



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 9-I-23-RZ  
1-J-24-SP

**AGENDA ITEM #:** 32  
**AGENDA DATE:** 1/11/2024

▶ **APPLICANT:** DALE AKINS  
**OWNER(S):** Pips Land Company, LP

**TAX ID NUMBER:** 132 09801 [View map on KGIS](#)

**JURISDICTION:** Commission District 5

**STREET ADDRESS:** 0 EBENEZER Rd

▶ **LOCATION:** Northeast side of Ebenezer Rd, northwest side of Westland Dr

▶ **TRACT INFORMATION:** 9.3 acres

**SECTOR PLAN:** Southwest County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Ebenezer Road, a minor arterial street with a 60-ft pavement width within a 123-ft right-of-way. Access is also via Westland Drive, a minor arterial street with a 50-ft pavement width within a 66-ft to 76-ft right-of-way.

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

**WATERSHED:** Ten Mile Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential), SP (Stream Protection) / A (Agricultural), F (Floodway)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LI (Light Industrial), SP (Stream Protection) / CB (Business and Manufacturing), F (Floodway)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** No, this is not an extension of the plan designation or zoning district.

**HISTORY OF ZONING REQUESTS:** None noted.

**SURROUNDING LAND USE, PLAN DESIGNATION, ZONING**

North: Industrial, railroad right-of-way - MDR (Medium Density Residential) - I (Industrial), A (Agricultural) in the County

South: Multifamily residential, agriculture/forestry/vacant land, public-quasi public land - MDR (Medium Density Residential), SP (Stream Protection) - PR (Planned Residential), PC (Planned Commercial), F (Floodway) in the County

East: Agriculture/forestry/vacant land - LDR (Low Density Residential), SP (Stream Protection) - A (Agricultural) in the County

West: Private recreation, public-quasi public land - OS (Other Open)

Space), CI (Civic/Institutional), SP (Stream Protection) - OS (Parks and Open Space), F (Floodplain Overlay) , AG (Agricultural) in the City

NEIGHBORHOOD CONTEXT: This property has active industrial uses adjacent to the north, and is part of a commercial, office and industrial node surrounded by multifamily and single family residential developments.

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**STAFF RECOMMENDATION:**

- ▶ **Approve the LI (Light Industrial) land use classification because it is consistent with adjacent development. The SP (Stream Protection) area would be retained.**
  
- ▶ **Approve the CB (Business and Manufacturing) zone because it is compatible with adjacent industrial uses and provides a transition of land use intensity. The F (Floodway) zone would be retained.**

**COMMENTS:**

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

CHANGES OF CONDITIONS WARRANTING AN AMENDMENT OF THE LAND USE PLAN:

1. The most significant changes recently in this area at the intersection of two minor arterial streets, Westland Drive and Ebenezer Road, has been the replacement of a large plant nursery with a multifamily development and several service-oriented commercial businesses in 2022. This transition of land use occurred at the southeast corner of the intersection.
2. The subject property, located in the northeast quadrant of this arterial intersection, is owned by Pip's Iron Works, which has operated a steel fabrication business there since at least 1990. This industrial operation utilizes its access to a freight rail line adjacent to the north.
3. The proposed Southwest County Sector Plan amendment from the MDR (Medium Density Residential) land use classification to the LI (Light Industrial) classification may not reflect the most recent changes in developmental conditions, but is a more practical land use designation considering the established and active industrial operations at this location.

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

1. In 2016, the intersection of Ebenezer Road and Westland Drive was expanded to provide an additional right-turn lane on Ebenezer Road and two additional lanes on Westland Drive. This improvement eases congestion and improves traffic capacity at this location.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. While the current MDR classification is not necessarily the result of an error, the sector plan could have considered the LI classification on this property that is adjacent to active industrial uses. The LI land use better reflects long-standing operations here as well as the advantageous access to a freight line.

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

1. Development in this area has been trending towards more residential uses with the ongoing development of the Crescent Ebenezer apartments to the southeast. However, this residential land use is heavily buffered from the proposed LI classification across Westland Drive by a Stream Protection area within a FEMA designated floodway area that comprises the majority of the subject property. This buffer area is densely forested, and it would be challenging for light industrial activities to occur anywhere but the northernmost parts of the lot that abut Pip's Iron Works and connect to the rail line.

OTHER CONSIDERATIONS:

1. The LI land use classification is described in the sector plan as being for older industrial areas used for the light manufacturing, assembling, warehousing and distribution of goods. Substantial landscaped buffers are expected between uses of lesser intensity, particularly residential, office and agricultural uses.
2. The subject property is part of an established industrial plant, and it is primarily comprised of a vegetative and floodway buffer between this more intensive use and the apartment development across an arterial street. These conditions meet the intent of the LI land use classification.

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. The proposed CB (Business and Manufacturing) zone provides a logical transition of zoning intensity between the Pip's Iron Works building to the north, which is zoned I (Industrial) and the more recent PR (Planned Residential) zoned apartment developments to the southeast.
2. Additionally, the widening at the intersection of Westland Drive and Ebenezer Road in 2016 improves traffic capacity for more intensive zoning at this location.

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

1. The CB zone is designed for a wide range of business and manufacturing uses that are well-served by this property's direct access to an industrial plant by the same owner, a rail line, and arterial streets that were improved relatively recently.
2. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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 portions of the property that can be utilized for business and manufacturing uses are severely restricted to the north side that abuts industrial zoning. This is due to the permanent Floodway zone and FEMA floodway designations along the southern border that are generally undevelopable. This condition provides a natural vegetative buffer that should mitigate adverse impacts from the CB zone on nearby properties.

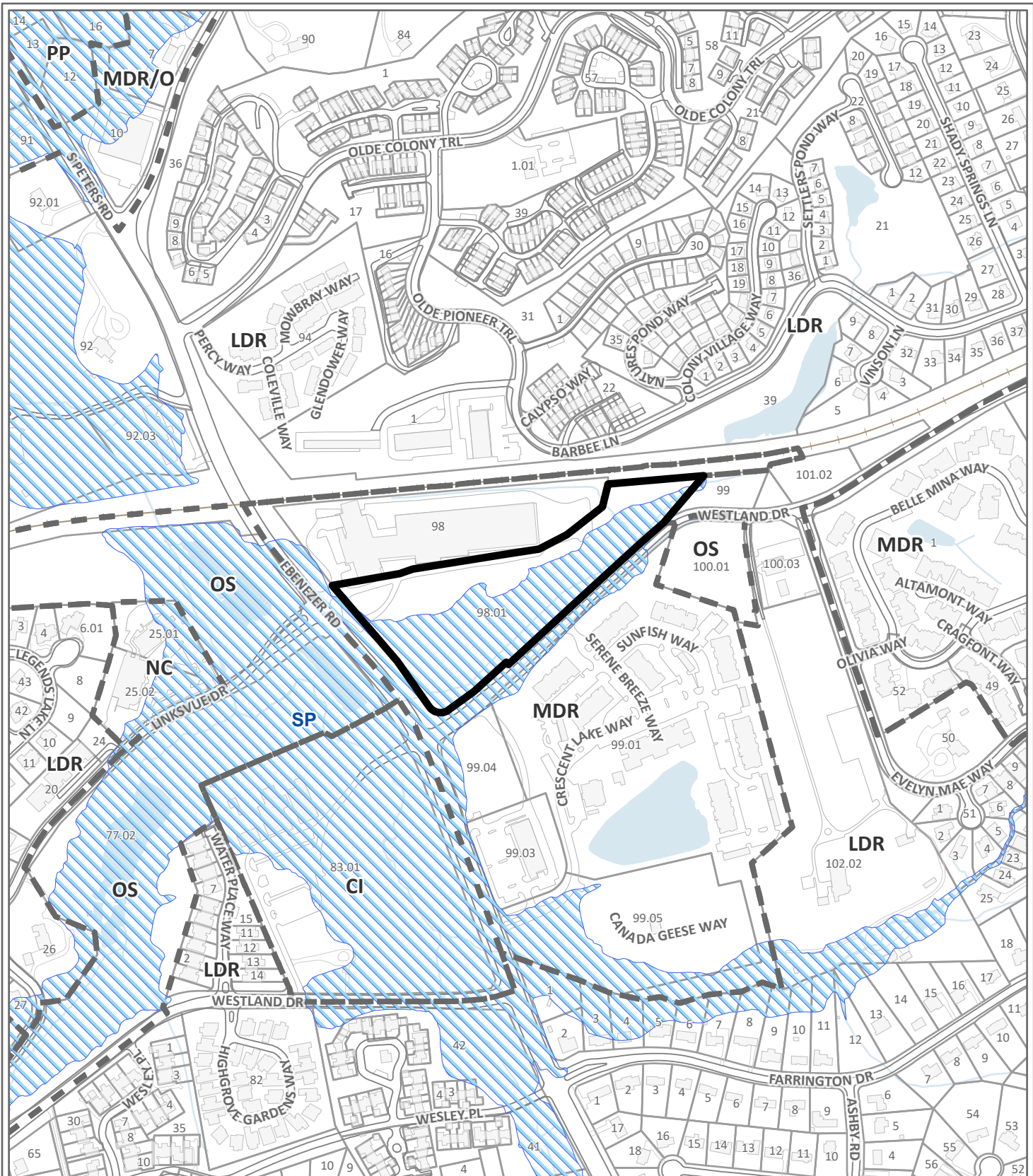
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed CB zone next to a long-standing industrial plant is consistent with the General Plan's development policy 1.3 to provide incentives for the redevelopment or rehabilitation of older industrial facilities.
2. The rezoning is compatible with the recommended LI (Light Industrial) land use amendment in the Southwest County Sector Plan.
3. The proposed zoning is consistent with the Planned Growth Area in the Growth Policy Plan, and is not in conflict 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 2/26/2024. 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.



**1-J-24-SP  
SOUTHWEST COUNTY SECTOR PLAN MAP**

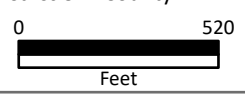


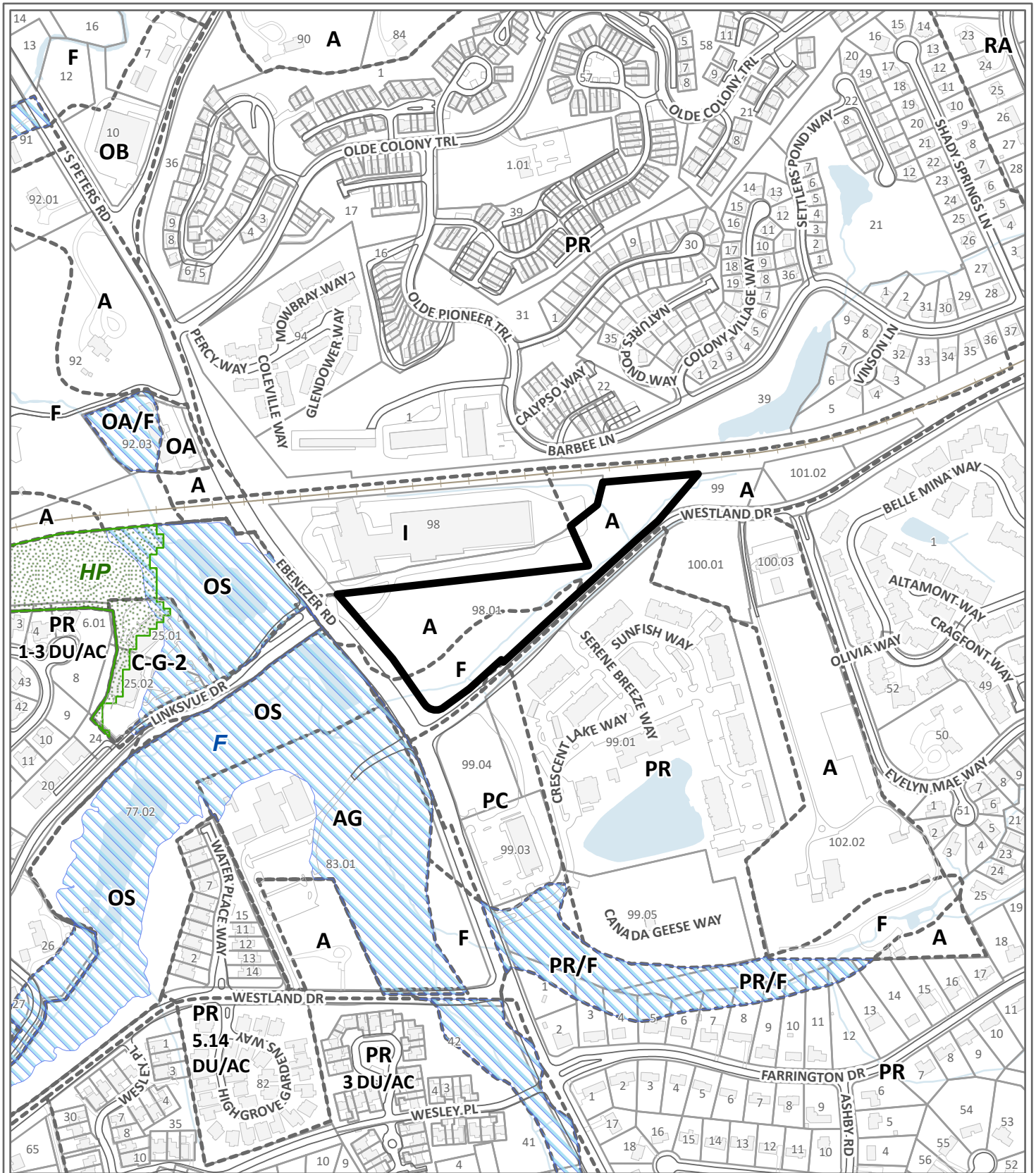
**From:** MDR (Medium Density Residential), SP (Stream Protection)  
**To:** LI (Light Industrial), SP (Stream Protection)

**Original Print Date:** 12/19/2023  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

**Petitioner:** Akins, Dale

**Map No:** 132  
**Jurisdiction:** County





**REZONING**

**9-I-23-RZ**

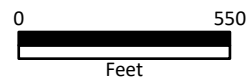
**Petitioner: Dale Akins**



**From:** A (Agricultural), F (Floodway)  
**To:** CB (Business and Manufacturing), F (Floodway)

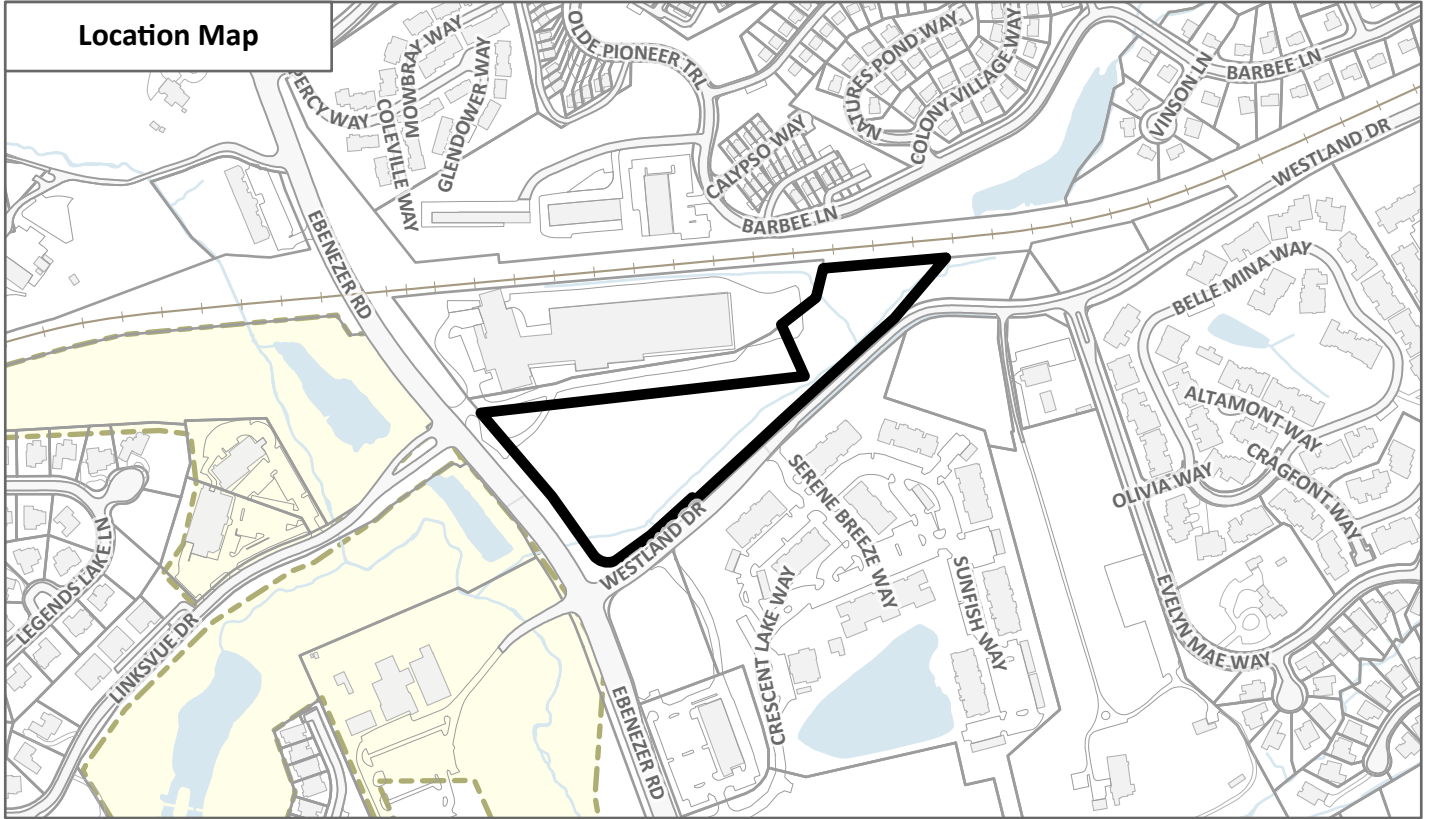
**Map No:** 132  
**Jurisdiction:** County

**Original Print Date:** 12/20/2023  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902



# Exhibit A. Contextual Images

Location Map



Aerial Map

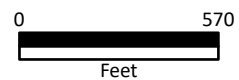


CONTEXTUAL MAPS 1

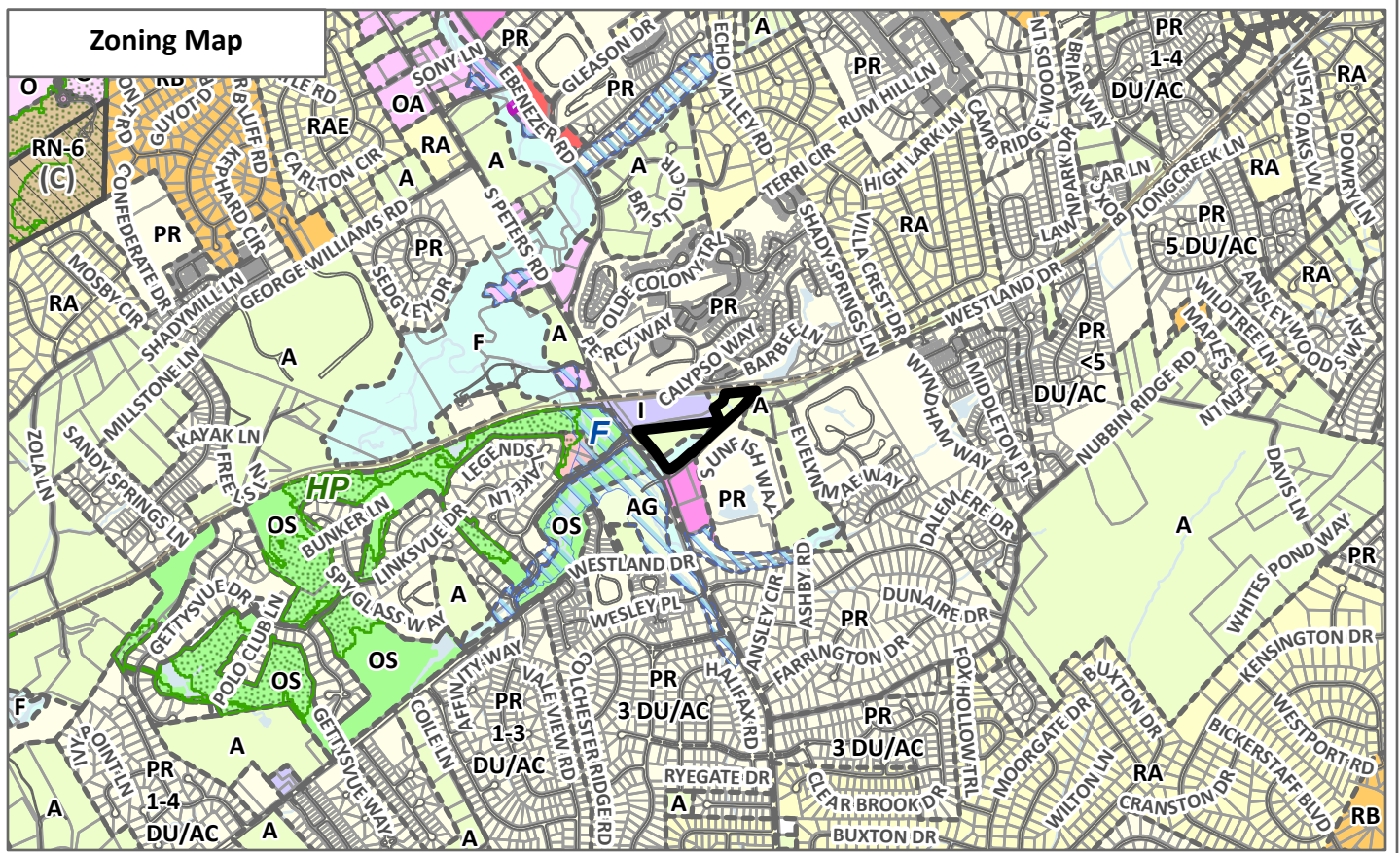
9-I-23-RZ / 1-J-24-SP



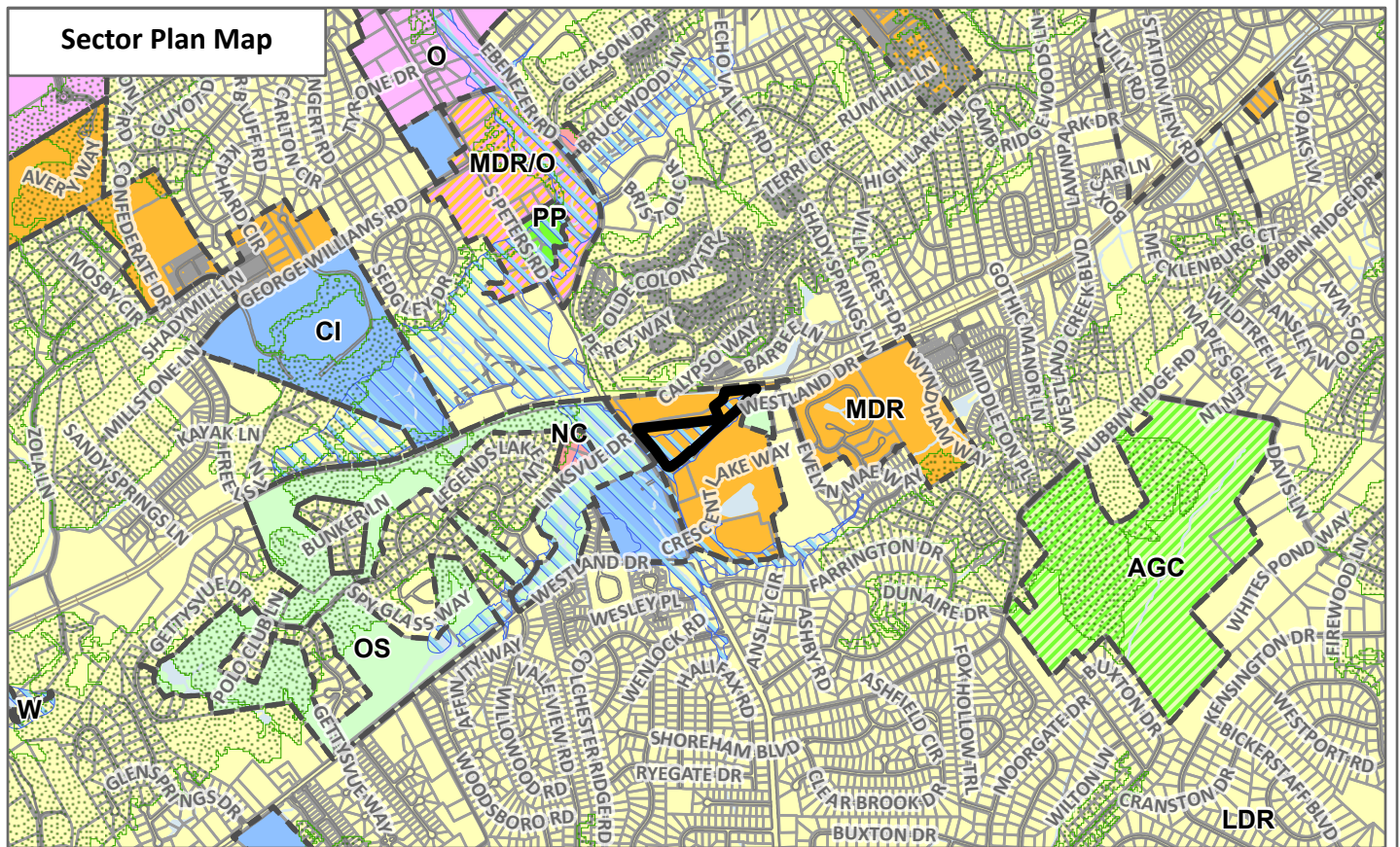
Case boundary



**Zoning Map**



**Sector Plan Map**



**CONTEXTUAL MAPS 2**

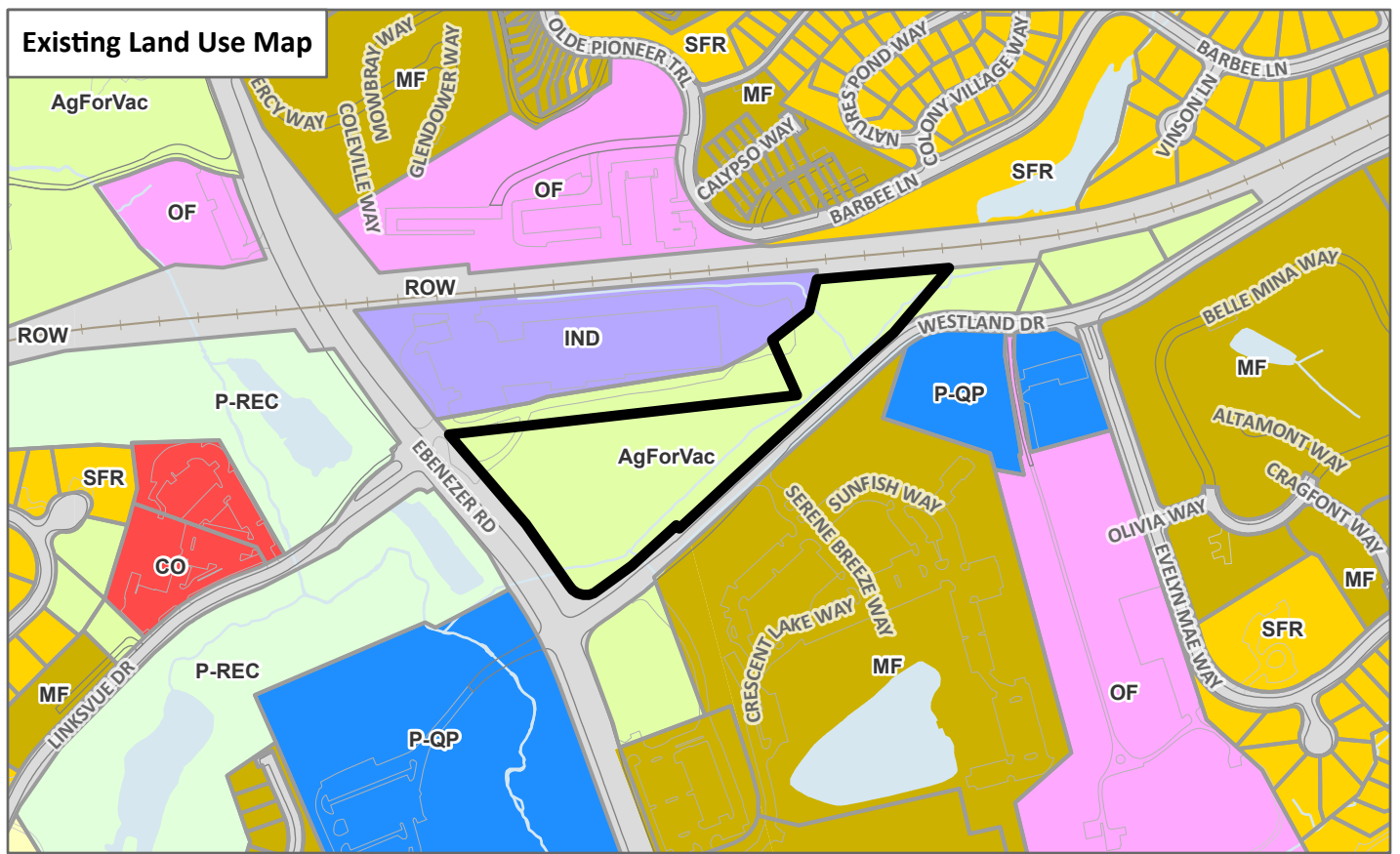
9-I-23-RZ / 1-J-24-SP



Case boundary



Existing Land Use Map

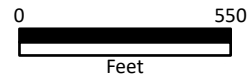


CONTEXTUAL MAPS 3

9-I-23-RZ / 1-J-24-SP



Case boundary







# Development Request

### DEVELOPMENT

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

### SUBDIVISION

- Concept Plan
- Final Plat

### ZONING

- Plan Amendment
  - Sector Plan
  - One Year Plan
- Rezoning

**Dale Akins**

Applicant Name

Affiliation

**12/12/2023**

Date Filed

**1/11/2024**

Meeting Date (if applicable)

**1-J-24-SP / 9-I-23-RZ**

File Number(s)

## CORRESPONDENCE

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

**Dale Akins**

Name / Company

**10433 Hickory Path Way Knoxville TN 37922**

Address

**865-414-9811 / dakins@themarketedge.com**

Phone / Email

## CURRENT PROPERTY INFO

**Pips Land Company, LP**

Owner Name (if different)

**900 Ebenezer Rd Knoxville TN 37923**

Owner Address

**865-539-4766**

Owner Phone / Email

**0 EBENEZER Rd.**

Property Address

**132 09801**

Parcel ID

**9.3 acres**

Tract Size

Part of Parcel (Y/N)?

**First Knox Utility District**

Sewer Provider

**First Knox Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**Northeast side of Ebenezer Rd, northwest side of Westland Dr**

General Location

City **Commission District 5 A (Agricultural), F (Floodway)**

County District Zoning District

**Agriculture/Forestry/Vacant Land**

Existing Land Use

**Southwest County**

Planning Sector

Sector Plan Land Use Classification

**Planned Growth Area**

Growth Policy Plan Designation

## DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

## SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

## ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <b>CB (Business and Manufacturing), F (Floodway)</b>	Pending Plat File Number
Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment <b>LI (Light Industrial), SP (Stream Protection)</b>	
Proposed Plan Designation(s)	
Proposed Density (units/acre)    Previous Zoning Requests	
Additional Information _____	

## STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission		
<b>ATTACHMENTS</b>	Fee 2	
<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
<b>ADDITIONAL REQUIREMENTS</b>	Fee 3	
<input type="checkbox"/> COA Checklist (Hillside Protection)		
<input type="checkbox"/> Design Plan Certification (Final Plat)		
<input type="checkbox"/> Site Plan (Development Request)		
<input type="checkbox"/> Traffic Impact Study		
<input type="checkbox"/> Use on Review / Special Use (Concept Plan)		

## 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	Dale Akins Please Print	12/12/2023 Date
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Property Owner Signature	Pips Land Company, LP Please Print	12/12/2023 Date
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# 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

Dale Akins

Tenant

Applicant Name

Affiliation

07/27/23

09/14/23

File Number(s)

Date Filed

Meeting Date (if applicable)

**9-I-23-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

Dale Akins

Name

Company

10433 Hickory Path Way

Knoxville

TN

37922

Address

City

State

ZIP

865-414-9811

dakins@themarketedge.com

Phone

Email

### CURRENT PROPERTY INFO

Pips Land Company, LP

900 Ebenezer Road, Knoxville, TN

(865)539-4766

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Ebenezer Road (Owner is adjacent parcel)

132 09801

Property Address

Parcel ID

First Utility District

First Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

### STAFF USE ONLY

Northeast side of Ebenezer Road, Northwest side of Westland Drive

~~9.30~~ **9.30 acres**  
930 acres

General Location

Tract Size

5

A

AgForVac

City  County

District

Zoning District

Existing Land Use

Southwest County

MDR

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

**DEVELOPMENT REQUEST**

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

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

**SUBDIVISION REQUEST**

Related Rezoning File Number

Proposed Subdivision Name \_\_\_\_\_

Unit / Phase Number  Combine Parcels  Divide Parcel

Total Number of Lots Created \_\_\_\_\_

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

**ZONING REQUEST**

Zoning Change <sup>PR</sup> <sup>CB</sup> *Dale Akins*  
 Proposed Zoning

Pending Plat File Number

Plan Amendment Change <sup>L1</sup> *Dale Akins*  
 Proposed Plan Designation(s)

12

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
0802	<del>\$1,115.00</del>	\$2,780.00
Fee 2		
0604	850	<del>\$1,115.00</del>
Fee 3		\$1,665.00
0804	1930	

**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

*Dale Akins*  
 Applicant Signature

Dale Akins  
 Please Print

07/27/23  
 Date

865-414-9811  
 Phone Number

cheesewhiz@thechefsworkshop.com  
 Email

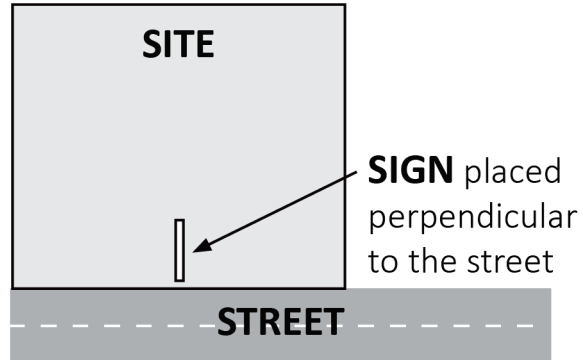
12/05/2023, SG  
 SG, 07/28/2023

*Paul Pipkin*  
 Property Owner Signature

Paul Pipkin  
 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:*

\_\_\_\_\_ 12/29/2023 \_\_\_\_\_ and \_\_\_\_\_ 01/12/2024 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Dale Akins

Date: 12/07/2023

File Number: 9-I-23-RZ & 1-J-24-SP

- Sign posted by Staff
- Sign posted by Applicant