



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 10-L-19-RZ **AGENDA ITEM #:** 29
10-G-19-SP **AGENDA DATE:** 10/10/2019

► **APPLICANT:** BENJAMIN C. MULLINS O/B/O KRIS L. FELLHOELTER
OWNER(S): Kris L. Fellhoelter

TAX ID NUMBER: 51 095 [View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 0 Rutledge Pike

► **LOCATION:** North side of Rutledge Pike, east of Brandville Road and west of Ellistown Road

► **TRACT INFORMATION:** 37.97 acres.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Rutledge Pike is a major arterial with two travel lanes heading in each direction, separated by a 29-foot strip of land. There is an unprotected left turn lane on the north side of Rutledge Pike turning south. The travel lanes on the north side of Rutledge Pike are 35-feet wide, including the left turn lane. The right-of-way of Rutledge Pike varies in width from 235 feet to 293 feet.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Legg Creek

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

► **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CB (Business and Manufacturing) & PC (Planned Commercial)

► **EXISTING LAND USE:** Vacant

► **PROPOSED USE:** None specified

DENSITY PROPOSED: n/a

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, GC is adjacent to the west

HISTORY OF ZONING REQUESTS: None noted for this property

SURROUNDING LAND USE, PLAN DESIGNATION, North: Single-Family Residential, Rural Residential, and Agricultural/Forestry/Vacant - LDR (Low Density Residential) - PR (Planned Residential) and A (Agricultural)

ZONING South: Commercial - LI (Light Industrial) - I (Industrial)
East: Single-Family Residential, Rural Residential,

Agricultural/Forestry/Vacant, and Industrial - LDR (Low Density Residential and LI (Light Industrial) - A (Agricultural)

West: Single-Family Residential, Rural Residential, and Agricultural/Forestry/Vacant - LDR (Low Density Residential) and GC (General Commercial) - A (Agricultural) and CB (Business and Manufacturing)

NEIGHBORHOOD CONTEXT: This stretch of Rutledge Pike has industrial uses along the south side with large parking lots and warehouse buildings. The north side of Rutledge Pike is comprised of large parcels of vacant land and large-lot residential uses. The nearby residential lots along Rutledge Pike range in size from 1.39 to 3.99 acres. There are smaller neighborhoods to the northwest of this property with smaller, half-acre lots, though these are mostly accessed off local roads.

STAFF RECOMMENDATION:

- ▶ **Adopt resolution #10-G-19-SP (Exhibit A), amending a portion of this parcel as found in Exhibit B in the Northeast County Sector Plan map to the GC (General Commercial) designation.**

Staff recommends adoption of resolution #10-G-19-SP, amending the portion of this parcel as found in Exhibit B in the Northeast County Sector Plan map to the GC (General Commercial) land use designation since it would be an extension of the existing adjacent GC designation (the applicant requested a different portion to be re-designated).

- ▶ **Approve PC (Planned Commercial) zoning for the portion of the parcel shown in Exhibit B (the applicant requested CB and PC over a different portion of the property).**

Staff recommends approval of PC (Planned Commercial) zoning for the portion of the parcel as shown on Exhibit B since the new zoning would allow similar uses to those already existing along Rutledge Pike, with the recommendation that a "Type A" landscaping screen, as found in the Landscaping Screening Design Guidelines, be installed along any shared boundaries with residential zoning.

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 are no recent changes to conditions that would warrant amending the land use plan. However, there is a range of land uses and commercial zoning in the area along Rutledge Pike. GC land use would allow PC zoning on the north side of Rutledge Pike, keeping in character with the arterial while providing a buffer area along the site perimeter to mitigate potential impacts on adjacent residential properties.
2. Staff recommends retaining the sliver of land on the east side of the parcel that provides access to the homes off of Brandville Road so that the land for the dwellings and the access have the same zoning.
3. Staff recommends retaining the portion of the parcel (approximately 4 acres) in the northeast that terminates on Ellistown Road. Should this parcel be sold in the future, the new property owner could either build a residence or rezone at that time.

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

1. No new roads or additional utilities have been introduced in this area.
2. The existing entry has never been approved by TDOT and will likely need to be relocated. The applicant is working with TDOT on an accepted entry point.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. Rutledge Pike is a major arterial lined with I, GC, and LDR (Industrial, General Commercial, and Low Density Residential land use designations, respectively). In some cases, LDR is sandwiched between GC and I, as is the case with this parcel.
2. The LDR designation along Rutledge Pike tends to be vacant land. The sector plan should have recognized the likelihood that commercial and industrial land uses would continue to expand along this major arterial. LDR would be more appropriate in the parcels behind these developments, preferably with transitional land uses between them.

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

1. Rutledge Pike has developed with a mix of commercial and industrial uses. The LDR land use designation only allows for single-family residential uses.
2. K&L Trailer Sales & Leasing currently operates across the street on leased property. The owner of K&L Trailer Sales & Leasing would like to move his operation to this location since he owns this land.

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. There are no substantially changed conditions in the area that would prompt a rezoning. However, the proposed use is the same as that across the street and is similar to other developments in the area, so it is consistent with the existing development along Rutledge Pike.
2. Staff recommends retaining the sliver of land on the east side of the parcel that provides access to the homes off of Brandville Road so that the land housing the dwellings and their access has the same zoning.
3. Staff recommends retaining the portion of the parcel (approximately 4 acres) in the northeast that terminates on Ellistown Road. Should this parcel be sold in the future, the new property owner could either build a residence or rezone at that time.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The proposed amendment to PC (Planned Commercial) zoning is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.
2. The PC zone requires a 50-foot peripheral boundary to be provided from the development boundary or any public street.

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. This parcel is bordered by residential uses to the north and west. Therefore, landscaped screening should be provided as buffer. The "Type A" screen in the Landscape Screening Design Guidelines is designed for boundaries between commercial and adjoining residential areas and would be appropriate to use in this location.
2. The 50-foot peripheral setback also helps mitigate potential adverse effects on adjacent residential uses.
3. There is a significant slope in the ROW leading up to this parcel, so grading would need to be done at the new entry point. PC zoning at the front of the parcel would allow for review of the new entry.
4. The PC zone requires more site design than the Industrial zone, so a rezoning would improve Rutledge Pike since the existing business would be moved and subject to the site design requirements of the PC zone.

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:

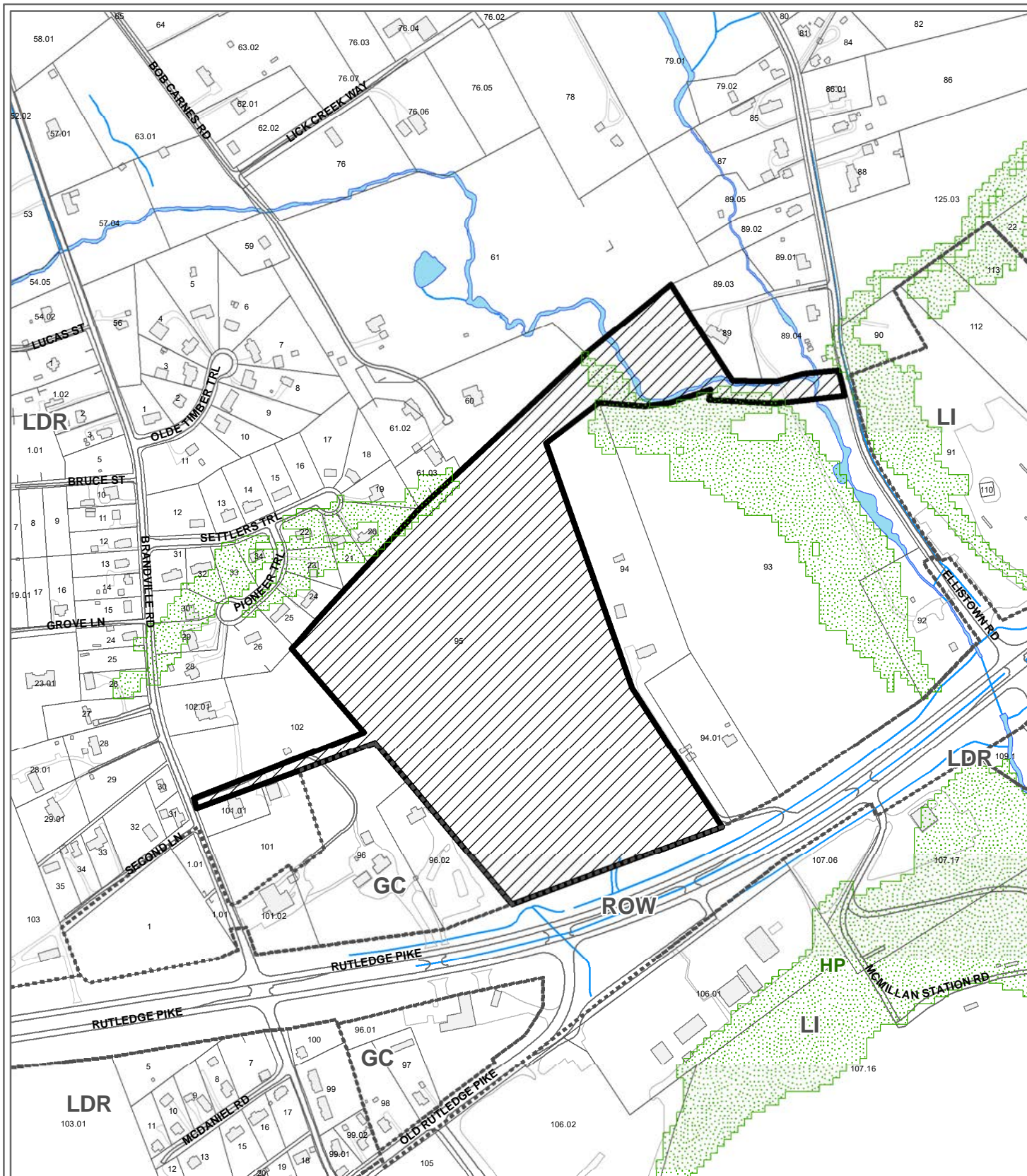
1. The property is located in FEMA Flood Zone X, but it is not located in a floodway or a floodplain.
2. A small portion at the northeastern edge of this parcel is in the HP (Hillside and Ridgetop Protection) Area, and a small portion in the southwest quadrant of the site, while not in an HP area, contains a slope of 25-40%.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 11/18/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox

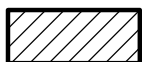
County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**10-G-19-SP / 10-L-19-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: GC (General Commercial)

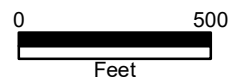


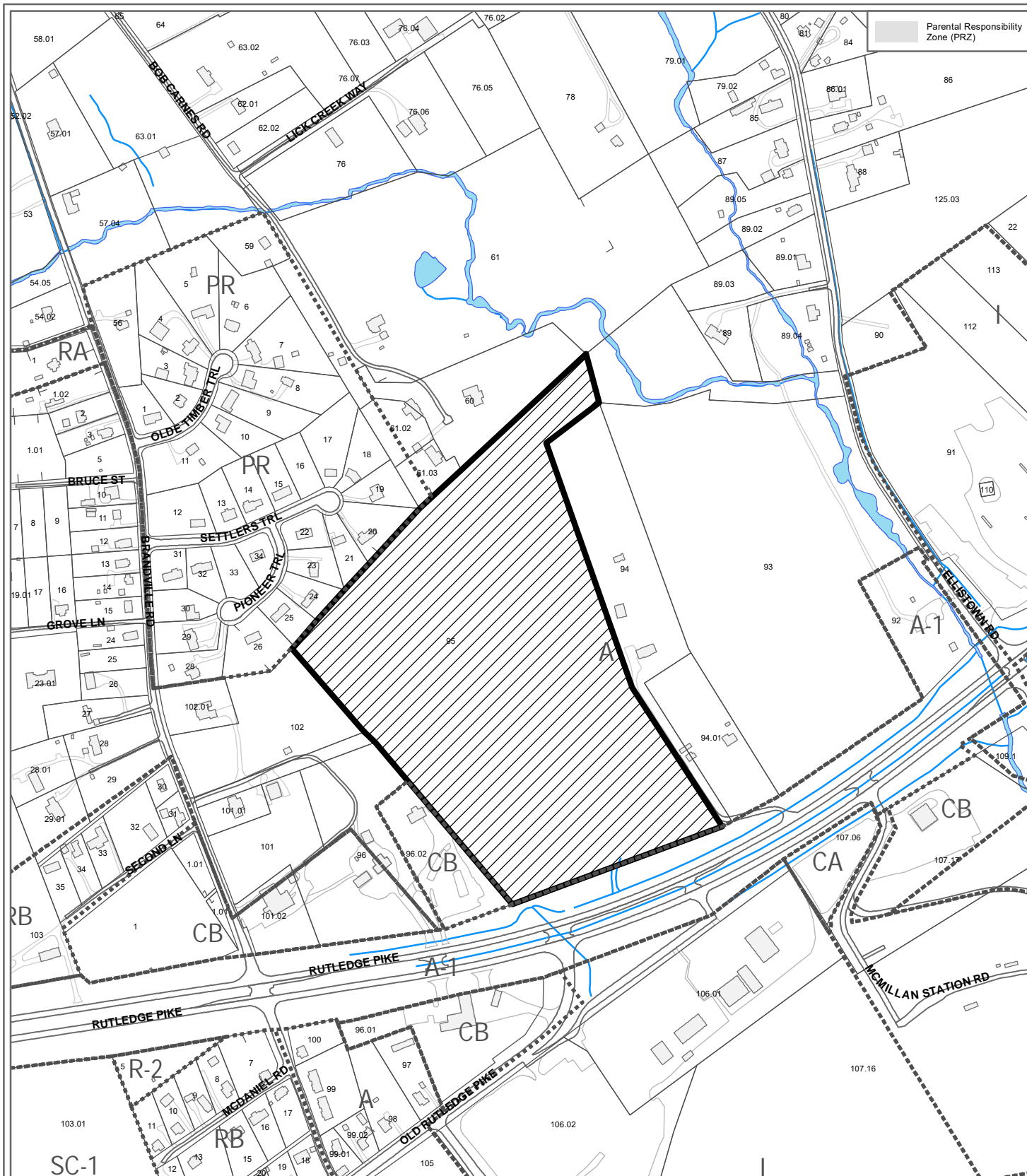
Original Print Date: 9/17/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Benjamin C. Mullins o/b/o Kris L. Fellhoelter

Map No: 51

Jurisdiction: County

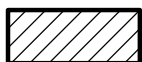




10-L-19-RZ REZONING

From: A (Agricultural)

To: CB (Business and Manufacturing) and PC (Planned Commercial),
with the remainder to remain A (Agricultural)



Original Print Date: 9/17/2019 Revised: 10/7/2019
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Mullins O/B/O Kris L. Fellhoelter,
Benjamin

Map No: 51

Jurisdiction: County

0 500
Feet



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

WHEREAS, the Knoxville-Knox County 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 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 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 plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Ben Mullins has submitted an application on behalf of Kris Fellhoelter to amend the Sector Plan from Agricultural to General Commercial for the portion of the property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Northeast County Sector Plan for the portion of the property in Exhibit B, 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 Planning Commission, at its regularly scheduled public hearing on October 10, 2019, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for a portion of the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY 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 #10-G-19-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

10-L-19-RZ / 10-G-19-SP
EXHIBIT B. Contextual Images



Portion of parcel fronting Rutledge Pike

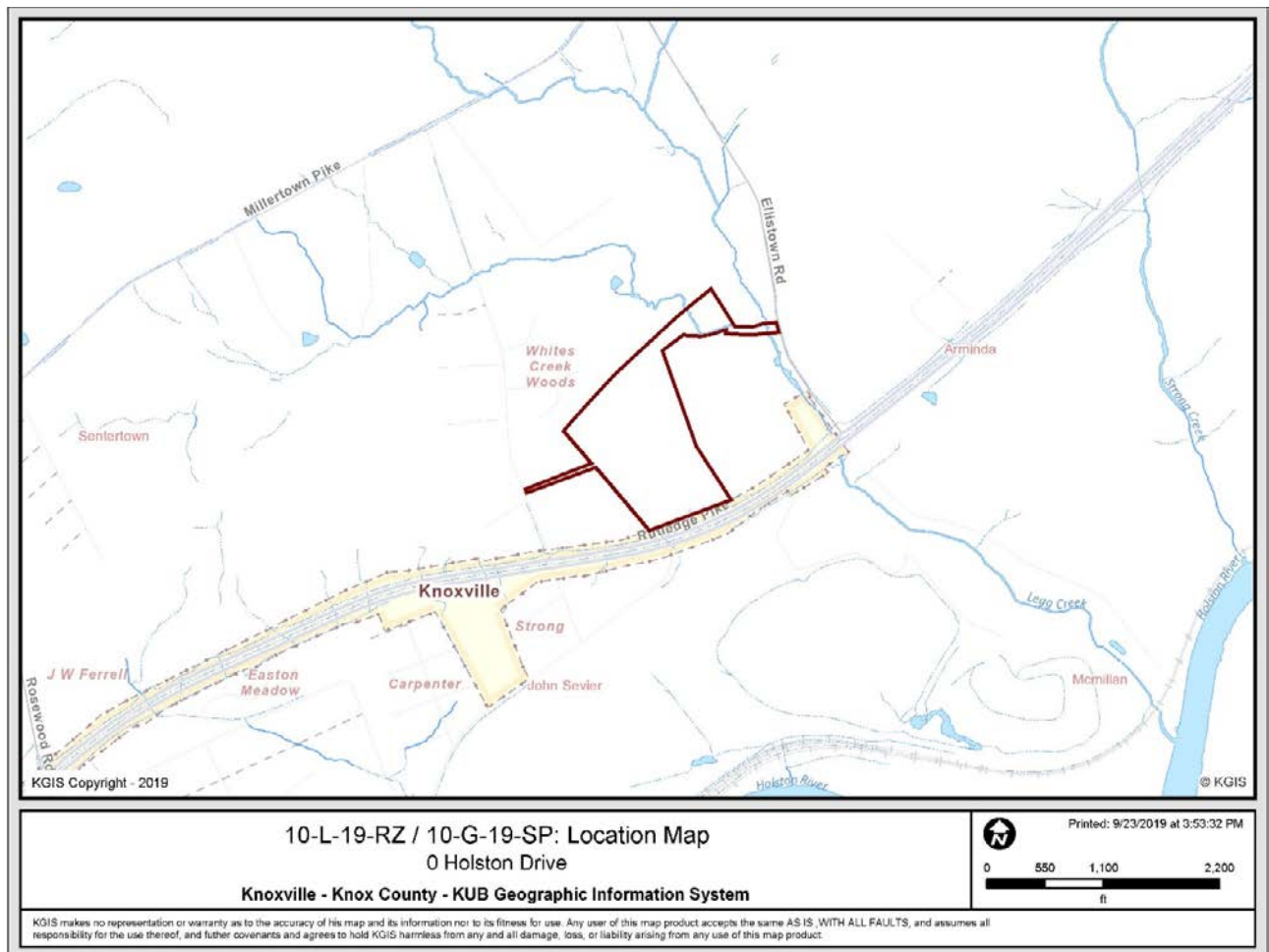


Birds eye view of the site

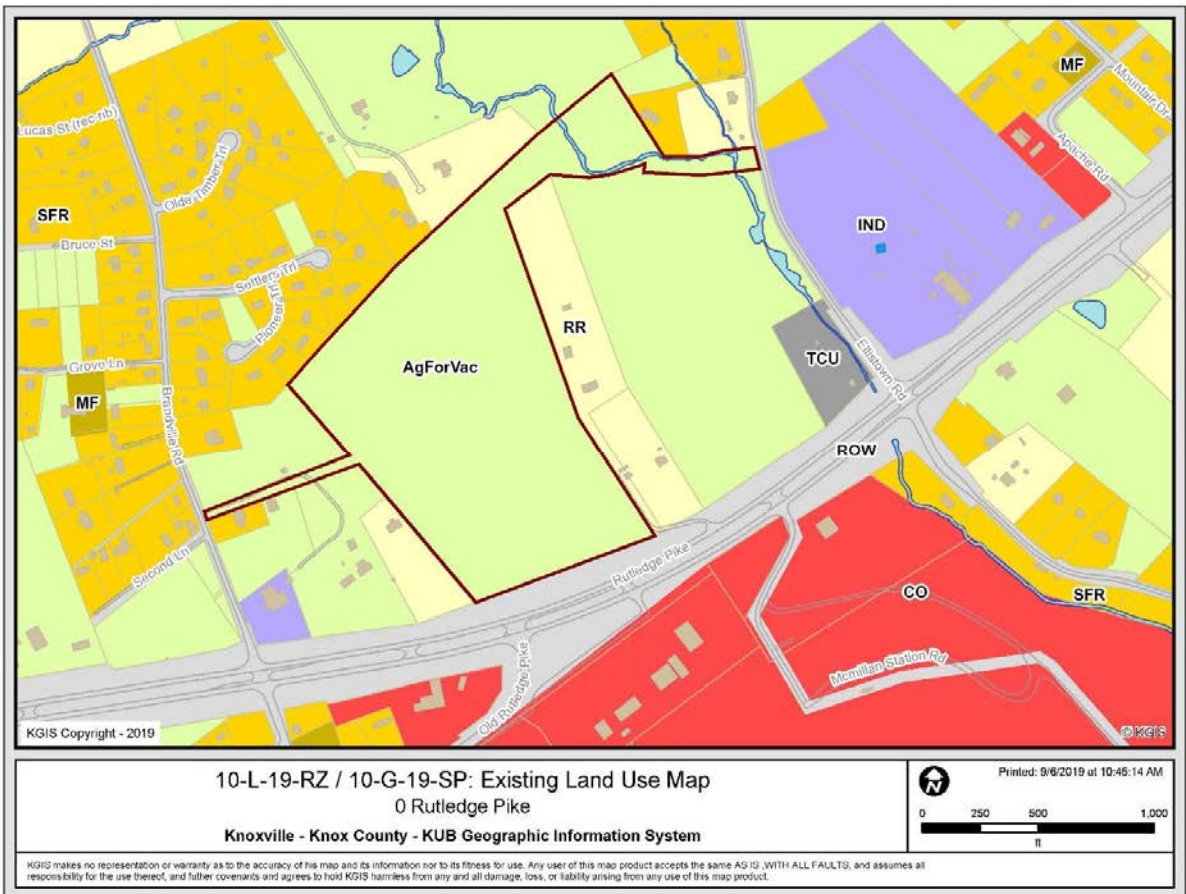
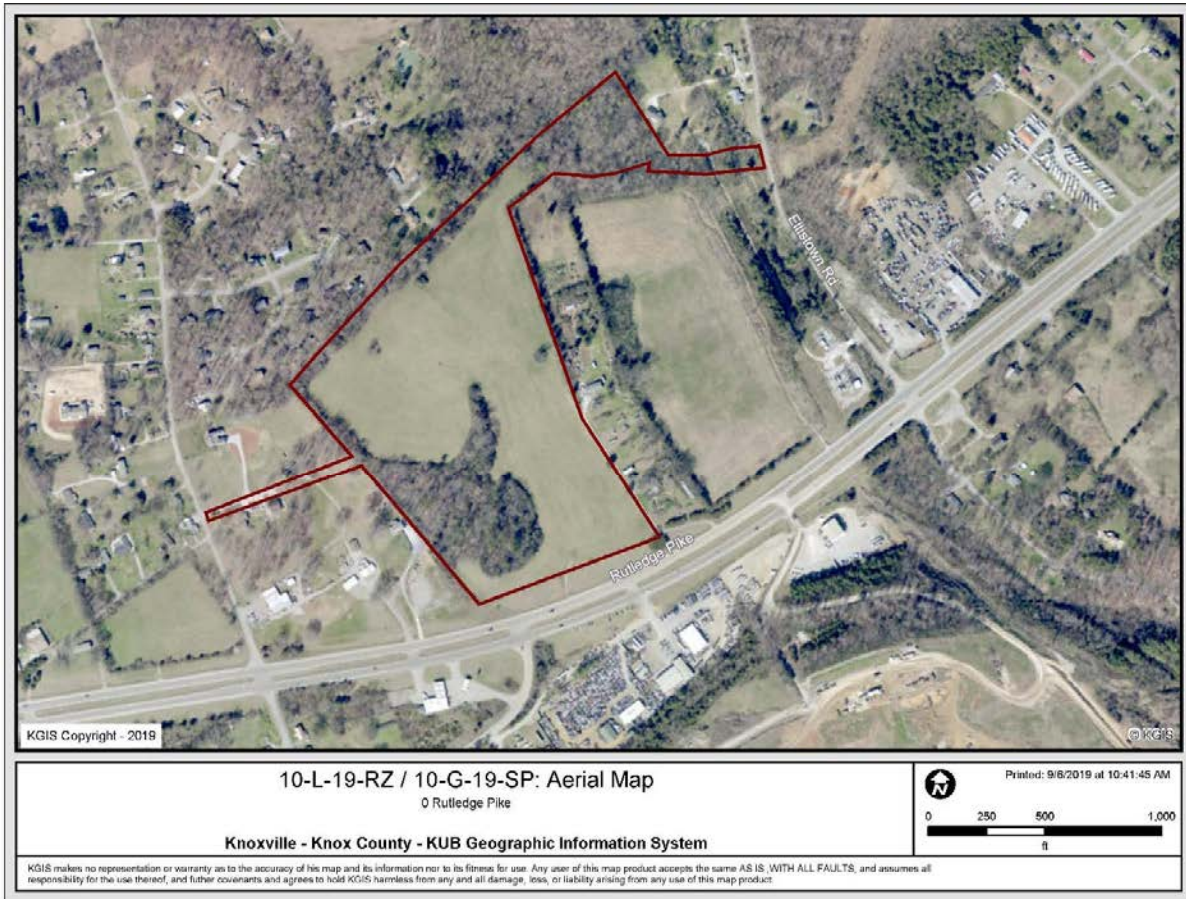
10-L-19-RZ / 10-G-19-SP
EXHIBIT B. Contextual Images



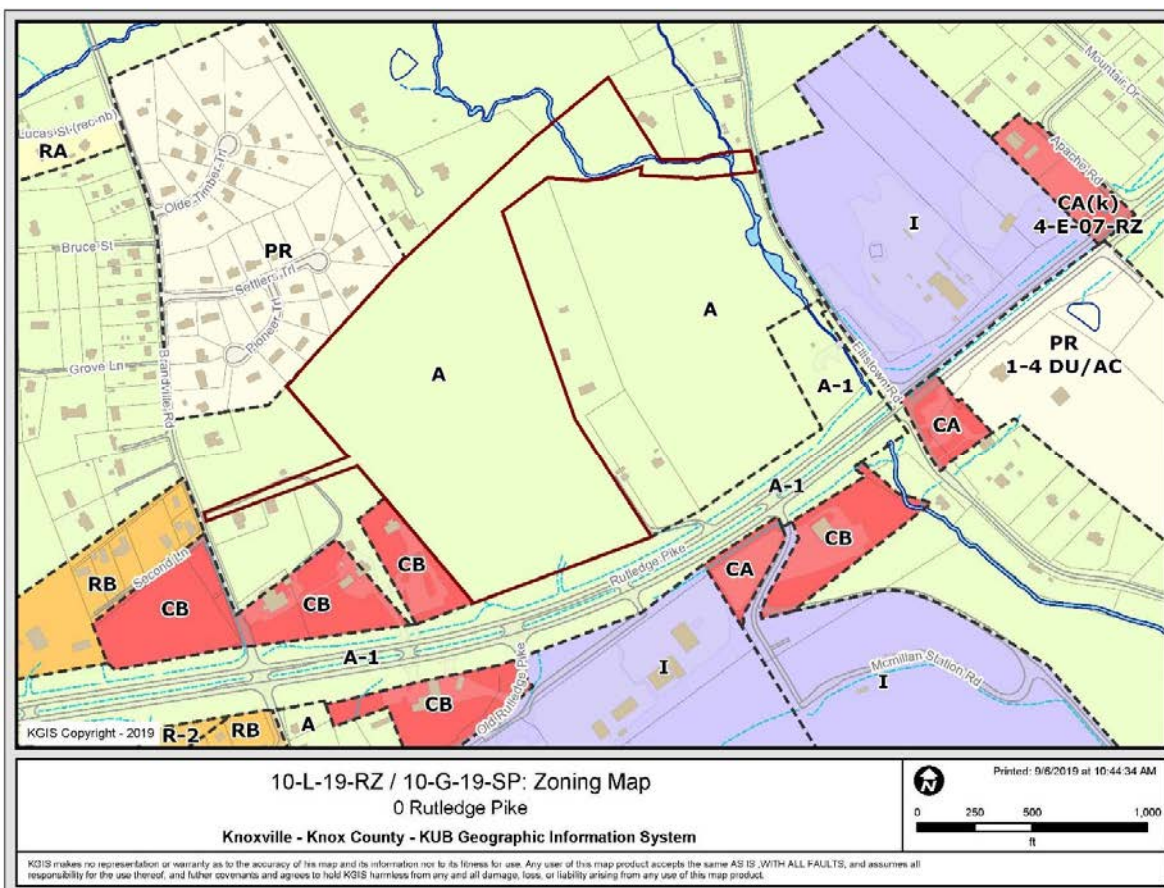
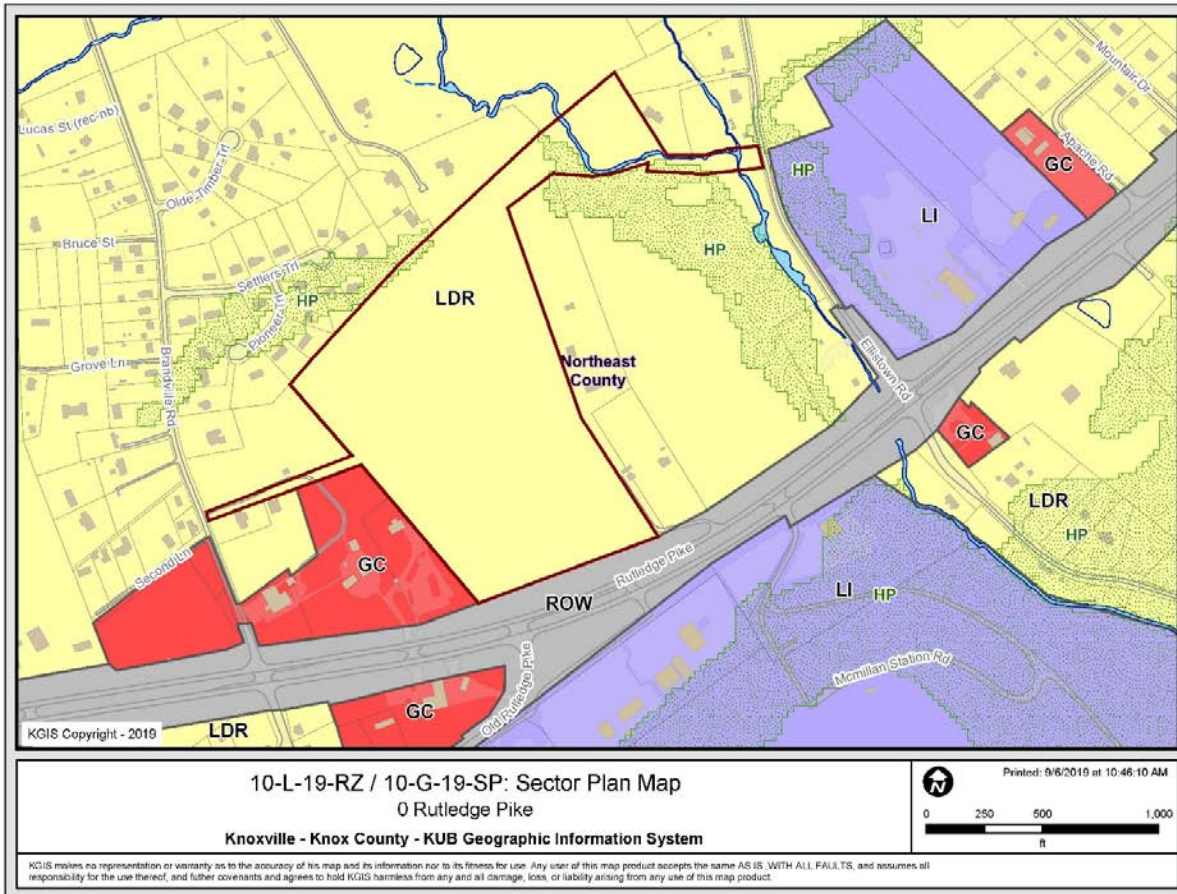
Birds eye view of the business across the street to be relocated to the parcels in these rezoning and plan amendment requests



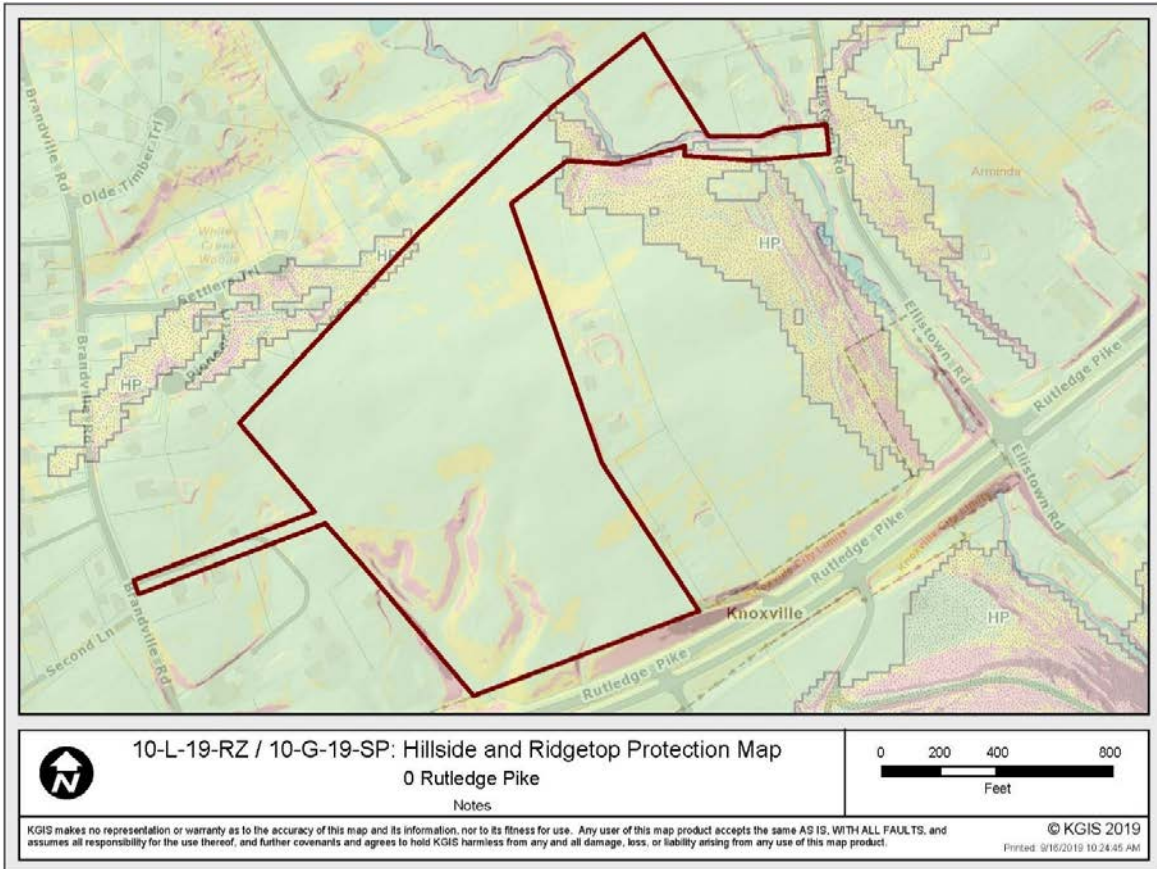
10-L-19-RZ / 10-G-19-SP
EXHIBIT B. Contextual Images



10-L-19-RZ / 10-G-19-SP
EXHIBIT B. Contextual Images



10-L-19-RZ / 10-G-19-SP
EXHIBIT B. Contextual Images





DEVELOPMENT REQUEST

DEVELOPMENT

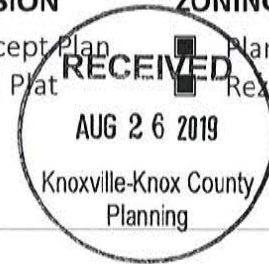
- ☐ Development Plan
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Plan Amendment
☐ Rezonning



Benjamin C. Mullins o/b/o Kris L. Fellhoelter

Applicant

August 26, 2019

October 10, 2019

Date Filed

Meeting Date (if applicable)

File Numbers(s)

10-L-19-RZ / 10-G-19-SP

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☒ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Benjamin C. Mullins o/b/o Kris L. Fellhoelter

Name	Company
550 West Main Street, Suite 500	Frantz, McConnell TN 37902
Address	City State Zip
865-546-9321	bmullins@fmsllp.com
Phone	Email

CURRENT PROPERTY INFO

Kris L. Fellhoelter	7828 Rutledge Pike	865-673-8000
Owner Name (if different)	Owner Address	Owner Phone
0 Rutledge Pike	051 095	
Property Address	Parcel ID	
West of intersection of Ellistown Rd. and Rutledge Pike North side of Rutledge Pike, east of Branville Rd		+/- 37.97 acres
General Location		Tract Size
Knox County District 8	A	
Jurisdiction (specify district above)	<input type="checkbox"/> City <input checked="" type="checkbox"/> County	Zoning District
Northeast County	LDR	Urban Growth
Planning Sector	Sector Plan Land Use Classification	Growth Policy Plan Designation
Ag for Vacancy	Unknown	Unknown
Existing Land Use	Septic (Y/N)	Sewer Provider
		Water Provider

REQUEST

DEVELOPMENT

☐ Development Plan ☐ Use on Review / Special Use

☐ Residential ☐ Non-Residential

☐ Home Occupation (specify): _____

☐ Other (specify): _____

SUBDIVISION

☐ Proposed Subdivision Name _____ Unit / Phase Number _____

☐ Parcel Change

☐ Combine Parcels ☐ Divide Parcel Total Number of Lots Created: _____

☐ Other (specify): _____

☐ Attachments / Additional Requirements

ZONING

☒ Zoning Change: See attached survey: 18.41 to CB; 10.87 to PC; Balance to remain A.
Proposed Zoning _____

