

# REZONING REPORT

▶ **FILE #:** 7-M-23-RZ

**AGENDA ITEM #:** 14

**AGENDA DATE:** 7/13/2023

▶ **APPLICANT:** BENJAMIN MULLINS

OWNER(S): Market Scott LLC

TAX ID NUMBER: 94 M J 017

[View map on KGIS](#)

JURISDICTION: City Council District 1

STREET ADDRESS: 1547 CLINCH AVE

▶ **LOCATION:** Northeast quadrant of the intersection of Clinch Ave and 16th St

▶ **APPX. SIZE OF TRACT:** 11512 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Sixteenth St, a minor collector street with a 25-ft pavement width within 68-ft of right-of-way, and via Clinch Ave, a minor collector with a 25-ft pavement width within 50-ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT ZONING:** RN-5 (General Residential Neighborhood), NC (Neighborhood Conservation Overlay)

▶ **ZONING REQUESTED:** C-N (Neighborhood Commercial); NC (Neighborhood Conservation Overlay)

▶ **EXISTING LAND USE:** Office



EXTENSION OF ZONE: No, this is not an extension.

HISTORY OF ZONING: In 2000, the NC-1 (Neighborhood Conservation Overlay District) was adopted over a large area comprising the Fort Sanders neighborhood.

SURROUNDING LAND USE AND ZONING: North: Commerical - RN-5 (General Residential Neighborhood), NC (Neighborhood Conservation Overlay)

South: Public/quasi public land - O (Office), NC (Neighborhood Conservation Overlay)

East: Multifamily residential - RN-6 (Multi-Family Residential Neighborhood), NC (Neighborhood Conservation Overlay)

West: Transportation/communications/utilities - INST (Institutional), NC (Neighborhood Conservation Overlay)

NEIGHBORHOOD CONTEXT: This property is at the corner of 2 collectors in the Fort Sanders neighborhood surrounded by multifamily residential uses including University of Tennessee student housing.

**STAFF RECOMMENDATION:**

▶ **Approve the C-N (Neighborhood Commercial) district because it is consistent with the surrounding**

**development and sector plan. The NC (Neighborhood Conservation Overlay) will be retained.**

**COMMENTS:**

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. This property is located in the Fort Sanders Neighborhood, an area comprised predominantly of medium and high density residential uses and that also contains two hospitals. The main campus of University of Tennessee is to the south.
2. The neighborhood is home to a network of sidewalks and multiple bus routes. In recent years, Cumberland Avenue underwent a series of renovations as part of a road diet to increase pedestrian safety. It is a mixed-use corridor that abuts the Fort Sanders neighborhood to the south and serves the surrounding residential area while connecting the Fort Sanders neighborhood to the University of Tennessee. The subject property is approximately 0.5 miles from access to the Second Creek Greenway Trail and Worlds Fair Park both of which provide many recreational services.

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

1. The C-N Neighborhood Commercial Zoning District is intended to provide for an environment of integrated residential development and small-scale commercial and service uses, predominantly serving nearby residential neighborhoods. Low-intensity mixed-use is encouraged within the C-N District, with dwellings permitted above the ground floor, as well as multi-family and townhouse development located alongside select commercial uses.
2. The NC (Neighborhood Conservation Overlay) zoning recognizes that older Knoxville neighborhoods need to be conserved or their cultural, historic, and housing values.
3. The subject property currently functions as an office. The requested rezoning to the C-N zoning district would enable mixed use development, which is consistent with surrounding development.

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. There are no adverse impacts anticipated with the proposed rezoning. The requested C-N (Neighborhood Commercial) zoning is compatible with the existing surrounding multifamily residential and the nearby college environment.

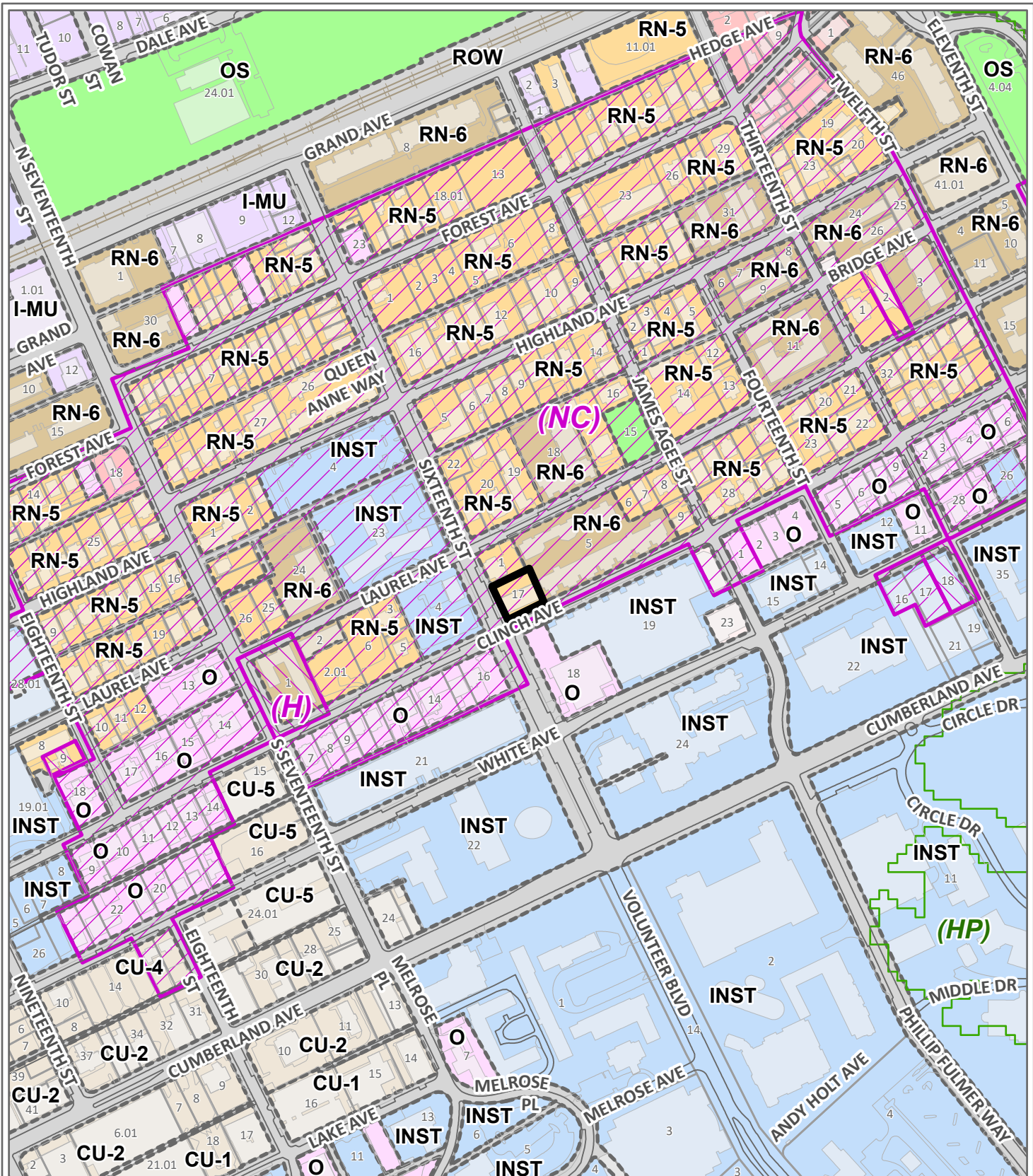
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed C-N district is consistent with the Central City Sector Plan and City of Knoxville One Year Plan's MU-SD (Mixed Use Special District) MU-CC15 land use designation, which recommends a mix of uses including residential, office, retail and restaurants, while specifically calling for commercial uses to be located along 16th Street and 11th Street.
2. The General Plan Development Policy 9.3 – calls for ensuring that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities. The C-N (Neighborhood Commercial) district would allow for development of a similar character as the surrounding area.
3. The proposed zoning is consistent with the Fort Sanders Neighborhood Plan, which encourages primarily medium/high density residential development in this area.
4. There are no other adopted plans that conflict with the rezoning recommendation of C-N at this location.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/8/2023 and 8/22/2023. 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.



**REZONING**

**7-M-23-RZ**

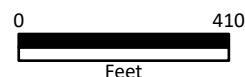
Petitioner: Benjamin Mullins



**From:** RN-5 (General Residential Neighborhood), NC (Neighborhood Conservation Overlay)  
**To:** C-N (Neighborhood Commercial), NC (Neighborhood Conservation Overlay)

**Map No:** 94  
**Jurisdiction:** City

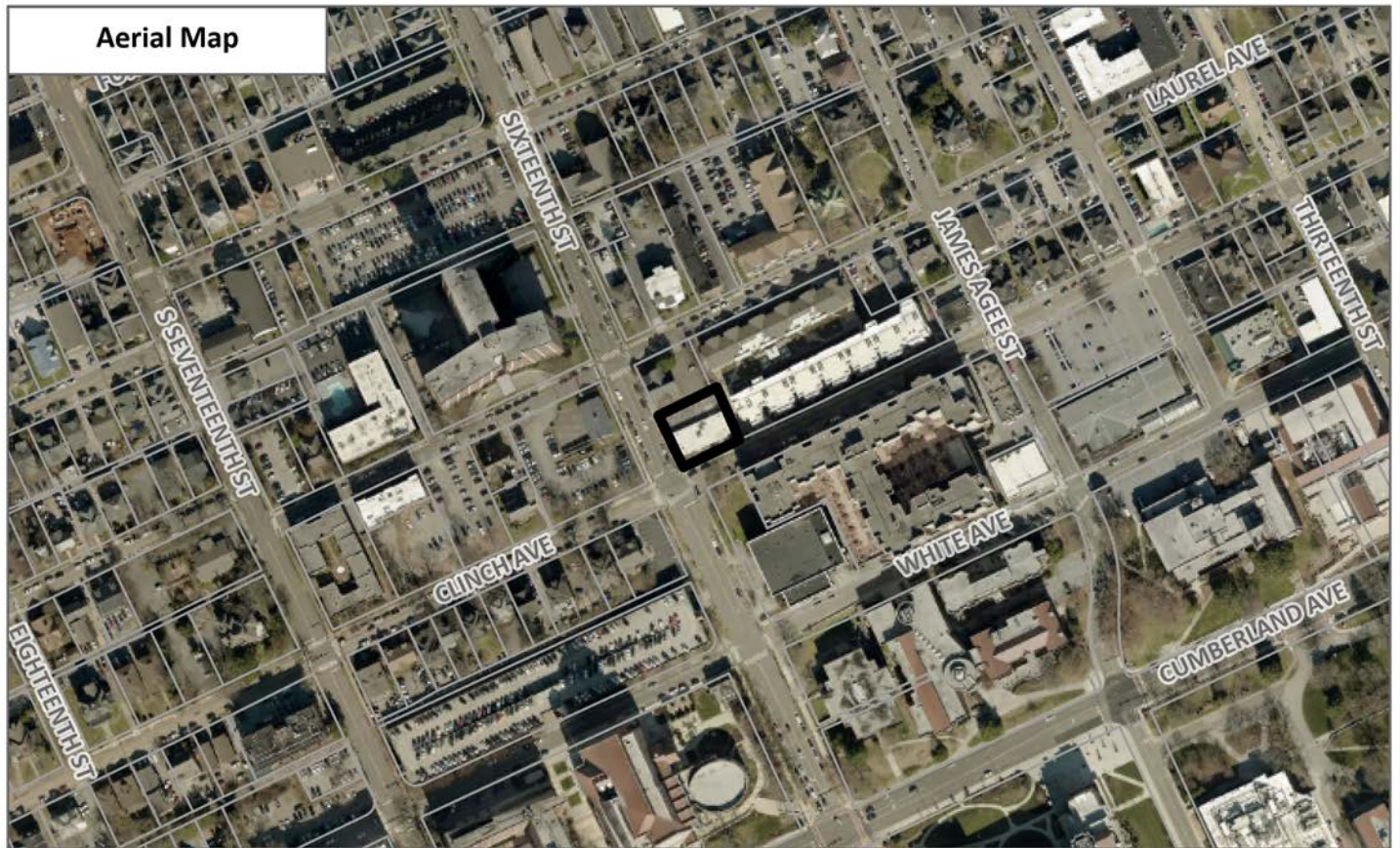
**Original Print Date:** 6/8/2023  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902



Existing Land Use Map



Aerial Map

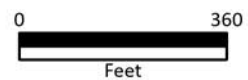


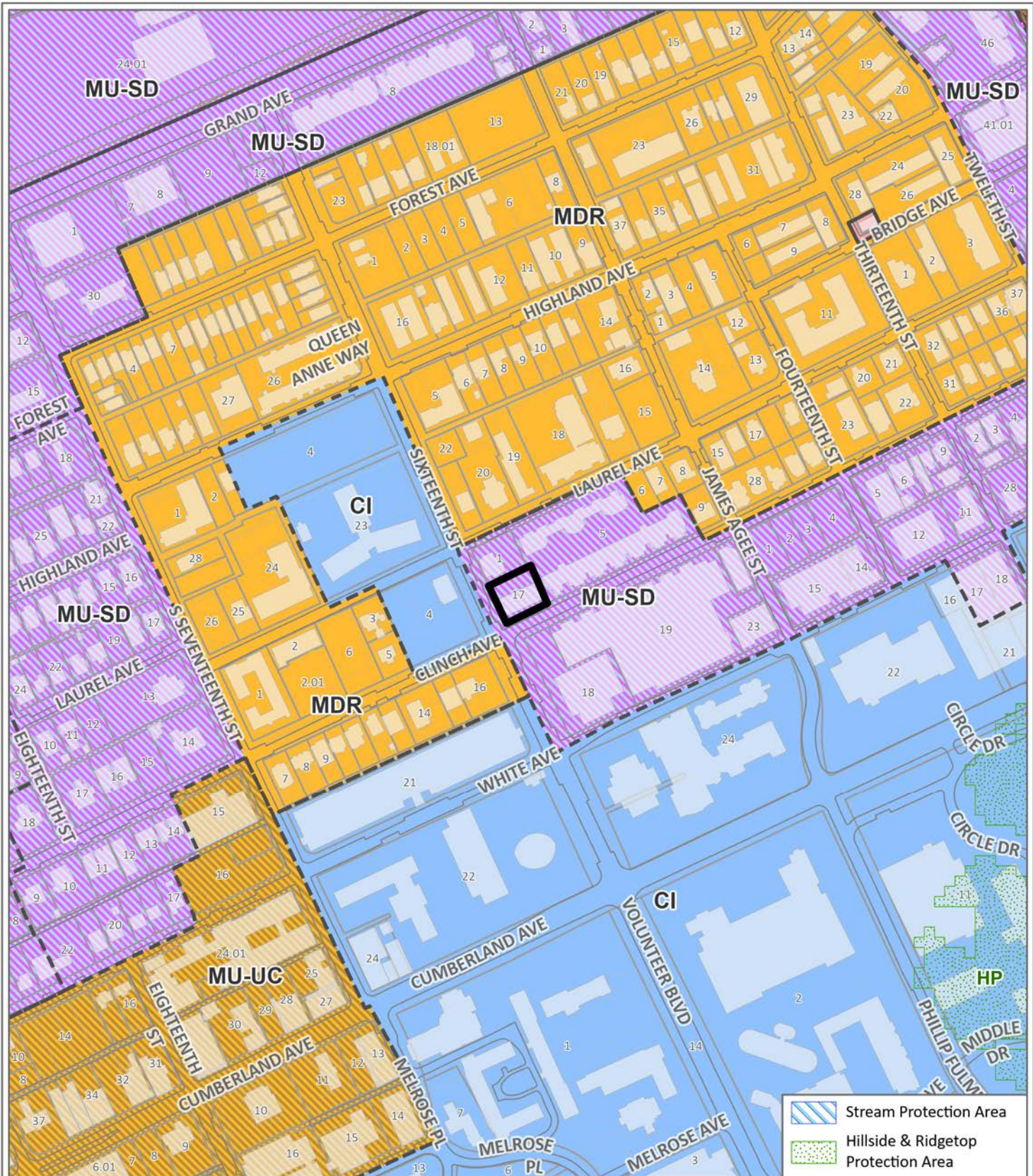
CONTEXTUAL MAPS

7-M-23-RZ



Case boundary





**CENTRAL CITY SECTOR PLAN MAP**

**7-M-23-RZ**

**Petitioner:** Benjamin Mullins



Case boundary

**Map No:** 94

**Jurisdiction:** City

**Original Print Date:** 6/16/2023

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





# 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

**5/24/2023**

Date Filed

**7/13/2023**

Meeting Date (if applicable)

**7-M-23-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

**Market Scott LLC**

Owner Name (if different)

**105 Center Park Dr Ste 104 Knoxville TN 37922**

Owner Address

**865-719-9989**

Owner Phone / Email

**1547 CLINCH AVE**

Property Address

**94 M J 017**

Parcel ID

Part of Parcel (Y/N)?

**11512 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**At the intersection of Clinch Ave and 16th St**

General Location

City

**Council District 1**

**RN-5 (General Residential Neighborhood), NC  
(Neighborhood Conservation Overlay)**

**Office**

County

District

Zoning District

Existing Land Use

**Central City**

Planning Sector

**MU-SD (Mixed Use Special District)**

Sector Plan Land Use Classification

**N/A (Within 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 checked="" type="checkbox"/> Zoning Change <b>C-N (Neighborhood Commercial);NC (Neighborhood Conservation Overlay)</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

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	<b>Benjamin Mullins</b> Please Print	<b>5/24/2023</b> Date
---------------------	-----------------------------------------	--------------------------

Phone / Email

Property Owner Signature	<b>Market Scott LLC</b> Please Print	<b>5/24/2023</b> Date
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# 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 Option Holder

Applicant Name

Affiliation

May 23, 2023

July 13, 2023

File Number(s)

Date Filed

Meeting Date (if applicable)

7-M-23-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, LLC

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37922

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

## CURRENT PROPERTY INFO

Market Scott, LLC

105 Center Park Dr. #104 Knoxville TN

816-719-9989

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1547 Clinch Ave

094MJ017

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

Intersection of Clinch Ave and Sixteenth St.

~26 acres

General Location

Tract Size

City  County

1

RN-5 (NC Overlay)

OF

District

Zoning District

Existing Land Use

Central City

MU-SD MU-CC15

NA (In city limits)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023



## 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 \_\_\_\_\_

Combine Parcels   
  Divide Parcel  
 Unit / Phase Number \_\_\_\_\_

Total Number of Lots Created \_\_\_\_\_

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

Related Rezoning File Number

## ZONING REQUEST

Zoning Change   
 C-N Neighborhood Commercial  
 Proposed Zoning

Plan Amendment Change  
 Proposed Plan Designation(s) \_\_\_\_\_

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	Fee 2	Fee 3	Total
0803	Rezoning		\$1,000

## AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:

1) He/she/It is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

Benjamin C. Mullins

5-23-2023

Please Print

Date

865-546-9321

bnullins@fmsllp.com

Phone Number

Email

Property Owner Signature

Market Scott, LLC

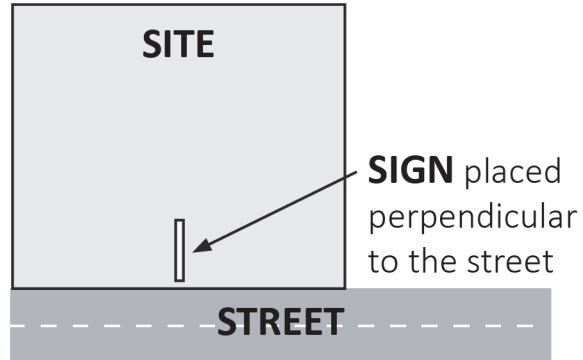
5-23-2023

Please Print

Date Paid

*Benjamin Mullins on behalf of owner and option holder*

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:*

\_\_\_\_\_ June 30, 2023 \_\_\_\_\_ and \_\_\_\_\_ July 14, 2023 \_\_\_\_\_  
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin Mullins

Date: 5/25/2023

File Number: 7-M-23-RZ

- Sign posted by Staff
- Sign posted by Applicant