

# REZONING REPORT

▶ **FILE #:** 6-M-19-RZ

**AGENDA ITEM #:** 33

**AGENDA DATE:** 6/13/2019

▶ **APPLICANT:** MERCHANTS INVESTMENTS, LLC

OWNER(S): Ben Mullins / Frantz, McConnell & Seymour, LLP

TAX ID NUMBER: 68 L D 009

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 114 Cedar Ln

▶ **LOCATION:** Southeast side of Cedar Lane, Northeast of intersection of Central Avenue Pike and Merchant Drive / Cedar Lane

▶ **APPX. SIZE OF TRACT:** 0.3 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Cedar Lane, a minor arterial, a 4-lane divided street with a center turn lane, a pavement width of with a right-of-way of 61.69' feet within a right-of-way of 90' feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT ZONING:** O-1 (Office, Medical, and Related Services)

▶ **ZONING REQUESTED:** C-3 (General Commercial)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Retail allowed in C-3 zoning

EXTENSION OF ZONE: Yes, this property is adjacent to C-3 zoning on both the east and west sides.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: ROW & commercial - C-4 (Highway & arterial commercial)

South: Single family residential - O-1 (Office, medical & related services)

East: Commercial - C-3 (General commercial)

West: Commercial - C-3 (General commercial)

NEIGHBORHOOD CONTEXT: The area is near the interstate interchange at I-75 and Merchants Road. This area is primarily commercial and some office abutting a single family residential neighborhood.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning.**

Staff recommends approval of the requested C-3 zoning, as an extension of the adjacent C-3 zoning on both sides of the property. The request is also consistent with the sector plan land use classification of GC (General Commercial) for this property.

**COMMENTS:**

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 within the commercial node area of the I-40 / Merchants Road interchange.

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

1. The proposed amendment to C-3 is for personal and business services and general retail business. Districts in this category are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. Regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.

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. C-3 zoning is compatible with the existing GC (General Commercial) sector plan designation.
2. The adjacent properties to the east and west are zoned C-3 and the properties to the north are zoned C-4.
3. There is O-1 zoning on the adjacent parcel to the south, creating a buffer for the adjacent 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. The request is consistent with and not in conflict with all other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 7/22/2019. 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 City.

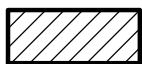


Parental Responsibility Zone (PRZ)

**6-M-19-RZ  
REZONING**

From: O-1 (Office, Medical, and Related Services)

To: C-3 (General Commercial)



Petitioner: Merchants Investments, LLC

Map No: 68

Jurisdiction: City



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

**REZONING**       **PLAN AMENDMENT**

Name of Applicant: MERCHANTS INVESTMENTS, LLC

Date Filed: APRIL 29, 2019      Meeting Date: JUNE 13, 2019

Application Accepted by: Thomas Buchler

Fee Amount: \$1,000.00      File Number: Rezoning 6-M-19-RZ

Fee Amount: —      File Number: Plan Amendment —

**PROPERTY INFORMATION**

Address: 114 CEDAR LANE

General Location: Northeast of intersection of Central Ave. Pike and Merchant Drive.

Parcel ID Number(s): .068LD009

Tract Size: Approximately 0.3 acres

Existing Land Use: Office

Planning Sector: North City

Growth Policy Plan: Urban

Census Tract: 40

Traffic Zone: 146

Jurisdiction:  City Council 5 District  
 County Commission 2 District

**Requested Change**  
**REZONING**

FROM: O-1

TO: C-3

**PLAN AMENDMENT**

One Year Plan     Sector Plan

FROM: No Change: Both Current One Year and Sector Plans are GC

TO: \_\_\_\_\_

**PROPOSED USE OF PROPERTY**

Retail allowed in C-3 zone

Density Proposed NA      Units/Acre \_\_\_\_\_

Previous Rezoning Requests: Unknown

**PROPERTY OWNER**     **OPTION HOLDER**

PLEASE PRINT

Name: Benjamin C. Mullins o/b/o Merchants Investments, LLC

Company: MERCHANTS INVESTMENTS, 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 Merchants Investments, LLC

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: 

PLEASE PRINT

Name: Benjamin C. Mullins

Company: Frantz, McConnell, & Seymour, LLP

Address: 550 West Main Street, Suite 500

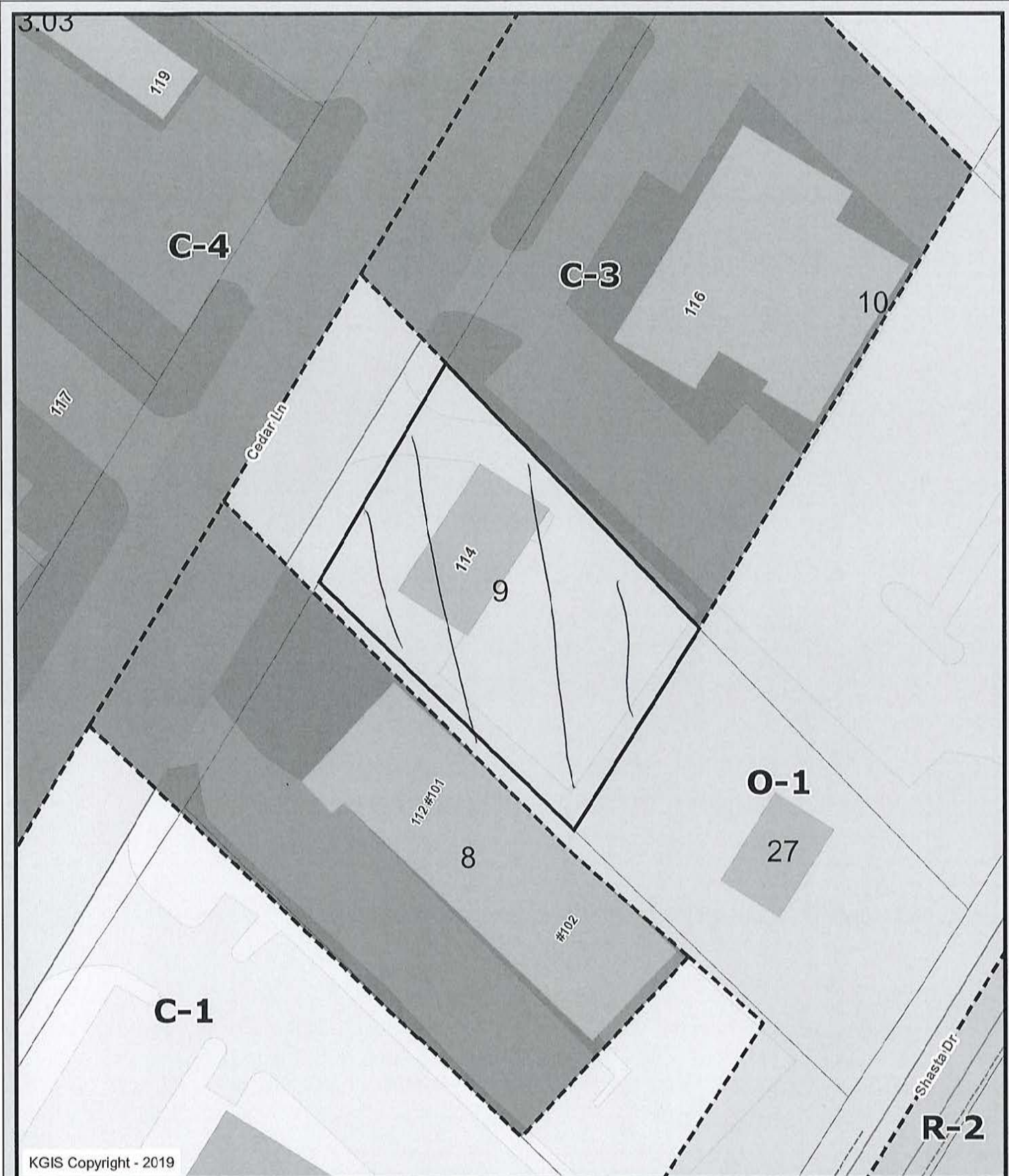
City: Knoxville      State: TN      Zip: 37902

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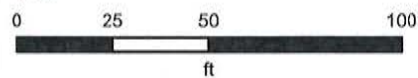


Letter Portrait

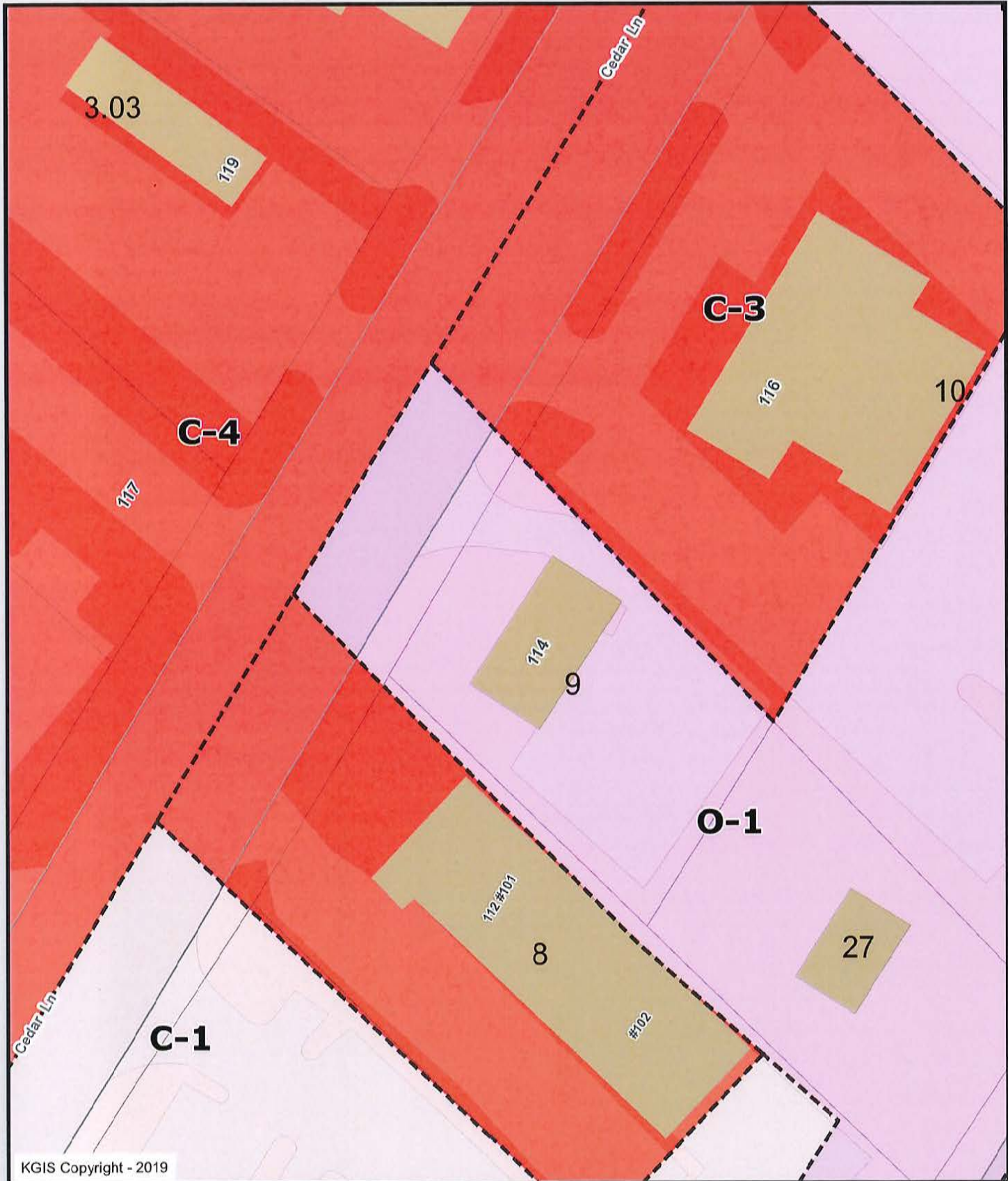
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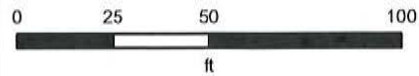
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114 Cedar Lane  
Current Zoning

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114 Cedar Lane  
Sector Plan

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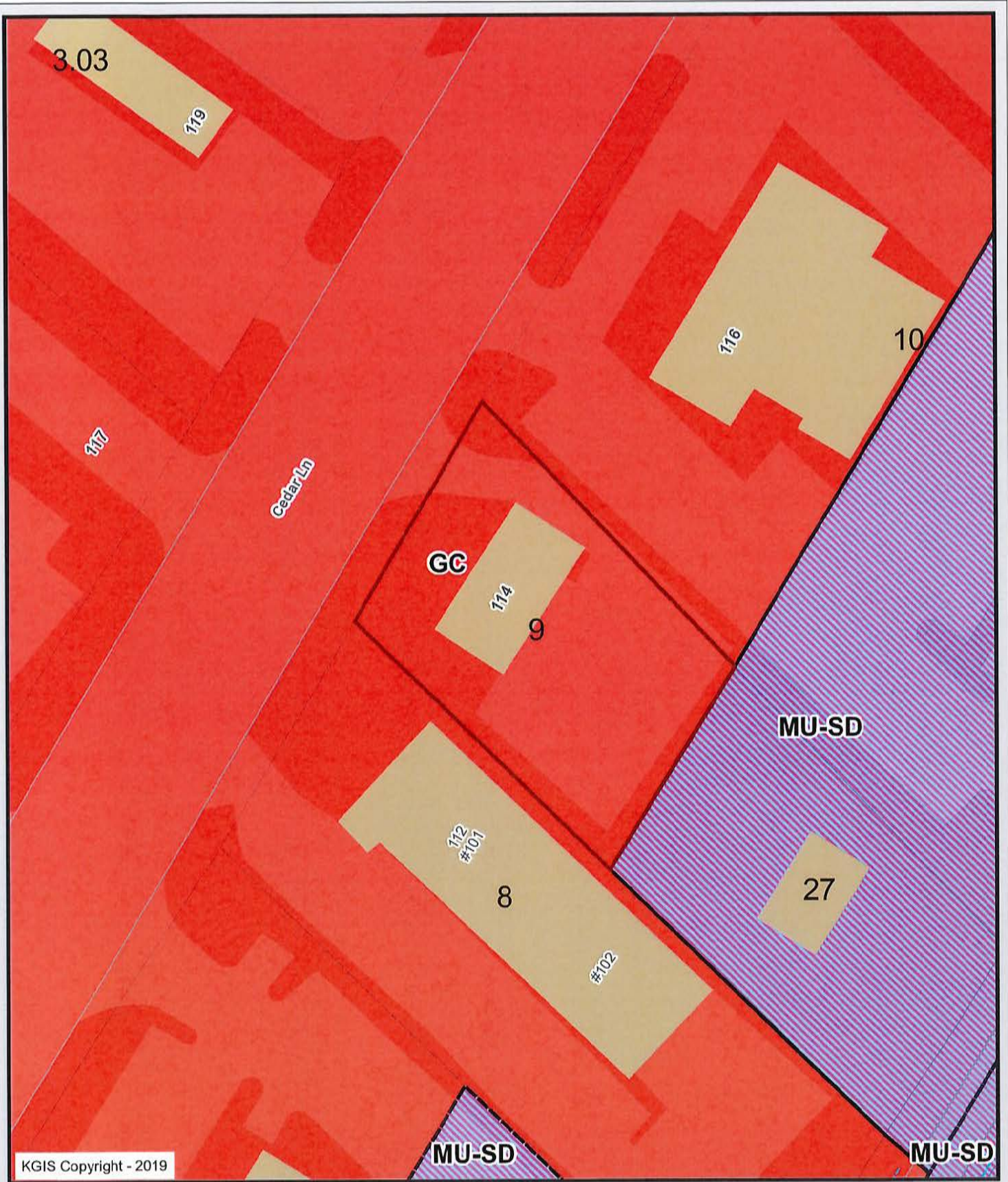


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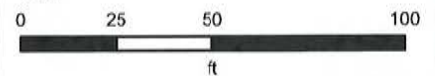


114 Cedar Lane  
One Year Plan

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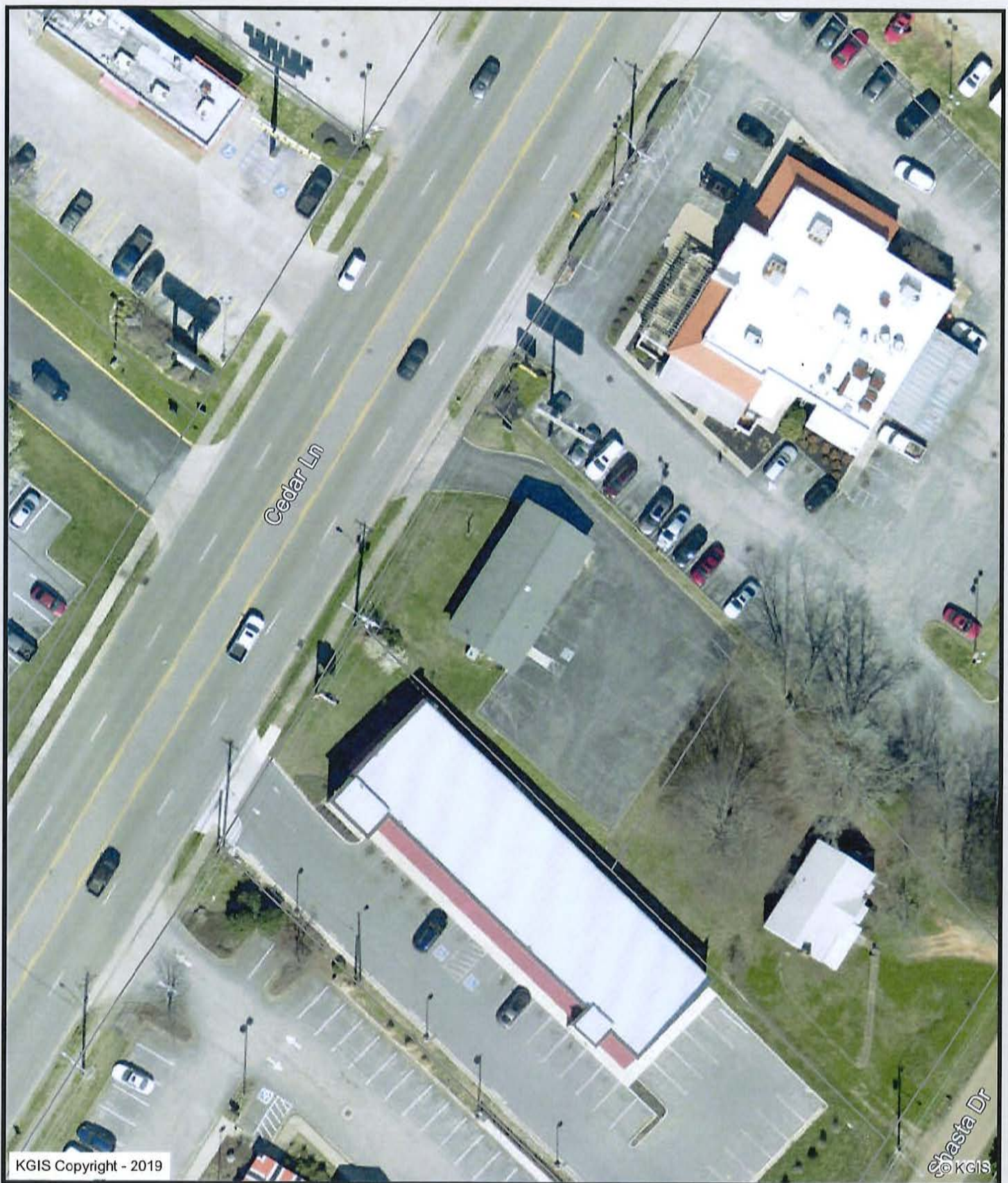


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114 Cedar Lane  
Aerial Map

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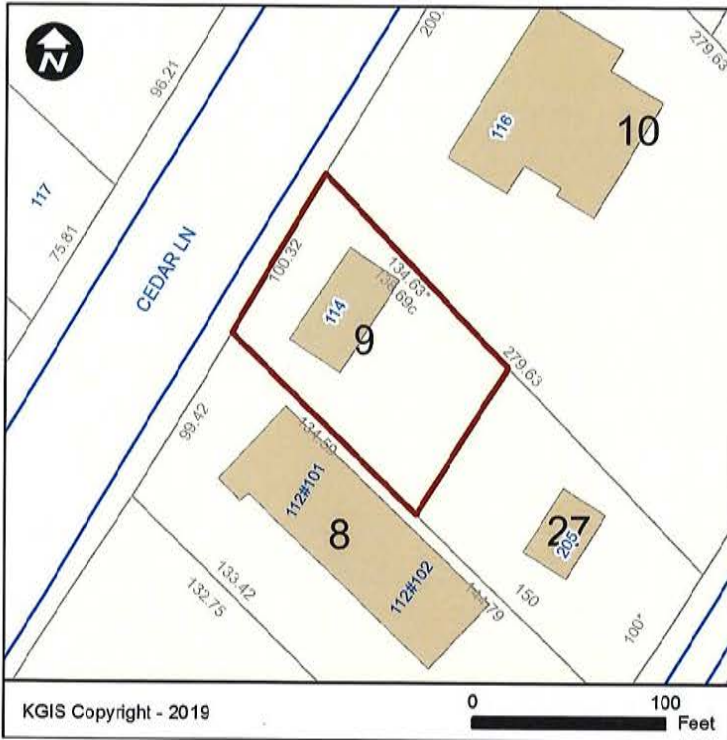
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**Parcel 068LD009 - Property Map and Details Report**



**Property Information**

Parcel ID:	068LD009
Location Address:	114 CEDAR LN
CLT Map:	68
Insert:	L
Group:	D
Condo Letter:	
Parcel:	9
Parcel Type:	
District:	39
Ward:	
City Block:	39130
Subdivision:	WOOTEN & MENDEL ADD
Rec. Acreage:	0
Calc. Acreage:	0
Recorded Plat:	15 - 47
Recorded Deed:	20190326 - 0056013
Deed Type:	Deed:Full Coven
Deed Date:	3/26/2019

**Address Information**

Site Address:	114 CEDAR LN KNOXVILLE - 37912
Address Type:	BUSINESS
Site Name:	BEALS AND JONES DDS

**Owner Information**

MERCHANTS INVESTMENTS LLC
114 CEDAR LN
KNOXVILLE, TN 37912
The owner information shown in this section does <b>not</b> 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:	Knoxville

**MPC Information**

Census Tract:	40
Planning Sector:	North City
Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.	

**Political Districts**

Voting Precinct:	39
Voting Location:	Inskip Rec. Center 301 W INSKIP DR
TN State House:	16 Bill Dunn
TN State Senate:	5 Randy McNally
County Commission:	2 Michele Carringer

**School Zones**

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

City Council:	5 Mark Campen
School Board:	2 Jennifer Owen
Please contact Knox County Election Commission at (865) 215-2480 if you have questions.	

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April 29, 2019

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*Via hand delivery*

Knoxville-Knox County Planning  
**City-County Building**  
400 Main Street, Suite 403  
Knoxville, Tennessee 37902

**Attn: Rezoning Application Staff**

Re: 114 Cedar Lane  
Parcel ID 068LD009

Dear Sir or Madam:

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

1. aerial map;
2. existing zoning map;
3. existing sector plan map;
4. existing one year plan map; and
5. Property Map and Details Report.

As shown by the attached, the Property is almost completely bounded by C-3 and C-4 zoning, which is consistent with both the One Year Plan and the North City Sector Plan. Specifically, the parcels on either side of the Property are zoned C-3, which is the current desired zone, and property across the street is zoned C-4; therefore, no Sector Plan or One Year Plan amendment is necessary. Merchants would further suggest that the requested rezoning is in the best interest of the City as a whole and is consistent with the development of the area.

Based upon the foregoing, Merchants respectfully requests that the Planning Commission recommend this minor zoning change to the City's Zoning Map for approval by City Council.

Knox Planning

Re: Rezoning Application - 114 Cedar Lane (Parcel ID 068LD009)

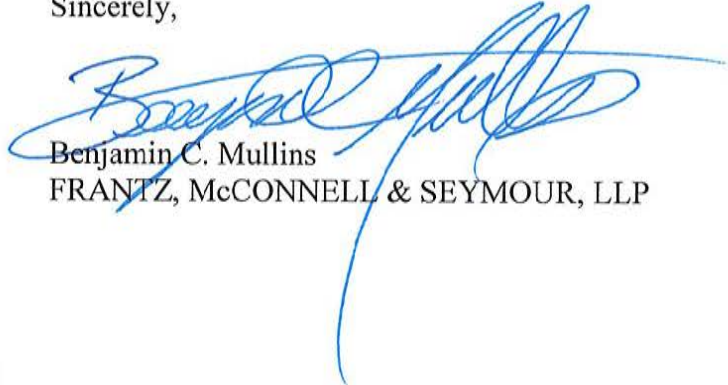
April 29, 2019

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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: Mr. Dee Patel (via e-mail)

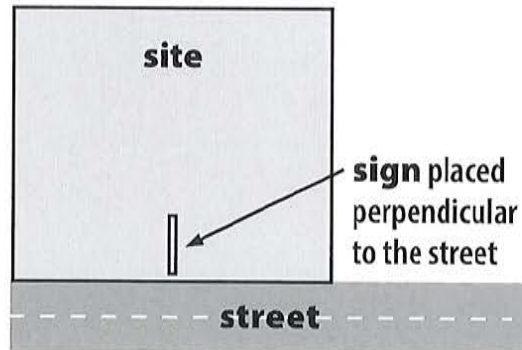
## REQUIRED SIGN POSTING AGREEMENT

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:

May 29, 2019 and June 14, 2019  
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: *Benjamin C. Mullins*

Printed Name: Benjamin C. Mullins

Phone: 865-546-9321 Email: bmullins@fmsllp.com

Date: 4-29-19

File Number: 6-M-19-RZ