



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 8-G-10-RZ
8-C-10-SP

AGENDA ITEM # 46
AGENDA DATE: 8/12/2010

APPLICANT: BOB GAGE, GBT REALTY CORPORATION
OWNER(S): JARNAGIN JAMES W & BRUCE H

TAX ID NUMBER: 42 045
JURISDICTION: Commission District 8

LOCATION: Southeast side Rutledge Pike, southwest side Shipetown Rd.

TRACT INFORMATION: 3.15 acres.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Rutledge Pike, a major arterial street with 4 lanes and a center median within 270' of right-of-way, or Shipetown Rd., a local street with 21-28' of pavement width within 35-70' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Roseberry Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / A (Agricultural)

PROPOSED PLAN DESIGNATION/ZONING: NC (Neighborhood Commercial) or RC (Rural Commercial) / CR (Rural Commercial)

EXISTING LAND USE: Vacant land

PROPOSED USE: Discount retail store

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of NC designation from the northeast

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Shipetown Rd. - House / NC / A (Agricultural)
South: House / LDR / A (Agricultural)
East: Houses / LDR / A (Agricultural)
West: Rutledge Pike - Residences / LDR / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with mostly residential uses under Agricultural zoning. There are also several properties along Rutledge Pike and one along Shipetown Rd. that are zoned for commercial or industrial uses. The non-residential zones in the vicinity are CA, CB, LI and I.

STAFF RECOMMENDATION:

ADOPT RESOLUTION #8-C-10-SP, amending the Northeast County Sector Plan to NC (Neighborhood

Commercial) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)

This site meets the criteria for approval of neighborhood commercial uses, as recommended. The extension of the neighborhood commercial designation from the northeast is appropriate for this commercial crossroads location, which is in close proximity to residential uses.

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

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:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

There have not been any recent road improvements around the intersection of Rutledge Pike and Shipetown Rd. However, Rutledge Pike is classified as a major arterial street and has 4 travel lanes, sufficient to handle the additional traffic that will be generated by this proposal. There is a median cut in the center of Rutledge Pike for access to Shipetown Rd., which has 28 feet of pavement width at the intersection.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan calls for low density residential use for the site. However, this intersection already has a neighborhood commercial plan designation established to the northeast. CA and LI zoned properties are in close proximity to the intersection. The CA zoned property to the northeast on the same side of Rutledge Pike is developed with a retail country supply store, which could be permitted in the CN or CR zones.

CHANGES IN GOVERNMENT POLICY:

This location at an intersection, along a major arterial highway, is appropriate for neighborhood commercial uses. The requested CR zone is intended to allow lower impact commercial uses to serve residents in rural areas. Being located at the intersection, two points of access may be gained to the site from the two streets. This site is a typical situation for establishment of a commercial crossroads, under some type of commercial zoning.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

A few commercial uses are already established at or near this intersection, part of which is proposed for neighborhood commercial uses. The northeast side of Shipetown Rd./Roberts Rd. is proposed for neighborhood commercial uses on the sector plan.

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:

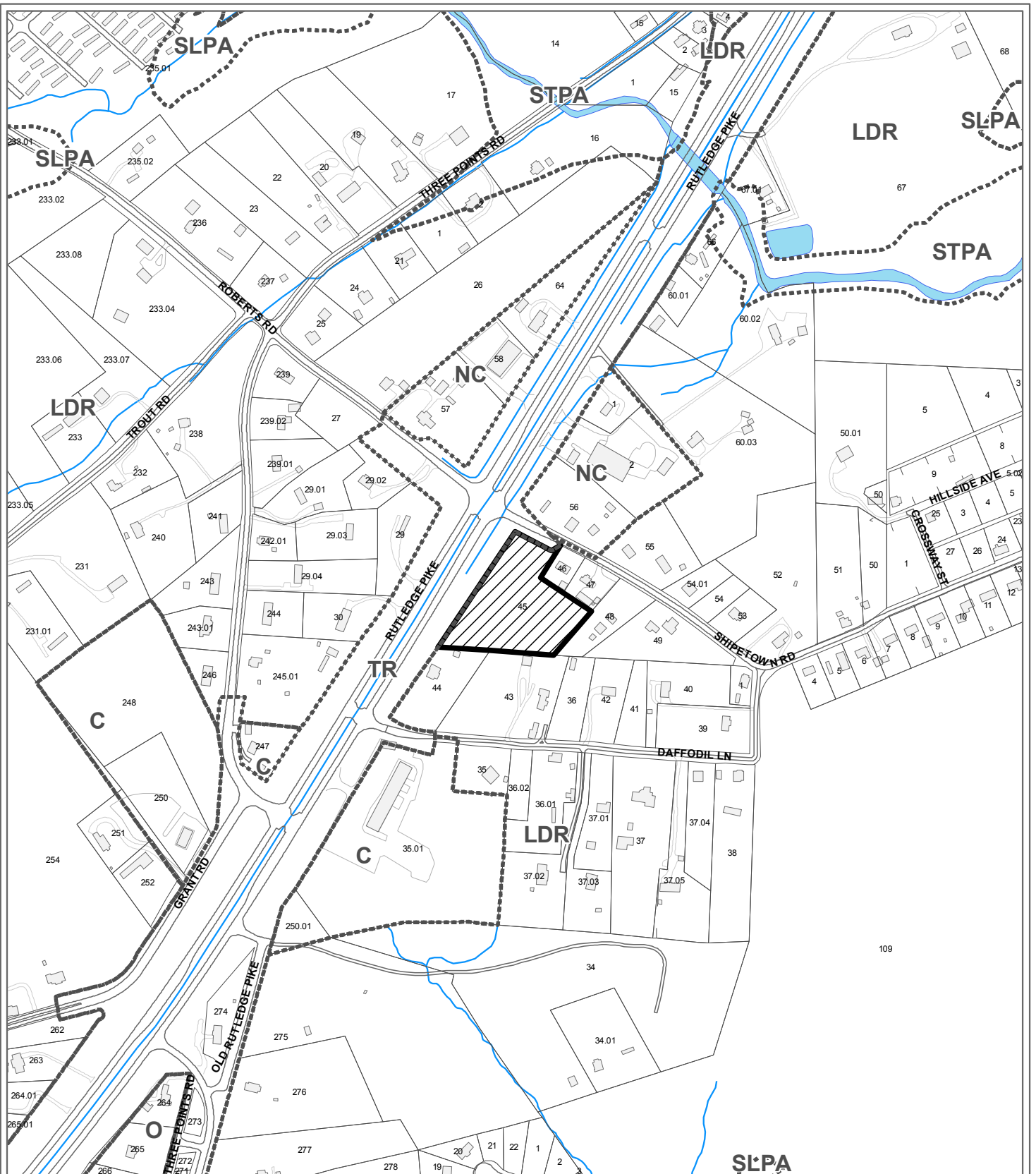
1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/27/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**8-C-10-SP / 8-G-10-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: NC (Neighborhood Commercial) or RC (Rural Commercial)



Petitioner: Bob Gage, GBT Realty Corporation

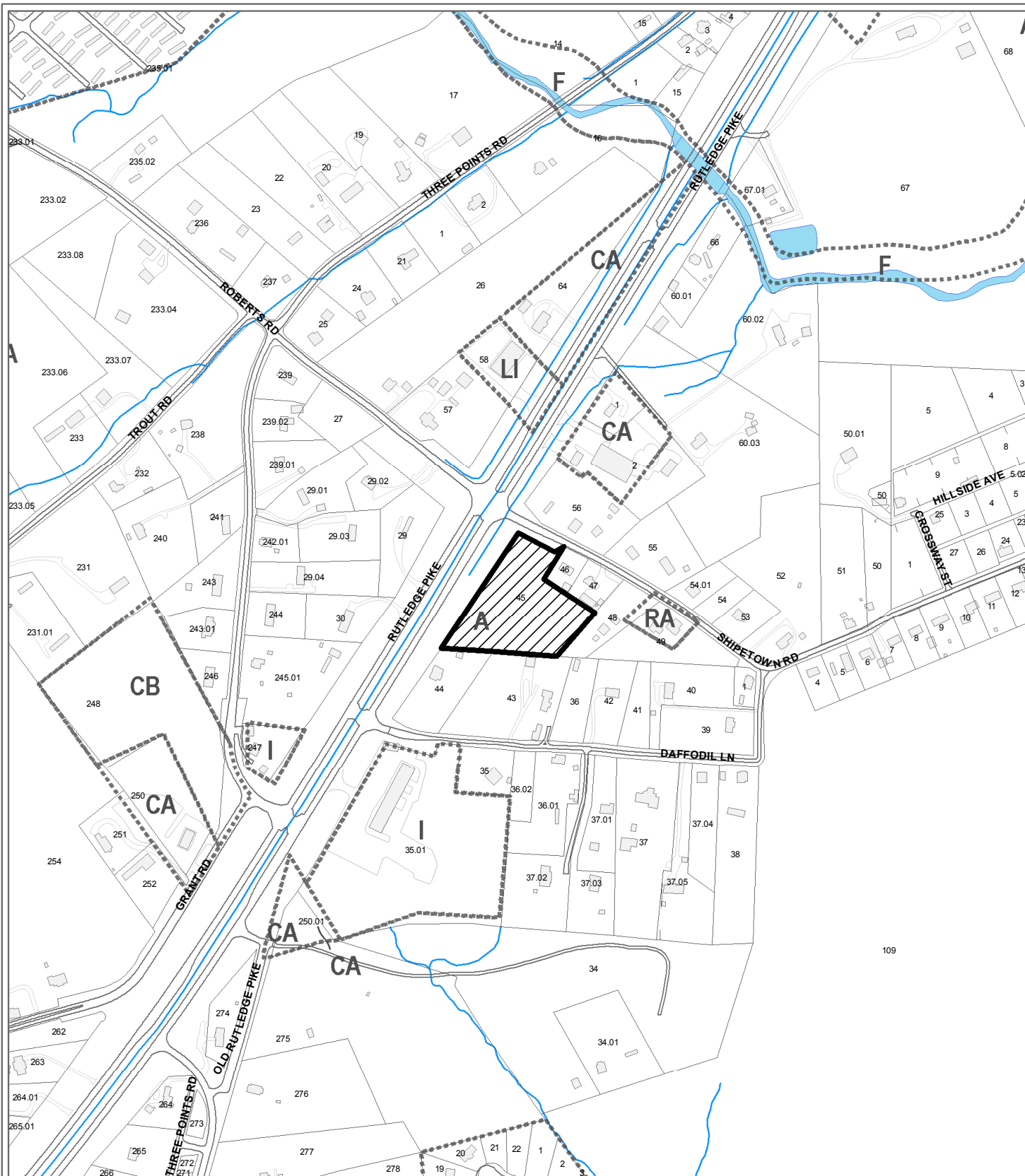
Map No: 42

Jurisdiction: County

Original Print Date: 7/21/2010
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

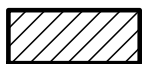
Revised:





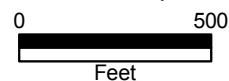
**8-G-10-RZ
REZONING**

From: A (Agricultural)
To: CR (Rural Commercial)



Petitioner: Bob Gage, GBT Realty Corporation

Map No: 42
Jurisdiction: County



Original Print Date: 7/21/2010
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHEAST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northeast County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Bob Gage, GBT Realty Corporation, has submitted an application to amend the Sector Plan from Low Density Residential to Neighborhood Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northeast County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on August 12, 2010, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northeast County Sector Plan, with its accompanying, staff report and map, file #8-C-10-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



19 BROADWAY
HARTVILLE, TN 37074
615.441.1111
www.nmm.com

ARCHITECTURE
PLANNING
ENGINEERING
GRAPHICS

MICHAEL DUANE HUNKLER
REG. NO. 2008

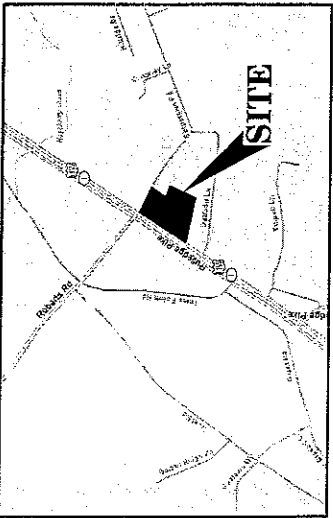
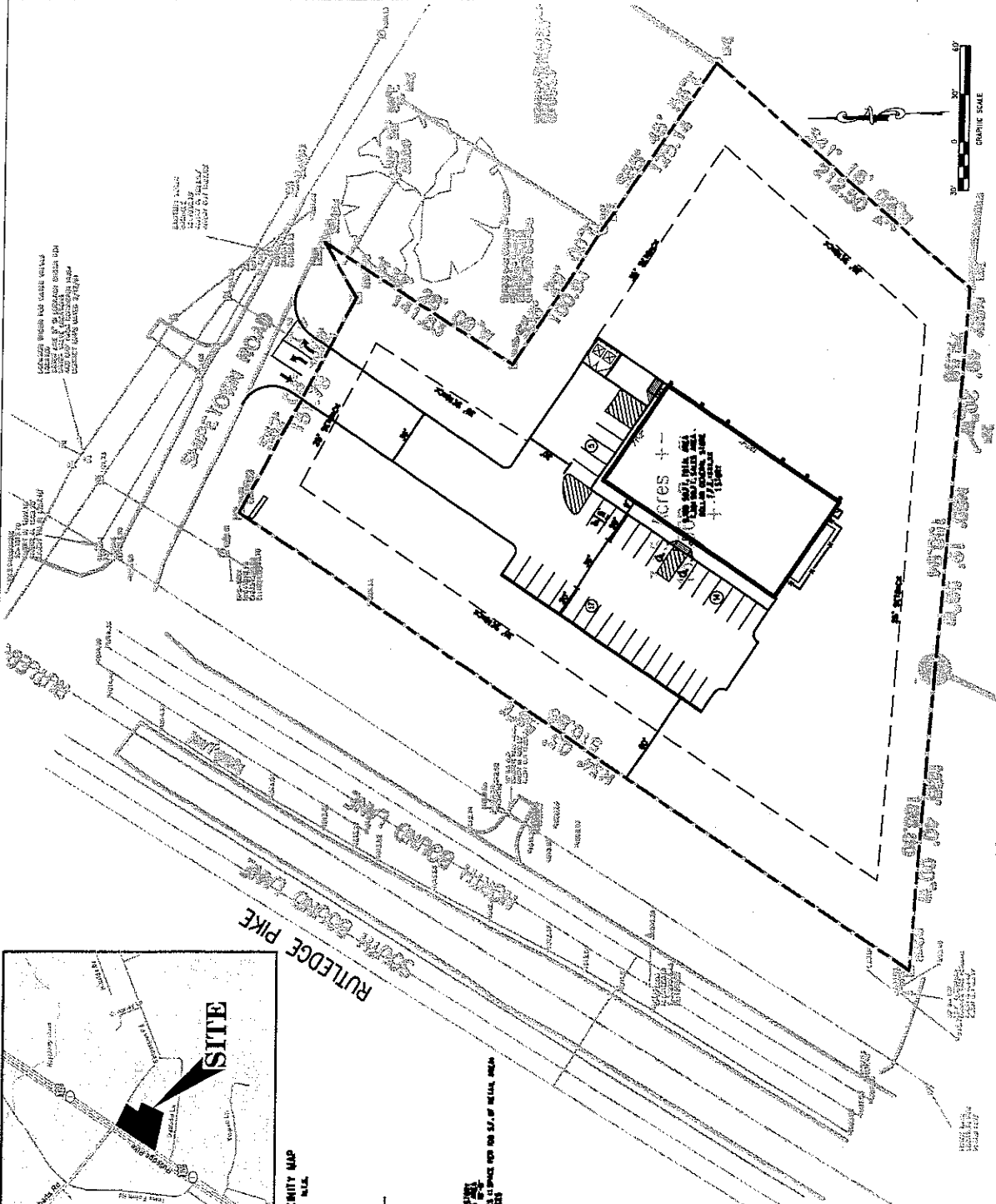
CONSULTANT
G.B. SMITH AND
PARTNERS
511 Union Street
Nashville, TN 37203
Phone: (615) 259-8200
COP #272816



DOLLAR GENERAL
STORE #XXXXX
KNOXVILLE
TN

DOLLAR GENERAL REVIEW SET
DATE: 08/10
M.J.M. XXXXX

SITE
EXHIBIT



VICINITY MAP

SITE DATA TABLE

- 1. PROPOSED DEVELOPMENT: COMMERCIAL
- 2. SITE AREA: 2.277 ACRES ±
- 3. SITE AREA: 2.277 ACRES ±
- 4. ZONING DISTRICT: 8-G-10-RZ
- 5. ZONING DISTRICT: 8-C-10-SP
- 6. LOTS: 1 LOT

8-G-10-RZ
8-C-10-SP