



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 6-J-22-RZ
6-B-22-SP

AGENDA ITEM #: 20
AGENDA DATE: 6/9/2022

► **APPLICANT:** WAYNE KLINE (ATTORNEY)
OWNER(S): Kenneth Ingram

TAX ID NUMBER: 78 J E 037 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 6909 Pennell Ln.

► **LOCATION:** North of Oak Ridge Hwy., west side of Pennell Ln.

► **TRACT INFORMATION:** 1.15 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Pennell Lane, a local street, with a pavement width of 19-ft within a right-of-way width of 50-ft.

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:** GC (General Commercial) / CA (General Business)

► **EXISTING LAND USE:** Single family residential

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, GC and CA are adjacent to the south and east

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, North: Single family residential / LDR (Low Density Residential) / RA (Low Density Residential)

ZONING South: Single family residential / GC (General Commercial) / CA (General Business)

East: Single family residential / LDR (Low Density Residential) / CA (General Business), RA (Low Density Residential)

West: Single family residential / GC (General Commercial) / CA (General Business)

NEIGHBORHOOD CONTEXT: This area is mostly single family residential properties adjacent to the commercially zoned corridor along Oak Ridge Highway.

STAFF RECOMMENDATION:

- ▶ **Deny the sector plan amendment to GC (General Commercial) because it is not compatible with the adjacent residential neighborhood.**
- ▶ **Deny CA (General Business) zoning because it is not compatible with the adjacent residential neighborhood.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

- 1) There are no changes warranting condition of a plan amendment at this location, the residential neighborhood has been established in this area since the 1950s.
- 2) Though there has been some expansion of the GC land use classification and CA zoning since 2003 it has remained primarily adjacent to the Karns Crossing Business Park on property to the west of a tributary of Beaver Creek.
- 3) A condition of the 2008 rezoning to CA on a portion of parcel 078 15401 (6927 Pennell Lane) for case 7-H-08-RZ recognized the residential character of the properties adjacent to Pennell Lane. The conditions states "that 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."

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

- 1) There are no new roads or utility expansions in this area.
- 2) Pennell Lane is a local street surrounded primarily by single family residential homes. It dead ends approximately 1,200 feet off of Oak Ridge Highway and has an average pavement width of 19-ft without a paved turnaround facility (e.g. cul-de-sac or hammerhead).
- 3) Right-of-way acquisition for a widening project of Oak Ridge Highway in this area is not anticipated to begin until mid-2026, with actual construction not occurring for probably 5 to 7 years from now.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

- 1) In sector plans, the GC land use classification is noted for concerns related to traffic congestion and safety, as well as environmental impacts and is therefore not recommended to be extended because of those adverse effects.
- 2) The sector plan recognized the properties with frontage on Oak Ridge Highway and with CA zoning, however, the properties that only have frontage on a local street in a residential neighborhood were not recognized. The existing uses of those properties are single family homes and the character of the area is primarily single family residential.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

- 1) Though there has been some growth in the existing GC land use classification in this area, it has remained mostly west of the tributary of Beaver Creek, adjacent to the BP-1 area around Karns Crossing Lane, providing a natural buffer to the adjacent residential neighborhood.
- 2) The nearby CA rezoning in 2008, noted previously, stated that access must be obtained through the adjacent commercially zoned properties, not using Pennell Lane, before a commercial use could be permitted at 6927 Pennell Lane.
- 3) The trend in development in this area is to keep the commercial uses concentrated to properties with frontage on Oak Ridge Highway and the business park around Karns Crossing Lane.

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

- 1) While there have been some relatively recent rezonings to CA in this area, it has mostly remained west of the tributary of Beaver Creek, adjacent to the business park area around Karns Crossing Lane, providing a

natural buffer to the adjacent residential neighborhood.

2) The small CA zoned lots across Pennell Lane to the east are currently used as single family residential homes and the commercial zoning for those properties likely occurred between the 1950s and 1970s.

3) The other properties along Pennell Lane are zoned RA and are single family homes.

4) A condition of the 2008 rezoning to CA on a portion of parcel 078 15401 (6927 Pennell Lane) for case 7-H-08-RZ recognized the residential character of the properties adjacent to Pennell Lane. The conditions states "that 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."

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1) The CA zone district is for general retail business and services, however, houses and duplexes are permitted in the zone district as well.

2) Other permitted uses in CA include motor vehicle repair, hotels, restaurants and other more intensive commercial uses that could negatively impact the existing residential neighborhood along Pennell Lane.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1) Rezoning to CA expands the potential for larger commercial development to occur in this area, which could have adverse impacts for the existing residential neighborhood.

2) Pennell Lane is a local street surrounded primarily by single family residential homes. It dead ends approximately 1,200 feet off of Oak Ridge Highway and has an average pavement width of 19-ft without a paved turnaround facility (e.g. cul-de-sac or hammerhead).

3) Right-of-way acquisition for a widening project of Oak Ridge Highway in this area is not anticipated to begin until mid-2026, with actual construction not occurring for probably 5 to 7 years from now.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1) The proposed amendment is not consistent with the sector plan for this area, which notes that expansions of the GC land use classification should not occur because GC is a land use designation primarily for previously developed strip commercial corridors, the area surrounding Pennell Lane is primarily a single family residential neighborhood.

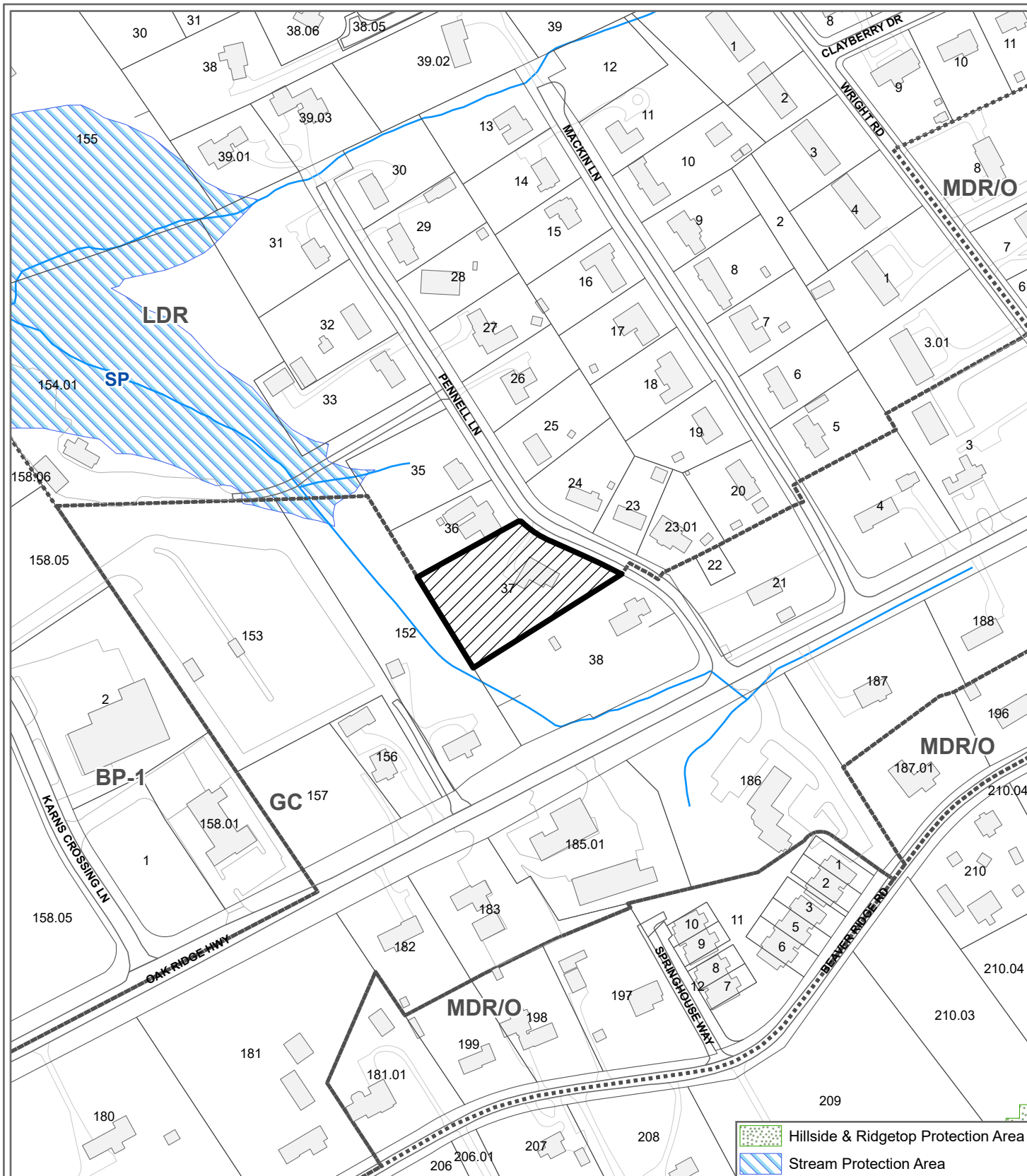
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Karns Elementary, Karns Middle, and Karns High.

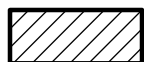
- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 7/25/2022. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the County.



**6-B-22-SP / 6-J-22-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)



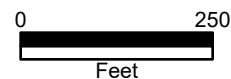
To: GC (General Commercial)

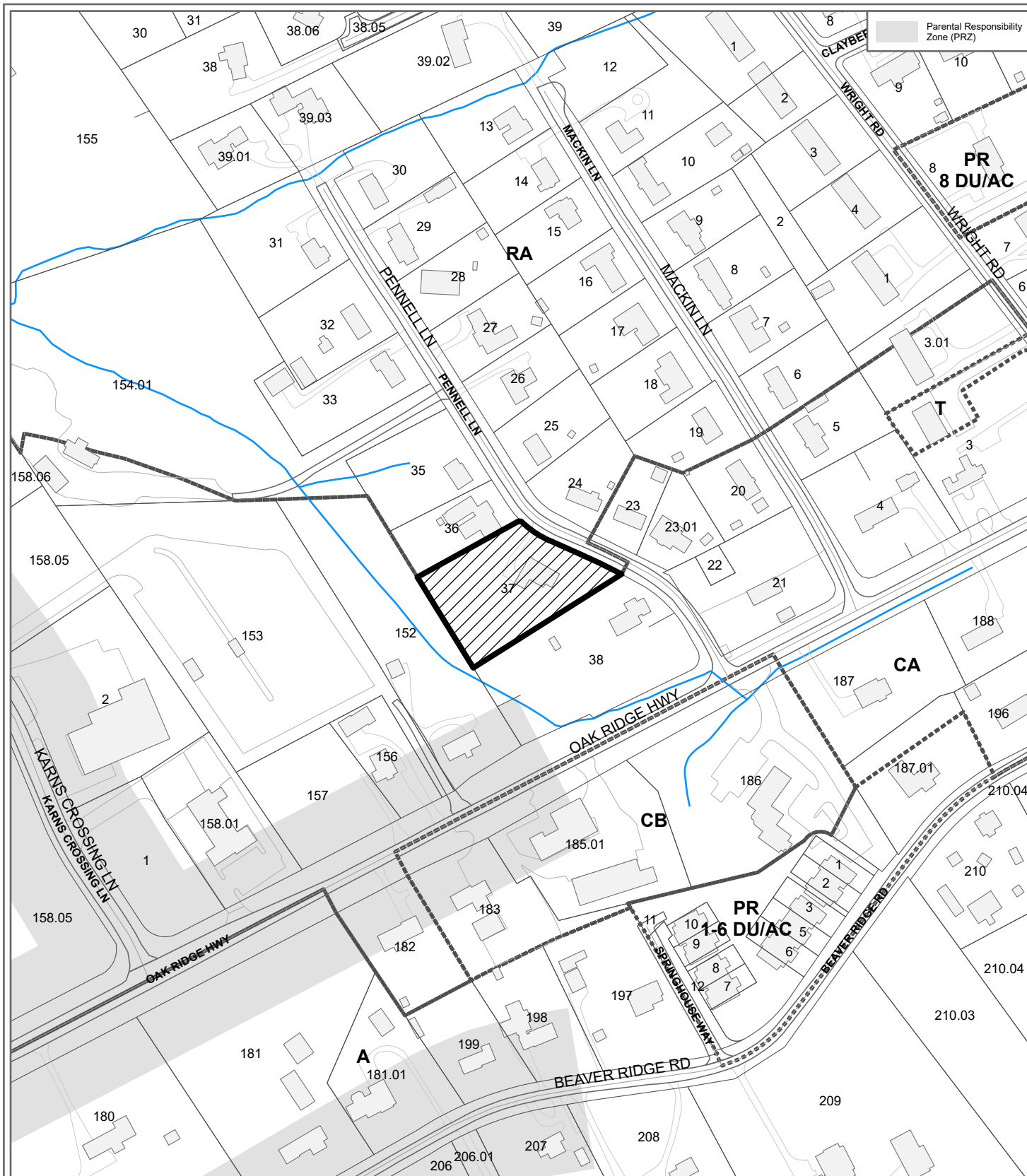
Original Print Date: 5/5/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Kline, Wayne

Map No: 78

Jurisdiction: County

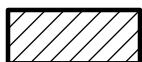




6-J-22-RZ REZONING

From: RA (Low Density Residential)

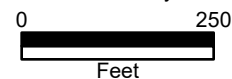
To: CA (General Business)



Petitioner: Kline, Wayne

Map No: 78

Jurisdiction: County

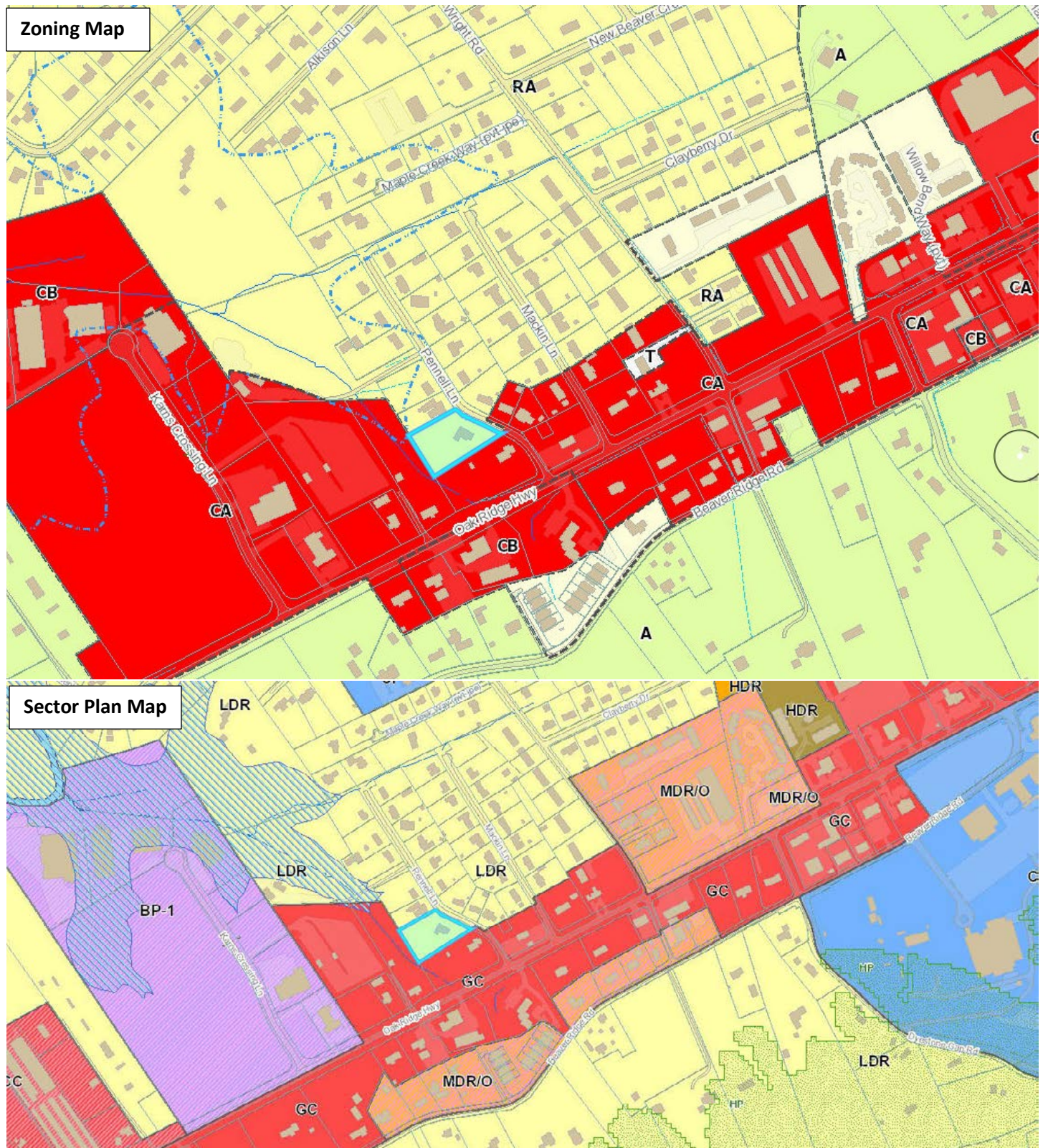


