



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 6-L-23-RZ (REVISED) **AGENDA ITEM #:** 30
6-A-23-SP (REVISED) **AGENDA DATE:** 7/13/2023

POSTPONEMENT(S): 6/8/2023

▶ **APPLICANT:** TAYLOR D FORRESTER (REVISED)
OWNER(S): Randall & Marlene Kinney

TAX ID NUMBER: 118 061,062 [View map on KGIS](#)

JURISDICTION: Commission District 3

STREET ADDRESS: 1110 LOVELL RD (& 1112 LOVELL RD)

▶ **LOCATION:** East side of Lovell Rd, south of Alameda Dr, north of Lovell View Dr

▶ **TRACT INFORMATION:** 3.22 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

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.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Turkey Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office) / OB (Office, Medical, and Related Services) / TO (Technology Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business) / TO (Technology Overlay)

▶ **EXISTING LAND USE:** Office and agriculture/forestry/vacant land

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** No, neither the plan designation nor the zone would be an extension.

HISTORY OF ZONING REQUESTS: Rezoned from A (Agricultural) to OB (Office, Medical and Related Services) with a plan amendment as part of a larger rezoning in 2002 (5-J-02-RZ/5-B-02-SP).

SURROUNDING LAND USE, PLAN DESIGNATION, North: Single family residential - O (Office) & LDR (Low Density Residential) - RA (Low Density Residential) / TO (Technology Overlay)

ZONING South: Office and single family residential - O (Office) - OB (Office, Medical, and Related Services) / TO (Technology Overlay)

East: Single family residential - LDR (Low Density Residential) - RA (Low Density Residential) / TO (Technology Overlay)

West: Agriculture/forestry/vacant/single family residential - O (Office) and

NEIGHBORHOOD CONTEXT: The area is a mix of single family residential, office, and public/quasi public land uses with some limited commercial uses nearby. There is commercial node to the north at the Pellissippi Parkway interchange zoning and to the south at the intersection with Cornerstone Drive.

STAFF RECOMMENDATION:

- ▶ **Deny the sector plan amendment to the GC (General Commercial) land use classification because the request does not meet the intent of the GC land use class or the requirements for a sector plan amendment.**

- ▶ **Deny the CA (General Business) zone because it is not consistent with the Northwest County Sector Plan designation and could cause adverse impacts for neighboring residential properties.**

COMMENTS:

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 secondary landscaping business. The site would be used to store service vehicles, equipment, and above-ground fuel tanks. The Knox County Department of Codes Administration and Enforcement has classified this business as a contractor's storage yard.

A contractor's storage yard would not be allowed under the current OB (Office, Medical and Related Services) zone, so the applicant is requesting the CA 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 request also requires a sector plan amendment to the GC land use classification.

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 have been no changes to conditions to warrant amending the land use plan to the GC land use.

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

1. 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.
2. 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.
3. 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."

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan regarding this parcel.

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

1. 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.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

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. As stated previously, there have been a number of rezonings transitioning this corridor away from the A zone to the office zone and the planned zones PC and PR. Staff does not find this reason enough to support a rezoning to the CA zone since it is out of character with the area.

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

1. The CA (General Business) zone is intended to provide for provide for general retail business and services but not for manufacturing or for processing materials other than farm products. Certain uses allowed in the CA zone can be problematic when located next to residential uses.
2. Rezonings 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 CA zone that are allowed by right but would not be compatible with the adjacent single-family development, such as poultry businesses, hotels, motor vehicle repair shops, and school bus storage. There are others allowed as a use on review that would also not be appropriate at this location, including commercial mulching operations, composting facilities, and contractor's storage yards.
3. 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.
4. This property is in the TO (Technology Overlay) so the rezoning request also requires approval by the Tennessee Technology Corridor Authority (TTCDA). The rezoning case is scheduled to be heard at the July 13, 2023 meeting of the TTCDA (Case 6-A-23-TOR). Staff can report on the TTCDA decision at the July 11, 2023 Agenda Review meeting.

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. As stated previously, some of the uses allowed in the CA zone have the potential to cause adverse impacts on surrounding properties, including the use intended for the site, since the area largely consists of single family residential development and directly abuts a single family residential neighborhood.

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. CA zoning is not consistent with the current Northwest County Sector Plan's O land use designation, nor would a sector plan amendment to GC be appropriate at this location.
2. This property does not meet the description or location criteria prescribed for the General Commercial land use classification in the Land Use Classification Table (as listed above), adopted as part of the sector plan.
3. 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).
4. Another policy of the General Plan is to "protect neighborhoods from intrusive uses, declining public

facilities, and other blighting influences” (Policy 8.5).

5. A third policy is to “ensure the context of new development...does not impact existing neighborhoods and communities” (Policy 9.3).

6. And a fourth policy is to “discourage environmental nuisances in the vicinity of residential development...” (Policy 11.3).

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 8/28/2023. 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.



Request to Postpone • Table • Withdraw

Taylor D. Forrester

07/11/2023

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

7/13/2023

Scheduled Meeting Date

File Number(s)

6-A-23-SP; 6-L-23-RZ

POSTPONE

POSTPONE: All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: 30 days 60 days 90 days

Postpone the above application(s) until the _____ Planning Commission Meeting.

WITHDRAW

WITHDRAW: Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

TABLE: Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

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

Taylor D. Forrester

Applicant Signature

Please Print

865-584-4040

tforrester@lrwlaw.com

Phone Number

Email

STAFF ONLY

Staff Signature

Please Print

Date Paid

No Fee

Eligible for Fee Refund? Yes No

Amount:

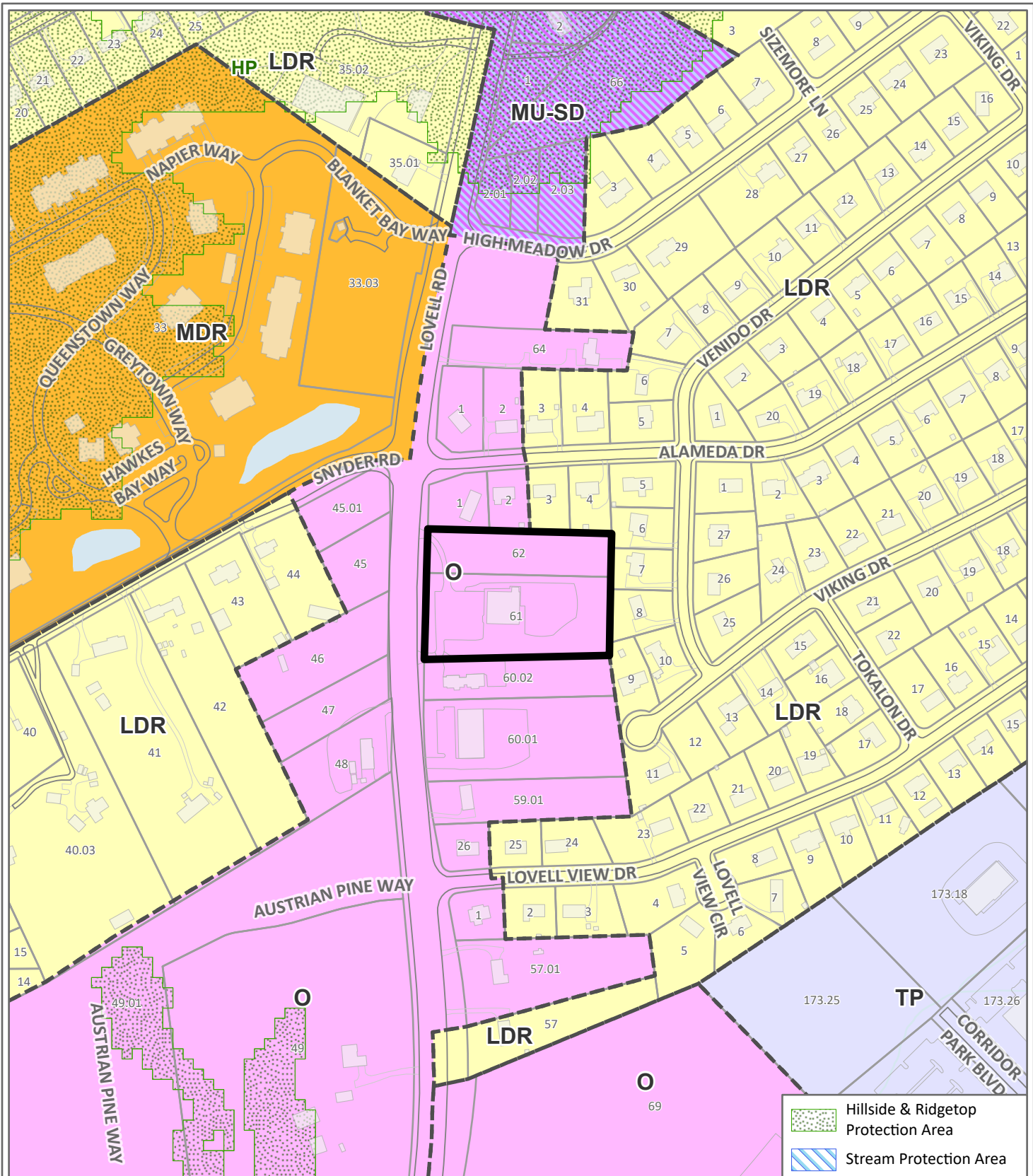
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



**6-A-23-SP
NORTHWEST COUNTY SECTOR PLAN MAP**

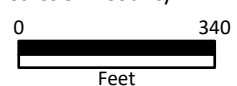
Petitioner: Taylor D Forrester

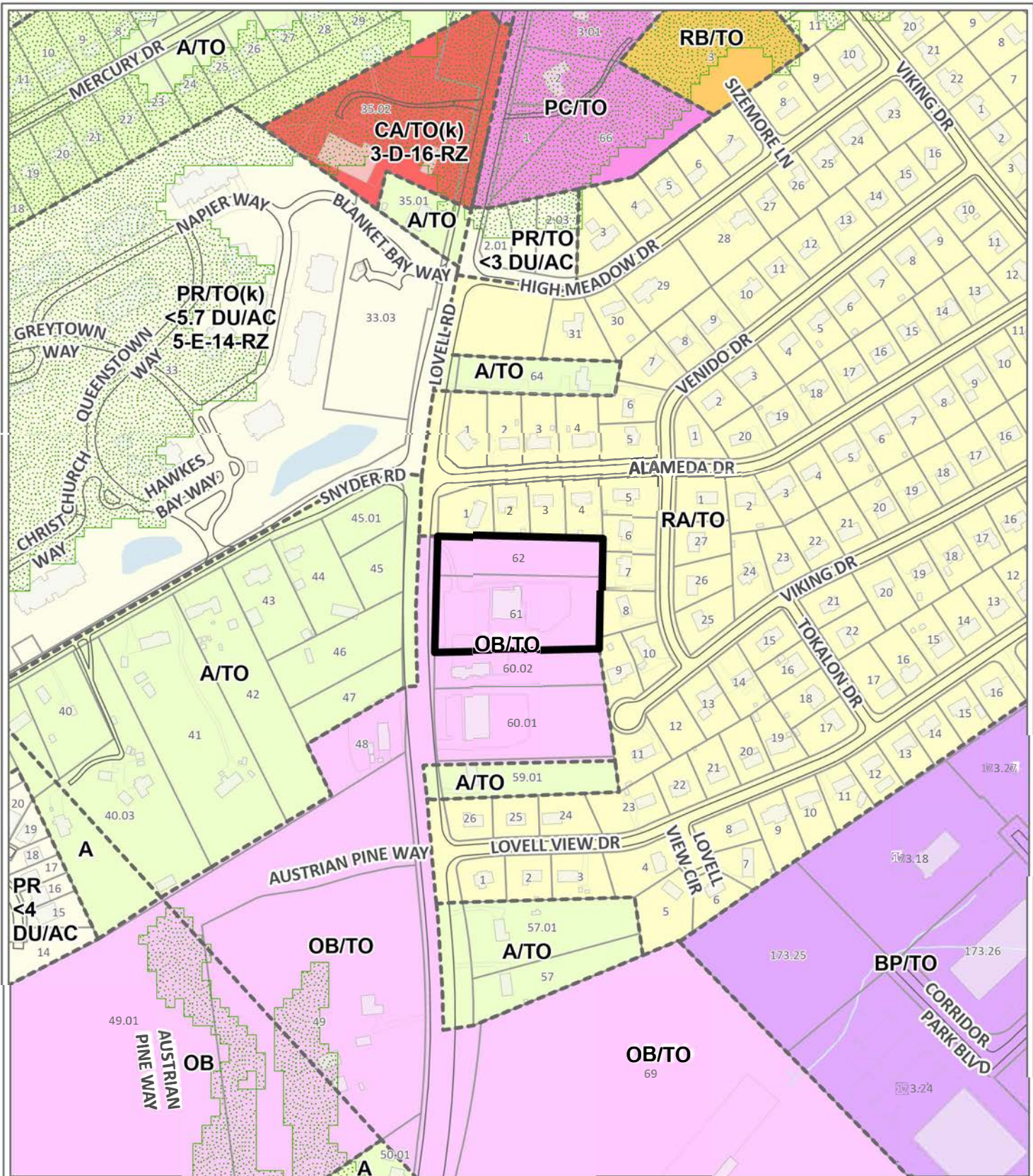


From: O (Office)
To: GC (General Commercial)

Map No: 118
Jurisdiction: County

Original Print Date: 5/9/2023
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





REZONING

6-L-23-RZ

Petitioner: Taylor D Forrester



From: OB (Office, Medical, and Related Services), TO (Technology Overlay)
To: CA (General Business); TO (Technology Overlay)

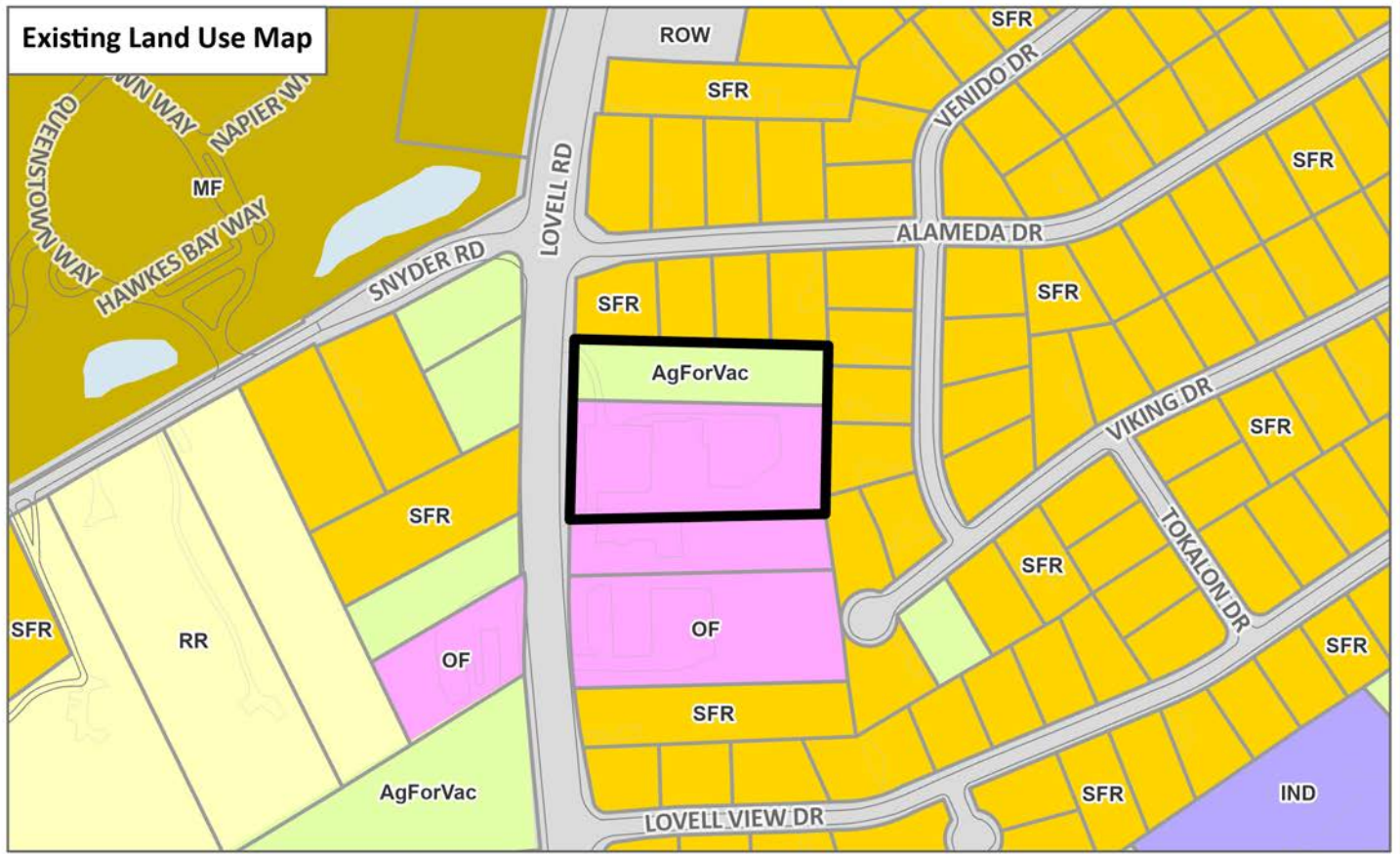
Map No: 118
Jurisdiction: County

Original Print Date: 5/15/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised 6/15/2023



Existing Land Use Map



Aerial Map

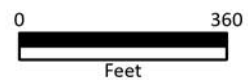


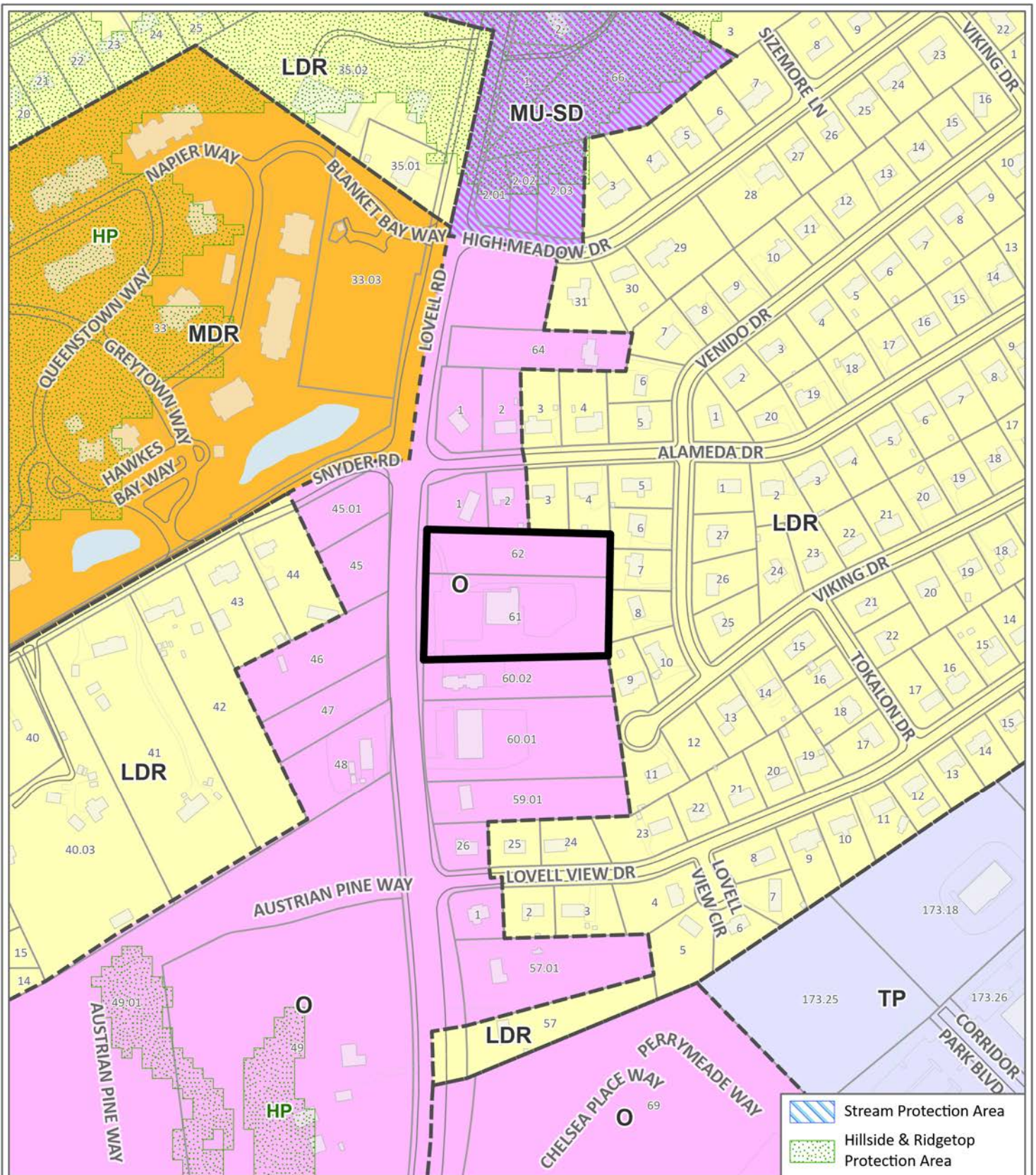
CONTEXTUAL MAPS

6-A-23-SP / 6-L-23-RZ



Case boundary





NORTHWEST COUNTY SECTOR PLAN MAP

6-A-23-SP

Petitioner: Taylor D Forrester



Case boundary

Original Print Date: 6/16/2023

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

Map No: 118
Jurisdiction: County





Request to Postpone • Table • Withdraw

Taylor D. Forrester

6/2/2023

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

June 8, 2023

Scheduled Meeting Date

File Number(s)
6-A-23-SP; 6-L-23-RZ

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Taylor D. Forrester

Taylor D. Forrester

Applicant Signature

Please Print

865-584-4040

tforrester@lrwlaw.com

Phone Number

Email

STAFF ONLY

Staff Signature _____ Please Print _____ Date Paid _____ No Fee

Eligible for Fee Refund? Yes No Amount:

Approved by: _____ Date: _____

Payee Name _____ Payee Phone _____ Payee Address _____



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

Taylor D. Forrester

REVISED 6/15/2023

Attorney

Applicant Name

Affiliation

4/24/2023

4/24/2023

File Number(s)

Date Filed

Meeting Date (if applicable)

6-L-23-RZ_6-A-23-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

Taylor D. Forrester

Long, Ragsdale & Waters, PC

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

965-584-4040

TForrester@lrwlaw.com

Phone

Email

CURRENT PROPERTY INFO

Randall & Marlene Kinney

1110 Lovell Rd

865-363-6610

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1110 and 1112 Lovell Rd

118 061 and 118 062

Property Address

Parcel ID

First Utility District

First Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) _____

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

Zoning Change

Proposed Zoning

GC

Plan Amendment Change

Proposed Plan Designation(s)

Pending Plat File Number

CB/TO CA/TO revision request received 6/15 (see new application) - kg

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
Fee 2	
Fee 3	

AUTHORIZATION

Taylor D. Forrester

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, o=Law Office of Taylor D. Forrester, email=tdforrester@lrwlaw.com, c=US
Date: 2023.04.24 10:14:00 -0400

Taylor D. Forrester

4/24/2023

Applicant Signature

Please Print

Date

865-584-4040

TForrester@lrwlaw.com

Phone Number

Email

Randall Kinney

4/24/2023

Property Owner Signature

Please Print

Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.



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

Taylor D. Forrester

(Revised 6/15/23) etc

Attorney

Applicant Name

Affiliation

4/24/2023

4/24/2023

Date Filed

Meeting Date (if applicable)

File Number(s)

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

Taylor D. Forrester

Long, Ragsdale & Waters, PC

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

965-584-4040

TForrester@lrwlaw.com

Phone

Email

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Randall & Marlene Kinney

1110 Lovell Rd

865-363-6610

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1110 and 1112 Lovell Rd

118 061 and 118 062

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First Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

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Other (specify) _____

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Related Rezoning File Number

Proposed Subdivision Name _____

- Combine Parcels
 Divide Parcel

Unit / Phase Number _____

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change

Proposed Zoning

GC

Plan Amendment Change

Proposed Plan Designation(s)

CA/TO MD

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
Fee 2	
Fee 3	

AUTHORIZATION

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, o=Forrester Law, email=TForrester@lrwlaw.com, c=US

Taylor D. Forrester
Applicant Signature

Taylor D. Forrester
Please Print

4/24/2023
Date

6/15/23 MP

865-584-4040
Phone Number

TForrester@lrwlaw.com
Email

Property Owner Signature

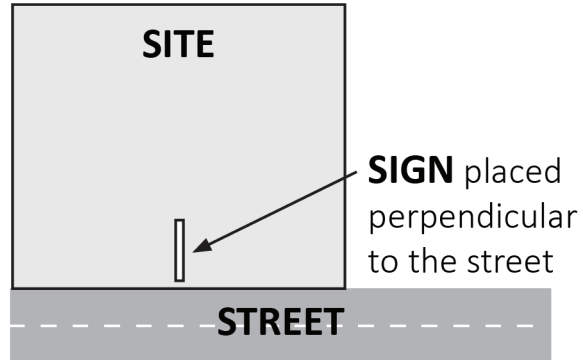
Randall Kinney
Please Print

4/24/2023
Date

6/15/23 MP

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

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:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Taylor D Forrester

Date: 4/25/2023

File Number: 6-L-23-RZ/ 6-A-23-SP



Sign posted by Staff



Sign posted by Applicant