



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 11-O-20-RZ **AGENDA ITEM #:** 26  
11-F-20-SP **AGENDA DATE:** 11/12/2020

► **APPLICANT:** BENJAMIN C. MULLINS O/B/O ELEVATION FOODS PROPERTIES, LLC  
**OWNER(S):** Church Congregation of Jehovah's Witnesses

**TAX ID NUMBER:** 60 080, 07905, & 07906 [View map on KGIS](#)

**JURISDICTION:** Commission District 8

**STREET ADDRESS:** 1702 & 1600 Harris Road and 5811 Rutledge Pike

► **LOCATION:** East of Harris Road and west of Rutledge Pike

► **TRACT INFORMATION:** 8.8 acres.

**SECTOR PLAN:** Northeast County

**GROWTH POLICY PLAN:** Urban Growth Area

**ACCESSIBILITY:** The properties are accessed from Harris Road and Rutledge Pike. Harris Road is a minor collector with a 19.6-ft pavement width inside a 60-ft right-of-way. Rutledge Pike is a major arterial with a 22-ft pavement width in each direction inside a right-of-way over 280 ft wide.

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

Sewer Source: Knoxville Utilities Board

**WATERSHED:** Woods Creek

► **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / GC (General Commercial) / RB (General Residential) / CB (Business and Manufacturing)

► **PROPOSED PLAN DESIGNATION/ZONING:** O (Office) / PC (Planned Commercial)

► **EXISTING LAND USE:** Elevations Foods facilities and a former Jehovah's Witness Church

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, the Office land use designation and PC zoning are adjacent to the west

**HISTORY OF ZONING REQUESTS:** Requests to amend the sector plan from LDR (Low Density Residential) to GC (General Commercial) for 1702 Harris Road and rezone the property from RB (General Residential) to CB (Business and Manufacturing) were withdrawn in September 2020.

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Single family residential and rural residential - GC (General Commercial) and LDR (Low Density Residential) - CB (Business and Manufacturing) and RB (General Residential)

**ZONING** South: Commercial - GC (General Commercial) - CB (Business and Manufacturing)

East: Office and industrial - GC (General Commercial) and LI (Light Industrial) - I (Industrial)

West: Agricultural/forestry/vacant and single family residential - O (Office) and MDR (Medium Density Residential - PC Planned Commercial) and RB (General Residential)

NEIGHBORHOOD CONTEXT: These properties are bordered by low-density single-family residential on the north and west and a commercial business to the south. Harris Road has a rural feel with mostly large-lot single family detached houses, though these lots and the adjacent commercial property to the south form a commercial node on its southern end where it meets Rutledge Pike.

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**STAFF RECOMMENDATION:**

- ▶ **Approve the sector plan amendment to Office land use since it would create a transition between the commercial use to the south and the residential use to the north.**
  
- ▶ **Approve PC (Planned Commercial) zoning because it allows the Planning Commission to review and condition improvements to the site that will mitigate potential adverse impacts of the existing business on the adjacent residential properties.**

**COMMENTS:**

The applicant owns two of the parcels included in this request and hopes to purchase the third in order to expand operations. The northernmost lot on Harris Road (currently zoned RB) would house additional parking for the site. The applicant is requesting PC zoning and the Office land use classification to develop the site and address concerns that may arise from adjacent commercial and residential uses.

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 have been no changes to conditions to warrant amending the land use plan. However, the applicant is requesting a less intense land use classification on two of the three parcels. The amended land use classification will allow the Planned Commercial zone, which will in turn allow the Planning Commission to review and condition improvements to the site that will mitigate the impact of the existing business on the adjacent residential uses.

**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. There are no obvious or significant errors or omissions in the plan regarding this parcel.

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

1. Two of the three properties in this proposal contain commercial uses, are zoned CB, and are designated with GC land use, so they do not require a plan amendment for their current zoning to be compliant with the land use plan. However, the applicant is requesting a plan amendment for all three parcels to the O (Office) designation since it is the least intense land use that allows the PC zone and is typically utilized as a transition between commercial and residential land uses. In this instance, there is GC land use to the south and LDR to the north.

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. There have been no changes to conditions to warrant a rezoning. However, two of the properties contain existing businesses that will remain. Rezoning the three parcels in this proposal to PC allows the Planning Commission to review the site plan proposal as part of the site plan review process since any changes to the site would require Planning Commission review and approval. Issues with access and landscaping buffers would be addressed at that time.

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

1. The proposed amendment to PC (Planned Commercial) 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.
2. In general, uses permitted shall include office, commercial services and light distribution centers. ...Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the planning commission with a list of uses permitted in the development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants [§ 5.33.02]. The applicant has provided a deed restriction listing the uses that would be allowed in this PC zone.
3. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land 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. Commercial zoning exists to the south on Harris Road at its connection to Rutledge Pike.
2. There are single family homes adjacent to the north on Harris Road. If the rezoning were approved, the planned changes to the development which have necessitated this rezoning request would require approval by the Planning Commission as part of the PC zone requirements. This provides an opportunity for the Planning Commission to ensure development that minimizes potential adverse impacts for the residential properties. The Planned Commercial zone has requirements for a peripheral boundary, landscaping, building coverage, and building height that make it more palatable than other commercial zones. Site improvements such as the access points, parking locations, buffers, etc. would be included on the site plan for review.
3. Depending on the site plan, either a "Type A" or "Type B" landscape buffer would be required along shared property lines with residential uses [§ 4.10.11 (A) and (B)].

