

CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

COUNTY COMPREHENSIVE PLAN AMENDMENT



File Number: 8-C-24-PA **Related File Number:**
Application Filed: 5/24/2024 **Date of Revision:**
Applicant: JOHN GARGIS

PROPERTY INFORMATION

General Location: South side of Powell Dr, north of Clinton Hwy
Other Parcel Info.:
Tax ID Number: 67 09601 **Jurisdiction:** County
Size of Tract: 3.03 acres
Accessibility: Current access is via Larkspur Ln, a local street with 13 ft of pavement width within 94 ft of right-of-way. County Commission placed a condition on the CA rezoning in May 2024 that access only be via Powell Dr, a major arterial street with 60 ft of pavement width within a right-of-way of 88 ft.

GENERAL LAND USE INFORMATION

Existing Land Use: Rural Residential
Surrounding Land Use:
Proposed Use: **Density:**
Planning Sector: North County **Plan Designation:** SMR (Suburban Mixed Residential), SP (Stream Protection)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This property has frontage on Powell Dr just off of Clinton Hwy, a major commercial corridor. Beaver Creek is to the north of Powell Dr, which remains mostly undeveloped because of the floodway. The southside of Powell Dr is a mix of uses, including a mobile home park to the east, single family subdivisions and office, industrial and commercial uses.

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

Street: 7218 LARKSPUR LN
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone: No, this is not an extension. The tip of the flag stem touches CMU, but it does not abut a parcel line and the SMR place type is located between this parcel and the CMU.
History of Zoning: This was rezoned to CA (General Business), subject to two conditions: 1) Access only via Powell Rd; 2) Type A Landscape screen on rear of parcel (4-K-24-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: SMR (Suburban Mixed Residential), SP (Stream Protection)

Requested Plan Category: CMU (Corridor Mixed-use), SP (Stream Protection)

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.): Deny the CMU (Corridor Mixed-use) place type because it is not compatible with surrounding development and does not meet the criteria for a plan amendment. The SP (Stream Protection) area will be retained.

Staff Recomm. (Full):

Comments: PURSUANT TO THE COMPREHENSIVE PLAN, CHAPTER 3 IMPLEMENTATION, A PLAN AMENDMENT MAY BE APPROPRIATE IF THERE IS AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN, OR IF TWO OR MORE OF THE OTHER CRITERIA APPLY.

OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. As noted in the Comprehensive Plan, the existing conditions of the areas include the Beaver Creek Water Trail, which roughly parallels Powell Dr, a state scenic highway. There is ADA boat dock with kayak put-in behind Powell High School just one mile north. The 44-mile trail runs from Halls to Melton Hill in Hardin Valley and is a popular spot for paddling. Near term (2024-2028) capital projects include the Beaver Creek West Greenway, which would connect to the existing greenway at Powell Station Park and Powell High School alongside Beaver Creek to Powell Community Center.
2. There is no error or omission in the plan. CMU was intentionally placed on Clinton Hwy as it is an existing commercial corridor. CMU primary uses are commercial and office. The SMR place type was chosen for this section of Powell Dr to acknowledge the existing development pattern and encourage more residential uses with connections to adjacent neighborhoods, walkable proximity to parks, and bikeable proximity to neighborhood commercial areas. The primary uses listed for SMR are single family and attached residential. SMR does allow commercial uses as secondary, but the intent is for small-scale commercial uses that could be supported by CN or OB zoning since those are the zones that can be considered in the SMU place type. SMR is appropriate given it is adjacent to the existing small scale residential development along this scenic designated highway and recreational area.

OR, IF THERE ARE NO ERRORS OR OMISSIONS, TWO OF THE FOLLOWING CRITERIA MUST BE MET:

CHANGES OF CONDITIONS (SUCH AS SURROUNDING LAND USES, ZONING, UNCONTROLLED NATURAL FORCES/DISASTERS, ETC):

1. This property was denied the CA rezoning request (4-K-24-RZ) at Planning Commission in April 2024 because it would allow more intense commercial encroachment into a residential area. Subsequently, the application was appealed to County Commission in May and the property was rezoned to CA subject to two conditions, 1) access could only be provided via Powell Dr and 2) Type A landscape screen along the rear.
2. While there have been some changes in the area (Food City rezoning and development fronting Clinton Highway and the construction of Powell Drive), Planning does not believe these changes warrant consideration of a plan amendment to the CMU place type.

INTRODUCTION OF SIGNIFICANT NEW UTILITIES OR LOCAL/STATE/FEDERAL ROAD PROJECTS THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. The subject property has frontage on Powell Dr, a major arterial, but currently only has access on Larkspur Ln, a local road off Clinton Hwy. TDOT has reported sight distance issues on the west-bound approach to the area. If TDOT was to grant access to Powell Dr from this location, the access would have to be right in-right out with a concrete island and have a channelized median with delineators to

prevent left turns. Access to a parcel cannot legally be denied, so if TDOT cannot grant access to safety concerns with sight distance, the applicant may need to seek access from Larkspur Lane. This would require another rezoning to remove the condition for access on Powell Drive.

NEW DATA REGARDING TRENDS OR PROJECTIONS, POPULATION, HOUSING CONDITIONS, OR TRAFFIC GROWTH THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN:

1. There is no new data or trends that warrant a change to the newly adopted plan.

THE PROPOSED CHANGES SUPPORT THE POLICIES AND ACTIONS, GOALS, OBJECTIVES, AND CRITERIA OF THE PLAN:

1. The extension of the CMU place type onto Powell Dr is not consistent with Implementation 7.4 and 20.2, which encourages higher development standards along scenic corridors and encourages neighborhood scale development near parks and greenways. CMU's primary use is commercial and extending commercial uses may encourage unwanted more intensive development along a scenic highway and community conservation area.

2. The CA zoning with the conditions to provide access off of Powell Dr and landscaping screening along the rear of the property is somewhat consistent with the SMR place type. The intent of SMR is to provide a mix of housing types with opportunities for limited, service-based commercial businesses. It is, however, to be located on or near collector roads. The uses permitted as uses on reviews in the CA zone are higher intensity developments, which are inconsistent with Implementation Policy 2, ensure that development is sensitive to existing community character.

Action: Withdrawn **Meeting Date:** 8/8/2024

Details of Action: Withdrawn

Summary of Action: Withdrawn

Date of Approval: **Date of Denial:** **Postponements:**

Date of Withdrawal: 8/8/2024 **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 9/16/2024

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: