

within this block. This low density residential designation should be maintained on the subject property.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No changes have occurred in the area that are significant enough to warrant a change on the sector plan map for the subject property.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The sector plan currently designates the site for low density residential uses, consistent with the current R-1A zoning of the property. This designation is appropriate based on the zoning and development pattern in the area.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

In 1994, a general rezoning from R-2 to R-1A, which included the subject property, was approved by MPC and City Council (11-EE-94-RZ). The approval of a low density residential zoning district, R-1A, reinforces the proposal that low density residential uses are preferred for this area, instead of the medium density development that could have occurred under the previous R-2 zoning.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

The North City Sector Plan was updated in June of 2007 and did not propose any change to the proposed land uses for this site. No significant changes have occurred in the area since then. The sector plan proposes low density residential uses and slope protection for the site.

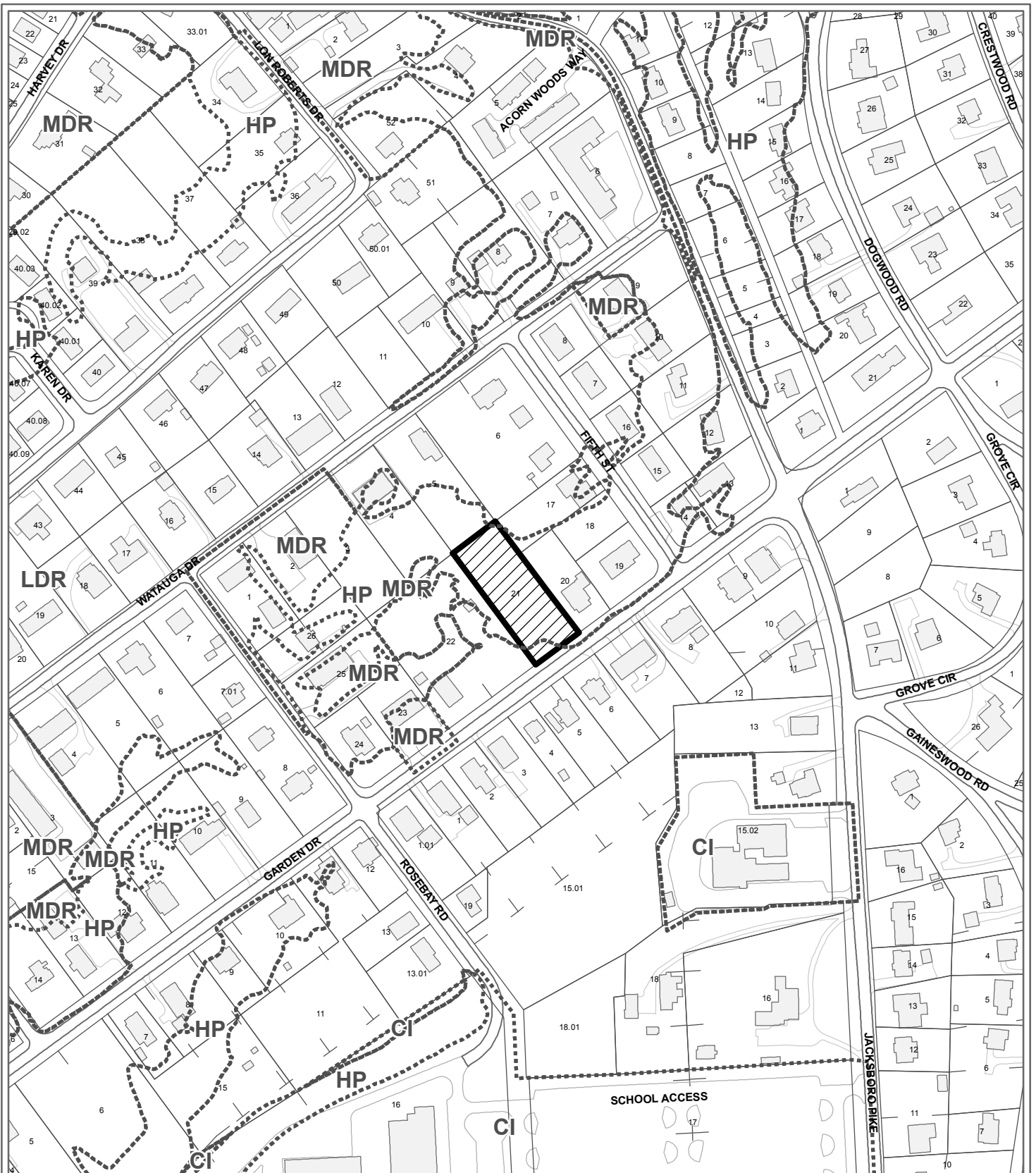
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 12/9/2014 and 12/23/2014. 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.



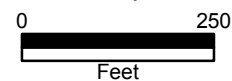
**10-A-14-SP
NORTH CITY SECTOR PLAN AMENDMENT**

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



Petitioner: Hamilton, George

Map No: 48
Jurisdiction: City



Original Print Date: 9/22/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION

REZONING REPORT

MEETING DATE: 12/8/94 ▶ FILE NO. 11-EE-94-RZ
PP FROM 11/10/94

APPLICANT: METROPOLITAN PLANNING COMMISSION

JURISDICTION: City x Council District 4 County Commission District

▶ LOCATION: Northwest side Garden Drive, Northeast side Templeton Road, Southwest Side Fifth Street

▶ APPX. SIZE OF TRACT: 3.1 acres

CLT MAP & PARCEL NO.: 48 and 58/parcels 8-14 and 19-24

SECTOR PLAN: North City

ACCESSIBILITY: Access is via Garden Drive, a collector with a 19' pavement width within a 50' right-of-way.

UTILITIES: Water Source: KUB 6"
Sewer Source: KUB 8"

▶ PRESENT ZONING: R-2 General Residential

▶ ZONING REQUESTED: R-1A Low Density Residential

EXISTING LAND USE: Single-family and multi-family residential

▶ PROPOSED USE: Same

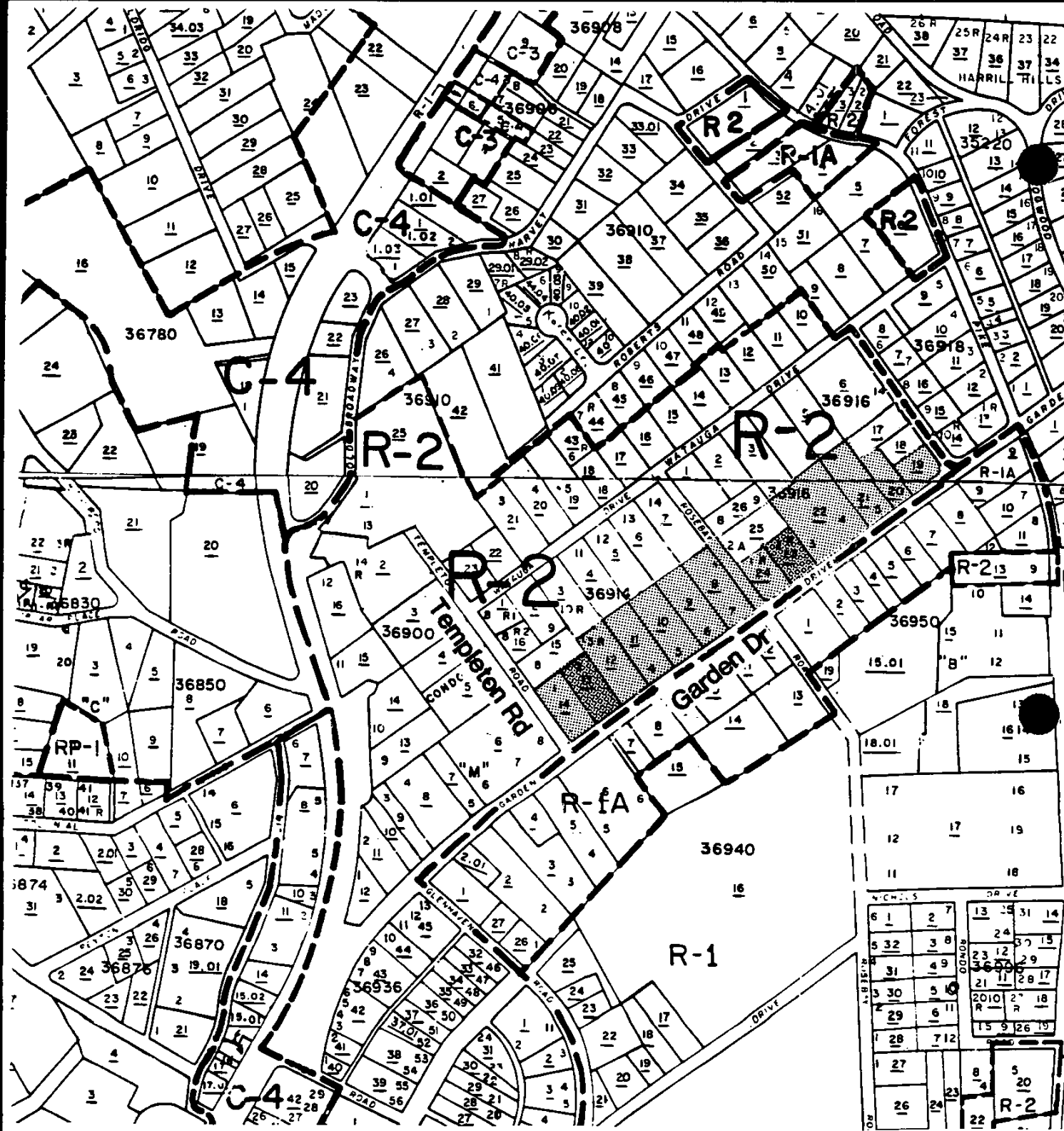
EXTENSION OF ZONE: Yes

HISTORY OF ZONING: None noted

SURROUNDING LAND USE & ZONING: Surrounding properties are zoned R-1A and R-2 Residential. Surrounding land uses include single-family and multi-family residential.

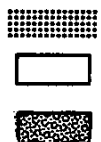
COMMENTS: Although the subject parcels are zoned R-2 General Residential, their current uses are generally less intense than the residential uses permitted under the R-2 zone. The Knoxville One Year Plan proposes that these properties be rezoned to a district more in keeping with their current use and consistent with the area's predominantly low density land use pattern. Parcel 13 is developed with two four-unit apartments, while parcel 23 is developed with a six unit apartment building. (The owners of parcels 12 and 21 have requested, by letter, that their properties remain R-2. The owner of parcel 23 has made a verbal request for the same zoning.)

▶ STAFF RECOMMENDATION: APPROVE R-1A for the entire area (excluding parcels 13 and 23), because this zone is consistent with the recommendation of the One Year Plan for this area. R-1A zoning is also consistent with the current use of the subject properties.



REZONING

PROPOSED USE



R-2 General Residential to R-1A Low Density Residential

Parcels 13 & 23 to remain R-2 as recommended by staff.

JURISDICTION

CITY X

COUNTY

PETITIONER: METROPOLITAN PLANNING COMMISSION

FILE NO: 11-EE-94-RZ

CLT NO: 48 & 58



METROPOLITAN PLANNING COMMISSION • CITY/COUNTY BUILDING • KNOXVILLE, TENNESSEE 37902 • 521-2500

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 11-EE-94-RZ Related File Number:
Application Filed: Date of Revision:
Applicant: METROPOLITAN PLANNING COMMISSION

PROPERTY INFORMATION

General Location: Northwest side Garden Drive, Northeast side Templeton Road, Southwest Side
Other Parcel Info.:
Tax ID Number: 48 N/A OTHER: 48 & 58 Jurisdiction: City
Size of Tract: 6.2 acres
Accessibility: Access is via Garden Drive, a collector with a 19' pavement width w

GENERAL LAND USE INFORMATION

Existing Land Use: Single-family and multi-family residential
Surrounding Land Use: Surrounding properties are zoned R-1A and R-2 Residential. Surrounding lan
Proposed Use: Same Density:
Sector Plan: North City Sector Plan Designation:
Growth Policy Plan:
Neighborhood Context:

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-2 General Residential
Former Zoning:
Requested Zoning: R-1A Low Density Residential
Previous Requests:
Extension of Zone: Yes
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:

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge:

Staff Recomm. (Abbr.):

Staff Recomm. (Full): APPROVE R-1A for the entire area (excluding parcels 13 and 23), because thirecommendation of the One Year Plan for this area. R-1A zoning is also con

Comments:

Action: Approved

Meeting Date: 12/8/1994

Details of Action:

Summary of Action:

Date of Approval: 12/8/1994

Date of Denial:

Postponements:

Date of Withdrawal:

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: Approved Jan 17, 1995: R-2 to R-1A (see notes for exceptions)

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance:

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

▶ **FILE #:** 10-A-14-RZ **AGENDA ITEM #:** 36
 10-A-14-PA **AGENDA DATE:** 11/13/2014

POSTPONEMENT(S): 10/9/14

▶ **APPLICANT:** **GEORGE HAMILTON**
 OWNER(S): George Hamilton

TAX ID NUMBER: 48 M H 021

JURISDICTION: Council District 4

STREET ADDRESS: 3501 Garden Dr

▶ **LOCATION:** **Northwest side Garden Dr., southwest of Jacksboro Pike**

▶ **TRACT INFORMATION:** **25000 square feet.**

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Garden Dr., a minor collector street with 20' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **LDR (Low Density Residential) / R-1A (Low Density Residential)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **MDR (Medium Density Residential) / R-2 (General Residential)**

▶ **EXISTING LAND USE:** **Vacant lot**

▶ **PROPOSED USE:** **Multi-dwelling residential**

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of MDR designation and R-2 zoning from the north

HISTORY OF ZONING REQUESTS: A general rezoning from R-2 to R-1A was approved in 1994 for about 3 acres along the north side of Garden Dr., which included the subject property (11-EE-94-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: House / MDR / R-2 (General Residential)
 South: Garden Dr. - House / LDR / R-1A (Low Density Residential)
 East: Houses / LDR, MDR / R-1A (Low Density Residential) and MDR (Medium Density Residential)
 West: House / LDR / R-1A (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of attached and detached residential development under R-1, R-1A and R-2 zoning.

STAFF RECOMMENDATION:

► **DENY the request to amend the One Year Plan map to MDR (Medium Density Residential).**

The current One Year Plan proposes low density residential uses for this and the two adjacent properties along the north side of Garden Dr. Medium density residential uses would be inappropriate within this block. This low density residential designation on the One Year Plan has been in place at least 1994, when a general rezoning occurred in this area from R-2 to R-1A zoning.

