

▶ **FILE #:** 10-A-10-RZ **AGENDA ITEM #** 31
AGENDA DATE: 12/9/2010

▶ **APPLICANT:** CAD PROPERTIES (REFERRED BACK BY CITY COUNCIL)

OWNER(S): CAD PROPERTIES

TAX ID NUMBER: 58 L D 039.01

JURISDICTION: City Council District 4

▶ **LOCATION:** Northwest side Tazewell Pike, northeast of Smithwood Rd.

▶ **APPX. SIZE OF TRACT:** 1.18 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Tazewell Pike, a minor arterial street with 26' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** R-2 (General Residential)

▶ **ZONING REQUESTED:** O-1 (Office, Medical, and Related Services) or O-3 (Office Park) as requested by City Council

▶ **EXISTING LAND USE:** Medical office

▶ **PROPOSED USE:** Professional office

EXTENSION OF ZONE: Yes, extension of O-1 zoning from the northeast

HISTORY OF ZONING: MPC approved a One Year Plan amendment to O and a rezoning to O-1 on 1/11/07. City Council denied the requests on 2/13/07 (1-F-07-RZ/1-C-07-PA).

SURROUNDING LAND USE AND ZONING: North: House / R-2 (General Residential)
 South: Tazewell Pike - Apartments / R-2 (General Residential)
 East: Professional office / O-1 (Office, Medical & Related Services)
 West: Apartments / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of low to medium density residential, office and institutional uses, under R-1, R-2, O-1 and O-3 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning.**

The recommended O-1 zoning is compatible with surrounding development and zoning and is a logical extension of office zoning from the northwest.

COMMENTS:

MPC unanimously voted to recommend approval of O-1 zoning for this site on 10/14/10. MPC also unanimously approved a One Year Plan amendment and North City Sector Plan amendment to office at that meeting (10-A-10-PA/10-A-10-SP). On 11/16/10, City Council voted to refer the rezoning case back to MPC to consider O-3 zoning.

Either O-1 or O-3 zoning are consistent with the sector plan and One Year Plan proposals for the property. Staff is maintaining its original recommendation to approve O-1 zoning. Several properties in the surrounding area are currently zoned O-1. Most surrounding properties are zoned R-2. O-1 zoning allows the office use of the site, but also retains the opportunity to develop residential uses, the same as all of the adjacent properties. Rezoning the property O-3 would take away residential development rights that all neighboring properties currently have. Additionally, O-3 zoning is intended for office park development, which generally occurs on larger properties and contains multiple office buildings arranged in a campus-like setting.

O-1 zoning allows a wider range of uses, a greater maximum building height of 45', a larger rear yard setback and less signage than O-3. O-3 zoning allows less uses, has a maximum building height of 35', a smaller rear yard setback and allows more wall signage. Both zones allow a monument sign with a maximum of 6 feet in height and 36 square feet in area.

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

1. O-1 is a logical extension of the already established office zoning to the northeast of the site.
2. The surrounding area is developed with residential, office and institutional uses. O-1 zoning is compatible with surrounding development and zoning.
3. O-1 zoning is appropriate at this location along a minor arterial street, surrounded by other offices, apartments and a school.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested O-1 zoning is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Further, the intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
2. Based on the above description, O-1 is an appropriate zone for this site.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. O-1 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. The impact on the street system will depend on the type of office development proposed.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended amendment to O, the recommended O-1 zoning is consistent with the City of Knoxville One Year Plan.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. A North City Sector Plan amendment accompanies these One Year Plan amendment and rezoning requests (10-A-10-SP). That request is to amend the sector plan from medium density residential to office. This amendment must also be approved to be consistent with the requested O-1 zoning.

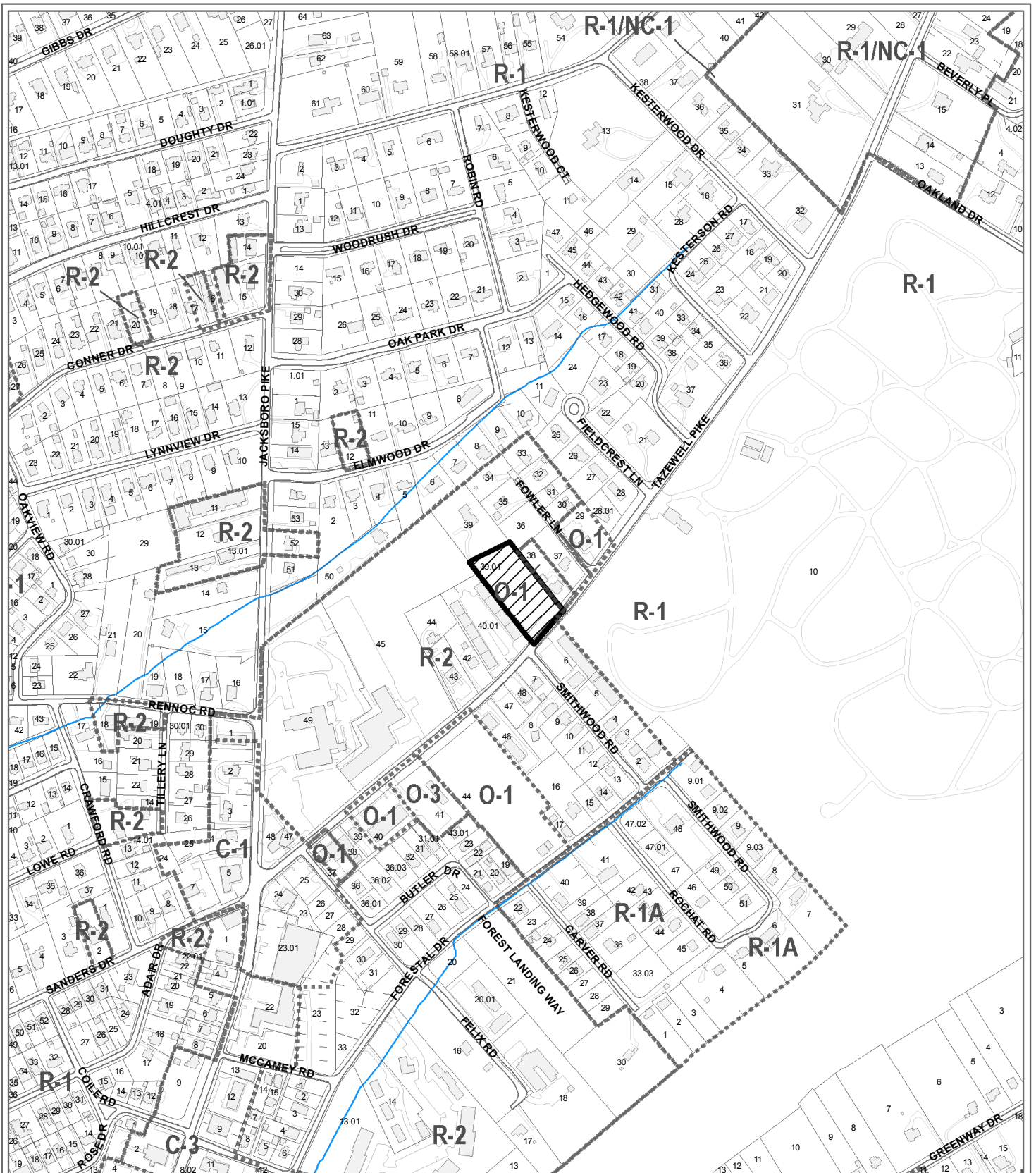
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/11/2011 and 1/25/2011. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



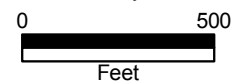
**10-A-10-RZ
REZONING**

From: R-2 (General Residential)
To: O-1 (Office, Medical, and Related Services)



