

▶ **FILE #:** 7-D-12-RZ **AGENDA ITEM #:** 20
 POSTPONEMENT(S): 7/12/12 **AGENDA DATE:** 8/9/2012

▶ **APPLICANT:** **NORTHSHORE MARKET INVESTORS, LLC**
 OWNER(S): Northshore Market Investors LLC

TAX ID NUMBER: 154 F F 021 PART OF 154-09804 (MAP ON FILE)

JURISDICTION: City Council District 2

▶ **LOCATION:** **Northeast side Clingmans Dome Dr., northwest side Chimney Top Ln.**

▶ **APPX. SIZE OF TRACT:** **4.38 acres**

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access to these sites is from Clingmans Dome Dr., a local street with 50' of right-of-way, or Mystic St., a local street with 23' of pavement width within 50 of right-of-way.

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

WATERSHED: Tennessee River

▶ **PRESENT ZONING:** **OS-2 (Park and Open Space)**

▶ **ZONING REQUESTED:** **TC-1 (Town Center)**

▶ **EXISTING LAND USE:** **Vacant land**

▶ **PROPOSED USE:** **Apartments**

EXTENSION OF ZONE: Yes, extension of TC-1 from all sides

HISTORY OF ZONING: These sites were rezoned OS-2 after being established in plans as open space / park areas.

SURROUNDING LAND USE AND ZONING: North: Future residential development - TC-1 (Town Center)

South: Future residential development - TC-1 (Town Center)

East: Future residential development - TC-1 (Town Center)

West: Future residential development - TC-1 (Town Center)

NEIGHBORHOOD CONTEXT: This area is within the residential portion of the developing Northshore Town Center site.

STAFF RECOMMENDATION:

▶ **POSTPONE the request until the September 13, 2012 MPC meeting.**

The applicant will be required to submit a new overall development plan, with the revised allocation of uses within the TC-1 zoned portion of the Northshore Town Center development. Also, a meeting with property owners of the development should take place prior to consideration of this rezoning request.

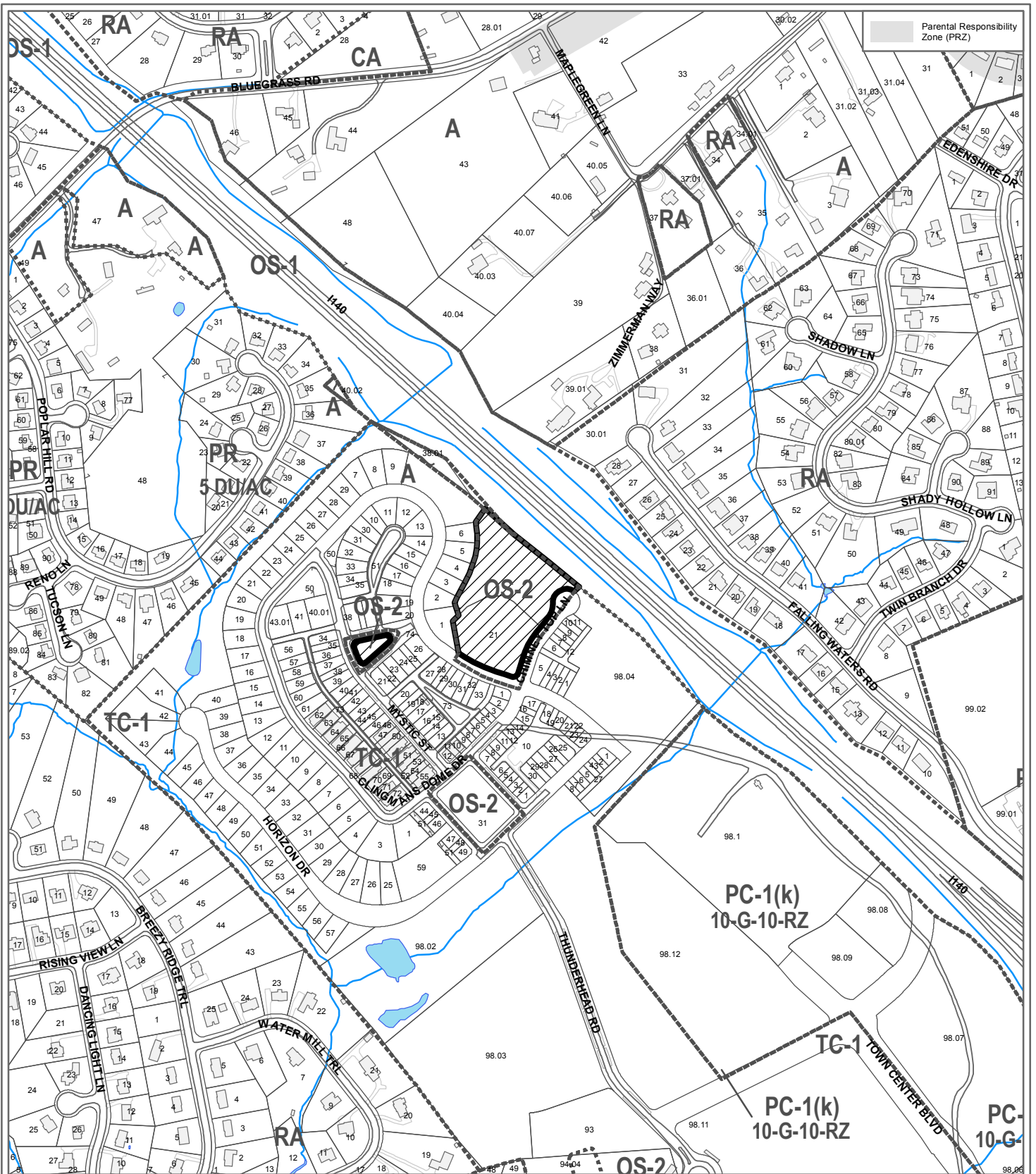
COMMENTS:

