

# 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

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**File Number:** 4-N-16-RZ                      **Related File Number:**  
**Application Filed:** 2/22/2016              **Date of Revision:**  
**Applicant:** WALKER TRUCKING CONTRACTORS, INC.

### PROPERTY INFORMATION

**General Location:** north side of Rutledge Pike, east of Woods Creek Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 60 126.01                      **Jurisdiction:** County  
**Size of Tract:** 11.09 acres  
**Accessibility:** Access is via Rutledge Pike, a major arterial street with 4 lanes and a center median within 250' of right of way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial and vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Yard waste recycling facility, expansion of facility located on parcel to the east.              **Density:**  
**Sector Plan:** Northeast County              **Sector Plan Designation:** GC (General Commercial) & HP (Hillside/Ridgetop)  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:** This area is developed with a mix of commercial, residential and light industrial uses under PC, CA, CB, A, RB and I zoning.

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

**Street:** 6259 Rutledge Pike  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** PC (Planned Commercial) k & CA (General Business)  
**Former Zoning:** RB (General Residential) & PC (Planned Commercial)  
**Requested Zoning:** CB (Business and Manufacturing)  
**Previous Requests:** Request for CB zoning was denied  
**Extension of Zone:** Yes, extension of CB from the south and east.  
**History of Zoning:** CB zoning was requested in 2009 but PC was approved with the condition of no clearing or grading of the site prior to development plan approval by MPC.

### PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

**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.:

**MPC ACTION AND DISPOSITION**

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

RECOMMEND that County Commission APPROVE CB (Business and Manufacturing) for the portion of site south of the dashed green line shown on the attached "Alternative #1 Site Plan", subject to 2 conditions.

Staff Recomm. (Full):

1. Provide a type "C" landscape screening along the Rutledge Pike frontage (see attachment).
2. Close one of the two existing vehicular access points to Rutledge Pike.

Comments:

The portion of this site that is currently zoned PC was previously zoned RB (General Residential). In 2009, CB zoning was applied for to replace the RB zoning, however, the MPC and County Commission approved PC subject to the condition of no clearing or grading of the site prior to development plan approval by MPC. The primary concern is protecting the steepest and highest portions of the ridgeline. The attached alternative zoning boundary was proposed by the applicant and MPC staff agreed that retaining the existing PC zoning with the no clearing or grading condition on the western portion of the hillside while allowing CB zoning on the eastern portion of the hillside, but predominately on the lower flatter area, meets the intent of the zoning condition from 2009. The angled zoning boundary would allow the adjacent mulch business to expand the westward and transition down the slope to provide better site circulation, and will provide the maximum amount of undisturbed vegetative buffer for the residential properties to the west.

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 THE DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The surrounding area is developed with commercial uses under the PC and CB zone districts, both of which are compatible with the scale and intensity of the surrounding development and zoning pattern.
2. While the current PC zoning is preferable to the requested CB zoning because it allows consideration of the proposed use but will require approval of a site plan by MPC prior to development, the adjacent property to the east is zoned CB and the existing use plans to expand onto this site. The recommended CB zoning boundary would protect a large portion of the steep hillside and ridgeline, while also providing a larger vegetative buffer for the residences to the west.
3. The remaining PC zoning on the hillside will require use on review approval by MPC of any future proposals to clear, grade or otherwise development that portion of the hillside.

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

1. The requested CB zoning provides for a wide range of businesses and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic that can have adverse effects on surrounding properties.
2. Staff maintains that the hillside area should be maintained as much as practically possible and recognize the benefit of allowing the business to the east to expand westward onto the subject property and allowing for better inter-site circulation, while retaining the PC zoning primarily on the western side of the hillside to buffer the residential uses and taper the vegetated hillside toward the bottom of the steep slope.

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. Public water and sewer utilities are available to serve the site.
2. PC zoning retained on the western portion of the hillside will provide an undisturbed vegetative

buffer for the residential uses to the west. Any future proposals to develop or disturb the PC zoned area will require use on review approval by MPC.

3. If approved with the recommended zoning boundary, the recommended CB zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.

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 Northeast County Sector Plan proposes GC (General Commercial) uses and HP (Hillside Protection) for the steep slope areas of the site. The proposal to maintain PC zoning as recommended will protect a portion of the hillside while allowing expansion of the adjacent use.
2. The site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Denied **Meeting Date:** 6/9/2016  
**Details of Action:** DENY CB (Business and Manufacturing) zoning.  
**Summary of Action:** DENY CB (Business and Manufacturing) zoning.  
**Date of Approval:** **Date of Denial:** 6/9/2016 **Postponements:** 4/14/2016 - 5/12/2016  
**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 6/23/2016

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission  
**Date of Legislative Action:** 8/22/2016 **Date of Legislative Action, Second Reading:**  
**Ordinance Number:** **Other Ordinance Number References:**  
**Disposition of Case:** Approved as Modified **Disposition of Case, Second Reading:**  
**If "Other":** **If "Other":**  
**Amendments:** **Amendments:**  
Approved CB subject to condition of type "C" landscape screening along rutledge Pike frontage per staff recommendation  
**Date of Legislative Appeal:** **Effective Date of Ordinance:**