

▶ **FILE #:** 3-A-14-RZ

AGENDA ITEM #: 34

AGENDA DATE: 3/13/2014

▶ **APPLICANT:** CALEB BOYERS

OWNER(S): Caleb Boyers

TAX ID NUMBER: 135 H B 001 & 00101

JURISDICTION: City Council District 1

STREET ADDRESS: 3459 Maloney Rd

▶ **LOCATION:** Northeast side Maloney Rd., southeast side Ginn Dr.

▶ **APPX. SIZE OF TRACT:** 1 acres

SECTOR PLAN: South County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Maloney Rd., a minor collector street with 18' of pavement width within 40' of right-of-way, or Ginn Dr., a local street with 13-14' of pavement width within 30' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

▶ **PRESENT ZONING:** A-1 (General Agricultural)

▶ **ZONING REQUESTED:** R-1 (Low Density Residential)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Rezoning needed for bank financing of home improvements prior to sale

EXTENSION OF ZONE: No

HISTORY OF ZONING: Property was rezoned A-1 in 1999, when it was annexed into the City of Knoxville (5-U-99-RZ). It was formerly zoned A in Knox County.

SURROUNDING LAND USE AND ZONING: North: Ginn Dr. - House / A (Agricultural)

South: House / A (Agricultural)

East: House / A (Agricultural)

West: Maloney Rd. - Condominiums, marina, park / OS-2 (Parks and Open Space) and RP-1 (Planned Residential)

NEIGHBORHOOD CONTEXT: This area is developed primarily with low density residential and agricultural uses under A, A-1 and R-1 zoning. Maloney Road Park to the west, is zoned OS-2, and a marina/condo development to the west is zoned RP-1 at 1-8 du/ac.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE R-1 (Low Density Residential) zoning.**

R-1 zoning is consistent with the sector plan designation for the area. There are four other properties to the northeast along Ginn Dr. that are currently zoned R-1.

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. There are four properties to the northeast, along Ginn Dr. that are zoned R-1. Unlike this property, they do not have access to Maloney Rd., which is a much wider road, making it more appropriate for more intense residential development.
2. The property is located in the City Limits of Knoxville on the Growth Policy Plan and is proposed for low density residential uses on the sector plan, consistent with the proposal.
3. The proposed low density residential zoning and development is compatible with the scale and intensity of the surrounding development and zoning pattern.

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

1. The requested R-1 zone is a restrictive residential district intended for low density residential land uses.
2. Based on the above description, R-1 is an appropriate zone for this site.
3. If connected to sewer, the R-1 zone allows detached residential development with a minimum lot size of 7,500 sq. ft. Without sewer, the minimum lot size is 20,000 sq. ft., subject to approval by the Knox County Health Department.

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. R-1 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
2. The approval of this request will allow the applicant to subdivide the property into lots of no less than 7,500 square feet in size, if connected to public sanitary sewer. The elimination of the A-1 zoning would remove the right to keep farm animals on the property.
3. Public water and sewer utilities are available to serve the site, and the proposal is consistent with other zoning and density in the immediate area.
4. There is no survey plat recorded on the subject property. If subdivided into smaller lots, a final plat will have to be reviewed and certified by MPC, and then recorded at the Knox County Register of Deeds office before any building permits for structures could be issued.

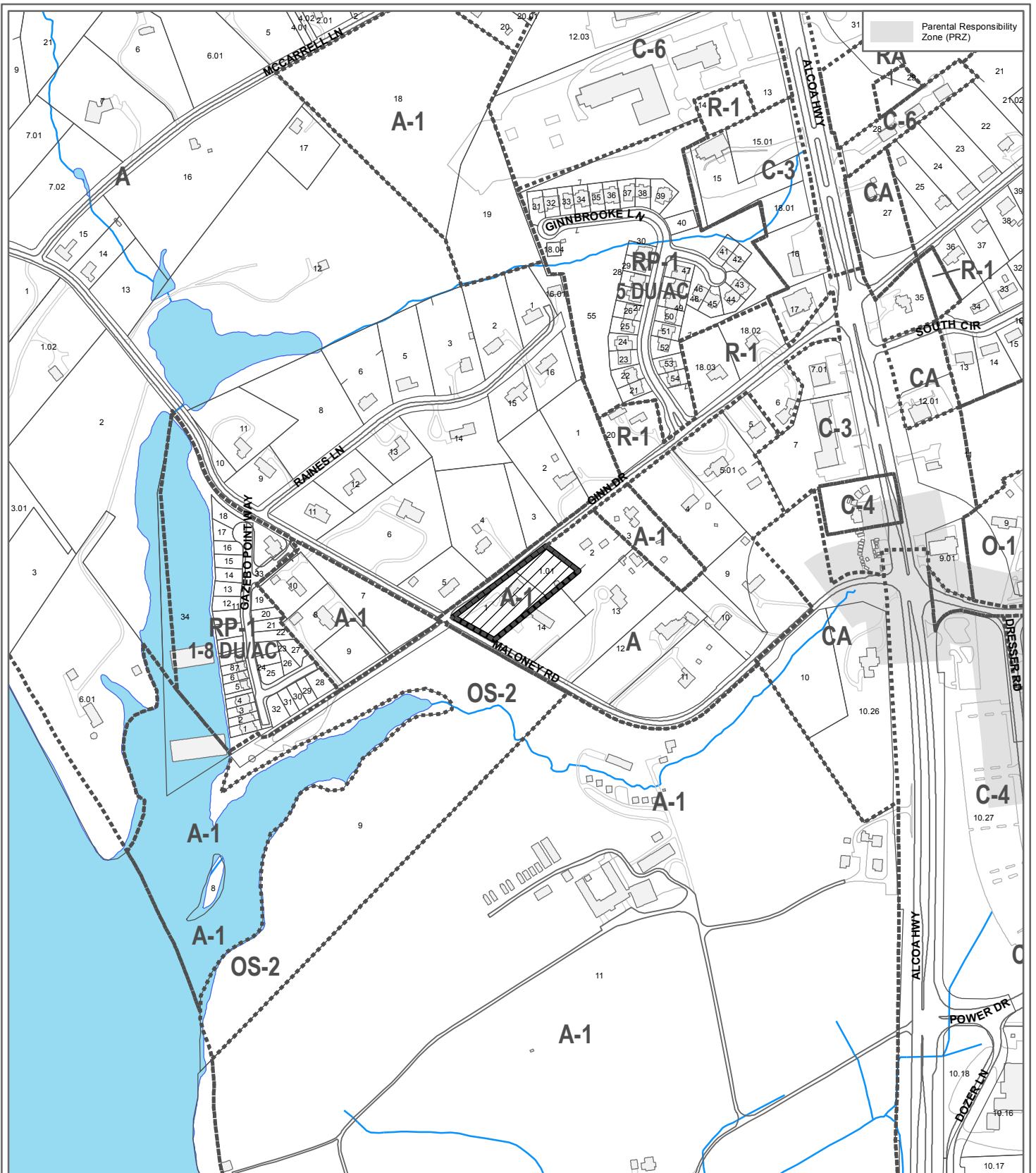
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The South County Sector Plan proposes low density residential uses for this property, consistent with the proposed R-1 zoning.
2. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 4/15/2014 and 4/29/2014. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



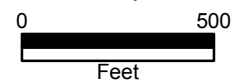
**3-A-14-RZ
REZONING**

From: A-1 (General Agricultural)
To: R-1 (Low Density Residential)



Petitioner: Boyers, Caleb

Map No: 135
Jurisdiction: City



Original Print Date: 2/24/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902