As of the date of this report, staff has not received a revised overall development plan and is not aware of any meetings that have taken place or have been scheduled.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 9/4/2012 and 9/18/2012. 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.



**7-D-12-RZ
REZONING**

From: OS-2 (Park and Open Space)
To: TC-1 (Town Center)



Petitioner: Northshore Market Investors, LLC

Map No: 154
Jurisdiction: City



Original Print Date: 6/27/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

7-D-12-RZ - cor - Stevens



LEWIS KING



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July 31, 2012

Mark Donaldson, Executive Director
Metropolitan Planning Commission
City/County Building
400 Main Street, Suite 403
Knoxville, TN 37902

VIA HAND-DELIVERY

RE: Northshore Market Investors LLC
File #7-D-12-RZ – August 9, 2012
Northshore Town Center Residents' Opposition to Request for Rezoning

Dear Mr. Donaldson:

My name is Deborah Stevens, and I am a resident of 9551 Clingmans Dome Drive, Knoxville 37922, which is within the Northshore Town Center ("NTC"). I write this letter on behalf of myself and the residents of NTC in opposition to the above request for rezoning.

Like most of the people who bought homes in this neighborhood, we bought our home four or five years ago. We bought into a vision, supported by unique zoning and a development plan approved by MPC, of a neighborhood with homes with little or no individual yards. Instead, there would be plenty of "community" green space in the form of parks and walking trails with a community clubhouse and pool. The lower portion of the development would also include shops and restaurants within walking access to the residential portion of the neighborhood. Many of the areas of the retail portion of the development included apartments and condominiums located on the upper floors of the retail shops. All of the development plans were documented in the original plans submitted to MPC and in the materials provided to us as prospective purchasers. NTC was heralded as a "new urbanism" community and a way to move away from urban sprawl to more community centered development.

When the economy faltered, the development slowed, and the original developers failed. Despite what was NOT happening in the overall development, our community continued to blossom. We have celebrated weddings, graduations, birthdays, holidays and other events as neighbors in the large park that enters the neighborhood. Young children in the neighborhood use the community playground. For four years, we have had an old fashioned ice cream social in the park for the Fourth of July, and have a great vantage point to watch public firework displays in every direction. Despite our size, we became a true, old-fashioned neighborhood where people meet in the park or stop to talk to someone on their front porch.

