

REZONING REPORT

► **FILE #:** 6-D-21-RZ

AGENDA ITEM #: 16

AGENDA DATE: 6/10/2021

► **APPLICANT:** WES CARRUTHERS

OWNER(S): Downey Oil Company

TAX ID NUMBER: 70 L C 001

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 4315 Rutledge Pk.

► **LOCATION:** Southwest quadrant of the Intersection of Rutledge Pike and Timothy Avenue

► **APPX. SIZE OF TRACT:** 1.38 acres

SECTOR PLAN: East City

GROWTH POLICY PLAN: N/A (Within City limits)

ACCESSIBILITY: This site is accessed off of Rutledge Pike, a major arterial with two lanes in each travel direction separated by a raised median and featuring a left turn lane in the northbound travel lane. Rutledge Pike has a 65-ft pavement width inside a 121-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

► **PRESENT ZONING:** C-N (Neighborhood Commercial) / HP (Hillside Protection)

► **ZONING REQUESTED:** C-G-1 (General Commercial) / HP (Hillside Protection Overlay)

► **EXISTING LAND USE:** Commercial

► EXTENSION OF ZONE: Yes, C-G-1 is adjacent to the north

HISTORY OF ZONING: None noted for this property

SURROUNDING LAND USE AND ZONING: North: Commercial and agricultural/forestry/vacant - C-G-1 (General Commercial)

South: Rutledge Pike right-of-way

East: Agricultural/forestry/vacant - C-G-2 (General Commercial)

West: Public-quasi public designation on vacant land - OS (Open Space)

NEIGHBORHOOD CONTEXT: The road converges at this point from Asheville Highway to the south and I-40 to the northeast, where Timothy Avenue crosses Rutledge Pike to become the on-ramp to I-40. This property is surrounded by a lot of right-of-way land. There is a mix of commercial uses and vacant land at this node between Asheville Hwy and I-40.

STAFF RECOMMENDATION:

► **Approve C-G-1 (General Commercial) zoning because it is a minor extension of the zone and is in compliance with the sector plan's land use designation.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3: THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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. A project is under bid for streetscape improvements approximately 1/2 mile to the south along Martin Luther King Jr Avenue from Kirkwood Street to Shelby Street and along Prosser Road from Martin Luther King Jr Avenue to Holston Drive. Improvements are to include replacing sidewalks, traffic signals, streetlights, creating on-street parking, and relocating overhead utilities.

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

1. The proposed amendment to C-G (General Commercial) zoning is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors.
2. Rezonings should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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 property is surrounded by commercial uses to the north and east, but right-of-way to the south, and by vacant wetlands to the west. The C-G-1 zone is not expected to cause any adverse effects on the adjacent properties. Additionally, commercial properties are already present in the area, and this property fronts a major arterial. No adverse impacts are expected from additional C-G zoning in this area.
2. This property is in the Hillside Protection Overlay District. The slope analysis determined a maximum disturbance area of 1.07 acres. The existing development comprises approximately 0.65 acres. Any additional or future development would be restricted to the maximum acreage recommended by the slope analysis.

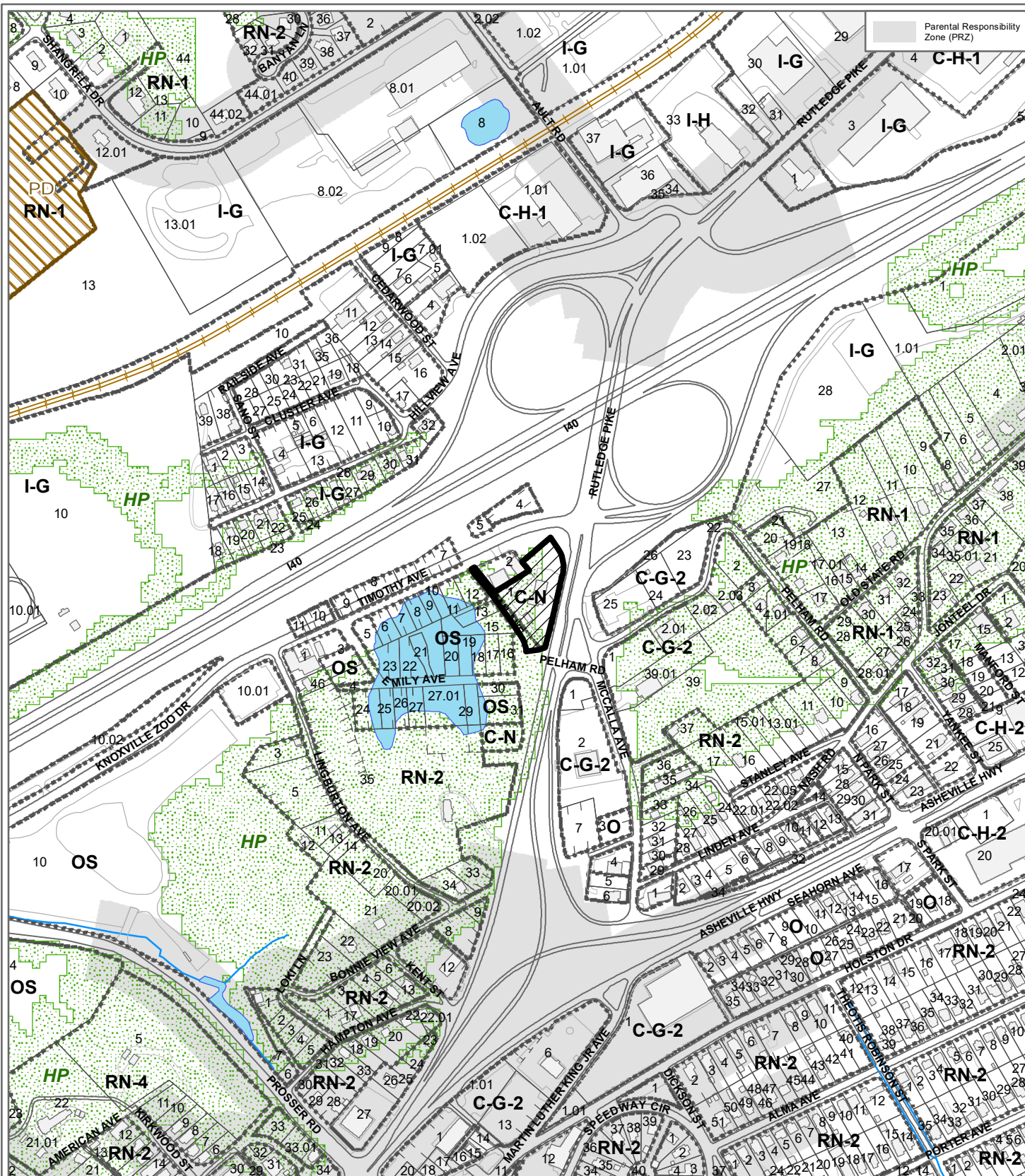
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The C-G-1 zone is consistent with the East City Sector Plan's GC (General Commercial) land use designation.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

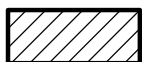
If approved, this item will be forwarded to Knoxville City Council for action on 7/13/2021 and 7/27/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**6-D-21-RZ
REZONING**

From: C-N (Neighborhood Commercial) / HP (Hillside Protection)

To: C-G (General Commercial) / HP (Hillside Protection)



Original Print Date: 5/6/2021

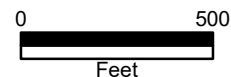
Revised:

Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Carruthers, Wes

Map No: 70

Jurisdiction: City



CATEGORY	ACRES	RECOMMENDED LAND DISTURBANCE FACTOR	ACRES OF DISTURBANCE ALLOWED
Non-Hillside	0.57	100%	0.57
0-15% Slope	0.42	100%	0.42
15-25% Slope	0.08	50%	0.04
25-40% Slope	0.08	20%	0.02
Greater than 40% Slope	0.22	10%	0.02
Ridgetops	0	0%	0.00
Subtotal: Sloped Land	0.8		0.50
Site Total, Disturbed Area (Hillside & Ridgetop Protection Plan)	1.37	0.78	1.07

From Hillside & Ridgetop Protection Plan, page 33

Density and Land Disturbance Guidelines

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines for Recommendations on Changes to the Zoning Map and Development Plan/ Concept Plan Review within the Hillside and Ridgetop Protection Area that is within the Urban Growth and the Planned Growth Area		
Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

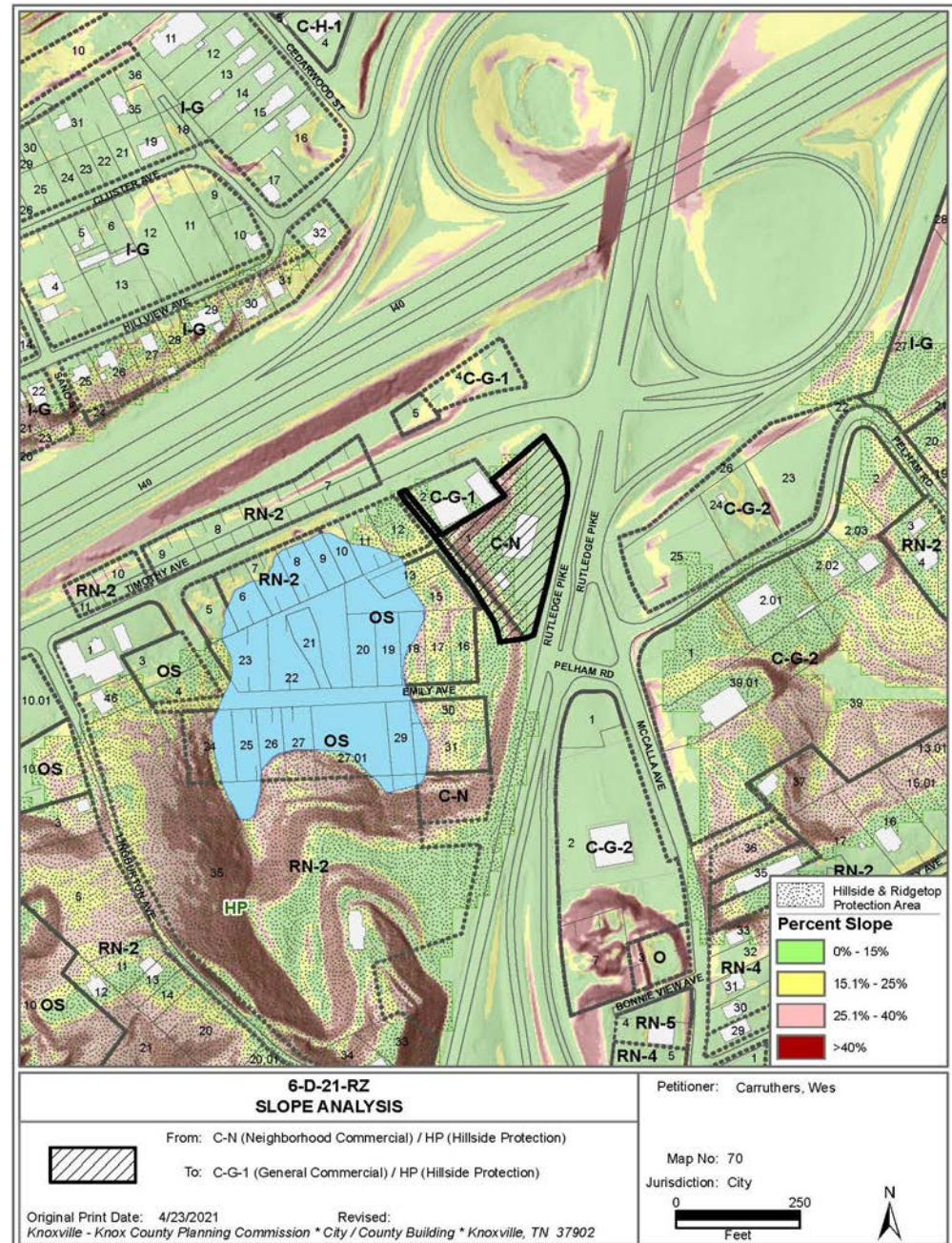
dua: dwelling units per acre

* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

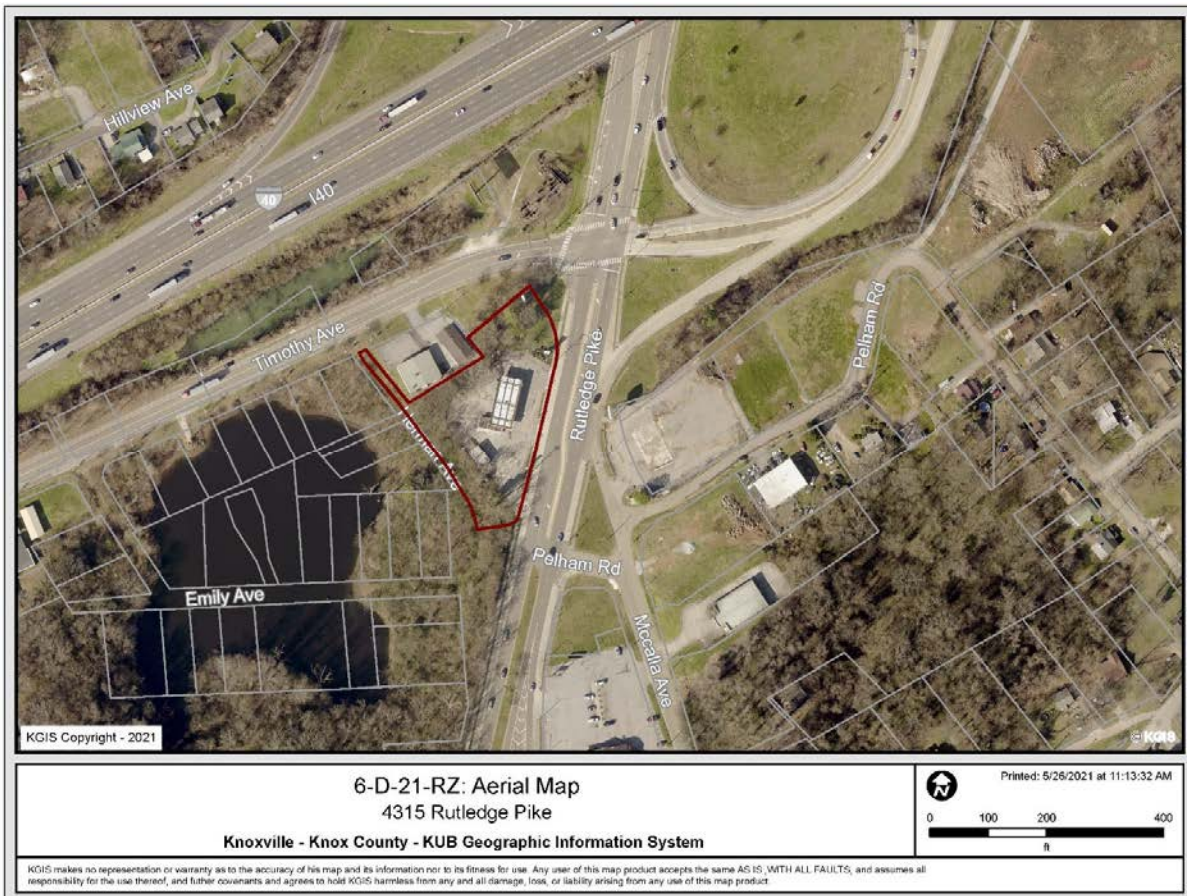
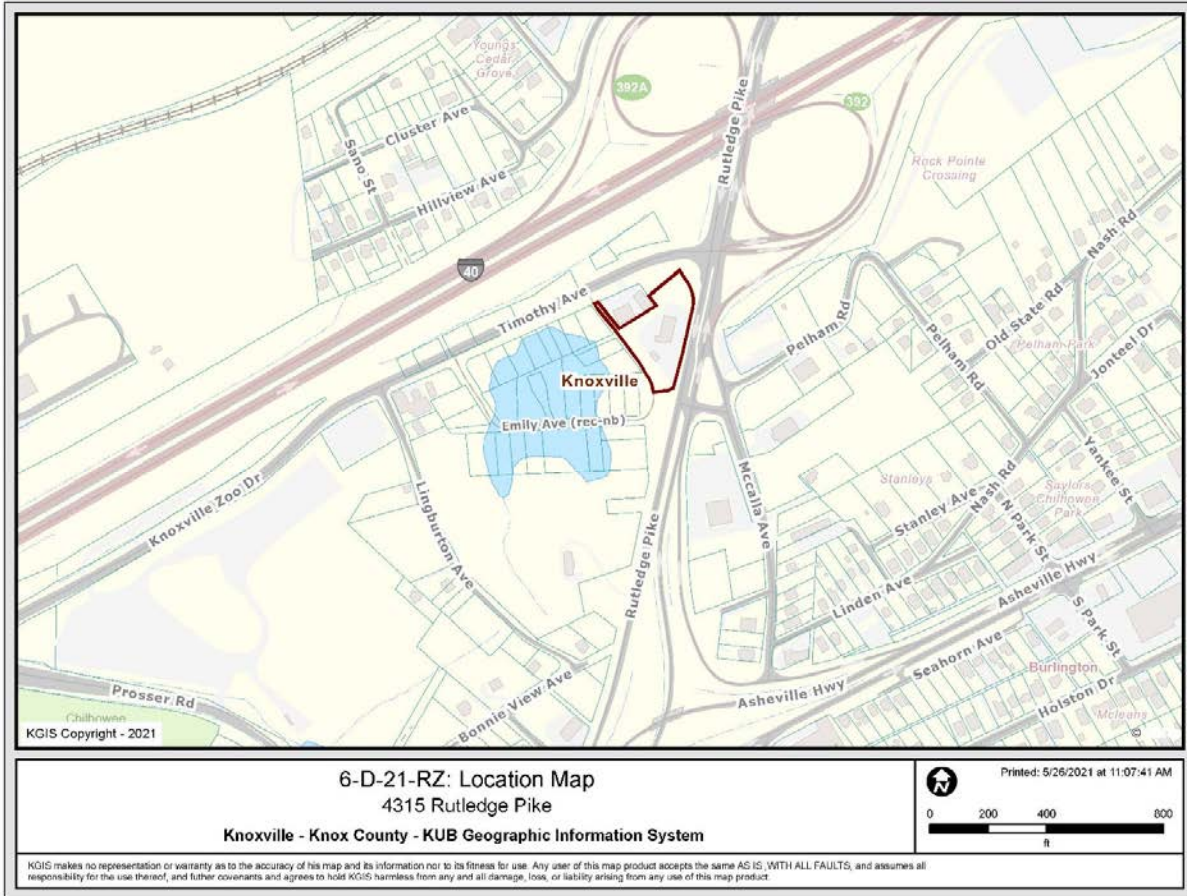
** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knoxville County ridges are so varied (see pages 8 – 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

The Knoxville Knox County Hillside and Ridgetop Protection Plan — 33

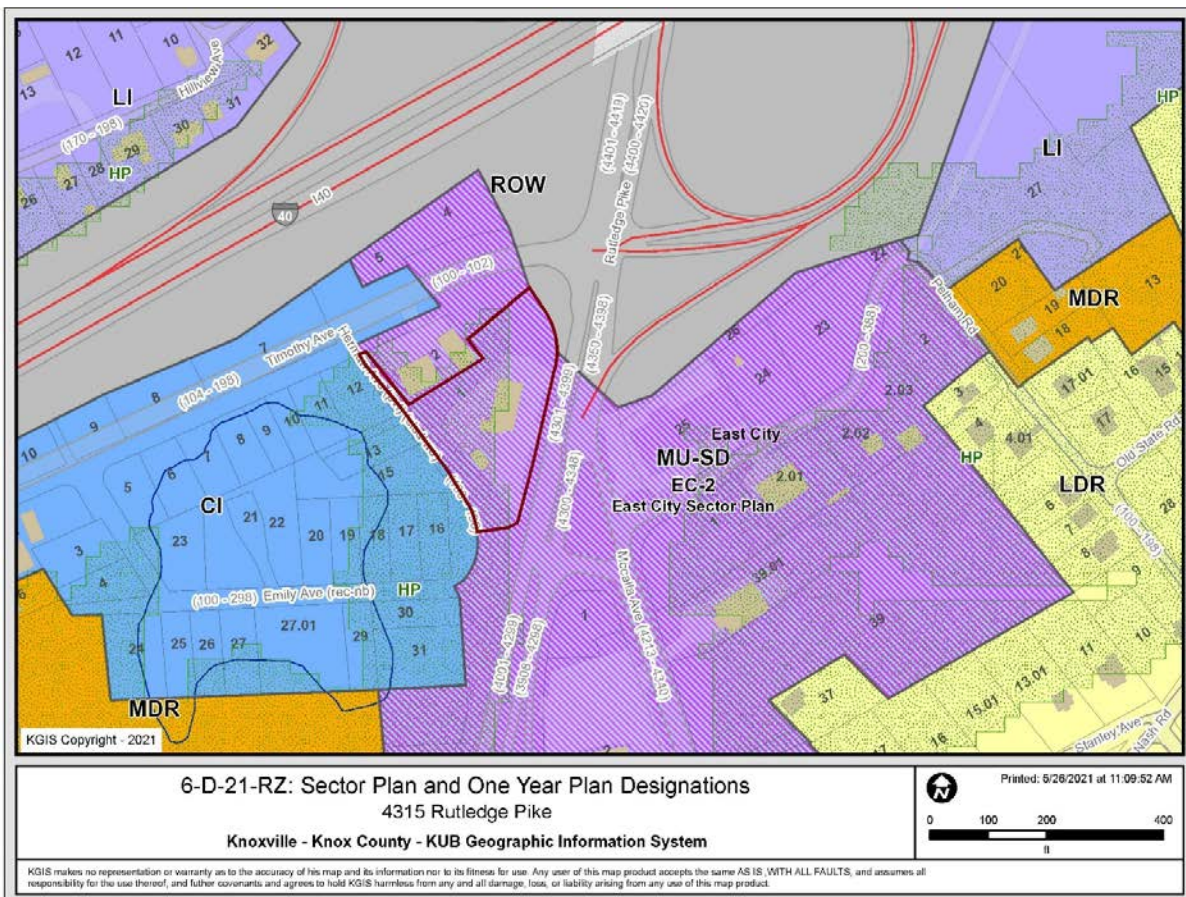
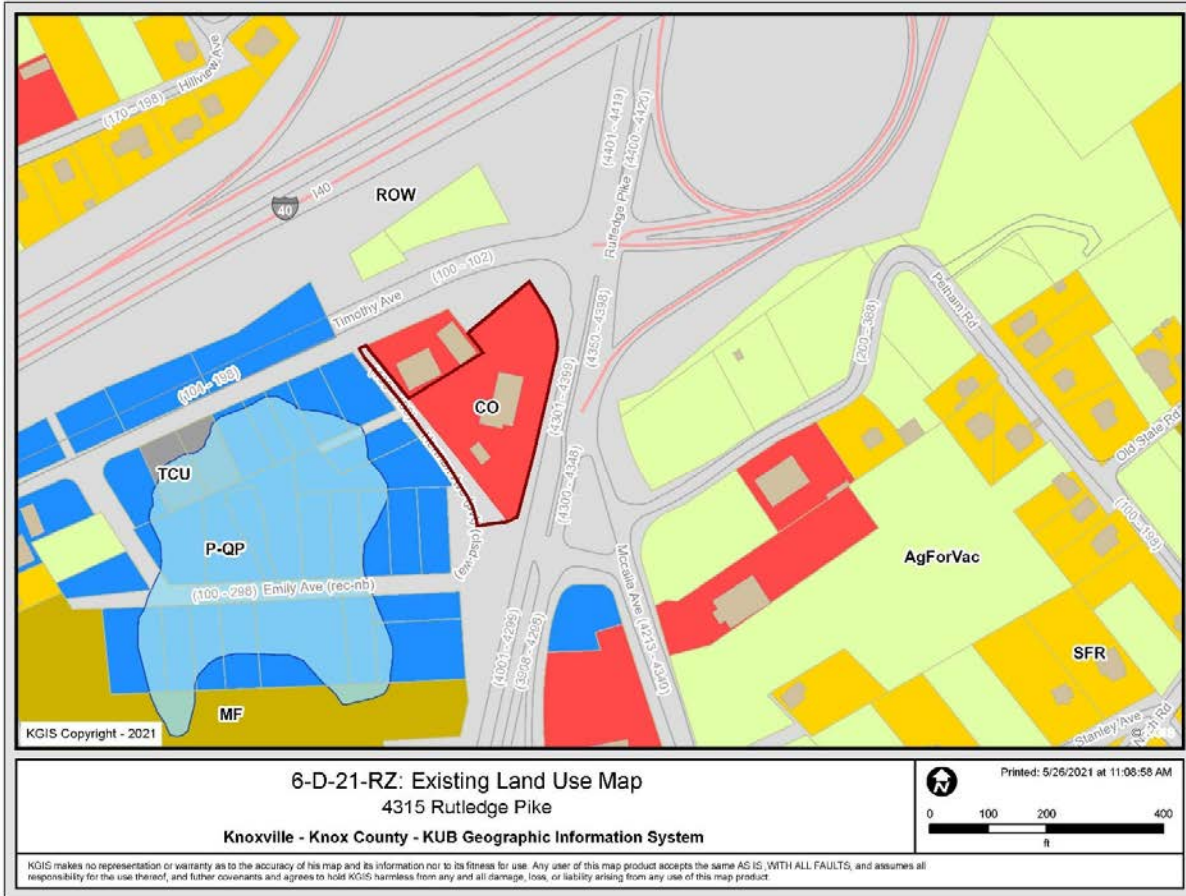


6-D-21-RZ
EXHIBIT A. Contextual Images



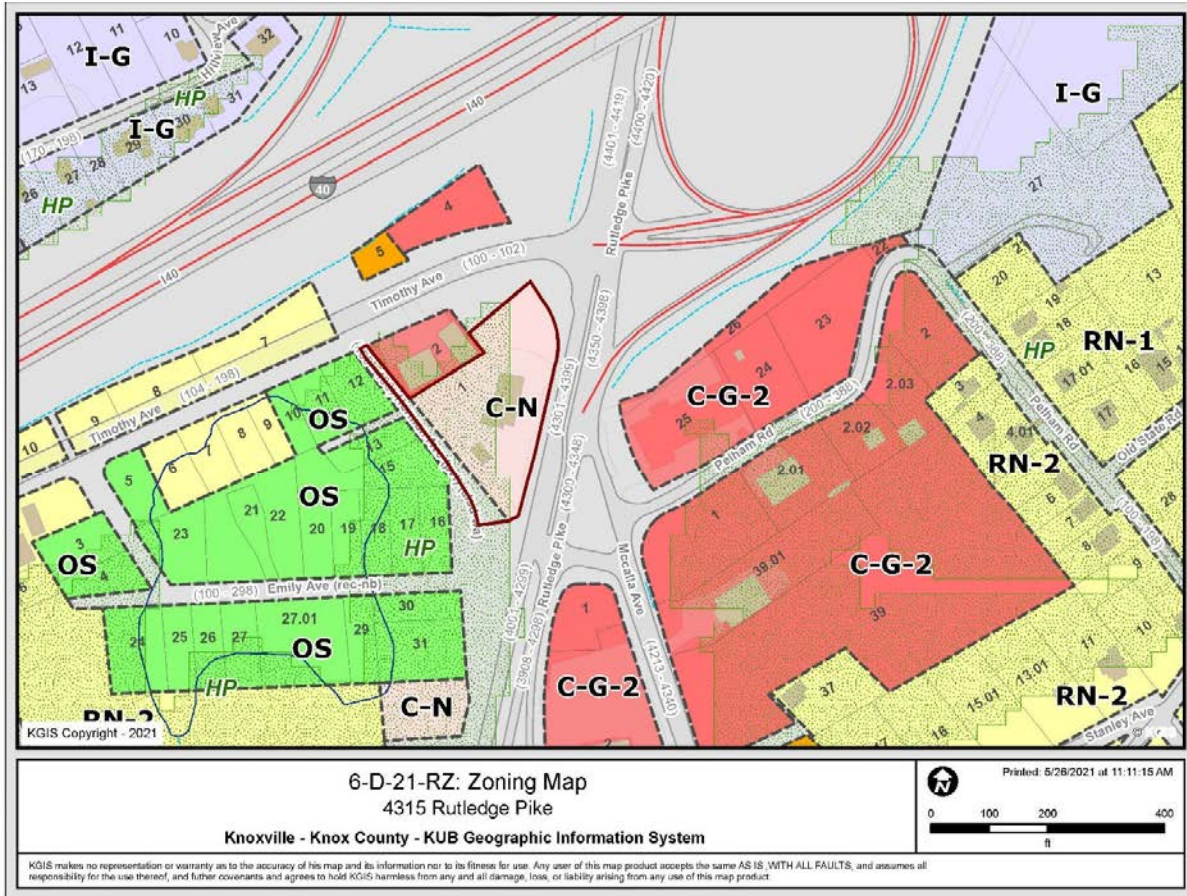
6-D-21-RZ

EXHIBIT A. Contextual Images



6-D-21-RZ

EXHIBIT A. Contextual Images





Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

Wes Carruthers

Applicant Name

May 26, 2021

Date Filed

6-10-2021

Meeting Date (if applicable)

Owner

Affiliation

File Number(s)

6-D-21-RZ

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

John Patteson

MBI Companies

Name

Company

299 N Weisgarber Road

Knoxville

TN

37919

Address

City

State

ZIP

865-584-0999

johnp@mbicompanies.com

Phone

Email

CURRENT PROPERTY INFO

Downey Oil Company

PO Box 4848 Maryville, TN 37802

(865) 982-2192

Owner Name (if different)

Owner Address

Owner Phone

4315 Rutledge Pike

070LC001

Property Address

Parcel ID

KUB

KUB

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

southwest of:

Intersection of Rutledge Pike and Timothy Avenue

2-acres-- 1.38 acres

General Location

Tract Size

☒ City ☐ County

6

C-N / HP

Kenjo Gas Station CO

District

Zoning District

Existing Land Use

East City

MU-SD EC-2 /HP

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

December 2020

DEVELOPMENT REQUEST☐ Development Plan ☒ Use on Review / Special Use ☒ Hillside Protection COA☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Related City Permit Number(s)

Other (specify) _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Related Rezoning File Number

Unit / Phase Number _____

☐ Combine Parcels☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____**ZONING REQUEST**☒ Zoning Change

C-G C-G-1 / HP (per applicant 5.6.21 dc)

Proposed Zoning

Pending Plat File Number

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

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)☐ Use on Review / Special Use (Concept Plan)☐ Traffic Impact Study☐ COA Checklist (Hillside Protection)

Fee 1

0326

\$1,000.00

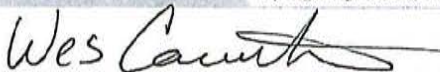
Total

Fee 2

Fee 3

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.



Wes Carruthers

4/26/21

Applicant Signature

Please Print

Date

(865) 982-2192

wcarruthers@downeyoil.com

Phone Number

Email

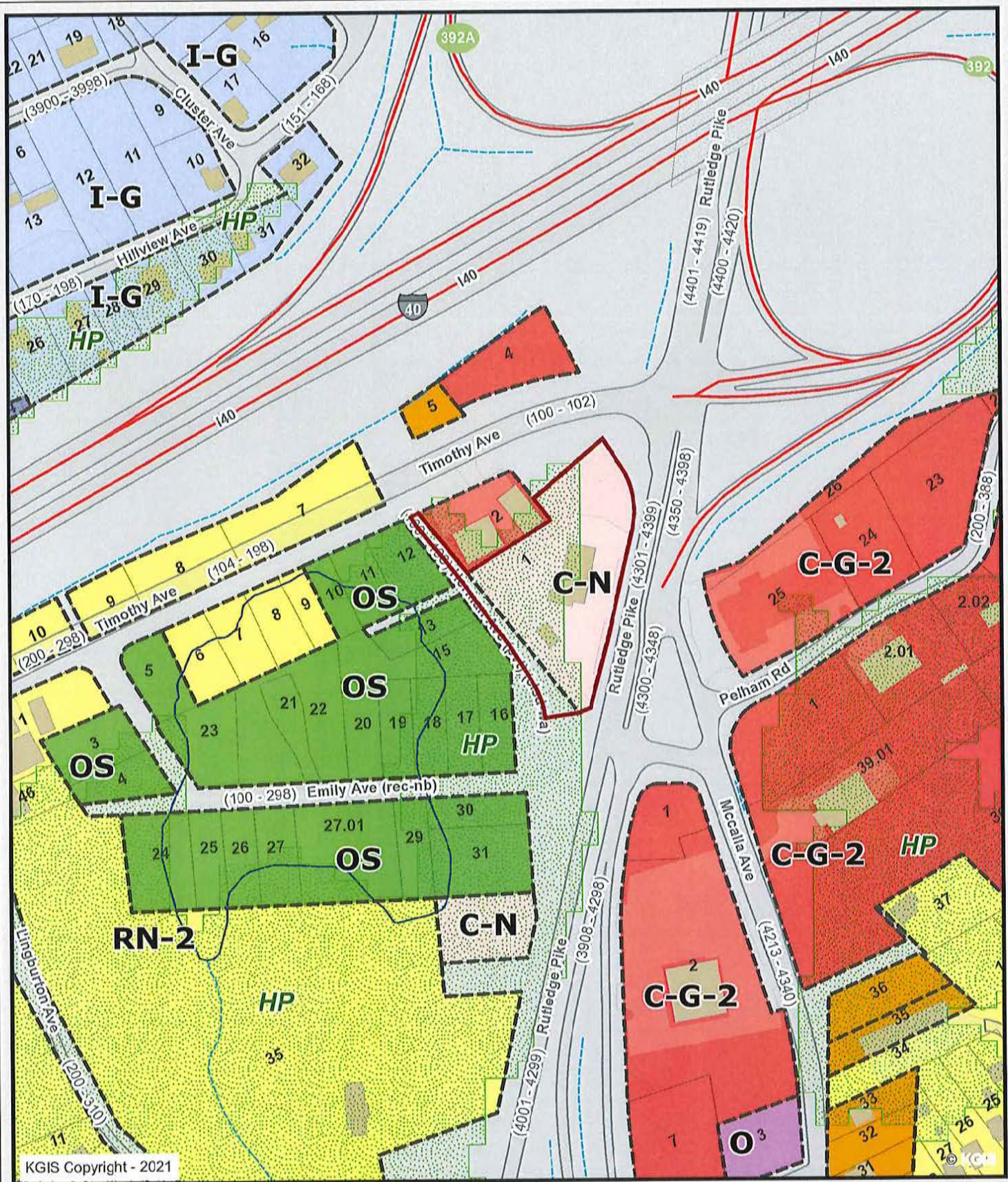
Marc Payne

4/26/2021 swm

Staff Signature

Please Print

Date



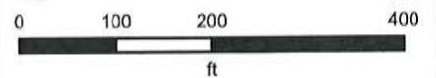
Letter Portrait

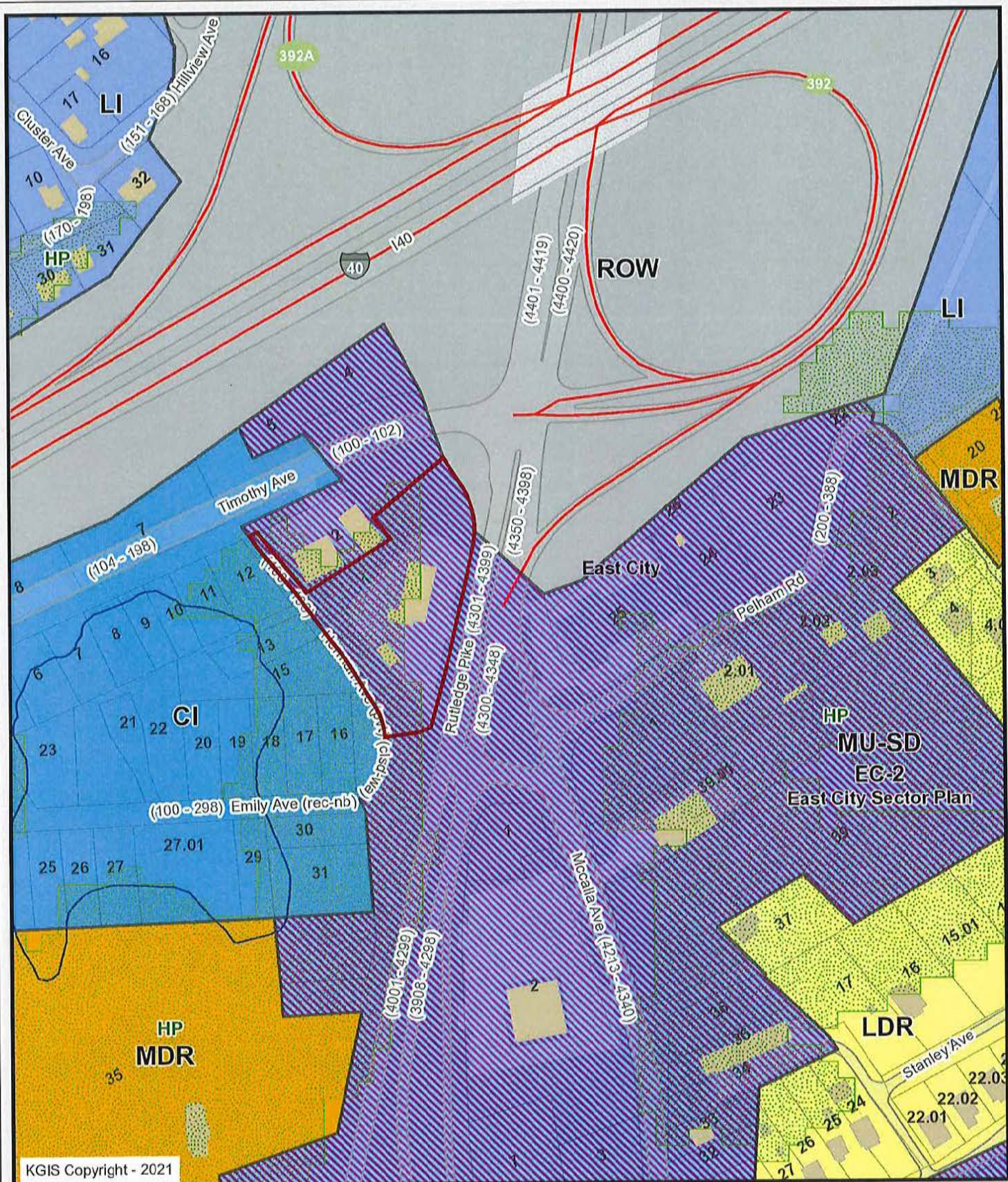
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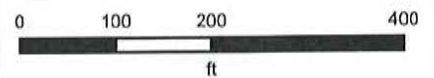
Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

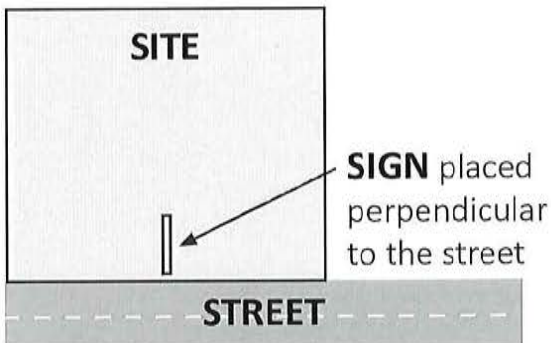
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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

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

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

May 26th and June 11th
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Wes Carnethers c/o John Tatterson

Date: 4/26/21

File Number: 6-D-21-RZ

☒ Sign posted by Staff
☐ Sign posted by Applicant