



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

FILE #: 12-D-12-RZ **AGENDA ITEM #:** 16
 12-A-12-SP **AGENDA DATE:** 1/10/2013

POSTPONEMENT(S): 12/13/12

APPLICANT: PHILIP M. GARRETT
OWNER(S): Philip M. Garrett

TAX ID NUMBER: 104 PART OF 093, 096 & 097 MAP ON FILE AT MPC.

JURISDICTION: Commission District 6

LOCATION: East side Schaeffer Rd., southeast of Hardin Valley Rd.

TRACT INFORMATION: 31 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Schaeffer Rd., a minor collector street with 20' of pavement width within the Pellissippi Parkway right-of-way, Hardin Valley Rd., a four-lane major arterial street within 175' of right-of-way, or Iron Gate Blvd., a local boulevard street within 70' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

PRESENT PLAN DESIGNATION/ZONING: MDR/O (Medium Density Residential and Office) and SLPA (Slope Protection) / PC (Planned Commercial)/TO (Technology Overlay) and BP (Business and Technology)/TO (Technology Overlay)

PROPOSED PLAN DESIGNATION/ZONING: C (Commercial) and SLPA (Slope Protection) / OB (Office, Medical, and Related Services)/TO (Technology Overlay) and CA (General Business)/TO (Technology Overlay)

EXISTING LAND USE: Vacant land and residential

PROPOSED USE: Mixed uses

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC from the west

HISTORY OF ZONING REQUESTS: A rezoning request for PR at 12 du/ac for apartments was withdrawn at the request of the applicant, due to opposition and other issues, on 3/12/09 (11-F-08-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Hardin Valley Rd. - Vacant parcels / GC / CA (General Business)/TO (technology Overlay)

South: Residential subdivision / LDR & SLPA / PR (Planned Residential) @ 1-3 du/ac/TO

East: Dwellings and vacant land / LDR & SLPA / A (Agricultural)/TO

West: Businesses, vacant land, dwellings, Schaeffer Rd. / GC, MDR-O, SLPA / PC (Planned Commercial)/TO and A (Agricultural)/TO

NEIGHBORHOOD CONTEXT: This area has been developed with commercial and residential uses under PC, A, PR and CA zoning.

STAFF RECOMMENDATION:

► **DENY GC (General Commercial) sector plan designation for the northern portion of the site.**

This portion of the site is already zoned PC/TO, but is designated for medium density residential or office uses. In order to consider CA/TO zoning, the sector plan must be amended to GC. Staff is recommending that the PC/TO be retained, eliminating the need for the sector plan amendment. PC/TO zoning is consistent with the other properties to the west on the south side of Hardin Valley Rd. PC will allow commercial development of the site, but will retain the requirement for review of a development plan by MPC, which is necessary because of slope and access concerns. PC zoning also allows office development, as proposed by the sector plan.

► **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) / TO (Technology Overlay), subject to 1 condition:
DENY CA (General Business) / TO zoning.**

1. The development plans must set aside the required right-of-way for the realignment of Schaeffer Rd. (as depicted on the attached concept plan submitted by the applicant (Exhibit A.)

With the recommended condition, OB/TO zoning is consistent with the sector plan designation for the area and will allow uses compatible with the surrounding land uses and zoning pattern. The portion of the site requested for CA/TO zoning should retain its current PC/TO zoning, consistent with the other properties to the west on the south side of Hardin Valley Rd. PC will allow commercial development of the site, but will retain the requirement for review of a development plan by MPC, which is necessary because of slope and access concerns. PC zoning also allows office development, as proposed by the sector plan. The condition is included because the realignment of Schaeffer Rd. to line up with Cherahala Blvd. has been identified as a recommended road improvement in several planning documents. See the attached excerpts from the TTCDA Comprehensive Development Plan and the TDOT needs assessment.

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:

No known improvements have been made recently to any of the streets accessing this site. There is a recommended proposal to realign Schaeffer Rd. to line up with Cherahala at Hardin Valley Rd. If GC were approved, then CA zoning could be considered for a portion of the site, which would eliminate the opportunity for staff to recommend the Schaeffer Rd. realignment.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan appropriately proposes medium density residential and office uses for the site, consistent with the current PC and the recommended OB zoning. Office development may also occur in the existing PC-zoned area.

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

No changes in government policy impact this request.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

No trends have been identified that warrant the proposed amendment to GC for a portion of this site.

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. This area, which is southeast of the major interchange of Pellissippi Parkway and Hardin Valley Rd., along the future realigned Schaeffer Rd., is appropriately located for office and/or medium density residential

development, as permitted under the requested OB/TO zoning.

2. The property is located within an area designated for medium density residential and office uses on the Northwest County Sector Plan, which are both specifically allowed in the requested OB zoning.
3. Portions of this site have been significantly cleared and graded in preparation for development which has yet to occur. Approval of this request should lead to site improvements to stabilize the slopes on the site and eventually develop it.
4. OB zoning is compatible with the scale and intensity of the surrounding development and zoning pattern. The requested CA zoning is not necessary, because it is already zoned PC, which allows for commercial development, subject to development plan approval by MPC. The adjacent commercial development to the west was all developed under PC zoning.

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.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB, as requested.
3. Site plans will be subject to review and approval of a development plan by the Tennessee Technology Corridor Development Authority (TTCDA), since it is located within the TO overlay. MPC would review a development plan for residential uses if the proposed density exceeds 12 du/ac. MPC would also review a plan for commercial development within the PC zone.

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. Public water and sanitary sewer are available to serve the site.
2. The impact to the streets and school system will depend on the type of development proposed. The existing Hardin Valley Rd. and the future realigned Schaeffer Rd. are sufficient to handle additional traffic that would be generated by uses permitted in the OB zoning district.
3. This proposed amendment of the zoning map will not adversely affect any other part of the County, and the site plan approval required by the Tennessee Technology Corridor Development Authority (TTCDA) provides that no direct or indirect adverse effects will result from the change of zoning.
4. The property is characterized by some steep slopes. Care will need to be taken in developing the property to respect its physical characteristics. The site has undergone some disturbance and will need to be stabilized prior to development.

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. The Northwest County Sector Plan, as amended by the TTCDA Comprehensive Development Plan, designates this area for medium density residential and office uses, consistent with the proposed OB/TO zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Because of the property's location within the TO (Technology Overlay), the TTCDA will need to approve a Certificate of Appropriateness for this rezoning. This request is scheduled to be considered by TTCDA on Mon., January 7, 2013 (12-A-12-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 2/25/2013. 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.