

REZONING REPORT

▶ **FILE #:** 9-P-24-RZ

AGENDA ITEM #: 40

AGENDA DATE: 9/12/2024

▶ **APPLICANT:** BENJAMIN C. MULLINS

OWNER(S): AS Realty I, LLC

TAX ID NUMBER: 131 10403

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 9905 Sherrill Blvd.

▶ **LOCATION:** North side of Sherrill Blvd, east and south sides of Frank Gardner Ln

▶ **APPX. SIZE OF TRACT:** 11.66 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Sherrill Boulevard, a major collector street with a pavement width of 60-ft within a 100-ft right-of-way. Access is also available via Frank Gardner Ln, a local street with a 25-ft pavement width within a 100-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: Turkey Creek, Sinking Creek

▶ **PRESENT ZONING:** OP (Office Park), TO-1 (Technology Park Overlay)

▶ **ZONING REQUESTED:** C-H-1 (Highway Commercial), TO-1 (Technology Park Overlay)

▶ **EXISTING LAND USE:** Office



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

HISTORY OF ZONING: In 2007 (12-R-07-RZ), the property was rezoned from RP-1 (Planned Residential) to C-3 (General Commercial) zoning district.

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land - OS(c) (Open Space with conditions)

South: I-40 Right-of-Way

East: Office, commercial - OP (Office Park), TO-1 (Technology Park Overlay) in the City and CA (General Business), TO (Technology Overlay) in the County

West: Public/quasi-public land (cemetery), agriculture/forestry/vacant land - OS (Open Space), C-G-1 (General Commercial), TO-1 (Technology Park Overlay)

NEIGHBORHOOD CONTEXT: The surrounding area consists of an array of uses including commercial and office with a church and a cemetery nearby. Adjacent to the north of the property is Dead Horse Lake Golf Course. To the east is the Fort Sanders Medical Center.

STAFF RECOMMENDATION:

- ▶ **Approve the C-H-1 (Highway Commercial) zoning district because it is consistent with the surrounding development. The TO-1 (Technology Park Overlay) district would be retained.**

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 the early 2000s, the majority of rezonings in the surrounding area have been to commercial zones such as C-H (Highway Commercial), C-G (General Commercial), and PC (Planned Commercial), reflecting a consistent trend in commercial development in this area along the I-40 corridor.
2. The subject property was formerly part of the Scripps Networks campus, which housed the headquarters offices and broadcasting facility for the network's programming. However, since Scripps has sold the properties and no longer occupies the spaces, they are now separate entities open to individual development and changes in use. Due to its proximity to a major arterial highway, I-40/I-75, the C-H-1 district is suitable for the subject property.

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

1. The C-H-1 district is intended to provide for higher-intensity commercial uses of a predominantly auto-oriented character. The subject property is situated along Sherrill Boulevard, a major collector street that accommodates heavy volumes of traffic coming to and from Pellissippi Parkway.
2. The TO-1 (Technology Park Overlay) District is intended to provide for physical development review in the Tennessee Technology Corridor Area. The TO-1 district requires TTCDA approval of all rezoning requests. This request will be heard at the September 9, 2024 TTCDA meeting (9-A-24-TOR).
3. 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 C-H-1 district is not anticipated to adversely affect the surrounding area, as it is intended to ensure the mitigation of any potential impacts related to higher-intensity commercial uses on neighboring uses.
2. The surrounding area features various uses, including commercial, office, and private recreation (golf course).

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 in the MU-SD, NWCO-1 (Dead Horse Lake Special Use District) in the City's One Year Plan and the Northwest County Sector Plan, which recommends the MU-CC (Mixed Use Community Center) land use classification. The C-H-1 district is a district that can be considered in the MU-CC land use type.
2. The rezoning complies with the General Plan's Development Policy 9.10, to encourage commercial and office development that improves the form and function of traditional strip development patterns. The TTCDA design guidelines are intended to maintain overall visual quality and continuity within the corridor to achieve functional, aesthetic, and visual unity.

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 West Knox Utility District (WKUD) for water and sewer services.

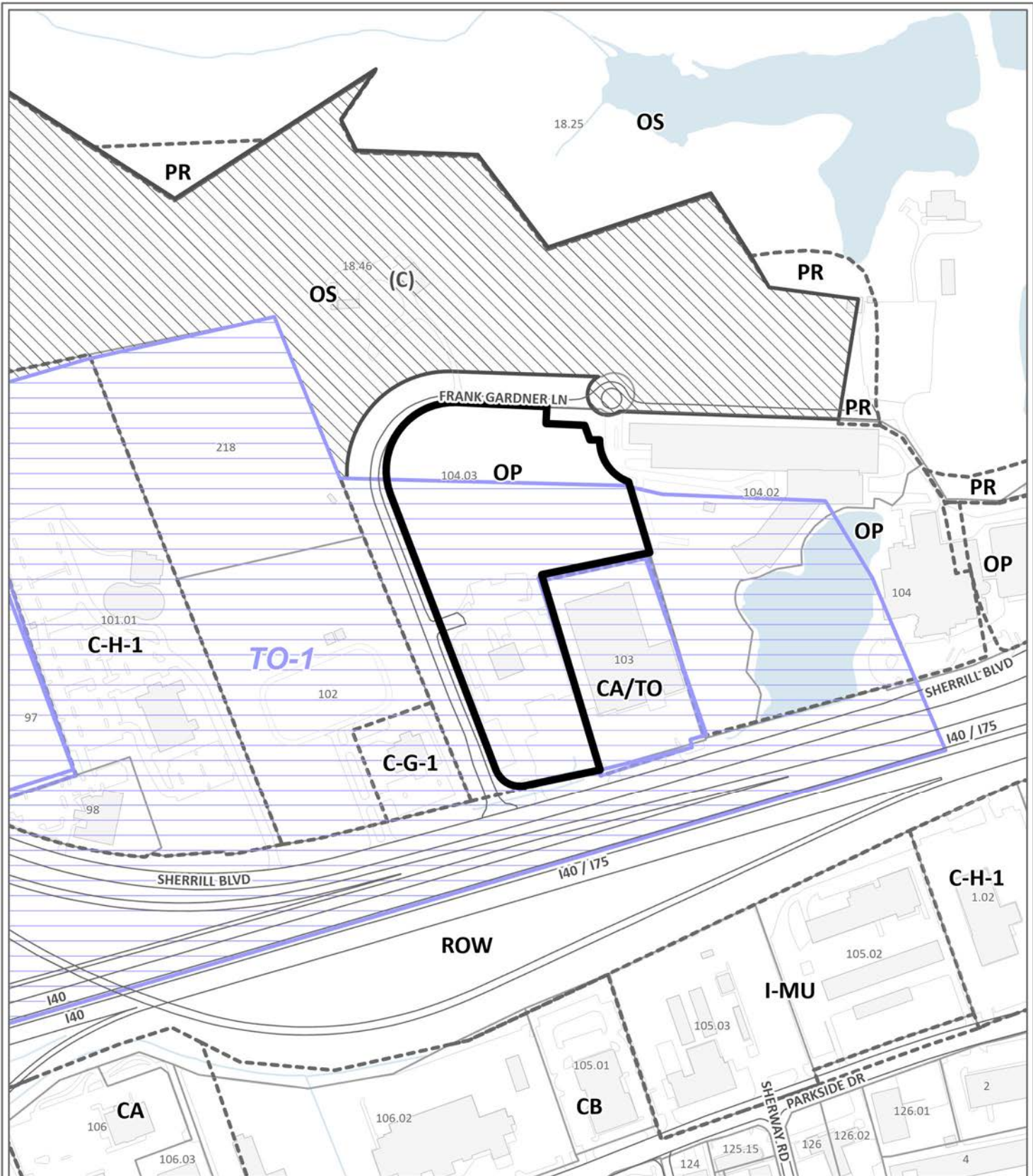
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff Middle, and Hardin Valley Academy.