► **DENY R-2 (General Residential) zoning.**

R-2 zoning is not consistent with the sector plan and One Year Plan proposals for the site. There is no justification to amend either plan to support this rezoning request. Since the site fronts on Garden Dr., which is classified as a minor collector street, the current R-1A zoning would allow the proposed attached multi-dwelling residential development to be considered by MPC as a use permitted on review. Because of the slope constraints and potential compatibility issues, it would be desirable for MPC to have the opportunity to review a development plan, if this property were to be developed with attached multi-dwelling residential uses.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The One Year Plan currently designates the site for low density residential uses, consistent with the current R-1A zoning of the property. This designation is appropriate based on the zoning and development pattern in the area, was made purposefully, and was not an error.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - No changes have occurred in the area that are significant enough to warrant a change on the One Year Plan map for the subject property.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - The plan has proposed low density residential uses for this site since at least 1994. In 1994, a general rezoning from R-2 to R-1A, which included the subject property, was approved by MPC and City Council (11-EE-94-RZ). The approval of a low density residential zoning district, R-1A, reinforces the proposal that low density residential uses are preferred for this area, instead of the medium density development that could have occurred under the previous R-2 zoning.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - The North City Sector Plan was updated in June of 2007 and did not propose any change to the proposed land uses for this site. No significant changes have occurred in the area since then. The sector plan proposes low density residential uses and slope protection for the site.

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. The current R-1A zoning is compatible with the scale and intensity of the surrounding development and zoning pattern, and is consistent with the sector plan and One Year Plan proposals for the site.
2. In order to consider the requested R-2 zoning, the One Year Plan and sector plan maps must be amended from low to medium density residential uses. In staff's opinion, there is no justification warranting amendment of these plans for the subject property, therefore the rezoning should not be considered.
3. If attached multi-dwelling residential uses are proposed, the current R-1A zoning will allow that consideration. In the R-1A zoning district, when a property has vehicular access to a collector or arterial street, multi-dwelling development can be considered by MPC as a use on review. Garden Dr. is classified as a minor collector in the Major Road Plan. This involves the review and approval of a development plan prior to construction. As part of this review, MPC and City Engineering staff can address issues such as landscape screening, slope protection, site lighting, traffic circulation, access, drainage and other potential development concerns. It will also give the opportunity for public comment at a public hearing.
4. The requested R-2 zoning does not require MPC review of a development plan. Considering the slope constraints and compatibility concerns of the site, the current R-1A zoning is more appropriate for potential development of the site.

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

1. R-2 zoning is intended to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each permitted use in this district.
2. The current R-1A zoning allows single detached dwellings and duplexes as permitted uses, but requires use on review approval for attached multi-dwelling residential uses. There are nearby areas that are zoned R-2, as well as R-1. The current R-1A zoning is allows reasonable use of the site at an intensity that would be compatible with all surrounding development.
3. Staff maintains that this site is more appropriate to be developed under the current R-1A zoning, rather than the proposed R-2 zoning.

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 recommendation is compatible with surrounding development and will have a minimal impact on adjacent properties. Allowing higher density residential development in this area, with no required public plan review, could have a negative impact on surrounding low density residential uses.
2. In 1994, general rezoning from R-2 to R-1A was approved for a small area including this property (see 11-EE-94-RZ attached), in order to bring the zoning into conformance with the One Year Plan. The reasoning behind that decision still applies. The site has slope constraints and possible compatibility issues with adjacent properties.
3. Public water and sewer utilities are in place 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 One Year Plan amendment to MDR, R-2 zoning would be consistent with the plan.
2. With approval of the North City Sector Plan amendment to MDR, R-2 zoning would be consistent with the plan. There is an accompanying sector plan amendment request for the site requesting a change from LDR to MDR (10-A-14-SP).
3. The site is located within the Urban Growth Area (inside Knoxville City limits) on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. The applicable plans in place support keeping the R-1A zoning in place for this property, and it is the opinion of staff that there is not valid justification to amend the plans to allow consideration of R-2 zoning at this location.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 12/9/2014 and 12/23/2014. 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.



