

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT

File #: 8-F-08-RZ AGENDA #: 48f
8-C-08-SP AGENDA DATE: 11/13/2008

APPLICANT: CHARLES PILGRIM

LOCATION: West side Ebenezer Rd., south of Bluegrass Rd.
TRACT INFORMATION: 3.95 acres

PRESENT PLAN DESIGNATION: LDR (Low Density Residential) & SLPA (Slope Protection)
PRESENT ZONING: PR (Planned Residential)

PROPOSED PLAN DESIGNATION: O (Office) & SLPA (Slope Protection)
PROPOSED ZONING: OB (Office Medical and Related services)

EXISTING LAND USE: Residence and vacant land

PROPOSED USE: Professional offices

DATE OF PREVIOUS MPC ACTION: 9/11/2008

PREVIOUS MPC ACTION:

PLAN DESIGNATION: Denied O (Office) Plan Designation

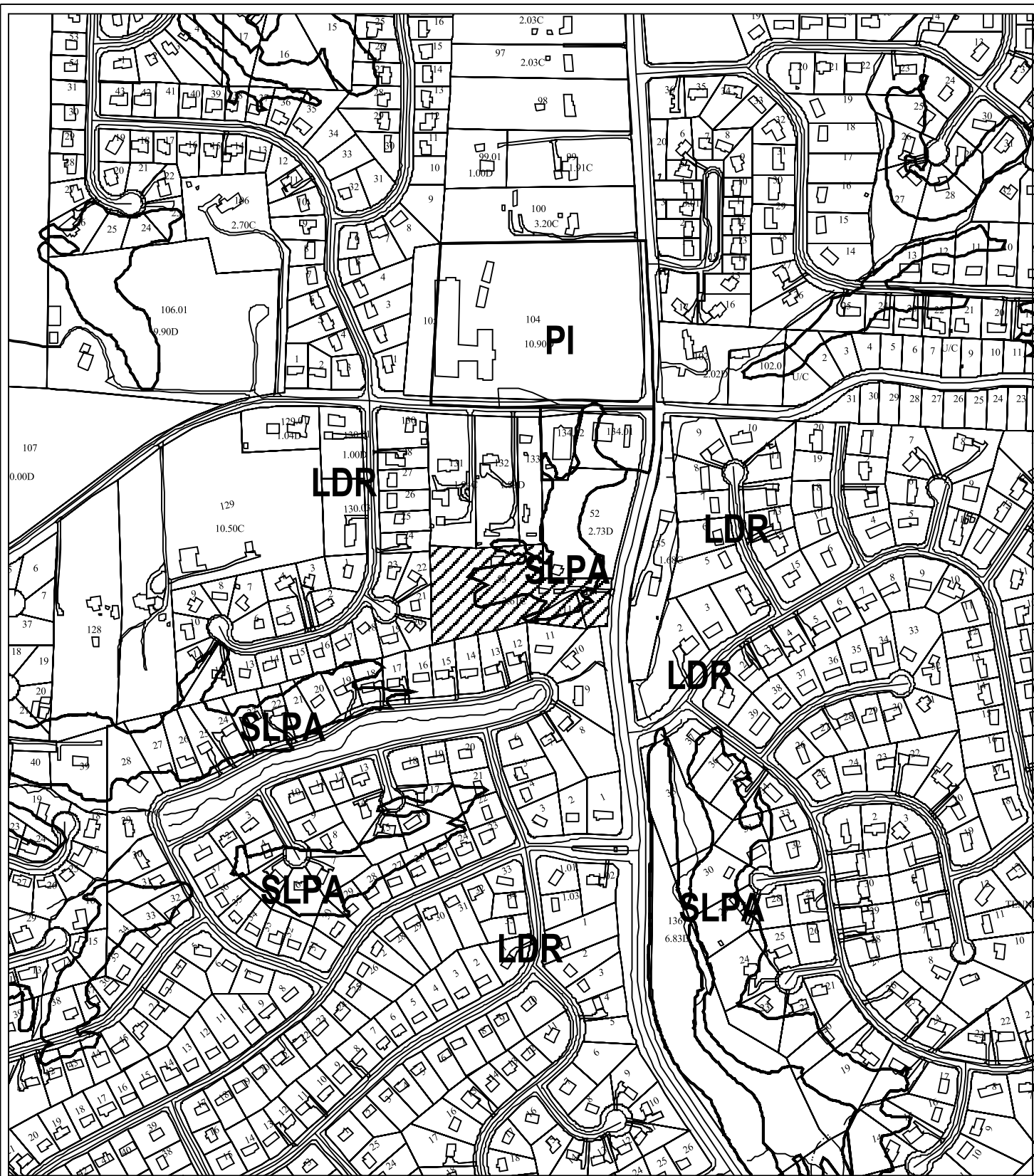
ZONING: Recommended denial of OB (Office Medical and Related Services) and that Zoning remain PR (Planned Residential)

COMMENTS:

Effective as of June 13th of this year, certain provisions of Title 13, Chapter 3 of Tenn. Code Ann. were amended by Public Chapter No. 1150. Specifically, T.C.A. 13-3-303 has been amended to require thirty (30) day publication notice prior to the adoption of any amendment to the General Plan. Previously, there was no statutory notice requirement, and the practice in Knoxville and Knox County has been to provide twelve (12) days publication notice, as is set forth in the MPC Administrative Rules and Procedures.

These requests were previously acted upon by MPC after the effective date of the new rule, and without the required thirty (30) day publication notice. As a result, the previous actions by MPC are not valid.

To rectify this situation, this plan amendment and rezoning request has been readvertized consistent with the 30 day requirement for ratification and reconfirmation of the previous MPC action.



**8-C-08-SP/8-F-08-RZ
SECTOR PLAN AMENDMENT
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**



From: LDR (Low Density Residential) & SLPA (Slope Protection Area)

To: O (Office)

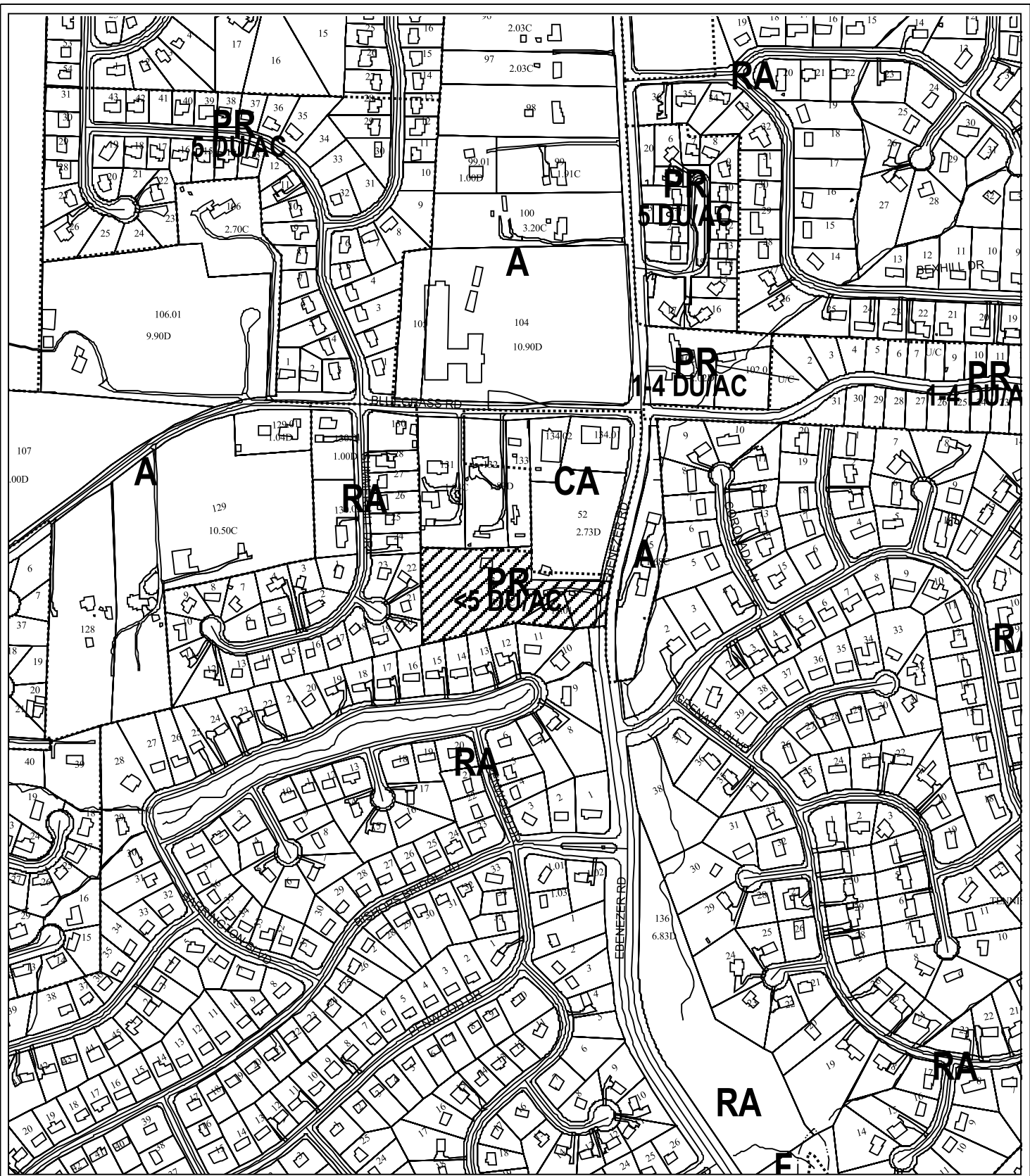
Original Print Date: 07/21/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Charles Pilgrim

Map No: 144

Jurisdiction: County





**8-F-08-RZ
REZONING**



From: PR (Planned Residential)
To: OB (Office, Medical, and Related Services)

Original Print Date: 07/17/08 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Charles Pilgrim

Map No: 144

Jurisdiction: County





October 28, 2008

To MPC staff c/o Mr. Ken Pruitt:

MPC File # 8-F-08-RZ, which was on the 10/27/08 Knox County Commission meeting agenda as a rezoning appeal, was withdrawn and placed on the MPC agenda to be reheard at the 11/13/08 meeting. MPC File# 8-C-08 SP, Sector Plan Amendment is also scheduled for the 11/13/08 MPC agenda.

Please consider the following comments when preparing your recommendations to the MPC commissioners for the 11/13/08 meeting.

1. Neighborhood opposition: I have met further with the neighborhood homeowners and the neighborhood representative who voiced opposition and the neighborhood representatives that were present at the 9/11/08 MPC meeting are no longer in opposition and are now supportive of the rezoning and plan amendment. (see attached emails) There was no opposition voiced to the county commission prior to the 10/27/08 meeting and there was no opposition present at that meeting. Other neighbors voiced their support to the county commissioners and they can and will voice their support to the MPC.

2. RE: SECTOR PLAN AMENDMENT: MPC staff report for the 9/11/08 MPC meeting states: *"the area has not experienced any appreciable changes in development" and "the surrounding development pattern is essentially the Same as in 2000."*

Significant changes have occurred to Development, Population and Traffic Trends.

- The development and character of the area has changed dramatically since 2000 incurred by the development along Northshore Drive, especially in the area of Northshore Drive that intersects Ebenezer Road.
- Some developments along Ebenezer Road since 2000 are: an office building at 1920 Ebenezer Road, Weigel's store at corner of Ebenezer Rd./Northshore Drive, Vet Clinic at 1439 Ebenezer Road, Hair Salon at 8912 Bluegrass Road and the Woods at Bluegrass subdivision. This changed the development pattern, population and traffic trends.
- When 4 ½ acres of A Agricultural zoned property along Ebenezer Road and Bluegrass Road was rezoned to CA in 2000, the area development pattern and the way the area is perceived was changed significantly.
- With the developments along Northshore Drive and combined with other developments on Ebenezer Road and Peters Road, Ebenezer Road has become a significant traffic artery, has changed the traffic patterns and has changed the way the area is perceived.
- Mr. Kenneth Kirby, PhD, a resident of Foxfire subdivision wrote to the MPC on 8/12/08: *"I have seen the area move from a street with minimal traffic to one that is a major artery for handling traffic from and to I-40."* In meeting with the area residents, I found this to be the common way that this traffic corridor is perceived.

3. RE: SECTOR PLAN AMENDMENT: MPC staff report for the 9/11/08 MPC meeting states: *"the current land use designation for the property is appropriate....."*

The current land use designation is not the only appropriate use and is not necessarily the most appropriate use.

PR zoning was not the most appropriate rezoning in 2000. **OB** was a more appropriate rezoning and the Sector Plan should have been amended for that zoning.

1. When the property was rezoned from **A** to **PR**, an adequate transition was not provided from the newly created **CA** zone to the newly created **PR** zone.
2. Over 50% of the **PR**-zoned property is adjacent to non-residential zones, most of which is **CA** zone. At least 25% of the potential **PR** development would be facing a **CA** zone, probably a strip retail center.
3. The property is too small for **PR** development according to the MPC policy of 5 acres minimum size.
4. This property is in the Planned Growth Area of the Growth Policy Plan, which supports **OB** zoning as a transition from commercial zoning to residential zoning.

4. The MPC staff report (9/11/08) states: *" there is currently a residence on the Subject property."*

There is not a residence on the property. A visit to the site would readily indicate this.

5. The MPC staff report (9/11/08) states: the property is *"adjacent to residential uses on three sides."*

The property has five sides/boundaries. It is adjacent on two sides by residential and two sides by commercial/future non-residential and one side by Ebenezer Road.

I found from my meetings with the neighborhoods that a lot of the neighbors were misled by the MPC report and by the maps provided by the MPC with the report. From the MPC information, they did not recognize that the properties along Bluegrass Road were already zoned CA.

6. The MPC report states: rezoning the SUBJECT property *"would put pressure on rezoning of properties to the North to non-residential."*

There are three properties to the North (see attached map): 8912, 8916 & 8922 Bluegrass Road. The zoning classification of the subject property (1631 Ebenezer Road) has little or no effect on the future rezonings. Because of the CA zonings of 2000, none of the three properties is suitable for Low Density Residential use. Rezoning the subject property to OB Office, Medical and Related Services would encourage any future rezoning of these three properties to the North to be OB instead of CA.

These three properties are: [\(see attached map\)](#)

8912 Bluegrass Road: .93 Acres (.46 Ac zoned **CA**, .47 Ac zoned **A**) Existing structure is a commercial building containing a hair salon. It is adjacent to a Kindercare childcare facility.

The .47 Ac portion of the property zoned A, Agricultural if subject to rezoning is:

- surrounded on two sides by CA zoning and not suitable for any residential use
- “landlocked” by the CA zone fronting Bluegrass Road making it unsuitable for residential use.
- too small for PR Planned Residential.
- Because of the CA rezonings in 2000, only suitable for non-residential use

8916 Bluegrass Road: 1.89 Acres (.95 Ac zoned **CA**, .95 Ac zoned **A**). Existing structures are one rental house and one rental trailer home.

The .95 Ac portion of the property zoned A, Agricultural if subject to rezoning is:

- Adjacent to a CA zone making it unsuitable for a single family or multifamily dwelling
- “landlocked” by the CA zone fronting Bluegrass Road making it unsuitable for residential use
- too small for PR Planned Residential
- Because of the CA rezonings in 2000, only suitable for non-residential use

8922 Bluegrass Road: 1.94 Acres zoned **A**. Existing structures are one house and two barns.

This property, if subject to rezoning, is:

- Adjacent to a CA zone making it unsuitable for a single family dwelling
- too small for PR Planned Residential use as dwelling units
- As a residential zone use, suitable for group day care home or commercial telecommunications towers

7. The MPC staff report (9/11/08) states: “the property was rezoned in 2000 and again in 2006.”

From talking to the neighborhoods, the report implies that I was the property owner for both of these rezonings, which implies that there was an agenda for "gradual upzoning" from 2000 to 2006. I did not own this property until 2008.

8. The MPC staff report (9/11/08) states: "The proposed OB zoning and large scale office development would not be compatible with the scale and intensity of **the abutting residential properties."**

- The abutting residential property homeowners have not indicated any opposition to the rezoning.
- The rezoning proposal limits the proposed office development to the **RA** residential zoning ordinance for height, setbacks, etc. The proposal also limits the buildable area, provides greater setbacks and greater buffers than required by PR or OB zones, and provides a virtual one-acre buffer at Ebenezer Road.
- The proposed office development also reduces gradework, saves more existing trees and vegetation, promotes sustainable design, reduces suburban sprawl and fits into the neighborhood with less negative impact than the potential **PR** development.
- The proposed office development would have a minimum impact on traffic at Bluegrass School and would not add any students to the over-crowded school.
- The proposed office development would provide a buffer/transition at Ebenezer Road and set the tone and lessen the impact of the commercial property on Ebenezer Road.

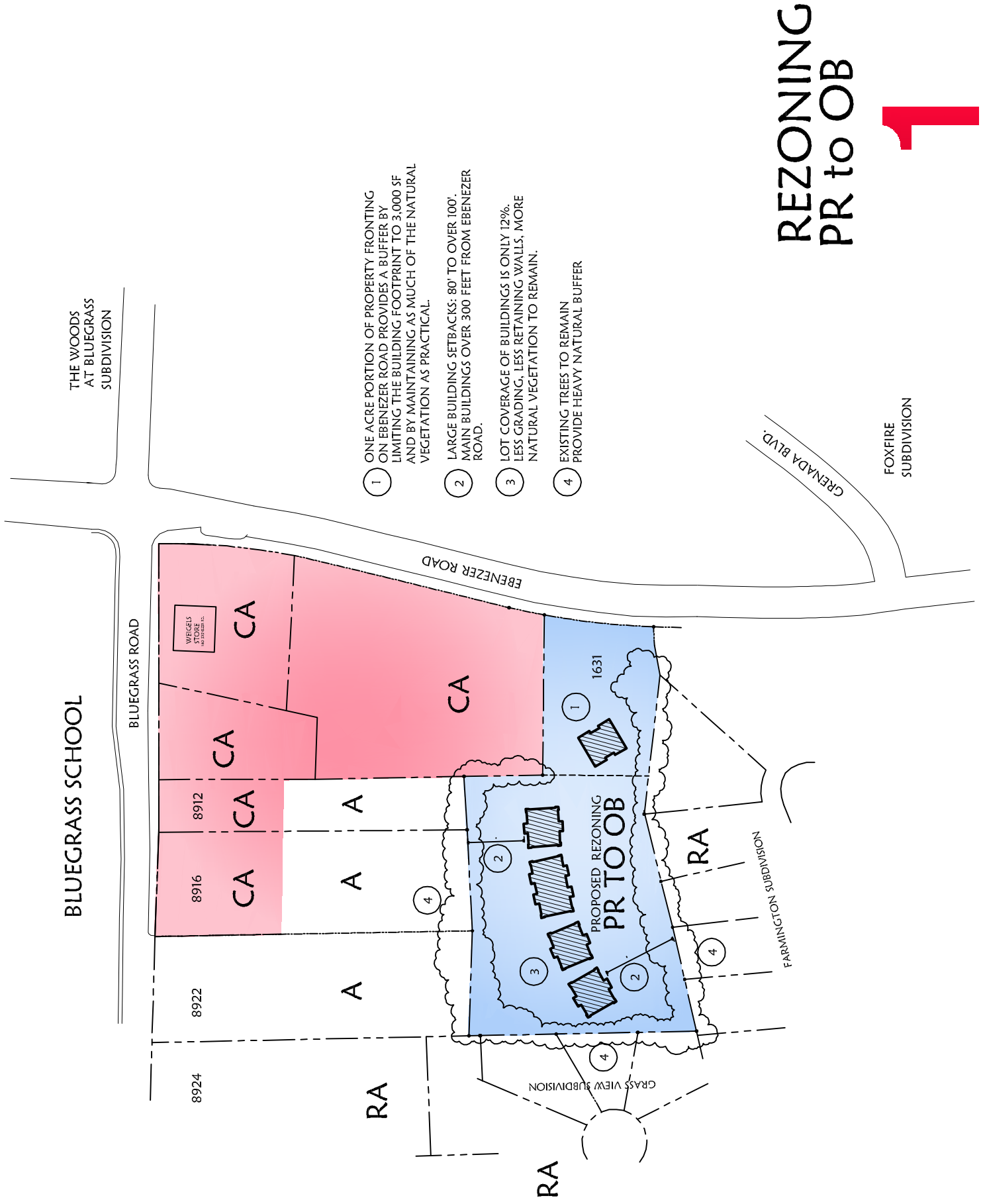
I urge all staff members involved in reviewing this item to visit the property site and become aware of the changes that have occurred to the area. I will be glad to meet with anyone at their convenience.

After reviewing this updated information, please let me know your comments ASAP.

Thanks.

Charles Pilgrim

1605 Botsford Drive
Knoxville, TN 37922
865-470-2625 office
865-406-4881 cell
pilgrimc@bellsouth.net



REZONING PR to OB

1







EBENEZER STATION * PETERS ROAD AT EBENEZER ROAD

From: <IRMetrics@aol.com>
To: <pilgrimc@bellsouth.net>
Date: 10/27/2008 2:47:39 PM
Subject: Re: COMMISSION MEETING

Chuck--Here"s what I sent the commissioners:

Re: File # 8-F-08-RZ, Charles Pilgrim

Mr. Pilgrim appeals his application rejected by MPC earlier. Residents of Foxfire subdivision, which is across Ebenezer from his site, initially strongly opposed the rezoning. Subsequently, Mr. Pilgrim met with a small group of residents and explained his project in some detail. Our group left this meeting convinced that his approach might be good and that he appeared to be a man who would work with us to help improve what may be inevitable commercial development. This is not necessarily a majority opinion in the subdivision. All of us in the area, however are concerned about traffic flow and control in the Ebenezer corridor. This is particularly true because many Blue Grass School students walk to and from school, and many drivers in this busy "minor artery" are rude and dangerous, ignoring speed limits and rules of the road. We implore the commission, whether it approves the appeal or not, to urge a traffic study that finds ways to control the inevitable build-up of traffic, solves the special problem of Blue Grass School traffic, and permits safe egress to and from our neighborhoods on Ebenezer. Meanwhile, we now believe Mr. Pilgrim's plan may set the standard for commercial development that may follow and we encourage it. William C Schall, 1613 Clemente Lane, Knoxville 37922-6306 (Phone 769-4138; e-mail irmetrics@aol.com)

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November 4, 2008

Annalisa Cope
8912 Bluegrass Road
Knoxville, Tennessee 37922

MPC Staff and Commissioners
The Metropolitan Planning Commission
City-County Building, Suite 403
400 Main Street
Knoxville, Tennessee 37902

RE: MPC MEETING, 11/13/08, AGENDA ITEM #48, F., CHARLES PILGRIM

I own property which is adjacent to the Pilgrim property. I am very familiar with the area and how it has developed and changed over the years. I am familiar with the rezoning request from Charles Pilgrim and we would rather see the office buildings that he wants to build be put there instead of apartments or condominiums. I think this is a well thought-out plan that would set an example for future residential and non-residential development in the area.

I ask that you vote in favor of this rezoning and Sector Plan Amendment.

Sincerely,

Annalisa Cope

November 4, 2008

Randy Beffrey
8912 Bluegrass Road
Knoxville, Tennessee 37922

MPC Staff and Commissioners
The Metropolitan Planning Commission
City-County Building, Suite 403
400 Main Street
Knoxville, Tennessee 37902

RE: MPC MEETING, 11/13/08, AGENDA ITEM #48, F., CHARLES PILGRIM

I operate a business that backs up to the Pilgrim property. I am very familiar with the area and how it has developed and changed over the years. I am familiar with the rezoning request from Charles Pilgrim and we would rather see the office buildings that he wants to build be put there instead of apartments or condominiums. I think this is a well thought-out plan that would set an example for future residential and non-residential development in the area.

I ask that you vote in favor of this rezoning and Sector Plan Amendment.

Sincerely,

Randy Beffrey

From: "Kline, Margaret (Margot)" <utmargarita@utk.edu>
To: <asuffridge@comcast.net>, <amymhalsey@yahoo.com>, <calfeebrown@knology.net>, <chadbrownvols@knology.net>, <DABEAVER@firsttennessee.com>, "Lawson, David" <DLawson@bandt.com>, "Ellie Kittrell" <etiemann@hotmail.com>, <fredieus@yahoo.com>, "Hardwick, Matt" <MHardwick@hgtv.com>, <harithourfali@yahoo.com>, <IRMetrics@aol.com>, <jchobanian@pipeline.com>, <james.a.bond@comcast.net>, <JTFriar1111@aol.com>, <jthompson@ijcompany.com>, <KStanley@workspaceinteriors.com>, <kristagardiner@comcast.net>, "Gardiner, Krista" <Krista.Gardiner@shawgrp.com>, <larry_mason@comcast.net>, <laurahuffman3@yahoo.com>, <ldavis@cityofknoxville.org>, <lorettaella@gmail.com>, <MRIKnox@aol.com>, <mattkittrell@comcast.net>, <patti_mason@comcast.net>, <pr5@bellsouth.net>, <rgreer14@yahoo.com>, <richard.voy@comcast.net>, <snyderj2@k12tn.net>, <snyderj70@yahoo.com>, <taclark06@comcast.net>, <eella@scottlab.net>, "Wrenn Spann" <wrennspann@realtyexecutivestn.com>, <patti_mason@comcast.net>, <kimberley.lawson@suntrust.com>
Date: 10/16/2008 3:44:28 PM
Subject: results of neighborhood meeting last night

We met with Finbarr Saunders and Charles Pilgrim last night to talk about rezoning on Ebenezer Road and Pilgrim's planned office development close to our entrance. Pilgrim has appealed the MPC decision to deny rezoning for a professional office complex on Ebenezer Rd. half a block south of our entrance. That appeal is scheduled to be heard at 6 pm Oct. 27 in the monthly County Commissioners meeting at the City-County Building.

The people who attended last night were Erik and Loretta Ella, Dorothy Beaver, Matt Hardwick, Cynthia and Chad Brown, Joyce and Greg Birtsch, and Jim and Margot Kline. Almost everyone there acknowledged that commercial/office development of Ebenezer Rd. is inevitable. We let Saunders know we dread the thought of fast-food restaurants, car washes, storage facilities, etc. that would turn Ebenezer into another Kingston Pike.

Saunders and Pilgrim said the small office complex he plans would be a buffer to what could be much worse commercialization. Pilgrim agreed to send me more information about the work he's done so I could share it with everyone (see below). He told us he's won several MPC excellence awards as well as the Greater Knoxville Beautification Board & the American Institute of Architects Orchid Award (Onions and Orchids Awards Program). He said the office complex he plans would be very nicely landscaped and would not be an eyesore.

Pilgrim said if he doesn't build an office complex there he would be inclined to build an apartment building rather than condos. With the economy like it is he feels that high-end condos might be hard to sell but he could fill an apartment building with renters. That's not what he

really wants to do, but he could do that with the current zoning he has.

We also talked about traffic problems, and Commissioner Saunders said he would get in touch with the head of the Knox County Traffic Engineering Department and ask them to do a morning traffic study. We specifically discussed the possibility of rerouting traffic around Bluegrass so that the traffic would enter from Ebenezer and exit onto Bluegrass. That way there'd be no reason for people to cut through our neighborhood.

We also talked about what we and other neighborhoods nearby can do to have a voice in future commercial/office development on Ebenezer. Saunders suggested that our HOA should join the Council of West Knox County Homeowners and work up a sector plan for Bluegrass/Ebenezer. I'll pursue that.

Matt and Joyce are still very concerned about Ebenezer Rd. developing in a way that would be detrimental to us, and they voiced some strong concerns. Pilgrim said he is on our side in supporting only high-end development. He agreed to side with us against a day care at our entrance. That's a future issue we'll have to take up with the MPC.

Here are a couple of projects that Pilgrim recently designed and won awards for. Based on these, I feel reassured that the small complex of professional buildings he plans to put in would not hurt our home values and might even increase them--especially if future development is similar:

The clubhouse at Timberlake Subdivision (Halls). This won a 2002 MPC Excellence Award:

The professional building at the top of Peter's Road (at the intersection of Ebenezer):

Pilgrim said in an email, "Finnbar is making a great effort to improve the process of development within the neighborhoods. Finnbar would like for this to be an example of how the neighborhoods and developers can work together to the benefit of both sides. He is a sincere person/politician, which is somewhat of a rarity these days."

I felt pretty good about how the meeting went....

If anyone still has strong opposition to Pilgrim's proposed office complex please just let me, Matt, Cynthia, or Larry (Mason) know.