

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 6-B-21-SU **Related File Number:**
Application Filed: 4/23/2021 **Date of Revision:**
Applicant: BENJAMIN C. MULLINS O/B/O RUFUS SMITH AND DOOLEY L.P.

PROPERTY INFORMATION

General Location: South side of Deane Hill Drive, east side of Winchester Drive
Other Parcel Info.:
Tax ID Number: 120 E D 001 & 002 **Jurisdiction:** City
Size of Tract: 5.21 acres
Accessibility: Access is off of Deane Hill Drive, a major collector with a 20-ft pavement width inside a 55-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Duplex on one lot and single family residential dwelling on the other
Surrounding Land Use:
Proposed Use: Removal of (C) Planned District designation **Density:**
Sector Plan: West City **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: N/A
Neighborhood Context: This site is approximately 1/2 mile west of Morrell Road on Deane Hill Drive. This section of Deane Hill Drive is a mix of small-lot single family residences and multifamily dwellings in the form of duplex units and townhouses.

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

Street: 7140 , 7144 & 7134 Deane Hill Dr.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-3 (General Residential Neighborhood) / Previously approved planned district designation (C) that is requested to be removed
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Cases 4-G-86-RZ, 6-F-98-RZ, 4-B-13-RZ, 10-C-13-RZ, and 10-A-16-RZ were denied or withdrawn prior to Council action; Property rezoned from R-1 to RP-1 in Feb. 2014 (1-E-14-RZ)

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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Michelle Portier

Staff Recomm. (Abbr.):

Approve the request to remove the previously approved planned district (C) designation from this parcel.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

Comments:

With the conditions noted, this plan meets the requirements for removal of the previously approved planned district designation and the other criteria for approval of a use on review.

Prior to adoption of the new City Zoning Ordinance on January 1, 2020, the property was zoned RP-1 (Planned Residential) District and allowed a density of up to 5.99 du/ac as of a 2014 rezoning case (Case 1-E-14-RZ). The former RP-1 zoning allowed flexibility in the types of residential uses that could be considered (attached and detached houses and multi-family) and allowed clustering of density.

Per Article 1.4.G. (Previously Approved Planned Districts) of the City of Knoxville Zoning Ordinance, all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval. However, no site plans were approved for this planned district.

With the new zoning map, the property was reassigned to the RN-3 (General Residential Neighborhood) District and given the "C" designation to indicate the presence of a prior planned district. If the former RP-1 zoning were removed from the site, the existing RN-3 zoning would apply to any proposed development.

Comparison of Prior and Current Zoning District (this section has been revised to correct an error and expanded to include more information, 6/21/2021)

1. The property is 5.21 acres, or approximately 226,947 square feet.

a. Single Family: The former RP-1 zoning allowed up to 5.9 du/ac, so the property could be developed with a

maximum of 31 single family dwellings. Under the current RN-3 zoning, the property could be developed

with a maximum of 45 single family dwellings.

b. Like the former RP-1 zone, the existing RN-3 district also allows duplexes, and up to 30 duplexes (60 dwelling units) could be built at maximum capacity according to the RN-3 standards, versus 15 duplexes

(30 dwelling units) in the former RP-1 zone.

c. Townhouses are allowed by special use, so any application for townhouse development would require

Planning Commission approval. The current RN-3 zone would allow up to 74 dwelling units.

There are

design standards for townhouses as a special use [Section 9.3.I]; the former RP-1 zone would allow a

maximum of 31 townhouses.

d. Multifamily uses are not allowed in the existing RN-3 zone; the former RP-1 zone would allow up to 31

multifamily dwellings.

2. Setbacks and building height are the other main difference between the zones.

a. The former RP-1 zone had a 25-ft peripheral boundary, which would be required along the northern,

western, and southern boundaries (the eastern boundary of the site is adjacent to the RP-1 zone and would not apply to that property line). The peripheral setback was increased by 2 ft for each additional story above two stories.

b. The existing RN-3 zone has a front setback requirement of 10 ft, a corner side setback of 12 ft, and a rear setback of 25 ft. There are additional setbacks for interior sides, but these would be internal to the development and are not as prominent as the aforementioned setbacks, which either front streets or abut other developments.

c. The RN-3 zone caps building height at 35 ft (3 stories). The former RP-1 zone doesn't have a maximum building height; it just requires a higher setback for buildings over two stories.

Zoning History:

There were four failed attempts to rezone these parcels from R-1 (Low Density Residential) to a planned district. Requests included Case 4-G-86-RZ, requesting the PR (Planned Residential) zone with up to 12 du/ac, Case 6-F-98-RZ requesting the RP-1 zone for up to 5 du/ac, Case 4-B-13-RZ requesting the RP-1 zone with up to 12 du/ac, and Case 10-C-13-RZ requesting the RP-1 zone with up to 10 du/ac. Case 1-E-14-RZ requested the RP-2 (Planned Residential) zone for up to 25 du/ac. City Council approved RP-1 zoning for this request with a reduced density of up to 5.99 du/ac. Another rezoning request in 2016 (Case 10-A-16-RZ) for RP-1 with 10 du/ac was denied.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the One Year Plan, and by the following general standards:

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. As stated previously, if the former RP-1 zoning is removed from the site, the existing RN-3 zoning will apply to any proposed development, which be required to comply with the RN-3 zoning requirements.

B. The One Year Plan and West City Sector Plan designate this site for LDR (Low Density Residential) land use.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The City of Knoxville Zoning Ordinance describes the RN-3 General Residential Neighborhood District as intended to accommodate medium density residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Townhouse dwellings may be allowed by special use approval to facilitate a more urban development form. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

B. Removal of the previously approved plan district designation would not cause nonconformance with the City of Knoxville Zoning Ordinance.

C. Any proposed development will be required to be consistent with the general purpose and intent of the zoning code.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. Removal of the planned district will not impact the character of the neighborhood. No plans were approved for this planned district.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. Removal of the previous planned district will not significantly injure the value of adjacent property.

B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Removal of the previous planned district will not draw additional traffic. Removal of the C designation does not include a development plan, so there is no specific use attached to it. As such, no traffic would be generated by the removal of the C designation to trigger the need for a traffic study. Upon receipt of development plans, the proposed use and the number of units built would yield a

certain number of trips, and traffic impacts would be assessed at that time. This section was revised for clarification, 6/21/2021.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future development anticipated to occur on this site.

Action: Approved **Meeting Date:** 6/10/2021

Details of Action:

Summary of Action: Approve the request to remove the previously approved planned district (C) designation from this parcel.

Date of Approval: 6/10/2021 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 7/13/2021

Date of Legislative Action, Second Reading: 7/27/2021

Ordinance Number:

Other Ordinance Number References: O-103-2021

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: