

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
REPORT OF RECOMMENDATION**

APPEAL OF PLANNING COMMISSION DECISION

8/13/2019 01:37 PM

FILE NUMBER: 6-L-19-RZ

BENJAMIN C. MULLINS KADUNZA LTD, LLC

APPELLANT: Benjamin C. Mullins o/b/o Kadunza LTD, LLC, Option Holder
DECISION APPEALED: REZONING
FROM: A (Agricultural)
TO: PC (Planned Commercial)

COMM. RECOMMENDATION: **DENY the request for PC (Planned Commercial) zoning consistent with the denial recommendation of the associated sector plan amendment.**

COMMISSION VOTE COUNT: 12-0

LOCATION: 3216 Johnson Rd / Parcel ID 92 01201

ACREAGE: 2.69 acres

DISTRICT: Commission District 6

COMMISSION HEARING ON: 7/11/2019

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 6/8/2019

LEGISLATIVE HEARING ON: 9/23/2019

PUBLISHED IN: News-Sentinel

DATE PUBLISHED: 8/16/2019

APPELLANT'S ADDRESS: Benjamin C. Mullins o/b/o Kadunza LTD, LLC
550 W. Main St.
Suite 500
Knoxville, TN 37902

APPLICANT'S ADDRESS: Ben Mullins / Frantz, McConnell & Seymour, LLP
550 W Main Street
Suite 500
Knoxville, TN 37902

LEGISLATIVE BODY: Knox County Commission

Consistent with Sector Plan? NO

Consistent with GrowthPlan? YES

TTCDA Approval?

N/A

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

APPEAL OF DECISION

(Please Note: Original application and staff report are made a part of this application.)

Type: One Year Plan Amendment Sector Plan Amendment Rezoning Variance
 Use on Review Street Name Change Right-of-Way Closure
 Certificate of Appropriateness Other: _____

Decision by: MPC BZA Other: _____ Date of Decision: 07/11/19

Jurisdiction: City _____ Councilmanic District County 6th Commission District

Original Applicant Name: Benjamin C. Mullins o/b/o Kadunza LTD, LLC Original File Number: 6-L-19-RZ; 6-D-19-SP

Name of Owner of Subject Property: Tommy & Bonnie Godwin

Description of Subject Property (Include city block and parcel number or lot number): _____

3216 Johnson Road; Parcel ID 92 01201

Zoning map of all property within 300 feet of the subject property is attached.



DECISION BEING APPEALED

Decision to deny rezoning from A to PC and to deny Sector Plan Amendment from NC to GC

REASON FOR THE APPEAL

Attach additional pages, if necessary. _____

Property is appropriate for PC zoning, as limited by NC landscaping. NC Sector Plan should accommodate PC zoning designation; however, property is appropriate for GC Sector Plan because of access to Schaad Road. See original Application and subsequent correspondence with Planning Commission

PETITIONER INFORMATION

Name of Petitioner: Benjamin C. Mullins o/b/o Kadunza LTD, LLC

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): _____

Petition has option to purchase property to operate his business.

Application Authorization: *I hereby certify that I am the applicant/authorized representative for the above named petitioner.*

Signature: *Benjamin C. Mullins*

All correspondence should be sent to: Name (Print): Benjamin C. Mullins o/b/o Kadunza LTD, LLC

550 West Main Street, Suite 500

Knoxville

TN

37902

Street Address

City

State

Zip

Phone: 865-546-9321

Fax: 865-637-5249

E-mail: bmullins@fmsllp.com

For MPC Staff Use Only

Application Accepted by MPC Staff Member: *Sherry Michienzi*

Appeal Fee Amount: *\$500.00*

Date Appeal Received: *7-22-19*

BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

City Council - 6 p.m.

County Commission - 7 p.m.

City BZA - 4 p.m.

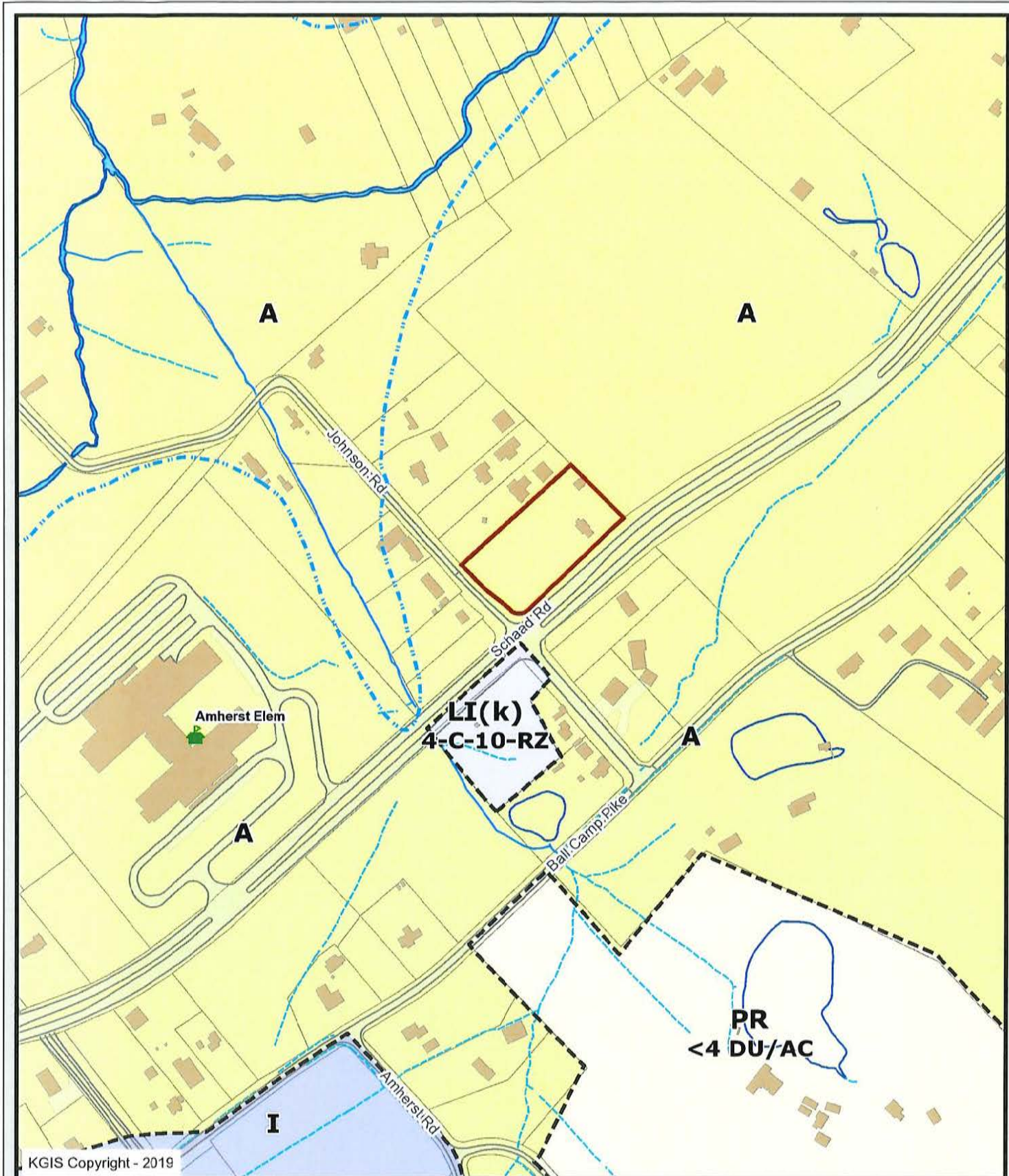
MPC - 1:30 p.m.

Month • Date • Year

Sept 23 2019
Month • Date • Year

Month • Date • Year

Month • Date • Year



300 Feet Zoning Map

Knoxville - Knox County - KUB Geographic Information System

Printed: 7/22/2019 at 3:31:46 PM

0 200 400 800
ft

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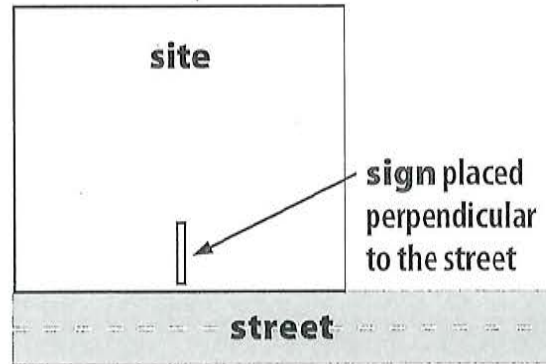
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC 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 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

(Mon) 9-9-19 _____ and (Tues) 9-24-19 _____
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: _____

Printed Name: _____

Phone: _____

Email: _____

Date: _____

MPC File Number: _____



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 6-L-19-RZ **AGENDA ITEM #:** 27
 6-D-19-SP **AGENDA DATE:** 6/13/2019

▶ **APPLICANT:** BENJAMIN C. MULLINS KADUNZA LTD, LLC
 OWNER(S): Ben Mullins / Frantz, McConnell & Seymour, LLP

TAX ID NUMBER: 92 01201 [View map on KGIS](#)

JURISDICTION: Commission District 6

STREET ADDRESS: 3216 Johnson Rd

▶ **LOCATION:** Northeast corner of intersection of Schaad Road and Johnson Road

▶ **TRACT INFORMATION:** 2.69 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Johnson Road, a local street, with a pavement width of 15.5' within a right-of-way width of 50' feet. Access is also via Schaad Road, a 4-lane median separated minor arterial with a pavement width of 100' feet within a right of way width of 112' feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Grassy Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / PC (Planned Commercial)

▶ **EXISTING LAND USE:** Rural Residential

▶ **PROPOSED USE:** BMW and Mini service and repair

EXTENSION OF PLAN DESIGNATION/ZONING: No GC/PC in area.

HISTORY OF ZONING REQUESTS: None noted.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Single family residential - NC (Neighborhood Commercial)
 South: Single family residential - NC (Neighborhood Commercial)
 East: Agriculture/forestry/vacant - MDR (Medium Density Residential)
 West: Single family residential - NC (Neighborhood Commercial)

NEIGHBORHOOD CONTEXT: This area is primarily single family residential, rural residential and agriculture/forestry/vacant lands. It is in close proximity to Amherst Elementary School and identified as a neighborhood commercial node on the sector plan.

STAFF RECOMMENDATION:

► **DENY the sector plan amendment to GC (General Commercial).**

Staff recommends denial of the sector plan amendment to GC because the area is surrounded by rural residential and single family residential uses and the existing designation of NC (Neighborhood Commercial) allows consideration of commercial zones with uses that are more compatible with the surrounding neighborhood.

► **DENY the request for PC (Planned Commercial).**

Staff recommends Denial of the requested PC (Planned Commercial) zone for thi property because of the potential conflict with the surrounding rural and single family residential neighborhoods. However, if PC is approved, staff recommends the following condition:

1) Landscaping standards consistent with the NC (Neighborhood Commercial) zone will be required as part of the development plan for the use on review.

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. There are no changes warranting amendment of the land use plan, the sector plan designation of NC (Neighborhood Commercial) allows consideration of commercial uses, without the intensity of those allowed by the requested GC (General Commercial) sector plan designation.

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

1. No new roads or utilities have been introduced into this area since the Northwest County Sector Plan was adopted in 2016.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is no obvious or significant error or omission in the Northwest County Sector Plan for this area.
2. There is not existing commercial at this area, which is a location criteria for consideration of GC (General Commercial).

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

1. There are no new trends that warrant reconsideration of the original plan proposal of NC (Neighborhood Commercial) for this area.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

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. The property is located in the Urban Growth Area of the Growth Policy Plan.
2. The area is located near Amherst Elementary School at an intersection designated for NC (Neighborhood Commercial) on the sector plan.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

APPLICABLE ZONING ORDINANCE:

1. The proposed amendment to PC zoning is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL AND DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. PC zoning with the condition requiring landscaping standards consistent with the NC (Neighborhood Commercial) zone district makes the proposed zoning more appropriate at this location and reduces potential impacts on the surrounding area.

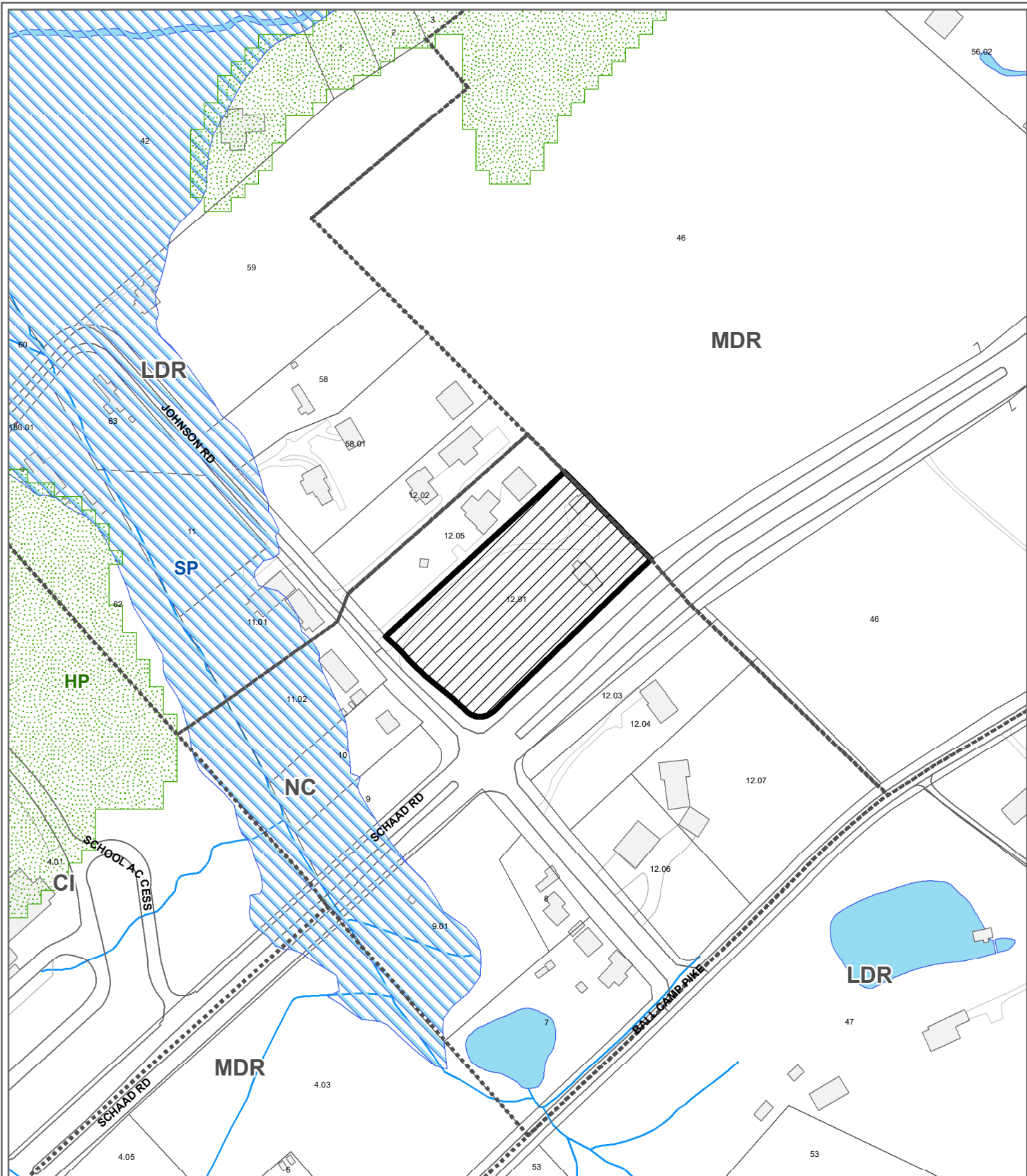
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The PC zoning alone is not consistent with the Northwest County Sector Plan, however, if PC is approved the staff recommendation to include the NC landscaping standards as a condition is closer to consistency with the existing NC (Neighborhood Commercial) designation for the node at this intersection.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

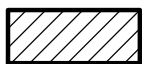
If approved, this item will be forwarded to Knox County Commission for action on 8/26/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**6-D-19-SP / 6-L-19-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: NC (Neighborhood Commercial)

To: GC (General Commercial)



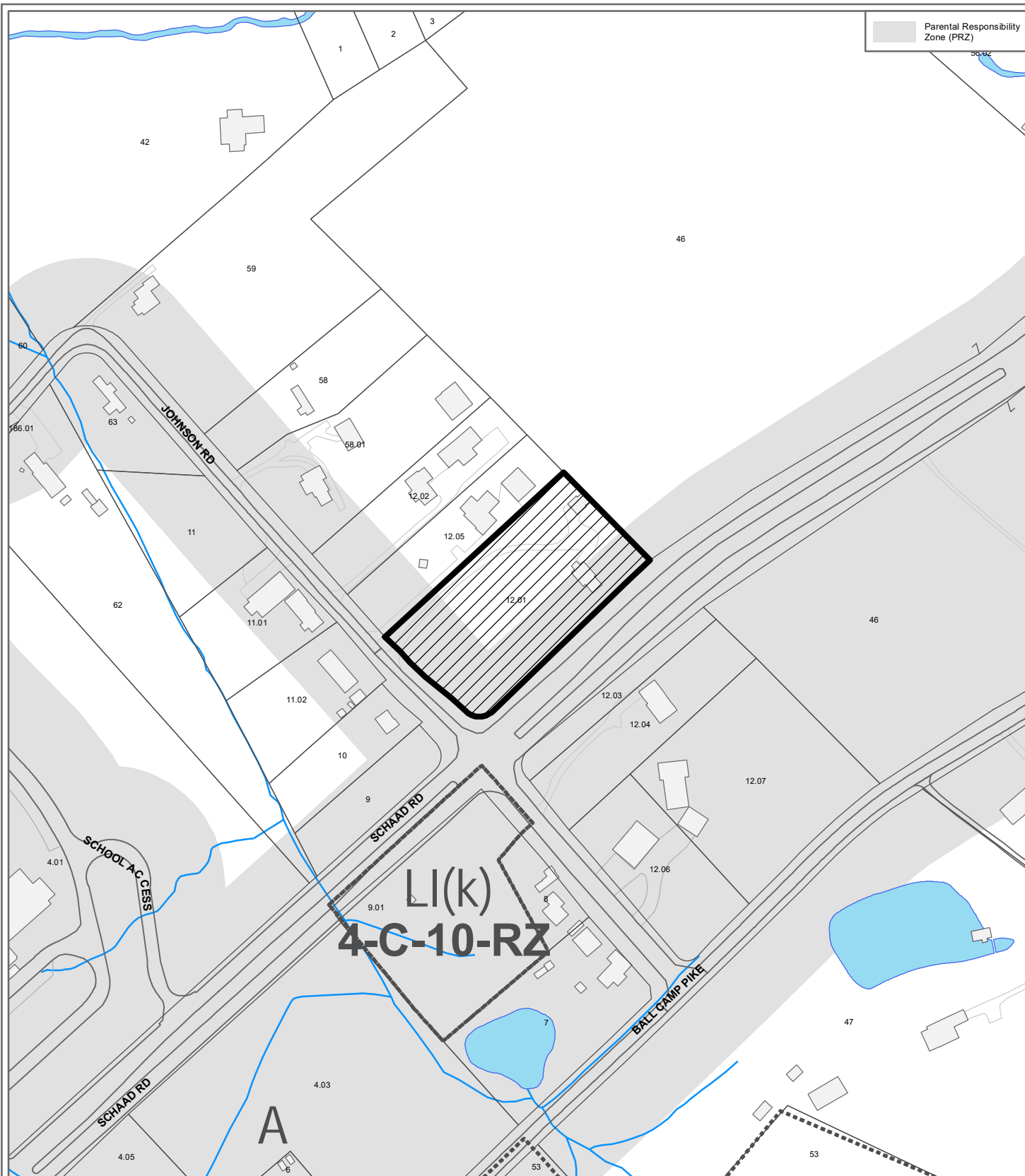
Petitioner: Mullins, Benjamin C., Kadunza LTD, LLC

Map No: 92

Jurisdiction: County



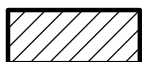
Original Print Date: 5/16/2019 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**6-L-19-RZ
REZONING**

From: A (Agricultural)

To: PC (Planned Commercial)



Petitioner: Mullins, Benjamin C., Kadunza LTD, LLC

Map No: 92

Jurisdiction: County



6-L-19-RZ_6-D-19-SP_PP_6-13-19

ARTHUR G. SEYMOUR, JR.
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REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
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BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
RICHARD E. GRAVES
BRITTANY K. COSS



client-centric & committed to success

Email: bmullins@fmsllp.com
Direct Fax: 865-541-4609

June 11, 2019

office 865.546.9321
office fax 865.637.5249

550 W. Main Street
Suite 500
P.O. Box 39
Knoxville, Tennessee
37901

of counsel
IMOGENE A. KING
JASON T. MURPHY
FRANCIS A. CAIN, RET.

fmsllp.com

request 30 days

Ms. Liz Albertson
Knoxville-Knox County Planning
City-County Building, Suite 403
400 Main Street
Knoxville, Tennessee 37902

Via e-mail only:
liz.albertson@knoxplanning.org



Re: Kadunza LTD, LLC
6-L-19-RZ and 6-D-19-SP

Dear Ms. Albertson:

This letter is to request that File No. 6-L-19-RZ and 6-D-19-SP, Agenda Item 32 for the upcoming June 13, 2019 Knoxville-Knox County Planning meeting be postponed. I understand that due to the timing of this letter, any postponement will need to be approved at the meeting by the Planning Commission, and I do plan to be in attendance to request such a postponement. Please copy the Commissioners on this letter advising them of this request prior to Thursday's meeting

Thank you for your consideration in this matter. I look forward to working with you on these issues moving forward.

Sincerely,

Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl

cc: Mr. Jarrett Benson (via e-mail)

Benjamin C. Mullins <bnullins@fmsllp.com>

Wed, Jun 12, 2019 at 9:43 AM

To: Liz Albertson <liz.albertson@knoxplanning.org>

Cc: Jarrett Benson <jarrett@bensonwilliams.com>, Amy Brooks <amy.brooks@knoxplanning.org>, Dori Caron <dori.caron@knoxplanning.org>, Sherry Michienzi <sherry.michienzi@knoxplanning.org>, "Erin R. Luptak" <Eluptak@fmsllp.com>

Ms. Albertson,

Please accept this e-mail as a revision to my letter requesting a postponement. We are requesting a 30-day postponement on this matter. Also, per your suggestion, I'll reach out to Mr. Reynolds on the NC landscaping issue, but let's plan to discuss this next Friday at 10:00 a.m. if you are still available then.

Ben Mullins

[Quoted text hidden]

Liz Albertson <liz.albertson@knoxplanning.org>

Wed, Jun 12, 2019 at 9:47 AM

Reply-To: liz.albertson@knoxplanning.org

To: Knoxville-Knox County Planning Commission <commission@knoxplanning.org>

FYI - Mr. Mullins is requesting a 30-day postponement (as per his email below).

Thanks,
-Liz

----- Forwarded message -----

From: Benjamin C. Mullins <bnullins@fmsllp.com>

Date: Wed, Jun 12, 2019 at 9:43 AM

Subject: RE: Kadunza LTD, LLC, No. 6-L-19-RZ and 6-D-19-SP

To: Liz Albertson <liz.albertson@knoxplanning.org>

[Quoted text hidden]

[Quoted text hidden]

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[Quoted text hidden]



Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] 6-L-19-RZ and 6-D-19-SP

1 message

Erin R. Luptak <Eluptak@fmsllp.com>
Reply-To: eluptak@fmsllp.com
To: "commission@knoxplanning.org" <commission@knoxplanning.org>
Cc: "Benjamin C. Mullins" <bmullins@fmsllp.com>

Tue, Jul 9, 2019 at 11:33 AM

Good morning, Commissioners:

Please find the attached on behalf of Benjamin C. Mullins. Feel free to contact me if you have any questions or if there is any problem with the attachment.

Thank you.

Erin R. Luptak *Legal Assistant*



550 W. Main Street, Suite 500 | P.O. Box 39 | Knoxville, Tennessee 37901
phone: 865.546.9321 | fax: 865.637.5249 | email: eluptak@fmsllp.com



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For additional information about Frantz, McConnell & Seymour, LLP, including a list of attorneys, please visit our website at www.fmsllp.com

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This message was directed to commission@knoxplanning.org

 **Letter to Knoxville-Knox County Planning - 07.09.19 (01885324xA3857).pdf**
97K

The Planning Commission met in regular session on July 11, 2019 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee.

Item No.

File No.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Tamara Boyer	A	Ms. Gayle Bustin	Mr. Louis Browning
Mr. Art Clancy		Mr. Mike Crowder	Ms. Elizabeth Eason
A Mr. Mac Goodwin	A	Mr. Richard Graf	Mr. Andre Canty
Mr. Chris Ooten		Mr. Patrick Phillips, Vice-Chair	Mr. Jeff Roth
Mr. Scott Smith		Mr. Tim Hill	Ms. Janice Tocher, Chair

* Arrived late to the meeting, ** Left early in the meeting, A – Absent from the meeting

27. BENJAMIN C. MULLINS KADUNZA LTD, LLC
 3216 Johnson Rd. / Parcel ID 92 01201, Commission District 6.

A. NORTHWEST COUNTY SECTOR PLAN AMENDMENT

6-D-19-SP

From NC (Neighborhood Commercial) to GC (General Commercial).

1. STAFF RECOMMENDATION

RECOMMEND that County Commission DENY sector plan amendment to GC (General Commercial).

Speaking today:

2. MOTION (CLANCY) AND SECOND (PHILLIPS) WERE MADE TO DENY SECTOR PLAN AMENDMENT TO GC (GENERAL COMMERCIAL) PER STAFF RECOMMENDATION.

MOTION CARRIED 12-0. DENIED

B. REZONING

6-L-19-RZ

From A (Agricultural) to PC (Planned Commercial).

1. STAFF RECOMMENDATION

RECOMMEND that County Commission DENY PC (Planned Commercial) zoning.

2. MOTION (CLANCY) AND SECOND (PHILLIPS) WERE MADE TO DENY PC (PLANNED COMMERCIAL) ZONING PER STAFF RECOMMENDATION.

MOTION CARRIED 12-0. DENIED

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

REZONING **PLAN AMENDMENT**



Name of Applicant: Benjamin C. Mullins o/b/o Kadunza LTD, LLC

Date Filed: April 29, 2019

Meeting Date: June 13, 2019

Application Accepted by: _____

Sherry Michienzi

Fee Amount: \$600.00

File Number: Rezoning

6-L-19-RZ

Fee Amount: \$600.00

File Number: Plan Amendment

6-019-SP

PROPERTY INFORMATION

Address: 3216 Johnson Road

General Location: _____
Northeast corner of intersection of Schaad Rd. and Johnson Rd.

Parcel ID Number(s): _____
09201201

Tract Size: Approx. 2.69 acres

Existing Land Use: Residential (Rural)

Planning Sector: Neighborhood Commercial

Growth Policy Plan: Urban Growth NW County

Census Tract: 46.07

Traffic Zone: 212

Jurisdiction: City Council _____ District
 County Commission 6th District

**Requested Change
REZONING**

FROM: A

TO: PC

PLAN AMENDMENT

One Year Plan Northwest County Sector Plan

FROM: NC

TO: GC

PROPOSED USE OF PROPERTY

BMW and Mini service and repair.

Density Proposed NA Units/Acre

Previous Rezoning Requests: _____
Unknown

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Benjamin C. Mullins o/b/o Kadunza LTD

Company: Kadunza LTD, LLC

Address: 550 West Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: 865-546-9321

Fax: 865-637-5249

E-mail: bmullins@fmsllp.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Benjamin C. Mullins o/b/o Kadunza LTD

Company: Frantz, McConnell, & Seymour, LLP

Address: 550 West Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: 865-546-9321

Fax: 865-637-5249

E-mail: bmullins@fmsllp.com

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: *Benjamin C. Mullins*

PLEASE PRINT

Name: Benjamin C. Mullins o/b/o Kadunza LTD

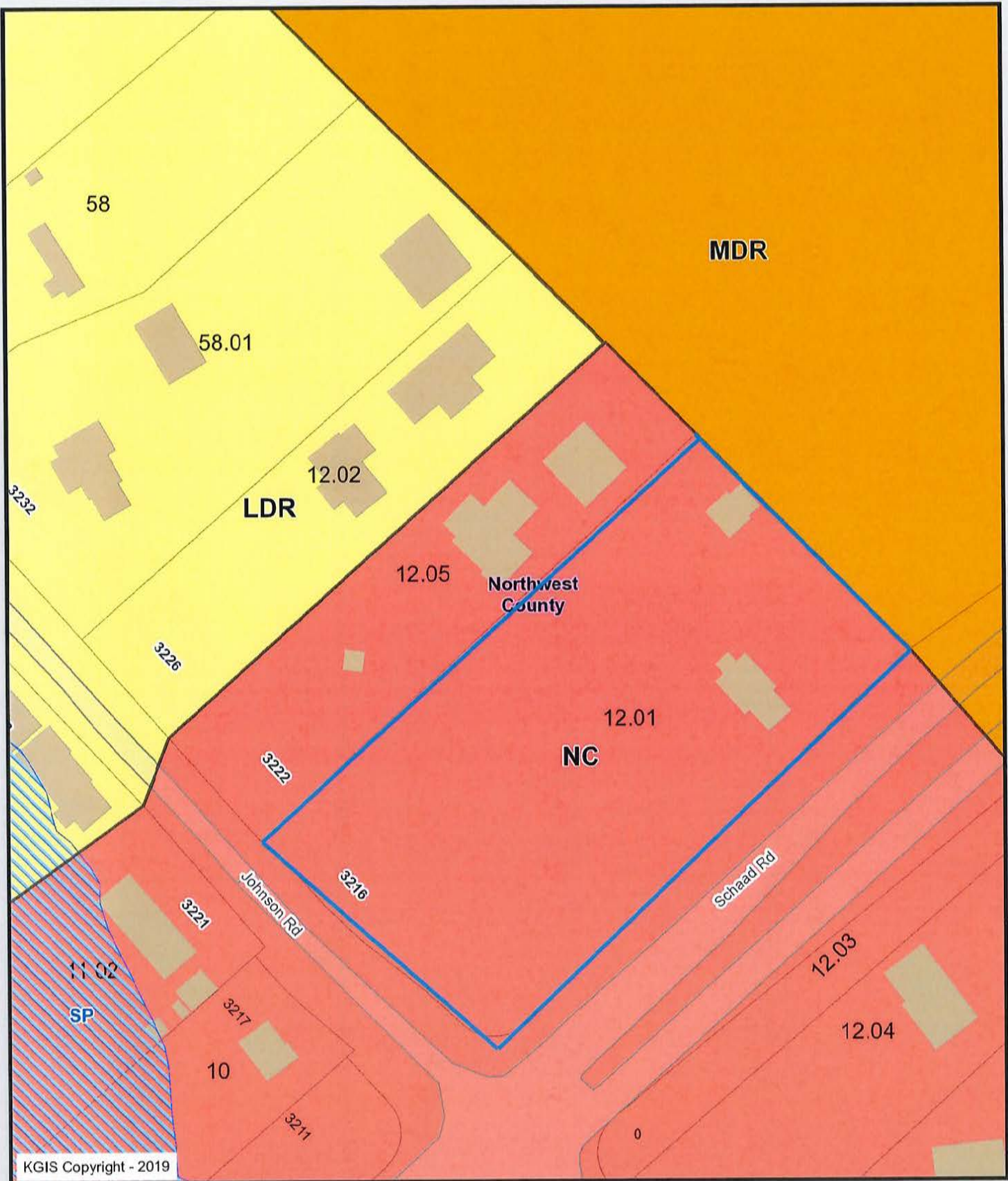
Company: Frantz, McConnell, & Seymour, LLP

Address: 550 West Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: 865-546-9321

E-mail: bmullins@fmsllp.com



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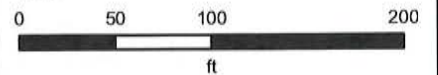
3216 Johnson Road

Sector Plan

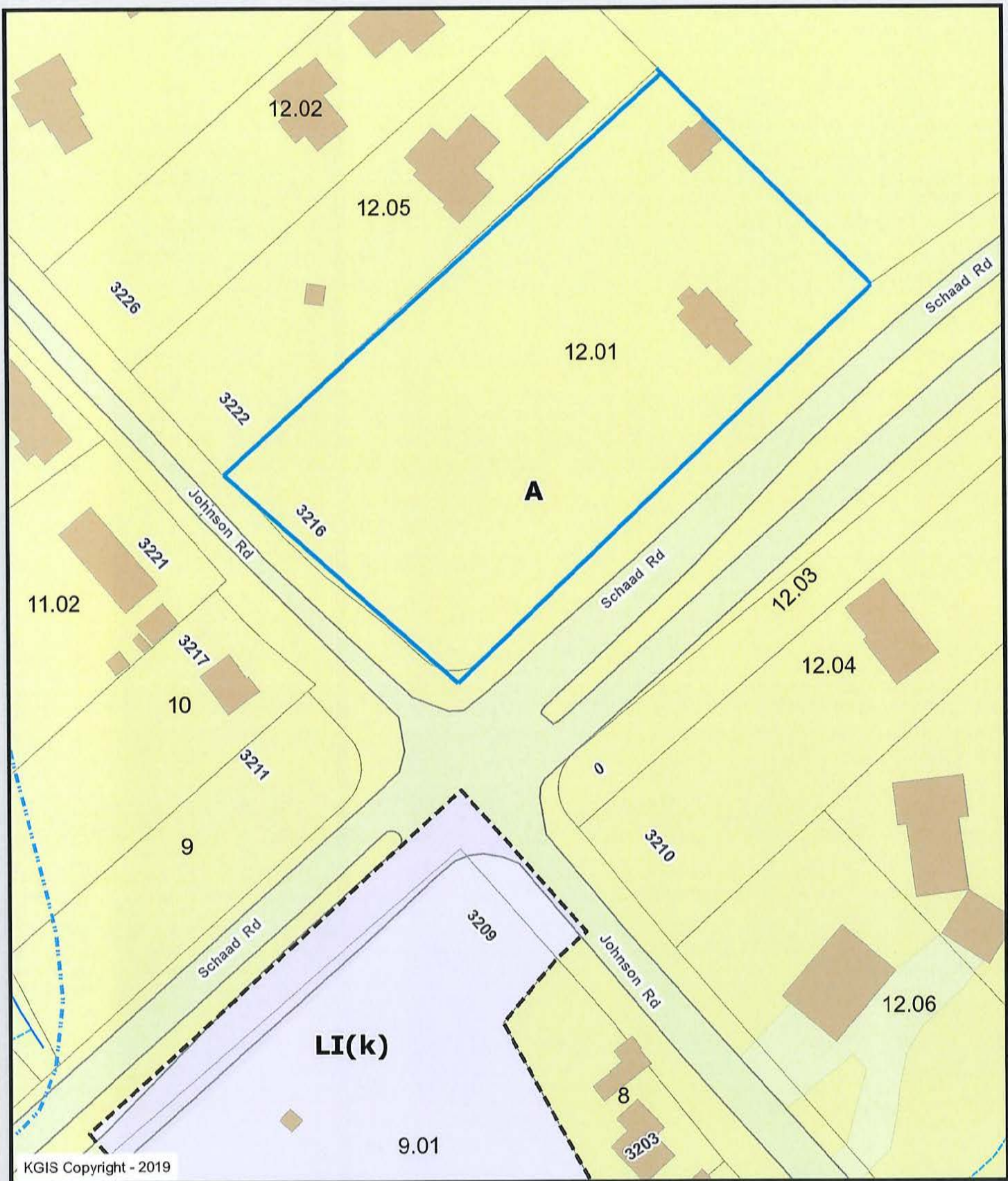
Knoxville - Knox County - KUB Geographic Information System



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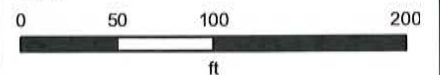
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3216 Johnson Road
Current Zoning



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Knoxville - Knox County - KUB Geographic Information System

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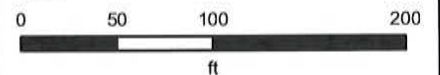
3216 Johnson Road

Existing Land use

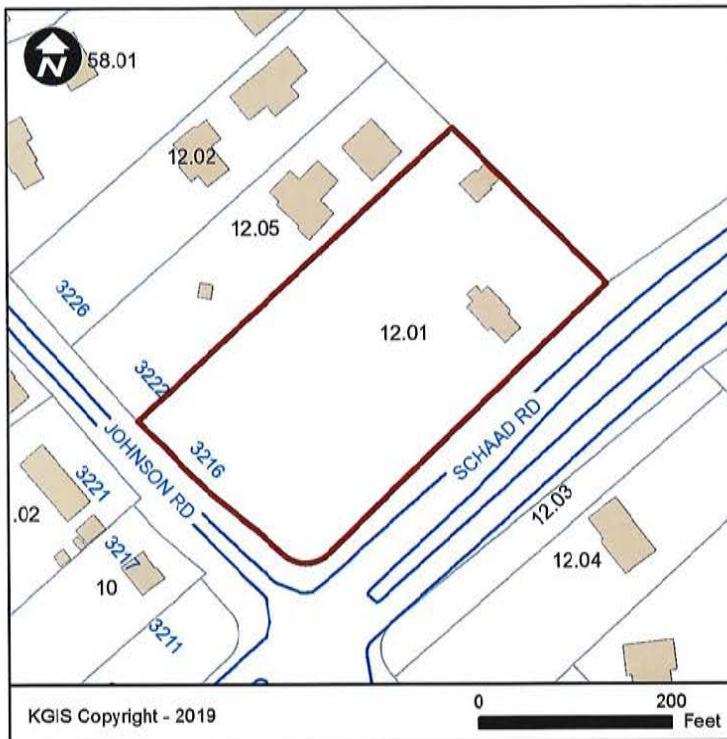
Knoxville - Knox County - KUB Geographic Information System



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3216 JOHNSON RD - Property Map and Details Report**Property Information**

Parcel ID: 092 01201
 Location Address: 3216 JOHNSON RD
 CLT Map: 92
 Insert:
 Group:
 Condo Letter:
 Parcel: 12.01
 Parcel Type:
 District: W6
 Ward:
 City Block:
 Subdivision:
 Rec. Acreage:
 Calc. Acreage: 2.69
 Recorded Plat: -
 Recorded Deed: 20041103 - 0037333
 Deed Type: Deed:Special Wa
 Deed Date: 11/3/2004

Address Information

Site Address: 3216 JOHNSON RD
 KNOXVILLE - 37931
 Address Type: RESIDENTIAL
 Site Name:

Jurisdiction Information

County: KNOX COUNTY
 City / Township:

Political Districts

Voting Precinct: 70E
 Voting Location: Amherst Elementary School
 5101 SCHAAD RD
 TN State House: 89 Justin Lafferty
 TN State Senate: 7 Richard Briggs
 County Commission: 6 Brad Anders

City Council:

School Board: 6 Terry Hill

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

Owner Information

GODWIN TOMMY JR & BONNIE R
 3216 JOHNSON RD
 KNOXVILLE, TN 37931

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

MPC Information

Census Tract: 46.07
 Planning Sector: Northwest County
 Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

School Zones

Elementary: AMHERST ELEMENTARY
 Intermediate:
 Middle: KARNS MIDDLE
 High: KARNS HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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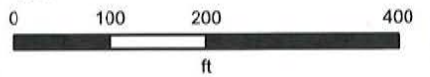
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3216 Johnson Road

Aerial

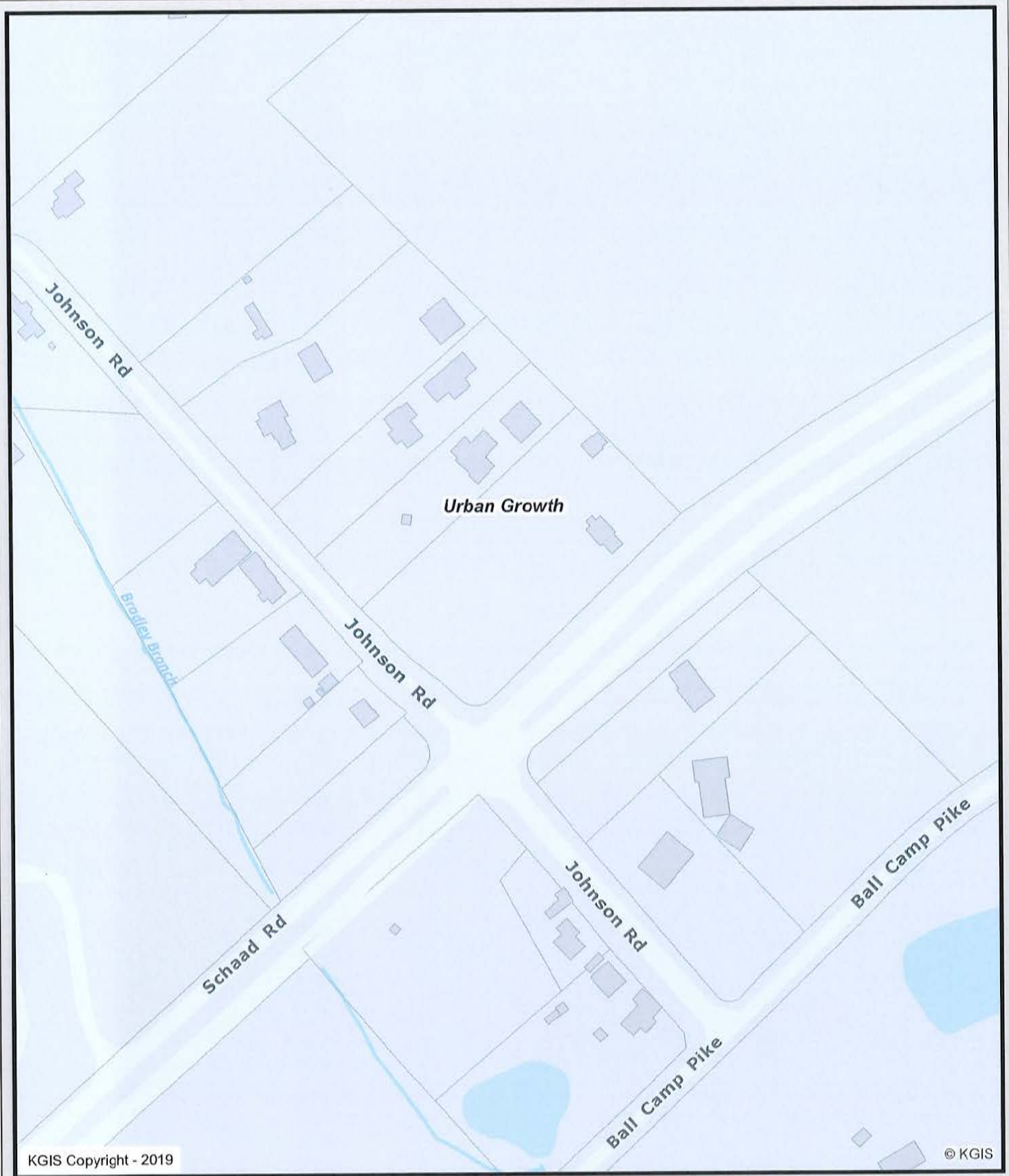


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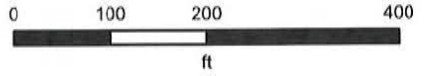
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3216 Johnson Road Growth Policy Plan

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ROBERT L. KAHN
REGGIE E. KEATON
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DEBRA L. FULTON
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Direct Fax: 865-541-4642

April 29, 2019

office 865.546.9321
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550 W. Main Street
Suite 500
P.O. Box 39
Knoxville, Tennessee
37901

of counsel

IMOGENE A. KING
JASON T. MURPHY
FRANCIS A. CAIN, RET.

fmsllp.com

Knoxville-Knox County Planning
Attn: Rezoning Application Staff
Suite 403, City-County Building
400 Main Avenue
Knoxville, TN 37902

Re: 3216 Johnson Road
Parcel ID 09201201

Dear Sir or Madam:

Please find enclosed for your consideration Kadunza LTD, LLC's ("Kadunza") Rezoning and Sector Plan Application with respect to the above-referenced parcel (the "Property"). For your ease of reference, I am enclosing along with this Application the following GIS documents:

1. Property Map and Details Report;
2. Aerial Map;
3. Existing Land Use Map;
4. Existing Zoning Map;
5. Existing Sector Map;
6. Existing Growth Policy Plan; and
7. Shop Design Photos.

This property is in the Urban Growth Plan located at the intersection of Schaad Road and Johnson Road. The Sector Plan is currently NC, which also contemplates commercial uses for this property.

It is the intent to zone this parcel to a zone which would accommodate my client's proposed use of the space as a high-end service and repair facility for BMW's and Minis (consistent with their current location). As we are cognizant that a rezoning and plan amendment can allow for all uses within a zone, my client is seeking to rezone this parcel PC. The PC zone affords the planners greater flexibility in ensuring that the ultimate use is compatible with the neighborhood and that the highest quality site designs, building arrangement, landscaping and traffic circulation patterns are appropriately in place through any subsequent use-on-review process.

Knox Planning

Re: Rezoning Application - 3216 Johnson Road (Parcel ID 09201201)

April 29, 2019

Page | 2

As stated by Section 5.33.02 of the Knox County Zoning Code, “[i]t is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services, and light distribution centers.” Additionally, the PC zone does not have any minimum lot size requirements; however, all buildings must be setback 50 feet from any periphery boundary line. This would limit or restrict many intensive uses for this particular parcel; however, would be accommodating for my client’s proposed service facility. We believe that due to the specific nature of my client’s intended use, and the design and review process afforded by the PC zone would be in the best interest of the community in promoting appropriate commercial development on this corner lot while still ensuring any impacts from the use is appropriately minimized.

Based upon the foregoing, Kadunza respectfully requests Planning recommend this change to the County Zoning Map and to the Northwest County Sector Plan for approval by the Commission. If you have any questions, please feel free to call. Thank you very much for your consideration

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl
Enc.

cc: Kadunza LTD, LLC (via e-mail)

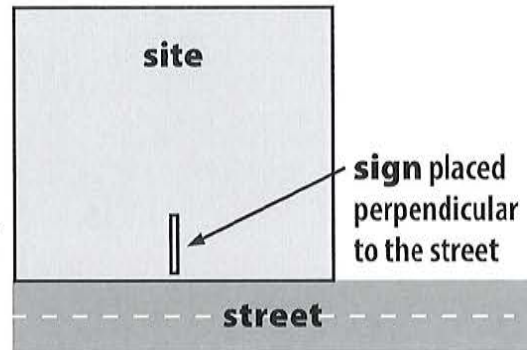
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

(Wed) May 29th and (Fri) June 14th
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: Benjamin C. Mullins

Phone: 865-546-9321 Email: bmullins@fasllp.com

Date: 4-29-19

File Number: 6-L-19-RZ / 6-C-19-SP

Knoxville NEWS SENTINEL

PART OF THE USA TODAY NETWORK

MET. PLAN. COMM.
400 MAIN AVENUE SU 403
KNOXVILLE TN 37902-

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
1317419	0003736017	\$298.08	\$0.00	\$298.08	Invoice	\$0.00	\$298.08

Sales Rep: mrome

Order Taker: mrome

Order Created 08/13/2019

<u>Product</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
KNS-knoxnews.com	1	08/16/2019	08/16/2019
KNS-Knoxville News Sentinel	1	08/16/2019	08/16/2019

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

PUBLIC NOTICE

The following items will be considered by the Board of County Commissioners on Monday, September 23, 2019, at 7:00 p.m. in the Main Assembly Room, City County Bldg, 400 Main St., Knoxville, TN. Data pertinent to these items may be seen in the Knoxville-Knox County Planning office, Fourth Fl. of the City County Bldg., Main St. and on the Knoxville-Knox County Planning website at www.knoxplanning.org. Knox County does not discriminate on the basis of disability in its provision of services, programs, activities or benefits. If you need assistance or accommodation for a disability, please contact the ADA office at 215-2952 & we will be glad to work with you in obliging any reasonable request.

Rezoning and Plan

Amendment/Rezoning

NADER MUBARAK (REVISED) – 0 Chapman Highway / Parcel ID 137 parts of 197, 203.01, Commission District 9. South County Sector Plan Amendment from MDR/O (Medium Density Residential and Office) & HP (Hillside Protection) to GC (General Commercial) & HP (Hillside Protection) and rezoning from A (Agricultural) to CA (General Business). Planning Commission Action: Approve GC & HP sector plan amendment and CA zoning subject to 2 conditions.

RALPH SMITH / PLS – 0 Cate Road / Parcel ID 66 093 066KH, 003, 004, 005, & 006, Commission District 6. Rezoning from A (Agricultural) & RA (Low Density Residential) to PR (Planned Residential). Planning Commission Recommendation: Approve PR zoning at a density up to 4 du/ac.

THOMAS L. MILLER – 7128 Tazewell Pike / Parcel ID 21 058.15 (part of), Commission District 8. Rezoning from RB (General Residential) to CA (General Business). Planning Commission Recommendation: Approve CA zoning for the portion of the parcel specified in Exhibit A, subject to one condition.

SCOTT DAVIS / MESANA INVESTMENTS – 0 Ball Camp Pike / Parcel ID 104 192.01 (part of), Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential). Planning Commission Recommendation: Approve PR zoning at a density up to 4.5 du/ac, subject to one condition.

RON WORLEY, JR. / WBI RENTALS, LLC – 805 Bob Kirby Road / Parcel ID 118 122, Commission District 3. Rezoning from A (Agricultural) to RA (Low Density Residential). Planning Commission Recommendation: Approve RA zoning.

JOAN CLARK / KELLER WILLIAMS – 211 Fox Road / Parcel ID 131 L A 018.00, Commission District 5. Rezoning from A (Agricultural) to OB (Office, Medical and Related Services). Planning Commission Recommendation: Approve OB zoning.

AZIZ KHERANI / SMART HOSPITALITY, LLC – 1215 Everefft Road / Parcel ID 141 04114, Commission District 6. Northwest County Sector Plan Amendment from GC (General Commercial) to LDR (Low Density Residential) and rezoning from PC (Planned Commercial) to PR (Planned Residential). Planning Commission Action: Approve LDR sector plan amendment and PR zoning at a density up to 5 du/ac.

DANIEL HUMPHREYS – 2738 West Gallaher Ferry Road / Parcel ID 116 I A 00902 & 00901, Commission District 6. Rezoning from PR (Planned Residential) to A (Agricultural). Planning Commission Recommendation: Approve A zoning.

RANDY GUIGNARD – 5809 Hyatt Road and 0 Old Tazewell Pike / Parcel ID 039 L A 012.02 and 039 LA 012.01, Commission District 8. Northeast County Sector Plan Amendment from A (Agricultural) to RR (Rural Residential) and rezoning from A (Agricultural) to PR (Planned Residential). Planning Commission Action: Approve RR sector plan amendment and PR zoning at a density up to 2 du/ac.

Appeals of Decision

Appeal by Benjamin C. Mullins o/b/o Kadunza LTD, LLC of the Knoxville-Knox County Planning Commission decision to deny rezoning from A (Agricultural) to PC (Planned Commercial). Prop-

erty located at 3216 Johnson Road / Parcel ID 92 01201, Commission District 6. PC File No. 6-L-19-RZ.

Appeal by Hardin Valley Land Partners (Rusty Bittle) of the Knoxville-Knox County Planning Commission decision to deny rezoning from PR (Planned Residential) at a density less than 3 du/ac and CA (General Business) to PR (Planned Residential) at a density up to 4.8 du/ac. Property located at 0 Hardin Valley Road / Parcel ID 117 027, Commission District 6. PC file No. 8-O-19-RZ.