

# REZONING REPORT

▶ **FILE #:** 6-Q-24-RZ

**AGENDA ITEM #:** 27

**AGENDA DATE:** 6/13/2024

▶ **APPLICANT:** BENJAMIN C MULLINS

OWNER(S): Nancy Brown

TAX ID NUMBER: 132 03601

[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 would be 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(k) (Planned Residential) up to 4 du/ac

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

▶ Postpone for 30 days to the July 11 Planning Commission meeting per the applicant's request.

ESTIMATED TRAFFIC IMPACT: Not required.

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 7/15/2024. 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

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

**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 July 11, 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:

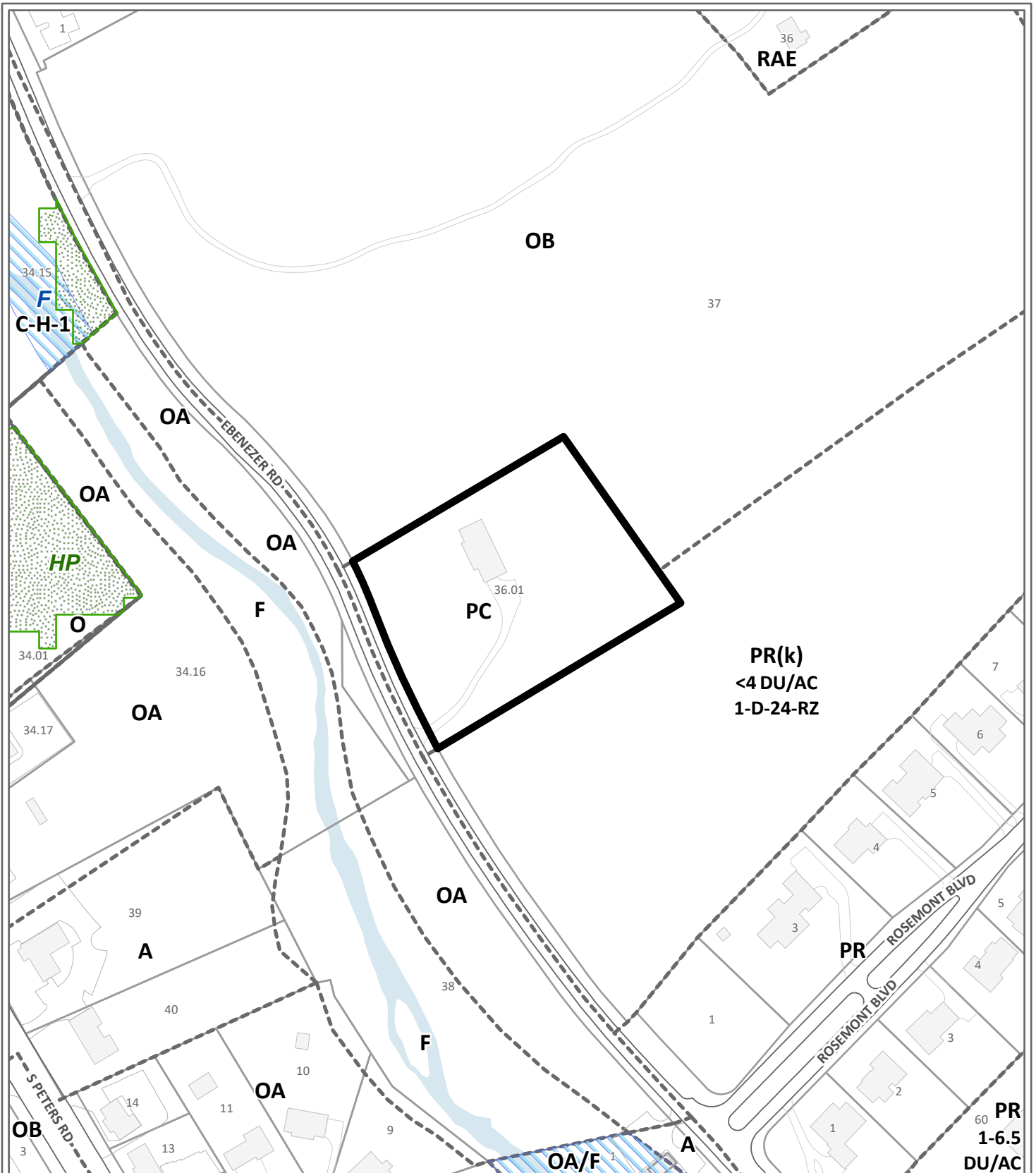
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



**REZONING**

**6-Q-24-RZ**

Petitioner: Benjamin C Mullins

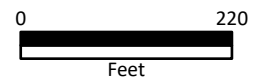


**From:** PC (Planned Commercial)

**To:** OB (Office, Medical, and Related Services)

Map No: 132

Jurisdiction: County

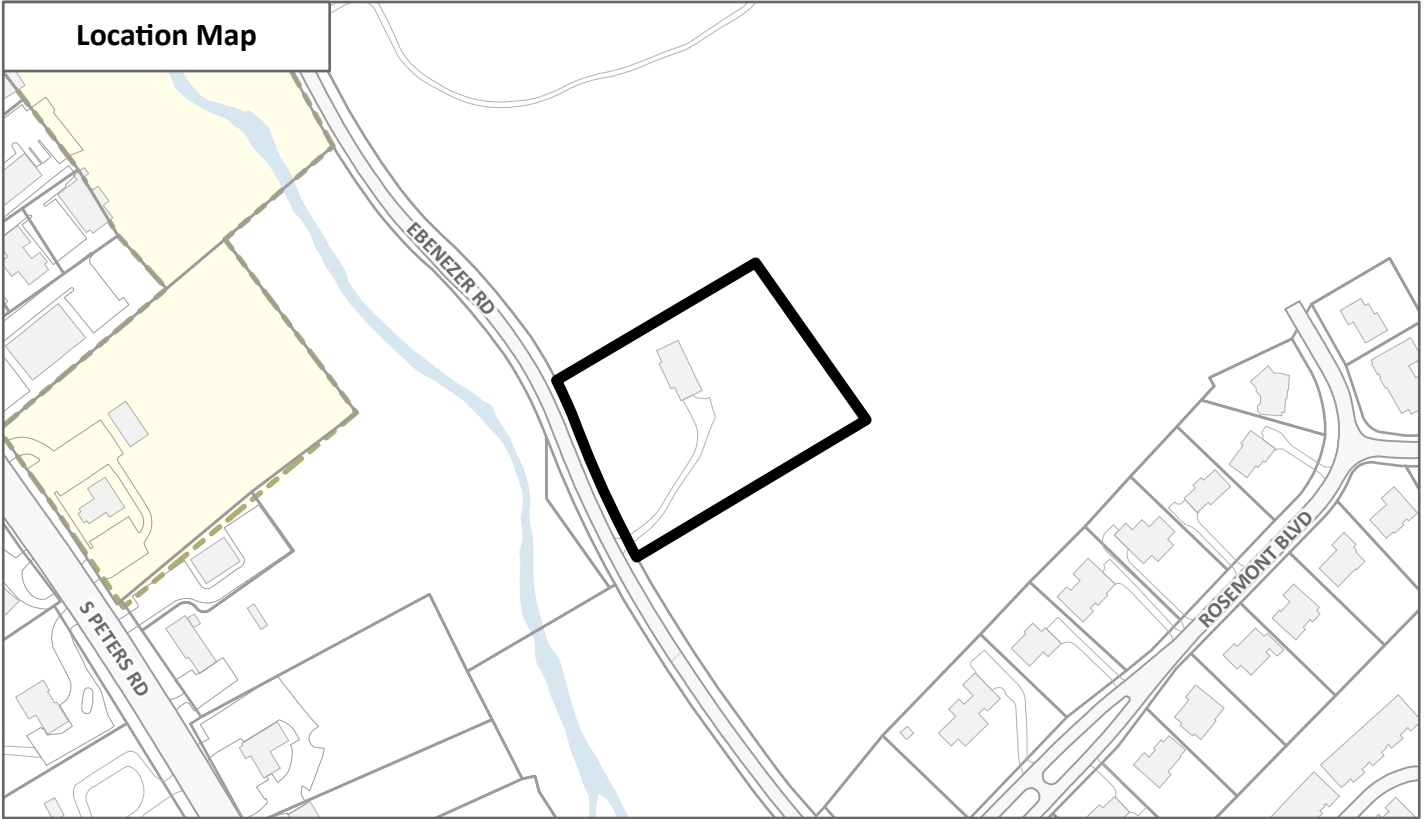


Original Print Date: 5/6/2024

Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

# Exhibit A. Contextual Images

Location Map



Aerial Map

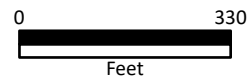


CONTEXTUAL MAPS 1

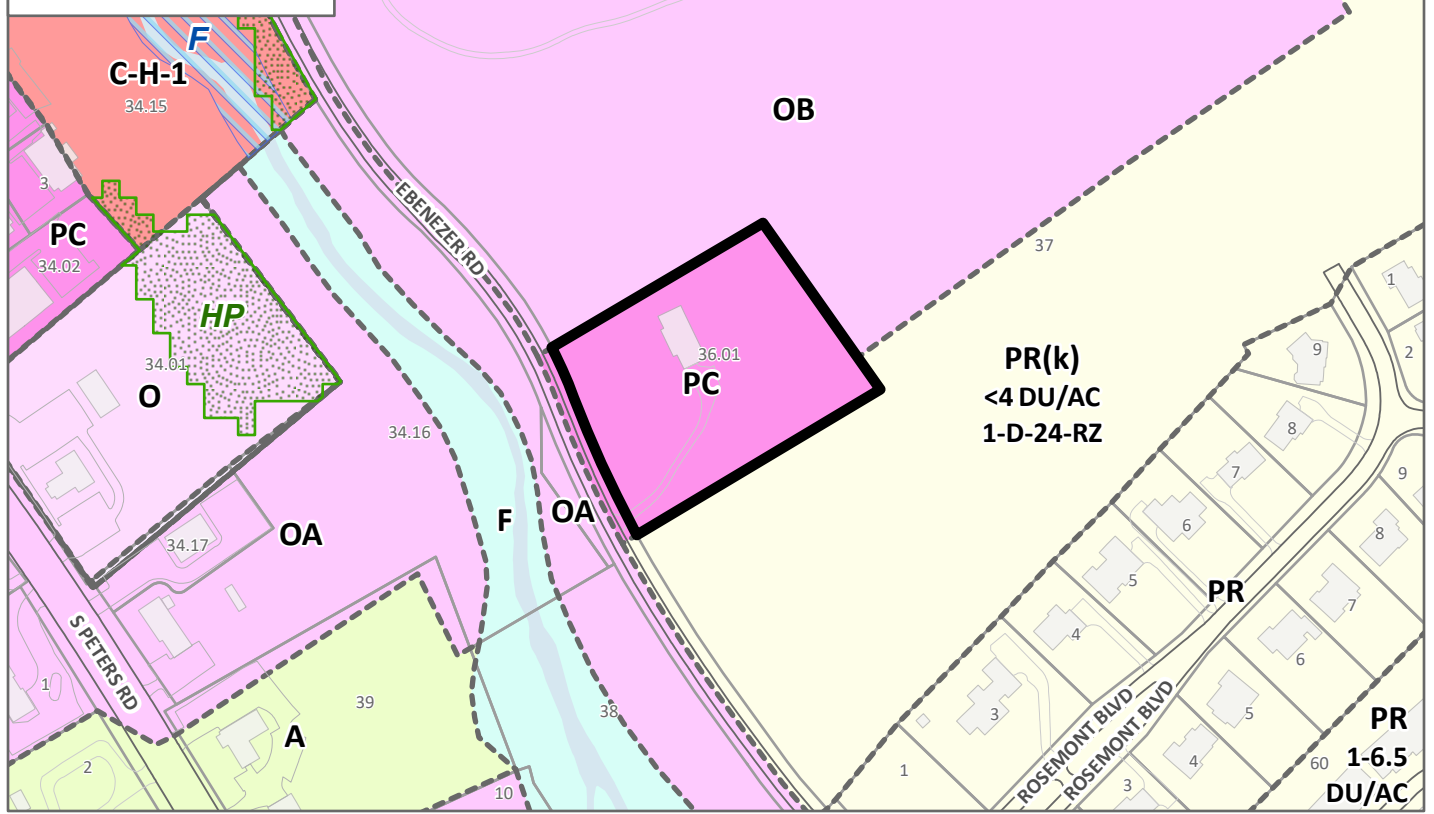
6-Q-24-RZ



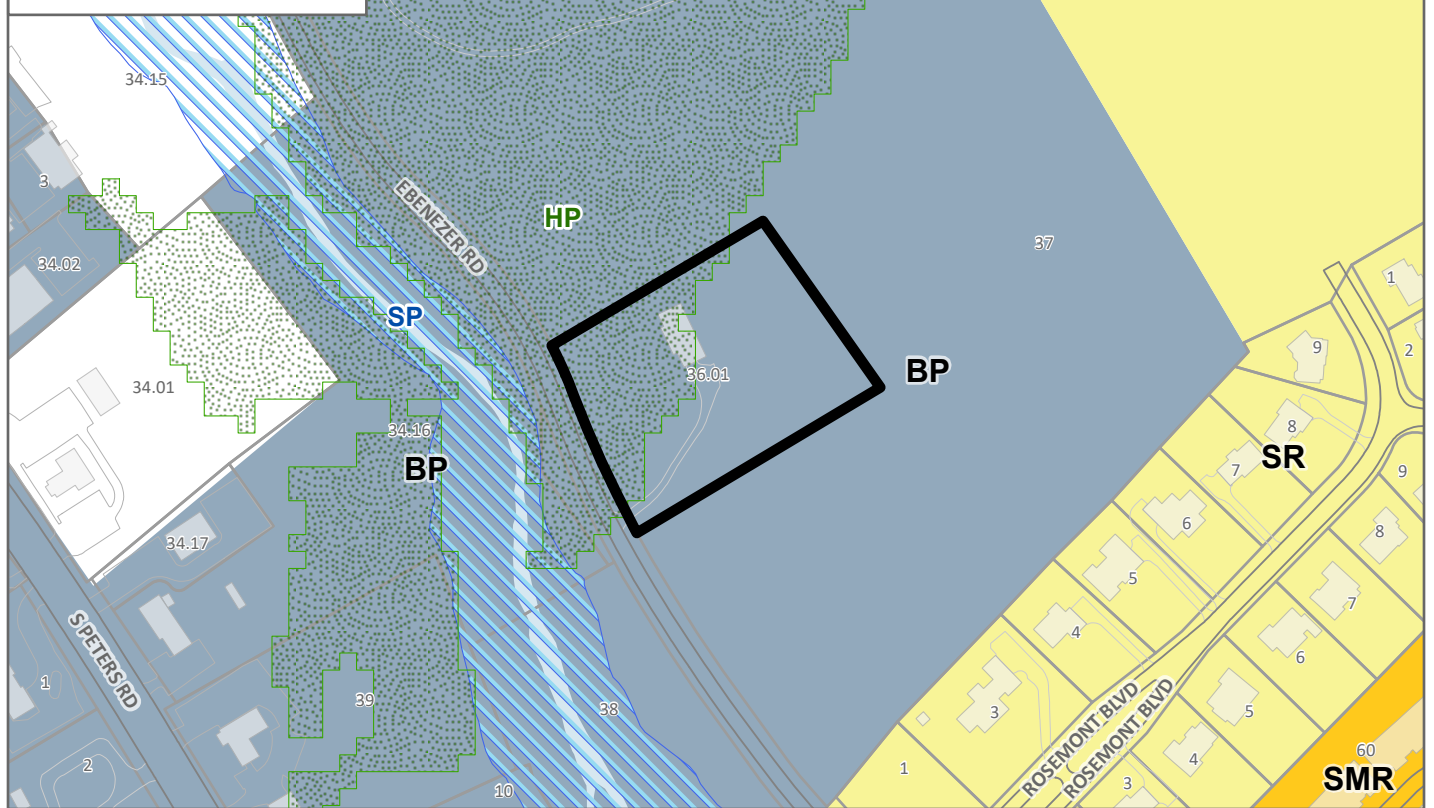
Case boundary



**Zoning Map**



**Comprehensive Plan Map**

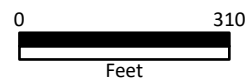


**CONTEXTUAL MAPS 2**

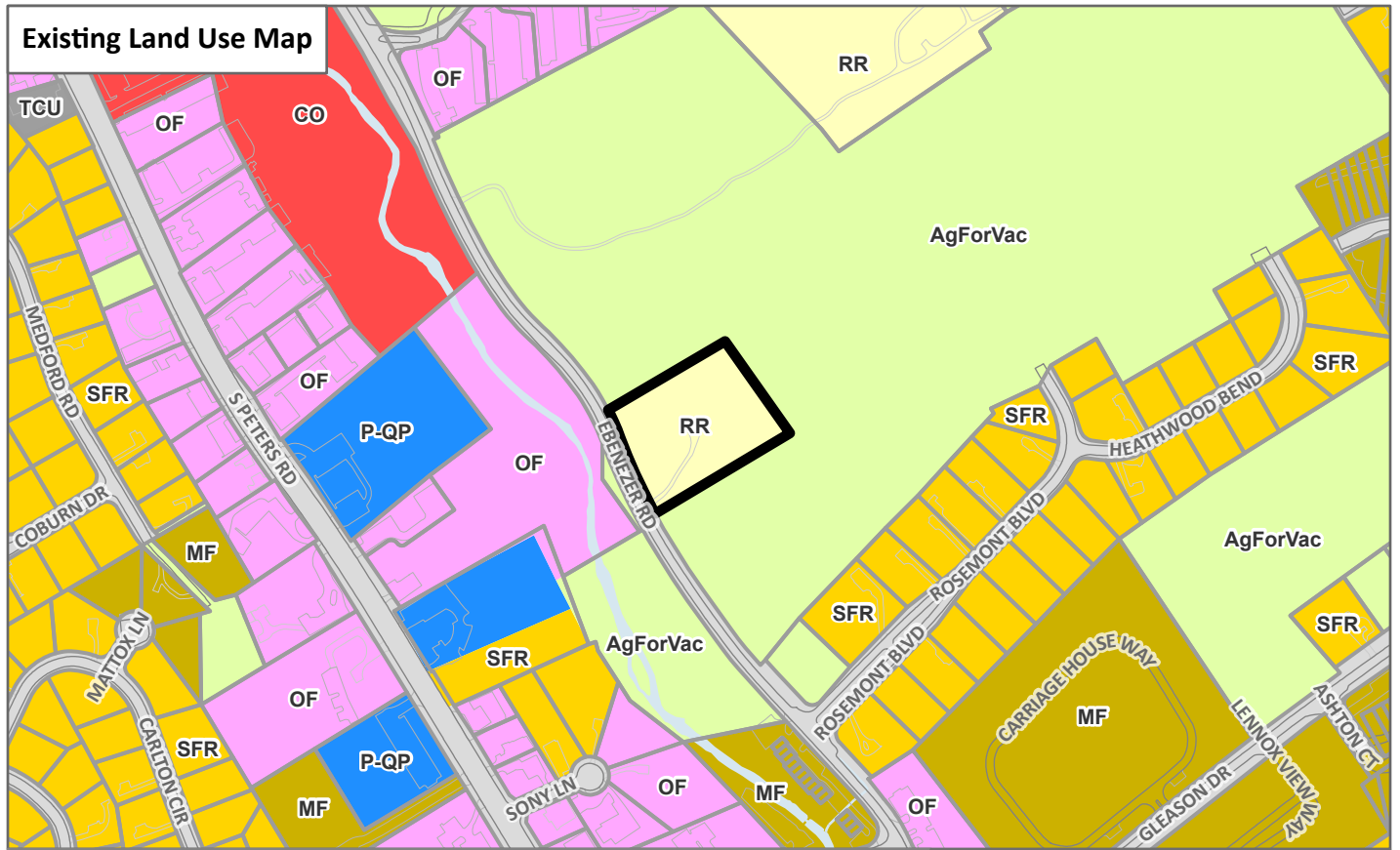
**6-Q-24-RZ**



Case boundary



Existing Land Use Map

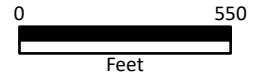


CONTEXTUAL MAPS 3

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

Part of Parcel (Y/N)?

**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**

**PC (Planned Commercial)**

**Rural Residential**

County District

Zoning District

Existing Land Use

**Urban Growth Area (Outside City Limits)**

Planning Sector

Land Use (City)/Place Type (County)

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>OB (Office, Medical, and Related Services)</b> Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> 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	Total
<b>\$1,000.00</b>	
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**    Date: **4/29/2024**  
Please Print

Phone / Email

Property Owner Signature: **Nancy Brown**    Date: **4/29/2024**  
Please Print



# 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

### DEVELOPMENT REQUEST

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

Proposed Subdivision Name _____  Unit / Phase Number _____ <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel    _____ Total Number of Lots Created _____  <input type="checkbox"/> Other (specify) _____  <input type="checkbox"/> Attachments / Additional Requirements _____	Related Rezoning File Number   
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### ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <b>OB</b> Proposed Zoning _____  <input type="checkbox"/> Plan Amendment Change    _____ Proposed Plan Designation(s) _____  Proposed Density (units/acre) _____    Previous Rezoning Requests _____  <input type="checkbox"/> Other (specify) _____	Pending Plat File Number   
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### STAFF USE ONLY

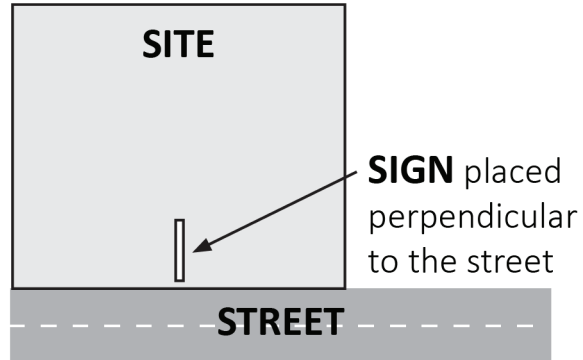
<b>PLAT TYPE</b> <input type="checkbox"/> Staff Review <input checked="" type="checkbox"/> Planning Commission  <b>ATTACHMENTS</b> <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request  <b>ADDITIONAL REQUIREMENTS</b> <input type="checkbox"/> Design Plan Certification ( <i>Final Plat</i> ) <input type="checkbox"/> Use on Review / Special Use ( <i>Concept Plan</i> ) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist ( <i>Hillside Protection</i> )	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%; padding: 5px;">Fee 1</td> <td style="width:40%; padding: 5px;">Total</td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> <tr> <td style="padding: 5px;">Fee 2</td> <td></td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> <tr> <td style="padding: 5px;">Fee 3</td> <td></td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> </table>	Fee 1	Total			Fee 2				Fee 3			
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### 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  865-546-9321 Phone Number	Benjamin C. Mullins Please Print  bmullins@fmsll.com Email	_____ Date   _____ Date Paid
 Property Owner Signature	for Nancy Brown (See Supplemental Sheet) Please Print	04/29/2024, SG 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