

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

▶ **FILE #:** 9-D-16-RZ
 9-B-16-SP

AGENDA ITEM #: 38
AGENDA DATE: 9/8/2016

▶ **APPLICANT:** HOPE DAVIS
 OWNER(S): Hope Davis

TAX ID NUMBER: 155 H A 004 [View map on KGIS](#)

JURISDICTION: Commission District 4

STREET ADDRESS: 1904 Ebenezer Rd

▶ **LOCATION:** East side Ebenezer Rd., north of S. Northshore 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 4 lanes and 48' of pavement width within 100' 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), SLPA (Slope Protection Area) and STPA (Stream Protection Area) / A (Agricultural) and F (Floodway)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial), SLPA (Slope Protection Area) and STPA (Stream Protection Area) / CA (General Business) and F (Floodway)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Any use permitted by CA zoning

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of C plan designation from the southwest across Ebenezer Rd. and an extension of CA zoning from the southeast.

HISTORY OF ZONING REQUESTS: In 2001, staff and MPC recommended approval of CA zoning for this property, but the request was denied by Knox County Commission (6-G-01-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: House / LDR & SLPA / A (Agricultural) and F (Floodway)

South: Vacant parcel / LDR & SLPA / CA (General Business) and F (Floodway)

East: Cove and residential subdivision / STPA & LDR / F (Floodway) and PR (Planned Residential)

West: Ebenezer Rd., Church / C / A (Agricultural)

NEIGHBORHOOD CONTEXT: This site is located just north of the intersection of Ebenezer Rd. and S. Northshore Dr. Commercial and office uses are developed on the two intersection corners on the north side of S. Northshore Dr., zoned CA. Residential uses and a church are developed to the north of these properties, primarily zoned RA.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION # 9-B-16-SP, amending the Southwest County Sector Plan to O (Office), SLPA and STPA and recommend that County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.) (Applicant requested GC, SLPA, STPA.)**

Staff recognizes that the property may not be desirable for residential uses, but allowing commercial uses would place non-compatible commercial use directly adjacent to an established residential use to the north. Office uses would be more compatible with adjacent residential and are not as likely to generate as much traffic or have late business hours. Offices would be an appropriate transitional use between the adjacent low density residential uses to the north and the office use and CA zoning to the south. An office plan designation would allow consideration of OB zoning, which would allow professional and medical offices, or any number of other similar uses, giving the applicant reasonable use of the property.

- ▶ **RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) and F (Floodway) zoning. (Applicant requested CA & F.)**

Staff recommends OB zoning, rather than the requested CA, consistent with the associated sector plan recommendation. The same reasoning for the plan recommendation listed above applies to the rezoning request. OB zoning will allow reasonable use of the property for a professional/medical office, bank, beauty salon, residence(s) or other allowable use within the OB zoning district.

COMMENTS:

The portions of the site designated as SLPA and STPA will not change. Only the portion of the site currently designated LDR will change as a result of this request.

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 known improvements have been recently made to Ebenezer Rd. or area utilities, but they are adequate to serve the proposed commercial or the recommended office uses. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The current sector plan proposes low density residential uses and floodway for the site. The recommended office plan designation will allow the applicant reasonable use of the site, while minimizing the potential negative impact on adjacent residential use and zoning. Staff recognizes that the site may not be desirable or even appropriate for low density residential uses, but commercial uses are also not appropriate. OB is a suitable compromise for future development of the site.

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

No changes in government policy apply in this case. Office uses are appropriate as a transition between residential uses to the north and commercial/office uses to the south. In 2001, Knox County Commission denied a request to rezone this property to CA (6-G-01-RZ).

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

No new information or trends exist to reveal the need for a plan amendment. With the recommended sector plan amendment to office, an area of transition would be established between adjacent commercial and residential uses.

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. OB zoning provides reasonable use of the property, without introducing intrusive commercial uses directly adjacent to an established residential use.

2. OB uses are compatible with the surrounding land use and zoning pattern and will establish a transition area between adjacent commercial zoning to the south and residential uses to the north.
3. With the recommended Southwest County Sector Plan amendment to Office on the associated application (9-B-16-SP), OB zoning would be consistent with applicable adopted plans for the area.

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

1. The recommended 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. The OB zoning district also allows residential development as permitted by the RB zoning district.
2. Based on the above description and intent of OB zoning, this property is appropriate to be rezoned to OB, as requested.
3. The requested CA zoning is for general retail businesses and services but not for manufacturing or for processing materials.

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. The recommended OB zoning is compatible with the surrounding land uses and zoning pattern.
2. OB zoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.
3. The existing streets are adequate to handle additional traffic generated by allowing office or commercial uses on this site.
4. The requested CA zoning would allow intrusive, non-compatible commercial uses directly adjacent to a developed residential lot to the north.

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 recommended amendment of the Southwest County Sector Plan to Office, OB zoning would be consistent with the plan. The plan would need to be amended to GC to allow consideration of the requested CA zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The recommended OB zoning does not present any apparent conflicts with any other adopted plans.

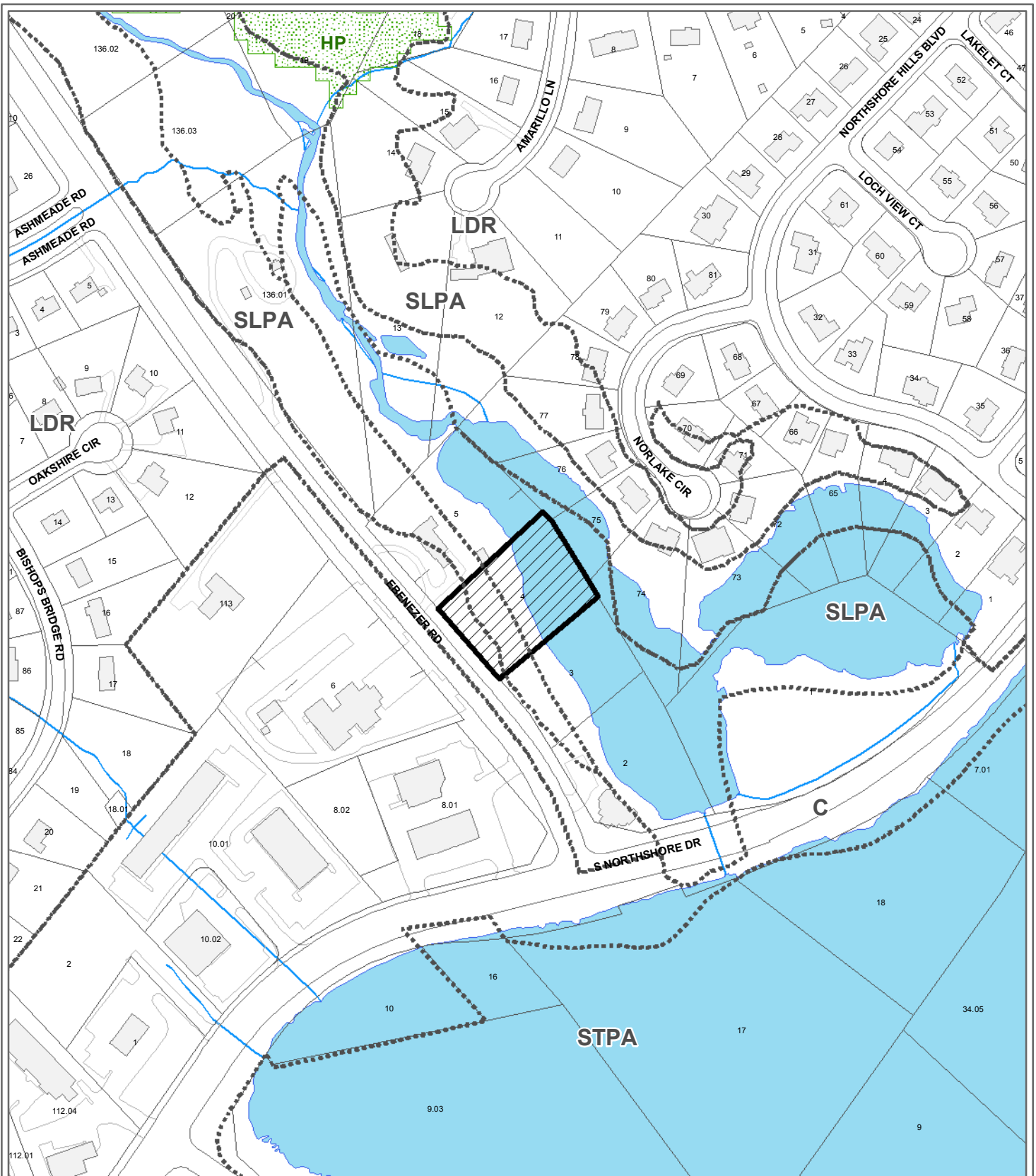
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

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 required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 10/24/2016. 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.



**9-B-16-SP / 9-D-16-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential) and SLPA (Slope Protection Area)
To: C (Commercial) and SLPA (Slope Protection Area)



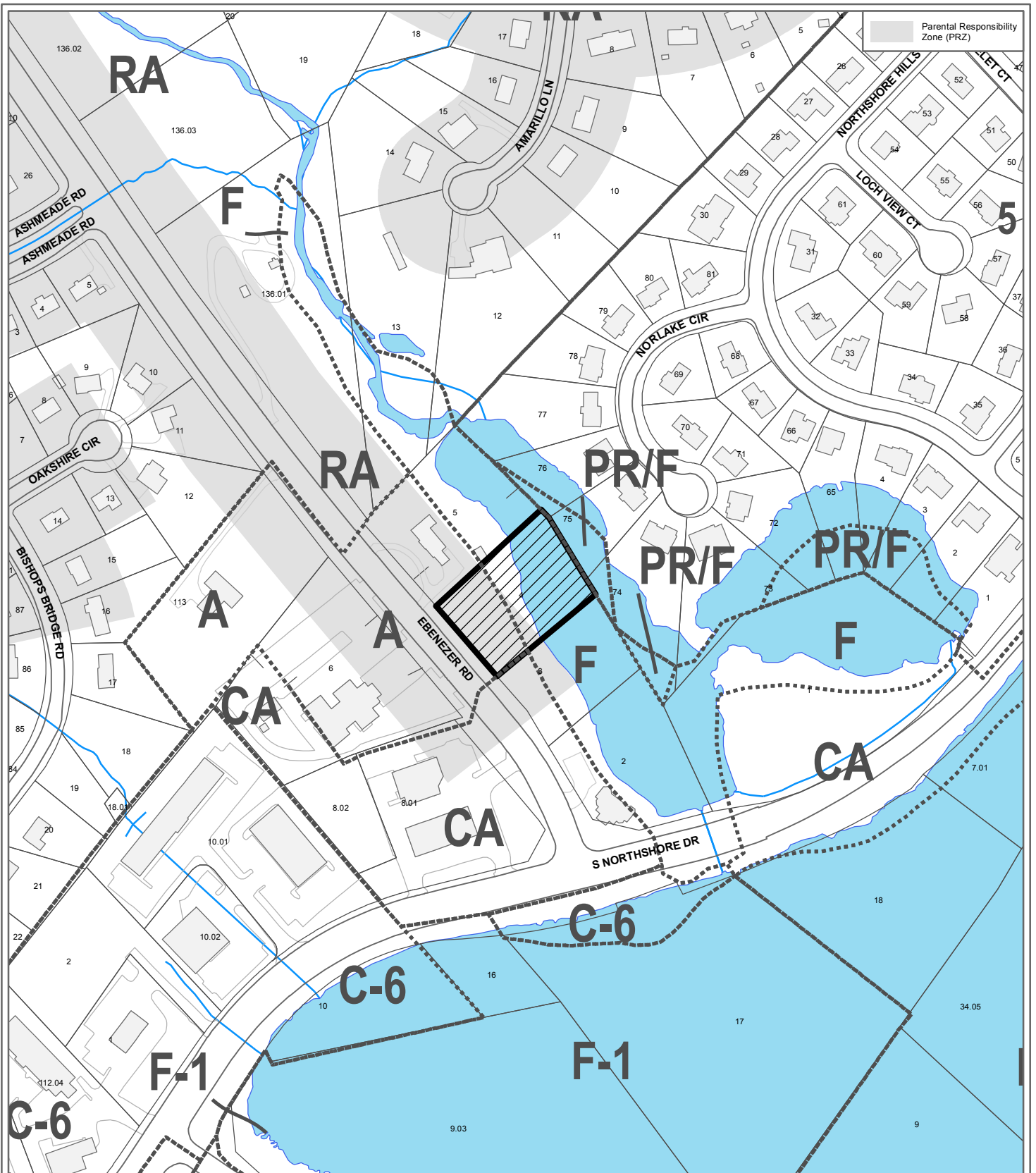
Petitioner: Davis, Hope

Map No: 155

Jurisdiction: County

Original Print Date: 8/12/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**9-D-16-RZ
REZONING**

From: A (Agricultural) and F (Floodway)
To: CA (General Business) and F (Floodway)



Petitioner: Davis, Hope

Map No: 155

Jurisdiction: County



Original Print Date: 8/12/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Southwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Hope Davis has submitted an application to amend the Sector Plan from Low Density Residential, Slope Protection Area and Stream Protection Area to General Commercial, Slope Protection Area and Stream Protection Area for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Southwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on September 8, 2016, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Southwest County Sector Plan, with its accompanying, staff report and map, file #9-B-16-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

REZONING PLAN AMENDMENT

Name of Applicant: Hope Davis Date Filed: 7/20/16 Meeting Date: 9/8/16 Application Accepted by: [Signature] Fee Amount: 1000.00 File Number: Rezoning 9-D-16-RZ Fee Amount: 600.00 File Number: Plan Amendment 9-B-16-5P



PROPERTY INFORMATION Address: 1904 EBENEZER PK General Location: E/S EBENEZER N of S. Northshore Dr Parcel ID Number(s): 155 HA 004 Tract Size: 1.0 ± Acre Existing Land Use: VACANT Planning Sector: SW County Growth Policy Plan: Planner Grant Census Tract: Traffic Zone: Jurisdiction: [X] County Commission 4 District

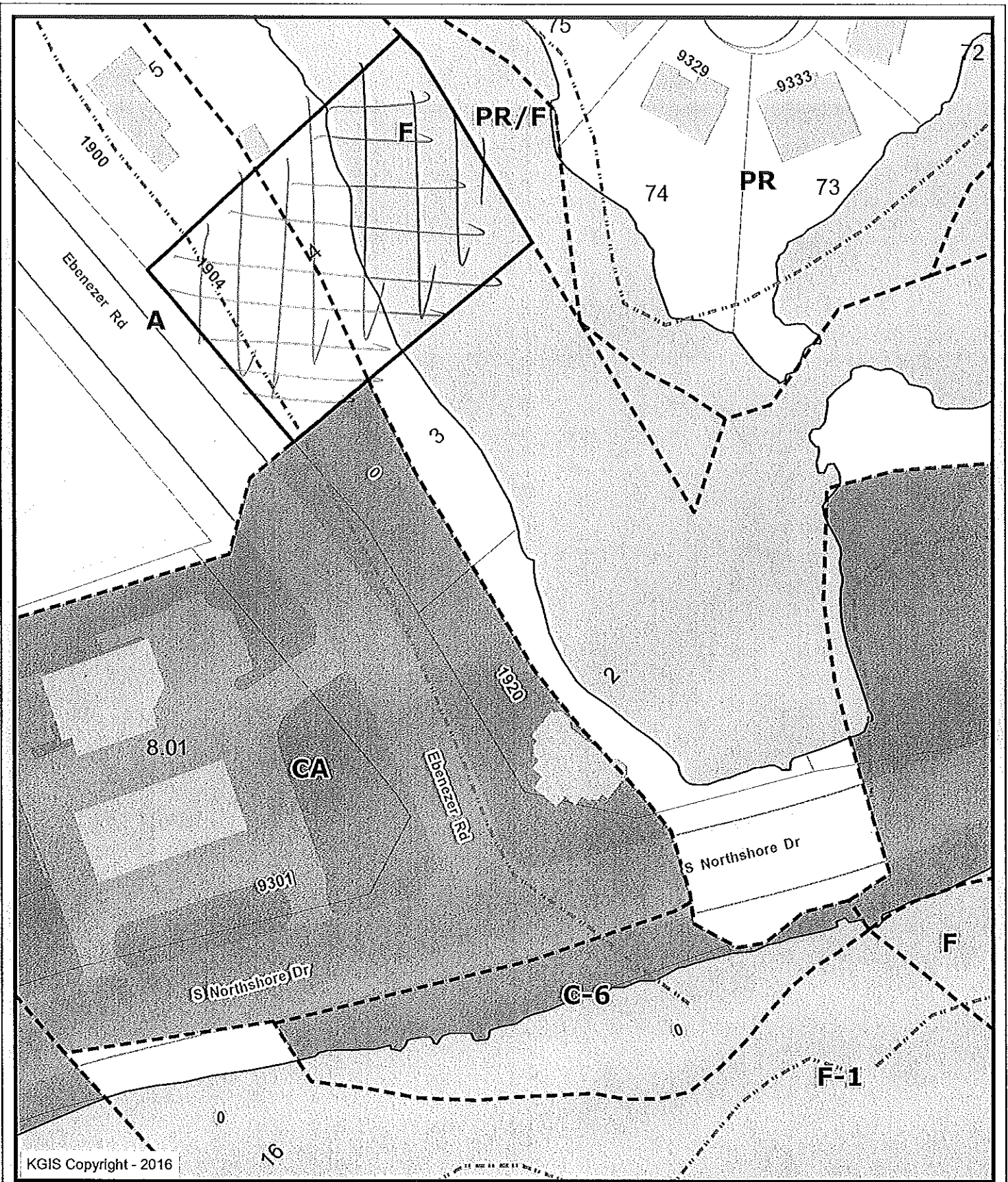
PROPERTY OWNER OPTION HOLDER Name: Hope Davis Company: Address: PO Box 11315 City: Knoxville State: TN Zip: 37939 Telephone: 865-806-8008 Fax: 865-693-7469 E-mail: SWD444@gmail.com

Requested Change REZONING FROM: A/F TO: CA/F PLAN AMENDMENT FROM: LDR/SLPA TO: C

APPLICATION CORRESPONDENCE Name: Same

PROPOSED USE OF PROPERTY Density Proposed: Units/Acre Previous Rezoning Requests: None noted

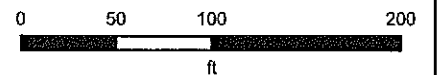
APPLICATION AUTHORIZATION Signature: Hope Davis POB Scott Davis Name: Same



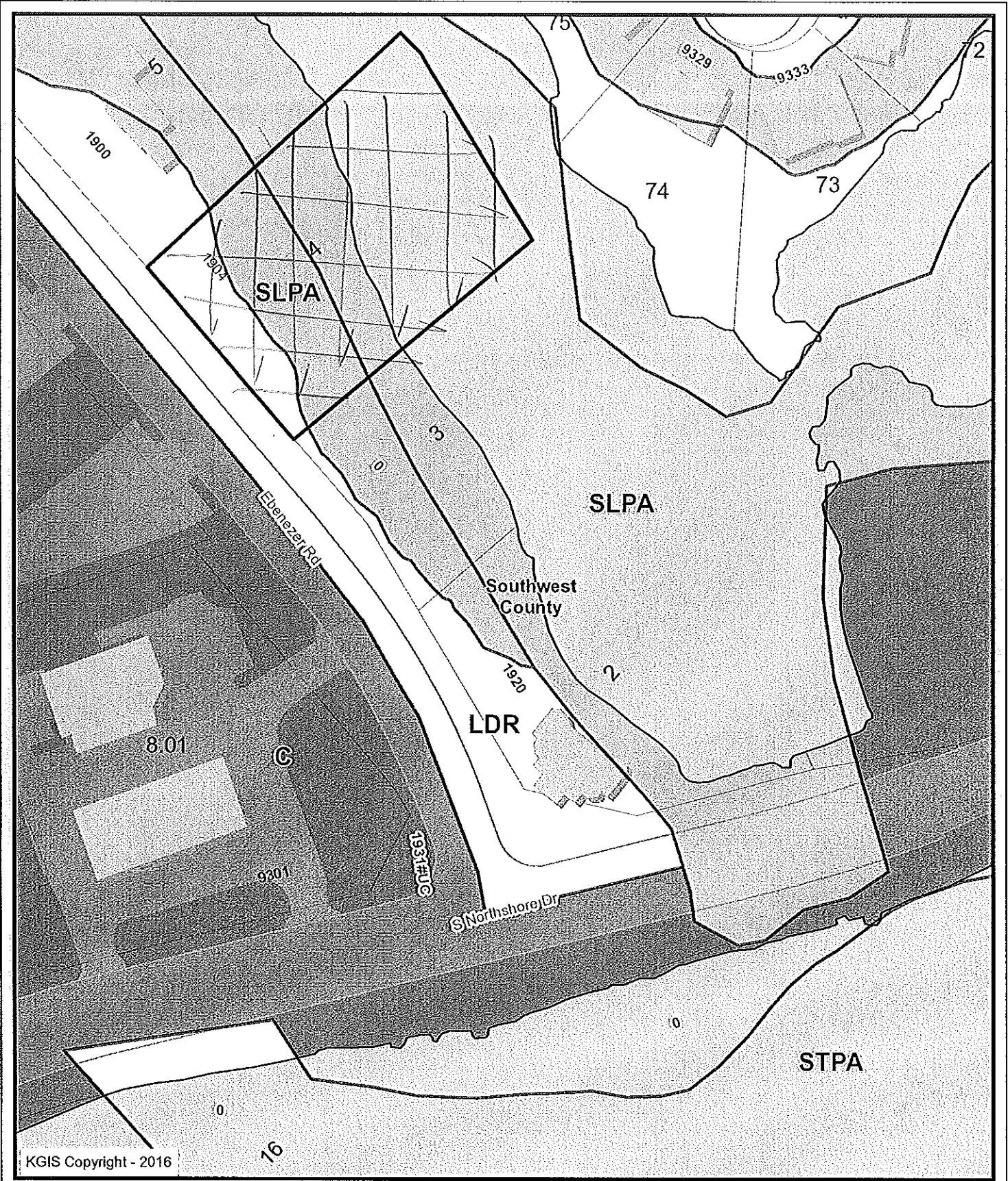
Letter Portrait

Printed: 7/20/2016 at 11:48:55 AM

Knoxville - Knox County - KUB Geographic Information System



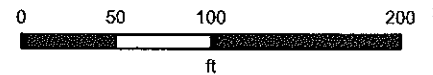
KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from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



Letter Portrait

Printed: 7/20/2016 at 11:49:27 AM

Knoxville - Knox County - KUB Geographic Information System



KGIS makes no representation or warranty as to the accuracy of his 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.