

▶ **FILE #:** 11-C-13-RZ **AGENDA ITEM #:** 23
 11-B-13-SP **AGENDA DATE:** 12/12/2013

POSTPONEMENT(S): 11/14/13

▶ **APPLICANT:** JACOB DUNAWAY
 OWNER(S): Jacob Dunaway

TAX ID NUMBER: 144 088
 JURISDICTION: Commission District 4
 STREET ADDRESS: 1402 Ebenezer Rd

▶ **LOCATION:** East side Ebenezer Rd., northeast of Highbridge Dr.

▶ **TRACT INFORMATION:** 1 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Ebenezer Rd., a minor arterial street with four lanes and center turn lane, having 63' of pavement width within 70' of right-of-way.

UTILITIES: Water Source: First Knox Utility District
 Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** O (Office) / OB (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Office space

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: Requests for C plan designation and CA zoning were withdrawn at MPC on September 12, 2013 (8-A-13-SP/8-B-13-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: House / LDR / RA (Low Density Residential)
 South: House / LDR / A (Agricultural)

East: House / LDR / RA (Low Density Residential)

West: Ebenezer Rd. - House / LDR / RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area along Ebenezer Rd. is developed with low density residential uses under A, PR and RA zoning.

STAFF RECOMMENDATION:

▶ **DENY O (Office) sector plan designation.**

Approval of office uses at this location would clearly be a spot sector plan amendment that does not meet any of the below criteria that could warrant an amendment to the sector plan. The site is surrounded by low density residential land uses and zoning.

► **DENY OB (Office, Medical, and Related Services) zoning.**

OB zoning at this location would allow uses that would not be compatible with adjacent residential uses and would be a spot rezoning.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

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

No road improvements have been made recently to Ebenezer Rd. Despite being classified as an arterial street, Ebenezer Rd. is primarily developed with residential uses.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The plan appropriately calls for low density residential (LDR) development at this location. This property is located within a large area of LDR designated and developed land. Approval of office uses for this site would be a spot sector plan amendment.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

There have not been significant changes that have taken place to justify amendment of the sector plan. Staff maintains that office uses are not appropriate along this section of Ebenezer Rd. Approval of these requests could lead to additional requests for office uses in the future on properties fronting on Ebenezer Rd.

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

There are no apparent trends that warrant an amendment to the sector plan.

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. No significant changes have occurred in the area that warrant the requested change in zoning. This site is and always has been zoned Agricultural.
2. The property is surrounded by residential uses and zoning. Establishment of OB zoning at this location would be a spot zoning. It could have a negative impact on neighboring residential uses and possibly establish a precedent leading to additional office requests along this section of Ebenezer Rd.
3. Staff recognizes that a landscaping business has been established at the site, which is not in conformance with the current Agricultural zoning. However, the subject property is not appropriate for OB zoning. Even if OB zoning is approved for the site, the current operations could not continue as they are today, with the storage of commercial vehicles and equipment at the site.
4. It is staff's understanding that the applicant has been cited by the Knox County Code Administration for a zoning violation for operating a non-conforming business in the Agricultural zoning district. Upon a site visit, staff observed that a house is located on the property with a heavily vegetated front yard. On the north side and east rear of the property is a driveway and large parking area that appears to be used for the storage of commercial vehicles and equipment (see attached aerial photo of the site.)

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested OB zoning district is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas.
2. Based on the above description and intent, as well as the permitted uses, this property is not appropriate to be rezoned to OB. It is surrounded on three sides by residential uses in an area designated on the sector plan

for residential use only.

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

1. Establishment of OB zoning at this location could adversely impact nearby residential properties.
2. OB zoning allows many uses that would not be compatible with nearby residential land uses and zoning.
3. Allowing OB zoning at this location would be a spot zoning, allowing intrusion of non-residential uses into a low density residential 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. With the requested plan amendment to the office land use classification, OB zoning would be consistent with the Southwest County Sector Plan. However, staff is recommending that the current sector plan designation and zoning be maintained for compatibility with surrounding land uses and zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future rezoning and plan amendment requests for non-residential development on other properties in the area fronting on Ebenezer Rd.

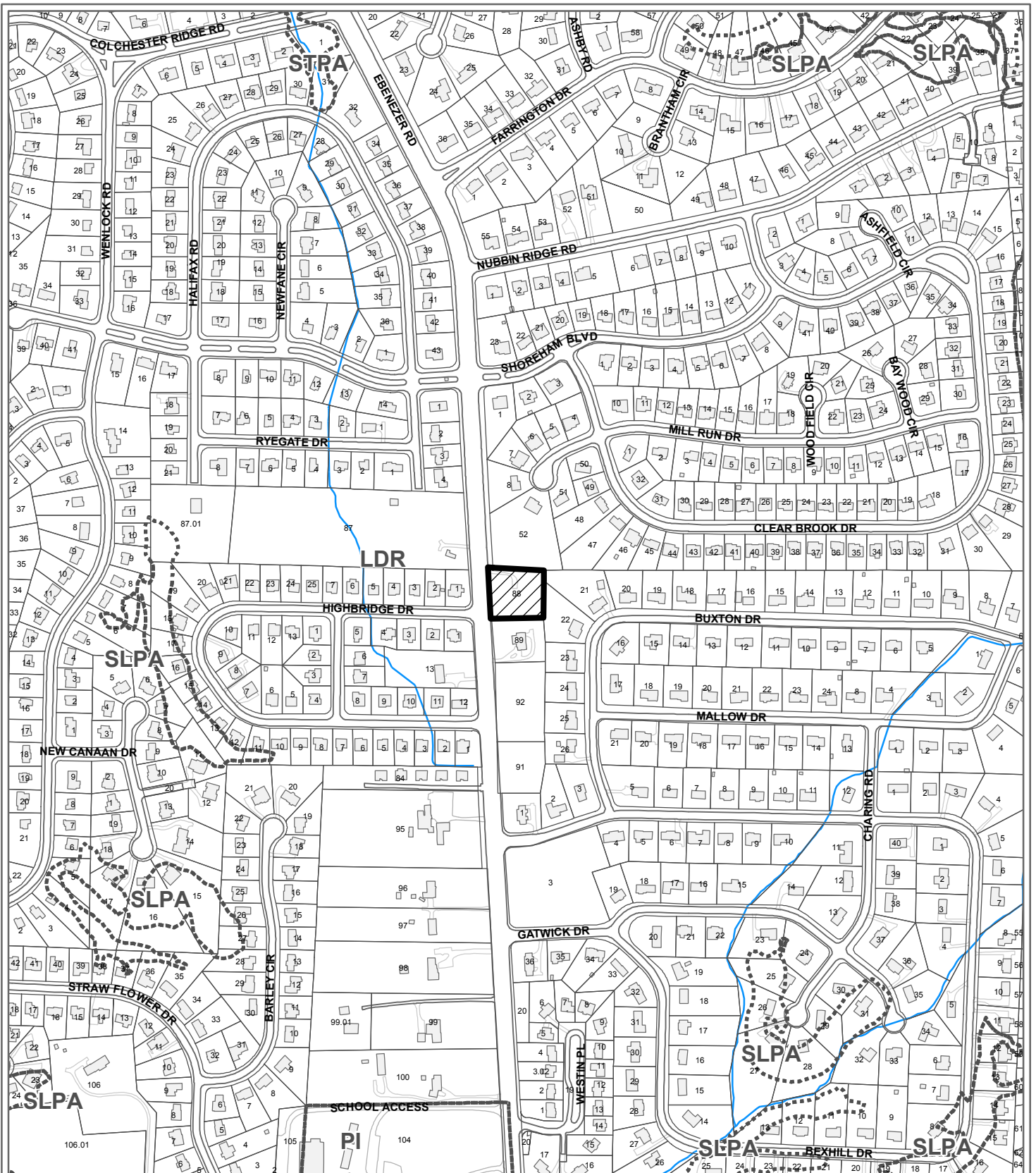
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/27/2014. If denied, MPC'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 an MPC decision in the County.



**11-B-13-SP / 11-C-13-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

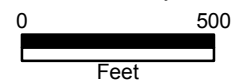
From: LDR (Low Density Residential)
To: O (Office)



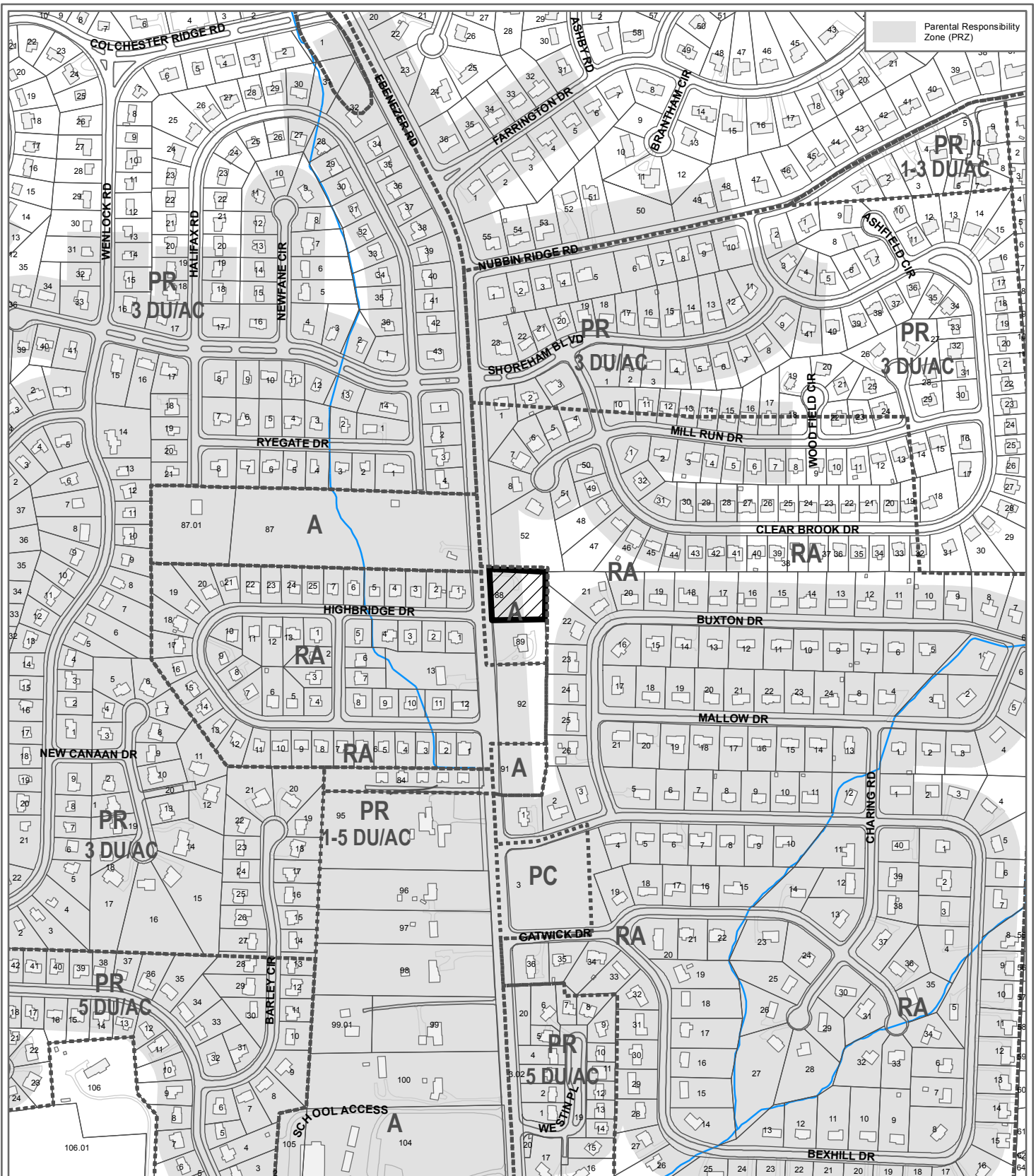
Petitioner: Dunaway, Jacob

Map No: 144

Jurisdiction: County



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Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**11-C-13-RZ
REZONING**

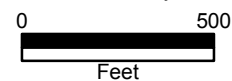
From: A (Agricultural)
To: OB (Office, Medical, and Related Services)



Petitioner: Dunaway, Jacob

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