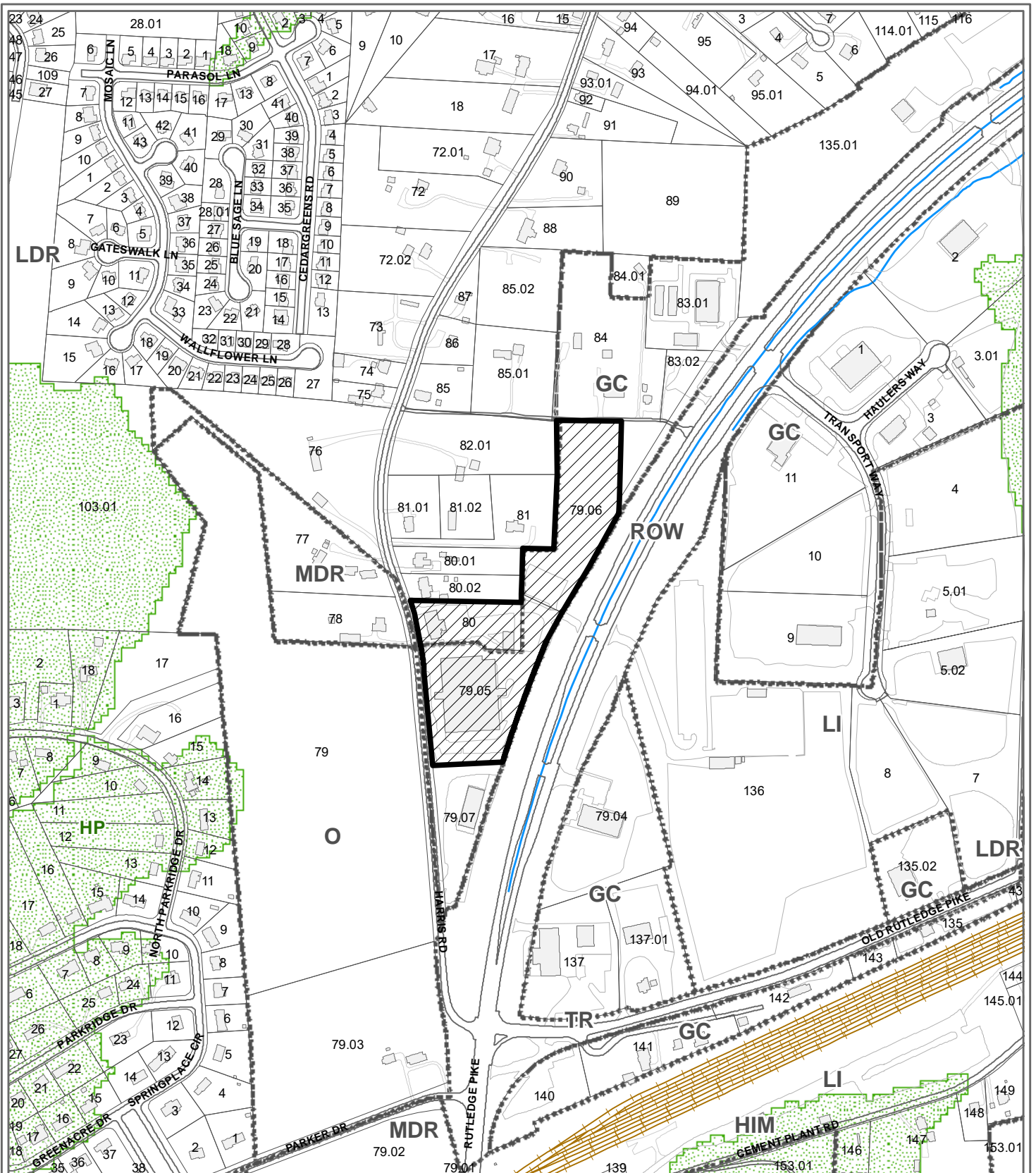
**THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:**

1. The PC zone would require a plan amendment for 1702 Harris Road in order to be consistent with the sector plan. The other two properties already have GC land use and would not require a plan amendment. However, the applicant is requesting a plan amendment for all three parcels to the O (Office) designation since it is the least intense land use that allows the PC zone and is typically utilized as a transition between commercial and residential land uses. In this instance, there is GC land use to the south and LDR to the north.

**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-F-20-SP / 11-O-20-RZ  
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) / GC (General Commercial)

To: O (Office)

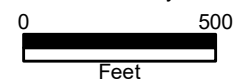


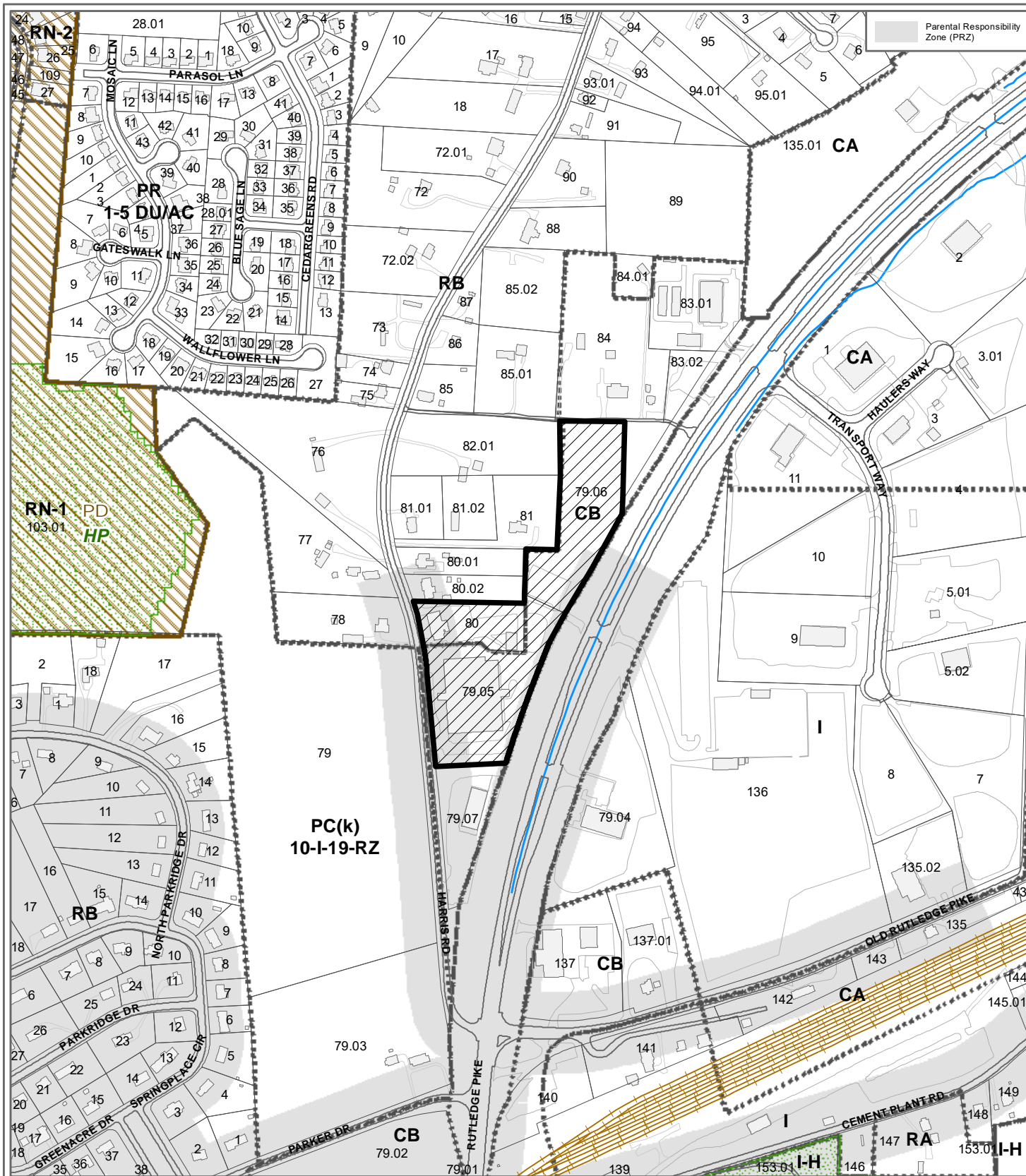
Original Print Date: 10/20/2020      Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Mullins O/B/O Elevation Foods  
Properties, LLC, Benjamin C.

Map No: 60

Jurisdiction: County





# **11-O-20-RZ REZONING**

From: RB (General Residential) / CB (Business and Manufacturing)

To: PC (Planned Commercial)



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

Petitioner: Mullins O/B/O Elevation Foods Properties, LLC, Benjamin C.

Map No: 60

Jurisdiction: County





**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTHEAST 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 Northeast 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, Ben Mullins, on behalf of Elevation Foods Properties, LLC, has submitted an application to amend the Sector Plan from Low Density Residential and General Commercial to Office, for property described in the application; and*

*WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Northeast 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 Northeast County Sector Plan, with its accompanying staff report and map, file #11-F-20-SP.*

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

*SECTION 3: The Planning Commission further recommends that The 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*

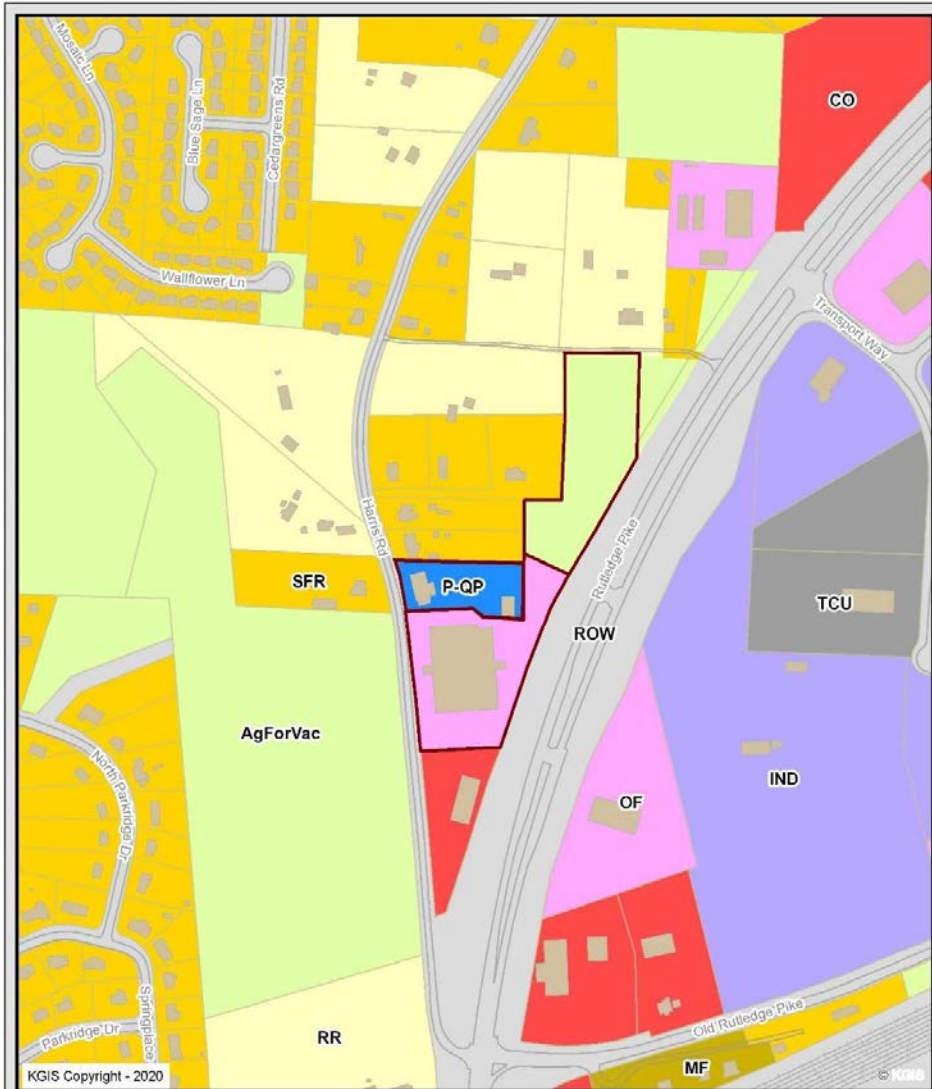
**11-O-20-RZ / 11-F-20-SP**  
**EXHIBIT A. Contextual Images**

*Eagle Views of the area*

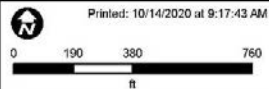




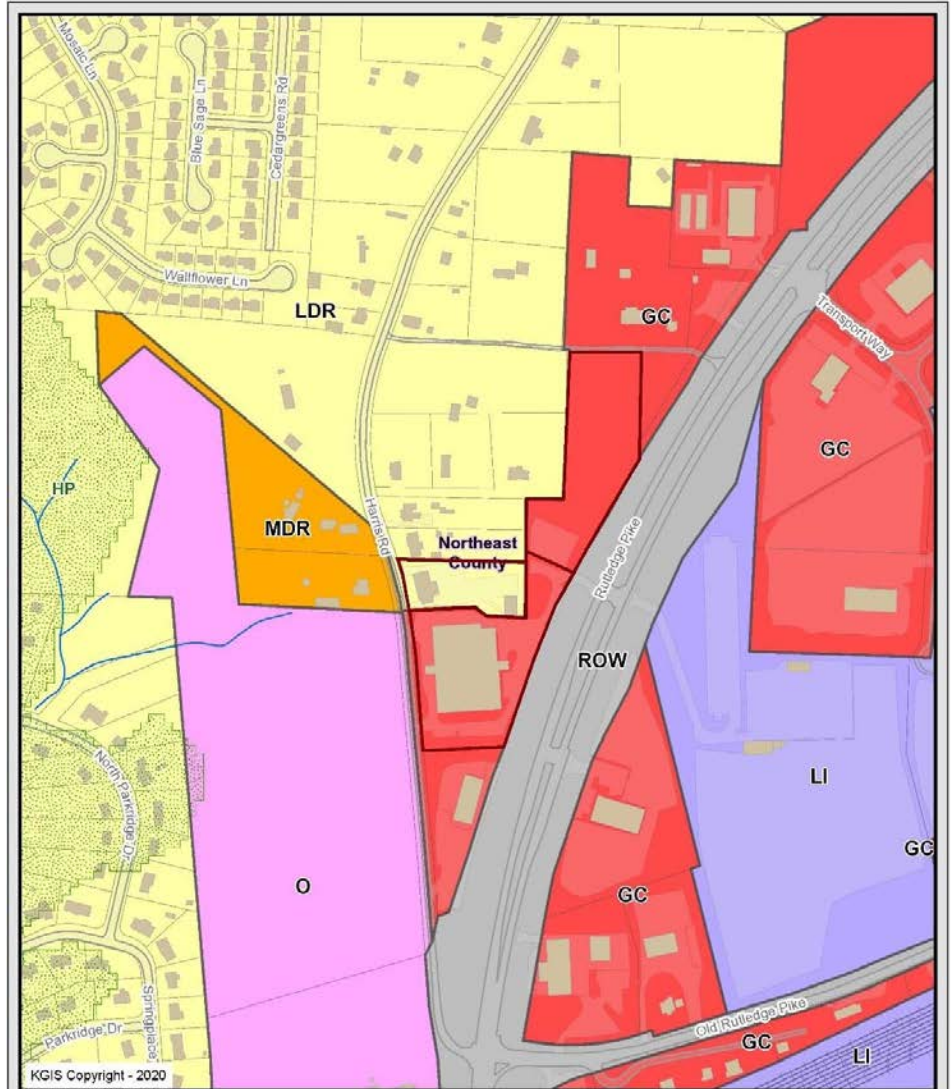
**11-O-20-RZ / 11-F-20-SP**  
**EXHIBIT A. Contextual Images**



