

REZONING REPORT

► **FILE #:** 12-E-22-RZ **AGENDA ITEM #:** 15

POSTPONEMENT(S): 12/8/2022 **AGENDA DATE:** 1/12/2023

► **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Eric & Taylor Turner Four Paws Inc

TAX ID NUMBER: 122 L A 001,003,002 [View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 1461 MARYVILLE PIKE (1481, 1501 MARYVILLE PIKE)

► **LOCATION:** W of Maryville Pk, east of Woodson Dr

► **APPX. SIZE OF TRACT:** 5.75 acres

SECTOR PLAN: South County

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

ACCESSIBILITY: Access is via Maryville Pike, a minor arterial with a pavement width of 40-ft within a right-of-way width of 70-ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Goose Creek

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

► **ZONING REQUESTED:** T (Transition)

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

► EXTENSION OF ZONE: No

HISTORY OF ZONING: 8-L-22-RZ: RA to CB

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant - RA (Low Density Residential)

South: Agriculture/forestry/vacant - CB (Business and Manufacturing)

East: Agriculture/forestry/vacant - RA (Low Density Residential)

West: Agriculture/forestry/vacant - RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This is a primarily forested area with steep slopes and some single family residential homes.

STAFF RECOMMENDATION:

► **Approve the T (Transition) zone because the location is consistent with the intent of the zone district to be compatible with the adjacent residential areas.**

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. In September 2022, this area was rezoned to CB (Business and Manufacturing).
2. The T (Transition) zone is more appropriate for this location given the intent and requirements of the zone district as specifically being for areas existing between residential and commercial uses.

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

1. The T (Transition) zone is intended to insure the development of land adjacent to residential areas between other types of commercial and residential classifications and which will promote the public health, safety, morals, and general welfare of the citizens of the county. The purpose of this zone is to allow types of commercial use which are not major traffic generators, and would not open the area to objectionable types of commercial uses and to have a T zone that will be compatible with adjacent 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. The purpose of the T zone is to permit commercial uses that will be compatible with adjacent residential uses.
2. Building height is limited to 45-ft within the T zone, however the Planning Commission may approve a greater height during plan review if the applicant can demonstrate compatibility with the surrounding development, while the CB zone allows building height up to twice the width of the adjacent road, which could be significantly higher based on the existing road width of almost 40-ft.
3. The required setbacks when adjacent to residential are also greater in the T zone than the CB zone, making the T zone more compatible with the adjacent residential uses.

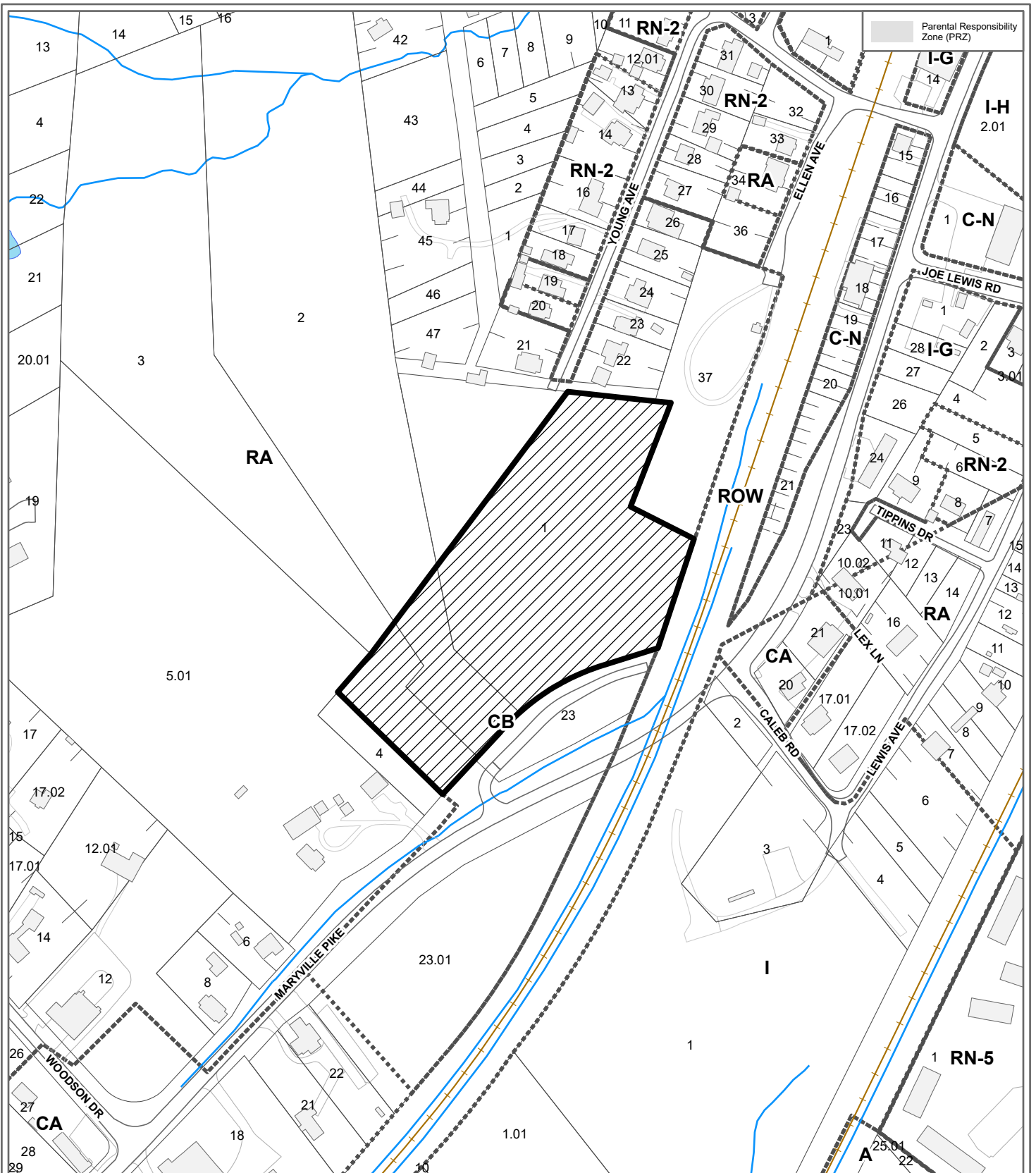
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed amendment is consistent with the sector plan.
2. The proposed amendment is not in conflict with the Growth Policy Plan.

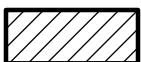
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/21/2023. 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-E-22-RZ REZONING



From: CB (Business and Manufacturing)

To: T (Transition)

Original Print Date: 11/15/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Benjamin C. Mullins

Map No: 122

Jurisdiction: County

0 250
Feet



Exhibit A. 12-E-22-RZ Contextual Images

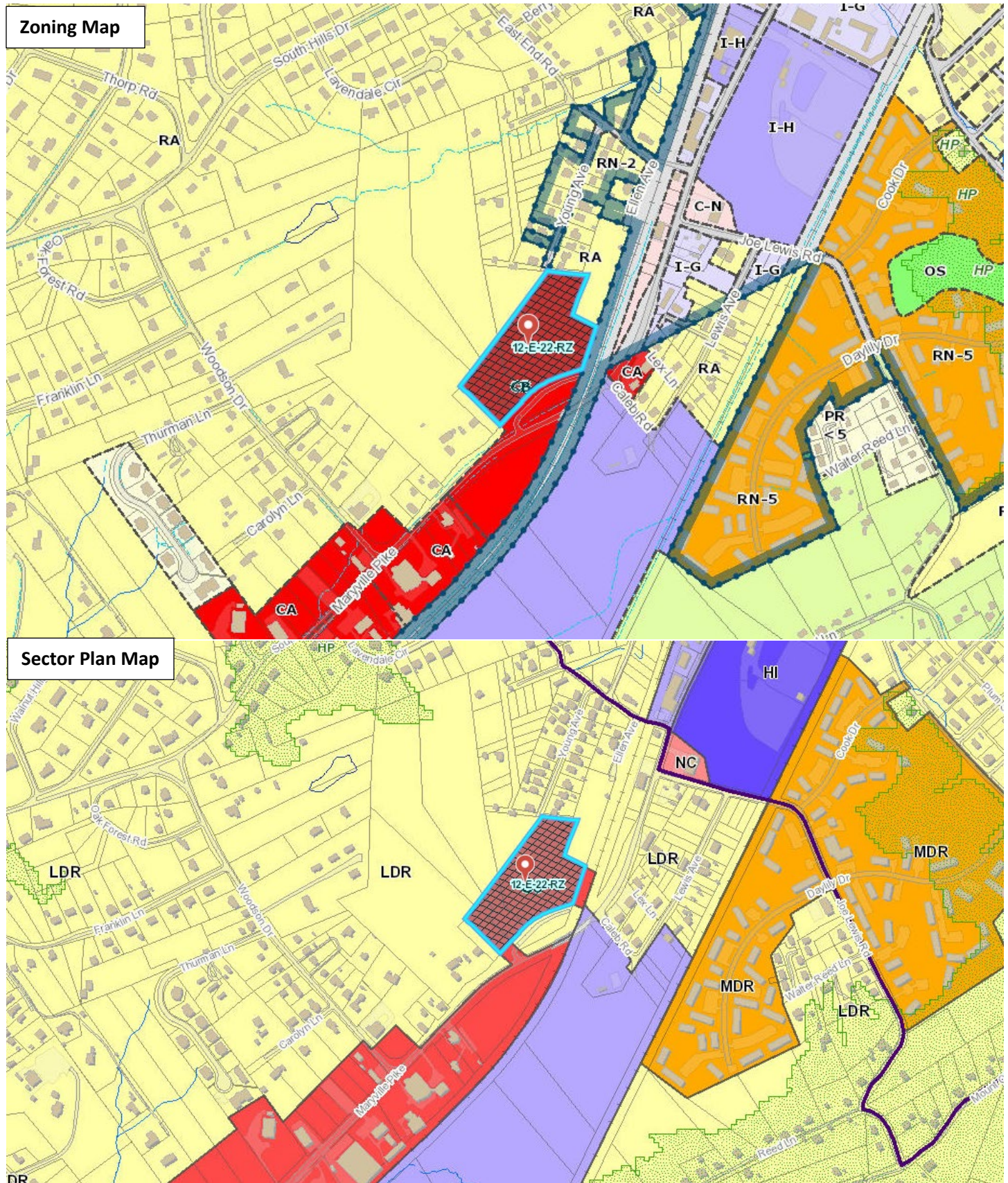
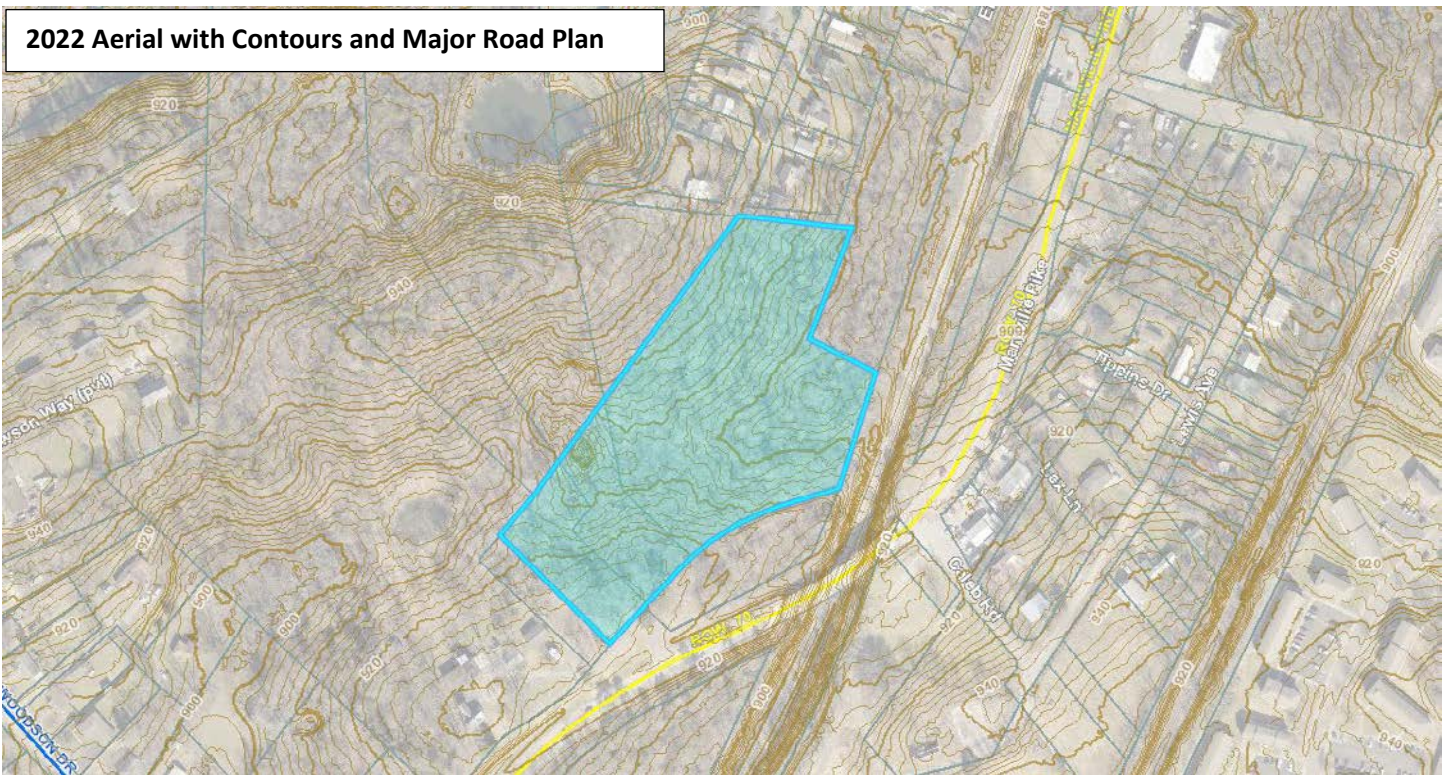


Exhibit A. 12-E-22-RZ Contextual Images

2022 Aerial



2022 Aerial with Contours and Major Road Plan





Request to Postpone • Table • Withdraw

Benjamin C. Mullins

11-28-22

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

Date of Request

December 8, 2022

Scheduled Meeting Date

File Number(s)

12-E-22-RZ

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 January 12, 2023 Planning Commission Meeting.

WITHDRAW

- ☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm 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 no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

- ☐ **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

bmullins@fmsllp.com

Phone Number

Email

STAFF ONLY

Staff Signature

Elizabeth Albertson

Please Print

fee waived per Jeff Welch 11/28/2022

☒ No Fee

Date Paid

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

October 2022



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

10/19/2022

Date Filed

12/8/2022

Meeting Date (if applicable)

12-E-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

Eric & Taylor Turner Four Paws Inc

Owner Name (if different)

360 Teresa Ann Dr Seymour TN 37865

Owner Address

865-712-4680

Owner Phone / Email

1461 MARYVILLE PIKE / 1481, 1501 MARYVILLE PIKE

Property Address

122 L A 001,003,002

Parcel ID

Part of Parcel (Y/N)?

5.75 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

W of Maryville Pk, east of Woodson Dr

General Location

☐ City

Commission District 9

CB (Business and Manufacturing)

Agriculture/Forestry/Vacant Land

☒ Count

District

Zoning District

Existing Land Use

South County

Planning Sector

GC (General Commercial), LDR (Low Density Residential),

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	T (Transition)	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

\$0.00

Total

Fee 2

Fee 3

AUTHORIZATION

Benjamin C. Mullins	10/19/2022
Applicant Signature	Date

Phone / Email

Eric & Taylor Turner Four Paws Inc	10/19/2022
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

October 18, 2022

December 8, 2022

File Number(s)

Date Filed

Meeting Date (if applicable)

12-E-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

Eric & Taylor Turner, Four Paws Inc.

360 Teresa Ann Dr. Seymour, TN 37865

865-712-4680

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1501 Maryville Pike/1481, 1461 Maryville Pike

122 LA 003, 002, 001

Property Address

Parcel ID

KUB

KUB

NA

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

North Side of Maryville Pike

~5.75 acres

General Location

Tract Size

☐ City ☒ County

9

CB

Agricultural, Forestry, Vacant Land

District

Zoning District

Existing Land Use

South County

GC

Urban Growth Boundary

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

Transition ("T")

Proposed Zoning _____

☐ Plan Amendment Change

Proposed Plan Designation(s)

8-L-22-RZ from LDR to GC

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

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

0804

0.00

Fee 2

Fee 3

Total

\$0.00

No Charge per
County
Commission**AUTHORIZATION***M. Jones* 10/19/22

Applicant Signature

Benjamin C. Mullins

Please Print

10-18-2022

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Property Owner Signature

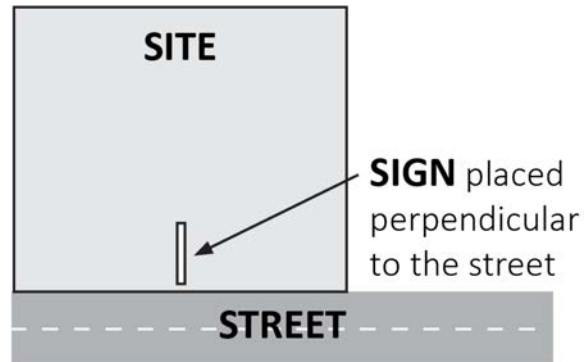
Please Print

10-18-2022

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: Ben Mullins

Date: 10/19/22

File Number: 12-E-22-RZ

☒ Sign posted by Staff
☐ Sign posted by Applicant