

SPECIAL USE REPORT

► **FILE #:** 11-G-21-SU

AGENDA ITEM #: 35

AGENDA DATE: 11/10/2021

► **APPLICANT:** ISAAC PANNELL

OWNER(S): Isaac Pannell

TAX ID NUMBER: 49 P D 02101 & 021

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 5212 & 0 Villa Rd.

► **LOCATION:** East side of Villa Road, north of Tazewell Pike and south of Greendale Road

► **APPX. SIZE OF TRACT:** 2.38 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A (Within City limits)

ACCESSIBILITY: Access is off of Villa Road, a minor collector with a 19-ft pavement width within a 63-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

► **ZONING:** RN-1 (Single-Family Residential Neighborhood)

► **EXISTING LAND USE:** Single family residential dwelling and agricultural/gardens

► **PROPOSED USE:** Market garden on rear lot; residential use on front lot with shared driveway access

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single family residences - RN-1 (Single-Family Residential Neighborhood)

South: Single family residence and a church - RN-1 (Single-Family Residential Neighborhood)

East: Vacant land - RN-1 (Single-Family Residential Neighborhood) and NC (Neighborhood Conservation Overlay)

West: Single family residences - RN-1 (Single-Family Residential Neighborhood)

NEIGHBORHOOD CONTEXT: The surrounding area consists of predominantly single family detached dwellings. The property is approximately 950 north of the intersection of Villa Road and Tazewell Pike.

STAFF RECOMMENDATION:

► **Approve the proposal for a market garden in the RN-1 zone, subject to 3 conditions.**

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

2. Meeting all applicable requirements of the City of Knoxville Department of Engineering.
3. Replatting of the properties in accordance with the Knoxville-Knox County Subdivision Regulations, moving the property line to separate the market garden on its own lot.

With the conditions noted, this plan meets the requirements for approval in the RN-1 District, and the other criteria for approval of a special use.

COMMENTS:

This special use application is to bring the site into compliance with the zoning ordinance after changes were recently made to the site. The submitted plans depict the work that was recently done as well as changes to the site that are required for the proposed use.

A brief history:

Recently, a high tunnel (greenhouse) structure comprising approximately 22,950 square feet (90' x 255') was added to the rear property and a parking area was installed at the front of the site along the length of the driveway consisting of gravel bounded by railroad ties. The City's Plans Review and Inspections Department received an anonymous complaint in July 2021, and a zoning inspector went to the site and conducted an inspection.

The market garden and single family dwelling on the site constituted more than one primary use on a lot in the RN-1 zone, and the applicant had not sought permits for the newly completed work. The applicant was found to be in violation of Article 10.3.A, General Regulations for Accessory Structures, and Article 9.1, General Use Regulations, and the applicant was issued a notice of violation.

The application states that the applicant bought the property under Agricultural zoning and utilized the land for the same use as the previous owners. However, the zoning prior to the adoption of the new zoning ordinance was R-1 (Low Density Residential). Market gardens was a use permitted on review in the R-1 zone, so a use on review should have been sought before expanding the gardens to that intensity. According to historical aerials on KGIS, the property at 5212 Villa Road has had a garden on the site since 1998 when a small garden was first installed at the rear of the property consisting of a few small rows of vegetation. This grew to more established beds between 2001 and 2003, and another expansion occurred in 2019 when a larger footprint for the garden was established with additional rows of garden vegetation covered with tube structures and plastic wrap overtop. At that same time, the garden area was enclosed with a fence and included the garden rows and a shed. The applicants purchased the property in 2018.

Site Plan Description:

Since the RN-1 zone does not allow more than one primary use on the property, the uses are required to be separated. Site plans show the applicant's home on the lot fronting Villa Road, with the market garden on the rear property. The lot line is proposed closer to Villa Road so that the market garden is completely contained within a single lot, separate from the single-family dwelling. The market garden consists of four structures (garage, two sheds, and a high tunnel) in addition to the garden area. Access for the market garden is via a shared driveway with the residence.

The applicant will be required to widen the driveway to comply with nonresidential use parking and access requirements since the driveway is proposed to be shared with a nonresidential use. Four vehicular and four bicycle parking spaces will be required for the market garden, and a new parking area is proposed on the rear lot that meets the spaces required. Parking on the driveway is allowed for single family residential uses, and the parking for the residences is proposed to occur in the driveway.

The applicant is also required to remove the existing gravel parking area at the front of the site as it is not in compliance with the Zoning Ordinance requirements, though a portion of the gravel can remain to widen the driveway to meet the nonresidential width standards.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The One Year Plan and North City Sector Plan both have this property designated as LDR (Low Density Residential) which allows consideration of the RN-1 and RN-2 zone, which allow a market garden as a special use.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

- A. The RN-1 Single-Family Residential Neighborhood Zoning District is intended to accommodate traditional low density residential neighborhoods in the City of Knoxville. Limited nonresidential uses that are compatible with the character of the district may also be permitted.
- B. The proposal meets all relevant requirements of the RN-1 zoning district and the criteria for approval of a special use.
- C. The replatting of the property and subsequent site improvements will bring the site into compliance with the requirements of the zoning ordinance for a market garden.
- D. The proposal is in compliance with Article 9.3.Q related to high tunnels.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

- A. This property is surrounded by single family dwellings, although there are a few vacant parcels in the vicinity and a church is 157 feet to the southeast.
- B. A market garden is permitted in the RN-1 zone as a Special Use. The rear property is separated from adjacent residential properties to the north by a privacy fence, which blocks the view of most garden activities from those properties.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

- A. The development would be required to comply with the Article 10 of the City of Knoxville Zoning Ordinance standards for the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

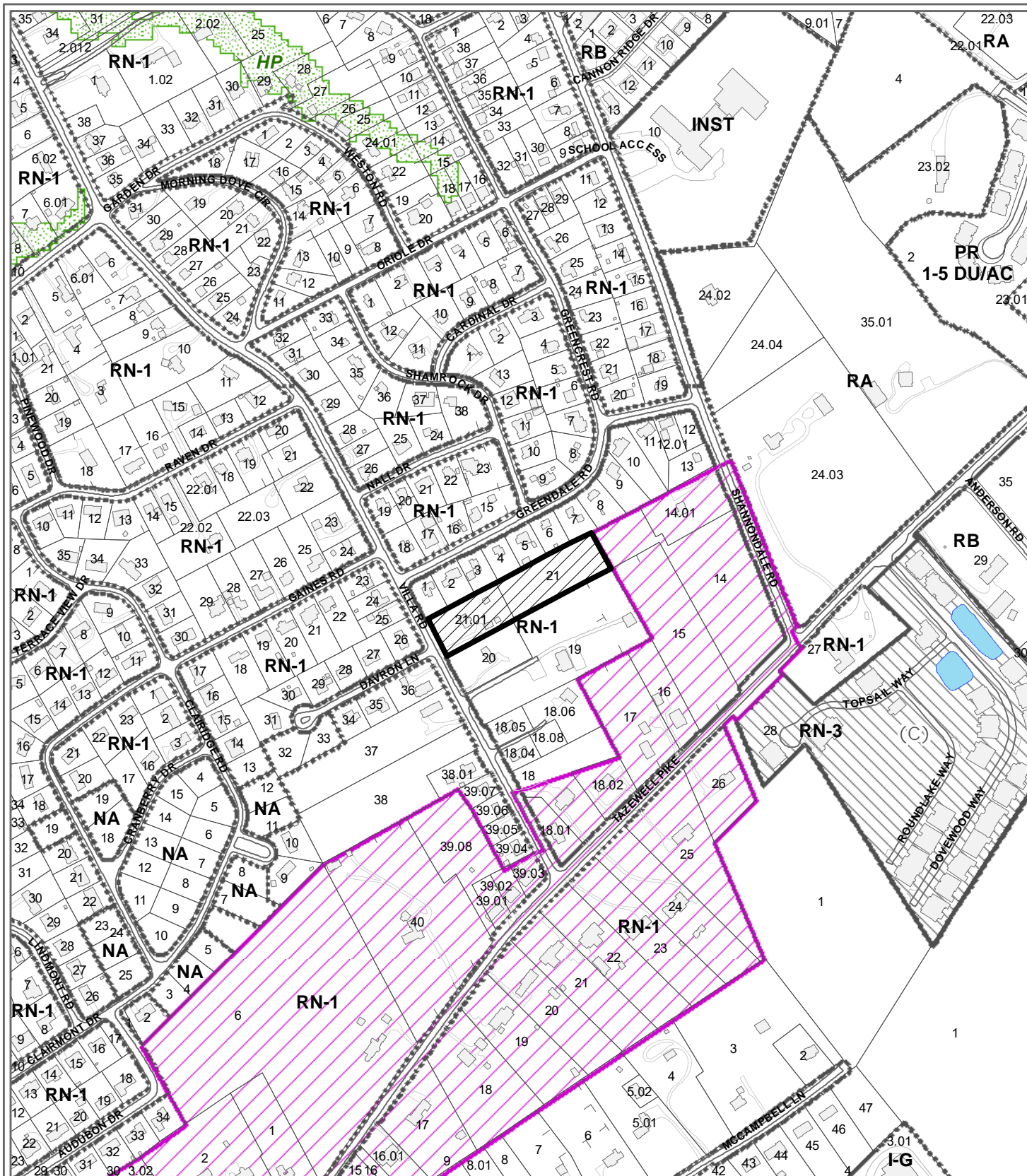
5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

- A. Additional traffic will not be drawn through residential streets because Villa Road is a minor collector street.
- B. The proposed market garden is not expected to result in a significant increase in traffic in this area. However, it is reasonable to expect some schedule of supply delivery or distribution, perhaps utilizing pick-up trucks and long trailers.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**11-G-21-SU
SPECIAL USE**



Market garden on rear lot; residential use on front lot with shared driveway access in RN-1 (Single-Family Residential Neighborhood)

Original Print Date: 10/13/2021 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Pannell, Isaac

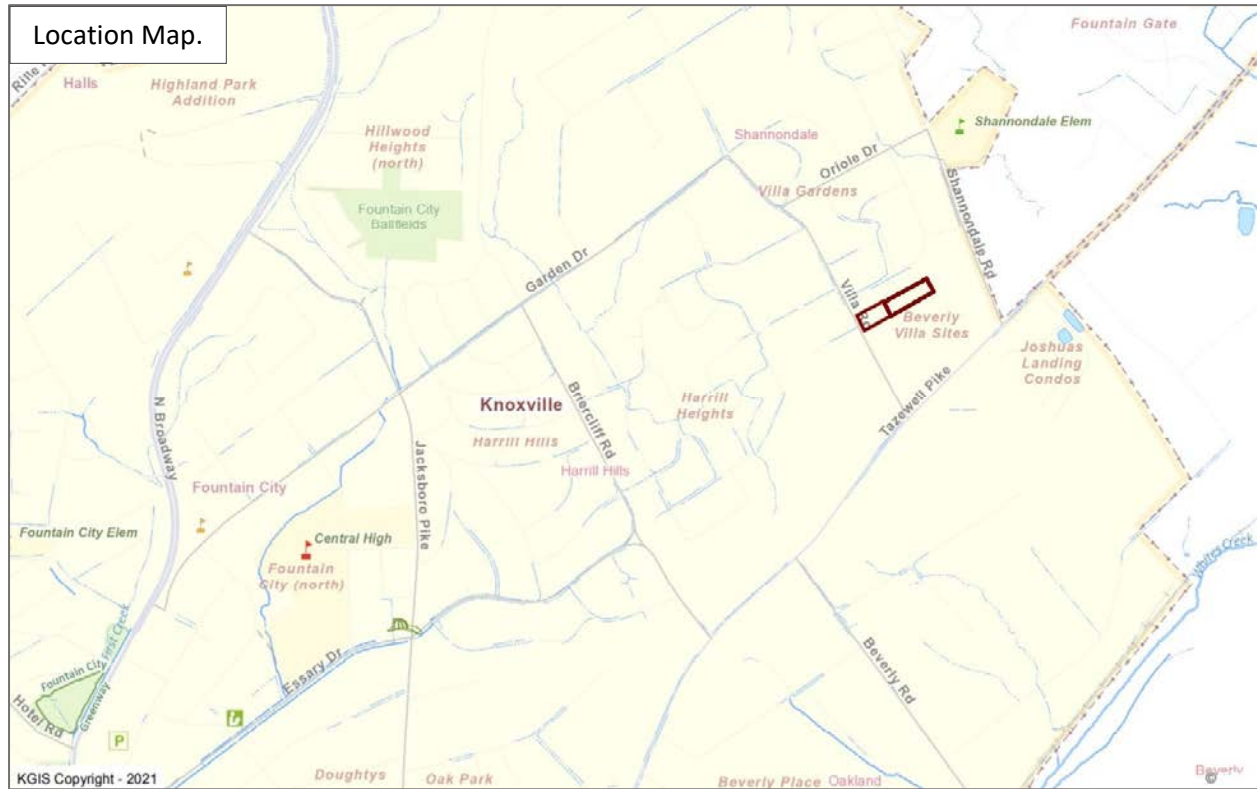
Map No: 49
Jurisdiction: City

0 500
Feet



11-G-21-SU

EXHIBIT A. Contextual Images



11-G-21-SU

EXHIBIT A. Contextual Images

Google Street View, 2015.



Current Street View showing gravel area added to driveway.



11-G-21-SU

EXHIBIT A. Contextual Images

Eagle Eye View Looking West.



Eagle Eye View from same direction, closer vantage point.



Key:

- A. Isaac and Savannah Pannell Home (Shaded)
- B. City-Permitted Addition on Pannell Residence (Blue)
- C. City-Permitted Addition on Garage/Studio (Blue)
- D. Existing Flower Studio/Garage (Shaded)
- E. Existing Tool Shed (Shaded)
- F. Existing Farm Supplies and Material Shed (Shaded)
- G. Open Farm Area (Green)
- H. High Tunnel House (Yellow)
- I. Entire Farm Area (Red)
- J. 0 Villa Road Lot Owned by Isaac and Savannah Pannell
- K. New Parcel Line (Black Line)

Key Description:

- A. Residential home of Isaac and Savannah Pannell located at 5212 Villa Road.
- B. City-Permitted Addition to house Approved and Finalized with Certificate of Occupancy July 2021
- C. City-Permitted Addition to garage Approved and Finalized with Certificated of Occupancy July 2021
- D. Building is used as a garage to store both flower trucks for the sole-proprietor Savannah Pannell dba Flourish Flowers. Space is also used to store flowers and design arrangements.
- E. This tool shed is used to store the tractor, tiller, hand and power tools
- F. This shed is used to store all irrigation, sand bags, frost cloth, netting, and landscape fabric
- G. The open farm are consists of rows approximately 4 feet wide of cut flowers (annuals and perennials). Each row can be covered with frost cloth material during winter to keep frost from killing the plants. Everything in this area is sold off-site.

Scale:

1" = 100'

File: 11-G-21-SU

Building Sizes and Lot Coverage:

5212 Villa Road: 6.9%
Lot Size - 26,000sqft
House Size (A,B) - 1,800 sqft

0 Villa Road: 4.9%
Lot Size: - 78,000sqft
E- 400sqft
(D,C) - 990sqft
F - 480sqft
H - 1920sqft
Total - 3790sqft

Key Description Continued:

H. 24'x80' High Tunnel Hoop House that has no power. It is built of 1.5" bowed electrical conduit with 6 mil clear plastic over the hoops. 14' high

I. Entire Farm Area that consists of the material shed, open growing flower rows, and high tunnel hoop house. Approximately 90'x 255'

J. 0 Villa Road Lot owned by Isaac and Savannah Pannell

K. New Requested Parcel Line to separate entire farm area (I) and garages and sheds (C,D,E,F) from house (A,B) to existing lot (J).

Main Request (See Addendum 1 for more information):

Isaac and Savannah Pannell are requesting a re-platting of 5221 Villa Road and 0 Villa Road in order to attain special use approval for market-garden use for 0 Villa Road. The existing land use for 0 Villa Road was marked "Agriculture" therefore Isaac and Savannah Pannell used the land for what it was previously used for. Isaac and Savannah Pannell have been requested to get Special Use Approval for the market-garden use, and therefore is going through the Knoxville City-Knox County Planning Committee process.

Notes:

R: Driveway 24' Wide, Mixed gravel and pavement

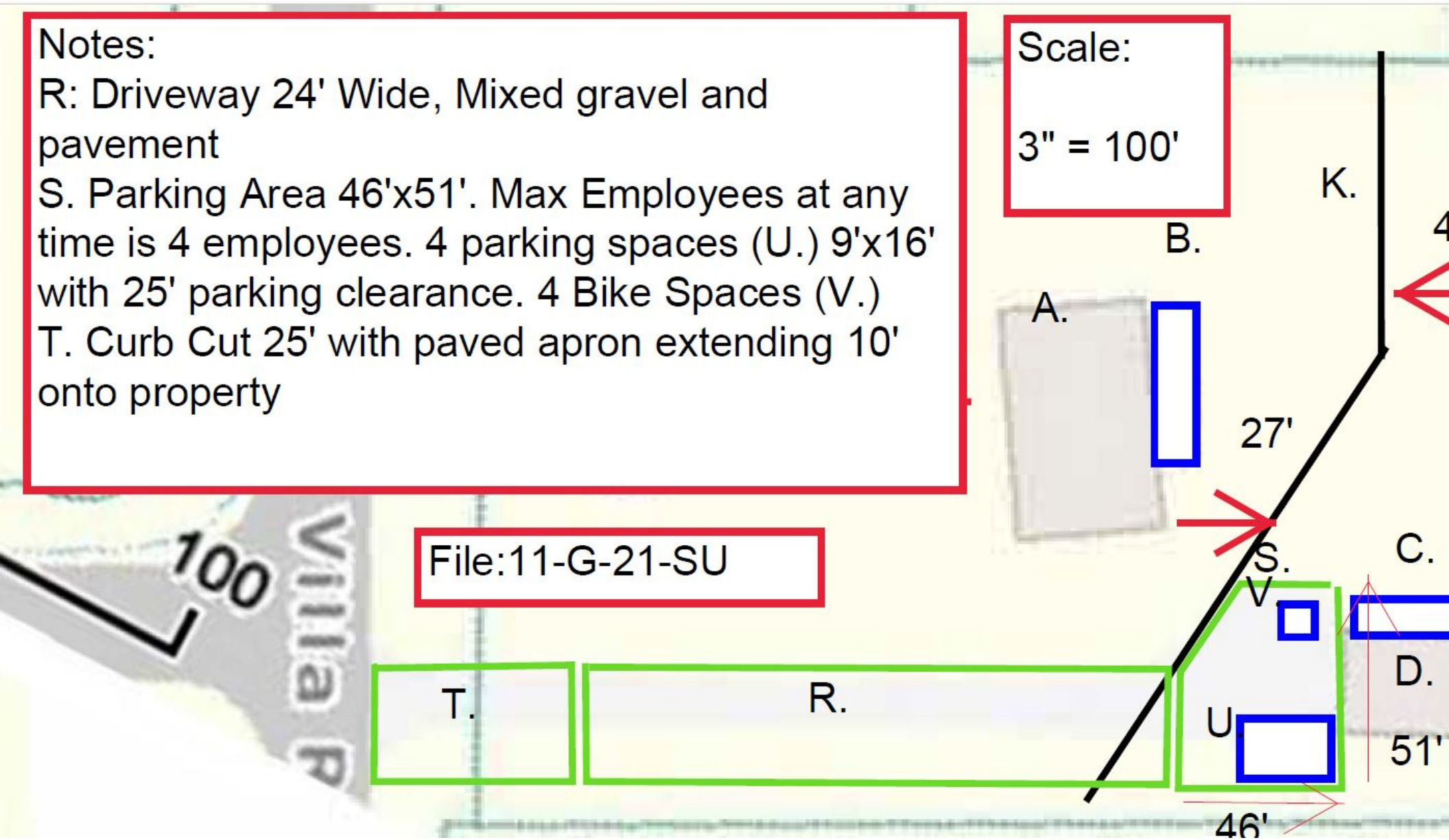
S. Parking Area 46'x51'. Max Employees at any time is 4 employees. 4 parking spaces (U.) 9'x16' with 25' parking clearance. 4 Bike Spaces (V.)

T. Curb Cut 25' with paved apron extending 10' onto property

Scale:

3" = 100'

File:11-G-21-SU





Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☒ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☐ Rezoning

Isaac Pannell

Applicant Name

9/27/2021

Date Filed

November 10, 2021

Meeting Date (if applicable)

Property Owner

Affiliation

File Number(s)

11-G-21-SU

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☐ Applicant ☒ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Isaac Pannell

Name

Company

5212 Villa Road/O Villa Road

Knoxville

TN

37918

Address

City

State

ZIP

8657195024

isaacfpannell@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Owner Name (if different)

Owner Address

Owner Phone

5212 Villa RD / O Villa RD

049PD02101/049PD021

Property Address

Parcel ID

KUB Sewer

KUB Water

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

The property is located on the east side of
General Location Villa Rd south of Greendale Rd.

2.38 Ac

Tract Size

☒ City ☐ County
District

4

RN-1

Zoning District

Single Family Residential & AgForVac

Existing Land Use

North City

Planning Sector

LDR (Low Density Residential)

Sector Plan Land Use Classification

N/A

Growth Policy Plan Designation

December 2020

DEVELOPMENT REQUEST

☐ Development Plan ☒ Use on Review / Special Use ☐ Hillside Protection COA

Related City Permit Number(s)

☐ Residential ☐ Non-Residential

Home Occupation (specify) **Residential requesting Special Use for Market Garden**

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel Total Number of Lots Created _____

☐ Other (specify) _____

☐ Attachments / Additional Requirements _____

ZONING REQUEST

Pending Plat File Number

☐ Zoning Change Proposed Zoning _____

☐ Plan Amendment Change Proposed Plan Designation(s) _____

Proposed Density (units/acre) _____ Previous Rezoning Requests _____

☐ Other (specify) _____

STAFF USE ONLY**PLAT TYPE**

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (*Final Plat*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

0403 \$900

Fee 2

\$900

Fee 3

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Applicant Signature

Isaac Pannell

9/27/21

Please Print

Date

8657195024

isaacfpannell@gmail.com

Phone Number

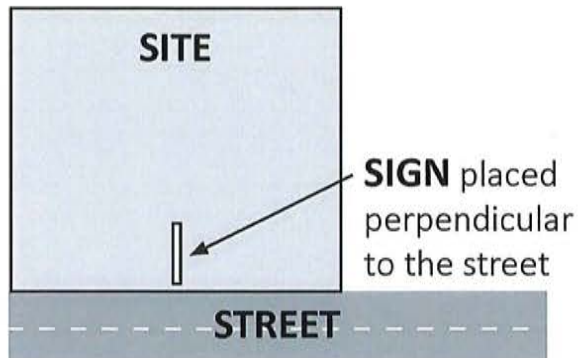
Email


Staff Signature

Levan King Cranston
Please Print

9/27/2021
Date
swm / 9/28/21

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

Oct 26th and Nov. 11th
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Isaac Pannell
 Date: 11/28/21
 File Number: 11-G-21-SU

☒ Sign posted by Staff
☐ Sign posted by Applicant