

▶ **FILE #:** 12-A-08-RZ

AGENDA ITEM #: 39

AGENDA DATE: 12/11/2008

▶ **APPLICANT:** XIONG DONG
 OWNER(S): DONG XIONG ZHENG BI YUN

TAX ID NUMBER: 105 O C 015 & 016

JURISDICTION: County Commission District 5

▶ **LOCATION:** Southeast side Middlebrook Pike, northeast side Sky Blue Dr.

▶ **APPX. SIZE OF TRACT:** 1 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Sky Blue Dr., a local street with 26' of pavement width within 50' of right of way, or from the east bound lanes of Middlebrook Pike, a four lane, median divided major arterial street within 100' of right of way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Turkey Creek

▶ **PRESENT ZONING:** RA (Low Density Residential)

▶ **ZONING REQUESTED:** CA (General Business)

▶ **EXISTING LAND USE:** Single family residence

▶ **PROPOSED USE:** Any use permitted in the CA zone

EXTENSION OF ZONE: Yes, extension of CA from the northwest

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Middlebrook Pike - Vacant land and condos / CA (General Business) and PR (Planned Residential) @ 1-4 du/ac

South: Residence / RA (Low Density Residential)

East: Church / RA (Low Density Residential)

West: Sky Blue Dr. - Vacant parcel / RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: The subject property is located at the entrance to a subdivision

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE OA (Office Park) zoning. (Applicant requested CA.)**

OA zoning is more compatible with adjacent residential development and zoning than the requested CA zoning. CA would be a non-compatible intrusion into the existing neighborhood.

COMMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. Office uses are compatible with the scale and intensity of the surrounding development and zoning pattern.
2. The site is located at the entrance to a residential subdivision and will be accessed from that local subdivision street (Sky Blue Dr.). These two parcels are platted as part of the adjacent Sky Blue/Hidden Valley Subdivision to the southeast. Commercial development at this location would be an intrusion into the

neighborhood and could establish a precedent to allow commercial development further south on Sky Blue Dr.
3. OA zoning provides the applicant reasonable use of the property above the current residential use and zoning.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The CA zone, as described in the zoning ordinance, is intended for general retail businesses and services, but not for manufacturing or for processing materials.
2. The OA zone, as described in the zoning ordinance, is intended for orderly development of office parks so that structures, access road improvements, utility distribution, landscaping, pedestrian circulation, waste disposal and related elements are complementary. The zone is designed to be compatible with surrounding residential areas and serves as a transitional area from residential to other less compatible land uses.
3. OA is clearly the preferred zone over CA for this particular site.

THE EFFECTS OF THE PROPOSAL:

1. Public water and sewer utilities are available to serve this site.
2. The proposal will have no impact on schools. The impact on the street system will depend on the type of development that is proposed for the property. Access to the site will be somewhat limited for westbound traffic on Middlebrook Pike, due to the center median. All traffic entering the site will likely do so from Sky Blue Dr.
3. The proposed CA zoning could have greater impact on adjacent residential uses than the recommended OA zoning. OA zoning allows professional offices, which generally close at nights and on weekends, making them more compatible neighbors with residential uses.
4. If OA zoning is approved, the residential use of the house could continue as a grandfathered use or the property could be converted to an office use.

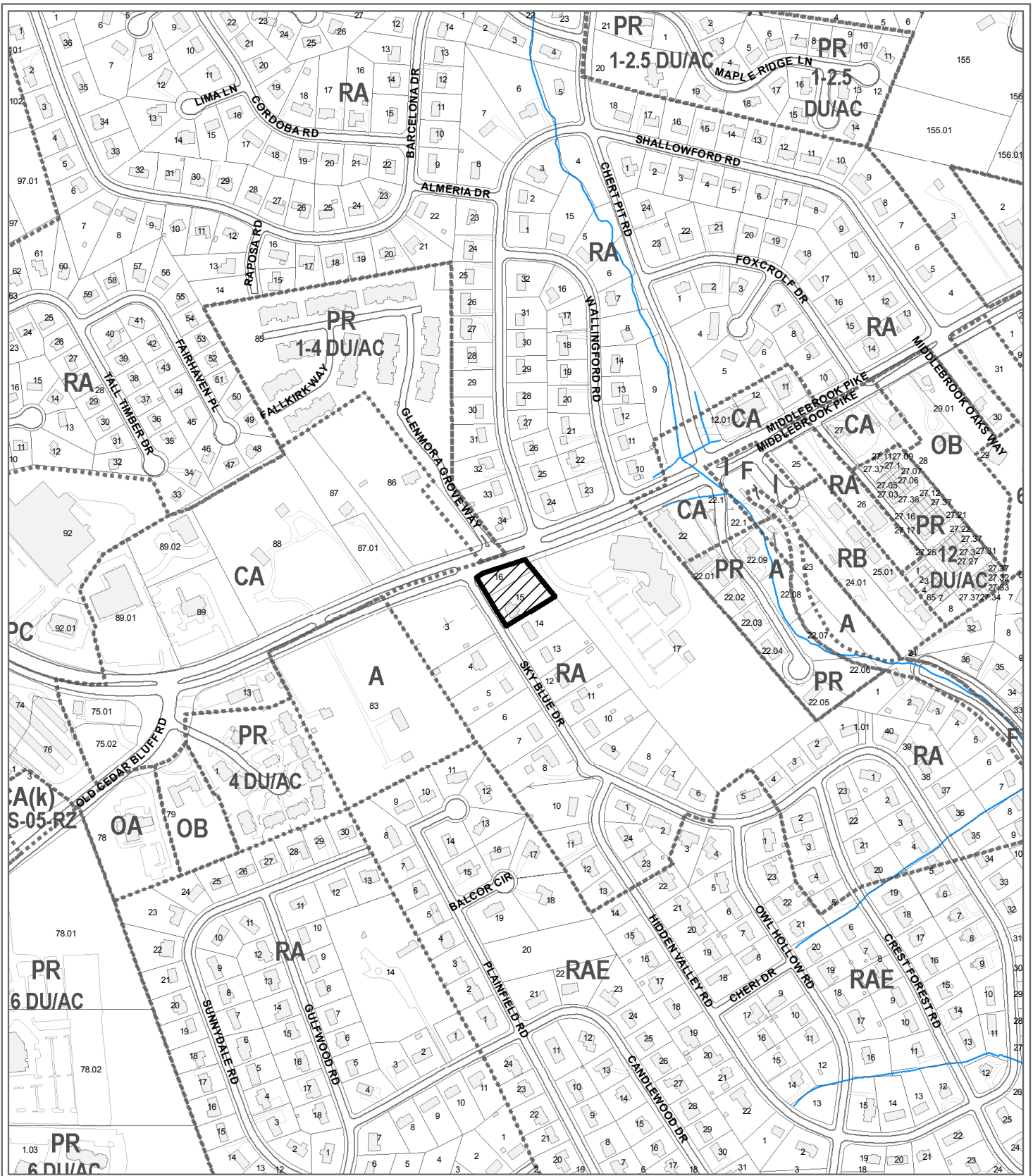
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS:

1. The Northwest County Sector Plan proposes commercial uses for the site, consistent with the proposal. However, establishment of CA zoning on this site would allow non-compatible uses to be placed at the entrance of a residential subdivision. OA zoning is permissible under the C plan designation and allows uses that would also be permitted under the C designation.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may generate similar requests for commercial zoning in the future, leading to an undesirable strip commercial pattern along this section of Middlebrook Pike.

ESTIMATED TRAFFIC IMPACT: Not calculated.

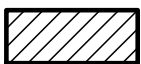
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/26/2009. 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.



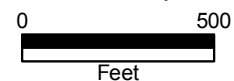
**12-A-08-RZ
REZONING**

From: RA (Low Density Residential)
To: CA (General Business)



Petitioner: Dong, Xiong

Map No: 105
Jurisdiction: County



Original Print Date: 11/24/2008 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

From: "Charles Worthington" <ceworthin@bellsouth.net>
To: <mark.donaldson@knoxmpc.org>
Date: 12/1/2008 11:26:15 AM
Subject: Rezoning of property 1028 & 1024 Sky Blur Drive.

I am a property owner and resident of Hidden Valey Subdivision and have lived at 804 Hidden Valley road for 41 years and I strongly urge you to deny the rezoning of this property. This property is at the entrance to our subdivision and going commercial will greatly decrease the value of the entire subdivision.

The person that bought this property has never lived in hidden valley,

Charles Worthington
804 Hidden Valley Rd.
Knoxville, TN 37923

From: <bays@mindspring.com>
To: <mark.donaldson@knoxmpc.org>
Date: 12/2/2008 11:38:31 AM
Subject: rezoning of Skyblue/Middlebrook corner(HiddenValley)

Dear Mr. Donaldson, Ms Cole & Ms. Longmire:

My name is Sarah (Mrs Roy) Munsey, of 9001 Cheri Dr, Hidden Valley Subd.

I am pleading that the request to rezone this area named above be denied. We have lived at this same address for 44 years...raised our four children here and up to this point, this subd. has been a quiet, peaceful place to live with high value of resale, due to proximity of schools and churches...great area to raise a family. We already have drivers using the streets of Hidden Valley and Skyblue as a cut thru to Middlebrook Pike/Fox Lonas areas....a business at the entrance to our subd. would be dangerous...drop our values...and just unacceptable..

PLEASE DENY THIS REZONING. Sincerely Sarah Munsey

CC: <cole5137@bellsouth.net>, <rebeccalongmire@hotmail.com>

From: Patricia Janack <p_janack@yahoo.com>
To: <mark.donaldson@knoxmpc.org>
Date: 12/2/2008 7:14:15 PM
Subject: Against Rezoning: Crestwood Forest/Hidden Vally. Middlebrook

Hello Mark Donaldson,

I understand the corner of Sky Blue and Middlebrook is being requested to be rezoned to Commercial Use. There has been a great deal of development on Middlebrook. There are commercial vacancies on Middlebrook. I respectfully request no change of zoning be permitted on Middlebrook by Sky Blue. This is a residential area and I respectfully request it remain so.

I am concerned that traffic wise, leaving and entering my subdivision will be even more dangerous and cut through traffic will increase to an even more dangerous rate for pedestrians in Hidden Valley.

I live on Camero Lane in the Hidden Valley Subdivision. I remember Middlebrook being one lane each direction. I remember Middlebrook being widened to a two lane each direction road. Presently, Middlebrook is so busy at times it is difficult to leave the subdivision safely (turning from Sky View to Middlebrook. Worse, many vehicles cut through the subdivision at a fast rate of speed. I chose this neighborhood because it is pedestrian friendly but cut through traffic has increased. Today, vehicles tend to cut through and not respect the residential zone. If there is commercial development at the entrance of the neighborhood, traffic will not be reduced, cut throughs will most likely increase. My neighbors, both young and old, should be safe from motor vehicles when walking and playing in the neighborhood. I do not wish to have the residential feel to diminish even further. I do not wish to have my home value decrease due to the rezoning of this land at the entrance of the subdivision.

This is a residential neighborhood and I wish it will remain so. Please do not support diminishing the value of my neighborhood. Let's keep Hidden Valley a pedestrian friendly neighborhood!

Sincerely,

Pat Janack
9004 Camero Lane
Knoxville, TN 37923