



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

FILE #: 6-J-08-RZ
6-F-08-SP

AGENDA ITEM #: 43
AGENDA DATE: 7/10/2008

POSTPONEMENT(S): 6/12/2008

APPLICANT: SUNDOWN PROPERTIES
OWNER(S): BIRDIE HAWKINS

TAX ID NUMBER: 47 33.01,33.02,33.06& 33.09 040 & 081 (ZONED A)
JURISDICTION: Commission District 7

LOCATION: Northeast side Conner Rd., southeast of Tate Trotter Rd., northwest of E. Emory Rd.

TRACT INFORMATION: 23.09 acres.

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Conner Rd., a minor collector street with three traffic lanes fronting this property

UTILITIES: Water Source: Hallsdale-Powell Utility District
Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

PRESENT PLAN DESIGNATION/ZONING: MDR (Medium Density Residential) & O (Office) / A (Agricultural)

PROPOSED PLAN DESIGNATION/ZONING: C (Commercial) / CA (General Business)

EXISTING LAND USE: Residence and vacant land

PROPOSED USE: Commercial development

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS: Portions of this site and other adjoining property have been rezoned to CA and OB in recent years.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residences /MDR/O/LDR / CA and RA Residential
South: Businesses and medical uses / O/C/LI / OB, CA and I Industrial
East: Residences /LDR/ RA Residential
West: Conner Rd, vacant CA zoned land, and medical uses / O/MDR/ CA and OB Office

NEIGHBORHOOD CONTEXT: This mostly vacant site is in an area of recent medical and business development that has occurred under CA and OB zoning

STAFF RECOMMENDATION:

APPROVE C (Commercial) designation for the CA zoned western part of the site and O (Office) for the

eastern Agricultural zoned portion adjacent to the established residential subdivision. Applicant requested C (Commercial) for all the property.

The staff recommendation recognizes that the western portion of the subject property is already zoned CA, although not developed, and would allow the applicant to pursue a mixed use office retail development for the property. This would require a transition into only office uses adjacent to the established residential subdivision along its eastern and northeastern boundaries.

► **APPROVE OB (Office Medical and Related Services) zoning for the A zoned portion of the site. Applicant requested CA (General Business) for all the site.**

The staff recommended OB office rezoning would insure that only office uses are placed adjacent to the established residential development along the site's eastern boundary, and portions of its northeastern boundary.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The proposed CA zoning of the entire site is not compatible with the scale and intensity of the adjacent residential uses and RA zoning pattern to the east and northeast; however, the staff recommended OB zoning of the eastern portion of the site would allow a compatible range of uses adjacent to the rear of these residential lots. CA zoning would allow uses in the eastern portion of this area that could have adverse impact on the adjacent residential uses to the east and north. The applicant will have reasonable use of the property under the current CA and proposed OB zones that would be consistent with the shape of this site, its relationship to the established street system, and the surrounding established and proposed development and zoning pattern.
2. The proposed Sector Plan amendment and OB rezoning of the Agricultural zoned portion of the site allows reasonable use of the property in a manner consistent with the present zoning and the sector plan designation for the property surrounding the site.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have no impact on schools. Conner Rd. is a minor collector street that has the capacity to handle additional trips that would be generated by mixed use commercial/office development.
3. The proposed sector plan amendment and OB zoning of the eastern portion of this site are compatible with surrounding development and zoning pattern and have minimal impact on adjacent properties.
4. Approval of the staff rezoning recommendation will result in mixed use retail and office uses consistent with adjacent established uses and zoning in a pattern that would be expected around a major interstate interchange and serve a major arterial street corridor.

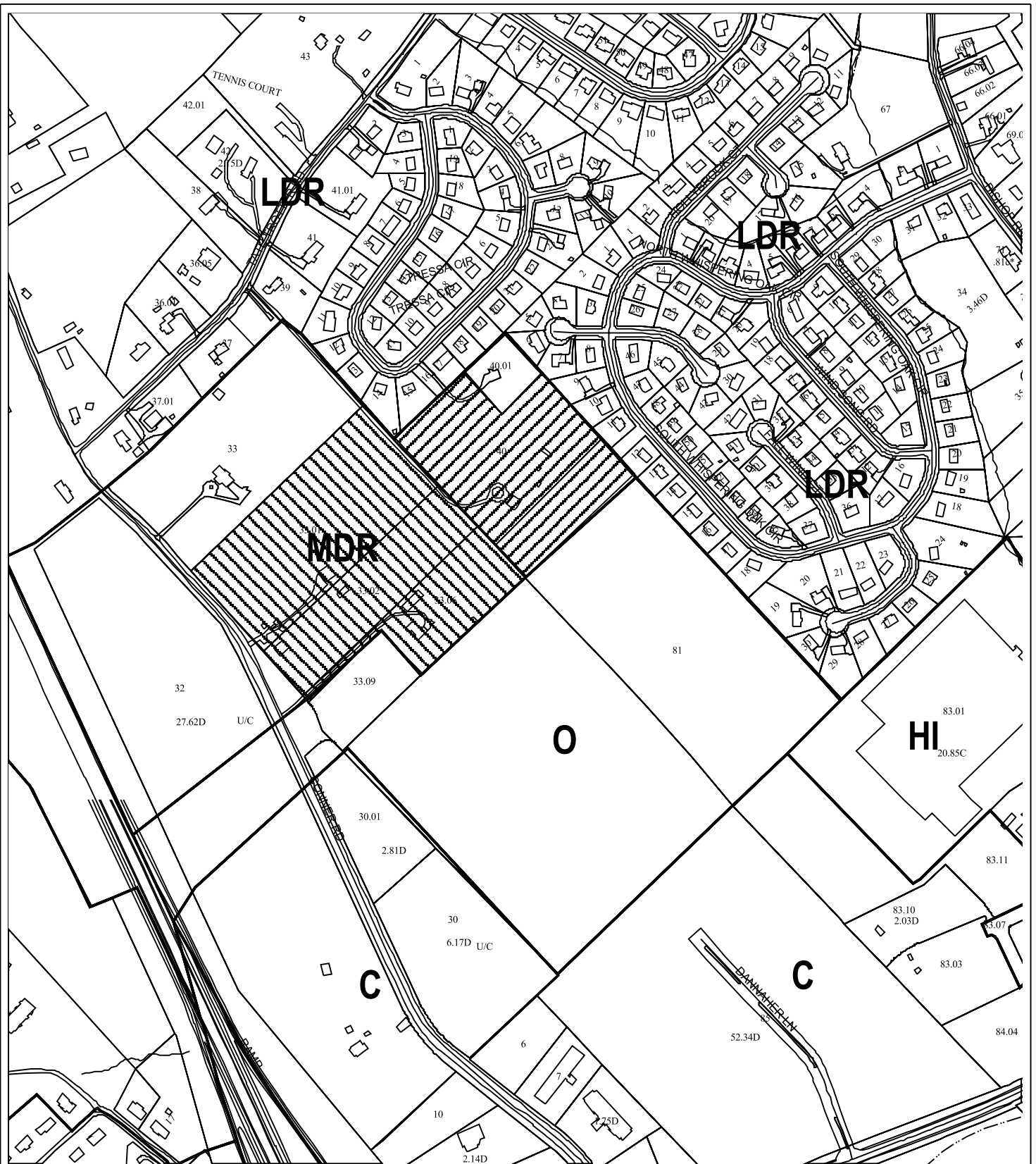
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan proposes medium density residential and office uses for this site, although portions of the site and surrounding property have been rezoned CA by the Knox County Commission in recent years. The staff recommended sector plan amendment would bring the recently established CA rezoning and staff proposed OB rezoning into conformity with the plan.
2. This 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 8/25/2008. 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.



**6-F-08-SP/6-J-08-RZ
STAFF RECOMMENDATION
NORTH COUNTY SECTOR PLAN AMENDMENT**



From: MDR (Medium Density Residential)
To: O (Office)
From: MDR (Medium Density Residential)
To: C (Commercial)

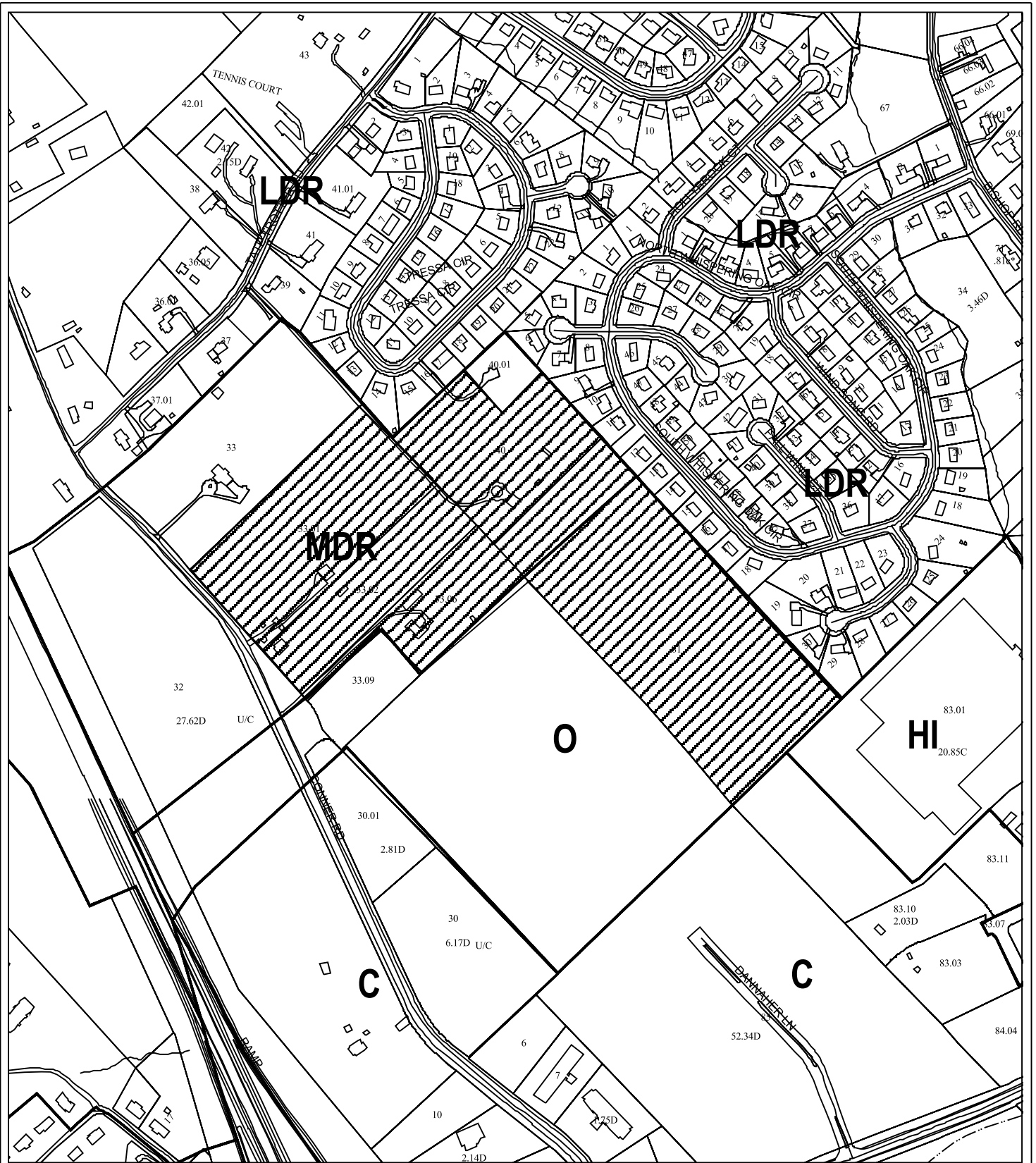
Original Print Date: 06/05/08 Revised: 07/02/08
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Sundown Properties

Map No: 47

Jurisdiction: County





**6-F-08-SP/6-J-08-RZ
SECTOR PLAN AMENDMENT
NORTH COUNTY SECTOR PLAN AMENDMENT**

Petitioner: Sundown Properties

Map No: 47

Jurisdiction: County



From: MDR (Medium Density Residential) & O (Office)

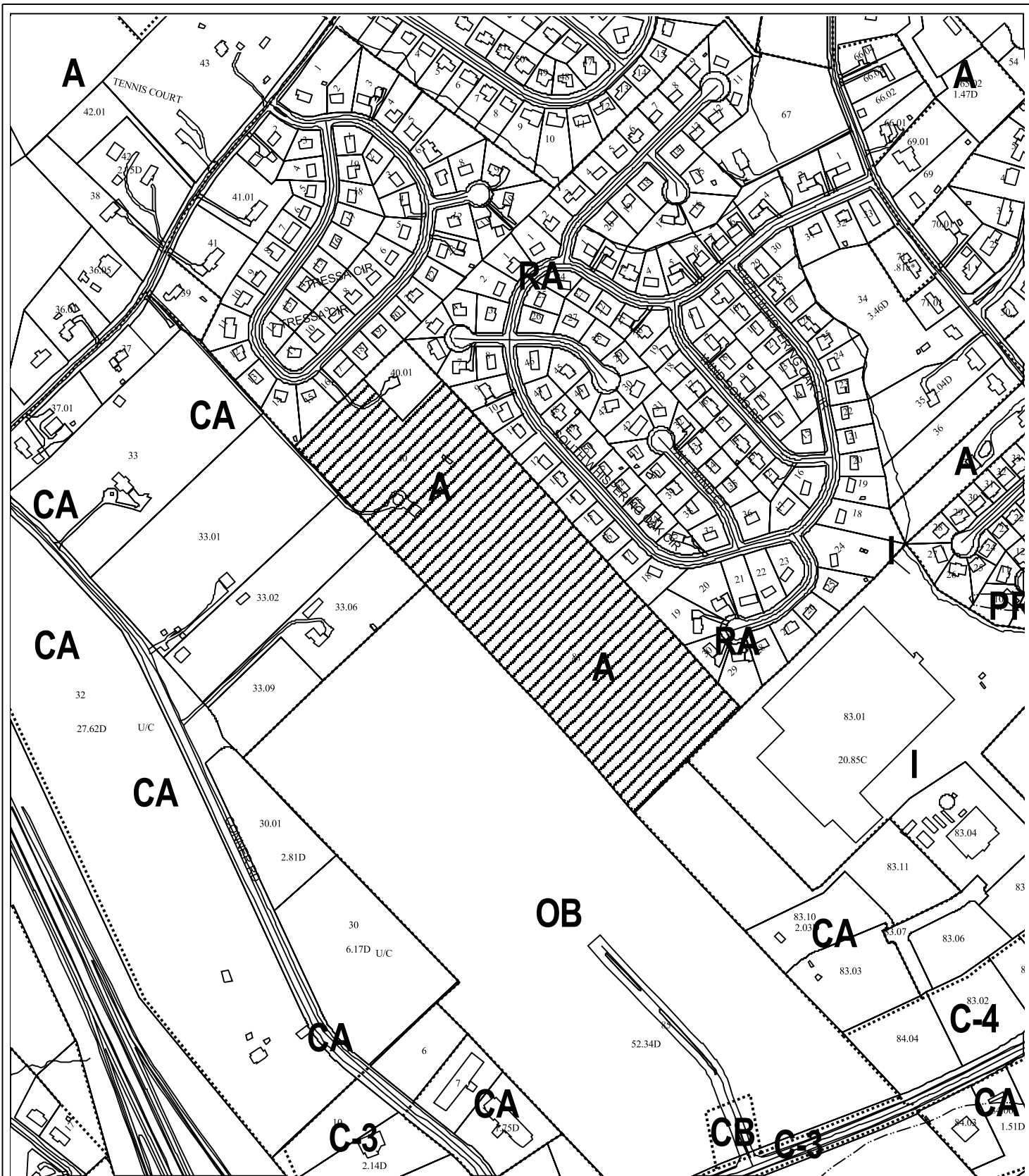
To: C (Commercial)

Original Print Date: 06/05/08

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**6-J-08-RZ
STAFF RECOMMENDATION
REZONING**

