



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

FILE #: 4-H-12-RZ **AGENDA ITEM #:** 28
 4-D-12-SP **AGENDA DATE:** 5/10/2012

POSTPONEMENT(S): 4/12/12

APPLICANT: CHOTO PARTNERS
OWNER(S): Choto Partners

TAX ID NUMBER: 131 J A 017 & 018 PORTION ZONED RA

JURISDICTION: Commission District 5

LOCATION: Northwest side Plum Creek Dr., southeast of Parkside Dr.

TRACT INFORMATION: 2.5 acres.

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access to the site is from either Glade Dr., a local street with 28' of pavement width within 50' of right-of-way, or Plum Creek Dr., a local street with 24' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Turkey Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) & STPA (Stream Protection Area) / RA (Low Density Residential)

PROPOSED PLAN DESIGNATION/ZONING: O (Office) & STPA (Stream Protection Area) / OB (Office, Medical, and Related Services)

EXISTING LAND USE: House and vacant land

PROPOSED USE: Any use permitted in the OB zone

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Creek and Parkside Dr. - Automobile sales / C & STPA / C-4 (Highway & Arterial Commercial)

South: Plum Creek Dr.- Residences / LDR / RA (Low Density Residential)

East: Residence / LDR / RA (Low Density Residential)

West: Glade Dr. - Offices / C & STPA / C-6 (General Commercial Park) and C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: The area to the north and west of the site is developed with office and commercial uses under C-3, C-4 and C-6 zoning. To the south and east are residential uses, zoned RA.

STAFF RECOMMENDATION:

▶ **DENY O (Office) sector plan designation.**

The Knoxville-Knox County General Plan 2032 policies do not warrant the redesignation of this site for office uses. The site is located across the street from residential uses and does not have direct access to Parkside Dr. The only access is to local neighborhood streets. The creek along the northwest property line is an appropriate dividing line between residential and non-residential uses.

▶ **DENY OB (Office, Medical & Related Services) zoning.**

OB zoning at this location would allow uses that would not be compatible with adjacent residential uses.

COMMENTS:

ALTERNATE RECOMMENDATION: If MPC were inclined to support office use of this site, staff would recommend OA (Office Park) zoning, rather than the requested OB zoning. OA does not allow some of the less compatible uses, such as apartments, a hotel or a bank. It only permits the development of various types of professional offices. Staff would also recommend the inclusion of the following two conditions if either OA or OB zoning is approved. 1. Vehicular access to the site is limited to Glade Dr. and must line up with Deerbrook Dr. to the southwest. 2. A landscape screen, subject to approval by MPC staff, must be installed along the east (adjacent to parcel 16.01) and southeast property lines (along Plum Creek Dr.) The accompanying sector plan amendment would have to be approved in order to consider either OA or OB zoning.

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:

No road improvements have been made recently in the area. Utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan appropriately calls for LDR development at this location.

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

No changes have occurred that warrant this sector plan change.

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

There have not been significant changes that have taken place to justify amendment of the sector plan. The majority of this site, parcel 18, is designated for recreational use on the recorded plat for the Boxwood Hills Subdivision. Residential property owners have purchased lots based on the expectation that parcel 18 would be reserved for recreational uses, not offices.

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. No significant changes have occurred in the area that warrant the requested change in zoning. The majority of the site (parcel 18) is designated on the Boxwood Hills subdivision plat as 'Boxwood Pool'. This plat (attached) was recorded in 1967, and the site has always been intended for recreational uses. The KGIS system information, based on property assessor information, is attached, and also indicates that parcel 18 is intended for swimming pool and recreation.
2. The property has access only from local neighborhood streets, despite being in close proximity to Parkside Dr. The property has no frontage on Parkside Dr., and there is a creek that runs along the northwest property line of the site that is an appropriate dividing line between residential and non-residential uses.
3. Staff recognizes that there are non-residential uses to the southwest, accessed from Deerbrook Dr. But this is an area that is part of the commercial node at Lovell Rd. and Parkside Dr. Deerbrook Dr. is a local street developed with all commercial and office uses between Glade Dr. and its connection to Lovell Rd. The

properties along Deerbrook Dr. are not part of a platted residential subdivision. The subject property is accessed only from local, neighborhood-serving streets within a platted residential subdivision.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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. In addition to allowing professional and medical offices and residential uses, OB zoning allows some uses that are not compatible with adjacent residential uses, such as a hotel or a bank.
2. Based on the above description and intent, as well as the permitted uses, this property is not appropriate to be rezoned to OB.

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. Establishment of OB zoning at this location would adversely impact surrounding residential properties.
2. OB zoning allows some uses that would not be compatible with surrounding land uses and zoning.

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 plan amendment to the O land use classification, OB or OA zoning would be consistent with the Southwest County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and 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 rezoning and plan amendment requests for non-residential development into the adjacent residential neighborhood, on properties zoned RA.

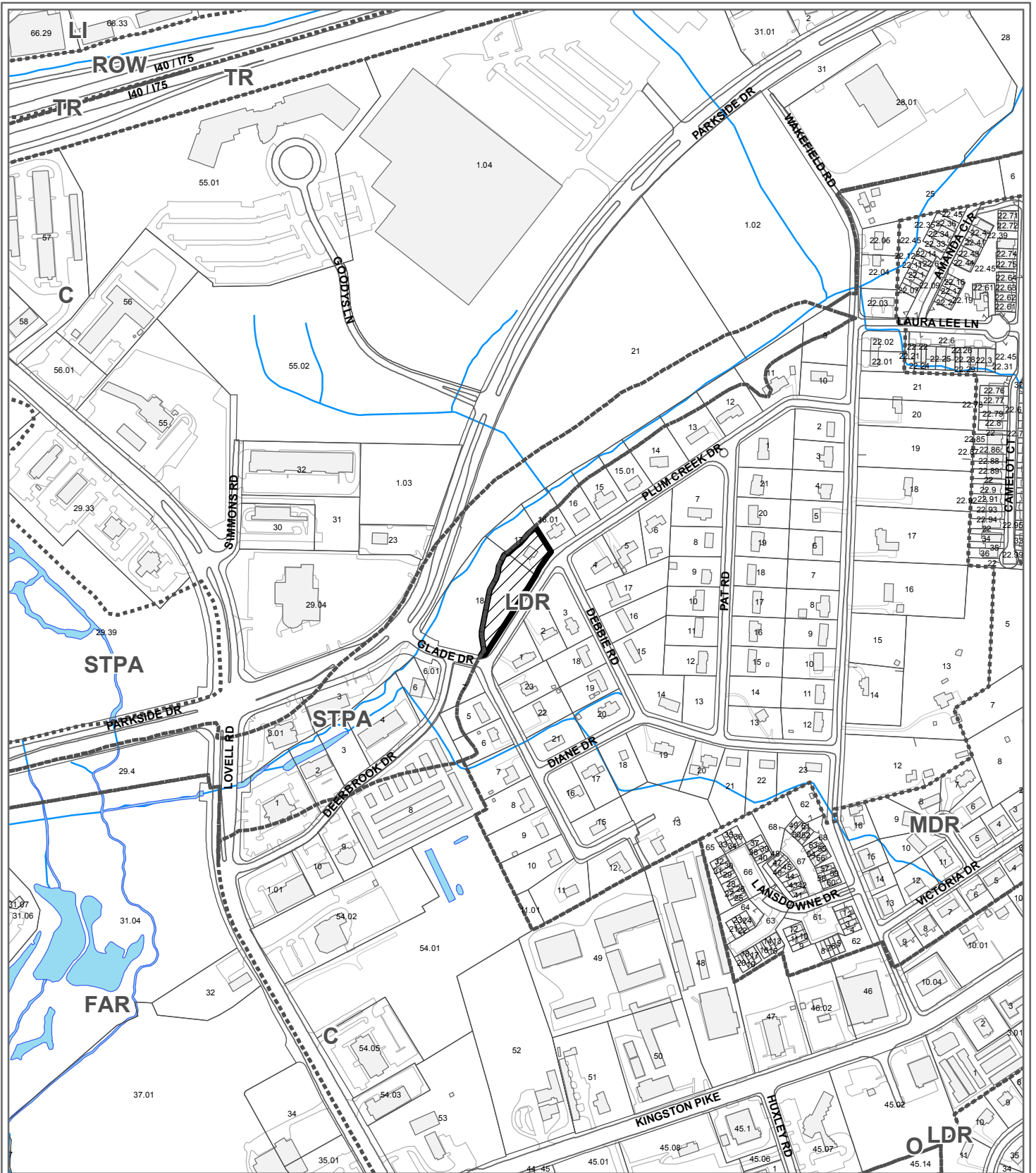
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 6/25/2012. 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.



4-D-12-SP / 4-H-12-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

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

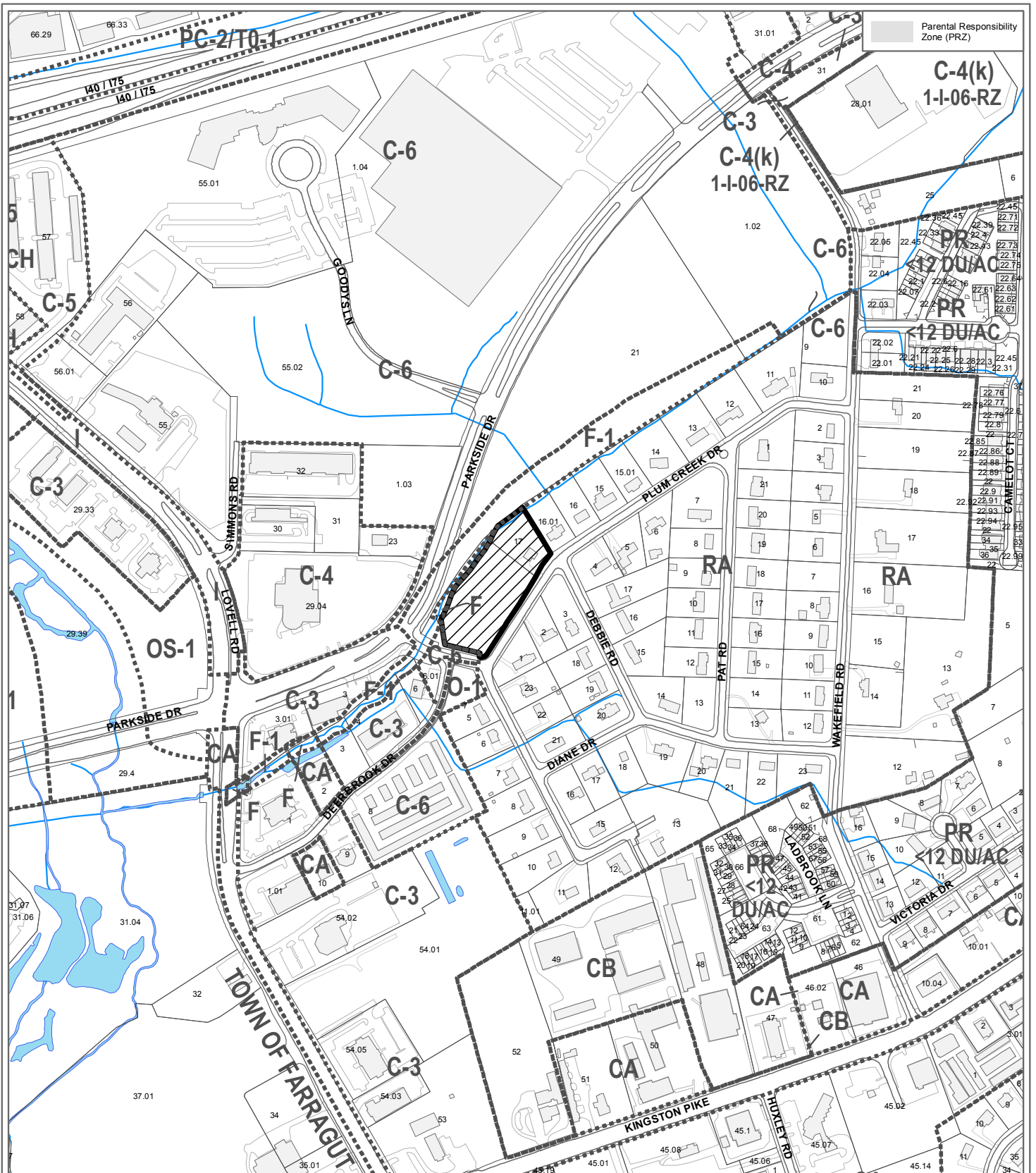


Petitioner: Choto Partners

Map No: 131
 Jurisdiction: County



Original Print Date: 3/20/2012 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**4-H-12-RZ
REZONING**

From: RA (Low Density Residential)

