



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 10-E-09-RZ  
10-B-09-SP

**AGENDA ITEM #:** 35  
**AGENDA DATE:** 10/8/2009

▶ **APPLICANT:** DISNEY JOINT VENTURE  
OWNER(S): HUFF MARGARET LOUISE HENDRIX

TAX ID NUMBER: 66 K H 001  
JURISDICTION: Commission District 6

▶ **LOCATION:** Northeast side Cate Rd., northwest of W. Emory Rd.

▶ **TRACT INFORMATION:** 0.72 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Cate Rd., a local street with 19' of pavement width within 50' of right of way.

UTILITIES: Water Source: Hallsdale-Powell Utility District  
Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential) / RB (General Residential)

▶ **EXISTING LAND USE:** House

▶ **PROPOSED USE:** Attached residential (6 units)

**DENSITY PROPOSED:** 8.33 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: No, property is surrounded by LDR designation

HISTORY OF ZONING REQUESTS: None noted for this site

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING  
North: House / LDR / A (Agricultural)  
South: House and vacant land / LDR / RA (Low Density Residential)  
East: Vacant land / LDR / A (Agricultural)  
West: Cate Rd. - Residential subdivision / LDR / PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This area is developed with low density residential uses under A, RA and PR zoning.

**STAFF RECOMMENDATION:**

▶ **DENY MDR (Medium Density Residential) sector plan designation.**

The Knoxville-Knox County General Plan 2032 policies do not warrant the redesignation of this site for medium

density residential uses. The site is completely surrounded by low density residential uses, and placing a medium density residential designation on this site would be incompatible with surrounding land uses and would constitute a spot sector plan amendment.

► **DENY RB (General Residential) zoning.**

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:**

**SECTOR PLAN REQUIREMENTS:**

**CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:**

**NEW ROAD OR UTILITY IMPROVEMENTS:**

Cate Rd. has been widened and improved in recent years to support the low density residential development that has occurred, but not necessarily more intense medium density development. Utilities are available in the area.

**ERROR OR OMISSION IN CURRENT PLAN:**

The plan appropriately calls for LDR development at this location.

**CHANGES IN GOVERNMENT POLICY:**

No changes have occurred that warrant this sector plan change.

**CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:**

The property is surrounded by low density residential development that has occurred under A, PR and RA zoning. This area has been established as a low density residential area, with an overall density of no more than 5 du/ac. Allowing medium density residential development, which allows consideration of up to 12 du/ac, may set a precedent for future requests, which would not be compatible with surrounding development and zoning.

**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.

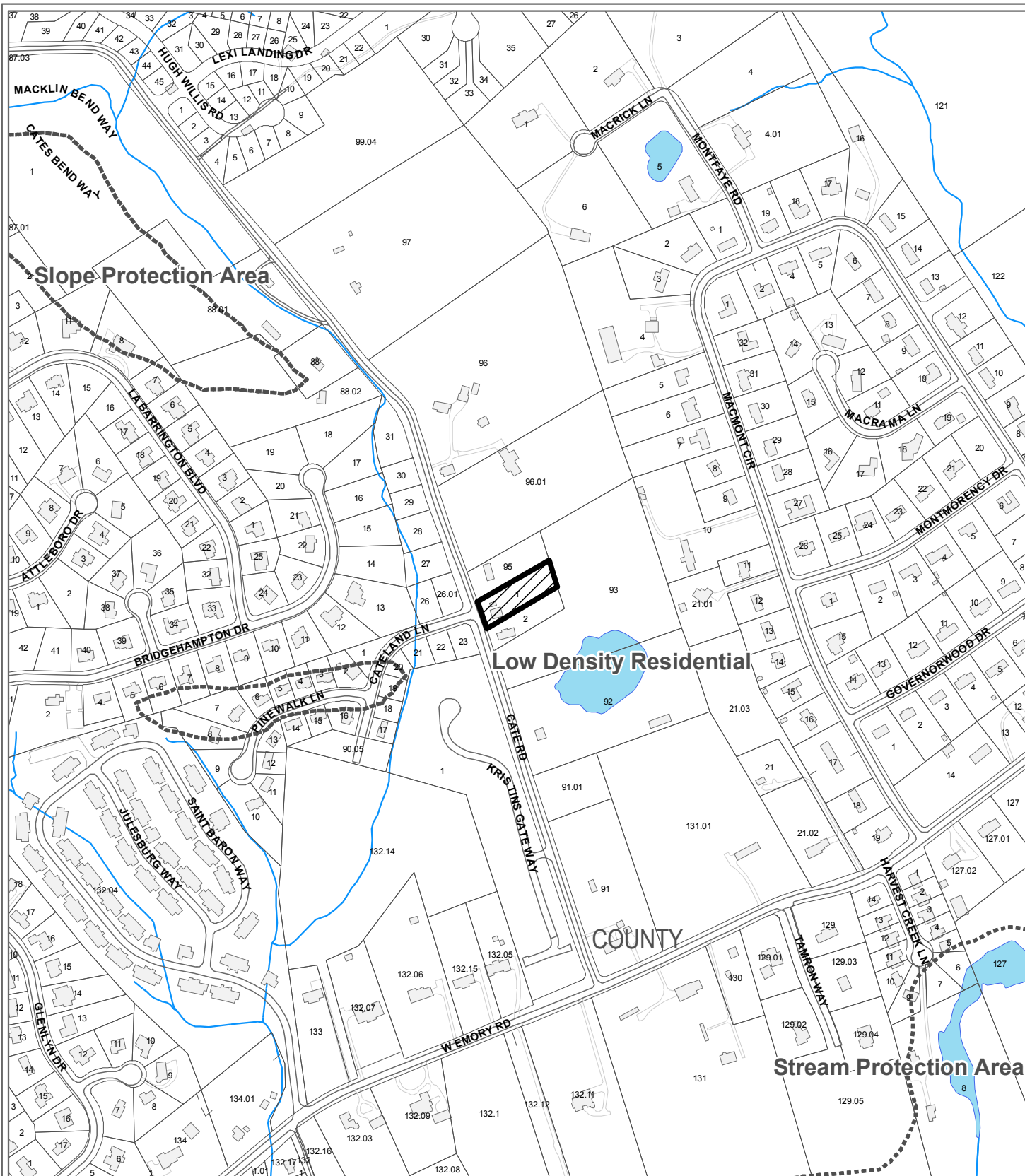
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

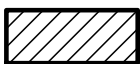
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 11/16/2009. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**10-B-09-SP / 10-E-09-RZ  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

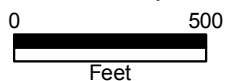
From: LDR (Low Density Residential)  
To: MDR (Medium Density Residential)

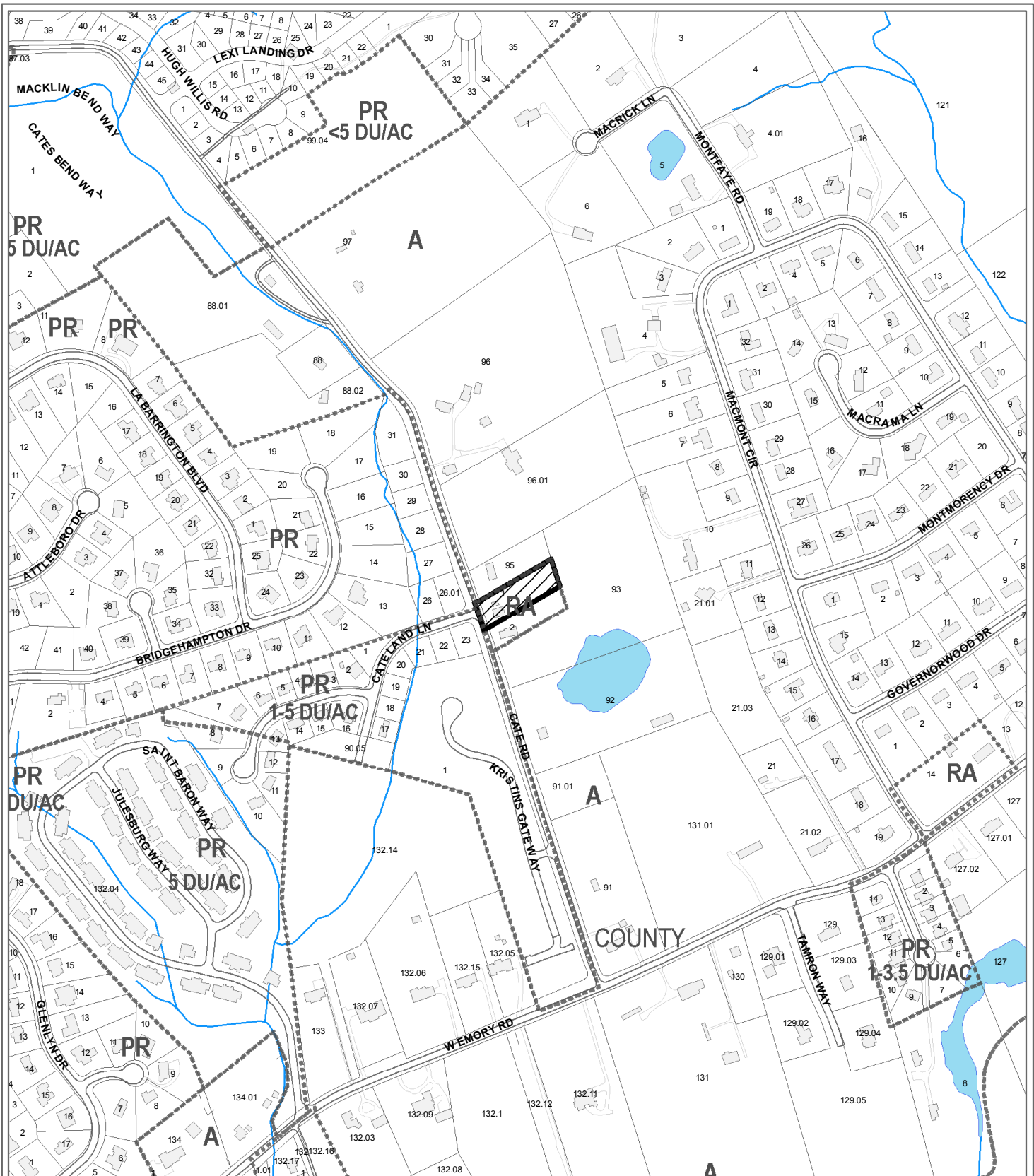


Original Print Date: 9/22/2009      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Disney Joint Venture

Map No: 66  
Jurisdiction: County





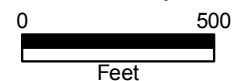
**10-E-09-RZ  
REZONING**

From: RA (Low Density Residential)  
To: RB (General Residential)



Petitioner: Disney Joint Venture

Map No: 66  
Jurisdiction: County



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