Petitioner: CAD Properties

Map No: 58
Jurisdiction: City

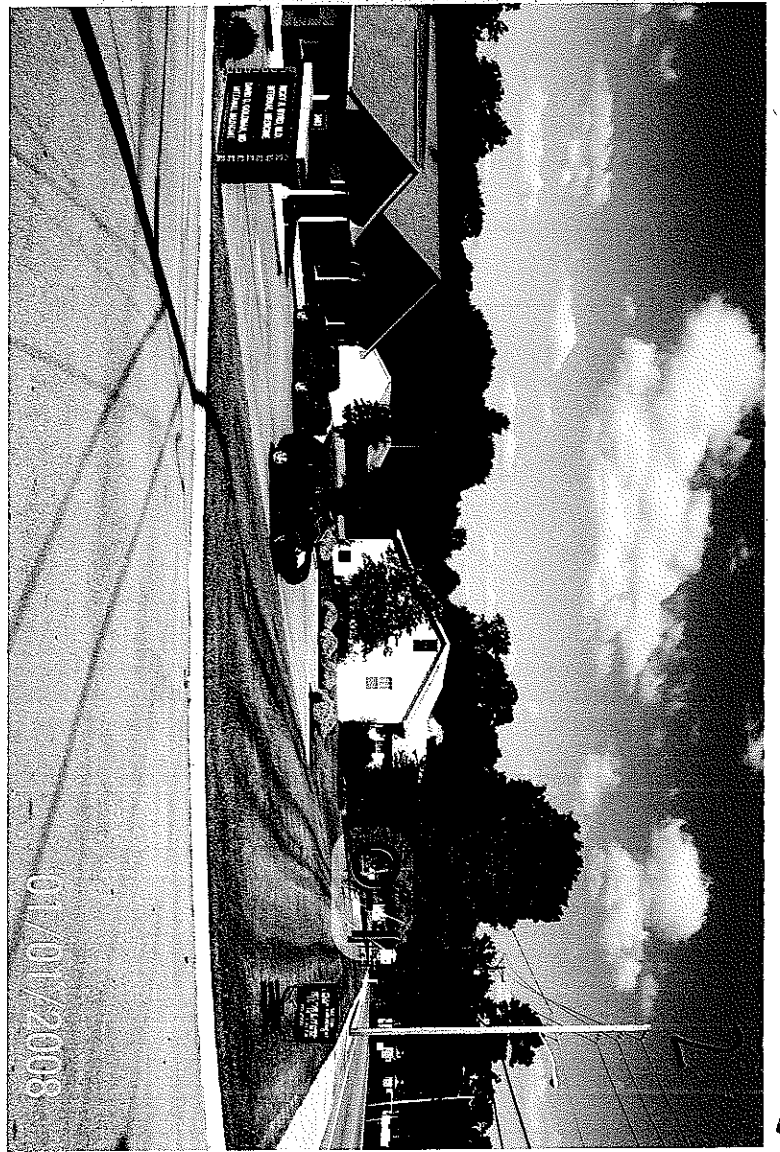


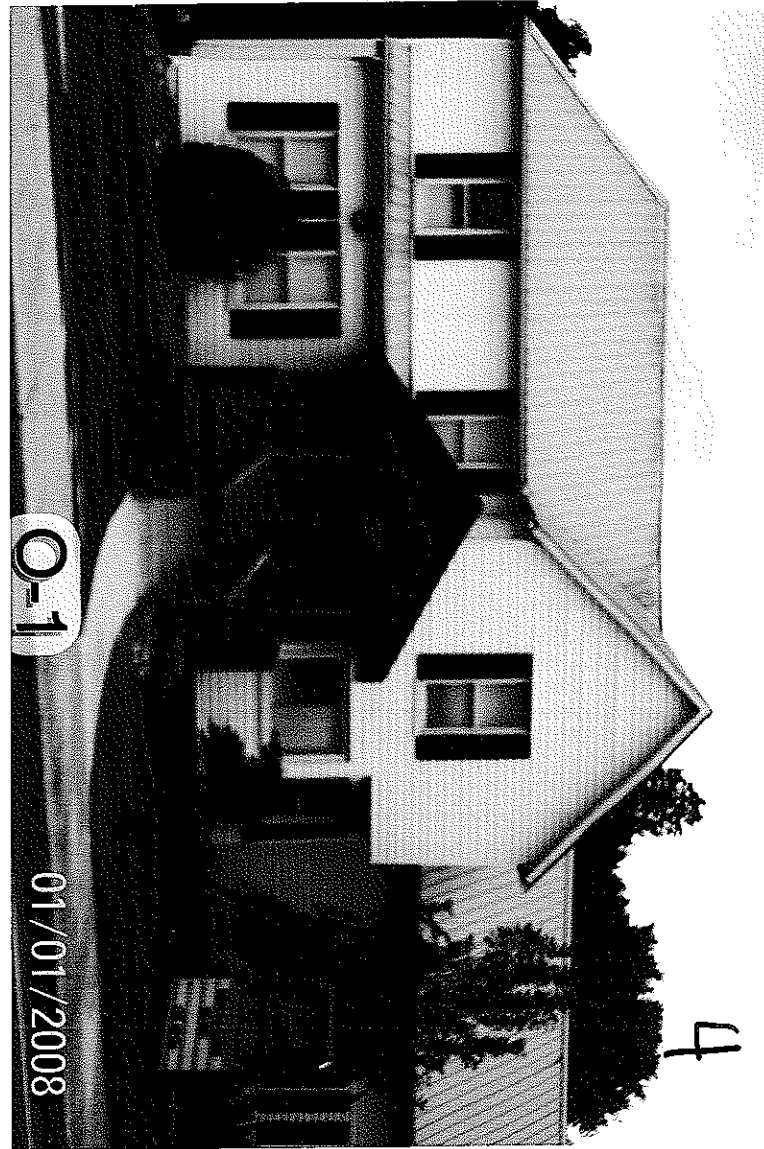