Petitioner: Sundown Properties

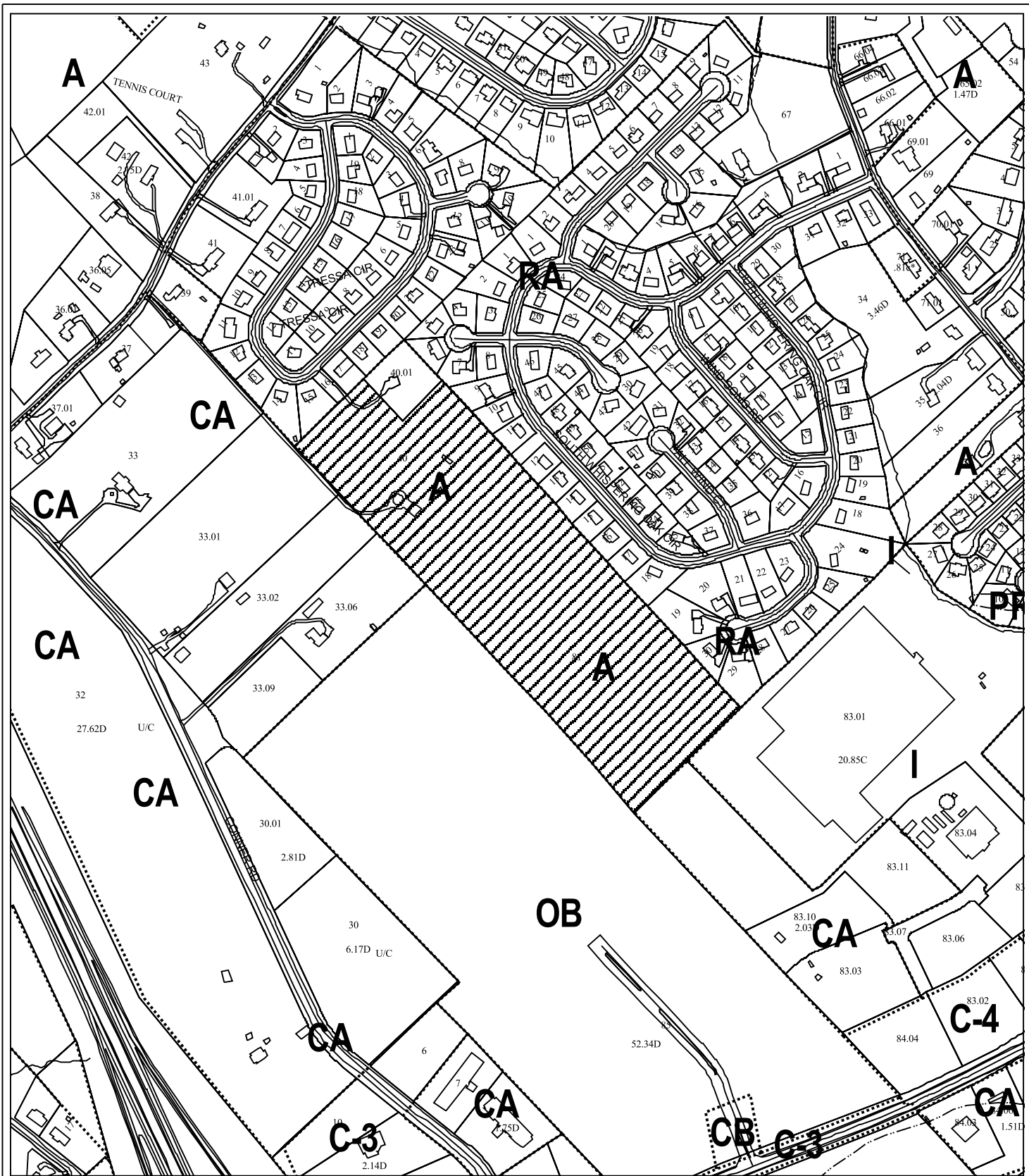
Map No: 47

Jurisdiction: County



From: A (Agricultural)
To: OB (Office, Medical and Related Services)

Original Print Date: 05/22/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**6-J-08-RZ
REZONING**



From: A (Agricultural)
To: CA (General Business)

Original Print Date: 05/22/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Sundown Properties

Map No: 47

Jurisdiction: County



Zoning Request Modification – Sundown Properties

**File #: 6-J-08-RZ
6-F-08-SP**

Sundown Properties wishes to modify our rezoning request based on MPC staff recommendations and subsequent meetings with the community

Present Zoning:	A (Agricultural)
Previously Requested Zoning:	CA (General Business)
MPC Staff Recommendation:	OB (Office Medical and Related Services)
Modified Requested Zoning:	OB for eastern portion of site and CA for western portion (see attached zoning chart)

We met with homeowners from the community (24 people in attendance) on June 30, 2008 and proposed zoning as shown in the attachment. There was no stated opposition to the zoning request with the following conditions

- 1) Sundown Properties commits to permanently close off the access points to the Hawkins property from Tressa Circle and South Whispering Oak Circle. We will also permanently close off the driveway currently used by Mrs. Hawkins to access her home from Tate Trotter Road.
- 2) A deed restriction will be placed on the property zoned OB such that apartments cannot be built on the property.
- 3) A 25 ft. wide planted buffer will be established along the border between the Hawkins property and both neighborhoods. The buffer will be established by leaving ten feet of the existing growth adjacent to homeowner property and then planting an additional 15 feet of buffer.
- 4) Additional buffering (not specified) will be established between the Tressa Circle homes and our property with the CA zoning.

**Summary of Community Activities
Sundown Properties Rezoning of Hawkins Property**

**File #: 6-J-08-RZ
6-F-08-SP**

- 1) We sent a letter to over sixty homeowners inviting them to a meeting to discuss our plans for the Hawkins property that is adjacent to their neighborhoods (Attachment 1) Larry Smith and Scott Moore were copied on the letter.
- 2) On May 20, 2008, we met with 34 homeowners (Attachment 2) who received our letters and told them that we had an option to buy the Hawkins property and that we planned to develop the property commercially. We asked for their input. Two charts were used (Attachments 3 and 4) to help orient the neighborhood participants. The following issues were brought up by the community
 - a. Increased traffic thru the subdivisions
 - b. Light and noise pollution from the development
 - c. Low-rent retail – Bars and Pawnshops
 - d. Being at the back of retail centers – dumpsters, rats, and vagrants
 - e. Apartments being put on the property
 - f. Office use would be preferable to retail use since office people are usually gone after 5:00 p.m.
 - g. Buffers to be put in place
 - h. Construction noise and dustQuestions were also raised regarding signage at Conner Road (concerns about flashing billboards), access to the Hawkins property by her current driveway, and setback distances. In the meeting, we committed to developing a preliminary concept plan addressing their concerns. We also committed to hosting another community meeting prior to having this request heard by the MPC. Since we were not able to complete our planning and conduct the meeting prior to the June MPC meeting, we requested a 30 day delay from the MPC (Attachment 5)
- 3) On June 4, 2008, we sent another letter (Attachment 6) to homeowners and others who attended the first meeting telling them that our request would not be heard until the July meeting of the MPC. We also told them that we would be sending them another letter inviting them to our next meeting.
- 4) On June 19, 2008, we went to Whispering Hills Subdivision and met with four residents who requested that we look at the property from their back yards.
- 5) Also on June 19, 2008, we sent a third letter (Attachment 7) inviting homeowners to a meeting to review a concept plan and how we intend to address their concerns.
- 6) On June 30, 2008, we held the second meeting with homeowners to discuss three issues: access to the property, our zoning proposal, and our proposal for the buffer. 24 people attended from the two neighborhoods (Attachment 8). Two charts (Attachments 9 and 10) were shared with attendees describing zoning and buffers. Following the meeting, we went to Azalea Gardens and met with five residents to review the existing buffer.

SUNDOWN PROPERTIES
10820 MURDOCK DRIVE
KNOXVILLE, TN 37932

Homeowner:

Sundown Properties is a Knoxville-based company and we recently purchased an option on the Hawkins property (outlined in yellow on the following map.) We also own or have options on other tracts adjacent to this property that front on Conner Road (highlighted in orange). We feel that these tracts are ideally suited for office space and retail that will provide services to the surrounding neighborhoods. Therefore, we are applying for rezoning of the Hawkins property from Agricultural to Commercial. The property outlined in orange is already zoned for commercial use.

We are hosting a meeting at the Quality Inn at the I-75 Callahan Road exit on Tuesday, May 20th, from 6:00 p m to 8:00 p m. to identify any concerns you might have as we proceed. We invite your participation at this meeting to ask questions and provide input. We plan to move forward with this development in a manner that benefits the community. If you have questions before or after the meeting, we will be glad to talk with you individually, also. Please feel free to call us at the numbers provided below if you would like to discuss this project.

Allan Smith
865-740-2486

David Duncan
865-250-0750

Attachment 2

Sundown Properties

Community Meeting
5/20/08

Sign In Sheet

Name	Address	Phone #	Email
Christi Nickle	7504 S. Whispering Oak Cr	947-6017	look at Back yard
Skip Nickle	7504 S. Whispering Oak Cr	947-6017	
Selma Hickman	701 N. Whispering Oak Cir	938-5861	look at Back YARD
TERRY Hickman	701 N. Whispering Oak Cir	938-5861	look at Back Yard
Pat Novarro	705 N. Whispering Oak	938-5184	Look at Backyard
Kaye Parker	7513 S. Whispering Oak	947-9777	
JAMES PARKER			
Donna Cliff	700 N. Whispering	938-1950	falcliff@comcast.net
Hazel Ketner	7501 S. Whispering	938-2880	
Tony Novarro	705 N. Whispering Oak	938-5184	
JOE LAY	7723 WINDSONG RD	947-9141	

Attachment 2 cont

Sundown Properties

Community Meeting
5/20/08

Sign In Sheet

Name	Address	Phone #	Email
Thig & Lynda Richards	7509 S. Whispering Oak Ct Powell, TN 37849	865-938-2144 clarichards@comcast.net	
Kenny Matys	7508 S. Whispering Oak Ct Powell, TN 37849	(865)947-8958	LOOK AT YARD. kutehairbons@frontiernet.net
Darlene Tupper	7601 Moon Crest Ct Powell 37849	865-293-6095	datupper@utk.edu
Art Weyman	7735 Tressa Circle	865-938-9856	
Marty White	7805 Tressa Ct.	865-385-6802	
Charles Moody	7917 TRESSA CIRCLE POWELL TN 37849	865-947-8782	SEND MAP
Mike Kuehl	7805 Tressa Circle Powell, TN 37849	865-292-5482	MKLOOLIE@yahoo.com
Kay Tracker	7713 Cloudland Road Powell, TN 37849	865-335-8272	
Judy Stagg	704 Whispering Oak Circle Powell, TN 37849	938-8386	
DEBORAH CASE	7905 CLOUDLAND RD POWELL, TN 37849	947-5138	
DAN Simmons	801 N. WHISPERING OAK POWELL, TN 37849	947-3263	