☒ Plan Amendment Change: GC
Proposed Plan Designation(s) _____

☐ Proposed Property Use (specify) _____ Proposed Density (units/acre) _____ Previous Rezoning Requests _____

☐ Other (specify): _____

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (*Final Plat only*)
☐ Use on Review / Special Use (*Concept Plan only*)
☐ Traffic Impact Study

FEE 1:

\$ 800.00

FEE 2:

\$ 2,841.00

FEE 3:

\$ 1,143.50

TOTAL:

\$ 4,784.50

AUTHORIZATION


Staff Signature

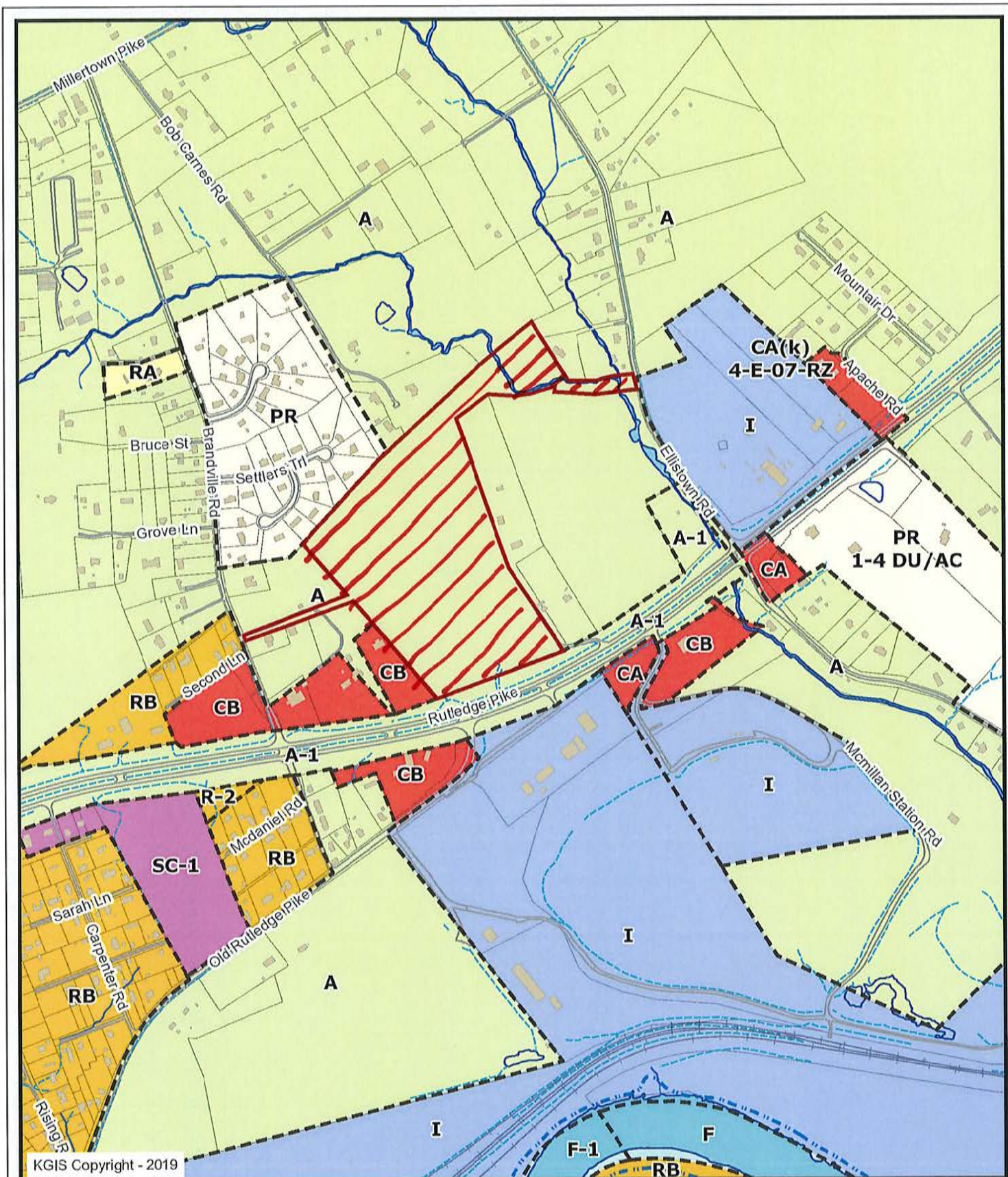
Thomas Brechko
Please Print

8/26/19
Date


Applicant Signature

Benjamin C. Mullins
Please Print

8-26-19
Date

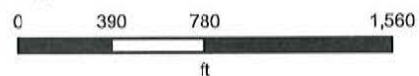


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 8/27/2019 at 1:27:04 PM



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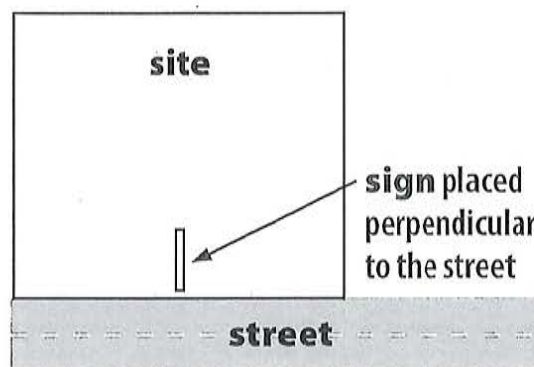
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

September 25, 2019 and October 11, 2019
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: 

Printed Name: Benjamin C. Mullins

Phone: 865-546-9321 Email: bmullins@fmsllp.com

Date: 8.26.19

MPC File Number: 10-L-19-RZ
10-G-19-SP