

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 11-G-21-SU **Related File Number:**
Application Filed: 9/27/2021 **Date of Revision:**
Applicant: ISAAC PANNELL

PROPERTY INFORMATION

General Location: East side of Villa Road, north of Tazewell Pike and south of Greendale Road
Other Parcel Info.:
Tax ID Number: 49 P D 02101 & 021 **Jurisdiction:** City
Size of Tract: 2.38 acres
Accessibility: Access is off of Villa Road, a minor collector with a 19-ft pavement width within a 63-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Single family residential dwelling and agricultural/gardens
Surrounding Land Use:
Proposed Use: Market garden on rear lot; residential use on front lot with shared driveway access **Density:**
Sector Plan: North City **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: N/A (Within City limits)
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.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 5212 & 0 Villa Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-1 (Single-Family Residential Neighborhood)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted.

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Approve the proposal for a market garden in the RN-1 zone, subject to 3 conditions.

Staff Recomm. (Full):

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 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.

Action: Approved with Conditions **Meeting Date:** 11/10/2021

Details of Action:

Summary of Action: Approve the proposal for a market garden in the RN-1 zone, subject to 3 conditions.

Date of Approval: 11/10/2021 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal:

Effective Date of Ordinance: