

▶ **FILE #:** 1-I-17-RZ **AGENDA ITEM #:** 38
 POSTPONEMENT(S): 1/12/2017 **AGENDA DATE:** 2/9/2017
 ▶ **APPLICANT:** JOYCE WEBB
 OWNER(S): Joyce Webb

TAX ID NUMBER: 132 L A 007 [View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 725 Ebenezer Rd

▶ **LOCATION:** Northwest side Ebenezer Rd., northeast of S. Peters Rd.

▶ **APPX. SIZE OF TRACT:** 2.23 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Ebenezer Rd., a major collector street with 24' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Ten Mile Creek

▶ **PRESENT ZONING:** T (Transition) & F (Floodway)

▶ **ZONING REQUESTED:** OB (Office, Medical, and Related Services) & F (Floodway)

▶ **EXISTING LAND USE:** Halfway house for women

▶ **PROPOSED USE:** Halfway house for women

EXTENSION OF ZONE: Yes, extension of OB zoning from the south.

HISTORY OF ZONING: Property was rezoned from A (Agricultural) to T (Transition) in 2013 (12-B-13-RZ), specifically to accommodate an event facility. It had previously been approved for a dog grooming/boarding facility in the Agricultural zone (10-F-02-UR).

SURROUNDING LAND USE AND ZONING: North: House and vacant land / A (Agricultural)

South: Indoor self-storage facility / OB (Office, Medical & Related Services)

East: Ebenezer Rd., vacant land / PR (Planned Residential)

West: Ten Mile Creek, vacant land / F (Floodway)

NEIGHBORHOOD CONTEXT: This site was once a tennis academy, then a dog boarding and grooming business. Residential uses are located to the north and east, zoned A and PR. Office uses are located to the south and west, zoned OA, OB and A.

STAFF RECOMMENDATION:

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

OB zoning is compatible with the scale and intensity of surrounding development and zoning and is consistent with the sector plan proposal for the site. The current F (Floodway) zoned area will not change as a result of this proposal.

COMMENTS:

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 is compatible with the scale and intensity of the surrounding development and zoning pattern in the area.
2. The proposed OB zoning is consistent with the Southwest County Sector Plan proposal for the site.
3. The adjacent property to the south was rezoned OB in 1992, consistent with the current sector plan proposal for the area, which calls for MDR/O (Medium Density Residential/Office) or O (Office) uses along the west side of Ebenezer Rd., between S. Peters Rd., Kingston Pike and Ebenezer Rd. (see attached portion of Southwest County Sector Plan map).

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

1. OB zoning provides areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices near residential neighborhoods.
2. Based on the above description, this site is appropriate for OB zoning.
3. The current F (Floodway) zoned area of the site will change as a result of this proposal.

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 proposal, if approved, will allow the property to be redeveloped with office and/or residential uses, as permitted under OB zoning.
2. The impact to the street system will depend on the type of development proposed, but should be minimal.
3. The proposed zoning is compatible with surrounding development, and there should be minimal impact to the surrounding area and no adverse affect to any other part of the County.
4. Public water and sewer utilities are available to serve the site.
5. No other area of the County will be impacted by this rezoning request.

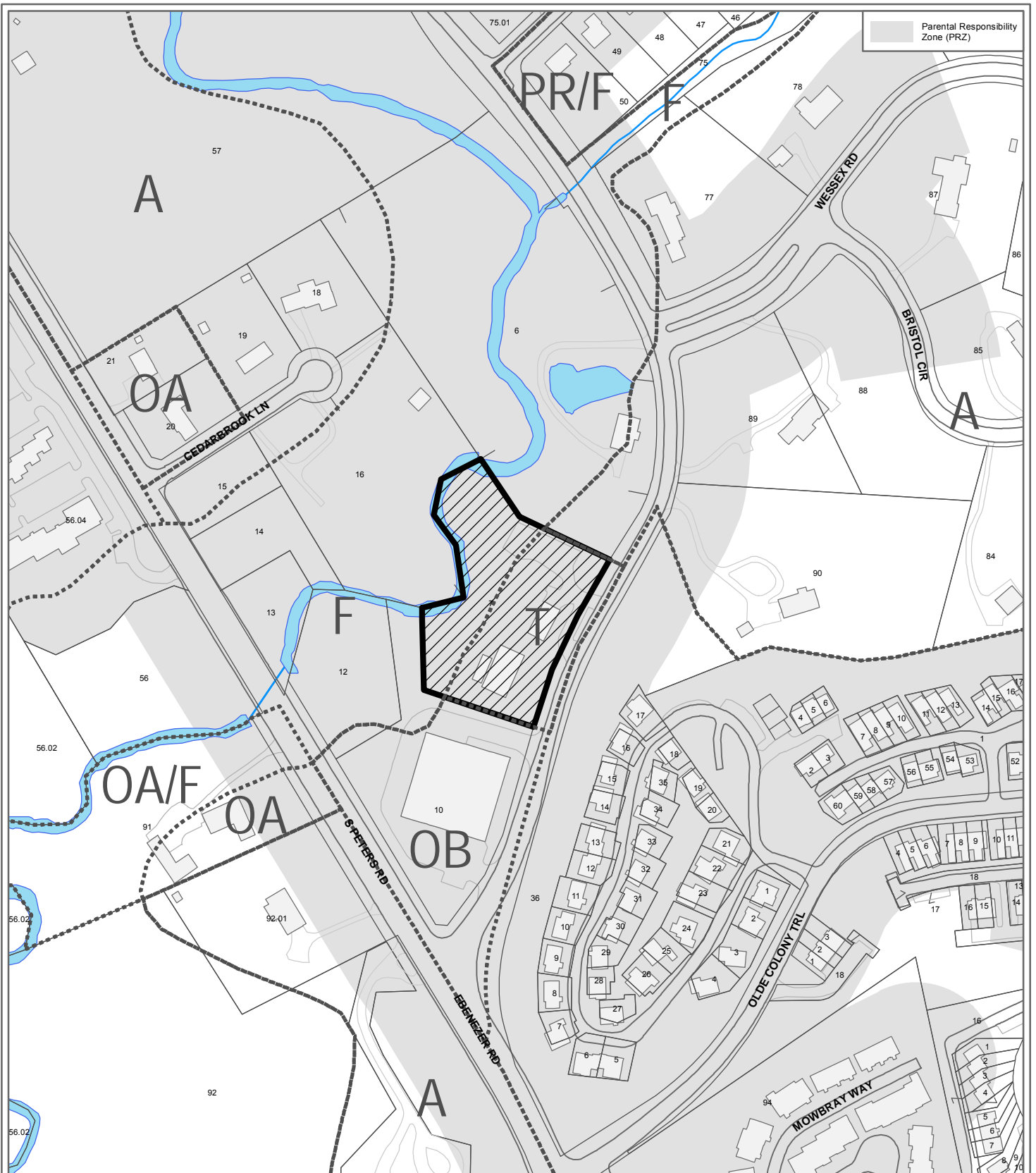
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Southwest County Sector Plan proposes MDR/O uses for the site, consistent with the requested OB 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 requests for OB zoning on surrounding properties zoned Agricultural, which is consistent with the sector plan proposal for office uses in the area.
4. The proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 3/27/2017. 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.



