

▶ **FILE #:** 9-A-11-RZ **AGENDA ITEM #** 30
 POSTPONEMENT(S): 9/8/11-11/10/11 **AGENDA DATE:** 12/8/2011

▶ **APPLICANT:** FRED LANGLEY
 OWNER(S): Fred Langley

TAX ID NUMBER: 131 PART OF 068 PORTION ZONED CB/TO
 JURISDICTION: County Commission District 6

▶ **LOCATION:** Northwest side Dutchtown Rd., southwest side Simmons Rd.

▶ **APPX. SIZE OF TRACT:** 10 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Dutchtown Rd., a local street with 20' of pavement width within 45' of right-of-way, or Simmons Rd., a local street with 38' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: First Knox Utility District
 Sewer Source: First Knox Utility District

WATERSHED: Turkey Creek

▶ **PRESENT ZONING:** CB (Business and Manufacturing) / TO (Technology Overlay)

▶ **ZONING REQUESTED:** CB (Business and Manufacturing)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Mulch business

EXTENSION OF ZONE: Yes, extension of CB from the west

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant land - CB (Business & Manufacturing) / TO (Technology Overlay)

South: Dutchtown Rd. - Businesses - CB (Business & Manufacturing) / TO

East: Simmons Rd. - Vacant land - PC (Planned Commercial) and BP (Business & Technology Park) / TO

West: Businesses - CB (Business & Manufacturing)

NEIGHBORHOOD CONTEXT: This area is developed primarily with manufacturing and service-oriented businesses under CB, BP/TO, PC/TO and CB/TO zoning.

STAFF RECOMMENDATION:

▶ **DENY CB (Business & Manufacturing) zoning. Retain the current CB zoning with the TO (Technology Overlay).**

The permitted uses would be the same generally, regardless of the TO overlay. But, without the overlay, the tract would not be subject to review by the TTCDA board, in an area where development has been guided by the TTCDA Design Guidelines.

COMMENTS:

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

1. No significant changes have occurred in the area that warrant the removal of the TO overlay.

2. Properties on three of four sides have the extra protection of the TO overlay. There are no valid reasons to remove the TO overlay from this property, based on the requirements of the Knox County Zoning Ordinance. (See attached Art. 6, Sect. 6.31.01)
3. Earlier this year, the Tennessee Technology Corridor Development Authority (TTCDA) approved a Certificate of Appropriateness (5-A-11-TOB) for a development plan proposing a commercial mulching operation on the site. Any alternative plans or redevelopment of the site will require another approval. As of the date of this report, no development has occurred on the site. The approved plan for the mulching operation included provision for landscaping and signage that will make it more compatible with surrounding existing and future development.
4. A decision to remove the TO overlay from any site should be based only on legitimate planning and zoning principles consistent with the zoning ordinance. Before any property is removed from the overlay, an overall assessment of the area within the Technology Corridor should be conducted to determine the advantages and disadvantages of such removal and what the long term impacts could be on the corridor's development pattern.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CB zoning provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses, or with other uses that require an environment free of noise, odors and congestion.
2. The TO overlay is established to provide for physical development review within the Tennessee Technology Corridor area of Knox County by TTCDA. Within the TO zone, no base zoning may be changed, no variance from the provisions of the zoning ordinance may be granted and no building or grading permit may be issued prior to the issuance of a Certificate of Appropriateness by the TTCDA.
3. Based on the above descriptions and intents, this property's current CB/TO zoning should be retained.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available in the area, but may have to be extended to serve the site.
2. Removal of the TO zoning overlay at this location could adversely impact surrounding properties, that are subject to review by the TTCDA. Surrounding properties could be adversely impacted by a lower standard of development on the subject property, if it were to be redeveloped with more intense uses at a later date.
3. If this proposal is approved, the site could be developed without any oversight from the TTCDA, while adjacent properties would be subject to TTCDA review.
4. Much of the Technology Corridor was designated with the TO overlay as a means to encourage a higher standard of design for new developments or uses undergoing redevelopment. The property is located in an older portion of the Technology Corridor that has benefitted from the Design Review imposed by the TTCDA. Over the years, application of the TTCDA Design Guidelines in this area has resulted in a gradual improvement to the built environment. Rather than hinder development, the TO overlay has experienced over 5 million square feet of new and redeveloped space since 1983.

