

REZONING REPORT

▶ **FILE #:** 5-C-23-RZ

AGENDA ITEM #: 22

AGENDA DATE: 5/11/2023

▶ **APPLICANT:** DC FOUNDATIONS, INC.

OWNER(S): DC Foundations, Inc.

TAX ID NUMBER: 79 049.01

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 6789 OAK RIDGE HWY

▶ **LOCATION:** **South side of Oak Ridge Hwy, east of Hazelnut Ln, west of Malone Creek Dr**

▶ **APPX. SIZE OF TRACT:** **2.58 acres**

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Oak Ridge Hwy., a major arterial street with a 25-ft pavement width within a right-of-way that ranges from 93 ft to 108 ft in width.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Grassy Creek

▶ **PRESENT ZONING:** **A (Agricultural)**

▶ **ZONING REQUESTED:** **OB (Office, Medical, and Related Services)**

▶ **EXISTING LAND USE:** **Rural Residential**

▶ EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Rural residential and single family residential - A (Agricultural)

South: Agriculture/forestry/vacant - CA (General Business) and A (Agricultural)

East: Agriculture/forestry/vacant - CA (General Business)

West: Single family residential and agriculture/forestry/vacant - A (Agricultural)

NEIGHBORHOOD CONTEXT: The area in general consists of a mix of uses, including commercial, low and medium density residential, and a public golf course, though many parcels remain undeveloped. The Grassy Creek Shopping Center is just to the east.

STAFF RECOMMENDATION:

▶ **Approve the OB (Office, Medical, and Related Services) zone since it is consistent with the sector plan's MU-SD, NWCO-10 (Mixed Use-Special District, Schaad Road/Oak Ridge Highway Crossroads) land use designation.**

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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. Many of the surrounding properties with frontage on Oak Ridge Highway and Malone Creek Drive have CA (General Business) zoning. Some of these zones pre-date the zoning ordinance and others are a result of a string of rezonings beginning in the early 2000s. Oak Ridge Highway predominantly consists of various commercial zones along its length and is a commercial corridor.

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

1. The OB (Office, Medical, and Related Services District) zone 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.
2. The OB zone allows office uses and multifamily developments with a density of up to 12 du/ac as a permitted use, or with density above 12 du/ac as a use on review.
3. Rezonings should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. More than half of the site is affected by FEMA designations. A large portion of the property is in the Grassy Creek floodway, with bands of the 100-yr and 500-yr floodplains extending further into this property. Site plans would be required to comply with the Knox County Stormwater Ordinance and would be subject to approval by the Knox County Department of Engineering and Public Works (EPW). The Stormwater Division of EPW would work with the applicant and provide a no-fill line, beyond which no infill of the site could occur. Approximately 0.67 acres, or 29,150 square feet of the property, is not within the floodplains or floodway and would be a better location for development than the southeast half of the site.
2. Oak Ridge Highway is a state route, so the applicant would be required to work with TDOT to provide access.
3. Office uses allowed in the OB zone would provide a transition from the commercial uses to the east and southeast and the residential uses to the west and southwest. Multifamily development, if that is the intent, should be kept to a density that is compatible with the single family neighborhood in which this property is located.
4. Oak Ridge Highway is classified as a major arterial, so traffic would not be required through residential side streets to reach this development.
5. This property is bordered by commercially-zoned properties to the east and southeast, and by single family residential properties to the west and southwest. When a commercial property abuts a residential property, a "Type A" (Dense) Landscape Screen is required along the eastern shared lot line with that residential zone per Sections 4.10.11.A & B of the Knox County Zoning Ordinance. Should this property be developed with a commercial use, that landscape screen would be required during the permitting process.

