

# Report of Staff Recommendation

File No.: 6-A-23-TOR

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

**Request:** REZONING

**Meeting Date:** 6/5/2023

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**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:** CB (Business and Manufacturing) / 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

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**Comments:**

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 mulch company. The business model is such that a large pile of mulch is delivered to the site and then individuals and/or small businesses come and take the mulch they need from the pile.
3. A mulch company would not be allowed under the current OB (Office, Medical and Related Services) zone, so the applicant is requesting the CB 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 would also require a plan amendment, and the applicant is requesting 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 June 8, 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. The 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 instructive 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 CB (Business and Manufacturing) 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 CB (General Business) zone as intended to “provide 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. Hence, they are not properly associated with, nor compatible with residential or institutional uses or with other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB, Business and Manufacturing Zone are intensive users of roads, sewers and other public facilities. Based on the above description, the subject property is not an appropriate location for the CB zone since it is adjacent to the single family residential properties.”

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 CB zone that would not be compatible with the adjacent single-family development, such as manufacturing facilities, poultry businesses, heavy equipment sales, hotels, motor vehicle repair shops, school bus storage, commercial mulching operations, composting facilities, and contractor’s storage yards, to name a few.

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 mulch company.

B. THE NEED AND JUSTIFICATION FOR THE PROPOSED REZONING

1. The applicant proceeded with the business without seeking a permit first. Upon application for a permit, the applicant would have learned the use was not allowed in this zone.
2. Rezoning should not be based on accommodating one specific use.

C. EFFECT OF THE PROPOSED REZONING ON THE SURROUNDING AREA

1. According to the description of the CB zone in the Knox County Zoning Ordinance, the zone has the potential to cause adverse impacts on surrounding properties (listed above under item 3.a and 3.b).
2. There are no new trends in development, population, or traffic that warrant reconsideration of this area of the Northeast City Sector Plan. Since the early 2000s, there has been a steady transition away from the A (Agricultural) zone to the PR (Planned Residential), PC (Planned Commercial), and OB (Offices, Medical and Related Services) zones. However, the rezonings alone are not enough of a change of conditions to warrant amending the sector plan's designation to GC, and the subject property is not zoned Agricultural, so it is already on trend with the area.

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<b>Design Guideline Conformity:</b>	This request does not meet the TTCDA standards for a rezoning.
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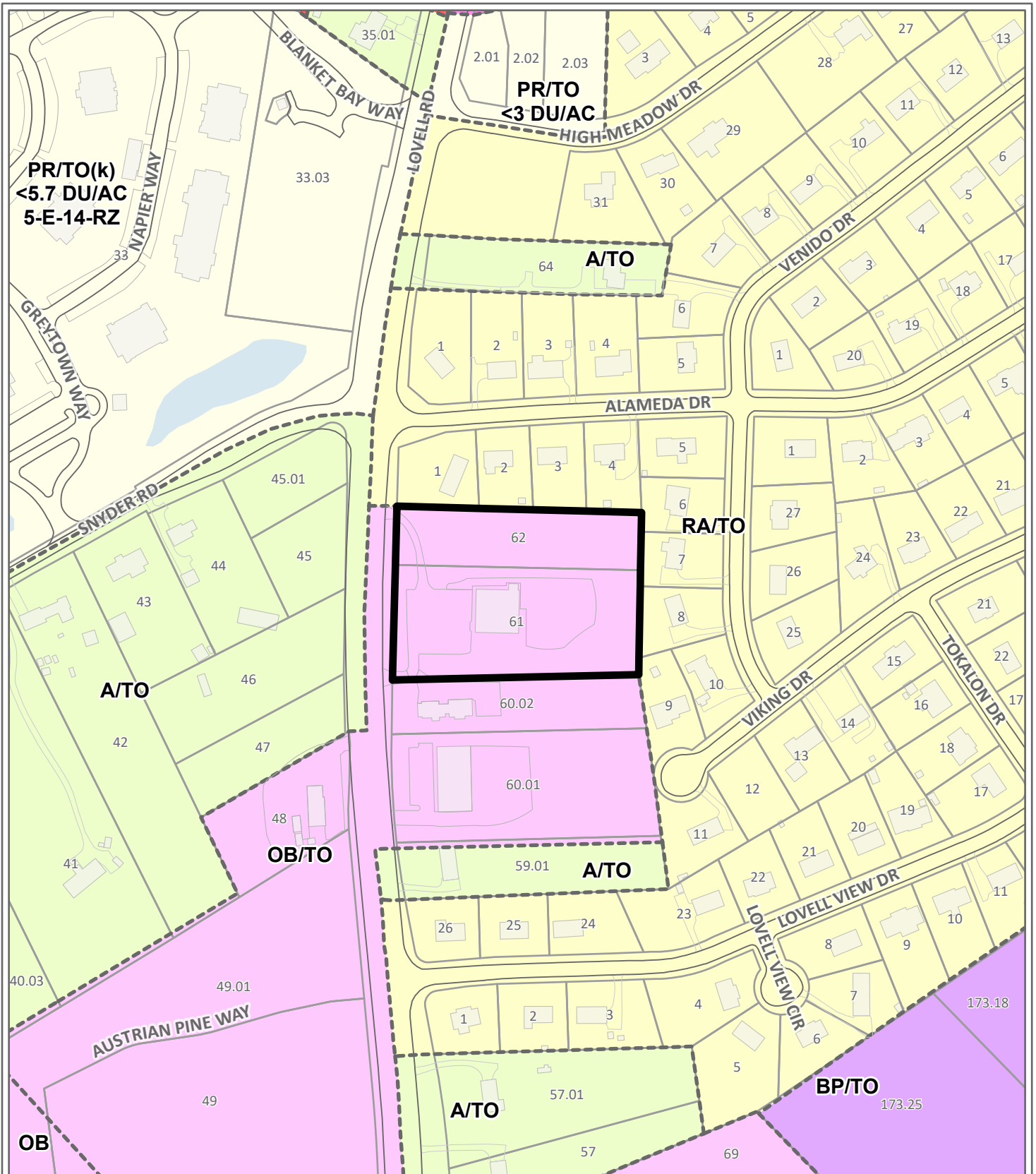
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<b>Waivers and Variances Requested:</b>	N/A
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**Staff Recommendation:**

Deny the CB (Business and Manufacturing) zone because it is not consistent with the Northwest County Sector Plan designation and could cause adverse impacts for neighboring residential properties.





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| <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

**PUBLISHED APPLICANT NAME** - no individuals on behalf of -

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

## 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.		
<b>NAME</b>	<b>COMPANY</b>		
1111 N. Northshore Dr, Suite S-700	Knoxville	TN	37919
<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
865-584-4040	tforrester@lrwlaw.com		
<b>PHONE</b>	<b>EMAIL</b>		

## CURRENT PROPERTY INFO

- ☐ MULTIPLE OWNERS / OPTION HOLDERS ☐ PART OF PARCEL

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

## 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
3rd	
<b>GENERAL LOCATION</b>	<b>DISTRICT</b>
OB/TO	O
<b>ZONING</b>	<b>SECTOR PLAN LAND USE CLASSIFICATION</b>
Northwest County	Office
<b>PLANNING SECTOR</b>	<b>EXISTING LAND USE</b>

## 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: CB/TO

SECTOR PLAN AMENDMENT FROM: O

TO: GC

## 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

FEE

1105 | \$175

CODE

FEE

1105 | \$175

TOTAL

\$175.00

## 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

5/2/2023

STAFF SIGNATURE

PRINT NAME

DATE PAID