When the development was purchased by Northshore Market Investors, LLC, we celebrated the news of the purchase. The investors assured us that they intended to follow the

plans of the development and indicated a belief in the potential success for the original vision. After the transaction was completed, the developers came to the neighbors and said that they had an opportunity to bring in a potential "big box" store as an anchor tenant, but they could not do so without a change in zoning. Of course, no one in the neighborhood wanted a big box store because it was not consistent with the original plans; however, we also did not want the property to sit vacant. We met with the developers and they showed us design plans and proposed landscaping and lighting which would make the "big box" look like less of a "big box" and more in keeping with the plan of the neighborhood. They also provided drawings of a general overall plan that was consistent with the original plan. With the assurance that this was going to be the only major deviation in the zoning and original development plan, the developers were able to seek a rezoning of a limited portion of the property with the support of the neighborhood.

Subsequently, the developers came back to the neighborhood with the idea of donating a large tract of property to Knox County for a new elementary school. Again, it was not part of the original plan, but the developers, the neighborhood, and Knox County Schools worked together to develop a plan that was good for everyone. We even had a community meeting in our park with the Knox County School superintendent and the architect regarding the design of the school and the concerns of the neighborhood that there be a design that was consistent with the original design and architectural guidelines of the neighborhood. Again, everyone participated in the discussion, and we were able to come to an agreement.

However, the current rezoning request (7-D-12-RZ) is of a completely different character, and the residents of NTC believe that we must draw a "line in the sand" with this new request for rezoning. Our concerns are numerous:

1. Unlike the prior rezoning requests, there was no communication with the neighborhood. In fact, I was reviewing other matters on the MPC agenda when I learned of this request for rezoning. I immediately alerted the neighbors, and the opposition to the proposal in the file was unanimous among the homeowners.

2. There has never been a plan presented to this neighborhood, neither by the original developers nor the current developers, that included apartment or multi-family dwelling units in the residential portion of the development. We strongly believe that we have supported appropriate changes, but this is a significant change to the character of the neighborhood. We believe that there should be no changes to the zoning of the residential neighborhood.

3. The homeowners of NTC risk a complete change in the character of our neighborhood if this zoning were approved. The property that they seek to use is the property that had been designated as a community green space and has an OS-2 zoning. The original plans show this space as a potential ball field and the area for the community clubhouse and pool. Loss of this property not only changes the character of NTC zoning, but significantly impacts the value of the residential development and the value of the homes of the existing homeowners/taxpayers.

4. The zoning request states that access to the apartments would be from Clingmans Dome Drive or Mystic Street, which are the two primary streets in the residential neighborhood. I invite members of the staff of MPC and the Commissioners to drive through the residential area. You would see that the access to Mystic and Clingmans Dome is through a "park square" that is the entrance of our neighborhood and the only means of access to our homes. The roads were intentionally designed to be narrow so that traffic flow and speed would be limited. Given the fact that they are proposing more than 200 units of apartments, and even if only half of those units had multiple adult residents, it would potentially add more than 300 cars traveling through our neighborhood on a daily basis. Again, the traffic significantly disrupts the neighborhood and the traffic would inhibit further development of the residential portion of the neighborhood and impact the value of the property of the current residents and their safety.

5. Since the original development plan, there has not been a traffic survey required of this area. The entrance to both the retail and residential portion of this development is on Northshore. The current MPC sector plan does not have any widening of Northshore in its five-year plan, but does have a proposed widening in the 15-year plan. The current MPC sector plan traffic counts indicate that the area of Northshore between Concord Road and Morrell Road is one of the heaviest traveled roads in the county. Even though the developers have a plan to widen the small bridge between Thunderhead and Pellissippi Parkway, the current development already has added a large retail store, a Target, and a large grocery store, a Publix, neither of which were included in the original plan. On top of the traffic generated by those two stores, you will also have one of the largest elementary schools and the resulting traffic that was also not included in the overall plan. The addition of these multi-unit dwellings would not only impact current traffic on Northshore, but would create an even larger problem for traffic flow if and when Northshore is widened.

6. While a beautifully landscaped entrance to the new Publix and Target has been created with fencing to shield the public from other construction areas, the residents have not been given the same consideration. There are large construction trailers, concrete barriers and a collection of large oil drums and miscellaneous equipment next to our community park. As we drive to and from our neighborhood, the construction workers and the large construction trucks for the school routinely line Thunderhead road and block traffic out of the residential area. Since there is no planned access to the apartment site, we can only conclude that our neighborhood would be further burdened by the equipment necessary to construct a large apartment complex. This not only creates an eyesore and a traffic problem, it is a safety issue for the young children who live in the neighborhood.

