

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

▶ **FILE #:** 4-B-16-SP

AGENDA ITEM #: 35

AGENDA DATE: 4/14/2016

▶ **APPLICANT:** QUINT BOURGEOIS

OWNER(S):

TAX ID NUMBER: 69 P E 017 & 018

[View map on KGIS](#)

JURISDICTION: Council District 5

STREET ADDRESS:

▶ **LOCATION:** West side Bruhin Rd., north of Dutch Valley Dr.

▶ **APPX. SIZE OF TRACT:** 4.73 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Bruhin Rd., a minor arterial street with 20' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

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

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Apartments

EXTENSION OF PLAN DESIGNATION: Yes, extension of MDR sector plan designation from the west

HISTORY OF REQUESTS: MPC denied the MDR sector plan designation in 2015 (1-A-15-SP)

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Residential subdivision / LDR

South: House / LDR

East: Bruhin Rd. - Inskip Pool / PP

West: Apartments, houses / MDR, LDR

NEIGHBORHOOD CONTEXT This area is developed with low to medium density residential uses under R-1, R-1A and R-2 zoning. The Inskip Pool is across Bruhin Rd. to the east, zoned OS-2.

STAFF RECOMMENDATION:

▶ **DENY the request to amend the future land use map of the North City Sector Plan to MDR (Medium Density Residential) land use classification.**

This property was designated for LDR uses on the One Year Plan prior to being rezoned from R-2 to R-1A as part of the Inskip general rezoning in 2013. LDR uses are compatible with the surrounding area and there is

no justification to amend the plan.

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 known improvements have been recently made along this section of Bruhin Rd. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The North City Sector Plan currently designates this site for LDR (Low Density Residential) uses, consistent with its current R-1A zoning. The LDR designation is appropriate, intentional and has been in place at least since the last plan update in 2007, so there is no error in the plan.

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

With the general rezoning to R-1A in 2013, MPC and City Council approved a zoning change to bring the zoning into conformance with the One Year Plan designation, establishing that low density residential uses are appropriate for the future development of this site.

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

No new information or development trend has emerged to reveal the need for a plan amendment. The proposed land use pattern has long been established in this area.

