

# CASE SUMMARY

**APPLICATION TYPE: PLAN AMENDMENT**

**NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

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:** 9-A-08-SP

**Related File Number:** 9-A-08-RZ

**Application Filed:** 7/29/2008

**Date of Revision:**

**Applicant:** EARL SMITH

## PROPERTY INFORMATION

**General Location:** North side Middlebrook Pike, south and west of Grassy Meadow Blvd.

**Other Parcel Info.:**

**Tax ID Number:** 105 044 & 044.01

**Jurisdiction:** County

**Size of Tract:** 1.2 acres

**Accessibility:** Access is via Middlebrook Pike, a four lane median divided, major arterial street.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence

**Surrounding Land Use:**

**Proposed Use:** Any use permitted in the OA zone

**Density:**

**Sector Plan:** Northwest County **Sector Plan Designation:** LDR and SLPA

**Growth Policy Plan:** Planned Growth Area

**Neighborhood Context:** These two properties are located in an area along Middlebrook Pike that has developed with residences under PR and A zoning along with vacant OA zoning.

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

**Street:** 9353 Middlebrook Pike

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential)

**Former Zoning:**

**Requested Zoning:** OA (Office Park)

**Previous Requests:** None noted

**Extension of Zone:** No; however, the property directly across Middlebrook Pike from the subject property is zoned OA.

**History of Zoning:** None noted

## PLAN INFORMATION (where applicable)

**Current Plan Category:** LDR (Low Density Residential) & SLPA (Slope Protection Area)

**Requested Plan Category:** O (Office) & SLPA (Slope 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:

Kelley Schlitz

Staff Recomm. (Abbr.):

APPROVE RESOLUTION 9-A-08-SP, amending the Northwest County Sector Plan and recommend County Commission approve the amendment.

Staff Recomm. (Full):

This residential property, and other parcels fronting directly onto this major arterial street, have been impacted by the widening of the right-of-way and four laning of Middlebrook Pike through this area. The office designation will afford this property owner, and others similarly situated, the opportunity to pursue compatible alternative uses for the site. The sector plan proposes low density residential use and slope protection for the area. The resolution is attached as Exhibit A.

Comments:

SECTOR PLAN SPECIFIC COMMENTS:

CHANGES OF CONDITIONS WARRENTING AMENDMENT

NEW ROAD OR UTILITY IMPROVEMENTS - Middlebrook Pike is a major arterial street and properties in this area have been impacted by the widening of the right-of-way and four laning of Middlebrook Pike through this area. These road improvements have made strictly residential development less appropriate for the lots fronting Middlebrook Pike.

ERROR OR OMISSION IN CURRENT PLAN - The plan proposes LDR uses for this site, but it is located along a major arterial street which makes it less appealing for residential development and more appropriate for either office or medium density residential uses. There are two undeveloped parcels located directly across Middlebrook Pike from the proposed properties that were rezoned to OA in 1996 and 2000 (10-E-96-RZ & 11-N-00-RZ); however, the sector plan still reflects LDR, for those sites.

CHANGES IN GOVERNMENT POLICY - MPC approved rezoning of the property directly across Middlebrook Pike to OA in 2000 based on the argument that office uses are appropriate along this section of Middlebrook Pike. The County Commission affirmed this change with approval of the office zoning in both 1996 and 2000.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS - Middlebrook Pike improvements make these two lots less desirable for residential development. Office uses would provide for more compatible and marketable use for the property.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The OA zoning is an extension of the OA zoning across Middlebrook Pike from the south.
2. Since Middlebrook Pike was widened to four lanes, in 2004, remnant residential properties fronting Middlebrook Pike have become more suitable for office and medium density residential uses. The transition from residential to office has already been established, as the properties across Middlebrook Pike were rezoned to OA in 1996 and 2000, changing the general character of this area.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE

1. OA zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.
2. OA zoning of this site will create a transition between the major arterial right-of-way and established residential uses to the north.
3. The site is relatively flat, so it is appropriate for more intense development than would be permitted under the current PR zoning.
4. Although the request is not consistent with the sector plan proposal of low density residential use, the proposal would establish a precedent for extending limited office uses further along Middlebrook Pike for the lots directly fronting on this arterial street.

THE EFFECTS OF THE PROPOSAL

1. Public water and sewer utilities are available to serve this site.
2. The proposal will have no impact on schools. The impact on the street system will depend on the

type of office development that is proposed for the property. See Exhibit B for a proposed layout for the subject property.

3. OA zoning will allow continued residential use of the house or conversion to an office use.

4. Due to the existing median in Middlebrook Pike located across from the subject property, the developer of the property should be made aware that access to the property will be limited to a right-in-right-out movements.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes low density residential uses for the site. The sector plan amendment is required for approval of OA zoning.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. This request may generate similar requests for Office designation and OA zoning along this section of Middlebrook Pike.

**MPC Action:** Approved

**MPC Meeting Date:** 11/13/2008

#### Details of MPC action:

**Summary of MPC action:** APPROVE Resolution # 9-A-08-SP amending the Northwest County Sector Plan to O (Office) & SLPA (Slope Protection Area) and recommend the Knox County Commission adopt by resolution the amendment.

Effective as of June 13, 2008, T.C.A. 13-3-303 has been amended to require thirty (30) day publication notice prior to the adoption of any amendment to the General Plan. This request was previously acted upon by MPC after the effective date of the new rule and, as a result, the previous actions by MPC are not valid. To rectify this situation, this plan amendment and rezoning request has been readvertised consistent with the 30 day requirement for ratification and reconfirmation of the previous MPC action on 9/11/2008 and County Commission action on 10/27/2008.

**Date of MPC Approval:** 11/13/2008

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

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

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 12/15/2008

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

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Approved

**Disposition of Case, Second Reading:**

**If "Other":**

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**Amendments:**

**Amendments:**

withdrawn in Oct. to hear in December

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**