

CASE SUMMARY

APPLICATION TYPE: REZONING

SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

File Number: 4-H-12-RZ **Related File Number:** 4-D-12-SP
Application Filed: 2/27/2012 **Date of Revision:**
Applicant: CHOTO PARTNERS

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

Suite 403 • City County Building
4 0 0 M a i n S t r e e t
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
F A X • 2 1 5 • 2 0 6 8
w w w • k n o x m p c • o r g

PROPERTY INFORMATION

General Location: Northwest side Plum Creek Dr., southeast of Parkside Dr.
Other Parcel Info.:
Tax ID Number: 131 J A 017 & 018 **OTHER:** PORTION ZONED RA **Jurisdiction:** County
Size of Tract: 2.5 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: House and vacant land
Surrounding Land Use:
Proposed Use: Any use permitted in the OB zone **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** Low Density Residential and Stream Protection Ar
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context:

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

Street: 10609 Plum Creek Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RA (Low Density Residential)
Former Zoning:
Requested Zoning: OB (Office, Medical, and Related Services)
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential) & STPA (Stream Protection Area)
Requested Plan Category: O (Office) & STPA (Stream Protection Area)

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 OB (Office, Medical & Related Services) zoning.

Staff Recomm. (Full):

OB zoning at this location would allow uses that would not be compatible with adjacent residential uses.

Comments:

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. No significant changes have occurred in the area that warrant the requested change in zoning. The majority of the site (parcel 18) is designated on the Boxwood Hills subdivision plat as 'Boxwood Pool'. This plat (attached) was recorded in 1967, and the site has always been intended for recreational uses. The KGIS system information, based on property assessor information, is attached, and also indicates that parcel 18 is intended for swimming pool and recreation.
2. The property has access only from local neighborhood streets, despite being in close proximity to Parkside Dr. The property has no frontage on Parkside Dr., and there is a creek that runs along the northwest property line of the site that is an appropriate dividing line between residential and non-residential uses.
3. Staff recognizes that there are non-residential uses to the southwest, accessed from Deerbrook Dr. But this is an area that is part of the commercial node at Lovell Rd. and Parkside Dr. Deerbrook Dr. is a local street developed with all commercial and office uses between Glade Dr. and its connection to Lovell Rd. The properties along Deerbrook Dr. are not part of a platted residential subdivision. The subject property is accessed only from local, neighborhood-serving streets within a platted residential subdivision.

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. In addition to allowing professional and medical offices and residential uses, OB zoning allows some uses that are not compatible with adjacent residential uses, such as a hotel or a bank.
2. Based on the above description and intent, as well as the permitted uses, this property is not appropriate to be rezoned to OB.

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. Establishment of OB zoning at this location would adversely impact surrounding residential properties.
2. OB zoning allows some uses that would not be compatible with surrounding land uses and zoning.

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. With the requested plan amendment to the O land use classification, OB or OA zoning would be consistent with the Southwest County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. Approval of this request may lead to future rezoning and plan amendment requests for non-residential development into the adjacent residential neighborhood, on properties zoned RA.

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.

Action: Denied **Meeting Date:** 5/10/2012

Details of Action:

Summary of Action: DENY OB (Office, Medical & Related Services) zoning.

Date of Approval: **Date of Denial:** 5/10/2012 **Postponements:** 4/12/12

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

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

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**