

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

File Number: 10-E-09-RZ **Related File Number:** 10-B-09-SP
Application Filed: 8/24/2009 **Date of Revision:**
Applicant: DISNEY JOINT VENTURE

PROPERTY INFORMATION

General Location: Northeast side Cate Rd., northwest of W. Emory Rd.
Other Parcel Info.:
Tax ID Number: 66 K H 001 **Jurisdiction:** County
Size of Tract: 0.72 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: House
Surrounding Land Use:
Proposed Use: Attached residential (6 units) **Density:** 8.33 du/ac
Sector Plan: Northwest County **Sector Plan Designation:** LDR
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 6029 Cate Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RA (Low Density Residential)
Former Zoning:
Requested Zoning: RB (General Residential)
Previous Requests: None noted
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.):

DENY RB (General Residential) zoning.

Staff Recomm. (Full):

RB zoning at this location would be an incompatible spot zoning, which would allow the applicant to develop more intense residential uses on this site than would be allowed on surrounding properties, with no plan review requirement by MPC.

Comments:

REZONING REQUIREMENTS:

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

1. No significant changes have occurred in the area that warrant the requested change in zoning.
2. The surrounding area is developed with primarily low density residential uses, under A, PR and RA zoning. RB zoning and uses would not be compatible with those uses.
3. The applicant has requested RB zoning because it is the only zone that could accommodate the 6 unit development that is proposed for this 0.72 acre parcel. RB zoning allows any development of less than 12 du/ac without any use on review requirement by MPC. Therefore, a sector plan change to medium density residential is required in order to consider RB zoning.
4. PR zoning at a density of up to 5 du/ac would be preferable to accommodate this type of proposed density. If a larger area were rezoned PR, units could be clustered on the most suitable parts of the site. This type of scenario could allow denser development to occur without requiring an amendment to the sector plan.
5. The subject property is too small for PR zoning, because of the required 35 foot peripheral setback. Also, a PR density of 8-9 du/ac would be required to accommodate the six proposed units, which also would require the MDR designation.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested RB zoning provides for medium population density. The principal uses of land may range from houses to multi-dwelling structures or developments.
2. Based on the above description and intent of RB zoning, this property is not appropriate to be rezoned to RB. It is surrounded by low density residential development.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. Establishment of RB zoning at this location could adversely impact surrounding residential properties.
3. If RB were approved for this site, it may set a precedent for future requests for medium density development along Cate Rd.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the requested amendment to MDR, RB zoning would be consistent with the Northwest County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future rezoning and plan amendment requests for medium density residential development in the immediate area. The current sector plan proposes low density residential uses for all of the surrounding properties in the immediate area.

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: Denied

Meeting Date: 10/8/2009

Details of Action:

Summary of Action: DENY RB (General Residential) zoning.

Date of Approval:

Date of Denial: 10/8/2009

Postponements:

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: