

# CASE SUMMARY

## APPLICATION TYPE: PLAN AMENDMENT

### ONE YEAR PLAN AMENDMENT

**File Number:** 1-L-05-PA                      **Related File Number:**  
**Application Filed:** 12/13/2004              **Date of Revision:**  
**Applicant:** KING PROPERTIES & DEVELOPMENT, LLC  
**Owner:**

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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### PROPERTY INFORMATION

**General Location:** Northeast side Schubert Rd., northwest of Tillery Dr.  
**Other Parcel Info.:**  
**Tax ID Number:** 68 M E 029, 030                      **Jurisdiction:** City  
**Size of Tract:** 1.95 acres  
**Accessibility:** Access is via Schubert Rd., a minor collector street with 18' of pavement width within 40' of right of way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Single family attached condominium development                      **Density:**  
**Sector Plan:** Northwest City                      **Sector Plan Designation:** Low Density Residential  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** Schubert Rd. is developed with residential uses under R-1A zoning. Commercial uses, zoned C-4, are located to the south of the site, fronting on Clinton Hwy.

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

**Street:** 4414 Schubert Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** R-1A (Low Density Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:** No  
**History of Zoning:** None noted

### PLAN INFORMATION (where applicable)

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

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

Surveyor:

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 MDR (Medium Density Residential) One Year Plan designation.

Staff Recomm. (Full): Medium density residential uses at this location would be a spot one year plan designation and an intrusion into the existing neighborhood.

Comments: NEED AND JUSTIFICATION FOR THE PROPOSAL  
1. Medium density residential uses on this site are inappropriate because the property is surrounded on three of four sides by single family residential uses. Approval of this request would be a spot one year plan change and rezoning.  
2. Approval of this request will allow the applicant to propose residential density of up to 24 du/ac, which would be out of character with development on surrounding properties.  
3. The proposal is not compatible with the scale and intensity of the surrounding residential land uses and zoning pattern.  
4. If this request indicates the beginning of a transition on land uses in the neighborhood, then a more appropriate approach might involve changing the designation for the entire neighborhood, with the proper authorization from the affected property owners. This would allow for a more orderly change from low to medium density residential uses.

THE EFFECTS OF THE PROPOSAL

- 1. Public water and sewer utilities are in place to serve the site.
- 2. The possible increase in zoning density will have an impact on schools that will depend on how the property is proposed to be developed. The applicant has provided documentation that Schubert Rd. has sufficient sight distance from a point on the subject property's frontage. (See attached letter.)
- 3. With approval, parcel 28 will be left with a low density designation and could be negatively impacted by this proposal. If parcel 28, and possibly others, were included in this request it would strengthen the proposal. The applicant indicated in the attached letter that three adjacent properties are for sale (parcels 26-28) and may be included in future development plans if agreements can be reached with property owners. If it were possible to gain access for the project from Tillery Dr., that would be preferable over having access only to Schubert Rd.
- 4. Since Schubert Rd. is classified as a minor collector street, the current R-1A zoning of the property allows multi-family development to be proposed within the density allowed under the One Year Plan designation and under the specific requirements of the R-1A district. Multi-family development requires use on review approval from MPC in the R-1A district.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The Northwest City Sector Plan proposes low density residential uses and slope protection for this parcel, not consistent with this proposal.
- 2. This site is located within the Urban Growth Area (inside City limits) of Knoxville on the Growth Policy Plan map.
- 3. Approval of this request could lead to future requests for medium density residential plan designations and zoning on adjacent parcels.

Approval of this request will permit the applicant to propose development of up to 24 du/ac or request zoning districts such as R-2 or RP-1 zoning at greater than 6 du/ac.

MPC Action: Denied

MPC Meeting Date: 1/13/2005

Details of MPC action:

Summary of MPC action: DENY MDR (Medium Density Residential)

**Date of MPC Approval:**

**Date of Denial:** 1/13/2005

**Postponements:**

**Date of Withdrawal:**

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

## ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 2/15/2005

**Date of Legislative Action, Second Reading:** 3/1/2005

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**