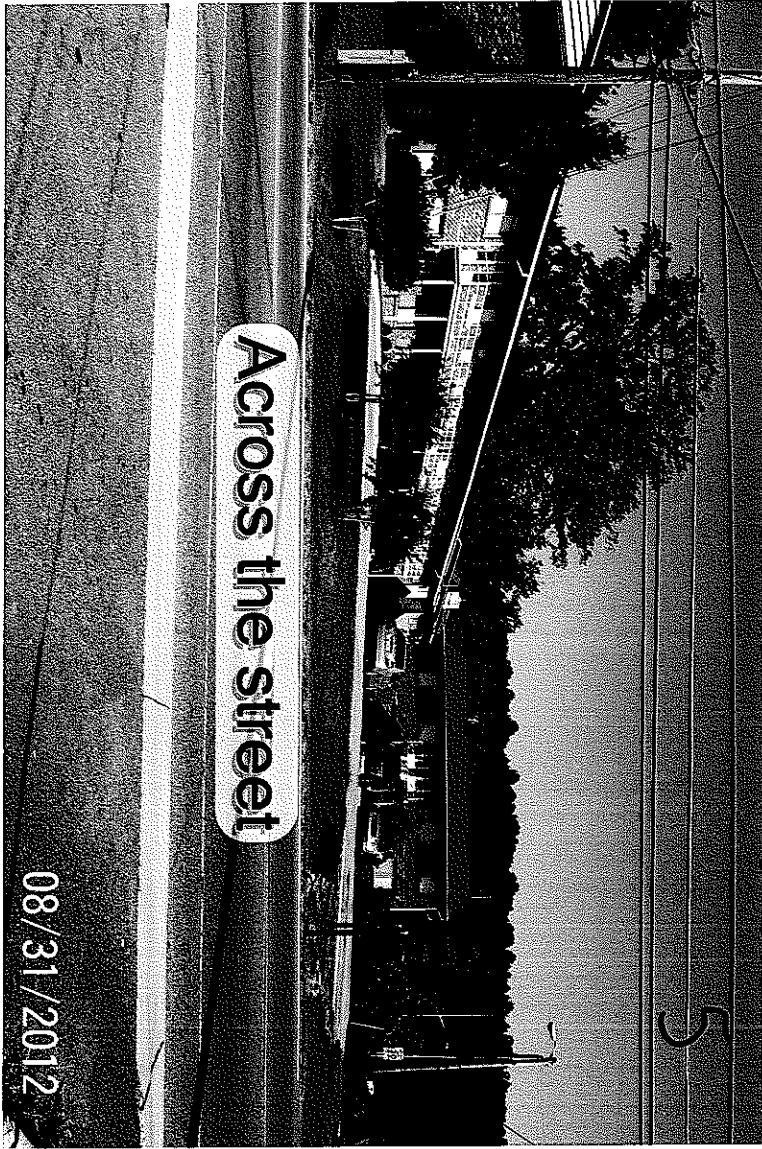
Original Print Date: 9/21/2010
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