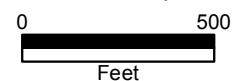
To: OB (Office, Medical, and Related Services)



Petitioner: Choto Partners

Map No: 131

Jurisdiction: County



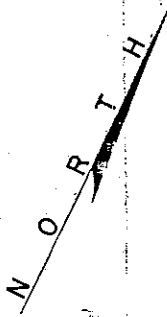
Original Print Date: 3/20/2012

Revised:

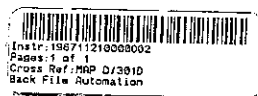
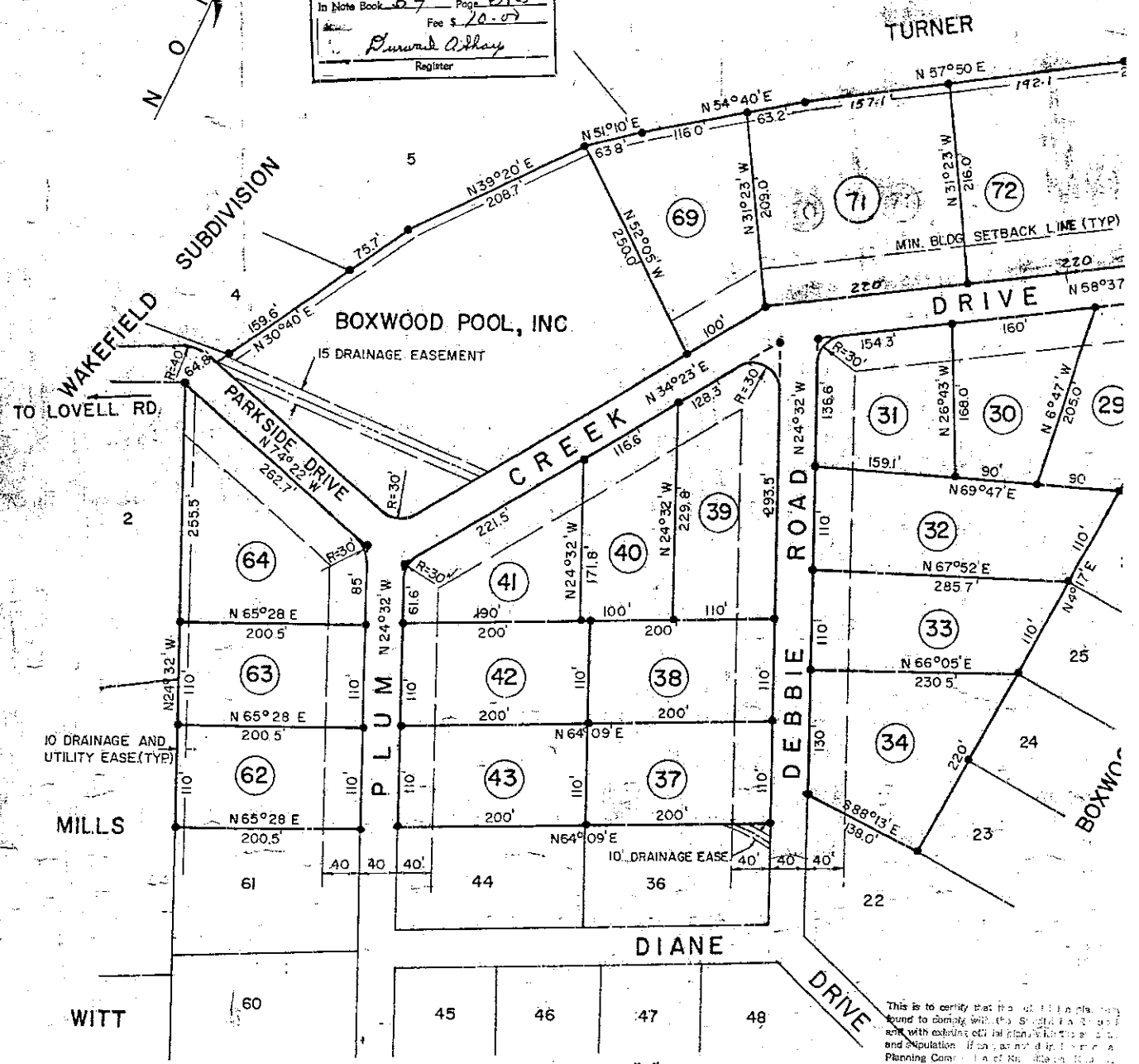
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

