

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

▶ **FILE #:** 7-E-13-SP

AGENDA ITEM #: 31

AGENDA DATE: 7/11/2013

▶ **APPLICANT:** METRO KNOXVILLE HMA, LLC

OWNER(S): Metro Knoxville HMA, LLC

TAX ID NUMBER: 106 K C PART OF 017 SOUTH OF CREEK, MAP ON FILE AT MPC

JURISDICTION: Council District 2

▶ **LOCATION:** South side Middlebrook Pike, southwest side Old Weisgarber Rd.

▶ **APPX. SIZE OF TRACT:** 45 acres

SECTOR PLAN: Northwest City

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

ACCESSIBILITY: Access is via Middlebrook Pike, a 4-lane, major arterial street with center median within 125' of right-of-way, or via Old Weisgarber Rd., a local street with 20' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) / A-1 (General Agricultural)

▶ **PROPOSED PLAN DESIGNATION:** O (Office), SLPA (Slope Protection Area) & STPA (Stream Protection Area)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Hospital and medical related uses

EXTENSION OF PLAN DESIGNATION: Yes, extension of O from the north and west

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Middlebrook Pike - Offices, commercial / Commercial, office

South: Residential / LDR

East: Old Weisgarber Rd. - Residential, post office / Office, Public Institutional

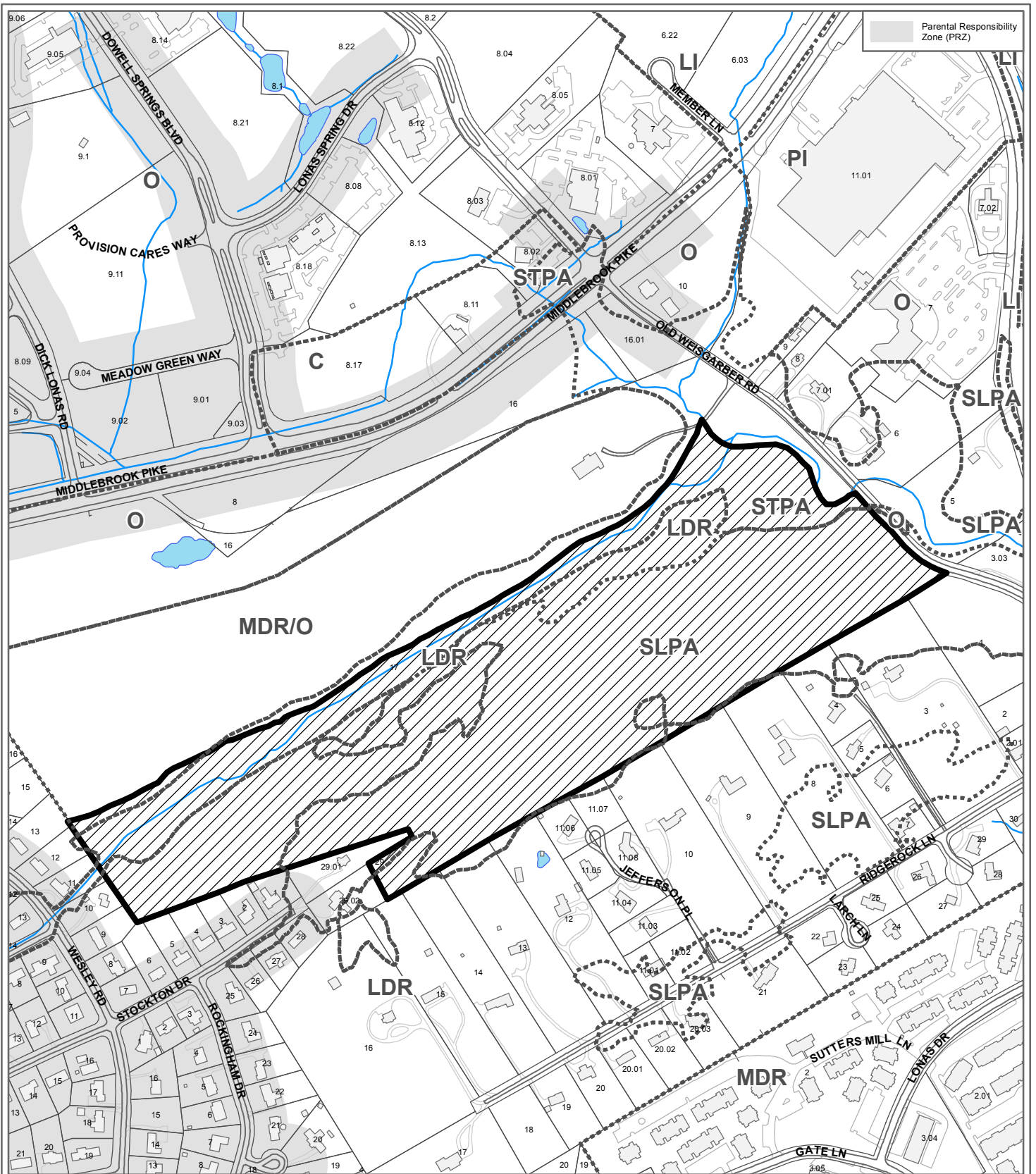
West: Residential / LDR

NEIGHBORHOOD CONTEXT This site is located along Middlebrook Pike in an area developed with a mix of uses under various zones. The property is surrounded by residential uses to the south and west, zoned R-1E.

STAFF RECOMMENDATION:

▶ **DENY the sector plan amendment to O (Office) and SLPA (Slope Protection Area).**

Staff is recommending no change to the current sector plan proposal for the area. This means staff is only recommending O-1 zoning north of the creek, consistent with the plan. The portion of the site north of the creek is designated for medium density residential and office uses, so this area does not need a plan



**7-E-13-SP
SECTOR PLAN AMENDMENT**

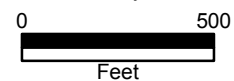
From: LDR (Low Density Residential), STPA (Stream Protection Area),
SLPA (Slope Protection Area)
To: O (Office), STPA (Stream Protection Area), SLPA (Slope Protection Area)



Petitioner: Metro Knoxville HMA, LLC

Map No: 106

Jurisdiction: City



amendment. The creek represents an appropriate natural dividing line between residential and non-residential zoning, as the plan currently proposes. Also, the area south of the creek will serve as an adequate buffer to the residential subdivision to the south.

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 recently made to any of the roads surrounding this site. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Northwest City Sector Plan currently designates the northern portion of the site for medium density residential and office uses, consistent with the rezoning request for O-1. The proposal for low density residential uses on the south side of the creek is appropriate and should not be amended.

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

The Northwest City Sector Plan has not been recently changed in this area, and there has not been a change in government policy to warrant a change. The type of development proposed for this site by the plan is appropriate.

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

No trends have emerged to warrant the need for a plan amendment. The zoning and development in this immediate area have been fairly stable for many years. The One Year Plan and sector plan appropriately call for office uses north of the creek and low density residential uses south of the creek.

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 Knoxville City Council for action on 8/6/2013 and 8/20/2013. 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.



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

FILE #: 7-I-13-RZ
7-D-13-PA

AGENDA ITEM #: 31
AGENDA DATE: 7/11/2013

APPLICANT: METRO KNOXVILLE HMA, LLC
OWNER(S): Metro Knoxville HMA, LLC

TAX ID NUMBER: 106 K C 017 (PT S OF MDBK PK) 106KC016, 106DA008
JURISDICTION: Council District 2

LOCATION: South side Middlebrook Pike, southwest side Old Weisgarber Rd.

TRACT INFORMATION: 109.54 acres.

SECTOR PLAN: Northwest City

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

ACCESSIBILITY: Access is via Middlebrook Pike, a 4-lane, major arterial street with center median within 125' of right-of-way, or via Old Weisgarber Rd., a local street with 20' of pavement width within 40' of right-of-way.

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

WATERSHED: Fourth Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) and F (Floodway) / A-1 (General Agricultural) and F-1 (Floodway)

PROPOSED PLAN DESIGNATION/ZONING: O (Office) and F (Floodway) / O-1 (Office, Medical, and Related Services) and F-1 (Floodway)

EXISTING LAND USE: Vacant land

PROPOSED USE: Hospital and medical related uses

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of O from the north

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Middlebrook Pike - Offices, commercial / O, GC, MU / O-1 (Office, Medical & Related Services) and PC-1 (Retail & Office Park)

South: Residential / LDR / R-1E (Low Density Exclusive Residential)

East: Old Weisgarber Rd. - Residential, post office / MU (LDR, MDR) / O-1 (Office, Medical & Related Services) & A-1 (General Agricultural)

West: Residential / LDR / R-1E (Low Density Exclusive Residential)

NEIGHBORHOOD CONTEXT: This site is located along Middlebrook Pike in an area developed with a mix of uses under various zones. The property is surrounded by residential uses to the south and west, zoned R-1E.

STAFF RECOMMENDATION:

▶ **DENY O (Office) and F (Floodway) One Year Plan designations.**

Staff is recommending no change to the current One Year Plan proposal for the area. This means staff is only recommending O-1 zoning north of the creek, consistent with the plan. The portion of the site north of the creek is designated for mixed uses including offices, so this area does not need a plan amendment. The creek represents an appropriate natural dividing line between residential and non-residential zoning, as the One Year Plan currently proposes. Also, the area south of the creek will serve as an adequate buffer to the residential subdivision to the south.

▶ **RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning on the north side of the creek and DENY O-1 zoning on the south side of the creek.**

The adopted One Year Plan and sector plan appropriately call for office uses to be limited to the north side of the creek only. Therefore, staff is recommending that only the portion of the site north of the creek be rezoned O-1. The creek is a natural dividing line between residential and non-residential zoning.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

- A. AN ERROR IN THE PLAN - The One Year Plan currently designates the northern portion of the site for Mixed Uses, including LDR, MDR or O, consistent with the rezoning request for O-1. The proposal for low density residential uses on the south side of the creek is appropriate and should not be amended.
- B. A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA - No known improvements have been recently made to any of the roads surrounding this site. Public water and sewer utilities are available to serve the site.
- C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - The One Year Plan has not been recently changed in this area, and there has not been a change in public policy to warrant a change.
- D. NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT - No new information has become available to reveal the need for a plan amendment. The One Year Plan and sector plan appropriately call for office uses north of the creek and low density residential uses south of the creek.

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 recommendation is compatible with the scale and intensity of the surrounding land uses and zoning pattern. O-1 zoning on the south side of the creek would allow uses that could have a negative impact on the residential uses to the south.
2. The One Year and Sector Plan both recommend office uses only on the north side of the creek, consistent with the zoning recommendation.
3. O-1 zoning is appropriate to allow development of a medical facility at this location. However, it should be limited to the north side of the creek only.

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

1. The O-1 zone, as described in the zoning ordinance, is intended to provide areas for professional and business offices and related activities that require separate buildings surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
2. Based on the above general intent, the northern portion of the site is appropriate for O-1 zoning.

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. The recommendation is compatible with surrounding development and will have a minimal impact on

adjacent properties.

2. Approval of O-1 zoning will allow the development of a medical facility or any other uses allowed under O-1 zoning. There will be no impact on schools, but there could be a significant impact on the street system. If a hospital is proposed, MPC will have to approve a use on review development plan prior to construction. A traffic impact study will be required to be submitted with this plan, and its recommendations will be implemented as part of the plan review, per TDOT, City of Knoxville Engineering and MPC recommendations.
3. Public water and sewer utilities are in place to serve the site.

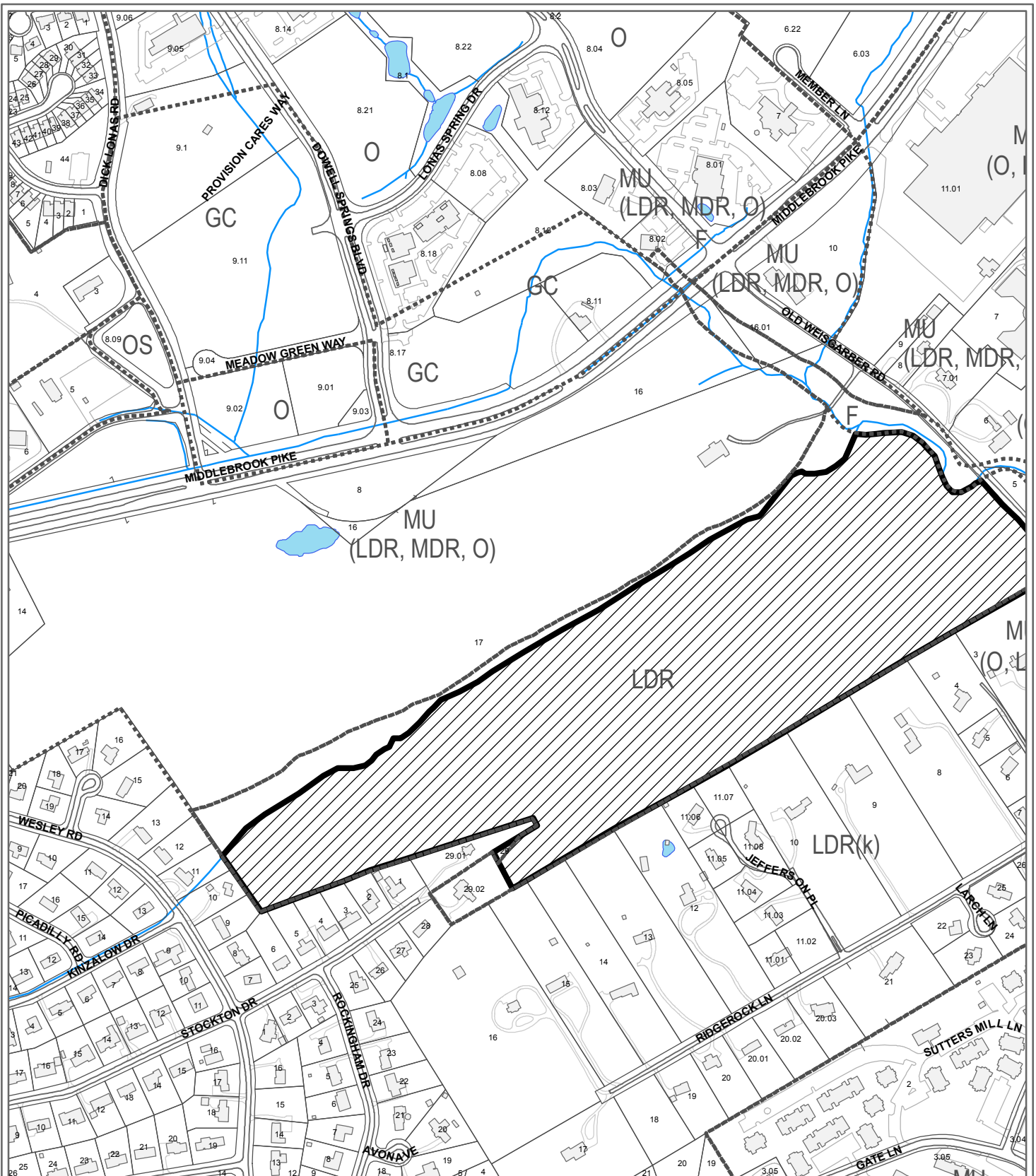
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The City of Knoxville One Year Plan proposes Mixed Uses, limited to MDR, LDR and O for the northern portion of the site, consistent with O-1 zoning, Staff is recommending denial of O-1 zoning on the south side of the creek, where the plan proposes low density residential uses only.
2. The Northwest City Sector Plan proposes MDR/O (Medium Density Residential/Office) uses for the northern portion of the site, consistent with O-1 zoning, Staff is recommending denial of O-1 zoning on the south side of the creek, where the plan proposes low density residential uses only. There is an accompanying sector plan amendment request for the site, south of the creek, requesting a change from LDR to O (7-E-13-SP).
3. The site is located within the Urban Growth Area (inside Knoxville City limits) on the Knoxville-Knox County Farragut Growth Policy Plan map.
4. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/6/2013 and 8/20/2013. 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-13-PA / 7-I-13-RZ
PLAN AMENDMENT**

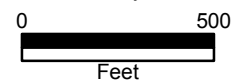
From: LDR and F (Floodway)
To: O (Office) and F (Floodway)



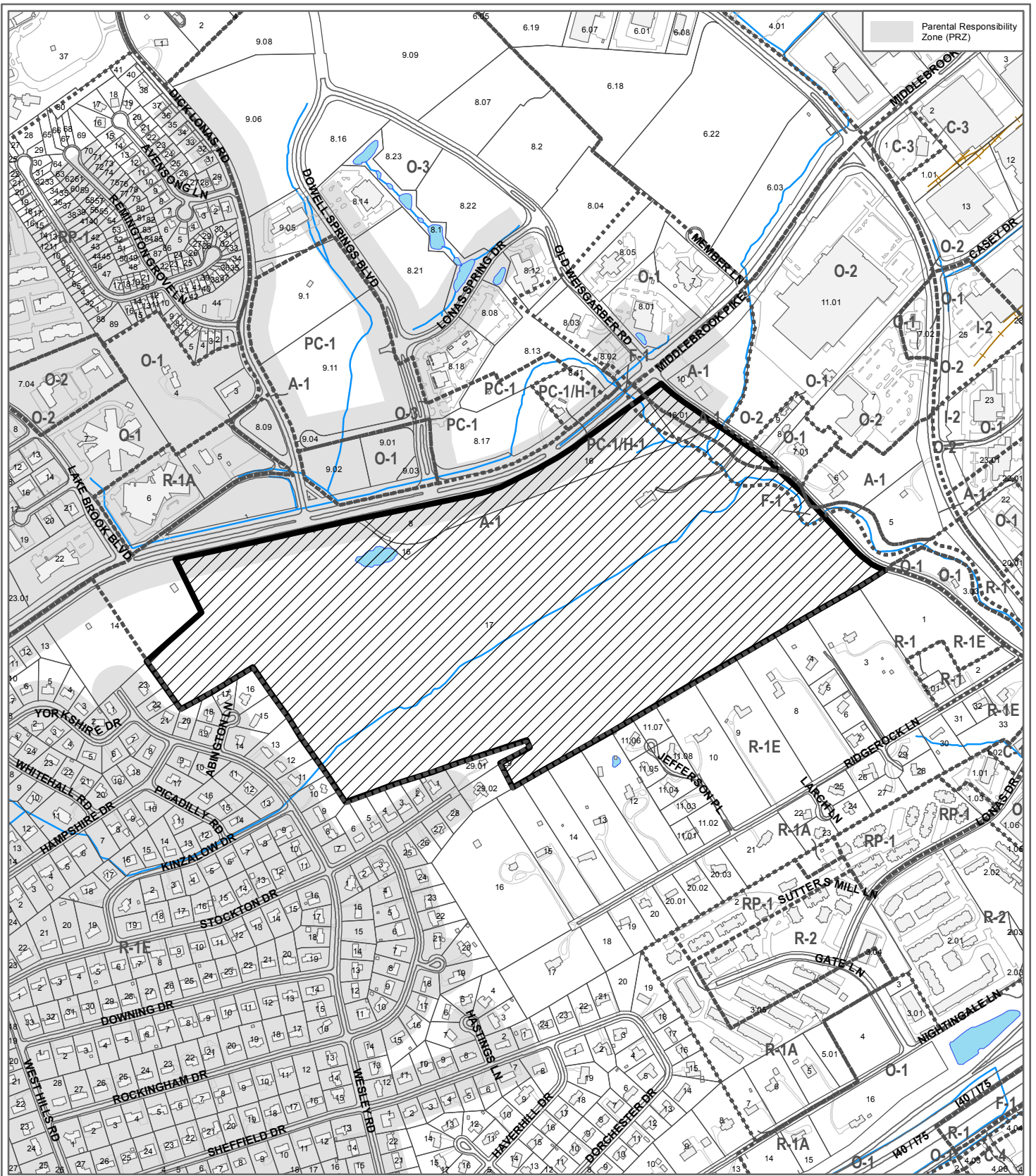
Petitioner: Metro Knoxville HMA, LLC

Map No: 106

Jurisdiction: City



Original Print Date: 6/27/2013 Revised: 7/1/2013
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**7-I-13-RZ
REZONING**

From: A-1 (General Agricultural)
 To: O-1 (Office, Medical, and Related Services) and F-1 (Floodway)



Petitioner: Metro Knoxville HMA, LLC

Map No: 106
 Jurisdiction: City
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Original Print Date: 6/27/2013 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

7-I-13-RZ - cor - Neal

THE NEAL LAW FIRM

MAILING ADDRESS:
P.O. BOX 51930
KNOXVILLE, TN 37950

TELEPHONE 865-312-9135
NEALLAWFIRM@COMCAST.NET

STREET ADDRESS:
1240B OLD WEISGARBER RD.
KNOXVILLE, TN 37909

June 17, 2013

Mayor Madeline Rogero
400 Main Street, PO Box 1631
Knoxville, TN 37901-1631

7-I-13-RZ
7-D-13-PA
7-E-13-SP



Dear Mayor Rogero:

I am writing to express my opposition to Tennova's plan to build a new hospital on Middlebrook Pike. I realize that they have not yet submitted an application to change the zoning, but, all the same, I wanted you to have my concerns in mind.

I am opposed to this project for several reasons. I live at 6657 Ridgerock Lane, so my back yard abuts directly onto the project site. In addition, my office is at 1240 Old Weisgarber Road, so I am directly across the street from the project. In other words, I will be subjected to whatever noise the project generates 24 hours a day, 7 days a week.

I thought about this project long and hard before forming an opinion. Obviously, there are advantages to having a hospital next door. On the other hand, my neighbors and I are already subjected to a large number of sirens every day, because we are situated between Papermill Road, Kingston Pike, Weisgarber Road, and Middlebrook Pike, and close to the Weisgarber fire hall. Sometimes it seems that every siren in West Knoxville comes close to our home. We are also in one of the flight paths for McGhee Tyson airport, so we get frequent airplane noise. As I write this letter there is a piece of heavy equipment working at the site, directly across the street from my office. That noise is extremely distracting, and I am confident that construction of a hospital and ancillary facilities will be much worse. In my opinion, this project is going to make living on Ridgerock Lane miserable for me and all of my neighbors.

I also do not see how Tennova can actually justify this project. Two months ago my 92 year old aunt fell and broke a vertebra while at the Pinnacle theater. The ambulance took her to Tennova's facility on Parkside Drive, which would be the closest hospital to the theater. She was in the hospital several days while she was awaiting surgery. I was amazed to find that the hospital was virtually empty. The entire time I was there I did not see another patient, nor did I see any families visiting other patients. On Friday, Saturday and Sunday there literally was no one in the hospital lobby, the lights were turned off, and the reception desk was empty. And even with few patients, it was obvious that the hospital staff were poorly managed and the left foot had no idea what the right was doing, as we received contradictory instructions from the doctors and staff. I cannot fathom how Tennova thinks it could justify another West Knoxville facility when the Parkside Drive hospital was virtually empty that weekend.

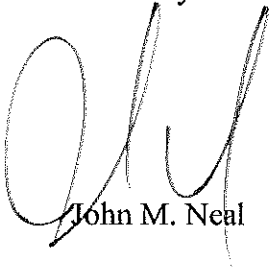
When I was first married, in 1975, my wife and I lived in Fountain City. Our first son was born at St. Mary's. I know from personal experience that the folks who live north of downtown rely heavily on St. Mary's for their treatment. Closing St. Mary's would essentially abandon the folks who live in Middlesboro, Kentucky, Claiborn County, Union County, Halls, and Fountain City. I cannot comprehend how Tennova can rationalize buying and closing Baptist Hospital, buying and closing St. Mary's Hospital, and moving to West Knoxville when West Knoxville already has plenty of medical care. It is the people who live up Maynardville Highway, all the way to Middlesboro, who actually need medical care, and would be greatly inconvenienced by the closing of St. Mary's. And, if Tennova hoestly believes those patients will all come to the new hospital, I think they are mistaken. Why? Because those patients will first come to UT Medical Center and Fort Sanders.

Yes, I realize that many of my feelings are selfish because of the noise and disorder that will be forced on me personally. However, the bottom line is that with Tennova's inability to fill even its Parkside facilities, and the loss of service for people who live north of Knoxville, I cannot think of a single good reason why Tennova should build on Middlebrook.

Incidentally, I have lived adjacent to that property for more than 25 years and I am convinced its highest and best use would be as a park. Although we have Lakeshore close by, and I use it several times a week, the Middlebrook property would be a unique opportunity for a more naturalized environment, with wooded walking trails and, possibly, even an agricultural facility to teach city children who have never touched a cow in their lives. If I had the money I would have done it myself long ago. You may not know this, but I hear voices behind my house all the time. The old horse trails are still being used as walking trails by the residents of West Hills. In addition, the area is replete with wild life, including deer, wild turkeys, racoons, birds of prey, and the Knoxville local coyotes.

Obviously, I urge you to oppose any of the various applications Tennova will be filing in connection with this project. Thank you for your consideration.

Sincerely Yours,



John M. Neal