4-D-20-RZ
REZONING

From: CA (General Business) & I (Industrial)
To: I (Industrial)

Petitioner: Mullins / o.b.o. Crippen Gap, LLC, Benjamin C.

Map No: 48
Jurisdiction: County

Original Print Date: 3/17/2020
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902
# DEVELOPMENT REQUEST

## DEVELOPMENT
- [ ] Development Plan
- [ ] Planned Development
- [ ] Use on Review / Special Use

## SUBDIVISION
- [ ] Concept Plan
- [ ] Final Plat

## ZONING
- [ ] Plan Amendment
- [ ] Rezoning

### Applicant Information
- **Name:** Benjamin C. Mullins
- **Affiliation:** Crippen Gap LLC

### Meeting Information
- **Date Filed:** 2/19/20
- **Meeting Date (if applicable):** April 9, 2020
- **File Numbers(s):** 4-D-20-RZ, 4-E-20-6P

### CORRESPONDENCE
All correspondence related to this application should be directed to the approved contact listed below.

- [ ] Applicant
- [ ] Owner
- [ ] Option Holder
- [ ] Project Surveyor
- [ ] Engineer
- [ ] Architect/Landscape Architect

### Contact Information
- **Name:** Benjamin C. Mullins
- **Company:** Frantz, McConnell & Seymour, LLP
- **Address:** 550 West Main Street, Suite 500
- **City:** Knoxville
- **State:** TN
- **Zip:** 37902
- **Phone:** 865-546-9321
- **Email:** bmullins@fmsllp.com

### CURRENT PROPERTY INFO

#### Owner Information
- **Owner Name (if different):** Crippen Gap LLC
- **Owner Address:** 1328 Bullrun Valley Rd., Heiskell, TN 37754
- **Owner Phone:** 865-679-9950

#### Property Address
- **Parcel ID:** 048CA00201
- **General Location:** North of Mynatt Rd. and West of Maynardville Pike off Shotsman Ln
- **Parcel Size:** 4.4 area to be rezoned

#### Jurisdiction
- **District:** Knox County District 7
- **Zoning District:** I and CA

#### Planning Information
- **Sector:** Office (O)
- **Urban Growth:** N

#### Existing Land Use
- **Septic:** Y/N
- **Sewer Provider:** Hallendale Powell
- **Water Provider:** Hallendale Powell
REQUEST

☐ Development Plan  ☐ Use on Review / Special Use

☐ Residential  ☐ Non-Residential

☐ Home Occupation (specify):

☐ Other (specify):

☐ Proposed Subdivision Name  Unit / Phase Number

☐ Parcel Change

☐ Combine Parcels  ☐ Divide Parcel  Total Number of Lots Created:

☐ Other (specify):

☐ Attachments / Additional Requirements

☐ Zoning Change: CA to I

Proposed Zoning

☐ Plan Amendment Change: O to LI (Light Industrial)

Proposed Plan Designation(s)

Recycling Center and other uses allowed in the I zone

☐ Proposed Property Use (specify)  Proposed Density (units/acre)  Previous Rezoning Requests

☐ Other (specify):

PLAT TYPE

☐ Staff Review  ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders  ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (Final Plat only)

☐ Use on Review / Special Use (Concept Plan only)

☐ Traffic Impact Study

FEE 1:

RZ  1000.00

FEE 2:

SP  800.00

FEE 3:

TOTAL:

1800.00

AUTHORIZATION  By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Applicant Signature  Please Print  Date

2-19-2020

Phone Number

Email

Staff Signature  Please Print  Date

2/19/20
February 18, 2020

Knoxville-Knox County Planning
City-County Building, Suite 403
400 Main Street
Knoxville, Tennessee 37902

Re: 3815 Shotsman Lane
Parcel ID: 048CA00201

Dear Planning Staff:

I represent Crippen Gap LLC with regard to the attached application for a Sector Plan Amendment and Rezoning. My clients were recently contacted by Knox County Codes indicating that although a portion of the property is zoned Industrial, and therefore appropriate for a recycling center/scrap metal yard/auto salvage yard, the portion of the property zoned CA is not appropriate for such use. I have reviewed the history of the property and believe that this property was used for recycling/salvage/storage since the early 1960s. In fact, the previous owner of the property, Harry Shotsman, whom the road is named after, used the property as early as the 1960s for a scrap yard. The historical aerials available on KGIS confirm this. Therefore, it is our position that a rezoning is not necessary as the use is a pre-existing, non-conforming use subject to the protections of Tenn. Code Ann. § 13-7-208. That said, and without waiving this argument, we believe it is in the best interest to pursue the requested Sector Plan Amendment and Rezoning in this case.

The zoning history on this property is odd. Although part of the property is clearly zoned Industrial with the southern portion zoned CA, the North County Sector Plan is currently O-Office. This appears to be an oversight and a map error since the existing land use is also listed as Office; however, as indicated above, its historical use has been for recycling and salvage. Because of this, we believe it would be appropriate to rezone this property consistent with its historical use and as an extension of the existing I and LI zones that are currently applied to a portion of this property and immediately to the north of this property. We understand there are some residential neighborhoods to the south and east; however, these neighborhoods have been co-existing with the current use of the property for several years and without any known complaints. The purpose of this rezoning request is to simply remove any arguments with regard...
to the property use and whether or not the property is grandfathered and to allow the use to continue appropriately moving forward.

As always, should you have any questions, please feel free to call.

Sincerely,

[Signature]

Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl
Enc.

cc: Crippen Gap LLC
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:

3/25/20 and 4/16/20

(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: [Signature]

Printed Name: Benjamin C. Mullins

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

Date: 2-19-2020

File Number: 4-D-20-RZ 4-E-2A-SP

REVISED MARCH 2019