

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION REZONING REPORT

► FILE #: 6-C-07-RZ		AGENDA ITEM #: 60	
POSTPONEMENT(S):	6/14/2007	AGENDA DATE: 7/12/2007	
APPLICANT:	LANDVIEW DEVELOPMENT, LLC		
OWNER(S):	LANDVIEW LLC		
TAX ID NUMBER:	78 167.01		
JURISDICTION:	County Commission District 6		
► LOCATION:	North side Beaver Ridge Rd., east side Wyndham Pointe Ln.		
► APPX. SIZE OF TRACT:	1.31 acres		
SECTOR PLAN:	Northwest County		
GROWTH POLICY PLAN:	Planned Growth Area		
ACCESSIBILITY:	Access is via Beaver Ridge Rd., a local street with 20' of pavement within a 50' right-of-way.		
UTILITIES:	Water Source: West Knox Utility District		
	Sewer Source: West Knox Utility Distric	t	
WATERSHED:	Beaver Creek		
PRESENT ZONING:	A (Agricultural)		
ZONING REQUESTED:	CN (Neighborhood Commercial)		
EXISTING LAND USE:	Vacant land		
PROPOSED USE:	Any use permitted in the CN zone		
EXTENSION OF ZONE:	No; however, the properties to the east and south are zoned CA and PC.		
HISTORY OF ZONING:	A request for CN zoning was denied by County Commission in 2003 (6-B-03- RZ). Adjacent property to the east was rezoned to CA for commercial development in recent years.		
SURROUNDING LAND	North: Residences / PR (Planned Reside	ential)	
USE AND ZONING:	South: Library & Oak Ridge Hwy. / PC (F	Planned Commercial)	
	East: Grocery Store / CA (General Busi	ness)	
	West: Residences / PR (Planned Reside	ential)	
NEIGHBORHOOD CONTEXT: This site is within the Karnes community and is surround residential housing and commercial uses along Oak Rid RA, CA and PC zones.			

STAFF RECOMMENDATION:

APPROVE CN (Neighborhood Commercial) zoning subject to limiting access to Beaver Ridge Rd. and providing a landscaped buffer (Type A) along the northern and western property lines.

The requested CN zoning is consistent with surrounding zoning and development that includes both a shopping center and a public library. The request is consistent with the sector plan, which proposes commercial use for this property.

COMMENTS:

The subject property is located at the corner of Beaver Ridge Rd. and Wyndam Pointe Ln., which is at the entrance to the Wyndam Pointe subdivision. Staff is recommending that access be limited to Beaver Ridge Rd. and that the developer of the property install a continuous landscaped buffer along the northern and

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western property lines (see attached Type A Landscaping Guidelines). These conditions will reduce the impac on residents of the Wyndam Point subdivision.

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. This property is located at the corner of Beaver Ridge Rd. and Wyndham Pointe Ln, which is at the entrance to the Wyndham Pointe subdivision. The developer of this subdivision requested that the subject parcel be rezoned to CN in June of 2003. MPC recommended approval of that request; however, County Commission denied the rezoning.

2. The CN zoning is appropriate for this site, which is adjacent to CA zoning developed with a grocery store and across from PC zoning along Oak Ridge Hwy.

3. With the approved conditions, uses permitted under CN zoning will be compatible with surrounding development and zoning.

4. The CN zoning is logical extension of commercial zoning from the east and south of the site.

5. Any curb cuts requested with any commercial building permit application would have to be approved by the Knox County Engineering Department regardless of the zoning on the site. The applicant should work with Knox County Engineering to provide the safest ingress and egress possible, consistent with the condition to limit access to Beaver Ridge Rd.

THE EFFECTS OF THE PROPOSAL

The effect on adjacent properties as a result of this zoning change will be minimal. CN zoning allows limitec commercial uses and has stricter development standards than other more intense commercial zones.
 Staff is recommending that access to the subject property be limited to Beaver Ridge Rd. despite the fact that the property also has access to Wyndam Pointe Ln. Beaver Ridge Rd. is a more appropriate street to accommodate neighborhood commercial uses.

3. Staff is also recommending that the applicant provide a continuous landscaped buffer along the northern and western property lines. This landscaped buffer will reduce the impact on nearby residents by screening non-residential uses.

4. The Wyndham Pointe subdivision's recreational area adjoins the subject property to the north and will serve as a buffer between the residential lots and the proposed neighborhood commercial use. This buffer will reduce the impact on adjoining property owners.

5. There will be minimal impact on Beaver Ridge Rd. or nearby Oak Ridge Hwy. as a result of the commercial zoning change.

6. Public water and sewer utilities are available to serve this site.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

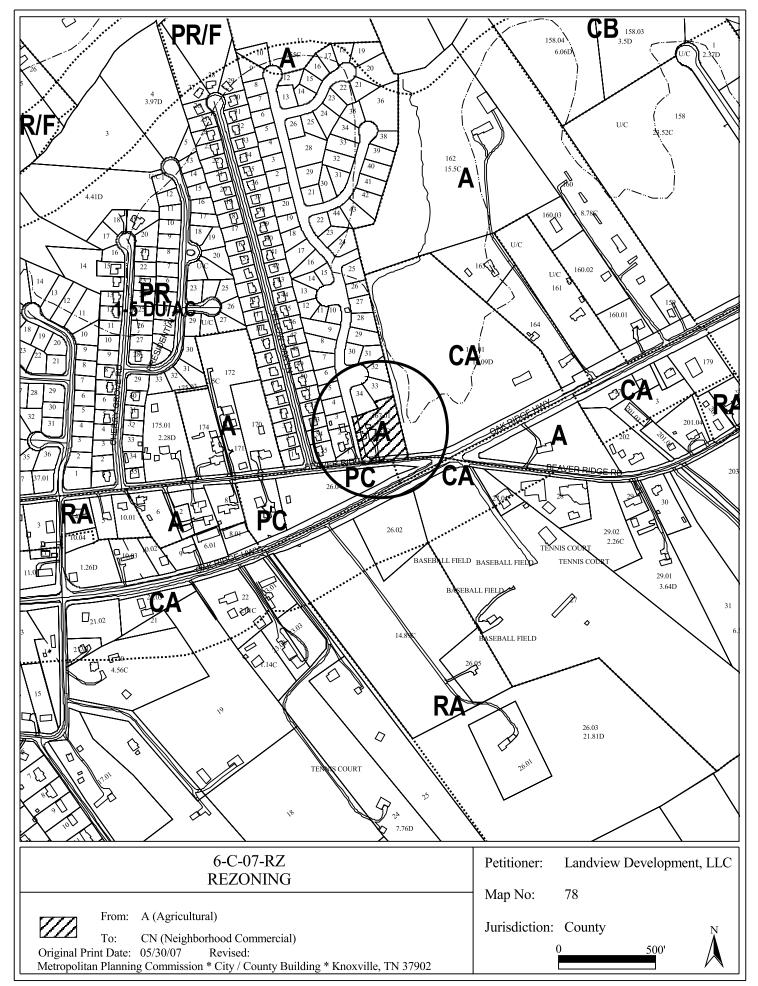
1. The Northwest County Sector Plan proposes commercial uses for this site.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 8/27/2007. 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.



MPC July 12, 2007

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GUIDELINES LANDSCAPE SCREENING

Type "A" Screen: Dense

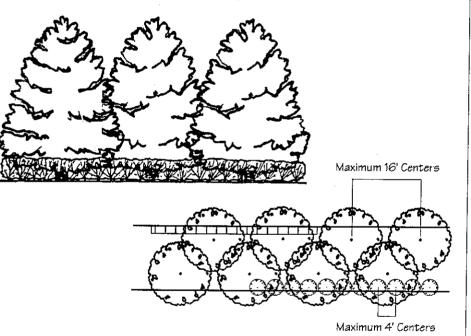
APPROPRIATE LOCATION: Boundaries of commercial and industrial developments adjoining residential areas

NOTE: Landscape buffer strips should be a minimum of 15 feet in width, and sown with grass or ground cover for their full width, allowing for mulch at the base of plantings

Two offset rows of deciduous or evergreen canopy trees with a 6 ft. high continuous dense evergreen hedge, fence, wall or earth berm

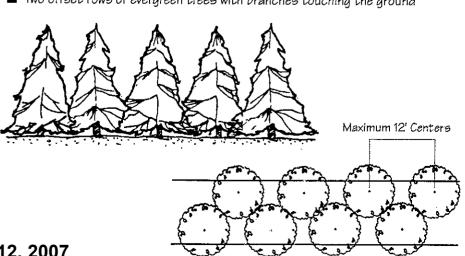
TREE HEIGHT Installed: 8 ft. Mature: 40 ft.

SHRUB HEIGHT Installed: 4 ft. Mature: 6 ft.



Two offset rows of evergreen trees with branches touching the ground

TREE HEIGHT Installed: 8 ft. Mature: 30 ft.



INTRODUCTION

Landscape screening reduces the impact of intense development upon adjacent land uses by providing visual separation, reducing the transmission of glare and air pollution, and limiting access. Screening also promotes the aesthetic appeal of a neighborhood and promotes higher property values

This series of design auidelines defines several types of landscape screen. Each type is applicable to a certain intensity of conflict between adjacent land uses. Each screen type is illustrated by several planting schemes with an equivalent height. density and opacity of landscaping

MPC uses these quidelines to illustrate desirable levels of screening appropriate to various site planning situations Creative alternatives which achieve a comparable effect are encouraged

Contact persons: Dan Kelly

MPC **Development Services** Suite 403 City County Building 400 Main Street Knoxville, TN 37902 Phone: 215-2500 Fax: 7 215-2068

The contents of these quidelines are advisory and are intended to supplement, but not replace, the requirements of the Knoxville Zoning Ordinance and the Knox County Zoning Ordinance

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From:"Tim Humphrey" <THumphrey@edfinancial.com>To:<contact@knoxmpc.org>Date:7/5/2007 9:28:57 AMSubject:Please add to file 6-c-07-rz

Tim Humphrey

6957 Wyndham Pointe Lane

Knoxville, TN 37931

The petition in support of commercial neighborhood re-zoning that has been submitted does not have anything to do with the re-zoning of the property inside of the implied barrier of the Wyndham Pointe Subdivision. If you will carefully read the introductory paragraph you will see that it indicates this is a project between Knox County and Ingles. The property which is requested to be re-zoned is not owned by Ingles. It is owned by Landview Development who developed the Wyndham Pointe Subdivision. The petition indicates that the property needs to be re-zoned so that the intersection at Beaver Ridge Road and Oak Ridge Highway can be re-worked and a traffic light installed.

We have asked the Knox County Engineering department and the Knox MPC if a tract of land needs to be re-zoned in order for it to be sold or donated to Knox County and the answer we received was that it could remain zoned Agricultural. If the developer would graciously choose to donate the required right-of-way Knox County this issue could be resolved. We believe this is an issue to be discussed by the Knox County Mayor's office, County Commissioners, Knox County Engineering, and the Tennessee Department of Transportation. This is in no way related to this re-zoning request.

The residents of Wyndham Pointe Lane would like to request that this property be rezoned to Planned Residential and have two additional home built to complete the implied front entrance to our neighborhood. We are very concerned about the integrity of our neighborhood and we feel that any commercial development at the entrance to our subdivision would disrupt it. The developer has only met with the residents once since the re-zoning request has been applied for. He indicated that this whole re-zoning is about a road re-work and a traffic light. He also stated that in order for him to pay for the project he needed to recoup his cost by zoning the property commercial. This does not promote harmony between a community and a developer. He stated that if this does not get approved then there will be no new road and no traffic light. He is a developer not a County Commissioner. It is the responsibility of our elected officials to make decisions of this nature.

We have been unable to find any other communities in the surrounding area who have a commercial building within the entrance of their subdivision. If a commercial building were placed on this property and it became vacant we believe it would seriously affect surrounding property values.

This is the second request for this property to be zoned commercial. It was request before the subdivision was built (2003) and then re-submitted after 75% of the neighborhood has been completed. All of the current resident surveyed indicated that they would not have bought a home in this subdivision had this information been disclosed.

Thank you for your time and attention,

Tim Humphrey

CC: "Kelley Schlitz" <Kelley.Schlitz@knoxmpc.org>

6 - C - 07 - RZ 584 764a sction of Beaver Ridge Road at intersection. The oss Oak Ridge Hwy. At the enter and exit. The traffic	Phone number 4710-7381 4710-7381 539-2200 539-2200 633-3618 693-3618 693-3618 693-3618 693-3618 619-1317 919-1317 705-0707 705-0707 601-6992	
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Support Rezoning to Ne ns, support rezoning to neighborhoo i necessary to complete the traffic ligh mendous traffic and residents do not ppartment, community center, commu	Sign Name Beele Durb Beet Durb Beet Melen Set Melen Mane Month Wonley Zhonde Weiter	
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357-2785

From:Betty Jo MahanSubject:Rezoning 6-C-07-RZ

>>> <<u>mdstrunk@comcast.net</u>> 6/2/2007 9:30 PM >>>

I am a resident of Wyndham Pointe Subdivision and have great concern over the rezoning request by Landview on Beaver Creek (6-C-07-RZ). They want to come inside our subdivision and construct an office building at the entrance beside the pool. This is a relatively new subdivision and there are many families living in this neighborhood now. Kids ride bikes up and down the streets. Families walk there children on these streets. Residents jog on these streets. There is no outlet so it is a great place to live i.e. no through traffic. To put an office building at the front not only would be unsafe but makes no sense. Landview built this neighborhood and waited to get all the houses built and then springs this on us. Wonder why they didn't try to build the office buildings at the beginning of the project. Think they might not sell as many homes?

Landview held a Homeowners Association meeting at the pool on Tuesday of this week. They talked about a proposed red light for our exit to Oak Ridge Hwy. They talked about how much safer it would be for us and the community park across the street. They discussed agreement with Ingles to help fund the road revision and red light. It will save lives. Then the kicker of course was they would do this if we agreed on the rezoning and office building. Our safety for their profit! Nothing like ethics!

THIS IS AN UNSAFE PROPOSAL FOR THE RESIDENTS OF WYNDHAM POINTE. THANKS

Mike Strunk <u>mdstrunk@comcast.net</u> 6937 Wyndham Pointe Lane

From:	"Randy Hatfield" < hatfield6940@bellsouth.net>	
To:	<contact@knoxmpc.org></contact@knoxmpc.org>	
Date:	6/5/2007 11:41:44 PM	
Subject:	Rezoning Comment for the Agenda	

On June 14, 2007, Landview will present information to rezone part of their Wyndham Pointe subdivision, located at Wyndham Pointe Lane off of Beaver Ridge Road in Karns. Their goal is to rezone the agriculture property to commercial property. The property lies inside the main entrance of the subdivision and just in front of the neighborhood pool. Landview property owners held a homeowners meeting during the last week of May to inform every one of their plans. Winston Cox and employees of Landview were present. They tried to persuade the homeowners to allow this change of the property in exchange for a stop light at the junction of Beaver Ridge Road and Oak Ridge Highway. Mr. Cox stated he would put up his own money to fund the project. Granted, this is a dangerous intersection to Oak Ridge Highway, but the homeowners in Wyndham Pointe are not the only people who use Beaver Ridge Road; therefore, I and many homeowners are opposed to the rezoning for many reasons.

* We should not hold the responsibility of giving up property to ensure a stop light; the stop light concerns should be a Knox county initiative, not a barter between homeowners and land owners

* We do not want additional traffic in or around this family oriented neighborhood

* We do not want commercial property just outside of the pool area for safety concerns of our children

* The drawing Mr. Cox presented is nice, but there are no guarantees of the type of business that will occupy the space

* I've never seen a business located inside the entrance of a subdivision

* I think commercial property placed inside the entrance of our subdivision would have a negative impact on our home values

Thanks.

Randy Hatfield 6940 Wyndham Pointe Lane 865-769-5697

From:	"Bonnie Fox" <flstatefox@hotmail.com></flstatefox@hotmail.com>	
To:	<contact@knoxmpc.org></contact@knoxmpc.org>	
Date:	6/26/2007 10:48:56 AM	
Subject:	Knox County MPC rezoning application number	6-C-07-RZ

To Whom it May Concern:

I am a relatively new Knox County resident and I am very concerned with the rezoning of the property at the front of my neighborhood. It is unacceptable to put a commercial building inside of a subdivision. I bought my house in a small subdivision to keep my children safe. Please reconsider the rezoning of a small neighborhood into a commercial area for the profit one individual.

We oppose Knox County MPC rezoning application number 6-C-07-RZ for the Wyndham Pointe subdivision for the following reasons:

It breaches the implied barrier of the neighborhood.

It is not consistent with the zoning of nearby residential areas.

The proposed doctors office will not provide recurring shopping and personal services needs.

The proposed doctors office will not be frequently patronized by neighborhood residents.

The commercial property is not at an intersection to a collector or arterial street.

It will change the character of the neighborhoods on Beaver Ridge Road. The proposed commercial offices will provide no benefit to the community. Increased traffic will decrease the safety of pedestrians on Beaver Ridge Road.

This rezoning will open the door to commercial rezoning along Beaver Ridge Road.

We are concerned about the integrity of our neighborhood and the potential impact of commercial zoning.

It may have negative impacts on our property values.

Please add this letter to the file for the rezoning meeting.

thank you for your attention in this matter,

Bonnie Fox 7001 Wyndham Pointe Ln Knoxville, TN From:Nicole Shanklin <nicshanklin@yahoo.com>To:<contact@knoxmpc.org>Date:6/26/2007 10:34:40 AM

My husband and I oppose Knox County MPC rezoning application number 6-C-07-RZ for the Wyndham Pointe subdivision for the following reasons:

It breaches the implied barrier of the neighborhood.

It is not consistent with the zoning of nearby residential areas.

The proposed doctors office will not provide recurring shopping and personal services needs.

The proposed doctors office will not be frequently patronized by neighborhood residents.

The commercial property is not at an intersection to a collector or arterial street.

It will change the character of the neighborhoods on Beaver Ridge Road.

The proposed commercial offices will provide no benefit to the community.

Increased traffic will decrease the safety of pedestrians on Beaver Ridge Road.

This rezoning will open the door to commercial rezoning along Beaver Ridge Road.

We are concerned about the integrity of our neighborhood and the potential impact of commercial zoning.

It may have negative impacts on our property values.

Please add our letter to the file to be reviewed by the commission board at the hearing. Sincerely,

Nicole & Frank Shanklin, Jr.

From:"Lynn Morgan" < Imorgan@concordps.com>To:< contact@knoxmpc.org>Date:6/26/2007 4:27:25 PMSubject:Attn: Kelley Schlitz

Ms. Schlitz,

I am writing today because my husband and I are opposed to the following rezoning application:

Knox County MPC rezoning application number 6-C-07-RZ for the Wyndham Pointe subdivision

For the following reasons:

As well as:

It is not consistent with the zoning of nearby residential areas. The proposed doctors office will not provide recurring shopping and personal services needs.

The proposed doctors office will not be frequently patronized by neighborhood residents. The commercial property is not at an intersection to a collector or arterial street. It will change the character of the neighborhoods on Beaver Ridge Road. The proposed commercial offices will provide no benefit to the community. Increased traffic will decrease the safety of pedestrians on Beaver Ridge Road. This rezoning will open the door to commercial rezoning along Beaver Ridge Road. We are concerned about the integrity of our neighborhood and the potential impact of commercial zoning.

It may have negative impacts on our property values.

Please add my letter to the file and also distribute to other commission members.

Thank you very much,

Lynn & Joe Morgan 7009Wyndham Pointe Lane Knoxville, TN 37931 865-207-2980

Lynn Morgan Concord Personnel Services

Phone: 865-675-0930 x37

Fax: 865-675-0432

From:	Betty Jo Mahan
Date:	6/26/2007 5:17:48 PM
Subject:	Fwd: Regarding rezoning application number 6-C-07-RZ

I am a resident of Wyndham Pointe Subdivision in the Karns Community and wish to document my opposition to the rezoning of a section of property within the perimeter of my subdivision. The application in question is number 6-C-07-RZ, and is set to be heard before the MPC in July.

Please ensure this letter is added to the file for this application and is distributed to the voting members of the commission.

The following are key reasons for which I oppose this application and respectfully request it to be denied:

. The property in question is clearly located within the residential boundaries of the Wyndham Point Subdivision and positioned directly beside the private community swimming pool.

. The proposed business will increase traffic in the area thereby creating additional risk for my children while at play.

. The proposed business (a physician's office) does not add value to the community and will not be utilized frequently by any persons in the community or surrounding communities.

. This rezoning is inconsistent with the other communities on Beaver Ridge Road and will significantly affect the "character" of the Wyndham Pointe subdivision and other communities in the area.

. The commercial property in question is NOT at an intersection of a collector or arterial street.

. The rezoning, if approved, will open the door for other commercial rezoning within this residential area.

. This office complex, if approved, will have a negative impact on the home values within the surrounding communities while bringing no significant benefit.

The quality of life and security of our families and community will be negatively affected by this rezoning, if approved by the MPC.

Please feel free to contact me directly if you need clarification or additional information in this regards.

Sincerely, Michael E. Copeland & Tiffany L. Copeland 7505 Ashton Pointe LN

 From:
 <sdarrow05@comcast.net>

 To:
 <contact@knoxmpc.org>, <contact@knoxmpc.org>

 Date:
 6/29/2007 6:34:42 AM

 Subject:
 Knox County MPC rezoning application number 6-C-07-RZ for the Wyndham

 Pointe subdivision

Attention Kelley Schlitz:

We oppose Knox County MPC rezoning application number 6-C-07-RZ for the Wyndham Pointe subdivision for the following reasons:

It breaches the implied barrier of the neighborhood.

It is not consistent with the zoning of nearby residential areas.

The proposed doctors office will not provide recurring shopping and personal services needs.

The proposed doctors office will not be frequently patronized by neighborhood residents.

The commercial property is not at an intersection to a collector or arterial street.

It will change the character of the neighborhoods on Beaver Ridge Road.

The proposed commercial offices will provide no benefit to the community.

Increased traffic will decrease the safety of pedestrians on Beaver Ridge Road. Our children are required to

walk to elementary and middle school on Beaver Ridge Road which has no side walks or space to walk.

This rezoning will open the door to commercial rezoning along Beaver Ridge Road.

We are concerned about the integrity of our neighborhood and the potential impact of commercial zoning.

It may have negative impacts on our property values.

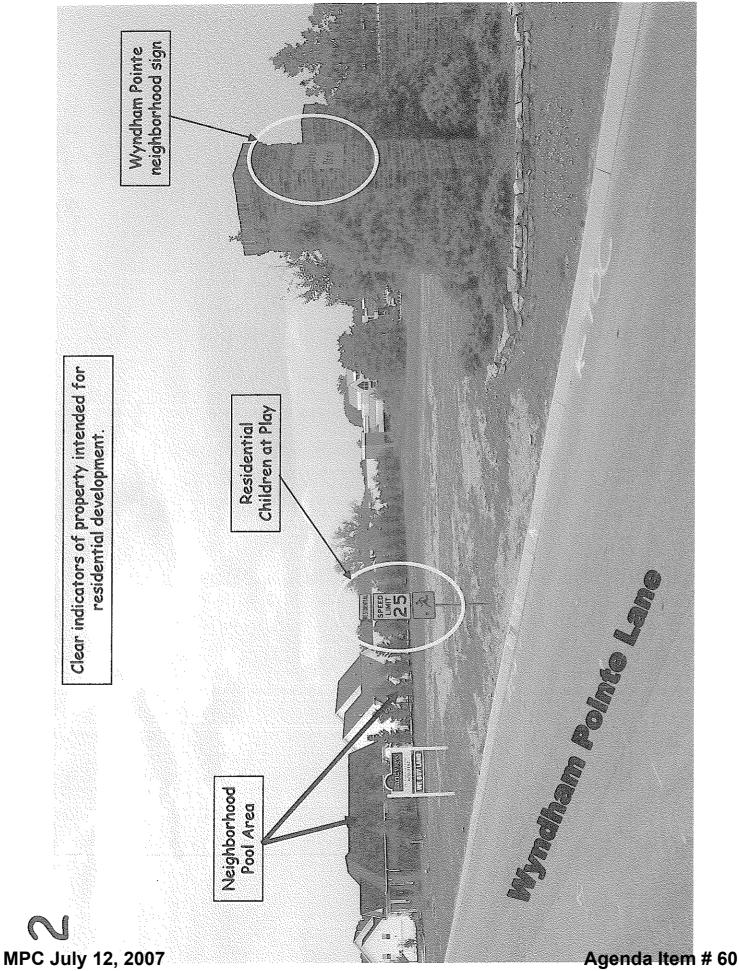
Please add this letter to the file and distribute to the commission members. Regards, Shelia and Ronnie Darrow

6925 Wyndham Pointe

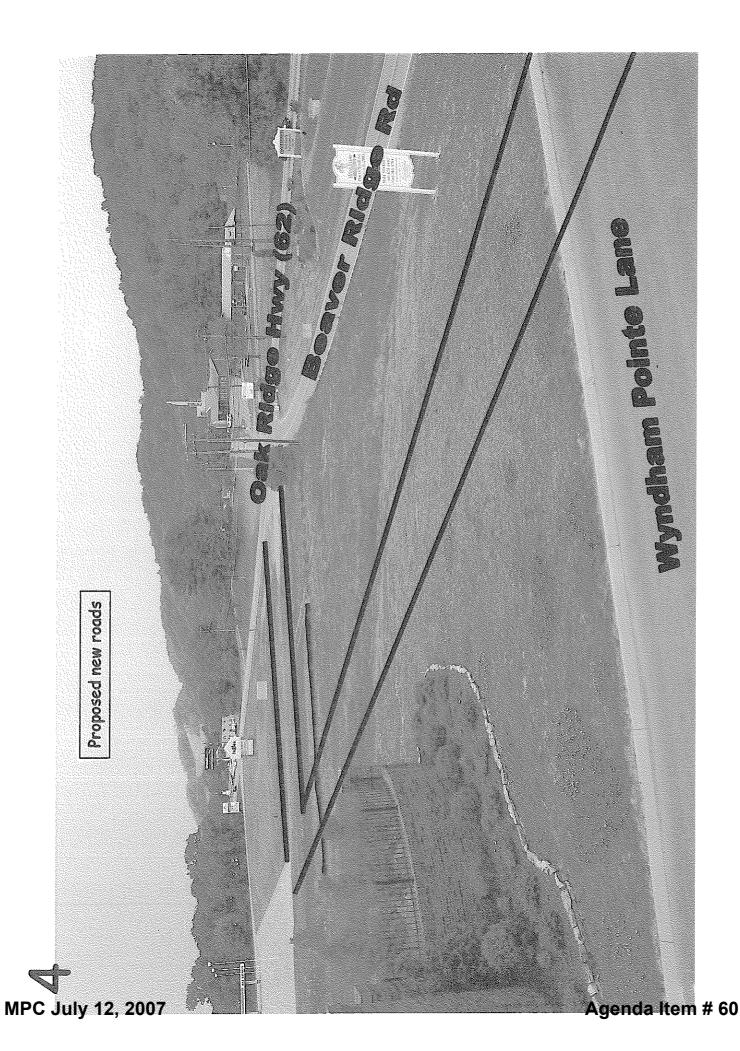
Wyndham Pointe Subdivision Opposition to Rezoning Application

