

# CASE SUMMARY

**APPLICATION TYPE: REZONING**

**NORTHWEST COUNTY SECTOR 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:** 5-D-18-RZ

**Related File Number:** 5-A-18-SP

**Application Filed:** 3/26/2018

**Date of Revision:**

**Applicant:** ASHLEY HEALY

## PROPERTY INFORMATION

**General Location:** Northwest side East Turpin Ln., northeast of Couch Mill Rd.

**Other Parcel Info.:**

**Tax ID Number:** 103 057

**Jurisdiction:** County

**Size of Tract:** 13.93 acres

**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence and vacant land

**Surrounding Land Use:**

**Proposed Use:** Residential development

**Density:** 5 du/ac

**Sector Plan:** Northwest County      **Sector Plan Designation:** RR with HP

**Growth Policy Plan:** Rural Area

**Neighborhood Context:**

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

**Street:** 11915 East Turpin Ln

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)

**Former Zoning:**

**Requested Zoning:** PR (Planned Residential)

**Previous Requests:** None noted

**Extension of Zone:**

**History of Zoning:**

## PLAN INFORMATION (where applicable)

**Current Plan Category:** RR (Rural Residential)

**Requested Plan Category:** LDR (Low 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 the rezoning to PR (Planned Residential), consistent with the denial recommendation for the associated sector plan amendment.

Staff Recomm. (Full):

The applicant has reasonable use of the property under Agricultural zoning. The Agricultural zone allows residential development on 1 acre minimum lot sizes, consistent with surrounding development. Approval of PR zoning for this site would allow incompatible lot sizes compared to surrounding parcels. It would constitute a spot rezoning, giving this property development rights that no one in the immediate area would be afforded.

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. This location is not suitable for PR zoning. If rezoned, it would be a clear, inappropriate spot zoning.
2. The existing A zoning allows reasonable use of the property for residential development with one acre minimum lot sizes, consistent with the surrounding area.
3. There is no justification to amend the sector plan for this property, in order to consider PR zoning at any density.

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

1. PR zoning 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, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Additionally, the zoning states that each development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the Planning Commission by review of development plans. Staff maintains that approval of PR zoning for this site would lead to development that is not compatible with the surrounding area.

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 rural residential plan designation and Agricultural zoning should be maintained for this property.
2. Allowing low density use of this property could have a negative impact on the established agricultural properties on all sides.
3. The access streets for the development are classified as local streets, and are narrow and inadequate to serve low density residential development. Also, East Turpin Ln. has a 90 degree turn between Couch Mill Rd. and the subject property, which could create safety issues, unless realigned or improved in some way, which would require cooperation in obtaining additional land from adjacent property owners.
4. Public water and sewer utilities are available in the area, but may need to be extended 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 requested Northwest County Sector Plan amendment to LDR, the requested PR zoning at a density of up to 5 du/ac would be consistent with the sector plan.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map. The policies of the Growth Policy Plan would limit the allowable density of this site to no more

than 2 du/ac. However, staff is of the opinion that the sector plan amendment that would be needed to support that density is not warranted.

3. The current zoning does not present any apparent conflicts with any adopted plans, and should be maintained.

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. The law now 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:** 6/14/2018

**Details of Action:**

**Summary of Action:** DENY the rezoning to PR (Planned Residential), consistent with the denial recommendation for the associated sector plan amendment.

**Date of Approval:** **Date of Denial:** 6/14/2018 **Postponements:** 5/10/2018

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 6/19/2018

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 7/23/2018

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

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Denied

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**