

► **FILE #:** 5-A-14-RZ

AGENDA ITEM #: 20

AGENDA DATE: 5/8/2014

► **APPLICANT:** J. ALLEN MORGAN

OWNER(S): J. Allen Morgan

TAX ID NUMBER: 42 056

JURISDICTION: County Commission District 8

STREET ADDRESS: 2720 Shipetown Rd

► **LOCATION:** Northeast side Shipetown Rd., southeast side Rutledge Pike

► **APPX. SIZE OF TRACT:** 2.31 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 center median within 250' of right-of-way, or Shipetown Rd., a local street with 20' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Roseberry Creek

► **PRESENT ZONING:** A (Agricultural)

► **ZONING REQUESTED:** CN (Neighborhood Commercial)

► **EXISTING LAND USE:** Residence

► **PROPOSED USE:** Preparation for resale

EXTENSION OF ZONE: Yes, extension of CN zoning from the southwest and extension of more intense CA zoning from the northeast

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Car sales, repairs / CA (General Business)

South: Shipetown Rd. - Houses and retail store / A (Agricultural) and CN (Neighborhood Commercial)

East: House and vacant land / A (Agricultural)

West: Rutledge Pike - Residential / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with some commercial uses along Rutledge Pike under various zones, with surrounding residential uses, zoned A and RA.

STAFF RECOMMENDATION:

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

CN is an extension of zoning from the southwest on the opposite side of the intersection and is consistent with the sector plan proposal for the property.

COMMENTS:

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 DISTRICTS AFFECTED, OR IN THE CITY/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. The proposed CN zoning is consistent with the Northeast County Sector Plan proposal for the site.
4. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.
5. CN is an extension of zoning from the southwest on the opposite side of Shiptown Rd.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE 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.

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 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.
5. No other area of the County will be impacted by this rezoning request.

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:

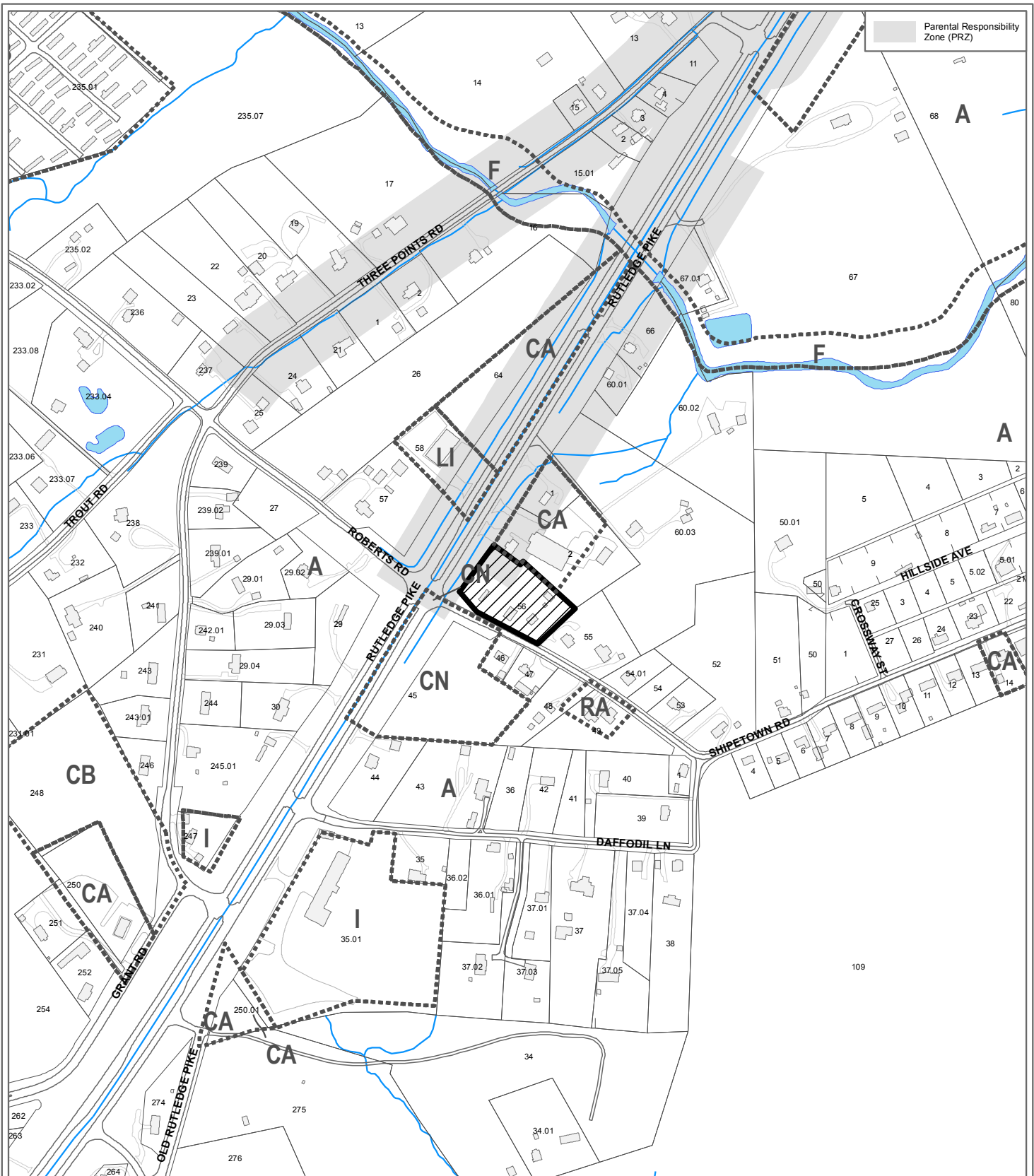
1. The Northeast County Sector Plan proposes neighborhood commercial uses for the site, consistent with the requested CN zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future requests for CN zoning on surrounding properties zoned Agricultural. However, any future requests on adjacent properties would also require an amendment to the sector plan, as all surrounding Agricultural zoned property is designated for low density residential use.
4. The proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 6/23/2014. 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.



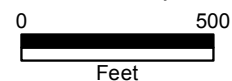
**5-A-14-RZ
REZONING**

From: A (Agricultural)
To: CN (Neighborhood Commercial)



Petitioner: Morgan, J. Allen

Map No: 42
Jurisdiction: County



Original Print Date: 4/11/2014
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902