1967 Boxwood Hills Plat

- 2 -



No. 627 REGISTER'S OFFICE
 STATE OF TENNESSEE
 KNOX COUNTY
 Received for record the 21 day
 of Nov A. D. 1967
 at 3:50 O'Clock P. M. Recorded in
 Book No. 46-5 Page 2
 In Note Book 54 Page 215
 Fee \$ 10.00
Edward O'Hay
 Register



This is to certify that the plat hereon found to comply with the Statute, and with existing official plans, ordinances and regulations. If any, as noted in the Planning Commission of Knox County, Tennessee, that said plat is correct and should be a legal Knox County Record.

Date 11-9-67 *[Signature]*
 Title
 Metropolitan Planner

CERTIFICATE OF SURVEY:
 I hereby certify that I have surveyed the property, that the plat conforms to the that same is true and correct.



[Enter Title Here]

[Enter Subtitle Here]

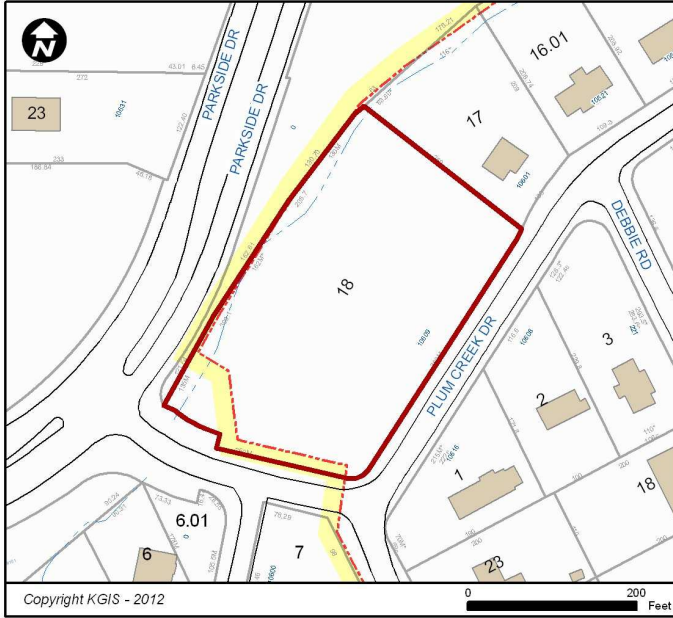
[Enter Notes Here]

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37772 - www.kgis.org

Printed: 3/28/2012 at 12:52 PM

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Parcel 131JA018 - Property Map and Details Report



Property Information

Location: 10609 PLUM CREEK
 Address: DR
 CLT Map: 131
 Insert: J
 Group: A
 Condo Letter:
 Parcel: 18
 Parcel ID: 131JA018
 Parcel Type: NORMAL
 District: W6
 Ward:
 City Block:
 Subdivision: BOXWOOD HILLS
 SEC D PT PARCEL 1
 Rec. Acreage: 0.00
 Calc. Acreage: 1.95
 Recorded Plat: 46S - 2
 Recorded Deed: 20110308 -
 0053360
 Deed Type: Deed:Special Wa

Deed
 Date:

Address Information

Site Address: 10609 PLUM CREEK DR
 KNOXVILLE - 37922
 Address Type: POOL REC
 Site Name: SWIMMING POOL AND
 RECREATION

Jurisdiction Information

County: KNOX COUNTY
 City / Township:

Political Districts

Voting Precinct: 66N
 Voting Location: Farragut High School
 11237 KINGSTON PIKE
 TN State House: 89 TBD
 TN State Senate: 7 Stacey Campfield
 County Commission: 5 Richard Briggs
 Ed Shouse
 Mike Hammond
 City Council:
 School Board: 5 Karen Carson
 Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

Owner Information

CHOTO PARTNERS
 8874 KINGSTON PK STE200
 KNOXVILLE, TN 37923
 The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

MPC Information

Census Tract: 58.03
 Planning Sector: Southwest County
 1990 Traffic Zone: 230
 2000 Traffic Zone: 230
 Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

School Zones

Elementary: HARDIN VALLEY ELEMENTARY
 Intermediate:
 Middle: FARRAGUT MIDDLE
 High: HARDIN VALLEY HIGH
 Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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

Fwd: Rezoning of property at Glade Rd. and Plum Creek Dr.

1 message

Mike Brusseau <mike.brusseau@knoxmpc.org>

Mon, Apr 9, 2012 at 8:51 AM

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

Re: Agenda item 42

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

From: **Jerry Hall** <jerryjo100@gmail.com>

Date: Sat, Apr 7, 2012 at 9:45 AM

Subject: Rezoning of property at Glade Rd. and Plum Creek Dr.

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

Sent from my iPad

As a resident of the Boxwood Neighborhood I strongly urge you to deny rezoning of this property. This could be the demise of a peaceful neighborhood. We see commercial development all around us here and once it starts it is unlikely to stop. When this property was purchased the buyer knew this was a residential area and just because they have an investment is no reason to grant rezoning.

Sincerely
Jerry Hall
237 Wakefield Rd.

Jerryjo2@charter.net

--

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



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

Fwd: Glade - Plum Creek Drive

1 message

Mike Brusseau <mike.brusseau@knoxmpc.org> Wed, Apr 11, 2012 at 9:33 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>
Cc: Mark Donaldson <mark.donaldson@knoxmpc.org>, Buz Johnson <buz.johnson@knoxmpc.org>

Opposition on item 42

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

From: **JANET HEGLAR** <janet.heglar@knoxschools.org>
Date: Wed, Apr 11, 2012 at 9:13 AM
Subject: Glade - Plum Creek Drive
To: "michael.brusseau@knoxmpc.org" <michael.brusseau@knoxmpc.org>

I am writing to let you know that i disapprove of the rezoning that is being proposed by Choto Partners.

--

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