



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 6-G-21-RZ **AGENDA ITEM #:** 19
6-C-21-SP **AGENDA DATE:** 6/10/2021

▶ **APPLICANT:** PAVEL AND EMILIA GUSHTYUK
OWNER(S): Pavel and Emilia Gushtyuk

TAX ID NUMBER: 42 029 [View map on KGIS](#)

JURISDICTION: Commission District 8

STREET ADDRESS: 8819 Rutledge Pk.

▶ **LOCATION:** Southwest side of Roberts Road, northwest side of Rutledge Pike

▶ **TRACT INFORMATION:** 1.34 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 250 ft of right-of-way; and Roberts Rd., a minor arterial with a 22-ft pavement width within a 70-ft of right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District
Sewer Source: septic (KUB lines are available)

WATERSHED: Roseberry Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** Vacant land; the single family dwelling on the site was removed.

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** No

HISTORY OF ZONING REQUESTS: None noted for this property

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Rural residential - NC (Neighborhood Commercial - A (Agricultural))
South: Single family residential - LDR (Low Density Residential) - A (Agricultural)
East: Commercial - NC (Neighborhood Commercial) - CN (Neighborhood Commercial)
West: Single family residential - LDR (Low Density Residential) - A (Agricultural)

NEIGHBORHOOD CONTEXT: This area has developed with large-lot single family residential uses and a few commercial uses scattered along Rutledge Pike near its intersection with

STAFF RECOMMENDATION:

- ▶ **Deny the GC (General Commercial) designation since it does not meet the criteria for the GC land use classification and does not meet the requirements for a sector plan amendment.**

- ▶ **Deny CA (General Business) zoning because it is not consistent with the Northeast County Sector Plan designation and could cause adverse impacts for neighboring residential properties.**

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 have been no changes to conditions to warrant amending the land use plan to the GC land use.

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

1. The Land Use Classification Table, adopted as part of the sector plan, describes the GC land use as, "including previously developed strip commercial corridors providing a wide range of retail- and service-oriented uses. Such land use classification and related zoning should not be extended because of the adverse effects on traffic-carrying capacity, safety, and environmental impacts. Redevelopment of commercial corridors, including mixed use development, should be accommodated under planned or design-oriented zones."
2. TDOT is adding a right turn lane on Roberts Road at its intersection with Rutledge Pike. The turn lane would encompass 200 feet of storage length and 100 ft of taper length. The depth of this property is approximately 141 feet, so an entry onto Roberts Road, which ordinarily would be preferable to an entry on Rutledge Pike, would fall directly into the turn lane taper and is not likely to be approved by TDOT. So, while the new right turn lane planned by TDOT for this intersection is a change of conditions, it also precludes an entry/exit for the property due to the shallow depth of the property.
3. Since the GC land use class is for existing commercial strips and should not be created or extended, any additional roads or utilities would not warrant amending the land use plan to the GC land use.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan regarding this parcel.

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

1. There are no new trends in development, population, or traffic that warrant reconsideration of this area of the Northeast City Sector Plan.

ADDITIONAL CONSIDERATION:

1. The land use classes that allow the CA land use are listed below. None of them are consistent with the specific property or the area in general.
 - a. CC (Community Commercial) – Designed for big-box commercial uses that service a large population center.
 - b. RC (Regional Commercial) – Designed for retail and service uses in development that typically exceeds 400,000 square feet.
 - c. MU-CC (Mixed Use, Community Center) – Designed to be developed at a moderate intensity with a variety of housing types; the core of the district should be with ¼ mile of higher intensity residential uses (i.e., apartments or townhomes).

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- 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.
- 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.

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01, 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. As stated previously, TDOT is adding a right turn lane on Roberts Road at its intersection with Rutledge Pike. However, the traffic improvement would not warrant a sector plan amendment to the GC land use class since the GC land use is not to be extended per the Land Use Classification Table. The requested CA zone would require a plan amendment.

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

1. The CA (General Business) zone is intended for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.
2. Rezoning 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. There are several uses in the CA zone that would not be compatible with the adjacent single-family development, such as hotels, motor vehicle repair shops, school bus storage, self-service storage facilities, commercial mulching operations, composting facilities, and contractor's storage yards.
3. This property is at the intersection of two arterials and is adjacent to residential properties on the west and south, making it more appropriate for CN (Neighborhood Commercial) zoning at this commercial node. CN zoning is intended to service nearby residential areas and provide needed services within a smaller radius.

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. Rutledge Pike contains a mix of uses along its length. However, this property is located in a pocket of single-family homes between Three Points Road and Rutledge Pike. Rezoning this property to GC would likely cause more properties to seek CA zoning nearby, which could have adverse impacts on these residential properties due to the intensity supported by the CA zone.
2. This particular area serves as a Neighborhood Commercial node to serve the nearby residences.

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. CA zoning is not consistent with the current Northeast County Sector Plan's NC land use designation, nor would a sector plan amendment to GC (General Commercial) be appropriate at this location.
2. This property does not meet the description or location criteria prescribed for the General Commercial land use classification in the Land Use Classification Table (as listed above), adopted as part of the sector plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 7/26/2021. 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.