**10-A-14-PA / 10-A-14-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR (Medium Density Residential)



Petitioner: Hamilton, George

Map No: 48

Jurisdiction: City



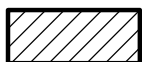
Original Print Date: 9/17/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**10-A-14-RZ
REZONING**

From: R-1A (Low Density Residential)

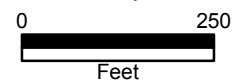
To: R-2 (General Residential)



Petitioner: Hamilton, George

Map No: 48

Jurisdiction: City



Original Print Date: 9/17/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION

REZONING REPORT

MEETING DATE: 12/8/94 ▶ FILE NO. 11-EE-94-RZ
PP FROM 11/10/94

APPLICANT: METROPOLITAN PLANNING COMMISSION

JURISDICTION: City x Council District 4 County Commission District

▶ LOCATION: Northwest side Garden Drive, Northeast side Templeton Road, Southwest Side Fifth Street

▶ APPX. SIZE OF TRACT: 3.1 acres

CLT MAP & PARCEL NO.: 48 and 58/parcels 8-14 and 19-24

SECTOR PLAN: North City

ACCESSIBILITY: Access is via Garden Drive, a collector with a 19' pavement width within a 50' right-of-way.

UTILITIES: Water Source: KUB 6"
Sewer Source: KUB 8"

