

PLAN AMENDMENT REPORT

FILE #: 10-A-21-SP	AGENDA ITEM #: 7
	AGENDA DATE: 10/14/2021
APPLICANT:	HARPER PROPERTIES, L.P.
OWNER(S):	First Properties, LLC
TAX ID NUMBER:	121 A B 013 View map on KGIS
JURISDICTION:	Council District 2
STREET ADDRESS:	6238 Anderson Dr.
LOCATION:	Western end of Anderson Drive, south of Kingston Pike, west of S. Northshore Drive
APPX. SIZE OF TRACT:	3.2 acres
SECTOR PLAN:	West City
GROWTH POLICY PLAN:	N/A (Inside City Limits)
ACCESSIBILITY:	Access is from Anderson Road, a local road with a 24-ft pavement width within a 36.5-ft right-of-way.
UTILITIES:	Water Source: Knoxville Utilities Board
	Sewer Source: Knoxville Utilities Board
WATERSHED:	Fourth Creek
PRESENT PLAN AND ZONING DESIGNATION:	O (Office) / I-H (Heavy Industrial)
PROPOSED PLAN DESIGNATION:	GC (General Commercial)
EXISTING LAND USE:	Shown as office on the map, but is a surface parking lot
EXTENSION OF PLAN DESIGNATION:	GC land use is adjacent to the west
HISTORY OF REQUESTS:	None noted
SURROUNDING LAND USE	North: Public-quasi public land (church and cemetery) - O (Office)
AND PLAN DESIGNATION:	South: Commercial and wholesale (across railroad tracks) - BP-1 (Business Park Type 1, across railroad tracks)
	East: Public/quasi-public land - O (Office)
	West: Office - O (Office)
NEIGHBORHOOD CONTEXT	This parcel is at the western end of Anderson Road just south of Kingston Pike and west of S Northshore Drive. The area consists of various commercial, office, and institutional properties. Central Baptist Church and Cemetery are to the north.

STAFF RECOMMENDATION:

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Approve the West City Sector Plan amendment to the GC (General Commercial) land use classification because it is an extension of that land use class and is compatible with development in the area.

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. The area north of the railroad tracks has developed with a mix of commercial, office, and multifamily uses. The current I-H (Heavy Industrial) zoning is not in character with surrounding uses, nor is it in compliance with the One Year Plan or West City Sector Plan. Amending the land use plan would allow extension of C-G zoning, which would bring the One Year Plan and zoning into alignment.

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.

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

1. There have been no changes to the development pattern or completion of public improvements that would warrant a plan amendment.

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 11/16/2021 and 11/30/2021. 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.

PAGE #:



PLAN AMENDMENT/ REZONING REPORT

۲	FILE #:	8-L-21-RZ				AGENDA ITEN	1#:
		10-A-21-PA				AGENDA DAT	E: 10/14/202 ⁻
Þ	APPLICA	NT:	HARPE	PER PROPERTIES, L.P.			
	OWNER((S):	First Pr	operties, L	LC		
	TAX ID N	IUMBER:	121 A E	3 013		Vie	w map on KGI
	JURISDI	CTION:	Counci	I District 2			
	STREET	ADDRESS:	6238 A	nderson D)r.		
Þ	LOCATIO	DN:		rn end of <i>l</i> hore Drive	-	ith of Kingston Pike,	west of S.
۲	TRACT I	NFORMATION:	3.2 acr	es.			
	SECTOR	PLAN:	West C	Sity			
	GROWT	H POLICY PLAN:	N/A (In	side City L	imits)		
	ACCESS	IBILITY:			nderson Road, a local ght-of-way.	l road with a 24-ft pave	ement width
	UTILITIE	S:	Water \$	Source:	Knoxville Utilities Boa	ard	
			Sewer	Source:	Knoxville Utilities Boa	ard	
	WATERS	SHED:	Fourth	Creek			
•	PRESEN DESIG	T PLAN NATION/ZONING:	O (Offi	ce) / I-H (ŀ	Heavy Industrial)		
Þ		ED PLAN NATION/ZONING:	GC (Ge	eneral Cor	mmercial) / C-G-1 (G	eneral Commercial)	
۲	EXISTIN	G LAND USE:	Shown	as office	on the map, but is a	a surface parking lot	
•							
		ION OF PLAN NATION/ZONING:	GC lan	d use is ac	djacent to the west; C·	-G-2 zoning is adjacen	t to the east
	HISTOR REQUE	Y OF ZONING ESTS:	None n	oted			
		JNDING LAND USE, ESIGNATION,	North:	Public-qu (Office) I		ch and cemetery) - O (Office) - O
	ZONING	3	South:		ss Park Type 1) - I-Ġ (cross railroad tracks) - (General Industrial) Dis	
			East:	Public/qı District	uasi-public land - O (C	Office) - C-G-2 (Genera	al Commercial)
			West:	Office - 0	GC (General Commer	rcial) - O (Office) Distri	ct
	NEIGHBO	ORHOOD CONTEXT:	This pa	arcel is at th	he western end of And	derson Road just soutł	n of Kingston
A	GENDA ITEM #	#: 7 FILE #: 10-A-2	1-PA		9/22/2021 02:26 PM	MICHELLE PORTIER	PAGE #: 7-

STAFF RECOMMENDATION:

- Approve the One Year Plan amendment to the GC (General Commercial) land use classification because it is an extension of that land use class and is compatible with development in the area.
- Approve C-G-1 (General Commercial) zoning because it is an extension of that zoning and is more compatible with the surrounding area than the current zoning.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS: CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

AN ERROR IN THE PLAN:

1. There are no apparent errors in the plan that would warrant amending the plan.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

1. The area north of the railroad tracks has developed with a mix of commercial, office, and multifamily uses. The current I-H (Heavy Industrial) zoning is not in character with surrounding uses, nor is it in compliance with the One Year Plan or West City Sector Plan. Amending the land use plan would allow extension of C-G zoning, which would bring the One Year Plan and zoning into alignment.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There has been no change in public policy that would trigger the need for a plan amendment.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT: 1. No new information has become available to reveal the need for a plan amendment.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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 GENERALLY: 1. As stated previously, the area north of the railroad tracks has developed with a mix of commercial, office, and multifamily uses. The current I-H (Heavy Industrial) zoning is not in character with surrounding uses, nor is it in compliance with the One Year Plan or West City Sector Plan, as both plans designate the property as Office land use.

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

The C-G (General Commercial) District is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors.
 Rezonings 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 CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT. 1. This would be an extension of the C-G zone, as C-G-2 is adjacent to the east. The addition of more C-G zoning in this area is not expected to cause any adverse impacts, since the allowed uses between the various C-G zones are the same.

2. The property is surrounded by other commercial, industrial, and office zoning. There are no residential properties adjacent to this property or in the nearby vicinity.

3. Access is yet to be finalized. It may be off of Anderson Road, though the applicant would prefer to have

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access directly from Deane Hill Drive. They are working on an access easement agreement with owners of the the self-storage facility to the west to minimize traffic on Anderson Road.

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 to the West City Sector Plan amending this parcel to the GC (General Commercial) land use designation would support C-G-1 zoning.

Approving the request would bring the zoning into compliance with the sector plan and the One Year Plan, as the current I-H (Heavy Industrial) zoning is not in compliance with the sector plan's Office land use designation.
 This would be an extension of the GC land use class, as it is adjacent to the west.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 11/16/2021 and 11/30/2021. 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.

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KNOXVILLE-KNOX COUNTY PLANNING COMMISSION A RESOLUTION AMENDING THE WEST CITY 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 West City 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, Taylor D. Forrester has submitted an application to amend the Sector Plan from Office to General Commercial for property described in the application; and

WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the West City 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 October 14, 2021 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 West City Sector Plan, with its accompanying staff report and map, file #10-A-21-SP.

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

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

Date

Chairman

Secretary















		Development	SUB	Reque	St ZONING Plan Amendment
Plann		 Planned Development Use on Review / Special Hillside Protection CO/ 	□ F al Use	inal Plat	SP III OYP
Taylor D. Forres	ter on behal	f of Harper Properties, L.P.P	80 	Atto	rnev
Applicant Name				Affiliat	
7/12/2021		10/13/2021			File Number(s)
Date Filed		Meeting Date (if applica	able)	1	0-A-21-PA
Date Theo		Meeting Date (ii applied	able)		0-A-21-SP
CORRESPONDE		l correspondence related to this a	pplication should b	ا e directed to the a	pproved contact listed below.
Applicant	Owner 🗌 Op	otion Holder 🛛 🗌 Project Survey	or 🗌 Engineer	Architect/Land	dscape Architect
Taylor D. Forres	ter		Long, Ragsd	ale & Waters, F	P.C.
Name			Company		
1111 N. Northsh	nore Drive, S	uite S-700	Knoxville	TN	37919
Address			City	State	ZIP
865-584-4040		tforrester@lrwlaw	.com		
Phone		Email			
CURRENT PROP	PERTY INFO				
First Properties,	LLC	6712 Deane	e Hill Drive		
Owner Name (if diffe	erent)	,Owner Addres	iS		Owner Phone
6238 Anderson	Drive, Knoxv	ille,TN 37919	121/	\B013	
Property Address			Parcel	ID	
KUB		KUB			N
Sewer Provider		Wate	r Provider		Septic (Y/N)
STAFF USE ONL	Y				
Western end of	Anderson Dr	ive, south of Kingston Pk., v	west of S. North	shore Dr. 3.2	acres
General Location	<u></u>			Tract S	iize .
	City 2nd	I-H	OF		
📕 City 🔲 County	District	Zoning District	Exis	ting Land Use	
West City		0		HIL MAD	(within city limits)
Planning Sector		Sector Plan Land Use Cl	lassification	Growt	h Policy Plan Designation

December 2020

DEVEL	ODAL	ENIT DI	EQUECT	
	UPIVI		EQUEST	
			the second se	

Development Plan	Use on Review / Special Use	Hillside Protection COA	Related City Permit Number(s)
🔲 Residential	Non-Residential		
Home Occupation (spe	cify)		-
Other (specify)			

SUBDIVISION REQUEST

			F	Related Rezoning	File Numbe
Proposed Subdivision Name					
Unit / Phase Number	rcels 🔲 Divide Parcel	Total Number of Lots	Created		
Other (specify)		14			
Attachments / Additional Requirement	S				
ZONING REQUEST					
				Pending Plat Fi	le Number
Zoning Change Proposed Zoning					
GC					
Plan Amendment Change Proposed	Plan Designation(s)				
Proposed Density (units/acre)	Previous Rezoning Re	equests			
Other (specify)					
STAFF USE ONLY PLAT TYPE Staff Review Planning Commis	sion	Fee 1 0526	600.00		Total
ATTACHMENTS		Fee 2		\$0	900.00
Property Owners / Option Holders	Variance Request	NAME OF THE OWNER		- 7 -	00.00
ADDITIONAL REQUIREMENTS		0516	300.00		
Design Plan Certification (Final Plat)		Fee 3			
Use on Review / Special Use (Concept	Plan)	1.00.0			
Traffic Impact Study			Î.		
COA Checklist (Hillside Protection)					
AUTHORIZATION By signing b	elow, I certify I am the pro	perty owner, applicant	or the owners	authorized repre	sentative.
The	Taylor D. F	orrester on behalf	of Harper P	re 7/12/202:	1
Applicant Signature	Please Print	9		Date	
865-584-4040	tforrester	@lrwlaw.com			
Phope Number	Email				
Sherry Michienz	Sherry Mid	chienzi		7/13/202	1 swm
Staff Cignature	Please Print			Date	

Staff Signature









Sign Posting & Removal Requirement

Revised April 2021

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

Sept 29 (Wed) and	Oct 15 (tri)
(applicant or staff to post sign)	(applicant to remove sign)
Applicant Name: Taylor forrester	
Date: 7-13-21	Sign posted by Staff
File Number: 10-A-21-PA / 10-A-21-	-SP Sign posted by Applicant

Planning KNOXVILLE KNOX COUNTY

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

Taylor D. Forrester on behalf of Harper Properties, L.P.

Attorney

Applicant Name				Affiliation	
6/28/2021		8/12/2021			File Number(s)
Date Filed		Meeting Date (if applicabl	e)	8-1	21-RZ
CORRESPONDE	NCE All corre	spondence related to this app	ication should be di	irected to the approve	ed contact listed below.
🔳 Applicant 🗌 🕻	Dwner 🗌 Option I	Holder 🛛 Project Surveyor	🗌 Engineer 🗌	Architect/Landscape	Architect
Taylor D. Forrest	ter		Long, Ragsdale	e & Waters, P.C.	
Name			Company		
1111 N. Northsh	ore Drive, Suite S	5-700	Knoxville	ΤN	37919
Address			City	State	ZIP
865-584-4040		tforrester@lrwlaw.co	om		
Phone		Email			
CURRENT PROP					
First Properties,	LLC	6712 Deane H	lill Drive		
Owner Name (if diffe	erent)	Owner Address		Ow	ner Phone
6238 Anderson I	Drive, Knoxville, T	N 37919	121ABC	013	
Property Address			Parcel ID		
КИВ		KUB			Ν
Sewer Provider		Water P	rovider		Septic (Y/N)
STAFF USE ONL					
		tin (ml)	Kingha	17. 3.2	
General Location	ot Anaurs	on Drive, south of west of	S. Northshon	CDr. Tract Size	
	City 2nd	I-H		ng lot	
🔳 City 🔲 County	District	Zoning District	Existin	g Land Use	
West City		0			him (the limit
Planning Sector		Sector Plan Land Use Clas	sification		hin City limits) by Plan Designation

December 2020

DEVELOPMENT REQUEST

Development Plan	🗌 Use on Review / Special Use	Hillside Protection COA	Related City Permit Number(s)
🗌 Residential	Non-Residential		
Home Occupation (spe	cify)		
Other (specify)			

SUBDIVISION REQUEST

		Related Rezoning File Number
Proposed Subdivision Name		
Unit / Phase Number 🗌 Combine Parcels 🗌 Divide Pa	rcel Total Number of Lots Created	
Other (specify)		
Attachments / Additional Requirements		
ZONING REQUEST		
CG-1		Pending Plat File Number
Zoning Change Proposed Zoning		
Plan Amendment Change		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Rezoni	ng Requests	
Other (specify)		
STAFF USE ONLY	Fee 1	Total
PLAT TYPE Staff Review Planning Commission	6271 \$1.00	
	6326 \$1,00	0.00 \$1000.00
Property Owners / Option Holders Variance Request	Fee 2	
Design Plan Certification (<i>Final Plat</i>)		
Use on Review / Special Use (Concept Plan)	Fee 3	
Traffic Impact Study		
COA Checklist (Hillside Protection)		
AUTHORIZATION By signing below, I certify I am th	e property owner, applicant or the owner	rs authorized representative.
Taylor D. Forrester Taylor Taylor D. Forrester	D. Forrester on behalf of Harper	Pro 6/28/21
Applicant Signature Please F	Print	Date
865-584-4040 tforre	ster@lrwlaw.com	
Phone Number Email		
Mic	helle Portier	6/28/2021
Staff Signature Please I		Date







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Revised April 2021

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The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

7,30/21 ar	nd 8 13 21
(applicant or staff to post sign)	(applicant to remove sign)
	11
pplicant Name: Taylor Forrester 080	Harper
pplicant Name: Taylor Forrester 080 Pate: 6/28/2021	Harper roperfies, LUL Sign posted by Staff Sign posted by Applicant