

# CASE SUMMARY

APPLICATION TYPE: REZONING

## NORTHEAST COUNTY SECTOR PLAN AMENDMENT



**File Number:** 10-L-19-RZ                      **Related File Number:** 10-G-19-SP  
**Application Filed:** 8/26/2019                      **Date of Revision:**  
**Applicant:** BENJAMIN MULLINS O/B/O KRIS L. FELLHOELTER

### PROPERTY INFORMATION

**General Location:** North side of Rutledge Pike, east side of Brandville Road and west of Ellistown Road  
**Other Parcel Info.:**  
**Tax ID Number:** 51 095 (PART OF)                      **Jurisdiction:** County  
**Size of Tract:** 37.97 acres  
**Accessibility:** Rutledge Pike is a major arterial with two travel lanes heading in each direction, separated by a 29-foot strip of land. There is an unprotected left turn lane on the north side of Rutledge Pike turning south. The travel lanes on the north side of Rutledge Pike are 35-feet wide, including the left turn lane. The right-of-way of Rutledge Pike varies in width from 235 feet to 293 feet.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant parcel  
**Surrounding Land Use:**  
**Proposed Use:** None specified                      **Density:** n/a  
**Sector Plan:** Northeast County                      **Sector Plan Designation:** LDR (Low Density Residential)  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:** This stretch of Rutledge Pike has industrial uses along the south side with large parking lots and warehouse buildings. The north side of Rutledge Pike is comprised of large parcels of vacant land and large-lot residential uses. The nearby residential lots along Rutledge Pike range in size from 1.39 to 3.99 acres. There are smaller neighborhoods to the northwest of this property with smaller, half-acre lots, though these are mostly accessed off local roads.

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

**Street:** 0 Rutledge Pike  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** CB (Business and Manufacturing) and PC (Planned Commercial), with the remainder to remain A (Agricultural)  
**Previous Requests:** 12-M-89-RZ (no information on file for this rezoning request)  
**Extension of Zone:** Yes, CB is adjacent to the west  
**History of Zoning:** There was a request for a rezone in 1989 (12-M-89-RZ) but no records are on file documenting the

request or any actions taken

### **PLAN INFORMATION (where applicable)**

**Current Plan Category:** LDR (Low Density Residential)

**Requested Plan Category:** GC (General Commercial) - only the portions of the parcel being rezoned

### **SUBDIVISION INFORMATION (where applicable)**

**Subdivision Name:**

**No. of Lots Proposed:**                      **No. of Lots Approved:** 0

**Variances Requested:**

**S/D Name Change:**

### **OTHER INFORMATION (where applicable)**

**Other Bus./Ord. Amend.:**

## **PLANNING COMMISSION ACTION AND DISPOSITION**

**Planner In Charge:** Michelle Portier

**Staff Recomm. (Abbr.):** Approve PC (Planned Commercial) zoning for the portion of the parcel shown in Exhibit B (the applicant requested CB and PC over a different portion of the property).

**Staff Recomm. (Full):** Staff recommends approval of PC (Planned Commercial) zoning for the portion of the parcel as shown on Exhibit B since the new zoning would allow similar uses to those already existing along Rutledge Pike, with the recommendation that a "Type A" landscaping screen, as found in the Landscaping Screening Design Guidelines, be installed along any shared boundaries with residential zoning.

**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 no substantially changed conditions in the area that would prompt a rezoning. However, the proposed use is the same as that across the street and is similar to other developments in the area, so it is consistent with the existing development along Rutledge Pike.
2. Staff recommends retaining the sliver of land on the east side of the parcel that provides access to the homes off of Brandville Road so that the land housing the dwellings and their access has the same zoning.
3. Staff recommends retaining the portion of the parcel (approximately 4 acres) in the northeast that terminates on Ellistown Road. Should this parcel be sold in the future, the new property owner could either build a residence or rezone at that time.

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

1. The proposed amendment to PC (Planned Commercial) zoning is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.
2. The PC zone requires a 50-foot peripheral boundary to be provided from the development boundary or any public street.

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. This parcel is bordered by residential uses to the north and west. Therefore, landscaped screening should be provided as buffer. The "Type A" screen in the Landscape Screening Design Guidelines is designed for boundaries between commercial and adjoining residential areas and would be appropriate to use in this location.
2. The 50-foot peripheral setback also helps mitigate potential adverse effects on adjacent residential uses.
3. There is a significant slope in the ROW leading up to this parcel, so grading would need to be done

at the new entry point. PC zoning at the front of the parcel would allow for review of the new entry.  
4. The PC zone requires more site design than the Industrial zone, so a rezoning would improve Rutledge Pike since the existing business would be moved and subject to the site design requirements of the PC zone.

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 property is located in FEMA Flood Zone X, but it is not located in a floodway or a floodplain.
2. A small portion at the northeastern edge of this parcel is in the HP (Hillside and Ridgetop Protection) Area, and a small portion in the southwest quadrant of the site, while not in an HP area, contains a slope of 25-40%.

**Action:** Approved

**Meeting Date:** 10/10/2019

**Details of Action:**

**Summary of Action:** The Planning Commission approved PC (Planned Commercial) zoning for the portion of the parcel as shown on Exhibit B (the applicant requested CB (Business and Manufacturing) and PC over a different portion of the parcel).

**Date of Approval:** 10/10/2019

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 12/16/2019

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Approved

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**