

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

NORTHEAST COUNTY SECTOR PLAN AMENDMENT



File Number: 6-C-21-SP Related File Number: 6-G-21-RZ
Application Filed: 4/26/2021 Date of Revision:
Applicant: PAVEL AND EMILIA GUSHTYUK

PROPERTY INFORMATION

General Location: Southwest side of Roberts Road, northwest side of Rutledge Pike
Other Parcel Info.:
Tax ID Number: 42 029 Jurisdiction: County
Size of Tract: 1.34 acres
Accessibility: Access is via Rutledge Pike, a major arterial street with 4 lanes and a center median within 250 ft of right-of-way; and Roberts Rd., a minor arterial with a 22-ft pavement width within a 70-ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land; the single family dwelling on the site was removed.
Surrounding Land Use:
Proposed Use: Density:
Sector Plan: Northeast County Sector Plan Designation: NC (Neighborhood Commercial)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area has developed with large-lot single family residential uses and a few commercial uses scattered along Rutledge Pike near its intersection with Shipetown Road, a minor collector.

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

Street: 8819 Rutledge Pk.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning: CA (General Business)
Previous Requests:
Extension of Zone: No
History of Zoning: None noted for this property

PLAN INFORMATION (where applicable)

Current Plan Category: NC (Neighborhood Commercial)
Requested Plan Category: GC (General Commercial)

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.):

Deny the GC (General Commercial) designation since it does not meet the criteria for the GC land use classification and does not meet the requirements for a sector plan amendment.

Staff Recomm. (Full):

Comments:

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There have been no changes to conditions to warrant amending the land use plan to the GC land use.

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

1. The Land Use Classification Table, adopted as part of the sector plan, describes the GC land use as, "including previously developed strip commercial corridors providing a wide range of retail- and service-oriented uses. Such land use classification and related zoning should not be extended because of the adverse effects on traffic-carrying capacity, safety, and environmental impacts. Redevelopment of commercial corridors, including mixed use development, should be accommodated under planned or design-oriented zones."

2. TDOT is adding a right turn lane on Roberts Road at its intersection with Rutledge Pike. The turn lane would encompass 200 feet of storage length and 100 ft of taper length. The depth of this property is approximately 141 feet, so an entry onto Roberts Road, which ordinarily would be preferable to an entry on Rutledge Pike, would fall directly into the turn lane taper and is not likely to be approved by TDOT. So, while the new right turn lane planned by TDOT for this intersection is a change of conditions, it also precludes an entry/exit for the property due to the shallow depth of the property.

3. Since the GC land use class is for existing commercial strips and should not be created or extended, any additional roads or utilities would not warrant amending the land use plan to the GC land use.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan regarding this parcel.

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

1. There are no new trends in development, population, or traffic that warrant reconsideration of this area of the Northeast City Sector Plan.

ADDITIONAL CONSIDERATION:

1. The land use classes that allow the CA land use are listed below. None of them are consistent with the specific property or the area in general.

a. CC (Community Commercial) – Designed for big-box commercial uses that service a large population center.

b. RC (Regional Commercial) – Designed for retail and service uses in development that typically exceeds 400,000 square feet.

c. MU-CC (Mixed Use, Community Center) – Designed to be developed at a moderate intensity with a variety of housing types; the core of the district should be with ¼ mile of higher intensity residential uses (i.e., apartments or townhomes).

State law regarding amendments of the general plan (which includes 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:

- 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.

- 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.

Action: Denied

Meeting Date: 6/10/2021

Details of Action:

Summary of Action: Deny the GC (General Commercial) designation since it does not meet the criteria for the GC land use classification and does not meet the requirements for a sector plan amendment.

Date of Approval:

Date of Denial: 6/10/2021

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: ☐ **Action Appealed?:** 9/30/2021

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 10/25/2021

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Denied

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Appeal was denied

Date of Legislative Appeal:

Effective Date of Ordinance: