



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

FILE #: 8-B-13-RZ **AGENDA ITEM #:** 30
 8-A-13-SP **AGENDA DATE:** 9/12/2013

POSTPONEMENT(S): 8/8/13

APPLICANT: JACOB DUNAWAY
OWNER(S): Jacob Dunaway

TAX ID NUMBER: 144 088
 JURISDICTION: Commission District 4

LOCATION: East side Ebenezer Rd., east of Highbridge Dr.
TRACT INFORMATION: 0.8 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: C (Commercial) / CA (General Business)
EXISTING LAND USE: Landscaping business
PROPOSED USE: Landscaping business office, parking of commercial vehicles and equipment
 EXTENSION OF PLAN DESIGNATION/ZONING: No
 HISTORY OF ZONING REQUESTS: None noted
 SURROUNDING LAND USE, PLAN DESIGNATION, ZONING: North: Residence and vacant land / LDR / RA (Low Density Residential)
 South: Residence / LDR / A (Agricultural)
 East: Residences / LDR / RA (Low Density Residential)
 West: Ebenezer Rd. - Residences / 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 C (Commercial) sector plan designation.

Approval of commercial 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 CA (General Business) zoning.**

CA 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 commercial 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 commercial uses are not appropriate along this section of Ebenezer Rd. Approval of these requests could lead to additional requests for commercial 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 CA 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 commercial 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 CA zoning, which allows a wide range of commercial uses that would negatively impact surrounding properties.
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. These applications have been filed in response to that citation and, if approved as requested, the current operations would be in conformance with zoning. 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 CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.
2. Based on the above description and intent, as well as the permitted uses, this property is not appropriate to

be rezoned to CA.

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 CA zoning at this location would adversely impact nearby residential properties.
2. CA zoning allows many uses that would not be compatible with nearby residential land uses and zoning.
3. Allowing CA zoning at this location would be a spot zoning, allowing intrusion of commercial uses into a low density residential area.
4. There is a vacant CA zoned property about a half-mile to the south on the west side of Ebenezer Rd., south of Bluegrass Rd. This would be an appropriate location for the proposed business to relocate in the same general 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 C land use classification, CA 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 commercial development on other properties in the area fronting on Ebenezer Rd.

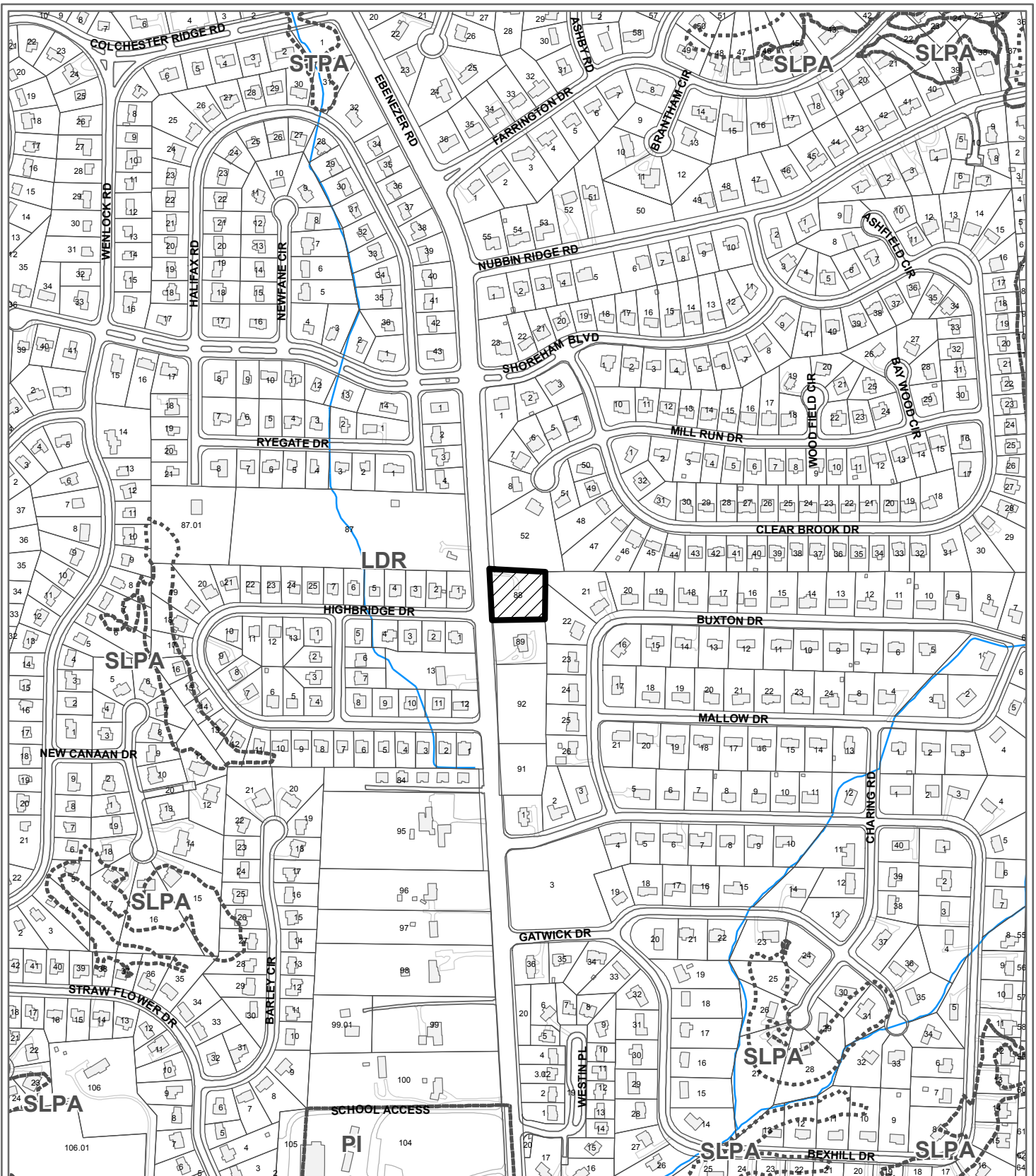
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 10/28/2013. 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.



8-A-13-SP / 8-B-13-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT

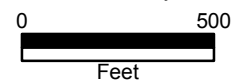
From: LDR (Low Density Residential)
 To: C (Commercial)

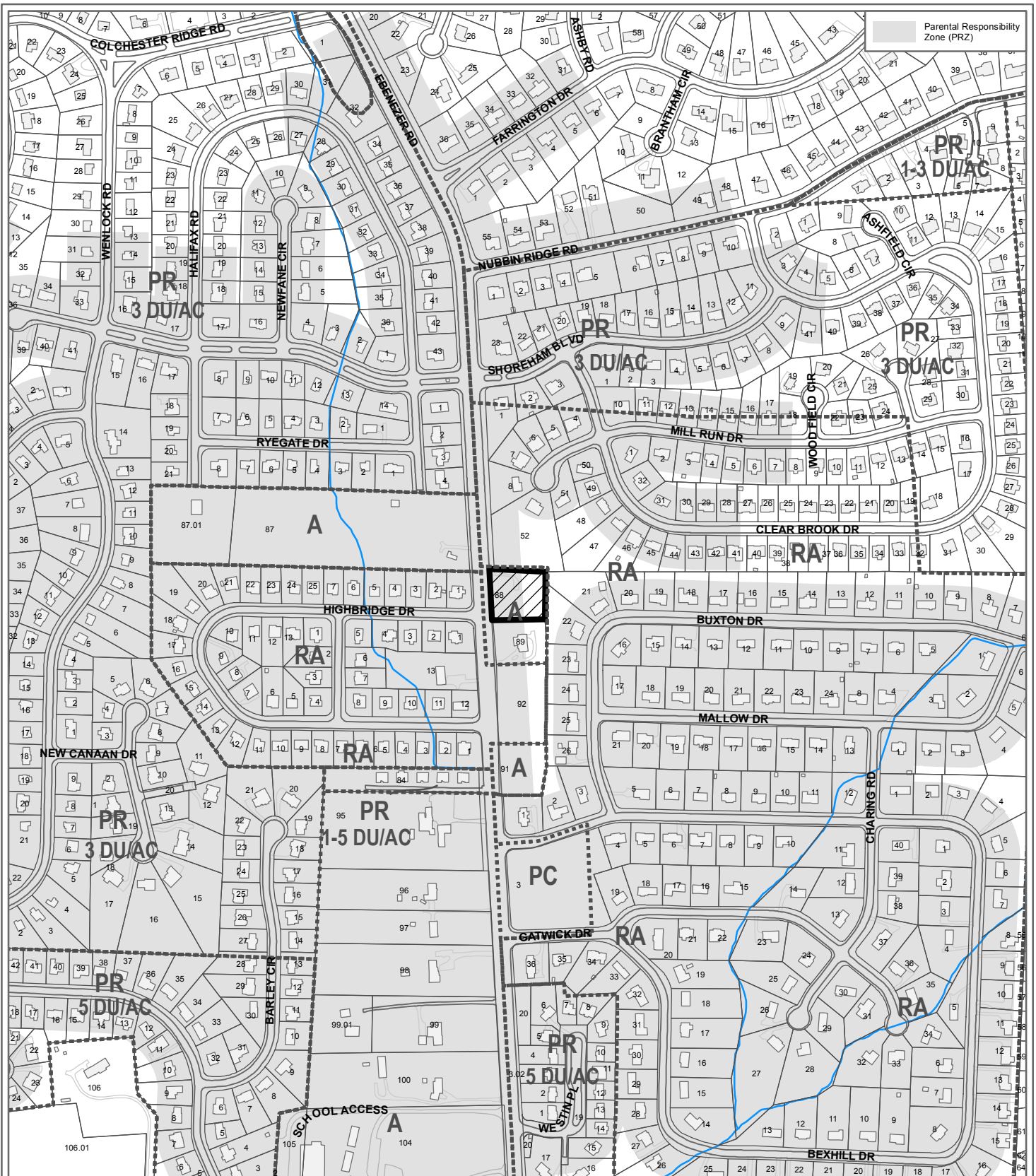


Original Print Date: 7/19/2013 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Dunaway, Jacob

Map No: 144
 Jurisdiction: County





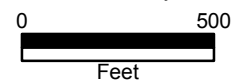
**8-B-13-RZ
REZONING**

From: A (Agricultural)
To: CA (General Business)



Petitioner: Dunaway, Jacob

Map No: 144
Jurisdiction: County



Original Print Date: 7/19/2013
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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0 50 Feet

8-B-13-RZ/8-A-13-SP

Aerial photograph

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - www.kgis.org

Printed: 7/25/2013 at 9:57 AM

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Request to Oppose rezoning

1 message

ROBERT ALBISTON <rkalbi@bellsouth.net>
Reply-To: ROBERT ALBISTON <rkalbi@bellsouth.net>
To: "Bettyjo.mahan@knoxmpc.org" <Bettyjo.mahan@knoxmpc.org>

Wed, Aug 7, 2013 at 12:18 PM

Dear Sirs and Madams:

Please note that we strongly oppose the rezoning of the land at the address of Native Designs Landscaping at 1402 Ebenezer Road from Agricultural to Commercial. This re-zoning would promote the degradation of our living area. Thank you!

Sincerely,
Robert and Lucinda Albiston
9218 Honors Way
Knoxville, TN 37922



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Re zoning

1 message

Craggy <roth103@comcast.net>

Wed, Jul 31, 2013 at 5:30 PM

To: "bettyjo.mahan@knoxmpc.org" <bettyjo.mahan@knoxmpc.org>

Will you please oppose item 38. The area being considered is immediately adjacent to residential areas which would not only decrease in value but also be situated in a high density area, including an elementary school. Do we want our all parts of our city to become like Clinton highway which is neither safe nor attractive? Nancy E. Roth, 1031 Cragfont Way, Knoxville, TN 37923. Thank you for your consideration.



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Please oppose item number 38 - Jacob Dunaway

1 message

Judy Horn <hornj5@yahoo.com>

Wed, Jul 31, 2013 at 8:53 PM

To: bettyjo.mahan@knoxmpc.org

Please oppose Item 38 (Agenda items 8-B-13-SP and 8-B-13_RZ). The request by Jacob Dunaway to rezone to CA (General Business) is not appropriate for the location on Ebenezer Road. The zoning should remain Agricultural.

Judith Horn
8809 Laurel Grove Lane
Knoxville TN 37922



Please oppose item number 38

1 message

KERSTIN SISCO <kerstin.sisco@knoxschools.org>

Wed, Jul 31, 2013 at 9:34 PM

To: "bettyjo.mahan@knoxmpc.org" <bettyjo.mahan@knoxmpc.org>

Commissioners,

I am a homeowner in the Ebenezer Road area. Please do not change the zoning on Ebenezer Road to commercial for:

38. JACOB DUNAWAY

East side Ebenezer Rd., east of Highbridge Dr., Commission District 4.

a. Southwest County Sector Plan Amendment 8-A-13-SP From LDR (Low Density Residential) to C (Commercial).

b. Rezoning 8-B-13-RZ From A (Agricultural) to CA (General Business).

We do not want this to happen. Mr. Dunaway can run his landscape business under the current Agricultural Zoning. Please keep our neighborhood a real neighborhood.

Kerstin Sisco
9231 Colchester Ridge Road
Knoxville, TN 37922

~
Kerstin Sisco
Librarian
Blue Grass School

8901 Bluegrass Road
Knoxville, TN 37922
Office: [865-539-7716](tel:865-539-7716)
Fax: [865-531-2164](tel:865-531-2164)
e-mail: kerstin.sisco@knoxschools.org

What we teach children to love and desire will always outweigh what we make them learn.

~Common Sense
MPC September 12, 2013

Agenda Item # 30



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Please oppose item 38

1 message

bwmills@juno.com <bwmills@juno.com>
To: bettyjo.mahan@knoxmpc.org

Thu, Aug 1, 2013 at 9:04 AM

Thank you

One Weird Trick

Could add \$1,000s to Your Social Security Checks! See if you Qualify…
newsmax.com



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

1402 ebenezer road rezoning

1 message

jennazarchin <jennazarchin@gmail.com>

Thu, Aug 1, 2013 at 9:23 AM

To: "bettyjo.mahan@knoxmpc.org" <bettyjo.mahan@knoxmpc.org>

To all MPC members,

I am hoping you will denial the request to Rezone 1402 Ebenezer Road to commercial. As homeowners, protecting our investment and security is of utmost importance.

Rezoning this commercial would only promote more changes of this type and would destroy our neighborhoods and diminish our property values.

Let's not ruin our beautiful homes and neighborhoods. I'm sure you would feel the same if it was in your backyard.

Sincerely,

Jenna Zarchin

8808 ebenezer oaks lane

Sent from my iPhone



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Please oppose item number 38

1 message

Emily Bieger <ebieger@att.net>

Sun, Aug 4, 2013 at 4:29 PM

To: bettyjo.mahan@knoxmpc.org

Dear Commissioners,

Please let it be noted that as a resident of Farrington Subdivision, located within walking distance of Native Designs Landscaping, I vehemently oppose the owner's request to rezone to commercial. My concern is this will lead to untold commercial development that will forever change the landscape of Ebenezer Road. There are a great many communities that must be considered. Many children ride their bikes and walk their dogs up and down Ebenezer and walk to the Weigels at the intersection of Ebenezer and Bluegrass for an Icee on a hot summer's day, not to mention young drivers who are learning to drive along this already busy 4-lane road. The noise for those who live near Ebenezer is already an issue and the trash is a growing concern. I implore you to vote to deny the request of rezoning at this Ebenezer location.

Thank you very much for your service to your community.

Emily Bieger

(h) 865.851.7088

(c) 865.313.0683

ebieger@att.net

1006 Ashby Road
Farrington Subdivision
Knoxville, TN 37923



Please oppose item number 38 / 8-A-13-SP and 8-B-13-RZ

1 message

maevesmith01@gmail.com <maevesmith01@gmail.com>

Mon, Aug 5, 2013 at 9:18 AM

To: bettyjo.mahan@knoxmpc.org

MPC Commissioners:

As a resident and homeowner of Charles Towne Landing subdivision I would like to let my opposition to the following be known:

ITEM #38. JACOB DUNAWAY

East side Ebenezer Rd., east of Highbridge Dr., Commission District 4.

a. Southwest County Sector Plan Amendment 8-A-13-SP From LDR (Low Density Residential) to C (Commercial). **OPPOSE**

b. Rezoning 8-B-13-RZ From A (Agricultural) to CA (General Business). **OPPOSE**

This is a residential area and should remain as such.

Thank You.

Maeve Smith



Oppose MPC #38 Ebenezer zoning

1 message

David Snider <sniderrd@bellsouth.net>

Mon, Aug 5, 2013 at 7:43 PM

To: bettyjo.mahan@knoxmpc.org

Cc: margotkline@gmail.com

38. JACOB DUNAWAY

East side Ebenezer Rd., east of Highbridge Dr., Commission District 4.

a. Southwest County Sector Plan Amendment 8-A-13-SP From LDR (Low Density Residential) to C (Commercial).

b. Rezoning 8-B-13-RZ From A (Agricultural) to CA (General Business).

I am not in support of Ebenezer Road becoming a retail commercial corridor. This road has become a high traffic corridor and retail commercial business will further the congestion. It is my understanding that retail commercial will degrade the value of surrounding personal residential properties. I respectfully ask that you use good judgment to protect the value of surrounding residential property owners and deny zoning that is detrimental to residential property values.

Thank you.

David Snider

1209 Farrington Drive

Knoxville, TN 37923

sniderrd@bellsouth.net

[865.385.8510](tel:865.385.8510)