File # 6-C-07-RZ

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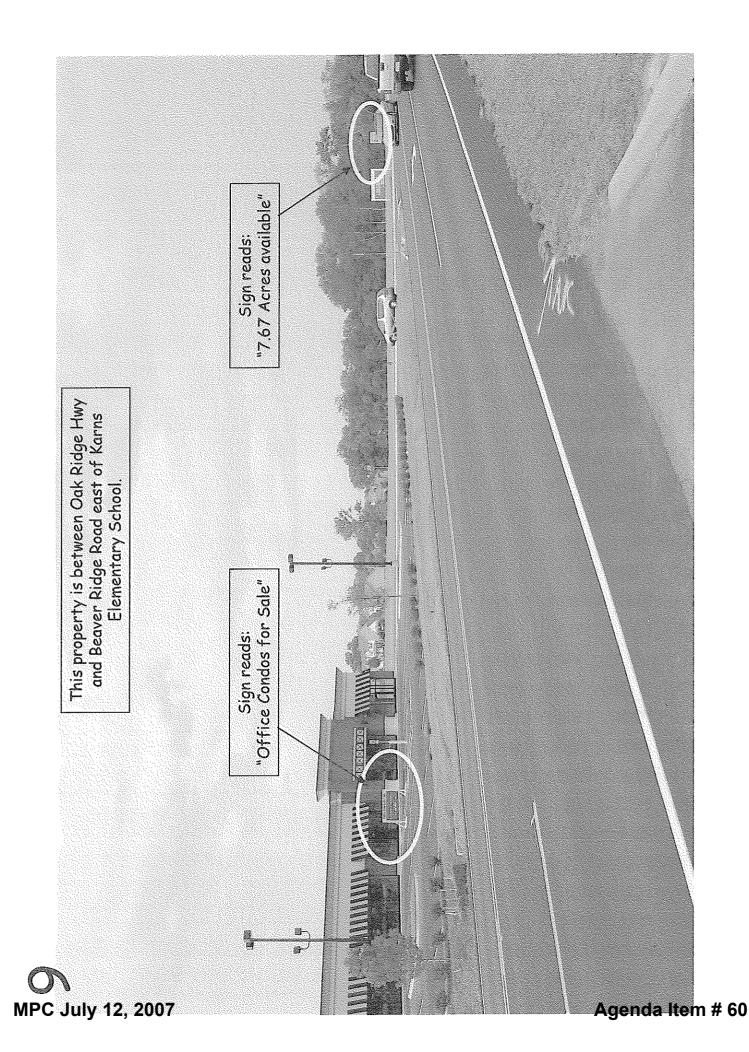


