

# REZONING REPORT

► **FILE #:** 7-E-24-RZ

**AGENDA ITEM #:** 40

**AGENDA DATE:** 7/11/2024

► **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): Gapp Real Estate Holdings, LLC

TAX ID NUMBER: 121 H A 007

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 315 ERIN DR

► **LOCATION:** West side of Erin Dr, south of Baum Dr.

► **APPX. SIZE OF TRACT:** 2.3 acres

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Erin Drive, a local street with a pavement width of 30-ft within a 50-ft right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **PRESENT ZONING:** I-G (General Industrial)

► **ZONING REQUESTED:** I-MU (Industrial Mixed-Use)

► **EXISTING LAND USE:** Office

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

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Office - I-G (General Industrial)

South: Office - I-G (General Industrial)

East: Office - C-H-1 (Highway Commercial)

West: Commercial - I-G (General Industrial)

NEIGHBORHOOD CONTEXT: This property is located in the Bearden area. The surrounding area consists of various industrial, office, and commercial uses. A Catholic church and school is south of the site.

## STAFF RECOMMENDATION:

► **Approve the I-MU (Industrial Mixed Use) district because it is consistent with the One Year Plan and compatible with the surrounding development.**

## COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:  
THE PROPOSED AMENDMENT IS NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY GENERALLY

1. Since 2013, the majority of new developments that have been constructed in the vicinity surrounding the subject area have been commercial in nature or for institutional purposes.

THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSES OF THIS CODE.

1. The I-MU (Industrial Mixed-Use) district is intended to provide for a mix of light industrial uses and a variety of compatible commercial uses. The I-MU district is designed to promote the reuse of older, character giving structures that may no longer be suitable for their original industrial purposes, but can accommodate a variety of alternative types of uses.
2. Rezoning 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. The proposed I-MU district is not anticipated to adversely affect the surrounding area as it would provide a more transitory buffer between industrial uses and commercial and office uses and is meant to provide for an array of use types.
2. The surrounding area features a variety of uses including commercial, office, and public quasi-public (church and school). The surrounding area is aligned more closely with the intent of the I-MU zone than the present I-G zone since it contains a wider range of retail and service uses.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE KNOXVILLE-KNOX COUNTY GENERAL PLAN AND ITS COMPONENT PARTS, INCLUDING ADOPTED SECTOR PLANS, CORRIDOR PLANS, AND RELATED DOCUMENTS.

1. The subject property is designated BP-1 (Business Park Type 1). Under the City's One Year Plan and the West City Sector Plan, which allows consideration of the I-MU district.
2. The rezoning complies with the General Plan's development policy 9.3, to ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities. The dimensional standards and allowable uses in the I-MU district are more compatible with the surrounding development compared to those in the I-G district.

WHETHER ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, STORM SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED.

1. This is an urbanized area with ample utility and facility infrastructure to support a rezoning of this site. The area is served by the Knoxville Utility Board (KUB) for water and sewer services.
2. The City of Knoxville has established a Fall 2024 bid date for the Baum Drive Stormwater Improvements Project, which aims to improve the drainage conditions of Erin Drive and Baum Drive by constructing a stormwater system to improve stormwater management in the area.

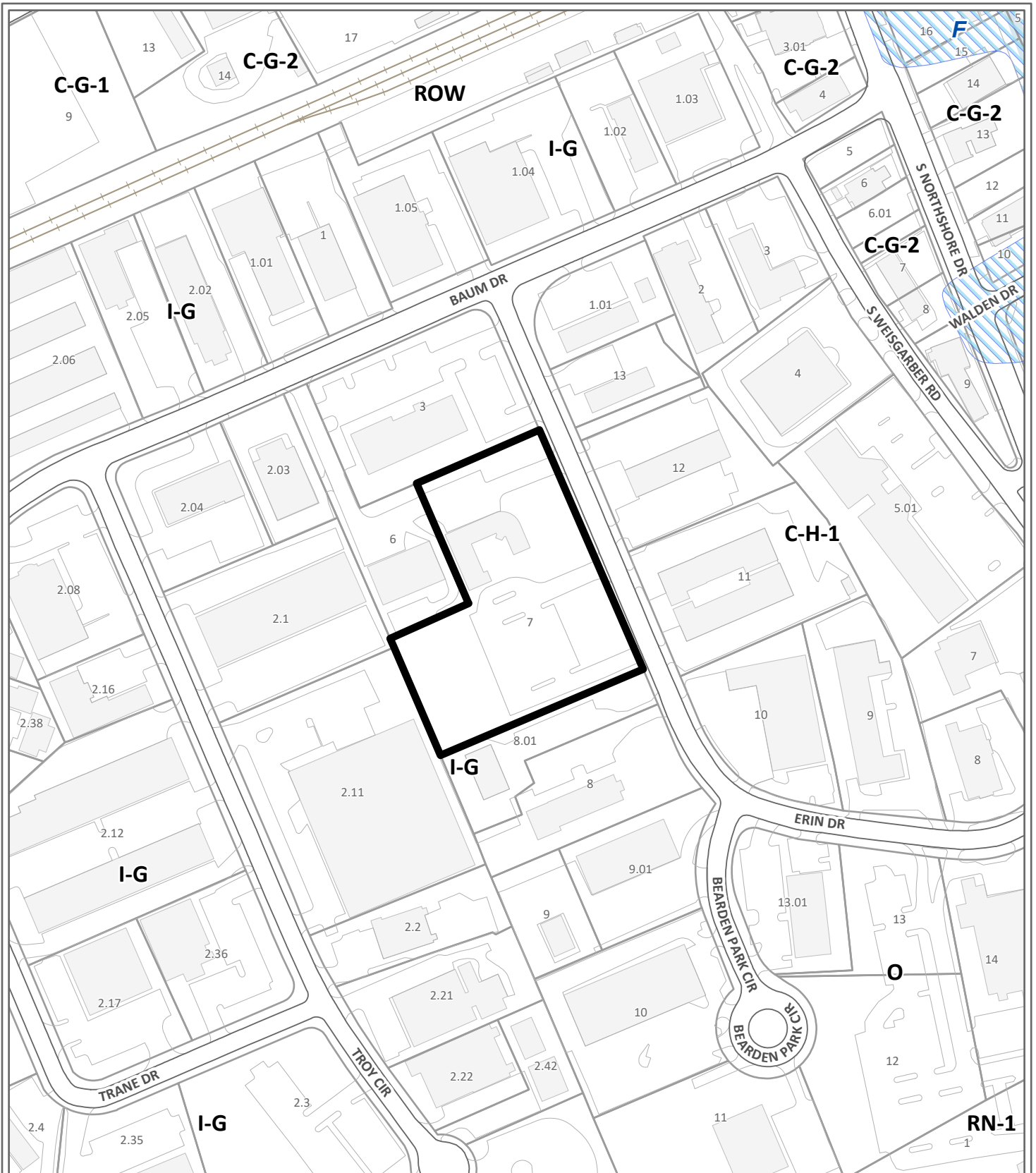
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Bearden Elementary, Bearden Middle, and West High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knoxville City Council for action on 8/6/2024 and 8/20/2024. 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 30 days to appeal a Planning Commission decision in the City.



## REZONING

7-E-24-RZ

Petitioner: Benjamin C. Mullins



**From:** I-G (General Industrial)

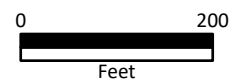
**To:** I-MU (Industrial Mixed-Use)

Original Print Date: 6/3/2024

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

Map No: 121

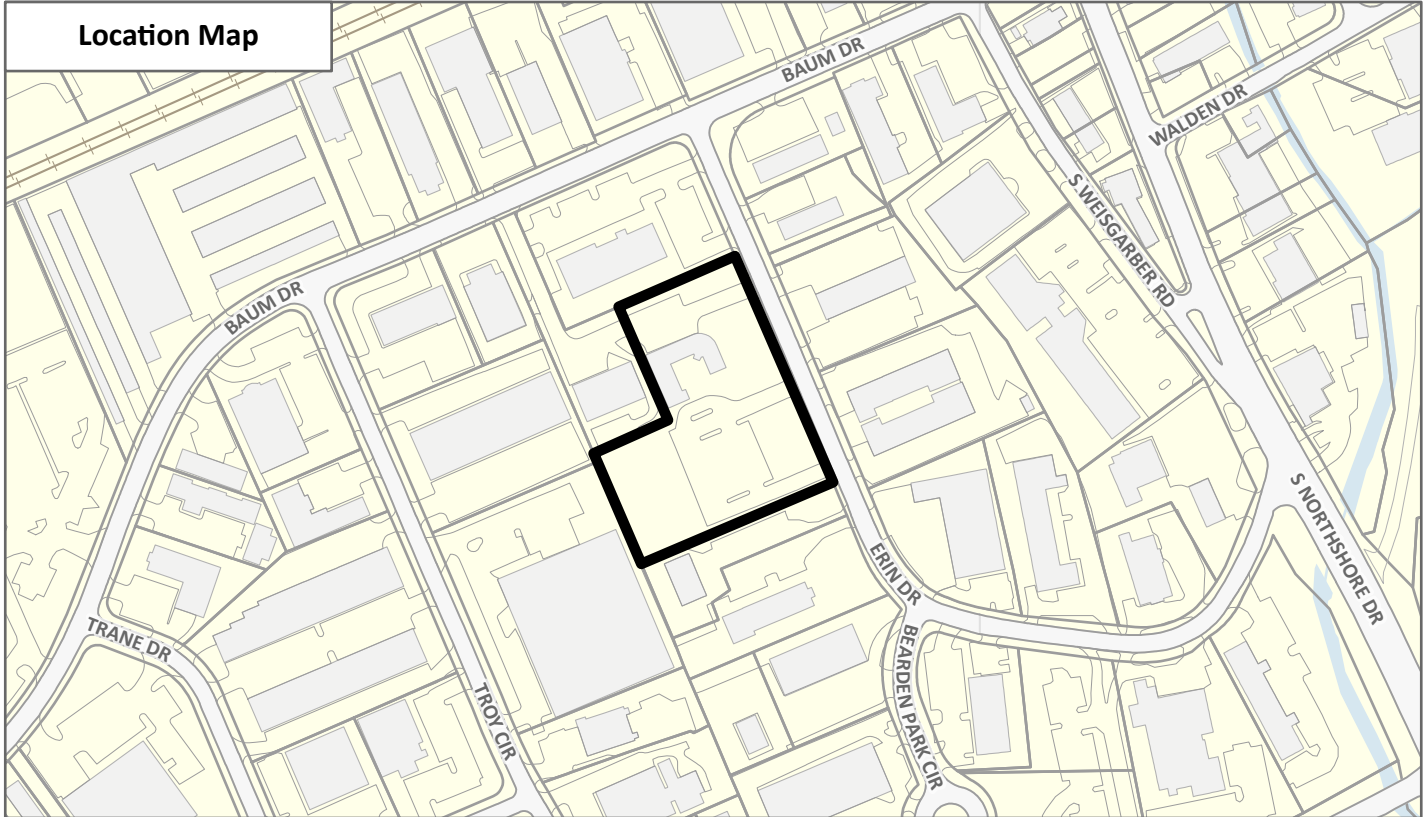
Jurisdiction: City



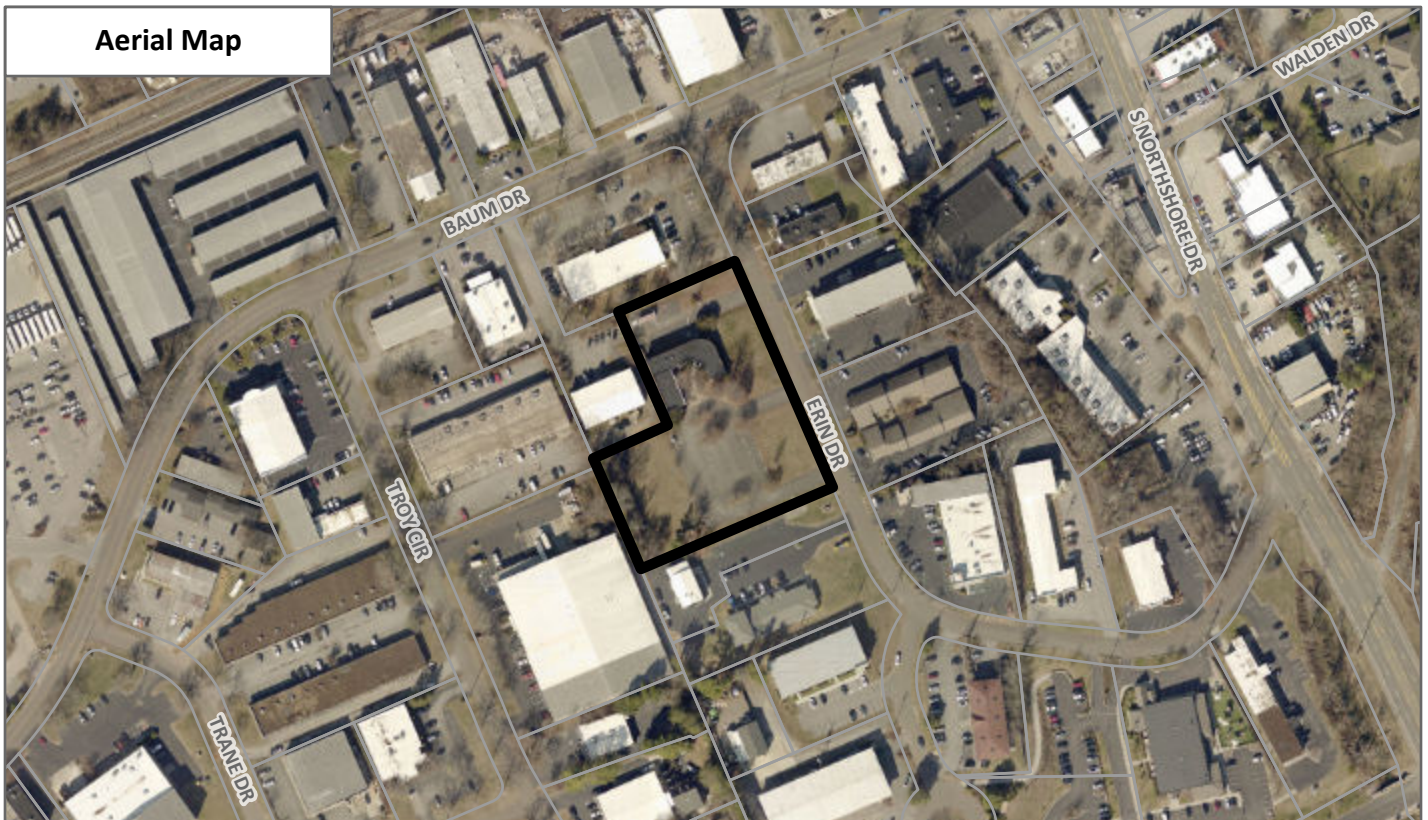


## Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

7-E-24-RZ



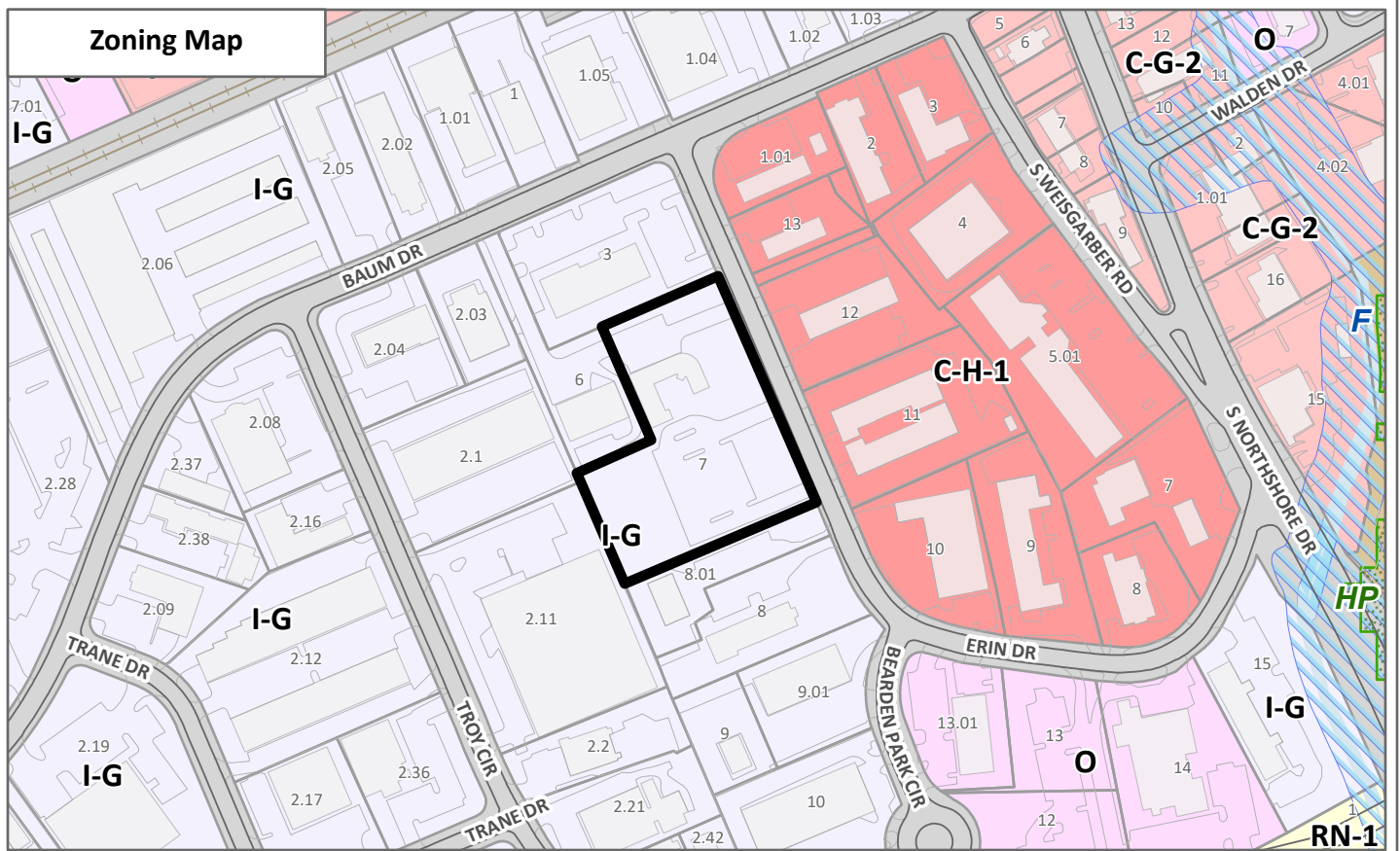
Case boundary

0 310  
Feet

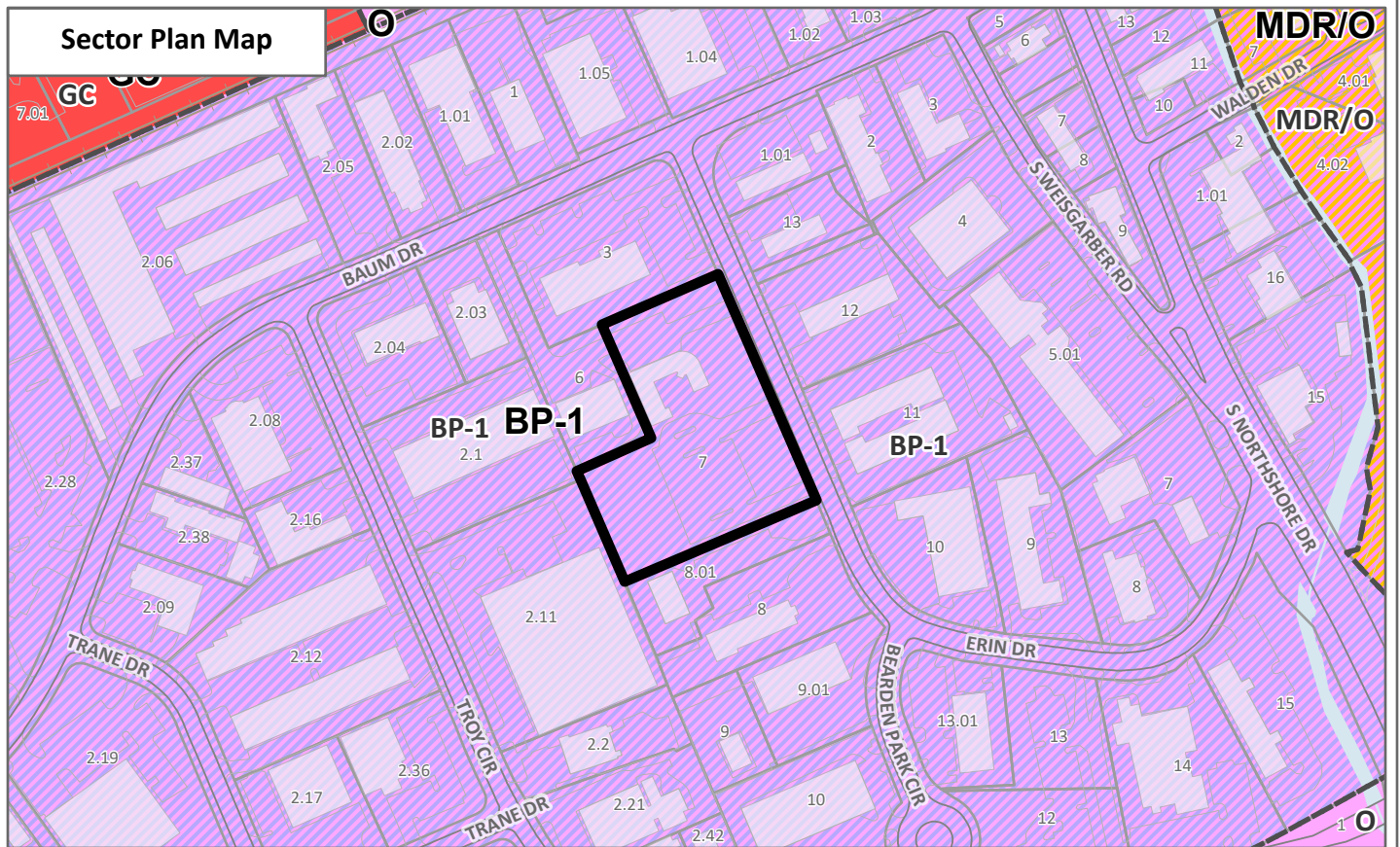




### Zoning Map



### Sector Plan Map

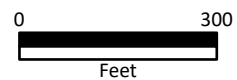


### CONTEXTUAL MAPS 2

7-E-24-RZ

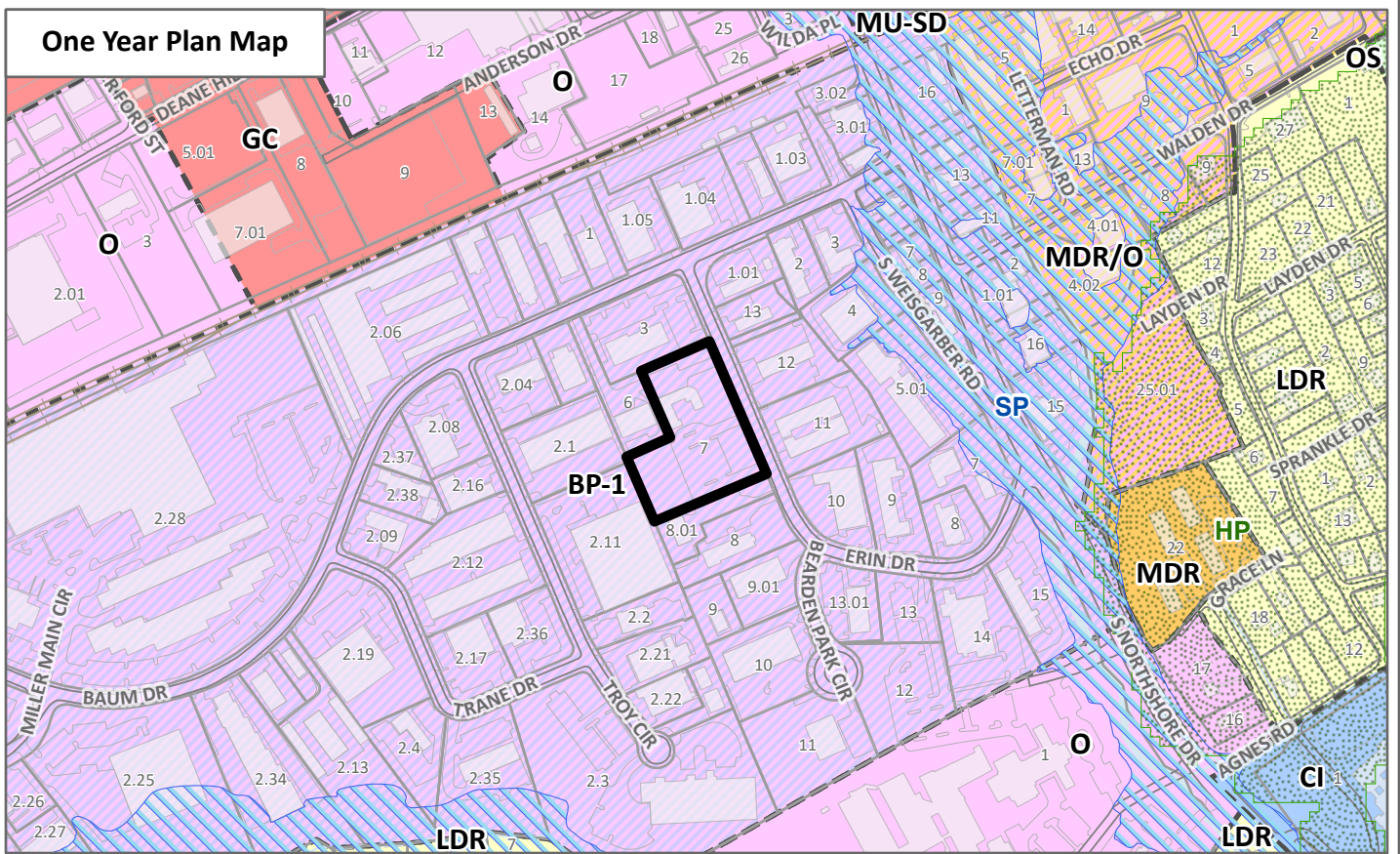


Case boundary

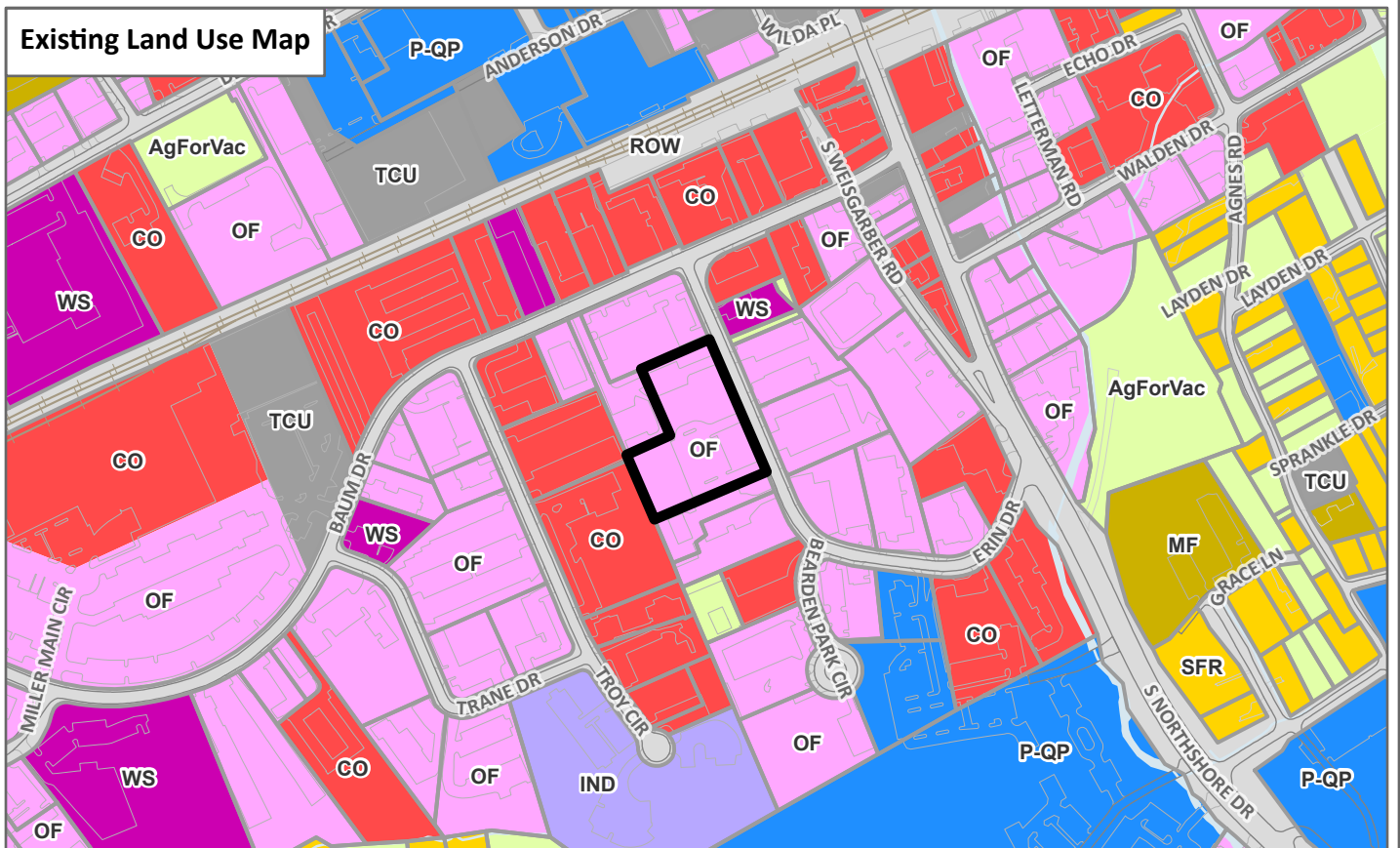




One Year Plan Map



Existing Land Use Map

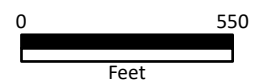


CONTEXTUAL MAPS 3

7-E-24-RZ



Case boundary





# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- ☐ Concept Plan
- ☐ Final Plat

## ZONING

- ☒ Rezoning
- ☐ Plan Amendment
  - ☐ Sector Plan
  - ☐ City OYP / County Comp Plan

**Benjamin C. Mullins**

Applicant Name

Affiliation

**5/21/2024**

Date Filed

**7/11/2024**

Meeting Date (if applicable)

**7-E-24-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. Suite 500 Knoxville TN 37902**

Address

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

Phone / Email

## CURRENT PROPERTY INFO

**Gapp Real Estate Holdings, LLC**

Owner Name (if different)

**1632 Treetop Ridge Ln Knoxville TN 37919**

Owner Address

**865-584-1933**

Owner Phone / Email

**315 ERIN DR**

Property Address

**121 H A 007**

Parcel ID

**2.3 acres**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**West side of Erin Dr, south of Baum Dr.**

General Location

☒ City

**Council District 2**

**I-G (General Industrial)**

**Office**

☐ County

District

Zoning District

Existing Land Use

**West City**

**N/A (Within City Limits)**

Planning Sector

Land Use (City)/Place Type (County)

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>I-MU (Industrial Mixed-Use)</b> Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)	
Proposed Density (units/acre)    Previous Rezoning Requests		
Additional Information		

## STAFF USE ONLY

### PLAT TYPE

☐ Staff Review    ☐ Planning Commission

### ATTACHMENTS

☐ Property Owners / Option Holders    ☐ Variance Request  
☐ Amendment Request (Comprehensive Plan)

### ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (Concept Plan)  
☐ Traffic Impact Study  
☐ COA Checklist (Hillside Protection)

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 C. Mullins</b> Please Print	<b>5/21/2024</b> Date
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Phone / Email

Property Owner Signature	<b>Gapp Real Estate Holdings, LLC</b> Please Print	<b>5/21/2024</b> Date
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(1) Download and fill out this form at your convenience.  
(2) Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the  
Knoxville-Knox County Planning offices  
OR email it to [applications@knoxplanning.org](mailto:applications@knoxplanning.org)



# Development Request

[Reset Form](#)

## DEVELOPMENT

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

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☐ Plan Amendment  
☐ SP ☐ PA  
☒ Rezoning

Benjamin C. Mullins

Attorney for Applicant

Applicant Name

Affiliation

05/20/2024

July 11, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

7-E-24-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](mailto:bmullins@fmsllp.com)

Phone

Email

## CURRENT PROPERTY INFO

Gapp Real Estate Holdings, LLC

1632 Treetop Ridge LN., Knoxville TN 37919 865-584-1933

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

315 Erin Dr.

121HA007

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

W of Erin Drive, S of Baum Dr., N of Bearden Park Cir., E. or Troy Cir.

~2.33 acres

General Location

Tract Size

☒ City ☐ County

2

I-G

OF

District

Zoning District

Existing Land Use

BP-1

BP-1

NA (In City)

Planning Sector

Land Use / Place Type  
CITY COUNTY

Growth Policy Plan Designation

April 2024

## 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 I-MU  
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  
☐ Amendment Request (*Comprehensive Plan*)

### ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (*Concept Plan*)  
☐ Traffic Impact Study  
☐ COA Checklist (*Hillside Protection*)

Fee 1	Total
0803 \$1,000.00	
Fee 2	\$1,000.00
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

Benjamin C. Mullins

Please Print

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Property Owner Signature

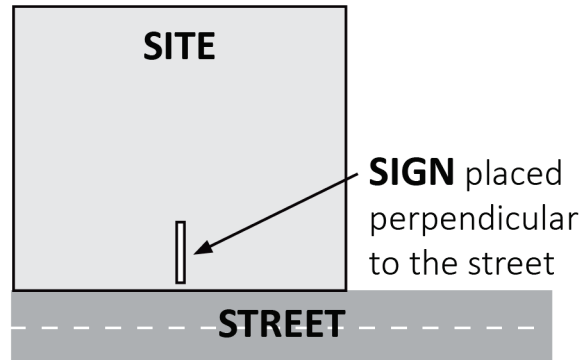
for Gapp Real Estate Holdings, LLC

Please Print

05/21/2024, SG

Date Paid

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:*

\_\_\_\_\_ **06/28/2024** \_\_\_\_\_ and \_\_\_\_\_ **07/12/2024** \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Benjamin C. Mullins

**Date:** 05/21/2024

**File Number:** 7-E-24-RZ



Sign posted by Staff



Sign posted by Applicant