

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 6-D-13-RZ **Related File Number:**
Application Filed: 4/29/2013 **Date of Revision:** 9/3/2013
Applicant: HUBER PROPERTIES / CLEARWATER PARTNERS

PROPERTY INFORMATION

General Location: Southeast side Hardin Valley Rd., southwest of Valley Vista Rd.
Other Parcel Info.:
Tax ID Number: 103 115 OTHER: MAP ON FILE AT MPC **Jurisdiction:** County
Size of Tract: 26.59 acres
Accessibility: Access is via Hardin Valley Rd., a minor arterial street with 43' of pavement width within 90-100' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Commercial and office **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** MU-SD (MU-NWCo5)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area around the Pellissippi Parkway and Hardin Valley Rd. interchange is developed with a mix of uses under OB, PC, A, PR, BP and RA zoning.

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural) / TO (Technology Overlay)
Former Zoning:
Requested Zoning: PC (Planned Commercial) / TO (Technology Overlay) and OB (Office, Medical, and Related Services) / TO (Technology Overlay)
Previous Requests: None noted
Extension of Zone: Yes, extension of PC/TO from the north and west
History of Zoning: None noted

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: Michael Brusseau

Staff Recomm. (Abbr.): RECOMMEND that County Commission APPROVE PC/TO zoning on the northern portion, subject to 1 condition, and APPROVE OB/TO zoning on the southern portion as shown on attached map, subject to 5 conditions.

Staff Recomm. (Full): PC/TO condition:
1. No grading, or other site disturbance, including the removal of vegetation, shall be allowed prior to the review and approval of a development plan by MPC and TTCDA.

OB/TO conditions:

1. No grading, or other site disturbance, including the removal of vegetation, shall be allowed prior to the review and approval of a development plan by TTCDA and MPC (if applicable).
2. If developed with residential uses, development density shall be limited to no more than 24 dwelling units. A density bonus of shall be allowed (for a maximum total of 56 units) if the development plan follows the recommendations of the TTCDA Design Guidelines and the Hillside and Ridgetop Protection Plan, as appropriate, for development in the Hillside and Ridgetop Protection Area. This shall include specifically the limitation on the maximum size of building pads to 5,000 square feet, the utilization of under-building parking, the proposal of no more than the minimum number of required parking spaces and the techniques for the re-vegetation of disturbed areas.
3. Development of non-residential uses in the OB/TO zoned portion of the site, shall also follow the recommendations for development in the Hillside and Ridgetop Protection Area.
4. For residential development, a vehicular connection must be made to either property adjoining the OB portion of the site to the east or west. If parking areas or buildings are placed over existing parcel lines, then a plat must be recorded to combine the properties and eliminate the parcel line.
5. No disturbance or removal of vegetation will be allowed within the proposed conservation area (6.1 acres) in the middle of the site.

With the above conditions, PC/TO and OB/TO are appropriate zones for development of this site. PC/TO is consistent with the sector plan and is compatible with the scale and intensity of the surrounding development and zoning pattern.

PC/TO condition:

1. No grading, or other site disturbance, including the removal of vegetation, shall be allowed prior to the review and approval of a development plan by MPC and TTCDA.

OB/TO conditions:

1. No grading, or other site disturbance, including the removal of vegetation, shall be allowed prior to the review and approval of a development plan by TTCDA and MPC (if applicable).
2. If developed with residential uses, development density for the portion of the site recommended for OB shall be limited to a range of from 24 to no more than 56 dwelling units, as shown on the concept plan as Exhibit C. However, such a proposal should follow the recommendations of the TTCDA Design Guidelines and the Hillside and Ridgetop Protection Plan, as appropriate, for development in the Hillside and Ridgetop Protection Area.
3. Development of non-residential uses in the OB/TO zoned portion of the site, should also follow the recommendations for development in the Hillside and Ridgetop Protection Area.
4. For residential development, a vehicular connection must be made to either property adjoining the OB portion of the site to the south, east or west. If parking areas or buildings are placed over existing parcel lines, then a plat must be recorded to combine the properties and eliminate the parcel line.

5. No disturbance or removal of vegetation will be allowed within the proposed conservation area of approximately 6.1 acres in the middle of the site.

Comments:

If approved, this request would allow for the development of a 26.59-acre tract with commercial and residential/office uses. With PC/TO zoning, a development plan would be required for consideration by both MPC and the Tennessee Technology Corridor Development Authority (TTCDA). TTCDA would also review development plans within the OB/TO portion. MPC would only review if a use on review is required for the proposed use. A companion rezoning request (file# 6-A-13-TOR) is scheduled for the TTCDA meeting on September 9, 2013.

Since this application was filed, the applicant has expressed interest in developing the southern portion of the site with residential uses under OB zoning. The applicant is also proposing a conservation easement as part of the OB zoning. Although this would include the most constrained portion of the site, staff recognizes the fact that properties to the east and west have either been disturbed for, or developed with medium density residential uses. The property to the south is zoned PR with a density of up to 12 du/ac. Considering these factors, some flexibility in how this site is developed may be appropriate. For instance, the staff's recommended number of units, exceeds the density that would be permitted with strict application of the residential slope protection recommendations of the HRPP, which would yield about 16 units on the 11.34 acre, OB-zoned portion of the site. Staff is recommending approval of 24 to 56 dwelling units depending on how the development is proposed. Even at 56 units, the overall density in the OB area would be within the low density residential range of up to 5 du/ac. The site is actually proposed for medium density residential uses, which would allow consideration of a density of up to 12 du/ac. The attached plan, submitted by the applicant, shows that 6.1 acres of the 11.34 acres requested for OB will remain undisturbed.

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 PC/TO and OB/TO zones are compatible with the scale and intensity of the surrounding development and zoning pattern in the area.
2. The proposed rezoning is consistent with the Northwest County Sector Plan proposal for the site.
3. Multiple tracts in the area are currently zoned PC/TO and OB/TO, including adjacent tracts to the north, east and west.
4. PC/TO zoning will require approval of a development plan by MPC, as well as the TTCDA. This requirement will provide the opportunity for staff to review the plan and address issues such as traffic circulation, layout, landscaping, drainage, slope preservation and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting. The OB/TO zoning also will require approval of a development plan by TTCDA. MPC would only review a plan if the proposed use requires use on review approval.

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

1. The PC zone is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible. 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.
2. Based on the above description and the required development plan reviews by MPC and TTCDA, this site is appropriate for PC/TO and OB/TO zoning.
3. The TO overlay will be maintained on the entire property. Site plans will be subject to review and approval of a development plan by TTCDA, since it is located within the TO overlay. TTCDA must approve a Certificate of Appropriateness for this rezoning as well as for future development plans.

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 applicant intends to develop commercial and office/residential uses on the subject property.
2. Most of the property is designated for slope protection by the sector plan. As described in the accompanying slope map and analysis, roughly half of the entire site has slopes of less than 25%, which would be suitable for office uses and some residential development, provided that development plans follow the recommendations established for Hillside and Ridgetop Protection Areas. Limited commercial development would also be allowed, but only to the extent that slope restoration and reforestation are proposed on the required plan. The portion of the site with slopes of less than 15% would be more suitable for either office or commercial uses.

3. The proposed zoning is compatible with surrounding development, and there should be minimal impact on the surrounding area and no adverse affect on any other part of the County.
4. Public water and sewer utilities are available in the area, but may need to be extended to serve the site.
5. No other area of the County will be impacted by this rezoning request.

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. This property is located within a Mixed Use Special District (MU-SD, MU-NWCo-5) on the Northwest County Sector Plan. Both the PC/TO and OB/TO zones are appropriate to be considered within this district.
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 requests for PC or OB zoning on surrounding properties zoned Agricultural, which could be considered within this Mixed Use district.
4. The proposal does not present any apparent conflicts with any other adopted plans.

Action: Approved as Modified **Meeting Date:** 9/12/2013

Details of Action: RECOMMEND that County Commission APPROVE PC/TO zoning on the northern portion, subject to 1 condition, and APPROVE OB/TO zoning on the southern portion as shown on attached map, subject to 5 conditions.

PC/TO condition:

1. No grading, or other site disturbance, including the removal of vegetation, shall be allowed prior to the review and approval of a development plan by MPC and TTCDA.

OB/TO conditions:

1. No grading, or other site disturbance, including the removal of vegetation, shall be allowed prior to the review and approval of a development plan by TTCDA and MPC (if applicable).
2. If developed with residential uses, development density for the portion of the site recommended for OB shall be limited to a range of from 24 to no more than 56 dwelling units, as shown on the concept plan as Exhibit C. However, such a proposal should follow the recommendations of the TTCDA Design Guidelines and the Hillside and Ridgetop Protection Plan, as appropriate, for development in the Hillside and Ridgetop Protection Area.
3. Development of non-residential uses in the OB/TO zoned portion of the site, should also follow the recommendations for development in the Hillside and Ridgetop Protection Area.
4. For residential development, a vehicular connection must be made to either property adjoining the OB portion of the site to the south, east or west. If parking areas or buildings are placed over existing parcel lines, then a plat must be recorded to combine the properties and eliminate the parcel line.
5. No disturbance or removal of vegetation will be allowed within the proposed conservation area of approximately 6.1 acres in the middle of the site.

Summary of Action: RECOMMEND the Knox County Commission APPROVE PC/TO zoning on the northern portion, subject to 1 condition, and APPROVE OB/TO zoning on the southern portion as shown on attached map, subject to 5 conditions (See conditions as amended at the end of this report).

Date of Approval: 9/12/2013 **Date of Denial:** **Postponements:** 6/13/13-8/8/13

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 10/28/2013

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: