

# CASE SUMMARY

## APPLICATION TYPE: REZONING

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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**File Number:** 3-H-08-RZ                      **Related File Number:**  
**Application Filed:** 2/8/2008                      **Date of Revision:**  
**Applicant:** C. EDWARD DANIEL - FORMERLY DR. STEVE COPELAND (REFERRED BACK T

### PROPERTY INFORMATION

**General Location:** Northwest side Millertown Pike, northwest of Amelia and Spring Hill Rds.  
**Other Parcel Info.:**  
**Tax ID Number:** 59 M A 003                      **Jurisdiction:** City  
**Size of Tract:** 4.9 acres  
**Accessibility:** Access is via Millertown Pike., a minor arterial street with a 20' pavement width within a 70' right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Office building                      **Density:**  
**Sector Plan:** East City                      **Sector Plan Designation:** Mixed Uses  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** The area surrounding the subject property has been developed with residential uses to the west and office uses to the south. Directly to the east, commercial uses have been developed.

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

**Street:** 4809 Millertown Pike  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** R-1 (Low Density Residential)  
**Former Zoning:**  
**Requested Zoning:** C-3 (General Commercial)  
**Previous Requests:** None noted  
**Extension of Zone:** Yes, this is an extension of the commercial zoning (C-6) that exists to the north of the site.  
**History of Zoning:** A plan amendment was approved in 2001 that added the office designation to this site (1-E-01-PA).

### PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

## **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:

Kelley Schlitz

Staff Recomm. (Abbr.):

APPROVE C-1 (Neighborhood Commercial) zoning subject to limiting access to Millertown Pike (prohibiting access to Corbitt Dr.) and maintaining a continuous landscape buffer along the east and north property lines. (Deny C-3 General Commercial).

Staff Recomm. (Full):

City Council considered this request at their May 10, 2008 meeting and referred it back to MPC for consideration of C-1 zoning. MPC recommended denial of C-3 zoning and approval of O-1 zoning based on the argument that O-1 zoning would be a more appropriate transition zone between the commercial uses and zoning to the north and east and the established residential uses to the south and west. C-1 (Neighborhood Commercial) zoning allows a limited number of retail, service, and office uses. It is the City's least intense commercial zone and is recommended for properties located on the edge of neighborhoods or in transitional areas to protect the residential character.

After consideration of C-1 zoning, staff agrees that either office or neighborhood commercial uses would be compatible with the scale and intensity of surrounding uses and zoning. Both O-1 and C-1 would serve as a buffer between the commercial uses and the residential uses and would limit the types of uses that would be allowed next to the established neighborhood to the west. Both would also serve as extensions of the C-1 zoning to the northeast and O-1 zoning across Millertown Pike.

The property currently has access to Millertown Pike and Corbitt Dr. Staff is recommending a condition that access be limited to Millertown Pike. Since Corbitt Dr. is a residential street, prohibiting access to it will lessen the potential traffic impact on surrounding residential properties. In addition to this condition, staff is recommending that the developer of the property maintain a continuous Type A landscaped buffer along the east and north property lines. This buffer will help to protect the neighboring residential property owners from future uses.

Comments:

### NEED AND JUSTIFICATION FOR THE PROPOSAL

1. The proposal is compatible with the scale and intensity of surrounding land uses and zoning pattern.
2. O-1 or C-1 zoning will accommodate the applicant's request for an office/medical facility.
3. O-1 or C-1 zoning will provide an appropriate buffer between the commercial uses to the north of the site at the intersection of Millertown Pike and South Mall Rd., and the residential uses to the west and south.
4. Other properties in the immediate area have been rezoned from R-1 to either O-1 or C-1 in the past to convert existing houses into offices or small scale retail (Barber Shop).
5. O-1 is a logical extension of zoning to the south, across Millertown Pike, and C-1 is a logical extension from the northwest.

### THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are in place to serve the site.
2. With the recommended conditions to prohibit access to Corbitt Dr., and maintaining a continuous landscaped buffer, the proposal will have a minimal impact on streets.
3. The proposal will also have no impact on area schools.
4. The proposal is compatible with surrounding development and will have a minimal impact on adjacent properties.
5. The adjoining Lowe's shopping center to the north was rezoned to C-6 in 2000 (4-O-00/4-H-00-PA) and was part of a comprehensive rezoning that rezoned a number of residential properties from R-1 to C-6. If or when the remaining residences decide to rezone their properties to commercial, it should be through another comprehensive rezoning instead of a piece-meal approach. The property would be more appropriate for a planned commercial zone, rather than C-3, if it were included with other properties to create a larger, more developable tract. Both O-1 and C-1 have the potential of being absorbed into a greater development plan if or when the remaining residential neighborhood located between Washington Pike and the existing Lowe's store is developed.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The City of Knoxville One Year Plan, which was amended in 2001, proposes mixed uses, limited to general commercial, office, medium density residential and low density residential uses for this parcel. The applicant's request is consistent with this proposal for several commercial zones; however, O-1 and C-1 zoning supports the applicant's proposed use for the property (office/medical facility) and would both serve as an appropriate buffer between the commercial uses to the north and the residential uses to the east and south of the site.
- 2. The East City Sector Plan proposes mixed uses for this parcel, consistent with this proposal.
- 3. Staff would anticipate receiving similar zoning requests in the future in this neighborhood, continuing the transition to office and limited commercial uses.

**MPC Action:** Approved as Modified

**MPC Meeting Date:** 6/12/2008

**Details of MPC action:**

**Summary of MPC action:** C-1 (Neighborhood Commercial), subject to limiting access to Millertown Pike (prohibiting access to Corbitt Dr.) and maintaining a continuous landscape buffer along the east and north property lines,

**Date of MPC Approval:** 6/12/2008

**Date of Denial:**

**Postponements:** 3/13/2008

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 7/15/2008

**Date of Legislative Action, Second Reading:** 7/29/2008

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Approved

**Disposition of Case, Second Reading:** Approved

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**