

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 7-D-17-RZ                      **Related File Number:**  
**Application Filed:** 5/17/2017              **Date of Revision:**  
**Applicant:** CLEAR WATER PARTNERS, LLC

## PROPERTY INFORMATION

**General Location:** Southeast side Carmichael Rd., southeast of Valley Vista Rd, southwest of Pellissippi Pkwy.  
**Other Parcel Info.:**  
**Tax ID Number:** 118 00104 OTHER: 117-03613                      **Jurisdiction:** County  
**Size of Tract:** 24.98 acres  
**Accessibility:** Access is via Carmichael Rd., a minor collector street with 21' of pavement width within 50' of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Any use permitted in OB zoning                      **Density:**  
**Sector Plan:** Northwest County              **Sector Plan Designation:** MU-SD (NWCo-4)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This site is located along the west side of Pellissippi Pkwy., south of Vista Dei Monte business park, under various zones, and north of the Centerpoint condominium development, zoned OB/TO and BP/TO.

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

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

## ZONING INFORMATION (where applicable)

**Current Zoning:** BP (Business and Technology) / TO (Technology Overlay)  
**Former Zoning:**  
**Requested Zoning:** OB (Office, Medical, and Related Services) / TO (Technology Overlay)  
**Previous Requests:** None noted  
**Extension of Zone:** Yes, extension of OB/TO from the southwest  
**History of Zoning:** None noted for this site

## 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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning, subject to two conditions.

Staff Recomm. (Full):  
1. Use on review approval of a development plan will be required by MPC prior to any disturbance of the site, including clearing and grading.  
2. The maximum residential density that may be considered for this site shall be 12 du/ac.

With the above conditions, this site is appropriate to be rezoned to OB, consistent with the sector plan proposal for the property. Use on review development plan approval is necessary because of the extremely steep slopes on the property.

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. OB/TO zoning is consistent with the proposal of the sector plan, as long as use on review approval of a development plan is required.
2. The site has significant slope constraints. Over 16 of the 25 acres of the subject property have slopes of 25% or greater (see attached slope map, analysis and calculations).
3. If approved, the applicant may submit a plan for up to 300 residential units, office development or some combination of the two. Regardless of the type of development proposed, use on review approval will be required, giving staff and MPC the opportunity to address slope protection on this steeply-sloped site. The maximum density that can be supported by staff and MPC may be impacted by the steep slope characteristics of the site.
4. The recommended condition requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, lot layout, recreational amenities, slope protection, reforestation, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

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.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB with conditions, as recommended.
3. The TO zoning overlay will remain in place, regardless of the decision on the rezoning. Depending on the type of development proposed, plans may be subject to approval of a Certificate of Appropriateness from the Tennessee Technology Corridor Development Authority (TTCDA).

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 has submitted plans for the site requesting use on review approval for attached multi dwelling residential units.
2. The impact to the street system will be addressed through the review of a Traffic Impact Study, (TIS) which will be required to be submitted as part of the use on review development plan package. Any recommendations from the TIS will need to be included on the final plans for the site.

3. The applicant will be expected to avoid grading of the steep slopes as much as possible. Where grading is necessary and new slopes are created within the development, a reforestation plan will be required as part of the required development plan package.
4. The proposed zoning is compatible with surrounding development. A large business (Local Motors) is located to the north, zoned BP/TO, and there are other parcels in the immediate area that are zoned BP, PC, OB and PR at 1-12 du/ac.
5. Public water and sewer utilities are available in the area, but may need to be extended to serve the site.
6. 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. The Northwest County Sector Plan reflects this site within a mixed use special district (NW-CO-4). The recommendations for this district within the sector plan are included with this report. This specific area south of Carmichael Rd. is addressed in the plan with this specific language; "The northern portion of the site adjacent to Carmichael Road (including 1,000 feet to the south of the Carmichael Road frontage) should be limited to: Office (O) with a recommendation for all new development to go through a Use on Review process due to the steep topography of the site." Staff is therefore recommending this rezoning to OB office, with the condition that use on review approval is required. Without this condition, up to 12 du/ac (about 300 units) could be developed with out any public review of a development plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The recommendation does not present any apparent conflicts with any other adopted plans.

**Action:** Approved **Meeting Date:** 9/14/2017

**Details of Action:**

1. Use on review approval of a development plan will be required by MPC prior to any disturbance of the site, including clearing and grading.
2. The maximum residential density of 12 dwelling units per acre is the permitted density by right in the OB zone and no higher density shall be permitted by way of a use on review application or otherwise. The residential density for this rezoning shall thus be 12 dwelling units per acre.

**Summary of Action:** Recommend the Knox County Commission approve OB (Office, Medical, and Related Services) / TO (Technology Overlay) zoning, subject to two conditions.

1. Use on review approval of a development plan will be required by MPC prior to any disturbance of the site, including clearing and grading.
2. The maximum residential density of 12 dwelling units per acre is the permitted density by right in the OB zone and no higher density shall be permitted by way of a use on review application or otherwise. The residential density for this rezoning shall thus be 12 dwelling units per acre.

**Date of Approval:** 9/14/2017 **Date of Denial:** **Postponements:** 7/13/2017-8/10/2017

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

## LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 11/16/2017

**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:**