



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 9-E-07-RZ
9-C-07-SP

AGENDA ITEM #: 71
AGENDA DATE: 9/13/2007

APPLICANT: ALEX SCHUBERT
OWNER(S): WALLACE ROAD PROPERTIES

TAX ID NUMBER: 133 K A 003 132NA032
JURISDICTION: Commission District 4

LOCATION: Northwest side S. Northshore Dr., northeast side Wallace Rd.

TRACT INFORMATION: 3.2 acres.

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Wallace Rd., a minor collector street with 22' of pavement within a 50' right-of-way, and S. Northshore Dr., a two lane, major arterial street with 24' of pavement

UTILITIES: Water Source: KUB
Sewer Source: KUB

WATERSHED: Tennessee River

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / RA (Low Density Residential)

PROPOSED PLAN DESIGNATION/ZONING: O (Office) / OA (Office Park)

EXISTING LAND USE: Rental housing

PROPOSED USE: Office building

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Property was denied MDR and PR at up to 8 du/ac. In 2001.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Residences / LDR/RA Residential
South: S. Northshore Dr. and residential subdivision / PR Residential
East: Residences / RA Residential
West: Assisted living facility / RP-1 Residential

NEIGHBORHOOD CONTEXT: This site is located on a major arterial street with residential uses, including an assisted living facility, surrounding the site, that have developed under RA, R-1, RP-1, PR and A zones.

STAFF RECOMMENDATION:

APPROVE O (Office) designation

Office use as permitted under the requested OA zone would be in character with surrounding residential development that includes the assisted living facility.

► **APPROVE OA (Office Park) zoning**

OA Office Park zoning is compatible with surrounding residential uses, which includes a large two story assisted living facility.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The parcels front on the north side of S. Northshore Rd with residential subdivision uses and a multi-family assisted living facility to the west. Office or more intensely developed residential uses are appropriate along this section of S. Northshore Dr. due to traffic volumes and noise on this arterial street.
2. The Office Use designation and OA zoning provide a compatible land use for this section of S. Northshore Dr.
3. Office uses under OA zoning are compatible with the scale and intensity of the surrounding development and zoning pattern. Medium density residential development is located across Wallace Rd. to the west of the subject property.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The impact to the streets proposed to be minimized by limiting vehicular access to the Wallace Rd frontage only, which appears to be sufficient to support office development at this location.
3. Office uses at this location will cause no impact on schools.
4. The effect on adjacent residential properties will be minimized in part by the OA office setback and landscaped yard requirements for the adjacent residences and the fact that an assisted living facility is across Wallace Rd. from the site.

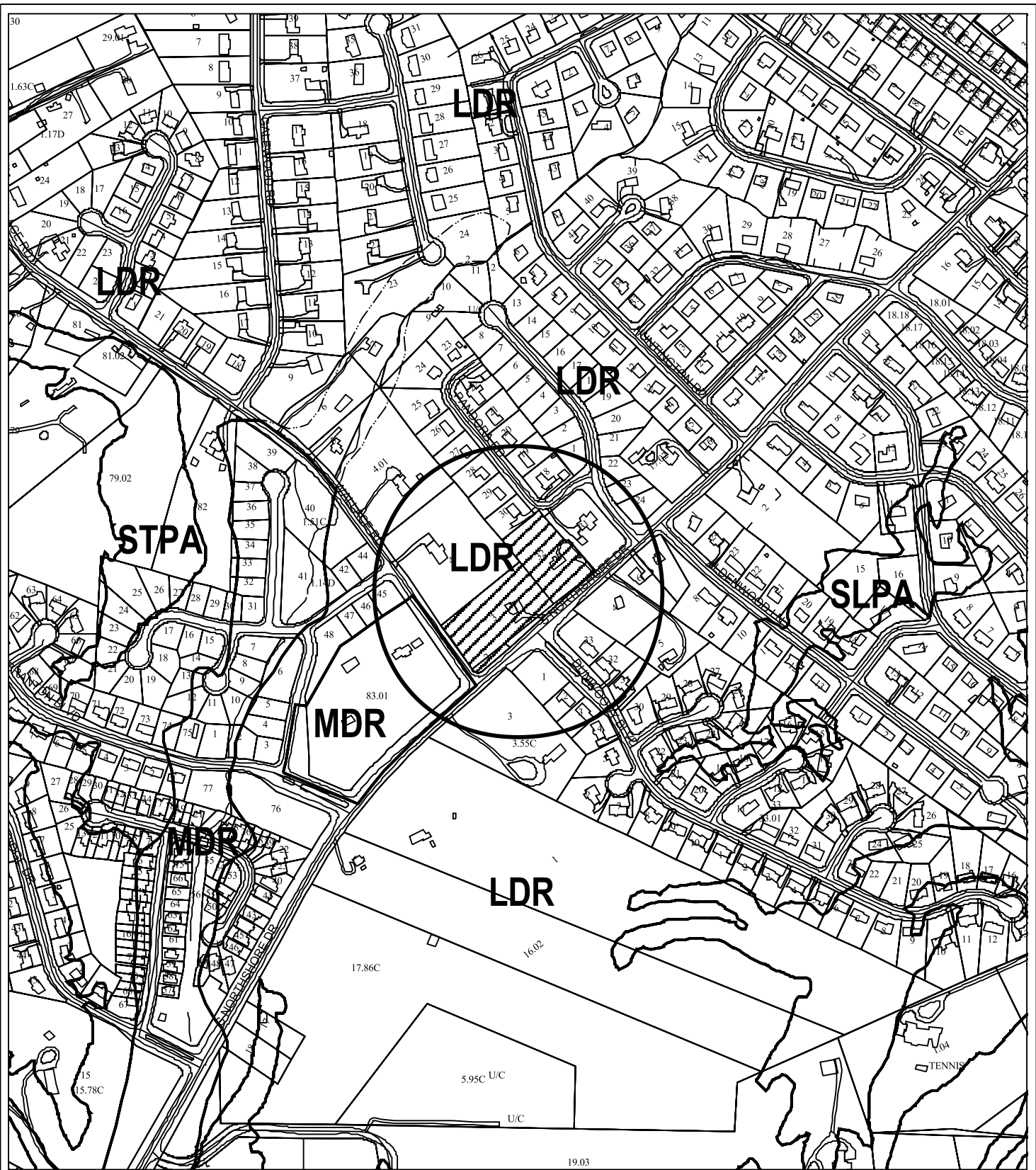
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. Approval of the West City Sector Plan amendment for Office uses for this site will make the plan consistent with the proposal.
2. Future requests for office uses may occur along S. Northshore Dr. in this area as traffic volumes and noise continue to increase.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: 0 (public and private school children, ages 5-18 years)


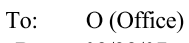
If approved, this item will be forwarded to Knox County Commission for action on 10/22/2007. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

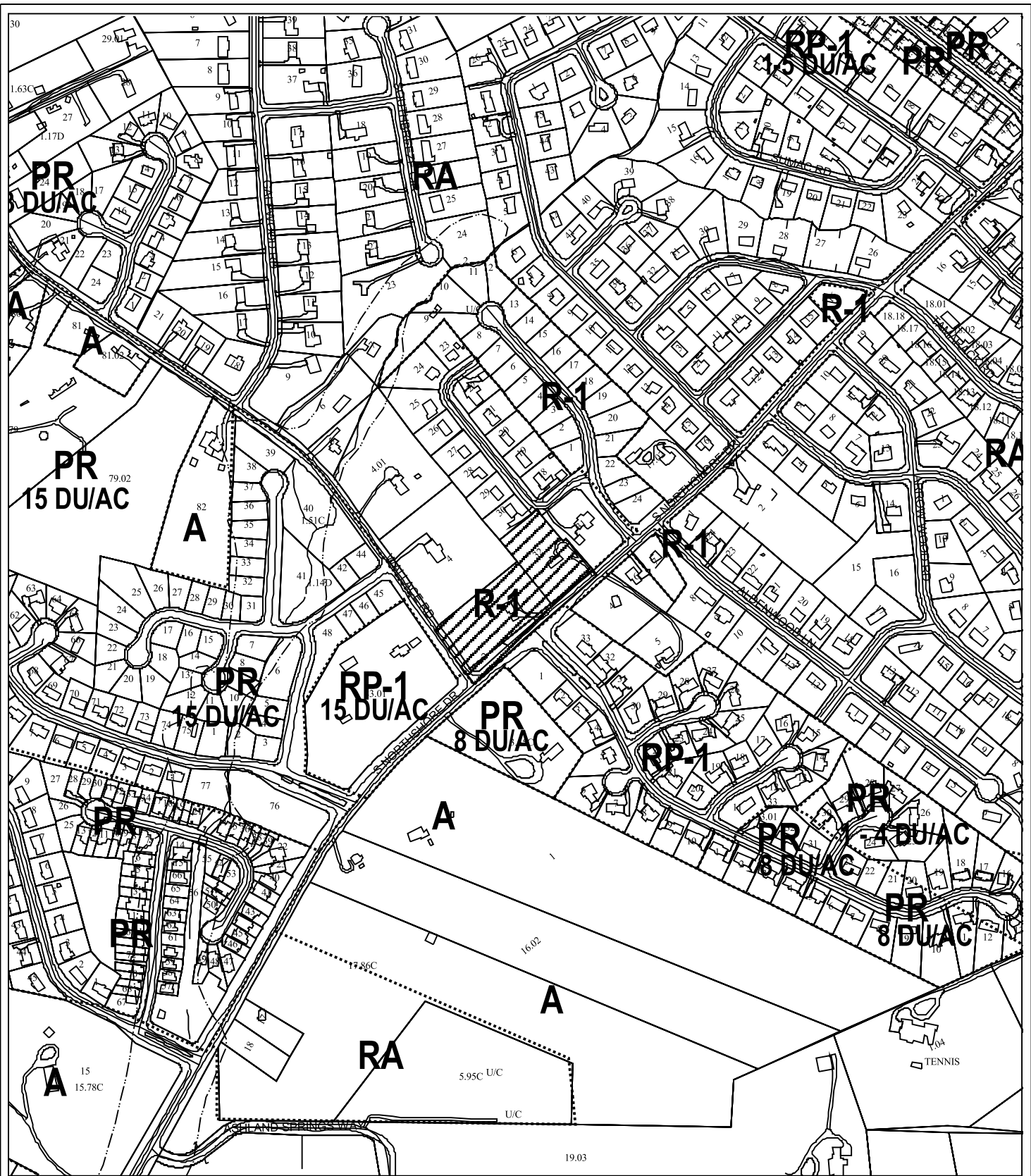


**9-C-07-SP/9-E-07-RZ
SECTOR PLAN AMENDMENT
WEST CITY SECTOR PLAN AMENDMENT**

Petitioner: Alex Schubert
Map No: 133
Jurisdiction: County



 From: LDR (Low Density Residential)
 To: O (Office)
 Original Print Date: 08/28/07 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**9-E-07-RZ
REZONING**

Petitioner: Alex Schubert

Map No: 133

Jurisdiction: County



From: RA (Low Density Residential)
To: OA (Office Park)

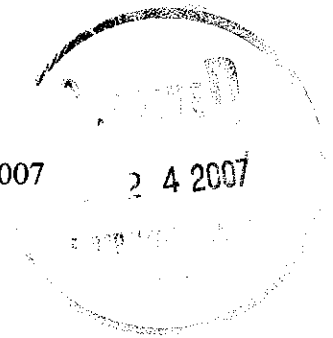
Original Print Date: 08/24/07 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Alex Schubert

9-E-07-RZ

9-C-07-SP

August 22, 2007



To the members of MPC,

I am writing in regards to the rezoning application submitted by Mr. Alex Schubert for the property located at 8417/8423 Northshore Drive.

First, I would like to thank Mr. Schubert for hosting an informational meeting with surrounding property holders concerning his plans for the development of the above mentioned property. I truly appreciate his concern for our support. However, after meeting with Mr. Schubert and Mr. McSpadden, I do have several grave concerns for rezoning this area of Northshore Drive and do feel it is necessary to voice these concerns to you.

The tone of the meeting was one in which Mr. Schubert and Mr. McSpadden were interested in moving their personal offices closer to home. They mentioned, "They were tired of driving downtown" They have proposed two buildings on the property of which after closer questioning they would occupy ONLY 1/3rd of ONE of the buildings. The rest of the first building would be leased out to whomever along with ALL of the second building. **As such, I am highly convinced this is not just a matter of convenience for them, but purely a profitable venture, at the expense of our home values and neighborhoods.** Mr. Schubert promised he would be very selective as to who would occupy the building (lawyers, dentist, accountants, insurance agents, mortgage brokers) but we all know you cannot discriminate if a business meets the zoning criteria. Also, if they are truly in need of office space for themselves, there are plenty of open, vacant offices at either end of Northshore Drive (at I-40 or Pellissippi Parkway) and have been for years. With all the unoccupied space that currently exists that could easily house their needs and prevent them from driving downtown, I feel it is unnecessary to rezone this area of Northshore Drive and add additional office space. And as a last result, if they are unable to find any space to their liking or taste, Mr. Schubert could take the front portion of his personal home property along Northshore Drive and petition it for rezoning and build himself and Mr. McSpadden a nice office in front of HIS house. This is an especially excellent idea since the office building proposed will be as beautifully and fully landscaped as Mr. Schubert promised and increase property value and tax revenue for city/county.

Also, I would like to see a traffic flow study done at the intersection of Wallace Road and Northshore Drive prior to even considering accepting this petition for rezoning. The traffic volume along Northshore Drive is already high at peak times of the day. There have been numerous accidents at this intersection to date. I would be interested to see what, if any, affect this could have on the traffic in the immediate area.

Lastly, besides the fact of their being no need for additional office space in this area and possible increase in traffic volume, I believe this rezoning effort would open a whole Pandora's box of additional rezoning. I feel we must preserve and protect our residences


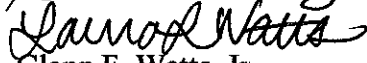
and neighborhoods. We need to take action now to appropriately and wisely plan our communities. I am asking you to examine their intentions for the property closely and to **deny** this petition for rezoning.

I feel there are several viable residential solutions to the development of this property. I suggested to Mr. Schubert and Mr. McSpadden as an alternative to build some high end, zero lot line, gated community homes on this property. Among the aging generation in Knoxville these can be quite popular.

Thank you for your time and consideration

Sincerely,

Concerned residents of Dunbarton Oaks

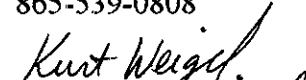




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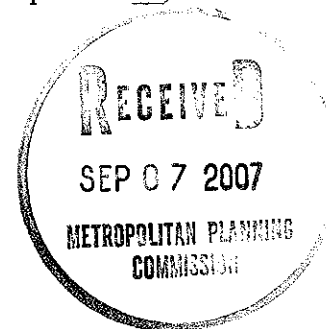
Kurt Weigel

Carolyn Weigel

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September __, 2007

Mr. Ken Pruitt
Metropolitan Planning Commission
Suite 403, City-County Building
400 Main Avenue
Knoxville, TN 37902



Re: MPC application No. 9-E-07-RZ

Dear Mr. Pruitt:

As you are aware, Mr. Alex Schubert has applied for a change in zoning for his property on the corner of Northshore Drive and Wallace Road. The entrance to Dunbarton Oaks neighborhood is directly across Northshore Drive from Mr. Schubert's property. Mr. Arthur G. Seymour, Jr., counsel for Mr. Schubert, contacted the Dunbarton Oaks Neighborhood Association to share the application and certain details about the proposed development. Mr. Seymour's efforts are greatly appreciated. Given this proximity to my home in Dunbarton Oaks, we respectfully request due consideration be provided to the comments herein.

While we have concerns about the encroachment of non-residential property in our neighborhoods, we believe that the proposed development can be mutually beneficial if certain steps are taken to ensure the preservation of our community's identity. The following list includes items that we believe will enhance traffic safety while maintaining the character of our community.

First, we would like to request that the County undertake a traffic study to determine the need for traffic control measures. If a traffic study is not conducted prior to the rezoning hearing, please consider a request to require the study at the time of construction. Traffic control measures for consideration include, but are not limited to, the following:

1. A deceleration lane for traffic driving west on Northshore Drive turning right onto Wallace Road; and
2. A center turn lane on Wallace Road so cars turning left onto Northshore Drive from Wallace Road do not impede the cars turning right onto Northshore Drive.

These suggestions are not intended to supersede the recommendation(s) of the County Engineer. This list merely includes items that we wish to be considered by the County during the traffic study process.

Second, we would like to suggest to MPC that a "(k)" designation be appended to the proposed OA zoning. In addition to meeting the requirements for OA zoning, we are requesting the following additional conditions be placed on the development, the developer and/or any future owners of this property. The following list is ordered by priority:

1. Current or future owners who purchase property adjacent to the lots included in this application must abide by the restrictions found herein if the adjacent property is rezoned to OA or any other non-residential zoning designation.
2. The uses permitted in the Office Park Zone be restricted to those stated in Article 5.40.02 A and H only; (A) Professional, business and governmental offices in which no activity is carried on catering to retail trade with the general public, and no stock of goods is maintained for sale to customers. These shall include, but not limited to offices for lawyers, architects, engineers, insurance and real estate agents. (H) Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.
3. While landscaping on the proposed development should remain consistent with MPC's OA zoning requirements, additional restrictions should include:

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- a A landscaped berm along Northshore Drive to prevent cars parked on the property along Northshore Drive from being seen by passing motorists;
 - i The lead edge of the berm should be offset the minimum twelve(12) to thirteen(13) feet as required along state highways;
 - ii The berm should be a minimum of six(6) feet high with a base of at least fifteen(15) feet;
 - iii Design of the berm should be aesthetically appealing and landscaped appropriately so as not to look like an uninviting earthen wall; and
 - iv Landscaping on the berm should follow landscaping guidelines consistent with the OA zoning designation;
 - b The owner or ownership association must provide irrigation and a lawn maintenance service to facilitate the proper maintenance of the property;
4. The building(s) on the property must be:
 - a Primarily constructed from brick, stone and stucco;
 - b Architecturally complimentary of the surrounding residences;
 - c Use residential doors and windows; and
 - d Compliant with building size and usage restrictions consistent with MPC's OA zoning;
 5. Limit access to the property to a single entrance from Wallace Road;
 - a This restriction should also apply to all vehicles during the construction phase of the proposed development;
 6. Signage must follow the following limitations:
 - a Road side signage must be limited to one sign at the Wallace Road entrance that is no higher than five(5) feet and with a design that uses the same materials found on the buildings exterior while in keeping with the building's architecture; and
 - b Business signage must be:
 - i Limited to one sign per business;
 - ii Use a uniform design such as inset cement or marble; and
 - iii Must be adjacent to the door – not on or above the door;
 7. Lighting on the proposed development must be designed to target the signage, buildings and parking areas using lights and lighting fixtures that minimize light pollution on the property and the adjacent roads and residences;
 8. Parking spaces on the property should:
 - a Be limited to a maximum of 10% more spaces than the minimum required number of spaces per applicable building codes;
 - b Be designed so that employees/tenants/occupants park on the north side of the building and not along Northshore Drive; and
 - c Spaces along Northshore Drive are limited to the spaces necessary to provide adequate parking to visitors/clients of the business occupants;
 9. The developer must be required to present the conditions of condominium sales contract to MPC and the adjacent neighborhood associations prior to the granting of the master deed;
 10. The owner or ownership association of the property must not allow overnight parking on the premises;
 11. Trash receptacles should not be visible from Northshore Drive or Wallace Road;
 - a Trash collection should be limited to daylight hours only
 12. All applicable noise restrictions must be followed by construction crews during the development of the property. In the absence of appropriate restrictions, construction must be limited to 7am to 6pm on weekdays and 8am to 5pm on weekends.

We appreciate Mr. Schubert's efforts to seek our neighborhood's input in the rezoning process. We also appreciate the Metropolitan Planning Commission's willingness to consider these recommendations.

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Print Name	Signature	Address
Ashley & Jason Wade	Ashley Wade	8401 Hurstbourne Ct.
MECH & L Brooks	MECH & L Brooks	8400 Hurstbourne
DEBORAH BROOKS	Deborah Brooks	" "
Val Mire & Robert Cox	Val Mire	8413 Hurstbourne Ct.
Mini & Bill Croone	Mini Croone	1609 Dunwoody Rd
Thom & Mike Ford	Thom Ford	1604 Dunwoody Bl
Ronda & Russell Biver	Ronda Biver	1521 Dunwoody Blvd.
Peter & Betsy Krauslawsky	Peter Krauslawsky	8409 Thornbury Ct.
Bill & Kelly Shiell	Kelly Shiell	8406 Thornbury Ct.
Bill & Amy Broome	Amy Broome	8419 Thornbury Ct.
But & Laura Watts	Laura Watts	8422 Thornbury Ct.
Claudia & Brooke Duncan	Claudia J. Duncan	8424 Swathmore Court
Christy Payne	Christy Payne	8423 Swathmore Court
Amy & Matt Kaville	Amy Kaville	8415 Swathmore Ct
Alana & Ryan Bowls	Alana Bowls	8400 Swathmore Ct.
Amy and Howie Avery	Amy Avery	8408 Swathmore Ct.
Frank & Debra Smith	Frank Smith	1527 DUNWOODY BOULEVARD
Christina & Jeremy Gormley	Christina Gormley	1704 Dunwoody Blvd
Maria & Tom Jernigan	Maria Jernigan	1605 Dunwoody Blvd.
Nathan & Sarah Eaker	Nathan Eaker	8408 Hurstbourne

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Print Name

Signature

Address

Pete and Kristen Pearson

Kristen Pearson

8416 Swathmore Ct.

Jason & Katherine Cameron

Kam

8407 Swathmore Ct

Brad + Gretchen Bertani

Gretchen Bertani

8417 Hurstbourne Ct.

David + Debbie Zimmerman

David Zimmerman

1414 Dunwoody Blvd.