▶ PRESENT ZONING: R-2 General Residential

▶ ZONING REQUESTED: R-1A Low Density Residential

EXISTING LAND USE: Single-family and multi-family residential

▶ PROPOSED USE: Same

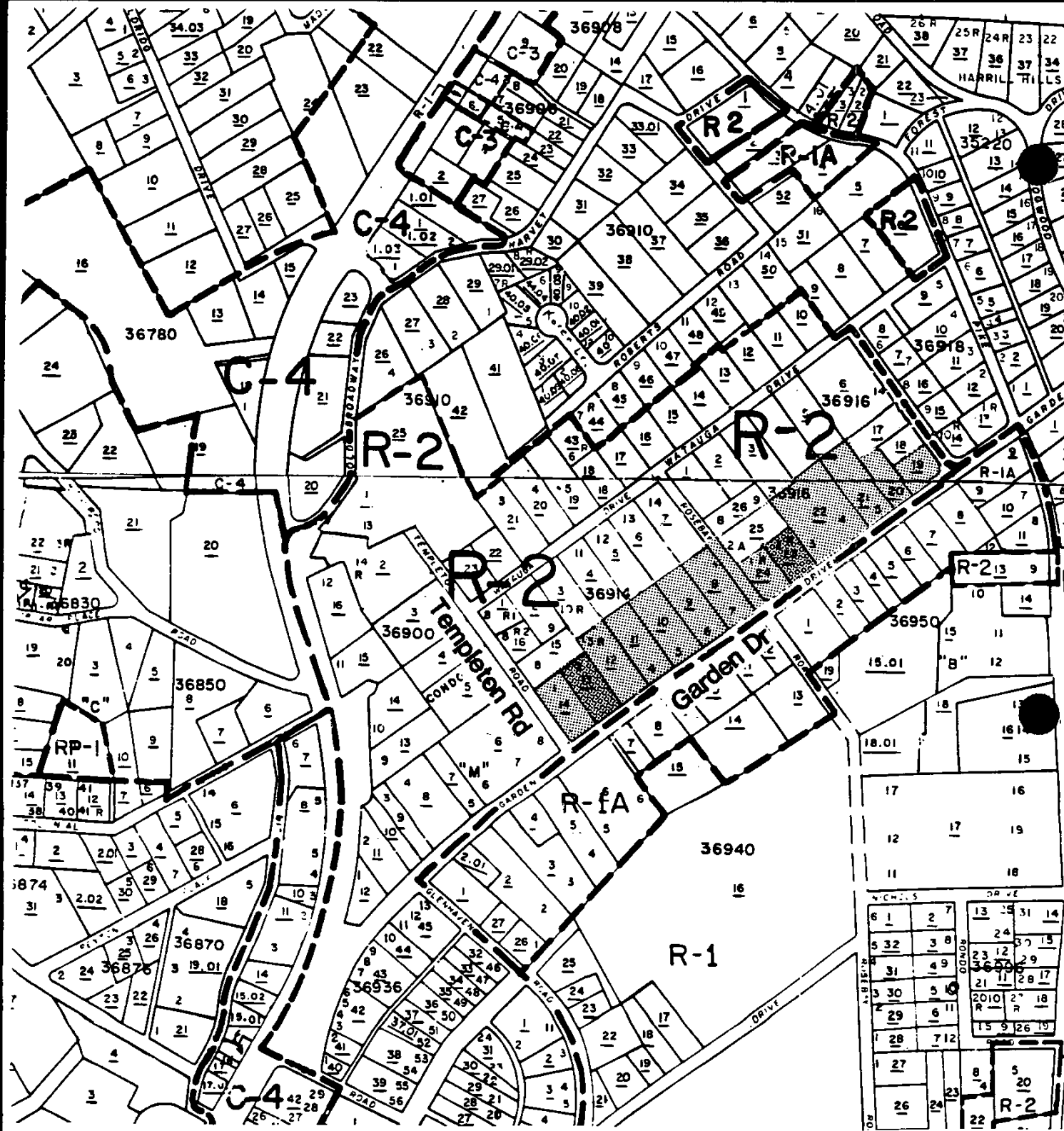
EXTENSION OF ZONE: Yes

HISTORY OF ZONING: None noted

SURROUNDING LAND USE & ZONING: Surrounding properties are zoned R-1A and R-2 Residential. Surrounding land uses include single-family and multi-family residential.

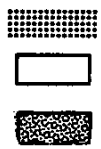
COMMENTS: Although the subject parcels are zoned R-2 General Residential, their current uses are generally less intense than the residential uses permitted under the R-2 zone. The Knoxville One Year Plan proposes that these properties be rezoned to a district more in keeping with their current use and consistent with the area's predominantly low density land use pattern. Parcel 13 is developed with two four-unit apartments, while parcel 23 is developed with a six unit apartment building. (The owners of parcels 12 and 21 have requested, by letter, that their properties remain R-2. The owner of parcel 23 has made a verbal request for the same zoning.)

▶ STAFF RECOMMENDATION: APPROVE R-1A for the entire area (excluding parcels 13 and 23), because this zone is consistent with the recommendation of the One Year Plan for this area. R-1A zoning is also consistent with the current use of the subject properties.



REZONING

PROPOSED USE



R-2 General Residential to R-1A Low Density Residential

Parcels 13 & 23 to remain R-2 as recommended by staff.

JURISDICTION

CITY X

COUNTY

PETITIONER: METROPOLITAN PLANNING COMMISSION

FILE NO: 11-EE-94-RZ

CLT NO: 48 & 58



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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 11-EE-94-RZ Related File Number:
Application Filed: Date of Revision:
Applicant: METROPOLITAN PLANNING COMMISSION

PROPERTY INFORMATION

General Location: Northwest side Garden Drive, Northeast side Templeton Road, Southwest Side
Other Parcel Info.:
Tax ID Number: 48 N/A OTHER: 48 & 58 Jurisdiction: City
Size of Tract: 6.2 acres
Accessibility: Access is via Garden Drive, a collector with a 19' pavement width w

GENERAL LAND USE INFORMATION

Existing Land Use: Single-family and multi-family residential
Surrounding Land Use: Surrounding properties are zoned R-1A and R-2 Residential. Surrounding lan
Proposed Use: Same Density:
Sector Plan: North City Sector Plan Designation:
Growth Policy Plan:
Neighborhood Context:

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-2 General Residential
Former Zoning:
Requested Zoning: R-1A Low Density Residential
Previous Requests:
Extension of Zone: Yes
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:

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge:

Staff Recomm. (Abbr.):

Staff Recomm. (Full): APPROVE R-1A for the entire area (excluding parcels 13 and 23), because thirecommendation of the One Year Plan for this area. R-1A zoning is also con

Comments:

Action: Approved

Meeting Date: 12/8/1994

Details of Action:

Summary of Action:

Date of Approval: 12/8/1994

Date of Denial:

Postponements:

Date of Withdrawal:

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: Approved Jan 17, 1995: R-2 to R-1A (see notes for exceptions)

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: