

# REZONING REPORT

► **FILE #:** 12-H-22-RZ

**AGENDA ITEM #:** 22

**AGENDA DATE:** 12/8/2022

► **APPLICANT:** BENJAMIN MULLINS

OWNER(S): Yogesh and Binalben Patel

TAX ID NUMBER: 119 L A 00116

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 0 N GALLAHER VIEW RD

► **LOCATION:** W of Gallaher View Rd, north of Walbrook Dr

► **APPX. SIZE OF TRACT:** 0.54 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via N Gallaher View Road, a four lane minor arterial with a turning lane within a right-of-way width of 100-ft.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek

► **PRESENT ZONING:** CA (General Business)

► **ZONING REQUESTED:** CB (Business and Manufacturing)

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land, Commercial

►  
EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant -

South: Commercial -

East: Agriculture/forestry/vacant -

West: Agriculture/forestry/vacant -

NEIGHBORHOOD CONTEXT: This area is a primarily a commercial node surrounded by office and multi-family residential adjacent to I-40 between Walker Springs and N Gallaher View Road.

## STAFF RECOMMENDATION:

► **Approve the CB (Business and Manufacturing) zone because it is consistent with the surrounding development.**

## 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. This area is a commercial node surrounded by office and multifamily residential. An adjacent rezoning was recently approved in May 2022 for PR up to 23/du per acre for a multi-family residential development.

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

1. The CB zone provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties.
2. This area is adjacent to Sam's Club and a Wal-mart, both with Regional Commercial zoning in the City.

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. This commercial area is surrounded by two minor arterials and a major collector with interparcel access between the commercially zoned properties, as well as direct access onto the adjacent right-of-ways. The addition of an approximate half acre of CB zoning is not anticipated to create adverse effects.

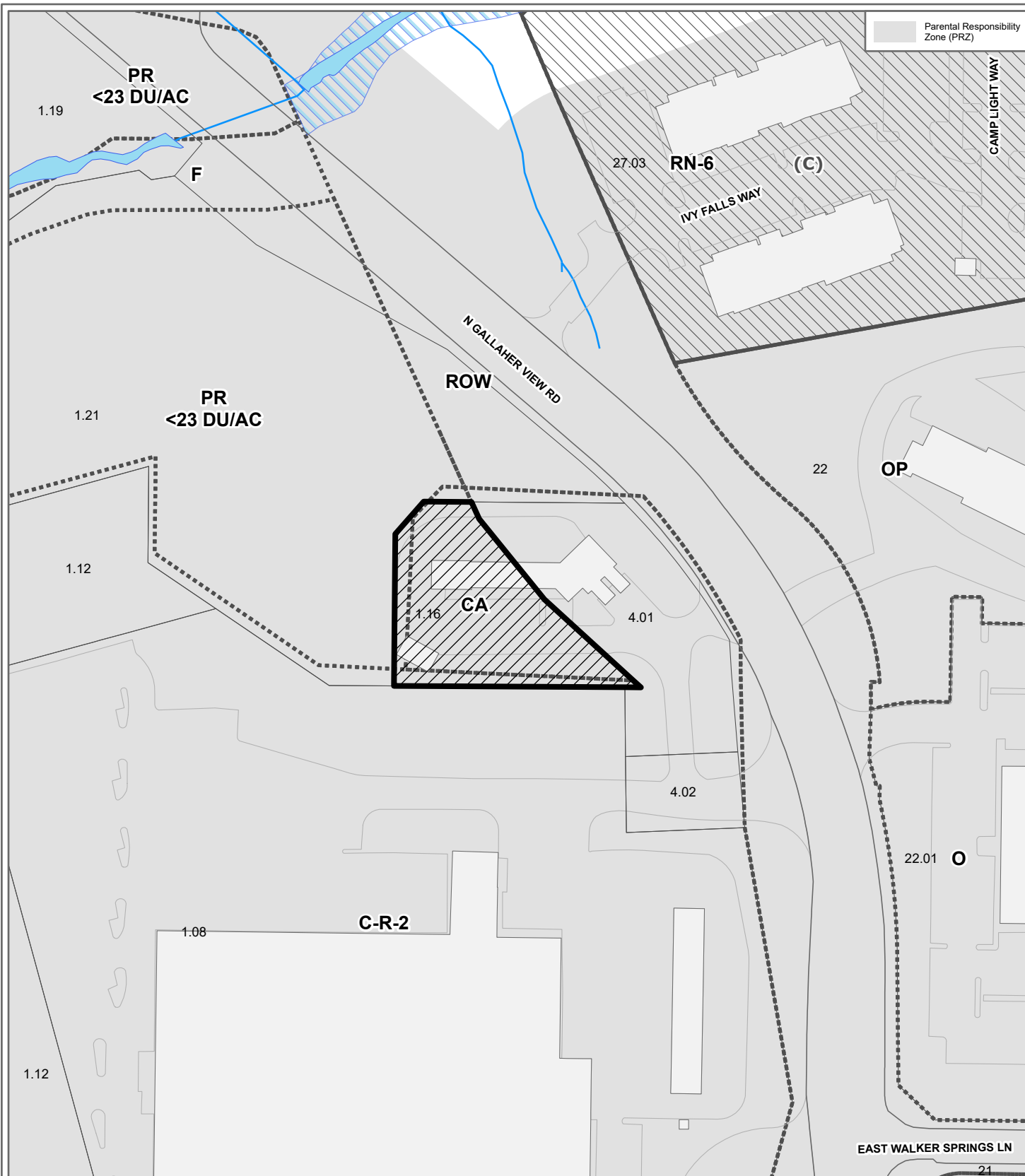
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed amendment is consistent with the CC (Community Commercial) sector plan designation.
2. The proposed amendment is also in conflict with the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/23/2023. 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.



## 12-H-22-RZ REZONING

From: CA (General Business)

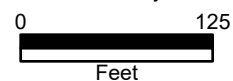
To: CB (Business and Manufacturing)



Petitioner: Benjamin Mullins

Map No: 119

Jurisdiction: County



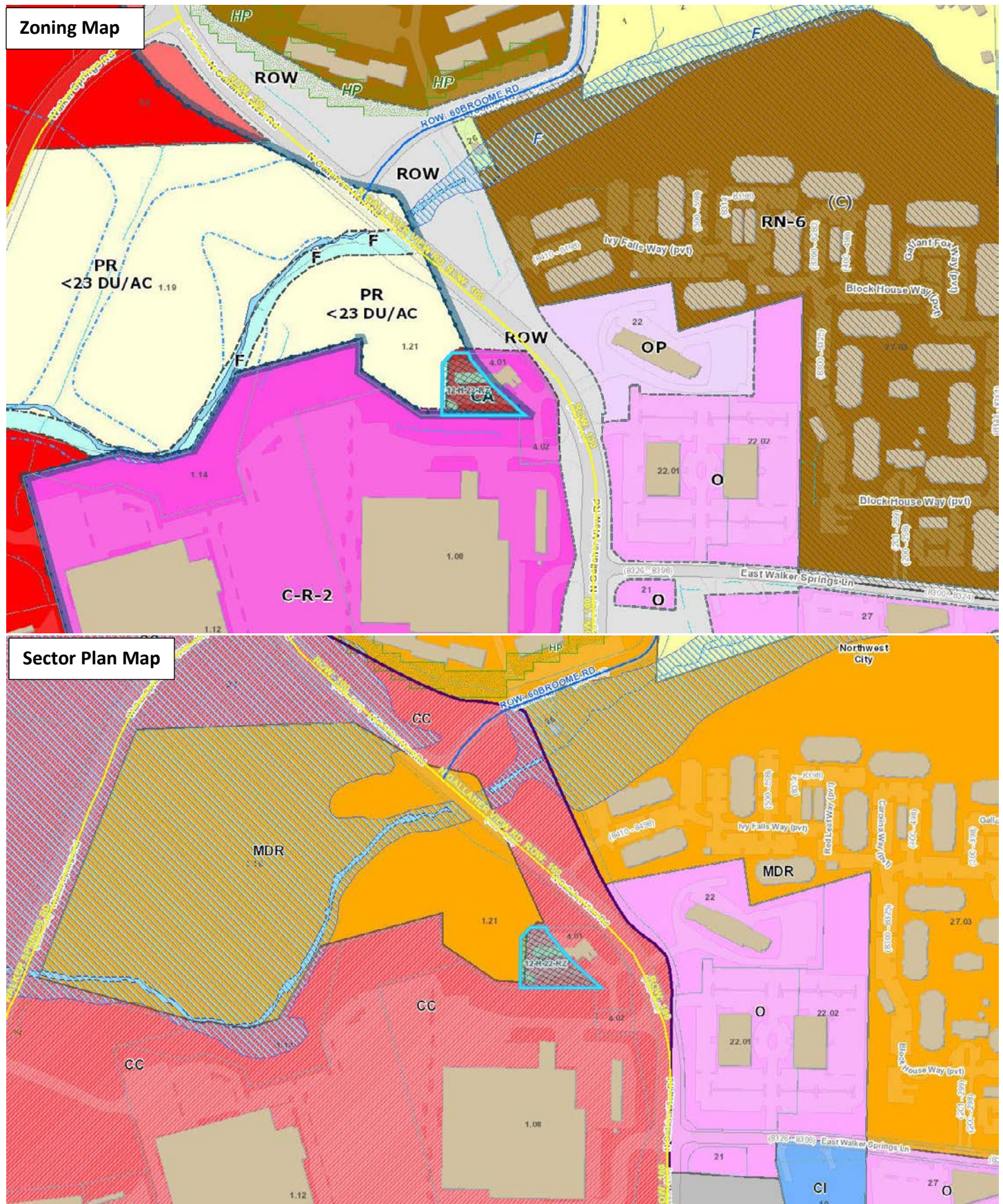
Original Print Date: 11/15/2022

Revised:

Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

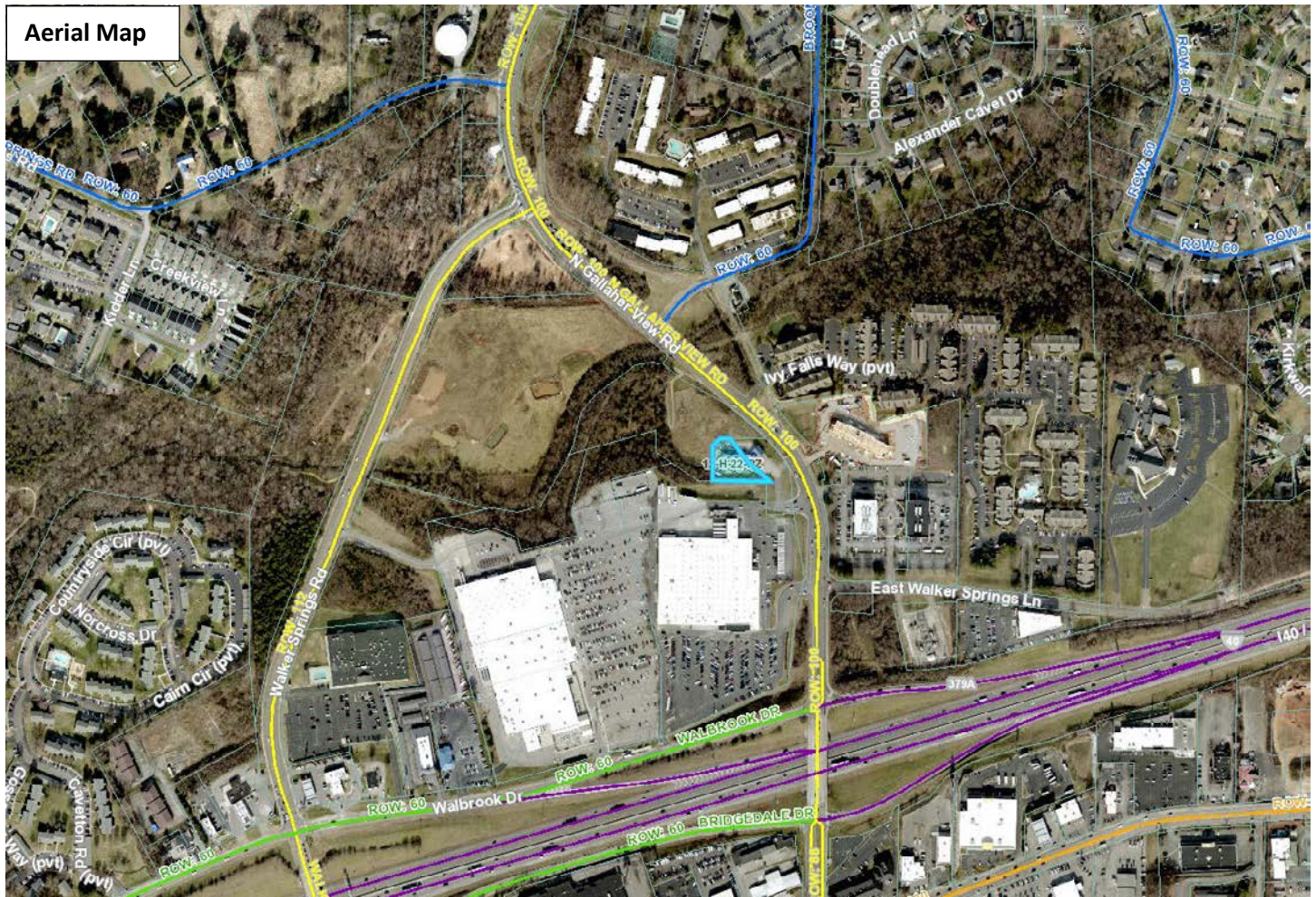


## Exhibit A. 12-H-22-RZ Contextual Images





## Exhibit A. 12-H-22-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
  - ☐ Sector Plan
  - ☐ One Year Plan
- ☒ Rezoning

