/2021
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Brand Properties

Map No: 118

Jurisdiction: City



10-H-21-RZ

EXHIBIT A. Contextual Images

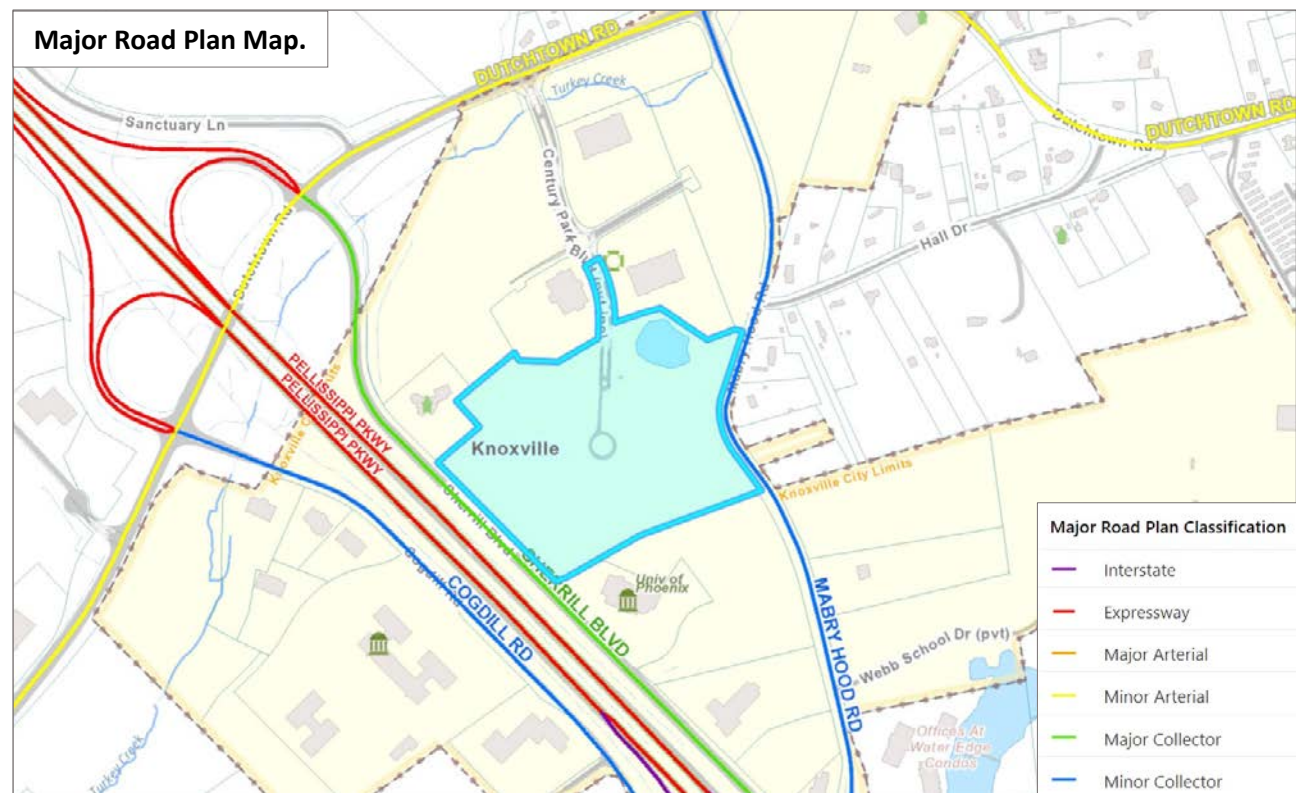
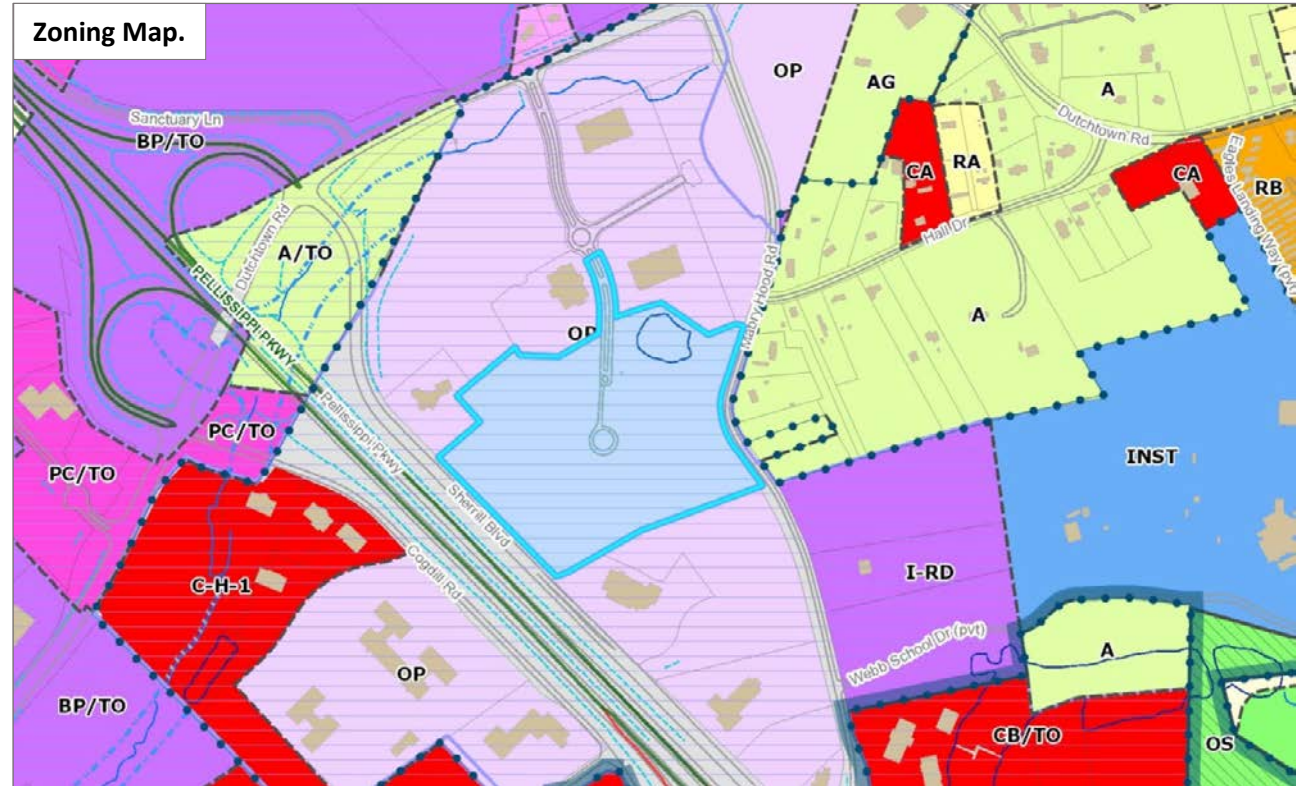


