



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 6-L-19-RZ **AGENDA ITEM #:** 27
6-D-19-SP **AGENDA DATE:** 6/13/2019

▶ **APPLICANT:** BENJAMIN C. MULLINS KADUNZA LTD, LLC
OWNER(S): Ben Mullins / Frantz, McConnell & Seymour, LLP

TAX ID NUMBER: 92 01201 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 3216 Johnson Rd

▶ **LOCATION:** Northeast corner of intersection of Schaad Road and Johnson Road

▶ **TRACT INFORMATION:** 2.69 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Johnson Road, a local street, with a pavement width of 15.5' within a right-of-way width of 50' feet. Access is also via Schaad Road, a 4-lane median separated minor arterial with a pavement width of 100' feet within a right of way width of 112' feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Grassy Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / PC (Planned Commercial)

▶ **EXISTING LAND USE:** Rural Residential

▶ **PROPOSED USE:** BMW and Mini service and repair

EXTENSION OF PLAN DESIGNATION/ZONING: No GC/PC in area.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Single family residential - NC (Neighborhood Commercial)
South: Single family residential - NC (Neighborhood Commercial)
East: Agriculture/forestry/vacant - MDR (Medium Density Residential)
West: Single family residential - NC (Neighborhood Commercial)

NEIGHBORHOOD CONTEXT: This area is primarily single family residential, rural residential and agriculture/forestry/vacant lands. It is in close proximity to Amherst Elementary School and identified as a neighborhood commercial node on the sector plan.

STAFF RECOMMENDATION:

► **DENY the sector plan amendment to GC (General Commercial).**

Staff recommends denial of the sector plan amendment to GC because the area is surrounded by rural residential and single family residential uses and the existing designation of NC (Neighborhood Commercial) allows consideration of commercial zones with uses that are more compatible with the surrounding neighborhood.

► **DENY the request for PC (Planned Commercial).**

Staff recommends Denial of the requested PC (Planned Commercial) zone for thi property because of the potential conflict with the surrounding rural and single family residential neighborhoods. However, if PC is approved, staff recommends the following condition:

1) Landscaping standards consistent with the NC (Neighborhood Commercial) zone will be required as part of the development plan for the use on review.

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 amendment of the land use plan, the sector plan designation of NC (Neighborhood Commercial) allows consideration of commercial uses, without the intensity of those allowed by the requested GC (General Commercial) sector plan designation.

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

1. No new roads or utilities have been introduced into this area since the Northwest County Sector Plan was adopted in 2016.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is no obvious or significant error or omission in the Northwest County Sector Plan for this area.
2. There is not existing commercial at this area, which is a location criteria for consideration of GC (General Commercial).

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

1. There are no new trends that warrant reconsideration of the original plan proposal of NC (Neighborhood Commercial) for this area.

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

1. 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.
2. 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.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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. The property is located in the Urban Growth Area of the Growth Policy Plan.
2. The area is located near Amherst Elementary School at an intersection designated for NC (Neighborhood Commercial) on the sector plan.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

APPLICABLE ZONING ORDINANCE:

1. The proposed amendment to PC zoning is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.

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

1. PC zoning with the condition requiring landscaping standards consistent with the NC (Neighborhood Commercial) zone district makes the proposed zoning more appropriate at this location and reduces potential impacts on the surrounding area.

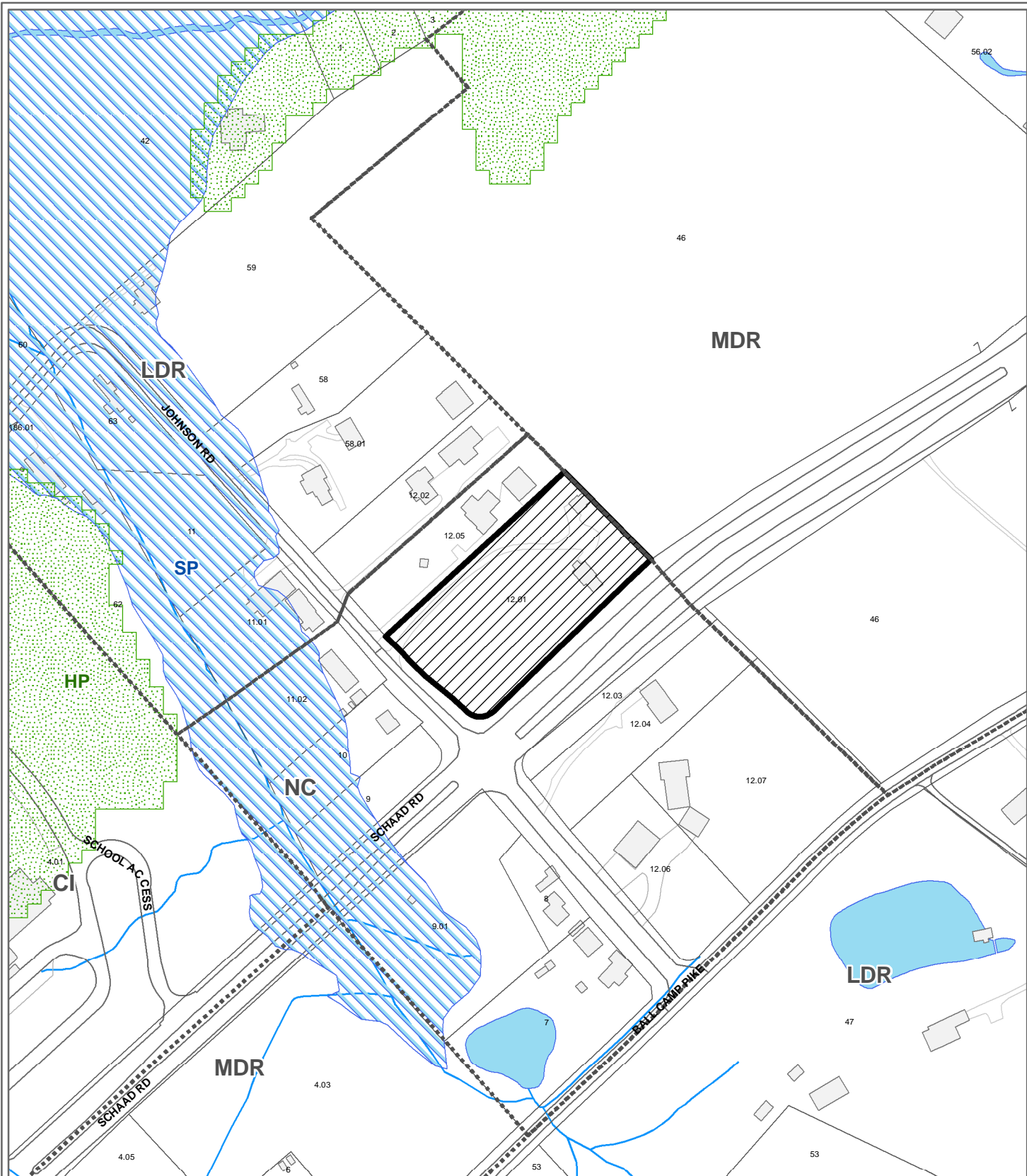
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The PC zoning alone is not consistent with the Northwest County Sector Plan, however, if PC is approved the staff recommendation to include the NC landscaping standards as a condition is closer to consistency with the existing NC (Neighborhood Commercial) designation for the node at this intersection.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

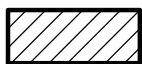
If approved, this item will be forwarded to Knox County Commission for action on 8/26/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**6-D-19-SP / 6-L-19-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: NC (Neighborhood Commercial)

To: GC (General Commercial)



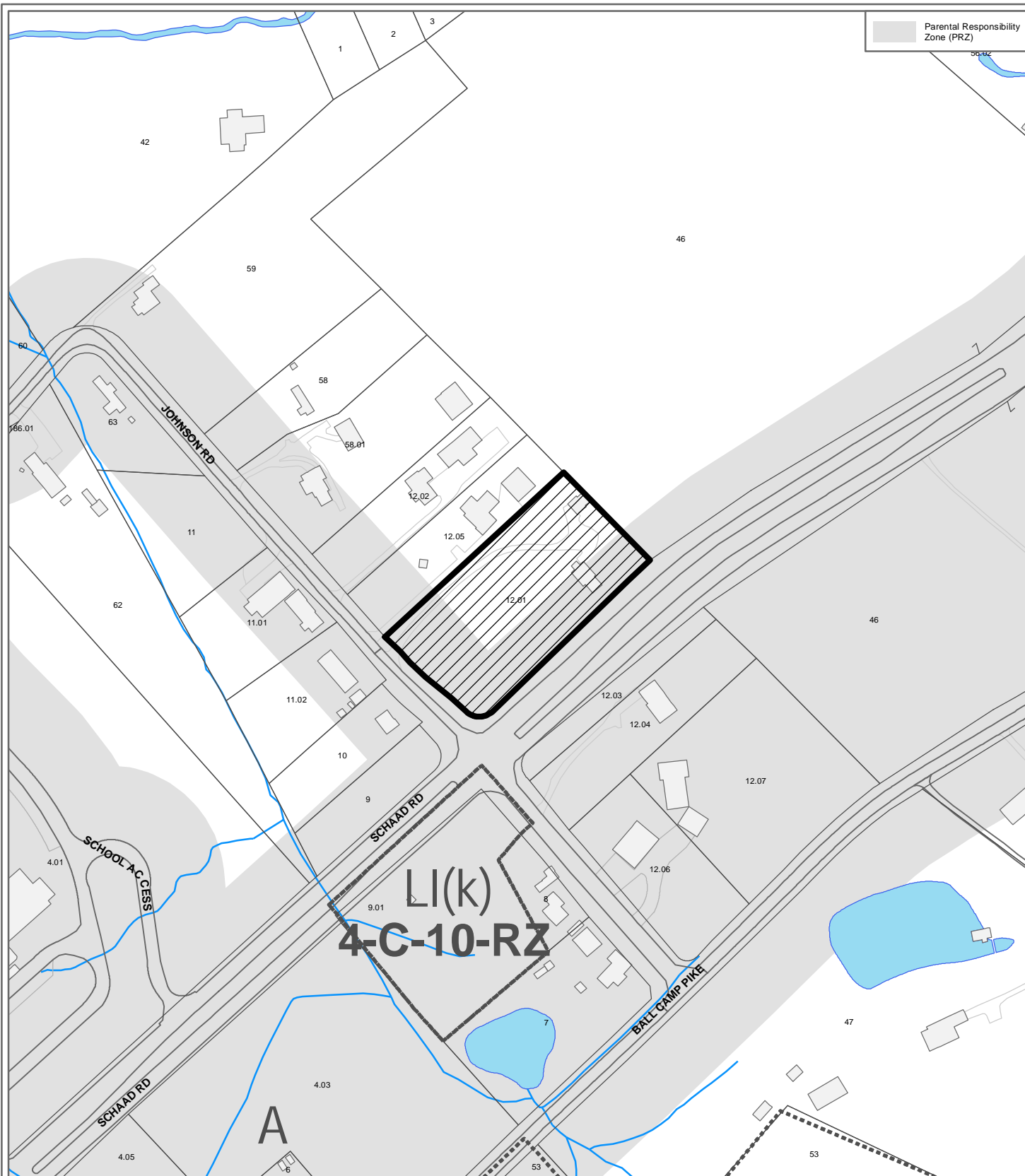
Petitioner: Mullins, Benjamin C., Kadunza LTD, LLC

Map No: 92

Jurisdiction: County



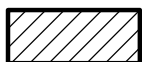
Original Print Date: 5/16/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**6-L-19-RZ
REZONING**

From: A (Agricultural)

To: PC (Planned Commercial)



Petitioner: Mullins, Benjamin C., Kadunza LTD, LLC

Map No: 92

Jurisdiction: County



Original Print Date: 5/16/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

6-L-19-RZ_6-D-19-SP_PP_6-13-19

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Email: bmullins@fmsllp.com
Direct Fax: 865-541-4609

June 11, 2019

office 865.546.9321
office fax 865.637.5249

550 W. Main Street
Suite 500
P.O. Box 39
Knoxville, Tennessee
37901

of counsel
IMOGENE A. KING
JASON T. MURPHY
FRANCIS A. CAIN, RET.

fmsllp.com

request 30 days

Ms. Liz Albertson
Knoxville-Knox County Planning
City-County Building, Suite 403
400 Main Street
Knoxville, Tennessee 37902

Via e-mail only:
liz.albertson@knoxplanning.org




Re: Kadunza LTD, LLC
6-L-19-RZ and 6-D-19-SP

Dear Ms. Albertson:

This letter is to request that File No. 6-L-19-RZ and 6-D-19-SP, Agenda Item 32 for the upcoming June 13, 2019 Knoxville-Knox County Planning meeting be postponed. I understand that due to the timing of this letter, any postponement will need to be approved at the meeting by the Planning Commission, and I do plan to be in attendance to request such a postponement. Please copy the Commissioners on this letter advising them of this request prior to Thursday's meeting

Thank you for your consideration in this matter. I look forward to working with you on these issues moving forward.

Sincerely,


Benjamin C. Mullins
FRANTZ, MCCONNELL & SEYMOUR, LLP

BCM:erl

cc: Mr. Jarrett Benson (via e-mail)

Benjamin C. Mullins <bnullins@fmsllp.com>

Wed, Jun 12, 2019 at 9:43 AM

To: Liz Albertson <liz.albertson@knoxplanning.org>

Cc: Jarrett Benson <jarrett@bensonwilliams.com>, Amy Brooks <amy.brooks@knoxplanning.org>, Dori Caron <dori.caron@knoxplanning.org>, Sherry Michienzi <sherry.michienzi@knoxplanning.org>, "Erin R. Luptak" <Eluptak@fmsllp.com>

Ms. Albertson,

Please accept this e-mail as a revision to my letter requesting a postponement. We are requesting a 30-day postponement on this matter. Also, per your suggestion, I'll reach out to Mr. Reynolds on the NC landscaping issue, but let's plan to discuss this next Friday at 10:00 a.m. if you are still available then.

Ben Mullins

[Quoted text hidden]

Liz Albertson <liz.albertson@knoxplanning.org>

Wed, Jun 12, 2019 at 9:47 AM

Reply-To: liz.albertson@knoxplanning.org

To: Knoxville-Knox County Planning Commission <commission@knoxplanning.org>

FYI - Mr. Mullins is requesting a 30-day postponement (as per his email below).

Thanks,
-Liz

----- Forwarded message -----

From: Benjamin C. Mullins <bnullins@fmsllp.com>

Date: Wed, Jun 12, 2019 at 9:43 AM

Subject: RE: Kadunza LTD, LLC, No. 6-L-19-RZ and 6-D-19-SP

To: Liz Albertson <liz.albertson@knoxplanning.org>

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[Quoted text hidden]

REZONING PLAN AMENDMENT RECEIVED

APR 29 2019

Knoxville-Knox-County Planning

Name of Applicant: Benjamin C. Mullins o/b/o Kadunza LTD, LLC

Date Filed: April 29, 2019 Meeting Date: June 13, 2019

Application Accepted by: Sherry Michienzi

Fee Amount: \$600.00 File Number: Rezoning 6-L-19-RZ

Fee Amount: \$600.00 File Number: Plan Amendment 6-019-SP

PROPERTY INFORMATION

Address: 3216 Johnson Road

General Location: Northeast corner of intersection of Schaad Rd. and Johnson Rd.

Parcel ID Number(s): 09201201

Tract Size: Approx. 2.69 acres

Existing Land Use: Residential (Rural)

Planning Sector: Neighborhood Commercial

Growth Policy Plan: Urban Growth NW County

Census Tract: 46.07

Traffic Zone: 212

Jurisdiction: [] City Council [] District [x] County Commission 6th District

Requested Change REZONING

FROM: A

TO: PC

PLAN AMENDMENT

[] One Year Plan [x] Northwest County Sector Plan

FROM: NC

TO: GC

PROPOSED USE OF PROPERTY

BMW and Mini service and repair.

Density Proposed NA Units/Acre

Previous Rezoning Requests: Unknown

PROPERTY OWNER OPTION HOLDER

PLEASE PRINT

Name: Benjamin C. Mullins o/b/o Kadunza LTD

Company: Kadunza LTD, LLC

Address: 550 West Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: 865-546-9321

Fax: 865-637-5249

E-mail: bmullins@fmsllp.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Benjamin C. Mullins o/b/o Kadunza LTD

Company: Frantz, McConnell, & Seymour, LLP

Address: 550 West Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: 865-546-9321

Fax: 865-637-5249

E-mail: bmullins@fmsllp.com

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: [Signature]

PLEASE PRINT

Name: Benjamin C. Mullins o/b/o Kadunza LTD

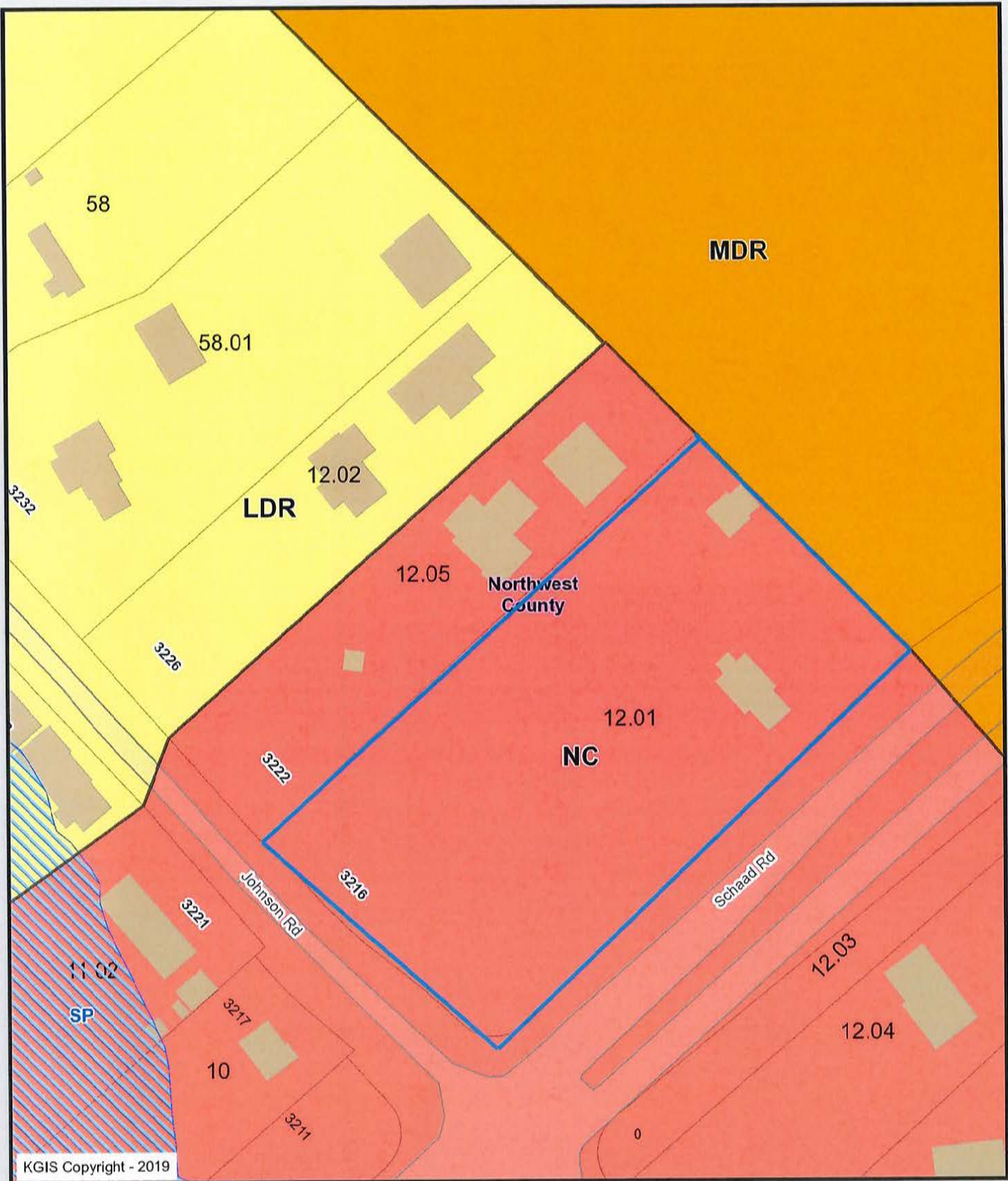
Company: Frantz, McConnell, & Seymour, LLP

Address: 550 West Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: 865-546-9321

E-mail: bmullins@fmsllp.com



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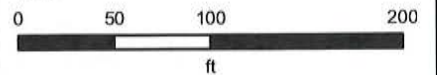
3216 Johnson Road

Sector Plan

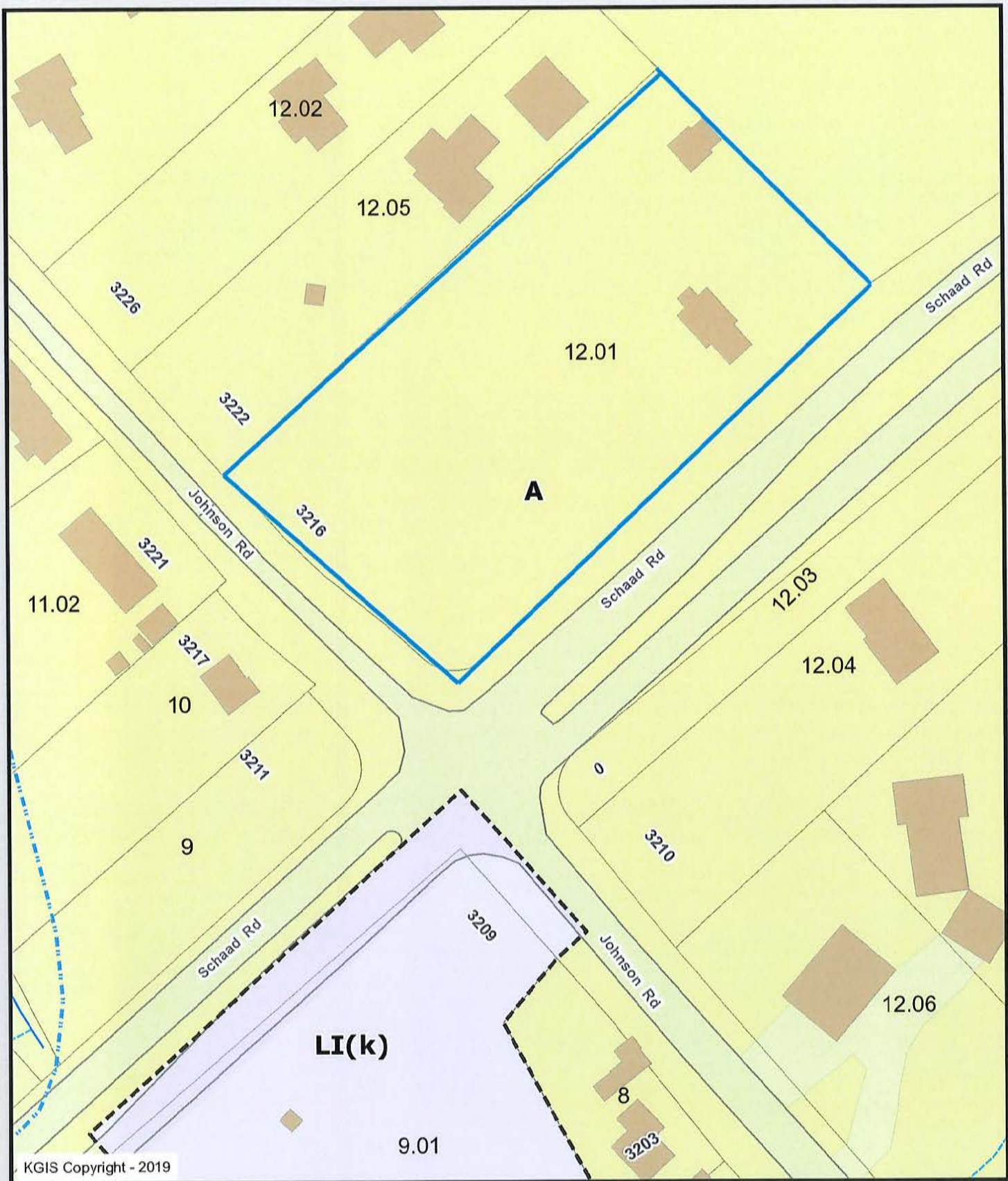
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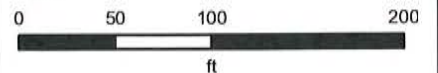
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3216 Johnson Road
Current Zoning

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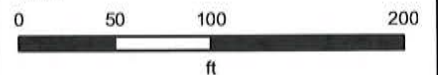
3216 Johnson Road

Existing Land use

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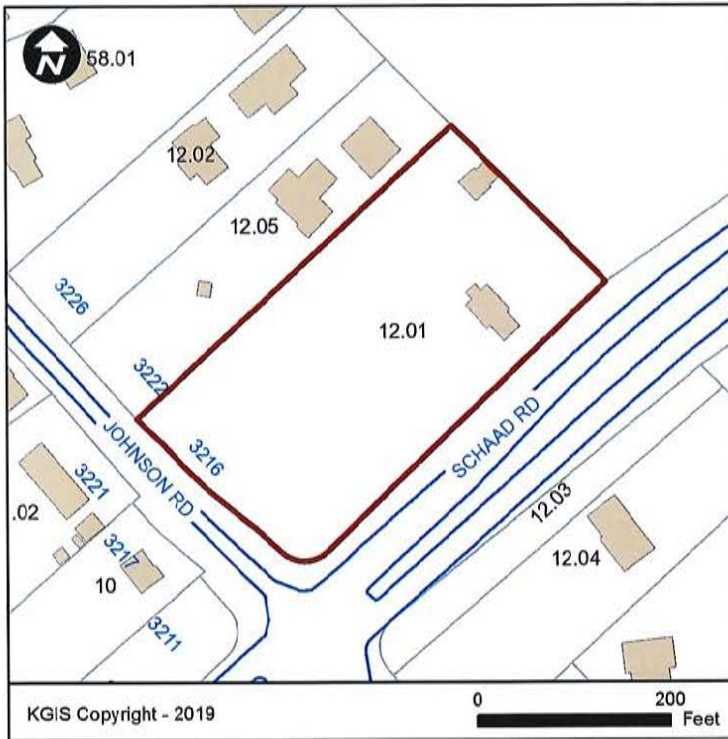


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3216 JOHNSON RD - Property Map and Details Report



Property Information

Parcel ID: 092 01201
 Location Address: 3216 JOHNSON RD
 CLT Map: 92
 Insert:
 Group:
 Condo Letter:
 Parcel: 12.01
 Parcel Type:
 District: W6
 Ward:
 City Block:
 Subdivision:
 Rec. Acreage:
 Calc. Acreage: 2.69
 Recorded Plat: -
 Recorded Deed: 20041103 - 0037333
 Deed Type: Deed:Special Wa
 Deed Date: 11/3/2004

Address Information

Site Address: 3216 JOHNSON RD
 KNOXVILLE - 37931
 Address Type: RESIDENTIAL
 Site Name:

Owner Information

GODWIN TOMMY JR & BONNIE R
 3216 JOHNSON RD
 KNOXVILLE, TN 37931
 The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY
 City / Township:

MPC Information

Census Tract: 46.07
 Planning Sector: Northwest County
 Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 70E
 Voting Location: Amherst Elementary School
 5101 SCHAAD RD
 TN State House: 89 Justin Lafferty
 TN State Senate: 7 Richard Briggs
 County Commission: 6 Brad Anders

School Zones

Elementary: AMHERST ELEMENTARY
 Intermediate:
 Middle: KARNS MIDDLE
 High: KARNS HIGH
 Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

City Council:
 School Board: 6 Terry Hill
 Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

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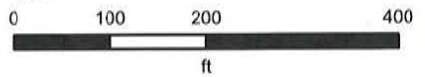
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3216 Johnson Road

Aerial

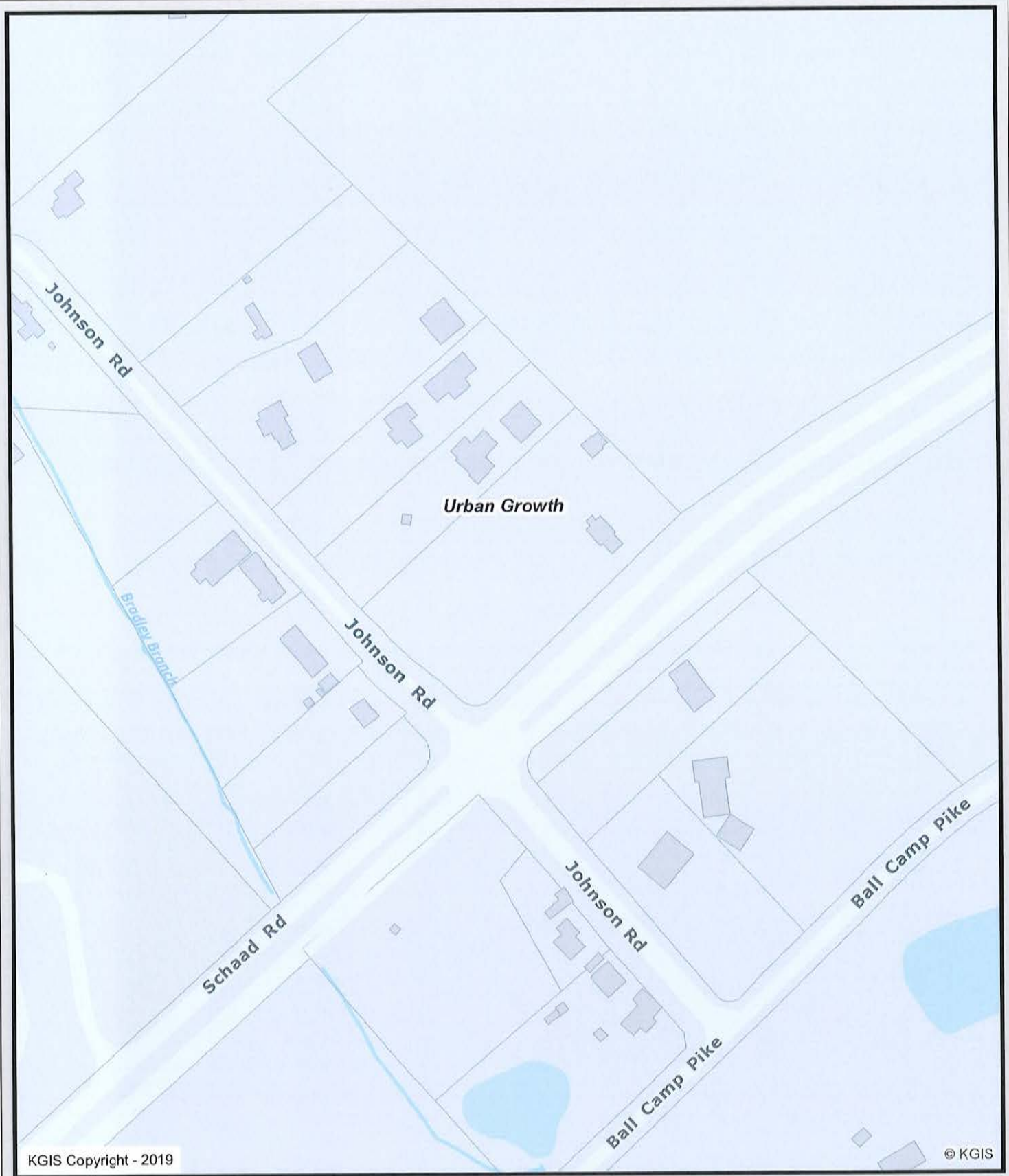


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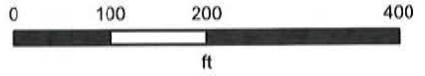
3216 Johnson Road

Growth Policy Plan

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April 29, 2019

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office fax 865.637.5249

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37901

of counsel

IMOGENE A. KING
JASON T. MURPHY
FRANCIS A. CAIN, RET.

fmsllp.com

Knoxville-Knox County Planning
Attn: Rezoning Application Staff
Suite 403, City-County Building
400 Main Avenue
Knoxville, TN 37902

Re: 3216 Johnson Road
Parcel ID 09201201

Dear Sir or Madam:

Please find enclosed for your consideration Kadunza LTD, LLC's ("Kadunza") Rezoning and Sector Plan Application with respect to the above-referenced parcel (the "Property"). For your ease of reference, I am enclosing along with this Application the following GIS documents:

1. Property Map and Details Report;
2. Aerial Map;
3. Existing Land Use Map;
4. Existing Zoning Map;
5. Existing Sector Map;
6. Existing Growth Policy Plan; and
7. Shop Design Photos.

This property is in the Urban Growth Plan located at the intersection of Schaad Road and Johnson Road. The Sector Plan is currently NC, which also contemplates commercial uses for this property.

It is the intent to zone this parcel to a zone which would accommodate my client's proposed use of the space as a high-end service and repair facility for BMW's and Minis (consistent with their current location). As we are cognizant that a rezoning and plan amendment can allow for all uses within a zone, my client is seeking to rezone this parcel PC. The PC zone affords the planners greater flexibility in ensuring that the ultimate use is compatible with the neighborhood and that the highest quality site designs, building arrangement, landscaping and traffic circulation patterns are appropriately in place through any subsequent use-on-review process.

Knox Planning

Re: Rezoning Application - 3216 Johnson Road (Parcel ID 09201201)

April 29, 2019

Page | 2

As stated by Section 5.33.02 of the Knox County Zoning Code, “[i]t is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services, and light distribution centers.” Additionally, the PC zone does not have any minimum lot size requirements; however, all buildings must be setback 50 feet from any periphery boundary line. This would limit or restrict many intensive uses for this particular parcel; however, would be accommodating for my client’s proposed service facility. We believe that due to the specific nature of my client’s intended use, and the design and review process afforded by the PC zone would be in the best interest of the community in promoting appropriate commercial development on this corner lot while still ensuring any impacts from the use is appropriately minimized.

Based upon the foregoing, Kadunza respectfully requests Planning recommend this change to the County Zoning Map and to the Northwest County Sector Plan for approval by the Commission. If you have any questions, please feel free to call. Thank you very much for your consideration

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl
Enc.

cc: Kadunza LTD, LLC (via e-mail)

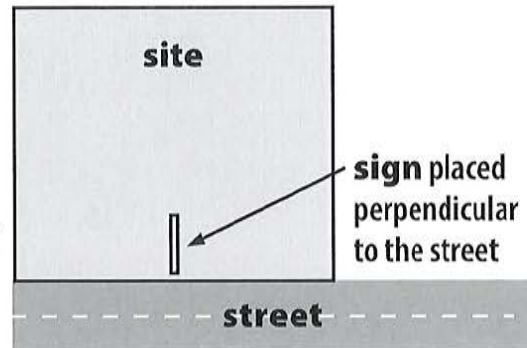
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

(Wed) May 29th and (Fri) June 14th
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: _____

Printed Name: Benjamin C. Mullins

Phone: 865-546-9321

Email: bmullins@fasllp.com

Date: 4-29-19

File Number: 6-L-19-RZ / 6-C-19-SP