Attachment 2 cont

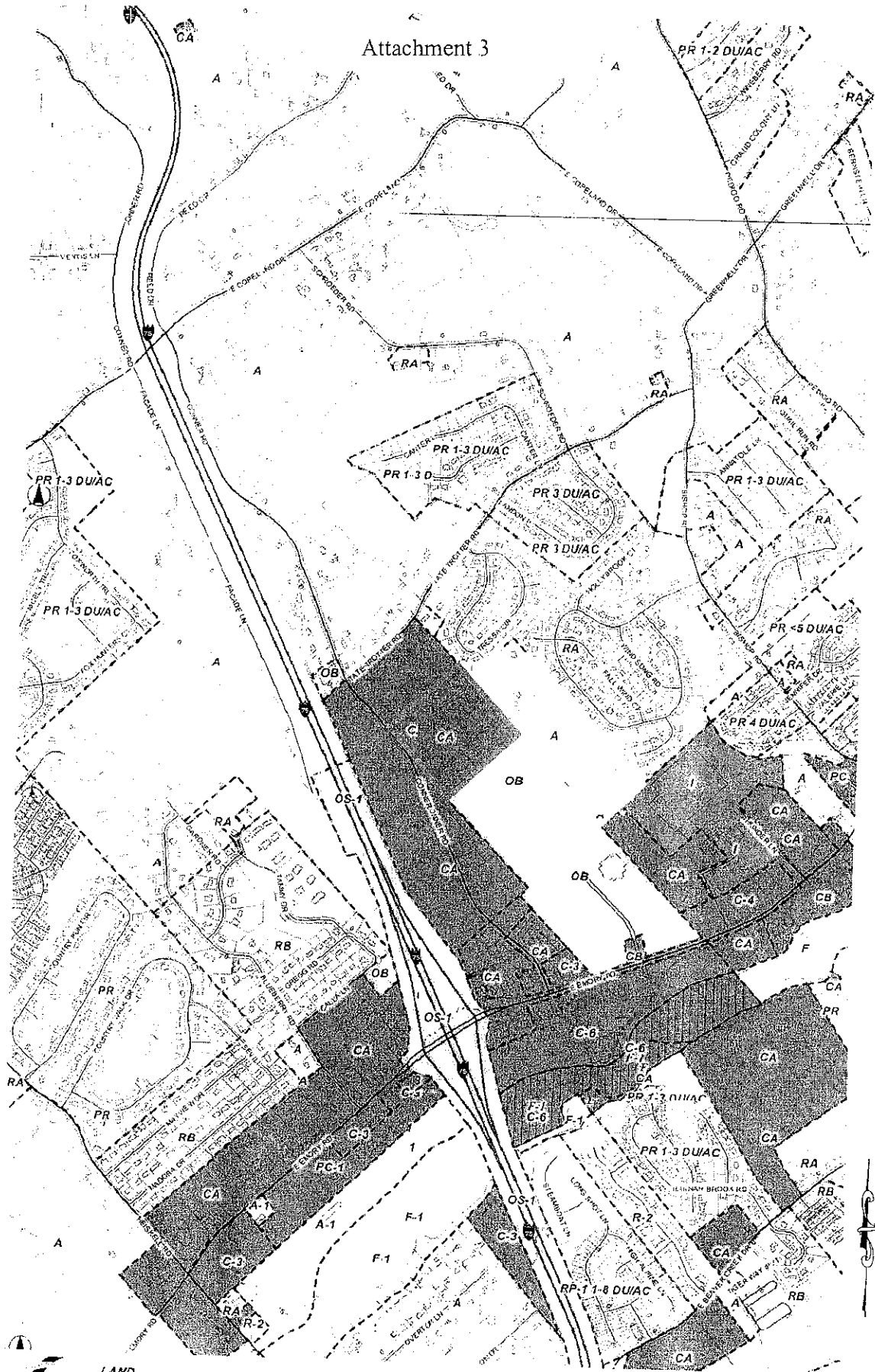
Sundown Properties

Community Meeting
5/20/08

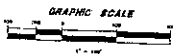
Sign In Sheet

Name	Address	Phone #	Email
Charles + Suzanne	Sweet 7721 Claudland	938-7333	
Andrea Hawkins	7507 KODAK Rd	599-3529	
KEN HOLBERT	PO BOX 1, KNOXVILLE 37901	575-0238	
Skip Nickle	7504 S. WHISPERING, OAK Ck 7912 TRESSA CL	947-6017	
Doug + Sandra	Simmons Powell	947-8618	
Daniel Tabor	719 N Whispering Oak Cir	938-4837	
Alan Hawkins	1604 Nat Country oak		
Sandra Frick	7817 Tressa Circle	947-8897	
Betty Lay	7708 S. Whispering OAK CIR	546-3206	

Attachment 3

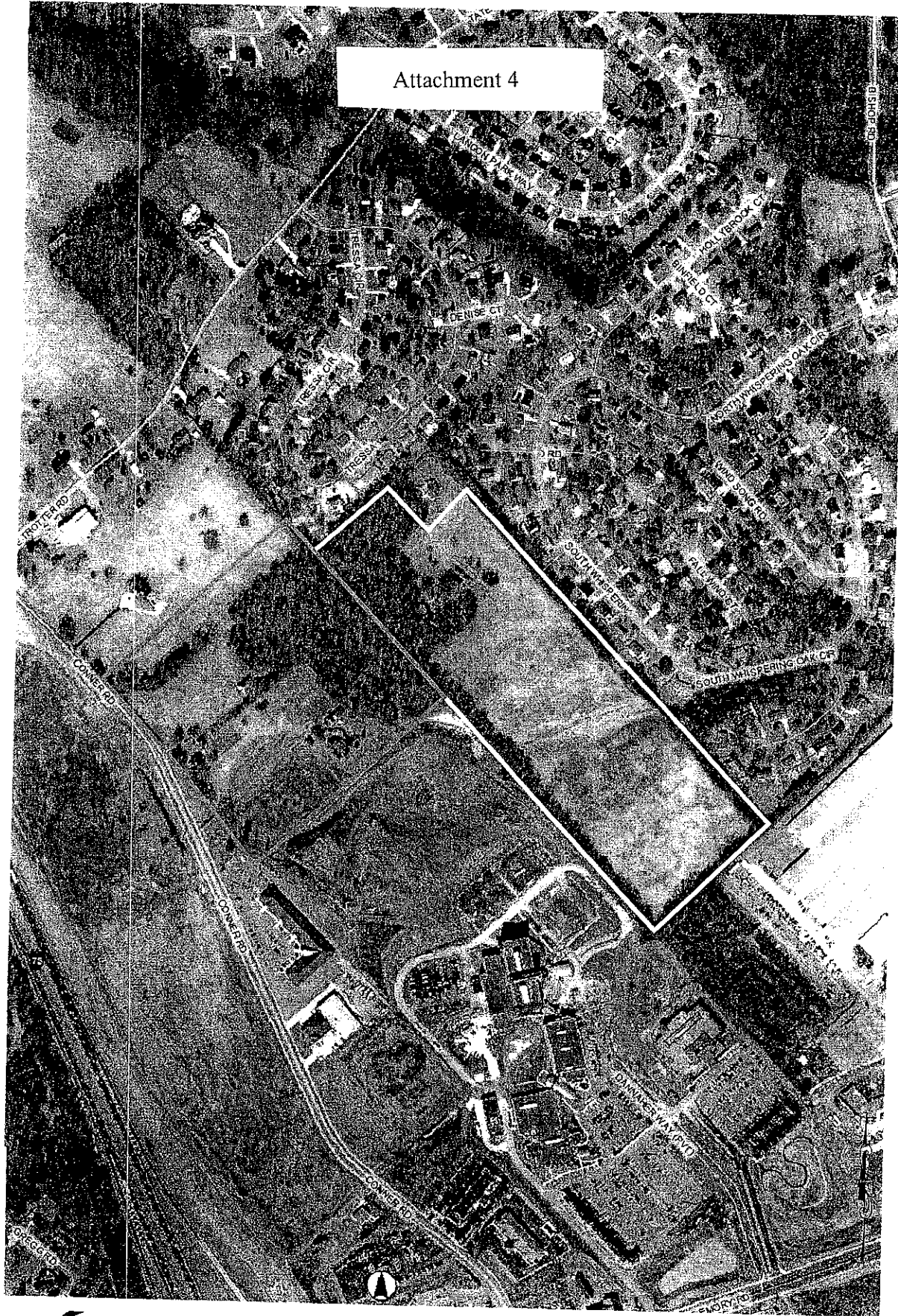


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Sundown Properties
Knoxville, Tennessee

Attachment 4



K:\Back\Duncan Smith Properties\Disc 1\Smart Planning\Maping Aug May 20, 2008 - 11:55am\arcsws



Dale Engler
305.671.1291



Sundown Properties
Knoxville Tennessee

SUNDOWN PROPERTIES
10820 MURDOCK DRIVE
KNOXVILLE, TN 37932

June 4, 2008

To: Metropolitan Planning Commission Staff
Re: Moving Agenda Item

Please move the Sundown Properties rezoning request and sector plan change request for our Tate Trotter Road project, as indicated below, to the July 10, 2008 MPC meeting agenda. Please call me at the telephone number listed below if you have questions.
Thanks for your help.

Rezoning File Number: 6J08RZ
Sector Plan File Number: 6F08SP

David Duncan
SunDown Properties
865-250-0750

SUNDOWN PROPERTIES
10820 MURDOCK DRIVE
KNOXVILLE, TN 37932

June 4, 2008

Homeowner:

A number of you were able to attend our homeowners meeting of May 20, 2008, and others sent letters regarding our plans to rezone the Hawkins property. We appreciate your participation in our planning for use of that property. Since the May 20th meeting, we have been working on a concept plan based on your input. That process will take a few more weeks. Therefore we asked the MPC to postpone a hearing regarding our rezoning request for one month. This will allow us to complete a draft concept plan for use of the Hawkins property and then have another meeting with homeowners to discuss that plan prior to the July MPC meeting. The MPC has indicated that they will hear our request for rezoning on July 10 instead of the announced date of June 12.

This letter is being sent to the same people who received our first letter inviting homeowners to the May 20th meeting. We also added those who attended the meeting but were not sent the original letter to this distribution.

You will receive another letter with details about the time and place for our next meeting as soon as we have a plan ready to review with you. As always, please feel free to call us at the telephone numbers provided below if you would like to talk with us about this project.

Allan Smith
865-740-2486

David Duncan
865-250-0750

SUNDOWN PROPERTIES
10820 MURDOCK DRIVE
KNOXVILLE, TN 37932

June 19, 2008

Homeowner:

Sundown Properties will host a second meeting with homeowners on June 30th to discuss plans to rezone and develop the Hawkins property. As before, this meeting will be held at the Quality Inn at the I-75 Callahan Road exit from 6:00 p.m to 8:00 p.m. Many of you attended the first meeting on May 20th and provided input. Since then, we developed a concept plan based on your input and will present that plan at the meeting on June 30th.

In our last meeting we addressed one of the major concerns expressed by homeowners by committing that, if we gain approval for commercial zoning, we will not access the Hawkins property for this development by way of Tressa Circle or South Whispering Hope Circle. We hope to address other neighborhood concerns at our June 30th meeting so we can continue with our rezoning request which is currently scheduled to be heard by the MPC on July 10.

This letter is being sent to those invited to the May 20th meeting as well as to those who attended the meeting but were not on the original distribution. We invite your further participation at the June 30th meeting to provide input. If you have questions before or after the meeting, we will be glad to talk with you individually, also. Please feel free to call us at the numbers provided below if you would like to discuss this project.

Allan Smith
865-740-2486

David Duncan
865-250-0750

Sundown Properties

Community Meeting
June 30, 2008

Sign-in Sheet

Name	Address	Phone #	Email
Judy Stagg	704 N. Whispering Oak	938-8386	
Janice Clifford	700 N. Whispering Oak	938-1950	fulcliff@comcast.net
Hazel Ketner	7501 S. Whispering	938-2880	
Kay Parker	7513 S. Whip oak	947-9777	
JAMES			
Steve Kaufman	7820 Tressa Cir	947-1687	
Heidi Kuehl	7805 Tressa Circle	947-5427	
Pat Wegman	7735 Tressa Circle	938-9856	
Charles Moody	7917 TRESSA CIRCLE	947-8782	
Mike Kuehl	7805 TRESSA Circle	805-2925482	MK02IE@Yahoo.com
Greeb Sohn	7916 TRESSA Cir	388-8500	
R. Larry Smith	3109 Teel Lane	922-5433	
K. WOLFENBARGER JR	7516 SOUTH WHISPERING OAK CIR	947-6934	
MARTY HARBIN	7808 TRESSA CIR.	355-6562	
JOE LAY	7723 WINDSONG	947-9141	
Nancy + David Sikes	707 Whispering Oak	cell 384-6289	
Pat + Berrill Honey	7519 S. Wh. Sec. by Circle	938-5041	
Chris + Lynda Richards	7501 S. Whispering Oak	938-2144	csx17@gmail.com
Melissa McBath	7730 TRESSA CIR	323-7736	

Attachment 8 cont.

Sundown Properties

Community Meeting
June 30, 2008

Sign-in Sheet

Name	Address	Phone #	Email
Alan Hawkins	16244 North Country Ave Kerville 3804	947-7427	
Tony Bourne	705 E. Whispain, CAK	9385184	Tony@BourneLandscape.com

Landscape Concept Plan
 Conner Road Development

Anderson, Tennessee

Sundown Properties
 MICHAEL WISEN ASSOCIATES
 LANDSCAPE ARCHITECTS

Concept Plant Schedule



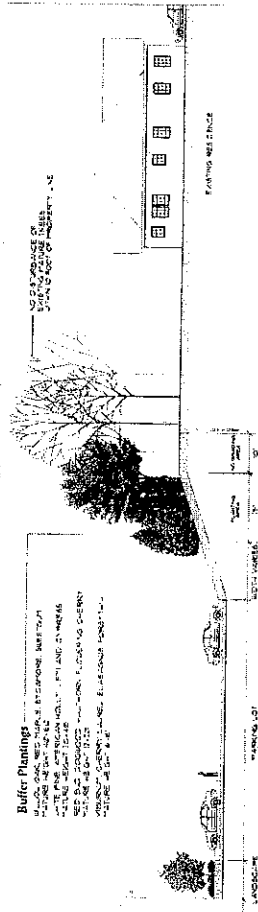
Typical Buffer Elevation



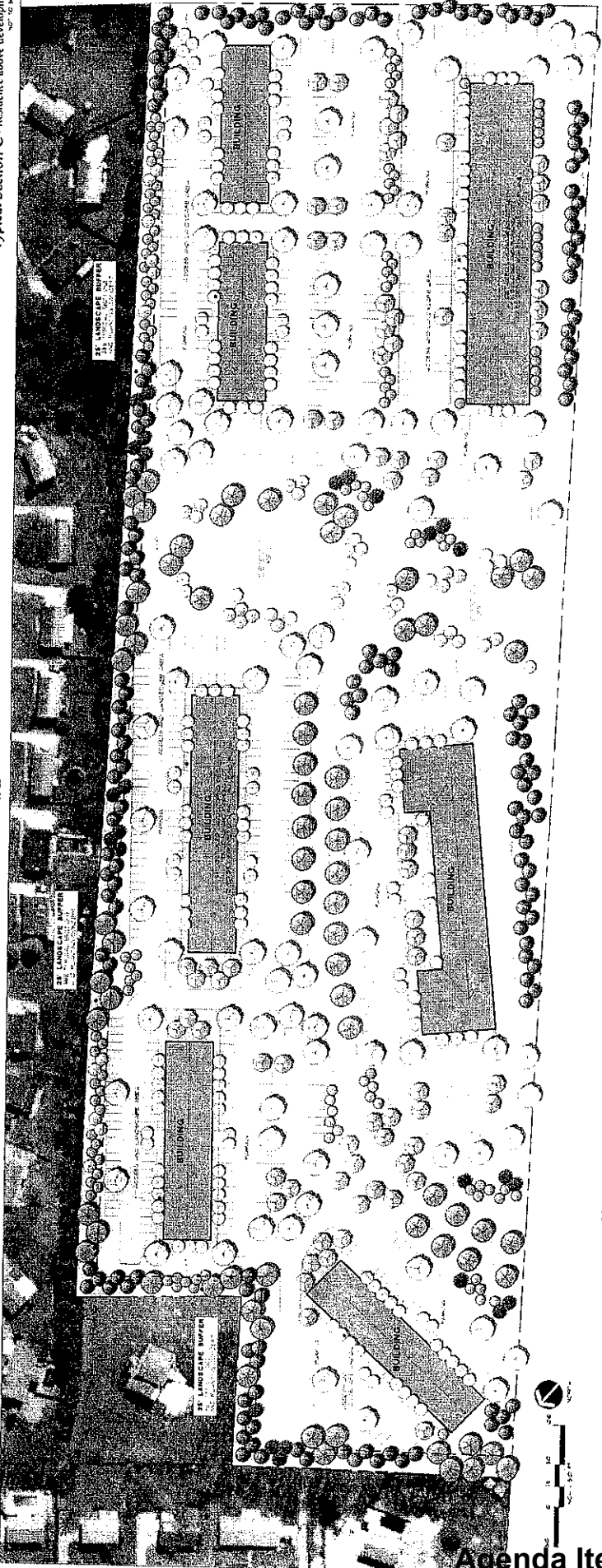
Typical Section A - Residence below development



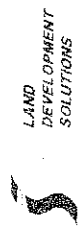
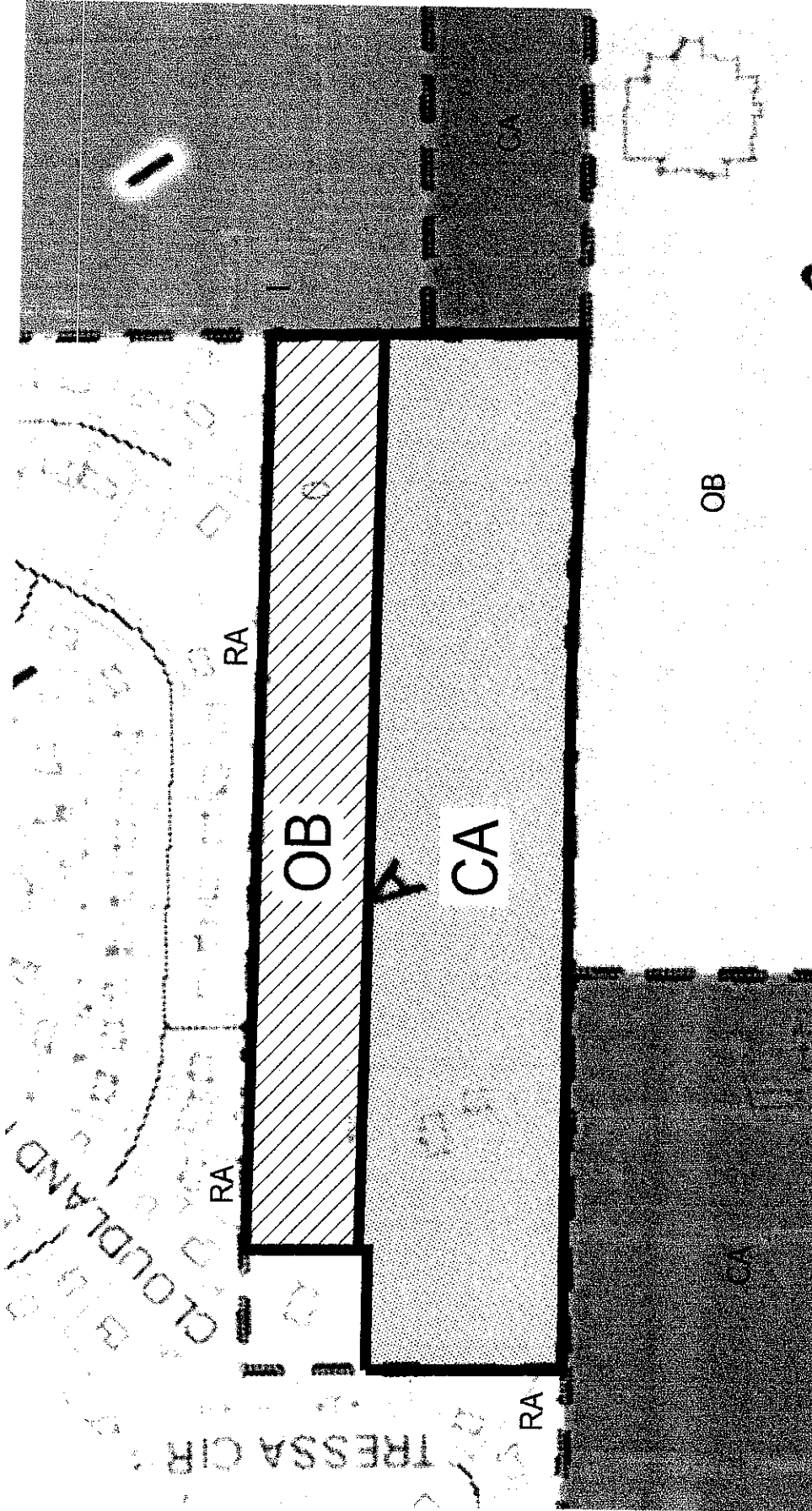
Typical Section B - Residence level with development



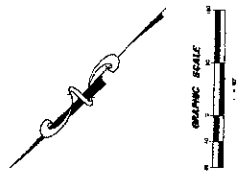
Typical Section C - Residence above development



Landscape Concept Plan



Proposed Zoning
for
Conner Road Development



Sundown Properties
Knoxville, Tennessee

June 30, 2008