

**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

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**File Number:** 10-A-14-RZ                      **Related File Number:** 10-A-14-PA  
**Application Filed:** 6/20/2014                      **Date of Revision:**  
**Applicant:** GEORGE HAMILTON

**PROPERTY INFORMATION**

**General Location:** Northwest side Garden Dr., southwest of Jacksboro Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 48 M H 021                      **Jurisdiction:** City  
**Size of Tract:** 25000 square feet  
**Accessibility:**

**GENERAL LAND USE INFORMATION**

**Existing Land Use:** Vacant lot  
**Surrounding Land Use:**  
**Proposed Use:** Multi-dwelling residential                      **Density:**  
**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:** 3501 Garden Dr  
**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:** None noted  
**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):** R-2 zoning is not consistent with the sector plan and One Year Plan proposals for the site. There is no justification to amend either plan to support this rezoning request. Since the site fronts on Garden Dr., which is classified as a minor collector street, the current R-1A zoning would allow the proposed attached multi-dwelling residential development to be considered by MPC as a use permitted on review. Because of the slope constraints and potential compatibility issues, it would be desirable for MPC to have the opportunity to review a development plan, if this property were to be developed with attached multi-dwelling residential uses.

**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. The current R-1A zoning is compatible with the scale and intensity of the surrounding development and zoning pattern, and is consistent with the sector plan and One Year Plan proposals for the site.
2. In order to consider the requested R-2 zoning, the One Year Plan and sector plan maps must be amended from low to medium density residential uses. In staff's opinion, there is no justification warranting amendment of these plans for the subject property, therefore the rezoning should not be considered.
3. If attached multi-dwelling residential uses are proposed, the current R-1A zoning will allow that consideration. In the R-1A zoning district, when a property has vehicular access to a collector or arterial street, multi-dwelling development can be considered by MPC as a use on review. Garden Dr. is classified as a minor collector in the Major Road Plan. This involves the review and approval of a development plan prior to construction. As part of this review, MPC and City Engineering staff can address issues such as landscape screening, slope protection, site lighting, traffic circulation, access, drainage and other potential development concerns. It will also give the opportunity for public comment at a public hearing.
4. The requested R-2 zoning does not require MPC review of a development plan. Considering the slope constraints and compatibility concerns of the site, the current R-1A zoning is more appropriate for potential development of the site.

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

1. R-2 zoning is intended 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. The 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 permitted use in this district.
2. The current R-1A zoning allows single detached dwellings and duplexes as permitted uses, but requires use on review approval for attached multi-dwelling residential uses. There are nearby areas that are zoned R-2, as well as R-1. The current R-1A zoning is allows reasonable use of the site at an intensity that would be compatible with all surrounding development.
3. Staff maintains that this site is more appropriate to be developed under the current R-1A zoning, rather than the proposed R-2 zoning.

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 recommendation is compatible with surrounding development and will have a minimal impact on adjacent properties. Allowing higher density residential development in this area, with no required public plan review, could have a negative impact on surrounding low density residential uses.
2. In 1994, general rezoning from R-2 to R-1A was approved for a small area including this property (see 11-EE-94-RZ attached), in order to bring the zoning into conformance with the One Year Plan. The reasoning behind that decision still applies. The site has slope constraints and possible compatibility issues with adjacent properties.
3. Public water and sewer utilities are in place to serve the 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 approval of the One Year Plan amendment to MDR, R-2 zoning would be consistent with the plan.
2. With approval of the North City Sector Plan amendment to MDR, R-2 zoning would be consistent with the plan. There is an accompanying sector plan amendment request for the site requesting a change from LDR to MDR (10-A-14-SP).
3. The site is located within the Urban Growth Area (inside Knoxville City limits) on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. The applicable plans in place support keeping the R-1A zoning in place for this property, and it is the opinion of staff that there is not valid justification to amend the plans to allow consideration of R-2 zoning at this location.

**Action:** Denied **Meeting Date:** 11/13/2014

**Details of Action:**

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

**Date of Approval:** **Date of Denial:** 11/13/2014 **Postponements:** 10/9/14

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

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

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

**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:**