

# 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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**File Number:** 10-AA-04-RZ                      **Related File Number:**  
**Application Filed:** 9/27/2004                **Date of Revision:**  
**Applicant:** TODD GARRETT  
**Owner:**

### PROPERTY INFORMATION

**General Location:** Southeast side Cunningham Rd., southwest of Fraker Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 38 026.04                      **Jurisdiction:** County  
**Size of Tract:** 2.17 acres  
**Accessibility:** Access is via Cunningham Rd., a major collector street with 22' of pavement within a 50' right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Two duplexes  
**Surrounding Land Use:**  
**Proposed Use:** Same as existing use                      **Density:**  
**Sector Plan:** North County                      **Sector Plan Designation:**  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** These duplexes are located in a flood fringe area of Beaver Creek, zoned Agricultural. Surrounding single family development has occurred under RB, RA and Agricultural zones.

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

**Street:** 3148 Cunningham Rd.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** RB (General Residential)  
**Previous Requests:**  
**Extension of Zone:** Yes  
**History of Zoning:** None noted

### PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

**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: Ken Pruitt

Staff Recomm. (Abbr.): DENY RB (General Residential) zoning of this site  
APPROVE PR (Planned Residential) zoning.  
APPROVE a density of 1 to 2 units per acre for this site to accommodate the existing 2 duplexes built on the property

Staff Recomm. (Full): PR zoning of the site will allow the owner to retain the two duplexes and sell the rear portion of the property to the adjoining resident. Under PR zoning any proposal for further construction on this flood prone site would have to be approved by MPC through the use on review process.

Comments: NEED AND JUSTIFICATION FOR THE PROPOSAL  
1. The recommended PR zoning will allow the owner to subdivide the site, retain the two duplexes, and sell the rear portion of the site to the adjoining property owner, while requiring development plan approval of further development proposals for this flood prone site.  
2. The adjoining property owner has stated that they are presently maintaining this property and wish to own it to maintain and protect their residential setting.  
3. This site is completely within the Hines Branch floodway and floodplain and should not be further developed.

THE EFFECTS OF THE PROPOSAL

- 1. Public water and sewer utilities are available to serve the site.
- 2. PR zoning will prohibit additional development of this site without use on review approval, and would be compatible with the residential character of surrounding low density residential development pattern.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

- 1. The sector plan proposes low density residential uses surrounding this site.
- 2. The site is shown as Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

MPC Action: Approved as Modified MPC Meeting Date: 11/10/2004

Details of MPC action:

Summary of MPC action: APPROVE PR (Planned Residential) at a density of 1 to 2 dwelling units per acre

DENY RB (General Residential)

Date of MPC Approval: 11/10/2004 Date of Denial: Postponements: 10/14/2004

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

**LEGISLATIVE ACTION AND DISPOSITION**

Legislative Body: Knox County Commission

Date of Legislative Action: 12/20/2004 Date of Legislative Action, Second Reading:

Ordinance Number: Other Ordinance Number References:

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

If "Other": If "Other":

Amendments: Amendments:

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**