

# CASE SUMMARY

**APPLICATION TYPE: REZONING**



**File Number:** 4-K-24-RZ

**Related File Number:**

**Application Filed:** 2/22/2024

**Date of Revision:**

**Applicant:** JOHN W. GARGIS

## PROPERTY INFORMATION

**General Location:** Southeast side of Powell Drive, northwest of Clinton Hwy

**Other Parcel Info.:**

**Tax ID Number:** 67 096 01

**Jurisdiction:** County

**Size of Tract:** 3.03 acres

**Accessibility:** Access is via Larkspur Ln, a local street with 13 ft of pavement width within 94 ft of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Rural Residential

**Surrounding Land Use:**

**Proposed Use:**

**Density:**

**Planning Sector:** North County

**Plan Designation:** MU-SD (Mixed Use Special District), 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:** CA (General Business)

**Previous Requests:**

**Extension of Zone:** No, this is not an extension of the zone.

**History of Zoning:** None noted.

## PLAN INFORMATION (where applicable)

**Current Plan Category:** MU-SD (Mixed Use Special District), SP (Stream Protection)

**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:**

Whitney Warner

**Staff Recomm. (Abbr.):**

Deny the CA (General Business) zone because it is not compatible with surrounding development and would encroach into a residential area.

**Staff Recomm. (Full):**

**Comments:**

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, ARTICLE 6.1.3: 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. Powell Dr, a 5 lane road with a turn lane and sidewalks, was constructed in 2016. The street was constructed to relieve traffic from W Emory Rd through downtown Powell near Brickyard Rd. Clinton Hwy, on the west end of Powell Dr, is an auto-oriented commercial corridor and the Emory-Interstate 75 interchange is to the east.

2. In 2012, the CA zone was approved down the street for a Food City grocery store. Food City has access to both Clinton Hwy and Powell Dr. The CA zone was recommended for approval because it was an extension of the zone and is compatible with the scale and intensity of the development at the Clinton Hwy intersection with Powell Dr. However, that parcel had frontage on Clinton Highway. Other rezonings along Powell Dr have been to lower intensity uses including residential and office. The PC zone was approved at the other end of Powell Dr because it was on a larger property in a mostly undeveloped area and would require plan approval from the Planning Commission.

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 but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed. This location is not appropriate for general commercial retail uses with single family residential adjacent to the south and the trailer park to the east. A medium to low-intensity zoning district would be preferred at this location.

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. Some of the uses allowed in the CA zone would not be compatible next to the abutting residential uses to the south and east.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

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 stated that the Traffic Office has previously reviewed this location for other developments but has not approved any requests for an entrance at this location to date due to the sight distance 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.

2. Powell Dr is a Tennessee Scenic Highway that follows Beaver Creek. Building heights along the roadway must be under 35 feet, and size of signs on buildings are limited. Planned Commercial would be more appropriate along the scenic highway because of the requirement for development plan approval, but the size and shape make the PC zone difficult on this lot since it has a 50 ft peripheral boundary requirement.

3. Planning does believe it would be appropriate to extend the CA zone at this location because of the encroachment it would cause into this immediate area, which has single family residential properties to

the south and a mobile home park to the east on Larkspur Ln.

4. The sector plan shows Stream Protection on this property. The FEMA map is from 2007 flood study and is the effective map as shown on KGIS. The FEMA map was not updated with the Powell Drive alignment.

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. The proposed CA zone can be considered in the North County Sector Plan's MU-SD NCO-1 Clinton Highway/Powell Drive Mixed Use District land use classification. However, the CA zone does not meet the intent of the land use class, which recognizes that commercial and light industrial uses are not compatible. Rather than creating another commercial corridor, a new district is proposed whereby a mix of uses can be fostered.

2. The CA zone is not consistent with the General Plan's Policy 8.4, which calls to protect residential areas from encroaching commercial development and other incompatible uses. The CA zone could allow commercial development that is not aligned with the General Plan's Policy 11.5 which calls to avoid abrupt incompatible changes in scale from one development to another.

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.

**Action:** Denied

**Meeting Date:** 4/11/2024

**Details of Action:**

**Summary of Action:** Deny the CA (General Business) zone because it is not compatible with surrounding development and would encroach into a residential area.

**Date of Approval:**

**Date of Denial:** 4/11/2024

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:** ☐ **Action Appealed?:** 4/11/2024

## LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:** Knox County Commission

**Date of Legislative Action:** 5/20/2024

**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:**

Approved CA (General Business), subject to two conditions:  
1) Access only via Powell Rd; 2) Type A Landscape screen on rear of parcel

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**