**Benjamin Mullins**

Applicant Name

Affiliation

**10/21/2022**

Date Filed

**12/8/2022**

Meeting Date (if applicable)

**12-H-22-RZ**

File Number(s)

## CORRESPONDENCE

*All correspondence related to this application should be directed to the approved contact listed below.*

**Benjamin C. Mullins Frantz, McConnell and Seymour, LLP**

Name / Company

**550 W. Main St. St. Suite 500 Knoxville TN 37922**

Address

**865-546-9321 / bmullins@fmsllp.com**

Phone / Email

## CURRENT PROPERTY INFO

**Yogesh and Binalben Patel**

Owner Name (if different)

**321 N Gallaher View Rd Knoxville TN**

Owner Address

Owner Phone / Email

**0 N GALLAHER VIEW RD**

Property Address

**119 L A 00116**

Parcel ID

Part of Parcel (Y/N)?

**0.54 acres**

Tract Size

**West Knox Utility District**

Sewer Provider

**West Knox Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**W of Gallaher View Rd, north of Walbrook Dr**

General Location

☐ City **Commission District 3** **CA (General Business)**

**Agriculture/Forestry/Vacant Land, Commercial**

☒ Count District Zoning District

Existing Land Use

**Northwest County**

Planning Sector

**CC (Community Commercial)**

Sector Plan Land Use Classification

**Urban Growth Area (Outside City Limit**

Growth Policy Plan Designation

## DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA	<input type="checkbox"/> Residential	<input type="checkbox"/> Non-residential	
Home Occupation (specify) _____			
Other (specify) _____			

## SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

## ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change	<b>CB (Business and Manufacturing)</b>	Pending Plat File Number
	Proposed Zoning	
<input type="checkbox"/> Plan		
Amendment	Proposed Plan Designation(s)	
Proposed Density (units/acre)    Previous Zoning Requests		
Additional Information		

## STAFF USE ONLY

### PLAT TYPE

☐ Staff Review    ☐ Planning Commission

### ATTACHMENTS

☐ Property Owners / Option Holders    ☐ Variance Request

### ADDITIONAL REQUIREMENTS

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

Fee 1	Total
<b>\$1,000.00</b>	
Fee 2	
Fee 3	

## AUTHORIZATION

<b>Benjamin Mullins</b>	<b>10/21/2022</b>
Applicant Signature	Date

Phone / Email

<b>Yogesh and Binalben Patel</b>	<b>10/21/2022</b>
Property Owner Signature	Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



# 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

Attorney for Owner

Applicant Name

Affiliation

10-20-2022

December 8, 2022

File Number(s)

Date Filed

Meeting Date (if applicable)

12-H-22-RZ

## CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☐ Property Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

10721 Wood Oak Ct.

Knoxville

TN

37922

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

## CURRENT PROPERTY INFO

Yogesh and Binalben Patel

321 N. Gallaher View Rd.

865-548-1942

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 N. Gallaher View Rd.

119LA00116

Property Address

Parcel ID

KUB

KUB

NA

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

SW Side of N. Gallaher View Rd.,

~.55 acres

General Location

Tract Size

CA

Ag, Forest, Vacant Land

☐ City ☒ County

District

Zoning District

Existing Land Use

Northwest County

Community Commercial

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022



**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

CB (Business and Manufacturing Zone)

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

Fee 2

Fee 3

**AUTHORIZATION**

Applicant Signature

Benjamin C. Mullins

Please Print

10-20-2022

Date

865-546-9321

Phone Number

bmullins@fmsllp.com

Email



Property Owner Signature

Benjamin C. Mullins for Yogesh Patel

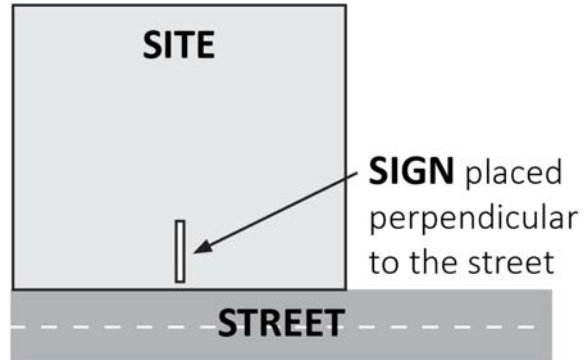
Please Print

10-20-2022

Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

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:***

\_\_\_\_\_ 11/25/2022 \_\_\_\_\_ and \_\_\_\_\_ 12/9/2022 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Benjamin Mullins

**Date:** 10/21/2022

**File Number:** 12-H-22-RZ

☒

Sign posted by Staff

☐

Sign posted by Applicant