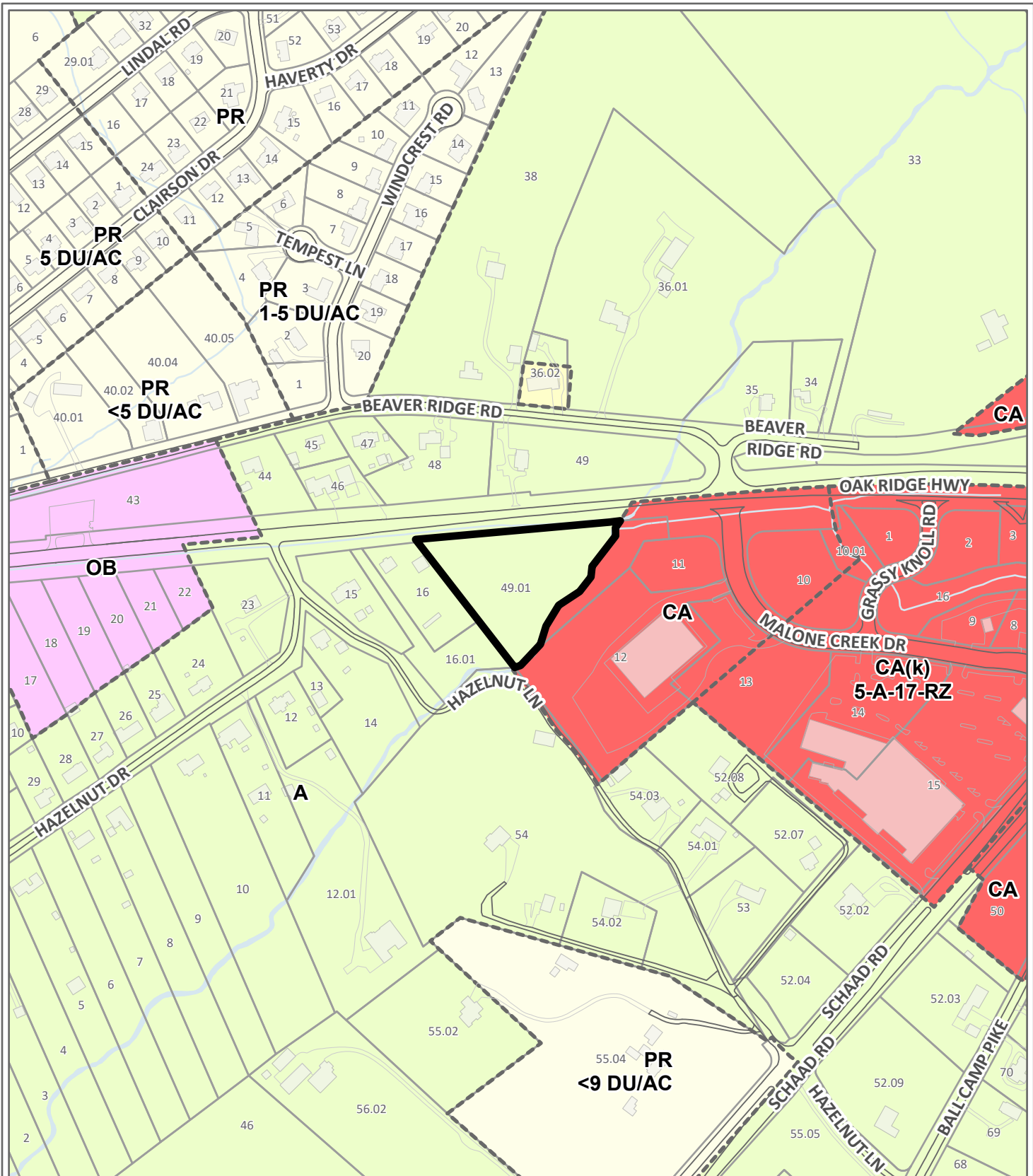
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The General Plan calls for mid-rise office buildings next to commercial or industrial areas.
2. The Northwest County Sector Plan's MU-SD, NWCO-10 (Schaad Road/Oak Ridge Highway Crossroads) land use designation recommends office and medium density residential land uses for the western part of the special district in which the subject parcel is located.
3. The proposed amendment to the OB zone is consistent with and not in conflict with any other adopted plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 6/26/2023. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the County.



REZONING

5-C-23-RZ

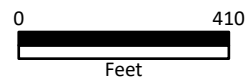
Petitioner: DC Foundations, Inc.



