

REZONING REPORT

► **FILE #:** 6-Q-24-RZ **AGENDA ITEM #:** 9

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

► **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 (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:

► Postpone for 30 days to the August 8, 2024 Planning Commission meeting per the applicant's request.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 0 (public school children, grades K-12)

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

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

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

- ☐ **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.

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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

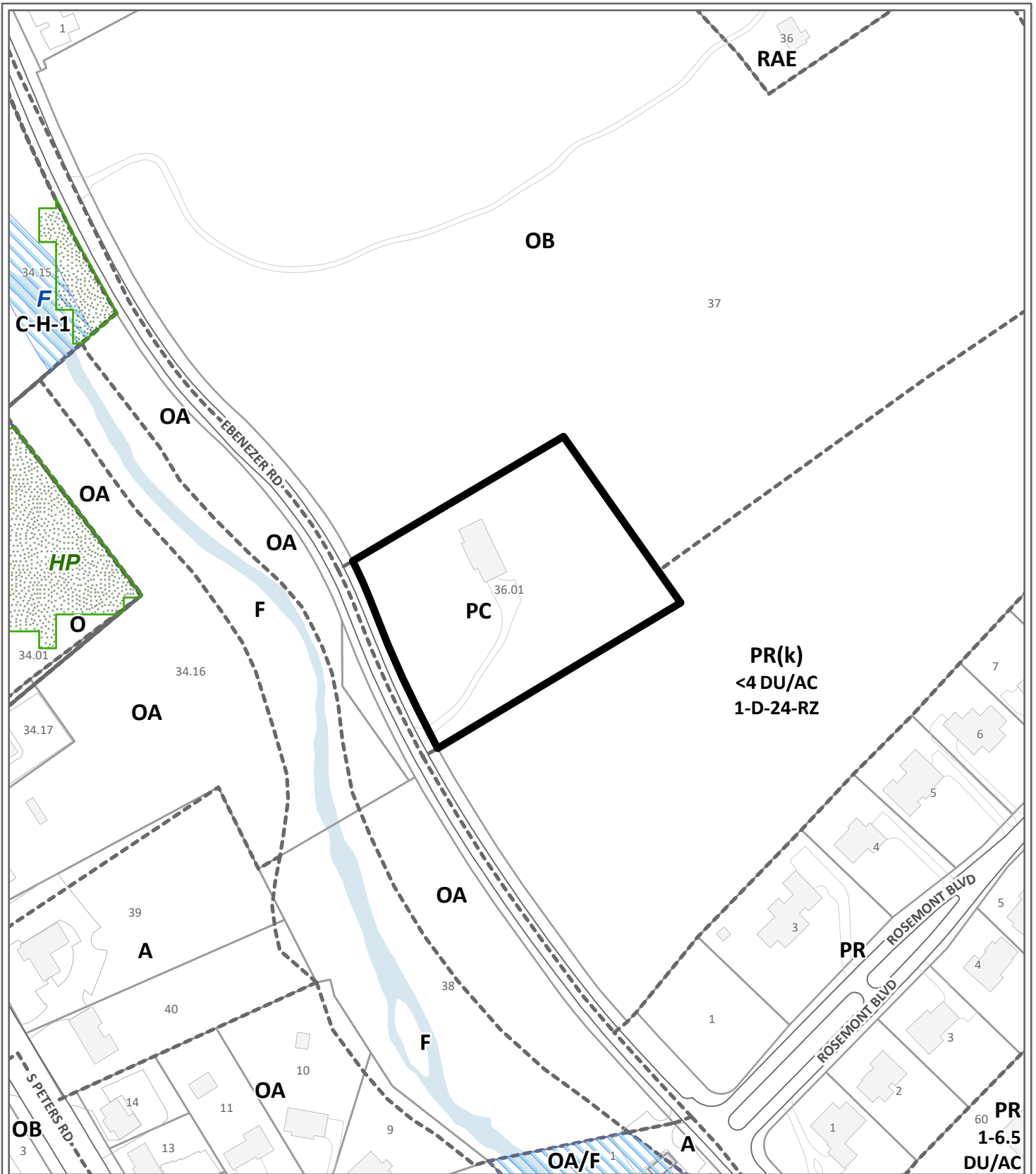
Approved by:

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



From: PC (Planned Commercial)

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

Original Print Date: 5/6/2024

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

Petitioner: Benjamin C Mullins

Map No: 132

Jurisdiction: County

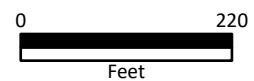
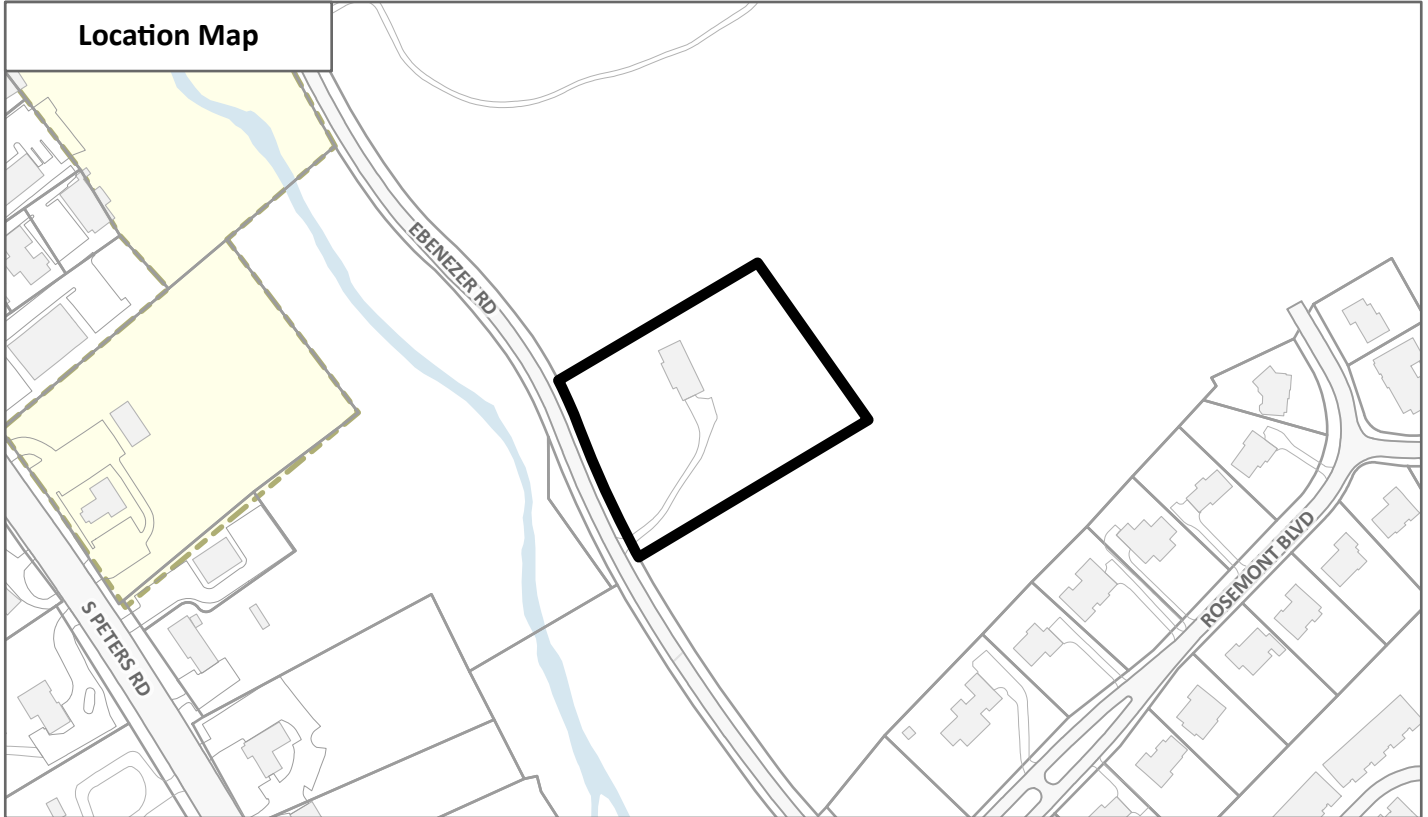


Exhibit A. Contextual Images

Location Map



Aerial Map

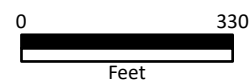


CONTEXTUAL MAPS 1

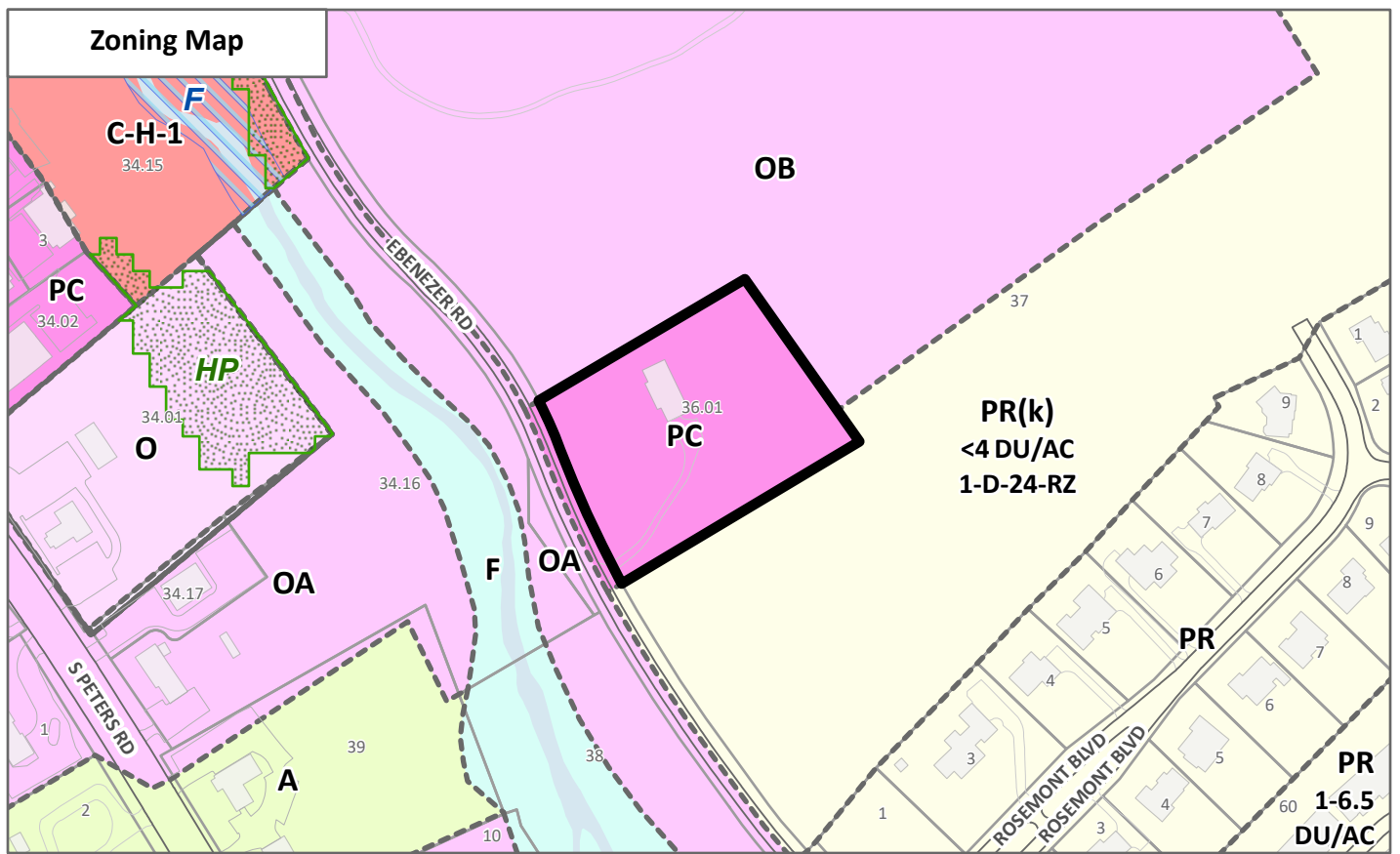
6-Q-24-RZ



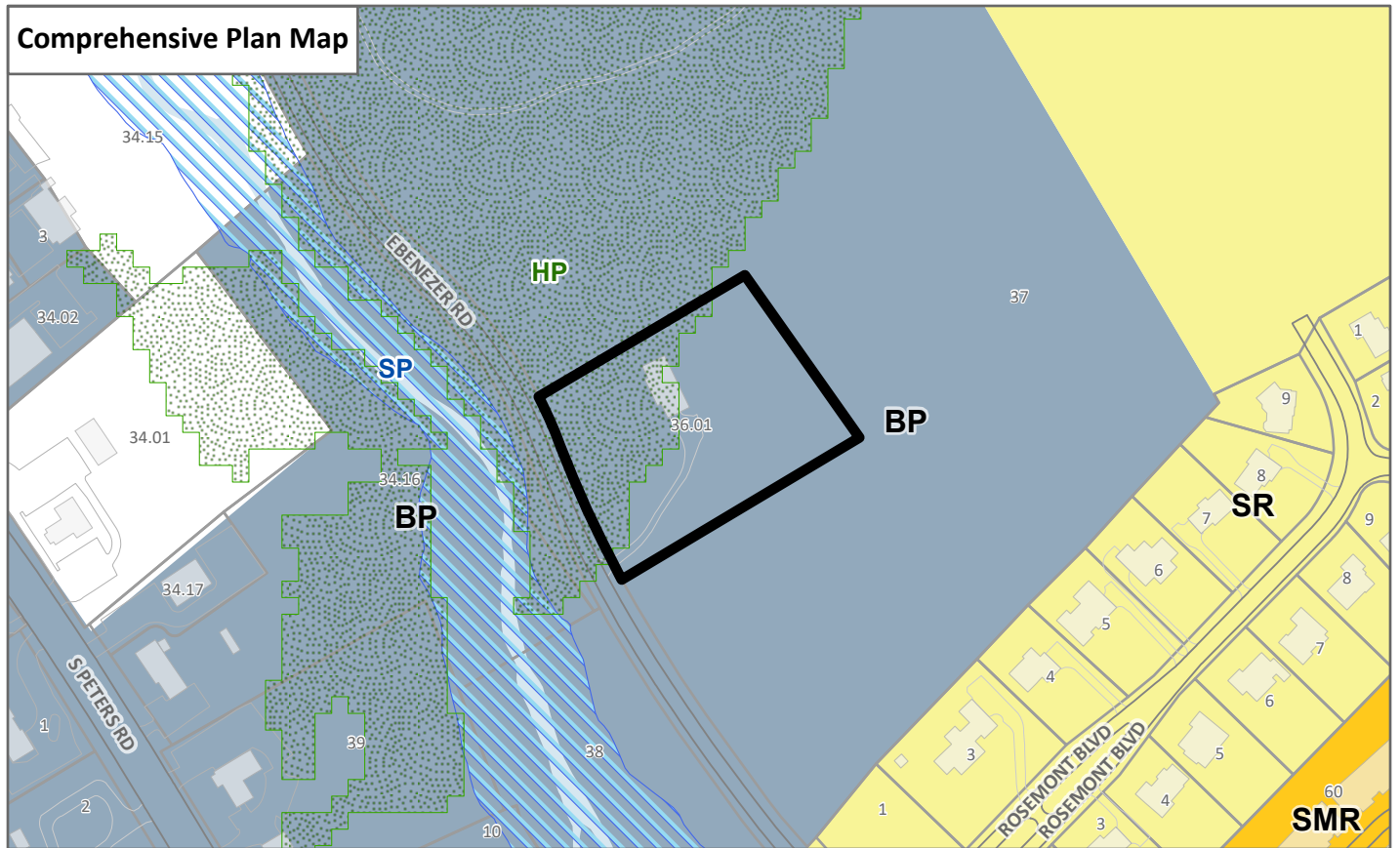
Case boundary



Zoning Map



Comprehensive Plan Map



CONTEXTUAL MAPS 2

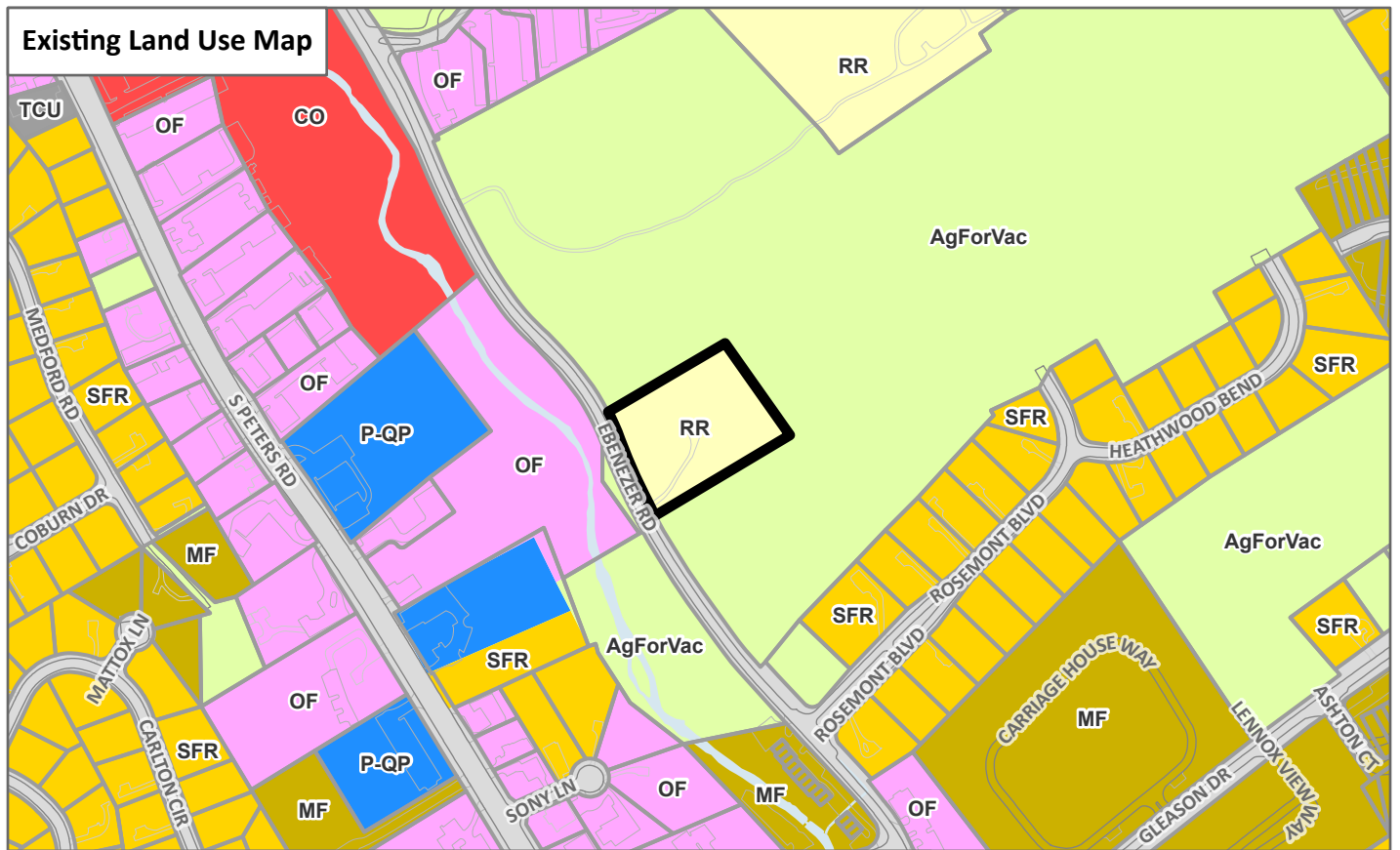
6-Q-24-RZ



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

Planning Sector

Land Use (City)/Place Type (County)

Urban Growth Area (Outside City Limits)

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

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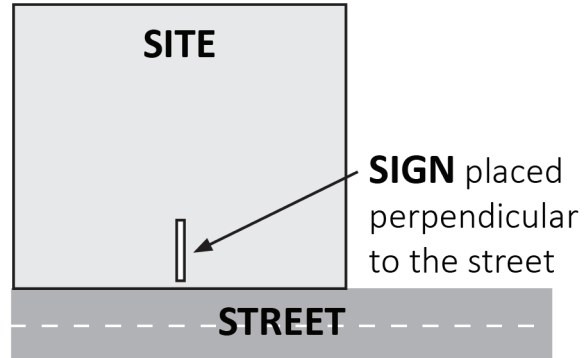
Property Owner Signature

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