

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: 4-D-10-RZ **Related File Number:** 4-B-10-PA
Application Filed: 2/19/2010 **Date of Revision:**
Applicant: BETTY DEVAULT

PROPERTY INFORMATION

General Location: Southeast side Cedar Ln., northeast side Heins Rd.
Other Parcel Info.:
Tax ID Number: 58 O A 049.01 **Jurisdiction:** City
Size of Tract: 1.84 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Residence
Surrounding Land Use:
Proposed Use: Multi-dwelling attached 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: 1500 Cedar Ln
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1 (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:
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 4 du/ac, subject to one condition. (Applicant requested R-2.)

1. Multi-dwelling structures are not permitted.

Staff Recomm. (Full):

RP-1 zoning at the recommended density will allow reasonable development of the property, while keeping consistent with the sector and One Year Plan proposals for the property. A density of 4 du/ac is comparable to what could be developed under the existing R-1 zoning. The RP-1 zone also requires use on review development plan approval by MPC prior to any development of the site.

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 4 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 49 dwelling units could be possible under R-2 zoning. This proposed development would be much less intense and more compatible under RP-1 than what could be developed under the requested R-2 zoning.
2. The recommended RP-1 zoning is more appropriate for residential development than the requested R-2 zoning. 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 4 du/ac, up to 7 dwelling units could be considered. If developed with multi-dwelling residences, it would generate about 1 school aged child and add about 87 trips to the street system. Under the requested R-2 zoning, up to 49 dwelling units could be possible. If developed with multi-dwelling residences, it would generate about 8 school aged children and add about 502 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. The North City Sector Plan and the City of Knoxville One Year Plan both propose low density residential uses for the site. Both plans would need to be amended to consider either the requested R-2 zoning or an RP-1 density of 6 du/ac or greater.
2. Approval of this request could lead to future requests for R-2 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 east of Heins Rd.

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: Denied (Withdrawn) **Meeting Date:** 5/13/2010

Details of Action: WITHDRAWN, at the request of the applicant

Summary of Action:

Date of Approval: **Date of Denial:** **Postponements:** 4/8/10

Date of Withdrawal: 5/13/2010 **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: