



PLAN AMENDMENT REPORT

► **FILE #:** 10-F-22-SP

AGENDA ITEM #: 13

AGENDA DATE: 10/6/2022

► **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Grace Covenant Church Grace Covenant Church

TAX ID NUMBER: 118 164,177

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 9956 DUTCHTOWN RD (950 MABRY HOOD RD)

► **LOCATION:** South side of Dutchtown Road, east side of Mabry Hood Road

► **APPX. SIZE OF TRACT:** 15.97 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Dutchtown Road, a three-lane minor arterial with a turning lane and sidewalks within a right-of-way of 88-ft. Access is also via Mabry Hood Road, a two-lane minor collector with a pavement width of 28-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: Knoxville Utilities Board, West Knox Utility

Sewer Source: West Knox Utility District, Knoxville Utiliti

WATERSHED: Turkey Creek

► **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential), CI (Civic and Institutional) / OP (Office Park), AG (General Agricultural)

► **PROPOSED PLAN DESIGNATION:** MU-SD NWCO-2 (Mixed Use Special District, Century Park)

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

EXTENSION OF PLAN DESIGNATION: Yes, MU-SD NWCO-2 is adjacent.

HISTORY OF REQUESTS: 12-C-97-RZ: BP-1, C-6, TO-1 to C-3 and TO-1 (Denied)

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Single family residential - LDR (Low Density Residential)

South: Single family residential - LDR (Low Density Residential)

East: Single family residential - LDR (Low Density Residential), GC (General Commercial)

West: Agriculture/forestry/vacant - MU-SD (Mixed Use Special District)

NEIGHBORHOOD CONTEXT This area is primarily a mix of office adjacent to vacant and single family residential properties.

STAFF RECOMMENDATION:

► **Approve the sector plan amendment to O (Office) because it provides a transitional land use for the**

adjacent single family residential areas.

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. Since the subject property was annexed into the City of Knoxville in the late 1990s it has remained largely undeveloped, except for a church building. However, the area immediately adjacent to the west is part of the Century Park Mixed Use Special District, which has developed primarily as an office park. A recent rezoning to commercial occurred within the office park area, which also must follow the TTCDA guidelines because of the proximity to the Technology Corridor along the Pellissippi Parkway.

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

1. Improvements along Dutchtown Road and Mabry Hood Road were completed around 2007. These improvements included sidewalks along Dutchtown Road, but not along Mabry Hood Road. However, these were present with the last sector plan update occurred in the Northwest County Sector.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. Though an error in the plan is not obvious, a possible designation of this area to O (Office) could have been considered to buffer the adjacent single family residential land uses from the more intensive mix of uses adjacent to the Pellissippi Parkway.

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

1. A 2013 rezoning to the County's CA (General Business) occurred on an adjacent property to the east that had been used as bus storage yard since 2007. However, additional commercial rezonings have not occurred east of Mabry Hood Road in this area since and it has remained mostly single family residential in character.
3. A rezoning to C-G-3 occurred in within the Century Park Mixed Use Special District within the Technology Corridor Overlay in 2021, however, this area is accessed by Century Park Boulevard and has frontage along Sherrill Boulevard. Any non-residential and multi-family development has to also follow the TTCDA guidelines within this area. These more intensive uses in the nearby C-G-3 zone, west of Mabry Hood Rd, could be buffered by the Office land use designation, east of Mabry Hood Rd, to protect the adjacent single-family residential areas.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 11/1/2022 and 11/15/2022. 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.



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 10-I-22-RZ

AGENDA ITEM #: 13

10-E-22-PA

AGENDA DATE: 10/6/2022

► **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Grace Covenant Church Grace Covenant Church

TAX ID NUMBER: 118 164,177

[View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 9956 DUTCHTOWN RD (950 MABRY HOOD RD)

► **LOCATION:** South side of Dutchtown Road, east side of Mabry Hood Road

► **TRACT INFORMATION:** 15.97 acres.

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Dutchtown Road, a three-lane minor arterial with a turning lane and sidewalks within a right-of-way of 88-ft. Access is also via Mabry Hood Road, a two-lane minor collector with a pavement width of 28-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: Knoxville Utilities Board, West Knox Utility

Sewer Source: West Knox Utility District, Knoxville Utility

WATERSHED: Turkey Creek

► **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), CI (Civic and Institutional) / OP (Office Park), AG (General Agricultural)

► **PROPOSED PLAN DESIGNATION/ZONING:** MU-SD, NWCO-2 (Mixed Use Special District, Century Park) / C-G-3 (General Commercial)

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

► **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, MU-SD NWCO-2 is adjacent. No, C-G-3 is not adjacent.

HISTORY OF ZONING REQUESTS: 12-C-97-RZ: BP-1, C-6, TO-1 to C-3 and TO-1 (Denied)

SURROUNDING LAND USE, PLAN DESIGNATION, North: Single family residential - LDR (Low Density Residential) - PR (Planned Residential)

ZONING South: Single family residential - LDR (Low Density Residential) - A (Agricultural)

East: Single family residential - LDR (Low Density Residential), GC (General Commercial) - A (Agricultural), CA (General Business)

West: Agriculture/forestry/vacant - MU-SD (Mixed Use Special District) - OP (Office Park)

NEIGHBORHOOD CONTEXT: This area is primarily a mix of office adjacent to vacant and single family residential properties.

STAFF RECOMMENDATION:

- ▶ **Approve the One Year Plan Amendment to O (Office) because it provides a transitional land use for the adjacent single family residential areas.**

- ▶ **Approve O (Office) zoning because it provides for a transitional land use for the adjacent single family residential areas.**

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. Though an error in the plan is not obvious, a possible designation of this area to O (Office) could have been considered to buffer the adjacent single family residential land uses from the more intensive mix of uses adjacent to the Pellissippi Parkway.

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. Since the subject property was annexed into the City of Knoxville in the late 1990s it has remained largely undeveloped, except for a church building. However, the area immediately adjacent to the west is part of the Century Park Mixed Use Special District, which has developed primarily as an office park. A recent rezoning to commercial occurred within the office park area, which also must follow the TTCDA guidelines because of the proximity to the Technology Corridor along the Pellissippi Parkway.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. Though there has not been a change in public policy to warrant an amendment, this O land use classification could allow for additional development potential, including residential development opportunities under the recommended O zoning.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. Local data sources and national data trends note an increased demand for a range of housing opportunities. The Office land use designation could enable the opportunity for a mix of office, service and additional residential development under the recommended Office zoning. This land use designation could also protect the adjacent single family residential areas from the more intensive uses adjacent to the Pellissippi Parkway Corridor.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.3, SUBSECTIONS 1-3, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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. Improvements along Dutchtown Road and Mabry Hood Road were completed around 2007. These improvements included sidewalks along Dutchtown Road, but not along Mabry Hood Road.

2. A 2013 rezoning to the County's CA (General Business) occurred on an adjacent property to the east that had been used as bus storage yard since 2007. However, additional commercial rezonings have not occurred east of Mabry Hood Road in this area since and it has remained mostly single family residential in character.

3. A rezoning to C-G-3 occurred in within the Century Park Mixed Use Special District within the Technology Corridor Overlay in 2021, however, this area is accessed by Century Park Boulevard and has frontage along Sherrill Boulevard. Any non-residential and multi-family development has to also follow the TTCDA guidelines within this area.

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

1. Office zoning is intended to provide for an environment of low intensity office and service uses, mixed with residential uses. The O District may additionally serve as a transition between single-family residential areas and more intensely developed commercial or industrial areas within the City of Knoxville.
2. This area is between a mixed use special district comprised primarily of large office buildings adjacent to the Pellissippi Parkway and single family residential areas.

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 amendment to O zoning allows for the potential development of low intensity office, service and residential uses to buffer the adjacent single family residential areas from the more intense uses permitted by the the office parkand general commercial zoning adjacent to the Pellissippi Parkway corridor.

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. This rezoning to O (Office) is consistent with the proposed amendments to the One Year Plan and sector plan for Office.
2. The proposed amendment does not appear to be in conflict with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 11/1/2022 and 11/15/2022. 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.



Request to Postpone • Table • Withdraw

Benjamin C. Mullins

09-30-2022

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

October 6, 2022

Scheduled Meeting Date

File Number(s)

10-I-22-RZ; 10-E-22-PA; 10-F-22-SP

POSTPONE

☒ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: ☒ 30 days ☐ 60 days ☐ 90 days

Postpone the above application(s) until the November 10, 2022 Planning Commission Meeting.

WITHDRAW

☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than noon on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received prior to public notice and the request is approved by the Executive Director or Planning Services Manager. **The refund check will be mailed to the original payee.*

TABLE

☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

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


Applicant Signature

Benjamin C. Mullins

Please Print

865-546-9321

Phone Number

bmullins@fmsllp.com

Email

STAFF ONLY


Staff Signature

Elizabeth Albertson

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☒ No

Amount: \$75.00

Approved by:

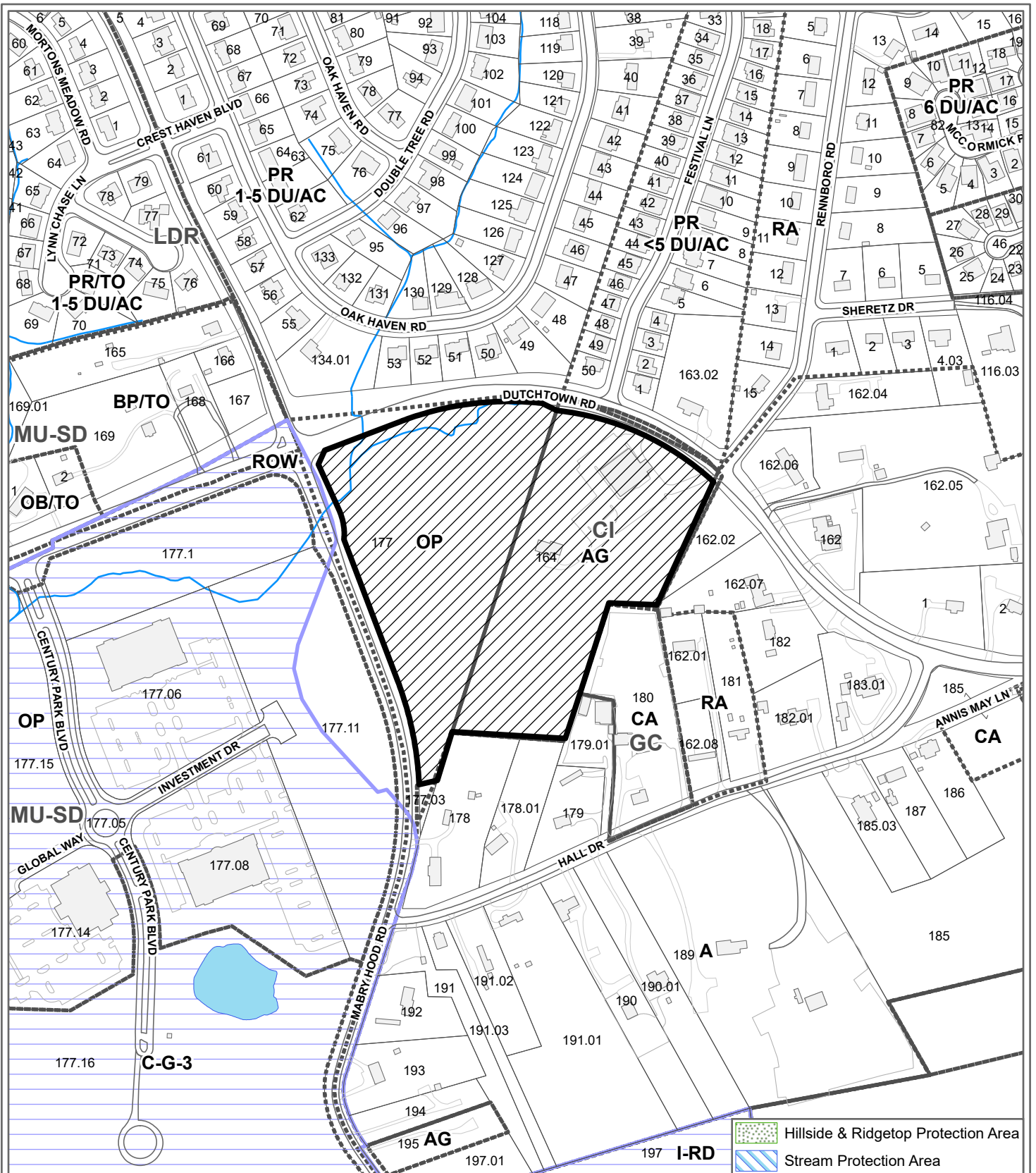
Date:

Payee Name

Payee Phone

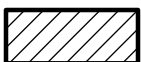
Payee Address

February 2022



10-F-22-SP **NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

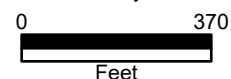
From: LDR (Low Density Residential), CI (Civic and Institutional)
 To: MU-SD, NWCO-2 (Mixed Use Special District, Century Park)

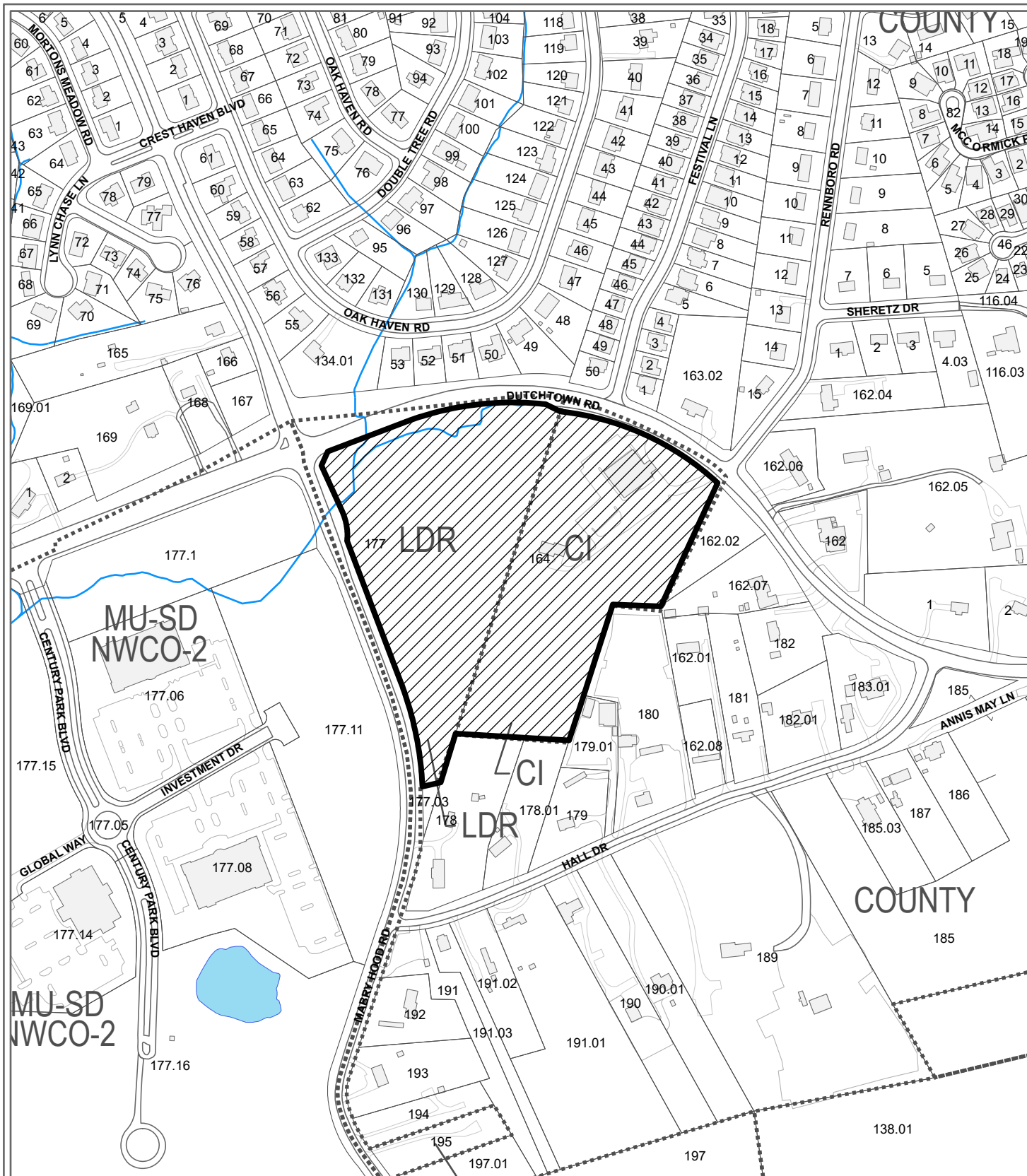


Original Print Date: 9/9/2022 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Benjamin C. Mullins

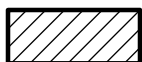
Map No: 118
 Jurisdiction: City





**10-E-22-PA / 10-I-22-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential), CI (Civic and Institutional)
To: MU-SD, NWCO-2 (Mixed Use Special District, Century Park)



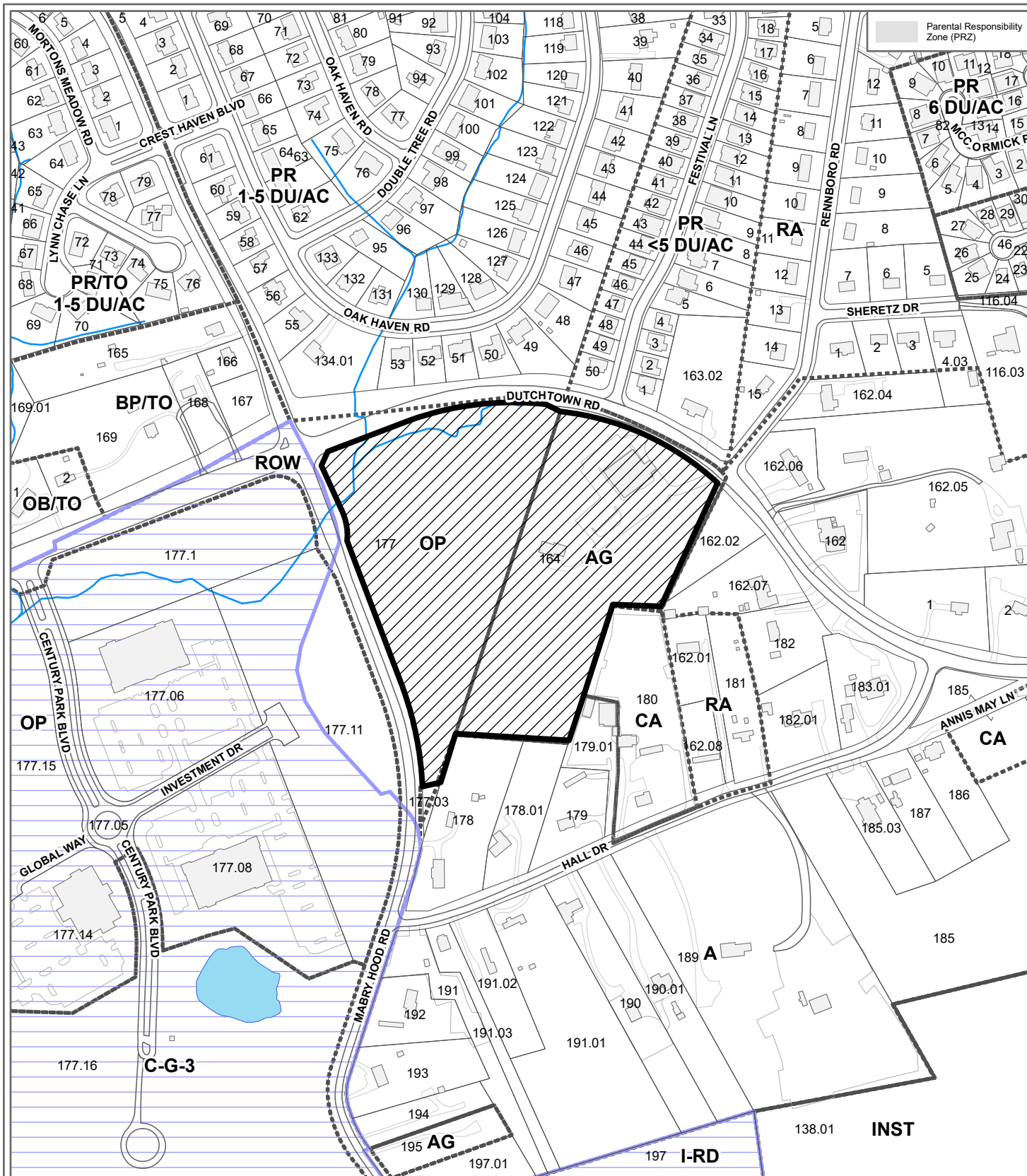
Original Print Date: 9/7/2022 Revised:
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Benjamin C. Mullins

Map No: 118
Jurisdiction: City

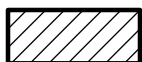
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Feet





10-I-22-RZ REZONING

From: OP (Office Park), AG (General Agricultural)
To: C-G-3 (General Commercial)

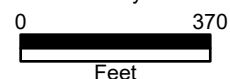


Original Print Date: 9/9/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Benjamin C. Mullins

Map No: 118
Jurisdiction: City



**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 Mullins has submitted an application for an amendment to the Northwest County Sector Plan for property described in the application; and*

***WHEREAS**, the Planning Commission recommends approval of an amendment to the Sector Plan from Low Density Residential and Civic Institutional to Office 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 6, 2022, 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 #10-F-22-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

Exhibit A. 10-I-22-RZ / 10-E-22-PA / 10-F-22-SP Contextual Images

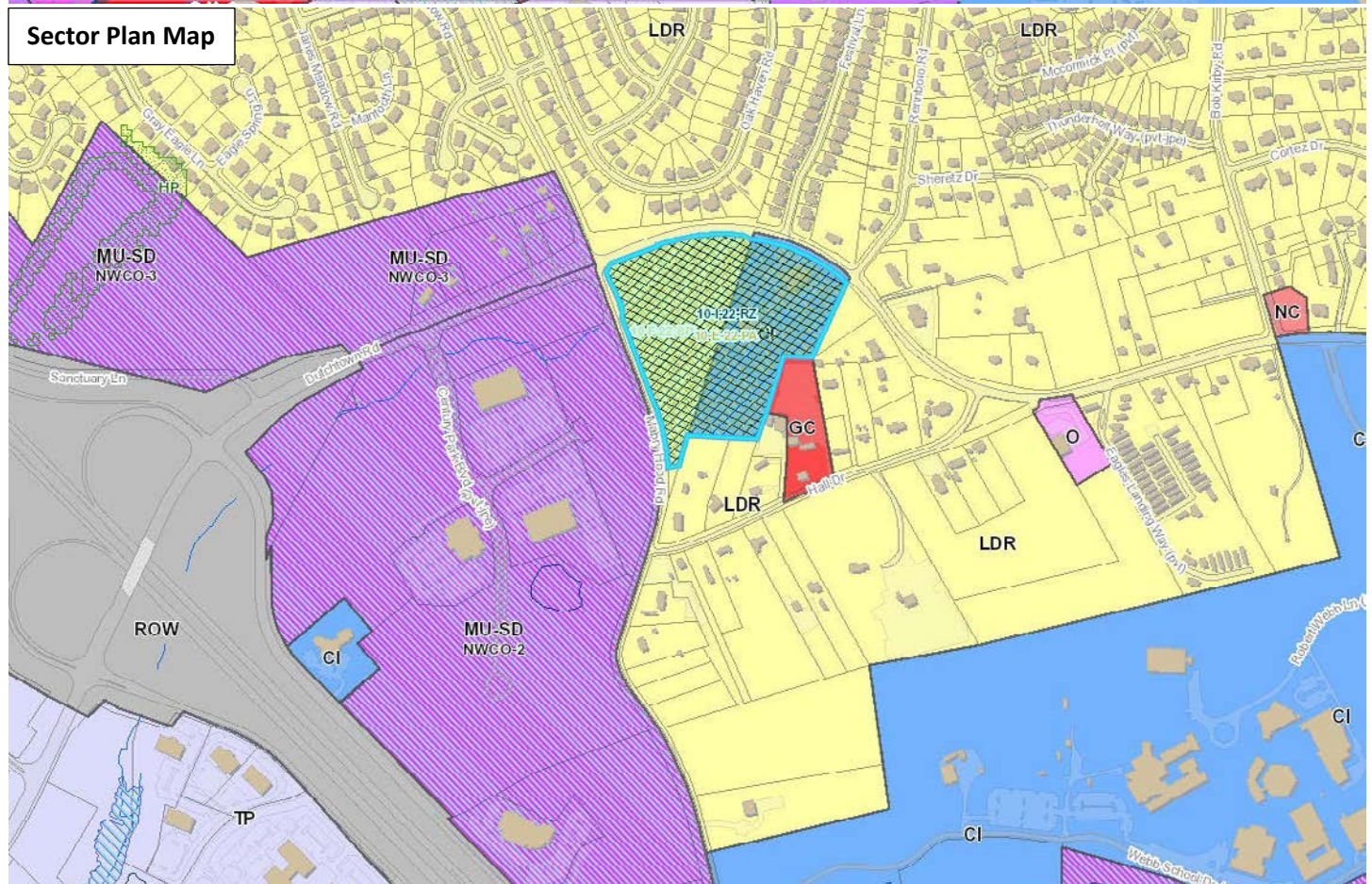
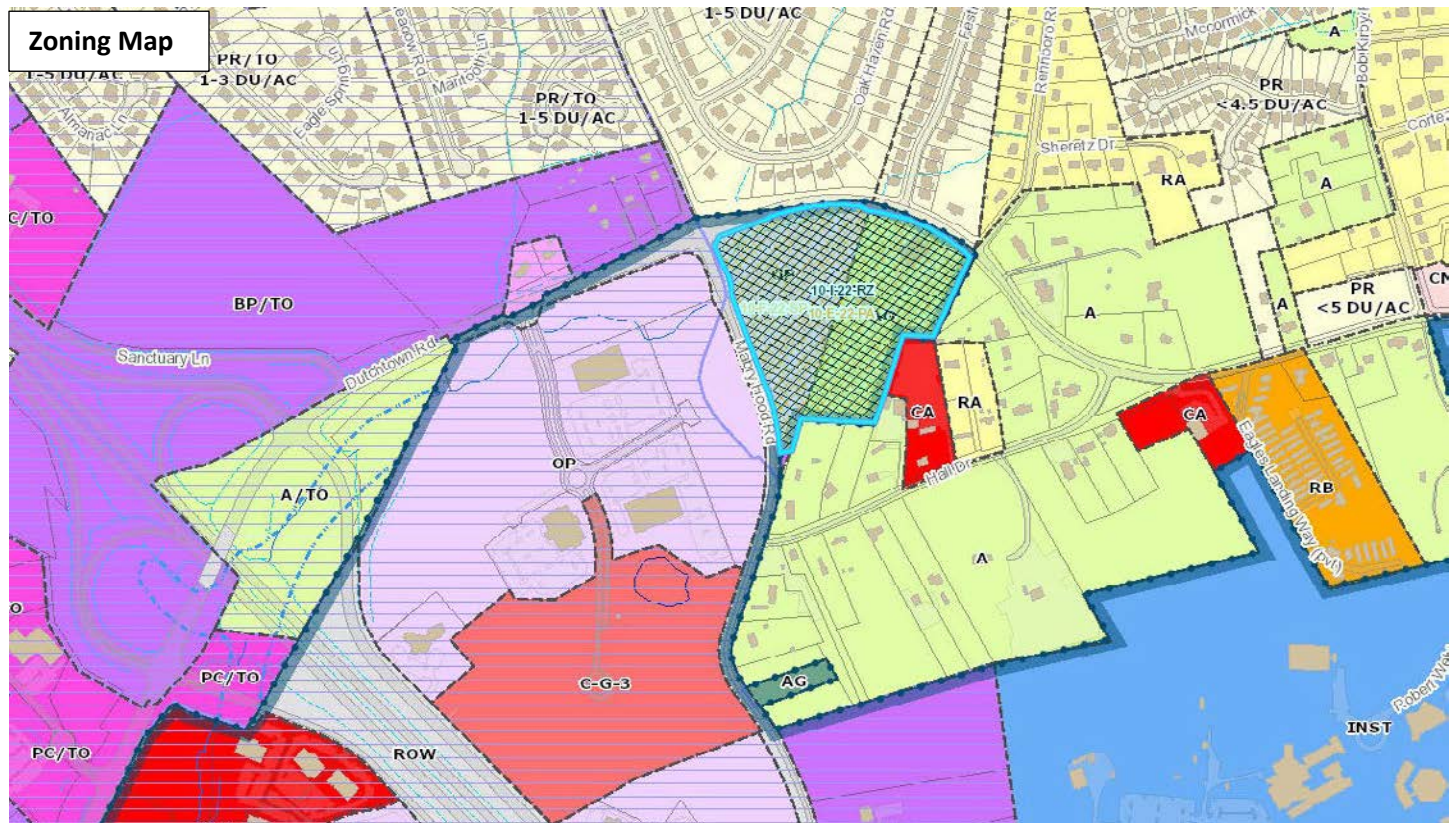
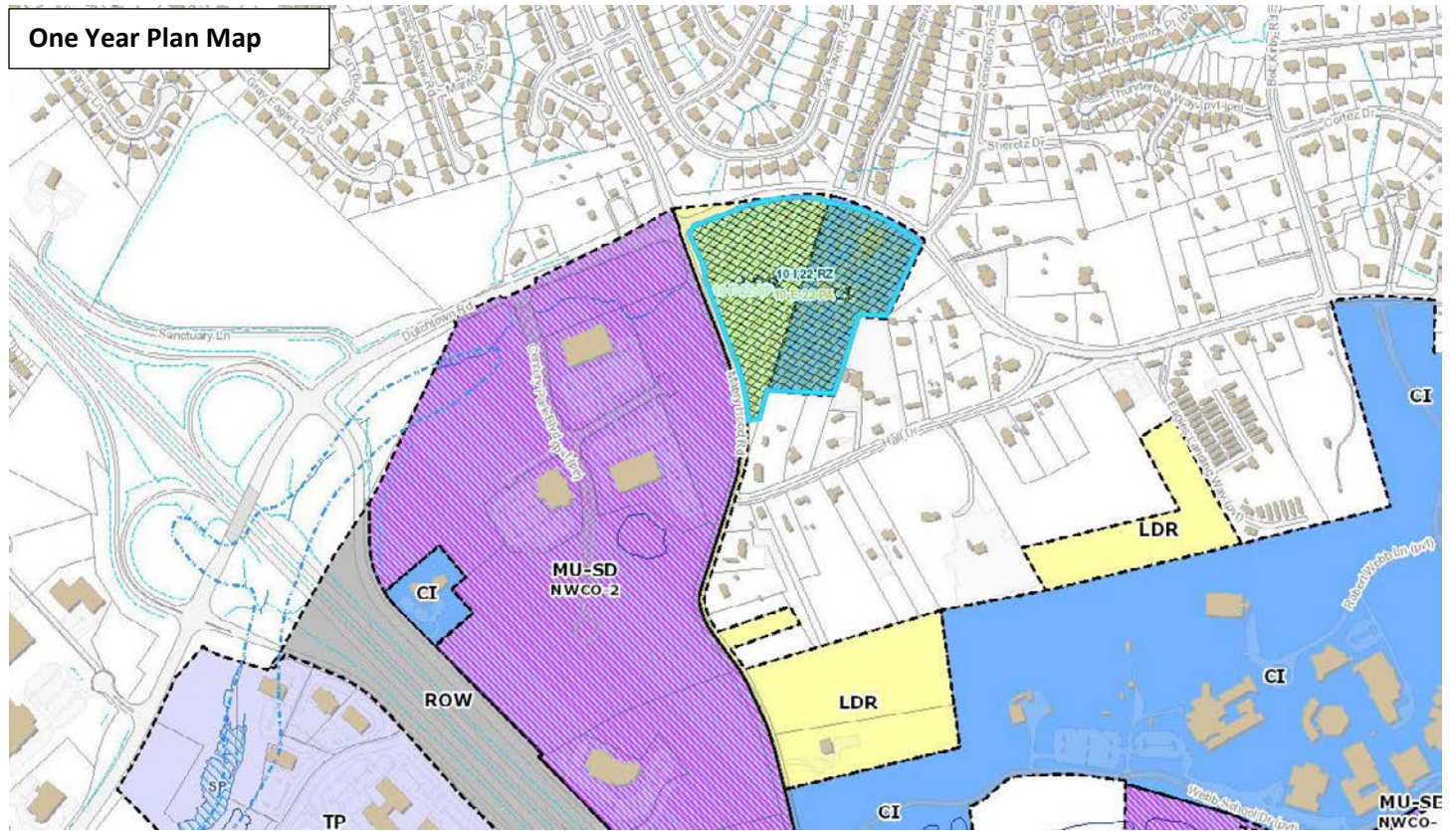


Exhibit A. 10-I-22-RZ / 10-E-22-PA / 10-F-22-SP Contextual Images





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 C. Mullins

Applicant Name

Affiliation

8/22/2022

Date Filed

10/6/2022

Meeting Date (if applicable)

10-F-22-SP

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

Grace Covenant Church Grace Covenant 9956 Dutchtown Rd Knoxville TN 37923

Owner Name (if different)

Owner Address

865-690-3681

Owner Phone / Email

9956 DUTCHTOWN RD / 950 MABRY HOOD RD

Property Address

118 164,177

Parcel ID

Part of Parcel (Y/N)?

15.97 acres

Tract Size

West Knox Utility District, Knoxville Utiliti

Sewer Provider

Knoxville Utilities Board, West Knox Utility

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Dutchtown Road, east side of Mabry Hood Road

General Location

☒ City

Council District 2

OP (Office Park), AG (General Agricultural)

**Public/Quasi Public Land,
Agriculture/Forestry/Vacant Land**

☐ Count

District

Zoning District

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential), CI (Civic and Institutional)

Sector Plan Land Use Classification

Urban Growth Area (Inside City Limits)

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 type="checkbox"/> Zoning Change	C-G-3	Pending Plat File Number
	Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment	MU-SD NWCO-2	
	Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review	\$3,966.00	
<input type="checkbox"/> Planning Commission	Fee 2	
ATTACHMENTS	Fee 3	
<input type="checkbox"/> Property Owners / Option Holders		
<input type="checkbox"/> Variance Request		
ADDITIONAL REQUIREMENTS		
<input type="checkbox"/> COA Checklist (Hillside Protection)		
<input type="checkbox"/> Design Plan Certification (Final Plat)		
<input type="checkbox"/> Site Plan (Development Request)		
<input type="checkbox"/> Traffic Impact Study		
<input type="checkbox"/> Use on Review / Special Use (Concept Plan)		

AUTHORIZATION

Benjamin C. Mullins	8/22/2022
Applicant Signature	Date
Please Print	
Phone / Email	
Grace Covenant Church Grace Covenant Church	8/22/2022
Property Owner Signature	Date
Please Print	

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.



**NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME
MUST BE LISTED BELOW:**

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
LKM Properties, LP	3100 Stratfordshire Blvd Knoxville, TN 37849	



Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

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Benjamin C. Mullins

Applicant Name

Affiliation

8/22/2022

Date Filed

10/6/2022

Meeting Date (if applicable)

10-E-22-PA / 10-I-22-RZ

File Number(s)

CORRESPONDENCE

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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

Grace Covenant Church Grace Covenant 9956 Dutchtown Rd Knoxville TN 37923

Owner Name (if different)

Owner Address

865-690-3681

Owner Phone / Email

9956 DUTCHTOWN RD / 950 MABRY HOOD RD

Property Address

118 164,177

Parcel ID

Part of Parcel (Y/N)?

15.97 acres

Tract Size

West Knox Utility District, Knoxville Utiliti

Sewer Provider

Knoxville Utilities Board, West Knox Utility

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Dutchtown Road, east side of Mabry Hood Road

General Location

☒ City

Council District 2

OP (Office Park), AG (General Agricultural)

**Public/Quasi Public Land,
Agriculture/Forestry/Vacant Land**

☐ Count

District

Zoning District

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential), CI (Civic and Institutional)

Sector Plan Land Use Classification

Urban Growth Area (Inside City Limits)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Planned Development ☐ 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

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **C-G-3 (General Commercial)**

Proposed Zoning

Pending Plat File Number

- ☒ Plan **MU-SD, NWCO-2**

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

\$3,966.00

Total

Fee 2

Fee 3

AUTHORIZATION

Benjamin C. Mullins

8/22/2022

Applicant Signature

Please Print

Date

Phone / Email

Grace Covenant Church Grace Covenant Church

8/22/2022

Property Owner Signature

Please Print

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.



**NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME
MUST BE LISTED BELOW:**

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
LKM Properties, LP	3100 Stratfordshire Blvd Knoxville, TN 37849	



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
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SUBDIVISION

- ☐ Concept Plan
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ZONING

- ☒ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

Benjamin C. Mullins

Attorney for Option Holder

Applicant Name

Affiliation

August 22, 2022

October 6, 2022

File Number(s)

Date Filed

Meeting Date (if applicable)

10-F-22-SP

10-E-22-PA

10-I-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

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 Supplemental Sheet

See Supplemental Sheet

See Supplemental Sheet

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

See Supplemental Sheet

See Supplemental Sheet

Property Address

Parcel ID

West Knox Utilities Board

West Knox Utilities Board

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

E. of Mabry Hood Rd and S. of Dutchtown Rd.

~16.16

General Location

Tract Size

☒ City ☐ County

2

OP and AG

AgForVac and P-QP

District

Zoning District

Existing Land Use

NorthWest County

LDR and CI

NA

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

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 C-G-3
Proposed Zoning
- ☒ Plan Amendment Change MU-SD NWCO-2
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

865-546-9321

Phone Number

Benjamin C. Mullins

Please Print

bmullins@fmsllp.com

Email

8-22-22

Date

Property Owner Signature

Benjamin C. Mullins for owners

Please Print

8-22-22

Date

Supplementary Property Information Sheet

Rezoning Request, Benjamin C. Mullins Applicant

File No.: _____

Property No 1

Property Owner: LKM Properties, LP

Property Owner Address: 3100 Straffordshire Blvd. Knoxville TN 37849

Property Owner Phone: 865-938-2042

Property Address: 950 Mabry Hood RD

PID No. 118 177

Property No 2

Property Owner: Grace Covenant Church

Property Owner Address: Same as Property

Property Owner Phone: 865-690-3681

Property Address: 9956 Dutchtown Rd

PID No.: 118 164

Benjamin C. Mullins

From: Garrett Jernigan <garrettjernigan@outlook.com>
Sent: Thursday, August 18, 2022 11:04 AM
To: Kenny Budd
Cc: Matthew Turner
Subject: FW: Grace Covenant Church

From: ALAN SMITH <mediation@comcast.net>
Date: Thursday, August 18, 2022 at 11:02 AM
To: garrettjernigan@outlook.com <garrettjernigan@outlook.com>
Cc: mturner@graystanRE.com <mturner@graystanRE.com>
Subject: Grace Covenant Church

Garrett, per your request, Grace Covenant Church has approved the process of selling a portion of its property to NGI Acquisitions, LLC, knowing that one requirement in the sale of the property would be that of rezoning. Therefore, the buyer, NGI Acquisitions, LLC, does have approval from the church to proceed with the rezoning request and process.

If you have further questions or need additional information, just let me know.

Thank you.

Alan Smith
Pastor

Benjamin C. Mullins

From: Kenny Budd <KBudd@novaregroup.com>
Sent: Thursday, August 18, 2022 3:45 PM
To: Benjamin C. Mullins
Cc: Derek Dill; Gardiner Thompson; William Fulghum
Subject: Fwd: Dutchtown Rezoning

Follow Up Flag: Follow up
Flag Status: Completed

FYI

Get [Outlook for iOS](#)

From: Garrett Jernigan <garrettj@graystanre.com>
Sent: Thursday, August 18, 2022 3:33:21 PM
To: Kenny Budd <KBudd@novaregroup.com>
Cc: Matthew Turner <mturner@graystanre.com>
Subject: FW: Dutchtown Rezoning

From: Sherri Foust <sfoust@weigels.com>
Date: Thursday, August 18, 2022 at 3:29 PM
To: Garrett Jernigan <garrettj@graystanre.com>
Cc: Matthew Turner <mturner@graystanre.com>, William B. Weigel <bill@weigels.com>, Doug Yawberry <doug@weigels.com>, James M. Cornelius, Jr. <JCorneliusJr@emlaw.com>
Subject: RE: Dutchtown Rezoning

To Whom It May Concern:

LKM Properties, LP is in agreement of the rezoning of the property located at 950 Mabry Hood Road Knoxville, TN . The property is currently under contract with NGI Acquisitions, LLC.

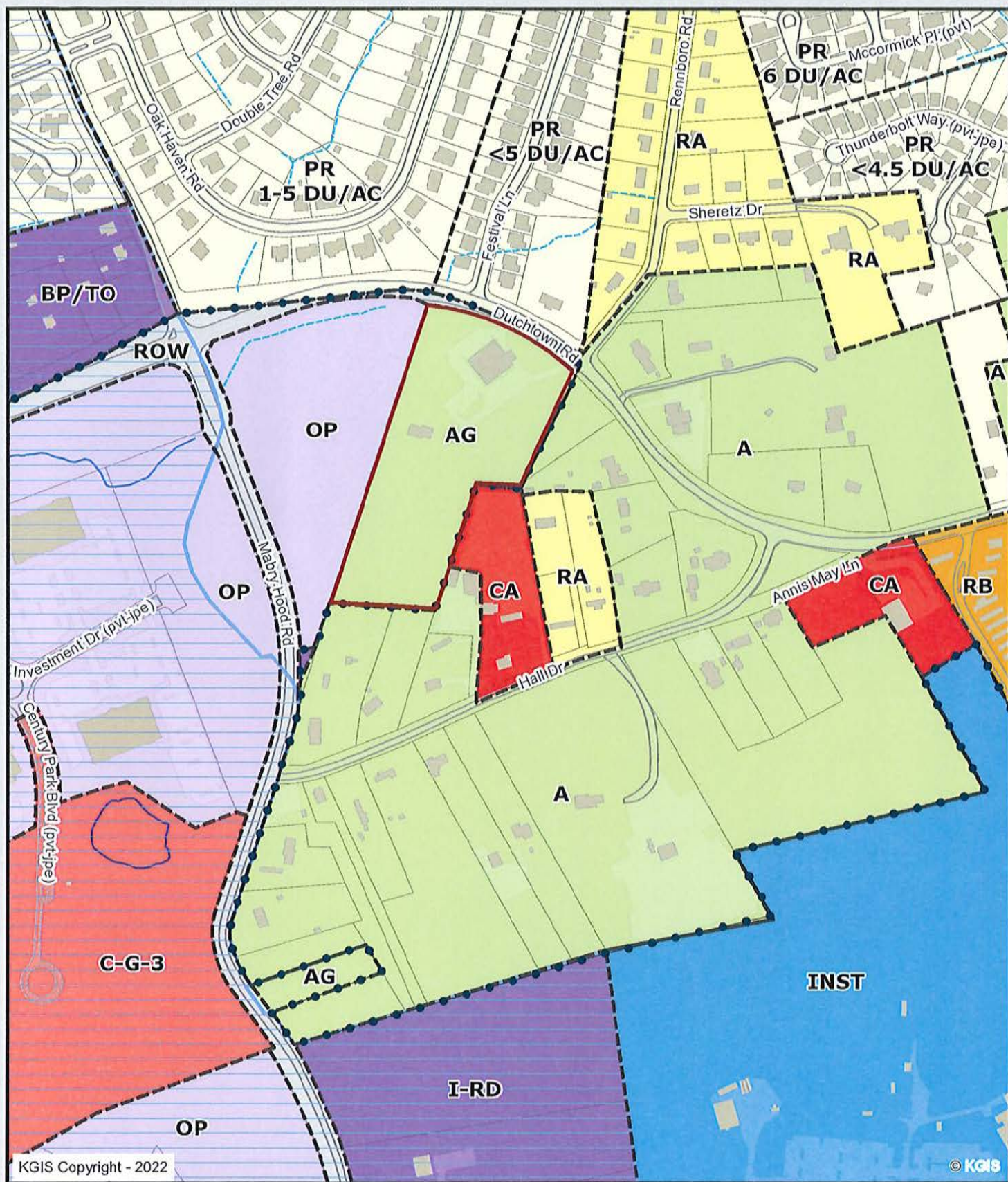
Sincerely,
Sherri Foust

From: Garrett Jernigan <garrettj@graystanre.com>
Sent: Thursday, August 18, 2022 9:05 AM
To: Sherri Foust <sfoust@weigels.com>
Cc: Matthew Turner <mturner@graystanre.com>
Subject: Dutchtown Rezoning

Hello Sherri,

The Buyer's council is requesting an email from LKM approving NGI Acquisitions, LLC efforts to rezone the property.

Can you provide me an email response approving NGI Acquisitions, LLC filing the rezoning?

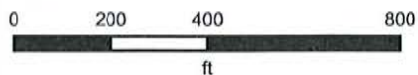


Letter Portrait

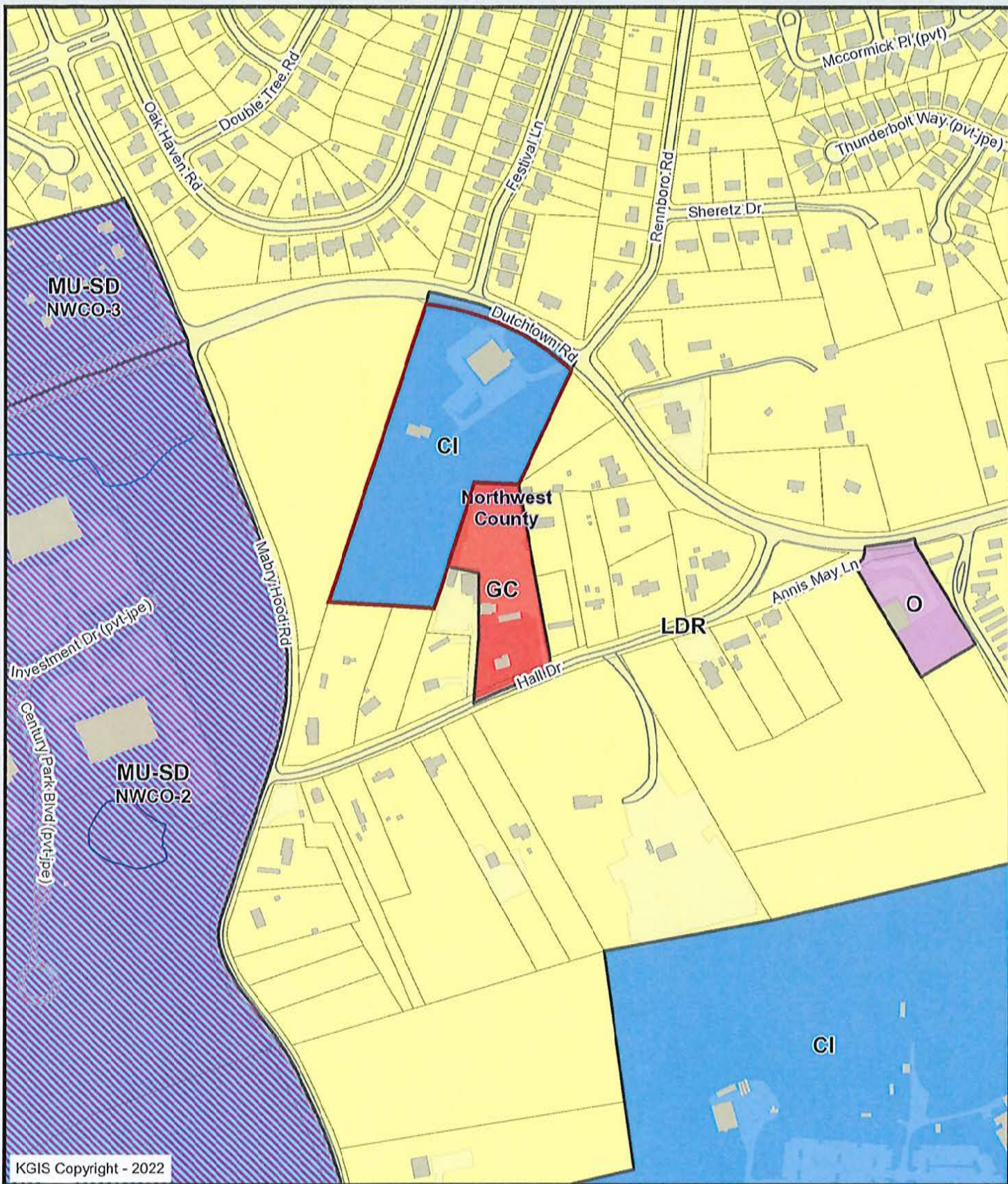
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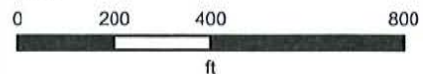


Letter Portrait

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Printed: 8/10/2022 at 5:21:38 PM



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MARY ELIZABETH MADDOX
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KEVIN A. DEAN
DANIEL P. ZYDEL
SHARON H. KIM
RICHARD E. GRAVES
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client-centric & committed to success

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August 22, 2022

550 W. Main Street
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Knoxville, Tennessee
37902

phone 865.546.9321

fax 865.637.5249

web fmsllp.com

ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

Knoxville Knox County Planning
Knoxville Knox Co Planning
400 Main Street
Suite 403
Knoxville, TN 37902

Re: Rezoning of 950 Mabry Hood Road/ 9956 Dutchtown Road

Dear Planning Commission:

I represent NGI Acquisitions, LLC. NGI has options to purchase both the property owned by LKM Properties at 950 Mabry Hood Road (parcel ID 118177) and a portion of the property currently owned by Grace Covenant Church at 9956 Dutchtown Road (parcel ID 118164). Attached to this application are emails between my client and these respective property owners giving us permission to seek a rezoning amendment for their property, therefore, I've signed this application with the authority of the owners.

The request is to extend the mixed-use district sector plan from the west of the property to these two parcels that are still within the city and appear to have been inadvertently left out of the sector plan and one year plan amendment. Because their location sitting in close proximity to the mixed-use special district it would appear appropriate to extend this special district sector plan and one year plan onto these adjacent parcels. We are also asking to rezone this property to CG3 for the purposes of changing its designation from OP and AG to allow for a diversity of mixed uses including residential and commercial. Specifically, demand for housing has increased significantly, particularly for properties close to major employment centers. This property is surrounded by possible employment centers, including nearby offices on Century Park Boulevard, University of Phoenix to the south, and additional commercial and office establishments on the other side of Pellissippi Parkway. As such, I believe the plan amendments and rezoning are appropriate in this case.

Finally, please note that although we are rezoning the entirety of the parcel of Grace Covenant Church, we are only purchasing and planning to develop a part of that parcel. Grace Covenant Church is going to remain at that location and in operation. In fact, I understand they have plans to potentially expand depending on the results of this rezoning application.

Please let me know if you have any questions.

Sincerely,

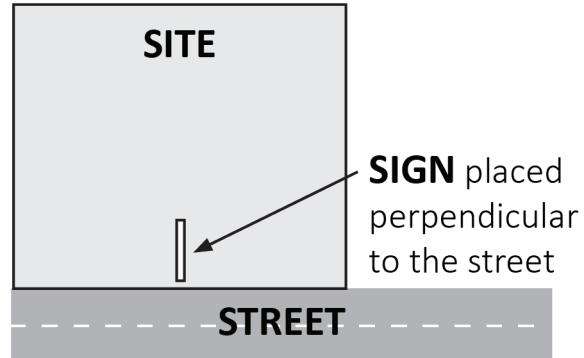


Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:avl
Enc.

S:\WDOX\Clients\9794\000001\CORRESPO\02467665.DOCX

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:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C. Mullins

Date: 8/22/22

File Number: 10-I-22-RZ_10-E-22-PA_10-F-22-SP



Sign posted by Staff



Sign posted by Applicant