



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

▶ **FILE #:** 1-D-09-RZ  
1-A-09-SP

**AGENDA ITEM #:** 41  
**AGENDA DATE:** 1/8/2009

▶ **APPLICANT:** BLUE SKY INVESTMENTS  
**OWNER(S):** FRANK FUSCO

**TAX ID NUMBER:** 104 164  
**JURISDICTION:** Commission District 6

▶ **LOCATION:** Southeast side Lovell Rd. southwest side Hickey Rd.

▶ **TRACT INFORMATION:** 1 acres.

**SECTOR PLAN:** Northwest County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Lovell Rd., a minor arterial street with 20' of pavement width within 75' of right of way, or Hickey Rd., a local street with 17' 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) / RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** House

▶ **PROPOSED USE:** Any use permitted by CA zone.

**EXTENSION OF PLAN DESIGNATION/ZONING:** No

**HISTORY OF ZONING REQUESTS:** None noted

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Lovell Rd. - Residential subdivision / LDR / PR (Planned Residential) @ 1-4 du/ac

**ZONING** South: House / LDR / A (Agricultural)

East: Hickey Rd. - Nursery/retail landscaping business / LDR / A (Agricultural)

West: House / LDR / A (Agricultural)

**NEIGHBORHOOD CONTEXT:** This area is developed primarily with low density residential uses, under A, PR and RA zoning. However, there is a nursery/retail landscaping business to the east that has been in existence since at least the 1980's. It was initially established as a nursery in the Agricultural zone, but has grown over the years into a large scale nursery business, that sells landscaping related products, trees, bedding plants and other related materials.

**STAFF RECOMMENDATION:**

▶ **DENY THE REQUEST for a C (Commercial) plan designation for this site.**

The requested amendment of the sector plan does not meet any of the specific criteria outlined in the General Plan for approval of a plan amendment. This request is a spot sector plan amendment.

▶ **RECOMMEND the DENIAL of CA (General Business) zoning, based on the recommended denial of the sector plan amendment.**

Commercial zoning and uses on this site would have an adverse impact on adjoining residential uses and would be out of character with the sector plan proposal for low density residential land uses in the area. CA at this location would be a classic spot zoning.

**COMMENTS:**

**GENERAL COMMENTS:**

This application has been submitted in response to the issuance of a zoning violation on the site by the Knox County Code Administration Department, which is likely the result of complaints received. Without proper approvals, the site is being used for an illegal business, selling a variety of items, most of which are openly displayed on the site inside a chain-link fenced area or under carport structures attached to the existing house on site. The applicant was informed that in order to bring the use into compliance with zoning, that it must be rezoned to CA. The attached maps show three structures on the site, but the two closest to Hickey Rd. have been recently removed. Some of the various items for sale that were observed during a site visit by staff are desks, filing cabinets, office furniture, trailers, and a pickup truck. Most of the lot is gravel, and a box trailer placed along Lovell Rd. is also doubling as a business sign. The requested commercial sector plan designation is required in order to consider the needed CA to bring the use into compliance with the zoning ordinance.

**SECTOR PLAN REQUIREMENTS:**

**CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN**

- A. **NEW ROAD OR UTILITY IMPROVEMENTS** - No changes have occurred along this section of Lovell Rd. to warrant this change. This site is located on the corner of Hickey Rd. and Lovell Rd. Hickey Rd. is classified as a local street, so this intersection should not be considered as a potential commercial crossroads, which generally requires at least an arterial/collector intersection.
- B. **ERROR OR OMISSION IN CURRENT PLAN** - The plan appropriately calls for LDR development at this location.
- C. **CHANGES IN GOVERNMENT POLICY** - No changes have occurred that warrant this sector plan change. The closest commercial designated area is located about a half mile to the northeast at Lovell Rd. and Middlebrook Pike.
- D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - The development pattern has not changed in this area. The nursery/retail landscaping business to the northwest is a long established use that should not factor into this proposal.

**REZONING REQUIREMENTS:**

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

- 1. The subject property has A or PR zoning on all sides and is adjacent to residential development on three sides which would be adversely impacted by commercial uses that would be permitted under the proposed CA (General Business) zoning.
- 2. A commercial designation and CA zoning on this site would be giving this property owner a more intensive use for their property that is out of character with the surrounding residential uses and zoning, as well as what is proposed for this area by the adopted plan. Approval of this request would constitute a spot zoning of this property.
- 3. There is a large retail nursery/landscaping business to the northeast of this site, that was developed under A zoning. This business was originally established as a nursery, growing all materials on site, but has developed into a large scale retail business. Based on the zoning ordinance's current Agricultural regulations, this business would be nonconforming. But, this business is not zoned commercial, and it would not be appropriate to establish commercial zoning on the subject property that is surrounded otherwise by residential development and zoning.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:**

- 1. The CA zone, as stated in the zoning ordinance, is for general retail businesses and services, but not for

manufacturing or for processing materials other than farm products.

2. CA zoning would allow uses that would have a negative impact on adjacent residential uses.
3. The site is approximately a half acre in size, which is relatively small for a typical commercial development. There may be issues in meeting the required building setbacks and providing required parking for the development.

#### THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have no impact on schools. The impact to streets would depend on the type and size of commercial use developed.
3. Approval of the requested sector plan amendment and rezoning may lead to additional non-residential uses being requested in the area, leading to strip commercial development along Lovell Rd., which would be an intrusion into a primarily residential area.

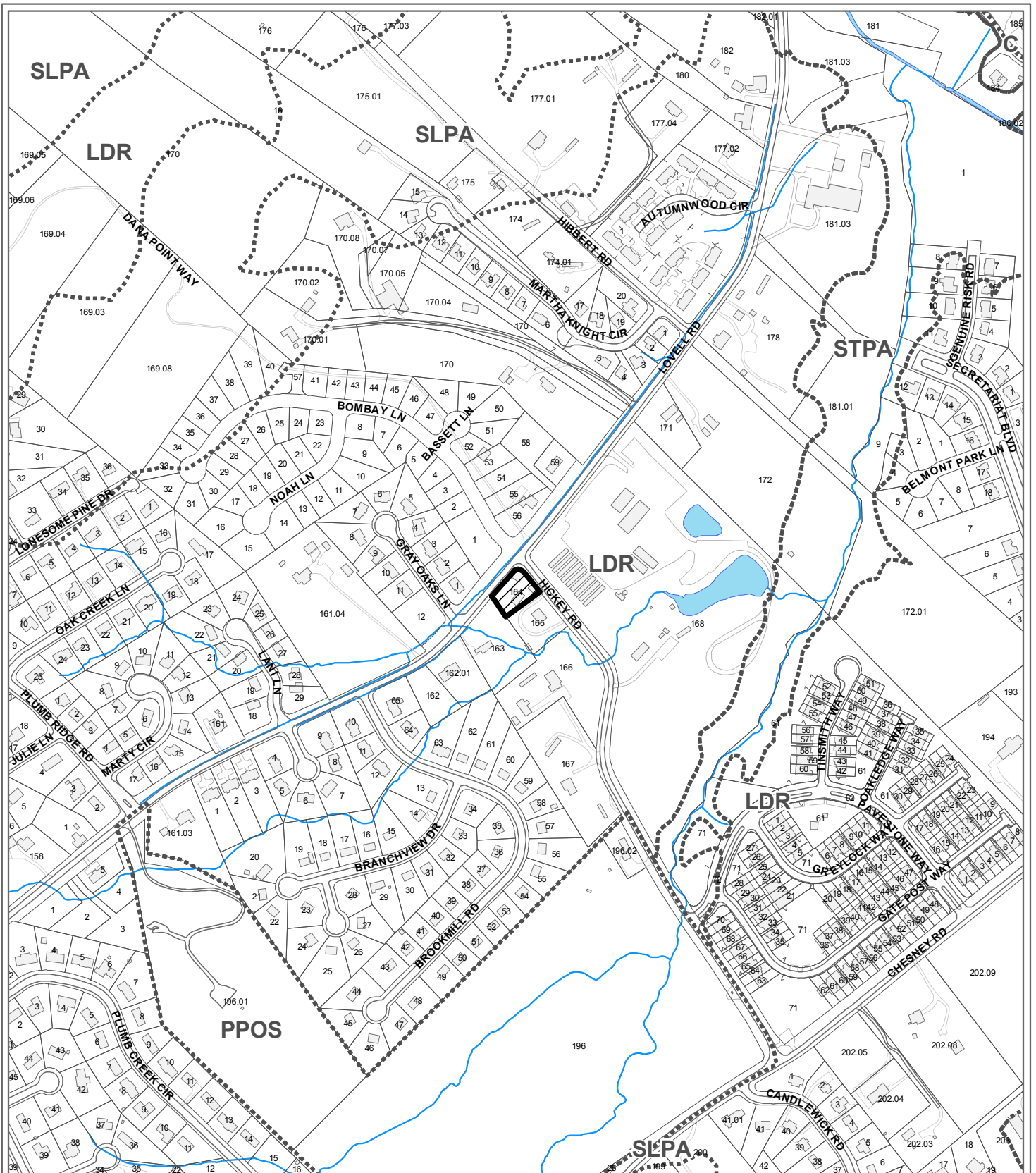
#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS:

1. The Northwest County Sector Plan proposes LDR (Low Density Residential) uses for the site. The requested sector plan amendment to C (Commercial) is required in order to approve CA zoning for this site.
2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. It is expected that the approval of this plan amendment and rezoning would lead to additional, similar requests in this area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/23/2009. 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.



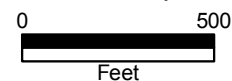
**1-A-09-SP / 1-D-09-RZ  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)  
To: C (Commercial)

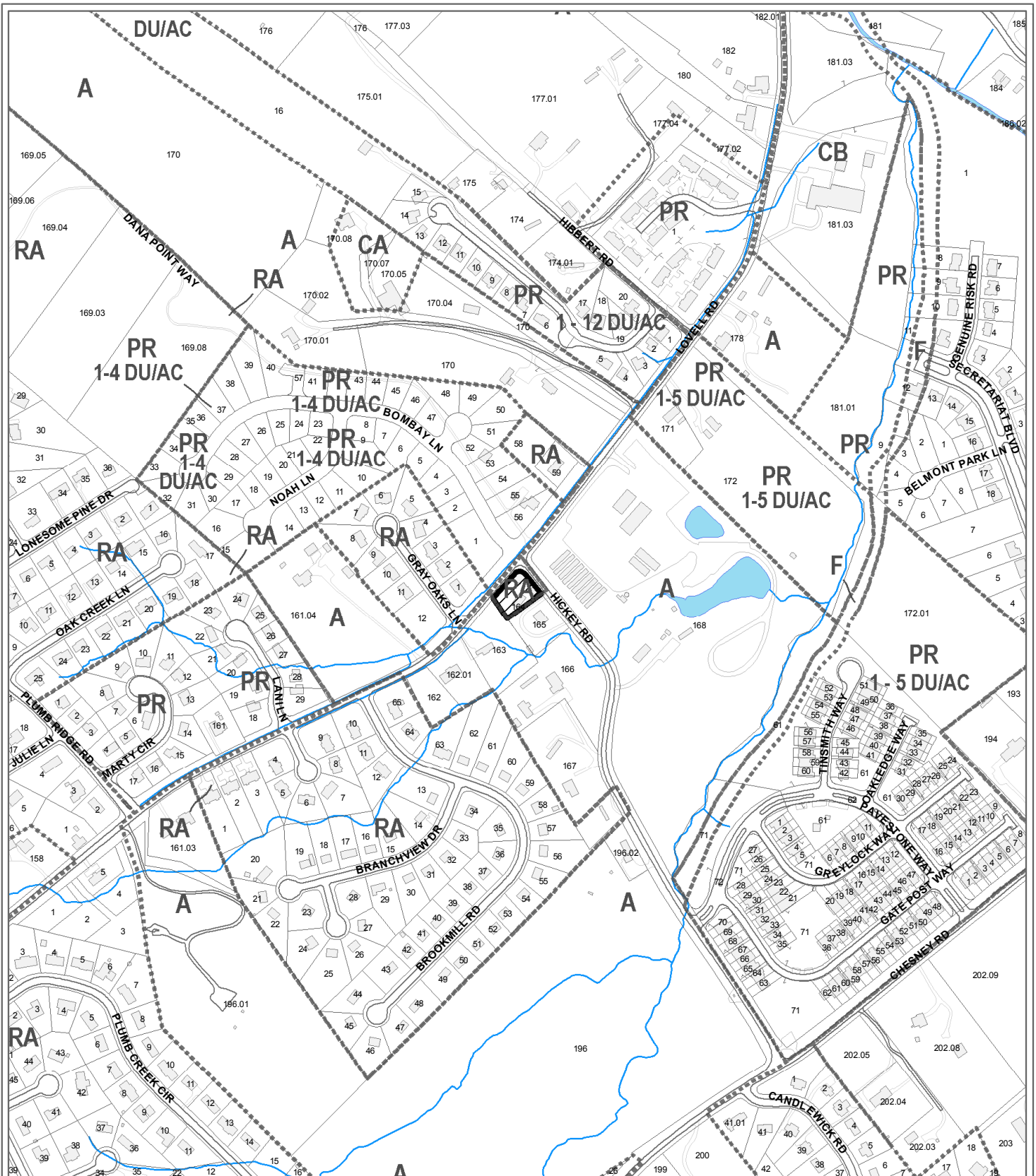


Petitioner: Blue Sky Investments

Map No: 104  
Jurisdiction: County

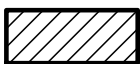


Original Print Date: 12/23/2008      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



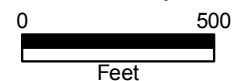
**1-D-09-RZ  
REZONING**

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



Petitioner: Blue Sky Investments

Map No: 104  
Jurisdiction: County



Original Print Date: 12/23/2008      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

**From:** Ken Pruitt  
**To:** Betty Jo Mahan; Mike Brusseau  
**Date:** 12/24/2008 7:45:22 AM  
**Subject:** Fwd: MPC Rezoning Reference #1-D-09-RZ; 2022 Lovell Road

>>> "Bob Fagg" <bobf218@bellsouth.net> 12/19 4:17 PM >>>

Subject: MPC Rezoning Reference #1-D-09-RZ; 2022 Lovell Road

Ken:

This transmits recent pictures of the property at 2022 Lovell Road. This is a representation of the type of business being conducted in violation of Knox County Codes. The pictures reflect the business corner and pictures showing the entrance to our subdivision relative to the property in question. Sherman Oaks is adamantly opposed to the rezoning primarily to the proposed rezoning to CA which is not very restrictive as to what types of business can be conducted under that code. We believe that this property should remain residential which would keep it consistent with the area. This property is currently surrounded by agriculture or residential zoning as it was when the adjacent subdivisions were built and should remain as such. Gray Oaks subdivision which is next to Sherman Oaks has joined in the opposition.

Please include this information in your MPC packets regarding this rezoning. You may address any questions you might have to me as president of the Sherman Oaks Homeowners Association.

Thanks for your attention to this matter.

Bob Fagg - President, Sherman Oaks Homeowners Association  
10026 Noah Lane  
Knoxville, TN .7932-4405

Tel: 865 691-3247 Email: [bobf218@bellsouth.net](mailto:bobf218@bellsouth.net)

The message is ready to be sent with the following file or link attachments:

Sherman Oaks Rezoning Issue 001  
Sherman Oaks Rezoning Issue 002  
Sherman Oaks Rezoning Issue 003  
Sherman Oaks Rezoning Issue 004  
Sherman Oaks Rezoning Issue 005  
Sherman Oaks Rezoning Issue 006  
Sherman Oaks Rezoning Issue 007  
Sherman Oaks Rezoning Issue 008

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving



















December 17, 2008

Mr. Ken Pruitt  
Metropolitan Planning Commission  
Knox County, Tennessee

Reference: MPC Reference 1-D-09-RZ -- Rezoning of residential property to CA  
business at 2022 Lovell Road, Knox County

Ken:

I am faxing you the signature pages we have collected and will email you the  
photographs taken of the above mentioned property for our opposition of the rezoning  
request by Frank Fusco, Blue Sky Investments. We may have additional signatures to fax  
to you later.

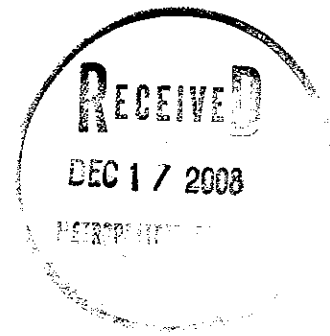
Please let me know if you need anything further. I can be reached at 691-3247 or  
bobandsallyf@bellsouth.net.

I thank you for your assistance

Sincerely,



Bob Fagg, President  
Sherman Oaks Homeowners Association  
10026 Noah Ln  
Knoxville, TN 37932



# Total of 59 Signatures

## NOTICE OF OPPOSITION TO ZONING REQUEST

An application has been filed by Frank Fusco, Blue Sky Investments, for a CA general business zone, which allows for just about any business to be conducted at 2022 Lovell Road (corner of Hickey and Lovell Roads), Knox County, Tennessee. The MPC reference number is 1-D-09-RZ. The surrounding property in the area is zoned residential.

As property owners in the area, specifically in Sherman Oaks Subdivision, the undersigned do hereby request that the pending application mentioned herein be denied by the MPC on the following grounds:

1. The business was established after the creation of the surrounding residential neighborhoods and is not in keeping with the character of said neighborhoods.
2. The business will negatively affect property values in the surrounding residential neighborhoods.
3. The business degrades the aesthetics of the area. The lot contains numerous file cabinets, several large utility trailers, large and small machinery/equipment, vehicles, and other miscellaneous items.

Name Address Phone Email

(Print)				
(Sign)				

Notice of Opposition to Zoning Request - MPC Reference 1-D-09-RZ. The undersigned oppose request to rezone 2022 Lovell Road to CA general business zone.

Name Address Phone Email

20.	(Print) Dixie	10014 Nash Ln			
	(Sign) L. Cox				
21.	Lee Ann Scheibelen	10006 Nash Lane	476-8013		
22.	Sharon Sanders	10017 Nash Ln	581-9283		
23.	Jayne Ragonese	10001 Nash Lane	693-9950		
24.	April Sweatt	10021 Nash Lane	531-3505		
25.	Jennifer McDonald	10010 Nash Lane	951-0300		