From: A (Agricultural)
To: OB (Office, Medical, and Related Services)

Map No: 79
Jurisdiction: County

Original Print Date: 4/14/2023
 Knoxville - Knoxville County Planning Commission * City / County Building * Knoxville, TN 37902





Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

DC Foundations, Inc.

Applicant Name

Affiliation

3/23/2023

Date Filed

5/11/2023

Meeting Date (if applicable)

5-C-23-RZ

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Andrew P. Gaither, Esq. Young, Williams & Theiss, PC

Name / Company

300 Montvue Rd Knoxville TN 37919

Address

865-637-1440 / agaither@ywlawfirm.com

Phone / Email

CURRENT PROPERTY INFO

DC Foundations, Inc.

Owner Name (if different)

6800 Oak Ridge Hwy Knoxville TN 37909

Owner Address

865-415-2864

Owner Phone / Email

6789 OAK RIDGE HWY

Property Address

79 049.01

Parcel ID

2.58 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Oak Ridge Hwy, east of Hazelnut Ln, west of Malone Creek Dr

General Location

City **Commission District 6 A (Agricultural)**

Rural Residential

County District

Zoning District

Existing Land Use

Northwest County

Planning Sector

MU-SD (Mixed Use Special District), SP (Stream Protectio

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change OB (Office, Medical, and Related Services)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)
Proposed Density (units/acre) Previous Zoning Requests	
Additional Information _____	

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	\$1,000.00	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	Fee 2	
	Fee 3	

AUTHORIZATION

Applicant Signature	DC Foundations, Inc. Please Print	3/23/2023 Date
---------------------	---	--------------------------

Property Owner Signature	DC Foundations, Inc. Please Print	3/23/2023 Date
--------------------------	---	--------------------------

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

DC Foundations, Inc.

Applicant Name

Affiliation

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Andrew P. Gaither, Esq.

Young, Williams & Theiss, PC

Name

Company

300 Montvue Road

Knoxville

TN

37919

Address

City

State

ZIP

(865) 637-1440

agaither@ywlawfirm.com

Phone

Email

CURRENT PROPERTY INFO

DC Foundations, Inc.

6800 Oakridge Hwy, Knoxville, TN 37909

(865) 415-2864

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

6789 Oakridge Highway, Knoxville, TN 37909

079 49.01

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

DEVELOPMENT REQUEST

- Development Plan Use on Review / Special Use Hillside Protection COA
 Residential Non-Residential

Related City Permit Number(s)

Home Occupation (specify)

Other (specify)

SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number

- Combine Parcels Divide Parcel

Total Number of Lots Created

Other (specify)

Attachments / Additional Requirements

ZONING REQUEST

- Zoning Change **OB**
Proposed Zoning

Pending Plat File Number

Plan Amendment Change

Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify)

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

Fee 1

Total

ATTACHMENTS

- Property Owners / Option Holders Variance Request

Fee 2

ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

Fee 3


Applicant Signature

DC Foundations, Inc.
Please Print

3/16/23
Date

(865) 415-2864
Phone Number

Jsalvo@dcfoundations.com
Email

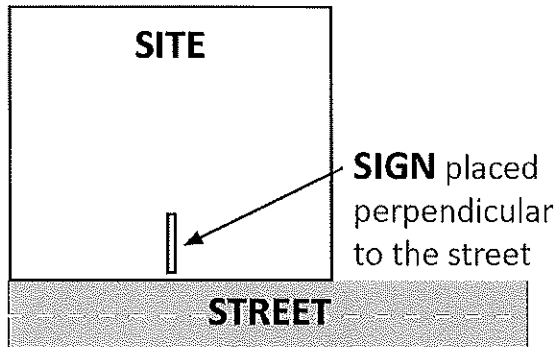

Property Owner Signature

DC Foundations, Inc.
Please Print

3/20/23
Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

April 28 and May 12
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: ~~Chico~~ DC Foundations, Inc.

Date: 3/23/23

File Number: 5-C-23-RZ

- Sign posted by Staff
- Sign posted by Applicant