



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 11-E-20-RZ  
11-B-20-SP

**AGENDA ITEM #:** 16  
**AGENDA DATE:** 11/12/2020

► **APPLICANT:** BENJAMIN C. MULLINS O/B/O USCC SERVICES, LLC  
**OWNER(S):** USCC Services, LLC

**TAX ID NUMBER:** 131 069 [View map on KGIS](#)

**JURISDICTION:** Commission District 6

**STREET ADDRESS:** 875 Cornerstone Dr.

► **LOCATION:** Southeast of Lovell Road and northwest of Murdock Drive

► **TRACT INFORMATION:** 31.45 acres.

**SECTOR PLAN:** Northwest County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Lovell Road, a minor arterial, controlled by TDOT, with a pavement width of 71 feet within a right-of-way width of 100 feet. Access is also via Murdock Dr., a minor arterial, with a pavement width of 43.5 feet within a right-of-way width of 88 feet. Access is also via Cornerstone, a local street, with a pavement width of 39.2 feet within a right-of-way width of 50 feet.

**UTILITIES:** Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

**WATERSHED:** Turkey Creek

► **PRESENT PLAN DESIGNATION/ZONING:** OS (Open Space) / CB (Business and Manufacturing) / TO (Technology Overlay)

► **PROPOSED PLAN DESIGNATION/ZONING:** O (Office) / OB (Office, Medical, and Related Services) / TO (Technology Overlay)

► **EXISTING LAND USE:** Public park

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, O is to the northwest

**HISTORY OF ZONING REQUESTS:** 11-M-96-RZ CB/TO to I/TO Withdrawn

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Single family residential, Agriculture/forestry/vacant - A ((Agriculture) / TO (Technology Overlay))

**ZONING** South: Agriculture/forestry/vacant - CB (Business and Manufacturing) / TO (Technology Overlay)

East: Office - PC (Planned Commercial) / TO (Technology Overlay)

West: Office - CB (Business and Manufacturing)

NEIGHBORHOOD CONTEXT: The area is largely a mix of office, industrial, commercial with some single family residential in the area as well.

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**STAFF RECOMMENDATION:**

- ▶ **Approve O (Office) designation because it is consistent with the surrounding development.**
  
- ▶ **Approve OB (Office, Medical, and Related Services) / TO (Technology Overlay) zoning because it is consistent with the surrounding development.**

**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 major changes warranting amendment of the land use plan.

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

1. The West Knox Utility District has recently added a new wastewater treatment facility to expand capacity in the Northwest County Sector.
2. Since the adoption of the Northwest County Sector Plan in 2016, a new middle school has been constructed and a new elementary school is planned for the sector.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no significant errors or omissions in the plan.
2. The area is within the Tennessee Technology Corridor Overlay that was established in 1983 to encourage economic development within the area surrounding the Pellissippi Parkway.

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

1. There are no new trends in development, but the population of the Northwest County Sector continues to grow.

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. The West Knox Utility District has recently added a new wastewater treatment facility to expand capacity in the Northwest County Sector.
2. Since the adoption of the Northwest County Sector Plan in 2016, a new middle school has been constructed and a new elementary school is planned for the sector.

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

1. The OB (Office, Medical, and Related Services) zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods.

2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development proposed at a future time would be compatible with the surrounding land uses.
3. The TO, Technology Overlay Zone, is intended to provide for physical development review in the Tennessee Technology Corridor area of the county by the Tennessee Technology Corridor Development Authority (TTCDA). Within the TO, Technology Overlay Zone, no base zoning may be changed, no variance from the provision of the zoning ordinance may be granted and no building or grading permit may be issued prior to the issuance of a certificate of appropriateness by the TTCDA except for a residential or agricultural use or any use within the Town of Farragut or City of Knoxville defined by the jurisdictional boundaries at the time of enactment of Private Chapter No. 148, Senate Bill No. 1230 of the Private Acts of 1983, hereafter referred to as the Act unless otherwise set forth below.

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 proposed amendment does not adversely affect any other part of the county.

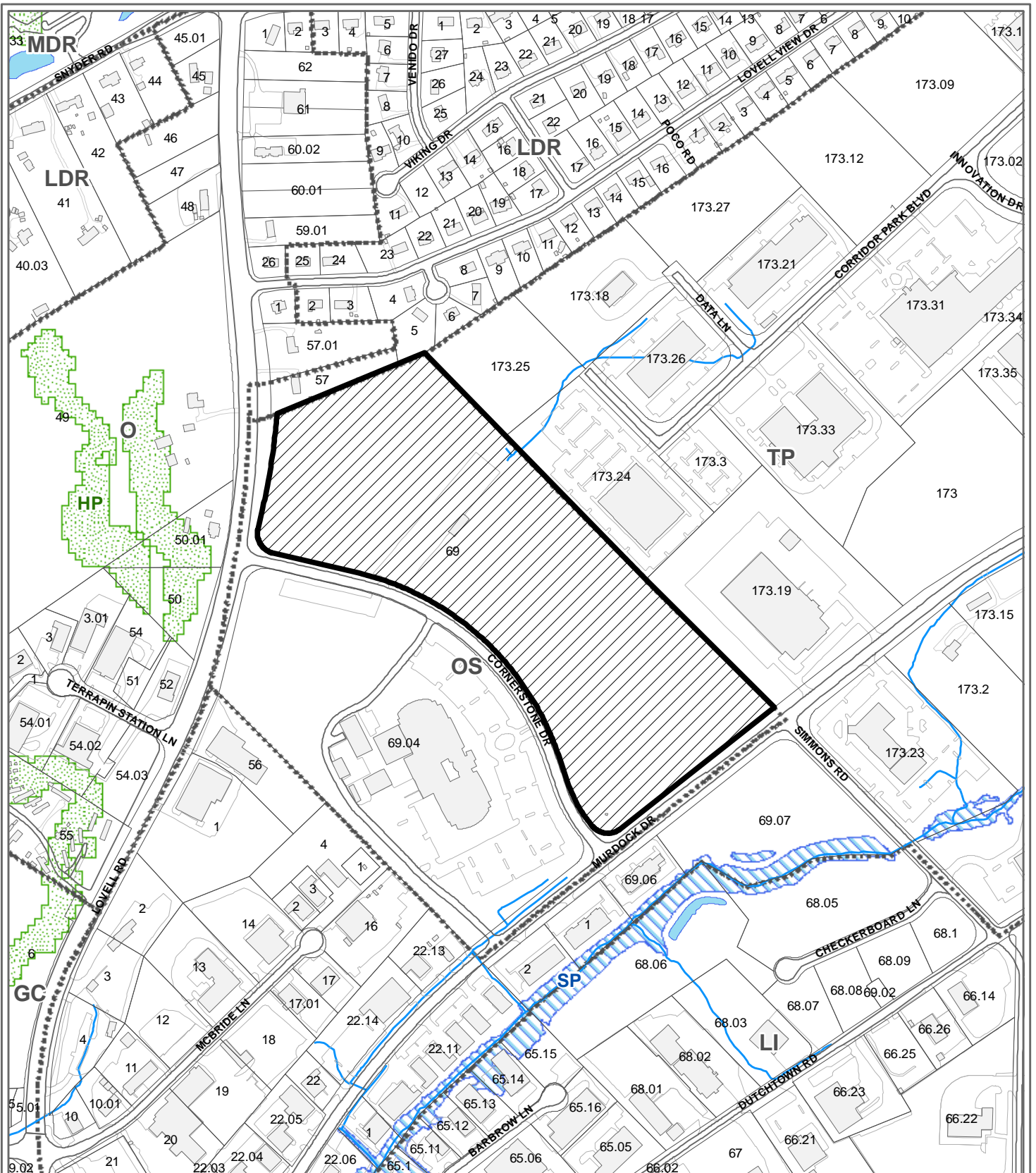
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed amendment is consistent with the Northwest County Sector Plan as amended and does not appear to be in conflict with any other adopted plans.
2. The US Cellular Soccer Complex at this location is noted in the Knoxville-Knox County Park, Recreation and Greenways Plan (adopted December 2009) however this is a privately owned park facility.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

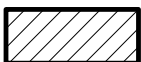
If approved, this item will be forwarded to Knox County Commission for action on 12/21/2020. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**11-B-20-SP / 11-E-20-RZ  
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: OS (Open Space)

To: O (Office)

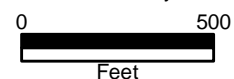


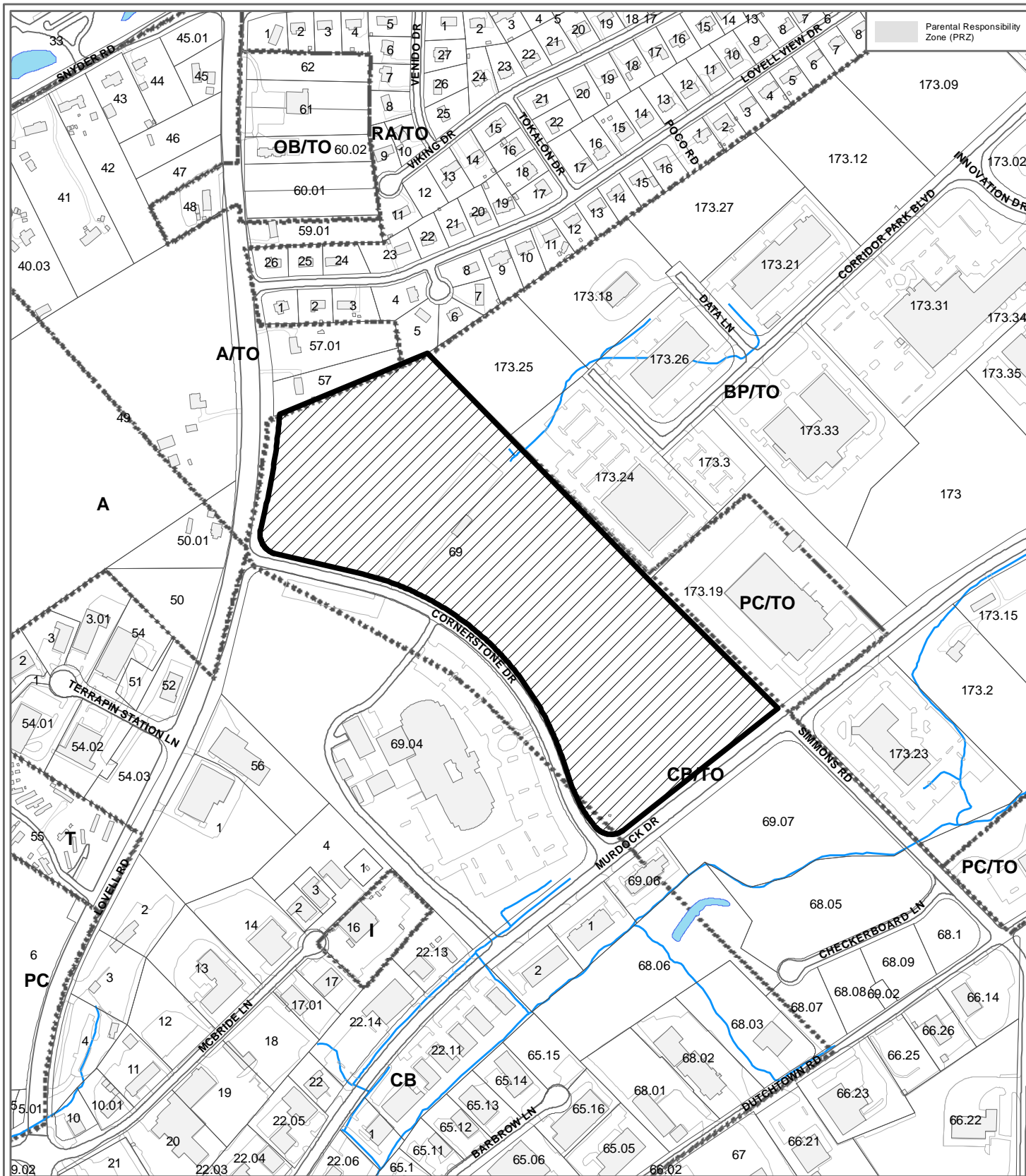
Original Print Date: 10/20/2020      Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Benjamin C. Mullins O/B/O  
USCC Services, LLC

Map No: 131

Jurisdiction: County





# **11-E-20-RZ REZONING**

From: CB (Business and Manufacturing) / TO (Technology Overlay)

To: OB (Office, Medical, and Related Services) / TO (Technology Overlay)

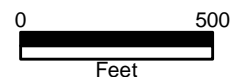


Original Print Date: 10/20/2020 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Benjamin C. Mullins O/B/O  
USCC Services, LLC

Map No: 131

Jurisdiction: County



**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTHWEST 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 Northwest 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 USCC Services, LLC., has submitted an application to amend the Sector Plan from Open Space to Office for property described in the application; and*

***WHEREAS**, the Planning Commission staff recommends approval of an amendment to the Northwest 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 November 12, 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 Northwest County Sector Plan, with its accompanying staff report and map, file #11-B-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.*

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Date

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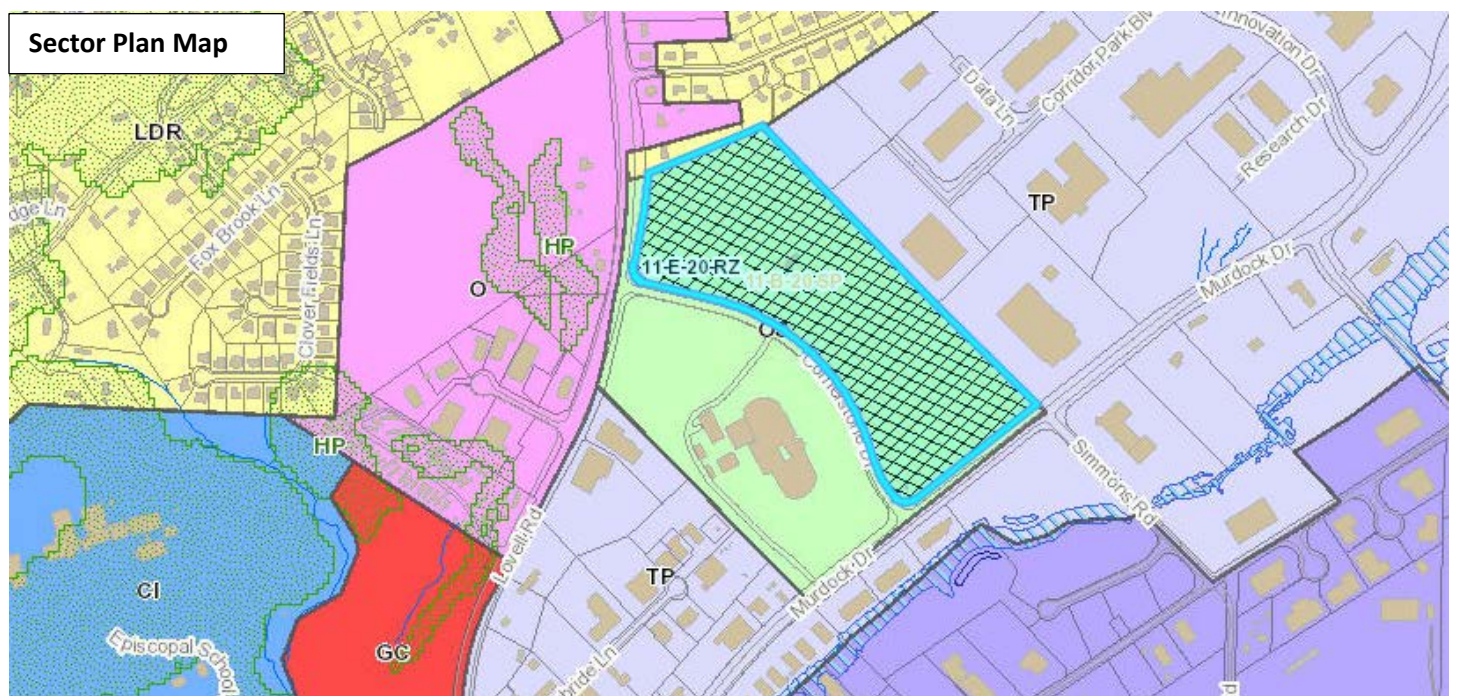
Chairman

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Secretary

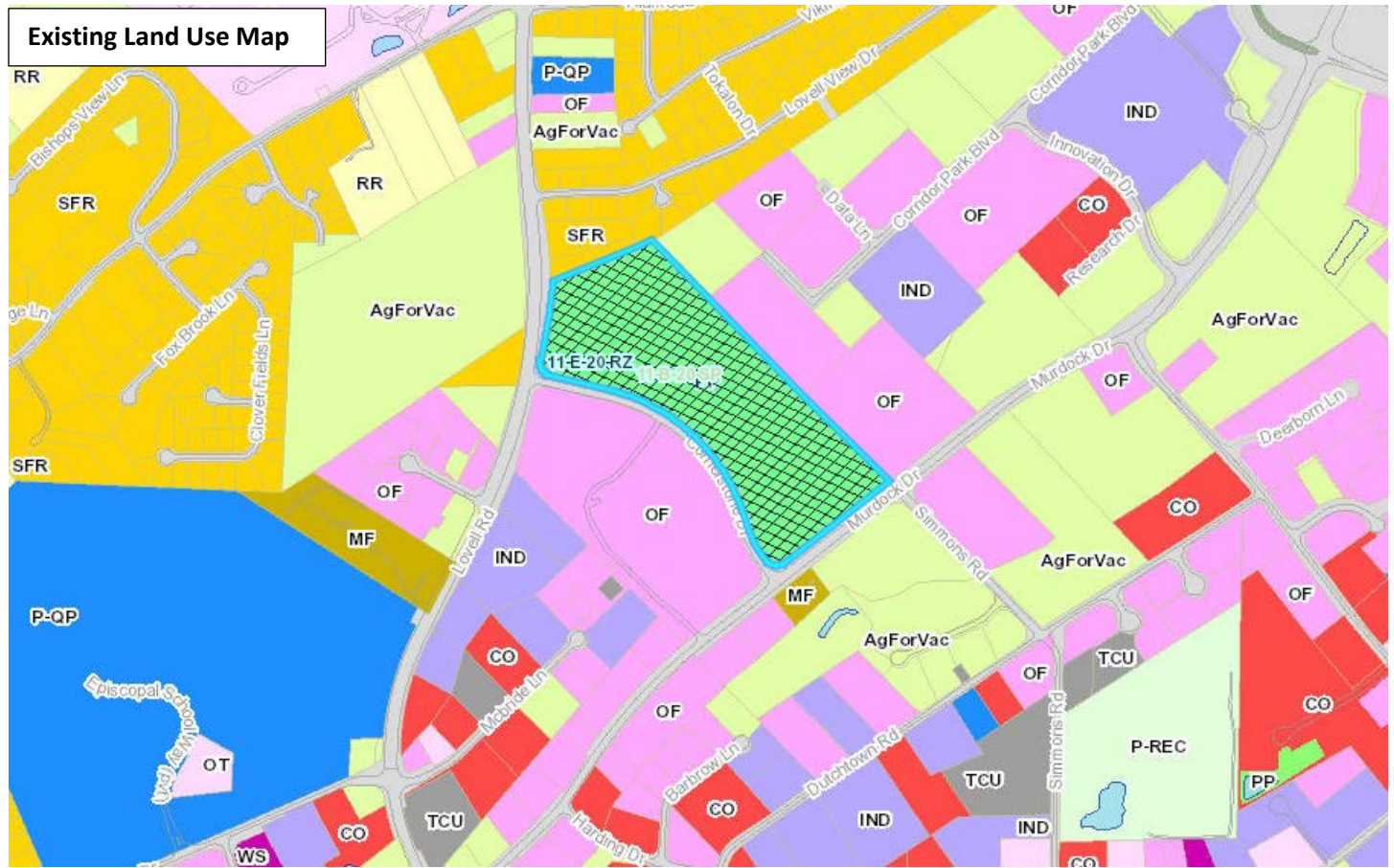


## Exhibit B. 11-E-20-RZ & 11-B-20-RZ Contextual Images





## Exhibit B. 11-E-20-RZ & 11-B-20-RZ Contextual Images







# Development Request

## DEVELOPMENT

- ☐ Development Plan  
☐ Planned Development  
☐ Use on Review / Special Use  
☐ Hillside Protection COA

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☒ Plan Amendment  
☒ SP ☐ OYP  
☒ Rezoning

Benjamin C. Mullins o/b/o USCC Services, LLC

Application/Owner

Applicant Name

Affiliation

9/17/20  
Date filed

November 12, 2020

Meeting Date (if applicable)

11-E-20-RZ  
11-B-20-SP  
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

Benjmain 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

USCC Services, LLC

8410 West Bryn Mawr Chicago, IL 60631

773-399-8922

Owner Name (if different)

Owner Address

Owner Phone

875 Cornerstone Dr. Knoxville TN, 37932

131 069

Property Address

Parcel ID

## STAFF USE ONLY

SE of Lovell Rd and NW of Murdock Dr

+/- 31.45 acres

General Location

Tract Size

District 6

CB/TO

Jurisdiction (specify district above)

☐ City ☒ County

Zoning District

Northwest County

OS

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

PP

N

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

**DEVELOPMENT REQUEST**

- ☐ Development Plan   ☐ Use on Review / Special Use   ☐ Hillside Protection COA  
☐ Residential   ☐ Non-Residential

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

Related City Permit Number(s)

**SUBDIVISION REQUEST**

Proposed Subdivision Name \_\_\_\_\_

Unit / Phase Number \_\_\_\_\_

☐ Combine Parcels☐ Divide Parcel

Total Number of Lots Created \_\_\_\_\_

☐ Other (specify) \_\_\_\_\_☐ Attachments / Additional Requirements

Related Rezoning File Number

**ZONING REQUEST**

☒ Zoning Change   OB (Office, Medical, and Related Services Zone)/TO (Technology Office)  
Proposed Zoning

☒ Plan Amendment Change   O (Office)

Proposed Plan Designation(s)

NA

NA

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) NA

Pending Plat File Number

**STAFF USE ONLY****PLAT TYPE**

- ☐ Staff Review   ☐ Planning Commission

**ATTACHMENTS**

- ☐ Property Owners / Option Holders   ☐ Variance Request

**ADDITIONAL REQUIREMENTS**

- ☐ Design Plan Certification (*Final Plat*)  
☐ Use on Review / Special Use (*Concept Plan*)  
☐ Traffic Impact Study  
☐ COA Checklist (*Hillside Protection*)

Fee 1

0327 | 4,145.00

Fee 2

0527 | 800.00

Fee 3

Total

4,945.00**AUTHORIZATION**

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

Applicant Signature

Benjamin C. Mullins

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Email

Phone Number

Staff Signature

Please Print

Date

9-17-20209/17/2020





**Current Zoning**  
875 Cornerstone Drive

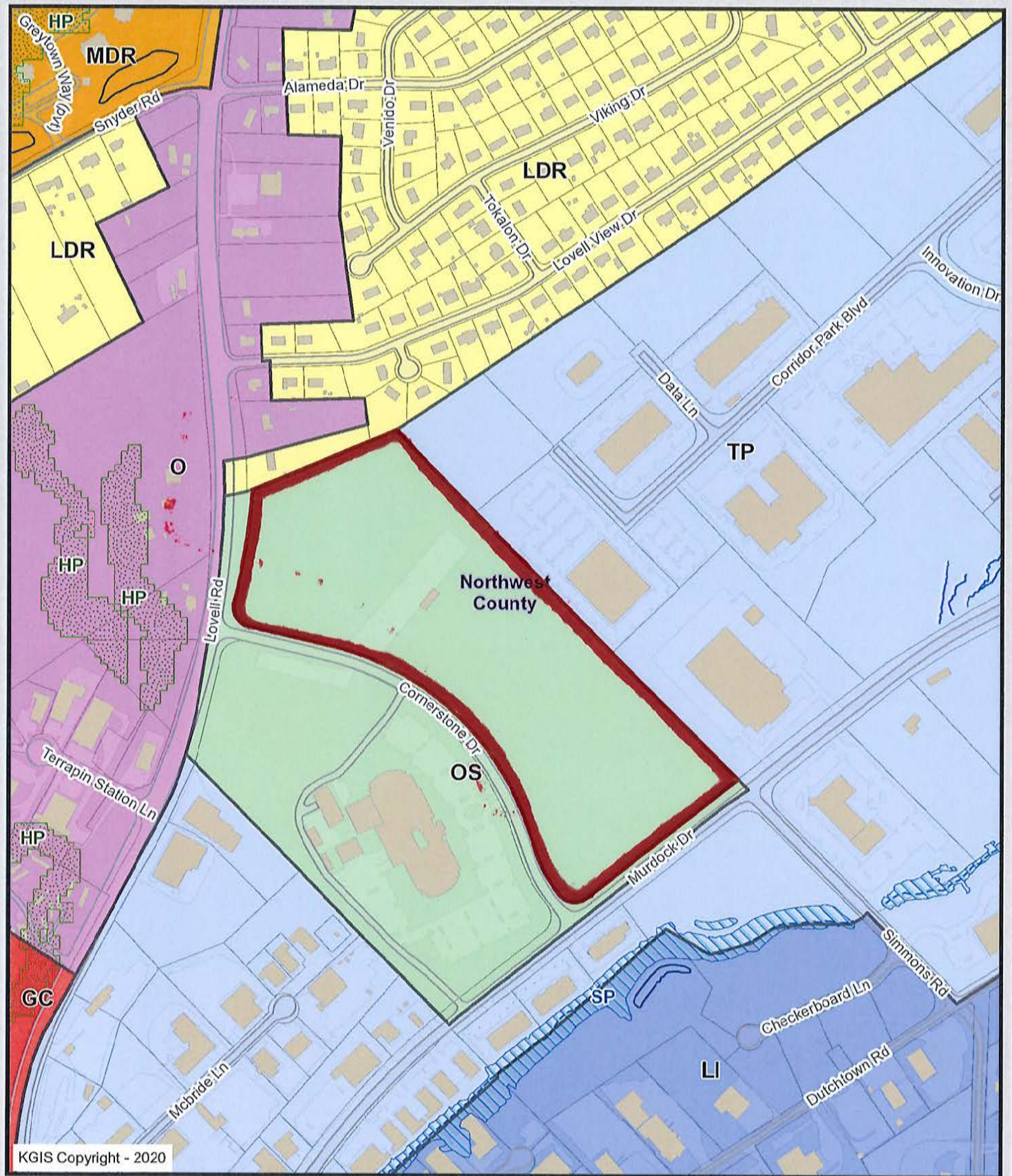
**Knoxville - Knox County - KUB Geographic Information System**

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0 250 500 1,000  
ft

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## Current Sector Plan

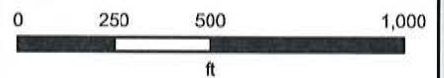
875 Cornerstone Drive

### Knoxville - Knox County - KUB Geographic Information System

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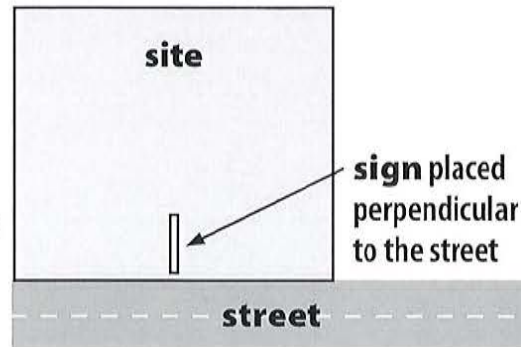
## REQUIRED SIGN POSTING AGREEMENT

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:

10/28/20 and 11/13/20  
(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@fmsllp.com

Date: 9-17-2020

File Number: 11-E-20-R2 11-A-20-SP