**1-I-17-RZ
REZONING**

From: T (Transition) & F (Floodway)

To: OB (Office, Medical, and Related Services) & F (Floodway)

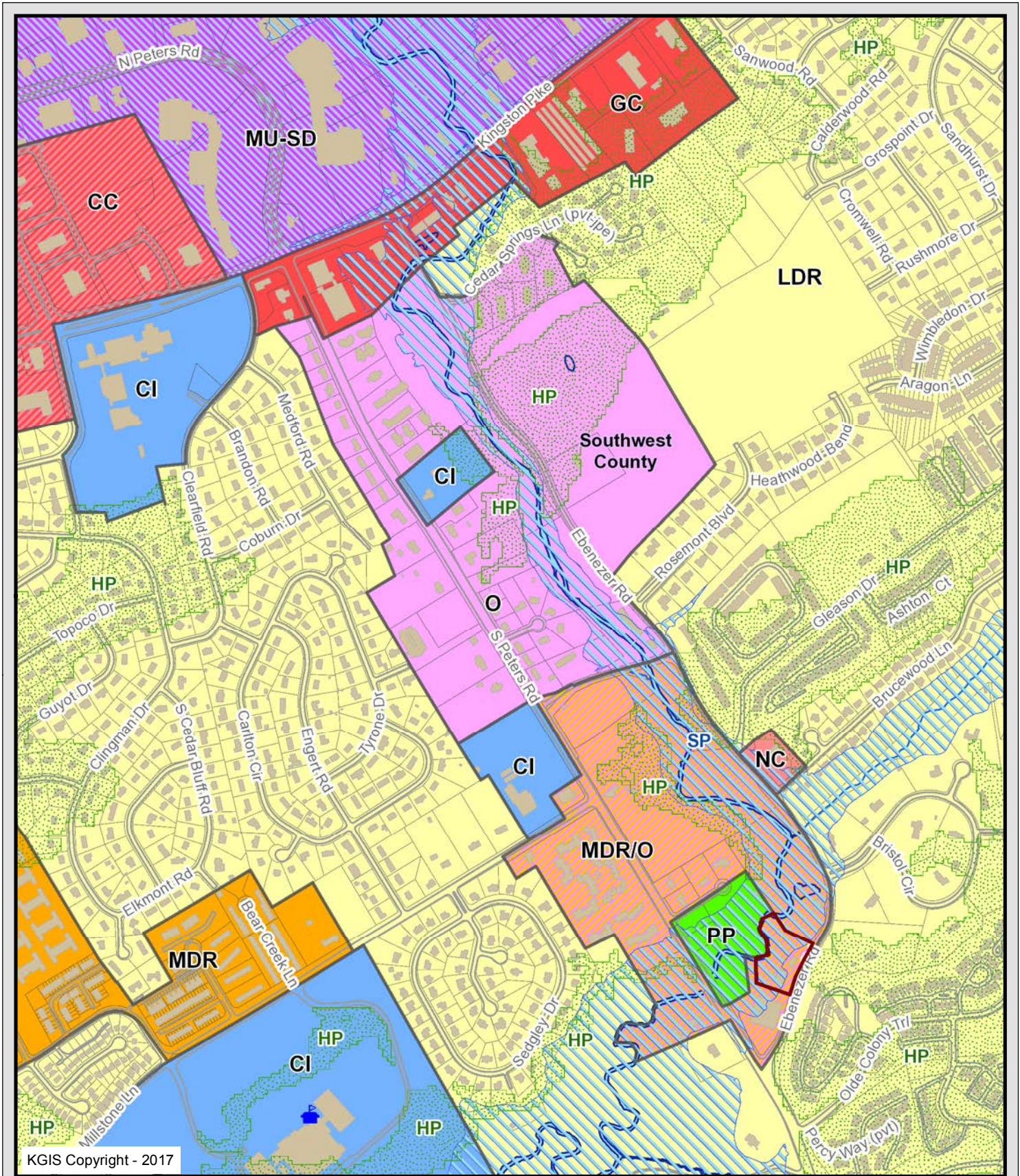


Petitioner: Webb, Joyce

Map No: 132

Jurisdiction: County

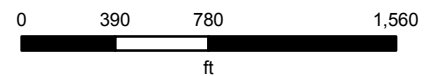




Letter Portrait

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COUNCIL OF WEST KNOX COUNTY HOMEOWNERS, INC.

Representing Homeowners since 1971

January 11, 2017

Re: Item #48, File ID 1-I-17-RZ

The Council of West Knox County Homeowners asks that you deny this application.

Admiral's Landing
 Ashley Oaks
 Belmont West
 Breakers at Riversound
 Briarglen
 Carrollwood
 Cedardale
 Charles Towne Landing
 Cobblestone Park
 Crestline
 Crestwood Hills
 Eagle Glen
 Farrington
 Foxfire
 Heritage Woods
 Heron's Pointe
 Karns Community Club
 Lakeridge
 Lovell Rd./Lovell View
 Madison Ridge
 Magnolia Pointe
 McKenzie Meadows
 Morgan Place
 New Kensington
 Northshore Landing
 Sevenoaks
 Sevenoaks West
 Sherman Oaks
 Tan Rara Oeste
 The Mill at Choto
 Trails End
 Villas at Lyons Crossing
 Wedgewood Hills
 Wesley Place
 Westland - West
 Westshore
 Woods at Bluegrass
 Woods at West Valley

This rezoning request, at 725 Ebenezer Rd., is to allow a halfway house that would provide room and board for up to 30 residents who are recovering from drug addiction. While we recognize the need to provide this service, the proposed use is too intensive for this location. The county ordinance does not currently regulate halfway houses, and an unregulated halfway house would not be in the best interest of the surrounding community.

1. Knox County does not currently give a definition of halfway house in its ordinances and does not provide guidelines for the regulation of this type of group residence. The closest county definition of this type use would be "Boarding House," which is for not more than 12 people, or "Congregate Housing," which is for the elderly. The City of Knoxville does define this type of use, however, and has established reasonable requirements insuring that a halfway house must not be within 300 feet of a park, school, or day care; must be within 1,000 feet of public transit; and must provide notification to law enforcement prior to occupancy (see attached **City of Knoxville definition and ordinances**).
2. This location is next to a Knox County-owned park (see attached **Dunn map**).
3. This location is more than a mile from public transit (see attached **closest bus distance**).
4. Little is known about the qualifications of this facility's management. This facility, called Mandala Recovery Services, may have breached the confidentiality of residents. Mandala has a Facebook page on which the page administrator (acting on behalf of Mandala) responded to a former resident and gave out information about past and present residents using their first names, indicating that at least one continued to use drugs while living in the halfway house (see **screen captures of Mandala directors' FB page comments**).
5. The proposed facility has been illegally operating for at least 11 months in a zone where it is not allowed (see **screen capture of Mandala directors' FB comment**).
6. The map of the area contained in the application does not accurately show the hundreds of residential properties immediately across the street from this location (see attached **area residential ownership map**).
7. Before this halfway house or similar use is permitted in the county, we ask that MPC work with County Commission to create county standards for halfway houses to insure they operate in harmony with the general purpose and intent of the Zoning Ordinance.

Thank you,



Margot Kline

President, Council of West Knox County Homeowners



Officers:

President: Margot Kline margotkline@gmail.com
 Vice President: Sue Mauer 690-0269 (ph) 769-2503 (fax)
 Secretary: Judy Horn jmjh2010@gmail.com
 Treasurer: Betty Spurling bgspsurling@knology.net
 Parliamentarian: Jerry Erpenbach Erpenbach_j@bellsouth.net

Directors:

vacant
 Tootie McCook tootiem125@aol.com
 Dave Rivoira drivoira@comcast.net
 Frank Slagle fslagle@toolcrib.com

City of Knoxville definition and ordinances:

***Halfway house:* An approved residential facility licensed for the housing, rehabilitation, and/or training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses, and court-ordered to reside at the subject facility.**

C-2 (central business districts) WITHOUT use on review

Halfway houses subject to the following standards:

- a. No other *halfway house* located within one (1) mile of this site.
 - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
 - c. The use shall comply with all applicable city, state, and federal codes and regulations.
 - d. The site shall be within one thousand (1,000) feet of an established transit route.
 - e. Signs identifying a use as a *halfway house* are not permitted.
 - f. The city police department must be provided with a written notification of the use prior to its occupancy.
-

C-3 (general commercial district) WITHOUT use on review

Halfway houses with maximum capacity of five (5) persons subject to the following standards:

- a. No other *halfway house* located within one (1) mile of this site.
- b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
- c. The use shall comply with all applicable city, state, and federal codes and regulations.
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C-3 (general commercial district) WITH use on review

Halfway houses with greater than five (5) persons subject to the following standards:

- a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
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 - c. The site shall be within one thousand (1,000) feet of an established transit route.
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 - e. The city police department must be provided with a written notification of the use prior to its occupancy.
-

C-4 (highway and arterial commercial districts) WITHOUT use on review

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 - e. The city police department must be provided with a written notification of the use prior to its occupancy.
-

C-6 (general commercial park district) WITHOUT use on review

Halfway houses with maximum capacity of five (5) persons subject to the following standards:

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-

O-2 (civic and institutional districts) WITHOUT use on review

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O-1 (office, medical, and related services district) WITHOUT use on review

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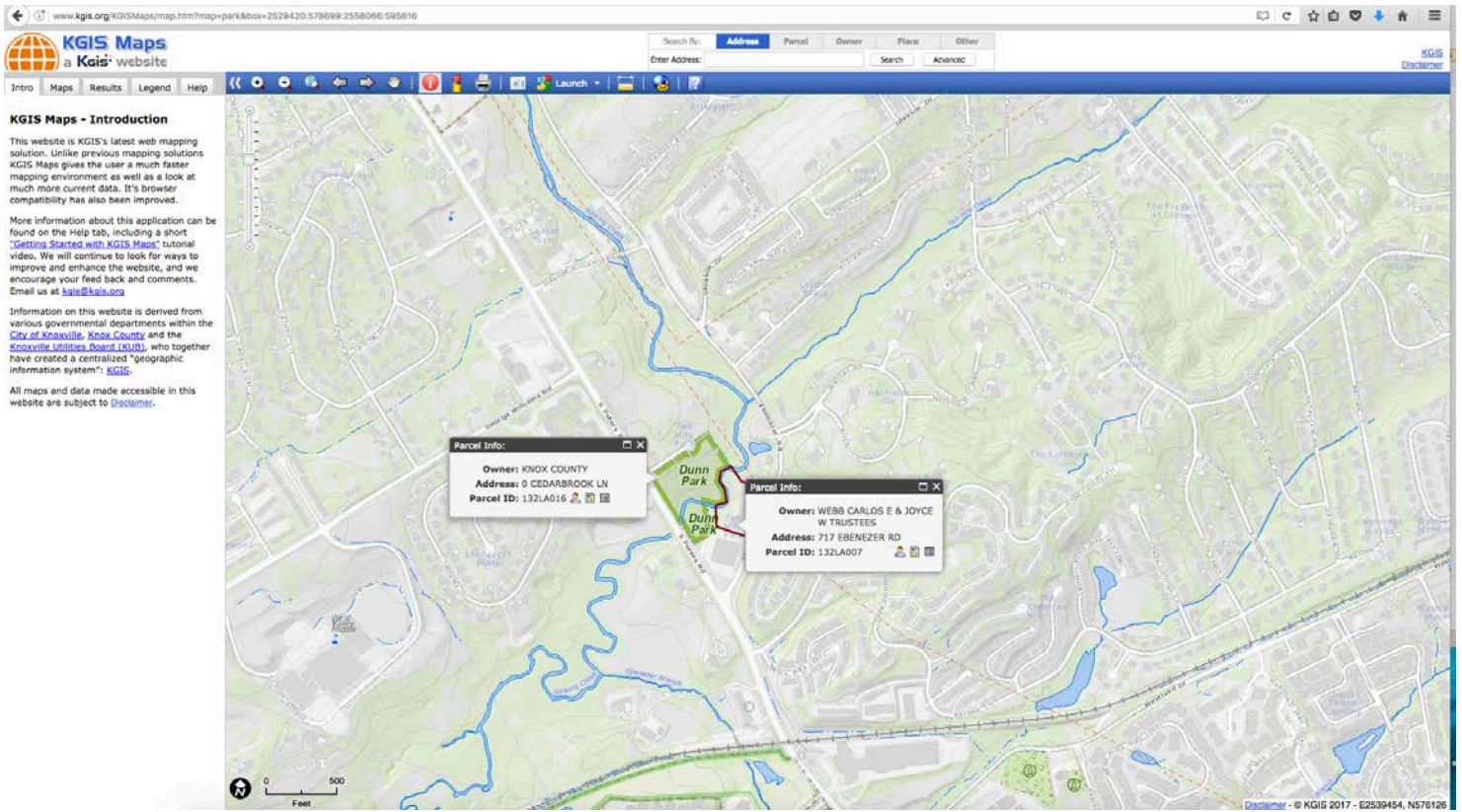
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 - e. The city police department must be provided with a written notification of the use prior to its occupancy.
-

R-2 (general residential district) WITH use on review

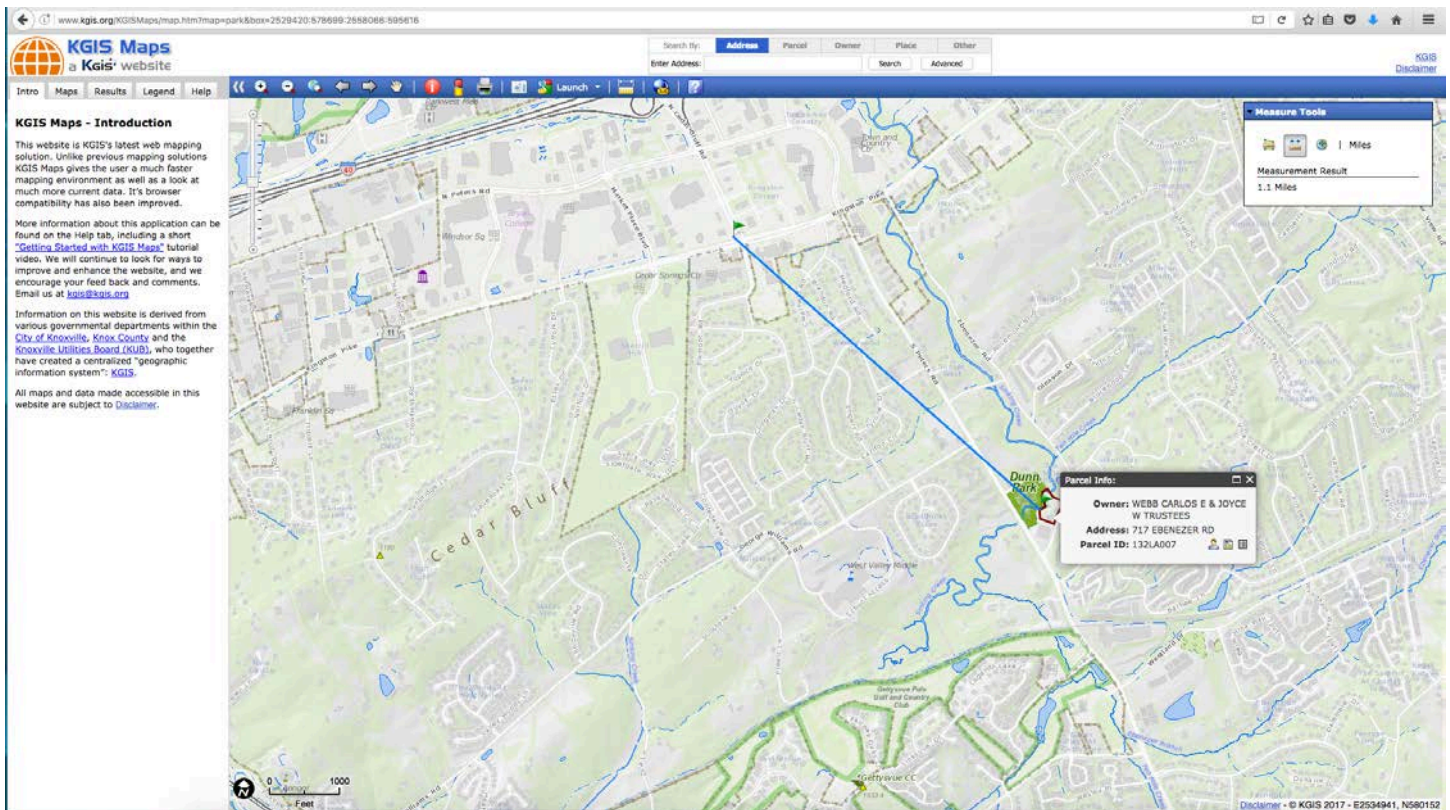
Halfway houses with maximum capacity of five (5) persons subject to the following standards:

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- d. The site shall be within one thousand (1,000) feet of an established transit route.
- e. Signs identifying a use as a *halfway house* are not permitted.
- f. The city police department must be provided with a written notification of the use prior to its occupancy.

Dunn map



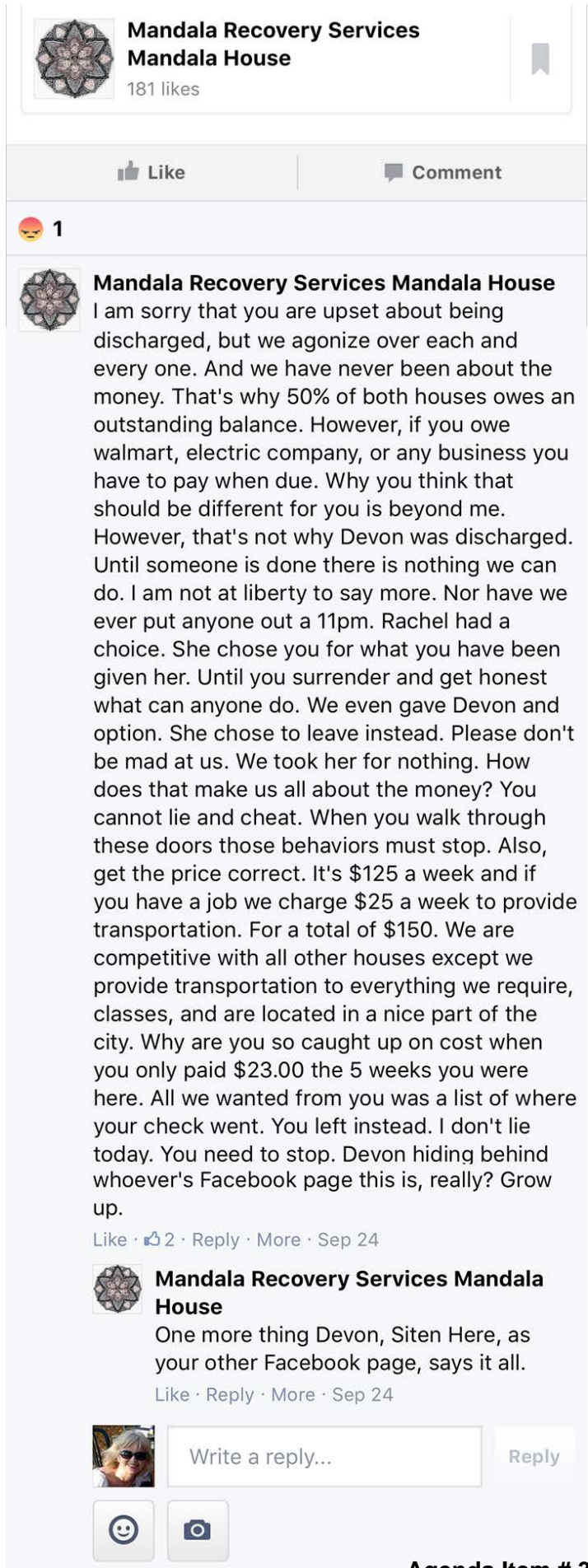
Closest bus distance



Screen captures of Mandala FB page comments



MPC February 9, 2017



Agenda Item # 38

AT&T 2:45 AM

Summer Woods Hollie E...

Summer Woods Hollie Evans

Add Friend Follow Message More

- Managing Directors at Mandala Recovery Services Mandala House
- Studied at Northeast State Community College
- Studied at East Tennessee State University
- Went to Volunteer High School
- Went to Bristol Tennessee High School

Comments Done

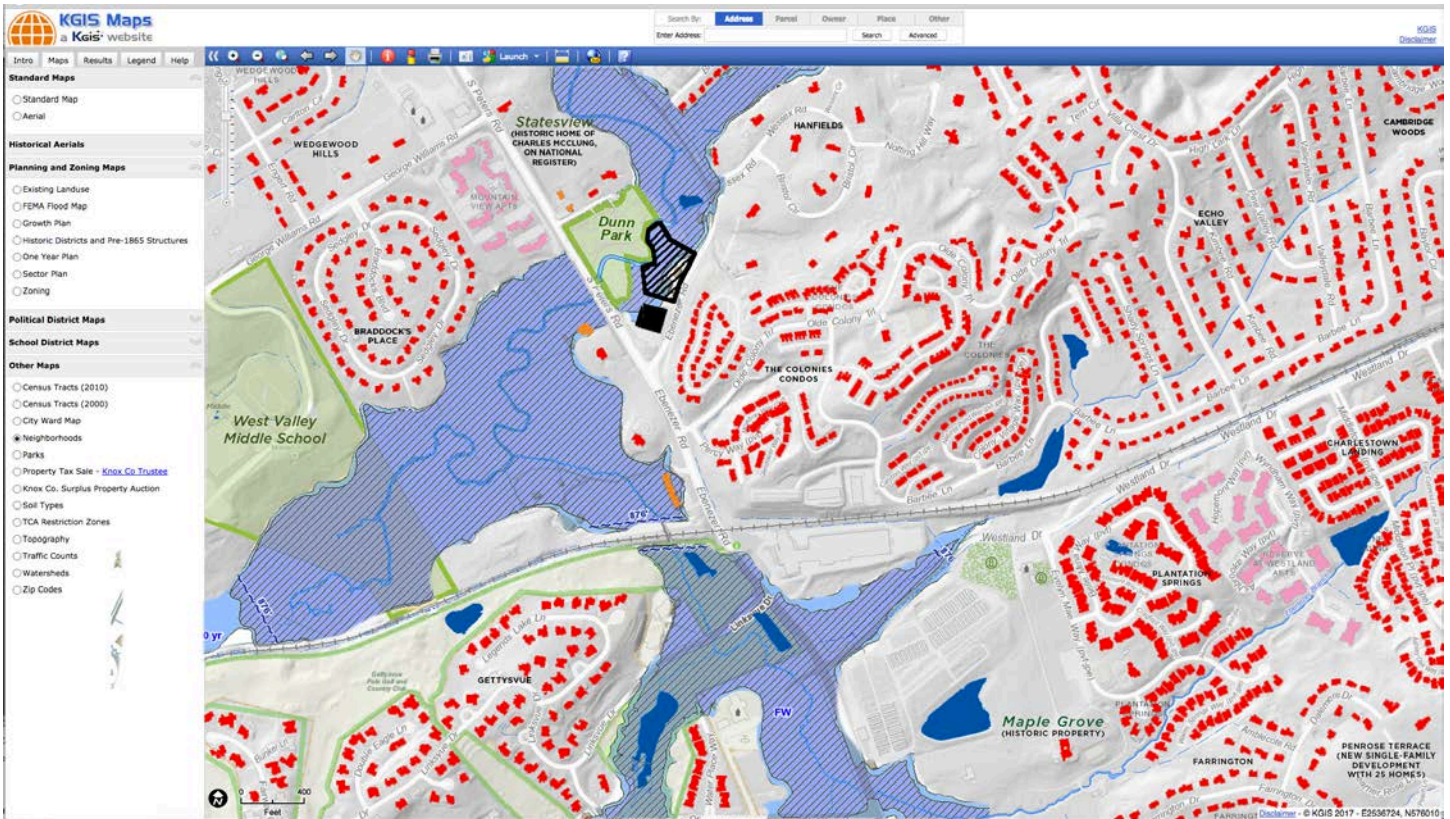
Summer Woods Hollie Evans
Doing great **Zack Brotherton**. Better than I could have ever imagined. Opening our new building -added 30 beds. God is good. Check out our FB Mandala Recovery Services. Hope all is well with you and your sweet family.
February 25, 2016 · 2

