## DEVELOPMENT PLAN REPORT

## - APPLICANT:

OWNER(S):

TAX ID NUMBER:
JURISDICTION:
STREET ADDRESS:

- location:
- APPX. SIZE OF TRACT: SECTOR PLAN:
GROWTH POLICY PLAN:
ACCESSIBILITY:
UTILITIES:

WATERSHED:

## - ZONING:

- EXISTING LAND USE:
- PROPOSED USE:

HISTORY OF ZONING:
SURROUNDING LAND USE AND ZONING:

## LOGAN HIGGINS

RJR Properties GP

147 C D 003
View map on KGIS
County Commission District 9
6742 MARTEL LN
Southeast side of Martel Ln, northeast of Circle Oak Dr
19502 square feet
South County
Rural Area
Access is via Martel Ln, a local street with a $32-\mathrm{ft}$ pavement width within $70-\mathrm{ft}$ right-of-way.
Water Source: Knox-Chapman Utility District
Sewer Source: Knox-Chapman Utility District
Knob Creek

## PC (Planned Commercial)

Agriculture/Forestry/Vacant Land
Office / warehouse

In 1990, this property was rezoned to PC (Planned Commercial) from A (Agricultural) (12-N-89-RZ).
North: Public/quasi-public land (Knox County Senior Center) - PC (Planned Commercial)
South: Single family residential - A (Agricultural)
East: Agriculture/forestry/vacant land - PC (Planned Commercial)
West: Commercial - PC (Planned Commercial)
NEIGHBORHOOD CONTEXT: The site is located in a commerical node at the northeast corner of the Maryville Hwy and W Governor John Sevier Hwy. This area is predominantly rural and low density residential development.

## STAFF RECOMMENDATION:

- Approve the development plan for a $2,060 \mathrm{sq} \mathrm{ft}$ office/warehouse building and requested revisions to the protective covenants for Southwood Commercial Park, subject to 5 conditions.

1) The maximum height of the buildings shall be 35 feet per the Tennessee Scenic Highway System Act of 1971 (TCA §54-17).
2) Providing a detailed landscape plan during permitting for review and approval by Planning Commission staff.
3) Provide a sidewalk along the frontage of the property.
4) Meeting all other applicable requirements of the Knox County Zoning Ordinance.
5) Meeting all requirements of the Knox County Department of Engineering and Public Works.

With the conditions noted, this plan meets the requirements for approval in the PC district and the criteria for approval of a development plan.

## COMMENTS:

The applicant is seeking approval to construct a 2,060 sq ft office/warehouse building on the subject property within the Southwood Commercial Park. This is a revision to the previous approval for 4 office warehouse buildings on the south side of Martel Ln (6-G-23-DP). The protective covenants on this property allow office uses, but do not explicitly allow warehouses and storage. They do not prohibit warehouse or storage uses. The applicant will amend the covenants to include warehouse uses among other uses. See Exhibit B.

Side setbacks have been amended from the 10 ft previously approved to 5 ft , and the front setback is changing from 25 ft to 5 ft . The building will have a 15 ft front setback. The PC zone does not have minimum setbacks, only the peripheral boundary, so the proposed setbacks are permitted in the PC zone. The building exterior will be predominantly metal with wood and brick used as accents, capped with a metal roof. The wood is used on the wall at the building entry, which also features an aluminum storefront system and the brick is used on the ground level of the west facade and a portion of the south facade, with metal used above that on the second level.

The structure is $23 \mathrm{ft}, 2$ in tall, which is within the 35-ft building height restriction for buildings within 1000-ft of state designated scenic highways (TCA §54-17-115). No signage has been proposed. Any signage will be limited to 100 sq ft and will not have moving lights per TCA Tennessee Code Annotated § 54-17-109.

Per the Knox County Sidewalk Ordinance, a sidewalk is required along the frontage of Martel Ln.
DEVELOPMENT PLAN ANALYSIS PER ARTICLE 6, SECTION 6.50.06 (APPROVAL OR DENIAL) In the exercise of its administrative judgment, the Planning Commission shall determine if the proposed plan is in harmony with the general purpose and intent of the zoning ordinance and adopted plans.

1) ZONING ORDINANCE

PC (Planned Commercial):
A. The PC zone is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible. The existing buildings in the PC zone have been built with brick facades. There is 9 ft tall brick along the west and south elevations, which will be seen from Martel Ln and W Governor John Sevier Hwy, a state scenic highway. A landscape plan is included and will screen the parking area.
B. It is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers. The protective covenants created by the Southwood Commercial Park permit office uses. The applicant will revise the covenants to include warehouse uses.
2) GENERAL PLAN - DEVELOPMENT POLICIES
A. (4.2) Require vehicular and pedestrian connections between subdivisions to encourage safe access to community facilities and to reduce reliance on the automobile - A sidewalk connection will be made from the Dollar General to this property on Martel Ln.
B. (6.2) Compliment natural land forms when grading, and minimize grading on steep slopes and within floodways. - The property is located within the HP (Hillside Protection). The proposed plans would require 0.067 acre of Hillside land disturbance, which is within the recommended disturbance of 0.1 acre.

## 3) SOUTH COUNTY SECTOR PLAN

A. The property is classified NC (Neighborhood Commercial). The scale of the commercial operation is consistent with other developments in the area. A sidewalk connection to Dollar General will be required.
4) KNOXVILLE - FARRAGUT - KNOX COUNTY GROWTH POLICY PLAN
A. The property is within the County's Rural Area. Per the Growth Policy Plan, the Rural Area designation shall not impede the right of the property owner to develop the property for the purpose permitted by that property's zoning. The proposed development meets the relevant standards of the PC (Planned Commercial) zone.

| AGENDA ITEM \#: 28 | FILE \#: 4-E-24-DP | $4 / 3 / 202404: 09$ PM | WHITNEY WARNER | PAGE \#: | 28-2 |
| :--- | :--- | :--- | :--- | :--- | :--- |

5) GOVERNOR JOHN SEVIER SCENIC HIGHWAY CORRIDOR STUDY (2019)
A. The Governor John Sevier Scenic Highway Corridor Study proposes standards to landscaping, tree preservation, building orientation, parking location, signage style and size. The primary entrance faces W Governor John Sevier Hwy and its façade will include 9 ft tall brick. The brick is compatible with the existing buildings in the PC zone and is an allowed exterior material in the Southwood Commercial Park covenants. Additionally, the Hillside Protection area will be within the recommendation disturbance of 0.1 acre. The existing vegetation on the site should be preserved as much as possible to complement any new landscaping. Building height will be limited to 35 ft tall and sign size will be limited to 100 sq ft per Scenic Highway System Act of 1971.

ESTIMATED TRAFFIC IMPACT: Not required.

## ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this development plan request is final, unless the action is appealed either to the Board of Zoning Appeals or to a court of competent jurisdiction within thirty (30) days of the decision being appealed (Knox County, Tennessee Code of Ordinances, Appendix A, Zoning, 6.50.08).


## Exhibit A. Contextual Images



| CATEGORY | ACRES | RECOMMENDED <br> DISTURBANCE BUDGET <br> (Percent) | DISTURBANCE AREA <br> (Acres) |
| :--- | :---: | :---: | :---: |
| Total Area of Site | $\mathbf{0 . 4 5}$ |  |  |
| Non-Hillside | 0.18 | 0.07 | $100 \%$ |
| $0-15 \%$ Slope | 0.02 | $50 \%$ | 0.1 |
| $15-25 \%$ Slope | 0.07 | $20 \%$ | 0.0 |
| 25-40\% Slope | 0.11 | $10 \%$ | 0.0 |
| Greater than 40\% Slope |  |  | 0.0 |
| Ridgetops | 0.3 | Recommended <br> disturbance budget within <br> HP Area (acres) | $\mathbf{0 . 1}$ |
| Hillside Protection (HP) Area |  | Percent of HP Area | $\mathbf{3 7 . 7 \%}$ |


$\mathbb{N O T}$ NTTENDED FOR CONSTRUCTON





# This Instrument Prepared By 

THE ADAMS LAW FIRM
8517 Kingston Pike
Knoxville, Tennessee 37919
865-531-6060

File: 221402NW

## AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS SOUTHWOOD COMMERCIAL PARK UNIT 2

THIS AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANTS (the "Amendment"), executed this $\qquad$ day of $\qquad$ 2024 (the "Effective Date") by RJR Properties, Declarant.

## WITNESSETH:

WHEREAS, the Declaration of Protective Covenants (the "Declaration") are recorded in Instrument No. 200109200022539 along with the plat of Southwood Commercial Park Subdivision, Unit 2, recorded in Instrument No. 200109200022539 in the Register's Office for Knox County, Tennessee; and

WHEREAS, the Declarant assumed all Declarant Rights by Assignment and Assumption of Declarant's Rights of record in Instrument No. 202205160086633 in said Register's Office; and

WHEREAS, in accordance with Article VII of the Declaration, the Declarant, as owner of more than 65 percent of the property encumbered by said Declaration, desires to amend the Declaration and is executing this Amendment in accordance therewith; and

NOW, THEREFORE, for and in consideration of the foregoing premises, the Developer hereby makes, publishes and declares the following amendment to the Declaration:

1. Article II, Regulation of Uses, paragraph one is stricken and shall read as follows:

The following uses are permitted for occupants of the planned commercial complex, as permitted by appropriate Governmental Zoning Regulations:

Amusement Facility, Animal Care Facility, Art Gallery, Arts and Fitness Studio, Bed and Breakfast, Car Wash, Community Center, Commercial Kitchens, Crematory, Day Care Center, Day Care Home, Residential Dwellings, (Above the Ground Floor, MultiFamily, Townhouse, Two-Family, and Transient), Eating and Drinking Establishment, Educational Facility, Financial Institution, Food Truck Park, Gas Station, Government Office/Facility, Greenhouse/Nursery, Healthcare Facility, Heavy Retail (incl. Rental and Service), Hotel, Industrial Design, Event Venue, Live/Work, Lodge/Meeting Hall, Medical/Dental Office/Clinic, Micro-Brewery/Distillery/Winery, Office, Place of

Worship, Pre-School/Kindergarten, Public Works Facility, Research and Development, Residential Care Facility, Retail Goods Establishment, Retail Liquor Stores, Self-Storage Facilities, Warehouse and/or Distribution, Wholesale Establishment

The following uses are permitted uses for the occupants of the planned commercial complex upon special approval of the declarants and as permitted by appropriate Governmental Zoning Regulations:

Animal Breeder, Body Modification Establishment, Campground, Industrial Production Uses, Vehicle Rental, and Vehicle Repair/Service.
2. Article IV(A)2: Minimum Setbacks shall be amended to show the following:
(a) From the side property lines: Five (5) feet;
(b) From the front property line: Five (5) feet;
(c) From the rear property line: Twenty-five (25) feet.
3. Article IV(I): Building Regulations shall be stricken and replaced with the following:

1. Exterior wall finishes shall be masonry, concrete, metal, wood, or approved curtain wall construction, except where special approval is given by Declarants for architecturally acceptable alternate materials and designs.
2. (This paragraph is stricken in its entirety.)

Construction of Amendment: All other terms, covenants, restrictions, conditions, agreements of the Declaration, except as specifically modified or amended herein, shall remain in full force and effect, and are hereby incorporated herein, the party hereto ratifying and confirming the same. If any conflict arises between the terms of this Amendment and the terms of the Declaration, the terms of this Amendment shall govern and control in all respects. It is the intention of the Developer with respect to the subject matter hereof that the terms of this Amendment shall supersede and replace in each and every respect the terms and provisions of the Declaration which the Developer intends to modify pursuant to the terms hereof.

IN WITNESS WHEREOF, the undersigned have duly executed this Amendment as of the day and year first above written.

RJR Properties, GP a Tennessee General Partnership
BY: The Kerr Marital Asset Protection Trust dated May 19, 2022, Partner
By
John H. Kerr, Trustee
By
Aldris Kerr, Trustee

Aldris Kerr, Partner

## STATE OF TENNESSEE

## COUNTY OF

$\qquad$

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, the within named John H. Kerr and Aldris Kerr with whom I am personally acquainted (or who proved to me on the basis of satisfactory evidence) and who, upon oath acknowledged such persons to be the Trustees of the Kerr Marital Asset Protection Trust dated May 19, 2022, Partner of JRJ Properties, a Tennessee General Partnership, the within named bargainor, and as such Trustees of the Partner, being authorized to do so, executed the within instrument for the purposes therein contained by signing as Trustees of the Partner.

Witness my hand and official seal at office this $\qquad$ day of $\qquad$ , 2024.

```
Notary Public
```

My Commission Expires: $\qquad$

## STATE OF TENNESSEE

## COUNTY OF

$\qquad$
Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, the within named Aldris Kerr with whom I am personally acquainted (or who proved to me on the basis of satisfactory evidence) and who, upon oath acknowledged such persons to be a Partner of JRJ Properties, a Tennessee General Partnership, the within named bargainor, and as such Partner, being authorized to do so, executed the within instrument for the purposes therein contained by signing as Partner.

Witness my hand and official seal at office this $\qquad$ day of $\qquad$ , 2024.

Notary Public
My Commission Expires: $\qquad$


DEVELOPMENT REQUEST

| $\square$ Development Plan $\square$ Planned Development | $\square$ Use on Review / Special Use | Related City Permit Number(s) |  |
| :--- | :--- | :--- | :--- |
| $\square$ Hillside Protection COA | $\square$ Residential $\quad \square$ Non-residential |  |  |
| Home Occupation (specify) |  |  |  |

Other (specify) Office / warehouse

## SUBDIVSION REQUEST

| Proposed Subdivision Name | Related Rezoning File Number |
| :--- | :--- |
|  |  |

## Unit / Phase Number

Total Number of Lots Created
Additional Information
$\square$ Attachments / Additional Requirements

## ZONING REQUEST

| $\square$ Zoning Change |  | Pending Plat File Number |
| :--- | :--- | :--- |
|  | Proposed Zoning |  |
| $\square$ Plan |  |  |
| $\quad$ Amendment | Proposed Plan Designation(s) |  |

Proposed Density (units/acre) Previous Zoning Requests
Additional Information

## STAFF USE ONLY

| PLAT TYPE | Fee 1 | Total |
| :---: | :---: | :---: |
| $\square$ Staff Review $\quad \square$ Planning Commission | \$1,600.00 |  |
| ATTACHMENTS |  |  |
| $\square$ Property Owners / Option Holders $\square$ Variance Request | Fee 2 |  |
| ADDITIONAL REQUIREMENTS |  |  |
| $\square$ COA Checklist (Hillside Protection) |  |  |
| $\square$ Design Plan Certification (Final Plat) | Fee 3 |  |
| $\checkmark$ Site Plan (Development Request) |  |  |
| $\square$ Traffic Impact Study |  |  |
| $\square$ Use on Review / Special Use (Concept Plan) |  |  |

## AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

|  | Logan Higgins | 2/26/2024 |
| :--- | :--- | :--- |
| Applicant Signature | Please Print | Date |

## Phone / Email

|  | RJR Properties GP | $\mathbf{2 / 2 6 / 2 0 2 4}$ |
| :--- | :--- | :--- |
| Property Owner Signature | Please Print | Date |
| 4-E-24-DP |  | Printed 3/18/2024 2:05:55 PM |

(3) Either print the completed form and bring it to the (2) Sign the application digitally (or print, sign, and scan). Knoxville-Knox County Planning offices OR email it to applications@knoxplanning.org

DEVELOPMENT
■ Development PlanPlanned DevelopmentUse on Review / Special UseHillside Protection COA
$\square$ OR ета
Development RequestFinal Plat

## ZONING

$\square$ Plan AmendmentSPOYP Rezoning

## Logan Higgins

Architect

| Applicant Name |  | Affiliation |  |
| :--- | :---: | :---: | :---: |
| 02/26/2024 | $4 / 11 / 2024$ |  | File Number(s) |
| Date Filed | Meeting Date (if applicable) | $4-E-24-D P$ |  |
|  |  |  |  |


865.236.0430 logan@heyohdesign.com
PhoneEmail
CURRENT PROPERTY INFO

| RJR PROPERTIES GP | 3305 BUNKER HILL DR, 37920 | (865) 438-8804 |
| :--- | :--- | :---: |
| Property Owner Name (if different) | Property Owner Address | Property Owner Phone |
| 6742 Martel Ln. Knoxville, TN. 37920 |  | 147CD003 |


| General Location |  | Tract Size |  |
| :--- | :--- | :--- | :--- |
| $\square$ City $\square$ County |  |  |  |
|  | District | Zoning District | Existing Land Use |
| Planning Sector |  |  |  |

## DEVELOPMENT REQUEST

| $\square$ Development Plan $\quad \square$ Use on Review / Special Use $\quad \square$ Hillside Protection COA | Related City Permit Number(s) |  |
| :--- | :--- | :--- |
| $\square$ Residential $\quad \square$ Non-Residential |  |  |
| Home Occupation (specify) |  |  |
| Other (specify) Office/warehouse |  |  |

## SUBDIVISION REQUEST

| Proposed Subdivision Name | Related Rezoning File Number |
| :--- | :--- | :--- |
| Unit / Phase Number $\quad \square$ Combine Parcels $\quad \square$ Divide Parcel $\quad$ Total Number of Lots Created |  |
| $\square$ Other (specify) $\quad \square$ Attachments / Additional Requirements |  |

## ZONING REQUEST

| $\square$ Zoning Change $\quad$ Proposed Zoning | Pending Plat File Number |
| :--- | :--- |
|  |  |
| $\square$ Plan Amendment Change $\quad$ Proposed Plan Designation(s) |  |


| Proposed Density (units/acre) | Previous Rezoning Requests |
| :--- | :--- |
| $\square$ Other (specify) |  |

## STAFF USE ONLY



## AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

| , | $\bigcirc$ | Logan Higgins | 02/23/2024 |
| :---: | :---: | :---: | :---: |
| Appricant Sighature |  | Please Print | Date |
| 865.236.0430 |  | logan@heyohdesign.com |  |
| Phone Number |  | Email | 02/26/2024, SG |
| Ryankerr | dotloop verified <br> 2/26/24 1:15 PM EST YQ1M-3TLN-ZQKB-YMEN | Ryan Kerr |  |
| Property Owner Signature |  | Please Print | Date Paid |

Revised April 2021

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-ofway 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:

03/29/2024
(applicant or staff to post sign)
and $\qquad$
(applicant to remove sign)

Applicant Name: Logan Higgins
Date: 02/27/2024
File Number: 4-E-24-DP

Sign posted by Staff

Sign posted by Applicant