EXHIBIT A. Contextual Images

Sector Plan Map. MU-SD NWCO-3

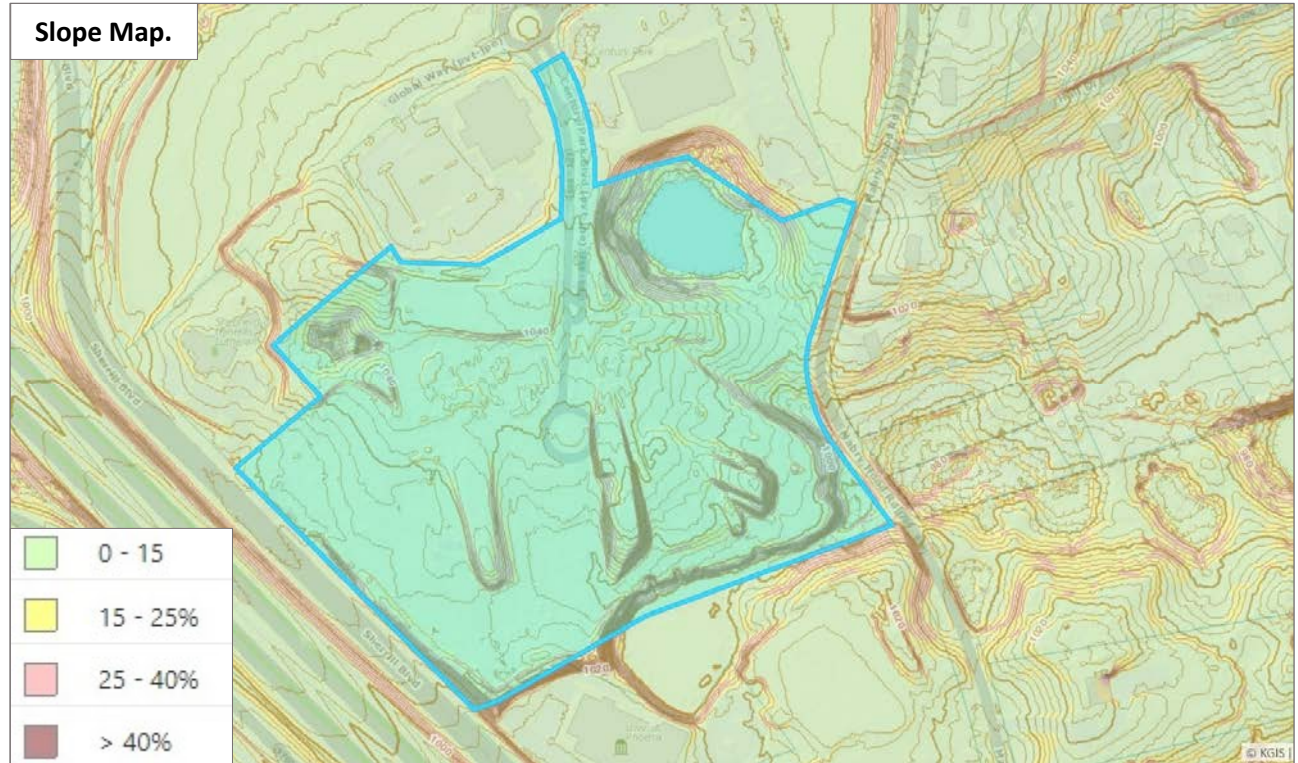
HP
Sanctuary Ln
MDR
Dutchtown Rd
ROW
Mississippi Pkwy
CI
MU-SD NWCO-2
Northwest County
Sherrill Blvd
PELUSSE Pkwy
Copan Rd
TP
SP
CI
GC
LDR
Dutchtown Rd
Engle's Landing Way (pvt)
Webb School Dr (pvt)
MU-SD NWCO-1

10-H-21-RZ EXHIBIT A. Contextual Images



10-H-21-RZ

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

Brand Properties

Applicant/Option Holder

Applicant Name

Affiliation

8-24-21
Date Filed

October 14, 2021

Meeting Date (if applicable)

File Number(s)

10-H-21-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

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37901

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

Pellissippi Dutchtown GP

1225 E. Weisgarber Rd., Ste. 390

865-584-3967

Owner Name (if different)

Owner Address

Owner Phone

10209 Sherrill Blvd.

118 17716

Property Address

Parcel ID

West Knox Utility Board

West Knox Utility Board

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Bld.

South end of Century Park, NE of Sherrill Blvd., W of Mabry Hood Rd.