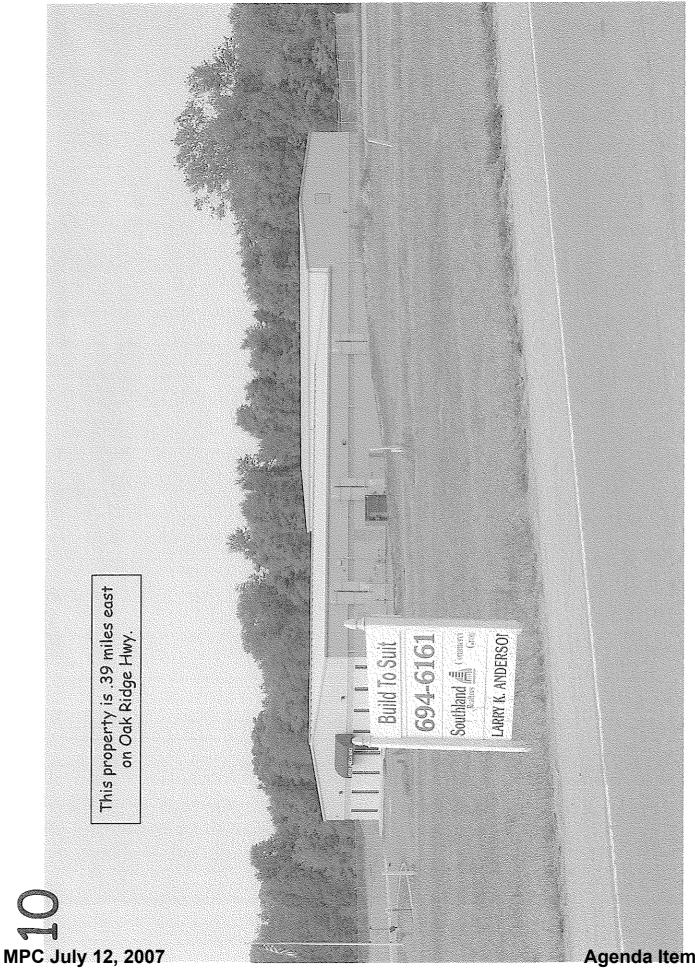


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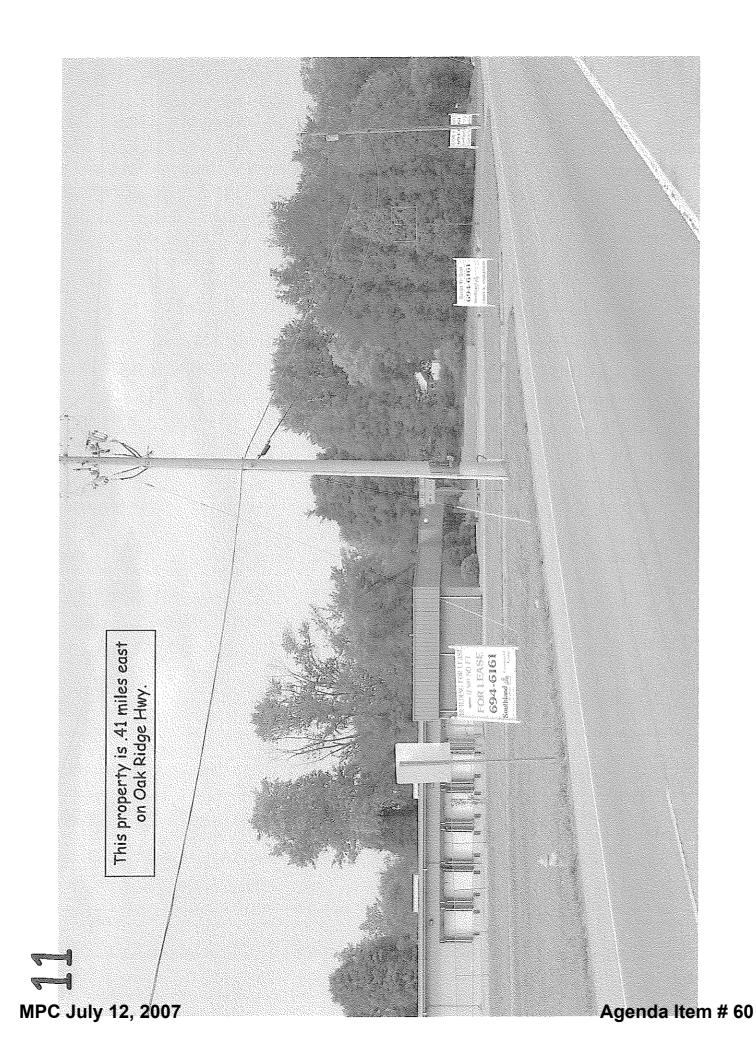


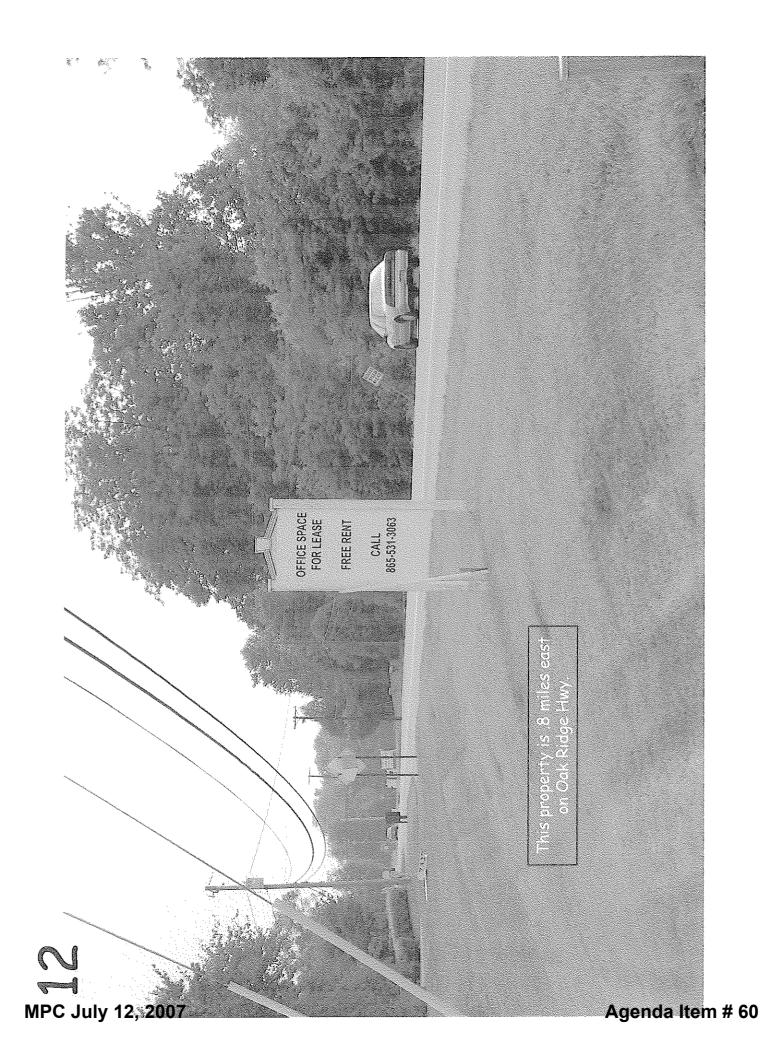


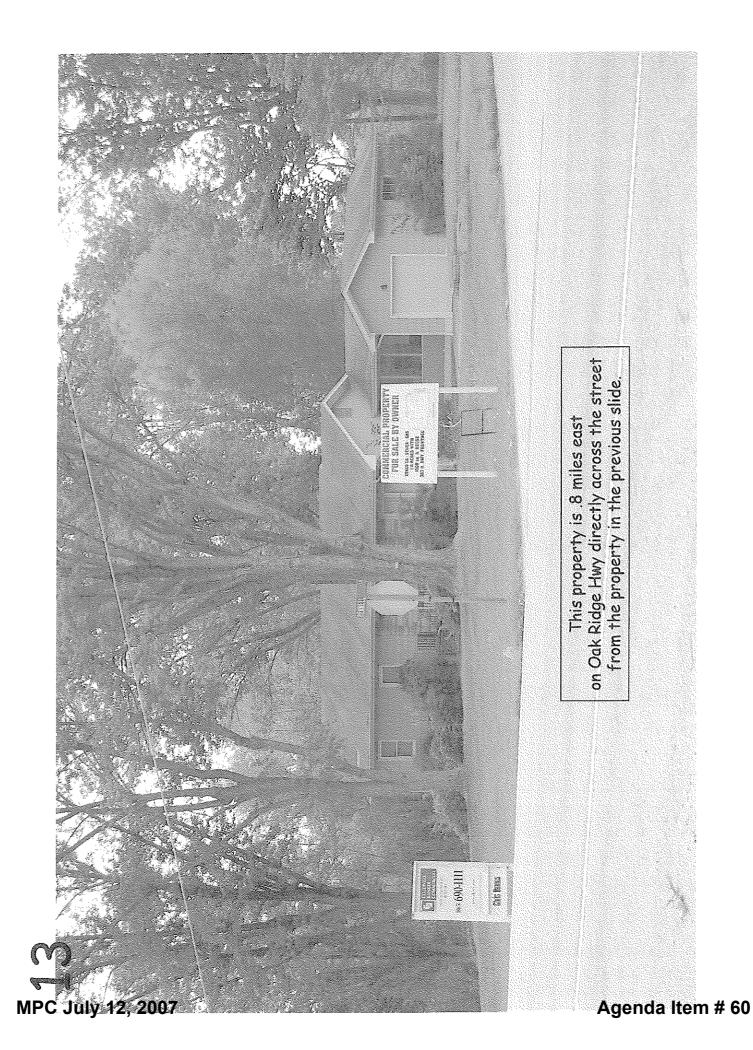




Agenda Item # 60









PETITION - Commercial Neighborhood (CN) Rezoning application objection

We, the undersigned, oppose Knox County MPC rezoning application number <u>6-C-07-RZ</u> for the Wyndham Pointe subdivision for the following reasons: The proposed offices do not meet CN zoning regulations, Article 5, Section 5 38 It breaches the implied barrier of the neighborhood It is not consistent with the zoning of nearby residential areas It will change the character of the neighborhoods on Beaver Ridge Road. The proposed offices will provide no benefit to the community. Increased traffic will decrease the safety of pedestrians on Beaver Ridge Road. This rezoning will open the door to commercial rezoning along Beaver Ridge Road.

It may have negative impacts on our property values

Name	Address	Signature
"TIMOTHY LESSARD	6949 WYNDHAM ADNTE LA	Mysty K. Jusad
2 GLADYS LESSARD	6949 WWOHAM BONTE LAP	Sharp finand
3 Peter Ritten	6933 Wyndhan Pointe Cane	at a the
* Randy Hatfield	6940 Wyndham Pt. Cn	Ruther
	6957 Wyndham Pl. Cn	J-B3 Thy
	6940 Wyndham Pt. Ln	ARGA FREd
Vickie Smith	7008 Wyndham Pt. Ln	Victor mith
8 DAWN Ritter	6933 Wyndham Pointe Lin 1	Naun M Ritter
" Stacy Bowling	7013 Wyndhan Pointe U	Sty Z Blig
10 Shelia Darrow	6925 Wyndhow Pointe Ln	
11 Heather Humphrey	6957 Wyndham Pointe Ln.	featry Hundley
12 JANett Bralson	1017 Sugar Creekle	Charlett Black
13 Epic & Bulyn	1017 Sugar Creek	
14 Vicole Shanklin	7508 April Pointern	McChankli
15 Jerry ME BADY	-305 MEGinnely	Julyige
16 SAM C EREXSON	6919 WYNDHAM POINTR	San Meron
17 JOYCE & EREXSON	6919 WYNDHAM BINT	Por Joyce yur
18 Repecca Brown	6919 Windham Pointe	Reboard Bonn
19 Michael Fox	7001 Wyndhan Pointe	-m. Joh
20 MPC Jany 12, 2007	7027 Wyndham Pointe Ln.	Caroly Agenda Item # 60
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