



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-D-20-RZ **AGENDA ITEM #:** 13
 4-E-20-SP **AGENDA DATE:** 4/9/2020

▶ **APPLICANT:** BENJAMIN C. MULLINS / O.B.O. CRIPPEN GAP, LLC
OWNER(S): Crippen Gap, LLC

TAX ID NUMBER: 48 C A 00201 [View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 3815 Shotsman Ln.

▶ **LOCATION:** North of Mynatt Rd., west of Maynardville Pk., off Shotsman Ln.

▶ **TRACT INFORMATION:** 6.6 acres. Request sector plan amendment for 6.6 acres, request rezoning for only 4.4 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Shotsman Ln, a local street, with a pavement width of 22.9 feet within a right-of-way width of 50 ft.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** O (Office) and SP (Stream Protection) / CA (General Business) & I (Industrial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LI (Light Industrial) and SP (Stream Protection) / I (Industrial)

▶ **EXISTING LAND USE:** Office

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, I (Industrial) zoning exists on the northern portion of the parcel.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Under construction/other uses, commercial - O (Office), GC (General Commercial) and SP (Stream Protection)

South: Multifamily, commercial - MDR (Medium Density Residential) and SP (Stream Protection)

East: Commercial - GC (General Commercial) and SP (Stream Protection)

West: Single family residential - MDR (Medium Density Residential)

NEIGHBORHOOD CONTEXT: The area lies between the commercial corridor along Maynardville Pike and single family residential neighborhoods. Industrial and light industrial zoning

STAFF RECOMMENDATION:

- ▶ **Adopt resolution #4-E-20-SP amending the North County Sector Plan to LI (Light Industrial) and SP (Stream Protection) because of an error in the sector plan, that should have recognized the existing industrial zoning and existing land uses.**

- ▶ **Approve the I (Industrial) zoning as an extension of the existing zoning on the parcel and recognizing the existing land uses on the property.**

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 to conditions that would warrant amending the land use plan.

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

1. No new roads or additional utilities have been introduced in this area.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The 2010 update of the North County Sector Plan should have recognized the existing industrial zoning on the property and existing industrial land uses.

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

1. There have been no new trends in development, population or traffic that warrant reconsideration of the original plan proposal.

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.

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. This parcel has I (Industrial) zoning on a portion of the property currently and the existing land uses are industrial and/or heavy commercial.

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

1. The proposed amendment to I zoning is intended to provide for areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing and other uses which have heavy impacts and adverse effects on surrounding property. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air, or street transportation routes. Such uses are not properly associated with, nor compatible with residential, institutional and retail commercial uses.

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. In the I (Industrial) zone district more intense industrial uses, such as salvage yards require an additional separation of 300 feet from any established residential zones.
2. Section 4.10.11 requires additional landscape screening for commercial and industrial uses when adjacent to residential uses to mitigate the impacts of development.
2. This proposed amendment should not adversely affect any other part of the county.

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 proposed amendment is consistent with and not in conflict with any other adopted plan.

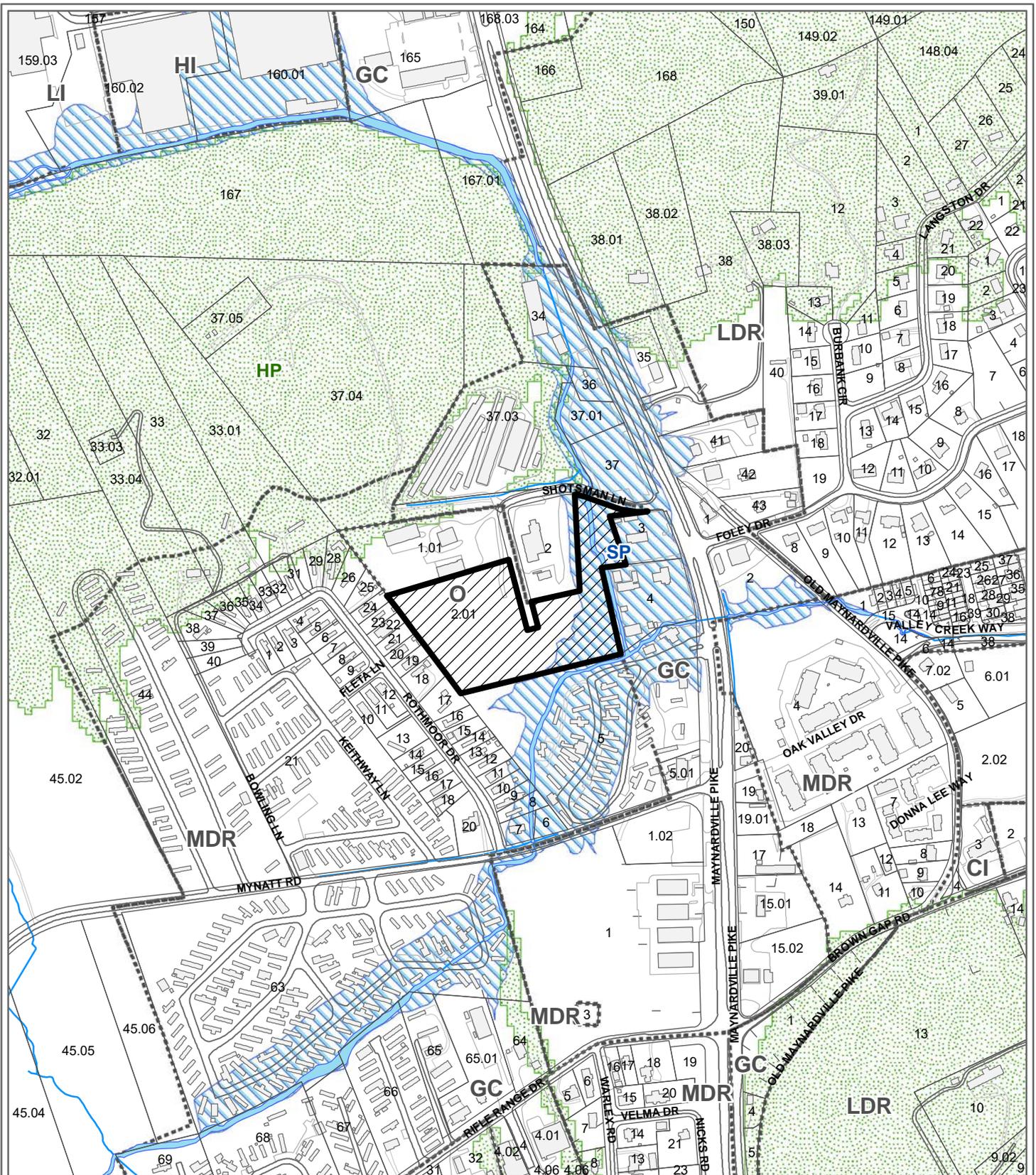
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Adrian Burnett Elementary, Halls Middle, and Halls High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 5/26/2020. 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.



**4-E-20-SP / 4-D-20-RZ
NORTH COUNTY SECTOR PLAN AMENDMENT**

From: O (Office) and SP (Stream Protection)
 To: LI (Light Industrial) and SP (Stream Protection)

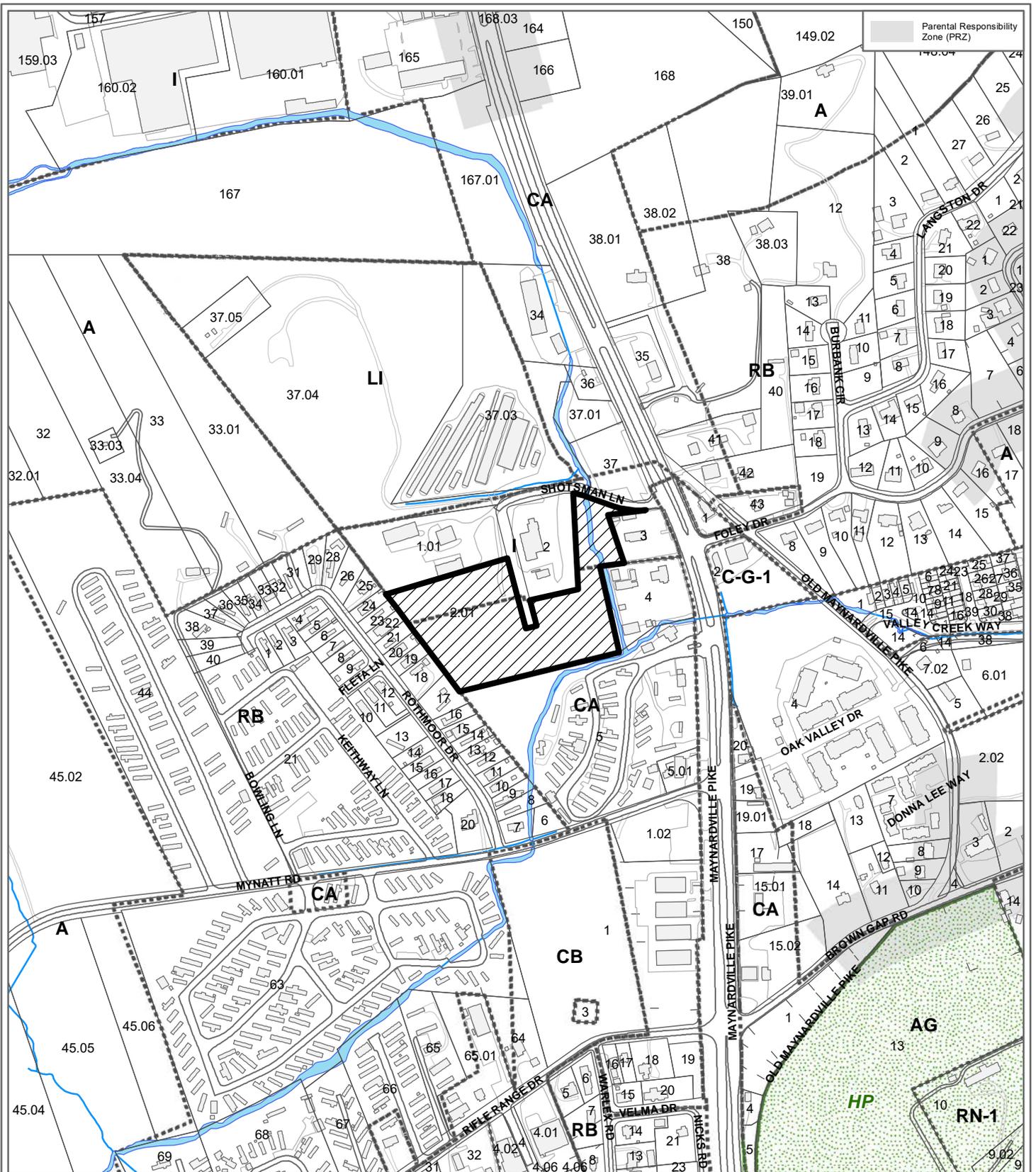


Original Print Date: 3/16/2020 Revised:
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Mullins / o.b.o. Crippen Gap, LLC, Benjamin C.

Map No: 48
 Jurisdiction: County





**4-D-20-RZ
REZONING**

From: CA (General Business) & I (Industrial)

To: I (Industrial)



Petitioner: Mullins / o.b.o. Crippen Gap, LLC, Benjamin C.

Map No: 48

Jurisdiction: County



Original Print Date: 3/17/2020

Revised:

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

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTH COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the North County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Benjamin C. Mullins on behalf of Crippen Gap LLC has submitted an application to amend the Sector Plan from Office to Light Industrial, for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the North County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing on April 9, 2020, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the North County Sector Plan, with its accompanying staff report and map, file #4-E-20-SP.

SECTION 2: This Resolution shall take effect upon its approval.

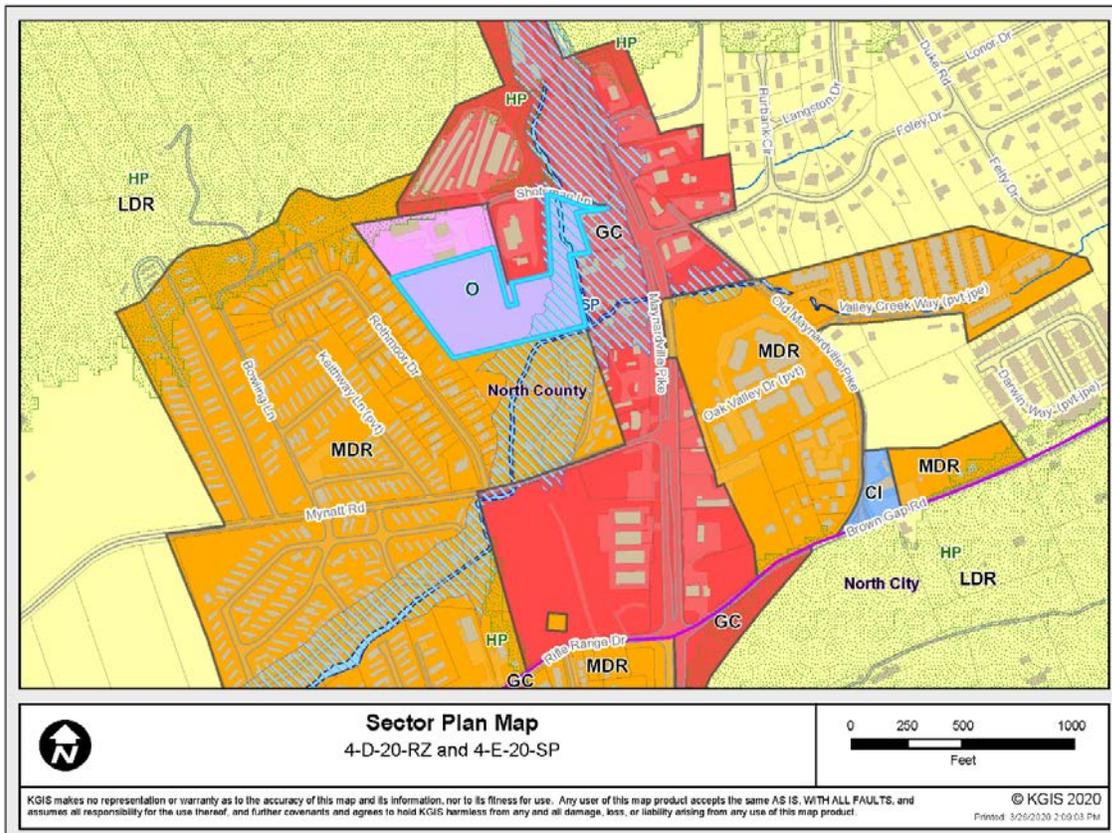
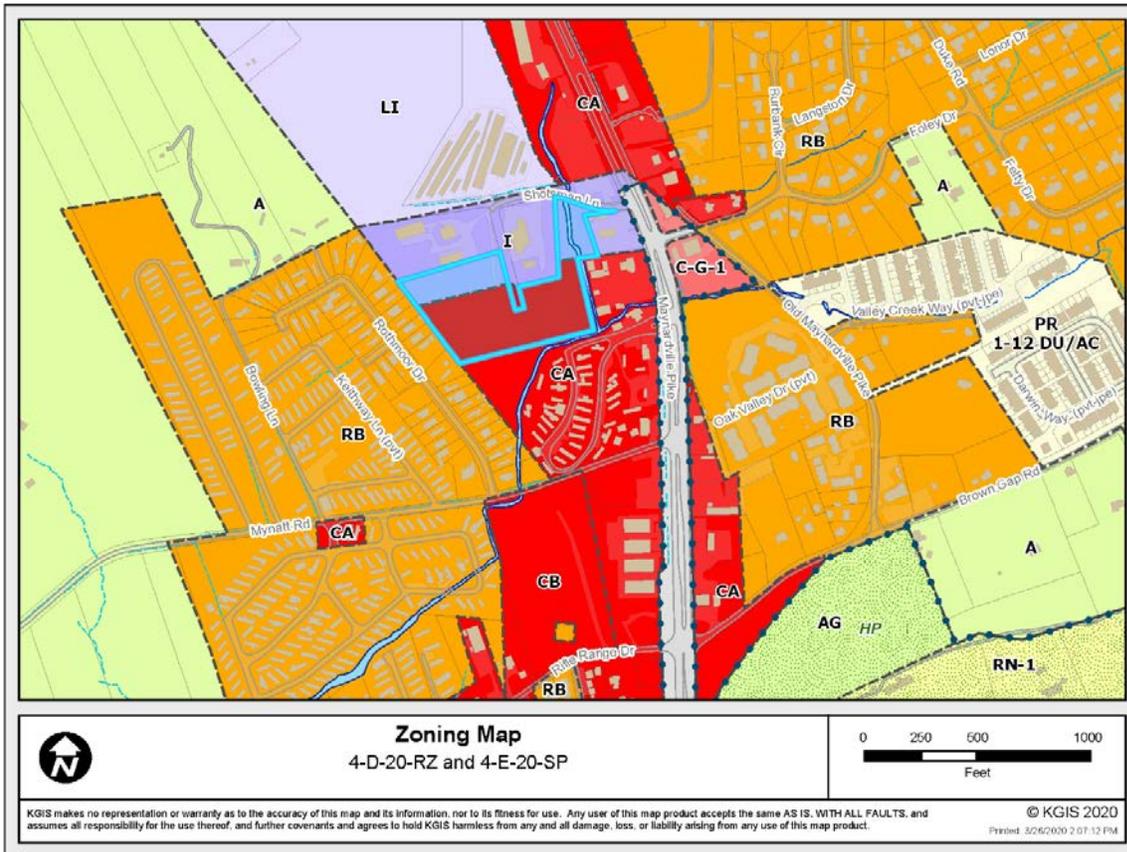
SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

4-D-20-RZ and 4-E-20-SP: Exhibit A – Contextual Images





DEVELOPMENT REQUEST



DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- Rezoning

Benjamin C. Mullins o/b/o Crippen Gap LLC

Owner

Applicant Name

Affiliation

2/19/20

April 9, 2020

4-D-20-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

4-E-20-5P

CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37902

Address

City

State

Zip

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

Crippen Gap LLC

1328 Bullrun Valley Rd., Heiskell, TN 37754 865-679-9950

Owner Name (if different)

Owner Address

Owner Phone

3815 Shotsman LN

048CA00201

Property Address

Parcel ID

(6.6 total)

North of Mynatt Rd. and ^{west} of Maynardville Pike off Shotsman Ln

4.4 area to be rezoned

General Location

Tract Size

Knox County District 7

I and CA

Jurisdiction (specify district above)

- City
- County

Zoning District

North County

Office (O)

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Industrial

OF

N

Hillsdale Powell

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

REQUEST

DEVELOPMENT	<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use
	<input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential
	<input type="checkbox"/> Home Occupation (specify): _____
	<input type="checkbox"/> Other (specify): _____
SUBDIVISION	<input type="checkbox"/> Proposed Subdivision Name _____ Unit / Phase Number _____
	<input type="checkbox"/> Parcel Change
	<input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Total Number of Lots Created: _____
	<input type="checkbox"/> Other (specify): _____
	<input type="checkbox"/> Attachments / Additional Requirements
ZONING	<input checked="" type="checkbox"/> Zoning Change: <u>CA to I</u> Proposed Zoning _____
	<input checked="" type="checkbox"/> Plan Amendment Change: <u>O to LI (Light Industrial)</u> Proposed Plan Designation(s) _____
	Recycling Center and other uses allowed in the I zone
	<input type="checkbox"/> Proposed Property Use (specify) _____ Proposed Density (units/acre) _____ Previous Rezoning Requests _____
	<input type="checkbox"/> Other (specify): _____

STAFF USE ONLY	PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	FEE 1:		TOTAL:
	ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	<u>RZ</u>	<u>1,000.00</u> 600.00	
	ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (Final Plat only) <input type="checkbox"/> Use on Review / Special Use (Concept Plan only) <input type="checkbox"/> Traffic Impact Study	<u>SP</u>	<u>800.00</u>	
		<u>7K</u>	<u>1800.00</u>	

AUTHORIZATION

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

	<u>2-19-2020</u>
Applicant Signature	Date
_____	_____
Phone Number	Email
_____	_____
	<u>Marc Payne</u>
Staff Signature	Date
_____	<u>2/19/20</u>

ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
KATIE J. LAMB



client-centric & committed to success

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

February 18, 2020

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

office 865.546.9321
fax 865.637.5249
web fmsllp.com

ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

of counsel
JASON T. MURPHY

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

Re: 3815 Shotsman Lane
Parcel ID: 048CA00201

Dear Planning Staff:

I represent Crippen Gap LLC with regard to the attached application for a Sector Plan Amendment and Rezoning. My clients were recently contacted by Knox County Codes indicating that although a portion of the property is zoned Industrial, and therefore appropriate for a recycling center/scrap metal yard/auto salvage yard, the portion of the property zoned CA is not appropriate for such use. I have reviewed the history of the property and believe that this property was used for recycling/salvage/storage since the early 1960s. In fact, the previous owner of the property, Harry Shotsman, whom the road is named after, used the property as early as the 1960s for a scrap yard. The historical aerials available on KGIS confirm this. Therefore, it is our position that a rezoning is not necessary as the use is a pre-existing, non-conforming use subject to the protections of Tenn. Code Ann. § 13-7-208. That said, and without waiving this argument, we believe it is in the best interest to pursue the requested Sector Plan Amendment and Rezoning in this case.

The zoning history on this property is odd. Although part of the property is clearly zoned Industrial with the southern portion zoned CA, the North County Sector Plan is currently O-Office. This appears to be an oversight and a map error since the existing land use is also listed as Office; however, as indicated above, its historical use has been for recycling and salvage. Because of this, we believe it would be appropriate to rezone this property consistent with its historical use and as an extension of the existing I and LI zones that are currently applied to a portion of this property and immediately to the north of this property. We understand there are some residential neighborhoods to the south and east; however, these neighborhoods have been co-existing with the current use of the property for several years and without any known complaints. The purpose of this rezoning request is to simply remove any arguments with regard

Knoxville-Knox County Planning
Re: 3815 Shotsman Lane/Parcel ID: 048CA00201
February 18, 2020
Page | 2

to the property use and whether or not the property is grandfathered and to allow the use to continue appropriately moving forward.

As always, should you have any questions, please feel free to call.

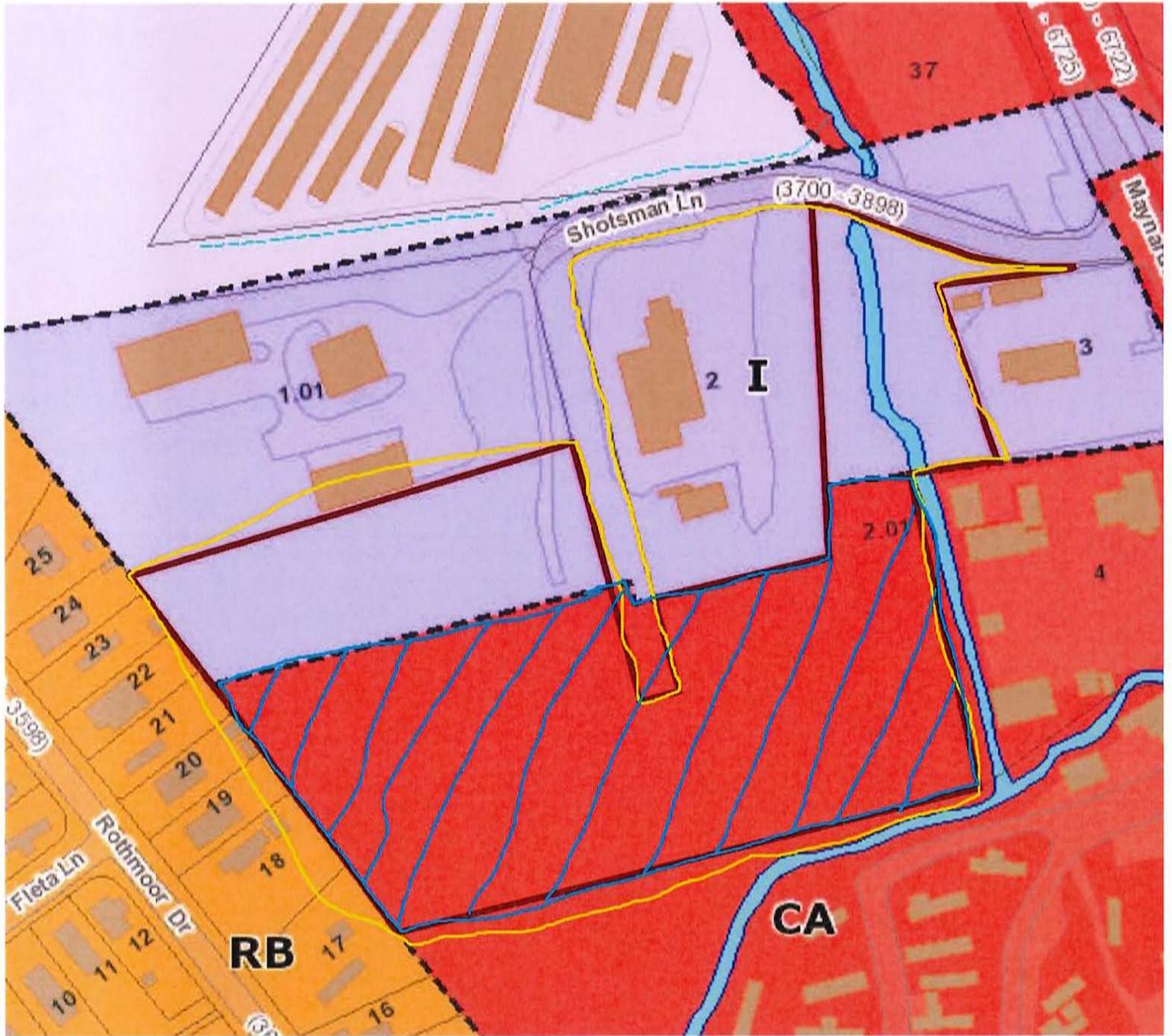
Sincerely,

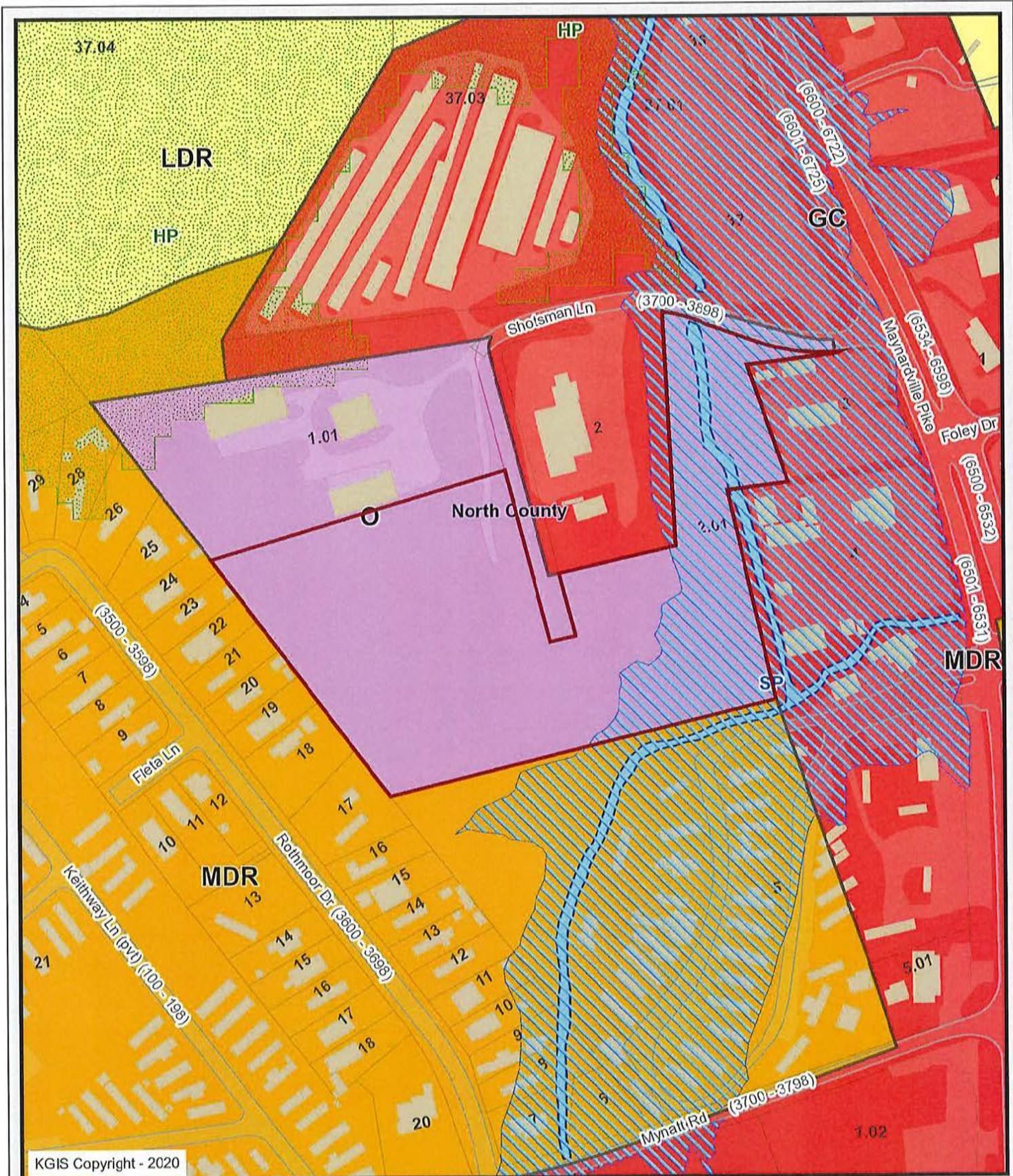


Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl
Enc.

cc: Crippen Gap LLC

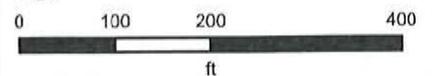




4-E-20-SP

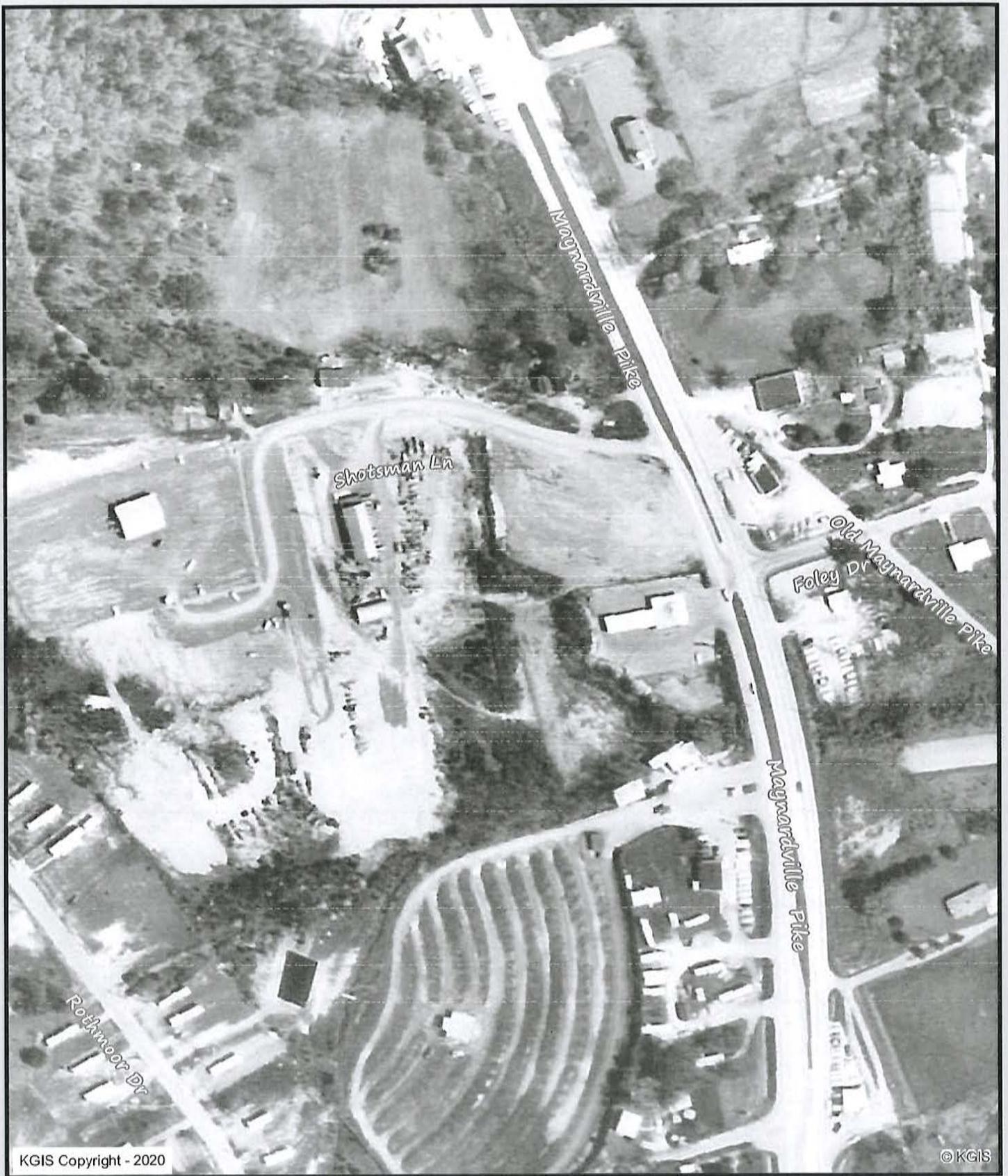


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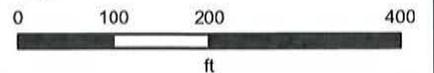
1969 Historic Aerial

3815 Shotsman Lane

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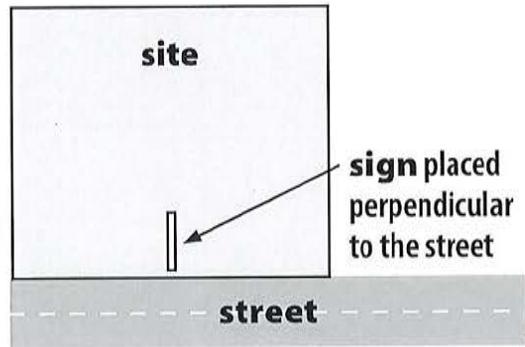
REQUIRED SIGN POSTING AGREEMENT

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:

3/25/20 and 4/10/20
 (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@fasllp.com

Date: 2-19-2020

File Number: 4-D-2A-RZ 4-E-2A-SP