

# **DEVELOPMENT PLAN REPORT**

► FILE #: 4-E-24-DP	AGENDA ITEM #: 28
	AGENDA DATE: 4/11/2024
APPLICANT:	LOGAN HIGGINS
OWNER(S):	RJR Properties GP
TAX ID NUMBER:	147 C D 003 View map on KGIS
JURISDICTION:	County Commission District 9
STREET ADDRESS:	6742 MARTEL LN
· LOCATION:	Southeast side of Martel Ln, northeast of Circle Oak Dr
APPX. SIZE OF TRACT:	19502 square feet
SECTOR PLAN:	South County
GROWTH POLICY PLAN:	Rural Area
ACCESSIBILITY:	Access is via Martel Ln, a local street with a 32-ft pavement width within 70-ft right-of-way.
UTILITIES:	Water Source: Knox-Chapman Utility District
	Sewer Source: Knox-Chapman Utility District
WATERSHED:	Knob Creek
ZONING:	PC (Planned Commercial)
EXISTING LAND USE:	Agriculture/Forestry/Vacant Land
PROPOSED USE:	Office / warehouse
HISTORY OF ZONING:	In 1990, this property was rezoned to PC (Planned Commercial) from A (Agricultural) (12-N-89-RZ).
SURROUNDING LAND USE AND ZONING:	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 sq 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.

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- 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 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.

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#### 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).





#### Staff - Slope Analysis Case: 4-E-24-DP

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	0.45		
Non-Hillside	0.18	N/A	
0-15% Slope	0.07	100%	0.1
15-25% Slope	0.02	50%	0.0
25-40% Slope	0.07	20%	0.0
Greater than 40% Slope	0.11	10%	0.0
Ridgetops			
Hillside Protection (HP) Area	0.3	Recommended disturbance budget within HP Area (acres)	0.1
		Percent of HP Area	37.7%









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 \_\_\_\_ day of \_\_\_\_\_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, Multi-Family, 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 \_\_\_\_\_

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 \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public

My Commission Expires:\_\_\_\_\_

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_

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 \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public

My Commission Expires:\_\_\_\_\_



# **Development Request**

	DEVELOPMENT	SUBDIVISION	ZONING
Dlanning	🚽 🗹 Development Plan	🗌 Concept Plan	🗌 Plan Amendment
rtanning	Planned Development	🗌 Final Plat	🗌 Sector Plan
KNOXVILLE I KNOX COUNTY	Use on Review / Special Use		🗌 One Year Plan
	$\Box$ Hillside Protection COA		Rezoning
Logan Higgins			
Applicant Name		Affiliatio	n
2/26/2024	4/11/2024	4-E-24-DP	
Date Filed	Meeting Date (if applicable)	File Number(s)	
CORRESPONDENCE	All correspondence related to this application sh	hould be directed to the a	oproved contact listed below.
Logan Higgins Heyoh, LLC			
Name / Company			
133 S. Gay St. St. Knoxville TN	37902		
Address			
865-236-0430 / logan@heyohd	lesign.com		
Phone / Email			
CURRENT PROPERTY INF	0		
RJR Properties GP	3305 Bunker Hill Dr. Dr. Knoxville	e TN 37920 8	65-438-8804
Owner Name (if different)	Owner Address	C	Owner Phone / Email
6742 MARTEL LN			
Property Address			
147 C D 003		1	9502 square feet
Parcel ID	Part of F	Parcel (Y/N)? T	ract Size
Knox-Chapman Utility District	Knox-Chapman Uti	ility District	
Sewer Provider	Water Provider		Septic (Y/N)
STAFF USE ONLY			
Southeast side of Martel Ln, no	ortheast of Circle Oak Dr		
General Location			
City Commission District 9	PC (Planned Commercial)	Agricult	ure/Forestry/Vacant Land
County District	Zoning District	Existing	Land Use
South County N	C (Neighborhood Commercial), HP (Hillside P	Protection) Rural Ar	еа

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST		
✓ Development Plan	se on Review / Special Use	Related City Permit Number(s)
□ Hillside Protection COA □ Re	esidential 🗌 Non-residential	
Home Occupation (specify)		
Other (specify) Office / warehouse		
SUBDIVSION REQUEST		
		Related Rezoning File Number
Proposed Subdivision Name		
Unit / Phase Number	Total Number of Lots Created	
Additional Information		
Attachments / Additional Requirements		
ZONING REQUEST		
Zoning Change		Pending Plat File Number
Proposed Zoning		
🗌 Plan		
Amendment Proposed Plan Designation(s)	!	
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information		
STAFF USE ONLY		
PLAT TYPE     Staff Review   Planning Commission	Fee 1	Total
ATTACHMENTS	\$1,600.00	
Property Owners / Option Holders Variance Reque	est Fee 2	
ADDITIONAL REQUIREMENTS		
COA Checklist (Hillside Protection)		
<ul> <li>Design Plan Certification (Final Plat)</li> <li>Site Plan (Development Request)</li> </ul>	Fee 3	
<ul> <li>Traffic Impact Study</li> </ul>		
Use on Review / Special Use (Concept Plan)		
	mark (1) Halaka // tata tha and fit	
I declare under penalty of perjury the foregoing is true and co all associated materials are being submitted with his/her/its c		erty, AND 2) the application and
Logan Higgins		2/26/2024
Applicant Signature Please Print		Date

Phone / Email

RJR Properties GP2/26/2024Property Owner SignaturePlease PrintDate

signature verification: dtlp.us/W28Q-Nf9m-uFl6 white a and jiii out this form at yo n the application digitally (or print	, sign, and scan). K	Either print the com (noxville-Knox Coun DR email it to applic	ity Planning oj	ffices		Reset Fo
Planning KNOXVILLE I KNOX COUNTY	<b>Development</b> P Development P Planned Develo Use on Review Hillside Protect	Plan opment / Special Use	t Ree SUBDIVIS	pt Plan	ZON	ING an Amendmen □ SP □ OYI ezoning
Logan Higgins				Arch	itect	
Applicant Name				Affiliat	ion	
02/26/2024	4/11/202	24				File Number(
Date Filed	Meeting Date	Meeting Date (if applicable)		4-E-24-DP		
CORRESPONDENCE A	l correspondence related	to this application s	hould be direct	ted to the a <sub>l</sub>	pproved a	contact listed below
📕 Applicant 🗌 Property Owne	r 🗌 Option Holder	Project Surveyor	Enginee	er 🔳 Arch	itect/Lan	dscape Architect
Logan Higgins		Heyoł	n Design			
Name		Compa	ny			
133 S. Gay St.		Knoxv	ville	TN		37902
Address		City		State		ZIP
865.236.0430	logan@hey	ohdesign.com				
Phone	Email					
CURRENT PROPERTY INFO RJR PROPERTIES GP	3305	5 BUNKER HILL D	R, 37920		(865	) 438-8804
Property Owner Name (if different	) Prope	erty Owner Address			Prope	rty Owner Phone
6742 Martel Ln. Knoxville, T	N. 37920		147CD003	}		
Property Address			Parcel ID			
						Ν
Sewer Provider	Water Provider				Septic (Y,	
STAFF USE ONLY						
General Location				Tract S	iize	
City County District	Zoning District		Existing La	nd Use		
Planning Sector	Sector Plan La	nd Use Classification		Growt	h Policy F	Plan Designation

DEVELOPMENT REQUEST		Delated City Dermit Number
Development Plan 🗌 Use on Review / Special Use	☐ Hillside Protection COA	Related City Permit Number(
🗌 Residential 🛛 🗹 Non-Residential		
lome Occupation (specify)		
Other (specify) Office/warehouse		
SUBDIVISION REQUEST		
		Related Rezoning File Numbe
roposed Subdivision Name		
Combine Parcels 🔲 Divi	de Parcel	
Init / Phase Number	Total Number of Lots	Created
] Other (specify)		
] Attachments / Additional Requirements		
ZONING REQUEST		
		Pending Plat File Number
] Zoning Change Proposed Zoning		
Plan Amendment Change Proposed Plan Designation	n(s)	
1 0		
roposed Density (units/acre) Previous R	ezoning Requests	
] Other (specify)		
STAFF USE ONLY		
LAT TYPE	Fee 1	Total
] Staff Review 🛛 🗹 Planning Commission		\$1,600.00
TTACHMENTS		
] Property Owners / Option Holders 🛛 Variance Requ	uest Fee 2	
Design Plan Certification <i>(Final Plat)</i>		
Use on Review / Special Use (Concept Plan)	Fee 3	· · · · · · · · · · · · · · · · · · ·
] Traffic Impact Study		
COA Checklist ( <i>Hillside Protection</i> )		
<b>I declare under penalty of perjury</b> the foregoing is true and	l correct:	
1) He/she/it is the owner of the property AND 2) The application		being submitted with his/her/its consent
handra La	ogan Higgins	02/23/2024
ppricant Signature Ple	ase Print	Date
65.236.0430 lo	gan@heyohdesign.com	
hone Number Em	nail	02/26/2024, SG
hone Number Em	<sub>aail</sub> yan Kerr	02/26/2024, SG



# Sign Posting & Removal Requirement

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-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:

03/29/2024	and	04/12/2024
(applicant or staff to post sign)		(applicant to remove sign)
Applicant Name: Logan Higgins		
Date: 02/27/2024		Sign posted by Staff
File Number: <u>4-E-24-DP</u>		Sign posted by Applicant