

# 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:** 9-G-09-RZ                      **Related File Number:**  
**Application Filed:** 7/27/2009              **Date of Revision:** 9/2/2009  
**Applicant:** JS & A, LLC

### PROPERTY INFORMATION

**General Location:** South side Asheville Hwy., east side E. Governor John Sevier Hwy.  
**Other Parcel Info.:**  
**Tax ID Number:** 72 A A 001 & 026    **OTHER:** PART OF RB ZONED AREA-M    **Jurisdiction:** County  
**Size of Tract:** 0.57 acres  
**Accessibility:** Access is via Asheville Hwy., a major arterial street with 4 lanes and center turn lane within 185' of right of way, E. Governor John Sevier Hwy., a minor arterial street with 36' of pavement width within 170' of right of way, or S. Ruggles Ferry Pike, a local street with 16' of pavement width within 50' of right of way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Property is be developed as part of adjacent commercial development    **Density:**  
**Sector Plan:** East County                      **Sector Plan Designation:** C, O and PDA  
**Growth Policy Plan:** Urban Growth Area (Outside City Limits)  
**Neighborhood Context:** This site is within a mixed use area of commercial and residential uses that have developed under CA, C-3 and RB zoning.

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

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

### ZONING INFORMATION (where applicable)

**Current Zoning:** RB (General Residential)  
**Former Zoning:**  
**Requested Zoning:** CA (General Business)  
**Previous Requests:** None noted  
**Extension of Zone:** Yes, extension of CA or C-3 zoning from the north.  
**History of Zoning:** MPC approved CA for the northern portion of this site on May 8, 2008 (5-M-08-RZ).

### 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 CA (General Business) zoning, subject to 1 condition.

Staff Recomm. (Full): 1. A Type 'A' landscaping screen (see attached as marked) must be installed within the area highlighted on the attached site plan. Species must consist of medium and large species as listed from the attached circled section from the Knoxville-Knox County Tree Conservation and Planting Plan.

CA is an extension of commercial zoning from the north and west. With the recommended condition, the impact on adjacent properties will be minimized. The applicant has revised the original application to exclude the southeastern most portion of the parcel 26 (about a half acre) where the existing house is located, leaving it zoned RB. This factor, as well as the fact that the commercial site, which has been filled and graded to create an elevated, flat site at street level (approximately 30 feet higher in elevation than the adjacent residential uses to the south), make the application more acceptable, as requested. In addition, the recommended condition to install a landscape screen will provide added buffering between the incompatible uses. Even though some of the land where the Type 'A' landscape screening is being recommended is outside of the area requested for rezoning, the applicant owns and controls all of parcels 1 and 26, on which the entire area for screening is recommended. The original application requested the entire RB zoned portion of parcel 26 (0.57 acre) be rezoned CA. The other half of parcel 26 is already zoned CA.

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

1. The recommended CA is an extension of zoning from the north and west and is compatible with surrounding development and zoning.
2. In May 2008, an rezoning request was filed for the entire parcel 26. MPC and County Commission approved the CA zoning for the northern half of the property only, after an agreement was reached between residents and the applicant. This request is for about 7,000 sq. ft. of the remaining RB to be rezoned CA.
3. Most of the southern portion of parcel 26 will remain zoned RB. Retaining the RB zoning provides a buffer for the residential properties on the southern side of S. Ruggles Ferry Pike from the commercial area. There is a house located within the southeastern portion of parcel 26 to remain RB. The recommended landscape screen will provide additional buffer between the incompatible uses.
4. Based on the attached topography map, which is based on conditions prior to the site preparation that has already occurred, there appears to be a large sinkhole/depression in the area that includes the entire parcel 26. The inward hatched contour lines indicate a possible sinkhole location. The applicant contends that the area is just a depression that was created when Gov. John Sevier Hwy. and S. Ruggles Ferry Pike were constructed at higher elevations than the adjacent site. The low depression area drains through a 36 inch pipe that runs under Gov. John Sevier Hwy. However, the possible sinkhole area has not been drilled or tested for the actual existence of a sinkhole. TDEC approval may be required if this is a sinkhole.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zone is intended for general retail business and services, but not for manufacturing or for processing materials.
2. Retail businesses should not be located directly across from residential uses, therefore the revised area for rezoning is better than zoning the entire parcel 26 commercial, as originally requested. The exclusion of the half acre portion of the site where the house is located, the recommended landscape screen, and the elevation change between the commercial and residential zoning, provide a sufficient buffer between the incompatible uses.
3. Staff would suggest that if commercial zoning is necessary on the whole site in the future, then the

applicant should come back and seek rezoning to PC or PC-1 on the entire corner (the entire parcels 1 and 26). Both parcels are under the same ownership and are to be developed as one. A planned commercial zone would allow the opportunity for staff to review a development plan as a use on review. As part of this review, concerns with the sinkhole/depression could be addressed and landscape buffering/screening could be established to minimize impacts on adjacent residential properties. If the County portions of the property are annexed into the City of Knoxville, a planned zone may be recommended on the annexation related rezoning.

**THE EFFECTS OF THIS PROPOSAL**

1. Public water and sewer utilities are available to serve the site. The impact on traffic would depend on the type of commercial development proposed.
2. The requested CA zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. CA zoning does not provide for plan review by MPC, so the possible sinkhole and buffering issues may not be adequately addressed. A planned zone would be preferable, but the entire commercial site would need to be rezoned to a planned zoning district.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The East County Sector Plan proposes commercial uses for this site, consistent with the proposed CA zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request could lead to further requests for commercial zoning to the south or east along S. Ruggles Ferry Pike, which would not be consistent with the sector plan proposals in the area.

**Action:** Approved as Modified **Meeting Date:** 9/10/2009

**Details of Action:** 1. A Type 'A' landscaping screen (see attached as marked) must be installed within the area highlighted on the attached site plan (as revised by MPC on 9/10/09). Species must consist of medium and large species as listed from the attached circled section from the Knoxville-Knox County Tree Conservation and Planting Plan.

**Summary of Action:** RECOMMEND that Knox County Commission APPROVE CA (General Business) zoning subject to the condition that a Type 'A' landscaping screen must be installed within the area highlighted on the attached site plan (as revised by MPC on 9/10/09). Species must consist of medium and large species as listed in the Knoxville-Knox County Tree Conservation and Planting Plan.

**Date of Approval:** 9/10/2009 **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:** 10/26/2009

**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:**