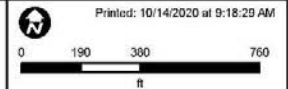
**11-O-20-RZ: Existing Land Use Map**  
1600, 1702 Harris Road and 5811 Rutledge Pike  
Knoxville - Knox County - KUB Geographic Information System



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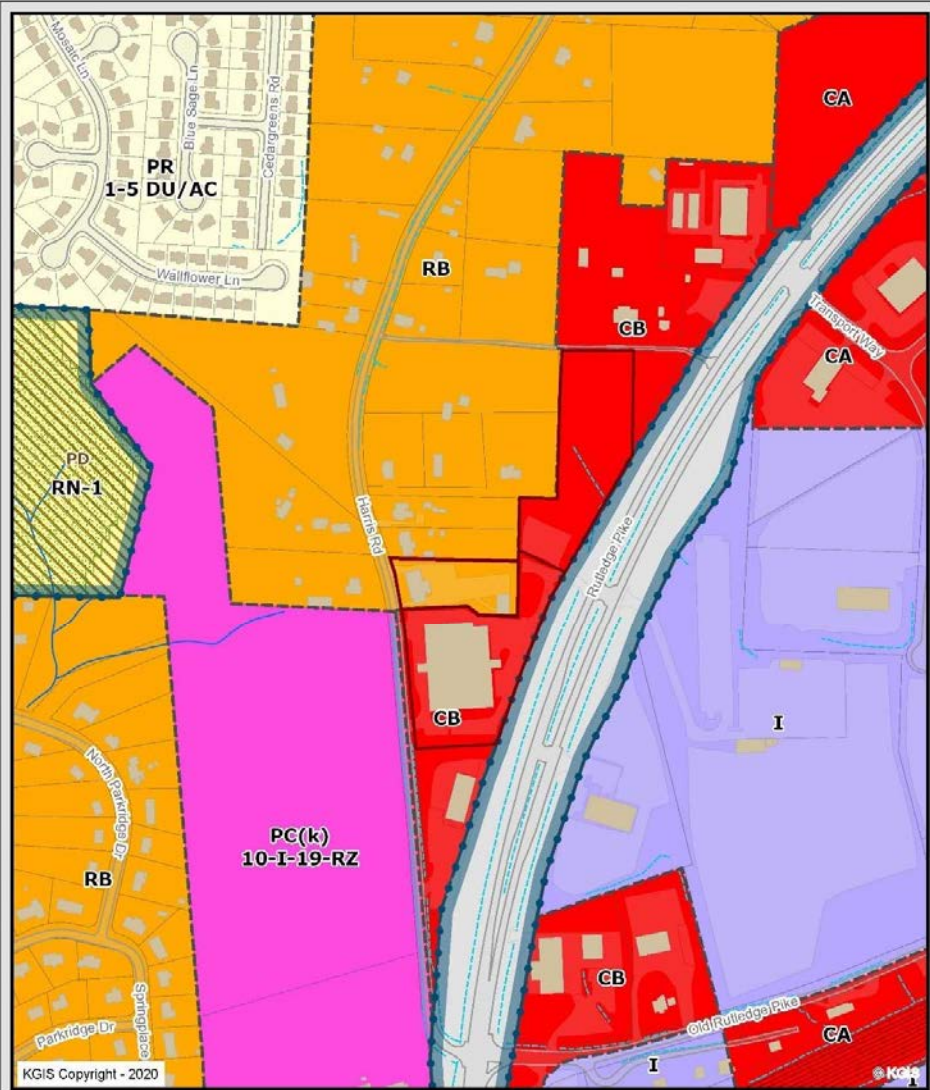
**11-O-20-RZ: Sector Plan Map**  
1600, 1702 Harris Road and 5811 Rutledge Pike  
Knoxville - Knox County - KUB Geographic Information System



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11-O-20-RZ / 11-F-20-SP  
EXHIBIT A. Contextual Images



11-O-20-RZ: Zoning Map

1600, 1702 Harris Road and 5811 Rutledge Pike

Knoxville - Knox County - KUB Geographic Information System

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ft

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## **11-O-20-RZ\_11-F-20-SP**

### **Exhibit B. Restrictive Covenants**

#### **Restrictive Covenants for 11-O-20-RZ and 11-F-20-SP**

Under the requested O sector plan, the PC (Planned Commercial Zone), is appropriate “with covenants.” Additionally, the PC zone provides, that “[s]ince some permitted uses may be incompatible with others, the developer of a planned commercial complex shall provide the planning commission with a list of uses permitted in the development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants.”

This application seeks to rezone existing CB property, which is currently used for office and commercial food processing to PC with the inclusion of newly acquired property at 1702 Harris Road (currently zoned RB). We seek to expand our office and commercial use and to improve access to the site through the additional property and rezoning. As such, the uses permitted in the PC zone should be as follows:

- Signs as permitted by Section 3.90;
- General manufacturing;
- Bottling or packaging works;
- Canneries;
- Offices;
- The manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products; and
- Wholesale, warehousing, or distribution enterprise.

This will allow the current operation to expand without burdening the adjacent residential properties with potential uses that are incompatible with what uses are currently established. Additionally, the added review and peripheral setbacks will further ensure any potential adverse impacts are properly screened and mitigated as part of the planned review process.



# 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 Elevation Foods Properties, LLC

Fee Holder/Contract Holder

Applicant Name

Affiliation

September 28, 2020

November 12, 2020

Date Filed

Meeting Date (if applicable)

File Number(s)

11-0-20-RZ  
11-F-20-SP

## 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

See attached

See attached

See attached

Owner Name (if different)

Owner Address

Owner Phone

See attached

See attached

Property Address

Parcel ID

## STAFF USE ONLY

East of Harris Rd and West of Rutledge Pike

+/- 8.8 acres

General Location

Tract Size

Knox County District 8

RB/CB

Jurisdiction (specify district above) ☐ City ☐ County

Zoning District

Northeast County

LDR/GC

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

P-QP/OF/AgForVac

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   PC  
Proposed Zoning

- ☒ Plan Amendment Change   O  
Proposed Plan Designation(s)

N/A9-H-20-RZ (Request withdrawn)

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) N/A

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

Total

0327 | 1880.00

Fee 2

0527 | 800.00

Fee 3

\$2680.00**AUTHORIZATION**

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

Applicant Signature

Benjamin C. Mullins

September 28, 2020

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Staff Signature

Michelle Portier

9/28/2020

Please Print

Date

### **Current Property Information**

#### **Parcel 060 080:**

Owner Name: Church Congregation of Jehovah's Witnesses

Owner Address: 1702 Harris Road, Knoxville, TN 37924

Property Address: 1702 Harris Road, Knoxville, TN 37924

Current Zoning: RB

Current Section Plan: LDR

#### **Parcels 060 079.05:**

Owner Name: Elevation Foods Properties LLC

Owner Address: c/o Benjamin C. Mullins, 550 W. Main Street, Suite 500, Knoxville, TN 37902

Property Address: 1600 Harris Road, Knoxville, TN 37924

Current Zoning: CB

Current Sector Plan: GC

#### **Parcel 060 079.06:**

Owner Name: Elevation Foods Properties LLC

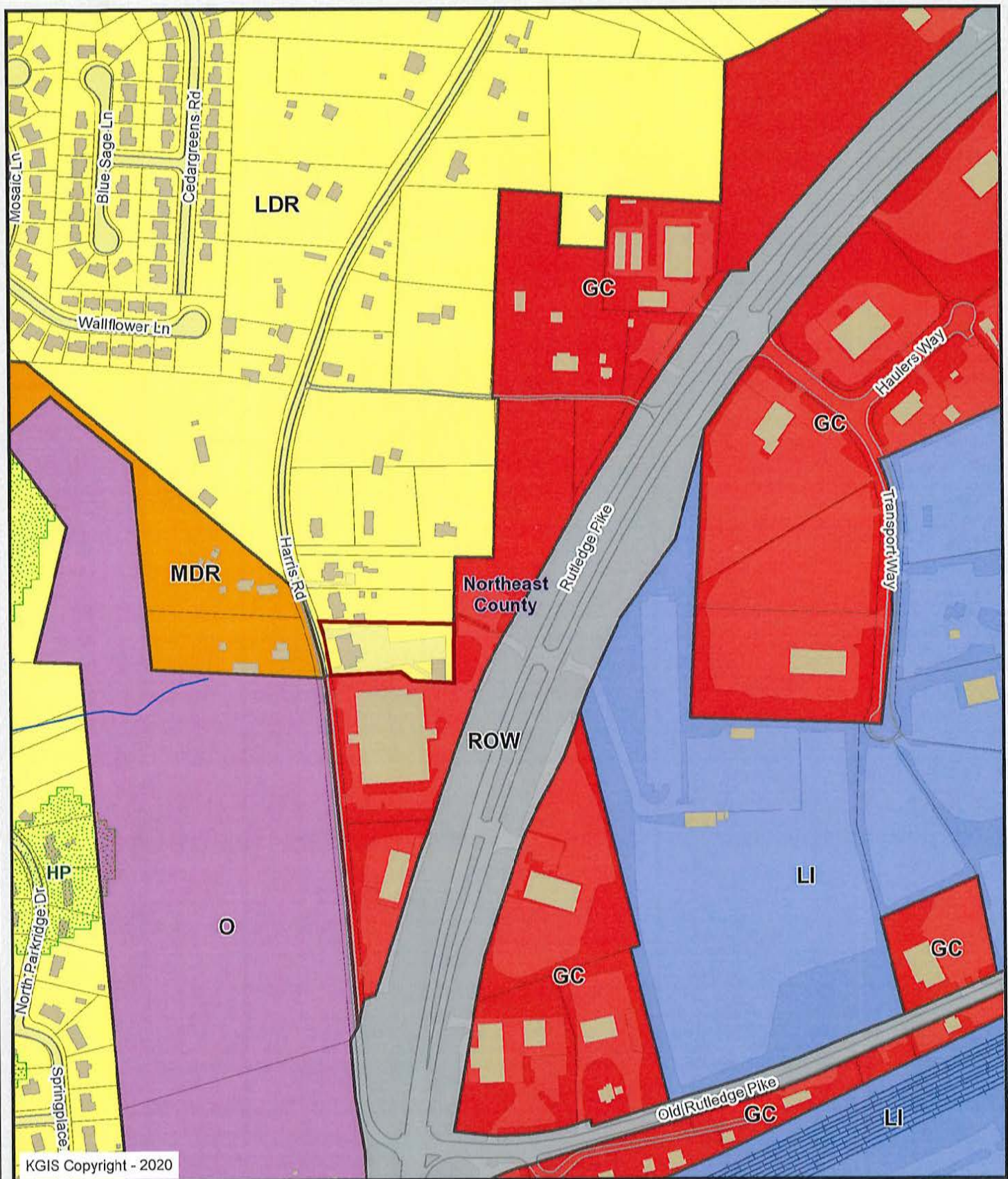
Owner Address: c/o Benjamin C. Mullins, 550 W. Main Street, Suite 500, Knoxville, TN 37902

Property Address: 5811 Rutledge Pike, Knoxville, TN 37924

Current Zoning: CB

Current Sector Plan: GC

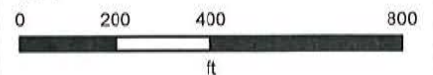




1702 Harris Rd



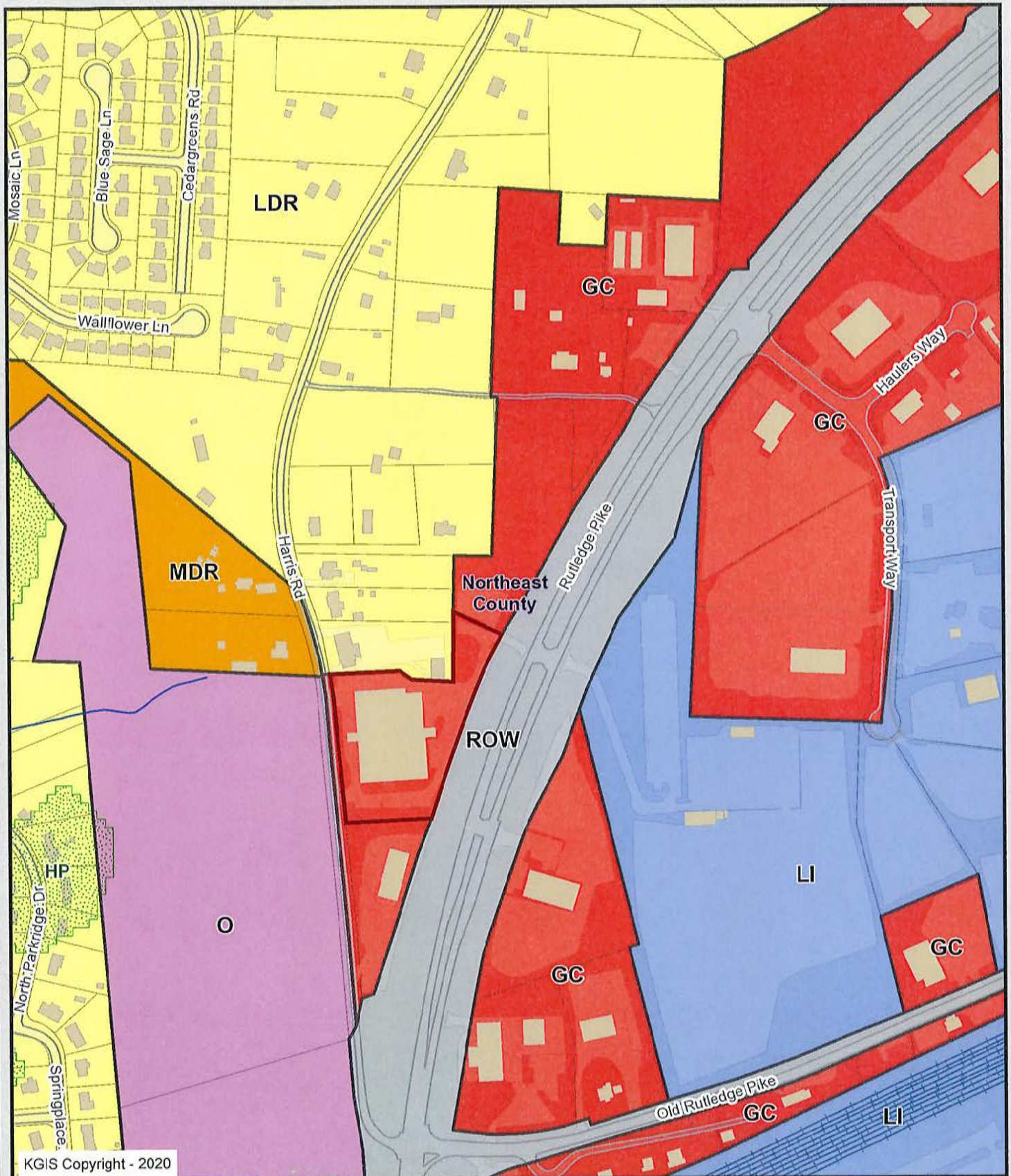
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1600 Harris Rd

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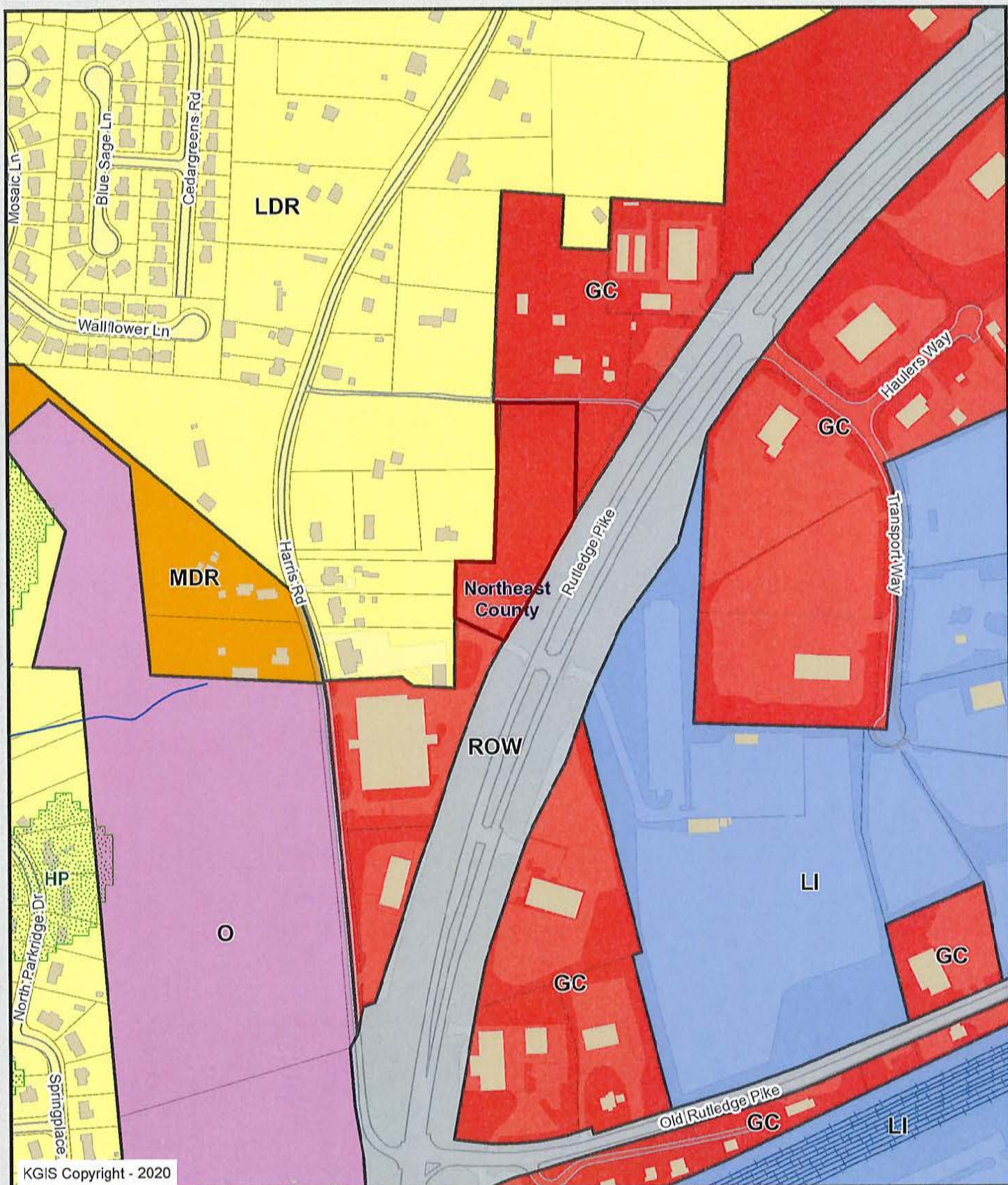


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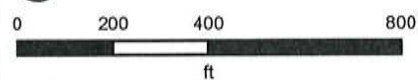


5811 Rutledge Pk

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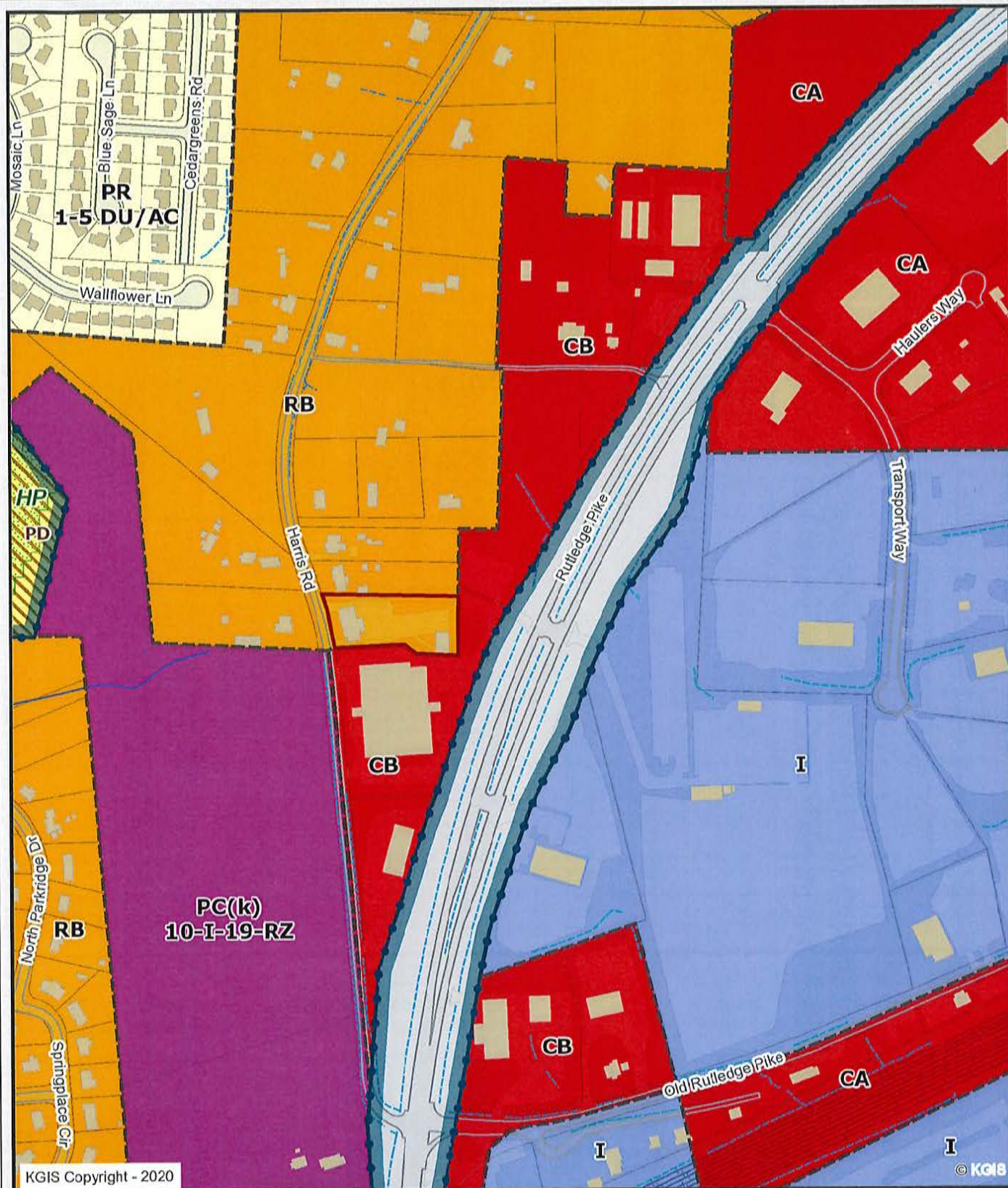


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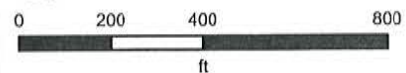


1702 Harris Rd

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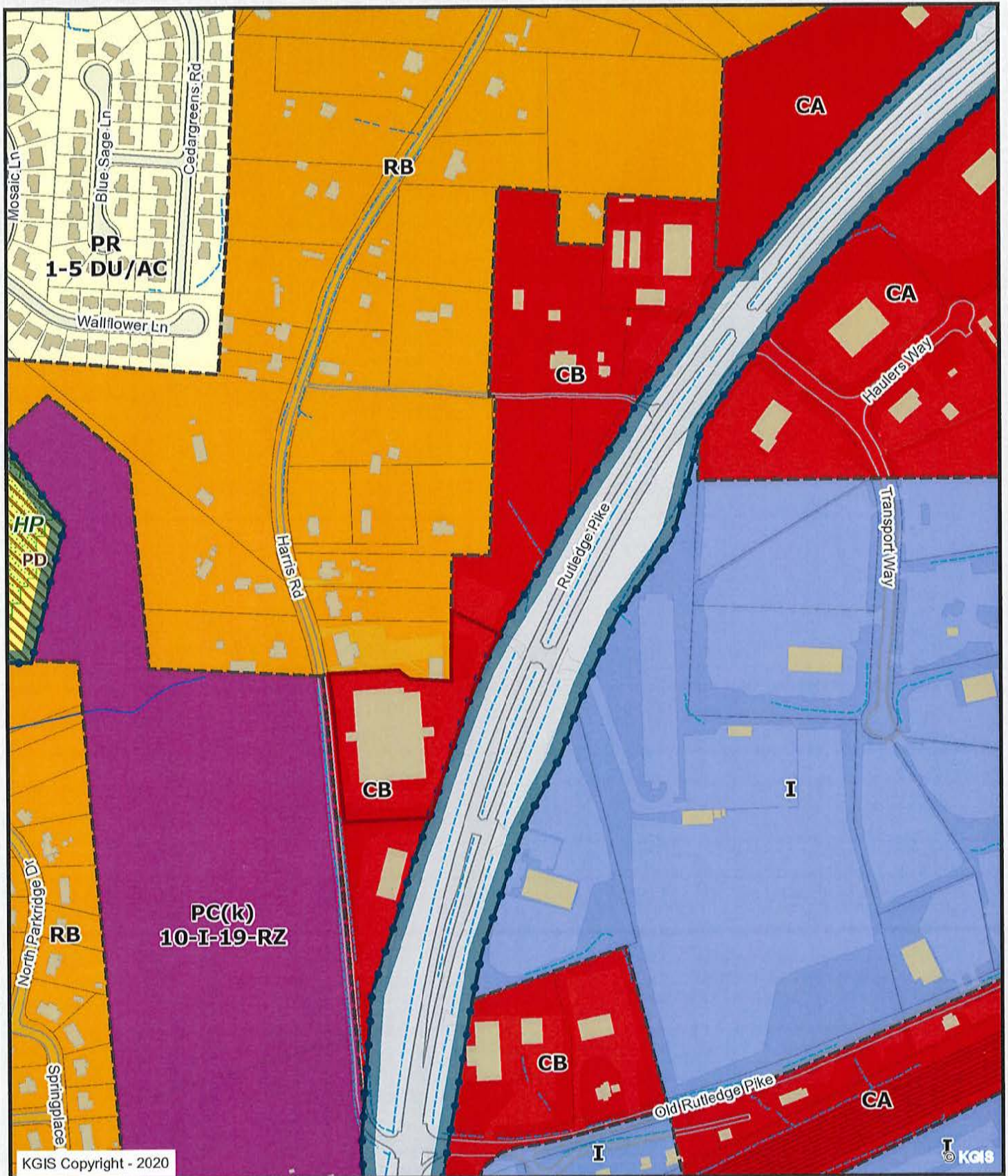


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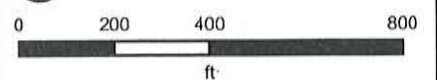


1600 Harris Rd

Knoxville - Knox County - KUB Geographic Information System

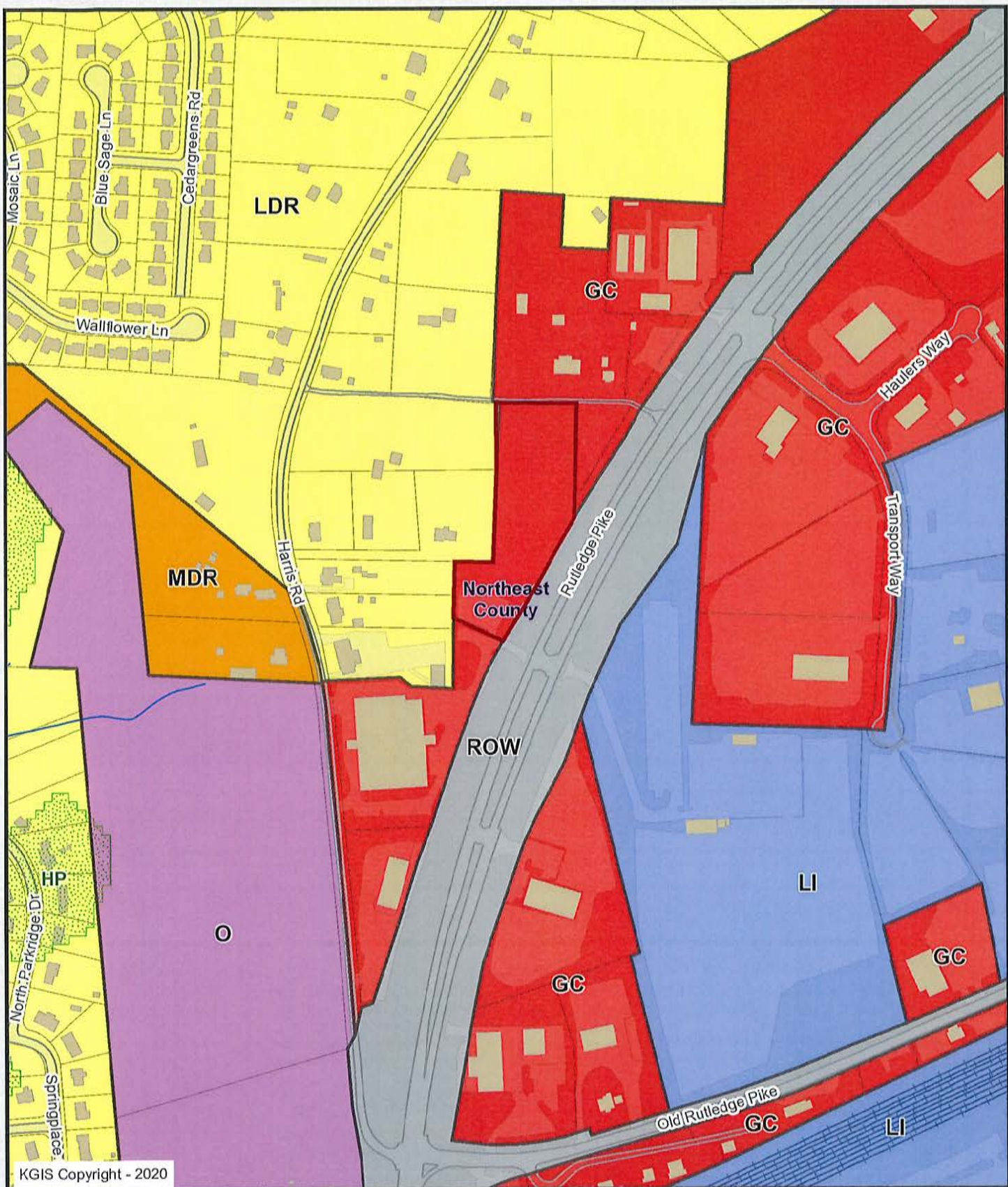


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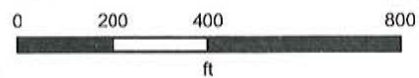
5811 Rutledge Pk

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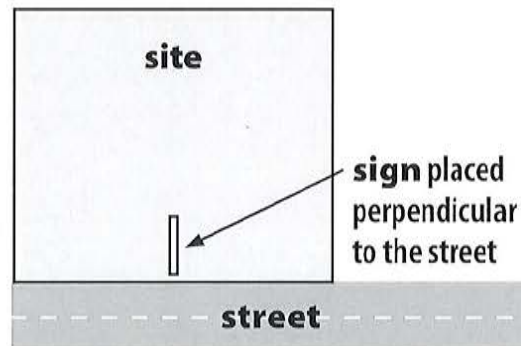
## REQUIRED SIGN POSTING AGREEMENT

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:

October 28, 2020 and November 13, 2020  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: Benjamin C. Mullins

Phone: 865 846-9321 Email: bmullins@fnsllp.com

Date: 9/28/2020

File Number: 11-0-29-RZ / 11-F-20-SP