

REZONING REPORT

► **FILE #:** 6-Q-24-RZ **AGENDA ITEM #:** 27

POSTPONEMENT(S): 6/13/2024, 7/11/2024 **AGENDA DATE:** 8/8/2024

► **APPLICANT:** BENJAMIN C MULLINS

OWNER(S): Nancy Brown

TAX ID NUMBER: 132 036 01

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 300 EBENEZER RD

► **LOCATION:** East side of Ebenezer Rd, south of Kingston Pike

► **APPX. SIZE OF TRACT:** 2.71 acres

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Ebenezer Road, a minor collector street with 20-ft pavement width within a 50-ft right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Ten Mile Creek

► **PRESENT ZONING:** PC (Planned Commercial)

► **ZONING REQUESTED:** OB (Office, Medical, and Related Services)

► **EXISTING LAND USE:** Rural Residential

EXTENSION OF ZONE: Yes, this is an extension of the OB zone.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land - OB (Office, Medical, and Related Services)

South: Agriculture/forestry/vacant land - PR (Planned Residential) up to 4du/ac

East: Agriculture/forestry/vacant land - OB (Office, Medical, and Related Services), PR(k) (Planned Residential) up to 4du/ac

West: Office, agriculture/forestry/vacant land - OA (Office Park), F (Floodway)

NEIGHBORHOOD CONTEXT: This area has a mix of office and commercial uses along with single family and multifamily neighborhoods. Ten Mile Creek runs along the western side of the subject property across Ebenezer Road.

STAFF RECOMMENDATION:

► **Approve the OB (Office, Medical, and Related Services) zone because it is compatible with surrounding development and consistent with the Comprehensive Plan.**

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01, THE FOLLOWING

CONDITIONS MUST BE MET FOR ALL REZONINGS (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 COUNTY GENERALLY:

1. This area of Southwest Knox County bordering the City jurisdiction has seen rapid commercial and residential development over the past 10 to 15 years. In particular, nearby properties to the northwest along Kingston Pike were converted from pasture and forest to retail commercial centers between 2008 and 2020. Similarly, farmland and forest to the south and southwest of the subject property have transitioned into single-family and multifamily residential communities since 2000.
2. In March of 2024, the property abutting the northern and rear lot lines of the subject property were rezoned from PC (Planned Commercial) to the OB (Office, Medical, and Related Services) zone. The property abutting the southern lot line was rezoned from PC to PR (Planned Residential). The PR-zoned property to the south and east received development and concept plan approval for a single-family residential subdivision with 113 lots.
3. The requested rezoning from PC to OB on this lot would be a minor extension of the zone that is consistent with existing and permitted land uses.

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

1. The existing PC zoning is intended for a coordinated arrangement of commercial buildings on lots that are at least 20 acres in size, though the Planning Commission can approve smaller developments.
2. The OB zone is intended to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods. It is also noteworthy that any use permitted in the RB (General Residential) zone is permitted in the OB zone as well.
3. The subject property was part of a much larger PC-zoned area until recently, and now it is a 2.7-acre remnant that does not meet the PC district's intent for a unified commercial development. The property is more aligned with the purpose statement of the OB zone, and a rezoning to this district would be compatible with surrounding development potential and zones.

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. There are no adverse impacts anticipated to occur with the proposed rezoning to the OB zone on this small lot. The uses permitted by the OB zone are aligned with the existing office development nearby to the north on Ebenezer Road, and the residential subdivisions that exist to the south, east, and potentially adjacent to the lot.

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

1. The proposed rezoning is consistent with the Comprehensive Plan's BP (Business Park) place type, which permits consideration of the OB district as a partially related zone. The OB district is compatible with the current zoning of adjacent sites, which meets criteria #2 in Appendix H of the Plan for approval of a partially related zone.
2. The proposed rezoning is not in conflict with any other adopted plans for the area. This includes the property's designation as part of the Urban Growth Area in the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable

Schools affected by this proposal: A. L. Lotts Elementary, West Valley Middle, and Bearden High.

If approved, this item will be forwarded to Knox County Commission for action on 9/16/2024. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the County.



Request to Postpone • Table • Withdraw

Benjamin C. Mullins

6-24-2024

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

July 11, 2024

Scheduled Meeting Date

File Number(s)

6-Q-24-RZ

POSTPONE

☒ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: ☒ 30 days ☐ 60 days ☐ 90 days

Postpone the above application(s) until the August 8, 2024 Planning Commission Meeting.

WITHDRAW

☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

By signing below, I certify I am the property owner, and/or the owners authorized representative.

Applicant Signature

Benjamin C. Mullins

Please Print

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

STAFF ONLY

Staff Signature

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

October 2022



Request to Postpone • Table • Withdraw

Benjamin C. Mullins

5-30-2024

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

June 13, 2024

Scheduled Meeting Date

File Number(s)

6-Q-24-RZ

POSTPONE

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Benjamin C. Mullins

Please Print

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

STAFF ONLY

Staff Signature

Please Print

Date Paid

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

☐ No Fee

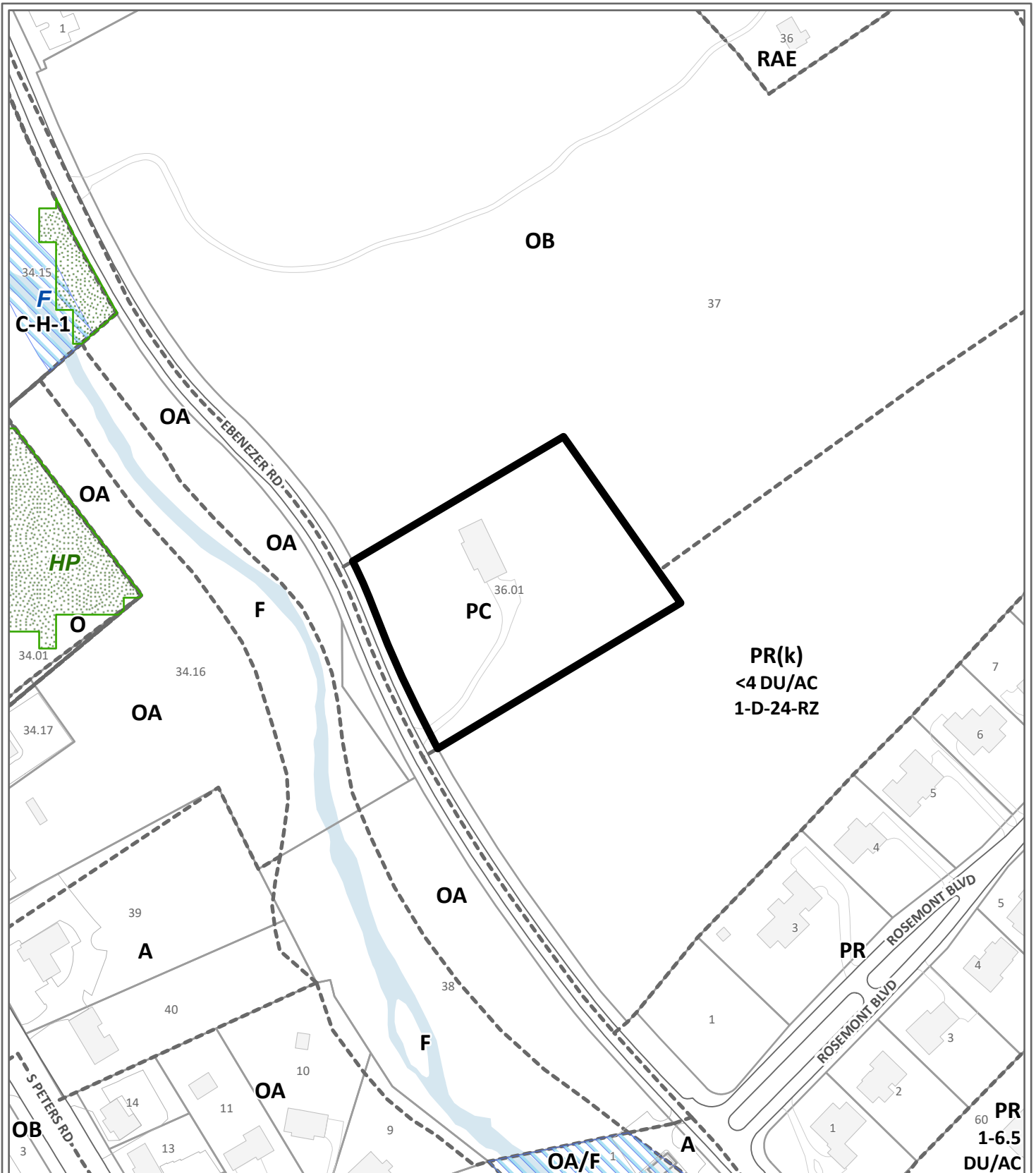
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



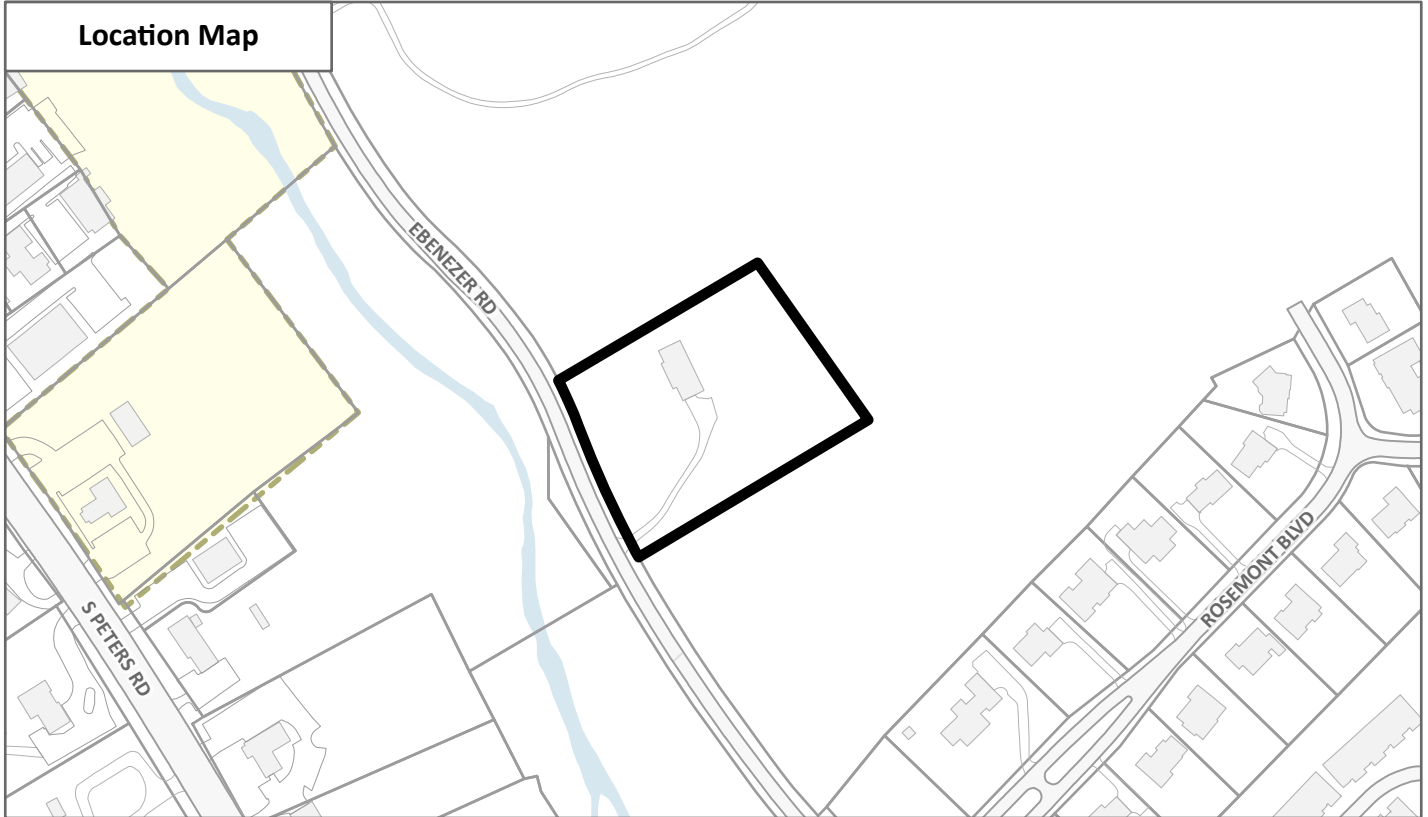
PR(k)
<4 DU/AC
1-D-24-RZ

PR
1-6.5
DU/AC

REZONING		6-Q-24-RZ		Petitioner: Benjamin C Mullins	
<div style="border: 2px solid black; width: 80px; height: 30px; margin-bottom: 5px;"></div> From: PC (Planned Commercial)		To: OB (Office, Medical, and Related Services)		Map No: 132 Jurisdiction: County	
Original Print Date: 5/6/2024 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902					
				<div style="display: flex; align-items: center;"> <div style="flex: 1;"> <div style="border: 1px solid black; width: 100px; height: 10px; margin-bottom: 2px;"></div> <div style="display: flex; justify-content: space-between;"> 0 220 </div> <div style="text-align: center;">Feet</div> </div> <div style="flex: 0 0 40px; text-align: center;"> <div style="font-size: 2em; font-weight: bold; margin: 0 auto;">N</div> </div> </div>	

Exhibit A. Contextual Images

Location Map



Aerial Map

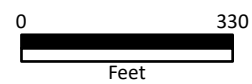


CONTEXTUAL MAPS 1

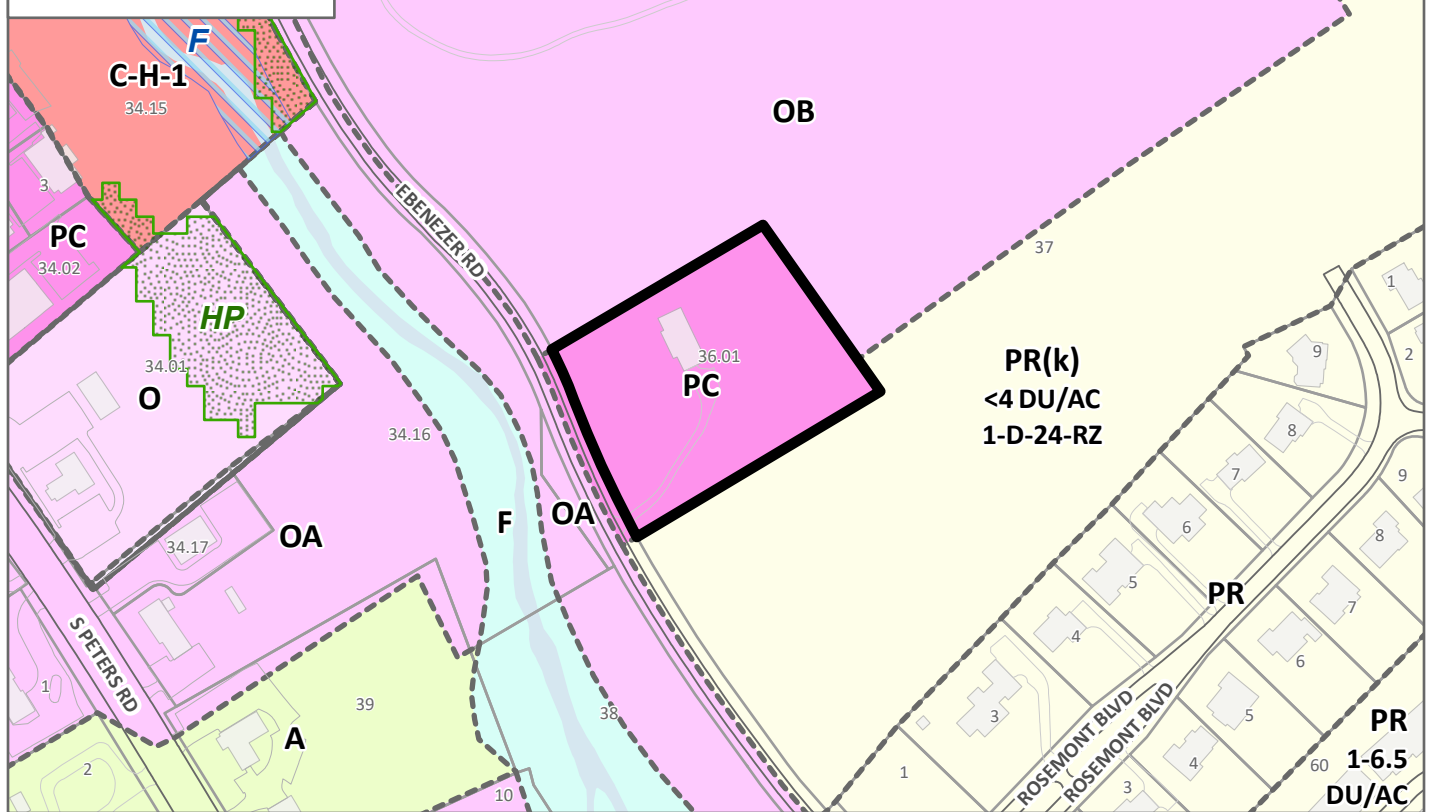
6-Q-24-RZ



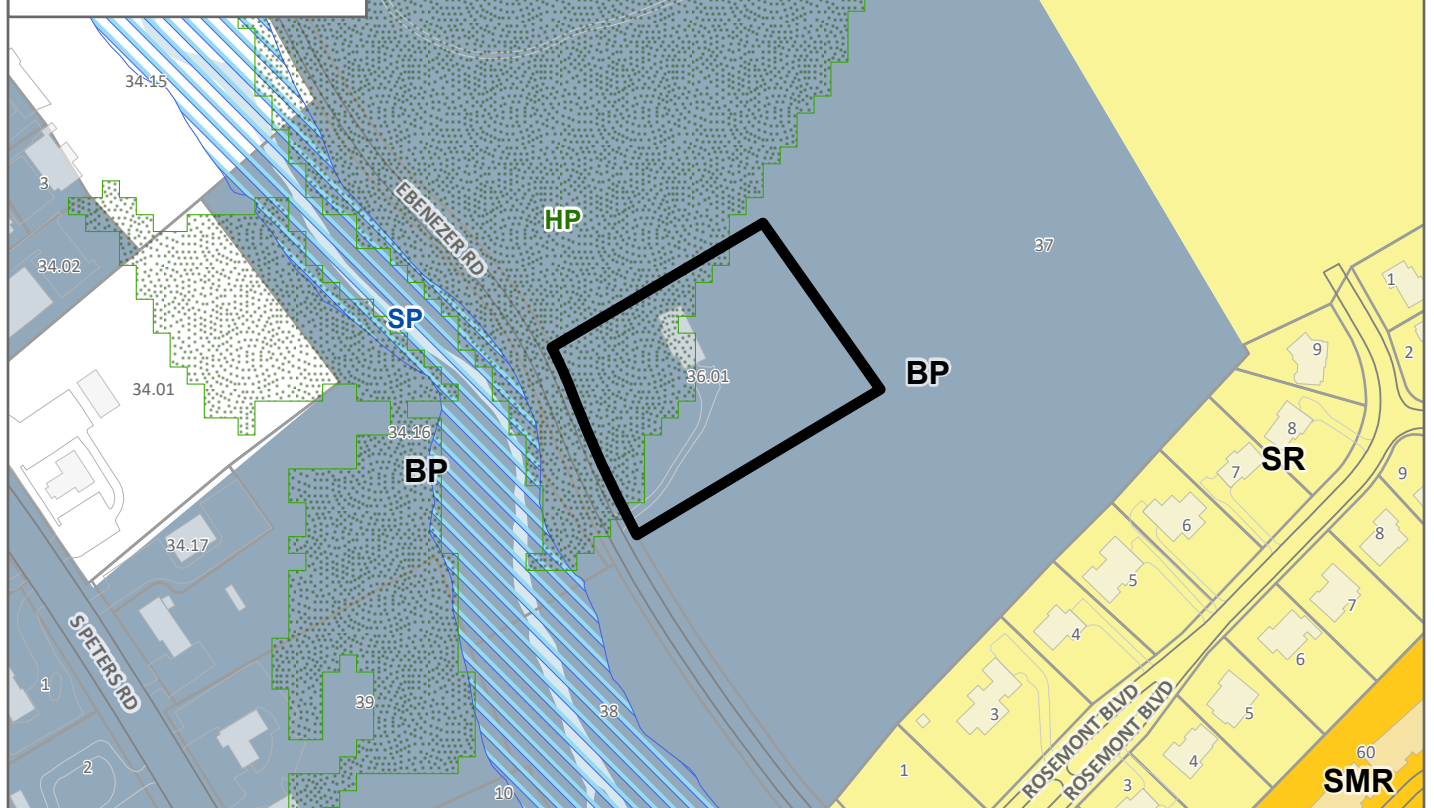
Case boundary



Zoning Map



Comprehensive Plan Map

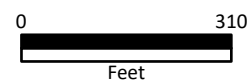


CONTEXTUAL MAPS 2

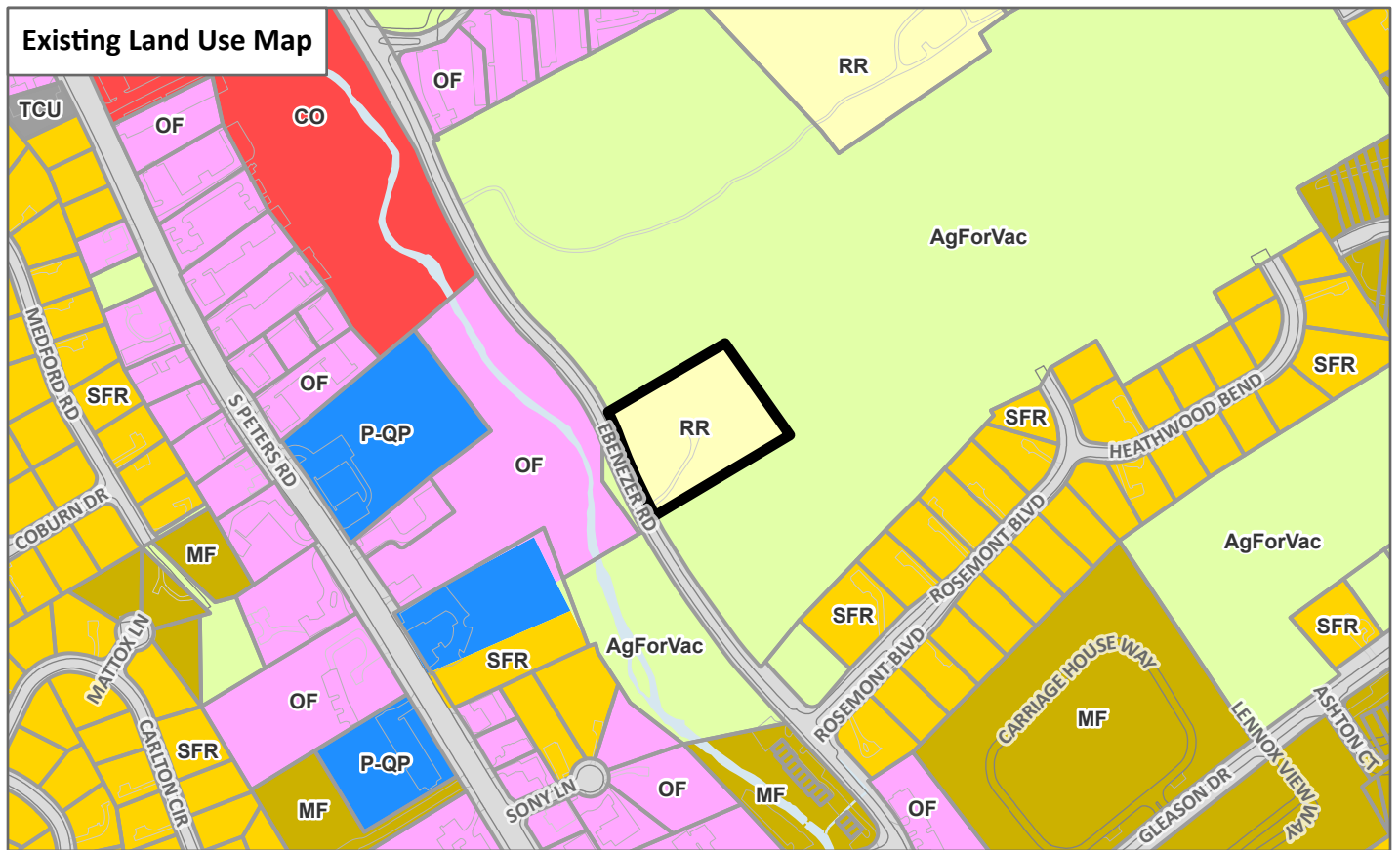
6-Q-24-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

6-Q-24-RZ



Case boundary





Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

Benjamin C Mullins

Applicant Name

Affiliation

4/29/2024

Date Filed

6/13/2024

Meeting Date (if applicable)

6-Q-24-RZ

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Benjamin C. Mullins Frantz, McConnell and Seymour, LLP

Name / Company

550 W. Main St. St. Suite 500 Knoxville TN 37902

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

Nancy Brown

Owner Name (if different)

300 Ebenezer Rd Knoxville TN

Owner Address

404-441-8207

Owner Phone / Email

300 EBENEZER RD

Property Address

132 036 01

Parcel ID

2.71 acres

Tract Size

First Knox Utility District

Sewer Provider

First Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

East side of Ebenezer Rd, south of Kingston Pike

General Location

☐ City

Commission District 3

District

PC (Planned Commercial)

Zoning District

Rural Residential

Existing Land Use

Urban Growth Area (Outside City Limits)

Planning Sector

Land Use (City)/Place Type (County)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Planned Development ☐ Use on Review / Special Use
☐ Hillside Protection COA ☐ Residential ☐ Non-residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **OB (Office, Medical, and Related Services)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Rezoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request
☐ Amendment Request (Comprehensive Plan)

ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1

\$1,000.00

Total

Fee 2

Fee 3

AUTHORIZATION

- ☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Benjamin C Mullins

4/29/2024

Applicant Signature

Please Print

Date

Phone / Email

Nancy Brown

4/29/2024

Property Owner Signature

Please Print

Date



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☒ Rezoning

Benjamin C. Mullins

Attorney for Owners

Applicant Name

Affiliation

4-29-2024

June 13, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

6-Q-24-RZ

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☐ Property Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37902

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

Nancy Brown

300 Ebenezer Rd

404-441-8207

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

300 Ebenezer Rd

132 03601

Property Address

Parcel ID

FUD

FUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

E of Ebenezer;

~3 acres

General Location

Tract Size

☐ City ☒ County

3

PC

RR

District

Zoning District

Existing Land Use

SW County

~~O/HP~~ BP place type/HP area

Planned Growth

Planning Sector

~~Sector Plan~~ Land Use Classification
Land Use Designation

Growth Policy Plan Designation

May 1, 2023

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☒ Zoning Change **OB**
Proposed Zoning _____☐ Plan Amendment Change Proposed Plan Designation(s) _____

Pending Plat File Number

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

☐ Other (specify) _____**STAFF USE ONLY****PLAT TYPE**☐ Staff Review ☒ Planning Commission**ATTACHMENTS**☐ Property Owners / Option Holders ☐ Variance Request**ADDITIONAL REQUIREMENTS**

- ☐ Design Plan Certification (*Final Plat*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

AUTHORIZATION☒ I declare under penalty of perjury the foregoing is true and correct:**1)** He/she/it is the owner of the property **AND 2)** The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

Benjamin C. Mullins

Please Print

Date

865-546-9321

bmullins@fmsll.com

Phone Number

Email

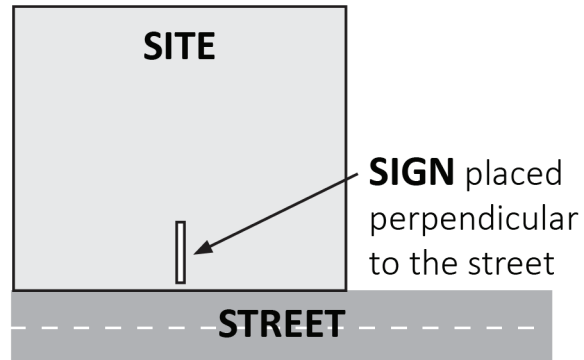
Property Owner Signature

for Nancy Brown (See Supplemental Sheet) 04/29/2024, SG

Please Print

Date Paid

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ **05/31/2024** _____ and _____ **06/14/2024** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C. Mullins

Date: 04/29/2024

File Number: 6-Q-24-RZ (300 Ebenezer Rd)



Sign posted by Staff



Sign posted by Applicant