

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

## SOUTHWEST COUNTY SECTOR PLAN AMENDMENT



**File Number:** 7-E-21-RZ **Related File Number:** 7-B-21-PA  
**Application Filed:** 5/20/2021 **Date of Revision:**  
**Applicant:** DEAN PRESTON SMITH

### **PROPERTY INFORMATION**

**General Location:** Southeast side of the intersection of Westland Drive and Pellissippi Parkway  
**Other Parcel Info.:**  
**Tax ID Number:** 144 03201 (PART OF) **Jurisdiction:** City  
**Size of Tract:** 1.05 acres  
**Accessibility:** Westland Drive is a minor arterial with a 55-ft pavement width, including a turn lane and median, within an 88-ft right-of-way.

### **GENERAL LAND USE INFORMATION**

**Existing Land Use:** Agriculture/forestry/vacant  
**Surrounding Land Use:**  
**Proposed Use:** **Density:**  
**Sector Plan:** Southwest County **Sector Plan Designation:** LDR (Low Density Residential) / HP (Hillside Protection)  
**Growth Policy Plan:**  
**Neighborhood Context:** This property abuts the Westland Drive/Pellissippi Parkway interchange and runs along Pellissippi Parkway the length of the property. Commercial and office zoning fronts Westland Drive to the north and large lots with single family houses are to the east and southeast.

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

**Street:** 9608 Westland Dr.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### **ZONING INFORMATION (where applicable)**

**Current Zoning:** AG (Agricultural) / HP (Hillside Protection)  
**Former Zoning:**  
**Requested Zoning:** O (Office) / HP (Hillside Protection)  
**Previous Requests:**  
**Extension of Zone:** No  
**History of Zoning:** Rezoning cases 6-M-97-RZ, 2-A-98-RZ, 8-B-99-RZ, and 5-J-00-RZ requested to rezone the property from A to various other zones, and all were denied; property annexed in 2000 and assigned the General Agricultural zone Case 12-D-0-RZ)

### **PLAN INFORMATION (where applicable)**

**Current Plan Category:** LDR (Low Density Residential) / HP (Hillside Protection)

**Requested Plan Category:** GC (General Commercial) / HP (Hillside Protection)

**SUBDIVISION INFORMATION (where applicable)**

**Subdivision Name:**

**No. of Lots Proposed:**                                      **No. of Lots Approved:** 0

**Variiances Requested:**

**S/D Name Change:**

**OTHER INFORMATION (where applicable)**

**Other Bus./Ord. Amend.:**

**PLANNING COMMISSION ACTION AND DISPOSITION**

**Planner In Charge:** Michelle Portier

**Staff Recomm. (Abbr.):** Deny O (Office) zoning because it does not meet all of the requirements for a rezoning.

**Staff Recomm. (Full):**

**Comments:**

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 GENERALLY:

1. There are no recent changes in the area that warrant a rezoning to the Office zone. As stated previously, the northern portion of this parcel was rezoned in March 2019 with corresponding plan amendments. However, the rear boundary of that rezoning aligned with the rear boundary of other office and commercial zones along the southern side of Westland Drive. The proposed request expands the boundary of nonresidential zoning and land use classes deeper into the parcel where it's adjacent to residential properties.

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

- 1. The Office zone is intended to provide for an environment of low intensity office and service uses, mixed with residential uses. The Office zone may additionally serve as a transition between single-family residential areas and more intensely developed commercial or industrial areas within the City of Knoxville.
- 2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The properties to the east along Westland Drive have commercial and office zoning. However, these zones are more limited in depth, following Westland Drive more closely than this property, which has a much greater depth. The portion of the property requested for this rezoning extends nonresidential zoning beyond the boundary created by the adjacent commercial and office zones and encroaches into residential zoning.

2. This property has some environmental constraints, and these are compounded on this portion of the property. These constraints would be evaluated more fully during the development plan process, but below is a summary of the issues.

- a. There are two streams that affect the property (see Exhibit B), one of which crosses the portion of the

parcel up for rezoning just south of the pinch point where the C-H-1 zoning meets the A zoning, and the

other running alongside the property's eastern boundary. The City's Engineering Department requires a

buffer at the stream channel, plus a 30-ft minimum buffer zone from the top of the bank on either side.

Typically, building over creeks and/or pipes is not allowed, but that would be addressed at the

time of permitting, along with the buffer zone issues. However, should the applicant wish to pursue piping and building over the stream, they would have to get approval by TDEC and the City to do so. This would lead to mitigation of the stream buffer, which requires the Director of the Department of Engineering's approval. If deemed necessary by the State, there could be further additional measures required.

- i. There are specific design features required by the City's Engineering ordinance when encapsulating a stream and/or piping thru water with which the applicant would be required to comply.
- b. The southern half of the portion of the parcel to be rezoned is in the HP Overlay District. The slope analysis shows that of the 0.50 acres of the 1-site in the HP Overlay District, the applicant can disturb 0.20 acres.

3. This request is not related to the commercial zoning at the front of the parcel. The applicant has a viable commercial zone at the front of the parcel that is available for use.

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 requested Office zoning would require a plan amendment to the O (Office) land use class. As stated previously, amending the requested portion of the property to Office extends nonresidential land use deeper into the parcel where it would be adjacent to residential land use.
- 2. One of the location criteria for the office land use is to be located on generally level sites. This criteria is not met, as the portion of the property requested for rezoning is partially in the HP (Hillside Protection Overlay) District and has slopes above 15%. Additionally, with the two streams present on the property, there are slopes alongside the streambeds, and these are outside of the HP area.

**Action:** Approved **Meeting Date:** 8/12/2021

**Details of Action:** Approve O (Office) zoning due to the change of conditions in the construction of a self-storage facility next door.

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**Date of Approval:** 8/12/2021 **Date of Denial:** **Postponements:** 7/8/2021

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

### LEGISLATIVE ACTION AND DISPOSITION

<b>Legislative Body:</b> Knoxville City Council	
<b>Date of Legislative Action:</b> 9/7/2021	<b>Date of Legislative Action, Second Reading:</b>
<b>Ordinance Number:</b>	<b>Other Ordinance Number References:</b>
<b>Disposition of Case:</b> Denied	<b>Disposition of Case, Second Reading:</b>
<b>If "Other":</b>	<b>If "Other":</b>
<b>Amendments:</b>	<b>Amendments:</b>
<b>Date of Legislative Appeal:</b>	<b>Effective Date of Ordinance:</b>