

▶ **FILE #:** 1-D-16-RZ

**AGENDA ITEM #:** 33

**AGENDA DATE:** 1/14/2016

▶ **APPLICANT:** LINFIELD, HUNTER & JUNIUS, INC. JONATHAN CATANZANO

OWNER(S): HR Acquisitions, LLC

TAX ID NUMBER: 106 P A 037

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 962 N Gallaher View Rd

▶ **LOCATION:** East side N. Gallaher View Rd., south side Middlebrook Pike

▶ **APPX. SIZE OF TRACT:** 3.95 acres

SECTOR PLAN: Northwest City

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

ACCESSIBILITY: Access is via N. Gallaher View Rd., a minor arterial street with 4 lanes and a center turn lane within a large right-of-way of varied width. The property does not have frontage on Middlebrook Pike.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT ZONING:** R-1E (Low Density Exclusive Residential)

▶ **ZONING REQUESTED:** RP-1 (Planned Residential)

▶ **EXISTING LAND USE:** House and vacant land

▶ **PROPOSED USE:** Proposed 38,000 sq. ft. memory care community with 52 rooms

**DENSITY PROPOSED:** 1 du/ac

EXTENSION OF ZONE:

HISTORY OF ZONING: A request for O-1 zoning was denied by MPC in 2004 (7-U-04-RZ) and a request for C-6 was withdrawn by the applicant in 2013 (10-F-13-RZ).

SURROUNDING LAND USE AND ZONING: North: Middlebrook Pike. - Residential / R-1 (Low Density Residential) and F-1 (Floodway)

South: Vacant land / R-1E (Low Density Exclusive Residential)

East: Residences / R-1E (Low Density Exclusive Residential)

West: Creek and N. Gallaher View Rd. / LDR & F / R-1E (Low Density Exclusive Residential)

NEIGHBORHOOD CONTEXT: The southeast quadrant of the intersection of Middlebrook Pike and N. Gallaher View Rd. is developed with residential uses under R-1E zoning.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that City Council APPROVE RP-1 (Planned Residential District) zoning up to 1 dwelling unit per acre, as requested.**

RP-1 zoning up to 1 du/ac is compatible with the surrounding land uses and zoning pattern and is consistent with the sector and One Year Plan proposals for the property.

**COMMENTS:**

The proposed use for the site is a memory care facility with 52 rooms. The proposed density of 1 dwelling unit per acre will not limit the number of rooms that can be proposed in such a facility. However, if the zoning is approved and the memory care facility is not constructed, the proposed density will limit the development potential for residential dwellings to that of the adjacent properties.

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. This site is now developed with a house that sits on top of a hill and abuts low density residential uses, zoned R-1E, with lot sizes that range from .85 - 1.90 acres.

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

1. The requested RP-1 zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, education, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, a new RP-1 planned residential district may be created to be developed specifically as planned unit development. Each planned unit development shall be compatible with the surrounding or adjacent districts. Such compatibility shall be determined by the planning commission by review of development plans for the district. Commercial uses may be permitted in a planned unit development which contains not less than twenty (20) acres, as hereinafter provided.

2. Staff is of the opinion that this site is appropriate for RP-1 zoning up to 1 dwelling unit per acre because it is compatible with the surrounding residential development. The RP-1 zone also allows consideration of the proposed memory care facility as a use permitted on review.

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 impact on the roads and adjacent properties will depend on the type of development proposed. At the proposed density, 3 or 4 residential dwelling units could be proposed on the site. Other more intense uses, such as an assisted living facility or church, will require approval from the planning commission to determine compatibility with the surrounding area.

2. The current driveway access to the site, which only serves one house, is from N. Gallaher View Rd. and is located about 440 feet south of the Middlebrook Pike intersection and about 100 feet from the Mars Hill Rd. intersection.

3. The driveway crosses over Cavet Station Greenway, which runs parallel to N. Gallaher View Rd.

4. Ten Mile Creek is located between the northern portion of the site and N. Gallaher View Rd. The creek crosses under the road just north of the current driveway which may make it impractical to move the access location further away from the Mars Hill Rd. intersection.

5. Left turns from the site onto N. Gallaher View Rd. could be problematic because of the proximity to the two nearby intersections. The site does not have frontage along Mars Hill Rd. because there is a thin strip of land with a different owner, however, it may be preferable to have access from Mars Hill Rd. to eliminate a vehicular crossing of the greenway and a potential turning conflict between the driveway and Mars Hill Rd.

6. If the zoning is approved, the development plan and access to the site will be reviewed by the planning commission and will be open for public review and comment.

7. Public water and sanitary sewer utilities are available 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. The Northwest City Sector Plan proposes low density residential uses and slope/stream protection for the site. The slope protection area is on the front portion of the site, nearest to N. Gallaher View Rd. and Middlebrook Pike. The slopes not overly steep and should not present much challenge for providing adequate road or driveway access to the large flat portion of the site to the rear of the property.

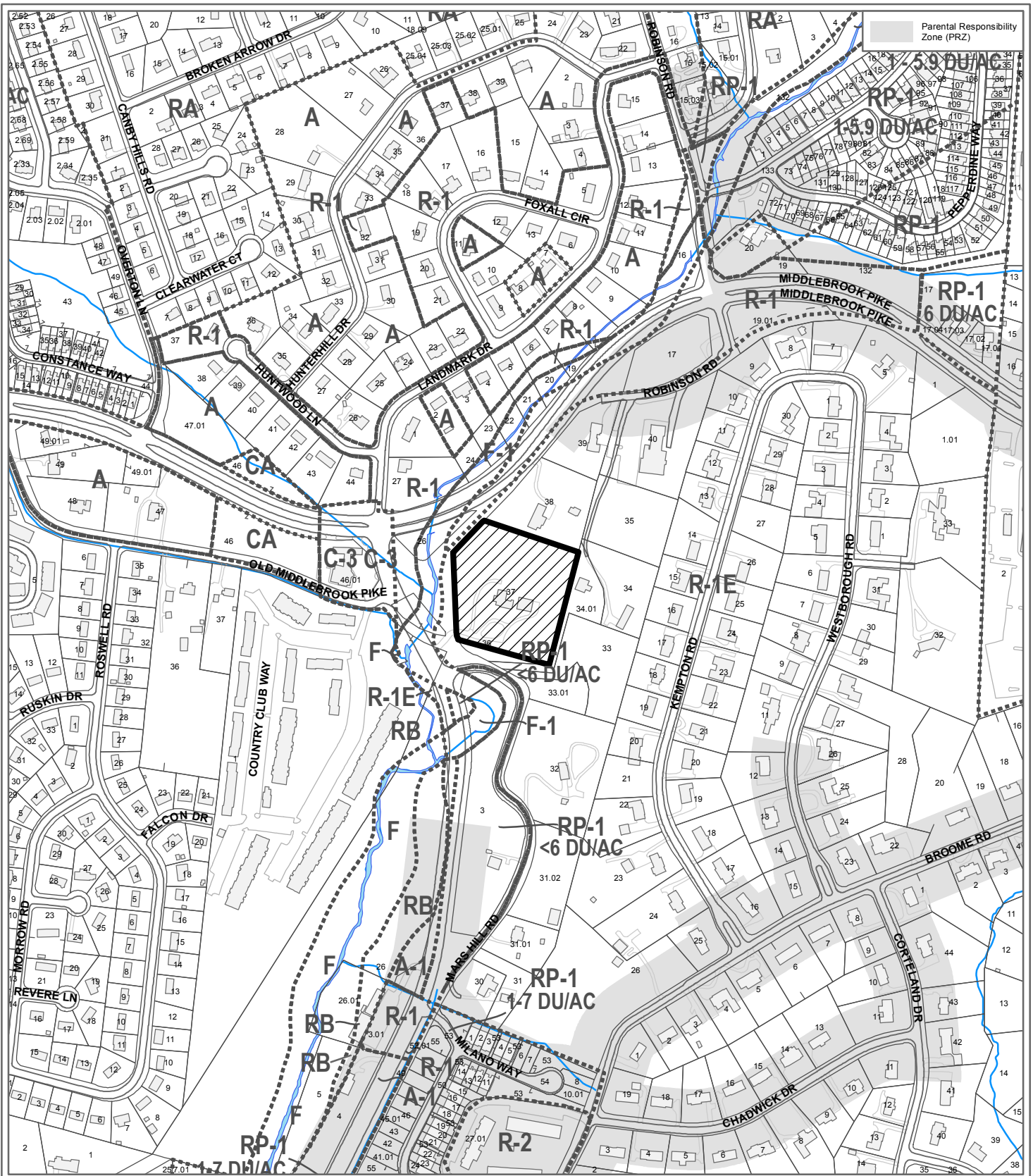
2. The One Year Plan proposes low density residential uses for the site.

3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/16/2016 and 3/1/2016. 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.



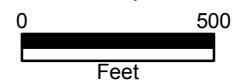
**1-D-16-RZ  
REZONING**

From: R-1E (Low Density Exclusive Residential)  
To: RP-1 (Planned Residential)



Petitioner: Linfield, Hunter & Junius, Inc.,  
Jonathan Catanzano

Map No: 106  
Jurisdiction: City



Original Print Date: 12/29/2015      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902