- 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 10/15/2024 and 10/29/2024. 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 15 days to appeal a Planning Commission decision in the City.



REZONING

9-P-24-RZ

Petitioner: Benjamin C. Mullins



From: OP (Office Park), TO-1 (Technology Park Overlay)

To: C-H-1 (Highway Commercial), TO-1 (Technology Park Overlay)

Map No: 131

Jurisdiction: County

Original Print Date: 8/16/2024

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

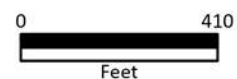
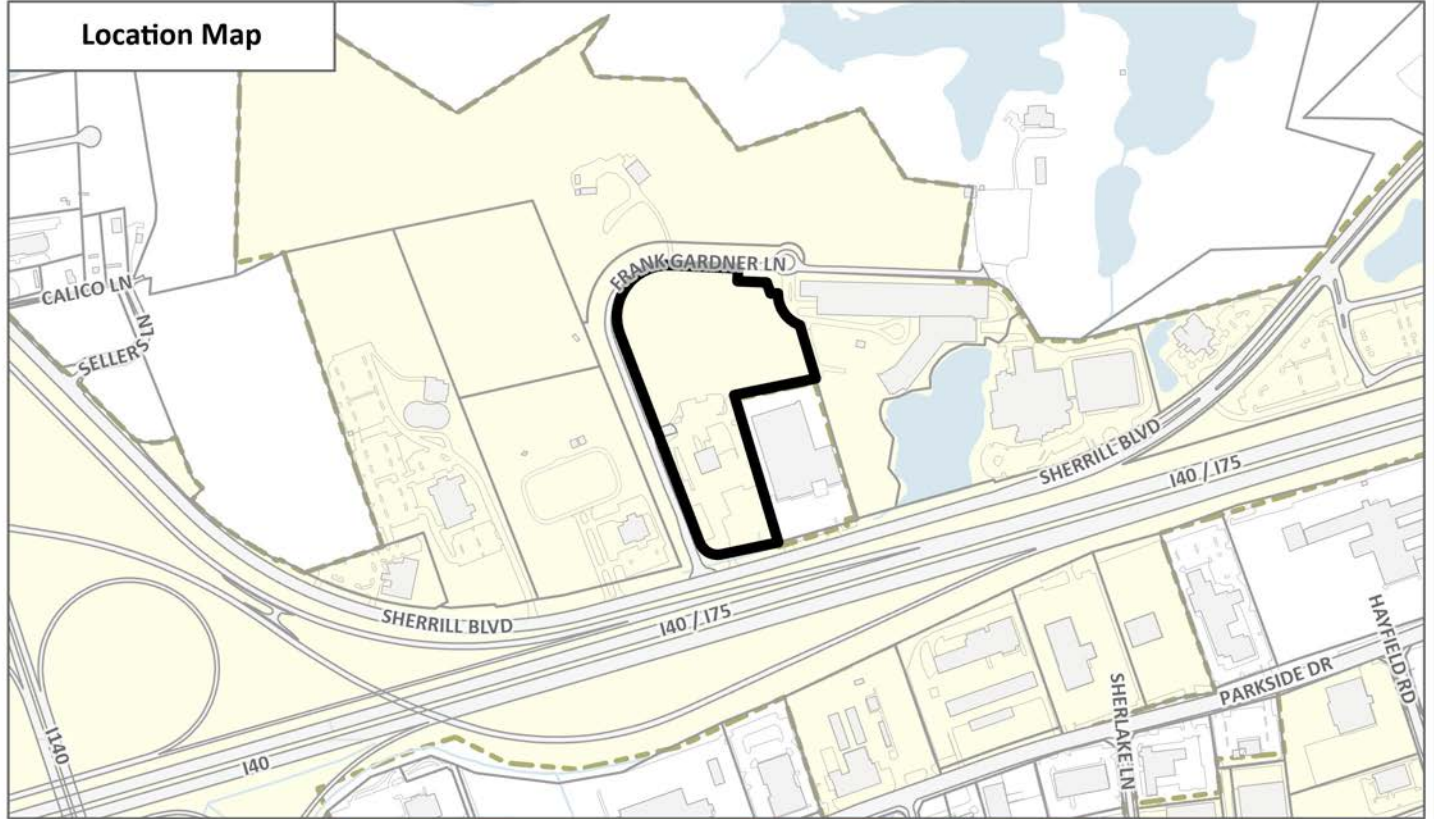


Exhibit A. Contextual Images

Location Map



Aerial Map

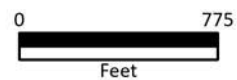


CONTEXTUAL MAPS 1

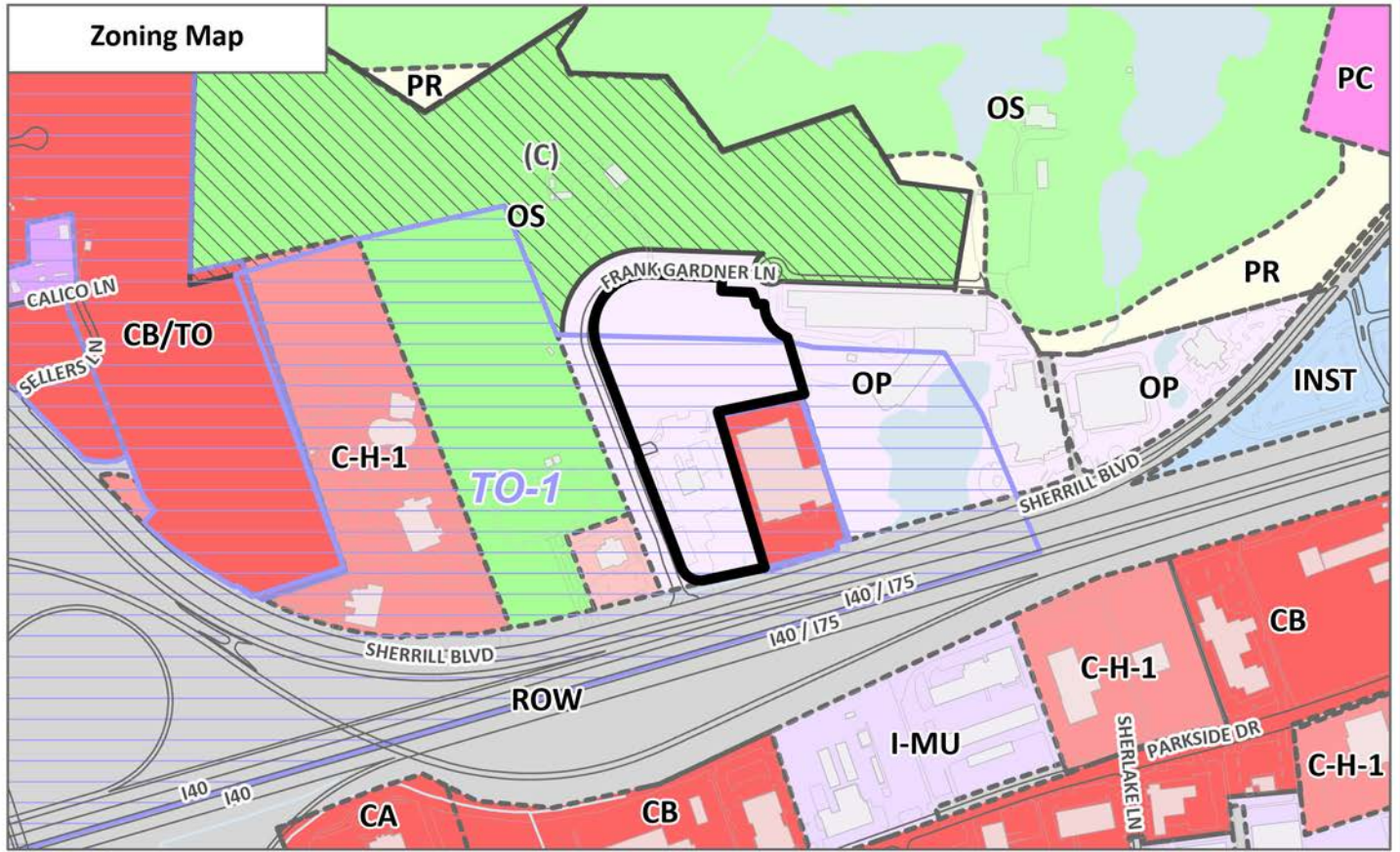
9-P-24-RZ



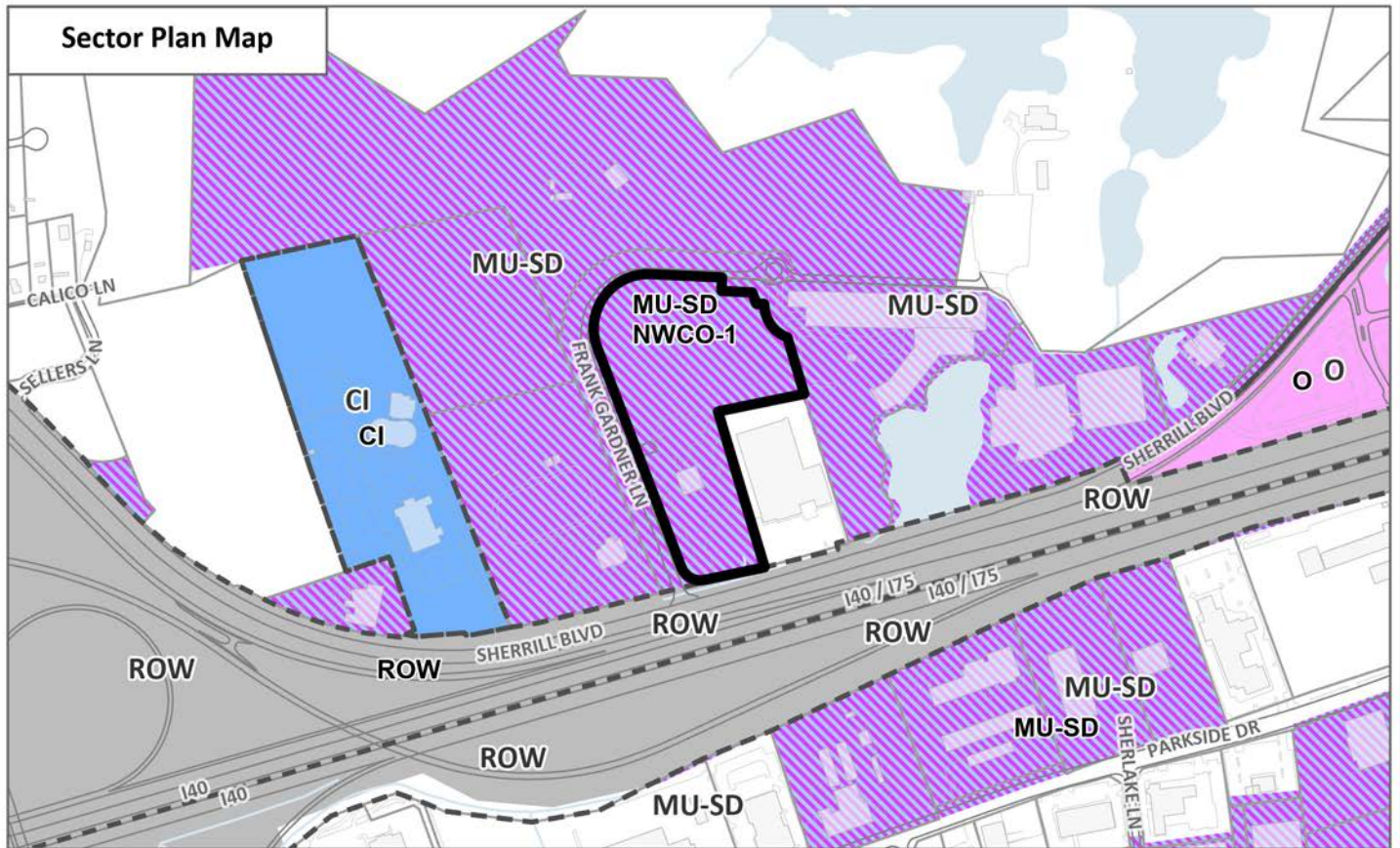
Case boundary



Zoning Map



Sector Plan Map

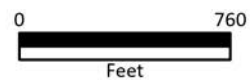


CONTEXTUAL MAPS 2

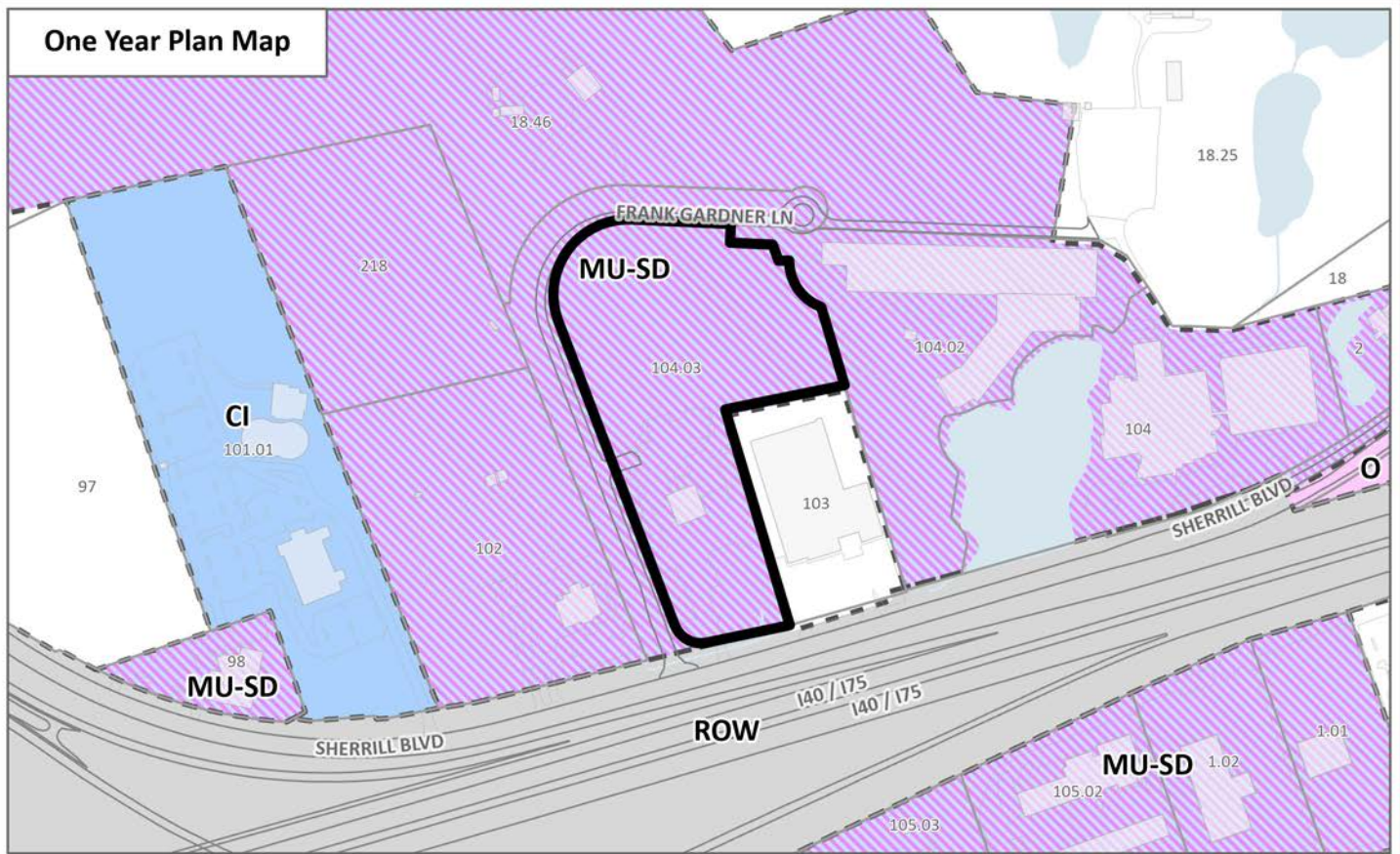
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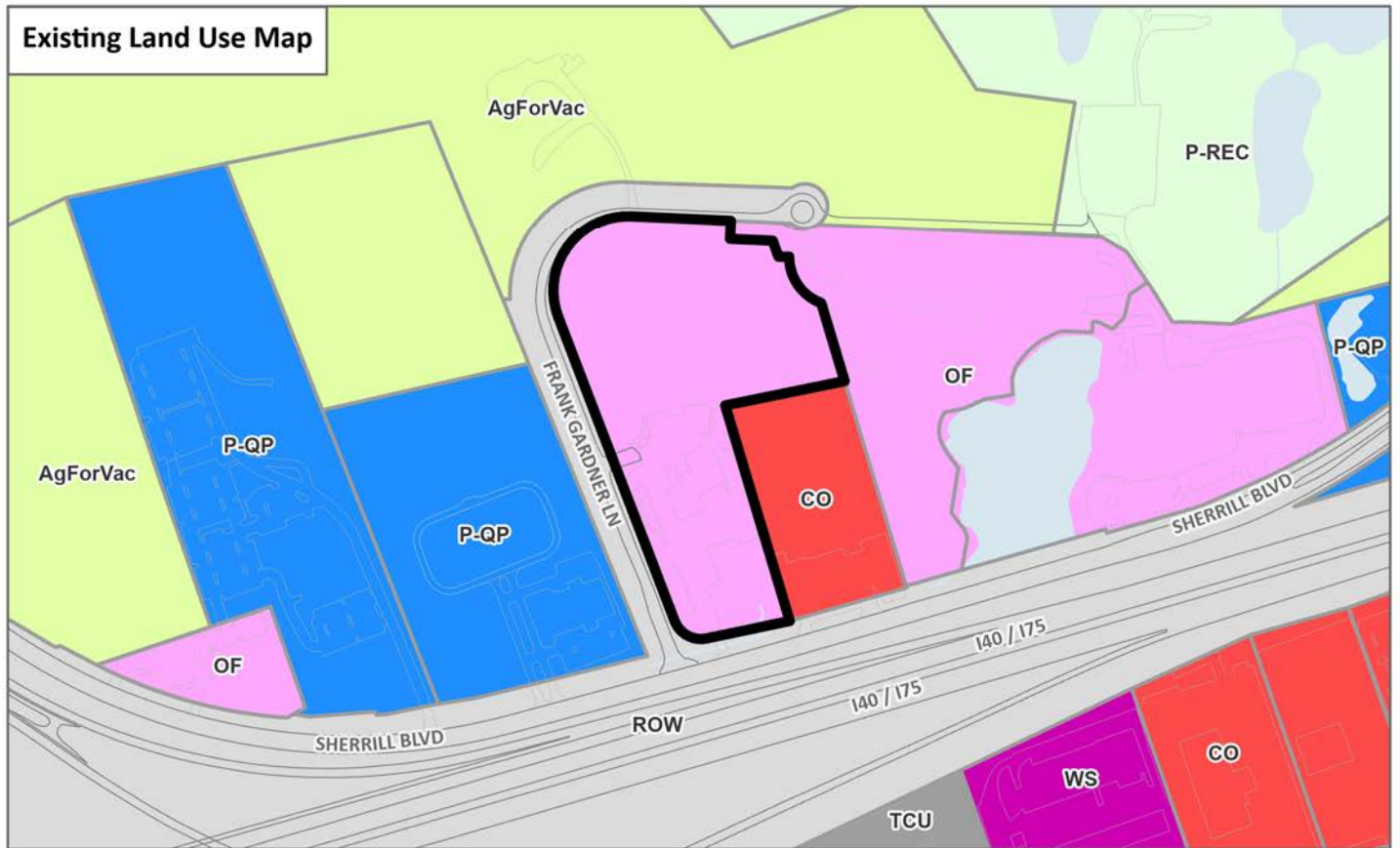
Case boundary



One Year Plan Map



Existing Land Use Map

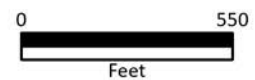


CONTEXTUAL MAPS 3

9-P-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

7/29/2024

Date Filed

9/12/2024

Meeting Date (if applicable)

9-P-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. St. Suite 500 Knoxville TN 37902

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

AS Realty I, LLC

Owner Name (if different)

550 Frank Gardner Ln Knoxville TN 37931

Owner Address

614-296-5014

Owner Phone / Email

9905 Sherrill Blvd.

Property Address

131 10403

Parcel ID

Part of Parcel (Y/N)?

11.66 acres

Tract Size

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

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	C-H-1 (Highway Commercial), TO-1 (Technology Park Overlay) 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
\$3,151.00	
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	Benjamin C. Mullins Please Print	7/29/2024 Date
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Phone / Email

Property Owner Signature	AS Realty I, LLC Please Print	7/29/2024 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
 - PA
- Rezoning

Benjamin C. Mullins

Attorney for Owner

Applicant Name

Affiliation

7-29-24

September 12, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

Revised 8-12-24 BCM

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

bnullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

AS Realty I, LLC

550 Frank Gardner Lane

614-296-5014

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

550 Frank Gardner Ln and 9905 Sherrill Blvd.

131 10402 and 131 10403

Property Address

Parcel ID

LCUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

N. of Sherrill Blvd; East and South of Frank Gardner Lane

~21.52 combined

General Location

Tract Size

City County

2

OP

OF

District

Zoning District

Existing Land Use

Northwest County

MU-SD NWCO-1

NA (In City)

Planning Sector

Land Use / Place Type
CITY COUNTY

Growth Policy Plan Designation

8-12-24 BCM

8-12-24 BCM

11.66 acres

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Combine Parcels
 Divide Parcel
 Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change
 CH-1
 Proposed Zoning

Pending Plat File Number

Plan Amendment Change
 Proposed Plan Designation(s) _____

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
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

Revised 8-12-24

[Handwritten Signature]

Applicant Signature

Benjamin C. Mullins

Please Print

7-29-24

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

[Handwritten Signature]

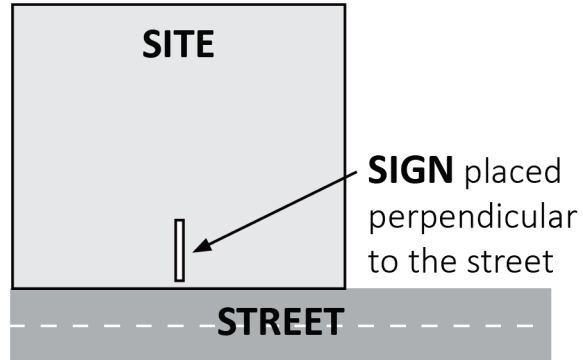
AS Realty I, LLC

Please Print

7-29-24

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:

_____ 08/30/2024 _____ and _____ 09/13/2024 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C. Mullins

Date: 07/29/2024

File Number: 9-P-24-RZ

- Sign posted by Staff
- Sign posted by Applicant