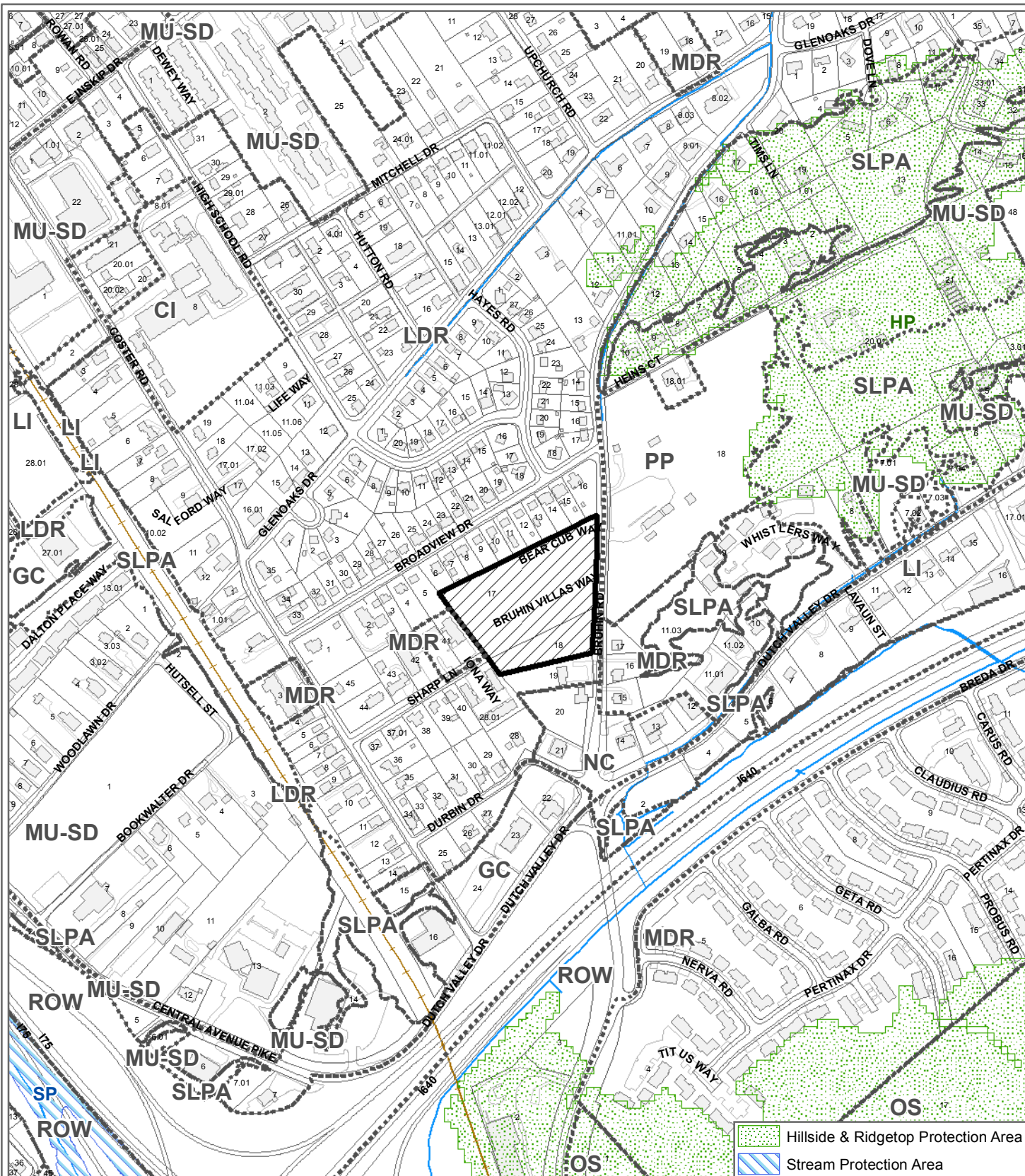
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law provides for two methods to amend the plan at TCA 13-3-304:

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 required.

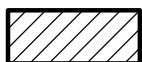
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/10/2016 and 5/24/2016. 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.



**4-B-16-SP
NORTH CITY SECTOR PLAN AMENDMENT**

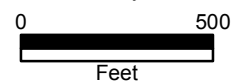
From: LDR (Low Density Residential)
To: MDR (Medium Density Residential)



Original Print Date: 3/21/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Bourgeois, Quint

Map No: 69
Jurisdiction: City



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

▶ **FILE #:** 4-B-16-RZ
 4-B-16-PA

AGENDA ITEM #: 35
AGENDA DATE: 4/14/2016

▶ **APPLICANT:** QUINT BOURGEOIS
 OWNER(S): Quint Bourgeois

TAX ID NUMBER: 69 P E 017 & 018 [View map on KGIS](#)
 JURISDICTION: Council District 5
 STREET ADDRESS:

▶ **LOCATION:** West side Bruhin Rd., north of Dutch Valley Dr.

▶ **TRACT INFORMATION:** 4.73 acres.

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via Bruhin Rd., a minor arterial street with 20' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second 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 land

▶ **PROPOSED USE:** Apartments

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

HISTORY OF ZONING REQUESTS: Amendments to the One Year Plan and sector plan to MDR and rezoning to R-2 were denied by MPC in 2015 (1-A-15-RZ/1-A-15-PA/1-A-15-SP). Upon appeal to Knoxville City Council the requests were denied for lack of a motion.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Residential subdivision / LDR / R-1 (Low Density Residential)

South: House / LDR / R-1A (Low Density Residential)

East: Bruhin Rd. - Inskip Pool / PP / OS-2 (Parks and Open Space)

West: Apartments, houses / MDR, LDR / R-1 (Low Density Residential) and R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This area is developed with low to medium density residential uses under R-1, R-1A and R-2 zoning. The Inskip Pool is across Bruhin Rd. to the east, zoned OS-2.

STAFF RECOMMENDATION:

► **DENY MDR (Medium Density Residential) One Year Plan designation.**

This property was designated for LDR uses on the One Year Plan prior to being rezoned from R-2 to R-1A as part of the Inskip general rezoning in 2013. LDR uses are compatible with the surrounding area and there is no justification to amend the plan. Requests for MDR plan designations and R-2 zoning by the same applicant were denied in early 2015.

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

Although the property was previously zoned R-2, the 2013 general rezoning to R-1A brought the zoning into conformance with the plan. The plan amendments required in order to consider R-2 zoning are not justified. The current R-1A zoning conforms with the LDR plan designations on the property, is appropriate for the area, and allows reasonable use of the site for future development. If MPC votes to recommend approval of the associated plan amendments to MDR, then staff would recommend rezoning to RP-1 (Planned Residential) zoning at some density less than 24 du/ac, rather than the requested R-2 zoning. If this site is to be developed at medium density, a development plan review by MPC should be required. The RP-1 zone requires use on review approval by MPC prior to construction of any use on the site. The existing R-1A zoning allows MPC consideration of multi-dwelling development as a use on review, since the site is located along a minor arterial street. Under the current LDR designation, the density under any zoning district would be limited to less than 6 du/ac.

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 this site for LDR (Low Density Residential) uses, consistent with its current R-1A zoning. The LDR designation is appropriate, intentional and has been in place for quite some time, so there is no error in the plan.
- 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 known improvements have been recently made along this section of Bruhin Rd. Public water and sewer utilities are available to serve the site.
- C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - The plan has designated this site for LDR uses for quite some time. With the general rezoning to R-1A in 2013, MPC and City Council approved a zoning change to bring the zoning into conformance with the One Year Plan designation, establishing that low density residential uses are appropriate for the future development of this site.
- D. NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT - No new information has become available to reveal the need for a plan amendment. The proposed land use pattern has long been established in this area.

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. Conditions have not changed in the area since the 2013 rezoning to R-1A or the 2015 R-2 request, so the proposed rezoning to R-2 is not warranted.
2. R-2 uses are not compatible with the majority of the surrounding land uses and zoning pattern, which consists primarily of detached dwellings on individual lots.
3. There is no justification for the required plan amendments to MDR that must be approved in order to consider R-2 zoning.
4. The current R-1A zoning allows reasonable use of the site for future development. Because of the site's frontage on Bruhin Rd., which is classified as a minor arterial street, apartments may be considered by MPC as a use on review. The use on review will allow the opportunity for MPC staff to address landscape screening,

appropriate lighting, access control and other development strategies that will minimize the impact on neighboring properties. It will also provide the opportunity for input from citizens at a public hearing. Under the current LDR plan designation, density under R-1A zoning would be limited to less than 6 du/ac.

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

1. The requested R-2 zoning is a residential district 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. Some 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 use permitted in this district.
2. Based on the above description, R-2 is not an appropriate zone for this site.

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 proposed R-2 zoning is not compatible with the most of the surrounding land uses and zoning pattern.
2. Without MPC development plan review, there are few regulations under R-2 to maximize compatibility with surrounding land uses. Through the recommended use on review process, MPC can eliminate or minimize any possible negative impacts that may result from the development of this site.

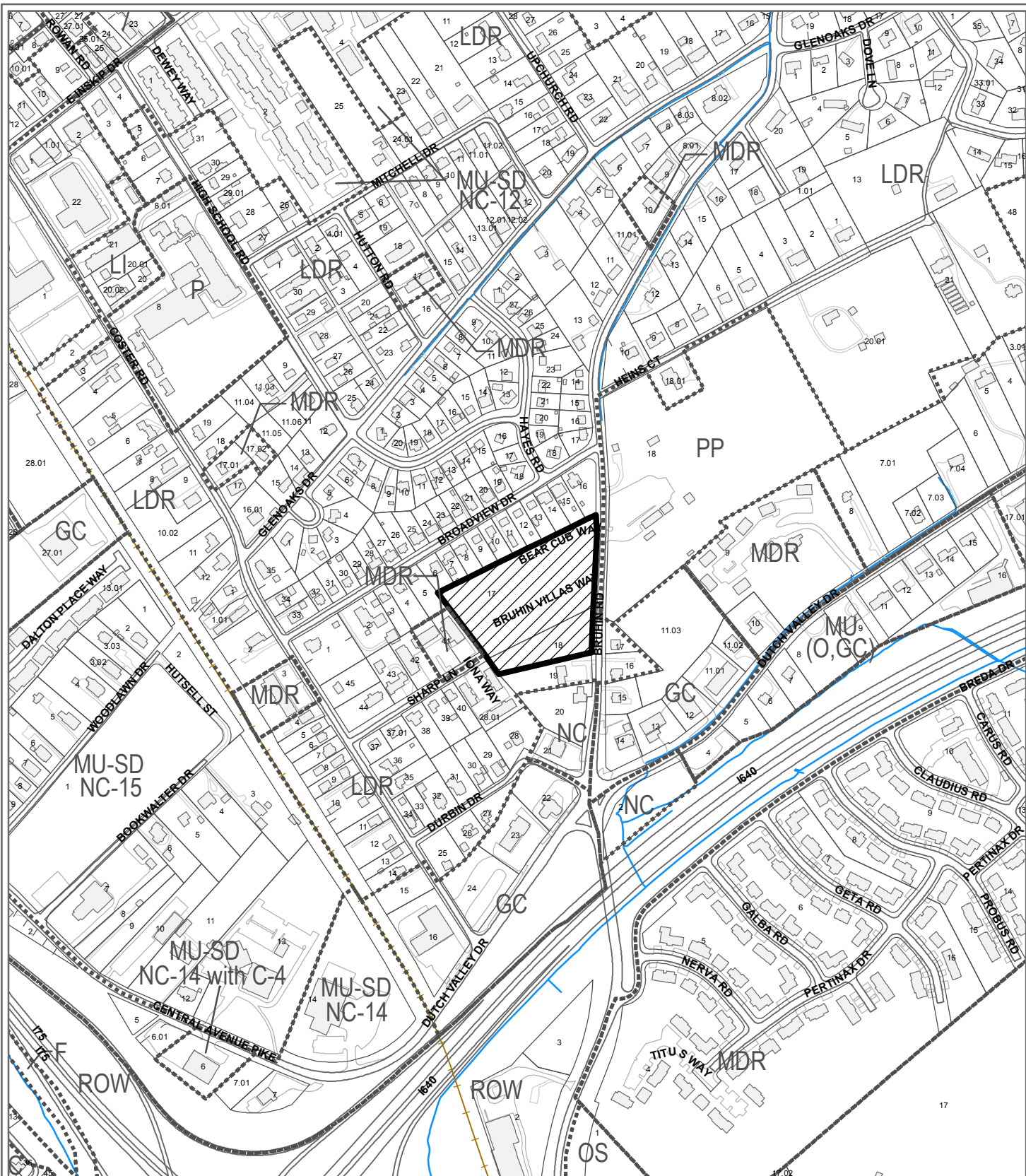
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the proposed amendment to the North City Sector Plan to medium density residential on the accompanying application (4-B-16-SP), R-2 zoning would be consistent with the plan.
2. With the proposed amendment of the City of Knoxville One Year Plan to MDR, the proposed R-2 zoning would be consistent with the plan.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This proposal conflicts with the proposed land uses on the adopted sector plan and One Year Plan for the area. R-1A zoning is consistent with adopted plans and allows reasonable use of the property for future development.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

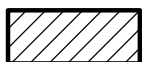
If approved, this item will be forwarded to Knoxville City Council for action on 5/10/2016 and 5/24/2016. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**4-B-16-PA / 4-B-16-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR (Medium Density Residential)



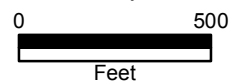
Original Print Date: 3/21/2016
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

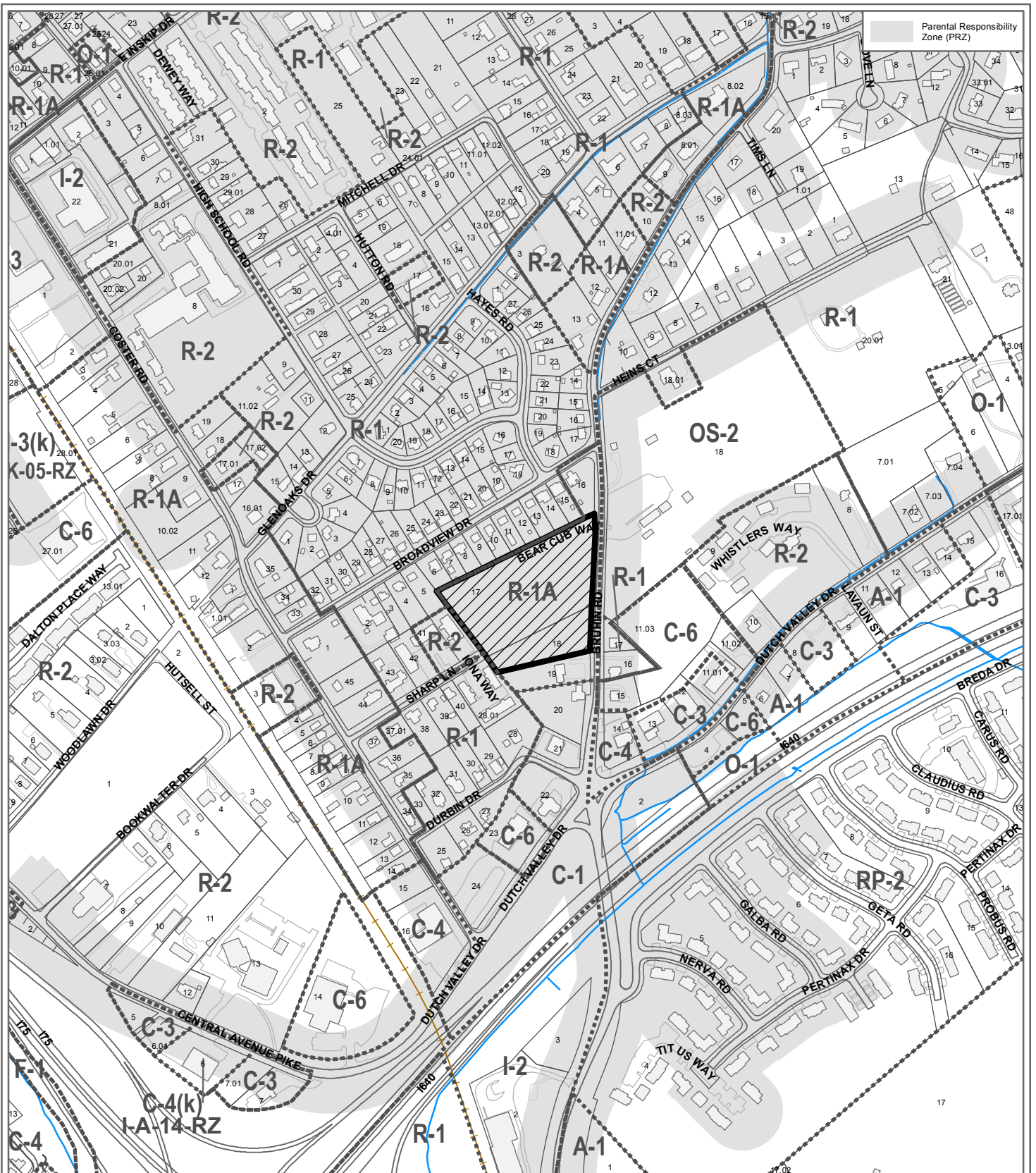
Revised:

Petitioner: Bourgeois, Quint

Map No: 69

Jurisdiction: City





**4-B-16-RZ
REZONING**

From: R-1 (Low Density Residential)
To: R-2 (General Residential)



Petitioner: Bourgeois, Quint

Map No: 69
Jurisdiction: City

Original Print Date: 3/21/2016
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

