



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

▶ **FILE #:** 7-F-12-SP

AGENDA ITEM #: 24

AGENDA DATE: 7/12/2012

▶ **APPLICANT:** C.E. BROWN PROPERTIES / ARTHUR SEYMOUR

OWNER(S): C.E. Brown Properties

TAX ID NUMBER: 154 L A 012 154-10101

JURISDICTION: Council District 2

▶ **LOCATION:** South side S. Northshore Dr., northeast side Osprey Point Ln., southwest side Pellissippi Pkwy.

▶ **APPX. SIZE OF TRACT:** 1.7 acres

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with 4 lanes and a center median within over 300 feet of right-of-way, or via Osprey Point Ln., a local street with 22' of pavement width within 150' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / A-1 (General Agricultural) & O-3 (Office Park)

▶ **PROPOSED PLAN DESIGNATION:** C (Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Bank branch, pharmacy or similar use

EXTENSION OF PLAN DESIGNATION: Not an extension of C designation, but land to northwest, across Northshore Dr., is designated for mixed uses, allowing commercial

HISTORY OF REQUESTS: Parcel 12 was rezoned to O-3 in 2004 (1-U-04-RZ).

SURROUNDING LAND USE AND PLAN DESIGNATION: North: S. Northshore Dr. - Developing commercial / MU / PC-1 (K) (Retail and Office Park)

South: Osprey Point Ln. - Residences / LDR / A (Agricultural) and PR (Planned Residential)

East: I-140 right-of-way / TR / OS-1 (Open Space)

West: Osprey Point Ln. - Indoor storage facility and vacant land / O / OB (Office, Medical & Related Services)

NEIGHBORHOOD CONTEXT This site is located across the street from the large Northshore Town Center site, zoned PC-1 and TC-1, which has been approved for large scale commercial development. The site is just west of the I-140 interchange with S. Northshore Dr. To the east, west and south of the site is residential development, under various zones.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION # 7-F-12-SP, amending the East City Sector Plan to O (Office) and recommend that City Council also approve the sector plan amendment to make it operative. (See attached resolution, Exhibit A.) (Applicant requested C-Commercial)**

The designation of the site for office uses allows reasonable non-residential use of the site. Considering the proximity of the site to developing commercial uses and the interstate, the current LDR designation is no longer appropriate.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

There are currently improvements underway on S. Northshore Dr. and its interchange with I-140 in this area. These improvements are necessary to accommodate the additional traffic that will be generated with the town center development to the north.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector proposes 'low density residential' uses for the site, which is not consistent with the current O-3 zoning on parcel 12. Office uses are appropriate at this location, if developed under O-3 zoning. The site is no longer desirable for low density residential uses.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

Numerous plan amendments and rezonings have been approved for development of the Northshore Town Center to the north of the subject property. These approvals have created a sufficient amount of land available for commercial development on the north side of S. Northshore Dr., making it unnecessary to create more commercial property at this time.

