

REZONING REPORT

▶ **FILE #:** 5-C-20-RZ

AGENDA ITEM #: 9

AGENDA DATE: 5/14/2020

▶ **APPLICANT:** BENJAMIN C. MULLINS O/B/O KADUNZA LTD, LLC

OWNER(S): Robert Kadunce

TAX ID NUMBER: 92 01201

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 3216 Johnson Rd.

▶ **LOCATION:** Northeast corner of intersection of Schaad Rd and Johnson Rd.

▶ **APPX. SIZE OF TRACT:** 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 ZONING:** A (Agricultural)

▶ **ZONING REQUESTED:** CN (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Rural residential

▶
EXTENSION OF ZONE: No.

HISTORY OF ZONING: 6-L-19-RZ: Withdrawn

SURROUNDING LAND USE AND ZONING: North: Single family residential - A (Agricultural)

South: Single family residential - A (Agricultural)

East: Agriculture/forestry/vacant - A (Agricultural)

West: Single family residential - A (Agricultural)

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:

▶ Staff recommends approval of CN (Neighborhood Commercial) because it is consistent with the NC (Neighborhood Commercial) sector plan designation for this intersection on the recently improved Schaad Road.

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 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.
3. Residential growth is occurring in this area due in part to the improvements on Schaad Road. Opportunities for limited neighborhood commercial activities at this location are warranted to service the nearby residential properties.

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

1. The (CN) Neighborhood Commercial zone is intended to provide for the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential use

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. The NC zone district allows limited commercial activities compatible with neighboring residential properties. More intensive neighborhood commercial uses provided in the zone require a use-on-review process to address potential impacts through the design review process.
2. Access to the property will likely be restricted to Johnson Road during the use-on-review process.

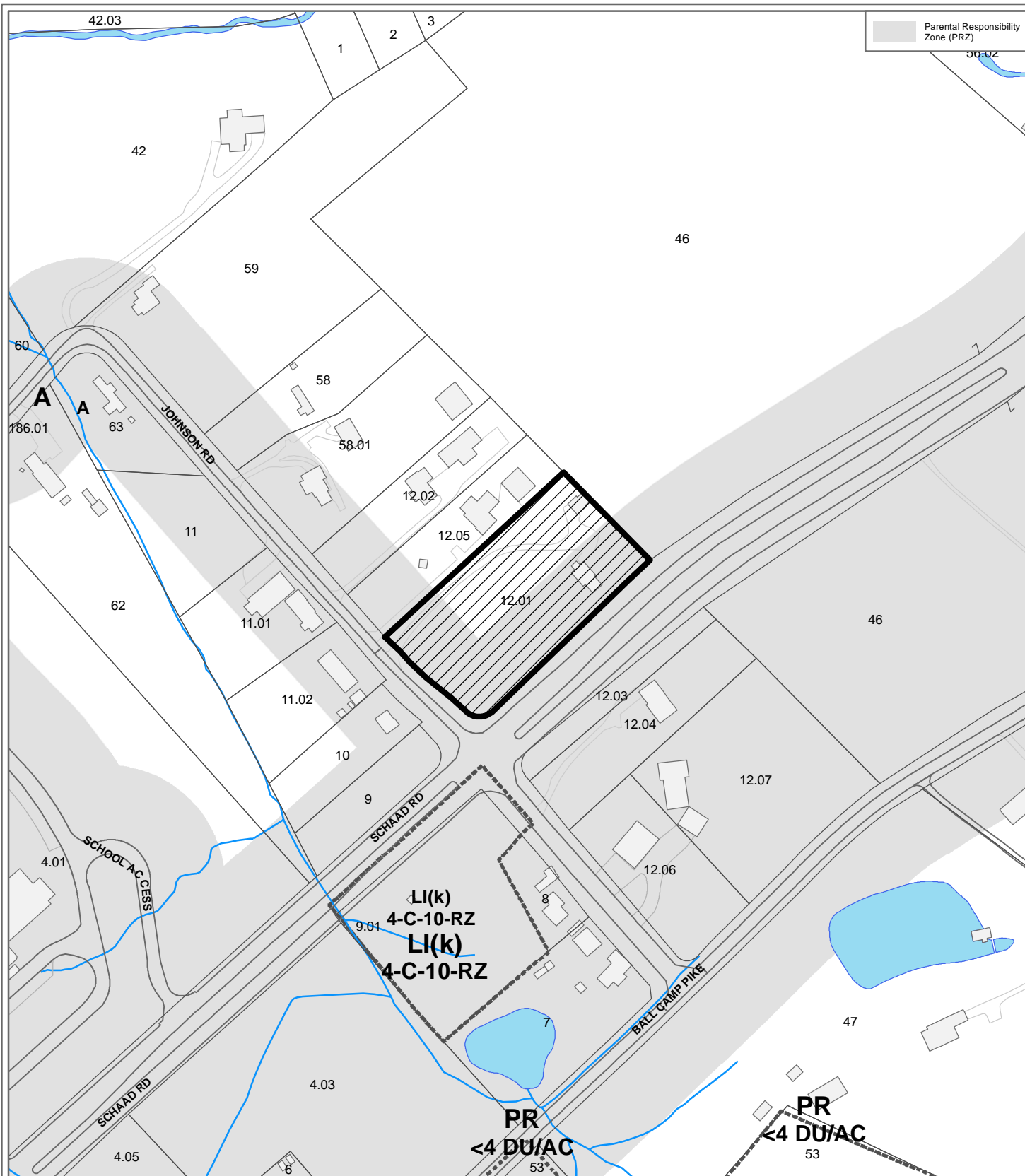
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. This rezoning is consistent with the NC (Neighborhood Commercial) designation for the Northwest County Sector Plan.
2. This request is not in conflict with the General Plan or any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

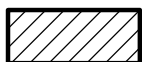
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 6/22/2020. 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.



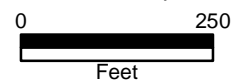
**5-C-20-RZ
REZONING**

From: A (Agricultural)
To: NC (Neighborhood Commercial)



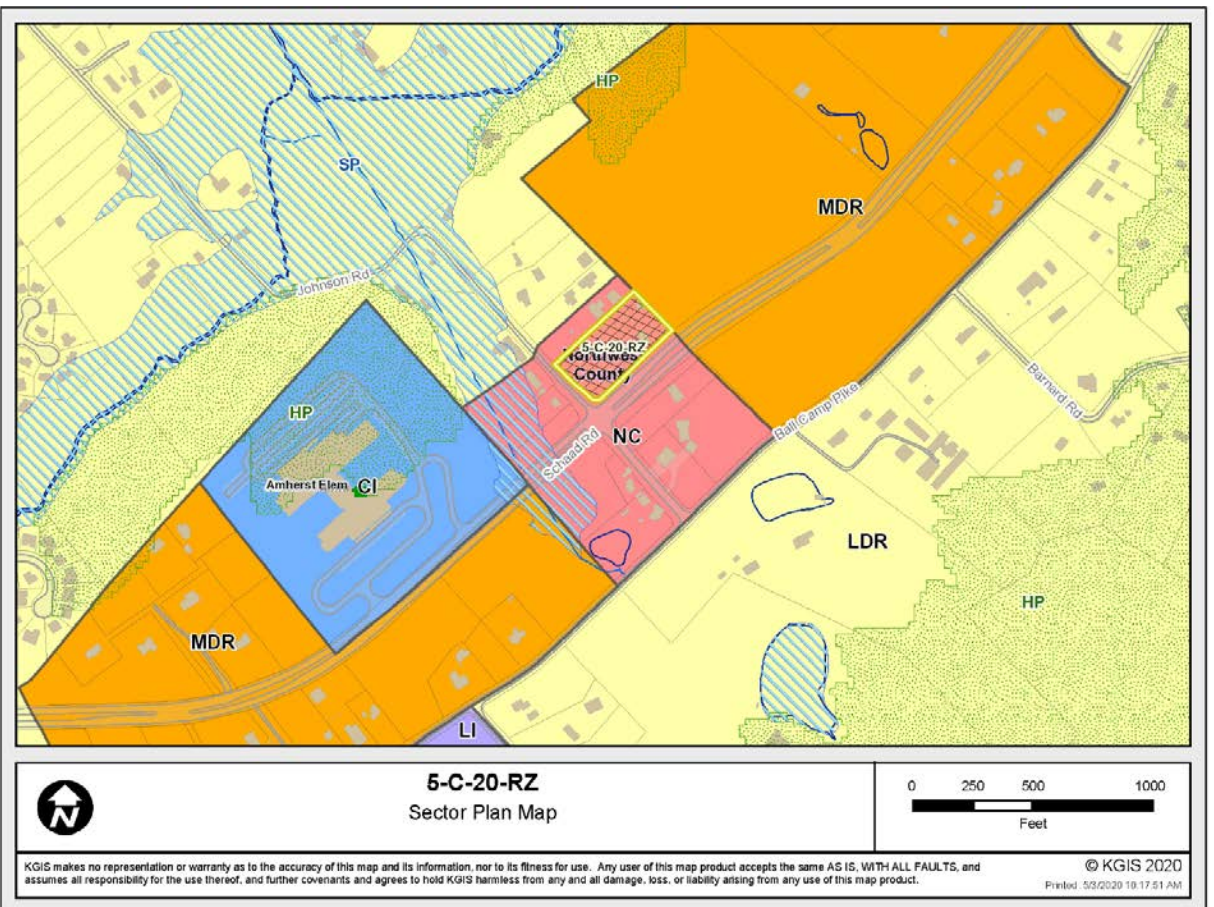
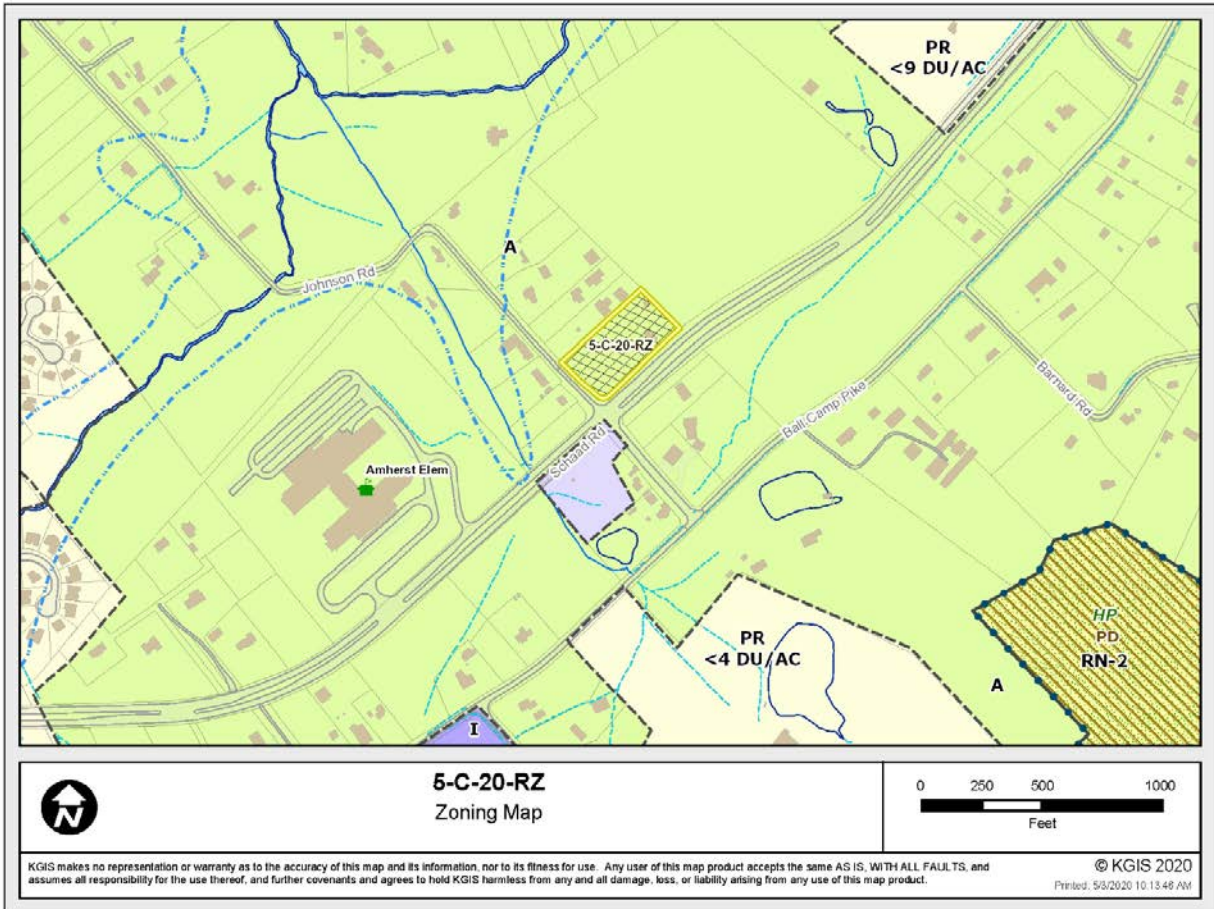
Petitioner: Benjamin C. Mullins o/b/o Kadunza LTD, LLC

Map No: 92
Jurisdiction: County

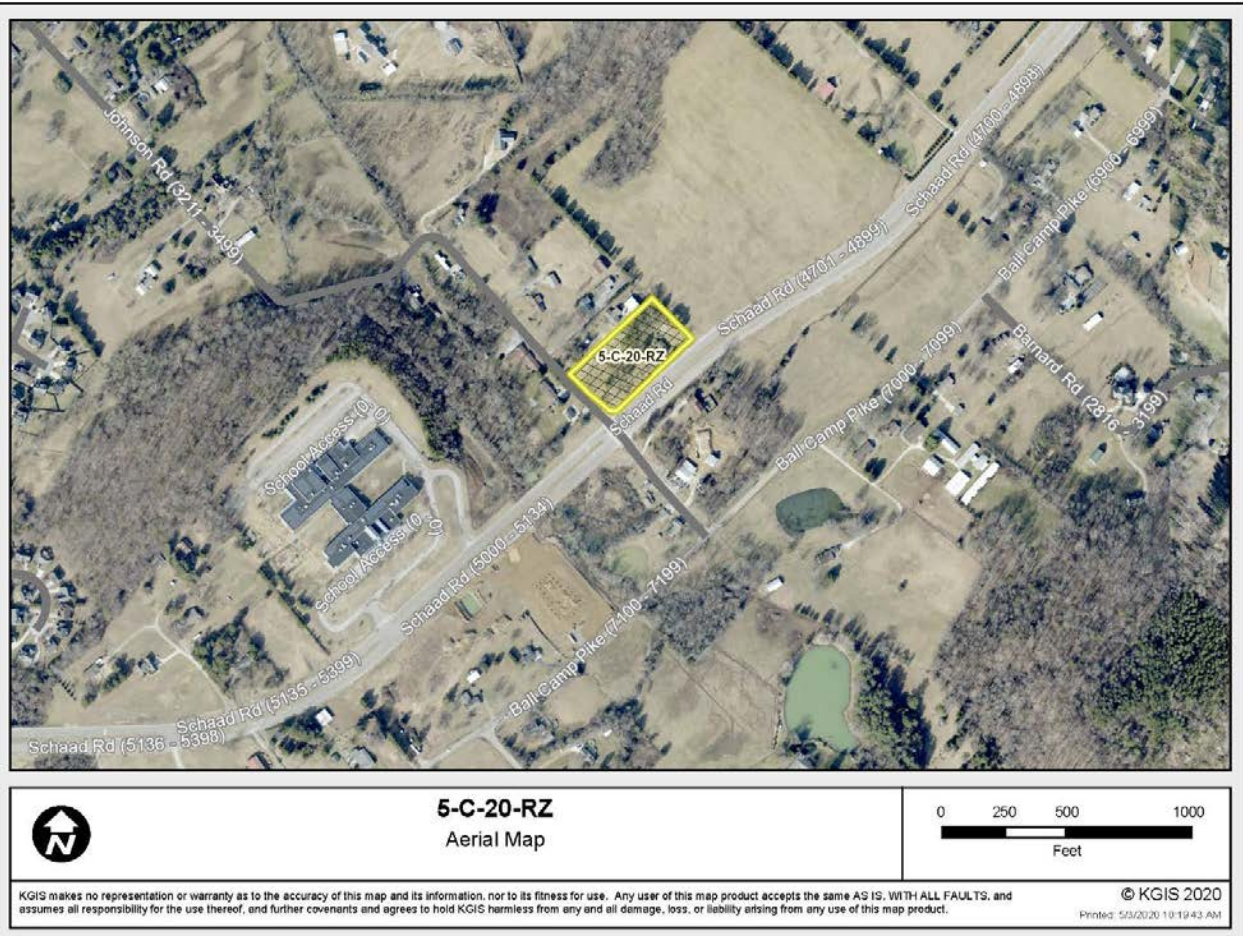
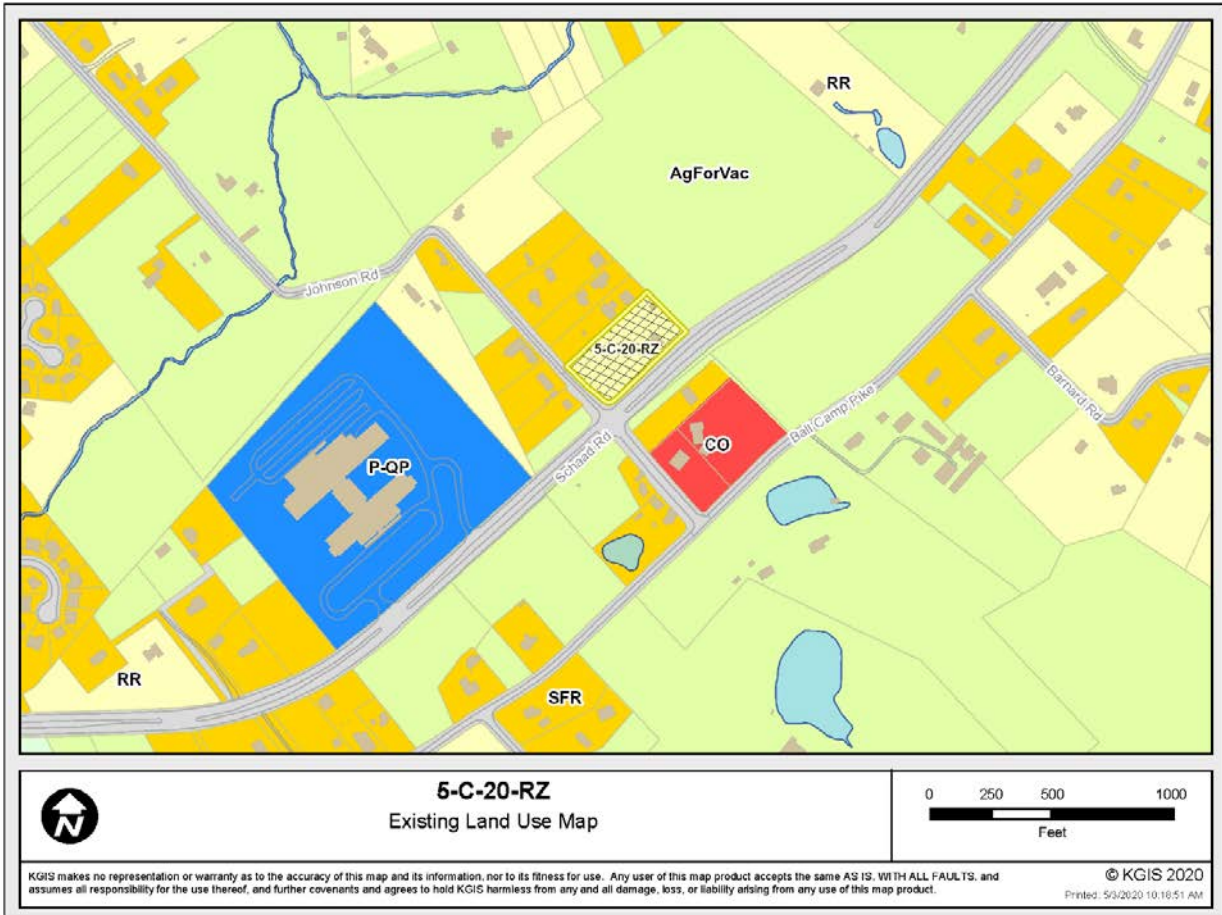


Original Print Date: 4/6/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

5-C-20-RZ: Exhibit A – Contextual Images



5-C-20-RZ: 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 Kadunza LTD, LLC

Owner

Applicant Name

Affiliation

March 10, 2020

May 14, 2020

5-C-20-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

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

37922

Address

City

State

Zip

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

Robert Kadunce

3216 Johnson Road

865-850-8587

Owner Name (if different)

Owner Address

Owner Phone

3216 Johnson Road

09201201

Property Address

Parcel ID

Northeast corner of intersection of Schaad Rd. and Johnson Rd.

2.69

General Location

Tract Size

6th District County

A

Jurisdiction (specify district above)

- City
- County

Zoning District

Northwest County

NC (Neighborhood Commercial)

Urban Growth (NW County)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Residential (Rural)

Y

KUB

KUB

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

REQUEST

DEVELOPMENT

Development Plan Use on Review / Special Use

Residential Non-Residential

Home Occupation (specify): _____

Other (specify): _____

SUBDIVISION

Proposed Subdivision Name _____ Unit / Phase Number

Parcel Change

Combine Parcels Divide Parcel Total Number of Lots Created: _____

Other (specify): _____

Attachments / Additional Requirements

ZONING

Zoning Change: NC (Neighborhood Commercial)

Proposed Zoning

Plan Amendment Change: _____

Proposed Plan Designation(s)

Automobile service and repair NA A to PC (appeal withdrawn)

Property Use (specify) Proposed Density (units/acre) Previous Rezoning Requests

Other (specify): _____

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS


Design Plan Certification (Final Plat only)

Use on Review / Special Use (Concept Plan only)

Traffic Impact Study

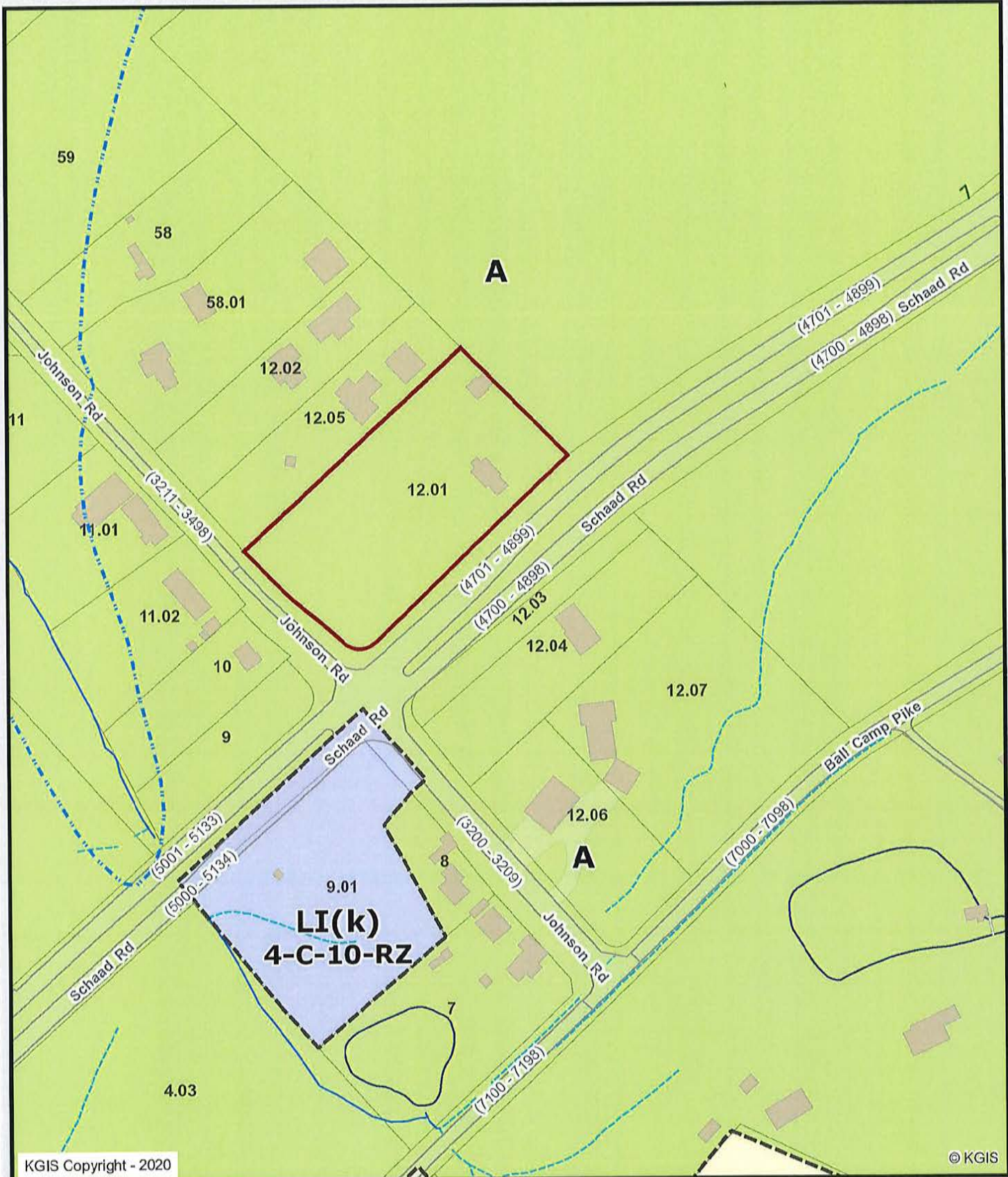
FEE 1:		TOTAL:
	400.00	
FEE 2:		
	N/A	
FEE 3:		
	N/A	400.00

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


Benjamin C. Mullins
March 10, 2020
 Applicant Signature Please Print Date

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


Marc Payne
3/10/2020
 Staff Signature Please Print Date



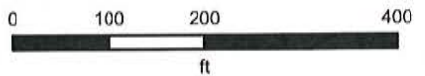
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3216 Johnson Rd.

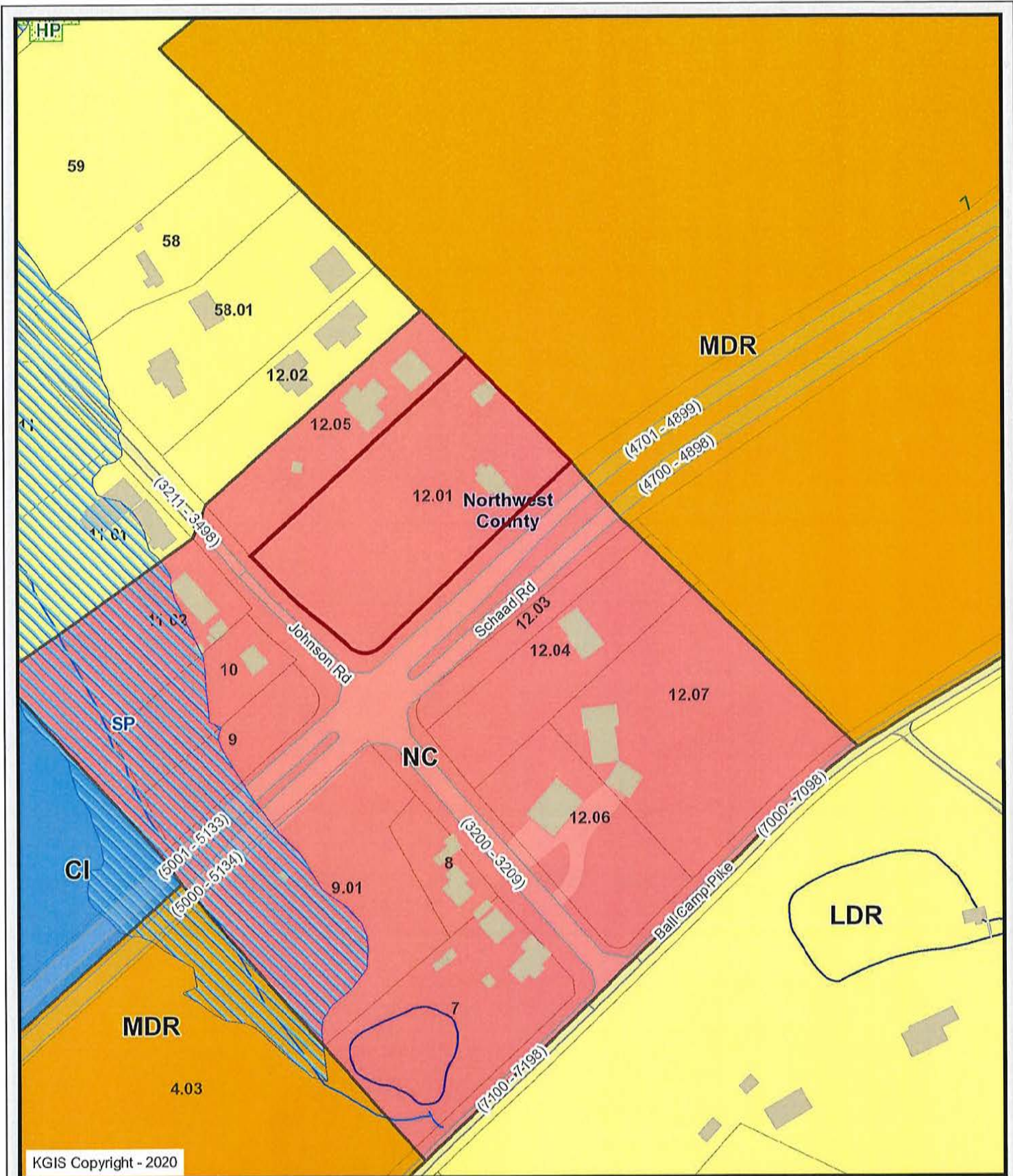


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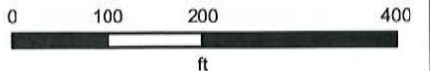


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3216 Johnson Rd.



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Benjamin C. Mullins

From: Gerald Green <gerald.green@knoxplanning.org>
Sent: Monday, March 9, 2020 9:03 AM
To: Benjamin C. Mullins
Subject: Re: 6828 Hammer Road

Ben,

This week is busy due to Planning Commission, City Council, and TPO Technical Committee meetings, plus all the usual activities. How about some time the afternoon of March 17 to talk about Hammer Road? Let me know if a time that afternoon works for you.

The standard fee for the rezoning would be \$1,000, so let's say a reduced fee of \$400.

Gerald

Gerald Green AICP
Executive Director
Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902
865.215.3758



On Fri, Mar 6, 2020 at 4:31 PM Benjamin C. Mullins <bmullins@fmsllp.com> wrote:

Gerald,

I've done some digging on how to accomplish my clients wedding venue and short term rentals without utilizing the Rural Retreat zone. The answer remains elusive. Have you had any thoughts? At some point I would like to ask you to sit down with me and County Codes to discuss (much like we did with the adolescent treatment facility) but I wouldn't mind getting your thoughts on a couple of ways I think this may be done under a PR zone. Will you have time to discuss.

Also, for my neighborhood repair shop, have you determined how much you will charge us to rezone from A to CN? I'd like to get that filed soon.

Thanks, as always.

Benjamin C. Mullins *Attorney*



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phone: 865.546.9321 | fax: 865.637.5249 | email: bmullins@fmsllp.com

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For additional information about Frantz, McConnell & Seymour, LLP, including a list of attorneys, please visit our website at www.fmsllp.com

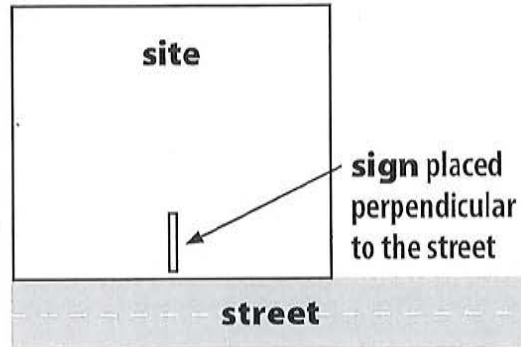
REQUIRED SIGN POSTING AGREEMENT

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:

4/29/20 and 5/15/20
 (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@fmsllp.com

Date: March 10, 2020

File Number: 5-C-20-RZ