

# 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:** 8-G-10-RZ                      **Related File Number:** 8-C-10-SP  
**Application Filed:** 6/28/2010              **Date of Revision:**  
**Applicant:** BOB GAGE, GBT REALTY CORPORATION

### PROPERTY INFORMATION

**General Location:** Southeast side Rutledge Pike, southwest side Shipetown Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 42 045    **Jurisdiction:** County  
**Size of Tract:** 3.15 acres  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Discount retail store    **Density:**  
**Sector Plan:** Northeast County              **Sector Plan Designation:** Low Density Residential  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

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

**Street:**  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:** CR (Rural Commercial)  
**Previous Requests:** None noted  
**Extension of Zone:**  
**History of Zoning:**

### 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:

Michael Brusseau

Staff Recomm. (Abbr.):

RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning. (Applicant requested CR.)

Staff Recomm. (Full):

CN zoning is appropriate at this location to serve residents who live in the vicinity of the site, as well as commuters travelling on Rutledge Pike, a major arterial highway. The sector plan currently proposes neighborhood commercial uses to the northeast. CN zoning is consistent with staff's recommended extension of the NC designated area. CR zoning is not permitted to be considered in an area designated for neighborhood commercial uses. CN zoning will allow low impact commercial uses and includes considerable landscaping and other development regulations to minimize the impact on nearby residential areas, as well as improve the aesthetic appeal of the development.

Comments:

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. CN zoning is appropriate for this expansion of the commercial crossroads at this intersection located along a major arterial highway.
2. There are various commercial and light industrial uses and zones in the vicinity of the site, including CA, CB, LI and I zoned properties. CN is a much less intense commercial zone than those that already exist in the area.
3. CN zoning is compatible with the scale and intensity of surrounding land uses and zoning in the area, and is consistent with the recommended extension of the NC plan designation to this site.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CN zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
2. The subject property clearly fits the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance.
3. The development criteria contained within the CN zone are essential to minimize the impacts to adjacent residential uses and lead to compatible development. Staff is not likely to support any BZA variances to these development standards for this site, especially to the landscaping, setback and signage standards, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.
4. The applicant has submitted the attached conceptual site plan for a Dollar General Store, having 9,100 square feet of floor area. The CN zone limits individual buildings or commercial establishments to no more than 5,000 square feet in floor area, so a BZA variance will be needed to allow the greater floor area. The requested CR zone allows up to 20,000 square feet of floor area. This site plan shows access to the site from Shipetown Rd. The site plan is included for informational purposes only, indicating this applicant's proposed use for the site. However, if the property is rezoned, it could be developed with any use permitted by either the CN or CR zone.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available in the area, but may need to be extended to serve the site.
2. The proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are established.
3. CN zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. Also, the CN zone requires substantial landscaping throughout the perimeter of

the site and parking areas, requires sidewalks to connect with adjacent neighborhoods, permits only indirectly illuminated, monument signs and contains criteria to prevent site lighting spillover to adjacent properties.

4. Many uses allowed within the CN zone, such as restaurants, fueling stations (with or without convenience stores), child day care centers and any use which includes drive-through or drive-in facilities, requires use on review approval by MPC prior to construction. This will provide the opportunity for MPC and County Engineering staff to review the plan and address issues such as traffic circulation, layout, access, landscaping, drainage and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the amendment from LDR to NC, the recommended CN zoning would be consistent with the Northeast County Sector Plan. In order to consider the requested CR zoning, the sector plan would need to be amended to RC (Rural Commercial).

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. Approval of these requests could lead to future requests for neighborhood commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits.

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. New 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.

**Action:** Approved **Meeting Date:** 8/12/2010

#### Details of Action:

**Summary of Action:** APPROVE CN (Neighborhood Commercial) zoning.

**Date of Approval:** 8/12/2010 **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:** 9/27/2010 **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:**