

# CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 11-R-24-RZ

Related File Number: 11-D-24-PA

Application Filed: 9/30/2024

Date of Revision:

Applicant: FIRAS MISHU

## PROPERTY INFORMATION

**General Location:** South side of Oak Ridge Hwy, east of Byington Solway Rd

**Other Parcel Info.:**

**Tax ID Number:** 90 06306 (PART OF) OTHER: 090 050

**Jurisdiction:** County

**Size of Tract:** 6.65 acres

**Accessibility:** Access is via Oak Ridge Highway, a TDOT-owned major arterial street with 24 ft of pavement width within a 120-215 ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land

**Surrounding Land Use:**

**Proposed Use:**

**Density:**

**Planning Sector:** Northwest County **Plan Designation:** SR (Suburban Residential), SP (Stream Protection), HP (Hill)

**Growth Policy Plan:** Planned Growth Area

**Neighborhood Context:** This intersection of Oak Ridge Highway and Byington Solway Road has been established as a small commercial node. This surrounding area features single family and multi-family subdivisions among large agricultural and single family tracts.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 0 OAK RIDGE HWY

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** OS (Open Space), F (Floodway)

**Former Zoning:** A (Agricultural)

**Requested Zoning:** CA (General Business), F (Floodway)

**Previous Requests:**

**Extension of Zone:** Yes, abuts CA (General Business) to the west.

**History of Zoning:** The property was rezoned from A (Agricultural) to OS (Open Space) in 1998 (11-G-98-RZ).

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category: CMU (Corridor Mixed-use)

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Whitney Warner

Staff Recomm. (Abbr.): Approve the CA (General Business) zone because of the change in conditions in the area. The F (Floodway) zone would be retained.

Staff Recomm. (Full):

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 COUNTY GENERALLY:

1. Some properties along Oak Ridge Highway have been rezoned to various commercial zones since 1984. This subject property expanded the CA zone in 2016 (5-D-16-RZ).

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

- 1. The CA zone is for general retail business and services. The expansion of the CA zone is consistent with the existing commercial uses in the area.
- 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.

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. The F (Floodway) zone makes up a small portion of the rezoning request. No structures can be built in the F zone. Additionally, the 100-yr floodplain covers a large area of the property and per Knox County requirements only half of the outer portion floodplain can be developed.
- 2. The Knox County Flood Damage Prevention Ordinance regulates development in and around Knox County. Compliance with the policies in this ordinance is required for floodplain development. A floodplain development permit must be obtained if the proposed development/building is within the outer half of the 1% / 100-yr floodplain (No Fill line). The inner half of the no fill line could allow the parking of operable vehicles See exhibit B.

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

- 1. The proposed CA rezoning is partially related to the CMU (Corridor Mixed-use) place type. Because the CA zone is only partially related, it must meet additional criteria. One criterion is for the proposed zoning district to be compatible with the current zoning of adjacent sites. The CA zone is compatible with the CA zone to the west. The OS zone to the east is undeveloped. The A zone to the south will require 15 ft landscape screen along the property per Article 4.10.11. of the zoning ordinance.
- 2. The landscape buffering to adjacent sites is consistent with Implementation Policy 2.1 to create buffers.
- 3. The property is within the Planned Growth Boundary. The purposes of the Planned Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services. The proposed development meets the relevant standards of the Growth Policy Plan.

Action: Approved

Meeting Date: 11/14/2024

**Details of Action:**

**Summary of Action:** Approve the CA (General Business) zone because of the change in conditions in the area. The F (Floodway) zone would be retained.

**Date of Approval:** 11/14/2024

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 12/9/2024

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**