#25

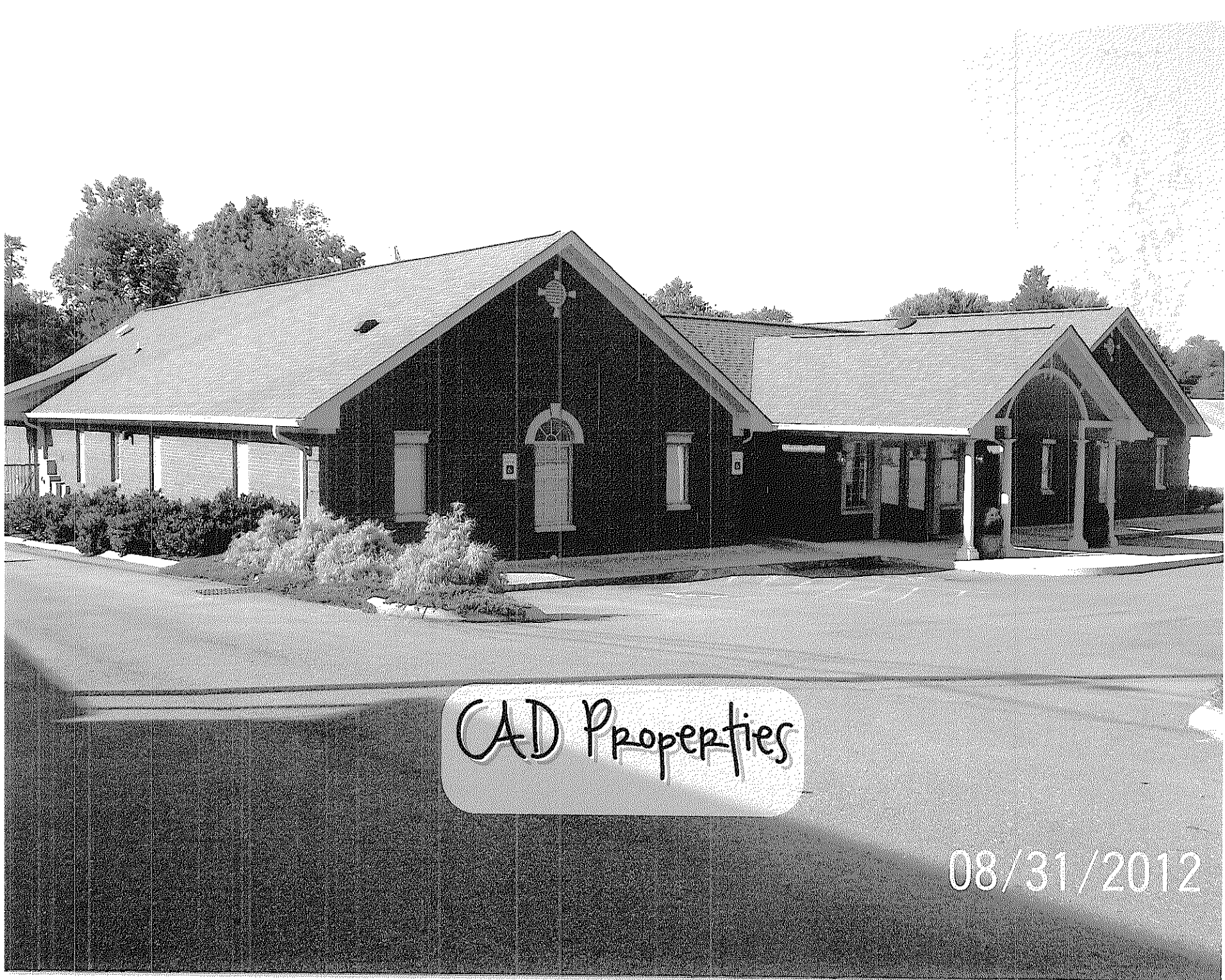
10-A-16-SP
10-A-10-KA
10-A-10-KZ

1. CAD Properties
3403 Tazewell Pike
2. CAD Properties with O-1 Maplewood
office to the right
3. East of CAD Properties, directly next
to our office is Maplewood, zoned O-1
4. Three lots east of our property
Panache Salon, zoned O-1
5. Directly across from CAD Properties
Apartments
6. Next to the apartment is a church
7. Realty Executives 30,000 sq ft
zoned O-1









CAD PROPERTIES

I am signing below to voice my opinion regarding the zoning request for the owners of CAD Properties at 3403 Tazewell Pike.

I have no objections to the R-2 to O-1 rezoning. I feel that it fits into the community in a positive way.

- Patty Long 4111 Tazewell Pk Knox, TN
- Cindy A. Card 4101 Tazewell Pike Knox, TN 37918 37918
- Boffi Hogan 4110 Tazewell Knox, TN 37918
- Mary Helen Brower 4108 Tazewell PK, Knoxville, TN 37918
- Charles Brush 4106 Tazewell Pike Knoxville TN 37918
- Dyann R. Sutton 4109 Tazewell Pike Knox TN 37918
- Shley Kelley-Cox 4112 Tazewell Pike Knox, TN 37918
- Ben Stewart 4212 Tazewell Pike Knox 37918
- Angela Keenan 4829 Smithwood rd Knox TN 37918
- Broncos Wilson 4825 Smithwood
- Willie & Susan Poirer 4815 Smithwood rd 37918

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Aileen Horner 3403 Tazewell Pike Aileen Horner
Sandra Waggoner 5018 Laurel St Knoxville 37918
DTC 5024 Fourer Lane Knoxville TN 37918
Mary Hillard 5007 Fieldcrest Ln Knoxville 37918
John Rutherford 5017 Fieldcrest Lane
Elizabeth Lynch 5025 Fieldcrest Lane
JES 5018 Fieldcrest Lane
Kevin S. Lane 5009 Hedgewood Dr. 37918
Carolyn Lane 5008 Hedgewood Dr 37918
J. M. D. 5010 Hedgewood Dr. 37918
J. M. D. 4701 Tazewell Pike 37918

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I am signing below to voice my opinion regarding the zoning request for the owners of CAD Properties at 3403 Tazewell Pike.

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Arbutus W. Stooksbury
3303 Tazewell PK. 37918



August 31, 2010

To whom it may concern:

I wanted to voice my opinion of the zoning change for:
CAD Properties, owned by Lisa M. Byrd. The address is
3403 Tazewell Pike, Knoxville TN 37918.

I own the adjoining property and have no objections to the R-2 to O-1 rezoning.
I see no negative impact on the surrounding area. This is a property that is already in
place and serving the community well. It is aesthetically pleasing, well built and an asset
to our area.

For a community to have a blend of services and buildings that enhance adds interest and
value to the Tazewell Pike area-especially in this location.

Sincerely,

A handwritten signature in cursive script that reads "Mary Parker Slack".

Mary Parker Slack
President and owner
Maplewood Development, LLC
3405 Tazewell Pike
Knoxville, TN. 37918

From: <ombroligo@aol.com>
To: <buz.johnson@knoxmpc.org>, <mark.donaldson@knoxmpc.org>
Date: 10/14/2010 7:50:34 AM
Subject: Agenda Item #25

Oct 14, 2010

Tazewell Pike-Beverly Station Neighborhood Coalition

Re: Agenda Item #

Our neighborhood is in complete agreement with Ftn. City Town Hall regarding this rezoning and conditions. The different types of offices offer the applicants the flexibility they said they needed, but the conditions allow our neighborhood protection.

The applicants told us at the Town Hall meeting that MPC had advised them to meet with Town Hall so that Town Hall could identify any conditions for the rezoning.

We are asking MPC for the following to be excluded from the Permitted Uses in O-1:

- 1) Uses permitted and regulated in R-2
- 2) Undertaking establishments and funeral homes
- 3) Private clubs and lodges
- 4) Public and private schools
- 5) Beauty and barber shops
- 6) Halfway houses

Additionally, we are asking MPC to exclude the following from Uses Permitted on Review in O-1:

- 1) Any use permitted on review in R-2 district and multi-dwelling structures or developments
- 2) Hospitals
- 3) Hotels and motels
- 4) Business colleges
- 5) Public and private colleges with student residence and dormitories
- 6) Assisted living facility
- 7) Churches
- 8) Methadone treatment clinic or facility
- 9) Halfway houses

We thank you for your consideration regarding this rezoning and conditions.

Sincerely,

Jamie Rowe, President, Tazewell Pike-Beverly Station Neighborhood Coalition

CC: <ombroligo@aol.com>

From: <ombroligo@aol.com>
To: <mark.donaldson@knoxmpc.org>, <buz.johnson@knoxmpc.org>
Date: 10/12/2010 8:34:48 AM
Subject: Agenda item #25

Fountain City Town Hall, Inc.
P.O. Box 18001 = Knoxville, Tennessee 37928-8001

October 11, 2010

Re: Agenda Item #25

Dear MPC Commisssdioners,

The applicants spoke at a Ftn. City Town Hall board meeting a few months ago and told us they were seeking a rezoning to have more flexibility regarding different kinds of offices than were permitted in R-2.

The applicants also said that MPC had advised them to meet with Town Hall so that Town Hall could identify any conditions for the rezoning.

The board voted to support the O-1 rezoning of this property with the following conditions on the rezoning.

We did not eliminate office uses, but we are asking MPC for the following to be excluded from the Permitted Uses in O-1:

- 1) Uses permitted and regulated in R-2
- 2) Undertaking establishments and funeral homes
- 3) Private clubs and lodges
- 4) Public and private schools
- 5) Beauty and barber shops
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Additionally, we are asking MPC to exclude the following from Uses Permitted on Review in O-1:

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- 6) Assisted living facility
- 7) Churches
- 8) Methadone treatment clinic or facility
- 9) Halfway houses

We thank you for your consideration regarding these conditions. This allows flexibility for different kinds of offices that the applicant said they were seeking, and at the same time protects the neighborhood.

Sincerely,

Jamie Rowe, Chair, Ftn. City Town Hall, Inc.