

▶ **FILE #:** 4-B-11-RZ

AGENDA ITEM # 31

AGENDA DATE: 4/14/2011

▶ **APPLICANT:** LARRY J. CLICK

OWNER(S): Larry J. Click Funeral Home

TAX ID NUMBER: 105 O C 029

JURISDICTION: County Commission District 3

▶ **LOCATION:** Southeast end Middlebrook Oaks Way, southeast of Middlebrook Pike

▶ **APPX. SIZE OF TRACT:** 5.3 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access to this site is from Middlebrook Pike, a major arterial street with 4 lanes and a center median within 110' of right-of-way. The center median has a cut to allow vehicles access to the site from either direction.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek

▶ **PRESENT ZONING:** OB (Office, Medical, and Related Services) with conditions

▶ **ZONING REQUESTED:** OB (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Funeral home

EXTENSION OF ZONE: Yes, extension of OB from the north, east and west.

HISTORY OF ZONING: This property was conditionally zoned OB in 2002 (5-Q-02-RZ).

SURROUNDING LAND USE AND ZONING: North: Vacant land, access driveway / OB (Office, Medical & Related Services)

South: Residential subdivision / RA (Low Density Residential)

East: Vacant land / OB (Office, Medical & Related Services)

West: Vacant land / OB (Office, Medical & Related Services)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of uses, under CA, OB, RB, A and RA zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) zoning.**

Unconditioned OB zoning is an extension of zoning from the north, east and west, allows compatible uses with the surrounding development and zoning pattern and is consistent with the sector plan proposal for the site.

COMMENTS:

In 2002, when this site was rezoned from RA to OB, a condition was placed on the zoning that required the applicant to record deed restrictions on the property. The deed restrictions were proposed by the applicant to address concerns presented by the Crestwood Hills neighborhood to the south. Specifically, the deed restrictions (attached) excluded certain uses from being placed on the property, such as hotels, hospitals,

funeral homes, dormitories and telecommunication towers. The document also provided some additional regulations to protect the neighborhood. The exclusion of funeral homes is the reason for this application, The applicant wishes to develop a funeral home on the property, so is asking that the conditions be removed from this OB zoned property. In 2002, staff supported unconditioned OB zoning and maintains that position for this application. An event facility called Middlebrook Gardens is currently located on the property.

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

1. OB zoning is compatible with the scale and intensity of the surrounding development and zoning pattern in the area.
2. Adjacent parcels to the north and west are currently zoned OB, with no conditions.
3. The proposed OB zoning is consistent with the Northwest County Sector Plan proposal for the site.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. OB zoning provides areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices near residential neighborhoods.
2. Based on the above description, this site is appropriate for OB zoning.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The impact to the street system will be minimal.
3. The proposed zoning is compatible with surrounding development, and the impact should be minimal.

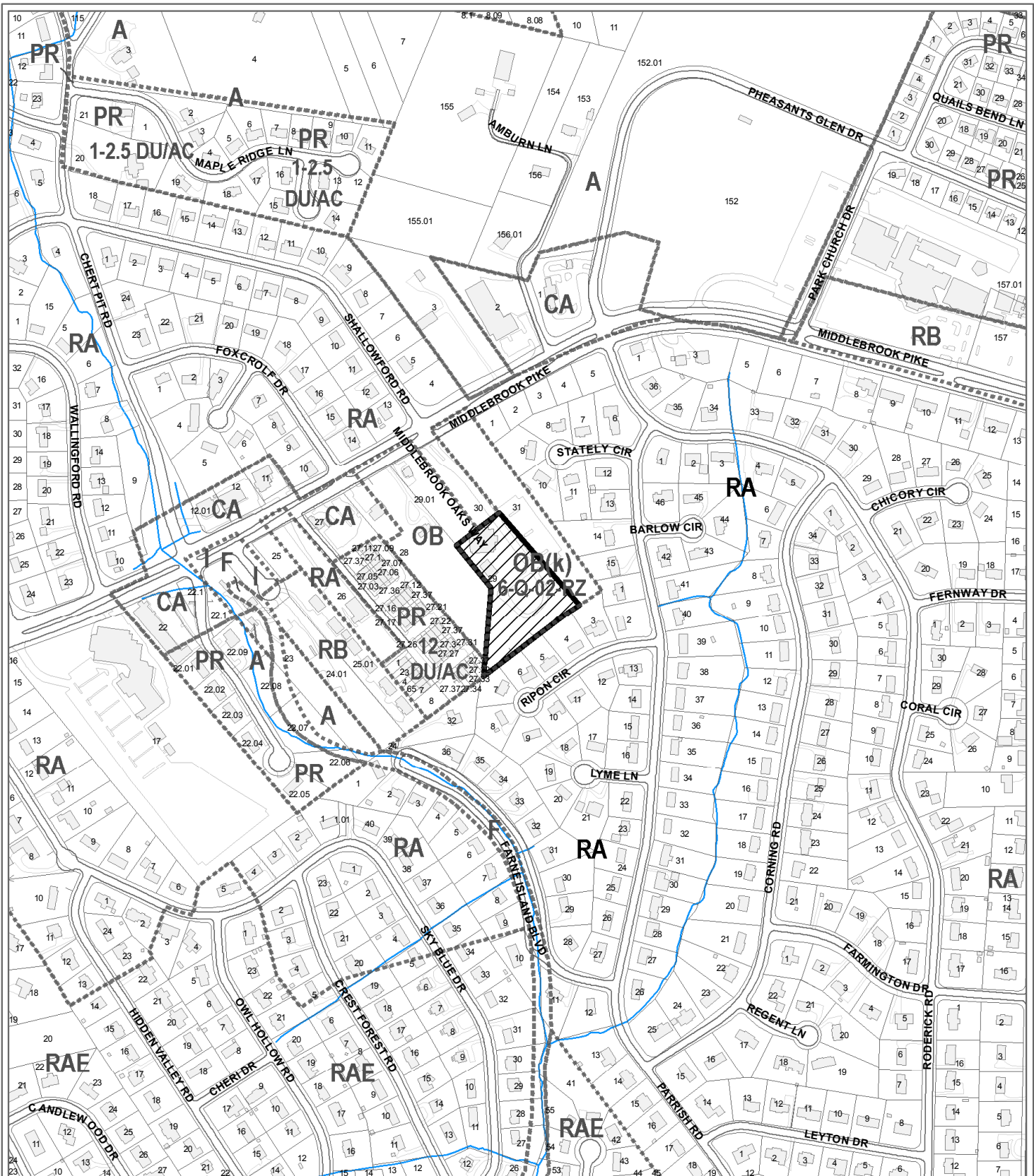
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes mixed uses for the site, consistent with the proposed OB zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future requests for OB zoning on surrounding properties, which is consistent with the sector plan proposal for mixed uses in the 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 5/23/2011. 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.



**4-B-11-RZ
REZONING**

From: OB (Office, Medical, and Related Services) with conditions

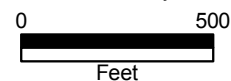
To: OB (Office, Medical, and Related Services)



Petitioner: Click, Larry J.

Map No: 105

Jurisdiction: County



Original Print Date: 3/24/2011
 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Huber Properties, LLC
John Huber, Principal

6-Q-02-RZ

July 9, 2002

Letter to Crestwood Hills/Heights Residents

RE: Pending Rezoning - Five Acres Middlebrook Pike

Dear Neighbors:

In exchange for support from adjacent property owners in our request for rezoning, Huber Properties agrees to record the following deed restrictions on the property known as 9020 Middlebrook Pike:

General

- Exclude hotels, motels, hospitals, commercial parking garages, funeral homes, dormitories, and telecommunication towers as allowable uses.
- Decrease the allowable building height from 4 stories to 2 stories (not to include basements or finished attics).

For Any Non-Residential Use

- Leave a 20' wide landscaping buffer where adjacent to any improved lot in Crestwood Hills or Crestwood Heights. Said buffer to consist of existing trees and foliage as undisturbed or in areas of thin growth, replace with new trees and other foliage to create the buffer.
- Increase the building set-backs as adjacent to Crestwood Hills/Heights residents from 25' to 35'.
- No site lighting will be directed at adjacent residences. The height of site lighting is restricted to 20' or less.

As previously discussed in our two prior neighborhood meetings, we feel that these further restrictions to the OB zoning will offer additional protection to adjacent residential uses.

Thanks,

John Huber

Craig Huber