

CASE SUMMARY

APPLICATION TYPE: REZONING

NORTHWEST COUNTY SECTOR PLAN AMENDMENT

File Number: 2-B-11-RZ **Related File Number:** 5-B-11-SP
Application Filed: 12/8/2010 **Date of Revision:** 4/25/2011
Applicant: TENNESSEE CHILDREN'S HOME

KNOXVILLE • KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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PROPERTY INFORMATION

General Location: South side Harold Duncan Way, west of Copper Ridge Rd.
Other Parcel Info.:
Tax ID Number: 77 11001 **Jurisdiction:** County
Size of Tract: 17.92 acres
Accessibility: Access is via Harold Duncan Way, a private joint permanent easement with 10-13' of pavement width, leading from Copper Ridge Rd., a local street with 19' of pavement width within 50' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Children's home
Surrounding Land Use:
Proposed Use: Expansion of existing facilities **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area is developed primarily with agricultural and rural residential uses under A and PR zoning. There is one low density residential development to the northeast along Copper Ridge Rd., zoned PR.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 8560 Harold Duncan Way
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: OC (Civic and Institutional)
Previous Requests: None noted
Extension of Zone: Yes, extension of PR zoning from the northeast
History of Zoning: Adjacent property to northeast was rezoned PR in 1984 (5-Q-84-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)
Requested Plan Category: CI (Civic/Institutional)

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): DENY OC (Civic & Institutional) zoning.

Staff Recomm. (Full): Approval of OC for this site would be a spot rezoning, giving the applicant development rights that none of the surrounding property owners will have. The general description in the zoning ordinance reads that OC sites should be located on arterial or major collector streets, which is not the case for this site. Both Harold Duncan Way and even Copper Ridge Rd. are classified as local streets in the Major Road Plan.

Comments: The applicant was advised that the intended uses may or not be permissible in the originally requested PR zone. Since the time of application, staff has learned that part of the overall concept includes providing counseling, alcohol and drug treatment for Department of Children Services Level II boys, and will include 24-hour staffing. There are also questions about the number of unrelated persons that can live in one dwelling.

Since the February MPC meeting, the applicant has provided more details about the proposed uses of the site. MPC and Knox County Code Administration staff have determined that OC (Civic & Institutional) zoning will permit, as a use on review, the mix of uses proposed by the applicant (see attached letter dated April 25, 2011 from the Knox County Dept. of Code Administration). The applicant has revised the application and submitted additional fees to request OC zoning, and staff has readvertised the proposal. A sector plan amendment has also been added to amend the Northwest County Sector Plan from LDR to CI (Civic/Institutional). The applicant was advised that staff was not likely to support the sector plan change to non-residential, or a rezoning to OC at this location.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. There have been no substantially changed conditions in this area that would warrant a plan or zoning change for this property. The property is surrounded by agricultural and rural residential uses under A and PR zoning.
2. A rezoning of this site to OC constitutes a spot zoning, giving this applicant the right to use the property for uses not available to neighboring property owners.
3. OC zoning would allow uses that could have a negative impact on both the street system, as well as residential neighbors in the area.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested OC zoning district and regulations are intended to provide a zoning classification for specified religious, governmental, recreational and institutional uses where a separate zoning district is appropriate. These regulations are intended to minimize any conflicts or adverse impacts on other properties, public roads or facilities. Locations for civic and institutional uses should be on arterial or major collector streets.
2. Based on the above description, this site is not appropriate for OC zoning, especially with regard to the location on arterial or major collector streets.
3. If the site is approved for the requested OC zoning, it could lead to future requests for non-residential zoning in the surrounding area.

THE EFFECTS OF THIS PROPOSAL

1. Public water is available to the site. Sewer utilities are available in the general area, but may have to be extended to serve this site.
2. The proposal would have no impact on schools. Depending on how the property were developed, the street could be negatively impacted with additional traffic generated from a non-residential use. Harold Duncan Way may need to be improved if this proposal is approved.
3. Civic and institutional uses could have detrimental impacts on adjacent residential properties with

the potential for increased noise, lighting, signage and traffic.

4. If these requests are approved, a use on review development plan would need to be approved by MPC prior to any new construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, layout, recreational amenities, drainage, types of residential units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

5. If these requests were to be approved, the applicant should be expected to share in the costs of any road improvements required by Knox County to address access to the site, if necessary.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan's proposal for low density residential uses is appropriate for this site. The Plan should not be amended to allow civic/institutional development at this location. The proposal does not meet any of the general plan criteria regarding changes of conditions warranting amendment of the land use plan.

2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. Allowing non-residential use of the subject property could lead to future similar requests in the area.

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. New law 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.

Action: Approved **Meeting Date:** 5/12/2011

Details of Action:

Summary of Action: RECOMMEND the Knox County Commission APPROVE OC (Civic and Institutional) zoning.

Date of Approval: 5/12/2011 **Date of Denial:** **Postponements:** 3/10/11-4/14/11

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 6/27/2011

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: