

REZONING REPORT

► **FILE #:** 3-C-22-RZ

AGENDA ITEM #: 14

AGENDA DATE: 3/10/2022

► **APPLICANT:** PAVEL GUSHTYUK & EMILIA GUSHTYUK

OWNER(S): Pavel Gushtyuk & Emilia Gushtyuk

TAX ID NUMBER: 42 029

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 8819 Rutledge Pk.

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

► **APPX. SIZE OF TRACT:** 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: Knoxville Utilities Board

WATERSHED: Roseberry Creek

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

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

► **EXISTING LAND USE:** Single-family-residential

►
EXTENSION OF ZONE: No

HISTORY OF ZONING: Rezoning from A to CA was denied in 2021 (Case 6-G-21-RZ)

SURROUNDING LAND USE AND ZONING: North: Rural residential - A (Agricultural)

South: Single family residential - A (Agricultural)

East: Commercial - CN (Neighborhood Commercial)

West: Single family residential - A (Agricultural)

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

STAFF RECOMMENDATION:

► **Approve CN (Neighborhood Commercial) zoning because the location of the property meets the intent of the CN zone, and is consistent with the Northeast County sector plan.**

COMMENTS:

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. TDOT is adding a right turn lane on Roberts Road at its intersection with Rutledge Pike.

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

1. The CN (Neighborhood Commercial) zone 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 the 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. This property is at the intersection of two arterials and is adjacent to residential properties to the west and south, which makes this an appropriate location for CN (Neighborhood Commercial) zoning.

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 in a pocket of single-family homes between Three Points Road and Rutledge Pike. This property meets the intent of the CN zone since it is adjacent to a residential area and is at the same intersection with other CN zoning.
2. It is not anticipated that CN zoning will result in any adverse effects because this area is a Neighborhood Commercial node intended to serve nearby residences.

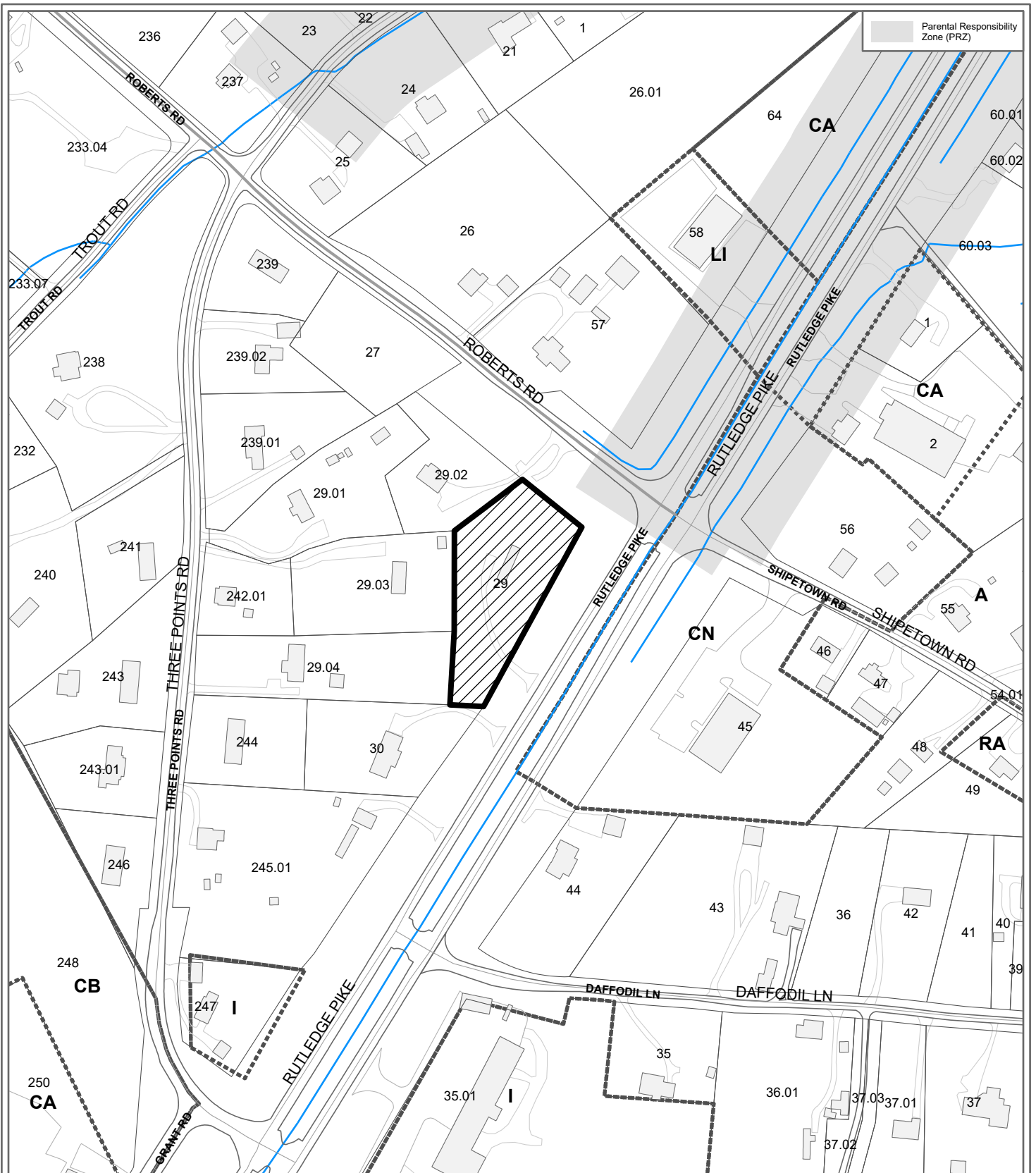
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed amendment to CN (Neighborhood Commercial) zoning is compatible with the Northeast County Sector Plan designation of NC (Neighborhood Commercial).
2. The proposed amendment is not in conflict 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 4/25/2022. 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.



3-C-22-RZ REZONING



From: A (Agricultural)

To: CN (Neighborhood Commercial)

Original Print Date: 2/3/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Gushtyuk & Emilia Gushtyuk,
Pavel

Map No: 42

Jurisdiction: County

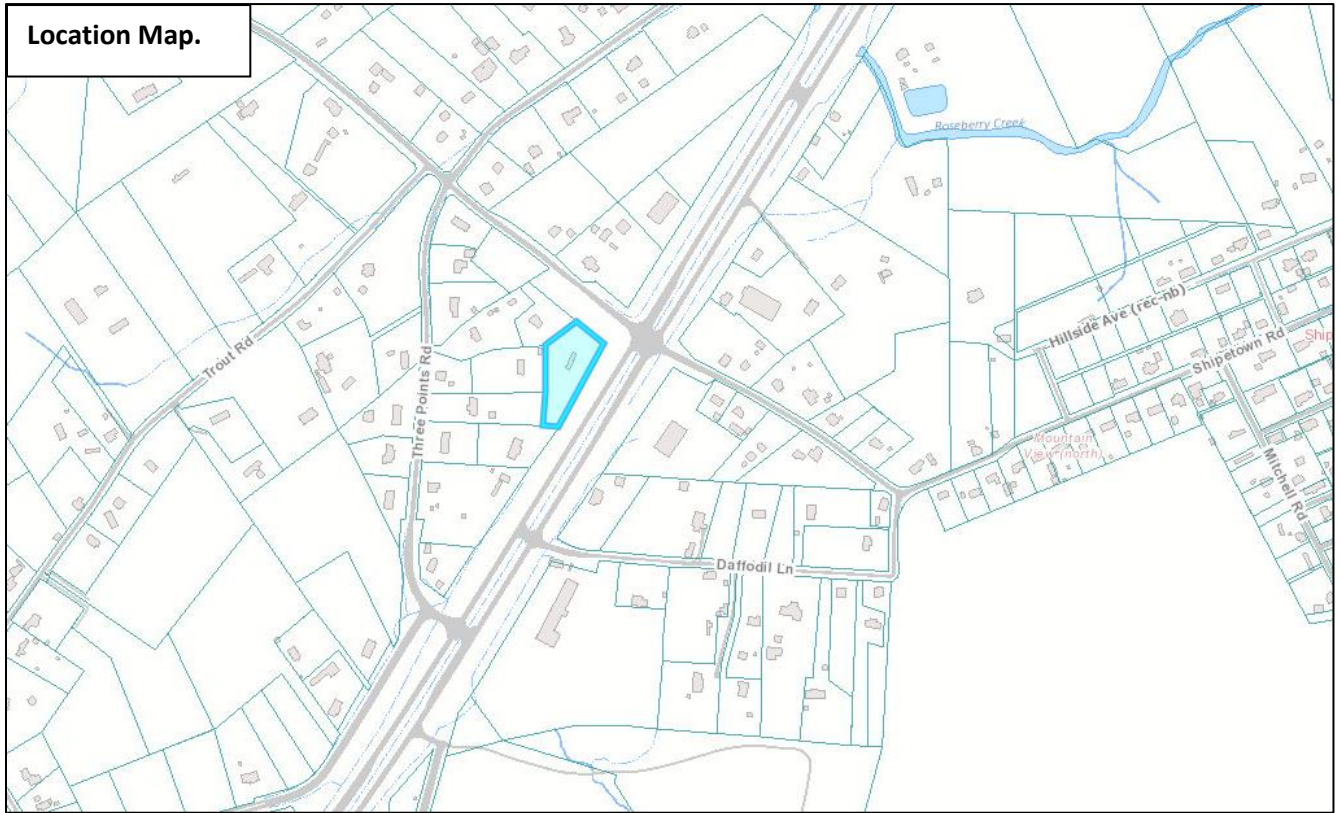
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Feet



3-C-22-RZ

EXHIBIT A. Contextual Images

Location Map.

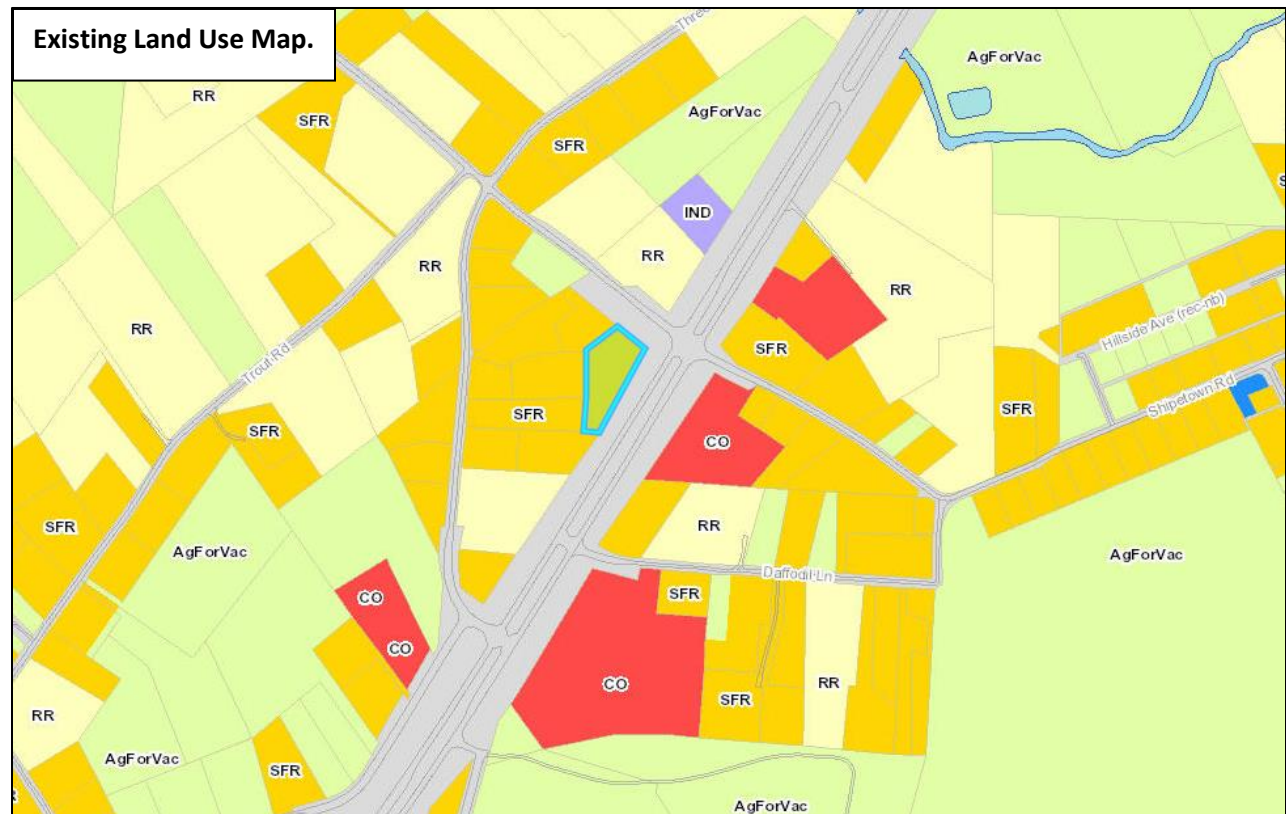
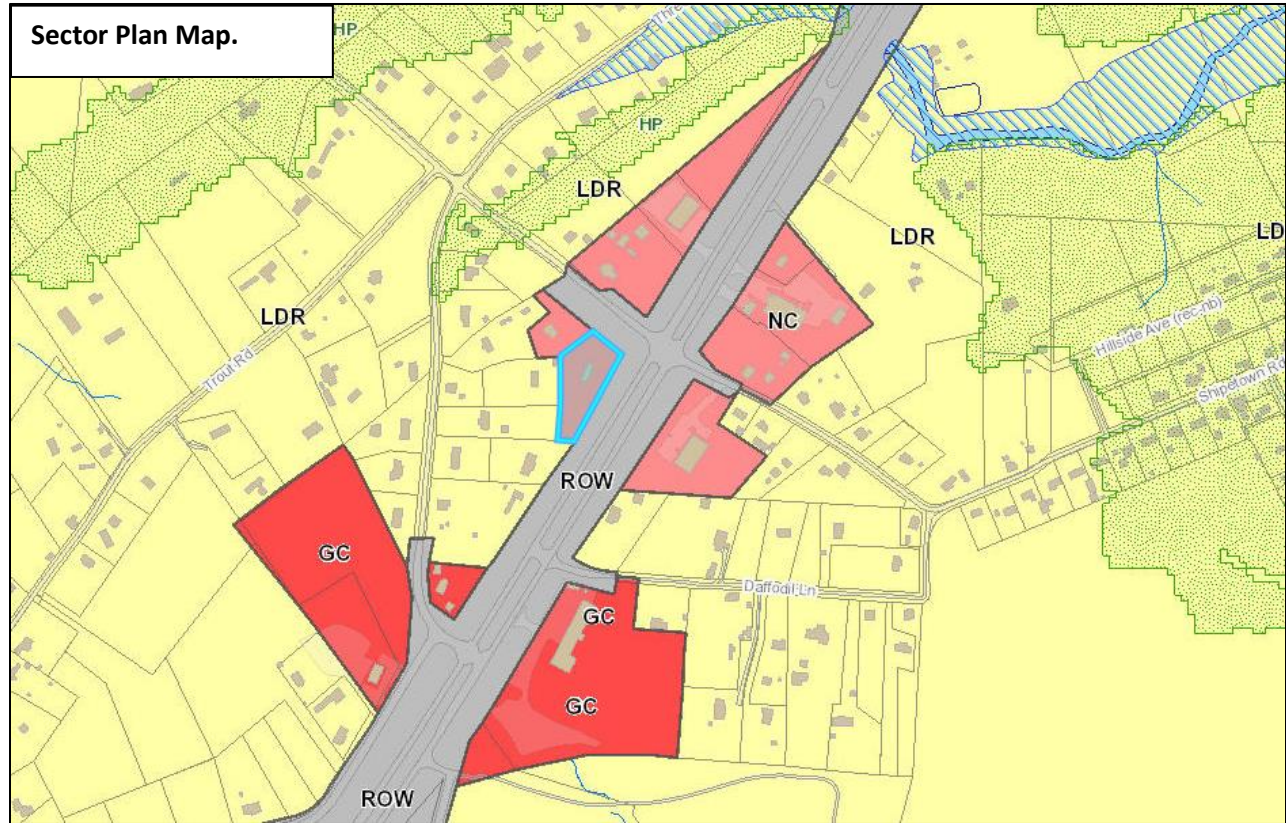


Aerial Map.



3-C-22-RZ

EXHIBIT A. Contextual Images



3-C-22-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

Pavel Gushtyuk & Emilia Gushtyuk

Owners

Applicant Name

Affiliation

01/24/2022

3/10/2022

File Number(s)

Date Filed

Meeting Date (if applicable)

3-C-22-RZ

CORRESPONDENCE

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

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

Pavel Gushtyuk & Emilia Gushtyuk

Name

Company

7820 Emory Road NE

Corryton

TN

37721

Address

City

State

ZIP

360-991-3449

skyline.homebuild@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Same

same

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

8819 Rutledge Pike

042 029

Property Address

Parcel ID

KUB

KUB

Y

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Southwest side of Roberts Road, northwest side of Rutledge Pike

1.34 acres

General Location

Tract Size

☐ City ☒ County

8th District

A (Agricultural)

Agriculture/forestry/vacant

District

Zoning District

Existing Land Use

Northeast County

NC (Neighborhood Commercial)

Planned Growth Area

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

- ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

- ☒ Zoning Change **Neighborhood Commercial**
Proposed Zoning

☐ Plan Amendment ChangeProposed Plan Designation(s)
CA

Proposed Density (units/acre)

Previous Rezoning Requests

- ☒ Other (specify) **CN zoning was proposed at the previous meetings, being consistent with sector plan**

Pending Plat File Number

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

0327

\$1,000.00

Fee 2

Fee 3

Total

\$1,000.00

AUTHORIZATION

Applicant Signature

Pavel Gushtyuk & Emilia Gushtyuk**01/24/2022**

Please Print

Date

360-991-3449**skyline.homebuild@gmail.com**

Phone Number

Email

Property Owner Signature

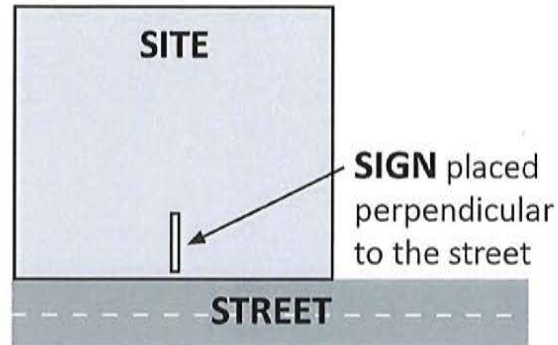
Pavel Gushtyuk & Emilia Gushtyuk**01/24/2022**

Please Print

Date

1/25/22 swm**LA 1/24/22**

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:

Feb 23, 2022 and March 11, 2022
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Pavel & Emilia Gushtyuk

Date: 1/25/2022

File Number: 3-C-22-RZ



Sign posted by Staff



Sign posted by Applicant