



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 7-H-08-RZ
7-A-08-SP

AGENDA ITEM #: 50
AGENDA DATE: 11/13/2008

POSTPONEMENT(S): 7/10/2008-10/9/2008

▶ **APPLICANT:** ROBERT PRYOR
OWNER(S): PRYOR ROBERT J & HELLEN B

TAX ID NUMBER: 78 154.01
JURISDICTION: Commission District 6

▶ **LOCATION:** Southwest side Pennell Ln., northwest of Oak Ridge Hwy.

▶ **TRACT INFORMATION:** 6.18 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: The property's only access currently is via Pennell Ln., a local street with 19' of pavement width within 50' of right of way.

UTILITIES: Water Source: West Knox Utility District
Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) & STPA (Stream Protection Area) / RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) & STPA (Stream Protection Area) / CA (General Business)

▶ **EXISTING LAND USE:** Residential and lawn care business

▶ **PROPOSED USE:** Residential and lawn care business

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of C plan designation and CA zoning from the south and west

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Houses / LDR & STPA / RA (Low Density Residential)
South: Vacant land and trailers / C / CA (General Business)
East: Pennell Ln. - Houses / LDR / RA (Low Density Residential)
West: Vacant land and business / C / CA (General Business)

NEIGHBORHOOD CONTEXT: This property is located in a low density residential neighborhood, zoned RA, but is adjacent to commercial zoning and uses to the south and west, zoned CA, located along Oak Ridge Hwy.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 7-A-08-SP, amending the Northwest County Sector Plan to C (Commercial) on the portion of the site southwest of the STPA (Stream Protection Area) only and recommend that**

County Commission adopt the resolution. (See attached Exhibit A.)

As recommended, commercial is an extension of the sector plan designation from the south and west. This sector plan amendment meets the general plan criteria for warranting the amendment of the land use plan, as noted in the comments section below.

► RECOMMEND that County Commission APPROVE CA (General Business) zoning on southwest corner of the site only, consistent with the sector plan, as amended, subject to 1 condition.

1. There shall be no access to the commercial use from Pennell Ln. Alternative access to this site through adjacent CA zoned areas must be obtained for commercial use to be permitted.

With the above condition, CA is compatible with surrounding development and zoning and is an extension of zoning from the south and west.

COMMENTS:

The applicant has requested CA zoning for this site after getting a complaint driven citation from the Knox County Code Administration Department, stating that the current use of the property, specifically the commercial-type building in the southwest corner of the site, for a lawn care business, is a zoning violation. The only way that the current use may continue is if the property is rezoned to commercial, which is why these applications were filed. The business is currently accessed from Pennell Ln., a local residential street, which is likely the reason why a complaint was filed.

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN / LOGICAL EXTENSION OF PLAN DESIGNATION

NEW ROAD OR UTILITY IMPROVEMENTS:

Staff recommends a condition on the rezoning which will require that the applicant obtain access to the commercial portion of the site from somewhere other than Pennell Ln. If obtained, this condition is met. Utilities are in place to serve the site. The traffic impact to Oak Ridge Hwy. should be minimal.

ERROR OR OMISSION IN CURRENT PLAN:

The plan proposes LDR uses for this site, but it is located adjacent to a C designation on two sides and currently has a commercial use located on it. This represents a logical extension of that designation. Also, the stream that flows through the property makes a suitable natural boundary between land uses.

CHANGES IN GOVERNMENT POLICY:

With three separate approvals of rezoning on adjacent tracts since 2003, one including a sector plan amendment, the nature of this area has changed, making commercial uses more reasonable on this property.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

If alternative access to the site is obtained, this portion of the site is appropriate for commercial use.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The proposal is an extension of zoning and plan designation from the south and west, and will allow the existing business on site to continue operations, if alternative access can be obtained.
2. Commercial development and zoning exists on properties to the south and west on properties fronting along Oak Ridge Hwy. or Karns Valley Ln. Several adjacent properties have been rezoned to commercial since 2003, changing the general character of this area.
3. The recommended reduction of the area to be amended and rezoned will keep commercial development away from the existing residential use to the east along Pennell Ln., but will allow the existing commercial-type building, located in this portion of the site, to continue to be used for commercial purposes, as long as alternative access can be obtained. It will also keep commercial development away from the stream protection area.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The CA zone, as described in the zoning ordinance, is appropriate for commercial uses at locations near other commercial properties, with convenient access to major arterial streets.
2. The proposed use of the property requires CA zoning.

EFFECTS OF THE PROPOSAL:

1. Public water and sewer utilities are available in the area.
2. The proposal will have no impact on schools. If alternative access is obtained, access will be to either

Karns Valley Ln. or Oak Ridge Hwy., either of which can handle the additional trips that would be generated by commercial use of this site.

3. The recommendation is compatible with surrounding development and zoning and will have a minimal impact on adjacent properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS:

1. With the recommended sector plan amendment to commercial, the proposed CA zoning would be consistent with the Northwest County Sector Plan.

2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. This request may lead to future sector plan and rezoning requests for commercial zoning in the immediate area. However, the sector plan does not support any non-residential uses to the north or east of this site. Most properties designated for commercial use have been rezoned as such.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 12/15/2008. If denied, MPC'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 an MPC decision in the County.

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Robert Pryor, has submitted an application to amend the Sector Plan from LDR (Low Density Residential) and STPA (Stream Protection Area) to C (Commercial) and STPA (Stream Protection Area) for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of the revised amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on November 13, 2008, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying, staff report and map, file #7-A-08-SP.

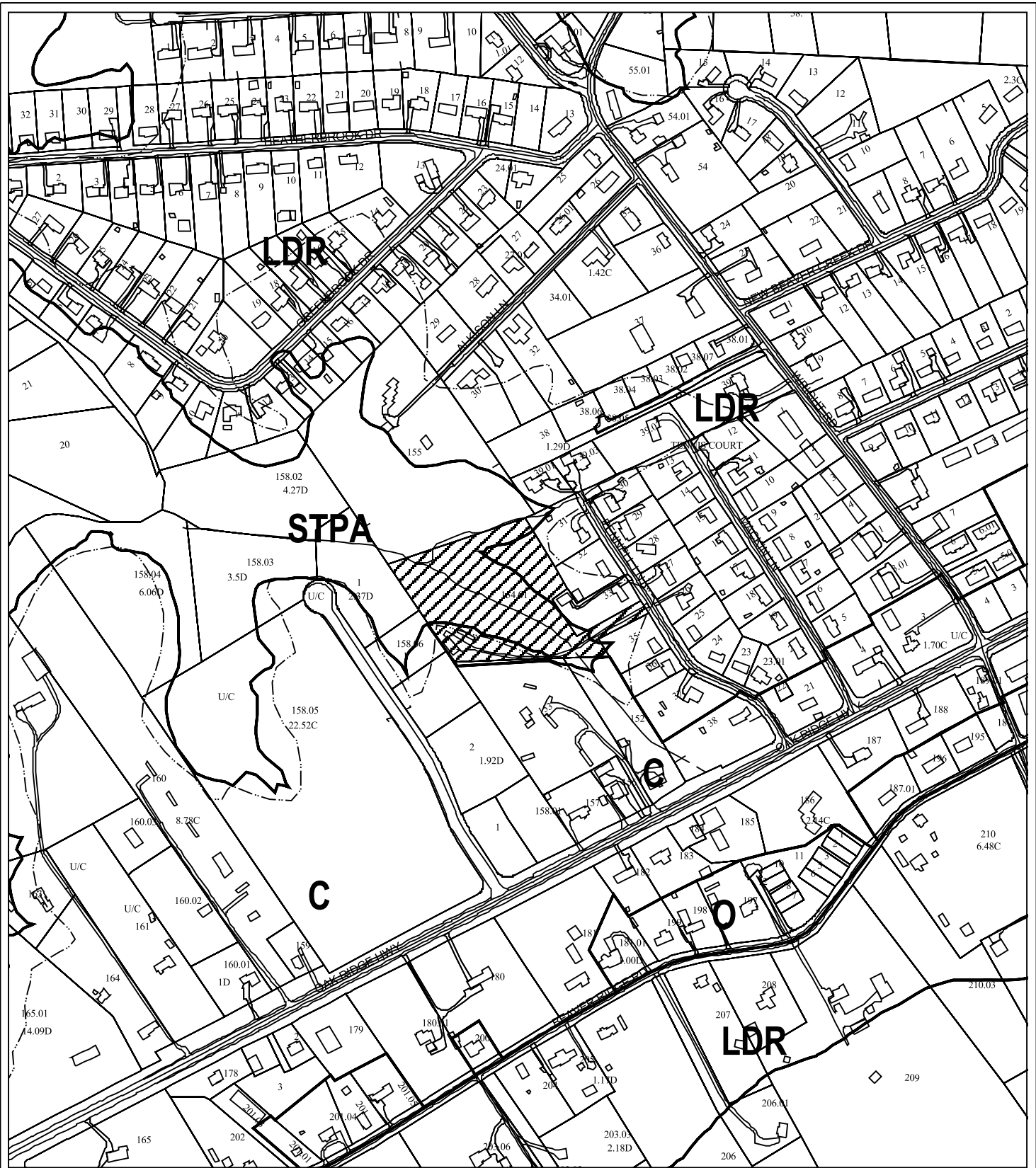
SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that the Commission of Knox County likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



**7-A-08-SP/7-H-08-RZ
SECTOR PLAN AMENDMENT
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**



From: LDR (Low Density Residential) & STPA (Stream Protection Area)

To: C (Commercial) & STPA (Stream Protection Area)

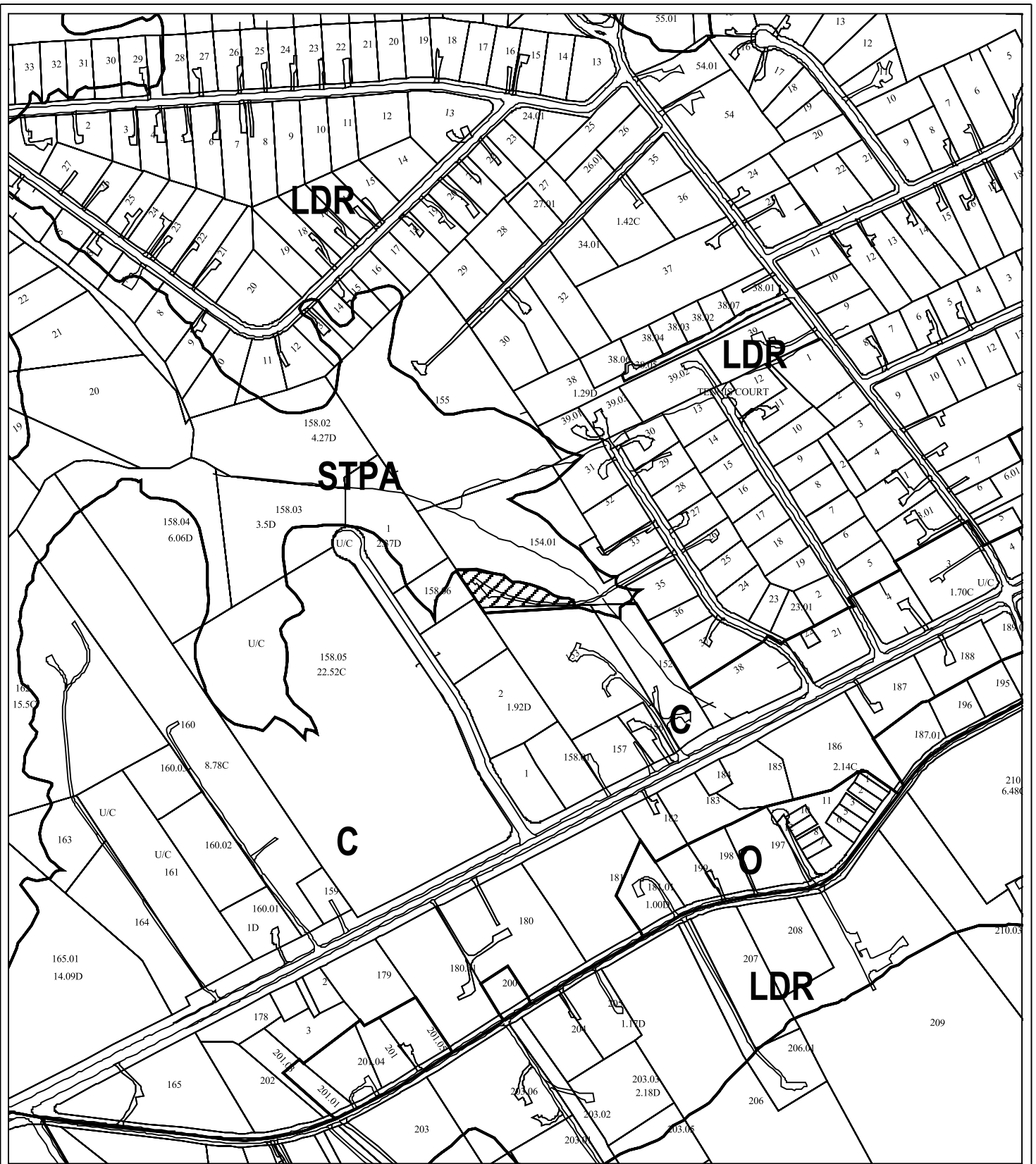
Original Print Date: 06/19/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Robert Pryor

Map No: 78

Jurisdiction: County




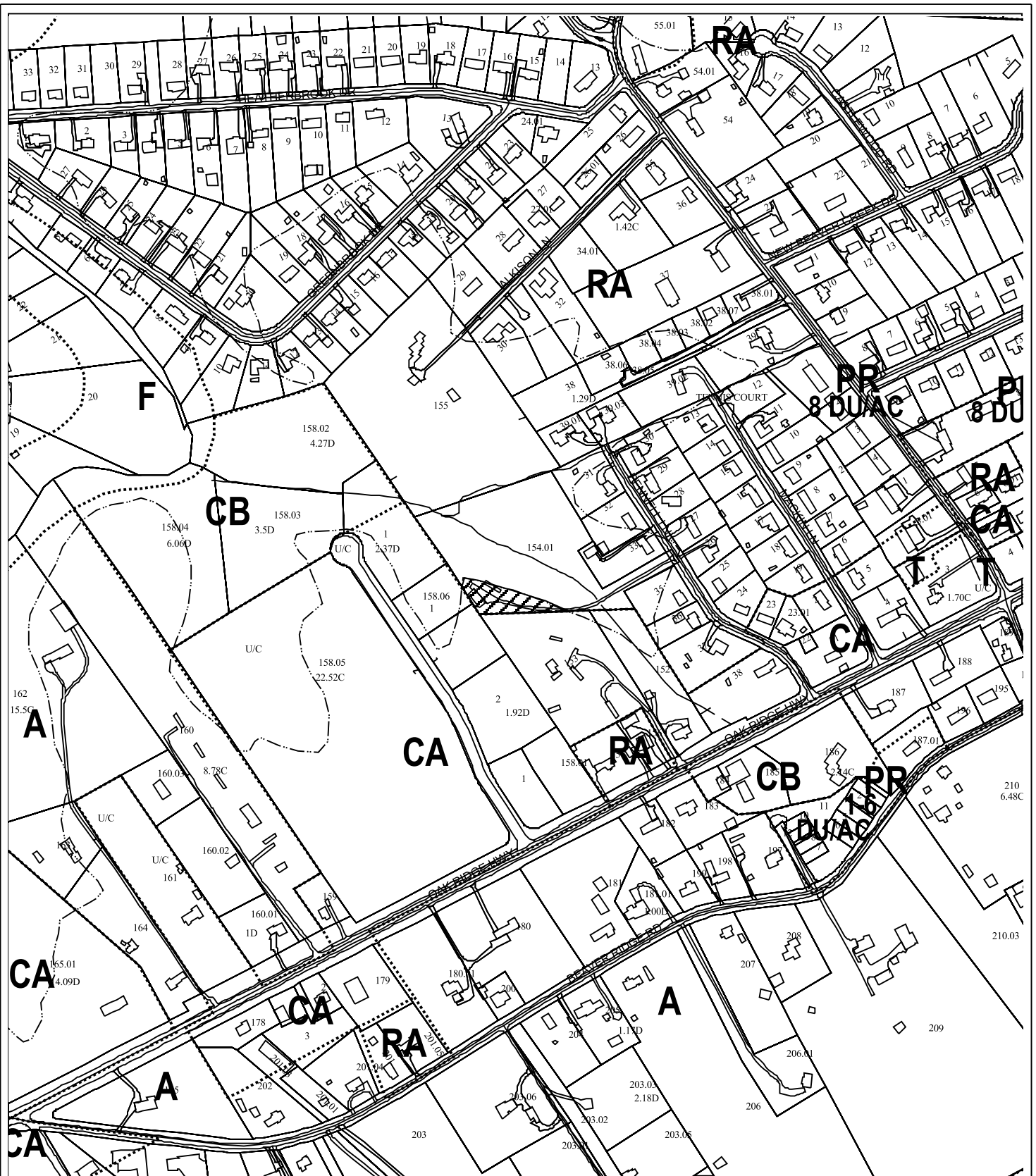


**7-A-08-SP/7-H-08-RZ
MPC STAFF RECOMMENDATION
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

Petitioner: Robert Pryor
Map No: 78
Jurisdiction: County



 From: LDR (Low Density Residential) & STPA (Stream Protection Area)
 To: C (Commercial) & STPA (Stream Protection Area)
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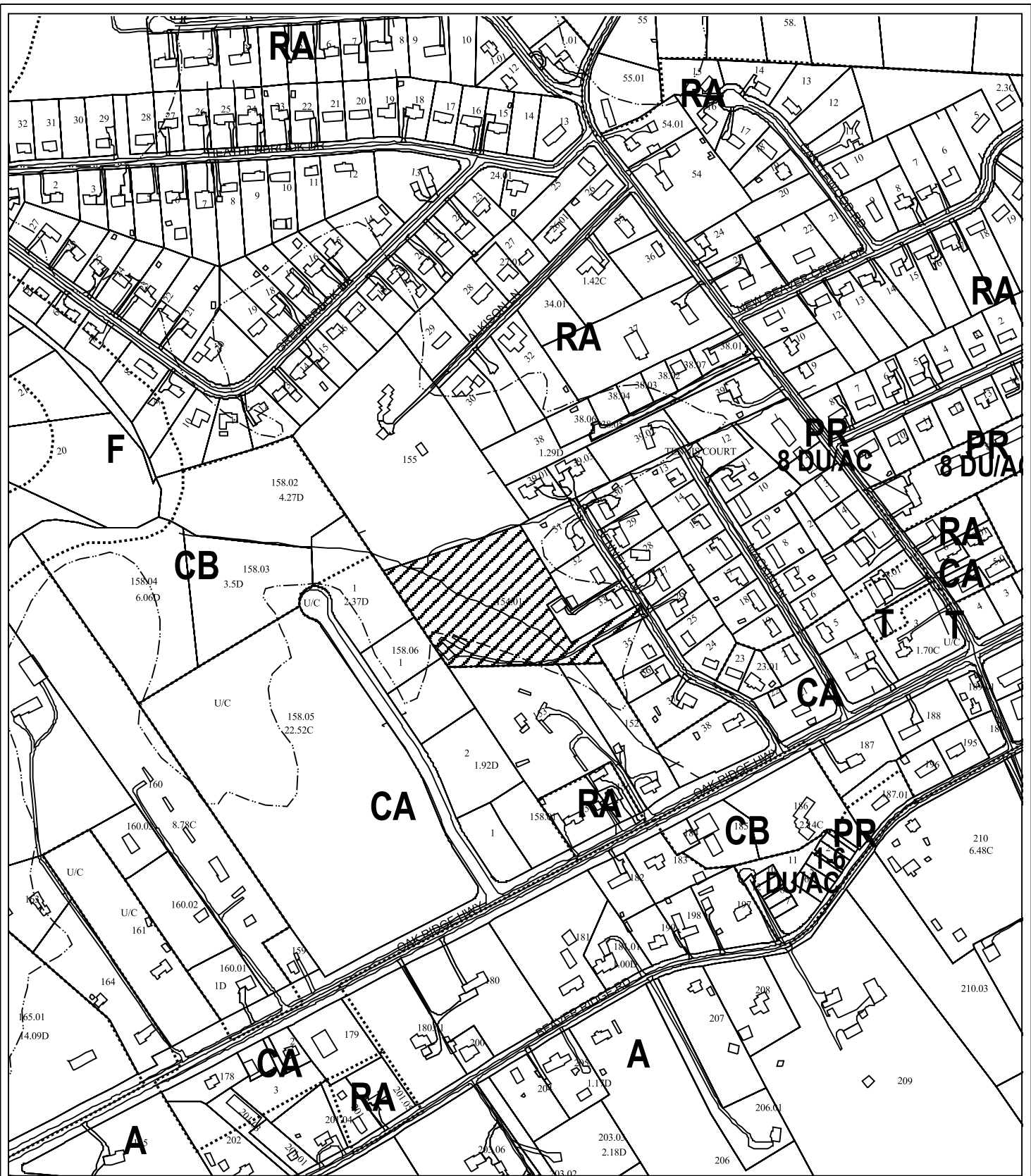
**7-H-08-RZ
MPC STAFF RECOMMENDATION
REZONING**

Petitioner: Robert Pryor
 Map No: 78
 Jurisdiction: County



From: RA (Low Density Residential)
 To: CA (General Business)

Original Print Date: 06/19/08 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**7-H-08-RZ
REZONING**



From: RA (Low Density Residential)
To: CA (General Business)

Original Print Date: 06/19/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

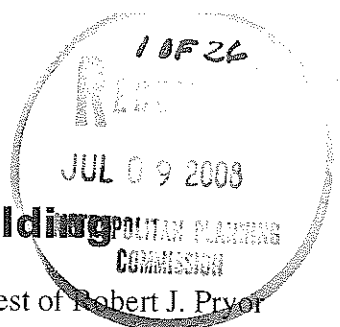
Petitioner: Robert Pryor

Map No: 78

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PETITION TO STOP REZONING
July 10, 2008 • 1:30 PM
Main Assembly Room of the City/County Building



The following homeowners of the Green Acres Subdivision, are opposing the rezoning request of Robert J. Pryor to have the property at 6927 Pennell Lane. The rezoning request by Mr. Pryor is from "RA" (Residential Single Family Dwellings) to "CA" (Commercial General Business). The following reasons that the residents of the Green Acres Subdivision are requesting the rezoning be **denied** are as follows:

- The existing surface area of the property (6927 Pennell Lane) that is under request of a rezoning change has already been recontoured to construct gravel parking areas, without regard to the 500 year flood plain protection. It is also sinking down from usage of the large heavy equipment trucks (*pictures attached*) and this driveway is adjacent to a natural stream tributary;
- Increased traffic flows on a dead end, narrow residential street where small children play;
- Heavy construction equipment has been accessing Pennell Lane on a continuous basis from 7:00 AM until as late as 10:00 PM;
- Property Values of existing homeowners will go down if this zoning request is approved by the MPC;
- The existing homes in the subdivision are all single family dwellings and the crime rate is virtually non-existent. If the zoning request were to be approved, the possibility of more crime exists in this subdivision.

Name & Address	Signature	Comments
<i>Gay Hickman Cordwell</i>	<i>6924 Mackin Ln KT 37931</i>	
<i>Narvaez L. Steindler</i>	<i>6925 Mackin Ln 37931</i>	
<i>Sammy Bridges</i>	<i>6728 Greenbrook Drive 37931 Sammy Bridges</i>	
<i>John Bauder</i>	<i>6728 Greenbrook Dr. 37931</i>	
<i>Ellis Bennett</i>	<i>7924 Oak Ridge Hwy 37931</i>	<i>Small lane - dead end Does Not need Commercial</i>
<i>W.B. Bennett</i>	<i>7924 Oak Ridge Hwy 37931</i>	<i>Not Commercial</i>
<i>Mertha Knight</i>	<i>6929 Mackin Lane</i>	<i>ODOR FROM MULCH will BE AWFUL +</i>
<i>Mertha Knight</i>	<i>6923 Pennell Lane</i>	<i>RESIDENTIAL + NO ACCESS TO OAK RIDGE Hwy +</i>
<i>Courtney Knight</i>	<i>6929 Mackin Lane</i>	<i>loady room for 2 cars to pass</i>
<i>J Roberts</i>	<i>6929 Mackin Lane</i>	<i>Heavy trucks not allowed</i>
<i>Judy Cook</i>	<i>6745 Heatherbrook DR.</i>	<i>children in AREA</i>
MPC November 13, 2008 <i>6927 Pennell Lane</i>	<i>6933 Pennell Lane 37931</i>	<i>I have 3 young children and the property</i> Agenda Item # 50

PETITION TO STOP REZONING

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Name & Address	Signature	Comments
Beth Stephens 6925 Pennell Ln. 37931	Beth Stephens	I am a 3 rd generation resident at this home and I hate the thought of surrounding property becoming commercialized.
Matt Stephens 6925 Pennell Ln. 37931	Matt Stephens	This is a residential area <u>NOT</u> commercial
Scott Stephens 6925 Pennell Ln. 37931	Scott Stephens	
Wm. Joseph Burke 6920 Pennell Ln. Knox 37931	Wm Joseph Burke	• No Buffer between RA & CA • TRAFFIC is terrible, Heavy Trucks • Do NOT need Commercial Business in RA
Cherie Burke 6920 Pennell Lane 37931	Cherie Burke	
Stephen Garrison 6933 Pennell Ln Knox TN 37931	Stephen Garrison	
Diane Nix 6939 Pennell Ln. 37931	Diane Nix	
Matt Nix 6939 Pennell Ln. 37931	Matthew Nix	
Richard A. Nix 6939 Pennell Ln. 37931	Richard A. Nix	
Charles McNeil 6938 Pennell Ln 37931	Charles B. McNeil	
MPC November 13, 2008 6928 Pennell Ln 37931	Sandra Green	Agenda Item # 50

PETITION TO STOP REZONING

July 10, 2008 • 1:30 PM

Main Assembly Room of the City/County Building

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Name & Address	Signature	Comments
Sonja Carlson	6908 Pennell Lane SONSA L CARLSON	
Dale E Baker	6902 Pennell Lane	
Ruth Yeoman	6909 Mackin Lane.	
Greg Ratchiff	6913 Mackin Ln.	
Charlotte Henry	6924 Pennell Ln. Knoxville, TN 37931	
Marvina Baldwin	6921 Pennell Lane Knoxville, TN 37931	
Mark Bally	6921 PENNELL LN KNOXVILLE TN 37931	
James Bahini	6921 Pennell Ln. Knoxville TN 37931	
William S. Ratchiff	Mackin Lane 6913 Knoxville TN Knoxville TN 37931	
Chester Kiffman	6921 Mackin Ln	
Jeremiah A. Kettner	6921 Mackin Ln Knoxville TN	
MPC November 13, 2008 Colan Powell	Knox, TN	Agenda Item # 50

Property Details

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Address Information (last updated: 6/29/2008) [Details ?](#)

Site Address: 6927 PENNELL LN
KNOXVILLE - 37931

Address Type: RESIDENTIAL

Site Name:

Owner Information (last updated: 6/29/2008) [Details ?](#)

PRYOR ROBERT J & HELLEN B
10306 WHITE BIRCH CT
KNOXVILLE, TN 37932

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Parcel Information (last updated: 6/29/2008) [Details ?](#)

Location Address: 6927 PENNELL LN

CLT Map:

Insert:

Group:

Condo Letter:

Parcel:

Parcel ID: 078 15401

Parcel Type:

District:

Ward:

Subdivision:

Recorded Acreage:

Calculated Acreage:

Recorded Plat:

Recorded Deed: 1730 - 40

Deed Type: DEED

Deed Date: 03/27/1981

Tax Levy: KNOX COUNTY

MPC Info (last updated: 10/25/2006) [Details ?](#)

Census Tract: 60

Planning Sector: Northwest County

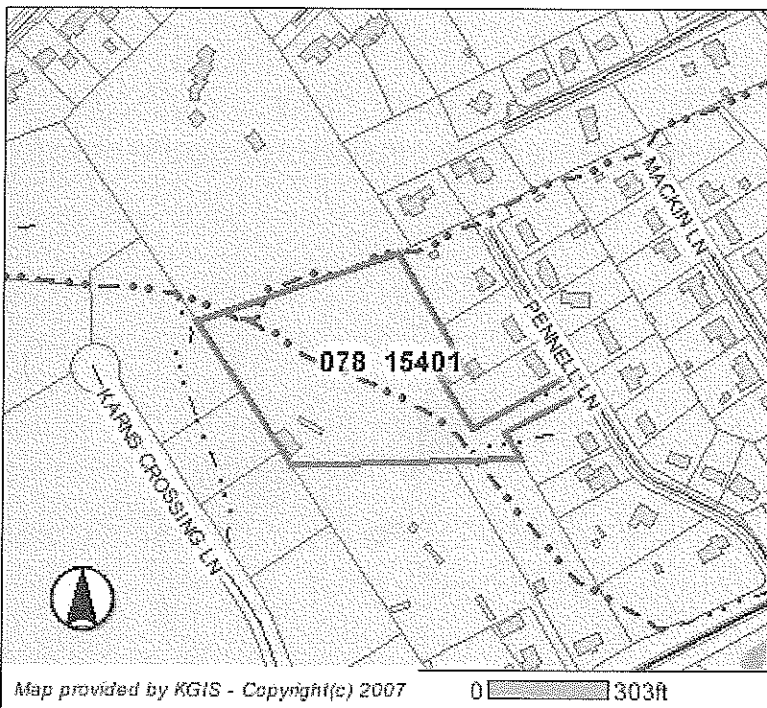
1990 Traffic Zone: 208

2000 Traffic Zone: 208

Zoning: [Click For Zoning Map.](#)

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Parcel 078 15401 - Property Map and Details Report



Parcel Information (last updated: 6/29/2008)

Location Address: 6927 PENNELL LN
 CLT Map:
 Insert:
 Group:
 Condo Letter:
 Parcel:
 Parcel ID: 078 15401
 Parcel Type:
 District:
 Ward:
 Subdivision:
 Recorded Acreage:
 Calculated Acreage:
 Recorded Plat:
 Recorded Deed: 1730 - 40
 Deed Type: DEED
 Deed Date: 03/27/1981

Address Information (last updated: 6/29/2008)

Site Address: 6927 PENNELL LN
 KNOXVILLE - 37931
 Address Type: RESIDENTIAL
 Site Name:

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Jurisdiction (last updated: 1/5/2008)

County: KNOX COUNTY
 City / Township:

MPC Info (last updated: 10/25/2006)

Census Tract: 60
 Planning Sector: Northwest County
 1990 Traffic Zone: 208
 2000 Traffic Zone: 208

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts (last updated: 1/5/2008)

Voting Precinct: 63 Karns
 Voting Location: Karns Middle School
 2925 GRAY HENDRIX RD
 TN State House: 16 Bill Dunn
 TN State Senate: 7 Tim Burchett
 County Commission: 6 Robert F. Rountree
 Greg Lambert
 City Council:
 School Board: 3 Cindy Buttry

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones (last updated: 5/9/2007)

Elementary: KARNS ELEMENTARY
 Middle: KARNS MIDDLE
 High (2007): KARNS HIGH
 High (2008): KARNS HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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KNOXVILLE - 37931

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Location Address: 6927 PENNELL LN

CLT Map:

Insert:

Group:

Condo Letter:

Parcel:

Parcel ID: 078 15401

Parcel Type:

District:

Ward:

Subdivision:

Recorded Acreage:

Calculated Acreage:

Recorded Plat:

Recorded Deed: 1730 - 40

Deed Type: DEED

Deed Date: 03/27/1981

Tax Levy: KNOX COUNTY

MPC Info (last updated: 10/25/2006) [Details ?](#)

Census Tract: 60

Planning Sector: Northwest County

1990 Traffic Zone: 208

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Zoning: [Click For Zoning Map.](#)

B OF 26

Jurisdiction (last updated: 1/5/2008) [Details ?](#)

County: KNOX COUNTY
City / Township:

School Zones (last updated: 5/9/2007) [Details ?](#)

Elementary: [KARNS ELEMENTARY](#)
Middle: [KARNS MIDDLE](#)
High: [KARNS HIGH](#)

Please contact Knox County Schools Transportation and Zoning Department at 594-1550 if you have questions.

Political Districts (last updated: 1/5/2008) [Details ?](#)

Voting Precinct: 63 Karns
Voting Location: Karns Middle School
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TN State Senate: 7 [Tim Burchett](#)
County Commission: 6 [Robert F. Rountree](#)
[Greg Lambert](#)
City Council:
School Board: 3 [Cindy Buttry](#)

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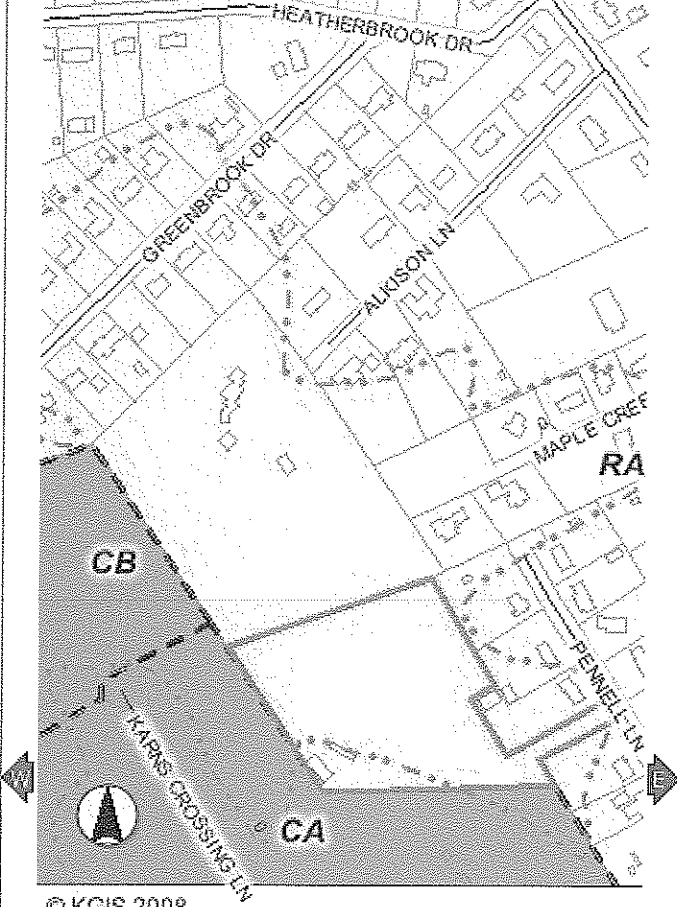
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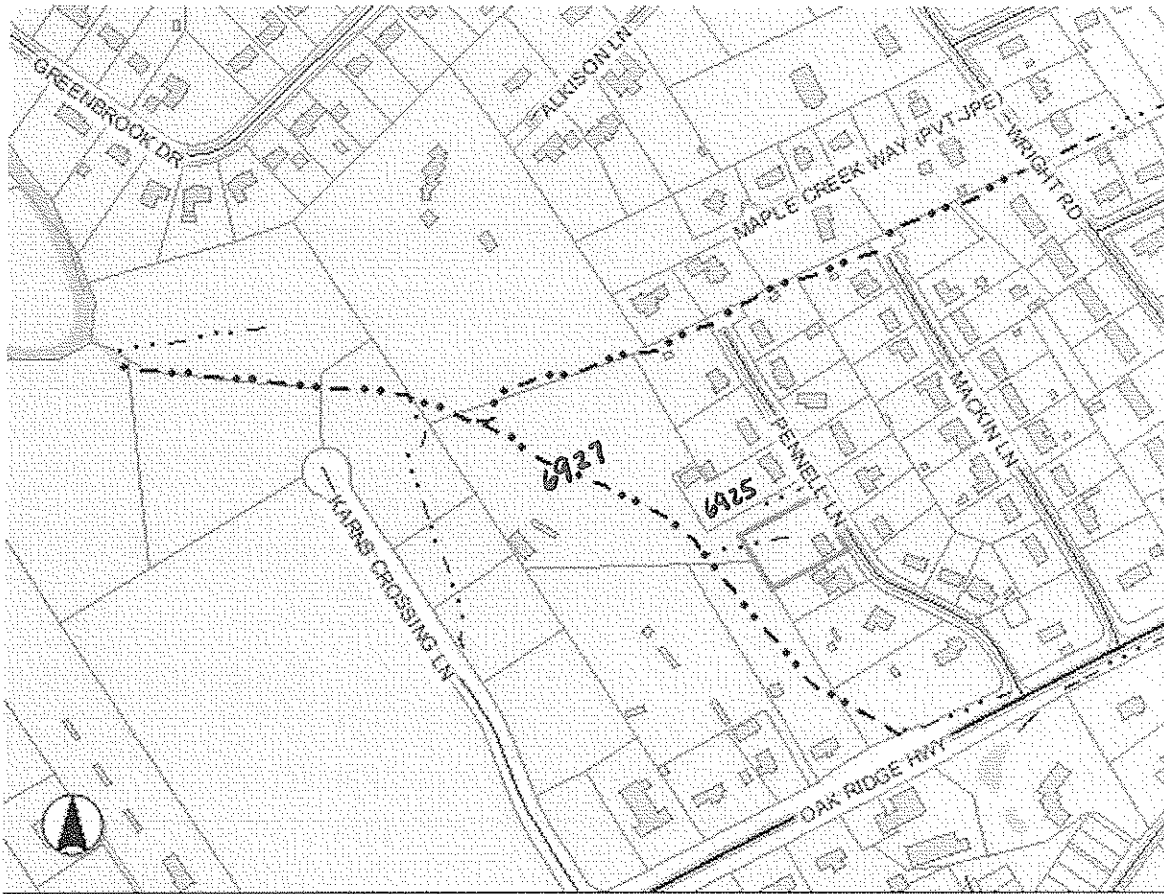
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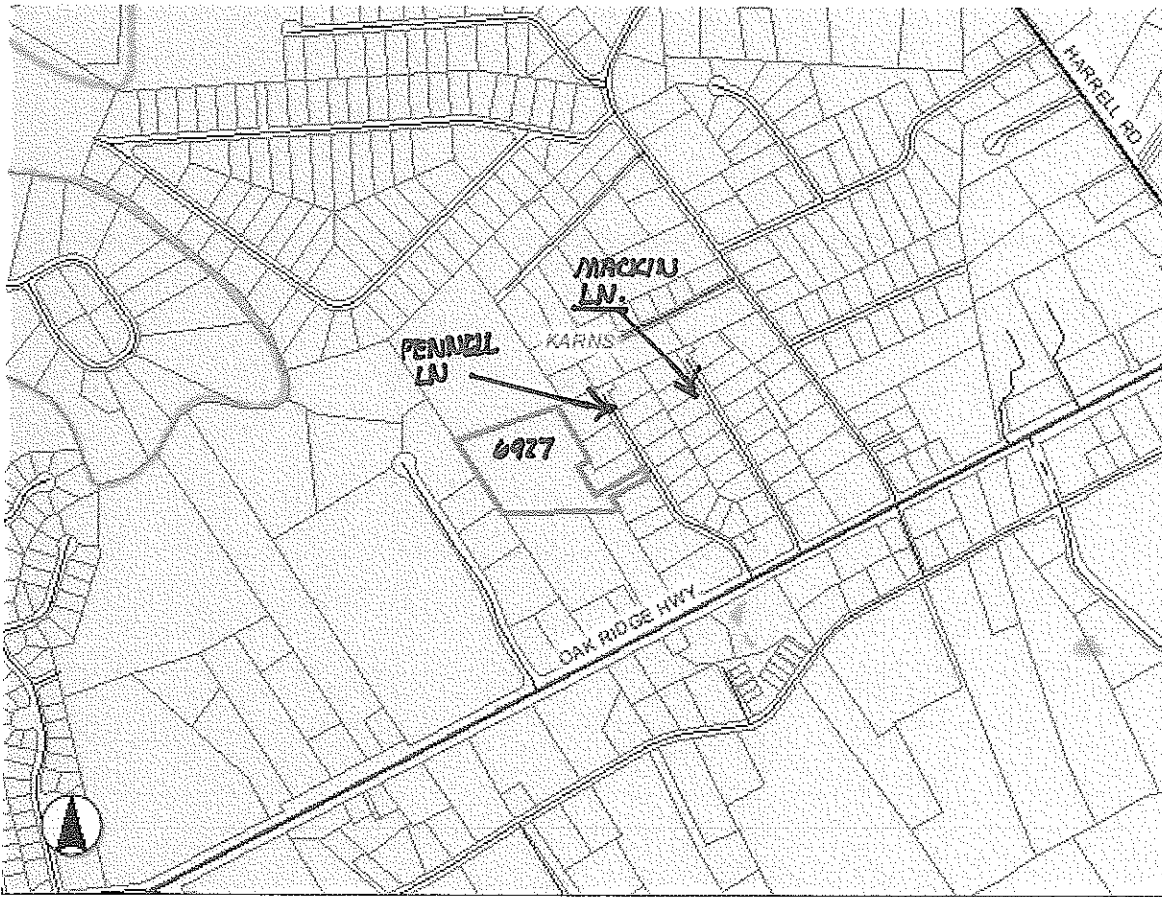
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0 709ft



KADNS PENNELL LN. DEAD END STREET (LOOKING SOUTH)

6927 PENNELL LN. (ENTRANCE)

13 OF 26

SECTOR
PLAN AMENDMENT
LDR TO C
MPC PUBLIC HEARING
CITY - COUNTY BLDG.
JULY 10 1:30 P.M.
215-2500

SECTOR
PLAN AMENDMENT
LDR TO C
MPC PUBLIC HEARING
CITY - COUNTY BLDG.
JULY 10 1:30 P.M.
215-2500



PENWELL NJ. LOOKING NORTH



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6927 PENNELL LN. CULVERT COLLAPSE! 18 OF 26





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1927 PENNELL LN. BEAM DEVELOPMENT DUE TO REPAIR TRUCK 22 OF 26



6927 PEUNELL LN. (LOOKING WEST)
NOTE: SOIL PILE W/ NEW GRAVEL
PARKING AREA WITHIN 500 YARD
FLOOD PLAIN! (BURN PILE!) 23 OF 26





KRUIS DEVELOPMENT CORPORATION (LOOKING NORTH) ZONED "CA"
AREA LOCATED WEST OF
6927 PENNELL LN.

6927 PENNELL LN (WESTERN PROPERTY EDGE)
ADJACENT TO KAVIS DEVELOPMENT
CORPORATION PROPERTY)



KAVIS DEVELOPMENT CORPORATION PROPERTY
LOCATED WEST OF 6927 PENNELL LN.

#46

7-H-08-R2

7-A-08-SP

From: "alicia barnes" <abarnes@SchaadCompanies.com>
To: <legendslawn@comcast.net>
Subject: Letter
Date: Thursday, September 11, 2008 10:46:17 AM

September 11, 2008

To Whom It May Concern:

Legends Lawn has in no way impacted our daily home routines. We have not been bothered by any traffic of commercial vehicles. This company seems to run their operation within reasonable daytime working hours

Should you have any questions, please feel free to contact me directly at 389-0380

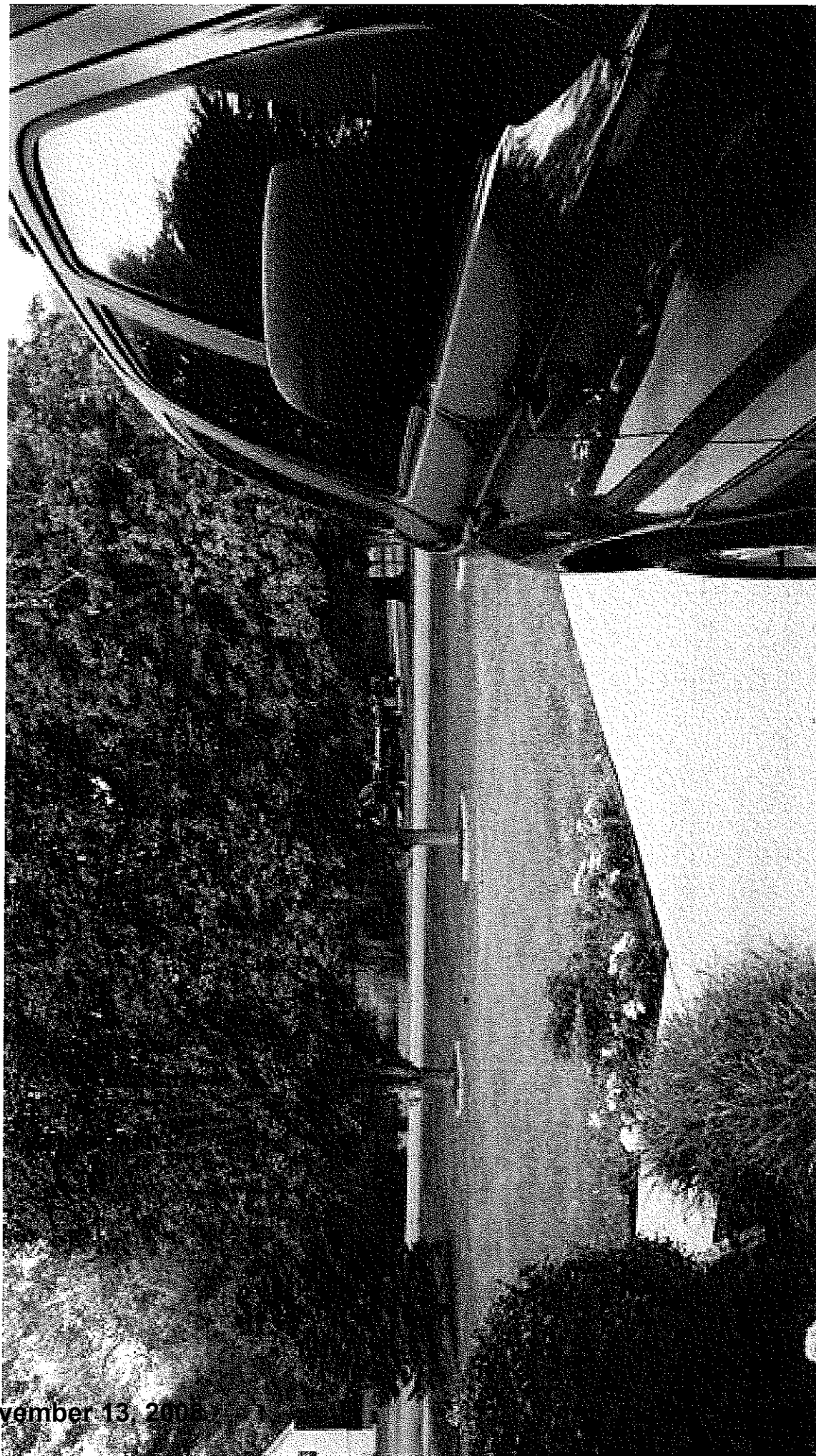
Thank you,

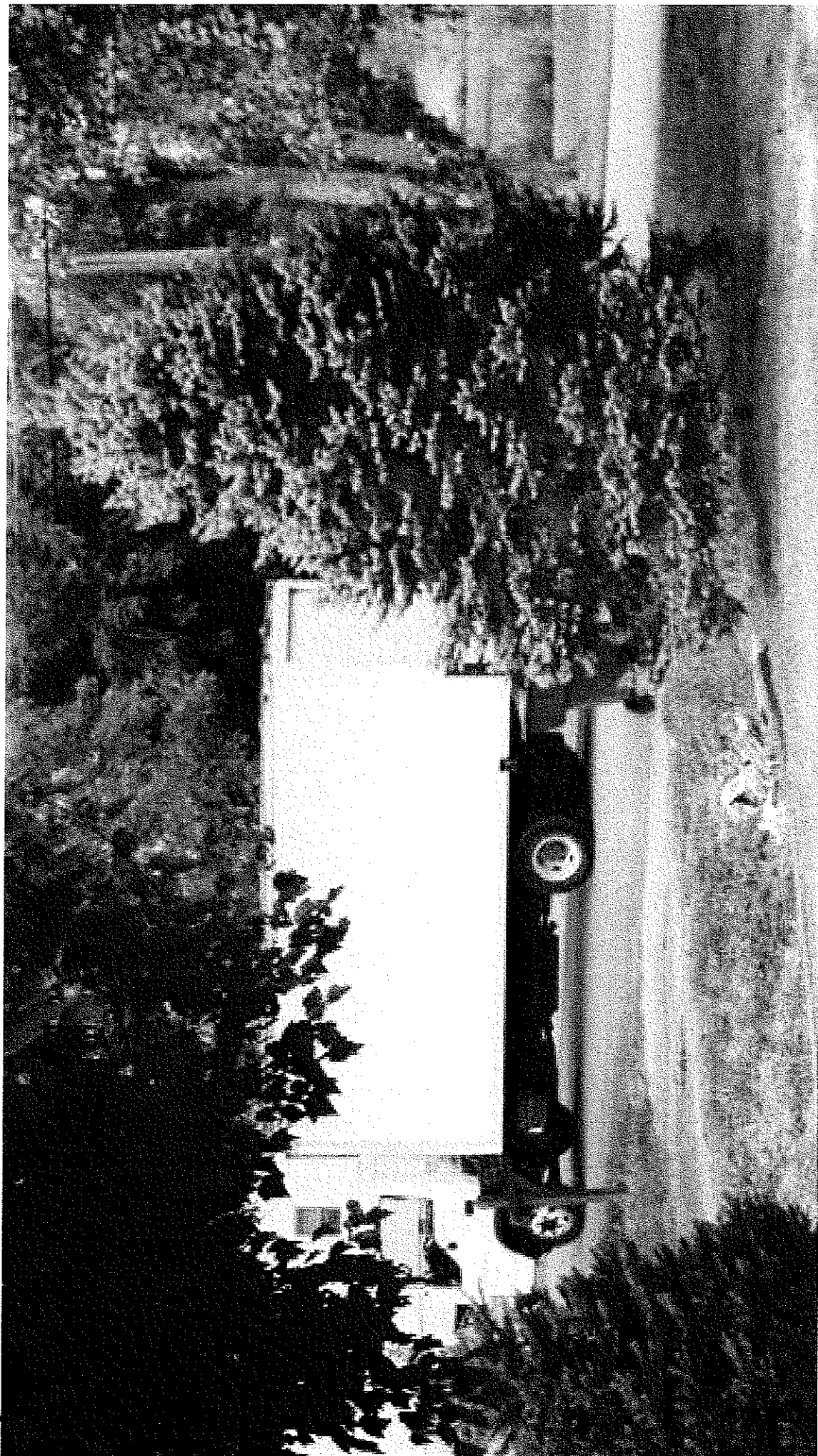
Alicia Barnes
6923 Pennell Lane
Knoxville, TN 37931

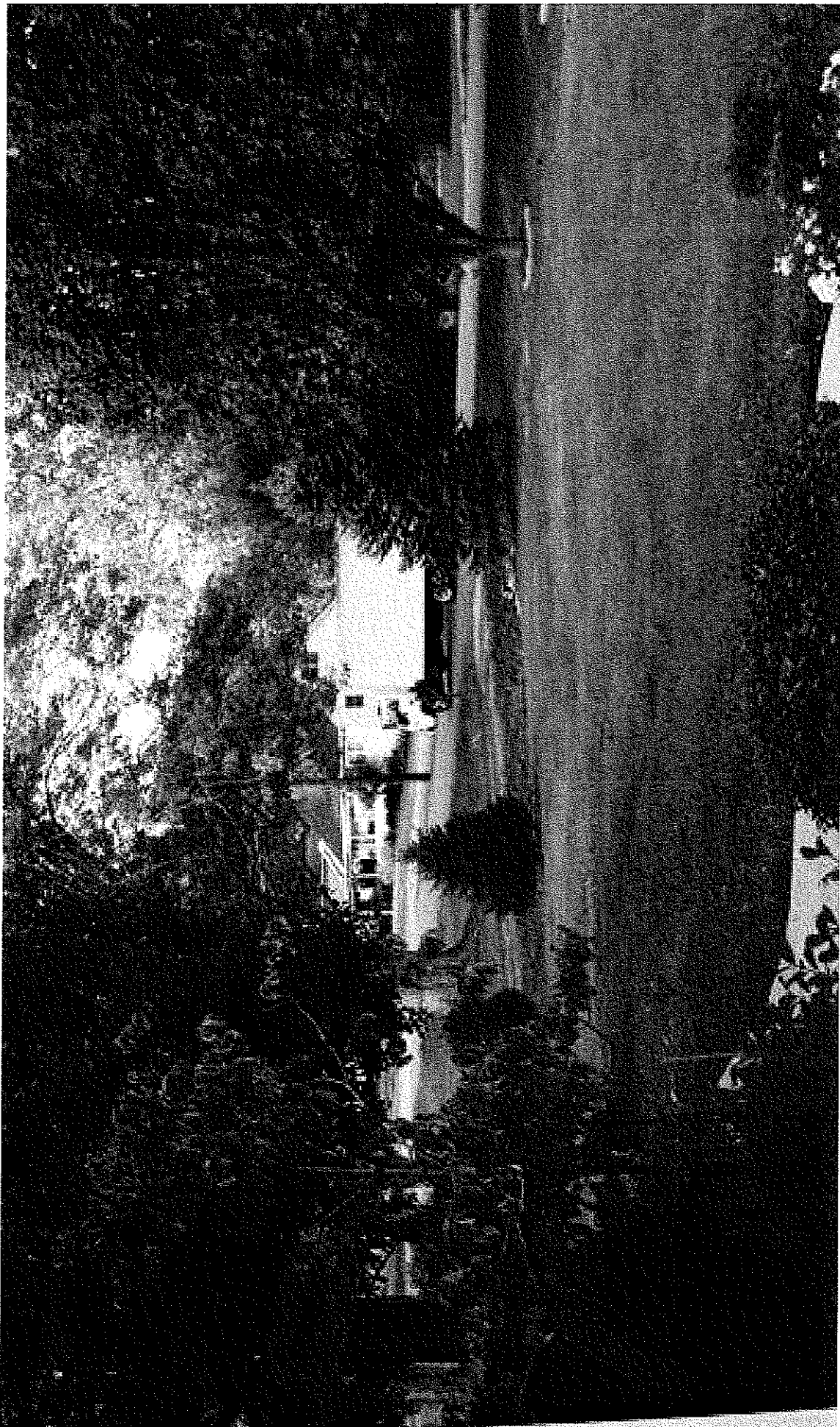
MR. JOE BURK
6920 PENNELL LANE

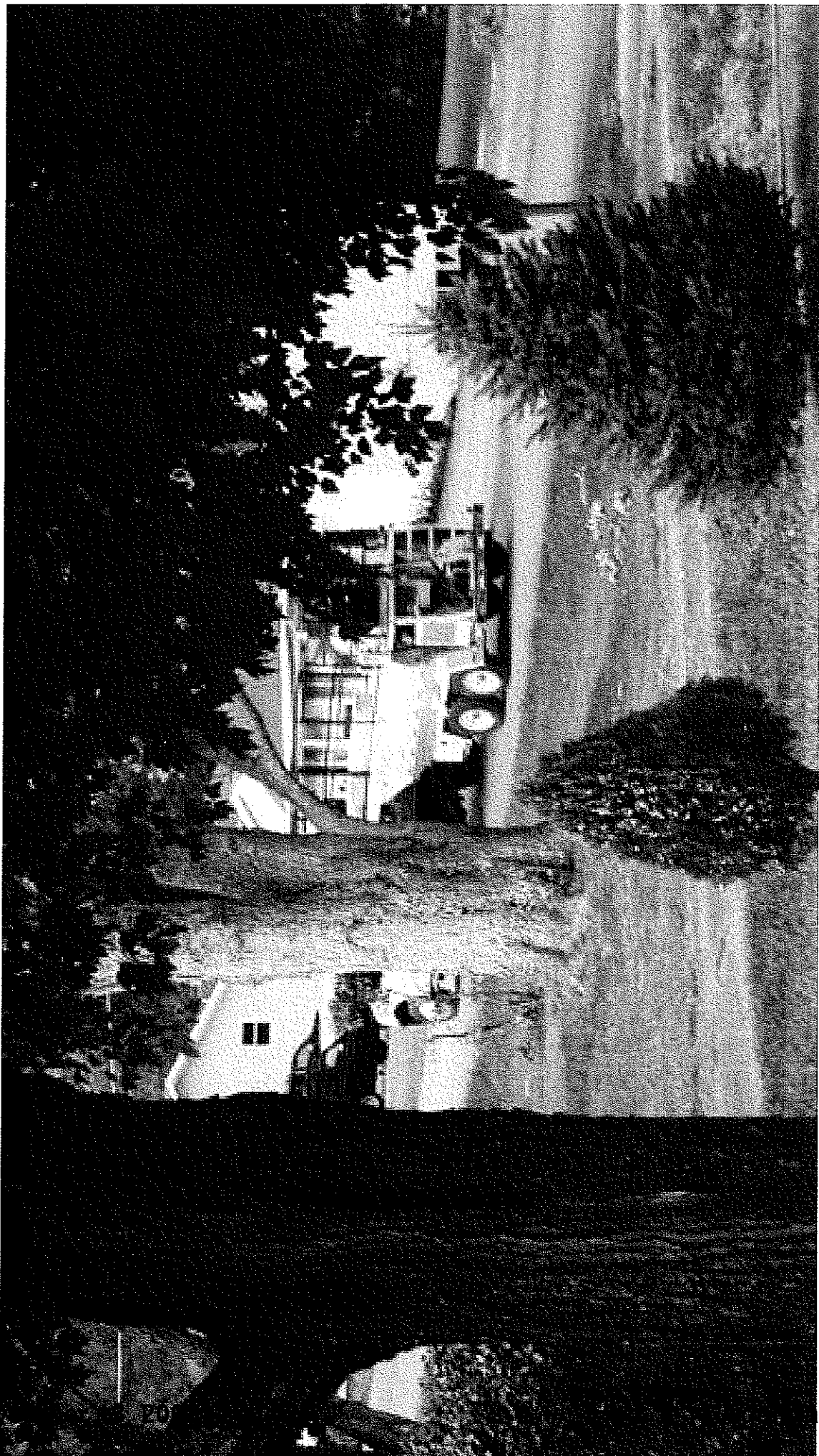
PICTURES
TAKEN BY
46

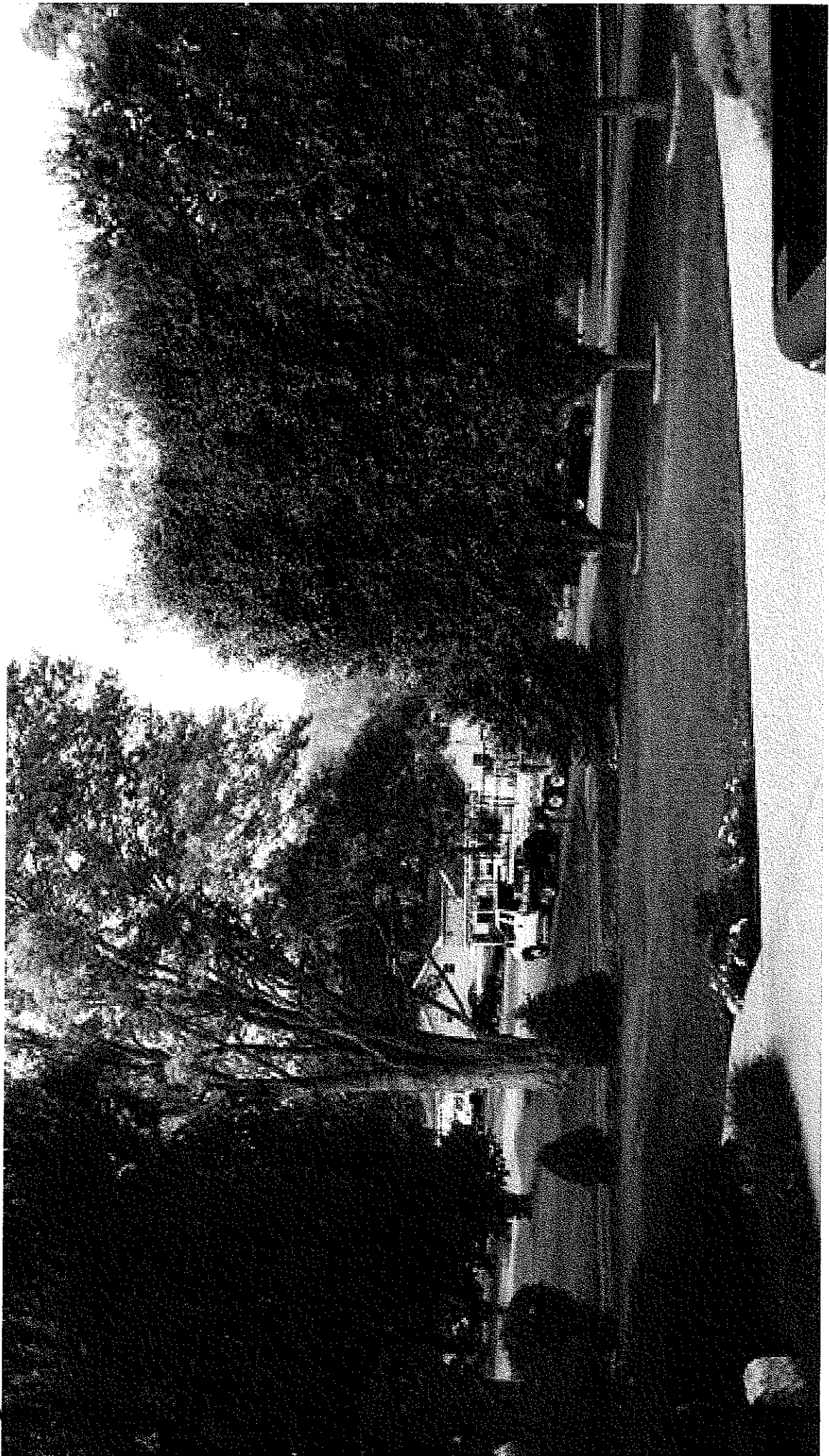
7-H-08-RZ + 7-A-08-SP

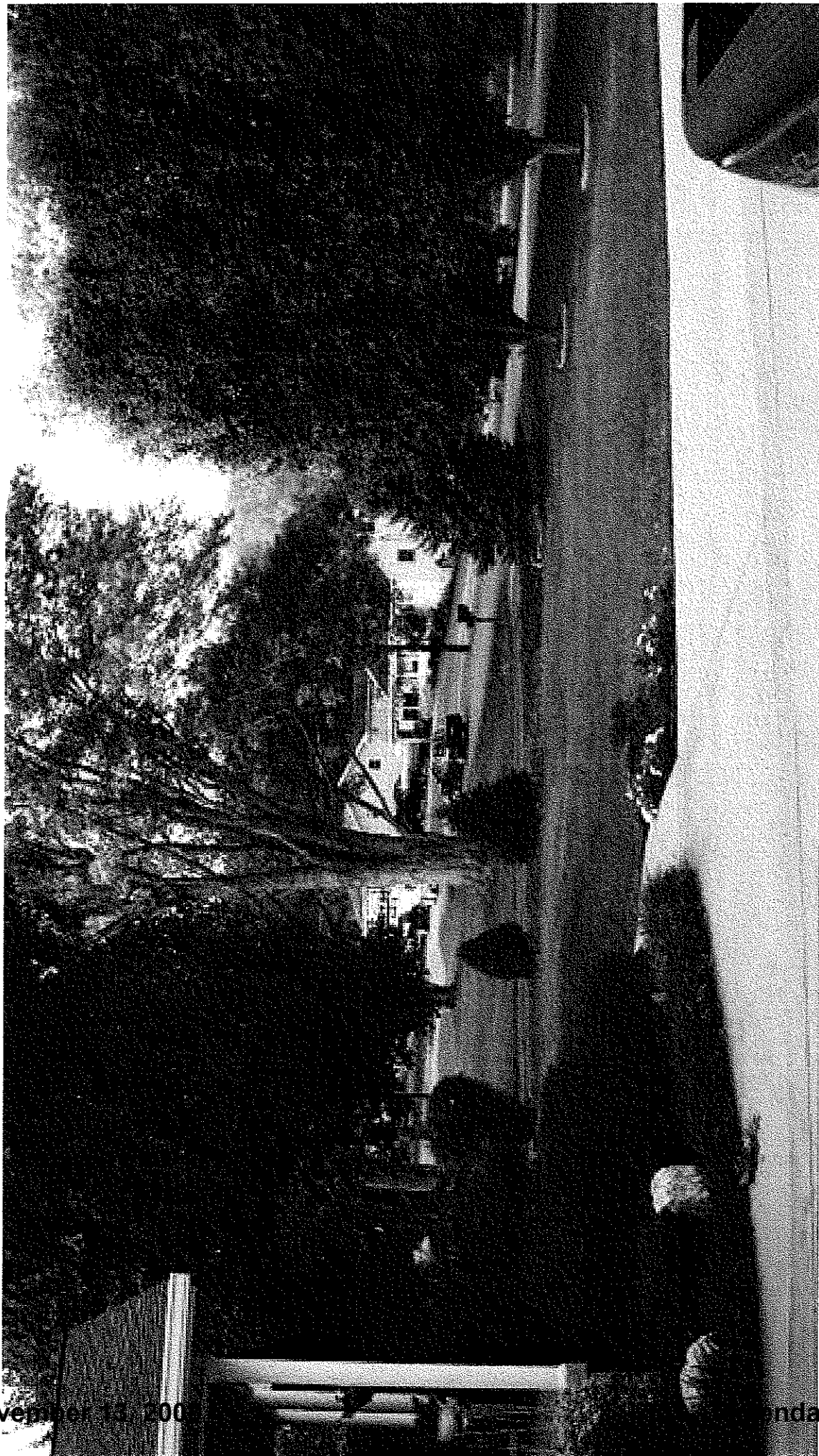


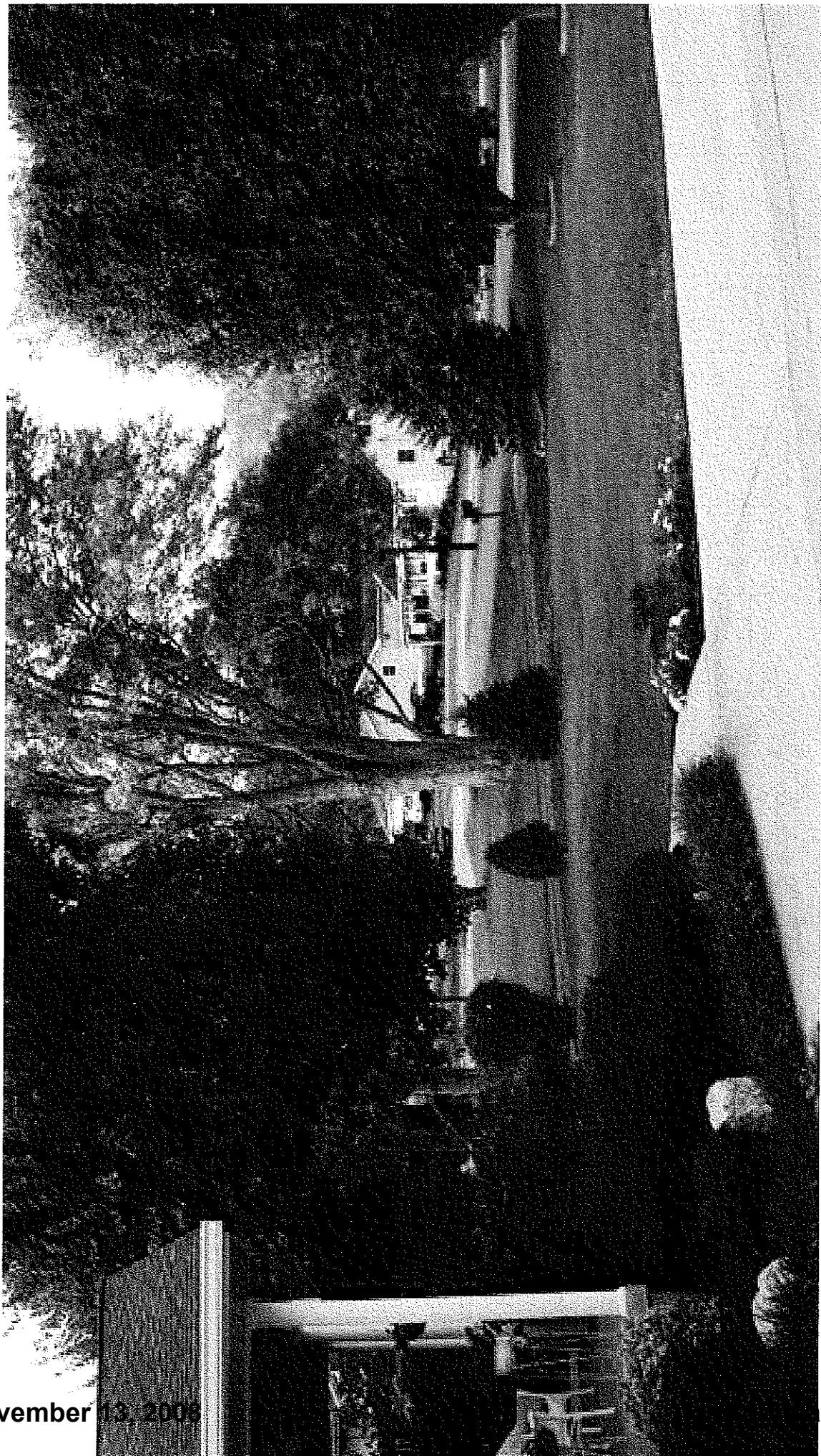






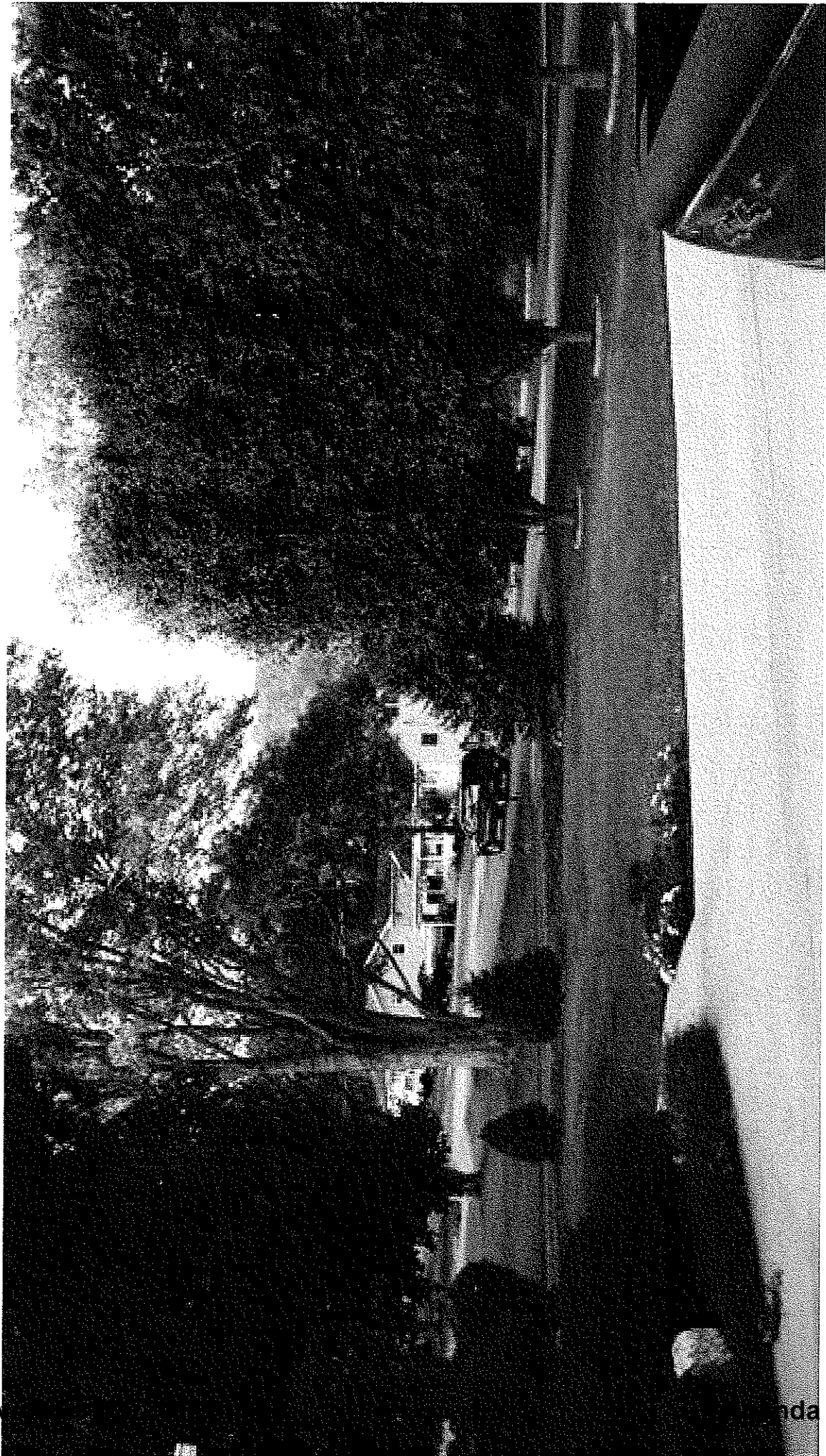


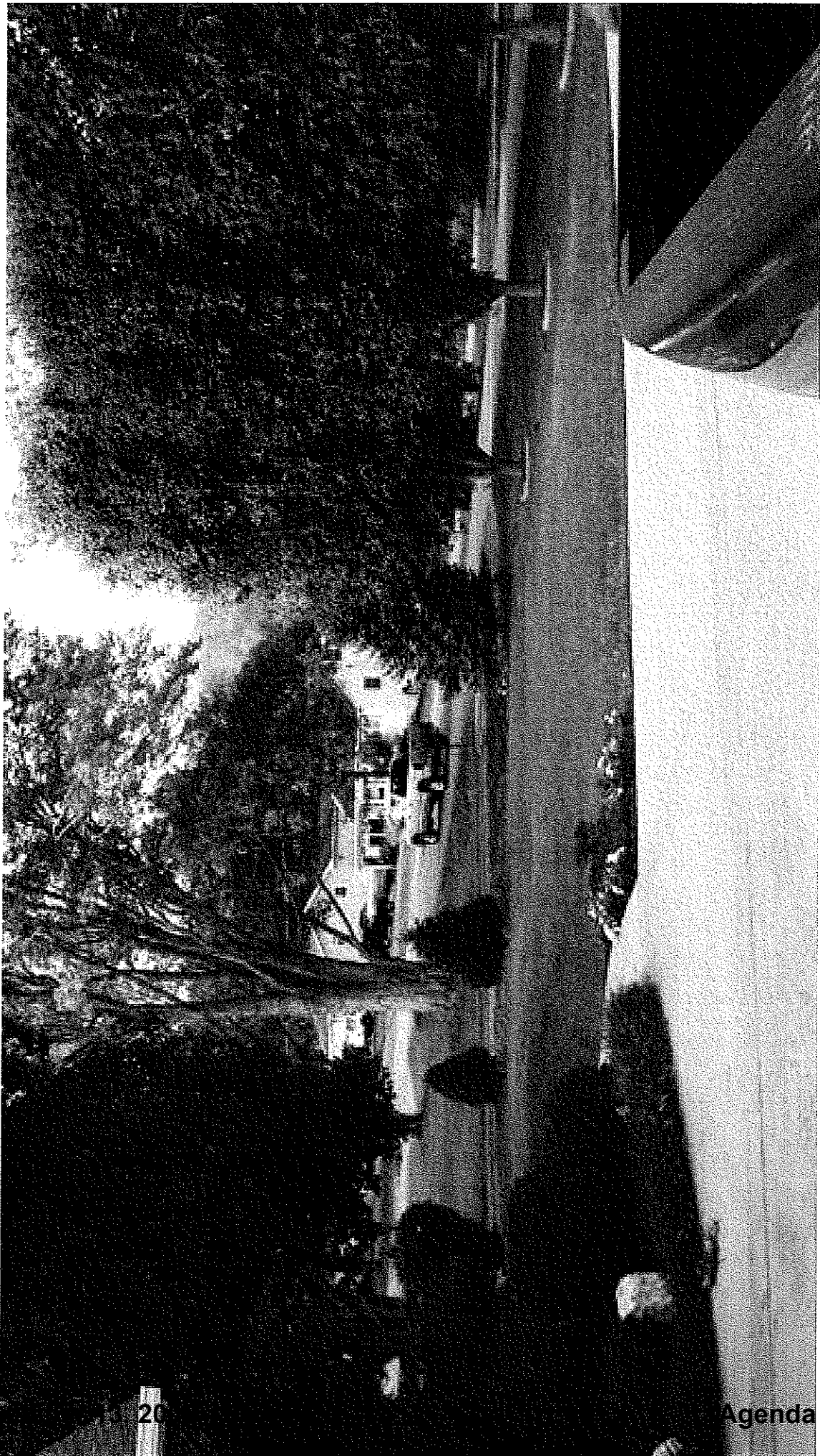


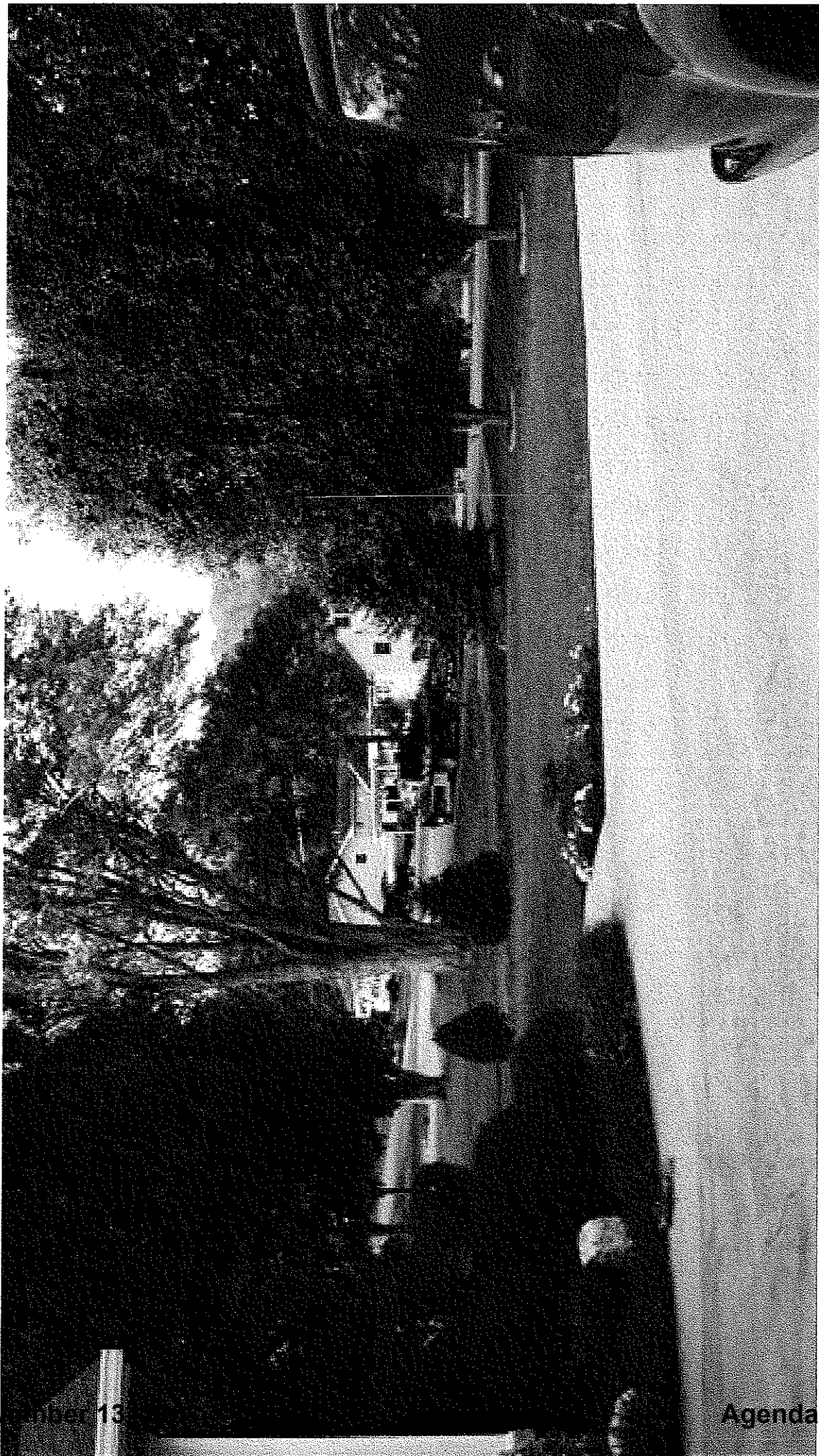


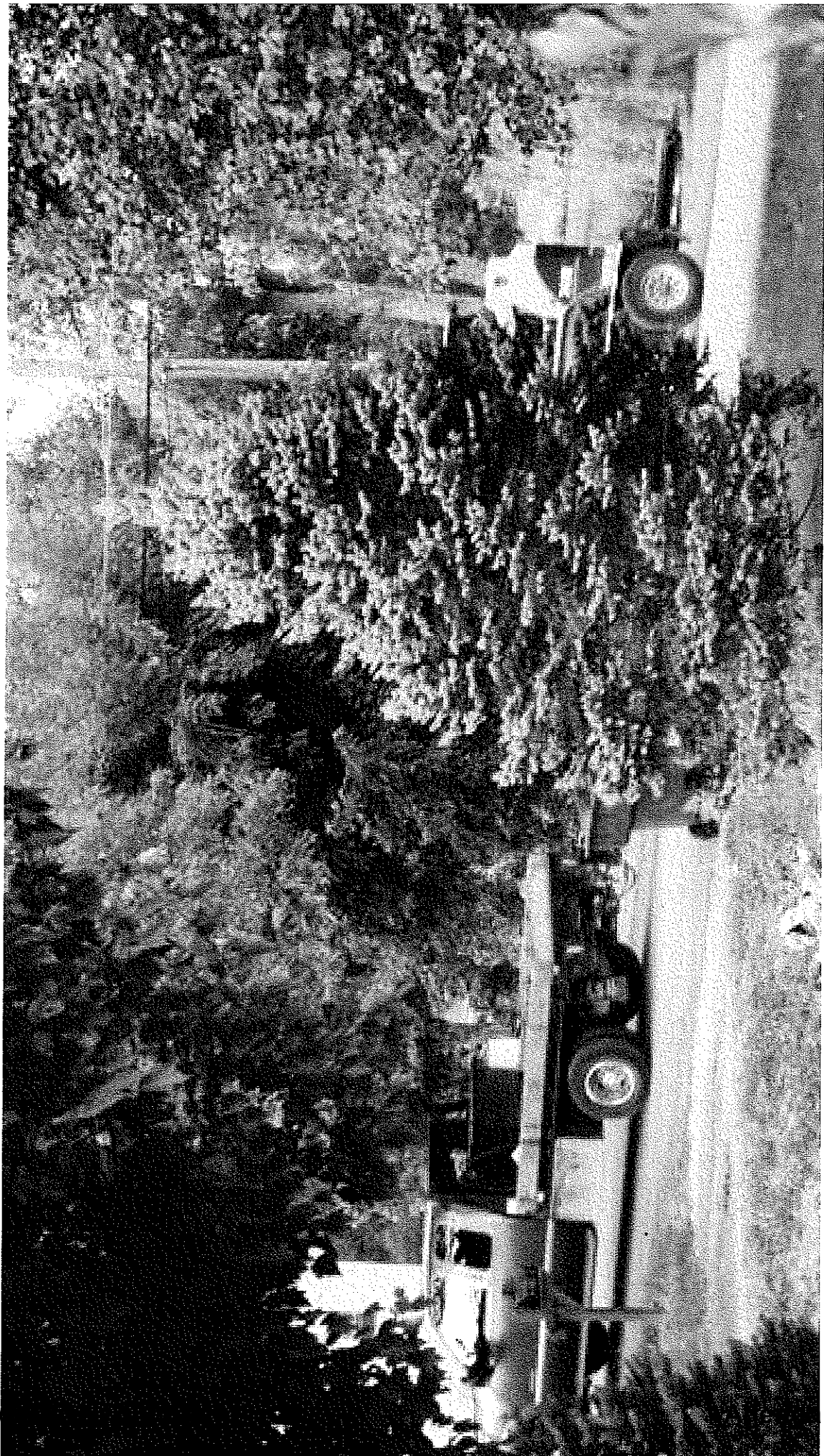
MPC November 13, 2008

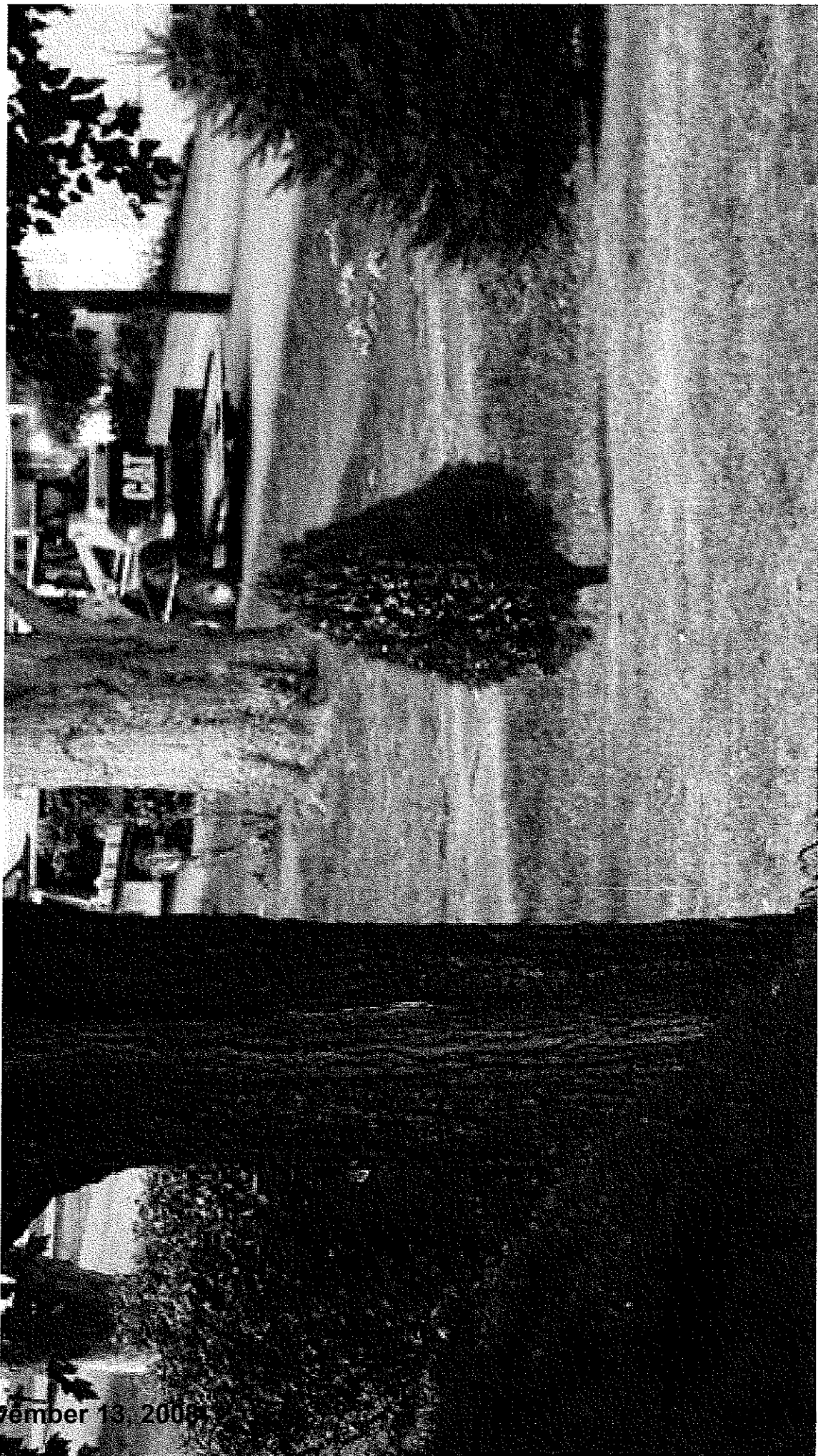
Item # 50

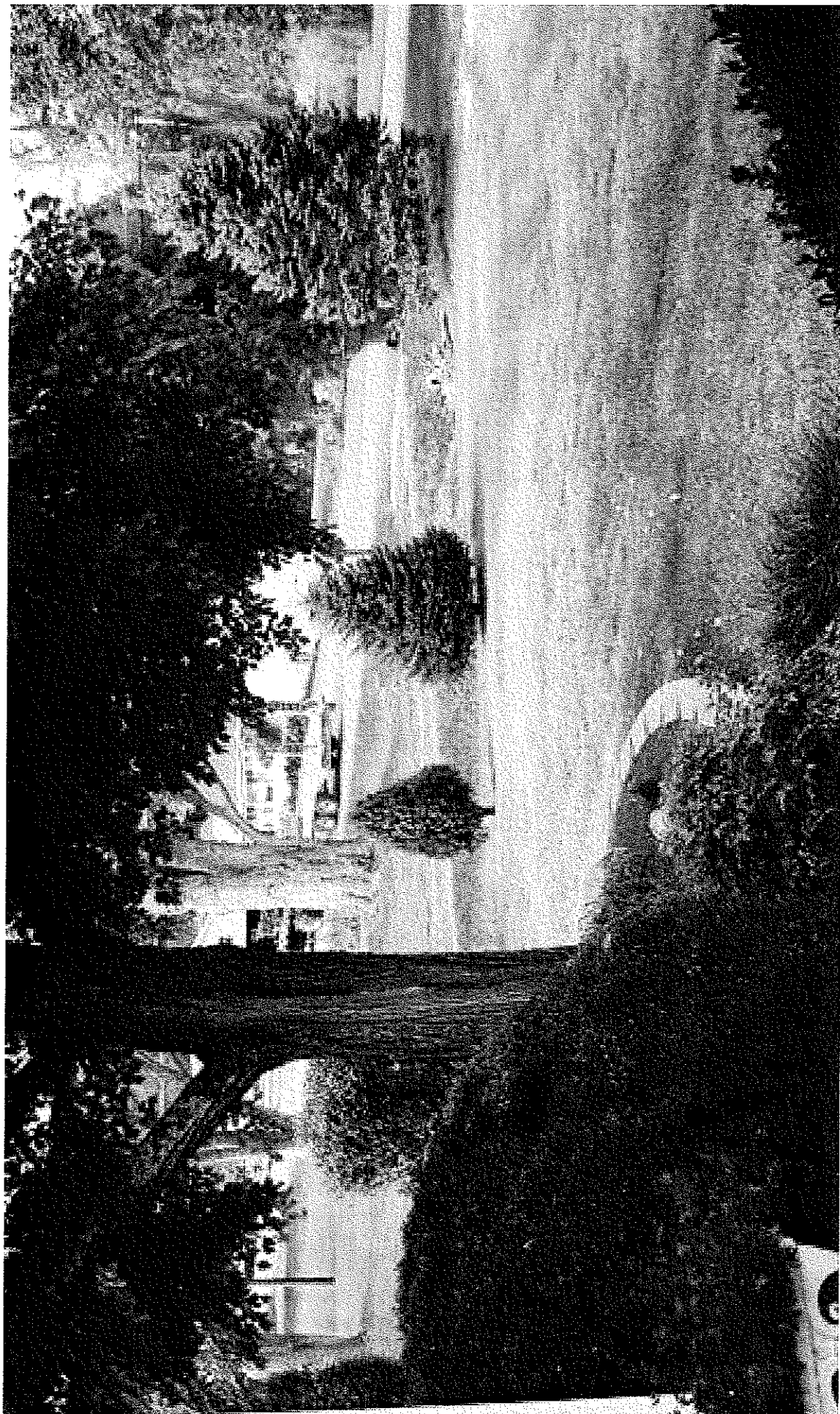












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