

CASE SUMMARY
APPLICATION TYPE: REZONING
ONE YEAR 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
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

File Number: 1-A-15-RZ **Related File Number:** 1-A-15-PA
Application Filed: 10/3/2014 **Date of Revision:**
Applicant: QUINT BOURGEOIS

PROPERTY INFORMATION

General Location: West side Bruhin Rd., north of Dutch Valley Dr.
Other Parcel Info.:
Tax ID Number: 69 P E 017-018 **Jurisdiction:** City
Size of Tract: 4.73 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Apartments **Density:** up to 24 du/ac
Sector Plan: North City **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

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

Street: 791 Bear Cub Way
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1A (Low Density Residential)
Former Zoning:
Requested Zoning: R-2 (General Residential)
Previous Requests: 11-F-13-RZ - Inskip general rezoning from R-2 to R-1A
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)
Requested Plan Category: MDR (Medium Density Residential)

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 R-2 (General Residential) zoning.

Staff Recomm. (Full): Although the property was previously zoned R-2, the 2013 general rezoning to R-1A brought the zoning into conformance with the plan. The plan amendments required in order to consider R-2 zoning are not justified. The current R-1A zoning conforms with the LDR plan designations on the property, is appropriate for the area, and allows reasonable use of the site for future development. If MPC votes to recommend approval of the associated plan amendments to MDR, then staff would recommend rezoning to RP-1 (Planned Residential) zoning at some density less than 24 du/ac, rather than the requested R-2 zoning. If this site is to be developed at medium density, a development plan review by MPC should be required. The RP-1 zone requires use on review approval by MPC prior to construction of any use on the site.

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. Conditions have not changed in the area since the 2013 rezoning to R-1A, so the proposed rezoning to R-2 is not warranted.
2. R-2 uses are not compatible with the majority of the surrounding land uses and zoning pattern, which consists primarily of detached dwellings on individual lots.
3. There is no justification for the required plan amendments to MDR that must be approved in order to consider R-2 zoning.
4. The current R-1A zoning allows reasonable use of the site for future development. Because of the site's frontage on Bruhin Rd., which is classified as a minor arterial street, apartments may be considered by MPC as a use on review. The use on review will allow the opportunity for MPC staff to address landscape screening, appropriate lighting, access control and other development strategies that will minimize the impact on neighboring properties. It will also provide the opportunity for input from citizens at a public hearing.

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

1. The requested R-2 zoning is a residential district to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are permitted. Some recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each use permitted in this district.
2. Based on the above description, R-2 is not an appropriate zone for this site.

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 proposed R-2 zoning is not compatible with the most of the surrounding land uses and zoning pattern.
2. Without MPC development plan review, there are few regulations under R-2 to maximize compatibility with surrounding land uses. Through the recommended use on review process, MPC can eliminate or minimize any possible negative impacts that may result from the development of this site.

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 proposed amendment to the North City Sector Plan to medium density residential on the accompanying application (1-A-15-SP), R-2 zoning would be consistent with the plan.
2. With the recommended amendment of the City of Knoxville One Year Plan to MDR, the proposed R-2 zoning would be consistent with the plan.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This proposal conflicts with the proposed land uses on the adopted sector plan and One Year Plan for the area. R-1A zoning is consistent with adopted plans and allows reasonable use of the property for future development.

Action: Denied

Meeting Date: 1/8/2015

Details of Action:

Summary of Action: DENY R-2 (General Residential) zoning.

Date of Approval:

Date of Denial: 1/8/2015

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:** 1/9/2015

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 2/3/2015

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Denied without prejudice

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Moot

Date of Legislative Appeal:

Effective Date of Ordinance: