

# 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

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400 Main Street  
Knoxville, Tennessee 37902  
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w w w • k n o x m p c • o r g

**File Number:** 1-C-10-RZ                      **Related File Number:** 1-A-10-PA  
**Application Filed:** 11/25/2009              **Date of Revision:**  
**Applicant:** M & T, LLC

### PROPERTY INFORMATION

**General Location:** Southeast end Fennel Rd., southeast of Elyria Dr., northeast of Central Avenue Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 69 I A PART OF 027.01    **OTHER:** MAP ON FILE AT MPC    **Jurisdiction:** City  
**Size of Tract:** 3.4 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Duplexes or multi-dwelling residential development                      **Density:**  
**Sector Plan:** North City                      **Sector Plan Designation:** Low Density Residential and Hillside Protection  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:**

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

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

### ZONING INFORMATION (where applicable)

**Current Zoning:** C-6 (General Commercial Park)  
**Former Zoning:**  
**Requested Zoning:** R-2 (General Residential)  
**Previous Requests:** MPC approved a plan amendment to GC and C-6 zoning in 2004 (7-I-04-RZ/7-E-04-PA).  
**Extension of Zone:**  
**History of Zoning:**

### 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 City Council APPROVE RP-1 (Planned Residential) zoning at a density of up to 16 du/ac. (Applicant requested R-2.)

Staff Recomm. (Full):

RP-1 zoning at the recommended density is more compatible with surrounding development and zoning and is an extension of higher density residential development from the southeast. The site was previously zoned R-2 until it was changed in 2004. R-2 zoning could allow up to 94 units on the property, with no plan review by MPC. RP-1 will allow the opportunity for the review of development plans by MPC.

Comments:

REZONING REQUIREMENTS:

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

1. RP-1 at the recommended density of up to 16 du/ac is more compatible with the scale and intensity of the surrounding development and zoning pattern than what would be permitted under the requested R-2 zoning. Up to 94 dwelling units would be possible under R-2 zoning. The applicant indicated that they would be proposing 50-55 dwelling units on the subject property, which is a density of about 16 du/ac. This development would be much less intense and more compatible than what could be developed under the previous R-2 zoning of the property.
2. The recommended RP-1 zoning is more appropriate for residential development than the requested R-2 zoning, especially at this location. RP-1 zoning requires plan approval by MPC prior to development of the site. This will give staff the opportunity to review plans and require necessary revisions to maximize compatibility with surrounding uses, such as establishing landscape buffering along the periphery of the site.
3. RP-1 zoning allows the flexibility to orient the development in such a way as to maximize the use of the parcel while providing open space and staying compatible with surrounding development and zoning. Under RP-1 zoning, the developer will have the opportunity to locate structures so as to stay away from the environmentally sensitive and more sloped portions of the site.
4. RP-1 zoning requires use on review approval of a development plan by MPC prior to any construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, landscaping, layout, recreational amenities, open space, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The RP-1 zone, as described in the zoning ordinance, is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation, and provision for commercial, religious, education and cultural facilities which are integrated with the total project by unified architectural and open space treatment. New RP-1 zoning may be created to be developed specifically as a planned unit development.
2. Based on the above general intent, this area is appropriate for RP-1 zoning at the recommended density.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. At the recommended density of up to 16 du/ac, up to 54 dwelling units could be considered. If developed with attached residences, it would generate about 9 school aged children and add about 548 trips to the street system. Under the requested R-2 zoning, up to 94 dwelling units could be considered. If developed with attached residences, it would generate about 16 school aged children and add about 903 trips to the street system.
3. The impact on adjacent properties will be minimized through the required use on review process, where MPC will have the opportunity to review and consider approval of a development plan.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. With the recommended amendments to the North City Sector Plan and the City of Knoxville One Year Plan to medium density residential, either the requested R-2 zoning or the recommended RP-1 zoning at up to 16 du/ac would be consistent with the plans.
- 2. Approval of this request could lead to future requests for RP-1 zoning on other parcels in the area. Staff would consider any future requests based on their own merits. The current plans do not propose additional medium density residential uses at this time.

Upon final approval of the rezoning, the developer will be required to submit a concept plan/use on review development plan prior to the property's development. The plan will show the property's proposed lot pattern and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by the City of Knoxville Department of Engineering and MPC staff.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

- 1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- 2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

**Action:** Approved **Meeting Date:** 1/14/2010

**Details of Action:**

**Summary of Action:** RP-1 (Planned Residential) zoning at a density up to 16 dwelling units per acre

**Date of Approval:** 1/14/2010 **Date of Denial:** **Postponements:**

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

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 2/9/2010 **Date of Legislative Action, Second Reading:** 2/23/2010

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** Approved **Disposition of Case, Second Reading:** Approved

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**