



SPECIAL USE REPORT

► **FILE #:** 5-A-21-SU

AGENDA ITEM #: 40

AGENDA DATE: 5/13/2021

► **APPLICANT:** BENJAMIN C. MULLINS / OBO ET KNOXVILLE, LLC

OWNER(S): ET Knoxville, LLC co Elm Tree Funds

TAX ID NUMBER: 59 026 (PORTION OF)

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 3001 Knoxville Center Dr.

► **LOCATION:** North of N. Mall Rd., near the intersection of East Town Rd. & Knoxville Center Dr.

► **APPX. SIZE OF TRACT:** 9 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: The nearest access point to this portion of the Knoxville Center Mall property is off of N. Mall Road, a major collector that runs parallel to I-640 and that is located just to the north of the interstate. It is contained within the I-640 right-of-way, which varies widely in width depending on the measurement point but is always greater than 500 feet. N. Mall Road has a pavement width of approximately 24 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

► **ZONING:** I-G (General Industrial)

► **EXISTING LAND USE:** Vacant (former site of mall)

► **PROPOSED USE:** Removal of the previously approved planned district (C) designation from the property.

HISTORY OF ZONING: Part of parcel 059 026 rezoned from SC-3 to RP-2 in 2017 (Case 7-E-17-RZ); part of parcels 059 059 26 and 059 02603 rezoned from R-1, RB, and I to SC-3 in 1981 (Case 7-L-81-RZ); parcels 059 026, 02603, 02604 & 02605 rezoned to I-G in 2020 (10-L-20-RZ)

SURROUNDING LAND USE AND ZONING: North: Agricultural and multifamily residential - RN-6 (Multifamily Residential) and C-R-2 (Regional Commercial)

South: N. Mall Road and I-640 right-of-way

East: Commercial and public-quasi public land - I-G (General Industrial) and C-R-2 (Regional Commercial)

West: Commercial, agricultural, multifamily and single family residential - RN-6 (Multifamily Residential), C-R-2 (Regional Commercial) I-MU (Industrial-Mixed Use), RN-1 (Single Family Residential) Districts

NEIGHBORHOOD CONTEXT: This property occupies a portion of the parking lot of the former Knoxville

Center Mall. The general area includes a mix of uses including commercial, multifamily residential, office, and single family residential uses. I-640 is nearby to the south.

STAFF RECOMMENDATION:

- ▶ **Approve the request to remove the previously approved planned district (C) designation from this parcel.**

COMMENTS:

Prior to adoption of the new City Zoning Ordinance and map on January 1, 2020, this property had been zoned RP-2 (Planned Residential District) since 2017 (Case 7-E-17-RZ). Per Article 1.4.G. (Previously Approved Planned Districts) of the City of Knoxville Zoning Ordinance, all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval. However, no further plans were submitted for this planned district.

With the new zoning map, the property was reassigned to the C-R-2 (Regional Commercial) zone with the C designation. The property was then rezoned from C-R-2 to I-G (General Industrial) in 2020 (Case 10-D-20-RZ), but the C designation remained. Removal of this planned district designation would clean up the zoning for the property, and if the former RP-2 zoning were removed from the site, the existing I-G zoning would apply to any proposed development. There are plans underway for an Amazon distribution center at this location and that project would continue under the I-G zoning requirements.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the One Year Plan, and by the following general standards:

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. As stated previously, if the former RP-2 zoning is removed from the site, the existing I-G zoning will apply to any proposed development. The proposed Amazon distribution center would be required to comply with the I-G zoning requirements.

B. The One Year Plan and North City Sector Plan designate this site for LI (Light Industrial) land use.

C. The I-G zoning under which the applicant is requesting to develop is consistent with all other plans.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The City of Knoxville Zoning Ordinance describes the I-G General Industrial Zoning District as intended to provide for a range of general industrial uses that may produce limited outside impacts, rendering them incompatible with retail, service, or residential uses. Such uses include limited manufacturing, fabricating, processing, wholesale distributing, and warehousing facilities that do not require frequent visits from customers or clients.

B. Removal of the previously approved plan district designation would not cause nonconformance with the City of Knoxville Zoning Ordinance.

C. Any proposed development will be required to be consistent with the general purpose and intent of the zoning code.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The removal of the planned district will not impact the character of the neighborhood. No plans were submitted for this planned district.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. Removal of the previous planned district will not significantly injure the value of adjacent property.

B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Removal of the previous planned district will not draw additional traffic.

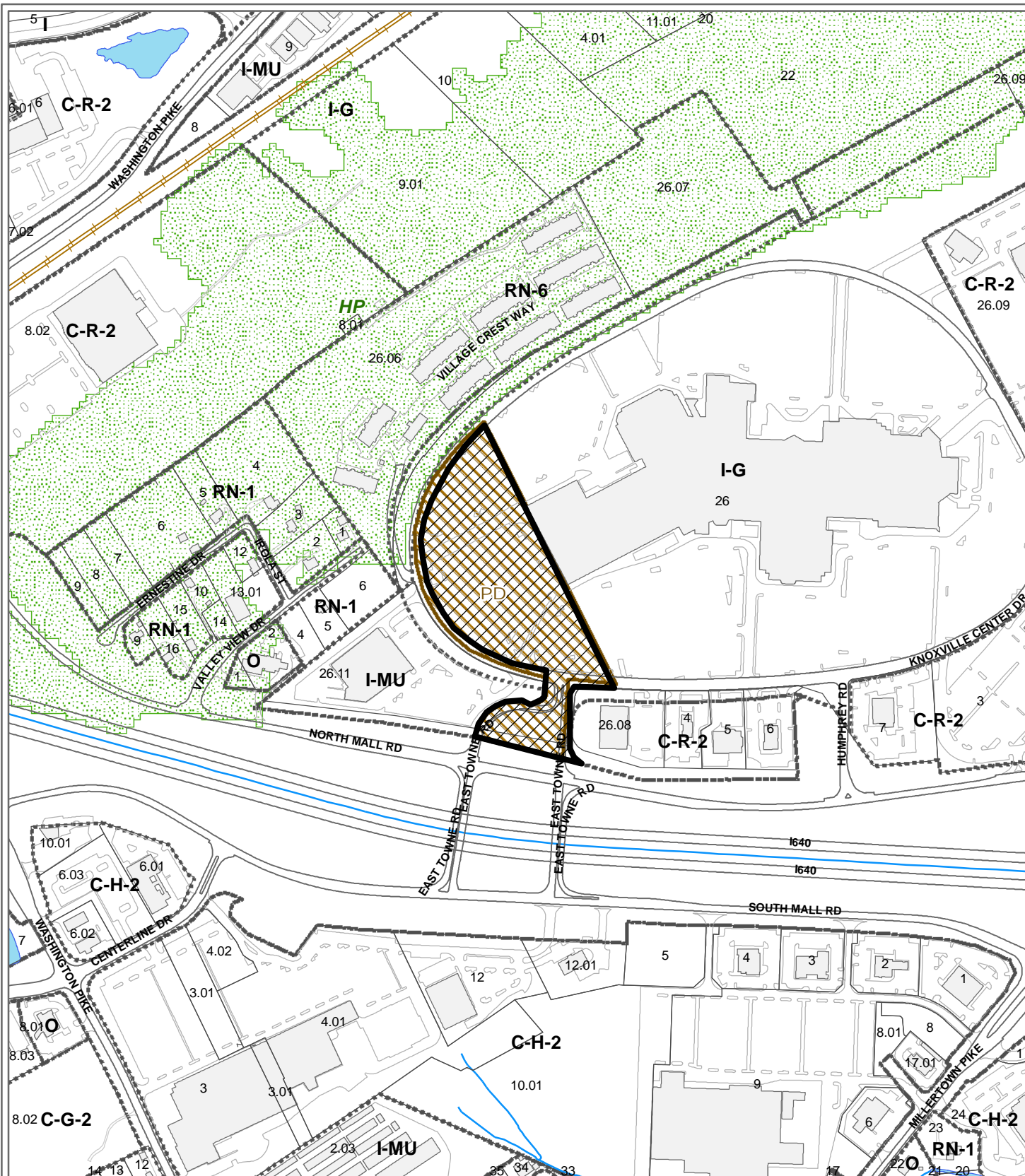
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future development anticipated to occur on this site.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 6/15/2021 and 6/29/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**5-A-21-SU
SPECIAL USE**



Removal of the previously approved planned district (C) designation from the property. in I-G (General Industrial)

Original Print Date: 4/13/2021
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Mullins / obo ET Knoxville, LLC,
Benjamin C.

Map No: 59
Jurisdiction: City

0 500
Feet





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 ET Knoxville, LLC

Attorney/Applicant

Applicant Name

Affiliation

March 18, 2021

May 13, 2021

File Number(s)

Date Filed

Meeting Date (if applicable)

5-A-21-SU

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 o/b/o ET Knoxville, LLC

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

ET Knoxville, LLC c/o Elm Tree Funds

120 S. Central Ave. #300 St. Louis, MO

(314) 828-4200

Owner Name (if different)

Owner Address

Owner Phone

A portion of 3001 Knoxville Center Dr.

A portion of 59 026

Property Address

Parcel ID

KUB

KUB

NA

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

North of Mall Rd. near intersection of East Towne Rd. and Knoxville Center Dr. +/- 9 acres

General Location

Tract Size

☒ City ☐ County
District

4

I-G

Former site of Mall now vacant

Zoning District

Existing Land Use

North City

Light Industrial

In City Limits

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

 Other (specify) Removal of PD (Planned District Overlay) See 7-E-17-RZ

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 _____

Proposed Zoning _____

☐ Plan Amendment Change _____

Proposed Plan Designation(s) _____

Pending Plat File Number _____

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*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

0401 | 1500.00

Fee 2

Fee 3

\$1500.00

AUTHORIZATION

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



Benjamin C. Mullins o/b/o ET Knoxville, LLC March 18, 2021

Applicant Signature

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email



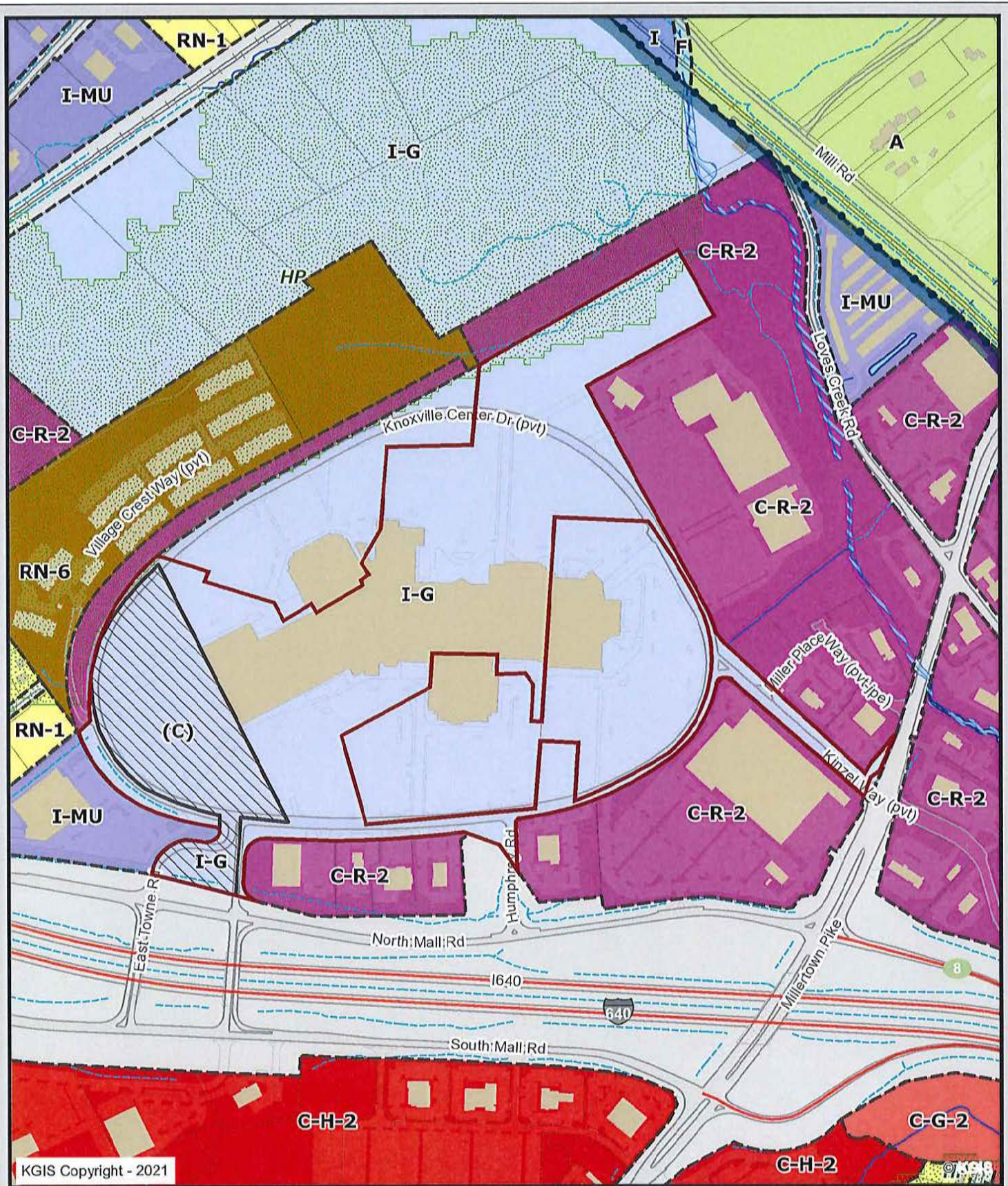
SHERRY MUCHIENZI

3/18/2021

Staff Signature

Please Print

Date



Zoning Map

Knoxville - Knox County - KUB Geographic Information System



Printed: 3/18/2021 at 12:11:32 PM



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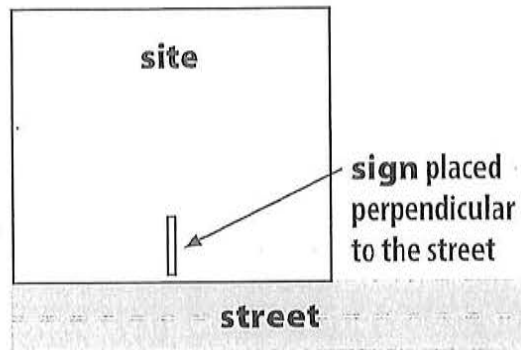
REQUIRED SIGN POSTING AGREEMENT

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:

April 28th (Wed) and May 14th (Fri)
(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: 3/18/21

File Number: 5-A-21-SU