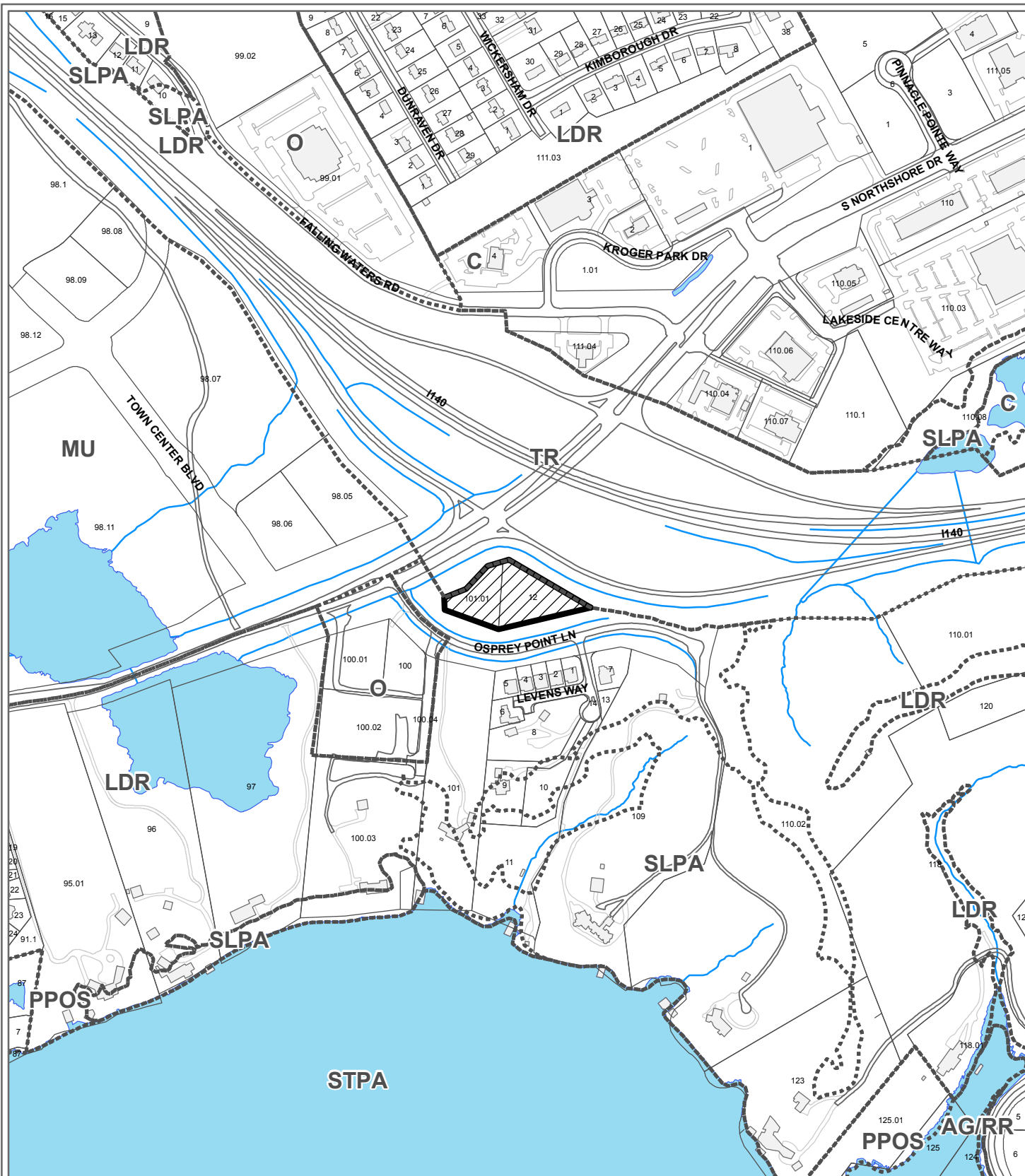
CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

This currently vacant site is surrounded by commercial development to the north, residential uses to the south, interstate right-of-way to the east and an OB zoned indoor storage facility to the west. With all the non-residential in the area, the site is likely not desirable for residential uses, as the sector plan proposes. The current office proposal, limited to O-3 zoning, will allow appropriate transitional uses between the non-residential uses on three sides and the residential uses to the south.

ESTIMATED TRAFFIC IMPACT: Not calculated.

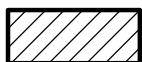
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/7/2012 and 8/21/2012. 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-F-12-SP
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

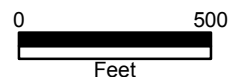
From: LDR (Low Density Residential)
To: C (Commercial)



Original Print Date: 6/22/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: C.E. Brown Properties / Arthur Seymour

Map No: 154
Jurisdiction: City



**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 plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, C.E. Brown Properties / Arthur Seymour, has submitted an application to amend the Sector Plan from Low Density Residential to Commercial, 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 July 12, 2012, after consideration of the staff recommendation and testimony from those persons in support and opposed to the 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 #7-F-12-SP.

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

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

Date

Chairman

Secretary



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

▶ **FILE #:** 7-J-12-RZ
7-F-12-PA

AGENDA ITEM #: 24
AGENDA DATE: 7/12/2012

▶ **APPLICANT:** C.E. BROWN PROPERTIES / ARTHUR SEYMOUR
OWNER(S): C.E. Brown Properties

TAX ID NUMBER: 154 L A 012 154-10101
JURISDICTION: Council District 2

▶ **LOCATION:** South side S. Northshore Dr., northeast side Osprey Point Ln., southwest side Pellissippi Pkwy.

▶ **TRACT INFORMATION:** 1.7 acres.

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with 4 lanes and a center median within over 300 feet of right-of-way, or via Osprey Point Ln., a local street with 22' of pavement width within 150' of right-of-way.

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

WATERSHED: Tennessee River

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office) (K) / A-1 (General Agricultural) and O-3 (Office Park)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / C-6 (General Commercial Park)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Bank branch, pharmacy or similar use

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, the land to the northwest, across S. Northshore Dr., is designated GC.

HISTORY OF ZONING REQUESTS: One Year Plan was amended to office for this site in 2004 (1-J-04-PA).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: S. Northshore Dr. - Developing commercial / GC / PC-1 (K) (Retail and Office Park)
South: Osprey Point Ln. - Residences / County / A (Agricultural) and PR (Planned Residential)
East: I-140 right-of-way / ROW / OS-1 (Open Space)
West: Osprey Point Ln. - Indoor storage facility and vacant land / County / OB (Office, Medical & Related Services)

NEIGHBORHOOD CONTEXT: This site is located across the street from the large Northshore Town Center site, zoned PC-1 and TC-1, which has been approved for large scale commercial development. The site is just west of the I-140 interchange with S. Northshore Dr. To the east, west and south of the site is residential development, under various zones.

STAFF RECOMMENDATION:

► **DENY GC (General Commercial) One Year Plan designation.**

The office designation for this site was approved in 2004, and included a condition that limits the site to O-3 zoning only. The site is currently still vacant. With the addition of this parcel, the site size is approximately doubled, creating a more usable development site for office uses.

► **RECOMMEND that City Council APPROVE O-3 (Office Park) zoning on parcel 101.01.**

Rezoning parcel 101.01 to O-3 will bring the entire 1.7 acres of land surrounded by public right-of-way to be developed with transitional office uses, that will minimize impact on residential uses to the south and complement the developing town center uses to the north.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN

- A. **NEW ROAD OR UTILITY IMPROVEMENTS** - There are currently improvements underway on S. Northshore Dr. and its interchange with I-140 in this area. These improvements are necessary to accommodate the additional traffic that will be generated with the town center development to the north.
- B. **ERROR OR OMISSION IN CURRENT PLAN** - The current One Year Plan proposes 'office' uses for the site, consistent with the current O-3 zoning on parcel 12. Office uses are appropriate at this location, if developed under O-3 zoning.
- C. **CHANGES IN GOVERNMENT POLICY** - Numerous plan amendments and rezonings have been approved for development of the Northshore Town Center to the north of the subject property. These approvals have created a sufficient amount of land available for commercial development on the north side of S. Northshore Dr., making it unnecessary to create more commercial property at this time.
- D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - This currently vacant site is surrounded by commercial development to the north, residential uses to the south, interstate right-of-way to the east and an OB zoned indoor storage facility to the west. With all the non-residential in the area, the site is likely not desirable for residential uses, as the sector plan proposes. The current office proposal, limited to O-3 zoning, will allow appropriate transitional uses between the non-residential uses on three sides and the residential uses to the south.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

- 1. The recommended O-3 zoning allows uses that will be compatible with all surrounding land uses and zoning. Half of the subject property is already zoned O-3, so it would be an expansion of that zone from the east.
- 2. The requested C-6 zoning would allow uses that could have a negative impact on the adjacent residential uses to the south.
- 3. A large area directly north of this site is zoned TC-1 or PC-1 and will accommodate a substantial amount of commercial development. It is not necessary to establish additional commercial zoning on the south side of S. Northshore Dr. at this time. There are no commercially zoned properties on the south side of Northshore Dr., west of I-140, until its intersection with Choto Rd., about 5 miles away, which is zoned CN (Neighborhood Commercial). There are also several vacant, C-6 zoned tracts located on the northeast side of I-140, in close proximity to the subject property.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

- 1. The requested C-6 zoning is intended to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas. The following 6 concepts are emphasized in the zoning ordinance: 1) To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas, 2) To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated, 3) To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto

circulation, pedestrian circulation, access and egress, loading and landscaping, 4) To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County, 5) To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the C-6 zoning district, and 6) To encourage general commercial activities to locate in areas that have access to a major street system.

2. The O-3 zoning district is intended to provide for orderly development of office parks so that structures, access road improvements, utility distribution, landscaping, pedestrian circulation, waste disposal and related elements are complementary and allow orderly sequential development through initial coordination of utilities and other services. The purpose of the regulations is to create a district which is compatible with surrounding residential areas and services as a transitional area from residential to other less compatible uses.

3. Staff maintains that O-3 is the most appropriate zone for non-residential development at this location.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. O-3 zoning will allow reasonable use of the site, while not permitting the more intense commercial uses allowed in the C-6 zone, minimizing the impact on the adjacent residential uses to the south.
2. The proposal will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.

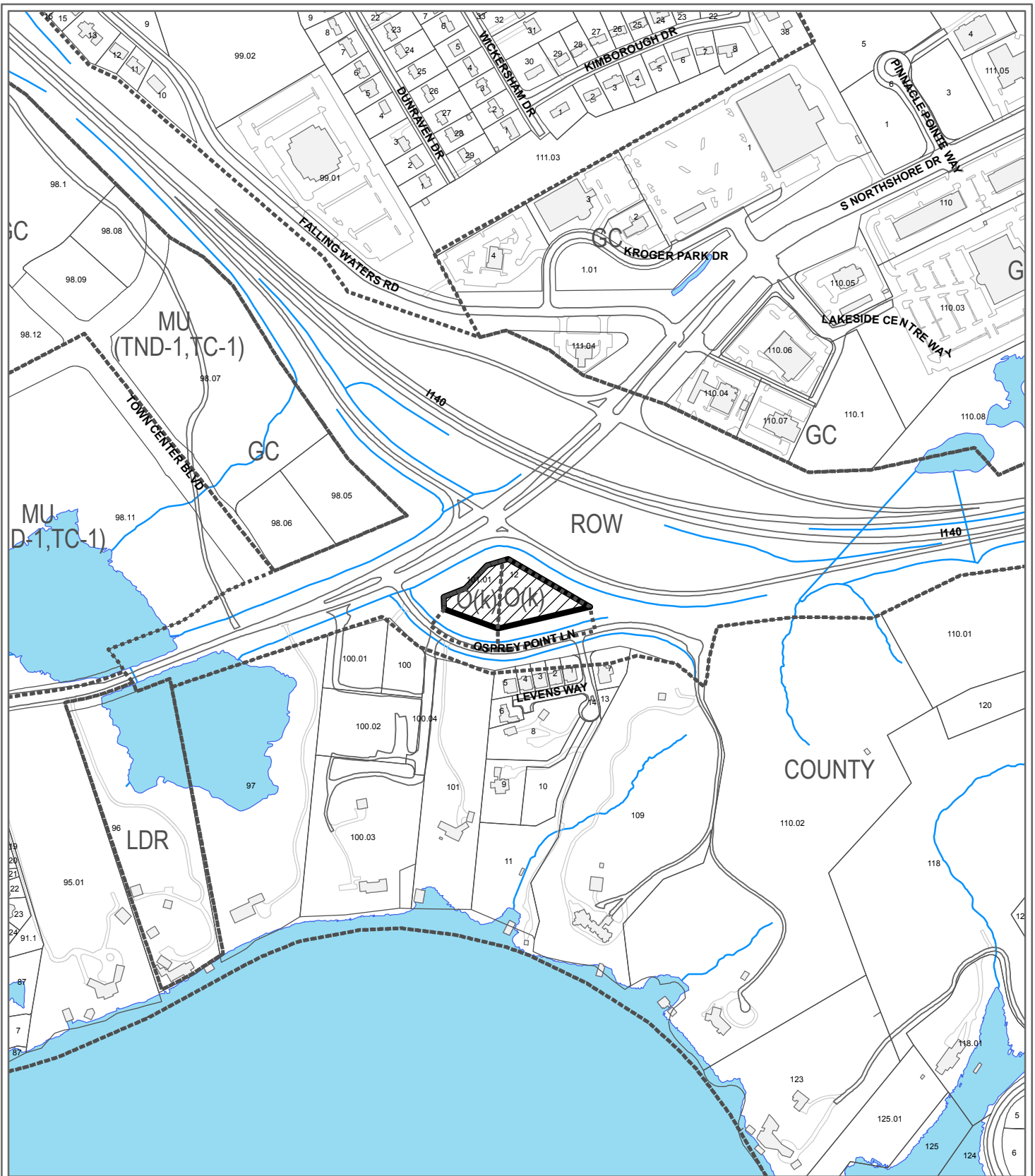
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the requested amendment to GC, C-6 zoning could be considered for the site. The recommended O-3 zoning is consistent with the current City of Knoxville One Year Plan proposal for offices uses , limited to O-3 zoning.
2. There is an associated request to amend the Southwest County Sector Plan from LDR to C for this site (7-F 12-SP), which, if approved, would be consistent with C-6 zoning. Staff is recommending approval of office, rather than commercial, on the sector plan, consistent with O-3 zoning.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not calculated.

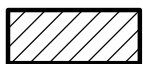
ESTIMATED STUDENT YIELD: Not applicable.

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**7-F-12-PA / 7-J-12-RZ
PLAN AMENDMENT**

Petitioner: C.E. Brown Properties / Arthur Seymour



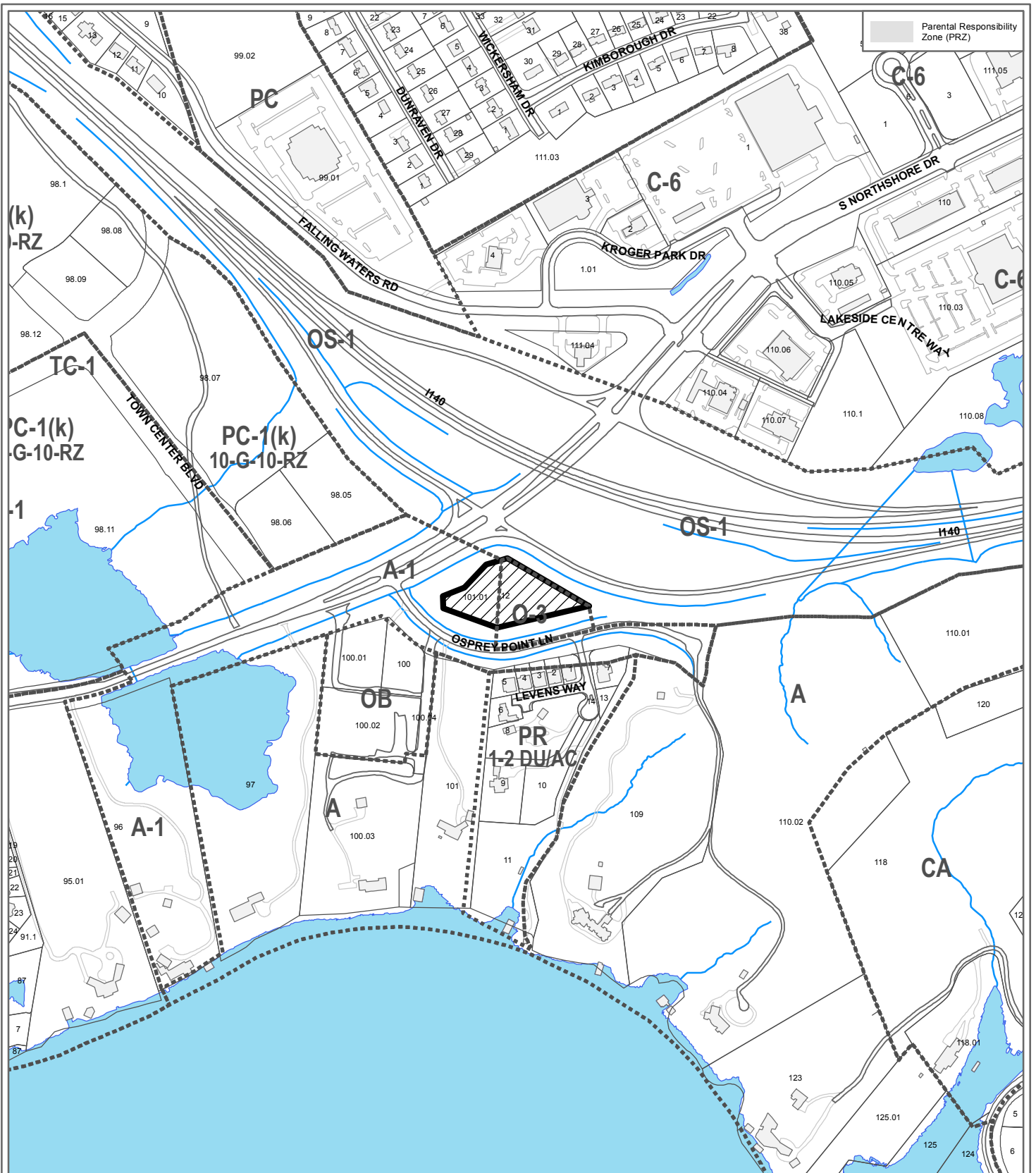
From: O (Office) (K)

To: GC (General Commercial)

Map No: 154
Jurisdiction: City

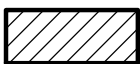
Original Print Date: 6/22/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





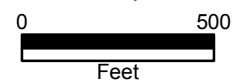
**7-J-12-RZ
REZONING**

From: A-1 (General Agricultural) and O-3 (Office Park)
To: C-6 (General Commercial Park)



Petitioner: C.E. Brown Properties / Arthur Seymour

Map No: 154
Jurisdiction: City



Original Print Date: 6/22/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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

Fwd: Letter of Agreement -- Stonebury Court HOA supports amended rezoning of property at Pellissippi Parkway and Osprey Point Lane from C6 to O1

1 message

Michael Brusseau <mike.brusseau@knoxmpc.org> Fri, Jul 6, 2012 at 8:27 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Mark Donaldson <mark.donaldson@knoxmpc.org>, Buz Johnson <buz.johnson@knoxmpc.org>

Re: Item 24: 7-F-12-SP/7-F-12-PA/7-J-12-RZ

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

From: **Tim Stewart** <Tim.Stewart@renlearn.com>
Date: Fri, Jul 6, 2012 at 6:10 AM
Subject: Letter of Agreement -- Stonebury Court HOA supports amended rezoning of property at Pellissippi Parkway and Osprey Point Lane from C6 to O1
To: mike.brusseau@knoxmpc.org
Cc: cbrowngolfer@yahoo.com, hendonwilliamt@aol.com, desta@torchlake.com, Tim Stewart <Tim.Stewart@renlearn.com>

RE: Rezoning the property located at Pellissippi Parkway and Osprey Point Lane – to be amended from C6 to O1

Dear Mr. Brusseau,

My name is Tim Stewart and I'm the current president of the Stonebury Court Homeowners' Association. Based upon the written agreement with Mr. Chris Brown, the homeowners of the Stonebury Court HOA have agreed to support his amended rezoning request from C6 to O1 for the property at Pellissippi Parkway and Osprey Point Lane. I have attached a signed and dated a two page letter of agreement that will serve to verify the Stonebury Court HOA's support of this rezoning request. Please let me know if any additional information is needed by the MPC. Thank you.

Sincerely,

Tim Stewart

--
Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902

Phone: (865) 215-2500

Fax: (865) 215-2068

www.knoxmpc.org

2 attachments

 **Osprey Pt. Lane -- Let of Agreement page 1 7-6-12.pdf**
611K

 **Osprey Pt. Lane -- Let of Agreement page 2 7-6-12.pdf**
351K

CHRIS E. BROWN
C.E. BROWN PROPERTIES
1619 SCHAEFFER ROAD
KNOXVILLE, TN 37932

July 5, 2012

Stonebury Court HOA
c/o Mr. Tim Stewart
9615 Levens Way
Knoxville, TN 37922

Re: *Zoning of property at Pellissippi Parkway and Osprey Drive*

Dear Mr. Stewart:

Following up on our several conversations and pursuant to our agreement with the residents of Stonebury Court, we will agree to amend the rezoning request for the above project from C6 to O1 and in return your neighborhood association will by letter to MPC announce it supports the rezoning to O1.

O1 zoning will allow the property to be used for a professional office building or a financial institution, such as a bank. These businesses would be conducted during normal business hours. Businesses that concern the HOA are not included in the O1 zoning.

It is our intent that access to and from the development will be at the end closest to Northshore Drive, pursuant to the required approvals from the City of Knoxville and/or TDOT.

It will not be possible to develop a site plan at this time, since the identity of the tenants and uses of the property other than as stated above and allowed by the O1 zone are not known at this time. It is our intent to develop appropriate landscaping which would screen and buffer the site from the Stonebury Court homes. At present, the right of way for Osprey Point Drive is 150 feet. With the set backs for both the residential and the proposed uses of this property, there should be a 200 foot separation.

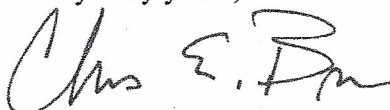
We would also endeavor to obtain the agreement of a subsequent purchaser if we are not the ultimate developer.

If this is our agreement please advise me right away.

Thank you for your assistance.

C:\Documents and Settings\chris\Desktop\Osprey Point Rezoning-Stonebury Court HOA.doc

Very truly yours,



Chris E. Brown

C.E. BROWN PROPERTIES

CEB:alh

Stonebury Court

By:



President of Stonebury Court HOA

July 6, 2012