



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 6-L-23-RZ **AGENDA ITEM #:** 29  
 6-A-23-SP **AGENDA DATE:** 6/8/2023

▶ **APPLICANT:** TAYLOR D FORRESTER  
**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) / CB (Business and Manufacturing) / 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, ZONING**  
 North: Single family residential - O (Office) & LDR (Low Density Residential) - RA (Low Density Residential) / TO (Technology Overlay)  
 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 LDR (Low Density Residential) - A (Agricultural) / TO (Technology Overlay)

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.

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**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 CB (Business and Manufacturing) 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 second business, a mulch company.

A mulch company would not be allowed under the current OB (Office, Medical and Related Services) zone, so the applicant is requesting the CB (General Business) zone to bring the business under compliance with the zoning ordinance.

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 have been no significant new roads or utilities added to this area.

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 a sector plan amendment to the GC land use classification. 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, this property has already transitioned away from the A zone and the current zoning is in character with the surrounding area. The surrounding rezonings alone are not enough of a change of conditions to warrant amending the sector plan's designation to GC.

OTHER CONSIDERATIONS:

1. There is only one property designated with the GC land use classification along Lovell Road, and that property 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. According to the Land Use Classification Table, the GC land use consists of "previously developed strip commercial corridors providing a wide range of retail- and service-oriented uses." 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."
3. 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.

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 CB 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 CB zone is intended to provide for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses or with other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB, Business and Manufacturing Zone are intensive users of roads, sewers and other public facilities. Based on the above description, the subject property is not an appropriate location for the CB zone since it is adjacent to the single family residential properties.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 7/24/2023. 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

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

## 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 July 13, 2023 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

Taylor D. Forrester

Applicant Signature

Please Print

865-584-4040

tforrester@lrwlaw.com

Phone Number

Email

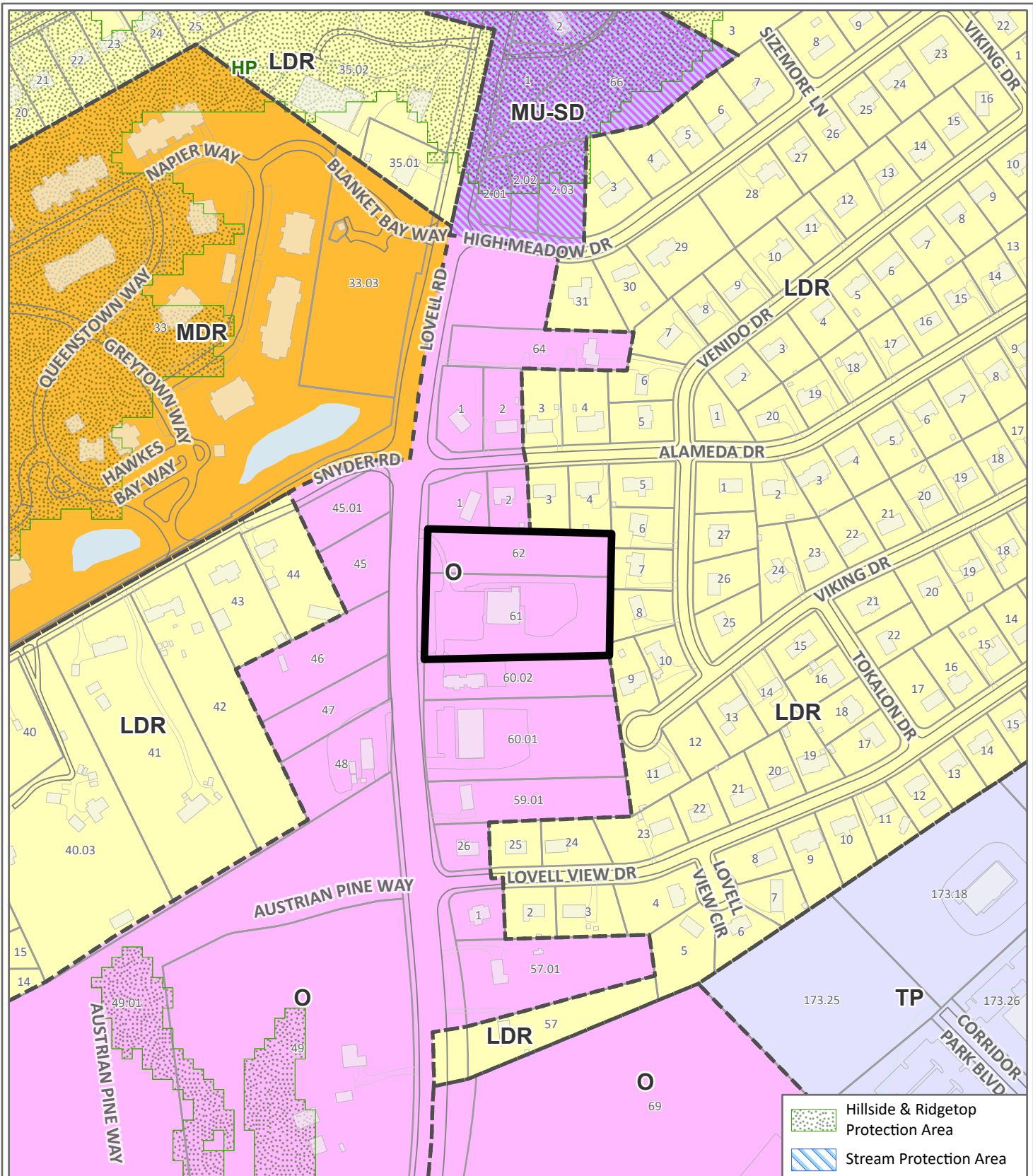
## STAFF ONLY

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**

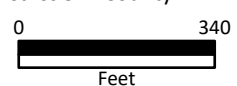
**Petitioner:** Taylor D Forrester

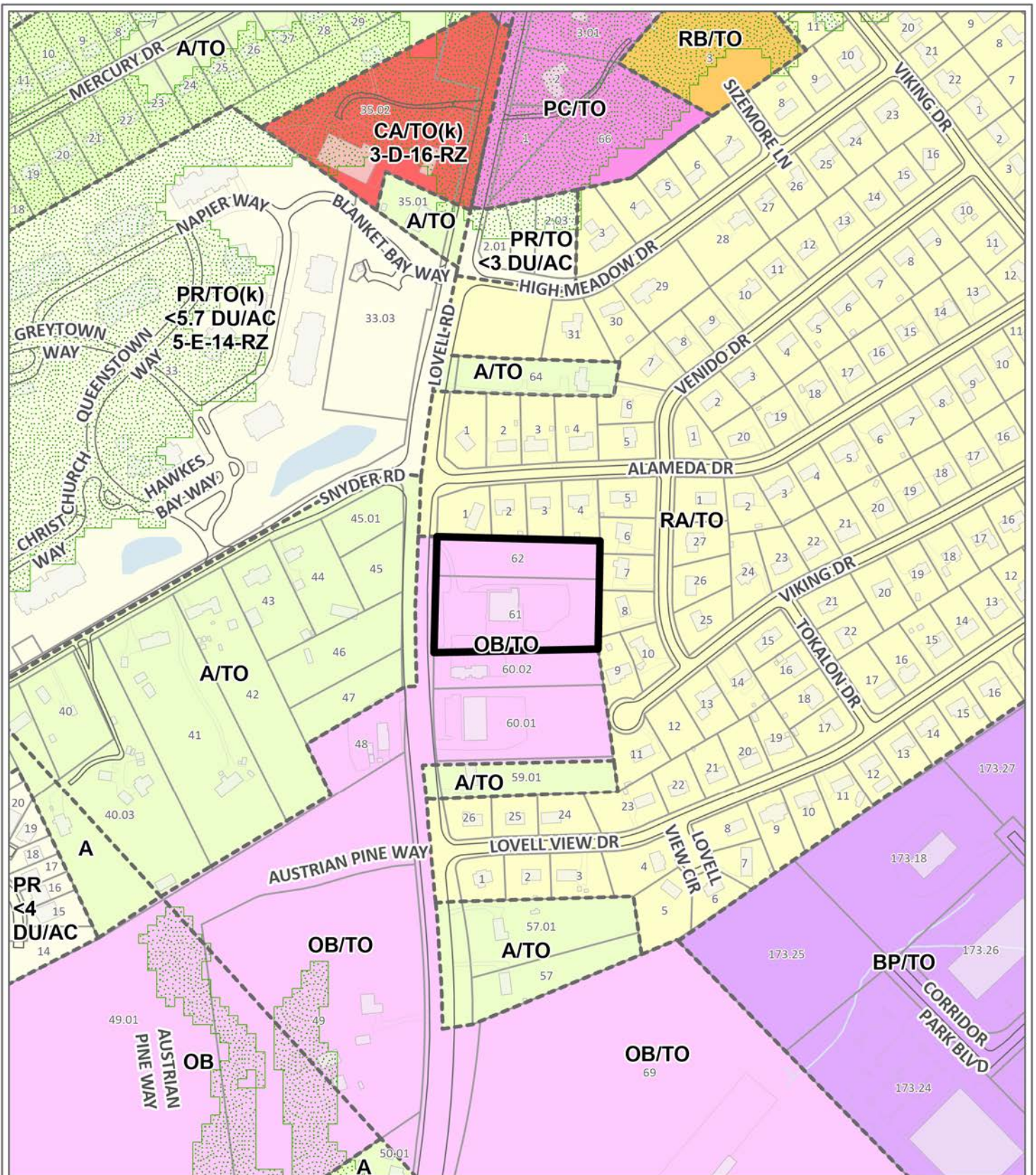


**From:** O (Office)  
**To:** GC (General Commercial)

**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

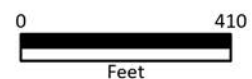


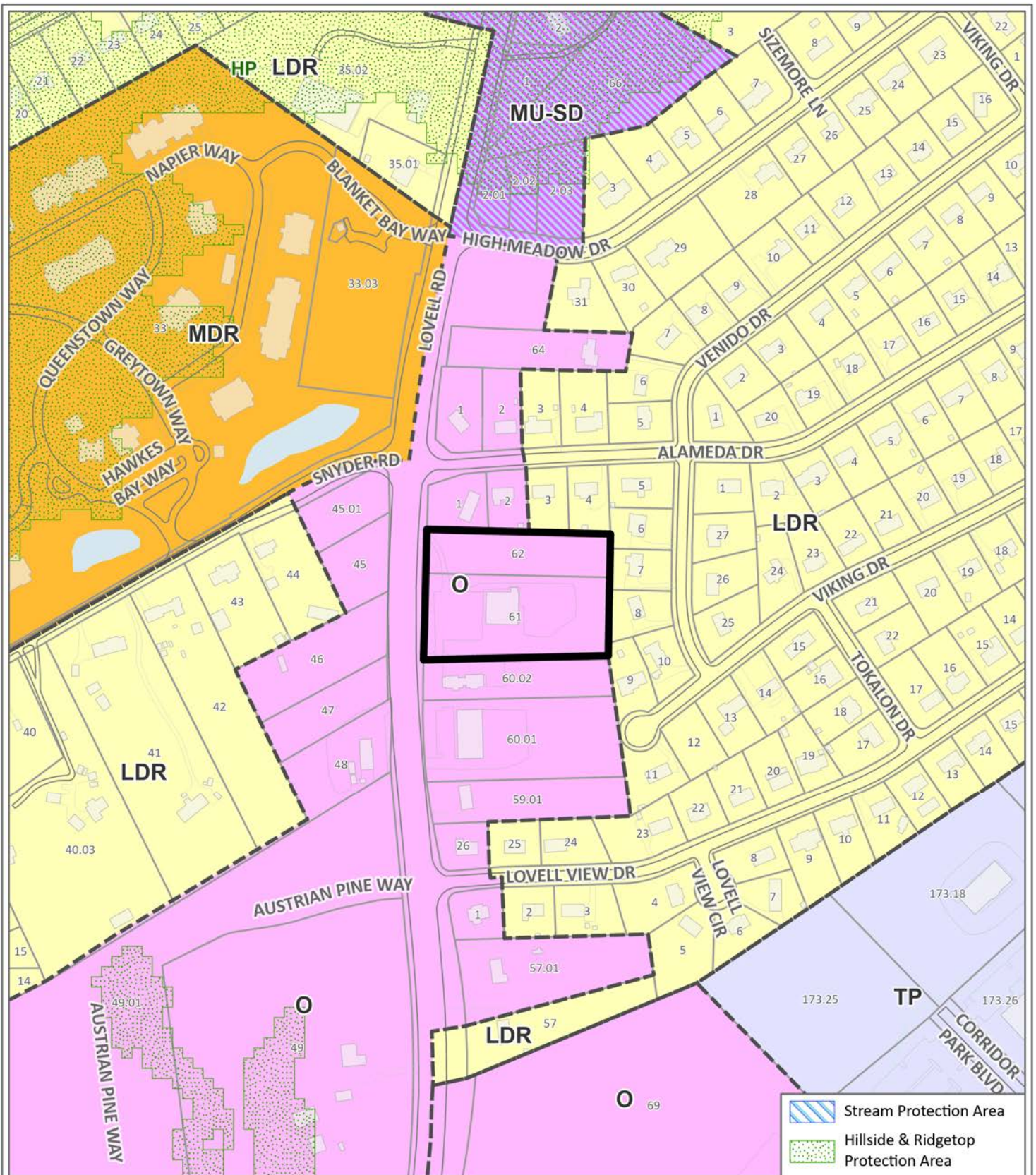
**From:** OB (Office, Medical, and Related Services), TO (Technology Overlay)  
**To:** CB (Business and Manufacturing); TO (Technology Overlay)

**Map No:** 118  
**Jurisdiction:** County

**Original Print Date:** 5/15/2023

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





**NORTHWEST COUNTY SECTOR PLAN MAP**

**5-L-23-RZ**

**Petitioner:** Taylor D Forrester



Case boundary

**Original Print Date:** 5/16/2023

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

**Map No:** 118  
**Jurisdiction:** County





# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - Sector Plan
  - One Year Plan
- Rezoning

**Taylor D Forrester**

Applicant Name

Affiliation

**4/25/2023**

Date Filed

**6/8/2023**

Meeting Date (if applicable)

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

File Number(s)

## CORRESPONDENCE

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

**Taylor D. Forrester Long, Ragsdale and Waters, PC**

Name / Company

**1111 N. Northshore Dr. Dr. Suite S-700 Knoxville TN 37919**

Address

**865-584-4040 / tforrester@lrwlaw.com**

Phone / Email

## CURRENT PROPERTY INFO

**Randall & Marlene Kinney**

Owner Name (if different)

**1110 Lovell**

Owner Address

**865-363-6610**

Owner Phone / Email

**1110 LOVELL RD / & 1112 LOVELL RD**

Property Address

**118 061,062**

Parcel ID

Part of Parcel (Y/N)?

**3.22 acres**

Tract Size

**First Knox Utility District**

Sewer Provider

**First Knox Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

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

General Location

City

**Commission District 3**

**OB (Office, Medical, and Related Services) / TO (Technology Overlay)**

**Office and agriculture/forestry/vacant land**

County District

Zoning District

Existing Land Use

**Northwest County**

Planning Sector

**O (Office)**

Sector Plan Land Use Classification

**Planned Growth Area**

Growth Policy Plan Designation



## DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

## SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

## ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <b>CB (Business and Manufacturing) / TO (Technology Overlay)</b>	Pending Plat File Number
Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment <b>GC (General Commercial)</b>	
Proposed Plan Designation(s)	

Proposed Density (units/acre)    Previous Zoning Requests

Additional Information \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

Staff Review     Planning Commission

### ATTACHMENTS

Property Owners / Option Holders     Variance Request

### ADDITIONAL REQUIREMENTS

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

Fee 1	Total
<b>\$1,650.00</b>	
Fee 2	
Fee 3	

## AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	<b>Taylor D Forrester</b> Please Print	<b>4/25/2023</b> Date
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Property Owner Signature	<b>Randall &amp; Marlene Kinney</b> Please Print	<b>4/25/2023</b> Date
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# 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

Attorney

Applicant Name

Affiliation

4/24/2023

4/24/2023

File Number(s)

Date Filed

Meeting Date (if applicable)

## 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

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   **CB/TO**  
Proposed Zoning
- Plan Amendment Change   **GC**  
Proposed Plan Designation(s)

Proposed Density (units/acre)   Previous Rezoning Requests

Other (specify) \_\_\_\_\_

Pending Plat File Number

## 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*)

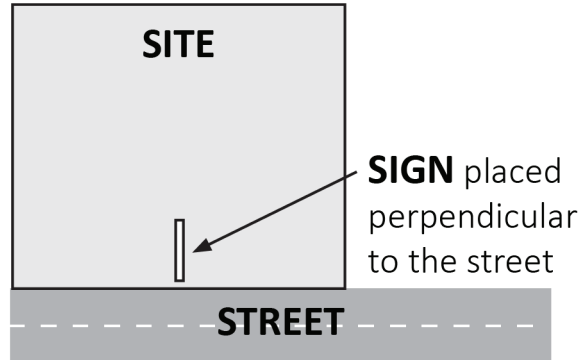
Fee 1	Total
Fee 2	
Fee 3	

## AUTHORIZATION

<b>Taylor D. Forrester</b> <small>Digitally signed by Taylor D. Forrester DN: cn=Taylor D. Forrester, o=Forrester c=US, United States #1.5 United States #1.5 United States e=TForrester@lrwlaw.com Reason: I am the author of this document Date: 2022.09.21 10:08-04:00</small>	<b>Taylor D. Forrester</b>	<b>4/24/2023</b>
Applicant Signature	Please Print	Date
<b>865-584-4040</b>	<b>TForrester@lrwlaw.com</b>	
Phone Number	Email	
	<b>Randall Kinney</b>	<b>4/24/2023</b>
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.

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