Allen Burnette
Hope you guys are doing great. Do you need anything for your new facility.
February 26, 2016

Summer Woods Hollie Evans
Thanks **Allen Burnette**. Actually, we are still looking for quite a few more items. If you know anyone with furniture, couch tables chairs, for sale or a dryer, let me know. Other than that it's the small things like pots pans dishes, etc.

Share

Area residential ownership map (The red dots indicate existing privately owned residences. The cross-hatched areas in blue are flood zone and are not likely to ever be developed extensively) The cross-hatched area in black is the proposed location of the halfway house. The black building beside it is a storage facility that was strongly opposed





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

[MPC Comment] Please vote no to Item 48, 1-I-17-RZ

Frank Slagle <fslagle@toolcrib.com>

Wed, Jan 11, 2017 at 4:13 PM

Reply-To: fslagle@toolcrib.com

To: Margot Kline <margotkline@gmail.com>, Knoxville-Knox County Metropolitan Planning Commission <gerald.green@knoxmpc.org>, commission@knoxmpc.org

Cc: Dave Rivoira <drivoira@comcast.net>, Judy Horn <jmjh2010@gmail.com>, TootieM125@aol.com, JEROME J JR ERPENBACH <erpenbach_j@bellsouth.net>, Betty Spurling <bgsurling@knology.net>

Great letter Margot!

Thanks for doing this.

I brought this up at the Community Forum meeting today and was told the City Ordinance for "Halfway Houses" is a mess. We need a good ordinance, but suggested we not use the City Ordinance as a Model. Hugh Nystrom was at Community Forum today so he heard all of the discussion.

Thanks again,

Frank

From: Margot Kline [mailto:margotkline@gmail.com]

Sent: Wednesday, January 11, 2017 3:47 PM

To: Knoxville-Knox County Metropolitan Planning Commission <gerald.green@knoxmpc.org>; commission@knoxmpc.org

Cc: Dave Rivoira <drivoira@comcast.net>; Judy Horn <jmjh2010@gmail.com>; TootieM125@aol.com; JEROME J JR ERPENBACH <erpenbach_j@bellsouth.net>; Betty Spurling <bgsurling@knology.net>; Frank Slagle <fslagle@toolcrib.com>

Subject: Please vote no to Item 48, 1-I-17-RZ

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1-I-17-RZ-PP-1-12-17



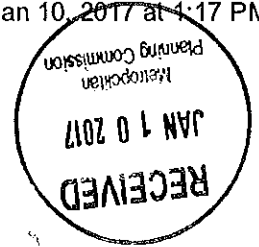
Dan Kelly <dan.kelly@knoxmpc.org>

Joyce Webb Rezoning, File Number 1-I-17-RZ

2 messages

Garceau, Jared S. <JGarceau@lewisthomason.com>
To: "dan.kelly@knoxmpc.org" <dan.kelly@knoxmpc.org>
Cc: "King, John" <JKing@lewisthomason.com>

Tue, Jan 10, 2017 at 1:17 PM



Dan,

Thank you for speaking with me earlier this afternoon. I'm confirming that I have spoken to the applicant, Joyce Webb, and the operator, and we would like to postpone the rezoning request until the February 9, 2017 meeting. Please feel free to contact me with any thoughts or questions.

Best regards,

Jared



LEWIS THOMASON

Jared Garceau Attorney at Law
Lewis, Thomason, King, Krieg & Waldrop, P.C.
620 Market St., 5th Floor | P.O. Box 2425 | Knoxville, TN 37901
Tel: 865-546-4646 | Fax: 865-523-6529
Web Page | My Bio

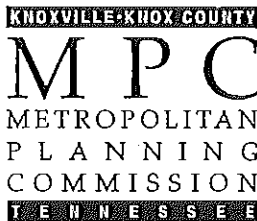
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Dan Kelly <dan.kelly@knoxmpc.org>
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Tue, Jan 10, 2017 at 3:31 PM

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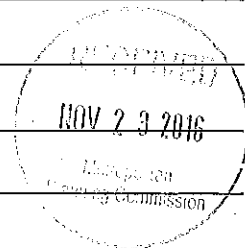
--
Dan Kelly
MPC, Deputy Director / Development Services Manager
(865) 215-2500



Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

REZONING **PLAN AMENDMENT**

Name of Applicant: Joyce Webb
Date Filed: 11/23/16 Meeting Date: 1/12/17
Application Accepted by: Marc Payne
Fee Amount: 1,000.00 File Number: Rezoning 1-I-17-RZ
Fee Amount: _____ File Number: Plan Amendment _____



PROPERTY INFORMATION

Address: 717 725 Ebenezer Rd
General Location: 1/3 Ebenezer Rd, due north of Peters Rd.
Parcel ID Number(s): 132LAD67
Tract Size: 2.23 ac.
Existing Land Use: Office
Planning Sector: Southwest County
Growth Policy Plan: Planned
Census Tract: 57.07
Traffic Zone: 234
Jurisdiction: City Council _____ District
 County Commission 5th District

Requested Change

REZONING

FROM: T (Transition), F (Flood)
TO: OB (Office, Med., Related), F (Flood)

PLAN AMENDMENT

One Year Plan _____ Sector Plan
FROM: N/A
TO: N/A

PROPOSED USE OF PROPERTY

Currently used as halfway house for women
Density Proposed N/A Units/Acre
Previous Rezoning Requests: 12-B-13-RZ (A to F to T to F) 9-M-08-RZ (A to OB)* Denied

