



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 11-R-24-RZ
11-D-24-PA

AGENDA ITEM #: 51
AGENDA DATE: 11/14/2024

▶ **APPLICANT:** FIRAS MISHU (OWNER)
OWNER(S): Firas Mishu M & W Drilling

TAX ID NUMBER: 90 050, 06306 (PART OF) [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 0 OAK RIDGE HWY (8321 OAK RIDGE HWY)

▶ **LOCATION:** South side of Oak Ridge Hwy, east of Byington Solway Rd

▶ **TRACT INFORMATION:** 9.19 acres.

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Oak Ridge Highway, a major arterial street with 24 ft of pavement width within a 120-215 ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

FIRE DISTRICT: Karns Fire Department

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** SR (Suburban Residential), HP (Hillside Protection), SP (Stream Protection) / CA (General Business), OS (Open Space), F (Floodway)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** CMU (Corridor Mixed-use), HP (Hillside Protection), SP (Stream Protection) for parcel 090 050 and a portion of 090 06306 / CA (General Business) (for a portion of 090 06306 only)

▶ **EXISTING LAND USE:** Commercial, Agriculture/Forestry/Vacant Land

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** No, this is not an extension

HISTORY OF ZONING REQUESTS: Rezoned from A (Agricultural) and CA (General Business) to CA (General Business) in 2016 (5-D-16-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, North: Rural residential, single family residential - RL (Rural Living), HP (Hillside Protection) - RA (Low Density Residential), PR (Planned Residential) up to 2.5 du/ac

ZONING South: Rural residential, private recreation - SR (Suburban Residential), HP (Hillside Protection), SP (Stream Protection) - A (Agricultural), F (Floodway)

East: Agriculture/forestry/vacant land, private recreation - SR (Suburban Residential), SP (Stream Protection) - OS (Open Space), F (Floodway)

West: Single family residential, rural residential, agriculture/forestry/vacant land - SR (Suburban Residential), HP (Hillside Protection) - A (Agricultural)

NEIGHBORHOOD CONTEXT: The surrounding area features single family and multifamily subdivisions among large, undeveloped and single family tracts.

STAFF RECOMMENDATION:

- ▶ **Approve the plan amendment to the CMU (Corridor Mixed-use) place type because it meets the criteria for a plan amendment. The HP (Hillside Protection) and SP (Stream Protection) would be retained.**

- ▶ **Approve the CA (General Business) zone because of the change in conditions in the area. The F (Floodway) zone would be retained.**

COMMENTS:

The plan amendment request is for approximately 9.211 acres, including the entire parcel 090 050, which is 2.63 acres, and 6.5 acres of parcel 090 06306. The rezoning request is for 6.5 acres of parcel 090 06306.

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:

In 2016, the County approved an expansion of the CA zoning on parcel 090 050 and a sector plan amendment to C (Commercial) for an established commercial business. The sector plan amendment aligned the sector plan with the zoning and existing commercial use (5-D-16-RZ and 5-B-16-SP). Shortly following this amendment, the Northwest County Sector Plan was updated, which inadvertently reverted the sector plan back to LDR (Low Density Residential) for the entire parcel. The recent Comprehensive Plan update still reflects the error in the sector plan.

There is no error or omission in the plan for parcel 090 06306. The property was rezoned from A (Agricultural) to OS (Open Space) to allow soccer fields, which were never built (11-G-98-RZ). The property remains forested, and Beaver Creek runs along its southern edge.

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. Some commercial zoning is in the area along Oak Ridge Highway. Approximately 450 ft to the west, there is a landscaping business. This property was rezoned to CA in 1984, and another rezoning expanded the CA zone in 2000. The PC zone is approximately 0.3 to the miles east, and the CN zone is 0.4 miles to the west on Oak Ridge Highway; both properties were rezoned in 2006.

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

1. No known improvements have been made recently to Oak Ridge Highway close to this site. Public water and sewer utilities are on site.

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

1. No new data or trends 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 CMU place type at this location is consistent with Implementation Policy 4, which prefers commercial development to be in walkable mixed-use centers, along corridors, or at neighborhood nodes. Oak Ridge Highway is a major arterial and Karns Valley Drive at Oak Ridge Highway recognizes the CMU place type just 0.3 miles to the west.

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. Some properties along Oak Ridge Highway have been rezoned to various commercial zones since 1984. This subject property expanded the CA zone in 2016 (5-D-16-RZ).

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. The expansion of the CA zone is consistent with the existing commercial uses in the area.
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.

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. The F (Floodway) zone makes up a small portion of the rezoning request. No structures can be built in the F zone. Additionally, the 100-yr floodplain covers a large area of the property and per Knox County requirements only half of the outer portion floodplain can be developed.
2. The Knox County Flood Damage Prevention Ordinance regulates development in and around Knox County. Compliance with the policies in this ordinance is required for floodplain development. A floodplain development permit must be obtained if the proposed development/building is within the outer half of the 1% / 100-yr floodplain (No Fill line). The inner half of the no fill line could allow the parking of operable vehicles See exhibit B.

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 CA rezoning is partially related to the CMU (Corridor Mixed-use) place type. Because the CA zone is only partially related, it must meet additional criteria. One criterion is for the proposed zoning district to be compatible with the current zoning of adjacent sites. The CA zone is compatible with the CA zone to the west. The OS zone to the east is undeveloped. The A zone to the south will require 15 ft landscape screen along the property per Article 4.10.11. of the zoning ordinance.
2. The landscape buffering to adjacent sites is consistent with Implementation Policy 2.1 to create buffers.
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. The proposed development meets the relevant standards of the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 12/9/2024. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.