

Applicant: TAYLOR D. FORRESTER LONG, RAGSDALE AND WATERS, PC

Request: REZONING

Meeting Date: 7/5/2023

Address: 1110 & 1112 Lovell Rd.

Map/Parcel Number: 118 061 & 062

Location: East side of Lovell Rd, north of Lovell View Dr and south of Alameda Dr

Existing Zoning: OB (Office, Medical, and Related Services) / TO (Technology Overlay)

Proposed Zoning: CA (General Business) / TO (Technology Overlay)

Existing Land Use: Office & agriculture/forestry/vacant land

Proposed Land Use: N/A

Appx. Size of Tract: 3.22 acres

Accessibility: Access is via Lovell Rd, a 4-lane minor arterial with a median turn lane and a 57-ft pavement width inside a 90-ft right-of-way.

Surrounding Zoning and Land Uses: North: RA (Low Density Residential) / TO (Technology Overlay) - Single family residential

South: OB (Office, Medical, and Related Services) / TO (Technology Overlay) - Office and single family residential

East: RA (Low Density Residential) / TO (Technology Overlay) - Single family residential

West: A (Agricultural) / TO (Technology Overlay) - Agriculture/forestry/vacant and single family residential

Comments:

INTRODUCTION OF REQUEST:

1. The subject property is currently zoned O (Office) and abuts single family residential uses on the eastern property line.
2. This property has been the home of a surgical instrument sharpening facility for some time. The building was constructed in 1990. According to aerial views, the second building was demolished between 2016 and 2018. In 2019, significant grading occurred at the rear of the site, and eventually, the rear of the site was used for a second business, a landscaping company. When the application was first filed, the business model was such that a large pile of mulch would be delivered to the site for individuals and/or small businesses to visit the site and take mulch need from the pile. The landscaping business has since removed the mulch pit from the site and would no longer engage in that component of the business. They will now store service trucks, landscaping equipment, and above-ground fuel tanks at this location. The Knox County Department of Codes Administration and Enforcement has classified this business as a contractor's storage yard.
3. A contractor's storage yard would not be allowed under the current OB (Office, Medical and Related Services) zone, so the applicant is requesting the CA zone to bring the business under compliance with the zoning ordinance. Because this property is designated as the O (Office) land use classification in the Northwest County Sector Plan, the rezoning request also requires a plan amendment to the GC land use classification.
4. The decision of this body will be a recommendation to the Planning Commission, which will hear the rezoning and plan amendment requests at its July 13, 2023 meeting (Cases 6-L-23-RZ / 6-A-23-SP).

PURSUANT TO ARTICLE V, SECTION 1 OF THE TTCDA ADMINISTRATIVE RULES AND PROCEDURES, THE DECISION OF THE TTCDA TO APPROVE A REZONING MUST BE BASED ON THE FOLLOWING CRITERIA:

A. CONFORMITY OF THE PROPOSED REZONING WITH THE TTCDA COMPREHENSIVE DEVELOPMENT PLAN (THE EQUIVALENT OF THE TTCDA DESIGN GUIDELINES) AND OTHER PLANS AFFECTING DEVELOPMENT WITHIN THE TECHNOLOGY OVERLAY

1. General Plan:

A. One of the Development Policies of the General Plan is to “protect residential areas from encroaching commercial development and other incompatible uses” (Policy 8.4).

B. Another policy of the General Plan is to “protect neighborhoods from intrusive uses, declining public facilities, and other blighting influences” (Policy 8.5).

C. A third policy is to “ensure the context of new development...does not impact existing neighborhoods and communities” (Policy 9.3).

D. And a fourth policy is to “discourage environmental nuisances in the vicinity of residential development...” (Policy 11.3).

2. Northwest County Sector Plan:

A. The CA (General Business) zone is not consistent with the current Northwest County Sector Plan’s O land use designation, nor would a sector plan amendment to the requested GC (General Business) land use classification be appropriate at this location.

B. There is only one property designated with the GC land use classification along Lovell Road, and that is not in the immediate vicinity. The vast majority of properties are designated as O (Office), MDR (Medium Density Residential), or LDR (Low Density Residential). The requested land use class is out of character with the area.

C. The Land Use Classification Table, adopted as part of the sector plan, describes the GC land use as, “including previously developed strip commercial corridors providing a wide range of retail- and service-oriented uses.” The Existing Land Use Map shows that, despite the office and commercial zoning prevalent along Lovell Road, the properties consist of single family lots and vacant land.

D. The Classification Table goes on to say that “Such land use classification and related zoning should not be extended because of the adverse effects on traffic-carrying capacity, safety, and environmental impacts. Redevelopment of commercial corridors, including mixed use development, should be accommodated under planned or design-oriented zones.”

3. Zoning Ordinance:

A. The zoning ordinance describes the CA (General Business) zone as intended to provide for general retail business and services but not for manufacturing or for processing materials other than farm products. Certain uses allowed in the CA zone can be problematic when located next to residential uses.

B. 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. There are several uses in the CA zone that are allowed by right but would not be compatible with the adjacent single-family development, such as poultry businesses, hotels, motor vehicle repair shops, and school bus storage. There are others allowed as a use on review that would also not be appropriate at this location, including commercial mulching operations, composting facilities, and contractor’s storage yards.

C. Lovell Road is a minor arterial, which is typically where office and commercial uses would be appropriate. In this case, however, the thoroughfare is lined with single family residential lots along much of its length at this location, and the subject parcel is adjacent to residential properties on the west. Staff believes the existing zoning and sector plan designation to be the appropriate designations for this property. Less intrusive commercial zones such as NC (Neighborhood Commercial) or PC (Planned Commercial) would be more appropriate, but these zones do not allow the existing landscaping business.

B. THE NEED AND JUSTIFICATION FOR THE PROPOSED REZONING

1. The applicant proceeded with locating the landscaping business on the site without applying

for permits. Upon doing so, the applicant would have learned the use was not allowed in the current zone.

2. Rezoning should not be based on accommodating one specific use.

C. EFFECT OF THE PROPOSED REZONING ON THE SURROUNDING AREA

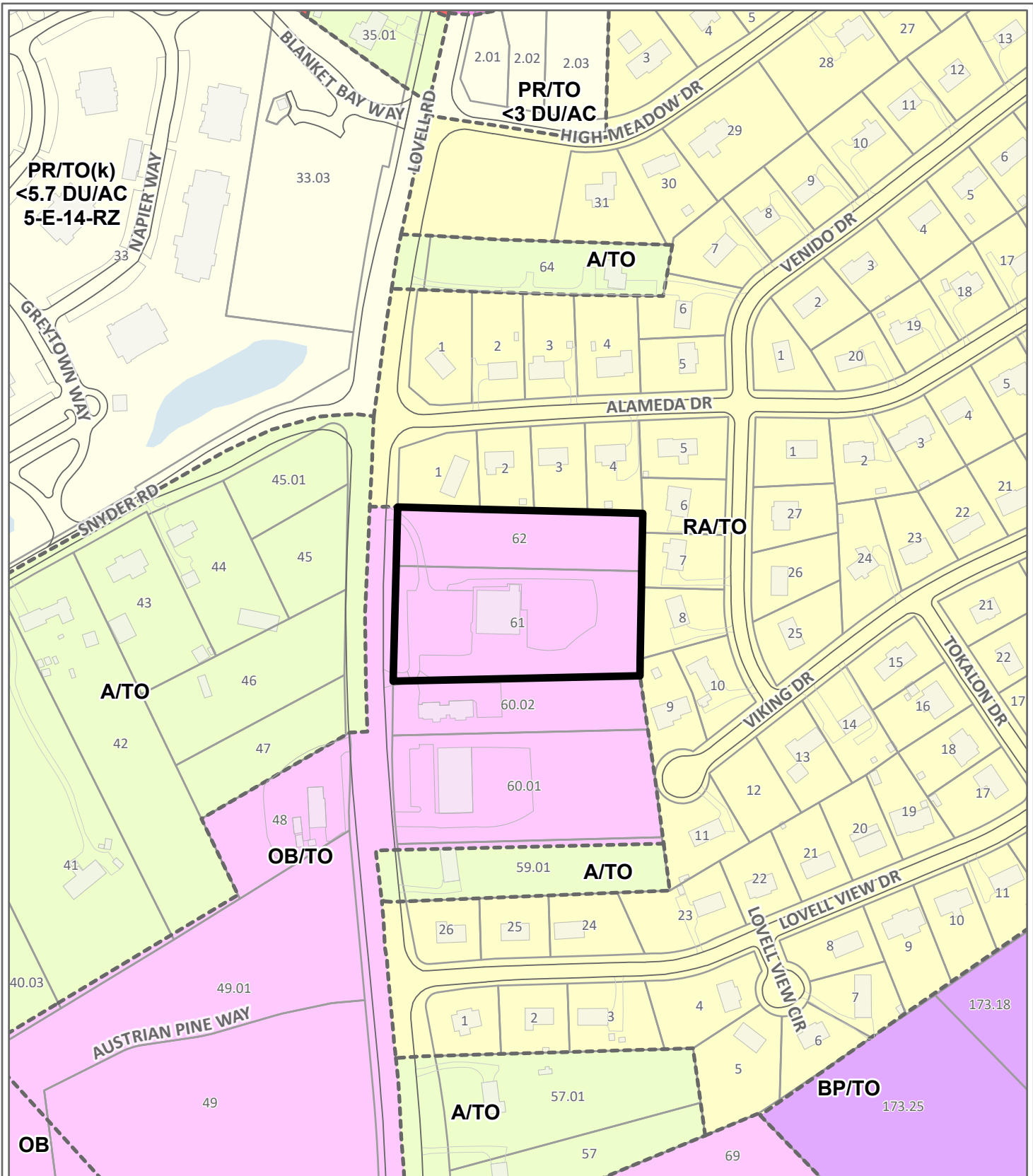
1. As stated previously, some of the uses allowed in the CA zone have the potential to cause adverse impacts on surrounding properties, including the use intended for the site, since the area largely consists of single family residential development and directly abuts a single family residential neighborhood.

**Design Guideline
Conformity:** This request does not meet the TTCDA standards for a rezoning.

**Waivers and Variances
Requested:** N/A

Staff Recommendation:

Deny the CA (General Business) zone because it does not meet the criteria for approval in the TTCDA Administrative Rules and Procedures and could cause adverse impacts for neighboring residential properties.



CERTIFICATE OF APPROPRIATENESS, ZONING MAP

6-A-23-TOR

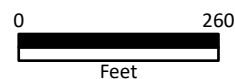
Petitioner: Taylor D. Forrester Long,
Ragsdale and Waters, PC



Purpose of Request: Rezoning

Map No: 118
Jurisdiction: County

Original Print Date: 5/12/2023
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





| | | |
|--|--|--|
| <input type="checkbox"/> BUILDING PERMIT - NEW CONSTRUCTION | <input checked="" type="checkbox"/> REZONING | <input type="checkbox"/> ADMINISTRATIVE REVIEW |
| <input type="checkbox"/> BUILDING PERMIT - EXPANSION OR RENOVATION | <input type="checkbox"/> SIGNAGE | <input type="checkbox"/> BOARD REVIEW |
| <input type="checkbox"/> BUILDING PERMIT - GRADING PLAN | <input type="checkbox"/> ZONING VARIANCE | |

Taylor D. Forrester (REVISED 6-15-23)

PUBLISHED APPLICANT NAME - no individuals on behalf of -

| | | |
|------------|------------------------------|-------------|
| 5/2/2023 | June 5, 2023 | 6-A-23-TOR |
| DATE FILED | MEETING DATE (IF APPLICABLE) | FILE NUMBER |

CORRESPONDENCE Correspondence related to this application will be directed to the contact listed below.

APPLICANT OWNER OPTION HOLDER SURVEYOR ENGINEER ARCHITECT/LANDSCAPE ARCHITECT ATTORNEY

| | | | |
|------------------------------------|-------------------------------|-------|-------|
| Taylor D. Forrester | Long, Ragsdale & Waters, P.C. | | |
| NAME | COMPANY | | |
| 1111 N. Northshore Dr, Suite S-700 | Knoxville | TN | 37919 |
| ADDRESS | CITY | STATE | ZIP |
| 865-584-4040 | tforrester@lrwlaw.com | | |
| PHONE | EMAIL | | |

CURRENT PROPERTY INFO MULTIPLE OWNERS / OPTION HOLDERS PART OF PARCEL

| | | |
|-----------------------------|-----------------------|-------------------|
| Randall & Marlene Kinney | 1110 Lovell Rd | 865-363-6610 |
| OWNER NAME - if different - | OWNER ADDRESS | OWNER PHONE/EMAIL |
| 1110 and 1112 Lovell Rd | | |
| PROPERTY ADDRESS | | |
| 118 061 and 118 062 | N | 3 acres |
| PARCEL ID(S) | PART OF PARCEL? (Y/N) | TRACT SIZE |

STAFF USE ONLY

| | |
|---|--|
| East side of Lovell Rd, south of Alameda Dr & north of Lovell View Dr | <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY |
| GENERAL LOCATION | 3rd |
| OB/TO | O |
| ZONING | SECTOR PLAN LAND USE CLASSIFICATION |
| Northwest County | Office |
| PLANNING SECTOR | EXISTING LAND USE |

REQUEST

BUILDING PERMIT

- NEW CONSTRUCTION
- EXPANSION OR RENOVATION
- GRADING PLAN

REZONING

- SIGNAGE
- ZONING VARIANCE

PLAN MATERIALS:

- DEVELOPMENT PLAN
- BUILDING ELEVATIONS
- FLOOR PLAN
- LANDSCAPE PLAN
- SIGNAGE PLAN
- OFF-STREET PARKING

OTHER:

WAIVERS OR VARIANCES REQUESTED? YES NO

ADMINISTRATIVE REVIEW: LIGHTING LANDSCAPING PLAN

RENOVATION OR EXPANSION

SUMMARY OF WORK TO BE PERFORMED:

ZONING VARIANCE

SUMMARY OF ZONING VARIANCE REQUEST:

REZONING

REZONE FROM: OB/TO

TO: CA/TO

SECTOR PLAN AMENDMENT FROM: O

TO: GC

*(revised request, received 6/15) WFP
(originally requested CB)*

SIGNAGE

- YARD SIGN
AREA: _____
HEIGHT: _____
FINISH: _____
- BUILDING SIGN
AREA: _____
HEIGHT: _____
FINISH: _____
- OTHER SIGN
AREA: _____
HEIGHT: _____
TYPE: _____

STAFF USE ONLY

- TTCDA Checklist
- Property Owners/Option Holders

| CODE | CODE | TOTAL |
|--------------|--------------|----------|
| FEE | FEE | \$175.00 |
| 1105 \$175 | 1105 \$175 | |

AUTHORIZATION

By signing below

You certify that you are the property owner and/or authorized representative.

Taylor D. Forrester

Attorney for property owner

5/1/2023

APPLICATION AUTHORIZED BY

AFFILIATION

DATE

865-584-4040

tforrester@lrwlaw.com

PHONE NUMBER

EMAIL

Michelle Portier

Michelle Portier

5/2/2023

STAFF SIGNATURE

PRINT NAME

DATE PAID