7. To accommodate the development site for Target and Publix, the developers created an enormous mountain of dirt, again within direct view of the residences. No one has identified the purpose of this "mountain" or the plans for the significant change in topography that it has created. For many weekends this summer, large dump trucks of dirt and rock traveled from that "mountain" along the neighborhood park, to the other side of the development near the school. Dirt and rock were placed in an area between NTC and the existing development of Northshore Landing. Then the moving of dirt stopped, and the remaining "mountain" of dirt was

seeded for grass. If other areas of the development are indicative of this course of action, we, the residents, will be faced with looking at an enormous mountain of weeds in the next few months.

8. While the concept of NTC is a community of mixed use development that integrates residential and retail and is a green community in that residents could walk to the commercial and retail portion of the neighborhood, there has not been a plan shared with the residents as to how they propose to connect the residents with access to the Target and Publix. There are no sidewalks that join the residences to the retail area, and construction traffic makes it impossible to walk along the roads.

While we are not a large neighborhood, we are a concerned neighborhood. We respectfully request that the current request be denied. We also request that any further postponements be denied. The original staff recommendation requested a postponement to give the applicant time to create a new overall development plan and to meet with property owners. In the last 30 days, neither of these things has occurred. The uncertainty of this zoning request is bad for our neighborhood. Traffic and interest in the neighborhood has finally resumed. On any given weekend day, someone will drive through the neighborhood and express an interest in building at NTC, but the pending zoning request has created a chilling prospect.

As a neighborhood, we would like to see that the developers take action to follow the terms of the original concept for our residential development and support the residential development before there are any further changes to the zoning of the NTC development. We, the homeowners of NTC, bought into a plan that was protected by zoning and an original development plan approved by MPC. It is the same zoning and development plan that was in existence and that was acknowledged by the current developers when they bought this property. We look forward to continuing to work with the developers for a successful retail and residential development, but there is no place for apartments in the residential portion of the development.

I have encouraged the neighbors to send their own letters regarding this rezoning request. We also plan on attending the scheduled meeting of the MPC on August 9.

Very truly yours,

LEWIS, KING, KRIEG & WALDROP, P.C.



Deborah Stevens
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dstevens@lewisking.com

DCS/tml

pc: Metropolitan Planning Commissioners (via e-mail)



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

Fwd: Northshore Market Investors LLC File #7-D-12-RZ - August 9, 2012

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org>

Fri, Aug 3, 2012 at 8:12 AM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

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

From: **Linda McKinley** <ismck1020@gmail.com>

Date: Thu, Aug 2, 2012 at 9:29 PM

Subject: Fwd: Northshore Market Investors LLC File #7-D-12-RZ - August 9, 2012

To: "mark.donaldson@knoxmpc.org" <mark.donaldson@knoxmpc.org>

Subject: Northshore Market Investors LLC File #7-D-12-RZ - August 9, 2012

Dear MPC Executive Director and Commissioners,

My Name is Linda McKinley and I live with my husband Jim at 9547 Clingman's Dome Drive, Knoxville, TN, which is located within the Northshore Town Center. We are writing this letter in response to the posting of a rezoning change for our neighborhood. We were taken completely by surprise when this notice was posted by you.

When my husband retired, we moved from our home just west of Northshore Town Center to be in an area where we would be able to walk to fulfill our needs as we age. We bought into a concept which has changed due to the economy, but was still within what we were led to believe would work for us. Apparently we have been deceived by the developers! Now we have a huge mountain of dirt, no side walk to allow us to walk from our homes to the new Target and Publix. From all indications there is now no intention of putting in a sidewalk from Clingman's Dome to connect with the Target parking lot. Instead we are facing the addition of an apartment complex which will take us further away from the original concept we purchased into five years ago. This plan would also increase the number of vehicles to another 200 every day. We do not believe this would be a good plan for anyone.

Please review the letter sent to you by our neighbor Deborah Stevens, who has agreed to write a letter on behalf of our neighbors. We agree with the points she has made and the background she has provided to you. We don't want another zoning change. Please protect us from a character change in our neighborhood. We want our current developer to follow through on the promises that we're made to us when we supported the changes to allow the Target and Publix to be built.

Sincerely yours,
Linda and Jim McKinley