+/- 23.65 acres

General Location

Tract Size

2

OP/TO

AGForVac

☒ City ☐ County

District

Zoning District

Existing Land Use

Northwest County

MU0SD NWCO-2

NA (In City)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

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 _____

☐ Combine Parcels ☐ Divide Parcel

Unit / Phase Number _____

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☒ Zoning Change C-G-3/TO

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

Total

0327 | 3365.00

Fee 2

Fee 3

\$3,365.00

AUTHORIZATION

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

Applicant Signature

Brand Properties

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Staff Signature

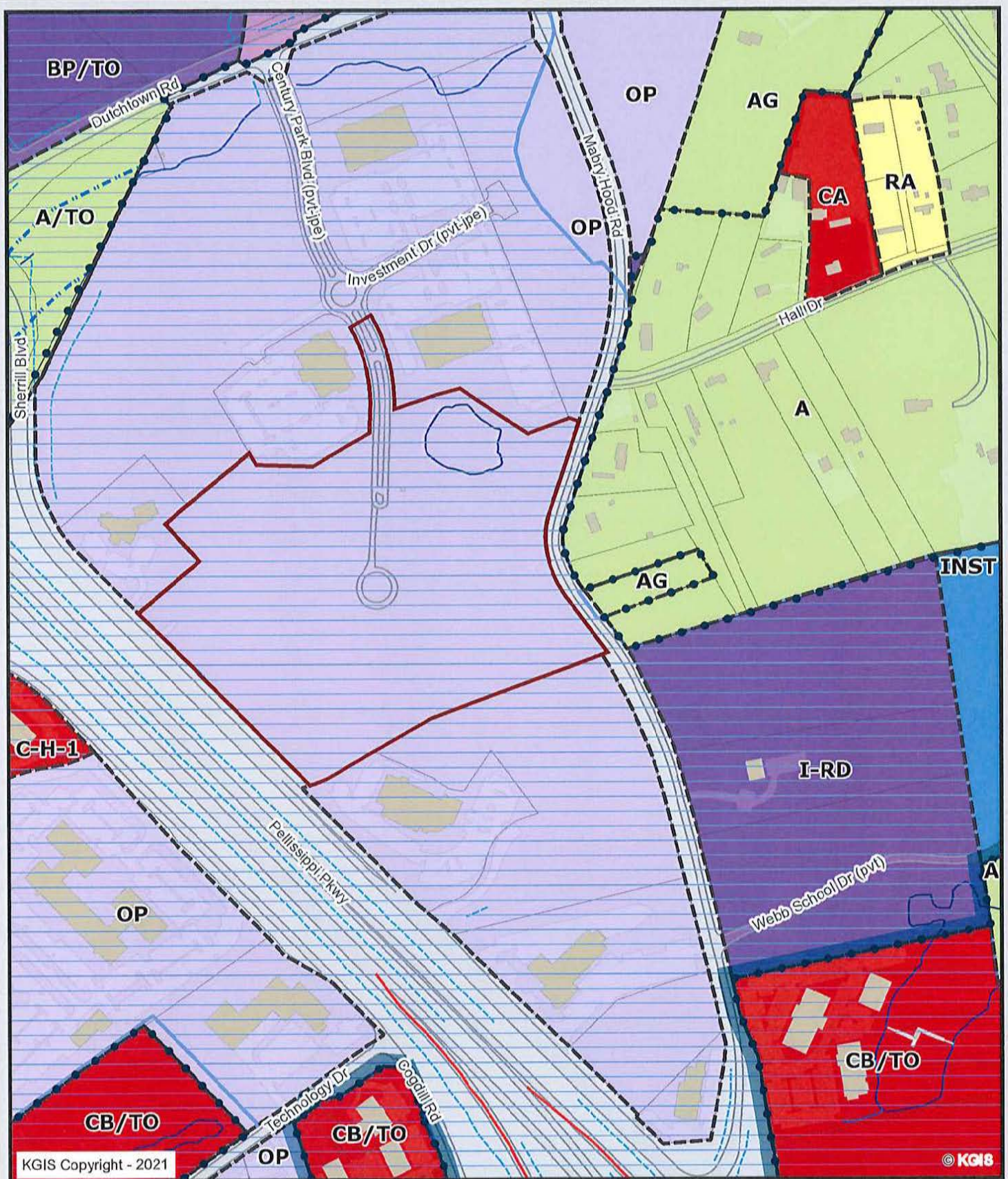
Please Print

Date

8-24-21

SHERRY MICHENZI

8/24/2021

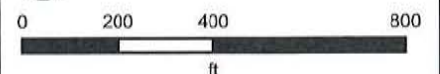


Zoning
10209 Sherrill Blvd.

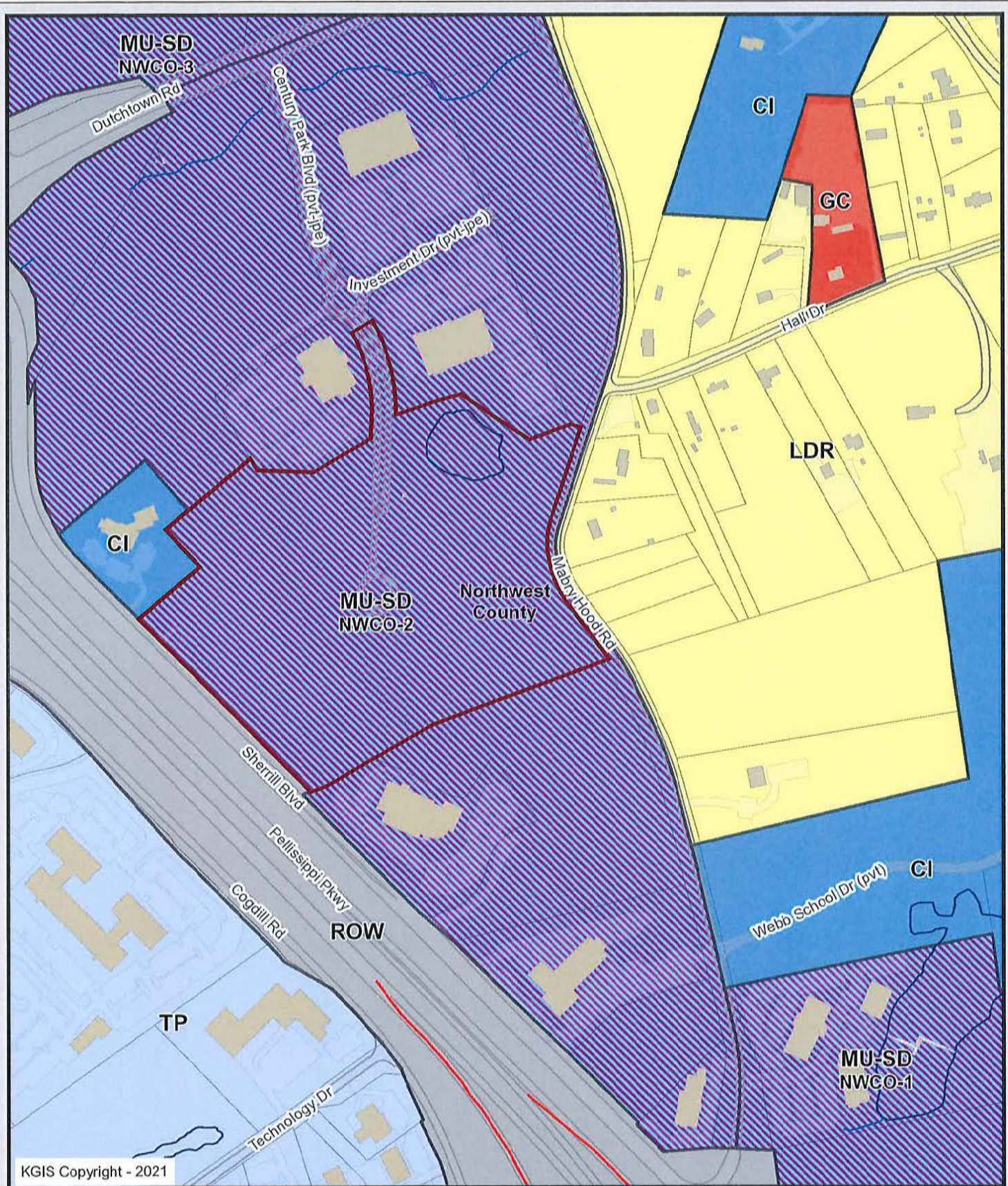
Knoxville - Knox County - KUB Geographic Information System



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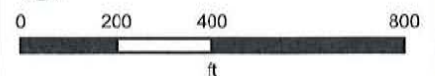
Sector Plan

10209 Sherrill Blvd.

Knoxville - Knox County - KUB Geographic Information System

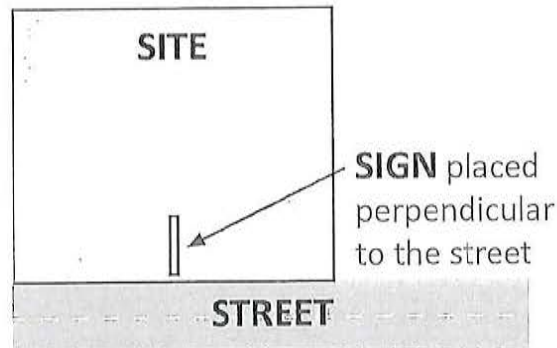


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

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

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

Sept 29 (Wed) and Oct 15 (Fri)
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Brand Properties

Date: 8/24/21

File Number: 10-H-21-RZ

☐

Sign posted by Staff

☒

Sign posted by Applicant