Original Print Date: 5/5/2022

Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Exhibit A. 6-J-22-RZ / 6-B-22-SP Contextual Images



Aerial Map w/ Major Road Plan

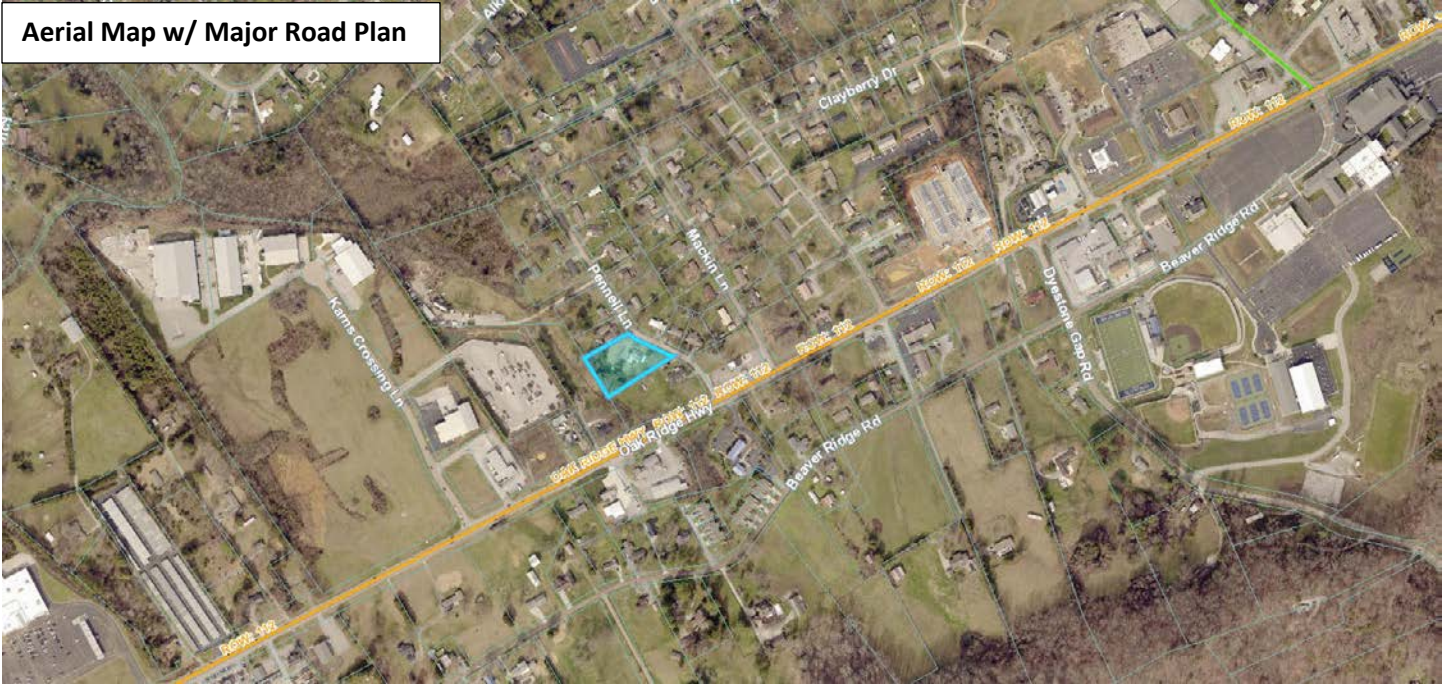
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Exhibit A. 6-J-22-RZ / 6-B-22-SP Contextual Images



Exhibit A. 6-J-22-RZ / 6-B-22-SP Contextual Images

May 24, 2022 Site Visit Photos - Looking south on Pennell Lane toward Oak Ridge Highway



Looking north on Pennell Lane toward the dead-end

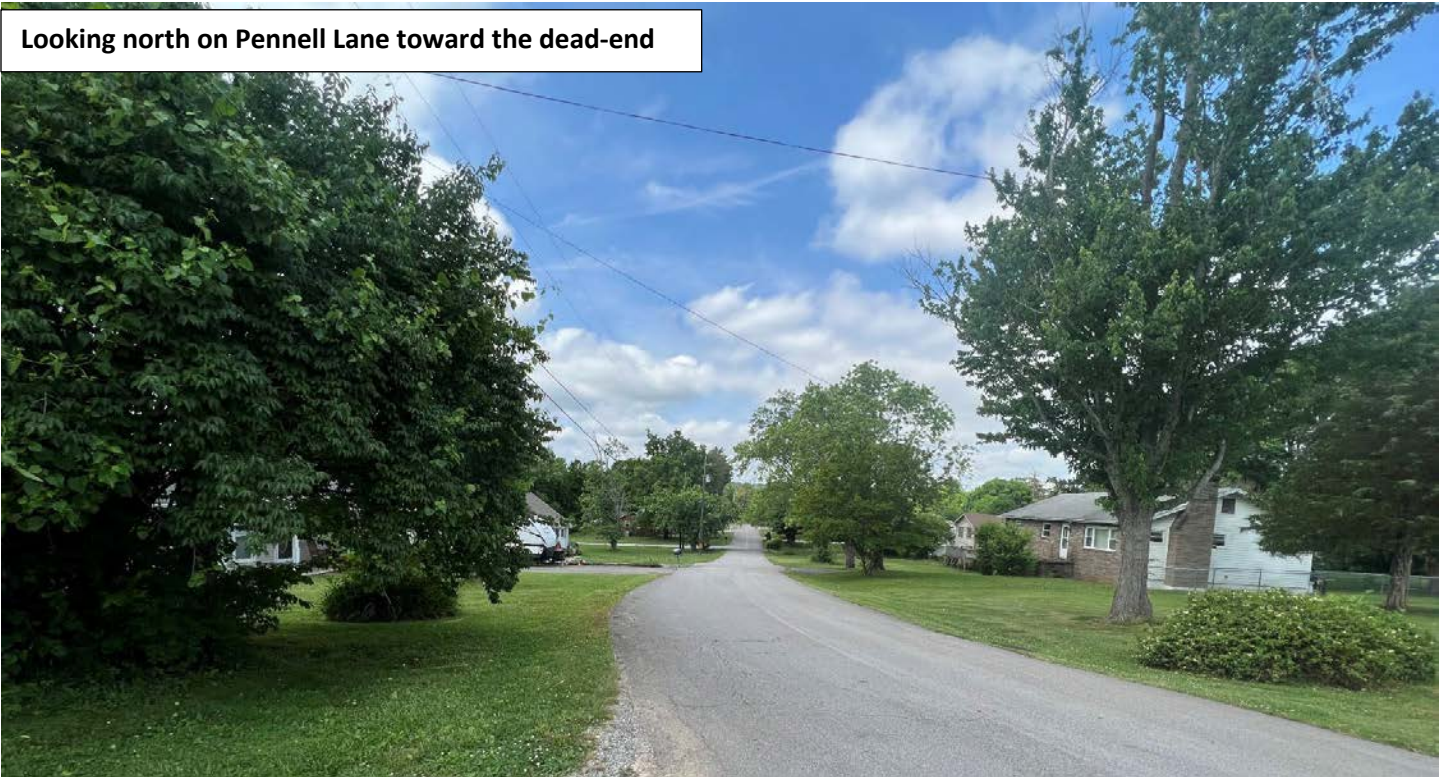


Exhibit A. 6-J-22-RZ / 6-B-22-SP Contextual Images

Looking east across Pennell Lane from subject property





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

Wayne Kline

Applicant Name

Affiliation

4/27/2022

6/9/2022

Date Filed

Meeting Date (if applicable)

File Number(s)

6-S-22-RZ
6-B-22-SP

CORRESPONDENCE

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

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

Wayne Kline

Name

Company

617 Main St

Knoxville

TN

37902

Address

City

State

ZIP

865-292-2255

wkline@hdclaw.com

Phone

Email

CURRENT PROPERTY INFO

Kenneth Ingram

2309 Amherst Rd

865-924-4401

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

6909 Pennell Ln

078JE037

Property Address

Parcel ID

West Knox

West Knox

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

North of Oak Ridge Highway, west side of Pennell Lane

1.15 ac

General Location

Tract Size

6th

RA

Single family residential

☐ City ☒ County

District

Zoning District

Existing Land Use

Northwest County Sector

LDR (Low Density Residential)

Planned Growth Area

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

☐ Combine Parcels☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☒ Zoning Change

CA (General Business)

Proposed Zoning

☒ Plan Amendment Change

GC (General Commercial)

Proposed Plan Designation(s)

Pending Plat File Number

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

0326

\$1,000.00

Fee 2

056

\$600.00

Fee 3

+40% late

\$640.00

Total

\$2,240.00

AUTHORIZATION


Applicant Signature

Wayne Kline

Please Print

4/27/2022

Date

865-924-4401

Phone Number

wkline@hdclaw.com (ingramgroundworks@att.net)

Email

see attached affidavit

Kenneth Ingram

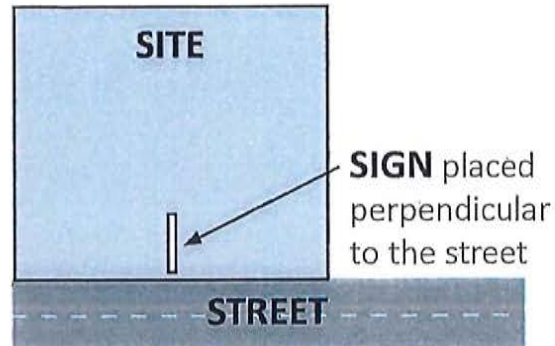
4/27/2022

Property Owner Signature

Please Print

Date

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:

5/25/2022 and 6/10/2022
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Wayne A. [Signature]
Date: 4/27/2022
File Number: 6-3-22-RZ
6-B-22-SP

☐ Sign posted by Staff
☒ Sign posted by Applicant