

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:

Naomi Hansen

Staff Recomm. (Abbr.):

Deny the CA (General Commercial) zone because of site constraints and because the existing PC (Planned Commercial) zone allows for site plan review by the Planning Commission.

Staff Recomm. (Full):

The F (Floodway) zone should be retained if this request were to be approved.

Comments:

A previous request to rezone this property to the CA (General Commercial) zone resulted in the property being rezoned to the PC (Planned Commercial) zone (8-Q-06-RZ). That staff report cited the opportunity for Planning Commission staff and public review of the plans as a reason for the recommendation to approve the PC zone instead of the CA zone. There have been no changes to this area that warrant a change in Planning's recommendation.

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. A few parcels in the immediate vicinity have transitioned from the A zone to the CA zone, beginning in the mid-1990s. However, those parcels did not have the same site constraints as the subject property.

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

1. The requested CA zone is intended to provide for general retail business and services but not for manufacturing or for processing materials other than farm products. It is consistent with the existing zoning along the Governor John Sevier Highway. However, the existing PC zone generally allows the same uses as the CA zone, but requires additional site plan review by Planning and approval by the Planning Commission.
2. Given the site constraints on the property, the PC zone is appropriate to allow that additional level of review and approval of site plans. The southern portion of the property is in a FEMA floodway and floodplain, there are closed, hatched contour lines indicating the potential presence of sinkholes, and there are steep slopes above 25% in the southern portion of the site. All of these issues support the need for additional consideration of site plans.

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. Rezoning this property to CA is not warranted and could have adverse effects on the surrounding properties.
2. As stated, the southern portion of the property is in a floodway and floodplains. The existing PC zone requires development plan review and approval by the Planning Commission, which will allow for consideration of the impacts of the development on the floodway for Swanpond Creek.
3. The current zoning does not present any apparent conflicts with any adopted plans and should be maintained.

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. This property is designated GC in the East County Sector Plan, which allows consideration of the CA zone in the County's Planned Growth Area.

2. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 4.3 of the General Plan, the intent of which is to use guidelines to foster good architectural design, landscaping, and aesthetically-pleasing streetscapes, since the PC zone has landscaping standards and requires additional review and approval by the Planning Commission.
3. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 4.13 of the General Plan, the intent of which is to enhance highway corridors by landscaping, creating attractive architecture, providing pedestrian-friendly atmosphere and eliminating visual clutter, since the PC zone has a peripheral boundary, landscaping standards, and requires additional review and approval by the Planning Commission.
4. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 6.2 of the General Plan, the intent of which is to compliment natural land forms when grading, and minimize grading on steep slopes and within floodways, since the property is in the floodway and the PC zone requires additional review and approval by the Planning Commission.
5. The existing PC zone is more consistent than the requested CA zone regarding Development Policy 7.5, Protect the natural drainage systems associated with floodways and floodplains, since the site is in a floodway and flood plan and the PC zone requires additional review and approval by the Planning Commission.
7. Knox County regulations allow the outer half of the distance between the outer edge of the FEMA floodway and 100-year floodplain to be filled. This is consistent with the General Plan's Development Policy 7.6, the intent of which is to limit uses to 50 percent of the flood fringe area.
8. The Governor John Sevier Scenic Highway Corridor Study was adopted in 2019. The study recommends a 50-ft tree buffer along John Sevier Hwy to preserve the scenic character of the corridor and protect it from development. Should the Planning Commission wish to approve this rezoning request, Planning recommends adding a condition to provide a 50-ft landscape buffer consistent with the commercial considerations within the Governor John Sevier Scenic Highway Corridor Study.

Action: Approved with Conditions **Meeting Date:** 1/11/2024

Details of Action: Approve CA (General Business) with the condition that the applicant provide a 50-ft landscape buffer consistent with the commercial considerations of the Governor John Sevier Scenic Highway Corridor Study.

Summary of Action: Approve CA (General Business) with the condition that the applicant provide a 50-ft landscape buffer consistent with the commercial considerations of the Governor John Sevier Scenic Highway Corridor Study.

Date of Approval: 1/11/2024 **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: 2/26/2024 **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: Approved with Conditions **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**