

# CASE SUMMARY

APPLICATION TYPE: REZONING



**File Number:** 8-D-24-RZ                      **Related File Number:** 8-D-24-PA  
**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:**

## 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:**

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

**Street:** 7735 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:**  
**History of Zoning:**

## PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

**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 CB (Business and Manufacturing) zone because the location is inconsistent with the intent of the CB district.

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 CITY/COUNTY GENERALLY:

1. There are no changing conditions surrounding the subject property that warrant a rezoning from the A (Agricultural) district to the CB (Business and Manufacturing) district. The unpermitted surface parking lot that was constructed two years ago next to the subject property cleared over an acre of mature canopy that provided a vegetative buffer between heavy commercial activity and single-family residences. The proposed rezoning would further erode that protective boundary and is not appropriate at this location.

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

- 1. The CB zone is intended for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. The CB zone is explicitly described as being incompatible with residential or other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB zone are intensive users of roads, sewers and other public facilities.
- 2. The subject property abuts 5 occupied residences and is next to a condominium with 24 townhouse units. The surrounding residential context paired with the substandard road access conflicts with the intent of the CB district as described in the zoning ordinance.

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 requested CB zoning could have numerous negative impacts on the surrounding residential properties. Heavy trucking traffic and the potentially noxious impacts of manufacturing uses could negatively impact the quality of life of existing residents and residential property values.

THE 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 rezoning is not permitted under the current SMR (Suburban Mixed Residential) place type for this property in the Knox County Comprehensive Plan.
- 2. The CB zone at this location conflicts with the Comprehensive Plan's Implementation Policy 2 to ensure that development is sensitive to existing community character and policy 9 to coordinate infrastructure improvements with development. This rezoning would be misaligned with the residential character surrounding it to the north, south and east, and road infrastructure expansion is needed to accommodate the kinds of intensive uses permitted in the CB zone.

Action:

Approved with Conditions

Meeting Date: 8/8/2024

Details of Action:

Approve the CB (Business and Manufacturing) zone because it is consistent with the CC (Corridor Commercial) place type, subject to the condition that there is no access to the property via Freeway

Heights Drive.

**Summary of Action:**

Approve the CB (Business and Manufacturing) zone because it is consistent with the CC (Corridor Commercial) place type, subject to the condition that there is no access to the property via Freeway Heights Drive.

**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:**