



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

▶ **FILE #:** 6-H-06-RZ
6-A-06-SP

AGENDA ITEM #: 35
AGENDA DATE: 2/12/2009

▶ **APPLICANT:** W C DEVELOPMENT (REFERRED BACK FROM COUNTY COMMISSION)

OWNER(S):

TAX ID NUMBER: 104 141.01
JURISDICTION: Commission District 6

▶ **LOCATION:** South side Hardin Valley Rd., east side Thompson Rd

▶ **TRACT INFORMATION:** 3.86 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Hardin Valley Rd., a four lane, median divided, minor arterial street.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) & SLPA (Slope Protection Area) / PR (Planned Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) & SLPA (Slope Protection Area) / CA (General Business)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Office retail use

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Property was rezoned PR in 2004. (7-G-04-RZ)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Residences / TP/SP/TO and RA/TO Residential Technology Overlay

South: Residences / LDR/PR Residential

East: Residences / LDR/SLPA / A Agricultural

West: Residence / TP/ A/TO Agricultural & A/TO Agricultural/Technology Overlay

NEIGHBORHOOD CONTEXT: This sloping site is presently part of a residential subdivision that is developing under PR zoning and south of other residential subdivision development that is zoned RA.

STAFF RECOMMENDATION:

► **DENY C (Commercial) Designation;**
ADOPT RESOLUTION # 6-A-06-SP, amending the Northwest County Sector Plan to O (Office) and Slope Protection, and recommend that County Commission adopt the amendment. (See attached resolution, Exhibit A.)

Commercial use of this site would be out of character with surrounding development and have an adverse impact on nearby residential uses. The sector plan proposes low density residential and slope protection for this site; however, the property across Hardin Valley Rd. to the north of this site is proposed for TP Technology Park uses. Office designation of this site would be compatible with the uses proposed on the north side of Hardin Valley Rd.

► **DENY CA (General Business) zoning based on denial of the sector plan amendment**
RECOMMEND that County Commission APPROVE OA (Office Park) zoning

CA zoning would be out of character with the surrounding zoning and development and inappropriate due to steep slopes on portions of this site. OA or OB zones are the most intensive non-residential uses which should be considered for this property.

COMMENTS:

NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The proposed Commercial designation and CA zoning are not compatible with the scale and intensity of the surrounding zoning pattern. However, approval of Office designation and OA zoning for this site would be compatible with the TP designation on the north side of Hardin Valley Rd. This request was referred back to MPC from County Commission for consideration of office zoning.
2. The current PR zoning allows reasonable use of the property and is consistent with the present sector plan designation for the site.
3. An Office designation and OA zoning would allow uses of similar intensity to TP designation and technology related uses proposed for the north side of Hardin Valley Rd in this area and be generally compatible with adjoining residential uses noted to the south.

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. Hardin Valley Rd. is a median divided minor arterial street has the capacity to handle additional trips that would be generated by office development of this site.
3. The requested Commercial designation and CA zoning are not compatible with surrounding residential development and zoning and would have an adverse impact on adjacent properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes low density residential uses and slope protection for this site, consistent with the existing PR zone. Approval of an Office Sector Plan designation would be required to support OA zoning.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

REZONING REQUIREMENTS:

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

1. The subject property has A, and PR zoning on three sides and is adjacent to a single family residence which would be adversely impacted by commercial uses that would be permitted under the proposed CA (General Business) zoning.
2. A commercial designation and CA zoning on this site would be out of character with the surrounding residential/technology uses and zoning, but OA zoning for this parcel backing up to residential uses and across Hardin Valley Rd. from TP uses would be an appropriate land use pattern.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The CA zone provides for a wide range of business uses. The nature of such businesses is to attract large volumes of automobile traffic and to have adverse effects on surrounding properties with noise, lights, odors and congestion.
2. An OA zone would limit uses to professional and business office uses whose hours of operation and traffic generation rates would be expected to be compatible with nearby residential uses.

THE EFFECTS OF THIS PROPOSAL:

1. Public water and sewer are available to serve the site.
2. The proposal will have minimal impact on streets and no impact on schools.
3. Approval of the requested sector plan amendment and rezoning may lead to additional commercial uses being requested in the area, leading to strip commercial development along this section of Hardin Valley Rd.

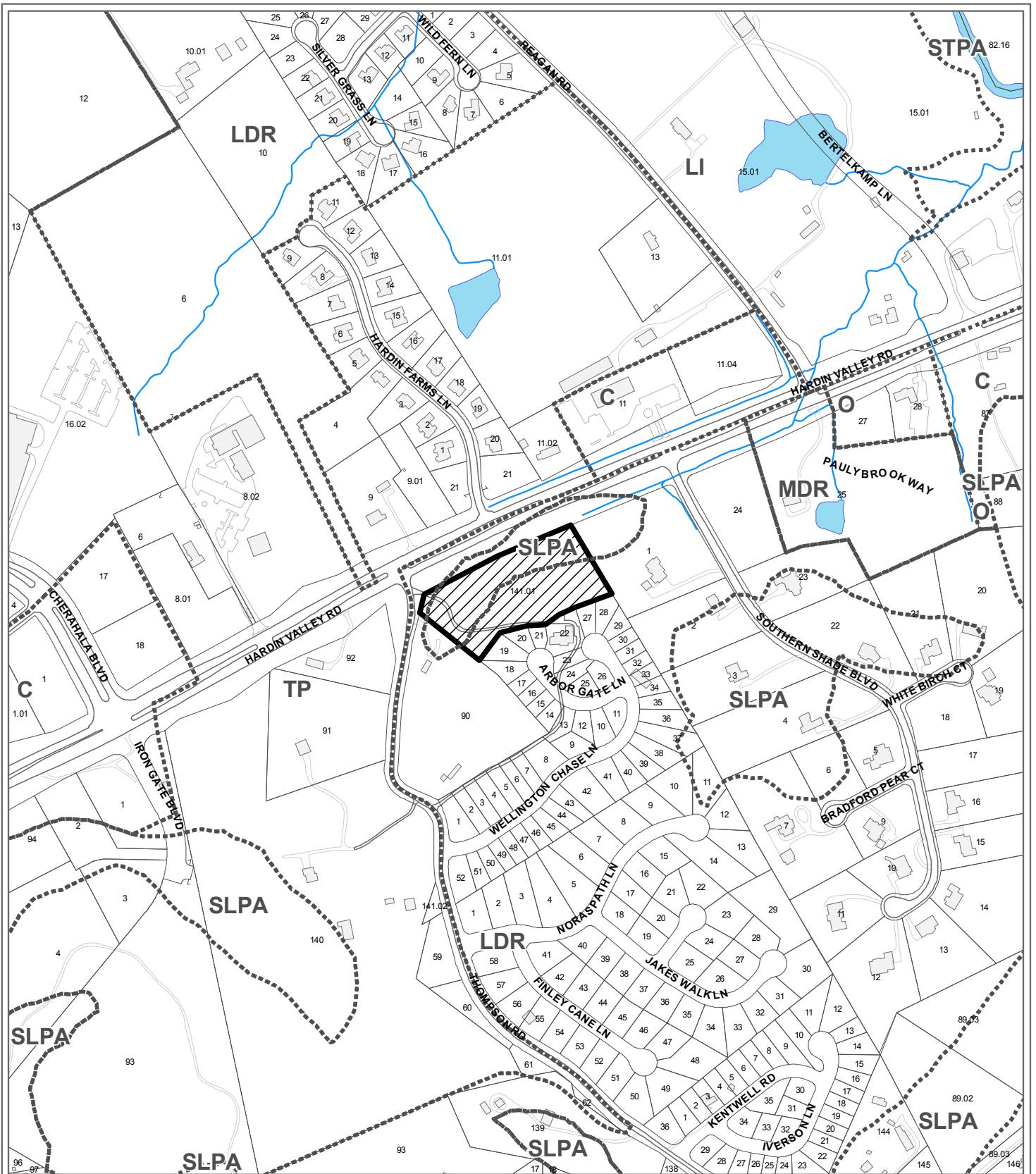
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS:

1. The requested sector plan amendment to C (Commercial) or O (Office) is required in order to approve the either CA or OA zoning for this site.
2. The site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. It is expected that the approval of this plan amendment and rezoning would lead to additional similar requests in this area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 3/23/2009. 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.



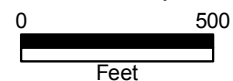
6-A-06-SP / 6-H-06-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT

From: LDR (Low Density Residential) & SLPA (Slope Protection Area)
 To: C (Commercial) & SLPA (Slope Protection Area)

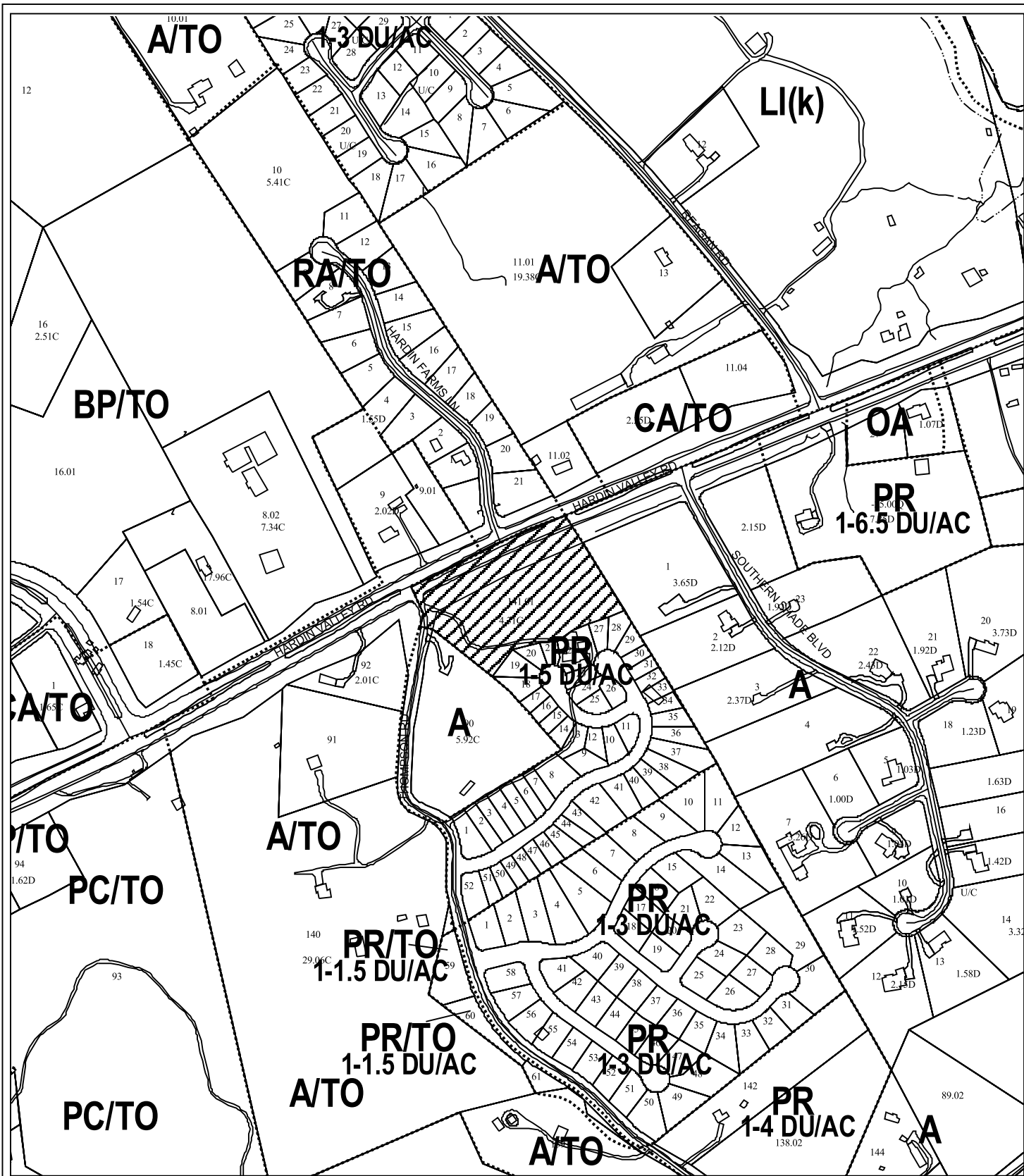


Petitioner: W C Development

Map No: 104
 Jurisdiction: County



Original Print Date: 1/23/2009 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**6-H-06-RZ
REZONING**

Petitioner: W C Development

Map No: 104

Jurisdiction: County



From: PR (Planned Residential)

To: CA (General Business)

Original Print Date: 05/24/06

Revised:

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

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, W C Development, has submitted an application to amend the Sector Plan from LDR (Low Density Residential) and SLPA (Slope Protection) to C (Commercial) and SLPA (Slope Protection), and the Commission of Knox County referred it back to MPC for O (Office) and SLPA (Slope Protection) for property described in the application; and

WHEREAS, the Metropolitan Planning Commission approval of a revised amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on February 12, 2009, after consideration of the staff recommendation and any testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying, staff report and map, file #6-A-06-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that the Commission of Knox County likewise consider this revised amendment to the General Plan 2033.

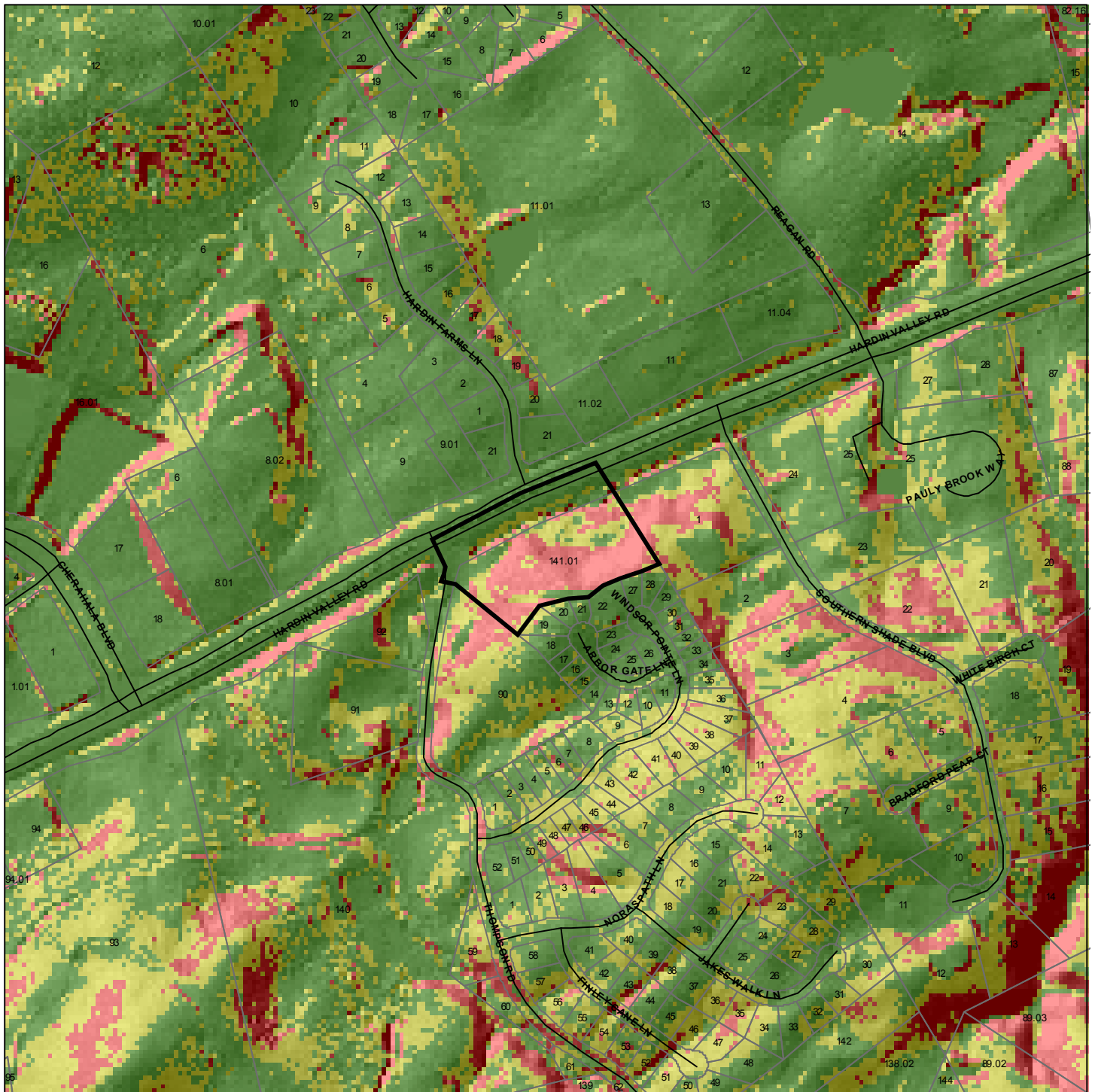
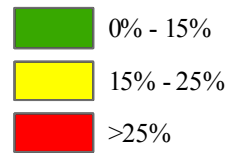
Date

Chairman

Secretary

6-H-06-RZ Slope Analysis

Percent Slope



6-H-06-RZ REZONING

From: A (Agricultural)
To: PR (Planned Residential)

Original Print Date: 5/25/2006 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: W C Development

Map No: 118

Jurisdiction: County



6-H-06-RZ Slope Analysis

Slope	Gridcode	Cells	Sum_Acres	Percentage
0%-15%	1	943	0.5412	13.70%
15%-25%	2	1763	1.0118	25.62%
> 25%	3	4175	2.3961	60.67%
Total Acres			3.9492	100.00%

From: Sarah Powell
To: Betty Jo Mahan
Date: 2/5/2009 11:13:29 AM
Subject: Fwd: February MPC Agenda Item 35, Rezoning Request 6-H-06-RZ, SectorPlan Amendment 6-A-06-SP

>>> NANCY CALDWELL <nancycaldwell@comcast.net> 2/5/2009 9:27:02 AM >>>

RE: February MPC Agenda Item 35; Rezoning Request 6-H-06-RZ, Sector Plan Amendment 6-A-06-SP

As a resident of Nora's Path Subdivision off Thompson Road in Hardin Valley, I want to express my vehement opposition to the proposed request to rezone to CA (commercial) the area along Hardin Valley Road that is bordered by Thompson Road and the Wellington Chase and Southern Shades Subdivisions. I am very concerned about commercial development in the midst of an area that is currently residential. I fear that allowing commercial development at this location would have an adverse impact on all of the residential property owners in this area. Like many owners in my subdivision, as well as in Wellington Chase, Southern Shades and Hardin Valley Farms, my husband and I have made a significant investment in our home and do not wish to see our property values decline. There are several properties between Pellissippi Parkway and Middlebrook Pike that are already cleared and available for development. The location in question is steeply sloped and could not be used without significant changes to allow construction on the site. I see no need to add this parcel to an existing inventory of vacant lots. Please acknowledge and appreciate the effect of this zoning change on the nearby property owners and deny this request.

Sincerely,
Nancy Caldwell
A concerned Knox County resident and voter

NANCY CALDWELL ABR CRS GRI e-Pro
Coldwell Banker Wallace & Wallace Realtors
124 N. Winston Road
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865) 693-1111 (office)
1-800-489-1118 (toll free)
865) 694-1774 (FAX)
Nancy.Caldwell@ColdwellBanker.com
Visit me on the Web at cbww.com/nancycaldwell

From: Sarah Powell
To: Betty Jo Mahan
Date: 2/5/2009 11:12:56 AM
Subject: Fwd: Rezoning Request 6-H-06-RZ and Sector Plan Amendment 6-A-06-SP

>>> RAYMOND SHANLEVER <rayshanlever@bellsouth.net> 2/4/2009 7:43:49 PM >>>
Metropolitan Planning Commission members,

We have deep concern about the rezoning request 6-H-06-RZ and sector plan amendment 6-A-06-SP, which are item 35 on the February MPC agenda. There are numerous commercial developments in the vicinity that are unfinished and unoccupied at this time. With the economy in the state that it is, there are enough unfinished areas where the land has been stripped of trees with red clay exposed.

We understand that this property has been up for rezoning and has been refused many times over the last several years. The property owner is trying to outlast those apposed to this effort and should not even be allowed to bring this before the MPC again.

This area is surrounded with residential developments and rezoning is out of character with the surrounding area. We live in the Southern Shade subdivision which borders this property and we are very much apposed to this effort.

Raymond and Kay Shanlever
2244 Southern Shade Boulevard

From: Sarah Powell
To: Betty Jo Mahan
Date: 2/3/2009 2:58:39 PM
Subject: Fwd: 6-A-06-SP and 6-H-06-RZ

>>> "Janice L. Musfeldt" <musfeldt@ion.chem.utk.edu> 2/3/2009 2:54:04 PM >>>
Members of the Planning Commission,

I write to register my opposition to the 6-A-06-SP and 6-H-06-RZ sector amendment and rezoning requests that are scheduled to be heard at the MPC meeting on Thursday, February 12.

These proposals by WC Development are not new. Indeed, similar changes were requested two years ago, at which time staff analysis of the situation pointed out the obvious: (i) the land in question is surrounded on all sides by residential development and (ii) the land in question is a slope-protected area. Both findings make the property unsuitable for commercial development.

Remarkably, these findings are still relevant in 2009. The land in question is still surrounded on all sides by residential development, and it is still a slope protected area on a designated "scenic byway".

Both issues strongly impact nearby homeowners and continue to make the property unsuitable for commercial development.

And once zoned commercial, there is no future protection against some arbitrary commercial use of the property.

Finally, I understand that an MPC-sponsored technical report on slope protection in Knoxville is under development. It would be a shame to rush this request through before the report (and its recommendations) are made public. I feel sure that this report will weigh in on what many see as over-development in the Hardin Valley area.

In summary, I urge the MPC to deny the request of WC development for a sector plan amendment and rezoning.

Best Wishes,

Jan Musfeldt
Hardin Valley Farms Subdivision

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Prof. Janice L. Musfeldt musfeldt@utk.edu
Department of Chemistry +1 (865) 974-3392 (voice)
University of Tennessee +1 (865) 974-3454 (fax)Knoxville, TN 37996 USA
<http://web.utk.edu/~musfeldt/>

From: "Larry and Rita" <Larry.Rita@comcast.net>
To: <contact@knoxmpc.org>
Date: 6/6/2006 8:05:18 AM
Subject: rezoning

We ask that you not approve the 6-A-06-SP and 6-H-06-RZ rezoning at Hardin Valley Road. We live across the road and do not want any commercial activity that close to our home. This is a beautiful area that is currently being consumed by commercial activity. Larry & Rita Layman, 2411 Hardin Farms Lane.

From: "Janice L. Musfeldt" <musfeldt@utk.edu>
To: <contact@knoxmpc.org>
Date: 6/6/2006 8:03:18 AM

Members of the Knoxville Planning Commission,

I am writing to express my concern about the rezoning requests 6-A-06-SP and 6-H-06-RZ by WC Development, which are item 70 on the June 8, 2006 agenda.

The parcel of land in question is surrounded on all sides by residential housing. To zone this lot commercial would be out of character with the existing plan for this local area of Hardin Valley.

Further, commercial zoning would greatly increase traffic and noise near many homes in the area, with little overall gain for residents.

While our collective need for "peace, quiet, and green space" may not be a reason to stand in the way of needed development, the frenzied development taking place in Hardin Valley is replacing all that is attractive in Knoxville with Winn Dixies, Wigels, Dollar Generals, and who knows what. It's notable that Hardin Valley Road was designated as a scenic byway when we moved to the area 6 years ago. It's sad to witness such a transition.

The last thing that Hardin Valley needs is more commercial property. Please vote against rezoning requests 6-A-06-SP and 6-H-06-RZ.

I would be grateful if this note could be distributed to members before the meeting.

Best Wishes,

Jan Musfeldt

--

Prof. Janice L. Musfeldt musfeldt@utk.edu
Department of Chemistry +1 (865) 974-3392 (voice)
University of Tennessee +1 (865) 974-3454 (fax)
Knoxville, TN 37996 USA <http://web.utk.edu/~musfeldt/>

From: "Jeff Roach" <JeffreyRoach@bellsouth.net>
To: <contact@knoxmpc.org>
Date: 6/7/2006 3:52:44 PM
Subject: Requests 6-A-06-SP and 6-H-06-RZ

Metropolitan Planning Commission:

I live at 2416 Hardin Farms Lane, Knoxville, Tennessee 37932, and I would like to voice my concern regarding requests 6-A-06-SP and 6-H-06-RZ, which are item 70 on the agenda for the June 8th MPC hearing.

I feel that there is plenty commercial development on Hardin Valley Road right now but I feel like I am beginning to be sandwiched in. The proposal to rezone this above mentioned property directly across the street from Hardin Valley Farms subdivision from Planned Residential to General Commercial would have a negative impact on our homes and our property.

Please keep this property as Planned Residential. To rezone this would have a negative impact.

Thank you,
Jeff Roach
865-219-6495

CC: <bernholdtde@ornl.gov>

Comments

From: <MSGCOX@aol.com>
To: <contact@knoxmpc.org>
Date: 6/7/2006 9:53 PM
Subject: Comments

This email is to let you know that we are opposed to request 6-A-06-SP and 6-H-06-RZ, item 70 on your agenda for the June 8, 2006 meeting.

We live in the Hardin Valley Farms Subdivision and believe any more commercial development near our subdivision will be detrimental to our neighborhood. With any further commercial development there will be increased noise, traffic and destruction of trees and green spaces. None of this is conducive to the peaceful life we sought when we built our home in Hardin Valley.