PROPERTY OWNER **OPTION HOLDER**

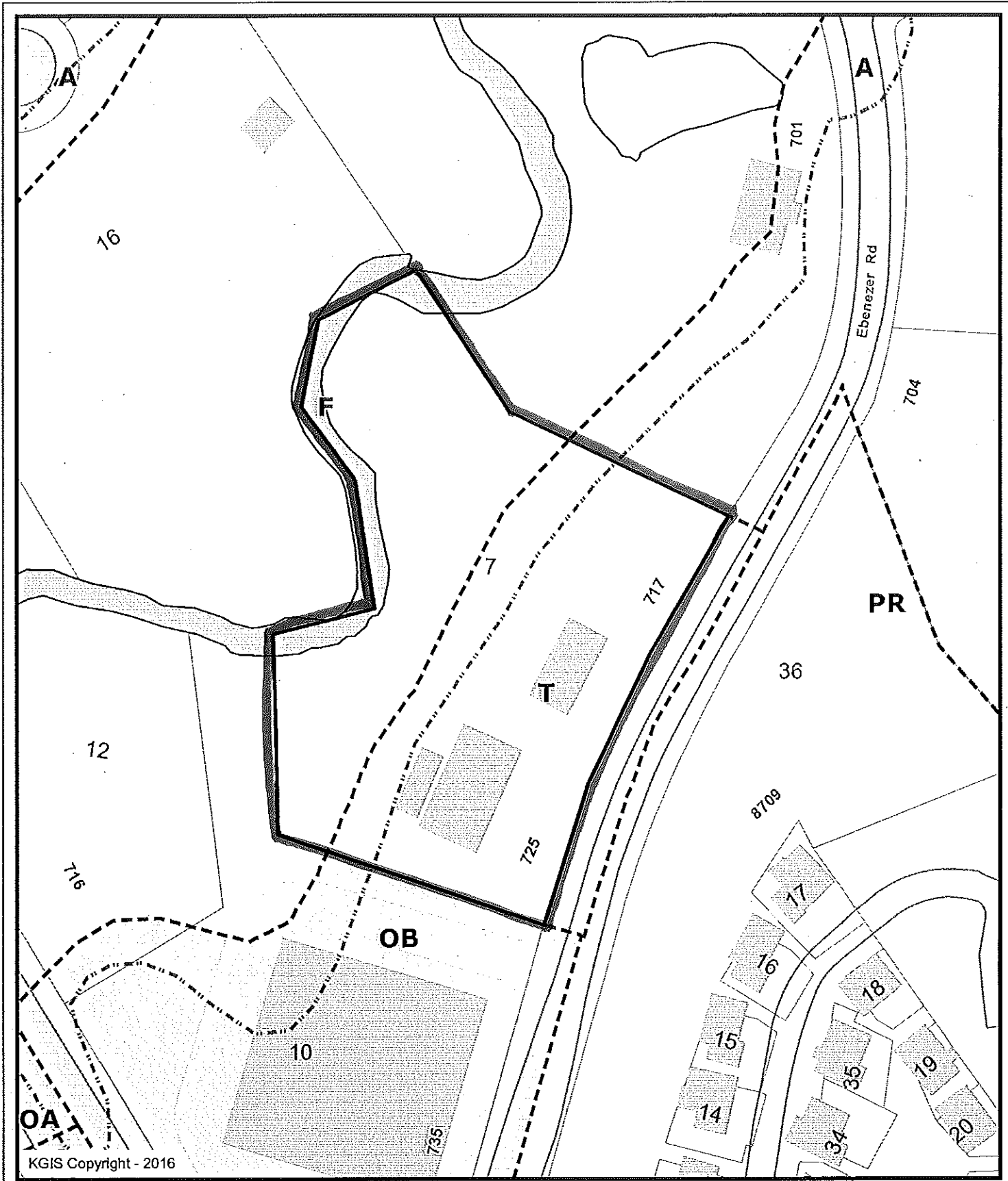
PLEASE PRINT
Name: Joyce W. Webb
Company: None
Address: 10116 Grande Shores Way
City: Knoxville State: TN Zip: 37922
Telephone: (865) 966-8555
Fax: _____
E-mail: CSWebb1986@gmail.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
PLEASE PRINT
Name: SAME
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
Fax: _____
E-mail: _____

APPLICATION AUTHORIZATION

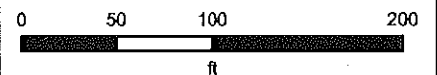
I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.
Signature: SAME
PLEASE PRINT
Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
E-mail: _____



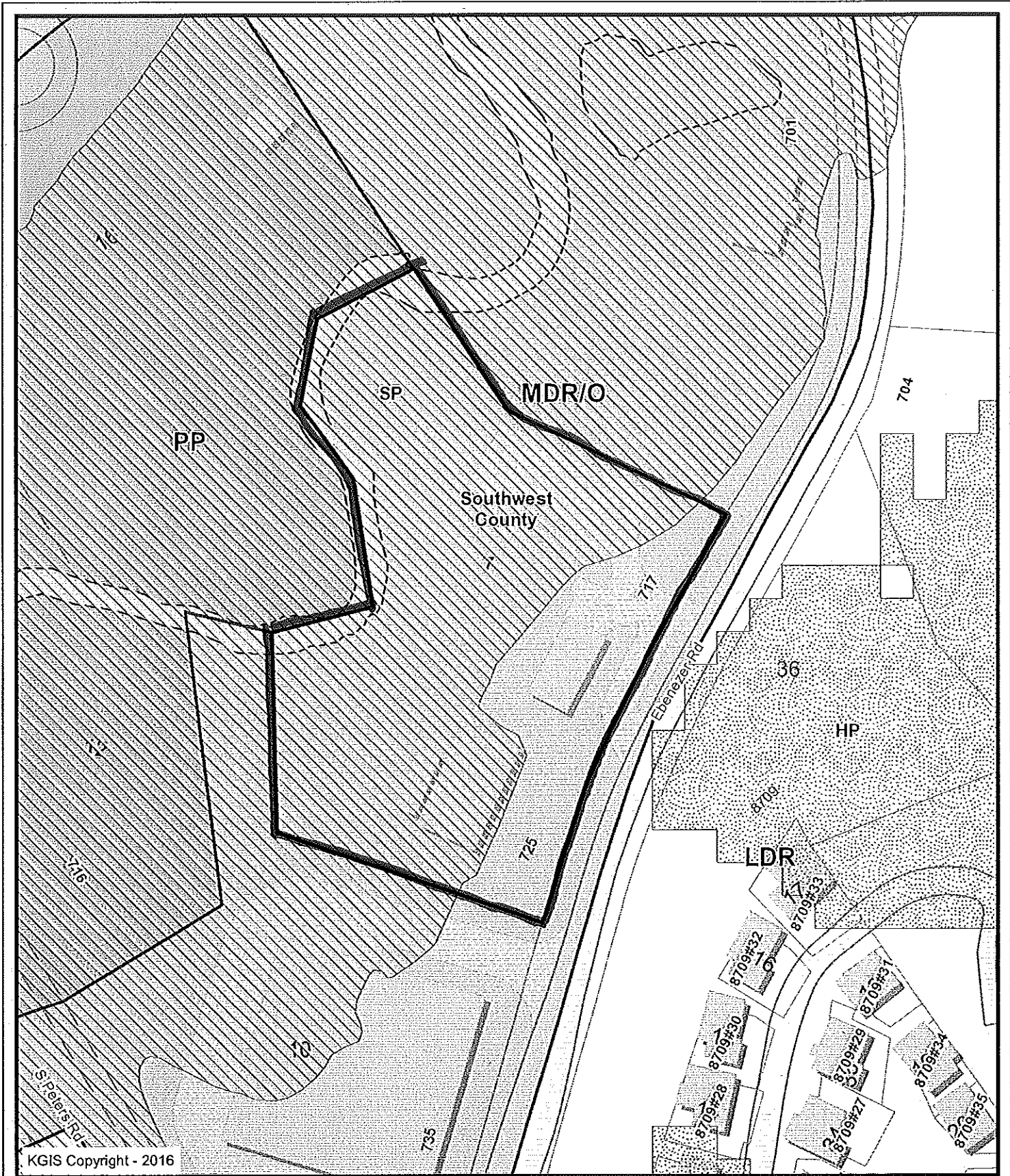
Letter Portrait

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Knoxville - Knox County - KUB Geographic Information System



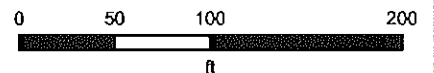
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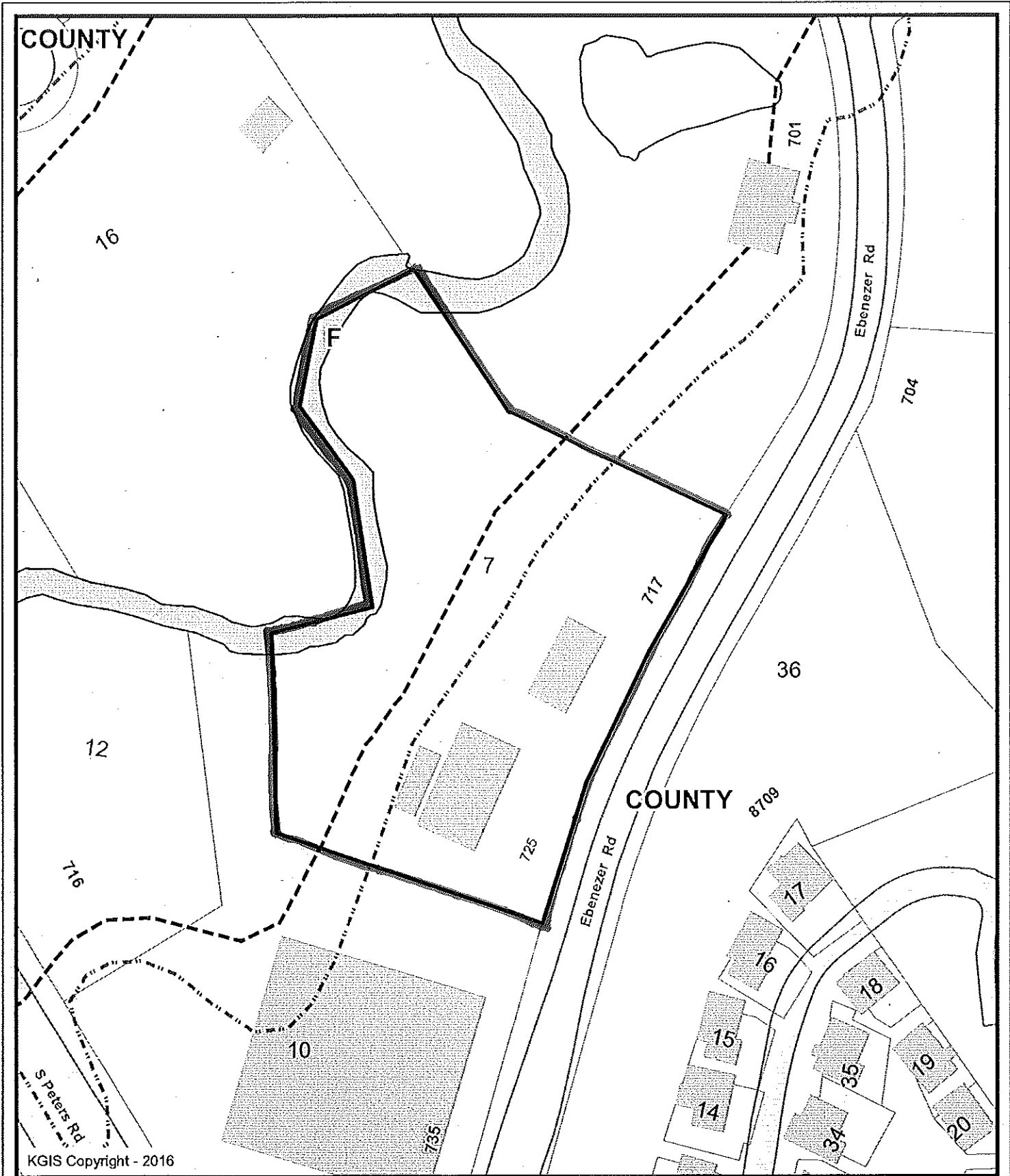
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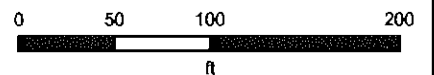


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