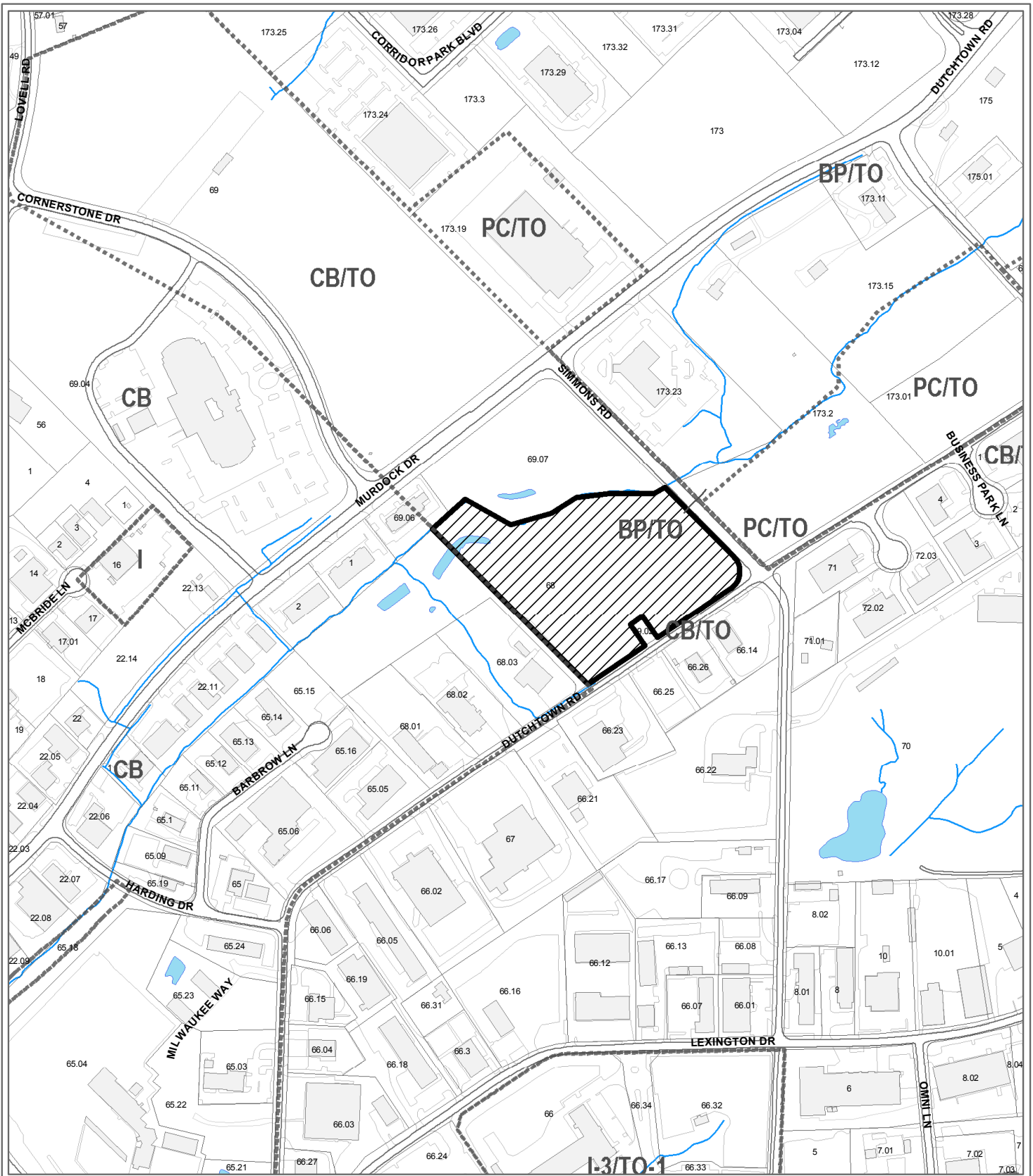
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes light industrial uses for the site, consistent with either CB or CB/TO 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 to remove the TO overlay from other properties in the area. This could set a bad precedent for the future of the Technology Overlay area.
4. Because of the property's location within the TO (Technology Overlay), the TTCDA will need to approve a Certificate of Appropriateness for this rezoning from the TTCDA. This request is scheduled to be considered by TTCDA at their Monday, November 7, 2011 meeting (9-A-11-TOR).

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/23/2012. 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.



**9-A-11-RZ
REZONING**

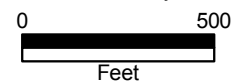
From: CB (Business and Manufacturing) / TO (Technology Overlay)
 To: CB (Business and Manufacturing)



Petitioner: Langley, Fred

Map No: 131

Jurisdiction: County



Original Print Date: 8/23/2011 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

6.30 AMENDMENTS

The regulations, restrictions, boundaries and options set forth in this resolution may, upon proper application by the property owner or his designated representative, by an appropriate governmental agency, or the County Board of Commissioners, be amended, supplemented, revised or repealed from time to time as conditions warrant, as hereinafter set forth.

6.31.01 Standards for Amendments

A proposed amendment shall be considered on its own merits using the following criteria as a guide.

Text or Map Amendments

The following conditions shall be met for all amendments:

- A. The proposed amendment shall be necessary because of substantially changed or changing conditions in the area and zones affected, or in the County generally.
- B. The proposed amendment shall be consistent with the intent and purposes of this resolution.
- C. The proposed amendment shall not adversely affect any other part of the County nor shall any direct or indirect adverse effects result from such an amendment.
- D. The proposed amendment shall be consistent with and not in conflict with the General Plan of Knoxville and Knox County including any of its elements, Major Road Plan, Land Use Plan, Community Facilities Plan, and others.

6.30.02 Application

Amendments shall be initiated by filing an application with the Metropolitan Planning Commission on forms available in the Metropolitan Planning Commission Office.

6.30.03 Public Hearing

Upon receipt of such application, the Planning Commission shall schedule a public hearing. The Planning Commission shall consider and make recommendations on all such proposed amendments, taking into account the testimony at the hearing, a site inspection of the property in question, recommendations from the Health Department, the Planning Commission Staff or other official bodies, and the standards provided for amendments.

- A. Prior to holding such public hearing, the Planning Commission shall have first given not less than twelve days notice of such hearing by one publication in a daily paper of general circulation.
- B. The Planning Commission shall notify all property owners whose property would be rezoned and who were not a party to the petition for rezoning. Such notification shall be by certified mail to the last known address of the property owner not less than twelve days prior to the public hearing. Notification by mail shall not be required in cases of general amendments to the zoning map or amendments to the text of the zoning resolution.

6.30.04 Errors or Oversights

Errors or oversights as may be found in the resolution as originally adopted shall be corrected under the normal amendment procedure.



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: File # 9-A-11-RZ

1 message

Mike Brusseau <mike.brusseau@knoxmpc.org>**Wed, Sep 14, 2011 at 4:10 PM**

To: Buz Johnson <buz.johnson@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Mark Donaldson <mark.donaldson@knoxmpc.org>, Dan Kelly <dan.kelly@knoxmpc.org>

----- Forwarded message -----

From: **Lane Hays** <laneshays@gmail.com>

Date: Wed, Sep 14, 2011 at 1:26 PM

Subject: File # 9-A-11-RZ

To: "mike.brusseau@knoxmpc.org" <mike.brusseau@knoxmpc.org>

I and several others are owners of the property forming a square on Dutchtown, Simmons and Murdock roads plus other tracks fronting Murdock as part of Corridor Park.

I am very opposed to re-zoning this referenced tract from technology overlay to business and manufacturing. Had I known about the approval of a mulch company on the adjoining tract, which was not in the technology overlay, I would have opposed this too as not in keeping with the established businesses nearby.

I am not adverse to development by any means because that is what we want to happen to our property. But all of us have worked too hard to create the technology zone and it should be upheld. It would set a bad precedent and would also encroach on the other properties which are zoned in technology overlay.

I hope you will consider this protest.

Mrs Charles (Lane) Hays

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