We are already having to contend with a funeral home and a strip mall being developed within sight of our neighborhood.

Please deny these request to further develop commercial property on Hardin Valley.

Respectfully,

Murray T and Rebecca N Cox
2427 Hardin Farms Lane
Knoxville, TN

From: <bernholdtde@ornl.gov>
To: <contact@knoxmpc.org>
Date: 6/8/2006 6:45:47 AM
Subject: Agenda item 70 of 8 June MPC meeting

Planning Commission Members:

I am a homeowner in the Hardin Valley Farms Subdivision. I would like to express my serious concerns over the changes requested in item 70 of the 8 June meeting (6-A-06-SP and 6-H-06-RZ).

The area in question is surrounded on all sides by residential developments, and to allow commercial development in this area would be quite out of character with these surroundings. It would also cause increased traffic and congestion in the immediate area.

Just in the 5 years I have lived here, this stretch of Hardin Valley Road (HVR) has already undergone a tremendous shift from a largely residential and agricultural character towards extensive commercial development. While there were established business parks already in place, they have had a more limited impact on the character of the area, but the new development is tending towards commercial, retail, and much more "in your face" land usage as far as those living on or near this stretch of HVR are concerned.

Already we have experienced traffic and noise increases that seriously impact the quality of life for residents of the area, as well as property values, no doubt. The proposed development, literally in the middle of residential developments, would destroy what quality of life remains.

I find it hard to believe that there is a such need for more commercial space in this stretch of HVR that this development is necessary. Moreover, I know that major developments are planned for the HVR area near Pellissippi State and the new high school.

Please also consider the fact that the sizable residential developments immediately south of the property is very much under construction. These subdivisions would probably be the most directly effected by the proposed changes, but at this point, they have no voice to register their objections because there are few, if any, actual residents as of yet.

In summary: please do not allow what little residential character remains in this stretch of HVR to be destroyed by commercial development in its midst -- especially given that there is so much other commercial development taking place within a very short distance. It isn't desirable, and it isn't necessary.

Please feel free to contact me if you have any questions.

Sincerely, David Bernholdt

--

David E. Bernholdt | Email: bernholdtde@ornl.gov
Oak Ridge National Laboratory | Phone: +1 (865) 574 3147
<http://www.csm.ornl.gov/~bernhold/> | Fax: +1 (865) 576 5491

From: <tiredmomsd@bellsouth.net>
To: <contact@knoxmpc.org>
Date: 6/21/2006 10:12:00 PM
Subject: Opposition to apartments at 6-J-06-UR

Members of the Knoxville Planning Commission:

We are writing to express our concern about the rezoning requests 6-A-06-SP and 6-H-06-RZ by WC Development, which are item 70 on the June 8, 2006 agenda. The parcel of land in question is surrounded on all sides by residential housing. To zone this lot commercial would be out of character with the existing plan for this local area of Hardin Valley. Further, commercial zoning would greatly increase traffic and noise near many homes in the area, with little overall gain for residents.

While our collective need for "peace, quiet, and green space" may not be a reason FOR YOU to stand in the way of what some call "needed development," the frenzied development taking place in Hardin Valley is replacing all that is attractive in this part of West Knoxville. There is PLENTY of empty space available for apartments in other areas and there are many office parks and commercial developments standing empty just a little further to the east of this area. We DO NOT NEED to continue commercial development in this direction simply because "you can do it". This is a obvious case of "urban sprawl" and not required or needed by the homeowners in our area. We purchased our lot 17 years ago and at that time Pellissippi Parkway was a "Scenic Highway". Ha! No longer!!!! It's sad to witness such a terrible transition from rolling farmlands and lovely homes to this UGLY commercial development. The last thing that Hardin Valley needs is more commercial property. Why can't people live in the quiet, peaceful countryside without this type of commercial crap being shoved down our throats??? Please vote against rezoning requests 6-A-06-SP and 6-H-06-RZ. You folks are supposed to be part of a "metropolitan PLANNING commission". The key word here is "planning" and hopefully that word will mean something to someone on this commission. Remember, YOU ARE elected officials!

Tim & Susan Diegel
2124 Berrywood Dr.
Knoxville, TN 37932

CC: <rlbridges@y12.doe.gov>, <RAYCPA@comcast.net>, <email@hardinvalley.org>, <tdiegel@n-p.com>