



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

FILE #: 6-S-06-RZ **AGENDA ITEM #** 22
 6-H-06-SP **AGENDA DATE:** 9/8/2011

POSTPONEMENT(S): 6/8/06-9/13/07, 8/11/11

APPLICANT: OLIVER A. SMITH
OWNER(S): SMITH OLIVER A ETAL TRUSTEES

TAX ID NUMBER: 144 O A 003
 JURISDICTION: Commission District 5

LOCATION: Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr.

TRACT INFORMATION: 3.84 acres.
 SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Lake Heritage Way, a private street with 26' of pavement width. This private drive leads to Heritage Lakes Apartments from Westland Dr., a minor arterial street with 35' of pavement width within 90' of right-of-way.

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

WATERSHED: Sinking Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / PR (Planned Residential) and CA (General Business)

PROPOSED PLAN DESIGNATION/ZONING: O (Office) / OB (Office, Medical, and Related Services)

EXISTING LAND USE: Vacant land

PROPOSED USE: Professional and business offices

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted for this site. Property to north was rezoned CA in 1997.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Weigels, offices / CN / CA (General Business)
 South: Apartments / LDR / PR (Planned Residential) @ 1-5 du/ac
 East: I-140 right of way / TR / OS-1 (Open Space)
 West: Lake Heritage Way - Apartments / LDR / PR (Planned Residential) @ 1-5 du/ac

NEIGHBORHOOD CONTEXT: This area is developed with a mix of uses, including apartments, single family dwellings, a church, a children's hospital, offices, a daycare facility and a convenience store, under CA, PC, PR and RA zoning.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #6-H-06-SP, amending the Southwest County Sector Plan to O (Office) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

Either medium density residential or office uses, as permitted by the requested OB zoning, would be appropriate on this site, which is located between commercial establishments and an existing apartment complex and church. The site meets the locational criteria for the O designation in the sector plan, as well as other criteria for amending the sector plan. The office plan designation must be approved in order to consider OB zoning for the site.

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

OB zoning for this site creates a transition area between commercial/office uses to the north along Westland Dr. and residential uses to the south and west.

COMMENTS:

These requests were originally filed for MPC consideration at the June 8, 2006 meeting, but were postponed until the September 13, 2007 meeting, at the request of the applicant. Then, at the September 13, 2007 meeting, the applicant requested that the items be tabled. Because of the desire to act on and dispose of some of the older tabled items on MPC's agenda, staff informed the applicant before the July 14, 2011 meeting that it would be recommending untabling of these items for action at the August 11, 2011 meeting. The items were untabled on July 14, 2011. In order to meet notification requirements for the plan amendment, the items could not be considered by MPC until this September 8, 2011 meeting. Conditions have not changed since 2007, and staff maintains its original recommendations to approve both requests. As of the date of this report, staff has not heard from the applicant as to his intentions with this proposal. The applicant will have the option to withdraw the requests prior to the meeting.

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No known road improvements have occurred recently on Westland Dr. in this area. However, the road is sufficient to accommodate any additional traffic that could be generated by the rezoning of this site.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan calls for low density residential uses for the site, which may not be appropriate or desirable for this site. This site is more appropriate for the proposed office or medium density residential development.

CHANGES IN GOVERNMENT POLICY:

This location is in close proximity to the interchange of I-140 and Westland Dr. and is in an area appropriate for large scale office or medium density residential development. Office uses are good transitional uses between commercial and residential uses, such as at this location.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

There is a large apartment complex to the southeast of this site, zoned PR, and commercial uses to the northwest, zoned CA. The proposed use is appropriate adjacent to either of these uses.

REZONING REQUIREMENTS:

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

1. OB zoning is appropriate at this location as a transitional zone between commercial and residential uses.
2. The proposal is an extension of zoning from the northwest and is compatible with surrounding land uses.
3. OB zoning is appropriate at this location, which is in close proximity to a major interstate interchange.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested OB zoning district 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. The OB zoning district also allows residential development as permitted by the RB zoning district.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have a minimal impact on streets and no impact on schools.
3. The recommended OB zoning is compatible with surrounding development and will have a minimal impact on adjacent properties.
4. If rezoned from PR to OB, this 3.84 acre site will no longer be counted toward overall density calculations for future residential development on the adjacent PR zoned property.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended sector plan amendment to office, OB zoning is consistent with the Southwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This request may lead to future rezoning requests for office zoning on other properties in the area, however the sector plan does not propose office or commercial uses further to the west along Westland Dr.

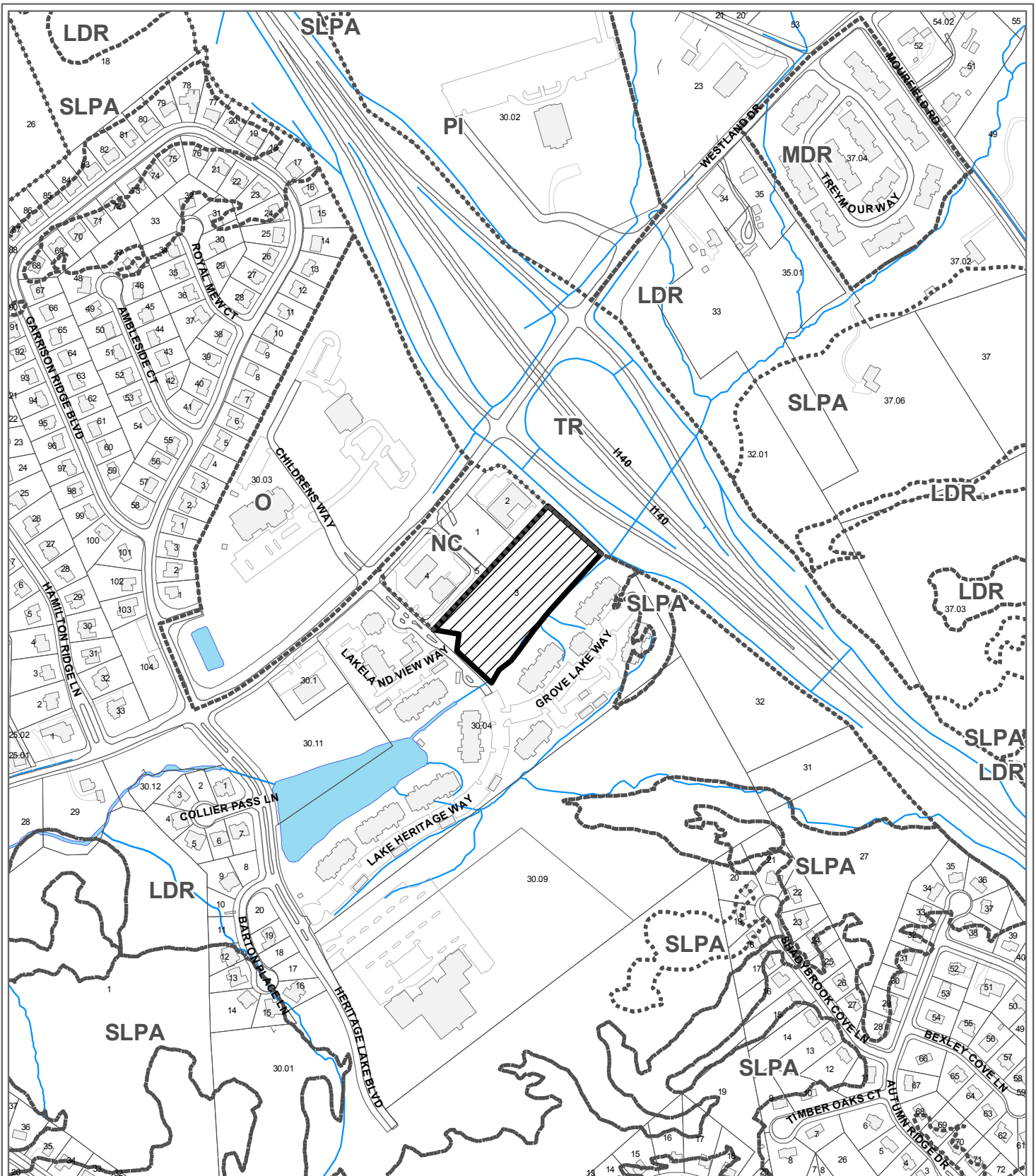
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

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 Knox County Commission for action on 10/24/2011. 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.



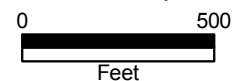
6-H-06-SP / 6-S-06-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

From: LDR (Low Density Residential)
 To: O (Office)

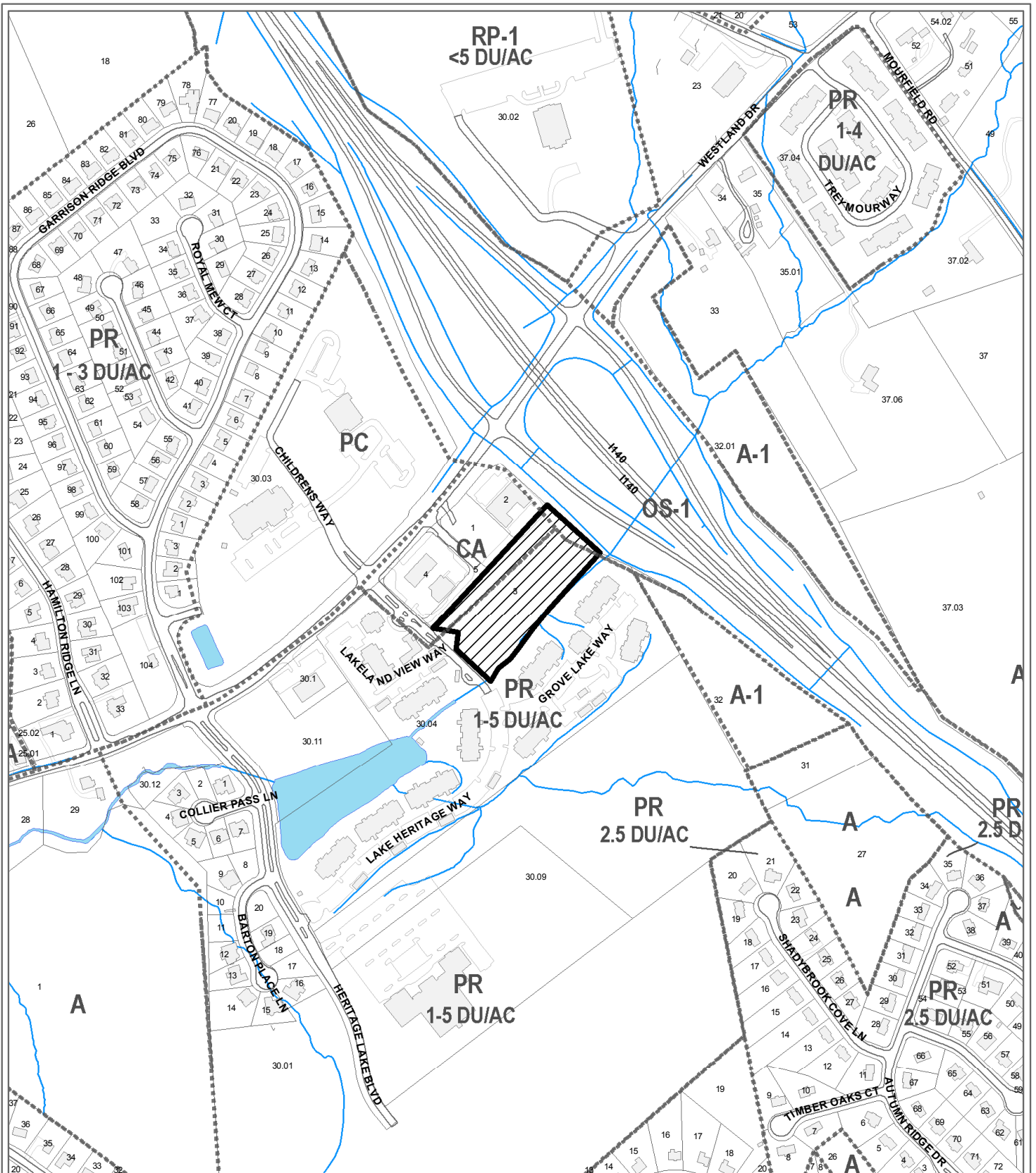


Petitioner: Smith, Oliver A.

Map No: 144
 Jurisdiction: County



Original Print Date: 8/19/2011 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



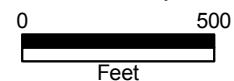
**6-S-06-RZ
REZONING**

From: PR (Planned Residential) and CA (General Business)
To: OB (Office, Medical, and Related Services)



Petitioner: Smith, Oliver A.

Map No: 144
Jurisdiction: County



Original Print Date: 8/19/2011
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTHWEST 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 Southwest 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**, Oliver A. Smith, has submitted an application to amend the Sector Plan from Low Density Residential to Office for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Southwest 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 September 8, 2011, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or 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 Southwest County Sector Plan, with its accompanying, staff report and map, file #6-H-06-SP.

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

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

Date

Chairman

Secretary