

# CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

## COUNTY COMPREHENSIVE PLAN AMENDMENT



File Number: 8-D-24-PA                      Related File Number: 8-D-24-RZ  
Application Filed: 5/30/2024              Date of Revision:  
Applicant: JOHAN VAN TILBURG

### PROPERTY INFORMATION

General Location: South of Freeway Heights Dr, east of Gordon Smith Rd  
Other Parcel Info.:  
Tax ID Number: 28 045                      Jurisdiction: County  
Size of Tract: 3.89 acres  
Accessibility: Access is via a shared permanent access easement (SPA) to Freeway Heights Drive, a local street with a 15-ft pavement width within a 20-ft right-of-way.

### 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), HP (Hillside Ridgetop P  
Growth Policy Plan: Planned Growth Area  
Neighborhood Context: This lot is in a transitional area between single-family residences to the east and south and more heavy commercial/industrial uses to the west and northwest.

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

Street: 7735 Freeway Heights Dr.  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason:

### ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)  
Former Zoning:  
Requested Zoning: CB (Business and Manufacturing)  
Previous Requests:  
Extension of Zone: No, this is not an extension of the plan designation or zoning district.  
History of Zoning: None noted.

### PLAN INFORMATION (where applicable)

Current Plan Category: SMR (Suburban Mixed Residential), HP (Hillside Protection)  
Requested Plan Category: CC (Corridor Commercial), HP (Hillside 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:

Jessie Hillman

Staff Recomm. (Abbr.):

Deny the CC (Corridor Commercial) place type because it does not meet the intent of the CC place type or the criteria for a plan amendment. The HP (Hillside 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. The place type is not the result of an error or omission in the Comprehensive Plan. The subject property's current SMR (Suburban Mixed Residential) place type is consistent with the existing residential land use of the site, and it is part of a cohesive cluster of SMR-designated properties.
2. The requested CC (Corridor Commercial) place type does not currently exist in this area, and the subject property's location does not align with the intent of the place type. Specifically, the Comprehensive Plan described the CC designation as being situated along major transportation corridors and appropriate for uses such as shopping centers. This property's legal access is via a narrow, unstriped easement leading to a 15-ft wide, unstriped local street that primarily services single-family residences.

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. The only significant change of conditions to this area is the development of an approximately 1-acre surface parking lot in 2022, adjacent to the subject parcel at 7747 Freeway Heights Drive. That parcel is also in the SMR place type and is zoned A (Agricultural). It was denied a rezoning to CB (Business and Manufacturing) in 1999 because of its close proximity to residences. It appears the parking lot did not go through the proper permitting channels because it should have required a Use on Review, per Article 3.51.10: 'Parking in a more restrictive zone.' This change of conditions does not warrant further encroachment of more intensive development into a residential area.

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

1. Freeway Heights Drive is an exceedingly narrow residential street that runs parallel to Norris Freeway and provides access to that minor arterial street. The subject property's easement access to Freeway Heights Drive is approximately 12 ft wide. These roadway conditions are not suitable for the kind of commercial uses intended by the CC place type.
2. While specific development proposals are not within the scope of a rezoning review, the applicant has shared an intention to connect the subject property to the existing commercial property to the southwest and/or the parking lot to the northwest. Creating access to either adjacent lot would require grading into previously undisturbed hillside with slopes generally exceeding 40%. If such access was created, it could theoretically redirect traffic to Gordon Smith Road, a minor collector street. However, these are not the current conditions of the site. If new access was constructed, it would require clearing parts of a mature vegetative buffer between districts and encroaching intensive commercial uses into a residential area.

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

1. There are no identified trends or projections that point to the need for an expansion of commercial activity into this residential area.

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

1. The proposed place type amendment would conflict with the intent of the CC place type and is not aligned with the goals or action steps of the Comprehensive Plan.

**Action:** Approved

**Meeting Date:** 8/8/2024

**Details of Action:** approve the CC (Corridor Commercial) place type because of 1) changes of conditions (such as surrounding land uses, zoning, uncontrolled natural forces/distasters, etc) and 2) the proposed changes support the policies and actions, goals, objectives, and criteria of the Plan. The HP (Hillside Protection) area will be retained.

**Summary of Action:** approve the CC (Corridor Commercial) place type because of 1) changes of conditions (such as surrounding land uses, zoning, uncontrolled natural forces/distasters, etc) and 2) the proposed changes support the policies and actions, goals, objectives, and criteria of the Plan. The HP (Hillside Protection) area will be retained.

**Date of Approval:** 8/8/2024

**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:** 9/16/2024

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

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Approved

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**